

LEGAL SPEECHES of  
DEMOCRATIC ATHENS

*Sources for Athenian History*

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Hackett Publishing Company, Inc.  
Indianapolis/Cambridge

2011

LYSIAS 24

ON THE SUSPENSION OF THE BENEFIT OF  
THE DISABLED MAN

*Introduction*

If authentic, this may be one of the few extant speeches intended to be delivered by a poor Athenian. It is also extraordinary for the speaker's use of humor to make his case. As a recipient of the disability benefit of one obol per day (13, 26), he was required to undergo a scrutiny (*dokimasia*) before the Council periodically to verify his eligibility.<sup>1</sup> By the end of the fourth century, recipients had to be unable to perform any work and had to own less than three minas to qualify for the benefit (Arist. *Ath. Pol.* 49.4). Since the speaker of Lysias 24 mentions that he had a trade, which earned him a modest income, it is possible that the eligibility requirements were less stringent in the early fourth century (see 6 n.). In most cases, the scrutiny was probably a formality, especially for a disabled Athenian seeking to renew an existing benefit. If, however, a citizen was prepared to come forward and challenge the recipient, then a separate hearing followed before the Council, where the challenger explained why the claim should be denied and, as in the present speech, the recipient responded. The arrangement of Lysias 24 has been criticized by Usher, but well explained by Carey as a point-by-point response to the objections of his opponent.<sup>2</sup> The challenger claims that the benefit should be denied because the claimant lacks the qualifications for receiving it: he was not disabled, since he could ride horses, and he was not poor, since he owned a workshop and practiced a craft that brought him substantial income. As further proof of the claimant's wealth, his opponent cites that he socializes with rich men (5). To top these accusations, his opponent alleges that the claimant's character is questionable: he is violent, arrogant, and immoral, and the people who frequent his shop are of similar questionable character (15, 19).

*Translated by Konstantinos Kapparis.*

1. Aeschines' speech against Timarchus (1.104) indicates that disabled persons received the benefit once per prytany (i.e., ten times per year). For disability benefits in Athens, see Dillon 1995: 27–57; for disability in the ancient world, see Haj 1970; Garland 1995.

2. Edwards and Usher 1985: 263; Carey 1990: 44–51.



Our speaker does not dispute many of his opponent's allegations; rather he objects to the inferences drawn from them, using humor and pathos to make questions about his eligibility for the disability benefit appear ridiculous and cruel (see Carey 1990: 49). He admits that he rides horses but explains that he does so because he cannot walk long distances. Since horses were quite expensive and ownership would imply wealth, he is careful to point out that he had to borrow horses from friends because he was too poor to own even a mule (10–12). He also admits that he owns a workshop and practices a craft but claims that his income is minimal and certainly not enough to secure his sustenance. As proof he cites the fact that he does not have an apprentice because he cannot afford to pay for one (6). In response to the accusations concerning his character, he notes how the wealthy and the young are prone to violence, not the old and weak (16–19). He then proceeds with counteraccusations. His opponent is so arrogant and insolent that he has the nerve to argue that a man in need of two walking sticks is able bodied, and he seeks to take away an invalid's benefit as if it were the fortune of an heiress (12–14).

The authenticity of the speech was called into question by Harpocration and has been debated by a number of scholars throughout the nineteenth and twentieth centuries.<sup>3</sup> Some infer from the weaknesses of the case that Lysias could not have written it, since he would have provided the claimant with a better response, and they suggest that it may have been a rhetorical exercise by some other author. However, the discrepancies between the speech and the *Athenian Constitution*, a text well known to the rhetoricians of later antiquity, speak for the speech's authenticity, since a later rhetorician would have probably used the *Athenian Constitution* as a source of information. Others point out that the invalid, if he was as poor as he maintains, would not have been able to hire a logographer. However, he apparently had rich friends; so perhaps they assisted him, or perhaps Lysias reduced his fees. In the words of Jebb (1893: 250–51), the speech is "a composition excellent of its kind, and excellent in a way suggestive of Lysias." Only this master of *ethopoeia* could have created such a nuanced and skillfully crafted character (see Usher 1965), and this was one of the main arguments Albini used to support its authenticity. Lysias created a character, somewhat eccentric, sly, and witty, but also likeable and trustworthy, hoping that such a character would carry the jury. The *ethopoeia* in this speech is

