

## NOTES ON ANDOCIDES

Here are a few corrections or additions to the commentaries of Douglas MacDowell on the *De Mysteriis* and of Umberto Albinì on the *De Pace*.

### *De Mysteriis*

7. ὥστε ὑμᾶς πολὺ ἂν ἥδιον δίκην λαβεῖν παρὰ τῶν κατηγορῶν ἢ παρὰ τῶν κατηγορουμένων: 'A prosecutor who failed to obtain at least one-fifth of the jury's votes at the end of the case was in fact liable to punishment.' So MacDowell, who gives a detailed description of the process by which the offender was punished. But this is not what Andocides has in mind: ἂν shows that δίκην is not a penalty actually imposed, but that *given the choice* of inflicting, say, the death penalty on either the defendant or the prosecutor, the jury would have imposed it on the latter.

15. ἄδειαν εὐρόμενος: Cf. § 34; εὐρίσκομαι is frequently used in decrees to mean 'obtain as a privilege.' Examples from the fifth century can be found in *IG I<sup>2</sup>* 40,70,87,108, and 133.

17. The location of Themakos is not certain. The best evidence is a list of members of the Boule (*SEG XIX* 149) which groups it with the inland demes of its tribe. Thus it probably lay in the vicinity of Kephisia, some ten miles north of Athens, not too far for Athenians to walk. Pherekles had several pieces of property in different areas of Attica (cf. *IG I<sup>2</sup>* 325).

38. ἀποφοράν: The lexicographers' definition of this word as money paid by a slave to his master (Suda and *Etymologicum Gudianum*, s.v., Ammonius 66) is borne out by the 'Old Oligarch' 1.11, Aeschines 1.97, Theophrastus *Characters* 30.15, Menander *Epitrepontes* 163 Wilamowitz and fr. 431 Edmonds, Teles *apud* Stobaeus 3.1.98 Hense, Artemidorus 1.31, 1.76, and 3.41, and Diogenes Laertius 7.169. An Athenian owner would often allow a slave to open a shop (as in Hyperides *Against Athenogenes*) or seek work on his own. The slave would pay over to his master part of his earnings and keep the rest for himself, saving up meanwhile to buy his freedom. On the other hand, when Nikias sent one thousand slaves to work in the mines (Xenophon *Poroi* 4.14), presumably he kept everything for himself. The only passage where ἀποφορά would refer to a hiring-fee paid directly by a mine owner to a slavemaster would be Xenophon, *Poroi* 4.49: ἡ ἀπὸ τῶν ἀνδραπόδων ἀποφορά τὴν διατροφήν τῇ πόλει αὐξοι ἂν, but the reading of the manuscripts here is εἰσφορά (= income?). I suggest, therefore, that Diokleides' slave worked for himself and, since mining was a deadly business, that he was employed at washing or refining the ore which other slaves

dug. As in the *Epitrepontes* it was up to his master to go out and collect the ἀποφορά from the slave.

38. πανσέληνον: There is a similar incident in the career of Abraham Lincoln, who was called upon to defend a man named Duff Armstrong on a charge of murder. The prosecution's chief witness was a Charles Allen, who claimed to have seen the crime committed. On cross-examination Lincoln adroitly led him to commit himself irretrievably to the statement, repeated 'a dozen or more times,' that he could not be mistaken about what he had seen, because the moon was shining brightly at the time. Suddenly, dramatically, Lincoln fell upon the witness, riddling his testimony by confronting him with an almanac for [that year] which showed that at the hour of the alleged fracas the moon was not in the position stated by Allen, but, rather, was low in the sky, within an hour of setting. One can see the witness twisting and wriggling through the ordeal, like a sailfish coming to gaff, while the laboriously constructed case for the prosecution crumbled. As several jurymen later stated to [Lincoln's assistant], 'The almanac floored the witness.' (John J. Duff, *A. Lincoln, Prairie Lawyer*, 355). One can imagine Diokleides going through the same torment.

