

## THE ARGINOUSAI TRIAL

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THE TRIAL of the generals who won the victory at Arginousai in 406 has been studied for the light it throws on Athenian law and procedure,<sup>1</sup> and has been held up as an example of the excesses of mob rule at Athens or of the hysteria induced by the long war.<sup>2</sup> The mere facts of the case have been discussed less often, apart from Cloché's full analysis of many possibilities in *RHist* 130 (1919) 5-68. Xenophon's version holds undisputed sway in our textbooks, and even Cloché, who gave serious attention to the alternative version of Diodoros, did not comment adequately on the oddity of Xenophon's narrative, which he and others somewhat languidly supplement with hypotheses which might make it more intelligible. This is not a situation which Mary White would tolerate patiently, and I am glad to dedicate to her a re-examination of the earlier part of the story.

Xenophon ends the battle of Arginousai with the statement (*Hell.* 1.6.34) that 25 Athenian ships were lost, with their crews except for the few that were carried towards land. The generals decided (35) that Theramenes and Thrasyboulos and some of the taxiarchs should go with 47 ships to the Athenian wrecks and the men on them, while the rest went against Eteonikos' ships off Mytilene; but the storm prevented them. It is not here stated that either party actually set off,<sup>3</sup> and there is no hint so far that anyone has done anything culpable. The next chapter starts abruptly with the statement that those at home deposed these generals, except Konon. No reason is given for this drastic action: Xenophon of course knows what was the matter, and so do we, which makes it easier to slide over the difficulty, but in fact the charge is not stated till 1.7.4, in the assembly. This is a quite extraordinary order of presentation, though generations of historians have passed it by without much protest. Hatzfeld (ed. Budé, note complémentaire to page 60) charitably remarks that the narrative "manque parfois de clarté;" Cloché (35-36), realizing that something has to intervene between the battle and the deposition of the generals, borrows some material from Diodoros and argues, a

<sup>1</sup>See, most recently, P. J. Rhodes, *The Athenian Boule* (Oxford 1972) 62, 148, 182. Earlier it had played a part in argument about the νόμος εἰσαγγελτικός, e.g., Thalheim, *Hermes* 37 (1902) 342-343.

<sup>2</sup>Grote's long disquisition (6.397-430 in the edition of 1888) is still very much worth reading, in spite of some *parti pris* and an uncritical acceptance of Xenophon; and he seems to have influenced some later writers to take a more lenient view of the democracy.

<sup>3</sup>ταῦτα δὲ βουλευμένους ποιεῖν suggests, if anything, that they had not.

little disingenuously, that Xenophon's version does not exclude a gap at this point. The gap is one that no historian ought to have left unfilled, and it leaves quite unexplained the decision of Protomachos and Aristogenes not to return home. The effect of the abrupt transition is to reinforce the general impression which Xenophon gives, of an unprovoked attack on innocent men.

When they reach Athens, the attack on the generals develops by stages. Archedemos charged Erasinides (7.2) with financial misdemeanours in the Hellespont, a separate matter, *κατηγόρει δὲ καὶ περὶ τῆς στρατηγίας*: the latter must mean crimes committed at Arginousai, though their nature has still not been disclosed.<sup>4</sup> Next (3) the generals tell their story to the council, and on Timokrates' motion the council imprisoned them. When Theramenes and others accused the generals in the assembly (4), the charge is at last given, *διότι οὐκ ἀνείλοντο τοὺς ναυαγούς*. At this point Theramenes put in as evidence the letter which the generals had sent to council and people, in which they blamed only the storm. That has no place in the initiation of an attack on the generals, only in defence of someone they had accused, and indeed it seems to be so presented, for the sentence begins *ὅτι μὲν γὰρ οὐδενὸς ἄλλου καθήπτοντο*. But in this version the generals have accused no one, and in their answer (6) they explicitly and magnanimously exculpate Theramenes and his colleagues. Again, something seems to be missing. Grote (6.404) hoped that some sort of accusation could be screwed out of 1.7.4, and convinced himself that it was implied that Theramenes contradicted the generals about the state of the weather, and others have followed, e.g., Ferguson in *CAH* 5.357—"Theramenes held them to their own excuse, the violence of the storm, and denied its validity, imputing criminal negligence instead." Cloché, after pointing out (27) that there is nothing of this in the text of Xenophon, toyed with the idea (28) that Theramenes charged them with delaying till too late the decision to rescue the men, which is possible as fact but again not in the texts; but in the end (37) he concluded that Theramenes' argument belongs not to an attack initiated by himself, but to a counter-attack against the generals. That is surely what peeps out from this not very logical passage: Xenophon did not like the thought that the generals had begun the business and tried to cover it up, but his truthful reporter's instinct let through an item that destroys the cover.

