

PHILOKLEON'S COURT

(PLATE 32)

ΚΟΡΥΦΑΙΟΣ — οὐδὲν πείσει· μηδὲν δείσης. ἀλλ' ὦ βέλτιστε καθίει σαντὸν θαρρῶν κάπεν-
ξάμενος τοῖσι πατρώοισι θεοῖσιν.

ΦΙΛΟΚΛΕΩΝ — ὦ Λύκε δέσποτα, γείτων ἥρωσ'· σὺ γὰρ οἶσπερ ἐγὼ κεχάρησαι τοῖσι
δακρύοισιν τῶν φευγόντων ἀεὶ καὶ τοῖς ὄλοφυρμοῖς· ᾤκησας γοῦν ἐπίτηδες
ἰὼν ἐνταῦθ' ἵνα ταῦτ' ἀκροῶο κάβουλήθης μόνος ἠρώων παρὰ τὸν κλάοντα
καθῆσθαι. ἐλέησον καὶ σώσον νυνὶ τὸν σαντοῦ πλησιόχωρον, κοῦ μή ποτέ
σου παρὰ τὰς κάννας οὐρήσω μηδ' ἀποπάρδω.

Aristophanes, *Wasps*, 387-394

IT is possible that a topographical reference can be enucleated from Philokleon's prayer, but first the currents of humor in these lines must be charted and reliable elements in traditional "information" about Lykos isolated. This essay is divided into three sections: 1) an analysis of ancient reports concerning Lykos, 2) an interpretation of Aristophanes, *Wasps*, 387-394, 3) a suggestion as to the location of Philokleon's law court.

LYKOS

Although the name was not rare, the particular Lykos of Aristophanes, *Wasps*, 387-394 has not been plausibly identified with any of the rivers, heroes or mortals who were also called Lykos.¹ In fact, despite the elaborations of scholarship, early and late, almost everything that can confidently be said of him has its source in the lines quoted at the head of this paper. From these lines, we can extract the following information: 1) Lykos is a hero, 2) his heroon is in or near a law court, and 3) his

¹ Under the heading "Lykos" in *R.E.*, 1927, cols. 2389 ff. there are fifty-three entries. The name was given to rivers (nos. 1-14, 22), heroes and mythical kings (nos. 15-21, 23-39), and historical figures (nos. 40-53). Among these last there can be found one of the seven Athenians named Lykos who are listed in Kirchner, *P.A.* but not the black-haired favorite of Alkaios (Horace, *Odes*, I, 32, 11). The Lykos of Aristophanes' lines (Gunning, "Lykos [20]," *R.E.*, 1927, cols. 2398 ff.) has sometimes been identified with Lykos (no. 21) the son of Pandion; and the son of Pandion with Lykos (no. 18), hero of the Antiope saga. But there is no necessary and self-evident connection between these shadowy figures beyond the name they hold in common, and one can neither prove nor disprove the "identifications." In this paper it is assumed that Lykos (20) is distinct from the others. It is an assumption that does not affect the argument. C. Wachsmuth, *Die Stadt Athen*, II, 1890, pp. 374 ff. reproduces and discusses the relevant texts. W. J. Starkie's note on *Wasps*, 388 includes a number of assertions that are based on no evidence whatsoever.

temenos or his statue has a fence of rushes around it. To go on and affirm on the basis of these lines that Lykos is a "Gerichtsdaimon" is to select one of several possible inferences, none of them sure. For, if Lykos had nothing whatsoever to do with administration of justice in Athens, if his happened to be the distinctive monument nearest a single law court, that to which Philokleon had been assigned for the year,² not a syllable of these lines would have to be changed. Even Lykos' predilection for defendant's tears can be adequately explained on grounds of propinquity. And it cannot be objected that the lines have no point if Lykos was not intimately associated with law or justice or law courts, or at least in some more than topographical way, because all too often we do not know why, or indeed if, a given line in an ancient comedy was funny.³ The same assertion holds for lines 819-823 of the *Wasps*. Philokleon wants the heroon of Lykos brought into his house, which is being turned into a little law court. There follows stage business during which Bdelykleon either brings in something or points to something already in the house. It is partially enlightening to compare the foolery with the chamber pot-klepsydra at lines 857 f., but, in the case of the heroon, there are no stage directions in the text of the play.⁴ The lines reveal only that the hero, in whatever guise he now appears, looks severe and does not wear armor. His presence is necessary to Philokleon's ease, but there need be only one reason for this, namely that Philokleon's law court is near Lykos' heroon, and he wants his private law court to be like the one to which he is accustomed. On the other hand, it may be that mere pronunciation of the name Lykos in a dikastic context was funny (see note 3 *supra*).

