NOTES ON ANDOCIDES

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

*De Mysteriis*

7. ὅστε ὑμᾶς πολὺ ἄν ἢδον δίκην λαβέναι παρὰ τὸν κατηγόρον ἢ παρὰ τὸν 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: ἄν 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 εὑρήμενος: Cf. § 34; εὑρήσσομαι is frequently used in decrees to mean ‘obtain as a privilege.’ Examples from the fifth century can be found in *IG* Π 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. Pherikles had several pieces of property in different areas of Attica (cf. *IG* Π 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 Epitrepones 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 slaveowner would be Xenophon, *Poroi* 4.49: ἐν ἀπὸ τῶν ἀνδρα-

πόδιον ἀποφορά τὴν διατροφήν τῇ πόλει αὐξανεῖ ἄν, but the reading of the manuscripts here is ἀποφορά (= income?). I suggest, therefore, that Dio-
kleides’ slave worked for himself and, since mining was a deadly business, that he was employed at washing or refining the ore which other slaves

141
Not available.
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 Lykoptron 9.

62. ὁ Ἑρμής ... ἢ Ἀιγής ἁνέθηκεν: 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 Eurysekeion, 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 Kallitheae, south of Athens (SEG XXIII 78), was originally placed [ἐν τῷ] ἤρωῃ τοῦ 'Ἀκάμαυντος'. Yet all our other evidence indicates that the city demes of Akamanísts 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. Ἀλκαί Ἀραμηνίδης), belonging to the Erechtheis tribe.' The reading of the manuscripts of Stephanus here, μεταξὺ Φηγώως τοῦ πρῶτος Μαραθώνι, is apparently corrupt, for s.v. Φηγώος all the toposkta contain the stem Φηγοῦντ - (and the toposkta of the demes Acherdous, Agnous, Alimous, Anagyrous, Myrrhínous, 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 Φηγῶ γ<αι> ἐκ τοῦ Ἠρώου. Although the usual form is Φηγῶ, the lexicographical tradition does recognize Φηγῶ 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 δὲ υπόσταν ἐκ τοῦ δήμου τῷ κατέβαλον τὰ χρήματα, ἢ ἑγγύς ἡγγύσιον πρὸς τὸ δήμουν (τούτοις ἢ μὲν ἐκτισμὶ ἢ ἐπὶ τῆς ἅντος ἀντανάκλασις ἢ δὲ μὴ, διπλάσιον ὑπεκλίθον καὶ τὰ τετράζων περισσότερον): 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 ὑπόσταν 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: [μεσ]θοῦσι δὲ τὰ μισθῶμα πάντα καὶ τὰ μετάλλα πωλοῦσι, καὶ τὰ τέλη ... ἀναγράφουσι
δὲ καὶ τὰ χωρία καὶ τὰς οἰκίας [τὰ ἀπογραφέντα καὶ πραθέντα ἐν τῷ δικαστηρίῳ καὶ γὰρ ταῦθ' ὀντοι πωλ[οῦσιν.] The distinction between μισθώματα and ὄναε is confirmed by Χερόπολα Poroι 4.19: μισθῶνται γούν καὶ τεμένη [καὶ ἱερᾶ] καὶ οἰκίας καὶ τέλη ἁναθεῖται παρὰ τῆς πόλεως (cf. also Dem. 24.40 and IG I2 94). So ὄναε can include mining concessions (cf. Dem. 40.52: ὄναε τινα μετάλλων) and the purchase of confiscated property (cf. IG I2 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 (καταβολαῖ). 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 Πατροκλέιδες 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 I2 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 ἀπὸν 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 I2 91), providing for repayment of debts to the Other Gods, illustrates this section of the Decree of Πατροκλέιδες very nicely: ἀποδόντον [δὲ τὰ] χρέματα ὅιν προτέκας μετὰ τῆς βολῆς καὶ ἔχοντον ἐπα[δᾶν] ἀποδόντιν, ζετέσαντες τὰ τε πινάκια καὶ τὰ γραμμίτες καὶ ἐδὼ πρὸ ἀλλαθιν ἔγιγμαμένα ἀποφαινόντον δὲ τὰ γεγραμμένα καὶ τε λειρεῖς καὶ [οἱ] καὶ [καὶ] τὸ ἀλλος οἶδεν (10ff.)

84. εἰς τὸν τοίχον: 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 ἀτι βουλευόντα: ἀτι in this sense occurs frequently in inscriptions; examples from the fifth century include IG I2 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
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. ἀπέσανε 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 (107ff.), 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. Τεσσάνδρος: In all probability this man’s father was named Epilykos, and his daughter married Pericles’ son Xanthippos; cf. Plut. Pericles 36.

121. λαγχάναι τῷ ὑπὲρ: 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:

```
Miltiades

  Kallias  Elpinike  Epilykos
     |         |         |
  Hipponikos  |  Teisandros
     |         |
  Kallias  Epilykos
       |         |
  son
```

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 ἄγγιστεία. (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. τοῖς [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 ἀρ[δ] τῆς δεκάτης μετ’
σικάδα, 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 Ἰσταμένου) and the precise sum of money (one thousand drachmai). For further discussion cf. B. D. Meritt, 'Ἀρχ. Ἑφ. (1968) 106f.

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

132. ταμιᾶς IG II² 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 II² 1371 we learn that one of the treasurers in 402/1 was Πιπ[ο]ν (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. 1253f. 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 II² 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).


149. Ἀνδρίους πολίτης ποτέ οὐκ έστι: 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 metaxenon 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 ἄνεξετάστως.
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, *Agesilaus* 5, reports the view of Agesilaus expressed at about the same time as Andocides delivered the *De Pace*: ‘nam si’ inquit ‘eos extinguere voluerimus, qui nobiscum adversus barbaros steterunt, nosmet ipsi nos expugnaverimus illis quiescentibus. quo facto sine negotio, cum voluerint, nos oppriment.’

22. κακὸν ἀγαπητὸν: 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: ἐδέσμην αὐτὸ τῇ ἐφόδιᾳ μοι δώναι, ὁ δ’ ἀγαπητὸν με ἔρωσεν, εἰ τὸ σώμα σώσα (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.


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).

University of California

W.E. THOMPSON
Acta Classica is published annually by the Classical Association of South Africa. The journal has been in production since 1958. It is listed on both the ISI and the SAPSE list of approved publications.

For further information go to: http://www.casa-kvisa.org.za/acta_classica.htm