

KONSTANTINOS A. KAPPARIS

The Transmission of Apollodoros and the Edition of Mervin Dilts

INTRODUCTION

The *Corpus Demosthenicum* is the corpus of two primary authors. Each is represented by a number of speeches, while several more authors are represented by a single speech.¹ For a corpus this large, the fact that it contains works by other authors is not atypical. For example, the largest of all ancient *Corpora*, that of Galen, contains no fewer than 25 works written by other authors and mistakenly attributed to the great physician. The Hippocratic *Corpus* represents an extreme case, wherein not a single work can be attributed with any degree of certainty to the primary author. Thus, the *Corpus Demosthenicum* is rather typical regarding its inclusion of works by other authors, but unique in the sense that it contains two primary authors. Seven speeches in it were undoubtedly written by the same hand. Six of them are delivered by Apollodoros, the son of Pasion from Acharnai (394 – c. 340 BC) during various cases in which he was personally involved, while one (47, *Against Euergos and Mnesiboulos*), bears the marks of the same author, although it is not related to a case of Apollodoros. The speeches that should be attributed to Apollodoros are the following, in chronological order: 1. [52] *Πρὸς Κάλλιππον* (369/8); 2. [53] *Πρὸς Νικόστρατον* (365); 3. [49] *Πρὸς Τιμόθεον* (362; according to Harris, 368/7);² 4. [50] *Πρὸς Πολυκλέα* (360); 5. [47] *Κατὰ Εὐέργου καὶ Μνησιβούλου* (356); 6. [46] *Κατὰ Στεφάνου Β* (348); 7. [59] *Κατὰ Νεαίρας* (342).

¹ For example, speech 7 *On Halonessos* was composed by Hegesippos, 58 *Against Theocrines* was composed by an unknown author as an attack on Demosthenes, and 17 was probably composed by Hypereides, as László Horváth has argued elsewhere in this volume (pp. 73–80).

² HARRIS 1988, 44–52. Jeremy TREVETT (1991, 21–27) argues against Harris and upholds the suggestion of Arnold SCHAEFER (1858, vol. 3.2, Beilage 140–143) that the speech should be dated to 362.

In antiquity these speeches were widely accepted as Demosthenic, with the exception of 59, which was routinely suspected as non-Demosthenic.³ However, since the 18th century the Demosthenic authorship of these works has been universally rejected. Arnold Schaefer attributed them to Apollodoros, who has delivered most of them in court.⁴ Remarkably, his suggestion was met with virtually no opposition in the 150 years of classical scholarship since its publication.⁵ Shortly afterwards dedicated works by Franz Lortzing, Paul Uhle, Johannes Sigg, and others accepted Schaefer's suggestion and set out to explore various aspects of Apollodoros as an author.⁶ The primary goal of those early studies was to compare and contrast Apollodoros with Demosthenes and try to catalogue his idiosyncrasies. In the more recent years several more studies have added to the increasing volume of research on this neglected classical author, most notably the works by George Kennedy, Lionel Pearson and the very recent discussion of the Apollodoran speeches by Douglas M. MacDowell.⁷

The extensive work of Donald McCabe on prose rhythm, as well as Jeremy Trevett's comprehensive study of Apollodoros as a family-man, a statesman, a businessman and an author, have taken advantage of modern tools, such as electronic databases and advanced statistics, only to confirm that the philological instincts and insights of earlier scholars were in fact accurate. McCabe and Trevett subjected the group of speeches attributed to Apollodoros to a series of tests based on sentence length, hiatus,⁸ use of common words (e. g., οὗτος, αὐτός), frequency of the definite article before proper names and observance of the Law of Blass.⁹

³ See e. g. Harp. s. v. Ἀνάκειον: Δημοσθένης ἐν τῷ κατὰ Στεφάνου, s. v. ἐκμαρτυρία: ... Δημοσθένης τε ἐν τῷ κατὰ Στεφάνου, s. v. Μαρώνεια: Δημοσθένης τε ἐν τῷ πρὸς Πολυκλέα, al. But see Plu. 836b: Δημοσθένης δ' ἐν τῷ κατὰ Νεαίρας, compared with D. H. Dem. 57: καὶ ἐν τῷ κατὰ Νεαίρας ... οὗς ὁ Δημοσθένης οὐκ ἔγραψεν.

⁴ SCHAEFER 1858, vol. 3.2, 130–199.

⁵ A notable exception is Friedrich Blass, who argues that the author of these speeches must be an unknown logographer, on the basis that 47 has nothing to do with the speeches of Apollodoros: “Und doch war, wenn noch andre Reden desselben ausser den in Sachen Apollodor's geschriebenen vorhanden sind, der umgekehrte Schluss viel begründeter, dass ein fremder Logograph diese und jene verfasst hat” (BLASS 1893, 543).

⁶ LORTZING 1863, *passim*; SIGG 1872–1873, 396–434; UHLE 1883, *passim*.

⁷ KENNEDY (1963, 146–149) offers a rather hostile account, and his arguments are questionable, at best. PEARSON (1966, 347–359) and MACDOWELL (2009, 99–126) express a more balanced view.

⁸ These data are based upon the edition of RENNIE (1921, 1931). Considering that Rennie scrupulously follows S on matters of hiatus, accepting elision only where S gives it, but otherwise printing the *scriptio plena*, the edition of Rennie is as trustworthy as our oldest manuscript can be.

⁹ The Law of Blass states that Demosthenes in his later works avoids using three short syllables in a row.

Then a cumulative score was calculated to determine which speech is the least Demosthenic (or the most Apollodoran). 47 was the most Apollodoran speech, followed by 59, 50, 52, 53 and 49. Not surprisingly 46 was the only one separated from the rest of the group (47 interjects between 49 and 46), as it is the only one which is a deuterology without a narrative, marking it as different in structure and purpose from the rest of the Apollodoran speeches.¹⁰ Overall, the results of these tests were astounding. In every instance, no matter what was the criterion, the Apollodoran speeches tended to group together with remarkable cohesion and uniformity. Even accounting for a few minor anomalies the conclusion was loud and clear: during Apollodoros' 30-year-long writing career, he adhered to a style which is characteristically his own; it is easily and consistently recognizable, with many features that unmistakably mark the prose as Apollodoran. It is this distinct style which has allowed scholars since the mid-19th century to separate his works from the rest of the *Corpus Demosthenicum*, and restore the identity of their author out from under the imposing shadow of Demosthenes.

