

'original' Helots, once inhabitants of Helos in Laconia (3.20.6). In other words, if Thucydides' passage meant that the Helots were normally called 'Messenians', it would paradoxically be the only piece of evidence for such a usage.

In the general dearth of sources on Helotry, the interpretation of any single one of them is important, and it becomes crucial in the case of a highly respected and relatively early author like Thucydides. In the absence of numerical data on the Helot population, Thucydides' statement easily becomes a cornerstone for interpretations of central structural aspects of Helotry, from the respective extension of Spartiate land west and east of the Taygetus to the very nature of Helotry itself. The idea that the majority of the Helots was of Messenian descent easily leads to the conclusion that most of Messenia was divided among the Spartiates, a conclusion for which no other solid evidence exists. Interpreting Thucydides' statement in the wrong way—if the arguments presented in this note are correct—scholars have been induced to overlook the evidence for perioikic settlements and sanctuaries in Messenia in the late archaic and classical periods.²⁵ On the other hand, the implications of our passage for the identity of the rebels went mostly unnoticed, and with them the basic nature of Messenian identity in fifth-century Peloponnese.²⁶ In Figueira's words, 'instead of reflecting genealogy, feeling "Messenian" or identifying oneself as "Messenian" appears to be inversely correlated with the degree of compliance with the Spartan government and with the Spartiates as a social class'.²⁷ During the Peloponnesian war, every Helot who successfully escaped the control of the Spartans and joined the 'maroons' of Naupactus became a Messenian, regardless of whether he came from Messenia or Laconia. Revolting against Sparta was the touchstone of Messenian identity. Thucydides' passage, if interpreted in the way here proposed, shows precisely the emergence of such an identity in the Peloponnese, and shows its connection with the revolt against Sparta in the clearest possible way.²⁸

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²⁵ As I try to make clear in 'Becoming Messenian', *JHS* 122 (2002), forthcoming.

²⁶ It is necessary to specify 'in the Peloponnese', since the first Greek polity to identify itself as Messenian, after the Spartan conquest of Messene in the age of king Theopompus, was Sicilian Messene, founded by the tyrant of Rhegion Anaxilas c. 489 B.C. in place of Zancle. See N. Luraghi, *Tirannidi arcaiche in Sicilia e Magna Grecia da Panezio di Leontini alla caduta dei Dinomenidi* (Florence, 1994), 206–11; on Anaxilas' promotion of a Messenian identity in Rhegion and in the newly founded Messene, see *ibid.*, 193–206, and *id.*, in *Mito e storia in Magna Grecia. Atti del XXXVI convegno di studi sulla Magna Grecia* (Napoli, 1998), 333–46, and now J. Hall, 'The Dorianization of the Messenians', in S. Alcock and N. Luraghi (edd.), *Helots and their Masters in Laconia and Messenia: The History and Sociology of a System of Exploitation*, proceedings of a workshop held at Harvard University, 17 March 2001, forthcoming.

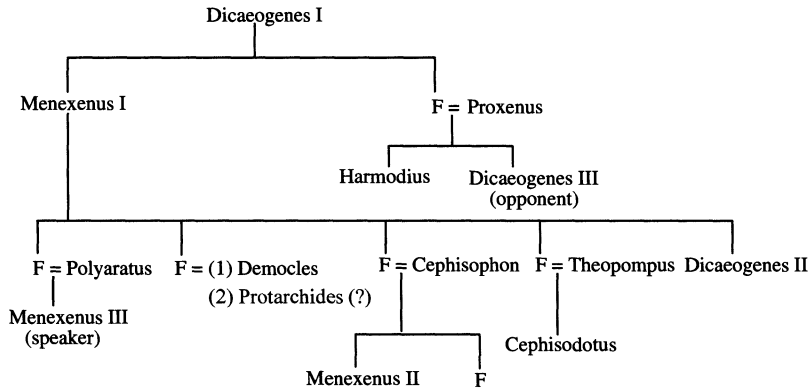
²⁷ Figueira (n. 22), 224.

²⁸ On the Messenian identity of the rebels and its meaning, see Luraghi (n. 24), 293–4.

