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## DEMOSTHENES

AGAINST

MEIDIAS, ANDROTION, ARISTOCRATES,  
TIMOCRATES, ARISTOGEITON



# DEMOSTHENES

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MEIDIAS, ANDROTION, ARISTOCRATES  
TIMOCRATES, ARISTOGEITON

WITH AN ENGLISH TRANSLATION BY

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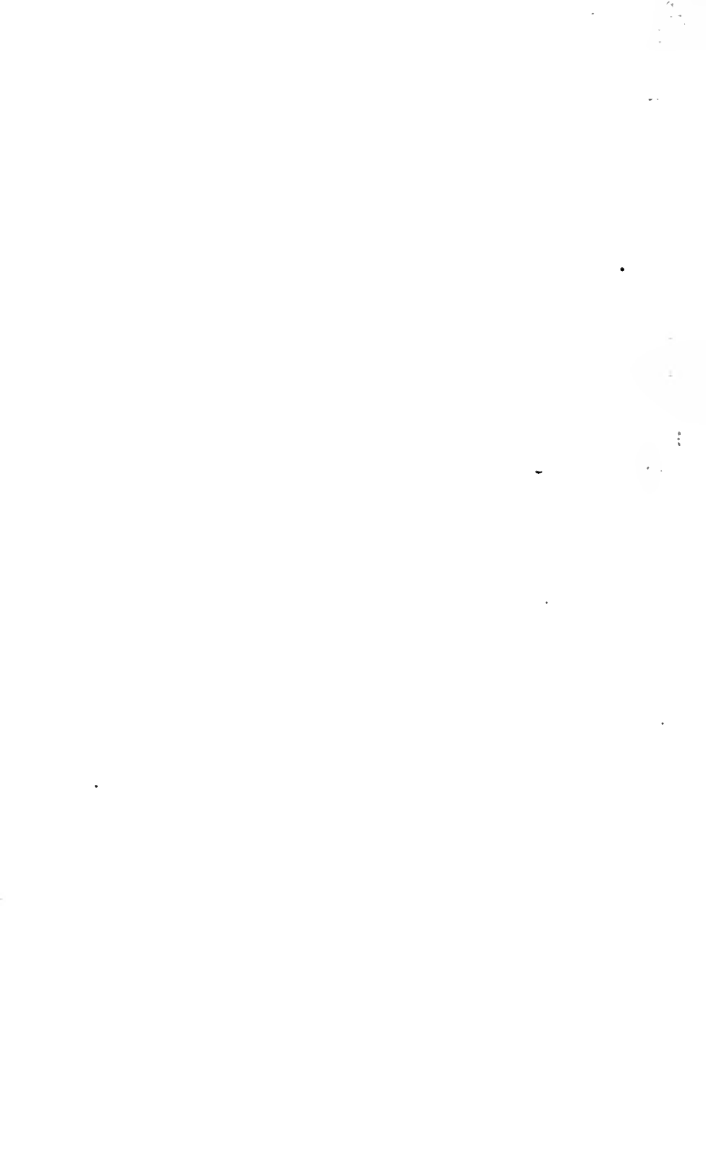
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## PREFACE

THE Greek text is that of Dindorf's third edition (Lipsiae, 1881). All deviations are recorded in the notes, except where the reading of S, rejected by Dindorf, has been restored. In the matter of elision and the spelling of certain words, more modern editors have been followed.

J. H. V.



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# AGAINST MEIDIAS

## INTRODUCTION

MEIDIAS, a rich Athenian of some political influence, but irascible and overbearing and disposed to use his wealth for private ostentation rather than for public service, was an old enemy of Demosthenes. When the latter was about to bring his action against Aphobus to recover his patrimony, Meidias with his brother Thrasylochus, a personal friend of Aphobus, came to Demosthenes and demanded that he should undertake the trierarchy which had fallen to the lot of Thrasylochus or submit to an *antidosis*, or exchange of property. The object of Thrasylochus was to obtain control of the estate of Demosthenes, in which case he would of course drop the action against Aphobus. Demosthenes thought it safer under the circumstances to accept the trierarchy, which cost him 30 *minae*.

Meidias, in visiting the house of Demosthenes, had addressed abusive language both to him and to his mother and his sister. Demosthenes therefore brought an action (*δίκη κακῆγορίας*) against him, in which the verdict went against Meidias by default. The bully managed somehow to avoid payment of damages and even avenged himself on Strato, the arbitrator before whom the action was tried, in the manner fully related in §§ 83-100 of this speech.

## AGAINST MEIDIAS

Demosthenes was choregus at the Great Dionysia of the year 351-350.<sup>a</sup> One of the days was devoted to the competition of lyric choruses. The tribe Pandionis, to which his deme of Paeonia belonged, had neglected to appoint a choregus for this service, and Demosthenes voluntarily undertook it. On the day of the performance, when Demosthenes was seated in state in the orchestra, awaiting the entry of the chorus, Meidias came up to him and struck him in the face with the clenched fist. Demosthenes made no resistance to this violation of the place and occasion, but after the festival, when a special meeting of the Assembly was held to consider any matters relating to the Dionysia, he entered a complaint against Meidias. In this form of procedure (*προβολή*), of which we have no other example, the plaintiff brought his case before the people in order to secure a preliminary vote in his favour. Arguments on both sides were heard, and if the plaintiff obtained a vote against the defendant (*καταχειροτονία*), he was then at liberty to bring his case before the heliastic courts, with the moral support of this popular verdict. *Προβολή* was employed against magistrates guilty of misdemeanours, "sycophants," and citizens who had outraged the sanctity of such festivals as the Dionysia and the Eleusinian mysteries. A young and rising man like Demosthenes would naturally be anxious to secure the countenance of the people in attacking the rich and influential Meidias; and at the *προβολή* he gained an unanimous vote. But instead of following

<sup>a</sup> The date is not quite certain. Dem. speaks of himself (§ 154) as being 32 years old, but his birth is now generally assigned to 384. Possibly the *δύο* of the text is a corruption of *δ'* (= 4).

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up his success with an action in the courts, while popular indignation was still on his side, he waited and finally accepted from Meidias the sum of 30 *minae*. The authority for this is Aeschines (iii. 52), supported by Plutarch (c. 12). Perhaps he feared the effect of a possible failure upon his own political career; perhaps he wished not to quarrel unnecessarily with Eubulus, the powerful and respectable politician, whose goodwill was of great value and who, for unknown reasons, had ranged himself with the supporters of Meidias.

The speech, therefore, was never delivered, and, although it is indisputably authentic, it seems improbable that it was published by Demosthenes himself. (1) We can hardly believe that, with Meidias's hush-money in his pocket, he invited his fellow-citizens to read a composition in which he treats the prosecution as a solemn public duty. (2) There are clear indications that the speech lacks its final revision. Two of these may be noted: (*a*) an ethical passage, with an ingenious analogy, which appears first in § 101, is repeated with variations in §§ 184, 185; and (*b*) § 23, as it stands, is an introductory passage which introduces nothing: the speech gains in continuity if it is transferred, as Prof. Goodwin suggests, to a position immediately preceding § 128.

The speech is notable as being the earliest in which the Demosthenic note of *δεινότης* (terrible earnestness) is heard, but it leaves an unpleasant impression. In the pathetic passages we remember the trivial occasion of the action, nor can the victim's indignation hide the fact that he accepted a compromise. Mr. John Morley's criticism of Burke will apply equally to the Greek orator: "As is usual with a man



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who has no true humour, Burke is also without true pathos. The thought of wrong or misery moved him less to pity for the victim, than to anger against the cause." (*Burke*, "English Men of Letters," p. 212.)

# ΔΗΜΟΣΘΕΝΟΥΣ

## XXI. ΚΑΤΑ ΜΕΙΔΙΟΥ

Τὴν μὲν ἀσέλγειαν, ὧ ἄνδρες δικασταί, καὶ τὴν ὕβριν, ἣ πρὸς ἅπαντας αἰεὶ χρῆται Μειδίας, οὐδέν' οὐθ' ὑμῶν οὔτε τῶν ἄλλων πολιτῶν ἀγνοεῖν οἶομαι. ἐγὼ δ', ὅπερ ἂν καὶ ὑμῶν ἕκαστος ὑβρισθεὶς προεῖλετο πράξαι, τοῦτο καὶ αὐτὸς ἐποίησα, καὶ προὔβαλόμην ἀδικεῖν τοῦτον περὶ τὴν ἑορτήν, οὐ μόνον πληγὰς ὑπ' αὐτοῦ λαβὼν τοῖς Διονυσίοις, ἀλλὰ καὶ ἄλλα πολλὰ καὶ βίαια παθὼν παρὰ πᾶσαν

<sup>2</sup> τὴν χορηγίαν. ἐπειδὴ δὲ καλῶς καὶ τὰ δίκαια ποιῶν ὁ δῆμος ἅπας οὕτως ὠργίσθη καὶ παρωξύνθη καὶ σφόδρ' ἐσπούδασεν ἐφ' οἷς ἡδίκημένω μοι συνήδει, ὥστε πάντα ποιούντος τούτου καὶ

[515] τινῶν ἄλλων ὑπὲρ αὐτοῦ οὐκ ἐπίσθη οὐδ' ἀπέβλεψεν εἰς τὰς οὐσίας τὰς τούτων οὐδὲ τὰς ὑποσχέσεις, ἀλλὰ μιᾷ γνώμῃ κατεχειροτόνησεν αὐτοῦ, πολλοὶ μοι προσιόντες, ὧ ἄνδρες δικασταί, καὶ τῶν ἐν τῷ δικαστηρίῳ νῦν ὄντων ὑμῶν καὶ τῶν ἄλλων πολιτῶν ἠξίουσιν καὶ παρεκελεύοντ' ἐπεξελεθεῖν καὶ παραδοῦναι τοῦτον εἰς ὑμᾶς, ὡς μὲν ἐμοὶ δοκεῖ, δι' ἀμφοτέρ', ὧ ἄνδρες Ἀθηναῖοι, νῆ τοὺς θεοὺς, καὶ δεινὰ πεπονθέναι νομίζοντες ἐμὲ καὶ

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THE brutality and insolence with which Meidias treats everyone alike are, I suppose, as well known to you, gentlemen of the jury, as to all other citizens. For myself, I have simply taken the course which anyone of you would have adopted, had he been the victim of a similar outrage. I lodged a plaint in the Assembly against him as an offender in connexion with the festival, not only for his assault on my person at the Dionysia, but for many other acts of violence during the whole period when I served as chorus-master. But when the whole people, acting honourably and rightly, evinced such anger, such exasperation, such deep concern at the wrongs which they knew I had suffered, that, in spite of the frantic efforts of the defendant and a few supporters, they were deaf to their arguments, shut their eyes to their wealth and their promises, and condemned him by an unanimous show of hands, thereupon, gentlemen of the jury, many citizens, including some of you who are here in court, came to me and demanded and even implored that I should take the further step of bringing Meidias under your jurisdiction ; and they did so, I think, for two reasons, men of Athens, because, so help me heaven ! they thought that my own wrongs were

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δίκην ἅμα βουλόμενοι λαβεῖν ὧν ἐπὶ τῶν ἄλλων  
 ἐτεθέαντο θρασὺν ὄντα καὶ βδελυρὸν καὶ οὐδὲ  
 3 καθεκτὸν ἔτι. οὕτω δὲ τούτων ἐχόντων, ὅσα μὲν  
 παρ' ἐμοῦ προσήκε φυλαχθῆναι, πάντα δικαίως  
 ὑμῖν τετήρηται, καὶ κατηγορήσων, ἐπειδὴ τις  
 εἰσάγει, πάρειμι, ὡς ὄρατε, πολλὰ μὲν, ὧ ἄνδρες  
 Ἀθηναῖοι, χρήματ' ἐξόν μοι λαβεῖν ὥστε μὴ κατ-  
 ηγορεῖν, οὐ λαβών, πολλὰς δὲ δεήσεις καὶ χάριτας  
 4 καὶ νῆ Δί' ἀπειλὰς ὑπομείνας. ἃ δ' ἐν ὑμῖν μετὰ  
 ταῦτ' ἐστὶν ὑπόλοιπα, ὅσῳ πλείοσιν οὗτος ἠνώ-  
 χληκε καὶ περιήγγελκεν (ἑώρων γὰρ αὐτὸν ἄρτι πρὸ  
 τῶν δικαστηρίων οἱ ἐποίει), τοσοῦτω μᾶλλον  
 ἐλπίζω τὸ δίκαιον ἔξειν. οὐ γὰρ ἂν καταγνοίην  
 ὑμῶν οὐδενὸς οὔθ' ὡς περὶ ὧν πρὸς ἔμ' ἐσπου-  
 δάσατ' αὐτοί, τούτων ἀμελήσετε, οὔθ' ὡς, ἵνα  
 Μειδίας ἀδεῶς τὸ λοιπὸν ὑβρίζει, ψηφιεῖται τις  
 ὑμῶν ὁμωμοκῶς ἄλλο τι πλὴν ὅ τι ἂν δίκαιον  
 5 ἡγῆται. εἰ μὲν οὖν, ὧ ἄνδρες Ἀθηναῖοι, παρα-  
 νόμων ἢ παραπρεσβείας ἢ τινος ἄλλης αἰτίας  
 ἔμελλον αὐτοῦ κατηγορεῖν τοιαύτης, οὐδὲν ἂν ὑμῶν  
 [516] ἡξιῶν δεῖσθαι, νομίζων τῷ μὲν κατηγορῶ περι  
 τῶν τοιούτων προσήκειν ἐλέγχειν μόνον, τῷ δὲ  
 φεύγοντι καὶ παραιτεῖσθαι. ἐπειδὴ δὲ τοὺς τε  
 κριτὰς διαφθείραντος τούτου καὶ διὰ τοῦτο τῆς  
 6 φυλῆς ἀδίκως ἀφαιρεθείσης τὸν τρίποδα, καὶ αὐτὸς  
 πληγὰς εἰληφὼς καὶ ὑβρισμένος οἱ οὐκ οἶδ'  
 εἶ τις ἄλλος πώποτε χορηγὸς ὑβρίσθη, ἣν ὑπὲρ  
 τούτων ἀγανακτήσας καὶ συνοργισθεὶς καταχειρο-  
 τονίαν ὁ δῆμος ἐποιήσατο, ταύτην εἰσέρχομαι, οὐκ  
 8

## AGAINST MEIDIAS, 2-6

serious, and they also wished to punish Meidias for conduct which they had witnessed on other occasions, as a scoundrel and a ruffian who could no longer be tolerated. This being so, I have in your interests <sup>3</sup> taken all due precautions, and now that the case is before the court, I am here, as you see, to accuse him, having refused large sums of money, men of Athens, which I might have accepted on condition of dropping the prosecution, and having had to steel myself against many appeals and favourable offers—yes, and even menaces. What yet remains to do is in your <sup>4</sup> hands ; but my hope is that the more the defendant has pestered you with his solicitations—I observed just now what he was up to in front of the courthouse—the more likely I am to obtain justice. For I would not insult any of you by imagining that you will be indifferent to the cause in which you so heartily supported me before, or that, in order to grant Meidias immunity for future outrages, any juryman remembering his oath will give other than what he considers a righteous verdict. Now if, men of Athens, <sup>5</sup> I were going to accuse Meidias of unconstitutional proposals or of misconduct on an embassy or of any offence of that sort, I should not feel justified in appealing for your sympathy, for I consider that in such cases the plaintiff ought to confine himself to proving his case, though the defendant may have recourse to prayers. But since Meidias bribed the umpires and so robbed my tribe unfairly of the prize, since I in person was struck by him and insulted as <sup>6</sup> perhaps no chorus-master was ever insulted before, and since I am here to follow up the verdict which the Assembly pronounced in indignation and anger at such conduct, for these reasons I shall not shrink even

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ὀκνήσω καὶ δεῖσθαι. εἰ γὰρ οἶόν τε τοῦτ' εἰπεῖν, ἐγὼ νῦν φεύγω, εἶπερ ὑβρισθέντα μηδεμιᾶς δίκης  
 7 τυχεῖν ἐστί τις συμφορά. δέομαι οὖν ὑμῶν ἀπάντων, ὧ ἄνδρες δικασταί, καὶ ἱκετεύω πρῶτον μὲν εὐνοϊκῶς ἀκούσαί μου λέγοντος, ἔπειτ', ἐὰν ἐπιδείξω Μειδίαν τουτονὶ μὴ μόνον εἰς ἐμέ, ἀλλὰ καὶ εἰς ὑμᾶς καὶ εἰς τοὺς νόμους καὶ εἰς τοὺς ἄλλους ἅπαντας ὑβρικότα, βοηθῆσαι καὶ ἐμοὶ καὶ ὑμῖν αὐτοῖς. καὶ γὰρ οὕτω πως ἔχει, ὧ ἄνδρες Ἀθηναῖοι· ὑβρισμαὶ μὲν ἐγὼ καὶ προπετηλάκισται τὸ σῶμα τοῦμόν τότε, ἀγωνιεῖται δὲ καὶ κριθήσεται τὸ πρᾶγμα νυνί, πότερον ἐξεῖναι δεῖ τὰ τοιαῦτα ποιεῖν καὶ εἰς τὸν τυχόνθ' ὑμῶν ἀδεῶς ὑβρίζειν,  
 8 ἢ μή. εἴ τις οὖν ὑμῶν ἄρα καὶ τὸν ἔμπροσθεν χρόνον τῶν ἰδίων τινὸς ἔνεκα γίνεσθαι τὸν ἀγῶνα τόνδ' ὑπελάμβανεν, ἐνθυμηθεῖς νῦν ὅτι δημοσίᾳ συμφέρει μηδενὶ μηδὲν ἐξεῖναι τοιοῦτο ποιεῖν, ὡς ὑπὲρ κοινοῦ τοῦ πράγματος ὄντος, καὶ προσέχων ἀκουσάτω, καὶ τὰ φαινόμεν' αὐτῷ δικαιοτάτ' εἶναι ταῦτα ψηφισάσθω. ἀναγνώσεται δὲ πρῶτον μὲν ὑμῖν τὸν νόμον, καθ' ὃν εἰσὶν αἱ προβολαί· μετὰ ταῦτα δὲ καὶ περὶ τῶν ἄλλων πειράσομαι διδάσκειν.  
 [517] Λέγε τὸν νόμον.

### ΝΟΜΟΣ

[Τοὺς πρυτάνεις ποιεῖν ἐκκλησίαν ἐν Διονύσου τῇ ὑστεραίᾳ τῶν Πανδίων. ἐν δὲ ταύτῃ χρηματίζειν πρῶτον μὲν περὶ ἱερῶν, ἔπειτα τὰς προβολὰς παραδιδότωσαν τὰς γεγενημένας ἔνεκα τῆς πομπῆς ἢ τῶν ἀγῶνων τῶν ἐν τοῖς Διονυσίοις, ὅσαι ἂν μὴ ἐκτετισμέναι ᾦσιν.]

9 Ὁ μὲν νόμος οὗτός ἐστιν, ὧ ἄνδρες Ἀθηναῖοι, καθ' ὃν αἱ προβολαὶ γίνονται, λέγων, ὡσπερ

## AGAINST MEIDIAS, 6-9

from an appeal to you. For, if I may say so, it is now I who am in the position of a defendant, if indeed to obtain no redress for an insult is the real calamity. Therefore, gentlemen of the jury, I appeal to you <sup>7</sup> all, and implore you first to grant me a favourable hearing, and secondly, if I prove that the insults of Meidias touch, not me only, but you and the laws and the whole body of citizens, to come at once to my rescue and to your own. For the case stands thus, Athenians. I was the victim and it was my person that was then outraged ; but now the question to be fought out and decided is whether Meidias is to be allowed to repeat his performances and insult anyone and everyone of you with impunity. Therefore if <sup>8</sup> perhaps anyone of you hitherto assumed that this action was brought from private motives, when he now reflects that this is a matter of general concern, and that public interest demands that no one shall be allowed to act in this way, let him grant me an attentive hearing, and then let him give what seems to him the fairest verdict.

But first the clerk shall read you the law which provides for the lodging of complaints in the Assembly ; after that I will try to enlighten you on other points. Recite the law.

### THE LAW

[The Prytanes shall call a meeting of the Assembly in the temple of Dionysus on the day next after the Pandia. At this meeting they shall first deal with religious matters ; next they shall lay before it the complaints lodged concerning the procession or the contests at the Dionysia, namely such as have not been satisfied.]

This is the law, Athenians, which provides for the <sup>9</sup> lodging of a complaint. It directs, as you have heard,

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ἠκούσατε, ποιεῖν τὴν ἐκκλησίαν ἐν Διονύσου μετὰ τὰ Πάνδια, ἐν δὲ ταύτῃ ἐπειδὴν χρηματίσωσιν οἱ πρόεδροι περὶ ὧν διώκηκεν ὁ ἄρχων, χρηματίζεῖν καὶ περὶ ὧν ἂν τις ἠδίκηκώς ἢ περὶ τὴν ἑορτὴν ἢ παρανενομηκώς, καλῶς, ὧ ἄνδρες Ἀθηναῖοι, καὶ συμφερόντως ἔχων ὁ νόμος, ὡς τὸ πρᾶγμ' αὐτὸ μαρτυρεῖ. ὅπου γὰρ ἐπόντος τοῦ φόβου τούτου φαίνονται τινες οὐδὲν ἤττον ὑβρισταί, τί χρὴ τοὺς τοιούτους προσδοκᾶν ἂν ποιεῖν, εἰ μηδεὶς ἐπὶ ἄγων μὴδὲ κίνδυνος;

- 10 Βούλομαι τοίνυν ὑμῖν καὶ τὸν ἐξῆς ἀναγνῶναι νόμον τούτῳ· καὶ γὰρ ἐκ τούτου φανερὰ πᾶσιν ὑμῖν ἢ τε τῶν ἄλλων ὑμῶν εὐλάβεια γενήσεται καὶ τὸ τούτου θράσος. Λέγε τὸν νόμον.

### ΝΟΜΟΣ

[Εὐήγορος εἶπεν, ὅταν ἡ πομπὴ ἢ τῷ Διονύσῳ ἐν Πειραιεὶ καὶ οἱ κωμῳδοὶ καὶ οἱ τραγωδοί, καὶ ἡ ἐπὶ Ληναίῳ πομπὴ καὶ οἱ τραγωδοὶ καὶ οἱ κωμῳδοί, καὶ τοῖς ἐν ἄστει Διονυσίοις ἡ πομπὴ καὶ οἱ παῖδες καὶ ὁ κῶμος καὶ οἱ κωμῳδοὶ καὶ οἱ τραγωδοί, καὶ Θαρρηγίλων τῇ πομπῇ καὶ τῷ ἀγωνί μὴ ἐξεῖναι μήτε ἐνεχυράσαι  
[518] μήτε λαμβάνειν ἕτερον ἑτέρον, μὴδὲ τῶν ὑπερημέρων, ἐν ταύταις ταῖς ἡμέραις. ἐὰν δέ τις τούτων τι παραβαίῃ, ὑπόδικος ἔστω τῷ παθόντι, καὶ προβολαὶ αὐτοῦ ἔστωσαν ἐν τῇ ἐκκλησίᾳ τῇ ἐν Διονύσου ὡς ἀδικούντος, καθὰ περὶ τῶν ἄλλων τῶν ἀδικούντων γέγραπται.]

- 11 Ἐνθυμείσθ', ὧ ἄνδρες δικασταί, ὅτι ἐν τῷ προτέρῳ νόμῳ κατὰ τῶν περὶ τὴν ἑορτὴν ἀδικούντων οὕσης τῆς προβολῆς, ἐν τούτῳ καὶ κατὰ τῶν τοὺς ὑπερημέρους εἰσπραττόντων ἢ καὶ ἄλλ' ὅτιοῦν τινὸς λαμβανόντων ἢ βιαζομένων ἐποιήσατε τὰς



## AGAINST MEIDIAS, 9-11

that a meeting of the Assembly shall be held in the temple of Dionysus after the Pandia, and that at this meeting, when the chairmen for the day have dealt with the official acts of the chief Archon, they shall also deal with any offences or illegal acts in connexion with the festival—a sound and expedient law, Athenians, as the facts of the present case attest. For when it appears that certain persons, with this threat overhanging them, can be as insolent as ever, how should we expect that such men would behave, if there were no risk and no trial to be faced?

Now I want to read to you the next law as well, <sup>10</sup> because it will illustrate to all of you the self-restraint of the citizens in general and the hardihood of the defendant. Read the law.

### THE LAW

[Evegorus proposed that, on the occasion of the procession in honour of Dionysus in Peiraeus with the comedies and tragedies, the procession at the Lenaeum with the comedies and tragedies, the procession at the City Dionysia with the boys' contests and the revel and the comedies and tragedies, and also at the procession and contest of the Thargelia, it shall not be lawful on those days to distrain or to seize any debtors' property, even if they are defaulters. If anyone transgresses any of these regulations, he shall be liable to prosecution by the aggrieved party, and public complaints against him as an offender may be lodged at the meeting of the Assembly in the temple of Dionysus, as is provided by statute in the case of other offenders.]

You will observe, gentlemen of the jury, that <sup>11</sup> whereas in the first law the public complaint may be lodged against those who violate the laws of the festival, in the latter law you have sanctioned complaints against those who exact money from defaulting debtors or seize any property or use violence to that

προβολάς.] οὐ γὰρ ὅπως τὸ σῶμ' ὑβρίζεσθαι τινος ἐν ταύταις ταῖς ἡμέραις, ἢ τὴν παρασκευὴν ἦν ἂν ἐκ τῶν ἰδίων πορίσαιτό τις εἰς λητουργίαν, ὤεσθε χρῆναι, ἀλλὰ καὶ τὰ δίκη καὶ ψήφῳ τῶν ἐλόντων γιγνόμενα τῶν ἠλωκότων καὶ κεκτημένων ἐξ ἀρχῆς 12 τὴν γοῦν ἑορτὴν ἀπεδώκατ' εἶναι. ὑμεῖς μὲν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, πάντες εἰς τοσοῦτον ἀφίχθε φιλανθρωπίας καὶ εὐσεβείας, ὥστε καὶ τῶν πρότερον γεγενημένων ἀδικημάτων τὸ λαμβάνειν δίκην ἐπέσχετε ταύτας τὰς ἡμέρας· Μειδίας δ' ἐν αὐταῖς ταύταις ταῖς ἡμέραις ἄξια τοῦ δοῦναι τὴν ἐσχάτην δίκην ποιῶν δειχθήσεται. βούλομαι δ' ἕκαστον ἀπ' ἀρχῆς ὧν πέπονθ' ἐπιδείξας, καὶ περὶ τῶν πληγῶν εἰπεῖν, ἃς τὸ τελευταῖον προσενέτεινέ μοι· ἐν γὰρ οὐδέν ἐστιν ἐφ' ᾧ τῶν πεπραγμένων οὐ δίκαιος ὧν ἀπολωλέναι φανήσεται.

13 Ἐπειδὴ γὰρ οὐ καθεστηκότος χορηγοῦ τῇ Πανδιονίδι φυλῇ τρίτον ἔτος τουτί, παρουσίας δὲ τῆς [519] ἐκκλησίας ἐν ἧ τὸν ἄρχοντ' ἐπικληροῦν ὁ νόμος τοῖς χοροῖς τοὺς αὐλητὰς κελεύει, λόγων καὶ λαιδορίας γιγνομένης, καὶ κατηγοροῦντος τοῦ μὲν ἄρχοντος τῶν ἐπιμελητῶν τῆς φυλῆς, τῶν δ' ἐπιμελητῶν τοῦ ἄρχοντος, παρελθὼν ὑπεσχόμεν ἐγὼ χορηγήσειν ἐθελοντῆς, καὶ κληρουμένων πρῶτος 14 αἰρεῖσθαι τὸν αὐλητὴν ἔλαχον, ὑμεῖς μὲν, ὦ ἄνδρες Ἀθηναῖοι, πάντες ἀμφοτέρ' ὡς οἶόν τε μάλιστ' ἀπεδέξασθε, τὴν τ' ἐπαγγελίαν τὴν ἐμὴν καὶ τὸ συμβὰν ἀπὸ τῆς τύχης, καὶ θόρυβον καὶ κρότον τοιοῦτον ὡς ἂν ἐπαινοῦντές τε καὶ συνησθέντες ἐποιήσατε, Μειδίας δ' οὕτοσι μόνος τῶν πάντων,

<sup>a</sup> Elected, one from each tribe, to help the Archon in directing the procession at the Dionysia.

end. So far from thinking it right that any man's person should be outraged on those days, or that any equipment should be damaged which a citizen provides out of his private means for a public service, you have even conceded that what by law and by verdict belongs to the winner of a suit should remain the property of the loser and original owner, at any rate during the festival. You therefore, Athenians, have <sup>12</sup> all risen to such a height of benevolence and piety that during those days you have even suspended the exaction of penalties due for past offences; but Meidias, as I shall prove, chose those very same days to commit offences that call for the severest punishment. I intend to describe in order each outrage of which I have been the victim, before I speak of the blows in which his attacks culminated, for there is not a single one of those attacks for which he will not be shown to have deserved death.

Two years ago the tribe of Pandionis had failed to <sup>13</sup> appoint a chorus-master, and when the Assembly met at which the law directs the Archons to assign the flute-players by lot to the choruses, there was a heated discussion and mutual recrimination between the Archon and the overseers of the tribe.<sup>a</sup> Thereupon I came forward and volunteered to act as chorus-master, and at the drawing of the lots I was fortunate enough to get first choice of a flute-player. You, Athenians, all of you, welcomed with the utmost <sup>14</sup> cordiality both these incidents—my voluntary offer and my stroke of luck; and your cheers and applause expressed your approval of my conduct and your sympathy with my good fortune. But there seems to have been one solitary exception, Meidias, who in

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ὡς ἔοικεν, ἠχθέσθη, καὶ παρηκολούθησε παρ' ὄλην  
 τὴν λητουργίαν ἐπηρεάζων μοι συνεχῶς καὶ μικρὰ  
 15 καὶ μείζω. ὅσα μὲν οὖν τοὺς χορευτὰς ἐναντιού-  
 μενος ἡμῖν ἀφεθῆναι τῆς στρατείας ἠνώχλησεν, ἢ  
 προβαλλόμενος καὶ κελεύων ἑαυτὸν εἰς Διονύσια  
 χειροτονεῖν ἐπιμελητήν, ἢ τὰλλα πάνθ' ὅσα τοιαῦτα,  
 εἶασω· οὐ γὰρ ἀγνοῶ τοῦθ', ὅτι τῷ μὲν ἐπηρεαζο-  
 μένω τότ' ἐμοὶ καὶ ὑβριζομένω τὴν αὐτὴν ὄργην  
 ἕκαστον τούτων ἦν περ' ἄλλ' ὅτι οὖν τῶν δεινοτάτων  
 παρίσθη, ὑμῖν δὲ τοῖς ἄλλοις, ἔξω τοῦ πράγματος  
 οὖσιν, οὐκ ἂν ἴσως ἄξια ταῦτα καθ' αὐτ' ἀγῶνος  
 φανείη· ἀλλ' ἂ πάντες ὁμοίως ἀγανακτήσετε, ταῦτ'  
 16 ἐρῶ. ἔστι δ' ὑπερβολὴ τῶν μετὰ ταῦθ' ἂ μέλλω  
 λέγειν, καὶ οὐδ' ἂν ἐπεχείρησ' ἔγωγε κατηγορεῖν  
 αὐτοῦ νῦν, εἰ μὴ καὶ τότ' ἐν τῷ δήμῳ παραχρῆμ'  
 ἐξήλεγξα. τὴν γὰρ ἐσθῆτα τὴν ἱεράν (ἱεράν γὰρ  
 ἔγωγε νομίζω πᾶσαν ὅσῃν ἂν τις ἔνεκα τῆς ἑορτῆς  
 παρασκευάζεται, ἕως ἂν χρησθῆ) καὶ τοὺς στεφά-  
 [520] νους τοὺς χρυσοῦς, οὓς ἐποιησάμην ἐγὼ κόσμον  
 τῷ χορῷ, ἐπεβούλευσεν, ὧ ἄνδρες Ἀθηναῖοι, δια-  
 φθεῖραί μοι νύκτωρ ἐλθὼν ἐπὶ τὴν οἰκίαν τὴν τοῦ  
 χρυσοχόου. καὶ διέφθειρεν, οὐ μέντοι πᾶσαν γε·  
 οὐ γὰρ ἐδυνήθη. καὶ τοιοῦτον οὐδεὶς πώποτ'  
 οὐδένα φησὶν ἀκηκοέναι τολμήσαντ' οὐδὲ ποιήσαντ'  
 17 ἐν τῇ πόλει. οὐκ ἀπέχρησε δ' αὐτῷ τοῦτο, ἀλλὰ  
 καὶ τὸν διδάσκαλον, ὧ ἄνδρες Ἀθηναῖοι, διέφθειρέ  
 μου τοῦ χοροῦ· καὶ εἰ μὴ Τηλεφάνης ὁ αὐλητῆς  
 ἀνδρῶν βέλτιστος περὶ ἐμὲ τότ' ἐγένετο, καὶ τὸ  
 πράγμ' αἰσθόμενος τὸν ἄνθρωπον ἀπελάσας αὐτὸς  
 συγκροτεῖν καὶ διδάσκειν ᾤετο δεῖν τὸν χορόν,  
 οὐδ' ἂν ἠγωνισάμεθ', ὧ ἄνδρες Ἀθηναῖοι, ἀλλ'

his chagrin kept up a constant fire of insults, trifling or serious, during the whole period of my service. Now 15 the trouble that he caused by opposing the exemption of our chorus from military service, or by putting himself forward as overseer at the Dionysia and demanding election, these and other similar annoyances I will pass over in silence ; for I am not unaware that although to myself, the victim of his persecution and insolence, each of these acts caused as much irritation as any really serious offence, yet to the rest of you, who were not directly concerned, these things in themselves would hardly seem to call for litigation. I shall therefore confine myself to what will excite indignation in all of you alike. His subsequent con- 16 duct, which I am now going to describe, passes all limits ; and indeed I should never have ventured to arraign him to-day, had I not previously secured his immediate conviction in the Assembly. The sacred apparel—for all apparel provided for use at a festival I regard as being sacred until after it has been used—and the golden crowns, which I ordered for the decoration of the chorus, he plotted to destroy, men of Athens, by a nocturnal raid on the premises of my goldsmith. And he did destroy them, though not completely, for that was beyond his power. And no one can say that he ever yet heard of anyone daring or perpetrating such an outrage in this city. But not content with 17 this, men of Athens, he actually corrupted the trainer of my chorus ; and if Telephanes, the flute-player, had not proved the staunchest friend to me, if he had not seen through the fellow's game and sent him about his business, if he had not felt it his duty to train the chorus and weld them into shape himself, we could not have taken part in the competition,

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- ἀδίδακτος ἂν εἰσῆλθεν ὁ χορὸς καὶ πράγματ'  
 αἰσχιστ' ἂν ἐπάθομεν. καὶ οὐδ' ἐνταῦθ' ἔστη τῆς  
 ὕβρεως, ἀλλὰ τοσοῦτον αὐτῷ περιῆν ὥστε τὸν  
 ἐστεφανωμένον ἄρχοντα διέφθειρε, τοὺς χορηγούς  
 συνῆγεν ἐπ' ἐμέ, βοῶν, ἀπειλῶν, ὀμνύουσι παρ-  
 εστηκῶς τοῖς κριταῖς, τὰ παρασκήνια φράττων,  
 προσηλῶν ἰδιώτης ὢν τὰ δημόσια, κακὰ καὶ  
 18 πράγματ' ἀμύθητά μοι παρέχων διετέλεσεν. καὶ  
 τούτων, ὅσα γ' ἐν τῷ δήμῳ γέγονεν ἢ πρὸς τοῖς  
 κριταῖς ἐν τῷ θεάτρῳ, ὑμεῖς ἐστέ μοι μάρτυρες  
 πάντες, ἄνδρες δικασταί. καίτοι τῶν λόγων τού-  
 τους χρῆ δικαιοτάτους ἠγεῖσθαι, οὓς ἂν οἱ καθ-  
 ἦμενοι τῷ λέγοντι μαρτυρῶσιν ἀληθεῖς εἶναι. προσ-  
 διαφθείρας τοίνυν τοὺς κριτὰς τῷ ἀγῶνι τῶν  
 ἀνδρῶν, δύο ταῦθ' ὡσπερὶ κεφάλαι' ἐφ' ἅπασι  
 τοῖς ἑαυτῷ νεοεανιευμένοις ἐπέθηκεν, ἐμοῦ μὲν  
 ὕβρισε τὸ σῶμα, τῇ φυλῇ δὲ κρατούσῃ τὸν ἀγῶν'  
 [521] αἰτιώτατος τοῦ μὴ νικῆσαι κατέστη.
- 19 Τὰ μὲν οὖν εἰς ἐμέ καὶ τοὺς φυλέτας ἠσεληγημένα  
 καὶ περὶ τὴν ἑορτὴν ἀδικήματα τούτῳ πεπραγμένα,  
 ἐφ' οἷς αὐτὸν προῦβαλόμην, ταῦτ' ἔστιν, ὧ ἄνδρες  
 Ἀθηναῖοι, καὶ πόλλ' ἕτερα, ὧν ὅσ' ἂν οἶός τ' ὧ  
 διέξειμι πρὸς ὑμᾶς αὐτίκα δὴ μάλα. ἔχω δὲ  
 λέγειν καὶ πονηρίας ἑτέρας παμπληθεῖς αὐτοῦ καὶ  
 ὕβρεις εἰς πολλοὺς ὑμῶν καὶ τολμήματα τοῦ μιαιοῦ  
 20 τούτου πολλὰ καὶ δεινά, ἐφ' οἷς τῶν πεπονηθότων  
 οἱ μὲν, ὧ ἄνδρες δικασταί, καταδείσαντες τοῦτον  
 καὶ τὸ τούτου θράσος καὶ τοὺς περὶ αὐτὸν ἐταίρους

<sup>a</sup> Rooms projecting R. and L. from the back-scene, and giving access to the orchestra for the dithyrambic chorus.

Athenians ; the chorus would have come in untrained and we should have been covered with ignominy. Nor did his insolence stop even there. It was so unrestrained that he bribed the crowned Archon himself ; he banded the choristers against me ; he bawled and threatened, standing beside the umpires as they took the oath ; he blocked the gangways from the wings,<sup>a</sup> nailing up those public thoroughfares without public authority ; he never ceased to cause me untold damage and annoyance. Of those outrages which 18 were committed in public or before the umpires in the theatre, you are yourselves my witnesses, all of you, gentlemen of the jury. And surely the statements on which most reliance should be placed are those of which the jury can themselves attest the truth. So after he had already corrupted the umpires in the men's contest, he put the cap, as it were, on all his previous acts of wantonness by two outrages : he assaulted my person, and he was chiefly responsible for preventing my tribe, which was winning, from gaining the prize.

These were the crimes and brutalities which Meidias 19 committed in connexion with the festival against my fellow-tribesmen and myself. It was for these, men of Athens, that I lodged my public plaint ; and there are many besides, of which I will describe to you immediately as many as I can. But I have to tell of many other acts of unmitigated rascality and insolence, directed against many of yourselves, and many daring crimes of this blackguard. Some of his 20 victims, gentlemen of the jury, suffered in silence, because they were cowed by him and his self-con-

Meidias apparently compelled them to enter by the *πάροδοι*, like a tragic chorus. See Haigh's *Attic Theatre*, p. 117.

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καὶ πλοῦτον καὶ τᾶλλα δὴ ὅσα πρόσεσι τούτῳ, ἡσυχίαν ἔσχον, οἱ δ' ἐπιχειρήσαντες δίκην λαμβάνειν οὐκ ἔδυνήθησαν, εἰσὶ δ' οἱ διελύσαντο, ἴσως λυσιτελεῖν ἡγούμενοι. τὴν μὲν οὖν ὑπὲρ αὐτῶν δίκην ἔχουσιν οἱ γε πεισθέντες, τῆς δ' ὑπὲρ τῶν νόμων, οὓς παραβάς οὗτος κάκείνους ἠδίκηει καὶ νῦν ἐμὲ καὶ πάντας τοὺς ἄλλους, ὑμεῖς ἐστὲ κληρο-  
 21 νόμοι. πάντων οὖν ἀθρόων ἐν τίμημα ποιήσασθε, ὅ τι ἂν δίκαιον ἡγήσθε· ἐξελέγξω δὲ πρῶτον μὲν ὅσ' αὐτὸς ὑβρίσθη, ἔπειθ' ὅσ' ὑμεῖς· μετὰ ταῦτα δὲ καὶ τὸν ἄλλον, ὧ ἄνδρες Ἀθηναῖοι, βίον αὐτοῦ πάντ' ἐξετάσω, καὶ δείξω πολλῶν θανάτων, οὐχ ἐνὸς ὄντ' ἄξιον. Λέγε μοι τὴν τοῦ χρυσοχόου πρώτην λαβὼν μαρτυρίαν.

### ΜΑΡΤΥΡΙΑ

22 [Παμμένης Παμμένους Ἐρχιεὺς ἔχω χρυσοχοεῖον ἐν τῇ ἀγορᾷ, ἐν ᾗ καταγίγνομαι καὶ ἐργάζομαι τὴν χρυσο-  
 [522] χοϊκὴν τέχνην. ἐκδόντος δέ μοι Δημοσθένους, ᾧ μαρτυρῶ, στέφανον χρυσοῦν ὥστε κατασκευάσαι καὶ ἱμάτιον διάχρυσον ποιῆσαι, ὅπως πομπεύσαι ἐν αὐτοῖς τὴν τοῦ Διονύσου πομπήν, καὶ ἐμοῦ συντελέσαντος αὐτὰ καὶ ἔχοντος παρ' ἑμαυτῷ ἔτοιμα, εἰσπηδήσας πρὸς με νίκτωρ Μειδίας ὁ κρινόμενος ὑπὸ Δημοσθένους, ἔχων μεθ' ἑαυτοῦ καὶ ἄλλους, ἐπεχείρησε διαφθεῖρειν τὸν στέφανον καὶ τὸ ἱμάτιον, καὶ τινὰ μὲν αὐτῶν ἐλυμήνατο, οὐ μέντοι πάντα γε ἔδυνήθη διὰ τὸ ἐπιφανέντα με κωλύσαι.]

23 Πολλὰ μὲν τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, καὶ περὶ ὧν τοὺς ἄλλους ἠδίκηκεν ἔχω λέγειν, ὥσπερ εἶπον ἐν ἀρχῇ τοῦ λόγου, καὶ συνείλοχ' ὑβρεῖς αὐτοῦ καὶ

<sup>a</sup> If this document were worth emending, we should have



fidence, or by his gang of bullies, his wealth and all his other resources; others tried to obtain redress and failed; others again made terms with him, perhaps because they thought that the best policy. Those, then, who were induced to do so have obtained the satisfaction due to themselves; but of the satisfaction due to the laws, by breaking which Meidias wronged them and is wronging me now and every other citizen—of that satisfaction you are the 21 dispensers. Therefore include all the offences in one sweeping penalty, whatever you consider just.

I will first, then, adduce proofs of the outrages against myself, next of those against you. After that, Athenians, I will examine all the rest of his life and will show that he deserves not one death, but a thousand. First please take and read the deposition of the goldsmith.

THE DEPOSITION

[I, Pammenes, son of Pammenes, of Erchia, have a goldsmith's shop in the Agora, where I reside and carry on my business. When Demosthenes, for whom I am a witness, commissioned me to fashion a golden crown,<sup>a</sup> and to make a gold-embroidered robe, that he might wear them at the procession in honour of Dionysus; and when I had completed them and had them ready by me, Meidias, who is being prosecuted by Demosthenes, broke into my premises by night, having also others with him, and tried to destroy the crown and the robe, and a part of them he injured, but was not able to destroy them completely, because I appeared and prevented him.]

Now I have much to say also, men of Athens, about 23 the wrongs which he inflicted on others, as I told you at the beginning of my speech, and I have made a collection of his outrageous and insulting acts, which to read *στεφάνους χρυσοῦς* here and *τοὺς στεφάνους* below, to tally with § 16.

## DEMOSTHENES

ἀτιμίας τοσαύτας ὅσας ἀκούσεσθ' αὐτίκα δὴ μάλα.  
 ἦν δ' ἡ συλλογὴ ραδία· αὐτοὶ γὰρ οἱ πεπονθότες  
 24 προσῆσάν μοι. βούλομαι δὲ πρὸ τούτων εἰπεῖν οἷς  
 ἐπιχειρήσειν αὐτὸν ἀκήκο' ἐξαπατᾶν ὑμᾶς· τοὺς  
 γὰρ ὑπὲρ τούτων λόγους ἐμοὶ μὲν ἀναγκαιοτάτους  
 προειπεῖν ἠγοῦμαι, ὑμῖν δὲ χρησιμωτάτους ἀκοῦσαι.  
 διὰ τί; ὅτι τοῦ δικαίαν καὶ εὖορκον θέσθαι τὴν  
 ψῆφον ὁ κωλύσας ἐξαπατηθῆναι λόγος ὑμᾶς οὗτος  
 αἴτιος ἔσται. πολὺ δὴ μάλιστα πάντων τούτῳ τῷ  
 λόγῳ προσέχειν ὑμᾶς δεῖ, καὶ μνημονεῦσαι τοῦτον,  
 25 καὶ πρὸς ἕκαστον ἀπαντᾶν, ὅταν οὗτος λέγῃ. ἔστι  
 δὲ πρῶτον μὲν ἐκεῖνο οὐκ ἄδηλος ἐρών,] ἐξ ὧν ἰδίᾳ  
 πρὸς τινὰς αὐτὸς διεξιὼν ἀπηγγέλλετό μοι, ὡς  
 εἶπερ ἀληθῶς ἐπεπόνθειν ταῦθ' ἃ λέγω, δίκας ἰδίας  
 μοι προσῆκεν αὐτῷ λαχεῖν, τῶν μὲν ἱματίων καὶ  
 τῶν χρυσῶν στεφάνων τῆς διαφθορᾶς καὶ τῆς περι  
 [523] τὸν χορὸν πάσης ἐπηρείας, βλάβης, ὧν δ' εἰς τὸ  
 σῶμ' ὑβρίσθαι φημί, ὑβρεως, οὐ μὰ Δί' οὐχὶ δημο-  
 σία κρίνειν αὐτὸν καὶ τίμημ' ἐπάγειν ὅ τι χρῆ  
 26 παθεῖν ἢ ἀποτεῖσαι. ἐγὼ δ' ἐν μὲν ἐκεῖν' εὖ οἶδα,  
 καὶ ὑμᾶς δ' εἰδέναί χρῆ, ὅτι εἰ μὴ προὔβαλόμην  
 αὐτὸν ἀλλ' ἐδिकाζόμεν, οὐναντίος ἦκεν ἂν εὐθύς  
 μοι λόγος, ὡς εἶπερ ἦν τι τούτων ἀληθές, προ-  
 βάλλεσθαι μ' ἔδει καὶ παρ' αὐτὰ τὰδικήματα τὴν  
 τιμωρίαν ποιεῖσθαι· ὁ τε γὰρ χορὸς ἦν τῆς πόλεως,  
 ἢ τ' ἐσθῆς τῆς ἐορτῆς ἕνεκα πᾶσα παρεσκευάζετο,

<sup>a</sup> There is obviously some dislocation here. The evidence of the goldsmith, which concerns the outrages specified in the *προβολή*, should have come, with other depositions, after § 18. § 23, in its present place, with its reference to the beginning of the speech, is nonsense. It is a repetition of §§ 19 and 20, being an introduction to a description of outrages committed against *others*. This part of his argument Demo-

you shall hear in a moment. The collection was indeed an easy matter, for the victims themselves applied to me.<sup>a</sup>

But before I come to that, I want to speak about 24 the tricks by which I am told he will try to deceive you ; for I think it very necessary for me to put my remarks on that subject before you, and very important for you to hear them. Why so ? Because the same argument that prevents your deception will help you to cast your votes in accordance with justice and your oath. You must pay attention to this argument above all others and bear it in mind, so as to meet each separate point in his speech.

And first, it is pretty evident from his private 25 conversation as reported to me that he will say that, if I had really suffered from him as I assert, I ought to have brought various personal suits against him, one for wilful damage, arising out of the destruction of the robes and golden crowns, and another for assault, arising out of his alleged attack on my person ; but that I ought most emphatically not to have brought him to a public trial and proposed a penalty or a fine which he must pay. But of one thing I am 26 perfectly certain, and you should be equally so—that if I had not lodged the public plaint but had brought a civil action, the opposite argument would have been used against me, that if there was any truth in my statements, I ought to have lodged a public plaint and claimed redress at the time when the offences were committed ; for the chorus was a state-chorus, the apparel was being prepared entirely for a public sthenes commences at § 128. Goodwin, who thinks that Demosthenes intended to revise his arrangement of topics, but did not carry it out when the case was dropped, brackets § 23 here and inserts it before § 128.

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ἐγὼ θ' ὁ πεπονθὼς ταῦτα χορηγὸς ἦν· τίς ἂν οὖν  
 ἑτέραν εἴλετο τιμωρίαν ἢ τὴν ἐκ τοῦ νόμου κατὰ  
 27 τῶν περὶ τὴν ἑορτὴν ἀδικούντων οὔσαν; ταῦτ' εὖ  
 οἶδ' ὅτι πάντ' ἂν ἔλεγεν οὗτος τότε. φεύγοντος  
 μὲν γάρ, οἶμαι, καὶ ἡδίκηκός τις ἐστὶ τὸ τὸν  
 παρόντα τρόπον τοῦ δοῦναι δίκην διακρουόμενον  
 τὸν οὐκ ὄνθ' ὡς ἔδει γενέσθαι λέγειν, δικαστῶν δέ  
 γε σωφρόνων τούτοις τε μὴ προσέχειν καὶ ὄντ' ἂν  
 28 λάβωσιν ἀσελαγίνοντα κολάζειν. μὴ δὲ τοῦτο  
 λέγειν αὐτὸν ἔατε, ὅτι καὶ δίκας ἰδίας δίδωσιν ὁ  
 νόμος μοι καὶ γραφὴν ὑβρεως· δίδωσι γάρ· ἀλλ'  
 ὡς οὐ πεποίηκεν ἅ κατηγόρηκα, ἢ πεποιηκὼς οὐ  
 περὶ τὴν ἑορτὴν ἀδικεῖ, τοῦτο δεικνύτω· τοῦτο γὰρ  
 αὐτὸν ἐγὼ προὔβαλόμην, καὶ περὶ τούτου τὴν  
 ψῆφον οἴσετε νῦν ὑμεῖς. εἰ δ' ἐγὼ τὴν ἐπὶ τῶν  
 ἰδίων δικῶν πλεονεξίαν ἀφείψω τῇ πόλει παραχωρῶ  
 τῆς τιμωρίας, καὶ τοῦτον εἰλόμην τὸν ἀγῶν' ἀφ'  
 οὗ μηδὲν ἔστι λῆμμα λαβεῖν ἐμοί, χάριν, οὐ βλάβην  
 δήπου τοῦτ' ἂν εἰκότως ἐνέγκοι μοι παρ' ὑμῶν.  
 29 Οἶδα τοίνυν ὅτι καὶ τούτῳ πολλῶ χρήσεται τῷ  
 λόγῳ, “ μὴ με Δημοσθένει παραδῶτε, μηδὲ διὰ  
 Δημοσθένην μ' ἀνέλητε. ὅτι ἐκείνῳ πολεμῶ, διὰ  
 [524] τοῦτό μ' ἀναιρήσετε; ” τὰ τοιαῦτα πολλάκις οἶδ'  
 ὅτι φθέγγεται, βουλόμενος φθόνον τιν' ἐμοί διὰ  
 30 τούτων τῶν λόγων συνάγειν. ἔχει δ' οὐχ οὔτω  
 ταῦτα, οὐδ' ἐγγύς. οὐδένα γὰρ τῶν ἀδικούντων  
 ὑμεῖς οὐδενὶ τῶν κατηγόρων ἐκδίδοτε· οὐδὲ γὰρ  
 ἐπειδὴν ἀδικηθῆ τις, ὡς ἂν ἕκαστος ὑμᾶς ὁ παθὼν

festival, and I, the aggrieved party, was official chorus-master. Who then would dream of any other form of redress than that which the law provides against those who profane a festival? I am sure that 27 he would have said all that in those circumstances. For it is, I believe, the cue for the defendant, the man who has done a wrong, to try and shuffle out of the method actually adopted to bring him to punishment and to say that a different method should have been employed; but it is the duty of sensible jurymen to ignore such evasions and to chastise anyone whom they convict of an outrage. Do not allow him to say 28 that the law affords me a choice of personal suits or an indictment for assault. That is true; but he has to prove that he has not done what I have charged him with, or that in doing it he has not profaned the festival, for that is the ground on which I based my public plaint against him, and that is the question on which you must presently cast your votes. But if I, waiving the profit which a private suit would bring, entrust his punishment to the State, and if I have chosen this particular form of action from which I can receive no benefit myself, then surely it ought to win me your favour and not prejudice my case.

Now I know that he will also make great use of this 29 argument: "Do not deliver me into Demosthenes' hands; do not ruin me to oblige Demosthenes. Because I am at war with him, will you ruin me?" That is the sort of language that he will, I am sure, use again and again, with the object of exciting prejudice against me. But the truth is quite other- 30 wise. You never "deliver" a malefactor to his accuser; for when someone has been wronged, you do not exact the penalty in such a form as the injured

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πείση, ποιείσθε τὴν τιμωρίαν, ἀλλὰ τούναντίον νόμους ἔθεσθε πρὸ τῶν ἀδικημάτων ἐπ' ἀδήλοις μὲν τοῖς ἀδικήσουσιν, ἀδήλοις δὲ τοῖς ἀδικησομένοις. οὗτοι δὲ τί ποιούσιν οἱ νόμοι; πᾶσιν ὑπισχνοῦνται τοῖς ἐν τῇ πόλει δίκην, ἂν ἀδικηθῆτις, ἔσεσθαι δι' αὐτῶν λαβεῖν. ὅταν τοίνυν τῶν παραβαινόντων τινὰ τοὺς νόμους κολάζητε, οὐ τοῖς κατηγοροῖς τοῦτον ἐκδίδοτε, ἀλλὰ τοὺς νόμους ὑμῖν

31 αὐτοῖς βεβαιοῦτε. ἀλλὰ μὴν πρὸς γε τὸ τοιοῦτον, ὅτι “ Δημοσθένης ” φησὶν “ ὑβρισται, ” δίκαιος καὶ κοινὸς καὶ ὑπὲρ ἀπάντων ἔσθ' ὁ λόγος. οὐ γὰρ εἰς Δημοσθένην ὄντα μ' ἠσέλγαινε μόνον ταύτην τὴν ἡμέραν, ἀλλὰ καὶ εἰς χορηγὸν ὑμέτερον· τοῦτο δ' ὅσον δύναται γνοιήτ' ἂν ἐκ τωνδῆ.

32 ἴστε δήπου τοῦθ', ὅτι τῶν θεσμοθετῶν τούτων οὐδενὶ θεσμοθέτης ἔστ' ὄνομα, ἀλλ' ὀτιδήποθ' ἐκάστω. ἂν μὲν τοίνυν ἰδιώτην ὄντα τιν' αὐτῶν ὑβρίση τις ἢ κακῶς εἴπη, γραφὴν ὑβρεως καὶ δίκην κακηγορίας ἰδίαν φεύξεται, ἔαν δὲ θεσμοθέτην, ἄτιμος ἔσται καθάπαξ. διὰ τί; ὅτι τοὺς νόμους ἤδη ὁ τοῦτο ποιῶν προσυβρίζει καὶ τὸν ὑμέτερον κοινὸν στέφανον καὶ τὸ τῆς πόλεως ὄνομα· ὁ γὰρ θεσμοθέτης οὐδενὸς ἀνθρώπων ἔστ'

33 ὄνομα, ἀλλὰ τῆς πόλεως. καὶ πάλιν γε τὸν ἄρχοντα, ταῦτό τοῦτο, ἔαν μὲν ἐστεφανωμένον πατάξῃς ἢ κακῶς εἴπῃς, ἄτιμος, ἔαν δ' ἰδιώτην, ἰδία ὑπό-

[525] δικος. καὶ οὐ μόνον περὶ τούτων οὕτω ταῦτ' ἔχει, ἀλλὰ καὶ περὶ πάντων οἷς ἂν ἡ πόλις τιν' ἄδειαν ἢ στεφανηφορίαν ἢ τινα τιμὴν δῶ. οὕτω τοίνυν καὶ ἐμὲ εἰ μὲν ἐν ἄλλαις τισὶν ἡμέραις ἠδίκησέ τι

party urges upon you in each case. On the contrary, laws were laid down by you before the particular offences were committed, when the future wrongdoer and his victim were equally unknown. What is the effect of these laws? They ensure for every citizen the opportunity of obtaining redress if he is wronged. Therefore when you punish a man who breaks the laws, you are not delivering him over to his accusers; you are strengthening the arm of the law in your own interests. But surely when he says, "Demosthenes 31 was insulted," he is met by an argument that is just and impartial and in the interests of all. It was not against the individual named Demosthenes that his brutality was directed on that occasion, but also against your chorus-master; and what that implies you may realize from the following considerations. You know of course that of the judges who sit in 32 this court none has the name of Judge, but each has some name of his own. Therefore if a man is guilty of assault or slander against anyone of them in his private capacity, he will stand his trial on an indictment for assault or in a suit for slander; but if he assails him as judge, he will incur total disfranchisement. Why so? Because at once by the mere act he is outraging your laws, your public crown of office, and the name that belongs to the State, for Judge is not a private name but a state-title. In the same 33 way again, if you strike or abuse the Archon when wearing his crown, you are disfranchised; but if you assault him as a private citizen, you are liable to a private suit. Moreover, this is true not only of these officials, but of everyone to whom the State grants the inviolability of a crowned office or of any other honour. Therefore in my case also, if on any other day in the

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- τούτων Μειδίας ιδιώτην ὄντα, ἰδίᾳ καὶ δίκην  
 34 προσῆκεν αὐτῷ δίδοναι· εἰ δὲ χορηγὸν ὄνθ' ὑμέ-  
 τερον ἱερομηνίας οὔσης πάνθ' ὅσ' ἠδίκηκεν ὑβρίσας  
 φαίνεται, δημοσίας ὀργῆς καὶ τιμωρίας δίκαιός  
 ἔστι τυγχάνειν· ἅμα γὰρ τῷ Δημοσθένει καὶ ὁ  
 χορηγὸς ὑβρίζετο, τοῦτο δ' ἔστι τῆς πόλεως, καὶ  
 τὸ ταύταις ταῖς ἡμέραις, αἷς οὐκ ἐῶσιν οἱ νόμοι.  
 χρῆ δ', ὅταν μὲν τιθῆσθε τοὺς νόμους, ὁποῖοί  
 τινές εἰσι σκοπεῖν, ἐπειδὰν δὲ θῆσθε, φυλάττειν  
 καὶ χρῆσθαι· καὶ γὰρ εὔορκα ταῦθ' ὑμῖν ἔστι καὶ  
 35 ἄλλως δίκαια. ἦν ὁ τῆς βλάβης ὑμῖν νόμος πάλαι,  
 ἦν ὁ τῆς αἰκίας, ἦν ὁ τῆς ὑβρεως. εἰ τοίνυν  
 ἀπέχρη τοὺς τοῖς Διονυσίοις τι ποιούντας τούτων  
 κατὰ τούτους τοὺς νόμους δίκην δίδοναι, οὐδὲν ἂν  
 προσέδει τοῦδε τοῦ νόμου. ἀλλ' οὐκ ἀπέχρη.  
 σημείον δέ· ἔθεσθ' ἱερὸν νόμον αὐτῷ τῷ θεῷ περὶ  
 τῆς ἱερομηνίας. εἴ τις οὖν κακείνοις τοῖς προ-  
 ὑπάρχουσι νόμοις καὶ τούτῳ τῷ μετ' ἐκείνους  
 τεθέντι καὶ πᾶσι τοῖς λοιποῖς ἔστ' ἔνοχος, ὁ τοιοῦτος  
 πότερα μὴ δῶ διὰ τοῦτο δίκην, ἢ <κᾶν><sup>1</sup> μείζω  
 δοίη δικαίως; ἐγὼ μὲν οἶμαι μείζω.
36. Ἀπήγγελλε τοίνυν τίς μοι περιόνητ' αὐτὸν συλ-  
 λέγειν καὶ πυνθάνεσθαι τίσι πρόποτε συμβέβηκεν  
 ὑβρισθῆναι, καὶ λέγειν τούτους καὶ διηγείσθαι πρὸς  
 ὑμᾶς μέλλειν, οἷον, ὦ ἄνδρες Ἀθηναῖοι, τὸν πρό-  
 εδρον ὃν ποτέ φασιν ἐν ὑμῖν ὑπὸ Πολυζήλου  
 πληγῆναι, καὶ τὸν θεσμοθέτην ὃς ἐναγχος ἐπλήγη  
 τὴν αὐλητρίδ' ἀφαιρούμενος, καὶ τοιοῦτους τινάς,

<sup>1</sup> κᾶν added by G. H. Schaefer.



year Meidias had wronged me as a private citizen, he would have had to give me private satisfaction ; but <sup>34</sup> if all his outrages are shown to have been aimed at your chorus-master during the holy days of the festival, it is right that he should face public resentment and pay a public penalty. For the chorus-master was insulted as well as Demosthenes, and that is a concern of the State, as well as the fact that this occurred on the very days on which the laws expressly forbid it. When you are framing your laws, you must scrutinize their purport ; but when you have passed them, you must uphold them and put them in force, for that is required by your oath and by justice as well. You had the law—an ancient one—of damage ; <sup>35</sup> you had the law of battery and the law of assault. Now if it had been sufficient that those guilty at the Dionysia of any of these offences should be punished according to these laws, there would have been no need for this further law. But it was not sufficient, and the proof of this is that you made a law to protect the sanctity of the god during the Holy Month. If, then, anyone is liable both under those pre-existing laws and under this subsequent one as well as all the rest of the laws, is he for that reason to escape punishment, or should he in fairness suffer a heavier one ? I think that it should be the heavier punishment.

I have been told that Meidias goes about inquiring <sup>36</sup> and collecting examples of people who have at any time been assaulted, and that these people are going to give evidence and describe their experiences to you ; for instance, men of Athens, the Chairman for the day who is said to have been struck by Polyzelus in your court, the judge who was lately struck when trying to rescue the flute-girl, and similar cases. He

- [526] ὡς ἂν πολλοὺς ἑτέρους δεινὰ καὶ πολλὰ πεπονθότας ἐπιδείξῃ, ἦττον ὑμᾶς ἐφ' οἷς ἐγὼ πέπονθ' ὄργιου-  
 37 μένους. ἐμοὶ δ' αὖ τοῦναντίον, ὧ ἄνδρες Ἀθηναῖοι, δοκεῖτε ποιεῖν ἂν εἰκότως, εἶπερ ὑπὲρ τοῦ κοινῆ βελτίστου δεῖ μέλειν ὑμῖν. τίς γὰρ οὐκ οἶδεν ὑμῶν τοῦ μὲν πολλὰ τοιαῦτα γενέσθαι τὸ μὴ κολάζεσθαι τοὺς ἑξαμαρτάνοντας αἴτιον ὄν, τοῦ δὲ μηδέν' ὑβρίζειν τὸ λοιπὸν τὸ δίκην τὸν αἰεὶ ληφθένθ' ἦν προσήκει διδόναι μόνον αἴτιον ἂν γενόμενον; εἰ μὲν τοίνυν ἀποτρέψαι συμφέροι τοὺς ἄλλους, τοῦτον καὶ δι' ἐκεῖνα κολαστέον, καὶ μᾶλλον γ' ὅσωπερ ἂν ἦ πλείω καὶ μείζω· εἰ δὲ παροξῦναι καὶ τοῦτον  
 38 καὶ πάντας, ἑατέον. [ἔτι τοίνυν οὐδ' ὁμοίαν οὔσαν τούτῳ κάκεινοις συγγνώμην εὐρήσομεν. πρῶτον μὲν γὰρ ὁ τὸν θεσμοθέτην πατάξας τρεῖς εἶχε προφάσεις, μέθην, ἔρωτα, ἄγνοίαν διὰ τὸ σκότους καὶ νυκτὸς τὸ πρᾶγμα γενέσθαι. ἔπειθ' ὁ Πολύζηλος ὄργῃ καὶ τρόπου προπετεία φθάσας τὸν λογισμὸν ἁμαρτεῖν ἔφησεν· οὐ γὰρ ἐχθρὸς γ' ὑπῆρχεν ὢν, οὐδ' ἐφ' ὕβρει τοῦτ' ἐποίησεν. ἀλλ' οὐ Μειδίᾳ τούτων οὐδὲν ἔστ' εἰπεῖν· καὶ γὰρ ἐχθρὸς ἦν, καὶ μεθ' ἡμέραν εἰδὼς ὕβριζε, καὶ οὐκ ἐπὶ τούτου μόνου, ἀλλ' ἐπὶ πάντων φαίνεται προηρημένος μ'  
 39 ὑβρίζειν. καὶ μὴν οὐδὲ τῶν πεπραγμένων ἐμοὶ καὶ τούτοις οὐδὲν ὅμοιον ὄρω. πρῶτον μὲν γὰρ ὁ θεσμοθέτης οὐχ ὑπὲρ ὑμῶν οὐδὲ τῶν νόμων φροντίσας οὐδ' ἀγανακτήσας φανήσεται, ἀλλ' ἰδίᾳ πεισθεὶς ὀπόσῳ δήποτ' ἀργυρίῳ καθυφείς τὸν ἀγῶνα· ἔπειθ' ὁ πληγεὶς ἐκείνος  
 [527] ὑπὸ τοῦ Πολυζήλου, ταῦτ' οὗτο, ἰδίᾳ διαλυσάμενος, ἔρρωσθαι πολλὰ τοῖς νόμοις εἰπὼν καὶ ὑμῖν, οὐδ'  
 40 εἰσῆγαγε τὸν Πολύζηλον. εἰ μὲν τοίνυν ἐκείνων κατηγορεῖν βούλεται τις ἐν τῷ παρόντι, δεῖ λέγειν ταῦτα, εἰ δ' ὑπὲρ ὧν ἐγὼ τούτου κατηγορῆκ' ἀπολογεῖσθαι, πάντα μᾶλλον ἢ ταῦτα λεκτέον. πᾶν γὰρ τοῦναντίον ἐκείνοις

imagines that if he can point to many other victims of serious assault, you will be less indignant at the assault committed upon me ! But it seems to me, 37 Athenians, that it would be reasonable for you to do just the reverse, since your duty is to be solicitous for the common good of all. For who of you is unaware that the reason for the frequency of these assaults is the failure to punish the offenders, and that the only way to prevent such assaults in the future is adequately to punish every offender who is caught ? Therefore, if it is to your interest to deter others, those cases are an additional reason for punishing Meidias, and punishing him the more severely in proportion to their number and their seriousness ; but if you want to encourage him and everybody, you must let him off. [Then again we 38 shall find that he has not the same claim to consideration as these others. For in the first case the man who struck the judge had three excuses : he was drunk, he was in love, and he did not know what he was doing in the darkness and the night. Polyzelus again explained that owing to his ungovernable temper he had lost his head when he committed the offence ; there was no hostility behind the act and no intention to insult. But Meidias cannot plead any of these excuses, for he was my enemy, and he assaulted me wilfully by daylight, and not only on that, but on every occasion he has shown a deliberate intention to insult me. And indeed I can see no comparison between my own 39 conduct and that of those others. In the first case it will be proved that the judge took no thought or concern for you or for the laws, but was privately induced by a sum of money—I cannot say how much—to drop his action. In the same way the man who was struck by Polyzelus was privately squared, laughed in his sleeve at you and your laws, and never even prosecuted his assailant. Such 40 statements, then, are quite in point if one wishes to accuse those men to-day, but as a defence of Meidias against my indictments they are the very last pleas that should be urged. For my conduct was clean contrary to theirs. It

- αὐτὸς μὲν οὔτε λαβὼν οὐδὲν οὔτ' ἐπιχειρήσας λαβεῖν φανήσομαι, τὴν δ' ὑπὲρ τῶν νόμων καὶ τὴν ὑπὲρ τοῦ θεοῦ καὶ τὴν ὑπὲρ ὑμῶν τιμωρίαν δικαίως φυλάξας καὶ νῦν ἀποδεδωκὼς ὑμῖν.] μὴ τοίνυν ἔατε ταῦτ' αὐτὸν λέγειν, μηδ', ἂν βιάζηται, πείθεσθ' ὡς δίκαιόν τι
- 41 λέγοντι. ἂν γὰρ ταῦθ' οὕτως ἐγνωσμέν' ὑπάρχη παρ' ὑμῖν, οὐκ ἐνέσται αὐτῷ λόγος οὐδὲ εἰς. ποία γὰρ πρόφασις, τίς ἀνθρωπίνη καὶ μετρία σκῆψις φανείται τῶν πεπραγμένων αὐτῷ; ὀργὴν ἢ Δία· καὶ γὰρ τοῦτο τυχὸν λέξει. ἀλλ' ἂ μὲν ἂν τις ἄφνω τὸν λογισμὸν φθάσας ἐξαχθῆ πράξει, καὶ ὑβριστικῶς ποιήσῃ, δι' ὀργὴν γ' ἐνὶ φῆσαι πεποιηκέναι· ἂ δ' ἂν ἐκ πολλοῦ συνεχῶς ἐπὶ πολλὰς ἡμέρας παρὰ τοὺς νόμους πράττων τις φωράται, οὐ μόνον δήπου τοῦ μὴ μετ' ὀργῆς ἀπέχει, ἀλλὰ καὶ βεβουλευμένως ὁ τοιοῦτος ὑβρίζων ἐστὶν ἤδη φανερός.)
- 42 Ἄλλὰ μὴν ὀπηνίκα καὶ πεποιηκῶς ἂ κατηγορῶ καὶ ὑβρεῖ πεποιηκῶς φαίνεται, τοὺς νόμους ἤδη σκοπεῖν δεῖ, ὧ ἄνδρες δικασταί· κατὰ γὰρ τούτους δικάσειν ὁμωμόκατε. καὶ θεωρεῖθ' ὅσω μείζονος ὀργῆς καὶ ζημίας ἀξιοῦσι τοὺς ἐκουσίως καὶ δι' ὑβριν πλημμελοῦντας τῶν ἄλλως πως ἐξαμαρ-
- 43 τανόντων. πρῶτον μὲν τοίνυν οἱ περὶ τῆς βλάβης [528] οὔτοι νόμοι πάντες, ἵν' ἐκ τούτων ἄρξωμαι, ἂν μὲν ἐκὼν βλάβῃ, διπλοῦν, ἂν δ' ἄκων, ἀπλοῦν τὸ βλάβος κελεύουσιν ἐκτίνειν. εἰκότως· ὁ μὲν γὰρ παθὼν πανταχοῦ βοηθείας δίκαιος τυγχάνειν, τῷ δράσαντι δ' οὐκ ἴσην τὴν ὀργὴν, ἂν θ' ἐκὼν ἂν τ' ἄκων, ἔταξεν ὁ νόμος. ἔπειθ' οἱ φονικοὶ τοὺς μὲν ἐκ προνοίας ἀποκτινύντας θανάτῳ καὶ ἀειφυγία καὶ δημεύσει τῶν ὑπαρχόντων ζημιούσι, τοὺς δ'

will be proved that I never got, or tried to get, any advantage for myself, but religiously observed, and have now restored to your keeping, the task of avenging the laws, the god, and your interests.] Do not then allow him to make these statements, or if he persists, do not give him credence as if his plea were just. If he finds that this is your fixed determination, he will have nothing to say, not a word. For what sort of pretext, what decent <sup>41</sup> and moderate excuse, can he show for his conduct? Anger? Possibly that will be his plea. But whereas in cases where a sudden loss of self-control has impelled a man even to inflict a wanton insult, it is open to him to say that he has acted in anger; if, on the other hand, he is detected in a continuous course of law-breaking, spread over many days, surely this is far from a mere fit of anger and he stands convicted of a deliberate policy of insult.

Very well; since he has clearly done what I accuse <sup>42</sup> him of, and has done it by way of insult, we must now consider the laws, gentlemen of the jury, for it is in accordance with the laws that you have sworn to give your verdict. Observe, moreover, that the laws treat the wilful and insolent transgressors as deserving more resentment and a heavier punishment than other classes of offenders. First then, all the laws of <sup>43</sup> damage—to take these first—order the offender to pay the amount twice over if the damage is wilful, but only once if it is involuntary. This is reasonable, because, while the injured party is in any case entitled to relief, the law does not ordain that the resentment against the aggressor should be the same, whether his act is voluntary or involuntary. Again, the laws of homicide punish wilful murder with death, perpetual exile, and confiscation of goods, but accidental

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ἀκουσίως αἰδέσεως καὶ φιλανθρωπίας πολλῆς ἡξίω-  
 44 σαν. οὐ μόνον δ' ἐπὶ τούτων τοῖς ἐκ προαιρέσεως  
 ὑβρισταῖς χαλεποὺς ὄντας ἰδεῖν ἔστι τοὺς νόμους,  
 ἀλλὰ καὶ ἐφ' ἀπάντων. τί γὰρ δὴ ποτ', ἂν τις  
 ὀφλῶν δίκην μὴ ἐκτίνη, οὐκέτ' ἐποίησεν ὁ νόμος  
 τὴν ἐξούλην ἰδίαν, ἀλλὰ προστιμᾶν ἐπέταξε τῷ  
 δημοσίῳ; καὶ πάλιν τί δὴ ποτ', ἂν μὲν ἐκὼν  
 παρ' ἐκόντος τις λάβῃ τάλαντον ἓν ἢ δύο ἢ δέκα  
 καὶ ταῦτ' ἀποστερήσῃ, οὐδὲν αὐτῷ πρὸς τὴν πόλιν  
 ἐστίν, ἂν δὲ μικροῦ πάνυ τιμήματος ἄξιόν τις λάβῃ,  
 βία δὲ τοῦτ' ἀφέληται, τὸ ἴσον τῷ δημοσίῳ προσ-  
 45 τιμᾶν οἱ νόμοι κελεύουσιν ὅσον περ τῷ ἰδιώτῃ; ὅτι  
 πάνθ', ὅσα τις βιαζόμενος πράττει, κοίν' ἀδική-  
 ματα καὶ κατὰ τῶν ἔξω τοῦ πράγματος ὄντων  
 ἡγεῖθ' ὁ νομοθέτης· τὴν μὲν γὰρ ἰσχὺν ὀλίγων,  
 τοὺς δὲ νόμους ἀπάντων εἶναι, καὶ τὸν μὲν πεισθέντ'  
 ἰδίας, τὸν δὲ βιασθέντα δημοσίας δεῖσθαι βοηθείας.  
 διόπερ καὶ τῆς ὑβρεως αὐτῆς τὰς μὲν γραφὰς  
 ἔδωκεν ἅπαντι τῷ βουλομένῳ, τὸ δὲ τίμημ' ἐποίη-  
 σεν ὅλον δημόσιον· τὴν γὰρ πόλιν ἡγεῖτ' ἀδικεῖν,  
 [529] οὐ τὸν παθόντα μόνον τὸν ὑβρίζειν ἐπιχειροῦντα,  
 καὶ δίκην ἱκανὴν τὴν τιμωρίαν εἶναι τῷ παθόντι,  
 χρήματα δ' οὐ προσήκειν τῶν τοιούτων ἐφ' ἑαυτῷ  
 46 λαμβάνειν. καὶ τοσαύτη γ' ἐχρήσαθ' ὑπερβολῇ,  
 ὥστε κἂν εἰς δοῦλον ὑβρίζη τις, ὁμοίως ἔδωκεν  
 ὑπὲρ τούτου γραφήν. οὐ γὰρ ὅστις ὁ πάσχων  
 ᾤετο δεῖν σκοπεῖν, ἀλλὰ τὸ πρᾶγμ' ὁποῖόν τι τὸ  
 γιγνόμενον· ἐπειδὴ δ' εὗρεν οὐκ ἐπιτήδειον, μήτε

homicide they treat with much consideration and charity. It is not only in these, but in all cases, that 44 the laws may be seen to be severe against premeditated outrages. For how is it that if a man who has lost his case fails to pay, the law thereupon is not content with a private suit for ejection, but directs the imposition of a further fine to the treasury? Or again, how is it that if a man takes from another by mutual consent a sum of one, two, or ten talents, and then fraudulently withholds it, the State has no concern with him; but if a man, taking something that would merit only a trifling fine, keeps it back by force, then the laws direct the jury to impose an additional fine for the treasury equal to that paid to the private owner? The answer is that the legislator 45 regarded every deed of violence as a public offence, committed against those also who are not directly concerned. For force belongs to the few, but the laws to all alike; and the man who agreed to the transaction can right himself privately, but the victim of violence needs relief at the hands of the State. On this principle, for the actual assault the law grants everyone the right to prosecute, but makes over the whole of the fine to the State. The legislator considered that the State, as well as the injured party, was wronged by the author of the outrage, and that his punishment was sufficient compensation for the victim, who ought not to make money for himself out of such wrongs. Indeed he went to such 46 extreme lengths that even if a slave was assaulted, he granted him the same right of bringing a public action. He thought that he ought to look, not at the rank of the sufferer, but at the nature of the act, and when he found the act unjustifiable, he would not

## DEMOSTHENES

πρὸς δούλον μήθ' ὅλως ἐξεῖναι πράττειν ἐπέτρεψεν. οὐ γὰρ ἔστιν, οὐκ ἔστιν, ὦ ἄνδρες Ἀθηναῖοι, τῶν πάντων οὐδὲν ὕβρεως ἀφορητότερον, οὐδ' ἐφ' ὅτῳ μᾶλλον ὑμῖν ὀργίζεσθαι προσήκει. ἀνάγνωθι δ' αὐτόν μοι τὸν τῆς ὕβρεως νόμον· οὐδὲν γὰρ οἶον ἀκούειν αὐτοῦ τοῦ νόμου.

