

Isaeus'
*On the Estate
of Pyrrhus*
(Oration 3)

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Edited with an Introduction,
Translation and Commentary
by Rosalia Hatzilambrou

Cambridge
Scholars
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To Γιάννης, Ελένη, and Γιώργος-Νικηφόρος

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INTRODUCTORY NOTE

Latinized forms are used for the names of Greek people and places; however, Anglicized forms are used for the names of classical authors and works most widely familiar to English readers, *e.g.* Aristotle, Plato, *Apology*. Individual Greek words and short phrases used in the Introduction and the Commentary are transliterated, unless the context makes Greek script more appropriate, for instance when discussing points of textual criticism, grammar, and syntax. “*Cf.* §1n.” and “see §1n.” mean “*cf.* the Commentary on §1” and “see the Commentary on §1” respectively. Words marked with an asterisk (*) refer the reader to the Glossary, which includes legal, rhetorical, and other technical terminology. Unless otherwise indicated, translations are my own.

ABBREVIATIONS

a) Ancient authors and works

The abbreviations of Greek authors follow the system of *LSJ*, and of Latin of *OLD*. The few exceptions, e.g. “Dem.” for “Demosthenes”, are self-evident. The abbreviations of the periodicals follow *L’Année Philologique*. The symbol “Σ” stands for the ancient scholia to a work.

b) Modern publications

<i>APF</i>	Davies, John K. 1971. <i>Athenian Propertied Families 600-300 B.C.</i> Oxford: Oxford University Press
<i>FGrHist</i>	Jacoby, Felix. 1926–1958. <i>Die Fragmente der griechischen Historiker</i> . Berlin and Leiden: Brill
<i>Harpocraton On Line</i>	Sosin, Joshua et alii, “Harpocraton on Line”: https://blogs.library.duke.edu/dctthree/2015/05/26/harpocraton-on-line
<i>IG</i>	<i>Inscriptiones Graecae</i>
<i>K-A</i>	Kassel, Rudolf, and Colin Austin. 1983–2001.
<i>Poetae Comici Graeci</i>	(8 vols. so far). Berlin and New York: Walter de Gruyter
<i>LGPN</i>	Osborne, Michael J., and Sean G. Byrne. 1994. <i>A Lexicon of Greek Personal Names</i> , vol. II (Attica). Oxford: Oxford University Press
<i>LSJ</i>	Liddell, Henry G., Robert Scott, and Henry S. Jones. 1996. <i>A Greek-English Lexicon</i> , 9 th edition with Revised Supplement. Oxford: Oxford University Press
<i>M-P³</i>	Mertens–Pack ³ Online Database of Greek and Latin Literary Papyri: http://cip193.philo.ulg.ac.be/Cedopal/MP3/dbsearch_en.aspx
<i>OLD</i>	Glare, Peter G. W. 2012. <i>Oxford Latin Dictionary</i> (2 vols.), 2 nd edition. Oxford: Oxford University Press
<i>PA</i>	Kirchner, Johannes. 1901–1903. <i>Prosopographia Attica</i> (2 vols.). Berlin: G. Reimer

xii Abbreviations

<i>PLP</i>	Trapp, Erich and alii. 1976–1996. <i>Prosopographisches Lexicon der Palaiologenzeit</i> (15 vols.). Vienna: Österreichische Akademie der Wissenschaften
<i>P. Oxy.</i>	<i>The Oxyrhynchus Papyri</i>
<i>RE</i>	<i>Realencyclopädie der classischen</i> <i>Altertumswissenschaft</i>
<i>RGK</i>	Gamillscheg, Ernst et alii. 1981–1994 <i>Repertorium</i> <i>der griechischen Kopisten 800–1600</i> (3 vols.). Vienna: Österreichische Akademie der Wissenschaften

INTRODUCTION

A. The orator

a) Testimonia

1. Dionysius Halicarnassensis, *de Isaeo* 1 (pp. 93.1–94.2)

Ἰσαῖος δὲ ὁ Δημοσθένους καθηγησάμενος καὶ διὰ τοῦτο μάλιστα γενόμενος περιφανής, ὥς μὲν τινες ἱστοροῦσιν, Ἀθηναῖος ἦν τὸ γένος, ὥς δ' ἕτεροι γράφουσι, Χαλκιδεύς. ἤκμασε δὲ μετὰ τὸν Πελοποννησιακὸν πόλεμον, ὥς ἐκ λόγων αὐτοῦ τεκμαίρομαι, καὶ μέχρι τῆς Φιλίππου δυναστείας παρεξέτεινε. γενέσεως δὲ καὶ τελευτῆς τοῦ ῥήτορος ἀκριβῆ χρόνον εἰπεῖν οὐκ ἔχω οὐδὲ δὴ περὶ τοῦ βίου τάνδρός, οἷός τις ἦν, οὐδὲ περὶ τῆς προαιρέσεως τῶν πολιτευμάτων οὐδέν, ἀρχὴν εἰ προεῖλετό τινα ἢ πολιτείαν, οὐδ' ὅλως περὶ τῶν τοιούτων οὐδενὸς διὰ τὸ μηδεμιᾷ τοιαύτῃ περιτυγχάνειν ἱστορίᾳ. οὐδὲ γὰρ ὁ τοὺς Ἰσοκράτους μαθητὰς ἀναγράψας Ἑρμιππος, ἀκριβῆς ἐν τοῖς ἄλλοις γενόμενος, ὑπὲρ τοῦδε τοῦ ῥήτορος οὐδὲν εἶρηκεν ἔξω δυεῖν τούτων, ὅτι διήκουσε μὲν Ἰσοκράτους καθηγήσατο δὲ Δημοσθένους. [συνεγένετο δὲ τοῖς ἀρίστοις τῶν φιλοσόφων.]

