

The Case against Nikomachos and the Amnesty (Lys. 30.7-14)
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Lysias' speech against the law transcriber Nikomachos belongs to the year 399 BC but raises allegations reaching back before the Reconciliation of 403. Thus the accuser recalls the condemnation of Kleophon in 405 and charges that Nikomachos produced the statute that legitimized judicial murder. The accuser revives this old charge to rebut one that (he claims) Nikomachos will make, that the accuser himself was an oligarch. Scholars have routinely dismissed this preemptive argument as, itself, an evasion of the amnesty and irrelevant to the case at hand. But that interpretation relies upon a set of emendations in §§7-8, which were adopted in the eighteenth century and have been followed almost without question. This paper argues to restore the manuscript reading, as it makes better sense of the accuser's argument and the legal effect of the amnesty in that contentious year.

In the manuscripts at §§7-8 the accuser anticipates the countercharge that he had been one of the Three Hundred: he answers that he was not even listed among the Three Thousand. The first disavowed group, τριακοσίων (in three places), was emended by Taylor (1739) to τετρακοσίων (the more familiar Four Hundred of 411); the ms. reading has been largely disregarded ever since. Likewise the second number, τρισχιλίων, is emended to πεντακισχιλίων, the Five Thousand (cf. Carey's apparatus [2007] ad loc.). The received text gives better sense, though the more difficult reading: the speaker was accused of serving the Thirty as one of the 300 *hypēretai*; the latter were listed among officers under the Thirty by *Ath. Pol.* 35.1 (a comparandum unavailable until the 1890s). These Three Hundred served as enforcers for the Eleven, notoriously in the arrest of Theramenes. Xenophon refers to them contemptuously as *neaniskoi*. That identification fits with the accuser's protest, that many of those so accused were but *paides* at the time, and it agrees with other features of Lysias' profile: the accuser was a young reactionary with ties to Eleusis. When the Thirty and their stalwarts withdrew to Eleusis, the Three Thousand took control of the *astu*; because he remained at Eleusis, the accuser was not among the Three Thousand. Thus he disavowed any role in the oligarchy at Athens, let alone the Three Hundred.

That reading also gives better sense to the digression that follows (§§9-14): the accuser protests, "Nikomachos expects to 'recall wrong' (*mnēsikakein*) against others, though I shall expose him for plotting against *to plēthos*." He then proceeds with the story of how Nikomachos produced the statute that stacked the jury against Kleophon. Here the pledge *mē mnēsikakein* is usually regarded as a general amnesty, forgiving all past wrongs; this blanket amnesty would cover the oligarchs of 411 (with the emended text) but seems, at best, "an irrelevance designed to mislead" (Todd 1996). In the lawsuits of this era, however, *mē mnēsikakein* seems to mean something more specific: not to violate the particular covenants of the reconciliation agreement (Carawan 2002). Among those covenants was the rule allowing homicide suits against the actual killer but exempting the 'planner' or accomplice (*Ath. Pol.* 39.5). That reprieve for accomplices would apply to the Three Hundred *hypēretai*, just as it applied to Nikomachos. To drive home the parallel, the accuser emphasizes the role of Satyros, who instigated the trial of Kleophon and later (as one of the Eleven) commanded the Three Hundred.