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P. OXY. 2537 AND ISOCRATES' TRAPEZITICUS

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## P.OXY. 2537 AND ISOCRATES' TRAPEZITICUS

Isocrates' Trapeziticus (Oration XVII) was written for a young Bosporan client, who was prosecuting the banker Pasion. The dispute between the two men was over a sum of money, which the speaker claimed to have deposited with Pasion, and which Pasion denied having received. The speech dates to the late 390s.<sup>1</sup>

P.Oxy. 2537 is a fragment of a papyrus codex of the second or third century B.C.<sup>2</sup> It contains a number of Hypotheses of speeches of Lysias. The Hypothesis with which I am here concerned is that of a λόγος τραπεζιτικός (verso 24-27). The text as edited by J.R.Rea is as follows:

- 24 .....λόγο]ς τραπ[ε]ζιτικός·  
 25 .....]τ[ρ]απεζ[.] δικάζεται χειλ[  
 26 .....]...[.]αρα Κίττων το.[.]..  
 27 .....]και παρ' ἐαυτῶ [γ]ράμμα τ' (εἶον)

Rea correctly observed that there are a number of features in this fragmentary Hypothesis which strongly suggest that the speech which it describes was delivered in the same case as was Isocrates' Trapeziticus.<sup>3</sup> First, it is highly likely that the Kissos named in l.26 is to be identified with Pasion's slave Kittos, who figures prominently in Isocrates' speech. Second, it is tempting to identify the γραμματεῖον referred to at l.27 with the γραμματεῖον which Pasion was accused of having forged (Isoc. 17.23). Finally, Rea has suggested that the letters χειλ (l.25) might be a reference to the sum of 1,000 staters mentioned at Isoc. 17.41.

Although it is highly probable that the epitomised speech relates to the same case as Isocrates' Trapeziticus, it would be unwise to assume that the epitomist is summarising the latter speech. Dover rightly warns that "There may have been two different speeches which were only two moves in a protracted battle" (p.14). Nevertheless, the identification of the two speeches has been generally accepted.<sup>4</sup>

We certainly do not have to look far to see why the epitomist (or his source) might have attributed the speech to Lysias: Isocrates' stepson Aphareus explicitly denied that his father

<sup>1</sup>The speech must have been delivered after the battle of Cnidos in August 394 (Isoc. XVII 36). As regards the terminus ante quem, Satyros, the ruler of Bosphoros, is referred to in the speech as still alive (Isoc. XVII 57). Diodorus Siculus assigns his death to 393 (14.93.1), but it is hard to feel much confidence about the reliability of this dating. See in general R.Werner 'Die Dynastie der Spartokiden' Historia 4 (1955) pp.412-444.

<sup>2</sup> Edited by J.R.Rea, Oxyrhynchus Papyri 31 (1966) pp.23-37, henceforth Rea. The following works are also cited by author's name alone: R.Seager 'The Authorship of the Trapeziticus' C.R. New Series 17 (1967) pp.134-6; K.J.Dover, Lysias and the Corpus Lysiacum (Berkeley and Los Angeles, 1968).

<sup>3</sup> Rea p.24, followed by Seager pp.134-5 and Dover pp.14-15.

<sup>4</sup> Rea p.24 does not say so in as many words, but seems to assume that it is Isoc. XVII that is being summarised. The identification is accepted by Seager p.35.

ever wrote any forensic speeches.<sup>5</sup> Moreover, Dionysius of Halicarnassus, who believed that Isocrates did write the Trapeziticus, judged that the style of his forensic speeches resembled that of Lysias.<sup>6</sup> We can well understand how these two considerations, taken together, could have led to the speech being attributed to Lysias. As Seager puts it, 'Blind acceptance of the assertion of Aphareus would be enough to deprive the speech of its putative author, and, for a commentator who had taken this step but was none the less reluctant to orphan the work altogether, Lysias was the obvious choice to replace Isocrates, both on general chronological grounds and because of Dionysius' comment on the similarity of their styles.' (p.35).

There is, however, an obstacle to this reconstruction. In the recently discovered manuscripts of the Lexicon of Photius there appears s.v. ἀνομολογήσασθαι a reference to a λόγος τραπεζιτικός of Lysias.<sup>7</sup> Significantly, no part of the verb ἀνομολογήσασθαι appears in Isocrates' Trapeziticus. In other words, there existed in antiquity a λόγος τραπεζιτικός attributed to Lysias which cannot be identified with the Trapeziticus which we possess. When we know that Lysias wrote a λόγος τραπεζιτικός, and then discover the hypothesis to a λόγος τραπεζιτικός of Lysias, it is natural to assume that the two speeches are one and the same. Yet this assumption seems to be precluded by the similarities between the fragmentary Hypothesis and Isocrates' Trapeziticus.

