

ZEITSCHRIFT FÜR PAPYROLOGIE UND EPIGRAPHIK

begründet von

Reinhold Merkelbach (†) und Ludwig Koenen

herausgegeben von

Werner Eck, Helmut Engelmann, Dieter Hagedorn, Jürgen Hammerstaedt, Andrea Jördens, Rudolf Kassel

Ludwig Koenen, Wolfgang Dieter Lebek, Klaus Maresch, Georg Petzl und Cornelia Römer



NEW READINGS IN THE FRAGMENT OF HYPERIDES' *AGAINST TIMANDROS* FROM THE ARCHIMEDES PALIMPSEST

In *ZPE* 154 (2005), Natalie Tchernetska announced the discovery she had made of important new fragments of two speeches of Hyperides, *Against Timandros* and *Against Diondas*, in the Archimedes Palimpsest, and she published a provisional reconstructed text of one page of *Against Timandros*.¹ Since then, the Archimedes Palimpsest project has come a long way:² joint efforts by an international team of experts with the support of several institutions³ have been instrumental in the further decipherment and interpretation of both speeches.

Against Diondas, which is preserved on ff. 136+137, 144+145, 173+176, and 174+175 (i.e. 8 full pages in all), is currently being deciphered and analysed, and the team intends to publish the results shortly: the speech sheds new light on Athenian politics in the 4th century BC and echoes Demosthenes' *De corona*.

In *Against Timandros*, which is preserved on the recto and verso of the bifolium 135+138, we have now succeeded in reading the second page and have also made improvements to the text of the first. Here we offer a revised version of the first page (with brief notes on the new readings), the reconstructed text of the second (with short comments where appropriate), and an English translation of both.

Reconstructed text

- 1 τοῦ μὲν εὐρίσκοντες ἐν τῷ δικαστηρίῳ μὴ ἔλαττον ἦ (138r)
 2 τοῖς παισίν· ἐὰν δὲ πλείω περιποιήσωσιν τοῖς παι-
 3 σίν, τούτων εἴη φιλοτιμί(α). αὐτοῖς δὲ τοὺς ἐπιτρό-
 4 πους ἀπαγορεύουσιν οἱ νόμοι μὴ ἐξεῖναι τὸν οἶκον
 5 μισθώσασθαι· ἔξεστι δ' (ε) ἐν τῷ δικαστηρίῳ ἀμφισ-
 6 βητῆσαι μὴ ἄμεινον εἶναι τὸν οἶκον μισθῶσαι τῷ(ν)
 7 παίδων, ὑμῶν δὲ τοὺς λαχόντας δικάζειν ἀκού-
 8 σαντας ψηφίσασθαι ἃ ἂν δοκῇ βέλτιστα εἶναι τῷ
 9 παιδί. καὶ μοι λέγε τούτους τοὺς νόμους. = NOMOI =
 10 τούτων τοίνυν οὗτ(ος) οὐδὲν ἐποίησεν οὐδ' ὅλως
 11 ἀπέγραψεν τὸν οἶκον πρὸς τὸν ἄρχον(τα). καὶ μοι λα-
 12 βὲ τὴν μαρτυρίαν. = MARTYRIA =

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¹ N. Tchernetska, New fragments of Hyperides from the Archimedes Palimpsest, *ZPE* 154 (2005), pp. 1–6.

² See R. Netz – W. Noel, *The Archimedes Codex: Revealing the Secrets of the World's Greatest Palimpsest*, London 2007, for the history and recent developments of the project.

³ The British Academy, Trinity College Cambridge, the Institute of Classical Studies of the University of London, the Department of Greek and Latin at University College London, the ELTE Eötvös József Collegium, the Hungarian Academy of Sciences and the MTA Ókortudományi Kutatócsoport. L. Horváth's research was supported by OTKA (inv. no. T 47136) and the Bolyai Research Fund.