In the *Lexicon Cantabrigiense*, there is preserved a fragment from a lost *Temenikos Logos* of Isaios from which we learn that they (whoever "they" may be; certainly they were not dikasts, who valued every hemiobol of their pay) would assign the

² At the time of Aristophanes' *Wasps*, dikasts were enrolled in panels for one year, and each panel was assigned to a single law court for the same year. See J. H. Lipsius, *Das attische Recht*, pp. 137 f.; G. Busolt-H. Swoboda, *Gr. Staats.*, p. 1154; H. Hommel, *Heliaia*, pp. 110 f.; R. Bonner-G. Smith, *Administration of Justice*, I, pp. 234 f.

³ Suppose, for example, that a court which was called τὸ δικαστήριον τὸ ἐπὶ τῷ λύκῳ because of its proximity to the shrine of Lykos (or to a statue of a wolf) had been the subject of amused or scandalized comment after misconduct by the dikasts who had been assigned to it for the year. Aristotle says that Anytos was the first man to corrupt a whole dikastic panel (*Ath. Pol.*, 27, 5) but if many fewer than five hundred dikasts in the same panel had been exposed persistently (cf. *Arist.*, *Ath. Pol.*, 62, 1, ἐπόλων οἱ δῆμοι . . .) or once sensationally in the recent past, then a mention of Lykos in a dikastic context would provoke laughter. The "brotherhood of Lykos" (discussed *infra* p. 113) would accordingly come from another comedy of about the same time as the *Wasps* and would be recognized by all Athenians as a reference to the disgraced dikasts from the court by the wolf.

⁴ For learned speculation concerning the nature of the heroon, see Schol. Aristophanes, *Wasps*, 820; U. von Wilamowitz-Moellendorff, *Glaube der Hellenen*, I, 1931, p. 147; H. Comfort, *A.J.P.*, LII, 1931, pp. 362 ff.; L. A. Post, *A.J.P.*, LIII, 1932, p. 266; and A. D. Nock, *H.T.R.*, XXXVII, 1944, p. 166.

dikastikon to Lykos.⁵ How, when, and by whom this was done is guesswork, and if Isaios' words have been accurately reproduced, he used the imperfect *ἔνεμον*, which may mean that the custom was dead at the time he delivered his speech.

The numerous notices in scholia, lexica, and collections of proverbs that name Lykos depend chiefly from a fragment out of Eratosthenes' treatise, *On Old Comedy*. Harpokration cites author and work, and gives what purports to be a direct quotation (*s.v.* δεκάζων): Ἐρατοσθένης δὲ ἐν τοῖς περὶ τῆς ἀρχαίας κωμωδίας πόθεν τὸ πρᾶγμα εἴρηται, δηλοῖ οὕτω λέγων· Λύκος ἐστὶν ἥρως πρὸς τοῖς ἐν Ἀθήναις δικαστηρίοις, τοῦ θηρίου μορφὴν ἔχων, πρὸς ὃν οἱ δωροδοκοῦντες κατὰ ἑ γεγόμενοι συνεστρέφοντο, ὅθεν εἴρηται Λύκου δεκάς.

