

company at Plat. *Phd.* 59b. As Aischines is known to have been alive and active as late as 356 (D.L. 2.63), a career roughly co-terminal with that of Plato (428/7–348/7) is not unreasonable. Thus a link between Sokrates and Lysanias in 423 (or even in 418) would depend on something other than a connexion between Lysanias' son with Sokrates.⁴ This is by no means impossible; compare the lifelong association of Sokrates and Kriton, mentioned by Plato immediately before Lysanias and Aischines. If either of these Lysaniai is the man meant at line 1162, he could also be the *thiasotes* of *IG* ii².2343, but given the commonness of the name, one must be cautious.

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⁴ The reader for *CQ* points out that if a real Lysanias is meant here, then the comparison to him is essentially positive and the point of the reference should be appropriate to the deliverance of one's father. The reader suggests that Lysanias could have saved his father's life at the recent [if this part of *Clouds* belongs to 423] battle of Delion.

A NOTE ON [LYSIAS] 6, *AGAINST ANDOKIDES*

There is a problem in §23 of *Against Andokides*, the sixth speech of the *Corpus Lysiacum*. The passage in question runs: ἐκ δ' οὖν τούτου τοῦ τιμήματος ἐδέδετο ἐγγὺς ἐνιαυτόν... 'And as a result of the proposed penalty he was imprisoned for nearly a year...'. The speaker's context is as follows: he is castigating Andokides in connection with his trial in 400/399¹ for impiety and describing his lawless life since his (alleged) part in the great scandals of 415, the mutilation of the Herms and the profanation of the Mysteries. The problem in the text concerns the words ἐγγὺς ἐνιαυτόν 'for nearly a year', as the statement contradicts what we learn about Andokides' imprisonment in 415 from his own defence speech (*On the Mysteries*) and above all from Thucydides.

Let us take these sources separately. Andokides begins his narrative with the denunciation of Alcibiades on the eve of the departure of the Athenian Sicilian expedition. We must place this in late spring/early summer of 415, even if there is room to argue about precise chronology.² Then Andokides gives a sequence of denunciations in connection first with the Mysteries scandal and then with that of the Herms. These denunciations occupied the summer of 415, as we see from Thucydides' narrative, gaining momentum after the expedition actually sailed. One of them, lodged by one Diokleides, led to Andokides' imprisonment (*Mysteries* 37ff.). Andokides says he spent only one night in prison, and then confessed to having guilty knowledge of the Herms' mutilation. *Pace* MacDowell, who claims that Andokides does not state *expressis verbis* that he was released following his confession, it emerges clearly enough, in my opinion, from Andokides' account that he was released from prison on the strength of the ἄδεια promised him if he confessed truthfully.³

¹ On the date of the trial see D. MacDowell, *Andokides, On the Mysteries* (Oxford, 1962), pp. 204–5, where he favours 400.

² On the chronology of this period see B. D. Meritt, 'The Departure of Alcibiades for Sicily', *AJA* 34 (1930), 125–52; *Athenian Financial Documents* (Ann Arbor, 1932), pp. 152–79; 'The Chronology of the Peloponnesian War', *Proc. of the American Philosophical Society*, 115 (1971), 97–115; K. J. Dover, 'Excursus on the Herms and Mysteries', in *A Historical Commentary on Thucydides* iv (Oxford, 1970), pp. 265–88; MacDowell, op. cit. (n. 1), pp. 181–9; O. Aurenche, *Les Groupes d'Alcibiade, de Léogoras et de Teucros, Remarques sur la vie politique Athénienne en 415 avant J.C.* (Paris, 1974), pp. 155–8.