TWO AWKWARD WOMEN IN ISAEUS (IS. 5.9, 26)

This paper revisits two notorious textual cruces in Isaeus 5, *On the Estate of Dicaeogenes*, each of which involves a female member of a prominent Athenian family. Forster in the Loeb edition¹ gives this stemma:

¹ E. S. Forster, *Isaeus* (Cambridge, MA, 1927). I have omitted some biographical details included in the stemma by Forster and used 'F' for 'daughter'.



Wyse in his edition² omits Protarchides as a possible second husband for the second daughter of Menexenus I; and he allots to Theopompus an additional son or daughter, which seems justified by the wording of §§ 10 and 11. Roussel in the Budé³ also omits Protarchides, and in addition questions the existence of the daughter of Cephisophon. The differences in the three stemmata over the wife of Protarchides and the daughter of Cephisophon are occasioned by the textual cruxes.

The background to the case, as represented by the speaker Menexenus III,⁴ is as follows. On the death of Dicaeogenes II, Proxenus, the father of Dicaeogenes III, produced a will whereby the latter was adopted by Dicaeogenes II and apportioned one-third of his estate, the other two-thirds being shared equally among the deceased's four sisters. Twelve years later Dicaeogenes III produced a second will by which he was adopted as the sole heir, and successfully took legal action to secure the whole estate.⁵ Polyaratus, who contested the validity of the second will and announced his intention of prosecuting Dicaeogenes III's witnesses, died soon after the trial, and Dicaeogenes III controlled the estate for a further ten years, until Menexenus II successfully prosecuted one of the witnesses, Lycon, for perjury. Dicaeogenes III now offered to restore to Menexenus II his mother's share of the estate, in order to prevent further legal action, but then broke his promise. Menexenus II thereupon joined with his cousins Menexenus III and Cephisodotus in claiming the whole estate as next of kin, on the ground that both wills were invalid. Leochares, a friend of Dicaeogenes III, then lodged a *diamarturia* to the effect that the estate was not adjudicable, but was prosecuted for perjury. As the jurors' votes were about to be counted, Dicaeogenes III offered another compromise, promising to hand over two-thirds of the estate, with Leochares and another friend, Mnesiptolemus, acting as sureties. The court sanctioned

² W. Wyse, *The Speeches of Isaeus* (Cambridge, 1904).

³ P. Roussel, *Isée. Discours* (Paris, 1922).

⁴ For the sake of convenience I retain the numbering of Roussel and Forster. Wyse gives an extended stemma, hence the Menexenus II of Roussel and Forster is the Menexenus III of Wyse, and the Menexenus III of Roussel and Forster is the Menexenus IV of Wyse.

⁵ We are not primarily concerned here with explaining why there were two wills and why it took so long for the second will to come to light. See e.g. W. E. Thompson, 'Athenian attitudes toward wills', *Prudentia* 13 (1981), 18, n. 22, who suggests that Dicaeogenes II changed his will after his sisters were married, but the man entrusted with its keeping was abroad during the Ionian War (but if so, he must have returned long before c. 399, when Dicaeogenes III won his case). The speaker naturally claims malpractice with respect to the second will (§§ 7 and 8) and says that one of the witnesses to it was found guilty of perjury (§§ 12 and 13). See further n. 21 below.

this, but a further dispute arose over the interpretation of the agreement. The cousins finally, therefore, sued Leochares by an action to compel him to discharge his liability as surety. Isaeus was engaged to compose the speech for the prosecution, which was delivered by Menexenus III.

During his narrative, Menexenus III describes what happened as soon as Dicaeogenes III won his judgment:⁶

Δικαιογένης δὲ πρὸς ἡμᾶς ὡς ἐβούλετο ἀγωνισάμενος τῇ αὐτῇ ἡμέρᾳ ἐξήλασε μὲν τὴν Κηφισοφώντος τοῦ Παιανίως θυγατέρα ἐκ τοῦ μέρους, ἀδελφιδὴν οὖσαν Δικαιογένοῦς τοῦ καταλιπόντος τὰ χρήματα, ἀφείλετο δὲ τὴν Δημοκλέους γενομένην γυναῖκα, ἃ Δικαιογένης ἀδελφὸς ὧν ἔδωκεν, ἀφείλετο <δὲ> καὶ τὴν Κηφισοδότου μητέρα καὶ αὐτὸν τοῦτον ἅπαντα.