Apart from the seven extant speeches, at least eight more cases, public and private, are mentioned either by Apollodoros himself, or by Demosthenes in speech 36, *For Phormion*.¹¹ These speeches are in approximate chronological order: *Κατὰ Ἀρεθουσίου, Περὶ τῆς ψευδοκλητείας* (366), *Κατὰ Τιμομάχου* (public case, 360s), *Κατὰ Καλλίππου* (public case, 360s), *Κατὰ Μένωνος* (public case, 360s), *Κατὰ Αὐτοκλέους* (public case 360s), *Κατὰ Τιμοθέου* (public case 360s, distinct from the private lawsuit, for which Apollodoros wrote the extant speech *Against Timotheos*), *Πρὸς Στέφανον, παρανόμων* (347/6), *Πρὸς Στέφανον, φόνου* (346).¹² In addition, many more cases were delivered in the later 360s and 350s as a passage of Demosthenes suggests:

D. 36.53: καὶ τίς οὐκ οἶδεν ὅσα πράγματα πράττων οὐ πέπαυσαι, οὐ μόνον δίκας ἰδίας διώκων οὐκ ἐλάττους ταυτησί, ἀλλὰ δημοσίᾳ συκοφαντῶν καὶ κρίνων τίνας οὖ;

“Who does not know that you have been involved into an endless series of legal battles? Not only you have brought many private trials, but also who did you not slander and bring to court in public lawsuits?”

The involvement of Apollodoros and his family in so many lawsuits can be partially explained by the fact that after the death of Pasion, they had to recover

¹⁰ For a review of the tables and relevant arguments see TREVETT 1992, 62–73.

¹¹ Libanios attributes 51 *On the trierarchic crown* to Apollodoros, probably mistakenly. The style of 51 is very different, and the above mentioned tests by McCabe and Trevett confirm this, as 51 consistently features far away from the Apollodoran group in these tables.

¹² D. 36.53–54; 59.3–10.

debts to the bank in the amount of 40 talents, and one could imagine that some of the debtors might be less cooperative after his death.¹³ Moreover, the ownership of a bank inevitably involved frequent recourse to the courts. Pasion had a team in place to handle his lawsuits during his lifetime.¹⁴ Unlike his father, who started life as a humble slave, Apollodoros was born into wealth and could afford a good education. By the time that he took over the affairs of the bank and other family businesses, he was an accomplished litigator perfectly capable of putting together a team for a court appearance and turning up in person to take care of business. There is no good reason to believe that Apollodoros routinely used or ever needed to use other speechwriters for these cases, and the single known exception where he hired Demosthenes (D. 45 *Against Stephanos I*) only confirms the rule.¹⁵ By the middle of the 360s, when he delivered the speech *Against Nikostratos*, he was already a formidable litigator, as this rather powerful piece of Attic oratory clearly suggests. He was one of the most knowledgeable men of his time in legal matters, as frequent quotations of the law in his extant work suggest. His son-in-law Theomnestos confirms this when he invites Apollodoros to the stand to take over the prosecution of Neaira:

59.15: δέομαι οὖν ὑμῶν, ... συνήγορόν με κελεύσαι καλέσαι τῷ ἀγῶνι τούτῳ Ἀπολλόδωρον. καὶ γὰρ πρεσβύτερός ἐστιν ἢ ἐγώ, καὶ ἐμπειροτέρως ἔχει τῶν νόμων, καὶ μεμέληκεν αὐτῷ περὶ τούτων ἀπάντων ἀκριβῶς.

¹³ TREVETT 1992, 8–9 and 27–31.

¹⁴ See e. g. Isoc. 17.33: Πυθόδωρον γὰρ τὸν σκηνίτην καλούμενον, ὃς ὑπὲρ Πασίωνος ἀπαντα καὶ λέγει καὶ πράττει, τίς οὐκ οἶδεν; (“Who does not know Pythodoros, the so-called tent-dweller, who speaks and acts on behalf of Pasion in every matter?”)

¹⁵ There are two instances where it is certain that Apollodoros put together an entire team for a court appearance, and it is interesting to observe that in both instances he chose not to lead from the front. In the case against Stephanos, the son of Menekles, the attack was primarily carried out by means of a speech written by Demosthenes, while Apollodoros only delivered the *deuterologia*. In the case against Neaira, the official prosecution and opening speech was written by Apollodoros but delivered by Theomnestos, his brother-in-law, while Apollodoros only served as an advocate. It is hard to tell on the basis of only two examples whether this is indeed a pattern and Apollodoros preferred to be the back-seat driver. In the case against Nikostratos, there is no doubt that the brothers of Arethousios made an appearance as a team because Apollodoros frequently uses the plural to refer to them (e. g. 3, 19, 23), but the singular for himself (e. g. 2, 23). He emphasizes that he took this process to court by himself because he personally wanted to exact revenge upon Nikostratos and his brothers for the injuries and trouble they had caused him (53.2: οὐδ’ αὖ οὕτως ἄπορος ἦν οὐδ’ ἄφίλος ὥστε οὐκ ἂν ἐξευρεῖν τὸν ἀπογράφοντα· ἀλλὰ τῶν ἐν ἀνθρώποις ἀπάντων ἡγήσάμενος δεινότατον εἶναι ἀδικεῖσθαι μὲν αὐτός, ἕτερον δ’ ὑπὲρ ἐμοῦ τοῦ ἀδικουμένου τοῦνομα παρέχειν). This evidence suggests that sometimes he used a team and sometimes he took matters exclusively into his own hands.

“I am requesting that you allow me, men of the jury, ... to invite Apollodoros to serve as my advocate in this trial. He is older than me and more experienced in legal matters, and has studied these affairs in great detail.”

However, his main strength as a litigator is his exceptional skill in the use of legal narrative: that is, telling the jury a good story about how things happened. Apollodoros has often been criticized for his preference of narrative over proof, but this line of criticism fails to understand that the narrative was the proof. In modern courtrooms, much significance is attached to the closing remarks of the lawyers, as these are meant to piece together the facts of the case for the benefit of the jury; so also in the ancient court-room proof, documents, witnesses and all other supporting materials had to be pieced together at some point into a coherent narrative and make sense.¹⁶ As Christopher Rideout puts it: “legal trials involve the recounting of human events, which must be understood in a particular way before a judge or jury can arrive at a decision. One of the struggles of a trial lawyer is to provide a structure for that understanding that will lead to a favorable result. And narratives, as it turns out, offer a compelling structure, most probably because narratives are a natural mode for understanding human experience.”¹⁷ For Apollodoros this was the most important part of a speech: telling the jury a convincing story which favored his version of events. Perhaps he understood that the lower classes and old men who manned juries in large numbers might be more easily swayed by a good story than by a complex and sophisticated legal argument, or maybe through practical experience he had found that good stories worked very well in the courtroom. Whatever the case, it seems that he had developed this technique and used it extensively in his court cases.