13 ὅτι μὲν τοίνυν οὐ κατὰ τοὺς νόμους τὴν οὐσίαν τὴν
 14 Ἀκαδήμου τουτουὶ διεχείρισε Τίμανδρ(ος) οὐτοσί, ἀκη-
 15 κόατε τῶν νόμων, καὶ τῶν μαρτύρων ὅτι οὔτε ἐ-
 16 μίσθωσε τὸν οἶκον ἐτέρου <τε> φήναντ(ος) ἴν(α) μισθω-
 17 θῆ ἐκώλυσεν· ὅτι δὲ ταῦ(τα) ἵνα διαφορήσῃ τὰ χρή-
 18 μα(τα) οὕτως ἐποίησεν ἤδη ἄ..... δείξω. καὶ γὰρ (135v)
 19 διὰ τὰ χρήμα(τα) καὶ εἰς τὴν ἀδελφὴν τουτουὶ θα-
 20 νότου ἄξι(α) ἠδίκηκεν· καταλειφθέντων γὰρ του-
 21 τῶν δυοῖν ἀδελφοῖν καὶ ἀδελφαῖν δυοῖν ὀρφά-
 22 ναῖν καὶ μητρὸς καὶ πατ(ρ)ὸς καὶ παιδαρίων
 23 πάντων ὄντων – ἴσως γὰρ ὁ πρεσβύτατ(ος) ἀδελ-
 24 φὸς Ἀντίφιλος ὁ τελευτήσας ἦν δέκα ἐτῶν –
 25 τὴν νεωτέραν αὐτῶν ἀδελφὴν ἀποσπάσας οὐ-
 26 τοσί Τίμανδρος ἔτρεφε παρ' αὐτῷ ἀποκομίσ(ας)
 27 εἰς Λῆμνον ἴσως οὖσαν ἐπτά ἐτῶν. καίτοι τοῦ-
 28 το μὴ ὅτι ἐπίτροπ(ος) ἢ εὐνους <ἄν> ἄν(θρωπ)ος ποιῆσαι, ἀλ-
 29 λ' οὐδ' οἱ κατὰ πόλεμον ἐγκρατεῖς γιγνόμενοι τ(ῶν)
 30 σωμαίων, ἀλλὰ καὶ κατ' οἰκίαν πωλοῦσιν ὅτι
 31 μάλιστα. οἱ τοίνυν ἀνδραποδοκάπηλ(οι) καὶ ἔμ-
 32 ποροὶ κέρδους ἕνεκα πᾶν πράττοντες ἀσελγές,

1 ἄν ἀδελφὰ παιδάρ(α) πωλῶσιν ἢ μητέρα καὶ παιδία (138v)
 2 ὅτι ζημιούμεγοι ἐλάττονος
 3 ἀποδίδονται ...ν τι τοῦτο τῶν δικαίω(ν) ὄν. αἱ γ(ὰρ)
 4 εὐνοῖαι τοῖς ἀνθρώποις εἰσὶ διὰ τὴν συνήθει-
 5 αν καὶ τὸ συντρόφους αὐτοὺς εἶναι μᾶλλον ἢ δι-
 6 ἄ τὰς συγγενείας· τεκμήριον δὲ τούτου· οὔτε γὰρ
 7 ἄν πατέρ(ε)ς [το]ῦς αὐτῶν παῖδας ἀσπάζαιντο, εἰ μὴ ὑπ' αὐ-
 8 τῶν ἐκ παιδαρίων τραφεῖ<ν>σαν, εἰ εὐθύς τις αὐ-
 9 τῶν ἀποσπάσας, οὔτε οἱ παῖδες τοὺς
 10 γονέας εἰ μὴ ὑπ' ἐκείνων τραφείησαν. Τί-
 11 μανδρος τοίνυν τούτου αὐτοῦ γε αἷτιος γέγον(εν)
 12 ὥστε τὰς μὲν ἀδελφὰς ἀλλήλας μὴ ἀναγνῶν(αι)
 13 μήτε ἐν ὀδῷ μήτε ἐν ἱερῷ ἰδούσας – πλεόν-
 14 ων γ(ὰρ) ἐτῶν ἢ τριῶν καὶ δέκα οὐχ ἐωράκασιν
 15 ἑαυτάς – τὸν δὲ ἀδελφὸν τουτονὶ Ἀκαδήμον
 16 ἀναγνωρίσαι τὴν ἑαυτοῦ ἀδελφὴν, ἐλθόν(τα)
 17 δὲ εἰς Λῆμνον μὴ γνῶναι ἰδόν(τα). καίτοι ὁ νομο-
 18 θέτης τοὺς παῖδας τοὺς ὀρφάνους οὐ χωρὶς ἑ- (135r)
 19 καστον τρέφεσθαι φήθη[ν] δεῖν, οὐδ' ὅπως ἂν τύ-
 20 χωσιν, ἀλλ' ὅπου ἂν ἄριστ(α) [..... τρ]έφεσθαι·
 21 καὶ μοι λέγε τὸν νόμον. = ΝΟΜΟΣ =
 22 Εἰ τοίνυν παρὰ σοι εὖ ἐτρέφετο, ὦ Τίμανδρε, ἡ μία,
 23 διὰ τί οὐ καὶ οὗτοι εὖ ἐτρέφοντο παρὰ σοι καὶ ἐν
 24 τῷ αὐτῷ; εἰ δ' οὗτοι εὖ, διὰ τί οὐχὶ καὶ ἐκείνη
 25 εὖ καὶ ἐν τῷ αὐτῷ τοῖς ἀδελφοῖς καὶ τῇ ἀδελ-
 26 φῇ τῇ πρεσβυτέρᾳ; ἀλλ' οἶμαι ἢ τῶν χρημά-
 27 των ἐπιθυμία ταῦτα πάντα παραγομεῖν ἐποίει·
 28 τοιγαροῦν ἐκ πένητ(ος) ἐπιτροπεύσας Ἀκάδημο(ν)