### ΝΟΜΟΣ

- 47 [Ἐάν τις ὑβρίσῃ εἰς τινα, ἢ παῖδα ἢ γυναῖκα ἢ ἄνδρα, τῶν ἐλευθέρων ἢ τῶν δούλων, ἢ παράνομόν τι ποιήσῃ εἰς τούτων τινά, γραφέσθω πρὸς τοὺς θεσμοθέτας ὁ βουλόμενος Ἀθηναίων οἷς ἔξεστιν, οἱ δὲ θεσμοθεταὶ εἰσαγόντων εἰς τὴν ἡλιαίαν τριάκοντα ἡμερῶν ἀφ' ἧς ἂν ἢ ἡ γραφή, ἔαν μὴ τι δημόσιον κωλύῃ, εἰ δὲ μὴ, ὅταν ἢ πρῶτον οἶόν τε. ὅτου δ' ἂν καταγνῶ ἢ ἡλιαία, τιμάτω περὶ αὐτοῦ παραχρῆμα, ὅτου ἂν δοκῇ ἄξιός εἶναι παθεῖν ἢ ἀποτίσαι. ὅσοι δ' ἂν γράφονται γραφὰς ἰδίας κατὰ τὸν νόμον, ἔαν τις μὴ ἐπεξέλθῃ ἢ ἐπεξιῶν μὴ μεταλάβῃ τὸ πέμπτον μέρος τῶν ψήφων, ἀποτισιάτω χιλίας δραχμὰς τῷ δημοσίῳ. ἔαν δὲ ἀργυρίου τιμηθῇ τῆς ὕβρεως, δεδέσθω, ἔαν ἐλείθερον ὑβρίσῃ, μέχρι ἂν ἐκτίσῃ.]
- 48 Ἀκούετ', ὦ ἄνδρες Ἀθηναῖοι, τοῦ νόμου τῆς  
 [530] φιλανθρωπίας, ὃς οὐδὲ τοὺς δούλους ὑβρίζεσθαι ἀξιοῖ. τί οὖν πρὸς θεῶν; εἴ τις εἰς τοὺς βαρβάρους ἐνεγκὼν τὸν νόμον τοῦτον, παρ' ὧν τὰ ἀνδράποδ' εἰς τοὺς Ἕλληνας κομίζεται, ἐπαινῶν ὑμᾶς καὶ διεξιῶν περὶ τῆς πόλεως εἴποι πρὸς  
 49 αὐτοὺς ὅτι "εἰσὶν Ἕλληνές τινες ἄνθρωποι οὕτως ἡμεροὶ καὶ φιλάνθρωποι τοὺς τρόπους ὥστε πόλλ' ὑφ' ὑμῶν ἠδικημένοι, καὶ φύσει τῆς πρὸς ὑμᾶς



## AGAINST MEIDIAS, 46-49

give it his sanction either in regard to a slave or in any other case. For nothing, men of Athens, nothing in the world is more intolerable than a personal outrage, nor is there anything that more deserves your resentment. Read me the actual law with regard to it. There is nothing like hearing the law's own words.

### THE LAW

[If anyone assaults any child or woman or man, whether 47  
free or slave, or commits any unlawful act against anyone  
of these, any Athenian citizen who desires so to do, being  
qualified, may indict him before the Judges; and the Judges  
shall bring the case before the Heliastic Court within thirty  
days from the date of the indictment, unless some public  
business prevents, in which case it shall be brought on the  
earliest possible date. Whomsoever the Court shall condemn,  
it shall at once assess the punishment or the fine which he is  
considered to deserve. In all cases where an indictment is  
entered, as the law directs, if anyone fails to prosecute, or  
after prosecution fails to obtain one fifth of the votes of the  
jury, he shall pay a thousand drachmas to the Treasury. If  
he is fined for the assault, he shall be imprisoned until the fine  
is paid, provided that the offence was committed against a  
freeman.]

Athenians, you hear the humanity of the law, which 48  
does not permit even slaves to be assaulted. In  
heaven's name, think what this means. Suppose  
someone carried this law to the barbarous nations  
from whom we import our slaves; suppose he praised  
you and described your city to them in these words:  
"There are in Greece men so mild and humane in 49  
disposition that though they have often been wronged  
by you, and though they have inherited a natural

DEMOSTHENES

ἔχθρας αὐτοῖς ὑπαρχούσης πατρικῆς, ὅμως οὐδ' ὅσων ἂν τιμὴν καταθέντες δούλους κτήσωνται, οὐδὲ τούτους ὑβρίζειν ἀξιοῦσιν, ἀλλὰ νόμον δημοσία τὸν ταῦτα κωλύσοντα τέθεινται τουτονί, καὶ πολλοὺς ἤδη παραβάντας τὸν νόμον τοῦτον ἐζημιώ-  
 50 κασι θανάτῳ," εἰ ταῦτ' ἀκούσειαν καὶ συνείεν οἱ βάρβαροι, οὐκ ἂν οἴεσθε δημοσία πάντας ὑμᾶς προξένους αὐτῶν ποιήσασθαι; τὸν τοίνυν οὐ παρὰ τοῖς Ἑλλησι μόνον εὐδοκιμοῦντα νόμον, ἀλλὰ καὶ παρὰ τοῖς βαρβάροις εὐ δόξαντ' ἂν ἔχειν, σκοπεῖσθ' ὁ παραβὰς ἦντινα δούς δίκην ἀξίαν ἔσται δεδωκώς.  
 51 Εἰ μὲν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, μὴ χορηγὸς ὢν ταῦτ' ἐπεπόνθειν ὑπὸ Μειδίου, ὑβριν ἂν τις μόνον κατέγνω τῶν πεπραγμένων αὐτῷ· νῦν δέ μοι δοκεῖ, κὰν ἀσέβειαν εἰ καταγιγνώσκῃ, τὰ προσήκοντα ποιεῖν. ἴστε γὰρ δήπου τοῦτο, ὅτι τοὺς χοροὺς ὑμεῖς ἅπαντας τούτους καὶ τοὺς ὕμνους τῷ θεῷ ποιεῖτε, οὐ μόνον κατὰ τοὺς νόμους τοὺς περὶ τῶν Διονυσίων, ἀλλὰ καὶ κατὰ τὰς μαντείας, ἐν αἷς ἀπάσαις ἀνηρημένον εὐρήσετε τῇ πόλει, ὁμοίως ἐκ Δελφῶν καὶ ἐκ Δωδώνης, χοροὺς ἰστάναι κατὰ τὰ πάτρια καὶ κνισᾶν ἀγνιάς καὶ στεφανηφορεῖν.  
 52 ἀνάγνωθι δέ μοι λαβὼν αὐτὰς τὰς μαντείας.

[531]

MANTEIAI

[Αὐδῶ Ἐρεχθείδῃσιν, ὅσοι Πανδίωνος ἄστν νυίετε καὶ πατρίοισι νόμοις ἰθύνεθ' ἑορτάς, μεμνήσθαι Βάκχοιο, καὶ εὐρυχόρους κατ' ἀγνιάς

<sup>a</sup> πρόξενος, here loosely used, is technically a man chosen

hostility towards you, yet they permit no insult to be offered even to the men whom they have bought for a price and keep as their slaves. Nay, they have publicly established this law forbidding such insult, and they have already punished many of the transgressors with death." If the barbarians heard these 50 words and understood their import, do you not think that they would unanimously appoint you their protectors? <sup>a</sup> As regards this law then, which is so well esteemed among the Greeks and would be well esteemed among the barbarians also, consider what penalty he who transgresses it will have to pay before he has paid his deserts.

Now if I had not been chorus-master, men of 51 Athens, when I was thus maltreated by Meidias, it is only the personal insult that one would have condemned; but under the circumstances I think one would be justified in condemning also the impicity of the act. You surely realize that all your choruses and hymns to the god are sanctioned, not only by the regulations of the Dionysia, but also by the oracles, in all of which, whether given at Delphi or at Dodona, you will find a solemn injunction to the State to set up dances after the ancestral custom, to fill the streets with the savour of sacrifice, and to wear garlands. Please take and read the actual oracles. 52

THE ORACLES

[You I address, Pandion's townsmen and sons of Erechtheus,  
You who appoint your feasts by the ancient rites of your  
fathers.

See you forget not Bacchus, and joining all in the dances

by a foreign state to act as its representative in his own native  
city (nearly a "consul" in the modern sense).

## DEMOSTHENES

ιστάναι ὠραίων Βρομίῳ χάριν ἄμμιγα πάντας,  
καὶ κνισῶν βωμοῖσι κάρη στεφάνοις πυκάσαντας.

Περὶ ὑγείας θύειν καὶ εὐχεσθαι Διὶ ὑπάτῳ, Ἡρακλεῖ,  
Ἀπόλλωνι προστατηρίῳ· περὶ τύχας ἀγαθᾶς Ἀπόλλωνι  
ἀγνιεῖ, Λατοῖ, Ἀρτέμιδι, καὶ κατ' ἀγνιάς κρατῆρας  
ιστάμεν καὶ χοροὺς καὶ στεφαναφορεῖν κατὰ πάτρια  
θεοῖς Ὀλυμπίοις πάντεσσι καὶ πάσαις, ἰδίας<sup>1</sup> δεξιάς καὶ  
ἀριστερὰς ἀνίσχοντας, καὶ μνασιδωρεῖν.

### ΕΚ ΔΩΔΩΝΗΣ ΜΑΝΤΕΙΑΙ

53 Τῷ δήμῳ τῷ Ἀθηναίων ὁ τοῦ Διὸς σημαίνει. ὅτι τὰς  
ὥρας παρηνέγκατε τῆς θυσίας καὶ τῆς θεωρίας, αἰρετοὺς  
πέμπειν κελεῖει θεωροὺς ἑνέα, καὶ τουτοὺς διὰ ταχέων.  
τῷ Διὶ τῷ Ναῖῳ<sup>2</sup> τρεῖς βουῦς καὶ πρὸς ἐκάστῳ βοῖ δύο  
οἷς, τῇ δὲ Διώνῃ βουὴν καλλιερεῖν, καὶ τράπεζαν χαλκῆν  
πρὸς τὸ ἀνάθημα, ὃ ἀνέθηκεν ὁ δῆμος ὁ Ἀθηναίων.

Ἅ τοῦ Διὸς σημαίνει ἐν Δωδώνῃ, Διονύσῳ δημοτελῆ  
ιερὰ τελεῖν καὶ κρατῆρα κεράσαι καὶ χοροὺς ιστάναι,  
Ἀπόλλωνι ἀποτροπαίῳ βουὴν θῦσαι, καὶ στεφανηφορεῖν  
ἐλευθέρους καὶ δούλους, καὶ ἐλινύειν μίαν ἡμέραν. Διὶ  
κτησίῳ βουὴν λευκόν.]

54 Εἰσὶν, ὦ ἄνδρες Ἀθηναῖοι, καὶ αὐταὶ καὶ ἄλλαι  
[532] πολλαὶ μαντεῖαι τῇ πόλει κάγαθαί. τί οὖν ἐκ  
τούτων ὑμᾶς ἐνθυμείσθαι δεῖ; ὅτι τὰς μὲν ἄλλας  
θυσίας τοῖς ἐφ' ἐκάστης μαντείας προφαινομένοις  
θεοῖς προστάττουσι θύειν, ιστάναι δὲ χοροὺς καὶ

<sup>1</sup> Corrupt: *ιθείας*, *όσίας*, *λιτάς*, etc., have been suggested. A similar oracle in Dem. xliiii. 66 has no word between *πάσαις* and *δεξιάς*.

<sup>2</sup> *ναρω* S, etc.: τῷ ἐν Τομάρῳ Dind., T. being a mountain near Dodona: Ναῖφ Buttman, supported by Bekk. *Anecd.* p. 283.

## AGAINST MEIDIAS, 52-54

Down your broad-spaced streets, in thanks<sup>a</sup> for the gifts of  
the season,  
Crown each head with a wreath, while incense reeks on the  
altars.

For health sacrifice and pray to Zeus Most High, to  
Heracles, and to Apollo the Protector; for good fortune to  
Apollo, god of the streets, to Leto, and to Artemis; and  
along the streets set wine-bowls and dances, and wear gar-  
lands after the manner of your fathers in honour of all gods  
and all goddesses of Olympus, raising right hands and left in  
supplication,<sup>b</sup> and remember your gifts.

### ORACLES FROM DODONA

To the people of the Athenians the prophet of Zeus 53  
announces. Whereas ye have let pass the seasons of the  
sacrifice and of the sacred embassy, he bids you send nine  
chosen envoys, and that right soon. To Zeus of the Ship<sup>c</sup>  
sacrifice three oxen and with each ox three sheep; to Dione  
one ox and a brazen table for the offering which the people of  
the Athenians have offered.

The prophet of Zeus in Dodona announces. To Dionysus  
pay public sacrifices and mix a bowl of wine and set up  
dances; to Apollo the Averter sacrifice an ox and wear gar-  
lands, both free men and slaves, and observe one day of rest;  
to Zeus, the giver of wealth, a white bull.]

Besides these oracles, men of Athens, there are 54  
many others addressed to our city, and excellent  
oracles they are. Now what conclusion ought you to  
draw from them? That while they prescribe the  
sacrifices to the gods indicated in each oracle, to every  
oracle that is published they add the injunction to set

<sup>a</sup> *ιστάναι χάριν*, if the Greek is sound, seems to be a "port-  
manteau" phrase = to set up a dance in gratitude. The oracle  
quoted may perfectly well be genuine.

<sup>b</sup> Translating *λιτάς*, Weil's suggestion.

<sup>c</sup> There was a temple at Dodona dedicated to Zeus under  
this title to commemorate a rescue from shipwreck.

## DEMOSTHENES

στεφανηφορεῖν κατὰ τὰ πάτρια πρὸς ἀπάσαις ταῖς  
 55 ἀφικνουμέναις μαντείαις προσαναιρούσιν ὑμῖν. οἱ  
 τοίνυν χοροὶ πάντες οἱ γυγνόμενοι καὶ οἱ χορηγοὶ  
 δῆλον ὅτι τὰς μὲν ἡμέρας ἐκείνας ἄς συνερχόμεθ'  
 ἐπὶ τὸν ἀγῶνα, κατὰ τὰς μαντείας ταύτας ὑπὲρ  
 ὑμῶν ἐστεφανώμεθα, ὁμοίως ὃ τε μέλλων νικᾶν  
 καὶ ὁ πάντων ὕστατος γενήσεσθαι, τῇ<sup>1</sup> δὲ τῶν  
 ἐπινικίων ὑπὲρ αὐτοῦ τότε ἤδη στεφανοῦται ὁ  
 νικῶν. τὸν οὖν εἰς τινα τούτων τῶν χορευτῶν ἢ  
 τῶν χορηγῶν ὑβρίζοντ' ἐπ' ἔχθρα, καὶ ταῦτ' ἐν  
 αὐτῷ τῷ ἀγῶνι καὶ ἐν τῷ τοῦ θεοῦ ἱερῷ, τοῦτον  
 ἄλλο τι πλὴν ἀσεβεῖν φήσομεν;

56 Καὶ μὴν ἴστε γε τοῦτο, ὅτι βουλόμενοι μηδέν'  
 ἀγωνίζεσθαι ξένον οὐκ ἐδώκαθ' ἀπλῶς τῶν χορηγῶν  
 οὐδενὶ προσκαλέσαντι τοὺς χορευτὰς σκοπεῖν, ἀλλ'  
 ἐὰν μὲν καλέση, πεντήκοντα δραχμάς, ἐὰν δὲ  
 καθέζεσθαι κελεύση, χιλίας ἀποτίνειν ἐτάξατε.  
 τίνος ἔνεκα; ὅπως μὴ τὸν ἐστεφανωμένον καὶ  
 λητουργοῦντα τῷ θεῷ ταύτην τὴν ἡμέραν καλῇ  
 μηδ' ἐπηρεάζῃ μηδ' ὑβρίζῃ μηδεὶς ἐξεπίτηδες.

57 εἶτα τὸν μὲν χορευτὴν οὐδ' ὁ προσκαλέσας κατὰ  
 τὸν νόμον ἀζήμιος ἔσται, τὸν δὲ χορηγὸν οὐδ' ὁ  
 συγκόψας παρὰ πάντας τοὺς νόμους οὕτω φανερώς  
 δώσει δίκην; ἀλλὰ μὴν οὐδέν ἐστ' ὄφελος καλῶς  
 καὶ φιλανθρώπως τοὺς νόμους ὑπὲρ τῶν πολλῶν  
 [533] κείσθαι, εἰ τοῖς ἀπειθοῦσι καὶ βιαζομένοις αὐτοὺς  
 ἢ παρ' ὑμῶν ὀργὴ τῶν αἰεὶ κυρίων μὴ γενήσεται.

58 Φέρε δὴ πρὸς θεῶν κάκεῖνο σκέψασθε. παρ-

<sup>1</sup> τῇ Herwerden: τὴν mss., Dind.

<sup>a</sup> If a chorus-master suspected that a member of a rival

up dances and to wear garlands after the manner of our ancestors. Therefore in the case of all the choruses that are constituted, together with their chorus-masters, during the days on which we meet in competition, these oracles make it clear that we wear our crowns as your representatives, the winner as well as the one destined to be last of all ; it is not until the day of the prize-giving that the victor receives his own special crown. If, then, a man commits a malicious assault on any member or master of these choruses, especially during the actual contest in the sacred precinct of the god, can we deny that he is guilty of impiety ?

Moreover, you are aware that, although anxious to exclude aliens from the contest, you do not grant unlimited right to any chorus-master to summon for scrutiny any member of a chorus<sup>a</sup> ; if he summons him, he is fined fifty drachmas, and a thousand drachmas if he orders him to sit among the spectators. What is the object ? To protect the crowned official, who is doing public service to the god, from being maliciously summoned or annoyed or insulted on that day. So even the man who in due course of law summons a member of a chorus will not escape a fine. And shall not he be punished who in contempt of all the laws thus publicly strikes the master of a chorus ? Surely it is useless for your laws to be thus well and humanely framed for the protection of the humbler citizen, if those who disobey and flout them are not to incur the resentment of you who are, for the time being, entrusted with their administration.

And now I solemnly call your attention to another

chorus was an alien, he must not forcibly eject him nor summon him before the Archon to prove his nationality.

## DEMOSTHENES

αιτήσομαι δ' ὑμᾶς μηδὲν ἀχθεσθῆναί μοι, ἐὰν  
 ἐπὶ συμφορᾶς τινῶν γεγονότων ὀνομαστί μνησθῶ·  
 οὐ γὰρ ὀνειδίσαι μὰ τοὺς θεοὺς οὐδενὶ δυσχερὲς  
 οὐδὲν βουλόμενος τοῦτο ποιήσω, ἀλλὰ δεῖξαι τὸ  
 βιάζεσθαι καὶ ὑβρίζειν καὶ τὰ τοιαῦτα ποιεῖν ὡς  
 ἅπαντες ὑμεῖς οἱ ἄλλοι φεύγετε. Σαννίων ἐστὶ  
 δήπου τις ὁ τοὺς τραγικοὺς χοροὺς διδάσκων·  
 οὗτος ἀστρατείας ἤλω καὶ κέχρηται συμφορᾶ.  
 59 τοῦτον μετὰ τὴν ἀτυχίαν ταύτην ἐμισθώσατό τις  
 φιλονικῶν χορηγὸς τραγωδῶν, οἶμαι, Θεοζοτίδης.  
 τὸ μὲν οὖν πρῶτον ἠγανάκτουν οἱ ἀντιχορηγοὶ  
 καὶ κωλύσειν ἔφασαν, ὡς δ' ἐπληρώθη τὸ θέατρον  
 καὶ τὸν ὄχλον συνειλεγμένον εἶδον ἐπὶ τὸν ἀγῶνα,  
 ὤκνησαν, εἶασαν, οὐδεὶς ἤψατο, ἀλλὰ τοσοῦτον  
 τῆς εὐσεβείας ἐν ἐκάστῳ τις ἂν ὑμῶν ἴδοι τὸ συγ-  
κεχωρηκός, ὥστε πάντα τὸν μετὰ ταῦτα χρόνον  
 διδάσκει τοὺς χοροὺς καὶ οὐδὲ τῶν ἰδίων ἐχθρῶν  
 οὐδεὶς κωλύει· τοσοῦτ' ἀπέχει τῶν χορηγῶν.  
 60 ἄλλος ἐστὶν Ἀριστείδης Οἰνήδος φυλῆς, ἠτυχηκῶς  
 τι καὶ οὗτος τοιοῦτον, ὃς νῦν μὲν καὶ γέρων ἐστὶν  
 ἤδη καὶ ἴσως ἠπτων χορευτῆς, ἣν δέ ποθ' ἠγεμῶν  
 τῆς φυλῆς [κορυφαῖος].<sup>1</sup> ἴστε δὲ δήπου τοῦθ', ὅτι  
 τὸν ἠγεμόνα ἂν ἀφέλη τις, οἴχεται ὁ λοιπὸς χορός.  
 ἀλλ' ὅμως πολλῶν χορηγῶν φιλονικησάντων, οὐδεὶς  
 πώποτε τοῦτ' εἶδε τὸ πλεονέκτημα, οὐδ' ἐτόλμησε  
 [534] τοῦτον ἐξαγαγεῖν οὐδὲ κωλύσαι· διὰ γὰρ τὸ δεῖν  
 αὐτὸν ἐπιλαβόμενον τῇ χειρὶ τοῦτο ποιῆσαι, καὶ μὴ  
 προσκαλέσασθαι πρὸς τὸν ἄρχοντ' ἐξεῖναι, ὥσπερ  
 ἂν εἰ ξένον τις ἐξαγαγεῖν ἐβούλετο, ἅπας τις ὤκνει  
 τῆς ἀσελγείας ταύτης αὐτόχειρ ὀφθῆναι γιγνό-

<sup>1</sup> Bracketed as a gloss by most editors, but retained by Dind.



point. I shall beg you not to be offended if I mention by name some persons who have fallen into misfortune ; for I swear to you that in doing so I have no intention of casting reproach upon any man ; I only want to show you how carefully all the rest of you avoid anything like violent or insulting behaviour. There is, for instance, Sannio, the trainer of the tragic choruses, who was convicted of shirking military service and so found himself in trouble. After that 59 misfortune he was hired by a chorus-master—Theozotides, if I am not mistaken—who was keen to win a victory in the tragedies. Well, at first the rival masters were indignant and threatened to debar him, but when they saw that the theatre was full and the crowd assembled for the contest, they hesitated, they gave way, and no one laid a finger on him. One can see that the forbearance which piety inspires in everyone of you is such that Sannio has been training choruses ever since, not hindered even by his private enemies, much less by any of the chorus-masters. Then again there is Aristeides of the tribe of Oeneis, 60 who has had a similar misfortune. He is now an old man and perhaps less useful in a chorus, but he was once chorus-leader for his tribe. You know, of course, that if the leader is withdrawn, the rest of the chorus is done for. But in spite of the keen rivalry of many of the chorus-masters, not one of them looked at the possible advantage or ventured to remove him or prevent him from performing. Since this involved laying hands on him, and since he could not be cited before the Archon as if he were an alien whom it was desired to eject, every man shrank from being seen as the personal author of such an outrage. Then 61

- 61 μενος. οὐκ οὖν δεινόν, ὦ ἄνδρες δικασταί, καὶ σχέτλιον τῶν μὲν νικᾶν ἂν [ταυτὶ]<sup>1</sup> παρὰ τοῦτ' οἰομένων χορηγῶν, τῶν ἀνηλωκότων πολλάκις πάντα τὰ ὄντ' εἰς τὰς λητουργίας, μηδένα τολμησαι πώποτε μηδ' ὦν οἱ νόμοι διδόασιν ἄψασθαι, ἀλλ' οὕτως εὐλαβῶς, οὕτως εὐσεβῶς, οὕτω μετρίως διακεῖσθαι ὥστ' ἀναλίσκοντας ἀγωνιῶντας ὅμως ἀπέχεσθαι καὶ προορᾶσθαι τὰς ὑμετέρας βουλήσεις καὶ τὴν περὶ τὴν ἑορτὴν σπουδὴν, Μειδίαν δ' ἰδιώτην ὄντα, μηδὲν ἀνηλωκότα, ὅτι τω προσέκρουσε καὶ ἐχθρὸς ὑπῆρχε, τοῦτον ἀναλίσκοντα καὶ χορηγοῦντ' ἐπίτιμον ὄντα προπηλακίζειν καὶ τύπτειν, καὶ μήτε τῆς ἑορτῆς μήτε τῶν νόμων μήτε τί ὑμεῖς ἐρέετε μήτε τοῦ θεοῦ φροντίζειν.
- 62 Πολλῶν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, γεγενημένων ἐχθρῶν ἀλλήλοις, οὐ μόνον ἐξ ἰδίων ἀλλὰ καὶ ἐκ κοινῶν πραγμάτων, οὐδεὶς πώποτ' εἰς τοσοῦτ' ἀναιδεΐας ἀφίκετο ὥστε τοιοῦτόν τι τολμησαι ποιεῖν. καίτοι φασὶν Ἴφικράτην ποτ' ἐκείνον Διοκλεῖ τῷ Πιτθεῖ τὰ μάλιστ' ἐλθεῖν εἰς ἔχθραν, καὶ ἔτι πρὸς τούτῳ συμβῆναι Τεισίαν τὸν Ἴφικράτους ἀδελφὸν ἀντιχορηγήσαι τῷ Διοκλεῖ. ἀλλ' ὅμως πολλοὺς μὲν ἔχων φίλους Ἴφικράτης, πολλὰ δὲ χρήματα κεκτημένος, φρονῶν δ' ἐφ' αὐτῷ τηλικούτον ἠλίκον εἰκὸς ἄνδρα καὶ δόξης καὶ τιμῶν
- 63 τετυχηκόθ' ὦν ἐκεῖνος ἠξίωτο παρ' ὑμῶν, οὐκ [535] ἐβάδιζεν ἐπὶ τὰς τῶν χρυσοχόων οἰκίας νύκτωρ, οὐδὲ κατερρήγγυε τὰ παρασκευαζόμεν' ἱμάτι' εἰς τὴν ἑορτὴν, οὐδὲ διέφθειρε διδάσκαλον, οὐδὲ χορὸν μαθάνειν ἐκώλυεν, οὐδὲ τῶν ἄλλων οὐδὲν ὦν

<sup>1</sup> Omitted by two important mss. (A and F). Probably a corruption of ταύτη, a gloss on παρὰ τοῦτο.

is not this, gentlemen of the jury, a shocking and intolerable position? On the one hand, chorus-masters, who think that such a course might bring them victory and who have in many cases spent all their substance on their public services, have never dared to lay hands even on one whom the law permits them to touch, but show such caution, such piety, such moderation that, in spite of their expenditure and their eager competition, they restrain themselves and respect your wishes and your zeal for the festival. Meidias, on the other hand, a private individual who has been put to no expense, just because he has fallen foul of a man whom he hates—a man, remember, who is spending his money as chorus-master and who has full rights of citizenship—insults him and strikes him and cares nothing for the festival, for the laws, for your opinion, or for the god's honour.

Now although men have quarrelled often enough, 62 whether on private or on public grounds, no one has ever been so lost to shame as to venture on such conduct as this. Yet it is said that the famous Iphicrates once had a serious quarrel with Diocles of the Pitthean deme, and, to make matters worse, Iphicrates' brother Teisias happened to be a chorus-master in competition with Diocles. Iphicrates was a wealthy man with many friends and had a high opinion of himself, as a man would naturally have who had earned so many honours and distinctions at your hands; but Iphicrates never went under cover of 63 night to the goldsmiths' shops, he never ripped up the costumes intended for the festival, he never bribed the instructor and hindered the training of the chorus, he never played any of the tricks that Meidias re-

- οὗτος διεπράττετ' ἐποίει, ἀλλὰ τοῖς νόμοις καὶ τῇ τῶν ἄλλων βουλήσει συγχωρῶν ἠνείχετο καὶ νικῶντα καὶ στεφανούμενον τὸν ἐχθρὸν ὄρων, εἰκότως· ἐν ἣ γὰρ αὐτὸς εὐδαίμων ἦδει γεγωνὸς πολιτεία, ταύτη συγχωρεῖν τὰ τοιαῦτ' ἡξίου.
- 64 πάλιν Φιλόστρατον πάντες ἴσμεν τὸν Κολωνῆθεν Χαβρίου κατηγοροῦντα, ὅτ' ἐκρίνετο τὴν περὶ Ὠρωποῦ κρίσιν θανάτου, καὶ πάντων τῶν κατηγορῶν πικρότατον γενόμενον, καὶ μετὰ ταῦτα χορηγοῦντα παισὶ Διονύσια καὶ νικῶντα, καὶ Χαβρίαν οὔτε τύπτοντα οὔτ' ἀφαρπάζοντα τὸν στέφανον οὔθ' ὅλως προσιόνθ' ὅποι μὴ προσῆκεν αὐτῷ.
- 65 πολλοὺς δ' ἂν ἔχων εἰπεῖν ἔτι καὶ διὰ πολλὰς προφάσεις ἐχθροὺς γεγενημένους ἀλλήλοις, οὐδένα πώποτ' οὔτ' ἀκήκοα οὔθ' ἐόρακα ὅστις εἰς τοσοῦτον ἐλήλυθεν ὑβρεως ὥστε τοιοῦτόν τι ποιεῖν. οὐδέ γ' ἐκεῖνο οὐδεὶς ὑμῶν οἶδ' ὅτι μνημονεύει πρότερον, τῶν ἐπὶ τοῖς ἰδίῳις ἢ καὶ τοῖς κοινῶις ἐχθρῶν ἀλλήλοις οὐδένα οὔτε καλουμένων τῶν κριτῶν παρεστηκότα, οὔθ' ὅταν ὁμνύωσιν ἐξορκοῦντα, οὔθ' ὅλως ἐπ' οὐδενὶ τῶν τοιούτων ἐχθρὸν
- 66 ἐξεταζόμενον. ταῦτα γὰρ πάντα καὶ τὰ τοιαῦτ', ὧ ἄνδρες Ἀθηναῖοι, φιλονικία μὲν ὑπαχθέντα χορηγὸν ὄντα ποιεῖν ἔχει τινὰ συγγνώμην· ἔχθρα δ' ἐλαύνοντά τινα, ἐκ προαιρέσεως, ἐφ' ἅπασιν, καὶ τὴν ἰδίαν δύναμιν κρείττω τῶν νόμων οὔσαν ἐν-
- [536] δεικνύμενον, Ἡράκλεις, βαρὺ κούχι δίκαιόν ἐστιν οὐδέ συμφέρον ὑμῖν. εἰ γὰρ ἐκάστῳ τῶν χορηγούντων τοῦτο πρόδηλον γένοιτο, ὅτι ἂν ὁ δεῖν' ἐχθρὸς ἦ μοι, Μειδίας ἢ τις ἄλλος θρασὺς οὔτω

<sup>a</sup> Chabrias, with Callistratus, was tried for treachery in connexion with the surrender of Oropus in 366. The defence

peatedly practised. No, he submitted to the laws and to the wishes of his fellow-citizens, and patiently witnessed the victory and the crowning of his enemy. And he was right ; for he felt that such submission was due to the constitution under which he himself had enjoyed such prosperity.

Take another instance. We all know that Philo- 64  
stratus of Colonus was one of the accusers when Chabrias <sup>a</sup> was tried for his life on charges relating to Oropus, and that he showed himself the bitterest of them all, and that afterwards he won the prize at the Dionysia with a chorus of boys. Yet Chabrias neither struck him nor snatched the crown off his head nor in any way intruded where he had no right. I could 65  
mention many others who on various grounds have quarrelled with their neighbours, but I have never seen or heard of anyone who carried his insolence so far as to behave like this. And I am quite sure that no one here can recall any case where a man, involved in a public or private dispute, has taken his stand beside the umpires while they were being named, or dictated the oath when they were being sworn, or 66  
paraded his hostility on any such occasion. These and all similar acts, Athenians, are partly excusable in a chorus-master who is carried away by emulation ; but to harass a man with one's hostility, deliberately and on every occasion, and to boast one's own power as superior to the laws, that, by Heaven ! is cruel and unjust and contrary to your interests. For if each man when he becomes chorus-master could foresee this result : " If So-and-so is my enemy—Meidias for example or anyone else equally rich and un-  
of Callistratus is said to have roused the admiration of Demosthenes, then a youth.

## DEMOSTHENES

καὶ πλούσιος, πρῶτον μὲν ἀφαιρεθήσομαι τὴν νίκην, καὶ ἄμεινον ἀγωνίσωμαί τινος, ἔπειτ' ἐφ' ἅπασιν ἐλαττωθήσομαι καὶ προπηλακίζόμενος διατελώ, τίς οὕτως ἀλόγιστος ἢ τίς οὕτως ἄθλιός ἐστιν, ὅστις ἐκὼν ἂν μίαν δραχμὴν ἐθελήσειεν ἀναλώσει; οὐδεὶς δῆπου, ἀλλ', οἶμαι, τὸ πάντας ποιοῦν καὶ φιλοτιμείσθαι καὶ ἀναλίσκειν ἐθέλειν ἐκεῖν' ἐστίν, ὅτι τῶν ἴσων καὶ τῶν δικαίων ἕκαστος ἡγείται ἑαυτῷ μετείνειν ἐν δημοκρατίᾳ. ἐγὼ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τούτων οὐκ ἔτυχον διὰ τοῦτον, ἀλλὰ χωρὶς ὧν ὑβρίσθην, καὶ τῆς νίκης προσαπεστερήθην. καίτοι πᾶσιν ὑμῖν ἐγὼ τοῦτο δείξω σαφῶς, ὅτι μηδὲν ἀσελγὲς ἐξῆν ποιοῦντι **Μειδιά** μηδ' ὑβρίζοντι μηδὲ τύπτοντι καὶ λυπεῖν ἐμὲ καὶ κατὰ τοὺς νόμους αὐτῷ φιλοτιμείσθαι πρὸς ὑμᾶς, καὶ μηδὲ διᾶραι τὸ στόμα περὶ αὐτοῦ ἔχειν

68 ἐμέ. ἐχρῆν γὰρ αὐτόν, ὦ ἄνδρες Ἀθηναῖοι, ὅτ' ἐγὼ τῆς Πανδιονίδος χορηγὸς ὑπέστην ἐν τῷ δήμῳ, τότε τῆς Ἐρεχθίδος ἀναστάντα τῆς ἑαυτοῦ φυλῆς ἀνθυποστῆναι, καὶ καταστήσανθ' ἑαυτὸν ἐξ ἴσου καὶ τὰ ὄντ' ἀναλίσκονθ' ὥσπερ ἐγώ, οὕτω μ' ἀφαιρεῖσθαι τὴν νίκην, ὑβρίζειν δὲ τοιαῦτα καὶ

69 τύπτειν μηδὲ τότε. νῦν δὲ τοῦτο μὲν οὐκ ἐποίησεν, ἐν ᾧ τὸν δῆμον ἐτίμησεν ἄν, οὐδ' ἐνεανιεύσατο τοιοῦτον οὐδέν· ἐμοὶ δ', ὅς (εἴτε τις, ὦ ἄνδρες Ἀθηναῖοι, βούλεται νομίσει μανία· μανία γὰρ ἴσως ἐστὶν ὑπὲρ δυνάμιν τι ποιεῖν· εἴτε καὶ φιλοτιμία)

[537] χορηγὸς ὑπέστην, οὕτω φανερώς καὶ μιαρῶς ἐπηρεάζων παρηκολούθησεν ὥστε μηδὲ τῶν ἱερῶν

scrupulous—first I shall be robbed of my victory, even if I make a better show than any of my competitors ; next I shall be worsted at every point and exposed to repeated insults : ” who is so irrational or such a poor creature that he would voluntarily consent to spend a single drachma ? I suppose what tends to make 67 everyone public-spirited and liberal with his money is the reflection that under a democracy each man has his share of just and equal rights. Now I, men of Athens, was deprived of those rights through this man’s acts, and, quite apart from the insults I endured, I was robbed of my victory. Yet I shall prove to all of you beyond a doubt that Meidias, without committing any outrageous offence, without insulting or striking me, had it in his power both to cause me trouble and to display his public spirit to you in a legitimate way, so that I should not be able to open my lips against him. This is what he ought to have 68 done, Athenians. When I offered myself to the Assembly as chorus-master for the tribe of Pandionis, he should have got up and offered himself as a rival master for his own tribe of Erechtheis ; he should have put himself on equal terms with me and spent his money as I was spending mine and tried in that way to wrest the victory from me ; but not even as my rival should he have thus insulted and struck me. As it was, he did not adopt this course, by which he 69 might have done honour to the people, nor did he work off his high spirits in this way. No ; I was his target, I who in my madness, men of Athens,—for it may be madness to engage in something beyond one’s power—or perhaps in my ambition, volunteered for chorus-master. He harassed me with a persecution so undisguised and so brutal that neither the

## DEMOSTHENES

ίματίων μηδὲ τοῦ χοροῦ μηδὲ τοῦ σώματος τῷ  
 χεῖρε τελευτῶν ἀποσχέσθαι μου.

- 70 Εἰ τοίνυν τις ὑμῶν, ὦ ἄνδρες Ἀθηναῖοι, ἄλλως  
 πως ἔχει τὴν ὀργὴν ἐπὶ Μειδίαν ἢ ὡς δέον αὐτὸν  
 τεθνάναι, οὐκ ὀρθῶς ἔχει. οὐ γὰρ ἔστι δίκαιον  
 οὐδὲ προσήκον τὴν τοῦ παθόντος εὐλάβειαν τῷ  
 μηδὲν ὑποστειλαμένῳ πρὸς ὕβριν μερίδ' εἰς σωτη-  
 ρίαν ὑπάρχειν, ἀλλὰ τὸν μὲν ὡς ἀπάντων τῶν ἀν-  
 ηκέστων αἴτιον κολάζειν προσήκει, τῷ δ' ἐπὶ τοῦ  
 71 βοηθεῖν ἀποδιδόναι τὴν χάριν. οὐδὲ γὰρ αὐτοῦτ'  
 ἔστιν εἰπεῖν, ὡς οὐ γεγενημένου πώποτ' οὐδενὸς  
 ἐκ τῶν τοιούτων δεινοῦ τῷ λόγῳ τὸ πρᾶγμ' ἐγὼ  
 νῦν αἴρω καὶ φοβερόν ποιῶ. πολλοῦ γε καὶ δεῖ.  
 ἀλλ' ἴσασι πάντες, εἰ δὲ μή, πολλοί γε, Εὐθύνοιο  
 τὸν παλαίσαντά ποτ' ἐκείνοιο, τὸν νεανίσκοιο, [καὶ]  
 Σώφιλοιο τὸν παγκρατιαστήν (ἰσχυρὸς τις ἦν,  
 μέλας, εὖ οἶδ' ὅτι γινώσκουσί τινες ὑμῶν ὃν  
 λέγω), τοῦτοιο ἐν Σάμῳ ἐν συνουσίᾳ τινὶ καὶ  
 διατριβῇ οὕτως ἰδίᾳ, ὅτι [ὁ τύπτων]<sup>1</sup> αὐτὸν ὑβρίζει  
 δεῖν ᾤετο, ἀμυνάμενοιο οὕτως ὥστε καὶ ἀποκτεῖναι.  
 ἴσασι Εὐαίωιο πολλοὶ τὸν Λεωδάμαντοιο ἀδελφὸν  
 ἀποκτείναντα Βοιωτὸν ἐν δείπνῳ καὶ συνόδῳ  
 72 κοινῇ διὰ πληγὴν μίαν. οὐ γὰρ ἡ πληγὴ παρ-  
 ἔστησε τὴν ὀργὴν, ἀλλ' ἡ ἀτιμία· οὐδὲ τὸ τύπτεσθαι

<sup>1</sup> Dind. keeps *τύπτων* but omits *ὁ*.

<sup>a</sup> The argument is here condensed. Demosthenes imagines a jurymen as saying to himself, "Demosthenes did not retaliate; therefore the insult was not really intolerable." He replies, "That only shows my forbearance. You ought to punish Meidias as severely as you would if I had shown that the insult was intolerable by hitting him back."

<sup>b</sup> The language is strangely colloquial, not to say slip-



sacred costumes nor the chorus nor at last even my own person was safe from his hands.

Now if there is anyone of you, Athenians, whose 70 anger against Meidias falls short of a demand for his death, he is wrong. For it is neither just nor proper that the forbearance of the victim should contribute to the acquittal of a man who has put no check on his insolence. The latter you should punish as if the results of his conduct had been utterly irremediable; to the former you should show your goodwill by favouring his cause.<sup>a</sup>

You cannot retort that such acts have never had 71 any serious consequences, but that I am now exaggerating the incident and representing it as formidable. That is wide of the mark. But all, or at least many, know what Euthynus, the once famous wrestler, a youngster, did to Sophilus the prize-fighter. He was a dark, brawny fellow. I am sure some of you know the man I mean. He met him in Samos at a gathering—just a private pleasure-party—and because he imagined he was insulting him, took such summary vengeance that he actually killed him.<sup>b</sup>

It is a matter of common knowledge that Euaeon, the brother of Leodamas, killed Boeotus at a public banquet and entertainment in revenge for a single blow. For it was not the blow but the indignity that 72 roused the anger. To be struck is not the serious

shod. Many editors think that we have here a passage which Demosthenes has not finally worked up. Yet the sudden drop in style might be effective, if only the meaning were more clear. Did the wrestler kill the prize-fighter or *vice versa*? The reader must take his choice. If ὁ τύπτων is retained, it will mean "because the striker [E. or S. ?] intended to insult him [S. or E. ?]" The καί only makes confusion worse confounded.

DEMOSTHENES

τοῖς ἐλευθέροις ἐστὶ δεινόν, καίπερ ὄν δεινόν, ἀλλὰ  
 τὸ ἐφ' ὕβρει. πολλὰ γὰρ ἂν ποιήσειεν ὁ τύπτων,  
 ὧ ἄνδρες Ἀθηναῖοι, ὧν ὁ παθὼν ἐνὶ οὐδ' ἂν ἀπα-  
 γγεῖλαι δύναιθ' ἐτέρω, τῷ σχήματι, τῷ βλέμματι,  
 τῇ φωνῇ, ὅταν ὡς ὑβρίζων, ὅταν ὡς ἐχθρὸς ὑπ-  
 ἄρχων, ὅταν κοινύλοις, ὅταν ἐπὶ κόρρης. ταῦτα  
 [538] κινεῖ, ταῦτ' ἐξίστησιν ἀνθρώπους αὐτῶν, ἀήθεις  
 ὄντας τοῦ προπηλακίζεσθαι. οὐδεὶς ἂν, ὧ ἄνδρες  
 Ἀθηναῖοι, ταῦτ' ἀπαγγέλλων δύναιτο τὸ δεινὸν  
 παραστήσαι τοῖς ἀκούουσιν οὕτως, ὡς ἐπὶ τῆς  
 ἀληθείας καὶ τοῦ πράγματος τῷ πάσχοντι καὶ τοῖς  
 73 ὀρώσιν ἐναργῆς ἢ ὕβρις φαίνεται. σκέψασθε δὴ  
 πρὸς Διὸς καὶ θεῶν, ὧ ἄνδρες Ἀθηναῖοι, καὶ  
 λογίσασθε παρ' ὑμῖν αὐτοῖς ὅσω πλείον' ὀργὴν  
 ἐμοὶ προσῆκε παραστήναι πάσχοντι τοιαῦθ' ὑπὸ  
 Μειδίου ἢ τὸτ' ἐκείνῳ τῷ Εὐαίῳ τῷ τὸν Βοιωτὸν  
 ἀποκτείναντι. ὁ μὲν γ' ὑπὸ γνωρίμου, καὶ τούτου  
 μεθύοντος, ἐναντίον ἐξ ἢ ἔπτ' ἀνθρώπων ἐπλήγη,  
 καὶ τούτων γνωρίμων, οἳ τὸν μὲν κακιεῖν οἷς  
 ἔπραξε, τὸν δ' ἐπαινέσεσθαι μετὰ ταῦτ' ἀνασχό-  
 μενον καὶ κατασχόνθ' ἑαυτὸν ἔμελλον, καὶ ταῦτ'  
 εἰς οἰκίαν ἐλθὼν ἐπὶ δεῖπνον, οἳ μηδὲ βαδίζειν  
 74 ἐξῆν αὐτῷ. ἐγὼ δ' ὑπ' ἐχθροῦ νήφοντος, ἔωθεν,  
 ὕβρει καὶ οὐκ οἶνω τοῦτο ποιούντος, ἐναντίον  
 πολλῶν καὶ ξένων καὶ πολιτῶν ὑβριζόμεν, καὶ  
 ταῦτ' ἐν ἱερῷ καὶ οἳ πολλή μοι ἦν ἀνάγκη βαδίζειν  
 χορηγοῦντι. καὶ ἑμαυτὸν μὲν γ', ὧ ἄνδρες  
 Ἀθηναῖοι, σωφρόνως, μᾶλλον δ' εὐτυχῶς οἶμαι  
 βεβουλεῦσθαι, ἀνασχόμενον τότε καὶ οὐδὲν ἀν-  
 ήκεστον ἐξαχθέντα πράξαι. τῷ δ' Εὐαίῳ καὶ  
 πᾶσιν, εἴ τις αὐτῷ βεβοήθηκεν ἀτιμαζόμενος, πολ-  
 75 λὴν συγγνώμην ἔχω. δοκοῦσι δέ μοι καὶ τῶν

thing for a free man, serious though it is, but to be struck in wanton insolence. Many things, Athenians, some of which the victim would find it difficult to put into words, may be done by the striker—by gesture, by look, by tone ; when he strikes in wantonness or out of enmity ; with the fist or on the cheek. These are the things that provoke men and make them beside themselves, if they are unused to insult. No description, men of Athens, can bring the outrage as vividly before the hearers as it appears in truth and reality to the victim and to the spectators. In the 73 name of all the gods, Athenians, I ask you to reflect and calculate in your own minds how much more reason I had to be angry when I suffered so at the hands of Meidias, than Euaeon when he killed Boeotus. Euaeon was struck by an acquaintance, who was drunk at the time, in the presence of six or seven witnesses, who were also acquaintances and might be depended upon to denounce the one for his offence and commend the other if he had patiently restrained his feelings after such an affront, especially as Euaeon had gone to sup at a house which he need never have entered at all. But I was assaulted by a 74 personal enemy early in the day, when he was sober, prompted by insolence, not by wine, in the presence of many foreigners as well as citizens, and above all in a temple which I was strictly obliged to enter by virtue of my office. And, Athenians, I consider that I was prudent, or rather happily inspired, when I submitted at the time and was not impelled to any irremediable action ; though I fully sympathize with Euaeon and anyone else who, when provoked, takes the law into his own hands. My views were, I think, 75

- δικασάντων τότε πολλοί· ἀκούω γὰρ αὐτὸν ἔγωγε  
 μιᾷ μόνον ἀλῶναι ψήφῳ, καὶ ταῦτ' οὔτε κλαύσαντ'  
 οὔτε δεηθέντα τῶν δικαστῶν οὐδενός, οὔτε φιλ-  
 ἄνθρωπον οὔτε μικρὸν οὔτε μέγα οὐδ' ὅτιοῦν πρὸς  
 τοὺς δικαστὰς ποιήσαντα. θῶμεν τοίνυν οὕτωςί,  
 [539] τοὺς μὲν καταγνόντας αὐτοῦ μὴ ὅτι ἡμύνατο, διὰ  
 τοῦτο καταψηφίσασθαι, ἀλλ' ὅτι τοῦτον τὸν τρόπον  
 ὥστε καὶ ἀποκτείνειν, τοὺς δ' ἀπογνόντας καὶ  
 ταύτην τὴν ὑπερβολὴν τῆς τιμωρίας τῷ γε τὸ  
 76 σῶμ' ὑβρισμένῳ δεδωκέναί. τί οὖν; ἐμοὶ τῷ  
 τοσαύτῃ κεχρημένῳ προνοία τοῦ μηδὲν ἀνήκεστον  
 γενέσθαι, ὥστε μηδ' ἀμύνασθαι, παρὰ τοῦ τὴν  
 τιμωρίαν ὧν πέπονθ' ἀποδοθῆναι προσήκει; ἐγὼ  
 μὲν οἶμαι παρ' ὑμῶν καὶ τῶν νόμων, καὶ παρά-  
 δειγμά γε πᾶσι γενέσθαι τοῖς ἄλλοις, ὅτι τοὺς  
 ὑβρίζοντας ἅπαντας καὶ τοὺς ἀσελγεῖς οὐκ αὐτὸν  
 ἀμύνεσθαι μετὰ τῆς ὀργῆς, ἀλλ' ἐφ' ὑμᾶς ἄγειν  
 δεῖ, ὡς βεβαιούντων ὑμῶν καὶ φυλαττόντων τὰς  
 ἐν τοῖς νόμοις τοῖς παθοῦσι βοηθείας.
- 77 Οἶμαι τοίνυν τινὰς ὑμῶν, ὧ ἄνδρες δικασταί,  
 ποθεῖν ἀκοῦσαι τὴν ἔχθραν, ἣτις ἦν ἡμῖν πρὸς  
 ἀλλήλους· νομίζειν γὰρ οὐδέν' ἂν ἀνθρώπων οὕτως  
 ἀσελγῶς καὶ βιαίως οὐδενὶ τῶν πολιτῶν χρήσασθαι,  
 μὴ μεγάλου τινὸς ὄντος ὃ αὐτῷ προωφείλετο.)  
 βούλομαι δὴ καὶ περὶ ταύτης ὑμῖν ἐξ ἀρχῆς εἰπεῖν  
 καὶ διηγήσασθαι, ἵν' εἰδῆθ' ὅτι καὶ τούτων ὀφείλων  
 δίκην φανήσεται. ἔσται δὲ περὶ αὐτῶν βραχὺς ὁ  
 78 λόγος, κἂν ἄνωθεν ἄρχεσθαι δοκῶ. ἡνῖκα τὰς  
 δίκας ἔλαχον τῶν πατρῶων τοῖς ἐπιτρόποις, μειρα-  
 κύλλιον ὧν κομιδῇ καὶ τοῦτον οὐδ' εἰ γέγονεν

shared at that trial by many of the jury ; for I am told that he was only condemned by a single vote, and yet he had no recourse to tears or supplications and made no effort, small or great, to win the favour of his judges. Let us assume, then, that the judges who condemned him did so, not because he retaliated, but because he did it in such a way as to kill the aggressor, while the judges who acquitted him allowed even this licence of revenge to a man who had suffered an outrage on his person. What follows? 76 I who was so careful not to cause any irremediable mischief that I never retaliated—from whom am I to seek redress for my sufferings? I think it should be from you and from the laws. I think that you should set up a precedent for all to follow, that no one who wantonly assaults and outrages another should be punished by the victim himself in hot blood, but must be brought into your court, because it is you who confirm and uphold the protection granted by the laws to those who are injured.

Now I expect, gentlemen of the jury, that some of 77 you are anxious to hear about the quarrel between Meidias and myself ; for you must suppose that no human being could treat a fellow-countryman with such violence and brutality, unless he had a long account to settle with him. Well, I am quite willing to give you a detailed account of this quarrel from its inception, so that you may understand that on this score too, as I shall prove, he owes me reparation. The narrative shall be brief, though I may seem to go a long way back for the start.

When I brought my action against my guardians 78 for the recovery of my patrimony, being a mere lad, neither acquainted with Meidias nor even aware of

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- εἰδὼς οὐδὲ γινώσκων, ὡς μηδὲ νῦν ὄφελον, τότε μοι μελλουσῶν εἰσιέναι τῶν δικῶν εἰς ἡμέραν ὡσπερὶ τετάρτην ἢ πέμπτην εἰσεπήδησαν ἀδελφὸς ὁ τούτου καὶ οὗτος εἰς τὴν οἰκίαν ἀντιδιδόντες τριηραρχίαν. τούνομα μὲν δὴ παρέσχεν ἐκείνος, [540] καὶ ἦν ὁ ἀντιδιδούς Θρασύλοχος· τὰ δ' ἔργα πάντ' 79 ἦν καὶ τὰ πραττόμεν' ὑπὸ τούτου. καὶ πρῶτον μὲν κατέσχισαν τὰς θύρας τῶν οἰκημάτων, ὡς αὐτῶν ἤδη γιγνομένας κατὰ τὴν ἀντίδοσιν· εἶτα τῆς ἀδελφῆς ἔτ' ἔνδον οὔσης τότε καὶ παιδὸς οὔσης κόρης ἐναντίον ἐφθέγγοντ' αἰσχρὰ καὶ τοιαῦτα, οἳ' ἂν ἄνθρωποι τοιοῦτοι φθέγγαιντο (οὐ γὰρ ἔγωγε προαχθείην ἂν εἰπεῖν πρὸς ὑμᾶς τῶν τότε ῥηθέντων οὐδέν), καὶ τὴν μητέρα καμὲ καὶ πάντας ἡμᾶς ῥητὰ κάρρητα κακὰ ἐξείπον· ὁ δ' οὖν δεινότατον καὶ οὐ λόγος, ἀλλ' ἔργον ἦδη· τὰς δίκας ὡς αὐτῶν οὔσας ἠφίεσαν τοῖς ἐπιτρόποις. 80 καὶ ταῦτ' ἐστὶ μὲν παλαιά, ὅμως δέ τινες ὑμῶν μνημονεύειν οἶομαι· ὅλη γὰρ ἡ πόλις τὴν ἀντίδοσιν καὶ τὴν ἐπιβουλήν τότε ταύτην καὶ τὴν ἀσέλγειαν ἤσθετο. καγὼ τότε παντάπασιν ἔρημος ὢν καὶ νέος κομιδῆ, ἵνα μὴ τῶν παρὰ τοῖς ἐπιτρόποις ἀποστερηθείην, οὐχ ὅσ' ἠδυνήθην ἀνακομίσασθαι προσδοκῶν εἰσπράξειν, ἀλλ' ὅσων ἐμαυτῷ συνήδειν ἀπεστερημένω, δίδωμ' εἴκοσι μνᾶς τούτοις, ὅσου τὴν τριηραρχίαν ἦσαν μεμισθωκότες. τὰ μὲν δὴ τόθ' ὑβρίσματα τούτων εἰς ἐμὲ ταῦτ' ἐστίν. 81 δίκην δὲ τούτῳ λαχὼν ὕστερον τῆς κατηγορίας

<sup>a</sup> Before the system of "symmories" was introduced, the liturgies fell on individuals. A citizen to whom one was

his existence—would that I were not acquainted with him now!—when my suit was due to come on in three or four days, Meidias and his brother suddenly burst into my house and challenged me to take over their trierarchy.<sup>a</sup> It was the brother, Thrasylochus, who submitted his name and made the challenge; but the real author of all these proceedings was Meidias. And first they forced the doors of the apartments, 79 assuming that these became their property by the terms of the challenge; next in the presence of my sister, who was a young girl still living at home, they used foul language such as only men of their stamp would use—nothing would induce me to repeat to you some of their expressions—and they uttered unrestrained abuse of my mother and myself and all my family. But, what was more shocking still, from words they proceeded to deeds, and they were going to drop the lawsuits, claiming them as their own, to oblige my guardians. All this is ancient history, 80 though I expect some of you remember it, for all Athens heard of the challenge and of the plot they then hatched and of their brutal behaviour. As for me, being quite alone in the world and a mere lad, I did not want to lose the property that was still in the hands of my guardians, and I expected to obtain, not the trifle that I was actually able to recover, but all that I knew I had been robbed of; so I gave them twenty minas, the sum which they had paid for the performance of their trierarchy by deputy. Such was the scandalous treatment that I received at their hands. Next I brought an action against Meidias for 81

assigned could challenge another citizen, whom he thought better able to bear the expense, to undertake the liturgy or exchange properties. Such exchange was called *ἀντίδοσις*.

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εἶλον ἐρήμην· οὐ γὰρ ἀπήντα. λαβὼν δ' ὑπερ-  
 ἡμερον καὶ ἔχων, οὐδενὸς ἠψάμην πω τῶν τούτου,  
 ἀλλὰ λαχὼν ἐξούλης πάλιν οὐδέπω καὶ τῆμερον  
 εἰσελθεῖν δεδύνημαι· τοσαύτας τέχνας καὶ σκήψεις  
 οὗτος εὐρίσκων ἐκκρούει. καὶ γὰρ μὲν οὕτως εὐ-  
 λαβῶς τῇ δίκῃ, τοῖς νόμοις ἅπαντα πράττειν ἀξιῶ·  
 ὁ δ', ὡς ὑμεῖς ἀκούετε, ἀσελγῶς οὐ μόνον εἰς ἐμέ  
 [541] καὶ τοὺς ἐμοὺς ᾤετο δεῖν ὑβρίζειν, ἀλλὰ καὶ εἰς  
 82 τοὺς φυλέτας δι' ἐμέ. ὡς οὖν ταῦτ' ἀληθῆ λέγω,  
 κάλει μοι τούτων τοὺς μάρτυρας, ἵν' εἰδῆθ' ὅτι  
 πρὶν κατὰ τοὺς νόμους δίκην ὦν πρότερον ἠδικήθη  
 λαβεῖν, πάλιν τοιαῦθ' οἱ ἀκηκόαθ' ὑβρισμαί.

### ΜΑΡΤΥΡΙΑ

[Καλλιस्थένης Σφήττιος, Διόγνητος Θορίκιος, Μνησί-  
 θεος Ἀλωπεκῆθεν, οἶδαμεν Δημοσθένη, ᾧ μαρτυροῦμεν,  
 κρίσιν λελογχότα Μειδία ἐξούλης, τῷ καὶ νῦν ὑπ'  
 αὐτοῦ κρινομένῳ δημοσίᾳ, καὶ ἤδη τῇ κρίσει ἐκείνῃ  
 διαγεγονότα ἔτη ὀκτώ, καὶ τοῦ χρόνου γεγενημένον  
 παντὸς αἴτιον Μειδίαν αἰεὶ προφασιζόμενον καὶ ἀνα-  
 βαλλόμενον.]

83 Ὁ τοίνυν πεποίηκεν, ὦ ἄνδρες Ἀθηναῖοι, περὶ  
 τῆς δίκης, ἀκούσατε, καὶ θεωρεῖτ' ἐφ' ἐκάστου  
 τὴν ὑβριν καὶ τὴν ὑπερηφανίαν αὐτοῦ. τῆς γὰρ  
 δίκης, ταύτης λέγω ἧς εἶλον αὐτόν, γίνεται μοι  
 διαιτητῆς Στράτων Φαληρεύς, ἄνθρωπος πένης μὲν  
 τις καὶ ἀπράγμων, ἄλλως δ' οὐ πονηρός, ἀλλὰ  
 καὶ πάνυ χρηστός· ὅπερ τὸν ταλαίπωρον οὐκ ὀρθῶς  
 οὐδὲ δικαίως, ἀλλὰ καὶ πάνυ αἰσχρῶς ἀπολώλεκεν.  
 84 οὗτος διαιτῶν ἡμῖν ὁ Στράτων, ἐπειδὴ ποθ' ἦκεν



slander and gained the verdict by default, for he did not appear. He had put himself into my power by failing to pay the fine, but I did not lay hands on his property. Instead I obtained leave to bring an action for ejection, but to this day I have never been able to commence it, such shifts and quibbles does he find to thwart me. While I think it my duty to proceed thus with caution, legally and constitutionally, Meidias, as you learn, thought fit to treat with brutal insolence not only me and mine, but also my fellow-tribesmen through me. To prove the 82 truth of this, please call my witnesses, so that you may know that, before obtaining legal redress for my former injuries, I have again been insulted in the way that you have heard.

THE DEPOSITION

[We, Callisthenes of Sphettus, Diognetus of Thoricus, Mnesitheus of Alopece, know that Demosthenes, for whom we appear, has brought an action for ejection against Meidias, who is now also being publicly prosecuted by him, and that eight years have now passed since that action, and that Meidias has been the cause of all the delay by repeated excuses and procrastinations.]

Hear now what he has done, men of Athens, in the 83 matter of the legal action and observe his insolent and overbearing conduct on each occasion. In that action—I mean the one in which I obtained a verdict against him—the arbitrator assigned to me was Strato of Phalerum, a man of small means and no experience, but in other respects quite a good fellow; but his appointment proved the unhappy man's ruin—a ruin undeserved, unjust, and in every way scandalous. This Strato, acting as arbitrator, when the appointed 84

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ἡ κυρία, πάντα δ' ἤδη διεξεληλύθει τὰκ τῶν νόμων, ὑπωμοσίαι καὶ παραγραφαί, καὶ οὐδὲν ἔτ' ἦν ὑπόλοιπον, τὸ μὲν πρῶτον ἐπισχεῖν ἐδεῖτό μου τὴν δίαιταν, ἔπειτ' εἰς τὴν ὑστεραίαν ἀναβαλέσθαι· τὸ τελευταῖον δ', ὡς οὔτ' ἐγὼ συνεχώρουν οὔθ' [542] οὔτος ἀπήντα, τῆς δ' ὥρας ἐγίγνετ' ὀψέ, κατ- 85 ἐδιήτησεν. ἤδη δ' ἐσπέρας οὔσης καὶ σκότους, ἔρχεται Μειδίας οὔτοσι πρὸς τὸ τῶν ἀρχόντων οἴκημα, καὶ καταλαμβάνει τοὺς ἄρχοντας ἐξιόντας καὶ τὸν Στράτων' ἀπιόντ' ἤδη, τὴν ἔρημον δεδωκότα, ὡς ἐγὼ τῶν παραγενομένων τινὸς ἐπυθανόμην. τὸ μὲν οὖν πρῶτον οἶός τ' ἦν πείθειν αὐτόν, ἣν κατεδεδιητήκει, ταύτην ἀποδεδιητημένην ἀποφαίνειν, καὶ τοὺς ἄρχοντας μεταγράφειν, καὶ 86 πεντήκοντα δραχμὰς αὐτοῖς ἐδίδου· ὡς δ' ἐδυσχέραινον οὔτοι τὸ πρᾶγμα καὶ οὐδετέρους ἔπειθεν, ἀπειλήσας καὶ διαλοιδωρηθεὶς ἀπελθὼν τί ποιεῖ; καὶ θεάσασθε τὴν κακοθήθειαν. [τὴν μὲν δίαιταν ἀντιλαχὼν οὐκ ὤμοσεν, ἀλλ' εἴασε καθ' ἑαυτοῦ κυρίαν γενέσθαι, καὶ ἀνώμοτος ἀπηνέχθη· βουλόμενος δὲ τὸ μέλλον λαθεῖν,] φυλάξας τὴν τελευταίαν ἡμέραν τῶν δαιτιῶν [τὴν τοῦ θαργηλιῶνος ἢ τοῦ σκιροφοριῶνος γιγνομένην], εἰς ἣν ὁ μὲν ἦλθε τῶν δαιτιητῶν, ὁ 87 δ' οὐκ ἦλθε, πείσας τὸν πρυτανεύοντα δοῦναι τὴν ψῆφον παρὰ πάντας τοὺς νόμους, κλητῆρ' οὐδ' ὄντινοῦν ἐπιγραψάμενος, κατηγορῶν ἔρημον, οὐδενὸς

<sup>a</sup> It seems safest to follow the scholiast in this difficult passage. He explains that the arbitrators underwent their audit in the eleventh month of the year, *i.e.* Thargelion, though he makes the odd mistake of calling it Scirophorion. The last day of any month, called *ἐνη καὶ νέα*, belonged partly

day arrived and all the legal delays had been exhausted—counter-pleas, demurrers, and the rest of them—and there was not a trick left, at first begged me to abandon the arbitration, and then to postpone it till the next day, and at the last, as I continued to refuse and Meidias did not appear in court, and it was getting late, he gave his decision against him. It <sup>85</sup> was now evening and growing dark. Up comes this fellow Meidias to the office of the Archons, and finds them just leaving and Strato already making his way home after having handed to them his judgement of guilty by default. This I learned from one of the bystanders. Well, at first he had the impudence to try and persuade Strato to report a judgement for the defendant instead of one for the plaintiff, and he wanted the Archons to alter the record and offered them fifty drachmas. But finding that they resented <sup>86</sup> the offer and that he could persuade neither Archons nor arbitrator, he threatened them and blackguarded them and went off and—what do you think he did? Just observe his malignity. [He appealed against the arbitration but omitted the oath, thus allowing the verdict against him to be made absolute, and he was recorded as unsworn. Then, wishing to conceal his real object,] he waited for the last day<sup>a</sup> for appeal against the arbitrators, which falls in Thargelion or Scirophorion, a day on which some of the arbitrators turned up but others did not; he induced the presiding <sup>87</sup> arbitrator to put it to the vote contrary to all the laws, because Meidias had not appended the name of a single witness to the summons; he denounces Strato in his absence and in the absence of witnesses, to the passing month and partly to the new. Strato, being off his guard, imagined that the month was over and that it was too late for complaints to be brought against him.

- παρόντος, ἐκβάλλει καὶ ἀτιμοῖ τὸν διαιτητὴν· καὶ νῦν εἰς Ἀθηναίων, ὅτι Μειδίας ἔρημον ὤφλε δίκην, ἀπάντων ἀπεστέρηται τῶν ἐν τῇ πόλει καὶ καθάπαξ ἄτιμος γέγονε, καὶ οὔτε λαχεῖν ἀδικηθέντα οὔτε διαιτητὴν γενέσθαι Μειδία οὔθ' ὅλως τὴν αὐτὴν
- 88 ὁδὸν βαδίζειν, ὡς ἔοικεν, ἔστ' ἀσφαλές. [δεῖ δὴ τοῦτο τὸ πρᾶγμ' ὑμᾶς οὕτως σκέψασθαι, καὶ λογίσασθαι τί ποτ' ἔστ' ὁ παθὼν Μειδίας οὕτως ὡμὸν τη-
- [543] λικαύτην ἐπεβούλευσε λαβεῖν τῶν πεπραγμένων παρ' ἀνδρὸς πολίτου δίκην, κἂν μὲν ἦ τι δεινὸν ὡς ἀληθῶς καὶ ὑπερφυές, συγγνώμην ἔχειν, ἐὰν δὲ μηδέν, θεάσασθε τὴν ἀσέλγειαν καὶ τὴν ὡμότητα, ἦ καθ' ἀπάντων χρῆται τῶν ἐντυγχανόντων. τί οὖν ἔστ' ὁ πέπονθεν; μεγάλην νῆ Δί' ὤφλε δίκην, καὶ τοσαύτην ὥστ' ἀποστειρεῖσθαι
- 89 τῶν ὄντων. ἀλλὰ χιλίων ἢ δίκη μόνον ἦν δραχμῶν. πάνυ γ', ἀλλὰ δάκνει καὶ τοῦτο, φαίη τις ἂν, ὅταν ἐκτίνειν ἀδίκως δέη, συνέβη δ' ὑπερημέρω γενομένῳ λαθεῖν αὐτῷ διὰ τὸ ἀδικηθῆναι. ἀλλ' αὐθημερὸν μὲν ἦσθετο, ὃ καὶ μέγιστόν ἐστι τεκμήριον τοῦ μηδὲν ἠδικηκέναι τὸν ἄνθρωπον, δραχμὴν δ' οὐδέπω μίαν ἐκτέτεικεν.
- 90 ἀλλὰ μὴ πω τοῦτο. ἀλλὰ τὴν μὴ οὔσαν ἀντιλαχεῖν ἐξῆν αὐτῷ δήπου, καὶ πρὸς ἐμὲ τὸ πρᾶγμα καταστήσασθαι, πρὸς ὄνπερ ἐξ ἀρχῆς ἦν ἡ δίκη. ἀλλ' οὐκ ἐβούλετο· ἀλλ' ἵνα μὴ Μειδίας ἀτίμητον ἀγωνίσηται δέκα μνῶν δίκην, πρὸς ἣν οὐκ ἀπῆντα δεῶν, καὶ εἰ μὲν ἠδίκηκε, δίκην δῶ, εἰ δὲ μὴ, ἀποφύγη, ἄτιμον Ἀθηναίων ἐν εἶναι δεῖ καὶ μήτε συγγνώμης μήτε λόγου μήτε ἐπιεικειᾶς μηδεμιᾶς τυχεῖν, ἃ καὶ τοῖς ὄντως ἀδικοῦσιν
- 91 ἅπανθ' ὑπάρχει. ἀλλ' ἐπειδὴ γ' ἠτίμωσεν ὃν ἠβουλήθη, καὶ τοῦτ' ἐχαρίσασθ' αὐτῷ, καὶ τὴν ἀναιδῆ γνώμην, ἣ ταῦτα προαιρεῖται ποιεῖν, ἐνέπλησεν αὐτοῦ, ἐκεῖν' ἐποίησε, τὴν καταδίκην ἐκτέτεικε, δι' ἣν τὸν ἄνθρωπον ἀπόλεσεν;

and gets him struck off the roll of arbitrators and disfranchised. And so a citizen of Athens, because Meidias lost his suit by default, has been deprived of all his civic rights, and has been irrevocably disfranchised; and it is unsafe for him to bring an action against Meidias when wronged, or to act as arbitrator for him, or even, it seems, to walk the same street with him. [Now you must consider the transaction 88 from this point of view. Estimate what loss Meidias must have suffered before he could plan such a dire revenge against a fellow-citizen; and if it was something really terrible and overwhelming, he may be forgiven, but if it was nothing of the sort, mark the insolent brutality with which he treats all whom he comes across. Well, what loss has he suffered? He was cast, you reply, in a big lawsuit, so big that he has lost all his property. But the lawsuit only involved a 89 thousand drachmas. True, you will say; but the galling thing is to be made to pay unfairly, and it was the unfairness of it that caused him to let the day of payment pass unnoticed.<sup>a</sup> But he noticed his mistake the same day, which is the strongest possible proof that Strato had done him no wrong; and he has not yet paid a single drachma. But of that later. But of course he could have moved for a fresh 90 trial on the ground of nullity, and so made me the object of his litigation as at the first. But no; that was not his game. To save him from defending a suit in which the penalty was fixed by law at ten minas—the suit in which he neglected to appear—to save him from paying the penalty if guilty or escaping it if innocent, a citizen of Athens must needs be disfranchised, and must obtain neither pardon nor right of defence nor any sort of equitable treatment, privileges extended even to those whose guilt is established. But now 91 that he has disfranchised the man he wanted to, and you have indulged him in this; now that he has sated that shameless temper that prompted him to this course, has he finished the business? Has he paid the fine, to escape which he ruined the poor fellow? Not a brass farthing of it to

<sup>a</sup> This, as the scholiast remarks, seems to be obscure. The rankling injustice would be more likely to keep his memory active.

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- οὐδὲ χαλκοῦν οὐδέπω καὶ τήμερον, ἀλλὰ δίκην ἐξούλης ὑπομένει φεύγειν. οὐκοῦν ὁ μὲν ἠτίμωται καὶ παραπ-  
 [544] ὀλωλεν, ὁ δ' οὐδ' ὅτιοῦν πέπονθεν, ἀλλ' ἄνω κάτω τοὺς νόμους, τοὺς διαιτητάς, πάνθ' ὅσ' ἂν βούληται στρέφει.  
 92 καὶ τὴν μὲν κατὰ τοῦ διαιτητοῦ γνώσιν, ἣν ἀπρόσκλητον κατεσκεύασεν, αὐτὸς κυρίαν αὐτῷ πεποίηκεν· ἣν δ' αὐτὸς ὠφλεν ἐμοὶ προσκληθείς, εἰδώς, οὐκ ἀπαντῶν, ἄκυρον ποιεί.] καίτοι εἰ παρὰ τῶν ἔρημον καταδαιτησάντων αὐτοῦ τηλικαύτην δίκην οὗτος ἀξιοῖ λαμβάνειν, τίν' ὑμῖν προσήκει παρὰ τούτου λαβεῖν τοῦ φανερώς τοὺς ὑμετέρους νόμους ἐφ' ὕβρει παραβαίνοντος; [εἰ γὰρ ἀτιμία καὶ νόμων καὶ δικῶν καὶ πάντων στέρσις ἐκείνου τὰδικήματος προσήκουσ' ἐστὶ δίκη, τῆς γ' ὕβρεως μικρὰ θάνατος φαίνεται.]  
 93 ἀλλὰ μὴν ὡς ἀληθῆ λέγω, κάλει μοι τούτων τοὺς μάρτυρας, καὶ τὸν τῶν διαιτητῶν ἀνάγνωθι νόμον.

### ΜΑΡΤΥΡΕΣ

- [Νικόστρατος Μυρρινοῦσιος, Φανίας Ἀφιδναῖος οἰδαμεν Δημοσθένην, ᾧ μαρτυροῦμεν, καὶ Μειδίαν τὸν κρινόμενον ὑπὸ Δημοσθένους, ὅτ' αὐτῷ Δημοσθένης ἔλαχε τὴν τοῦ κακηγορίου δίκην, ἐλομένους διαιτητὴν Στράτωνα, καὶ ἐπεὶ ἦκεν ἡ κυρία τοῦ νόμου, οὐκ ἀπαντήσαντα Μειδίαν ἐπὶ τὴν δίαιταν, ἀλλὰ καταλιπόντα. γενομένης δὲ ἐρήμου κατὰ Μειδίον, ἐπιστάμεθα Μειδίαν πείθοντα τὸν τε Στράτωνα τὸν διαιτητὴν καὶ ἡμᾶς, ὄντας ἐκείνοις τοῖς χρόνοις ἄρχοντας, ὅπως τὴν δίαιταν αὐτῷ ἀποδιδάσκωμεν, καὶ δίδοντα δραχμὰς πεντήκοντα, καὶ ἐπειδὴ οὐχ ὑπεμείναμεν, προσαπειλήσαντα ἡμῖν καὶ οὕτως ἀπαλλαγέντα. καὶ διὰ ταύτην τὴν αἰτίαν ἐπ-  
 [545] ιστάμεθα Στράτωνα ὑπὸ Μειδίου καταβραβευθέντα καὶ παρὰ πάντα τὰ δίκαια ἀτιμωθέντα.]

## AGAINST MEIDIAS, 91-93

this day! He submits rather to be the defendant in an action for ejection. So the one man is disfranchised and ruined on a side issue; the other is unscathed and is playing havoc with the laws, the arbitrators, and everything else that he pleases. Moreover, he has secured the validity of 92 the award against the arbitrator, which he manœuvred to get without serving a summons, while the suit which he lost to me, wittingly and after due summons, this he renders invalid.] Yet if such is the vengeance that he claims from arbitrators who have given judgement against him by default, what vengeance ought you to wreak on a man who openly and wantonly transgresses your laws? [For if disfranchisement and loss of all legal and civil rights is a fitting punishment for that other offence, death seems an inadequate one for this reckless outrage.] However, to prove the truth of my statements, 93 please call the witnesses, and also read the law concerning arbitrators.

### THE WITNESSES

[We, Nicostratus of Myrrhinus and Phantias of Aphidna, know that Demosthenes, for whom we appear, and Meidias, who is being prosecuted by Demosthenes, when Demosthenes brought his action against him for slander, chose Strato as arbitrator; and when the statutory day arrived, Meidias did not appear in court but abandoned the case. Judgement having gone by default against Meidias, we know that Meidias tried to induce Strato, the arbitrator, and us, who were at that time Archons, to reverse the judgement against him, and he offered us fifty drachmas, and, when we resented his offer, he threatened us and so departed. Also we know that on this account Strato was victimized by Meidias and was disfranchised contrary to all justice.]

## DEMOSTHENES

94 Λέγε δὴ καὶ τὸν τῶν διαιτητῶν νόμον.

### ΝΟΜΟΣ

[Ἐὰν δέ τινες περὶ συμβολαίων ἰδίων πρὸς ἀλλήλους ἀμφισβητῶσι καὶ βούλωνται διαιτητὴν ἐλέσθαι ὄντινούν, ἐξέστω αὐτοῖς αἰρεῖσθαι ὃν ἂν βούλωνται. ἐπειδὰν δ' ἔλονται κατὰ κοινόν, μενέτωσαν ἐν τοῖς ὑπὸ τούτου διαγνωσθείσι, καὶ μηκέτι μεταφερέτωσαν ἀπὸ τούτου ἐφ' ἕτερον δικαστήριον ταῦτὰ ἐγκλήματα, ἀλλ' ἔστω τὰ κριθέντα ὑπὸ τοῦ διαιτητοῦ κύρια.]

95 Κάλει δὴ καὶ τὸν Στράτων' αὐτὸν τὸν τὰ τοιαῦτα πεπονθότα· ἐστάναι γὰρ ἐξέσται δῆπουθεν αὐτῷ.

Οὗτος, ὦ ἄνδρες Ἀθηναῖοι, πένης μὲν ἴσως ἐστίν, οὐ πονηρὸς δέ γε. οὗτος μέντοι πολίτης ὢν, ἐστρατευμένος ἀπάσας τὰς ἐφ' ἡλικίας στρατείας καὶ δεινὸν οὐδὲν εἰργασμένος, ἔστηκε νυνὶ σιωπῇ, οὐ μόνον τῶν ἄλλων ἀγαθῶν τῶν κοινῶν ἀπестερημένος, ἀλλὰ καὶ τοῦ φθέγξασθαι καὶ ὀδύρασθαι· καὶ οὐδ' εἰ δίκαι' ἢ ἄδικα πέπονθεν, οὐδὲ  
96 ταῦτ' ἔξεστιν αὐτῷ πρὸς ὑμᾶς εἰπεῖν. καὶ ταῦτα πέπονθεν ὑπὸ Μειδίου καὶ τοῦ Μειδίου πλούτου καὶ τῆς ὑπερηφανίας παρὰ τὴν πενίαν καὶ ἐρημίαν καὶ τὸ τῶν πολλῶν εἰς εἶναι. καὶ εἰ μὲν παραβὰς τοὺς νόμους ἔλαβε τὰς πεντήκοντα δραχμὰς παρ' αὐτοῦ, καὶ τὴν δίκην ἣν κατεδιήτησεν ἀποδεδιητημένην ἀπέφηεν, ἐπίτιμος ἂν ἦν καὶ οὐδὲν ἔχων κακὸν τῶν ἴσων μετεῖχε τοῖς ἄλλοις ἡμῖν· ἐπειδὴ δὲ παρείδε πρὸς τὰ δίκαια Μειδίαν, καὶ τοὺς  
[546] νόμους μᾶλλον ἔδεισε τῶν ἀπειλῶν τῶν τούτου, τηλικαῦτα τηλικαύτη καὶ τοιαύτη συμφορᾶ περι-



Read also the law concerning arbitrators.

94

THE LAW

[If any parties are in dispute concerning private contracts and wish to choose any arbitrator, it shall be lawful for them to choose whomsoever they wish. But when they have chosen by mutual agreement, they shall abide by his decisions and shall not transfer the same charges from him to another court, but the judgements of the arbitrator shall be final.]

Call also Strato, the victim of this persecution, for 95 no doubt he will be allowed to stand up in court.

