

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Faculty Publications, Classics and Religious Studies
Department

Classics and Religious Studies

October 1973

On the Corpus of Lysias

Thomas Nelson Winter

University of Nebraska-Lincoln, c150gpilot@yahoo.com

Follow this and additional works at: <http://digitalcommons.unl.edu/classicsfacpub>



Part of the [Classics Commons](#)

Winter, Thomas Nelson, "On the Corpus of Lysias" (1973). *Faculty Publications, Classics and Religious Studies Department*. 26.
<http://digitalcommons.unl.edu/classicsfacpub/26>

This Article is brought to you for free and open access by the Classics and Religious Studies at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Faculty Publications, Classics and Religious Studies Department by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

ON THE CORPUS OF LYSIAS

FROM CLASSICAL TIMES to the present, scholars have been rejecting Lysias' speeches. Their efforts are now complete. In the time of Dionysius of Halicarnassus the Lysian corpus included 425 speeches. Of these, Dionysius averred that "no fewer than 200" juridical orations were the work of Lysias. Including some non-judicial speeches, he settled upon a total of 230 as genuine works.¹ The scholarship factor² and the usual accidents of transmission have left us but thirty-five. This includes two epitomes (orations 11 and 15), three extensive quotations in Dionysius' *De Lysia Iudicium* (orations 32, 33, and 34) and the *Eroticus* from Plato's *Phaedrus*. By 1968, only six orations (1, 3, 21, 26, 32, and 34) stood free of the scholar's obelisk. But now the entire surviving corpus is marked, for Kenneth Dover has concluded that only the twelfth oration (which was athetized by Alphonse Hecker in 1847)³ can confidently be called Lysias'.⁴

This cumulative effacement of Lysias has been effected by a variety of critical tools. Dionysius' determining principle, for instance, was *charis*; Benseler's, hiatus;⁵ Reiske's, ornateness;⁶ Blass's, "mein Gefühl."⁷ Dover's is the consultant-client rela-

¹ The figures (from Ps-Plut. *Decem oratorum vitae* 836A, D. H. *De Lys.* 17) are not unreasonable. Plato presents Lysias as one who writes speeches for amusement in the *Phaedrus*, and as one who cannot be deterred from speech-writing by the abuse of politicians (257C). It is perfectly credible that such a writer was prolific. It is even credible that his orations numbered in the hundreds: assuming that the surviving complete speeches indicate the normal length, the corpus which Dionysius faced would roughly equal the surviving and secure corpus of Plato, and would equal about half of Cicero's extant and secure works; the corpus approved by Dionysius would equal about four sevenths of Plato and less than a third of Cicero.

² Harpocration's *Lexicon in decem oratores Atticos* cites ninety-five speeches and one epistle of Lysias, thirty-nine of these with the caveat, *εἰ γνήσιος ὁ λόγος*. It must be granted that if this caveat indicates someone's athetesis, five speeches (6, 9, 10, 14, 30) survived despite it. Paulus' rejection of the seventh oration, recorded indignantly by Photius (262), had no effect, but Photius adds that Paulus deprived us of "many fine speeches," *οἷχ εὐρισκομένων ἐν τῶν ὑπὸ διαβολῆν πεσόντων* (loc. cit. = p. 489, Bekker). The effect of ancient scholarship is most clearly seen in Plautus: the 21 comedies which Varro deemed most worthy of Plautus survived. The *Fabulae praeter Varronianas* are now seven pages of fragments.

³ *De oratione in Eratosthenem XXX virum Lysiae falso tributa* (Leyden). I have not found this work, but owe the reference to Angela Darkow, *The spurious speeches in the Lysianic corpus* (Baltimore 1917), p. 52-53, and to Friedrich Nowack, "De orationum quae inter Lysiacas feruntur XIV XV authentia," *Leipz. Stud. z. klass. Phil.* 12 (1890) 101.

⁴ *Lysias and the corpus Lysiacum* (Berkeley 1968), p. 197.

⁵ Dionysius explains his criterion in *De Lys.* 11, 12; Gustav Eduard Benseler rejected orations 16, 22, 24, 25, 28, 29, and 33 because in them he found "hiatum magis solito evitatum." *De hiatu in oratoribus Atticis et historicis libri duo* (Freiberg 1841), p. 184, 185.