- 29 τουτονὶ ἐκ τῶν τούτου πλέον ἢ πέντε ταλάν-
 30 των οὐσίαν ἔχει, ὥς ἐγὼ ὑμῖν ἐπιδείξω· πρῶτ(ον)
 31 μὲν γὰρ εὐθὺς τῷ πρῶτῳ ἐνιαυτῷ ὥ(ς) <ὁ> π(ατὴ)ρ αὐτῷ(ν)
 32 ἐτελεύτησεν τήν τε παιδίσκην ἔλαβεν καὶ πέντε

Notes

ff. 138r–135v

1. μὴ ἔλαττον ἦ: read by N. Wilson (... ἀγαγοντες *ed. pr.*) 'so that <the profit or benefit (e.g. τὸ λῆμμα)> for the children is not less than the price it fetches in court'.

3. αὐτοῖς: G. Thür suggests taking αὐτοῖς not as a *dativus commodi*, 'for their own profit', but as an instrumental used for δι' αὐτούς, 'on their own initiative'.

5-6: ἀμφισβητῆσαι μὴ ἄμεινόν εἶναι: not 'to argue whether it would be advantageous to lease' but rather 'to argue that it is better not to lease', as pointed out by G. Thür with reference to Dem. 38,23. For the construction see KG II p. 207.

8. ὃ ἄν: read by N. Wilson (ὥ(ς) ἄν *ed. pr.*) 'to vote for what seems best for the individual child'.

18. ἁ ... [.] . δείξω: Traces of a round letter (σ ?) before δείξω; before it, a hole in the palimpsest leaves plenty of room for imagination. Palaeographically, the initial α is secure, followed by τ or υτ and probably not by π (however, could π have got corrupted to τ ?). Besides ἀτόνως 'in a relaxed manner, without effort' and ἀπόνως 'without difficulty' (see *ed. pr.* p. 3), other suggestions include ἡ διὰ τοῦτο δείξω 'or for this reason, I shall demonstrate' (H. Maehler), ἀπλῶς 'simply', ἀτεχνῶς 'bona fide', and αὐτὸ νῦν δείξω 'this I will now show'. ὁσπεριότατα is *spatio longius*, even if we assume an ending in ligature.

23. ἴσως: 'Perhaps the eldest sibling, Antiphilos, who died, was ten years old.' Not ἴστε (*ed. pr.*), which cannot be confirmed palaeographically: it seems that there are traces of four letters, whereas στ is always written in ligature in this manuscript.

25. ἀποσπάσας: read by H. Maehler (ἀπόμισθος *ed. pr.*) 'having dragged her away'.

30–31. κατ' οἰκίαν πωλοῦσιν ὅτι μάλιστα: not 'sell them for the maximum price at home' but rather 'sell them as far as possible as a family unit'.

32. ἀσελγές: 'outrageous' makes good sense, but is pure guesswork, as the last six or seven letters are barely legible.

ff. 138v–135r

2. Very faint traces.

3. Very faint traces. E. Handley suggests <ὥς ἄ>γ τι τοῦτο τῶν δικαίων ὄν, 'as if this were a matter of justice'. For the construction see S. OT 101 and KG I p. 244.

9. Very faint traces. If ἀποσπάσας is correct (as in line 25 of the first page), the meaning would be: 'if straightaway someone [had kept hold of them], after dragging them away', the genitive αὐτῶν being followed by κρατῆσαι, or something similar.

