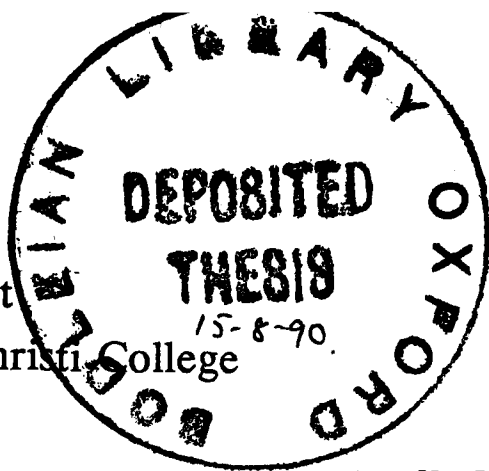


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ABSTRACT

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Apollodoros the son of Pasion

This thesis is a study of the fourth century B.C. Athenian politician Apollodoros the son of Pasion of Acharnae, and of the speeches which he delivered and which are preserved in the *Corpus Demosthenicum*. Chapter 1 contains a chronological survey of the lives of Pasion and Apollodoros. In Chapter 2, which contains an examination of the financial circumstances of the family, I am concerned not merely to tackle the vexed question of the size of Pasion's estate, but also to analyse the sources of that wealth, and the uses to which it was put. In Chapter 3 I examine the question of the authorship of the speeches which Apollodoros delivered, including the performance of some simple stylistic tests, which reveal a clear difference of style between these speeches and the genuine private speeches of Demosthenes. In Chapter 4 I discuss the form and function of the speeches, examining how far they diverge from the practice of other Athenian orators, and how far they are influenced by rhetorical theory. I also seek to question the generally held view that they are incompetently composed, and suggest that any diverges from Demosthenic practice or from rhetorical theory should not necessarily be considered indicative of a lack of ability on the part of their author. In Chapter 5 I try to assess whether Apollodoros received a rhetorical education, and I examine the likely sources of his legal and historical knowledge. In Chapter 6 I examine in detail one particular aspect of the speeches: the inclusion of a long and detailed historical narrative in *Against Neaera*. I attempt to determine the sources of this account, and then to look for any signs elsewhere in the speeches of an historical interest on Apollodoros' part. Chapter 7 deals with Apollodoros' political career, whilst in Chapter 8 I examine the position of the family within Athenian society. I attempt to determine the social circles in which Pasion and Apollodoros moved, the extent to which they were accepted into Athenian high society, and the ways in which they tried to use their money to acquire social acceptance. The two appendices contain a discussion of the authenticity of documents preserved in the manuscripts of the speeches, and the data from two stylistic tests which I performed.

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ABBREVIATIONS

Periodicals and ancient authors are abbreviated according to the practice of *L'Année Philologique*, but have occasionally been expanded for the sake of clarity. In addition, I use the following abbreviations:

- APF = J.K.Davies *Athenian Propertied Families 600-300 B.C.*
Oxford, 1971 (references are to entries not pages).
- ML = R.Meiggs and D.M.Lewis *A Selection of Greek Historical
Inscriptions to the End of the Fifth Century B.C.*
Oxford, 1969.
- PA = J.Kirchner *Prosopographia Attica* Berlin I 1901 II 1903.
(references are to entries not pages).
- Schäfer *Beilage* = A.Schäfer *Demosthenes und seine Zeit* Berlin, 1856-1858,
Beilage (only published in the first edition).
- Tod = M.N.Tod *A Selection of Greek Historical Inscriptions*
Vol. II Oxford, 1948.

Introduction

Apollodoros was the elder son of the fourth century Athenian banker Pasion of Acharnae. Pasion had risen from servile origins to acquire first his freedom and then Athenian citizenship. By the time he died he had become one of the wealthiest men in the city. We owe our knowledge of this family to the survival in the Demosthenic corpus of seven speeches which were delivered in court by Apollodoros (orations 45, 46, 49, 50, 52, 53, and 59) and of one which was delivered against him (oration 36). We also have an earlier speech of Isocrates written for a client to deliver against Pasion (oration 17). The existence of this group of speeches is enough in itself to justify a study of the man who delivered them, but Apollodoros was an interesting and important figure in his own right. First, he enjoyed a lengthy career as a politician, and on one important occasion he played a crucial role on the political stage. Second, his career and that of his father provide a unique insight into the attitudes of Athenians of the time towards the nouveaux riches, and of the sort of problems which those who had been granted Athenian citizenship faced in becoming integrated into Athenian society.

Surprisingly, there exists no systematic study of Apollodoros. To date the fullest treatment remains the fifth Beilage of A.Schäfer *Demosthenes und seine Zeit* (only published in the first edition, Leipzig 1856-58). A number of monographs have been devoted to the vexed questions of the date and authorship of the speeches: W.Hornbostel *Über die von Demosthenes in Sachen des Apollodor verfassten Gerichtsreden* (Ratzeburg 1851), F.Lortzing *De orationibus quas Demosthenes pro Apollodoro scripsisse fertur* (Berlin 1863), and J.Sigg *Der Verfasser neun angeblich von Demosthenes für Apollodor geschriebener Reden* (Jahrb. class. Phil. Supplementband 6, 1873) (I have been unable to consult the

work of Hornbostel). The authorship of Dem. 45 was investigated in great detail by G.Hüttner *Demosthenis oratio in Stephanum prior num vera sit inquiritur* (Ansbach 1895). In addition, F.Blass *Die attische Beredsamkeit* III 1 (Leipzig 1893) contains important discussions of each of the speeches.

The production of commentaries has been decidedly patchy. J.E.Sandys and F.A.Paley include Dem. 36, 45, 46, and 53 in their *Select private orations of Demosthenes* II (2nd ed. Cambridge 1886). There is also a commentary on Isoc. 17 by B.Ter Haar (1894). More recently, commentaries on Dem. 50 and 59 have been produced as American PhD dissertations; that on 50 by T.N.Ballin (1978) is very good, and supercedes K.Zink (1893), but that on 59 by A.J.Patterson (1978) is disappointingly slight. There exist no commentaries on Dem. 49 and 52.

In this thesis I set out to examine both the career of Apollodoros and the speeches which he delivered. It is obviously impossible, as well as undesirable, to try to write about Apollodoros without also discussing his father Pasion. I should like to make it clear, however, that I am not here concerned with the subject of Greek banks, even though these speeches are the best evidence that we have for their operation in the classical *polis*. Not only did Apollodoros himself have little to do with his father's bank, but I am well aware that to include a discussion of the bank would double the length of this thesis. In any case, there already exists the very thorough study of Greek banking of R.Bogaert (1968), with which should be compared the critique of W.E.Thompson (1979). The social aspect of banking is well covered by Paul Millett in his forthcoming book on lending and borrowing in Greece. I should also emphasise that my interest in the speeches is primarily historical: whilst I am interested in what the speeches tell us about their author, I do not provide a full discussion of their style.

Nor do I propose to devote a chapter to providing a potted history of

"The House of Pasion" (to borrow a chapter title from Glover (1917)): in addition to the generally dependable narrative of S.Isager and M.H.Hansen (1975) pp.177-191, I hope that my first chapter will provide an adequate, albeit somewhat austere, substitute for such an account. Nevertheless, to those unfamiliar with the history of the family, I offer the following brief guide to the principal characters and events. Pasion started out as the slave of the bankers Archestratos and Antisthenes, from whom he acquired successively his freedom and ownership of the bank. By acts of civic munificence he also acquired Athenian citizenship. He married a certain Archippe, by whom he had two sons, Apollodoros (born c.394) and Pasicles (born c.380). Shortly before his death in 370/69 he leased the bank to his freedman Phormion, and in his will he instructed Phormion to marry his widow and act as guardian for Pasicles until the latter came of age. Apollodoros was consistently hostile towards his step-father, and eventually took him to court over a financial dispute arising out of his father's will (see Dem. 36, 45, 46). Apollodoros also became involved in litigation arising out of his father's business (Dem. 49, 52); out of disputes over money with other parties (Dem. 50, 53); and out of his political activity (Dem. 59). He himself married an Athenian woman, by whom he had two daughters, and died some time after 340.

In Chapter I I attempt to establish an accurate chronology of the lives of Pasion and Apollodoros. Chapter II contains an examination of the financial circumstances of the family. Here I am concerned not merely to tackle the vexed question of the size of Pasion's estate, but also to analyse the sources of that wealth, and the uses to which it was put. Chapter III deals with the question of the authorship of the speeches which Apollodoros delivered. Although much of this chapter is necessarily no more than a critical survey of

the considerable body of previous scholarship on the subject, I have also performed some simple stylistic tests of my own, which show a clear difference of style between the Apollodoros-speeches and the genuine private speeches of Demosthenes. In Chapter IV I discuss the form and function of the speeches, examining how far their author diverges from the practice of other Athenian orators, and how far the speeches are influenced by rhetorical theory. I also seek to question the generally held view that they are incompetently composed, and suggest that any diverges from Demosthenic practice or from rhetorical theory should not necessarily be considered indicative of a lack of ability on the part of their author. In Chapter V I try to assess whether Apollodoros received a rhetorical education, and I examine the likely sources of his legal and historical knowledge. In Chapter VI I examine in detail one particular aspect of the speeches: the inclusion of a long and detailed historical narrative at 59.94-103. I attempt to determine the sources of this account, and then to look for any signs elsewhere in the speeches of an historical interest on Apollodoros' part. Chapter VII deals with Apollodoros' political career, whilst in Chapter VIII I examine the position of the family within Athenian society. I attempt to determine the social circles in which Pasion and Apollodoros moved, and the extent to which they were accepted into Athenian high society. I also investigate the ways in which they tried to use their money to acquire social acceptance. The chapter concludes with an attempt to explain some of Apollodoros' personal characteristics in terms of his ambivalent position in society. The two appendices contain a discussion of the authenticity of the various documents preserved in the manuscripts of the speeches, and the data from two stylistic tests which I performed.

Chapter I A Chronological Survey of the Family of Pasion

In this chapter I am concerned solely to provide an accurate chronology of the lives of Pasion and Apollodoros. Many of the dates are disputed or open to doubt, and it is essential to develop a secure framework for the discussions of the following chapters.

The early life of Apollodoros' father Pasion is quite obscure to us. The first that we hear of him is as having been the slave of the bankers Archestratos and Antisthenes (Dem. 36.43). These two men are not otherwise attested, and there is even room for doubt as to whether they were Athenian citizens. Isager and Hansen (1975) p.177 argue from the fact that neither of them is ever identified by a patronymic that they were of servile extraction. I cannot accept this argument, since the phrase by which the pair are identified at Dem. 36.43 - "his masters, who were bankers" - would have been perfectly adequate to enable the jurors to know who they were. There is no reason to think that the jury would want to know the men's paternity. Certainly by the time that Pasion was prosecuted by the son of Sopaeos in the late 390s, Archestratos at least was an Athenian citizen (#1).

Much more tempting is the tentative suggestion of Davies (*APF* 11672 II) that there existed a family connection between Antimachos the banker, who is identified by the scholiast *ad* Aristophanes *Clouds* 1022, and Antimachos the son of Archestratos who is mentioned in 350/49 (at Dem. 36.45) as having fallen on hard times. If these two were connected, it would almost certainly have been as grandfather and grandson. And if that was the case, then the bank must have been in operation by the mid 420s. Otherwise, all that can be said is that the bank was a well-established business by the late 390s, and had probably been

founded in the fifth century. It should be noted in passing that Archestratos was still alive in the late 390s (Isoc. 17.43) but had died by 350/49 (Dem. 36.45).

That Pasion had originally been purchased is strongly suggested by the reference at Dem. 36.48 (spoken to Apollodoros) to "the people who originally acquired (*ktesamenon*) your father". His servile origins make it almost certain that he was not Greek, since the majority of slaves were *barbaroi* (see p.270 n.1 below). We do not know when he was born, but 430 is probably as good a guess as any (#2).

Since his elder son Apollodoros was aged 24 in 370/69 (Dem. 36.22 with 46.13), Pasion must have married his wife Archippe by 394 at the latest. Virtually nothing is known about this woman: she can hardly have been Athenian, since at the time of his marriage Pasion was still a metic (#3). Nor can she have been a member of the family (or families) of Antisthenes or Archestratos, for if she had been, Phormion would certainly have mentioned this fact in defence of the propriety of his own subsequent marriage into the family of his sometime master (#4). Since she gave birth to two children after her remarriage to Phormion in the early 360s (Dem. 45.4), she must have been very young when she married Pasion. We do not know when the latter was given his freedom, but it must predate his marriage.

We ought in principle to be able to date the birth of Apollodoros from the statements that he was 24 years old when his father died (Dem. 36.22) and that Pasion died during the year 370/69 (Dem. 46.13). Yet we know neither the date of Apollodoros' birthday, nor the date of Pasion's death. It is therefore

possible that Apollodoros was born at any time between summer 395 and summer 393 (#5). Notice should be taken of the suggestion of Lewis (1955) p.24 that Apollodoros, who was choregos in 352/1, was made to perform this liturgy at the earliest possible moment, i.e. as soon as he was 40 years old. If this were the case, we could assign his birth to 393. Lewis may well be right, but there is an obvious danger of circular argument here.

The prosecution of Pasion by the son of Sopaeos, known to us through the latter's speech (Isocrates 17 *Trapeziticus*), is generally dated to the year 394/3 (#6). The upper and lower limits are apparently provided by the following two passages:

- (i) the plaintiff refers to "the Spartans ruling the sea at that time" (Isoc. 17.36). These words could only have been written after the battle of Cnidos of August 394, when the Spartan fleet was heavily defeated and lost control of the Aegean.
- (ii) the plaintiff also refers to Satyros, the ruler of the kingdom of Bosphoros, in terms which imply that he believed him to be still alive (Isoc. 17.57). Diodorus Siculus assigns Satyros' death to 393 (Diod. 14.93.1).

Taken together, these two passages imply that the speech was delivered in 394/3. However, such precision is illusory, since Diodorus' chronology of the Spartocid dynasty (of which Satyros was a member) is demonstrably flawed. The problem is as follows.

At 12.36.1 Diodorus says that the Bosporan king Spartocos died in 433/2 and was succeeded by Seleucos (sic) who ruled for either 40 or 4 years (depending on which manuscript is followed) (#7). However, at 14.93.1 he says that Satyros son of Spartocos died in 393/2 having ruled for 44 years. These two passages are clearly incompatible. Since we know from Isoc. 17 that Satyros

was king of Bosporos at some time in the early fourth century, the natural and, I think, right course would be to treat Seleucos at 12.36.1 as an error for Satyros. In order to reconcile the figures Vogel emended the text of 14.93.1 to read 40 rather than 44. If we accept that Seleucos is a slip, and that Vogel's emendation is correct, a coherent account emerges: Satyros succeeded to the throne in 433/2, ruled for 40 years and died in 393/2. This in turn means that Isoc. 17 can be firmly dated to 394/3.

Werner (1955), in the most recent discussion of Spartocid chronology, has put forward a radically different reconstruction. He suggests that Seleucos and Satyros ruled jointly from 433/2 to 393/2, in which year Seleucos died (as per 12.36.1). Thereafter Satyros ruled on his own for 4 more years until 389/8, thus ruling for a total of 44 years (as per 14.93.1). However, there are two very serious objections to this hypothesis. First, Diodorus gives no indication at 12.36.1 that Spartocos was succeeded by joint successors. Second, Diodorus clearly dates the death of Satyros to 393/2, and it is more likely that the length of his reign is wrongly transmitted than the year in which he died. I would therefore suggest that the traditional dating of the speech should be retained.

A number of considerations strongly suggest that at the time of this case Pasion was still a metic. First, he is described at Isoc. 17.4 as having been, at some time in the recent past, one of the *xenoi eispherontes*. Second, it sounds very much from the description of Pythodoros as the man "ὅς ὑπὲρ Πασίωνος ἅπαντα καὶ λέγει καὶ πράττει" (§33), that he was Pasion's citizen patron (*prostates*), and that Pasion did not yet possess the rights of a full citizen (#8). Third, the fact that Pasion got Archestratos to stand guarantee for the son of Sopaeos (§43), rather than doing so himself, suggests that he himself did not have the citizenship (#9). Finally, if Pasion was by then an Athenian

citizen, we might have expected his opponent to have accused him in his speech of having acted in a manner unworthy of his new status. As far as we can tell from the speech, Pasion was apparently by now the owner of the bank. How and when he might have acquired it are questions which I discuss below (pp.49-51).

Pasion's chief cashier Phormion was certainly bought rather than raised at home (Dem. 45.71), but we do not know when he was acquired, nor what his origins were. Bogaert (1968) suggests that "Il est probablement entré au service de Pasion après 394, car à cette époque Kittos était l'employé de la banque, fonction exercée plus tard par Phormion" (p.74). But this argument is worthless, since we would hardly expect Phormion to have started out in the most responsible position in the bank: it is quite possible that in 394, when Kittos was chief cashier, Phormion was already working at the bank in some more junior capacity. Bogaert also argues (ibid.) from the insinuation of Apollodoros that Pasicles was the bastard son of Phormion (Dem. 45.84) that Phormion must have been bought by Pasion some time before Pasicles' birth in c.380. This is certainly the logical conclusion, but we might wonder how far Apollodoros' wild accusations were governed by logic, or whether any of the jurors in 350/49 would have been in a position to make the necessary calculation. Gaspar (1943) p.47 suggested that Phormion's inability to speak Attic fluently (Dem. 45.30) implies that he had come to Athens as an adult, which is certainly plausible enough. In this regard it is worth noting that Phormion's inability, for which apology is made by his *synegoros* at Dem. 36.1, is more likely to have been an inability to speak good Greek than any sort of illness. All that can safely be said about Phormion is that by the late 370s he had attained a position of great trust in the bank: not only did he answer Callippos' enquiry

and show him the books (Dem. 52.5-6), but he was also responsible for paying the money over to Cephisiades (Dem. 52.7).

The date at which Pasion received Athenian citizenship is unclear. Davies (APF 11672 IV) has tentatively argued for an earlier rather than a later date, on the basis of the following two passages:

(i) The statement of Apollodoros' kinsman Theomnestos that the grant of citizenship was made to Pasion "on account of his benefactions towards the city" (Dem. 59.2).

(ii) The list of Pasion's civic benefactions which Apollodoros provides at Dem. 45.85: "my father gave you 1,000 shields, and made himself useful in many ways, and made a voluntary contribution of 5 triremes on which, having manned them himself, he performed trierarchies."

Davies' argument depends on the acceptance of the following three assumptions. First, he suggests that Pasion is more likely to have made his show of civic generosity *before* he was granted Athenian citizenship, precisely in order to ingratiate himself with the Athenian people and to make them look favourably on the proposal that he be made an Athenian. Second, Davies argues that these services to the city, being of a military nature, are more likely to have been provided at a time when Athens was at war than when she was at peace, in other words either before 386 or after 377 (#10). Third, we should expect the grant of citizenship to have been made relatively soon after the services which had occasioned it. If these assumptions are correct (and they are certainly plausible), we have to decide whether these benefactions are more likely to have been made before 386 or after 377. Davies argues that a clue is provided by Apollodoros' reference at Dem. 50.27 to two men, Pythodoros of Acharnae and Apollodoros of Leuconoe, whom he describes as friends of his. Pythodoros can be

identified as Pythodoros son of Nicostratos of Acharnae (PA 12413). We know from the fact that he was *diaitetes* in 325/4 that he was some ten years younger than Apollodoros (son of Pasion). We would normally expect friends to be rough contemporaries, and it is somewhat puzzling that he and Apollodoros should have been friends, unless there were some pre-existing family connection between them. If we were correct in seeing Pythodoros the Shopkeeper as Pasion's citizen patron, it would be tempting to see Apollodoros' friend as this man's homonymous grandson. Davies would therefore posit a family with the genealogy Pythodoros (I) of Acharnae - Nicostratos - Pythodoros (II). This reconstruction has the additional advantage of explaining why Pasion, whose links were with the Piraeus, should have been enrolled into the deme Acharnae: he became a member of the deme to which his citizen patron belonged. And if the grandson of Pythodoros (I) was only ten years younger than the son of Pasion, it follows that his grandfather Pythodoros (I) was probably considerably older than Pasion. Admittedly we do not know when Pythodoros (I) died, but this argument, if correct, would lead us to wish to date the relationship between him and Pasion as early as possible, and therefore to date the grant of citizenship to Pasion to before 386 rather than after 377.

An alternative reconstruction is advanced by Bogaert (1968) pp.70-71, who suggests that Pasion was made an Athenian citizen in c.376. His argument is as follows: "Apollodore s'est marié peu après l'accession de son père au droit de cité (Dém. 59,2) et il atteignit à peine sa vingt-quatrième année lors de la mort de celui-ci en 370/69 (Dém. 36,22). En 376 Apollodore avait donc dix-huit ans. A une date plus reculée, il était un peu jeune pour se marier; à une date plus rapprochée, il ne reste pas assez de temps pour les cinq triérarchies de Pasion." Bogaert's argument relies on the following two implicit assumptions: that Apollodoros married *shortly* after his father became an Athenian citizen,

and that Pasion was a citizen when he performed his trierarchies. Neither is obviously correct. As regards the first, which provides Bogaert's *terminus post quem*, what Theomnestos actually says is that:

"my father agreed with (*homognomon egeneto*) the gift of the People [to Pasion], and gave his daughter to that man's son, Apollodoros" (Dem. 59.2).

I see no reason to infer from this statement that the marriage of Apollodoros followed closely on the granting of the citizenship to Pasion. Theomnestos' father may have "agreed with the gift" - in other words thought that Pasion would make a thoroughly suitable brother-in-law - at any time after Pasion had been made an Athenian.

Bogaert's second assumption, that Pasion must have been a citizen in order to serve as trierarch, merits greater consideration. It is assumed by Davies that these trierarchies were one of the main reasons for Pasion being granted the citizenship, but we must ask ourselves whether Pasion could in fact have performed them whilst he was still a metic. On the general question of whether metics were allowed to serve as trierarchs, Whitehead (1977) states that "It has generally been held that only citizens were trierarchs, and this must be correct: metic trierarchy is not mentioned where it might have been expected, e.g. Demos. 20.18-21 (where the implication, indeed, is citizen only), and no literary text or inscription proves it." (p.81 and cf.p.103 n.86 arguing that the Siphnians in the naval accounts are not relevant to this discussion). As a general formulation I do not doubt that this is correct. But was this also true of voluntary trierarchies? Since it is not contested that Pasion could have donated the triereme hulls whilst he was a metic, we might wonder what would have been the reaction of the Athenians if he had gone on to offer to pay for the ships to be fitted out and crewed - would they really have rebuffed such an approach at a time when their fleet was in such a weak condition? Of

course, since the trierarchy was an *arche*, I am prepared to accept that a metic would not have been allowed to command the ships which he had donated, but I suggest that under such circumstances Pasion might have been allowed to install his own captains (in this regard I wonder how Pasion, even as a citizen, could have afforded to leave his bank for five spells of trierarchic service, given the precarious nature of his profession). I am therefore not wholly convinced that the five trierarchies could *only* have been performed after Pasion was made an Athenian citizen. And if Pasion did not command the ships for which he had paid, it is no longer necessary to believe that the five trierarchies must belong to five different years. Thus, for the sake of argument, the ships could have been donated and equipped *en bloc* in any year before Pasion's death in 370/69.

Bogaert sought on the basis of these arguments to connect the trierarchies with "les efforts des Athéniens pour augmenter leur force navale pendant les premières années de la seconde confédération maritime de 377" (p.70). But in fact Athens had been rebuilding her fleet since the battle of Cnidos (#11), and there is no good reason not to date Pasion's donation of triremes to the 380s or even to the late 390s. And indeed one might argue that a gift of triremes would have been of greater use, and therefore the more keenly appreciated, at a time when the fleet was being rebuilt from scratch.

Bogaert is however correct to reject the suggestion of Glotz and Cohen (1936) III p.156 that the 1000 shields were donated for the expedition of Iphicrates against Epaminondas in spring 369, on the grounds that by then the shield-factory had already been leased to Phormion, and that in any case Pasion was probably already dead (p.70). He is probably right in suggesting that this gift belongs to the period when Pasion was still a metic. 778 of the shields

were still stored in the Chalkotheke on the acropolis in 371/0 (IG ii²1424a, p.800, 128-129 and 139-140) (#12).

Towards the end of his life, Pasion was involved in a dispute with Callippos, the Heracleote proxenos, over the ownership of a sum of money which had been deposited with him by a Heracleote named Lycon, who had subsequently died (see Dem. 52 *passim*). On several occasions Callippos approached Pasion, but none of these meetings is ever dated. The best that we can do is to work backwards from Callippos' eventual prosecution of Apollodoros. We are told that Callippos approached Pasion for the second time when the latter was "already incapable.... and had difficulty getting to the city and his sight was failing" (Dem. 52.13). This description of Pasion's state of health suggests that this episode occurred not long before his death in 370/69. It need not antedate the leasing of the bank to Phormion, since the personal nature of Greek banking meant that Callippos would naturally approach Pasion, with whom he had dealt in the past, even if Phormion was by then responsible for the running of the bank (#13). This approach was made "leaving three years" (§13) since his earlier approach, which was in turn made "a long time after" (§8) his initial enquiry. Since it was to Apollodoros' advantage to suggest that Callippos had been suspiciously dilatory in laying claim to the money, I would suggest that "a long time afterwards" represents the shortest possible time that could conceivably be so described; the imprecision is deliberate and significant. The interval was possibly of less than one year's duration, and I would hesitate to date the initial encounter any earlier than 374.

In the late 340s Apollodoros' kinsman Theomnestos claimed that their mutual enemy Stephanos of Eroadae, at the time when he indicted Apollodoros'

Theoric *probouleuma*, had based his prosecution on the fact that his opponent had been a debtor to the state for 25 years (Dem. 59.5). If the indictment dates to 348 (see below p.41), then the debt must have been incurred in 373. Davies (APF 11672 XI) suggests that this debt relates to a trierarchy of Apollodoros, correctly noting that "it is easy to imagine how the entry of a debt in certain public accounts could be dragged out, and its cancellation conveniently ignored." He further suggests that Apollodoros was referring to this trierarchy at Dem. 53.4, a passage in which he says that he used to leave his neighbour Nicostratos in charge of his farm whenever he himself was absent on trierarchic service. However, Apollodoros cannot here be referring to a trierarchy performed in 373, since on his own account his familiarity with Nicostratos only developed once he had moved into the countryside, after his father's death in 370/69 (Dem. 53.4). Rather, I would suggest that the reference at 53.4 is to Apollodoros' trierarchy of c.368. Moreover, it should be remembered that the crucial words "ὥς ὠφλε τῷ δημοσίῳ ἐκ πέντε καὶ εἴκοσι ἑτῶν" were transposed by Sauppe to this passage from §9. Although they do not seem to fit at §9, it is obviously dangerous to build any argument on such an unsound foundation. We must conclude that we do not know why Apollodoros owed this money, or indeed if the debt ever existed. Finally, if there was a trierarchic debt, it could just as well have been incurred by Pasion and inherited by Apollodoros.

In the late 370s Pasion made a number of loans to the general Timotheos, which Apollodoros subsequently tried to recover (Dem. 49 *Against Timotheos*). Apollodoros assigns dates to these loans with varying degrees of accuracy:

(i) Pasion lent 1352 drachmae and 2 obols to Timotheos in the month of Mounychion in the archonship of Socratidas (April/May 373) (Dem. 49.6).

(ii) at some time between the preceding and following items Timotheos persuaded Pasion to pay Philippos 1000 drachmae (Dem. 49.9-17).

(iii) Pasion lent bedding, cloaks, two silver bowls, and one mina of silver to Timotheos in the month of Maemacterion in the archonship of Asteios (November/December 373) (Dem. 49.22).

(iv) Pasion paid the freightage on a cargo of timber which Philondas brought from Macedonia. The latter's return to Athens is dated only to the archonship of Alcisthenes (372/1) (Dem. 49.30).

Shortly before his death Pasion gave up running the bank and leased it, together with his shield-factory, to his trusted freedman Phormion. The lease cannot be dated exactly, but we can determine approximately when it began and ended. The relevant passages are the following:

(1) Pasion gave instructions to Phormion to pay the freightage for Philondas in 372/1 (Dem. 49.29). If this can be taken to imply that Pasion was still running the bank then, we would have a *terminus post quem* for the start of the lease.

However the verb used, *keleuein*, is not so forceful that we can infer from its use that Pasion was still in charge of the bank (#14). As I have already suggested, the fact that Philondas approached Pasion proves only that it was with him that he had previously dealt (see p.14 above): it is possible that the lease had already ended, that Pasion therefore introduced Philondas to his successor at the bank, and gave instructions to Phormion to pay out the money.

(2) The lease was made by Pasion in person (Dem. 45.31), and must therefore antedate his death in 370/69.

(3) The lease-document given at Dem. 45.31 is either spurious or an incomplete transcript of the original document, since it does not mention the length of the lease (#15). However, it is clear from Dem. 36.10 ("when, after Pasicles had

passed his *dokimasia*, he was rid of the lease") that the lease ran until Pasicles came of age.

(4) Phormion claimed that the lease ran for eight years (Dem. 36.37); we do not know whether this figure is exact or approximate. Since the speaker is here calculating Apollodoros' income over the period, it is in his interest to exaggerate the duration of the lease. Eight years must therefore have been the maximum length of time which he could plausibly have asserted.

(5) Pasicles gave evidence for Apollodoros in his prosecution of Timotheos (Dem. 49.42). The trial is most probably be dated to summer 362, and it is also probable that Pasicles had to be of age in order to give evidence at it. We would therefore have a *terminus ante quem* of summer 362 for the end of the lease. However, both the usually accepted date of Dem. 49 and the need for a witness to be of age in order to testify have recently been challenged and, although I believe this challenge to be misconceived (see below pp.28-32), there is an obvious danger of circular argument if we try to use Dem. 49 for dating the lease.

The data which we possess is insufficient to enable us accurately to date the lease. It must have been made after November/December 373, at which time Pasion still ran the bank, and before his death in 370/69. It could therefore have ended at any time between 364 and 362. One might speculate that it was made at a time when Pasion considered himself to be *in extremis*, on the ground that the dividend was to go not to himself but to his two heirs, Apollodoros and Pasicles. On the other hand, Pasion surely had enough money for his own needs, regardless of what provisions he made for the proceeds from the bank and shield-factory. Moreover, Dem. 36.7 implies that the drawing up of the lease preceded his final illness. At some time before the granting of the lease

Phormion must have been given his freedom, but there is no indication as to when this was.

Pasion died some time during the archon-year 370/69 (Dem. 46.13); we cannot date his death with any greater precision. According to his will, Phormion was to marry his widow Archippe, and serve as one of the guardians of Pasicles until he came of age (Dem. 36.7-8; 45.28).

At some time after this the Heracleote *proxenos* Callippos prosecuted Apollodoros for the recovery of a sum of money which the Heracleote Lycon had deposited with Pasion, and which had allegedly been misappropriated (Dem. 52 *Against Callippos*). This speech is generally dated to 369/8, which is probably correct, but the arguments for a later date have never in my opinion been adequately met. The traditional dating is based on the following considerations:

(i) Pasion died in 370/69. At Dem. 52.30 Apollodoros speaks of Callippos having initiated proceedings against him (Apollodoros) in the previous year (*perusi*). If in the previous year Callippos had prosecuted Apollodoros rather than Pasion, the latter must have been already dead by then. Since Pasion died in 370/69, the speech can have been delivered no earlier than 369/8.

(ii) It is unlikely that Callippos left much time after the death of Pasion before resuming his attempt to get his hands on the disputed money, and *ceteris paribus* we should date the speech as soon after 370/69 as possible. In this regard it may be significant that the same arbitrator (Lysitheides) was used between Callippos and Apollodoros as had earlier been used between Callippos and Pasion (Dem. 52. 14-15, 30). Strictly speaking, however, we would be wrong to think of this suit as a continuation or resumption of the earlier suit against Pasion (#16).

(iii) Phormion appears here as Apollodoros' chief witness (§7). Yet at Dem. 45.3-4 we hear that immediately after his return from a period of trierarchic service Apollodoros fell out with his step-father. Since this trierarchy was probably performed in 368/7 (see below p.21), it is unlikely that Phormion gave evidence for Apollodoros after that date.

The dating of the speech to 369/8, first suggested by Schäfer *Beilage* p.136, was accepted by Sigg (1873) p.403 and Blass (1893) p.515, and by all subsequent scholars. The one dissenting voice was that of Lortzing (1863), who argued for a date of 366/5 or 365/4 (p.8). Before considering his arguments for a later date, we must first consider his objections to the orthodox view, which are as follows:

(1) Although Callippos may have wished to bring suit against the heirs immediately, it is possible that he was unable to do so. Specifically, Apollodoros himself tells us (in a different context) of a suspension of *dikai* at about this time because of the war (Dem. 45.4). Since such suspensions are attested on other occasions, there is no reason to think that Apollodoros is lying (#17). We do not know how long the suspension lasted, but it is clearly a factor which has to be taken into consideration.

(2) The argument on the basis of Phormion having testified on behalf of Apollodoros is valueless, since it is clear from the statement at Dem. 45.4 that "my mother said many kindly (*philanthropoi*) words and made many requests on behalf of this Phormion" that the dispute between Phormion and Apollodoros was soon smoothed over.

It seems to me that these two objections completely undermine the arguments for dating the case to 369/8. However, I am less convinced by Lortzing's arguments for a later date. His starting point is Apollodoros' use of the first person singular at §§7 and 32, from which he argued that Apollodoros was here speaking

only on his own behalf; in other words, that the speech must postdate the division of the estate between the two brothers, which he dated (p.7) to 369/8. He also correctly noted that the first person plurals at §§15 and 32 need not refer to Apollodoros and Pasicles, and therefore do not nullify this argument (#18). He continues as follows: "Contra si Callippus post divisionem litem intendebat, non potuit non utrumque fratrem, et Apollodorum et Pasiclem vel potius tutores eius, singulis actionibus persequi; praescriptum enim erat iure Attico, ne quis in solidum heredes debiti paterni reos faceret, sed singulos" [on the basis of Lys. 17.3, 5-7; Dem. 38.2]. I do not find this terribly clear, but take his point to be that once the estate was divided, any prosecution of the brothers would have to be directed against them individually, whilst any claim before then would have to be directed against the undivided estate; and that since Apollodoros appears to be speaking solely for himself, the speech must postdate the division of the estate.

However, Sigg (1873) p.403 correctly noted that there is no indication in the speech of a parallel suit being launched against Pasicles, nor is there any indication that only Apollodoros' half of the disputed sum of 1640 drachmae is here being claimed. Moreover, we are told that Apollodoros tried to recover debts on behalf of himself and of his brother and, allegedly, retained more than his fair share (Dem.36.36). I am quite prepared to believe that, as the sole adult heir of Pasion, he could, *mutatis mutandis*, be prosecuted for the whole of any sums which his father had owed. Nor would it have been out of character for him to have said absolutely nothing in his speech about his younger brother. I therefore incline to accept a date before the division of the estate, albeit for reasons other than those which were advanced by Schäfer. Greater precision cannot be attained, since the generally accepted date of the division of the estate is not at all secure (see below pp.21-22).

At Dem. 53.5 Apollodoros refers to his having performed a trierarchy which involved sailing around the Peloponnese and then conveying Athenian ambassadors to Sicily. We know from IGii²103 (Tod 133) that Dionysios of Syracuse sent an embassy to Athens in Scirophorion 369/8 (June/July 368). We also have the text of an alliance between Dionysios and Athens (IGii²105 + 523: Tod 136) which mentions Athenian ambassadors being sent to Sicily (ll.40-41). There is a strong temptation to see this inscription as providing the context for Apollodoros' trierarchy. However, it has recently been argued that the restoration of the prescript of Tod 136, upon which the dating of the document depends, is highly speculative and indeed arbitrary: we cannot even tell whether Dionysios I or II is involved, and it is impossible to determine to which year it should be assigned (#19). The dating of Tod 133 is of course unaffected, but the doubts cast on Tod 136 make it more difficult to be confident about the historical context and date of Apollodoros' trierarchy. But we can still date it approximately, since it is apparently this trierarchy that coincided with the marriage of Phormion to Archippe (Dem.45.3). Since this marriage was provided for by Pasion's will (Dem. 45.28), we can be reasonably confident that it, and therefore the trierarchy, occurred not long after the death of Pasion. 368 is probably the likeliest date, but we cannot be sure about this.

On his return to Athens after this trierarchy Apollodoros became embroiled in a dispute about money with his stepfather Phormion. In his own account of what happened he says that he was unable to bring a *dike* against Phormion, since all *dikai* had been suspended because of the war, and therefore prosecuted him under a *graphe hybreos*. However, this suit was defeated by adjournment (*ekkrouomenes*) and the dispute was eventually settled through the mediation of Archippe (Dem. 45.3-4). The speaker of Dem. 36 gives a very

different version of what happened after the marriage of Phormion to Archippe. He recounts how Apollodoros was spending money from the still undivided estate at such a rate that Pasicles' guardians, in order to protect the financial interest of their ward, decided to divide the estate between the two brothers. Only the bank and shield-factory, which were leased out as a unit to Phormion, remained undivided (Dem. 36.8). There is no reference to any legal proceedings, and indeed the speaker later explicitly states that whilst Archippe was alive "Apollodoros never brought any charge against this man Phormion" (Dem. 36.14). These accounts are so divergent as (apparently) to prompt Van Elslande (1943) pp.21-27 to argue on the basis of Dem.36.8 that there was a first division of the estate in 370 (as reported by Bogaert (1968) p.76 n.89: I have not been able to consult this work). But this view is untenable, since the two accounts are synchronised by the fact that each explicitly describes what happened *after* the marriage (Dem. 36.8; 45.3-4). We must simply conclude that one or both parties is giving a misleading account of what actually happened then.

At unspecified times in the early 360s we hear of the first dealings between Apollodoros and the family of Nicostratos. First, Apollodoros claimed that the brothers Arethousios and Nicostratos had him entered as a debtor to the state and threatened to have him thrown into prison if he brought to a preliminary hearing the suits which he had initiated against his relatives (Dem. 53.14). This is evidently to be linked to the threatened *graphe hybreos* against Phormion. Apollodoros then indicted Arethousios on a charge of falsely claiming to have witnessed a summons, as a result of which Arethousios in turn was enrolled as a debtor to the state (Dem. 53.15). The culmination of this feud saw Apollodoros bring an *apographe* against Nicostratos (Dem. 53 *passim*). Certainty is impossible, but there is no indication that this series of events

was punctuated by any lengthy intervals. The speech may therefore be as early as 367, although Blass (1893) argued for a later date: "Was nach der Trierarchie erfolgte, kann etwa 2-3 Jahre erfordert haben, und somit die Rede 366 oder 365 gehalten sein" (p.519).

We are told that Apollodoros made a number of attempts to recover debts which had been owed to his father (Dem. 36.20, 41). It is alleged, with how much truth it is impossible to assess, that Pasicles did not receive his full share of the money which was recovered (Dem. 36.36). These prosecutions must date to the 360s, before Pasicles came of age.

Apollodoros is recorded as serving as trierarch in a naval record containing the annual accounts of the superintendents of the shipyards in the Piraeus (IGii²1609). The date and context of this inscription has attracted considerable discussion, and I propose here to limit myself to the main points at issue (#20). Since the lines which refer to Apollodoros and Pasion are crucial for the dating of it, it will be convenient to quote them here:

- 83 Σφζουσα, τριήραρχος Ἀπολλόδωρος Ἀχαρ: Τιμοκράτης [Κρι· οὔτοι
84 ἔχουσι τὰ ξύ[λι]να σκεύη ἐντελῇ ἃ Ἀρχέστρατος Ἀλωπεκ εἰσήνεγκε τῶν
 δὲ κ[ρεμαστῶν
85 ἰστίου, ὃ Στέφαινος Εὐωνυμευς εἰσήνεγκε, παραρρύματα λευκά, ἀγκύρας
 δ[ύο, ἃ Πασίω
86 ν Ἀχαρ εἰσήνεγκεν, παραρρύματα τρίχωνα καὶ ὑπόβλημα, κατάβημα, ἃ
 Φιλ[...6... Ἀχ
87 αρνεὺς ἀπέδωκε, σχοινία, ἃ Πασίων Ἀχαρ ἀπέδωκε· ταύ[τη]ν τὴν ναῦν
 ἐφ' ἡμῶν [...8....

88 τοπέϊα, ἰστίον Να...σ.υς εἰσήμεγκεν. τριήρες ἐξέπλευσαν ἐπὶ

Εὐκτῆ[μονος Λου (?)

89 σι, Εὐθλιο Σουνι: κληρ[ο]χ[α]ρχόντων. Δωρίς, τριήραρχος Ἀπολλόδωρος

Ἄχαρ: [Τιμοκράτ

90 ης Κρι[ω: α]ῦτη ἔχε τῶν ξυλίων κλιμακίδε δύο, κοντῶ δύο, παραστάτα

δύο

This inscription is not part of a catalogue of the entire Athenian fleet. Rather, it deals with the equipment belonging to two groups of ships which were used on two different expeditions within one year. The fact that the syntrierarchs Apollodoros and Timocrates are listed twice, the second time on a different ship, seems to indicate that they had to change ship in the Piraeus between the first and second expeditions: possibly their first ship had been damaged. The nature of the first expedition is quite obscure, but the second is described as being under the command of clerucharchs (l.89).

The outer limits for the date of this document are 374 and 362 (#21). Within this period, however, the evidence seems to point in two contradictory directions. On the one hand, the first known Athenian cleruchy of the fourth century was the one sent to Samos in 365/4 (#22). On the other hand, the references to Pasion contributing and returning equipment in ll.85 and 87 seem to require us to date this trierarchy to before his death in 370/69. There is thus a dilemma, to which a number of different solutions have been advanced. Sealey (1957) argued for a date not later than 370/69 on the following ground: "It can hardly be doubted that Pasion 'repaid' and 'contributed' this equipment in the year of which the inscription gives the accounts. For on this view the mention of his name, and of others who provided equipment, has a practical purpose: it serves to show which men had acquitted their obligations. Schweigert, questioning the view, assumed that Pasion had given equipment to

the *epimeletai ton neorion* some years previously and that this equipment had lain idle for years with the name attached. If this assumption was valid, it would have to be extended indefinitely to others who provided equipment; but it makes the mention of their names purposeless."

Cawkwell (1973) and Griffith (1978) agree that the inscription refers to the year 370/69. Cawkwell, however, goes on to argue that we are not obliged to posit an otherwise unattested Athenian cleruchy, with all that that entails for our view of Athens' behaviour towards the members of her confederacy. He suggests rather that the clerucharchs may have been the officers responsible for the existing cleruchies of Lemnos, Imbros and Scyros.

A different date is argued for by Davies (1969), who argues that the inscription does indeed refer to the Athenian foundation of the cleruchy on Samos in 365/4. He revives the suggestion of Schweigert (1940) pp.194-195 that the use of the *εἰσῆνεγκε* formula need not imply that the equipment had been contributed in the year of the inscription; it may rather have been a means of identifying equipment which had been contributed several years previously: "the easiest way for the dockyard superintendents to identify [equipment] would be to continue using the former owner's name via the *εἰσῆνεγκε*-formula" (p.326). Davies seeks to tie in this contribution of naval equipment with the statement of Xenophon that in 373/2 the general Iphicrates in some way "compelled" the trierarchs (*Hell.* 6.2.14). He suggests that this compulsion took the form of requiring the trierarchs to contribute (*eispherein*) equipment rather than money, and to give back any public equipment which they had in their possession (p.325). He further suggests that the *ἀπέδωκε*-formula was originally a form of receipt dating from the same year. As he puts it, "It was reasonable, then, that those who on my hypothesis *had* paid such debts on demand in the winter of 373/2 should want a record of their payments inserted into the dockyard records

as publicly as had been their original debts; and reasonable too, that the dockyard superintendents should have met the request." (p.326). He argues that this formula too came to be used purely as a means of identification. He further suggests that such details as can be extracted from the inscription dovetail nicely with what we know from elsewhere about the Samian cleruchy (pp.328-331).

I can certainly accept that the use of the ἀπέδωκε-formula need not imply that Pasion was still alive at the time of the inscription. If we imagine that Pasion had held on to publicly owned equipment, and that Apollodoros returned this equipment after his father's death, we can surely envisage an official document recording (albeit rather inexactly) that Pasion had returned the equipment, in the bureaucratic and limited sense that what Pasion had borrowed had now been returned. I am less convinced by Davies' interpretation of the otherwise very rare ἐσθήνεγε-formula, simply because his reconstruction seems to require the Athenians to have acted in an curiously cumbersome way. We must also consider the significance of the fact that Apollodoros was using equipment which had been contributed by Pasion. Specifically, we must ask ourselves whether it can be a coincidence that the son should *happen* to be allotted equipment which had previously been donated by the father. It would appear more likely that the equipment which Apollodoros was using had been brought with him from home (the same also applies to the equipment which was recorded as having being returned, but as I have argued above this could easily date to 365/4) (#23). If this conclusion is correct, it is hard to see how Pasion could have been dead at the time. On the other hand, I can detect no connection between the other donors and the trierarchs who were using their equipment. If the equipment was all contributed in the year to which the inscription relates, I wonder whether we would not expect more trierarchs to have contributed their

own equipment. It is therefore possible that Apollodoros' use of equipment which his father had contributed was indeed coincidental.

One final consideration has been advanced by Harris (1988) p.50 n.20 who writes that he finds it "difficult to accept a dating of 370/69 for that would mean that Apollodorus, who is also listed as a trierarch in this inscription (line 89), would have been a trierarch in the year his father died. I find that unlikely. Apollodorus would not have had enough money of his own to qualify for inclusion on the list of those eligible for this liturgy before he inherited his share of his father's estate." There is certainly some force in this argument, but it is possible that Pasion himself was prepared to put up the money to enable his son to serve as trierarch. We must also look at the question from the point of view of the generals who were responsible for the selection of the trierarchs. Pasion, who in addition to being the wealthiest man of the day was always eager to make a display of his civic spirit, would surely have been an automatic choice as trierarch. But in 370/69 he was seriously ill and could hardly be expected to serve as trierarch. Under such circumstances I wonder whether the generals would have been prepared simply to discount him from their considerations. Is it not more likely that they would have instructed him, if he was unable to command the ship himself, to send his adult son to serve in his place.

On balance, I am inclined to agree with Davies, but do not think that we have adequate data to reach a final decision.

Pasicles' coming of age coincided with the termination of the lease of the bank and shield-factory to Phormion. As I have already argued (see pp.16-17 above), it is impossible to date the lease with any more accuracy than to say that it ended at some time between 364 (or even 365 at the outside) and 362.

Davies (*APF* 11672 III) suggests that "It looks rather as if Apollodoros' suit against Timotheos ([Dem.] xlix) took place when it did because the accounts of the bank had just come into Apollodoros' hands after the end of the *misthosis* to Phormion, and if this is correct the *misthosis* ended, and Pasikles came of age, in summer 362 at the turn of the archon-years 363/2 and 362/1." There are, however, a number of objections to this argument. First, even if Pasikles had been of age in the previous year (363), Apollodoros would have been unable to prosecute Timotheos, who was absent on campaign (#24). Second, the date of the prosecution is not unproblematic (see below). Third, it is still unclear whether Athenian boys came of age when they were rising eighteen, or when they had passed their eighteenth birthday (#25). In short, there is insufficient evidence to enable us to determine when Pasikles came of age.

In whichever year Pasikles did come of age, Phormion's lease came to an end and the remaining estate was divided between the two brothers. Apollodoros, as the older of the two, was given a choice between the bank and the shield-factory and chose the shield-factory (Dem. 36.11). Pasikles therefore received the bank. At the same time Phormion was given an absolute discharge from all future claims by the brothers (Dem. 36.10). However, it appears that the separation of the two businesses was only nominal, since we are told at Dem. 36.12-13 that Apollodoros was responsible for the subsequent leasing of the bank to Xenon and his partners. Note too the use of the plural form *emisthosan* (Dem. 36.14, 37), which suggests that the two brothers acted together. The lease of the bank to Xenon and his partners probably started directly Phormion's lease had expired (see below pp.32-33).

The generally accepted date of Apollodoros' prosecution of the general Timotheos (Dem. 49 *Against Timotheos*) is midsummer 362 (#26). However, this

dating has recently been challenged by Harris (1988), who argues for a date earlier in the decade.

The principal argument in support of dating the speech to 362 runs as follows. We know that Apollodoros' younger brother Pasicles gave evidence at the trial (§42), and that Pasicles came of age at some time between 364 and 362 (see above pp.27-28). On the assumption that Pasicles had to be of age in order to give evidence on his brother's behalf, the trial cannot have been held before 364 at the earliest (although the actual terminus post quem may be any time between then or 362, depending on when Pasicles came of age). Since Timotheos was absent from Athens from 365 onwards, and can hardly have returned before 362 (see note 24), the speech cannot have been delivered before 362. On the other hand, Apollodoros was absent on trierarchic service from autumn 362 until early 360, and upon his return to Athens in 360 he and his step-father Phormion fell out with each other (see below pp.34-35). Since Phormion gave evidence for Apollodoros in this speech (§18), Apollodoros must have delivered it before his trierarchy of 362. The speech must therefore have been delivered precisely in 362, before Apollodoros' departure on 24 Metageitnion.

Clearly any attempt to challenge this dating needs to demonstrate that young Athenians were allowed to give evidence in court before they came of age. The communis opinio is that they were not allowed to do so (#27), but Harris correctly observes that no ancient source explicitly says so (p.45) (#28). On the other hand, he admits that there is no evidence that children *could* serve as witnesses, and provides no good reason to believe that they did. He appeals to the fact that the testimony of slaves and foreigners was accepted, to which it can be objected that the evidence of slaves was only admitted when it had been extracted under torture, and that in any case both they and foreigners were of

an age to be fully responsible for their words. He also notes that women and children were often introduced into court in order to attract the jurors' sympathy (pp.45-46), but this is quite irrelevant, since there is a world of difference between letting children into court and admitting their testimony as evidence. In my opinion the silence of the sources is significant, and should be accorded its full weight. Moreover, if minors were allowed to appear as witnesses at all, at what age were they allowed to do so? The only alternative to the time of their coming of age is that there was no age limit at all, which I find hard to accept.

Harris then advances a series of general arguments against dating the prosecution to 362. First, he believes that Timotheos is unlikely either to have voluntarily returned or been recalled to Athens by 362, since his campaigning had been a notable success, and that he was probably still campaigning in 362 (p.47) (#29). But in truth we know too little about his movements in the 360s to be at all confident that he did not return to Athens in 362, whilst the Athenian people was notoriously fickle in its attitude to the generals, and it is quite possible that Timotheos was recalled and then soon afterwards returned to favour. Second, Harris asks why Apollodoros should have prosecuted Timotheos when the bank belonged by 362 to Pasicles (p.49). He rejects as a lie Apollodoros' claim at §43 that the debts of Timotheos were part of his share of the estate (" γίγνεται ἐμὸν τὸ μέρος"), on the ground that the loans were made through the bank, and that Pasicles had inherited the bank by then. Yet the fact that Pasicles inherited the bank does not mean that he also inherited the debts owing to his father Pasion, who seems to have been quite happy to lend his own money through the bank (#30). All that Pasicles inherited was the bank itself together with the use of the deposits. The money owing to Pasion was inherited jointly by him and by Apollodoros, and there is no reason

to doubt that it was divided between them, as Apollodoros claims. And even if they did not apportion the loans between themselves, it would have been quite natural for the elder and more experienced brother to have conducted the attempt to recover them. Third, Harris objects that if the speech dates to 362, there would be an unaccountably long interval between Pasion's death in 370/69 and Apollodoros' attempt to recover the money. However, both Apollodoros and Timotheos spent much of the decade absent from Athens, and we cannot be sure that Apollodoros was ever in a position to prosecute Timotheos before 362. Moreover, we cannot assume that the brothers would have wanted to recover the money which Timotheos owed the moment that their father died: litigation may have been the final stage in a prolonged attempt to get it back, although it must be admitted that Apollodoros mentions no such earlier dealings with Timotheos in the speech. Finally, we know that *dikai* were suspended in the early 360s because of the war (#31). We have no evidence as to how long this suspension lasted, but this may well explain why Timotheos was not prosecuted earlier (#32).

We must also consider briefly the supplementary argument which Schaefer advanced for dating the speech to 362 on the basis of the marriage of Iphicrates' son Menestheus to Timotheos' daughter (§66) (*Beilage* pp.141-142). Schäfer argued that Iphicrates could only have married the daughter of Cotys after the latter had received Athenian citizenship, and that he is unlikely to have received the citizenship before he became king in either 384 or 383. Since Iphicrates spent some time fighting Cotys after his succession, the marriage can hardly have been made earlier than 381, and therefore his son Menestheus is unlikely to have married before 363. If this reasoning is correct, it represents a fatal objection to Harris' redating. Against it, however, we know that Menestheus was general in 356/5 (#33), and that Athenian generals normally had

to be at least thirty years old (#34). This means that the marriage between Iphicrates and Cotys' daughter must have taken place in 386 at the latest (#35), which in turn implies that Menestheus' marriage could have taken place at any time in the decade, and therefore can no longer be used to provide a terminus post quem for the speech.

Mention must also be made of the suggestion of Floros (1960) p.238 that the speech was delivered in 358. He seeks to tie it in with Chares' prosecution of Timotheos in that year, arguing that this attack provided a suitable climate of opinion for Apollodoros to launch his own prosecution. He produces no evidence to support this dating, which is hard to reconcile with what we are told about the deterioration of relations between Apollodoros and Phormion.

Harris suggests as possible years for the speech late 370/69, 369/8 and 367/6 (p.50) (#36). Although none of these years is impossible, I believe that he has produced no decisive reason to reject Schaefer's dating, which I am inclined to retain.

I have already indicated how difficult it is to tell when Phormion's lease ended (see above pp.16-17). At some time after this the bank was leased for ten years to Xenon, Euphraeos, Euphron, and Callistratos (Dem. 36.13). The wording of this passage implies that Apollodoros was personally responsible for arranging this second lease. If we take this literally, the lease must have been made either before September 362 or after December 361, since in the interim Apollodoros was absent on trierarchic service. The lease lasted for ten years and had ended by the time that Dem. 36 was delivered (Dem. 36.37). Since this speech could date to as late as early 349 (see below pp.37-39), it is possible that the lease was made after Apollodoros had returned to Athens. However, it is more probable that it was made earlier, either in 363 or early in

362; in other words, that the leases to Phormion and to Xenon and company ran almost continuously. Otherwise it is hard to see how the bank could have functioned during the seventeen month period of Apollodoros' absence, since Phormion was no longer involved with the bank and Pasicles was not yet of an age to be able to take charge of it. At Dem. 36.14 we are told that at the end of the second lease the two brothers "ἐλευθέρους ἀφείσαν ὡς μεγάλ' ἐν πεποιθότες [sc. Xenon and the others]". I take this to mean that they were given their freedom (having been slaves) rather than that they were released from their obligations or from the threat of future prosecution, but the words could be taken in either sense (#37).

In late summer 362 Apollodoros started a term of trierarchic service (he had of course been a designated trierarch since the beginning of the archon-year) which is recorded in Dem. 50 (*Against Polycles*). On the dating of the events of this trierarchy I am heavily indebted to the thorough analysis of Ballin (1978). In what follows I limit myself to those events which can given an approximate Julian date. The mobilization of the fleet was ordered at a meeting of the assembly held on 24 Metageitnion in the archonship of Molon (Dem. 50.4), on which Ballin concludes that "At this stage of scholarship, for Metageitnion 24 we can do no better than give the season of the year, late summer" (p.56). As regards the dating of the events of the trierarchy, Apollodoros gives us one fixed point when he refers at Dem. 50.19 to "ὁ ἔκπλους τῶν πλοίων τῶν μετ' ἀρκτοῦρον ἐκ τοῦ Πόντου". In the following paragraph he states that when the fleet arrived at Sestos he had already served two months beyond the official end of his trierarchy. The heliacal rising of Arctouros in 361 can be calculated to have occurred on September 16 (#38). Ballin then argues that the fleet arrived at Sestos shortly after the rising of Arctouros,

and that going back two lunar months (58 to 60 days) from September 16 means that "we can conclude that the archon-festival year 361/360 had started on July 18-20 plus not more than a few days" (p.136). However, we know that in 361 the new moons occurred on July 10 and August 8 (#39); and that therefore Hecatombaeon 1 fell on one of those two days, which completely undermines his calculation. The problem seems to lie in Ballin's translation of *μετ' ἀρκτοῦρου* as "on or about the time of the rising of Arktouros" (p.136 n.19.1) on the analogy of *μετὰ νυκτός* and *μεθ' ἡμέραν* . These do not seem to me to be true analogies, since in the former case the preposition takes the genitive, whilst the latter is a very common phrase and can hardly be regarded as a typical use of the preposition. One would surely expect it in such a context to mean "after", which in turn implies that the ships could have sailed out at any time after the rising of Arctouros. To be sure Ballin is aware of this weakness (p.136 n.20.1), but I still have my doubts as to the value of such calculation.

Presumably the fleet sailed soon after Metageitnion 24, since the military situation demanded urgent action, but there must have been some delay. Before the fleet sailed Apollodoros paid a *proeisphora* on properties which he owned in three different demes (Dem. 50.8-9).

The only other indication of absolute chronology is provided by the synchronisation of the expedition against Stryme with the setting of the Pleiades (Dem. 50.23). This can be dated to November 6 (Ballin (1978) p.144 n.23.1 with reference to Gundel **RE** 21, 2 (1952) coll.2503-2504).

Apollodoros says that he served in all five months and six days beyond the end of his term as trierarch (Dem. 50.1). Ballin concludes (p.189 n.53.5) that he returned to Athens on or about January 1, 360, but this depends on his erroneous treatment of the phrase *μετ' ἀρκτοῦρου*

Six days after Apollodoros returned to Athens his mother Archippe died (Dem. 50.60). The speaker of Dem. 36.14 alleges that her death signalled the resumption of troubles within the family: previously Apollodoros had been inhibited by his awareness that his mother knew the truth, but once she had died he was emboldened to claim 3000 drachmae from her estate, in addition to the 2000 drachmae which she had given to each of her children by Phormion, and also a cloak and maid-servant. This claim was resisted by Phormion and the matter was put to arbitration (Dem. 36.15). Phormion was persuaded at the arbitration to give Apollodoros the 3000 drachmae and for a second time was given an absolute release.