The further course of the proceedings, important as it is in many respects, is not my concern here except for two items, both in principle unverifiable but looking like malice (8): that Theramenes and his friends

<sup>4</sup>If Eurypolemos has the facts right at 1.7.29, it was Erasinides who proposed after the battle that the whole fleet should sail at once to Mytilene, i.e., should leave the survivors to their fate. That may well be the reason why he was attacked first.

procured many spurious mourners at the Apatouria to come to the subsequent assembly, and that they put Kallixenos up to accuse the generals in the council. Apart from these charges (for which see below), there remain three other passages where Xenophon refers to this set of facts:

(a) In Euryptolemos' speech it is alleged (7.17) that Perikles and Diomedon persuaded their colleagues not to write to council and people that they had entrusted the rescue to Theramenes and Thrasyboulos. Breitenbach claimed that this was not a reference to their first report after the battle, but that Xenophon's wording (*βουλομένους πέμπειν γράμματα, κτλ.*) implies that this was to have been a second and separate letter. That is over-interpretation, but Breitenbach's second and unsent letter crops up elsewhere (G. Busolt, *Gr. Gesch.* 3.2.1598, n. 1; Glotz and Cohen, *Hist. gr.* 2.748), and this slightly confuses the issue since there is a separate second letter with this content in Diodoros' version, but that is a letter which was actually sent.

(b) Later (29) Euryptolemos gives fresh detail about the generals' council after the battle, that Diomedon proposed that the whole fleet should attend to the rescue, Erasinides that it should all proceed to Mytilene, while Thrasyillos thought that both things could be done, and his view prevailed. Subsequent phrases (31 *τῶν δὲ καταλειφθέντων, ἔπλεον ἐπὶ τὰς πολεμίας*) have been taken to mean that the two divisions of the fleet did set out on these tasks, and that raises the question how far they got and whether the ships under Theramenes and the rest had in fact an opportunity to pick up at least some of the sailors. Whether or not this interpretation contradicts the implications of 1.6.35 (above), it does not seem a substantial point, and at the end (32) Euryptolemos very firmly states that the storm frustrated all the generals' intentions.

(c) In the final debate with Kritias (2.3.35) Theramenes claims that the generals and not himself began the exchange of accusations, that the city accepted his own defence that the storm prevented anyone from remaining at sea, and that the generals appeared to accuse themselves when they asserted that rescue had been possible, whereas they had left the men and sailed off. This appears to be a distinctly different story, implying that much had been said in 406 that does not appear in *Hell.* 1.7. But this passage was written substantially later than the others; the stylistic break at 2.3.9,<sup>5</sup> one of the few certain facts about Xenophon's development, guarantees that the *Hellenica* down to this point is early work while the rest dates from a time when his style was fully formed. The first part shows hostility to Theramenes at 2.2.16 as well as in 1.7, whereas the whole tendency of 2.3 is in his favour, with explicit praise at 2.3.56—a change of mind which is all the more remarkable in that the first and

<sup>5</sup>See J. Hatzfeld, *Rev Phil* 56 (1930) 113–127, 209–226; M. MacLaren, *AJP* 55 (1934) 121–139, 249–262.

