The interpretation of Demosthenes' speech against Zenothemis is beset with many difficulties; the final sentences are missing; the course of the affair which gave rise to the trial was a complicated one and it is particularly difficult to disentangle the facts which are juridically relevant from the incidents dwelt on by the speaker with a view to create an impression in favor of his client. One of the commentators (Philippi) has declared with good reason that the speech against Zenothemis is the most perplexing of Demosthenes' orations. This "crux interpretum" has excited special interest among students and much ingenuity has been exercised by well known writers: A. Schäfer, Thalheim, Kennedy, Philippi, Dareste, Leist, Beauchet, Mitteis, Rabel, Lipsius — have tried to solve the riddle, and we can hardly wonder at their insistence when we consider that very important points in our doctrines as to Athenian procedure and substantive law depend on its right interpretation.

I should like to offer certain considerations on the subject in the hope of receiving advice from trained philologists and jurists, the more so as my own tentative conclusions differ in certain respects from generally accepted views.

I may start with the remark that the question as to the attribution of the Speech to Demosthenes does not concern us in so far as it is a matter of personal biography; Schäfer and Lipsius deny the authorship of Demosthenes while Dareste and Mitteis
admit it. One thing seems certain: even if the speech should have been composed not by Demosthenes but by some other pleader, it is a contemporary one and is based on the facts of a real trial, not on the inventions and exercises of a school of rhetoric: the details related are too minute, their setting too concrete to justify the suspicion that we have to deal with an artificial concoction. This is, of course, of material importance, because the inquirer feels on solid ground at least in this respect and need not reckon with scholastic blunders or fictions.

The principal *dramatis personae* in the case are: Demon, an Athenian man of business, Protos, a commissioner or agent engaged in the corn trade, Hegestratos, a skipper from Massalia, Zenothemis, a Massaliot \(^1\), passenger in Hegestratos' ship, Aristophon, an agent from the Piraeus employed by Demon and other Athenian capitalists.

Hegestratos' ship sailed from Athens to Syracuse after the skipper had procured a loan from Athenian capitalists on the security of the ship's hull and armament. Besides this, one of the passengers, Protos, had obtained a sum of money from Demon with the view of buying corn in Sicily and bringing it back to Athens. These transactions had been concluded on the usual conditions of maritime loans, that is, at a high rate of interest, but at the risk of the lenders in case of shipwreck. In Syracuse Protos bought the corn and had it loaded on the ship. In the meantime Hegestros and Zenothemis borrowed money from some of their countrymen of Massalia and offered as security the ship and its cargo: the sum obtained was forwarded to Massalia. When the ship had sailed on the return journey Hegestratos tried to sink it in order to get rid of all obligations: he perished in the attempt while the ship, though damaged, reached Cephalenia. After the necessary repairs it proceeded by order of the Cephallenian authorities to Athens, although Zenothemis sought to obtain leave for it to return to Massala. On the ship's arrival

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\(^1\) DARESTE describes him as Hegestratos' mate — "second" — because he is called ἅπαξλεπτον in one passage of the speech. But as Zenothemis is mentioned later on as "επιβάτης", evidently in the sense of passenger, the word ἅπαξλεπτον must have been used before in a strain of rhetorical contempt as "retainer", "underling", and not in the sense of "mate".