⁶ Reiske, whose notes on Lysias seem impressionistic, was the first to athetize the *Epitaphius*. As the speech goes on, he becomes progressively less happy with its antithetical and balanced figures. Consider the note at 35 (*Oratores Graeci*, vol. 5, part 1 [Leipzig 1772], p. 56), where he is still thinking of Lysias as the author:

Mirifice et ad fastidium luxuriat hac in oratione Lysias, cum antithetis molestissimis, frigus et nauseam creantibus, tum illa perpetua oppositione, saepe perquam inepta, et puerili, inter μέν et δέ.

The four-part parallel at 29 is too much, and he there admits the suspicion that someone else wrote the speech (p. 64). Further on, he speaks of the author as *orator* (p. 78), *artifex antithetorum* (p. 82) and as Lysias (p. 77, 85, 90, 93 twice, 100, 106) — which may indicate that Reiske got over some of his pique.

tionship. Though he observes that politics, ideology, and types of argumentation are invalid criteria for ascription or rejection, he insists that composite authorship stands in the way of ascription (p. 161), and that the traditional ascription ultimately rests with the fourth century booksellers, whose interest is to have things labeled "Lysias" even if it means omitting the name of a second author (p. 159, 194); only the twelfth oration, which Lysias delivered himself, stands secure. Even though the ideas behind it have been a long time coming to the fore,⁸ a thesis whose effect is to put an entire corpus into an adespotic limbo ought not go unexamined.

This examination of Dover's consultant-client co-authorship thesis will first look at some lesser points, discuss some stylometric background, and then cover some matters of greater import, namely:

1. that his stylistic test demonstrating "significant differences" among the forensic speeches includes an extraneous factor which affects 96.7% of the "significant difference;"
2. that this test fails to separate what is Lysias from what is not Lysias, as would any vocabulary test;
3. that of the four arguments specifically adduced by Dover in support of composite authorship, two argue the other way as well, and the remaining two fall short of demonstration; and finally,
4. that the sequence of logic which leads to the thesis contains a serious omission, which when supplied must radically alter the thesis.

Professor Dover's insistence that only oration twelve stands secure should be difficult to maintain even if the thesis is correct. The fact that Dionysius preserved orations 32, 33, and 34 as exemplary of Lysias is ignored. The thirty-third, called the *Olympiacus*, is epideictic. As Dover is aware, epideictic speeches are not liable to co-authorship between client and consultant. Thus the *Epitaphius*, *Olympiacus*, and *Eroticus* remain outside this theory and remain subject to ascription. This is also true of any speech not written for delivery: for such speeches there is no client, and no client co-author. Yet the twelfth enumerated conclusion of the book is that any speech except 28 may be hypothetical. It would seem to follow that in no speech except 28 (which is secure enough) could one demonstrate composite authorship.

Declaring dual authorship to be possible for every speech but the twelfth effectively renders all the rest of the corpus adespotic. One would have preferred seeing dual authorship posited only where something like it is visible. The outstanding instance which comes to mind is oration 20. Skill contrasted with artlessness in this one speech led Theodor Bergk to consider it partly the work of Polystratus' son, partly the work

⁷ It must be allowed, in fairness and respect for Blass, that the *Gefühl* of someone who knows Greek can be more convincing than columns of words tolled off by a counting machine. Blass resorts to *Gefühl* in defending the spuriousness of the *Epitaphius*. *Attische Beredsamkeit* I (Leipzig 1887), p. 366.

⁸ Wilamowitz observed in 1923, "dass man sich bei Privatreden immer fragen muss: wie und von wem sind sie veröffentlicht?" ("Lesefrüchte," *Hermes* 58, 68). Something like Dover's thesis seemed implied — but was not outrightly expressed — in A. P. Dorjahn and Wm. Fairchild's "Extemporaneous elements in the orations of Lysias," *CB* 43 (1966) 17-19, 25-26. But Isocrates put many of the same elements into the *Antidosis* (cf. Dorjahn and Fairchild, "Isocrates and improvisation," *CB* 44 [1967] 6-10) as did Cicero in the undelivered *Verrines*.

of Lysias,⁹ and led Wilamowitz to deem it a composite, but completely spurious, speech.¹⁰ Surprisingly, Dover does not use this as supporting evidence. But stylistic tests apparently do not call attention to the factor of rhetorical skill which interested Bergk and Wilamowitz.