10. γονέας: the initial γο is separated from the rest of the word, as the copyist tried to avoid a slit in the parchment, which was made during ruling.⁴

16. ἀναγνωρίσαι: not ... γνώρισται as reported by Heiberg and Wilson (*ed. pr.* p. 1 notes 5 and 6).

17. μὴ γινῶναι: very faint traces. One assumes that the meaning is that Akademos, now head of the family, was in a position to establish the identity as well as the whereabouts of his younger sister, but when he first saw her in Lemnos, he failed to recognize the young woman he had last seen over thirteen years ago when they had both been orphaned in early childhood.

20. ὅπου ἂν ἄριστᾳ [..... τρ]έφεσθαι: A large initial of the upper script obscures the traces of the lower script entirely. Following A. Verlinsky's suggestion that the argument here draws on two pairs of opposites, 'in a haphazard way/in the best way' and 'separately/together', we propose reading [ἢ] or εἴη ἅμα τρ[έ]φεσθαι. An alternative reading with the same meaning is suggested by H. Maehler ἄριστᾳ ἢ[ι] ὁμοῦ ἀ[γ]α[τ]ρέφεσθαι, who believes that an extra word is needed to fit the space available; however, in this script spacing between letters is irregular.

29–30. πέντε ταλάντων: Five talents represents a considerable fortune, which places our poor orphans among the upper class, see A. H. M. Jones, *Athenian Democracy*, Oxford 1957, p. 85–87; an amount well worth

⁴ Confirmed by A. Quandt.

the trouble of bringing the guardian to trial after more than thirteen years have passed.

31–32. ὁ(ς) ὁ π(ατή)ρ αὐτῶ(ν) ἐτελεῦτησεν: very faint traces.

English translation

(138r–135v) so that <the profit> for the children is not less than the price it fetches in court. But should they produce more for the children, let this be a credit to them. Yet the laws forbid the guardians to lease the property for their own profit. It is possible to argue in court that it is better not to lease the children's inherited estate, and those of you who are appointed by lot to the court are to hear the case and vote for what seems best for the individual child. Now read me the laws. LAWS. Now the accused did none of these things, nor did he register the estate to the archon at all. Now take up the testimony. TESTIMONY. Now you have heard from the laws that this man Timandros did not handle Akademos' property in any legal way whatever, and from the witnesses that he did not lease the estate and, when a third party brought a denunciation so that the property would be leased out, he prevented it. But that he did so in order to make away with the money, I will presently demonstrate [...]. Indeed it was in order to get the money that he did the same man's sister a wrong worthy of capital punishment. When there were left these two brothers and two sisters here, the girls being orphans without mother or father, and all of them small children (perhaps the eldest brother Antiphilos, who died, was ten years old), this man Timandros brought up the younger sister in his own home, dragging her away and taking her to Lemnos when she was perhaps seven. And this no guardian nor any man of good will would do, not even those who hold war captives in their possession: even they sell them as far as possible as a family. Now those slave-masters and traders who do anything outrageous for profit, (ff. 138v–135r) when they trade in children who are siblings or a mother with children, [...] because they sell them, with financial loss, for less, [this being] the right thing to do. For affection between people comes about by close contact and by growing up together rather than by kinship. As evidence of this: neither would all fathers be fond of their children if they were not brought up with them from infancy, if straightaway someone had kidnapped them [and kept hold of them], nor would children be fond of their parents if they were not brought up by them. Timandros, then, is responsible for precisely this, that the sisters could not recognise each other on sight in a street or a temple, not having seen each other for more than thirteen years, while it was their brother, my client Akademos, who recognised his own sister, but when he went to Lemnos, he did not know her when he saw her. Yet the legislator took the view that orphan children should not each be brought up separately, not in any random way, but where it would be best for them to be brought up [together]. Now read me the law. LAW. Now then, Timandros: if this one girl was well looked after in your charge, why were not these here well looked after in your charge and in the same place? But if they were well looked after, why was she not, and in the same place as her brothers and her elder sister? It was, I suppose, the sheer desire for money that caused all this illegality. That was why he took charge of my client Akademos while he was penniless, while holding resources from his estate worth more than five talents, as I shall demonstrate to you. First of all, right in the first year when the father of the children died, he took the young girl and five ...

Institute of Classical Studies, University of London
Trinity College, Cambridge
Trinity Hall, Cambridge
ELTE Eötvös József Collegium, Budapest

Natalie Tchernetska
Eric Handley
Colin Austin
László Horváth