This man, Athenians, is a poor man perhaps, but certainly not a bad man. He was once a citizen and served at the proper age in all the campaigns ; he has done nothing reprehensible, yet now there he stands silent, stripped not only of all our common privileges, but also of the right to speak or complain ; he is not even allowed to tell you whether he has suffered justly or unjustly. All this he has endured at the 96 hands of Meidias, and from the wealth and pride of Meidias, because he himself is poor and friendless and just one of the multitude. If in violation of the laws he had accepted the fifty drachmas and changed his verdict from a condemnation to an acquittal, he would now be a full citizen, untouched by harm and sharing with the rest of us in our common rights ; but because he disregarded Meidias in comparison with justice and feared the laws more than his threats, therefore he has met with this great and terrible mis-

DEMOSTHENES

- 97 πέπτωκεν ὑπὸ τούτου. εἶθ' ὑμεῖς τὸν οὕτως ὤμόν, τὸν οὕτως ἀγνώμονα, τὸν τηλικαύτας δίκας λαμβάνονθ' ὧν αὐτὸς ἠδίκησθαι φησὶ μόνον (οὐ γὰρ ἠδίκητό γε), τοῦτον ὑβρίζοντα λαβόντες εἰς τινα τῶν πολιτῶν ἀφήσετε; [καὶ μήθ' ἑορτῆς μήθ' ἱερῶν μήτε νόμου μήτ' ἄλλου μηδενὸς πρόνοιαν ποιούμενον οὐ καταψηφιεῖσθε; οὐ παράδειγμα ποιήσετε;]
- 98 καὶ τί φήσεται, ὦ ἄνδρες δικασταί; καὶ τίν', ὦ πρὸς τῶν θεῶν, ἔξετ' εἰπεῖν πρόφασιν δικαίαν ἢ καλήν; ὅτι νῆ Δί' ἀσελγῆς ἐστὶ καὶ βδελυρός; ταῦτα γὰρ ἐστὶ τάληθῆ· ἀλλὰ μισεῖν ὀφείλετ', ὦ ἄνδρες Ἀθηναῖοι, δήπου τοὺς τοιοῦτους μᾶλλον ἢ σώζειν. ἀλλ' ὅτι πλούσιός ἐστιν; ἀλλὰ τοῦτό γε τῆς ὕβρεως αὐτοῦ σχεδὸν αἴτιον εὐρήσεται ὄν, ὥστ' ἀφελεῖν τὴν ἀφορμὴν, δι' ἣν ὑβρίζει, προσήκει μᾶλλον ἢ σώσαι διὰ ταύτην· τὸ γὰρ χρημάτων πολλῶν θρασὺν καὶ βδελυρὸν καὶ τοιοῦτον ἄνθρωπον εἶναι κύριον ἀφορμὴν
- 99 ἐστὶν ἐφ' ὑμᾶς αὐτοὺς δεδωκέναι. τί οὖν ὑπολοιπὸν; ἐλεῆσαι νῆ Δία· παιδία γὰρ παραστήσεται καὶ κλαήσει καὶ τούτοις αὐτὸν ἐξαιτήσεται τοῦτο λοιπόν. [ἀλλ' ἵστε δήπου ὅτι τοὺς ἀδίκως τι πάσχοντας, ὃ μὴ δυνήσονται φέρειν, ἐλεεῖν προσήκει, οὐ τοὺς ὧν πεποιήκασιν δεινῶν δίκην διδόντας.] καὶ τίς ἂν ταῦτ' ἐλεήσῃε δικαίως, ὁρῶν τὰ τοῦδ' οὐκ ἐλεθθένθ' ὑπὸ τούτου, ἃ τῇ τοῦ πατρὸς συμφορᾷ χωρὶς τῶν ἄλλων κακῶν οὐδ' ἐπικουρίαν ἐνοῦσαν [547] ὄρᾳ; οὐ γὰρ ἐστὶν ὄφλημ' ὃ τι χρῆ καταθέντ' ἐπίτιμον γενέσθαι τουτονί, ἀλλ' ἀπλῶς οὕτως ἠτίμωται τῇ ρύμῃ τῆς ὀργῆς καὶ τῆς ὕβρεως

fortune through the act of this man. And then this 97  
 same man, so cruel, so heartless, who has taken such  
 dire vengeance for his wrongs—you have only his  
 word for them, for he really suffered none—will you  
 acquit him when you have detected him in a wanton  
 outrage on one of the citizens? [If he regards neither  
 festivals nor temples nor law nor anything else, will you not  
 condemn him? Will you not make an example of him?] 98  
 If not, what have you to say, gentlemen of the  
 jury? What fair and honourable excuse, in heaven's  
 name, can you find for him? Is it because he is  
 a ruffian and a blackguard? That is true enough,  
 but surely, men of Athens, your duty is to hate  
 such creatures, not to screen them. Is it because  
 he is wealthy? But you will find that his wealth  
 was the main cause of his insolence, so that your  
 duty is to cut off the resources from which his  
 insolence springs, rather than spare him for the sake  
 of those resources; for to allow such a reckless and  
 abominable creature to have such wealth at his com-  
 mand is to supply him with resources to use against  
 yourselves. What plea, then, is left? Pity, forsooth! 99  
 He will group his children round him and weep and  
 beg you to pardon him for their sakes. That is his  
 last move. [But I need not remind you that pity is the  
 due of those who unjustly suffer more than they can endure,  
 not of those who are paying the penalty for the misdeeds  
 they have committed.] And who could justly pity  
 his children, when he sees that Meidias had no  
 pity for Strato's children, whose distress is en-  
 hanced by the reflection that for their father's  
 calamity no relief is possible? For it is not a  
 question of paying a fixed fine and regaining his  
 civil rights; he has been disfranchised absolutely, at  
 one stroke, by the wanton resentment of Meidias.

## DEMOSTHENES

- 100 τῆς Μειδίου. [τίς οὖν ὑβρίζων παύσεται καὶ δι' ἃ ταῦτα ποιεῖ χρήματ' ἀφαιρεθήσεται, εἰ τοῦτον μὲν ὡσπερ δεινὰ πάσχοντ' ἐλεήσετε, εἰ δέ τις πένης μηδὲν ἠδικηκῶς ταῖς ἐσχάταις συμφοραῖς ἀδίκως ὑπὸ τούτου περιπέπτωκε, τούτῳ δ' οὐδὲ συνοργισθήσεσθε; μηδαμῶς οὐδεὶς γάρ ἐστι δίκαιος τυγχάνειν ἐλέου τῶν μηδέν' ἐλεούντων, οὐδὲ συγγνώμης τῶν ἀσυγγνωμόνων. ἐγὼ γὰρ οἶμαι πάντας ἀνθρώπους φέρειν ἀξιοῦν παρ' αὐτῶν εἰς τὸν βίον αὐτοῖς ἔρανον παρὰ πάνθ' ὅσα πράττουσιν, οἷον ἐγὼ τις οὐτοσὶ μέτριος πρὸς ἅπαντάς εἰμι, ἐλεήμων, εὖ ποιῶν πολλούς· ἅπασι προσήκει τῷ τοιούτῳ ταῦτ' εἰσφέρειν, ἐάν του καιρὸς ἢ χρεῖα παραστῆ. ἕτερος οὗτός τις βίαιος, οὐδέν' οὔτ' ἐλεῶν οὔθ' ὅλως ἀνθρωπον ἠγούμενος· τούτῳ τὰς ὁμοίας φορὰς παρ' ἐκάστου δίκαιον ὑπάρχειν. σὺ δὲ πληρωτῆς τοιούτου γεγονὼς ἔρανον σεαυτῷ τοῦτον δίκαιος εἶ συλλέξασθαι.]
- 102 Ἐγοῦμαι μὲν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, καὶ εἰ μηδὲν ἔτ' ἄλλ' εἶχον κατηγορεῖν Μειδίου, μηδὲ δεινότερ' ἦν ἢ μέλλω λέγειν ὧν εἶρηκα, δικαίως ἂν ὑμᾶς ἐκ τῶν εἰρημένων καὶ καταψηφίσασθαι καὶ τιμᾶν αὐτῷ τῶν ἐσχάτων. οὐ μὴν ἐνταῦθ' ἔστηκε τὸ πρᾶγμα, οὐδ' ἀπορήσειν μοι δοκῶ τῶν μετὰ ταῦτα· τοσαύτην ἀφθονίαν οὗτος πεποίηκε
- 103 κατηγοριῶν. ὅτι μὲν δὴ λιποταξίου γραφὴν κατασκευάσασκε κατ' ἐμοῦ, καὶ τὸν τοῦτο ποιήσοντ' ἐμισθώσατο, τὸν μιάρων καὶ λίαν εὐχερῆ, τὸν κοινορτὸν Εὐκτῆμονα, ἐάσω. καὶ γὰρ οὔτ' ἀνεκρίνατο ταύτην ὁ συκοφάντης ἐκεῖνος, οὔθ' οὗτος οὐδενὸς ἔνεκ' αὐτὸν ἐμισθώσατο, πλὴν ἵν' ἐκκέοιτο πρὸ τῶν ἐπωνύμων καὶ πάντες ὀρώμεν “ Εὐκτῆμων

<sup>a</sup> This metaphor of the *ἔρανος*, which means (1) a picnic, (2) a benefit club, to which each member paid a subscription,

## AGAINST MEIDIAS, 100-103

[Whose insolence then will be checked, and who will be deprived of the wealth that makes such outrages possible, if you are prepared to pity Meidias as though he were an innocent victim, while, if a poor man, who has done no wrong, has through him become unjustly involved in utmost ruin, you fail even to share in his indignation? It must not be. No one deserves pity who shows no pity; no one deserves pardon who grants no pardon. For I think that all men, in all that they do, feel bound to make a contribution out of their own pockets for the benefit of their own life. Here am I, let us suppose; moderate and merciful towards all, and a benefactor of many. To such a man all men ought to make an equivalent return, if occasion offers or need demands. Here again is a very different man; violent, showing no pity to his neighbour, nor even treating him as a fellow-man. Such a man deserves to be paid in his own coin. And such, Meidias, was the contribution that you paid for your own benefit; such is the return that you deserve.<sup>a</sup>]

Therefore, men of Athens, I think that even if I had no other charge to bring against Meidias, and even if what I shall allege hereafter were not more serious than what I have already said, you would be justified, in view of my statements, in condemning him and imposing the utmost penalty of the law. Yet the tale is not complete, and I think I shall not be at a loss what to say next, so lavishly has he furnished me with matter for indictment. How he trumped up a charge of desertion against me and bribed another to bring the action—a scoundrel ready for any dirty job, the filthy Euctemon—that I shall pass over; for that blackmailer never moved for a trial, nor had Meidias hired him for any other purpose than to have this notice posted up before the Tribal Heroes for all men to read, “ Euctemon of the Lusian and from which he could claim help in time of need, is repeated more fully and clearly in § 184. Revision of the speech would probably have cancelled this passage; §§ 100, 101 are obelized in S and two other mss.

DEMOSTHENES

Λουσιεύς ἐγράψατο Δημοσθένην Παιανιέα λιπο-  
 ταξίου·· καί μοι δοκεῖ κἄν προσγράψασθαι τοῦθ'  
 ἠδέως, εἴ πως ἐνῆν, ὅτι Μειδίου μισθωσαμένου  
 γέγραπται. ἀλλ' ἐῷ τοῦτο· ἐφ' ἧ γὰρ ἐκείνος  
 ἠτίμωκεν αὐτὸν οὐκ ἐπεξελθὼν, οὐδεμιᾶς ἔγωγ'  
 104 ἔτι προσδέομαι δίκης, ἀλλ' ἱκανὴν ἔχω. ἀλλ' ὁ  
 καὶ δεινόν, ὧ ἄνδρες Ἀθηναῖοι, καὶ σχέτλιον καὶ  
 κοινὸν ἔμοιγ' ἀσέβημα, οὐκ ἀδίκημα μόνον τούτῳ  
 πεπράχθαι δοκεῖ, τοῦτ' ἐρῶ. τῷ γὰρ ἀθλίῳ καὶ  
 ταλαιπώρῳ κακῆς καὶ χαλεπῆς συμβάσης αἰτίας  
 Ἀριστάρχῳ τῷ Μόσχου, τὸ μὲν πρῶτον, ὧ ἄνδρες  
 Ἀθηναῖοι, κατὰ τὴν ἀγορὰν περιῶν ἀσεβεῖς καὶ  
 δεινοὺς λόγους ἐτόλμα περὶ ἐμοῦ λέγειν, ὡς ἐγὼ  
 τὸ πρᾶγμ' εἰμὶ τοῦθ' ὁ δεδρακώς· ὡς δ' οὐδὲν  
 ἦννε τούτοις, προσελθὼν τοῖς ἐπ' ἐκείνον ἄγουσι  
 τὴν αἰτίαν τοῦ φόνου, τοῖς τοῦ τετελευτηκότος  
 οἰκείοις, χρήμαθ' ὑπισχνεῖτο δώσειν εἰ τοῦ πράγ-  
 ματος αἰτιῶντ' ἐμέ, καὶ οὔτε θεοὺς οὔθ' ὀσίαν  
 οὔτ' ἄλλο οὐδὲν ἐποίησατ' ἐμποδῶν τοιούτῳ λόγῳ,  
 105 οὐδ' ὤκνησεν. ἀλλ' οὐδὲ πρὸς οὓς ἔλεγ' αὐτοὺς  
 ἠσχύνθη, εἰ τοιοῦτο κακὸν καὶ τηλικούτον ἀδίκως  
 ἐπάγει τῷ, ἀλλ' ἐν' ὄρον θέμενος παντὶ τρόπῳ μ'  
 ἀνελεῖν, οὐδὲν ἐλλείπειν ᾗετο δεῖν, ὡς δέον, εἴ  
 τις ὑβρισθεὶς ὑπὸ τούτου δίκης ἀξιοῖ τυχεῖν καὶ  
 μὴ σιωπᾶ, τοῦτον ἐξόριστον ἀνηρῆσθαι καὶ μηδαμῆ  
 παρεθῆναι, ἀλλὰ καὶ λιποταξίου γραφὴν ἠλωκένας  
 καὶ ἐφ' αἵματι φεύγειν καὶ μόνον οὐ προσηλωσθαι.  
 [549] καίτοι ταῦθ' ὅταν ἐξελεγχθῆ ποιῶν πρὸς οἷς ὑβριζέ

deme has indicted Demosthenes of the Paeonian deme for desertion of his post." Indeed I think he would have been delighted, if it had been in order, to add that Meidias had hired him to indict me. But I pass that over, because Euctemon, having disfranchised himself by failing to follow up the charge, has given me all the satisfaction that I require. But I 104 will now relate a serious act of cruelty committed by him, men of Athens, which I at least regard as not merely a personal wrong but a public sacrilege. For when a grave criminal charge was hanging over that unlucky wretch, Aristarchus, the son of Moschus, at first, Athenians, Meidias went round the Market-place and ventured to spread impious and atrocious statements about me to the effect that I was the author of the deed ; next, when this device failed, he went to the relations of the dead man, who were bringing the charge of murder against Aristarchus, and offered them money if they would accuse *me* of the crime. He let neither religion nor piety nor any other consideration stand in the way of this wild proposal : he shrank from nothing. Nay, he was not 105 ashamed to look even that audience in the face and bring such a terrible calamity upon an innocent man ; but having set one goal before him, to ruin me by every means in his power, he thought himself bound to leave no stone unturned, as if it were only right that when any man, having been insulted by him, claimed redress and refused to keep silence, he should be removed by banishment without a chance of escape, should even find himself convicted of desertion, should defend himself on a capital charge, and should be in imminent danger of crucifixion. Yet when Meidias is proved guilty of all this, as well as

## DEMOSTHENES

106 με χορηγοῦντα, τίνος συγγνώμης ἢ τίνος ἐλέου  
 δικαίως τεύξεται παρ' ὑμῶν; ἐγὼ μὲν γὰρ αὐτόν,  
 ὦ ἄνδρες Ἀθηναῖοι, νομίζω αὐτόχειρά μου γε-  
 γενῆσθαι τούτοις τοῖς ἔργοις, καὶ τότε μὲν τοῖς  
 Διονυσίοις τὴν παρασκευὴν καὶ τὸ σῶμα καὶ τὰνα-  
 λώμαθ' ὑβρίζειν, νῦν δὲ τούτοις οἷς ἐποίει καὶ  
 διεπράττετ' ἐκείνά τε καὶ τὰ λοιπὰ πάντα, τὴν  
 πόλιν, τὸ γένος, τὴν ἐπιτιμίαν, τὰς ἐλπίδας· εἰ γὰρ  
 ἐν ᾧν ἐπεβούλευσε κατώρθωσεν, ἀπάντων ἂν ἀπ-  
 εστερήμην ἐγὼ καὶ μηδὲ ταφῆναι προσυπῆρχεν  
 οἴκοι μοι. διὰ τί, ἄνδρες δικασταί; εἰ γάρ, εἴαν  
 τις παρὰ πάντας τοὺς νόμους ὑβρισθεὶς ὑπὸ Μει-  
 δίου βοηθεῖν αὐτῷ πειράται, ταῦτα καὶ τοιαῦθ'  
 ἕτερον αὐτῷ παθεῖν ὑπάρξει, προσκυνεῖν τοὺς ὑβρί-  
 ζοντας ὥσπερ ἐν τοῖς βαρβάροις, οὐκ ἀμύνεσθαι  
 107 κράτιστον ἔσται. ἀλλὰ μὴν ὡς ἀληθῆ λέγω καὶ  
 προσεξείργασται ταῦτα τῷ βδελυρῷ τούτῳ καὶ  
 ἀναιδεῖ, κάλει μοι καὶ τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

[Διονύσιος Ἀφιδναῖος, Ἀντίφιλος Παιανιεὺς δια-  
 φθαρέντος Νικοδήμου τοῦ οἰκείου ἡμῶν βιαίῳ θανάτῳ  
 ὑπὸ Ἀριστάρχου τοῦ Μόσχου ἐπεξῆμμεν τοῦ φόνου τὸν  
 Ἀρίσταρχον. αἰσθόμενος δὲ ταῦτα Μειδίας ὁ νῦν  
 κρινόμενος ὑπὸ Δημοσθένους, ᾧ μαρτυροῦμεν, ἔπειθεν  
 ἡμᾶς διδοὺς κέρματα, τὸν μὲν Ἀρίσταρχον ἀθῶον  
 ἀφεῖναι, Δημοσθένει δὲ τὴν γραφὴν τοῦ φόνου παρα-  
 γράψασθαι.]

[550] Λαβὲ δὴ μοι τὸν περὶ τῶν δώρων νόμον.

108 Ἐν ὅσῳ δὲ τὸν νόμον, ὦ ἄνδρες Ἀθηναῖοι, λαμ-  
 βάνει, βούλομαι μικρὰ πρὸς ἡμᾶς εἰπεῖν, δεηθεῖς



of his insults when I was chorus-master, what leniency, what compassion shall he deserve at your hands? My own opinion, men of Athens, is that these acts 106 constitute him my murderer; that while at the Dionysia his outrages were confined to my equipment, my person, and my expenditure, his subsequent course of action shows that they were aimed at everything else that is mine, my citizenship, my family, my privileges, my hopes. Had a single one of his machinations succeeded, I should have been robbed of all that I had, even of the right to be buried in the homeland. What does this mean, gentlemen of the jury? It means that if treatment such as I have suffered is to be the fate of any man who tries to right himself when outraged by Meidias in defiance of all the laws, then it will be best for us, as is the way among barbarians, to grovel at the oppressor's feet and make no attempt at self-defence. However, to prove that 107 my statements are true and that these things have actually been perpetrated by this shameless ruffian, please call the witnesses.

THE WITNESSES

[We, Dionysius of Aphidna and Antiphilus of Paeania, when our kinsman Nicodemus had met with a violent death at the hands of Aristarchus, the son of Moschus, prosecuted Aristarchus for murder. Learning this, Meidias, who is now being brought to trial by Demosthenes, for whom we appear, offered us small sums of money to let Aristarchus go unharmed, and to substitute the name of Demosthenes in the indictment for murder.]

Now let me have the law concerning bribery.

While the clerk is finding the statute, men of 108 Athens, I wish to address a few words to you. I

## DEMOSTHENES

ὑμῶν ἀπάντων πρὸς Διὸς καὶ θεῶν, ὧ ἄνδρες  
 δικασταί· περὶ πάντων ὧν ἂν ἀκούητε, τοῦθ'  
 ὑποθέντες ἀκούετε τῇ γνώμῃ, τί ἂν, εἴ τις ἔπασχε  
 ταῦθ' ὑμῶν, ἐποίει, καὶ τίν' ἂν εἶχεν ὀργὴν ὑπὲρ  
 αὐτοῦ πρὸς τὸν ποιοῦντα. ἐγὼ γὰρ ἐνηνοχῶς  
 χαλεπῶς ἐφ' οἷς περὶ τὴν λητουργίαν ὑβρίσθην,  
 ἔτι πολλῶ χαλεπώτερον, ὧ ἄνδρες Ἀθηναῖοι, τού-  
 τοις τοῖς μετὰ ταῦτ' ἐνήνοχα καὶ μᾶλλον ἡγα-  
 109 νάκτηκα. τί γὰρ ὡς ἀληθῶς πέρας ἂν φήσειέ τις  
 εἶναι κακίας καὶ τίν' ὑπερβολὴν ἀναιδείας καὶ  
 ὠμότητος καὶ ὕβρεως, ἄνθρωπος εἰ ποιήσας δεινὰ  
 νῆ Δία καὶ πόλλ' ἀδίκως τινά, ἀντὶ τοῦ ταῦτ'  
 ἀναλαμβάνειν καὶ μεταγιγνώσκειν, πολλῶ δεινότερ'  
 ὕστερον ἄλλα προσεξεργάζοιτο, καὶ χρῶτο τῷ  
 πλουτεῖν μὴ ἐπὶ ταῦτ' ἐν οἷς μηδένα βλάπτων  
 αὐτὸς ἄμεινόν τι τῶν ἰδίων θήσεται, ἀλλ' ἐπὶ  
 110 τὰναντία, ἐν οἷς ἀδίκως ἐκβαλὼν τινα καὶ προπη-  
 λακίσας, αὐτὸν εὐδαιμονιεῖ τῆς περιουσίας; ταῦτα  
 τοῖνυν, ὧ ἄνδρες Ἀθηναῖοι, πάντα τούτῳ πέπρα-  
 κται κατ' ἐμοῦ. καὶ γὰρ αἰτίαν ἐπήγαγέ μοι  
 φόνου ψευδῆ καὶ οὐδὲν ἐμοὶ προσήκουσαν, ὡς τὸ  
 πρᾶγμ' αὐτὸ ἐδήλωσε, καὶ γραφὴν λιποταξίου μ'  
 ἐγράψατο τρεῖς αὐτὸς τάξεις λελοιπῶς, καὶ τῶν  
 ἐν Εὐβοίᾳ πραγμάτων (τουτὶ γὰρ αὖ μικροῦ  
 παρῆλθέ μ' εἰπεῖν), ἃ Πλούταρχος ὁ τούτου ξένος  
 καὶ φίλος διεπράξατο, ὡς ἐγὼ αἴτιός εἰμι κατ-  
 [551] εσκευάζε πρὸ τοῦ τὸ πρᾶγμα γενέσθαι πᾶσιν φανε-  
 111 ρὸν διὰ Πλουτάρχου γεγονός. καὶ τελευτῶν βου-  
 λεύειν μου λαχόντος δοκιμαζομένου κατηγορεῖ, καὶ  
 τὸ πρᾶγμ' εἰς ὑπέρδεινόν μοι περιέστη· ἀντὶ γὰρ  
 τοῦ δίκην ὑπὲρ ὧν ἐπεπόνθειν λαβεῖν, δοῦναι πραγ-  
 μάτων ὧν οὐδὲν ἐμοὶ προσῆκε δίκην ἐκινδύνεον.

appeal to all of you jurymen, in the name of Zeus and all the gods, that whatever you hear in court, you may listen to it with this in your minds : What would one of you do, if he were the victim of this treatment, and what anger would he feel on his own account against the author of it ? Seriously distressed as I was at the insults that I endured in the discharge of my public service, I am far more seriously distressed and indignant at what ensued. For in truth, what bounds 109 can be set to wickedness, and how can shamelessness, brutality and insolence go farther, if a man who has committed grave—yes, grave and repeated wrongs against another, instead of making amends and repenting of the evil, should afterwards add more serious outrages and should employ his riches, not to further his own interests without prejudice to others, but for the opposite purpose of driving his victim into exile unjustly and covering him with ignominy, while he gloats over his own superabundance of wealth ? All that, men of Athens, is just what has been done 110 by Meidias. He brought against me a false charge of murder, in which, as the facts proved, I was in no way concerned ; he indicted me for desertion, having himself on three occasions deserted his post ; and as for the troubles in Euboea—why, I nearly forgot to mention them !—troubles for which his bosom-friend Plutarchus was responsible, he contrived to have the blame laid at my door, before it became plain to everyone that Plutarchus was at the bottom of the whole business. Lastly, when I was made senator 111 by lot, he denounced me at the scrutiny, and the business proved a very real danger for me ; for instead of getting compensation for the injuries I had suffered, I was in danger of being punished for acts

## DEMOSTHENES

- καὶ ταῦτα πάσχων ἐγὼ καὶ τοῦτον τὸν τρόπον ὄν  
 διεξέρχομαι νυνὶ πρὸς ὑμᾶς ἐλαυνόμενος, οὐκ ὦν  
 οὔτε τῶν ἐρημοτάτων οὔτε τῶν ἀπόρων κοιμιδῆ,  
 112 οὐκ ἔχω, ὦ ἄνδρες Ἀθηναῖοι, τί χρὴ ποιῆσαι. εἰ  
 γὰρ εἰπεῖν τι καὶ περὶ τούτων ἤδη δεῖ, οὐ μέτεστι  
 τῶν ἴσων οὐδὲ τῶν ὁμοίων, ὦ ἄνδρες Ἀθηναῖοι,  
 πρὸς τοὺς πλουσίους τοῖς λοιποῖς ἡμῶν, οὐ μέτ-  
 εστιν, οὔ' ἀλλὰ καὶ χρόνοι τούτοις τοῦ τὴν δίκην  
 ὑποσχεῖν, οὓς ἂν αὐτοὶ βούλωνται, δίδονται, καὶ  
 τὰδικήμαθ' ἔωλα τὰ τούτων ὡς ὑμᾶς καὶ ψύχρ'  
 ἀφικνεῖται, τῶν δ' ἄλλων ἡμῶν ἕκαστος, ἂν τι  
 συμβῆ, πρόσφατος κρίνεται. καὶ μάρτυρές εἰσιν  
 ἔτοιμοι τούτοις καὶ συνήγοροι πάντες καθ' ἡμῶν  
 εὐτρεπεῖς· ἐμοὶ δ' οὐδὲ τάληθῆ μαρτυρεῖν ἐθέλοντας  
 113 ὀράτ' ἐνίους. ταῦτα μὲν οὖν ἀπείποι τις ἂν,  
 οἶμαι, θρηνῶν. τὸν δὲ νόμον μοι λέγ' ἐφεξῆς,  
 ὥσπερ ἠρξάμην. λέγε.

### ΝΟΜΟΣ

[Ἐάν τις Ἀθηναίων λαμβάνῃ παρά τινος, ἢ αὐτὸς  
 διδῶ ἑτέρῳ, ἢ διαφθείρῃ τινὰς ἐπαγγελόμενος, ἐπὶ  
 βλάβῃ τοῦ δήμου ἢ ἰδίᾳ τινὸς τῶν πολιτῶν, τρόπῳ ἢ  
 μηχανῇ ἡτινιοῦν, ἄτιμος ἔστω καὶ παῖδες καὶ τὰ  
 ἐκείνου.]

- 114 Οὕτω τοίνυν οὗτός ἐστιν ἀσεβῆς καὶ μιαρὸς καὶ  
 πᾶν ἂν ὑποστάς εἰπεῖν καὶ πράξαι, εἰ δ' ἀληθὲς ἢ  
 ψεῦδος ἢ πρὸς ἐχθρὸν ἢ φίλον ἢ τὰ τοιαῦτα, ἀλλ'  
 [552] οὐδ' ὅτιοῦν διορίζων, ὥστ' ἐπαιτιασάμενός με  
 φόνου καὶ τοιοῦτο πράγμ' ἐπαγαγὼν εἶασε μὲν μ'  
 εἰσιτητήρι' ὑπὲρ τῆς βουλῆς ἱεροποιῆσαι καὶ θῦσαι

with which I had no concern. Having such grievances and being persecuted in the way that I have just described to you, but at the same time being neither quite friendless nor exactly a poor man, I am uncertain, men of Athens, what I ought to do. For, if I may add a word on this subject also, where the rich are concerned, Athenians, the rest of us have no share in our just and equal rights. Indeed we have not. The rich can choose their own time for facing a jury, and their crimes are stale and cold when they are dished up before you, but if any of the rest of us is in trouble, he is brought into court while all is fresh. The rich have witnesses and counsel in readiness, all primed against us; but, as you see, my witnesses are some of them unwilling even to bear testimony to the truth. One might harp on these grievances till one was weary, I suppose; but now recite in full the law which I began to quote. Read.

THE LAW

[If any Athenian accepts a bribe from another, or himself offers it to another, or corrupts anyone by promises, to the detriment of the people in general, or of any individual citizen, by any means or device whatsoever, he shall be disfranchised together with his children, and his property shall be confiscated.]

This man, then, is so impious, so abandoned, so ready to say or do anything, without stopping for a moment to ask whether it is true or false, whether it touches an enemy or a friend, or any such question, that after accusing me of murder and bringing that grave charge against me, he suffered me to conduct initiatory rites and sacrifices for the Council, and to

## DEMOSTHENES

καὶ κατάρξασθαι τῶν ἱερῶν ὑπὲρ ὑμῶν καὶ ὅλης  
 115 τῆς πόλεως, εἶασε δ' ἀρχιθεωροῦντ' ἀγαγεῖν τῷ  
 Διὶ τῷ Νεμείῳ τὴν κοινὴν ὑπὲρ τῆς πόλεως  
 θεωρίαν, περιεΐδε δὲ ταῖς σεμναῖς θεαῖς ἱεροποιὸν  
 αἰρεθέντ' ἐξ Ἀθηναίων ἀπάντων τρίτον αὐτὸν καὶ  
 καταρξάμενον τῶν ἱερῶν. ἄρ' ἄν, εἴ γ' εἶχε στιγ-  
 μὴν ἢ σκιὰν τούτων ὧν κατεσκεύαζε κατ' ἐμοῦ,  
 ταῦτ' ἄν εἶασεν; ἐγὼ μὲν οὐκ οἶμαι. οὐκοῦν  
 ἐξελέγχεται τούτοις ἐναργῶς ὕβρει ζητῶν μ' ἐκ-  
 βαλεῖν ἐκ τῆς πατρίδος.

116 Ἐπειδὴ τοίνυν τοῦτο τὸ πρᾶγμ' οὐδὲ καθ' ἐν  
 πανταχῇ στρέφων οἶός τ' ἦν ἀγαγεῖν ἐπ' ἐμέ,  
 φανερώς ἤδη δι' ἐμὲ τὸν Ἀρίσταρχον ἐσυκοφάντει.  
 καὶ τὰ μὲν ἄλλα σιωπῶ· τῆς δὲ βουλῆς περὶ τού-  
 των καθημένης καὶ σκοπουμένης, παρελθὼν οὗτος  
 “ ἀγνοεῖτ' ” ἔφη “ ὦ βουλή, τὸ πρᾶγμα; καὶ τὸν  
 αὐτόχειρ' ἔχοντες ” λέγων τὸν Ἀρίσταρχον “ μέλ-  
 λετε καὶ ζητεῖτε καὶ τετύφωσθε; οὐκ ἀποκτε-  
 νεῖτε; οὐκ ἐπὶ τὴν οἰκίαν βαδιεῖσθε; οὐχὶ συλ-  
 117 λήψεσθε; ” καὶ ταῦτ' ἔλεγεν ἢ μιὰ καὶ ἀναιδῆς  
 αὕτη κεφαλὴ, ἐξεληλυθὼς τῇ προτεραίᾳ παρ'  
 Ἀριστάρχου, καὶ χρώμενος ὥσπερ ἂν ἄλλος τις  
 αὐτῷ τὰ πρὸ τούτου, καὶ ὅτ' ἠτύχει πλείστα  
 παρεσχηκότος ἐκείνου πράγματά μοι περὶ τῶν  
 πρὸς τοῦτον ἀπαλλαγῶν. εἰ μὲν οὖν εἰργάσθαι τι  
 τούτων ἐφ' οἷς ἀπόλωλεν ἠγούμενος τὸν Ἀρίσταρ-  
 χον καὶ πεπιστευκῶς τοῖς τῶν αἰτιασαμένων λόγοις  
 118 ταῦτ' ἔλεγε, χρῆν μὲν οὐδ' οὕτω· μετρία γὰρ δίκη

118  
 [553]

<sup>1</sup> Dind. keeps δι' ἐμοῦ with S, but the change seems necessary.

inaugurate the victims on behalf of you and all the State ; he suffered me as head of the Sacred Embassy 115 to lead it in the name of the city to the Nemean shrine of Zeus ; he raised no objection when I was chosen with two colleagues to inaugurate the sacrifice to the Dread Goddesses.<sup>a</sup> Would he have allowed all this, if he had had one jot or tittle of proof for the charges that he was trumping up against me ? I cannot believe it. So then this is conclusive proof that he was seeking in mere wanton spite to drive me from my native land.

Then, when for all his desperate shifts he could 116 bring none of these charges home to me, he turned informer against Aristarchus, aiming evidently at me. To pass over other incidents, when the Council was in session and was investigating the murder, Meidias came in and cried, " Don't you know the facts of the case, Councillors ? Are you wasting time and groping blindly for the murderer, when you have him already in your hands ? "—meaning Aristarchus. " Won't you put him to death ? Won't you go to his house and arrest him ? " Such was the language of 117 this shameless and abandoned reptile, though only the day before he had stepped out of Aristarchus's house, though up till then he had been as intimate with him as anyone could be, and though Aristarchus in the day of his prosperity had often importuned me to settle my suit with Meidias out of court. Now if he said this to the Council, believing that Aristarchus had actually committed the crime which has since proved his ruin, and trusting to the tale told by his accusers, yet even so the speech was unpardonable.

<sup>a</sup> The Eumenides (Furies), whose sanctuary was a cave under the Areopagus.

παρὰ τῶν φίλων ἐστίν, ἄν τι δοκῶσι πεποιηκέναι  
 δεινόν, μηκέτι τῆς λοιπῆς φιλίας κοινωνεῖν, τὸ δὲ  
 τιμωρεῖσθαι καὶ ἐπεξιέναι τοῖς πεπονθόσι καὶ τοῖς  
 ἐχθροῖς παραλείπεται· ὅμως δ' ἔστω τούτῳ γε  
 συγγνώμη· εἰ δὲ λαλῶν μὲν καὶ ὁμωρόφιός γιγνό-  
 μενος ὡς οὐδὲν εἰργασμένῳ φανήσεται, λέγων δὲ  
 καὶ κατατιώμενος ταῦθ' ἔνεκα τοῦ συκοφαντεῖν  
 ἐμέ, πῶς οὐ δεκάκις, μᾶλλον δὲ μυριάκις δίκαιός  
 119 ἔστ' ἀπολωλέναι; ἀλλὰ μὴν ὡς ἀληθῆ λέγω καὶ  
 τῇ μὲν προτεραίᾳ, ὅτε ταῦτ' ἔλεγεν, εἰσεληλύθει  
 καὶ διείλεκτ' ἐκείνῳ, τῇ δ' ὑστεραίᾳ πάλιν (τοῦτο  
 γάρ, τοῦτο οὐκ ἔχον ἐστὶν ὑπερβολὴν ἀκαθαρσίας,  
 ἄνδρες Ἀθηναῖοι) εἰσελθὼν οἴκαδ' ὡς ἐκείνον καὶ  
 ἐφεξῆς οὕτωςι καθεζόμενος, τὴν δεξιὰν ἐμβαλὼν,  
 παρόντων πολλῶν, μετὰ τοὺς ἐν τῇ βουλῇ τούτους  
 λόγους, ἐν οἷς αὐτόχειρα καὶ τὰ δεινότατ' εἰρήκει  
 τὸν Ἀρίσταρχον, ὡμνε μὲν κατ' ἐξωλείας μηδὲν  
 εἰρηκέναι περὶ αὐτοῦ φλαῦρον, καὶ οὐδὲν ἐφρόντιζεν  
 ἐπιορκῶν, καὶ ταῦτ' ἀπαρόντων τῶν συνειδόντων;  
 ἠξίου δὲ καὶ πρὸς ἔμ' αὐτῷ δι' ἐκείνου γίνεσθαι  
 τὰς διαλύσεις, τούτων τοὺς παρόντας ὑμῖν καλῶ  
 120 μάρτυρας. καίτοι πῶς οὐ δεινόν, ὦ ἄνδρες  
 Ἀθηναῖοι, μᾶλλον δ' ἀσεβές, λέγειν ὡς φονεύς,  
 καὶ πάλιν ὡς οὐκ εἴρηκε ταῦτ' ἀπομνύναι, καὶ  
 φόνον μὲν ὀνειδίζειν, τούτῳ δ' ὁμωρόφιον γίνεσθαι;  
 κὰν μὲν ἀφῶ τοῦτον ἐγὼ καὶ προδῶ τὴν ὑμετέραν  
 [554] καταχειροτονίαν, οὐδέν, ὡς ἔοικ', ἀδικῶ· ἂν δ'



Upon friends, if they seem to have done something 118  
 serious, one should impose the moderate penalty of  
 withdrawing from their friendship ; vengeance and  
 prosecution should be left to their victims or their  
 enemies. Yet in a man like Meidias this may be  
 condoned. But if it shall appear that he chatted  
 familiarly under the same roof with Aristarchus, as  
 if he were perfectly innocent, and then uttered those  
 damning charges against him in order to involve me in  
 a false accusation, does he not deserve to be put to  
 death ten times—no! ten thousand times over? I am 119  
 going to call the witnesses now present in court to  
 prove that my version of the facts is correct ; that on  
 the day before he told that tale to the Council, he had  
 entered Aristarchus's house and had a conversation  
 with him ; that on the next day—and this, men of  
 Athens, this for vileness is impossible to beat—he  
 went into his house and sat as close to him as this,  
 and put his hand in his, in the presence of many  
 witnesses, after that speech in the Council in which  
 he had called Aristarchus a murderer and said the  
 most terrible things of him ; that he invoked utter  
 destruction on himself if he had said a word in his  
 disparagement ; that he never thought twice about  
 his perjury, though there were people present who  
 knew the truth, and he actually begged him to use  
 his influence to bring about a reconciliation with me.  
 And yet, Athenians, must we not call it a crime, or 120  
 rather an impiety, to say that a man is a murderer  
 and then swear that one has never said this ; to  
 reproach a man with murder and then sit in the same  
 room with him? And if I let him off now and so  
 stultify your vote of condemnation, I am an innocent  
 man apparently ; but if I proceed with my case, I am

## DEMOSTHENES

ἐπεξίω, λέλοιπα τὴν τάξιν, φόνου κοινωνῶ, δεῖ μὲ ἀνηρπάσθαι. ἐγὼ δ' αὐτὸ τούναντίον οἶμαι, εἰ τοῦτον ἀφήκα, λελοιπέναι μὲν, ὦ ἄνδρες Ἀθηναῖοι, τὴν τοῦ δικαίου τάξιν, φόνου δ' ἂν εἰκότως ἐμαυτῶ λαχεῖν· οὐ γὰρ ἦν μοι δήπου βιωτὸν τοῦτο ποιή-  
 121 σάντι. ὅτι τοίνυν καὶ ταῦτ' ἀληθῆ λέγω, κάλει μοι καὶ τούτων τοὺς μάρτυρας.

### ΜΑΡΤΥΡΕΣ

[Λυσίμαχος Ἀλωπεκῆθεν, Δημέας Σουნიεύς, Χάρης Θορίκιος, Φιλῆμων Σφήττιος, Μόσχος Παιανιεύς, καθ' οὓς καιροὺς ἢ εἰσαγγελία ἐδόθη εἰς τὴν βουλὴν ὑπὲρ Ἀριστάρχου τοῦ Μόσχου, ὅτι εἶη Νικοδήμον ἀπεκτονῶς, οἶδαμεν Μειδίαν τὸν κρινόμενον ὑπὸ Δημοσθένους, ᾧ μαρτυροῦμεν, ἐλθόντα πρὸς τὴν βουλὴν καὶ λέγοντα μηδένα ἕτερον εἶναι τὸν Νικοδήμου φονέα, ἀλλ' Ἀρίσταρχον, καὶ τοῦτον αὐτοῦ γεγονέναι αὐτόχειρα, καὶ συμβουλευόντα τῇ βουλῇ βαδίζειν ἐπὶ τὴν οἰκίαν τὴν Ἀριστάρχου καὶ συλλαμβάνειν αὐτόν. ταῦτα δ' ἔλεγε πρὸς τὴν βουλὴν τῇ προτεραίᾳ μετ' Ἀριστάρχου καὶ μεθ' ἡμῶν συνδεδειπνηκῶς. οἶδαμεν δὲ καὶ Μειδίαν, ὡς ἀπῆλθεν ἀπὸ τῆς βουλῆς τούτους τοὺς λόγους εἰρηκῶς, εἰσεληλυθότα πάλιν ὡς Ἀρίσταρχον καὶ τὴν δεξιὰν ἐμβεβληκότα καὶ ὀμνύοντα κατ' ἐξωλείας μηδὲν κατ' αὐτοῦ πρὸς τὴν βουλὴν εἰρηκέναι φλαῦρον, καὶ ἀξιούντα Ἀρίσταρχον ὅπως ἂν διαλλάξῃ αὐτῷ Δημοσθέην.]

122 Τίς οὖν ὑπερβολή; τίς ὁμοία τῇ τούτου γέγονεν ἢ γένοιτ' ἂν πονηρία; ὅς ἄνδρ' ἀτυχοῦντα, οὐδὲν αὐτὸν ἡδικηκότα (ἐῶ γὰρ εἰ φίλον), ἅμα συκο-  
 [555] φαντεῖν ᾤετο δεῖν καὶ πρὸς ἐμέ αὐτὸν διαλύειν

a deserter, I am accessory to a murder, I deserve extermination. I am quite of the contrary opinion, men of Athens. If I had let Meidias off, then I should have been a deserter from the cause of justice, and I might reasonably have charged myself with murder, for life would have been impossible for me, had I acted thus. And now please call the witnesses 121 to attest the truth of these statements also.

THE WITNESSES

[We, Lysimachus of Alopece, Demeas of Sunium, Chares of Thoricus, Philemon of Sphetta, Moschus of Paeania, know that at the date when the indictment was presented to the Council charging Aristarchus, the son of Moschus, with the murder of Nicodemus, Meidias, who is now being tried at the suit of Demosthenes, for whom we appear, came before the Council and stated that Aristarchus, and no one else, was the murderer of Nicodemus, and he advised the Council to go to the house of Aristarchus and arrest him. This he said to the Council, having dined on the previous day with Aristarchus in our company. We also know that Meidias, when he came from the Council after making this statement, again entered the house of Aristarchus and shook hands with him and, invoking destruction on his own head, swore that he had said nothing in his disparagement before the Council, and he asked Aristarchus to reconcile Demosthenes to him.]

Can anything go beyond that? Has there ever 122 been, or could there ever be, baseness to compare with this of Meidias? He felt justified in informing against that unfortunate man, who had done him no wrong—I waive the fact that he was his friend—and at the same time he was begging him to bring about a reconciliation between himself and me; and not

ἡξίου, καὶ ταῦτ' ἔπραττε καὶ χρήματ' ἀνήλισκεν ἐπὶ τῷ μετ' ἐκείνου καμὲ προσεκβαλεῖν ἀδίκως.

- 123 Τοῦτο μέντοι τὸ τοιοῦτον ἔθος καὶ τὸ κατασκευάσµ', ὧ ἄνδρες Ἀθηναῖοι, τὸ τοῖς ὑπὲρ αὐτῶν ἐπεξιούσι δικαίως ἔτι πλείω περισταναὶ κακά, οὐκ ἔμοι μὲν ἄξιόν ἐστ' ἀγανακτεῖν καὶ βαρέως φέρειν, ὑμῖν δὲ τοῖς ἄλλοις παριδεῖν, πολλοῦ γε καὶ δεῖ, ἀλλὰ πᾶσιν ὁμοίως ὀργιστέον, ἐκλογιζομένοις καὶ θεωροῦσιν, ὅτι τοῦ μέν, ὧ ἄνδρες Ἀθηναῖοι, ῥαδίως κακῶς παθεῖν ἐγγύταθ' ὑμῶν εἰσιν οἱ πενέστατοι καὶ ἀσθενέστατοι, τοῦ δ' ὑβρίσαι καὶ τοῦ ποιήσαντας μὴ δοῦναι δίκην, ἀλλὰ τοὺς ἀντιπαρέξοντας πράγματα μισθώσασθαι, οἱ βδελυροὶ
- 124 καὶ χρήματ' ἔχοντες. οὐ δὴ δεῖ παρορᾶν τὰ τοιαῦτα, οὐδὲ τὸν ἐξείργοντα δέει καὶ φόβῳ τὸ δίκην ὧν ἂν ἡμῶν ἀδικηθῆ τις λαμβάνειν παρ' αὐτοῦ, ἄλλο τι χρὴ νομίζειν ποιεῖν ἢ τὰς τῆς ἰσηγορίας καὶ τὰς τῆς ἐλευθερίας ἡμῶν μετουσίας ἀφαιρεῖσθαι. ἐγὼ μὲν γὰρ ἴσως διεωσάμην, καὶ ἄλλος τις ἂν, ψευδῆ λόγον καὶ συκοφαντίαν, καὶ οὐκ ἀνήρπασμαι· οἱ δὲ πολλοὶ τί ποιήσετε, ἂν μὴ δημοσίᾳ πᾶσι φοβερὸν καταστήσητε τὸ εἰς ταῦτ'
- 125 ἀποχρῆσθαι τῷ πλουτεῖν; δόντα λόγον καὶ ὑποσχόντα κρίσιν περὶ ὧν ἂν τις ἐγκαλῆ, τότε ἀμύνεσθαι τοὺς ἀδίκως ἐφ' αὐτὸν ἐλθόντας χρῆ, καὶ τότε, ἂν ἀδικοῦνθ' ὀρᾷ τις, οὐ προαναρπάζειν οὐδ' ἐπάγοντ' αἰτίας ψευδεῖς ἄκριτον ζητεῖν ἀποφεύγειν, οὐδ' ἐπὶ τῷ διδόναι δίκην ἀσχάλλειν, ἀλλὰ μὴ ποιεῖν ἐξ ἀρχῆς ἀσελγὲς μηδέν.
- 126 Ὅσα μὲν τοίνυν εἷς τε τὴν λητουργίαν καὶ τὸ

content with this, he spent money on an iniquitous attempt to procure my banishment as well as that of Aristarchus.

Yet this habit of his, Athenians, this scheme of <sup>123</sup> involving in yet greater calamities all who stand up against him in just defence, is not something that might well rouse indignation and resentment in me, but that the rest of you should overlook. Far from it. All citizens alike should be stirred to anger, when they reflect and observe that it is exactly the poorest and weakest of you that run the greatest risk of being thus wantonly wronged, while it is the rich blackguards that find it easiest to oppress others and escape punishment, and even to hire agents to put obstacles in the path of justice. Such conduct must not be <sup>124</sup> overlooked. It must not be supposed that the man who by intimidation tries to debar any citizen from obtaining reparation for his wrongs is doing less than robbing us of our liberties and of our right of free speech. Perhaps I and one or two others may have managed to repel a false and calamitous charge and so have escaped destruction ; but what will the vast majority of you do, if you do not by a public example make it a dangerous game for anyone to abuse his wealth for such a purpose ? When the accused man <sup>125</sup> has rendered an account of his actions and has stood his trial on the charges brought against him, then he may retaliate upon unjust assailants ; but even then he must not try to spirit away some witness of his ill deeds, nor to escape a trial by bringing false charges ; he must not count it a grievance to submit to justice, but must avoid all outrageous conduct from the first.

Men of Athens, you have now heard how many <sup>126</sup> outrages I endured, both in my own person and in the

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- σῶμ' ὑβρίσθην, καὶ πάντ' ἐπιβουλευόμενος τρόπον  
 [556] καὶ πάσχων κακῶς ἐκπέφευγα, ἀκηκόατ', ὦ ἄνδρες  
 Ἀθηναῖοι. καὶ παραλείπω δὲ πολλά· οὐ γὰρ ἴσως  
 ῥάδιον πάντ' εἰπεῖν. ἔχει δ' οὕτως. οὐκ ἔστ' ἐφ'  
 ὅτῳ τῶν πεπραγμένων ἐγὼ μόνος ἠδίκημαι, ἀλλ'  
 ἐπὶ μὲν τοῖς εἰς τὸν χορὸν γεγενημένοις ἀδικήμασιν  
 ἢ φυλή, τὸ δέκατον μέρος ὑμῶν, συνηδίκηται, ἐπὶ  
 δ' οἷς ἔμ' ὑβρίσει καὶ ἐπεβούλευσεν οἱ νόμοι, δι'  
 οὓς εἰς ἕκαστος ὑμῶν σῶς ἐστίν· ἐφ' ἅπασιν δὲ  
 τούτοις ὁ θεός, ὃς χορηγὸς ἐγὼ καθεισθήκειν, καὶ  
 τὸ τῆς ὀσίας, ὀτιδῆποτ' ἐστὶ, τὸ σεμνὸν καὶ τὸ  
 127 δαιμόνιον, συνηδίκηται. δεῖ δὴ τοὺς γε βουλο-  
 μένους ὀρθῶς τὴν κατ' ἀξίαν τῶν πεπραγμένων  
 παρὰ τούτου δίκην λαβεῖν οὐχ ὡς ὑπὲρ ἐμοῦ μόνον  
 ὄντος τοῦ λόγου τὴν ὀργὴν ἔχειν, ἀλλ' ὡς ἐν ταυτῷ  
 τῶν νόμων, τοῦ θεοῦ, τῆς πόλεως, ὁμοῦ πάντων  
 ἠδικημένων, οὕτω ποιεῖσθαι τὴν τιμωρίαν, καὶ τοὺς  
 βοηθοῦντας καὶ τοὺς συνεξεταζομένους μετὰ τούτου  
 μὴ συνηγόρους μόνον, ἀλλὰ καὶ δοκιμαστὰς τῶν  
 τούτῳ πεπραγμένων ὑπολαμβάνειν εἶναι.
- 128 Εἰ μὲν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, σῶφρονα καὶ  
 μέτριον πρὸς τᾶλλα παρεσχηκῶς αὐτὸν Μειδίας  
 καὶ μηδένα τῶν ἄλλων πολιτῶν ἠδίκηκῶς εἰς ἐμὲ  
 μόνον ἀσελγῆς οὕτω καὶ βίαιος ἐγεγόνει, πρῶτον  
 μὲν ἔγωγ' ἀτύχημ' ἂν ἐμαυτοῦ τοῦθ' ἠγοῦμην,  
 ἔπειτ' ἐφοβούμην ἂν μὴ τὸν ἄλλον ἑαυτοῦ βίον  
 οὗτος μέτριον δεικνύων καὶ φιλόανθρωπον διακρού-  
 129 σηται τούτῳ τὸ δίκην ὧν ἔμ' ὑβρίσει δοῦναι. νυνὶ  
 δὲ τοσαῦτ' ἐστὶ τᾶλλα, ἃ πολλοὺς ὑμῶν ἠδίκηκε,  
 καὶ τοιαῦτα ὥστε τούτου μὲν τοῦ δέους ἀπήλ-  
 λαγμαί, φοβούμαι δὲ πάλιν τούναντίον μὴ, ἐπει-  
 [557] δὰν πολλὰ καὶ δεῖν' ἐτέρους ἀκούηθ' ὑπ' αὐτοῦ

performance of my public service, and how many escapes I have had from plots and ill-treatment of every kind. Yet I have omitted much, for it was not easy perhaps to mention everything. But the case is this. By none of his acts was I alone wronged, but in the wrongs inflicted on the chorus my whole tribe, the tenth part of the citizens, shared ; by his plots and attacks against me he wronged the laws, to which each of you looks for protection ; lastly by all these acts he wronged the god to whose service I had been dedicated and that divine and awful power beyond our ken—the power of Holiness. Those who would exact from him an adequate punishment for his misdeeds must not let their indignation be checked by the reflection that I alone am concerned, but must base the penalty on the ground that all alike are victims of the same wrong—the laws, the gods, the city of Athens ; and they must look upon those who support him and are marshalled in his defence as something more than mere advocates, as men who set the seal of their approval to his acts. 127

Now if, men of Athens, Meidias had in other respects behaved with decency and moderation, if he had never injured any other citizen, but had confined his brutality and violence to me, I might, in the first place, consider this a piece of my own bad luck, and, in the second place, I should be afraid lest, by pointing to the moderation and humanity of the rest of his life, he might so evade punishment for his outrage on me. But as it is, the wrongs that he has done to many of you are so many and so great that I am relieved of this apprehension ; my fear is now, on the contrary, that when you hear of the terrible wrongs 128

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πεπονθότας, τοιοῦτός τις ὑμῖν λογισμὸς ἐμπέσῃ  
 “ τί οὖν; σὺ δεινότερ’ ἢ τῶν ἄλλων εἰς ἕκαστος  
 πεπονθὼς ἀγανακτεῖς; ” πάντα μὲν δὴ τὰ τούτῳ  
 πεπραγμένα οὐτ’ ἂν ἐγὼ δυναίμην πρὸς ὑμᾶς  
 εἰπεῖν, οὐτ’ ἂν ὑμεῖς ὑπομείναιτ’ ἀκούειν, οὐδ’, εἰ  
 τὸ παρ’ ἀμφοτέρων ἡμῶν ὕδωρ ὑπάρξειε πρὸς τὸ  
 λοιπὸν πᾶν τό τ’ ἐμὸν καὶ τὸ τούτου προστεθέν,  
 οὐκ ἂν ἐξαρκέσειεν· ἃ δ’ ἐστὶ μέγιστα καὶ φανερώ-  
 130 τата, ταῦτ’ ἐρῶ. μᾶλλον δ’ ἐκείνο ποιήσω· ἀνα-  
 γνώσομαι μὲν ὑμῖν, ὡς ἐμαυτῷ γέγραμμαι, πάντα  
 τὰ ὑπομνήματα, λέξω δ’ ὅ τι ἂν πρῶτον ἀκούειν  
 βουλομένοις ὑμῖν ἦ, τοῦτο πρῶτον, εἶθ’ ἕτερον,  
 καὶ τᾶλλα τὸν αὐτὸν τρόπον, ἕως ἂν ἀκούειν  
 βούλησθε. ἔστι δὲ ταῦτα παντοδαπά, καὶ ὕβρεις  
 πολλαὶ καὶ περὶ τοὺς οἰκείους κακουργήματα καὶ  
 περὶ τοὺς θεοὺς ἀσεβήματα, καὶ τόπος οὐδεὶς ἐστὶν  
 ἐν ᾧ τοῦτον οὐ θανάτου πεποιηκότ’ ἄξια πόλλ’  
 εὐρήσετε.

### ΥΠΟΜΝΗΜΑΤΑ ΤΩΝ ΜΕΙΔΙΟΥ ΑΔΙΚΗΜΑΤΩΝ

131 Ὅσα μὲν τοίνυν, ᾧ ἄνδρες δικασταί, τὸν αἰεὶ  
 προστυχόντ’ αὐτῷ πεποίηκε, ταῦτ’ ἐστίν. καὶ  
 παραλέλοιφ’ ἕτερα· οὐ γὰρ ἂν δύναιτ’ οὐδεὶς  
 εἰσάπαξ εἰπεῖν ἃ πολὺν χρόνον οὗτος ὑβρίζων  
 συνεχῶς ἅπαντα τὸν βίον εἵργασται. ἄξιον δ’  
 ἰδεῖν ἐφ’ ὅσον φρονήματος ἤδη προελήλυθε τῷ  
 τούτων δίκην μηδενοῦ δεδωκέναι. οὐ γὰρ ἠγεῖθ’,  
 ὡς ἐμοὶ δοκεῖ, λαμπρὸν οὐδὲ νεανικὸν οὐδ’ ἄξιον  
 θανάτου ὅ τι ἂν τις πρὸς ἐν’ εἰς διαπράττηται,  
 ἀλλ’ εἰ μὴ φυλὴν ὅλην καὶ βουλὴν καὶ ἔθνος προ-  
 92



that others have suffered at his hands, some such argument as this may occur to you. "What have you to complain of? Have you suffered more than each of his other victims?" Now all that he has done, I could not relate to you, nor would you have the patience to listen, even if I were allowed for the rest of my speech all the time assigned to both of us: all my time and all his in addition would not suffice. I will confine myself to the most important and clearest examples. Or rather, this is what I propose to do. I will read you all my memoranda, just as I wrote them out for my own use. I will take first whatever incident you would like to hear first; next your second choice, and so on, as long as you care to listen. There is no lack of variety; plenty of examples of assault, of kinsmen swindled, and of sacrilege. There is not a single passage where you will not find that he has committed many crimes worthy of death. 130

[MEMORANDA OF THE CRIMES OF MEIDIAS]

That, gentlemen of the jury, is how he has treated everyone that comes across his path. I have omitted other instances, for no one could compress into a single narrative the violent acts that he has spent a lifetime in committing. But it is worth while noticing to what a height of audacity he has advanced in consequence of his never having been punished for any of these acts. He seems to have thought that no act that one man can commit against an individual was brilliant or dashing enough or worth risking his life for, and unless he could affront a whole tribe or the Council or some class of citizens and harass vast 131

[558] πηλακιεῖ καὶ πολλοὺς ἀθροοὺς ὑμῶν ἄμ' ἐλαῖ,  
 132 ἀβίωτον ὦρετ' ἔσεσθαι τὸν βίον αὐτῷ. καὶ τὰ μὲν  
 ἄλλα σιωπῶ, μυρὶ εἰπεῖν ἔχων, περὶ δὲ τῶν  
 συστρατευσαμένων ἱππέων εἰς Ἀργουραν ἴστε  
 δήπου πάντες οἳ ἔδημηγόρησε παρ' ὑμῖν, ὅθ' ἦκεν  
 ἐκ Χαλκίδος, κατηγορῶν καὶ φάσκων ὄνειδος ἐξ-  
 ελθεῖν τὴν στρατιὰν ταύτην τῇ πόλει· καὶ τὴν  
 λοιδορίαν ἣν ἐλοιδορήθη Κρατίνῳ περὶ τούτων,  
 τῷ νῦν, ὡς ἐγὼ πυνθάνομαι, μέλλοντι βοηθεῖν  
 αὐτῷ, μέμνησθε. τὸν δὴ τοσοῦτοις ἀθροοῖς τῶν  
 πολιτῶν ἔχθραν ἐπ' οὐδενὶ τηλικαύτην ἀράμενον  
 33 πόσῃ πονηρία καὶ θρασύτητι ταῦτα χρὴ νομίζειν  
 πράττειν; [καίτοι πότερ' εἰσὶν ὄνειδος, ὦ Μειδία, τῇ  
 πόλει οἱ διαβάντες ἐν τάξει καὶ τὴν σκευὴν ἔχοντες, ἣν  
 προσῆκε τοὺς ἐπὶ τοὺς πολεμίους ἐξιόντας καὶ συμ-  
 βαλουμένους τοῖς συμμαχοῖς, ἢ σὺ ὁ μὴ λαχεῖν εὐχόμενος  
 τῶν ἐξιόντων, ὅτ' ἐκληροῦ, τὸν θώρακα δ' οὐδεπώποτ'  
 ἐνδύς, ἐπ' ἀστράβης δ' ὀχοῦμενος ἀργυρᾶς τῆς ἐξ  
 Εὐβοίας, χλανίδας δὲ καὶ κυμβία καὶ κάδους ἔχων, ὧν  
 ἐπελαμβάνονθ' οἱ πεντηκοστολόγοι; ταῦτα γὰρ εἰς τοὺς  
 134 οὐλίτας ἡμᾶς ἀπηγγέλλετο· οὐ γὰρ εἰς ταῦθ' ἡμεῖς  
 οὕτοις διέβημεν. εἶτα, εἴ σ' ἐπὶ τούτοις ἔσκωψεν Ἀρ-  
 χετίων ἢ τις ἄλλος, πάντας ἤλαυνες;] εἰ μὲν γὰρ  
 ἐποίησιν ταῦτ', ὦ Μειδία, ἃ σέ φασιν οἱ συνιππεῖς  
 καὶ κατηγορεῖς ὡς λέγοιεν περὶ σοῦ, δικαίως  
 κακῶς ἤκουες· καὶ γὰρ ἐκείνους καὶ τουτουοὶ καὶ  
 ὄλην τὴν πόλιν ἠδίκηεις καὶ κατήσχυνες. εἰ δὲ  
 μὴ ποιούντός σου κατεσκευάζόν τινες καταψευ-  
 δόμενοί σου, οἳ δὲ λοιποὶ τῶν στρατιωτῶν οὐκ  
 ἐκείνοις ἐπετίμων, ἀλλὰ σοὶ ἐπέχαιρον, δῆλον ὅτι  
 ἐκ τῶν ἄλλων ὧν ἕξις ἄξιός αὐτοῖς ἐδόκει εἶναι

<sup>a</sup> " He that kills me some six or seven dozen of Scots at a

multitudes of you at once, he felt that life was really not worth living.<sup>a</sup> And as to other instances, in- 132  
 numerable as they are, I say nothing, but as regards the cavalry which was dispatched to Argura, and of which he was one, you all know of course how he harangued you on his return from Chalcis, blaming the troop and saying that its dispatch was a scandal to the city. In connexion with that, you remember too the abuse that he heaped on Cratinus, who is, I understand, going to support him in the present case. Now if he provoked such serious but groundless quarrels with so many citizens at once, what degree of wickedness and recklessness may we expect from him now? [But I should like to ask you, Meidias, which 133  
 was the greater scandal to the city—the men who crossed to Chalcis in due order, and with the equipment proper to those who were to take the field against the enemy and to join forces with our allies, or you, who, when lots were drawn for the expedition, prayed that you might draw a blank, who never donned your cuirass, who rode on a saddle with silver trappings, imported from Euboea, taking with you your shawls and goblets and wine-jars, which were confiscated by the customs? We of the infantry learned this by report, for we had not crossed at the same point as the cavalry. And then, because Archetion or 134  
 someone chaffed you on the subject, must you annoy them all?] If you did what your fellow-troopers say you did, Meidias, and what you complain of them for saying, then you deserved their reproaches, because you were bringing harm and disgrace both on them and on these jurymen here and on all the city. But if you did not do it and it was all a fabrication, and if the rest of the soldiers, instead of reproving the slanderers, chuckled over you, it only shows that from your general manner of life they thought that breakfast, washes his hands, and says to his wife ‘Fie upon this quiet life! I want work.’” (*Hen. IV. Pt. I. II. iv. 115*).

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- [559] τοῦ τοιαῦτ' ἀκούειν· σαυτὸν οὖν μετριώτερον χρῆν  
 135 παρέχειν, οὐκ ἐκείνους διαβάλλειν. σὺ δ' ἀπειλεῖς  
 πᾶσιν, ἐλαύνεις πάντας· τοὺς ἄλλους ἀξιοῖς ὅ τι  
 σὺ βούλει σκοπεῖν, οὐκ αὐτὸς σκοπεῖς ὅ τι μὴ  
 λυπήσεις τοὺς ἄλλους ποιῶν. καὶ τὸ δὴ σχετλιώ-  
 τατον καὶ μέγιστον ἔμοιγε δοκοῦν ὑβρεως εἶναι  
 σημεῖον· τοσοῦτων ἀνθρώπων, ᾧ μιὰ κεφαλὴ,  
 σὺ παρελθὼν ἀθρόων κατηγορεῖς, ὃ τίς οὐκ ἂν  
 ἔφριξε ποιῆσαι τῶν ἄλλων;
- 136 Τοῖς μὲν τοίνυν ἄλλοις ἅπασιν ἀνθρώποις ὁρῶ  
 τοῖς κρινομένοις, ᾧ ἄνδρες δικασταί, ἐν μὲν ἧ  
 δὴ ὄντα τὰ δίκηματα ἃ κατηγορεῖται, λόγους δ'  
 ἀφθότους τοιοῦτους ὑπάρχοντας " τίς ὑμῶν ἐμοί  
 τι σύννοιδε τοιοῦτον; τίς ὑμῶν ἐμὲ ταῦθ' ἐόρακε  
 ποιῶντα; οὐκ ἔστιν, ἀλλ' οὗτοι δι' ἔχθραν κατα-  
 ψεύδονται μου, καταψευδομαρτυροῦμαι," τὰ τοι-
- 137 αῦτα· τούτῳ δ' αὖ τὰναντία τούτων. πάντας γὰρ  
 ὑμᾶς εἰδέναι νομίζω τὸν τρόπον καὶ τὴν ἀσέλγειαν  
 καὶ τὴν ὑπερηφανίαν τοῦ βίου, καὶ πάλαι θαυμά-  
 ζειν ἐνίοις οἶμαι ᾧν αὐτοὶ μὲν ἴσασιν, οὐκ ἀκη-  
 κόασι δὲ νῦν ἐμοῦ. πολλοὺς δὲ τῶν πεπονθότων  
 οὐδὲ πάνθ' ὅσ' ἠδίκηνται μαρτυρεῖν ἐθέλοντας ὁρῶ,  
 τὴν βίαν καὶ τὴν φιλοπραγμοσύνην ὁρῶντας τὴν  
 τούτου καὶ τὴν ἀφορμὴν, ἥπερ ἰσχυρὸν ποιεῖ καὶ
- 138 φοβερὸν τὸν κατάπτυστον τουτονί. τὸ γὰρ ἐπ'  
 ἐξουσίας καὶ πλούτου πονηρὸν εἶναι καὶ ὑβριστὴν  
 τεῖχος ἐστι πρὸς τὸ μηδὲν ἂν αὐτὸν ἐξ ἐπιδρομῆς  
 παθεῖν, ἐπεὶ περιαιρεθεὶς οὗτος τὰ ὄντ' ἴσως μὲν  
 οὐκ ἂν ὑβρίζοι, εἰ δ' ἄρα, ἐλάττωνος ἀξίος ἔσται
- [560] τοῦ μικροτάτου παρ' ὑμῖν· μάτην γὰρ λοιδορήσεται

## AGAINST MEIDIAS, 134-138

such a story exactly fitted you. It was yourself, then, that you ought to have kept more under control, instead of accusing the others. But you 135 threaten all, you bully all. You insist that everyone else shall consult your wishes ; you do not yourself consult how to avoid annoying others. Yes, and what seems to me the most damning proof of your audacity is this : you come forward, you shameless ruffian, and include all these men in one sweeping accusation. Anyone else would have shuddered at the thought of doing such a thing.

I observe, gentlemen, that in all other trials the 136 defendants are charged with one or two offences only, but they can rely on any number of appeals, such as these : " Does anyone in court know me to be capable of this ? Who among you has ever seen me commit these offences ? No one. The plaintiffs are libelling me out of spite. I am the victim of false testimony," and so on. But with Meidias the case is just the reverse ; for I suppose you all know his way of life, 137 his arrogance and his superciliousness, and I even suspect that some have long marvelled at things which they know themselves, but have not heard from my lips to-day. But I note that many of his victims are reluctant to disclose in evidence all that they have suffered, because they realize his violence and his persistence and the extent of those resources which make him so powerful and so dreaded, despicable though he is. For a man whose wickedness and 138 violence are supported by power and wealth is fortified against any sudden attack. So this fellow, if he were deprived of his property, would perhaps discontinue his outrages, or if not, he will be of less account in your courts than the most insignificant criminal ; for

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- καὶ βοήσεται, δίκην δ', ἂν ἀσελγαίη τι, τοῖς  
 139 ἄλλοις ἡμῖν ἐξ ἴσου δώσει. νῦν δ', οἶμαι, τούτου  
 προβέβληται Πολύευκτος, Τιμοκράτης, Εὐκτήμων  
 ὁ κοινορτός· τοιοῦτοί τινές εἰσι μισθοφόροι περὶ  
 αὐτόν, καὶ πρὸς ἔτι ἕτεροι τούτοις, μαρτύρων συν-  
 εστῶσ' ἑταιρεία, φανερώς μὲν οὐκ ἐνοχλούντων  
 ὑμῖν, σιγῇ δὲ τὰ ψευδῆ ῥᾶσθ' ἐπινευόντων. [οὓς  
 μὰ τοὺς θεοὺς οὐδὲν ὠφελείσθαι νομίζω παρὰ τούτον·  
 ἀλλὰ δεινοὶ τινές εἰσιν, ὧ ἄνδρες Ἀθηναῖοι, φθείρεσθαι  
 πρὸς τοὺς πλουσίους καὶ παρεῖναι καὶ μαρτυρεῖν.]
- 140 πάντα δὲ ταῦτ', οἶμαι, φοβέρ' ἐστί τῶν ἄλλων  
 ὑμῶν ἐκάστω, καθ' ἑαυτὸν ὅπως δύναται ζῶντι.  
 οὐπερ ἔνεκα συλλέγεσθ' ὑμεῖς, ἵνα, ὧν καθ' ἑν'  
 ἐστὶν ἕκαστος ὑμῶν ἐλάττων ἢ φίλοις ἢ τοῖς  
 οὔσιν ἢ τῶν ἄλλων τινί, τούτων συλλεγέστες  
 ἐκάστου κρείττους τε γίγνησθε καὶ παύητε τὴν  
 ὕβριν.
- 141 Τάχα τοίνυν καὶ τοιοῦτός τις ἤξει πρὸς ὑμᾶς  
 λόγος, " τί δὴ τὰ καὶ τὰ πεπονθῶς ὁ δεῖν' οὐκ  
 ἐλάμβανε δίκην παρ' ἐμοῦ;" ἢ " τί δὴ " πάλιν  
 ἄλλον ἴσως τινὰ τῶν ἠδικομένων ὀνομάζων. ἐγὼ  
 δὲ δι' ἃς μὲν προφάσεις ἕκαστος ἀφίσταται τοῦ  
 βοηθεῖν αὐτῷ, πάντας ὑμᾶς εἰδέναι νομίζω· καὶ  
 γὰρ ἀσχολία καὶ ἀπραγμοσύνη καὶ τὸ μὴ δύνασθαι
- 142 λέγειν καὶ ἀπορία καὶ μυρὶ' ἐστὶν αἴτια· προσήκειν  
 μέντοι τούτῳ μὴ ταῦτα λέγειν ἠγοῦμαι νυνί, ἀλλ'  
 ὡς οὐ πεποιήκέ τι τούτων ὧν αὐτοῦ κατηγορήκα  
 διδάσκειν, εἰ δὲ μὴ δύνηται, διὰ ταῦτ' ἀπολωλέναι  
 πολὺ μᾶλλον. εἰ γὰρ τηλικούτός τις ἐστὶν ὥστε  
 [561] τοιαῦτα ποιῶν δύνασθαι καθ' ἑν' ἕκαστον ἡμῶν  
 ἀποστερεῖν τοῦ δίκης παρ' αὐτοῦ τυχεῖν, κοινῇ

then he will rail and bluster to deaf ears, and for any act of gross violence he will pay the penalty like the rest of us. But now, I believe, his champions are 139 Polyeuctus and Timocrates and the ragamuffin Euctemon. Such are the mercenaries that he keeps about him; and there are others besides, an organized gang of witnesses, who do not openly force themselves upon you, but readily give a silent nod of assent to his lies. [I do not of course imagine that they make anything out of him, but there are some people, men of Athens, who are strangely prone to abase themselves towards the wealthy, to attend upon them, and to give witness in their favour.] All this, I expect, is alarming for the 140 rest of you as individuals, depending each upon his own resources; and that is why you band yourselves together, so that when you find yourselves individually inferior to others, whether in wealth or in friends or in any other respect, you may together prove stronger than any one of your enemies and so check his insolence.

Now, some such ready plea as this will be submitted 141 to you: "Why did not So-and-so, who suffered this or that at my hands, try to obtain redress from me? Or why did not So-and-so?"—naming perhaps another of his victims. But I expect you all know the stock excuses for shirking the duty of self-defence—want of leisure, a distaste for affairs, inability to speak, lack of means, and a thousand such reasons. I do not, however, think that Meidias has 142 any right to use such language now; his duty is to prove that he has not done what I have accused him of doing, and if he cannot, then he deserves death all the more. For if he is so powerful that he can act like this and yet prevent you individually from obtaining satisfaction from him, you ought all of you, in

νῦν, ἐπειδήπερ εἴληπται, πᾶσιν ὑπὲρ ἀπάντων  
τιμωρητέος ὡς κοινὸς ἐχθρὸς τῇ πολιτείᾳ.

143 Λέγεται τοίνυν ποτ' ἐν τῇ πόλει κατὰ τὴν παλαιὰν  
ἐκείνην εὐδαιμονίαν Ἀλκιβιάδης γενέσθαι, ᾧ σκέ-  
ψασθε, τίνων εὐεργεσιῶν ὑπαρχουσῶν καὶ ποίων  
τινῶν πρὸς τὸν δῆμον, πῶς ἐχρήσανθ' ὑμῶν οἱ  
πρόγονοι, ἐπειδὴ βδελυρὸς καὶ ὑβριστῆς ᾤετο δεῖν  
εἶναι. καὶ οὐκ ἀπεικάσαι δήπου Μειδίαν Ἀλκι-  
βιάδῃ βουλόμενος τούτου μέμνημαι τοῦ λόγου, οὐχ  
οὕτως εἴμ' ἄφρων οὐδ' ἀπόπληκτος ἐγώ, ἀλλ' ἴν'  
εἰδῆθ' ὑμεῖς, ᾧ ἄνδρες Ἀθηναῖοι, καὶ γνῶθ' ὅτι  
οὐδὲν οὐτ' ἔστιν οὐτ' ἔσται, οὐ γένος, οὐ πλοῦτος,  
οὐ δύναμις, ὅ τι τοῖς πολλοῖς ὑμῶν, ἂν ὑβρις

144 προσῆ, προσήκει φέρειν. ἐκείνος γάρ, ᾧ ἄνδρες  
Ἀθηναῖοι, λέγεται πρὸς πατρός μὲν Ἀλκμεωνιδῶν  
εἶναι (τούτους δέ φασιν ὑπὸ τῶν τυράννων ὑπὲρ  
τοῦ δήμου στασιάζοντας ἐκπεσεῖν, καὶ δανεισα-  
μένους χρήματ' ἐκ Δελφῶν ἐλευθερῶσαι τὴν πόλιν  
καὶ τοὺς Πεισιστράτου παῖδας ἐκβαλεῖν), πρὸς δὲ  
μητρός Ἴππονίκου καὶ ταύτης δὴ τῆς οἰκίας, ἧς  
ὑπάρχουσι πολλὰ καὶ μεγάλα πρὸς τὸν δῆμον

145 εὐεργεσίαι. οὐ μόνον δὲ ταῦθ' ὑπῆρχεν αὐτῷ, ἀλλὰ  
καὶ αὐτὸς ὑπὲρ τοῦ δήμου θέμενος τὰ ὄπλα δις  
μὲν ἐν Σάμῳ, τρίτον δ' ἐν αὐτῇ τῇ πόλει, τῷ  
σώματι τὴν εὐνοίαν, οὐ χρήμασιν οὐδὲ λόγοις  
ἐνεδειξάτο τῇ πατρίδι. ἔτι δ' ἵππων Ὀλυμπίασιν  
ἀγῶνες ὑπῆρχον αὐτῷ καὶ νῖκαι, καὶ στρατηγὸς  
[562] ἄριστος, καὶ λέγειν ἐδόκει πάντων, ὡς φασιν, εἶναι

146 δεινότατος. ἀλλ' ὅμως οἱ κατ' ἐκείνον ὑμέτεροι  
πρόγονοι οὐδενὸς τούτων αὐτῷ συνεχώρησαν ὑβρί-  
ζειν αὐτούς, ἀλλὰ ποιήσαντες φυγάδ' ἐξέβαλον·  
καὶ Λακεδαιμονίων ὄντων ἰσχυρῶν τότε καὶ Δεκέ-



## AGAINST MEIDIAS, 142-146

common and on behalf of all, now that he is in your grasp, to punish him as the common enemy of the State.

