

Lysias Against Eratosthenes (adapted from Lamb 1930)

[*the interrogation*]

Lys: "Did you arrest [my brother] Polemarchus or not?"

Erat: "I was acting on the orders of the government, from fear."

Lys: "Were you in the Council chamber when the statements were being made about us?"

Erat: "I was."

Lys: "Did you speak in support or in opposition of those who were urging the death sentence ?"

Erat: "In opposition."

Lys: "You were against taking our lives?"

Erat: "Against taking your lives."

Lys: "In the belief that our fate was unjust, or just?"

Erat: "That it was unjust."

(Lysias continues:) "So then, ...you spoke in opposition to save us, but you helped in our arrest to put us to death ! And when our salvation depended on the majority of your body, you assert that you spoke in opposition to those who sought our destruction ; but when it rested with you alone to save [my brother] Polemarchus or not, you arrested him and put him in prison.

"So then, because you failed to help him, as you say, by your speech in opposition, you claim to be accounted a good citizen, while for having apprehended him and put him to death you are not to give satisfaction to me and to this court !

[Turning now to the jury] ... supposing he is truthful in asserting that he spoke in opposition, observe that there is no reason to credit his plea that he acted under orders. For I presume it was not where the resident aliens were concerned that they were going to put him to the proof. And then, who was less likely to be given such orders than the man who was found to have spoken in opposition to what they wanted done ? For who was likely to be less active in this service than the man who spoke in opposition to the object that they had at heart ? Again, the rest of the Athenians have a sufficient excuse, in my opinion, for attributing to the Thirty the responsibility for what has taken place ; but if the Thirty actually attribute it to themselves, how can you reasonably accept that ? For had there been some stronger authority in the city, whose orders were given him to destroy people in defiance of justice, you might perhaps have some reason for pardoning him ; but whom, in fact, will you ever punish, if the Thirty are to be allowed to state that they merely carried out the orders of the Thirty ? ...

Andocides' defense *On the Mysteries* (on a charge of *asebeia*/ offense against religion)
[*Andocides cites the oaths and turns then against his accusers*]

(90) But let us now see what oaths you have sworn. The common oath throughout the whole *polis*, which you all swore after the Reconciliation, is as follows: "I will not 'recall wrong' against any of the citizens for past deeds, except against the Thirty, the Eleven ..., and not even against them if they submit to accounting for their offices."

Therefore, since you swore that you would not 'recall wrong' against the Thirty, the authors of the most terrible wrongs, if they would submit to accounting, surely you should hesitate to 'recall wrong' against any of the other citizens.

But what was the oath that the members of the Council took ? It was this: "I will neither accept an information (for arrest) nor allow a lawsuit for past offenses, except in the case of the exiles." And what oath did you Athenian (jurors) take? This: "I will not 'recall wrong', nor will I be persuaded by anyone, but I will vote in accordance with the existing laws."

... Examine therefore, gentlemen (of the jury), both the laws and the accusers, that you may find out what reasons the latter possess to accuse others. In the first place, this Cephisius, having leased tax collection from the *polis* and having collected from the farmers the amount of ninety minae, did not deliver the money to the *polis* treasury and fled, for if he had made his appearance he would have been confined in the stocks. For the law authorizes the Council to confine in the stocks anyone who, having contracted to collect tax, does not pay to the treasury the amount that he has collected. But since you voted to enforce all laws from (403) the archonship of Eucleides, this fellow thinks that he is not compelled to pay to you what he has collected, and, according to the existing laws, he has become a citizen instead of an outlaw, and instead of being stripped of his own rights, he is exploits the courts as an informer.

Again, Meletus, as you all know, arrested Leon in the time of the Thirty and had him put to death without a trial, despite the fact that the law was then in force as it is now; — that the man who plots (or is accomplice in plotting) another man's death shall be held liable to the same punishment as he who actually commits the deed. So, owing to the fact that we must enforce the laws which date from the archonship of Eucleides, the sons of Leon cannot prosecute Meletus even though he ... does not deny that he brought Leon to his death.

And this fellow, Epichares, too, who is the most wicked of all ... is even now 'recalling wrong' against himself. For he served in Council under the Thirty. Yet what does the law say on the pillar in front of the Council chamber? It is this: "Whosoever shall have held any office at the time of the overthrow of the Democracy may be put to death with impunity, and he who puts him to death shall not only be free from guilt, but shall also possess the property of the deceased."