At some time during 361/0 Phormion became an Athenian citizen (Dem. 46.13). He is almost certainly to be identified with Phormion son of Ctesiphon of Piraeus (PA 14959) who was a member of the liturgical class and who had a son named Archippos. There are, however, two possible objections to this identification, which are raised by Davies (*APF* 11672 IX). First, we know of a Phormion son of Ophelon of Piraeus (IGii²6060a p.880), and we would normally expect homonyms from the same deme to be related to each other, which is incompatible with what we know of the servile origins of Phormion the banker. Second, we would not expect an ex-slave to have a patronymic. Davies admits, however, that neither objection is unanswerable, and suggests that Phormion may have been adopted by the man who sponsored him for the citizenship (#40). In my opinion the fact that Phormion the liturgist had a son named Archippos makes it absolutely certain that he is to be identified with the banker: Archippos is surely his son by Archippe and is named after her or one of her male ancestors. Nor can there be any chronological objection to this reconstruction, since

Archippos is first attested as a syntrierarch between 336 and 334/3 (IGii²1623.300-301).

The date of Apollodoros' prosecution of Polycles (Dem. 50 *Against Polycles*) cannot be ascertained with any certainty, although it was probably delivered in 358. Apollodoros had been syntrierarch for the year 362/1, and had been obliged to stay with the ship for an extra five months when Polycles, who was one of his designated successors, refused to take over the ship. His prosecution of Polycles was for the recovery of the extra expenditure which he had incurred during those five months. The question of the date of the speech is fully discussed by Ballin (1978) in his Appendix B (pp.222-225), upon which I depend for what follows. The only piece of definite evidence is the statement at §8 that τὰ κατὰ τὴν τριηραρχίαν ἀνήλυσκον τότε οὕτω πολυτελῆ ὄντα Schäfer *Beilage* p.152 took τότε closely with the words which follow it to mean "the trierarchy, which at that time was such an expensive liturgy", and argued that these words could only have been written after Periandros' trierarchy law of 357. Sigg (1873) p.405 objected that the words simply meant that the trierarchy of 362 was particularly costly, and in this he was followed by Blass (1893) p.528 n.3: "Dass τότε nicht zum Folgenden gehört, ist doch wohl klar." (see further Ballin (1978) pp.100-101 ad §8). The only other indication as to the date of the speech is provided by the reference to events which happened "in that year" at §61, which in the opinion of Blass (1893) p.527 implies that a full year must have elapsed between Apollodoros' return and his prosecution of Polycles. In this he was followed by Ballin (1978) who states that the speech "must have been spoken later than the summer of 359" (p.224). This is probably right, although I do wonder whether we can be sure that Apollodoros is not referring (in late 360 or early 359) to the situation in 361. The final clue is

provided by Apollodoros' prosecution of Autocles, Timomachos, Callippos and Menon in connection with their conduct during the campaign in the north Aegean of 362-360 (Dem. 36.53). The fact that none of these prosecutions is mentioned in the speech surely implies that its delivery preceded them. Some of the prosecutions cannot be securely dated, but we know that Callippos left Zacynthos for Sicily in August 357 (#41), and he must have left Athens somewhat before then. Schäfer *Beilage* p.161 suggested that he did so in order to escape his trial. Whether this is the case or not, it is hard to imagine that Dem. 50 could have been delivered after the spring of 357. 358 therefore remains the likeliest date, although we cannot rule out the previous year.

In 356/5 Apollodoros was syntrierarch on *Phosphoros* (IGii²1612.110). The identity of his partner is unknown.

In 352/1 Apollodoros was victorious choregos in the boys' dithyramb at the Dionysia (IGii²3039). Lewis (1955) p.24 suggests that he was deliberately chosen to perform this liturgy on the earliest possible occasion, but this cannot be proved.

The dates of the various pieces of litigation between Apollodoros on the one side and Phormion and Stephanos on the other have been the subject of considerable debate. There were in fact three different cases, but there is no reason to think that they were separated from each other by any lengthy intervals of time. First, Apollodoros brought a *dike aphormes* against Phormion for the return of 20 talents which the latter was alleged to have embezzled from the bank. Phormion blocked this prosecution with a successful *paragraphe* (Dem. 36 *For Phormion*). Apollodoros thereupon prosecuted Stephanos, who had

acted as a witness for Phormion in his *paragraphe*, on a charge of having given false evidence (Dem. 45 and 46 *Against Stephanos I, II*).

There are a number of passages which bear on the date of these speeches.

(i) "καίτοι δυνὼν δέοντ' εἴκοσι ἔτη ἐστὶν ἐξ ὅτου ἐνείμω" (Dem. 36.19).

In my opinion (but see below for a differing view) this refers to the division of the estate in c.368, and ought to imply that Dem. 36 was delivered in 350.

(ii) παρὲλθούτων ἐτῶν πλεον ἢ εἴκοσι (Dem. 36.26).

(iii) ἐτῶν ἴσως εἴκοσι τῆς ἐξ ἀρχῆς νεμηθείσης οὐσίας (Dem. 36.38).

This last statement is really too imprecise to bear any weight, and I certainly do not accept that it implies that there was an earlier division of the estate soon after the death of Pasion, as was suggested by Van Elslande (see above p.22).

These passages all suggest that the speeches date to 350. The only objection to this dating is the fact that at Dem. 36.53 we are told that the Callippos whom Apollodoros prosecuted for his conduct on campaign (not the plaintiff of Dem. 52) was at that time in Sicily. Sandys and Paley (1886) p.xxix state that "Callippus left [Sicily] in the spring of B.C.350 at the latest, and was killed in the same year". If true, this would make the dating of the speech to 350 somewhat awkward. But in fact our data is not so precise: Diodorus dates the seizure of Rhegion to the year 351/0, and says that Callippos was killed there by Leptines and Polyperchon (16.45.9 and see also Plut. *Dion* 58.5-6). Leaving to one side the fact that Diodorus' chronology is notoriously inaccurate, we know neither exactly when Callippos crossed to Rhegion, nor how long he survived there, and in this context Sicily can surely be taken to include Rhegion. We must also bear in mind the possibility of a delay in news from Sicily reaching Athens.

An alternative date was advanced by Schäfer *Beilage* pp.168-169, who put

the various pieces of evidence together differently to reach the earlier date of 352. He argued that the two leases of the bank, first to Phormion and then to Xenon and company, ran for a total of eighteen years from the death of Pasion until the time when Dem. 36 was delivered (p.168). Since Pasion died in 370, he therefore dated this speech to 352. He sought to explain the reference to "more than twenty years" at Dem. 36.26 as being to "dem von Pasion noch bei Lebzeiten geschlossenen Verträge, den er in seinem Testamente nur bestätigte" (p.169) and considers the "approximately twenty years" of Dem. 36.38 to be a round number which does not affect the issue. This argument is unacceptable for a number of reasons. First, we know that Phormion's lease started before Pasion died. Second, even if this were not the case, there is no reason to believe that there was no interval between the termination of the second lease and the beginning of the litigation between Apollodoros and Phormion. Third, his explanation of Dem. 36.26 is wholly unsubstantiated. Fourth, there is no evidence that there was a division of the estate when Pasion died, which would be required by Schäfer's interpretation of Dem. 36.19. What he seems to have done is arbitrarily to equate the eighteen years of the two leases and the eighteen years from the division of the estate until the time of speaking.

One final consideration is the possibility that some of the figures provided are the result of counting inclusively. Thus Isager and Hansen (1975) p.177 date the suit to 351/0: "If we assume that Phormio's *synegoroi*, unlike us, included both years in their calculations, the conclusion we arrive at is that the process was held in 351/50." The Greeks certainly did count inclusively on occasion, but I do not think that we can tell whether this has happened here.

At Dem. 59.3-4 Apollodoros' kinsman Theomnestos refers to Apollodoros' year as a member of the Council, and specifically to his conviction for having

proposed a *probouleuma* illegally. Theomnestos dates this year in a rather roundabout way:

συμβάντος τῇ πόλει καιροῦ τοιούτου καὶ πολέμου..... καὶ μελλόντων στρατεύεσθαι
ὑμῶν πανδημιᾷ εἰς τε Εὐβοίαν καὶ Ολυθον

Although this reference is quite precise, its dating has been a bone of scholarly contention. Schäfer II p.77 assigned it to 350, and synchronised it with the battle of Tamynae, but this date is no longer accepted. Jaeger (1938) pp.243-244 n.38 argued that "we no longer have any direct way of knowing when this battle occurred". He was inclined to synchronise Apollodoros' *probouleuma* with Demosthenes' *Olynthiacs* (which he believed to have been delivered within a short period), but did not say explicitly when he thought that they were delivered. Cloché (1937) assigned the expedition to Euboea, and hence the *probouleuma*, to October/November 349, but this seems to be slightly too early. More recently Cawkwell (1962) pp.128-129 has argued (as did Schäfer) that it was proposed at about the same time as the battle of Tamynae, which he dates to Elaphebolion 349/8 (March/April 348). This view is apparently accepted by Carter (1971), in so far as he makes no attempt to alter this part of Cawkwell's chronology. Apollodoros was therefore a member of the Council in the archon-year 349/8. The dating of this by Isager and Hansen (1975) p.190 to 348/7 is presumably a slip (and cf. p.226 where they print the correct date).

Apollodoros' prosecution of Neaera (Dem. 59 *Against Neaera*) can be dated only within fairly broad limits. It can hardly have been delivered after 339, since in that year Demosthenes succeeded in getting the budgetary surplus transferred from the Theoric fund to the military fund, and Apollodoros would hardly have missed the opportunity at Dem. 59.5 for retrospective self-justification. On the other hand, it is clear from Dem. 59.26, where Apollodoros

explains that he could not call Xenocleides as a witness since the laws did not permit it, that Xenocleides was in Athens at that time (#42). This implies that the speech was delivered later than 343, since in that year Xenocleides was expelled from Macedonia by Philip (Dem. 19.231). Within the period between 342 and 339 it is impossible to be more precise. If we agree with Macurdy (1942) that the prosecution was essentially political in nature and was a preliminary step towards Demosthenes' Theoric initiative of 339, we should incline to locate the speech later rather than earlier, perhaps in 340.

At some time before this suit Apollodoros was twice prosecuted by Neaera's alleged husband Stephanos. The first prosecution was a *graphe paranomon* directed against his Theoric *probouleuma* of 348 (Dem. 59.6), and must therefore date to that year. The second prosecution was on a charge of having murdered a woman from Aphidna (Dem. 59.9), and cannot be dated.

This is the last that we hear of Apollodoros or of his descendants. It should, however, be noted that Pasicles reappears as the target of Hypereides Oration 47 *kata Pasicleous*, where he is associated with Phormion in some obscure business connected with trierarchies. This must have been delivered after Demosthenes' Trierarchic law of 340, which is referred to in the only fragment of more than a couple of words (F134). He was also the target of Hypereides Oration 48 *pros Pasiclea peri antidoseos* unless (which I suspect) the two speeches are in fact one. Finally, we hear that Pasion the son of Pasicles of Acharnae manumitted a slave (IGii²1570 l.43). This is dated to the 320s by Davies (*APF* 11672 XIII), to c.330 by Kirchner in the *editio minor* of *Inscriptiones Graecae* (#43).

Notes to Chapter I

1. That Archestratos was a citizen by the late 390s emerges from the fact that he was able to stand surety for the son of Sopaeos (Isoc. 17.43).
2. Thus Schäfer (1949) col. 2064 followed by Davies *APF* 11672 II.
3. Sandys and Paley (1896) II pp.xxxviii and 144n argued that Archippe was not an Athenian on the basis of the fact that she married Phormion before he received Athenian citizenship (Dem. 46.13). The same must also hold of her marriage to Pasion, which must have taken place before he received the citizenship (this emerges from the fact that at the time when Apollodoros was born Pasion was still a metic). It is certainly highly unlikely that an Athenian woman could have married a metic of servile extraction at this stage of Athenian history. However, there then emerges a problem with Archippe's marriage to Phormion after the death of Pasion: if her marriage to Pasion made her an Athenian, how could she then marry Phormion before he had been granted the citizenship? In a recent attempt to resolve this problem Whitehead (1986) has argued that her position was ambiguous, and that she could be regarded as either Athenian or non-Athenian. This may well be right, but the lack of evidence makes it hard to feel confident about this theory.
4. Thus Davies *APF* 11672 II, who thinks that if such a connection had existed, it would have been mentioned at Dem. 36.28-29.
5. If Pasion died at the beginning of 370/69 and Apollodoros was rising 25 years old at the time, the upper limit would be correct. If on the other hand Pasion died at the end of 370/69 and Apollodoros was only just 24 at the time, then the lower limit would apply.
6. Thus Schäfer I p.238.
7. The text as printed in the Budé edition is as follows:

“ἐπὶ δὲ τούτων Σπάρτοκος μὲν ὁ Βοσπόρου βασιλεὺς ἐτελεύτησεν ἄρξας ἔτη ἑπτὰ,
διεδέξατο δὲ τὴν ἀρχὴν Σέλευκος καὶ ἐβασίλευσεν ἔτη τετταράκοντα.”

ἑπτὰ Casaubon ἑπτακαίδεκα PS δεκάεπτα MF; τετταράκοντα PS τέσσαρα MF

8. Thus Davies APF 11672 IV.

9. The deduction that Pasion did not stand surety himself because he was not a citizen is probably correct, although it is possible that for some other reason he was either unwilling or unable to do so.

10. In other words either before the King's Peace or after the raid of Sphodrias.

11. On the rebuilding of the fleet see Amit (1965) pp.24-26. Presumably this process went hand in hand with the rebuilding of the walls initiated by Conon after the battle of Cnidos (Diod. Sic. 14.85.2-3).

12. On the date see Woodward (1937) p.165 n.3 against Kirchner's dating in the *editio minor* of *Inscriptiones Graecae*.

13. It must be emphasised that Greek banks had no corporate identity. Thus Finley (1951) p.262 n.3: "One crucial point is the absence of any legal distinction between the bank and the banker, in other words, the total lack of a corporate idea. Otherwise Phormio as lessee would have had no difficulty with the guaranties in real property".

14. See for example ML 73.33 where *keleuein* is explicitly contrasted with the stronger *epitattein*.

15. This of course raises the question of how much faith can be put in the authenticity of the documents inserted into this speech, on which see the discussion in Appendix A.

16. This is evident from the fact that the first suit was a *dike blabes* whilst the second was a *dike argyriou* (Dem. 52.14).

17. For a later suspension of the courts caused by a lack of money to pay the

jurors see Dem. 39.17.

18. Lortzing (1863) p.7 argued that the first instance of the first person plural (§15) refers to Apollodoros and Pasion, and the second (§32) to Apollodoros and Phormion.

19. The reconstruction of the preamble to Tod 136 is based almost entirely on its supposed identity with the preserved preamble to Tod 135. Lewis (1954) pp.37-38 criticises these restorations as being arbitrary. More recently, Buckler (1980) pp.234-237 has argued that it is not clear whether Dionysios I or II is being referred to, still less to which year Tod 136 refers. As regards the question of the chronological relation between Tod 135 and 136, there may be a clue at Dem. 53.5, where Apollodoros says that his trierarchy involved sailing first around the Peloponnese and then transporting ambassadors to Sicily. Tod 135 deals with a diplomatic initiative with Sparta, and refers at l.7 to ambassadors from Sparta. I would tentatively float the suggestion that Apollodoros' voyage around the Peloponnese was connected with these diplomatic dealings with Sparta. It is even possible that he took the same Athenian ambassadors first to Sparta and then to Sicily. If this was the case, it would suggest that Tod 135 and 136 were indeed inscribed at much the same time. On the other hand, it is probably more likely that the ambassadors to Sparta would have travelled by land.

20. The main recent contributions are Schweigert (1940) pp.194-198, Sealey (1957) pp.95-111, Davies (1969) pp.309-333 and Cawkwell (1973) pp.759-761. Earlier works are cited by Davies p.309 n.1.

21. See Davies (1969) p.309. Apollodoros is unlikely to have been trierarch before 374, whilst Callistratos of Aphidna (l.103) was exiled in 361 and never regained his citizen rights.

22. On the Samian cleruchy see Shipley (1987) pp.138-143.

23. For trierarchs supplying their own equipment see Dem. 51.5.
24. Timotheos was general in 366/5 (IGii²108.9-10). In the following year he was campaigning against Samos, and this was followed by his command against Amphipolis (Diod. Sic. 18.8.9). It is therefore difficult to see how he could have returned to Athens much before spring 362.
25. On the question of coming of age there is a conflict between the evidence of Demosthenes and that of the pseudo-Aristotelian *Athenaion Politeia*. The author of this latter work says (42.1) that Athenians are enrolled into their demes when they are eighteen years old ὀκτωκαίδεκα ἔτη γεγονότες. Demosthenes on the other hand described himself as having been seven years old ἐπὶ ἐτῶν ὅντα the time of his father's death (Dem. 27.4) and later says that his minority lasted ten years (Dem. 27.6 and repeatedly thereafter). The problem is succinctly put by Davies *APF* 3597 XI (C): "we simply do not know the answer to the crucial question, whether the period between the birth of a child and the beginning of the subsequent archon-year (or, what is the same thing, between his last birthday as a minor and his δοκιμασία) counted for official purposes as a completed year or a vacuum." The evidence of [Aristotle] would tend to lend support to the latter interpretation, that of Demosthenes to the former. See also Golden (1979) who supports Demosthenes, but insists that the process of enrolment was not instantaneous: "Not every boy will be 18 at the beginning of the process of coming of age, the enrolment among the demesmen. But all will be 18 at its end." I am inclined to accept the clear implication of [Aristotle], but without much confidence.
26. For the traditional dating see Schäfer *Beilage* pp.140-143.
27. Thus Lipsius (1915) pp.873-874 on the basis of Dem. 47.69.
28. We should not attach any weight to the fact that Plato (*Laws* 937a-b) recommends that in the ideal state children and slaves should only be allowed

to give evidence in cases of murder.

29. Harris (1988) argues that Timotheus' success made it unlikely that he was recalled, and that "it is difficult to believe that Timotheus could have achieved all that he did in the area in only two years. Dinarchus (1.14 = 3.17) and Isocrates (15.113ff.) speak of him taking more than twenty cities, including Methone, Pydna, and Potidaia. Not only did Timotheus conduct campaigns in this area during his time there; he also had to sail off to the Hellespont to lift the siege of Cyzicus" (p.47). Finally, Harris notes that IGii²110, a decree which Timotheus proposed honouring Menelaus in Pelagonia in early 362, seems to suggest that he was still popular at Athens then.

30. It is clear from Dem. 36.5 that Pasion lent his own money through the bank. The confusion of his own valuables with those which had been deposited with him by a client (Dem. 49.31) implies that the two were not kept separate.

31. For the suspension of *dikai* see Dem.45.4: "for there were no *dikai* then, but you had suspended them because of the war."

32. It is not entirely clear whether *dikai* were suspended "because of the war" automatically, to enable litigants and jurors to serve in the army and navy, or whether the extra expense of paying for the war effort meant that there was insufficient money to pay jurors. In either case, we do not know when they were resumed.

33. On Menestheus as general see Isoc. 15.129; Nepos Timotheos 3.5; Dionysius of Halicarnassus Dinarchos 13.

34. There is no explicit statement that Athenian generals had to be at least thirty years old, but this is generally accepted to have been the case by analogy with the age requirement for service as a juror or councillor. Thus Hignett (1952) p.224.

35. Thus Davies *APF* 7737.

36. Harris rejects any year from 366/5 onwards, since Timotheus was serving as general then, and also 368/7, when Apollodoros was trierarch.
37. Gernet (1954) *ad loc.* believed that the words denote manumission, whilst Davies *APF* 11672 VII inclines towards the other interpretation.
38. Thus Bickermann (1980) p.114 Table 2.
39. Thus Ginzel (1906) I p.554 Table 3. Pritchett (1970) pp.52-73 has shown that the beginning of the archon-year (Hecatombaeon 1) cannot be tied to the first new moon after the summer solstice, but there seems to be no doubt that it must have fallen on *a* new moon.
40. A possible parallel is provided by Chaerephilos son of Pheidon of Paeania who is recorded as manumitting a slave in the late 320s (*Hesperia* 28 (1959) Face A col. 5 ll.510-513) and who *may* be the Chaerephilos for whom Demosthenes helped secure the citizenship (*Dein.* 1.43). Lewis (1959) p.230 notes that "The only reason I can see why this might not be the famous Chairephilos (*PA* 15187), but the otherwise unknown grandson whom Kirchner has posited, is that a new citizen perhaps ought not to have a patronymic. What the fourth-century theory or practice on this point was it seems impossible to say." However, Davies *APF* 15187 argues in favour of Kirchner's suggestion.
41. Thus *Plut. Dion* 22; *Diod. Sic.* 16.6.9.
42. Patterson (1978) p.20 n.15 argues that the reference to Xenocleides need not provide a definite *terminus post quem*, since Apollodoros may have wished to conceal the fact that Xenocleides was unable to testify because he was in Macedonia: "The reading of ms. D, "τουτουί μὲν Ξενοκλείδου", would indicate that Xenocleides was present at the trial itself; 343 would then be a firm *terminus post quem*. No editor, however, is willing to print τουτουί."
43. This is perhaps the appropriate point to mention the restoration of *Hesperia* 29 (1960) p.51 No. 64 proposed by Oikonomides (1964) pp.98-99:

[————Πασ]ίων Π[ασικλέους (?) Ἀχαρνεὺς]
 [————παρ]ὰ Φορμίωνο[ς————]
 [——διαιτητῶν δ' Ἀ]θηναίων ὕσ[τερον————]
 [——διαθήκ]ην τὴν [Πασίωνος————]

Oikonomides concludes that "the appearance of the names of Pasion and Phormion in a public document dated in the second half of the fourth century B.C. must be connected with the various lawsuits against Phormion in which Apollodoros..... was concerned". Not only is his restoration extremely speculative (Pasion does not appear: his name is no more than a guess), but I also think that the conclusion which he draws is unacceptable. If Pasion is the correct restoration, he is just as likely to be the grandson of the banker (which is not impossible on chronological grounds). One final point: if Pasion the elder *is* the right restoration, we should surely restore not Π[ασικλέους] but Π[υθοδώρου] ', the name of his citizen patron.

Chapter II A financial survey of the family of Pasion

My intention in this chapter is to chart the process whereby the family of Pasion rose to become probably the wealthiest of its day, and then to analyse the uses to which this wealth was put. I am concerned here only to quantify the various sums involved: the financial circumstances of Pasion and Apollodoros raise a number of broader social questions, but I postpone dealing with these until the final chapter.

We have very little evidence of the process whereby Pasion accumulated his vast personal fortune. For as long as he was the slave of the bankers Archestratos and Antisthenes he would not legally have been allowed to own anything. Admittedly the system whereby slaves who were *choris oikountes* paid an *apophora* to their master seems to imply that such slaves were allowed to retain anything that they were able to earn over and above that sum, whilst there is some evidence for slaves having possessions (#1). However, there are no indications that Pasion was allowed to operate in such an independent manner. On the contrary, the reference to "Archestratos from the bank" at Isoc. 17.43, at a time when Pasion had been manumitted and clearly had sole responsibility for the running of the bank, suggests that the partners exercised a close supervision of the business. Given the risky nature of Greek banking (Dem. 36.11) this is no less than one would expect. By the same token, it is possible that they sought to encourage and reward Pasion for his industry and integrity by paying him well (#2). There is no good evidence, however, that any slave at Athens ever accumulated enough money to have been considered wealthy (#3), and we should not imagine that Pasion enriched himself whilst he was a slave at the bank.

As we saw above (p.6), we cannot determine when Pasion was given his freedom or when he acquired the bank. Moreover, the evidence regarding the manner of his manumission is decidedly uninformative. All we know is that he and Phormion were given their freedom in the same manner (Dem. 36.48), and that he acquired his good fortune "having given proof to his masters, Antisthenes and Archestratos, that he was a good and honest man" (Dem. 36.43). We do not know whether there was ever a period when he was a paid employee of the partners, or whether his manumission was closely connected with the control of the bank being transferred to him. Equally obscure to us are the details of the transfer; we do not know whether Pasion bought the bank, whether he leased it, or whether it was given to him. Davies *APF* 11672 II argues correctly that he could not have acquired it by marrying into the family of either of the partners: the silence of Dem. 36.28-29 is sufficient proof of this. Davies also denies that he could have leased the bank on the ground that "though Antimachos was living in poverty in 350 (Dem. xxxvi 45) Demosthenes does not suggest that there was any *apophora* due to the partners and their descendants in the same way as Phormion owed an annual rental to Pasion's estate." I do not find this argument persuasive, since Phormion only owed an annual rent to the two brothers for the duration of his lease; there was no subsequent obligation on his part. It is therefore quite possible that Pasion initially leased the bank, and that when his lease expired he either bought it or received it as a gift.

As between these two possibilities, Davies believes that "Pasion took over the bank through an outright gift of goodwill, a conclusion rendered a little less surprising by the probability that there was no transference of capital involved other than the deposits (which of course were not the property of the partners)". Against this, one could argue that the bank was in fact of value, not only in terms of the equipment and the skilled slaves who worked in it, but

also, and more importantly, as a means of generating income (#4). I can see no reason why the owners should have given away such a lucrative business rather than leaving it to their own heirs. Admittedly it is unlikely that Pasion was initially able to buy the bank, but there is still the possibility of a lease. And if Antimachos the son of Archestratos (together with any brothers) had no financial ability, and therefore did not wish to run the bank himself, leasing it to Pasion would have been the best way to secure his (or their) interests. Isager and Hansen (1975) p.178 raise the possibility that Antimachos did in fact take over the bank from his father, on the basis of his introduction at Dem. 36.45. However, I consider this hypothesis to be highly unlikely: the speaker is not here seeking to prove that Antimachos had a stake in the bank, but to show that he stood in the same relation to Pasion as Apollodoros did to Phormion. His argument can be summarised as follows: if Apollodoros had any claim on Phormion on the ground that his father had previously owned the bank (which he did not), then Antimachos has precisely the same claim on the heirs of Pasion. On balance it seems to me most likely that Pasion originally leased the bank and then, when he had accumulated some savings, bought it from his masters or their heirs.

There can be no doubt that Pasion owned the bank by the time he died in 370/69, but it is not entirely clear that the same was true in 394/3 when he was prosecuted by the son of Sopaeos. Naturally enough Isocrates is not interested in explaining Pasion's financial arrangements to the jurors, and the only passage which might throw some light on the problem is the reference to Archestratos as *τὸν ἀπὸ τῆς τραπεζῆς* (Isoc. 17.43). Isager and Hansen (1975) p.178 n.4 rightly deny that this proves that Archestratos was still acting as a banker, but it does suggest that he was still involved with the bank in some capacity. We can certainly discount the bizarre suggestion of Bogaert (1968)

p.40 n.35 that these words should be translated as "Archestratos the ex-banker" (#5). The speaker twice speaks of Pasion's bank (§§4, 50), but this should not be pressed to imply that Pasion already owned the bank.

There are few indications that Pasion had accumulated any great fortune by this stage. At Isoc. 17.2 we hear that he had many friends, a good reputation, and that he handled large sums of money; it is perhaps significant that the speaker does not claim that Pasion was a rich man. Certainly large sums of money are mentioned (6 talents at §12 and sureties for 7 talents at §14), but this does not prove anything about Pasion's personal fortune, except of course that large profits could be made from such large sums. Moreover, the excuse which he made to the son of Sopaeos, that he was temporarily short of money (§9), suggests (if true) that his problem was one of a lack of liquidity rather than of insolvency.

Theomnestos tells us that Pasion was given Athenian citizenship on account of his civic benefactions (Dem. 59.2). If we knew what these benefactions were, and when the grant of citizenship was made, we might be able to get some idea of the rate at which Pasion made his fortune. Unfortunately Theomnestos does not elaborate, but Apollodoros himself says elsewhere that his father donated 1,000 shields to the state, as well as five triremes, which he crewed on his own initiative and with which he performed trierarchic service (Dem. 45.85). One would imagine that Apollodoros is here listing the most important of his father's services to the city, and that these were the services which according to Theomnestos gained him the citizenship. However, we cannot be certain that the two passages refer to the same services, since there is reason to doubt whether Pasion would have been permitted to serve as trierarch

before he became an Athenian citizen (see above pp.12-13). Nor can we date the grant of citizenship with any certainty (see above pp.10-13). Thus, although we can estimate the cost of the gift of triremes, if not that of the shields, it is impossible to use these valuations to gauge the speed with which Pasion made his fortune. All that can be said is that he must have contributed extremely generously to have convinced the Athenian people to grant him, an ex-slave, Athenian citizenship, and must therefore have been a very rich man by whenever it was in the 380s or 370s that he acquired the citizenship.

Irrespective of when he became a citizen, the size of his estate in 370/69 is enough to indicate that his fortune was generated at a remarkable rate. It is not immediately clear how he achieved this. Schäfer (1949) col.2068 attributed "sein überraschend schneller Aufstieg" to a combination of his personal qualities and "den wirtschaftlich Wendlungen und Tendenzen der Jahrzehnte nach dem peloponnesischen Krieg". There can be no doubt that these were important factors (#6), but I doubt whether they are enough to explain his success. In my opinion the main explanation must be that banking was an extremely lucrative business. A number of considerations tend to support this conclusion. First, the overheads of the bank were very low, being little more than the slaves who ran it (Dem. 45.33). Second, interest rates were fairly high (particularly considering that inflation was low): 18% per annum was not uncommon, and riskier loans attracted an even higher rate (#7). Third, it is now agreed that interest was paid on very few if any deposits (#8). Moreover, the changing of money, which was a large part of a banker's business, could be counted as pure profit. Of course banking was inherently risky (Dem. 36.11), and Pasion both enjoyed good fortune and exercised considerable good judgement, but a clear return of 15% per annum on substantial, well-secured deposits could hardly fail to result in the rapid accumulation of a considerable fortune,

always provided that disaster could be avoided. That the deposits were substantial emerges from the statement of the son of Sopaeos that bankers (among whom he clearly includes Pasion) handle large sums of money (Isoc. 17.2). It is also suggested by the number of wealthy men such as Agyrrhios, Timotheos and the elder Demosthenes who used the bank (see pp.243-246 below). As for the number of clients, we have no certain knowledge, but Apollodoros claimed that the merchants (presumably the a large number if not literally all of them) regularly used Pasion's bank (Dem. 52.3).

There is no doubt that on his death Pasion was an extremely wealthy man. Apollodoros himself says that he was left a considerable sum of money by his father (Dem. 45.3). However, it is extremely difficult to quantify this figure, since the crucial text (Dem. 36.5) is ambiguous and very probably corrupt. Numerous different estimates have been reached as to the size of Pasion's estate, and these have recently been the subject of an exhaustive survey by Bogaert (1986) pp.35-47, who provides a full doxography of all but the earliest work. Since it would be supererogatory to repeat his work in similar detail, I propose to limit myself to the most important of these interpretations, without providing a complete review of everything that has been written on the problem. The disputed text reads as follows:

ἡ μὲν ἔγγειος ἦν οὐσία Πασίωνι μάλιστα ταλάντων εἴκοσι, ἀργύριον δὲ πρὸς ταύτῃ δεδανεισμένον ἴδιον πλεον ἢ πεντήκοντα, ἐν οὖν τοῖς πεντήκοντα ταλάντοις τούτοις ἀπὸ τῶν παρακαταθηκῶν τῶν τῆς τραπέζης ἑνδεκα τάλαντ' ἐνεργὰ ἦν."

The first two clauses seem to be fairly straightforward: *ἔγγειος οὐσία* must mean "property consisting of real estate". This has been disputed by Andreyev (1979), who understands it to mean "money lent on the security of real property, in which are included the eleven talents taken by Pasion from deposits in the

bank" (this is a quotation from the English language summary of his article). Andreyev argues that nowhere else in Attic oratory do the words mean real estate, that the speaker had no reason to refer to Pasion's property, and that in any case Pasion would not have been able to have acquired so much property (I owe my knowledge of Andreyev's arguments to Bogaert (1986) p.36). This view is adequately rebutted by the cogent objection of Thompson (1981) that "the contrast in the *μὲν/δὲ* clauses is between real property and money, not between money lent on land and money lent on some other security" (p.89 n.15; see too Bogaert (1986) pp.36-37).

Equally unconvincing is Andreyev's interpretation of the following clause, that by *ἀργύριον ἴδιον* the speaker means "deposits in the bank by private persons which are regarded as money lent to the banker" (English language summary). This view is clearly wrong, for a number of reasons. First, the translation of *ἴδιον* which it requires cannot be accepted - if the word has any meaning, it must surely mean that the money belonged to Pasion himself. Second, it is very questionable whether deposits earned interest, and it is therefore hard to accept that depositing money with a banker could be described so baldly as lending money to him (#9). Moreover, there is no reason for the speaker to advertise the fact that Pasion had such substantial liabilities. Indeed, as Thompson (1981) p.90 n.15 argues, it is hard to see how the speaker can claim that Pasion's debt to the bank did not arise from debt, and then go on to say that he had borrowed fifty talents. Finally, the *μὲν* and *δὲ* clauses in this sentence are surely co-ordinate: if the property belonged to Pasion (which admittedly Andreyev denies), then so did the money.

There has also been some discussion of the meaning of the phrase *πρὸς ταύτη*. Erxleben (1973) p.119 argues that its position between *ἀργύριον* and *δεδανεισμένον* means that it must refer back to *τὴν τράπεζαν* at §4: he believes

that if Demosthenes had wanted to say "in addition", he would have written " *πρὸς δὲ ταύτῃ ἀργύριον* ". I must say that I cannot see the logic of this, and nor can Thompson (1981) p.90, who argues that the phrase "does not go with the participle but separates it from its noun..... Through hyperbaton Demosthenes avoids hiatus and perhaps adds emphasis as well" (p.90). We should surely understand the words as referring to the nearest preceding feminine singular noun (*οὐσία*) and translate the phrase as "in addition to this (real estate)".

The real problem lies in the final clause of the sentence, and specifically in the apparent contradiction between the statement that the loans worth 50 talents were part of Pasion's private fortune (*ἴδιον*), and the claim that this figure included 11 talents from the bank's deposits. As Erxleben (1973) p.119 puts it, "Ursache dieser unterschiedlichen Theorien ist die Unklarheit des griechischen Textes, der in der mit *ἴδιον* überlieferten Gestalt widersprüchlich ist, wie man längst gesehen hat." If the sum of 11 talents is money deposited by investors, how can it be described as being part of Pasion's own fortune?

This contradiction has attracted a variety of different solutions. The first, suggested by Sandys and Paley (1886) *ad loc.*, is that *ἴδιον* should be deleted. They attributed its erroneous insertion "to an accidental repetition of *πλέον*, as *ΙΔΙΟΝ* and *ΠΛΕΟΝ* are not very unlike one another". According to this theory, the figure of 50 talents represents a mixture of Pasion's own money (39 talents) and clients' deposits (11 talents).

The second solution is to seek to weaken the force of *ἴδιον*. Thus Sandys and Paley (1886) *ad loc.* raise the possibility that the words *ἴδιον ἀργύριον* are being used loosely to denote "personal property" as opposed to "real property". Against this, however, there is already a perfectly clear contrast between *ἐγγειος οὐσία* and *ἀργύριον*, without any need to qualify the latter. Moreover, I

find this a very dubious translation of ἰδίον. A number of variations on this idea have been produced. Thus Dareste (1875) (p.466 n.2) thought that "tous ces fonds sont indistinctement prêtés au nom de Pasion (ἰδίον), qui est seul créancier des emprunteurs, tout en restant débiteur des déposants". This theory seems to me to be vulnerable to precisely the same objection as that of Sandys and Paley. Finally, Thompson (1981) p.92 p.18 suggests rather desperately that the word may be inappropriate, but that it makes excellent sense rhetorically.

The third solution is that of Isager and Hansen (1975) p.183 n.46: "I hereby suggest a reinterpretation of Dem. xxxvi, 5 - the key-word is eggeia (mortgaged/consisting of real property). Pasion is the owner of real property worth about 20 talents and has lent more than 50 talents on security in real property. Of these talents, 11 come from the deposit of the bank. They do not constitute the whole deposit. We do not know the total amount, nor how much Pasion may have lent from money belonging to himself or his clients against other kinds of security. We must remember that all of the 50 talents were lent out (*dedaneismenon*) - and against the same kind of security, since the 11 talents are referred to as *energa*, a neutral term." This hypothesis seems to me to be quite bizarre. First, the assertion that ἑγγειος is the key-word is entirely arbitrary and extremely improbable. In fact it forms part of the μὲν clause and goes closely with οὐσία: there is no reason to think that it predicates ἀργύριον. Second, there is no indication that the 50 talents were all lent on the same type of security. I would agree that ἐνεργὰ is a neutral term, but this is because Demosthenes has no interest in specifying the precise nature of all the loans.

Finally, attempts have been made to emend ἐν or to interpret the passage in such a way that the 11 talents are not subtracted from the 50 talents.

Sandys and Paley (1886) *ad loc.* suggested that ἐν οὖν should be emended to ἐπ'

οὐν , on which view the clause could be translated "in addition to the 50 talents....." The objection to this hypothesis is (as they themselves admitted) that for this meaning we should expect πρὸς οὐν, which is unlikely to have been corrupted into ἐν . Sandys and Paley also recorded the suggestion of Heraldus (which I have been unable to trace) that ἐν should be emended to σιν . It is easier to believe that σιν had been corrupted to οὐν, and that ἐν was then added to make the passage comprehensible, except that οὐν seems to be required as a connecting particle. Finally, Sandys and Paley advanced their own suggestion that ἐν might mean "mixed up with". This I find implausible, since there is no question of the two types of loan being physically mixed up (as for example bullion could be).

The only hypothesis which I find at all persuasive is that of Sandys and Paley, that ἴδιον should be deleted. I therefore agree with Bogaert (1986) that we should subtract the 11 talents from the 50 talents, leaving a total of 39 talents of Pasion's own money out on loan. As Bogaert puts it (pp.39-40): "Pour connaître son capital privé qui était investi dans la banque, Pasion a dû faire une opération arithmétique très simple: calculer le total des prêts consentis, y ajouter la totalité de l'encaisse et en soustraire la totalité des dépôts; la somme qui restait était son capital privé. Dans le cas qui nous occupe, cette somme était de 39 talents."

Finally, we should note that Dem. 36.5 refers to the situation when Pasion leased the bank to Phormion, not to the situation at his death. When we seek to quantify his estate, it must be remembered that there may have been as long as two years between the granting of the lease and Pasion's death, and that his financial circumstances could certainly have altered in the interim.

I turn now to an evaluation of the estate of Pasion. As with the capital of the bank, a very thorough survey of this question is provided by Bogaert (1986) pp.42-47, who furnishes a useful summary of the various figures which have been propounded (p.42). The constituent elements were as follows:

(i) 39 (?) talents on loan (see above). It has been suggested, on the basis of the claim at Dem. 36.36 that Apollodoros had recovered 20 talents which had been owing to his father, that only 20 talents worth of loans were outstanding at the time of Pasion's death (#10). As Bogaert (1986) p.42 puts it, "Les savants qui n'acceptent que 20 talents de créances, comme Hasebroek suivi par plusieurs autres, pensent que 19 talents ont été soit remboursés à Pasion pendant les deux dernières années de sa vie, entre le bail et sa mort, et qu'ils ont été dépensés par lui ou perdus, puisqu' Apollodore n'a pu récupérer que 20 talents de créances." It is certainly probable that some of the debts were recovered during Pasion's lifetime. Bogaert (1986) p.43 acutely notes that at the time of the lease Pasion apparently had no money that was not tied up in loans, whilst Apollodoros is accused at Dem. 36.8 of having dissipated much of the family's fortune in the years immediately after his father's death, which suggests that some at least of these debts had been converted into a more liquid form by then. On the other hand, it is equally possible that the sum outstanding in 370/69 was more than 20 talents, but that by 350/49 such of these debts as had not been recovered by Apollodoros had had to be written off. The total figure for the loans may well have included the talent from Peparethos and the talent from Athens which formed part of Archippe's dowry (Dem. 45.28), and which were probably in the form of loans rather than of bullion (#11). We have no indication as to the sort of security on which these loans were made.

(ii) real estate valued at approximately 20 talents (Dem. 36.5). This total

included some or all of the following individual items. First, we know that Pasion owned a house in the Piraeus (for the location see Dem. 52.13). Second, some or all of the *phanera ousia* in three demes which Apollodoros owned in 362 (Dem. 50.8) may have formed part of his patrimony. Third, a *synoikia* worth 100 minae was included in Archippe's dowry when she married Phormion (Dem. 45.28). Finally, we should possibly add to this list the *synoikia* which Apollodoros received from the estate by virtue of being the elder son (Dem. 36.4) and which he subsequently mortgaged for 16 minae (Dem. 53.13). However, this property is more likely to have been part of the *phanera ousia* noted above.

(iii) the bank. Davies (*APF* 11672 VII) is right to say that "The bank of course had no capital value apart from that of the premises and the slave employees, being entirely a credit institution which operated with capital provided by customers' deposits". Of course the real value of the bank lay in its goodwill, the willingness of clients to use it, to which of course it is impossible to put a figure. Phormion paid an annual rent of 100 minae for it (Dem. 36.11), but we do not know how this figure was calculated. Given that so much of the success of the bank depended on the elusive and intangible qualities of trustworthiness and luck, it would obviously be naive to try to value it by comparing the rent paid for it with that paid for the shield-factory. As regards its physical components, Apollodoros describes the bank as comprising "the wood(en table) and the site and the records" (Dem. 45.33). From this it appears that there was no separate bank building, and that the bank was simply a plot of land upon which a temporary structure rather like a market stall was erected.

(iv) the shield-factory. We have no indication of its value beyond the fact that it generated a rent of 1 talent per annum (Dem. 36.11). It must be emphasised that this figure does not represent the profit which was made from the business, but rather the amount of rent which the lessee agreed to pay the

lessor. Not only had the lessee to make his own profit, but he also had to believe that he would make enough of a profit for it to be worth his while to take on the responsibility of a lease. It is this fact which makes any attempt to value the shield-factory by means of a comparison with the knife-makers of the elder Demosthenes so difficult and potentially misleading (#12). If these last were worth approximately 3 talents and brought in a clear annual profit of 30 minae (#13), and if the two businesses were fully comparable, then the shield-factory ought to be worth at least twice and possibly three times as much as Demosthenes' slaves. But since they are clearly not at all comparable, this figure has no real value. One obvious difference between the two is that the slaves of Demosthenes worked at the family home, whilst in Dem. 36 references are always to a workshop. Even so the value of the workshop can hardly have been much lower than 8 talents, and may have been somewhat higher. (v) we hear that Apollodoros pawned "cups and a gold crown from my patrimony" for 1000 drachmae (Dem. 53.9). These heirlooms must have been worth at least this sum, and probably considerably more. We do not know what else he inherited from his father.

(vi) the dowry which Archippe took with her when she married Phormion included various household and personal effects: "maidservants and gold, and her other possessions in the house" (Dem. 45.28). Their value cannot be determined.

So much for the credit side. There is no evidence that Pasion owed any money except for the fully secured debt of 11 talents to the bank. Since all but one of the above figures is more or less approximate, it is obviously futile to try to give an accurate figure for the total value of his estate (#14). At the very least real estate worth 20 talents, loans worth a minimum of 20 talents and the shield-factory worth roughly 8 talents take us up to 48 talents, even before we try to put a value to the bank and to the various minor

items. Given that the bank as a going concern was of considerable value, that the total value of the loans was almost certainly more than 20 talents, and that Pasion probably also left a quantity of ready money, this must be a conservative assessment, and the actual figure may have been considerably higher.

I turn now to consider the lease of the bank and the shield-factory to Phormion. The relevance of this to an assessment of the private fortune of Pasion lies in the claim of Apollodoros that some of Pasion's own money had been included in the deposits of the bank when they were leased to Phormion, and that Phormion had embezzled this money. If Apollodoros is telling the truth, we must increase our estimate of the value of his father's estate by that sum. Unfortunately, although we are able to hear both sides of the dispute between Apollodoros and Phormion, it remains extremely difficult to establish precisely what was being claimed, let alone determine where the truth is most likely to lie. The reason for this difficulty is clearly put by Thompson (1981) p.83: "Instead of Apollodoros' presentation of the case against Phormion himself, where he must have made a clear statement of the damages he suffered, we have his prosecution of one of Phormion's witnesses for perjury (Demosthenes 45 and 46), where the original *timema* is no longer relevant. On the other side it was no longer Phormion's business (in Demosthenes 36) to clarify why his opponent was seeking a certain sum."

Apollodoros accused Phormion of having misappropriated the *aphorme* of the bank (Dem. 36.11-12; 45.45). The *aphorme* was the sum of his own money which a banker put into his bank as working capital. If such money had been left in the bank by Pasion, Phormion would have been obliged to return it with the deposits when his lease ended. Phormion's defence was that he only leased the fabric of

the bank and the investors' deposits: he received none of Pasion's money and therefore there was nothing that he needed to repay. The sum which Apollodoros claimed was 20 talents (Dem. 36.3), but we are nowhere told how this figure was calculated. This has given rise to a variety of different explanations, which are again catalogued by Bogaert (1986) pp.29-35.

It emerges from a number of passages in Dem. 45 that Apollodoros believed that Phormion had attempted to conceal his (alleged) depredation by falsifying the record of the lease which existed between him and Pasion. This can be seen most clearly at Dem. 45.30, where Apollodoros tries to explain to the jurors what he believes to be the purpose of the clause in the lease which recorded that Pasion owed 11 talents to the bank:

(i) "This had, I think, the following purpose..... he got control of the money in the bank, about which everybody knew, and which could not be concealed, by claiming that our father owed it, so that any money he might be proved to have he might claim to have recovered."

The connection between the disputed sum of money and the lease is reinforced in the following passages:

(ii) "I have related how he fabricated the lease, in order to get his hands on the capital of the bank...." (Dem. 45.47).

(iii) "For perhaps [Phormion and his friends] paid no attention to anything other than stealing the money and recording my father as owing it" (Dem. 46.17).

(iv) "Phormion wronged us from the outset and deprived us of the money, which our father left to us and which he leased to this man with the bank and the workshop" (Dem. 46.27).

The first passage is the most important, since it represents the only attempt made by either party in the dispute to explain the basis of Apollodoros' claim.

However, the unequivocal assertion that Phormion had fabricated Pasion's debt to

the bank in order to mask his own speculation poses as many questions as it answers. First, how is it that Pasion's debt of 11 talents had now become a claim by Apollodoros for 20 talents? The most widely accepted explanation is that of Sandys and Paley (1886) p.xxiv n.4 that the figure of 20 talents arose "out of the eleven talents mentioned in Or. 36 §11, with the addition of interest. Phormion's lease lasted for 8 years; 11 talents at say 10 per cent. simple interest (not an uncommon rate at Athens), would with the interest amount to exactly 20 talents in 8 years (and a fraction of a year over, $2/11$)". This hypothesis is accepted by Bogaert (1968) p.77 (reasserted at Bogaert (1986) p.35: "Tous ces arguments font pencher la balance en faveur de la thèse de J.E.Sandys qui garde donc notre adhésion") and by Davies (*APF* 11672 VI), but has been doubted by other scholars. Isager and Hansen (1975) p.188 n.96 argue that if interest was added for the 8 years of the lease, it should also be added for the 13 years from 362 (or whenever the lease ended) down to 350. However, they do still accept that we are here dealing with a capital sum and the interest on it, since they go on to suggest that "The figure may have been set so low in order to discourage the jurors from choosing Phormio's proposal for compensation". On this point, Bogaert (1986) p.34 rightly insists that "il n'était pas nécessaire que le taux de l'intérêt fût préalablement convenu pour pouvoir réclamer des intérêts". I am less convinced, however, by Bogaert's explanation of why only 8 years interest should have been claimed. Bogaert asserts that the fact that Pasicles took over the bank in 362 meant that any interest accruing for the subsequent years would have been due to him rather than to Apollodoros (pp.34-35). Yet the money which Apollodoros was claiming was not part of the bank, but rather money which had been put into the bank, and therefore should have been split between the two brothers.

A different approach is adopted by Erxleben (1973) pp.124-125, who

suggests that the difference of 9 talents (20 less 11) represents the money which Archippe inherited, and that Apollodoros was claiming this money on the ground that Phormion had no right to it because his marriage to Archippe was invalid. This hypothesis, in addition to being wholly speculative, is vulnerable on two other grounds. First, Archippe's property can hardly have amounted to anything like 9 talents, and second, it had been already been distributed to her children upon her death in 360.

A radically different interpretation is put forward by Thompson (1979). He argues that, in trying to determine the basis of Apollodoros' claim, the money which Pasion owed to the bank is a red herring, and had possibly been repaid even before his death. Thompson bases his argument on the fact that it is Phormion who has most to say about the 11 talents, and that he discusses them because they appear as a potentially puzzling feature in the lease and not, apparently, as the basis of Apollodoros' claim. He therefore suggests that we ought to consider the loans which Pasion made out of his own funds: "those loans which had been made *through the bank* would be part of its equity. So that Apollodoros could argue that in leasing the ἀφορητή Phormion became responsible for those loans..... He was demanding repayment of all the loans which Pasion had made through his bank which were outstanding at the time of the trial" (p.87). Accordingly, Thompson derives the figure of 20 talents from the 39 talents of his own money that Pasion had out on loan at the time of his death (Dem. 36.5): of these 39 talents, 20 talents had been recovered by Apollodoros (Dem. 36.36), leaving a balance of 19 talents. This sum was then doubled for damages, halved for Apollodoros' share, thus returning us to the figure of 19 talents, which Thomson suggests was rounded up to 20 talents.

Although I can certainly accept that Pasion did lend his own money through the bank, or rather that he did not distinguish between lending his own

money and lending his investors' deposits, I am unable to accept the rest of this hypothesis for the following reasons. First, there is no indication that Phormion was in fact being held responsible for these loans. Indeed, we know that it was Apollodoros himself who prosecuted those clients who failed to repay the money which they had borrowed (Dem. 36.36). Moreover, if Phormion could be held responsible for their recovery, surely the same must apply to Xenon and company. Yet there is no indication that these men were also being prosecuted for failing to recover them. It is admittedly true that at Dem. 45.33 Apollodoros attributes the alleged deficit to Phormion's incompetence, but in this passage he is assuming the validity of the lease solely in order to demonstrate its implausibility. His real view was not that Phormion had neglected to recover these loans, but that he had stolen Pasion's money (Dem. 45.34). Second, and crucially, Thompson ignores the explicit connection between Phormion's alleged speculation and the forged lease, or (to put it another way) between the figures of 11 and 20 talents. As Bogaert (1986) p.31 says, "Il faut en conclure que dans l'esprit d'Apollodore les 11 talents et l'ἀφορμὴ étaient la même chose." Finally, his thesis requires that we manipulate the figures (by rounding up the sum of 19 talents) in order to get the calculation to come out.

One could of course imagine, as a variation on the hypothesis of Thompson, that Apollodoros believed that Phormion had recovered some of the loans himself and then held on to the money, but there is no indication that this is what he thought had happened.

None of the suggested explanations of the figure of 20 talents is without problem. On balance I am inclined to prefer the original hypothesis of Sandys and Paley, although it is arbitrary in its choice of interest rate and does not explain why interest should only be claimed for 8 years. One could of course

get around these problems by supposing that interest was claimed at an annual rate lower than 10%, or (perhaps better) that the figure of 20 talents was picked as a convenient round number which exceeded the original sum at issue, to allow for lost interest and the like, but which was not so high as to dissuade the jurors from convicting Phormion. This indeed seems to me to be the most likely solution.

Even more puzzling than the derivation of the figure of 20 talents is the question of how exactly Phormion was supposed to have effected the fraud of which Apollodoros accuses him. For if Pasion had left some of his own money in the bank when he leased it to Phormion, and if Phormion had embezzled this money, he would scarcely have sought to disguise his fraud by claiming that Pasion owed it to the bank. For as soon as the lease expired and control of the deposits reverted to Apollodoros and Pasicles, this debt would revert to the heirs and would in effect disappear (since at that point the bank and Pasion's heirs would be one and same). I therefore cannot agree with the statement of Davies (*APF* 11672 VI) that "I infer from this ([Dem.] 45.30) that in 362 Phormion retained 11 tal. out of the bank's capital resources in quittance of Pasion's debt, which was therefore still outstanding in full. Only if this was the case does it become intelligible that Apollodoros, simply by redefining the sum of 11 tal. as the indispensable reserve capital of the bank (*ἀφορμή*: Dem. xxxvi 12; cf. 43) could claim it, plus interest for eight years..... as if it were Pasion's private property." It is inconceivable that Phormion should have been entitled to retain any money on his own account once the lease had expired: Pasion's debt was to the bank, not to Phormion personally.

If Pasion had also leased some of his own money with the bank, there would have been a lease which recorded this fact. If Phormion wanted to get his hands on the capital of the bank, all that he had to do was to destroy the original lease and replace it with a forgery which made no reference to this money. What he would *not* have done was to claim that Pasion owed money to the bank, since he could have no personal claim on this money.

The above argument only serves to demonstrate what would probably be widely accepted anyway, that it is very unlikely that Phormion perpetrated the fraud of which Apollodoros accuses him. On the other hand, I would suggest that Apollodoros, if he wished to argue that Phormion had misappropriated money from the bank, had very little alternative but to proceed as he did. It is clear that he could not accept that Phormion had acquired his wealth simply through the day to day running of the bank, and therefore believed that it must derive from the misappropriation of money from the bank. He could hardly argue that the deposits had been embezzled, and was therefore forced to suppose that this money was the working capital of the bank. Ideally he would have liked to argue that Phormion had simply removed any reference to the capital of the bank from the lease-document (see above): that he had pocketed the money and then falsified the lease to make it appear that he had never received it. However, the matter was not so simple, since the lease contained a clause referring to Pasion owing 11 talents to the bank. Faced with this document, his thoughts may have run as follows: the lease must be forged, and this clause must have been put there for a purpose; the only possible purpose is to defraud me of my rightful inheritance. Of course, it is vaguely plausible to claim that Phormion had invented a debt of Pasion, albeit to the bank, in order to get his own hands on his money. Obviously such an argument fails to stand up to critical

scrutiny, but I cannot accept the assertion of Thompson (1981) p.85 that such a fabrication is so transparent that Apollodoros could not have attempted it. My reasons for thinking this are as follows. First, I do not believe that an Athenian jury, having heard each side's arguments once and not having recourse to written evidence, would have found it at all easy to unravel the financial details of the case. Second, Apollodoros is likely to have said as little as possible about the details of his claim, limiting himself to the general assertion that Phormion could only have acquired his great wealth through fraudulent means, and to attempts to whip up xenophobic prejudice against him.

I now propose to try to assess the scale of Apollodoros' wealth (as well as that of his brother Pasicles). Apollodoros himself tells us that he was left a lot of money by his father (Dem. 45.3), and we know that the following items formed part of his inheritance (I assume unless otherwise stated that Pasion's estate was divided equally between his two sons):

(i) real estate. From Pasion's property valued at 20 talents should be subtracted the *synoikia* worth 100 minae which formed part of Archippe's dowry (Dem. 45.28). We should also set to one side the *synoikia* which Apollodoros received by virtue of being the elder son (Dem. 36.34). This is presumably to be identified with the *synoikia* which he subsequently mortgaged for 16 minae, although it was doubtless worth more than that (Dem. 53.13). The balance, amounting to approximately 18 talents, was divided between the two brothers (Dem. 36.8-9). We do not know which of them inherited Pasion's house in the Piraeus: probably it was Pasicles, even though he was the younger brother, since we know that Apollodoros moved to the country after the death of their father (Dem. 53.4). In 362 we hear that Apollodoros owned real estate in three

different demes (Dem. 50.8), but we do not know how many of these properties were part of his inheritance, and how many he had subsequently bought himself.

(ii) recovered loans. I have argued above that we cannot determine the value of the loans which were owing to Pasion at the time of his death (p.59). Phormion asserts at Dem. 36.36 (with how much truth we cannot tell) that Apollodoros "has recovered 20 talents in all of the debts, on the basis of the records which his father left. And of these he has more than a half: for he deprived his brother of his share of many of them."

(iii) bank and shield-factory. I have already suggested that a notional capital value of 9 talents for the shield-factory is not unreasonable, but that the bank cannot be valued. The two businesses were treated as a single unit until the end of their lease to Phormion, whereupon the brothers split them, Apollodoros choosing the shield-factory and Pasicles taking the bank (Dem. 36.11). We are told at Dem. 36.11 that the bank had an annual *prosodos* of 100 minae, the shield-factory one of 60 minae. During the 8 years of the lease the combined annual income of 160 minae was divided equally between the brothers.

Thereafter, despite the division, the two business were leased out as a unit for a further 10 years to Xenon and company. However, the two incomes were now kept separate (Dem. 36.37), with Apollodoros receiving an annual income of 60 minae, and Pasicles one of 100 minae. Their respective incomes for the period of the two leases were therefore as follows:

Apollodoros 8 years x 80 minae = 10 tal. 40 minae.

10 years x 60 minae = 10 tal.

Total: 20 tal. 40 minae.

Pasicles 8 years x 80 minae = 10 tal. 40 minae.

10 years x 100 minae = 16 tal. 40 minae.

Total: 27 tal. 20 minae.

The precise chronology of the two leases is not entirely clear, but these 18 years must bring us down almost to the date of Dem. 36 (350/49). This conclusion is supported by the fact that Phormion makes no mention of any further income for Apollodoros from this source. We do not know what happened to the two businesses after Xenon's lease ended. One would imagine that the brothers sought new lessees, at least for the bank, and that each brother continued to derive an income comparable to that which they had previously attained. Certainly there is no indication that either of them had sold up.

It should be noted as a rider to this discussion that for the duration of the first lease Pasicles was a minor, under the guardianship of Phormion and Nicocles. Davies (*APF* 11672 XI (C)) suggests that he received his *prosodos* as a lump sum upon his coming of age, less the cost of his maintenance. We do not know how much this figure would have been (#15), but I am certainly prepared to accept Davies' upper limit of 1 talent. However, I wonder whether Pasicles would in fact have had to pay anything, since, although an orphan, he was still living with his mother in the family home.

(iv) Phormion claims at Dem. 36.38 that Apollodoros held 2 talents 3600 drachmae from the bank and was refusing to return it. We do not know how this debt was incurred, nor indeed can we be sure that it actually existed.