History tells us that Alcibiades lived at Athens in 143 the good old days of her prosperity, and I want you to consider what great public services stand to his credit and how your ancestors dealt with him when he thought fit to behave like a ruffian and a bully. And assuredly it is not from any desire to compare Meidias with Alcibiades that I mention this story. I am not so foolish or infatuated. My object, men of Athens, is that you may know and feel that there is not, and never will be, anything—not birth, not wealth, not power—that you, the great mass of citizens, ought to tolerate, if it is coupled with insolence. For 144 Alcibiades, Athenians, was on his father's side one of the Alcmaeonidae, who are said to have been banished by the tyrants because they belonged to the democratic faction, and who, with money borrowed from Delphi, liberated our city, expelling the sons of Peisistratus, and on his mother's side he claimed descent from Hipponicus and that famous house to which the people are indebted for many eminent services. But these were not his only claims, for he 145 had also taken arms in the cause of democracy, twice in Samos and a third time in Athens itself, displaying his patriotism, not by gifts of money or by speeches, but by personal service. He had also to his credit entries for the Olympian chariot-race and victories there, and we are told that he was regarded as the best general and the ablest speaker of the day. But 146 yet your ancestors, for all these services, would not allow him to insult them. They made him a fugitive and an outlaw, and in the day of Lacedaemonian

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λειαν ἑαυτοῖς ἐπιτειχισθῆναι καὶ τὰς ναῦς ἀλῶναι  
 καὶ πάνθ' ὑπέμειναν, ὅτιοῦν ἄκοντες παθεῖν κάλλιον  
 εἶναι νομίζοντες ἢ ἐκόντες ὑβρίζεσθαι συγχωρῆσαι.  
 147 καίτοι τί τοσοῦτον ἐκείνος ὕβρισεν, ἠλίκον οὗτος  
 νῦν ἐξελέληγκται; Ταυρέαν ἐπάταξε χορηγοῦντ'  
 ἐπὶ κόρρης. ἔστω ταῦτα, ἀλλὰ χορηγῶν γε χορη-  
 γοῦντα τοῦτ' ἐποίησεν, οὐπω τόνδε τὸν νόμον παρα-  
 βαίνων, οὐ γὰρ ἔκειτό πω. εἶρξεν Ἀγάθαρχον τὸν  
 γραφέα· καὶ γὰρ ταῦτα λέγουσιν. λαβῶν γέ τι  
 πλημμελοῦνθ', ὡς φασιν, ὅπερ οὐδ' ὄνειδίζειν ἄξιον.  
 τοὺς Ἑρμᾶς περιέκοπτεν. ἅπαντα μὲν, οἶμαι,  
 τὰσεβήματα τῆς αὐτῆς ὀργῆς δίκαιον ἀξιοῦν· τὸ  
 δ' ὄλως ἀφανίζειν ἰερά ἐστ' ὃ τι τοῦ κόπτειν  
 διαφέρει; οὐκοῦν οὗτος ἐξελέληγκται τοῦτο ποιῶν.  
 148 ἀντιθῶμεν δὴ τίς ὢν καὶ τίσι ταῦτ' ἐνδεικνύμενος.  
 μὴ τοίνυν ὑμῖν, πρὸς τῷ μὴ καλόν, μηδὲ θεμιτὸν  
 νομίζετ', ἄνδρες δικασταί, μηδ' ὅσιον εἶναι τοιούτων  
 ἀνδρῶν οὔσιν ἀπογόνους, πονηρὸν καὶ βίαιον καὶ  
 ὑβριστὴν λαβοῦσιν ἄνθρωπον καὶ μηδένα μηδα-  
μόθεν, συγγνώμης ἢ φιλανθρωπίας ἢ χάριτός τινος  
ἀξιῶσαι. τίνος γὰρ ἔνεκα; τῶν στρατηγιῶν· ἀλλ'  
 οὐδὲ καθ' αὐτὸν στρατιώτης οὗτος οὐδενός ἐστ'  
 ἄξιος, μή τί γε τῶν ἄλλων ἡγεμόν. ἀλλὰ τῶν  
 λόγων· ἐν οἷς κοινῇ μὲν οὐδὲν πώποτ' εἶπεν  
 ἀγαθόν, κακῶς δ' ἰδίᾳ πάντας ἀνθρώπους λέγει.  
 149 γένους ἔνεκα νῆ Δία· καὶ τίς οὐκ οἶδεν ὑμῶν τὰς  
 [563]

power they endured the fortification of Decelea, the capture of their fleet, and every kind of loss, because they deemed any involuntary suffering more honourable than a voluntary submission to the tyranny of insolence. Yet what was his insolence compared <sup>147</sup> with what has been proved of Meidias to-day? He boxed the ears of Taureas, when the latter was chorus-master. Granted; but it was as chorus-master to chorus-master that he did it, and he did not transgress the present law, for it had not yet been made. Another story is that he imprisoned the painter Agatharchus. Yes, but he had caught him in an act of trespass, or so we are told; so that it is unfair to blame him for that. He was one of the mutilators of the Hermae. All acts of sacrilege, I suppose, ought to excite the same indignation, but is not complete destruction of sacred things just as sacrilegious as their mutilation? Well, that is what Meidias has been convicted of. To contrast the <sup>148</sup> two men, let us ask who Meidias is and to whom he displayed his qualities. Do not then imagine that for *you*, gentlemen, being the descendants of such ancestors, it would be in accordance with justice or piety, to say nothing of honour, if, when you have caught a rascally, violent bully, a mere nobody and son of nobody, you should pronounce him deserving of pardon or pity or favour of any kind. For why should you? Because of his services as general? But not even as a private soldier, much less as a leader of others, is he worth anything at all. For his speeches then? In his public speeches he never yet said a good word of anyone, and he speaks ill of everyone in private. For the sake of his family perhaps? <sup>149</sup> And who of you does not know the mysterious story

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ἀπορρήτους, ὡς περ ἐν τραγωδίᾳ, τὰς τούτου γονάς; ᾧ δὴ ἐναντιώτατα συμβέβηκεν εἶναι· ἡ μὲν γὰρ ὡς ἀληθῶς μήτηρ, ἡ τεκοῦσ' αὐτόν, πλείστον ἀπάντων ἀνθρώπων εἶχε νοῦν, ἡ δὲ δοκοῦσα καὶ ὑποβαλομένη πασῶν ἦν ἀνοητοτάτη γυναικῶν. σημεῖον δέ· ἡ μὲν γὰρ ἀπέδοτ' εὐθύς γενόμενον, ἡ δ' ἐξὸν αὐτῇ βελτίῳ πρίασθαι ταύτης τῆς τιμῆς  
 150 τοῦτον ἠγόρασεν. καὶ γὰρ τοι διὰ τοῦτο τῶν οὐ προσηκόντων ἀγαθῶν κύριος γεγονώς, καὶ πατρίδος τετευχώς ἢ νόμοις τῶν ἀπασῶν πόλεων μάλιστ' οἰκεῖσθαι δοκεῖ, οὐδέν' οἶμαι τρόπον φέρειν οὐδὲ χρῆσθαι τούτοις δύναται, ἀλλὰ τὸ τῆς φύσεως βάρβαρον ἀληθῶς καὶ θεοῖς ἐχθρὸν ἔλκει καὶ βιάζεται, καὶ φανερὸν ποιεῖ τοῖς παροῦσιν ὡς περ ἄλλοτρίοις, ὅπερ ἔστιν, αὐτὸν χρώμενον.

151 Τοσοῦτων τοίνυν καὶ τοιούτων ὄντων τῷ βδελυρῷ τούτῳ καὶ ἀναιδεῖ ὧν βεβίωται, ἔνιοί μοι προσιόντες, ὧ ἄνδρες δικασταί, τῶν χρωμένων αὐτῷ, παραινοῦντες ἀπαλλαγῆναι καὶ καθυφεῖναι τὸν ἀγῶνα τουτονί, ἐπειδὴ με μὴ πείθοιεν, ὡς μὲν οὐ πολλὰ καὶ δεινὰ πεποίηκεν οὗτος, καὶ δίκην ἠντιοῦν ἂν δοίη δικαίως τῶν πεπραγμένων, οὐκ ἐτόλμων λέγειν, ἐπὶ ταῦτα δ' ἀπήντων ὡς “ ἤλωκεν ἤδη καὶ κατεψήφισται· τίνος τιμήσειν αὐτῷ προσδοκᾶς τὸ δικαστήριον; οὐχ ὄρας ὅτι πλουτεῖ καὶ τριηραρχίας ἐρεῖ καὶ λητουργίας; σκόπει δὴ μὴ τούτοις αὐτὸν ἐξαιτήσεται, καὶ ἐλάττω πολὺ τῇ πόλει καταθεῖς ἢ ὅσα σοι δίδωσι  
 152 καταγελάσῃ.” ἐγὼ δὲ πρῶτον μὲν οὐδέν ἀγεννὲς  
 [564] ἡμῶν καταγιγνώσκω, οὐδ' ὑπολαμβάνω τιμήσειν οὐδενὸς ἐλάττωνος τούτῳ ἢ ὅσον καταθεῖς οὗτος

of his birth—quite like a melodrama? He was the sport of two opposing circumstances. The real mother who bore him was the most sensible of mortals; his reputed mother who adopted him was the silliest woman in the world. Do you ask why? The one sold him as soon as he was born; the other purchased him, when she might have got a better bargain at the same figure. And yet, though he has thus become 150 the possessor of privileges to which he has no claim, and has found a fatherland which is reputed to be of all states the most firmly based upon its laws, he seems utterly unable to submit to those laws or abide by them. His true, native barbarism and hatred of religion drive him on by force and betray the fact that he treats his present rights as if they were not his own—as indeed they are not.

Such, then, being the events that make up the life 151 of this shameless blackguard, some of his associates came to me, gentlemen of the jury, urging me to retire and drop this action; but finding me unmoved, they did not venture to assert that he was innocent of all these crimes and would not deserve the severest penalty for his deeds. They took this line of argument. “He has already been convicted and condemned; what fine do you expect the court to impose on him? Do you not see that he is a rich man and will talk about the equipment of war-galleys and other public services? Then take care that he does not beg himself off by such pleas, and make you his laughing-stock, when he pays the State a far less sum than he now offers you.” For myself, in the first place, I do 152 not charge you with anything dishonourable, nor do I suppose that you will lay on him a lighter punishment than will effectually check his insolence; and that

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παύσεται τῆς ὕβρεως· τοῦτο δ' ἐστὶ μάλιστα μὲν  
 θάνατος, εἰ δὲ μή, πάντα τὰ ὄντ' ἀφελέσθαι.  
 ἔπειθ' ὑπὲρ τῶν τούτου λητουργιῶν καὶ τῶν  
 153 τριηραρχιῶν καὶ τῶν τοιούτων λόγων ὡδὶ γιννώ-  
 σκω. εἰ μὲν ἐστίν, ὦ ἄνδρες Ἀθηναῖοι, τὸ  
 λητουργεῖν τοῦτο, τὸ ἐν ὑμῖν λέγειν ἐν ἀπάσαις  
 ταῖς ἐκκλησίαις καὶ πανταχοῦ " ἡμεῖς οἱ λητουρ-  
 γοῦντες, ἡμεῖς οἱ προεισφέροντες ὑμῖν, ἡμεῖς οἱ  
 πλούσιοι ἐσμεν," εἰ τὸ τὰ τοιαῦτα λέγειν, τοῦτ'  
 ἐστὶ λητουργεῖν, ὁμολογῶ Μειδίαν ἀπάντων τῶν  
 ἐν τῇ πόλει λαμπρότατον γεγενῆσθαι ἀποκναίει  
 γὰρ ἀηδία δήπου καὶ ἀναισθησία καθ' ἑκάστην  
 154 τὴν ἐκκλησίαν ταῦτα λέγων. εἰ μέντοι τί ποτ'  
 ἐστὶν ἂ λητουργεῖ τῇ ἀληθείᾳ δεῖ σκοπεῖν, ἐγὼ  
 πρὸς ὑμᾶς ἐρῶ. καὶ θεάσασθ' ὡς δικαίως αὐτὸν  
 ἐξετάσω, πρὸς ἑμαυτὸν κρίνων. οὗτος, ὦ ἄνδρες  
 Ἀθηναῖοι, γεγωνὸς ἔτη περὶ πεντήκοντα ἴσως ἢ  
 μικρὸν ἔλαττον, οὐδὲν ἐμοῦ πλείους λητουργίας  
 ὑμῖν ληλητούργηκεν, ὃς δύο καὶ τριάκοντα ἔτη  
 γέγονα. καγὼ μὲν κατ' ἐκείνους τοὺς χρόνους  
 ἔτριηράρχουν, εὐθὺς ἐκ παίδων ἐξελθὼν, ὅτε σύνδύ'  
 ἦμεν οἱ τριηράρχοι καὶ τὰναλώματα πάντ' ἐκ τῶν  
 ἰδίων ἔδαπανῶμεν καὶ τὰς ναῦς ἐπληροῦμεθ' αὐτοί.  
 155 οὗτος δ', ὅτε μὲν κατὰ ταύτην τὴν ἡλικίαν ἦν ἦν  
 ἐγὼ νῦν, οὐδέπω λητουργεῖν ἤρχετο, τῆνικαῦτα δὲ  
 τοῦ πράγματος ἦπται, ὅτε πρῶτον μὲν διακοσίους  
 καὶ χιλίους πεποιήκατε συντελεῖς ὑμεῖς, παρ' ὧν  
 εἰσπραττόμενοι τάλαντον ταλάντου μισθοῦσι τὰς  
 [565] τριηραρχίας οὗτοι, εἶτα πληρώμαθ' ἢ πόλις παρέχει  
 καὶ σκευὴ δίδωσιν, ὥστ' αὐτῶν ἐνίοις τῇ ἀληθείᾳ  
 τὸ μηδὲν ἀναλώσαι καὶ δοκεῖν ληλητουργηκέναι  
 καὶ τῶν ἄλλων λητουργιῶν ἀτελεῖς γεγενῆσθαι

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means, for choice, death, or failing that, at least the confiscation of all his property. In the next place, my own opinion about his trierarchies and public services and pleas of that sort is this. If, men of Athens, 153 public service consists in saying to you at all the meetings of the Assembly and on every possible occasion, "We are the men who perform the public services ; we are those who advance your tax-money ; we are the capitalists"—if that is all it means, then I confess that Meidias has shown himself the most distinguished citizen of Athens ; for he bores us at every Assembly by these tasteless and tactless boasts. But if you want to find out how he really performs his 154 services, I will tell you ; and please mark with what fairness I shall test him, for I will compare him with myself. This man, Athenians, who is about fifty years old or only a trifle less, has not performed more public services than I, who am only two and thirty. Moreover I, as soon as I had reached man's estate, undertook the trierarchy in the days when only two shared the duty, and when we paid all the expenses from our own purses and provided the crews ourselves. Meidias, when he was of my present age, had not yet 155 begun to perform services ; he has only put his hand to the task since you made twelve hundred citizens joint contributors, from whom such men as Meidias exact a talent and then contract for the equipment of the war-galley at the same price. After this the State provides the crews and furnishes the tackle ; so that some of them succeed in really spending nothing at all and by pretending to have performed one public service enjoy exemption from the rest. Well, is there 156

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- 156 περίεστιν. ἀλλὰ μὴν τί ἄλλο; τραγωδοῖς κεχορήγηκέ ποθ' οὗτος, ἐγὼ δ' αὐληταῖς ἀνδράσι. καὶ ὅτι τοῦτο τὸ ἀνάλωμ' ἐκείνης τῆς δαπάνης πλείον ἐστὶ πολλῶ, οὐδεὶς ἀγνοεῖ δήπου. καὶ γὰρ μὲν ἐθελοντῆς νῦν, οὗτος δὲ καταστάς ἐξ ἀντιδόσεως τότε, οὗ χάριν οὐδεμίαν αὐτῷ δήπου δικαίως ἄν τις ἔχοι. τί ἔτι; εἰστίακα τὴν φυλὴν ἐγὼ καὶ Παναθηναίοις κεχορήγηκα, οὗτος δ' οὐδέτερα.
- 157 ἡγεμῶν συμμορίας ὑμῖν ἐγενόμην ἐγὼ ἔτη δέκα, ἴσον Φορμίωνι καὶ Λυσιθείδῃ καὶ Καλλαίσχρῳ καὶ τοῖς πλουσιωτάτοις, εἰσφέρων οὐκ ἀφ' ὑπαρχούσης οὐσίας (ὑπὸ γὰρ τῶν ἐπιτρόπων ἀποστερήμην), ἀλλ' ἀπὸ τῆς δόξης ὧν ὁ πατήρ μοι κατέλιπε καὶ ὧν δίκαιον ἦν με δοκιμασθέντα κομίσασθαι. ἐγὼ μὲν οὖν οὕτως ὑμῖν προσενήνεγμα, Μειδίας δὲ πῶς; οὐδέπω καὶ τήμερον συμμορίας ἡγεμῶν γέγονεν, οὐδὲν τῶν πατρώων ἀποστερηθεὶς ὑπ' οὐδενός, ἀλλὰ παρὰ τοῦ πατρὸς
- 158 πολλὴν οὐσίαν παραλαβών. τίς οὖν ἐστὶν ἡ λαμπρότης, ἣ τίνας αἰ λητουργίαι καὶ τὰ σέμν' ἀναλώματα τούτου; ἐγὼ μὲν οὐχ ὀρώ, πλὴν εἰ ταῦτά τις θεωρεῖ· οἰκίαν ὠκοδόμηκεν Ἐλευσῖνι τοσαύτην ὥστε πᾶσιν ἐπισκοτεῖν τοῖς ἐν τῷ τόπῳ, καὶ εἰς μυστήρια τὴν γυναῖκ' ἄγει, κἂν ἄλλοσέ ποι βούληται, ἐπὶ τοῦ λευκοῦ ζεύγους τοῦ ἐκ Σικυῶνος, καὶ τρεῖς ἀκολούθους ἢ τέτταρας αὐτὸς ἔχων διὰ τῆς ἀγορᾶς σοβεῖ, κυμβία καὶ ῥυτὰ καὶ φιάλας
- [566] ὀνομάζων οὕτως ὥστε τοὺς παριόντας ἀκούειν.
- 159 ἐγὼ δ' ὅσα μὲν τῆς ἰδίας τρυφῆς ἔνεκα Μειδίας καὶ περιουσίας κτᾶται, οὐκ οἶδ' ὅ τι τοὺς πολλοὺς ὑμῶν ὠφελεῖ· ἂ δ' ἐπαιρόμενος τούτοις ὑβρίζει,



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anything else? He has once equipped a tragic chorus; I have furnished a band of male flute-players; and everyone knows that the latter involves much greater expense than the former. Moreover my service is voluntary; his was only undertaken after a challenge to exchange property. Therefore no one could justly allow him any credit for it. What else? I have feasted my tribe and equipped a chorus for the Panathenaea; he has done neither. I was chairman of 157 one of the tax-syndicates <sup>a</sup> for ten years, contributing the same share as Phormio, Lysitheides, Callaeschrus, and the richest citizens, not from my actual property, of which my guardians had robbed me, but from the estimated wealth which my father had left and which I was entitled to inherit when I had passed the scrutiny for citizenship. That is how I have borne myself towards you; but how has Meidias? To this day he has never been chairman of a syndicate, though no one has ever robbed him of any part of his inheritance and he has received from his father a large property. In what, then, consist his splendour, his public services 158 and his lordly expenditure? I cannot for the life of me see, unless one fixes one's attention on these facts. He has built at Eleusis a mansion huge enough to overshadow his neighbours; he drives his wife to the Mysteries, or anywhere else that he wishes, with a pair of greys from Sicyon; he swaggers about the market-place with three or four henchmen in attendance, describing beakers and drinking-horns and cups loud enough for the passers-by to hear. I do not 159 see how the mass of Athenians are benefited by all the wealth that Meidias retains for private luxury and superfluous display; I do see that his insolence,

<sup>a</sup> See note on *Olynth.* ii. 29.

ἐπὶ πολλοὺς καὶ τοὺς τυχόντας ὑμῶν ἀφικνούμεν ὀρώ. οὐ δεῖ δὴ τὰ τοιαῦθ' ἐκάστοτε τιμᾶν οὐδὲ θαυμάζειν ὑμᾶς, οὐδὲ τὴν φιλοτιμίαν ἐκ τούτων κρίνειν, εἴ τις οἰκοδομεῖ λαμπρῶς ἢ θεραπαίνας κέκτηται πολλὰς ἢ σκεύη, ἀλλ' ὅς ἂν ἐν τούτοις λαμπρὸς καὶ φιλότιμος ᾖ, ὧν ἅπασι μέτεστι τοῖς πολλοῖς ὑμῶν· ὧν οὐδὲν εὐρήσετε τούτῳ προσόν.

160 Ἄλλὰ νῆ Δία τριήρη ἐπέδωκεν· ταύτην γὰρ οἶδ' ὅτι θρυλήσει, καὶ φήσει “ ἐγὼ ὑμῖν τριήρη ἐπέδωκα.” οὕτωςι δὴ ποιήσατε. εἰ μὲν, ὦ ἄνδρες Ἀθηναῖοι, φιλοτιμίας ἔνεκα ταύτην ἐπέδωκεν, ἣν προσήκει τῶν τοιούτων ἔχειν χάριν, ταύτην ἔχετ' αὐτῷ καὶ ἀπόδοτε, ὑβρίζειν δὲ μὴ δῶτε· οὐδενὸς γὰρ πράγματος οὐδ' ἔργου τοῦτο συγχωρητέον. εἰ δὲ δὴ καὶ δειλίας καὶ ἀνανδρίας ἔνεκα δειχθήσεται τοῦτο πεποιηκώς, μὴ παρακρουσθήτε. πῶς οὖν εἴσεσθε; ἐγὼ καὶ τοῦτο διδάξω, ἄνωθεν δέ,—

161 βραχὺς ἐστ' ὁ λόγος,—λέξω.<sup>1</sup> ἐγένοντ' εἰς Εὐβοίαν ἐπιδόσεις παρ' ὑμῖν πρῶται· τούτων οὐκ ἦν Μειδίας, ἀλλ' ἐγώ, καὶ συντριήραρχος ἦν μοι Φιλῖνος ὁ Νικοστράτου. ἕτεραι δεύτεραι μετὰ ταῦτ' εἰς Ὀλυνθον· οὐδὲ τούτων ἦν Μειδίας. καίτοι τόν γε δὴ φιλότιμον πανταχοῦ προσῆκεν ἐξετάζεσθαι. τρίται νῦν αὐταὶ γεγόνασιν ἐπιδόσεις· ἐνταῦθ' ἐπέδωκε. πῶς; ἐν τῇ βουλῇ γιγνομένων ἐπιδόσεων παρῶν οὐκ ἐπεδίδου τότε· ἐπειδὴ δὲ πολιορκεῖσθαι τοὺς ἐν Ταμύναις στρατιώτας

162  
[567]

<sup>1</sup> Dind. omits ἄνωθεν . . . λέξω.

fostered by his wealth, affects many of us ordinary folk. You ought not to show respect and admiration for such things on every occasion, nor judge a man's public spirit by such tests as these—whether he builds himself a splendid house or keeps many maid-servants or handsome furniture, but whether his splendour and public spirit are displayed in those things in which the majority of you can share. There you will find Meidias absolutely wanting.

But, mark you, he gave us a war-galley! I am 160  
 sure he will brag about that vessel. "I," he will say, "presented you with a trireme." Now this is how you must deal with him. If, men of Athens, he gave it from patriotic motives, be duly grateful and pay him the thanks that such a gift deserves. But do not give him a chance to air his insolence; that must not be conceded as the price of any act or deed. If, on the other hand, it is proved that his motive was cowardice and malingering, do not be led astray. How then will you know? This too I will explain. I will tell you the story from the start: it is not a long one. Voluntary gifts were first introduced at Athens 161  
 for the expedition to Euboea. Meidias was not one of those volunteers, but I was, and my colleague was Philinus, the son of Nicostratus. There was a second call subsequently for Olynthus. Meidias was not one of those volunteers either. Yet surely the public-spirited man ought to be found at his post on every occasion. We have now these voluntary gifts for the third time, and this time he did make an offer. But how? Though present in the Council when the gifts were being received, he made no offer then. But 162  
 when it was announced that the troops at Tamynae were blockaded, and when the Council carried a pre-

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- ἐξηγγέλλετο, καὶ πάντας ἐξιέναι τοὺς ὑπολοίπους  
 ἰππέας, ὧν εἰς οὗτος ἦν, προεβούλευσεν ἢ βουλή,  
 τηνικαῦτα φοβηθεῖς τὴν στρατείαν ταύτην, εἰς τὴν  
 ἐπιούσαν ἐκκλησίαν, πρὶν καὶ προέδρους καθ-  
 ἴζεσθαι, παρελθὼν ἐπέδωκεν. τῷ δῆλον, ὥστε μηδ'  
 ἀντειπεῖν αὐτὸν ἔχειν, ὅτι τὴν στρατείαν φεύγων,  
 οὐ φιλοτιμία, τοῦτ' ἐποίησεν; τοῖς μετὰ ταῦτα  
 163πραχθεῖσιν ὑπ' αὐτοῦ. τὸ μὲν γὰρ πρῶτον, ὡς  
 οὐκ ἐδόκει, προιούσης τῆς ἐκκλησίας καὶ λόγων  
 γιγνομένων, τῆς τῶν ἰππέων βοηθείας ἤδη δεῖν,  
 ἀλλ' ἀνεπεπτώκει τὰ τῆς ἐξόδου, οὐκ ἀνέβαιναν  
 ἐπὶ τὴν ναῦν ἣν ἐπέδωκεν, ἀλλὰ τὸν μέτοικον  
 ἐξέπεμψε τὸν Αἰγύπτιον, Πάμφιλον, αὐτὸς δὲ  
 μένων ἐνθάδε τοῖς Διονυσίοις διεπράττετο ταῦτ'  
 164ἐφ' οἷς νυνὶ κρίνεται, ἐπειδὴ δ' ὁ στρατηγὸς  
 Φωκίων μετεπέμπετο τοὺς ἐξ Ἀργούρας ἰππέας  
 ἐπὶ τὴν διαδοχὴν καὶ κατείληπτο σοφιζόμενος, τόθ'  
 ὁ δειλὸς καὶ κατάρατος οὔτοσι λιπὼν τὴν τάξιν  
 ταύτην ἐπὶ τὴν ναῦν ὤχετο, καὶ ὧν ἰππαρχεῖν  
 ἠξίωσε παρ' ὑμῖν ἰππέων, τούτοις οὐ συνεξῆλθεν.  
 εἰ δ' ἐν τῇ θαλάττῃ κίνδυνός τις ἦν, εἰς τὴν γῆν  
 165δῆλον ὅτι ὤχετ' ἄν. οὐ μὴν Νικήρατός γ' οὕτως  
 ὁ τοῦ Νικίου ἀγαπητὸς παῖς,<sup>1</sup> ὁ παντάπασιν  
 ἀσθενὴς τῷ σώματι· οὐδ' Εὐκτῆμων ὁ τοῦ Αἰσίου-  
 νος, οὐχ οὕτως· οὐδ' Εὐθύδημος ὁ τοῦ Στρατο-  
 κλέους· ἀλλ' αὐτῶν ἕκαστος ἐκὼν ἐπιδουὺς τριήρη  
 [568] οὐκ ἀπέδρα ταύτῃ τὴν στρατείαν, ἀλλὰ τὴν μὲν  
 [ἐπίδοσιν] ἐν χάριτος μέρει καὶ δωρεᾶς παρέιχον  
 πλέουσιν τῇ πόλει, οὐ δ' ὁ νόμος προσέταπτεν,  
 ἐνταῦθα τοῖς σώμασιν αὐτοὶ λητουργεῖν ἠξίουσαν.  
 166 ἀλλ' οὐχ ὁ ἰππαρχος Μειδίας, ἀλλὰ τὴν ἐκ τῶν

<sup>1</sup> So Dind., but the mss. have ὁ ἀγαπητὸς ὁ ἄπαις (or ὁ παῖς).

liminary decree to dispatch the rest of the cavalry, to which he belonged, then, alarmed at the prospect of this campaign, he came forward with a voluntary gift at the next meeting of the Assembly, even before the Committee could take their seats. What makes it clear, beyond all possibility of doubt, that his motive was not public spirit but the desire to shirk the campaign? His subsequent proceedings. For in the 163 first place, when it appeared, as the meeting proceeded and speeches were made, that the services of the cavalry were not now required, but that the proposed expedition had fallen through, he never set foot on the ship he had presented, but dispatched a resident alien, the Egyptian Pamphilus, while he himself stayed at home and behaved at the Dionysia in the way that is the matter of the present trial. Next, when the general, Phocion, summoned the 164 cavalry from Argura to take their turn of service, and the trickery of Meidias was exposed, then this damnable coward quitted that post and hurried to his ship and never went out with the cavalry whom he claimed to command here at home. But if there had been any risk at sea, he would certainly have hastened to land. Not so behaved Niceratus, the beloved son of 165 Nicias, though he was himself physically an utter weakling. Not so behaved Euctemon, the son of Aesion, nor Euthydemus, the son of Stratocles. Each of these men had made the gift of a war-galley, yet did not run away from the campaign in this way. Each, as an act of grace and a free gift, supplied the State with a ship ready for sea, and where the law of the State assigned them their posts, there each insisted on giving his personal service. But not so 166 our cavalry-officer Meidias. He deserted the post

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νόμων τάξιν λιπών, οὐ δίκην ὀφείλει τῇ πόλει δοῦναι, τοῦτ' ἐν εὐεργεσίας ἀριθμήσει μέρει. καίτοι τὴν τοιαύτην τριηραρχίαν, ὡς πρὸς θεῶν, πότερον τελωνίαν καὶ πεντηκοστήν καὶ λιποταξίαν καὶ στρατείας ἀπόδρασιν καὶ πάντα τὰ τοιαῦθ' ἀρμόττει καλεῖν, ἢ φιλοτιμίαν; οὐδένα γὰρ τρόπον ἄλλον ἐν τοῖς ἰππεύσιν αὐτὸν στρατείας ἀτελῆ ποιῆσαι δυνάμενος, ταύτην εὗρηκε Μειδίας καινὴν ἰππικὴν τινα πεντηκοστήν. καὶ γὰρ αὖ τοῦτο.

167 τῶν ἄλλων ἀπάντων τῶν ἐπιδόντων τριηράρχων παραπεμπόντων ὑμᾶς, ὅτε δεῦρ' ἀπεπλεῖτ' ἐκ Στύρων, μόνος οὗτος οὐ παρέπεμπεν, ἀλλ' ἀμελήσας ὑμῶν χάρακας καὶ βοσκήματα καὶ θυρώμαθ' ὡς αὐτὸν καὶ ξύλ' εἰς τὰ ἔργα τὰ ἀργύρει' ἐκόμιζε, καὶ χρηματισμός, οὐ λητουργία γέγονεν ἢ τριηραρχία τῷ καταπτύστῳ τούτῳ. ἀλλὰ μὴν ὡς ἀληθῆ λέγω σύνιστε μὲν τὰ πολλὰ τούτων, ὅμως δὲ καὶ μάρτυρας ὑμῖν καλῶ.

### ΜΑΡΤΥΡΕΣ

168 [Κλέων Σουριεύς, Ἀριστοκλῆς Παιανιεύς, Πάμφιλος, Νικήρατος Ἀχερδούσιος, Εὐκτῆμων Σφήττιος, καθ' ὃν καιρὸν ἐκ Στύρων ἀπεπλέομεν δεῦρο τῷ στόλῳ παντί, ἐτύχομεν τριηραρχοῦντες καὶ αὐτοὶ καὶ Μειδίας ὁ νῦν κρινόμενος ὑπὸ Δημοσθένους, ᾧ μαρτυροῦμεν. παντὸς [569] δὲ τοῦ στόλου πλεόντων ἐν τάξει, καὶ τῶν τριηράρχων ἐχόντων παράγγελμα μὴ χωρίζεσθαι ἕως ἂν δεῦρο καταπλεύσωμεν, Μειδίας ὑπολειφθεὶς τοῦ στόλου, καὶ γεμίσας τὴν ναῦν ξύλων καὶ χαράκων καὶ βοσκημάτων καὶ ἄλλων τινῶν, κατέπλευσεν εἰς Πειραιᾶ μόνος μεθ' ἡμέρας δύο, καὶ οὐ συγκατέστησε τὸν στόλον μετὰ τῶν ἄλλων τριηράρχων.]

## AGAINST MEIDIAS, 166-168

assigned him by the laws, and this, which is a punishable offence against the State, he is prepared to count as a meritorious service. Yet, good heavens! what name best befits such a trierarchy as his? Shall we call it patriotism, or tax-jobbing, two-per-cent-collecting, desertion, malingering, and everything of that sort? Unable in any other way to get himself exempt from service with the cavalry, Meidias has invented this new-fangled cavalry-collectorship.<sup>a</sup> Another point. All the other donors of war-galleys convoyed 167 you when you sailed back from Styra; Meidias alone took no part in the convoy, but, without a thought for you, he was bringing fences and cattle and door-posts for his own house and pit-props for his silver-mines, and so his command has proved, not a public service, but a lucrative job for this detestable creature. However, to prove to you the truth of my statements, though most of the facts are known to you, I will nevertheless call witnesses.

### THE WITNESSES

[We, Cleon of Sunium, Aristocles of Paeania, Pamphilus, 168 Niceratus of Acherdus, and Euctemon of Sphetta, on the occasion when we sailed home from Styra with the entire force, were commanders of triremes along with Meidias, who is now being prosecuted by Demosthenes, for whom we appear as witnesses. When the whole fleet was sailing in formation and the commanders had instructions not to separate until we landed at Athens, Meidias lagged behind the fleet and loaded his ship with timber and fencing and cattle and other things, and sailed alone into Peiraeus two days later, and did not join with the other commanders in bringing the force to land.]

<sup>a</sup> Using nominal service with the cavalry to secure the profits of a collector.

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- 169 Εἰ τοίνυν ὡς ἀληθῶς, ἄνδρες Ἀθηναῖοι, οἷάπερ φήσει καὶ καταλαζονεύσεται πρὸς ὑμᾶς αὐτίκα δὴ μάλα, τοιαῦτ' ἦν αὐτῷ τὰ λελητουργημένα καὶ πεπραγμένα, καὶ μὴ τοιαῦθ' οἷ' ἐγὼ δεικνύω, οὐδ' οὕτω δήπου τό γε δοῦναι δίκην ὧν ὑβρικεν ἐκφυγεῖν ταῖς λητουργίαις δίκαιος ἂν ἦν. ἐγὼ γὰρ οἶδ' ὅτι πολλοὶ πολλὰ κάγαθὰ ὑμᾶς εἰσιν εἰργασμένοι, οὐ κατὰ τὰς Μειδίου λητουργίας, οἱ μὲν ναυμαχίας νενικηκότες, οἱ δὲ πόλεις εἰληφότες, οἱ δὲ πολλὰ καὶ καλὰ ὑπὲρ τῆς πόλεως στήσαντες
- 170 τρόπαια· ἀλλ' ὅμως οὐδενὶ πώποτε τούτων δεδώκατε τὴν δωρεὰν ταύτην οὐδ' ἂν δοίητε, ἐξεῖναι τοὺς ἰδίους ἐχθροὺς ὑβρίζειν αὐτῶν ἐκάστω, ὅπότ' ἂν βούληται καὶ ὄν ἂν δύνηται τρόπον. οὐδὲ γὰρ Ἀρμοδίῳ καὶ Ἀριστογείτονι· τούτοις γὰρ δὴ μέγιστα δέδονται δωρεαὶ παρ' ὑμῶν καὶ ὑπὲρ μεγίστων. οὐδ' ἂν ἠνέσχεσθε, εἰ προσέγραψέ τις ἐν τῇ στήλῃ “ ἐξεῖναι δὲ καὶ ὑβρίζειν αὐτοῖς ὄν ἂν βούλωνται ”· ὑπὲρ γὰρ αὐτοῦ τούτου τὰς ἄλλας ἔλαβον δωρεάς, ὅτι τοὺς ὑβρίζοντας ἔπαυσαν.
- 171 Ὅτι τοίνυν καὶ κεκόμισται χάριν, ὦ ἄνδρες Ἀθηναῖοι, παρ' ὑμῶν, οὐ μόνον ὧν αὐτὸς λε-  
 [570] λητούργηκε λητουργιῶν ἀξίαν (μικρὰ γὰρ αὕτη γέ τις ἦν), ἀλλὰ καὶ τῶν μεγίστων, καὶ τοῦτο βούλομαι δεῖξαι, ἵνα μῆδ' ὀφείλῃεν οἷησθέ τι τῷ καταπτύστῳ τούτῳ. ὑμεῖς γάρ, ὦ ἄνδρες Ἀθηναῖοι, ἐχειροτονήσατε τοῦτον τῆς παράλου ταμίαν, ὄντα τοιοῦτον οἷός ἐστι, καὶ πάλιν ἵππαρχον, ὀχεῖσθαι διὰ τῆς ἀγορᾶς ταῖς πομπαῖς οὐ δυνάμενον, καὶ



## AGAINST MEIDIAS, 169-171

Now if, men of Athens, his public services and his 169  
conduct were really what he will presently in court  
allege and boast them to have been and not what I  
thus prove them to have been, even so surely he has  
no right, under cover of his services, to escape the  
punishment due to his insolent acts. For I know that  
there are many men who have done you great and  
useful service—though not after the style of Meidias !  
Some have won naval victories, others have captured  
cities, others have set up many glorious trophies to  
the credit of the State. But yet to not one of these 170  
men have you ever yet granted, nor are you likely to  
grant, this reward—licence for each one of them to  
oppress his private enemies whenever he likes and in  
whatever way he can. For not even Harmodius and  
Aristogeiton were so privileged, though indeed they  
received from you the highest rewards for the noblest  
services. You would never have tolerated it if any-  
one had added this to the inscription on their monu-  
ment, “ And they shall be licensed to oppress whom-  
soever they will.” No, they received their other  
rewards for this very service, that they had restrained  
those who acted insolently.

I now propose to show you, Athenians, that he has 171  
received from you a recompense adequate not only to  
the public services he has actually performed—for in  
that case it would be small indeed !—but even to the  
most distinguished services ; so that you may not  
imagine that you are still in debt to this contemptible  
fellow. For it was you, men of Athens, who elected  
him—he being what he is—steward of the Paralus,  
and also commander of the cavalry, though he could  
not sit a horse in the processions through the market-

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- 172 μυστηρίων ἐπιμελητὴν καὶ ἱεροποιόν ποτε καὶ  
 βοώνην, καὶ τὰ τοιαῦτα δῆ. εἶτα πρὸς τῶν θεῶν  
 τὸ τὴν τῆς φύσεως κακίαν καὶ ἀνανδρίαν καὶ πονη-  
 ρίαν ταῖς παρ' ὑμῶν ἀρχαῖς καὶ τιμαῖς καὶ χειρο-  
 τονίαις ἐπανορθοῦσθαι μικρὰν ὑπολαμβάνετ' εἶναι  
 δωρεὰν καὶ χάριν; καὶ μὴν εἴ τις αὐτοῦ ταῦτ'  
 ἀφέλοιτο, "ἰππάρχηκα, τῆς παράλου ταμίας  
 173 γέγονα," τίνος ἄλλου ἔστ' ἄξιος οὗτος; ἀλλὰ μὴν  
 κακείνῳ γ' ἐπίστασθ', ὅτι τῆς μὲν παράλου ταμιεύ-  
 σασ Κυζικηνῶν ἤρπασε πλεῖν ἢ πέντε τάλαντα,  
 ὑπὲρ ὧν ἵνα μὴ δῶ δίκην, πάντα τρόπον περιωθῶν  
 καὶ ἐλαύνων τοὺς ἀνθρώπους καὶ τὰ σύμβολα  
 συγγέων τὴν μὲν πόλιν ἐχθρὰν τῇ πόλει πεποίηκε,  
 τὰ χρήματα δ' αὐτὸς ἔχει, ἰππάρχος δὲ χειρο-  
 τονηθεὶς λελύμανται τὸ ἰππικὸν ὑμῶν, τοιούτους  
 θεῖς νόμους οὓς πάλιν αὐτὸς ἔξαρνος ἦν μὴ τε-  
 174 θεικέναι. καὶ τῆς μὲν παράλου ταμιεύων τότε,  
 ὅτε τὴν ἐπὶ Θηβαίους ἔξοδον εἰς Εὐβοίαν ἐποιεῖσθ'  
 ὑμεῖς, δώδεκα τῆς πόλεως τάλαντ' ἀναλίσκειν ταχ-  
 θεῖς, ἀξιούντων ὑμῶν πλεῖν καὶ παραπέμπειν τοὺς  
 στρατιώτας, οὐκ ἐβοήθησεν, ἀλλ' ἤδη τῶν σπονδῶν  
 γεγονυῖων, ἃς Διοκλῆς ἐσπέισατο Θηβαίοις, ἦκεν.  
 καὶ τόθ' ἠττάτο πλέων τῶν ἰδιωτικῶν τριήρων  
 μιᾶς· οὕτως εὖ τὴν ἱερὰν τριήρη παρεσκευάκει.  
 [571] ἰππάρχων τοίνυν, τί οἶεσθε τᾶλλα; ἀλλ' ἵππον,  
 ἵππον οὐκ ἐτόλμησεν ὁ λαμπρὸς καὶ πλούσιος οὗτος  
 πρίασθαι, ἀλλ' ἐπ' ἀλλοτρίου τὰς πομπὰς ἠγεῖτο,  
 τοῦ Φιλομήλου τοῦ Παιανιέως ἵππου. καὶ ταῦτα  
 πάντες ἴσασι οἱ ἰππεῖς. καὶ ὅτι ταῦτ' ἀληθῆ  
 λέγω, κάλει μοι καὶ τούτων τοὺς μάρτυρας.

place, and superintendent of the Mysteries, and sacrificer on one occasion, and buyer of the victims and all the rest of it. And then, that a man's innate 172  
 baseness and cowardice and wickedness should be redeemed by offices and honours and appointments from you—do you, in heaven's name, regard that as a trivial gift and favour? Take away, indeed, his right to say, "I have been commander of the cavalry; I have been made steward of the Paralus," and what else is he good for? But at any rate you know this, 173  
 that when he had been made steward of the Paralus, he plundered the people of Cyzicus of more than five talents, and to avoid punishment he worried and harassed the wretches in every possible way, and by making chaos of the treaties he has alienated their state from ours, while he keeps the money himself. Since he was appointed its commander, he has ruined your cavalry force, getting laws passed which he afterwards disowned. When he was steward of the Paralus 174  
 at the time of your expedition to Euboea against the Thebans, though he was authorized to expend twelve talents of public money and was instructed by you to sail and convoy the troops, he rendered them no assistance and did not arrive until Diocles had already concluded his truce with the Thebans; moreover he was outstripped by one of the privately owned galleys. That shows you how well he had equipped your sacred galley. Then as cavalry-commander—I do not know what you think of his other performances, but this wealthy fine gentleman did not venture to buy a horse—not even a horse! He led the processions on one borrowed from Philomelus of Paecania, and every cavalryman knows it. Please call the witnesses to prove the truth of these statements also.

# DEMOSTHENES

## ΜΑΡΤΥΡΕΣ

- 175 Βούλομαι τοίνυν ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, καὶ ὄσων ἤδη καταχειροτονήσαντος τοῦ δήμου περὶ τὴν ἑορτὴν ἀδικεῖν ὑμεῖς κατεγνώκατε, εἰπεῖν, καὶ δεῖξαι τί πεπονηκότες αὐτῶν ἔνιοι τίνος ὀργῆς τετυχήκασι παρ' ὑμῶν, ἵνα ταῦτα πρὸς τὰ τούτω πεπραγμέν' ἀντιθῆτε. πρῶτον μὲν τοίνυν, ἵνα πρώτης τῆς τελευταίας γεγонуίας μνησθῶ καταγνώσεως, περὶ τὰ μυστήρι' ἀδικεῖν Εὐάνδρου καταχειροτόνησεν ὁ δῆμος τοῦ Θεσπιῶς, προβαλομένου αὐτὸν Μενίππου, Καρός τινος ἀνθρώπου. ἔστι δ' ὁ αὐτὸς νόμος τῷδε τῷ περὶ τῶν Διονυσίων ὁ περὶ τῶν μυστηρίων, κάκεινος ὕστερος τοῦδ'
- 176 ἐτέθη. τί οὖν ποιήσαντος, ὦ ἄνδρες Ἀθηναῖοι, κατεχειροτονήσατε τοῦ Εὐάνδρου; τοῦτ' ἀκούσατε. ὅτι δίκην ἐμπορικὴν καταδικασάμενος τοῦ Μενίππου, οὐκ ἔχων πρότερον λαβεῖν αὐτόν, ὡς ἔφη, τοῖς μυστηρίοις ἐπιδημοῦντος ἐπελάβετο. κατεχειροτονήσατε μὲν διὰ ταῦτα, καὶ οὐδ' ὅτι οὖν ἄλλο προσῆν, εἰσελθόντα δ' εἰς τὸ δικαστήριον ἠβούλεσθε μὲν θανάτῳ κολάσαι, τοῦ δὲ προβαλομένου πεισθέντος τὴν δίκην τε πᾶσαν ἀφείναι ἠναγκάσατ' αὐτόν, ἣν ἡρήκει πρότερον (ἦν δὲ δυοῖν
- [572] αὕτη ταλάντων), καὶ προσετιμήσατε τὰς βλάβας,
- 177 γεγενῆσθαι πρὸς ὑμᾶς ἀνθρώπος. εἰς μὲν οὗτος ἐξ ἰδίου πράγματος, οὐδεμιᾶς ὕβρεως προσούσης, ὑπὲρ αὐτοῦ τοῦ παραβῆναι τὸν νόμον τοσαύτην ἔδωκε δίκην. εἰκότως· τοῦτο γάρ ἐστ' ὁ φυλάττειν ὑμᾶς δεῖ, τοὺς νόμους, τὸν ὄρκον· ταῦτ' ἔχεθ' ὑμεῖς οἱ δικάζοντες αἰεὶ παρὰ τῶν ἄλλων ὡσπερεὶ

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### [THE WITNESSES]

Now I propose, men of Athens, to name those who 175  
have been condemned by you, after an adverse vote  
of the Assembly, for violating the festival, and to  
explain what some of them had done to incur your  
anger, so that you may compare their guilt with that  
of Meidias. First of all then, to begin with the most  
recent condemnation, the Assembly gave its verdict  
against Euandrus of Thespieae for profanation of the  
Mysteries on the charge of Menippus, a fellow from  
Caria. The law concerning the Mysteries is identical  
with that concerning the Dionysia, and it was enacted  
later. Well, Athenians, what had Euandrus done to 176  
deserve your condemnation? He had won a com-  
mercial suit against Menippus, but being, as he  
alleged, unable to catch him sooner, he had arrested  
him while he was staying here for the Mysteries. You  
condemned him for that alone, and there were no  
aggravating circumstances. When he came before  
the court, you were inclined to punish him with death,  
and when his accuser was induced to relent, you  
compelled Euandrus to refund the damages, amount-  
ing to two talents, which he had won in the former  
action, and you also made him compensate the fellow  
for the loss that he had sustained, on his own calcula-  
tion, by staying here in deference to your preliminary  
verdict. There you have one case of a man, in a 177  
merely private matter, with no added circumstances  
of insolence, paying so heavy a penalty for a breach  
of the law. With good reason; because that is what  
you are here to guard—the laws and your oath. That  
is what you who serve on any jury hold as a trust from  
the rest of the citizens, a trust which must be main-

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παρακαταθήκη, ἣν ἅπασιν, ὅσοι μετὰ τοῦ δικαίου πρὸς ὑμᾶς ἔρχονται, σὼν ὑπάρχειν δεῖ.

- 178 Ἔτερος ἀδικεῖν ποτ' ἔδοξεν ὑμῖν περὶ τὰ Διονύσια, καὶ κατεχειροτονήσατ' αὐτοῦ παρεδρευόντος ἄρχοντι τῷ υἱεῖ, ὅτι θεάν τινὸς καταλαμβάνοντος ἤψατο, ἐξείργων ἐκ τοῦ θεάτρου· ἦν δ' οὗτος ὁ τοῦ βελτίστου πατῆρ Χαρικλείδου, τοῦ
- 179 ἄρξαντος. καὶ μέγα γ' ὑμῖν τοῦτ' ἔδόκει δίκαιον ἔχειν ὁ προβαλλόμενος λέγειν, “ εἰ κατελάμβανον, ἄνθρωπε, θεάν, εἰ μὴ τοῖς κηρύγμασιν, ὡς σύ με φῆς, ἐπειθόμην, τίνος ἐκ τῶν νόμων εἶ κύριος, καὶ ὁ ἄρχων αὐτός; τοῖς ὑπηρέταις ἐξείργειν εἶπεῖν, οὐκ αὐτὸς τύπτειν. οὐδ' οὕτω πείθομαι· ἐπιβολὴν ἐπιβαλεῖν, πάντα μᾶλλον πλήν αὐτὸς ἄψασθαι τῇ χειρὶ· πολλὰ γὰρ πρὸ τοῦ μὴ τὸ σῶμ' ἕκαστον ὑβρίζεσθαι πεποιήκασιν οἱ νόμοι.” ταῦτ' ἔλεγε μὲν ἐκεῖνος, ἐχειροτονήσατε δ' ὑμεῖς· οὐ μὴν εἰσῆλθεν εἰς τὸ δικαστήριον οὗτος, ἀλλ' ἔτελεύ-
- 180 τησε πρότερον. ἐτέρου τοίνυν ὃ τε δῆμος ἅπας κατεχειροτόνησεν ἀδικεῖν περὶ τὴν ἑορτὴν, καὶ ὑμεῖς εἰσελθόντ' ἀπεκτείνατε τοῦτον, Κτησικλέα, ὅτι σκῦτος ἔχων ἐπόμπευε, καὶ τούτῳ μεθύων
- [573] ἐπάταξέ τιν' ἐχθρὸν ὑπάρχονθ' αὐτῷ· ἔδόκει γὰρ ὑβρεῖ καὶ οὐκ οἴνω τύπτειν, ἀλλὰ τὴν ἐπὶ τῆς πομπῆς καὶ τοῦ μεθύειν πρόφασιν λαβὼν ἀδικεῖν,
- 181 ὡς δούλοις χρώμενος τοῖς ἐλευθέροις. ἀπάντων τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, τούτων, ὧν ὁ μὲν ὧν εἶλεν ἀποστάς, ὁ δὲ καὶ θανάτῳ ζημιωθείς φαίνεται, πολλῶ δεινότερ' εὖ οἶδ' ὅτι πάντες ἂν εἶναι

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tained inviolate in the interests of all who appeal to you with justice on their side.

There was another man who in your opinion had 178 profaned the Dionysia, and although he was actually sitting as assessor to his son, who was Archon, you condemned him, because in ejecting from the theatre a man who was taking a wrong seat, he laid a hand on him. That man was the father of the highly respected Charicleides, at that time archon. Yes, and you 179 thought that his accuser had a strong case when he said, "If I was taking a wrong seat, fellow, if as you assert I was disregarding the notices, what authority do the laws confer on you or even on the archon himself? The authority to bid the attendants remove me, but not to strike me yourself. If I still refuse to go, you may impose a fine; anything rather than touch me with your own hand; for the laws have taken every precaution to save a citizen from being insulted in his own person." That was his argument. You gave your votes, but the accuser died before he could bring the case before a jury. Then another 180 man, Ctesicles, was unanimously condemned by the Assembly for profaning the festival, and when he came before you, you sentenced him to death, because he carried a leathern lash in the procession and, being drunk, struck with it a personal enemy of his. It was thought that insolence, not drink, prompted the stroke, and that he seized the excuse of the procession and his own drunkenness to commit the offence of treating freemen like slaves. Now I am certain, 181 men of Athens, that everyone would admit that the offences of Meidias were much more serious than those of any of these men, of whom one, as I have shown, forfeited the damages he had already received, while

- φήσειαν τὰ Μειδία πεπραγμένα· οὔτε γὰρ πομπέων οὔτε δίκην ἡρηκῶς οὔτε παρεδρεύων οὔτ' ἄλλην σκῆψιν οὐδεμίαν ἔχων πλὴν ὕβριν, τοιαῦτα  
 182 πεποίηκεν οἷ' οὐδεὶς ἐκείνων. καὶ τούτους μὲν ἑάσω. ἀλλὰ Πύρρον, ὦ ἄνδρες Ἀθηναῖοι, τὸν Ἐτεοβουτάδην, ἐνδειχθέντα δικάζειν ὀφείλοντα τῷ δημοσίῳ, θανάτῳ ζημιῶσαί τινες ὑμῶν ᾤοντο χρῆναι, καὶ τέθνηκεν ἀλοὺς παρ' ὑμῖν· καίτοι τοῦτο τὸ λῆμμα δι' ἐνδειαν, οὐ δι' ὕβριν λαμβάνειν ἐπεχείρησεν ἐκείνος. καὶ πολλοὺς ἂν ἑτέρους ἔχοιμι λέγειν, ὧν οἱ μὲν τεθναῖσιν, οἱ δ' ἠτιμωμένοι διὰ πολλῷ τούτων εἰσὶν ἐλάττω πράγματα. ὑμεῖς δ', ὦ ἄνδρες Ἀθηναῖοι, Σμίκρῳ δέκα ταλάντων ἐτιμήσατε καὶ Σκίτωνι τοσοῦτων ἑτέρων, δόξαντι παράνομα γράφειν, καὶ οὔτε παιδία οὔτε φίλους οὔτε συγγενεῖς οὔθ' ὄντινοῦν ἠλεήσατε τῶν παρ-  
 183 ὄντων ἐκείνοις. μὴ τοίνυν, ἐὰν μὲν εἴπη τις παράνομα, οὕτως ὀργιζόμενοι φαίνεσθε, ἐὰν δὲ ποιῆ, μὴ λέγη, πρᾶως διάκεισθε. οὐδὲν γὰρ ῥῆμ' οὐδ' ὄνομ' οὕτως ἐστὶ τοῖς πολλοῖς ὑμῶν χαλεπόν, ὡς ὅσ' ὑβρίζων τις τὸν ἐντυχόνθ' ὑμῶν διαπράττεται. μὴ τοίνυν αὐτοὶ καθ' ὑμῶν αὐτῶν δείγμα τοιοῦτον ἐξενέγκητ', ὦ ἄνδρες Ἀθηναῖοι, ὡς ἄρ' ὑμεῖς, ἐὰν μὲν τῶν μετρίων τινὰ καὶ δημοτικῶν λάβηθ'  
 [574] ὅτιοῦν ἀδικοῦντα, οὔτ' ἐλεήσετ' οὔτ' ἀφήσετε, ἀλλ' ἀποκτενεῖτ' ἢ ἀτιμώσετε, ἐὰν δὲ πλούσιος ᾖ τις ὑβρίζη, συγγνώμην ἔξετε. μὴ δῆτα· οὐ γὰρ δίκαιον· ἀλλ' ἐπὶ πάντων ὁμοίως ὀργιζόμενοι φαίνεσθε.
- 184 Ἄ τοίνυν οὐδενὸς τῶν εἰρημένων ἦττον ἀναγ-



the other was actually punished with death. For Meidias, not being in a procession, not having won a suit, not acting as assessor, having in fact no other motive than insolence, behaved worse than any of them. About them I will say no more ; but Pyrrhus, 182 men of Athens, one of the Eteobutadae, who was indicted for serving on a jury when he was in debt to the Treasury, was thought by some of you to deserve capital punishment, and he was convicted in your court and put to death. And yet it was from poverty, not from insolence, that he tried to get the juryman's fee. And I could mention many others who were put to death or disfranchised for far slighter offences than those of Meidias. You yourselves, Athenians, fined Smicrus ten talents and Sciton a similar sum, because he was adjudged to be proposing unconstitutional measures ; you had no pity for their children or friends and relations, or for any of those who supported them in court. Do not, then, display such 183 anger when people make unconstitutional proposals, and such indulgence when not their proposals, but their acts are unconstitutional. For no mere words and terms can be so galling to the great mass of you as the conduct of a man who persistently insults any citizen who crosses his path. Beware, Athenians, of bearing this testimony against yourselves, that if you detect a man of the middle class or a friend of the people committing an offence, you will neither pity nor relieve him, but will punish him with death or disfranchisement, while you are ready to pardon the insolence of a rich man. Spare us that injustice, and show your indignation impartially against all offenders.

There are some other points that I consider no less 184

καίον εἶναι νομίζω πρὸς ὑμᾶς εἰπεῖν, ταῦτ' εἰπὼν  
 ἔτι καὶ βραχέα περὶ τούτων διαλεχθεῖς κατα-  
 βήσομαι. ἔστιν, ὦ ἄνδρες Ἀθηναῖοι, μεγάλη τοῖς  
 ἀδικοῦσιν ἅπασι μερίς καὶ πλεονεξία ἢ τῶν ὑμε-  
 τέρων τρόπων πραότης. ὅτι δὴ ταύτης οὐδ' ὅτιοῦν  
 ὑμῖν μεταδοῦναι τούτῳ προσήκει, ταῦτ' ἀκούσατέ  
 μου. ἐγὼ νομίζω πάντας ἀνθρώπους ἐράνους  
 φέρειν παρὰ πάντα τὸν βίον αὐτοῖς, οὐχὶ τούσδε  
 μόνους οὓς συλλέγουσί τινες καὶ ὧν πληρωταὶ  
 185 γίνονται, ἀλλὰ καὶ ἄλλους. οἷον ἔστι μέτριος  
 καὶ φιλόανθρωπός τις ἡμῶν καὶ πολλοὺς ἐλεῶν.  
 τούτῳ ταῦτὸ δίκαιον ὑπάρχειν παρὰ πάντων, ἂν  
 ποτ' εἰς χρεῖαν καὶ ἀγῶν' ἀφίκηται. ἄλλος οὕτοσί  
 τις ἀναιδῆς καὶ πολλοὺς ὑβρίζων, καὶ τοὺς μὲν  
 πτωχοὺς, τοὺς δὲ καθάρματα, τοὺς δ' οὐδὲν ὑπο-  
 λαμβάνων εἶναι· τούτῳ τὰς αὐτὰς δίκαιον ὑπάρχειν  
 φοράς, ἄσπερ αὐτὸς εἰσενήνοχε τοῖς ἄλλοις. ἂν  
 τοίνυν ὑμῖν ὀρθῶς ἐπίη σκοπεῖν, τούτου πληρωτὴν  
 εὐρήσετε Μειδίαν ὄντα τοῦ ἐράνου, καὶ οὐκ  
 ἐκεῖνου.

186 Οἶδα τοίνυν ὅτι καὶ τὰ παιδί' ἔχων ὀδυρεῖται,  
 καὶ πολλοὺς λόγους καὶ ταπεινοὺς ἐρεῖ, δακρύων  
 καὶ ὡς ἐλεεινότατον ποιῶν ἑαυτόν. ἔστι δ', ὅσω  
 περ ἂν αὐτὸν νῦν ταπεινότερον ποιῇ, τοσοῦτ' ἂν  
 μᾶλλον ἄξιον μισεῖν αὐτόν, ὦ ἄνδρες Ἀθηναῖοι.  
 διὰ τί; ὅτι εἰ μὲν μηδαμῶς δυνηθεῖς ταπεινὸς  
 [575] γενέσθαι, οὕτως ἀσελγῆς καὶ βίαιος ἦν ἐπὶ τοῦ  
 παρεληλυθότος βίου, τῇ φύσει καὶ τῇ τύχῃ, δι'  
 ἦν τοιοῦτος ἐγένετο, ἄξιον ἦν ἂν τι τῆς ὀργῆς  
 ἀνεῖναι· εἰ δ' ἐπιστάμενος μέτριον παρέχειν ἑαυτόν  
 ὅταν βούληται, τὸν ἐναντίον ἢ τοῦτον τὸν τρόπον  
 εἴλετο ζῆν, εὐδηλον δήπου τοῦθ' ὅτι καὶ νῦν ἂν

necessary to mention than those which I have already put before you. I will mention them and discuss them briefly before I sit down. The leniency of your disposition, men of Athens, is a great asset and advantage to all wrongdoers. Give me, then, your attention while I show that you have no right to admit Meidias to the least share in that advantage. My view is that all men during their lives pay contributions to their own fortunes,<sup>a</sup> not only those which are actually collected and paid in, but others also. For 185 instance, one of us is moderate, kindly disposed and merciful : he deserves to receive an equivalent return from all, if he ever falls into want or distress. Yonder is another, who is shameless and insulting, treating others as if they were beggars, the scum of the earth, mere nobodies : he deserves to be paid with the same measure that he has meted to others. If you will consent to look at it in a true light, you will find that this, and not the former, is the kind of contribution that Meidias has made.

Now I know that he will set up a wail, with his 186 children grouped about him, and will make a long and humble appeal, weeping and making himself as pitiable a figure as he can. But the more he humiliates himself, Athenians, the more he deserves your hatred. Why so ? If in his past life he was so brutal and violent because it was impossible for him to be humble, it would be right to abate some of your anger as a concession to his natural temper and to the destiny that made him the man he is ; but if he knows how to behave discreetly when he likes, but has deliberately chosen the opposite line of conduct, it is surely obvious that, if he slips through your fingers

<sup>a</sup> See note on § 101.

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- διακρούσηται, πάλιν αὐτὸς ἐκείνος ὃν ὑμεῖς ἴστε  
 187 γενήσεται. οὐ δεῖ δὴ προσέχειν, οὐδὲ τὸν παρόντα  
 καιρόν, ὃν οὗτος ἐξέπιτηδες πλάττεται, κυριώτερον  
 οὐδὲ πιστότερον τοῦ παντός, ὃν αὐτοὶ σύνιστε,  
 χρόνου ποιήσασθαι. ἐμοὶ παιδί' οὐκ ἔστιν, οὐδ'  
 ἂν ἔχοιμι ταῦτα παραστησάμενος κλάειν καὶ δα-  
 κρύνειν ἐφ' οἷς ὑβρίσθην. διὰ τοῦτ' ἄρα τοῦ πεποιη-  
 188 κότος ὁ πεπονθὼς ἔλαττον ἔξω παρ' ὑμῖν; μὴ  
 δῆτα· ἀλλ' ὅταν οὗτος ἔχων τὰ παιδιά τούτοις  
 ἀξιοῖ δοῦναι τὴν ψῆφον ὑμᾶς, τόθ' ὑμεῖς τοὺς  
 νόμους ἔχοντά με πλησίον ἠγεῖσθε παρεστάναι καὶ  
 τὸν ὄρκον ὃν ὀμωμόκατε, τούτοις ἀξιούντα καὶ  
 ἀντιβολουῖνθ' ἕκαστον ὑμῶν ψηφίσασθαι. οἷς ὑμεῖς  
 κατὰ πολλὰ δικαιότερον πρόσθοισθ' ἂν ἢ τούτῳ·  
 καὶ γὰρ ὀμωμόκατ', ὦ ἄνδρες Ἀθηναῖοι, τοῖς  
 νόμοις πείθεσθαι, καὶ τῶν ἴσων μέτεστιν ὑμῖν διὰ  
 τοὺς νόμους, καὶ πάνθ' ὅσ' ἐστὶν ἀγαθὰ ὑμῖν διὰ  
 τοὺς νόμους ἐστίν, οὐ διὰ Μειδίαν οὐδὲ διὰ τοὺς  
 Μειδίου παῖδας.
- 189 Καὶ “ ῥήτωρ ἐστὶν οὗτος ” ἴσως ἐμὲ φήσει λέγων.  
 ἐγὼ δ', εἰ μὲν ὁ συμβουλευὼν ὅ τι ἂν συμφέρειν  
 ὑμῖν ἠγῆται, καὶ τοῦτ' ἄχρι τοῦ μηδὲν ὑμῖν ἐν-  
 οχλεῖν μηδὲ βιάζεσθαι, ῥήτωρ ἐστίν, οὔτε φύγοιμ'  
 ἂν οὔτ' ἀρνοῦμαι τοῦτο τοῦνομα· εἰ μέντοι ῥήτωρ  
 [576] ἐστὶν οἷους ἐνίουσ τῶν λεγόντων ἐγὼ καὶ ὑμεῖς δ'  
 ὁρᾶτε, ἀναιδεῖς καὶ ἀφ'<sup>1</sup> ὑμῶν πεπλουτηκότας, οὐκ  
 ἂν εἶην οὗτος ἐγὼ· εἴληφα μὲν γὰρ οὐδ' ὅτιοῦν  
 παρ' ὑμῶν, τὰ δ' ὄντ' εἰς ὑμᾶς πλὴν πάνυ μικρῶν  
 ἅπαντ' ἀνήλωκα. καίτοι καὶ εἰ τούτων ἦν πονηρό-  
 τατος, κατὰ τοὺς νόμους ἔδει παρ' ἐμοῦ δίκην  
 190 λαμβάνειν, οὐκ ἐφ' οἷς ἐλητούργουν ὑβρίζειν. ἔτι

<sup>1</sup> ἐφ' Dind. with S: ἀφ' Cobet.

now, he will once more prove himself the man you know so well. Pay no attention to him ; do not let 187 the present crisis in his affairs, expressly invented by him; carry more weight and influence with you than the whole course of his life, of which you have direct knowledge. I have no children to pose before you, while I weep and wail over them for the insults I have received. For that reason shall I, the victim, be of less account in your court than the perpetrator of the wrong? It must not be. When Meidias, with his 188 children round him, calls you to cast your votes for them, then you must imagine that I am standing here with the laws by my side and the oath that you have sworn, demanding and imploring each of you to vote for them. It is in every way more just that you should side with the laws than with this man. The laws, Athenians, you have sworn to obey ; through the laws you enjoy your equal rights ; to the laws you owe every blessing that is yours—not to Meidias nor to the children of Meidias.

Perhaps he will say of me, " This man is an orator." 189 If an orator is one who offers you such counsel as he thinks expedient for you, yet stops short of pestering or bullying you, then for my part I would neither shun nor disclaim that title. But if by orator he means one of those speakers such as you and I so often see, men who have shamelessly enriched themselves at your expense, I cannot be one, for I have never received a penny from you and I have spent upon you all but a trifle of my fortune. Yet even if I were the most unscrupulous of that gang, I ought rather to be punished according to the laws than insulted in the performance of a public service. Then again, none 190

τοίνυν οὐδὲ εἰς ἔστιν ὅστις ἐμοὶ τῶν λεγόντων συναγωνίζεται. καὶ οὐδενὶ μέμφομαι· οὐδὲ γὰρ αὐτὸς οὐδενὸς ἔνεκα τούτων οὐδὲν ἐν ὑμῖν πώποτ' εἶπον, ἀλλ' ἀπλῶς κατ' ἑμαυτὸν ἔγνω καὶ λέγειν καὶ πράττειν ὃ τι ἂν συμφέρον ὑμῖν ἦγῶμαι. ἀλλὰ τούτῳ πάντας αὐτίκα δὴ μάλα συνεξεταζομένους τοὺς ῥήτορας ὄψεσθ' ἐφεξῆς. καίτοι πῶς ἔστι δίκαιον τοῦνομα μὲν τοῦθ' ὡς ὄνειδος προφέρειν ἐμοί, διὰ τούτων δ' αὐτὸν τῶν ἀνδρῶν ἀξιούν σωθῆναι;

191 Τάχα τοίνυν ἴσως καὶ τὰ τοιαῦτ' ἐρεῖ, ὡς ἐσκεμμένα καὶ παρεσκευασμένα πάντα λέγω νῦν. ἐγὼ δ' ἐσκέφθαι μὲν, ὧ ἄνδρες Ἀθηναῖοι, φημι κοῦκ ἂν ἀρνηθεῖην, καὶ μεμελετηκέναι γ' ὡς ἐνῆν μάλιστ' ἐμοί· καὶ γὰρ ἂν ἄθλιος ἦν, εἰ τοιαῦτα παθῶν καὶ πάσχων ἡμέλου ὦν περὶ τούτων ἐρεῖν ἔμελλον πρὸς ὑμᾶς· γεγραφέναι μέντοι μοι τὸν λόγον

192 Μειδίαν· ὁ γὰρ τὰ ἔργα παρεσχηκῶς, περὶ ὧν εἰσιν οἱ λόγοι, δικαιοτάτ' ἂν ταύτην ἔχοι τὴν αἰτίαν, οὐχ ὁ ἐσκεμμένος οὐδ' ὁ μεριμνήσας τὰ δίκαια λέγειν νῦν. ἐγὼ μὲν οὖν τοῦτο ποιῶ, ὧ ἄνδρες Ἀθηναῖοι, καὶ αὐτὸς ὁμολογῶ· Μειδίαν μέντοι μηδὲν ἐσκέφθαι ποτ' ἐν παντὶ τῷ βίῳ δίκαιον εἰκὸς ἔστιν· εἰ γὰρ καὶ κατὰ μικρὸν ἐπήει τὰ τοιαῦτ' αὐτῷ σκοπεῖν, οὐκ ἂν τοσοῦτον διημάρτανε τοῦ πράγματος.

193  
[577] Οἶμαι τοίνυν αὐτὸν οὐδὲ τοῦ δήμου κατηγορεῖν ὀκνήσειν οὐδὲ τῆς ἐκκλησίας, ἀλλ' ἄπερ τότε ἐτόλμα λέγειν ὅτ' ἦν ἡ προβολή, ταῦτα καὶ νῦν ἐρεῖν, ὡς ὅσοι δέον ἐξίεναι κατέμενον καὶ ὅσοι τὰ φρούρι' ἦσαν ἔρημα λελοιπότες, ἠκκλησίασαν, καὶ χορευταὶ καὶ ξένοι καὶ τοιοῦτοί τινες ἦσαν οἱ κατ-

of these orators supports me in this trial ; nor do I blame them, for I have never said a word in public in support of one of them. I make it a fixed rule to take my own line, speaking and acting in whatever way I believe to be for your advantage. But you will see very soon that Meidias has all the orators in turn ranged on his side. Yet is it fair in him to brand me with the reproach of that title and then to depend on these very men to rescue him ?

Perhaps too he will say something of this sort ; that 191  
 my present speech is all carefully thought out and prepared. I admit, Athenians, that I have thought it out, and I should not dream of denying it ; yes, and I have spent all possible care on it. I should be a poor creature if all my wrongs, past and present, left me careless of what I was going to say to you about them. Yet the real composer of my speech is Meidias. The man who has furnished the facts with 192  
 which the speeches deal ought in strict justice to bear that responsibility, and not the man who has devoted thought and care to lay an honest case before you to-day. That is what I am doing, men of Athens ; to that I plead guilty. As for Meidias, he has probably never in his life troubled himself about honesty, for if it had entered his head even for a moment to consider such a thing, he would not have missed it so completely in practice.

Again, I expect that he will not shrink from vilify- 193  
 ing the people and the Assembly, but will repeat what he had the effrontery to say when the plaint was first brought in : that the meeting was composed of men who had stayed at home when they ought to have gone to the front and who had left their posts unguarded, and that he was condemned by the votes of

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- 194 *εχειροτόνησαν αὐτοῦ. εἰς γὰρ τοῦτο θράσους καὶ ἀναιδείας τότε ἀφίκετ', ὧ ἄνδρες δικασταί, ὡς ἴσασιν ὅσοι παρήσαν ὑμῶν, ὥστε κακῶς λέγων καὶ ἀπειλῶν καὶ βλέπων εἰς τὸν αἰεὶ θορυβοῦντα τόπον τῆς ἐκκλησίας καταπλήξειν ᾤετο τὸν δῆμον ἅπαντα. ἦ καὶ γελοῖ' εἶναι τὰ νῦν, οἶμαι, δάκρυ' εἰκότως ἂν αὐτοῦ δοκοίη. τί λέγεις, ὦ μισαρά*
- 195 *κεφαλῆ; σὺ τὰ σαυτοῦ παιδί' ἀξιώσεις ἐλεεῖν ἢ σὲ τούσδε, ἢ σπουδάξαι εἰς τὰ σά, τοὺς ὑπὸ σοῦ δημοσία προπεπηλακισμένους; σὺ μόνος τῶν ὄντων ἀνθρώπων ἐπὶ μὲν τοῦ βίου τοσαύτης ὑπερηφανίας πλήρης ὢν πάντων ἀνθρώπων ἔσει φανερώτατος, ὥστε καὶ πρὸς οὓς μηδέν ἐστί σοι πρᾶγμα, λυπεῖσθαι τὴν σὴν θρασύτητα καὶ φωνὴν καὶ τὸ σὸν σχῆμα καὶ τοὺς σοὺς ἀκολουθοῦς καὶ πλοῦτον καὶ ὕβριν θεωροῦντας, ἐν δὲ τῷ κρίνεσθαι παρα-*
- 196 *χρῆμ' ἐλεηθήσει; μεγάλην μέντ' ἀρχὴν, μᾶλλον δὲ τέχνην εἴης εὐρηκώς, εἰ δύο τ' ἀναντιώταθ' ἑαυτοῖς ἐν οὕτω βραχεῖ χρόνῳ περὶ σεαυτὸν δύναιο ποιεῖσθαι, φθόνον ἐξ ὧν ζῆς, καὶ ἐφ' οἷς ἐξαπατᾶς ἔλεον. οὐκ ἔστιν οὐδαμῶθεν σοι προσήκων ἔλεος οὐδὲ καθ' ἑν, ἀλλὰ τοῦναντίον μῖσος καὶ φθόνος καὶ ὀργή· τούτων γὰρ ἄξια ποιεῖς. ἀλλ' ἐπ'*
- [578] *ἐκεῖνο ἐπάνειμι, ὅτι τοῦ δήμου κατηγορήσει καὶ*
- 197 *τῆς ἐκκλησίας. ὅταν οὖν τοῦτο ποιῆ, ἐνθυμείσθε παρ' ὑμῖν αὐτοῖς, ἄνδρες δικασταί, ὅτι οὗτος τῶν μεθ' ἑαυτοῦ στρατευσαμένων ἰππέων, ὅτ' εἰς Ὀλυμπον διέβησαν, ἐλθὼν πρὸς ὑμᾶς εἰς τὴν ἐκκλησίαν κατηγορεῖ. πάλιν νῦν μείνας πρὸς τοὺς ἐξεληλυθότας τοῦ δήμου κατηγορήσει. πότερον*



chorus-men and aliens and the like. As those of you 194  
 who were present know, gentlemen, he had risen on  
 that occasion to such a height of bravado and im-  
 pudence that, by abusing and threatening and turning  
 his glance to any quarter of the Assembly that was  
 inclined to be obstreperous, he thought he could  
 browbeat the whole body of citizens. That, I think,  
 must surely make his tears to-day seem ridiculous.  
 Execrable wretch, what have you to say? Will you 195  
 claim pity for your children and yourself or a kindly  
 interest in your fortunes from these men whom you  
 have already insulted publicly? Are you alone of  
 living men privileged to be in your daily life so  
 notoriously possessed of the demon of arrogance that  
 even those who have no dealings with you are ex-  
 asperated by your assurance, your tones and gestures,  
 your parasites, your wealth and your insolence; and  
 then, the instant you are put on your trial are you to  
 be pitied? It would be indeed a great method that 196  
 you have devised, or, rather, a great trick, if you  
 could in so short a time make yourself the object  
 of two contradictory sentiments, rousing resentment  
 by your way of life and compassion by your mum-  
 meries. You have no conceivable claim to compas-  
 sion; no, not for an instant. On the contrary, hatred,  
 resentment and wrath—those are what your conduct  
 calls for. But let me come back to my point, that he  
 intends to arraign the people and the Assembly.  
 Now when he does so, just reflect, gentlemen of the 197  
 jury, that this same man brought accusations against  
 the cavalry who had served with him, coming into the  
 Assembly after they had sailed for Olynthus; and  
 now once more, having stayed at home, he will address  
 his denunciation of the people to the men who were

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οὖν ὑμεῖς, ἐάν τε μένητε ἐάν τ' ἐξίητε, ὁμολογήσεται εἶναι τοιοῦτοι οἷους Μειδίας ὑμᾶς ἀποφαίνει, ἢ τοῦναντίον τοῦτον αἰεὶ καὶ πανταχοῦ θεοῖς ἐχθρὸν καὶ βδελυρὸν; ἐγὼ μὲν οἶμαι τοῦτον τοιοῦτον. [ὄν γὰρ οὐχ ἰππεῖς, οὐ συνάρχοντες, οὐ φίλοι δύνανται

198 φέρειν, τί τοῦτον εἶπη τις; ἐμοὶ μὲν νῆ τὸν Δία καὶ τὸν Ἀπόλλω καὶ τὴν Ἀθηνᾶν (εἰρήσεται γάρ, εἴτ' ἄμεινον εἶτε μῆ), ὅθ' οὗτος, ὡς ἀπήλλαγμαί, περιωὼν ἐλογοποιεῖ, ἐνδηλοῖ τινες ἦσαν ἀχθόμενοι τῶν πάντων τούτῳ λαλούντων ἠδέως. καὶ νῆ Δί' αὐτοῖς πολλὴ συγγνώμη· οὐ γὰρ ἐστὶ φορητὸς ἄνθρωπος, ἀλλὰ καὶ πλουτεῖ μόνος, καὶ λέγειν δύνανται μόνος, καὶ πάντες εἰσὶ τούτῳ καθάρματα

199 καὶ πτωχοὶ καὶ οὐδ' ἄνθρωποι. τὸν οὖν ἐπὶ ταύτης τῆς ὑπερηφανίας ὄντα, νῦν ἂν ἀποφύγη, τί ποιήσειν οἴσθε; ἐξ ὅτου δὲ τοῦτ' ἂν εἰδείητ' ἐγὼ φράσω· εἰ τοῖς-μετὰ-τὴν χειροτονίαν θεωρήσαίτε.] τίς γάρ ἐστιν ὅστις καταχειροτονηθὲν αὐτοῦ, καὶ ταῦτ' ἀσεβεῖν περὶ τὴν ἑορτήν, εἰ καὶ μηδεὶς ἄλλος ἐπὴν ἀγῶν ἔτι μηδὲ κίνδυνος, οὐκ ἂν ἐπ' αὐτῷ τούτῳ κατέδου καὶ μέτριον παρέσχεν ἑαυτὸν τὸν γε δὴ μέχρι τῆς κρίσεως χρόνον, εἰ καὶ μὴ πάντα; οὐδεὶς ὅστις

200 οὐκ ἂν. ἀλλ' οὐ Μειδίας, ἀλλ' ἀπὸ τῆς ἡμέρας [579] ταύτης λέγει, λαιδορεῖται, βοᾷ. χειροτονεῖται τίς; Μειδίας Ἀναγυράσιος προβέβληται. Πλουτάρχου προξενεῖ, τὰ πόρρητ' οἶδεν, ἢ πόλις αὐτὸν οὐ χωρεῖ. καὶ ταῦτα πάντα ποιεῖ δῆλον ὅτι οὐδὲν ἄλλ' ἐνδεικνύμενος, ἢ ὅτι “ ἐγὼ πέπονθ' οὐδὲν ὑπὸ τῆς καταχειροτονίας· οὐδὲ δέδοικα οὐδὲ φο-

201 βουμαι τὸν μέλλοντ' ἀγῶνα.” ὃς οὖν, ὧ ἄνδρες Ἀθηναῖοι, τὸ μὲν ὑμᾶς δεδιέναι δοκεῖν αἰσχρὸν ἠγείται, τὸ δὲ μηδὲν φροντίζειν ὑμῶν νεανικόν,

then away on service. Are you, then, prepared to admit that you, whether at home or on service, are what Meidias proclaims you to be, or on the contrary that he is, and always has been, an unhallowed ruffian? That is my own opinion of him ; [for how else are we to describe a creature whom his own troopers, his brother-officers and his friends cannot stomach? I swear solemnly 198 by Zeus, by Apollo, and by Athene—for I will speak out, whatever the result may be—that when this man was going about, trumping up the story that I had abandoned the prosecution, I observed signs of disgust even among his ardent supporters. And by heaven! they had some excuse, for there is no putting up with the fellow; he claims to be the only rich man and the only man who knows how to speak; all others are in his opinion outcasts, beggars, below the rank of men. Since he stands on such an eminence 199 of pride, what do you think he will do, if he escapes now? I will tell you how you may know it; you have only to observe the signs that followed the adverse vote.] For who is there that, if an adverse vote had been recorded, and that on a charge of profaning the feast, even if there had been no further suit pending and no danger ahead,—who is there, I say, that would not have made that a reason for effacing himself and behaving decently, at any rate until the time of the trial, if not for ever after? Anyone else would have acted so. But not Meidias. From 200 that day onwards he has been talking, railing, and bellowing. ~~Is there an election on? Meidias of Anagyrus is a candidate.~~ He is the accredited agent of Plutarchus; he knows all the secrets; the city cannot hold him. His object in all this is obvious; he wants to proclaim that “I am not a pin the worse for the vote of the people: I have no fears or misgivings about the pending action.” Now a man who 201 thinks it degrading to show any fear of you, Athenians, and a dashing thing to snap his fingers at you, does

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τοῦτον οὐκ ἀπολωλέναι δεκάκις προσήκει; [οὐδὲ γὰρ ἔξειν ὑμᾶς ὅ τι χρήσεσθ' αὐτῷ νομίζει. πλούσιος, θρασύς, μέγα φρονῶν, μέγα φθεγγόμενος, βίαιος, ἀναιδής, —ποῦ ληφθήσεται, νῦν ἂν διακρούσῃται;]

- 202 Ἄλλ' ἔγωγε, εἰ μηδενὸς ἔνεκα τῶν ἄλλων, τῶν γε δημηγοριῶν ὧν ἐκάστοτε δημηγορεῖ, καὶ ἐν οἷς καιροῖς, τὴν μεγίστην ἂν αὐτὸν δικαίως οἶμαι δίκην δοῦναι. ἴστε γὰρ δήπου τοῦθ' ὅτι ἂν μὲν τι τῶν δεόντων ἀπαγγελθῆ τῇ πόλει καὶ τοιοῦτον οἶον εὐφρᾶναι πάντας, οὐδαμοῦ πώποτε Μειδίας τῶν συνηδομένων οὐδὲ τῶν συγχαίρόντων ἐξητάσθη τῷ
- 203 δῆμῳ, ἂν δέ τι φλαῦρον, ὃ μηδεὶς ἂν βούλοιτο τῶν ἄλλων, πρῶτος ἀνέστηκεν εὐθέως καὶ δημηγορεῖ, ἐπεμβαίνων τῷ καιρῷ καὶ τῆς σιωπῆς ἀπολαύων, ἣν ἐπὶ τῷ περὶ τῶν συμβεβηκότων ἄχθεσθαι ποιείσθ' ὑμεῖς. “ τοιοῦτοι γὰρ ἐστ', ὧ ἄνδρες Ἀθηναῖοι· οὐδὲ γὰρ ἐξέρχεσθε, οὐδ' οἶσθε δεῖν χρήματ' εἰσφέρειν. εἶτα θαυμάζετε εἰ κακῶς τὰ πράγμαθ' ὑμῖν ἔχει; ἔμ' οἶσθ' ὑμῖν εἰσοίσειν,
- [580] ὑμεῖς δὲ νεμείσθαι; ἔμ' οἶσθε τριηραρχήσειν,
- 204 ὑμεῖς δ' οὐκ ἐμβήσεσθαι; ” τοιαῦθ' ὑβρίζων καὶ τὴν ἀπὸ τῆς ψυχῆς πικρίαν καὶ κακόνοιαν, ἣν κατὰ τῶν πολλῶν ὑμῶν ἔχων ἀφανῆ παρ' ἑαυτῷ περιέρχεται, φανεράν ἐπὶ τοῦ καιροῦ καθιστάς. δεῖ τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, καὶ ὑμᾶς οὕτω νῦν, ὅταν ἐξαπατῶν καὶ φενακίζων ὀδύρηται καὶ κλάη καὶ δέηται, ταῦθ' ὑποβάλλειν αὐτῷ. “ τοιοῦτος γὰρ εἶ, Μειδία· ὑβριστῆς γὰρ εἶ, οὐκ ἐθέλεις ἔχειν παρὰ σεαυτῷ τὴν χεῖρε. εἶτα θαυμάζεις εἰ κακὸς κακῶς ἀπολεῖ; ἀλλὰ νομίζεις ἡμᾶς μὲν ἀνέξεσθαι

not such a man deserve death ten times over? [He really believes that you will have no hold over him. Rich, arrogant, haughty, loud-voiced, violent, shameless, where will you catch him if he gives you the slip now?]