One more distinct quality of Apollodoros as a litigator was his relentlessness. More than any other orator whose work is extant, he keeps going after the same people repeatedly through various lawsuits, sometimes for many years. By his own admission the legal battles with Stephanos, son of Antidorides, which culminated in the prosecution of Neaira in 342, went on for most of the 340s and involved at least two previous lawsuits, one public (*γραφὴ παρανόμων*, 59.5), and one private (*δίκη φόνου*, 59.10–11). His quarrel with the family of Nikostratos also involved at least two previous trials, one initiated by Arethousios on the Summons and one by Apollodoros where he successfully argued that the accusations of Arethousios in the previous trial were false. At least two of the people

¹⁶ The modern literature on legal narratives is vast, and proves the central role this feature plays in court proceedings and the processes of persuasion. It would be outside the purpose of this article to explore the issue, but the interested reader could consult BROOKS - GEWIRTZ 1996; WHITE 1985; FOLEY - ROBBINS 2001, 459–484; RIDEOUT 2008, 53–86 al.

¹⁷ RIDEOUT 2008, 57.

whom he prosecuted in private lawsuits (Kallippos and Timotheos) he also prosecuted later in public lawsuits, and he may have been successful in disfranchising Kallippos.¹⁸ Demosthenes also attests a case against the general Timomachos, whom Apollodoros considered as the source of his sufferings in the hands of Polykles, because Timomachos failed to defend him and take his side. It seems that Apollodoros did not forget, but at a later date decided to settle the score with Timomachos through a public prosecution.¹⁹ His record leaves no room for doubt: Apollodoros, like many a lawyer worth his while, was relentless. Far from being some kind of amateurish gentleman orator, he could be a brutally effective litigator, an intimidating and dangerous opponent in court, and a man who would routinely pursue his enemies to the full extent of the law, using a wide variety of tools and processes, until he obtained satisfaction and was sure that any threat from them had been neutralized. In this respect, Apollodoros does not represent some marginal figure in the public life of 4th-century Athens, but an active politician, at least for part of his career, and a well-known litigator and lawman.

In terms of quantity the extant *Corpus* of Apollodoros is roughly equal to that of Isaïos. Although Apollodoros only has 7 speeches compared to the 11 1/2 belonging to Isaïos, those of Apollodoros are longer. Only the three major representatives of Attic oratory (Lysias, Demosthenes and Isocrates) have a larger *Corpus*. Until now Apollodoros has lived in the heavy shadow of his real-life ally and political friend Demosthenes, and it is remarkable that this classical author with a sizeable *Corpus* has not yet had his own *editio princeps*. His works have been edited more than 15 times among those of Demosthenes, but never independently, and in those editions his individual characteristics as an author have been either assimilated into those of Demosthenes and suppressed, or treated as aberrations from the perfection of Demosthenic prose. Even though classical scholars have exhibited remarkable unanimity in acknowledging Apollodoros as an author for the past 150 years, he is still often referred in modern scholarship as “Pseudo-Demosthenes” and his works as “spurious” (namely non-authentic Demosthenes).

The recent edition of Mervin Dilts was a long-awaited project in Demosthenic scholarship, as it was expected to provide a modern edition of the entire *Corpus*, one that built upon a century of very active classical scholarship in many

¹⁸ Demosthenes (36.53) mentions that around 350, when the Paragraphe initiated by Phormion went to court, Kallippos was in Sicily, in the same section where he accuses Apollodoros of sycophantic activity. This may indicate that Apollodoros succeeded in his public lawsuit against Kallippos and had him disfranchised, thus forcing him to leave Athens.

¹⁹ Cf. 36.53 and 50.51–53, where he explains his rather strained relationship with Timomachos while the latter was general.

different areas, from the *Grammar of the Attic Inscriptions*²⁰ to the development of easily accessible databases for the whole of classical literature, as well as much progress in the fields of Athenian law and legal procedures, social and cultural history, and gender studies. This background ought to be able to provide a more solid foundation for confident improvements upon the text of the Demosthenic *Corpus*, reveal subtler errors hidden for millennia in our manuscripts, and shed more light on proper editorial practices regarding matters of Attic grammar, unusual forms, and matters of hiatus and prose rhythm. In addition to those standard issues which concern the entire Demosthenic *Corpus*, there were a number of other issues specific to the Apollodoran *Corpus*, including its recognition as a separate and coherent entity, sensitivity for the specific traits of Apollodoros, and the production of an edition which respected and recognized his individuality and distinct signature as an author. Whether the edition of Dilts has succeeded in these objectives, at least partially in relation to Apollodoros, and whether a separate *editio princeps* for Apollodoros remains a desideratum are questions which I will try to answer briefly in this study.

In terms of methodology, the findings in this article are not based upon the entire *Corpus* of Apollodoros, for this would be too ambitious for the purposes of this project. I have collated three speeches, selected to represent the entire span of the career of Apollodoros over three decades; these are *Against Nikostratos* (360s), *Against Euergos and Mnesiboulos* (350s) and *Against Stephanos II* (340s). In addition to their chronological significance each one of these texts presents its own challenges and is of special interest for its own reasons. *Against Nikostratos* is an excellent sample of early Apollodoran oratory, and demonstrates perfectly how accomplished its author was as an orator and as a litigator already in his younger days. *Against Euergos and Mnesiboulos* is the second-longest speech of Apollodoros, and the only one among the extant *Corpus* not related to one of his court cases. The second speech *Against Stephanos* is a deuterology, and thus different in structure, purpose and objectives from his other speeches. Thus this selection is representative not only of the entire career span of its author, but also of the range of subjects which he covered, the format of the speeches, and the author's own purposes.

i. THE TROUBLESOME TWINS (F AND Q)

The apparatus criticus of Dilts is short – sometimes too short – but the following issue goes beyond presentation and becomes a matter of substance. Dilts systematically records only the readings of F, but not those of its younger brother

²⁰ THREATTE 1980 and 1996.

Q, which he only cites infrequently. This is particularly significant in the speeches of Apollodoros. Several of them were included in the now lost final part of A, which ends two sections into speech 47. As a result for three of the speeches (namely 46, 47 almost in its entirety and 52), F and Q are the only credible alternatives to S. “Against Neaira” (59) is not transmitted in A either, but this speech has better transmission with many good readings found in Y, and a few in R, and a 14th-century manuscript related to Y, but not directly derived from it or any other extant manuscript. Between the two brothers I am convinced that Q is the better manuscript for two reasons. First it has fewer mistakes than F. Usually when the two disagree,²¹ Q is right, which suggests that the scribe of Q was more careful in copying from their common ancestor. For example:

46.22: καὶ ξένων καὶ ἀστῶν Q καὶ ξένων ἀστῶν F

46.22: Κληροῦν δὲ τὸν ἄρχοντα κλήρων καὶ ἐπικλήρων, ὅσοι εἰσὶ μῆνες, πλὴν τοῦ σκιροφοριῶνος. ἀνεπίδικον δὲ κληρον μὴ ἔχειν.