(v) Apollodoros claimed upon his mother's death that her property should be shared out between her children (Dem. 36.32). His claim is itemised as follows: "having claimed 3000 drachmae in addition to the 2000 drachmae which she had given to this man's [Phormion] children, and a cloak and slave girl" (Dem. 36.14). The dispute was referred to arbitration, where Phormion was persuaded to give

Apollodoros "the 3,000 drachmae and the rest" (τὰς τρισχιλίας καὶ τὸ προσόν)
 Apollodoros thus received 5,000 drachmae in all (§15). Dem. 36.32 states that Archippe's property was split four ways, so we may infer that her three other children received the same figure. This fits in well enough with the details of her dowry given at Dem. 45.28: the main elements were loans (presumably, although this is not specified) to the sum of 12,000 drachmae and a *synoikia* worth 10,000 drachmae.

(vi) Although Pasion apparently held no cash at the time when he leased the bank and shield-factory to Phormion, it should not be assumed that the same was true of the situation when he died. However, we have no clue as to whether Apollodoros and Pasicles inherited any cash.

I shall now attempt to summarise the results of this discussion in tabular form. The figures in brackets are the dates on which the brothers received the various parts of their father's estate.

	Apollodoros	Pasicles
Real estate: <i>presbeia</i> (368)	?3000 dr. <i>synoikia</i>	
other (368)	?9 tal.	?9 tal.
Recovered loans (by 350)	10 tal.	10 tal.
Bank (362)		unknown
Shield-factory (362)	?9 tal.	
From bank (by 350)	2 tal. 3600 dr.	
From mother (360)	5000 dr.	5000 dr
Cash	unknown	unknown

In addition, it is clear from Dem. 36.41 that even in 350/49 a number of the loans which had been made by Pasion were still outstanding. In theory these could have amounted to 19 talents (39 talents less the 20 talents which Apollodoros had recovered) but it is likely that by this stage most if not all of them had either been repaid or been written off. As can be seen from the above table, the brothers got control of their inheritance in stages. But by 350/49 the process was complete, and Apollodoros had received approximately 30 talents. Pasicles had done less well, since the bank had little intrinsic value, but at the same time he had the opportunity to generate a somewhat higher annual income from it. It need hardly be said that both were extremely rich men in their own right (#16).

I have so far discussed only the sources of the fortunes of Pasion and Apollodoros. It remains now to consider how their wealth was used. As before, I limit myself here to a calculation of the figures: an attempt to put their expenditure into its social context appears in the final chapter. I am particularly interested here to quantify their expenditure on liturgies and on voluntary contributions (*epidoseis*) to the city. Determining whether or not an Athenian was liable to liturgical service is one of the most reliable ways of deciding whether or not he belonged to the wealthiest stratum of Athenian society (#17). There is of course no doubt that the family of Pasion fell into this category, but an examination of their liturgical record is still important as an indication of the sorts of financial demands which were likely to be made of the wealthiest Athenians. In particular, there is a good chance that we can use the information found in Dem. 50 to calculate the cost of a trierarchy, even if it was in more than one respect a most untypical one.

Pasion is said by Apollodoros to have "made himself useful [to the city]

in many ways" (Dem. 45.85), and by his son-in-law Theomnestos to have been awarded Athenian citizenship "on account of his benefactions towards the city" (Dem. 59.2). Unfortunately we are never given a complete list of his public services, so what follows is probably only a partial record.

(i) Apollodoros says that Pasion "πέντε τριήρεις ἐθελουτῆς ἐπιδοὺς καὶ παρ' αὐτοῦ πληρώσας ἐτριηράρχησε τριηραρχίας" (Dem. 45.85).

The idea that Pasion should have contributed 5 triremes clearly so alarmed Blass that in his Teubner text he deleted the word *τριήρεις*. This seems to me almost certainly wrong, for the following reasons. First, both grammar and sense require that *ἐπιδοὺς* should have a direct object (#18). Murray (Loeb), who followed Blass' text, glossed the phrase as "voluntarily equipping the ships", but this is unjustifiable. Second, the use of *πέντε* rather than *πεντάκις* seems to require some nearer object for *ἐπιδοὺς* than *τριηραρχίας*. We must therefore accept the transmitted text and live with the consequences. But in fact there is nothing odd about an Athenian contributing the hull of a trireme - a good parallel is provided by Dem. 21.160 *ἀλλὰ νῆ Δία τριήρη ἐπέδωκεν* - whilst the state of the Athenian fleet in the early fourth century would have made such a gift particularly opportune. We do not know when these ships were donated, although it was presumably at the same time as the trierarchies were performed (see above pp.12-13).

We do not know for sure how much a new trireme cost. [Aristotle] *Ath.Pol.* 22.7 and Polyaeus 1.30.6 suggest that in the early fifth century a trireme could be built for 1 talent, although the historical reliability of these accounts is questionable. We know from passages such as IGii²1629 ll.569-577 that in the later fourth century a trierarch who was considered responsible for the loss of his ship was fined 5,000 drachmae (#19). It would be natural to assume that this figure represented the cost of building a replacement.

Recently, however, Gabrielsen (1988) has argued that, since the price of building a ship fluctuated as the necessary raw materials were in good or short supply, the 5,000 drachmae payment may have been a form of flat-rate tax. Whether or not this is true, I find it hard to believe that this figure can have differed much from the average cost of a new hull. I also think that we can reasonably assume that if Pasion donated the hull and hired the crew, he would also have equipped the ship. Possible support for this comes from a reference at IG²1609, a naval record of disputed date, to two anchors which Pasion contributed (ll.85-86) (see pp.23-27 above). We do not know the circumstances under which this equipment was given, but it is at least possible that the anchors were originally installed in one of the five ships which Pasion donated. On the likely cost of equipping a trireme and of recruiting the crew see my discussion below (pp.76-79) of Apollodoros' trierarchy of 362-60. The cost of the 5 trierarchies themselves would have depended heavily on whether Pasion ever had to find pay for his crew. The evidence for the cost of trierarchies is conveniently collected by Davies *APF* pp.xxi-xxii: the lowest known cost was 4,000 drachmae, the highest 6,000 drachmae (for a trierarchy which was contracted out). Davies rightly warns against the possibility of "forensic inflation" when dealing with the financial information provided by orators (p.xxii), but the figures for the cost of a trierarchy are broadly consistent and should be accepted. Of course a liturgist could never know in advance how much his liturgy would cost, so a degree of variety is only to be expected. Since it is highly unlikely that Pasion would have skimmed on expenditure, I would not have thought that he spent much less than 1 talent on each trierarchy. Therefore, since the ships cost at least 5,000 drachmae each, he can hardly have spent any less than 9½ talents in total. It is likely, however, that he also paid for the equipment, and that he actually spent considerably more than this.

(ii) also at Dem. 45.85 we are told that Pasion donated 1,000 shields to the city. 778 of these were still in store in the Chalkotheke in 371/0 (IGii²1424a p.800 ll.128-129, 139-140). The value of this gift is impossible to assess. For what it is worth, the price of a shield on third century Ceos was 20 drachmae (SIG³958 l.31). If Athenian prices were comparable, it would have cost 3 talents 2,000 drachmae to buy the shields, although of course the cost to Pasion of this gift was only the cost price of the shields, which again we do not know.

I turn now to consider Apollodoros' known liturgies, which are as follows (the dates are argued for in Chapter I):

- (i) Davies *APF* 11672 XII argues on the basis of Dem. 53.4 and 59.6 that Apollodoros served as trierarch before his father's death. I have already argued that neither passage supports such a conclusion (see above p.15).
- (ii) as (syn)trierarch in c.368 (Dem. 53.5).
- (iii) as syntrierarch in either 370 or 366/5 (IGii²1609 ll.83-89).
- (iv) as syntrierarch in 362-360 (Dem. 50).
- (v) paying the *proeisphora* in 362 (Dem. 50.8-10).
- (vi) as syntrierarch in 356 (IGii²1612 l.110).
- (vii) as choregos in the boys' dithyramb at the Dionysia in 352/1 (IGii²3039).

There is no way of assessing the specific costs of trierarchies (ii), (iii) or (vi), but there is rather more evidence for (v). In what follows I rely heavily on the work of Ballin (1978) pp.216-221 (= Appendix A: the cost of Apollodoros' trierarchy of 362-360). We know that Apollodoros paid for the following:

- (1) completely equipping the ship with his own equipment (Dem. 50.7). Böckh (1840) pp.199-200 estimated the cost of this at 1 talent, but Ballin (1978) p.216 follows Fränkel (1923) pp.10-11 in arguing for a figure of 5,000 drachmae.

The only indication in the text is the statement at Dem. 50.26-28 that Euctemon and Deinias offered to sell the gear to Polycles, saying that they needed the money to repay the mortgage on Apollodoros' farm. Ballin argues from this that Apollodoros was willing to sell the gear "for 30 minas or perhaps somewhat more (the language is ambiguous)" (p.217), and from this he argues for a lower value for the ship's equipment, allowing for depreciation at 25%. But in fact it is pure guesswork to suggest that the sale of the gear would generate just enough money (30 minae) to repay the mortgage and no more, and this passage provides no evidence against the traditional figure of 1 talent.

(2) ornamentation, some of it golden (Dem. 50.34). Ballin (1978) p.217 guesses 1,200 drachmae.

(3) repairs and maintenance. This was estimated at 1,200 drachmae by Böckh, but was reduced by Ballin p.217-218 to 600 drachmae.

(4) money for provisions for a few days (Dem. 50.55). Ballin p.218 calculates two obols per man per day for three days, or 1,100 drachmae in all (presumably reached on the assumption that the crew was never at full strength).

(5) large bonuses (Dem. 50.7). Ballin p.219 estimates a total of 10 drachmae per man for a residual crew of 250, making a total of 2,500 drachmae. I am inclined to think that this figure is on the low side, since there were at least two occasions on which Apollodoros made such payments. First, he gave initial gifts and advances to the crew which required him to mortgage his property and borrow an unquantified sum of money (Dem. 50.7). Second, on his return to the Piraeus he not only had to take on additional sailors, again attracting them with large gifts and advances, but he also gave money to those sailors who had remained for the support of their families (Dem. 50.12). This largesse forced him to mortgage his house to Thrasylochos and Archeneos for 30 minae, which he distributed, apparently *in toto*, among his crew (Dem. 50.13). Since this

distribution alone exceeds Ballin's estimate, I would be inclined to double that figure.

(6) pay. Ballin (1978) pp.218-219 bases his calculations on the following figures: 4 obols per man per day for pay, and 190 men as the average strength of the crew, both of which seem reasonable (#20). We are told that the generals only provided pay for 2 out of the 17 months (Dem. 50.10), from which Ballin infers that Apollodoros made up the balance for the remaining 15 months. He therefore calculates that Apollodoros spent on pay a total of $4 \times 190 \times 30$ (days) $\times 15$ (months) obols, or 57,000 drachmae. If this figure is of the right order of magnitude, we would be compelled to accept that this trierarchy proved to be vastly more costly than any other known to us. However, I am unhappy about the assumption that Apollodoros provided pay for the remaining 15 months, and think that the evidence requires reconsideration. The key passage is Dem. 50.10:

"[I shall give you a record] of the monthly pay which I gave to the petty officers (*hyperesia*) and marines, although I only received subsistence money from the generals, except for pay for just two months out of one year and five months, and of the sailors who were hired and how much money each one got." The clear implication of this passage is that it was only the marines and the petty officers (#21) who were paid regularly, and that the bulk of the crew was not paid for the full 15 months (the same inference can be drawn from §§25 and 35). And indeed Apollodoros says explicitly that his crewmen deserted because they had not been paid (Dem. 50.11-12). Although these deserters were replaced, and their successors were given advances on their pay (*ibid.*), it is clear that the problems of lack of pay and desertion were chronic (Dem. 50.14-16, 18). We simply do not know what proportion of their pay the rowers ever received from Apollodoros, but the impression which one gets from the speech is that it was

fairly small.

A more promising angle of approach might be to consider the various sums of money which Apollodoros was obliged to borrow in order to keep his ship in service. We hear of the following items of expenditure:

- (i) the initial hiring of the crew required him to mortgage his property and borrow money (Dem. 50.7).
- (ii) the expenditure occasioned by his return to the Piraeus obliged him to mortgage his house to Thrasylochos and Archeneos for 30 minae (§13).
- (iii) desertions among his crew meant that he had to borrow 15 minae from Archedemos of Anaphlystos and 800 drachmae from Nicippos the ship-owner (§17).
- (iv) he was again forced to borrow money in order to hire replacements (§23).
- (v) he borrowed money from Cleanax and Eperatos on Tenedos in order to provide the sailors with money for their maintenance (§56).

Although we are not told the amount of some of these loans, it is doubtful that any of them were of a magnitude to get us anywhere near the total reached by Ballin. For if any of these unquantified sums had been particularly large, Apollodoros would not have shrunk from advertising to the jurors the extent of his generosity. In fact, I would doubt whether he spent more than a couple of talents on pay, although this is of course only a guess.

It is all but impossible to determine the total cost of this trierarchy, although it appears from Apollodoros' own words and from the criticisms of Polycles that it was particularly expensive compared to most others. I would estimate that it cost between 3 and 4 talents, but we have no real way of telling. Of this, half should have been the responsibility of his syntrierarch. There is no indication as to whether his expenditure on the other trierarchies was equally abnormal.

It is futile to try to assess the cost of his service as *proeispheron* in

362, not least because Attic demes varied so widely in size and wealth. We do not know how many people in each deme were liable for this liturgy, nor how much money they were obliged to advance. The problem is compounded by the fact that the deme-based procedure which Apollodoros describes is otherwise unattested, and it has been suggested that his account of it is seriously misleading (#22). Moreover, we have only his word for it that he never recovered any of the money which he advanced (Dem. 50.9).

The only figure for the cost of a boys' dithyrambic chorus is that of more than 15 minae recorded at Lys. 21.4. We do not know how typical this figure was, nor whether the cost had altered by 352/1.

In addition to these liturgies, there are sweeping references in his speeches to the various services which he had performed. At Dem. 45.78 he says that he performed his civic duties with the utmost distinction, as befitted a newly-enrolled citizen. Phormion asserts that what Apollodoros had spent on liturgies on his own account did not amount even to the interest on 20 minae (Dem. 50.39), but this is evidently a grotesque distortion. Similarly, his jibe that Apollodoros claimed to have spent more on behalf of Athens than either he or anyone else had ever possessed (Dem. 36.57) must be an exaggeration, although maybe Apollodoros' did make extravagant claims about the amount which his liturgies had cost.

Notes to Chapter II

1. The best evidence of slaves owning property is provided by the so-called "freedmen bowls" of IGii²1553-1578. See also IGi³426 ll.24-39 and Neaera's savings at Dem. 59.31.
2. For the high regard in which Pasion was held see Dem. 36.43-44.
3. In the fifth century the author of the pseudo-Xenophontic *Athēnaion Politeia* complains that the Athenians allow their slaves to live luxuriously and to put on airs, and talks of rich slaves who have their own money (1.11). The only piece of fourth century evidence is the statement of Aeschines that the public slave Pittalacos was well-off (*euporon arguriou*) (1.54). Neither passage need be taken au pied de la lettre.
4. On the later value of the bank see p.60 below. Although the physical components of the bank would have been much the same in 395 and in 370, it may well have handled more money and become considerably more profitable over a quarter of a century.
5. Thus Bogaert (1968) p.40 n.35: "Isocr. 17, 43, sur l'emploi de ἀπὸ suivi du nom d'une fonction, généralement au pluriel, pour désigner un 'ex-fonctionnaire' voir N.Lewis, Two Terminological Novelties, AJPh. 81 (1960) 186-187." This seems to me to be quite perverse.
6. On the economic regeneration of Athens after the Peloponnesian war see Mossé (1973) pp.42-49.
7. On interest rates see Bogaert (1968) pp.360-361. The 36% at which Aeschines the Socratic borrowed (Athen. 13.611F) was exceptional.
8. The question of whether Athenian bankers paid interest on deposits has been hotly debated. Bogaert (1968) pp.346-348 argued that they did, but this view was rejected by Thompson (1979) pp.225-230. In a recent survey of various

important issues in the study of Greek banking Bogaert (1986) pp.19-24 has attempted, in my opinion with only partial success, to answer the objections of Thompson. In fact the distance between their views is not as great as one would imagine, since Bogaert (1986) now accepts that most deposits did not attract interest: "nous sommes d'accord avec W.E.Thompson pour dire que la grande majorité des dépôts bancaires étaient des dépôts de paiement" (p.24).

9. There is however a reference to money being lent to bankers in the scholion to Dem. 24.136. Thompson (1979) p.228 argues, rightly in my opinion, that this is exceptional.

10. Thus Hasebroek (1930) pp.171-172.

11. Thus Davies *APF* 11672 VIII (D).

12. A recent attempt to calculate the value of the shield-factory on the basis of our knowledge of the knife-manufacturing slaves owned by the elder Demosthenes was made by Erxleben (1973) pp.128-132. However, his calculations involve so many assumptions that the final figure which he produces is in my opinion worthless.

13. See Dem. 27.9 with Davies *APF* XIII and XV.

14. Estimates of the total value of Pasion's estate are listed by Bogaert (1986) p.42.

15. Jones (1957) p.135 n.1 discusses the evidence for the cost of maintenance at Athens, with reference to Lys. 32.28 and Dem. 27.36, but is unable to provide a figure for a single male child.

16. For a discussion of the wealth of the richest men in Athens see Jones (1957) p.87, who cites with approval the passage of Lysias (19.45-48) in which it is asserted that most wealthy men were found, on their deaths, to be nowhere near as rich as had been rumoured. The largest attested estate after that of Pasion belonged to Conon, who left 40 talents (Lys. 19.40).

17. For liturgical service as a guide to wealth see Davies *APF* pp.xx-xxiv.
18. The verb *epididonai* used in this sense is regularly transitive (thus LSJ). The one possible exception is Din. 1.80: “ἡνίχ’ οἱ ἄλλοι πάντες ἐκ τῶν ιδίων ἐπεδίδουσιν εἰς τὴν ὑμετέραν σωτηρίαν”, but I do not think that this is an exact parallel, since *χρημιάτα* (or the like) is easily supplied from ἐκ τῶν ιδίων.
19. IGii²1629 569-577:
 “παρὰ Ἀντισθένους Κυθηρρίου κληρονόμου Ἀντισθένους Κυθηρρίο ἀπελάβομεν τὸ ἥμισυ τῆς τριῆρους, ἥς ὠμολόγησαν καὶνὴν ἀδοδώσειν, ἣ ὄνομα Ταχεῖα, Τολμαίου ἔργον, XXII
20. Normal pay was 3 obols per day. Thus Pritchett (1971) p.17 n.52.
21. Jordan (1969) convinced himself that the word *hyperesia* meant a body of public slaves used to row in a trireme. For a decisive rebuttal of this bizarre suggestion see Garlan (1974) section (B).
22. See Davies (1981) pp.133-150 (Appendix I: the *diadikasia*-documents) and especially pp.149-150 for the tempting suggestion that Apollodoros did not contribute the money as a (voluntary) liturgy, as he would have the jury believe, but rather that Aristophon had secured the passing of a measure to compel the prominent land-holders in each deme to pay the *proeisphora* on behalf of their deme, irrespective of whether they were performing any other liturgies. This suggestion is accepted by Whitehead (1986a) p.133.

Chapter III The speeches of Apollodoros (1): Authorship

The authorship of the speeches delivered by Apollodoros is a topic which has attracted considerable scholarly interest. In the last century a number of monographs were written on the Apollodoran speeches, all of which addressed themselves to the question of the identity of their author(s): Hornbostel (1851), Lortzing (1863), and Sigg (1873). To these should be added the punctiliously detailed investigation into the authenticity of Oration 45 of Hüttner (1895). Moreover, Uhle (1883), in a study of the spurious speeches in the Demosthenic corpus, devotes considerable space to the Apollodoran speeches. In addition to these more specialised studies, both Schäfer *Beiläge* and Blass (1893) provide important discussions of the speeches. Finally, mention must be made of the study of Benseler (1841), who used the incidence of hiatus in the speeches of the Attic orators as a means of determining their authorship, and who reached important conclusions about the Apollodoran speeches. In this century little advance has been made: Gernet (1954-60) has valuable things to say about each of the speeches, whilst McCabe (1981) has now superseded Benseler (1841) on prose rhythm and hiatus.

The absence of any attempt to build on the work of these nineteenth century scholars is in part a tribute to the thoroughness with which they examined the speeches. It also reflects a scholarly consensus that the last word has been said on the subject. Yet for a number of reasons the question can profitably now be re-opened. First, it is now possible to use computers to analyse various linguistic and stylistic features of the speeches with a previously unattainable speed and accuracy. Second, greater statistical sophistication enables us to draw more accurate conclusions from the data which has been collected: we can now quantify the features which earlier scholars -

perform unsystematically - detected in the Apollodoran speeches. Third, the question of the authorship of 45 is still unanswered and merits discussion. Many previous treatments of the speech were vitiated by unjustified assumptions about Demosthenes' character and motivation, and there remains ample scope for a re-examination of it.

I propose first to give a brief doxography of modern views on the authorship of the speeches. Benseler (1841) pp.131 and 147-150 argued from the incidence of hiatus in the speeches that 45 was the only one of the Apollodoran speeches to have been written by Demosthenes. He also believed that neither 47 nor 51 was the work of Demosthenes, the latter because it had an abnormally low amount of hiatus. Schäfer *Beilage* pp.184-193, 199 believed that all of the speeches were written by the same man, who was probably Apollodoros himself. He also believed on stylistic grounds that 47 had the same author, even though there is nothing in the sources or in the content of the speech to associate it with the other Apollodoros-speeches. His views were accepted by Lortzing (1863) pp.73, 93 who, although he had doubts as to whether 45 could have been written by the same man as the other speeches, refused to believe that it had been written by Demosthenes. He therefore concluded that "*Mea quidem sententia difficultas ita solvenda est, ut statuamus Apollodorum has orationes composuisse, sed priorem certe magis quam ceteras perpolivisse*" (p.93). Sigg (1873) p.432 concluded that 46, 47, 49, 50, 52, 53 and 59 were all written by the same man, probably Apollodoros, whilst 45 was the work of an unknown speech-writer. Uhle (1883) argued that 46, 47, 49, 50, 52, 53 and 59 are similar in style. Blass (1893) pp.470-473 thought that Demosthenes wrote 45, and that the other Apollodoran speeches were the product of an unknown logographer (p.589). Hüttner (1895) argued strongly for the Demosthenic authorship of 45. Gernet (1954-60) believed that Demosthenes wrote 45 and that

Apollodoros himself wrote 46, 49, 50, 52, 53 and 59. Floros (1960) argued eccentrically that Demosthenes wrote 49.

It seems to me that the authorship of any speech has to be determined in terms of the following four criteria: chronology, ancient testimony, content and style. These are therefore the criteria which I shall use when examining the authorship of the Apollodoran speeches. It is important to be clear about the limits of inference from each of them. Chronology can serve only as a negative control: if a speech can be dated, we can say on chronological grounds that a particular man either could or could not have composed it; we can never say positively that he *did* write it. Under the second heading I include manuscript (and papyrus) attribution, as well as the statements of ancient writers and critics. It is impossible to generalise about the value of any of these: each citation must be judged on its merits. As regards content, it may well be significant that two speeches reveal different (indeed incompatible) attitudes, but we must always bear in mind the possibility that such differences simply reflect different intentions or a change of mind on the part of a common author, rather than different authors. As regards style, much that has been written in the past has been unsystematic and subjective. This does not of course mean that the judgements of men such as Blass and Gernet should be discarded; rather I would hope to supplement and (perhaps) reinforce their observations by means of objective and quantifiable stylistic tests.

Chronology

Since Demosthenes was born in 384, he clearly could not have been old enough to have written either 52 or 53, which were delivered in the early 360s (#1). As regards 49, it might be thought unlikely that Demosthenes wrote it at a time

when he was still embroiled in litigation with his guardians (#2). Nevertheless such a possibility cannot be excluded. There is no reason to deny Demosthenic authorship of any of the other speeches on grounds of chronology, nor indeed any such reason for ruling out Apollodoros as the author of any of them.

Ancient testimony

I propose to start by considering the reference to these speeches in the ancient sources, starting with the one piece of contemporary evidence. In 343 Aeschines accused Demosthenes of the following piece of misconduct:

“ἀρά γε οὐχ ὥς σὺ τοῖς ἐντυγχάνουσιν καὶ πιστεύσασιν κέχρησαι, λόγους εἰς δικαστήρια γράφοντα μισθοῦ, τούτους ἐκφέρειν τοῖς ἀντιδίκους; ἔγραψας λόγον Φορμίῳ τῷ τραπεζίτῃ χρήματα λαβών. τοῦτον ἐξήνεγκας Ἀπολλοδώρῳ τῷ περὶ τοῦ σώματος κρίνουντι Φορμίῳνα” (2.165).

Aeschines made a similar allegation in 330, although again he does not name names: referring to Demosthenes' career as *logographos*, he says of him that he “ἀπιστος δὲ καὶ περὶ ταῦτα δόξας εἶναι καὶ τοὺς λόγους ἐκφέρειν τοῖς ἀντιδίκους” (3.173).

It is important to note the comment of the scholiast *ad* 2.165, who drew the following conclusion from the passage:

“ἐκ τούτου δῆλον ὅτι καὶ οἱ περὶ τὴν οἰκίαν [οἰσίαν] Ἀπολλοδώρου λόγοι οὐκ Ἀπολλοδώρου, ἀλλὰ Δημοσθένους” (#3).

I do not think that there can be any doubt that the speech to which Aeschines refers at 2.165 is Dem. 36. However, this raises the problem of what he means when he talks of Apollodoros prosecuting Phormion on a capital charge. Since the speech which Demosthenes wrote for Phormion could only have been secret until it was delivered in court, Aeschines ought to be referring to Apollodoros' original prosecution of Phormion under a *dike aphormes* (according to the

Hypothesis to Dem. 36 §2), which was certainly not a capital charge. The only possible explanation is that Aeschines was making the exaggerated point that, if Phormion had lost the case, he would have been ruined, socially as well as financially (#4). We must next ask on what basis Aeschines was able to make such an accusation, assuming for the moment that it is not pure invention. One possibility springs immediately to mind: Demosthenes may have been instructed to show the speech to Apollodoros in order to demonstrate to him the strength of Phormion's case, and thus to deter him from persisting in the prosecution. It is easy to see how this could have been misrepresented by an opponent as a piece of treachery (#5).

It is just possible, however, that Aeschines is referring to Apollodoros' prosecution of Stephanos (Dem. 45 and 46). Since 45 contains a savage personal attack on Phormion, it is conceivable that an Athenian orator could describe it hyperbolically as a prosecution of him, and as an attempt to ruin him. On this hypothesis, Demosthenes could hardly have been accused of having shown Dem. 36 to Apollodoros, since it would already have been delivered and its contents made public knowledge by the time that the latter came to prosecute Stephanos. He could, however, have been accused of handing over confidential information, which had been given to him when he was collaborating with Phormion over his *paragraphe*, to Apollodoros for use in his prosecution of Stephanos. This certainly seems to be the way in which the scholiast takes the passage: the *logoi* to which he refers are surely Dem. 45 and 46.

What can legitimately be deduced from these passages? It must be emphasised that Aeschines merely accuses Demosthenes of having revealed to Apollodoros the speech which he had written for Phormion; he does *not* accuse him of having written a speech for Apollodoros. Indeed, reading between the lines, the testimony of Aeschines suggests precisely the opposite. For if

Demosthenes had written a speech for Apollodoros, or was even remotely suspected at the time of having done so, we cannot doubt that Aeschines would have lost any time in publicising this example of his opponent's lack of principle (#6). And this is true even if Aeschines is referring only to Apollodoros' prosecution of Phormion: although the passage could not then have any logical bearing on the question of the authorship of 45, it would have required exceptional self-restraint on Aeschines' part for him to have refrained from mentioning the fact that Demosthenes later composed a speech for Apollodoros, in which his erstwhile client Phormion was thoroughly vilified.

In either case it must be stressed that the inference of the scholiast, that 45 was written by Demosthenes, is wholly invalid. In fact the passage suggests that Aeschines did not believe that Demosthenes wrote a speech for Apollodoros. Of course, this does not prove that Demosthenes did not write 45: it may well have been that he did write it, but that Aeschines did not know this. This raises the (unanswerable) question of how much secrecy was possible in such circumstances. Although it is hard to see how such a collaboration could have been kept secret in the face of their opponents' investigations, it is clear that neither Apollodoros nor Demosthenes would have had any motive in broadcasting it. As Gernet (1957) puts it, "On comprend que, sur le moment, la collusion ait pu rester plus ou moins secrète: que Démosthène écrivît le plaidoyer d'Apollodore, Démosthène, pas plus qu'Apollodore, n' avait besoin de le dire" (p.154).

Precisely the allegation which Aeschines did not make, that Demosthenes wrote speeches for both Phormion and Apollodoros, was in fact made by Plutarch: "[Demosthenes was said to have written for Apollodoros]
"καὶ τοὺς πρὸς Φορμίωνα καὶ Στέφανον, ἐφ' οἷς εἰκότως ἠδόξησε. καὶ γὰρ ὁ Φορμίων ἠγωνίζετο λόγῳ Δημοσθένους πρὸς τὸν Ἀπολλόδωρον, ἀτεχνῶς καθάπερ ἐξ ἐνὸς

μηχανοπωλίου τὰ κατ' ἀλλήλων ἐγχειρίδια πωλοῦντος αὐτοῦ τοῖς ἀντιδίκοις "

(*Demosthenes* 15). He repeats this accusation in his *Comparison of Demosthenes and Cicero* (3.5), adding nothing to the above text. It also appears in the late biographies of Demosthenes written by Zosimus (p.300 Westermann) and by an anonymous writer (p.304 Westermann), which appear to derive from Plutarch's account (#7). The crucial question is whether Plutarch had any independent authority for his version of events, or whether he based it solely on the passage of Aeschines quoted above. I can see no reason to believe that he did have an additional source. It is much more likely that Plutarch had an edition of Demosthenes which contained both 36 and 45, that he had no doubts as to the Demosthenic authorship of either of them, and that he therefore misunderstood Aeschines' accusation as meaning that Demosthenes had written 45 for Apollodoros. It would of course be very useful to know who created the conceit that Demosthenes was behaving like a sword seller selling each side a weapon to fight the other - a conceit manifestly derived from the fact that his father owned a knife factory. If it dates to the fourth century, it would provide valuable contemporary evidence as to the authorship of 45, but there is nothing to make us believe that Plutarch did not think of it himself. I would therefore not be prepared to give this passage - explicit though it is - the same weight as the contemporary evidence of Aeschines. In doing so I disagree with Jaeger (1938) who wrote that "Aeschines (II 165) reveals an acquaintance with the facts of the case which is quite inexact, to say the least..... Plutarch, on the contrary.... knew well enough the facts of the case....." (p.216 n.34). Jaeger assumes the Demosthenic authorship of 36 and 45, but even so I do not understand the basis for his confident assertion.

Our other ancient evidence is considerably more patchy, consisting almost entirely of statements casting doubt on the authenticity of individual speeches. It is important to emphasise the limits of inference from these statements. First, casual citations of any of the Apollodoran speeches under the name of Demosthenes need not indicate that the writer had weighed the matter up and decided that the work was written by Demosthenes; he may simply have taken no interest in the authorship of the speech, and cited it under the name of the author to whom it was commonly attributed. Second, most of the doubts cast on the authenticity of particular speeches arise from the citation by grammarians and lexicographers of interesting words from those speeches. It is therefore more or less a matter of chance whether the doubts of ancient scholars ever surface. In other words, it may be purely adventitious that some of the Apollodoran speeches never have their authenticity questioned.

I now consider the ancient evidence for each of the individual speeches:

Oration 45. The evidence of Aeschines and Plutarch on 45 has already been discussed above (pp.87-90). We can, however, profitably return to the comment of the scholiast on Aesch. 2.165. His statement that the speeches on the property of Apollodoros were not written by Apollodoros, but by Demosthenes, suggests that he knew of a tradition whereby Apollodoros was the author of 45 and 46. I would therefore agree with Schäfer (*Beilage* p.185) that "Übrigens geht aus dieser Bemerkung hervor, dass ältere Rhetoren Apollodor als Verfasser der Reden bezeichnet hatten". Support for this conclusion may be provided by a passage of Tiberius (*On Figures* 14 = Spengel III p.66):

"καὶ πάλιν Ἀπολλόδωρος 'ἐγὼ γὰρ..... ὁμοπάτριον δὲ οὐκ οἶδα'" = Dem. 45.84).

This may suggest that the speech was known to Tiberius under Apollodoros' name, but it is equally possible that Tiberius refers to Apollodoros as speaker rather

than as author. There is no indication in the sources that Apollodoros wrote any of the other speeches. I find it surprising that the only speech which was ascribed in antiquity to Apollodoros is the one which is most Demosthenic in style, and which it is least likely that Apollodoros wrote himself, and can offer no explanation for this.

Oration 46. This speech is not explicitly mentioned in the ancient sources, but appears to be referred to, in conjunction with 45, by the scholiast on Aesch. 2.165 quoted above.

Oration 49. This speech is mentioned by Plutarch, who reports that Demosthenes was said to have written it, and that Apollodoros won his case:

“λέγεται δὲ καὶ τὸν κατὰ Τιμοθέου τοῦ στρατηγοῦ λόγον, ὃ χρησάμενος Ἀπολλόδωρος εἶλε τὸν ἄνδρα τοῦ ὀφλήματος, Δημοσθένης γράψαι τῷ Ἀπολλοδώρῳ.

His tentative phrasing suggests that there were doubts at the time when Plutarch was writing as to whether the speech was written by Demosthenes. It is also referred to by Athenaeus (11.486c), who does not comment on its authenticity. Harpocration (s.v. *κακωτεχνιῶν*) doubted that Demosthenes wrote it.

Oration 50. This speech is not mentioned in the ancient sources.

Oration 51. There is no reference in the ancient sources to the authorship of this speech, but Libanius, in his *Hypothesis*, states without any reservation that Apollodoros delivered it. I discuss this claim further below (pp.101-102).

Oration 52. This speech is not mentioned in the ancient sources.

Oration 53. This speech is mentioned by Plutarch (*Moralia* 351B) as Demosthenic. However Harpocration (s.v. ἀπογραφή) doubted its authenticity.

Oration 59. This speech is casually described as Demosthenic by Athenaeus (13.594a) and by [Plutarch] (*Moralia* 836B), but once again in contexts where the writer is not concerned with the work's authorship. Against these notices must be set numerous passages which cast doubt on its Demosthenic authorship. Dionysius of Halicarnassus explicitly says that it is spurious (*Demosthenes* 57). Similarly Libanius writes in his hypothesis that:

“καὶ τοῦτον τὸν λόγον οὐκ οἴονται Δημοσθένους εἶναι, ὕπτιον ὄντα καὶ πολλαχῇ τῆς τοῦ ρήτορος δυνάμει ἐνδεέστερον.”

The fact that he speaks in general terms, rather than specifying individual critics, suggests that by the time he was writing a critical orthodoxy had developed. Phrynichos (225 Lobeck s.v. βασιλίσσα) says that this speech: “διὰ τε τὰ ἄλλα ὑπωπτεύθη μὴ εἶναι Δημοσθένους καὶ διὰ τὰ τοιαῦτα τῶν ἀδοκίμων ὀνομάτων.”

Harpocration repeatedly doubts its authenticity (s.v. γέρρα, δημοποίητος, διηγγύησι, ἵππαρχος, Κωλίας).

So much for the evidence of ancient writers and critics. It remains now to consider what the manuscripts and papyri can tell us (#8). There are only two papyrus fragments of the speeches, neither of which throws any light on the question of their authorship (#9). As regards the manuscript transmission, there is one curious piece of information which should be included for the sake of completeness. This is a passage of Hermogenes, which seems to imply that the text of Dem. 59 as we have it has been bowdlerised:

τοιοῦτόν ἐστι καὶ τὸ ἐν τῷ κατὰ Νεαίρας ὠβελισμένον ὑπὸ τινων, τὸ ἀπὸ τριῶν
τριπημιάτων τὴν ἐργασίαν πεποιῆσθαι λέγειν· λίαν γὰρ εὐτελές ἔστι, καὶ εἰ σφοδρὸν
εἶναι δοκεῖ. (*On Types* B p.353 Spengel).

Clearly it is the obelized version which we now have. Blass (1893) p.541 n.2 reckoned that "Die Stelle dafür wird in §108 nach ὑπὸ πάντων gewesen sein", but it is impossible to be sure. It is more likely that the obelized words form part of the original speech, rather than being a later interpolation (#10). Whether any other passages have been excised is impossible to judge.

I turn now to consider whether the manuscripts, and in particular the ordering of the speeches within them, provide any clues as to the speeches' authenticity. The fundamental account of the manuscripts of Demosthenes is that of Drerup (1899), who conducted a detailed examination of the most important of them (see too the other works cited in n.8). There are four main families of manuscripts, those headed by S (Paris. 2934), F (Marc. 416), A (Monac. 485), and Y (Paris. 2935). These all derive from a common archetype, but differ somewhat as to the order in which the speeches are arranged in them. Drerup (1899) p.534 demonstrated that the speeches are regularly organised by theme into a number of groups (each group being an individual volume), and rightly concluded that, although the volumes might not always be arranged in the same sequence, the manuscripts generally agree as to the contents of each volume: "diese Gruppen erscheinen in den Handschriften in so schlagender Uebereinstimmung daß Differenzen im einzelnen dagegen nicht in Betracht kommen". The order of the speeches in modern editions is that of F.

The regular collocation of speeches 49-53 (undisturbed in S and F, somewhat disturbed in A) clearly represents no more than the grouping together of speeches which were delivered by the same person. But in this case we must ask why 51 is included in a sequence to which it apparently does not belong.

It is possible that Callimachos (or whoever first arranged the speeches) had it on reliable authority that the speech was delivered by Apollodoros, but I incline to believe that he placed it there because it seemed, at a first glance, to belong with 50. It is hardly likely that *purely* thematic considerations (trierarchic service) would have led to it being introduced into the Apollodoran group: it must have been placed there because it was thought to have been delivered by Apollodoros. This of course brings us to Libanius' statement (in his *Hypothesis* to the speech) that Apollodoros did indeed deliver it. Here we would like to know whether Libanius had his own information, or whether he was merely making an assumption on the basis of the position of the speech within the manuscript which he was using. There is nothing in the speech to tie it to Apollodoros, but it is not impossible that Libanius is right (#11). Nevertheless it seems to me to be far more likely that its superficial similarities with 50 led an early editor to juxtapose the two speeches, and that Libanius was simply guessing.

The position of 45 and 46 is somewhat more problematic. In F they are separated from the bulk of the Apollodoran speeches by 47 and 48, whilst in A they are missing altogether (as are a number of other speeches including 52 and 59). In S the following sequence follows the public cases: 59 - 36 - 45 - 46 - *paragraphikoi logoi*. Drerup (1899) p.534, having argued that "Die ursprüngliche Ordnung ist in S am reinsten bewahrt", reckoned that 45-46 and 49-53 all formed a single group. If this were the case, it is clear that in S the original order has been disturbed. Drerup went on to argue that 45 and 46 were attached to 36 because they relate to the same case, and that 36 is the first speech in the volume of *paragraphikoi logoi*. However, an alternative explanation is available, namely that whoever was responsible for this arrangement failed to distinguish between the two men called Stephanos with whom Apollodoros was involved in

litigation, and believed that 36, 45 and 46 formed a group with 59. In fact 45 and 46 are directed against Stephanos son of Menecles of Acharnae, who served as a witness for Phormion in 36, whilst 59 involves Stephanos of Eroadae (59.40) (#12). But this still does not explain their separation in F from the other Apollodoran speeches (by 47 and 48), on which at present I can shed no light.

I turn now to consider the location of 59 within the corpus. This speech is regularly separated from the bulk of the Apollodoran speeches: in S, as we have just seen, it occupies a position immediately after the political speeches, whilst in F it appears at the end of the corpus (it is lost from A). The most obvious explanation for it being placed at the end of the corpus, before the epideictic oratory, is that from an early date its authenticity was in grave doubt (thus Drerup (1899) p.534). Support for this hypothesis comes from the fact that the preceding speech (58) is clearly also spurious, since in it the speaker refers to Demosthenes with bitterness and contempt (#13). However, Gernet (1954) p.8 suggested that the quasi-public speeches were placed in a separate group at the end of the corpus, producing a sequence 57 (*epheisis*) - 58 (*endeixis*) - 59 (*graphe xenias*): "Ce sont là, dans la terminologie ancienne, des 'plaidoyers politiques' (*δημόσιοι λόγοι*), manifestement égarés dans une autre série". And indeed Drerup (1899) p.534, referring to S, wrote that "hier nur die zu den *λόγοι δικανικοὶ δημόσιοι* gehörige Rede gegen Neaira (59) ans Ende dieser Klasse gerückt ist". Support for this theory can also be found in the fact that Y (Parisinus 2935) contains the following collection of speeches: 1-26, 59-61 and the proems. If 59 was thought to be of particularly doubtful authenticity, it is surprising that it should have featured in this collection, whilst its appearance is quite comprehensible if it was seen as a public speech. However, it is impossible to reach a final decision on this question.

Content

There is nothing in the content of 49, 50, 51, 52, 53 or 59 which has any bearing on the question of whether Demosthenes, Apollodoros, or some other logographer wrote them. On the other hand, the content of 45 (and 46) is a crucial factor in determining their authorship. The essential problem is as follows.

In 350/49 (probably) Apollodoros prosecuted Phormion for the recovery of monies from his father's bank. The latter responded by bringing a *paragraphe* against Apollodoros, and Demosthenes wrote a speech (Dem. 36) for a friend of Phormion to deliver in support of that plea. This speech combines extravagant praise of Phormion with a savage attack on Apollodoros' character and lifestyle. The authenticity of this speech is not in doubt (it is proved by Din. 1.111), and the plea was successful (Dem. 45.6). Apollodoros responded by initiating proceedings against one Stephanos, who had appeared as a witness for Phormion in support of his *paragraphe*, on a charge of having given false evidence during that trial. In the first of the pair of speeches which he delivered against Stephanos (45), his attack is directed as much against Phormion as against the defendant: in it he vents his spleen on Phormion with a freedom scarcely matched in Attic oratory. If this speech was also the work of Demosthenes, then the orator, within the space of a year at the outside, wrote two speeches which expressed diametrically opposite sentiments. The question we have therefore to ask ourselves is whether it is conceivable, in terms of Greek social and political beliefs, that Demosthenes could have acted in this way.

This question forces us in the first instance to consider the nature of speech-writing in fourth century Athens. Specifically, we must ask whether Demosthenes as *logographos* owed any lasting loyalty to his client Phormion. Certainly such a "betrayal" in the case of a friend or relation would have been

dishonourable in the highest degree. But there is no reason to think that Demosthenes and Phormion were friends (#14), and it would certainly be wrong to assume that the same standards applied in the relationship between a speech-writer and his client. We must therefore ask whether speech-writers were wholly mercenary, or whether there were thought to exist ties of obligation between them and their clients. Unfortunately Lavency (1964) does not properly address this question in his study of logography. Nor do the sources furnish any similar case with which to make a comparison. In general, the evidence seems to suggest that the motives of a *logographos* were indeed conceived of as being fairly mercenary (Lyc. *Leocrates* 138). However, it must be made clear that such testimony is desperately hard to assess, not least because the Athenians showed markedly double standards in their attitudes towards professional speech-writing: logographers were frowned upon, but their services were eagerly sought (#15). Nor is it clear that we can discuss *logographoi* as a class, as though they all shared the same outlook and attitudes.

A further problem is the tendency, which was all too common in the last century, to view Demosthenes through rose-tinted glasses: it was inconceivable that the great orator and patriot could have acted in an "ungentlemanly" manner; a distinction could be drawn between the behaviour of the unprincipled *agoraioi* and that of men such as Demosthenes. A typical expression of this attitude is given by Pickard-Cambridge (1914) - in what is generally a very judicious discussion of the whole problem - when he refers to the "utter heartlessness and want of good feeling shown by an attack on Phormio's character as scurrilous as his previous eulogy had been noble. The eulogy, no less than the attack, viewed in this light, would be no more than a piece of cold-blooded trickery" (p.225). The holders of such views seem also to have been swayed by the literary and oratorical skill of Demosthenes in 36 into thinking that the

speech must be in some sense sincere; that Demosthenes must have shared the sentiments which he puts into his client's mouth.

To make any progress we must put aside such prejudices, particularly when there is ancient evidence which tends to point in another direction (#16). In particular, we should bear in mind that Demosthenes, whilst he may have been a great patriot, was also notoriously venal. The evidence for the extent of his income from bribes and gifts is collected by Davies (*APF* 3597 XXI). Even if some of this should be dismissed as malicious invention, there would still appear to be some basis to the accusations. This being so, it is surely possible that Demosthenes was only too willing to write a speech for Apollodoros, or alternatively that the latter offered him enough money to outweigh any scruples that he may have had. As to why Apollodoros might wish to avail himself of Demosthenes' services, we might speculate that he was so impressed by the speech which Demosthenes had written for Phormion that he wanted the same man to write a speech for him too (and cf. 45.7). On the assumption that Apollodoros usually wrote his own speeches - to anticipate the conclusion which I reach below - this would provide an explanation as to why on this occasion alone (as far as we know) he decided to employ a *logographos*. As Jaeger (1938) p.40 suggested: "Surely it often happens that when a man has lost a suit at law, he thinks that the attorney on the other side is cleverer than his own, and turns to him at the next opportunity." Jaeger also believed that Demosthenes took no personal interest in the parties to the case, maintaining instead an amused detachment, but this perhaps goes too far (p.39). Finally, Veneroni (1966) p.645 n.5 held that "Démosthène faisait son métier de logographe en ne distinguant pas entre client et client". Unfortunately he does not state his reasons for believing this, but I am nevertheless inclined to believe that this view is broadly correct.

However, there are two other possibilities. The first is that speech-writers were not disinterested parties, but owed a degree of loyalty to their clients. The second is that Demosthenes was indeed a friend of Phormion. Support for this latter possibility might be discerned in the fact that Demosthenes' father had had money deposited at Pasion's bank (Dem. 27.11), and would therefore have known Phormion (#17). If either of these was the case, it follows that Demosthenes, if he wrote 45, must have changed his attitude towards either Phormion or Apollodoros. As regards his relations with Phormion, I am unconvinced by the whimsical suggestion of Jaeger (1938) p.41 that "one might find in the picture of the rich skinflint Phormion..... a trace of resentment at having received too small a fee for the big lawsuit he had won for him". A more fruitful line of approach looks to be provided by the political connection between Apollodoros and Demosthenes. We know that in spring 348 Apollodoros moved a *probouleuma* which sought to advance Demosthenes' policy on the Theoric fund, at considerable personal risk (Dem. 59.3-6). The suggestion has therefore been made that Demosthenes wrote the speech for Apollodoros in return for his political support, or more generally because they were now political associates (#18). Jaeger (1938) p.244 n.38 wrote that "It is fairly clear that when Demosthenes wrote the speech for Apollodorus to use in his suit against Stephanus, as has been surmised, he did so because of their political connections" (but on p.40 he is much less certain!). Unfortunately we do not know when this association was formed, and so it is at least possible that Demosthenes wrote the speech before he and Apollodoros joined forces. But it is equally possible that they became political allies at some time before Apollodoros proposed the controversial *probouleuma*. In short, there are simply too many imponderables to enable us to reach any firm conclusion. On the other hand, I see no support for the dogmatic assertion of Pickard-Cambridge (1914)

p.225 that "it is very doubtful whether such considerations could really have weighed with Demosthenes....."

I have provided two alternative explanations for why Demosthenes wrote a speech for Apollodoros - that he felt no compunction in doing so or that he had political reasons for it. They are not of course mutually exclusive (#19). I can therefore see no reason to doubt the Demosthenic authorship of 45 on the basis of its content.

The other speeches the contents of which require consideration are 47 and 51. 47 was written for the prosecution of Euergos and Mnesiboulos on a charge of having given false evidence on behalf of Theophemos and against the speaker. As we have seen (p.85 above), Schaefer believed that this speech was written by the author of the other Apollodoros-speeches. Against this, there is nothing in the speech to connect it with Apollodoros, whilst the fact that the speaker had a son (§61) implies that he could not have delivered it. Of course, this does not preclude the possibility that it was written by him for someone else. As regards its date, it must have been delivered after 356 (§44). 51 was written for delivery before the Council by a trierarch who believed that the crown, which was awarded as a prize for the first trierarch to get his ship equipped, should have been awarded to him. Libanius states in his *Hypothesis* to the speech that it was delivered by Apollodoros, but there is no internal evidence to support this, or indeed to give any indication as to who delivered it. At any rate it is clear that the speech does not relate to the trierarchy which is the subject of 50 (#20). Nor can it plausibly be linked to any of the known trierarchies of Apollodoros (#21).

Style

I propose finally to consider whether we can determine the authorship of the

speeches on the basis of their style. This is by no means a novel undertaking; indeed all scholars who have written on the Apollodoran speeches have attempted to isolate those elements of syntax or diction which render their style individual, or at any rate un-Demosthenic (#22). Yet such attempts, valuable as they are, are necessarily subjective unless they can also tell us *how* different the Apollodoran speeches are from those of Demosthenes; unless, in other words, some attempt is made to quantify their stylistic characteristics, and these figures are then compared with those for the (authentic) speeches of Demosthenes. Most useful for my purpose are the statistical tables compiled by Benseler (1841), Sigg (1873), and McCabe (1981), which I have used where they seem to be appropriate. I have supplemented these with a number of statistical tests of my own. In deciding which tests to use, I have found much of value in Dover (1968) and Kenny (1978). In addition, Kenny (1982) provides a very useful introduction to the various statistical techniques which can be applied. Unfortunately, not all of the tests employed by Kenny proved to be of use in studying the speeches of Apollodoros: the much greater length of the different Aristotelian *Ethica* means that a comparably greater range of phenomena can be analysed with results that are statistically significant. Much the most thorough statistical analysis of the speeches of any Attic orator is that of the *Corpus Lysiacum* by Usher and Najock (1982). However, the degree of computing and programming expertise required to reproduce their tests is beyond the scope of this work (their study is a collaboration between a classicist and a mathematician). The tests which I have used are necessarily rudimentary and provisional, and I do not claim that they provide any sort of rigorous proof.

I have selected as a control sample the following genuinely (or arguably) Demosthenic speeches: 27, 36, 37, 39, 41, 57. I have chosen private speeches, even if some of them are less certainly authentic than the political speeches,

in the belief that works of the same genre will provide better comparative material.

The main features which I examine are, first, mean sentence length, and second, the incidence of common words such as particles, pronouns, prepositions and connectives. Dover (1968) refused to use mean sentence length as a criterion for assessing the authorship of the speeches of the Lysianic corpus on the ground that the punctuation of classical texts by editors is often arbitrary and inconsistent, and that it is not always clear what principles underlie their punctuation, let alone whether those principles are correct (pp.107-110). This is a valid criticism, but need not be decisive. In order to mitigate its force, I treat as a sentence any piece of text ending with a full stop, colon, or question mark; the problem of whether a colon or full stop is more appropriate is thereby sidestepped. This is admittedly an arbitrary decision, but Kenny (1982) p.16 rightly points out that in performing such tests "what matters is not which decision is taken, but that an arbitrary decision, once taken, should be consistently adhered to." I have excluded inserted documents such as testimonies and laws, on the ground that these are not the work of the speech's author, but I include directions to court officials.

The reason why common words should be examined (rather than rare words) is well expressed by Kenny (1978) pp.70-71 [talking about particles and connectives]: "The frequency of such particles is not affected by variations in subject matter as the frequency of most nouns, verbs, and adjectives is; moreover they occur with sufficient frequency and regularity to enable standard statistical techniques to be used to describe and draw inferences from their distribution". This should also hold true for other common words such as pronouns.

There are of course problems in applying this approach to the speeches of

the Demosthenic corpus. First, the individual samples are often too short to produce statistically significant results. Second, Athenian forensic oratory is in many respects a very standardised genre, with very similar (if not identical) arguments and formulations being found in the works of different authors. Third, there is no reason to expect an author's practice to be consistent from one speech to the next; to do so is to beg the question of whether we can usefully speak of a Demosthenic or Apollodoran style as such. These are not reasons to abandon the attempt at stylistic analysis, but they should warn us not to expect too much from our examination.

The figures which I cite were derived using the Ibycus program installed in the Bodleian Library. Use of this programme to count the incidence of common words is a laborious process requiring some care, since all possible lemmata for each word have to be searched for individually.

The first criterion which I examine is that of mean sentence length. In setting out the results of this test I use the following mathematical symbols:

x = total number of words in speech; n = number of sentences in speech; $\bar{x}$ = mean length of sentence; sn = standard deviation.

	x	n	$\bar{x}$	sn		x	n	$\bar{x}$	sn
27	4566	207	22.058	15.365	49	4316	152	28.395	23.235
36	3939	200	19.695	14.517	50	4604	169	27.243	22.102
37	3646	223	16.350	12.898	51	1344	69	19.478	11.237
39	2735	161	16.988	12.051	52	2115	82	25.793	21.596
41	1957	98	19.969	13.013	53	2007	74	27.122	15.813
45	5327	289	18.433	12.897	54	3178	144	22.069	19.631
46	1557	72	21.625	12.518	57	4605	258	17.849	11.97
47	5367	205	26.180	21.001	59	8195	273	30.026	23.235

In ascending order of mean sentence length, the speeches arrange themselves as follows:

37 (16.350)	27 (22.058)
39 (16.988)	54 (22.069)
57 (17.849)	52 (25.793)
45 (18.433)	47 (26.180)
51 (19.478)	53 (27.122)
36 (19.695)	50 (27.243)
41 (19.969)	49 (28.395)
46 (21.625)	59 (30.026)

These results are extremely interesting for a number of reasons. First, the sentences in the speeches delivered by Apollodoros, with the exception of 46, are noticeably longer than those in the genuine speeches of Demosthenes. Second, there is a quite distinct break in mean sentence length between 54 and 52 in the above list. This would tend to suggest that we are dealing with two distinct groups. Finally, it should be noted that 47 seems to belong with the Apollodoran speeches rather than with the control sample, whilst the opposite holds for 45 and 51.

The second area which I shall examine is the frequency of the pronouns *houtos* and *autos*. The results which I have obtained are as follows (arranged in descending order):

houtos

	Incidence	Words in speech	Incidence/100 words.
36	191	3939	4.85
37	173	3646	4.74
45	238	5327	4.47
41	87	1957	4.45
27	191	4566	4.18
54	127	3178	4.00
39	109	2735	3.99
51	50	1344	3.72
49	137	4316	3.17
46	49	1557	3.15
52	66	2115	3.12
57	135	4605	2.93
53	58	2007	2.89
59	216	8195	2.64
47	105	5367	1.96
50	77	4604	1.67

The results of this test are broadly consistent with those of the mean sentence length test, with the control sample and the Apollodoran speeches tending to form separate groups. Once again 47 seems to belong with Apollodoran speeches, whilst the opposite is true of 45. 51 occupies an intermediate position, from which no conclusion can justifiably be drawn. The one exception is 57, which displays a comparatively low incidence of the word.

autos

	Incidence	Words in speech	Incidence/100 words
59	266	8195	3.25
53	63	2007	3.14
52	57	2115	2.7
27	112	4566	2.45
47	123	5367	2.29
50	101	4604	2.19
46	34	1557	2.18
49	82	4316	1.9
51	25	1344	1.86
45	84	5327	1.58
41	30	1957	1.53
37	53	3646	1.45
57	60	4605	1.3
36	49	3939	1.24
54	39	3178	1.23
39	31	2735	1.13

Once again the Apollodoran speeches and the control sample seem to tend to opposite ends of the spectrum (we cannot talk of two discrete groups), except that 27 shows an unexpectedly high incidence of the word. As before, 47 seems to belong with the Apollodoran speeches rather than with the control sample. 45 and 51 display intermediate values and could reasonably be assigned to either group.

What is interesting about the results of these last two tests is that they only partly support the scholarly *communis opinio* on the use of pronouns in the speeches. It has long been realised that *autos* occurs with striking frequency in the Apollodoran speeches, but it was also believed that the same was true of *houtos*. A representative statement is that of Schäfer *Beilage* p.187: "Insbesondere zeigt sich diese Schwerfälligkeit bei dem Gebrauche der

Pronomina οὗτος und αὐτός⁴. In fact, although *autos* is more common in the Apollodoran speeches, *houtos* is noticeably *less* common in them than in the genuinely Demosthenic speeches. All three tests reveal a fairly clear distinction between the speeches of Apollodoros and Demosthenes. They also demonstrate that 45 shares many characteristics with the genuinely Demosthenic speeches, whilst 47 coheres closely with the Apollodoran speeches.

The next criterion which I tried to employ is the incidence of certain common particles and connectives in the speeches. Here, however, I found it impossible to draw any conclusions from the figures, which I have therefore relegated from the main text and have set out in Appendix B. Kenny (1978) succeeded in analysing the use of particles in the Aristotelian *Ethics* by deriving a "coefficient of rank correlation". This involved the compilation of a "league table" of particles for each speech, based on their frequency (*kai* = 1, *de* = 2 etc.); the coefficient of rank correlation is "a measure of how closely two rank orderings resemble each other" (p.77). Unfortunately, there are a number of reasons why this method is far more suitable for a study of Aristotle than for one of Demosthenes. First, we have 16 lists rather than the 3 which Kenny needed (one for each work being examined), and would therefore have to deal with 120 coefficients (comparing every speech with every other speech). Second, our samples are too short to enable this test to be applied at all effectively; it works far better with larger blocks of text. If instead we look simply at the three or four commonest particles, we find nothing significant. The distribution of particles is not entirely regular, to be sure, but it is impossible to discern any pattern to it.

I then conducted a similar count of the commonest prepositions, the results of which are also set out in Appendix B, with similarly unsatisfactory

results. It might be objected at this point that I am guilty of accepting only those tests which accord with a preconceived theory (namely that speeches 46, 49, 50, 52, 53, 59 share a common author). This criticism, however, would only be valid if the tests which I reject had revealed a discrepant pattern; in fact they show no pattern at all.

In the light of these failures, there seems little point in applying similar tests to any less frequently occurring words, such as common adverbs. I turn therefore to consider some of the stylistic criteria which were used by earlier scholars. Sigg (1873) compiled data on the frequency with which the definite article was used with proper nouns (pp.430-431). He and I did not use the same Demosthenic speeches as controls, and I have therefore had to calculate the figures for some of the speeches afresh.