40. One would not expect to find Andocides' sister marrying into a family of artisans. Perhaps Euphemos' smithy was actually operated by a slave of his.

45. ἐδείπναι ἐκεῖ: I suggest the translation 'was receiving maintenance' in the Prytaneum and that Diokleides had been voted this privilege for an indefinite period or even for life.

56. (ἔμοι γάρ, ὦ ἄνδρες, τοῦδε τοῦ ἀγῶνος τοῦτ' ἔστι μέγιστον, σωθέντι μὴ δοκεῖν κακῶ εἶναι): Taking σωθέντι as 'acquitted', MacDowell translates, 'since for me, gentlemen, the most important thing in this trial is that I should be acquitted and so have my reputation cleared.' It is much more likely that σωθέντι refers to Andocides' release from prison in 415. He says in § 54 that his enemies have contrived the slander ὡς ἄρα ἐμήνυσα κατὰ τῶν ἐταίρων τῶν ἑμαυτοῦ, ὅπως ἐκεῖνοι μὲν ἀπόλοιντο, ἐγὼ δὲ σωθείην and in § 57 he speaks of the choice between καλῶς ἀπολέσθαι ἢ αἰσχρῶς σωθῆναι. In both instances he refers to the events of 415. His main task now is to refute the notion that he chose αἰσχρῶς σωθῆναι when in fact he did inform on his comrades. (His own defense shows that an informer was κακός, for in mitigation of his action he says αὐτοῖς συνέκρυσσα [67].) Translate: 'since for me, gentlemen, the most important thing in this trial is not to appear base, even though I was saved.'

57. εἰ μὲν γὰρ ἦν \* δυσι \* τὸ ἕτερον ἐλέσθαι: Editors normally emend to δυοῖν τὸ ἕτερον ἐλέσθαι, but on logical grounds MacDowell expects τοῖνδε or τοῦτοι. The standard emendation, however, is fully in accord with Greek idiom, which regularly prefers δυοῖν θάτερον *vel sim.*, without the demonstrative; cf. And. 3.28 Lys. 6.8, 12.34, and POxy. 1606, fr. 6; Isaeus 3.74, Isocrates 5.86, 6.89, 7.33, 14.34, and 15.197, Dem. 9.11, 18.139,

19.176, 23.195, 27.45, 49.41, 51.16, 56.2, and 56.27, Aesch. 3.208, Dinarchus 1.10 and 2.22, and Hyperides *Lycophon* 9.

62. ὁ Ἑρμῆς ... ὃν ἡ Αἰγῆις ἀνέθηκεν: MacDowell thinks that Andocides lived in the deme Kydathenaion, which belonged to the tribe Pandionis. 'The fact that the Hermes was set up by the Aigeis tribe does not prove that it (and the Phorbanteion) were in an area allotted to this tribe.' In support of this view one can cite a decree of the tribe Aiantis, set up in the Eurysa-keion, which in all probability was situated in the deme Melite, a member of the tribe Kekropis (cf. R. E. Wycherley, *The Athenian Agora* III, *Literary and Epigraphical Testimonia*, 90ff.) Again, a stele of the tribe Akamantis found at Kallithea, south of Athens (*SEG* XXIII 78), was originally placed [ἐν τῷ] ἰερόνι τοῦ Ἀκάμ[αντος]. Yet all our other evidence indicates that the city demes of Akamantis lay north and west of Athens (cf. R. Löper, *Ath. Mitt.* 17 [1892] 393ff.) Consequently, it would not be surprising if Aigeis set up a monument in a deme belonging to another tribe.