τὸν ἄρχοντα om. F τὸν κληρον om. F

In all three instances the meaning confirms beyond reasonable doubt that the mistake is in F. However, this should not be treated as a rule, because sometimes F, not Q, preserves the correct reading:

e. g.: 53.6: λέγων τήν τε τοῦτου συμφορὰν

τήν τε AF τήνδε SQ

What makes it imperative to report the readings of Q meticulously is that this manuscript seems to be preserving good readings from an ancient, reliable tradition sometimes in the text itself, which may suggest that these readings come from the parent manuscript, but more often in the margin, which may suggest that at least some of them could have been collected from other ancient manuscripts:

²¹ We should not count as a “disagreement” for our purposes at this point those instances where it appears that two different readings appeared in their common archetype, one in the text, the other in the margin (usually as a γράφεται variant). In these instances sometimes the scribe of F chooses the one, and that of Q the other, with both manuscripts usually recording the one that was not chosen in the margin.

46.23: εἰ μὲν ὥς ὑπὲρ ἀστῆς, πρὸς τὸν ἄρχοντα, εἰ δὲ ὥς ὑπὲρ ξένης, πρὸς τὸν πολέμαρχον, ...

εἰ δ' ὥς ὑπὲρ Q^{vp}: εἰ δὲ ὑπὲρ QSF

Dilts at this point correctly accepts the reading of Q^{vp}, as the second ὥς is necessary for the sense.

Dilts	Rennie
47.12 πολλοὶ προϊστανται ἐπακούοντες τῶν λεγομένων (SFQ)	πολλοὶ προσίστανται ἐπακούοντες τῶν λεγομένων (Q ^{corr.})

Dilts sides with the main manuscripts here; however, the reading of Q^{corr.}, besides the fact that it is better suited to the required meaning “standing by” (implying that people who happened to be around in the agora at the time would gather to hear what was said), is also supported by strong parallels from Apollodoros (46.11 τοὺς δὲ τὰς προκλήσεις μαρτυροῦντας, τοὺς ἀπὸ ταῦτομάτου προσστάντας, here unanimously transmitted), and other authors (e.g. X. *Cyr.* 6.2.13 καὶ ἄλλος εἴ τις βούλοιτο τῶν ὀπλοφόρων προσίστασθαι ἀκουσόμενος τῶν λόγων, μὴ κωλύειν).

47.43: ἰκετευόντων καὶ τίνα οὐ προσπεμπόντων; καὶ τὸ διάγραμμα τῶν σκευῶν ἀποδιδόντων εὐθὺς ἐν τῇ βουλῇ

εὐθὺς ἐν τῇ βουλῇ om. Q

The omission of the phrase εὐθὺς ἐν τῇ βουλῇ may be justified by the meaning, which would imply that Q alone does not contain an ancient interpolation found in all other main manuscripts. The speaker is describing a meeting before the Council of the 500, where he has denounced his opponent Theophemos for failing to return equipment for the trireme which belonged to the city, and was necessary to make the ship ready for sail. The members of the Council have already found that Theophemos had broken the law, and they are about to take a vote as to whether to fine Theophemos 500 drachmas or refer him to court for trial. An alarmed Theophemos is pleading with the speaker and offering to hand over an inventory with the items in his possession. The reading of the majority of the manuscripts would imply that Theophemos had come into the Council prepared with a written inventory of the missing items at hand and produced it right away in the council house, which does not seem very likely. The narrative suggests that an indignant speaker rushed to the council house after a scuffle with Theophemos in a state of agitation, and not as part of routine and scheduled

proceedings. The reading of Q is more logical, as it implies that Theophemos was pleading and offering to prepare and hand over an inventory of the missing items; indeed it seems that this is what happened, because this is the last that we hear about the equipment. Shortly afterwards the speaker evidently received the disputed equipment and was able to prepare the trireme and set sail; from then on the narrative focuses on the personal quarrel with Theophemos, which is about to become much uglier and result in the death of an elderly woman. The present tense of the participle ἀποδιδόντων ought not to be understood literally, as the person who added εὐθὺς ἐν τῇ βουλῇ understood it, but rather as a dramatic present intended to emphasize the urgency of the offer of Theophemos in his attempt to escape punishment.

But, whether one agrees with Q or not in individual points such as this, there is no doubt in my mind that Q is an important manuscript, full of surprises, especially for those speeches missing from A, and for that reason I would meticulously record all its readings.

ii. THE MAIN DIFFERENCES BETWEEN DILTS AND RENNIE

Beyond matters of presentation, the edition of Dilts differs from that of Rennie on a number of occasions. By far the most common type of differences involves hiatus and elision. We have matters of hiatus, in which Dilts returns to the preference of Blass for elision, while Rennie remained more faithful to the manuscripts.

	Dilts	Rennie
47.6	οὔτ' ἄλλοθι	οὔτε ἄλλοθι
47.15	τὴν δ' ἀνθρωπον	τὴν δὲ ἀνθρωπον

There are several instances where Dilts rightly returns into the text readings which are attested in the manuscripts but had been “polished” by 19th-century scholars with an imperfect understanding of Attic grammar. The new monumental *Grammar of the Attic Inscriptions* by Leslie Threatte has allowed Dilts to restore some of these forms back into the text.²²

	Dilts	Rennie
47.4	ἡβουλόμεν	ἐβουλόμεν
47.44	ἡδυνάμεν (S)	ἐδυνάμεν (FQ)

²² THREATTE 1980, 159–160; 1996, 474; KAPPARIS 1999, 181.

There is a number of other differences which would need to be presented briefly on a case basis:

Dilts	Rennie
47.10 καὶ τότε <τ'> ἀξιούντος παρα- λαμβάνειν καὶ μετὰ τὴν δίκην, καὶ ὅτε ἐξέτινον αὐτοῖς	καὶ τότε ἀξιούντος παρα- λαμβάνειν καὶ μετὰ τὴν δίκην, καὶ ὅτε ἐξέτινον αὐτοῖς

Dilts adopts an emendation of Blass, presumably to avoid hiatus. However, the much higher incidence of hiatus in the speeches of Apollodoros compared to Demosthenes, as this is attested by S, and to a lesser degree the other main manuscripts, makes an intervention at this point unnecessary. The sentence contains no less than seven καὶ in a cumulative sequence, no doubt for rhetorical effect, which would be lessened if we were to break that chain by adding an unnecessary τε in the middle. The manuscripts are probably right in this instance.

Dilts	Rennie
47.20 καὶ σῶα γένηται τῇ πόλει (codd.)	καὶ σᾶ γένηται τῇ πόλει

Dilts correctly adheres to the text of the manuscripts meaning “and they should be salvaged for the city”. The emendation of Rennie σᾶ, which he understood to be the correct Attic form, is unnecessary, if not outright wrong since the plural nominative and accusative of the neuter ought to be σῶα, according to the testimony of Thomas Magister and numerous parallels.²³ Inscriptions do not help in this case, because although σῶα is attested outside Attica, neither form is attested in classical Attic inscriptions. Thus, the decision of Dilts to adhere to the manuscripts is a safe option.

47.21: Τούτου τοίνυν τοῦ ψηφίσματος γεγενημένου, ἡ μὲν ἀρχὴ ἐπεκλήρω-
σεν καὶ παρέδωκε τοὺς ὀφείλοντας τὰ σκεύη τῇ πόλει [, οἱ {δὲ} τῶν νεωρίων
ἐπιμεληταὶ] τριηράρχοις τοῖς ἐκπλέουσιν τότε καὶ τοῖς ἐπιμεληταῖς τοῖς ἐν ταῖς
συμμορίαις. ὁ δὲ νόμος ὁ τοῦ Περιάνδρου ἠνάγκαζεν καὶ προσέταττεν παρα-

²³ Thomas Magister, *Sigma* 328: <Σῶς>, οὐχὶ σῶος, καὶ σῶν, οὐχὶ σῶον, καὶ σῶς, οὐχὶ σῶους· σῶοι δὲ μόνον. ἐπὶ δὲ τοῦ θηλυκοῦ ἡ αἰτιατικὴ τῶν πληθυντικῶν μόνῃ συναρεῖται· σῶς γὰρ λέγομεν, οὐχὶ σῶας. ὡσαύτως καὶ ἐπὶ τοῦ οὐδετέρου μόναι ἢ τε εὐθεῖα τῶν ἐνικῶν καὶ ἡ αἰτιατικὴ συναρροῦνται· σῶν γὰρ λέγομεν, οὐχὶ σῶων, σῶα δέ. There is controversy about some of the forms of this adjective. For example in Thucydides 1.74 all manuscripts transmit σῶοι, which would meet the approval of Thomas Magister (σῶοι δὲ μόνον), but when Aelius Dionysius (Fr. 302) cites the passage he gives σῶ.

λαβεῖν τοὺς ὀφείλοντας τὰ σκεύη, {καθ' ὃν αἱ συμμορίαὶ συνετάχθησαν}. πρὸς δὲ τούτοις ἕτερον ψήφισμα δήμου ἡνάγκαζε ...

οἱ δὲ τῶν νεωρίων ἐπιμεληταὶ del. Lipsius δὲ del. Sauppe τοῖς τριηράρχοις τοῖς D
τοὺς ὀφείλοντας παραλαβεῖν D καθ' ὃν αἱ συμμορίαὶ συνετάχθησαν del. Dobree

“When this decree was passed, the magistrates selected by lot and handed over the names of those who owed the equipment to the city [, {while} the officers in charge of the docks handed them] to the trierarchs who were about to sail and the persons in charge in the symmories. Then, the law of Periander compelled and ordered the handover of the equipment from those who owed it {according to which the symmories had been set up}. Moreover, a decree of the people compelled them ...”

Both Dilts and Rennie agree that the text of the manuscripts is problematic and cannot stand as it is, but they adopt different solutions. Rennie adopts a proposal of Lipsius to delete the phrase οἱ δὲ τῶν νεωρίων ἐπιμεληταί, which seems to make the whole sentence smoother. In this case τῇ πόλει would be the object of ὀφείλοντας. Dilts prefers to keep this phrase in the text, understanding that τῇ πόλει is the object of παρέδωκε, and following Dobree, he deletes instead the phrase καθ' ὃν αἱ συμμορίαὶ συνετάχθησαν; he considers this phrase to be an interpolation (a gloss explaining what the law of Periander was), which later intruded into the text. As Douglas MacDowell asserts, this is the only reference to the law of Periander, and if one were to delete the phrase καθ' ὃν αἱ συμμορίαὶ συνετάχθησαν,²⁴ valuable information about this important 4th-century Athenian institution might be compromised. It is true that the position of the phrase at the end of the sentence is somewhat odd, but if we were to take it out we would miss the information about the content of the law of Periander. If we were to follow Dobree's suggestion, it would appear as if the law of Periander were limited to the collection of equipment in the hands of previous trierarchs; however, this is not the case, because the specific decree referring to the speedy collection of such equipment by any means necessary was introduced by Chairedemos and motivated by a severe shortage of equipment around the city, as Apollodoros has explained in the previous section (47.20). Thus, the law of Periander must be the primary law referring to the organization of symmories. This law ordered, among other things, that the equipment (which was public property) for the ships must be handed over from the previous trierarchs to their successors. The decree of Chairedemos clearly was additional to the law of Periander, and intended to enforce and enhance that law by authorizing in this instance the use of harsh

²⁴ MACDOWELL 1986, 438–449.

and extraordinary measures to collect the much-needed equipment. If we were to adopt Dobree's proposal we would miss the critical piece of information that the law of Periander concerned the organization of the symmories. Even though it appears that this explanation was something of an afterthought that Apollodoros added at the end of the sentence, there is no compelling reason to alter the text of the manuscripts.

The proposal of Lipsius to delete the phrase οἱ δὲ τῶν νεωρίων ἐπιμεληταὶ, adopted by Rennie, is even less likely to be correct, because if we accepted it, we would eliminate an important step from the process. According to the manuscripts, after the decree of Chairedemos was approved, the magistrates (perhaps the generals) used lots to match previous trierarchs who had equipment for the triremes in their possession with persons who had been selected to serve as trierarchs in future. These lists were handed over to the officers in charge of the docks, and they passed them on to the trierarchs themselves and to the leaders of symmories. The suggestion of Lipsius would eliminate the middle step in the process, namely the involvement of the officers in charge of the docks, and assume that the magistrates who carried out the allotment simply handed over the lists to the trierarchs or the leaders of the symmories. There are many details in the whole debate about the symmories in the 350s which are uncertain, if not controversial, and for that reason it could be a perilous exercise to interfere with the manuscripts at this point and eliminate that middle step. The available evidence does not justify this level of confidence, and there is no particular reason why the process as described by the manuscripts cannot be correct. The omission of δὲ by D (also supported by Sauppe) is unwarranted too, because then the corresponding δὲ to the initial μὲν would need to be the one a couple of lines below in the phrase ὁ δὲ νόμος, which would create a very awkward meaning. According to the text of the manuscripts, οἱ δὲ τῶν νεωρίων ἐπιμεληταὶ corresponds to ἡ μὲν ἀρχὴ, and this structure makes good sense, as I explained above. On the whole, I would accept the text of the manuscripts as it is throughout this controversial passage.

iii. SOME INTRIGUING CASES

The manuscripts of the Demosthenic *Corpus* are often a source of amazement, especially in those instances where they question our perceptions about Attic grammar, and syntax, and challenge long-established orthodoxies. The lack of distinction among the various authors of the *Corpus* in current editions²⁵ has

²⁵ The standard practice in all printed editions of the entire *Corpus* has been to differentiate only between Demosthenic and Pseudo-Demosthenic works.

often resulted in the flattening of individual features of these authors, especially when these are challenging, and off the beaten track. Here are a few intriguing cases which suggest a reconsideration of the editorial practices thus far followed for the text of Apollodoros:

47.41: ἐλθὼν εἰς τὴν βουλὴν τάς τε πληγὰς ἔδειξα καὶ ἃ πεπονθὼς ἦν εἶπον

εἶπα S (cf. 59.5 εἰπὼν Q^{yp}: εἶπας cett., and 53.24 εἶπεν S: εἶποιεν A: εἶπαιεν FQD)

The first aorist εἶπα has been treated by scholars as a later form inserted by the medieval scribes in place of the second aorist εἶπον, which is the standard form in the classical period. However, the first aorist is attested in inscriptions of the classical period, and although not frequent in the middle of the 4th century, it is not impossible either.²⁶ It is also attested in several locations in the primary manuscripts containing the speeches of Apollodoros. Here (in 47.41) it is attested by S; in 59.5 it is attested almost unanimously, except for a marginal note in Q, which gives the second aorist εἰπὼν. The transmission in 53.24 is more interesting because three variants exist. Only A gives the second aorist εἶποιεν. FQD give the first aorist εἶπαιεν, while the reading of S, εἶπεν, which is clearly mistaken, may actually support a reading of the first aorist, if one understands that the nature of the mistake in S is essentially phonetic. The medieval scribe should have pronounced two ε in εἶπαιεν [*ipeen*], which he conflated into one [*ipen*]. The first aorist is by far the *lectio difficilior*, and it is hard to imagine why the rather careful and no doubt well-educated scribe of S would occasionally insert the first aorist in the speeches of Apollodoros instead of the extremely common second aorist. The only reasonable explanation is that the first aorist was there in the first place, as it was also present in the common original of FQ and D. There is a distinct possibility that Apollodoros had occasionally used the first aorist, a form relatively new in mid-4th-century Greek, and thus an appealing neologism for an author who had a certain fondness for novelty.²⁷

More striking is the complete rejection of the form θέλειν by all the editors of Demosthenes even though it is quite common not only in poetry but also in 5th- and 4th-century prose.²⁸ Dilts always prints ἐθέλειν without any warning about the readings of the manuscripts, seemingly thinking that θέλειν was a scribal

²⁶ See THREATTE 1996, 548–549, and IG ii² 1186, 19–22 (middle 4th c.): ἀνειπάτω δὲ αὐτὸν ὁ μετὰ Γνάθιν δῆμαρχος Διονυσίων τῶν Ἑ[λ]ευσίνι τοῖς τραγοῖδῃς, ὅτι ὁ δῆμος ὁ Ἑλευσινίων στ[ε]φανοῖ Δαμασίαν Διονυσίου Θηβαίων.

²⁷ See the brief discussion of Apollodoros' tendency to adopt novelties in KAPPARIS 1999, 55.

²⁸ See for example, E. *Hip.* 475, S. *Ant.* 669 (in both instances guaranteed by the meter), Hdt. 1.59, 164; 3.145; X. *Mem.* 1.2.9; Cyr. 2.1.28; Hip. *Epid.* 7.1.10, al.

mistake (with the exception of 45.15, where there is a misprint and the text of Dilts reads ὁ ἔλειν). Butcher and Rennie compromise and print ὁ θέλειν, essentially recognizing the correct form to be ἐθέλειν, with elision in this instance.²⁹

In 47.14 there is a split transmission, with S giving θέλειν and FQ giving ἐθέλειν. Again it seems that the scribe of S was more meticulous and kept the less common form, which probably should be adopted in the text. There is no reason for rigid acceptance or rejection of θέλειν, as both forms seem to be concurrent alternatives. ἐθέλειν was the much more common and the older form, as the formation of the imperfect ἤθελον (with a temporal augment from ἐθέλω) indicates, but the younger θέλειν (which eventually would prevail all the way to the modern language) was already in circulation from the early days of Greek prose. The wisest course of action with respect to this question would be to pay more attention to the manuscripts and accept the form θέλειν where it is transmitted. In cases of a split transmission as in 47.14, it is my contention that S is to be trusted more than the other manuscripts for matters such as elision, and this is why I would be inclined to follow S.

Another intriguing case is the unexpected shift from indirect to direct discourse transmitted more than once in the manuscripts of Apollodoros:

47.69: εἰπόν (sc. οἱ ἐξηγηταί) μοι ἡμεῖς τοίνυν σοι τὰ μὲν νόμιμα ἐξηγησόμεθα, τὰ δὲ σύμφορα παραινέσομεν ...'

μοι ὅτι ἡμεῖς FQD; cf. D. 59.76 *μαρτυρίαν ποιούμενος ὁ δῆμος ὑπὲρ τῆς αὐτοῦ εὐσεβείας πρὸς τὸν θεὸν καὶ παρακαταθήκην καταλείπων τοῖς ἐπιγιγνομένοις, ὅτι τὴν γε σοὶ γυναῖκα δοθησομένην καὶ ποιήσουσαν τὰ ἱερὰ τοιαύτην ἀξιοῦμεν εἶναι* (codd.: θεῷ Schaefer; Διονύσιος Taylor)

The non-linear flow of Apollodoran prose in general, with unexpected, but purposeful shifts into new directions as such shifts suit the argument, has been pointed out in a previous study.³⁰ This stylistic feature should not surprise us when we encounter it, for it is a rather standard technique of this author. The sudden and unexpected shift from indirect to direct discourse is attested at least twice in the manuscripts. In 59.76 the shift is unanimously transmitted and has surprised scholars to the point of adopting unnecessary emendations to remove it. Editors usually adopt G. H. Schaefer's proposal, θεῷ. In my 1999 edition of this text I accepted the text of the manuscripts, but Dilts reverted to the preference of the previous editors for the emendation of Schaefer. The passage in 47.68,

²⁹ J. Burnet follows the same practice in Plato as BUTCHER (1903, 1907) and RENNIE (1921, 1931), e. g. *Phaedo* 60 b 6; *R.* 391a1.

³⁰ KAPPARIS 1999, 52–56.

where this transition is attested again by FQD, renders further support for the possibility that such structures conform with the *modus auctoris*, that they should be expected in the speeches of Apollodoros, and that when encountered, they should be accepted, even in cases of a split tradition, as the *lectio difficilior*.

In 53.2 Dilts seems to have missed an emendation of Lewis, which is considered certain in recent legal literature.³¹

53.2: τὰ μὲν τρία μέρη, ἃ ἐκ τῶν νόμων τῷ ἰδιώτῃ τῷ ἀπογράψαντι γίνονται, τῇ πόλει ἀφίημι

τρία codd. : τριτά Lewis; cf. 59.16 (in singular τὸ τρίτον μέρος).³²

The text of the manuscripts, which all editors of the speech so far have accepted, states that the successful prosecutor in a case of *apographe* will receive three-quarters of the confiscated estate (τὰ τρία μέρη).³³ D. M. Lewis on the basis of an inscription proposed τὰ μὲν τριτά μέρη, namely one-third of the confiscated estate. That the reward of the successful prosecutor who secured property for the state ought to be one-third of its value is confirmed by the authentic legal document quoted in 59.16 ἐὰν δὲ ἄλῳ, πεπράσθω καὶ αὐτὸς καὶ ἡ οὐσία αὐτοῦ, καὶ τὸ τρίτον μέρος ἔστω τοῦ ἐλόντος (“if he is convicted he is to be sold, himself and his property, and one-third is to go to the successful prosecutor”), and also Lys. 17.6 ἐπειδὴ δ’ ὑμῖν τὰ Ἑρασιφώντος δημεύειν ἔδοξεν, ἀφείς τῇ πόλει τὸ δύο μέρει τὰ Ἑρασιστράτου ἀξιώ μοι ψηφισθῆναι, διότι ταυτὰ γε ἤδη καὶ πρότερον ἐγνώκατε ἡμέτερα εἶναι. ὠρισάμην οὖν ἐμαυτῷ τὸ τρίτον μέρος τῆς ἐκεῖνων οὐσίας οὐ τὴν ἀκρίβειαν ἐπισκεψάμενος, ἀλλὰ πολλῷ πλεον ἢ τὸ δύο μέρει τῷ δημοσίῳ ὑπολιπών (“Since you decided to confiscate the property of Erasiphon, I let the city have the two-thirds and I am asking you

³¹ See LEWIS 1966, 191 n. 67, using Hesperia 19 (1950), 237, no. 14.42; OSBORNE 1985, 45 and n. 24; BERS 2003, 58, n. 8. MACDOWELL (1978, 166), while still unaware of the proposal of Lewis and accepting the reading of the manuscripts wonders “why this kind of public case was considered to justify such a remarkably high premium”; later, he revised his views and accepted the suggestion of Lewis (see n. 30).

³² The singular (τὸ τρίτον μέρος) is better attested in literary sources, but the plural τριτά μέρη is attested in three inscriptions, the one which Lewis used as a basis for this emendation and also Caria (Magnesia) 1.12 θεῷ τὰ τριτά μέρη, and LSA 34.12.

³³ If a debtor to the state refused to clear his debts he was liable to a process called *apographe*, which led to the confiscation of his estate. If the value of the confiscated property was larger than his debt, then the remainder was returned to him and he was immediately reinstated as a fully enfranchised citizen, but if it was below the value of the debt, he remained disfranchised until he could clear the remainder of the debt. In either case, the successful prosecutor was entitled to one-third of the value of the property which the state had recovered (see MACDOWELL 1978, 166; HARRISON 1971 [II], 180–181 and 211–217).

to grant me with your vote the property of Erasistratos, since you have already decided that this belonged to me in the first place. So, when I apportioned one-third of their property to myself, I was not thinking in terms of an exact division, but I left much more than two thirds to the state.”).

iv. AN EMENDATION

Further improvements upon the text of Apollodoros are certainly possible upon closer consideration of his individual features, as well as the content of his works. For example, in 46.18 the text of the manuscripts reads as following:

ἐὰν δὲ μηδεὶς ἦ τούτων, ἐὰν μὲν ἐπικληρός τις ᾖ, τὸν κύριον ἔχειν, ἐὰν δὲ μὴ ᾖ, ὅτῳ ἂν ἐπιτρέψῃ, τοῦτον κύριον εἶναι.

“If none of those is alive, if she is an *epikleros*, let the husband keep her, but if she is not, then her husband is going to be whoever the law allows.”

This is an extract of the law regulating succession by legitimate daughters in the absence of male heirs. Rennie accepts the text of the manuscripts without paying attention to the legal implications. The text of the manuscripts actually says the opposite of what the law ought to say. In reality, if a man died leaving no sons, natural or adopted, his daughters would be *epikleroi* if they were unmarried, or if they were married but still childless. In that case, the nearest male relative of the father of the *epikleros* could claim her in marriage and along with her gain control of her property. If more than one person claimed an *epikleros*, the archon initiated a *diadikasia*, namely a legal process to decide who had the best claim. However, if the woman was already married with children, then she was not an *epikleros*, because the purpose of an *epidikasia* (to provide the woman with a husband and her dead father with heirs) had already been accomplished, and she stayed with her husband and children.³⁴

It is unlikely that Apollodoros was confused about a law which should have been very well known to all Athenians, and definitely to him personally given that he had no sons and this law applied to his two daughters.³⁵ Gernet noticed the difficulty and proposed the addition of the words ὁ πατήρ before ἐπιτρέψῃ. His suggestion was accepted by Dilts, whose text reads as following:

³⁴ MACDOWELL 1978, 95–108; CUDJOE 2010, 247–251.

³⁵ D. 59.2 and 8. One of the daughters of Apollodoros was married to Theomnestos, son of Deinias of Athmonon, the formal prosecutor of Neaira, and the other was given in marriage at some point between 347 and 342 to an unknown man.

ἐὰν δὲ μηδεὶς ἦ τούτων, ἐὰν μὲν ἐπικληρός τις ᾖ, τὸν κύριον ἔχειν, ἐὰν δὲ μὴ ᾖ, ὅτῳ ἂν <ὁ πατήρ> ἐπιτρέψῃ, τοῦτον κύριον εἶναι.

“If none of those is alive, if she is an epikleros, let the husband keep her, but if she is not, then her husband is going to be whoever her father allows.”

This solution certainly marks some progress, at least as far as it acknowledges that the text of the manuscripts is unacceptable. However, it is clumsy and resolves none of the significant difficulties of this passage. According to this version of the text, the *epikleros* is still to be left with her husband, and the woman who is not an *epikleros* can marry whoever her father allows. This last point would create a logical inconsistency since the whole question arises because her father is already dead and thus not in the position to secure a husband for her. Surely the legal document could not be saying any of this.

A much simpler and better solution can be procured if one notices that this passage contains three elliptical conditional passages, all three starting with ἐάν, which could easily generate some confusion and result in a shift of the negative from the second conditional clause, where it belongs, to the third. The text, which I propose is as following:

ἐὰν δὲ μηδεὶς ἦ τούτων, ἐὰν μὲν μὴ ἐπικληρός τις ᾖ, τὸν κύριον ἔχειν, ἐὰν δὲ ᾖ, ὅτῳ ἂν ἐπιτρέψῃ, τοῦτον κύριον εἶναι.