But in my opinion, if for nothing else, yet for those 202  
 harangues that he delivers at every opportunity and for the occasions that he chooses for them, he would deserve the severest penalty. For of course you know that if any welcome news is brought to the city, such as we all rejoice to hear, Meidias has never on any of those occasions been found in the ranks of those who share in the public satisfaction or the public rejoicings; but if it is something untoward, some- 203  
 thing that no one else would wish to hear, he is the first to jump up at once and harangue the people, making the utmost of his opportunity and enjoying the silence by which you show your distress at what has happened. "Why, that is the sort of men you Athenians are. You do not serve abroad; you see no need to pay your property-tax. And then do you wonder that your affairs go wrong? Do you think I am going to pay my property-tax and you spend the money? Do you think I am going to fit out war-galleys and you decline to embark in them?" That 204  
 is how he insults you, seizing the chance to void the rancour and venom that he secretes in his heart against the masses, as he moves about among you. Now is the chance for you, men of Athens, now when he comes with his humbug and chicanery, with his lamentations, tears and prayers, to throw this answer in his teeth. "Yes, and that is the sort of man you are, Meidias. You are a bully; you cannot keep your hands to yourself. Then can you wonder if your evil deeds bring you to an evil end? Do you think

σου, αὐτὸς δὲ τυπτήσῃ; καὶ ἡμᾶς μὲν ἀποψηφιέσθαι σου, σὺ δ' οὐ παύσεσθαι;''

- 205 Καὶ βοηθοῦσιν οἱ λέγοντες ὑπὲρ αὐτοῦ, οὐχ οὔτω τούτῳ χαρίσασθαι μὰ τοὺς θεοὺς βουλόμενοι, ὡς ἐπηρεάζειν ἐμοὶ διὰ τὴν ἰδίαν ἔχθραν, ἣν οὗτος αὐτῷ πρὸς ἐμέ, ἂν τ' ἐγὼ φῶ ἂν τε μὴ φῶ, φησὶν εἶναι καὶ βιάζεται, οὐκ ὀρθῶς. ἀλλὰ κινδυνεύει τὸ λίαν εὐτυχεῖν ἐνίῳτ' ἐπαχθεῖς ποιεῖν. ὅπου γὰρ ἐγὼ μὲν οὐδὲ πεπονθὼς κακῶς ἔχθρὸν εἶναι μοι τοῦτον ὁμολογῶ, οὗτος δ' οὐδ' ἀφίεντ' ἀφήσιν, ἀλλὰ κἀπὶ τοῖς ἀλλοτρίοις ἀγῶσιν ἀπαντᾶ καὶ νῦν ἀναβήσεται μηδὲ τῆς κοινῆς τῶν νόμων ἐπικουρίας ἀξιῶν ἐμοὶ μετεῖναι, πῶς οὐχ οὗτος ἐπαχθῆς ἐστὶν ἤδη καὶ μείζων ἢ καθ' ὅσον ὑμῶν ἐκάστῳ συμ-
- 206 φέρει; ἔτι τοίνυν παρῆν, ὧ ἄνδρες Ἀθηναῖοι, καὶ καθῆτ' Εὐβουλος ἐν τῷ θεάτρῳ, ὅθ' ὁ δῆμος κατεχειροτόνησε Μειδίου, καὶ καλούμενος ὄνομαστί καὶ ἀντιβολουῆτος τούτου καὶ λιπαροῦντος, ὡς ὑμεῖς ἴστε, οὐκ ἀνέστη. καὶ μὴν εἰ μὲν μηδὲν ἡδίκηκότος ἠγείτο τὴν προβολὴν γεγενῆσθαι, τότε ἔδει
- [581] τὸν γε φίλον δήπου συνειπεῖν καὶ βοηθῆσαι. εἰ δὲ καταγνοὺς ἀδικεῖν τότε διὰ ταῦτ' οὐχ ὑπήκουσε, νῦν δ', ὅτι προσκέκρουκεν ἐμοί, διὰ ταῦτα τοῦτον ἐξαιτήσεται, ὑμῖν οὐχὶ καλῶς ἔχει χαρίσασθαι.
- 207 μὴ γὰρ ἔστω μηδεὶς ἐν δημοκρατία τηλικούτος ὥστε συνειπῶν τὸν μὲν ὑβρίσθαι, τὸν δὲ μὴ δοῦναι δίκην ποιῆσαι. ἀλλ' εἰ κακῶς ἐμὲ βούλει ποιεῖν, Εὐβουλε, ὡς ἔγωγε μὰ τοὺς θεοὺς οὐκ οἶδ' ἀνθ'

<sup>a</sup> Demosthenes points at Eubulus. The sentence is clumsy, and even doubtful Greek, and may be corrupt. This and the two following sections are obelized in S and other good mss.

that we shall submit to you and you shall go on beating us ? That we shall acquit you and you shall never desist ? ”

As for the speakers who will support him, their 205  
 object, I swear, is not so much to oblige him as to insult me, owing to the personal quarrel which that man there <sup>a</sup> says that I have with himself. He insists that it is so, whether I admit it or not ; but he is wrong. Too much success is apt sometimes to make people overbearing. For when I, after all that I have suffered, do not admit that he is my enemy, while he will not accept my disclaimer, but even confronts me in another's quarrel, and is prepared now to mount the platform and demand that I shall even forfeit my claim to that protection which the laws afford to all, is it not clear that he has grown overbearing and is too powerful to suit the interests of each one of us ? Furthermore, Athenians, Eubulus was in his seat in 206  
 the theatre when the people gave their vote against Meidias, and yet, as you know, he never stood up when called upon by name, though Meidias begged and implored him to do so. Yet if he thought that the plaint had been brought against an innocent man, that was the moment to help him by his testimony, if he was really his friend ; but if he withheld his support then, because he had pronounced him guilty, but is now going to ask for his acquittal, because he has fallen foul of me, it is not well that you should humour him. In a democracy there must never be a 207  
 citizen so powerful that his support can ensure that the one party submits to outrages and the other escapes punishment. But if you are anxious to do me an ill turn, Eubulus,—though I protest that I

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ὄτου, δύνασαι μὲν καὶ πολιτεύει, κατὰ τοὺς νόμους δ' ἦντινα βούλει παρ' ἐμοῦ δίκην λάμβανε, ὧν δ' ἐγὼ παρὰ τοὺς νόμους ὑβρίσθην, μὴ μ' ἀφαιροῦ τὴν τιμωρίαν. εἰ δ' ἀπορεῖς ἐκείνως με κακῶς ποιῆσαι, εἴη ἂν καὶ τοῦτο σημεῖον τῆς ἐμῆς ἐπιεικειάς, εἰ τοὺς ἄλλους ῥαδίως κρίνων ἐμὲ μηδὲν ἔχεις ἐφ' ὅτῳ τοῦτο ποιήσεις.

- 208 Πέπυσμαι τοίνυν καὶ Φιλιππίδην καὶ Μνησαρχίδα καὶ Διότιμον τὸν Εὐωνυμέα καὶ τοιοῦτους τινὰς πλουσίους καὶ τριηράρχους ἐξαιτήσεσθαι καὶ λιπαρήσειν παρ' ὑμῶν αὐτόν, αὐτοῖς ἀξιούντας δοθῆναι τὴν χάριν ταύτην. περὶ ὧν οὐδὲν ἂν εἴποιμι πρὸς ὑμᾶς φλαῦρον ἐγώ· καὶ γὰρ ἂν μαινοίμην· ἀλλ' ἂ θεωρεῖν ὑμᾶς, ὅταν οὗτοι δέωνται, δεῖ καὶ λογί-
- 209 ζεσθαι, ταῦτ' ἐρώ. ἐνθυμείσθ', ὧ ἄνδρες δικασταί, εἰ γένοιτο (ὃ μὴ γένοιτ' οὐδ' ἔσται) οὗτοι κύριοι τῆς πολιτείας μετὰ Μειδίου καὶ τῶν ὁμοίων τούτῳ, καὶ τις ὑμῶν τῶν πολλῶν καὶ δημοτικῶν ἀμαρτῶν εἰς τινα τούτων, μὴ τοιαῦθ' οἶα Μειδίας εἰς ἐμέ, ἀλλ' ὅτιοῦν ἄλλο, εἰς δικαστήριον εἰσίοι πεπληρωμένον ἐκ τούτων, τίνος συγγνώμης ἢ τίνος λόγου τυχεῖν ἂν οἴεσθε; ταχύ γ' ἂν χαρίσαιντο, οὐ γάρ;
- [582] ἢ δεηθέντι τῷ τῶν πολλῶν προσσχοῖεν, ἀλλ' οὐκ ἂν εὐθέως εἴποιεν " τὸν δὲ βάσκανον, τὸν δ' ὄλεθρον, τοῦτον δ' ὑβρίζειν, ἀναπνεῖν δέ; ὃν εἴ τις 210 ἐὰ ζῆν, ἀγαπᾶν δεῖ; " μὴ τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, τούτοις τοῖς οὕτω χρησαμένοις ἂν ὑμῖν ἄλλως πως ἔχεθ' ὑμεῖς, μηδὲ τὸν πλοῦτον μηδὲ τὴν δόξαν τὴν τούτων θαυμάζετε, ἀλλ' ὑμᾶς αὐτούς. πολλὰ τούτοις ἀγάθ' ἐστίν, ἃ τούτους οὐδεὶς κωλύει



know not why you should—you are a man of influence and a statesman ; take any legal vengeance you like on me, but do not deprive me of my compensation for illegal outrages. If you find it impossible to harm me in that way, it may be taken as a proof of my innocence that you can readily censure others, but find no ground of censure in me.

Now I have learned that Philippides and Mnesarchides and Diotimus of Euonymia and some other rich trierarchs will plead with you for his acquittal, claiming it as a favour due to themselves. I would not utter a word in disparagement of these men ; I should indeed be mad to do so : but I will tell you how you ought to reflect and consider, when they make their request. Suppose, gentlemen of the jury, that these men—never may it so befall, as indeed it never will—made themselves masters of the State, along with Meidias and others like him ; and suppose that one of you, who are men of the people and friends to popular government, having offended one of these men,—not so seriously as Meidias offended me, but in some slighter degree—came before a jury packed with men of that class ; what pardon, what consideration do you think he would receive ? They would be prompt with their favour, would they not ? Would they heed the petition of one of the common folk ? Would not their first words be, “ The knave ! The sorry rascal ! To think that he should insult us and still draw breath ! He ought to be only too happy if he is permitted to exist ” ? Do not therefore, men of Athens, treat them otherwise than as they would treat you. Keep your respect, not for their wealth or their reputation, but for yourselves. They have many advantages, which no one hinders them from

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- κεκτῆσθαι· μὴ τοίνυν μηδ' οὔτοι τὴν ἄδειαν, ἣν  
 ἡμῖν κοινὴν οὐσίαν οἱ νόμοι παρέχουσι, κωλύοντων  
 211 κεκτῆσθαι. οὐδὲν δεινὸν οὐδ' ἔλεεινὸν Μειδίας  
 πείσεται, ἂν ἴσα κτήσῃται τοῖς πολλοῖς ὑμῶν, οὓς  
 νῦν ὑβρίζει καὶ πτωχοὺς ἀποκαλεῖ, ἃ δὲ νῦν  
 περιόντ' αὐτὸν ὑβρίζειν ἐπαίρει, περιαιρεθῆ. οὐδ'  
 οὔτοι δήπου ταῦθ' ὑμῶν εἰσι δίκαιοι δεῖσθαι, " μὴ  
 κατὰ τοὺς νόμους δικάσητε, ἄνδρες δικασταί· μὴ  
 βοηθήσητε τῷ πεπονθότι δεινά· μὴ εὐορκεῖτε· ἡμῖν  
 δότε τὴν χάριν ταύτην." ταῦτα γάρ, ἂν τι δέωνται  
 περὶ τούτου, δεήσονται, κἂν μὴ ταῦτα λέγῃσι τὰ  
 212 ῥήματα. ἀλλ' εἴπερ εἰσὶ φίλοι, καὶ δεινὸν εἰ μὴ  
 πλουτήσῃ Μειδίας ἡγοῦνται, εἰσὶ μὲν εἰς τὰ μάλιστ'  
 αὐτοὶ πλούσιοι, καὶ καλῶς ποιούσι, χρήματα δ'  
 αὐτῷ παρ' ἑαυτῶν δόντων, ἵν' ὑμεῖς μὲν ἐφ' οἷς  
 εἰσῆλθετ' ὁμωμοκότες δικαίως ψηφίσσησθε, οὔτοι  
 δὲ παρ' αὐτῶν τὰς χάριτας, μὴ μετὰ τῆς ὑμετέρας  
 αἰσχύνῃς, ποιῶνται. εἰ δ' οὔτοι χρήματ' ἔχοντες  
 μὴ πρόοιנט' ἂν, πῶς ὑμῖν καλὸν τὸν ὄρκον προ-  
 ἔσθαι;
- 213 Πλούσιοι πολλοὶ συνεστηκότες, ὧ ἄνδρες Ἀθη-  
 ναῖοι, τὸ δοκεῖν τινὲς εἶναι δι' εὐπορίαν προσειλη-  
φότες, ὑμῶν παρίασι δεησόμενοι. τούτων μηδενί  
 [583] μ', ὧ ἄνδρες Ἀθηναῖοι, προῆσθε, ἀλλ' ὥσπερ  
 ἕκαστος τούτων ὑπὲρ τῶν ἰδία συμφερόντων καὶ  
 ὑπὲρ τούτου σπουδάσεται, οὕτως ὑμεῖς ὑπὲρ ὑμῶν  
 αὐτῶν καὶ τῶν νόμων καὶ ἐμοῦ τοῦ ἐφ' ὑμᾶς κατα-  
 πεφευγότος σπουδάσατε, καὶ τηρήσατε τὴν γνώμην  
 214 ταύτην ἐφ' ἧς νῦν ἐστέ. καὶ γὰρ εἰ μὲν, ὧ ἄνδρες  
 Ἀθηναῖοι, τόθ' ὅτ' ἦν ἡ προβολή, τὰ πεπραγμέν'  
 ὁ δῆμος ἀκούσας ἀπεχειροτόνησε Μειδίου, οὐκ ἂν

enjoying ; then they in their turn must not hinder us from enjoying the security which the laws provide as our common birthright. Meidias will suffer no distressing hardship if he shall come to possess just as much as the majority of you, whom he now insults and calls beggars, and if he is stripped of the superfluous wealth that incites him to such insolence. Surely such men have no right to ask of you, " Do not try the case by the laws, gentlemen of the jury ; do not help the man who has suffered serious wrongs ; do not observe your oaths ; grant us your verdict as a favour." If they plead for Meidias, that is what their plea will come to, though these may not be their actual words. But if they are his friends and think it hard that he should not be rich, well, they are extremely rich themselves ; that is their good fortune. Let them spare him some of their own wealth, that you may give your votes honestly, as you swore to do when you came into court, and that they may be generous to him at their own expense, and not at the expense of your honour. But if these men with all their money are not prepared to sacrifice it, how can it be honourable for you to sacrifice your oath ?

An imposing muster of wealthy men, whose prosperity has raised them to apparent importance, will come into court to plead with you. Men of Athens, do not sacrifice me to any one of them ; but just as each of them will be zealous for his private interests and for the defendant, so be zealous for your own selves and for the laws, as well as for me who have fled to you for refuge, and cleave to the opinion that you already hold. If, men of Athens, at the time of the plaint the people, after hearing the facts, had acquitted Meidias, it would not be so hard to bear :

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- ὁμοίως ἦν δεινόν· καὶ γὰρ μὴ γεγενῆσθαι, καὶ μὴ  
 περὶ τὴν ἑορτὴν ἀδικήματα ταῦτ' εἶναι, καὶ πόλλ'  
 215 ἂν εἶχέ τις αὐτὸν παραμυθῆσασθαι. νῦν δὲ τοῦτο  
 καὶ πάντων ἂν μοι δεινότατον συμβαίη, εἰ παρ'  
 αὐτὰ τὰδικήμαθ' οὕτως ὀργίλως καὶ πικρῶς καὶ  
 χαλεπῶς ἅπαντες ἔχοντες ἐφαίνεσθε, ὥστε Νεο-  
 πτολέμου καὶ Μνησαρχίδου καὶ Φιλιππίδου καὶ τινος  
 τῶν σφόδρα τούτων πλουσίων δεομένων καὶ ἐμοῦ  
 καὶ ὑμῶν ἐβοᾶτε μὴ ἀφεῖναι, καὶ προσελθόντος  
 μοι Βλεπαίου τοῦ τραπεζίτου, τηλικούτ' ἀνεκρά-  
 γετε, ὡς, τοῦτ' ἐκείνο, χρήματά μου ληψομένου,  
 216 ὥστε μ', ὦ ἄνδρες Ἀθηναῖοι, φοβηθέντα τὸν ὑμέ-  
 τερον θόρυβον θοιμάτιον προέσθαι καὶ μικροῦ  
 γυμνὸν ἐν τῷ χιτωνίσκῳ γενέσθαι, φεύγοντ' ἐκείνον  
 ἔλκοντά με, καὶ μετὰ ταῦτ' ἀπαντῶντες "ὅπως  
 ἐπέξει τῷ μιαρῶ καὶ μὴ διαλύσει· θεάσονταί σε τί  
 ποιήσεις Ἀθηναῖοι" τοιαῦτα λέγοντες· ἐπειδὴ  
 κεχειροτόνηται μὲν ὕβρις τὸ πρᾶγμα εἶναι, ἐν ἱερῷ  
 δ' οἱ ταῦτα κρίνοντες καθεζόμενοι διεγνώσαν, δι-  
 217 ἔμεινα δ' ἐγὼ καὶ οὐ προῦδωκ' οὔθ' ὑμᾶς οὔτ'  
 [584] ἔμαυτόν, τηνικαῦτ' ἀποψηφιείσθ' ὑμεῖς. μηδαμῶς·  
 [πάντα γὰρ τὰ αἰσχιστ' ἐνεστὶν ἐν τῷ πράγματι. εἰμὶ δ'  
 οὐ τούτων ὑμῖν ἄξιος (πῶς γάρ, ὦ ἄνδρες Ἀθηναῖοι;)   
 κρίνων ἄνθρωπον καὶ δοκοῦντα καὶ ὄντα βίαιον καὶ  
 ὕβριστήν, ἡμαρτηκότ' ἄσελγῶς ἐν πανηγύρει, μάρτυρας  
 τῆς ὕβρεως τῆς ἑαυτοῦ πεποιημένον οὐ μόνον ὑμᾶς,  
 ἀλλὰ καὶ τοὺς ἐπιδημήσαντας ἅπαντας τῶν Ἑλλήνων.  
 ἤκουσεν ὁ δῆμος τὰ πεπραγμένα τούτῳ. τί οὖν; ὑμῖν  
 218 καταχειροτονήσας παρέδωκεν. οὐ τοίνυν οἶόν τ' ἀφανῆ  
 τὴν γνώσιν ὑμῶν γενέσθαι, οὐδὲ λαθεῖν, οὐδ' ἀεξέταστον

<sup>a</sup> Editors find this sentence so intolerably clumsy that they see in it a proof that Demosthenes did not revise this part

one might console oneself with the fancy that the assault had never been made, or that it was not a profanation of the festival, and so on. But now this would be the hardest blow for me to bear, if, when the offences were fresh in your memory, you displayed such anger and indignation and bitterness that, when Neoptolemus and Mnesarchides and Philippides and another of these very wealthy men were interceding with you and me, you shouted to me not to let him off, and when Blepaeus the banker came up to me, you raised such an uproar, as if I was going to take a bribe—the old, old story!—that I was startled by your clamour, Athenians, and let my cloak drop so that I was half-naked in my tunic, trying to get away from his grasp, and when you met me afterwards, “Mind you prosecute the blackguard,” you cried; “don’t let him go; the Athenians will watch to see what you are going to do”; and yet when the act has been condemned by vote as an outrage, and those who gave that verdict were sitting in a sacred building, and when I have stuck to my task and not betrayed either you or myself, if after all this you are going to acquit him.<sup>a</sup> Never! [Such a result entails all that is most disgraceful. I do not deserve this at your hands, Athenians. How should I, when I am bringing to justice a fellow who is as violent a bully as he is reputed to be, who has offended against decency at a public festival, and who has made not only you, but all the Greeks who were visiting the city, witnesses of his brutality? The people heard what he had done. What was the result? They voted him guilty and passed him on to your court. So it is impossible that your decision should be concealed or hushed up, or that the question should not be asked, How

of the speech. It may be urged that the sentence, though involved, is lucid enough and would be very effective as an apparently unpremeditated outburst.

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εἶναι τί ποθ' ὡς ὑμᾶς τοῦ πράγματος ἐλθόντος ἔγνωτε. ἀλλ' ἐὰν μὲν κολάσητε, δόξετε σώφρονες εἶναι καὶ καλοὶ κάγαθοὶ καὶ μισοπόνηροι, ἂν δ' ἀφήτε, ἄλλου τινὸς ἠττήσθαι.] οὐ γὰρ ἐκ πολιτικῆς αἰτίας, οὐδ' ὥσπερ Ἀριστοφῶν ἀποδοὺς τοὺς στεφάνους ἔλυσε τὴν προβολήν, ἀλλ' ἐξ ὕβρεως, ἐκ τοῦ μηδὲν ἂν ὦν πεποιήκεν ἀναλῦσαι δύνασθαι κρίνεται. [πότερ' οὖν τούτου γενομένου κρείττον αὔθις ἢ νυνὶ κολάσαι; ἐγὼ μὲν οἶμαι νῦν· κοινὴ γὰρ ἡ κρίσις, καὶ τὰδικήματα πάντ' ἐφ' οἷς κρίνεται κοινά.]

- 219 Ἐπι δ' οὐκ ἔμ' ἔτυπτεν, ὦ ἄνδρες Ἀθηναῖοι, μόνον οὗτος οὐδ' ὕβριζε τῇ διανοίᾳ τότε, ποιῶν οἷ' ἐποίει, ἀλλὰ πάντα ὅσους περ ἂν οἴηται τις ἠττον ἐμοῦ δύνασθαι δίκην ὑπὲρ αὐτῶν λαβεῖν. εἰ δὲ μὴ πάντες ἐπαίεσθε μηδὲ πάντες ἐπηρεάζεσθε χορηγοῦντες, ἴστε δήπου τοῦθ', ὅτι οὐδ' ἐχορηγεῖθ' ἅμα πάντες, οὐδὲ δύναται ἂν ποθ' ὑμᾶς ἅπαντας
- 220 μιᾷ χειρὶ οὐδεὶς προπηλακίσει. ἀλλ' ὅταν εἷς ὁ παθὼν μὴ λάβῃ δίκην, τόθ' ἕκαστον αὐτὸν χρή
- [585] προσδοκᾶν τὸν πρῶτον μετὰ ταῦτ' ἀδικησόμενον γενήσεσθαι, καὶ μὴ παρορᾶν τὰ τοιαῦτα, μηδ' ἐφ' ἑαυτὸν ἐλθεῖν περιμένειν, ἀλλ' ὡς ἐκ πλείστου φυλάττεσθαι. μισεῖ Μειδίας ἴσως ἐμέ, ὑμῶν δέ γ' ἕκαστον ἄλλος τις. ἄρ' οὖν συγχωρήσασθαι ἂν τοῦτον, ὅστις ἐστὶν ἕκαστος ὁ μισῶν, κύριον γίνεσθαι τοῦ ταῦθ', ἄπερ οὗτος ἐμέ, ὑμῶν ἕκαστον ποιῆσαι; ἐγὼ μὲν οὐκ οἶμαι. μὴ τοίνυν μηδ'
- 221 ἐμέ, ὦ ἄνδρες Ἀθηναῖοι, προῆσθε τούτῳ. ὁρᾶτε δέ· αὐτίκα δὴ μάλα, ἐπειδὴν ἀναστῆ τὸ δικαστήριον, εἷς ἕκαστος ὑμῶν, ὁ μὲν θᾶπτον ἴσως, ὁ δὲ σχολαίτερον, οἵκαδ' ἄπεισιν οὐδὲν φροντίζων οὐδὲ μεταστρεφόμενος οὐδὲ φοβούμενος, οὗτ' εἰ

did you judge the case when it was brought before you? No; if you punish him, you will be thought men of discretion and honour and haters of iniquity; but if you acquit him, you will seem to have capitulated to some other motive.] For this is not a political issue, nor does it resemble the case of Aristophon, who stopped the plaint against him by restoring the crowns. This case arises from the insolence of Meidias and from the impossibility of his undoing any of his acts. [Is it then better, in view of the past, to punish him now or the next time he offends? Now is the time, I think, because the trial is a public one, even as the offences for which he is being tried were public.]

Furthermore, it was not I alone, men of Athens, 219 that he then, in his intention, struck and insulted, when he acted as he did, but all who may be supposed less able than I am to obtain satisfaction for themselves. If you were not all beaten, if you were not all insulted while acting as choir-masters, you realize of course that you cannot all be choir-masters at the same time, and that no one could possibly assault all 220 of you at once with a single fist. But whenever a solitary victim fails to obtain redress, then each one of you must expect to be the next victim himself, and must not be indifferent to such incidents nor wait for them to come his way, but must rather guard against them as long beforehand as possible. I perhaps am hated by Meidias, and each of you by someone else. Would you, then, allow that enemy, whoever he is, to gain the power of doing to each of you what this man has done to me? I should think not indeed. Then neither must you leave me, Athenians, in this man's power. Just think. The instant this court rises, 221 each of you will walk home, one quicker, another more leisurely, not anxious, not glancing behind him,

φίλος οὐτ' εἰ μὴ φίλος αὐτῷ συντεύξεται τις, οὐδέ  
 γ' εἰ μέγας ἢ μικρός, οὐδ' εἰ ἰσχυρὸς ἢ ἀσθενής,  
 οὐδέ τῶν τοιούτων οὐδέν. τί δήποτε; ὅτι τῇ  
 ψυχῇ τοῦτ' οἶδε καὶ θαρρεῖ καὶ πεπίστευκε τῇ  
 πολιτεία, μηδέν' ἔλξειν μηδ' ὑβριεῖν μηδὲ τυπτή-  
 222 σειν. εἴτ' ἐφ' ἣ ἀδεία αὐτοὶ πορεύεσθε, ταύτην  
 οὐ βεβαιώσαντες ἐμοὶ βαδιεῖσθε; καὶ τίνι χρή με  
 λογισμῷ περιεῖναι ταῦτα παθόντα, εἰ περιόψεσθέ  
 με νῦν ὑμεῖς; θάρρει νῆ Δία, φήσειέ τις ἄν· οὐ  
 γὰρ ἔτ' οὐδὲν ὑβρισθήσει. εἰ δέ, τότε ὀργιεῖσθε,  
 νῦν ἀφέντες; μηδαμῶς, ὧ ἄνδρες δικασταί, μὴ  
 προδῶτε μήτ' ἐμὲ μήθ' ὑμᾶς αὐτοὺς μήτε τοὺς  
 223 νόμους. καὶ γὰρ αὐτὸ τοῦτ' εἰ θέλοιτε σκοπεῖν  
 καὶ ζητεῖν, τῷ ποτ' εἰσὶν ὑμῶν οἱ ἀεὶ δικάζοντες  
 ἰσχυροὶ καὶ κύριοι τῶν ἐν τῇ πόλει πάντων, εἰάν  
 τε διακοσίους εἰάν τε χιλίους εἰάν θ' ὀπόσους ἂν ἡ  
 πόλις καθίσῃ, οὔτε τῷ μεθ' ὄπλων εἶναι συντεταγ-  
 μένοι μόνοι τῶν ἄλλων πολιτῶν, εὖροιτ' ἄν, οὔτε  
 [586] τῷ τὰ σώματ' ἄριστ' ἔχειν καὶ μάλιστ' ἰσχύειν,  
 οὔτε τῷ τὴν ἡλικίαν εἶναι νεώτατοι, οὔτε τῶν  
 224 τοιούτων οὐδενί, ἀλλὰ τῇ τῶν νόμων ἰσχύϊ. ἡ δὲ  
 τῶν νόμων ἰσχύς τίς ἐστίν; ἄρ' εἰάν τις ὑμῶν  
 ἀδικούμενος ἀνακράγῃ, προσδραμοῦνται καὶ παρ-  
 ἔσονται βοηθοῦντες; οὐ· γράμματα γὰρ γεγραμμέν'  
 ἐστί, καὶ οὐχὶ δύναιντ' ἂν τοῦτο ποιῆσαι. τίς οὖν  
 ἡ δύναμις αὐτῶν ἐστίν; ὑμεῖς εἰάν βεβαιώτ'  
 αὐτοὺς καὶ παρέχητε κυρίους ἀεὶ τῷ δεομένῳ.  
 οὐκοῦν οἱ νόμοι θ' ὑμῖν εἰσὶν ἰσχυροὶ καὶ ὑμεῖς  
 225 τοῖς νόμοις. δεῖ τοίνυν τούτοις βοηθεῖν ὁμοίως  
 ὥσπερ ἂν αὐτῷ τις ἀδικουμένῳ, καὶ τὰ τῶν νόμων  
 ἀδικήματα κοινὰ νομίζειν, ἐφ' ὅτου περ ἂν λαμ-



not fearing whether he is going to run up against a friend or an enemy, a big man or a little one, a strong man or a weak one, or anything of that sort. And why? Because in his heart he knows, and is confident, and has learned to trust the State, that no one shall seize or insult or strike him. That sense of 222 security, then, with which you walk the streets—will you not guarantee it to me before you set off home? How can I reasonably expect to survive after what I have suffered, if you leave me in the lurch? Perhaps someone will say, "Take heart! You will not be insulted again." But if I am, will you be angry with him then, after acquitting him now? Do not, gentlemen of the jury, do not betray me or yourselves or the laws. For if you would only examine and con- 223 sider the question, what it is that gives you who serve on juries such power and authority in all state-affairs, whether the State empanels two hundred of you or a thousand or any other number, you would find that it is not that you alone of the citizens are drawn up under arms, not that your physical powers are at their best and strongest, not that you are in the earliest prime of manhood; it is due to no cause of that sort but simply to the strength of the laws. And what is the 224 strength of the laws? If one of you is wronged and cries aloud, will the laws run up and be at his side to assist him? No; they are only written texts and incapable of such action. Wherein then resides their power? In yourselves, if only you support them and make them all-powerful to help him who needs them. So the laws are strong through you and you through the laws. Therefore you must help 225 them as readily as any man would help himself if wronged; you must consider that you share in the

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βάνηται, καὶ μήτε λητουργίας μήτ' ἔλεον μήτ' ἄνδρα μηδένα μήτε τέχνην μηδεμίαν εὐρῆσθαι, μήτ' ἄλλο μηδὲν δι' ὅτου παραβάς τις τοὺς νόμους οὐ δώσει δίκην.

226 Ὑμῶν οἱ θεώμενοι τοῖς Διονυσίοις εἰσιόντ' εἰς τὸ θέατρον τοῦτον ἐσυρίττετε καὶ ἐκλώζετε, καὶ πάνθ' ἃ μίσους ἐστὶ σημεῖ' ἐποιεῖτε, οὐδὲν ἀκηκοότες πω περὶ αὐτοῦ παρ' ἐμοῦ. εἶτα πρὶν μὲν ἐλεγχθῆναι τὸ πρᾶγμα ὠργίζεσθε, προῦκαλεῖσθ' ἐπὶ τιμωρίαν τὸν παθόντα, ἐκροτεῖθ', ὅτε προῦ-  
227 βαλόμην αὐτὸν ἐν τῷ δήμῳ· ἐπειδὴ δ' ἐξελέγεται, καὶ προκατέγνωκεν ὁ δῆμος τούτου εἰς ἱερὸν καθεζόμενος, καὶ τᾶλλα προσεξήτασται τὰ πεπραγμένα τῷ μαρῷ τούτῳ, καὶ δικάσοντες εἰλήχατε, καὶ πάντ' ἐστὶν ἐν ὑμῖν μιᾷ ψήφῳ διαπράξασθαι, νῦν ὀκνήσεται ἐμοὶ βοηθῆσαι, τῷ δήμῳ χαρίσασθαι, τοὺς ἄλλους σωφρονίσει, μετὰ πολλῆς ἀσφαλείας αὐτοὶ τὸ λοιπὸν διάγειν, παράδειγμα ποιήσαντες τοῦτον τοῖς ἄλλοις;

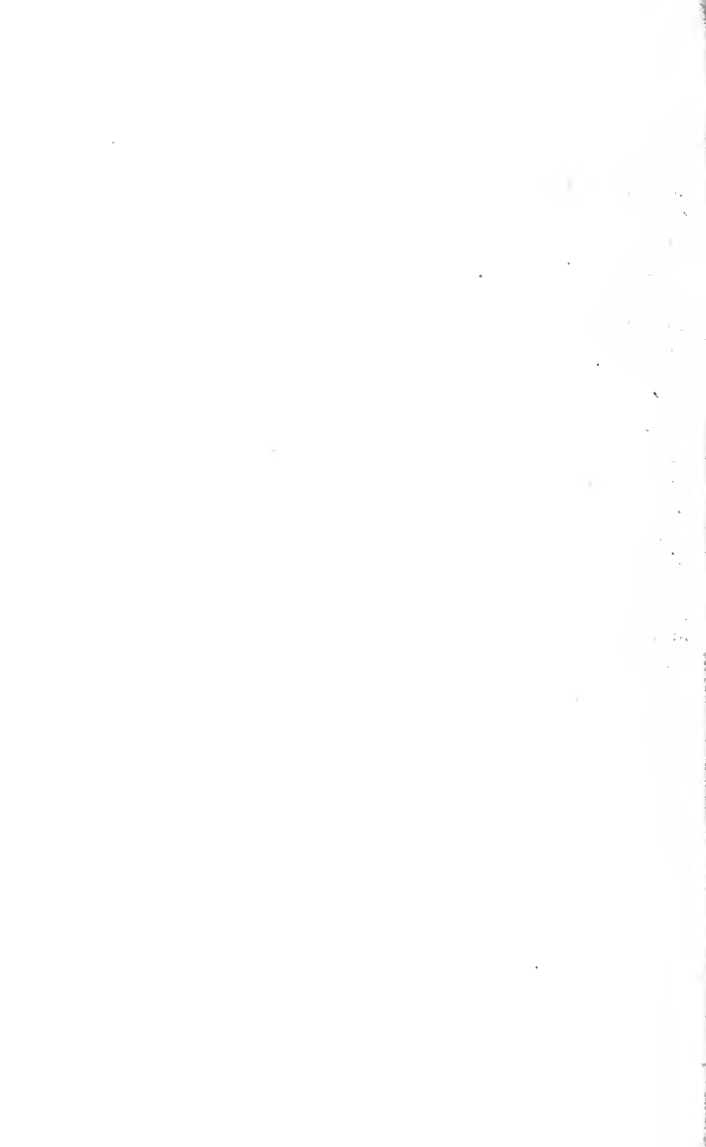
[587] Πάντων οὖν ἔνεκα τῶν εἰρημένων, καὶ μάλιστα τοῦ θεοῦ χάριν περὶ οὗ τὴν ἑορτὴν ἀσεβῶν οὗτος ἤλωκε, τὴν ὀσίαν καὶ δικαίαν θέμενοι ψῆφον τιμωρήσασθε τοῦτον.

## AGAINST MEIDIAS, 225-227

wrongs done to the laws, by whomsoever they are found to be committed; and no excuse—neither public services, nor pity, nor personal influence, nor forensic skill, nor anything else—must be devised whereby anyone who has transgressed the laws shall escape punishment.

Those of you who were spectators at the Dionysia 226 hissed and hooted Meidias when he entered the theatre; you gave every indication of your abhorrence, though you had not yet heard what I had to say about him. Were you so indignant before the case was investigated, that you urged me to demand vengeance for my wrongs and applauded me when I brought my plaint before the Assembly? And yet 227 now, when his guilt has been established, when the people, sitting in a sacred building, have anticipated his condemnation, when all the other crimes of this miscreant have been sifted, when it has fallen to your lot to be his judges and it lies in your power to conclude the whole affair by a single vote—now, I say, will you hesitate to succour me, to gratify the people, to give all a lesson in sobriety, and to enjoy perfect safety for the rest of your lives, by making an example of the defendant for the instruction of others?

Therefore for all the reasons that I have urged, and above all for the honour of the god whose festival he has been convicted of profaning, punish this man by casting the vote which piety and justice alike demand.



AGAINST ANDROTION

## INTRODUCTION

THIS speech, composed in 355, is the earliest forensic speech of Demosthenes on a public question. Androtion, who was a politician of thirty years' standing, had made himself prominent during the Social War, now just over, by presiding over a commission for collecting arrears of taxes (εἰσφοραί). Among other devices to replenish the exchequer, he had melted down the golden crowns, the gifts of allies, which hung in the Acropolis.

It was customary at Athens, when the Council's year of office expired, for a member of the new body to propose the gift of a crown to the retiring councillors. But the Council of 356-355, owing to defalcations of an official, had failed to provide any new triremes, and was therefore forbidden by a special statute to expect this formal compliment. Androtion nevertheless proposed and carried the usual vote, without the formality of a preliminary decree (προβούλευμα) of the Council, and was promptly indicted for a breach of the constitution (παρὰ νόμων) by Euctemon and Diodorus, who were his personal enemies. It was for the latter that this speech was composed. It must be remembered, in reading it, that Euctemon had probably dealt more definitely and completely with the actual counts of the indictment. Demosthenes is

## AGAINST ANDROTION

allowed to be more discursive and, from a modern point of view, irrelevant.

He first deals with the motives of his client and then anticipates Androtion's defence in detail. He attacks the immorality of his private life and alleges that he had inherited disfranchisement (*ἀτιμία*) from his father, who was an undischarged debtor to the State. He criticizes his public career, especially the incident of the melting of the crowns, which Androtion claimed as a public service. The speech ends with a short and characteristic peroration on the importance of the navy as ensuring the prosperity of Athens.

## XXII. ΚΑΤ' ΑΝΔΡΟΤΙΩΝΟΣ

[593] "Οπερ Εὐκτῆμων, ὦ ἄνδρες δικασταί, παθὼν ὑπ' Ἀνδροτίωνος κακῶς, ἅμα τῇ τε πόλει βοηθεῖν οἶεται δεῖν καὶ δίκην ὑπὲρ αὐτοῦ λαβεῖν, τοῦτο καὶ γὰρ πειράσομαι ποιεῖν, ἐὰν ἄρ' οἴός τ' ᾖ. συμβέβηκε δὲ πολλὰ καὶ δεινὰ καὶ παρὰ πάντας τοὺς νόμους Εὐκτῆμονος ὑβρισμένου ἐλάττω ταῦτ' εἶναι τῶν ἐμοὶ γεγενημένων δι' Ἀνδροτίωνος πραγμάτων. οὗτος μὲν γ' εἰς χρήματα καὶ τὸ παρ' ὑμῶν ἀδίκως ἐκπεσεῖν ἐπεβουλεύθη· ἐμὲ δ' οὐδ' ἂν ἐδέξατο τῶν ὄντων ἀνθρώπων οὐδὲ εἰς, εἰ τὰ κατασκευασθένθ' ὑπὸ τούτου παρ' ὑμῖν ἐπιστεύθη. 2 αἰτιασάμενος γὰρ με ἅ καὶ λέγειν ἂν ὀκνήσειέ τις, εἰ μὴ τύχοι προσόμοιος ὢν τούτῳ, τὸν πατέρ' ὡς ἀπέκτον' ἐγὼ τὸν ἑμαυτοῦ, καὶ κατασκευάσας ἀσεβείας γραφήν, οὐκ ἐπ' ἐμέ, ἀλλ' ἐπὶ τὸν θεῖόν μου, γράψας ἀσεβεῖν ἐμοὶ συνιόντ' εἰς ταῦτό ὡς πεποιηκότι ταῦτα, εἰς ἀγῶνα κατέστησεν, ὃν εἰ συνέβη τόθ' ἀλῶναι, τίς ἂν ἀθλιώτερ' ἐμοῦ πεπονθὼς ἦν ὑπὸ τούτου; τίς γὰρ ἂν ἦ φίλος ἢ ξένος εἰς ταῦτό ποτ' ἐλθεῖν ἠθέλησεν ἐμοί; τίς δ' ἂν εἶασε πόλις που παρ' ἑαυτῇ γενέσθαι τὸν τὸ τοιοῦτ'



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GENTLEMEN of the jury, Euctemon finding himself wronged by Androtion, thinks it his duty to obtain satisfaction for himself and at the same time to uphold the constitution ; and that is what I also shall essay to do, if I am equal to the task. As a matter of fact the outrages that Euctemon has endured, many and serious and utterly illegal as they were, are slighter than the trouble that Androtion has caused me. Euctemon was the object of a plot to get money out of him and to eject him unfairly from an office of your appointment ; but if the charges that Androtion trumped up against me had been accepted in your courts, not a single living man would have opened his door to me, for he accused me of things that anyone would have shrunk from mentioning, unless he were a man of the same stamp as himself, saying that I had killed my own father. He also concocted a public indictment for impiety, not against me directly, but against my uncle, whom he brought to trial, charging him with impiety for associating with me, as though I had committed the alleged acts, and if it had ended in my uncle's conviction, who would have suffered more grievously at the defendant's hands than I ? For who, whether friend or stranger, would have consented to have any dealings with me ? What state would have admitted within its borders a man deemed

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- ἀσέβημα δοκοῦντ' εἰργάσθαι; οὐκ ἔστιν οὐδεμία.  
 3 ἐγὼ τοίνυν ταῦτα μὲν οὐ παρὰ μικρὸν ἀγωνιζόμενος παρ' ὑμῖν ἀπελυσάμην, ἀλλ' ὥστε τὸ πέμπτον  
 [594] μέρος μὴ λαβεῖν τούτον τῶν ψήφων· τούτον δὲ μεθ' ὑμῶν πειράσομαι καὶ νῦν καὶ τὸν ἄλλον ἅπαντ' ἀμύνεσθαι χρόνον. καὶ περὶ μὲν τῶν ἰδίων ἔχων ἔτι πολλὰ λέγειν ἐάσω· περὶ δ' ὧν οἴσετε τὴν ψῆφον νυνὶ καὶ περὶ ὧν οὗτος δημοσία πεπολιτευμένος οὐκ ὀλίγ' ὑμᾶς ἔβλαψεν, ἃ μοι παραλιπεῖν Εὐκτῆμων ἐδόκει, βέλτιον δ' ὑμᾶς ἀκοῦσαι, ταῦτα  
 4 διεξελεῖν ἐν βραχέσι πειράσομαι. ἐγὼ γὰρ εἰ μὲν ἐώρων τιν' ἀπλήν τούτῳ περὶ ὧν φεύγει πρὸς ὑμᾶς οὔσαν ἀπολογίαν, οὐκ ἂν ἐποιούμην περὶ αὐτῶν μνειάν οὐδεμίαν. νῦν δ' οἶδα σαφῶς ὅτι οὗτος ἀπλοῦν μὲν οὐδὲ δίκαιον οὐδὲν ἂν εἰπεῖν ἔχει, ἐξαπατᾶν δ' ὑμᾶς πειράσεται πλάττων καὶ παράγων πρὸς ἕκαστα τούτων κακούργους λόγους. ἔστι γάρ, ὦ ἄνδρες Ἀθηναῖοι, τεχνίτης τοῦ λέγειν καὶ πάντα τὸν βίον ἐσχόλακεν ἐνὶ τούτῳ. ὑπὲρ οὖν τοῦ μὴ παρακρουσθέντας ὑμᾶς ἐναντία μὲν τοῖς ὀμωμοσμένοις πεισθῆναι ψηφίσασθαι, ἀφεῖναι δὲ τούτον ὃν ὑμῖν πολλῶν ἕνεκ' ἄξιον κολάσαι, προσέχετε τὸν νοῦν οἷς ἐρῶ, ἵν' ἀκούσαντες ἐμοῦ πρὸς ἕκαστον τῶν ὑπὸ τούτου ῥηθησομένων ἔχηθ' ὑπολαμβάνειν ἃ δεῖ.  
 5 Ἔστι γὰρ εἷς μὲν ὃν οἶεται τεχνικῶς ἔχειν αὐτῷ λόγος περὶ τοῦ ἀπροβουλεύτου. νόμος ἐστί, φησίν, εἰάν ἀξίως ἢ βουλή δοκῆ βουλευσαι δωρεᾶς, διδόναι τὸν δῆμον τὴν δωρεάν αὐτῇ. ταῦτ' ἐπήρητο, φησίν, ὁ ἐπιστάτης, διεχειροτόνησεν ὁ δῆμος, ἔδοξεν.

## AGAINST ANDROTION, 3-5

guilty of such impiety? Not a single one. Of 3  
these charges, then, I cleared myself in your court,  
not by a narrow margin but so completely that my  
accuser failed to obtain a fifth of the votes; and  
upon Androtion I shall endeavour, with your help,  
to avenge myself to-day and on every other occasion.

I shall pass over a great deal that I might say about  
private matters; but there are other matters on  
which you are now going to give your votes, including  
not a few injuries which the defendant has done you  
in dealing as a citizen with public affairs, and these,  
which Euctemon chose to pass over, but which it is  
better for you to understand, I shall now try to explain  
briefly. If I could see any straightforward defence 4  
that he could offer to these charges, I would not make  
any reference to them; but I am quite certain that  
he cannot have any simple and honest plea to put  
forward, but will try to hoodwink you, inventing  
malicious answers to each charge and so leading you  
astray. For he is a skilful rhetorician, men of Athens,  
and has devoted all his life to that one study. There-  
fore, that you may not be deceived and persuaded to  
vote contrary to the spirit of your oath and to acquit  
a man whom you have every reason to punish, pray  
attend to what I shall say, so that when you have  
heard me, you may have the right reply to every  
argument that he will advance.

There is one plea which he thinks a clever defence 5  
of the omission of the preliminary decree. There is  
a law, he says, that if the Council by its performance  
of its duties seems to deserve a reward, that reward  
shall be presented by the people. That question, he  
says, the chairman of the Assembly put, the people  
voted, and it was carried. In this case, he says, there

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- οὐδὲν δεῖ, φησί, προβουλεύματος ἐνταῦθα· κατὰ γὰρ νόμον ἦν τὰ γιγνόμενα. ἐγὼ δ' αὐτὸ τούναντίον οἶμαι, νομίζω δὲ καὶ ὑμῖν συνδόξειν, περι-
- [595] τούτων τὰ προβουλεύματ' ἐκφέρειν μόνων, περὶ ὧν κελεύουσιν οἱ νόμοι, ἐπεὶ περὶ ὧν γε μὴ κεῖνται νόμοι οὐδὲ γράφειν τὴν ἀρχὴν προσήκει οὐδὲ ἐν
- 6 δῆπου. φησὶ τοίνυν τοῦτον ἀπάσας τὸν τρόπον εἰληφέναι τὰς βουλὰς, ὅσαι πώποτ' ἔχουσι παρ' ὑμῶν δωρεάν, καὶ οὐδεμιᾶ γεγενῆσθαι προβου-  
 λευμα πώποτε. ἐγὼ δ' οἶμαι μὲν οὐχὶ λέγειν αὐτὸν ἀλήθειαν, μᾶλλον δ' οἶδα σαφῶς· οὐ μὴν ἀλλ' εἰ τοῦτο τοιοῦτ' ἐστὶ τὰ μάλιστα, ὁ νόμος δὲ λέγει τάναντία, οὐχ, ὅτι πολλάκις ἡμάρτηται δῆπου πρότερον, διὰ τοῦτ' ἐπεξαμαρτητέον ἐστὶ καὶ νῦν, ἀλλὰ τούναντίον ἀρκτέον, ὡς ὁ νόμος κελεύει, τὰ
- 7 τοιαῦτα ποιεῖν ἀναγκάζειν ἀπὸ σοῦ πρώτου. σὺ δὴ μὴ λέγ' ὡς γέγονε τοῦτο πολλάκις, ἀλλ' ὡς οὕτω προσήκει γίνεσθαι. οὐ γὰρ εἴ τι πώποτε μὴ κατὰ τοὺς νόμους ἐπράχθη, σὺ δὲ τοῦτ' ἐμιμήσω, διὰ τοῦτ' ἀποφύγοις ἂν δικαίως, ἀλλὰ πολλῶ μᾶλλον ἀλίσκοιο· ὥσπερ γὰρ εἴ τις ἐκείνων προήλω, σὺ τὰδ' οὐκ ἂν ἔγραψας, οὕτως ἂν σὺ νῦν δίκην δῶς, ἄλλος οὐ γράφει.
- 8 Περὶ τοίνυν τοῦ νόμου τοῦ διαρρήδην οὐκ ἐῶντος ἐξεῖναι μὴ ποιησαμένη τῇ βουλῇ τὰς τριήρεις αἰτῆσαι τὴν δωρεάν, ἄξιόν ἐστιν ἀκοῦσαι τὴν ἀπολογίαν ἣν ποιήσεται, καὶ θεωρῆσαι τὴν ἀναίδειαν τοῦ τρόπου δι' ὧν ἐγχειρεῖ λέγειν. ὁ νόμος, φησὶν, οὐκ ἐᾷ τὴν βουλήν αἰτῆσαι τὴν δωρεάν, ἐὰν μὴ ποιήσῃται τὰς τριήρεις· ὁμολογῶ. δοῦναι

is no need of a preliminary decree, because what was done was in accordance with law. But I take the exactly contrary view—and I think you will agree with me—that the preliminary decrees should only be proposed concerning matters prescribed by the laws, because, where no laws are laid down, surely no proposal whatever is admissible. Now he will say 6 that all the Councils that have ever received a reward from you, have received it in this way, and that in no case has a preliminary decree ever been passed. But I think—or rather, I am certain—that this statement is untrue. Even if it were absolutely true, yet surely where the law says the opposite, we ought not to transgress the law now because it has often been transgressed before ; on the contrary we ought to enforce the observance of the law, beginning with you, Androtion, first. You must not tell us that this 7 has often been done before ; you must show us that it is right to do it. If the practice has at any time been contrary to the laws and you have only followed precedent, you cannot in fairness escape, but ought all the more to be convicted ; for if any of the former delinquents had been condemned, you would never have proposed the resolution, and in the same way, if you are punished now, no one else will propose it in the future.

Coming now to the law which explicitly denies to 8 the Council the right to ask a reward, if they have not built the war-ships, it is worth while to hear the defence that he will set up, and to get a clear view of the shamelessness of his behaviour from the arguments that he attempts to use. The law, he says, forbids the Council to ask for the reward, if they have not built the ships. But, he adds, the law nowhere

## DEMOSTHENES

δὲ οὐδαμοῦ, φησί, κωλύει τὸν δῆμον. ἐγὼ δὴ εἰ  
 μὲν ἔδωκ' αἰτούσῃ, παρὰ τὸν νόμον εἶρηκα· εἰ δὲ  
 μὴ πεποιήμαι μνειάν περὶ τῶν νεῶν ἐν ὄλῳ τῷ  
 [596] ψηφίσματι, ἀλλ' ἕτερ' ἄττα λέγω δι' ἃ τὴν βουλήν  
 9 στεφανῶ, πῶς παρὰ τὸν νόμον εἶρηκα; ἔστι δὴ  
 πρὸς ταῦτ' οὐ χαλεπὸν τὰ δίκαι' ὑμῖν ἀντειπεῖν,  
 ὅτι πρῶτον μὲν οἱ προεδρεύοντες τῆς βουλῆς καὶ  
 ὁ ταῦτ' ἐπιψηφίζων ἐπιστάτης ἡρώτων καὶ δια-  
 χειροτονίαν ἐδίδουσαν, ὅτῳ δοκεῖ δωρεᾶς ἀξίως ἢ  
 βουλή βεβουλευκέαι καὶ ὅτῳ μὴ· καίτοι τοὺς γε  
 μὴ αἰτοῦντας μηδὲ λαβεῖν ἀξιοῦντας τὴν ἀρχὴν  
 10 οὐδ' ἐπερωτᾶν προσῆκεν. πρὸς τοίνυν τούτοις  
 ἔστιν ἃ Μειδίου κατηγοροῦντος τῆς βουλῆς καὶ  
 ἄλλων τινῶν, ἀναπηδῶντες οἱ βουλευταὶ ἐδέοντο  
 μὴ σφᾶς ἀφελέσθαι τὴν δωρεάν. καὶ ταῦτ' οὐ  
 παρ' ἐμοῦ δεῖ πυθέσθαι τοὺς δικάζοντας ὑμᾶς, ἀλλ'  
 αὐτοὶ παρόντες ἴστ' ἐν τῷ δήμῳ γενόμενα. ὣσθ'  
 ὅταν μὲν μὴ φῆ τὴν βουλήν αἰτεῖν, ταῦθ' ὑπο-  
 λαμβάνετε· ὅτι δ' οὐδὲ τὸν δῆμον ἐᾷ διδόναι μὴ  
 ποιησαμένη τὰς ναῦς ὁ νόμος, καὶ τοῦτ' ἐπιδείξω.  
 11 διὰ ταῦτα γάρ, ὦ ἄνδρες Ἀθηναῖοι, τοῦτον ἔχει  
 τὸν τρόπον ὁ νόμος, μὴ ἐξεῖναι τῇ βουλῇ μὴ  
 ποιησαμένη τὰς τριήρεις αἰτῆσαι τὴν δωρεάν, ἵνα  
 μηδὲ πεισθῆναι μηδ' ἐξαπατηθῆναι γένοιτ' ἐπὶ τῷ  
 δήμῳ. οὐ γὰρ ὤετο δεῖν ὁ τιθεὶς τὸν νόμον ἐπὶ  
 τῇ τῶν λεγόντων δυνάμει τὸ πρᾶγμα καταστήσαι,  
 ἀλλ' ὁ δίκαιον ἦν εὔρεῖν ἅμα καὶ συμφέρον τῷ  
 δήμῳ, νόμῳ τετάχθαι. τὰς τριήρεις οὐ πεποιήσαι;  
 μὴ τοίνυν αἶτει τὴν δωρεάν. ὅπου δ' αἰτεῖν οὐκ  
 ἐᾷ, πῶς οὐ σφόδρα γε δοῦναι κωλύει;

## AGAINST ANDROTION, 8-11

prohibits the Assembly from giving it. "If I gave it at their request, my motion was illegal, but if I have never mentioned the ships in the whole of my decree, but give other grounds for granting a crown to the Council, where is the illegality of my motion?" It 9 is surely not difficult for the jury to find the right answer to this: that in the first place the Committee of the Council and the chairman, who puts these proposals to the vote, duly put the question and called for a show of hands—"those who are of opinion that the Council have deserved a reward, to vote aye; on the contrary, no." Yet surely men who neither ask nor expect a reward should never have put the question at all. Besides this, when Meidias and others 10 brought certain accusations against the Council, the Councillors fairly leaped up on to the platform and begged not to be robbed of their reward. There is no need for me to tell the jury this, for you were present in the Assembly and know what happened there. So when he says that the Council did not ask for it, have that answer ready for him. But I will also prove to you that the people are forbidden by the law to give the reward, if the Council have not built the ships. For the law, that the Council should not 11 ask for the reward if they have not built the warships, was framed in that way, men of Athens, to prevent the possibility of the people being influenced or misled. The legislator held that the question should not depend on the abilities of the speakers, but that whatever he could devise that was at once just and expedient for the people, should be fixed by law. "You have not built the ships? Then don't ask for the reward." Where the law does not permit the asking, does it not absolutely forbid the giving?

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- 12 "Αξιον τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, κάκεινο ἐξετάσαι, τί δήποτ', ἂν τᾶλλα πάνθ' ἢ βουλή καλῶς βουλευσῆ καὶ μηδεὶς ἔχη μηδὲν ἐγκαλέσαι, τὰς δὲ τριήρεις μὴ ποιήσῃται, τὴν δωρεὰν οὐκ ἔξεστι [597] λαβεῖν. εὐρήσετε γὰρ τοῦτο τὸ ἰσχυρὸν ὑπὲρ τοῦ δήμου κείμενον. οἶμαι γὰρ ἂν μηδέν' ἀντειπεῖν ὡς οὐχ, ὅσα πρόποτε τῇ πόλει γέγονεν ἢ νῦν ἔστιν ἀγάθ' ἢ θάτερα, ἵνα μηδὲν εἴπω φλαῦρον, ἐκ τῆς τῶν τριήρων τὰ μὲν κτήσεως, τὰ δ' ἀπουσίας
- 13 γέγονεν. οἷον πολλὰ μὲν ἂν τις ἔχοι λέγειν καὶ παλαιὰ καὶ καινά· ἃ δ' οὖν πᾶσι μάλιστα ἀκοῦσαι γνώριμα, τοῦτο μὲν, εἰ βούλεσθε, οἱ τὰ προπύλαια καὶ τὸν παρθενῶν οἰκοδομήσαντες ἐκεῖνοι καὶ τᾶλλ' ἀπὸ τῶν βαρβάρων ἱερὰ κοσμήσαντες, ἐφ' οἷς φιλοτιμούμεθα πάντες εἰκότως, ἴστε δήπου τοῦτ' ἀκοῆ, ὅτι τὴν πόλιν ἐκλιπόντες καὶ κατακλεισθέντες εἰς Σαλαμῖνα, ἐκ τοῦ τριήρεις ἔχειν πάντα μὲν τὰ σφέτερ' αὐτῶν καὶ τὴν πόλιν τῇ ναυμαχίᾳ νικήσαντες ἔσωσαν, πολλῶν δὲ καὶ μεγάλων ἀγαθῶν τοῖς ἄλλοις Ἑλλησι κατέστησαν αἴτιοι, ὧν οὐδ' ὁ χρόνος τὴν μνήμην ἀφελέσθαι δύναται.
- 14 εἶεν· ἀλλ' ἐκεῖνα μὲν ἀρχαῖα καὶ παλαιά. ἀλλ' ἃ πάντες ἐωράκατε, ἴσθ' ὅτι πρώην Εὐβοεῦσιν ἡμερῶν τριῶν ἐβοηθήσατε, καὶ Θηβαίους ὑποσπόνδους ἀπεπέμψατε. ἄρ' οὖν ταῦτ' ἐπράξατ' ἂν οὕτως ὀξέως, εἰ μὴ ναῦς εἶχετε καινὰς ἐν αἷς ἐβοηθήσατε; ἀλλ' οὐκ ἂν ἠδύνασθε. ἀλλὰ πόλλ' ἔχοι τις ἂν εἰπεῖν, ἃ τῇ πόλει γέγονεν ἐκ τοῦ ταύτας κατεσκευάσθαι
- 15 καλῶς ἀγαθά. εἶεν· ἐκ δὲ τοῦ κακῶς πόσα δεινά;

<sup>a</sup> In 357.



## AGAINST ANDROTION, 12-15

Now there is another question, men of Athens, 12  
which is worth going into. Why is it that when the  
Council have performed all their other duties satis-  
factorily, and no one has any complaint to make, yet,  
if they have not built the ships, they are not allowed  
to ask for the reward? You will find that this  
stringent enactment is in the interests of the people.  
For I suppose no one would deny that all that has  
happened to our city, in the past or in the present,  
whether good or otherwise—I avoid an unpleasant  
term—has resulted in the one case from the possess-  
ion, and in the other from the want, of war-ships.  
Many instances might be given, ancient and modern, 13  
but of those that are most familiar to your ears, take  
if you please this. The men who built the Propylaea  
and the Parthenon, and decked our other temples  
with the spoils of Asia, trophies in which we take a  
natural pride,—you know of course from tradition  
that after they abandoned the city and shut them-  
selves up in Salamis, it was because they had the war-  
galleys that they won the sea-fight and saved the  
city and all their belongings, and made themselves  
the authors for the rest of the Greeks of many great  
benefits, of which not even time can ever obliterate  
the memory. Well, you say, but that is ancient 14  
history. But take something that you have all seen.  
You know that lately you sent help to the Euboeans  
within three days and got rid of the Thebans by an  
armistice.<sup>a</sup> Could you have done all this so promptly,  
if you had not had new vessels to convey your force?  
You would have found it impossible. Many other  
successes might be mentioned that have resulted  
from our being provided with these ships in sound  
condition. Yes, and how many disasters from un- 15

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- τὰ μὲν πόλλ' εἶσω· ἀλλ' ἐπὶ τοῦ Δεκελεικοῦ πολέμου (τῶν γὰρ ἀρχαίων ἔν, ὃ πάντες ἐμοῦ μᾶλλον ἐπίστασθε, ὑπομνήσω) πολλῶν καὶ δεινῶν ἀτυχημάτων συμβάντων τῇ πόλει, οὐ πρότερον τῷ
- [598] πολέμῳ παρέστησαν, πρὶν τὸ ναυτικὸν αὐτῶν ἀπώλετο. καὶ τί δεῖ τὰ παλαιὰ λέγειν; τὸν τελευταῖον γὰρ ἴστε, τὸν πρὸς Λακεδαιμονίους πόλεμον, ὅτε μὲν ναῦς οὐκ ἔδοκεῖτ' ἀποστεῖλαι δυνήσεσθαι, πῶς διέκειθ' ἡ πόλις. ἴστ' ὀρόβους ὄντας ὠνίους. ἐπειδὴ δ' ἀπεστείλατε, εἰρήνης
- 16 ἐτύχεθ' ὁποίας τινὸς ἐβούλεσθε. ὥστε δικαίως, ὧ ἄνδρες Ἀθηναῖοι, τηλικαύτην ἐχουσῶν ῥοπήν ἐφ' ἐκάτερα τῶν τριήρων, τοῦτον ὄρον τεθείκατε τῇ βουλῇ, πότερ' αὐτὴν δεῖ λαβεῖν τὴν δωρεάν ἢ οὐ. εἰ γὰρ πάντα τᾶλλα διοικήσειε καλῶς, δι' ὧν δὲ τό τ' ἐξ ἀρχῆς ταῦτ' ἐκτησάμεθα καὶ νῦν σώζομεν, ταύτας μὴ ποιήσαιτο, τὰς τριήρεις λέγω, οὐδὲν ἐκείνων ὄφελος· τὴν γὰρ τῶν ὄλων σωτηρίαν πρῶτον ὑπάρχειν δεῖ παρεσκευασμένην τῷ δήμῳ. οὗτος τοίνυν εἰς τοῦτ' ἐλήλυθε τοῦ νομίζειν αὐτῷ καὶ λέγειν καὶ γράφειν ἐξεῖναι πᾶν ὃ τι ἂν βούληται, ὥστε βεβουλευκυίας μὲν τᾶλλ' ὄν τρόπον ὑμεῖς ἀκούετε τῆς βουλῆς, οὐ πεποιημένης δὲ τὰς τριήρεις, γέγραφε δοῦναι τὴν δωρεάν.
- 17 Καὶ ταῦτα μὲν ὡς οὐ παρὰ τὸν νόμον ἐστίν, οὐτ' ἂν οὗτος ἔχοι λέγειν οὐθ' ὑμεῖς πεισθείητ' ἂν ἀκούω δ' αὐτὸν τοιοῦτον ἐρεῖν τιν' ἐν ὑμῖν λόγον, ὡς οὐχ ἡ βουλή γέγονεν αἰτία τοῦ μὴ πεποιηθῆναι τὰς ναῦς, ἀλλ' ὁ τῶν τριηροποιῶν ταμίας ἀποδρὰς ὦχετ' ἔχων πένθ' ἡμιτάλαντα, καὶ τὸ πρᾶγμ' ἀτύχημα συμβέβηκεν. ἐγὼ δὲ πρῶτον μὲν αὐτὸ

sound ships? I will pass over most of them; but in the Decelean war<sup>a</sup>—I am reminding you of a bit of old history which you all know better than I do—though many serious disasters befell our city, she did not succumb till her fleet was destroyed. But why need one cite ancient instances? You know how it stood with our city in the last war with the Lacedaemonians<sup>b</sup> when it seemed unlikely that you could dispatch a fleet. You know that vetches were sold for food. But when you did dispatch it, you obtained peace on your own terms. Therefore, men of Athens, seeing 16 that war-ships have such weight in either scale, you have done rightly to set this strict limit to the Council's claim to the reward. For if they should discharge all their other duties satisfactorily, but fail to build these ships, by which we gained our power at the first and by which we retain it to-day, all their other services are of no avail, for it is the safety of the whole State that must be ensured for the people before everything. Now the defendant is so obsessed with the idea that he can make any speech or proposal he wishes, that though the Council has discharged its other duties in the way that you have heard, but has not built the war-ships, he moved to grant them their reward.

That this is not a violation of the law, he could not 17 possibly assert nor could you be brought to believe it. But I understand that he will put before you some such plea as this—that the Council was not to blame for the shortage of ships, but the treasurer of the ship-builders, who absconded with two and a half talents, and so the business ended in a fiasco. But

<sup>a</sup> The last stage of the Peloponnesian War, 413 to 404.

<sup>b</sup> Terminated by the peace of Callias in 371.

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τοῦτο θαυμάζω, εἰ στεφανοῦν ἐπὶ τοῖς ἡτυχημένοις  
 ἡξίου τὴν βουλὴν· τῶν κατορθουμένων γὰρ ἔγωγ'  
 ἡγούμην ἔργων τὰς τοιαύτας ὠρίσθαι τιμὰς· ἔπειτα  
 18 δὲ κάκεῖν' ἔτι βούλομαι φράσαι πρὸς ὑμᾶς. οὐ  
 [599] φημι δίκαιον εἶναι περὶ ἀμφοῖν λέγειν, ὡς οὐ παρὰ  
 τὸν νόμον ἢ δωρεὰ δέδοται, καὶ ὡς οὐ διὰ τὴν  
 βουλὴν οὐκ εἰσὶν αἱ τριήρεις. εἰ μὲν γὰρ διδόναι  
 καὶ μὴ ποιησαμένη προσήκει, τί τοῦτο δεῖ λέγειν,  
 δι' ὄντινα δήποτ' οὐ πεποιήνται; εἰ δ' οὐκ ἔξεστι,  
 τί μᾶλλον, ἂν διὰ τὸν δεῖν' ἢ τὸν δεῖν' ἐπιδείξῃ μὴ  
 19 πεποιημένας, ἐκείνη προσῆκε λαβεῖν; χωρὶς δὲ  
 τούτων ἔμοιγε δοκοῦσιν αἴρεσιν ὑμῖν οἱ τοιοῦτοι  
 λόγοι διδόναι, πότερ' οἴεσθε δεῖν προφάσεις καὶ  
 λόγους ἀκούειν τῶν ἀδικούντων ὑμᾶς ἢ ναῦς κε-  
 κτῆσθαι. εἰ μὲν γὰρ τούτου ταυτ' ἀποδέξεσθε,  
 ἔσται δῆλον ἀπάσαις ταῖς βουλαῖς ὅτι δεῖ πρόφασιν  
 πιθανὴν ἐξευρεῖν πρὸς ὑμᾶς, οὐχὶ τριήρεις ποιή-  
 σασθαι· ἐκ δὲ τούτου τὰ μὲν χρήματ' ἀναλωθή-  
 20 σεται, ναῦς δ' οὐχ ἔξετε ὑμεῖς. ἐὰν δ', ὡς ὁ  
 νόμος λέγει καὶ δεῖ τοὺς ὀμωμοκότας, πικρῶς καὶ  
 ἀπλῶς τὰς μὲν προφάσεις ἀνέλητε, φανῆτε δ'  
 ἀφηρημένοι τὴν δωρεὰν ὅτι τὰς ναῦς οὐ πεποιήν-  
 ται, πάντες, ὧ ἄνδρες Ἀθηναῖοι, πεποιημένας ὑμῖν  
 παραδώσουσι τὰς τριήρεις, πάντα τᾶλλα παρ' ὑμῖν  
 ἑορακότες ἀσθενέστερα τοῦ νόμου γεγεννημένα. ὅτι  
 τοίνυν οὐδ' αἴτιος ἄλλος οὐδεὶς ἀνθρώπων ἐστὶ  
 τοῦ μὴ πεποιῆσθαι τὰς ναῦς, τοῦτο σαφῶς ὑμῖν

## AGAINST ANDROTION, 17-20

I must first express my surprise that he should have demanded a crown for the Council to reward a *fiaseo*. I thought such honours were reserved for successes. Next, I have another consideration to put before you. I submit that it is not fair to combine the two pleas, 18 that the gift was not illegal and that the Council are not responsible for the lack of ships. For if it is right to give them the reward even when they have not built the ships, what need is there to say who is responsible for the omission? But if it is not right, why were the Council any the more entitled to it, because he can point to this or that man as responsible for the shortage? Apart from that, it seems to me 19 that such arguments offer you a choice, whether you think you ought to hear excuses and pleas from men who have done you harm, or whether you ought to have some ships. For if you accept the defendant's plea, it will be clear to every future Council that their business is to find you plausible excuses, not to build you ships, with the result that your money will be spent, but there will be no ships for *you*. But if, as 20 the law says and as your oath enjoins, you sternly and absolutely reject their excuses, and make it clear that you have withheld the reward because they have not built the ships, then every Council, men of Athens, will deliver to you the ships duly built, because they will see that in your eyes everything else is of less consequence than the law. Now I shall show you clearly that no other human being is responsible for the shortage of ships; for the Council, having made

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ἐπιδείξω· ἀνελοῦσα γὰρ ἡ βουλὴ τὸν νόμον, τοῦτον ἐχειροτόνησεν αὐτή.

- 21 "Ἐτι τοίνυν ἐπιχειρεῖ λέγειν περὶ τοῦ τῆς ἐταιρήσεως νόμου, ὡς ὑβρίζομεν ἡμεῖς καὶ βλασφημίας οὐχὶ προσηκούσας κατ' αὐτοῦ ποιούμεθα. καὶ φησὶ δεῖν ἡμᾶς, εἴπερ ἐπιστεύομεν εἶναι ταῦτ' ἀληθῆ, πρὸς τοὺς θεσμοθέτας ἀπαντᾶν, ἢ ἐκεῖ περὶ χιλιῶν ἐκινδυνεύομεν, εἰ καταψευδόμενοι ταῦτ' ἐφαινόμεθα· νῦν δὲ φενακίζειν αἰτίας καὶ λοιδορίας κενὰς ποιουμένους, καὶ ἐνοχλεῖν οὐ δικασταῖς τούτων οὖσιν ὑμῖν.
- 22 ἐγὼ δ' οἶομαι δεῖν ὑμᾶς πρῶτον μὲν ἐκεῖνο λογίζεσθαι παρ' ὑμῖν αὐτοῖς, ὅτι πάμπλουτοι λοιδορία τε καὶ αἰτία κεχωρισμένον ἐστὶν ἐλέγχου. αἰτία μὲν γάρ ἐστιν, ὅταν τις ψιλῶ χρησάμενος λόγῳ μὴ παράσχηται πίστιν ὧν λέγει, ἔλεγχος δέ, ὅταν ὧν ἂν εἴπη τις καὶ τάληθές ὁμοῦ δείξῃ. ἔστι τοίνυν ἀνάγκη τοὺς ἐλέγχοντας ἢ τεκμήρια δεικνύναι δι' ὧν ἐμφανιοῦσι τὸ πιστὸν ὑμῖν, ἢ τὰ εἰκότα φράζειν, ἢ μάρτυρας παρέχεσθαι· οὐ γὰρ οἷόν τ' ἐνίων αὐτόπτας ἐστὶ καταστήσασθαι, ἀλλ' ἐὰν ἐπιδεικνύῃ τίς τι τούτων, ἰκανὸν νομίζετ' ἔλεγχον ἔχειν ὑμεῖς εἰκότως τῆς ἀληθείας ἐκάστοτε.
- 23 ἡμεῖς τοίνυν οὐκ ἐκ λόγων εἰκότων οὐδὲ τεκμηρίων, ἀλλὰ παρ' οὗ μάλιστα δίκην ἔστι λαβεῖν τούτῳ, ταῦτ' ἐπιδείκνυμεν, ἄνδρα παρεσχηκότα γραμματεῖον, ἐν ᾧ τὰ τούτῳ βεβιωμέν' ἔνεστιν, ὃς αὐτὸν ὑπεύθυνον ποιήσας μαρτυρεῖ ταῦτα. ὥσθ' ὅταν

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<sup>a</sup> The treasurer should have been elected by the people; the Council, by appointing him illegally, made themselves responsible for his defalcations. The corruption of this passage is as old as Harpocration. mss. have αὐτῆ or αὐτήν. With the latter and a comma after τοῦτον, editors have tried

## AGAINST ANDROTION, 20-23

the law null and void, elected this treasurer themselves.<sup>a</sup>

Again, with regard to the law<sup>b</sup> of prostitution, he 21  
 tries to make out that we are insulting him and  
 attacking him with baseless calumnies. He says too  
 that if we believed the charges true, we ought to have  
 faced him in the Court of the Thesmothetae, and  
 risked a fine of a thousand drachmas if our charges  
 had been proved false ; as it is, we are trying to hood-  
 wink you by accusations and idle abuse, and are  
 confusing you by matters outside your jurisdiction.  
 But I think you ought first of all to reflect in your 22  
 own minds that abuse and accusation are very far  
 removed from proof. It is an accusation when one  
 makes a bare statement without supplying grounds  
 for believing it ; it is proof when one at the same  
 time demonstrates the truth of one's statements.  
 Those, therefore, who are proving a case must supply  
 evidence sufficient to establish its credibility with you,  
 or must advance reasonable arguments, or must pro-  
 duce witnesses. Of some facts it is impossible to put  
 eyewitnesses in the box, but if one can establish any  
 of these tests, you rightly consider in every case that  
 you have a sufficient proof of the truth. We then 23  
 base our proof, not on probabilities nor on circum-  
 stantial evidence, but on a witness from whom the  
 defendant may easily obtain satisfaction—a man who  
 has prepared a document containing an account of the  
 defendant's life, and who makes himself responsible  
 for this evidence. So that when Androtion says that  
 to translate *ἐχειροτόνησεν* "voted itself guilty." Jurinus  
 was the first to suggest *αὐτῇ* and to refer *τοῦτον* to the  
 treasurer.

<sup>b</sup> The little that is known of this law is derived from  
 Aeschines' speech against Timarchus.

