

Lysias's Speech *On the Refusal of a Pension* and Athenian Citizens with Disabilities

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For citation: Kudryavtseva T. V. Lysias's Speech *On the Refusal of a Pension* and Athenian Citizens with Disabilities. *Vestnik of Saint Petersburg University. History*, 2022, vol. 67, issue 1, pp. 102–112. <https://doi.org/10.21638/11701/spbu02.2022.107>

The article examines speech XXIV by Athenian orator Lysias “On the Refusal of a Pension” (V–IV c. BCE). This text provides not only an excellent example of a legal speech written by a renowned Attic orator but also invaluable material for the study of social policy of Athenian democracy, namely — adaptation and survival of people with disabilities in the ancient Greek polis. The author of the article agrees with those researchers who have no doubts concerning the authorship of the speech and its intention to be delivered during the litigation on dokimasia of “infirm” people in the Council 500. The article considers the information about the disabled people in Athens and the allowance granted to them, and analyses *topoi* frequently used by litigants in legal speeches. Similarly to other Athenian trials, the outcome of this is not known, nor is the fate of the disabled person and whether he managed to assert his position. The analysis of the strategies of litigants indicates that appealing to pathos, enhancing the image of a good citizen, and discrediting the opponent in combination with irony, humor, and dramatization of the trial, to a certain extent, often made an impact on judges and resulted in a favorable decision. The whole repertoire of these tactics was effectively utilized by the orator in speech XXIV, therefore it is reasonable to suggest that the success was almost guaranteed. It is also noteworthy that the Athenian law that granted the allowance to *adynatoi* was unique for the Ancient Greece and, in all probability, was connected with the development of Athenian democracy.

Keywords: Ancient Greece, Athenian democracy, trial, Lysias, disabled people, allowance.

Речь Лисия Об отказе в пенсии инвалиду и афинские инвалиды

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Для цитирования: Kudryavtseva T. V. Lysias's Speech *On the Refusal of a Pension* and Athenian Citizens with Disabilities // Вестник Санкт-Петербургского университета. История. 2022. Т. 67. Вып. 1. С. 102–112. <https://doi.org/10.21638/11701/spbu02.2022.107>

В статье исследуется речь XXIV афинского оратора Лисия (V–IV вв. до н. э.) «О том, что не дают пенсии инвалиду». Данное произведение — не только прекрасный пример су-

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Статья подготовлена при финансовой поддержке РФФИ: проект № 19-09-00183 («Судебный процесс в античности: юридические, политические, социальные и личностные аспекты»).

The paper was created within the project financed by Russian Foundation for Basic Research No. 19-09-00183 (Judicial process in antiquity: legal, political, social and personal aspects).

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дебной речи, но и богатый материал для исследования таких сюжетов, как социальная политика афинской демократии, а именно: адаптация и выживание людей с физическими недостатками в древнегреческом полисе. Автор присоединяется ко мнению тех исследователей, которые не сомневались в том, что речь принадлежит именно Лисию и предназначалась для процесса в связи с докимасией «неможных» в Совете пятисот. Рассматриваются сведения Лисия и других античных авторов о положении афинских инвалидов и выплачиваемом им пособии. Афинский закон о пенсиях для инвалидов фокусировался не на факте увечья — одного его недостаточно для того, чтобы стать пенсионером: надо быть «неможным» (ἀδύνατος) и иметь достаток ниже установленного минимума. Оратор в речи XXIV использует характерные уловки и стратегии (типичные τόποι), призванные воздействовать на судей, которые часто использовались выступающими в судебных тяжбах. Как и в отношении многих других афинских судебных процессов, мы не знаем исхода данного дела (удалось ли бравому инвалиду отстоять свою пенсию). Анализ стратегии поведения тяжущихся показывает, что призывы к жалости, восхваление себя как добропорядочного гражданина и очернение противника в сочетании с пафосом, сдобренным острым словом, иронией, шуткой, нередко влияли на принятие судьями решения и обеспечивали благоприятный финал. Весь этот арсенал средств оратор эффективно использует, так что можно высказать предположение об успешном для него исходе процесса. Обращает на себя внимание и то, что афинский закон о пенсиях для инвалидов уникален для Древней Греции; очевидно, его появление связано с развитием афинской демократии.

Ключевые слова: Древняя Греция, афинская демократия, судебный процесс, Лисий, инвалид, пособие.

Speech XXIV by the Athenian orator Lysias “On the Refusal of a Pension” has never been specially scrutinized by Russian researchers, and there are few works devoted to it in the international scholarship. However, this text is not only an excellent example of the legal speech written by a renowned Attic orator but also invaluable material for the study of social policy of Athenian democracy, namely — adaptation and survival of people with disabilities in the ancient Greek polis. Our knowledge about interaction between such people and the Greek society, about how the issues inevitably arising with regard to it were solved, is scarce: people with disabilities comprise a silent ancient stratum. Thus, speech XXIV by Lysias is of immense value since it enables to understand some problems which Athenians with disabilities had to encounter.