³ MacDowell, op. cit. (n. 1), pp. 178–80. Andokides indicates that his freedom was the issue when he decided to confess at 50 (σεαυτὸν σώσον), 54 (εἰ οὖν τινι ὑμῶν... ἐγὼ δὲ σωθείην... where Andokides' reasoning is illogical if he was not actually released from prison on the strength of his confession), 57 (...τὸ ζῆν περὶ πλείονος ποιησάμενοι τοῦ καλῶς ἀποθανεῖν), 59 (αὐτὸς τε

Now Thucydides. Having narrated the mutilation of the Herms shortly before the planned departure of the Sicilian expedition (6.27), he says that the expedition finally left *θέρους μεσοῦντος ἤδη* (6.30.1), that is in the region of June 415.⁴ He describes the turmoil in Athens that summer, with accusations and arrests proliferating (6.53.2–3). A degree of order was restored, he says, by the confession of one man: ‘Then one prisoner who appeared to be the chief culprit was persuaded by one of his fellow-prisoners to confess... And this individual confessed to his own guilt and against others in the affair of the Herms... The Demos immediately released the informer and all those with him whom he had not informed against’ (6.60.2–4). From Thucydides’ narrative it is plain that this confession took place in mid or possibly later summer. Now although Thucydides does not name Andokides at this point, it is a universal assumption that Andokides is the individual meant.⁵ In other words, Thucydides limits the possible term of Andokides’ imprisonment to the summer of 415: there is no question of its lasting on into 414.⁶

So what are we to make of *ἐγγὺς ἐνιαυτόν* in the pseudo-Lysias speech? Even MacDowell, who argues for a longer term of imprisonment than Andokides or Thucydides would have us believe, says that the text may be corrupt.⁷ I believe it is certainly corrupt, and I propose to read *ἐγγυήσας ἑαυτόν* in its place (*ΕΓΓΥΗΣΑΣ-ΕΑΥΤΟΝ/ΕΙΤΥΣΕΝΙΑΥΤΟΝ*), giving the sense ‘(he was imprisoned)... having pledged his own person as surety’. If we examine the speaker’s context, it will appear that this makes perfect sense. The proposed emendation is italicized:

ἐσφύζομην). The fact that at 66ff. Andokides does not state expressly that he was released from prison (as opposed to his relatives and other innocents) is easily explained by the fact that Andokides did not want it to appear that he had confessed merely to obtain his own release from prison. He wanted it to appear that his confession had had high moral purpose, namely to save his relatives and to release Athens from inner turmoil. In my opinion, this whole section of Andokides’ defence speech would lose a lot of its point if the audience knew that he had not been released after confessing. We note at 54 that Andokides’ enemies accused him of cowardice in accusing others in order to save his own skin. This accusation would have had no thrust if he had failed to save himself by confessing.

⁴ Meritt, ‘Departure of Alcibiades’ (art. cit. [n. 2] above), selects 21 June as the exact date. Dover favours early June; N. Weill, ‘Adoniazousai’, *BCH* 90 (1966), 675–98 (esp 690) favours a date in July, on the strength of her proposed dating of the Adonia festival.

⁵ See e.g. J. L. Marr, ‘Andocides’ Part in the Mysteries and Hermai Affairs 415 B.C.’, *CQ* 65 (1971), 326–38.

⁶ MacDowell, op. cit. (n. 1), pp. 177–80, argues that Andokides’ imprisonment lasted a lot longer than both Andokides himself and Thucydides would lead us to think. Mainly on the strength of the present passage (*ἐγγὺς ἐνιαυτόν*) he constructs an elaborate hypothesis whereby Andokides confessed first to a part in the Herms affair but was *not* released then (in summer 415) because he failed to produce his slave to confirm his story. According to MacDowell he was kept on in prison for a considerable length of time until he confessed a second time, this time to a part in the Mysteries profanation. It should be emphasized that there is no ancient evidence for this hypothesis. It is true that Plutarch (*Life of Alcibiades* 21) names the man who befriended Andokides in prison and persuaded him to confess as Timaios, whereas Andokides himself says that his cousin Charmides played this role in a single night (1.48), but how much can one responsibly build on the strength of this discrepancy? Marr (art. cit. (n. 5), 331) calls this part of MacDowell’s reasoning ‘a good example of the perils of source reconciliation at all costs’. In fact MacDowell himself suspects the reading *ἐγγὺς ἐνιαυτόν* of being corrupt. Stays in prison in antiquity tended not to be long. Prison was, after all, a place for holding prisoners prior to trial, not a place for punishment. One might point to a second known term of imprisonment in Andokides’ career (in 411, when he was imprisoned by the oligarchs: see Andokides 2, *On his Own Return*, 13–16) as a possible source of the corruption in the present passage, and perhaps also of the discrepancy between Charmides and Timaios as the men named as Andokides’ confidant in prison (the latter term of imprisonment was of some duration, as Andokides himself admits). See Marr, above n. 5, for more criticism of MacDowell on this point.