Dicaeogenes III, after winning the verdict against us he wanted, on the very same day drove out of her share the daughter of Cephisophon of Paeania, the niece of Dicaeogenes II who left the money, robbed the former wife of Democles of what Dicaeogenes II her brother had left her, and also robbed the mother of Cephisodotus and Cephisodotus himself of everything they had. (Isaeus 5.9)

Thalheim's text is followed by Wyse, Roussel, and Forster, but, as Wyse and other critics have noted, the reference to 'the daughter of Cephisophon of Paeania, the niece of Dicaeogenes II' is highly problematic.⁷ Cephisophon of Paeania was married to one of the four sisters (§ 5), and so a child of theirs would indeed be the niece of Dicaeogenes II. But if she was in possession of a share in the estate, this certainly implies that her mother was by now dead, and probably implies also that both her parents were dead and she had no surviving brother.⁸ None of these conditions, however, appears to hold. Menexenus III's words in § 16, *κατὰ δόσιν μὲν οὐδενὶ προσήκειν τοῦ κλήρου, κατ' ἀγχιστεῖαν δὲ ταῖς Δικαιογένοῦς τοῦ ἀποθανόντος ἀδελφαῖς, ὧν εἰσιν αἱ ἡμέτεραι μητέρες* ('nobody had any claim on the estate by bequest, but there was a claim by kinship open to the sisters of the deceased Dicaeogenes II, among whom are our mothers'),⁹ imply that three of the sisters at least, including Cephisophon's wife, were still alive in c. 389, the date of the present trial.¹⁰ A Cephisophon of Paeania was a treasurer of Athena and the other gods in

⁶ The text followed here is the Teubner of Th. Thalheim, *Isaei orationes* (Leipzig, 1903). Translations are my own.

⁷ See Wyse (n. 2), 416–17.

⁸ Wyse argues that if the daughter was in possession of the share, she cannot have had a father or brother still alive, but the assumption that her brother would have inherited the whole share is challenged by V. J. Hunter, *Policing Athens. Social Control in the Attic Lawsuits, 420–320 B.C.* (Princeton, 1994), 200, n. 39. However, Hunter's assertion that we do not know whether the brother would have inherited some of his mother's share is contradicted by §§ 12 and 13: the speaker says that Menexenus II 'had a right to the same share of the estate as I had' (*προσῆκον αὐτῷ τοῦ κλήρου μέρος ὅσον περ ἐμοί*) and was persuaded by Dicaeogenes III 'to take for himself the share of the estate that was due to him' (*κομισάμενον αὐτὸν μέρος ἐκ τοῦ κλήρου ὃ τι ἐγίγνετο*). This does not necessarily imply that his mother was by now dead (see n. 10 below).

⁹ Cf. § 18 *ἀφίστατο μὲν Δικαιογένης τοῖν δυοῖν μεροῖν τοῦ κλήρου ταῖς Δικαιογένοῦς ἀδελφαῖς* ('Dicaeogenes III relinquished two-thirds of the estate to the sisters of Dicaeogenes II') and § 20 *μάρτυρας ὑμῖν παρεχόμεθα τοὺς παρόντας, ὅτε Δικαιογένης μὲν ἀφίστατο τοῖν δυοῖν μεροῖν τοῦ κλήρου καὶ ὠμολόγει ἀναμφισβήτητα παραδῶσειν ταῖς Δικαιογένοῦς ἀδελφαῖς* ('we are producing as witnesses for you the men who were present when Dicaeogenes III relinquished the two-thirds of the estate and agreed to hand it over without dispute to the sisters of Dicaeogenes II').