It should be noted that disability studies is a one of the recent trends of contemporary historiography. Over the past decades there have been numerous researches into complex interconnectedness between cultural values, social structure, state policy and professional practice with regard to people with disabilities in different historical periods. It is often regarded as the emergence of “a new disability history” focusing on concepts of otherness similarly to gender studies etc.¹ The outcome of the recent researches has become the five-volume *Encyclopaedia of Disability*². One of its indisputable conclusions is that the notion of disability differed in different epoch and cultures, and the problem of existence and incorporation of people with disabilities was addressed differently.

There is a broad interpretation of the term “disability” or “people with disabilities” in the modern world. World Health Organization (WHO) in its International Classification

¹ *Laes Ch.* Introduction: disabilities in the ancient world — past, present and future // *Disability in Antiquity*. London; New York, 2016. P. 3.

² *Encyclopaedia of Disability*: in 5 vols / ed. by G. L. Albrecht. London; New Dehli, 2006.

of Functioning, Disability and Health (ICF) takes into consideration social aspects and doesn't perceive disability as exclusively "medical" or "biological" dysfunction. It is interpreted as any loss or abnormality of mental, physiological, body structure or functions (for example, blindness, deafness, paralysis); or as restriction or lack (because of dysfunction) of ability to perform an activity in the manner or within the range considered normal for a human being (i. e. mental impairment, alcohol and drug addiction etc.)³. It is evident that this definition doesn't correspond to the ancient approach to disability. There was no precise description of disability in the ancient world, still less — of its connection with the social status⁴, however, certain attempts to define this category of people and to provide social adaptation to them were made, according to the sources. To an extent, there is some affinity between the modern and ancient concepts of disability as such a person can not normally function in the society, perform the same duties as able-bodied people. From this perspective, Lysias's speech "On the Refusal of a Pension" enables to gain valuable knowledge about the status of people with disabilities in Athenian society.

In the XIX century, some doubts were raised about the authorship of speech XXIV, based, first of all, on a comment by a grammarian Harpocration (in fact, very vague) that the speech might have been only attributed to Lysias (Harp., s. v. Ἀδύνατοι <...> ἔστι δὲ καὶ λόγος τις, [ὡς λέγεται,] Λυσίου περὶ τοῦ ἀδυνάτου); and secondly, on the skepticism that a prominent orator agreed to write a speech for the poor man on such a trivial matter⁵. Nevertheless, this opinion has long been contested; it cannot be confirmed by any sources and at present is deemed largely marginal. Doubts concerning the fact that a disabled person could not afford to commission a speech to a prestigious orator can easily be refuted: the client might have maintained informal relationships with the orator, or his rich friends might have assisted in it, which the plaintiff hinted at (Lys., XXIV, 5)⁶.

The speech had to be delivered in the Council (Boule) as it was there that dokimasia of physically disabled people was conducted and a list of those claiming allowance — ἀδύνατοι — was confirmed⁷. The exact date of the court hearing for which the orator wrote this speech is unknown: the end of the V century BCE or the very beginning of the

³ Disability and Disabilism. URL: <https://www.coe.int/ru/web/compass/disability-and-disablism> (accessed: 20.07.2021); The United Nations and Disabled Persons — The First Fifty Years. URL: <https://www.un.org/esa/socdev/enable/dis50y10.htm> (accessed: 20.07.2021).

⁴ Vlahogiannis N. Disabling bodies // Changing bodies, changing meanings: studies on the human body in antiquity. London; New York, 2003. P. 15.

⁵ See, for example: Böckh A. Die Staatshaushaltung der Athener. Bd. 1, Buch II. Berlin, 1851. S. 343–344. — For more details on the history of the aspect: Darkow A. C. The Spurious Speeches in the Lysianic Corpus. Pennsylvania, 1917. P. 73–77. — Although the researcher regards the speech as authentic, she believes that it was epideictic and was not intended for the delivery in the court (Ibid. P. 77). Among recent attempts to revive the opinion of the falsified nature of speech XXIV: Roussel L. (Pseudo-) Lysias, l'Invalide. Paris, 1966 (the main evidence is weak arguments in the speech). The reviewer of the article, M. D. Reeve, supported the author: Reeve M. D. Louis Roussel: (Pseudo-) Lysias, l'Invalide. (Publ. de la Fac. des Lettres de l'Univ. de Montpellier, xxv.). Pp. 43. Paris: Pre es Universitaires de France, 1966. Paper, 4 fr. // Classical Review. Vol. 18. 1968. P. 235–236. An Italian scholar E. Colla perceived the speech as declamation dating to the "Plato's era", mid IV c. BCE: Colla E. Πάθος e appello alla piet : per una datazione di Lys. 24 // Rudiae. Ricerche sul Mondo Classico. 2015. No. 1. P. 66.

