common to the whole city and the private ones that affected each one of us when these men died, and punish the man responsible for them. It has been shown to you in full detail, from the decrees and the denunciations and everything else, that Agoratus is responsible for their deaths.

Moreover, it is fitting that you should vote in opposition to the Thirty. You should acquit those whom they condemned to death, and convict those whom they did not. The Thirty condemned to death these men, who were your friends, whom you must acquit. They acquitted Agoratus, because he appeared eager to destroy these men, so it is fitting that you should convict him. If you vote the opposite way to the Thirty, then first of all you are casting a different vote from your enemies; secondly, you will have avenged your own friends; and finally, you will appear to all mankind to have voted according to the demands of justice and of religion.

14-15. AGAINST ALCIBIADES

INTRODUCTION

Lysias 14 and 15 deal with a prosecution brought against Alcibiades the younger (son of the famous Alcibiades) for dereliction of military duty. The younger Alcibiades was probably born around 416 or 415 BC, because he was left a child at the time of his father’s death in 404, but had reached adulthood some time in the early 390s. He evidently inherited many of the liabilities, both financial and personal, that had been incurred by his flamboyant father, but without also inheriting his father’s personal and political power. We possess the young man’s own speech (Isoc. 16) in an unrelated case brought against him around 397 BC by a plaintiff who claimed that the elder Alcibiades had cheated him by entering in the Olympic Games under his own name a chariot team allegedly belonging to the plaintiff, and it is clear from the present dispute that the young man had many enemies, some of whom (including the speaker of Lys. 14) he had inherited from his father. The present case is heard by a special jury of soldiers presided over by the generals, probably in 395 BC. The formal charge against the defendant is that he was called up to serve as a hoplite but has instead served in the cavalry, despite

\footnote{It is described at 14.4 as the first such case to be heard since the peace (i.e., the peace with Sparta at the end of the Peloponnesian War). The first war fought by Athens after this date was the Corinthian War, which began in 395.}

\footnote{Hoplites are heavy-armed infantry.}
the requirement that prospective cavalry pass a dokimasia (scrutiny), which he failed to do. The law on which the prosecutors have based their case is summarized at 14.5, where they appear to be relying on an idiosyncratic, not to say implausible, interpretation of a crucial phrase: the law provides for the prosecution of anybody who absents himself from the ground forces (pezē stralia, lit. "foot army"), a term that was probably intended to designate the land army as opposed to the fleet, but the speaker uses it in a narrower sense to designate the infantry as opposed to the cavalry.

It is at first sight surprising that we possess two speeches by co-prosecutors (sunēgoroi), and not by the main prosecutor Archestratides (referred to by name at 14.3 and at 15.12). This has given rise to speculation that Lysias 14 may be the only one that is a genuine speech, with Lysias 15 being a rhetorical exercise based on it. Such speculation has been encouraged by the different titles of the speeches in our manuscripts, with Lysias 14 describing itself as a prosecution "for deserting the army" (lipotaxion) and Lysias 15 as "for failing to undertake military service" (astrateia), as if they were unable to make up their minds what the charge was. (Since both speeches refer to Archestratides as the main prosecutor, it is very unlikely that they belong to separate trials.) However, it is not wholly clear that lipotaxion and astrateia were regarded as different offenses, and the titles in our manuscripts are sometimes the product of speculation by抄写者。Moreover, each speech deals with very different aspects of the case. 4 Lysias 14 covers the charge (14.4—15) and includes a wide-ranging attack on Alcibiades' family and upbringing (14.16—40). Lysias 15 is much shorter and is directed specifically against the generals (who are presiding at the trial), some of whom are expected to appear in support of Alcibiades and to defend him by saying it was they who had ordered him to serve in the cavalry. It is indeed precisely because Alcibiades has apparently been obeying orders, rather than disobeying them, that the prosecution seems so vindictive.

Evidence for the career and family of Alcibiades is collected and discussed by Davies 1971: no. 600, esp. pp. 17—21 (the elder Alcibiades, whom he identifies for convenience as Alcibiades III) and pp. 21—22 (his son Alcibiades IV, the defendant in this trial). On the Athenian cavalry, see I. G. Spence, The Cavalry of Classical Greece: A Social and Military History with Particular Reference to Athens (Oxford, 1993).