65. MacDowell says that Phegous was 'a deme near Marathon (Steph. Byz. Ἀλαί Ἀραφηνίδες), belonging to the Erechtheis tribe.' The reading of the manuscripts of Stephanus here, μεταξύ Φηγέως τοῦ πρὸς Μαραθῶνι, is apparently corrupt, for *s.v.* Φηγοῦς all the τοπικά contain the stem Φηγουντ – (and the τοπικά of the demes Acherdous, Agnous, Alimous, Anagyrous, Myrrhinous, and Rhamnous are formed in the same manner). The deme near Marathon was probably Phegaia of the tribe Aigeis, not Phegous. If we have learned anything about Kleisthenes' reforms, it is the fact that almost without exception the demes of a given trittys were neighbors (cf. R. Löper, *Ath. Mitt.* 17 [1892] 319ff.) None of the trittyes of Erechtheis was located near Marathon, but two trittyes of Aigeis were. (For a convenient map consult Victor Ehrenberg, *From Solon to Socrates*, 91). In the text of Stephanus we should probably read Φηγ<αι>έως. Although the usual form is Φηγαία, the lexicographical tradition does recognize Φηγαίεός as the name of a deme (Hesych. *s.v.*). As for the location of Phegous, the best evidence is a list of members of the Boule (*SEG* XIX 149) which groups it with the inland demes of Erechtheis. It was probably located, therefore, near Kephisia, some ten miles north of Athens.

73. ἢ ὄνάς πριάμενοι ἐκ τοῦ δημοσίου μὴ κατέβαλον τὰ χρήματα, ἢ ἐγγύας ἠγγυήσαντο πρὸς τὸ δημόσιον (τούτοις ἢ μὲν ἔκτισις ἦν ἐπὶ τῆς ἐνάτης πρωτανείας· εἰ δὲ μή, διπλάσιον ὀφείλειν καὶ τὰ κτήματα αὐτῶν πεπραῖσθαι): Andocides is especially concerned with inculpating one of his prosecutors, who allegedly failed to make payments on the contract which he bought to collect taxes (92f.), but ὄνάς here may have a wider application than 'privileges of tax-collection.' The Decree of Patrokleides restored civic rights to those who were registered as debtors with the treasurers of Athena and the Other Gods, the basileus, and the poletai. Aristotle says (*Ath. Pol.* 47.2f.) that the poletai handled four types of transactions: [μισ]θουσι δὲ τὰ μισθώματα πάντα καὶ τὰ μέταλλα πωλοῦσι, καὶ τὰ τέλη . . . ἀναγράφουσι

δὲ καὶ τὰ χωρία καὶ τὰς οἰκίας [τὰ ἀπογραφ]έντα καὶ παραθέντα ἐν τῷ δικαστηρίῳ· καὶ γὰρ ταῦθ' οὗτοι πωλ[οῦσιν.] The distinction between *μισθώματα* and *ὄναι* is confirmed by Xenophon *Poroi* 4.19: *μισθοῦνται γοῦν καὶ τεμένη [καὶ ἱερά] καὶ οἰκίας καὶ τέλη ὄνουνται παρὰ τῆς πόλεως* (cf. also Dem. 24.40 and *IG I<sup>2</sup> 94*). So *ὄναι* can include mining concessions (cf. Dem. 40.52: *ὄνήν τινα μετάλλων*) and the purchase of confiscated property (cf. *IG I<sup>2</sup> 325* and *328*) as well as tax contracts. Dem. 37.22 makes it clear that in some circumstances one who purchased mining rights was liable to a double payment if he defaulted on his instalment payments (*καταβολαί*). Unfortunately, the date when these payments were due is unknown. Conversely, those who bought confiscated properties were to pay their instalments in the ninth prytany (*Ath. Pol.* 47.3), but in this case the penalty for default is not known. Whether or not Andocides has in mind those who defaulted on leases of public property, the Decree of Patrokleides must have benefitted them too. Some of them were registered with the *basileus*, who handled *τὰς μισθώσεις τῶν <τε>μενῶν* (*Ath. Pol.* 17.4). An example of this procedure, dated to the year 418/7, is *IG I<sup>2</sup> 94*, providing for the leasing of the *temenos* of Neleus and Basile by the *basileus* and the *poletai*. The lessee must provide sureties and pay each year in the ninth prytany.