⁶ Blass F. Die attische Beredsamkeit. 1. Abth. Von Gorgias bis zu Lysias. Leipzig, 1868. S. 652–653; Adams C. D. XXIV For the Cripple. Introduction // Lysias. Selected Speeches. New York, 1905. P. 234; Bizot M. XXIV. Notice // Lysias. Discours. T. 2: XVI–XXXV et Fragments. Paris, 1962. P. 102–103; Dover K. J. Lysias and the Corpus Lysiacum. Berkeley; Los Angeles, 1968. P. 189; Dillon M. Payments to the Disabled at Athens: Social Justice or Fear of Aristocratic Patronage? // Ancient Society. 1995. Vol. 26. P. 39.

⁷ Details: Rhodes P. J. The Athenian Boule. Oxford, 1972. P. 175–176.

IV century, sometime after overthrowing the Thirty, i. e. after 403 BCE⁸. There is no indication of the nature of the hearing: in all probability, it was connected with dokimasia. It has also been suggested that the prosecution might have taken the form of eisangelia⁹, but this hypothesis does not seem convincing due to the nature of prosecution and the content of this defense speech¹⁰.

Thus, there was practice in Athens of granting allowances to the *adynatoi*. In addition to speech XXIV by Lysias, there is evidence by Aeschines in “Against Timarchus” (Timarchus’s uncle, blind Arignotus, received it — Aesch., I, 102–104). It is also mentioned by lexicographers and the scholiast: Harpokration and Suida, s.v. ἀδύνατοι, with reference to Philochoros (FGrH 328 F197a); Schol. Aeschin. I, 103. The important information can be found also in Aristotelian *Athenaion Politeia*: “There is a law (νόμος) enacting that persons possessing less than 3 minae and incapacitated by bodily infirmity from doing any work are to be inspected by the Council, which is to give them a grant for food at the public expense at the rate of 2 obols a day each¹¹ (Arist. Ath. Pol., 49, 4; transl. by H. Rackham). The disabled person from Lysias’s speech received 1 obol a day (Lys., XXIV, 26), i. e., at the time of creation of the *Athenaion Politeia*, in the second half of the IV century, the allowance was increased twofold, which was unsurprising given the inflation. This payment was rather modest and sufficient only for food, i. e., it was not so much a subsistence minimum but an additional allowance¹². Its inadequacy is obvious in comparison with the pay for assembly attendance, which was one obol when introduced at the turn of the V–IV centuries, and then quickly rose to two and three obols, whereas at the time of the *Athenaion Politeia* amounted to one drachma for ordinary meetings, and a drachma and a half — for major meetings (nine obols) (Arist. Ath. pol. 41, 3; 62, 2).

Dokimasia of the *adynatoi* was conducted annually, and a claimant had to be present there, otherwise he could lose the benefit (Aesch., I, 104). The payment was distributed by a special treasurer chosen by lot (καὶ ταμίας ἐστὶν αὐτοῖς κληρωτός)¹³. The sources define

⁸ Blass F. Die attische Beredsamkeit. 1. Abth. Von Gorgias bis zu Lysias. S. 649; Adams C. D. XXIV. For the Cripple. Introduction. P.233; Bizot M. XXIV. Notice. P.102; Dover K. J. Lysias and the Corpus Lysiacum. P.189.

⁹ Blass F. Die attische Beredsamkeit. 1. Abth. Von Gorgias bis zu Lysias. S. 648–649; Dover K. J. Lysias and the Corpus Lysiacum. P.189. — This version emerged in connection with the title of the speech XXIV ΠΡΟΣ ΤΗΝ ΕΙΣΑΓΓΕΛΙΑΝ ΠΕΡΙ ΤΟΥ ΜΗ ΔΙΔΟΣΘΑΙ ΤΩΙ ΑΔΥΝΑΤΟΙ ΑΡΓΥΡΙΟΝ in the codex of the XII c. Codex Palatinus X (Heidelbergensis 88), from which speeches attributed to Lysias have survived (all other manuscripts with the texts of his speeches are derived from it).

¹⁰ It was pointed out, for example, by: Hager H. On the Eisangelia // Journal of Philology. 1871. Vol. 4. P.97; Thalheim Th. Ἀδύνατοι // Paulys Realencyclopädie der Klassischen Altertumswissenschaft. Bd.I. 1894. Sp. 440; Adams C. D. Appendix // Lysias. Selected Speeches. P.379; Bizot M. XXIV. Notice. P.101.

¹¹ δοκιμάζει δὲ καὶ τοὺς ἀδύνατους ἢ βουλή: νόμος γάρ ἐστιν, ὃς κελεύει τοὺς ἐντὸς τριῶν μῶν κερτημένους καὶ τὸ σῶμα πεπηρωμένους, ὥστε μὴ δύνασθαι μηδὲν ἔργον ἐργάζεσθαι, δοκιμάζειν μὲν τὴν βουλήν, διδόναι δὲ δημοσίᾳ τροφὴν δύο ὀβολοὺς ἐκάστῳ τῆς ἡμέρας.