The excerpt, however, does not add absolutely dependable information about Lykos, for almost everything Eratosthenes says is deduction from allusions or references made by earlier comic playwrights. Although his stay in Athens was long, he was not there during the great days of the law courts,⁶ he did not make any particular study of them, and he did not (as we do not) have access to any systematic account of dikastic procedure in the fifth century. He deduced from the *Wasps* that Lykos was a hero associated with Athenian law courts, and his groups of venal dikasts are merely a product of creative etymologizing. The words ὅθεν Λύκου δεκάς are not tacked on as an afterthought, the phrase conjured up by his circumstantial picture of bribe-seekers loitering in groups of ten somewhere near the heroon of Lykos. Quite the opposite is true.⁷ Eratosthenes encountered the phrase Λύκου δεκάς possibly in a comedy, possibly as a proverbial expression,⁸ recognized its pejorative sense, and then created his compact groups of bribe-seekers. The word δεκάς gave him the number ten and at the same time evoked words like δωροδοκός, δέκτης, and δεκάζειν. Hence the comic δεκάς unfolded and revealed tens of bribe-seekers.⁹ Lykos supplied a topographical reference,¹⁰ and for general versimilitude, Eratosthenes had only to look

⁵ Λύκος· ἥρως ἰδρυμένος (ἤρετο ἰδρύματος cod.). οὗτος ἦν ἐν τοῖς δικαστηρίοις, ᾧ καὶ αὐτῷ τὸ δικαστικὸν ἔνεμον, ὡς Ἰσαῖος ἐν Τεμενικῷ· καὶ Λύκου δεκάς καλεῖται, ὅτι περὶ τὸ ἀφίδρυμα αὐτοῦ κατὰ δέκα γεγόμενοι οἱ δικασταὶ ἐδεκάζοντο. *Lex. Cantab.*, 672, 27. Lykos receives the triobol here, in a scholion to Aristophanes, *Wasps*, 389, Photius *s.v.* Λύκου δεκάς (2), and Zenobius, *Cent.*, 5, 2, but the text is not sure, and there may be some confusion with the concise Ravenna scholion to *Wasps*, 389, which reads: πρὸς τοῖς δικαστηρίοις Λύκος ἥρως ἰδρυτο· ἔθνον δὲ αὐτῷ καὶ ἀπενεμον δικαστικὸν μισθόν. Cf. P. S. Photiades, *Ἀθήνα*, XIII, 1901, pp. 58 f.

⁶ F. Jacoby, *Fr. Gr. Hist.*, no. 241, Commentary, pp. 704 f. proposes a date in the 90's of the third century for Eratosthenes' birth. He was some twenty years in Athens and still there in 250.

⁷ R. W. Macan called attention to this mode of expression in Aristotle's *Athenaion Politeia* and added, ". . . the method is common to most of the Greek writers, to a greater or less extent, and is by no means confined to them" (*J.H.S.*, XII, 1891, pp. 37 ff.).

⁸ Cf. the *Suda s.v.* Δεκάζεσθαι, . . . ἔνθα καὶ ἡ παροιμία Λύκου δεκάς.

⁹ J. H. Lipsius, *op. cit.*, p. 175, note 42, cites Euripides, *Suppliants*, 219 to show that δεκάς can mean "fellowship" or "brotherhood" without connotation of a definite number. Philo, *De Decalogo*, 23 explains the *dekad* as the *dechad*, or receiver of every kind of number. Cf. *Etymol. Magnum*, 253, 50.

¹⁰ "Man sprach von dem Gotte, meinte aber sein Bild," O. Weinreich, *Antike Heilungswunder*,

around him. In Athens during the fifth and fourth centuries, a group of men rather than a single official was often the unit of action that secured results in official assemblies. Such groups were for hire then and could doubtless still be found in some particular area of Athens during Eratosthenes' stay there. The imperfect *ἔπειστρέφοντο* may be another indication of the retrojective nature of his note.

Another phrase in Eratosthenes' explanation, one that directly concerns the subject of the present inquiry, is also a deduction. He places Lykos *πρὸς τοῖς ἐν Ἀθήναις δικαστηρίοις*. In a few other late notices, where the material in Harpokration is more or less accurately reproduced, the phrase becomes *παρὰ τοῖς δικαστηρίοις*¹¹ without change of meaning. The single notice that has Lykos *ἐν τοῖς δικαστηρίοις* (*Lex. Cantabr.*, 672, 27) may reflect a misunderstanding of *παρὰ τοῖς δικαστηρίοις*. If one were to think of dikasteria as meaning separate panels of dikasts—*δικαστήριον* can denote either a court building or a panel of dikasts—then *παρὰ τοῖς δικαστηρίοις* could be taken to mean that there were multiple images of Lykos, one with each dikastic panel. The phrase *πρὸς τοῖς δικαστηρίοις*, however, although itself an erroneous inference, seems to be that of Eratosthenes and is found in most of the other dependent notices.¹²