These tests have other limitations. Dover wisely observes (p. 87):

It is well known that a Greek dramatist is inclined to use the same word several times in one play, and either never or rarely in his other plays; and we should expect the same to be true of an orator. This consideration applies not only to individual words, but also to combinations of words and to sentence structure.

And, on p. 83: "considerable linguistic difference is equally compatible with identity and with difference of authorship." Though Dover uses one test to show "significant differences" between the speeches, he draws the major support for co-authorship from other arguments (see below). There prevails nonetheless an impression that Dover's thesis is founded upon stylometry. There is, for instance, a report that "by simple stylometric tests, he demonstrated conclusively that in terms of vocabulary and word order the speeches in the corpus are no more like *Against Eratosthenes* [oration 12] . . . than are speeches selected from outside the corpus."¹¹ Such evidence would be compelling if it were there. It is not. The tests which have controls (samples for comparison from other authors) demonstrate conclusively that the simpler stylometric tests do not work. These tests (frequency of δ , $\kappa\alpha\iota$, $\delta\acute{\epsilon}$; "participles as a percentage of all verbal forms," and "aorists as a percentage of all non-indicative . . . verbal forms") put more separation between the first and second halves of oration 12 (the longest in the corpus) than between 12 and samples from other authors (p. 110-114). With this demonstration, Dover performs a great service, forestalling whole bibliographies of stylistic studies. Too often, stylometrists publish test results without ever having tested the validity of the test.

Unfortunately, this is what Dover does with his next two tests. In "Refined stylometry" (p. 115-117), all forensic speeches in the corpus are compared to 12 on the basis of how often "non-forensic" words occur in each, and on the basis of word-order, but in neither test is there a control. Two observations are to be made about non-forensic words. First, Dover uses two sets of figures: oration 12 had thirty-five non-forensic words (forty-one less six discounted as representing material objects) on p. 67, and from this list the twenty-four from the first half of the speech are used on p. 80. But when the total for the entire speech is compared with the totals for the others, eleven more words are eliminated, leaving twenty-four for the entire speech. If Dover twice deems thirty-five words non-forensic, and later, twenty-four words instead, the inconsistent choosing makes Dover himself a factor of 0.686 (24/35) in a table wherein he feels 0.7 is a "significant difference."

The second and more important thing that should be noted about this test is that it produces significant differences between 12 and portions of 12, portions which are comparable in length to many of the speeches in the corpus. It may be seen from the

⁹ "Wahrscheinlich hat der Sohn . . . die Rede selbst entworfen, und Lysias den Entwurf nur hier und da verbessert, so wie er auch den Epilog hinzugesetzt hat. Daraus erklärt sich das Ungleiche der Darstellung." *Griechische Literaturgeschichte* IV (Berlin 1887), p. 358.

¹⁰ *Aristoteles und Athen*, III (Berlin 1893), p. 356.

¹¹ Thomas B. Curtis, review of *Lysias and the corpus Lysiacum*, *CW* 62 (1969) 279, 280.

table that usage of non-forensic words, like the less refined tests to measure style, does not work. The table complements Dover's tabulation (p. 126), and uses his final list.

| SAMPLE | RATIO TO LENGTH OF 12 | NON-FORENSIC WORDS | PROJECTION TO SCALE OF 12 | RATIO OF NON-FORENSIC USAGE |
|-----------|-----------------------------|-----------------------|---------------------------------|-----------------------------------|
| 12 | 1.0 | 24 | 24 | 1.0 |
| 12.35-72 | .36 | 5 | 11.6 | -0.49 |
| 12.81-end | .23 | 9 | 39.6 | 1.65 |
| 10 | .27 | 11 | 41 | 1.7 |
| 12.85-end | .18 | 9 | 49.5 | 2.1 |
| 4 | .18 | 10 | 56 | 2.3 |

For comparison, the figures for the fourth and tenth orations are offered from Dover's table. Both, he feels, "differ significantly" from 12. But 12 as a whole uses non-forensic words twice as often as does the passage 12.35-72 (the ratio -0.49 equals 2.04, inversely expressed). And within 12, using segments as long as other speeches, one can find a ratio of 4.5, for the passage 12.85-100 uses 4.49 times as many such words as does the passage 12.35-72, in proportion to length. It may be objected here that you might expect different vocabulary in the different divisions of the speech: proem, narrative, proofs, conclusion. But if this is correct, it only introduces more deviations within the same author, compounding the difficulties of the stylometer: some speeches are not equipped with all the divisions, and the complete speeches do not have the same percentages of their length devoted to the divisions. In sum, occurrence of non-forensic words will not separate Lysias from non-Lysias if it separates Lysias' twelfth oration from Lysias' twelfth oration. It is not valid as a test.