There is no recent commentary on Lysias 15, but on the details of Lysias 14, see Carey 1989.

14. FIRST PROSECUTION SPEECH AGAINST ALCIBIADES, FOR DESERTING THE ARMY

1 In my view, gentlemen of the jury, you require no explanation from those who want to prosecute Alcibiades. From the start, he has shown himself to be the sort of citizen that you should treat as your enemy on the basis of his general behavior, even if he has injured nobody personally. [2] His crimes are not small and do not deserve forgiveness. They do not offer hope that he will improve in the future, but have been committed in such a way and have reached such a level of depravity that even his enemies are ashamed at some of the things he takes pride in. There was in the past, gentlemen of the jury, a long-standing enmity between our fathers, and since I have long considered this man a criminal, and have now been badly treated by him, for all these reasons I shall attempt with your help to punish him for all his actions. [3] Archestratides, my fellow-prosecutor, has dealt sufficiently with the general charges. He has shown you the laws and has produced witnesses about everything. I shall explain to you point by point some things that he omitted. 2

[4] Given that you are deciding a case of this type for the first time since we made peace, 3 gentlemen of the jury, it is appropriate that you should be not simply jurors (dikastai) 4 but lawgivers (nomothetai).

1 Gk. lipotaxion.
2 The manuscript here adds "Please read the law for me. [LAW]," but this seems out of place here.
3 The implications of this phrase for dating are discussed in the Introduction.
4 The argument here is the opposite of the one deployed by the speaker's colleague at Lys. 15.9. Although the translation "juror" for dikastes is conventional and convenient, it should be remembered that the Athenian dikastes combined the role of the modern juror (who decides the facts) with that of the judge (who interprets the law and passes sentence).

3 For this procedure, see Ath. Pol. 49.1—2.
4 So clearly Lys. 15 is not based on Lys. 14 in the way that Lys. 11 is based on Lys. 10.
You are fully aware that in the future the city will treat such matters in whatever way you decide today. The task of a responsible citizen and of a just-minded juror, it seems to me, is to interpret the laws in the way that will benefit the city in future. [5] Some people dare to claim that nobody is liable to charges of desertion or cowardice, since no battle took place, whereas the law says that if somebody deserts the ranks in retreat because of cowardice while others are fighting, the soldiers are to judge the case. However, the law deals not simply with these cases but also with anybody who absents himself from the ground forces.  

[Law]

[6] You hear, gentlemen of the jury, that it deals with both categories: those who retreat when there is a battle and those who are absent from the ground forces. Now consider who are obliged to present themselves. Is it not those who are of an appropriate age? Is it not those whom the generals call up? [7] In my view, gentlemen of the jury, the defendant alone is liable to the whole of the law. He could legitimately be convicted of refusing to serve (astrateia), because he was called up as a hoplite and did not march out with you; of deserting the ranks (lipotaxion), because he alone did not offer himself to serve with the other hoplites; and of cowardice (deilia), because he preferred the cavalry when it was his duty to face danger with the hoplites.

[8] Nevertheless, people tell me that he is going to make the following defense: that he did no harm to the city when he served in the cavalry. But I think you would rightly be angry with him for this, because he dared to serve in the cavalry without passing his dokimasia, as a cavalryman, even though the law says that if anybody serves in the cavalry without passing his dokimasia, he is to suffer atimia. Please read me the law.

[Law]