⁷ op. cit. (n. 1 above), p. 179.

When Andokides was brought before the court following his crime, he deliberately⁸ imprisoned himself by proposing gaol as the penalty if he failed to produce his slave (*sc.* to confirm his story). He was fully aware that he would not be able to hand him over, as he (*sc.* the slave) was killed because of this man and his crimes so as to prevent him giving evidence. Obviously some god perverted his judgement into thinking it preferable to propose prison rather than a fine as penalty with as good a chance either way. Now as a result of this proposal he was put in prison *having pledged his own person as surety*, and while he was in prison he confessed ... (21–3).

It will be seen that the proposed emendation ἐγγυήσας ἑαυτὸν serves to emphasize the motif which is the whole point of the speaker's attack at this point: it was folly for Andokides to forfeit his own freedom should he fail to produce his slave to confirm his story. He could just as well have suggested a money fine. But no, he chose to give his own person as surety, which led to his imprisonment. The folly he showed here, the speaker argues, proves that a god was angry with Andokides and caused his judgement to be clouded.

Is there any difficulty in the combination of aorist participle and pluperfect main verb – ἐγγυήσας ... ἐδέδετο – which requires of ἐδέδετο the sense 'he was put in prison', rather than merely 'he was kept in prison' (which would go better with 'for nearly a year')? Two parallels from Lysias help us here. 13.55 reads ὁ Μενέστρατος οὗτος ἀπεγράφῃ ὑπὸ Ἀγοράτου καὶ συλληφθεὶς ἐδέδετο, with the sense 'this man Menestratos was informed against by Agoratos and was put in prison after arrest'. At 10.16 the expression ἐν τῷ ξύλῳ δεδεσθαι must mean 'to be put in prison', not just 'to be in prison'. Finally Andokides, *On the Mysteries* 48 has ἐπειδὴ δὲ ἐδεδέμεθα πάντες ... where the meaning is also 'were put in prison'. I conclude that the slightly peculiar pluperfect with something of the aorist in its aspect is normal in the case of δέω.

Even with the emendation there are still discrepancies between the accounts of Andokides' arrest and imprisonment in his defence-speech and [Lysias] 6. Andokides skates over the circumstances of his initial arrest following Diokleides' evidence, no doubt because they were embarrassing to him. He conveys the impression that his arrest followed more or less automatically on Diokleides' denunciation (48: ἐπειδὴ δὲ ἐδεδέμεθα πάντες ...). He does not mention any kind of preliminary trial or hearing, such as is the occasion of the [Lysias] passage under discussion (21: εἰσαχθεὶς εἰς τὸ δικαστήριον). It was at this hearing, according to [Lysias], that Andokides promised to supply a slave to confirm his story or submit his own person to bondage. The slave was killed before he could appear before the court; accordingly Andokides was imprisoned, not (one should note) because this proved him guilty of mutilating Herms (that fact would have to be established at a subsequent trial) but because this was the penalty which Andokides himself had stipulated if his witness defaulted (21: ἔδρασεν ἑαυτὸν τιμησάμενος δεσμοῦ and, if I am right, 23: ἐδέδετο ἐγγυήσας ἑαυτὸν).⁹

⁸ Reading ἐξ ἐπιβολῆς and construing with MacDowell, *op. cit.* (n. 1), p. 177. MacDowell rejects Taylor's proposed alteration to ἐξ ἐπιβολῆς. There is a problem with MacDowell's reading, however, in that ἐξ ἐπιβολῆς, which he takes with ἔδρασεν ἑαυτὸν, is unnaturally distant from it. One might take ἐξ ἐπιβολῆς with εἰσαχθεὶς, but that gives a strained sense to the passive participle: 'having been (= had himself?) deliberately led before the court'. W. R. M. Lamb, *Lysias* (Loeb Edition, Cambridge, Mass., 1967), p. 126, reads ἐξ ἐπιβολῆς with Taylor, rendering (obscurely) 'by a summary citation' (but for what?).

