

# Diogeiton's *Dioikisis*: Persuasive Language in Lysias 32

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ACCORDING TO the speech Lysias wrote for the prosecution (32), Diogeiton cheated his grandchildren on a grand scale. Luckily for the children, this greedy grandfather, uncle, and guardian<sup>1</sup> carelessly misplaced an incriminating account book which they found and conveyed to their mother. She can prove, she says, that Diogeiton concealed from her sons a large sum of money he received from their father's investment: ἐν γὰρ τῇ διοικίσει,<sup>2</sup> ὅτ' ἐκ Κολλυτοῦ διωκίετο εἰς τὴν Φαίδρον οἰκίαν, τοὺς παῖδας ἐπιτυχόντας ἐκβεβλημένῳ τῷ βιβλίῳ ἐνεγκεῖν πρὸς αὐτήν (14). Editors generally have thought that διοικίσει and διωκίετο here are roughly equivalent to corresponding forms of μετοικίζειν and that noun and verb therefore indicate a family removal from one house to another.<sup>3</sup> διοικίζειν, however, normally has a quite different meaning and is completely unparalleled in this sense.

<sup>1</sup> Diodotus and Diogeiton were brothers; Diodotus married Diogeiton's only daughter and had three children by her—a girl and two boys. To Diodotus' wife, Diogeiton was brother-in-law and father, to her children, uncle and grandfather. When Diodotus went off to war, he made a will naming Diogeiton guardian of the children in the event of his death. He was killed at Ephesus; and Diogeiton, after concealing the death for some time in order to gain control of his brother's financial documents, eventually assumed guardianship. Lysias contends that he also assumed and appropriated his brother's considerable wealth, leaving the children penniless and homeless upon reaching maturity. The speech seems quite convincing. We owe its preservation to Dionysius of Halicarnassus, who quoted it as a model of persuasive rhetoric (*De Lysia* 497–519). Since Dionysius did not quote the final proof or the summary epilogue several significant details of the argument remain unclear. And our lack of the documentary evidence presented in court naturally prevents us from determining exactly what occurred.

<sup>2</sup> The mss. have διοικήσει, but Matthaëi's correction to διοικίσει is surely sound. The meaning of διοικήσει would be 'administration', which is nonsense here. An error by itacism is common and abundantly paralleled.

<sup>3</sup> See notes *ad loc.* in R. Rauchenstein/K. Fuhr, *Ausgewählte Reden des Lysias*<sup>12</sup> (Berlin 1917); L. Dal Santo, *Lisia: Orazione contro Diogitone* (Bologna 1965), "διοικίσει e il relativo verbo διοικίεσθαι valgono qui 'trasloco; traslocare', al posto dei più usuali μετοικισμός e μετοικίεσθαι." Cf. LSJ s.vv., and K. J. Dover in *Phronesis* 10 (1965) 4. Both W. R. Lamb (LCL) and Gernet/Bizos (Budé) translate accordingly, although their literal renderings of the singular give an ambiguous effect; on this see *infra*.

Cobet insisted that *διοικίζειν* could not have the meaning required in our passage and therefore emended to *ἐξοικίσει . . . ἐξωκίζετο*.<sup>4</sup> Adams followed Cobet and denied the analogy of such verbs as *διαπερᾶν*, *διαπλεῖν* offered by Rauchenstein and others “to justify *διωκίζετο* in the sense of ‘removed.’”<sup>5</sup> I shall argue that Cobet and Adams were right to reject that sense of *διωκίζετο*, but that the reading of the manuscripts is correct. Properly understood the verb clarifies the passage and heightens our sense of both Diogeiton’s unfamiliar behavior and Lysias’ skill at arousing a jury’s emotions.

*διοικίζειν* is the opposite of *συνοικίζειν*; the preverb has its common distributive sense—*cf. e.g. διαζεγγύναι*~*συζεγγύναι*, *διέχειν*~*συνέχειν*, *διαίρειν*~*συναίρειν*, etc. As *συνοικίζειν* means ‘cause to live together’, *i.e.* ‘create one family/city/confederacy’ out of two or more elements (*cf. e.g. Pl. Resp.* 546D *συνοικίζωσιν νύμφας νυμφίους*, *Marm.Par.* 35 *Θησεὺς . . . τὰς δώδεκα πόλεις εἰς τὸ αὐτὸ συνώκισε*, *Dem.* 19.263 *Χαλκιδέων εἰς ἓν συνωκισμένων*), so *διοικίζειν* means ‘cause to live apart’, and describes the dissolution of such a unity into two or more distinct parts (*e.g. Pl. Symp.* 193A *διωκίσθημεν* [Aristophanes’ round double *ἄνθρωποι*], *Xen. Hell.* 5.2.7 *διωκίσθη ἡ Μαντίνεια τετραχῆ*, *Dem.* 5.10 *τὴν Θηβαίων πόλιν διοικεῖν*). Neither these examples nor any other suggest that *διοικίζειν* could be used to describe the removal of a family from one house to another.<sup>6</sup> They suggest rather that it is a strong verb with a distinctly negative flavor, applied in all other extant cases to the drastic destruction of some community—*i.e.* an association of individuals living together as one, whether privately or politically.