	Total	With article	Without article
27	56	13	43
36	84	15	69
37	48	18	30
39	41	5	36
41	61	26	35
45	52	3	49
46	20	3	17
47	90	54	36
49	184	79	105
50	152	49	103
51	4	-	4
52	118	70	48
53	31	11	20
54	67	17	50
57	87	22	65
59	375	154	221

I now list the speeches, ranking them by the ratio of proper nouns with article to proper nouns without article:

47	1.5	54	0.34
52	1.46	57	0.34
49	0.75	27	0.30
41	0.74	36	0.22
59	0.70	46	0.18
37	0.60	39	0.14
53	0.55	45	0.06
50	0.48	51	-

Here the Apollodoran speeches tend to have a higher ratio of proper noun with article to proper noun without article, with the exception of 46. However, this test does not yield the clear-cut results of the earlier ones: 41 and 37 score more highly than the other Demosthenic speeches, whilst 47 and 52 have a much higher ratio than any of the other speeches.

I turn now to consider prose rhythm, and more particularly the incidence of hiatus. Hiatus was studied in the last century by Benseler (1841), who came to the conclusion that 46, 47, 49, 50, 52, 53 and 59 all displayed a degree of hiatus that was incompatible with Demosthenic authorship (pp.131, 147-150). He drew particular attention (p.147) to the differences in this respect between 45 and 46, from which he inferred that they could not have been written by the same man. His work has now been superseded, for accuracy and for statistical sophistication, by that of McCabe (1981), upon which I depend for what follows.

McCabe conducted three tests on the speeches of Demosthenes and Isaeos. The first was on the extent to which individual speeches observe Blass' Law.

The following shortened forms are used: Total = the number of indubitable short syllables; Violations = the number of such shorts which violate Blass' Law.

	Total	Violations	Ratio	
41	1708	596	0.349 +/- 0.020	
47	3941	1307	0.332	0.019
49	3173	1043	0.329	0.021
46	1276	386	0.303	0.500
27	3512	1050	0.299	0.020
50	3253	944	0.290	0.020
53	1599	454	0.284	0.029
52	1488	420	0.282	0.030
59	5728	1486	0.259	0.015
57	3566	705	0.198	0.017
54	2116	342	0.162	0.021
36	2893	353	0.122	0.016
39	2016	225	0.112	0.018
37	2597	268	0.103	0.015
45	3885	291	0.075	0.011
51	1071	40	0.037	0.015

McCabe (1981) concludes from this that "we observe in Table 14 general co-incidence between certainty of authorship by Demosthenes and a very low percentage of the shorts being involved in apparent violations of the law". Once again the Apollodoran speeches tend to score more highly, although 41 and 27 interrupt the sequence. We also see again that 47 seems to belong with the Apollodoran speeches, whilst 45 and 51 are more Demosthenic.

The second test which McCabe conducted was of overall rhythm (in essence the number of shorts between one long syllable and the next). I give the results from his Table 26 (pp.157-159) giving the chi-square ratio based on the figures for total rhythm (chi-square tests are used to determine the

probability that two samples derive from the same population; for a full explanation see Kenny (1982) pp.110-119).

51	13.909	53	0.050
39	11.524	49	0.048
45	5.476	41	0.037
37	4.652	59	0.028
36	4.144	27	0.025
54	0.760	47	0.020
57	0.311	52	0.016
46	0.084	50	0.014

Here too exactly the same pattern emerges: the Apollodoran speeches are bunched at one end of the table, although again 27 and 41 interrupt the sequence. Moreover, 47 again appears to belong with the Apollodoran speeches, whilst 45 and 51 appear to belong with those of Demosthenes.

Finally, McCabe tested the incidence of hiatus. I reproduce here extracts from his Table 27 (pp.161-162) showing the ratio of hiatus.

53	0.138 +/- 0.019	36	0.053 +/- 0.009
49	0.131 0.013	39	0.051 0.011
52	0.129 0.018	54	0.045 0.009
59	0.111 0.009	27	0.044 0.008
50	0.110 0.012	37	0.043 0.009
47	0.104 0.011	45	0.038 0.006
46	0.091 0.018	41	0.025 0.009
57	0.062 0.008	51	0.009 0.006

This test shows more clearly than any of the others the coherence of the

Apollodoran speeches (and 47), and their difference from those of Demosthenes. Note in particular the sharp divide between 46 and 57, and the fact that 45 and 51 are quite distinct from the other speeches which Apollodoros delivered (#23).

A further possible criterion for determining common authorship of the Apollodoran speeches is provided by the discerning of verbal parallels between different works. Such similarities and repetitions cannot of course furnish decisive proof. As Usher and Najock (1982) p.85 rightly say, "The composition of speeches was subject to rules contained in rhetorical handbooks which governed not only forms of argument but also style, idiom and even phraseology, and compliance with these rules caused different authors to use the same words and to construct their sentences similarly". Moreover, it should be remembered that the appearance of typically Demosthenic features might be attributable to imitation rather than to Demosthenic authorship. Unless we know how much similarity we should expect to find between any two speeches, we cannot determine what degree of similarity is significant. Thus Kirk (1895) p.7 rightly criticised Blass on the ground that he "has not only laid undue stress.... on such coincidences, but has sometimes neglected to observe that expressions which he reckons distinctive are to be found in compositions of other authors." A long list of possible parallels between the various Apollodoran speeches is provided by Uhle (1883) pp.115-118: I give below a sample of the more striking examples. The first is between 45 and 37 (a genuine speech of Demosthenes) and has been thought to prove that Demosthenes wrote 45.

(1) 45.77 ἔγω δ', ὦ ἄνδρες Ἀθηναῖοι, τῆς μὲν ὄψεως τῇ φύσει καὶ τῷ ταχέως βαδίζειν καὶ λαλεῖν μέγα, οὐ τῶν εὐτυχῶς πεφυκότῃν ἐμαυτὸν κρίνω· ἐφ' οἷς γὰρ οὐδὲν ὠφελούμενος λυπῶ τινας, ἔλαττον ἔχω πολλαχοῦ."

37.55 ἄλλὰ μὴν περὶ τοῦ ἐμοῦ γε βαδίσματος ἢ τῆς διαλέκτου, τὰ ληθῆ πάντ' ἐρῶ πρὸς ὑμῖν, ὧ ἄνδρες δικασταί, μετὰ παρρησίας. ἐγὼ γὰρ οὐχὶ λέληθ' ἐμαυτόν, οὐ τῶν ἐὼ πεφυκότων κατὰ ταῦτ' ὧν ἀνθρώπων, οὐδὲ τῶν λυσιτελούντων ἐαυτοῖς."

I would certainly hesitate to believe that the similarities between these passages prove that Demosthenes wrote 45: although the thought is undeniably similar, the phraseology is quite different. Moreover, this is precisely the kind of statement which one would expect from a litigant whose manner had been criticised; it may indeed have been a commonplace.

(2) 47.6 ὅσων μὲν οὖν μοι καὶ αὐτοὶ ὁμολογοῦσιν."

49.21 ὅσων μὲν οὖν καὶ αὐτὸς οὗτος ὁμολόγει."

(3) 49.65 βούλομαι τοίνυν ὑμῖν καὶ περὶ τῆς προκλήσεως τοῦ ὄρκου εἰπεῖν, ἣν ἐγὼ προukaλεσάμην καὶ οὗτος ἐμέ."

53.22 βούλομαι δὲ καὶ περὶ τῆς προκλήσεως εἰπεῖν, ἣν οὗτοί με προukaλεσάντο καὶ ἐγὼ τούτους."

(4) 49.65 ὅσων μὲν τοίνυν, ὧ ἄνδρες δικασταί, ἐδυνάμην ὑμῖν μάρτυρας παρασχέσθαι, μεμαρτυρήκασί μοι· ἔτι δὲ καὶ ἐκ τεκμηρίων δεδήλωκα ὑμῖν.

50.57 ὅσων μὲν τοίνυν ὑμῖν ἐδυνάμην τὰς μαρτυρίας παρασχέσθαι τῶν παραγενομένων,.... ἀνέγνωκεν ὑμῖν· ἔτι δὲ καὶ ἐκ τεκμηρίων ἱκανῶν δεδήλωκα ὑμῖν....."

(5) 49.68 ἡδέως δ' ἂν ἐγώ γε πυθοίμην ὑμῶν εἰ ὀργίζεσθε....."

50.67 ἡδέως δ' ἂν ὑμῶν πυθοίμην, ὧ ἄνδρες δικασταί, τίν' ἂν ποτε γνώμην....."

46.27 ἡδέως ἂν τοίνυν ὑμᾶς ἐροίμην....."

(6) 49.57 "καίτοι καλὸν ἦν αὐτῷ, εἰ....."

52.23-24 "εἶπερ..... ἐβούλετο.....πότερον κάλλιον ἦν"

46.13 "πότερα δὲ κάλλιον ἦν αὐτῷ ζῶντι πράξει ταῦτα, εἶπερ ἐβούλετο....."

(7) 46.15 "ἄξιον δὲ καὶ τὸδε ἐνθυμηθῆναι, ὅτι....."

46.28 "ἄξιον τοίνυν, ὧ ἄνδρες δικασταί, καὶ τὸδε ἐνθυμηθῆναι, ὅτι....."

59.116 "ἄξιον δὲ κακεῖνο ἐνθυμηθῆναι, ὧ ἄνδρες Ἀθηναῖοι, ὅτι....."

(8) 50.19 "τῷ μὲν Εὐκτῆμονι ἀσθενῆσαι ἐξαίφνης συνέβη, καὶ πάνυ πονήρως διετέθη."

59.55 "ἠσθένησε καὶ πάνυ πονήρως διετέθη."

(9) 50.31 "προϊόντος τοῦ λόγου"

59.20 "προϊόντος τοῦ λόγου"

Uhle provides a large number of other examples. Their quantity is impressive, but I am not at all convinced that they are significant. My belief is that we should expect to find such similarities between forensic speeches of roughly the same date, particularly bearing in mind the generic similarity of all Athenian forensic oratory. It is all too easy to quarry parallels between the Apollodoran speeches without stopping to count the parallels between these speeches and the rest of the Demosthenic corpus. Such work has not yet been done, but even a cursory look through the relevant indices revealed the following further parallels:

(i) with (2) compare Lys. 13.88 "σχεδὸν μὲν οὖν τούτοις ἰσχυρίζομενος ὁμολογεῖ ἀνδροφόνος εἶναι."

(ii) with (5) compare Dem.39.21 "ἠδέως τοίνυν ἐροίμην ἂν αὐτὸν ἐναντίον ὑμῶν....."

Compare also Dem. 56.32; 58.45.

(iii) with (6) compare Dem. 45.66 "καίτοι πόσῳ κάλλιον φιλοτιμούμενοι ἐξετάζεσθαι....." Compare also Dem. 29.41.

(iv) with (7) compare Dem. 33.29 "ἄξιον τοίνυν καὶ τοῦτ' ἐνθυμηθῆναι....." Compare also Dem. 1.21.

(v) Dem. 33.3 and 44.5 are identical to (9).

I think that these counter-examples reveal adequately the futility of such an approach. And even if one were to detect similarities too close and extensive to be attributable to chance, we would still have to bear in mind the possibility of deliberate copying.

One point which is agreed upon by all critics is the repetitiousness of the Apollodoran speeches: numerous instances of this are provided by Schäfer and Blass (#24). This is a valid criterion for our purpose, but is of limited value unless its results can be quantified. In principle, one could write a computer program to determine the frequency with which a word or phrase is repeated within a certain number of words (n) of its first occurrence. In addition to requiring a new program, this would also require the removal by hand of numerous unimportant repetitions (of articles or common particles), which would be tedious but certainly feasible. In the meanwhile, we can only note the point, but recognise the limits of what may be inferred from it.

On the other hand, I would be extremely averse to using the types of arguments which are employed in the speeches, or the skill with which they are wielded, as a criterion for determining their authorship. Such an approach rests on the false assumption that a good orator always uses good arguments, or always uses them well, and *vice versa* for a bad orator. The situation would be different if the Apollodoran speeches were evidently distinctive or idiosyncratic in their argumentation, but they are not (see chapter IV). I am suspicious of arguments such as that of Pearson (1969), who says of Dem. 45 that "The whole

method of argument is certainly ingenious and cannot be called unworthy of Demosthenes, but the case for authenticity would be stronger if some parallel to this type of presentation could be found in speeches of undisputed genuineness" (p.25).

It remains now to try to summarise the conclusions reached thus far:

(i) the ancient evidence tells strongly against Demosthenic authorship of 59.

Doubts are also cast on the authenticity of 49 and 53, but these cannot be considered to be decisive.

(ii) chronological considerations preclude Demosthenic authorship of 52 and 53.

(iii) there are slight indications of an ancient belief that Apollodoros wrote 45, the speech which is *least* suspect on stylistic grounds.

(iv) there is no reason to suspect the authenticity of 45 on the basis of its content.

(vi) 45 and 51 are thoroughly Demosthenic in style.

(vii) stylistic criteria suggest that 46, 49, 50, 52, 53 and 59 have a common author, and that he was not Demosthenes. 47 resembles these speeches in many particulars.

I would therefore conclude that Demosthenes almost certainly wrote 45. My stylistic tests on this speech bear out the far more detailed analysis of Hüttner (1895), and also accord with the more recent judgment of Gernet (1957) that "Quand on a épluché le discours lui-même, avec la préoccupation d'y découvrir des particularités de langue ou de style qui décèleraient une autre main que celle de Démosthène, on n'a rien trouvé, ou si peu que rien" (p.153). However, I would conclude that some-one else wrote 46, 49, 50, 52, 53 and 59. The possibility cannot be excluded that the same man also wrote 47, although here I think that the case is unproven.

Problems still remain. First, I am puzzled as to why Demosthenes wrote 45 but did not also write its deuterology 46. Indeed this speech is problematic in other respects, since its unilinear structure suggests that it was improvised, whilst its content (citation of and argument from a large number of laws) seems to suggest that it had been fairly carefully prepared. If it were improvised, we would expect it to comprise reaction to the arguments which Stephanos had employed. In this respect, it should be noted, it differs from the other Demosthenic deuterologies (#25).

Second, we must ask who was the author of the other speeches. The two candidates are an unknown logographer (Blass), or Apollodoros himself (Schäfer followed by numerous other scholars). Much the more likely candidate seems to me to be Apollodoros, for the following two reasons. First, given that the stylistic similarity of the speeches suggests that they were all written by the same man, it seems to me more likely that this man was Apollodoros himself, than that he employed one speech writer over a period of more than 25 years (#26). This argument has particular force if it is believed that the speeches are incompetently composed. Thus Gernet (1959) p.13: "Et puis, ce logographe qu'il faudrait supposer et qui aurait été un mauvais logographe, il serait tout de même étrange qu'Apollodore ait été son client obstiné pendant près de trente ans". Second, we know that Apollodoros was heavily involved in political and forensic activity, and that on at least one occasion he proposed a *probouleuma*. He would certainly have had to speak *ex tempore* at times, and it must be considered highly likely that he was able to write his own speeches (#27).

Finally, we must consider whether Apollodoros could have written 47. Gernet (1957) p.200 writes that "On a voulu qu'il fût de l'auteur des "plaidoyers d'Apollodore" dont il rappelle, en effet, la manière. Nous ne saurions écarter absolument cette hypothèse; mais nous observons qu'elle ne serait guère

compatible avec l'attribution des 'plaidoyers d'Apollodore' lui-même: car celui-ci ne peut être le plaideur du présent discours, et il n'y a pas lieu de penser qu'il ait fait le métier de logographe, bien qu'on l'ait soutenu parfois sur ce seul fondement". On the other hand, it appears that Apollodoros wrote Dem. 59 for Theomnestos, even though he delivered most of it himself. Even if he was not a professional logographer, there is no reason to think that he might not have written speeches for his less experienced friends. Thus, although we have no clear idea as to who delivered 47, we have insufficient evidence to enable us to rule out the possibility that Apollodoros was its author.

To sum up our conclusions so far, we have one speech which was written by Demosthenes, and six (possibly seven) which seem to have been written by Apollodoros himself. The question which we must now ask ourselves is how and when these spurious speeches came to be attributed to Demosthenes. It is clear from the presence of numerous such spurious speeches in it that the Demosthenic corpus as we now have it could not have been compiled by Demosthenes himself. No doubt he put certain of his speeches into circulation during his lifetime (#28), but the first collection seems to have been made after his death. Bethe (1897) pp.10-11 argued, surely correctly, that the presence of so many spurious speeches in the corpus suggests that this first compilation was made at an early date, and that Demosthenes' literary executors erred on the side of generosity by including anything that might possibly have been written by the great orator (#29). Bethe was inclined to date the original edition to c.300-280, and to attribute it to "hominibus rhetoricis studiis deditis" (p.11). He sought to tie it in with the great popularity of Demosthenes at Athens at this period (Dion. Hal. *Dinarchus* 8; Plutarch *Demosthenes* 30; [Plutarch] *Moralia* 847de). In this he was followed by Gernet (1954), who talked of an Athenian

collection compiled out of piety and comprising "les discours achevés et publiés du vivant de l'orateur, ceux qu'on avait trouvés dans ses papiers - à l'occasion ce qu'on pourrait appeler ses brouillons - ceux enfin qui, rassemblés de droite et de gauche, étaient ou n'étaient pas de Démosthène, mais pouvaient du moins en être" (p.12).

Contra, Drerup (1899) pp.546-548 argued that the first edition of Demosthenes' speeches was that of Callimachos in Alexandria. He allowed that the speeches were collected in Athens, but argued, correctly in my view, that "nur ein logischer Sprung kann nun jenen Redaktor auch zum Herausgeber der gesammelten Werke des Demosthenes machen" (p.548). In truth, although we know that the speeches were almost certainly collected at Athens, there is no real reason to believe that a definitive edition was produced there.

We have still to consider how the speeches of Apollodoros came to be incorporated into this collection. Jaeger (1938) p.39 wrote à propos of 45 that "Obviously it is to this one alone that we owe the preservation of the other six. They were presumably found together with the genuine speech among Apollodoros' private papers, which appear to have been ransacked after Demosthenes' death because it was known that he had once done work for Apollodoros". This view was considered to be "a less likely alternative" by Pearson (1966) p.350 n.6, who believed that "It is simplest to suppose that these speeches were included in the Demosthenic corpus because the texts were found in the orator's house after his death by members of his family or whoever contrived to save some remnant of his property from falling into the hands of the state" (p.350). Pearson is surely right to say that Demosthenes could be expected to have many speeches in his library, both his own and those written by other people (p.351), but I see no way of deciding between these alternative hypotheses.

Thereafter it appears that Callimachos catalogued the speeches, and that his work served as the basis for the corpus as we now have it. The reason for believing this is the fact that Callimachos' judgement that 58 was written by Demosthenes rather than by Deinarchos triumphed in spite of the irrefutable objections of later critics (Dion.Hal. *Dinarchos*.10). The same is true of the speech *On Halonnesus* (Dem. 7) (Dion.Hal. *Demosthenes* 13 and Libanius' *Hypothesis* to the speech). Yet it appears that we do not have the corpus precisely as it was constituted by Callimachos, since the speech *Against Critias*, which he believed to be Demosthenic, but which was condemned by Dionysius, has not survived (Harpocration sv. ἐνεπίσκημια). This might just be an accident of transmission, but it is more likely to be the result of scholarly criticism of Callimachos (#30). However this may be, the corpus seems to have stabilised very quickly, since both [Plutarch] (*Moralia* 847e) and Photius (490b42) give the total number of Demosthenes' speeches as 65; the corpus as we have it comprises 61 speeches. Incidentally, this implies that at the times when these two men were writing the Apollodoran speeches were already included in the corpus. A further reason to believe that the corpus had stabilised by then is the fact that there are very few of the speeches which have ever been attributed to Demosthenes that have not been preserved. Of the 14 lost speeches listed by Baiter and Sauppe, two (4 and 12b) are probably one and the same; two were probably never published (5 and 8); five are of doubtful authenticity (1b, 4, 6, 9 and 12). This leaves us with six speeches which have not survived (#31).

I would therefore reconstruct the history of the Demosthenic corpus as follows. After Demosthenes' death, a compilation of his speeches was made at Athens, and this formed the basis of Callimachos' list. The presence of so many spurious speeches in the corpus as we now have it suggests that Callimachos was by no means rigorous, which is hardly surprising (see above). If he was

motivated by piety and a desire for completeness (rather than purely incompetent), this is understandable: with a writer of Demosthenes' stature it was well to err on the side of inclusion. Thereafter scholarly debate continued, and maybe ten speeches in all were excised. There is no indication of later accretions. Nor did critics' doubts as to the authenticity of works such as 59 seem to have had an effect on their appearance in the corpus.

Notes to Chapter III

1. Thus Schäfer *Beilage* p.186.
2. On the traditional dating of the speech to 362 it is unlikely that Demosthenes could have written it; a date at the beginning of the decade, as suggested by Harris (1988), would of course absolutely preclude Demosthenic authorship. The biographical tradition is that Demosthenes' judicial debut was against his guardians (Plutarch *Demosthenes* 6.2). Since Onetor was prosecuted in 362, it is perhaps unlikely that Demosthenes could have finished with Onetor and then written a speech for Apollodoros before the latter departed on trierarchic service in autumn of that year.
3. The text reads *οκρίαν*, which does not seem entirely appropriate; *οὐσίαν* is a plausible emendation.
4. Dem. 36.50 provides evidence of the frequency with which bankers went bankrupt.
5. Thus Dorjahn (1935) p.279: "Sometimes friends of Mr.A, especially if he was wealthy, influential, and powerful, might attempt to discourage Mr.B from bringing suit against him", with reference to Dem. 21.151 and Isoc. 18.9-10. See too Pearson (1976) p.10.
6. Thus Gernet (1957) p.153: "si la version de celui-ci [Plutarque] avait eu cours dès 343, Eschine, intéressé plus que personne à la propager, n'eût pas manqué de l'accueillir".
7. I see no basis for the statement of Gernet (1957) p.153 n.1 that "il n'y a pas de raison de penser que Plutarque soit leur source".
8. The papyrus fragments are most recently listed by McCabe (1981) p.43. The standard work on the manuscripts is Drerup (1899). See too the preface to Rennie's OCT and Gernet (1954) pp.8-21.

9. These are Pack (1965) No. 330 (45.25-26) and 331 (50.24, 26). On the latter see now Pintaudi (1980).

10. Thus Gernet (1954) p.15, who asks "Faut il admettre que, parallèlement à notre tradition, il y en ait eu dans l'antiquité une ou plusieurs autres qui, à l'occasion, auraient été plus fidèles au texte primitif? Ni le témoignage de Denys ni même celui d'Hermogène n'obligent à le penser. Les leçons excellentes qui sont propres à Harpocraton pourraient le suggérer. Mais, en fin de compte, elles ne suffisent pas à le faire admettre". Contra Pasquali (1962) pp.269-294, who argues that a number of different exemplars were in circulation from an early date.

11. Thus Gernet (1959) p.58. Once the evidence of Libanius is discounted, there remains no reason to associate the speech with Apollodoros. It is interesting that this speech appears twice in A, once following 50 and once (eccentrically) between 27 and 43. I can throw no light on the reason for this duplication of the speech.

12. But see Gernet (1954) pp.9-10: "un groupe qui est resté cohérent dans les *Hypotheseis*, dans S et dans F: celui des plaidoyers d'Apollodore, moins le *Contre Nééra* naturellement et les deux *Contre Stéphanos* qui sont joints par deux fois au *Pour Phormion* comme se rapportant à la même affaire". It is possible that the association of 59 with the group 36 - 45 - 46 is accidental: that 59 is the last of the group of public speeches, and is coincidentally followed by 36 as the first of the *paragraphai*, and that 45 and 46 have been juxtaposed with this speech because they share the same subject matter. However, I believe that this explanation is less likely than that presented in the text.

13. See Rehdantz (1857) p.815 n.37.

14. But see p.100 below for evidence that Phormion and Demosthenes may already have known each other (the fact that Demosthenes' father banked with Pasion).

But of course this consideration would apply equally to Apollodoros (as Pasion's son) and Demosthenes.

15. That logographers' services were often called on is clear from the number of the speeches in the corpus of the Attic orators which were written by them. For *logographos* as a term of abuse see Plato *Phaedrus* 257c; Dem. 19.240, 250; Aesch. 2.180; 3.173.

16. Thus Gernet (1957) p.153: "Nous n'avons pas à nous porter garants de la moralité de Démosthène: il faut juger sur pièces".

17. Of course there is no reason to think that the unknown speaker of Dem. 36, who describes himself as a friend of Phormion (§1), was Demosthenes himself. Thus rightly Schaefer *Beilage* p.169 and Blass (1893) p.461 n.6.

18. This suggestion was first made by Blass (1893) pp.33-34.

19. The two motives are combined by Gernet (1957) p.154.

20. The most notable difference between the two speeches is that they provide discrepant accounts of the crowning. Moreover, the speaker of 51 has nothing to say about the meal in the Prytaneion, about which Apollodoros was so proud. See further Schäfer *Beilage* pp.154-155.

21. Thus Schäfer *Beilage* p.156 and Rüger (1900) p.1.

22. Note especially Schäfer *Beilage* pp.184-193, Blass (1893) pp.514-542 on the individual speeches, Sigg (1873) and Uhle (1883) *passim*, and Gernet (1959) p.12.

23. I should mention the view of Pearson (1978) that the appearance of hiatus was not necessarily a sign of poor style, but that hiatus was often used as a stylistic feature to emphasise key words: "[in 50] Hiatus is quite frequent, but it is not unmotivated or careless" (p.142). This may be true on occasion, but I think that Pearson makes too much of the point. Nor does he explain the marked differences between various authors as to the extent to which they admit hiatus in their speeches. And in any case, his argument does not preclude our using

the incidence of hiatus as a criterion for determining authorship.

24. See Schäfer *Beiläge* pp.186-187 and Blass (1893) p.517 n.8 etc.

25. On Dem. 46 as a deuterology see Kirk (1895) pp.41-42, who contrasts it with the other deuterologies in the Demosthenic corpus.

26. Thus Schäfer *Beiläge* p.192. Contra Blass (1893) pp.542-543, who believed that they were written by an unknown logographer.

27. For evidence of Apollodoros' experience in public life, note the fact that Theomnestos describes him as possessing greater legal knowledge than he himself did (Dem. 59.15).

28. See Adams (1912) for the evidence that Demosthenes published revised versions of his deliberative speeches.

29. In the view of Bethe (1897), the inclusion of the Apollodoran speeches "demonstrent editorum iudicium non tantum fuisse quantam pietatem" (p.11). It is far more likely that these speeches figured in the earliest collection, than that they were imported into the corpus by scholars at Alexandria.

30. For disparaging comments about Callimachos' ability as a critic see Dion.Hal. *Dinarchus* 1 and Photius *Bibl.* 265 p.491b31 (fr. 447 and 446 Pfeiffer respectively).

31. These lost speeches are *Against Alcimachos*, *Against Demades*, *For Diphilos*, *Against Medon*, *Against Polyeuctos*, and *For the orators*.

Chapter IV The speeches of Apollodoros (2): Form and Function

In the previous chapter I argued that Dem. 46, 49, 50, 52, 53 and 59 are all the work of one man, and that that man was most probably Apollodoros himself. In this chapter I shall be examining these speeches from a literary and rhetorical point of view. Specifically, I shall be attempting to determine how closely they adhere to the rules of rhetorical theory, and to the practice of other fourth century Attic orators. I shall also be discussing whether they are really as incompetently composed as most critics have claimed, or whether their divergences from either Demosthenic practice or rhetorical theory can be explained in terms of the requirements of the individual cases.

There is almost universal agreement among scholars that the speeches of Apollodoros are very inferior works. The tone was set by A.Schäfer who, after criticising almost every aspect of the speeches, came to the following conclusion: "Wenn wir alle Eigenthümlichkeiten noch einmal überblicken, so werden wir als das Wesen dieser Reden bezeichnen können, daß sie der festen Haltung, der klaren Entwicklung und sittlicher Wärme entbehren, daß bei lästigem Wortschwall und schleppender Breite die Herrschaft über den Gegenstand und den Ausdruck mangelt" (*Beiläge* pp.191-192). This dismissive attitude was shared by Lortzing (1863), Sigg (1873) and Blass (1893). In this century Gernet (1959) concluded that "ils ne sont pas tous mauvais au même degré..... mais ils sont tous mal composés, avec des interruptions et des reprises, des redites dans les choses et les mots, du bavardage, un certain pédantisme à l'occasion; une expression assez plate à l'ordinaire et même négligée, mais volontiers prétentieuse; avec cela, une certaine vigueur, ou tout au moins de l'excitation." (p.12). In a similar vein Kennedy (1963) stated that "Apollodorus is a third-rate orator. He is not a member of the Attic canon and indeed is unmentioned

by the rhetoricians. His style is undistinguished, his arrangement not striking, his argumentation feeble" (p.247). Most recently Pearson (1966) summed up scholarly criticism of the speeches as follows: "Their style and composition are quite unworthy of Demosthenes, and there is little that critics can find to praise in them" (p.347).

Despite the unanimity of this criticism, I am not convinced that the scholarly *communis opinio* should be left unchallenged. Whilst I would not claim that the speeches of Apollodoros are of any great distinction, I believe that their deficiencies are more formal than actual, and that such weaknesses as they may have are compensated for by in other respects. Specifically, there are two questionable assumptions which underlie much (particular older) criticism of the speeches. First, there has been a tendency to rely too heavily on the precepts of later rhetorical writers as a criterion for judging fourth century oratory. This is particularly true of Blass, the most thorough and influential of the nineteenth century scholars who wrote on the speeches of Demosthenes. As Jaeger (1938) p.207 n.4 puts it, "If (*Die attische Beredsamkeit* III, 1) fails to touch the problem of form in the deeper sense of the word, the reason is that it too much judges Demosthenes by a later school rhetoric already rigidly schematized, and measures his speeches by standards of that sort." Two years later, Kroll (1940) coll. 1065-1070 attacked the view that fifth and fourth century orators usually adhered closely to the precepts of rhetorical theory: "Man versuche einmal, etwa die Reden des Demosthenes über den rhetorischen Leisten zu schlagen, wie es die Scholiasten und in Anschluß an die moderne Gelehrte wie Blaß tun: die Rechnung geht fast nie auf." (col. 1068) (#1).

Second, critics have tended not only to judge the speeches of Apollodoros by the standard of Demosthenes, which is natural enough, but to think that it is enough to have demonstrated that the works of the two orators differ (and that

those of Apollodoros are inferior). Yet there is more than one way to write a successful speech, and more than one way to sway a jury. It is poor critical practice to damn the speeches of Apollodoros without first having considered what effect their author might have been attempting to achieve by writing them as he did, or without having examined each speech in terms of the particular circumstances and demands of the case for which it was written. This point was well made by Delaunois (1962) p.80: "l'étude des circonstances du procès, l'interprétation de la psychologie collective et individuelle expliquent beaucoup de dispositions spéciales, et interdisent de les considérer comme de flagrantes erreurs." This is surely the correct way to approach Attic oratory.

Although I argued above that we should not allow our judgement of the speeches to be dictated by later rhetorical theory, I do not of course suggest that contemporary rhetorical writing is also irrelevant. We know that a variety of rhetorical handbooks (*technai*) were in circulation throughout the fourth century, and we can readily agree with Kennedy (1963) p.57 that "The references in Plato, Aristotle, and Isocrates seem to indicate that written handbooks of rhetorical theory were fairly numerous" (#2). Such works not only reflected contemporary oratorical practice, but were also used by those litigants without a rhetorical education who could not or would not pay for the services of a logographer (#3).

The only surviving rhetorical handbook of the period is the pseudo-Aristotelian *Rhetorica ad Alexandrum*. Although this work dates to the second half of the fourth century, it is presumably not too different from the sort of handbook which was available in the 360s and 350s, when Apollodoros was writing his first speeches (#4). In addition, Book III of Aristotle's *Rhetoric* contains much material of an apparently traditional nature (#5). Thus, although both of these works postdate the speeches of Apollodoros, they can still throw valuable

light on them.

In the following pages I shall examine the speeches of Apollodoros in terms both of contemporary theory and of the practice of other fourth (and where appropriate fifth) century orators. I shall examine the speeches as a group rather than individually, under the headings of proem and epilogue, narrative, and argumentation.

A rigid theoretical *taxis* of proem, narrative, proof, and epilogue is attributed to Isocrates and his school by Dionysius of Halicarnassus (*Lysias* p.27, 13-14 Us.-Rad.). It is clear, however, that such a structure was all but canonical by the early fourth century: the refinements of Theodoros (Aristotle *Rhetoric* 1414b13-15) clearly presuppose a simpler structure including narrative (*diegesis*) and proof (*elenchos*) (cf. Plato *Phaedrus* 266d-267a) (#6). Whilst each section of the speech developed its own functions and conventions (#7), the proem and epilogue became particularly conventional, with an almost formulaic deployment of themes. This led to, and was no doubt in turn fuelled by, the production of specialised *technai*. Thus we hear of collections of proems and epilogues composed (or compiled) by Antiphon, Cephalos, and Thrasymachos (#8). In addition, we possess the *Prooimia* of Demosthenes, although these may have been written by the orator for his own use (#9).

Proem

According to the author of the *Rhetorica ad Alexandrum* (#10), the purpose of the proem of a forensic speech was threefold: to state the case, to attract the attention of the jurors, and to secure their goodwill (36.2-3). He then goes on to furnish a list of the most important introductory themes: praise of oneself and dispraise of one's opponent, flattery of the jury, emphasising the importance of the matter at hand, stressing the disadvantages under which one labours, and

attempting to remove prejudice against oneself (29.3-5; 36.5-16) (#11). That these guidelines do indeed correspond to the practice of Athenian orators is clear from Dionysius of Halicarnassus' demonstration of their applicability to the speeches of Lysias (*Lysias* 17 pp.27,23-28.1 Us.-Rad.), and is accepted by modern scholars. Thus Kennedy (1963) p.120 says that "The extent to which these topics were studied is evident in the almost formulaic technique of the prooemium of Greek judicial oratory".

The proems of the speeches of Apollodoros accord well both with contemporary rhetorical theory and with the practice of the other Attic orators.

The brief proem of 52 opens with an attempt to dispel any prejudice arising from his opponent's good reputation: "There is nothing more difficult, men of the jury, than when a man has a good reputation and is a good speaker dares to tell lies and is well provided with witnesses" (§1). Apollodoros then attempts to secure the jurors' sympathy for the speaker (§2), and ends with an appeal to the jury to judge the case with strict impartiality (§3) (#12).

In the proem of 53 Apollodoros again attempts to dispel prejudice, this time that he was bringing a sycophantic prosecution against Nicostratos: "That I have made this denunciation not as a sycophant, but being wronged and insulted by these men and thinking it necessary to avenge myself, let this be the greatest indication....." (§1): the amount that he stood to lose if he failed to secure a conviction, the fact that he was bringing the prosecution in his own name, and his renunciation of the reward for the bringer of a successful *apographe* all indicated that he had a genuine reason for bringing the prosecution (§§1-2). Finally, he states that he does not have enough time to catalogue all of the wrongs which he had suffered at the hands of his opponents, and so will limit himself to recounting the most blatant of them (§3).

The proem of 49 again opens with an attempt to remove a possible source of prejudice ("Let none of you find it unbelievable...."): Apollodoros attempts to allay the suspicions of the jury that Pasion's motives in lending money to Timotheos were purely speculative or usurious, by emphasising his father's generosity and Timotheos' ingratitude and poor faith (§§1-4) (it should be noted that it is difficult to distinguish here between the *topos* of "removal of prejudice" and that of "praise and blame"). He also uses the proem to explain that he owes his detailed knowledge of Timotheos' debts to his banking experience (§5). This can be seen as an attempt to dispel the suspicion that the information which he gives is too precise to be the result of honest recollection, and must therefore have been invented (cf. Dem. 52.30 for a similar passage). Apollodoros also uses the proem to apologise for the length of the narrative (§4) (#13).

In the proem of 50 the jurors' attention is demanded and the importance of the case is emphasised: it is not simply a dispute between the speaker and Polycles, but a matter of public concern (§1) (#14). Once again Apollodoros seeks to justify the length of the narrative (§2), and to present himself in a good light (§3) by appealing to the memories of those jurors who had been with him on campaign: "In order that you may know what kind of man I am as regards carrying out your instructions."

The proem of 46 is something of a special case, in that the speech is a deuterology. In it Apollodoros attacks the character of his opponent, with the familiar complaint at his *paraskeue* (§1) (#15). He follows this by resuming (from 45) the main deficiencies in Stephanos' defence (§3).

The structure of 59 is peculiar, in that it comprises a short preliminary narrative (*prodiegesis*) delivered by Theomnestos (§§1-15) followed by a long *synegoria* (§§16-126) with its own preface (§§16-17). In one sense the

prodiegesis represents the introduction to the *synegoria*, but it can also be seen as a speech in its own right, with proem (§1), narrative (§§2-10), and argumentation (§§11-13) leading into the request to be allowed to call a *synegoros* (§§14-15) (see Blass (1893) pp.536-537). In this latter sense, the attenuated proem briefly rehearses the familiar motif of repeated provocation, in order to justify the bringing of the prosecution. In the former sense, the *prodiegesis* also serves several functions typical of the proem. First, the detailed narrative of relations between Apollodoros and Stephanos helps to allay any suspicions that the jurors might have that this is a vexatious prosecution, by showing that both Apollodoros and Theomnestos had good grounds for wishing to avenge themselves on Stephanos. Second, it gives Theomnestos an excellent opportunity to acquaint the jurors with the respective characters of Apollodoros and Stephanos: the former acted honourably towards his wife and her family, whilst his political initiative was patriotic and democratic (§§2-5); Stephanos, on the other hand, acted maliciously and without regard for the law (§§6-10). Third, Theomnestos is able to play upon the jurors' emotions by describing the terrible sufferings which would have been visited upon his sister and her family if Stephanos had secured the heavy penalty which he had been demanding (§§6-8). Fourth, his stress on his own youth and inexperience is a typical prologic feature (#16). Finally, the reasons which he adduces for calling upon a *synegoros* accord both with theory and with practice (#17). The brief preface to Apollodoros' *synegoria* is unremarkable.

The only idiosyncratic feature of these proems, excepting the irregular structure of 59, is the occurrence of certain themes which, although they are common enough in the speeches of the Attic orators, are not generally found in the prologue:

(i) at 53.3 Apollodoros uses the *topos* of having insufficient time to give a

complete account of all his opponent's numerous wrongdoings. For parallels see Dem. 45.47, 86; 47.82.

(ii) at 50.2 he challenges anyone who can show that he is lying to stand up whilst his water-clock is running and say so. For parallels see Dem. 18.139 (with Wankel (1976) *ad loc.*); 19.57.

(iii) at 50.3 he asks those of the jurors who were on campaign with him to confirm to their neighbours in court that he is giving a true account of events. There is a very similar passage at Dem. 47.44.

Although none of these themes occurs in any other proem, their use by Apollodoros in this part of the speech is neither inappropriate nor ineffective.

Epilogue

The treatment of the epilogue in fourth century rhetorical theory is decidedly cursory. The author of the *Rhetorica ad Alexandrum* states that its purposes are to provide a brief recapitulation and to make the jurors well disposed towards the speaker and ill disposed towards his opponent (36.45). Aristotle, in his discussion of the epilogue, includes these themes, but adds amplification and minimisation, and the exciting of the jurors' emotions (*Rhet.* 1419b10-13). The title of Thrasymachos' *Eleoi* (literally *Pities*), if the work is indeed a collection of epilogues, suggests that he saw the securing of the jurors' sympathy as the main aim of the epilogue (see n.8). These vague prescriptions can be supplemented by our observation of a number of *topoi* which recur in the epilogues of Athenian forensic speeches: prudential arguments (i.e. requests that the jurors consider what sort of precedent they will be setting), appeals to the jurors to help the speaker, claims to have insufficient to give a full account of one's opponent's wrongdoings, reminders of the number of liturgies and other public services which one has performed, praise of the laws, and demands that

the jurors remember their oaths and reach a fair and just decision (#18).

The epilogues of the speeches of Apollodoros are in large part composed of these *topoi*. At 50.60-62, for example, he tries to elicit the sympathy of the jurors by dwelling on his domestic troubles at the time of his trierarchy. This theme is exactly reversed at 53.29, where he exhorts the jurors to disregard his opponent's attempt to play on their emotions (and cf. Dem. 38.27 for a close parallel). Apollodoros begs for the jurors' help at 46.28; 49.69 and 50.64. A brief recapitulation appears at 52.32. At 50.66 he advances the prudential argument that the conviction of Polycles will boost the morale of future trierarchs, and ensure that their successors go to their ships in accordance with the laws. Similarly at 59.112-114 he argues that the jurors will be setting a disastrous precedent if they fail to convict Neaera: the daughters of poor Athenian citizens would no longer be able to attract husbands since their one asset (citizen birth) would have been shown to be worthless. Finally, there is amplification at 59.107-108, in the form of an impassioned comparison of Neaera and the Plataeans. The attack on Neaera in this passage, and indeed throughout the epilogue, whereby Apollodoros seeks to whip up anger and indignation against her, can also be seen as an instance of *pathos*.

The one really striking point about the epilogues of these speeches is the degree of contamination of proof and epilogue that is to be found in them. By contamination I do not mean the difficulty in determining precisely where the epilogue begins (e.g. in 50) (#19), which is only a problem for those who insist on a rigid division of speeches into their constituent *partes*, but rather the intrusion of argumentation into the epilogue in a way which seems to undercut the climactic force of the peroration. Thus for instance at 46.27 Apollodoros introduces a typical epilogic feature by asking whether the laws of the city or those of his opponent are to have force. This is then followed at §28 by the

introduction of the very weak argument that no-one ever makes a copy of their will, but only of agreements (*synthekai*): wills are left in order that the testator's intentions are secret (!). He then returns to the epilogue proper, concluding the speech with an appeal to the jurors.

Again at 50.68 Apollodoros concludes a long and emotional epilogue by announcing abruptly that this is not the first occasion on which Polycles had failed to take over a ship to which he had been assigned as trierarch, and offering to provide proof of this. On this anticlimactic note the speech ends (#20).

Similarly at 59.116 Apollodoros suddenly turns from peroration to proof: he first argues that the punishment of the hierophant Archias makes it all the more necessary to convict Neaera (§§116-117), and then tries to anticipate and rebutt the arguments of the defence (§§118-125). This material is out of place, not just formally, but also because it undermines the emotional impact of the peroration. Apollodoros then has to build up to a second climax *de novo*, which he does by announcing that he is acting as an avenger of the gods and of himself, and enjoins the jurors to do likewise (§126).

It is hard to avoid the conclusion that the arrangement of 46 and 59 is incompetent, but the introduction of a new piece of evidence at the end of 50 may be more artful. I can find no exact parallel for it in forensic oratory, although the introduction of a new item of *diabole* near the end of a speech is found at Dem. 49.66 (Timotheos' previous perjury) and Isaeos 8.44. More relevant is the late introduction of an alibi at Antiphon *First Tetralogy* d 8, where Antiphon may have wanted to suggest that it was an effective tactic to hold back evidence until the second speech, when it could not effectively be countered. Yet since our speech was written for the prosecution, and was therefore delivered first, such an explanation is impossible. Perhaps the

closest parallel is the reading out of a challenge and depositions at the end of Dem. 55. On the basis of this parallel Ballin (1978) p.204 argues that "this type of ending may well be more sophisticated than it has appeared to commentators. For it gives the speech a rather disarming, extemporaneous-seeming conclusion that may well fit in with the sort of *ethos* that [Apollodoros] (or his logographer) has been trying to build for himself throughout." To this plausible explanation I would only add the possibility that this argument was located at the end of the speech in order to give it emphasis: Apollodoros had a strong case anyway, and could therefore afford to hold back the argument until the end, where it has undoubted surprise value.

There are a number of rather bolder effects in these epilogues which are not found in the handbooks, but which can be paralleled. Thus at 59.110-111, in a vivid piece of dramatisation, Apollodoros imagines the reaction of the jurors' wives at home if they hear that Neaera has been acquitted (cf. Lyc. *Leocrates* 141). Also striking is the brief section of personification at 59.115, wherein the jurors are enjoined to imagine that the laws and Neaera are the two litigants. Again parallels exist: at Dem. 21.223-225 Demosthenes produces the conceit that the laws are unable to run to us for help if they are wronged, since they are only written texts (#21). Similarly Lycourgos asks the jurors to imagine that the country, trees, harbours, docks, walls, temples and shrines are all begging them for protection (*Leocrates* 150). Finally, I would draw attention to the hyperbolic claim of Apollodoros at 52.33 that he would rather the jurors took all he had than that he should be compelled unjustly to make a payment as the result of a sycophantic prosecution. This piece of (youthful?) bravado is somewhat surprising, but may be considered an effective attempt to convince the jurors of his sincerity.

Narrative

What seems to have been the standard fourth century theory of narrative is reported by Quintilian as follows: "Eam [sc. narrationem] plerique scriptores maximeque qui sunt ab Isocrate volunt esse lucidam brevem veri similem" (4.2.31). This is borne out by the *Rhetorica ad Alexandrum*, in which it is stated that the narrative should be clear, swift, and convincing (38.6), and by Dionysius of Halicarnassus (*Demosthenes* 34, p.205, 13-15 Us.-Rad.). In addition, Aristotle devotes a long chapter of his *Rhetoric* to the topic (III 16), in which his rejection of the view that the *diegesis* should be rapid (1416b30) is a clear swipe at the rhetorical mainstream as exemplified by the *Rhetorica ad Alexandrum* (and may also have been motivated by an awareness of the potential effectiveness of a long narrative in actual practice).

It is in terms of these Isocratean virtues that the narrative sections of the speeches of Apollodoros have tended to be judged, and have regularly been found lacking. The consensus is that the narrative is far too long, and frequently irrelevant, whilst the argumentation is correspondingly scanty and weak. Typical is the judgement of Blass (1893) p.539 on 59: "Unendlich breit im Erzählen, ist er ebenso schwach und dürftig im Argumentiren". And indeed it must be allowed that the narrative sections of all the speeches, with the obvious exception of 46 which has no narrative, are unusually long by Demosthenic standards, whilst the proof is correspondingly brief (#22). I would contend, however, that this should not necessarily be considered a failing of the speeches.

I have already noted the doubts expressed by Kroll (1940) and Delaunois (1962) on the closeness of the relationship between rhetorical theory and oratorical practice (pp.128-129 above). In addition, Pearson (1976) makes a number of important points in the course of his valuable discussion of the

function of narrative in Attic oratory. First, he argues that a detailed narrative can render a separate proof redundant: "A narrative skilfully presented and supported by convincing evidence can win a case in court without the need of much supplementary argument. The speaker may say that he is simply "presenting the facts as they happened", so as to give the impression that there is no other way to tell the story" (p.39). Second, and consequent upon this, a circumstantial narrative is intrinsically persuasive; and the more detail that is included, the more ready the jurors will be to believe it. Moreover, it allows the speaker to seize the initiative from his opponent who, if he wishes to make any headway, will have to devote considerable time to trying to undermine the sequence of events which has already been presented to the jury (this obviously only applies to the side which spoke first). Third, a circumstantial narrative offers considerable scope for the deployment of *ethos*. As Pearson puts it, "Defendants accused of serious offences can help their case enormously by a detailed narrative which reveals their good character" (p.38), whilst "A plaintiff must not only set forth his sufferings, but tell his story in such a way that the defendant is shown responsible for them, with no other explanation possible except his deliberate and malicious purpose" (p.39). It seems to me that Pearson has articulated a much subtler and more constructive way of approaching the narrative in the speeches of Attic orators than that favoured by earlier critics, and it is in this spirit that I now consider speeches 49, 50, 52 and 53 (there is no narrative in 46); 59 is a rather different case, which I discuss separately below.

50 is a remarkable speech, in that it comprises little more than one block of narrative (§§3-56) with no real argumentation. Although our ignorance of his opponent's case makes it difficult to be sure, this appears to be an excellent example of a speech where a detailed narrative is all that is required. As

Delaunois (1962) p.47 puts it: "il n'y a rien à prouver; il n'y a qu'à exposer et exalter le dévouement et l'esprit civiques". Of course we do not know whether the case was really as cut-and-dried as Apollodoros suggests, but the point is that his speech puts the onus on Polycles to prove otherwise. It is also true of this speech, as of the others, that the accumulation of detail helps to make his account more convincing: just as a vague and cursory narrative excites our suspicion as to its veracity, so a full and circumstantial account, especially one that is supported by witnesses, tends to have the opposite effect. This much is obvious, and I do not labour the point. One way in which the impression of truthfulness can be heightened is through the quotation *verbatim* of remarks which were made by the various parties. This use of direct speech can indeed be considered a distinctive feature of these speeches: although it is certainly found in the works of other orators, Apollodoros shows a marked predilection for its use (50.26, 28, 34-36, 39-40, 48-49; 52.5, 8-11; 53.11-12; 59.70, 82, 110-111) (#23).

Consequent upon this, the narrative sections of the speeches very often serve to dispel prejudice against the speaker, or against his story. Thus in 49 Apollodoros explicitly says that a detailed narrative is necessary in order to convince the jurors that his account (characterised as implausible at §1) is true (§4). Accordingly, he furnishes his narrative with precise dates (§§6, 22, 28, 30), figures (§§6, 11, 14, 17, 32), and details of the transactions entered into by Timotheos both with Pasion (§§7ff., 17, 29) and with others (§11: Antiphanes and Philippos; §14: the sixty trierarchs). Note too his detailed explanation of banking practice at §5.

Similarly in 53 Apollodoros seeks to avoid giving the impression of being ungrateful to his old friend Nicostratos and of bringing a sycophantic prosecution (cf. §1 for a realisation that the jurors might draw this conclusion

from his conduct). It is therefore important for him to show clearly that there was genuine enmity between himself and Nicostratos, and that he was the innocent party. As Pearson (1966) puts it, "To avoid the impression in 53 that he is being ungrateful Apollodorus tells the story with considerable circumstantial detail, mentioning several persons by name, describing exactly the means he took to raise the necessary funds, and reporting some of the dialogue verbatim."

Again in 52 there were a number of factors likely to prejudice Apollodoros' defence. First, his opponent, Callippos, as the *proxenos* of the Heracleotes and an Athenian citizen, was a man of standing and repute (#24). Moreover, the fact that he had been acting in an official capacity would make it difficult for Apollodoros to convince the jury that he had been motivated by personal greed (#25). Second, it is likely that the fact that Lycon and Cephisiades were foreigners, and merchants to boot, would have prejudiced Apollodoros' case (#26). Apollodoros was therefore compelled to try to show that Callippos' behaviour had been suspicious, and that his father conducted himself throughout in a scrupulously professional manner (see below on the way in which their respective characters are presented).

A regular function of the narrative in these speeches is the depiction of character, both that of Apollodoros himself and those of his opponents (there is of course a considerable overlap between the depiction of character and the removal of prejudice). This function is perhaps most pronounced in 50, where considerations of *ethos* predominate. It is clear from §4 that Polycles was expected to base his defence on the contention that Apollodoros had been motivated by vainglory and personal ambition, and so had made difficulties for his designated successor. To counter this, Apollodoros uses the detailed narrative to demonstrate "what sort of man I am as regards the orders which

you give" (§3), and every incident is marshalled to this end. Thus his heavy expenditure on the equipping of his ship (§7) and his willingness to perform the *proeisphora*, although not legally obliged to do so (§§8-9), both reveal his patriotic *prothymia*: he was motivated by an awareness of the paramount need to get the fleet launched as soon as possible. Similarly, his frequent payments to the crew were made "in order that none of the people's orders should be neglected as far as I was concerned" (§13). It also reveals him to be a man with the interests of his crew at heart, something of which many of the jurors could be expected to approve (#27). Apollodoros also portrays himself as a man whose sympathies are easily roused: not only did he weep at the plight of his family (§62), but he felt for the members of his crew (§13). He also uses the narrative to rebut his opponent's presentation of his character: the suggestion that he was so ambitious that he refused to cooperate with Polycles is effectively countered by his detailed enumeration of the opportunities that he gave his successor to take over the trierarchy (§§24-26, 27-28, 29-31, 32-37, 38-40, 54-56). At this point I should like to make a passing point of more general applicability: the recounting of a series of essentially similar incidents should not be dismissed as tedious repetition; rather, it is an effective means of convincing the jurors that he had bent over backwards to allow his opponent to take over the ship.

Polycles, on the other hand, is consistently portrayed as arrogant and intransigent: typically he meets the approaches of Apollodoros and his friends, no matter how conciliatory, with dismissive mockery (§§26, 31, 37, 40, 56). The quotation of his offensive replies serves to reinforce this characterisation; indeed, the use of direct speech is one of the most effective means of representing character. Moreover, at §44 Apollodoros represents the general Timomachos as thinking that Polycles would be a bad trierarch, and that he

would refuse to obey an order to sail.

In 53 Apollodoros makes little attempt to characterise his opponent, whose abrupt transition from friendliness to hostility at §13 is left unexplained. He consistently presents himself, however, as a naive and trusting young man (§§12-13) (#28). He emphasises the degree of friendship which he had believed to have existed between himself and Nicostratos (§§4, 7, 8, 12), and again portrays himself as easily moved to pity: he was "grieved at this man's misfortune" (§7). Apollodoros is also adept at inserting incidental details which show him in a good light and help to build up a favourable *ethos*. Thus at §14 the sweeping statement "whenever I was abroad on public service as a trierarch" makes it clear that he was a patriotic citizen who did not shirk his responsibilities. Similarly at §15 his haste is described as being motivated by a public-spirited desire not to delay the ambassadors. Again at §16 he lets drop the fact that two of the runaway slaves had been gifts from him to Nicostratos, whilst the fact that he pledged cups and a crown from his patrimony (§9) underlines the lengths to which he was prepared to go to help his friend.

I have already suggested that in Apollodoros' prosecution of Callippos (52) there would tend to be a prejudice in favour of Callippos and against Pasion (above p.131). Apollodoros seeks to remove this prejudice through his characterisation of the two men as it emerges through the detailed narrative of the speech. It is clearly signalled in the proem that he intends to rely heavily on an attack on Callippos' character: because the latter has been emboldened by his reputation and oratorical ability to tell lies, it is necessary for the defendant "to speak no longer about the issue, but also about the speaker" (§1). His portrayal of Callippos is clear, yet subtle and understated: Apollodoros allows the picture of a sinister bully to emerge through the

judicious use of telling details and *verbatim* quotation of his conversation with Pasion, rather than through explicit assertion. Thus the fact that Callippos initially "walked away in silence" (§6) rather than staking a claim to the money immediately raises the jurors' suspicions. Again, in the key scene between Pasion and Callippos (§§8-12), although it is nowhere stated that the latter's intentions were criminal, this emerges as the inescapable conclusion from his words to Pasion as reported by Apollodoros: "Do you realise what I am asking you, Pasion?" (§8); "You have the opportunity to do me a favour and to do him no harm" (§9); "Do not worry, Pasion: if you put your mind to it, you will make them do these things" (§12).

The characterisation of Pasion is crucial to the success of the speech, since much depends on what view the jury takes of his honesty and reliability. It is likely that the prosecution argued that he and Cephisiades had conspired to defraud Callippos, although it is possible that they merely accused him of incompetence. From the first, therefore, Apollodoros shows him to have been careful and honest: the purpose of the explanation of banking practice at §4 is surely just as much to show that Pasion was cautious and thorough in making arrangements for the disbursement of money as to initiate the jurors into the arcana of financial practice. Furthermore, Pasion's reaction to Callippos' request (§11) reveals him to be obliging (and cf. Phormion's willingness to show him the bank's books at §6), but not to the extent of being prepared to cooperate in his illegal proposal. His suggestion to Callippos that he (Callippos) should approach Cephisiades himself is a clever way of refusing to become involved in the dispute.

To summarise my conclusions so far, the lengthy and detailed narrative in 49, 50, 52, and 53 serve a clear probative purpose, both by disposing the jurors to believe the account which they are hearing, and by enabling Apollodoros to

insinuate into their minds his conception of the characters of the various protagonists.

The narrative in 59 is different in character to that found in the other speeches. Instead of recounting events in which he or his father had a personal involvement, Apollodoros here deals with events in which neither of them took any part, and which happened some considerable time in the past. As a consequence of this, the narrative has a degree of detachment not found in the other speeches. This is reflected in its rather different tone: the earnest, self-righteous litigant of the earlier speeches is replaced by a raconteurish man of the world. The whole speech is more of a performance, in which Apollodoros seems to be playing to the gallery. Moreover, his narrative lacks any real unity, being an often picaresque (especially §§18-48) series of episodes linked only by the figure of Neaera. The charge of irrelevance often levelled at Apollodoros seems to carry particular force here.

Of course, much of what I said about the purpose of the narrative in the earlier speeches also applies to 59. Thus the accumulation of circumstantial detail lends credence to a story which might otherwise be considered malicious invention. However, there is little *ethos* of the kind discussed above; such characterisation as there is is drawn with much broader strokes. Thus Neaera is a typical courtesan (note §24 "as you would expect of a *hetaira*"), whilst Stephanos is characterised as a typical small-time huckster. On the other hand, Apollodoros' privileged position as narrator allows him to usurp an almost authorial knowledge of what was going on in the minds of Stephanos and Neaera (note for instance the conversation reported at §38); so much so, indeed, that it is easy to forget how much of his account has to be taken on trust. Moreover, the latter part of the narrative has an explicitly probative function, since Apollodoros justifies the introduction of the three episodes involving Phrastor,

Epaenetos, and Theogenes as being in order to "show you that Stephanos himself has also given evidence against her that she is a foreigner" (§49). Indeed, from a formal point of view, these episodes are as much part of the proof as of the narrative.

More than this, however, I would like to suggest that this sort of racy, scandalous account was just the kind of thing that an Athenian jury loved to hear. Apollodoros' narrative is a heady brew of sex, politics, corruption, public figures (Lysias features at §§21-23) and state religion, which would compel the attention of even the most blasé juror. As Delaunois (1962) says of §§18-48, the narrative "fourmille de détails hors-cause, mais quel régal pour les juges simples dans ce récit de mœurs athéniennes, avec insistance sur la prostitution, et donc quel appoint pour la cause, surtout que les témoignages s'ajoutent en abondance" (p.61). This view finds support in Apollodoros' leering promise to tell the jurors what became of Neaera's so-called sisters "if you wish to hear and I have time left over" (§20). Moreover, he fairly revels in the graphic description of the debauchery at Chabrias' party (§33), whilst there is evidence that at least one piece of sexual crudity which originally appeared in the speech has been excised by bowdlerising critics (#29). Such a knockabout style would obviously be inappropriate in many cases, but in a suit of this nature it seems to work well. Moreover, this pandering to the jury's taste for the sensational serves to distract them from the weakness of Apollodoros' case, and the difficulty which he had in rebutting Neaera's defence (on which see below pp.148-149).

