

were made of *sanides*.<sup>17</sup> Aristophanes may simply be using the parts from which these railings were constructed to designate the whole structure.

That *dryphaktoi* and *sanides* could be used synonymously is demonstrated by ancient descriptions of the procedure for ostracism. On the day of an ostracism, the agora was fenced off and ten entrances were left through which members of the respective tribes would pass. A fragment of Philochoros (*FGrHist* 328 F30) describes the fencing as such: ἐφράσσετο σανίσιν ἢ ἀγορά.<sup>18</sup> According to Plutarch (*Aristides* 7.4), on the day of an ostracism citizens brought their inscribed sherds to a place in the agora which was fenced around with *dryphaktoi*: περιφραγμένον ἐν κύκλῳ δρυφάκτοις. The two words are synonymous in this particular context, possibly because, as I have suggested above, *dryphaktoi* are made from *sanides*; wooden planks which have been pieced together to form a railing or fence, perhaps in the manner of a modern picket fence or a corral.

*Wasps* 349 given this interpretation can be translated: 'Thus through the planks [i.e. the planks making up the railings] I yearn to go around, shell in hand,' and we witness not the act of voting but instead Philocleon's desire to enter the court or a special area set aside for heliasts, which was fenced off with wooden railings. The mention of *sanides* could have made the audience think of the wooden boards on which *graphai* were publicly displayed. In this passage, nonetheless, the primary reference was to the wooden planks of the railings which surrounded the court itself or the heliasts' seats. Aristophanes could expect his audience to recognize both meanings, and this 'double-meaning' simply adds to the humour and pointedness of Philocleon's remark.

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<sup>17</sup> A scholiast to *Wasps* 386 says as much: δρύφακτα ἐλέγετο τὰ ταυλώματα τοῦ δικαστηρίου καὶ τὰ περιφράγματα διὰ τὸ ἐκ ξύλων καὶ σανίδων τῶν ἐκ δρυὸς εἶναι κατεσκευασμένα. λέγει δὲ ἀπὸ μέρους τὸ δικαστήριον. *Inscr. Del.* 366.47 records the purchase of oaken beams for the *dryphakton* of a stoa of Poseidon.

<sup>18</sup> Jacoby, *FGrHist* IIIb (Suppl.) 315, suggests that Didymus is the ultimate source of the fragment, which occurs in three lexica to the orators. It is of course impossible to prove that these are the actual words of Philochoros, but the opening sentences in which the procedure of ostracism is described do have a technical ring, suggesting that they go back if not to the original law, perhaps to Philochoros himself.

#### SOPHOCLES, *OC* 1729–30

Antigone and Ismene know that the situation of their father's grave must remain a secret to all except Theseus; but Antigone cannot help suggesting to her sister that they make their way back in the hope of setting eyes upon the burial place of Oedipus. How, Ismene asks her, can this be right in the sight of heaven? *θέμις δὲ πῶς τὰδ' ἐστί; μῶν | οὐχ ὁρᾶς;*

But Dr Laetitia Parker<sup>1</sup> has observed that 'the position of *μῶν* is arresting'. 'While not strictly prepositive', she adds, '*μῶν* is found in Sophocles' trimeters either at the beginning of the line (*Phil.* 734), after penthemimeral caesura (*Phil.* 1229), or, more frequently, after hephthemimeral caesura (*Aj.* 791, 1158; *Phil.* 1265, 1296), that is to say, after a break in the rhythm, not before one.'

<sup>1</sup> In *Owls to Athens: Essays on Classical Subjects Presented to Sir Kenneth Dover* (Oxford, 1990), p. 340.

Extending this inquiry to the other tragedians, one finds that *μῶν* occurs three times in Aeschylus and 47 times in Euripides, if one adds the two instances given by Collard to the 45 instances in Allen–Italie.<sup>2</sup> In every case it comes after and not before a break in the rhythm.

Dr Parker having sent over a perfect pass, it remains to put the ball into the net. Sophocles in all probability wrote *θέμις δὲ πῶς τὰδ' ἐστὶ νῶιν; | οὐχ ὀραῖς;*

Ellendt–Genthe list fifteen instances of *νῶιν*, to which Radt adds another.<sup>3</sup> Two of these (1670, 1683) occur in the same lyric scene between the sisters to which 1729–30 belong.

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<sup>2</sup> J. T. Allen and G. Italie, *A Concordance to Euripides* (Berkeley and London, 1954; repr. Groningen, 1970); C. Collard, *A Supplement to Allen and Italie's Concordance* (Groningen, 1971).

<sup>3</sup> F. Ellendt, *Lexicon Sophocleum*, rev. H. Genthe (Berlin, 1872; repr. Hildesheim, 1958); S. L. Radt, *TrGF IV* (Göttingen, 1985).

#### ATHENIAN ATTITUDES TO RAPE AND SEDUCTION: THE EVIDENCE OF MENANDER, *DYSKOLOS* 289–293

In his article ‘Did the Athenians Regard Seduction as a Worse Crime than Rape?’, *CQ* 40 (1990), 370–7, Edward M. Harris rightly casts doubt on the value of Lysias 1.30–5, which has generally been accepted as evidence that the Athenians did indeed regard seduction as the worse of the two crimes. Euphiletos in this speech is defending himself on a charge of murder, and, as Harris says (p. 375), ‘Euphiletus’ presentation of the Athenian statutes regarding rape and seduction is dictated by the rhetorical constraints of his case. It is not a reflection of widely held social attitudes.’

Harris points out that Euphiletos’ argument may have had a certain specious appeal for the men who were to decide his case. But I wish to draw attention to a piece of evidence from later in the fourth century which supports Harris’s contention that in other circumstances other attitudes would prevail.

In Menander’s *Dyskolos* (produced in 316 B.C.), Sostratos has fallen in love with Knemon’s daughter and is determined to marry her. Her half-brother, the honest young farmer Gorgias, suspects Sostratos of having less honourable intentions; he expresses his suspicion as follows at lines 289–93:

ἔργον δοκεῖς μοι φαῦλον ἐζηλωκέσαι,  
 πείσειν νομίζων ἐξαμαρτεῖν παρθένον  
 ἐλευθέραν, ἣ καιρὸν ἐπιτηρῶν τινα  
 κατεργάσασθαι πρᾶγμα θανάτων ἄξιον  
 πολλῶν.

You seem to me to have set your heart on a wicked action, thinking to persuade a free-born girl to do wrong, or watching for an opportunity to accomplish a deed deserving many deaths.

It looks as if Gorgias here distinguishes between two ways in which a girl might lose her virginity, in the one case as the result of persuasion, in the other without it; in current English, the distinction is between seduction and rape.<sup>1</sup> Both are wicked actions (on the part of the man), but Gorgias appears to regard rape as the more serious of the two offences, the one deserving punishment by death many times over.

<sup>1</sup> This is how the passage is understood by Walther Kraus in his commentary (Vienna, 1960), and by Elaine Fantham, ‘Sex, Status and Survival in Hellenistic Athens: a Study of Women in New Comedy’, *Phoenix* 29 (1975), 44–74, p. 53 n. 26 – and no doubt by others who do not feel the need to say so explicitly.