

Lysias Or. 1.23–24 and 41–42

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LYSIAS COMPOSED this speech for Euphiletus, accused by relatives of a young man,¹ Eratosthenes, of having murdered him on the pretext that he had caught him with his wife. Euphiletus is eager to show that he neither enticed nor compelled Eratosthenes to come into his house, but that he came in of his own free will, and that he, Euphiletus, reacted at that point, not having made preparations in advance. It is therefore intelligible that both in the narrative (διήγησις) and in the rebuttal (which forms part of the *πίστεις*) Euphiletus deals with the same events. A transcription follows of the two passages with which this paper is concerned and of their respective contexts:

ὁ δὲ Ἐρατοσθένης, ὦ ἄνδρες, εἰσέρχεται, καὶ ἡ θεραπείανα ἐπεγείρασα μέ εὐθύς φράζει ὅτι ἔνδον ἐστὶ. κάγῳ εἰπὼν ἐκείνη ἐπιμέλεσθαι τῆς θύρας, καταβάς σιωπῇ ἐξέρχομαι, καὶ ἀφικνοῦμαι ὡς τὸν καὶ τόν, καὶ τοὺς μὲν ἔνδον κατέλαβον, τοὺς δὲ οὐκ ἐπιδημοῦντας ἡῦρον. παραλαβὼν δ' ὡς οἶόν τε ἦν πλείστους ἐκ τῶν παρόντων ἐβάδιζον (1.23f).

ἔπειτα, ὦ ἄνδρες, οὐκ ἂν δοκῶ ὑμῖν τοῖς ἐπιτηδείοις μεθ' ἡμέραν παραγγεῖλαι, καὶ κελεῦσαι αὐτοὺς συλλεγῆναι εἰς οἰκίαν τῶν φίλων τὴν ἐγγυτάτω, μᾶλλον ἢ ἐπειδὴ τάχιστα ἡσθόμην τῆς νυκτὸς περιτρέχειν, οὐκ εἰδὼς ὄντινα οἴκοι καταλήψομαι καὶ ὄντινα ἔξω; καὶ ὡς Ἀρμόδιον μὲν καὶ τὸν δεῖνα ἦλθον οὐκ ἐπιδημοῦντας (οὐ γὰρ ἦδη), ἐτέρους δὲ οὐκ ἔνδον ὄντας κατέλαβον, οὓς δ' οἶός τε ἦ λαβὼν ἐβάδιζον. καίτοι γε εἰ προῆδη, οὐκ ἂν δοκῶ ὑμῖν καὶ θεραπείοντας παρασκευάσασθαι καὶ τοῖς φίλοις παραγγεῖλαι, ἴν' ὡς ἀσφαλέστατα μὲν αὐτὸς εἰσῆα (τί γὰρ ἦδη εἶ τι κάκεινος εἶχε σιδήριον;), ὡς μετὰ πλείστων δὲ μαρτύρων τὴν τιμωρίαν ἐποιούμην; νῦν δ' οὐδὲν εἰδὼς τῶν ἐσομένων ἐκείνη τῇ νυκτὶ, οὓς οἶός τε ἦ παρέλαβον (1.41f)

For both passages, I have printed the underlined words as they have been transmitted in the manuscripts, and there are editors

¹ Cf. 1.37: τὸν νεανίσκον. There is therefore no reason to follow some scholars in identifying this Eratosthenes with the infamous figure of Or. 12.

who still adopt these texts.² It ought to be obvious, however, that to do so would ruin Euphiletus' argument: he cannot say in the narrative that some friends he caught at home (τοὺς μὲν ἔνδον κατέλαβον) and in the rebuttal, referring to the same group of friends, that he did not catch them at home (ἐτέρους δὲ οὐκ ἔνδον ὄντας κατέλαβον). This was seen long ago by Reiske, who proposed to insert a negative before ἔνδον at 1.23 and to change the following negative (οὐκ) into οὐδέ.³ Reiske did not offer any arguments in favor of his emendation; nevertheless, his solution has found acceptance among editors of Lysias,⁴ though none of them has given any argument to support it. The main point in its favor would be that scribes more often omit a negative than add one. Still one must analyze the context and determine whether the proposed solution is satisfactory or not. I submit that it is not, and that the evidence cries out for the very opposite to Reiske's suggestion: that is, that we must excise the οὐκ before ἔνδον at 1.41 as a scribe's interpolation.

The difficulty is apparent in Reiske's own interpretation of his emendation at 1.23: "alios quidem, cum urbem non excessissent, tamen domi suae non reperiēbam. alios audiebam ne in urbe quidem esse." For who then are those who were present (παραλαβῶν δ' ὡς οἶόν τε ἦν πλείστους ἐκ τῶν παρόντων ἐβάδιζον)? The Greek suggests that they must have been mentioned in what precedes, but the reading, τοὺς μὲν (οὐκ) ἔνδον κατέλαβον, τοὺς δὲ οὐδ' ἐπιδημοῦντας ἤϋρον, leaves no room for this possibility. Moreover, it is, I believe, highly improbable that (after τοὺς μὲν ... τοὺς δὲ ...) ἐκ τῶν παρόντων could by itself indicate a third group among Euphiletus' friends, or that Lysias intended us mentally to supply a third group, *i.e.*,

² Cf. e.g. W. R. M. Lamb (Loeb) and L. Gernet and M. Bizos (Budé).

³ Cf. I. I. Reiske, *Oratorum Graecorum Volumen Quintum, Lysiae Primum, Graecam Orationem, Taylori et Marklandi Annotationibus Explanatam Complectens, Quibus Suas Aliaque Addidit* (Leipzig 1772) 27 with nn.61–62. I have not discussed Reiske's proposal to change οὐκ to οὐδέ in 1.23 because it depends on his proposal to insert οὐκ before ἔνδον in the same passage, which I reject.