One possible way out of the impasse has been suggested by Dover: "If both speeches were commonly designated ὁ τραπεζιτικός, the author of P.Oxy. 2537, knowing that a τραπεζιτικός was ascribed to Lysias and possessing the τραπεζιτικός ascribed to Isocrates, may have believed that the ascription of the speech which he possessed was erroneous and summarised it in the belief that he was summarising the τραπεζιτικός of Lysias." (p.22). The problem with this suggestion is that it fails to explain what has happened to the speech referred to by Photius. On Dover's view, the epitomist must have been working from a list of speech titles, which differed from his collection of Lysias' speeches in including the λόγος τραπεζιτικός. This is not impossible: perhaps doubts had been cast on the authorship of this speech, so that it did not feature in some editions of Lysias' works. Yet it would be an odd irony if this speech should have been discarded as

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<sup>5</sup> Dionysius of Halicarnassus *Isocrates* 18 I p.85.14-18 Us.-Rad.). Dionysius also wrote that Aristotle had claimed that the booksellers' stalls were full of such works, but that he himself followed the testimony of Cephisodoros that Isocrates had written some forensic speeches, but not many.

<sup>6</sup> τῷ Λυκίου χαρακτηρι ἐγγιστα μὲν προεληλυθὼς ..... (Isocrates 18, p.85.10). However, it should be noted that neither Dionysius, who quotes several pages of the speech and regards it as typifying Isocrates' forensic style (Isocrates 19), nor Harpocration (s.vv. δημόκοιτος, Καρκίνος, κτηνίτης) expressed any doubt as to its authenticity.

<sup>7</sup> ἀνομολογήσασθαι· ἀντὶ τοῦ διομολογήσασθαι ἀργύριον ἢ τι τοιοῦτον. Λυκίας ἐν Τραπεζιτικῷ = α 2030 in C.Theodoridis Photii Patriarchae Lexicon I A-Δ (Berlin and New York, 1982). This citation was unavailable to earlier editors of Lysias. It is in K.Jander, *Oratorum et rhetorum Graecorum fragmenta nuper reperta*, Bonn 1913, p.9 (nr.13).

being spurious, only to be replaced by a speech which is almost certainly not the work of Lysias<sup>8</sup>

Nor can we resolve the problem by assuming the existence of two λόγοι τραπεζιτικοί attributed to Lysias, for in that case some attempt would surely have been made to differentiate the two speeches. Conversely, the fact that the epitomist refers simply to a λόγος τραπεζιτικός, without naming the client, the opponent, or the type of case, suggests that there was only one λόγος τραπεζιτικός known to antiquity.

There is, however, another possibility which I should like to raise, which allows us to reconcile all the available pieces of evidence. My suggestion is that the epitomised speech was indeed delivered at the trial of Pasion, but that it was written by Lysias on behalf of Pasion. This hypothesis is avowedly speculative, and I do not suggest that it can be proved, but there are a number of considerations which lend it some support. First, the fragmentary details preserved in the Hypothesis could fit a speech for Pasion just as well as they fit the speech against him which we now possess.<sup>9</sup> It is always hazardous to try to reconstruct the arguments of a lost speech, but it is clear that Pasion would have had things to say about both Kittos and the γραμματεῖον. Indeed, as regards the latter, the young Bosporan predicts that Pasion will base his defence on the document:

"ἡγοῦμαι δὲ Πασίων', ὃ ἄνδρες δικασταί, ἐκ τοῦ διεφθαρμένου γραμματεῖου τὴν ἀπολογίαὶν ποιήσεσθαι καὶ τούτοις ἰσχυριεῖσθαι μάλιστα" (Isoc. 17.24).

Second, there is a good chance that the families of Lysias and Pasion were associated with each other. It is likely enough that the two men knew each other, since they were both wealthy metics from the Piraeus.<sup>10</sup> More specifically, we know that Lysias' father Cephalos owned slaves who produced shields (Lys. 12.8, 12). The subsequent history of these slaves is unclear, but we know that at some point Pasion himself acquired a shield workshop (Dem. 36.4).<sup>11</sup> This may be no more than coincidence, of course, or Pasion may have acquired Cephalos' slaves via a third party. But it is equally possible that he bought them from Cephalos' family. In addition, it should be noted that Lysias wrote a speech ὑπὲρ τοῦ ἀσπιδοποιοῦ (Nr. XXII Thalheim). Pasion is, to the best of my knowledge, the only manufacturer of shield (other than Lysias' father Cephalos) at Athens in this period. There is

<sup>8</sup> On the Isocratean authorship of the Trapeziticus, Seager conclusively answers the doubts of Rea p.24.

<sup>9</sup> Strictly speaking, the appearance of Kittos and a γραμματεῖον in a λόγος τραπεζιτικός could belong to any speech written for Pasion in his capacity of banker (compare the importance of Phormion, Kittos' successor as chief cashier, in [Dem.] 49 and 52). On the other hand, the fact that the epitomist picked out these two details for his four-line epitome suggests that they played a crucial part in the speech, as they do in Isoc. XVII.