[9] This man had reached such a level of wickedness, he so despised you, he so feared the enemy, he was so keen to be in the cavalry, and he was so contemptuous of the laws that he disregarded these dangers and preferred to suffer atimia, to have his property confiscated, and to be liable to all the statutory penalties, rather than to serve as a hoplite alongside the citizens. [10] There were other people who had never been hoplites but had on previous occasions served in the cavalry and had done a lot of damage to the enemy. They did not dare join the cavalry, because they respected you and the law. They based their plans on the expectation not that the city was going to be destroyed but that it would survive and would punish wrongdoers. Alcibiades, on the other hand, dared to join the cavalry, not because he was loyal to your democracy (plethos), or had previously served in the cavalry, or was at the time particularly skilled, or had been approved by you at his dokimasia, but in the expectation that the city would not be in a position to punish criminals. [11] You should bear in mind that if everybody is allowed to do whatever he likes, there will be no point in having laws, or meeting as an Assembly, or electing generals. I am surprised, gentlemen of the jury, that anybody thinks it right to convict someone assigned to the front line who retreats to the second line under enemy attack, but to pardon a person assigned to the hoplites who is found in the cavalry. [12] In my opinion, gentlemen of the jury, you are judging cases not simply on account of individual defendants but so as to encourage improvement among those whose discipline is poor. If you punish those who are unknown, none of the others will behave better, because nobody will hear about the offenses you have condemned; but if you punish the most prominent among the criminals, everybody will know, and as a result, the citizens will heed this example and become better. [13] So if you convict my opponent, not only will those in the city hear about it, but the allies also will find out, and the enemy will know. They will regard the city as worthy of greater respect, if they see that you are particularly angry about these sorts of crimes, and that those who lack discipline in war receive no forgiveness. [14] Bear in mind, gentlemen of the jury, that some of the soldiers were sick, and others lacked the necessities of life. The former would gladly have remained and been treated in their communities, the latter would gladly have returned home to look after their affairs, others would gladly have fought as light-armed troops, and others would gladly have faced the danger among the cavalry. [15] Nevertheless, you did not dare to abandon the ranks or choose what you...
pleased. Instead, you feared the laws of the city much more than the danger of facing the enemy. Now you must remember this and cast your vote, and make clear to everybody that those Athenians who are unwilling to fight the enemy will suffer very severely at your hands.

[166] In my opinion, gentlemen of the jury, my opponents will have nothing to say about the law and about the facts of the case. Instead, they will stand here begging and beseeching you, and will ask you not to convict the son of Alcibiades of such great cowardice, claiming that his father was responsible for much good rather than much evil. But if you had executed the father when he was the same age as the defendant, when you first discovered him committing crimes against you, the city would not have suffered disasters on such a scale. [17] It seems to me extraordinary, gentlemen of the jury, that you condemned the father to death but will for his sake acquit his criminal son, who did not himself have the courage to fight beside you, whereas his father decided to campaign on the side of the enemy. When the defendant was a child, and it was not yet clear how he would turn out, he was almost handed over to the Eleven because of his father's crimes. [18] Do you really think it is right to spare him for his father's sake, now that you know about his own crimes in addition to his father's? [18] Surely it is a terrible thing, gentlemen of the jury, that my opponents are so privileged that when they are caught committing crimes, they are spared because of their family, whereas if we suffer misfortune because of those who lack discipline, no plea to the enemy will succeed, not even one based on the deeds of our ancestors. [19] And yet these deeds were many and famous, and were performed on behalf of all the Greeks. They are in no way comparable to what these men have done to the city, gentlemen of the jury. If they are seen as virtuous because they rescue their friends, it is obvious that you too will be seen as virtuous if you punish your enemies. [20] If any of Alcibiades' relatives try to demand his acquittal, gentlemen of the jury, I think you should be angry that they did not attempt to plead with him to obey the city's commands—unless they pleaded but were unable to win him over—and are now seeking to persuade you that there is no need to punish criminals. [21] If any of the public officials* assist him, making a display of their own power and boasting that they can rescue even those who are manifestly guilty, you must understand first, that if everybody had been like Alcibiades, there would have been no need of generals, because there would have been nobody to lead; and secondly, that it is far more appropriate for them to prosecute those who desert the ranks than to defend such people. What hope will there be that other people will do what the generals command, when the generals themselves seek to rescue those who behave badly? [22] So if those who are speaking and pleading for Alcibiades demonstrate that he fought among the hoplites, or served in the cavalry after passing his dokimasia, I ask you to acquit him. But if, without any justice on their side, they command you to do them a favor, you must remember that they are telling you to break your oath and disobey the laws, and that their eagerness to assist criminals makes many others keen to do the same things.

[23] I am particularly surprised, gentlemen of the jury, that any of you might decide to spare Alcibiades because of those who are helping him, and not to destroy him because of his criminal nature. You need to hear about this, so that you will realize he does not deserve acquittal on the pretext that despite these offenses, he has been a useful citizen in other respects. In fact you could legitimately condemn him to death for his other actions, [24] and you ought to know about them. Since you listen to defendants recounting their own merits and the benefactions performed by their ancestors, you should listen to prosecutors as well, if they can show that the accused have committed many offenses against you and that their ancestors have been responsible for much harm. [25] When my opponent was a child, he used to drink at the house of Archedemus—the man with the runny eyes, who had embezzled a great deal of your property—reclining together under the

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*Archontes, here presumably the generals, whose support for the defendant is criticized in detail in Lys. 15.

