

CONTRA LEOCRATEM AND DE CORONA:
POLITICAL COLLABORATION?

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LEOCRATES FLED ATHENS as soon as news of Chaeronea reached the city. Some eight years later, subsequent to his return, he was indicted for treason by the orator Lycurgus. The political implications of this indictment have evoked little scholarly commentary. Generally, the oration is viewed as the single extant example of Lycurgus' uncompromising denunciation of the unpatriotic elements within Athens.¹ Yet this traditional interpretation of the oration, and by inference of Lycurgus' political demeanour, is oversimplified and perhaps misleading.

From 338 to 336 B.C. Lycurgus either controlled personally or managed indirectly nearly all of Athens' financial affairs.² This extraordinary accomplishment made Lycurgus one of the most successful, indeed one of the most important, politicians in the city for over a decade. Now there is evidence to suggest that the orator's political success derived at least in part from the people's belief in his incorruptibility and fairness, and that it was as well these very qualities that helped make him a most formidable, if not an unbeatable, force in the courts ([Plut.] *X orat.* 841 f). Moreover, we are able to deduce from the extant titles of Lycurgus' orations that his political and forensic success was not won at the expense of the insignificant, since among those whom he indicted and convicted were Lysicles, a general at Chaeronea, Autolycus, an Areopagite, and Lycophron, a wealthy breeder of horses and cavalry commander in Lemnos.³

It is of this record of public achievement and judicial integrity that the indictment of Leocrates is considered typical. But a quick survey of certain features connected with the oration should make us hesitate before accepting such an estimate too quickly. For Leocrates, despite Lycurgus' attempts to magnify his importance, was simply a wealthy blacksmith (*Leoc.* 14-15, 58). Moreover, Lycurgus seems almost self-

¹See F. Durrbach, *L' Orateur Lycurgue* (Paris 1890); P. Treves, "Un' interpretazione della *Leocratea*," *RFIC* 61 (1933) 315-333; J. O. Burt (tr.), *Minor Attic Orators* 2 (Cambridge, Mass. and London 1962) 2-6; F. W. Mitchel, *Lykourgan Athens: 338-322* (Semple Lectures, 9-10 April 1968, Cincinnati 1970) 39-42; hereafter cited by author's name, as is G. L. Cawkwell, "The Crowning of Demosthenes," *CQ* 19 (1969) 163-180.

²[Plut.] *X orat.* 841 B-C; see also Mitchel 28-29.

³Burt, 136-157, provides a list of the orations and a summary analysis of their content and importance. There is only one oration about which we know nothing, viz. *Against Ischyras*.

consciously aware of the fact that the legal basis for his indictment was questionable; for in leaving Athens, Leocrates had not in fact transgressed any specific law (*Leoc.* 53–54; see Burt 10). Further, for reasons that have not been made entirely clear, popular reaction to this indictment was such that Lycurgus failed to secure a conviction against Leocrates; and this apparently was a most uncommon setback for the orator ([Plut.] *X orat.* 842f, 843c–d).

To account for most of these difficulties will require a careful review of a number of factors associated with the oration, in particular Lycurgus' motives for preparing the indictment and the occasion he chose for issuing it. But more, such a review will also demonstrate that both the circumstances and the orator's motives were linked and singularly so to the occasion when the issue of the proposed crowning of Demosthenes was finally adjudicated.

In 337/6 Ctesiphon proposed that Demosthenes be crowned in the theatre at the Great Dionysia in recognition of his public services. Though Ctesiphon's proposal passed in the Council (*Dem. De Cor.* 9, 118), it was indicted by Aeschines under a *γραφὴ παρανόμων* before being ratified by the assembly. Aeschines objected to the proposal for essentially two reasons: first, the proposal was in violation of two procedural requirements for public crownings, and second, the substance of the proposal, claiming that Demosthenes had acted in the people's best interest, was false.⁴ There is little question, of course, that Aeschines' principal objection was to the substance of the proposal; since to Aeschines' mind, Demosthenes had simply not acted in the people's best interest. Yet in all likelihood, it was the procedural irregularities that actually induced Aeschines to voice his objection. For without these issues, the trial would have become quite simply a public debate in which Demosthenes' political career—as well as that of Aeschines—would have been judged exclusively from political considerations.⁵ And despite the recent failure

⁴Aeschines *In Ctes.* 11–12, 32–34, 49. At the time of the indictment Demosthenes had not yet submitted his accounts of office to public scrutiny. In addition, there was a law forbidding the issuing of public crowns in the theatre. This second procedural fault seems not to have been very significant; see *De Cor.* 83. See further W. Gwatkin, Jr., "The Legal Arguments in Aeschines' Against Ktesiphon and Demosthenes' On the Crown," *Hesperia* 26 (1957) 129–141.