hostile part of the work cannot have been written before this final scene in Theramenes' life, the scene which was to earn him Xenophon's commendation in the later written part. The explanation may well be that Theramenes' character and actions had been extensively discussed in the interval before the composition of *Hell.* 2.3,<sup>6</sup> giving Xenophon opportunity and occasion to think about him again. It is another question whether he intended us to take as truthful the version put into Theramenes' mouth at 2.3.35, but at least the notion that the generals were the aggressors is no longer unmentionable. In any case the passage is damaging to Grote's interpretation of 1.7.4 (above), for here it is Theramenes who continues to assert the violence of the storm while the generals appear to deny it.

In Diodoros 13.100–103.2 things are so different as to render suspect Cloché's procedure of picking out details from Diodoros to help out Xenophon; we have here rather, as so often for the period after 411, two distinct and not wholly compatible versions. 100.1 tells us that the Athenians pursued the defeated Peloponnesians ἐφ' ἱκανόν (however far that might be), a fact not apparent in Xen. 1.6.33; if the pursuit was really lengthy that will have reduced the chances of any rescue, but that point is not taken up in our texts. Next he comes to the conference of the generals, and here he alienates readers accustomed to Xenophon by writing only of the recovery of the dead, not of rescue of the living; and he was still of the same mind much later at 15.35.1, where Chabrias remembers the fate of the Arginousai generals. Oddly enough Xenophon gets little support from other writers: Lys. 12.36 τοὺς ἐκ τῆς θαλάττης ἀνελεῖσθαι and Pl. *Apol.* 32b τοὺς ἐκ τῆς ναυμαχίας are ambiguous, *Menex.* 243c is specifically concerned with the casualties as corpses. But that was inevitable in a funeral oration, and Xenophon, who was probably present, can hardly be wrong in making the rescue of living survivors the main issue; but recovery of the dead must also have been an important concern for the Athenians, so that Diodoros is not merely wrong.

100.2 adds another point not in Xenophon, that the crews objected to the rescue mission because they were weary after the battle (and that at least must be true) and the waves were so high; and in the end the rising storm prevented all action and sent them back to Arginousai.<sup>7</sup> Diodoros gives the Athenian losses at Xenophon's figure of 25, which is unusual in this period where they almost regularly disagree in such details, but for the Peloponnesians he has a definite 77 against Xenophon's nine Spartan and "more than sixty" allied ships. Bodies and debris washed up on the shores of Kyme and Phokaia: Xenophon mentions only Phokaia (1.6.33,

<sup>6</sup>Cf. the "Theramenes papyrus" published by Youtie and Merkelbach in *ZPE* 2 (1968) 161–169, with my comment, *ibid.* 6 (1970) 35–38.

<sup>7</sup>In Xenophon (1.6.33) they were already back there by the time of the conference.

as the direction in part of the Peloponnesians' flight), and we remember Ephoros' reputation for bringing his native Kyme into situations where it did not belong (Str. 13.3.6, 623 = *FGrHist* 70 F 236), but at least a wind that blew towards Phokaia would also blow towards Kyme. Another minor difference is that at 100.5 Eteonikos withdraws his land force to Pyrrha (Palmerius: *τὴν Τυρραίων πόλιν* codd.), whereas in Xen. 1.6.38 it is to Methymna.

101.1 gives the reaction at Athens, praise for the victory but anger over the failure to pick up the dead. That might remind us of *Hell. Oxy.* 1.2,<sup>8</sup> where they were angry with the generals for risking the troops at Megara but delighted by the victory; but we must not jump to conclusions about the source of Diod. 101.1, for both passages may only report true facts. Theramenes and Thrasyboulos had come home before the rest (101.2), which is not in Xenophon but is compatible with his account. The generals therefore supposed that it was these men that were responsible for the agitation against them;<sup>9</sup> and here, though speculation about the play of parties in this episode has often been carried to unreasonable extremes, it would be legitimate to remember that Theramenes and Thrasyboulos had been associated with Alkibiades in the Hellespont in previous years, whereas the generals were the board appointed to succeed after Alkibiades' exile.<sup>10</sup> They therefore sent a letter to the people to explain that they had ordered Theramenes and Thrasyboulos to pick up the dead. This is a separate letter, later than the first report after the battle, but equally official; Grote's suggestion (6.409) that the generals wrote to private individuals has met with some approval, but our texts are explicit about the official character of the letters they refer to. It is more important to note that this is the first mention in Diodoros of the mission assigned to these two men, for at 100.1–3 only plans are discussed, not the question who is to execute them; given that this is an epitome, we cannot be certain that Diodoros' source did not mention the assignment at the earlier stage, but equally we cannot be sure that it did. This letter, Diodoros says, was the main cause of the generals' ruin, for (101.3) "when they might have had on their side at the trial Theramenes and the others, powerful speakers with many friends and, most important of all, men who had been present with them through the whole affair of the battle, this letter turned them on the contrary into adversaries and bitter accusers."

I will come back to that interesting sentence. To continue the narrative,

<sup>8</sup>Bartoletti's re-numbering of the older "chapters" of this work has bequeathed to us an awkward problem of reference. I give his number first, followed (for the London fragments) by Grenfell and Hunt's number in brackets.

<sup>9</sup>There is a lacuna in this sentence, but it appears to be short and the sense is not in doubt.

<sup>10</sup>Cf. *JHS* 73 (1953) 2–5.

the reading of the letter (101.4) turned public anger against Theramenes' group, but when they defended themselves it turned back against the generals. The people now (101.5) decided on a trial, acquitted Konon and confirmed him in command, but voted the immediate return of the others. Here at last we reach the point at which Xenophon began at 1.7.1, but in this version the recall is adequately motivated and there is no trouble in understanding why two of the generals preferred exile to return.<sup>11</sup> Discrepancies between the list which Diodoros now gives of the generals who did return, and Xenophon's list at an earlier stage of those who succeeded after Alkibiades' exile, are probable not important. Kallides in Diodoros appears to substitute for Erasinides, who plays a substantive part in Xenophon's story and ought presumably to be retained, but a wrong name is not so rare in Diodoros; an error here may be due to him rather than to his source, and need not destroy the general credibility of his version. Diomedon has also got left out here, but he has a fine part to play in the next chapter and he must have been present in Diodoros' original.

The generals hoped that the many sailors from their ships would help them at their trial, but in the event (101.6) they listened rather to the accusers and τῶν πρὸς χάριν δημηγορούντων (cf. Nikias' fears at Thuc. 7.48.3). The trial itself is heavily condensed, perhaps because Diodoros is more interested in the affecting story to come in the next chapter, but the voters in mourning are present, though it is not said that their number was artificially swelled by Theramenes; and they and the Theramenists (101.7) were numerous enough to secure the condemnation of the generals.

Next (102.1-2), when they were being led away to execution, we have Diomedon<sup>12</sup> reciting the vows the generals had made if they were victorious, and urging the people to see to the performance of these vows. That moved the better sort to tears (102.3), but did not stop the execution (102.4), and the chapter runs out (102.4-5) in denunciation of the madness of the people and the wickedness of the demagogues. The theme is familiar, exploited more exuberantly by the less responsible biographers of Epameinondas (Nepos *Epam.* 8); the rhetoric at the close is merely conventional. 103.1 brings the people's rapid repentance, 103.2 the imprisonment of Kallixenos (this is the first mention of him in Diodoros,

<sup>11</sup>Aristogenes and Protomachos are otherwise unknown, and we cannot tell if they had special reason to feel themselves exposed to this charge, or on other grounds to fear the people's wrath.