*Archedemus, a politician who is described as a "demagogue" in Aristoph., Frogs 420–425, with further jokes about his eyesight in Frogs 588.
same cloak, in the sight of many people. He used to dance the kómos during the day and maintained a courtesan (hetaira) before reaching adulthood. Clearly he was emulating his ancestors, in the belief that during the day and maintained a courtesan he could become famous when older only if he showed himself to be the worst of criminals while he was young. [26] He was sent for by Alcibiades because he was behaving scandalously in public. How do you think you should regard a person whose behavior had scandalized even the man who taught other people such things? He plotted with Theotimus against his own father, and betrayed Orni—and Theotimus, on taking over the site, first of all committed hubris against him (now that he was in the prime of his youth), and eventually imprisoned him and tried to exact a ransom. [27] However, his father hated him so much that he declared he would not even collect his bones if he died. After his father’s death, Archebiades became his lover and paid the ransom. Not much later, after gambling away his property, he began to raid his friends’ ships, using Leuke Akte as his base. [28] It would be a lengthy task, gentlemen of the jury, to recount all his crimes against citizens or foreigners, in respect to his own friends or other people. However, Hipponicus summoned many witnesses and

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10It was said of the kómos (a type of dance normally performed at night) that a respectable man ought to be ashamed to participate without a mask (Dem. 19.287).

11I.e., his father, the elder Alcibiades. On the latter’s career, see Davies 1971: 17–21.

12One of the forts in Thrace controlled by the elder Alcibiades after his final exile from Athens in 406 BC. Theotimus is not otherwise known.

13Hubris is aggravated assault or outrageous violence, and in this context it probably implies rape.

14Given that the name is not common, he is probably to be identified with the Archebiades who was denounced together with Alcibiades in 415 (And. 1.13); he may also be the man of the same name who was the plaintiff in Lys. Fr. 5 (Archebiades).

15Lit. “drowned (katapontize) his friends.” For the connection with piracy, see Carey’s commentary on this passage. There were many promontories known as Leuke Akte (“white cliff”), but the lexicographer Harpocration suggests that this one was in the Propontis.

16We are told elsewhere (Dem. 59.87) that a husband who caught an adulterer with his wife had to divorce her, but the force of the allegation here is not just adultery but incest, because Hipponicus’ wife was the younger Alcibiades’ sister. (This Hipponicus was the son of Callias the Torchbearer, who was the enemy of Andocides; cf. the Introduction to Lys. 6.)

17After his defection in 431/4, the elder Alcibiades advised the Spartans to fortify Decelea (an Athenian deme nearly fifteen miles northeast of the city) as a permanent base in Attica, and to build a fleet in order to challenge Athens’ control of its subject allies. These two things together did more than anything else to ensure Athenian defeat.