¹⁰ Dicaeogenes II died at Cnidus (§ 6), probably in the battle of 411 (Thuc. 8.42). It was twelve years before Dicaeogenes III entered his claim to the entire estate (§ 7) and a further ten years before the present trial (§ 35). Wyse states on p. 403 that 'the wife of Cephisophon was dead', but

398/7,¹¹ and the victory of Dicaeogenes III would have been a year or so earlier than this. Finally, we are told in § 12 that Cephisophon had a son, Menexenus II. While none of this evidence is conclusive, it does suggest that the woman referred to in § 9 is most unlikely to have been Cephisophon's daughter (*θυγατέρα*) and Dicaeogenes II's niece (*ἀδελφιδήν*). Rather, she was probably Cephisophon's wife (*γυναῖκα*) and Dicaeogenes II's sister (*ἀδελφήν*). This thesis was proposed but later abandoned by Buermann,¹² though Thalheim indicates his favour in his apparatus (*'quod verum videtur'*).¹³ Wyse dismisses the possibility of the corruption of *γυναῖκα* to *θυγατέρα*, while Buermann originally thought that the alteration of *γυναῖκα* was made by a scribe as a consequence of the corruption of *ἀδελφήν* to *ἀδελφιδήν*. But given that the original reading of A was *ἀδελφήν* (*ἀδελφιδήν* being the correction of A²), it is perhaps more likely that the error was the other way round: possibly ancient, it was one of mental association rather than palaeographical, because the speaker has already twice referred to the daughters (§§ 5 and 6); and the alteration of *γυναῖκα* to *θυγατέρα* then prompted the easy change of *ἀδελφήν* to *ἀδελφιδήν*. If we accept Buermann's emendations, the speaker constructs a neat tricolon *crecens* of the increasingly parlous situation of the three sisters: Dicaeogenes III drove out the wife of Cephisophon, robbed the (divorced) former wife of Democles and, worst of all, robbed the (widowed) mother of Cephisodotus and the boy himself. What is more, there is no longer any evidence for the existence of a daughter of Cephisophon.

The second major textual crux of the speech is found at § 26:

Πρωταρχίδη γὰρ τῷ Ποταμίῳ ἔδωκε Δικαιογένης τὴν ἀδελφήν τὴν ἑαυτοῦ.

Dicaeogenes gave his sister in marriage to Protarchides of Potamus.

This is the text printed by Thalheim and Forster, but the words *τὴν ἀδελφήν τὴν ἑαυτοῦ* were obelized by Wyse in desperation. Since the speaker says in the next sentence that the woman referred to 'has a right to exactly the same share of the estate as my mother' (*προσέκει τοῦ κλήρου μέρος ὅσον περ τῇ μητρὶ τῇ ἐμῇ*), she cannot be a sister of Dicaeogenes III, who would have had no such claim. But it is also extremely unlikely that she can be a sister of Dicaeogenes II, that is, the former wife of Democles,¹⁴ as Forster accepted.¹⁵ In that case we might have expected Protarchides to be mentioned as the sister's husband in either §§ 5 or 9, but there is a still greater difficulty. The speaker goes on to tell the story of how his opponent Leochares, who acted as a surety for Dicaeogenes III, did a deal with Protarchides whereby he handed over to Leochares their house in the Cerameicus, which the Dicaeogenes in question had given his wife as her dowry instead of a cash sum, on the promise of receiving in return his wife's share of the estate. But why should Protarchides and his wife surrender her dowry? The implication of this arrangement

on p. 416 contradicts this by saying 'the speaker's language . . . suggests that the wife of Cephisophon was alive in 389 B.C.'

¹¹ See J. K. Davies, *Athenian Propertied Families 600–300 B.C.* (Oxford, 1971), 148.

¹² H. Buermann, 'Das attische Intestaterbfollegesetz', *Rh. Mus.* 32 (1877), 357–8, cf. id. 'Zur Textkritik des Isaios II', *Hermes* 19 (1884), 364, n. 2.

¹³ And cf. id. 'Zu Isaios', *Hermes* 38 (1903), 460.

¹⁴ As was argued by S. A. Naber, 'Solons wetgeving aangaande het erfregt', *Mnemos.* 1 (1852), 384–7. The wife of Cephisophon could be meant, though he was still alive in 398/7 (see above; no indication is given of the date of the Protarchides episode); the widow of Theopompus allegedly suffered appalling treatment from Dicaeogenes III (§§ 10 and 11), and if he had inflicted this further humiliation on her, we would expect Isaeus to have made the most of this rhetorical opportunity.