Eratosthenes' straightforward statement should be clear. There is one Lykos, and he stands in or near an area in which more than one law court building was situated. This, at least, is how some have understood the phrase.¹³ Others, however, have understood there to be multiple images or representations of Lykos, one near each law court in Athens.¹⁴ The source of this confusion lies in Eratosthenes' probably mistaken idea of the physical disposition of law courts in Athens during the 20's of the fifth century. For he assumed, it seems, that in those years there existed in Athens a complex of courts that were sufficiently close to one another to constitute an identifiable unit. Writers of the fourth century do allude at times to a concentration of law courts whose location was adequately given by the words *τὰ δικαστήρια*, and Aristotle's careful description of law court procedure in his day is only comprehensible if the courts to which he refers were closely grouped,¹⁵ but there is no evidence that there was a block of courts in the fifth century.¹⁶ Furthermore, from what is known of fifth

1909, p. 145. Cf. A. D. Nock, *A.J.A.*, LXVI, 1962, p. 307. Official topographical references could be given simply by naming the god (or man) whose statue stood in a certain place. See e.g. Thucydides, V, 23; *I.G.*, II², 450.

¹¹ In a scholion to Aristophanes, *Wasps*, 389; Photios, *Lexikon*, s.v. *Λύκου δεκάς* (2); *Suda*, s.v. *Λύκου δεκάς*; Apostolios, X, 93.

¹² See Wachsmuth, *loc. cit.*, *supra*, note 1.

¹³ E.g. Lipsius, *op. cit.*, p. 174, T. Thalheim, *Δικαστήρια*, *R.E.*, 1905, col. 572.

¹⁴ E.g. Wachsmuth, *op. cit.*, p. 374; Gunning, "Lykos (20)," *R.E.*, 1927, cols. 2398 ff.; R. E. Wycherley, *The Athenian Agora*, III, *Literary and Epigraphical Testimonia*, 1957, p. 148.

¹⁵ See S. Dow, *H.S.C.P.*, L, 1939, pp. 18 ff.; M. Crosby, *Hesperia*, XX, 1951, pp. 183 ff.; Wycherley, *loc. cit.*

¹⁶ *παρὰ τὰ δικαστήρια* in Plutarch, *de Genio Socr.*, 580 E seems an anachronism, but we know very little about fifth century Athenian courts.

century practise in assigning jurors to courts, there was no need for any such concentration. Athenian courts apparently were widely dispersed in the fifth century and were brought into a coherent complex sometime in the fourth century.¹⁷

When Eratosthenes was in Athens, law courts may still have been disposed as they had been in the fourth century; or, if not, he may have taken references to τὰ δικαστήρια in fourth century literature as representing accurately their earlier situation. He could accordingly reason that the words, *ta dikasteria*, pointed to a single place in the city, where the law courts stood. Since he did not think of fifth century Athenian courts as being sometimes separated by considerable distances,¹⁸ Lykos stood, in his imagination, by the law courts rather than by a single law court. In Eratosthenes' time, Lykos must have lived on only in Aristophanes' lines, in the *Temenikos Logos* of Isaios (who spoke of the hero as though he were in the past), and in the catchy phrase, Λύκου δεκάς. Eratosthenes says Lykos had the shape of a wolf. Possibly he did, but Eratosthenes' assertion does not necessarily imply that he ever actually saw the hero. The most that can be said with assurance still rests on Aristophanes. Lykos was a hero in Athens who had one heroon near one law court around the time of the *Wasps*.¹⁹

INTERPRETATION

"Pray to the *patrooi theoi*," say the old heliasts. Philokleon teeters over a drop of several stories or more and looks for nerve to attempt the descent. Then he prays a parody of a prayer that ends with the noisome promise of line 394.²⁰ A curious feature of the prayer needs to be emphasized. Philokleon's corporal presence is visibly perched high up on his son's house, but line 394 reveals that the essential Philokleon is in the law court to which he has been assigned for the year. His soul still flutters around the klepsydra. But at what point he was rapt away to his second home, we cannot say. Perhaps by the time he says to Lykos, "You moved here," he thinks of himself as in the law court. Certainly, when in the last three words of line 394 he shows by his use of the first person singular that τὸν κλάοντα—who at first hearing seemed to be a nameless defendant—and τὸν σταντοῦ πλησιόχωρον refer to himself, the audience knows that he is in fancy in his beloved law court.

