LYSIAS 24

ON THE SUSPENSION OF THE BENEFIT OF
THE DISABLED MAN

Introduction

If authentic, this may be one of the few extant speeches intended to be delivered by a poor Athenian. It is also extraordinary for the speaker's use of humor to make his case. As a recipient of the disability benefit of one obol per day (13, 26), he was required to undergo a scrutiny (dakimasia) before the Council periodically to verify his eligibility. By the end of the fourth century, recipients had to be unable to perform any work and had to own less than three minas to qualify for the benefit (Arist. Ath. Pol. 49.4). Since the speaker of Lysias 24 mentions that he had a trade, which earned him a modest income, it is possible that the eligibility requirements were less stringent in the early fourth century (see 6 n.). In most cases, the scrutiny was probably a formality, especially for a disabled Athenian seeking to renew an existing benefit. If, however, a citizen was prepared to come forward and challenge the recipient, then a separate hearing followed before the Council, where the challenger explained why the claim should be denied and, as in the present speech, the recipient responded. The arrangement of Lysias 24 has been criticized by Usher, but well explained by Carey as a point-by-point response to the objections of his opponent. The challenger claims that the benefit should be denied because the claimant lacks the qualifications for receiving it: he was not disabled, since he could ride horses, and he was not poor, since he owned a workshop and practiced a craft that brought him substantial income. As further proof of the claimant's wealth, his opponent cites that he socializes with rich men (5). To top these accusations, his opponent alleges that the claimant's character is questionable: he is violent, arrogant, and immoral, and the people who frequent his shop are of similar questionable character (15, 19).

Translated by Konstantinos Kapparis.
1. Aeschines' speech against Timarchus (1.104) indicates that disabled persons received the benefit once per ptytan (i.e., ten times per year). For disability benefits in Athens, see Dillon 1995: 27–57; for disability in the ancient world, see Haj 1970; Garland 1995.
Our speaker does not dispute many of his opponent’s allegations; rather he objects to the inferences drawn from them, using humor and pathos to make questions about his eligibility for the disability benefit appear ridiculous and cruel (see Carey 1980: 49). He admits that he rides horses but explains that he does so because he cannot walk long distances. Since horses were quite expensive and ownership would imply wealth, he is careful to point out that he had to borrow horses from friends because he was too poor to own even a mule (10–12). He also admits that he owns a workshop and practices a craft but claims that his income is minimal and certainly not enough to secure his sustenance. As proof he cites the fact that he does not have an apprentice because he cannot afford to pay for one (6). In response to the accusations concerning his character, he notes how the wealthy and the young are prone to violence, not the old and weak (16–19). He then proceeds with counteraccusations. His opponent is so arrogant and insolent that he has the nerve to argue that a man in need of two walking sticks is able bodied, and he seeks to take away an invalid’s benefit as if it were the fortune of an heiress (12–14).

The authenticity of the speech was called into question by Harpocrates and has been debated by a number of scholars throughout the nineteenth and twentieth centuries. Some infer from the weaknesses of the case that Lysias could not have written it, since he would have provided the claimant with a better response, and they suggest that it may have been a rhetorical exercise by some other author. However, the discrepancies between the speech and the Athenian Constitution, a text well known to the rhetoricians of later antiquity, speak for the speech’s authenticity, since a later rhetorician would have probably used the Athenian Constitution as a source of information. Others point out that the invalid, if he was as poor as he maintains, would not have been able to hire a logographer. However, he apparently had rich friends; so perhaps they assisted him, or perhaps Lysias reduced his fees. In the words of Jebb (1893: 250–51), the speech is “a composition excellent of its kind, and excellent in a way suggestive of Lysias.” Only this master of *ethopeia* could have created such a nuanced and skillfully crafted character (see Usher 1965), and this was one of the main arguments Albini used to support its authenticity. Lysias created a character, somewhat eccentric, sly, and witty, but also likable and trustworthy, hoping that such a character would carry the jury. The *ethopeia* in this speech is truly masterful, carries most of the case, and is probably responsible for the popularity of the speech through the centuries.

**Key Information**

| Speaker | A poor invalid verifying his eligibility to receive the disability benefit of one obol per day. |
| Challenge | Unknown |
| Action | Scrutiny (dokimasia) |
| Audience | The Council of Five Hundred |
| Date | Early fourth century |

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4. Our speaker acts as if he were an important Athenian excited by this opportunity to talk about himself and to set the record straight; cf. Lys. 16.1. He is intentionally using a *topos* employed by wealthy defendants to disarm his opponent and make light of the dispute so that the jury might find the case amusing and the speaker instantly likeable.

5. The text of the manuscripts is unsatisfactory at this point. Most scholars believe that something is missing. Carey retains the transmitted text. We have accepted an emendation of Sauppe, which (although far from certain) provides the text with some logical flow.
heal illnesses of the body with the accomplishments of the soul; for if my mindset follows closely my misfortune and I live the rest of my life in this manner, how am I going to be any different from him?

4. What I have said about these matters ought to be sufficient; as for what I need to talk about, I will speak to you as briefly as I can. The prosecutor claims that it is not right for me to receive money from the city, because I am able bodied, and not disabled, and I possess a craft that would allow me to live even without the benefit.5 As proof of my bodily strength, he uses the fact that I ride horses, and as proof of the wealth from my craft, he uses the fact that I can associate with men who can afford to spend. I believe that all of you are well aware of my financial circumstances and my lifestyle, whatever that is. Nonetheless, I will tell you briefly.