3. Harp., s. v. *adynaton*. Against its authenticity: Darkow 1917: 73–77; Roussel 1966. In support of its authenticity: Jebb 1893: 251–52; Adams 1905: 234–35; Albini 1952: 28–38; Dillon 1995: 38–39. Todd (1990b: 166–67; 2000: 253–54) offers compelling arguments in favor of its authenticity.

truly masterful, carries most of the case, and is probably responsible for the popularity of the speech through the centuries.

### Key Information

|            |   |
|------------|---|
| Speaker    | A poor invalid verifying his eligibility to receive the disability benefit of one obol per day. |
| Challenger | Unknown.  |
| Action     | Scrutiny ( <i>dokimasia</i> ).  |
| Audience   | The Council of Five Hundred.  |
| Date       | Early fourth century.   |

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### Lysias 24: On the Suspension of the Benefit of the Disabled Man

[1] I almost owe the prosecutor my thanks, members of the Council, for getting me involved in this trial. In the past I did not have an excuse to give an account of my life, but now I have, because of him.<sup>4</sup> I will try in my speech to prove that he is lying and I have lived my life up to the present day in a manner that deserves praise rather than envy; for it seems to me that he did not involve me in this litigation for any other reason except envy. [2] And yet when someone envies those whom others pity, from what kind of wrongdoing do you think that this kind of man would abstain? He is not slandering me for money, and if he claims that he is punishing me as his enemy, he is lying.<sup>5</sup> Because of his unworthiness I never had any dealings with this man either as a friend or as an enemy. [3] It is obvious, members of the Council, that he is envious of me because, despite my misfortune, I am a better citizen than he. I think, members of the Council, that one should

4. Our speaker acts as if he were an important Athenian excited by this opportunity to talk about himself and to set the record straight; cf. *Lys.* 16.1. He is intentionally using a *topos* employed by wealthy defendants to disarm his opposition and make light of the dispute so that the jury might find the case amusing and the speaker instantly likeable.

5. The text of the manuscripts is unsatisfactory at this point. Most scholars believe that something is missing. Carey retains the transmitted text. We have accepted an emendation of Sauppe, which (although far from certain) provides the text with some logical flow.



heal illnesses of the body with the accomplishments of the soul;<sup>6</sup> for if my mindset follows closely my misfortune and I live the rest of my life in this manner, how am I going to be any different from him?

[4] What I have said about these matters ought to be sufficient; as for what I need to talk about, I will speak to you as briefly as I can. The prosecutor claims that it is not right for me to receive money from the city, because I am able bodied, and not disabled, and I possess a craft that would allow me to live even without the benefit.<sup>7</sup> [5] As proof of my bodily strength, he uses the fact that I ride horses, and as proof of the wealth from my craft, he uses the fact that that I can associate with men who can afford to spend. I believe that all of you are well aware of my financial circumstances and my lifestyle, whatever that is. Nonetheless, I will tell you briefly. [6] My father left me nothing, and I only stopped supporting my mother three years ago, when she died. I still do not have any children to look after me, but I have a craft that can bring in a small income.<sup>8</sup> I already have difficulty practicing it myself, and I cannot get someone to take it on.<sup>9</sup> I do not have any other income except this, and if you take it away from me, I would be in danger of finding myself in the most dire circumstances. [7] Do not, members of the Council, destroy me unjustly when you can do justice and save me. Do not deprive me of the same benefit, which you granted me when I was younger and stronger, now that I am getting older and weaker. Before, you seemed to show the greatest pity for people who had nothing wrong with them; so now do not, because of him, treat savagely those who are pitied even by their enemies. And do not upset others who are in the same situation as I, by having the heart to wrong me. [8] It would certainly be strange, members of the Council, if I appeared to receive this benefit when my misfortune was uncompounded and then be deprived of

6. This psychosomatic concept of health and disease is prevalent in ancient medicine.

7. Aeschines confirms that these benefits were granted on the basis of financial need, and thus well-off citizens with disabilities were ineligible (see **Aesch.** 1.102–4).

