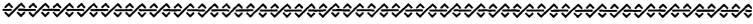


24. FOR THE DISABLED MAN



INTRODUCTION

The procedure in this case is probably *dokimasia*¹ (lit. “scrutiny”). The use of *dokimasia* to examine the qualifications of those who have been appointed to public office is common in the speeches of Lysias,² but in this instance the issue is not an office but a privilege, or more specifically a disability pension. Neither the speaker (who is defending his right to continuance of his pension) nor his opponent is named, and there are no indications of date except for a reference back to the speaker’s actions at the time of the Thirty in 404/3, which would fit a date for the speech at any time within the career of Lysias (403–380).

The rules governing the payment of disability pensions are outlined in *Ath. Pol.* 49.4, written in the 330s or 320s BC: those who possess capital of less than three minas, and who are so badly maimed that they cannot do any work, receive a daily payment of two obols, subject to a *dokimasia* conducted by the Council. One clear discrepancy between the system outlined in the *Ath. Pol.* and the situation presupposed in Lysias 24 is that the speaker refers throughout to a payment of one obol rather than two (24.13, 24.26), but presumably the level of payment has been raised in the half-century or so between the speech and the *Ath. Pol.* More difficult to avoid are the speaker’s implied ad-

¹The manuscript title describes it as an *eisangelia* (impeachment), but that is probably an erroneous guess by a copyist.

²Discussed in the Introduction to Lys. 16, with reference to other cases at Lys. 25, 26, 31, and Fr. 9 (*Eryximachus*).

mission that he is able to do some work (he claims it is not enough to support him: 24.6) and his failure adequately to discuss the capital value of his property (despite a passing claim not to have inherited wealth: 24.6). It is possible that the regulations for eligibility have been tightened during the intervening period, but perhaps it is easier to infer that the speaker is doing his best to conceal the weaknesses of his case.

Overall, the speech is both evasive and irreverent. An example of the former is the response to the allegation about horse riding (24.10–12), which was presumably intended by the opponent to prove that the speaker was fitter than he admits, but which is manipulated by the speaker into an allegation about his wealth. Throughout the speech there is an undertone of parody, of which one example will suffice: this speech, like *Lysias* 16, begins by thanking the opponent for creating the opportunity for the speaker to talk about himself, a claim that is appropriate for a proud and ambitious aristocrat like Manti-theus at his *dokimasia* but is faintly ridiculous in the present context.

The tone of *Lysias* 24 is one reason why several scholars have argued that it must be a rhetorical exercise rather than a genuine speech; another reason is that if the speaker is really poor, it is difficult to see how he could have afforded to commission *Lysias* as his speechwriter, or indeed whether this would have been worth his while for the amount at issue. But it is equally possible that a speechwriter like *Lysias* may have decided to adopt unusual tactics to deal with a patently weak case, by attempting to win the Council's support for his client's personality and encouraging them to laugh the case out of court.³ As for the speechwriter's fees, it is worth bearing in mind not only that the speaker may be better off than he admits, but also that people will sometimes spend more than is justifiable in strictly economic terms to avoid the shame of losing something they have previously held. But perhaps a more likely explanation would be that the

³It is worth bearing in mind the possibilities of visual theater in this case. A lot could be done to exaggerate the speaker's disability by the way he walked to the podium with the use of two sticks (cf. 24.13), if he trained himself to use them for the day.

orator (whether Lysias or somebody else) might be prepared to reduce or waive his fees in the light of a personal connection with the speaker. This is pure speculation, the more so given that we know nothing about the normal charges for a speechwriter's services, but clearly the speaker had a craft or trade that brought him into contact with many rich people (24.5), even though he nowhere admits what it is, and it is conceivable that Lysias or one of his friends was among them.⁴

There is a useful commentary on the speech by Usher in Edwards and Usher 1985. See also the reading by C. Carey, "Structure and Strategy in Lysias 24," *Greece & Rome* 37 (1990): 44–51.

24. FOR THE DISABLED MAN

[1] I am almost grateful to my accuser, members of the Council, for having devised these proceedings against me. In the past, I had no reason to give an account of my life, but now, because of him, I have one. In my speech, I shall attempt to show that he is a liar and that up to this very day I have been living a life worthy of praise rather than envy—because it seems to me that envy is the only explanation for his having devised this danger for me. [2] And yet, if somebody envies those whom others pity, what wickedness do you think such a man would shrink from? Could he possibly be bringing charges against me for money as a *sykophant*?¹ If on the other hand he claims that he is seeking vengeance on me as his enemy, then he is lying: I have never had anything to do with him either as friend or as enemy, because of his criminal nature. [3] So it is clear, members of the Council, that he is envious of me for being a better citizen than he is, even though I am afflicted with such misfortune. In my view, members of the Council, one should remedy physical weakness with mental qualities. If in the future I can maintain an attitude and lead a life that matches my misfortune, how will I be inferior to this man?

[4] I have said enough on these matters, so I shall speak as briefly

⁴The other possibility, of course, is that the speaker's rich friends or clients are paying Lysias on his behalf.

¹Malicious prosecutor.

as I can about the points I need to discuss. The accuser claims that it is not right for me to receive money from the city. He alleges that I am physically healthy, not disabled, and that I have a *technē*² such that I could live even without this income. [5] As evidence of my physical strength, he cites my riding of horses; as evidence of my prosperity in my *technē*, my consorting with those who have money to spend. I believe you all know about the alleged prosperity from my *technē*, and my livelihood³ in general, but all the same I too will discuss them briefly. [6] My father left me nothing, I only ceased to be responsible for my late mother two years ago, and I do not yet have any children who will support me. I have acquired a *technē* that is able to help a little, but already I can perform it only with difficulty, and I have not yet been able to obtain the services of somebody to take it over.⁴ I have no other income apart from this, and if you take it away from me, I would be in danger of facing a very difficult situation. [7] Do not unjustly destroy me, members of the Council, when it is in your power to rescue me justly. Now that I am older and weaker, do not take away from me what you gave me when I was younger and stronger. In the past, you were seen to be full of pity, even for those who had suffered no harm. Do not now for my opponent's sake treat savagely those who are objects of pity even to their enemies. Do not have the hard-heartedness to wrong me, and so cause others in my position to despair. [8] It would be extraordinary, members of the Council, if I were shown to have been receiving this money when I had a single misfortune, but should be deprived of it now, when I am afflicted by age and illness and the sufferings that accompany them. [9] It seems to me that my accuser could demonstrate the scale of my poverty more clearly than anybody else. If I were to be appointed

²The word *technē* (pl. *technai*) denotes a "skill" or "craft" or "trade." It is very difficult to see precisely what the speaker's occupation is (cf. 24.5), which may be deliberate fudging on his part, because he is equally cagey about the precise nature of his disability.

³Or "life," "lifestyle," Gk. *bios*.

⁴Presumably a slave. The reference to children is vague enough to leave it unclear whether he is married, so it is not necessarily significant that nothing is made of the labor power of a hypothetical wife.

choregus for tragedy, and were to challenge him to an *antidosis*,⁵ he would prefer to serve ten times as choregus rather than to complete the *antidosis* once. Surely it is disgraceful for him to allege that because of my great prosperity I can consort on equal terms with the very rich—whereas if any of the things I am describing were to happen to him, he would recognize that my condition is like that, or even worse.⁶

[10] My opponent has dared to draw to your attention my horse riding, because he does not respect fortune and feels no shame towards you. In this matter, my account can be brief. I am sure, members of the Council, that all those who experience misfortune take as their aim and object of study how to cope with their existing condition with the minimum of discomfort. I am one of those, and because I have encountered such misfortune, I discovered this means of comfort for myself on the longer journeys I have to undertake. [11] The most important evidence, members of the Council, that I do this because of my misfortune, and not—as he claims—because of arrogance (*hubris*), is that I ride horses; if I possessed property, I would travel on a mule with a padded saddle rather than riding other people's horses. As it is, I cannot afford to possess anything of the sort, so I am forced to make frequent use of other people's horses. [12] Surely it is extraordinary, members of the Council, that this man would remain silent if he saw me traveling on a saddled mule—what would he be able to say?—but because I ride borrowed horses, he seeks to persuade you that I am capable.⁷ Surely it is extraordinary that he uses my horse riding as evidence that I am able-bodied, but does not also accuse me of being able-bodied in that I use two sticks, whereas others use one. But it is for the same reason that I use both.

⁵The *chorēgia* was one of the most important forms of liturgy (compulsory public sponsorship), and entailed funding a choral production at a festival. A person appointed to perform a liturgy could get out of it by challenging somebody richer either to take it over or to accept an *antidosis*: that is, to exchange all his property with the challenger.

⁶The text is corrupt, and this translation is merely a guess at the original meaning.

⁷“Capable” is used here to translate *dunatos* (used with its derivatives frequently in this speech), which has connotations both of “powerful” or “able-bodied.”

[13] To such an extent does he surpass the whole human race in shamelessness, that he is attempting by himself to persuade you who are so many that I am not one of the disabled. But if he succeeds in persuading some of you, members of the Council, what would prevent me from drawing lots to be one of the nine Archons?⁸ What is there to prevent you from taking away my obol on the pretext that I am in good health, and voting it to him out of pity on the pretext that he is disabled? Surely the same man cannot have his grant taken away by you on the grounds that he is able-bodied, and be prevented by the Thesmothetae⁹ from drawing lots on the grounds that he is disabled.

[14] However, you do not share the same opinions as him, and he is not in his right mind. He has come here to argue about my misfortune, as if for an heiress,¹⁰ and he is seeking to persuade you that I am not the sort of person that you can all see. You, on the other hand, should act like those in their right mind and believe in your own eyes rather than in my opponent's words.

[15] My opponent claims that I am full of *hubris*, violent, and totally dissolute—as though he would be telling the truth if he used frightening words but not if he used gentler language and refrained from lying. But I think, members of the Council, that you should distinguish clearly between those people for whom to commit *hubris* is natural and those for whom it is not appropriate. [16] It is not the poor or the genuinely needy who are likely to commit *hubris* but those who possess far more than the necessities of life; not the disabled but those who are over-confident in their own strength; not those who have already progressed in age but those who are still young and who think the thoughts of young men. [17] The rich buy off danger with their money, but the poor are compelled by their immediate needs to

⁸The implication is that those classified as disabled were not eligible for this office (which like most others at Athens was selected by lot).

⁹The Thesmothetae (the six junior members of the college of nine Archons, who presided over the selection of at least some public officials) are not in the manuscript, but are a plausible supplement accepted by most editors.

¹⁰“Heiress” is a loose translation of the Gk. *epiklēros*, which denotes a woman whose father had died without male descendants, leaving the property vested in her, though she did not herself own it. Several claimants might compete (in court) for the hand of an *epiklēros* from a rich family.

behave responsibly. Young men believe they will be forgiven by their elders, but both young and old alike criticize those older men who commit offenses. [18] Those who are strong can generally commit *hubris* against anybody they wish, without suffering anything themselves; but the weak cannot ward off aggressors when they suffer *hubris*, nor can they overcome those they are trying to hurt, if they themselves wish to commit *hubris*. So it seems to me that the accuser is not speaking seriously about my *hubris* but is joking. He does not wish to persuade you that I am that sort of person, but seeks to caricature me, as if he is doing something clever.

[19] He also claims that people who are criminals meet together on my premises—people who have wasted their own property and are plotting against those who want to keep what is their own. You should all bear in mind that by saying this, he is not accusing me any more than all those others who have *technai*,¹¹ nor is he accusing those who come to my premises any more than those who visit the premises of other tradesmen (*dēmiourgoi*). [20] Each of you is accustomed to visit tradesmen: the perfume seller, the hairdresser, the leather cutter, and wherever you might happen to go. Most of you visit the tradesmen who have set up shop nearest to the Agora, and very few visit those that are furthest away from it. So if any of you is going to condemn the criminal tendencies of those who come to my premises, you will clearly be condemning also those who spend time with the other tradesmen; and if them, then all Athenians, because you are all accustomed to visit one place or other and spend time there.

[21] I do not see what need there is for me to drag out more time defending myself in excessive detail against everything that has been said. If I have already spoken about the most important points, what need is there to treat seriously the minor ones, as he has done? I ask you all, members of the Council, to have the same attitude towards me as in the past. [22] Do not, for the sake of my opponent, deprive me of the only thing in my fatherland of which fortune has given me a share. Do not let this one man persuade you to take away what you all collectively gave me in the past. It is because god has deprived us of the best things, members of the Council, that the city has voted

¹¹ See 24.4n.

to grant us this money, in the belief that both good- and ill-fortune are common to all. [23] I would surely be the most wretched of men, if because of my misfortune I should have been deprived of what is greatest and best, and if because of my accuser I were to be stripped of what the city has given out of consideration towards those in my condition. Do not cast your votes in this way, members of the Council. Why should I find you so disposed? [24] Is it because anybody has ever been put on trial because of me and has lost his property? But not even one person would be able to show this. Or because I am a busy-body, or aggressive, or fond of feuds? But I do not, as it happens, use for that purpose such means of livelihood as I have. [25] Or is it because I indulge in excessive *hubris* or violence? But not even my opponent would say so, unless he wanted to lie about this too, just as he lies about other things. Or is it because I was in power under the Thirty and harmed many of the citizens? But I went into exile at Chalcis¹² with your democracy, and although I could have shared in the *politeia*¹³ with them, I preferred to share in the danger with all of you. [26] Do not treat me in the same way as those who have committed many offenses, members of the Council, for I have committed none. Instead, cast the same vote for me as your predecessors have done. Remember that I am not giving an account after administering public funds, and I have not held any public office for which I am now undergoing the audit of my accounts (*euthunai*); but instead, I am making this speech simply for a single obol. [27] With this in mind, you will all decide justly; I shall accept your decision and give you thanks. My opponent will learn for the future not to plot against those who are weaker than himself but to overcome only those who are like him.

¹²A city in Euboea (the large island immediately north of Attica). Going into exile in 404/3 is of course precisely the basis of the speaker's attack on Philon in *Lys.* 31.8–14.

¹³*Politeia* may here denote either “citizenship” (a fairly outrageous claim, given that the Thirty restricted citizen rights to three thousand of the wealthiest Athenians) or possibly “the activity of government” (an even more outrageous claim).