77. MacDowell says, 'The ten treasurers of Athena and ten τῶν ἄλλων θεῶν had in 406 been amalgamated into a single board of ten (see W.S. Ferguson *The Treasurers of Athena* 104-9).' This date is indeed probable, but not certain, and several of Ferguson's arguments in its favor are fallacious, as Dinsmoor has shown (*AJA* 36 [1932] 149ff.) Other alternatives are 407 and 405.

79. The First Kallias Decree (*IG I<sup>2</sup> 91*), providing for repayment of debts to the Other Gods, illustrates this section of the Decree of Patrokleides very nicely: *ἀποδόντων [δὲ τ]ὰ χρέματα ἡοι πρυτάνες μετὰ τῆς βολῆς καὶ ἐχσάλειφόντων ἐπει[δὰν] ἀποδοῦσιν, ζετέσαντες τὰ τε πινάκια καὶ τὰ γραμματεῖα καὶ ἐὰμ π[ο] ἄλλ]λοθι ἔι γεγραμμένα. ἀποφαινόντων δὲ τὰ γεγραμμένα ἡοί τε ἱερ[ῆς κ]αὶ ἡοι ἱεροποιοί καὶ εἴ τις ἄλλος οἶδεν (10ff.)*

84. εἰς τὸν τοῖχον: Fragments of not one, but two walls containing the revised law code have been discovered; cf. Sterling Dow, *Hesperia* 30 (1961) 58ff. Unfortunately there is not enough material preserved to show the relationship of these walls to this passage.

91. ἡ αἰεὶ βουλευούσα: αἰεὶ in this sense occurs frequently in inscriptions; examples from the fifth century include *IG I<sup>2</sup> 59, 79, 91*, and 118.

95. Surely Andocides realized that the decree of Demophantos is not a *nomos* of Solon. What he must mean is that that portion of the decree which allows the killing of such a person as Epichares goes back to Solon. Even so, most scholars doubt Solon's authorship of such a provision, but I do not see that it is necessarily inconsistent with Aristotle's statement (*Ath. Pol.* 8.4) that he arranged for the Areopagus to try *τοὺς ἐπὶ καταλύσει*

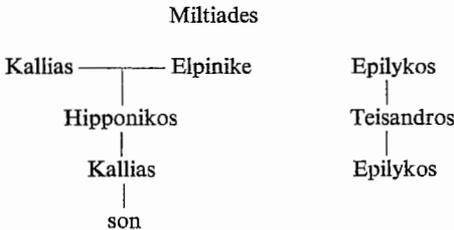
τοῦ δήμου συν[ι]σταμένους. In a revolutionary situation some subversives might be assassinated and others tried like Phrynichos and Antiphon, respectively.

108. Andocides apparently had a sincere interest in the question of the ἀφορμή for building and rebuilding Athenian power; cf. *De Pace* 37ff.

117. ἀπέθανε δὲ ἐν Σικελίᾳ: There is throughout the oratory of Andocides a tendency to telescope the events of a decade into one or two sentences: Marathon and the burning of Athens (107f.), the career of Amorges, the Decelean War, and possibly relations between Athens and Syracuse (*De Pace* 29ff.) So we may have another example in 117. One would expect that Epilykos died during the Sicilian Expedition, but MacDowell points out the difficulty of leaving his estate unsettled until 400. Still, if his daughters were infants at the time of his death, it would account for the delay in adjudicating the claim. A. R. W. Harrison in his recent definitive work on *The Law of Athens* says, 138, 'the evidence is insufficient to determine whether a girl who had not reached puberty on the death of her father became ἐπίδικος on his death or only on reaching puberty.'

117. Τεισάνδρου: In all probability this man's father was named Epilykos, and his daughter married Pericles' son Xanthippos; cf. *Plut. Pericles* 36.