8. By the time of Aristotle, the recipient had to be incapable of doing any work. Since our invalid would have been disqualified by his own admission if this were the case for the early fourth century, Carey (1990: 44) suggests that the law was not interpreted literally and was intended to provide only supplemental assistance. An obol was, after all, only one-third of the daily wage of an unskilled worker. Alternatively, restrictions may have been added later in the fourth century, which disqualified invalids capable of doing some work. In fact, the Athenians apparently passed a law that increased the benefit from one obol per day to two (see **13, 26; Arist. Ath. Pol.** 49.4); so it is quite possible that they added stricter eligibility requirements when they increased the amount of the benefit (cf. Dillon 1995: 38).

9. I.e., his trade does not provide him with enough income to purchase a slave to do the work for him.

it now, when old age and illness and all the evils that come with them have befallen me. [9] It seems to me that the prosecutor himself could explain the level of my poverty better than anyone else. If I had been appointed a chorus producer (*choregos*) for a tragedy and challenged him to an exchange of property (*antidosis*), he would have preferred ten times to serve as a chorus producer than exchange his property with mine just once.<sup>10</sup> How is it not terrible if now he accuses me of associating with the richest men on an equal footing because of my affluence, but if something were to happen such as I have just mentioned, then he would say that I am in my current condition or even worse?<sup>11</sup>

[10] As for my equestrian skills, which he dared to mention to you, neither fearing fate nor having any shame, I will not say much. It is natural, members of the Council, for all persons who have had a misfortune of this kind to seek and study how to cope with their condition with as little distress as possible. As one of those who have suffered such misfortune, I found this relief for myself for the longer journeys that I must make. [11] It is easy to grasp, members of the Council, the greatest proof that I ride horses because of my misfortune and not because of arrogance (*hybris*), as he claims.<sup>12</sup> If I had money, I would be carried on a saddled mule, and I would not ride other people's horses. But as it is, because I cannot afford to buy one, I am frequently forced to borrow the horses of others. [12] Yet, how is it not strange, members of the Council, that he would have said nothing if he saw me carried on a mule (what could he say?), but now that I ride borrowed horses, he attempts to convince you that I am able bodied? When I use two walking sticks, while others use only one, he does not take this to be a sign that I am able bodied; however, he argues from my riding horses that I am able bodied. But I need the assistance of both for the same reason.

[13] He has surpassed everyone in shamelessness to such a degree that he tries to convince you, although you are so many and he is only one

10. Wealthy citizens were required to perform public services, known as liturgies (see the introduction to **Demosthenes 21**). A person chosen to perform a liturgy could challenge another Athenian of the liturgical class, who had not recently performed a liturgy and was not exempt, either to perform the liturgy in question or to exchange property (see **Dem.** 21.78 n.).

11. The ellipsis in the Greek has puzzled many previous editors, and while there is some uncertainty in the text, the speaker's main point is reasonably clear. He uses the hypothetical challenge to suggest that his opponent actually believes that he is poor since his opponent would never be willing to exchange property with him.

12. Here we have retained the transmitted text. For the meaning of *hybris*, see the introduction to **Demosthenes 21**.



man, that I am not disabled. If he convinces some of you, members of the Council, what stops me from drawing lots to be one of the nine archons and you from depriving me the obol for being healthy and voting it to him for being disabled?<sup>13</sup> Surely you will not take away the benefit from a man, because he is able bodied, whom the *thesmothetai* will prevent from entering the lottery for the nine archons because he is disabled? [14] You do not think like him, and he does not think like you—fortunately. He comes here to lay a claim on my misfortune as if it were an heiress, and he is attempting to persuade you that I am not what you all can see. You, on the other hand, (and this is the task of sensible men) should rather trust your own eyes than his words.