⁵Prior to Chaeronea, Demosthenes had been crowned twice and in neither instance had Aeschines voiced objection, though one of the two earlier proposals had in fact been unsuccessfully indicted (see *De Cor.* 83, 222–223). From this we might infer that Aeschines' concern over the disastrous consequences of Demosthenes' policy was not so intense as to warrant his opposing Demosthenes at every available opportunity. Moreover, in 330, when the case over Demosthenes' crowning was finally tested, though arguments about the procedural faults had lost much of their effectiveness by this time (see below, 334, note 16), Aeschines nonetheless rehearsed the procedural issues in some

at Chaeronea, Demosthenes still remained in 337/6 a man of quite considerable political stature in Athens.⁶

Yet for reasons that have not been made entirely clear, the issue escaped adjudication for six years.⁷ Aeschines' enthusiasm for resolving the case may have been blunted by Philip's death (Cawkwell 169). But at the same time, Aeschines may have been content with only a limited political victory over Demosthenes. For in indicting Ctesiphon's proposal, not only had Aeschines deprived Demosthenes of the popular vote of confidence with which an uncontested proposal would have provided him, but he seems as well to have deterred others from proposing additional crowns for Demosthenes.⁸ Thus, by refusing to do more than issue his indictment, Aeschines became a regular source of annoyance to Demosthenes without undergoing the political risks of a public trial.

Ctesiphon's and Demosthenes' reasons for allowing the issue to remain unresolved for so long appear somewhat more complex. For a time at least, they must have realized that Aeschines' objections to the procedural faults of the proposal were in part judicially unassailable. But there were of course more compelling reasons. Soon after Ctesiphon's proposal and Aeschines' objection to it, politics within Athens, which since Chaeronea had remained substantially unaffected by any overt acts on the part of Philip, were again influenced by the Macedonian.⁹ The opening of the Asiatic campaigns seriously undermined Demosthenes' position. For a time, the policies of the Panhellenists were in favour and open antagonism to Philip within Athens waned. With Philip's assassination, Demosthenes' political ascendancy was reassured: but only tem-

detail and pointedly demanded that Demosthenes respond to them (*In Ctes.* 200, 202–206): a further illustration, I suspect, of Aeschines' unwillingness to contest Demosthenes exclusively on political grounds.

⁶Demosthenes had been selected to deliver the funeral oration on those who had died at Chaeronea (*De Cor.* 285); he had been elected one of the ten tribal commissioners to oversee repair of the walls (*In Ctes.* 27, 31); and his crowning had been approved by the Council. Equally important, his popularity seems to have remained quite undiminished; see Mitchel 13.

⁷Cawkwell has marshalled some legal evidence on this point and concludes that "... there is nothing wrong, from a formal standpoint, about a six year interval in this case" (166–167). Yet the exact legal procedure employed by Aeschines and/or Demosthenes in delaying the case still remains obscure.

⁸Ctesiphon's proposal, had it gone uncontested in 337/6, would have resulted in the third crowning of Demosthenes in four years (340, 338, and 336). Yet subsequent to Aeschines' indictment there is no evidence of any other crowns being proposed in honour of Demosthenes. The Macedonian supremacy was doubtless the principal reason for this; though Aeschines' indictment and the impending suit cannot be overlooked.