Argumentation

The essential task of any litigant is to persuade the jury of the truth of his version of events. This requirement is reflected in the prominent position

assigned to proof (or argumentation) in fourth century rhetorical theory.

Aristotle and the author of the *Rhetorica ad Alexandrum* both distinguish two kinds of proof: artificial (which the latter terms *epithetai* or supplementary) and non-artificial (Aristotle *Rhet.* 1355b35-39; *Rhet. ad Al.* 14-17). The latter are pieces of direct evidence, such as the testimony of witnesses, laws, oaths, agreements, and the results of the interrogation of slaves (Aristotle *Rhet.* 1375a22-1377b12 = I 15). Kennedy (1963) p.90 describes the former as "those that can be constructed by the art of the orator. In practice they are basically arguments from probability, but this is only a subdivision of Aristotle's system, which divides artificial proof into three types: that found in the character of the speaker, that found in the state of mind produced in the hearer, and that found in the speech itself insofar as it seems to prove or disprove (1356a1ff.)". Thus both *ethos* and *pathos* are treated as forms of proof, although the former is more commonly a feature of the narrative, the latter of the epilogue. A number of the commoner arguments from probability became standardised as commonplaces (*topoi*) and are found recurrently in Attic oratory (#30).

The argumentation is the aspect of the speeches of Apollodoros which has attracted most criticism. As we have already seen, Schäfer *Beilage* p.191 concluded that "ist die Beweisführung dürftig und ohne Gewicht", whilst Kennedy (1963) p.247 found the "argumentation feeble". It remains now to consider whether this criticism is at all valid.

I have already suggested that a detailed narrative can remove the need for much in the way of argumentation (above pp.138-139). This seems to me to be the explanation for the absence of a separate proof in 50. That is not to say that there are no proofs (*pisteis*) of any kind in the speech, but rather that Apollodoros relies heavily on direct evidence such as the testimony of

witnesses to support his story (§§10, 13, 28, 37, 40, 42, 56). Note also the appearance of a *tekmerion* in the narrative at §§41-42. Beyond this, however, the case was so straightforward (or at any rate Apollodoros wished it to appear so) that there was no need for detailed argumentation.

The case of 59 is somewhat different. Once again we are faced with a very long and detailed narrative studded with pieces of direct evidence (witnesses at §§23, 25, 28, 32, 34, 40, 47, 48, 54, 61, 71, 84, 123; laws at §§16, 52, 87; documents at §§47, 71, 104, 124; oath at §78). The proof as such is limited to a disquisition on the importance of the law which regulates grants of Athenian citizenship (§§85-108), which is in turn dominated by a long section in which Apollodoros recounts the various occasions on which the Plataeans demonstrated their loyalty towards Athens, on account of which they were granted Athenian citizenship. The argument is what has been termed "comparative *a fortiori*": if the Plataeans, who deserved so well of Athens, were granted citizenship only on the most strenuous terms, is it not disgraceful that Neaera, a common courtesan, should have usurped it so easily?

Moreover, a proof, or rather refutation, intrudes into the epilogue at §§118-124. This proof is the familiar *topos* on the refusal of one's opponent to hand over his slave for interrogation. As we have seen, its position within the speech is distinctly problematic (see above p.136). A partial explanation of its appearance here may be that Apollodoros was trying to keep the proof (of his own case) and the refutation (of his opponent's case) separate, and that the emotional intensity of the proof, in which he tried to whip up anger and indignation against Neaera, was so great that it developed into a sort of peroration (where *pathos* is a regular feature). When Apollodoros then turns to the refutation, the effect is inevitably one of bathos.

If there is little argumentation in this speech, this is compensated for by a much heavier use of emotional appeal (*pathos*) and accumulation (*auxesis*) than in the other speeches. In addition to the section on the Plataeans mentioned above, a good example is provided by his disquisition on the religious importance of the Basileus Archon and his wife (§§73-78). Finally, as I have already shown (pp.144-146 above), much of the narrative has an explicit probative function. In this speech it must be admitted that Apollodoros is more concerned to regale the jurors with an exciting story, and to play upon their feelings of indignation, than to trade *eikota* with his opponents. Yet if (as is quite possible) the arguments from probability all tended to favour Neaera, this may well have been the most effective way for him to conduct the case.

That Apollodoros could argue conventionally when the case demanded it is clear from 49, where the argumentation is vigorous and convincing, although arranged in a manner which has attracted criticism. Apollodoros claims that his father had made four loans to Timotheos. He begins the proof by offering *tekmeria* that the wood from Macedonia (for the transportation of which the fourth loan was advanced) did indeed belong to Timotheos, and that the freightage on it had not been paid by anyone else (§§34-42). This argument is conducted on the basis of probability and of the failure of the friends of Timotheos to testify for him. Apollodoros then adds that his father had personally told him about these debts when he was on his death bed (§43), and that Timotheos had received a copy of the relevant records of the bank (§44). He then turns to consider the various defences which Timotheos had advanced at the arbitration, and attempts to rebut them *seriatim*.

(i) First loan (§§44-47). Timotheos had claimed that the money had been lent to his steward Antimachos privately. Apollodoros counters by arguing that

Timotheos had no witnesses for this claim, and then offers a great proof (*mega tekmerion*): the failure of Pasion to file a claim against the estate of Antimachos after the latter had been executed and his property confiscated implies that he had not thought that it was Antimachos who should repay the money (§45). Possible reasons why Pasion might have been unwilling to do so are adduced only to be dismissed: lack of the necessary deposit (§46); a poor reputation (§46); opposition from Callimachos, who was responsible for the disposal of the estate (§47).

(ii) Second loan (§§48-54). Timotheos had claimed that the Boeotian admiral had borrowed the money himself, and had given Pasion a quantity of copper as security for the loan. Apollodoros argues first that this is incompatible with the evidence which connects Philippos with Timotheos, or with the fact that it was Timotheos, not the Boeotian admiral, who had actually distributed the pay (§§48-49). He then suggests that the Boeotian had no motive to borrow money in order to keep the fleet together, whilst Timotheos had every reason to do so (§50). The suggestion that the former borrowed money from Pasion on the security of the copper is criticised as being implausible, by a process of what might be termed logical exhaustion: Apollodoros rebuts in turn all possible variations of Timotheos' claim, thus showing that the claim itself is untenable. This proof is cast in the form of a series of questions (multiple *hypophora*). Then at §53 he addresses the claim that Philippos had been pressing the Boeotian for the return of his money, and suggests that on the contrary the former would have been happy enough to continue taking the interest, and that there would have been no need to involve a third party.

(iii) Third loan (§§55-58). Apollodoros here argues from the failure of Timotheos to produce Aeschrion, either as a free man or as a slave, that he acknowledged his own guilt.

(iv) Third and fourth loans (§§59-64). Apollodoros now turns to Timotheos' defence that he was abroad at the times when he was entered in the bank's records as having incurred these debts (§59). In §§60-61 he explains that the loan of the freightage was entered into the books at the time when the agreement was made, not when the money was disbursed. Then in §§62-64 he explains that Timotheos was debited the value of the bowls at the time when their rightful owner - they had been lent to Timotheos in error - tried to retrieve them and had to be paid their cash value; his father did not demand their return because he felt sorry for Timotheos and did not wish to embarrass him by insisting on their return. Finally, Apollodoros defends his refusal to allow Timotheos to take an oath on the ground that he had frequently perjured himself in the past (§§65-67).

In my opinion the argumentation of this speech is competently handled, and Apollodoros makes effective use of a variety of different probative techniques. Much the most frequently employed, as one would expect, is the argument from probability. An interesting variation on this is the proof by logical exhaustion, which is used at §§46-47 and again, in a slightly different form, at §§50-52, where it is couched in the form of multiple *hypophora*. I can find no exact parallel for this latter in forensic oratory, but it is interesting to note that something very similar is found at Gorgias *Palamedes* 7-12. Apollodoros also repeatedly builds an argument on the failure of Timotheos to produce evidence which would have supported his case (his friends: §§37-38 and 40-41; someone to support his contention about Antimachos: §45; Aeschrion: §§55-58). He also uses standard banking practice to demolish one of Timotheos' contentions (§§60-64).

The criticism which has been levelled at the argumentation of this speech has concentrated on its arrangement. Blass (1893) p.525 criticised the fact

that the proof relating to the fourth loan is not handled in a single passage, as well as the general lack of organisation. This criticism seems to me to be wide of the mark, since the treatment of the fourth loan is clearly divided into *confirmatio* at §§34-44 and *refutatio* at §§59-61. This latter forms part of the general *refutatio* which runs from §44 to §64. Moreover, it is easy to see that the argumentation dealing with the third and fourth loans has been conflated at §§59-64 because in each case Timotheos put forward the same defence.

The other speech which contains a full proof is 52. Here Apollodoros first tries to prove that Pasion did not refuse to take an oath (§16), and then draws out the implications of his own willingness to swear an oath (§§17-19). He next attempts to show that Lycon had had no dealings with Callippos, arguing from the fact that the friends of Callippos were not giving evidence on his behalf, and from the fact that Lycon had turned to people other than Callippos for help (§§20-22). His next argument is based on considerations of honour: Lycon should have deposited the money with Callippos, if he intended that he should be his heir, rather than with a banker; such a course would have been finer, more just, and more magnanimous (*megaloprepesteron*) (§§23-24). He then suggests that Pasion would not have favoured Cephisiades, even for financial gain, since both self-interest and his own good character would have prevented him from doing so (§§25-26); even Callippos showed by his behaviour that he considered Pasion to be a trustworthy person (§27). Apollodoros then turns to consider the case of his own witness Archebiades, and argues that he was unlikely to have given false evidence against Callippos (§§28-29). Finally, and in a rather roundabout way, he deals with Callippos himself. He says that Pasion was too proud of his good reputation to have acted basely, and that Callippos was too powerful for Pasion to have despised him (§29). Indeed (he continues) he was so powerful that he had been able to persuade the arbitrator

Lysitheides to make his decision against Apollodoros (§30). This is obviously a crucial revelation, which did not feature in the narrative. Apollodoros argues from the fact that Lysitheides was not under oath when he reached this decision that he had scruples about what he was doing and realised that it was wrong. Moreover, he emphasises the difference between this decision and the decision which Lysitheides had reached earlier when acting as arbitrator between Pasion and Callippos (§§30-31).

The argumentation of this speech has not found favour with commentators. In particular, the fact that Lysitheides' decision against Apollodoros is not mentioned until §30 has attracted criticism. Thus Blass (1893) p.516 thought that "in letzterer Beziehung [sc. Anordnung] ist auffällig, dass Lysitheides' Schiedspruch nicht in Zusammenhange mit der Erzählung über das erste Schiedsgericht, sondern erst unmittelbar vor dem Epiloge vergelegt wird". Similarly, Gernet (1959) judged that "l'état de cause n'y apparaît pas aussi bien qu'on le voudrait: il est mal composé et c'est seulement à la fin qu'on apprend des choses qu'il aurait fallu savoir d'abord; la thèse de l'adversaire est mal présentée et nous sommes réduits à conjecturer ce que pouvait être les motifs de la demande" (p.67). But such criticism is fundamentally misconceived: it is no business of a litigant to give a clear account of his opponent's case (something which Callippos had already done in his own speech). And here Apollodoros has good reason to delay introducing this awkward fact until the jurors have been disposed by the earlier narrative to accept that Callippos was the type of person who was capable of seeking to pervert the course of justice in such a manner. Conversely, there was nothing to be gained by introducing the episode earlier in the speech. To conclude, Apollodoros in this speech has produced an effective combination of arguments from honour, expediency, and human nature. The arrangement is clear and the overall effect is persuasive.

I turn now to consider the remaining two speeches. The structure of 53 is well defined, and the argumentation forms a separate section at §§19-28. The proof that the slaves belonged to Arethousios is provided by the testimony of witnesses (§§19-21). Apollodoros next defends his refusal of his opponent's offer to let him interrogate the slaves, by arguing that the slaves are public property, and should therefore be interrogated by a public official (§§22-24); if he had examined them himself, his opponents would doubtless have raised objections (§25). He then states that, at the earlier trial of Arethousios, the other brothers (#31) had guaranteed that his fine would be paid. From this he argues that, since they had failed to honour their guarantee, their property is liable to confiscation; therefore, even if the slaves *did* belong to them, they are now forfeit (§§26-27). Finally, he appeals to public opinion: previously Arethousios was acknowledged to be the wealthiest of the brothers, but now he is made out to be a poor man (§28). Both the case and the proof appear to be quite straightforward.

Oration 46 is a curiously unsatisfactory piece, which can hardly be considered typical of Apollodoros' output. Not the least puzzling aspect of it is the fact that Apollodoros seems to have written it himself, whilst he certainly did not write the first speech against Stephanos. It consists of little more than a series of (weak) proofs arranged paratactically, and we may wonder how much time or effort was devoted to writing it. Delaunois (1962) in fact suggests that it may have been improvised: "Ne pardons pas de vue qu'il s'agit d'une replique, probablement improvisée, et que le tribunal n'en demandait sans doute pas plus" (p.50). The opening arguments are resumed from the first speech. First, Apollodoros reminds the jurors that Stephanos never witnessed Pasion's drawing up of his will, nor the opened will (§2 cf. 45.23); therefore his testimony must be false (§3 cf. 45.26). He reiterates that Stephanos must stand

by every word of his testimony (§4 cf. 45.43) and then instructs him in what he should have said if he had wanted to give his evidence correctly (§5 cf. 45.28). The bulk of the proof is then given over to the citation and application of a series of laws. Apollodoros first cites those forbidding hearsay evidence (§§6-8), and the giving of evidence on one's own behalf (§§9-10). He next produces a string of laws to prove that his father could not have made a will, or, if he did, that he did so illegally (laws cited at §§12, 14, 18, 20, 22, 24, 26). It should be noted that these "proofs" depend on the consistent, often grotesque, distortion and misrepresentation of the laws. Of course this does not prove that Apollodoros misunderstood the meaning of the laws, but it throws an interesting light on the question of how much legal knowledge a jury was expected to have. Inserted into this sequence are two arguments. The first is from probability: the fact that Stephanos wrote his deposition on a whitened tablet rather than on wax suggests that it had been fabricated (§11). The second is based on Apollodoros' challenge to Phormion to surrender the slaves of Archippe for interrogation (§21).

It is impossible to generalise about the argumentation in these speeches. This very impossibility would tend to support my belief that Apollodoros should be given credit for adapting his argumentation to the demands of each case. Thus in 49 and 52 he attempts to provide rigorous proof that his version of events is the true one, whilst in 50 there is little need for *enteknoi pisteis*: the narrative and supporting witnesses are damning enough. In 59, however, he relies much more heavily on *pathos* than on *eikota*. The whole gamut of argumentative devices is used, and the proofs seem to be well suited to the particular circumstances of each speech. Nevertheless there are a number of features which can be considered distinctive:

(i) Theomnestos justifies his calling of Apollodoros as *synegoros* by reference to his greater experience of the laws (Dem. 59.15). This legal experience manifests itself in what amounts to an obsession for the citation of laws in support of his arguments. In addition to the many instances in 46 listed above (p.155), laws are cited at 49.67; 52.17; 53.27; 59.4, 16-17, 52, 66, 67, 75, 85-87, 89-90, 92, 104-106. Blass (1893) wrote (of 46) that "charakteristisch ist aber das Auskramen von Gesetzeskenntnis, und eben dies findet sich auch in den andern Reden Apollodors....." (p.534). Particularly in 46 and 59 (incidentally the two latest speeches) he cites laws in irrelevant detail and at disproportionate length. Striking examples include the law on the admissibility of hearsay evidence (46.6-7), that on the circumstances under which a will shall be invalid (46.16), and that on the provision of maintenance (59.56) (there are many others). In addition to the regular misrepresentation of laws, passages such as 46.25-26 (the law on conspiracy) seem to reveal a desire on his part to demonstrate his legal knowledge without any consideration as to its relevance or likely effectiveness.

(ii) Apollodoros frequently argues from his opponent's failure to hand over slaves for interrogation (46.21; 49.52, 55-57; 59.120-124). Although this is a commonplace of Attic oratory (#32), its prominence in these speeches is striking. It should be noted that this is not an exclusively rhetorical *topos*, since its use in a speech depends on the challenge actually having been made. Its frequency therefore tells us as much about how Apollodoros conducted his disputes as about his argumentative technique. On the other hand, his argument at 49.52 that Timotheos "should have handed over the slaves who conveyed the copper" suggests that he had a particular liking for this *topos*. Of course, this may represent an unconscious attempt to distance himself from his own servile origins.

(iii) Apollodoros repeatedly contrasts what his opponents did with what they ought to have done. This retrospective advice can be expressed in either legal ("If my opponent had wanted to obey the laws, he should have....") or moral ("If my opponent had been a man of honour, he should have.....") terms. Instances can be found at 46.5, 11, 23; 49.52, 57; 50.41; 52.24; 53.28.

(iv) I have already noted a recurring peculiarity in the arrangement of these speeches: the introduction of proofs very late in the speech, either in or (even) after the epilogue. This is to be found at 46.28; 50.68; 59.118-124 (49.65-67 is more a piece of *diabole* than a part of the argumentation, although the distinction is not always an easy one to make). The frequency of this seems to me to be significant: there are admittedly parallels for a part of the *narrative* being reserved until the proof, for example at 52.30 and repeatedly in Antiphon, but this is somewhat different (#33).

(v) Twice (in 49 and 59) there is a separation of the proof into confirmation and refutation (see above pp.148, 151). In each case failure to recognise this has led scholars make unfounded criticisms of the arrangement of the speech.

(vi) Finally, Apollodoros shows an evident familiarity with the technical terms of rhetorical proof. The word *eikos* (and forms) is found at 46.1; 49.36, 38, 67; 50.1; 52.1, 29; 59.11, 41, 74. Even more striking is the frequency with which he uses the word *tekmerion*: 49.45, 48, 57; 50.29, 41, 57; 52.16, 17, 23, 32; 53.1, 2; 59.57, 58, 82. It is interesting in this regard to note the complete absence of the term *semeion* in these speeches. He also distinguishes between direct evidence (witnesses) and indirect evidence (proofs) at 49.69 and 50.57, whilst at 52.32 he enumerates the various persuasive devices which he had employed:

"μάρτυρας καὶ τεκμήρια καὶ νόμους καὶ πίστεις"

Notes to Chapter IV

1. Much the same line is taken by Delaunois (1962), with whose approach I am in considerable sympathy. His is the most convincing treatment known to me of the rhetorical aspects of the speeches of Apollodoros.
2. See especially Plato *Phaedrus* 266d5-267d11, where Phaedros talks about "the large amount of material in the rhetorical handbooks" (266d5-6).
3. Since the use of a speech-writer was frowned upon, there may have been some Athenians who considered it more honourable to write their own speeches. Others may already have acquired practical experience of public speaking in the assembly or council, and wished to polish up their technique.
4. The last datable reference in the *Rhetorica ad Alexandrum* is to Timoleon helping the Syracusans in 341 (8.8). The scholarly consensus is that the work dates to the decade 340-330 (see Fuhrmann (1964) p.146).
5. Solmsen (1941) p.46 says that "I should hesitate to credit Aristotle with any of the notions or precepts of the second part of book Γ (chaps. 13-19), since there are good reasons for assuming that Aristotle in that section is reproducing a system of the alternative 'Isocratean' type." See Solmsen (1932) for the idea that he derived these precepts from Theodectes.
6. A quadripartite structure is also attributed to Corax (p.189, 13-17 Rabe = Radermacher B II 8). However, the tradition concerning Corax is extremely confused. Thus Troilus credited him with a seven-part structure (p.52, 3-20 Rabe = Radermacher A V 16), whilst an anonymous writer credits him with a tripartite structure of proem, *agon*, and epilogue (pp.25, 11 - 26, 66 Rabe = Radermacher A V 16). Kennedy (1959) pp.177-178 is inclined to accept this last account, but thinks that his pupil Teisias, whose background was judicial, may have included narrative. For a general discussion see now Schöpsdau (1969).

7. The function of each of the four parts of a speech is given by Theodectes (fr. 138, 139, 150 Gigon) as, respectively, good will, trust, conviction, and recapitulation and emotional appeal.
8. Antiphon: Suidas s.v. *ανισθέσθαι* Photius and Suidas s.v. *μοχθήρος*; Cicero *Brutus* 12.47 = Radermacher B X 13-15. Cephalos: Suidas s.v. *Κέφαλος Ἀθηναῖος* = Radermacher B XVIII 1. Thrasymachos: Athenaeus X 416a; Aristotle *Rhetoric* 1404a12 = Radermacher B IX 9 and 11. This last reference is to a work entitled *Eleoi* which I follow Kennedy (1963) p.69 in taking to have been a collection of material appropriate to the epilogue.
9. The collection as we have it was clearly never intended for publication. Thus Rupprecht (1927) p.368: "Demnach kann das Ganze wohl charakterisiert werden als eine Fragmentsammlung, die aus dem Archiv des Demosthenes stammt." See too Focke (1929) pp.30-68.
10. The balance of probability is that the *Rhetorica ad Alexandrum* was written by Anaximenes. Thus most recently Fuhrmann (1964) pp.143-150 (pp.681-688 in the continuous pagination).
11. On the proem see also Aristotle *Rhetoric* III 14, where its functions are stated as being exposition, arousal of goodwill or prejudice, and securing the attention of the audience. However, Aristotle only approves of the first of these.
12. Although "justice" is one of the commonest *topoi* in Attic oratory, this passage is somewhat unusual in its emphasis on strict impartiality, rather than the rights of the speaker.
13. It was necessary to strike the right balance between enumerating all the wrongdoings of one's opponent, and making sure that one was not boring the jurors. The more common promise was to give one's narrative "as briefly as possible" (thus e.g. Lys. 24.2. Dem. 45.2; 54.2). A similar promise to tell

"everything from the beginning" is found at Dem. 47.3. The form of words used in the latter passage (ἐξ ἀρχῆς ἅπαντα) is identical to that used at 49.4, which might possibly have a bearing on the question of whether Apollodoros also wrote 47.

14. This accords with the precept that the importance of the matter at issue should be emphasised, although the public aspects of a case were more usually dealt with in the epilogue.

15. For the *paraskeue* of one's opponent as a theme of the proem see (e.g.) And. 1.1; Lys. 3.2; 19.2; Dem. 44.3; Aesch. 3.1, 3.

16. Pleas of youth and inexperience are found at (e.g.) Ant. 5.1; Lys. 19.2; Isaeos 10.1; Dem. 58.3.

17. On justifying the introduction of a *synegoros* see *Rhet.ad Al.* 36.13. For examples of these precepts in action see (e.g.) Lys. 5.1; Isoc. 21.1; Isaeos 4.1; 6.1-2; Dem. 36.1. For a general discussion see Lavency (1964) pp.84-89.

18. I give here a few selected examples of these commonplaces. Prudential argument: Dem. 36.58 ("beware of setting a shameful example"); 51.22; 54.43; 56.48-50. Appeals for help: Dem. 27.68; 40.61; 42.31-32; 45.88; 54.42; 58.69-70. Lack of time: Dem. 41.30; 47.82. Services to the state: Lys. 3.47; 10.27; Isaeos 5.45; 6.60. Oaths and laws: Isaeos 2.47; 4.31; 8.46; Dem. 43.84.

19. Blass (1893) p.529 seemed to believe that the epilogue of 50 starts at §57 (his account is not entirely clear), while Delaunois (1962) p.47 opts for §58.

20. A reference to the reading of the law should probably be restored at the end of the speech (see §65 and Rennie's *apparatus criticus*). I have wondered on the basis of this omission whether the speech might not be slightly damaged at the end, but am inclined to think that we should accept the text as it stands.

21. There is an obvious similarity between this passage (Dem. 21.223-225) and Plato *Crito* 50a6-54d11. On personification in Demosthenes see Wankel (1976)

pp.858-859.

22. I have selected a group of Demosthenes' private speeches (36, 37, 39, 45, 54) and compared the proportion of narrative in these speeches with the comparable figure for the speeches of Apollodoros (with the exception of 46). The figure for the Demosthenic speeches is 14.6% (43 paragraphs out of 295), that for the Apollodoran speeches is 54.4% (177 paragraphs out of 325).

23. Sigg (1873) p.420 accepted that direct speech can be effective if it is used sparingly, but considered Apollodoros' use of it to be "lästig und verwerflich". Contra Pearson (1976) p.19.

24. Callippos was a pupil of Isocrates (Isoc. 15.93). Apollodoros describes him as having a good reputation (§1), and as being active in public life (§28), whilst Pasion is represented as saying that he would be mad not to want to do him a favour (§11). The fact that he was a *proxenos* suggests that he was a man of standing and influence (see Herman (1987) pp.130-142).

25. Unfortunately we are very ill informed about the rights and duties of a *proxenos* in such situations. It is not entirely clear what was happening, but perhaps Callippos was trying to get in touch with any relatives that Lycon might have left in Heracleia. If this is correct, it would explain why he took so long to come back to Pasion.

26. On xenophobic attitudes to foreign merchants see Mossé (1983) pp.58-59.

27. This point is well made by Pearson (1976) p.60 n.33.

28. Thus Süß (1910) p.232.

29. This would appear to be the implication of the citation by Hermogenes (*On Types* p.353 Spengel) of a sexually suggestive phrase which is not in the text of the speech as we now have it (for the text see p.94 above). For the suggestion that Procopius *Secret History* 9.18 depends on this passage see Kassel (1973) pp.104-105.

30. For a general discussion of commonplaces see Kennedy (1963) pp.52-54.

31. In fact Apollodoros simply refers to "these men". Of these, one was certainly Nicostratos, the other(s) may have included Deinon and the unnamed other person of §14.

32. For examples of this theme see Ant. 5.31-38; 6.25; Isoc. 17.54; Dem. 30.37 and cf. Dorjahn (1952).

33. Thus Due (1980) p.71: "[Antiphon] keeps information which apparently belongs to the narrative in reserve until later, so as to obtain the greatest effect, as in I 26, I 30 or VI 49."

Chapter V The Education of Apollodoros

In this chapter I shall be attempting to locate the speeches of Apollodoros within a broader context, and to discover what they can tell us about the capabilities of their author and the sort of education which he had received. On this latter point, critical opinion, in so far as it has addressed the issue, is sharply divided. Blass (1893), in the course of arguing that Apollodoros did not write the speeches, stated that "Man mag nun über die sechs Reden noch so abschätzig urtheilen, so viel steht fest, dass sie nicht ohne eine gewisse Technik sind, in der Anlage sowohl wie in der Beweisführung, und diese Technik war in Athen nicht ein solches Gemeingut, dass wir sie dem Apollodor darum, weil er viele Privat- und Staatsprocesse führte und auch einmal ein Psephisma beantragte, ohne weiteres zutrauen könnten" (pp.542-543). His argument continued as follows. If Apollodoros had written the speeches, he must have had a rhetorical education. If this were the case, the speaker of Dem. 36 could not have failed to mention this as an additional ground for criticism (p.542). But since he does not do so, Apollodoros could not have been their author.

Gernet (1959) believed that Apollodoros did write the speeches himself, and that there is no reason to assume that he had had a rhetorical education: "pour pratiquer le lieu commun, pour manier au besoin telle de ces formes d'arguments que les rhéteurs se repassaient, il n'était pas besoin d'être un homme de métier: il suffisait d'avoir fréquenté l'agora, de quoi Apollodore n'a pas dû se priver." (p.12).

A different characterisation of the author of the speeches is put forward by Pearson (1966): "Their faults, indeed, are obvious, but they are faults that we associate with inexperienced and ineffective speakers rather than with any

kind of professional writer. What specially irritates the reader is the speaker's tendency to repeat himself..... Inexperienced speakers are notoriously wasteful of time; they repeat themselves because they suspect, often with good reason, that they have not made the essential details of their argument clear....." (p.348).

There are thus three different views which have been put forward: that the speeches must have been written by a man with a rhetorical education; that there is no reason to believe that their author had received such an education; and that they show clear signs of inexperience. It is clear from this divergence of opinion that the question of what the speeches can tell us about the educational background of their author is one which needs re-opening. Unfortunately, we are very short of evidence about early fourth century teachers, with the exception of Isocrates and Plato, neither of whom can be considered as providing a typical education to their pupils (#1).

In fourth century Athens higher education was the preserve of the rich, who alone had the necessary time and money to study under a teacher of rhetoric (#2). The teacher about whom we know most is Isocrates, whose school was exclusive both numerically and financially (#3). Isocrates himself attacks other teachers as being charlatans who attempt to acquire as many pupils as possible by the magnitude of their promises and the smallness of their fees (Isoc. 13.9). And indeed it is clear that there were a large number of teachers, who varied considerably as regards the fees which they charged and the quality of the instruction which they provided (#4). There is no indication that any teacher restricted his instruction only to those who were well-born Athenian citizens, although it is possible that this was true of some of them. Isocrates certainly taught foreigners (Isoc. 15.39, 147), and there is no reason to think that men of humble origins such as Pasion would have had any

difficulty on that score in securing a rhetorical education for their sons.

We must next enquire just how common such rhetorical schooling was: did it form a regular part of the education of a wealthy young man, or did it tend to be limited to those who were planning a career in public life? And to what extent was it considered a status symbol? On this last point, Isocrates says that his father "educated us so carefully that I was more conspicuous then and better known among my contemporaries and my fellow students than I now am among my fellow citizens" (Isoc. 15.161), which suggests that a good education could be a source of honour and distinction. Unfortunately, on the question of how common this type of education was, the evidence simply fails us. Nor do we know enough about either Pasion or the young Apollodoros to be able to gauge the probabilities, although the relevant questions can still be posed. What were Pasion's ambitions for Apollodoros? Did he really think as little of his elder son as the speaker of Dem. 36.51 (with understandable prejudice) suggests? Was Apollodoros merely the irresponsible spendthrift who is described at Dem. 36.8, or did he have political ambitions even at this early stage? To each question, the only possible answer is *non liquet*.

We should next consider how important the possession of a rhetorical education was for the writing of a forensic speech: would Apollodoros have had to have been thoroughly educated in order to have written the speeches which he delivered? Here the evidence suggests that some successful orators did not have any formal training. Isocrates, indeed, says as much: "I think all intelligent people would agree with me that while many of those who have pursued philosophy have remained in private life, others, who have never taken lessons from anyone of the sophists, have become able orators and statesmen" (Isoc. 13.14 tr. Norlin (LCL) slightly adapted). Unfortunately Isocrates does not identify any of these men, nor does he say that any of them actually *wrote*

speeches (as the author of our speeches did) as opposed to speaking *ex tempore* in the Assembly or Council. As regards orators whom we know to have written speeches, the evidence suggests that neither Andocides nor Aeschines had ever received a formal education. In the case of Andocides the ancient sources know of no teacher under whom he studied, whilst modern scholars generally agree that all of his speeches, and particularly the earliest (*On His Return*), display an absence of rhetorical knowledge on the part of their author (#5). In the case of Aeschines, the ancient tradition about his education is confused: he is variously claimed to have studied under a number of different teachers, or under none (#6). The tradition reported by [Plutarch] (*Moralia* 840F), that he received no rhetorical education, is accepted by Kennedy (1963) p.237 n.131, but doubted by Harris (1983) p.53 as "probably based only on the information found in the speeches of Demosthenes". Yet even if this tradition is suspect, it still seems likely that Aeschines received no formal education. Thus Harris (1983), after a thorough discussion of Aeschines' social standing, has concluded that "it is doubtful that he received any formal training in rhetoric or philosophy, since it is unlikely that he could have afforded the fees demanded by the teachers of rhetoric and he did not have the time, while working as a public secretary or as an actor, to pursue philosophical studies." (p.53).

There is therefore no reason to think that Apollodoros *must* have had a rhetorical education in order to have written the speeches which he delivered. It remains now to consider whether we can determine, on the basis of the speeches, whether he did in fact possess such an education.

Of course, when we are discussing the expertise which an orator brought to his speeches, it is not simply a question of deciding that he either did or did not study under a sophist or rhetorician. These were not the only sources of knowledge, and much could be learned from reading rhetorical handbooks, from

attending public lectures, from studying the published speeches of other orators, and from listening to speakers in the assembly and in the courts. Indeed, by the middle of the fourth century, rhetoric had thoroughly permeated into almost every corner of public life. If the judgement of Blass that rhetorical expertise was not widely disseminated was true of the fifth century, it was certainly no longer so in the fourth century. After all, the proliferation of handbooks and of teachers implies that such knowledge was easily accesible, if not necessarily widely disseminated. Kennedy (1963) p.237 draws a useful distinction between an orator being an amateur and his speeches being amateurish, and suggests that by this stage the one emphatically did not entail the other. Thus he writes of Aeschines that "He is as familiar with commonplaces, argument, partition, and the devices of style as any Greek orator..... By Aeschines' time rhetoric was the fabric of any literary education, the conventions of rhetoric were deeply entrenched in all public utterances, and intellectual activity was unthinkable without the color of rhetoric" (p.237). This is a judgement with which I am in full agreement.

A further complicating factor is that there is no necessary correlation between a speaker's level of education and his oratorical ability. Isocrates made the obvious point that his pupils differed greatly in ability: few of them would succeed, whilst many would prove intractable (Isoc. 15.200-201). Many young men must have been given the best education that money could buy, but derived no benefit from it. Conversely, there must have been those who were self-taught, yet were able to turn themselves into extremely effective speakers.

Ideally we could hope to distinguish three different kinds of orator: professional speech-writers, those who had received a rhetorical education, and those who had received no training of any kind. In practice however, for the reasons outlined above, this proves to be all but impossible. Certainly the

speeches of Lysias, Isaeos, Isocrates and Demosthenes display a degree of slickness and confidence that can be characterised as professional, but these men were the exception rather than the rule. In the case of the Apollodoran speeches it is extremely difficult to reach any firm conclusion about the education of their author. It has already been established that Apollodoros knew the rules of partition (including in Orations 49 and 59 the distinction between confirmation and refutation) (see pp.163-164 above), and that he was familiar with rhetorical *topoi* (e.g. that on evidence from slaves) and with the various available techniques of argumentation. He also employed terms belonging to the technical vocabulary of rhetoric (see above p.157). Yet this familiarity does not imply, *pace* Blass, that he must have had a rhetorical education, any more than his divergences from Demosthenic practice necessarily imply that he had had no such training. Those instances of technical expertise which Blass claimed to have detected at 46.1 and 49.58 (p.542 n.5) prove nothing.

Nor again can I see any basis to the view of Pearson that the speeches are the work of an inexperienced speaker (see pp.163-164 above). It must be admitted that their style is repetitious and anacolouthic, and that their vocabulary is impoverished (#7), but I can see no reason to believe that these traits indicate that Apollodoros was inexperienced. To be sure, he can have had little previous experience when he wrote 52 and 53, but by the time he delivered 46 and then (later) 59 he was a seasoned litigant and politician. Finally, I should add that I see absolutely no merit in the assertion of Blass that the speaker of Dem. 36 could not have failed to mention the fact that Apollodoros had received a rhetorical training, if indeed he had received one.

To sum up, there are no external indications as to whether or not Apollodoros received a rhetorical education. He certainly shows a familiarity with rhetorical theory, but he could have acquired this just as easily from

reading a handbook as from a course of tuition. That being said, I am on balance inclined to think that Apollodoros did not receive a rhetorical education, for the following reasons. First, I have already remarked upon the deficiencies of Apollodoros' style. It is difficult to decide to what extent poor style should be considered to indicate a lack of education: although style featured in general rhetorical handbook, it seems to have been considered by some rhetoricians to be a separate subject (#8). We do not know how much instruction would typically be devoted to style, but my own opinion is that a man who had studied under a rhetorician would be unlikely to write such inelegant Greek as Apollodoros consistently does.

Second, there exist a number of similarities between the speeches of Apollodoros and those of Andocides and Aeschines, who both appear not to have received a rhetorical education. These similarities, which lead me to believe that Apollodoros was also an amateur, are as follows.

First, all three orators share a taste for long and circumstantial narrative, often at the expense of the sort of full proof recommended by the rhetorical handbooks. Regarding Andocides, I can do no better than quote the judgement of MacDowell (1962): "Andokides knew that the way to get the jury's favour was to keep them interested. So he includes plenty of narrative, some of it exciting....., intriguing....., or scandalous..... Nor is this narrative a plain recital of essential facts; it is filled with picturesque details that bring the various scenes to life..... There is plenty of direct speech and dialogue, often imaginary" (p.22). A similar tendency has been discerned in the speeches of Aeschines: Kennedy (1963) p.238 considers that his speeches show "a preference for vivid description over close logical argument." This trait is well exemplified by the fact that much of *Against Timarchos* is taken up with a vivid and episodic account of the defendant's depravity. Evidence of Apollodoros'

taste for long and circumstantial narrative is presented at pp.137-146 above.

Second, all three orators show a marked taste for the use of *oratio recta*: with the Apollodoran passages cited at p.140 above, compare And. 1.4, 11, 22, 40-41, 49-50, 63, 101 and Aesch. 1.79-80, 82-84, 110-111; 2.28-29, 33, 37, 43, 50 etc.

Third, Apollodoros shares with Aeschines an eagerness to demonstrate his considerable legal knowledge. This is particularly evident in Dem. 46 *passim* (and see pp.155-156 above for instances from the other speeches) and at Aesch. 1.9-36. Similarly, both men cite historical examples at greater length and with less regard for its relevance than was normally the practice of Athenian orators (see Dem. 59.94-103 (which I discuss fully in Chapter VI); Aesch. 2.115, 172-176). It is interesting to note that Mathieu (1914) pp.204-205 believed that Aeschines' enthusiasm for quoting historical examples was attributable to his lack of a rhetorical education: "A quoi tient ce caractère de l'éloquence d'Eschine? Sans doute et en grande partie à son manque d'habileté oratoire; c'est sa lutte contre Démosthène qui l'a mis en lumière, et non pas son talent" (pp.204-205). Mathieu went on to characterise Aeschines as an "autodidacte" (p.205).

Finally, the speeches of Andocides share with those of Apollodoros the lack of stylistic polish noted above. The following words of MacDowell (1968) pp.21-22 on Andocides could well be applied to Apollodoros: "He is more concerned to convince the jury of his innocence than to see that his arguments are elegantly expressed. He does not care if he uses the same word several times when variety would have been more interesting..... or even repeats a whole phrase. He sometimes uses a word in different senses within one sentence..... and often uses two or three words where one would do. He is inconsistent in his use of tenses.... and prepositions Above all, he often interrupts the

flow of a sentence by inserting a clumsy parenthesis..... or even breaks off altogether....."

This is a rather disparate collection of similarities, and they should certainly not all be considered faults. On the other hand, they all seem to me to betoken a failure on the part of the orator to exercise complete control over his material. One could argue that they indicate that neither Apollodoros nor either of the other two found it easy or natural to arrange his thoughts concisely and in writing, in other words that they had not received a proper rhetorical education. The fact that Apollodoros and Aeschines were thoroughly conversant with rhetorical theory is no obstacle to this supposition: we may assume that their knowledge derived from a combination of general experience and the reading of handbooks.

I have already discussed the frequency with which Apollodoros cites laws, often at disproportionate length, in support of his case. It remains to consider how he acquired this legal knowledge, which indeed is explicitly attributed to him by Theomnestos at Dem. 59.15. This is a topic on which we are singularly ill-informed, but there is no evidence that the study of Athenian law formed part of a regular rhetorical education. Bonner (1927) concluded that "Of systematic instruction in the law of the land little or nothing is said in the literature. A knowledge of the laws on the part of the students is assumed in disquisitions on the subject", but admitted that "There may very well have been collections of laws and decrees suitably arranged for study and reference." (both p.176). Certainly Isaeos, Demosthenes and Aeschines, to name only the most obvious examples, display an impressive knowledge of the laws (#9). Aeschines seems to have derived his familiarity with them from his period of service as secretary to the assembly and council (#10); the others presumably took their own measures to acquire such knowledge as they found necessary for

their forensic and political careers. Since "the laws" formed one of the standard proofs, one would imagine that any aspiring politician would ensure that he knew as much about them as possible.

I turn finally to consider the source of Apollodoros' historical knowledge. I give below a full discussion of the use which he made of historical sources in his treatment of Plataeans history at Dem. 59.94-103 (see Chapter VI). Suffice it to say here that Apollodoros shows clear knowledge of Thucydides and/or an unknown historian of the Peloponnesian war. Although knowledge of Thucydides seems to have been acquired by some of the orators (#11), there is no evidence that history formed part of a normal rhetorical education. Doubtless there were some sophists who took an interest in the past (Isocrates for example), but Nouhaud (1982) p.109 is surely right to argue that history was not studied for its own sake, but remained an adjunct to other sciences, notably rhetoric. And as we have already seen, it was the amateur Aeschines who was one of the most assiduous employers of the historical example. The extent of Apollodoros' historical knowledge therefore provides no reason to alter our views as to his education. On the contrary it seems to me to support it: just as he was assiduous in teaching himself both Athenian law and Plataean history with a quite untypical zeal, so we can well imagine him attempting to acquire a knowledge of oratory by the conscientious study of rhetorical handbooks.

It is difficult to progress beyond even these modest conclusions. The broad homogeneity of Apollodoros' speeches makes it very difficult to detect any sign of development during his career. The fact that he got somebody else to write 45 might suggest a degree of dissatisfaction with his own efforts; perhaps it was his mortification at the success of Phormion's *paragraphe* which impelled him to use the services of a professional, but even this solution is not unproblematic (why did he not also write 46?). Moreover, in any such

attempt we are hampered by the fact that the last two speeches, 46 and 59, are quite different in kind from any of the earlier works: 46 is a hastily put together deuterology, whilst 59 is a quasi-public speech. If 52 and 53 appear to be the most "regular" in structure, this is no doubt because these were the most straightforward cases, rather than because they were the earliest. On the other hand, I think that it is legitimate to doubt whether Apollodoros would have been able to have undertaken anything as ambitious as 59 at the beginning of his career; conversely, the brevity of his first two speeches may indicate that he was then still testing his strength.

In these last two chapters I have argued that, their undistinguished style apart, the speeches of Apollodoros are creditable efforts: the lengthy narrative serves a clear probative purpose, whilst the argumentation is neither universally feeble nor at all inadequate for the demands which are made of it. Moreover, the speeches convey a strong impression of the speaker's character, and of his sincerity. Many of the commonplaces of Athenian oratory are deployed in them, usually to good effect, and Apollodoros certainly shows an awareness of the forms and structures of rhetorical theory. Yet I see no reason to infer from this that he ever received any formal training. Not that that makes the speeches any the less interesting; on the contrary, we should remember that an Athenian juror was far more likely to have heard speeches of this standard than the more polished orations of a Demosthenes or an Isaeos, and that these works are invaluable examples of the general run of Athenian forensic oratory.

Notes to Chapter V

1. Thus for example Marrou (1956) devotes the whole of his chapter on fourth century education exclusively to Plato and Isocrates. There is little of relevance in Beck (1964).
2. Isocrates, for example, charged a fee of 1,000 drachmae ([Plutarch] *Moralia* 837D Dem. 35.42) and his course lasted for three or four years (Isoc. 15.87).
3. To the passages cited in the previous note should be added the anecdote about Demosthenes being turned away from his school for lack of money ([Plutarch] *Moralia* 837 DE). As regards the number of Isocrates' pupils, the same author states that he had about 100 (*Moralia* 837C), but does not specify whether this was the number of pupils he had each year, or the total number of pupils he had in all. On this question I am convinced by the arguments of Johnson (1957) for the latter view. Given the length of his career, it follows that Isocrates can have had very few pupils at any one time.
4. Thus Lynch (1972) p.45 argues for "a proliferation of teachers of higher learning at Athens."
5. Thus MacDowell (1962) pp.18-23 and Kennedy (1963) p.146.
6. These are fully discussed by Harris (1983) pp.52-53. The pseudo-Plutarchean *Life of Aeschines* reports contradictory traditions: that he was a pupil of (variously) Isocrates, Plato or Leodamas (*Moralia* 840B), and that he received no formal rhetorical training (*Moralia* 840F).
7. On the stylistic faults of the speeches, see the exhaustive discussions of Schäfer *Beiläge* 186-190, Sigg (1873) pp.417-432, and Blass (1893) pp.514-542, to which I have nothing to add.
8. There were separate works on style such as Polos' *peri lexeos* (Radermacher B xvi 2). On the other hand, both Aristotle's *Rhetoric* (III 2-12) and the

Rhetorica ad Alexandrum (ch.23-28) contain sections devoted to style.

9. It emerges clearly from the speeches of Isaeos that he was not only a speech-writer, but also an expert on the extremely complex laws of inheritance. The extent of Demosthenes' legal knowledge is evident from (e.g.) Speeches 23 (especially §§22-89) and 24 (especially §§17-65); that of Aeschines from 1.9-35 and 3.9-48.

10. Thus Harris (1983) p.56.

11. On the extent of orators' knowledge of Thucydides see Nouhaud (1982) pp.113-118.

Chapter VI Apollodoros and History

My starting point in this chapter is the remarkable passage in the speech *Against Neaera* (59.94-103) which Apollodoros devotes to a long and detailed account of Plataean history during the fifth century. Passages of this kind are quite alien to Attic oratory, which regularly eschewed continuous historical narrative in favour of brief allusions to familiar episodes from Athenian history (#1). Nor is the interest of this passage limited to its divergence from contemporary rhetorical practice, since it will become apparent that Apollodoros relies on Thucydides for his account of the Spartan siege of Plataea during the Peloponnesian war, whilst his account of earlier Plataean history seems to preserve an otherwise unknown version of events. Considering its significance, this passage has received very little scholarly attention. The only treatment to do it justice is that of Nouhaud (1982), but even he leaves a number of problems unaddressed.

Apollodoros introduces his excursus on the Plataeans in order to impress on the jurors the seriousness of the crime of which Neaera stands accused. He argues that her attempt to pass herself off as an Athenian is all the more disgraceful because the Athenian people considered their citizenship to be an extremely precious gift, which they only granted with the greatest reluctance to those who manifestly deserved it. As proof of this, he cites the case of the Plataeans, who had lost their city during the Peloponnesian War and who were the first people to receive Athenian citizenship *en bloc*: these men, for all their bravery and loyalty to Athens, were granted Athenian citizenship only on the most stringent terms and after detailed individual scrutiny; yet if they who deserved so well of Athens had such difficulty in obtaining the citizenship, is it not all the more disgraceful that a prostitute like Neaera should simply

usurp it? The purpose of Apollodoros' excursus on Plataean history is therefore to illustrate how well they deserved of the Athenians: "I wish to go back to the origins of the law and to show how it came to be enacted, and who those men were whom its provisions covered as being men of worth who had shown themselves staunch friends to the people of Athens. For from all this you will know that the people's gift which is reserved for benefactors is being dragged through the mire....." (§93)

The Plataean excursus falls into three sections: the Persian Wars, Plataea and Pausanias, and the siege of Plataea, which I discuss separately.

Plataea in the Persian Wars

Apollodoros starts with an unexceptionable account of the involvement of the Plataeans at Marathon (§94). He states correctly that they were the only Greeks to join the Athenians at Marathon, and offers as confirmation of this their depiction in the painting of the battle in the Poikile Stoa wearing their Boeotian caps (#2). He also correctly reports the background to the battle, telling how Datis had returned from Eretria after his subjugation of Euboea, had landed in Attica, and started to ravage the land (#3).

The section dealing with the campaign of 480-479 (§§95-96) is much less accurate and is crudely biased in favour of the Plataeans. Apollodoros first claims that half of the Plataeans fought and died at Thermopylae, whilst the other half was embarked on Athenian ships and fought at Salamis and Artemision, and that they did so "alone of the Boeotians" (§95). There are a number of untruths in this account. First, the Plataeans, far from being the only Boeotians to have fought at Thermopylae, in fact took no part in the battle (#4). Rather, it was the Thespians who stayed until the bitter end (Hdt. 7.222). Second, much as it might stick in an Athenian throat to admit it, the Thebans

were also present at the battle (#5). Apollodoros correctly states that the Plataeans were engaged at Artemision, but wrongly claims that they fought at Salamis (#6).

The period of the Persian Wars was extremely popular with Athenian orators, who presented the glorious victories of Marathon and Salamis as paradigms for Athenians of their day to copy. As these episodes were transmitted in popular belief, they became progressively more elaborated and distorted (#7). Against this background, Apollodoros' inaccuracy and crude pro-Plataean bias is nothing unusual. Not only was he writing this section precisely in order to glorify the Plataeans, but they were also the archetypal loyal ally of Athens (#8). By contrast, the Thespians were insignificant and the Thebans widely hated. Indeed there is nothing to suggest that he is not simply recycling popular tradition (#9), except for his knowledge of Datis' movements, which seems more likely to have derived from a written source than from popular tradition. Certainly it would be invalid to conclude from his use of the Marathon painting as evidence that he lacked a literary source; rather, it was a good stroke to use evidence which was readily available to all the jurors. If he did use a written source, it may well have been a popularising account of the Persian wars. Certainly he appears not to have made any use of Herodotus.

Plataea and Pausanias

In Apollodoros' account of the Plataeans' involvement in the humbling of the Spartan regent Pausanias (§§96-98), we have the opportunity to make a comparison with Thucydides' excursus on Pausanias (1.128-135). Apollodoros relates how Pausanias, swollen with pride because the Spartans had been given supreme command against the Persians, ordered the inscription of a self-serving and arrogant epigram onto the tripod which the Greeks who had fought at Plataea

and Salamis had constructed from the barbarian spoils and erected in Apollo's honour at Delphi. He further relates how the Greeks were furious at such hybristic behaviour, and how the Plataeans, acting on behalf of the allies, prosecuted the Spartans before the Amphictyones for 1,000 talents. He concludes by stating that the Spartans were compelled to erase the epigram and inscribe the names of the cities who had taken part (§§96-98) (#10).

There is a degree of common ground between this account and that of Thucydides, since they agree that Pausanias ordered the hybristic epigram to be engraved, and provide identically wordings of it (#11). But that is the limit of their agreement. Thucydides depicts Pausanias as a vain and over-ambitious maverick at odds with his city (#12), whilst Apollodoros represents him as acting at least quasi-officially for the benefit of Sparta. Thus at §96 Pausanias is said to have wished to insult Athens, and to have been dissatisfied with Sparta's standing among the Greeks. He is twice erroneously described as being "king of the Lacedaemonians" (he was Regent), although this error more probably arose from ignorance or carelessness than from a desire to link him more closely with official Spartan policy (#13). Thucydides says nothing about Pausanias being prosecuted, merely remarking that the Spartans erased the epigram and replaced it with a list of the cities which had erected the monument.

Since we must choose between these two wholly incompatible accounts, there must be a presumption in favour of the historian Thucydides rather than the orator Apollodoros. Fornara (1967) p.293 writes that "pseudo-Demosthenes provides nothing more than the fourth century oral tradition", and it is certainly true that his version appears to be no more than a particularly extreme instance of fourth century rhetorical exaggeration and distortion. However, there are several grounds for reserving judgement.

First, Apollodoros' account accords with what we know from elsewhere about Amphictyonic judicial procedure. Bonner and Smith (1943) concluded that "The details appear reliable..... It does not seem likely that the Spartans of themselves would have done anything. The whole thing redounded to their glory, and it is extremely improbable that they would have interfered" (p.2).

Similarly, Parke and Wormell (1956) I p.182 accept Apollodoros' account without reservation. There is certainly nothing implausible in the matter having been brought before the Amphictyony (#14), and whilst the amount of the fine might appear implausibly high, we should note the fine of 500 talents imposed on the Spartans for their seizure of the Cadmeia in 382 (Diod. Sic. 16.23.2). Second, some support for Apollodoros' account is provided by the statement of Plutarch that "the Greeks did not tolerate Pausanias' action but brought a charge against him" (*De malignitate Herodoti* 873c). However, since this is a corrupted passage in a notoriously rancorous and unreliable work, I would not wish to rely too much on its value as evidence (#15). Third, Thucydides' failure to mention Pausanias being brought to trial is not a decisive reason for rejecting Apollodoros' version. Thucydidean silences apart, his interest in this excursus is primarily in the behaviour and character of Pausanias, whilst the wider historical and political context is largely ignored (#16).

Finally, it is argued by Fornara (1967) that Thucydides' account (properly interpreted) implies that the distich was not erased until after Pausanias had died, and that Apollodoros' divergent account should therefore be attributed to an erroneous popular tradition. I am not at all sure that Fornara is right (#17), but even if he is, we are still not compelled automatically to accept Thucydides' version.

The provenance of Apollodoros' account of Plataean involvement with Pausanias is unclear. Since it does not come from Thucydides, we should consider whether any or all of it could derive from popular tradition. Certainly, there is little that requires us to believe that he used a literary source. This at any rate was the view of Fornara: "it is easy to see how the effacement of Pausanias' epigram might have been retrojected in popular belief to the time of his failure as hegemon of the Greek Confederacy: pseudo-Demosthenes provides nothing more than the fourth century Athenian oral tradition" (p.293). The distich of Simonides, which is accurately quoted at §97, is the only detail which suggests the use of a written source. This is a question to which I will return later (pp.191-192 below).

The siege of Plataea

It has long been realised that Apollodoros' account of the siege of Plataea (§§98-103) depends to some extent on that of Thucydides (2.1-6, 71-78; 3.20-24, 52-68). I propose to start by making a detailed comparison of the two versions.

There are marked similarities between the two accounts of the initial Theban attack on Plataea (Thuc. 2.1-4; Dem. 59.99-100). They both report that the prime mover on the Theban side was Eurymachos the son of Leontiadas, and that the Plataeans who opened the gates for them were led by Naucleidas. They also agree that the attack was made at night, and that the reason that not all of the Thebans entered Plataea was that heavy rainfall had caused the river Asopos to rise, which made a nocturnal crossing more difficult than usual. Finally, they agree that the Plataeans counterattacked and defeated the Theban vanguard. To this similarity of content should be added a number of close similarities of phrasing between the two versions:

Thuc. 2.2.3 "ἔπραξαν δὲ ταῦτα δι' Εὐρυμάχου τοῦ Λεοντιάδου, ἀνδρὸς
Θηβαίων δυνατωτάτου"

Dem. 59.99 "ἔπραξε δὲ ταῦτα ἐκ Θηβῶν δι' Εὐρυμάχου τοῦ Λεοντιάδου
βοιωταρχοῦντος"

Thuc. 2.3.1 "οἱ δὲ Πλαταιῆς ὡς ἤσθοντο ἔνδον τε ὄντας τοὺς Θηβαίους καὶ ἐξαπιναίως
κατειλημμένην τὴν πόλιν....."

Dem. 59.99 "αἰσθόμενοι δ' οἱ Πλαταιῆς ἔνδον ὄντας τοὺς Θηβαίους τῆς νυκτὸς καὶ
ἐξαπίνης [αὐτῶν] τὴν πόλιν ἐν εἰρήνῃ κατειλημμένην...." (#18)

Thuc. 2.5.2 "ὁ γὰρ Ἀσωπὸς ποταμὸς ἐρρῦη μέγας καὶ οὐ ῥαδίως διαβατὸς ἦν"

Dem. 59.99 "ὁ γὰρ Ἀσωπὸς ποταμὸς μέγας ἐρρῦη καὶ διαβῆναι οὐ ῥαδιον ἦν"
(#19)

But there are also a number of differences between the two accounts:

- (i) Apollodoros describes the Theban attack as having been engineered by the Spartan king Archidamos (59.98); there is no suggestion in Thucydides that the Thebans were acting as Spartan surrogates.
- (ii) Apollodoros states that Eurymachos was one of the Boeotarchs (59.99); Thucydides refers to him merely as ἀνδρὸς Θηβαίων δυνατωτάτου" (2.2.3).
- (iii) Apollodoros states that the Plataean traitors were bribed (59.99); Thucydides attributes to them a factional motive (2.2.2).
- (iv) Apollodoros states that the Plataeans only realised how few the Thebans were once day broke (59.99); Thucydides emphasises that the Plataeans attacked when it was still night, so that the Thebans would be at a disadvantage because of their ignorance of the geography of the city (2.3.4).

The two versions of the aftermath of the Theban attack also differ in

important respects. Thucydides recounts the following sequence of events (2.5-6): the Plataeans sent a messenger to Athens, and then entered into negotiations with the Thebans. The Thebans withdrew, whereupon those of them who had been captured were put to death. Another messenger was then sent from Plataea to Athens, and an Athenian relief force was sent to Plataea.

Apollodoros' account differs in the following details. He omits the negotiations between the Plataeans and the Thebans, and only mentions the first messenger. Moreover, he places the despatch of the Athenian relief force immediately after the arrival of the Plataean messenger. Thus in his account it was when they saw the Athenians marching to the help of the Plataeans that the Thebans retired (§100), whilst Thucydides makes it clear that the Thebans had already retreated (2.5.6) by the time the Athenians decided to send a force to Plataea (2.6.4). These differences mean that the execution of the prisoners comes last in Apollodoros' account.

As regards what happened subsequently, Apollodoros shows no sign of realising that it was not until 429 that the siege was renewed; rather, he immediately goes on to talk of the Spartans being angered and marching out openly *ἀπροφασίστως*) against Plataea (§101). He then produces an order of battle for this Peloponnesian force: the Spartans summoned all of the Peloponnesians, with the exception of the Argives, at two thirds strength, together with the rest of the Boeotians, the Locrians, the Phocians, the Malians, the Oetaeans, and the Aenians at full strength (§101). Thucydides says nothing of these allies.

Their accounts of negotiations between the Spartans and the Plataeans are broadly similar (Thuc. 2.71-74; Dem. 59.102). Apollodoros says that the terms offered to the Plataeans were that they should surrender their city to the Spartans but be allowed to keep their land and enjoy their property, and that

they should break off their alliance with the Athenians (59.102). According to Thucydides, the Spartans demanded that the Plataeans rescind this alliance and become neutrals (2.72.1). This was followed by an offer to hold the city in trust for the Plataeans for the duration of the war (2.72.3).

