

Lysias' speech against the law transcriber Nikomachos (399 BC) gives important testimony on the reauthorization of laws at Athens after 403, in light of the extant fragments of the Sacrificial Calendar (Lambert 2002). From the speech it is clear that Nikomachos' work on the calendar is the target of the lawsuit, but it is difficult to determine what exactly Nikomachos was charged with, all the more because of a singular feature of the inscription. Obligations from pre-Kleisthenic sources are prominent in the extant fragments, inscribed over a massive erasure. In seminal work on the calendar, Dow (1959–61) supposed that the extant material is Nikomachos' transcription and he is charged with deleting traditional rites that he should have retained. Robertson (1990) faulted Dow's reconstruction and suggested that the extant calendar was inscribed *over* Nikomachos' edition, to meet the demands of this accuser. Dow's theory of the case was defended by Rhodes (1991) and largely followed by Todd (1996). But Robertson makes better sense of the disparity between the charges and the calendar, and in this paper I argue that the speech (esp. §§17–21) will not support Dow's theory. Moreover, in a passage that emendations have long obscured (§§7–8), the received text reveals an allegation about the accuser that helps us to understand his complaint and why it came to court when it did.

The accuser never claims that Nikomachos omitted or deleted the obligations at issue (as Dow supposed). The offense is a crime of excess, not omission: Nikomachos included lavish expenditures which effectively preempted funding for rites preserved on *kyrbeis* and older *syngraphai* that were not part of his mandate. The fact that the extant calendar includes extensive material from *kyrbeis* virtually proves that it is not the transcription attacked in this speech. If that material in the surviving calendar represents the accuser's agenda, then the timing of the case is significant. The accuser appears to be allied with those who resided at Eleusis as a separate community under the treaty of 403; this group would include many with traditional ties and financial interests in the cult. They would resent the competing obligations that Nikomachos inscribed in 402/1, but it was only after reunification (401/0) that they regained their voice in the Athenian council and court. In the following year (400/399) there was no money for some of the traditional obligations that came due on a biennial schedule, and that shortfall was especially offensive to men like our accuser.

In the manuscripts at §§7-8 the accuser anticipates the countercharge that he had been one of the Three Hundred; he answers that he was not even listed among the Three Thousand. The first disavowed group, τριακοσίων (three times in close succession), was emended by Taylor (1739) to τετρακοσίων (the more familiar Four Hundred of 411); the ms. reading has been largely disregarded ever since. Likewise the second number, τρισχιλίων, is usually emended to πεντακισχιλίων, the Five Thousand (cf. Carey's apparatus [2007] ad loc.). But the received text makes better sense: the accuser was himself accused of serving the Thirty as one of the 300 *hyperetai*; the latter were listed among officers under the Thirty in *Ath. Pol.* 35.1 (a comparandum unavailable until the 1890s). These Three Hundred served as enforcers for the Eleven (notoriously in the arrest of Theramenes). Xenophon refers to them contemptuously as *neaniskoi*. That identification matches the accuser's protest, that many of those so accused were but *paides* at the time; and it fits with Lysias' profile of the accuser as a relatively young man. When the Thirty and their supporters withdrew to Eleusis, the Three Thousand took control of the *astu*; the accuser was not listed among them because he had gone to Eleusis. He remained there until Attica was reunited and then made his case against Nikomachos.