⁹See *De Cor.* 248–250, *In Ctes.* 159; though for a time the Athenians did anticipate a direct attack by Philip. See also Cawkwell 169.

porarily. Alexander was quick to act and he soon gained the support of the Amphictiony at Pylae. Thus, under the dramatically and swiftly changing circumstances of 336, Demosthenes judiciously refrained from seeking a popular vote of confidence by means of a court verdict: a decision made more judicious by the fact that in 336 Ctesiphon was still personally liable for his proposal.¹⁰

Nor did 335 provide Demosthenes and Ctesiphon a more advantageous opportunity for final resolution of this issue. With Alexander's leveling of Thebes, Demosthenes could ill afford to seek a popular vote of confidence through the courts. In fact, it was only through the intercession of Demades and Phocion that Demosthenes and others were able to escape being handed over to Alexander for their part in the Theban rebellion (Arr. *Anab.* 1.10.2-5). And subsequent to 335, it is unlikely that Demosthenes would have risked divulging in a political trial his covert dealings with Persia.¹¹ Demosthenes, therefore, simply let the matter of his crowning go unresolved for the time being, since Aeschines for his part had chosen not to seek final adjudication.

The question was finally decided in August of 330.¹² It is not at all clear, however, whether Aeschines or Ctesiphon and Demosthenes reopened the case at this time. G. L. Cawkwell, the most recent commentator on the topic, places the responsibility squarely with Aeschines. In partial support of his thesis, Cawkwell cites from the trial a remark made by Demosthenes that Aeschines is the type of character who awaits misfortune to befall the city and only then enters the political scene.¹³ Cawkwell argues that this statement by Demosthenes disposes of the notion that it was anyone but Aeschines who reopened the suit. Yet Cawkwell's interpretation of Demosthenes' complaint is not entirely convincing. A general charge of vexatiousness, such as this, was of course so standard an accusation in Athenian political trials that we should hesitate before seeing in it a literal reference to virtually any situation.¹⁴ Moreover, Demosthenes' remark forms a natural conclusion to the preceding sections of the address wherein the orator had listed in some

¹⁰A. R. W. Harrison, *The Law of Athens: Procedure* (Oxford 1971) 78, note 1.

¹¹See Cawkwell 176-177. There is some evidence to indicate that Demosthenes, contrary to the people's wishes, accepted in 335 at least a portion of the 300 talents offered to Athens by Darius; see *In Ctes.* 239, Dinarchus 1.10, and Plut. *Dem.* 20.4. This surely was a matter that would have been examined in very close detail had the trial occurred during these years.

¹²From Dion. Hal. *Letter to Ammaeus* 1.12 we learn that the year was 330, and from Aeschines *In Ctes.* 254 we find that the month was August. See Cawkwell 168, note 7.

¹³Cawkwell 167; also see R. B. Richardson (ed.), *Aeschines Against Ctesiphon* (Boston and London 1899) 24-25 for an analysis of how the debate on the reopening stood in the nineteenth century.

¹⁴As Aeschines himself implied on an earlier occasion (2.99-100).

detail his own extensive and continued political activities.¹⁵ Against these, Aeschines' periodic inactivity and the alleged nature of the occasions that inspire him to activity should more probably be seen as a rhetorical, and not a factual, contrast. Indeed, that Demosthenes resorts to such a stock charge, here and elsewhere (e.g., *De Cor.* 198), is perhaps itself suggestive: why after a six-year delay did Demosthenes simply not make a straightforward comment about Aeschines' reopening of the case, for surely an unequivocal statement in this regard would have been to his advantage?

In fact, there is little material evidence to suggest that Aeschines was the pursuer in 330. Judicially, he could have caused only minimal discomfort by reopening his suit. The indictment after all was a *γραφὴ παρανόμων* against Ctesiphon's decree. Ctesiphon then was the only opponent legally involved. But as Aeschines himself notes even Ctesiphon would not have suffered greatly, if at all, from an adverse judgement (*In Ctes.* 210).

Further, the two alleged procedural irregularities, which appear to have moved Aeschines actually to indict Ctesiphon's decree in 337/6, had by 330 clearly lost force. For with respect to the more serious of the two charges, Demosthenes had long ago undergone scrutiny of his public records.¹⁶

Moreover, by 330, Aeschines had been withdrawn from active politics for nearly six years.¹⁷ Doubtless whatever political support he may have been able to muster earlier in the decade on behalf of his case was by 330 seriously diminished.¹⁸ And without strong partisan support, Aeschines' chances of gaining a political victory in the courts in 330 were not great at all.¹⁹

Aeschines' sole motive for reopening the suit then would have been

¹⁵See *De Cor.* 252–324, especially 301–314, for a series of comparisons between Demosthenes and Aeschines. Most are too outrageous to be taken literally.