18The younger Alcibiades puts forward a version of this argument in another speech (Isoc. 16.11), ignoring the point made in the next sentence here, that the gifts made after Alcibiades’ return from exile in 407 had apparently been confiscated again at some time after his second exile in 406.
not bequeath shame to your descendants but gained honor from all mankind— as if the two groups deserve the same reputation, those who as exiles campaigned with the enemy against the land and those who were returning from exile when the Spartans controlled the city! [34] I think it is clear to everybody that my opponents sought to return in order to hand over command of the sea to the Spartans, and themselves to rule over you, but when your democracy returned, it drove out the enemy and liberated even those citizens who wished to be slaves. So he is making speeches, but the actions of the two groups were in no way similar. [35] Despite the many great misfortunes that have befallen him, he prides himself on his father’s criminal nature and asserts that his father was so powerful that he was the cause of all the evils which afflicted the city. But who is so ignorant about his own fatherland that if he did want to be a criminal, he could not explain to the enemy which parts of the territory are essential to capture, which of the guard-posts are poorly defended, what aspects of public affairs are in trouble, and which of the allies are prepared to revolt? [36] It is hardly a sign of the elder Alcibiades’ power that he was able to harm the city when in exile, but that when (by deceiving you) he had returned from exile and controlled many triremes, he could not expel the enemy from our territory, or make the people of Chios (whose revolt he had caused) into our friends again, or benefit you in any other way. [37] So it is not difficult to recognize that Alcibiades’ power was no greater than other people’s, but he is foremost among the citizens for wickedness. He became an informer for the Spartans about those aspects of your affairs he knew were in trouble, but when he had to serve as general, he could not harm them in any way. He promised that for his sake the Great King of Persia would provide money, but he embezzled more than two hundred talents from the city. [38] He was aware of having committed so many crimes against you that he never dared to offer his accounts (euthunai)— even though he was a capable speaker, and had friends, and possessed money—but condemned himself to exile and preferred to be a citizen of Thrace, and every other city, rather than his own fatherland. Eventually, gentlemen of the jury, surpassing his previous criminal behavior, he dared together with Adeimantus to betray the fleet to Lysander. [39] So if any of you pities those who died in the sea battle, or feels shame for those enslaved by the enemy, or is angry about the destruction of the walls, or hates the Spartans, or detests the Thirty—for all these things you must regard the defendant’s father as responsible. You must remember that your ancestors twice ostracized both the defendant’s great-grandfather Alcibiades, and Megacles his father’s maternal grandfather, and that the older ones among you condemned the defendant’s father to death. [40] So now you should regard my opponent as a hereditary enemy of the city, and convict him. You should not regard pity or forgiveness or mercy as more important than the established laws and the oaths you swore.

[41] You must consider, gentlemen of the jury, why anybody should spare people like this. Is it because although their relations with the city are unfortunate, nevertheless they are in other regards decent

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22. This presumably refers to Alcibiades’ refusal to return to Athens after the Athenian defeat at Notium in 406.

23 Adelaimantus was the only Athenian general captured at Aegospotami not to be executed by the Spartans, and Demosthenes (19.191) claims that he was charged with treason more than ten years later on this account. As is normal in Lysias, the battle itself is glossed over here. For a less prejudiced account of the elder Alcibiades’ behavior immediately before the battle, see Xen., Hellenica 2.1.25–26.

24 Ostracism was a ballot, which could be held annually but became obsolete in the second half of the fifth century, to exile any one political leader for ten years. Votes were cast by scratching names on pieces of broken pottery (ostraka). Surviving ostraka suggest that an Alcibiades, apparently the grandfather of the elder Alcibiades, was ostracized around 460, and Ath. Pol. 22.3 dates Megacles’ ostracism to 487/6, but there is no reliable supporting evidence that either of them was ostracized twice. (The phrase “his father’s maternal grandfather” is a restoration of a corrupt text, but it is a plausible restoration, because this Megacles was the father of Deinomache, the mother of the elder Alcibiades.)
and well behaved? But have not many of them prostituted themselves, while others have slept with their sisters and others have had children by their daughters? [42] Have not others enacted the Mysteries, mutilated the Herms, behaved impiously towards all the gods, and committed crimes against the whole city? Have they not behaved unjustly and illegally both towards other people in public and in their relations with each other? Have they not indulged in every outrage, such that there is nothing outrageous in which they are not expert? They have suffered all things and have done all things. Their character is such that they are ashamed at what is good and pride themselves on what is evil. [43] Admittedly, gentlemen of the jury, you have previously acquitted people you realized were criminals but believed would be useful to you in future. But what hope is there that the city will benefit in any way from this man? You will realize he is totally worthless when he makes his defense—and you have already recognized that he is a criminal from his general behavior.

What is more, he would not be able to harm you even if he left the city, because he is a coward, a poor man, unskilled in public affairs, engaged in disputes with his friends, and hated by everybody else. [45] So not even for these reasons does he deserve cautious treatment. You ought instead to make an example, especially for his friends, who do not want to obey orders but enjoy behaving like him. They have been badly advised about their own affairs and are delivering public speeches about yours.