In Apollodoros' account the Plataeans are represented as replying that "*ἀνευ Ἀθηναίων οὐδὲν ἂν πράξειαν*" (59.102). I am unsure whether this means that they refused to make a decision until they had consulted the Athenians, or that they refused to be separated from their allies. The former of these accords better with the version of Thucydides, where the Plataeans said that they wished to consult the Athenians first, but were prepared to accede to the Spartans request if the Athenians were amenable, and were only led to reject Archidamos' proposal by clear Athenian promises of support (2.73.3) (#20).

Thucydides recounts the progress of the siege in full (2.75-78; 3.20-24, 52), whilst Apollodoros' account is considerably more cursory (59.102). For example, he gives no details of the Spartans' various attempts at siege engineering, or of their attempt to burn the city down, saying only that they made many varied attempts (59.102). He correctly records the fact that the Spartans built a double wall of circumvallation (59.103 cf. Thuc. 2.78.1-2; 3.21), but appears to have been mistaken about the duration of the siege. The siege in fact lasted for two years (from summer 429 to summer 427), but Apollodoros gives the figure of ten years (59.102) (#21).

Both men agree that the Plataeans' escape from the city was motivated by hunger and desperation (Thuc. 3.20-24; Dem. 59.103). However, they disagree about the reason that only half of the Plataeans took part in the attempt. Apollodoros says that the Plataeans divided themselves by lot into two groups, whilst Thucydides relates that the original intention was that everyone should take part in the attempt, but that half of them lost their nerve and would not

go (3.20.2). Both agree that the attempt was made on a stormy night, and again we find striking verbal similarity between their accounts:

Thuc. 3.22.1 *“οἱ δ’..... τηρήσαντες νύκτα χειμέριον ὕδατι καὶ ἀνέμῳ καὶ ὁμ’
ἀσέληνον ἐξῆσαν.”*

Dem. 59.103 *“οἱ δὲ τηρήσαντες νύκτα καὶ ὕδωρ καὶ ἄνεμον πολύν.....”*

Apollodoros baldly relates that the Plataeans scaled the wall, avoided the Peloponnesian army, killed the guards, and escaped to Athens. His account is certainly compatible with Thucydides’ much more detailed narrative. Apollodoros comments that the Plataeans reached Athens "in a sorry state and unexpectedly". This detail is not found in Thucydides, but would be a reasonable assumption on Apollodoros’ part.

The two accounts also differ in several important respects as to the eventual fate of those Plataeans who remained in the city (Thuc. 3.52-68; Dem. 59.103). First, Apollodoros says that Plataea was taken by storm (§103), whilst Thucydides emphasises that the Spartan commander much preferred not to have to launch an assault on the city, and that the Plataeans surrendered to him (3.52.2-3). Second, Apollodoros is silent about the trial of the Plataeans, to which Thucydides devotes so much space (3.52-68). However, they agree that the men were executed whilst the women (and children in Apollodoros’ account) were enslaved. Apollodoros excludes all those who had seen the Spartans advancing and had secretly escaped to Athens, which I take to be a reference to people who had got away in 429 when the Spartans were preparing to lay siege to the city rather than to any last-minute escape.

The similarities between the two accounts, particularly those of phrasing, suggest that Apollodoros had used Thucydides as a source. Yet the differences

between them show that Apollodoros did not simply follow Thucydides: either he altered Thucydides' account for some reason, or he used additional and/or alternative sources.

The scholarly consensus is that Apollodoros simply provides a condensed and in places distorted version of Thucydides' account. According to Schäfer *Beilage* p.182, "namentlich schildert er nach Thukydides die Schicksale der Plataeer im peloponnesischen Kriege und die zu ihren Gunsten von den Athenern gefassten Beschlüsse.....", whilst Blass (1893) p.538 thought that "Der Platäer Thaten und Leiden werden ausführlich erzählt, und zwar, soweit es Ereignisse des peloponnesischen Kriege sind, nach Thukydides, den der Verfasser zuweilen fast wörtlich ausschreibt". More recently, Amit (1973) describes Apollodoros' version as "a resumé of Thucydides' account" (p.91 n.99). Before stating why I believe such solutions to be inadequate, it would be well to examine how many of the differences can be explained in such terms.

First, it is possible that when Thucydides described Eurymachos as "a (or the) most powerful man of the Boeotians" Apollodoros either assumed that he had been a Boeotarch, or thought that such an alteration would make his account more vivid. Second, a number of the divergences may be due to compression. This seems the most likely explanation of Apollodoros' divergent account of what happened after the Thebans had been repulsed, and of the negotiations between the Plataeans and the Spartans. Similarly, his failure to make it clear that the Spartan siege did not immediately follow the Theban attack can be attributed to a desire to condense Thucydides' account. Third, some differences could be attributed to simple carelessness on Apollodoros' part. Yet it is hard to believe that he alternated the accurate transmission of precise details, often with close verbal correspondence, with pieces of gross carelessness. It is particularly hard to believe this of Apollodoros, who elsewhere in his speeches

reveals a pedantic concern for detail (#22). Finally, we must consider whether Apollodoros was led by his rhetorical purpose - to exaggerate the bravery of the Plataeans - into deliberate distortion. It is certainly possible that the account of the Plataeans drawing lots to determine which of them should break out, when Thucydides had stated that those who stayed behind did so because their nerve had failed, is an attempt to suppress evidence of Plataean lack of spirit. Moreover, the role given to Archidamos in the planning of the Theban attack may be no more than a device to connect the attack of 431 with the Plataean opposition to Sparta after the Persian wars (#23). Finally, Apollodoros may have felt that the Plataeans would appear nobler if their city was taken by storm rather than (as Thucydides relates it) surrendering. Yet if Apollodoros had really wished simply to whitewash the Plataeans, it is odd that he did not suppress their massacre of the Theban prisoners, which hardly redounded to their credit (#24).

Moreover, there remains a crucial detail which cannot be explained in this way. The Peloponnesian order of battle described at 59.101 can hardly result from confusion or invention, but must derive from some other source. Admittedly it is to Apollodoros' purpose to demonstrate that the Plataeans were facing insuperable odds, and to that extent he might have been tempted to exaggerate the size of the Spartan force, but the precision of this list seems to require a different sort of explanation. One possibility is that it derives from what might be termed popular history, and indeed it is quite likely that the Plataeans' heroic defence of their city was just the sort of stirring deed to be assimilated into Athenian popular consciousness. Although the Athenians tended to know far more about their own history than about that of other cities, the Plataeans may have constituted a special case, since the siege arose from their refusal to break their treaty with Athens. Moreover, the large

number of Plataean refugees at Athens no doubt preserved, and possibly embellished, the tale of their gallant defiance of the Spartans. Yet I do not believe that this list is the sort of detail that is likely to have been transmitted in such a fashion: its precise details make it of limited interest, and it seems to me much more likely that it derives from a written source.

If another written source is involved, two possible (linked) explanations suggest themselves. The first is that Apollodoros did not use Thucydides directly, but relied on a source, which had in turn used both Thucydides and another historian. On this view, the verbal similarities between Apollodoros' and Thucydides' accounts would be attributable to Apollodoros having copied his source, who had in turn copied Thucydides. The discrepant details would then represent the contribution of the other historian whom his source had also used. The second explanation differs only in dispensing with the intermediary between Apollodoros and his ultimate sources; in other words, the collation of Thucydides with another historical account was done by Apollodoros himself.

Either of these solutions would serve to explain the puzzling features in Apollodoros' account, but neither is unproblematic. First, they require us to posit the existence of one or two otherwise unknown historians of the siege of Plataea. This would compel us to reassess our view of the privileged position of Thucydides in fourth century historiography, according to which fourth century historians considered that Thucydides had produced the definitive account of the Peloponnesian war, so that any new coverage of it would be an arrogant presumption on their part. Cratippus, Xenophon, and Theopompus all started their histories from the point at which Thucydides' account breaks off (#25), and Gomme (1962) p.127 wrote of these continuators that "not one of the three will touch a single event narrated by Thucydides". Acceptance of the first solution would require us to posit the existence of two previously

unknown historians of the late fifth century writing between the end of the fifth century and the late 340s, that of the second, one. In choosing between the two explanations, it is clear that our problem is halved if we believe that it was Apollodoros himself who selected two different accounts of the siege of Plataea, one of which was written by Thucydides, and combined elements from each to produce his account. Moreover, it seems more likely that the close verbal similarities between the two accounts are to be explained by Apollodoros having copied Thucydides directly, rather than that his immediate source happened to have copied Thucydides almost verbatim, and was then in turn copied verbatim by Apollodoros. Finally, there are a number of other phrases in *Against Neaera* which appear to be reminiscences of phrases in Thucydides (see below notes 34, 35, 36, 39). If this is correct, it becomes almost certain that Apollodoros had used Thucydides directly.

It is no objection to this hypothesis that most orators were too careless of historical accuracy to consult even one written source. The fact that Apollodoros had already diverged from normal practice by choosing to include a long and detailed excursus in his speech indicates that he was not bound by convention. My preferred solution is speculative, but seems to be required by the difficulties of the text (#26).

If my analysis so far is correct, it has implications in a number of different areas. First, it suggests that there existed at least one previously unknown historian of the siege of Plataea, writing either as a contemporary observer or at some point in the first half of the fourth century. Since we cannot tell how many of the divergent elements in Apollodoros' account derive from this source, rather than from his own distortion, it is virtually impossible to try to assess its nature or quality. The one irresolvable difference between

the accounts of Apollodoros and Thucydides is the appearance of the catalogue of Spartan allies at 59.101. Apollodoros lists the Peloponnesians (except for the Argives), the rest of the Boeotians, the Locrians, the Phocians, the Malians, the Oetaeans, and the Aenians. Of these, we know from Thuc. 2.9 that the Boeotians, Locrians, and Phocians were allies of Sparta. The statement that all of the Peloponnesians were summoned except for the Argives is less clear, since although Thucydides confirms that the Argives were not allied to Sparta, he says the same of the Achaeans (2.9), whom Apollodoros does not exclude. The Oetaeans, Malians, and Aenianians were Thessalian tribes from the Spercheios valley, and form a coherent geographical unit (#27). But far from there being any evidence that they were allied to Sparta at the time, we know that in 426 the Spartans founded Heracleia in Trachis at the request of the Trachinians, who were under pressure from the Oetaeans (Thuc. 2.92). Moreover, we are told that in 419 there was a battle between the people of Heracleia, on the one hand, and the Aenianians, Dolopians, Malians, and some of the Thessalians on the other (Thuc. 5.51). These passages make it hard to believe that the tribes could have been allies of Sparta in 429. Finally, it should be noted that the Peloponnesian League did on occasion muster at two-thirds strength (Thuc. 2.10). We cannot exclude the possibility that the list is genuine, and that the Spartans formed a short-lived alliance with the Thessalian tribes, but I am inclined to doubt it. On the other hand, it is hard to see why such a list should have forged. Interestingly, we know of one later occasion when these tribes were allied to Sparta (#28), and one might speculate that the list of allies has been erroneously retrojected to an account of the Peloponnesian war.

Second, it is possible that the detail that Eurymachos was a Boeotarch, rather than just an important figure as Thucydides relates, derives from the same source and is accurate. Finally, Apollodoros and Thucydides disagree about

the arrangements which the Plataeans made when they were planning their escape through the Spartan lines. Gomme (*HCT ad* 3.22.5) had trouble accepting Thucydides' account: the diversionary sally "seems to have been a brave action by men whose nerve had failed them when they first thought of escaping from the town (20.2); perhaps there is more truth in the statement of Demosthenes [sc. Dem. 59.103] that the besieged drew lots, the plan being that half should escape, so that the food might last longer." This suggestion would have added force if Apollodoros was using a reputable source, but again I have already suggested a possible alternative explanation.

As to the identity of Apollodoros' putative source, we should perhaps be looking for a historian with a particular interest in Plataean affairs. One possible candidate is Daemachos of Plataea (FGH 65) (#29). Tantalisingly little is known about this man, whom Jacoby (1940) suggested might have been the author of the *Hellenica Oxyrhynchia*. There is no evidence that he ever wrote a history of Plataea, but the fact that he was a source for Ephoros suggests that he may have written a Hellenika (#30). We also know that he wrote a work entitled *Poliorketica Hypomnemata* (fragments 3-4), but it is unlikely that this work included an account of the siege of his own city (#31).

Having examined each passage individually, we should now consider the excursus as a whole. Returning to the question of Apollodoros' sources, it is possible that the sections dealing with the Persian Wars and with Pausanias derive from a common source. Evidence to support this hypothesis has been detected in an alleged anti-Spartan bias running through the narrative of §§94-98. Thus Nouhaud (1982) p.186, referring to the claim at §95 that the Plataeans fought at Thermopylae, suggests that "il diminue, au détriment de l'histoire, la valeur des Lacédémoniens en leur adjoignant un renfort dont ils ne

bénéficièrent pas". I find this interpretation hard to accept since, although it is true enough that the Plataeans have been included where they do not belong, the presence of the Thespians and Thebans at Thermopylae has been suppressed. It can therefore hardly be argued that the Spartans have been robbed of their due credit for being the only Greeks to have resisted the Persians. Rather than diminishing the role of the Spartans, this passage displays pro-Plataean (and also anti-Theban) bias, which is no more than one would expect in an account whose purpose is to eulogise the Plataeans. As for the role attributed to the Spartans in instigating the Theban attack on Plataea, Gernet (1960) *ad* §98 noted that "le rôle de Sparte et de la famille de Pausanias..... est surajouté: indice, peut-être, d'une tendance antilaconienne dans la tradition". This may possibly be true, but Nouhaud (1982) p.263 offers a plausible alternative: "Ne serait-ce plus simplement un moyen très rudimentaire trouvé par l'orateur pour donner un fil conducteur à sa longue digression sur Athènes et Platées au Ve siècle". The only possible signs of anti-Spartan bias that this leaves us with are the sections dealing with Pausanias, but I have already suggested that there may be some truth in Apollodoros' account.

It is rightly thought naive to attribute any idiosyncratic details in the historical account of an Athenian orator to his use of a source that is not known to us (#32). This applies with particular force here, where Apollodoros' whole excursus is motivated by a desire to emphasise the virtue of the Plataeans. On the other hand, the fact that Apollodoros clearly used a written source for later Plataean history makes it worth considering whether he might have done the same for his account of earlier events. In other words, it may be that the whole of 59.94-98 derives from a single pro-Plataean source. And if this were the case, we could go further and suggest that perhaps the differences between Apollodoros' account of the siege of Plataea and that of

Thucydides derive from the same source. Apollodoros may have used a history of Plataea, or at any rate a history with a particular interest in Plataea, for the whole of the excursus, supplementing it with Thucydides for the sections dealing with the siege of Plataea (#33).

The use of history in this excursus prompts us to examine whether Apollodoros shows a similar interest in the historical past elsewhere in the speech. The only passage in which such an interest is revealed is 59.74-76, where he expatiates on the traditional religious role of the Basileus Archon. The purpose of this passage is to prove that in marrying Neaera's daughter to Theogenes, who was Basileus Archon, Stephanos and Neaera had offended the deepest and most traditional Athenian religious beliefs. Apollodoros starts by saying that he wishes to speak more accurately, from the beginning, and in detail:

“βούλομαι δ’ ὑμῖν ἀκριβέστερον περὶ αὐτῶν ἀνωθεν διηγήσασθαι καθ’ ἕκαστον” (§74).

This programmatic statement is not what one would expect of an orator, but smacks rather of the protestation of a conscientious historian (#34). He then relates that:

“τὸ γὰρ ἀρχαῖον.... δυναστεία ἐν τῇ πόλει ἦν, καὶ ἡ βασιλεία τῶν αἰεὶ ὑπερεχόντων διὰ τὸ αὐτόχθονας εἶναι, τὰς δὲ θυσίας ἀπάσας ὁ βασιλεὺς ἔθυε, καὶ τὰς σεμνοτάτας καὶ ἀρρήτους ἡ γυνὴ αὐτοῦ ἐποίει, εἰκότως, βασίλιννα οὔσα.

ἐπεὶ δὲ Θησεὺς συνψκίσεν αὐτοὺς καὶ δημοκρατίαν ἐποίησεν καὶ ἡ πόλις πολικύθρωπος ἐγένετο, τὸν μὲν βασιλέα οὐδὲν ἦττον ὁ δῆμος ἡρεῖτο ἐκ προκρίτων κατ’ ἀνδραγαθίαν χειροτονῶν, τὴν δὲ γυναῖκα αὐτοῦ νόμον ἔθεντο ἀστὴν εἶναι καὶ μὴ ἐπιμεμειγμένην ἐτέρῳ ἀνδρὶ ἀλλὰ παρθένον γαμεῖν.....”

Apollodoros next says that the law was engraved on a stone pillar set up in the shrine of Dionysos in the Marshes beside the altar, which was still standing at

the time when Apollodoros was speaking, with the text written in indistinct Attic script ("ἀμυδροῖς γράμμασιν Ἀττικοῖς") (#35). He describes the shrine of Dionysos as being most ancient and most holy, and says that the reason that the inscription was set up there was so that only a few people might know what was written. Finally, he says that the shrine was only opened once a year, on the twelfth day of Anthesterion (#36).

Much of this passage merely reflects Athenian popular opinion. Thus it was universally accepted that the Athenians were autochthonous, and that they had originally been ruled by kings (#37). Moreover, the ascription of the prime religious role to the Basileus must be correct, not least because only thus can we explain the religious duties of the Basileus Archon in classical times (#38). Less straightforward is his statement of the basis of the early kings' rule. First, it is unclear what is the meaning of the phrase 'διὰ τὸ αὐτόχθονας εἶναι' at §75 (#39). Second, 'οἰδὲν ἦττον' is ambiguous, suggesting that the people had previously also selected the Basileus, which hardly accords with his earlier statement that he came from τῶν ἀεὶ ὑπερεχόντων'.

Apollodoros' belief that the synoecism of Attica was the work of Theseus was widely shared in classical Athens, but there was disagreement as to whether this unification was only political, or whether it also involved an influx of people into Athens. Thucydides' account at 2.15 suggests that the former was the case, whilst Isocrates (10.35-36) agrees with Apollodoros that settlement patterns changed. The idea that Theseus was in some sense the founder of Athenian democracy was also widely held in classical Athens (#40). As to what Apollodoros says about the selection of the Basileus Archon in historical times, we know that until 487 or 486 he was elected, whereupon the procedure of *klerosis ek prokriton* was instituted (#41). There is no support in the sources

for Apollodoros' idea of election from a shortlist; I would guess that he has here conflated the two procedures of popular election and *klerosis ek prokriton*.

In the statement that the king was originally elected and in his ascription of the foundation of the democracy to Theseus a pro-democratic strain can be detected (#42). But this is probably no more than a reflection of popular tradition, which in truth was all that was available for this quasi-historical period. As a final point, it is interesting to note that here too, as in his account of Plataean history, he makes intelligent use of archaeological evidence: there he used the painting in the Poikile Stoa, here he cites the age and location of the pillar to prove the antiquity and solemnity of the law. Since this pillar was hidden away in a sanctuary to which access was very limited, and since the inscription was hard to decipher, it seems likely that Apollodoros' reference to it here was the result of his own historical investigation.

Notes to Chapter VI

1. Thus Pearson (1941) p.210: "When an orator allows himself the luxury of a digression into the past history of Athens, he is usually more interested in broad outlines than in exact detail." For general discussions of the orators' use of historical examples see Pearson (1941) and Nouhaud (1982) *passim*.
2. This is the first mention of the famous fresco. See Harrison (1972) for a full discussion of the literary references to it.
3. Thus Hdt. 6.102. The only difference is that Herodotos makes no reference to the land having been ravaged, but describes the Persians as "κατέργοντές τε πολλόν". However, since *kateirgein* is transitive, the text here should probably be emended.
4. Thus Hdt. 7.202-204, 222.
5. Herodotos implies that all of the Boeotians, with the exception of the Thespians and the Plataeans, gave their pledges of soil and water to the Persians when they were requested to do so (7.132.1). At 7.233.1 he says that they were among the first to do so. This is borne out by his assertion at 7.222 that the Thebans were forced to remain at Thermopylae as hostages. But Buck (1979) p.132 argues that this charge was false: "The Boeotian League, notwithstanding its insurance policy with Xerxes, played its part loyally on the Allied side until Thermopylae."
6. Herodotos relates that the Plataeans manned some of the Athenian ships at Artemision (8.1), but says that they did not fight at Salamis, having left the fleet after Artemision (8.44.1). Moreover, Thucydides has the Plataeans claim that they fought at Artemision (3.54.4); it is clear from their silence about Salamis that they did not fight there.
7. On the popularity of the Persian Wars see Nouhaud (1982) pp.135-137.

8. On the Plataeans see Isocrates *Plataeacus*.

9. Thus Nouhaud (1982) p.147.

10. The erection of the original monument is described at Hdt. 9.81.1. For a full discussion see Meiggs and Lewis (1969) No.27 (pp.57-60).

11. A differently worded epigram is found at Diodorus 11.33. This version refers to the "Saviours of Greece" and may therefore represent the epigram which was reinscribed by the Greeks after the excision of Pausanias' verse. Alternatively, it may simply be an extreme example of Diodoran inaccuracy.

12. Thucydides relates that Pausanias sailed to the Hellespont "privately and without Spartan authority" with a view to making himself, with Persian help, the ruler of Greece (1.128.3).

13. The same error is found at Lycourgos *Against Leocrates* 128.

14. Thus Bonner and Smith (1943) p.2: "Since the distich had been inscribed as an offering to the god, the matter involved religion. Hence, as a religious matter which was international in its scope, the Plataeans brought it before the Amphictyony." Contra, Gernet (1960) *ad loc.* wrote that "Le fait n'est pas attesté ailleurs. Et le rôle qu'est attribué aux Platéens dans l'humiliation de Pausanias apparaît fantaisiste". I see nothing inherently implausible in Apollodoros' account.

15. The text as restored reads as follows:

τῶν δ' Ἑλλήνων οὐκ ἀνασχομένων ἀλλ' ἐγκαλούντων, πεμφάντες εἰς Δελφοὺς
Λακεδαιμόνιοι τοῦτο μὲν ἐξεκόλασαν <ἀπὸ τοῦ τρίποδος τὸ ἐλεγείον, πασῶν
δὲ ἀντεπέγραψαν> τὰ δ' ὀνόματα τῶν πολέων, ὥσπερ ἦν δίκαιον, ἐνεχάραξαν."

On the character of the work see Cuvigny and Lachenaud (1981) pp.107-128.

16. See Bonner and Smith (1943) p.2 n.10 and Forbes quoted by Gomme *HCT ad* 1.131.1: "in Thucydides' narrative the personal interest prevails over the historical, and we seek in vain for an answer to the question, what were

Pausanias' exact relations with the Spartan government."

17. The argument concerns the text and meaning of Thuc. 1.132.3. Thucydides tells us that at the time of Pausanias' trial the Spartans remembered that Pausanias had once (ποτε) had the epigram incised. Having quoted it, he continues:

“τὸ μὲν οὖν ἐλεγείων οἱ Λακεδαιμόνιοι ἐξεκόλαψαν εὐθὺς τότε ἀπὸ τοῦ τρίποδος τοῦτο καὶ ἐπέγραψαν ὀνομαστὶ τὰς πόλεις ὅσαι ξυγκαθελοῦσαι τὸν βάρβαρον ἔστησαν τὸ ἀνύθημα· τοῦ μέντοι Πανσανίου ἀδίκημα καὶ τότε [τοῦτ' MSS] ἐδόκει εἶναι, καὶ πολλῶ μᾶλλον παρόμοιον πραχθῆναι ἐφαίνετο τῇ παρούσῃ διανοίᾳ.”

Fornara argues that the words *men oun* are resumptive, in other words that they take us forward again to the time of the trial of Pausanias, and that Thucydides is *not* referring back to the time of the inscription. He therefore argues that the manuscript reading τοῦτ' should be retained, and also claims that there is nothing in Thucydides' account to suggest that the epigram was excised before Pausanias' trial. I find this hard to accept for the following reasons. First, εὐθὺς surely implies that the epigram was erased as soon as it was engraved. Second, μὲν οὖν is indeed resumptive, but only in the sense that Thucydides is returning to his story after the quotation of the epigram. Finally, τότε seems to me to be required to point the contrast which is signalled by πολλῶ μᾶλλον

18. ἐξαπναίως is found once in Hippocrates, 8 times in Thucydides, but nowhere else in Attic prose. ἐξαπίνης is found 6 times in Thucydides, 3 times in Aristophanes (all in *Ploutos*), but only once in Attic oratory (Isaeos 1.14). In the orators, ἐξαίφνης is the regular word for "suddenly" (for example it occurs 13 times in Demosthenes).

19. If Apollodoros was using Thucydides directly, we must ask why he might

have made this minor alteration to the text. It is possible that he found the adjective *δυσλόγος* too poetic, and preferred a more periphrastic construction.

20. *ἄνευ* often means simply "without" (Aristophanes *Lysistrata* 143; Plato *Symp.* 217a), but it can also mean "without the consent of" (Aeschylus *Choe.* 431; Sophocles *OC* 926; Aeneas Tact. 10.4).

21. The siege of Plataea in fact lasted for two years (from summer 429 to summer 427), but Apollodoros gives the figure of ten years (§102). *δέκα* was emended to *δύο* by Palmer, but the manuscript reading was defended by Grote (1884) VI p.353 n.3: "because the Pseudo-Demosthenes introduces a great many other errors and inaccuracies respecting Plataea, besides his mistake about the duration of the siege. The ten years' siege of Troy was constantly present to the imaginations of these literary Greeks." Lortzing (1863) p.49 n.10 (who attributes the emendation to Wassius) rejects Grote's explanation but agrees with him that the text is sound. He suggests that "fortasse, qua est negligentia noster, Thucydidis verbis III 68 perductus est:

"τὴν δὲ γῆν δημοσιώσαντες ἀπεμίσθωσαν ἐπὶ δέκα ἔτη, καὶ ἐνέμοντο Θηβαῖοι"

I share his reluctance to emend the text: Apollodoros may have been simply mistaken, or he may have been seeking to exaggerate the bravery of the Plataeans.

22. This pedantic streak reveals itself in the repeated and detailed quotation of laws (see pp.155-156 above) and in the extremely detailed records which he kept as trierarch (Dem. 50.30).

23. Thus Nouhaud (1982) p.263: "Ne serait-ce pas plus simplement un moyen très rudimentaire trouvé par l'orateur pour donner un fil conducteur à sa longue digression sur Athènes et Platées au V^e siècle."

24. It is worth noting that the account of Diodorus Siculus (14.41-42) differs from its Thucydidean source in precisely this respect. On the morality of the

execution of the Theban prisoners see Ducrey (1968) p.316: "La gravité du crime qu'ils avaient commis en massacrant leurs prisonniers Thébains n'échappa assurément pas aux Platéens, puisqu'ils jugèrent nécessaire d'envoyer sans retard un messenger à leur alliés athéniens afin de justifier leur conduite."

The Thebans later accused the Plataeans of having acted illegally (*paranomos*) (Thuc. 3.66.2), whilst the Plataeans warned the Thebans of the moral outrage that they would incur if they massacred them in revenge (Thuc. 3.57.1-2).

25. It is evident that Xenophon started (more or less) from the point at which Thucydides' history breaks off. That the same was true of Theopompos' *Hellenica* emerges from Diodorus 13.42.5; 14.84.7; Marcellinus *Vita Thucydidis* 45 (FGH 115 T13-15). It also seems to have been true of Cratippus (Dionysius of Halicarnassus *Thuc.* 16 = FGH 64 F1), but see Jacoby (1950) for the suggestion that he was a writer of the first century B.C. The fact that the author of the *Hellenica Oxyrhynchia* follows Thucydides' dating by war-years suggests that he too was a continuator (unless he is to be identified with either Theopompos or Cratippus).

26. As a pendant to this discussion, it is interesting to note that Aeneas Tacticus 2.3-6 also contains an account of the Theban attack on Plataea, based on that of Thucydides but differing from it in certain particulars. Hunter (1927) p.107 commented as follows: "Aeneas' method when quoting Herodotus or Thucydides is very interesting. He by no means confines himself to the actual words of his original, but (a) replaces words and expressions not current in his own day by the ordinary vocabulary; (b) paraphrases his author in order to bring out his own points in the clearest way, omitting unessential details and sometimes adding to the original." Although this passage has a clear relevance to the question of Apollodoros' use of Thucydides, it cannot in my opinion be used to support the theory that he simply adapted Thucydides' account at will,

since it contains no parallel to the detailed order of battle of the Spartans' allies.

27. See Westlake (1935) pp.16-17 on the valley of the Spercheios: "in historical times it enjoyed no political unity and little independence, being divided between the Aenianes, the Malians, and the Oetaeans, whose feuds other powers turned to their own advantage."

28. Among the Spartan allies whom Lysander took with him to Haliartos in 395 were the Oetaeans, Malians, and Aenianians (the others were the Phocians and the Heracleans) (Xen. *Hell.* 3.5.6). It has also been pointed out to me that the Oetaeans and Malians were members of the Amphictyonic council (Aesch. 2.116), but I can see no significance in this.

29. I owe this suggestion to Dr. N.S.R.Hornblower.

30. This seems to be the clear implication of T1 (Porphyry *apud* Eusebius *PE* 10.3 p.464B: "καὶ τί γὰρ Ἐφόρου ἴδιον, ἐκ τῶν Δαμιάχου καὶ Καλλισθένους καὶ Ἀναξιμένους αὐταῖς λέξεσιν ἔστιν ὅτε τρισχιλίους ὅλους μετατιθέντος στίχους;"

31. It seems clear from the content of fr.4 (the strengths of different types of iron) that this work was a technical manual rather than a description of famous sieges (which would have provided an ideal context for an account of the siege of Plataea).

32. Thus Pearson (1941) pp.210-211: discrepancies between the versions of historians and orators "do not argue ignorance on the part of Isocrates and Andocides; still less do they indicate an acquaintance with some historical source unknown to us."

33. However, this suggestion raises a further problem: if Apollodoros used Thucydides for the siege of Plataea, would he have neglected to use him for Pausanias? This is of course not impossible, especially if Apollodoros had believed that Thucydides was not telling the whole truth about Pausanias.

Alternatively, he may have thought that the a colourful version better suited his purposes.

34. Compare Thuc. 1.22.1-2 with its stress on *akribeia* and on the need to include every detail: 'ὅσον δυνατὸν ἀκριβείᾳ περὶ ἐκάστου ἐπεξελθών' (1.22.2).

35. On this inscription see Patterson (1978) p.108 *ad* §76: "The description of the letters as *ἀμυδροῖς* would normally be taken to mean that they were faint or illegible, probably from age. But Thucydides' description (VI 54.6) of *ἀμυδροῖς* *γράμμασιν* applied to an inscription which has been discovered still in legible condition [ML 11] warns us that this adjective may mean something else". Meiggs and Lewis suggest that he means that the paint with which the letters of the inscription had been filled had worn away.

It should be noted that Apollodoros' description of the *stele* resembles Thucydides' description of the altar of Apollo in the Pythion at 6.54.7.

Dem. 59.76: "καὶ αὕτη ἡ στήλη ἔτι καὶ νῦν ἑστηκεν, ἀμυδροῖς γράμμασιν Ἀττικοῖς
δηλοῦσα τὰ γεγραμμένα."

Thuc. 6.54.7: "τοῦ δ' ἐν Πυθίου ἔτι καὶ νῦν δῆλόν ἐστιν ἀμυδροῖς γράμμασιν λέγον τάδε"

36. Compare Thuc. 2.15.4:

" καὶ τὸ <τοῦ> ἐν Λίμναις Διονύσου, ὧ τὰ ἀρχαιότερα Διονύσια [τῇ δωδεκάτῃ]
ποιεῖται ἐν μηνὶ Ἀνθεστηριῶνι."

However, there is no compelling reason to believe that Apollodoros' account is influenced by this passage: having taken the trouble to go and look at the pillar, he would naturally have informed himself about the site and its history. Moreover, he includes a number of details which do not appear in Thucydides' much shorter description. On the location of the shrine see Pickard-Cambridge (1968) pp.19-25, who concludes that there is insufficient evidence to decide the point.

37. For the Athenians being autochthonous see: Hdt. 1.56.2; Thuc. 1.2.5; Aristophanes *Wasps* 1076; Isoc. 4.24; 12.124. On the Athenian monarchy see Thuc. 2.15.1.
38. On the religious duties of the Basileus Archon see [Aristotle] *Ath.Pol.* 57.1-2.
39. This phrase is very similar to Thuc. 6.2.2: *διὰ τὸ αὐτόχθονες εἶναι*, but it is difficult to see how it could have got from there into Apollodoros' narrative. However, given Apollodoros' use of Thucydides elsewhere, it is possible that this too is a borrowing, imperfectly adapted to its context (where it makes little sense).
40. For Theseus as the founder of Athenian democracy see Euripides *Supplices* ll. 349-353, 403-408, 429-437 and Plutarch *Theseus* 24.
41. [Aristotle] *Ath.Pol.* 8 relates that after the time of Solon the archons were selected by *klerosis ek prokriton*: each tribe elected two candidates, from whom the archons were chosen by sortition. Previously they had appointed the magistrates according to their virtue and wealth (*Ath.Pol.*3.1).
42. Thus Ruschenbusch (1958) pp.409-410.

Chapter VII The Political Career of Apollodoros

Whilst there is no evidence that Pasion ever took any part in political life, he certainly had links with several important public figures. Even if his own relationship with them was predominantly commercial or social, they provided a circle of acquaintances and friends active in the political arena, who could later provide Apollodoros with an entrée into public life. It is therefore important to examine them by way of delineating the background to Apollodoros' own political career.

We are told that in the late 390s Agyrrhios was a mutual friend (*epitedeios*) of Pasion and of the young Bosporan who was prosecuting him (Isoc. 17.31). The fact that this man is referred to without patronymic or demotic indicates that he was a public figure who required no further identification: the prominent democratic politician Agyrrhios of Collyte (PA 179) (#1). His friendship with Pasion clearly did not last, since he was prepared to give evidence against Pasion at the time of his trial (Isoc. 17.32). We also hear that in the late 370s Callistratos was an *epitedeios* of Pasion (Dem. 49.47). Again, there can be no doubt that this was the celebrated statesman Callistratos of Aphidna (PA 8157) (#2). It should be noted that he was a nephew of Agyrrhios (see Davies *APF* 8157 for the stemma); doubtless that was the reason that he too was a friend of Pasion. Finally, we know that on four occasions in the late 370s Pasion lent money to the general Timotheos (Dem. 49 *passim*). At least three of these loans served to extricate Timotheos from situations in which he was threatened by severe political embarrassment. It is therefore difficult to maintain that Pasion's interest was purely commercial - under such circumstances the very fact that he chose to lend money to Timotheos was in a sense a political decision, as would have been a refusal.

In this regard we should remember that Athenian banking was conducted on a personal rather than a corporate basis, and that a banker could vary the terms of the loan depending on the status of the borrower. And indeed Apollodoros was later to state that his father was not motivated solely by commercial considerations when he made these unsecured loans to Timotheos: he hoped (or so Apollodoros claimed) that if Timotheos returned safely from service with the Persian king "he would not only recover his own money but would also secure any favour that he asked of Timotheos" (Dem. 49.3).

It would be wrong to assume that these friendships with members of the political élite were themselves political in character. Not indeed that they were purely commercial, since Agyrrhios and Callimachos are both explicitly characterised as friends of Pasion, whilst it is clear that Pasion wished to exploit Timotheos' need for money in order to get some degree of influence with him. But Pasion might well have sought to establish links with men of power and influence, not least as potential sources of help and advice if he were ever to be involved in litigation or any similar problem, without necessarily sharing their political views or interests. What is more, as a metic he would have required powerful sponsors to speak in the assembly in support of the proposal that he be granted the citizenship, (it is clear from Dem. 59.2 that he actively sought this honour). It would be equally wrong, however, to assume that his desire for the citizenship was motivated by political ambition: although possession of full citizen rights was a prerequisite for personal engagement in political life, the economic and social benefits would have been enough to drive Pasion to seek it. In any case, it could hardly have been easy for an ex-slave to stand up to speak in the assembly or council with any confidence or authority. It must even be doubted whether Pasion could speak Attic Greek with any fluency (#3). Admittedly even as a metic he would still have been in a

position to use his money to influence political life, but there is no evidence that he ever chose to do so. Indeed, the impression that one gets is that his time was largely devoted to running his businesses, and that he tended to keep himself to the commercial world of the Piraeus (see below p.249).

We know next to nothing about the early life of Apollodoros before his father died. Thereafter, probably in 368 (for the date see pp.17-19 above), he was prosecuted by Callippos of Lamptra (PA 8074) under a *dike arguriou*. Of Callippos we know little beyond what can be gleaned from the speech which Apollodoros delivered in the case (Dem. 52 *Against Callippos*). Apollodoros describes him as "having a good reputation and being able to speak well" (§1) and as "engaged in public life and not a private citizen" ("πολιτευομένου καὶ οὐκ ἰδιώτου") (§28). This latter phrase indicates that Callippos was a figure of some political importance (#4). We also know that he was one of the first pupils of Isocrates (15.93). The same is true of Lysitheides (PA 9395), who is described as being a companion of Callippos, Isocrates and Aphareus, and an acquaintance of Pasion (Dem. 52.14), and who served as arbitrator first between Callippos and Pasion (Dem. 52.14) and then between Callippos and Apollodoros (Dem. 52.30). There is nothing to suggest that this prosecution had a political basis: even if Apollodoros was by then politically active (he was only in his mid-twenties), this was a case which he had inherited from his father. The most that can be deduced is that there were no existing ties of friendship between Pasion's family and the circle of Isocrates. And indeed Isocrates had already written a speech for a client to use against Pasion (Isoc. 17) (#5).

Apollodoros' prosecution of Nicostratos under an *apographe* (Dem. 53 *Against Nicostratos*) dates to the mid-360s (see pp.21-22 above). Nicostratos (PA 11007) is otherwise unknown, as are his brothers Arethousios (PA 1587) and

Deinon (PA 3198). Davies *APF* 12413 rightly rejects any identification of Nicostratos with the father of Apollodoros' friend Pythodoros of Acharnae (Dem. 50.27). Instead, he suggests that the family came from the deme Peleces (*APF* 12413 n.1), which may well be right but does not get us very far. Ostensibly the case had no political significance, but there are a couple of points which give us pause for thought. First, Apollodoros is noticeably sensitive about being thought to be a sycophant (§1). The word *sukophantes* could simply denote the bringer of a baseless prosecution, but it also had the meaning of a political huckster (#6). Accordingly, we may wonder whether his fears were aroused because he was prosecuting a former friend, or whether he already had a reputation for sycophantic activity. Second, it is striking that Apollodoros never explains how he and Nicostratos fell out: at §13 he states baldly that Nicostratos started to plot against him in order to keep his hands on the money which he had borrowed. Such vagueness arouses our suspicions that Apollodoros is not telling the whole truth. Finally, it is interesting that Nicostratos had earlier brought a case against Apollodoros "through the agency of Lycidas the miller" (wrongly omitted in *Prosopographica Attica*) (Dem. 53.14): the use of an unimportant figure to bring a suit against a political enemy is a typical feature of Athenian political prosecutions, but need not imply a political context (#7).

The degree of political significance that we attribute to Apollodoros' prosecution of Timotheos for the failure to pay his debts (Dem. 49 *Against Timotheos*) will be affected by our reaction to the doubts recently cast by Harris (1988) on its traditional date of summer 362. This is a question which I have already discussed in detail (see above pp.28-31), where I argue that Harris does not make enough of a case for an earlier date to require us to reject the normal dating. Unlike Apollodoros' previous opponents, Timotheos was a major

political figure (PA 13700 with Davies *APF* for bibliography). If we are prepared to accept the essential truth of Apollodoros' account, then his prosecution was not politically motivated: he was merely attempting to recover money from one of his father's defaulting debtors (evidence that he was not backward in trying to recoup such debts is provided by Dem. 36.36). On the other hand, the fact that Apollodoros chose to prosecute Timotheos at all, as well as the timing of his prosecution, may well have had some political significance which we cannot now recover.

We have already seen that Pasion was prosecuted by the young Bosporan using a speech which had been written by Isocrates, and that he and his son had both been prosecuted by Callippos, who was a pupil of Isocrates. We might therefore imagine that Apollodoros' prosecution of Timotheos, who was Isocrates' protégé par excellence (#8), represented one more stage in a continuing feud with the circle of Isocrates. However, this hypothesis is undermined by the fact that Pasion had earlier lent money to Timotheos in an attempt to ingratiate himself with him: this is hardly the action of an inveterate enemy!

We should next ask whether this prosecution is explicable in terms of political groupings. This in turn raises a question of methodology: how far are groups and factions appropriate tools for the analysis of fourth century Athenian political life. An extreme view is taken by Sealey (1956), who seeks to reconstruct the career of Callistratos exclusively in terms of the machinations of a handful of political cliques. He believes that the shifting balance of power and influence can be charted through the many political trials of the period. Although Sealey is clearly right to stress the importance of friendship and consanguinity as factors in Athenian public life, it seems to me that he is in danger of seeking to impose "factions" as the sole explanation for a multiplicity of different events. Specifically, in attempting to accommodate

every possible piece of evidence, he produces an implausibly volatile picture of Athenian political life. It seems impossible that a people who were generally given to bitter and long-running feuding (see for example the lengthy quarrels described in Dem. 53 and 59) should form and disband mutually antipathetic groups at the rate which Sealey envisages. What makes Sealey's model particularly weak is that he sees the differences between groups in terms of personalities rather than policies. Yet it is precisely such personal loyalties (and hostilities) which one would expect to persist. Accordingly, I have considerable sympathy with the view of Mossé (1974) p.177 that the frequent prosecution of generals represented not so much the settling of factional scores as the manifestation of public dissatisfaction with the conduct of the war in the Aegean. The upshot of this general discussion is that we should, in my opinion, be wary of the blind imposition of factional explanations onto Athenian history. Of course that does not mean that they are necessarily redundant: we must examine the situation at the end of the 360s without any preconceptions.

Sealey (1956) suggests that "In 362 the presence of Timotheos probably weakened the influence of Callistratos. It may be possible to recognize an attempt of the Callistratos-group to reassert itself. For Pasion, the banker, had been a friend of Callistratos and in 362 Pasion's son prosecuted Timotheos in an attempt to recover a debt." (p.200). As to the degree of antipathy that existed between Callistratos and Timotheos, all we know is that Callistratos was unsuccessfully prosecuted in 373 by Iphicrates and Timotheos (Dem. 49.9). This is probably enough to allow us to conclude that the two men were still enemies in 362, although there may have been a reconciliation in the interim. Be that as it may, there are a number of objections to Sealey's argument that the friendship between Callistratos and Pasion (Dem. 49.47) implies that Apollodoros

was a supporter of Callistratos. First, there is no evidence that Pasion's friendship with Callistratos was at all partisan in nature, or that he was not also on good terms with men whom Callistratos would have considered to be his enemies. Second, it is pure supposition to assume that Apollodoros took over all or indeed any of his father's *philiai*: he was certainly independent enough in other respects. Finally, and conclusively, Pasion's attempt to ingratiate himself with Timotheos (Dem. 49.3) completely undermines the theory that he (and by extension his son too) supported Callistratos to the extent of sharing his hostility towards Timotheos. Nor indeed is it likely that Apollodoros would have chosen to launch a political attack on Timotheos shortly after he had returned to Athens after a successful campaign in the North Aegean.

It seems much more likely to me that Apollodoros was motivated simply by a desire to get his hands on the money which Timotheos owed. Nor indeed is there anything in the speech to suggest that the motive of the attack was political: although Timotheos is accused of committing perjury in public at §§65-67, in general his public activities are only mentioned in so far as they explain why he needed to borrow money from Pasion. As for why Apollodoros did not prosecute him until 362, I have already suggested that there may have been no earlier opportunity (above p.30); there is certainly no reason to think that he delayed the prosecution until a politically opportune moment. It remains finally to consider the attempt of Dušanic (1980) p.116 n.33 to see Apollodoros' later prosecution of Timotheos in a public suit (Dem. 36.53) as evidence that he was a political enemy of Timotheos (and presumably therefore a supporter of Callistratos). Since I discuss this prosecution in full below, suffice it here to make the following two points. First, this later prosecution almost certainly postdates the political ruin and exile of Callistratos, and therefore cannot have been made at the latter's instigation (but of course Dušanic could always

attribute it to a desire to avenge him). Second, it is hardly surprising after Dem. 49 that there should have been no love lost between Apollodoros and Timotheos in 359! It is quite wrong to try to reconstruct the general political situation in 362 on the basis of this prosecution. For all these reasons I am in full agreement with Mossé (1974) p.177 that "man muß schon die Texte um jeden Preis vergewaltigen, um in diesen Angriffen [Dem. 49] die Hand von Kallistratos und das Zeichen für einen Gegensatz zwischen den beiden Männern zu sehen."

In the autumn of 362 Apollodoros was required to serve as *syntrierarch* on campaign in the North Aegean (the identity of his partner is unknown). He eventually served for seventeen months, since his designated successor Polycles refused to take over the ship at the end of his year of office. In c.358 he prosecuted Polycles under a *dike blabes* to recover the money which he had been forced to expend on the latter's behalf (see pp.35-37 above for the date) (#9). It is hard to discern any overtly political aspect to this prosecution. Polycles appears not to have been a figure of political importance: he is most plausibly identified as Polycles the son of Polycrates of Anagyrasia, about whom we know only that he had a record of liturgical service (#10). There is nothing in Apollodoros' speech to suggest that the two men were enemies, or even that they had known each other previously. No such motive is required to explain the refusal of Polycles to take over the ship: Apollodoros' extravagance had made the ship prohibitively costly for his successor to run. As far as we can tell Apollodoros did not indict Polycles for breaking the law (#11), which suggests that he was concerned only to recover the excess money he had spent, not to ruin his opponent. Ballin (1978) p.227 detects in the speech an indication of "a possible early political alignment of Apollodoros with Demosthenes": he notes that Thrasylochos the son of Cephisodoros, who brought an *antidosis* against

Demosthenes in 363, was the same man who in 361, after Apollodoros had refused to convey the exiled Callistratos, hired his trireme to Callippos to enable him to do so (Dem. 50.52). Ballin argues that "[sc. Apollodoros'] connection in [Dem.] 50 of Thrasylochos with the Kallistratos group must, at the very least, have cast a ray of sunshine on Demosthenes' struggles with that hated family." (p.228). I take his point to be that it would have embarrassed Thrasylochos to have Apollodoros publicly link his name with that of the exiled and disgraced Callistratos, and that this embarrassment would have been a cause of satisfaction for Demosthenes. This is no doubt true enough, but I doubt whether any conclusion as to Apollodoros' political loyalties can be drawn from it. Presumably this Thrasylochos is not to be identified with the man of that name (PA 7346) to whom Apollodoros mortgaged his property in 361 (Dem. 50.13). As regards the question of how and when Apollodoros did become an associate of Demosthenes, I suggest below (p.229) that it was probably through his association with Hyperides that he became a supporter of Demosthenes.

On the other hand, I fully agree with Ballin (1978) p.226 that this speech prepares the ground for his later prosecution of the men who had commanded the fleet, since Apollodoros repeatedly suggests in it that the generals had been at best incompetent, at worst corrupt. He alleges that many of the sailors deserted "when they saw that the generals were not to be trusted, and having been deceived by the words of many of them" (Dem. 50.15), and that the generals consistently failed in their obligation to provide pay (Dem. 50.10). Even more seriously, he accuses Timomachos of having entered into a corrupt agreement with Polycles and then of having engaged in illegal dealings with the exiled Callistratos (Dem. 50.44-52). Moreover, he announces at Dem. 50.65 that it is his duty "to convict those who are guilty of despising you and the laws and of being unwilling to obey the laws, and get them punished in your presence". This

almost demagogic arrogation of the rôle of "People's prosecutor" could almost be seen as advertising the series of public prosecutions which was soon to follow.

At Dem. 36.53 the speaker indignantly asks of Apollodoros: "But who does not know of all the cases in which you have been engaged without ceasing, not only prosecuting private suits of no less importance than the present one, but maliciously trumping up public charges, and bringing men to trial? Did you not accuse Timomachos? Or Callippos who is now in Sicily? Or again Menon? Or Autocles? Or Timotheos? Or a host of others?" (tr. Murray LCL adapted). Each of these prosecutions, with the exception of that of Timotheos, evidently arose from the campaign in the North Aegean of 362-360, since Autocles, Menon, and Timomachos were successive commanders of the Athenian fleet (Dem. 50.12, 14), whilst Callippos was the officer who ordered Apollodoros to sail to Macedonia, without telling him that the purpose of the voyage was to collect the exiled Callistratos (Dem. 50.47). In my discussion of these cases, references of the form Hansen # are to the relevant entries in the register of *eisangeliai* in Hansen (1975), who provides a full citation of the ancient evidence for each prosecution.

(i) Autocles of Euonymon (PA 2727 Hansen 90). Although this is the prosecution about which we know most, it is difficult to piece together the various scraps of evidence in such a way as to produce a coherent account (see in addition Dem. 23.104; 50.5, 12; Hyper. 11 Jensen). In Dem. 50 Apollodoros relates how Miltocythes had revolted from Cotys in 362 and had requested an alliance with Athens (§5). We are not told whether or not this request was accepted. Then at §12 we learn that Autocles was suspended (*apocheirotoneutontos*) as general, that Apollodoros was sent back to Athens with some unidentified ambassadors, and that he then returned to the fleet with Menon, who replaced Autocles as

general. Unfortunately this account does not tell us why Autocles was suspended, or who the ambassadors were. We should like to know whether they came from Mitocythes or from some other ally of the Athenians, and whether they were in any way involved in Autocles' suspension. One would guess that they were complaining about Autocles, and that that was the reason for his suspension. Support for this hypothesis comes from the fact that it was the same man (Apollodoros) who took the ambassadors to Athens and who indicted Autocles. The one difficulty with it is that Apollodoros' account seems to suggest that he and the ambassadors arrived at Athens *after* Autocles was suspended. There is a real problem here, since if Apollodoros prosecuted Autocles, he should also have denounced him (#12). But how could he have denounced him when he was with his ship on active service? One possible solution, which I tentatively suggest, is that Apollodoros has inverted the order of the denunciation of Autocles and his own return to Athens.

The issue is complicated, however, by the testimony of Demosthenes and Hyperides. Demosthenes states that Miltocythes approached the Athenians "when Autocles was on the point of sailing out as general" (23.104). On this occasion a *psephisma* was passed, as a result of which his request for help was rejected, and subsequently "Autocles was accused of having ruined Miltocythes". Since Miltocythes had already been rebuffed by the Athenians, Autocles could hardly have been accused of ruining him because he failed to afford him military support. Rather, I think that we must conclude from Demosthenes' words that Autocles had been responsible for persuading the Athenians to turn Miltocythes away, and that they later repented of this decision and turned against the man who had advocated it. Striking confirmation for this view is provided by Hyperides fr.55 (Jensen), where it is said that Hyperides used the example of Socrates to argue that Autocles too should be punished for what he had said.

It is of course possible that we are dealing with two prosecutions, one by Apollodoros and one by Hyperides. On the other hand, it is certain on chronological grounds that the prosecutions referred to at Dem. 23.104 and at Dem. 36.53 are identical. And we have already seen that what can be inferred about the content of the first of these dovetails nicely with what we know of Hyperides' speech. It is therefore highly probable that Autocles was only prosecuted once. There remains only the problem of reconciling the various accounts of what actually happened: Hyperides/Demosthenes suggest that Autocles was tried for what he had said at Athens, whilst Apollodoros' intervention seems to indicate that it was his conduct as general which was unsatisfactory. The obvious solution is to combine the two accounts: Autocles' lack of success on campaign combined with his opposition to helping Miltocythes to render him liable to a charge of treason. This would also explain how he could have been indicted whilst Apollodoros was on campaign: there was opposition to him at home as well as in the fleet, and it may well have been Hyperides who laid information against him.

At this juncture we must stop to consider how it was that Apollodoros and Hyperides were both involved in this prosecution. There is of course the possibility that Hyperides merely wrote Apollodoros' speech (and there is also the remote possibility that the speech is wrongly attributed to Hyperides). On the other hand, we know that Hyperides also wrote a speech against Aristophon *paranomon* for delivery in 362 (fragments 40-44 Jensen). The *psephisma* which he was attacking may well have been that which gave Autocles his command in the North Aegean (Dem. 50.6). In any case, Sealey (1956) p.200 is probably right to argue on the strength of Dem. 50.6 that Aristophon and Autocles were political associates. The two prosecutions should therefore be seen as a pair. There is no indication that Hyperides did not prosecute Aristophon in his own name; the

assumption would therefore be that he also played an active part in the prosecution of Autocles. I discuss the relationship between Apollodoros and Hyperides further below (pp.219-220).

(ii) Menon of Potamos (PA 10085 Hansen 95). Menon succeeded Autocles as commander of the fleet in the North Aegean (Dem. 50.12). Hansen argues on analogy with the other prosecutions that Menon was impeached before the assembly because of his conduct of the military operations, and that the trial dates to the 360. Nothing further is known about this prosecution.

(iii) Timomachos of Acharnae (PA 13797 Hansen 91). Additional information about this case is provided by Aesch. 1.56 and Scholia; Dem. 19.180; 50.46-52; Hyper. 3.1-2. It emerges from Hyper. 3.1 that the prosecution was an impeachment. Timomachos appears to have been impeached on a variety of different grounds. First, Demosthenes says that Timomachos was one of several generals who were either condemned to death or heavily fined for "losing Thrace and the fortifications" (19.180). Second, Aeschines notes that Hegesandros, who was his steward, was "in a way particularly responsible for Timomachos' misfortune" (1.56). Hansen argues from this that Timomachos had also been accused of embezzlement. Finally, it is hard to believe that Apollodoros would have neglected to prosecute him for his illegal involvement with the exiled Callistratos (Dem. 50.46-52). We know that Timomachos went into voluntary exile rather than face his trial (Hyper. 3.2) and was condemned to death in his absence (Scholion *ad* Aesch. 1.56). Once again the trial probably dates to 360.

(iv) Callippos of Aexone (PA 8065 Hansen 92). As with Menon, we can only assume that this prosecution was also an impeachment, and that it probably

dates to 360. His order to Apollodoros to convey the exiled Callistratos surely featured in the indictment, but there may have been other charges.

(v) Timotheos of Anaphlystos (PA 13700 Hansen 93). It is probable that this is not to be identified with Apollodoros' prosecution of Timotheos under a *dike chreos* in 362 (Dem. 49). Although it is clear that it does not belong with the other four prosecutions, with which it is grouped at Dem. 36.53, since Timotheos alone of the five defendants was not involved in the campaign, the wording of that passage strongly suggests that all five were political prosecutions:

“καὶ τίς οὐκ οἶδεν ὅσα πράγματα πράττων οὐ πέπασαι, οὐ μόνον δίκας ἰδίας διώκων οὐκ ἐλάττους ταυτησί, ἀλλὰ καὶ δημοσίᾳ συκοφαντῶν καὶ κρίνων τίνας οὔ; οὐχὶ Τιμομάχου κατηγορεῖς; οὐχὶ Καλλίππου τοῦ νῦν ὄντος ἐν Σικελίᾳ; οὐ πάλιν Μένωνος; οὐκ Αὐτοκλέους; οὐ Τιμοθέου; οὐκ ἄλλων πολλῶν;”

All these cases are unambiguously cited as examples of Apollodoros' public sycophancy. Moreover, the speaker goes on to ask at §54 why Apollodoros busied himself with public affairs (*ton koinon*) rather than with trying to recover the money which he claimed was owed to him by Phormion. This seems to me to imply that all of the prosecutions listed in the previous paragraph were public in character. Hansen tentatively connects this prosecution with Timotheos' defeat at Amphipolis in 360/59 (on which see the scholion *ad* Aesch. 2.31), and considers that the trial was "undoubtedly contemporary with the other four trials" (p.98 n.6).

The impeachment of generals was a regular feature of the political life of the period (#13). This was bitterly recognised by Demosthenes a decade later: "Things have now reached such a pitch of shamefulness that each of the generals is indicted on a capital charge in an Athenian court twice or three times, but not one of them once dares to fight to the death against our

enemies" (4.47). Such prosecutions seem to have had a good chance of success. As Hansen (1975) puts it, "Usually an *eisangelia* would put an end to a general's career since the sentences were severe and few generals were acquitted." (p.60 n.17). Popular intolerance of military failure made the task of the prosecutor easy. It is against this background that we must consider the spate of prosecutions which Apollodoros launched in 360. Was he simply an opportunist, trying to make a name for himself on the political stage, or should these prosecutions be seen in terms of a broader political struggle?

This series of prosecutions provides the first real opportunity for us to make an assessment of Apollodoros' political affiliations. We have already seen that Pasion had been on friendly terms with a number of prominent politicians, and it would clearly be interesting to see whether his son maintained these connections when he entered the political arena. Unfortunately, as we have seen, Pasion's affiliations are by no means clear. On the one hand, we know that Agyrrhios, Callistratos, and Timomachos were all related by marriage, and that both Agyrrhios in the 390s (Isoc. 17.31) and Callistratos in the late 370s (Dem. 49.47) were described as friends of Pasion. On the other hand, Pasion's cultivation of Timotheos in the late 370s means that we cannot simply assign him to the circle of Callistratos. Moreover, the prosecution and exile of Callistratos in 361 marked the end of his political career and influence. Therefore, even if Apollodoros had been a supporter of Callistratos when he prosecuted Timotheos in 362, he can hardly have continued as such after 361. And indeed his targets in 360 included Callistratos' kinsman Timomachos and Callippos, who emerges at Dem. 50.46-52 as a partisan of Callistratos. As regards Timotheos, it need hardly be said that any friendship which had existed between him and Pasion had been destroyed by Apollodoros' prosecution of him in 362 for debt. It therefore comes as no surprise that Apollodoros should also

have directed a political prosecution against him. Of the other two men whom Apollodoros prosecuted, Menon is otherwise unknown, but Autocles was apparently an associate of the leading politician Aristophon of Azalea (see p.215).

Apollodoros can therefore have had no connection with this group. As we have already seen, Sealey (1956) p.200 thought that in 362-361 Athenian politics was dominated by three factions led respectively by Callistratos, Timomachos, and Aristophon. Since Apollodoros prosecuted members of each group, it seems clear that he was not a member of any of them.