¹⁶*De Cor.* 117; Ctesiphon's decree, of course, was still technically liable in 330 since Aeschines' suit had been issued against it as presented in 337/6.

¹⁷See Cawkwell, 166, for a brief analysis of Aeschines' career subsequent to Chaeronea.

¹⁸See Mitchel 22. Further, Eubulus, who had been the most influential of Aeschines' earlier associates, had probably retired from politics himself in 338, and may in fact have been dead in 330; see G. L. Cawkwell, "Eubulus," *JHS* 83 (1963) 47–67.

¹⁹See Raphael Sealey, "Athens after the Social War," and "On Penalizing Aereopagites," in his *Essays in Greek Politics* (Princeton 1965) 164–182 and 183–185, who shows that Athens in the fourth century was not structured along clearly defined, major-party lines. Rather, various smaller groups, held together by a variety of ties—blood, friendship, the personality and popular prestige of an individual—vied in determining Athenian policies. The courts, of course, would be a commonly used forum in these struggles. At Mitchel 22 has pointed out, "A 'party' which could muster neither a fifth part of the votes nor give comfort to a 'member' who had suffered in the line of duty was no party at all."

spite: a desire to denounce and perhaps discredit Demosthenes' political reputation. Yet prior to 336 Aeschines had twice failed to respond to opportunities to attack Demosthenes on this very basis. And subsequent to 336 Aeschines is not even included in the list of those whom Demosthenes charges attack him daily in the courts.²⁰ Indeed, there is little here to suggest that it was Aeschines who was the first to move in 330.

By contrast, there were certain technical advantages for Demosthenes in having the suit of 337/6 heard in 330. Not only had Aeschines' complaints about procedural irregularities been seriously weakened by the six-year delay, but these charges themselves were now open to the plausible, though rhetorical, countercharge of being petty and spiteful (*De Cor.* 111–125). Moreover, once Demosthenes were to require that the suit against Ctesiphon's motion be heard, there would be no escape for Aeschines. For had Aeschines failed to follow through with his suit, he would have been subject to the same fine and penalty as in the end he was subject to for failing to receive a fifth share of the ballots cast (cf. *Dem. Meid.* 47).

Yet it seems implausible to suggest that Demosthenes would have forced the case against Ctesiphon's motion to be heard finally in 330 simply because he found Aeschines' position judicially especially vulnerable. Indeed, the reopening of this suit after so long a delay suggests that a motive more substantial than personal enmity was involved; and for this we may look to the events of 331/30 and to Demosthenes' and Lycurgus' involvement in them.

On a number of occasions Lycurgus and Demosthenes worked in consort during the third quarter of the fourth century. Politically, both were adamant anti-Macedonians. Both may have served on an embassy in 343 to encourage anti-Macedonian sentiment within the Peloponnese;²¹ and Alexander demanded the surrender of both following the revolt of Thebes.²² In addition, the two participated in preparing Athens' defenses after Chaeronea.²³ Further, each seems to have possessed a similar desire to return Athens to her former position of greatness: a desire fostered in part by their similar "aristocratic" backgrounds. Both, it seems, were well-born and quite wealthy.²⁴ Though Lycurgus was Demosthenes'

²⁰See *De Cor.* 83, 222–223, 248–249.

²¹[Plut.] *X orat.* 841 e–f; cf. Paul MacKendrick, *The Athenian Aristocracy*, 399–31 *B.C.* (Cambridge, Mass. 1969) 19, who believes, however, that the embassy was limited to members of the *genos Bouzyges*, to which Lycurgus did not belong.

²²[Plut.] *X orat.* 841e and 847c; Arr. *Anab.* 1.10.2–5.

²³For Demosthenes' activities immediately after Chaeronea, see above, note 6; for Lycurgus', see Mitchell 28–31. Clearly, they were not working at cross purposes.

²⁴For Lycurgus' background, see [Plut.] *X orat.* 842c; MacKendrick (above, note 21) 22–24; and Mitchell 32; for Demosthenes, see MacKendrick 3, 8, 69, note 33; and J. K. Davies, *Athenian Propertied Families* (Oxford 1971) 133.

senior by about a decade, the two may have been personal friends; for we find Demosthenes writing a letter in defense of Lycurgus' indebted son after the death of the elder orator ([*Plut.*] *X orat.* 842e). To men of this background and position opposition to the Macedonian supremacy was of course more than ideological. Both had been tested, and grievously so, by the events and political trials following Chaeronea.