Another feature of the prayer can be noted. The word ἥρωσ in line 389 was

¹⁷ See Wycherley, *loc. cit.*

¹⁸ Well into the fourth century, both the Odeion and the Stoa Poikile were being used as law courts. See Wycherley, *loc. cit.*

¹⁹ Philokleon, in saying, "You moved here," (ἐνταῦθ', line 391) sees only one heroon of Lykos, unless "here" means "Athens." His use of the definite article (θήρῳ, line 819) could point to the one heroon in Athens. It could admittedly also mean the one (of many) that ought to be near by.

²⁰ See the discussion of H. Kleinknecht, *Die Gebetsparodie in der Antike*, 1937, pp. 63 f., 211. I note in addition that καθῆσθαι in line 392 also introduces the idea of dikastic activity.

unexpected and, when pronounced, gave a ludicrous perspective to the prayer almost at its start. The audience was made to believe that Apollo was being invoked. They found instead that a hero named Lykos (or a prominent statue of a wolf) was the numinous being whose aid Philokleon sought. A brief analysis of the comic deception is relevant here.

There was regularly on the comic stage an aniconic image of Apollo Agyieus,²¹ the god who regularly stood in front of Athenians' houses. He guarded streets and kept householders from harm, and he may, in one aspect, have been Apollo Patroos.²² The presence of this image, to which comic actors often appealed,²³ was another reason for Athenians to expect Philokleon to invoke Apollo. If, however, they were ready to hear a prayer to Apollo as they looked at Philokleon, who was at home and in danger, they were also ready to be fooled. Surprises are the essence of comedy, and Aristophanes wanted to develop in his audience a heightened readiness, an almost sure expectation of hearing Apollo's name. The words *πατρώοισι θεοῖσιν* did not normally name or delimit any specific number of gods, but when pronounced in an atmosphere in which Apollo (the particular *epiklesis* does not matter) hovered immanent, they gave the first false clue. Many of the audience thought immediately of Apollo Patroos, and some may also have remembered that an Athenian heliast swore by Demeter, Apollo Patroos, and Zeus Basileios.²⁴ Philokleon's first words, ὦ Λύκε, in no way dissipate the expectation that Apollo will be named, because Λύκε is close to Λύκει'. Nor was it absolutely necessary to suggest "Lykeios," since an appeal to a wolf could by itself in this context intimate the presence or influence of Apollo.²⁵ Athenians presumably identified the κύκνω Πυθίῳ καὶ Δηλίῳ as Apollo without undue trouble (Aristophanes, *Birds*, 870). The next word, *δέσποτα*, is usually in Aristophanic usage a slave's style of address to his master, but often the master is a deity, and

²¹ See A. W. Pickard-Cambridge, *Dithyramb, Tragedy and Comedy*, 1927, pp. 175 f.; E. Fraenkel, *comm. ad Aeschylus, Agamemnon*, 1081, and M. A. Nilsson, *Geschichte der gr. Religion*², I, p. 203. Agyieus was called *προπύλαιος*, *ἀλεξίκακος*, *φύλαξ τῶν ὁδῶν*, *θυραῖος*, *ἐφόδιος*, *προστατήριος*, and *ἀποτρόπαιος*. For testimonia and further discussion, see Wachsmuth, *op. cit.*, II, pp. 287 ff.; E. Reisch, "Agyieus," *R.E.*, 1894, cols. 909 ff.; Nilsson, *op. cit.*, I, p. 544, and P. Arnott, *Greek Scenic Convention in the Fifth Century B.C.*, 1962, pp. 45ff.

²² Apollo Pythios was *patroos* at Athens (see e.g. Wycherley, *op. cit.*, pp. 50 ff.), but Nilsson, *op. cit.*, I, pp. 556 ff. reasons plausibly that the Apollo Patroos concerning whom archons were asked at their *dokimasia* was the Apollo Agyieus that stood in front of the candidate's house.