“If none of those is alive, if she is not an epikleros, let the husband keep her, but if she is, then her husband is going to be whoever the law allows.”

This version of the text, with minimal intervention, conveys perfectly the required meaning. The law says what it ought to say, that a married woman with children who is not an *epikleros* can stay married to her husband, while an *epikleros* is to marry the husband whom the law appoints for her through the process of *epidikasia*.

CONCLUSIONS

The tireless editorial activity of Immanuel Bekker produced an edition of the text of the Demosthenic *Corpus* based not on second or third-generation copies of F from the Palaeologan period, as all editions since the Aldina had done, but on the ancient, more authoritative manuscripts from the Macedonian era. Bekker’s meticulous work and sober judgment resulted in an edition which has since formed the basis of all modern editions. The 1931 edition of William Rennie was an improvement on Friedrich Blass, especially in smaller matters

such as hiatus and the euphonic *nu*, mainly because Rennie did not share his predecessor's belief in rigid rules regulating such matters, and was prepared to put more faith in the diversity preserved in the oldest manuscripts, especially S. The edition of Mervin Dilts returns to some of those editorial principles of Blass in matters of detail, but this is where any affinity with 19th-century editorial principles ends. Dilts is a modern editor, with deep respect for the authority of the manuscripts, sharp judgment and well-focused instincts.

In this paper I have focused upon possibilities for further improvement, and areas where more research is needed, while I have taken for granted the many strengths of the edition of Dilts. It is necessary at this point to set the record straight. The edition of Dilts is a major scholarly achievement, and will probably remain the standard edition of the Demosthenic *Corpus* for many years to come. Beyond minor disagreements about hiatus or the euphonic *nu*, Dilts has cleaned up the text of the *Corpus* from many unnecessary interventions by 19th- and 20th-century scholars, consistently defending the authority of the manuscripts and judiciously accepting modern emendations only when compelling reasons dictate it. His refined and well-balanced editorial decisions have resulted in an improved text, and one would think that further improvements would be an uphill task. However, the work is far from over. As our understanding of legal, social, constitutional and cultural matters in the ancient world continues to improve, and modern electronic databases enhance our ability to search, compare and contrast passages, individual words, grammatical forms, syntax, and lexical variants, our ability to detect previously undetectable errors in our manuscripts is continuously augmented. There is still much to be done in the *Corpus Demosthenicum*, and for this the edition of Dilts will serve as an excellent platform for further exploration and improvements.

The case of Apollodoros is somewhat different from other classical authors, in that, despite more than 15 different editions as part of the Demosthenic *Corpus*, he must be one of the last classical authors with a very sizeable corpus of complete works who has not yet had his own *editio princeps*. The fact that he has been edited as part of the *Corpus* of the most illustrious representative of Attic oratory has frequently resulted in unfavorable comparisons and unjust criticism. Everyone has had complaints. G. H. Schaefer complained about the peculiar use of οὔτος. Among other things, Franz Lortzing disliked the more frequent use of direct discourse, failing to appreciate its effective use as a rhetorical device in the hands of Apollodoros. Blass complained about perfectly classical forms like ἦθειν and ἐξαπίνης, simply because Demosthenes did not use them. Taylor accused Apollodoros of "inopia sermonis". In a previous publication I failed to appreciate fully the impressive skill involved in those long Apollodoran sentences, with bold shifts, complex structures and ambitious sequences, some of which

border the ungrammatical, and yet, the reader is never lost, never in doubt, never losing the thread.³⁶ The judgment of the prominent student of ancient oratory George Alexander Kennedy is the most damning of all. He writes: "Apollodoros is a third rate orator. He is not a member of the Attic canon and is indeed unmentioned by the rhetoricians. His style is undistinguished, his arrangement not striking, his argumentation feeble."³⁷

This kind of critique, where Apollodoros is unfavorably compared to the golden rule of Demosthenic prose and found wanting, aside from the fact that it is fundamentally unfair, has prevented readers from fully appreciating the virtues of Apollodoran prose, from understanding Apollodoros' power as a litigator, and from better comprehending the wider picture of mid-4th-century litigation. Admiration for the splendors of the prose of Demosthenes alone will never explain why he lost to Aeschines in two out of the three cases for which we have the opposing speeches. Likewise, relentless criticism of every single feature of Apollodoran oratory is not conducive to a better understanding of the reasons why, despite his alleged shortcomings, he went on to have a long and successful career as a litigator, a career lasting over three decades (longer, in fact, than the career of Lysias). The fundamental flaw, in this instance, lies in the fact that in order to read Apollodoros we need to pick up a volume of Demosthenes; comparisons are inevitable, even if not always conscious or intentionally critical. When he is quoted as Pseudo-Demosthenes, inevitably and automatically he is quoted as an inferior product, a fake, something spurious and defective.

We should certainly be grateful for the confusion which led to the inclusion of some of his works into the *Corpus Demosthenicum*, for otherwise even his seven surviving speeches might have been lost forever, along with the bulk of Attic oratory. However, the time has come to disentangle those speeches from the *Corpus* and edit them as a separate *Corpus* that deserves to be studied in its own right and for its own merits, without implicit comparisons and prejudiced connotations. Apollodoros has much to tell us as an author. More than any other orator, he can instruct us on the skillful use of legal narrative; he is an inexhaustible source for Athenian law and legal procedure; his works are important documents for understanding banking, lending, borrowing, finances and market forces in the complex capitalist economy of mid-4th-century Athens; and his deliberate and extensive use of contemporary "common man" morality as a rhetorical device can teach us much about perceptions of popular morality in his time. These and many other riches to be mined from his speeches, make it imperative that we start reading him as a valuable and important source for Athenian

³⁶ KAPPARIS 1999, 54–55.

³⁷ KENNEDY 1963, 247.

history and culture from the classical period, and as an author worth studying, understanding and appreciating. In order to do that we need a text of Apollodoros which has preserved his own strengths, character, preferences, mannerisms, and individual features intact. Apollodoros deserves and must have his own *editio princeps*, not only because it is long overdue, but primarily because his *Corpus* is substantial enough in quantity and interest to merit such a project. One would hope that in our lifetime we will see his most famous quotation “We have courtesans for pleasure, concubines for the daily care of our bodies, and wives to give us legitimate children and take care of our household” printed not as Pseudo-Demosthenes 59.122, but as Apollodoros 7.122.

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Konstantinos Kapparis
 Center for Greek Studies
 Department of Classics
 University of Florida
 P.O. Box 117435
 Gainesville, FL 32611-7435, USA
 kapparis@ufl.edu