¹² 1 drachma (6 obols) a day at the time of Lysias constituted the wages of a stonemason, a carpenter or a foreman at the construction site; an unqualified worker received half drachma, i. e. at the end of the V c. one obol — 1/3 of daily wages of unqualified worker (Adams C. D. Appendix. P.358–357; Carey C. Structure and Strategy in Lysias XXIV // Greece & Rome. 1990. Vol.37. P.44). However, according to calculations made by M. Markle, three obols paid to dikastes at the end of the V c. was enough for daily sustenance of a four-person family given the prices for barley, wheat, olive oil, and other necessities, and at such half an obol had to be left for other needs: Markle M. M. Jury Pay and Assembly Pay at Athens // Athenian Democracy. Oxford; New York, 2004. P.108–112.

¹³ Some scholars believe that it was a treasurer of the Council (for example, Wilamowitz-Möllerndorff U. von. Aristoteles und Athen. Berlin, 1893. Bd. I. S. 214), but the majority agree that it was a special

this allowance as ἀργύριον (silver coin, money — Lys., XXIV, 8; 22), or as μισθός (wage, payment — Aesch., I, 103), or as τροφή (nourishment, food — Arist. Ath. Pol., 49, 4). The payment was calculated as a daily amount but provided once a prytany (Aesch., I, 104). Harpocration referring to Philochoros (Phil. FGrH 328 F197a), mentions nine drachmae a month (Φιλόχορος φησιν, θ δραχμάς κατὰ μῆνα); implying most likely a prytany¹⁴. In order to be eligible for the pension, it was necessary not only to have a disability, but to be unable to perform any duty and make a living. If the boule found that a claimant was capable of earning a living, when his income exceeded 3 minae, or that his relatives could provide for him¹⁵, this individual could be removed from the list of pensioners (Aesch., I, 104).

Lysias in his speech XXIV refers to the fact that although Athenian *adynatoi* were full citizens (i. e., they were not ἄτιμοι), their rights were restricted to a certain extent. The speaker refuting accusations of the plaintiff, sarcastically mentions that if his opponent succeeds in convincing bouleutai that he is not ἀδύνατος, then nothing will prevent him from drawing a lot for election as one of the nine archons (τί με κωλύει κληροῦσθαι τῶν ἐννέα ἀρχόντων — XXIV, 13). This confirms that disabled people could not run for archons. Candidates for this office had to be able-bodied as at least the eponymous archon, the archon basileus and the polemarch took part in a range of religious rites (Arist. Athen. Pol., 56, 2–5; 58, 1)¹⁶. In the Byzantine encyclopedia *Etymologicum Magnum* (mid XII c.), the term Ἀφελής was defined as a healthy and uninjured body (ὕγιής το σώμα και ὀλόκληρος), and an example was provided: dokimasia was conducted in Athens to determine whether archons basileus and priests were unblemished, and whether they had any bodily damage (Και οἱ βασιλεῖς και οἱ ἱερεῖς ἐδοκιμάζοντο Ἀθήνησιν, εἰ ἀφελεῖς και ὀλόκληροι).

According to the disabled person in Lysias's speech, he received his allowance by a *psephisma* (ἡ πόλις ἡμῖν ἐψηφίσαστο τοῦτο τὸ ἀργύριον — XXIV, 22; italicized by T. K.), whereas Aristotle refers to a *law* (νόμος γάρ ἐστιν — Ath. Pol., 49, 4). It should be noted that in Athens until V c. BCE there had been no clear difference between the words νόμος and ψήφισμα; they were used as synonyms; a more precise demarcation and a new con-

treasurer in charge of the fund for allowances to the disabled: Rhodes P. J. A Commentary on the Aristotelian Atheniaion Politeia. Oxford, 1993 (with reference to bibliography); Dillon M. Payments to the Disabled at Athens. P. 44. — A hypothesis by Schwahn that it might have been one of *adynatoi* doesn't seem convincing (Schwahn W. Ταμίαι // Paulys Realencyclopädie der Klassischen Altertumswissenschaft. Bd. IV A. 1932. Sp. 2109), especially taking into account that treasurers in Athens were selected from the most well-off citizens — pentakosiomedimnoi (Arist. Ath. Pol., 8, 1; 47, 1).