Ἰσαῖος ... Χαλκιδεύς: *cf.* Harp. I21 s.v. Ἰσαῖος ὁ Δημοσθένους καθηγησάμενος: *cf.* Philostr. *vit. soph.* I.17; Liban. *arg. or. Demosth.* 7 (p. 602.18–19); Liban. *decl.* XXIII.32 (p. 393.9–12); Su. Δ454 s.v. Δημοσθένης οὐδὲ ... Δημοσθένους: *FGrHist* 1026 T4a, 15a, F45b; Hermippus fr. 69; *cf.* [Plut.] *vit. X or.* 837d; Phot. *Bibl. cod.* 260 (487a)

Isaeus, who was Demosthenes' teacher and became famous mainly for that reason, was Athenian by birth according to some, but others write that he was from Chalcis. As I infer from his speeches, he was in his prime after the Peloponnesian War, and he lived until the reign of Philip. I am not able to state the exact date of the orator's birth and death, nor indeed what type of life the man led, nor anything relating to his political preferences, such as whether autarchy or democracy was his preferred system of government, in general I can say nothing on such subjects, because I have not come across any information about them. Even Hermippus, who documented the students of Isocrates, cites detailed information about the others but makes only

2 Introduction

two observations about this orator, namely that he was a student of Isocrates and that he taught Demosthenes. [He also associated with the best philosophers.]

2. [Plutarch] *Vitae decem oratorum* (= *Moralia* 839 e–f)

Ἰσαῖος Χαλκιδεὺς μὲν ἦν τὸ γένος, παραγενόμενος δ' εἰς Ἀθήνας καὶ σχολάσας <μὲν Ἰσοκράτει ὥς φησιν Ἑρμιππος μάλιστα δ' ἠκολούθει> Λυσία κατὰ τε τὴν τῶν ὀνομάτων ἁρμονίαν καὶ ἐν τοῖς πράγμασι δεινότητα, ὥστ' εἰ μὴ τις ἔμπειρος πάνυ τοῦ χαρακτήρος τῶν ἀνδρῶν εἴη, οὐκ ἂν διαγνοίη πολλοὺς τῶν λόγων ῥαδίως ὁποτέρου τῶν ῥητόρων εἰσίν. ἤκμασε δὲ μετὰ τὸν Πελοποννησιακὸν πόλεμον, ὡς ἔστι τεκμήρασθαι ἐκ λόγων αὐτοῦ, καὶ μέχρι τῆς Φιλίππου ἀρχῆς παρέτεινε. καθηγῆσατο δὲ Δημοσθένους, ἀποστὰς τῆς σχολῆς, ἐπὶ δραχμαῖς μυρίαῖς διὸ καὶ μάλιστα ἐπιφανὲς ἐγένετο. αὐτὸς δὲ καὶ τοὺς ἐπιτροπικοὺς λόγους συνέττατε τῷ Δημοσθένει, ὥς τινες εἶπον. καταλέλοιπε δὲ λόγους ἐξήκοντα τέσσαρας ὧν εἰσι γνήσιοι πεντήκοντα, καὶ ἰδίας τέχνας. πρῶτος δὲ καὶ σχηματίζειν ἤρξατο καὶ τρέπειν ἐπὶ τὸ πολιτικὸν τὴν διανοίαν ὃ μάλιστα μεμίμηται Δημοσθένης. μνημονεύει δ' αὐτοῦ Θεόπομπος ὁ κωμικὸς ἐν τῷ *Θησεῖ*.

Ἰσαῖος ... Δημοσθένης: cf. Phot. *Bibl. cod.* 263 (490a) Ἰσαῖος ... σχολάσας: cf. [Plut.] *vit. X or.* 844b Λυσία ... εἰσίν: cf. Dion. Hal. *Isae.* 2 (p. 94.6–10) ἤκμασε ... παρέτεινε: cf. Dion. Hal. *Isae.* 1 (p. 93.4–7) καθηγῆσατο ... Δημοσθένης: Caecil. Calact. fr. 125 et fr. 125a καθηγῆσατο ... μυρίαῖς: cf. Su. I620 s.v. Ἰσαῖος; [Plut.] *vit. X or.* 844c; Plut. *Demosth.* 5.6; Plut. *de glor. Athen.* 8 (350c) αὐτὸς ... εἶπον: cf. Liban. *arg. or. Demosth.* 8 (pp. 602.22–603.12); Liban. *arg. or. Demosth. c. Onet.* II 2 (p. 651.9–15); Zosim. *vit. Demosth.* 147 (p. 298.41–44) καὶ ἰδίας τέχνας: cf. Dion. Hal. *ep. ad Amm.* 2 (p. 259.4–8) μνημονεύει ... *Θησεῖ*: fr. 19 (Theopompus, K–A VII)

Isaeus was a native of Chalcis, but when he came to Athens and studied <under Isocrates, as Hermippus states, he made a point of imitating> Lysias' harmony of expression and forcefulness in arguing a case, so that unless someone is thoroughly acquainted with each man's particular style, he would be unable in the case of many of the speeches to distinguish easily which orator was their author. He reached his prime after the Peloponnesian War, as one may infer from his speeches, and he lived until the reign of Philip. After leaving his school, he taught Demosthenes privately for the sum of

ten thousand drachmas, and became very famous as a result. In fact, according to some, he himself composed the orations of Demosthenes against his guardians. He has left sixty-four speeches, fifty of which are genuine, as well as an art of rhetoric (*tekhnē*) of his own. He was the first to start using figures and to express his thought using a common style,¹ which has been imitated principally by Demosthenes. Theopompus the comic poet mentions him in the *Theseus*.