²³ Aristophanes, *Wasps*, 875 ff.; Pherekrates, frag. 87K. Cf. Kratinos, frag. 375K. The oaths of *Lysistrata*, 942 and *Thesmophoriazousae*, 748 point to an Apollo Agyieus on the stage. Cf. Wilamowitz, *comm. ad Menander, Epitrepontes*, 142.

²⁴ Pollux, VIII, 122. Cf. Lipsius, *op. cit.*, p. 152; K. Latte, *Heiliges Recht*, 1920, p. 43; Nilsson, *op. cit.*, I, p. 557, note 1.

²⁵ Cf. e.g. Aeschylus, *Seven against Thebes*, 145, Λύκει' ἀναξ λύκειος γενού στρατῶ δαίψ. Appeals to Apollo Lykeios were common in a variety of trying circumstances. See Fraenkel, *loc. cit.*; J. D. Denniston and D. Page, *comm. ad Aeschylus, Agamemnon*, 1080; R. C. Jebb, *comm. ad Sophocles, Oedipus Rex*, 918, *Electra*, 634, and *Trachiniai*, 209.

Apollo Agyieus in Bdelykleon's genuine prayer is hailed, ὦ δέσποτ' ἀναξ γείτων Ἀγυιεύ . . . (*Wasps*, 875).²⁶ The audience can no longer expect Λύκει' ἀναξ or Λύκει' Ἀπολλων, but the following word, γείτων, sustains the impression that Apollo—now certainly Apollo Agyieus—is being invoked. Bdelykleon, as has just been noted, calls on Apollo Agyieus as lord and neighbor, for γείτων fixes the god's abode, as was customary in prayers, and it is the word for a house-owner to use when invoking the aid of a god who stands just outside his house. It must have been a regular form of address in prayers to Apollo Agyieus.²⁷ But then Philokleon says ἥρως, and the audience recognize that they have been fooled. A hero, Lykos (or a heroized wolf, as van Leeuwen suggests, *comm. ad loc.*) has been substituted for Apollo in the pseudo-prayer.

Aristophanes presumably wanted his audience to think of a real law court in Athens—Old Comedy is characteristically topical—and mention of Lykos enabled contemporaries to identify it. Although the site of Lykos' heroon is no longer known, we can assume that there was a law court near by, and there seems reason to believe that the temenos of Apollo Patroos may supply another reference point. This hypothesis rests on interpretation of the phrase γείτων ἥρως. If Lykos was a "neighboring hero," to whom was he a neighbor? He does not stand outside Bdelykleon's house, for later in the play (line 819), when Philokleon is judging at home, a Lykos must be imported or manufactured. The audience, who did not know at first that Philokleon had transported himself in fantasy to his court, may have wondered briefly why Lykos was called neighbor, until they learned at the end of the prayer that Philokleon was in a way representing Lykos as the Apollo Agyieus of his law court. On the other hand, there may have been no need for the audience to wonder at all at the phrase, "neighboring hero." If the heroon stood near both a law court and a statue or sanctuary of Apollo,²⁸ Lykos could have been regarded by the audience first as Apollo's neighbor and then at the end of the prayer, as Apollo's comic surrogate. Although the location of Lykos' heroon is not known, there exist today near the temenos of Apollo Patroos in the Athenian Agora remains that are not inconsistent with the physical requirements of a law court in fifth century Athens. We turn now to these remains.

²⁶ Cf. Pherekrates, frag. 87K, ὦ δέσποτ' Ἀγυιεύ . . .

²⁷ Cf. Plautus, *Bacchides*, 172 f. "Saluto te, vicine Apollo, qui aedibus propinquis nostris accolis veneroque te," from Menander's lost Δις Ἐξάπατων. Members of the audience may at first have made associations quite different from those hypothesized *supra*. For instance, πατρώοισι θεοῖσιν could have suggested Zeus Phratrios, Zeus Herkeios, Athena Phratria, and others; and Λύκει may at first have evoked notions of Zeus Lykaios or Artemis Lykaia. But Λύκει δέσποτα γείτων pointed straight to Apollo. The audience, who did not see the capital letter with which we distinguish proper nouns, had to be told that Lykos, the hero, was meant. The deliberate confusion between δῆμος and Δῆμος in Aristophanes' *Knights* may be analogous. See e.g. H. J. Newiger, *Metapher und Allegorie*, 1957, pp. 11 ff.