¹⁴ In 307/6 BCE Athenians added 2 new tribes (Antigonis and Demetrias) to their list of 10 to honor Macedonian kings Antigonus I and his son, Demetrius Poliorketes, and afterwards 12 pritanies approximately corresponded to 12 months. If Philochorus wrote after this reform, he could use the phrase “κατὰ μῆνα” as synonymous to κατὰ πρυτανείαν. If understood literally, it follows that at the end of IV c. BCE (at the time of Demetrius of Phalerum or later) the payment was reduced by 10% — this can't be ruled out although very unlikely. See: Jacoby F.: 1) Die Fragmente der griechischen Historiker. Teil 3, B, vol. 1. Leiden, 1954. S. 563; 2) Die Fragmente der griechischen Historiker. T. 3, B, vol. 2. S. 452; Dillon M. Payments to the Disabled at Athens. P. 45–49.

¹⁵ Aeschines reproaches Timarchus that he didn't sufficiently support his uncle Arignotus causing the latter to become a disabled person on the dole despite the fact that he used to be fairly well-off (I, 103).

¹⁶ For details, see: Dillon M.: 1) Payments to the Disabled at Athens. P. 48; 2) Legal (and customary?) approaches to the disabled in ancient Greece // Disability in Antiquity. London; New York, 2016. P. 170. — V. Dasen points out an unwritten religious taboo concerning candidates with physical disabilities as holders of sacred functions: Dasen V. Dwarfs in Ancient Egypt and Greece. Oxford, 1993. P. 212.

cept of νόμος emerged only after the restoration of democracy in 403 and introduction of the procedure of nomothesia¹⁷. Either “our invalid” was inaccurate in his wording¹⁸, or he indeed received his pension in accordance with psephisma. It is logical to suggest that such decree was adopted upon expulsion of tyrants and reestablishment of democracy when all payments abolished by tyrants were restored (first of all, for public officials), and then in the IV c. BCE a law was passed, probably, together with the twofold increase in the allowance¹⁹.

Plutarch asserted that the first law on pensions — the law on maintenance at public expense of soldiers maimed in warfare — was issued by Solon. The historian from Chaeronea refers here to Heraclides Ponticus, the author of IV c. BCE, who mentioned the benefactor of Solon’s decree — a disabled Thersippus (the latter is known only in connection with this reference by Plutarch)²⁰. Later Peisistratus²¹ adopted a similar law, following a great reformer (Plut. Sol., 31). There is a possibility that some prominent disabled military were granted pensions in the VI c. BCE²².

However, it is highly unlikely that the subject of Lysias’s speech was provided as a disabled military; in all likelihood there was a separate law for pensions to those maimed in warfare²³. It has been suggested that the allowance to disabled people was an innovation of Pericles’s democracy²⁴: initially it might have been intended for those injured in wars (there was quite a number of those in the middle of the V c. BCE) but subsequently extended to other categories of *adynatoi*.

Our “hero” builds his line of defense on the basis of this law (to be more precise, psephisma) and its application. According to him, he has some affliction; he has difficulty walking and uses two sticks; when he has to set out on longer journey, he borrows a horse (Lys., XXIV, 10–11). The disabled person never mentions that his affliction has anything to do with the military service. If he really had been wounded fighting for his native polis, he would have referred to it since this detail would have excellently set off the image of a “good citizen”, which was often utilized by litigants in their speeches²⁵. He also tries to

¹⁷ For details, see: *Hansen M. H.* Nomos and Psephisma in Fourth-Century Athens // *Greek, Roman and Byzantine Studies*. 1978. Vol. 19, no. 4. P. 315–330; *Kudryavtseva T. V.* Narodnyi sud v demokratiche-skikh Afinakh. St Petersburg, 2008. P. 369–376.

¹⁸ Examples of how psephismata were termed laws, and vice versa: *Hansen M. H.* Nomos and Psephisma in Fourth-Century Athens. P. 316–320.

¹⁹ *Ibid.* P. 319; *Dillon M.* Payments to the Disabled at Athens. P. 43.

²⁰ The scholiast to Aeschines also regarded Solon as the author of the law on pensions to physically disabled people (Schol. Aesch. I, 103). Perhaps it is the case of attribution of all good intentions and laws to the famous Athenian law-maker. F. Jacoby deems Heraclides highly unreliable source, who invented the story about Thersippus (*Jacoby F.* Die Fragmente der griechischen Historiker. T. 3, B, vol. 2. S. 452).

²¹ Some scholars admitted the possibility that Peisistratus might have issued the law on pensions to disabled soldiers, which was later extended by inclusion of the *adynatoi*: *Thalheim Th.* Ἀδύνατοι. Sp. 440; *Adams C. D.* XXIV For the Cripple. Introduction. P. 231. — F. Jacoby challenges this opinion considering it anachronistic for the periods of Solon and Peisistratus (*Jacoby F.* Die Fragmente der griechischen Historiker. T. 3, B, vol. 1. S. 563). The German scholar believes that Heraclides made up both stories — about the law and about Thersippus (*Jacoby F.* Die Fragmente der griechischen Historiker. T. 3, B, vol. 2. S. 452).

²² *Rhodes P. J.* A Commentary on the Aristotelian Athenaion Politeia. P. 570.