6. My father left me nothing, and I only stopped supporting my mother three years ago, when she died. I still do not have any children to look after me, but I have a craft that can bring in a small income.8 I already have difficulty practicing it myself, and I cannot get someone to take it on.9 I do not have any other income except this, and you take it away from me. I would be in danger of finding myself in the most dire circumstances.7 Do not, members of the Council, destroy me unjustly when you can do justice and save me. Do not deprive me of the same benefit, which you granted me when I was younger and stronger, now that I am getting older and weaker. Before, you seemed to show the greatest pity for people who had nothing wrong with them; now do not, because of him, treat savagely those who are pitied even by their enemies. And do not upset others who are in the same situation as I, by having the heart to wrong me.8 It would certainly be strange, members of the Council, if I appeared to receive this benefit when my misfortune was uncompounded and then be deprived of it now, when old age and illness and all the evils that come with them have befallen me.9 It seems to me that the prosecutor himself could explain the level of my poverty better than anyone else. If I had been appointed a chorus producer (chorogetes) for a tragedy and challenged him to an exchange of property (antidosis), he would have preferred ten times to serve as a chorus producer than exchange his property with mine just once.10 How is it not terrible if now he accuses me of associating with the richest men on an equal footing because of my affluence, but if something were to happen such as I have just mentioned, then he would say that I am in my current condition or even worse?11

10. As for my equestrian skills, which he dares to mention to you, neither fearing fate nor having any shame, I will not say much. It is natural, members of the Council, for all persons who have had a misfortune of this kind to seek and study how to cope with their condition with as little distress as possible. As one of those who have suffered such misfortune, I found this relief for myself for the longer journeys that I must make. [11] It is easy to grasp, members of the Council, the greatest proof that I ride horses because of my misfortune and not because of arrogance (bybris), as he claims.12 If I had money, I would be carried on a saddled mule, and I would not ride other people's horses. But as it is, because I cannot afford to buy one, I am frequently forced to borrow the horses of others. [12] Yet, how is it not strange, members of the Council, that he would have said nothing if he saw me carried on a mule (what could he say?), but now that I ride borrowed horses, he attempts to convince you that I am able bodied? When I use two walking sticks, while others use only one, he does not take this to be a sign that I am able bodied; however, he argues from my riding horses that I am able bodied. But I need the assistance of both for the same reason.

13. He has surpassed everyone in shamelessness to such a degree that he tries to convince you, although you are so many and he is only one...
man, that I am not disabled. If he convinces some of you, members of the
Council, what stops me from drawing lots to be one of the nine archons
and you from depriving me the obol for being healthy and voting it to him
for being disabled? [13] Surely you will not take away the benefit from a man,
because he is able bodied, whom the thesmothetai will prevent from enter-
ing the lottery for the nine archons because he is disabled? [14] You do not
think like him, and he does not think like you—fortunately. He comes here
to lay a claim on my misfortune as if I were an hearse, and he is attempting
to persuade you that I am not what you all can see. You, on the other hand,
(and this is the task of sensible men) should rather trust your own eyes than
his words.

[15] He says that I am arrogant and violent, with a vile temperament,
as though he would be telling the truth if he used terrifying words and
he would not if he spoke calmly. But I think, members of the Council,
you must clearly distinguish those who have the opportunity to commit
outrage (hybris) from those who do not have what it takes. [16] It is not
likely for poor and destitute men to commit outrage, but it rather suits
those who possess much more than the necessities, nor those with dis-
abled bodies, but those who have great confidence in their own bodily
strength; nor those who are advanced in years, but rather the young with
a youthful way of thinking. [17] Rich men buy their way out of danger
with their money, but poor men in their need are forced to show self-
control. Young men obtain forgiveness from their elders, but when the
elderly cross the line, they are met with disapproval by both age groups.

[18] Powerful men are in the position to subject whomsoever they wish
to outrage and nothing happens to them, while weak men cannot even
defend themselves against their aggressors when they are the victims of
outrage, and if they want to commit outrage, they cannot prevail over
their victims. So, I think the prosecutor was not serious when he spoke
about my arrogance, but he was joking, and his objective was not so much
to convince you that I am this kind of man but rather to ridicule me, as
though that was a worthwhile thing.

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13. The nine archons, appointed by lot, were the highest officials of Athens. Any
citizen could be selected, except from two clearly defined groups: those whose
health and physical condition prevented them from performing the numerous
religious and sacrificial duties of the archon and those whose improper conduct
made them unsuitable for such duties, such as male prostitutes and individuals
who mistreated their parents (see the introduction to Aeschines I). Although
technically thetas (laborers who were part of the lowest economic class of Athens)
were still in the fourth century prohibited from holding the archonship, candidates
were not asked whether they met the economic requirement.

14. He argues that his shop has the same diverse crowd that any other shop in the
agora would have and therefore represents the diversity of the Athenian people. So
by accusing his clientele of wickedness, his opponent is essentially criticizing the
members of the Council, since men like them would also frequent his shop.
your dangers and flee with you. [26] May I not, members of the Council, receive from you the same fate as those who have committed grave crimes, but may you vote the same way for me as the previous Councils, keeping in mind that I am not being audited for managing public funds or for an office that I held; I am making a case for only one obol. [27] Thus all of you will make the right decision, I will be grateful to you for receiving fair treatment, and my accuser will learn for the future not to plot against weaker men but to triumph over those who are his equals.

15. Following the civil war of 404–403, speakers regularly addressed their audience as though they had all fled the Thirty and supported the democratic opposition (see Wolpert 2002: 91–95).