¹⁵ Forster (n. 1), 178, n. a.

is that the sister's dowry had to be returned to the estate before redivision,¹⁶ but there is no indication elsewhere that such a legal requirement existed, on the contrary she should have been entitled both to her share in the estate and to the dowry as well.¹⁷ Various emendations have been proposed, which Wyse discusses at length and rejects, and there is no need to recount his arguments here. But it is worth recording his conclusions that the Dicaeogenes in question must be Dicaeogenes III not Dicaeogenes II, because otherwise the request for the restoration of the dowry is unintelligible; and that Protarchides' wife must be either the sister of Dicaeogenes II who married Democles or her only child. In support of the former may be adduced the observation that throughout the speech some form of qualification is added to the name of Dicaeogenes II to make his identity clear,¹⁸ whereas Dicaeogenes III is simply 'Dicaeogenes' or 'Dicaeogenes here' (in §§ 6, 7, 15). This suggests that the simple use of the name at § 26 should indicate Dicaeogenes III is the one in question, and in that case the reading ἀδελφὴν can only stand if we emend ἐαυτοῦ. Most editors, however, prefer (rightly in my view) to emend ἀδελφὴν. One of Dobree's proposals was to read ἀνεψιάν ('cousin').¹⁹ But we would then expect some reference to 'the former wife of Democles',²⁰ and, if the cousin referred to is one of the sisters, this again raises the problem of why she should surrender her dowry. Rather, the speaker's additional comment that the woman was entitled to the same share as his mother suggests that it is not the former wife of Democles, already mentioned twice at §§ 5 and 9, who is under discussion, but another woman, that is, her daughter. Roussel prints Leidl's conjecture τὴν ἀδελφιδὴν τὴν Δικαιογένοῦς (that is, Dicaeogenes III gave in marriage the niece of Dicaeogenes II), which gives the required meaning but involves a clumsy repetition of the name. I would prefer to read τὴν ἀνεψιαδὴν τὴν ἐαυτοῦ ('his first cousin's daughter', or 'first cousin once removed'), a single change which reflects the actual relationship of Dicaeogenes III to the daughter of the former wife of Democles.²¹ The rarity of this noun²² and its ending in ΑΔΗΝ may have given rise to the corruption ΑΔΕΛΦΗΝ. Either way, the reference to the daughter indicates that

¹⁶ As Forster (n. 1), 179 n. b.

¹⁷ See Wyse (n. 2), 443. Wyse finds the deal 'inexplicable', but does not consider the obvious possibility that Protarchides was in need of money.

¹⁸ He is 'the son of Menexenus' at §§ 3, 4 (where the name 'Dicaeogenes' is not used), 6, 42; Menexenus' 'only son' at § 5; 'our uncle' at §§ 4, 11; 'the one who left the money' at § 9; 'her brother' at § 9; and the phrase 'the sisters of the deceased Dicaeogenes' is found at § 16, 'the sisters of Dicaeogenes' at §§ 18, 20.

¹⁹ P. P. Dobree, *Adversaria* 1 (London, 1883), 298.

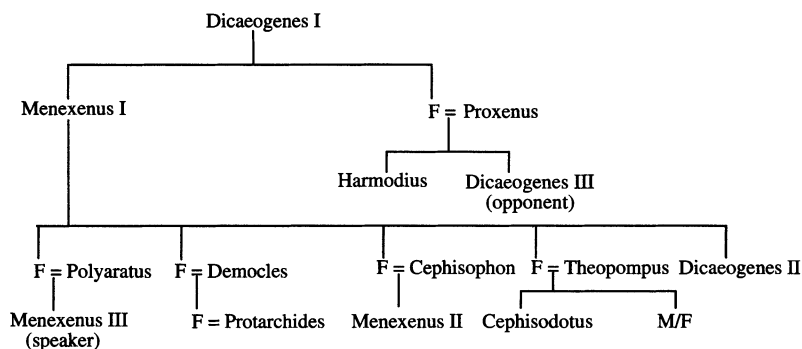
²⁰ As Buermann (n. 12, 1877), 359.