3. Anonymous, *Genos Isaei* (ed. Wyse [1904, 4–5])

Ἰσαῖος ὁ ῥήτωρ ἐγένετο κατὰ μὲν τινὰς Ἀθηναῖος, κατὰ δὲ τινὰς Χαλκιδεύς, πατὴρ δὲ Διαγόρου, μαθητὴς δὲ Ἰσοκράτους τοῦ ῥήτορος, διδάσκαλος δὲ Δημοσθένους ἤκμασε δὲ μετὰ τὸν Πελοποννησιακὸν πόλεμον, καὶ ἐπεβίω μέχρι τῆς Φιλίππου ἀρχῆς, ὥς φησι Διονύσιος ὁ Ἀλικαρνασσεὺς ὁ κριτικός. Λέγεται δὲ μεῖράκιον μὲν ὢν ἡδοναῖς σχολάζειν καὶ πότοις, καὶ λεπτῆς ἐσθῆτος ἀντιποιεῖσθαι καὶ συνεχῶς ἐρᾶν, ἀνὴρ δὲ γενόμενος τοσοῦτον μεταβεληκέναι τὴν πολιτείαν ὥσθ' ἕτερον ἐξ ἑτέρου δοκεῖν. Ἄρδους γοῦν ἐρωτήσαντος αὐτὸν εἰ ἡ δεῖνα καλὴ αὐτῷ φαίνεται, λέγεται εἰπεῖν “οὐκ οἶδα τοὺς γὰρ τοιοῦτους ἀφηρέθην ὀφθαλμούς.” Ταῦτα δὲ φησι Φιλόστρατος ἐν τοῖς βίοις τῶν σοφιστῶν, οὐ πάντως περὶ τοῦτου λέγων Ἰσαίου ἀμέλει γοῦν καὶ Ἀσσύριον αὐτὸν καλεῖ. ἄδηλος δὲ ὁ ἀκριβὴς τοῦ θανάτου αὐτοῦ χρόνος. χαρακτηῖρα δὲ τὸν Λυσίου πάνυ ἀκριβῶς ἐζήλωσεν, ὥστε μὴδὲ ῥάδιον εἶναι διελεῖν τοὺς λόγους. ἔστι δὲ αὐτοῖς ἡ κοινωνία κατὰ τε τὴν λέξιν καὶ τὰ ἐνθυμήματα, κατὰ μὲν τὴν λέξιν ὅτι ἡ μὲν Λυσίου ἐστὶ καθαρά καὶ ἀκριβὴς καὶ σαφὴς καὶ κυρία καὶ σύντομος, εἰκοι δὲ κατὰ ταῦτα πάντα ἡ Ἰσαίου σχεδόν. διαφέρει δὲ ὅτι <τῇ μὲν> πολὺ τὸ ἀφελὲς καὶ τὸ ἠθικόν, καὶ ἡ χάρις μεγάλη, ἡ δὲ Ἰσαίου τεχνικωτέρα δόξειεν ἂν εἶναι καὶ ἀκριβεστέρα καὶ σχηματισμοῖς διειλημμένα ποικίλοις ὅσον δὲ ἀπολείπεται <τῆς χάριτος>, τοσοῦτον ὑπερέχει κατὰ τὴν δεινότητα. κατὰ μὲν οὖν τὴν λέξιν εὐρήσομεν τοιαύτην διαφορὰν, κατὰ δὲ τὰ πράγματα ταύτην, ὅτι παρὰ Λυσίᾳ μὲν οὐ πολλὴν τὴν τέχνην εὐρήσομεν οὔτε ἐν τοῖς μερισμοῖς τῶν πραγμάτων οὔτε ἐν τῇ

¹ On this meaning of τὸ πολιτικόν see *LSJ* s.v. V. There seems to be some dispute among translators as to what this passage means. Roisman, Worthington, and Waterfield (2015) render it as “to specialise in political oratory”, Fowler (1936) as “to turn his attention to the urbane style of the orator”, and Schamp (2000) “donner à sa pensée un tour oratoire”. See also Roisman, Worthington, and Waterfield (2015, 174 and 302).

τάξει τῶν ἐνθυμημάτων, παρὰ δὲ Ἰσαίῳ πολλὴ τῆς τέχνης ἡ ἀκρίβεια. καὶ γὰρ προκατασκευαῖς χρῆται καὶ μερισμοῖς <τεχνικωτέροις>, καὶ πρὸς μὲν τὸν ἀντίδικον διαπονηρεύεται, τοὺς δὲ δικαστὰς καταστρατηγεῖ. πολὺς δ' ἐστὶν ἐν τῷ δικανικῷ, καὶ σχεδὸν μόνον τοῦτο ἥσκησεν. ἀμέλει γοῦν πηγὴ τις τῆς τοῦ Δημοσθένους ἐκαλεῖτο δεινότητος. αὕτη δὲ ἦν ἡ διαφορὰ Λυσίου καὶ Ἰσαίου, ὥστε Λυσίας μὲν καὶ ὑπὲρ ἀδίκων ἐπειθε λέγων, Ἰσαῖος δὲ καὶ ὑπὲρ ἀγαθῶν λέγων ὑποπτος ἦν.

Ἰσαῖος ... κριτικός (praeter πατὸς δὲ Διαγόρου): cf. Dion. Hal. *Isae.* 1 (p. 93.1–7) λέγεται ... καλεῖ: cf. Philostr. *vit. soph.* I.20; Juv. 3.74; Plin. *Ep.* II.3 ἄδηλος ... χρόνος: cf. Dion. Hal. *Isae.* 1 (p. 93.7–9) χαρακτήρα δὲ ... ὑποπτος ἦν: cf. Dion. Hal. *Isae.* 2–4 (pp. 94.3–97.9)

According to some the orator Isaeus was Athenian, and according to others he was from Chalcis. His father's name was Diagoras. He was a student of the orator Isocrates and a teacher of Demosthenes. He reached his prime after the Peloponnesian War and lived up until the reign of Philip, as the critic Dionysius of Halicarnassus says. It is said that as a youth he spent his time in diversion and drink, that he preferred clothing of delicate texture and was inclined to be amorous, but when he was a grown man he had so changed his way of life that he seemed to be a different person. Thus, when Ardys asked him whether a certain woman struck him as beautiful, it is said that he replied: "I don't know; for I have lost the eyes with which to see such things." So says Philostratus in his *Lives of the Sophists*, assuredly not referring to this Isaeus. Without doubt, for he even calls him Assyrian. The exact date of his death is unknown. He imitated the style of Lysias with great exactitude, to the extent that it is not easy to distinguish their speeches. They resemble each other both in language and in argumentation. As regards the language, in Lysias it is pure, precise, clear, literal and concise, and in all these respects Isaeus' language is very similar. But it differs in that <whereas the former> possesses great simplicity, moral gravity and much grace, Isaeus' language appears to be more skilful in its technique, more precise and adorned with various figures; what it lacks <in grace> it makes up for in forcefulness. This is the difference we observe as regards the language, as regards the treatment of the subject matter we observe the following: in Lysias we do not see much technique, either in the division of the topics or in the sequence of the arguments, whereas in Isaeus the technique is very precise. For he

uses anticipations of the arguments and more skilful division, and he undermines his opponent and he wears down the dikasts with strategic tricks. He worked extensively on the forensic genre of oratory and he dealt in this almost exclusively. Naturally, he was regarded as the source of Demosthenes' oratorical power. This then was the difference between Lysias and Isaeus, that Lysias could convince even when he defended injustice in his speech, while Isaeus aroused suspicions even when in his speech he was defending justice.

4. a) Harpocration I21 s.v. Ἰσαῖος

Ἰσαῖος: εἷς μὲν ἐστὶ τῶν δέκα ῥητόρων οὗτος, μαθητὴς δὲ Ἰσοκράτους, διδάσκαλος δὲ Δημοσθένους, Ἀθηναῖος τὸ γένος, καθά φησιν Ἑρμιππος ἐν β' *Περὶ τῶν Ἰσοκράτους μαθητῶν*. Δημήτριος δ' ἐν τοῖς *Περὶ ὁμωνύμων ποιητῶν* Χαλκιδέα φησὶν αὐτὸν εἶναι.

Ἰσαῖος ... εἶναι: cf. Phot. *Lexicon* I201 s.v. Ἰσαῖος; Su I620 s.v. Ἰσαῖος οὗτος ... μαθητῶν: *FGrHist* 1026 T15b, F45a; Hermippus fr. 70 Δημήτριος ... εἶναι: Demetrius fr. 6a.

Isaeus: this is one of the ten orators, student of Isocrates and teacher of Demosthenes, an Athenian by birth, according to what Hermippus says in his second book *On the Pupils of Isocrates*. Demetrius however in his book *On Homonymous Poets* says that he was from Chalcis.

b) Suda I620 s.v. Ἰσαῖος

Ἰσαῖος: εἷς μὲν ἐστὶ τῶν δέκα ῥητόρων, μαθητὴς δὲ Ἰσοκράτους, διδάσκαλος δὲ Δημοσθένους, Ἀθηναῖος τὸ γένος. Δημήτριος δὲ Χαλκιδέα φησὶν αὐτὸν εἶναι. οὗτος ἐπαινεῖται καὶ ὡς ῥήτωρ καὶ ὡς Δημοσθένην ἀμισθὶ προαγαγών.

Isaeus: this is one of the ten orators, student of Isocrates and teacher of Demosthenes, Athenian by birth. Demetrius however says that he was from Chalcis. He is lauded both as an orator and because he aided Demosthenes without payment.

5. Harpocration Γ2 s.v. γαμηλία

... καὶ Δίδυμος ὁ γραμματικὸς ἐν μὲν τοῖς Ἰσαίου ὑπομνήμασι φησὶν εἶναι γαμηλίαν ...

καὶ Δίδυμος ... γαμηλίαν: Did. pp. 315, 320; cf. Harp. Π9 s.v. πανδαισία

Didymus the grammaticus refers in his hypomnemata on Isaeus that the *gamēlia*² is ...

b) Summary of the information about Isaeus' life

From studying the sources relating to Isaeus' life it is evident that almost nothing has been attested by a source in the orator's own lifetime, apart from one reference to a mention of him by Theopompus the comic poet (see T2). The oldest known of his biographers is Hermippus of Smyrna (second half of the third century B.C.),³ of whom it is said that in the second book of his work *On the Pupils of Isocrates* he states that Isaeus was a student of Isocrates, the teacher of Demosthenes, and Athenian by birth (see T1, T4.a and b). Demetrius of Magnesia, in the middle of the first century B.C., says only that he disagrees as to Isaeus' birthplace; in his book *On Homonymous Poets* Demetrius designates Chalcis as the orator's city of birth (see T4.a and b). Actually, the lack of Isaeus' involvement in the public affairs of Athens favours the assumption that he was a metic*. The two most distinguished critics of the Augustan age studied the work of Isaeus, and they refer to the facts about the orator's biography that were known to them. The first of these is Dionysius of Halicarnassus (T1), whose treatise on Isaeus survives and was partially copied by the writer of the *Life of Isaeus* wrongly attributed to Plutarch (T2),⁴ and by the writer of the *Genos of Isaeus*, which comes before the text of the orator's speeches in the codices (T3). The second important critic is Caecilius of Caleacte,⁵ who among other things wrote *On the Style of the Ten Orators* and *On Demosthenes, Which of his Orations are Genuine and Which are*

² On the *gamēlia* see §76n.

³ On Hermippus of Smyrna and his biographical writings see Bollansée (1999).

⁴ On the pseudo-Plutarchean *Lives of the Ten Orators* see Roisman and Worthington (2015), and the interesting studies by Pitcher (2005, 217–234) and Martin (2014, 321–336).

⁵ For Caecilius see for instance Rhys Roberts (1897, 302–312), Ofenloch (1967), Kennedy (1972, 364–369), Worthington (1994, 244–263).

Spurious,⁶ as well as *Art of Rhetoric* and *On Figures*.⁷ Caecilius' views seem to be included in the pseudo-Plutarchean *Life of Isaeus*.⁸ Finally, it is worth mentioning that Didymus Chalcenterus, who was a little older than Dionysius and Caecilius, wrote a hypomnema on Isaeus (see T5), in which he had probably also included information about the orator's life, cf. his *Hypomnema on Antiphon* (p. 310) and *Life of Thucydides* (pp. 321–334).

An extensive commentary on the biographical information about Isaeus can be found in Blass (1892, 486–497) and Jebb (1893, 261–271), which it would seem otiose to reproduce here.

B. The trial

a) The legal dispute

Pyrrhus, by testamentary adoption, adopted Endius, the son of his sister. When Pyrrhus died, Endius inherited Pyrrhus' estate without encountering any objection, and after he had been in possession of it for more than twenty years, he died without issue. Two days after his death Xenocles came forward and laid formal claim to Pyrrhus' estate as the *kyrios** of his wife Phile, on the grounds that she was Pyrrhus' legitimate daughter. Furthermore, he attempted to occupy part of Pyrrhus' estate (§22) but was not permitted to do so by the unnamed speaker, who denied Phile's legitimacy and demanded possession of the estate on behalf of his mother, Pyrrhus' sister. Xenocles objected as Phile's *kyrios** and submitted a *diamartyria**, that is, a formal declaration supported by a witness, in this case himself, that his wife was the legitimate daughter of Pyrrhus and the sister of Nicodemus. However, he was judged guilty of perjury at the trial which followed the lawsuit (*dikē tōn pseudomartyriōn**) brought against him by Endius' brother. The sentence did not, however, signify the end of the dispute. Xenocles announced his intention to proceed against the witnesses to Pyrrhus' will (§56). Probably with the aim of preventing him from doing so, Endius' brother brought a

⁶ See Su. K1165 s.v. Κεκίλιος.

⁷ See Ofenloch (1967, frs. 4–81).

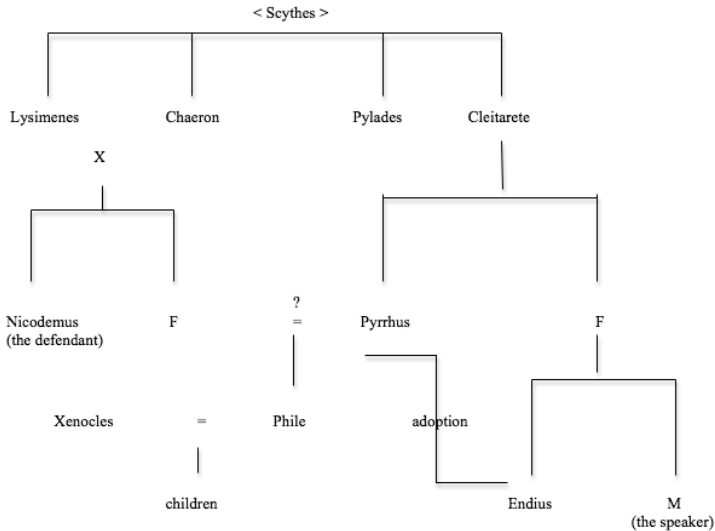
⁸ Although Ofenloch has been criticized for having included in his edition of the fragments of Caecilius many *dubia* ("fragments of doubtful authorship"), see for instance Kennedy (1972, 364 n.84) and Smith (1992, 170 n.25), I think that he correctly considered that part of the pseudo-Plutarchean *Life of Isaeus* was copied from the work of Caecilius.

charge of perjury (*dikē tōn pseudomartyriōn**) against Xenocles' main witness at the first trial, Nicodemus, who had stated that he had given his sister, Phile's mother, in marriage to Pyrrhus. The charge of perjury made against Nicodemus resulted in the court case in the course of which the plaintiff's speech *On the Estate of Pyrrhus* was delivered by Endius' brother.

b) The people

As with many of Isaeus' speeches, very little information can be gleaned from the text of the speech about the people referred to in it. Because of the nature of the broader legal dispute, the facts relate mainly to the contested estate of Pyrrhus, valued at three talents (§2) according to the claimants Xenocles and Phile, and which included at least one factory (*ergastērion*) in the region of the Laurion mines (§22). Since this speech lacks a section on biographical proof (*pistis ek biou*), information about the life of the claimants is exceptionally limited: the near-sentence imposed in the past on Nicodemus, which he escaped by just a few votes, at a trial arising from a *graphē xenias** which was brought against him by a member of his phratry* (§37); Xenocles' friendly relations with Athenian notables who are known from other sources, such as the politician and public speaker (*rhētor*) Diophantus of Sphettus and the wealthy Dorotheus of Eleusis (§22); and finally, there is some information (followed by deposition) about the life of Phile's mother as a *hetaira** (§14). Apart from this information, the facts that are known from other sources about the main characters in the speech are confined to the possible connection of Pyrrhus with the Pyrrieion mine (see §22n.), while it is considered almost certain that Pyrrhus' mother, Cleitarete, can be identified with the homonymous daughter of Scythes from the deme* Phrearrioi, who is mentioned in an inscription in the Agora dating from around 390 (see §30n.).

The following is Pyrrhus' family tree (*stemma familiae*).

Stemma familiae

c) The verdict

We do not know the outcome of the trial in question, in the course of which Isaeus' third speech was delivered. I think it very likely that Isaeus' client was the winner in the legal dispute that arose from the *dikē tōn pseudomartyriōn** against Nicodemus, since he had already successfully brought a similar case against another witness, Xenocles, in the context of the same legal dispute. Even though Athenian dikasts were not bound by the decisions of previous trials, nevertheless it would have been odd if they had not taken seriously into account the verdict of a recent trial, which had arisen from the same type of proceedings between the same group of litigants. There is no indication that Isaeus composed the speech for the first perjury trial against Xenocles, but on his own admission he took much if not all of his argumentation from that first trial, which of course had resulted in a successful outcome for his client (§§11–12, 14, 17, 18). Isaeus' client clearly expected to win in court, which is why he initiated another *dikē tōn pseudomartyriōn**, with the aim of preventing further actions on the part of the main opposing party, Xenocles, who had announced his intention to continue the legal dispute (§56).

d) Dating

There is no clear indication as to the precise date of the trial at which Isaeus' third speech was delivered. Two witnesses, mentioned in §22, Diophantus of Sphettus and Dorotheus of Eleusis, took part in public events from 368/367 to 343/342, and from 366/365 to 357 respectively (see §22n.), but this information does not help to establish a precise date for the trial.

Wevers (1969), using statistical analysis based on the frequency of the appearance in Isaeus' speeches of certain groups of syllables at the end of a sentence (*clausulae*), whose use in prose Aristotle deplored (*Rh.* III.14 1408b 32–1409a 1), and taking as his starting point the four unequivocally dated speeches of Isaeus (V, VI, VII, II), arrived at a chronological sequence in which the third speech is located among Isaeus' early speeches; he suggests a date of composition somewhere around 389.⁹ But as he himself concedes, it is not possible (and this continues to be the case in the absence of new information) to confirm the correctness of the dating. MacDowell is likewise inclined to accept that the third speech is probably one of the orator's earlier works.¹⁰

Finally, a possible *terminus ante quem* for the composition of the speech could be the date when the law came into force forbidding the marriage of an Athenian citizen with an alien (non-Athenian) woman (*xenē*), for I consider it possible that this law was not in force when the speech was delivered, see Introduction/Legal Issues, and §37n. The law is referred to in [Dem.] LIX.16 and 52, and was introduced between 403 and 340. Kapparis argues that the law was introduced during the decade beginning in 380.¹¹

C. The speech

a) Structure

William Wyse in his monumental edition and commentary of Isaeus criticizes, as he does everything else, the structure of the third speech, as summed up in his view that “the composition (of the third speech) is crude, and the verbosity and repetitions offensive to a

⁹ Wevers (1969, 21).

¹⁰ MacDowell (1971, 24–26).

¹¹ Kapparis (1999, 198–202).

reader.”¹² However, a study of the construction of the speech shows it to be subject to a strict logical order with clearly delineated sections. More precisely, with respect to classical rhetorical theory the following sections can be observed at the outset:¹³

1) Narrative (<i>Diēgēsis/ephodos*</i>)	§§1–6
2) <i>Prothesis*</i>	§7
3) Argument (<i>Apodeixis</i> or <i>Pistis</i>)	§§8–76
4) Epilogue (<i>Epilogos</i>)	§§77–79 (80)

It is evident that the speech in question does not begin with a proem (*prooimion*) but goes directly into the narrative (*diēgēsis*), which I would define more specifically as an *ephodos**, see §1. In this section (§§1–6), Isaeus refers to the previous history of the present *dikē tōn pseudomartyriōn**, which is the most recent stage in a legal dispute (see Introduction/Legal dispute). §7 follows with the *prothesis** of the speech, which aims to prove that the defendant Nicodemus perjured himself when he testified that he gave his sister, Phile's mother, in marriage to Pyrrhus. The aim of the long section of the argument (*apodeixis*: §§8–76) is to show convincingly that there was no marriage between Pyrrhus and Nicodemus' sister, and that consequently Phile is at best an illegitimate child of Pyrrhus. The *apodeixis* is constructed as follows:

I. §§8–16: Phile's mother was a *hetaira**.

i) §§8–10: Questions about her dowry if any, the circumstances of her leaving the *oikos** of her husband, the recovery of her dowry, the marriages contracted with other men with whom she consorted before, after, and during her acquaintance with Pyrrhus.

ii) §§11–16: The depositions relating to the life of Phile's mother.

II. §§16–34: Refutation of the testimony about a formal marriage (*engyē**) between Pyrrhus and Phile's mother.

i) §§17–25: The absentee deposition (*ekmartyria*) of Pyretides.

ii) §§26–27: The testimony of Pyrrhus' uncles.

iii) §§28–29: The lack of testimony for the formal agreement (*homologia*) about the provision of a dowry.

¹² Wyse (1904, 276).

¹³ The structure of the speech presented here differs from the one observed by Blass (²1892, 538–540) and Wyse (1904, 288–366).

iv) §§30–34: Drawing attention to the disparity regarding the name of Pyrrhus’ “daughter” between the evidence presented by Pyrrhus’ uncles and the *lēxis**, the formal written claim submitted by a claimant to an inheritance, submitted by Xenocles.

III. §§35–76: The behaviour of all who are involved in the legal dispute demonstrates that Phile is the daughter of a *hetaira**.

i) §§35–54: The behaviour of Nicodemus.

a) §§35–39: The non-contracting of a formal agreement (*homologia*) for providing a dowry at the time of the purported *engyē** of Phile’s mother.

b) §§40–44: The absence of any objection to the *epidikasia** of Pyrrhus’ estate to Endius.

c) §§45–54: The absence of any objection to Phile’s *engyē** as daughter by a *hetaira** (*ex hetairas ousēs*).

ii) §§54–62: The behaviour of Xenocles.

a) §§54–57: The absence of any objection to Endius’ possession of Pyrrhus’ estate for more than twenty years.

b) §§58–62: The submission of an application to take possession of Pyrrhus’ estate instead of directly occupying it, as is appropriate for legitimate descendants.

iii) §§63–71: The conduct of Pyrrhus’ uncles.

a) §§63–67: The non-claim of Phile as *epiklēros** by any of them.

b) §§68–69: Their lack of any objection to the *epidikasia** of Pyrrhus’ estate by Endius without the legitimate daughter, as they maintain.

c) §§70–71: Their lack of any objection to Phile’s *engyē** as daughter by a *hetaira**.

iv) §§72–76: The conduct of Pyrrhus himself: why he adopted Endius, why he did not introduce Phile to his phratry* in accordance with the rule, why he did not hold a wedding feast (*gamēlia*) for the members of his phratry*.

Finally, the epilogue (*epilogos*: §§77–79) contains a summing-up of some of the argumentation,¹⁴ and the speech turns out to be “relentlessly argumentative to the last”,¹⁵ concluding with yet another argument, in the very last paragraph of the speech (§80), that adduces the conduct of Pyrrhus in that he did not provide a meal for the wives

¹⁴ For this function of the epilogue see Martin (1974, 147–166).

¹⁵ Usher (1999, 167).

of the citizens of his deme* during the Thesmophoria in honour of his wife.

b) Argumentation

The nature of the case in Isaeus' third speech (as in all the extant complete speeches of Isaeus) did not afford the opportunity to the orator to include an extensive narrative account (*diēgēsis*). Instead, Isaeus breaks up the narrative of family history into small sections, which intermingle with his argumentation, and gradually provide details of the case, in a manner whereby a concrete story within the realm of Athenian law is formulated and becomes easily comprehensible to the dikasts.¹⁶

The story Isaeus tells us in this speech is as follows. The daughter of a *hetaira** (Phile) along with her husband and *kyrios** (Xenocles), and using as their main witness her uncle, the brother and pimp of the *hetaira** (Nicodemus), are attempting by all possible means to seize the substantial estate of an Athenian, Pyrrhus, who once had an affair with her mother and has now been dead for more than twenty years. They claim that Phile, whose paternity is doubtful, is the legitimate daughter of Pyrrhus. They have also managed at some point to secure, for a consideration, the support of three of Pyrrhus' uncles. On the other hand, Endius, Pyrrhus' adopted son and brother of the speaker, who has recently died, cared for the bastard girl, Phile. He betrothed her to a citizen and provided her with the appropriate dowry for an illegitimate child. On Endius' death, the opponents rushed to get hold of the property.

The opponents, of course, had another story to tell the court. Their speech is not extant, but they presumably presented Phile as a disinherited orphan, who after the early death of her father was the victim of a family plot to deprive her of her substantial inheritance. Thus, not only had Isaeus (as every logographer) to present a plausible story, he also had to tell a more compelling story than the one told by the other side. In the present case, the argumentation of the opponents was mostly known, for this was the second round within the same legal dispute. Given that, Isaeus had the opportunity to support his story, the core of his strategic plan, with effective arguments from probability (*eikota*), which he founded on every possible relevant aspect of human behaviour, namely social

¹⁶ On the approach of storytelling in Athenian law, see Gagarin (2003, 197–207).

conventions, prejudices, statutes, profit, and emotion. Isaeus backs his choice by implicitly asserting that arguments from probability are more significant than witnesses, who could be bribed.¹⁷ Nevertheless, the employment of this specific kind of argument in the present case is not disappointing or suspicious. In a society where birth and marriage certificates were not issued, these were the expected, if not the only, arguments one would employ to dispute someone's legitimacy, and especially a woman's, since women were not members of *demes** and *phratries**.

The first half of the speech (to §39) is dominated by argumentation based on social practices, aimed at showing that the marriage between Pyrrhus and the mother of Phile did not take place. This would result in the condemnation for Nicodemus for perjury. The social conventions the orator is here exploiting are chiefly the giving of a dowry at a betrothal (§§8–9, 28–29, 35–39), the normal behaviour of a married woman (§§10–16), and the choice of witnesses (§§18–27).

The alleged marriage of Nicodemus' sister without a dowry offers a fully developed argument from probability. Nicodemus presumably argued that he had not betrothed his sister dowerless (*aproikos*), but *aneu homologias proikos* (§§29, 35), that is, with a dowry which had not been subject to an official evaluation (*atimētos*). Such a dowry could not be claimed back in law after Pyrrhus' death.¹⁸ For this reason, Isaeus accuses Nicodemus of lying. According to the orator no dowry was returned after Pyrrhus' death, because there was no marriage. If a marriage had taken place, Nicodemus would have negotiated at least the agreement to a fictitious dowry, which would have benefited his sister if Pyrrhus had divorced her, or Nicodemus himself if his sister had died childless (§36). Profit is clearly a motive used as the basis of arguments from probability in this speech,¹⁹ as well as emotion. Isaeus admits that Pyrrhus could have married a *hetaira** against all reason because of passion (*di' epithymian*, §17,

¹⁷ This strategy is outlined in Arist. *Rh.* I.15 1376a 17–21). Bribery of Nicodemus is explicitly mentioned in §39, and is implied for the uncles in §33, and for the witnesses to Pyretides' absentee deposition (*ekmartyria*) in §23.

¹⁸ See §35. The particular clause of the law was probably read in §38.

¹⁹ Also in §§39, 50, 65–66. On profit (*kerdos*) used to found arguments from probability, cf. (?) Anaximen. *Rh. Al.* 7.6 (1428b).

28). Thus, if passion had led him to marry such a woman, he would also have agreed to a fictitious dowry for her.²⁰

It is noteworthy that Nicodemus wished to convince the court that he dowered his sister but in an informal agreement, while Isaeus with strong language disputes his justifications,²¹ and concludes that in the opponents' story the mother of Phile was married dowerless (*aproikos*) (§§29, 38). The reason for the insistence on the issue of the dowry is that the provision of it was normally a significant parameter of the *engyē**. Although there is some testimony about women who were legally married dowerless, the provision of a dowry for sisters and daughters was a social necessity.²² For this reason, if the *kyrios** of a woman failed to provide for her dowry because of poverty, wealthy relatives and friends often dowered her at their own expense. In this social context, the absence of a dowry provided a strong indication that there was no *engyē**, and that Phile's mother lived with Pyrrhus as concubine (*pallakē*) at the most. Isaeus cleverly raises doubts even about the status of concubine for the mother of Phile, when he compares Nicodemus' alleged failure to reach a formal agreement about a dowry for his sister with the relevant behaviour of those who give their women to be concubines (§39). This comparison, tactically placed at the end of the first half of the speech, is equally effective in sketching the *ēthos** of Nicodemus, for it strongly implies that he was the procurer for his prostitute sister. And the worst kind of procurer in fact, for he did not look after her interests.

The important probability-argument of the absence of a dowry is strengthened by the exploitation of another social convention, the expected behaviour of a married woman, which can be concisely expressed by the term *sōphrosynē* ("prudence"). Phile's mother displayed an entirely different conduct, which is effectively described as *aselgeia* ("disorderly behaviour", §13). She had various lovers before, but also during her "acquaintance" with Pyrrhus, and after his death (§10). She participated in symposia, and was the subject of

²⁰ See also §§27, 49, 51–52, 71, 73 for emotion employed as a motive to found arguments from probability (*eikota*).

²¹ See §35: ὅστις γέ φησιν ἄνευ ὁμολογίας προικὸς τὴν ἀδελφὴν ἐγγυῆσαι, περιφανῶς ἀναίσχυντος ὃν ἐλέγχεται ("Undoubtedly someone who alleges that he married off his sister without making an agreement for her dowry is clearly proved to be shameless").

²² See §8n.

brawls (*makhai*) and serenades (*kōmoi*), whenever she was present at Pyrrhus' house (§§13–14). She was never betrothed to any other man (§16) and never bore the child of anybody else (§15). In short, she was available to everyone who wanted her (repeated in §§11, 13, 15, 16, and 77). The orator supports this description with extensive evidence, which included depositions by Pyrrhus' neighbours (§14). Their testimony, actually gossip, was of great importance, because it was taken for granted that they knew everything about his life. Thus, they could speak from a position of secure knowledge about the woman's conduct, when she was associating with Pyrrhus (§10). This fact raises strong suspicions about Phile's paternity, for her mother "associated" with more than one man in the same period. A tactic of Isaeus in this speech is noteworthy. Although he only has to demonstrate Phile's illegitimacy, he also expresses doubts about her paternity by Pyrrhus (§§30, 34) and even perhaps about the fact that she was the daughter of Pyrrhus' mistress (§§15, 52, 73, 79).

Further testimony is presented that Phile's mother was a *hetaira**, this time by people who had relations with her (§15). The truth of that evidence is demonstrated by the fact that the opponents never saw fit to contest it (§§11–12, 14).

The rhetorical weaponry of Isaeus also included arguments *ad hominem* (*diabolē*)*. Such an argument is directed against Nicodemus with respect to his prosecution for non-citizenship (*xenia*) by a member of the phratry* he said he belonged to. In the subsequent trial Nicodemus is reported to have been acquitted by only four votes (§37). Prosecution for non-citizenship was shameful for an Athenian citizen, even if acquitted (*cf.* Is. VIII.44). The civic status of Nicodemus and his sister is still surrounded by suspicion, for she was proved to have been a *hetaira**, and *hetairai** were usually foreign women, freedwomen, and slaves. But this is not a simple *diabolē** against Nicodemus, for Pyrrhus probably had another strong reason for not marrying Nicodemus' sister. Even if the laws mentioned in [Dem.] LIX.16 and 52 were not yet in force, which prescribed a severe penalty against a family if there was proof that an Athenian citizen was legally married to a foreigner (*xenē*), I assume that it was very unlikely that Pyrrhus, an Athenian citizen, would have married a woman who was suspected of being a foreigner, if the prosecution for non-citizenship preceded his affair with Nicodemus' sister.²³

²³ See §37n. and Introduction/Legal Issues.

The first half of the speech ends by leaving the impression that it is very unlikely that Pyrrhus married Nicodemus' sister. Different arguments from probability lead to the same end, without however being conclusive. What seems to be conclusive is that Nicodemus' sister was a *hetaira**,²⁴ which is itself a first rank probability-argument,²⁵ and strongly suggests that Nicodemus acted as her procurer. Isaeus ironically states in §10 that Nicodemus "has given his sister in marriage in the same way to everyone who has associated with her", and implies, as I have stated, Nicodemus' "profession" in §39. Such a character was stereotypically portrayed to be avaricious, immoral, and capable of base actions in order to gain money.²⁶ This is specifically expressed, when Nicodemus is accused that "as eager to be dishonest in order to get a little money, which hopes to obtain by addressing you (in court)?" (§39). This is actually the closing period of the first half of the speech, which the dikasts had in their ears before listening to the "legal" arguments, added in the second half of it.²⁷

The most difficult issue Isaeus had to tackle in this speech was the presentation of witnesses by the opponents. They brought forward an absentee deposition (*ekmartyria*) by Pyretides, according

²⁴ On the significance of the persuasive sketching of the portrait of the woman as a *hetaira** for the successful outcome of the trial, see Glazebrook (2005, 161–187, and 2006a, 125–138).

²⁵ The importance of this argument is evident from the main question of the case, as expressed by Isaeus: πότερον ἐξ ἐγγυητῆς ἢ ἐξ ἐταίρας ἡ ἀμφισβητοῦσα τοῦ κλήρου τῷ θεῷ γυναικὸς εἶη ("whether the woman claiming the estate is the daughter of our uncle by a lawful wife or by a *hetaira**") in §6 and almost repeated in §24, and the answer offered by him in §11: καίτοι ὅπου κοινὴν αὐτοῖς ὡμολογήκασιν εἶναι τοῦ βουλομένου τὴν γυναῖκα, πῶς ἂν εἰκότως ἡ αὐτὴ γυνὴ ἐγγυητὴ δόξειεν εἶναι; ("Yet, since they themselves have admitted that the woman was available to anyone who wanted her, how can the same woman be reasonably considered a lawful wife?")

²⁶ See Davidson (1997, 94), Kapparis (1999, 229), Carey (2010, 178–183).

²⁷ It is noteworthy that a strong negative remark on Nicodemus' character, namely *anaiskhyntotatos* ("utterly shameless"), introduces the legal arguments in §40. In the first part of the speech, where the orator clearly aims at establishing the *ēthos** of the opponent, apart from *ponēros* ("dishonest"), Nicodemus is explicitly referred to as *anaiskhyntotatos* ("utterly shameless") in §4, *tolmēros* ("to have the audacity") in §4, *anaidēs* ("to have the effrontery" in §18), and again *anaiskhyntos* ("shameless") in §35.

to which he was present at the *engyē** of Nicodemus' sister with Pyrrhus. The *ekmartyria* was confirmed by two Athenians. Moreover, three uncles of Pyrrhus (and of the mother of the speaker) testified in support of Xenocles and Phile. It certainly gave the impression that Nicodemus was supported by both relatives (the three uncles) and non-relatives (Pyretides and the witnesses of the latter's absentee deposition), and that the uncles were against their niece (the mother of the speaker) and backed up the claims of Phile. Isaeus places his counter-arguments on this issue just after the effective argumentation that Phile's mother was a *hetaira**. He also chooses a relatively early point in the speech for disputing the testimony of the opponent's witnesses. What follows in the second part of the speech is therefore more persuasive and could carry a retrospective force.

The evidence of Pyretides was, in my opinion, more difficult to overturn. At the beginning of this section Isaeus emphatically states that Pyretides has disavowed his deposition and that he does not even admit that he has ever given one (§18). However, Isaeus cannot provide concrete proof to support this assertion, *e.g.* an *exōmosia** by Pyretides,²⁸ thus he uses an argument from probability, which is intentionally long-winded (§§19–27). Nicodemus claimed that he invited only a single witness, Pyretides, to a family event of such significance (and open to social suspicion because of the “profession” of his sister) as the betrothal of his poor (and prostitute) sister to a rich Athenian, although more witnesses would have been expected. Pyretides is not referred to as kin to Nicodemus. The same also holds for Dionysius of Erchia and Aristolochus of Aethalidae, the reported witnesses of Pyretides' absentee deposition (§23). The latter are emphatically defined as totally untrustworthy, but again no proof is offered to support this comment. Instead, Isaeus manages to advance a clever probability-argument. Common practice dictates that absentee depositions (*ekmartyriai*), which are prearranged events, are taken in front of many and reputable citizens. It is suspicious that the opponents against social convention invited only two, dishonest people to witness the absentee deposition by Pyretides within the city, although other conduct displayed by them suggests that they also observed the common practice. To the eviction (*exagōgē*) at Pyrrhus' factory at the mine works in Besa, a place about 55.5 km out from the city-centre, the opponents called as witnesses many Athenians, apparently friends of Xenocles, among

²⁸ See §18n.