## DEMOSTHENES

- μὲν λαιδορίαν ταῦτα καὶ αἰτίαν εἶναι φῆ, ὑπολαμ-  
 βάνεθ' ὡς ταῦτα μὲν ἔστιν ἔλεγχος, ἃ δ' οὗτος  
 ποιεῖ, ταῦτα λαιδορία καὶ αἰτία· ὅταν δ' ὅτι πρὸς  
 τοὺς θεσμοθέτας προσῆκεν ἐπαγγέλλειν ἡμῖν, ἐκείνο  
 ὑπολαμβάνετε, ὅτι καὶ τοῦτο ποιήσομεν καὶ νῦν  
 24 προσηκόντως περὶ τοῦ νόμου λέγομεν. εἰ μὲν γὰρ  
 ἄλλον τιν' ἀγῶν' ἀγωνιζομένου σου ταῦτα κατ-  
 ηγοροῦμεν, δικαίως ἂν ἠγανάκτεις· εἰ δ' ὁ μὲν νῦν  
 ἐνεστηκῶς ἀγῶν ἔστι παρανόμων, οἱ νόμοι δ' οὐκ  
 ἐῷσι λέγειν οὐδὲ τὰ ἔννομα τοὺς οὕτω βεβιωκότας,  
 ἡμεῖς δ' ἐπιδείκνυμεν οὐ μόνον εἰρηκότ' αὐτὸν  
 [601] παράνομα, ἀλλὰ καὶ βεβιωκότα παρανόμως, πῶς  
 οὐχὶ προσῆκει λέγειν περὶ τούτου τοῦ νόμου, δι'  
 οὗ ταῦτ' ἐλέγχεται;
- 25 Καὶ μὴν κάκεῖνό γε δεῖ μαθεῖν ὑμᾶς, ὅτι τοὺς  
 νόμους ὁ τιθεὶς τούτους Σόλων καὶ τῶν ἄλλων τοὺς  
 πολλοὺς, οὐδὲν ὅμοιος ὢν τούτῳ νομοθέτης, οὐχ  
 ἐνὶ ἔδωκε τρόπῳ περὶ τῶν ἀδικημάτων ἐκάστων  
 λαμβάνειν δίκην τοῖς βουλομένοις παρὰ τῶν ἀδι-  
 κούντων, ἀλλὰ πολλαχῶς. ἦδει γάρ, οἶμαι, τοῦθ'  
 ὅτι τοὺς ἐν τῇ πόλει γενέσθαι πάντας ὁμοίως, ἢ  
 δεινοὺς καὶ θρασεῖς ἢ μετρίους, οὐκ ἂν εἴη. εἰ  
 μὲν οὖν, ὡς τοῖς μετρίοις δίκην ἐξαρκέσει λαβεῖν,  
 οὕτω τοὺς νόμους θήσει, μετ' ἀδείας ἔσεσθαι πολ-  
 λοὺς πονηροὺς ἠγείτο, εἰ δ' ὡς τοῖς θρασέσιν καὶ  
 δυνατοῖς λέγειν, τοὺς ἰδιώτας οὐ δυνήσεσθαι τὸν  
 26 αὐτὸν τούτοις τρόπον λαμβάνειν δίκην. δεῖν δ'  
 ᾧετο μηδέν' ἀποστερεῖσθαι τοῦ δίκης τυχεῖν, ὡς  
 ἕκαστος δύναται. πῶς οὖν ἔσται τοῦτο; εἰάν  
 πολλὰς ὁδοὺς δῶ διὰ τῶν νόμων ἐπὶ τοὺς ἠδικη-  
 κότας, οἷον τῆς κλοπῆς. ἔρρωσαι καὶ σαυτῷ  
 πιστεύεις· ἄπαγε· ἐν χιλίαις δ' ὁ κίνδυνος. ἀσθενέ-



this is mere abuse and accusation, reply that this is proof, but that abuse and accusation describe his own performance ; and when he says that we ought to have denounced him to the Thesmothetae, reply that we intend to do so, and that we are now quite properly citing this statute. For if we were bringing these <sup>24</sup> charges against him in any other kind of trial, he would have just cause of complaint ; but if the present trial is one that concerns illegal proposals, and if men who have led a life like his are forbidden by the laws to make even a legal proposal, and if we prove that he has not only made an illegal proposal but has also led an illegal life, then is it not proper to cite this law which determines his illegal status ?

Moreover you should grasp this fact, that Solon, <sup>25</sup> who framed these and most of our other laws, was a very different kind of legislator from the defendant, and provided not one, but many modes of procedure for those who wish to obtain redress for various wrongs. For he knew, I think, that for all the citizens to be equally clever, or bold, or moderate folk, was impossible. If, then, he was going to frame the laws to satisfy the moderate man's claim to redress, many rascals, he reflected, would get off scot-free, but if he framed them in the interests of the bold and the clever speakers, the plain citizen would not be able to obtain redress in the same way as they would. But <sup>26</sup> he thought that no one should be debarred from obtaining redress in whatever way he can best do so. How then will this be ensured ? By granting many modes of legal procedure to the injured parties. Take a case of theft. Are you a strong man, confident in yourself ? Arrest the thief ; only you are risking a thousand drachmas. Are you rather weak ? Guide

## DEMOSTHENES

στερος εἶ· τοῖς ἄρχουσιν ἐφηγοῦ· τοῦτο ποιήσουσιν  
 27 ἐκείνοι. φοβεῖ καὶ τοῦτο· γράφου. καταμέμφει  
 σεαυτὸν καὶ πένης ὧν οὐκ ἂν ἔχοις χιλίας ἐκτείσαι·  
 δικάζου κλοπῆς πρὸς διαιτητὴν καὶ οὐ κινδυνεύσεις.  
 τούτων οὐδέν ἐστι ταυτό. τῆς ἀσεβείας κατὰ ταῦτ'  
 ἔστιν ἀπάγειν, γράφεσθαι, δικάζεσθαι πρὸς Εὐμολ-  
 πίδας, φράζειν πρὸς τὸν βασιλέα. περὶ τῶν ἄλλων  
 [602] ἀπάντων τὸν αὐτὸν τρόπον σχεδόν. εἰ δὴ τις ὡς  
 28 μὲν οὐχὶ κακοῦργός ἐστι μὴ λέγοι, ἢ ὡς οὐκ  
 ἀσεβής, ἢ ὅ τι δήποτ' εἶη δι' ὃ κρίνοιτο, διὰ ταῦτα  
 δ' ἐκφεύγειν ἀξιοίη, εἰ μὲν ἀπηγμένος εἶη, διότι  
 πρὸς διαιτητὴν ἐξῆν αὐτῷ λαχεῖν καὶ γράφεσθαι  
 χρῆν, εἰ δὲ πρὸς διαιτητῇ φεύγοι, ὅτι χρῆν σ'  
 ἀπάγειν, ἢ ἐκινδύνευσεν περὶ χιλίων, γέλως ἂν  
 εἶη δήπουθεν. οὐ γὰρ τὸν γε μηδὲν πεποιηκότα  
 δεῖ περὶ τοῦ τρόπου ὄντινα χρῆ διδόναι δίκην ἀντι-  
 29 λέγειν, ἀλλ' ὡς οὐ πεποίηκεν ἐπιδεικνύειν. τὸν  
 αὐτὸν δὴ τρόπον, Ἀνδροτίων, καὶ σύ, μὴ διὰ  
 ταῦτ' οἴου σοι προσήκειν μὴ δοῦναι δίκην εἰ  
 γράφεις ἡταιρηκώς, ὅτι καὶ πρὸς τοὺς θεσμοθέτας  
 ἔσθ' ἡμῖν ἐπαγγελία· ἀλλ' ἢ δείξον οὐ πεποιηκότα  
 ταῦτα σαυτὸν, ἢ δίκην ὑπεχ' ὧν γέγραφάς τι  
 τοιοῦτος ὧν· οὐ γὰρ ἔξεστί σοι. εἰ δέ σε μὴ  
 πάντας, ὅσους οἱ νόμοι διδῶσι, τρόπους τιμωρού-  
 μεθα, χάριν ἡμῖν ὧν παραλείπομεν ἐκείνων ἔχε,  
 μὴ διὰ ταῦτ' ἀξίου μηδένα τρόπον δοῦναι δίκην.  
 30 Ἄξιον τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, καὶ τὸν θέντα  
 τὸν νόμον ἐξετάσαι Σόλωνα, καὶ θεάσασθαι ὅσην  
 πρόνοιαν ἐποιεῖτο ἐν ἅπασιν οἷς ἐτίθει νόμοις τῆς

## AGAINST ANDROTION, 26-30

the Archons to him, and they will do the rest. Are you afraid even to do this? Bring a written indictment. Do you distrust yourself, and are you a poor 27 man, unable to find the thousand drachmas? Sue him for theft before a public arbitrator, and you will risk nothing. In the same way for impiety you can arrest, or indict, or sue before the Eumolpidae, or give information to the King-Archon. And in the same way, or nearly so, for every other offence. Now 28 just suppose that a man, instead of rebutting the charge of crime or impiety or whatever else he may be tried for, should claim his acquittal on these grounds—in the case of an arrest, that you might have brought an action before an arbitrator and that you ought to have indicted him, or, if he is defendant in an arbitrator's court, that you ought to have arrested him, so that you might risk a fine of a thousand drachmas. Surely that would be a farce. A defendant, if innocent, need not dispute the method by which he is brought to justice: he ought to prove that he is innocent. In just the same way, if you, 29 Androtion, propose a decree after having been guilty of prostitution, do not imagine that you ought to escape punishment because we might also have denounced you to the Thesmothetae, but either prove that you are innocent or submit to punishment for any decrees that you have proposed, being what you are; for you have no right to propose them. If we do not punish you by every process that the laws allow, be grateful to us for those that we omit: do not on that ground claim to pay no penalty at all.

Now it is worth your while, men of Athens, to study 30 too the character of Solon, who framed this law, and to observe what care he took of the constitution in all

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πολιτείας, καὶ ὅσω περὶ τοῦτου μᾶλλον ἐσπούδαζεν ἢ περὶ τοῦ πράγματος οὗ τιθείη τὸν νόμον. πολ-  
 λαχόθεν μὲν οὖν ἂν τις ἴδοι τοῦτο, οὐχ ἥκιστα δ'  
 ἐκ τούτου τοῦ νόμου, μήτε λέγειν μήτε γράφειν  
 ἐξεῖναι τοῖς ἡταιρηκόσιν. ἑώρα γὰρ ἐκείνο, ὅτι  
 τοῖς πολλοῖς ὑμῶν ἐξόν λέγειν οὐ λέγετε, ὥστε  
 τοῦτ' οὐδὲν ἡγείτο βαρὺ, καὶ πόλλ' ἂν εἶχεν, εἴ  
 γε κολάζειν ἐβούλετο τούτους, χαλεπώτερα θείναι.

- 31 ἀλλ' οὐ τοῦτ' ἐσπούδασεν, ἀλλὰ ταῦτ' ἀπέειπεν  
 [603] ὑπὲρ ὑμῶν καὶ τῆς πολιτείας. [ἦδει γάρ, ἦδει τοῖς  
 αἰσχροῦς βεβιωκόσιν ἀπασῶν οὔσαν ἐναντιωτάτην  
 πολιτείαν ἐν ἣ πᾶσιν ἔξεστι λέγειν τὰ κείνων ὄνειδη.  
 ἔστι δ' αὕτη τίς; δημοκρατία.] οὐκ οὖν ἐνόμιζεν  
 ἀσφαλές, εἴ ποτε συμβήσεται γενέσθαι συχνούς  
 ἀνθρώπους κατὰ τοὺς αὐτοὺς χρόνους εἰπεῖν μὲν  
 δεινούς καὶ θρασεῖς, τοιούτων δ' ὄνειδῶν καὶ  
 32 κακῶν μεστούς· πολλὰ γὰρ ἂν τὸν δῆμον ὑπ'  
 αὐτῶν ὑπαχθέντ' ἐξαμαρτεῖν, κακείνους ἦτοι κατα-  
 λῦσαι γ' ἂν πειρᾶσθαι τὸ παράπαν τὸν δῆμον [ἐν  
 γὰρ ταῖς ὀλιγαρχίαις, οὐδ' ἂν ὦσιν ἔτ' Ἀνδροτίωνός  
 τινες αἰσχίον βεβιωκότες, οὐκ ἔστι λέγειν κακῶς  
 τοὺς ἄρχοντας] ἢ προάγειν ἂν ὡς πονηροτάτους  
 εἶναι, ἢ ὡς ὁμοιώτατοι σφίσιν ὦσι. τὴν οὖν  
 ἀρχὴν τοῖς τοιούτοις ἀπέειπε μὴ μετέχειν τοῦ συμ-  
 βουλεύειν, ἵνα μὴ φενακισθεῖς ὁ δῆμος ἐξαμάρτοι  
 μηδέν. ὦν ὀλιγωρήσας ὁ καλὸς καγαθὸς οὗτος οὐ  
 μόνον ᾤετο δεῖν λέγειν καὶ γράφειν οὐκ ἐξόν, ἀλλὰ  
 καὶ παρὰ τοὺς νόμους ταῦτα ποιεῖν.

33 Περὶ τοίνυν τοῦ νόμου καθ' ὃν, ὠφληκότες αὐτοῦ

his laws, how much more zealous indeed he was for the constitution than for the matter on which he was legislating. This may be seen in many ways, but especially from this law, which forbids persons guilty of prostitution to make speeches or to propose measures. For he saw that the majority of you do not avail yourselves of your right to speak, so that the prohibition seemed no great hardship, and he could have laid down many harsher penalties, if his object had been the chastisement of these offenders. But <sup>31</sup> that was not his aim ; he imposed this disability in the interests of you and of the State, for he knew—I say, he knew that of all states the most antagonistic to men of infamous habits is that in which every man is at liberty to publish their shame. And what state is that ? A democracy. He thought it would be dangerous if there ever happened to coexist a considerable number of men who were bold and clever speakers, but tainted with such disgraceful wickedness. For the people may be led astray by them to <sup>32</sup> make many mistakes, and such men may attempt either to overthrow the democracy completely,—for in an oligarchy, even if there are viler livers than Androtion, no one may speak evil of dignities—or to debauch the people, so that they may be as nearly as possible like themselves. He therefore absolutely forbade such men to take any share in the counsels of the State, lest the people should be deluded into some error. Disregarding all this, our honourable gentleman here thought fit not only to make speeches and proposals, though not entitled to do so, but even ventured to make illegal ones.

Again, with regard to the law which forbids him to <sup>33</sup> speak or move resolutions, because his father owed

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- τοῦ πατρὸς τῷ δημοσίῳ χρήματα καὶ οὐκ ἐκτετεικότος, οὐκ ἔξεστι λέγειν οὐδὲ γράφειν τούτῳ, ταῦτα δίκαια λέγειν ἂν ἔχοιτ' εἰκότως, εἰάν φῃ δεῖν ἡμᾶς ἐνδεικνύναι. τότε γὰρ τοῦτο ποιήσομεν, οὐ μὰ Δί' οὐχὶ νῦν, ἡνίκα δεῖ σ' ἐτέρων ὧν ἀδικεῖς δοῦναι λόγον, ἀλλ' ὅταν ἦ προσῆκον ἐκ τοῦ νόμου, καὶ νῦν δὲ δείκνυμεν οὐκ ἔωντα γράφειν σε, οὐδ' ἂ
- 34 τοῖς ἄλλοις ἔξεστι, τὸν νόμον. ὡς οὖν οὐκ ὤφλεν ὁ πατήρ σου, τοῦτ' ἐπίδειξον, ἢ ὡς οὐκ ἀποδράς ἐξῆλθεν ἐκ τοῦ δεσμοτηρίου, ἀλλὰ τὰ χρήματ' ἐκτείσας. εἰ δὲ μὴ ταῦθ' ἔξεις δεικνύναι, οὐκ ἐξὸν γέγραφας· κληρονόμον γάρ σε καθίστησιν ὁ
- [604] νόμος τῆς ἀτιμίας τῆς τοῦ πατρὸς, ὄντι δ' ἀτίμῳ σοι λέγειν οὐ προσῆκεν οὐδὲ γράφειν. καὶ περὶ μὲν τῶν νόμων, οὓς παρεγραψάμεθα, οἶμαι δεῖν ὑμᾶς, ἂν τι φενακίζειν ἐγχειρῆ καὶ παράγειν οὗτος, ταῦθ' ὑπολαμβάνειν, ἃ διεξελέλυθ' ἐγώ.
- 35 Εἰσὶ δὲ καὶ περὶ τῶν ἄλλων αὐτῷ λόγοι πρὸς τὸ φενακίζειν ὑμᾶς εὐ μεμηχανημένοι, περὶ ὧν βέλτιον ὑμᾶς προακοῦσαι. ἔστι γὰρ εἰς αὐτῷ τοιοῦτος, μὴ πεντακοσίους ὑμῶν αὐτῶν ἀφελέσθαι τὴν δωρεὰν μηδ' ὀνειδέει περιβαλεῖν· ἐκείνων ἀγών, οὐκ ἐμός. ἐγὼ δ' εἰ μὲν ἐμέλλετ' ἀφαιρήσεσθαι τούτους μόνον, ἄλλο δὲ μηδὲν ὠφελήσειν τὴν πόλιν, οὐδὲν ἂν ὑμᾶς σφόδρα σπουδάξειν ἡξιούν· εἰ δὲ τῷ τοῦτο ποιῆσαι πλείους ἢ μυρίου τοὺς ἄλλους πολίτας βελτίους εἶναι προτρέψετε, πόσω
- 36 τακοσίους ἀδίκως χαρίσασθαι; ὡς δ' οὐδ' ἔστιν ἀπάσης τὸ πρᾶγμα τῆς βουλῆς, ἀλλὰ τινῶν, οἵπερ

## AGAINST ANDROTION, 33-36

money to the exchequer and has never paid it, you have a fair and reasonable answer to him, if he says that we ought to have laid an information against him. We will do that later, certainly not now, Androtion, when you have to render an account of your other crimes, but when it is proper to do so according to the law. For the present, we are content to prove that the law does not permit you to move resolutions, not even such as every other citizen may move. Prove, therefore, that your 34 father was not a defaulter, or that he left the prison, not by running away, but by paying his debts. If you cannot prove that, then you had no right to move your resolution; for the law makes you a partner in the disqualification of your father, and being disqualified you had no right either to speak or to move. Also with regard to the laws which we have cited in court, I think that if he tries to cheat and mislead you, gentlemen, you must give him the reply that I have indicated.

On other points also he has arguments admirably 35 calculated to deceive you, and it is better that you should be told of them beforehand. One of them runs like this: "Do not steal the reward from five hundred of yourselves, nor involve them in disgrace; they are on their trial, not I." But, had you been going to deprive them of something without otherwise benefiting the State, I should not have asked you to show any great keenness in the matter; but if by this action you are going to convert more than ten thousand others into better citizens, what a far finer thing it is to make so many men honest than to confer an unjust favour on five hundred. But I 36 am in a position to assert that the question does

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εἰσὶν αἴτιοι τῶν κακῶν, καὶ Ἀνδροτίωνος, ἔχω  
 λέγειν. τῷ γὰρ ἔστιν ὄνειδος, εἰ σιωπῶντος αὐτοῦ  
 καὶ μηδὲν γράφοντος, ἴσως δ' οὐδὲ τὰ πόλλ' εἰς  
 τὸ βουλευτήριον εἰσιόντος, μὴ λάβοι ἢ βουλή τὸν  
 στέφανον; οὐδενὶ δῆπουθεν, ἀλλὰ τοῦ γράφοντος  
 καὶ πολιτευομένου καὶ πείθοντος ἂ βούλοιτο τὴν  
 βουλήν· διὰ γὰρ τούτους ἀνάξια τοῦ στεφανωθῆναι  
 37 βεβούλευκεν. οὐ μὴν ἀλλ' εἰ καὶ τὰ μάλιστα πάσης  
 ἔσθ' ἀγὼν τῆς βουλῆς, ὅσω συμφέροι μάλλον ὑμῖν  
 καταγνοῦσιν ἢ μὴ θεάσασθε. εἰ μὲν ἀπογνώσεσθε,  
 ἐπὶ τοῖς λέγουσι τὸ βουλευτήριον ἔσται, ἐὰν δὲ  
 καταγνώτε, ἐπὶ τοῖς ἰδιώταις· ἑορακότες γὰρ οἱ  
 [605] πολλοὶ διὰ τὴν τῶν λεγόντων πονηρίαν τήνδ' ἀφηρη-  
 μένην τὴν βουλήν τὸν στέφανον, οὐχὶ προήσονται  
 τούτοις τὰς πράξεις, ἀλλὰ τὰ βέλτιστ' ἐροῦσιν  
 αὐτοί. εἰ δὲ γενήσεται τοῦτο καὶ τῶν ἠθάδων καὶ  
 συνεστηκότων ῥητόρων ἀπαλλαγῆσεσθε, ὄψεσθ',  
 ὦ ἄνδρες Ἀθηναῖοι, πάνθ' ἂ προσήκει γιγνόμενα.  
 ὥστ' εἰ μηδενὸς ἄλλου ἔνεκα, διὰ ταῦτα κατα-  
 ψηφιστέον.

38 Ὁ τοίνυν ἕτερον δεῖ μὴ λαθεῖν ὑμᾶς, ἀκούσατε.  
 ἴσως ἀναβήσεται καὶ συνερεῖ τῇ βουλῇ Φίλιππος  
 καὶ Ἀντιγένης καὶ ὁ ἀντιγραφεὺς καὶ τινες ἄλλοι,  
 οἵπερ ἐκεῖ δι' ἑαυτῶν εἶχον μετὰ τούτου τὸ  
 βουλευτήριον καὶ τούτων τῶν κακῶν εἰσὶν αἴτιοι.  
 δεῖ δὴ πάντας ὑμᾶς γινώσκειν ὅτι τούτοις ἐστὶ  
 μὲν ἢ πρόφασις τῆς συνηγορίας τῇ βουλῇ βοηθεῖν,  
 τῇ δ' ἀληθείᾳ περὶ αὐτῶν ἀγωνιοῦνται καὶ τῶν

<sup>a</sup> The ἀντιγραφεὺς τῆς βουλῆς checked all financial trans-  
 actions with which the Council was concerned. He must be  
 distinguished from the γραμματεὺς, who dealt with the decrees.  
 The two men named are unknown.



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not concern the whole Council, but only Androtion and some others, who are the cause of the mischief. For should the Council receive no crown, who suffers disgrace, if he makes no speech and moves no resolution himself, and perhaps even does not attend most of the meetings? No one surely. The disgrace attaches to him who moves resolutions and meddles with politics and tries to impose his wishes on the Council; because it is through such men that the deliberations of the Council have proved undeserving of the crown. And yet, even if we 37 grant freely that the whole Council is on its trial, reflect how much more advantage you will gain if you condemn Androtion, than if you do not. If you acquit him, the talkers will rule in the Council-chamber, but if you convict him, the ordinary members. For when the majority see that they have lost the crown through the misconduct of the orators, they will not leave the transaction of business in their hands, but will depend on themselves for the best advice. If this comes to pass, and if you are once rid of the old gang of orators, then, men of Athens, you will see everything done as it ought to be. For this, if for no other, reason you ought to convict.

Now attend to another point that must not escape 38 you. Perhaps Philippus will get up and defend the Council; perhaps too Antigenes and the checking-clerk<sup>a</sup> and some others, who along with the defendant kept the Council-chamber as their private preserve, and who are the cause of the present discontents. Now you must all observe that their pretence is that they are supporting the cause of the Council, but really they will be fighting for their own interests,

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εὐθυνῶν, ἃς αὐτοὺς προσήκει δοῦναι τῶν πεπραγ-  
 39 μένων. ἔχει γὰρ οὕτως. ἂν μὲν ἀπογνῶτε τὴν  
 γραφὴν ταύτην, ἅπαντές εἰσιν ἀπηλλαγμένοι καὶ  
 δίκην οὐδεὶς οὐδεμίαν μὴ δῶ· τίς γὰρ ἔτ' ἂν κατα-  
 ψηφίσαιτ' ἐκείνων, τὴν βουλὴν ὑμῶν ἐστεφανω-  
 κότων, ἧς οὗτοι προέστασαν; ἔαν δὲ καταγνῶτε,  
 πρῶτον μὲν τὰ εὖορκ' ἔσεσθ' ἐψηφισμένοι, εἴτ'  
 ἐπὶ ταῖς εὐθύναις ἕκαστον τούτων λαμβάνοντες  
 ὅς μὲν ἂν ὑμῖν ἀδικεῖν δοκῆ, κολάσετε, ὅς δ' ἂν  
 μὴ, τότε ἀφήσετε. μὴ οὖν ὡς ὑπὲρ τῆς βουλῆς  
 λεγόντων καὶ τῶν πολλῶν ἀκούετε, ἀλλ' ὡς ὑπὲρ  
 αὐτῶν παρακρουομένοις ὀργίξεσθε.

40 Ἔτι τοίνυν Ἀρχίαν οἶμαι τὸν Χολαργέα (καὶ  
 γὰρ οὗτος ἐβούλευε πέρυσιν) ὡς ἐπιεικῆ δεήσεσθαι  
 καὶ συνερεῖν αὐτοῖς. ἐγὼ δ' οἶμαι δεῖν ὡδί πως  
 ἀκούειν Ἀρχίου, ἐρωτᾶν αὐτὸν ταῦθ' ἃ κατ-  
 [606] ηγορεῖται τῆς βουλῆς, πότερ' αὐτῷ δοκεῖ καλῶς  
 ἔχειν ἢ κακῶς· κἂν μὲν φῆ καλῶς, μηκέτι τὸν  
 νοῦν ὡς ἐπιεικεῖ προσέχειν, ἂν δὲ κακῶς, τί δὴ  
 ταῦτ' εἶα φάσκων ἐπιεικῆς εἶναι, πάλιν αὐτὸν  
 41 ἐρωτᾶτε. κἂν μὲν ἐναντία λέγειν φῆ, μηδένα δ'  
 αὐτῷ πείθεσθαι, ἄτοπον δήπου νῦν λέγειν ὑπὲρ  
 τῆς τὰ βέλτιστ' οὐχὶ πειθομένης ἑαυτῷ βουλῆς·  
 ἂν δὲ σιωπᾶν, πῶς οὐκ ἀδικεῖ, εἰ, παρὸν ἔξαμαρ-  
 τάνειν μέλλοντας ἀποτρέπειν, τοῦτο μὲν οὐκ ἐποίει,  
 νῦν δὲ λέγειν τολμᾶ ὡς δεῖ τοὺς τοσαῦτα κάκ'  
 εἰργασμένους στεφανῶσαι;

to support the audit which they have to render of their official acts. For the case stands thus. If you 39 dismiss this impeachment, they are all acquitted and not a single one of them will pay the penalty, for who henceforth would give his verdict against them when you have crowned the Council of which they were the leading spirits? But if you convict, in the first place you will have kept your judicial oath; and further, when you have each of these men before you at their audit, anyone whom you think guilty you will punish; and anyone who is not, then will be the time to acquit him. Do not, therefore, accept their words as spoken on behalf of the Council and of the general public, but be incensed against them as impostors defending their own interests.

Again, I expect that Archias, of the deme of 40 Cholargas,—for he too was a Councillor last year—will plead on their behalf in his character of respectable citizen. But I suggest that you should meet his plea in some such way as this. Ask him whether the conduct with which the Council are charged seems to him honourable or the reverse, and if he says “honourable,” pay him no longer the attention due to a respectable man; if he says “dishonourable,” ask him a second question: why did he let it pass, if he 41 claims to be a respectable man? If he says that he spoke against it but could persuade no one, surely it is ridiculous for him now to defend this Council that rejected all his excellent advice; but if he says that he held his tongue, is he not guilty of an injustice if he neglected his chance of dissuading them from the offence they were contemplating, and yet ventures now to say that having actually done so much evil they deserve to be crowned?

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- 42 Οἶμαι τοίνυν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι τῶν λόγων, ὅτι ταῦτα πάντ' αὐτῷ διὰ τὰς εἰσπράξεις γέγονεν, ἅς ὑπὲρ ὑμῶν ὀλίγους εἰσπράξαι φήσει πολλά χρήματ' ἀναιδῶς οὐ τιθέντας. καὶ κατηγορήσει τούτων, πρᾶγμα ῥάδιον, οἶμαι, διαπραξάμενος, [τῶν μὴ τιθέντων τὰς εἰσφοράς,]<sup>1</sup> καὶ φήσει πᾶσαν ἄδειαν ἔσεσθαι τοῦ μὴ τιθέναι τὰς εἰσφοράς,
- 43 εἰ καταψηφιείσθ' αὐτοῦ. ὑμεῖς δ', ὦ ἄνδρες Ἀθηναῖοι, πρῶτον μὲν ἐκείνο ἐνθυμείσθε, ὅτι οὐ περὶ τούτων δικάσειν ὁμωμόκατε, ἀλλ' εἰ κατὰ τοὺς νόμους τὸ ψήφισμ' εἶπεν, εἶθ' ὅτι πάνδεινόν ἐστι, κατηγορίαν ποιούμενον ὡς ἀδικοῦσί τινες τὴν πόλιν, αὐτὸν ἀξιοῦν ὧν ἀδικεῖ μειζόνων ὄντων μὴ δοῦναι δίκην· πολὺ γὰρ δήπου μείζον ἐστ' ἀδίκημα γράφειν παρὰ τοὺς νόμους ἢ τὴν εἰσφορὰν
- 44 μὴ τιθέναι. ὅτι τοίνυν οὐδ' εἰ φανερώς ἔμελλεν ἀλόγτος τούτου μηδεὶς εἰσοίσειν μηδ' ἐβελήσειν εἰσπράττειν, οὐδ' οὕτως ἀποψηφιστέον, ἐκ τῶνδε γνώσεσθε. ὑμῖν παρὰ τὰς εἰσφοράς τὰς ἀπὸ
- [607] Ναυσινίκου, παρ' ἴσως τάλαντα τριακόσι' ἢ μικρῶ πλείω, ἔλλειμμα τέτταρα καὶ δέκ' ἐστὶ τάλαντα, ὧν ἑπτὰ οὗτος εἰσέπραξεν, ἐγὼ δὲ τίθημ' ἅπαντα. ἐπὶ μὲν δὴ τοὺς ἐκόντας τιθέντας οὐ δεῖσθ' Ἀνδρο-
- 45 τίωνος, ἐπὶ δὲ τοὺς ἐλλείποντας. ἔστι τοίνυν ὑμῖν νυνὶ σκεπτέον, εἰ τοσοῦτου τιμᾶσθε τὴν πολιτείαν καὶ τοὺς κειμένους νόμους καὶ τὸ εὐορκεῖν· εἰ γὰρ ἀποψηφιείσθε τούτου φανερώς οὕτω παρὰ τοὺς νόμους εἰρηκότος, δόξετε πᾶσι τὰ χρήματα ταῦτ'

<sup>1</sup> τῶν μὴ . . . εἰσφοράς omitted by Dobree and later editors.

<sup>a</sup> This figure is probably corrupt, being too large for a

I expect too that Androtion will not refrain from 42  
 pleading that all this has come upon him because of  
 his success in collecting on your behalf large arrears  
 of taxes, which a few citizens (so he will tell you)  
 shamelessly neglected to pay ; and he will denounce  
 these men—undertaking an easy task, I think—[for  
 not paying their property-tax], and will prophesy  
 complete impunity for all who do not pay, if you give  
 your verdict against him. But I must first ask you, 43  
 men of Athens, to reflect that the question you are  
 sworn to decide is not this, but whether his proposal  
 was in accordance with the laws. Next reflect that  
 it is outrageous in one who charges others with violat-  
 ing the constitution to claim exemption from punish-  
 ment for his own more serious violations ; because it  
 is obviously more serious to propose an unconstitu-  
 tional decree than to fail to pay the property-tax.  
 Then even if it were certain that after this man's 44  
 conviction no one would pay the tax or be willing to  
 collect it, even so you must not acquit him, as you  
 will see from this consideration. Upon the property-  
 taxes from the archonship of Nausinicus—say three  
 hundred talents or a trifle more <sup>a</sup>—you have a deficit  
 of fourteen talents, of which he levied seven ; but I  
 am assuming that he levied the whole amount. Now  
 you do not need Androtion to deal with the willing  
 payers, but with the defaulters. So you have now to 45  
 consider whether that is the value that you put on the  
 constitution, the existing laws, and your regard for  
 your oath ; for if you acquit him, though his proposal  
 was manifestly illegal, everyone will conclude that

single year, and too small for the twenty-three years from  
 the archonship of Nausinicus (378-377) to the date of this  
 speech.

- ἀντὶ τῶν νόμων καὶ τῆς εὐορκίας ἡρῆσθαι. ἃ οὐδ' ἂν εἰ παρ' ἑαυτοῦ δοίη τις ὑμῖν, λαβεῖν ἄξιον, μὴ
- 46 τί γ' ἐφ' ᾧ ἑτέρους εἰσπράττειν. ὥσθ' ὅταν ταῦτα λέγῃ, μέμνησθε τῶν ὄρκων καὶ τὴν γραφὴν ἐνθυμείσθε, ὅτι νῦν οὐ περὶ πράξεως εἰσφορῶν ἐστίν, ἀλλ' εἰ δεῖ κυρίους εἶναι τοὺς νόμους. καὶ περὶ τούτων μὲν, ὃν τρόπον ὑμᾶς ἀπαγαγὼν ἀπὸ τοῦ νόμου παρακρούεσθαι ζητήσῃ, καὶ ἃ πρὸς ταῦθ' ὑμᾶς μνημονεύοντας μὴ ἐπιτρέπειν προσήκει, πολλὰ λέγειν ἔχων ἔτι, καὶ ταῦθ' ἱκανὰ εἶναι νομίζων, ἕάσω.
- 47 Βούλομαι δὲ καὶ τὰ πολιτεύματα ἐξετάσαι τοῦ καλοῦ καγαθοῦ τούτου, δι' ᾧ οὐκ ἔσθ' ὃ τι τῶν δεινοτάτων ἔλλιπὼν φανήσεται· καὶ γὰρ ἀναιδῆ καὶ θρασὺν καὶ κλέπτην καὶ ὑπερήφανον καὶ πάντα μᾶλλον ἢ ἐν δημοκρατία πολιτεύεσθαι ἐπιτήδειον ὄντ' αὐτὸν δείξω. καὶ πρῶτον μὲν, ἐφ' ᾧ μέγιστον φρονεῖ, τὴν τῶν χρημάτων εἰσπραξίν ἐξετάσωμεν αὐτοῦ, μὴ τῇ τούτου προσέχοντες ἀλαζονείᾳ τὸν νοῦν, ἀλλὰ τὸ πρᾶγμα, οἷον γέγονε τῇ ἀληθείᾳ,
- 48 σκοποῦντες. οὗτος Εὐκτῆμονα φήσας τὰς ὑμετέρας [608] ἔχειν εἰσφοράς, καὶ τοῦτ' ἐξελέγξῃ ἢ παρ' ἑαυτοῦ καταθήσειν ὑποσχόμενος, καταλύσας ψηφίσματα κληρωτὴν ἀρχὴν ἐπὶ τῇ προφάσει ταύτῃ, ἐπὶ τῇ εἰσπραξίν παρέδου. δημηγορίας δ' ἐπὶ τούτοις ποιούμενος, ὡς ἔστι τριῶν αἵρεσις, ἢ τὰ πομπεῖα κατακόπτειν, ἢ πάλιν εἰσφέρειν, ἢ τοὺς ὀφείλοντας
- 49 εἰσπράττειν, αἴρουμένων εἰκότως ὑμῶν τοὺς ὀφείλοντας εἰσπράττειν, ταῖς ὑποσχέσεσι κατέχων, καὶ διὰ τὸν καιρὸν ὃς ἦν τότε ἔχων ἐξουσίαν, τοῖς μὲν

you have preferred this sum of money to the laws and to your good faith. Why, even if a man gave you this sum out of his own pocket, it would not be worth taking, much less if it has to be exacted from others. Therefore, when he uses this argument, remember 46 your oath, and reflect that this indictment concerns not the collection of taxes, but the sovereignty of the laws. And as to all this—how he will try to hoodwink you by distracting you from the subject of this law, and what points you must bear in mind so as not to give way to him—though I might say more on these subjects, I will refrain, as I think that this will suffice.

I desire also to subject the politics of this honour- 47 able gentleman to a scrutiny, from which it will be clear that he has not stopped short of the utmost limits of depravity ; for I shall prove him to be shameless and reckless, a thief and a bully, fit for anything rather than to play a public part in a democracy. And first of all let us examine this levying of taxes, on which he chiefly prides himself. Without paying any attention to his boasts, let us look at the facts in their true light. He said that Euctemon was retaining 48 your taxes, and he undertook to prove the charge or pay the sum out of his own pocket. On that pretext he got you to vote for the dismissal of an official appointed by lot, and so wormed his way into a collectorship. He delivered sundry harangues on the subject, telling you that you had a choice of three courses, either to break up the sacred plate, or to impose a fresh tax, or to squeeze the money out of the defaulters ; and you naturally chose the last. Having 49 you under his thumb, thanks to his promises, and having liberty of action owing to the state of affairs at

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κειμένοις νόμοις περὶ τούτων οὐκ ᾤετο δεῖν χρῆ-  
 σθαι, οὐδ' ἂν εἰ μὴ τούτους ἐνόμιζεν ἱκανούς, ἑτέρουσ  
 τιθέναι, ψηφίσματα δ' εἶπεν ἐν ὑμῖν δεινὰ καὶ παρά-  
 νομα, δι' ὧν ἡργολάβει καὶ πολλὰ τῶν ὑμετέρων  
 κέκλοφε, τοὺς ἕνδεκα γράψας ἀκολουθεῖν μεθ'  
 50 ἑαυτοῦ. εἶπ' ἔχων τούτους ἦγγ' ἐπὶ τὰς ὑμετέρας  
 οἰκίας. καὶ τὸν μὲν Εὐκτῆμονα, ὃν εἰσπράξειν ἢ  
 καταθήσειν αὐτὸς ἔφη τὰς εἰσφοράς, οὐδὲν εἶχεν  
 ἐλέγχειν περὶ τούτων, ὑμᾶς δ' εἰσέπραττεν, ὥσπερ  
 οὐ διὰ τὴν Εὐκτῆμονος ἔχθραν ἐπὶ ταῦτ' ἐλθῶν,  
 51 ἀλλὰ διὰ τὴν ὑμετέραν. καὶ μηδεὶς ὑπολαμβάνετω  
 με λέγειν ὡς οὐ χρῆν εἰσπράττειν τοὺς ὀφείλοντας.  
 χρῆν γάρ. ἀλλὰ πῶς; ὡς ὁ νόμος κελεύει· τῶν  
 ἄλλων ἕνεκα· τοῦτο γάρ ἐστι δημοτικόν. οὐ γὰρ  
 τοσοῦτον, ὡς ἄνδρες Ἀθηναῖοι, τοσοῦτων χρημάτων  
 τοῦτον τὸν τρόπον εἰσπραχθέντων ὠφέλησθε, ὅσον  
 ἐζημίωσθε τοιούτων ἐθῶν εἰς τὴν πολιτείαν εἰσαγο-  
 μένων. εἰ γὰρ ἐθέλοιτ' ἐξετάσαι τίνος ἕνεκα μᾶλ-  
 λον ἂν τις ἔλοιτο ἐν δημοκρατία ζῆν ἢ ἐν ὀλιγαρχίᾳ,  
 [609] τοῦτ' ἂν εὔροιτε προχειρότατον, ὅτι πάντα πραότερ'  
 52 ἐστὶν ἐν δημοκρατίᾳ. ὅτι μὲν τοῖνυν τῆς ὅπου  
 βούλεσθ' ὀλιγαρχίας οὗτος ἀσελγέστερος γέγονε,  
 παραλείψω. ἀλλὰ παρ' ἡμῖν πότε πώποτε δεινότατ'  
 ἐν τῇ πόλει γέγονεν; ἐπὶ τῶν τριάκοντα, πάντες  
 ἂν εἶποιτε. τότε τοῖνυν, ὡς ἔστιν ἀκούειν, οὐδεὶς  
 ἔστιν ὅστις ἀπεστερεῖτο τοῦ σωθῆναι, ὅστις ἑαυτὸν  
 οἴκοι κρύψειεν, ἀλλὰ τοῦτο κατηγοροῦμεν τῶν  
 τριάκοντα, ὅτι τοὺς ἐκ τῆς ἀγορᾶς ἀδίκως ἀπήγον.



the time, he did not think it necessary to employ the existing laws for his purpose, nor to make new laws, if he considered the old ones inadequate; but he proposed in your Assembly monstrous and unconstitutional decrees, by means of which he created a job for himself and has stolen a great deal that belongs to you, putting in a clause that the Eleven should attend on him. Then, with the Eleven, he led the way to 50 the homes of his fellow-citizens. Against Euctemon he could prove nothing, though he had said that he would get the taxes out of him or pay them himself; but it was from you that he levied them, as if his motive was hostility, not to Euctemon, but to you. Let no one understand me to say that the money 51 ought not to have been wrung from the defaulters. It ought; but how? Even as the law enjoins, for the benefit of the other citizens. That is the spirit of democracy. For what you, men of Athens, have gained by the exaction of such paltry sums of money in this way, is nothing to what you have lost by the introduction of such habits into political life. If you care to inquire why a man would sooner live under a democracy than under an oligarchy, you will find that the most obvious reason is that in a democracy every-thing is more easy-going. I shall not, then, trouble to 52 show that the defendant has proved himself more brutal than any oligarchy anywhere in the world. But here, in our own city, at what period were the most outrageous things done? You will all say, "Under the Thirty Tyrants." Now under the Thirty, as we are informed, no man forfeited the power to save his life who could hide himself at home; what we denounce the Thirty for is that they arrested men illegally in the market-place. This man dis-

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οὗτος τοίνυν τολούτην ὑπερβολὴν ἐποιήσατο τῆς  
 αὐτοῦ βδελυρίας ὥστ' ἐν δημοκρατία πολιτευόμενος  
 τὴν ἰδίαν οἰκίαν ἐκάστῳ δεσμωτήριον καθίστη,  
 53 τοὺς ἔνδεκα ἄγων ἐπὶ τὰς οἰκίας. καίτοι, ὦ ἄνδρες  
 Ἀθηναῖοι, τί οἴεσθε, ὅπῳτ' ἄνθρωπος πένης, ἢ καὶ  
 πλούσιος, πολλὰ δ' ἀνηλωκῶς καὶ τιν' ἴσως τρόπον  
 εἰκότως οὐκ εὐπορῶν ἀργυρίου, ἢ τέγος ὡς τοὺς  
 γείτονας ὑπερβαῖνοι, ἢ ὑποδύοιθ' ὑπὸ κλίνην, ὑπὲρ  
 τοῦ μὴ τὸ σῶμ' ἀλοὺς εἰς τὸ δεσμωτήριον ἔλκε-  
 σθαι, ἢ ἄλλ' ἀσχημονοίῃ, ἢ δούλων, οὐχ ἐλευθέρων  
 ἐστὶν ἔργα, καὶ ταῦθ' ὑπὸ τῆς αὐτοῦ γυναικὸς ὄρωτο  
 ποιῶν, ἣν ὡς ἐλεύθερος ἠγγυήσατο καὶ τῆς πόλεως  
 πολίτης, ὁ δὲ τούτων αἴτιος Ἀνδροτίων εἶη, ὃν  
 οὐδ' ὑπὲρ αὐτοῦ δίκην λαμβάνειν ἔα τὰ πεπραγ-  
 μένα καὶ βεβιωμένα, μή τί γ' ὑπὲρ τῆς πόλεως;  
 54 καίτοι εἴ τις ἔροιτ' αὐτόν, τὰς εἰσφοράς πάτερον  
 τὰ κτήματ' ἢ τὰ σώματ' ὀφείλει, τὰ κτήματα  
 φήσειεν ἄν, εἴπερ ἀληθῆ λέγειν βούλοιο. ἀπὸ γὰρ  
 τούτων εἰσφέρομεν. τίνος οὖν ἔνεκ' ἀφείς τὸ τὰ  
 χωρία δημεύειν καὶ τὰς οἰκίας καὶ ταῦτ' ἀπογρά-  
 φειν, ἔδει καὶ ὕβριζες πολίτας ἀνθρώπους καὶ τοὺς  
 [610] τολαιπῶρους μετοίκους, οἷς ὕβριστικώτερον ἢ τοῖς  
 55 οἰκέταις τοῖς σαντοῦ κέχρησαι; καὶ μὴν εἰ ἐθέ-  
 λοιτε σκέψασθαι τί δούλον ἢ ἐλεύθερον εἶναι δια-  
 φέρει, τοῦτο μέγιστον ἂν εὔροιτε, ὅτι τοῖς μὲν  
 δούλοις τὸ σῶμα τῶν ἀδικημάτων ἀπάντων ὑπ-  
 εὐθυνόν ἐστι, τοῖς δ' ἐλευθέροις, κἂν τὰ μέγιστ'  
 ἀτυχῶσι, τοῦτό γ' ἔνεστι σῶσαι. εἰς χρήματα γὰρ  
 τὴν δίκην περὶ τῶν πλείστων παρὰ τούτων προσ-  
 ἤκει λαμβάνειν. ὁ δὲ τούναντίον εἰς τὰ σώματα,  
 56 ὥσπερ ἀνδραπόδοις, ἐποιήσατο τὰς τιμωρίας. οὕτω

## AGAINST ANDROTION, 52-56

played a brutality so far in excess of theirs that he, a public man under a democracy, turned every man's private house into a gaol by conducting the Eleven into your homes. But what do you think of this, 53 Athenians? What if a poor man, or a rich man for that matter who has spent much money and is naturally perhaps rather short of cash, should have to climb over the roof to a neighbour's house or creep under the bed, to avoid being caught and dragged off to gaol, or should degrade himself in some other fashion, fit for slaves and not for freemen, and should be seen thus acting by his own wife, whom he espoused as a freeman and a citizen of our state? And what if the cause of all this was Androtion, a man who is debarred by his own conduct and mode of life from seeking redress for himself, much more for the State? Yet if 54 he were asked whether the taxes are due from our property or from our persons, he would admit, if he cared to speak the truth, that they are due from our property; it is from property that our contributions come. Then why did you drop the sequestration and scheduling of lands and houses, and proceed to imprison and insult Athenian citizens and the unfortunate resident aliens, whom you have treated with more insolence than your own slaves? Indeed, if you 55 wanted to contrast the slave and the freeman, you would find the most important distinction in the fact that slaves are responsible in person for all offences, while freemen, even in the most unfortunate circumstances, can protect their persons. For it is in the shape of money that in the majority of cases the law must obtain satisfaction from them; but Androtion on the contrary exacted vengeance from their persons, as if they had been bond-slaves. So corrupt and 56

DEMOSTHENES

- δ' αἰσχροῦς καὶ πλεονεκτικῶς ἔσχε πρὸς ὑμᾶς ὥστε τὸν μὲν ἑαυτοῦ πατέρα ᾤετο δεῖν, δημοσίᾳ δεθέντ' ἐπὶ χρήμασιν ἐν τῷ δεσμωτηρίῳ, μήτ' ἀποδόντα ταῦτα μήτε κριθέντ' ἀποδράναι, τῶν δ' ἄλλων πολιτῶν τὸν μὴ δυνάμενον τὰ ἑαυτοῦ θείναι οἴκοθεν εἰς τὸ δεσμωτήριον ἔλκεσθαι. εἴτ' ἐπὶ τούτοις, ὡς ὀτιοῦν ἐξὸν ἑαυτῷ ποιεῖν, Σινώπην προσηνεχύραζε καὶ Φανοστράτην, ἀνθρώπους πόρνας,
- 57 οὐ μέντοι ὀφειλούσας εἰσφοράς. καίτοι εἴ τισιν ἄρα δοκοῦσιν ἐπιτήδεια ἐκείναι παθεῖν, ἀλλὰ τὸ πρᾶγμά γ' οὐκ ἐπιτήδειον γίνεσθαι, τηλικούτῳ τινας φρονεῖν διὰ καιρὸν ὥστε βαδίζειν ἐπ' οἰκίας καὶ σκευὴ φέρειν μηδὲν ὀφειλόντων ἀνθρώπων. πολλὰ γὰρ ἂν τις ἴδοι πολλοὺς ἐπιτηδείους ὄντας πάσχειν καὶ πεπονθέναι. ἀλλ' οὐ ταῦτα λέγουσιν οἱ νόμοι οὐδέ τὰ τῆς πολιτείας ἔθη, ἃ φυλακτέον ὑμῖν· ἀλλ' ἔνεστιν ἔλεος, συγγνώμη, πάνθ' ὅσα προσήκει τοῖς
- 58 ἐλευθέροις. ὦν οὗτος ἀπάντων εἰκότως οὐ μετέχει τῇ φύσει οὐδὲ τῇ παιδείᾳ· πολλὰ γὰρ ὕβρισται καὶ
- [611] προπεπηλάκισται συνῶν οὐκ ἀγαπῶσιν αὐτὸν ἀνθρώποις, ἀλλὰ δοῦναι μισθὸν δυναμένοις· ὦν προσῆκέ σοι τὴν ὀργὴν οὐκ εἰς τῶν πολιτῶν τὸν τυχόντ' ἀφιέναι, οὐδ' εἰς τὰς ὁμοτέχνους πόρνας, ἀλλ' εἰς τὸν τοῦτον τὸν τρόπον σε θρέψαντα.
- 59 Ταῦτα τοίνυν ὡς μὲν οὐ δεινὰ καὶ παρὰ πάντας τοὺς νόμους, οὐχ ἔξει λέγειν οὗτος· οὕτω δ' ἐστὶν ἀναιδῆς ὥστ' ἐν τῷ δήμῳ, προάγωνας αἰεὶ κατασκευάζων αὐτῷ τῆσδε τῆς γραφῆς, ἐτόλμα λέγειν ὡς ὑπὲρ ὑμῶν καὶ δι' ὑμᾶς ἐχθροὺς ἐφ' ἑαυτὸν

## AGAINST ANDROTION, 56-59

selfish was his attitude towards you that he thought that his own father, imprisoned by the State for moneys due, had a right to escape, without payment and without trial, but that any other citizen, not having the means to pay, might be dragged from his own home to prison. And then, on the top of all this, as though he could do whatever he liked, he distrained upon Sinope and Phanostrate, who were prostitutes certainly, but owed no property-tax. Should anyone possibly think that those women were 57 fitting people to suffer, yet assuredly it was not a fitting procedure—that men should be so puffed up by a chance opportunity as to march into houses and carry off the furniture of people who are not in debt. For one could point to many who are and have been “fitting” persons for such treatment. But surely such is not the language of the statutes or of the principles of the constitution, which it is your duty to uphold. In them we find pity, pardon, everything that becomes free citizens. To all such feelings the 58 defendant is of course a stranger by birth and breeding. Many are the outrages and insults that he has had to submit to when consorting with men who had no love for him but could pay his price. For such insults, Androtion, it would have been right to vent your spite, not on the next citizen you meet, not on the women who follow your own profession, but on the father who gave you such a bringing up.

Now that these are serious offences, contrary to 59 every statute, he will not be able to deny; but he is so impudent that in the Assembly, contriving always an anticipation of his defence against this indictment, he dared to say that it was in your interests and for your sake that he had drawn down enmity on himself

## DEMOSTHENES

εἴλκυσε καὶ νῦν ἐν τοῖς ἐσχάτοις ἐστὶ κινδύνοις.  
 ἐγὼ δ' ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, βούλομαι δεῖξαι  
 τοῦτον οὔτε πεπονθότ' οὐδ' ὅτιοῦν κακὸν οὔτε  
 μέλλοντα πάσχειν οὐδὲν δι' ὧν ὑπὲρ ὑμῶν ἔπραξε,  
 διὰ μέντοι τὴν αὐτοῦ βδελυρίαν καὶ θεοισεχθρίαν  
 πεπονθότα μὲν μέχρι τῆσδε τῆς ἡμέρας οὐδέν,  
 60 πεισόμενον δ', ἂν τὰ δίκαια ποιῆθ' ὑμεῖς. σκέ-  
 ψασθε γὰρ ὡδί. τί ποθ' ὑμῖν οὗτος ὑπέσχετο, καὶ  
 τί ποιεῖν αὐτὸν ἐχειροτονήσαθ' ὑμεῖς; χρήματ'  
 εἰσπράττειν. ἄλλο δὲ πρὸς τούτῳ τί ποιεῖν; οὐδὲ  
 ἔν. φέρε δὴ καθ' ἕκαστον ὑπομνήσω τὴν εἰσπραξιν  
 ὑμᾶς. οὗτος εἰσέπραξε Λεπτίνην τὸν ἐκ Κοίλης  
 τέτταρας καὶ τριάκοντα δραχμάς, καὶ Θεόξενον τὸν  
 Ἀλωπεκῆθεν δραχμὰς ἑβδομήκοντα καὶ μικρὸν τι  
 πρὸς, καὶ τὸν Εὐφῆρου Καλλικράτην καὶ τὸν Τελέ-  
 στου νεανίσκον· οὐκ ἔχω γὰρ τοῦνομ' εἰπεῖν·  
 σχεδὸν δὲ πάντας, οὓς εἰσέπραξεν, ἵνα μὴ καθ'  
 ἕκαστον λέγω, οὐκ οἶδ' εἴ τιν' ὑπὲρ μνᾶν ὀφείλοντα.  
 61 [612] πότερ' οὖν οἴεσθε τούτων ἕκαστον μισεῖν καὶ  
 πολεμεῖν αὐτῷ διὰ τὴν εἰσφορὰν ταύτην, ἢ τὸν μὲν  
 αὐτῶν, ὅτι πάντων ἀκούοντων ὑμῶν ἐν τῷ δήμῳ  
 δούλον ἔφη καὶ ἐκ δούλων εἶναι, καὶ προσήκειν  
 αὐτῷ τὸ ἕκτον μέρος εἰσφέρειν μετὰ τῶν μετοίκων,  
 τῷ δὲ παῖδας ἐκ πόρνης εἶναι, τοῦ δὲ τὸν πατέρ'  
 ἠταιρηκέσαι, τοῦ δὲ τὴν μητέρα πεπορνεῦσθαι, τὸν  
 δ' ἀπογράφειν ὅσ' ὑφείλετ' ἐξ ἀρχῆς, τὸν δὲ τὸ  
 δεῖνα, τὸν δ' ὁμοῦ ῥητὰ καὶ ἄρρητα κακά, ἐξῆς  
 62 ἅπαντας; ἐγὼ μὲν γὰρ οἶδ' ὅτι πάντες, εἰς

\* The *metoeci* paid tax on one-sixth of their capital; but

## AGAINST ANDROTION, 59-62

and was now in desperate peril. But I want to prove to you, men of Athens, that he has never suffered, nor is likely to suffer, any inconvenience at all through his services to you, but that for his abominable and monstrous wickedness he has hitherto not paid the penalty, but will pay it now, if you on your part do what is right. Consider this point. What did he 60 undertake to do for you, and what did you appoint him to do? To collect moneys. Anything else besides? Not a single thing! Very well; I will remind you of the items of his accounts. He collected from Leptines of Coele thirty-four drachmas, from Theoxenus of Alopece seventy drachmas or a trifle more, and from Callicrates, the son of Eupherus, and from the young son of Telestes, whose name I cannot give you—but without going into details, of all those from whom he collected money, I doubt if anyone owed more than a mina. Then do you suppose that 61 all these men are his inveterate enemies merely because he collected this money from them? Is it not rather because he said of one of them, in the hearing of all of you in the Assembly, that he was a slave and born of slaves and ought by rights to pay the contribution of one-sixth with the resident aliens<sup>a</sup>; and of another that he had children by a harlot; of this man that his father had prostituted himself; of that man that his mother had been on the streets; that he was making an inventory of one man's peculations from the start of his career, that another had done this or that, and that a third had committed every conceivable crime—slandering them all in turn? I feel sure that of all whom he has abused in his cups, 62

possibly, as Mr. Wayte has suggested, they paid the same quotas as the citizen, *plus* an additional charge of one-sixth.

## DEMOSTHENES

οὓς ἐπαρώνησεν οὗτος, τὴν μὲν εἰσφορὰν ἕκαστος ἀναγκαῖον ἀνάλωμ' ὑπελάμβανεν εἶναι, τοιαῦτα δ' ἀτιμασθεῖς καὶ προπηλακισθεῖς χαλεπῶς ἐνήνοχεν. κακὲῖνο οἶδ', ὅτι χρήματ' εἰσπράττειν τοῦτον ἐχειροτονήσαθ' ὑμεῖς, οὐχὶ τὰς ἰδίας συμφορὰς ὀνειδίζειν καὶ προφέρειν ἐκάστω. εἴτε γὰρ ἦσαν ἀληθεῖς, οὐ σοὶ ῥητέαι (πολλὰ γὰρ ἡμῶν ἕκαστος οὐχ ὡς βούλεται πράττει). εἴτε μὴ προσηκούσας κατα-  
 63 εσκεύαζες, πῶς οὐχ ὀτιοῦν ἂν πάθοις δικαίως; ἔτι τοίνυν ἐκ τοῦδ' ἀκριβέστερον γνώσεσθ' ὅτι μισεῖ τοῦτον ἕκαστος οὐ διὰ τὴν εἰσπραξιν, ἀλλ' ὑπὲρ ὧν ὑβρίσθη κάπαρωνήθη. Σάτυρος γὰρ ὁ τῶν νεωρίων ἐπιμελητὴς οὐχ ἑπτὰ τάλαντ' εἰσέπραξεν ὑμῖν, ἀλλὰ τέτταρα καὶ τριάκοντα τοὺς αὐτοὺς τούτους ἀνθρώπους, ἐξ ὧν παρέθηκε τὰ σκεύη ταῖς ἐκπλευσάσαις ναυσίν· καὶ οὗτ' ἐκεῖνος διὰ ταῦτ' οὐδέν' ἐχθρὸν αὐτῷ φησὶν εἶναι, οὔτε τῶν εἰσπραχθέντων οὐδεὶς ἐκείνῳ πολεμεῖ. εἰκότως· ὁ μὲν γὰρ τὸ προστεταγμένον, οἶμαι, διεπράττετο, σὺ δὲ τῇ σαυτοῦ προπετεῖα καὶ θρασύτητι λαβὼν ἐξουσίαν πόλλ' ἀνηλωκότας εἰς τὴν πόλιν ἀνθρώπους  
 [613] καὶ σοῦ βελτίους καὶ ἐκ βελτιόνων ψευδέσι καὶ  
 64 χαλεποῖς ὀνειδέσιν ὧν δεῖν περιβάλλειν. εἴτα ταῦθ' οὗτοι πεισθῶσι ὑπὲρ αὐτῶν σε ποιεῖν, καὶ τὰ τῆς σῆς ἀναισθησίας καὶ πονηρίας ἔργ' ἐφ' αὐτοὺς ἀναδέξωνται; ἀλλὰ μισεῖν δικαιοτέρον διὰ ταῦτά σ' ὀφείλουσιν ἢ σώζειν. τὸν γὰρ ὑπὲρ πόλεως πράττοντά τι δεῖ τὸ τῆς πόλεως ἦθος μιμῆσθαι, καὶ σώζειν ὑμῖν τοὺς τοιούτους, ᾧ ἄνδρες Ἀθηναῖοι, προσήκει, καὶ μισεῖν τοὺς οἴοσπερ οὗτος. ὡς ἐκεῖνο εἰδόσι μὲν ἴσως, ὅμως δ' ἐρῶ.



each one looked upon the tax as a necessary item of expenditure, but has been deeply wounded by all these indignities and insults. I feel sure too that he was elected by you to collect money due, and not to reproach every man with his private misfortunes and so make them public. For if the charges were true, Androtion (and we all have our undesirable experiences), you had no right to publish them ; and if you invented them without any authority, is any punishment too light for you ? Here is yet another proof <sup>63</sup> that will convince you that they all hate him, not because of the collection, but for his acts of drunken insolence. Satyrus, the superintendent of the dockyards, collected for you not seven, but thirty-four talents from these very same men, and used the money to equip the ships that were put in commission ; and he can tell you that he has made no enemies in consequence, and that none of those from whom he levied the taxes is at open war with him. Naturally ! He, I suppose, simply discharged the duty assigned to him, but you in your wanton, headstrong effrontery, being armed with authority, thought fit to asperse with foul and lying reproaches men who had spent large sums on the State, better men than yourself and of better birth. After this, are the jury to believe <sup>64</sup> that you did it all for their sakes ? Are they to make themselves responsible for your acts of callous wickedness ? They ought in justice to detest you all the more for this rather than protect you. For the man who is acting for the State ought to imitate the spirit of the State, and you, Athenians, ought to encourage such men and hate men like the defendant. For though you are probably aware of it, I must none the

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ὁποίους τινὰς ἂν φαίνησθ' ἀγαπῶντες καὶ σώζοντες, τούτοις ὅμοιοι δόξετ' εἶναι.

- 65 "Ὅτι τοίνυν ὅλως οὐδὲ τὴν εἰσπραξιν αὐτὴν ὑπὲρ ὑμῶν πεποιήται, καὶ τοῦτ' αὐτίκα δὴ μάλα ὑμῖν δῆλον ποιήσω. εἰ γάρ τις ἔροιτο αὐτὸν πότεροι αὐτῷ δοκοῦσιν ἀδικεῖν μᾶλλον τὴν πόλιν, οἱ γεωργοῦντες καὶ φειδόμενοι, διὰ παιδοτροφίας δὲ καὶ οἰκεῖ' ἀναλώματα καὶ λητουργίας ἐτέρας ἔλλειποτές εισφοράν, ἢ οἱ τὰ τῶν ἐθελησάντων εἰσενεγκεῖν χρήματα καὶ τὰ παρὰ τῶν συμμάχων κλέπτοντες καὶ ἀπολλύντες, οὐκ ἂν εἰς τοῦτο τόλμης δῆπου, καίπερ ὦν ἀναιδής, ἔλθοι ὥστε φῆσαι τοὺς τὰ ἑαυτῶν μὴ εἰσφέροντας μᾶλλον ἀδικεῖν ἢ τοὺς
- 66 τὰ κοῖν' ὑφαιρουμένους. τίνος οὖν ἔνεκα, ὧ βδελυρέ, ἐτῶν ὄντων πλειόνων ἢ τριάκοντα ἀφ' οὗ σὺ πολιτεύει, καὶ ἐν τούτῳ τῷ χρόνῳ πολλῶν μὲν στρατηγῶν ἡδίκηκότων τὴν πόλιν, πολλῶν δὲ ῥητόρων, οἳ παρὰ τουτοισὶ κέκρινται, ὧν οἱ μὲν τεθνήσκουσιν ἐφ' οἷς ἡδίκουν, οἱ δ' ὑποχωρήσαντες
- [614] φεύγουσιν, οὐδενὸς πώποτ' ἐξητάσθης κατήγορος οὐδ' ἀγανακτῶν ὠφθῆς ὑπὲρ ὧν ἡ πόλις πάσχει, οὕτως ὧν θρασὺς καὶ λέγειν δεινός, ἀλλ' ἐνταῦθ' ἐφάνης κηδεμῶν ὧν, οὗ σε πολλοὺς ἔδει κακῶς
- 67 ποιῆσαι; βούλεσθε, ὧ ἄνδρες Ἀθηναῖοι, τὸ τούτων αἴτιον ἐγὼ ὑμῖν εἶπω; <sup>1</sup>[ὅτι τούτων μὲν μετέχει ὧν ἀδικοῦσιν ὑμᾶς τινές, ἀπὸ δὲ τῶν εἰσπραττομένων ὑφαιρεῖται· δι' ἀπληστίαν δὲ τρόπων διχόθεν καρποῦται

<sup>1</sup> Most mss. show the plural forms μετέχουσιν, ὑφαιρούνται, καρποῦνται, making it probable that this passage is a mistaken transcript from *Timocr.* 174. Dind. retained it here, but most modern editors reject.

less tell you this : whatever sort of men you are seen to honour and protect, you will be thought to be like them yourselves.

“However, I will make it quite clear to you without 65 more ado that he did not carry out these exactions for your benefit at all. If he were asked whether, in his opinion, the greater injury is done to the commonwealth by tillers of the soil, who live frugally, but; because of the cost of maintaining their children, or of household expenses, or of other public burdens, are behindhand with their taxes, or by people who plunder and squander the money of willing taxpayers and the revenue that comes from our allies, I am sure that, for all his hardihood, he would never have the audacity to reply that those who fail to contribute their own money are worse transgressors than those who embezzle public money. What is the reason, you 66 abominable wretch, that though you have taken part in public life for more than thirty years, and though during that time many commanders have defrauded the commonwealth, and many politicians as well, who have been tried in this court, and though some of them have suffered death for their crimes, and others have slipped away into exile, you never once appeared as prosecutor of any of them or expressed any indignation at the wrongs of the city, bold and clever speaker though you are, but made your first exhibition of anxiety for our welfare on an occasion that called for harsh treatment of a great many people? Do you 67 wish me to tell you the reason, men of Athens? [He has his share in the proceeds of certain iniquities, and he also gets his pickings from the collection of revenue. In his insatiable greed he reaps a double harvest from the State.

<sup>a</sup> The rest of this speech is almost entirely repeated in that against Timocrates, §§ 172-186.

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τὴν πόλιν. οὔτε γὰρ ῥᾶον πολλοῖς καὶ μικρῷ ἀδικούσιν ἀπεχθάνεσθαι ἢ ὀλίγοις καὶ μεγάλα, οὔτε δημοτικώτερον δήπου τὰ τῶν πολλῶν ἀδικήμαθ' ὄραν, ἢ τὰ τῶν ὀλίγων. ἀλλὰ τοῦτ' αἷτιον οὐγὼ λέγω.] τῶν μὲν οἶδεν ἑαυτὸν ὄντα, τῶν ἀδικούντων, ὑμᾶς δ' οὐδενὸς ἀξίους ἠγήσατο· διὸ τοῦτον ἐχρήσατο τὸν τρόπον ὑμῖν.

68 εἰ γὰρ ἀνδραπόδων πόλις, ἀλλὰ μὴ τῶν ἄρχειν ἐτέρων ἀξιούντων ὠμολογεῖτ' εἶναι, οὐκ ἂν, ὦ ἄνδρες Ἀθηναῖοι, τὰς ὑβρεῖς ἠνέσχεσθε τὰς τούτου, ἃς κατὰ τὴν ἀγορὰν ὑβριζεν ὁμοῦ μετοίκους, Ἀθηναίους, δεῶν, ἀπάγων, βοῶν ἐν ταῖς ἐκκλησίαις ἐπὶ τοῦ βήματος, δούλους καὶ ἐκ δούλων καλῶν ἑαυτοῦ βελτίους καὶ ἐκ βελτιόνων, ἐρωτῶν εἰ μάτην τὸ δεσμωτήριον ὠκοδομήθη. καταφαίην ἂν ἔγωγ', εἴ γ' ὁ πατήρ ὁ σὸς ὦχετ' αὐτόθεν αὐταῖς πέδαις ἐξορρησάμενος Διονυσίων τῇ πομπῇ. ἀλλὰ δ' ὅσ' ὑβρικεν οὐδ' ἂν ἔχοι τις εἰπεῖν· τοσαῦτα τὸ πλῆθός ἐστιν. ὧν ἀθρόων ἀξιον λαβόντας δίκην τήμερον παράδειγμα ποιῆσαι τοῖς ἄλλοις, ἵν' ὦσι μετριώτεροι.

69 Ἀλλὰ νῆ Δία ταῦτα μὲν τοιοῦτός ἐστιν ἐν οἷς πεπολίτευται, ἀλλὰ δ' ἔσθ' ἃ καλῶς διώκηκεν.

[615] ἀλλὰ τᾶλλ' οὕτω προσελήλυθε πάντα πρὸς ὑμᾶς ὥσθ' ἠκιστ' ἐν οἷς ἀκηκόατ' ἀξιός ἐστι μισεῖσθαι. τί γὰρ βούλεσθ' εἶπω; τὰ πομπεῖ' ὡς ἐπεσκεύασε, καὶ τὴν τῶν στεφάνων καθαίρεσιν, ἢ τὴν τῶν φιαλῶν ποίησιν τὴν καλήν; ἀλλ' ἐπὶ τούτοις γε, εἰ μηδὲν ἄλλο ἀδικῶν ἔτυχεν τὴν πόλιν, τρίς, οὐχ

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Now it is not an easier matter to make enemies of a multitude of petty offenders than of a few big offenders ; neither of course is it a more popular thing to have an eye for the sins of the many than for the sins of the few. However, the reason is what I am telling you.] He knows indeed that he is one of them, one of the criminals, but he thought you beneath his notice ; and that was why he treated you in this way. If you had confessed, 68 men of Athens, that you are a nation of slaves and not of men who claim empire over others, you would never have put up with the insults which he repeatedly offered you in the market-place, binding and arresting aliens and citizens alike, bawling from the platform in the Assembly, calling men slaves and slave-born who were better men than himself and of better birth, and asking if the gaol was built for no object. I should certainly say it was, if your father danced his way out of it, fetters and all, at the procession of the Dionysia. All his other outrages it would be impossible to relate ; they are too numerous. For all of them taken together you must exact vengeance to-day, and make an example of him to teach the rest to behave with more restraint.

Yes, it may be said, this is the sort of man he was 69 in his public conduct, but there are other things which he has managed with credit. On the contrary, in every respect his behaviour towards his fellow-citizens has been such that the story you have heard is the least of the reasons you have for hating him. What do you wish me to mention ? How he " repaired " the processional ornaments ? How he broke up the crowns ? His success as a manufacturer of saucers ? Why, for those performances alone, though he had committed no other fraud on the city, it seems to me

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ἅπαξ τεθνάναι δίκαιος ὢν φανέεται· καὶ γὰρ ἱερο-  
 συλία καὶ ἀσεβεία καὶ κλοπῇ καὶ πᾶσι τοῖς δεινο-  
 70 τάτοις ἐστὶν ἔνοχος. τὰ μὲν οὖν πόλλ' ὢν λέγων  
 ὑμᾶς ἐφενάκιζε παραλείψω· φήσας δ' ἀπορρεῖν τὰ  
 φύλλα τῶν στεφάνων καὶ σαπρούς εἶναι διὰ τὸν  
 χρόνον, ὥσπερ ἴων ἢ ρόδων ὄντας, ἀλλ' οὐ χρυ-  
 σίου, συγχωνεύειν ἔπεισεν. κατ' ἐπὶ μὲν ταῖς  
 εἰσφοραῖς τὸν δημόσιον παρέιναι προσέγραψεν ὡς  
 δὴ δίκαιος ὢν, ὢν ἕκαστος ἀντιγραφεὺς ἔμελλεν  
 ἔσεσθαι τῶν εἰσενεγκόντων· ἐπὶ τοῖς στεφάνοις δ',  
 οὓς κατέκοπτεν, οὐχὶ προσήγαγε ταυτό δίκαιον  
 τοῦτο, ἀλλ' αὐτὸς ῥήτωρ, χρυσοχόος, ταμίας, ἀντι-  
 71 γραφεὺς γέγονεν. καὶ μὴν εἰ μὲν ἅπαντ' ἠξίους,  
 ὅσα πράττεις τῇ πόλει, σαυτῷ πιστεύειν, οὐκ ἂν  
 ὁμοίως κλέπτῃς ὢν ἐφωρῷ· νῦν δ' ἐπὶ ταῖς εἰσ-  
 φοραῖς ὁ δίκαιόν ἐσθ' ὀρίσας, μὴ σοὶ πιστεύειν, ἀλλὰ  
 τοῖς ἑαυτῆς δούλοις τὴν πόλιν, ὅπότ' ἄλλο τι πράτ-  
 των καὶ χρήματα κινῶν ἱερά, ὢν ἔνι' οὐδ' ἐπὶ τῆς  
 ἡμετέρας γενεᾶς ἀνετέθη, μὴ προσγραψάμενος τὴν  
 αὐτὴν φυλακὴν ἦνπερ περὶ τῶν εἰσφορῶν φαίνει,  
 οὐκ εὐδηλον δι' ἃ τοῦτ' ἐποίησας; ἐγὼ μὲν οἶμαι.  
 72 καὶ μὴν, ὦ ἄνδρες Ἀθηναῖοι, καὶ κατὰ παντὸς τοῦ  
 χρόνου σκέψασθ' ὡς καλὰ καὶ ζηλωτὰ ἐπιγράμ-  
 ματα τῆς πόλεως ἀνελὼν ὡς ἀσεβῆ καὶ δεινὰ  
 [616] ἀντεπέγραψεν. οἶμαι γὰρ ὑμᾶς ἅπαντας ὁρᾶν ὑπὸ  
 τῶν στεφάνων ταῖς χοινικίσι κάτωθεν γεγραμμένα  
 “ οἱ σύμμαχοι τὸν δῆμον ἀνδραγαθίας ἔνεκα καὶ  
 δικαιοσύνης,” ἢ “ οἱ σύμμαχοι ἀριστεῖον τῇ Ἀθη-  
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he deserves not one but three sentences of death ; for he is guilty of sacrilege, of impiety, of embezzlement, of every monstrous crime. The greater part 70 of the speech by which he threw dust in your eyes I will leave unnoticed ; but, by alleging that the leaves of the crowns were rotten with age and falling off,—as though they were violet-leaves or rose-leaves, not leaves made of gold—he persuaded you to melt them down. And then, in providing for the collection of taxes, he had put in a clause that the public accountant should attend. That was very honest of him ; only every taxpayer was certain to check the accounts. But in dealing with the crowns that he was to break up, he left out that very proper regulation ; one and the same man was orator, goldsmith, business-manager, and auditor of accounts. Now if you, sir, 71 had claimed our entire confidence in all your public business, your dishonesty would not have been equally manifest ; but, seeing that in the matter of the taxes you laid down the just principle that the city must trust, not you, but her own servants, and then, when you took up another job and were tampering with the consecrated plate, some of it dedicated before we were born, you forgot to provide the precaution that was taken at your own instance in respect of the tax-collection, is it not perfectly clear what you were aiming at ? Of course it is. Again, men of Athens, 72 consider those glorious and enviable inscriptions that he has obliterated for all time, and the strange and blasphemous inscriptions that he has written in their stead. You all, I suppose, used to see the words written under the circlets of the crowns : “ The Allies to the Athenian People for valour and righteousness,” or “ The Allies to the Goddess of Athens, a

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ναία," ἢ κατὰ πόλεις "οἱ δεῖνες τὸν δῆμον, σωθέντες ὑπὸ τοῦ δήμου," οἷον "Εὐβοεῖς ἐλευθερωθέντες ἐστεφάνωσαν τὸν δῆμον," πάλιν "Κόνων ἀπὸ τῆς ναυμαχίας τῆς πρὸς Λακεδαιμονίους"· τοιαῦτα γὰρ ἦν τὰ τῶν στεφάνων ἐπιγράμματα.

73 ταῦτα μὲν τοίνυν, ἃ ζῆλον πολὺν εἶχε καὶ φιλοτιμίαν ὑμῖν, ἠφάνισται καθαιρεθέντων τῶν στεφάνων· ἐπὶ ταῖς φιάλαις δ' ἅς ἀντ' ἐκείνων ἐποίησαθ' ὑμῖν ὁ πόρνος οὗτος, "Ἀνδροτίωνος ἐπιμελουμένου" ἐπιγέγραπται· καὶ οὐδὲ τὸ σῶμ' ἠταιρηκότος οὐκ ἐῶσιν οἱ νόμοι εἰς τὰ ἱερὰ εἰσιέναι, τούτου τοῦνομ' ἐν τοῖς ἱεροῖς ἐπὶ τῶν φιαλῶν γεγραμμένον ἐστίν. ὁμοίον γε, οὐ γάρ; τοῦτο τοῖς προτέροις ἐπιγράμμασιν, ἢ φιλοτιμίαν ἴσην ἔχον

74 ὑμῖν. <sup>1</sup>[τρία τοίνυν ἐκ τούτου τὰ δεινότατ' ἂν τις ἴδοι πεπραγμέν' αὐτοῖς. τὴν μὲν γὰρ θεὸν τοὺς στεφάνους σεσυλήκασιν· τῆς πόλεως δὲ τὸν ζῆλον ἠφανίκασι τὸν ἐκ τῶν ἔργων, ὧν ὑπόμνημ' ἦσαν ὄντες οἱ στέφανοι· τοὺς δ' ἀναθέντας δόξαν οὐ μικρὰν ἀφήρηται, τὸ δοκεῖν ὧν ἂν εὐπάθωσιν ἐθέλειν μεμνησθαι. καὶ τοιαῦτα καὶ τσαῦτα τὸ πλῆθος κάκ' εἰργασμένοι, εἰς τοῦθ' ἅμ' ἀναισθησίας καὶ τόλμης προεληλύθασιν ὥστε μέμνηνται τούτων ὡς καλῶς αὐτοῖς διωκημένων, ὥσθ' ὁ μὲν οἶεται δι' ἐκείνον ὑφ' ὑμῶν σωθήσεσθαι, ὁ δὲ παρακίθηται καὶ

75 οὐ καταδέεται τοῖς πεπραγμένοις.] οὕτω δ' οὐ μόνον εἰς χρήματ' ἀναιδής, ἀλλὰ καὶ σκαιός ἐστιν, ὥστ'

[617] οὐκ οἶδεν ἐκείνο, ὅτι στέφανοι μὲν εἰσιν ἀρετῆς σημεῖον, φιάλαι δὲ καὶ τὰ τοιαῦτα πλούτου, καὶ στέφανος μὲν ἅπας, κἂν μικρὸς ἦ, τὴν ἴσην φιλοτιμίαν ἔχει τῷ μεγάλῳ, ἐκπώματα δ' ἢ θυμιατήρια, ἂν μὲν ὑπερβάλλῃ τῷ πλήθει, πλού-

<sup>1</sup> The sudden change to the plural here is awkward, as Timocrates has not been mentioned. Most editors infer



prize of victory ” ; or, from the several states of the alliance, “ Such-and-such a City to the People by whom they were delivered,” or, “ The liberated Euboeans,” for example, “ crown the People ” ; or again, “ Conon from the sea-fight with the Lacedaemonians.” Such, I say, were the inscriptions of the crowns. They were tokens of emulation and 73 honourable ambition ; but now they have vanished with the destruction of the crowns, and the saucers which that lewd fellow has had made in their place bear the inscription, “ Made by direction of Androtion.” And so the name of a man whom the laws forbid to enter our temples in person because of his prostitution, has been inscribed on the cups in those temples. Just like the old inscriptions, is it not ? and an equal incentive to ambition ? [You may, then, mark three 74 scandalous crimes committed by these persons. They have robbed the Goddess of her crowns. They have extinguished in the city that spirit of emulation that sprang from the achievements which the crowns, while in being, commemorated. They have deprived the donors of a great honour, —the credit of gratitude for benefits received. After this long series of evil deeds they have grown so callous and so audacious that they recall those crimes as admirable examples of their administration, so that one of them expects you to acquit him for the sake of the other, and the other sits by his side and does not sink into the ground for shame at his conduct.] Not only is he lost to shame when money 75 is in question, but he is so dull-witted that he cannot see that crowns are a symbol of merit, but saucers and the like only of wealth ; that every crown, however small, implies the same regard for honour as if it were large ; that drinking-cups and censers, if very numerous, attach to their owners a sort of

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that this paragraph, like that in § 67, is a mistaken transcript from *Timocr.* 182.