<sup>12</sup>According to Xen. 1.7.29 it was Diomedon who had proposed that the whole fleet should be sent to rescue the men from the wrecks. If that were true, and Ephoros knew it, it adds a touch of heavy irony that this speech should be delivered by the man who most of all should have been acquitted.

who duly explains who he was) on a charge of deceiving the people; but he dug himself out of prison and escaped to Dekeleia. This last appears to be in contradiction with Xenophon 1.7.35, where he escaped during some stasis in which Kleophon perished; and that in its turn is not easy to reconcile with the account of Kleophon's end given in Lys. 13.12.

Apart from the extravagances of 102 this is sober enough; the story develops in an intelligible way and we do not need, as with Xenophon, to bring in any outside hypothesis to make sense of it. For Busolt however (*Gr. Gesch.* 3.2.1598, n. 1) it is "a tendentious falsification of Xenophon's narrative." That might seem a perverse rejection of the intelligible in favour of the confused, and in part it rests on a general distrust of Ephoros which, at least for this period, Busolt carried too far; but there is of course no doubt that Diodoros' version, true or false, puts Theramenes throughout in a more favourable light, and that might be thought tendentious. There is no mention at the start (100.1, see above) of any delegation of the task of rescue to Theramenes and the rest, and the non-Xenophontine detail that the crews refused this duty (100.2) serves to exculpate both the generals and any delegates they may have appointed. If we could be sure, as we cannot, that Diodoros had adequately represented his original, this would open up the interesting possibility that in this version the delegation to Theramenes and the others after the battle was not fact but a later invention, a story that the generals thought up only when they found themselves in danger; but that is perhaps an unnecessary speculation. Secondly, in this version Theramenes' group acts only in its own defence after being accused by the generals; that might be called tendentious, but we have seen that it is hard to make sense of Xenophon without introducing some such hypothesis. Thirdly, the men in mourning seem here (101.6) to appear spontaneously without Theramenes' intervention. Cloché (47 n. 2) thought that the manoeuvre attributed to Theramenes might have been dangerous, in that the genuine mourners might recognise the false as such, but he concluded nevertheless (48) that Theramenes did at least organise the mourners. I am more disposed to wonder if it would have been in Theramenes' interest to inflame public feeling at this point, for in Xenophon's account the first assembly before the Apatouria (1.7.6-7) rather favoured the generals, and in Diodoros public opinion is volatile enough, so that the manoeuvre imputed to Theramenes might well have recoiled against himself and increased the penalty he might suffer. Fourthly, there is no suggestion here that Kallixenos acted as the agent of Theramenes. That does not amount to much: Diodoros has much abbreviated the actual trial (101.6-7), and his original presumably did mention Kallixenos at this stage, but we do not know what it said.

To this must be added the persistently favourable view of Theramenes found elsewhere in Diodoros. At 13.38.2 he is a man of orderly life and outstanding intelligence, responsible for the constitution set up after the fall of the Four Hundred<sup>13</sup> and for other benefits. His intelligence reappears at 42.2; 47.6–8 and 49.1 give a mainly commendatory account of actions of his which Xenophon has passed over;<sup>14</sup> 50–51 give him a more substantial share in the battle of Kyzikos than he gets in Xenophon, and see also 64.3, 66.1; but his part in negotiating the surrender of Athens has disappeared in the extreme compression of 13.107, so that we do not know how Ephoros differed from Xenophon at this point. So far no grave exception can be taken, for it is not automatically a crime to take a favourable view of Theramenes' actions at this time. Ample exception can however be taken at the beginning of book 14, where Theramenes resists the attempt of Lysandros to impose oligarchy on Athens (3.6–7), the people elect him to the Thirty as their only possible saviour (4.1), and in the final scene (4.5–5.4) Theramenes has not only the entire council on his side but also Sokrates and two friends, who try to stop the execution but desist when Theramenes nobly says that he would not like to feel responsible for their deaths. This is mere perversion of history, and we are back in the style of 13.102 or worse. But 13.100–101 are not written in that style, and we are entitled to take note of the fact that this version makes sense at important points where Xenophon's does not.

The question of Ephoros' sources took on a new dimension with the first publication of the *Hellenica Oxyrhynchia*, showing that parts at least of Diodoros' history of the 390's go back to a very reputable source and need to be considered seriously where they conflict with Xenophon: e.g., Diod. 14.80 contrasted with Xen. *Hell.* 3.4.20–24.<sup>15</sup> The Florentine fragments make the same point for the closing phase of the Peloponnesian War.<sup>16</sup> It is clear enough that over this stretch of history Ephoros fairly

<sup>13</sup>G. E. M. de Ste Croix, *Historia* 5 (1956) 6 n. 24, warns against "hazardous emendations" of 38.1 καὶ τὸ σύστημα τῆς πολιτείας ἐκ τῶν πολιτῶν συνεστήσαντο; but the roundabout phrase tells against corrections such as Unger's πολλῶν for πολιτῶν or Schenkl's πολιτῶν (πάντων) which turn this into a straightforward return to democracy, and Krüger's ὀλιγῶν, with its echo of Thuc. 8.97.1 and Arist. *Ἀθ.π.* 33.2, is almost inevitable, though I agree with de Ste Croix that we must not build further on this emendation.

<sup>14</sup>If 49.1 is correct, Xenophon 1.1.12 is slightly inaccurate in saying that Theramenes came from Macedon at the beginning of 410; just as the implication of the same passage of Xenophon, that Theramenes and Thrasyboulos arrived at the Hellespont at that moment by chance, is contradicted by Diod. 49.3, where it is said that the Athenian generals had sent for them.

<sup>15</sup>That is generally acknowledged: see, most recently, I. A. F. Bruce's *Commentary* (1967) 20–22.

<sup>16</sup>The Florentine fragments have not yet been so fully digested, but the connection is



consistently rejected the version of Xenophon in favour of one based on the Oxyrhynchus historian. That is not of course to say that every statement in this area of Diodoros can be traced back to an ultimate origin in *Hell. Oxy.*; Diod. 13.102, or the rubbish about Theramenes in 14.3–5 (above), clearly belong elsewhere. Those edifying scenes were evidently to the taste of Diodoros and, though the direct evidence is not so firm as it might be, the same is probably true of Ephoros. It may well be that the latter's dependence on *Hell. Oxy.* was greatest for the military narrative, while for civilian scenes he had a wider range of choice, including some worthless material which he ought not to have allowed to seduce him.

But consider again 13.101.2–3, where Diodoros comments that the main cause of the generals' trouble was the letter by which they antagonised Theramenes and his group. That is not quite the moral tone of Ephoros, and not quite in key with the denunciation of demos and demagogues which we get at the end of 102; it more recalls the cool and almost Machiavellian tone of the Oxyrhynchus historian, who had so much to say of the motives and manoeuvres of individual politicians in 395.<sup>17</sup> It is not that he dissented from the conventional fourth-century view of demagogues—his attitude is clear from 6(1) and elsewhere—and he will have disapproved as much as anyone of the actions of the demos in the Arginousai case, but there is no trace in the fragments of the kind of rhetoric we have in Diod. 102.3–5, whereas he was very much conscious of the trouble politicians have to take to save their skins or their public positions.<sup>18</sup> I doubt if thoughts like these occurred spontaneously to Ephoros; given the tendency he shows elsewhere to avoid Xenophon and follow *Hell. Oxy.*, it would hardly be too much to claim Diod. 101.2–3 as a concealed fragment of that work. But the comment is integral to the story as Diodoros tells it and it would not fit into Xenophon's framework, so if the comment comes from *Hell. Oxy.* it is likely that the story as a whole does so too. If then these two chapters not only make better sense than the corresponding part of Xenophon, but also show signs of following a reputable source, we need not hesitate to prefer the Diodoran version, at least down to that point towards the end of 101 where he begins to abbreviate so heavily that we lose any flavour of his ultimate original.

