the precedent of Lykourgos' conviction of the Areopagite Autolykos in 338 for secreting his wife and sons out of Athens, not even for leaving the city personally. Moreover, since Leokrates' defence was based on leaving to trade in corn with cities other than Athens, an illegal activity which carried the death penalty, Lykourgos would have been extremely unlikely to have exchanged the opportunity to prosecute on concrete grounds for a specious *eisangelia* unless he was confident of success.

The procedural arguments outlined above show, at the very least, that the case was not necessarily an *agōn atimētos*, and that there may have been provision for at least one further vote on the penalty. On the basis of legal, procedural, and rhetorical arguments, moreover, it is possible to put together a strong argument that the case was an *agōn timētos* and that Lykourgos gained a conviction, failing only on the second vote on the penalty and even then, by the hairsbreadth of Aiskhines' hung jury. The traditional understanding of Aiskhines 3.252, therefore, cannot continue to be considered safe.

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