We must therefore conclude either that there was another political group operating at the time, or that Apollodoros was something of a maverick. The crucial fact about this spate of prosecutions is not that Apollodoros' targets belonged to any one political grouping, but that they had all held military commands in the North Aegean, and that the conduct of all of them was in some degree unsatisfactory. They had all failed to provide pay on a regular basis (thereby putting Apollodoros himself to extra expense), whilst Callippos and Timomachos appear to have been guilty of treasonable conduct in their dealings with Callistratos. It is futile to enquire how sincere or (alternatively) opportunistic these prosecutions were. More pertinent perhaps is the suggestion that Apollodoros may have felt the need to prosecute Callippos and Timomachos in order to protect himself from the threat of prosecution (#14). However, the overriding motive was surely to exploit public opinion in order to make a name for himself in the political arena.

We have already seen that one of the prosecutions (that of Autocles) was undertaken jointly with Hyperides, and that Hyperides seems to have been making a concerted attack on the Aristophon/Autocles group (above p.215). As with Apollodoros, we cannot associate Hyperides with any other political group or figure. He and Apollodoros were of a similar age (#15), and it is tempting to

envisage them as a pair of young turks, working together to establish their political reputations. Unfortunately we do not know whether Hyperides played any part in any of Apollodoros' other prosecutions, nor whether Apollodoros assisted Hyperides in the prosecution of Aristophon. It is therefore possible (although this is simply a hypothesis for the sake of argument) that the two men had fundamentally different aims; that Apollodoros wished to prosecute the generals, whilst Hyperides' target was Aristophon and his circle, and that these two aims only coincided in the prosecution of Autocles. On the other hand, it looks as though the two men may have collaborated subsequently on at least one occasion (see below p.234), and it is therefore likely that they should be seen as political associates. In addition, they each had a reputation for *truphe* and a taste for the company of courtesans (#16), and it is possible that their hedonistic lifestyle represented a further link between them.

The speeches which arose from Apollodoros' dispute with Phormion in 350/49 (Dem. 36, 45, 46) throw disappointingly little light on his political career. This is hardly surprising, since they deal almost exclusively with family and financial matters. I have already addressed the linked questions of whether Demosthenes wrote the first speech against Stephanos (Dem. 45), and, if he did, whether this implies that Apollodoros had by then become a political supporter of him (above pp.97-101). My conclusion there was that Demosthenes did write the speech, but that we are not compelled to think that he and Apollodoros were already political allies.

I have already discussed Apollodoros' prosecution of the generals, for which he is reproached by the speaker of Dem. 36.53. It is interesting to note that the charge that Apollodoros was a sycophant is found not only in that paragraph, but repeatedly throughout the speech (§§3 bis, 12, 14, 21, 24, 26, 27,

52, 53, 54 bis, 58, 60 and see also Dem. 45.47). Most of these refer to his current prosecution of Phormion, but phrases such as *δημοσίᾳ συκοφαντῶν* (§53) and *τὸν γὰρ συκοφαντοῦντ' αἰεί* (§54) have a wider reference. Naturally the speaker is trying to show Apollodoros in the worst possible light, but these passages surely imply that he was, at the very least, a regular litigant.

It is impossible to ascertain either his or his opponents' political affiliations from these speeches. The only public figure who is mentioned is Cephisophon of Aphidna (PA 8410) (Dem. 45.8, 10, 19), who testified that his father Cephalion had been left the will of Pasion. Yet he only became involved because his father had been a trustee of the document, and nothing can be said about Apollodoros' political career from his appearance here.

Dem. 59 is politically the most interesting and important of the speeches delivered by Apollodoros. Not only is it the sole source for our knowledge of what happened during his year as *bouleutes* in 349/8, but it also provides valuable information about his career during the 340s.

At Dem. 59.3-6 Apollodoros' brother-in-law (and also son-in-law) Theomnestos recounts how in 348 Apollodoros and Stephanos came to become both political and personal enemies. He first sets the scene: the Athenians had reached a point of crisis where they had to choose either to take decisive military action and crush Philip of Macedon, or to do nothing and thereby risk the loss both of their allies and of their overseas possessions (§3). He tells how they were on the point of sending out their entire force to Euboea and Olynthos when Apollodoros secured the passing of a *probouleuma* requiring the Assembly to choose whether the budgetary surplus should be used for military purposes or should go to the Theoric fund. He did this in spite of the fact that in times of war the surplus was automatically used for military purposes,

because he believed that the people should have the power to decide how to spend its own money (§4):

“προβούλευμα....., λέγον διαχειροτονήσαι τὸν δῆμον, εἴτε δοκεῖ τὰ περιόντα χρήματα τῆς διοικήσεως στρατιωτικὰ εἶναι εἴτε θεωρικά, κελεύοντων μὲν τῶν νόμων, ὅταν πόλεμος ᾖ, τὰ περιόντα χρήματα τῆς διοικήσεως στρατιωτικὰ εἶναι, κύριον δ' ἡγούμενος δεῖν τὸν δῆμον εἶναι περὶ τῶν αὐτοῦ ὅ τι ἂν βούληται πράξει.....”

He was thereupon prosecuted by Stephanos under a *graphe paranomon*, on the ground that he was a debtor to the state and therefore barred from proposing *psephismata* (§5). Stephanos secured his conviction and urged that a fine of 15 talents be imposed (§6) but, fortunately for Apollodoros, the jury rejected this in favour of the latter's counter-proposal of a fine of one talent (§8). All of this activity dates to the archon-year 349/8 (see above pp.39-40).

Theomnestos' account raises a number of problems. First, even on its own terms it does not seem to make sense. For if the laws stated that in times of war the surplus of the financial administration should be used for military purposes, and given that Athens was at war at the time, the surplus would in any case be used to fund the military action which Apollodoros deemed to be necessary. The only possible effect of an open vote would be to give the people the chance to decide that they would prefer that the money went to the Theoric fund, which was the last thing that Apollodoros wanted.

Second, it does not fit in with the evidence of Libanius concerning the Theoric fund:

“ἀλλὰ καὶ νόμον ἔθεντο [sc. the Athenians] περὶ τῶν θεωρικῶν τούτων χρημάτων, θάνατον ἀπειλοῦντα τῷ γράψαντι μετατεθῆναι ταῦτ' εἰς τὴν ἀρχαίαν τάξιν καὶ γενέσθαι στρατιωτικά.”
(*Hypothesis to Dem.1* 5).

It will be remembered that in both the first and third *Olynthiacs* Demosthenes had refused to propose that Theoric money be used for military purposes, even

though he considered that such a course would be highly desirable (Dem. 1.19-20; 3.10-13, 31-33). We can well understand his reluctance if such a law as Libanius describes was in force. Moreover, it emerges from Dem. 3.10-11 that the Theoric money was indeed hedged about by powerful laws: "Appoint *nomothetai* but do not pass any new law (for we have enough); rather, repeal those that are currently harming us. I am referring to those concerning the Theoric money....." See too Dem. 3.13: "Until you make these reforms, do not expect anyone to be of such a kind as to court punishment by flouting these laws or to throw himself into trouble with his eyes open." Yet if there was a law which imposed the death penalty on anyone found guilty of proposing that the Theoric money should be used for military purposes, why was it that Stephanos blocked Apollodoros' *psephisma* on a technicality rather than prosecuting him under this law?

A variety of different solutions have been advanced in order to resolve the dilemma. First, Holm (1891) III p.246 suggested that the existence of the law referred to by Libanius is in fact an erroneous inference on the part of Libanius from Demosthenes' injunction to the Athenians at 3.12:

“πρὶν δὲ ταῦτα πράξει μὴ σκοπεῖτε τίς εἰπὼν τὰ βέλτιστ' ὑπὲρ ὑμῶν ὑφ' ὑμῶν ἀπολέσθαι βουλήσεται.”

And indeed one might reasonably doubt the existence of such a draconian law. Thus McQueen (1986) pp.55-56 finds it "most unlikely that Eubulus introduced a law imposing the death penalty on anyone seeking to annul his Theoric Law". Yet we should be reluctant to convict Libanius of having committed such a gross blunder, whilst there are parallels in Attic law for such penalty clauses (#17). Hansen (1976) p.237 n.10 is therefore inclined to believe that the law referred to by Libanius did exist. But even if Libanius was wrong about the death penalty, it is beyond doubt that the Theoric money *was* protected by laws, which could not easily be circumvented. We are therefore still left with the question

of why Stephanos did not use these laws to overturn Apollodoros' *probouleuma*. Moreover, since a law always overrode a decree, and since Dem. 3.10-11 makes it clear that the Theoric money was protected by laws, it is impossible to understand why Stephanos did not attack the *probouleuma*, which would have resulted in a decree if it had remained unchallenged, on this basis. Nor indeed is it clear how Apollodoros thought that he could get away with such a constitutional irregularity.

An alternative solution is to suppose that the law fixing the death penalty for moving that Theoric money be used for military purposes was passed as a reaction to Apollodoros' proposal, as a means of making doubly sure that no further attempt would be made to change the use to which it was put. This is indeed the claim of the scholiast to Dem. 1.1 (p.16, 13-17 Dilts):

“εἶτα ἐπιχειρήσαντος Ἀπολλοδώρου τινὸς πάλιν αὐτὰ ποιῆσαι στρατιωτικά, βουλόμενος Εὐβουλος ὁ πολιτευόμενος δημαγωγὸς ὧν πλείονα εὐνοίαν ἐπισπάσασθαι τοῦ δήμου πρὸς ἐαυτόν, ἔγραψε νόμον τὸν κελεύοντα θανάτῳ ζημοῦσθαι εἴ τις ἐπιχειροίη μεταποιεῖν τὰ θεωρικὰ στρατιωτικά.”

This hypothesis has been accepted in some quarters (#18), but seems to me to run into insuperable difficulties. First, since Demosthenes appears to be referring to this law in the passages cited above, we would be forced to conclude that he delivered his *Olynthiacs* some time after Apollodoros had moved his *probouleuma*. This has certainly been suggested: Cloché (1937) p.84 argued on the basis of the circumspect and pessimistic tone of Dem. 3 that Apollodoros had already made his proposal and been indicted by Stephanos. Moreover, Buchanan (1962) p.63 n.1 saw in the use of the word *apolesthai* at Dem. 3.12 a reference to Apollodoros' prosecution and conviction. Against this, it must be emphasised that it did not require Apollodoros to have been convicted for Demosthenes to be able to predict dire consequences for anyone

who proposed such a bill. Nor is this hypothesis really compatible with what we know of the chronology of the period. For although we cannot be sure when the *Olynthiacs* were delivered (#19), the fact that Demosthenes is silent about Euboea in Dem. 3 strongly suggests that the speech was delivered before the outbreak of fighting on the island, whilst it is clear from Dem. 59.4 that Apollodoros made his proposal at a time when fighting was raging there. It is therefore almost certain that Apollodoros put forward his *probouleuma* after the *Olynthiacs* had been delivered, and that therefore Demosthenes could not have been referring to a law which had been passed in response to it.

A possible variation on this line of reasoning is to argue that no such penalty clause existed at the time of the *Olynthiacs*, and that Demosthenes was therefore referring to the general difficulty of trying to repeal such laws as there were, that it was subsequently introduced in response to Apollodoros' *probouleuma*, and that Libanius, knowing of its existence, erroneously and anachronistically used it to explain Demosthenes' hesitancy. Against this it can be argued that it is undesirable to foist such a blunder on Libanius, and that if the death penalty was ever in force it was surely in force when Demosthenes made such a show of refusing to propose anything himself.

A third possible hypothesis is that Theomnestos is wrong about the basis upon which Stephanos prosecuted Apollodoros. I mention this solely for the sake of completeness, since it is hard to see how Theomnestos could have been mistaken, or indeed why he should have wished to mislead the jurors. For the greater the risk that Apollodoros could be claimed to have been running in the people's interests, the greater his credit would be.

The fact that none of these explanations is really satisfactory suggests that there is a fundamental flaw in this analysis. Specifically, Hansen (1976) has articulated a clear distinction between the money which was set aside for

the Theoric and for military expenditure out of the annual budgetary allocation, and the budgetary surplus. Hansen argues that it was the former, larger sum which could not be transferred, whilst the latter was a smaller and highly variable sum which was not so politically sensitive. The importance of this distinction had already been seen by Kahrstedt (1929) p.161: "Der dafür zitierte Fall, der [Deosth.] LIX 4ff. erwähnt wird, hat nichts mit einer Abschaffung der Theorika zu tun". On this view, which seems to me to be highly plausible, Apollodoros' *probouleuma* had nothing to do with the main allocation, and the apparent contradictions neatly disappear. On the other hand, there still remains a serious difficulty with Theomnestos' account, which is as follows: why did Apollodoros think it necessary to move a *probouleuma* giving the people the right to choose the destination of the budgetary surplus, when as things stood it would go, as he wished, to the military fund? One solution is that put forward by Hansen (1976) p.245: "We may infer, however, that Apollodorus in the spring of 348 feared that the Council would infringe the law and use the money for Theoric distributions. This might have been his motive for proposing that the decision rest with the Assembly." He finds confirmation for this in the fact that at §5 Theomnestos says not that everyone voted for Apollodoros's proposal, but that no-one voted against it: the wording suggests that "the Assembly by its decision only confirmed a law in force" (p.245 n.27). This interpretation, although certainly possible, is rather forced and does not seem to me to be wholly convincing.

In looking for an alternative explanation, it is worth pointing out that Theomnestos' account would make perfect sense if Athens was not at war at the time. For in that case the surplus would automatically be transferred to the Theoric fund, unless the assembly was allowed to override this procedure and make its own decision. There seems to be general agreement, however, that the

Athenians must have been at war at the time: how could they be intending to send troops to Euboea and Olynthos if they were still at peace? (#20). On the other hand, since there were as yet no open hostilities between them and Philip, I would tentatively suggest that the question of whether or not they were at war could have been a matter of dispute, and that Euboulos (who was in charge of the Theoric fund) (#21) and his supporters could argue that they were still at peace. This explanation is in fact very similar to that of Hansen, except that it provides a possible explanation as to why the council might decide to transfer the money to the Theoric fund (did Apollodoros perhaps suspect that Euboulos had the council under his control?).

The only alternative is to assume that Theomnestos' account of the law dealing with the budgetary surplus is wrong. Thus, for instance, McQueen (1986) thought that his words were "manifestly untrue for the period 352-339" (p.55 n.16). Theomnestos would retain some credit on the variant hypothesis that such a law had been in existence at an earlier stage, but had since been repealed. This possibility was entertained by Buchanan (1962) p.62 n.2, who judged the laws to have been "fictitious or, at best, ephemeral". Presumably this half-truth would have been introduced in order to suggest that Apollodoros was only ensuring that the law was upheld, rather than introducing a controversial innovation. However, once the distinction between the allocation and the surplus has been established, the main reason for disbelieving Theomnestos (that he is contradicted by Libanius) largely disappears. If we do still disbelieve him, there remains the question of what laws *did* exist for the disposal of the budgetary surplus. The decision cannot have been left to the assembly, for then Apollodoros' *probouleuma* would have been pointless. Two alternatives remain: that it was in the hands of the council/Theoric commissioners, and that the money was automatically transferred to the Theoric fund. Yet in either case it

is unclear why Stephanos did not prosecute Apollodoros for contravening the regulations currently in force. Perhaps, unlike the allocation, the surplus was not protected by any law. One final possibility is that Apollodoros sought to get round whatever regulations there were by proposing an "open *probouleuma*", giving the people the choice, rather than simply proposing that the surplus be transferred to the military fund (#22). Perhaps indeed that was why he was prosecuted on a technicality: he had succeeded too well in circumventing the rules. On balance, though, I find it hard to see why Theomnestos should have risked telling a lie about a matter of public knowledge, to no very obvious advantage. I am therefore inclined to accept the explanation advanced by Hansen (1976), possibly with my emendation, although I am far from convinced that the matter has been resolved.

On this view, there is a difference between Apollodoros' *probouleuma* dealing with the budgetary surplus and Demosthenes' more ambitious plans to transfer money from the Theoric to the military funds. Nevertheless, it is clear that the two men were pursuing broadly the same policy, and it would be perverse to assert that they were acting independently. That the links between the two were close is implicitly denied by Pearson (1966) p.355 n. 15: "one is compelled to note that Demosthenes failed to help Apollodorus when he proposed to use the theoric money for military purposes." Yet although Demosthenes is not mentioned in Theomnestos' narrative as having supported or helped Apollodoros, Pearson's inference seems to me to be very insecurely based. Nor should it be forgotten that Demosthenes had written a speech (45) for Apollodoros in the previous year, and was therefore to some extent already associated with him. Whether he wrote this speech in return for Apollodoros' political support is impossible to tell; we are certainly not compelled to believe it (see pp.97-101 above). One can speculate further. If Demosthenes

and Apollodoros were already political associates before 349/8, we may wonder whether it was entirely fortuitous that Apollodoros was a member of the Council in a year of such political importance as 349/8. The evidence for manipulation of the process of sortition into the Council is patchy, but it seems clear that it did happen on occasions (#23). And the fact that Acharnae returned 22 councilmen must have made it relatively easy to arrange something. On the other hand, the fact that Demosthenes wrote 36 for Phormion shortly before he wrote 45 for Apollodoros means that his association with the latter cannot have been of long standing. It is therefore possible that the councilmen were chosen before the links between Demosthenes and Apollodoros had become established.

A further possibility must be considered. We have already seen that Apollodoros and Hyperides joined in prosecuting Autocles in c.360, and one can speculate that Apollodoros and Demosthenes became associated through their mutual connection with Hyperides. The connection between Hyperides and Demosthenes emerges from Hyperides' prosecution of Diopeithes of Sphettos (Hyperides 3.29), who appears to have been a friend of Euboulos (Dem. 18.70). Unfortunately we do not know when this prosecution was launched. At any rate, there is no doubt that Hyperides' impeachment of Philocrates in 343 (Dem. 19.116), although criticised by Demosthenes for failing to include the other ambassadors, put him in Demosthenes' camp. The possibility therefore exists that Hyperides, when he joined forces with Demosthenes, brought Apollodoros with him.

At some time between 343 and 340 Apollodoros prosecuted Neaera under a *dike xenias* (Dem. 59 *Against Neaera*). Neaera was living with a certain Stephanos, and little attempt is made to conceal the fact that it was he who was the real target. Thus Theomnestos says that "we have been done great

wrongs by Stephanos" (§1). This man is identified in the inserted testimony of the polemarch Aeetes as being of the deme Eroadae (§40). In this case he must be Stephanos the son of Antidorides (PA 12887). Fortunately we do not depend on the authenticity of this document for the identification, since at §121 we hear that one of his sons was called Antidorides.

Stephanos met Neaera in Megara soon after the battle of Leuctra, from where he brought her back to Athens (§37). Apollodoros suggests that he was not well off at the time, and that his only income came from his activity as a sycophant (§39). This sycophancy included extortion and blackmail: he demanded money from the wealthy foreigners who slept with Neaera, under threat of indictment for adultery (§39). But there was also a political side to his activity, as Apollodoros alleges at §43:

"This man Stephanos was not yet making anything from political activity. For he was not yet a *rhetor*, but was still one of the sycophants who shout beside the *bema*, bringing public prosecutions for pay and denouncing and signing their names to other men's resolutions, until he fell under the influence of Callistratos of Aphidna."

This description suggests that originally Stephanos had no political affiliation or loyalty, but was ready to serve anyone who was willing to pay for his services. The date when he came under Callistratos' influence cannot be determined, but its position in Apollodoros' narrative suggests that it occurred relatively early in the 360s, at the time when Callistratos was at the height of his power (#24). The promise to explain at a later stage how this happened (§43) is not kept. Kirchner (PA 12887) thought that he had found corroboration of the connection between Callistratos and Stephanos in IGii²107: "Fert ad populum a.368/7 ut Callistrati Aphidnaei decretum de Mytilenaeis a.369/8 rogatum lapidi incideretur". However this interpretation depended on Kounamoudes'

erroneous restoration of Stephanos' name at l.8, Στε]φ[ανος ε]λπευ , which has one letter too few for the lacuna (thus Kirchner ad IGii²107). Δω]φ[αντος (Diophantos of Sphettos PA 4438) seems a much more likely restoration and is now generally accepted. Presumably this association with Callistratos had ended by the time of the latter's exile in 361 at the latest.

At §48 Apollodoros tells of the reconciliation of Neaera's ex-lover, Phrynon, with Stephanos. In support of his account he calls as witnesses those who had been present at the reconciliation, and the following are named in an inserted document: Euboulos of Probalinthos, Diopeithes of Melite, and Cteson of Cerameis (I defend the authenticity of this document in Appendix A). Cteson is possibly to be identified with the participant in a *diadikasia* dispute of c.380 (Davies *APF* 8908 = 8910) but is otherwise unknown. Diopeithes was also of liturgical status (Davies *APF* 4322) but does not seem to have been of political importance. There can be no doubt that Euboulos was the famous politician of that name (PA 5369). The puzzle of why he should have been giving evidence for Apollodoros I discuss below (pp.233-234). For the moment it is with his relationship with Stephanos that I am concerned. Cawkwell (1963) p.49 n.22 reckoned that "Stephanus who prosecuted Apollodorus in 348 (Dem. lix 5) was probably a supporter of Eubulus", which must be right. We know that in 349/8 Demosthenes was hostile towards Euboulos and directly criticised his policy (Dem. 1.21-29; 21.206). We have also seen that Apollodoros sought to advance Demosthenes' policy, but was thwarted in his attempt by Stephanos. Given that there was no prior history of enmity between Stephanos and Apollodoros, it seems clear that the former was acting as an agent either for Euboulos or for one of his supporters. The fact that Euboulos acted as a witness for a transaction of Stephanos confirms that such a connection existed.

Moreover, it is highly likely that Stephanos of Eroadae is to be

identified with the Stephanos who went as an ambassador with Aeschines and Dercylos to the Amphictyonic Council in 346 (Aesch. 2.140) (#25). Further information about his political career is scrappy. In 347/6 he was the author of a decree renewing the alliance between Athens and Mytilene (IGii²213 = Tod 168). These details suggest that he was a rather more important political figure than Apollodoros would have us believe. Nothing of political significance can be gleaned from his various attempts to marry off his (or Neaera's) daughter: both Phrastor and Theogenes are characterised as men who kept themselves to themselves (Dem. 59.50 and 72 respectively). More interesting is his alleged attempt to get Apollodoros convicted of murder, which seems to have been politically motivated (Dem. 59.9-10). According to Theomnestos, Stephanos was paid by Cephisophon and Apollophanes to ensure that Apollodoros was either exiled or stripped of the citizenship. Although this prosecution is not dated, we may assume from its position in the narrative that it happened soon after 348. Apollophanes (PA 1463) is not otherwise known, whilst there were two men named Cephisophon active in public life. Of these, one was Cephisophon son of Callibios of Paeania (PA 8417), the other was Cephisophon son of Cephalion of Aphidna (PA 8410). We know that the son of Callibios was "one of the friends and companions of Chares" in 353 (Aesch. 2.73), and that he amended a decree of c.342 in support of one of Chares' subordinates (IGii²276 l.23). Davies *APF* 3773 argues that he was probably the Cephisophon who was prosecuted by Euboulos under a *graphe hieron chrematon* (Dem. 19.293). It is certainly hard to believe that he was the same man who hired Euboulos' friend Stephanos, or who supported the peace of 346 (Dem. 18.21, 75). These last two references are almost certainly to the same man, and it would be most natural to attribute them to Cephisophon the son of Cephalion. Against this, we know that this latter had given evidence for Apollodoros in 350/49 (Dem. 45.19), which seems to tell

decisively against his having engineered the prosecution of Apollodoros. Given this problem, we should probably accept the traditional identification of Apollodoros' enemy as the son of Callibios (thus Kirchner PA 8417 following Schäfer *Beilage* p.180 n.4), whilst confessing that we do not understand why he or Apollophanes should have wished to attack Apollodoros.

The precise political situation at the time of the prosecution of Neaera is hard to reconstruct. Stephanos' prosecutions of Apollodoros were both politically motivated: in the prosecution for the murder of the woman at Aphidna Stephanos is explicitly stated to have acted as the agent for more important political figures, and the same is almost certainly true of his *graphe paranomon* of 348. This also seems to be the case with Theomnestos' prosecution of Neaera, where it soon becomes evident that the real protagonists are Apollodoros and Stephanos. Although the bringing of this prosecution is justified in terms of family honour (Dem. 59.11-12), we must ask whether it did not also have a political cause. This was believed by Macurdy (1942) p.259, who argued that the prosecution arose from the political situation of the time: "I suggest that the motive alleged by the two speakers, namely, to punish Stephanus for his suit of eight or nine years before, is not the true one and that the appearance of both Eubulus and Demosthenes as witnesses against Stephanus confirms the date 340 B.C., a time when in face of the advancing peril the old Peace Party joined hands with Demosthenes and the opponents of Philip." One might cavil at the "party political" terms in which this analysis is expressed (#26), and one might also insist that their professed motive for prosecuting Neaera can hardly be untrue *tout court* (#27). Yet Macurdy does raise two very important questions: why was the prosecution brought when it was, and how did two political enemies such as Euboulos and Demosthenes come to be giving evidence on the same side?

Our knowledge of the later career of Euboulos is highly deficient. We

know that he defended Aeschines in 343 (Dem. 19.291-292; Aesch. 2.8, 184), but thereafter we know nothing beyond what can be deduced from Dem. 59. It is certainly possible, perhaps probable, that his opposition to the transferring of money from the Theoric to the military funds had softened by the late 340s. After all, he had always been prepared to take military action when he judged it to be necessary, and he may have considered that the situation was materially different in c.340 to what it had been earlier (#28). But this solution raises a further question: why, if Euboulos had changed his views, should his supporter Stephanos have persisted in a stubborn and isolated opposition to the policy of Demosthenes? One possible explanation is that his hatred of Apollodoros overrode his loyalty to Euboulos, but this is only a guess.

We must also consider why it was Theomnestos rather than Apollodoros who put his name to the indictment. One possible explanation is that, if Neaera were to be acquitted, it would have been more damaging for Apollodoros, as an active politician, to be barred from bringing any similar prosecution in future than it would have been for Theomnestos (#29). Alternatively (or perhaps additionally), Apollodoros might have thought that it would be an effective tactic to involve his family in order to attract the jurors' sympathy and emphasise the callousness of Stephanos' behaviour.

Although nothing is known about Apollodoros after this suit, there is a possible footnote to his career. We have already seen that he was an associate of Hyperides, and among the speeches of Hyperides is one *kata Pasicleous* (fr. 134-136 Jensen) and another *peri antidoseos pros Pasiclea* (fr. 137 Jensen), if indeed they are not (as I suspect) one and the same. Fr. 134 makes it clear that the speech was delivered after Demosthenes' trierarchic law of 340, and also mentions Phormion. This makes it certain that it is Pasion's younger son Pasicles who was involved. We know nothing of the circumstances of the case,

but it is tempting to speculate that Apollodoros and Hyperides were acting together again, and that Apollodoros was still pursuing his feud with Phormion and Pasicles (see Dem. 45.83-84 for the bitterness between the two brothers). If this were not the case, it would be an odd coincidence that Hyperides should have written a speech against Pasicles.

By way of conclusion, we must attempt to assess Apollodoros' political career as a whole. Previous discussions of this subject tended to be limited to discussing whether he was a patriot or an unscrupulous opportunist (#30). Such assessments relied on a rather crude distinction between the "Patriot Party" and the "Peace Party", and were also inherently subjective. It is more important to investigate whether we can determine any lasting political affiliation or loyalty on his part, and whether he ever played more than a minor part on the political stage. We must also consider whether his anomalous social position had any effect on his political career.

As to the first of these questions, it is impossible to reach any definite conclusions. Any attempt at reconstructing his career necessarily involves what David Whitehead termed (in a different context) "vertiginous leaps between precarious footholds". We have seen three occasions on which Pasion or Apollodoros came into conflict with Isocrates or one of his protégés (one might wonder in passing whether Isocrates helped defend Timotheos in either 362 or 360). However, there are insufficient grounds for seeing any political significance here. Much more important are his associations with two important politicians: those with Hyperides, which may have lasted for over 20 years, and with Demosthenes, which had started by 349/8 and was still in force in the late 340s.

Various attempts have been made to categorise those who engaged in public life in Athens into a broadly hierarchic scheme. Thus Perlman (1963)

draws a clear distinction between those who regularly engaged in political activity and the rest of the Athenian people. Using this scheme, no-one would deny that Apollodoros should be included among the *politikoi*. Perlman further distinguishes between major and minor political figures, the latter being described as "probably the followers who served and supported the leaders of political groups and were entrusted with the minor tasks of creating an uproar or spreading rumours..... it was often the minor politician who was put forward to serve as accuser in a political trial or to propose a decree" (pp.329-330). This is in fact very similar to the description of the sycophant Stephanos at Dem. 59.43. But is it also a fair description of Apollodoros? Macurdy (1942) p.271 though that both Apollodoros and Stephanos "represent the type of petty politician". Certainly the speaker of Dem. 36 wished the jurors to believe that this was true of Apollodoros, but he had a clear motive for misrepresentation. Apollodoros' moving of his *probouleuma* in 348 could certainly be seen as the action of a straw man, saving Demosthenes from the danger of prosecution. However, we are not compelled to accept such an explanation, whilst the series of impeachments in c.360 suggests a rather greater ambition on the part of Apollodoros. Nor is there any indication in Dem. 36, for all the allegations of sycophancy, that Apollodoros was merely the agent of a more important political figure. A desire to gain political recognition in his own right would also accord well with his attempts at self-promotion through the ostentatiously lavish performance of liturgies.

On the other hand, Apollodoros barely features in the other speeches or inscriptions of the period (he only appears in inscriptions in connection with his liturgical activity, and does not appear in any extant speech). To that extent the preservation of his speeches conveys a false sense of his importance. But was his comparative obscurity attributable to a lack of ambition or a lack

of opportunity? Montgomery (1983) p.104 sees in him "an example of a man who learned how difficult it was for a rich man to gain political recognition". But wealth was never in itself a handicap to political success; indeed its possession in some degree was a virtual precondition for engaging in public life, and the majority of politicians came from wealthy backgrounds (#31). It would therefore be truer to say that Apollodoros may have found that wealth was not in itself enough to guarantee political success. I would suggest that a more important factor holding Apollodoros back was his servile birth. Snobbery was rife in public life, and politicians whose pedigree was considered in any way inferior were mercilessly ridiculed on that score: Aeschines provides a very good example of this (#32). Admittedly there is no evidence that Pasion was not accepted as an Athenian citizen, but this was no doubt largely because he chose not to involve himself in the hurly-burly of politics. This is surely the essential difference between him and Apollodoros: in politics one exposed oneself to whatever accusations one's opponents could come up with. And it is hard to imagine that Apollodoros was not savagely attacked by his political opponents because of his servile origins. He might even have been something of a liability to his political associates, the vulnerable member of the team. However, our lack of evidence means that such speculation cannot be confirmed.

Notes to Chapter VII

1. On Agyrrhios see Davies *APF* 8157 II.
2. This identification is accepted by Sealey (1956) p.193. Sealey goes on to suggest that Callistratos may have approached Pasion for money in order to finance Iphicrates' campaigning in 372. This is unfounded speculation, as is his suggestion that "Pasion was probably reluctant to lend money for military purposes now [because of Timotheos' failure to repay his debts]."
3. We know that Phormion could not speak Greek fluently (Dem. 45.30), and there is no reason to think that Pasion was any more at home with the language. On the suggestion that he was of Semitic extraction see p.270 n.2
4. According to Hansen (1983) *idiotes* "does not denote the passive citizen, but the active ordinary citizen in a true democracy" (p.46). He also believes that most occurrences of the word *politeuomenos*, including this one, "denote the meaning 'political leader', regularly without reference to any specific form of political initiative".
5. The authenticity of this speech has been challenged on both external and internal criteria. As for the former, Isocrates later claimed that he had never had anything to do with forensic oratory (Isoc. 15.36). Yet Dionysius of Halicarnassus, who was well aware that the matter was controversial, believed that Isocrates did in fact write some forensic speeches (*Isocrates* 18). Moreover, he specifically cites this speech as a typical example of his style (§19). As regards the style of the speech, Benseler (1842) judged the speech to be spurious because of the high incidence of hiatus. Against this should be set the suggestion of Mathieu and Brémond (1928) pp.68-69 that the lack of polish may have been deliberate, that Isocrates adapted his normal style to the needs of his Bosporan client, whose Greek was perhaps somewhat rustic and inelegant,

by allowing hiatus to remain. See too Rea (1966) and Seager (1967).

6. See Lofberg (1917) pp.51-54 and especially p.51: "The use of the courts as a political weapon also gave employment to the sycophant who was willing to act as agent."

7. Thus Perlman (1963) pp.329-330: "But it was often the minor politician who was put forward to serve as accuser in a political trial or to propose a decree." Similarly de Laix (1971) p.187 and Hansen (1974) p.54.

8. See particularly Isocrates 15.101-139.

9. That this was a *dike blabes* is suggested by Gernet (1959) p.36 n.3.

10. We know of the following four liturgies performed by Polycles:

(i) syntrierarch with Philippos on *Amemptos* in ?366/5 (IGii²1609 ll.105-106).

(ii) syntrierarch with Euripides in a year prior to 362/1 (Dem. 50.68).

(iii) appointed syntrierarch for 361/0 (Dem. 50 *passim*).

(iv) syntrierarch on *Hebe* in 357 (IGii²1622 l.238).

11. Cawkwell (1984) p.237 argues *e silentio* that Polycles did not break the law, but I find it very hard to see how this could have been the case.

12. Thus Hansen (1975) p.31: "[in the case of impeachment before the assembly] it must always have been the same man who addressed the Assembly as denunciator and the court as prosecutor".

13. For the frequency with which Athenian generals were impeached see Dem. 4.47; Hyper. 3.1. See too the recent discussions of Pritchett (1974) pp.4-33, Hansen (1975) pp.58-65, and Roberts (1982) *passim*.

14. Roberts (1982) p.165 writes that "Apollodorus had reason to fear that he would be implicated in the illegal transport of the exile Callistratus." Bonner (1927) p.131 thought that he "no doubt welcomed the opportunity to revenge himself upon the admiral Timomachus for his failure to put pressure upon Polycles. He was also incensed at Callippus for his threats and insults when he

refused to do his bidding in the matter of Callistratus."

15. Apollodoros was born in c.394 (Dem. 36.22). Hyperides was *diaitetes* in 330/29 (IGii²1924 I.11) and was therefore born in 389/8. See Lewis (1955) pp.24 (Apollodoros) and 29-30 (Hyperides).

16. For Apollodoros' involvement with courtesans see Dem. 36.45. Hyperides' sexual conduct was notorious according to [Plutarch] *Moralia* 849D. Athenaeus says that he kept one courtesan in the city, one in the Piraeus, and one at Eleusis (13.590c-e). See too Alciphron 4.3.

17. Instances of clauses stipulating the death penalty are collected by Hansen (1976) p.237 n.10.

18. See Hansen (1976) p.239 n. 15. The scholiast's assertion is effectively demolished by Cawkwell (1963) p.60.

19. On the dating of the Olynthiacs see Cawkwell (1962b) pp.133-134.

20. See Rhodes (1972) p.105 n.4: "Athens had been formally at war with Philip since his capture of Amphipolis in 357" (on the basis of Isoc. 5.2; Aesch. 2. 21, 70, 72; 3.54). Thus too Cawkwell (1963) p.60.

21. It is often assumed that Euboulos exercised prolonged and/or sole control over the Theoric Fund, but Cawkwell (1963) pp.54-55 rightly reminds us of the lack of evidence as to his official position.

22. This was suggested by Cloché (1937) p.86. See too Rhodes (1972) p.58 and Sinclair (1988) p.94.

23. Although Headlam (1933) p.56 found "no reason for supposing that public men could in any way command a seat in the council", we know that Aeschines accused Demosthenes of having secured his place on the council in 347/6 through bribery (3.62). Rhodes (1972) pp.3-4 in non-committal: "Several prominent politicians are known to have served as bouleutae, sometimes at least in such crucial years that they must surely have chosen to stand at that particular

time, and must unless the processes of fate were tampered with have been lucky either in the lot or in the absence of composition."

24. For Callistratos' high standing at the time see Sealey (1956) p.194.

25. The identification of the two men is taken for granted by Macurdy (1942) p.271. Yet since Aeschines refers to Stephanos without giving either patronymic or demotic we cannot be certain that he is referring to the son of Antidorides.

26. See for example the strictures of de Ste. Croix (1964) p.192 against Buchanan's labelling of Euboulos and his supporters as a peace party.

27. It should however be noted that Macurdy (1942) p.260 accepts that Apollodoros would also have derived personal satisfaction from paying off old scores with Stephanos.

28. Thus Cawkwell (1963) p.67: "in 352 Eubulus was strenuous in keeping Philip out of Phocis and ready to defend the Chersonese, just as in 346 he led the resistance to Philip while resistance was practicable."

29. See MacDowell (1978) p.252 on the penalties incurred by a prosecutor who brought a *graphe* and then failed to get one-fifth of the votes: a fine of 1000 drachmae and the removal of the right to bring similar cases in future.

30. This criticism is particularly applicable to Macurdy (1942).

31. Perlman (1963) p.334 concluded that "almost all [politicians whose speeches have been preserved] were members of the middle or upper middle classes." The only possible exceptions were Aeschines and the shadowy Demades. On Aeschines' family background see Davies *APF* 14625 II: in spite of Demosthenes' mockery of his lack of education it should be remembered that his uncle Cleoboulos was a general and that both his brothers were active in public life.

32. On Aeschines see Perlman (1963) p.335.

Chapter VIII The position of Pasion and Apollodoros in Athenian society

The social origins of Pasion are quite obscure to us: we know nothing of his history before he became the slave of the bankers Archestratos and Antisthenes (Dem. 36.43). He was probably not of Greek extraction (#1), and the theophoric name which he gave to his first son suggests that he may have been of Semitic extraction, and was possibly a Phoenician (#2). How and when he was acquired by his masters is nowhere explained. In principle, the fact that he was a slave meant that he had no social standing. In practice, however, one might imagine that the skilled slaves who worked in a bank at least enjoyed a somewhat higher standing than slaves who were engaged in more menial occupations. After all, the nature of their job meant that their masters had to be prepared to trust them with large sums of money (#3). Moreover, the commercial world of the Piraeus seems to have been considerably more egalitarian than the rest of Athenian society, with foreigners and even slaves playing a role in business life (#4). But we must not exaggerate the point: Menexenos showed no compunction in demanding that Cittos, who acted as chief cashier in Pasion's bank, be surrendered for interrogation under torture (Isoc. 17.13). Nor is there any reason to think that Pasion was a *choris oikon*: the fact that he worked at his masters' bank means that he must always have been fairly closely supervised.

We are similarly ill-informed about the circumstances under which Pasion was given his freedom and acquired control of the bank (see pp.50-51 above). Indeed, it is only with his prosecution by the son of Sopaeos in the late 390s (Isocrates 17 *Trapeziticus*) that we can say anything useful about his position in society. The young Bosporan opens his speech by saying that he feels at a disadvantage because Pasion is a banker, and that bankers are men "who have

many friends..... and have a reputation for trustworthiness" (Isoc. 17.2). It is of course a rhetorical commonplace for a litigant to complain that his opponent enjoys an unfair advantage. Moreover, the speaker is making a statement about bankers as a class, rather than specifically about Pasion. Nevertheless, we may take this claim as a starting-point for our investigation, by seeking to determine exactly who these friends were. There can be no doubt that Pasion had many business associates among the metic community of the Piraeus, and particularly among the traders who operated there. Indeed, Apollodoros later says explicitly that a certain Lycon of Heracleia used his father's bank "as did the other merchants (*emporoi*)" (Dem. 52.3). However, my impression is that the young Bosporan is not referring to these people; rather, his complaint is that Pasion's friends included men of note, in other words influential citizens, who would help him with his speech and whose support would influence the jurors in his favour (#5). That Pasion did indeed have influential friends emerges from the rest of the speech. First, we are told that Agyrrhios was a mutual friend (*epitedeios*) of the speaker and of Pasion, and that he was sent by Pasion to intercede with the speaker (Isoc. 17.31). There can be no doubt that this man was the important democratic politician of the deme Collytos (PA 179): the fact that he is not identified further by his demotic or patronymic implies that he was a well known public figure. The precise nature of the relationship is unclear. Davies (*APF* 11672 II) speaks of Agyrrhios associating with Pasion "in what looks very much like a professional capacity as confidential agent." This seems to me to go beyond the evidence: Agyrrhios was doing nothing that could not reasonably have been asked of a friend. Indeed, far from there being any indication that he was employed by Pasion, he is explicitly characterised as a friend of his. On the other hand, his activity a few years earlier as the head of a syndicate of tax-farmers (And. 1.133-135) shows that he had commercial

interests, and suggests that he might also have been a client of the banker, or associated with him in some other business relationship (#6). Second, we are told of a friend of Pasion: "Pythodoros, called the shopkeeper, who says and does everything on Pasion's behalf" (Isoc. 17.33). He is presumably not to be identified with Pythodoros the Phoenician who had earlier introduced the speaker to Pasion (Isoc. 17.4). Admittedly the securing of new clients is quite compatible with the rôle attributed to Pythodoros the shopkeeper, but the fact that the two men are given different soubriquets surely provides decisive proof against their identification (#7). However, it is as good as certain that Pythodoros the shopkeeper is the same man as the owner of "Pythodoros' premises" in or near the Agora, which are referred to at Dem. 54.7. Davies (*APF* 11672 IV) describes him as Pasion's agent, and goes on to suggest that he sponsored his rise to the citizenship. I assume that Davies means by this that Pythodoros was Pasion's citizen patron (*prostates*). Somewhat less tempting is Davies' suggestion that Pythodoros was a member of the liturgical class: he argues that Pythodoros' alleged tampering with the names of the judges for the Dionysia in the year before the delivery of Isoc. 17 (§§33-34) only makes sense if he himself had an interest in the contest; if, that is, he was a member of the liturgical class himself (*APF* 12413). However, we should not discount the possibility that Pythodoros was acting, either as an agent or as a friend, for some other interested party.

Into a slightly different category falls the son of Sopaeos himself, who was both aristocratic and wealthy (#8). He claims that his relations with Pasion were social as well as commercial (Isoc. 17.6), but it is possible that he is exaggerating or even inventing this friendship in order to make the jurors think the worse of Pasion for having broken the sacred bond of friendship.

It is unfortunate that we have no evidence relating to Pasion for the

following two decades: it is only with his dealings with Timotheos, shortly before his death in 370/69, that we can pick up the thread again. The aristocratic general Timotheos was one of the leading public figures of the day (#9). The nature of Pasion's relationship with him is somewhat complex, but it seems to me clear that Timotheos originally approached Pasion in his profession of banker rather than as a friend. On each of the four occasions on which he borrowed from Pasion, he did so as a last resort: twice his need was pressing (Dem. 49.6, 22), once secrecy was essential (Dem. 49.17), and once he seems to have exhausted his credit elsewhere (Dem. 49.25). These were typically the sort of circumstances under which an Athenian would employ the services of a banker, rather than turn to his friends and relations (#10). On the other hand, there are features of these loans which are more typical of loans made between friends: no security was demanded and no interest was charged, whilst Pasion seems to have made little attempt to recover his money (#11). The evidence as to the standing of the transactions thus appears to be contradictory, but the paradox can be resolved. As the lender, Pasion was able to dictate the terms of the loans, and he chose to treat them as social rather than commercial transactions; he preferred to have Timotheos obliged to him, owing a debt of *charis* as an Athenian would have put it, rather than charge interest or provide security (which in any case Timotheos was not in a position to supply). In the words of Finley (1951) p.85: "Loans obtained from individuals were also often without interest, even when the lender was the banker Pasion, as in the Timotheos story. There was no rule here, but simply a matter of agreement in each individual case." And indeed this emerges clearly from what Apollodoros says about his father at Dem. 49.3: "he thought that if Timotheos emerged unscathed from those dangers and returned home from the king of Persia, with greater wealth than he then had, he (Pasion) would not only recoup his own

money, but would also get anything else he wanted from Timotheos." Precisely what it was that Pasion hoped to get from Timotheos is unclear. There is no indication that he ever wanted to step up into the political arena, but Timotheos would have been a valuable ally if he ever got into any (especially legal) trouble. Perhaps even he did not envisage how the debt might be repaid, seeing it purely as a speculative investment (#12). As events turned out, however, Pasion did not get any return of *charis* from Timotheos before he died.

We can be more confident about the closeness of Pasion's relationship with the well-known politician Callistratos of Aphidna (PA 8157), who is described as a friend (*epitedeios*) of his (Dem. 49.47). In addition to his political prominence, Callistratos was also a member of the liturgical class (APF 8157 IV). His friendship with Pasion presumably arose from the latter's association with Agyrrhios, who was Callistratos' uncle (Dem. 24.135).

Finally, we know that the wealthy Demosthenes, the father of the orator, had 2,400 drachmae deposited with Pasion (Dem. 27.11). It is particularly disappointing that nothing is known about the relationship between the two men, since it would be interesting to know whether the orator had any existing links with the family of Pasion when he wrote Dem. 36.

Outside Athens, Apollodoros tells us that whilst serving as trierarch in 361 he had borrowed money from Cleanax and Eperatos, who were guest-friends (*xenoi*) of his father on the island of Tenedos (Dem. 50.56). In attempting to explain how Pasion came to have friends there, Apollodoros says that his father was connected by ties of hospitality with many people, and was trusted throughout Greece. Presumably these links had been forged through the foreign traders who used his bank. It is unclear whether his possession of foreign *xenoi* tells us anything about Pasion's social standing. Herman (1987) argues that ties of *xenia* were usually the preserve of the rich and well-born, and is

surely right to refuse to see Pasion's relationship with the Tenedians as indicating that he enjoyed the requisite standing in Athens to move in such circles. He considers this claim on the part of some-one from such humble origins to smack of arrivisme (p.35). I would be inclined to look at the matter from a slightly different angle: the community which Pasion "represented" was that of the Piraeus, not that of the city proper; and there can be no doubt that Pasion was a powerful figure in the meritocratic world of the Piraeus.

The first two of these passages make it clear that, even before he had been granted Athenian citizenship, Pasion was on friendly terms with, if not exactly moving in the same circles as, a number of the wealthiest and most influential Athenian citizens. We must now consider whether this familiarity existed because of or in spite of his being a banker. This in turn requires us to consider the standing of bankers in Athenian society. It has often been thought that Dem. 37.52 provides clear evidence on this point. In this passage the speaker, Nicoboulos, represents his opponent Pantaenetos as claiming that "the Athenians hate those who lend money". This prejudice, however, seems to have been directed at usurers and money-lenders rather than at bankers (#13). Conversely, it is surely significant that the son of Sopaeos makes no attempt to excite prejudice against Pasion on this score. Indeed, both he (Isoc. 17.2) and the speaker of Dem. 36 make it clear that bankers were respected and respectable figures (note Dem. 36.44 on the importance of *pistis* in banking). Nor would we expect otherwise: the success of any banker is necessarily dependent on his reputation for trust and reliability, and Pasion was a very successful banker.

It would be interesting to know how many of his wealthy friends were also clients of the bank. There is a temptation to believe that many of them were, and that it was the fact that he was their banker that gained Pasion some

sort of entrée into Athenian high society. However, such a hypothesis is unnecessary, since connections between wealthy metics and important citizens were by no means uncommon in this period. The early fourth century saw a continuation of the social changes which were already evident in the last decades of the fifth century, whereby wealth started to supercede birth as the main criterion of social acceptability. As Mossé (1962) p.150 puts it: "Dans la réalité athénienne du IV^e siècle, les riches tendent à former un seule groupe social et il ne faut pas s'étonner de curieux rapprochements" (#14). An excellent example of this tendency is provided by the rich metic Cephalos, who was a friend of Pericles and played host to the social and intellectual élite of Athens (Lys. 12.4; Plato *Rep.* 327a-328c). As Whitehead (1977) p.19 says of his portrayal in the *Republic*, "Cephalus had simply reached the stage - economically, socially, intellectually, where Plato is oblivious of any connection between him and the *metoikoi* and *xenoi* who, in a democratic *polis*, tend (deplorably) to become assimilated to *astoi* (563A)! When Ehrenberg denies "that citizens formed an exclusive social group, rigidly separated from metics and foreigners", he is clearly correct..... Plato had more in common with Cephalus than with many a citizen *banausos*." Cephalos is in fact a particularly interesting figure, since there is a possible connection between his family and that of Pasion (#15).

One obvious difference between Cephalos and Pasion is that the former retained his (perfectly respectable) Syracusan citizenship, whilst Pasion had originally been a slave. However, this difference may not have been decisive. *De iure*, it seems that there was little difference between metic and freedman (#16). Nor, as far as we can tell, was public opinion greatly concerned about Pasion's origins. Admittedly this is an argument from silence, whilst accusations certainly tended to fly around in Athenian public life that certain politicians were the sons of slaves (#17), but this is not really relevant: the

whole point of such accusations was to suggest that one's opponent was usurping the citizenship and ought to be unmasked and punished. Pasion's case was quite different, since his origins were known, as was the fact that he had publicly been granted the signal honour of the citizenship. It must also be admitted that Apollodoros launches a vitriolic attack on Phormion on the ground that he had once been a slave (Dem. 45.71-86), but this intemperant outburst seems to have derived in large part from his sensitivity about his own origins (#18). It is very hard to assess how a jury would have reacted to such acrimony, and we do not know whether Apollodoros succeeded in his prosecution. One possible indication is provided by the reception accorded to Dem. 36, in which Demosthenes mocks Apollodoros' (earlier) taunts about Phormion's servile origins: the fact that the jury refused even to listen to Apollodoros' case (Dem. 45.5-6) suggests that the Athenians found the arguments of Dem. 36 convincing.

Although he associated with members of the citizen élite, Pasion retained close links with the business community of the Piraeus. He continued, for example, both to live and to work in the Piraeus (Dem. 49.6; 52.8, 14). Nor is there any indication that he sought to involve himself in the political life of the city. No doubt the fact that he probably could not speak Greek well, and that he had the bank to run, tended to discourage any such active participation. Finally, he must have married into a family from a metic background (see p.6 above).

I turn now to consider the use to which Pasion put his vast fortune, and the effect of this expenditure upon his social standing. First, he clearly spent a large amount of money on liturgies and *epidoseis* (Dem. 45.85). I have attempted to quantify these services to the state in Chapter II (pp.73-76 above). It is little exaggeration to say that the spectacular acts of public

munificence which he made before he was made an Athenian citizen were made precisely in order to secure the citizenship. Indeed Theomnestos says that Pasion was granted the citizenship "on account of his benefactions towards the city" (Dem. 59.2). Although there may have been some metics who were content with their native citizenship, there can be no doubt that the ex-slave Pasion would have greatly coveted, and actively sought, Athenian citizenship (#19). The number of occasions on which this privilege was granted to individuals were few indeed (#20); the extension of that privilege to ex-slaves was all but unknown (#21). Interestingly, a large number of the known individual grants of Athenian citizenship were made to bankers: definite examples are Epigenes and Conon (Din. 1.43), as well as Pasion and Phormion. In addition, it is possible that Aristolochos the son of Chaeredemos of Erchia, a well-attested trierarch (APF 1946), is the banker Aristolochos of Dem. 45.63, and that Timodemos the son of Timodemos, victorious *choregos* in the boys' dithyramb at the Dionysia (IGii²3048 and APF 13674) is the banker Timodemos (Dem. 36.29, 50). Since banking was largely in the hands of men of servile birth (#22), the possibility cannot be discounted that some of these other grantees were also former slaves.

Diller (1937) p.105 argued that the reason so many bankers were granted Athenian citizenship was that the Athenians realised that their economy depended for its smooth running on the operation of the banks. Leaving to one side the truth of this as an account of the workings of the Athenian economy, it is grossly anachronistic to suggest that the citizenry of a Greek city ever showed this sort of economic awareness (#23). Far more plausible is the view of Davies (1981) that "It rather looks as if it was mainly bankers, rather than other metic entrepreneurs, who were able to amass a sufficient investment in public goodwill to carry them across the social gulf that separated them from the citizen body." (p.66). To put this more bluntly, successful bankers were the

only metics who became rich enough to be able to afford acts of civic benefaction on a sufficiently grand scale to merit such a return of *charis* on the part of the Athenian people. One might add that the nature of their business meant that bankers were more likely than other metics to have connections with wealthy Athenians, who could propose the grant of citizenship in the assembly, and whose recommendation might be expected to carry some weight. Thus for example we hear that Demosthenes proposed the grants for the bankers Conon and Epigenes (Din. 1.43) - was he perhaps their client?

A further (possibly alternative) explanation is advanced by Osborne (1983), who seeks to explain Pasion's successful acquisition of the citizenship in terms of a gradual change in Athenian public opinion during the course of the fourth century: "It is an interesting comment on the changing attitude of the Athenians that the political climate directly after the democratic restoration prevented Lysias' contributions from securing for him the citizenship, whereas by the early 380s the grant to Pasion could be successfully proposed." This sounds plausible, since we know that in 403 Lysias spent a vast sum of money in the democratic party: he donated 2,000 drachmae and 200 shields, and also paid for the maintenance of 300 mercenaries (*P.Oxy.* XIII 1606; [Plutarch] *Moralia* 835-836; *APF* C9). Such a level of expenditure suggests that Lysias did indeed seek the citizenship, and it is hard to see how he could have failed to acquire the citizenship, if money was always the sole criterion.

A further use to which Pasion put his money was to give loans on particularly favourable terms to prominent citizens, who would thereby owe him a debt of *charis*. We have already seen that this was the case with Timotheos, and there may have been other instances.

Having examined his expenditure, I turn now to consider the forms in which Pasion chose to possess his wealth. At his death, the main components of his estate were as follows: the bank and the shield-factory, real estate worth 20 talents, and loans up to the value of 39 talents (see above pp.57-62). Obviously, the fact that so much of his money was tied up in the bank and in the loans is a function of his profession of banker. However, we can try to assess the significance of the other two components. We do not know exactly how the total value of the landed property was made up, but we can determine some of its constituent elements with a fair degree of probability. First, there was a family house in the Piraeus (Dem. 52.13). Second, we know that Apollodoros possessed land or property in three different demes (Dem. 50.8) and went to live in the countryside after his father's death (Dem. 53.4); unfortunately we do not know how many of these properties were inherited from his father and how many Apollodoros bought himself. Third, we hear that Pasion's estate contained two *synoikiai* (Dem. 36.35; 45.28). In addition, Pasion's share of the estate must have contained some property, but we do not know what form it took. This evidence is all rather patchy, but we can at least see that Pasion's estate comprised a mixture of different types of real estate.

Although of considerably greater than average size, the estate of Pasion is a quite typical fourth century fortune in its mixture of rural land, urban property and industrial slaves (#24). It would be wrong, however, simply to assume that there was an ideal of the "mixed holding" to which all wealthy Athenian citizens aspired. There is certainly a degree of truth in this picture, with Athenians seeking a balance between the security of land and the profitability of slave-workmen, but it conceals an essential difference between Pasion and the majority of Athenian landed families. These latter chose to diversify from landholding into commercial/industrial activity, whilst Pasion

took the opportunity provided by the grant of citizenship to invest massively in real estate. He and they were therefore moving in opposite directions. One of the reasons that Pasion converted so much of his wealth into real estate is, as I suggested above, that land and property were by far the safest investments (#25). And for one engaged in a business as precarious as banking, this was a crucial consideration. Specifically, it was easy to raise money quickly on the security of real estate (#26), and since all bankers were highly vulnerable to a run on their bank's reserves (Dem. 36.50; 49.68), this was one way in which Pasion could hope to secure himself. However, I do not believe that this is the sole explanation for his having acquired so much landed property. It has been suggested that in the fourth century real estate was just another commodity, no better or more prestigious than any other; that, in effect, the Athenian rich were essentially capitalist in their outlook (#27). This is debatable as a general proposition, but is almost certainly untrue in the case of Pasion. With the odd exception, all wealthy citizens owned some property (#28). This is not at all surprising, since the right to own land was one of the main things which most clearly distinguished the citizen from the non-citizen. To part with one's property was, in a sense, to renounce the quintessential symbol of the citizen and to put oneself on a level with the metics (#29). Conversely, we can be confident that Pasion invested so heavily in real estate precisely in order to signal his newly acquired citizen status. Mossé (1962) p.151 correctly says of the fourth century commercial bourgeoisie that "La plupart de ces 'nouveaux riches' investissaient leur fortune dans l'achat de bien-fonds, la constitution d'un 'patrimoine' les élevant dans l'échelle sociale." Yet if this was true of citizens, which I do not doubt, how much truer was it for Pasion, who had but recently been enrolled as an Athenian citizen?

I turn now to ask much the same questions about Apollodoros. We have already seen that Pasion had friends in the upper échelons of Athenian society, whilst at the same time retaining his links with the metic community of the Piraeus. We must now investigate to what extent Apollodoros maintained his father's associations, and to what extent he forged his own friendships. Unfortunately, and rather surprisingly, it is difficult to identify the people with whom he associated, even though he introduces himself at Dem. 53.1 as "neither without resources nor without friends". Nicostratos, his contemporary, neighbour and sometime friend, was apparently a person of means: he owned land which adjoined that of Apollodoros, and possessed at least 3 slaves (Dem. 53.4). Davies (*APF* 12413 n.1) has suggested that we might be right to identify Nicostratos' brother Arethousios with the only other bearer of the name of whom we know, Arethousios son of Aristoleos of Pelex, who bought a part-share of the lease of the theatre in the Piraeus in c.360 (IGii²1176 ll.23, 33). If this identification is accepted, we must conclude that the family was fairly wealthy. It does not necessarily tell against this hypothesis that Nicostratos was financially embarrassed at the time of his kidnapping - he owed money to his brother on the security of their *chorion* (Dem. 53.10) - for even the wealthy Apollodoros had to borrow money on occasions.

The only other people to be explicitly characterised as friends of Apollodoros are Pythodoros of Acharnae and Apollodoros of Leuconoe, who are described as *epitedeioi* and *philoi* in 361 (Dem. 50.27). I have already discussed the possibility that the former of these two men was the grandson of Pasion's citizen patron of the same name (see above pp.10-11). Both were members of the liturgical class (*APF* 12413 and 1395 respectively).

We also know the names of eight people from whom Apollodoros borrowed money: Theocles the banker (Dem. 53.9), Arcesas of Pambotadae (Dem. 53.13),

Thrasylochos and Archeneos (Dem. 50.13), Archedemos of Anaphlystos and Naucippos the ship-owner (Dem. 50.17), and Cleanax and Eperatos of Tenedos (Dem. 50.56).