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του τινὰ δόξαν προσετρίψατο τοῖς κεκτημένοις,  
 εἰάν δ' ἐπὶ μικροῖς τις σεμνύνηται, τοσοῦτ' ἀπέχει  
 τοῦ τιμῆς τινὸς διὰ ταῦτα τυχεῖν ὥστ' ἀπειρόκαλος  
 πρὸς ἔδοξεν εἶναι. οὗτος τοίνυν ἀνελὼν τὰ τῆς  
 δόξης κτήματα, τὰ τοῦ πλούτου πεποίηται μικρὰ  
 76 καὶ οὐχ ὑμῶν ἄξια. καὶ οὐδ' ἐκεῖν' εἶδεν, ὅτι πρὸς  
 μὲν χρημάτων κτήσιν οὐδεπώποθ' ὁ δῆμος ἐσπού-  
 δασε, πρὸς δὲ δόξης ὡς οὐδὲ πρὸς ἐν τῶν ἄλλων.  
 τεκμήριον δέ· χρήματα γὰρ πλείστα τῶν Ἑλλήνων  
 ποτὲ σχὼν ἄπανθ' ὑπὲρ φιλοτιμίας ἀνήλωσεν,  
 εἰσφέρων δ' ἐκ τῶν ἰδίων οὐδένα κίνδυνον ὑπὲρ  
 δόξης ἐξέστη. ἀφ' ὧν κτήματ' ἀθάνατ' αὐτῷ  
 περίεστι, τὰ μὲν τῶν ἔργων ἢ μνήμη, τὰ δὲ τῶν  
 ἀναθημάτων τῶν ἐπ' ἐκείνοις σταθέντων τὸ κάλλος,  
 προπύλαια ταῦτα, ὁ παρθενῶν, στοαί, νεώσοικοι,  
 οὐκ ἀμφορίσκοι δύο οὐδὲ χρυσίδες τέτταρες ἢ  
 τρεῖς, ἄγουσ' ἐκάστη μνᾶν, ἄς, ὅταν σοι δοκῇ, σὺ  
 77 πάλιν γράφεις καταχωνεύειν. οὐ γὰρ ἑαυτοὺς  
 δεκατεύοντες, οὐδ' ἂ καταράσαιντ' ἂν οἱ ἐχθροὶ  
 ποιοῦντες, διπλᾶς πράττοντες τὰς εἰσφοράς, ταῦτ'  
 ἀνέθεσαν, οὐδ' οἷόσπερ σὺ χρώμενοι συμβούλοις  
 ἐπολιτεύοντο, ἀλλὰ τοὺς ἐχθροὺς κρατοῦντες, καὶ  
 ἂ πᾶς τις ἂν εὖ φρονῶν εὖζαιτο, τὴν πόλιν εἰς  
 ὁμόνοιαν ἄγοντες, ἀθάνατον κλέος αὐτῶν λελοίπασι,  
 [618] τοὺς ἐπιτηδεύοντας οἷα σοὶ βεβίωται τῆς ἀγορᾶς  
 78 εἴργοντες. ὑμεῖς δ' εἰς τοῦτ', ὦ ἄνδρες Ἀθηναῖοι,  
 προήχθητ' εὐθείας καὶ ῥαθυμίας ὥστ' οὐδὲ τοιαῦτ'  
 ἔχοντες παραδείγματα ταῦτα μιμείσθε, ἀλλ' Ἄν-  
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reputation for wealth, but that, if a man takes pride in trifles, instead of winning some honour by them, he is disdained as a man of vulgar tastes. This man, then, has destroyed the possessions of honour, and made the possessions of wealth mean and unworthy of your dignity. There is another thing that he did not understand, that the Athenian democracy, never eager to acquire riches, coveted glory more than any other possession in the world. Here is the proof: once they possessed greater wealth than any other Hellenic people, but they spent it all for love of honour; they laid their private fortunes under contribution, and recoiled from no peril for glory's sake. Hence the People inherits possessions that will never die; on the one hand the memory of their achievements, on the other, the beauty of the memorials set up in their honour,—yonder Propylaea, the Parthenon, the porticoes, the docks,—not a couple of jugs, or three or four bits of gold plate, weighing a pound apiece, which you, Androtion, will propose to melt down again, whenever the whim takes you. To dedicate those buildings they did not tithe themselves, nor fulfil the imprecations of their enemies by doubling the income-tax, nor was their policy ever guided by such advisers as you. No; they conquered their enemies, they fulfilled the prayers of every sound-hearted man by establishing concord throughout the city; and so they have bequeathed to us their imperishable glory, and excluded from the market-place men whose habits of life were what yours have always been. But you, men of Athens, have grown so extremely good-natured and pliable, that, with those examples ever before you, you do not imitate them, and Androtion is the

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δροτίων ὑμῖν πομπείων ἐπισκευαστής, Ἄνδροτίων, ὦ γῆ καὶ θεοί. καὶ τοῦτ' ἀσέβημ' ἔλαττον τίνος ἠγείσθε; ἐγὼ μὲν γὰρ οἶομαι δεῖν τὸν εἰς ἱέρ' εἰσιόντα καὶ χερνίβων καὶ κανῶν ἀψόμενον, καὶ τῆς πρὸς τοὺς θεοὺς ἐπιμελείας προστάτην ἐσόμενον, οὐχὶ προειρημένων ἡμερῶν ἀριθμὸν ἀγνεύειν, ἀλλὰ τὸν βίον ἠγνευκέναι τοιούτων ἐπιτηδευμάτων οἷα τούτῳ βεβίωται.

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repairer of your processional plate. Androtion ! Gracious Heavens ! Do you think impiety could go further than that ? I hold that the man who is to enter the sacred places, to lay hands on the vessels of lustration and the sacrificial baskets, and to become the director of divine worship, ought not to be pure for a prescribed number of days only ; his whole life should have been kept pure of the habits that have polluted the life of Androtion.



# AGAINST ARISTOCRATES

## INTRODUCTION

THE well-known mercenary leader, Charidemus of Oreus in Euboea, who usually acted with the Thracian chief, Cersobleptes, son of Cotys, had helped in 357 to negotiate the peace of Chares, from which the Athenians believed that they received substantial benefits. At any rate they gave substantial rewards to Charidemus—the citizenship, gold crowns, and votes of thanks. Four years later Cersobleptes, probably with the assistance of this new Athenian citizen, was again acting against Athens in the Thracian Chersonese and found it advisable to send an ambassador, Aristomachus, to assure the Athenians of his friendship and to persuade them that no one but Charidemus, if appointed their general, could recover Amphipolis for them. It was then that Aristocrates proposed in the Senate that the person of Charidemus should be inviolable. This meant, as will be seen from §§ 100 and 109 of this speech, that anyone who killed him could be summarily arrested, and that any state or individual harbouring the assassin should be excluded from all treaties with Athens. The decree was passed by the Senate and was followed by a *γραφὴ παρανόμων*, brought against Aristocrates by one Euthycles. The effect of this was to suspend the decree, and as the action was not brought into the law-courts until more than a year had passed, the decree of the Senate, not



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having been ratified within twelve months by the Assembly, naturally lapsed in accordance with the law of the constitution.

This speech was composed by Demosthenes for Euthycles. It might have been a simple one, for the speaker has only three points to prove: that the decree was (1) unconstitutional, (2) contrary to the interest of the State, and (3) undeserved. Demosthenes has, however, worked up his case so elaborately that the speech is not only a rhetorical masterpiece, but is our chief authority for the history of the complicated affairs of Thrace and for the equally complicated Athenian laws of homicide. In the course of the speech Demosthenes attacks Eubulus, though not by name. The policy of the latter's party was to preserve peace at any price, and to keep Cersobleptes in alliance, so that Thrace might serve as a buffer-state between Macedonia and the Athenian colonies. The rival policy of Demosthenes was to keep Cersobleptes from gaining complete control of the Chersonese, and to divert Philip from that quarter by attacking him elsewhere. The date of the speech is 352, when Demosthenes was thirty-two.

Of the result of the trial we know nothing certain, but Charidemus at least retained the favour of the Athenians, for in 351 he was their general on the Propontis against Philip, who had already, with his usual rapidity of action, forced Cersobleptes to submit. Then follows the First Philippic. After the capture of Thebes in 335, Alexander demanded the surrender of Charidemus along with others. He fled to the court of Persia and was put to death by Darius in 333.

### XXIII. ΚΑΤ' ΑΡΙΣΤΟΚΡΑΤΟΥΣ

Μηδεις ὑμῶν, ὧ ἄνδρες Ἀθηναῖοι, νομίση μήτ' ἰδίας ἔχθρας ἐμὲ μηδεμιᾶς ἔνεχ' ἤκειν Ἀριστοκράτους κατηγορήσοντα τουτουί, μήτε μικρὸν ὀρῶντά τι καὶ φαῦλον ἀμάρτημ' ἐτοίμως οὕτως ἐπὶ τούτῳ προάγειν ἐμαυτὸν εἰς ἀπέχθειαν, ἀλλ' εἴπερ ἄρ' ὀρθῶς ἐγὼ λογίζομαι καὶ σκοπῶ, ὑπὲρ τοῦ Χερρόνησον ἔχειν ὑμᾶς ἀσφαλῶς καὶ μὴ παρακρουσθέντας ἀποστερηθῆναι πάλιν αὐτῆς, περι τούτου μοί ἐστιν ἅπασ' ἡ σπουδῆ. δεῖ δὴ πάντας ὑμᾶς, εἰ βούλεσθ' ὀρθῶς περι τούτων μαθεῖν, καὶ κατὰ τοὺς νόμους δικαίως κρῖναι τὴν γραφήν, μὴ μόνον τοῖς γεγραμμένοις ἐν τῷ ψηφίσματι ῥήμασι [622] προσέχειν, ἀλλὰ καὶ τὰ συμβησόμεν' ἐξ αὐτῶν σκοπεῖν. εἰ μὲν γὰρ ἦν ἀκούσασι εὐθὺς εἰδέναι τὰ κεκακουργημένα, τὴν ἀρχὴν ἴσως ἂν οὐκ ἐξ- 3 ηπάτησθε· ἐπειδὴ δὲ τοῦθ' ἐν ἐστί τῶν ἀδικημάτων, τὸ τοῦτον τὸν τρόπον καὶ λέγειν καὶ γράφειν ἐνίους, ὃν ἂν ἤκισθ' ὑμεῖς ὑπίδοισθέ τι καὶ φυλάξαισθε, προσήκει μὴ πάνυ θαυμάζειν, εἰ καὶ τοῦτο τὸ ψήφισμ' ἡμεῖς οὕτω γεγραμμένον ἐπιδείξομεν ὥστε δοκεῖν μὲν Χαριδήμῳ φυλακὴν τινα τοῦ σώματος διδόναι, τὴν ὡς ἀληθῶς δὲ δικαίαν καὶ βέβαιον φυλακὴν Χερρονήσου τῆς πόλεως ἀπο-

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Men of Athens, I beg that none of you will imagine that I have come here to arraign the defendant Aristocrates from any motive of private malice, or that I am thrusting myself so eagerly into a quarrel because I have detected some small and trivial blunder, but if my judgement and my views are at all right, the purpose of all my exertions in this case is that you may hold the Chersonese securely, and may not for the second time be cheated out of the possession of that country. If, then, it is your desire to learn the truth <sup>2</sup> about this business, and to give a righteous and legitimate verdict on the indictment, you must not confine your attention to the mere phrasing of the decree, but also take into consideration its probable consequences.

Had it been possible for you, at a first hearing, to discover the trick that had been played, you would not, perhaps, have been deceived at the outset ; but, <sup>3</sup> inasmuch as one of our grievances is that certain persons make speeches and move resolutions designed to avert your suspicions and put you off your guard, you must not be greatly astonished if we convince you that this decree also is so worded that, while apparently offering some personal protection to Charidemus, it really robs our city of an honest and effective safeguard for the Chersonese.

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4 στερεῖν. εἰκότως δ' ἄν, ὦ ἄνδρες Ἀθηναῖοι, καὶ προσέχοιτέ μοι τὸν νοῦν καὶ μετ' εὐνοίας ἀκούσασθ' ἃ λέγω. ἐπειδὴ γὰρ οὐχὶ τῶν ἐνοχλούντων ὑμᾶς οὐδὲ τῶν πολιτευομένων καὶ πιστευομένων παρ' ὑμῖν ὄν, πρᾶγμα τηλικούτον φημι δεῖξιν πεπραγμένον, ἔάν, ὅσον ἐστὶν ἐν ὑμῖν, συναγωνίσθηθέ μοι καὶ προθύμως ἀκούσητε, τοῦτό τε σώσετε, καὶ ποιήσετε μὴ κατοκνεῖν, ἔάν τις τι καὶ ἡμῶν οἴηται δύνασθαι ποιῆσαι τὴν πόλιν ἀγαθόν. οἴησεται δ', ἔάν μὴ χαλεπὸν εἶναι νομίζῃ τὸ παρ' ὑμῖν λόγου

5 τυχεῖν. νῦν δὲ πολλοῖς τοῦτο φοβουμένοις, λέγειν μὲν ἴσως οὐ δεινοῖς, βελτίοσι δ' ἀνθρώποις τῶν δεινῶν, οὐδὲ σκοπεῖν ἐπέρχεται τῶν κοινῶν οὐδέν. ἐγὼ γοῦν (ὁμνύω τοὺς θεοὺς ἅπαντας) ἀπώκησ' ἄν, εὖ ἴστε, καὶ αὐτὸς τὴν γραφὴν ταύτην ἀπενεγκεῖν, εἰ μὴ πάνυ τῶν αἰσχυρῶν ἐνόμιζον εἶναι νῦν μὲν ἡσυχίαν ἀγαγεῖν καὶ σιωπήσασθαι, πρᾶγμα ἄλυσιτελὲς τῇ πόλει κατασκευάζοντας ὄρων τινὰς ἀνθρώπους, πρότερον δ', ὅτ' ἔπλευσα τριηραρχῶν εἰς Ἑλλάσποντον, εἰπεῖν καὶ κατηγορήσασθαι τινῶν, οὓς ἀδικεῖν ὑμᾶς ἡγούμην.

6 Οὐκ ἄγνοῶ μὲν οὖν ὅτι τὸν Χαρίδημον εὐεργέτην

[623] εἶναι τινες τῆς πόλεως οἴονται· ἐγὼ δέ, ἄν περ ἃ βούλομαί τε καὶ οἶδα πεπραγμέν' ἐκείνῳ δυνηθῶ πρὸς ὑμᾶς εἰπεῖν, οἶμαι δεῖξιν οὐ μόνον οὐκ εὐεργέτην, ἀλλὰ καὶ κακονούστατον ἀνθρώπων ἀπάντων καὶ πολὺ τάναντί' ἢ προσήκεν ὑπειλημμένον.

7 εἰ μὲν οὖν, ὦ ἄνδρες Ἀθηναῖοι, τοῦτο μέγιστον Ἀριστοκράτης ἡδίκηκε, τὸ τοιούτου, οἷον ἐγὼ φημι

You will be well advised, men of Athens, to grant 4  
 me your attention, and give a favourable hearing to  
 what I have to say. I am not one of the orators who  
 worry you ; I am not one of the politicians who enjoy  
 your confidence ; yet I undertake to convince you of  
 the importance of this transaction ; and therefore, if  
 you will co-operate with me to the best of your power  
 and listen to me with goodwill, you will avert this  
 peril, and at the same time you will overcome the  
 reluctance of any of us plain citizens who may believe  
 himself able to do the State a good turn. And he will  
 so believe, if only he is satisfied that it is not difficult  
 to get a hearing in this court ; though at present 5  
 many of us,—inexpert speakers, perhaps, and yet  
 better men than the experts—so dread this ordeal  
 that they never think even of examining any public  
 question. You may be sure that I for one, as Heaven  
 is my witness, would never have dared to lay this  
 indictment, if I had not thought it entirely dishonour-  
 able that at this time, when I see people engaged in a  
 project to the disadvantage of our commonwealth, I  
 should hold my peace, and close my lips,—I who, on  
 a former occasion, when I sailed for the Hellespont in  
 command of a war-galley, spoke out and denounced  
 certain men who, in my judgement, were doing you  
 wrong.

I am not ignorant that Charidemus is regarded by 6  
 some as a benefactor of Athens. But if I can find  
 ability to tell you what I mean, and what I know him  
 to have done, I hope to prove that, so far from being  
 our benefactor, he is particularly ill-disposed to us,  
 and that exactly the wrong conception has been  
 formed of his character. If, men of Athens, the most 7  
 serious offence committed by Aristocrates had been

δείξειν τὸν Χαρίδημον ὄντα, τοσαύτην πεποιῆσθαι πρόνοιαν ἐν τῷ ψηφίσματι ὥστ' ἰδίαν παρὰ τοὺς νόμους, ἂν τι πάθῃ, τιμωρίαν αὐτῷ δεδωκέναι, ταῦτ' ἂν ἤδη λέγειν πρὸς ὑμᾶς ἐπεχείρουν, ἵν' εἰδῆτε πολλοῦ δεῖν ἄξιον ὄντα τυχεῖν τοῦ ψηφίσματος αὐτὸν τουτουί. νυνὶ δ' ἕτερον τούτου μεῖζον διὰ τοῦ ψηφίσματος ἔστ' ἀδίκημα, ὃ δεῖ πρότερον καὶ μαθεῖν ὑμᾶς καὶ φυλάξασθαι.

8 Ἀνάγκη δ' ἐστὶ πρῶτον ἀπάντων εἰπεῖν καὶ δεῖξαι, τί ποτ' ἐστὶ τὸ Χερρόνησον ὑμᾶς ἀσφαλῶς ἔχειν πεποιηκός· διὰ γὰρ τοῦ μαθεῖν τούτο καὶ τὰδίκημα σαφῶς ὄψεσθε. ἔστι τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, τούτο, τὸ τελευτήσαντος Κότυος Βηρισάδην καὶ Ἀμάδοκον καὶ Κερσοβλέπτην τρεῖς ἀνθ' ἑνὸς γενέσθαι Θράκης βασιλέας· συμβέβηκε γὰρ ἐκ τούτου αὐτοῖς μὲν ἀντιπάλους εἶναι τούτους, ὑμᾶς

9 δ' ὑπέρχεσθαι καὶ θεραπεύειν. τούτο τοίνυν, ὧ ἄνδρες Ἀθηναῖοι, βουλόμενοί τινες παῦσαι, καὶ καταλῦσαι μὲν τοὺς ἑτέρους βασιλέας, παραδοῦναι δ' ἐνὶ τῷ Κερσοβλέπτῃ τὴν ἀρχὴν ἅπασαν, διαπράττονταί σφισι τούτο γενέσθαι τὸ προβούλευμα, τῷ μὲν ἀκοῦσαι κεχωρισμένοι τοῦ τι τοιοῦτον δοκεῖν διαπράξασθαι, τῷ δ' ἔργῳ πάντων μάλιστα τούτο

10 περαίνοντες, ὡς ἐγὼ διδάξω. ἐπειδὴ γὰρ ἑνὸς

[624] τελευτήσαντος τῶν βασιλέων, Βηρισάδου, παραβὰς τοὺς ὄρκους καὶ τὰς συνθήκας, ἃς μεθ' ὑμῶν ἐποίησατο, Κερσοβλέπτης ἐξέφερε πόλεμον πρὸς τε τοὺς Βηρισάδου παῖδας καὶ πρὸς Ἀμάδοκον, εὐδηλον ἦν ὅτι τοῖς μὲν Βηρισάδου παισὶν Ἀθηνόδωρος βοήθησοι, τῷ δ' Ἀμαδόκῳ Σίμων καὶ Βιάνωρ· ὁ μὲν

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that in his decree he was so solicitous for the safety of such a man as I undertake to prove Charidemus to be that he provided a special and illegal penalty, in case anything happened to him, I should have tried to deal with that point at once, for the purpose of proving that the man is very far from deserving the favour of this decree. There is, however, a much graver iniquity involved in the decree, of which you must first be informed, and against which you must take precaution.

It is essential that at the outset I should explain to 8  
you the circumstances to which you owe the secure possession of the Chersonese, for in the light of that knowledge you will get a clear perception of the wrong that has been committed. The circumstances, men of Athens, are these. On the demise of Cotys three persons instead of one became kings of Thrace —Berisades, Amadocus, and Cersobleptes ; and the natural result was that they competed with one another and that they all flattered you and courted your favour. Well, men of Athens, certain persons 9  
who wanted to put a stop to that state of affairs, to get rid of the other kings, and to put Cersobleptes in possession of an undivided monarchy, contrived to equip themselves with this provisional resolution. If one listened only to the wording, they were far from appearing to pursue any such purpose ; and yet such was in fact their main object, as I will proceed to explain. On the death of Berisades, one of the three 10  
kings, Cersobleptes, in violation of a sworn treaty concluded with you, began to levy war upon the sons of Berisades and upon Amadocus ; and it was at once foreseen that Athenodorus would come to the aid of the sons of Berisades, and Simon and Bianor to that

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γὰρ Βηρισάδου κηδεστής, οἱ δ' Ἀμαδόκου γε-  
 11 γόνασιν. ἐσκόπουν οὖν τίν' ἂν τρόπον ἡσυχίαν μὲν  
 ἔχειν ἀναγκασθεῖεν οὗτοι, ἐρήμων δ' ὄντων ἐκείνων  
 ὁ Κερσοβλέπτη πράττων τὴν ἀρχὴν Χαρίδημος  
 ἀσφαλῶς πάντα καταστρέψαιτο. εἰ πρῶτον μὲν,  
 ἂν τις αὐτὸν ἀποκτείνῃ, ψήφισμ' ὑμέτερον γένοιτ'  
 ἀγώγιμον εἶναι· δεύτερον δ', εἰ χειροτονηθεῖη  
 12 στρατηγὸς ὑφ' ὑμῶν Χαρίδημος. οὔτε γὰρ ὑμετέρῳ  
 στρατηγῷ προχείρως ἐναντία θήσεσθαι τὰ ὄπλ'  
 ἔμελλεν ὁ Σίμων οὐδ' ὁ Βιάνωρ, πολῖται γεγενη-  
 μένοι καὶ ἄλλως ἐσπουδακότες πρὸς ὑμᾶς· ὁ δὲ  
 δὴ γένει πολίτης Ἀθηνόδωρος οὐδὲ βουλευέσθαι  
 οὔτε τὴν διὰ τοῦ ψηφίσματος αἰτίαν ὑποδύσεσθαι,  
 ἢ πρόδηλος ἦν ἐπ' ἐκείνους ἤξουσα, εἴ τι πάθῃ  
 Χαρίδημος. ἐκ δὲ τούτου τοῦ τρόπου τῶν μὲν  
 ἐρήμων ὄντων βοηθῶν, αὐτοῖς δ' ἀδείας δοθείσης,  
 ῥαδίως ἐκβαλεῖν ἐκείνους καὶ κατασχῆσειν τὴν  
 13 ἀρχήν. καὶ ὅτι ταῦθ' οὕτως ὤοντο καὶ τοῦτ' ἦν  
 τὸ κατασκευάσμ' αὐτοῖς, τὰ πραχθέντ' αὐτὰ κατ-  
 ηγορεῖ. ἅμα γὰρ τῷ πολέμῳ τ' ἐνεχείρουν αὐτοὶ  
 καὶ πρὸς ὑμᾶς ἦκεν Ἀριστόμαχος πρεσβευτῆς παρ'  
 αὐτῶν ὁ Ἀλωπεκῆθεν οὐτοσί, ὃς ἄλλα τ' ἐδημη-  
 [625] γόρει παρ' ὑμῖν ἐπαινῶν καὶ διεξιῶν τὸν Κερσο-  
 βλέπτην καὶ τὸν Χαρίδημον, ὡς φιλανθρώπως  
 14 ἔχουσι πρὸς ὑμᾶς, καὶ μόνον ἀνθρώπων ἂν ἔφη  
 Χαρίδημον Ἀμφίπολιν κομίσασθαι τῇ πόλει δύ-  
 νασθαι, καὶ παρῆνει στρατηγὸν χειροτονηῖσαι. ἡτοί-  
 μαστο δ' αὐτοῖς τοῦτο τὸ προβούλευμα καὶ προδιώ-



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of Amadocus, the former being related by marriage to Berisades and the two latter to Amadocus. Accord- 11  
ingly the persons I have mentioned began to consider by what means those commanders might be compelled to remain inactive, so that, the rival princes being friendless, Charidemus, who was striving to win the monarchy for Cersobleptes, might make himself master of the situation. The first plan was to get a decree enacted by you, making any man who should kill Charidemus liable to arrest ; and the second was that Charidemus should receive from you a general's commission. For neither Simon nor Bianor, both of 12  
whom had been admitted to your citizenship, and who were, apart from that, thoroughly well affected towards you, was likely to take the field against a general of yours ; while Athenodorus, an Athenian citizen by birthright, would never dream of doing so, nor would he incur the criminal charge set up by the decree, which would certainly be brought against those commanders, if anything happened to Charidemus. By these means, the kings being denuded of allies, and impunity provided for themselves, they hoped easily to drive them out and seize the monarchy. Of such intentions and of such artifices 13  
they are accused by the evidence of facts ; for, at the moment when they began hostilities, Aristomachus of Alopece visited you as their ambassador, and in his oration before the assembly, not content with commending Cersobleptes and Charidemus and enlarging on their generous sentiments towards you, he declared 14  
that Charidemus was the only man in the world who could recover Amphipolis for Athens, and advised you to appoint him as general. But this preliminary resolution had already been drafted and preconcerted

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- κητο, ἴν' εἰ πεισθείητ' ἐκ τῶν ὑποσχέσεων καὶ τῶν ἐλπίδων ἄς ὑπέτειν' ὁ Ἀριστόμαχος, εὐθὺς ἐπι-  
 15 κυρώσειεν ὁ δῆμος καὶ μηδὲν ἐμποδῶν εἶη. καίτοι πῶς ἂν τεχνικώτερον ἢ κακουργότερον συμπαρ-  
 εσκεύασαν ἄνθρωποι, ὅπως οἱ μὲν ἐκπεσοῦνται τῶν βασιλέων, εἰς δ', ὃν αὐτοὶ βούλονται, πᾶσαν ὑφ' αὐτὸν ποιήσεται τὴν ἀρχήν, ἢ τοὺς μὲν τοῖν δυοῖν βοηθήσαντας ἂν εἰς φόβον καὶ συκοφαντίας εὐ- λάβειαν καθιστάντες, ἢν εἰκὸς προσδοκᾶν ἐκείνους ἐφ' ἑαυτοὺς ἐλθεῖν ἂν διὰ τοῦ ψηφίσματος τουτουί, τῷ δ' ἐνὶ πράττοντι τὴν ἀρχήν καὶ πάντα τὰναντία τοῖς ὑμῖν συμφέρουσι κατασκευάζοντι τοσαύτην ἐξουσίαν διδόντες τοῦ ταῦτ' ἀδεῶς πράττειν;
- 16 Οὐ τοίνυν μόνον ἐκ τούτων δῆλόν ἐσθ' ὅτι τούτων ἕνεκ' ἐρρήθη τὸ προβούλευμ' ὧν λέγω, ἀλλὰ καὶ ἐκ τοῦ ψηφίσματος αὐτοῦ μαρτυρία τίς ἐστ' εὐμεγέθης. ἂν γὰρ ἀποκτείνῃ τις Χαρίδημον γράψας καὶ παραβὰς τὸ τί πράττοντ' εἰπεῖν, πότερ' ἡμῖν συμ- φέροντ' ἢ οὐ, γέγραφε εὐθὺς ἀγώγιμον ἐκ τῶν συμ-  
 17 μάχων εἶναι. οὐκοῦν τῶν μὲν ἐχθρῶν ὁμοίως ἡμῖν τε κακείνω, οὐδέποτ' εἰς τοὺς ἡμετέρους ἤξει συμ- μάχους οὐδεῖς, οὐτ' ἀποκτείνας ἐκείνον οὔτε μὴ,  
 [626] ὥστ' οὐ κατὰ τούτων γέγραφε ταύτην τὴν τιμωρίαν. τῶν δ' ἡμετέρων μὲν φίλων, ἐκείνου δ', ὅταν ἐγχειρῇ τι πράττειν ἐναντίον ὑμῖν, ἐχθρῶν, τούτων δὴ τίς ἐστίν ὁ τοῦτο τὸ ψήφισμα φοβηθεῖς ἂν<sup>1</sup> καὶ φυλαξάμενος μὴ δι' ἀνάγκην ἡμῖν εἰς ἐχθραν ἐλθεῖν

<sup>1</sup> τούτων ἂν τις εἶη . . . φοβηθεῖς Dind. The text now generally adopted is given as an alternative reading in S.

by them, in order that, if you should be captivated by the promises and expectations which Aristomachus held out to you, it might be ratified there and then by the Assembly, and no impediment might remain. Yet 15 what more ingenious and cunning device could these men have concocted to obtain the expulsion of the other kings, and the subjection of the whole realm to the monarch whom they preferred, than when they intimidated the commanders who would otherwise have supported the two rivals, and put them on their guard against that spiteful accusation which they might reasonably expect to encounter by the operation of this decree ; and when on the other hand they conferred upon the man who was scheming to get the monarchy for one king, and was laying plans entirely opposed to your interests, such ample licence to proceed without fear ?

Nor is it only these considerations that prove that 16 such was the purpose for which the resolution was moved : the decree itself supplies evidence of great weight. After drafting the words " if any person put Char demus to death," and omitting any proviso of what Charidemus might be doing, whether for or against your advantage, the mover forthwith added, " he shall be liable to seizure and removal from the territory of our allies." Now no man who is an enemy 17 of ours as well as of Charidemus will ever enter allied territory, whether he has put him to death or not, and therefore it is not against such men that this retribution has been directed. The man who will be alarmed by this decree, and will be on his guard against becoming our certain enemy, is one who is a friend of ours, and also an enemy of his, if he should attempt anything inimical to us. And that man is Atheno-

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ἔστι τοίνυν οὗτος Ἀθηνόδωρος, Σίμων, Βιάνωρ, οἱ Θράκης βασιλεῖς, ἄλλος ὅστις ἂν εἰς εὐεργεσίας μέρος καταθέσθαι βούλοιο τὸ πράττειν ὑπεναντί ἐκείνον ἐγχειροῦνθ' ὑμῖν ἐπισχεῖν.

18 Ἔν μὲν τοίνυν ἔνεκ' ἐρρήθη τὸ προβούλευμα, ἵνα κυρώσειεν ὁ δῆμος ἐξαπατηθεῖς, καὶ δι' αὐτὴν τὴν γραφὴν ἐποιησάμεθ' ἡμεῖς ταυτηνί, βουλόμενοι κωλύσαι, ταῦτ' ἐστίν, ὧ ἄνδρες Ἀθηναῖοι. δίκαιον δ' ἐστὶν ἴσως ἔμ' ὑπεσχημένον τρία ἐπιδείξειν, ἐν μὲν ὡς παρὰ τοὺς νόμους τὸ ψήφισμ' εἴρηται, δεύτερον δ' ὡς ἀσύμφορόν ἐστι τῇ πόλει, τρίτον δ' ὡς ἀνάξιός ἐστι τυχεῖν τούτων ὧ γέγραπται, πάντων αἴρεσιν ὑμῖν δοῦναι τοῖς ἀκουσομένοις, τί πρῶτον ἢ τί δεύτερον ἢ τί τελευταῖον βουλομένοις

19 ἀκούειν ὑμῖν ἐστίν. ὅ τι δὴ βούλεσθε, ὀράτε, ἵνα τοῦτο λέγω πρῶτον ὑμῖν. περὶ τοῦ παρανόμου βούλεσθε πρῶτον; τοῦτο τοίνυν ἐροῦμεν. αὐτὸ δὴ δέομαι καὶ ἀξιῶ παρὰ πάντων ὑμῶν τυχεῖν, δίκαια, ὡς γ' ἐμαυτὸν πείθω· μηδεὶς ὑμῶν, ὧ ἄνδρες Ἀθηναῖοι, τῷ διεψεῦσθαι τοῦ Χαριδήμου καὶ νομίζειν εὐεργέτην εἶναι φιλονικῶν δυσχερέστερον τοὺς περὶ τῶν νόμων λόγους ἀκούσῃ μου, μηδ' ἀποστερήσῃ διὰ τοῦτο μήθ' ἑαυτὸν τοῦ θέσθαι τὴν ψήφον εὖορκον μήτ' ἐμὲ τοῦ διδάξαι περὶ πάντων ὑμᾶς ὡς βούλομαι. ἀλλὰ ποιησάσθω τὴν ἀκρόασιν

20  
[627] ὡδί· καὶ σκοπέισθ' ὡς δίκαι' ἐρῶ. ὅταν μὲν λέγω περὶ τῶν νόμων, ἀφελὼν ὅτω τὸ ψήφισμ' εἴρηται καὶ ποίω τινί, σκοπέισθω πότερον παρὰ τοὺς νόμους ἢ κατ' αὐτοὺς εἴρηται, καὶ μηδὲν ἄλλο· ὅταν δ' ἐλέγχω τὰ πεπραγμένα καὶ διεξιῶ τὸν

dorus, or Simon, or Bianor, kings of Thrace, or any other man who may wish to lay you under obligation by restraining Charidemus when he is trying to act in opposition to you.

Such, men of Athens, are the purposes for which 18  
the provisional resolution was moved, in the hope that it would be ratified by a deluded Assembly ; and such the reasons why we, desiring to frustrate its ratification, have brought this present indictment. As I have undertaken to prove three propositions,—first that the decree is unconstitutional, secondly that it is injurious to the common weal, and thirdly that the person in whose favour it has been moved is unworthy of such privilege,—it is, perhaps, fair that I should allow you, who are to hear me, to choose what you wish to hear first, and second, and last. Consider 19  
what you prefer, that I may begin with that.—You wish me to deal first with the illegality ? Very well ; I will do so. There is a favour which I not only ask but claim from you all,—with justice, as I am inclined to think. I beg that none of you, men of Athens, taking a partisan view, because you have been deceived in Charidemus and look on him as a benefactor, will give an unfriendly hearing to my remarks on the point of law. Do not, for that reason, rob yourselves of the power to cast an honest vote, and me of the right to present my whole case as I think fit. You must listen to me in the manner following,—and observe how fairly I will put it. When I am discuss- 20  
ing the point of law, you must disregard the person, and the character of the person, in whose favour the decree has been proposed, and attend to the question whether it is legal or illegal,—that and that alone. When I am bringing the man's deeds home to him,

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- τρόπον ὃν πεφενάκισθ' ὑπ' αὐτοῦ, τὰς πράξεις σκοπείσθω, πότερον γεγυυίας ἢ ψευδεῖς ἐρῶ·
- 21 ὅταν δ' ἐξετάζω περὶ τοῦ συμφέρειν ἢ μὴ τῇ πόλει ταῦτα ψηφίσασθαι, πάντα τὰλλ' ἀφείς τοὺς λογισμοὺς ὀράτω τοὺς περὶ τούτων, πότερ' ὀρθῶς ἔχοντας ποιούμαι ἢ οὐ. ἐὰν γὰρ τοῦτον ἔχοντες τὸν τρόπον ἀκροάσησθέ μου, αὐτοὶ τ' ἄρισθ' ἂ προσήκει συνησετε, χωρὶς ἕκαστα σκοποῦντες καὶ οὐχ ἅμα πάνθ' ἀθρό' ἐξετάζοντες, καγὼ ρᾶσθ' ἂ βούλομαι δυνήσομαι διδάξαι. ἔσονται δὲ βραχεῖς περὶ πάντων οἱ λόγοι.
- 22 Λαβὲ δὴ τοὺς νόμους αὐτοὺς καὶ λέγε, ἔν' ἐξ αὐτῶν ἐπιδεικνύω τούτων τὸ παράνομον.

### ΝΟΜΟΣ ΕΚ ΤΩΝ ΦΟΝΙΚΩΝ ΝΟΜΩΝ ΤΩΝ ΕΞ ΑΡΕΙΟΥ ΠΑΓΟΥ

[Δικάζειν δὲ τὴν βουλὴν τὴν ἐν Ἀρείῳ πάγῳ φόνου καὶ τραύματος ἐκ προνοίας καὶ πυρκαϊᾶς καὶ φαρμάκων, ἐὰν τις ἀποκτείνῃ δούς.]

- 23 Ἐπίσχεσ. ἠκούσατε μὲν τοῦ τε νόμου καὶ τοῦ ψηφίσματος, ὦ ἄνδρες Ἀθηναῖοι· ὡς δ' ἂν μοι δοκεῖτε τοὺς περὶ τοῦ παρανόμου λόγους αὐτοὺς ρᾶστα μαθεῖν, τοῦθ' ὑμῖν φράσω· εἰ σκέψαισθ' ἐν τίνι τάξει ποτ' ἔσθ' ὑπὲρ οὐ τὸ ψηφισμ' εἶρηται, πότερα ξένος ἢ μέτοικος ἢ πολίτης ἐστίν. εἰ μὲν [628] δὴ μέτοικον φήσομεν, οὐκ ἐρουῦμεν ἀληθῆ, εἰ δ' αὖ ξένον, οὐχὶ δίκαια ποιήσομεν· τὴν γὰρ τοῦ δήμου δωρειάν, ἐν ἣ πολίτης γέγονε, κυρίαν αὐτῷ δίκαιόν ἐστιν εἶναι. ὡς ὑπὲρ πολίτου τοίνυν, ὡς
- 24 ἔοικε, ποιητέον τοὺς λόγους. θεάσασθε δὴ πρὸς

## AGAINST ARISTOCRATES, 20-24

and relating in what fashion you have been overreached by him, you must look only at the transactions,—do I relate them accurately or untruly? And 21 when I inquire whether or not the enactment of this decree is conducive to the public good, dismiss everything else and watch my reasoning on that point,—is it sound or unsound? Listen to me in that manner, and you will get a better understanding of what you ought to know, by looking at one question at a time, instead of inquiring into all the issues at once, while I shall have no difficulty in explaining what I mean. On every topic my remarks shall be brief.

Now take and read the actual statutes, that I may 22 prove thereby the illegality of their proposal.

### ONE OF THE STATUTES OF THE AREOPAGUS CONCERNING HOMICIDE

[The Council of the Areopagus shall take cognizance in cases of homicide, of intentional wounding, of arson, and of poisoning, if a man kill another by giving poison.]

Stop there. You have heard the statute, men of 23 Athens, and you have also heard the decree. Let me tell you how you will more readily grasp the arguments on the question of illegality. Consider the status of the person in whose favour the decree has been proposed: is he an alien, a resident alien, or a citizen? If we call him a resident alien, we shall not be telling the truth; and if we call him an alien, we shall be doing him wrong, for it is only fair to him to admit the validity of that grace of the people by which he was made a citizen. It seems, then, that we must treat him as a citizen in our arguments. Now I 24

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Διὸς ὡς ἀπλῶς καὶ δικαίως χρήσομαι τῷ λόγῳ,  
 ὃς εἰς μὲν ταύτην τίθεμαι τὴν τάξιν αὐτὸν ἐν ἧ  
 πλείστης ἂν τυγχάνοι τιμῆς, ἃ δ' οὐδ' ἡμῖν τοῖς  
 γένει πολίταις ἐστίν, οὐδ' ἐκείνῳ δεῖν οἶμαι γενέσθαι  
 παρὰ τοὺς νόμους. τίν' οὖν ἐστὶ ταῦτα; ἃ νυνὶ  
 γέγραφ' οὕτως. γέγραπται γὰρ ἐν μὲν τῷ νόμῳ  
 "τὴν βουλὴν δικάζειν φόνου καὶ τραύματος ἐκ  
 προνοίας καὶ πυρκαϊᾶς καὶ φαρμάκων, ἕάν τις  
 25 ἀποκτείνῃ δούς." καὶ προσειπὼν ὁ θεὸς τὸν νόμον  
 "ἕάν ἀποκτείνῃ," κρίσιν πεποιήκεν ὅμως, οὐ  
 πρότερον τί χρὴ πάσχειν τὸν δεδρακότ' εἴρηκε,  
 καλῶς, ὧ ἄνδρες Ἀθηναῖοι, τοῦθ' ὑπὲρ εὐσεβείας  
 ὅλης τῆς πόλεως προΐδων. πῶς; οὐκ ἔνεστιν  
 ἅπαντας ἡμᾶς εἰδέναί τίς ποτ' ἐστὶν ὁ ἀνδροφόνος.  
 τὸ μὲν δὴ τὰ τοιαῦτα ἄνευ κρίσεως πιστεύειν, ἂν  
 τις ἐπαιτιάσῃται, δεινὸν ἡγέιτο, δεῖν δ' ὑπελάμ-  
 βανεν, ἐπειδήπερ ἡμεῖς τιμωρήσομεν τῷ πεπονθότι,  
 πεισθῆναι καὶ μαθεῖν ἡμᾶς διδασκομένους ὡς  
 δέδρακε· τῆνικαῦτα γὰρ εὐσεβὲς ἤδη κολάζειν  
 26 εἰδόσιν εἶναι, πρότερον δ' οὐ. καὶ ἔτι πρὸς τούτῳ  
 διελογίζετο ὅτι πάντα τὰ τοιαῦτ' ὀνόματα, οἷον  
 ἕάν τις ἀποκτείνῃ, ἕάν τις ἱεροσυλήσῃ, ἕάν τις  
 προδῶ, καὶ τὰ τοιαῦτα πάντα πρὸ μὲν τοῦ κρίσιν  
 γενέσθαι αἰτιῶν ὀνόματ' ἐστίν, ἐπειδὰν δὲ κριθεῖς  
 [629] τις ἐξελεγχθῆ, τῆνικαῦτ' ἀδικήματα γίνεσθαι. οὐ  
 δὴ δεῖν ᾤετο τῷ τῆς αἰτίας ὀνόματι τιμωρίαν  
 προσγράφειν, ἀλλὰ κρίσιν. καὶ διὰ ταῦτα, ἂν τις  
 ἀποκτείνῃ τινά, τὴν βουλὴν δικάζειν ἔγραψε, καὶ  
 27 οὐχ ἄπερ, ἂν ἄλῳ, παθεῖν εἶπεν. ὁ μὲν δὴ τὸν  
 νόμον τιθεὶς οὕτως, ὁ δὲ τὸ ψήφισμα γράφων πῶς;



beg you to observe how candidly and honestly I am going to treat the question ; for I assign him to that class which entitles him to the greatest respect, though I do deny his right to acquire illegally privileges not enjoyed by us who are citizens by birthright,—the privileges, I mean, which the defendant has specified in this decree. In the statute it is provided that the Council shall take cognizance of homicide, intentional wounding, arson, and poisoning, if a man kills another by giving him poison. The legislator, 25 while he presumes the killing, has nevertheless directed a judicial inquiry before specifying what is to be done to the culprit, and thereby has shown a just respect, men of Athens, for the religious feeling of the whole city. I say of the whole city, because it is impossible that all of you should know who the manslayer is. He thought it scandalous to give credit to such accusations, when made, without a trial ; and he conceived that, inasmuch as the avenging of the sufferer is in our hands, we ought to be informed and satisfied by argument that the accused is guilty, for then conscience permits us to inflict punishment according to knowledge, but not before. Moreover 26 he argued that before the trial is held such expressions as “ if a man kill,” “ if a man rob a temple,” “ if a man commit treason,” and the like, are merely phrases of accusation : they become definitions of crime only after trial and conviction. To a formula of accusation he thought it proper to attach not punishment, but only trial ; and therefore, when enacting that, if one man killed another, the Council should take cognizance, he did not lay down what should be done to the culprit if found guilty. So 27 much for the legislator ; but what of the author of

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“ ἔάν τις ἀποκτείνῃ ” φησὶ “ Χαρίδημον.” τὴν μὲν δὴ προσηγορίαν τοῦ πάθους τὴν αὐτὴν ἐποίησατο, “ ἂν τις ἀποκτείνῃ ” γράψας, ἥνπερ ὁ τὸν νόμον τιθεὶς· μετὰ ταῦτα δ’ οὐκέτι ταῦτά, ἀλλ’ ἀνελὼν τὸ δίκην ὑπέχειν ἀγώγιμον εὐθύς ἐποίησε, καὶ παραβὰς τὸ διωρισμένον ἐκ τοῦ νόμου δικαστήριον ἄκριτον τοῖς ἐπαιτιασαμένοις παρέδωκεν ὅ τι ἂν βούλωνται χρῆσθαι, τὸν οὐδ’ εἰ πεποίηκέ  
 28 πω φανερόν. καὶ λαβοῦσιν ἐκείνοις ἐξέσται στρεβλοῦν, αἰκίσασθαι, χρήματα πράξασθαι. καίτοι πάντα ταῦτ’ ἀπείρηκεν ἀντικρυς καὶ σαφῶς ὁ κάτωθεν νόμος μηδὲ τοὺς ἐάλωκότες καὶ δεδογμένους ἀνδροφόνους ἐξεῖναι ποιεῖν. λέγε δ’ αὐτοῖς αὐτὸν τὸν νόμον τὸν μετὰ ταῦτα.

### ΝΟΜΟΣ

[Τοὺς δ’ ἀνδροφόνους ἐξεῖναι ἀποκτείνειν ἐν τῇ ἡμεδαπῇ καὶ ἀπάγειν, ὡς ἐν τῷ <α’><sup>1</sup> ἄξονι ἀγορεύει, λυμαίνεσθαι δὲ μή, μηδὲ ἀποινᾶν, ἢ διπλοῦν ὀφείλαιν ὅσον ἂν καταβλάβῃ. εἰσφέρειν δὲ τοὺς ἄρχοντας, ὧν ἕκαστοι δικασταί εἴσι, τῷ βουλομένῳ. τὴν δ’ ἡλιαίαν διαγιγνώσκειν.]

29 Ἡκούσατε μὲν τοῦ νόμου, σκέψασθε δ’, ὧ ἄνδρες Ἀθηναῖοι, καὶ θεωρήσατε ὡς καλῶς καὶ σφόδρ’ εὐσεβῶς ἔθηκεν ὁ τιθεὶς τὸν νόμον. “ τοὺς ἀνδροφόνους ” φησὶν. πρῶτον μὲν δὴ τοῦτον ἀνδροφόνον  
 [630] λέγει, τὸν ἐάλωκότεν ἤδη τῇ ψήφῳ. οὐ γάρ ἐστ’ οὐδεὶς ὑπὸ ταύτῃ τῇ προσηγορίᾳ, πρὶν ἂν ἐξελεγ-  
 30 χθῆις ἀλῶ. ποῦ τοῦτο δηλοῖ; ἔν τε τῷ προτέρῳ

<sup>1</sup> Cobet's addition. So below, § 31.

## AGAINST ARISTOCRATES, 27-30

the decree? "If any man kill Charidemus," he says. So he defines the injury in the same phrase, "if any man kill," as the legislator; but the sequel is not the same. He struck out submission to trial, and made the culprit liable to immediate seizure; he passed by the tribunal appointed by law, and handed over to the accusers, to be dealt with as they chose, a man untried, a man whose guilt is not yet proven. When they have got him, they are to be allowed to 28 torture him, or maltreat him, or extort money from him. Yet the next ensuing statute directly and distinctly forbids such treatment even of men convicted and proved to be murderers. Read to the jury the statute that follows.

### STATUTE

[It shall be lawful to kill <sup>a</sup> murderers in our own territory, or to arrest them as directed on the first turning-table,<sup>b</sup> but not to maltreat or amerce them, on penalty of a payment of twice the damage inflicted. The Archons, according to their several jurisdictions, shall bring cases into court for any man who so desires; and the court of Heliaea shall adjudicate.]

You have heard the law, men of Athens; and I beg 29 you to examine it and observe how admirably and most righteously it is framed by the legislator. He uses the term "murderers"; but in the first place you see that by murderer he means a man found guilty by verdict; for no man comes under that designation until he has been convicted and found guilty. That is made clear both in the earlier statute 30

<sup>a</sup> *i.e.* if they resist capture.

<sup>b</sup> Solon's laws were inscribed on square tablets, attached (by hinges?) to an upright post. These posts stood in the Agora, accessible to all.

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νόμῳ καὶ τούτῳ. ἐν μὲν γὰρ ἐκείνῳ γράψας “ ἐάν τις ἀποκτείνῃ,” τὴν βουλήν δικάζειν εἶπεν, ἐν δὲ τούτῳ τὸν ἀνδροφόνον προσειπών, ἃ χρὴ πάσχειν, εἶρηκεν· οὗ μὲν γὰρ ἦν αἰτία τὸ πρᾶγμα, τὴν κρίσιν εἶρηκεν, οὗ δ’ ὁ ἀλοὺς ἔνοχος τῷ προσρήματι τούτῳ καθέστηκε, τὴν τιμωρίαν ἔγραψεν. περὶ μὲν δὴ τῶν ἐαλωκότων ἂν λέγοι. λέγει δὲ

31 τί; “ ἐξεῖναι ἀποκτείνειν καὶ ἀπάγειν.” ἄρ’ ὡς αὐτόν; ἢ ὡς ἂν βούληται τις; πολλοῦ γε καὶ δεῖ. ἀλλὰ πῶς; “ ὡς ἐν τῷ <α’> ἄξονι εἶρηται ” φησίν. τοῦτο δ’ ἐστὶ τί; ὁ πάντες ἐπίστασθ’ ὑμεῖς. οἱ θεσμοθέται τοὺς ἐπὶ φόνῳ φεύγοντας κύριοι θανάτῳ ζημιῶσαί εἰσι, καὶ τὸν ἐκ τῆς ἐκκλησίας πέρυσσι πάντες ἑωρᾶθ’ ὑπ’ ἐκείνων ἀπαχθέντα. ὡς τού-

32 τούς οὖν ἀπάγειν λέγει. διαφέρει δὲ τί τοῦτο τοῦ ὡς αὐτόν ἄγειν; ὅτι ὁ μὲν ἀπάγων, ὧ ἄνδρες Ἀθηναῖοι, ὡς τοὺς θεσμοθέτας, τοὺς νόμους κυρίους ποιεῖ τοῦ δεδρακότος, ὁ δ’ ὡς αὐτόν ἄγων ἑαυτόν. ἔστι δ’ ἐκείνως μὲν, ὡς ὁ νόμος τάττει, δοῦναι δίκην, οὕτω δέ, ὡς ὁ λαβὼν βούλεται. πλείστον δὲ δήπου διαφέρει τὸν νόμον κύριον τῆς τιμωρίας

33 ἢ τὸν ἐχθρὸν γίγνεσθαι. “ λυμαίνεσθαι δὲ ” φησὶ “ μὴ, μηδὲ ἀποινᾶν.” ταῦτα δ’ ἐστὶ τί; τὸ μὲν δὴ μὴ λυμαίνεσθαι γνώριμον οἶδ’ ὅτι πᾶσι μὴ μαστιγοῦν, μὴ δεῖν, μὴ τὰ τοιαῦτα ποιεῖν λέγει, τὸ δὲ μηδ’ ἀποινᾶν μὴ χρήματα πράττεσθαι· τὰ

## AGAINST ARISTOCRATES, 30-33

and in this one ; for in the former, after the words " if any man kill," the legislator directs the Council to take cognizance, and here, after designating the man as " the murderer," he has directed what is to be done to him. That is to say, when it is a question of accusation, he has ordered a trial, but when the culprit, being found guilty, is liable to this designation, he has specified the penalty. Therefore he should be speaking only of persons found guilty. Well, what does he direct ? That it shall be lawful to kill them and to put them under arrest. Does he say that they <sup>31</sup> are to be taken to the house of the prosecutor, or as he pleases ? No, indeed. How are they to be arrested ? " As directed on the first turning-table," is the phrase ; and you all know what that means. The judicial archons are there authorized to punish with death persons who have gone into exile on a charge of murder. Only last year you all saw the culprit who was arrested by them in the Assembly. It is to the archons, then, that the murderer is to be taken on arrest ; and that differs from being taken to <sup>32</sup> the house of the prosecutor in this respect, men of Athens,—that the captor who carries a man to the judges gives control of the malefactor to the laws, while the captor who takes him home gives such control to himself. In the former case punishment is suffered as the law enjoins ; in the latter, as the captor pleases ; and of course it makes a vast difference whether the retribution is controlled by the law or by a private enemy. " Not to maltreat or amerce," <sup>33</sup> says the statute. What does that mean ? Every one, I am sure, understands that not to maltreat means that there is to be no scourging, no binding nor anything like that, and that not to amerce means not

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34 γὰρ χρήματ' ἄποιν' ὠνόμαζον οἱ παλαιοί. ὁ μὲν  
 [631] δὴ νόμος οὕτω τὸν ἀνδροφόνον καὶ τὸν ἑάλωκότην  
 ἤδη διώρισεν ὡς κολαστέον καὶ οὐ, τὴν τοῦ πεπον-  
 θότος εἰπὼν πατρίδα, καὶ περὶ τοῦ μηδέν' ἄλλον  
 τρόπον ἢ τοῦτον μηδ' ἄλλοθι πλὴν ἐνταῦθ' ἀντικρυς  
 εἶρηκεν. ὁ δὲ τὸ ψήφισμα γράφων, πολλοῦ γε  
 δεῖ, διώρισεν, ὅς γε πάντα τούτοις τὰναντί' εἶρηκεν·  
 γράψας γὰρ “ ἐάν τις ἀποκτείνῃ Χαρίδημον,”  
 35 “ ἀγώγιμος ἔστω ” φησὶν “ πανταχόθεν.” τί  
 λέγεις; τῶν νόμων οὐδὲ τοὺς ἑάλωκότας διδόντων  
 ἀπάγειν πλὴν ἐν τῇ ἡμεδαπῇ, σὺ γράφεις ἄνευ  
 κρίσεως τιν' ἀγώγιμον ἐκ τῆς συμμαχίδος πάσης;  
 καὶ οὐδ' ἐν τῇ ἡμεδαπῇ ἄγειν κελευόντων τῶν  
 νόμων, σὺ δίδως ἄγειν πανταχόθεν; καὶ μὴν ἔν  
 γε τῷ ποιεῖν ἀγώγιμον πάνθ' ὅσ' ἀπείρηκεν ὁ νόμος  
 δέδωκας, χρήματα πράξασθαι, ζῶντα λυμαίνεσθαι,  
 36 κακοῦν, ἔχοντ' αὐτὸν ἀποκτινύναι. πῶς οὖν ἂν  
 τις μᾶλλον ἐλεγχθεῖη παράνομ' εἰρηκῶς ἢ πῶς  
 δεινότερ' ἂν γράφων ἢ τοῦτον τὸν τρόπον; ὅς  
 δυοῖν ὑποκειμένοις ὀνομάτοις, κατὰ μὲν τῶν ἐν  
 αἰτία, “ ἐάν τις ἀποκτείνῃ,” κατὰ δὲ τῶν ἑάλω-  
 κότων, “ ἐάν τις ἀνδροφόνος ᾖ,” ἐν μὲν τῇ προσ-  
 ηγορίᾳ τὸ τοῦ τὴν αἰτίαν ἔχοντος ἔλαβες ὄνομα,  
 τὴν δὲ τιμωρίαν, ἣν οὐδὲ κατὰ τῶν ἐξεληλεγμένων  
 διδόασιν οἱ νόμοι, ταύτην κατὰ τῶν ἀκρίτων  
 ἔγραψας, καὶ τὸ μέσον τούτων ἐξεῖλες. μέσον γάρ  
 ἐστὶν αἰτίας καὶ ἐλέγχου κρίσις, ἣν οὐδαμοῦ  
 γέγραφεν οὗτος ἐν τῷ ψηφίσματι.

## AGAINST ARISTOCRATES, 33-36

to extort blood-money, for the ancients called fining amercement. Note that in this manner the law lays 34 down not only how the murderer or convict is to be punished, but also where, for it specifies the country of the person injured, and it directly prescribes that the penalty is to be inflicted in that way and in no other, in that place and in no other. Yet the author of the decree is far indeed from making this distinction,—his proposals are exactly contrary. After the words, “if anyone shall kill Charidemus,” he adds, “he shall be liable to seizure everywhere.”—What do 35 you mean, sir? The laws do not allow even convicted criminals to be arrested elsewhere than in our own country, and do you propose that a man shall be liable to seizure without trial in any allied territory? And when the laws forbid seizure even in our own territory, do you permit seizure? Indeed, in making a man liable to seizure you have permitted everything that the law has forbidden,—extortion of blood-money, maltreatment and misuse of a living man, private custody and private execution. How could a 36 man be convicted of a more clearly unconstitutional proposal, or of drafting a resolution more outrageously than in this fashion? You had two phrases at your disposal: “if any man kill,” directed against a person under accusation, and “if any man be a murderer,” directed against a culprit found guilty; yet in your description you adopted the expression that applies to a man accused, while you propose for untried culprits a penalty which the law does not permit even after conviction. You have eliminated the intermediate process, for between accusation and conviction comes a trial.—There is not a word about trial in the decree proposed by the defendant.

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37 Λέγε τοὺς ἐφεξῆς νόμους.

### ΝΟΜΟΣ

[632] [Ἐὰν δέ τις τὸν ἀνδροφόνον κτείνῃ ἢ αἷτιος ἦ φό-  
νου, ἀπεχόμενον ἀγορᾶς ἐφορίας καὶ ἄθλων καὶ ἱερῶν  
Ἀμφικτυονικῶν, ὡσπερ τὸν Ἀθηναῖον κτείναντα, ἐν τοῖς  
αὐτοῖς ἐνέχεσθαι, διαγιγνώσκειν δὲ τοὺς ἐφέτας.]

Τουτονὶ δεῖ μαθεῖν ὑμᾶς, ὦ ἄνδρες Ἀθηναῖοι,  
τὸν νόμον τί ποτ' ἐβούλεθ' ὁ θεῖς· ὄψεσθε γὰρ ὡς  
38 ἅπαντ' εὐλαβῶς διώρισε καὶ νομίμως. “ ἐὰν τις  
ἀποκτείνῃ τὸν ἀνδροφόνον ” φησὶν “ ἢ αἷτιος ἦ  
φόνου, ἀπεχόμενον ἀγορᾶς ἐφορίας καὶ ἄθλων καὶ  
ἱερῶν Ἀμφικτυονικῶν, ὡσπερ τὸν Ἀθηναῖον κτεί-  
ναντα, ἐν τοῖς αὐτοῖς ἐνέχεσθαι, διαγιγνώσκειν δὲ  
τοὺς ἐφέτας.” τί δὴ ταῦτ' ἐστίν; ἐκείνος ᾤετο  
τὸν πεφευγόντ' ἐπ' αἰτία φόνου καὶ ἐαλωκότα,  
ἐάνπερ ἅπαξ ἐκφύγῃ καὶ σωθῆ, εἴργειν μὲν τῆς  
τοῦ παθόντος πατρίδος δίκαιον εἶναι, κτείνειν δ'  
οὐχ ὅσιον ἅπανταχοῦ. τί σκοπῶν; ὅτι καὶ τοὺς  
δεῦρο πεφευγόντας, ἐὰν ἡμεῖς τοὺς ἐτέρωσ' ἀπο-  
39 κτιννύωμεν, ἀποκτενοῦσιν ἕτεροι. εἰ δὲ τοῦτ'  
ἔσται, ἡ μόνη λοιπὴ τοῖς ἀτυχοῦσιν ἅπασι σωτηρία  
διαφθαρῆσεται. ἔστι δ' αὕτη τίς; ἐκ τῆς τῶν  
πεπονθότων μεταστάντα εἰς τὴν τῶν μηδὲν ἠδικη-  
μένων ἀδεῶς μετοικεῖν. ἵνα δὴ μὴ τοῦτ' ἢ μηδ'  
ἀπέραντοι τῶν ἀδικημάτων αἱ τιμωρίαι γίγνωνται,  
ἔγραψεν “ ἐὰν τις τὸν ἀνδροφόνον κτείνῃ ἀπεχό-  
236



Read the statutes that come next in order.

37

STATUTE

[If any man shall kill a murderer, or shall cause him to be killed, so long as the murderer absents himself from the frontier-market, the games, and the Amphictyonic sacrifices, he shall be liable to the same penalty as if he killed an Athenian citizen ; and the Criminal Court shall adjudicate.]

You must be informed, men of Athens, of the intention with which the legislator enacted this statute. You will find that all his provisions were cautious and agreeable to the spirit of the law. " If 38 any man," he says, " shall kill a murderer, or shall cause him to be killed, so long as he absents himself from the frontier-market, the games, and the Amphictyonic sacrifices, he shall be liable to the same penalty as if he killed an Athenian citizen ; and the Criminal Court shall adjudicate." What does this mean ? In his opinion it was just that, if a man who had gone into exile, when convicted on a charge of murder, should make good his flight and escape, he should be excluded from the country of the murdered man ; but that it was not righteous to put him to death anywhere and everywhere. His view was that, if we put to death people who have gone into exile elsewhere, others will put to death people who have come into exile here ; and that, in that event, the 39 only chance of salvation left for all those who are unfortunate will be destroyed, that is to say, the power of migrating from the country of those whom they have injured to a country where no one has been wronged by them, and there dwelling in security. To avert that misfortune, and to prevent an endless succession of retributions, he wrote : " if any man kill

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μενον” φησιν “ἀγορᾶς ἐφορίας.” τί τοῦτο λέγων;  
 τῶν ὀρίων τῆς χώρας· ἐνταῦθα γάρ, ὡς γ’ ἐμοὶ  
 δοκεῖ, τὰρχαῖα συνῆσαν οἱ πρόσχωροι παρά θ’  
 ἡμῶν καὶ τῶν ἀστυγειτόνων, ὅθεν ὠνόμακεν  
 40 “ἀγορὰν ἐφορίαν.” καὶ πάλιν “ἱερῶν Ἀμφικ-  
 τυονικῶν.” τί δήποτε καὶ τούτων ἀπέκλεισε τὸν  
 ἀνδροφόνον; ὅσων τῷ παθόντι ζῶντι μετῆν,  
 τούτων εἶργει τὸν δεδρακότα, πρῶτον μὲν τῆς  
 [633] πατρίδος καὶ τῶν ἐν ταύτῃ πάντων καὶ ὀσίων καὶ  
 ἱερῶν, τὴν ἐφορίαν ἀγορὰν ὄρον προσγράψας, ἧς  
 εἶργεσθαί φησιν, εἶτα τῶν ἱερῶν τῶν ἐν Ἀμφι-  
 κτύοσι· καὶ γὰρ τούτων, εἶπερ ἦν Ἑλληνας ὁ παθὼν,  
 μετῆν αὐτῷ. “καὶ ἄθλων.” διὰ τί; ὅτι κοινοὶ  
 πᾶσιν εἰσιν οἱ κατὰ τὴν Ἑλλάδ’ ἀγῶνες, κατὰ δὲ  
 τὴν πάντων μετουσίαν μετῆν καὶ τούτων τῷ πεπον-  
 41 θότι· καὶ τούτων οὖν ἀπεχέσθω. τούτων μὲν δὴ  
 τὸν εἰργασμένον εἶργει. ἂν δ’ ἔξω τούτων κτείνῃ  
 τις αὐτὸν ἄλλοθι, τὴν αὐτὴν ὑπὲρ αὐτοῦ δίκην  
 δέδωκεν ἢνπερ ἂν τὸν Ἀθηναῖον κτείνῃ. τὸν γὰρ  
 φυγάδα τὸ τῆς πόλεως οὐ προσεῖπεν ὄνομα, ἧς  
 οὐκ ἔστι μετουσία αὐτῷ, ἀλλὰ τὸ τοῦ πράγματος,  
 ᾧ κατέστησεν αὐτὸν ἐκεῖνος ἔνοχον· καὶ διὰ ταῦτ’  
 “ἂν τις ἀποκτείνῃ” φησὶ “τὸν ἀνδροφόνον.”  
 εἶτ’ εἰπὼν ὧν εἰργόμενον, ἐπὶ τῷ τὴν τιμωρίαν  
 νομίμως ἐπιθεῖναι τὸ τῆς πόλεως ὄνομ’ ὠνόμασε,  
 “τοῖς αὐτοῖς ἐνεχέσθω καθάπερ ἂν τὸν Ἀθηναῖον  
 ἀποκτείνῃ” γράψας ἀνομοίως, ᾧ ἄνδρες Ἀθηναῖοι,  
 42 τῷ τουτὶ τὸ ψήφισμ’ εἰρηκότι. καίτοι πῶς οὐχὶ

a murderer, so long as he absents himself from the frontier-market,"—meaning thereby the confines of the man's own country. It was there, I suppose, that in old times borderers of our own and neighbouring countries used to forgather; and so he speaks of a "frontier-market." Or take the words, "from 40 Amphictyonic sacrifices." Why did he also exclude the murderer from them? He debars the offender from everything in which the deceased used to participate in his lifetime; first from his own country and from all things therein, whether permitted or sacred, assigning the frontier-market as the boundary from which he declares him excluded; and secondly from the observances at Amphictyonic assemblies, because the deceased, if a Hellene, also took part therein. "And from the games,"—why from the games? Because the athletic contests of Hellas are open to all men,—the sufferer was concerned in them because everybody was concerned in them; therefore the murderer must absent himself. Accordingly the 41 law excludes the murderer from all these places; but if anyone puts him to death elsewhere, outside the places specified, the same retribution is provided as when an Athenian is slain. He did not describe the fugitive by the name of the city, for in that name he has no part, but by that of the act for which he is chargeable. Accordingly he says: "if any man kill the murderer;" and afterwards, when he prescribed the places from which the man is debarred, he introduces the name of the City for the lawful assignment of punishment: "he shall be liable to the same penalty as if he killed an Athenian." Gentlemen, that phrase is very different from the wording of the decree before us. Yet is it not scandalous to propose 42

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- δεινὸν εἶ, οἷς ὁ νόμος δέδωκεν, ἐὰν ὧν εἶπον εἵργωνται, μετ' ἀσφαλείας ζῆν φυγοῦσι, τούτους ἐκδότους τις εἶναι γράφει, καὶ ἀφαιρεῖται τὸ τῆς συγγνώμης ὠφέλιμον, ὃ τοῖς ἀτυχοῦσιν ὑπάρχειν εἰκὸς παρὰ τῶν ἔξω τῶν ἐγκλημάτων ὄντων, ὅτω ποτὲ τῶν πάντων ἀπόκειται ἄδηλον ὄν, μὴ προδήλου τῆς ἐπιούσης τύχης οὔσης ἐκάστῳ; καὶ νυνὶ τὸν ἀποκτείναντα Χαρίδημον, ὄντως ἂν ἄρα τοῦτο γένηται, ἂν ἀνταποκτείνωσί τινες λαβόντες
- [634] ἔκδοτον, πεφευγότα καὶ τῶν νομίμων εἵργόμενον, ἔνοχοι μὲν αὐτοὶ ταῖς φονικαῖς δίκαις ἔσονται,
- 43 ἔνοχος δὲ σύ· καὶ γὰρ “ ἂν τις αἴτιος ἦ ” γέγραπται, ἔσει δ' αἴτιος τὴν διὰ τοῦ ψηφίσματος ἔξουσίαν δεδωκώς. οὐκοῦν εἰ μὲν ἔασομεν ὑμᾶς τούτων συμβάντων, οὐ καθαροῖς οὔσιν ὁμοῦ διατρίβομεν· εἰ δ' ἐπέξιμεν, οἷς ἐγνώκαμεν αὐτοὶ τάναντία πράττειν ἀναγκασθησόμεθα. ἄρά γε μικρὸν ἢ τὸ τυχόν ἐστιν ὑπὲρ οὗ δεῖ λῦσαι τὸ ψήφισμ' ὑμᾶς;
- 44 Λέγε δὴ τὸν μετὰ ταῦτα νόμον.

### ΝΟΜΟΣ

[Ἐάν τις τινα τῶν ἀνδροφόνων τῶν ἐξεληλυθότων, ὧν τὰ χρήματα ἐπίτιμα, πέρα ὄρου ἐλαύνη ἢ φέρη ἢ ἄγῃ, τὰ ἴσα ὑφείλειν ὅσα περ ἂν ἐν τῇ ἡμεδαπῇ δράσῃ.]

Ἄλλος οὗτος, ὧ ἄνδρες Ἀθηναῖοι, νόμος ἀνθρωπίνως καὶ καλῶς κείμενος, ὃν παραβὰς οὗτος

45 ὁμοίως φανήσεται. “ ἐάν τις τινα τῶν ἀνδρο-

the surrender of men whom the law has permitted to go into exile and to live in security, provided they absent themselves from the places I have mentioned, and to rob them of that benefit of mercy which the unfortunate may justly claim from those who are unconcerned in their crimes, although, in our ignorance of the future destiny of every man, it is uncertain for which of us that benefit is in store? In this case, if the man who slays Charidemus (supposing the thing really to happen) is slain in his turn by men who capture him as an outcast, after he has gone into exile, and while he absents himself from the places specified in the law, they will be liable to a charge of bloodguiltiness,—and so will you, sir. For it is 43 written: “if any man shall cause to be killed,” and you will have caused, because it is you who have granted the licence implied in your decree. Therefore if, when the event has happened, we let you and your friends go free, we shall be living in the society of the unholy, and on the other hand, if we prosecute, we shall be constrained to act in opposition to our own resolution.—Gentlemen, is it a trifling or a casual reason that you have for annulling this decree?

Read the next statute.

44

STATUTE

[If any man outside the frontier pursue or violently seize the person of any homicide who has quitted the country, and whose goods are not confiscate, he shall incur the same penalty as if he so acted within our own territory.]

Here is another law, men of Athens, humanely and excellently enacted; and this law the defendant shall in like manner be proved to have transgressed. “If 45 any man,” it begins, and then, “any homicide who

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φόνων ” φησὶ “ τῶν ἐξεληλυθότων, ὧν τὰ χρήματα ἐπίτιμα.” τῶν ἐπ’ ἀκουσίῳ φόνῳ λέγει μεθεστηκότων. τῷ τούτο δῆλον; τῷ τ’ “ ἐξεληλυθότων ” εἰπεῖν, ἀλλὰ μὴ “ φευγόντων,” καὶ τῷ διορίζειν “ ὧν τὰ χρήματα ἐπίτιμα ”· τῶν γὰρ ἐκ προνοίας δεδήμευται τὰ ὄντα. περὶ μὲν δὴ τῶν ἀκουσίων  
 46 ἂν λέγοι. λέγει δὲ τί; “ ἐὰν πέρα ὄρου ” φησὶν “ ἐλαύνῃ ἢ φέρῃ ἢ ἄγῃ.” τούτο δ’ ἐστὶ τί, τὸ “ πέρα ὄρου ”; ἔστι πᾶσιν ὄρος τοῖς ἀνδροφόνοις  
 [635] τῆς τοῦ παθόντος εἴργεσθαι πατρίδος. ἐκ μὲν δὴ ταύτης δίδωσιν ἐλαύνειν καὶ ἄγειν, πέρα δ’ οὐκ ἐᾷ τούτων οὐδέτερον ποιεῖν. ἐὰν δέ τις παρὰ ταῦτα ποιῇ, τὴν αὐτὴν ἔδωκεν ὑπὲρ αὐτοῦ δίκην ἢνπερ ἂν εἰ μένοντ’ ἠδίκηει οἴκοι, γράψας ταῦτ’  
 47 ὀφείλειν ἄπερ ἂν οἴκοι δράσῃ. εἰ δὴ τις ἔροιτ’ Ἀριστοκράτην τουτονί (καὶ μὴ νομίσητ’ εὐῆθες τὸ ἐρώτημα) πρῶτον μὲν εἰ οἶδεν εἴ τις ἀποκτενεῖ Χαρίδημον, ἢ καὶ ἄλλως πως τελευτήσῃ, οὐκ ἂν οἶμαι φαίῃ. θήσομεν τοίνυν ἀποκτενεῖν. πάλιν οἶσθ’, ἐκὼν ἢ ἄκων, καὶ ξένος ἢ πολίτης ὁ τούτο ποιήσων ἔσται; οὐκ ἔνεστ’ εἰπεῖν ὡς οἶσθα.  
 48 οὐκοῦν ταῦτά γε δήπου προσῆκε γράψαι “ ἐάν τις ἀποκτείνῃ ” γράφοντα, ἄκων ἢ ἐκὼν, ἀδίκως ἢ δικαίως, ξένος ἢ πολίτης, ἢν’ ὅτῳ ποτὲ τοῦργον ἐπράχθη, τούτῳ τὰ ἐκ τῶν νόμων ὑπῆρχε δίκαια,

has quitted the country and whose goods are not confiscate," meaning any man who has migrated by reason of involuntary manslaughter. That is quite clear, because it speaks of those who have "quitted the country," not of those who have gone into exile, and because it specifies persons "whose goods are not confiscate," for the property of wilful murderers is forfeited to the State. The legislator, I say, is speaking of involuntary offenders. To what purport? If 46 they are pursued or violently seized, he says, "outside the frontier." What is the significance of "outside the frontier"? For all homicides alike the "frontier" implies exclusion from the country of the person slain. From that country he permits them to be pursued and seized; but outside of it he permits neither seizure nor pursuit. For anyone who contravenes this rule he orders the same punishment as if he had done the man wrong at home, in the words, "shall incur the same penalty as if he had so acted at home." Now suppose the defendant Aristocrates were asked, 47 —you must not think it a silly question,—first if he knows whether Charidemus will be killed by someone, or will die in some other way. He would reply, I take it, that he does not know. However, we will presume that somebody will kill him. Next question: will the man who is to do it be a voluntary or an involuntary agent, an alien or a citizen,—do you know, Aristocrates? You cannot say that you do know. Then of course you ought to have supplied 48 these particulars, and written, "if any man, whether alien or citizen, shall kill, with or without intention, rightfully or wrongfully," in order that any man soever, by whom the deed should have been done, might have received his deserts according to law;

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- μὴ μὰ Δί' αὐτὸ τὸ τῆς αἰτίας ὄνομ' εἰπόντα  
 "ἀγώγιμος ἔστω" προσγράψαι. τίνα γὰρ σὺ  
 λέλοιπας ὄρον τῷ γράμματι τούτῳ, τοῦ νόμου  
 σαφῶς οὕτωςι λέγοντος "μὴ πέρα ὄρων ἐλαύνειν,"  
 49 ὃς πανταχόθεν δίδως ἄγειν; ὁ νόμος δ' οὐ μόνον  
 οὐκ ἐλαύνειν τῶν ὄρων πέρα, ἀλλ' οὐδ' ἄγειν ἐᾷ.  
 ἐκ δὲ τοῦ σου ψηφίσματος ὁ βουλόμενος ἄξει τὸν  
 ἄκοντ' ἀπεκτονότα, ἔκδοτον λαβών, εἰς τὴν τοῦ  
 παθόντος βία πατρίδα. ἄρ' οὐ πάντα συγχεῖς  
 τὰνθρώπινα, καὶ ἀφαιρεῖ τὴν πρόφασιν μεθ' ἧς ἢ  
 50 καλὸν ἐστὶν ἕκαστον τῶν ἔργων ἢ αἰσχρὸν; ὁρᾶτε  
 γὰρ ὡς ἐπὶ πάντων, οὐκ ἐπὶ τῶν φονικῶν μόνων,  
 οὕτω τοῦτ' ἔχει. "ἂν τις τύπτῃ τινὰ" φησὶν,  
 "ἄρχων χειρῶν ἀδίκων," ὡς, εἴ γ' ἠμύνατο, οὐκ  
 ἀδικεῖ. "ἂν τις κακῶς ἀγορεύῃ," "τὰ ψευδῆ"  
 προσέθηκεν, ὡς, εἴ γε τὰληθῆ, προσῆκον. "ἂν  
 [636] τις ἀποκτείνῃ ἐκ προνοίας," ὡς, εἴ γ' ἄκων, οὐ  
 ταυτόν. "ἂν τις καταβλάψῃ τινὰ ἐκὼν ἀδίκως."  
 πανταχοῦ τὴν πρόφασιν βεβαιοῦσαν τὸ πρᾶγμ'  
 εὐρήσομεν. ἀλλ' οὐ σοί, ἀλλ' ἀπλῶς "ἂν τις  
 ἀποκτείνῃ Χαρίδημον, ἀγέσθω," κἂν ἄκων, κἂν  
 δικαίως, κἂν ἀμυνόμενος, κἂν ἐφ' οἷς διδόασιν οἱ  
 νόμοι, κἂν ὁπωσοῦν.
- 51 Λέγε τὸν μετὰ ταῦτα νόμον.



but assuredly, after merely naming an accusation, you ought not to have added, "he shall be liable to seizure." What boundary have you left in this clause? Yet the law distinctly provides that beyond 49 the frontier a man shall not be pursued, whereas you permit him to be seized anywhere. Beyond the frontier the law forbids not only pursuit but also seizure; and yet according to your decree anyone who chooses will take as an outcast and forcibly seize a man who has slain without intention, and carry him by violence into the country of the slain man. Are you not treating human conduct indiscriminately, and ignoring the motives according to which a given act is either virtuous or immoral?—Observe, gentlemen, 50 that this is a universal distinction: it does not apply only to questions of homicide. "If a man strike another, giving the first blow," says the law. The implication is that he is not guilty, if the blow was defensive. "If a man revile another,"—"with falsehoods," the law adds, implying that, if he speaks the truth, he is justified. "If a man slay another with malice aforethought,"—indicating that it is not the same thing if he does it unintentionally. "If a man injures another with intention, wrongfully." Everywhere we shall find that it is the motive that fixes the character of the act. But not with you: you say, without qualification, "if any man slay Charidemus, he shall be seized," though he do it unwittingly, or righteously, or in self-defence, or for a purpose permitted by law, or in any way whatsoever.

Read the statute that comes next.

51

## DEMOSTHENES

### ΝΟΜΟΣ

[Φόνου δὲ δίκας μὴ εἶναι μηδαμοῦ κατὰ τῶν τοὺς φεύγοντας ἐνδεικνύντων, εἴαν τις κατήγῃ ὅποι μὴ ἕξεστιν.]

Ὁ μὲν νόμος ἐστὶν οὗτος Δράκοντος, ὧ ἄνδρες Ἀθηναῖοι, καὶ οἱ ἄλλοι δέ, ὅσους ἐκ τῶν φονικῶν νόμων παρεγραψάμεν· δεῖ δ' ἂ λέγει σκέψασθαι. “κατὰ τῶν ἐνδεικνύντων” φησὶ “τοὺς κατιόντας ἀνδροφόνους, ὅποι μὴ ἕξεστι, δίκας φόνου μὴ εἶναι.” ἐνταυθὶ δύο δηλοῖ δίκαια, ἃ παρ' ἀμφοτέρῳ οὗτος εἶρηκε τὸ ψήφισμα, ὅτι τ' ἐνδεικνύναι δίδωσι τὸν ἀνδροφόνον καὶ οὐκ αὐτὸν ἀγώγιμον οἴχεσθαι λαβόντα, καὶ ὅτι, εἴαν κατήγῃ τις ὅποι μὴ ἕξεστι, καὶ αὐτὸ τοῦτο δίδωσιν, οὐχ ὅποι βούλεται τις.

52 οὐκ ἕξεστι δὲ ποῖ; ἐξ ἧς ἂν φεύγῃ τις πόλεως. ποῦ καὶ σφόδρα τοῦτο δηλοῖ; “εἴαν τις κατήγῃ” φησὶ. τοῦτο δ' οὐκ ἔστ' ἐπενεγκεῖν ἄλλῃ πόλει πλὴν ἣν ἂν φεύγῃ τις· ὅθεν γὰρ μὴδ' ἐξέπεσέ τις τὴν ἀρχήν, οὐκ ἐνὶ δήπου κατελθεῖν εἰς ταύτην. ὁ μὲν τοίνυν νόμος ἐνδειξιν δέδωκε, καὶ ταύτην, “ἂν κατήγῃ ὅποι μὴ ἕξεστιν”. ὁ δ' “ἀγώγιμος ἔστω” γέγραφε κἀντεῦθεν, ὅποι φεύγειν οὐδεὶς κωλύει νόμος.