[15] He says that I am arrogant and violent, with a vile temperament, as though he would be telling the truth if he used terrifying words and he would not if he spoke calmly. But I think, members of the Council, you must clearly distinguish those who have the opportunity to commit outrage (*hybris*) from those who do not have what it takes. [16] It is not likely for poor and destitute men to commit outrage, but it rather suits those who possess much more than the necessities; nor those with disabled bodies, but those who have great confidence in their own bodily strength; nor those who are advanced in years, but rather the young with a youthful way of thinking. [17] Rich men buy their way out of danger with their money, but poor men in their need are forced to show self-control. Young men obtain forgiveness from their elders, but when the elderly cross the line, they are met with disapproval by both age groups. [18] Powerful men are in the position to subject whomever they wish to outrage and nothing happens to them, while weak men cannot even defend themselves against their aggressors when they are the victims of outrage, and if they want to commit outrage, they cannot prevail over their victims. So, I think the prosecutor was not serious when he spoke about my arrogance, but he was joking, and his objective was not so much to convince you that I am this kind of man but rather to ridicule me, as though that was a worthwhile thing.

13. The nine archons, appointed by lot, were the highest officials of Athens. Any citizen could be selected, except from two clearly defined groups: those whose health and physical condition prevented them from performing the numerous religious and sacrificial duties of the archons and those whose improper conduct made them unsuitable for such duties, such as male prostitutes and individuals who mistreated their parents (see the introduction to *Aeschines 1*). Although technically *thetes* (laborers who were part of the lowest economic class of Athens) were still in the fourth century prohibited from holding the archonship, candidates were not asked whether they met the economic requirement.

[19] He also claims that many wicked men gather at my shop, who have squandered their own fortune, and they scheme against those who prefer to keep their property. You should keep in mind that when he says such things he is not accusing me any more than all those people who practice a trade, or my clientele any more than that of other tradesmen. [20] Each of you is accustomed to frequent either a perfumery or a barber shop or a shoe shop or some other place, and most people visit more often the businesses near the agora while few people visit those very far away from it. So, if someone accuses my own clientele of wickedness, clearly they should be accusing the clientele of everyone else, and if they do that, they are accusing all Athenians, because all of you are accustomed to frequent some place and spend some time there.<sup>14</sup>

[21] I do not see why I should go through every single point in great detail and trouble you for much longer. If I have touched upon the most important matters, why should I fuss about minor matters, as he does? All I am asking you to do, members of the Council, is to have the same opinion about me that you had in the past. [22] Do not, because of him, take away from me that one thing in the city that fortune has allowed me to share. Do not let this one man persuade you to take away from me what all of you in common have given me. Since fate, members of the Council, has deprived us of the greatest offices, the city voted to grant us this stipend, believing that fortune, whether good or bad, comes to everyone. [23] How would I not be the most wretched man, if I were deprived of the greatest and nicest things because of my misfortune and at the same time I lost what the city has provided for individuals in such a situation, because of my accuser? Do not, members of the Council, cast such a vote. And what reason would there be to treat me like this? [24] Because someone was brought to trial and lost his property on account of me? But not a single person could prove such a thing. Would it be because I am meddlesome and bold and argumentative? But I do not use the livelihood that I happen to have, for such purposes. [25] Would it be because I am very abusive and aggressive? Not even my accuser would make such claims, unless he were to lie about this in the same manner as he has lied about everything else. Would it be because under the Thirty I acquired power and mistreated many of the citizens? But I fled with the multitude of you to Chalcis, and although I had the opportunity to live under the oligarchic regime without fear, I still chose to share

14. He argues that his shop has the same diverse crowd that any other shop in the agora would have and therefore represents the diversity of the Athenian people. So by accusing his clientele of wickedness, his opponent is essentially criticizing the members of the Council, since men like them would also frequent his shop.

your dangers and flee with you.<sup>15</sup> [26] May I not, members of the Council, receive from you the same fate as those who have committed grave crimes, but may you vote the same way for me as the previous Councils, keeping in mind that I am not being audited for managing public funds or for an office that I held; I am making a case for only one obol. [27] Thus all of you will make the right decision, I will be grateful to you for receiving fair treatment, and my accuser will learn for the future not to plot against weaker men but to triumph over those who are his equals.

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15. Following the civil war of 404–403, speakers regularly addressed their audience as though they had all fled the Thirty and supported the democratic opposition (see Wolpert 2002: 91–95).