⁹ ἐγγυάω and τιμάω are not, however, synonymous terms. ἐγγυάω refers to a pledge given that some juridical point will be met in the future (e.g. that someone will appear in court), whereas τιμάω is properly used of a penalty proposed after conviction. It seems to me certain that the context of [Lysias] 6.21–3, is before Andokides' imprisonment and subsequent confession, as it was this incident which led to both (23: ἐκ τούτου τοῦ τιμήματος ἐδέδετο ... καὶ ἐμήνυσσε δεδεμένος ...). Thus, strictly speaking, the speaker is using τιμησάμενος (21),

Now, interestingly, Andokides himself refers at a later point in his speech to a slave whom he had handed over for torture (64: τὸν τε παῖδα τὸν ἐμὸν παρέδωκα βασανίσαι...). The problem is: Andokides links this episode with his confession *after* a stay in prison; [Lysias] relates it in conjunction with the preliminary court hearing which resulted in Andokides' imprisonment. Moreover, Andokides says that he actually handed over the slave (παρέδωκα), whilst [Lysias] says that the slave was done away with before he could give evidence. (This discrepancy is relatively easily explained, in my opinion: obviously Andokides would not have wanted to remind the court in 400 B.C. of the embarrassing fact that in 415 he had failed to provide the slave concerned, through the latter's demise.) Finally, Andokides says that his evidence (and presumably the promise to supply the slave) was given to the Boule, whilst [Lysias] talks of a Dikasterion (21). How are we to disentangle the versions here? I do not believe total clarity can be achieved.¹⁰ Discrepancies are surely inevitable given (a) the diametrically opposed purposes of both speakers ([Lysias] to calumniate; Andokides to whitewash) and (b) the interval of fifteen years which had elapsed between the crimes and the trial. What I do maintain, however, is that the transmitted text of the [Lysias] passage stating that Andokides spent nearly a year in prison exceeds the degree of divergence which these two factors might lead us to expect. It should be emended if a satisfactory alternative can be found.¹¹

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τιμήσασθαι (22), τιμήματος (23) metaphorically. According to his own narrative, Andokides is not yet being *punished* for anything. In going to prison he is merely paying the *penalty* for not fulfilling the terms of his pledge. Perhaps the speaker is using the strong word τιμᾶω deliberately, in order to heighten the sense of Andokides' guilt at this early stage of the proceedings. He speaks of him as if he were already a condemned criminal.

¹⁰ For what it is worth, I think MacDowell, *op. cit.* (n. 1), p. 178, is probably right that Andokides and [Lysias] must be referring to the same occasion in the matter of the promised slave. However, I do not believe that this entitles MacDowell to conclude that Andokides was *re-imprisoned* after confessing to the Boule because he failed to hand over his slave. MacDowell has not really come to terms with the fact that the speaker's context in [Lysias] 6.21–3, is before Andokides' imprisonment, not after (see previous note). If that is so, then it is Andokides who has distorted the facts when he relates the slave episode in connection with his subsequent confession. He had a good motive for so doing, too: he wanted it to appear that the Council had, in 415, accepted the account of his personal involvement in the Herms' mutilation which he gave at his trial in 400. In fact his confession in 415 probably involved admitting a greater degree of guilt than he was prepared to concede in 400. Shifting the slave episode to the main confession following imprisonment, and simply glossing over the fact that the unfortunate slave had in fact been removed from the scene before he could give evidence, served to lend credence to his story in 400.

¹¹ I would like to express my gratitude to S. C. Todd for many helpful suggestions in connection with this piece.

CICERO, LAERTES AND MANURE

Cicero's Cato, in a passage nicely illustrating that enthusiasm for Greek literature which is said to have come upon him in old age,¹ offers some valuable observations about manure (*Sen.* 54): 'quid de utilitate loquar stercorandi? dixi in eo libro quem de rebus rusticis scripsi; de qua doctus Hesiodus ne verbum quidem fecit, cum de cultura agri scriberet; at Homerus, qui multis ut mihi videtur ante saeculis fuit, Laertam lenientem desiderium quod capiebat e filio, colentem agrum et eum stercorantem facit.'

¹ 'si eruditius videtur disputare quam consuevit ipse in suis libris, attribuito litteris Graecis, quarum constat eum perstudiosum fuisse in senectute' (*Sen.* 3).