⁴ Cf. e.g. H. Frohberger, *Ausgewählte Reden des Lysias II* (Leipzig 1868) 121; C. Hude, *Lysiae Orationes* (OCT: Oxford 1912); T. Thalheim, *Lysiae Orationes*² (editio maior: Leipzig 1913) 7; C. Carey, *Lysias, Selected Speeches* (Cambridge 1989) 20.

another τούς δ', who were at home.⁵ In any case, these two possibilities are incompatible with the wording of the second text, where the same events are narrated (*i.e.* 1.41): καὶ ὡς Ἀρμόδιον μὲν καὶ τὸν δεῖνα ἦλθον οὐκ ἐπιδημοῦντας (οὐ γὰρ ἦδη), ἑτέρους δὲ οὐκ ἔνδον ὄντας κατέλαβον, οὓς δ' οἴος τε ἦ λαβῶν ἐβάδιζον. Here the relative οὓς must designate either both, or one of the two groups into which Euphiletus' friends have been divided, for there is no possibility of supplying a third group of friends. Yet if at 1.41 we keep the transmitted text, none of the friends Euphiletus says he collected was at home. And so, even apart from the evidence of 1.23, the very wording of the second passage (1.41) suggests that the correct solution of the problem lies in excising οὐκ before ἔνδον at 1.41. In this way, the two passages say the same thing: that is, from those of his friends whom he found at their respective homes Euphiletus took with him as many as possible.⁶

Let us look briefly at the lines in 1.41 immediately preceding the passage transcribed in the previous paragraph; this will both confirm the interpretation given above and at the same time furnish a plausible reason for the wrong insertion of οὐκ before ἔνδον:

⁵ Here, οὐκ ἔνδον (and its equivalent ἔξω), which is ambiguous, might mean outside their houses, *i.e.*, in the street just outside their houses. This meaning, however, would not fit the context. If many of his friends were thus found late at night, it would create a strong impression in the jury that Euphiletus had warned them in advance, something that he emphatically denies.

⁶ The wrong insertion of a negative is not unusual, *cf. e.g.* *Il.* 9.453, where τῆ was changed to τῆ οὐ by Sosiphanes and Aristodemus (see T. W. Allen's *editio maior* II 257), and *Soph.* *OC* 1677, where the scribes have wrongly inserted οὐκ before the second ἔστιν in the line (*cf.* G. Hermann, *Sophoclis Oedipus Coloneus* [Leipzig 1825] 322f). These examples are cited by M. L. West, *Hesiod, Works and Days* (Oxford 1978) 202f *ad* 192. His proposal, however, to change οὐκ ἔσται to ἔσσειται at 193 is not persuasive. For more complicated examples *cf.* *Parmenides* 28B8, 12, where the manuscripts' μή (ἑόντος) must be changed to τοῦ (ἑόντος): *cf.* L. Tarán, *Parmenides* (Princeton 1965) 82, 95–102; and *Pl. Prm.* 162A8–B2, where it is necessary to insert (μή) in A8 and to excise it in B2. This twofold mistake is undoubtedly due to scribal misunderstanding. The emendation was first proposed by P. Shorey, "On *Parmenides* 162 A. B.," *AJP* 12 (1891) 349–53 (= *Selected Papers* I [New York 1980] 492–96), and was adopted by J. Burnet in his edition of *Plato*. *Cf.* also H. Cherniss, "Timaeus 38A8–B5," *JHS* 77 (1957) 19 n.15 (= *Selected Papers* [Leiden 1977] 341 n.15).

ἔπειτα, ὦ ἄνδρες, οὐκ ἂν δοκῶ ὑμῖν τοῖς ἐπιτηδείοις μεθ' ἡμέραν παραγγεῖλαι, καὶ κελεῦσαι αὐτοὺς συλλεγῆναι εἰς οἰκίαν τῶν φίλων τὴν ἐγγυτάτω, μᾶλλον ἢ ἐπειδὴ τάχιστα ἡσθόμην τῆς νυκτὸς περιτρέχειν, οὐκ εἰδὼς ὄντινα οἴκοι καταλήψομαι καὶ ὄντινα ἔξω;

There are here only two possibilities: Euphiletus did not know (a) whom he would catch at home (οἴκοι) and (b) who would not be at home (ἔξω). And it is these two possibilities that he then handles in chiasitic order; first (b): he found that Harmodios and others were not in town, though he went to their house (*n.b.* the parenthetical οὐ γὰρ ἤδη); then (a) those who were at home, of whom he took with himself as many as possible. That is to say, ἔνδον here corresponds to those who were οἴκοι; otherwise this alternative would simply be ignored by Euphiletus, unless we postulated here a lacuna (after κατέλαβον), surely an unwarranted hypothesis and a much more radical remedy than excising οὐκ. Moreover, one would need to postulate a similar lacuna at 1.23. We can now see the probable reason why a scribe (earlier than the archetype of the extant manuscripts) inserted οὐκ: he wrongly connected the two possibilities (a) οἴκοι and (b) ἔξω with the two that follow in the next sentence: first, not in town; second, not at home, as he thought that "not at home" here must answer ἔξω in the previous sentence. Yet, as we saw, (a) and (b) are answered in the next sentence in chiasitic arrangement, so that ἔνδον corresponds to οἴκοι.

In short, as 1.23 and 1.41 report the same events, they must say the same thing. The most probable solution, given the context and wording of the two passages, is to excise the negative before ἔνδον at 1.41, for it was wrongly interpolated into the text.

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