That implies that the Oxyrhynchus author, as well as the less responsible source followed at the beginning of Diod. 14, took a favourable view of Theramenes' conduct on this occasion. There is no good reason why this

clear between *Hell. Oxy.* 1 and Diod. 13.65.1–2, an episode omitted by Xenophon; and in spite of some confusion in Diod. 13.71.2–4, this clearly belongs with the version of *Hell. Oxy.* 4, contrasted with Xen. *Hell.* 1.5.12–14.

<sup>17</sup>Briefly discussed in *Phoenix* 25 (1971) 223–225.

<sup>18</sup>The conspicuous instance is 18 (13).1.

should not be the case, or why the judgement should not be accepted. Many writers, at least since the time of Grote (6.415–416), have noted that Theramenes' position does not seem to have been much affected by this episode, and that the revulsion of feeling which sent Kallixenos to prison seems to have done no hurt to Theramenes. There is of course no clear evidence about the timing. The trial is dated by the Apatouria to Pyanepsion, roughly to October 406. Xenophon (1.7.35) describes the revulsion as οὐ πολλῶ χρόνῳ ὕστερον, Diodoros (13.103.1) as ταχύ: the latter estimate is a little blurred by his treating the oppressions of the Thirty as punishment of the people for this crime, but his ταχύ covers the bringing of the charge against Kallixenos as well as the sufferings of the demos μετ' οὐ πολλὸν χρόνον. It is not easy to quantify these estimates, but the approaching collapse of Athens limits the time available, and by the summer of 405, and still more by the autumn,<sup>19</sup> the Athenians had other troubles to occupy their minds. An immediate revulsion seems intrinsically the most likely.

If that is right, it is probable that the reaction had already at least set in by the Lenaia, January or February 405, when Aristophanes in *Frogs* 541 set him up as the type of the adroit man who was able μεταστρέφειν πρὸς τὸ μαλθακώτερον, and at 967–970 commented on his capacity for extricating himself from trouble. These references are hardly even hostile, certainly do not suggest that the public regarded Theramenes as any kind of monster.<sup>20</sup> Still more is it likely that the reaction had taken place before the elections to the generalship for 405/4, when according to Lysias (13.10) he was elected, but then rejected on his dokimasia by the people, οὐ νομίζοντες εὖναι εἶναι τῷ πλήθει τῷ ὑμετέρῳ: that verdict might be justified from some parts of his career, but it certainly does not describe a man execrated by the people for his share in a crime which they now thought odious. The most striking item of all is the fact that Lysias in his all-out attack on Theramenes (12.62–78) breathes no hint of any possible charge in respect of the Arginousai trial, and in an earlier reference to the episode (12.36) mentions no one but the generals. Cloché (66) suggested that Lysias might have had to keep quiet about this count since Thrasyboulos was also implicated; but not even Xenophon gives Thrasyboulos any share in the manoeuvres he attributes to Theramenes in this affair,

<sup>19</sup>Rhodes (see note 1) 145, noting that "Callixenus was still under arrest when Cleophon was condemned after Aegospotami," leaves it uncertain whether the reaction took place within Kallixenos' bouleutic year. It is very hard to believe that the reaction was delayed till after midsummer 405, and acceptance of the Diodoran version would allow us to leave Kleophon out of the question.

<sup>20</sup>It seems unlikely that fr. 549 (Polyzelos fr. 3, Kock 1. pages 790–791) has anything to do with the Arginousai trial.

and it was not beyond Lysias' ingenuity to wound Theramenes without offending Thrasyboulos.

In fact the charges against Theramenes are found only in Xenophon among the primary sources, and Xenophon's determination to present the generals as innocent stands out clearly. Whatever we make of the rest of Theramenes' career, this particular episode ought not to appear in our books only in the guise which Xenophon has given it. This was not a wicked conspiracy against innocent and defenceless men, but something more lamentable and in its beginnings more innocent, a disastrous misunderstanding between two sets of men, separated by a considerable distance, and on the past record understandably nervous of one another. We cannot acquit the Athenian people, only with Grote remember the long strain they had undergone, but we might acquit Theramenes of premeditated crime.

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