²¹ I do not accept the argument of Davies (n. 11), 476–7 that chronological difficulties demand a marriage of Proxenus' father, rather than of Proxenus himself, to the daughter of Dicaeogenes I. Davies (p. 146) follows Wyse (n. 2), 414, in thinking that Dicaeogenes III was a minor when Dicaeogenes II died in 411, and the first of the two wills was really a compromise agreement between Proxenus and the husbands of the sisters. In that case, Dicaeogenes III was born in the 420s, by which time the daughter of Dicaeogenes I (who probably died in 459) must have been well into her thirties at least. Further, his elder brother Harmodius was still active in 371 and was probably serving in the army during the Corinthian War (§ 11), so his birth-year too should fall in the 420s. However, other explanations of the business of the wills are possible (see n. 5 above), and if there was in fact only the one will adopting Dicaeogenes III as sole heir, why would Proxenus have allowed his son's inheritance to be divided into less profitable smaller parts? If, on the other hand, the brothers were born in the 440s, Harmodius will still have been of military age in 396; and if, finally, Proxenus was the son of the daughter of Dicaeogenes I, why did he not name his own second son in regular fashion after his wife's father (Proxenus' wife no longer on Davies' interpretation being a member of the Dicaeogenes family)?

²² Cf. Aristophanes fr. 745; Aristoph. Byz. *Nomina aetatum* 12, *Fragmenta* fr. 10; Procopius, *Historia arcana* 17.32.

both her parents were dead,²³ Dicaeogenes III acting as her *kyrios*, and overcomes any problems as to why Leochares was able to manipulate her husband, pressuring him to return a dowry that Dicaeogenes III had not been obliged to provide in the first place.²⁴

In conclusion, the above arguments produce the following revised stemma:



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²³ It seems that Democles, whose deme was Phrearrhioi, had remarried after divorcing the sister of Dicaeogenes II, since we know of a Pythodorus, son of Democles, of Phrearrhioi, who was an ephebe in 324/3. On the above reconstruction he cannot have been a son of the sister of Dicaeogenes II; *contra* Davies (n. 11), 148.

²⁴ I am very grateful to Professor J. B. Hall, A. Ritchie, and the anonymous referees of *CQ* for their acute observations on earlier drafts of this paper.

NEGLECTED EVIDENCE FOR DIODORUS CRONUS

There are two standard compilations of the evidence relating to Diodorus Cronus and the Megaric school of philosophers.¹ Neither contains Eustathius, *Ad Hom. Od.* 28.46–29.2, part of his note on *Odyssey* 1.107 πεσσοῖσι προπάροιθε θυράων:

Διοδώρου δέ φησι τοῦ Μεγαρίκου ἐνάγοντος τὸν τοιοῦτον λίθον εἰς ὁμοιότητα τῆς τῶν ἄστρον χορείας, Κλέαρχος τοῖς πέντε φησὶ πλάνησιν ἀναλογεῖν.

The subject of the first φησι is Eustathius' main source of information about πεττεία. Eustathius refers to him as ὁ . . . τὰ περὶ τῆς Ἑλληνικῆς παιδιᾶς γράψας and as ὁ περὶ τῆς καθ' Ἑλλήνας παιδιᾶς γράψας. He is presumably Caius Suetonius Tranquillus, who, according to the *Suda*, s.v. Τράγκυλλος, wrote one book περὶ τῶν παρ' Ἑλλήσι παιδιῶν (cf. Tzetz. *Chil.* 6.874, who speaks of Τράγκυλλος Σουητίνος [sic] τις ἐν παιδιαῖς Ἑλλήνων). The kind of stone mentioned in τὸν τοιοῦτον λίθον is a piece with a special role in πεττεία. It was a stone that was placed on a line down the middle of the board (the so-called 'holy' line or ἡ ἱέρα γράμμη), and that a player would move only as a last resort. It was a common metaphor to say that people were moving this stone when they took extreme measures of any kind

¹ Klaus Döring, *Die Megariker* (Amsterdam, 1972), 28–44, and Gabriele Giannantoni, *Socratis et Socraticorum Reliquiae* (Naples, 1990), 1.413–35.