²³ *Dillon M.*: 1) Payments to the Disabled at Athens. P. 30; 2) Legal (and customary?) approaches to the disabled in ancient Greece. P. 178.

²⁴ *Jacoby F.* Die Fragmente der griechischen Historiker. T. 3, B, vol. 1. S. 563–564; *Rhodes P. J.* A Commentary on the Aristotelian Athenaion Politeia. P. 570; *Dillon M.* Payments to the Disabled at Athens. P. 30.

²⁵ For details, see: *Kudryavtseva T. V.* Tiazhushchiesia na beme: rechi i povedenie storon v afinskom narodnom sude // *Vestnik drevnei istorii*. 2008. No. 2. P. 4–5.

prove that he is a better citizen than his opponent: he is not a barrator, or a busybody; he has never committed any offences; nobody has been sued or lost property because of his accusations (Lys., XXIV, 24); he is not insolent or violent (ὕβριστής καὶ βίαιος — Lys., XXIV, 25); during the time of the Thirty he went into exile to Chalcis (island Euboea) with other adversaries to tyrants (Lys., XXIV, 25).

However, Athenian law on pensions for the disabled people in contrast to modern allowances, did not focus on the mere fact of disability which was not sufficient for eligibility for the pension since it was necessary, as it has already been discussed above, to be “infirm” (ἀδύνατος) and to have an income below the established minimum. It is evident in Lysias’s speech. The accuser does not attempt to contest that the defendant has some physical impairment but stresses that it does not render him incapable of earning a living. His accusation boils down to the statement that the defendant is able-bodied and cannot be classed as disabled (τῷ σώματι δύνασθαι καὶ οὐκ εἶναι τῶν ἀδυνάτων — Lys., XXIV, 4), and has a trade enabling him “to live without this grant” (καὶ τέχνην ἐπίστασθαι τοιαύτην ὥστε καὶ ἄνευ τοῦ διδομένου τούτου ζῆν — Lys., XXIV, 5). In order to justify the defendant’s physical capacity, the plaintiff points out his habit of horse-riding, and to prove his material security — his acquaintance with wealthy people who have means to spend (ὅτι δύναμαι συνεῖναι δυναμένοις ἀνθρώποις ἀναλίσκειν — Lys., XXIV, 5), implying that his financial situation is suitable for maintaining such friendships. The accuser attempts to portray his character negatively giving him such characteristics as insolent, savage, and utterly abandoned in his behavior (ὡς ὑβριστής εἰμι καὶ βίαιος καὶ λίαν ἀσελγῶς — 15, translation here and henceforth by W. R. M. Lamb).

The defendant, in his turn, corroborates his claims to the pension by referring to his dire circumstances: his father did not leave him anything; he was forced to provide for the mother (at the time of the trial she is dead); he has no children to rely on. His disability doesn’t enable him to make a sufficient living: “I possess a trade that can give me but slight assistance: I already find difficulty in carrying it on myself, and as yet I am unable to procure someone to relieve me of the work²⁶” (Lys., XXIV, 6). What his trade (τέχνη) is²⁷, and what income it can bring, he doesn’t clarify confining himself to a vague remark: “Now, as to the affluence from my trade and the nature of my livelihood in general, I think you are all acquainted with these” (τὴν μὲν οὖν ἐκ τῆς τέχνης εὐπορίαν καὶ τὸν ἄλλον τὸν ἐμὸν βίον, οἷος τυγχάνει, πάντας ὑμᾶς οἶμαι γιγνώσκειν — Lys., XXIV, 5). He also indicates the absurdity of the plaintiff’s suggestion to deprive him now, when he is growing older and weaker, of the allowance which was granted to him when he was younger and healthier (Lys., XXIV, 7). As regards his horse-riding, he stresses that he is forced to mount a horse due to misfortune and not due to insolence (διὰ τὴν συμφορὰν ἄλλ’ οὐ διὰ τὴν ὑβρίν — Lys., XXIV, 11). He claims that he resorts to a horse when he has to set out on longer journeys as it brings him less discomfort (Lys., XXIV, 10); and he would prefer a “saddled mule” and not other men’s horses²⁸ if he could afford it (in all probability, it is easier to

²⁶ He means a slave.

²⁷ According to M. Bizot (*Bizot M. XXIV. Notice. P. 101*), he might have been a hairdresser or a shoemaker.

²⁸ The practice of borrowing (food, implements, utensils, cattle, horses, and even dogs) was quite wide-spread in Athens and Greece among friends and neighbors, often without bonds, witnesses, commission and sureties. See: *Millett P. Lending and Borrowing in Ancient Athens. Cambridge, 1991. P. 37–39.*

mount and ride a mule for a lame person), which serves as sole evidence of his disability (μέγιστον τεκμήριον) (Lys., XXIV, 11).

His speech is imbued with distinct slapstick humor, burlesque, witty and ironic comments, and derisive remarks²⁹. Jokingly, the orator offers *antidosis* mentioning that if was to be in charge of the chorus (it is known that choregia was one of the most expensive liturgies entrusted to wealthy Athenians, which makes the offer absurd) and offered the exchange of property, his opponent “would prefer being the producer ten times over to making” it (Lys., XXIV, 9). As it has already been discussed, the plaintiff considers that because the defendant rides a horse, it is indicative of his health, while the defendant convincingly shows that he does it due to his disability. He caustically adds that the accusation doesn't refer to “his using two sticks while others use one”³⁰ and that his horse-riding can't be perceived “as a sign of being able-bodied” as he uses “both aids for the same reason”. In other words, following his logic: if his opponent regards horse-riding as a sign of being able-bodied, then using two sticks instead of one should also testify to the same. Naturally, this argument can't but cause members of the boule to smile or even laugh. Another remarkable example of his comic comparison is when he says that the plaintiff “disputes his misfortune as if over an heiress” (ὥσπερ ἐπικλήρου; an heiress — ἐπικληρος — was often the subject of court suits) (Lys., XXIV, 14). He also refutes the accusation that some suspicious people who have squandered their money spend time at his place. He reminds the Council that everyone has the right to visit the agora³¹: “paying a call at either a perfumer's or a barber's or a shoemaker's shop, or wherever he may chance to go <...> So if any of you should brand with roguery the men who visit my shop, clearly you must do the same to those who pass their time in the shops of others; and if to them, to all the Athenians: for you are all in the habit of paying a call and passing your time at some shop or other” (Lys., XXIV, 20).

The orator employs all characteristic gimmicks and strategies (τόποι) to make an impression on bouleutes. At the same time, he tries to compensate his physical disability by playing up his virtues³². He is better than the accuser (a more honest citizen) (τούτου βελτίων εἰμι πολίτης — Lys., XXIV, 24–25). He denies any animosity between them saying that presenting him as an adversary is a lie since the plaintiff's “villainy has always kept” him “from having any dealings with him either as a friend or as an enemy” (οὔτε φίλω οὔτε ἐχθρῶ — Lys., XXIV, 2). Thus, the accuser becomes a sycophant driven not by noble revenge against his enemy but by envy (διὰ φθόνον; φθονεῖ — Lys., XXIV, 1; 2) and greed (εἰ μὲν γὰρ ἔνεκα χρημάτων με συκοφαντεῖ — Lys., XXIV, 2)³³. He also attempts to discredit his opponent: he is deceitful (ψευδόμενον, 1; ψεύδεται, 2; ψεύδεσθαι, 25), corrupt (πονηρίας, 2), shameless (ἀναισχυντία, 13).

²⁹ It has been frequently mentioned in scholarship. See, for example: *Blass F.* Die attische Beredsamkeit. 1. Abth. Von Gorgias bis zu Lysias. S. 654–655; *Bonner R. J.* Wit and Humour in Athenian Courts // *Classical Philology*. 1922. Vol. 17, no. 2. P. 100–101; *Carey C.* Structure and Strategy in Lysias XXIV. P. 45–48; *Kudryavtseva T. V.* Dramaticheskie scenarii v afinskom narodnom sude: litigantes agunt histriones // *Mnemon. Issledovaniia i publikacii po istorii antichnogo mira*. 2009. Issue 8. P. 59–60.

³⁰ Athenians used sticks as the English — their walking sticks in the past.

³¹ Most probably, his workshop or/and shop was close to the agora or there.

³² *Blass F.* Die attische Beredsamkeit. 1. Abth. Von Gorgias bis zu Lysias. S. 650.

³³ Plaintiffs in Athenian courts often placed an emphasis on their personal reasons for suing somebody (animosity; quarrel; dislike) to avoid being accused of sycophancy or self-interest: *Kudryavtseva T. V.* Tiazhushchiesia na beme. P. 5; *Alwine A. T.* The rhetoric and conceptualization of enmity in classical Athens: thesis (PhD). [s.l.], 2010. P. 115–119.