Beyond the well-attested meaning of the word, two syntactic obstacles face those who interpret it to mean ‘move’. Most commentators have assumed that the verb in our passage is in the middle voice. I

<sup>4</sup> *Variae Lectiones* (Leiden 1854) 68, and Cobet’s edition of Lysias (Amsterdam 1863) *ad loc.* As H. Frohberger, *Ausgewählte Reden des Lysias* II (Leipzig 1868) 167, explains, “weil *διοίκισις* ‘*per naturam linguae*’ nur die Zersplitterung einer Gemeinde in kleinere bedeuten könne.”

<sup>5</sup> C. D. Adams, *Lysias: Selected Speeches* (New York 1905) 301 and 385.

<sup>6</sup> LSJ cite only this instance of *διοίκισις* and only this example of *διοικίζειν* in the sense of ‘remove, migrate’. Since, apart from the comic metaphorical use in the *Symposium* and its use in this passage, all other contemporary instances of *διοικίζειν* describe the division of political groups, we should allow that the verb and its attendant noun might have a quite different and special sense when applied to a non-political group, *i.e.* a single family; but, on the whole, it seems likelier that its public and private senses will be parallel. Two later extended uses of the verb (cited by LSJ) give retrospective support to a parallel interpretation: “*διωκισμένοι τινος separated from . . .*, *Luc. Charid.* 19: metaph. of rich and poor, *διωκίσμεθα καὶ δύο πόλεις ἔχομεν* D.H. 6.36.”

hope to show that *διωκίζετο* is in fact passive. *διοικίζω* is a causative verb (contrast *διοικέω*) like many other verbs in *-ίζω* (e.g. *γεμίζω*, *ἐγγυαλίζω*, *ἐρεθίζω*). And like some other causatives (e.g. *παύω*, *ὀρμίζω*, *μετοικίζω*, *ἐξοικίζω*), its middle voice is intransitive,<sup>7</sup> meaning ‘take up separate dwelling’ as in Xen. *Hell.* 5.2.5 *διοικιοῦντο κατὰ κώμας*.<sup>8</sup>

But in Lysias 32.14, according to the received interpretation, *διωκίζετο* would be either (a) used transitively = he (Diogeiton) was moving them (*viz.* the children and the rest of the family), or (b) used as a contrasting singular in the subordinate clause of a sentence whose subject is the plural *παῖδας*. The effect of the latter alternative would be approximately: “when *he* was moving into the house of Phaedrus, her sons happened upon an account book he had misplaced . . . ”<sup>9</sup> The shift from a singular to plural subject is not, of course, unusual, but as the choice of the singular *διωκίζετο* calls attention to something *he* did in contrast to something *they* did, it would be an odd way to describe a move which also included *them*.

In addition to these linguistic and syntactic impediments, certain other features of the speech suggest that *διοικίσει/διωκίζετο* are not meant to describe the removal of a whole family from one house to another. For it was in the course of whatever it does describe that the hitherto concealed evidence of Diogeiton’s fraudulent behavior was discovered by the boys and conveyed to their mother. And since the speaker repeatedly indicated that the children, the mother, and their relatives were all suddenly outraged when they recognized the old man’s nastiness, it is probable that this incident occurred at more or less the same time as two other revealing actions which the speaker also condemns:

(1) Upon his elder grandson’s maturity (9), Diogeiton summoned both boys (*καλέσας αὐτούς*) and told them that he had more than spent their legacy on their support and that the elder boy must now supply his and his brother’s needs on his own (*σκόπει αὐτὸς ἤδη πόθεν ἔξεις τὰ ἐπιτήδεια*). Since this announcement comes as a

<sup>7</sup> For verbs of this type see Schwyzler, *Griechische Grammatik* II 233f, and for verbs in *-ίζω* in general I 734–36, and A. Müller, *Zur Geschichte der Verba auf -ίζω im Griechischen* (Diss.Freiburg 1915).

<sup>8</sup> *διοικιοῦντο* is Cobet’s correction of the MSS. *διοικιοῦντο*. Although LSJ express some doubt (*s.v.* *διοικέω* II), the correction seems certain in view of the Spartans’ intention to bring about the state described conditionally; *cf.* *Hell.* 5.2.7 quoted *supra*.

<sup>9</sup> Alternative (a) is implied by Dover’s comment (*supra* n.3) that the verb “denotes the transference of a family from one house to another.” Alternative (b) is represented by the ambiguous translations of Lamb and Gernet/Bizos, and the note of Dal Santo: “con lui doveterro traslocare i pupilli, in quanto con lui coabitanti.”

shocking surprise, we may assume that up to this point the boys have been living in the same household with Diogeiton, unaware of his intent to cast them adrift.