²⁸ The "heroon" may have been a well known statue of a wolf, not necessarily identified with a precinct of Apollo, as was that at Delphi (Pausanias, X, 14, 4; Plutarch, *Pericles*, 23).

THE BENCHES

On the west side of the Athenian Agora, sanctuaries of the Mother of the Gods, Apollo Patroos, Zeus Phratrios and Athena Phratria, and Zeus Eleutherios succeeded one another from south to north. By the second half of the fourth century, the Metroon housed the cult statue of the Mother of the Gods, temples housed those of Apollo, Zeus Phratrios and Athena Phratria, and the projecting wings of the Stoa of Zeus (also called the Stoa Basileios) claimed the statue of Zeus Eleutherios, but in 422 B.C. only the Old Bouleuterion and possibly the Stoa stood within the boundaries of these temene. The Mother of the Gods was housed in the Old Bouleuterion. The Apollo Alexikakos of Kalamis, if it stood as it did in Pausanias' time inside the temenos of Apollo Patroos, was not sheltered by a temple. There had been a small apsidal temple there when the Persians came, but there was not to be another for seventy-five years or so after 422. The temenos, although workmen used it while building the Stoa of Zeus, seems to have maintained its identity during the years it had no temple, and so the statue of Apollo Alexikakos may have stood there in the open.²⁹

Directly west of this temenos, on the east slope of Kolonos Agoraios, there can be seen today remains of four long rows of benches (see Plate 32). Well and carefully made, they consist of soft, poros stone blocks set into the bedrock of the hill, and are "of the right height and width to make comfortable seats." They could well have served as a meeting place for council or law court.³⁰ The southern limit of these benches is fixed by the northwest corner of the Old Bouleuterion; they extended north a distance that can no longer be determined. Originally, however, they were at least thirty-seven meters long, and they may have been longer. The sometime existence of a fifth row is not out of the question, although it cannot be restored with full confidence.³¹ The benches seem to have been built not long after the middle of the fifth century.

Four benches facing the Agora, overlooking if not impinging upon the temenos of Apollo Patroos suit the conjectured allusion in *Wasps*, 388-89. They seated, if they did not originally extend further north, four hundred men,³² and an additional

²⁹ A boundary stone that marked one of its borders has been dated by the style of its letters to the early fourth century B.C. See B. D. Meritt, *Hesperia*, XXVI, 1957, p. 91, no. 38. For the complicated architectural history of the west side of the Agora, see H. A. Thompson, *Hesperia*, VI, 1937, pp. 1-226. Cf. R. Martin, *Recherches sur l'agora grecque*, 1951.

³⁰ H. A. Thompson, *Hesperia*, VI, 1937, p. 220; *Agora Guide*², pp. 58 f.

³¹ Bedrock drops sharply below the lowest bench and so preserves no trace of a cutting, but "in antiquity bedrock here was covered by a considerable depth of earth" (Agora Excavation notebook OE, no. 2, p. 225) and there is ample room between the lowest bench and the probable fifth century floor level to restore an additional row of benches. This conjectured row may have been set in earth rather than in bedrock, in which case it might have been made of wood (cf. *Wasps*, 90).

³² See R. Stillwell, *Corinth*, II, *The Theatre*, 1952, pp. 31 f. for a convincing demonstration

one hundred men could have been seated on the sloping hillside below the lowest row of benches. Five hundred men regularly made up a dikastic panel in Athens during the fifth and fourth centuries. Panels of four hundred are attested for the fourth century.

There is nothing to show that there was ever a roof over these benches, nor do ancient law courts seem to have been roofed.³³ Rows of benches set into the side of a hill and open to the sky form a proper setting for deliberations of a body that was by a legal fiction the city. The physical arrangement of the Pnyx can be compared. Athenians did much of their business, public and private, out-of-doors, and law courts need have been little more than benches like these or peristyles that enclosed sufficient space for benches. There are remains of a very simple rectangular structure under the Stoa of Attalos that have been identified with good reason as those of a law court.³⁴ Other courts were probably not more elaborate. In *Wasps*, 105, Philokleon is represented as having clung like a limpet to a column that was obviously an integral element of his law court, but a single column does not make a colonnade or support a roof.