From the other test, in essence a discussion of word-order, no conclusions are drawn, except that certain peculiarities are named for 19 of the forensic speeches of the corpus.

We might at this point ask in a more general sense where stylometry has gotten us. Is it possible to compile scientific evidence about authorship? How can the stylometrist proceed to do it? He must dismiss sentence length out of hand: it cannot be trusted to separate Milton from Ogden Nash. Rules governing δ permit such area for personal preferences that it and the similar tests should have worked. Dover has demonstrated that they do not. The demonstration was a surprise, and will probably stand as one of Professor Dover's achievements. Vocabulary? It is the nature of language that its speakers are equipped to express whatever a situation may require of them. This is the reason why "words denoting material objects" have to be thrown out of vocabulary tests. I fear it is also reason enough to reject any stylistic tests based on vocabulary itself. For the stylometrists, what else is there? "Non-forensic words" do not work. Would anything else?

But Dover, knowing what he does about linguistic caprice and change within the same author, does not summon the stylometry to his support when he pleads for composite authorship. The arguments he advances for it are from Aristotle, Galen, hiatus in Demosthenes 24, and from variations in the formulae for summoning witnesses in Lysias. The two arguments involving Aristotle concern a remark of his addressed against Isocrates, and the fact that he never quotes Lysias by name. In discussing the dicanic speeches of Isocrates, Dionysius matches Aristotle against Aphareus, Isocrates' adopted son. Aphareus had declared that his father never wrote

speeches for the dicastery. Aristotle's remark is that the bookstores are full of them (D. H. *Is.* 18). Citing the two statements, Dover stresses "what Dionysius took for granted; that within a few years of an Attic orator's death there could be serious argument whether he had written many forensic speeches or none," and takes Aristotle's position as "essentially agnostic" (p. 25). But on context, Dionysius appears to have seen Aristotle's position differently (*Is.* 18):

I know the statements of the two men,
and neither believe Aristotle wishing
to throw mud [ῥυπαίνειν] at the man,
nor Aphareus fabricating [πλαττομένῳ]
a suitable speech on his account.

Bibliopolic fraud, conscious or unconscious, does not occur to Dionysius. For him, each statement flatly contradicts the other: if he believed Aristotle, he would believe, not that the speeches were in the bookstores, but that Isocrates had written a great number of them. And how serious is the argument? The statement of Aphareus is a falsehood which he does not in any way believe. What he does not believe of Aristotle is the hyperbolic extent, for he determines (on the authority of Cephisodorus, who lived with Isocrates, became his most sincere disciple, and defended him against Aristotle) that Isocrates had written such speeches, but not many (*Is.* 18). If a friend had to grant this much, Aristotle's statement would appear to be the one to choose: it is just that his reasons for saying it made the statement unacceptable. This seems to be in accord with contemporary opinion. The widespread belief that he wrote speeches for the dicastery was Isocrates' strongest embarrassment in his only litigation, and he lost his case (*Antid.* 2-5, 37).

In Aristotle's quoting, but not naming, Lysias, Dover sees agnosticism about the identity of the author, and hence, support for composite authorship. "Aristotle knew at first hand the part played by the booksellers, and we must not be afraid to acknowledge it" (p. 25-26). But if anonymous citation indicates that Aristotle feels the author's identity is unknowable, what must we make of the passage which Aristotle quotes to conclude the *Rhetoric*? It is the closing sentence of Lysias' twelfth oration, the only one we may safely consider Lysias' and Lysias' alone. This anonymous citation is one not mentioned in Professor Dover's book.

The argument from Galen concerns works he had given to friends or students, without always keeping a copy for himself. The owners had passed them on to third parties; these either claimed authorship, or were posthumously mistaken for the authors. The works were returned to Galen by friends who wished to learn what was his. Dover takes from this that the author has no control over the publishing of works intended for individual persons (p. 154). But this instance argues both ways, for we can also see here the very readers taking active steps to preserve the integrity of text and canon. This recourse was always open: so long as an author lived, doubts about his writings could be settled directly.

What Dover treats as his best evidence of composite authorship (p. 161) is hiatus in Demosthenes 24, and the witness-summoning formulae of Lysias 19 and 23. Demosthenes wrote 24 for Androtion, and in the excessive hiatus from 24.118-137 Dover sees more of Androtion and less of Demosthenes. From the monotonous summonses of Lysias 23 it is suspected that the client put it into circulation. From the anonymous summonses of 19, it is suspected that the consultant, who is more likely to forget the

names of witnesses than the client, published the speech. These arguments are consistent with his desired conclusion, but neither is sufficient demonstration for the individual cases, to say nothing of composite authorship infecting an entire corpus and forestalling ascription.

Dover justly argues (p. 156-160) that neither consultant nor client would have an interest in publishing advised or co-authored speeches as Lysias' and thus that heirs of the client, or other third parties, would publish the advised pieces. Given this, and the fact that you could walk up to Lysias and inquire when there was doubt about the source of a speech, it would seem that on Lysias' death the corpus of his writings consisted almost exclusively of works that Lysias had written and published himself. Such publications as Dover envisions would be later, accidental additions to an already established corpus, and would have to compete with the real thing for survival.

Finally, the claim that composite authorship infects the corpus and forestalls ascription is based on the relationship among consultant, client (including the client's heirs and assigns) and the fourth-century booksellers. Though Dover's thesis seems "very probable" to him, George Kennedy has observed of this relationship that "the usual Greek word to describe Lysias' activity is not 'consultant' as Dover might like us to believe, but speechwriter (*λογογράφος*), which suggests some degree of artistic integrity" (review, *AJP* 91 [1970] 497). It must also be noted of this triumvirate relationship that it is incomplete: if we must take the dealers into account, since their interest is to have speeches labeled "Lysias'," then we must take the fourth-century buyers into account, since their interest is to get the Lysias they pay for. If composite authorship existed, the book-buying public of the fourth century knew about it,¹² and may be trusted to have avoided its products wherever possible.

We may see this in operation, for we possess in the *Phaedrus* a contemporary narrative of just such a thing as Dover has hypothesized, but complete, with all four elements of the relationship represented. Whether the narrative is real or simply realistic does not matter to the illustration. Phaedrus has been attempting to memorize the *Eroticus*, and has obtained a text of it from Lysias. It is granted, of course, that Lysias has no control over how Phaedrus should pass on the text while it is in his possession. Both Lysias and a Lysias-Phaedrus composite are available, the one hidden, the other proffered. But the recipient does have control over how the text is received, and he exercises it. Plato's Socrates will not tolerate second-hand Lysias: so long as genuine Lysias is available, he will search it out, and the competing second-hand Lysias has no chance, either of transmission or of preservation (228D-E). It is true that not all fourth-century text-buyers had as much presence of mind as Plato's Socrates, but none of them had less motivation to get the pure texts, and the buyers as a class cannot be omitted from the account.

¹² And if they knew about it, they said nothing that has survived. Kennedy justly notes that "Dionysius of Halicarnassus and other critics interested in the problem of ascription seem totally oblivious of the situation which Dover describes. . . . If conditions of publications were as Dover describes them, it is not really enough to say we know more about the fourth century than Dionysius did" (loc. cit.).

I should like to repeat in conclusion that Professor Dover's thesis has been a long time in coming to the fore: it seems inevitable that it should have found expression. The hypothesis does seem at least outwardly probable. Albeit with a significant addition, something parallel is recorded in the *Phaedrus*, and Bergk anticipated it by 80 years in explaining the condition of oration 20. However, the evidence to make a compelling case for it on a large scale is simply not there. The burden of proof remains upon the shoulders of the athetist, despite Professor Dover's Atlantean attempt to remove it, and the tradition remains primary evidence for ascription. Though the dual-authorship thesis could be considered for individual speeches where internal corroboration can be demonstrated, it can not possibly stand as a bar to acceptance where the internal corroboration is missing or equivocal.

THOMAS N. WINTER

University of Nebraska