(2) In a stronger version of what is apparently the same incident, three times (10, 16, 17) the jury is told that the boys were thrown out of the house in woeful circumstances (without shoes, bedding, servants); and once the house from which they were expelled is called "their own"—*καὶ ἐκβάλλειν τούτους . . . ἐκ τῆς οἰκίας τῆς αὐτῶν*.<sup>10</sup>

Although we might well suppose that so emphatic a phrase as "out of their own house" refers to a house that the boys own or at least should own, it is as likely that the speaker, who is here quoting the boys' mother, is exaggerating strongly for persuasive effect. This phrase is another example of the kind of emotionally charged language we have already seen in the problematic sentence with which we began this discussion. There the speaker was also citing the mother's impassioned words, and although they were indirectly reported, they were meant to stir the jury's reaction against Diogeiton's unnatural behavior.

I suggest that what Diogeiton did was to split up a compound family consisting of (a) his own immediate family (self, second wife, children), and (b) his deceased brother's two sons, his grandsons. I would interpret the verb as an impersonal passive, and translate the sentence as follows: "For [she said] that in the course of the division, when a splitting-off was made from Kollytos to Phaedrus' house,<sup>11</sup> the boys happened upon an account book that had been thrown away, and brought it to her."

<sup>10</sup> It is not at all clear what the speaker refers to with this phrase. Three houses are mentioned in the speech: (1) a house in Peiraeus which belonged to Diodotus, and where the children and their mother "lived on for a year" after the father's death. When their supplies gave out Diogeiton "sent them up to the city," perhaps to (2) his house in the fashionable deme of Kollytos. (It is also possible that the city house to which they were sent is distinct from the house in Kollytos.) Finally, someone apparently moved into (3) the house of Phaedrus (*cf.* 8, 14). Adams (*supra* n.5) 298 supposes that Diogeiton may have purchased the house of Phaedrus with money from the boys' estate, and subsequently expelled them from a house the speaker thus calls "their own." We know nothing of this house, of course, nor can we even be certain who owned it. Since Diogeiton and his brother shared ownership of real property inherited from their parents (see 4), Diogeiton must have acquired the Peiraeus house when he caused his daughter's family to leave it, but this alone would not seem to justify the claim seven years later that he "threw the boys out of their own house."

<sup>11</sup> On this interpretation, the boys would have moved into Phaedrus' house, but there is no indication that either they or their grandfather owned it. Perhaps it is so named because Phaedrus owned it and offered a place to the boys for rent or for friendship's sake.

Since the boys had lived with Diogeiton's family for seven years, their mother might well claim that he "was throwing them out of their own house." Neither she nor the speaker, who is her son-in-law, hesitates at all to emphasize the pitiful plight of the boys and the self-serving heartlessness of their guardian. Not only did he leave them penniless; he drove them out of the family, and left them homeless as well. To heighten the effect she contrasts the luxury he lavishes upon his own new family with the injuries he heaped upon hers: *καὶ νῦν τοὺς μὲν ἐκ τῆς μητρυνίας τῆς ἐμῆς παιδεύεις ἐν πολλοῖς χρήμασιν εὐδαίμονας ὄντας . . . τοὺς δ' ἐμοὺς ἀδικεῖς, οὓς ἀτίμους ἐκ τῆς οἰκίας ἐκβαλὼν ἀντὶ πλουσίων πτωχοὺς ἀποδείξει προθυμῆι* (17).

The language of the passage I have discussed heightens our sense of the old scoundrel's greedy manipulations—at least as they are represented by Lysias. The emotionally charged phrases he attributes to the mother add vividly to the picture she draws of an unnatural grandfather and guardian who has cheated, abandoned, and expelled his own wards and grandchildren. This speech was admired in antiquity for its persuasive charm,<sup>12</sup> and especially for its striking representation of a wronged mother fighting for her sons against her own father. Its strong appeal to the jury and the reader, its persuasive force, rest in no small measure upon Lysias' capacity to choose such words and phrases as will bring his characters and their emotions to life for the audience, hence to win their empathic support.

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<sup>12</sup> For Dionysius of Halicarnassus see *supra* n.1. The speech is also praised by Photius (*Bibl. cod.* 262). In recent times Adams (*supra* n.5) 289 speaks eloquently about the characterization of the mother and calls the speech "a work of art perfect in the concealment of art." R. C. Jebb, *Attic Orators*<sup>2</sup> I (London 1893) 293–96, quotes the ancient commentators with approval and thinks that "the rhetorical skill is highest in the dramatic passage where the plaintiff's mother is brought in upbraiding her father Diogeiton with his purpose of disinheriting her sons . . ."