One of the most widespread *topoi* in legal speeches is appeal to pity³⁴. To arouse compassion, our “hero” repeatedly reminds members of the *boule* about his age, poverty, sickness, disability, which must have produced an effect given his two sticks. He has no one to take care of him; he lives on this allowance of one obol (*Lys.*, XXIV, 6). He asks who “envies those whom other people pity” (οἱ ἄλλοι ἐλεοῦσι — *Lys.*, XXIV, 2). He says that they had “previous reputation for showing the utmost compassion (ἐλεημονέστατοι) even towards those who are in no trouble” and urges them not to “be moved now by this man to deal harshly with those who are objects of pity even to their enemies” (*Lys.*, XXIV, 7). Also, the orator utilizes another rhetorical strategy: he appeals to judges on behalf of all disabled people: “by having the heart to wrong me, cause everyone else in my situation to despond” (*Lys.*, XXIV, 7). He considers it almost philosophically: by granting allowance to the disabled people, the polis compensates what they were deprived of by fortune (*Lys.*, XXIV, 22) since “the chances of evil and of good are the same for all alike” (κοινὰς εἶναι τὰς τύχας τοῖς ἅπασιν καὶ τῶν κακῶν καὶ τῶν ἀγαθῶν — *Lys.*, XXIV, 22). His appeal to justice also sounds reasonable: at the beginning of his speech — “Do not, therefore, gentlemen, when you can save me justly, ruin me unjustly” (σῶσαί με δικαίως, ἀπολέσητε ἀδίκως — *Lys.*, XXIV, 7), and in the end — “In this way you will all give the decision that is just” (τὰ δίκαια γνώσεσθε — *Lys.*, XXIV, 27).

Similarly to other Athenian trials, the outcome of this is not known, nor is the fate of the disabled person and whether he managed to assert his position. The analysis of the strategies of litigants indicates that appealing to pity, enhancing the image of a good citizen, and discrediting the opponent in combination with irony, humor, and dramatization of the trial, to a certain extent, often made an impact on judges and resulted in a favorable decision³⁵ (an excellent example is *Aristoph. Vesp.*, 562–575). The whole repertoire of these tactics was effectively utilized by the speaker in speech XXIV. Taking into account the triviality of the problem (one obol) and visualization — a disabled person leaning on two sticks in front of the members of the *boule* — the success was almost guaranteed.

Athenian law on pensions was unique for Ancient Greece; there is no information about its analogy in other cities³⁶. It is unlikely that its emergence was connected with specific Athenian compassion or attitude to disabled people. Ancient Greek society treated them as “others”; they signified failures, disasters, and punishment; they challenged social norms and standards of beauty and perfection, which contradicted the cult of “heroic body”³⁷. It is plausible that the only known to us law on pensions for disabled people was connected with the democratic foundation of Athens and corresponding ideology. That is why “our invalid” stresses that the state (*polis*) being concerned with “such people” grants him the allowance (ἃ δ' ἡ πόλις ἔδωκε προνοηθεῖσα τῶν οὕτως διακειμένων — *Lys.*, XXIV, 23; also — *Lys.*, XXIV, 22). M. Dillon believes that this pension came into being as a means to avoid aristocratic patronage. Financial support to disabled from wealthy citizens might have led to the situation when poor people who had the right to vote would

³⁴ *Kudryavtseva T. V.* Tiazhushchiesia na beme. P. 11–12.

³⁵ *Kudryavtseva T. V.*: 1) Tiazhushchiesia na beme. P. 3–18; 2) Narodnyi sud v demokraticeskikh Afinah. P. 224–246. — As Demosthenes remarked, “You, men of Athens, acquit men who have committed the gravest crimes and are clearly proved guilty, if they treat you to one or two pleasantries, or if a few advocates chosen from their own tribe ask you to be so good” (XXIII, 206, translation by A. T. Murray).

³⁶ *Dasen V.* Dwarfs in Ancient Egypt and Greece. P. 213; *Dillon M.* Legal (and customary?) approaches to the disabled in ancient Greece. P. 179–180.

³⁷ *Vlahogiannis N.* Disabling bodies. P. 20–22.

have been indebted to aristocracy, and an emerging chain “client — patron” would have posed a threat to democracy³⁸. It is undeniable that this “patronage” presented a problem during the archaic period, the time of Solon and Cleisthenes, and even during the period of aristocratic clubs (ἐταίρια) in the V c. BCE, however, it was in Late Classical Athens that the pension to the disabled people was increased twofold when the issue of the influence of noble clans had lost its relevance. Nevertheless, the Australian scholar is right pointing out the connection between the introduction of payment for offices and development of Athenian democracy³⁹ as this measure contributed to the creation of citizen body independent from aristocratic patronage. Not having to worry about how to earn a living, disadvantaged Athenians could hold office and be involved in politics⁴⁰. It stands to reason that upon the collapse of democracy in Athens at the end of the IV c. BCE, there was no trace of any state allowance paid to disabled people.

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³⁸ Dillon M.: 1) Payments to the Disabled at Athens. P. 31–36; 2) Legal (and customary?) approaches to the disabled in ancient Greece. P. 178.

³⁹ It was evident to Plato (Pericles depraved Athenians by introducing payment to those holding office — Plat. Gorgias 515e) as well as to Aristotle (Pol. 1293a, 3–12; 1317b, 35).

⁴⁰ Dillon M. Payments to the Disabled at Athens. P. 34–36.

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Статья поступила в редакцию 19 сентября 2021 г.
 Рекомендована к печати 17 декабря 2021 г.
 Received: September 19, 2021
 Accepted: December 17, 2021