Now during the course of 331/0 the integrity of Athenian opposition to Macedon sustained a serious setback. Sometime prior to mid-summer 331, Amyntas left Greece with a force of approximately 15,000 to reinforce Alexander's army in Asia.²⁵ This, when coupled with Memnon's revolt in Thrace,²⁶ seriously weakened Antipater's military control over Greece. King Agis' long awaited opportunity for war had finally arrived and he reacted.

Agis' call to war, made attractive by his defeat of Corrhagus and the siege of Megalopolis, caused some confusion in Athens. Demosthenes, anticipating doubtless that Alexander would soon be occupied with Darius, at first encouraged Athenian support for Agis' venture.²⁷ His enthusiasm was not long-lived, however; and a decision not to intervene was finally secured when Demades specified to the people the cost of their involvement in the war.²⁸ Yet Demades' proposition was doubtless but the final and least impressive manoeuvre in this entire affair. As Mitchel has indicated (16-17), Athens was in no position to go to war in 331. Lycurgus, at least, was aware of this and apparently he soon convinced Demosthenes. The Lycurgan programme of gradual restoration was not to be risked on a potentially disastrous and ill-timed war. Hence, without active support from Lycurgus and then Demosthenes, arguments to support Agis soon lost force, and Demades' offer put an end to the question.

By the spring of 330, news of Gaugamela had reached the city and Agis' war was over.²⁹ With these events, Athenian hopes for liberation rested primarily, if not exclusively, on an untimely death for Alexander.

²⁵See A. B. Bosworth, "The Mission of Amphoterus and the Outbreak of Agis' War," *Phoenix* 29 (1975) 27-43, who convincingly argues that Agis' war extended from the summer of 331 to the early spring of 330. In making his case, Bosworth overturns Badian's arguments ("Agis III," *Hermes* 95 [1967] 178-184) that the war began in the spring of 331 and lasted till autumn of the same year.

²⁶Badian, *op. cit.* 179-184.

²⁷*Plut. Dem.* 24.1. That Demosthenes at first supported Agis' war—a fact overlooked by Badian, *op. cit.* 182-183—strengthens Bosworth's case (above, note 25). For Demosthenes' early enthusiasm can perhaps best be explained as a response to Amyntas' withdrawal of the 15,000 troops.

²⁸*Plut. Mor.* 818e-f. Monies earmarked by Demades for popular use at the spring Festival of the Pots would be converted to the war fund.

²⁹Bosworth (above, note 25) 38-41; Cawkwell 170.

To encourage active anti-Macedonian opposition in the Council or assembly would have been futile, as well as embarrassing; Agis' war had provided ample illustration of that. Yet at the same time a failure to sustain at least nominal resistance to Macedon would have been fatal to the Lycurgan programme of restoration. For patriotism, with Macedon as the focal antithesis, was at the heart of that programme (Mitchel 49). It was imperative then that Lycurgus and Demosthenes find a means to invigorate popular opposition to Macedon, but do so in such a way as to avoid the risk of an inopportune military commitment. The courts alone provided a suitable vehicle for such an undertaking; for the decisions of the heliasts did not commit the city to action.

Earlier it was noted that there were for Demosthenes certain technical advantages in having the indictment of 337/6 heard in 330; the most noteworthy of these were Aeschines' inability to secure strong partisan support for his cause as well as the harm done to his procedural complaints by the six-year delay. To these may be added Aeschines' past failure to be vigorous in his opposition to Macedon (Mitchel 20–22). This failure, when interpreted by Demosthenes for the heliasts in 330, became clear evidence of the man's pro-Macedonian sympathies (e.g., *De Cor.* 132–159). Under Demosthenes' careful orchestration,³⁰ the trial over Ctesiphon's proposal became something other than a defense of Demosthenes' political career; it became in sum a staged debate between traitor and patriot, pro and anti-Macedonian. Indeed, the themes played upon by Demosthenes in his defense—patriotism, the glory of Athens' past, honour, liberty—were exactly those which were at the heart of the Lycurgan programme of restoration.³¹