What was chiefly needed was space to seat five hundred dikasts, a place where plaintiff or defendant could stand to address them, probably a small, separate area for witnesses, and another for voting jars, klepsydra, and functionaries. Enough space for all this and more lay open before the benches that looked east from the east slope of Kolonos Agoraios. Not until the temple of Apollo Patroos and its small northern neighbor were built, i.e. a hundred years or so after these benches, would it have been impractical to try law suits there. As for the gate (*κιγκλῖς*) by which a thesmothete could shut Philokleon out (*Wasps*, 775), we have only to imagine, circumscribing the court, a slight, temporary fence that could be put up or taken down at need. The barriers that effected necessary, formal divisions of Athenian citizens engaged in public affairs were not massive, and the purpose of a gate or fence, or even of a stele that marked a limit, seems generally to have been respected.³⁵

that 0.36 m. was and is adequate space for a seated adult. "37 meters" is a rough figure, but precise measurements would be irrelevant here.

³³ Bdelykleon, enlarging on the pleasures of judging at home rather than at court, notes that his father can go inside when it rains (*Wasps*, 774). Some ancient commentators affirm that the Heliaia was open to the sky, but their affirmation may rest on their notions of the etymology of *ἡλιαία*, not on personal observation. For analyses that associate *ἡλιαία* with Doric *ἀλιαία*, hence with a root that has nothing to do with the sun, see C. D. Buck *ap.* R. Bonner-G. Smith, *Administration of Justice*, I, p. 157, note 5; H. Frisk, *Gr. Etymol. Wörterbuch*, 1954, *s.v.* ἀλις. H. T. Wade-Gery, *Essays in Greek History*, 1958, pp. 173 f. with note 4, p. 195, note 4, expressed an adequately grounded preference for the spelling Eliaia rather than Heliaia. Wycherley, *op. cit.*, p. 145, cites the ancient commentators.

³⁴ H. A. Thompson, *Hesperia*, XXIII, 1954, pp. 58 f. Cf. *Hesperia*, XXIX, 1960, p. 398.

³⁵ On the *κιγκλῖς* and *δρύφακτοι*, see S. Dow, *H.S.C.P.*, L, 1939, pp. 19 ff. Cf. F. Salviat, *B.C.H.*, LXXXVII, 1963, pp. 259 ff. On partitioning by means of stelai, see *Hesperia*, XXXII, 1963, pp. 372 ff.; cf. A. E. Raubitschek, *A.J.A.*, LX, 1956, pp. 279 ff. On the practice of roping off an area or a building in the Agora, see Wycherley, *op. cit.*, pp. 163 ff.

In summation, the name of Lykos may have been introduced in line 389 of the *Wasps* because for some reason that name (or word) was ludicrous in a heliastic context, and not because Lykos was a special hero of the law courts. Whether this is so or not, there does seem to have been a single heroon of Lykos, and it was situated near a single law court. Consequently, when Philokleon calls upon Lykos as “neighboring hero,” the audience, who had expected to hear an appeal to Apollo, may have understood the phrase to be at once a play on a formulaic address to Apollo Agyieus, and at the same time a humorous excuse for introducing Lykos’ name. He is a neighbor of Apollo’s. There exist just west of the temenos of Apollo Patroos in the Athenian Agora benches that could have served the needs of a law court in 422. If the benches were once part of Philokleon’s court, Athenians in everyday parlance, no matter what the formal name, could have called it τὸ δικάστηριον τὸ ἐπὶ τῷ Λύκῳ.³⁶

ALAN L. BOEGEHOLD

BROWN UNIVERSITY

³⁶ References to Lykos in the *Wasps* give a suitable basis for this speculation. Pollux, VIII, 121 lists a court ἐπὶ τῷ Λύκῳ, whose existence F. Jacoby questions, because it is otherwise absent from the lexicographical tradition (*Fr. Gr. Hist.*, F59, Notes to Commentary, pp. 148, 152).



The Benches West of the Sanctuary of Apollo Patroos.

ALAN L. BOEGEHOLD: PHILOKLEON'S COURT