[46] I have made my prosecution speech as best I can. I realize that my audience is wondering how on earth I have been able to identify these men's offenses so precisely, while my opponent is sneering at me because I have not recounted even the smallest part of their crimes. [47] When you weigh both what has been said and what has been left out, you should be the more ready to convict him, realizing that he is liable to the terms of the indictment (graphe), and that getting rid of citizens like this is a great blessing to the city. Please read the laws, the oaths, and the indictment to the jurors. Let them bear these in mind and deliver a just verdict.

[LAWS, OATHS, INDICTMENT 27]

15. SECOND PROSECUTION SPEECH AGAINST ALCIBIADES, FOR FAILING TO UNDERTAKE MILITARY SERVICE

[1] I ask you, gentlemen of the jury, to vote in accordance with justice. In particular, given that throughout their tenure of office they have done much for the city, I ask the generals to be evenhanded to the prosecutor and the defendant in public prosecutions for failure to undertake military service (graphai astrateias), and not to make every attempt to ensure that you vote contrary to justice by supporting the side they want to win. [2] You should bear in mind that you would be extremely angry if the Thesmothetae were to stand up during your dokimasia and ask for a conviction. You would think it terrible if those conducting the trial and putting the issue to the vote should recommend the acquittal of some defendants and the conviction of others. [3] What custom could be more shameful in the city, what event more terrible, than for the Archon in private cases involving heiresses to

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27 To end a speech with the reading of documents is unusual (there is no parallel in any of Lysias' surviving speeches), but it serves here to focus attention on the speaker's plea for the rigorous application of what he claims is the letter of the law.

1 Gk. astrateia.

2 Lit. "been worth much to the city."

3 Addressed apparently to the generals, who are chairing the court. The Thesmothetae were the six junior Archons (see the Series Introduction), who presided over various public cases, evidently including the generals' own dokimasia (the judicial scrutiny faced by incoming public officials; cf. the Introduction to Lys. 16).

4 The Archon presided over family and inheritance matters involving citizens (including disputed claims to an epikleros, here loosely translated "heiress"); his colleague the Polemarch presided over similar cases involving metics. The Eleven were the officials in charge of prisons and executions, who presided over cases of apagigê (summary arrest, as in Lys. 13).

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25 The Herms and Mysteries scandals of 415 (which led to the elder Alcibiades' first exile) are discussed in the Introduction to Lys. 6.

26 The text is corrupt here, and this is an ancient copyist's guess at what Lysias may have written.
dare to beg and beseech the jurors as to how they should vote, or for the Polemarch and the Eleven to make requests in the cases introduced by them—as is happening now? [4] You should have the same attitude towards your own situation, and bear in mind that for you to assist somebody on a personal basis in a case involving failure to undertake military service will be no different from any of these other officials making requests while themselves putting the issue to a vote. [5] Ask yourselves, gentlemen of the jury, whether the evidence is not sufficient to prove that none of the officials in the camp had supported Alcibiades. For if they are telling the truth, they should have summoned Pamphilus, because by taking away Alcibiades’ horse, he deprived the city of a cavalryman; they should have imposed a fine (epibole) on the Phylarch, because by expelling Alcibiades from the tribal cavalry contingent, he had rendered ineffective their own authority; and they ought to have ordered the Taxiarch to rub out Alcibiades’ name from the list of the hoplites. [6] In fact they did none of these things. Instead, in the camp they took no notice while he was insulted by everybody and while he served as cavalryman among the mounted archers (hippotoxotai); but now, when you have to punish the offenders, they obligingly testify that he served in that rank under their orders. And yet it is a dreadful thing, gentlemen of the jury, that whereas the generals themselves, who are elected by the Assembly, would never dare lead us before they had passed their dokimasia in accordance with the laws, nevertheless Alcibiades dares to be enrolled by them contrary to the laws of the city. [7] In my view it is terrible, gentlemen of the jury, that although the generals cannot at whim enroll among the hoplites any cavalryman who has passed his dokimasia, nevertheless it is to be within their power that any hoplite they wish, who has not undergone dokimasia, may serve as a cavalryman. [8] You would not be justified in gratifying them, gentlemen of the jury, if they had this power and allowed nobody else to serve in the cavalry even though many wanted to. If, however, they admit they did not have the power to enroll him, then bear in mind that you have sworn to decide what is just, not to vote for whatever these men tell you. You should therefore pay more attention to yourselves and your oath than to any of those making requests. [9] Furthermore, gentlemen of the jury, if anyone thinks that the penalty is substantial and the law too severe, you need to remember that you have not come here to be lawgivers but to vote according to the established laws, not to have pity on wrong-doers but rather to be angry with them and to assist the city as a whole. You are fully aware that by punishing a few people for what has happened, you will improve the discipline of many of those who will face danger in the future. [10] Just as the defendant took no notice of the city and looked only to his own safety, gentlemen of the jury, in the same way you must take no notice of the defendant and vote as is best for the city—particularly because you have sworn oaths, and are due to vote about Alcibiades, who will go away laughing at the city if he deceives you. He will not repay you with gratitude if he benefits secretly in your vote, for he is a man who does harm to those of his friends who have benefited him in public. [11] You must regard his pleas as less important, gentlemen of the jury, and vote for what is just. It has been proved that Alcibiades was enrolled among the hoplites; that he deserted his position; that he served in the cavalry without passing his dokimasia, even though the laws forbid this; and that as a private individual he has given himself authority over matters concerning which the laws explicitly state that neither general nor Hipparch nor anybody else is to have more power than the laws them-