Moreover, in making Aeschines the focus of his denunciations, Demosthenes incurred little risk of jeopardizing whatever sense of political cooperation existed among the leaders of the city in 330 (Mitchel 26–27). Aeschines was not a part of this cooperative process; and those whose views at one time may have been generally consonant with Aeschines' found no reason to support him in the present situation: a situation for which Aeschines himself was more than partially to blame (Mitchel 22). For Demosthenes, Aeschines in August of 330 was a man of straw: a vehicle by which popular opposition to Macedon might be re-evoked

³⁰Demosthenes' efforts to establish ahead of time the themes and issues of the trial were apparently quite extensive; see Aeschines' complaints about pre-trial canvassing and public campaigning (*In Ctes.* 1, 213–215), as well as his demand that Demosthenes respond to the charges as they were presented (*In Ctes.* 200, 202–206). From this, as well as from Demosthenes' own remarks (*De Cor.* 2), it is apparent that Demosthenes had a rather well known and predetermined line of defense (attack) from which he was most unwilling to move.

³¹Cf., e.g., *De Cor.* 188–210 with *Leoc.* 75–130; also, see Mitchel 28–52.

and an instrument through which visions of Athens' former greatness might be refocused.³²

It was for similar reasons and under similar circumstances that Lycurgus undertook his indictment of Leocrates. We know from Aeschines that Leocrates was tried shortly before his own encounter with Demosthenes: probably late spring or early summer 330.³³ Generally, it has been assumed that Lycurgus moved to indict Leocrates immediately upon the repatriation of the latter (e.g., Burt 10). Yet the evidence of Lycurgus' address suggests otherwise. Leocrates abandoned Athens within days of the battle of Chaeronea (August, 338) and sailed directly to Rhodes where his description of the disaster caused considerable consternation (*Leoc.* 16–19). But when Athenian merchant traffic continued to arrive at Rhodes, Leocrates' exaggerated claims were disproved and, alarmed, he soon returned to Greece and took up residence in Megara. This would be either in the late autumn of 338 or the spring of 337.³⁴ There he lived for five or six years before returning to Athens (*Leoc.* 21, 145). Thus, by Lycurgus' own calculations, Leocrates would have repatriated himself sometime late in 332 or early 331. This, when taken with Aeschines' statement, would mean that Leocrates had resided in Athens anywhere from a year to eighteen months prior to Lycurgus' bringing indictment against him.

Such a considerable lapse becomes comprehensible only when examined in the context of events of 331/0: the same context in which the reopening of the suit against Ctesiphon's motion occurred. For Leocrates' actions, when reviewed in the arena of the courtroom, became something other than a dated example of desertion and cowardice. In fact, Lycurgus would have us believe that in leaving Athens Leocrates had actually

³²Both Mitchel 22 and Cawkwell argue that the failure of Agis' war, which had gone unsupported by Athens, provided a suitable moment for Aeschines to renew his attack on Ctesiphon's motion and Demosthenes' career. Demosthenes, presumably, would have been politically weakened by his failure to support the war fully. Yet this is difficult to imagine. For as was noted earlier (above, note 27) Demosthenes had been one of the very few initially to support Agis' war. His *volte-face* was ultimately quite consistent with the popular will. It is unlikely, therefore, that Aeschines would have seen in this issue an obvious means for reopening his suit against Ctesiphon's motion. In addition, Aeschines spends very little time indeed in examining Demosthenes' response to Agis' war (see *In Ctes.* 133, 165–167); this seems somewhat unusual if this was in fact the issue that had inspired Aeschines to act after so many years of silence.

³³See *In Ctes.* 252; although it is impossible to determine precisely from Aeschines' remark (*πρώην*) the date of the trial.

³⁴Lycurg. *Leoc.* 21. Normally, the outside limits for sailing in the Aegean were March and November (L. Casson, *Ships and Seamanship in the Ancient World* [Princeton 1971] 270). From Lycurgus' statements we can assume that Leocrates' account of Chaeronea was disproved either by November 338 or by March 337. In either event he would have returned to Greece (Megara) no later than late spring 337.

provided material assistance to the Macedonian cause (*Leoc.* 36–54). Indeed, when reduced to the simplest of political terms, this trial, like the debate between Demosthenes and Aeschines, could readily be characterized as a confrontation between traitor and patriot, pro and anti-Macedonian. Moreover, we find beyond the terms of the indictment itself that the themes, issues, and values rehearsed by Lycurgus are not unlike those which Demosthenes evokes in his own defense: patriotism, the heritage of Athens' greatness, and the city's commitment to freedom and liberty (*Leoc.* 75–130). In both orations the rhetoric of the Lycurgan programme is strongly in evidence.

Further, Leocrates, like Aeschines, lacked anything resembling strong partisan support. He was as a result an attractive target for indictment, for there would be in such a suit little risk of arousing strong reactions from the principal political figures in the city. Nor is it likely that Lycurgus in undertaking this suit anticipated suffering seriously from a charge of sycophancy, despite the tardiness of his action. For the indictment of Leocrates generally resembled that which he had brought against Autolycus years earlier.³⁵ There was precedent for Lycurgus in this trial, as there was for Demosthenes in denouncing Aeschines.

The similarities in these two trials—in the tone, in the circumstances, in the mood, and in the occasion—are surely more than coincidental. Indeed, the evidence strongly suggests close collaboration between men of generally consonant political views for the purpose of achieving a common political objective: revitalization of the popular will. In using the courts in this way Demosthenes and Lycurgus were of course only taking precedent from their own opponents, and were as well acting in a manner quite typical of fourth-century Athenian politics.³⁶ In addition, we may find in Polyeuctus' indictment of Euxenippus, a trial sometimes dated in 330 in which Lycurgus supported the prosecution, a further illustration of the attempt to arouse anti-Macedonian sentiment through forensic debate.³⁷ For the extant oration for the defense indicates that here too a central issue in the prosecution's complaint was the alleged pro-Macedonian sympathies of the wealthy defendant.³⁸

If Demosthenes and Lycurgus did cooperate in the manner suggested, then certain difficulties connected with both orations become somewhat less troublesome. For collaboration of this sort allows us to grant to

³⁵As Lycurgus himself reminds the jury (*Leoc.* 53).

³⁶See, e.g., *De Cor.* 197, 249; and Sealey (above, note 19).

³⁷See Burt 462; Hypereides *Euxenippus* 12.

³⁸Hypereides *Euxenippus* 21–22, 32, 39; see Mitchel 24, who justifies Lycurgus' participation in this suit by noting that "the deeply religious old man (Lycurgus) truly believed that Euxenippus had played false in reporting the oracular dream. . . ." It is plausible, however, that the religious nature of Polyeuctus' charge served only as an excuse for Lycurgus' entering this trial.

Lycurgus in his pursuit of this indictment a political insight more incisive and more consistent with what we know of his political accomplishments than has traditionally been suggested. At the very least, we can understand why the senior statesman undertook this rather petty suit in the first place. At the same time, collaboration of the sort suggested allows us to see how Aeschines, who had been withdrawn from active politics for nearly six years, could become embroiled in a political debate in which he had so little to gain judicially and so few political resources with which to gain it.

The results of Demosthenes' and Lycurgus' actions were, we know, mixed: Leocrates was acquitted by virtue of a tie vote (*In Ctes.* 252), while Aeschines failed to secure a fifth share of the ballots cast ([*Plut.*] *X orat.* 840c-d). It is difficult to understand completely this disparity in the verdicts. Leocrates' acquittal may perhaps be a reflection of the jury's uncertainty about the propriety of Lycurgus' indictment; the delay between repatriation and indictment was indeed considerable and Lycurgus himself seems somewhat uncertain about the validity of his charge. Nor is it likely that the overly severe and at times monotonous tone of Lycurgus' address in any way mitigated these difficulties.

In Demosthenes' resounding success on the other hand we may see an attempt by the people of Athens to make known to Alexander at least their spiritual commitment to liberty and freedom. And at the time this trial was heard there was little more that they could do. In fact, the vote against Aeschines does seem to indicate that Demosthenes and Lycurgus were at least partially successful in revitalizing popular sentiment against Macedon. Indeed, the effectiveness of their actions cannot be minimized, for it was another eight years before Athenian resistance to Macedon finally came to an end.

COE COLLEGE, CEDAR RAPIDS, IOWA