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common word in tragedy, occurring some twenty-five times.¹⁸ In addition to these arguments (which respond to my arguments against ἦθος), it suits the context for Theseus to refer to his ἦθος after saying that not to respond to Adrastus' plea, but instead to run away from a terrible situation, would not be in keeping with his ways, ὡς τοῖς ἐμοῖσιν οὐχὶ πρόσφορον τρόποις (338). A bare (as opposed to arthrous) infinitive stands in apposition to ἦθος elsewhere at Pl. *Resp.* 375E: οἴσθα γὰρ πῶς τῶν γενναίων κυνῶν, ὅτι τοῦτο φύσει αὐτῶν τὸ ἦθος, πρὸς μὲν τοὺς συνήθεις¹⁹ τε καὶ γνωρίμους ὡς οἶόν τε πραοτάτους εἶναι, πρὸς δὲ τοὺς ἀγνώτας τούναντίον.

In summary, the problem as I see it here is that what Theseus claims to have shown the Greeks is a personal quality, what we might even call his 'ethos'. ἦθος does not convey that, but ἦθος does.²⁰

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one can also hide character, although not, according to Pindar, if it is inborn, because ἄμαχον δὲ κρύψαι τὸ συγγενὲς ἦθος (*Ol.* 13.13). Dr Dawe suggests a possible parallel with the Herodotean usage of ἀποδείκνυμαι with the nouns ἀρετᾶς, εὐεργεσίας, σοφίην, and δύναμιν.

¹⁸ Figures for particular writers are as follows Aesch. (4), Soph. (3), Eur. (15), Chaeremon (1), and *Trag. Adesp.* (2). Although the word is particularly common in Eur. (60 per cent of occurrences in tragedy), that may simply be down to the comparative bulk of his surviving corpus.

¹⁹ Another ethical wordplay from Plato.

²⁰ I am grateful to Dr Roger Dawe and Professor James Diggle for helpful comments and suggestions on a previous (longer) draft of these notes, but neither should be taken to approve the contents of this version. At a later stage the *CQ*'s anonymous reader made several useful observations which I have attempted to address.

THE PHANTOM STELAI OF LYSIAS, AGAINST NICOMACHUS 17

Probably in 399, Lysias composed a speech (*Corpus Lysiacum* 30) for an unknown client concerning the alleged malfeasance of a certain Nicomachus in his role as publisher in both phases of the re-edition of secular and sacred Athenian laws between 410 and 399.¹ Lysias at one point remarks of Nicomachus, according to the generally accepted text (17):²

¹ For a recent overview of this speech, see S. C. Todd, 'Lysias *Against Nikomakhos*: the fate of the expert in Athenian law', in L. Foxhall and A. D. E. Lewis (eds.), *Greek Law and Its Political Setting: Justifications not Justice* (Oxford, 1996), 101–31. The first phase of the re-edition lasted from 410 to 404 (Lys. 30.2–3, and see Thuc. 8.97.2 and Andoc. 1.81–82 for the election of law-givers after the fall of the Four Hundred in 411), during which time (in 409–408) Draco's law on homicide was re-edited (*IG* I³ 104; see now A. B. Gallia, 'The republication of Draco's law on homicide', *CQ* 54 [2004] 451–60), as well as many others (see *IG* I³ 105 and 236–41), and the second from 403 to 399 (Lys. 30.4, and see the controversial Teisamenus decree of 403 quoted in Andoc. 1.83–4, along with the remarks in *Schol. Aesch.* 1 *Tim.* 39 and Poll. 8.112). From the latter phase we have remains of the sacrificial laws written in Ionic letters on top of a mysteriously erased text (see F. Sokolowski, *Lois sacrées des cités grecques, supplément* [Paris, 1962], 27–31 [no. 10]), the exact date of which is much debated (see Todd [above] 116, n. 24). S. Dow ('The law codes of Athens', *PMHS* 71 [1953–57 (1959)], 3–36, at 11 and 'The Athenian calendar of sacrifices: the chronology of Nikomakhos' second term', *Historia* 9 [1960], 270–93, at 289) dated it to 400–399 (or, less likely, 402–401) by restoring the prescript (fr. A, line 30) on the

θαυμάζω δὲ εἰ μὴ ἐνθυμείται, ὅταν ἐμὲ φάσκη ἀσεβεῖν λέγοντα ὡς χρὴ θύειν τὰς θυσίας τὰς ἐκ τῶν κύρβεων καὶ τῶν στηλῶν κατὰ τὰς συγγραφάς, ὅτι καὶ τῆς πόλεως κατηγορεῖ ταῦτα γὰρ ὑμεῖς ἐψηφίσασθε.

I am amazed that he is not considering that when he alleges that I am impious for saying that it is necessary to make the sacrifices from the *kyrbeis* and the *stelai* according to the drafts he also is accusing the city, since you voted for these things.

The *στηλῶν* here is actually the widely accepted emendation of Taylor;³ the manuscript readings are the nonsensical *εὐπλῶν* and *ὄπλων*. At first sight, Taylor's emendation seems eminently suitable, but further scrutiny warrants rejecting it for an alternative.

Scholars have supported Taylor's reading by suggesting that these *stelai* would have contained the corrigenda and addenda to the *kyrbeis* and *axones* (of Draco and Solon) from 479 to 411.⁴ When Lysias mentions the traditional laws again, however, he speaks of them only as *ἐκ τῶν κύρβεων* (17 and 18) or *ἐν ταῖς κύρβεσι* (20) with no mention of *stelai*.⁵ Harrison rightly showed that the conjecture is problematic and 'an insecure foundation for historical deduction', arguing that these *stelai* are not distinguished, as one would expect, from the *stelai* on which Nicomachus published the re-edition of laws, which are mentioned later (21).⁶ Robertson, some thirty-five years later, responded by saying that the emendation 'is a certainty', adding the challenge, 'what else could Lysias have written?'; he also suggested that these *stelai* were in fact distinguished from those of Nicomachus by the specification *κατὰ τὰς συγγραφάς*.⁷

assumption that the Lesser Eleusinia (for which sacrifices are clearly prescribed) were celebrated in the second and fourth years of the Olympiad. However, R. M. Simms has more recently suggested that this festival rather took place in the first and third years ('The Eleusinia in the sixth to fourth Centuries B.C.', *GRBS* 16 [1975], 269–79, at 269–70, but see also K. Clinton, 'IG I² 5, the Eleusinia, and the Eleusinians', *AJP* 100 [1979], 1–12, at 10–12), thus providing a date of 403–402 or 401–400 for the inscription. In the interim between the two phases (404–403), while the Thirty were in power, Critias made his own changes to the laws (see the references collected in P. J. Rhodes, 'The Athenian code of laws, 410–399 B.C.', *JHS* 111 [1991], 87–100, at 93 and n. 33).

² The same text is printed, among other places, in T. Thalheim, *Lysiae orationes* (Leipzig, 1910), 227; C. Hude, *Lysiae orationes* (Oxford, 1912), 241.4–7; U. Albin, *Lisia: I Discorsi* (Florence, 1955), 272; L. Gernet and M. Bizos, *Lysias, discours* (Paris, 1955²), 2.167; E. Medda, *Lisia, Orazioni (XVI–XXXIV), Frammenti* (Milan, 1995), 364; and M. J. Edwards, *Lysias, Five Speeches; Speeches 1, 12, 19, 22, 30* (London, 1999), 52.

³ J. Taylor, *Lysiae orationes et fragmenta* (London, 1739), ad loc.

⁴ See, for instance, J. H. Oliver, 'Greek inscriptions: laws', *Hesperia* 4 (1935), 5–32, at 10 ('the *στήλαι* can scarcely have been anything else than later changes or additions published like other decrees on marble steles'), followed by L. H. Jeffery, 'The Boustrophedon sacrificial inscriptions from the Agora', *Hesperia* 17 (1948), 85–111, at 109 ('the sacrifices . . . ἐκ τῶν στηλῶν are the later additions or changes, erected on marble *stelai* like any other decrees, which the Athenians had to admit to be definitely post-Solonic'), and also R. Stroud, *The Axones and Kyrbeis of Drakon and Solon* (Berkeley, etc., 1979), 8 ('Supplementing the sacrifices on the *kyrbeis*, and later in date, were sacrifices which Nikomachos and his colleagues found on *stelai*'). Scholars now often accept this assumption without hesitation; see e.g. Medda (n. 2), 365, n. 17 ('Le *stelai* contenevano degli aggiornamenti delle norme soloniane') and Edwards (n. 2), 169 ('The *stelae* were enactments later than Solon').

⁵ Stroud (n. 4), 11 compares these passages in Lysias to the surviving sacrificial regulations of the Salaminioi of Attica of 363–362, in which there is a mention of sacrifices *ἐκ κύρβεω[ν]* (*Hesperia* 7 [1938] 5, line 87), but again with no accompanying mention of *stelai*. Much later, Harpocration (*Lex. s.v.*) confused the *κύρβεις* with *stelai*.

⁶ A. R. W. Harrison, 'Law-making at Athens at the end of the fifth century B.C.', *JHS* 75 (1955), 26–35, at 34, n. 55; he calls this 'a very difficult case' at 28. Recently, Todd (n. 1), 111 and n. 19, has also remarked upon the insecurity of the conjecture.

⁷ N. Robertson, 'The laws of Athens, 410–399 B.C.: the evidence for review and publication', *JHS* 110 (1990), 43–75, at 68, n. 88.

Rhodes, accepting that the stelai were those ‘on which more recent enactments had been published’, further added that Lysias, when he mentioned Nicomachus’ stelai, had simply ‘conveniently’ forgotten that he had mentioned the earlier laws as having been written on stelai.⁸

The issue has been further needlessly complicated by some who have connected this passage to the ἐκ τῶν σ[found in a line on the largest surviving portion of the re-edition of the Athenian law code (fr. A, line 77), having restored it to ἐκ τῶν σ[τηλῶν.⁹ Robertson, however, has made a good case for reading σ[υγγραφῶν] instead.¹⁰ In any case, this line, as fragmentary as it is, cannot shed any light on the Lysias passage.

Rather, it is important to note that Lysias has crafted his speech by expressing numerous dichotomies between the transmitted laws and those presented by Nicomachus. The former, decided upon by ‘law-givers’ (νομοθέται; see 2, with n. 1 above), and ‘drafted’ (συγγράφειν; 17 and 21), included ‘ancestral sacrifices’ (αἱ πάτρια θυσίαι; 18–20), and were based on the κύρβεις (17, 18, and 20), while Nicomachus, the ‘publisher’ (ἀναγραφεὺς; 2, 17, and 25), wrongly acting like a law-giver (2 and 27), as he was ‘publishing’ (ἀναγράφειν; 2, 4, and 29) on to στήλαι (21) secular and sacred laws (25), added and erased (2, 5, and 19–21) without permission, and thus corrupted the laws (26). In fact, Lysias accuses Nicomachus directly by saying: ‘you transcribed in excess of the things assigned’ (ἀναγράψας γὰρ πλείω τῶν προσταχθέντων; 19).¹¹ And further on he mentions that ‘he transcribed six talents in excess’ (πλείω ἀνέγραψεν ἕξ ταλάντοις) for sacrifices (20), and again, that he spent twelve talents ‘in excess’ (πλείω; 21). The traditional sacrifices, as recorded on the κύρβεις, had to be duly performed and not neglected as had happened because of Nicomachus (there supposedly had been three talents’ worth of sacrifices on those κύρβεις which had not been completed [19]), and further useless sacrifices added by Nicomachus on the stelai had to be ignored. Thus the main passage in question can be logically read as follows: *χρῆ θύειν τὰς θυσίας τὰς ἐκ τῶν κύρβεων, καὶ οὐ πλείω, κατὰ τὰς συγγραφάς.* This could be translated as: ‘it is necessary to make the sacrifices from the *kurbeis* (and not in excess) according to the drafts’. Lysias would then be quoting from the original drafts of the law-givers (which had been ordered by public vote), who apparently had specifically called for the transcriptions to include no additions.

There are two main reasons to accept this conjecture. Firstly, οὐ πλείω better explains the manuscripts’ τῶν εὐπλων and τῶν ὄπλων than does the standard restoration τῶν στήλων. Once another τῶν was added after the καί by mistake, οὐ πλείω may have been changed to agree with the article into something like οὐπλείων, which had to be transformed into a recognizable word, hence εὐπλων, which is found in our earliest witness to the passage (from the twelfth century).¹² Some time later, in the fifteenth century, either Andronicus Callistus or Joannes Rhosus emended

⁸ Rhodes (n. 1), 95 (and see also 88).

⁹ Beginning with Dow (n. 1, 1959), 20, who wrote that stelai were ‘indubitably’ involved.

¹⁰ Robertson (n. 6), 68–70; Rhodes (n. 1), 95 (and see 94, n. 40) disputes this and defends the standard reading. Another possibility perhaps is σ[ανίδων], since such tablets are connected with the κύρβεις (e.g. in Phot. *Lex. s.v.*). Oliver (n. 4), 21 and 28, had suggested σ[υμβολῶν], positing that sources of funds are being described, though now there is no doubt that sources of law are involved.

¹¹ Stroud (n. 4), 9 connects this with the sacrifices [ἐκ] νέων at fr. A, line 51 (as restored by Dow [n. 1, 1959], 20), for which, however, one would expect the inclusion of an article.

¹² *Codex Palatinus graecus* 88 (= MS X), discussed in M. L. Sosower, *Palatinus Graecus 88 and the Manuscript Tradition of Lysias* (Amsterdam, 1987), esp. 7–13.

εὖπλων to ὄπλων.¹³ Secondly, the new reading has the advantage of maintaining the striking antithesis between the old, trustworthy *kyrbeis* and the new, suspicious *stelai*,¹⁴ and it further remains consonant with Lysias' later accusations against Nicomachus for adding excessively to the laws beyond what the law-makers had decided upon (in which the word *πλείω* is used three times). Thus a set of phantom *stelai* can finally be forgotten.¹⁵

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¹³ Andronicus Callistus used MS X as the sole exemplar for his copy (*Codex Ambrosianus* H52 sup. (gr. 436) [=MS Am₄]) while his friend Joannes Rhosus used Callistus' copy for his own (*Codex Laurentianus* 57.4 [= MS C]), as shown by Sosower (n. 12), 59–62 (though in his stemma at xvii Am₁ is mistakenly placed above C instead of AM₄). The reading in MS C is ὄπλων but I have been unable to discover what the reading is in MS Am₄.

¹⁴ Rhodes (n. 1), 95 notes that with Taylor's reading Lysias 'shifts *stelai* to the other scale of the balance' but does not provide a satisfactory explanation for this.

¹⁵ I would like to thank Philip Harding for bringing the issues involved here to my attention, for encouraging me to publish my thoughts on them, and for looking over a draft of this paper.

PLATO, LAWS 10, 905E3: ENTEΛΕΧΩΣ OR ΕΝΔΕΛΕΧΩΣ

The bulk of *Laws* 10 is devoted to refuting what Plato considers three impious positions: atheism, deism (the gods exist, but do not care about humans), and traditional theism (the gods exist, and can be bribed through prayer and gifts).

Having completed his refutation of deism at 905D2, Plato sets his sights on traditional theism, beginning: 'In what way would they [the gods] come to be appeased by us, if they could be? And what or what sort would they be?' (905D8–E2). But it is the line that immediately follows this passage that interests me here. At 905E2–3, Plato continues (in the words of the manuscripts):

ἄρχοντας μὲν ἀναγκαῖόν που γίγνεσθαι τοὺς γε διοικήσοντας τὸν ἅπαντα ἐντελεχῶς οὐρανόν.

Presumably they [the gods] will necessarily be rulers, since they manage the entire heavens perfectly [ἐντελεχῶς].

The fifth-century A.D. anthologist Stobaeus, however, has ἐνδελεχῶς (perpetually) in place of ἐντελεχῶς (*Flor.* 1.3.55). Of recent editors, Burnet and England follow the manuscripts, while Bury and Diès follow Stobaeus.¹ Among English translators of the *Laws*, only Taylor accepts the reading of the manuscripts: 'Governors, to be sure, they must be supposed to be, if they are to have *effective* control of the whole universe.' (As he often does, Taylor seems here to be following a suggestion of

¹ J. Burnet, *Platonis opera* 5 (Oxford, 1907); E. B. England, *The Laws of Plato* (2 vols, Manchester, 1921); R. Bury, *Plato: The Laws* (2 vols, Cambridge, MA, 1926); A. Diès, *Platon: Les Lois, Livres VII–X* (Paris, 1956, 1994²).