<sup>10</sup> That Cephalos and his sons lived in the Piraeus is clear from Plato Rep. 328b-d; Phdr. 227b. Pasion, although he was enrolled into the deme of Acharnae, seems to have continued to live in the Piraeus (thus J.K.Davies, Athenian Propertied Families 600-300 B.C. (Oxford, 1971) Nr. 11672 V).

<sup>11</sup> Unfortunately we do not know when or under what circumstances he acquired the shield workshop. Davies (op.cit. Nr. 11672 VI) suggests plausibly that he had acquired it by 386, but there is insufficient evidence to enable us to reach a firm decision.

therefore a possibility that the shield-maker for whom this speech was written was Pasion. Moreover, nearly fifty years after the Trapeziticus case, Pasion's son Apollodoros showed himself remarkably well-informed about the details of Lysias' private life ([Dem.] 59.21, 23). Lysias' relationship with the courtesan Metanaera may have been public knowledge by the late 340s, but it is equally possible that Apollodoros had links with the family of Lysias which gave him access to this information. Finally, even if such close links did not exist between Pasion and Lysias, it is likely enough that the wealthy Pasion would have turned to Lysias, a fellow metic and the leading speech-writer of the day, to help him with his defence.<sup>12</sup>

Third, there is some evidence of hostility between Lysias and Isocrates. Indeed, the anonymous author of the Life of Isocrates says as much: "λέγεται γὰρ καὶ τοῦτο ὡς ὅτι διεφθοροῦντο οὗτοι ἀλλήλοισι καὶ ἀντεπαίδευσον".<sup>13</sup> In support of this statement, it may be significant that the two men wrote speeches for the opposing parties in the suit between Euthynos and Nicias.<sup>14</sup> That there was a degree of personal antagonism between the two speech-writers seems to be suggested by a fragment of the Hypothesis to Lysias' speech for Euthynos (P.Oxy. 2537 verso 21):

[γου Ἰ[σοκρ]άτην κακ. c λε[

Unfortunately we cannot determine whether Isocrates was abusing or being abused.<sup>15</sup> Moreover, we hear of a speech of Lysias κατ' Ἰσοκράτην αἰκία,<sup>16</sup> although we do not know for whom it was written. Finally, it may be significant that Isocrates and Lysias are contrasted at Plato Phaedrus 278e-279b. Although they are not there described as being enemies, the passage may have fuelled speculation on this score. On the basis of this evidence, patchy as it is, I would tentatively suggest that Lysias, once he knew that Isocrates was writing a speech for the young Bosporan, would have been more than ready to make his services available to the opposing side.

As a pendant to this note, it is curious that Dionysius of Halicarnassus refers to the young Bosporan as "ξένῳ τινι τῶν μαθητῶν [sc. of Isocrates]" (Isocrates 18, I p.86.10 Us.-

<sup>12</sup> Thus (e.g.) Dionysius of Halicarnassus Lysias 1 (I p.9.2 Us.-Rad.) 'τῶν μὲν ἔμπροσθεν γενομένων ῥητόρων ἢ κατὰ τὸν αὐτὸν χρόνον ἀκμασάντων ἠφάνισε τὰς δόξας'.

<sup>13</sup> A.Westermann ΒΙΟΓΡΑΦΟΙ (Brunswick, 1845) p.257 III 123-4.

<sup>14</sup> Isocrates XXI is a speech against Euthynos, written for one Nicias. We know of speeches of Lysias ὑπὲρ Εὐθύνου (Nr. L Thalheim) and πρὸς Νικίαν περὶ παρακαταθήκης (Nr. XCVIII Thalheim). It is uncertain whether these two are to be identified. P.Oxy. 2537 verso 18 refers to two speeches:

.....ὑπὲρ Εὐ]θύνο[υ πρὸς Νι]κίαν α' β'

The restoration of Euthynos' name is secure, since it recurs in the following line.

<sup>15</sup> For κακῶς λέγειν in the sense of abuse see Aristophanes Acharnians 502-3. Although it is possible that the epitomist was saying that Isocrates abused Euthynos (or Lysias), I am inclined to think that in such a brief summary he would have confined himself to the contents of the speech, and that he is describing abuse of Isocrates contained in the speech.

<sup>16</sup> Photius, Suidas, and Etym. Mag. s.v. ὕβρις refer to a speech πρὸς Ἰσοκράτην αἰκία, whilst Pollux 8.46 mentions a speech πρὸς Ἰπποκράτην αἰκία. If these are to be identified, it seems more likely that Pollux is in error.

Rad.). If this is true, and Dionysius' statement may well be based on the reliable contemporary testimony of Cephisodoros (ibid., p.86,3), we might wonder whether the background to the case was quite as the speaker of the Trapeziticus presents it. Perhaps he was not quite the innocent abroad that he presents himself as; perhaps, rather, the prosecution should be seen as one episode in a long-running feud between Isocrates, on the one side, and Lysias and his friends.<sup>17</sup>

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<sup>17</sup> I should like to thank Professor D.M.Lewis for reading and commenting on this paper.