121. λαγχάνει τῷ υἱεῖ: As MacDowell says, 'Makkink therefore suggests that Kallias was related to Epilykos's father Teisandros. The names Epilykos and Teisandros both occur in the pedigree of the elder Miltiades . . . ; and the younger Miltiades was Kallias's great-grandfather, since the elder Kallias married his daughter Elpinike.' This relationship is shown in the following chart:



Even in the unlikely event that Epilykos and Elpinike were brother and sister, Kallias' son would still be Epilykos' second cousin once removed and thus outside the ἀγχιστεία. (His position would be identical to that of the plaintiff against Theopompos in *Isaeus* 11.) There was probably a closer connecting link between Epilykos and Kallias' son, but we do not know what it was.

121. ταῖς [δ'] εἰκάσι: This word is probably a synonym of εἰκάς, meaning the twentieth, not 'the days of the month from the 20th onwards.' An Eretrian inscription (*IG* XII 9 207) contains the date ἀπ[ὸ] τῆς δεκάτης μετ'

εικάδα, from which we can infer that in the Athenian calendar μετ' εικάδας means *after* the twentieth, not *during* the twenties. In Greek literature 'twentieth' is the likely meaning at Plut. *Camillus* 19, Euripides *Ion* 1076f., and Diogenes Laertius 10.18 and a possible meaning at Aristophanes *Nubes* 17. In Andocides it seems more appropriate to name a second precise date to match the other one (δεκάτη ἱσταμένου) and the precise sum of money (one thousand drachmai). For further discussion cf. B. D. Meritt, 'Αρχ. Ἐφ. (1968) 106f.

132. 'Α<...> Δελφόν: This is Bekker's correction of the Cripps manuscript's ἀδελφόν. Paleographically, however, alpha is more likely the final rather than the initial letter of the name of Andocides' friend from Delphi: <...> α Δελφόν.

132. ταμίας IG II<sup>2</sup> 91, lines 13f. provide additional evidence that the treasurers of Athena and the Other Gods were chosen by lot. In Appendix J. MacDowell argues that Andocides 'was probably treasurer in 401/0, or possibly in 402/1.' The second alternative is very unlikely. From IG II<sup>2</sup> 1371 we learn that one of the treasurers in 402/1 was Πίν[ων] (cf. Allen B. West and A. M. Woodward, *JHS* 58 [1938] 79). Since only three Athenians are recorded with this name (Johannes Kirchner, *Prosopographia Attica*, nos. 12531f. and B. D. Meritt, *Hesperia* 15 [1946] 179), the treasurer in question is almost certainly Rhinon of Paiania, who helped restore internal harmony to Athens after the expulsion of the Thirty (Aristotle, *Ath. Pol.* 38.3f.) He would then be the treasurer from Andocides' tribe, Pandionis, for this year. The only real argument against this conclusion is that it violates the normal procedure of listing treasurers in the official order of their tribes. If this order was followed in IG II<sup>2</sup> 1371, the representative of Pandionis must come third. This would exclude Rhinon and probably Andocides too, for the name of the third treasurer appears to have an iota (or tau), not a kappa, in the fifth letter space (cf. West and Woodward, pl. VI).

148. For Andocides' use of hypophora cf. *Maia* 20 (1968) 271ff.

149. Ἀνδρίους πολίτας ποιέσθαι: Phanosthenes, an Athenian general during the Decelean War (Xen. *Hell.* 1.5.18) was an Andrian by birth according to Plato *Ion* 541d and Athenaeus 11.560a. Interestingly enough, Phanosthenes was once honored for importing oars ([κο]πέας) into Athens (*SEG* X 131). It was on the basis of contributing oars and other supplies to the Athenian fleet that Andocides asked to be restored from exile (*De Reditu* 11). Incidentally, I disagree with MacDowell's view that the 'decree of Nikomenes limited the application of Perikles's law to those born after the archonship of Eukleides (403/2), so that anyone born before that date of an Athenian father and a foreign mother now became a citizen (schol. on Ais. 1. 39).' While a *metroxenos* born in 408 would qualify to be enrolled as a citizen in 390, I doubt that one born in 440 could be enrolled in 403. Only if he had already been registered prior to the decree of Nikomenes would he be allowed to pass ἀνεξέταστος.

9. Why does Andocides mention these foreign possessions here when the main program of sending out cleruchies (including those to the Chersonese and Naxos) belongs in the 440's (cf. A. W. Gomme, *A Historical Commentary on Thucydides* I, 373ff.), as does the acquisition of control over Euboia stemming from the revolt of the island in 446? Instead of seeing here merely another ignorant chronological dislocation, I think that he intentionally removed this subject from its proper place for the sake of a more persuasive presentation. Once he had decided to group all the overseas possessions and to mention them only once, their placement in the speech depended on the most important of them, Euboia. What we call the Revolt of Euboia Andocides classifies as a war with Sparta so that possession of most of the island was the result of war with Sparta. The Thirty Years Truce merely confirmed Athenian possession so that even Andocides did not have the nerve to claim that Euboia was one of the fruits of that Peace. On the other hand, it was legitimate to make the point that through the Peace of Nikias Athens was able to retain a possession which she had previously acquired, and by placing this item at the end of his review of Athenian-Spartan relations he was able to remind his audience that it was war with Sparta which caused the loss of the overseas possessions. [Note too that it is Aeschines (2.175) who says that Athens *sent out* colonies during the Peace of Nikias; he has simply misinterpreted Andocides, who implies no such thing.]

15. Nepos, *Agésilau* 5, reports the view of Agesilaus expressed at about the same time as Andocides delivered the *De Pace*: '*nam si*' inquit '*eos exstinguere voluerimus, qui nobiscum adversus barbaros steterunt, nosmet ipsi nos expugnaverimus illis quiescentibus. quo facto sine negotio, cum voluerint, nos oppriment.*'

22. κακὸν ἀγαπήτον: A frequent meaning of ἀγαπάω in the orators is to accept the lesser of two evils *with a great sense of relief*, or to be satisfied with getting out of trouble with a minimum of loss. In English one might say, 'I was robbed by a vicious gunman last night. I am just glad that he did not kill me.' The speaker is not at all happy, merely relieved at not suffering a worse fate. This is exactly Lysias' situation after Peison had taken all of his money: ἐδεόμεν αὐτοῦ ἐφόδιά μοι δοῦναι, ὁ δ' ἀγαπήσειν με ἔφασκεν, εἰ τὸ σῶμα σώσω (12.11f.) Other examples of this type are Lys. 2.44, 6.45, 16.16, and 22.15, Dem. 9.74, 21.209, and 55.19, Aesch. 1.64, 1.174, and 2.77, Lyc. 42, and Hyperides *Euxenippus* 17. The negative of the expression is used in criticism of one who does not feel relief at avoiding punishment for his crimes but actually increases his wickedness: Lys. 26.3, Isaeus 4.29, Isocr. 18.50, Dem. 51.20, and Aesch. 3.147. It seems to me that Andocides is here criticizing those Athenians who find fault with the Peace which ended the Decelean War. In § 31 he places the blame for that war on the Athenians.

This should imply that they deserved what they suffered and now no longer feel relief at escaping a worse fate but continue their aggressive behaviour. Perhaps we should translate by 'an evil you were glad to get,' keeping the oxymoron.

22. Κόωνι: For Athenian aid to Conon cf. *Hell. Oxy.* 2.1 and Isocr. 4.142.

31. This is not a reference to Alcibiades' expedition against Epidaurus in 419 (Thuc. 5.55), for that expedition seems to have been by land, not by sea, and in any event was not directed against Laconia. Andocides is here referring to an episode of 414 mentioned by Thucydides (6.105) in which a commando force from Athens ravaged the countryside around Epidaurus Limera (the modern and medieval fortress of Monemvasia) and Prasiae. Thucydides and Andocides agree on its effects, for the historian says that this was the first time during the Peace of Nikias that the Athenians invaded Laconia itself (6.105) and that the Spartans became eager for war since this attack and other provocations shifted the guilt from themselves to the Athenians (7.18).

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