We know that these last two were friends of his father, but the others are quite obscure. We also know the names of thirty men who gave evidence for Apollodoros in his prosecution of Neaera in the late 340s (#30). However, since most of these men are testifying to events which did not directly involve Apollodoros, and since according to Athenian law witnesses could be obliged to give evidence (#31), it is quite possible that some or all of them testified because Apollodoros sought them out and put them under a legal obligation to do so, rather than because they were friends of his. The case of the six witnesses whose evidence is read out at §123 is rather different. Since they were giving evidence of a deliberate action of Apollodoros - the giving of a challenge - it is as good as certain that they were friends whom he took with him precisely in order to witness the challenge, rather than that they were chance bystanders (#32). Four of these men are otherwise unknown: Hippocrates son of Hippocrates of Probalinthos, Diophanes son of Diophanes of Alopece, Deinias son of Phormides of Cydantidae, and Lysimachos son of Lysippos of Aegilia. But the other two, Demosthenes the politician and Deinomenes son of Archelaos of Cydathenaeon, were members of the liturgical class (*APF* 3597 and 3188 respectively). It is likely that some of the six were political associates as well as friends. This was certainly true of Hyperides son of Glaucippos of Collyte, who helped Apollodoros prosecute the general Autocles in c.359 (see pp.213-215 above), and who was both wealthy and aristocratic (*APF* 13912).

Finally, we must consider the significance of Apollodoros' marriage to the daughter of Deinias son of Theomnestos of Athmonon (Dem. 45.55; 59.2). Davies (*APF* 11672 X) characterises the marriage as being into "a well-off but rather shadowy family, which merits entry in the Register in its own right", but there

seems to be scant evidence for this latter claim, beyond the fact that Deinias' sister married Menecles son of Echestratos of Acharnae, and that their son Stephanos later appeared as a syntrierarch (IGii² 1632 1.29). But of course this says nothing about the wealth of the main family. This obscurity makes it difficult to assess the significance of Apollodoros' marriage. It would be interesting, for example, to know to what extent Apollodoros' wealth offset the servile origins of his family, or how much of a catch he would have seemed to potential fathers-in-law. The statement of Theomnestos that his father Deinias agreed with the decision of the Athenian people to grant the citizenship to Pasion, and therefore gave his daughter in marriage to Apollodoros, is tantalisingly bland (Dem. 59.2).

This evidence is disappointingly scrappy, but there is enough for us to see that Apollodoros associated predominantly with members of the social and political élite. Yet he was also prepared to make use of his father's contacts in the world of commerce, at any rate when he needed their financial help.

In a recent article, Mossé (1983b) has articulated an important distinction between the "world of the *emporium*" and the rest of Athenian society. This "world of the *emporium*" was essentially the metic business community of the Piraeus, whose members tended to be distrusted by respectable Athenian citizens. Pasion, as we have seen, had a foot in both camps, but in his lack of political ambition he remained at heart a man of the Piraeus. His lead was not followed by Apollodoros, who enthusiastically embraced the life and ideology of the wealthy Athenian citizen, and sought to distance himself from his commercial background. The clearest sign of this is his choosing to live in the countryside after his father's death (Dem. 53.4). Pasion had lived in the Piraeus, and we may presume that until his father's death Apollodoros had also lived in the family home. We do not know whether he went to live in a village

or in an isolated dwelling (#33), nor in which deme he settled. On this latter point, Davies (*APF* 11672 V) tentatively suggests either Peleces or Acharnae. This move from the Piraeus to the countryside is surely correctly explained by Mossé (1983b) p.60 as an attempt to distance himself from the social milieu of his father; it symbolised the espousal of the values and lifestyle of a wealthy Athenian citizen as against those of the metic community.

This accords well with Apollodoros' manifest lack of interest in the running of the bank. Phormion claimed that his lack of interest had already been recognised by Pasion (Dem. 36.30, 44, 51), and it certainly seems to be indicated by Apollodoros' choice of the shield-factory rather than the more lucrative bank as his share of the inheritance (Dem. 36.11). Mossé (1983b) p.60 takes a slightly different view of what happened. She agrees that Apollodoros did indeed embrace the ideology of the citizen, but argues that he did so only gradually: "From Apollodoros' first speeches we learn that after his father's death he had remained closely associated with his stepfather and with the world of the *emporium*..... [in Dem. 52] he appears closely associated with Phormion, well-informed about business affairs", but by the time of Dem. 53 "he had decided to lead the life of the 'true' citizen. He accordingly lives in the country....." This view seems to me to be wrong. First, Apollodoros' own words at Dem. 53.4 do nothing to suggest that he lost any time, once his father had died, in moving out of the Piraeus. Second, we cannot deduce from the knowledge of business affairs which he shows in Dem. 52 that he was still involved with the bank then, since precisely the same argument could be founded on the similar knowledge which is shown in Dem. 49, which was probably delivered in 362. In fact, we cannot legitimately prove anything on the basis of the former speech, since as the defendant he had no choice but to answer Callippos' charges as best he could. We know that he was happy enough to recover the loans which

his father had made (Dem. 36.36), but that was probably the limit of his interest in the bank. Indeed, there is no evidence that Apollodoros took an interest in any form of commercial activity. Admittedly the produce of his farm(s) may have been sold at market, but that is a different matter (#34).

Instead, his opponents alleged that he gave himself up to a life of dissipation and extravagance. The speaker of Dem. 36 repeatedly accuses him of excessive expenditure. First, he claims that when his brother Pasicles was still a minor Apollodoros spent so much money out of the undivided estate that Pasicles' guardians felt that they had to intervene in order to protect the interests of their ward (Dem. 36.8). He also finds it offensive that the jurors should see Apollodoros "acting in an insulting manner and spending money on his usual pursuits" (Dem. 36.42 cf. §§39, 52). More specific allegations are made at Dem. 36.45: "You wear a *chlanis*, and have redeemed one courtesan and given another away in marriage, at the same time as you have a wife. You are accompanied by a retinue of three slaves, and you live so disreputably that even passers-by notice it." Similar accusations are to be found in other speeches of the Attic orators: a very close parallel is provided by Demosthenes' criticism of Meidias for wearing a *chlanis* (Dem. 21.133), and for being accompanied by a band of slaves (Dem. 21.158). Further mockery of the wearing of a *chlanis* (contemptuously referred to as a *chlaniskion*) is found at Aesch. 1.131, whilst excessive expenditure on courtesans is criticised at And. 4.14 and Dem. 48.55.

The essence of this attack on Apollodoros is that he misuses his wealth: it was generally felt that an Athenian should spend any spare money on behalf of his fellow citizens, not for his own pleasure, and extravagant self-indulgence was regularly deprecated (#35). As for the retinue of slaves, this was probably thought to be a sign of arrogant self-importance, and was possibly also regarded as slightly threatening (#36). There is little reason to doubt

that Apollodoros did indeed behave as his opponent here alleges: the things for which he criticises him would have been evident to any Athenian who knew him, and could hardly have been invented. Moreover, I can well accept that Apollodoros was indeed open to criticism in terms of ideal or traditional norms of conduct. The more interesting question, however, is whether he should simply be seen as a *nouveau riche* who allowed himself to be carried away by the very large sums of money which he had inherited, or whether the extravagance of which he is accused should be seen in a broader social context. It is obvious that such extravagance was only within the reach of the rich, but how many of the rich behaved in this manner? Was Apollodoros really remarkable for his degenerate life style, or are his opponents merely putting an unfavourable gloss on behaviour which was relatively widespread, at least within a particular social group?

Lack of evidence makes it difficult to reach a firm conclusion, but I suspect that the second alternative is nearer the truth. Whatever may have been the case in the previous century, there is no doubt that by this period many members of the Athenian upper class enjoyed an extravagant and hedonistic life style. Mossé (1962) p.151 detects and documents an increasing "goût de luxe" in the course of the fourth century. Perhaps the best evidence for its prevalence in the upper strata of Athenian society is provided by Apollodoros himself in his depiction of the early career at Athens of the courtesan Neaera (Dem. 59.18-48) (#37). The world which he there describes, with its courtesans and expensive parties, is surely the same as that to which he himself was accused of belonging. It is no objection to this view that in Dem. 59 Apollodoros affects to disapprove of such conduct, since in that speech he is adopting the pose which he thinks will best secure the conviction of Neaera; it would be naive to think that he is necessarily expressing his own genuinely

held views. This Athenian demi-monde was remarkably cosmopolitan, embracing distinguished men of letters such as Lysias (§§21-22), artists such as Xenocleides the poet and Hipparchos the actor (§26), and foreigners such as Simos the Thessalian (§24). Most of its members, however, came from the social and political élite of Athens: Philostratos son of Dionysios of Colonos (§22 *APF* 14734), *Euphiletos son of Simon of Aexone* (§24 *APF* 9574), Aristomachos son of Critodemos of Alopece (§24 *APF* 1969), Phrynion son of Demon of Paeania (§30 *APF* 3737) and Chabrias of Aexone (§33 *APF* 15086) were all members of the liturgical class. Unfortunately, we cannot identify the men with whom Apollodoros himself socialised. One possible member of his social circle was the orator Hypereides: not only were the two men involved in the prosecution of the general Autocles, but they were both accused by their opponents of extravagance and of keeping the company of courtesans (#38).

Apollodoros' retinue of slaves raises a somewhat different problem. There was nothing remarkable in a wealthy Athenian being accompanied in the street by a slave, or in him possessing a considerable number of slaves (#39). What was out of the ordinary was the use of a group of slaves as an escort. This could have a number of different connotations, but none of them was commendable. As I have already suggested, it might be seen as arrogant or even threatening. Alternatively, it could be interpreted as an instance of Apollodoros flaunting his wealth. We do not know how unusual such a sight would have been, but it is tempting to speculate that Apollodoros, as a second generation Athenian who felt insecure about his standing in society, overcompensated by making an unnecessary demonstration of his wealth.

Discussion of Apollodoros' dress and behaviour leads naturally to a consideration of what he himself says about his appearance at Dem. 45.77: "I do not consider myself to be one of those who are naturally fortunate as regards

my physical appearance, and the fact that I walk quickly and talk loudly." That these were indeed undesirable traits is clear from the very similar passage at Dem. 37.52, where Nicoboulos anticipates his opponent's criticism of him for walking quickly, talking loudly, and carrying a stick. What is not clear is precisely what these characteristics signified to an Athenian jury. Speaking with a loud voice was the mark of the boor (*agroikos*) according to Theophrastos (*Characteres* 4), whilst Carey and Reid (1985) *ad* Dem. 37.52 suggest that "Perhaps walking fast was regarded in the same light as τὸ βλάδιζεω ἀρρήθμως which Alexis (fr. 263) said was a mark of οἱ ἀνελεύθεροι (= 'rude', 'unpolished', cf. Ar[istophanes] fr. 685)". Aristotle (*NE* 1125a12-16) attributes a slow gait and deep voice to the *megalopsychos*, and believes that a shrill voice and rapid gait are the products of haste and excitement. From these passages it emerges that a gentleman was expected to behave in a dignified and unhurried manner. As for Apollodoros, although he was of servile birth, it is unlikely that he could have been thought *agroikos*. I find it easier to believe that his tendency to talk too loudly and walk too fast again derived from a feeling of insecurity.

Further light is thrown on this question by what Apollodoros himself says about appropriate deportment at Dem. 45.68. In this passage he criticises Stephanos for his affectation in walking beside the walls with a scowl on his face: this is a sign not of self-restraint (*sophrosyne*) but of hatred of his fellow men (*misanthropia*). Apollodoros goes on to explain that Stephanos' behaviour derives from his meanness: he wishes to avoid being approached by people asking favours, and, realising that people will have no hesitation in going up to people who walk in a simple and natural manner and with a smile on their face, affects the opposite guise. Is it going too far to suggest that Apollodoros considered that his own loud speech and rapid gait demonstrated that he was a natural and straightforward man who had nothing to hide and

no-one to fear?

A further way in which Apollodoros sought to become a "proper" citizen was in the willing acceptance and scrupulous performance of liturgies. His record of liturgical service is catalogued in Chapter II (p.76 above). We know of four trierarchies or syntrierarchies, the payment of a *proeisphora* and a victorious *choregia* in the boys' dithyramb at the Dionysia; and since Apollodoros never gives a full list of his liturgies, there may have been others of which we are ignorant. Certainly, he gives the impression at Dem. 53.4 that he regularly served as trierarch, whilst the speaker of Dem. 36.41 describes him as boasting about his "trierarchies and *choregiai*". More generally, Apollodoros says of himself at Dem. 45.78 that he fulfils his obligations towards the city and the Athenians "with as much distinction as possible". Conversely, he criticises Stephanos on the ground that he has never been seen to perform even the cheapest liturgy (Dem. 45.66). It was not simply that Apollodoros believed that an Athenian citizen should perform his liturgies conscientiously: he also emphasised the need to perform them with the greatest possible distinction and dedication. For Apollodoros the cardinal virtue was *prothymia*. It is this quality which he believed he exemplified during his trierarchy of 362-360 (note especially Dem. 50.10: "in order that you may know my *prothymia*"). Similarly, it is *prothymia* that he desiderates in the conduct of the self-seeking Stephanos (Dem. 45.66). At this point we are compelled to ask why Apollodoros should have embraced a quality which so many of his contemporaries seemingly neglected. Part of the explanation is that *prothymia* was a cardinal virtue of the "true citizen": here, as in so many areas of life, Apollodoros wished to act, and be seen to act, as a good citizen should. But it is clear that he was also motivated in part by sensitivity about his status as a newly-enfranchised citizen: "I am well aware that for those of you who are citizens by birth it is

enough to perform liturgies as the laws ordain, but those of us who have been made citizens should perform our liturgies as if returning a favour."
(Dem. 45.78).

A more ambivalent quality was ambition (*philotimia*). Whilst its absence could be desiderated (Dem. 45.66), Polycles asserts that it was because of *philotimia* that Apollodoros wished to sail back to Athens in his fast ship and show off his expenditure (Dem. 50.54). The crucial difference lay in whether one was ambitious for oneself or for the city (#40). But in the context of the performance of a liturgy it was not easy to disentangle these two strands. As Fisher (1976) puts it, "a phrase like "behave with *philotimia* in relation to the *polis*" may refer prominently to the liturgist's willingness to spend lavishly for the good of all (and thus seem to mean "show public spirit"), but it does also carry the root idea of the expected return of honour." (p.28).

A similarly equivocal source of pride was political activity: whilst it could easily be depicted as interfering in other people's business (#41), it was the duty of the citizen as described by Pericles in the Funeral Speech to take an active part in the affairs of the city (Thuc. 2.40). It is worth wondering whether Apollodoros' full involvement in the political life of Athens - his services as councillor and his activity in the lawcourts - should not also be interpreted as being motivated by such considerations. Certainly, his detailed description of the political and military situation in autumn 362 (Dem. 50.4-6) looks to be an attempt to demonstrate that he took a keen and informed interest in the affairs of the city to which he now belonged. Much the same could be said of his familiarity with the laws, evident throughout the speeches and explicitly attested at Dem. 59.15.

In his dealings with individuals Apollodoros showed a similar concern to act with unstinting generosity. At Dem. 45.69 he contemptuously asks Stephanos

"you have done better than you deserved, but to whom have you ever made a contribution, to whom have you made a loan, to whom have you done a favour?" His attitude is well exemplified by his own behaviour towards his neighbour Nicostratos: he helped him whenever necessary (Dem. 53.4) and had at some time in the past made him a gift of two slaves (Dem. 53.6); he gave Deinon 300 drachmae for his journey (Dem. 53.7) and contributed 1,000 drachmae towards Nicostratos' ransom (Dem. 53.8-9); finally, he mortgaged a *synoikia* for 16 minae to help him pay off the ransom (Dem. 53.13). Moreover, at the beginning of the speech, in order to dispel any suspicion of his motives, he announces that he will waive the bounty that is awarded to the prosecutor if he secures a conviction (Dem. 53.1). In a similar vein he claims at Dem. 52.33 that he would rather the city took all his possessions than that he be forced to make an unjust payment as the result of a sycophantic prosecution. Again at Dem. 52.24 he claims that it would have been juster and more glorious for Lycon to have left his money a friend with than with a banker, since to have done so would have demonstrated that he trusted the friend. What links all of these examples is a belief that money is a means rather than an end; that a good citizen should put his own honour and his friends' needs before any financial considerations, and that he should be prepared to spend his own money unstintingly on others' behalf. Once again this accords well with the way in which Athenian citizens liked to think that they behaved (#42).

None of the attitudes expressed by Apollodoros was by any means novel. On the other hand, they were not usually put into practice with such regularity by the bulk of the citizenry. Most Athenians made little attempt to become paragons of civic virtue, but Apollodoros sought to be more Athenian than the Athenians. It is easy to imagine why this might have been so: he realised that his family was of servile origin and possessed the citizenship as a gift rather than of

right. He therefore felt inferior to the other citizens and insecure about his own standing in society. Since he believed that he was starting from a position of inferiority, he felt that he had to do more than anyone else in order to become fully accepted by the citizen body and to be on equal terms with them.

This desire to become accepted by his fellow-citizens led on the one hand to him attaching an excessive importance to the possession of Athenian citizenship and to civic tradition, and on the other to him violently repudiating his own humble origins. This first can be seen most clearly in Dem. 59, where he takes upon himself the rôle of defender of the city and of the citizenship against those who try to usurp them. The second emerges in a number of different ways. First, he shows remarkably little concern for the well-being of slaves: he repeatedly demands that they be interrogated under torture (Dem. 45.61; 49.52, 55; 52.22; 59.120-125). More striking, however, is his venomous attack on Phormion's servile origins in Dem. 45: Phormion does not speak Greek properly (§30); he ought to be in the mill rather than in his present position (§33); his marriage to Archippe is disgusting (§39); his advancement and present prosperity are outrageous (§§71-76) and so on. Hostility towards slaves can certainly be detected in the works of other Athenian orators, but the vehemence of Apollodoros' vituperation goes beyond anything to be found elsewhere. Osborne (1983) p.48 n.126 is surely right to say that "His violent attacks upon the barbarians origins of Phormion..... doubtless sprung from a consciousness of his own humble origins." By attacking non-citizens, Apollodoros sought to define and reinforce his own status as a citizen.

It remains to enquire how Apollodoros was perceived and treated by his fellow citizens. Unfortunately it is here more than anywhere else that the inherent partiality of the evidence becomes most apparent: the very existence of

the speeches which involve him implies not just a breakdown in social relations, but also the failure of other means, such as the intervention of mutual friends or arbitration, to bring about a reconciliation. The attitudes expressed are therefore likely to be untypically extreme. By the same token, testimonies such as that provided by Theomnestos at Dem. 59.2 cannot be divorced from their rhetorical context. Moreover, the evidence is very limited, and it would be unwise to build too much upon it.

At Dem. 52.31 Apollodoros complains that the arbitrator Lysitheides was prejudiced against him and cared nothing for him, whilst he had held Pasion in high regard. We cannot determine the truth of this assertion. Beyond this we have to rely on the evidence of Dem. 36 and 50. In 361 his requests that his designated successor Polycles take over his trierarchy were repeatedly met with dismissive disdain (Dem. 50.26, 31, 34-35, 40, 56). The most interesting of his retorts is quoted by Apollodoros: "now the mouse has tasted the pitch: for he wanted to be an Athenian" (Dem. 50.26). The first part of this sentence is a well-known proverb possibly deriving from a fable (#43).

As far as we can tell, there was no prejudice against Apollodoros on the grounds that his father had been a slave. We cannot be absolutely sure about this, since the only hostile source (Dem. 36) would obviously not have attacked him on that score. I have already suggested that his own attack on Phormion's origins may owe more to his own bitterness and frustration than to a cold-blooded assessment of the mood of the Athenian people. Certainly the speaker of Dem. 36 found it a very successful tactic to argue that a man's origins were irrelevant: it was the way he conducted himself that was important. And we have no indication that Pasion, Phormion, and Pasicles did not settle quite easily into Athenian society. Mossé (1983b) suggests that there was hostility towards Apollodoros because of his commercial background: "If, more than thirty

years after the death of his father, the son of a rich banker, with connexions in the political world, a trierarch several times over and a member of the *boule* to boot, still feels the need to justify both his status as a citizen and himself personally, it is testimony to the distrust provoked in the city by all those who engaged in activities in the *emporium*, citizens and foreigners alike." (p.61). I do not find this analysis wholly convincing: if this was true of Apollodoros, why does it appear not to have been true of Pasion? Osborne (1983) pp.197-198 suggests that "Like their modern counterparts, they [men who had been granted citizenship] may not always have experienced the wholehearted affection of the native born citizens", but rightly doubts whether Apollodoros was unpopular simply because of his status: "it is difficult to be sure that this is not due rather to his own obnoxious personality than to any general dislike of foreigners" (p.198 n.85). My one criticism of this view is that it is too reductive simply to think in terms of Apollodoros' character, or rather, to fail to see that his character is in large part socially determined.

And indeed, if we look at Dem. 50, it is clear that what actually riled Polycles was not that Apollodoros was of servile extraction or that he came from a commercial background, but that he was a *parvenu*, and that he spent so much more than anyone else on his trierarchy. This emerges clearly from his tirade at Dem. 50.34: "Have you so far exceeded the others in wealth that alone of the trierarchs you have your own equipment and gilt decoration on your ship?" Once again we return to the ambivalence of Apollodoros' *philotimia*: it was bad enough that anyone should flaunt his wealth and embarrass his fellow citizens, but it particularly behoved a *parvenu* to act with greater modesty and to remember his place in the order of things (#44). His wish always to do more than was required in turn antagonised the other citizens, who thought that his *prothymia* was deliberately adopted in order to embarrass them. Apollodoros was

perceived as thinking himself to be superior to other people. A Greek would probably have described him as an *alazon* (there is nothing very relevant in Theophrastos *Characteres* 23 (*alazoneia*), but note that this is precisely what Apollodoros is accused of being at Dem. 36.41).

However, I would suggest that it does Apollodoros something of an injustice to accuse him of giving himself airs. Admittedly he made a distinctly odious claim to be superior to Phormion, asserting that his stepfather should never be on the same level as himself (Dem. 45.82), but this was given short shrift at Dem. 36.48. In his relations with other citizens, he clearly felt himself to be their inferior. It is sadly ironic that his attempts to compensate for this perceived inferiority had the opposite effect of making him appear overambitious and vainglorious.

One further way in which his attempts to ingratiate himself backfired emerges at Dem. 45.77. In this passage he refers to his own manner and the impression which he makes on other people: his physical appearance, rapid gait and loud voice irritate other people and do him no good. If I am right in suggesting that Apollodoros believed that this was the conduct that was appropriate to a gentleman, then it would appear that, in attempting to avoid becoming a misanthrope such as Stephanos, he overcompensated and managed only to irritate his fellow citizens.

Apollodoros has generally received an unsympathetic treatment at the hands of critics - I have quoted above Osborne's reference to his obnoxious character. In view of his abuse of Phormion, and his allegations about Pasicles' paternity, this is perhaps not surprising. However, I have tried to argue that he found himself in an almost unique and difficult position: if he failed to become fully integrated into Athenian society, it was not for want of trying. One might indeed say that he tried too hard. Moreover, it certainly appears

that some Athenians, for all that they might sneer at him, were quite prepared to take advantage of his desire to please. It is hard to be sure of this, since we only have Apollodoros' version of events, but Nicostratos seems to have abused his generosity and sense of honour. If this is a slightly contentious case, we can be more confident that one of the reasons why Polycles refused to take over Apollodoros' ship was that he was confident that the latter was too dutiful to abandon his trireme. Finally, we should note the suggestion of Lewis (1955) p.24 that Apollodoros was made to serve as *choregos* in 352/1 at the earliest possible moment: "It is entirely in accordance with all we know about the Athenian attitude to him that he should have been assigned the liturgy at the first legally possible moment. If he appeared recalcitrant, the answer was swift to come: "ἄρτι μῶς πίττης γεύεται· ἐβούλετο γὰρ Ἀθηναῖος εἶναι."

Notes to Chapter VIII

1. Most Athenian slaves were non-Greeks. The clearest documentary evidence of this comes from the list of slaves belonging to Cephisodoros which were confiscated in 415 (IGi²329): of the sixteen slaves, there were five Thracians, three Carians, two Syrians, two Illyrians, one Scythian, one Colchian, one Lydian, and one slave of unknown origin. See too Xenophon *Poroi* 2.3. For general discussions see Diller (1937) pp.142-143 and Isager and Hansen (1975) pp.32-33.
2. See Diller (1937) p.108 n.31: "The suffix $-\delta\omega\rho\omicron\varsigma$ seems to render the prefix $\alpha\delta\delta-$, 'servant'. Pythodorus and Apollodorus probably represent the same name." Diller also notes that Pythodoros the Phoenician was an associate of Pasion, and accordingly suggests that Pasion himself was a Phoenician (pp.107-108). This is very probably correct. The name Pasion is Greek (no Athenian parallels but note Pasion of Megara at Xen. *Anabasis* I 2.3 etc.), but this need not be the name with which he was born.
3. Phormion handed over money to Cephisiades, apparently unsupervised (Dem. 52.8). On the need for trust in banking see Dem. 36.44.
4. Whitehead (1977) p.48 argues from the fact that the status of the various parties in the commercial speeches of the Demosthenic corpus (Speeches 32-35, 56) does not emerge clearly, that it was considered unimportant whether these men were Athenians, metics, or *xenoi*.
5. See Din. 1.43 for a politician (Demosthenes) allegedly using his influence to help secure the citizenship for his friends and supporters.
6. Thus Davies *APF* 8157 II: "His [Agyrrhios'] leadership of a ring of tax-farmers in 402/1 (And. i.133-5), his association with Pasion in the 390s (Isok. xvii.31f.) in what looks very much like a professional capacity as confidential agent, and his descendant Kallimedon's mining activities..... combine

with Kallistratos' financial abilities to create a strong presumption that the family's origins and interests lay in business rather than in landholding." Note too his involvement in a law of 374/3 dealing with taxing corn imports from the Aegean islands (reported by Leslie Shear in *ASCS Newsletter*, Spring 1987, p.8 but not yet published).

7. Thus Bogaert (1968) p.385 n.474. Contra Diller (1937) p.107, who believed that the two men named Pythodoros are to be identified.

8. Sopaeos was, according to his son, the ruler of a large territory and commander of Satyros' army (Isoc. 17.3). He is otherwise unknown.

9. On Timotheos' social and economic standing see Davies *APF* 13700, who provides a full bibliography.

10. See Bogaert (1968) p.356: "On s'adressait à la banque quand on avait un besoin urgent de fonds, par exemple pour secourir un ami, pour payer une dette, pour atteindre un but politique etc." Similarly, Isager and Hansen (1975) p.97 note that bank loans were customarily made "to a citizen who is in acute need of money and is therefore forced to turn to a banker."

11. We know that Timotheos had no security to offer (Dem. 49.10-11). There is no evidence that any interest was charged.

12. It is possible that Timotheos did not expect to be asked to return the money, and that Pasion did not expect to get it back. Politicians may have regularly received gifts which masqueraded as loans (the purpose of this charade being that neither party should feel embarrassed by the transaction).

13. Thus Bogaert (1968) p.394 on this passage: "mais immédiatement après nous apprenons que cette haine s'applique aux usuriers inexorables." This point is more comprehensively dealt with by Paul Millett in his forthcoming work on lending and borrowing in Greece.

14. On this trend see also Humphreys (1983) p.24.

15. We know that Lysias' father Cephalos owned shield-making slaves (Lys. 12.8, 12), and that Pasion also later owned such slaves (Dem. 36 *passim*). It is very tempting to see some connection between these two facts. Note too that both Lysias and Pasion donated shields to the city.
16. On this question see Whitehead (1977) p.17: "it is a nice point indeed whether freedmen constituted a distinct category at all when their personal obligations might vary *ad hominem* and their public position was submerged without evident trace in the *metoikia*. Apart from the mysterious *triobolon*, freedmen and metics were not separated."
17. Such attacks can be found at (e.g.) Lys. 13.7, 9, 18, 64; 30.2, 5, 27; Dem. 18.129; 25.78; Isaeos 6.49.
18. Thus Osborne (1983) p.196.
19. The benefits of Athenian citizenship were manifold: social acceptance, political rights, and the right to own land. See Davies (1977) p.106.
20. In general, Diller (1937) is right to say that "The Greek city-state was much opposed to the naturalization of foreigners" (p.100). Osborne (1983) pp.204-206 gives a more nuanced account of Athenian practice: although they had indeed been very chary about giving citizenship to foreigners in the fifth century, they appear to have been more willing to do so in the fourth century. This view is borne out by the complaints of Demosthenes (23.200) and Isocrates (8.8) that too many unsuitable people were being made Athenians. On the other hand, this increase seems to have been largely made up of honorific grants (ibid. p.205).
21. Andocides accuses the Athenians of granting the citizenship to "slaves and all manner of foreigners" (2.23), but this wild claim need not be taken seriously. Pasion's naturalization gives the lie to the claim of Dio Chrysostom (15.17) that the Athenians did not allow those of servile origins to become

citizens.

22. Thus Isager and Hansen (1975) p.89.

23. On the Greeks' lack of economic awareness see Finley (1985) pp.17-34.

24. Jones (1957) analysed the component elements of seven Athenian fortunes and concluded that "The pattern is very uniform. The main item is always a farm, or two small farms, sometimes with stock (that is, presumably worked by the owner), sometimes without stock (presumably let to the tenant). There is usually also house property, in Athens or in the demes; the urban property is sometimes a bath, or a brothel or a bar. Occasionally there is a little money invested, and sometimes a few industrial slaves." (on the basis of Isaeos 5.22; 6.33; 8.35; 11.41; 11.42-43; 11.44; Aesch. 1.97ff.). Thus too Davies (1981) p.73: "In the fourth century to have a mixed holding, including both real property in land and houses, industrial property in the form of revenue-earning slaves, and liquid investments, became increasingly normal."

25. Thus Casson (1976) p.34 and Davies (1981) pp.77-78. A slightly different verdict is reached by Finley (1981) p.75, rightly in my opinion. He notes that cults did not buy land, which one would have expected if the sole virtue of land was that it was particularly safe, and concludes that: "In so far as land was in fact preferred to other forms of wealth, the choice was a psychological, social and political one: land was the proper wealth for a self-respecting gentleman and citizen."

26. Thus Casson (1976) pp.34-35: "The easiest way for an Athenian to raise cash was by hypothecating real estate; we not only have the numerous instances mentioned in the orators but the tangible evidence of over 200 *horoi*." Notice should also be taken of the suggestion of Burford Cooper (1978) p.170 n.46 that some of Pasion's estate comprised land which had been pledged as security by clients of the bank, and had been recovered by him in lieu of repayment.

27. Thus Mossé (1962) p.150: "la terre autrefois privilège des hommes 'bien nés' est devenue une marchandise que l'on peut se procurer comme n'importe quelle autre marchandise, parfois à bon compte."
28. The only exception we know of was Demosthenes the elder (*APF* 3597 XIII). Diodotos (*APF* 3885) possessed his wealth primarily in liquid capital, but he also possessed *phanera ousia* jointly with his brother (Lys. 32.4).
29. Thus Davies (1981) p.71: "Demosthenes, who owned no real property but a house and whose economic behaviour - even by fourth-century standards - was more that of a metic than that of a citizen."
30. Some of these witnesses are only known to us through documents inserted into the text: the members of the *genos* of the Brytidae (§61) and the witnesses of Apollodoros' challenge to Stephanos (§123). I argue in Appendix A that these documents are genuine.
31. Thus MacDowell (1978) p.243.
32. A Greek would invariably take witnesses with him when he undertook any transaction which might conceivably end in litigation.
33. See Osborne (1985) p.17 on the nature of Apollodoros' property.
34. This was suggested by Sandys and Paley (1886) *ad* Dem. 53.16: "we are driven to the conclusion that his roses were mere articles of trade, grown to be sold in town for crowns and garlands." This rose garden might throw some light on the question of where Apollodoros lived, since Varro (*de re rustica* 1.16.3) advised that one should only cultivate roses and violets if one lived near a city, where they could be taken to market.
35. Thus Dover (1974) p.179: "Predominant moral sentiment was hostile to expenditure on gambling, good food, sexual enjoyment, or any kind of consumption which only gratified the consumer."
36. A tyrant would typically be accompanied by a retinue, which would clear the

street before him and could be used to set upon any-one who crossed his path. There is perhaps a hint of this in Apollodoros' behaviour.

37. Thus Fisher (1976) p.128: "The speech presents in the narrative of those who associated with Neaera an unusually full, though no doubt biased, presentation of the pleasures and activities of members of the wealthy and political class in Athens."

38. On Hyperides' extravagant tastes see Athenaeus *Deipnosophistae* 8.341a-342c; 13.590c-e; [Plutarch] *Moralia* 849d-e; *APF* 13912.

39. Thus Finley (1981) p.101: "In the domestic field, finally, we can take it as a rule that any free man who possibly could afford one, owned a slave attendant who accompanied him when he walked abroad in the town or when he travelled (including his military service), and also a slave woman for the household chores."

40. On the ambiguity of *philotimia* see Whitehead (1983) *passim*, and especially p.55: "Anyone who has tried to pursue the concept of φιλοτιμία through the columns of Liddell-Scott-Jones will know that it displays a deeply ambiguous set of connotations." See too Dover (1974) pp.230-233.

41. It was quite respectable to refuse to become involved in political life, whilst excessive activity in the public arena could be characterised as *polypragmosyne*. For a full discussion of Athenian quietism see Carter (1986).

42. On the desirability of unstinting generosity see Dover (1974) pp.175-178.

43. This proverb is also quoted by Theocritos (14.51) and by Herodas (2.62). It is explained by Diogenianus 2.64, whose account is translated and glossed by Ballin (1978) p.148 as follows: "the mouse [sc. through greed?], having fallen into pitch [sc. cannot get out] and suffers terrible consequences". This interpretation would mean that the Greek saying was equivalent to the English "Curiosity killed the cat", but I think that there is slightly more to it than

that. We would expect Polycles to be insinuating to Apollodoros that, although he does not find the citizenship to be as attractive as it appeared from the outside, the fact that he requested it means that he must now abide by his choice: in other words he has made his bed, and now he must lie in it. I would therefore suggest that the proverb means that the mouse is attracted to the pitch (by its smell?) only to discover too late that he dislikes its taste, and cannot now change his mind (because of its stickiness).

44. Thus Ballin (1978) p.149: "what Polycles means is that a *novus civis* like Apollodoros should not try to out-shine old line Athenians (like Polycles himself perhaps) in the performance of liturgies."

Appendix A The authenticity of the documents in the speeches of Apollodoros

The texts of three of the speeches delivered by Apollodoros (Dem. 45, 46, 59) contain inserted documents, which the speaker had asked to be read out to the jurors. These documents are usually either the written testimony of witnesses (*marturiai*) or the texts of laws (*nomoi*). Since some of these documents contain important information which does not appear in the main text of the speeches, it is essential to seek to determine whether they are authentic. This is a topic on which considerable work has been done in the past. Kirchner (1883) and (1885) defended the authenticity of the documents in 45 and 59. Schucht (1892) argued that all the documents, and particularly those in 45, were spurious. He was answered by Drerup (1898). Schucht (1919) represents a reaffirmation of his position. There are also discussions of the documents in 45 and 59 by, respectively, Staeker (1884) and Riehemann (1886).

For each document there are three possibilities to be considered. First, the document may be genuine and have always been attached to the speech to which it belongs. Second, the document may be genuine, but have been reincorporated into its speech at some later stage in its transmission. Whilst it is possible to see how this could have happened in the case of a law or decree, which would have been available in public archives, it seems very unlikely that a private document would have been preserved apart from the speech to which it relates. Indeed, I think that we may assume that if a private document was not kept with the speech, it would soon have become irrecoverable. Third, the document may be a later fabrication. This would most likely have been done by later rhetoricians or their pupils as an academic exercise, rather than with the intention of deceiving anyone.

It is plausible enough to assume that all the documents in any particular

speech derive from the same source, but there is no reason to assume that all the documents in the speeches of Demosthenes are either all genuine or all fakes: we must consider each case on its merits. Thus we cannot argue from the fact that the documents in the speech *On the Crown* are palpable forgeries that the same is true of those in the Apollodoran speeches (#1). Instead, we must try to assess on what basis documents would have been transmitted together with their speech. Here it seems to me that there were two contradictory impulses. On the one hand, the interest of those who transmitted the works of the Attic orators was always primarily rhetorical, and they therefore tended to discard the documents, which interrupted the flow of Demosthenes' actual words. On the other hand, the original compilers of the Corpus Demosthenicum appear to have included anything that was remotely relevant to Demosthenes. It would therefore be surprising if they had discarded any documents which attached to the speeches. A number of other factors must also be considered. First, stylistic considerations are more likely to have applied in the case of the great public speeches of Demosthenes: there would have been less interest in the stylistically undistinguished speeches of Apollodoros. Second, some (particularly private) speeches would have been hard to follow without their documents. Of course this last argument cuts both ways: it provided a reason not only to preserve existing documents, but also to "reconstruct" those that had not been preserved. Third, we might imagine that if an orator published any of his speeches, he would have tidied them up by incorporating the content of such documents as he used into the body of the speech. Since there is no reason to think that Apollodoros ever published or revised his speeches, they are probably in the form in which they were delivered. There is therefore no *a priori* reason to question the authenticity of the documents.

Given the likelihood that the documents in any one speech are either all

genuine or all spurious, it is essential to consider all the documents in each speech, and not to limit our enquiry to those (few) documents which I have used in the preceding chapters. Nevertheless, most of the documents contain few if any indications as to their authenticity, whilst the thoroughness of the studies cited above renders it unnecessary to make a complete examination of each document.

Dem. 45

(i) §8: Schucht (1892) p.65 objected to this deposition on the following grounds. First, he found it odd that the litigants and the arbiter should all have come from the same deme. Second, he considered it unlikely that the arbiter Teisias could have been from Acharnae, as this document states. He pointed out that the arbitration took place in the *Poikile Stoa* (§17), whilst Dem. 47.12 states that arbiters from the tribes Oeneis and Erechtheis held court in the Heliaea. Since Acharnae formed part of the tribe Oeneis, an arbiter from that deme should have been sitting in the Heliaea. Conversely, the fact that Teisias sat in the *Poikile Stoa* suggests that he was not from Acharnae. And since this document is the only place where it is stated that Teisias belonged to that deme, Schucht concluded that the deposition is spurious. Arguing for its authenticity, Kirchner (1883) p.25 suggested that Dem. 47.12 records a custom rather than a legal requirement: if the Heliaea was already occupied, the arbiter simply had to find somewhere else to sit. It is equally possible that the location of the arbiters' courts had been altered in the interim.

(ii) §28 (the will of Pasion): Schucht (1892) pp.77-79 pointed out that the only detail which could not have been discovered from the text of the speech is the identity of Pasion's deme, but this is no argument against its authenticity. His next objection was that the clause "ἡπαντα ταῦτα Ἀρχίππῳ δίδωμι was immodest,

which seems to me to be wholly without force. More pertinently, Schucht argued that we cannot have the complete will, since the document which appears in the manuscripts contains neither the names of the witnesses to the will, nor those of the men to whom it was to be entrusted for safe keeping, nor of Pasicles' guardians, nor indeed any mention of the *synoikia* which Apollodoros received by virtue of being the elder son (Dem. 36.34). Nor is there any indication in the text that the clerk was instructed to read only a part of the will. Arguing against this judgement, Drerup (1898) p.334 accepted that we have only a part of the will, but suggested that Apollodoros only wished the relevant clauses to be read out, and that it would be wrong to press Apollodoros' words to make them imply that the whole will was to be read out.

(iii) §31 (the lease): Schucht (1892) pp.80-83 raised the following objections to the lease as it appears in our text: the names of the two parties are not given in full; no terminal date is mentioned; there is no clause indicating what was to happen if Phormion reneged on the agreement; the bank is not identified (for example by its location); the shield-factory is not mentioned, whilst it is explicitly stated at Dem. 36.4 that this establishment was included in the lease. Again Drerup (1898) admitted that this document "muss in der originalen Fassung weit ausführlicher gewesen sein" (p.334), but this fails to answer the following serious objection: the lease states that the bank alone was leased for an annual rent of 2 talents and 40 minas, whilst we are told at Dem. 36.11 that the shield-factory generated an annual *prosodos* of 100 minas, the bank one of 100 minas (making a total of 2 talents and 40 minas). The document therefore appears to give an inaccurate picture of what happened. As to the source of this confusion, it should be noted that the text of 45.32 says that the *bank* was leased for 2 talents and 40 minas. There is therefore a flat contradiction between this speech and Dem. 36. It is indeed possible (if improbable) that

Apollodoros is telling the truth, and that the document is genuine, but it is more likely that it has been fabricated on the basis of the following paragraph (thus Schucht (1919) pp.1125-1126). On the other hand, it is possible that an editor emended the document to make it accord with the text. Drerup (1898) p.336 suggested that "Wir müssen annehmen, dass Pasion, der viel mit fremden Kapitalien arbeitete, einen Teil seines Vermögens in einem gewerblichen Unternehmen nutzbringend angelegt hatte, um seinen Gläubigern einen realen Wert als Deckung bieten zu können: so gehört die Fabrik gleichsam zum Grundkapital der Bank, sodass sie in die *μίσθωσις τραπεζῆς* eingeschlossen war", which is certainly ingenious but not, I think, very convincing.

(iv) §55: Schucht (1892) pp.68-71 was puzzled by this testimony of Deinias. Apollodoros had earlier (§§53-54) stated that it was particularly disgraceful that Stephanos should have borne false witness against him, since they were in fact related by marriage. He then calls his father-in-law Deinias as a witness. We expect the latter to testify that Stephanos and Apollodoros were indeed related, but in fact he deposes that he had given his daughter in marriage to Apollodoros, and that he was not present when Apollodoros released Phormion from any claims, and indeed was unaware that he had done so. It seems to me that there is indeed an incoherence here. Moreover, the subsequent text seems to indicate that Deinias refused to give evidence:

"Δεινίας..... ὅς ὑπὲρ τῆς θυγατρὸς καὶ τῶν θυγατριδῶν καὶ ἐμοῦ τοῦ κηδεστοῦ διὰ τὴν συγγένειαν οὐδὲ τὰ ληθῆ μαρτυρεῖν ἐθέλει κατὰ τοῦτου."

Accordingly Sandys and Paley (1886) *ad loc.* wrote that "It is clear that Deinias, on being called, refused to swear to the deposition read aloud to him..... The deposition ought therefore to be followed by the word *exomosia* as in §60." However this interpretation is wholly erroneous, as was realised by Drerup (1898) pp.338-339: the point that Apollodoros is making in §56 is not that

Deinias refused to testify *tout court*, but that he refused to say anything which would harm his kinsman Stephanos. And so, instead of giving the testimony which we have been led to expect by Apollodoros' earlier words (§§53-54), Deinias made a bland statement which could offend neither of his relations. Indeed, the fact that the testimony preserved in the speech is so studiously neutral, and is not at all what we have been led by Apollodoros to expect, seems to me to be a strong argument for its authenticity: would a forger have been likely to have produced so apt a testimony? Moreover, the testimony identifies Deinias as the son of Theomnestos. This fact is not otherwise attested, but is almost certainly authentic, since we know that his son was called Theomnestos (Dem. 59.16), and the Greeks very often named a boy after his grandfather.

Schucht (1892) raises a number of objections to the other documents in the speech, all of which seem to me to be insignificant. It remains to try to reach a decision on the speech as a whole. The only document which causes me any concern is the lease, where it is hard to reconcile the contents of the document with what we are told in Dem. 36. Yet it is clear that neither the lease nor the will as they appear in the speech is an unabbreviated transcript of the original, and I am prepared to attribute the apparent error in the lease either to the careless cutting down of a longer document, or to a deliberate attempt to mislead the jurors. Since in any case I find it hard to believe that the testimony at §55 is spurious, I am inclined to accept the authenticity of the whole set.

Dem. 46

Inserted into this speech are nine laws (or clauses of laws) and one testimony (§21). Since collections of Athenian laws were available to later writers (#2), it is difficult to determine whether they have always been attached to the

speech or whether they were reincorporated by later scholars. For this reason, and because I base no argument on their authenticity, I do not propose to examine them. There is nothing in the one piece of testimony to enable us to determine whether or not it is genuine.

Dem. 59

Inserted into this speech are a total of 21 documents. As before, I discuss only those which have any bearing on the question of their authenticity. I shall first examine the testimonies *en bloc*, and then look at the various other documents.

(i) §23: the text of the speech refers simply to Philostratos of Colone being called as a witness (§21), but the testimony gives him a patronymic, the son of Dionysios. Kirchner (1885) p.377 argued that the Dionysios and Philostratos of Colonos who appear in successive lines of a naval record of 342 (IGii²1622.772-773) are father and son, and that therefore the authenticity of the testimony is vindicated. This is possibly correct, but there is no compelling reason to believe that the two men in the inscription were related to each other.

(ii) §40: in this testimony the ex-polemarch Aeetes names three men who had stood guarantee for Neaera when she was required to post bonds with him. These men are not identified in the text of the speech. One, Stephanos of Eroadae, was the man with whom Neaera was living. Of the others, Glaucetes of Cephisia is epigraphically attested (IGii²1623.162; 1629.52; *APF* 2954), whilst Aristocrates of Phaleron, although not attested himself, is surely a relation of the man of that name who served as Hellenotamias in 421/0 (ATL II, list 34, 1.5; *APF* 1926). It is hard to see how or why a forger would have come up with these particular names.

- (iii) §61: the six Brytidae witnesses (none of them identified by Apollodoros) include four men who are otherwise unknown. Of the other two, Eualces of Phaleron is possibly to be identified with Eualcos of Phaleron who was *epistates proedron* in 322/1 (IGii²373.20), whilst Nicippos of Cephale is epigraphically attested as a syntrierarch in 322 (IGii²1632.286-287).
- (iv) §84: this document identifies the Basileus Archon as Theogenes of Erchia, whilst this man's deme is given in the text of the speech as Cothocidae (§72). Voemel and Kirchner suggested emending §73 to give Theogenes the patronymic Coeronides. Certainly it is hard to believe that any (otherwise competent) forger could have made such a crass blunder.
- (v) §123: of the six men who give evidence of a challenge issued by Apollodoros to Stephanos (again not identified in the text), three are not known to us from elsewhere. Of the others, Demosthenes son of Demosthenes of Paeania is the celebrated politician; Deinomenes son of Archelaos of Cydathenaeon is epigraphically attested (IGii²1618.80); Deinias son of Phormides of Cydantidae is apparently to be identified with Deinias son of Phormos who appears on a burial inscription (IGii²6609.8-10).

The number of men who appear in these documents but not in the speech itself, and whose historical existence is proved by their appearance in inscriptions, seems to me to indicate very clearly that the testimonies are authentic. But before reaching a final decision, it is necessary to consider the various other documents which appear in the speech.

I have nothing to say about the three laws (§§16, 52, 87), which need not have been preserved with the speech.

(vi) there are the texts of two *diallagai* (§§47 and 71). I can see no reason to doubt the authenticity of either of these uncontroversial documents.

(vii) §78 (*horkos geraron*): Schucht (1892) found a number of stylistic features

in this document which he considered not to accord with Athenian usage. First, he stated that the use of ἀπὸ with the adjective ἁγνός is otherwise unattested (p.37). Second, he noted (p.40) that the verb γερύω elsewhere regularly takes the accusative of the person honoured and the dative of the manner in which he is honoured rather than, as here, *vice versa*. Third, he made the following point: "τὰ θεόγνια Dem. 59,61 exhibent optimi codices, quod viri docti mutaverunt in θεοίνια. θεοίνιον Bacchi sacrum commemorat Phot. pag. 83,26. Theoinos vini deus exstat Aesch. frgm. 339D. Lycophr. 1247 γνάμψαι Θεοῖνος γνῖα συνδήσας λόγους" Finally, he noted that τὰ ἰοβάκχεια is otherwise unattested. I am not sure that this really amounts to much. The oath is presumably of some antiquity, if not archaic, and thus dates to a period before the language had completely stabilised. I believe that the date and poetic nature of the document fully explain any stylistic peculiarities in it.

(viii) §104: the *psephisma* of Hippocrates. This document purports to be the text of the decree passed in 427 granting Athenian citizenship to the Plataeans. It is fully discussed by Osborne (1982) pp.11-16. Determining the authenticity of the decree presented in the text is complicated by the fact that we must determine not only whether it is consistent with the text of the speech, but also whether it is consistent with what other sources tell us about the grant of citizenship to the Plataeans. The grant is not mentioned by Thucydides, who says instead that the Plataeans who failed to escape to Athens said at their trial at the hands of the Spartans that they had already received Athenian citizenship, possibly in 519 (3.55.3). Yet this grant is not mentioned by Herodotos in his account of the events of 519. There is clearly a dilemma here. Osborne, rejecting the idea that Thucydides was mistaken and convinced that a decree *was* passed in 427, suggested the following solution: "A possible answer is that the Plataians in 427 were led to exaggerate the closeness of their

former relationship with the Athenians in the hope of ameliorating their defence, and with the intention of emphasizing the fact that they had been forced to deliver themselves to the Athenians as suppliants formerly" (p.11).

This may be right, but it seems to me a distinctly desperate solution.

MacDowell (1985) p.319 also finds it unconvincing, and notes that in Thucydides' account the Thebans also accept that the Plataeans were Athenian citizens (3.63.2). His alternative reconstruction is as follows: "It is therefore better to accept that the Athenians did grant them citizenship in 519. As long as they stayed in Plataia, this will have been hardly more than an honour without practical implications, especially if no steps were taken to enrol them in demes in 507; but when the refugees reached Athens in 427, a fresh decree will have been wanted to define their status more exactly and enable them to join demes." (p.319). This is again hypothetical, but seems to me to be a more plausible reconstruction.

A further problem is that the text of the decree does not tally exactly with Apollodoros' quotation of it in the speech. As Osborne puts it, "the decree in the text can at best be only a partial digest of an authentic enactment. The prescript and the inscription formula are lacking, and a number of clauses have fallen out from the middle of the decree, as is clear without reference to Apollodoros' commentary." (p.13). Osborne argues, however, that "the reference to the *assignation* of the beneficiaries to demes and tribes and the failure to provide for the recipients to enter phratries" (p.13) argue for its basic authenticity. I agree with his analysis (and compare the similarly abbreviated lease and will in Dem. 45). What is not entirely clear is whether the compression was done by Apollodoros himself (which I incline to believe), or whether the truncated version of the decree was reincorporated into the speech at a later date.

(ix) §124: *proklesis*. The testimony relating to Apollodoros' challenge to Stephanos to allow Neaera's maids to be interrogated under torture contains a large number of details which cannot have been derived from the text of the speech. However, the point which this testimony seeks to prove is apparently inconsistent with the argumentative thrust of the rest of the speech. The problem is that in this testimony it is asserted that the maids knew that the children of Neaera were fathered by Stephanos, whilst elsewhere in the speech Apollodoros consistently denies that they were his (§§38, 53). Editors have resorted to emendation to get round this difficulty, inserting *οὐκ* into the clause *ὅτι ἐκ Στεφάνου εἰσὶν* and deleting words from another clause as follows: *καὶ εἰ μὲν ὁμολογοῖεν [ἐκ Στεφάνου] εἶναι [καὶ] Νεαίρας τούτους τοὺς παῖδας* (Blass, accepted by Drerup (1898) p.352 and Rennie OCT). Against this, Thalheim (1921) argued that if it were denied that the children were Stephanos', there would be no way of showing that Neaera was not simply living with him as his concubine. In the most recent discussion of the problem Patterson (1978) pp.141-143 is inclined to agree with Thalheim: "If Apollodorus could have induced the slave girls to say that the children were the offspring of Stephanus and Neaera, he could have argued that Stephanus must consider himself married to Neaera, especially as he had already accused Stephanus of acting as Phano's *κύριος* and of introducing the boys to the phratry. And it is *marriage* with a *ξένη* that the laws forbid..... If the text is sound, Apollodorus must have shifted his ground and decided to cover all the possibilities" (pp.142-143). This seems to me to be the more likely solution. In any case, there is no reason to think that the document is not essentially authentic.

To sum up, I can find no grounds for believing that any of the documents in 59 is spurious, whilst the appearance in them of several men who are not

mentioned in the text but are epigraphically attested seems to me to be a strong argument for their authenticity.

Notes to Appendix A

1. The fundamental study of the documents in Dem. 18 is that of Droysen (1939), who demonstrated that they were all crude and incompetent forgeries. For an recent survey of the question see Wankel (1976) pp.79-82.
2. Some sort of collection of Athenian laws is attributed to Crateros the Macedonian by Plutarch (*Aristides* 26.2).

Appendix B

I give here the results obtained for the relative frequency of common particles.

Table I: Frequency/1000 words of common particles.

	27	36	37	39	41	45	46	47
<i>alla</i>	7.4	8.6	8.2	8.0	11.8	8.1	5.8	6.3
<i>an</i>	7.9	8.1	9.1	16.1	4.1	11.6	10.3	5.0
<i>gar</i>	7.7	11.2	12.1	10.2	12.3	11.6	6.4	7.8
<i>de</i>	30.9	16.0	27.2	27.1	24.0	27.4	27.6	28.5
<i>ei</i>	7.7	6.1	4.4	13.2	7.2	8.1	8.3	4.7
<i>e</i>	7.0	6.1	4.1	8.8	4.1	5.8	10.3	4.5
<i>kai</i>	50.6	50.3	52.7	31.4	39.3	39.8	38.5	54.2
<i>men</i>	19.5	12.2	13.7	13.5	17.9	13.9	14.1	12.3
<i>me</i>	4.4	3.8	4.9	8.0	5.6	8.1	9.6	5.2
<i>hoti</i>	2.6	7.1	3.8	5.1	3.6	4.7	9.0	5.4
<i>ou</i>	14.5	17.3	13.2	12.4	14.3	13.0	14.1	15.1
<i>oude</i>	5.3	5.3	8.2	4.4	5.6	4.3	3.2	2.4
<i>oun</i>	3.7	4.1	2.7	2.6	2.0	2.8	1.9	3.0
<i>oute</i>	2.2	2.8	5.5	0.7	4.1	2.8	3.9	1.5
<i>te</i>	5.3	3.0	3.0	1.5	3.1	2.4	5.8	5.6
<i>toinun</i>	4.6	5.6	3.6	5.1	4.6	4.5	10.9	4.7
<i>hos</i>	7.4	8.6	8.8	5.9	8.7	7.5	10.3	3.2

	49	50	51	52	53	54	57	59
<i>alla</i>	6.3	2.6	4.5	2.8	1.0	2.8	2.8	2.9
<i>an</i>	4.6	4.6	12.6	8.0	8.5	10.7	7.4	4.3
<i>gar</i>	7.4	8.0	11.2	8.5	7.0	10.7	11.9	6.2
<i>de</i>	21.3	22.6	25.3	26.0	23.4	22.3	21.5	21.5
<i>ei</i>	4.4	3.9	6.7	6.1	4.5	8.5	8.7	1.8
<i>e</i>	4.4	4.1	3.7	6.1	7.0	4.7	4.6	2.6
<i>kai</i>	43.3	57.1	45.4	51.5	50.8	70.2	58.4	73.5
<i>men</i>	12.3	10.0	17.9	18.0	12.5	12.0	13.7	9.4
<i>me</i>	4.9	4.8	9.7	5.2	4.0	8.5	3.5	4.4
<i>hoti</i>	5.6	7.0	2.2	9.0	8.5	2.5	3.3	6.3
<i>ou</i>	13.7	16.5	14.1	11.8	13.0	10.7	11.5	10.4
<i>oude</i>	2.3	2.6	3.0	0.9	4.0	3.8	2.0	1.3
<i>oun</i>	1.6	4.1	3.0	1.9	6.0	2.2	1.7	2.1
<i>oute</i>	3.7	2.8	1.5	3.8	4.0	2.5	4.6	1.6
<i>te</i>	5.1	10.4	-	3.3	10.0	2.2	5.4	8.5
<i>toinun</i>	4.6	3.0	8.9	0.9	2.0	3.8	5.4	1.8
<i>hos</i>	7.6	6.5	3.0	10.4	8.0	6.6	7.6	11.1

Table II: Incidence/1000 words of common prepositions

	<i>apo</i>	<i>dia</i>	<i>eis</i>	<i>ek</i>	<i>en</i>	<i>epi</i>	<i>kata</i>	<i>meta</i>	<i>para</i>	<i>peri</i>	<i>pros</i>	<i>huper</i>	<i>hupo</i>
27	2.6	2.2	7.4	7.0	2.2	1.8	4.4	1.8	5.3	5.5	7.4	1.1	2.2
36	2.3	2.3	3.6	5.3	3.0	1.0	4.6	1.0	4.3	2.0	4.3	1.5	1.8
37	-	1.9	3.8	2.2	5.2	3.3	3.6	3.8	7.1	4.7	10.7	2.2	3.6
39	1.5	2.6	7.3	3.7	1.5	4.4	4.0	1.1	0.4	3.7	6.2	0.4	3.3
41	-	1.0	4.1	0.5	1.5	2.0	2.6	2.0	5.6	10.2	11.8	0.5	3.6
45	1.1	4.1	3.4	2.4	4.1	4.7	3.6	0.9	3.8	4.7	5.4	3.8	3.2
46	1.9	1.3	0.6	1.3	7.7	5.8	6.4	1.3	5.8	5.1	3.2	3.2	2.6
47	0.2	3.0	6.3	5.0	7.3	5.4	2.2	1.9	2.4	4.5	6.3	0.6	3.7
49	3.2	1.4	5.8	3.5	11.1	5.8	2.1	1.2	7.6	5.6	4.4	0.9	3.5
50	0.2	4.1	7.6	3.9	8.9	8.7	3.5	1.3	5.2	6.1	5.6	4.1	3.0
51	3.7	10.4	5.2	1.5	2.2	3.0	4.4	1.5	3.0	5.2	2.2	4.4	3.7
52	0.9	1.4	4.7	2.8	2.8	2.8	3.3	3.3	6.1	3.8	8.5	1.4	2.4
53	-	4.5	8.0	4.0	9.0	3.0	4.5	2.5	1.5	3.5	6.0	2.0	4.5
54	1.6	4.1	5.7	3.8	4.4	1.9	4.4	3.1	3.5	4.1	6.0	1.9	5.0
57	0.9	3.7	5.4	2.2	6.9	1.7	3.0	3.3	3.0	7.6	5.9	0.9	2.2
59	1.2	3.3	10.4	3.9	7.3	5.6	4.3	1.8	4.8	3.1	5.5	3.8	5.0

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