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[1] Evidently a subordinate commander, probably serving as Hipparch (cavalry commander). Pamphilus later became general in 389/8 (Xen., Hellenica 5.1.2).

[2] Lit. “from the tribe (phule).” The Phylarch was the commander of the tribal cavalry contingent, just as the Taxiarch (below) commanded the tribe’s hoplites. Evidently the Phylarch and the Taxiarch of Andocides’ tribe had both agreed that he should serve as hoplite rather than in the cavalry.


[4] Archers, even mounted archers, are liable to allegations of cowardice since they generally fight at a distance, and the present passage may imply that they have lower prestige than the cavalry, though cf. Loomis, Zeitschrift für Papyrologie und Epigraphik 107 (1999): 230–236, at p. 233, who suggests that the passage should be translated “even though he was serving . . .”, which would imply the opposite (cf. the Introduction to Lys. Fr. 10 [Theozotides] at n. 9 and n. 10).

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selves. [12] I am assisting Archestratides because he is a friend of mine, and taking vengeance on Alcibiades because he is an enemy. I beg you to vote justly. You must vote with the same attitude as when you thought that you were about to face the ultimate danger against the enemy.

16. FOR MANTITHEUS

INTRODUCTION

The word *dokimasia* (pl. *dokimasiai*, Eng. “scrutiny”) denotes the judicial examination of a person's right to hold an office or to receive a privilege. There were various types of *dokimasia* in Athenian law, but Lysias 16 involves the *dokimasia* that had to be undergone by anybody who had been appointed, whether by election or by lot, to public office. No fewer than four of the speeches and one of the papyrus fragments of Lysias belong definitely or probably to such *dokimasia* hearings: Mantitheus here, and Philon in Lysias 31, are prospective Councilors; Lysias 26 is an attack on Euandrus, who has been chosen as Archon; the anonymous speaker in Lysias 25, and Eryximachus in Lysias Fragment 9, have apparently been appointed to other offices.

We have no *dokimasia* speeches among the works of any other orator, and we hear of very few contested cases outside the period 403–380. What is at issue in Lysias' *dokimasia* speeches is consistently the

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10 Evidently the main prosecutor; cf. Lys. 14.3.

1 We hear elsewhere in Lysias of the *dokimasia* of those who were disabled, which they had to pass before receiving a pension (such a case is the subject of Lys. 24), of prospective cavalry before service (which Alcibiades is charged with failing to undergo at Lys. 14.8, and cf. Lys. 16.13), and of young men before becoming adult citizens, such that "I passed my *dokimasia*" becomes a synonym for "I came of age" (frequent throughout the corpus, as at Lys. 10.31 and 21.1).

2 Jurisdiction varied according to the prospective office (for the rules, see *Ath. Pol.* 45.3 and 55.2–3): the nine Archons received a unique double *dokimasia*, first before the Council (as in Lys. 26) and then before a court, the Council alone (i.e., the outgoing Council) heard the *dokimasia* of their prospective successors (as in Lys. 16 and Lys. 31), and all other officials were scrutinized simply by a lawcourt (as probably in Lys. 25 and Fr. 9 *Eryximachus*).