53 Λέγ' ἄλλον νόμον.

[637]

### ΝΟΜΟΣ

[Εἴαν τις ἀποκτείνῃ ἐν ἄθλοις ἄκων, ἢ ἐν ὁδῷ καθελών, ἢ ἐν πολέμῳ ἀγνοήσας, ἢ ἐπὶ δάμαρτι ἢ ἐπὶ μητρὶ]

## AGAINST ARISTOCRATES, 51-53

### STATUTE

[No man shall be liable to proceedings for murder because he lays information against exiles, if any such exile return to a prohibited place.]

This statute, men of Athens, like all the other excerpts from the law of homicide which I have cited for comparison, is a statute of Draco; and you must pay attention to his meaning. "No man is to be liable to prosecution for murder for laying information against manslaughterers who return from exile illegally." Herein he exhibits two principles of justice, both of which have been transgressed by the defendant in his decree. In the first place, though he allows information to be laid against the homicide, he does not allow him to be seized and carried off; and secondly, he allows it only if an exile returns, not to any place, but to a prohibited place. Now the prohibited place is <sup>52</sup> the city from which he has gone into exile. That the law makes very clear indeed when it says, "if any man return,"—a word that cannot be used in relation to any other city except that from which he has fled; for of course a man cannot return from exile to a place from which he was never expelled. What is allowed by the statute is an information, and that only in case of return to a prohibited place; whereas Aristocrates has proposed that a man shall be liable to seizure even in places where the law does not forbid him to take refuge.

Read another statute.

53

### STATUTE

[If a man kill another unintentionally in an athletic contest, or overcoming him in a fight on the highway, or unwittingly in battle, or in intercourse with his wife, or

## DEMOSTHENES

ἢ ἐπ' ἀδελφῇ ἢ ἐπὶ θυγατρὶ, ἢ ἐπὶ παλλακῇ ἢν ἂν ἐπ' ἐλευθέροις παισὶν ἔχη, τούτων ἕνεκα μὴ φεύγειν κτείναντα.]

Πολλῶν, ὧ ἄνδρες Ἀθηναῖοι, νόμων ὄντων, παρ' οὓς εἴρηται τὸ ψήφισμα, παρ' οὐδένα μᾶλλον ἢ παρὰ τοῦτον τὸν ἀνεγνωσμένον νῦν εἴρηται. διδόντος γὰρ τοῦ νόμου σαφῶς οὕτως καὶ λέγοντος ἐφ' οἷς ἐξεῖναι κτείνειν, οὗτος ἅπαντα παρεῖδε ταῦτα, καὶ γέγραφεν οὐδὲν ὑπειπὼν ὅπως ἂν τις

54 ἀποκτείνῃ, τὴν τιμωρίαν. καίτοι σκέψασθ' ὡς ὀσίως καὶ καλῶς ἕκαστα διεῖλεν ὁ ταῦτ' ἐξ ἀρχῆς διελὼν. ἂν τις ἐν ἄθλοις ἀποκτείνῃ τινά, τοῦτον ὤρισεν οὐκ ἀδικεῖν. διὰ τί; οὐ τὸ συμβὰν ἐσκέψατο, ἀλλὰ τὴν τοῦ δεδρακότος διάνοιαν. ἔστι δ' αὕτη τίς; ζῶντα νικῆσαι καὶ οὐκ ἀποκτείνειν. εἰ δ' ἐκεῖνος ἀσθενέστερος ἦν τὸν ὑπὲρ τῆς νίκης ἐνεγκεῖν πόνον, ἑαυτῷ τοῦ πάθους αἴτιον ἠγήσατο,

55 διὸ τιμωρίαν οὐκ ἔδωκεν ὑπὲρ αὐτοῦ. πάλιν “ ἂν ἐν πολέμῳ ” φησὶν “ ἀγνοήσας, ” καὶ τοῦτον εἶναι καθαρὸν. καλῶς· εἰ γὰρ ἐγὼ τινα τῶν ἐναντίων οἴηθεις εἶναι διέφθειρα, οὐ δίκην ὑπέχειν, ἀλλὰ συγγνώμης τυχεῖν δίκαιός εἰμι. “ ἢ ἐπὶ δάμαρτι ” φησὶν “ ἢ ἐπὶ μητρὶ ἢ ἐπ' ἀδελφῇ ἢ θυγατρὶ, ἢ ἐπὶ παλλακῇ ἢν ἂν ἐπ' ἐλευθέροις παισὶν ἔχη, ” καὶ τὸν ἐπὶ τούτων τῷ κτείναντ' ἀθῶον ποιεῖ, πάντων γ' ὀρθότατ', ὧ ἄνδρες Ἀθηναῖοι, τοῦτον

56 ἀφιεῖς. τί δήποτε; ὅτι ὑπὲρ ὧν τοῖς πολεμίοις [638] μαχόμεθα, ἵνα μὴ πάσχωσιν ὑβριστικὸν μηδ' ἀσελγὲς μηδέν, ὑπὲρ τούτων καὶ τοὺς φιλίους, εἰς παρὰ τὸν νόμον εἰς αὐτοὺς ὑβρίζωσι καὶ διαφθείρωσιν, ἔδωκεν ἀποκτείνειν. ἐπειδὴ γὰρ οὐ γένος

## AGAINST ARISTOCRATES, 53-56

mother, or sister, or daughter, or concubine kept for procreation of legitimate children, he shall not go into exile as a manslayer on that account.]

Many statutes have been violated, men of Athens, in the drafting of this decree, but none more gravely than that which has just been read. Though the law so clearly gives permission to slay, and states under what conditions, the defendant ignores all those conditions, and has drawn his penal clause without any suggestion as to the manner of the slaying. Yet <sup>54</sup> mark how righteously and admirably these distinctions are severally defined by the lawgiver who defined them originally. "If a man kill another in an athletic contest," he declared him to be not guilty, for this reason, that he had regard not to the event but to the intention of the agent. That intention is, not to kill his man, but to vanquish him unslain. If the other combatant was too weak to support the struggle for victory, he considered him responsible for his own fate, and therefore provided no retribution on his account. Again, "if in battle unwittingly"—the <sup>55</sup> man who so slays is free of bloodguiltiness. Good: if I have destroyed a man supposing him to be one of the enemy, I deserve, not to stand trial, but to be forgiven. "Or in intercourse with his wife, or mother, or sister, or daughter, or concubine kept for the procreation of legitimate children." He lets the man who slays one so treating any of these women go scot-free; and that acquittal, men of Athens, is the most righteous of all. Why? Because in the defence <sup>56</sup> of those for whose sake we fight our enemies, to save them from indignity and licentiousness, he permitted us to slay even our friends, if they insult them and defile them in defiance of law. Men are not our

## DEMOSTHENES

ἐστὶν φιλίων καὶ πολεμίων, ἀλλὰ τὰ πραττόμεν'  
 ἐξεργάζεται τούτων ἐκάτερον, τοὺς ἐχθρὰ ποιοῦντας  
 ἐν ἐχθροῦ μέρει κολάζειν ἀπέδωκεν ὁ νόμος. οὐκοῦν  
 δεινόν, εἰ τοσοῦτων ὄντων ἐφ' οἷς τοὺς ἄλλους  
 ἕξεστιν ἀποκτινύναι, μόνον ἀνθρώπων ἐκείνον μηδ'  
 57 ἐπὶ τούτοις ἕξεσται ἀποκτείνειν. φέρ', ἂν δέ τι  
 συμβῆ τοιοῦτον οἶον ἴσως ἤδη τῷ καὶ ἄλλῳ, ἀπαλ-  
 λαγῇ μὲν ἐκ Θράκης, ἐλθὼν δ' εἰς πόλιν οἰκῇ που,  
 τῆς μὲν ἐξουσίας μηκέτι κύριος ὢν δι' ἧς πολλὰ  
 ποιεῖ τῶν ἀπειρημένων ὑπὸ τῶν νόμων, τοῖς δ'  
 ἕθεσι καὶ ταῖς ἐπιθυμίαις ταῦτ' ἐπιχειρῶν πράτ-  
 τειν, ἄλλο τι ἢ σιγῶντα δεήσει Χαρίδημον εἶναι  
 αὐτὸν ὑβρίζειν; οὐ γὰρ ἀποκτείνει γ' ἀσφαλές,  
 οὐδὲ τιμωρίαν λαβεῖν ἦν δίδωσιν ὁ νόμος, διὰ τὸ  
 58 ψήφισμα τουτί. καὶ μὴν εἴ τις ἐκείνο ὑπολαμβάνει,  
 ποῦ δὲ γένοιτ' ἂν ταῦτα; τί κωλύει καμὲ λέγειν,  
 τίς δ' ἂν ἀποκτείνει Χαρίδημον; ἀλλὰ μὴ τοῦτο  
 σκοπῶμεν· ἀλλ' ἐπειδήπερ ἐστὶ τὸ φεῦγον ψήφισμα  
 οὐκ ἐπ' ἤδη γεγεννημένῳ τινὶ πράγματι, ἀλλ' ἐπὶ  
 τοιούτῳ ὃ μηδ' εἰ γενήσεται μηδεὶς οἶδε, τὸ μὲν  
 τοῦ μέλλοντος ἕσεσθαι κοινὸν ἀμφοῖν ὑπαρχέτω,  
 πρὸς δὲ τοῦθ' ὑποθέντες ἀνθρωπίνως τὰς ἐλπίδας,  
 οὕτω σκοπῶμεν, ὡς τάχ' ἂν, εἰ τύχοι, καὶ τούτων  
 59 κακείνων συμβάντων. λύσασιν μὲν τοίνυν τὸ  
 ψήφισμα, ἂν ἄρα συμβῆ τι παθεῖν ἐκείνῳ, εἰσὶν  
 αἱ κατὰ τοὺς νόμους ὑπὲρ αὐτοῦ τιμωρίαι· ἐῷσι  
 [639] δέ, ἂν ἄρ' ἐκείνος ζῶν ἀδικῇ τινά, ἀνήρηται τοῖς  
 250

friends and our foes by natural generation : they are made such by their own actions ; and the law gives us freedom to chastise as enemies those whose acts are hostile. When there are so many conditions that justify the slaying of anyone else, it is monstrous that that man should be the only man in the world whom, even under those conditions, it is to be unlawful to slay. Let us suppose that a fate that has doubtless 57 befallen others before now should befall him,—that he should withdraw from Thrace and come and live somewhere in a civilized community ; and that, though no longer enjoying the licence under which he now commits many illegalities, he should be driven by his habits and his lusts to attempt the sort of behaviour I have mentioned, will not a man be obliged to allow himself to be insulted by Charidemus in silence ? It will not be safe to put him to death, nor, by reason of this decree, to obtain the satisfaction provided by law. If anyone interrupts me with a question, “ And 58 where, pray, are such things likely to happen ? ” there is nothing to prevent me from asking, “ And who is likely to kill Charidemus ? ” Well, we need not go into those questions ; only, inasmuch as the decree now on trial refers, not to any past transaction, but to something of which nobody knows whether it will happen or not, let the uncertainty of the future be common ground to both sides ; let us, as mankind are wont, adjust our expectations thereto, and consider the matter on the presumption that both the one contingency and the other may possibly happen. Moreover, if you annul the decree, should anything 59 happen to Charidemus, the legitimate means of avenging him are still there. On the other hand, if you let it stand, and if before he dies he maltreats any

## DEMOSTHENES

ὕβριζομένοις ἢ μετὰ τῶν νόμων δίκη. ὥστε πανταχῆ καὶ ἐναντίον ἐστὶ τοῖς νόμοις τὸ ψήφισμα καὶ λῦσαι συμφέρει.

60 Λέγε τὸν μετὰ ταῦτα νόμον.

### ΝΟΜΟΣ

[Καὶ ἐὰν φέροντα ἢ ἄγοντα βία ἀδίκως εὐθὺς ἀμυνομένος κτείνῃ, νηποινεὶ τεθνάναι.]

Ἄλλα ταῦτ' ἐφ' οἷς ἔξεστι κτείνειν. “ἐὰν ἄγοντα ἢ φέροντα βία ἀδίκως εὐθὺς ἀμυνομένος κτείνῃ, νηποινεὶ τεθνάναι” κελεύει. θεάσασθε πρὸς Διὸς ὡς εὔ· τῷ μὲν ὑπειπὼν, ἐφ' οἷς ἔξεῖναι κτείνειν, προσγράψαι τὸ “εὐθὺς” ἀφείλε τὸν τοῦ βουλευσασθαί τι κακὸν χρόνον· τῷ δ' “ἀμυνομένος” γράψαι δηλοῖ τῷ πάσχοντι διδούσ τὴν ἐξουσίαν, οὐκ ἄλλω τινί. ὁ μὲν δὲ νόμος εὐθὺς ἀμυνομένῳ δέδωκεν ἀποκτινύναι, ὁ δ' οὐδὲν εἴρηκεν, ἀλλ' ἀπλῶς “ἐὰν τις ἀποκτείνῃ,” κἂν δικαίως, 61 κἂν ὡς οἱ νόμοι διδόασιν. ἀλλὰ νῆ Δία συκοφαντοῦμεν τὸ πρᾶγμα· τίνα γὰρ “οἷσει ἢ ἄξει βία ἀδίκως” Χαρίδημος; πάντας ἀνθρώπους. ἴστε γὰρ δήπου τοῦθ', ὅτι πάντες οἱ στρατεύμ' ἔχοντες, ὧν ἂν οἴωνται κρείττους ἔσεσθαι, ἄγουσι καὶ φέρουσι χρήματ' αἰτουῦντες. εἶτ' οὐ δεινόν, ὧ γῆ καὶ θεοί, καὶ φανερώς παράνομον, οὐ μόνον παρὰ τὸν γεγραμμένον νόμον, ἀλλὰ καὶ παρὰ τὸν κοινὸν ἀπάντων ἀνθρώπων, τὸν ἄγοντ' ἢ φέροντα βία



man, the man whom he insults has been defrauded of his legal remedy. Therefore on every ground the decree is contrary to law, and ought to be annulled.

Read the next statute.

60

STATUTE

[If any man while violently and illegally seizing another shall be slain straightway in self-defence, there shall be no penalty for his death.]

Here are other conditions of lawful homicide. If any man, while violently and illegally seizing another, shall be straightway slain in self-defence, the legislator ordains that there shall be no penalty for his death. I beg you to observe the wisdom of this law. By adding the word "straightway" after indicating the conditions of lawful homicide, the legislator has excluded any long premeditation of injury; and by the expression, "in self-defence," he makes it clear that he is giving indulgence to the actual sufferer, and to no other man. Thus the law permits homicide in immediate self-defence; but Aristocrates has made no such exception. He says, without qualification, "if anyone ever kills,"—that is, even if he kill righteously, or as the laws permit. I shall be told 61 that this is a quibble of ours; who will ever be "violently and illegally seized" by Charidemus? Everybody. Surely you are aware that any man who has troops at command lays hands on whomsoever he thinks he can overpower, demanding ransom. Heaven and Earth! Is it not monstrous, is it not manifestly contrary to law,—I do not mean merely to the statute law but to the unwritten law of our common humanity,—that I should not be per-

## DEMOSTHENES

τᾶμ' ἐν πολεμίου μοίρα μὴ ἐξεῖναι ἐμοὶ ἀμύνεσθαι,  
εἴ γε μηδὲ τοῦτον τὸν τρόπον ἐξέσται Χαρίδημον  
ἀποκτεῖναι, ἀλλ', ἐὰν ἀδικῶν ἄγῃ καὶ φέρῃ βία τά  
τινος ληζόμενος, ἀγώγιμος ὁ κτείνας ἔσται, τοῦ  
νόμου διδόντος, ἐὰν ἐπὶ τούτοις, ἀθῶον εἶναι;

62 Λέγε τὸν μετὰ ταῦτα νόμον.

[640]

ΝΟΜΟΣ

[Ὅς ἂν ἄρχων ἢ ἰδιώτης αἴτιος ᾗ τὸν θεσμόν συγχυ-  
θῆναι τόνδε, ἢ μεταποιήσῃ αὐτόν, ἄτιμον εἶναι καὶ παί-  
δας καὶ τὰ ἐκείνου.]

Ἡκούσατε μὲν τοῦ νόμου λέγοντος ἄντικρυς, ὧ  
ἄνδρες Ἀθηναῖοι, “ὅς ἂν ἄρχων ἢ ἰδιώτης αἴτιος  
ᾗ τὸν θεσμόν συγχυθῆναι τόνδε, ἢ μεταποιήσῃ  
αὐτόν, ἄτιμος ἔστω καὶ οἱ παῖδες καὶ τὰ ἐκείνου.”  
ἄρ' οὖν μικρὰν ἢ φαύλην πρόνοιαν ἔχειν ὑμῖν ὁ  
θεὸς τὸν νόμον δοκεῖ, ὅπως κύριος ἔσται καὶ μήτε  
συγχυθήσεται μήτ' αὐτὸ μεταποιηθήσεται; ἀλλ'  
Ἀριστοκράτης οὕτωσιν μικρὰ φροντίσας αὐτοῦ μετα-  
ποιεῖ καὶ συγχεῖ. τί γὰρ ἄλλ' ἐστὶν τὸ μεταποιεῖν  
ἢ ὅταν ἔξω τῶν τεταγμένων δικαστηρίων καὶ ὄρων,  
ὧν εἶργεσθαι δεῖ, διδῶ τις τὰς τιμωρίας, καὶ τὸ  
λόγου τυχεῖν ἀναιρῶν ἐκδότους ποιῆ; τί δ' ἄλλο  
τὸ συγχεῖν ἢ ὅταν ἐξῆς οὕτωσιν πάντα τὰναντία  
τῶν ἐν τοῖς νόμοις τις γεγραμμένων γράφῃ;

63 Οὐ τοίνυν τούτους μόνον τοὺς νόμους, ὧ ἄνδρες  
Ἀθηναῖοι, παραβέβηκεν, ἀλλὰ καὶ ἄλλους πολλοὺς  
οὓς οὐ παραγεγράμμεθα διὰ τὸ πλῆθος. ἀλλ' ἐν  
254

mitted to defend myself against one who violently seizes my goods as though I were an enemy? And that will be so, if the slaying of Charidemus is forbidden even on those terms,—if even though he be iniquitously plundering another man's property, his slayer is to be liable to seizure, though the statute ordains that he who takes life under such conditions shall have impunity.

Read the next statute.

62

STATUTE

[Whosoever, whether magistrate or private citizen, shall cause this ordinance to be frustrated, or shall alter the same, shall be disfranchised with his children and his property.]

You have heard the statute, men of Athens, declaring in plain terms that "whosoever, whether magistrate or private citizen, shall cause this ordinance to be frustrated or shall alter the same, shall be disfranchised with his children and his property." Do you then count this a trifling or worthless precaution taken by the author of the statute to secure its validity, and to save it from being either frustrated or altered? Yet the defendant Aristocrates, with very little regard for the lawgiver, is trying both to alter it and to frustrate it. For surely, to permit punishment outside the established tribunals and beyond the limits of the prohibited areas, or to rob people of the right of fair hearing, and make them outcasts—what is that but alteration? To draft a series of clauses, all of them exactly contradicting the provisions of the statute-book—what is that but frustration?

Besides the laws cited, he has violated many other 63 statutes, which we have not put on the schedule because they are so numerous. I offer a summary

## DEMOSTHENES

κεφαλαίῳ λέγω· ὅποσοι νόμοι περὶ τῶν φονικῶν δικαστηρίων εἰσί, καλεῖσθαι λέγοντες ἢ μαρτυρεῖν ἢ διόμνυσθαι τοὺς ἀγωνιζομένους ἢ ἄλλ' ὅτιοῦν προστάττοντες, πάντας ὑπερβέβηκε τούτους καὶ πᾶσιν ἐναντίον εἶρηκε τὸ ψήφισμα τουτί. οὐ γὰρ οὐ κλήσις, [οὐ κρίσις,]<sup>1</sup> οὐ μαρτυρία συνειδότης, οὐ διωμοσία, ἀλλ' ἀπ' αἰτίας εὐθύς ἢ τιμωρία γέγραπται, καὶ αὕτη ἦν ἀπαγορεύουσιν οἱ νόμοι, τί ἂν ἄλλο τις εἴποι; καίτοι ταῦτα πάντ' ἐπὶ πέντε δικαστηρίοις γίνεται προστεταγμένα τοῖς νόμοις.

64 νῆ Δί', ἴσως εἴποι τις ἂν, ἀλλὰ ταῦτα μὲν οὐδενός  
 [641] ἐστ' ἄξι' οὐδὲ δικαίως εὐρημένα, ἃ δ' ἔγραψεν οὗτος, δίκαια καὶ καλά. ἀλλὰ τούναντίον τούτου μὲν τοῦ ψηφίσματος οὐκ οἶδ' εἴ τι δεινότερον γέγονε πώποτ' ἐν ὑμῖν, τούτων δὲ τῶν πάντων, ὅποσ' ἐστὶ δικαστήρι' ἐν ἀνθρώποις, οὐδὲν οὔτε σεμνότερον οὔτε δικαιότερον φανήσεται. βούλομαι δ' εἰπεῖν διὰ βραχέων ἃ καὶ ζῆλόν τινα καὶ τιμὴν φέρει τῇ πόλει ρηθέντα καὶ ἠδίους ἔσσεσθ' ἀκούσαντες. ἄρξομαι δ' ἐντεῦθεν ὅθεν μάλιστα μαθήσεσθε, ἐπὶ τὴν δωρειὰν ἐπανελλθῶν ἢ τῷ Χαριδήμῳ δέδοται.

65 Ἡμεῖς, ὦ ἄνδρες Ἀθηναῖοι, Χαριδήμον ἐποίησάμεθα πολίτην, καὶ διὰ τῆς δωρειᾶς ταύτης μετεδώκαμεν αὐτῷ καὶ ἱερῶν καὶ ὀσίων καὶ νομίμων καὶ πάντων ὅσων περ αὐτοῖς μέτεστιν ἡμῖν. πολλὰ μὲν δὴ παρ' ἡμῖν ἐστι τοιαῦθ' οἷ' οὐχ ἐτέρωθι, ἐν

<sup>1</sup> Dind. omits.

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<sup>a</sup> These five courts sat respectively on the Areopagus; at the Palladium or temple of Pallas; at the Delphinium or temple of Apollo Delphinus; in Phreatto, a part of the 256

statement. Take the laws which deal with courts of homicide, and which order the contending parties to summon one another, or to tender evidence, or to take their oaths, or which give them any other direction ; he has violated every one of them ; he has drafted this decree in contravention of them all. What other account can one give, when there is no summons, no evidence by witnesses of the fact, no oath-taking,—when the penalty follows on the heels of the accusation, and that a penalty forbidden by the laws ? Yet all the proceedings I have named are in use, as ordered by statute, at five different tribunals.<sup>a</sup> —Yes, but,—someone will say,—those tribunals are 64 worthless and unfairly constituted, whereas the proposals of the defendant are righteous and admirable. —I deny it. I say that of all the proposals ever laid before you I know of none more outrageous than this decree, and that of all the tribunals to be found in the whole world there are none that can be shown to be more venerable or more righteous than ours. I desire to speak briefly of certain truths, the relation of which reflects credit and honour upon the city, and which you will be gratified to hear. I will begin with a statement which you will find especially instructive, first referring to the free gift which has already been conferred upon Charidemus.

It was we, men of Athens, who made Charidemus a 65 citizen, and by that gift bestowed upon him a share in our civil and religious observances, in our legal rights, and in everything in which we ourselves participate. There are many institutions of ours the like of which are not to be found elsewhere, but among them one

Peiræus by the shore ; and in the Prytaneum or city-hall of Athens.

δ' οὖν ιδιώτατον πάντων καὶ σεμνότατον, τὸ ἐν Ἀρείῳ πάγῳ δικαστήριον, ὑπὲρ οὗ τοσαῦτ' ἔστιν εἰπεῖν καλὰ παραδεδομένα καὶ μυθώδη, καὶ ὧν αὐτοὶ μάρτυρές ἐσμεν, ὅσα περὶ οὐδενὸς ἄλλου δικαστηρίου· ὧν ὡσπερὶ δείγματος ἕνεκ' ἄξιόν 66 ἔσθ' ἐν ἡ δὴ ἀκοῦσαι. τοῦτο μὲν τοίνυν τὰ παλαιά, ὡς ἡμῖν ἀκούειν παραδέδοται, ἐν μόνῳ τούτῳ τῷ δικαστηρίῳ δίκας φόνου θεοὶ καὶ δοῦναι καὶ λαβεῖν ἠξίωσαν καὶ δικασταὶ γενέσθαι διενεχθεῖσιν ἀλλήλοις, ὡς λόγος, λαβεῖν μὲν Ποσειδῶν ὑπὲρ Ἀλιρροθίου τοῦ υἱοῦ παρ' Ἀρεῶς, δικάσαι δ' Εὐμένισι καὶ Ὀρέστη οἱ δώδεκα θεοί. καὶ τὰ μὲν δὴ παλαιὰ ταῦτα, τὰ δ' ὕστερον· τοῦτο μόνον [642] τὸ δικαστήριον οὐχὶ τύραννος, οὐκ ὀλιγαρχία, οὐ δημοκρατία τὰς φονικὰς δίκας ἀφελέσθαι τετόλμηκεν, ἀλλὰ πάντες ἀσθενέστερον ἢ τὸ δίκαιον εὐρεῖν ἠγοῦνται περὶ τούτων αὐτοὶ τοῦ παρὰ τούτοις εὐρημένου δικαίου. πρὸς δὲ τούτοις τοιούτοις οὖσιν, ἐνταυθοῖ μόνον οὐδεὶς πώποτε οὔτε φεύγων ἀλοῦς οὔτε διώκων ἠπτηθεὶς ἐξήλεγε ὡς ἀδίκως 67 ἐδικάσθη τὰ κριθέντα. ταύτην τοίνυν τὴν φυλακὴν καὶ τὰς ἐν ταύτῃ νομίμους τιμωρίας παραβὰς ὁ γράφων τὸ ψήφισμα τοδί, ζῶντι μὲν ἐξουσίαν γέγραφε τῷ Χαριδήμῳ ποιεῖν ὅ τι ἂν βούληται, παθόντος δέ τι τοῖς οἰκειοῖς συκοφαντίαν δέδωκεν. σκέψασθε γὰρ οὕτωςί. ἴστε δήπου τοῦθ' ἅπαντες, ὅτι ἐν Ἀρείῳ πάγῳ, οὗ δίδωσιν ὁ νόμος καὶ κελεύει τοῦ φόνου δικάζεσθαι, πρῶτον μὲν διομεῖται κατ' ἐξωλείας αὐτοῦ καὶ γένους καὶ οἰκίας 258

## AGAINST ARISTOCRATES, 65-67

especially peculiar to ourselves and venerable,—I mean the Court of Areopagus. Concerning that Court I could relate a greater number of noble stories, in part traditional and legendary, in part certified by our own personal testimony, than could be told of any other tribunal. It is worth your while to listen to one or two of them by way of illustration. First, 66 then, in ancient times, as we are told by tradition, in this court alone the gods condescended both to render and to demand satisfaction for homicide, and to sit in judgement upon contending litigants,—Poseidon, according to the legend, deigning to demand justice from Ares on behalf of his son Halirrothius, and the twelve gods to adjudicate between the Eumenides and Orestes. These are ancient stories ; let us pass to a later date. This is the only tribunal which no despot, no oligarchy, no democracy, has ever dared to deprive of its jurisdiction in cases of murder, all men agreeing that in such cases no jurisprudence of their own devising could be more effective than that which has been devised in this court. In addition to these great merits, here, and here alone, no convicted defendant and no defeated prosecutor has ever made good any complaint against the justice of the verdict given. And so, in defiance of this safeguard of 67 justice, and of the lawful penalties that it awards, the author of this decree has offered to Charidemus a free licence to do what he likes as long as he lives, and to his friends the right of vindictive prosecution when he is dead. For look at it in this light. You are all of course aware that in the Areopagus, where the law both permits and enjoins the trial of homicide, first, every man who brings accusation of such a crime must make oath by invoking destruction upon himself, his

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- 68 ὁ τιν' αἰτιώμενος εἰργάσθαι τι τοιοῦτον, εἴτ' οὐδὲ τὸν τυχόντα τιν' ὄρκον τοῦτον ποιήσει, ἀλλ' ὃν οὐδεὶς ὄμνυσι ὑπὲρ οὐδενὸς ἄλλου, στὰς ἐπὶ τῶν τομίῳν κάπρου καὶ κριοῦ καὶ ταύρου, καὶ τούτων ἐσφαγμένων ὑφ' ὧν δεῖ καὶ ἐν αἷς ἡμέραις καθήκει, ὥστε καὶ ἐκ τοῦ χρόνου καὶ ἐκ τῶν μεταχειριζομένων ἅπαν, ὅσον ἔσθ' ὅσιον, πεπραῆχθαι. καὶ μετὰ ταῦθ' ὁ τὸν τοιοῦτον ὄρκον ὁμωμοκῶς οὐπω πεπίστευται, ἀλλ' ἐὰν ἐξελεγχθῆ μὴ λέγων ἀληθῆ, τὴν ἐπιορκίαν ἀπενεγκάμενος τοῖς αὐτοῦ παισὶ
- 69 καὶ τῷ γένει πλέον οὐδ' ὅτιοῦν ἔξει. ἂν δὲ δόξη τὰ δίκαι' ἐγκαλεῖν καὶ ἔλη τὸν δεδρακότα τοῦ φόνου, οὐδ' οὕτω κύριος γίγνεται τοῦ ἀλόντος, ἀλλ' ἐκείνου μὲν οἱ νόμοι κύριοι κολάσαι καὶ οἷς [643] προστέτακται, τῷ δ' ἐπιδεῖν διδόντα δίκην ἔξεστιν, ἣν ἔταξεν ὁ νόμος, τὸν ἀλόντα, πέρα δ' οὐδὲν τούτου. καὶ τῷ μὲν διώκοντι ὑπάρχει ταῦτα, τῷ δὲ φεύγοντι τὰ μὲν τῆς διωμοσίας ταυτά, τὸν πρότερον δ' ἔξεστιν εἰπόντα λόγον μεταστῆναι, καὶ οὐθ' ὁ διώκων οὐθ' οἱ δικάζοντες οὐτ' ἄλλος ἀνθρώ-
- 70 πων οὐδεὶς κύριος κωλύσαι. τί δήποτ', ὦ ἄνδρες Ἀθηναῖοι, τοῦθ' οὕτως ἔχει; ὅτι οἱ ταῦτ' ἐξ ἀρχῆς τὰ νόμιμα διαθέντες, οἵτινές ποτ' ἦσαν, εἴθ' ἦρωες εἴτε θεοί, οὐκ ἐπέθεντο τοῖς ἀτυχήμασιν, ἀλλ' ἀνθρωπίνως ἐπεκούφισαν, εἰς ὅσον εἶχε καλῶς, τὰς συμφοράς. ταῦτα μέντοι πάνθ' οὕτω καλῶς καὶ νομίμως ἔχονθ' ὁ γράφων τὸ ψήφισμα τουτὶ παραβεβηκῶς φαίνεται· ἐν γὰρ οὐδ' ὅτιοῦν ἐνι τούτων ἐν τῷ ψηφίσματι τῷ τούτου. καὶ πρῶτον μὲν παρ' ἐνὸς τούτου δικαστηρίου<sup>1</sup> καὶ [παρὰ] τοὺς

<sup>1</sup> So S: παρ' ἐν τούτο τὸ δικαστήριον vulg. Dind. With the reading adopted the second παρὰ becomes superfluous.



kindred, and his household ; secondly, that he must 68  
 not treat this oath as an ordinary oath, but as one  
 which no man swears for any other purpose ; for he  
 stands over the entrails of a boar, a ram, and a bull,  
 and they must have been slaughtered by the neces-  
 sary officers and on the days appointed, so that in  
 respect both of the time and of the functionaries  
 every requirement of solemnity has been satisfied.  
 Even then the person who has sworn this tremendous  
 oath does not gain immediate credence ; and if any  
 falsehood is brought home to him, he will carry away  
 with him to his children and his kindred the stain of  
 perjury,—but gain nothing. If, on the other hand, 69  
 he is believed to be laying a just charge, and if he  
 proves the accused guilty of murder, even then he has  
 no power over the convicted criminal ; only the laws  
 and the appointed officers have power over the man  
 for punishment. The prosecutor is permitted to see  
 him suffering the penalty awarded by law, and that is  
 all. Such are the prosecutor's rights. As for the  
 defendant, the rules for his oath are the same, but he  
 is free to withdraw after making his first speech, and  
 neither the prosecutor, nor the judges, nor any other  
 man, has authority to stop him. Now why is that 70  
 so, men of Athens ? Because they who originally  
 ordained these customs, whoever they were, heroes  
 or gods, did not treat evil fortune with severity, but  
 humanely alleviated its calamities, so far as they  
 honestly could. All those regulations, so nobly and  
 equitably conceived, the author of the decree now in  
 question has manifestly infringed, for not a single  
 shred of them is to be found in his decree.—That is  
 my first point : here is one tribunal whose written

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γεγραμμένους νόμους καὶ τᾶγραφα νόμιμα τὸ ψήφισμ' εἴρηται.

- 71 Δεύτερον δ' ἕτερον δικαστήριον τὸ τῶν ἀκουσίων φόνων φανήσεται συγγέων, τοῦπὶ Παλλαδίῳ, καὶ τοὺς παρὰ τούτῳ νόμους παραβαίνων. καὶ γὰρ ἐνταῦθ' ὑπόκειται πρῶτον μὲν διωμοσία, δεύτερον δὲ λόγος, τρίτον δὲ γνώσις τοῦ δικαστηρίου, ὧν οὐδέν ἐστιν ἐν τῷ τούτου ψηφίσματι. ἂν δ' ἀλῶ καὶ δοκῆ τοῦργον εἰργάσθαι, οὐθ' ὁ διώκων τοῦ δεδρακότος κύριος, οὐτ' ἄλλος οὐδεὶς πλὴν ὁ νόμος.
- 72 τί οὖν ὁ νόμος κελεύει; τὸν ἀλόντ' ἐπ' ἀκουσίῳ [644] φόνῳ ἔν τισιν εἰρημένοις χρόνοις ἀπελθεῖν τακτὴν ὁδὸν καὶ φεύγειν, ἕως ἂν αἰδέσηται τινα<sup>1</sup> τῶν ἐν γένει τοῦ πεπονθότος. τηνικαῦτα δ' ἤκειν δέδωκεν ἔστιν ὃν τρόπον, οὐχ ὃν ἂν τύχη, ἀλλὰ καὶ θῦσαι καὶ καθαρθῆναι καὶ ἄλλ' ἄττα διήρηκεν, ἃ χρὴ ποιῆσαι, ὀρθῶς, ὧ ἄνδρες Ἀθηναῖοι, πάντα ταῦτα
- 73 λέγων ὁ νόμος. καὶ γὰρ τὸ τῶν ἀκουσίων ἐλάττω τὴν τιμωρίαν ἢ τῶν ἐκουσίων τάξει δίκαιον, καὶ τὸ παρασχόντ' ἀσφάλειαν ἀπελθεῖν οὕτω προστάττειν φεύγειν ὀρθῶς ἔστιν ἔχον, καὶ τὸ τὸν κατιόνθ' ὀσιοῦν καὶ καθαίρεσθαι νομίμοις τισί, καὶ τὸ τοὺς νόμους κυρίου ἀπάντων εἶναι, καὶ πάντα ταῦτ' ἔχει καλῶς. ταῦτα τοίνυν ἅπαντα δικαίως οὕτω διορισθέντα ὑπὸ τῶν ἐξ ἀρχῆς νομοθετησάντων παρέβη γράφων τὸ ψήφισμ' οὕτοσί. ταῦτα μὲν δὴ δύο τηλικάυτα καὶ τοιαῦτα δικαστήρια καὶ νόμιμ' ἐκ παντὸς τοῦ χρόνου παραδεδομέν' οὕτως ἀναιδῶς ὑπερπεπήδηκεν.

<sup>1</sup> So mss., but probably *τις* should be read for *τινα*.

## AGAINST ARISTOCRATES, 70-73

laws and unwritten usages he has contravened in drafting his decree.

Secondly, there is another tribunal, the court by 71 the Palladium, for the trial of involuntary homicide ; and it shall be shown that he nullifies that tribunal also, and transgresses the laws there observed. Here also the order is first the oath-taking, secondly the pleadings, and thirdly the decision of the court ; and not one of these processes is found in the defendant's decree. If the culprit be convicted, and found to have committed the act, neither the prosecutor nor any other person has any authority over him, but only the law. And what does the law enjoin ? That the 72 man who is convicted of involuntary homicide shall, on certain appointed days, leave the country by a prescribed route, and remain in exile until he is reconciled to one of the relatives of the deceased. Then the law permits him to return, not casually, but in a certain manner ; it instructs him to make sacrifice and to purify himself, and gives other directions for his conduct. In all these provisions, men of Athens, the law is right. It is just to allot a lesser penalty for 73 involuntary than for wilful homicide ; it is quite right, before ordering a man to go into exile, to provide for his safe departure ; and the provisions for the reinstatement of the returning exile, for his purification by customary rites, and so forth, are excellent. Well, everyone of these ordinances, so righteously enacted by the original legislators, has been transgressed by the defendant in drafting his decree. So we have now two tribunals, of great antiquity and high character, and usages handed down from time immemorial, which he has insolently overridden.

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74 Τρίτον δ' ἕτερον πρὸς τούτοις δικαστήριον, ὃ πάντων ἀγιώτατα τούτων ἔχει καὶ φρικωδέστατα, ἂν τις ὁμολογῇ μὲν κτεῖναι, ἐνόμως δὲ φῆ δεδρακέναι. τοῦτο δ' ἐστὶ τοῦπι Δελφινίῳ. δοκοῦσι γάρ μοι, ὦ ἄνδρες δικασταί, ζητῆσαι τοῦτο πρῶτον ἀπάντων οἱ περὶ τούτων ἐν ἀρχῇ τὰ δίκαι' ὀρίσαντες, πότερ' οὐδένα χρῆ φόνον ὅσιον εἶναι νομίζειν ἢ τινά γ' ἔσθ' ὅσιον νομιστέον, λογιζόμενοι δ' ὅτι μητέρ' Ὀρέστης ἀπεκτονῶς ὁμολογῶν θεῶν δικαστῶν τυχὼν ἀποφυγγάνει, νομίσαι δίκαιόν τιν' εἶναι φόνον· οὐ γὰρ ἂν τά γε μὴ δίκαια θεοὺς ψηφίσασθαι. ὡς δὲ τοῦτ' ἐνόμισαν, γράφουσιν

[645] ἤδη καὶ διορίζουσι σαφῶς ἐφ' οἷς ἐξεῖναι ἀποκτιν-  
75 νύναι. ἀλλ' οὐχ οὗτος οὐδὲν ἀφείλεν, ἀλλ' ἀπλῶς, εἴαν τις ἀποκτείνῃ Χαρίδημον, κἂν δικαίως, κἂν ὡς οἱ νόμοι διδῶσιν, ἔκδοτον ποιεῖ. καίτοι πᾶσιν εἰσι πράγμασι καὶ λόγοις δύο προσθῆκαι, ἡ τοῦ δικαίου καὶ ἀδίκου· ἅς ἅμα μὲν ταῦτ' ἀπᾶν οὐδὲν ἂν δύναιτο σχεῖν οὐδὲ λόγος οὐδεὶς (πῶς γὰρ ἂν δίκαι' ἅμα ταῦτ' ἀπᾶν καὶ μὴ γένοιτο;) τὴν ἑτέραν δ' ἕκαστον ἔχον δοκιμάζεται, κἂν μὲν τὴν ἀδικον φανῇ, πονηρὸν κρίνεται, ἂν δὲ τὴν δικαίαν, χρηστὸν καὶ καλόν. σὺ τοίνυν οὐδετέραν προσέθηκας τούτων, “ ἂν τις ἀποκτείνῃ ” γράφων· ἀλλ' ἀόριστον εἰπὼν αὐτὴν τὴν αἰτίαν, καὶ μετὰ ταῦτ' εὐθὺς προσγράψας ἀγώγιμον εἶναι, τρίτον τοῦτι

## AGAINST ARISTOCRATES, 74-75

Besides these two tribunals there is also a third, 74 whose usages are still more sacred and awe-inspiring, for cases in which a man admits the act of slaying, but pleads that he slew lawfully. That is the court held at the Delphinium. It appears to me, gentlemen of the jury, that the first inquiry made by those who originally defined the rules of jurisprudence in these matters was, whether we are to regard no act of homicide as righteous, or whether any kind of homicide is to be accounted righteous ; and that, arguing that Orestes, having slain his own mother, confessing the fact, and finding gods to adjudge his case, was acquitted, they formed the opinion that there is such a thing as justifiable homicide,—for gods could not have given an unjust verdict. Having formed this opinion, they immediately set down in writing an exact definition of the conditions under which homicide is lawful. The defendant, however, admitted no 75 exception ; he simply makes an outcast of any man who kills Charidemus, even though he kill him justly or as the laws permit. And yet to every act and to every word one of two epithets is applicable : it is either just or unjust. To no act and to no word can both these epithets be applied at the same time, for how can the same act at the same time be both just and not just ? Every act is brought to the test as having the one or the other of these qualities ; if it be found to have the quality of injustice, it is adjudged to be wicked, if of justice, to be good and honest.—But you, sir, used neither qualification when you wrote the words, “ if any man kill.” You named the mere accusation, without any definition, and then immediately added, “ let him be liable to seizure.”

## DEMOSTHENES

δικαστήριον καὶ τὰ τούτου νόμιμα παραβεβηκῶς φαίνει.

76 Τέταρτον τοίνυν ἄλλο πρὸς τούτοις τοῦπι Πρυτανείῳ. τοῦτο δ' ἐστίν, ἐὰν λίθος ἢ ξύλον ἢ σίδηρος ἢ τι τοιοῦτον ἐμπεσὸν πατάξῃ, καὶ τὸν μὲν βαλόντ' ἀγνοῆ τις, αὐτὸ δ' εἰδῆ καὶ ἔχῃ τὸ τὸν φόνον εἰργασμένον, τούτοις ἐνταῦθα λαγχάνεται. εἰ τοίνυν τῶν ἀψύχων καὶ μὴ μετεχόντων τοῦ φρονεῖν οὐδέν ἐσθ' ὄσιον, τοιαύτην ἔχον αἰτίαν, ἐὰν ἄκριτον, ἢ που τὸν γ' ἀδικοῦντα μὲν οὐδέν, ἐὰν τύχῃ, θήσω δ' ἀδικοῦντα, ἀλλ' ἄνθρωπόν γ' ὄντα καὶ μετειληφότα [τῇ τύχῃ] τῆς αὐτῆς ἡμῖν φύσεως, ἀνόσιον καὶ δεινὸν ἄνευ λόγου καὶ ψήφου ποιεῖν ἔκδοτον ἐπ' αἰτία τοιαύτη.

77 Ἔτι τοίνυν πέμπτον δικαστήριον ἄλλο θεάσασθ' οἷον ὑπερβέβηκε, τὸ ἐν Φρεαττοῖ. ἐνταῦθα γάρ, ὧ ἄνδρες Ἀθηναῖοι, κελεύει δίκας ὑπέχειν ὁ νόμος, “ ἐὰν τις ἐπ' ἀκουσίῳ φόνῳ πεφευγῶς, μήπω τῶν [646] ἐκβαλόντων αὐτὸν ἡδυσμένων, αἰτίαν ἔχῃ ἐτέρου φόνου ἐκουσίου.” καὶ οὐχ, ὅτι δεῦρ' οὐχ οἷόν τ' ἐλθεῖν αὐτῷ, παρείδεν αὐτὸν ὁ ταῦθ' ἕκαστα τάξας, οὐδ', ὅτι καὶ πρότερόν τι τοιοῦτον ἐποίησε, καὶ δὴ τὴν ὁμοίαν ἐποίησατο πιστὴν αἰτίαν κατ' αὐτοῦ,

78 ἀλλὰ τό τ' εὐσεβὲς εὗρεν ὅπως ἔσται, κακείνον οὐκ ἀπεστέρησε λόγου καὶ κρίσεως. τί οὖν ἐποίησεν; ἦγαγε τοὺς δικάσοντας οἱ προσελθεῖν

## AGAINST ARISTOCRATES, 75-78

Thereby you have evidently ignored this tribunal and its usages as well as the other two.

There is also a fourth tribunal, that at the Pry- 76  
taneum. Its function is that, if a man is struck by a stone, or a piece of wood or iron, or anything of that sort, falling upon him, and if someone, without knowing who threw it, knows and possesses the implement of homicide, he takes proceedings against these implements in that court. Well, if it is not righteous to deny a trial even to a lifeless and senseless thing, the object of so grave an accusation, assuredly it is impious and outrageous that a man who may possibly be not guilty, and who in any case,—and I will assume him to be guilty,—is a human being endowed by fortune with the same nature as ourselves, should be made an outcast on such a charge without a hearing and without a verdict.

Then there is a fifth tribunal which he has over- 77  
ruled,—and I beg you to take note of its character ; I mean the court held in the precinct of Phreatto. In that court, men of Athens, the law orders every man to stand his trial who, having gone into exile on a charge of unintentional homicide, and being still unreconciled to the persons who procured his banishment, incurs a further charge of wilful murder. The author of the several rules of court did not let such a man alone, on the ground that he was unable to return to Athens, nor did he, because the man had already committed a like offence, treat the similarity of the accusation as proof positive against him ; he 78  
found a way of satisfying the requirements of religion without depriving the culprit of a fair hearing and a trial. How did he manage it ? He conveyed the judges who were to sit to a place to which the accused

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οἶόν τ' ἐκείνω, τῆς χώρας ἀποδείξας τόπον τιν' ἐν Φρεαττοῖ καλούμενον ἐπὶ θαλάττῃ. εἶθ' ὁ μὲν ἐν πλοίῳ προσπλεύσας λέγει τῆς γῆς οὐχ ἀπτόμενος, οἱ δ' ἀκροῶνται καὶ δικάζουσιν ἐν τῇ γῇ· κἂν μὲν ἀλῶ, τὴν ἐπὶ τοῖς ἐκουσίοις φόνοις δίκην ἔδωκε δικαίως, εἰ δ' ἀποφύγη, ταύτης μὲν ἀθῶος ἀφίεται, τὴν δ' ἐπὶ τῷ πρότερον φόνῳ φυγὴν

79 ὑπέχει. τίνας οὖν ποθ' ἔνεκα ταῦθ' οὕτω διεσπούδασται; ἴσον ἠγεῖτ' ἀσέβημ' ὁ ταῦτα διαιρῶν τὸν τ' ἀδικοῦντ' εἶαν καὶ τὸν ἀναίτιον ἐκδιδόναι πρὸ δίκης. καίτοι εἰ περὶ τῶν ἀνδροφόνων ἤδη κεκριμένων τοσαύτη σπουδὴ, ὅπως λόγου καὶ κρίσεως καὶ πάντων ὅπόσ' ἐστὶ δίκαια τεύξονται περὶ τῶν ὕστερον αἰτιῶν, ἢ που περὶ γε τοῦ μήθ' ἐλαγκότος μήτ' ἐγνωσμένου, πότερον δέδρακεν ἢ οὐ καὶ πότερ' ἄκων ἢ ἐκών, πάνδεινον γράφειν ὡς ἐκδοτέον τοῖς ἐγκαλοῦσιν.

80 Ἔτι τοίνυν ἐστὶν ἕκτη τιμωρία πρὸς ἀπάσαις ταύταις, ἣν ὁμοίως παραβὰς γέγραφε τὸ ψήφισμ' οὐτοσί. εἰ πάντα ταῦτά τις ἠγνόηκεν, ἢ καὶ παρεληλύθασιν οἱ χρόνοι ἐν οἷς ἔδει τούτων ἕκαστα

[647] ποιεῖν, ἢ δι' ἄλλο τι οὐχὶ βούλεται τούτους τοὺς τρόπους ἐπεξιέναι, τὸν ἀνδροφόνον δ' ὄρα περιμόντ' ἐν τοῖς ἱεροῖς καὶ κατὰ τὴν ἀγοράν, ἀπάγειν ἔξεστιν εἰς τὸ δεσμωτήριον, οὐκ οἴκαδ' οὐδ' ὅποι βούλεται, ὥσπερ σὺ δέδωκας. κἂνταῦθ' ἀπαχθεῖς οὐδ' ὀτιοῦν, πρὶν ἂν κριθῇ, πείσεται, ἀλλ' εἰ μὲν



was able to repair, appointing a place within the country but on the sea-coast, known as the precinct of Phreatto. The culprit approaches the shore in a vessel, and makes his speech without landing, while the judges listen to him and give judgement on shore. If found guilty, the man suffers the penalty of wilful murder as he deserves ; if acquitted, he goes his way scot-free in respect of that charge, but still subject to banishment for the earlier homicide. Now with 79 what object have these regulations been made so carefully ? The man who drew them up accounted it equally irreligious to let slip the guilty, and to cast out the innocent before trial. But if such great pains are taken in the case of persons already adjudged to be homicides, to ensure for them a hearing, a trial, and fair treatment in every respect upon any subsequent accusation, surely it is most outrageous to provide that a man who has not yet been found guilty, and of whom it is still undecided whether he committed the act or not, and whether the act was involuntary or wilful, should be handed over to the mercy of his accusers.

In addition to all these provisions for legal redress 80 there is a sixth, which the defendant has equally defied in his decree. Suppose that a man is ignorant of all the processes I have mentioned, or that the proper time for taking such proceedings has elapsed, or that for any other reasons he does not choose to prosecute by those methods ; if he sees the homicide frequenting places of worship or the market, he may arrest him and take him to gaol ; but not, as *you* have permitted, to his own house or wherever he chooses. When under arrest he will suffer no injury in gaol until after his trial ; but, if he is found guilty, he will

## DEMOSTHENES

ἀλῶ, θανάτῳ ζημιωθήσεται, ἐὰν δὲ μὴ μεταλάβῃ  
 τὸ πέμπτον μέρος τῶν ψήφων ὁ ἀπαγαγών, χιλίας  
 81 προσοφλήσει. ἀλλ' οὐχ οὗτος ἔγραψε ταῦτα, ἀλλὰ  
 τὸν μὲν ἀθῶον αἰτιάσασθαι, τὸν δ' ἄκριτον παρα-  
 χρῆμ' ἐκδίδοσθαι. ἐὰν δέ τις ἀνθρώπων ἢ καὶ ὅλη  
 πόλις τοσοῦτοις νομίμοις ἀναιρουμένοις ὅσοις ἐγὼ  
 διεξελέλυθα, καὶ τοσοῦτοις δικαστηρίοις καταλυ-  
 μένοις ὅσοις εἶρηκα, ἃ θεοὶ κατέδειξαν καὶ μετὰ  
 ταῦτ' ἄνθρωποι χρῶνται πάντα τὸν χρόνον, βοη-  
 θήσῃ καὶ τὸν ὑβριζόμενον καὶ παρανομούμενον  
 ἐξέληται, ἔκσπονδον ἔγραψεν εἶναι, καὶ οὐδὲ τούτῳ  
 λόγον οὐδὲ κρίσιν πεποίηκεν, ἀλλὰ καὶ τοῦτον  
 εὐθύς ἄνευ κρίσεως κολάζει. πῶς ἂν ἢ δεινότερον  
 γένοιτ' ἢ παρανομώτερον τούτου ψήφισμα;  
 82 Ἄρά τις ἡμῶν ἔτι λοιπὸς ἐστὶ νόμος; δείξον.  
 οὔτοσί. λέγε τοῦτον.

### ΝΟΜΟΣ

[Ἐάν τις βιαίῳ θανάτῳ ἀποθάνῃ, ὑπὲρ τούτου τοῖς  
 προσήκουσιν εἶναι τὰς ἀνδροληψίας, ἕως ἂν ἢ δίκας τοῦ  
 φόνου ὑπόσχωσιν ἢ τοὺς ἀποκτείναντας ἐκδώσι. τὴν δὲ  
 ἀνδροληψίαν εἶναι μέχρι τριῶν, πλέον δὲ μή.]

Πολλῶν, ὧ ἄνδρες Ἀθηναῖοι, καλῶς ἐχόντων  
 νόμων, οὐκ οἶδ' εἴ τις ἦττον οὗτος ἔχει καλῶς  
 [648] καὶ δικαίως ὁ νόμος. σκέψασθε γὰρ ὡς νομίμως  
 83 καὶ σφόδρ' ἀνθρωπίνως κείται. “ἐάν τις βιαίῳ  
 θανάτῳ ἀποθάνῃ” φησί. πρῶτον μὲν δὴ τοῦτο  
 προσγράψας τὸ “βιαίως,” σύμβολον πεποίηκεν ὧ  
 γιγνώσκομεν ὅτι, ἂν ἀδίκως, λέγει. “ὑπὲρ τού-  
 270

be punished with death. On the other hand, if the person who arrested him does not get a fifth part of the votes, he will be fined a thousand drachmas. The 81 proposals of the defendant are quite different: the accuser is to prosecute without risk, the culprit to be given up incontinently and without trial; and if any person, or indeed any entire city, shall intervene to prevent the destruction of all those usages which I have described and the overthrow of all the tribunals I have mentioned—tribunals introduced by the gods and frequented by mankind from that day to this,—and to rescue the victims of outrage and lawless violence, he proposes that any such person shall be banned; for him also he allows no hearing and no trial, but punishes him instantly and without trial. Could any decree be more monstrous and more unconstitutional?

Have we any statute left? . . . Let me see it. . . . 82  
 Yes, that is the one; read it.

THE STATUTE

[If any man die a violent death, his kinsmen may take and hold hostages in respect of such death, until they either submit to trial for bloodguiltiness, or surrender the actual manslaughterers. This right is limited to three hostages and no more.]

We have many well-conceived laws, men of Athens; but I am inclined to think that this statute is as wise and just as any of them. Observe the spirit of equity and the remarkable humanity with which it is drawn up. "If any man die a violent death," says the 83 legislator. First, by adding the epithet "violent," he has given an indication by which we understand his meaning to be, "if a man die wrongfully." "His

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του” φησὶ “ τοῖς προσήκουσιν εἶναι τὰς ἀνδρο-  
 ληψίας, ἕως ἂν ἡ δίκας τοῦ φόνου ὑπόσχωσιν ἢ  
 τοὺς ἀποκτείναντας ἐκδῶσι.” σκοπεῖσθ’ ὡς καλῶς.  
 πρότερον μὲν ὑποσχεῖν δίκας ἀξιοῖ, μετὰ ταῦτα  
 δέ, ἂν τοῦτο μὴ βούλωνται, προσέταξεν ἐκδοῦναι.  
 εἰ δὲ μηδέτερον τούτων ἐθέλωσι, “ τὸ ἀνδρο-  
 λήσιόν” φησιν “ εἶναι μέχρι τριῶν, πλέον δὲ μή.”  
 παρὰ τοίνυν ὅλον τοῦτον τὸν νόμον εἴρηται τὸ  
 84 ψήφισμα. πρῶτον μὲν γὰρ “ εἰάν τις ἀποκτείνῃ”  
 γράφων, οὐ προσέγραψεν ἀδίκως οὐδὲ βιαίως οὐδ’  
 ὅλως οὐδέν. εἶτα πρὸ τοῦ δίκην ἀξιῶσαι λαβεῖν,  
 εὐθύς ἔγραψεν ἀγώγιμον εἶναι. πρὸς δὲ τούτοις ὁ  
 μὲν νόμος, εἰάν μήτε δίκας ὑπέχωσι παρ’ οἷς ἂν  
 τὸ πάθος γένηται, μήτε τοὺς δεδρακότας ἐκδιδῶσι,  
 85 κελεύει κατὰ τούτων εἶναι μέχρι τριῶν τὸ ἀνδρο-  
 λήσιον· ὁ δὲ τούτους μὲν ἀθῶους παρήκε, καὶ οὐδὲ  
 λόγον πεποιήται περὶ αὐτῶν οὐδένα, τοὺς δὲ τὸν  
 ἤδη πεφευγότα (θήσω γὰρ οὕτω) κατὰ τὸν κοινὸν  
 ἀπάντων ἀνθρώπων νόμον, ὃς κείται τὸν φεύγοντα  
 δέχεσθαι, ὑποδεξαμένους ἐκσπόνδους εἶναι γράφει,  
 εἰάν μὴ τὸν ἰκέτην ἐκδοτὸν διδῶσιν. οὐκοῦν καὶ  
 τῷ μὴ προσθεῖναι πῶς, εἰάν ἀποκτείνῃ, καὶ τῷ  
 μηδεμίαν κρίσιν εἰπεῖν, καὶ τῷ μὴ δίκας αἰτεῖν,  
 καὶ τῷ πανταχόθεν διδόναι λαβεῖν, καὶ τῷ τοὺς  
 ὑποδεξαμένους, ἀλλὰ μὴ παρ’ οἷς ἂν τὸ πάθος  
 [649] γένηται κολάζειν, καὶ πᾶσιν οὕτως φανερώς καὶ  
 παρὰ τοῦτον εἴρηκε τὸν νόμον.  
 86 Λέγε δὴ τὸν ἐφεξῆς.

kinsmen may take and hold hostages in respect of such death, until they either submit to trial for blood-guiltiness, or surrender the actual manslaughterers." You will note what an admirable provision this is. He requires the hostages, in the first instance, to stand trial; and then if they refuse, he enjoins them to give up the murderers; but, if they decline both these duties, he adds that the right to hold hostages is limited to three and no more. The whole of this statute is defied in the wording of the decree. In the 84 first place, when writing the words, "if any man shall kill," he did not add "wrongfully," or "violently," or any qualification at all. Secondly he proposes that the culprit shall be liable to seizure instantly and before any claim of redress has been made. Furthermore, while the statute ordains that, if the persons in whose house the death took place will neither submit to trial nor give up the perpetrators, as many as three may be detained as hostages, Aristocrates dismisses 85 those persons scot-free, and takes no account of them whatever, but proposes to put under a ban those who, in obedience to that common law of mankind which enjoins hospitality to a fugitive, have harboured the culprit, who, as I will assume, has already gone into exile, if they refuse to surrender their suppliant. Thus, by omitting to specify the mode of the homicide, by not providing for a trial, by omitting the claim of redress, by permitting arrest in any place whatsoever, by punishing those who harbour the fugitive, and by not punishing those in whose house the death took place,—in every respect I say that his proposal is in manifest contravention of this statute also.

Read the next one.

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### NOMOS

[Μηδὲ νόμον ἐπ' ἀνδρὶ ἐξεῖναι θεῖναι, ἐὰν μὴ τὸν αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις.]

Ἔστι μὲν οὐκέτι τῶν φονικῶν ὄδ' ὁ νῦν ἀνεγνωσμένος νόμος, ᾧ ἄνδρες δικασταί, οὐδ' ὀτιοῦν δ' ἦπτον ἔχει καλῶς, εἴπερ καὶ ἄλλος τις. ὥσπερ γὰρ τῆς ἄλλης πολιτείας ἴσον μέτεστιν ἐκάστω, οὕτως ᾤετο δεῖν καὶ τῶν νόμων ἴσον μετέχειν πάντας ὁ θεὸς αὐτόν, καὶ διὰ ταῦτ' ἔγραψε “μηδὲ νόμον ἐπ' ἀνδρὶ ἐξεῖναι θεῖναι, ἐὰν μὴ τὸν αὐτὸν ἐφ' ἅπασιν Ἀθηναίοις.” ὁπότε τοίνυν τὰ ψηφίσματα δεῖν κατὰ τοὺς νόμους ὁμολογεῖται γράφειν, ὁ γράφων ἰδίᾳ τι Χαριδῆμω τοιοῦτον, ὃ μὴ πᾶσι καὶ ὑμῖν ἔσται, σαφῶς καὶ παρὰ τοῦτον ἂν εἰρηκῶς εἶη τὸν νόμον. οὐ γὰρ δήπου, ἂ μὴδὲ νομοθετεῖν ἔξεστι, ταῦτ' ἐν ψηφίσματι γράψας τις ἔννομ' ἂν εἰρηκῶς εἶη.

87 Λέγε τὸν μετὰ ταῦτα νόμον. ἢ οὗτοι πάντες εἰσίν;

### NOMOS

[Ψήφισμα δὲ μηδὲν μήτε βουλῆς μήτε δήμου νόμου κυριώτερον εἶναι.]

Κατάθου. Πάνυ μικρὸν ὑπέληφά μοι τὸν λόγον, ᾧ ἄνδρες δικασταί, καὶ ῥάδιον εἶναι περὶ τοῦ παρὰ τοῦτον εἰρησθαι τὸν νόμον τὸ ψήφισμα. ὅς γὰρ ὑπαρχόντων τοσοῦτων νόμων πάντας ὑπερβὰς τούτους γέγραφε καὶ κατέκλεισεν ἴδιον πρᾶγμα ψηφίσματι, τοῦτον τί τις ἄλλο ποιεῖν φήσει πλὴν ψήφισμα νόμου κυριώτερον ἀξιοῦν εἶναι;

## AGAINST ARISTOCRATES, 86-87

### THE STATUTE

[And it shall not be lawful to propose a statute directed against an individual, unless the same apply to all Athenians.]

The statute just read is not, like the others, taken from the Laws of Homicide, but it is just as good,—as good as ever law was. The man who introduced it was of opinion that, as every citizen has an equal share in civil rights, so everybody should have an equal share in the laws ; and therefore he moved that it should not be lawful to propose a law affecting any individual, unless the same applied to all Athenians. Now seeing that it is agreed that the drafting of decrees must conform to the law, a man who draws a decree for the special benefit of Charidemus, such as is not applicable to all the rest of you, must evidently be making a proposal in defiance of this statute also ; for of course what it is unlawful to put into a statute cannot legitimately be put into a decree.

Read the next statute,—or is that all of them ? 87

### THE STATUTE

[No decree either of the Council or of the Assembly shall have superior authority to a statute.]

Put it down.—I take it, gentlemen, that a very short and easy argument will serve me to prove that this statute has been violated in the drafting of the decree. When there are so many statutes, and when a man makes a motion that contravenes every one of them, and incorporates a private transaction in a decree, how can anyone deny that he is claiming for his decree authority superior to that of a statute ?

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88

Βούλομαι τοίνυν ὑμῖν καὶ ἐν ἡ δύο ψηφίσματα δεῖξαι τῶν γεγραμμένων τοῖς ὡς ἀληθῶς εὐεργέταις τῆς πόλεως, ἵν' εἰδῆθ' ὅτι ῥαδίον ἔστι γράφειν τὰ δίκαια, ὅταν αὐτοῦ τις ἔνεκα τούτου γράφῃ, τοῦ τιμῆσαί τινα καὶ μεταδοῦναι τῶν ἡμῖν ὑπαρχόντων, καὶ μὴ διὰ τοῦ ταῦτα δοκεῖν ποιεῖν βούληται κακουργεῖν καὶ παρακρούεσθαι. λέγε τὰ ψηφίσματα ταυτί. ἀλλ' ἵνα μὴ μακρὸν ὑμῖν ἀκούειν ἦ, ἐξ ἐκάστου τῶν ψηφισμάτων αὐτὸ τοῦτ' ἐξείλεται περὶ οὗ τούτου κατηγορῶ. λέγε.

### ΨΗΦΙΣΜΑΤΑ

89 'Οραῖθ' ὅτι πάντες, ὦ ἄνδρες Ἀθηναῖοι, τὸν αὐτὸν τρόπον γεγράφασιν. "ἔστω" φησὶν "ὑπὲρ αὐτοῦ ἡ αὐτὴ τιμωρία καθάπερ ἂν τὸν Ἀθηναῖον ἀποκτείνῃ," κυρίους μὲν ἐῶντες τοὺς περὶ τούτων ὑπάρχοντας ὑμῖν νόμους, σεμνοὺς δ' ἀποφαίνοντες, οἳ γ' ἐν δωρειᾷς ἐποίησαντο τάξει τὸ τούτων μεταδοῦναι. ἀλλ' οὐκ Ἀριστοκράτης, ἀλλὰ προπηλακίζει μὲν καθ' ὅσον δύναται τούτους (ὡς γοῦν οὐδενὸς ἀξίων ἴδιόν τι γράφειν ἐπεχείρησε), μικρὰν δ' ἀποφαίνει κακείνην τὴν δωρειάν, ἢ τὴν πολιτείαν δεδώκατε τῷ Χαριδήμῳ. ὃς γάρ, ὡς ἀγαπώντων τοῦθ' ὑμῶν καὶ προσοφειλόντων χάριν αὐτῷ, γέγραφε καὶ πρὸς φυλάττειν ὑμᾶς ἐκείνον, ὅπως ἀδεῶς ὅ τι ἂν βούληται ποιῇ, πῶς οὐ τοῦθ' ὃ λέγω διαπράττεται;

90 Οὐκ ἀγνοῶ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, ὅτι ὡς μὲν οὐ παρὰ τοὺς νόμους φανερώς γέγραφε τὸ ψήφισμα Ἀριστοκράτης οὐχ ἔξει δεῖξαι, ὃ δὲ



## AGAINST ARISTOCRATES, 88-90

Now I wish to cite for your information one or two 88 decrees drawn in favour of genuine benefactors of the commonwealth, to satisfy you that it is easy to frame such things without injustice, when they are drawn for the express purpose of doing honour to a man, and of admitting him to a share of our own privileges, and when, under the pretence of doing so, there is no malicious and fraudulent intention.—Read these decrees.—To save you a long hearing, the clauses corresponding to that for which I am prosecuting the defendant have been extracted from the several decrees.

*(The Clerk reads excerpts from sundry Decrees.)*

You see, men of Athens, that they have all drawn 89 them in the same fashion. For instance : “ There shall be the same redress for him as if the person slain were an Athenian.” Here, without tampering with your existing laws respecting such offences, they enhance the dignity of those laws by making it an act of grace to allow a share in them to others. Not so Aristocrates : he does his very best to drag the laws through the mire ; anyhow, he tried to compose something of his own, as though they were worth nothing ; and he makes light even of that act of grace by which you bestowed your citizenship upon Charidemus. For when he assumes that you still owe the man a debt of gratitude, and has proposed that you should protect him into the bargain, so that he may do just what he likes with impunity, does not such conduct merit my description ?

I am well aware, men of Athens, that, although 90 Aristocrates will be quite unable to disprove the charge of framing his decree in open defiance of the

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- [651] δεινότατον πάντων ἐστί, τὸ μηδεμίαν κρίσιν ἐν παντὶ ποιῆσαι τῷ ψηφίσματι τοιαύτης αἰτίας, τοῦθ' ὑφαιρεῖσθαι πειράσεται. ἐγὼ δὲ περὶ αὐτοῦ τούτου πολλὰ μὲν λέγειν οὐκ οἶμαι δεῖν, ἐκ δὲ τοῦ ψηφίσματος αὐτοῦ δείξω σαφῶς οὐδ' αὐτὸν τοῦτον ἡγούμενον εἶναι κρίσιν οὐδεμίαν τῷ τὴν
- 91 αἰτίαν ἔχοντι. γέγραφε γὰρ "ἐάν τις ἀποκτείνῃ Χαρίδημον, ἀγώγιμος ἔστω, ἐὰν δέ τις ἀφέληται ἢ πόλις ἢ ιδιώτης, ἔκσπονδος ἔστω," οὐκ "ἐὰν μὴ παράσχη εἰς κρίσιν τὸν ἀφαιρεθέντα," ἀλλ' ὅλως εὐθύς. καίτοι εἴ γ' ἐδίδου κρίσιν καὶ μὴ ἀφηρέϊτο, τότε ἂν προσέγραψε κατὰ τῶν ἀφελομένων τὴν τιμωρίαν, ὁπότ' εἰς τὴν κρίσιν μὴ παρέσχον ὃν ἐξείλοντο.
- 92 Οἶμαι τοίνυν αὐτὸν κάκεῖνον ἐρεῖν τὸν λόγον, καὶ σφόδρα ταύτῃ ζητήσιν ἐξαπατᾶν ὑμᾶς, ὡς ἄκυρόν ἐστι τὸ ψήφισμα· προβούλευμα γάρ ἐστιν, ὁ νόμος δ' ἐπέτεια κελεύει τὰ τῆς βουλῆς εἶναι ψηφίσματα, ὥστε καὶ αὐτοῦ νῦν ἀποψηφίσθηθε, ἢ γε πόλις φλαῦρον οὐδὲν πείσεται κατὰ τὸ
- 93 ψήφισμα τοῦτο. ἐγὼ δὲ πρὸς ταῦτ' οἶμαι δεῖν ὑμᾶς ἐκεῖνο ὑπολαμβάνειν, ὅτι τὸ ψήφισμα τοῦθ' οὗτος ἔγραψεν οὐχ ἰν' ὄντος ἀκύρου μηδὲν ἀηδὲς ὑμῖν συμβῆ (τὴν ἀρχὴν γὰρ ἐξῆν αὐτῷ μὴ γράφειν, εἴ γε τὸ βέλτιστον τῇ πόλει σκοπεῖν ἐβούλετο) ἀλλ' ἰν' ἐξαπατηθέντων ὑμῶν διαπράξαιντό τινες ταναυτῆς τοῖς ὑμῖν συμφέρουσιν. οἱ δὲ γραψάμενοι καὶ χρόνους ἐμποιήσαντες καὶ δι' οὓς ἄκυρόν ἐστιν, ἡμεῖς ἐσμέν. ἄτοπον δὴ γένοιτ' ἂν, εἰ ὦν

<sup>a</sup> An order of Council not valid until confirmed by the vote of the Assembly.

## AGAINST ARISTOCRATES, 90-93

laws, he will make an attempt to shuffle away the most serious part of the accusation,—namely, that from beginning to end of his decree he does not order any trial of a very grave indictment. On that point I do not think I need say much ; but I will prove clearly from the actual phrasing of the decree that he himself does not suppose that the man accused will get any trial at all. The words are : “ If any man 91 kill Charidemus, he shall be liable to seizure ; and if any person or any city rescue him, they shall be put under ban,”—not merely in case they refuse to give up for trial the man they have rescued, but absolutely and without more ado. And yet if he were permitting instead of disallowing a trial, he would have made the penal clause against the rescuers conditional upon their not giving up for trial the person rescued.

I dare say that he will use the following argument, 92 and that he will try very hard to mislead you on this point. The decree, he will urge, is invalid because it is merely a provisional resolution,<sup>a</sup> and the law provides that resolutions of the Council shall be in force for one year only ; therefore, if you acquit him to-day, the commonwealth can take no harm in respect of his decree. I think your rejoinder to that argument 93 should be that the defendant’s purpose in drafting the decree was, not that it should be inoperative and have no disagreeable results,—for it was open to him not to draft it at all, if he had wished to consult the best advantage of the commonwealth ;—but that you might be misled and certain people might be enabled to carry through projects opposed to your interests. That the decree has been challenged, that its operation has been delayed, and that it has now become invalid, you owe to us ; and it is preposterous that the

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94 ἡμῖν χάριν εἰκὸς ὑπάρχειν, ταῦτα τούτοις εἰς  
 [652] σωτηρίαν ὑπάρξειεν. ἔτι τοίνυν οὐδ' ἀπλοῦν τοῦθ'  
 οὕτως ἐστίν, ὡς τις οἶεται. εἰ μὲν γὰρ μηδεὶς  
 ἄλλος ἦν ὅστις ἔμελλεν ὁμοίως τῶν συμφερόντων  
 ὑμῖν ὀλιγωρήσας γράφειν, ἴσως ἂν ἦν τοῦτο<sup>1</sup>. νῦν  
 δ' ὄντων οὐκ ὀλίγων οὐχὶ καλῶς ἔχει μὴ λῦσαι  
 τὸ ψήφισμ' ὑμῖν. τίς γὰρ οὐ γράψει θαρρῶν πάλιν,  
 ἡνίκ' ἂν ἦ τοῦτ' ἀποπεφευγός; τίς δ' οὐκ ἐπι-  
 ψηφιεῖ; τίς δὲ γράφεται; οὐ τοίνυν τοῦτο σκε-  
 πτέον, εἰ τοῦτ' ἐστὶν ἄκυρον τοῖς χρόνοις, ἀλλ'  
 ἐκεῖνο, ὅτι τῇ περὶ τούτου ψήφῳ, νῦν ἔαν ἀπο-  
 ψηφίσθητε, τοῖς ἀδικεῖν βουλομένοις αὐθις ὑμᾶς  
 ἄδειαν δώσετε.

95 Οὐ τοίνυν οὐδ' ἐκεῖνό μ', ὦ ἄνδρες Ἀθηναῖοι,  
 λέληθεν, ὅτι ἀπλῆν μὲν οὐδὲ δικαίαν οὐδ' ἡντινοῦν  
 ἀπολογίαν Ἀριστοκράτης ἔξει λέγειν, παραγωγὰς  
 δὲ τοιαύτας τινὰς ἐρεῖ, ὡς ἄρα πολλὰ τοιαῦτ' ἤδη  
 γέγονε ψηφίσματα πολλοῖς. ἔστι δ' οὐδέν, ὦ  
 ἄνδρες Ἀθηναῖοι, τοῦτο σημεῖον τοῦ τοῦτον ἔννομ'  
 εἰρηκέναι· πολλαὶ γὰρ προφάσεις εἰσὶ δι' ἃς πολ-  
 96 λάκις ὑμεῖς ἐξηπάτησθε. οἷον εἴ τι τῶν ἐαλωκότων  
 ψηφισμάτων παρ' ὑμῖν μὴ ἐγράφη, κύριον ἂν  
 δήπουθεν ἦν· καὶ μὴν παρὰ τοὺς νόμους γ' ἂν  
 εἴρητο. καὶ εἴ τί γε γραφὴν ἢ καθυφέντων τῶν  
 κατηγορῶν ἢ μὴ δυνηθέντων μηδὲν διδάξαι ἀπ-  
 ἐφυγε, καὶ τοῦτ' οὐδὲν κωλύει παράνομον εἶναι.  
 οὐκ ἄρ' εὐορκοῦσιν οἱ δικάσαντες αὐτό; ναί.  
 πῶς; ἐγὼ διδάξω. γνώμη τῇ δικαιοτάτῃ δικά-

<sup>1</sup> So S: other mss. have ἦττον ἦν τοῦτο or ἦττον ἦν δεινόν. Dind. reads φορητὸν ἦν τ.

very reasons that ought to make you grateful to us should be available as reasons for acquitting our opponents. Moreover the question is not so simple 94 as some suppose. If there were no other man likely to propose decrees like his without regard to your interests, the matter might, perhaps, be a simple one. But in fact there are many such ; and that is why it is not right that you should refuse to annul this decree. If it is pronounced flawless, who will not move decrees in future without misgiving ? Who will refuse to put them to the vote ? Who will impeach them ? What you have to take into account is, not that this decree has become invalid by lapse of time, but that, if you now give judgement for the defendant, by that verdict you will be offering impunity to every man who may hereafter wish to do you a mischief.

It also occurs to my mind, men of Athens, that 95 Aristocrates, having no straightforward or honest defence, nor indeed any defence at all, to offer, will resort to such fallacious arguments as this,—that many similar decrees have been made before now in favour of many persons. That is no proof, gentlemen, of the legality of his own proposal. There are many pretences by which you have often been misled. For 96 instance, suppose that one of those decrees which have in fact been disallowed had never been impeached in this Court. It would certainly have been operative ; nevertheless it would have been moved contrary to law. Or suppose that a decree, being impeached, was pronounced flawless, because the prosecutors, either collusively or through incompetence, had failed to make good their case : that failure does not make it legal. Then the jurors do not give conscientious verdicts ? Yes, they do ; I will explain how. They

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σειν ὁμωμόκασιν, ἢ δὲ τῆς γνώμης δόξ' ἀφ' ὧν  
 ἂν ἀκούσωσι παρίσταται· ὅτε τοίνυν κατὰ ταύτην  
 97 ἔθεντο τὴν ψῆφον, εὐσεβοῦσι. πᾶς γὰρ ὁ μήτε  
 δι' ἔχθραν μήτε δι' εὐνοίαν μήτε δι' ἄλλην ἄδικον  
 [653] πρόφασιν μηδεμίαν παρ' ἧ γιγνώσκει θέμενος τὴν  
 ψῆφον εὐσεβεῖ· εἰ γὰρ ἠγνόησέ τι διδασκόμενος,  
 τοῦ μὴ συνεῖναι δίκην οὐκ ὀφείλει δοῦναι· ἀλλ' εἴ  
 τις εἰδὼς ἐκείνους προδέδωκεν ἢ ἔξαπατᾶ, οὗτός  
 ἐστ' ἔνοχος τῇ ἀρᾷ. διόπερ καταρᾶται καθ' ἑκά-  
 στην ἐκκλησίαν ὁ κῆρυξ, οὐκ εἴ τινες ἐξηπατή-  
 θησαν, ἀλλ' εἴ τις ἔξαπατᾶ λέγων ἢ βουλήν ἢ  
 98 δῆμον ἢ τὴν ἡλιαίαν. μὴ δὴ τοῦθ' ὑμῖν ἔατε  
 λέγειν, ὡς γέγονεν, ἀλλ' ὡς ἔστι δίκαιον γίνεσθαι,  
 μηδ' ὡς ἕτεροι δικάσαντες ἐκύρωσαν ἐκεῖνα, ἀλλ'  
 ὑμᾶς αὐτοὺς ἀξιοῦτε διδάσκειν ὡς δικαιοτέρ' ἡμῶν  
 περὶ τοῦδε λέγουσιν. εἰ δὲ τοῦτο μὴ δυνήσονται,  
 οὐχὶ καλῶς ἔχειν ὑμῖν ἠγοῦμαι τὴν ἐτέρων ἀπάτην  
 κυριωτέραν ποιήσασθαι τῆς ὑμετέρας αὐτῶν γνώμης.  
 99 ἔτι τοίνυν ἔμοιγε δοκεῖ καὶ σφόδρ' ἀναιδῆς ὁ  
 τοιοῦτος εἶναι λόγος, ὡς γέγονε καὶ πρότερόν τισιν  
 ἄλλοις τοιαῦτα ψηφίσματα. οὐ γὰρ εἴ τι πώποτε  
 μὴ κατὰ τοὺς νόμους ἐπράχθη, σὺ δὲ τοῦτ' ἐμι-  
 μήσω, διὰ τοῦτ' ἀποφυγεῖν σοι προσήκει, ἀλλὰ  
 τοῦναντίον πολὺ μᾶλλον ