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Libanius, *Hypotheses* to the Orations of Demosthenes

TRANSLATOR'S INTRODUCTION

Text: From R. Foerster, ed., *Libanii Opera*, vol. VIII (Leipzig, 1915) 575–681.

Libanius (AD 314–c. 393) was a well known public speaker, teacher, and writer who studied at Athens, taught rhetoric at Constantinople and Nicomedia and Antioch, and produced an enormous corpus of extant writings including a very colorful autobiography, 63 other speeches, about 1600 letters, 51 declamations (many on historical and mythological themes), and a large collection of model rhetorical exercises, presumably for use in his own teaching. Among his earliest known writings is a collection of introductions (*hypotheseis*) to the orations of the Classical Athenian orator Demosthenes (384–322 BC). The hypotheses treat a corpus of 58 speeches in 57 hypotheses, the two speeches “Against Aristogeiton” (our items 25 and 26) being treated

together under one hypothesis. With this exception, Libanius' Demosthenic corpus includes the same speeches as ours, but in a different order: 1–11, 13–21, 23, 22, 24, 25+26, 59, 58, 57, 27–31, 54, 39–40, 36, 45–46, 32, 37–38, 35, 34, 33, 55, 52, 51, 50, 49, 53, 42, 41, 48, 56, 47, 43–44. He does not give hypotheses for the “Letter of Philip” (our item 12), the “Funeral Oration” (60), the “Essay on Love” (61), the letters, or the demegoric prooemia.

Several features of the hypotheses are worth noting here. Libanius' hypotheses are not simply summaries of Demosthenes' speeches. Summary does play a major role in the hypotheses to the longer speeches, but Libanius' main task was to read each speech and reconstruct the history of events leading up to it. The hypotheses do not pretend to replace the experience of reading the speeches; they are intended simply to serve as introductions for the novice reader. The length of individual hypotheses varies, dictated mostly by the complexity of the case at hand and the amount of background material that Libanius believes needs to be provided in order for someone to read the speech with understanding. The hypotheses contain no point-by-point commentaries on the speeches, no discussions of historical problems or dates, and only a few overt glosses of unfamiliar words and items of Classical Athenian culture (e.g. the Theoric Fund, cleruchies, the Dionysia, the Areopagus). Public and private orations are given equal time, a rarity in the ancient scholarship on Demosthenes. Rhetorical and stylistic criticism occur in dis-

cussions of authenticity; Libanius, not surprisingly, shows familiarity with Hermogenic stasis theory and stylistic classifications by “type” (*idea*) and “character” (*character*). Sources used in the hypotheses include the orations of Demosthenes’ political enemy Aeschines, Lycurgus’ (now lost) “Against Aristogeiton,” Aristotle’s *Rhetoric*, a work called the *Philippic Histories* (by Theopompus?), Atticist lexica, earlier commentaries on Demosthenes (including perhaps those by Didymus Chalcenterus), and possibly Anaximenes’ *Rhetoric to Alexander* and the rhetorical works of Caecilius of Caleacte. Polemic is generally absent, but on several occasions Libanius challenges the views of earlier, anonymous scholars on the authenticity of speeches and the proper classification of speeches into groups.

The collection opens with a dedication to Lucius Caelius Montius (proconsul of Constantinople in AD 352), a biography similar to the ones found in Plutarch and in the *Moralia*, an elementary overview of Classical Greek history, and a lacunose discussion of Demosthenes’ achievements in the three branches of oratory (judicial, deliberative, epideictic). The dedication reads as follows:

“Most excellent of proconsuls, Montius: Since, like Homer’s character Asteropaeus,¹ you are ‘ambidexterous’ in your literary studies, hold first place in the Latin language, and by common consent have obtained the privileges of a Roman education, while you have not been neglectful

1. The ambidexterous Trojan warrior of *Iliad* 21.161–204. Libanius borrows this idea from Athenaeus, *Deipnosophistae* 1.2c.

of the Greek language, since you are also able to excel in it due to the greatness of your character, but rather are devoting your time both to other authors and the most accomplished of the Greek orators Demosthenes, and furthermore wanted me to write up hypotheses of his speeches for you, we gladly accept the task, for we know it brings more honor than labor, but we will begin the book with a biography of the orator, not narrating the whole thing, for that would be excessive, but rather mentioning only those things that also seem to contribute to a more exact knowledge of the speeches.”

§ HYPOTHESIS 1 (DEM. 1)

Olynthus was a city in Thrace, but the people who inhabited it were Greeks from Chalcis in Euboea, which was an Athenian colony. Olynthus had many notable wars. For it had fought the Athenians long ago, back when they ruled over the Greeks. Later, it made war on the Spartans. In time it became very powerful and surpassed its kinsmen's cities. (There were a lot of Chalcidians in Thrace). The Olynthians made an alliance with Philip, king of Macedon, initially fought alongside him against the Athenians, and from him received Anthemous (a city that was disputed by the Macedonians and Olynthians), as well as Potidaea; this latter city Philip forced to surrender, despite the fact that the Athenians held it at the time, and handed over to the Olynthians. But later the Olynthians began to be suspicious

of the king, seeing how swiftly and greatly his power grew and believing his intentions to be untrustworthy. Waiting for him to go abroad, they sent envoys to Athens and broke off the war against them, contrary to their treaty with Philip. (Their treaty stated that they would do everything jointly, whether fighting the Athenians or making treaties about other things that seemed best to them.) Philip had long lacked an excuse to attack Olynthus, but he took this action as one and brought war against them for breaking the treaty and concluding a treaty of friendship with his enemy. They sent ambassadors to Athens to ask for help. Demosthenes speaks on their behalf, urging the people to help the Olynthians. He says that rescuing the Olynthians means security for Athens; for if the Olynthians are rescued (he says), Philip will never move against Attica; rather, the Athenians will be able to sail against Macedon and fight him there. But if this city should come under Philip's power (he says), the road to Athens will be wide open for the king. By way of encouraging the Athenians against him, Demosthenes says that Philip is not as difficult to defeat as has been assumed. He also discusses the public moneys, advising the people to make them available for military purposes instead of for the Theoric Fund. It is necessary to clarify the custom that the Athenians practiced, since it has not been done previously. Back when they did not have a stone theater but had only wooden platforms fastened together, and everyone would hurry to find a seat, blows and wounds would occur now and then. In an attempt to

prevent this, the Athenian leaders sold seats, and everyone had to pay two obols for a seat. In order that the poor might not seem overly burdened by the expense, it was arranged for each person to receive the two obols from the treasury. This is how the custom originated, but it progressed to such a point that people not only received money for theater seats, but divided up all the public moneys among themselves. As a result, they became hesitant to commit to military expeditions. Traditionally, they would receive pay from the city for serving in the army, but at that time they were remaining at home amidst games and festivals and dividing up the money among themselves. So they were no longer willing to go out and risk danger; rather, they even went so far as to make a law about the Theoric Fund, which threatened death to anyone who proposed to revert to the old system and let that money be used for military purposes. Therefore, Demosthenes cautiously enters into deliberation about this subject by posing a question to himself: “Are you proposing that this money be used for military purposes?” He responds: “No, by Zeus, I am not.” So much for the Theoric Fund. The orator also talks about the city’s military forces, demanding that the people serve in the army themselves and not employ the assistance of foreign mercenaries, as they were accustomed to do. For it is this (he says) that is responsible for the current sad state of affairs.

§ HYPOTHESIS 2 (DEM. 2)

The Athenians received the Olynthian embassy and decided to help them, but they have not yet set out to do so. Coming forward to address the people at a time when they are afraid of Philip as <being> hard to fight, Demosthenes tries to encourage them by showing that the Macedonian's position is weak. For Philip (he says) is under suspicion by his allies and is not that strong when his forces are considered in isolation, because the Macedonians by themselves are weak.

§ HYPOTHESIS 3 (DEM. 3)

The Athenians sent assistance to the Olynthians and seemed to accomplish something through it. And when the results were reported to them, the people were overjoyed and orators were calling for the punishment of Philip. So Demosthenes is worried that the Athenians will ignore everything else out of confidence that they have been totally victorious and have already provided sufficient assistance to Olynthus. Therefore, when he comes forward to speak, he chastises them for their political foolishness and, in an attempt to make their plans more prudent and cautious, says that the speech he is making to them now is not about punishing Philip, but about saving their allies. For he knows that the Athenians, like other people elsewhere, pay close to taking care of their own affairs, but are less diligent when it comes to punishing their enemies. In

this speech he more overtly engages in deliberation about the Theoric Fund, demanding that they abolish the laws which impose a penalty on those who propose that it be used for military purposes, so that speakers may advise the best course of action unafraid. He also exhorts them in general to stand up, follow the example of their ancestors, and serve in the army with their own bodies, and he greatly censures the people for being lax and their leaders for not running the city correctly.

§ HYPOTHESIS 4 (DEM. 4)

Bearing up badly in the war against Philip, the Athenians convened in an assembly, disheartened. The orator tries to put a stop to their disheartened state, saying that it is not at all surprising that they were defeated while being so lax, and he explains how the best policies might be applied to the war. He urges them to equip two forces: a larger one consisting of citizens, which will remain at home and stand ready for emergencies, and a smaller one consisting of foreign mercenaries, but <with citizens also> mixed in. He urges that <this second> force not remain at Athens and not render assistance using the city as its base; rather, it should go to Macedonia and there make war incessantly, so that Philip – as he waits for the etesian winds to blow or even a winter storm, when it would be impossible to sail from Athens to Macedon – might not attack and win due

to the absence of all the Athenians, but so that the force marshalled against him might always be nearby.

§ HYPOTHESIS 5 (DEM. 5)

Because the war over Amphipolis had dragged on, Philip and the Athenians were both eager for peace, the Athenians because they were bearing up badly in the war, and Philip because he wanted to do what he had promised for the Thessalians and Thebans. He had promised the Thebans that he would give them back Orchomenos and Coroneia (both Boeotian cities), and had promised both of them that he would break off the Phocian war. It was impossible for him to do this while Athens was his enemy. In fact, when he had previously tried to attack Phocis while the Athenians were sailing around in their ships to the so-called “Gates” (which some call “Thermopylae”), he was beaten back from the approach. So when he had made peace with the Athenians, since there was nobody to prevent him, he passed inside Pylae, drove the Phocians from their homes, put their territory under the control of the Amphictyons, and took their votes in the Council away from the other Greeks. But he also sent ambassadors to the Athenians, demanding that they, too, go along with this arrangement. And Demosthenes exhorts them to go along with it, not associating himself in the affair as though it were right, and not saying that it is just for this Macedonian to participate in a Greek assembly, but instead saying

that he was afraid that they might be forced into conducting a common war against all the Greeks. For he says that some people have taken offense with the Athenians for some reasons, others for others. They will all fight us as a group (he says), if we give them as a group this common reason against us: that we alone oppose the decrees of the Amphictyons. The result (he says) is that it is better to protect the peace than to bring such a great danger down on themselves over such a little thing, even though Philip has committed these crimes inside Pylae and could easily attack Attica. This speech seems to me to have been prepared but not delivered. For in his prosecution of Aeschines, the orator denounces Aeschines for a number of things, including the fact that he was the only one who advised them to vote that Philip be a member of the Amphictyonic Council, when nobody else would dare propose this – not even Philocrates, the most shameful man of all.²

Therefore, since he himself made this same recommendation, he would not have denounced Aeschines for it; rather, he evidently feared that people would suspect him of being on Philip's side and of making this recommendation because he had been influenced by the king's money, because in taking a stand against this sort of suspicion in the speech, he is also trying to portray himself as well-disposed toward the city and incapable of being bribed.

2. Cf. Dem. 19.111–113.

§ HYPOTHESIS 6 (DEM. 6)

In this speech, the orator exhorts the Athenians to suspect Philip of being their enemy and not to trust in the peace at all, but to wake up, pay attention to things, and get ready for war. For he charges that Philip is plotting against the Athenians and the rest of the Greeks, and says that his actions bear witness to this against him. But he also announces that he will reply to some ambassadors who have come, since the Athenians were at a loss as to what they should say. It is left unclear in the speech where these men have come from and why, but it is possible to understand it from the Philippic Histories.³ On this occasion, Philip sent ambassadors to the Athenians, charging that they had been falsely slandering him to the rest of the Greeks for promising many wonderful things to them, but lying about it. For he says that he has not promised them anything and has not lied, and he demands proof of their accusations. The Argives and Messenians sent ambassadors to Athens along with Philip's, and they accused the people of being partial toward and even cheering for Sparta's enslavement of the Peloponnese, while opposing their own struggle for freedom. So the Athenians are at a loss as to how to reply to Philip and these cities: <the cities,> because they are in fact partial toward the Spartans and hate and are suspicious of the alliance between the Argives and Messenians, but are not able to prove that the Spartans are behaving justly; to Philip,

³. By Theopompus? (*FGrH* 115 F401, listed there as doubtful).

<because> they have failed to get what they had hoped for, but do not think that they have been deceived by him. For Philip did not make any promises in his letters, nor did he send any guarantees through his ambassadors, but there were some Athenians who had given the people false hope that Philip would save the Phocians and put down the hubris of the Thebans. Therefore Demosthenes mentions what his answers would be and announces that he would give them, but he says that it is just for answers to be demanded from those who have caused all the fuss, the ones who (he says) deceived the people and opened Pylae up to Philip. In these statements he is alluding to Aeschines, “making advanced preparations” (as they say) ^{4. In Dem. 19.} to prosecute him for the mishandled embassy, which he later did,⁴ and denouncing him in advance to the Athenians.

§ HYPOTHESIS 7 (DEM. 7)

This speech is entitled “On Halonnesus,” but perhaps it should more correctly be entitled “Response to Philip’s Letter.”³ For he has sent a letter to the Athenians discussing many topics, one of which is the matter of Halonnesus. Halonnesus was an ancient holding of Athens, but in the time of Philip it was held by pirates. After kicking the pirates out, Philip did not “give back” the island to the Athenians when they demanded it, because he said that it was his, but he prom-

^{5.} An unusual statement, as the title “Response to Philip’s Letter” normally refers to Dem. 11.

ised that he would “give” it to them when they asked for it. This speech does not seem to me to be by Demosthenes. The diction and harmony of composition are obviously at great remove from the Demosthenic type, being slack and dissolute, contrary to this orator’s style. Furthermore, the bit spoken at the end is no small indication that the speech is spurious: “if in fact you carry your brains between your temples and not trodden down in your heels.”⁶ For Demosthenes customarily exercised his freedom of speech, but this is hubris and abuse without measure, and there is a terrible baseness that attaches to him with this expression. In addition, it is also silly to believe that people have brains in their temples. The older critics also suspected this speech as not being by the orator. Some have detected signs that it is by Hegesippus, both from the style of the words (for he uses this sort of style) and from the contents; for the man who wrote this speech says that he indicted Callippus of the deme Paeanea for an illegal proposal, and it is apparently not Demosthenes, but rather Hegesippus who brought said indictment against Callippus. Right, by Zeus, but the speech advises the Athenians with regard to Halonnesus not to take it, but to take it back, and it quibbles over semantics; and Aeschines says that Demosthenes was the one who gave this advice to the Athenians.⁷ Well, what of that? It is entirely possible that Demosthenes and Hegesippus gave the same advice, since in other respects they shared the same policies in governance and spoke against those

orators who were on Philip's side, and Demosthenes also mentions that Hegesippus served as an ambassador with him and was opposed to Philip.⁸

8. Dem. 9.72.

Therefore, it is evident that Demosthenes' "On Halonnesus" is not extant, but since it is not, they attributed the one they found to him, taking as their justification the fact that an "On Halonnesus" was delivered by the orator, but they inquired no further as to whether or not this one is likely to be it.

§ HYPOTHESIS 8 (DEM. 8)

This speech was delivered on behalf of Diopeithes and the things for which he was being accused at Athens. The Chersonese was an ancient holding of Athens near Thrace, and in the time of Philip they sent their cleruchs to it. It was an ancient Athenian custom to send those of their number who were poor and had no land at home as colonists to their outlying cities, and when they were sent they would receive weapons and supplies from the treasury. Now then, this has happened and they have sent colonists to the Chersonese with Diopeithes for a general. Most of the other people of the Chersonese welcomed them when they arrived and shared houses and land with them, but the Cardians did not, saying that the land belonged to them, not to the Athenians. Because of this, Diopeithes made war on the Cardians, but they fled for refuge to Philip, who ordered the Athenians not to harm them, because

they were associated with him, but rather to go to arbitration with them, if they believed that they had been harmed in some way. But when the Athenians did not obey these commands, he sent aid to the Cardians. So while Philip was battling the king of the Odrysians in the inland (upper Thrace), Diopertes angrily went down to seaward Thrace, which was subject to Philip, laid waste to it, went back up to the Chersonese before Philip could get there, and arrived safely. So then, since he was unable to defend himself with weapons, Philip sent a letter to the Athenians accusing the general and saying that he had openly violated the peace. And those among the orators who were on Philip's side inveighed against Diopertes and called for his punishment. In opposition to them, Demosthenes makes his stand on behalf of Diopertes in two ways. For he says that Diopertes has not behaved unjustly, since Philip long ago violated the terms of the peace and in all likelihood is currently committing wrongs against Athens, and that he was simply carrying out the tasks of war; in addition (he says), it is inexpedient for the Athenians to punish the general and disband the forces under his command, which are now beating Philip back from the Chersonese. In short, he calls for war and strongly accuses Philip of being unjust, breaking treaties, and plotting against both the Athenians and the rest of the Greeks.

§ HYPOTHESIS 9 (DEM. 9)

The hypothesis of this speech is simple. Since Philip is nominally keeping the peace, but in actuality is committing many wrongs against the Athenians, the orator advises them to stand up and defend themselves against the king, since a great danger is threatening them and all the rest of the Greeks in common.

§ HYPOTHESIS 10 (DEM. 10)

This speech has the same hypothesis as the preceding one,⁹ and there is nothing more or peculiar to it except the political recommendation concerning unanimity. Since the rich are in conflict with the poor, Demosthenes tries to put a stop to their discord, advising the people not to confiscate the property of the rich, while advising the rich not to begrudge the needy their public income. He also tries to persuade the Athenians to send an embassy to the Persian king about an alliance.

9. Cf. *Hyp.* to Dem. 9.

§ HYPOTHESIS 11 (DEM. 11)

Philip has sent a letter to the Athenians accusing them and openly declaring war. Therefore the orator no longer tries to persuade the Athenians to fight, for now they are forced to do so, but he encourages them to face the danger, saying that the Macedonian is easy to conquer.

§ HYPOTHESIS 12 (DEM. 13)

This speech is no longer a Philippic, but is simply a deliberative speech.¹⁰ For when the Athenians are holding an assembly about the Theoric Fund, Demosthenes comes forward, tries to persuade them to get organized, urges those serving in the army and those Greeks who are fighting in the front lines to restore their ancient honor, and compares the achievements of today to those in the time of their ancestors, showing them that achievements of today are trivial and inconsequential compared to those of ancient times.

10. The proper classification of speeches into groups was a matter of great concern for ancient critics.

§ HYPOTHESIS 13 (DEM. 14)

Because a report has come that the Persian king is preparing to march against the Greeks, the Athenian people have gotten stirred up and have rushed to convene the rest of the Greeks and begin a war immediately, but Demosthenes advises them not to be the first to act, but rather to wait for the king to do something. For (as he says) we will not persuade the Greeks to ally with us now when they think they are safe, but when the actual danger comes, that will bring them together. Therefore he exhorts them while they are at peace to get organized and prepare for war, and furthermore, he details how they should get organized. As a result, the speech is entitled “On the Symmories.” For a “symmory” in Attic authors is a group of those who are liable to perform liturgies.

§ HYPOTHESIS 14 (DEM. 15)

The peoples of Chios, Rhodes, and Byzantium <waged> the so-called “War of the Allies”¹¹ against the Athenians; formerly they had been Athenian subjects, but at that time they had made an alliance with each other against Athens. The Rhodians, since they neighbored on Caria, appeared to be on friendly terms with its viceroy, Mausolus. But having gradually gained their trust, Mausolus organized a plot against the Rhodian people, robbed them of their democracy, and enslaved the city with the help of a few very powerful men. So Demosthenes advises the people not to overlook these events, but to help the people of Rhodes, saying that it is expedient for the Athenians that cities be democratically governed. But even if the Rhodians have committed wrongs against us (he says), it is appropriate and customary for us to liberate those Greeks who have suffered in some way and not to bear a grudge against those who commit transgressions against the city.

11. Or “Social” War, from the Latin word for “allies” (*socii*) (357–355 BC).

§ HYPOTHESIS 15 (DEM. 16)

When the Spartans had been beaten by the Thebans in Leuctra of Boeotia and once again had come into a dangerous situation, when the Arcadians revolted and allied themselves with the Thebans, the Athenians came to the Spartans’ rescue, since they were allies. But later, when the Spartans had been liberated from danger and had come

back into power, they set out against Megalopolis in Arcadia and called on the Athenians through an embassy to join them in the war. But the Megalopolitans have also sent ambassadors to Athens, calling on them to join their side. So Demosthenes advises the people not to overlook the destruction of Megalopolis or the growth of Spartan power, saying that it is expedient for Athens that Sparta not be a source of dread.

§ HYPOTHESIS 16 (DEM. 17)

When Alexander of Macedon restores the sons of the tyrant Philades to Messene, Demosthenes alleges that this is a violation of the treaties that he had made with the Athenians and the rest of the Greeks. He also says that the Macedonians have violated the treaties in many other ways, and he exhorts the people not to overlook this. But the speech seems to be falsely ascribed. For it does not resemble Demosthenes' other speeches in stylistic type (*idea*); rather, it closely corresponds to the stylistic character (*character*) of Hypereides, in that (among other things) it contains some words that sound more like him than like Demosthenes, such as “nouveaux riches” (*neoploutoi*) and “act like a brute” (*bdelureuesthai*).¹²

12. The words are found in Dem. 17.23 and 17.11, respectively. Modern critics generally reject this speech.

§ HYPOTHESIS 17 (DEM. 18)

In defense of the Athenians, the orator contributed a wall that was sturdier than the usual hand-built ones, goodwill

toward the city, and cleverness at speaking, as he himself says: “Not with stones and bricks did I fortify Athens, but with large military forces and a great alliance, part by land and part by sea.”¹³ This is not actually the case: he also made a quite significant contribution to the hand-built enclosure around the city. For after he had already labored over many parts of the wall for the Athenians, when it was decided to rebuild it, ten men were appointed to the job (one from each tribe), who were required to provide at their own expense simply for the supervision of the job; for the main cost was a public expense. So when the orator had become one of these men, too, he did not (like the others) simply pay for the supervision as was required; rather, he completed the task in a way with which nobody could find fault, and he donated money to the city out of his own resources. The Council praised this display of goodwill and repaid his zealous service with a gold crown; for the Athenians readily thanked their benefactors. Ctesiphon was the man who made a proposal that Demosthenes should be crowned at a particular time and place: at the Dionysia, in the theater of Dionysus, in front of all the Greek spectators who had come together for the festival. He also said that the herald should proclaim in the presence of these people that the city is crowning Demosthenes, son of Demosthenes, of the deme Paeanea, on account of every virtue and display of goodwill that he has shown toward Athens. The honor that then poured in from all sides was amazing. As a result jealousy became

¹³. Cf. Dem. 18.299.

attached to the honor, and an indictment for an illegal proposal is entered <against> the decree. For Aeschines, as he was Demosthenes' enemy, indicts Ctesiphon for an illegal proposal,¹⁴ saying that he is still liable to audit (because he had been a public official and had not yet given an account of his tenure), and that the law orders them not to crown those who are liable to audit.¹⁵ He also brings up the law which orders that, if the People of the Athenians crowns someone, the crown is to be announced publicly in the Agora, but if the Council crowns someone, it is to be announced in the Bouleuterion, and that it is not permissible to do it elsewhere.¹⁶ He furthermore says that the commendations for Demosthenes are all lies.¹⁷ For the orator (he says) has not been an honorable politician; rather, he has accepted bribes and is responsible for many of the disasters that have befallen the city.¹⁸ Aeschines used the following order for his accusation: first, he spoke about the law concerning those who are liable to audit; second, about the law concerning public proclamations; and third, about public policy. He expected Demosthenes, too, to make his speech in the same order. But the orator begins with public policy and turns the speech back around to this subject a second time, doing so with technical skill. For one should begin and end a speech with the strongest points. He places his discussion of the laws in the middle section: to the law about those who are liable to audit, he counters with the lawgiver's intentions; while to the

14. Aeschin. 3.

15. Aeschin. 3.9–31.

16. Aeschin. 3.32–48.

17. Aeschin. 3.49–50.

18. The remainder of Aeschin. 3 is devoted to demonstrating this point.

law about public proclamations, he counters with the full text of the law (which differs from a mere selection from the law, according to him), in which it is also permissible to make public proclamations in the theater, if the people or the Council votes to do so.

§ HYPOTHESIS 18 (DEM. 19)

Aeschines was an Athenian man, son of Atrometus and Glaucotea. Both of his parents were nobodies, according to Demosthenes; for he says that his father spent his life teaching school, while his mother spent hers performing purifications and carrying out certain unimportant religious rites.¹⁹ Even Aeschines himself relates that he was a tragic actor and a city secretary, which was an insignificant job. But later, he became one of the orators and served as an ambassador for peace to Philip. For the Athenians decided to send an embassy for peace to Philip when they were fighting him over Amphipolis and suffering terribly but getting nowhere with their efforts. So they sent ten ambassadors, among whom were Aeschines and Demosthenes. When Philip accepted a truce, the same men conducted a second embassy, so that both sides might take oaths of peace. With regard to these affairs, Demosthenes lays three accusations against Aeschines: first, that when Philocrates proposed and carried a disgraceful and inexpedient decree of peace, Aeschines spoke in his support. Second, that he squandered several

19. The remainder of Aeschin. 3 is devoted to demonstrating this point.

opportunities, as result of which affairs in Thrace came to ruin. Third, that he reported lies to the Athenians, as a result of which the Phocians perished. For Aeschines (as Demosthenes relates) said that Philip would not destroy the Phocians, and you believed him and did not help them. In addition, he says that Aeschines did all these wicked deeds for pay and bribes. The issue (*stasis*) of the speech is one of existence (*peri ousias*) [i.e., did the act occur?] and one in which the fact is in doubt (*stochastike*). The motivation for Demosthenes' hatred is said to be Aeschines' successful disfranchisement of Timarchus,²⁰ a friend of Demosthenes. Aeschines accused Timarchus of leading a wicked life, because (as he claimed) this good-looking man Timarchus went to Pittalacus the bird-dealer's house to watch cock-fights, a man who is both corrupted and a corrupter.²¹

20. The result of Aeschin. 1, "Against Timarchus."

21. Aeschin. 1.53–55.

§ HYPOTHESIS 19 (DEM. 20)

Athens honored its benefactors in a number of ways, including granting them exemptions from performing liturgies. So when a lot of people were obtaining exemptions, it appeared that there was going to be a shortage of people who would be eligible to perform liturgies in the future. Therefore, Leptines proposed a law that nobody be exempted, that it be illegal for the people to grant exemptions from then on, and that anyone asking for an exemption suffer the most extreme penalties. Previously, others

had indicted the law. Among these were Bathippus, who did not see the indictment through, either because he was bribed or because he succumbed to disease. But now Phormio, Ctesippus (son of Chabrias), and some others along with them are indicting it; Demosthenes is serving as their advocate. Now Leptines has a stronger case in terms of expediency, because he pleads the necessity of his proposal, but Demosthenes has a stronger case in terms of honor and justice: in terms of justice, because it is just that those who do good things should get good things in return, and that those who properly receive something in return for their services should not be robbed of the things given to them; in terms of honor, since, although it may be disgraceful for other people to take back something that they have given, it is especially so for Athenians, whose magnanimity seems to be their defining feature. He also shows that Leptines proposed the law illegally. For he says that <he broke the> law which orders that they first abolish any contradictory law and then propose the new law, so that no laws that contradict each other may be found on the books.

§ HYPOTHESIS 20 (DEM. 21)

The Athenians used to conduct a festival to Dionysus, which they named the “Dionysia” after the god. Tragedians, comic poets, and choruses of flute-players competed in it. The ten tribes would appoint the choruses by lot, and

the choregus of each tribe was the man who provided for expenditures pertaining to the chorus. Now then, Demosthenes volunteered to take on the job of choregus for the tribe Pandionis. With Meidias (one of the rich) as his enemy, Demosthenes says that he had suffered a number of bad things at that man's hands in addition to those suffered during the course of his job as choregus, but the last straw was when he was punched in the orchestra in front of all the spectators. For this, he accused Meidias before the people of committing impiety against the festival and Dionysus. Such an accusation was called a *probole*. So the people have found Meidias guilty of impiety, but now Demosthenes and Meidias are contending in court about the people's vote against Meidias. For when the people found someone guilty, it was necessary for a court to hear the case a second time. So the trial is about the penalty to be imposed. For Meidias is not contending about the fact that he has done nothing wrong, but rather is contending about whether he is to pay the penalty for hubris or for impiety. So the issue of the speech is one of definition (*horikos*), because Meidias says that what he did was hubris, since he struck a free man, while Demosthenes says that it is impiety, since it was a choregus who was struck both at the Dionysia and in the theater. For he says that Meidias, through these actions, has also committed impiety, so that this is now a matter of double definition by inclusion (*diplous horos kata syllepsin*). <It is by inclusion> whenever we do not reject the charge proposed by our opponents, but we

add another one to it: just as here, when Meidias says that he has committed hubris, Demosthenes does not reject the charge of “hubris” but adds “impiety” on top of it.

§ HYPOTHESIS 21 (DEM. 23)

Charidemus of Oreus, the leader of a mercenary force and a general alongside Cersobleptes king of Thrace, was made a citizen of Athens, partly because he had been useful to them, and partly because they expected him to become even more so in the future. Aristocrates proposed a decree about him in the Council as follows: If anyone kills Charidemus, let him be liable to seizure and removal from every state allied with Athens. But if anyone rescues someone who is liable to seizure and removal, whether city or private individual, let him be excluded from treaties with Athens. Using a speech by Demosthenes, Euthycles denounces this decree and says, first, that the decree is illegal, because it removes the trial and courts and prescribes a penalty from the mere charge [i.e., rather than from a conviction on that charge], and second that it is inexpedient for the Athenians to bestow such a gift on Charidemus. For (he says) we will lose the Chersonese because of this. But the speech will show how. He also examines the quality of Charidemus’ character, saying that he is not worthy of gifts, and such great ones, at that.

§ HYPOTHESIS 22 (DEM. 22)

There were two Councils at Athens: the one that stood on the Areopagus, which decided cases of voluntary homicide and wounds and things like that, and the one that conducted city business. The latter changed every year and consisted of five hundred men who met the age requirement. There was a law enjoining this Council to have new triremes built, but if it did not do so, the law prevented it from requesting a gift from the people. Now then, the Council has not built the triremes, but Androtion proposes before the people a decree to award the Council a crown, anyway. He is brought to trial for this under an indictment for an illegal proposal; two of his enemies, Euctemon and Diodorus, are his accusers. Euctemon has already spoken; Diodorus joins in next with this speech. The accusers say, first, that the decree was not submitted in advance to the Council. (Although the law orders that a decree should not be brought before the people until it has been approved in the Council, Androtion acted contrary to this law by introducing a motion that was not first submitted to the Council.) Second, the accusers say that the decree is contrary to the law which orders a Council that has not built triremes not to request a gift. For if the Council is not allowed to ask for a gift, it is clear that the giving of said gift is not allowed, either. <They adduce> the laws that pertain to this matter, but they also adduce two laws against Androtion's character, the one about prostitution and the one about those who

owe debts to the treasury. And they say that Androtion is disfranchised on both counts; for he has in fact lived as a prostitute and is liable to the city for his father's debt.

§ HYPOTHESIS 23 (DEM. 24)

Diodorus is also the plaintiff here.²² He is denouncing a very humane law, so he tries to do so on the basis of the motives and intentions of the man 22. Cf. *Hyp. to Dem.* 22 (Lib. *hyp.* 22). who proposed it. Timocrates' law is as follows: If an additional penalty of imprisonment has been assessed against any Athenian for a public debt, or is so assessed in the future, he may be released from prison, if he or another man acting on his behalf establishes sureties that the debt will be paid within the stated time, and if the people approves the sureties. But if the debt is not paid on time, the man so covered by the sureties is to be jailed, while the estate of anyone who has given sureties for him is to become public property. The plaintiff charges that this law has not been proposed on behalf of the common good, but on behalf of Androtion, Glaucetus, and Melanopus. For when these men (he says) were sent to Caria as ambassadors and were sailing along in a trireme, they came upon some merchant men of Naucratis and took their cargo. Then the Naucratan merchants came to Athens and supplicated the people, but the people knew that the cargo was to be used for military purposes and must not be returned to them. When this happened, Archebius and Lysitheides, the trierarchs of

the ship on which Androtion's group was sailing, took the cargo for themselves. But when they appeared not to have it, the ambassadors admitted that they had it, and they had to turn it over immediately or else become subject to the laws governing public debtors – it was for this reason, he says, that Timocrates made this law to help those men. Timocrates, however, says that Androtion's group has paid for the goods in full and so it is obvious that he was not introducing the law because of them. But Diodorus also denounces the law in another way. For he censures the fact that it was proposed contrary to the laws; he says that it is quite unlike their ancient laws; and he shows that it is inexpedient for the state.

§ HYPOTHESIS 24 (DEM. 25 & 26)

After seeing Hierocles carrying sacred garments on which there were letters stitched in gold to denote those who had dedicated them as an offering, Pythangelus and Scaphon accused him before the prytaneis of being a temple-robber, and on the next day the prytaneis took him before the Assembly. Hierocles said that he had been sent by the priestess to get the garments and was supposed to bring them to the Shrine of the Huntress.²³ Then Aristogeiton proposed a decree that was not submitted to the Council in advance and was quite dreadful, for it ordered Hierocles to be put to death immediately, if he admitted that he stole the garments, but if

23. Pausanias 1.23.7 mentions a shrine to Artemis Brauronia on the Acropolis, though he does not call it *hieron kynegesion*.

he denied it, for the case to go to trial. As a result of which, if he had admitted the truth, he would have been put to death immediately, but if he had denied it, he would have been killed anyway, only a short time later. Phanostratus, father of the endangered Hierocles, indicted this decree for illegality with Demosthenes as his co-plaintiff, and won the case. And the court fined Aristogeiton five talents. This is the first debt that Aristogeiton owes.²⁴ Then, when he indicted Hegemon, lost the case, and failed to get one-fifth of the votes, he was fined one thousand drachmae.²⁵ When he did not pay up within the allotted time, the fines were doubled in accordance with the law and then totaled ten talents, two thousand drachmae.²⁶ To generate this money he signed over a farm of his to the treasury, and his brother Eunomus bought it; Eunomus asked for a payment plan for the fine so as to pay the balance over a period of ten years, each year putting up the portion due.²⁷ He has already paid two installments (two talents, four hundred drachmae) but he still owes the rest (eight talents, sixteen hundred drachmae).²⁸ So then, because he thought that he had the right to speak in the Assembly and was no longer a debtor, as he had supplied the city with a creditor to take his place, he was both indicting a lot of men and making public speeches, although the laws disfranchise

24. Libanius is the only authority for this colorful account of the circumstances behind Aristogeiton's first debt. His source is most likely Lycurgus' "Against Aristogeiton" (now lost); Lycurgus was Demosthenes' co-prosecutor in this case. In Dem. 25.87 the speaker mentions that Aristogeiton was fined an unspecified amount for proposing that three citizens be executed without a trial. Deinarchus 2.12 mentions a fine of five talents assessed against Aristogeiton in a case involving lies told about the priestess of Artemis Brauronia.

25. This is not mentioned in Dem. 25 and 26 or Dein. 2. Dem. 25.47 alleges that Aristogeiton was bought off in an *eisangelia* against Hegemon.

26. This is not mentioned in Dem. 25 and 26 or Dein. 2.

27. This is not mentioned in Dem. 25 and 26 or Dein. 2.

28. The hypothetical payment of a mere "one or two" installments to recover one's civic status is snidely referred to in Dem. 25.71, but no specific amounts are mentioned.

public debtors until they have paid their debts in full. So Lycurgus' group lodged an information against him on the grounds that he was not allowed to speak. Then, because Aristogeiton's name has not been removed from the register on the Acropolis, an investigation is launched at the instance of the creditor (the man who bought the farm) to decide whether the man who purchased the farm is the sole debtor, or whether the original debtor is also liable until the debt has been paid in full. This inquiry is in fact organized around two debts, but the plaintiffs say that Aristogeiton also owes a third debt to the treasury. In response to this, Aristogeiton makes his stand, arguing that the third debt had been registered unjustly and that he therefore had sued Ariston, the one who registered it. Demosthenes and Lycurgus say nothing about whether the registration was just or not, but say only: "When he gets a conviction against Ariston, then Aristogeiton's name will be removed from the register, and Ariston will be registered in accordance with the law. But before the matter comes to trial, it is not appropriate for Aristogeiton to speak – this man who may in fact have been registered justly and could be falsely accusing Ariston."²⁹ These are the main matters under investigation, but Lycurgus has already dealt with them because he spoke first. Demosthenes' speech was very short because these things had already been covered, and his entire speech consists of a denunciation of Aristogeiton's life. Dionysius of Halicarnassus does not accept these speeches

as being by Demosthenes; he adduces their style as evidence.³⁰ Some say that the orator purposely used this sort of stylistic character in imitation of Lysurgus, who at that time was highly esteemed at Athens; but others say that, since Lysurgus waited until this point in his life to speak first and so used all the main points himself, Demosthenes was forced to follow up more philosophically and in a highly periodic style. Still others accept the first speech as being by Demosthenes, but believe that the second one is completely unworthy of the orator.³¹

30. Cf. Dion. Hal., On Demosthenes 57.

31. Modern scholars are somewhat divided on the authenticity of Dem. 25, but most reject Dem. 26.

§ HYPOTHESIS 25 (DEM. 59)

They also do not think that this speech is by Demosthenes,³² as it is flat and in many ways quite inferior to the orator's power. Its hypothesis is as follows. There is a law which orders that a foreign woman be sold into slavery if she lives with an Athenian man. So in accordance with this law, Theomnestus has come to court against Neaera, saying that she is living with Stephanus, although she had formerly been a slave of Nicarete and a prostitute and now lives by law with Stephanus and has had children by him. Stephanus, however, does not admit to these charges; rather, he says that he does associate with her, but as a prostitute and not as a wife, and that the children he has are not hers. In opposition to this, the plaintiff makes his stand and presents several pieces

32. Cf. the end of *Hyp.* to Dem. 25 (Lib. *hyp.* 24). The author of this speech is Apollodorus.

of evidence to prove that she is living with him as his wife. So then, the issue (*stasis*) of the speech is one in which the fact is in doubt (*stochastike*). For the investigation is about existence (*peri ousias*) [i.e. did the act occur?] and not about the nature or quality of the act. So Theomnestus delivers the first part of the speech, and then he calls his co-plaintiff Apollodorus, his brother-in-law, who presents the main case.

§ HYPOTHESIS 26 (DEM. 58)

I do not know how most people can list this speech among the private speeches, as it is clearly a public one.³³ But this will be obvious from the hypothesis itself.

Denunciations had been lodged against merchants or ship captains who had transported grain to other places but not to Athens. The law was as follows: If someone lodges a denunciation and does not prosecute, or prosecutes but fails to receive one-fifth of the votes, he must pay one thousand drachmae to the treasury, and those who owe this debt but have not paid it may not speak in the Assembly; <second, that anyone convicted of embezzling sacred moneys is to be disfranchised>; and third, if someone unjustly frees someone else from slavery, he owes half the penalty to the treasury. Epichares therefore lodged an information against Theocrines that he was not allowed to speak, on the basis of all three laws. Indeed, he says that Theocrines had lodged a

³³. The proper classification of speeches into groups was a matter of great concern for ancient critics.

denunciation against Micon for having transported grain elsewhere, but did not go through with it; in addition, as the overseer appointed by his tribesmen, he was convicted in the audit of embezzling the sacred money of the eponymous heroes; and third, Theocrines' father unjustly freed Cephisodorus' handmaid and so was indebted by an additional five hundred drachmae. For these reasons, the information and the whole affair are clearly public matters, and most believe that although the speech is not unlike those of Demosthenes, it is actually by Deinarchus.³⁴

34. Some modern scholars accept the attribution to Deinarchus.

§ HYPOTHESIS 27 (DEM. 57)

A law is proposed at Athens: that there be an investigation of everyone enrolled in the deme registers to see whether they are genuine citizens or not, that those who were not born of a citizen male and a citizen female be stricken off the rolls, and that the demesmen vote on all of them by ballot. Those who are voted down and abide by the demesmen's vote are to be stricken off the rolls and become resident aliens. Those who desire an appeal are to be granted one before a jury; if they are convicted in court as well, they are to be sold into slavery, but if they are acquitted, they are to be regarded as citizens. In accordance with this law, when the deme of the Halimousians voted by ballot, a certain Euxitheus was voted down, but he says that he has come to court because he has been a political

victim of his enemy Eubulides. He also tries to prove that he was born of a citizen male and a citizen female, saying: “But if my mother worked as a wet-nurse, she did it because of poverty. And my father had a foreign accent because he had been taken as a prisoner of war and sold into slavery.”³⁵ One ought not to dredge up a list of misfortunes, but rather examine the family tree. 35. Cf. Dem. 57.35 and 57.18.

§ HYPOTHESIS 28 (DEM. 27)

When Demosthenes of Paeanea, father of Demosthenes the orator, was about to die, he established guardians over his two children (Demosthenes and a daughter) and the estate. Two of the guardians were relatives, Aphobus and Demophon, and one was a friend from childhood, Therippides. He gave Therippides seventy mnae off of which to enjoy the interest until Demosthenes was enrolled among the men [i.e., turned eighteen]; he betrothed his daughter to Demophon and decided that he should receive two talents as a dowry; and he decided that his wife Cleobule, daughter of Gylon and mother of his children, should be married to Aphobus; he gave this man an additional eighty mnae and told him to enjoy the house and the things in it until Demosthenes was enrolled among the men. These men immediately got the money that was willed to them, but Aphobus did not marry the dead man’s wife, nor did Demophon marry his daughter. Although they managed an estate worth fourteen talents, as the orator demon-

strates, and were obliged to pay back thirty talents from the interest <and the principal>, they handed over only a very small amount to Demosthenes when he was enrolled among the men. So he has come to court to bring a guardianship suit against Aphobus for ten talents; since Aphobus was one of three guardians, he owes one-third of the money, which the orator totals up from the principal and the interest.

§ HYPOTHESIS 29 (DEM. 28)

This speech deals with some counterstatements introduced by Aphobus, but it also contains a review of things said previously.³⁶

36. Cf. *Hyp.* to Dem. 27 (Lib. *hyp.* 28).

§ HYPOTHESIS 30 (DEM. 29)

While Aphobus was still a defendant in the guardianship case,³⁷ he demanded Milyas from Demosthenes for torture, knowing that Demosthenes would not give him up. Demosthenes did not give him up, saying that Milyas was not a slave, but rather was a free man who was manumitted by his father upon his death. As proof of this, he offered (among other evidence) the testimony of Phanus, who testified before the jury, saying that Aphobus had admitted before the arbitrator that Milyas was a free man. Convicted in the guardianship case, Aphobus takes Phanus to court on a charge of perjury. Demosthenes delivers this speech on behalf of Phanus, saying

37. Cf. *Hyp.* to Dem. 27 (Lib. *hyp.* 28) and *Hyp.* to Dem. 28 (Lib. *hyp.* 29).

that Phanus has testified truthfully, and he furthermore shows that Aphobus was in no way harmed because of this testimony, but rather was convicted because of other witnesses, and as he had not successfully prosecuted them, it was clear that he had done wrong.

§ HYPOTHESIS 31 (DEM. 30)

When Demosthenes was about to initiate a guardianship suit against Aphobus,³⁸ Aphobus married Onetor's sister. She had been given to him by her former husband Timocrates, since he was about to marry an heiress. Later, when Aphobus was already a defendant in the guardianship case (as the orator shows), Onetor fabricated a story of divorce and took his sister back home. When Aphobus was convicted, Onetor drove the orator off when he came and tried to enter his farm; Onetor claimed that the farm belonged to his sister, as it had been mortgaged toward the dowry. So Demosthenes takes him to court on a charge of exclusion, on the grounds that he has been driven away from what was formerly Aphobus' property but now belongs to him. He also says that Aphobus did not receive a dowry, only a wife; for Onetor was unwilling to give a dowry, because he saw that Aphobus and the estate were in jeopardy. Now then (he says), the divorce story is pure fiction, and the farm has been mortgaged on behalf of things that Aphobus never in fact received, all for the purpose of depriving me of my property. The word

“exclusion” (*exoule*) is Attic. For they used to say “to exclude” (*exillein*) to mean “to throw out” and “to drive off by force.”

§ HYPOTHESIS 32 (DEM. 31)

In this speech he adds some things that were passed over in the previous one,³⁹ as he himself indicates, and he furthermore makes a stand against certain counterstatements. With regard to these speeches, we have already mentioned⁴⁰ that many people say that they were composed by Isaeus, doubting that they were written by the orator because of his age at the time; but others say that, if this is not the case, then at least they were revised by Isaeus, for they resemble his speeches.⁴¹ But it is not at all surprising if Demosthenes imitated his teacher and in the meantime followed his style when he had not yet reached maturity.

§ HYPOTHESIS 33 (DEM. 54)

Ariston the Athenian takes Conon to court on a charge of assault, claiming that he has been beaten up by him and his son, and offering witnesses to this. Conon, however, denies doing it and offers his own witnesses to counter Ariston's. But Demosthenes says that these witnesses are not trustworthy;

39. Cf. *Hyp.* to Dem. 30 (Lib. *hyp.* 31).

40. In the introduction, section 8: “Some say that the guardianship speeches are by Isaeus and not by Demosthenes, doubting them because of the orator's age at the time when he took them to court – he was eighteen years old at the time – and because the speeches seem to a certain extent to exhibit Isaeus' stylistic type. Others think that they were composed by Demosthenes but edited by Isaeus. But it would not be surprising if Demosthenes was able to write this sort of speeches at that age – his later excellence makes this credible – but because his youthful training under the direction of his teacher was still in progress, he quite often imitates his stylistic character.”

41. Modern scholars do not follow these two views. To the extent that the speeches resemble those of Isaeus, Libanius' response to the alleged similarity seems more judicious.

for they have lived their lives basely and are unscrupulous about lying.

§ HYPOTHESIS 34 (DEM. 39)

Mantias, a former Athenian politician, legally married a woman and had a son by her; this is the man who is now pleading his case. Out of lustful desire Mantias used to visit a certain Plangon, an Attic woman. When her two sons reached manhood, they took Mantias to court claiming that he was their father. But he denied it. Then he acknowledged the boys; he was forced to do so because of a peculiar challenge which he was tricked into making. For he challenged Plangon to swear that the children were really his, promising, if she so swore, that he would abide by the oath; he challenged the woman with the mistaken understanding that she would refuse the oath, for he had promised her a lot of money to do that. But as the man delivering the speech says, Plangon also secretly swore to Mantias that she would refuse the oath when it was offered. But when he issued the challenge, she broke the agreement and accepted the oath. And thus he was forced to acknowledge the children as his own; he later died. So the son by the lawfully married woman takes one of the two adopted sons to court over the name, saying that he should rightfully be called Boetus, which was his original name, rather than Mantitheus. For the name Boetus, the speaker claims, had originally been given to him by his father. At

first, then, someone might seem overly fond of meddling and quarreling, in disagreeing over names like this, but the speech provides sufficient proof of how identical naming can be harmful both in public and in private life.

§ HYPOTHESIS 35 (DEM. 40)

This speech is also delivered by the same man and against the same man.⁴² And in other respects everything is the same: Plangon, the oath, the forced acknowledgement of sons. When Mantias died, his three sons – Mantitheus (the son by the lawfully married woman) and Boetus and Pamphilus (the sons by Plangon) – were dividing up the estate. While Mantitheus claimed that his mother’s dowry belonged to him, Boetus and Pamphilus themselves also disputed the dowry on the grounds that Plangon had brought one hundred mnae into Mantias’ house. So they decided to divide up everything on an equal basis except for the house and the slaves: the house, so that the money from its sale could be given to the person or persons whose mother is shown to have brought a dowry into the marriage; the slaves, so that Boetus’ group might be able to cross-examine them, if they want to make additional inquiries into any of the belongings inside the house. Later they brought countersuits against each other, Mantitheus on behalf of his mother’s estate, but those other men over certain other things. And the arbitrator decided in favor of Mantitheus, ruling against Boetus for failing to

appear. Mantitheus now takes him to court on the same charge and demands to have the dowry back.

§ HYPOTHESIS 36 (DEM. 36)

When he died, Pasion the banker left behind two sons by Archippe, Apollodorus and Pasicles. He put Phormio in charge as a guardian of Pasicles, the younger son. (Phormio was a domestic slave who had belonged to Pasion but who some time earlier had obtained his freedom.) He also gave Phormio the boys' mother (a concubine who had been his) as a wife, along with a dowry. Apollodorus then divided up his father's estate with his brother, except for the bank and the shield-workshop; for Phormio had leased these from Pasion for a prescribed time. In the meantime, each of them received half the rent, but later they divided up these two things, as well; Apollodorus got the shield-workshop and Pasicles got the bank. Later, when their mother died and they had divided up her estate as well, Apollodorus brought an accusation against Phormio for having a great deal of money that belonged to him. Then, when Apollodorus' relatives – Nicias, Deinias, <Lysinus,> and Andromenes – had appointed themselves as arbitrators (according to Phormio), they persuaded Apollodorus to accept five thousand drachmae and dismiss the complaints against Phormio. Then later, Apollodorus again took Phormio to court over the capital (*aphorme*) – the Attic Greeks called *aphorme* what we call *entheke* – but

Phormio indicts him for bringing an illegal prosecution, adducing the law which says that a case cannot come to trial again once someone has been granted a release and discharge. However, the orator also touches on the primary case, showing that the bank did not have Pasion's money. He does this so that his indictment for an illegal prosecution might be stronger, the unsoundness of Apollodorus' primary case having been demonstrated.

§ HYPOTHESIS 37 (DEM. 45)

When Apollodorus sued Phormio for the bank's capital, and Phormio indicted him for an illegal prosecution,⁴³ Stephanus along with some others testified 43. Cf. *Hyp.* to Dem. 36 (Lib. hyp. 36). on Phormio's behalf that Phormio had issued a challenge to Apollodorus: if Apollodorus denies that the documents that Phormio presents are copies of his father Pasion's will, to open the original will which Amphias has and offers to provide. But Apollodorus refused to open them, and they were actually copies of Pasion's will. Stephanus's supporters testified to this, while Apollodorus claimed that Phormio fabricated the will and that the whole affair was a fraud. So after losing his case, Apollodorus takes Stephanus to court for giving false testimony.

§ HYPOTHESIS 38 (DEM. 46)

In this speech some of the previous charges are filled out further⁴⁴ and other new ones are introduced, including the accusation that the will is illegal.

44. Cf. *Hyp.* to Dem. 36 (Lib. *hyp.* 36) and *Hyp.* to Dem. 45 (Lib. *hyp.* 37).

§ HYPOTHESIS 39 (DEM. 32)

After borrowing money from Demon, one of Demosthenes' relatives, a merchant named Protus used it to buy grain in Syracuse, which he conveyed to Athens on a ship that Hegestratus captained. Hegestratus and Zenothemis – the latter is the man against whom this indictment for an illegal prosecution is directed – were Massalites by race, but they did something quite wicked at Syracuse, according to the orator. They borrowed money, but rather than putting it on board the ship, they secretly sent it to Massalia, as they were planning to defraud the lenders. For since it had been written in the contract that they would not have to pay the money back if something bad happened to the ship, they plotted to sink it. So Hegestratus went down during the voyage by night and cut a hole in the bottom of the boat. But when he had been detected and was trying to get away from the passengers, he plunged into the sea and immediately died. So Zenothemis – who, according to the orator, was the Hegestratus' partner – laid claim to the grain when the ship had barely arrived safely at Athens, saying that it was Hegestratus' grain and that he had borrowed the money from him to purchase it. When Protus

and Demon stood in his way, he took them both to court in a maritime case. Having gotten a conviction against Protus for willingly failing to appear (as Demosthenes says), Zenothemis took Demon and his partner in crime to court a second time. But Demon indicts him for an illegal prosecution, saying that the charge is inadmissible; he adduces the law that gives merchants the right to have hearings about contracts concerning things transported to and from Athens, and says that he had no such contract with Zenothemis. The case is technically a *paragraphe* [i.e., an indictment for an illegal prosecution], but the speech is made as if a direct trial of the action had been introduced, and thus concerns itself with the fact that the grain does not belong to Zenothemis but rather to Protus, the man to whom Demon had loaned the money. For Demosthenes does not wish it to seem that he is putting all his trust in the literal wording of the law alone, while unjustly giving short shrift to what actually happened; rather, he shows that he does have confidence in the primary case, although the law also allows him to bring an indictment for an illegal proposal over and beyond that.

§ HYPOTHESIS 40 (DEM. 37)

Pantaenetus purchased a mining establishment in Maroneia (this is a place in Attica) and thirty slaves along with it from a man named Telemachus, borrowing a talent from Mnesicles and forty-five mnae from Phileas and Pleistor.

Mnesicles was registered as the buyer and so held the deed. Later, when Pantaenetus was being asked to repay the loan, he obtained a second group of creditors – Nicobulus, the man who is bringing the present indictment for an illegal prosecution, and a man named Euergus – and mortgaged the mining establishment and the slaves to them. No record of the mortgage was made, only of the sale. And Mnesicles, the man who made the first loan and was holding the title, became the seller and guarantor for the second group of creditors. Euergus and Nicobulus rented the slaves and the mining establishment to Pantaenetus, behaving as though they were actually the owners. They rented it at the rate at which the loan was accruing interest. For they had loaned him 105 mnae, and there had to be interest of a drachma per mna. So they agreed that they would get 105 drachmae; this was actually interest, but they called it rent. After all this, Nicobulus went abroad, and during his absence the following took place at Athens. Accusing Pantaenetus of refusing to do any of the things that they had agreed upon, Euergus (Nicobulus' partner in the loan) went to the mining establishment and took possession of it. In addition, watching out for the silver that was being transported from the mines to Pantaenetus – silver which Pantaenetus intended to pay as an installment into the treasury – he forcibly took it from the slave who was transporting it. Because of this, Pantaenetus also (as he said) had to pay a double installment into the treasury, failing to meet the appointed deadline because of Euergus.

For these things he also took Euergus to court for damages and won a conviction. When Nicobulus returned from his trip and a number of Pantaenetus' creditors turned up, although at first nobody understood what anybody else was saying, they all finally came to an agreement. The result of this agreement was that Nicobulus and Euergus got back 105 mnae and relinquished the mining establishment and the slaves, which the other creditors purchased. And again, when the creditors were refusing to purchase the property unless Nicobulus and Euergus should become the actual sellers and guarantors, Nicobulus was convinced to do so by Pantaenetus himself, who (according to Nicobulus) was insistent on it, but he did not agree until Pantaenetus had first granted him a release from every legal complaint. Pantaenetus granted the release and the property was sold; nevertheless, he took Nicobulus to court on the same charge as Euergus, bringing a mining suit against him on the grounds that he was actually one of those who worked the mines and had been wronged with regard to the mine. He brings an accusation against Nicobulus concerning the taking of the goods that were being transported by the slave, the selling of the workshop and the slaves (which was done contrary to the contract), and moreover about certain other things. And Nicobulus brings an indictment for an illegal prosecution against the case. First, he says that it is illegal because of the law which orders that a case not be allowed to come to trial again once a discharge and release have been given. Second, in accordance with the

law which expressly and clearly defines for what offenses mining suits may be brought, he says that it is inappropriate for Pantaenetus, who has not suffered any such offense, to bring him to court on a mining charge. Moreover, he adduces a third law, which defines which courts must judge which complaints and which officials are required to introduce cases. He says that Pantaenetus is making his multifaceted complaints contrary to this law, by lumping all his complaints together into one case and bringing an accusation before the court about everything that happened <in> the mine. Therefore, he uses the law about releases at the beginning, but uses the other two at the end, so that he opens and closes with the indictment for an illegal prosecution. In the middle he makes the primary case, whose greatest and strongest aspect is that Nicobulus was not actually in the area when Pantaenetus <suffered> the things for which he previously took Euergus and is now taking Nicobulus to court.

§ HYPOTHESIS 41 (DEM. 38)

Nausimachus and Xenopeithes were raised by their guardian Aristaechmus, but when they had been enrolled among the men [i.e., turned eighteen], they took him to court in a guardianship case. After getting three talents from him, they settled and released him from the charges. Aristaechmus died, leaving behind four children; after a long time Nausimachus and Xenopeithes take them to court for

damages and demand money from the guardianship. But the children bring an indictment against them for an illegal prosecution, adducing the law which forbids a case to come to trial a second time if someone grants a release and discharge.

§ HYPOTHESIS 42 (DEM. 35)

Androcles loaned money to Artemon, a Phaselite merchant, but when Artemon died without paying him back, Androcles holds his brother Lacritus the sophist responsible for the debt. He accuses him in a *probole* using two arguments from justice: first, that he loaned Artemon the money in the presence of Lacritus, who agreed to serve as guarantor; and second, that Lacritus is Artemon's heir. But Lacritus says that he has relinquished his claim to the inheritance, and he brings an indictment against the case for an illegal prosecution, saying that he never had a contract or any other agreement with Androcles. Lacritus totally denies that he agreed to serve as guarantor; for if Lacritus never agreed to this, then Androcles is acting unfairly by demanding that he pay the debt in full. Some incorrectly believed the speech to be spurious, fooled by obscure evidence. For slackness of diction is not inappropriate in private cases; calling on "Lord Zeus" is evidently in keeping with the character of the persona assumed; and his response to the indictment for an illegal prosecution is rather weak, simply because the case is a bad one.

§ HYPOTHESIS 43 (DEM. 34)

A merchant named Phormio borrowed twenty mnae from Chrysippus and sailed to Bosphorus, but upon arriving there he found that there was no market for the cargo that he was conveying. So when Lampis, the ship's captain, wanted to sail back to Athens and ordered him to load up the goods bought with Chrysippus' money – for that is what the contract specified – he did not put any cargo or money on board; rather, he told Lampis that he was unable to do so at the present time, but that he would very soon disembark on another ship with the money. Then Lampis' overloaded ship sank, and Lampis and a few other men were saved on the lifeboat. Upon arriving at Athens he revealed the story of Phormio's good luck to Chrysippus – that he had stayed behind in Bosphorus and had not put anything on board the ship. But later, when Phormio sailed back and was being asked for the money, he at first (according to Chrysippus) agreed that he owed it and promised to pay it back, but he later claimed that he did not owe anything since he had already paid Lampis back; for the agreement stated that Phormio should be released from the debt, if the ship suffered some misfortune at sea. Then Chrysippus took him to court. But Phormio brought an indictment against him for an illegal prosecution. Lampis testified before the arbitrator that he had left Phormio's money behind in Bosphorus and that it had been lost along with everything else in the shipwreck. But previously he had

said the opposite to Chrysippus, that Phormio had not put anything on board the ship. When he was questioned on these points, Lampis claimed that he had been out of his mind when he said that to Chrysippus. When the arbitrator heard all of this, he was unable to come to a decision and so sent the matter to court. The case is technically a *paragraphe* [i.e., an indictment for an illegal prosecution], but in fact is directed against the primary case. For the orator does a good job of showing that there cannot be an indictment for an illegal prosecution, if Phormio says that he has done everything in accordance with their agreement and has paid the money back to Lampis, since the written contract prescribes this and releases him from any debt if such a disaster should occur. This kind of argument is characteristic of one who is making his primary case and is trying to counter the complaints brought against him, not of one who is trying to annul a case about those complaints and get a suit declared inadmissible. But the law allows indictments for illegal prosecutions (he says) concerning contracts that have not in general been made at Athens or on the way to Athens. He carefully observes in this speech the same practice as in “Against Neaera” – that the speech should be delivered by more than one person – but <in that speech> there is a clear distinction between the two speakers,⁴⁵ while here the distinction is blurred. It seems to me that the second speaker begins speaking at this point: “Now after hearing us several times and believing, Athenian gentlemen, that Lampis was com-

⁴⁵. Cf. *Hyp.* to Dem. 59 (Lib. *hyp.* 25).

mitting perjury, Theodotus....”⁴⁶ It is obvious that Phormio’s opponents in this trial are partners. 46. Dem. 34.21.

§ HYPOTHESIS 44 (DEM. 33)

The man who is bringing this indictment against a case for an illegal prosecution had some private contracts with Apaturius, but he gave a release and discharge for them. Now, however, he is being accused because of his relationship with Parmenon, and money is being demanded from him. Parmenon was a citizen of Byzantium. Apaturius was a merchant from there, but he had been exiled. Though initially enjoying Apaturius’ friendship, Parmenon later took offense at him, went to court, and prosecuted him for blows and damages, and Apaturius in response initiated a countersuit against Parmenon. Apaturius claimed that he had turned the matter over to Aristocles, a single arbitrator, who had passed judgment against Parmenon. So Apaturius has come to court to oppose this man (the one who is now bringing an indictment for an illegal prosecution against the case), saying that he had been Parmenon’s guarantor. But the speaker admits none of these things; rather, he says, first, that he turned the matter over to three arbitrators, not just the one, Aristocles. Second, he says that Archippus was listed as Parmenon’s guarantor in the agreement, and that this agreement had been destroyed through the wickedness of Apaturius. Apaturius (he says) had persuaded Aristocles (the one who was in possession

of the agreement) not to bring it to light, but rather to say that his slave fell asleep and lost it, and that no new agreement had been written nor had the matter been turned over for a new arbitration. (The first arbitration had previously been made void due to the loss of the agreement, and they had never agreed on a second one). The speaker also says that Aristocles, contrary to everything that is just, had given a judgment against Parmenon – this despite the fact that he was no longer the arbitrator and that Parmenon not only was out of town at the time due to some personal tragedy, but also had forbidden Aristocles to serve as their arbitrator. And so the defendant presents these just objections and brings an indictment against the case for an illegal prosecution, saying that a release had been given for the contracts between himself and Apaturius, that no new agreement had been drawn up later, and that the laws forbade cases concerning such matters to be tried.

§ HYPOTHESIS 45 (DEM. 55)

Callicles (the man against whom this speech is directed) and the man being sued by him were neighbors, with their two farms separated by a road down the middle. When a heavy rain occurred, the water running from the road on to Callicles' farm completely ruined it. For this reason, he is prosecuting his neighbor for damages; for he says that a watercourse had been made on Tisias' farm to receive water from the road, but now that it has been dammed up,

it has become the cause of damage done to his property. But Tisias' son demonstrates, first, that the dam was very old and was not built by him; he says that the watercourse was dammed up back when Callicles' father was still alive. Then he proves that the farm is not a watercourse. But he also rips to shreds the alleged "damages" that occurred to Callicles as insignificant and not worth such a large trial. He also says that Callicles, in short, has not been wronged at all, but that he has had his heart set on his farm and for this reason is fabricating all these false accusations.

§ HYPOTHESIS 46 (DEM. 52)

A certain Heracleote named Lycon used Pasion's bank. When he was about to sail off to Libya, this man left money with Pasion, and one of two things happened. According to what Pasion said when he was still alive and what Apollodorus says now, Lycon instructed Pasion to pay the money to Cephisiades. But according to Callippus, Lycon freely gave the money to him, as he was both his friend and a proxenos of all the Heracleotes. When Lycon died, the money was paid to Cephisiades. According to Apollodorus, since it was impossible for Callippus to persuade Pasion to join him in ganging up on the foreigner, Callippus attacked Pasion himself by bringing a suit against him for damages and turned the matter over to Lysitheides, who failed to pronounce a decision while Pasion was still alive. But when Pasion died, Callippus immediately brought a

suit against Apollodorus for the money and asked that the case be handed over to Lysitheides again. Apollodorus accepted the arbitrator, but he took Lysitheides before the archon in accordance with the laws, so that (as he says) Lysitheides would have to swear an oath before pronouncing his decision and would be unable to arbitrate the case without doing so (and thereby serving Callippus' interests). But Lysitheides gave a decision without swearing an oath, and the decision went against Apollodorus. So Apollodorus appeals the decision and takes him to court.

§ HYPOTHESIS 47 (DEM. 51)

When many momentous affairs were driving the Athenians to fill out their complement of triremes and attend to their naval forces, a decree was passed that whichever trierarch could produce a fully outfitted ship first would receive a crown, and that any trierarch who failed to bring his ship to anchor at the pier before “old and new day” (which is the last day of the month) would be imprisoned. (The pier was a structure in the harbor which was put there so that sailors could drop anchor and conduct their business.) So Apollodorus, son of Pasion, who was the first to bring his ship to anchor, received the crown. But when a second contest is proposed to crown whoever did the best job of equipping his trireme, Apollodorus responds by laying claim to that prize, as well.

§ HYPOTHESIS 48 (DEM. 50)

After Apollodorus, son of Pasion, had eagerly served as trierarch for the appointed time, he extended his trierarchy for a not insignificant additional amount of time because his successor Polycles did not come to the ship immediately, and when he did finally come he did not take over from Apollodorus immediately, but rather gave the excuse that he was waiting for his partner in the trierarchy. Since the time spent in the extension of his trierarchy was so long, Apollodorus demands that his expenses be recouped from Polycles.

§ HYPOTHESIS 49 (DEM. 49)

Apollodorus demands that Timotheus the Athenian, a well-respected man and former general of the city, pay his debts. He claims that Timotheus, with the help of his friend Pasion, received money from him and so is listed as a debtor in the bank's accounts. In fact, there is a total of four debts, and for each one he relates the precise times and reasons for which Timotheus borrowed money. He provides the greatest number of arguments from the so-called "inartistic" proofs (*atechnoi pisteis*) – depositions and challenges – but also some artistic proofs (*entechnoi pisteis*) from probability.⁴⁷ Apollodorus says that Timotheus is the borrower and that money was paid from the bank to

47. "Inartistic proofs" are proofs that do not have to be invented by the speaker; "artistic" proofs are those which do. The terms are defined and discussed in Aristotle, *Rhetoric* 1.2.2 (1355b 35–40).

the men introduced to him by Timotheus, but Timotheus says that he is not responsible for the debt-those men are.

§ HYPOTHESIS 50 (DEM. 53)

Apollodorus indicted Arethusius for falsely claiming that he had witnessed a summons, and he won a conviction against him. But since Arethusius owes the city a talent and is unable to pay it off, and, because of this, his estate is being inventoried for confiscation into the treasury, Apollodorus seeks to get some slaves added to the inventory on the grounds that they belong to Arethusius, but Nicostratus alleges that they are his slaves and do not belong to Arethusius at all. Since the matter is morally disreputable, the orator relates how greatly Apollodorus has suffered at the hands of Arethusius, so that Apollodorus may seem to be pursuing this case not because he an evil man by nature, but rather because he is taking vengeance on a wrongdoer.

§ HYPOTHESIS 51 (DEM. 42)

Some do not ascribe this speech to Demosthenes, but it has the following hypothesis. There was an organization at Athens of three hundred men selected according to wealth; the more expensive of the liturgies fell to them. But the law allowed any of these men who had labored hard at performing liturgies to get out of the organization, if he could show that there was someone richer than himself who currently had no responsibilities. And if the man so des-

ignated admitted that he was richer, he was appointed to take the other man's place among the three hundred. But if he denied it, they subjected his estate to an exchange (*antidosis*). Now then, one of the three hundred, saying that he has already labored hard over liturgies and consequently is poor, has named Phaenippus, and they have initiated an exchange of property. But with regard to the exchange, he accuses Phaenippus of not giving the inventory of his estate at the appropriate time, but much later; of breaking the seals on the building for the purpose of carrying off some of the things inside; and of fabricating lies about his being greatly in debt.

§ HYPOTHESIS 52 (DEM. 41)

Polyeuctus, an Athenian man, was the father of two daughters. He initially gave the younger one to Leocrates, and later to Spudias, and he gave the older one to the plaintiff in this case against Spudias. Polyeuctus then died, leaving his daughters an estate to share. The husband of the older daughter says that forty mnae were agreed upon for the dowry. However (according to him), the whole amount was not handed over immediately; there was an outstanding debt of ten mnae. While he was still alive, Polyeuctus agreed that he was responsible for this debt, and when he was about to die, he agreed to separate the house from the rest of the estate and apply it toward the debt. But Spudias demands that the house, just like everything else, be

included among their common property. This is the most important of the points in dispute in the speech, but the plaintiff also accuses Spudias of other things. For he says that Spudias owed money to Polyeuctus and the older daughter but did not pay it back as required. But in response to Spudias' claim that he, too, received thirty mnae as a dowry, the speaker says that it was entirely at Polyeuctus' discretion, if he wished, to give a larger dowry to one of the daughters rather than giving an equal dowry to both of them, and then he proves that Spudias is even lying about this; for he says that Spudias received thirty mnae in silver, ten in clothing, and some gold coins which (as he says) are worth more than ten mnae.

§ HYPOTHESIS 53 (DEM. 48)

This speech features a colorful turn of events. An Athenian man named Conon⁴⁸ died childless, so that his estate came into dispute by his relatives. Callistratus, the man who is delivering the present speech, says that the entire estate belongs to him; for he is Conon's closest relative. However, he may perhaps be lying about this and simply making it up, based on no real evidence. But Olympiodorus (the man against whom the suit has been brought) and the speaker initially disputed for the estate. Olympiodorus and Callistratus were both relatives; Callistratus' wife was Olympiodorus' sister. So they decided not to disagree with each other, but rather to divide

48. Some manuscripts of Demosthenes call him "Comon."

equally whatever part of the dead man's estate was visible and granted by both parties, and to investigate the invisible property together and to do everything concerning it together. For they were expecting that other people would come to dispute with them for the estate. They drew up an agreement about this and deposited it with Androcleides, a friend they had in common. Moschion was a slave of Conon, who was believed to be very loyal to him. Olympiodorus took him and along with Callistratus examined him by torture, because he was slanderously said to have stolen a thousand drachmae from Conon. And when the slave confessed to stealing the money, Olympiodorus split it, too, with Callistratus in accordance with their agreement. But Olympiodorus suspected that the man had even more money, so he went by himself (without taking Callistratus along), tortured Moschion, and got seventy additional mnae for himself. Around this time a number of others laid claim to Conon's estate, including Callippus, Callistratus' brother by the same father. Olympiodorus and Callistratus plotted together about the lawsuits and agreed that Olympiodorus would lay claim to the whole estate, while Callistratus would sue for half. When the Athenians were marching to Acarnania, Olympiodorus went, too; for he was one of those on the list for service. When the day appointed for the trial arrived, the jury was made to believe that this military campaign was simply a pretext, and so they dismissed his claim to the inheritance. Because of this Callistratus says that he, too, dropped his

suit for half the estate, abiding by their agreement, which compelled them to act on everything jointly. But when Olympiodorus came back from the campaign, he and Callistratus introduced a second action against the winners, as the law allows. And they disputed over the estate, just as they did before: the one seeking half the estate, the other the whole. Olympiodorus spoke first and won the estate. But although he won and obtained the whole estate, he did not abide by the agreement that he had made previously, nor did he give half the estate to Callistratus. Callistratus demands from him half of the seventy mnae that he got from Moschion and half of the estate, basing his claim on their agreement. He says that he had teamed up with Olympiodorus in the last trial, agreeing to deliver the speeches that Olympiodorus wanted and to provide perjurious witnesses; and unless it had been part of their joint plan to go to court against each other (he says), he could easily have refuted those witnesses and not allowed Olympiodorus to win.

§ HYPOTHESIS 54 (DEM. 56)

Dareius and Pamphilus loaned Dionysodorus three thousand drachmae for him to sail to Egypt and from there back to Athens again. They took the ship as security, and it was mutually agreed that they would also get back whatever interest was due them when Dionysodorus returned to Athens. Dionysodorus sailed up from Egypt, came to

port at Rhodes, and there unloaded his cargo, either (according to him) because the ship was wrecked and rotten, or (according to Dareius) because he found out that grain was cheap at Athens; for Dareius claims that the ship is seaworthy and even now is able to sail. So those who made the loan are accusing Dionysodorus of breaking the contract, since he did not present the security (that is, the ship) where it could easily be seen, and they are demanding back from him the interest that they had agreed upon. However, he does not want to pay the whole amount back, but only an amount proportional to the part of the voyage that he actually sailed.

§ HYPOTHESIS 55 (DEM. 47)

Since the Athenians were in a hurry to set out on a naval expedition, trireme equipment was needed. And a decree was passed to exact payment quickly from some of the former trierarchs who owed the city some trireme equipment. So one man would be appointed to exact payment from others; the man delivering the present speech was appointed to do so to Theophemus and Demochares. He brought a suit against them for behaving unfairly, and he won. Demochares paid up, but Theophemus was still craftily trying to get out of it. When the Council voted to exact payment from debtors by whatever means possible, this man (the one who is now having his case heard) went to Theophemus' house. They struck each other in the skir-

mish that ensued, and then they brought actions for assault against each other, each of them claiming that the other one hit him first. (For this was the definition of assault.) So Theophemus went first and offered Euergus and Mnesibulus as witnesses; one of these men was his brother, the other his brother-in-law. And they testified that Theophemus was willing to hand over the woman who was present at the fight for examination by torture, so that she could declare under torture which of the two men struck first, but when Theophemus issued a challenge about this and tried to hand over the maid, the speaker did not accept. Finally the jurors were convinced by their testimony and voted in favor of Theophemus, but now the loser is taking the witnesses to court for lying.

§ HYPOTHESIS 56 (DEM. 43)

Hagnias and Ebulides were first cousins. Hagnias died childless, but Ebulides left behind a daughter named Phylomache, who was suing for Hagnias' estate on the grounds that she was his closest living relative. Some men named Glaucus and Glaucon were disputing with her for it, basing their claim not on a close familial relationship with the deceased, but on his will. But when the will was proved in court to be a forgery, Phylomache inherited the estate. Theopompus then went to court, teamed up with Eupolemus and the very men who had lost, and summoned Phylomache to an entitlement hearing over the

estate. For the law allowed anyone who so desired, to summon the one who had won and who was holding the estate. Because Theopompus' case had been trumped up to deceive (as Sositheus says), he won. Theopompus died, leaving behind a son named Macartatus. Meanwhile, a son was born to Phylomache, whom she named Eubulides; she gave him in adoption to her father Eubulides – the first cousin of Hagnias, the man who had left behind the estate. Having given him over for adoption, she introduced him to the clansmen of Eubulides and Hagnias, and the clansmen accepted the boy as properly introduced. Now that this has been accomplished, the son has summoned Macartatus, son of Theopompus, to an entitlement hearing over the estate. And Sositheus, the son's natural father, delivers the speech.

§ HYPOTHESIS 57 (DEM. 44)

When Archiades died childless, Leocrates took possession of his estate, as he was his relative and said that Archiades had adopted him. Up until a certain point he himself held the estate, and then he made his own son Leostratus into an adopted son of Archiades, withdrew himself from the family, and went back to his original family, because the law grants indemnity for this. But Leostratus in turn did the same thing; he put his son Leocrates into Archiades' family and went back to the house of his natural father. Now Leocrates, the last one adopted by Archiades, has

died childless. Aristodemus has come to claim the estate, saying that he is the closest living relative of Archiades (whose estate it was originally) and that through Archiades he is the closest living relative to Leocrates (the last of those adopted). But Leochares, the brother of the dead man, disputes with Aristodemus over the estate, basing his claim largely on an adoption, on the grounds that he was the adopted son of Leocrates, but also claiming that he is related to Archiades. And the man who is speaking on behalf of Aristodemus demonstrates that the familial relationship awards the estate to Aristodemus, but that the adoption is illegal. For Leocrates (he says) did not adopt Leochares as his son while he was alive, as the laws prescribe; rather, the adoption took place after his death for the purpose of defrauding someone of an estate, contrary to the laws. Aristodemus' son delivers the speech.



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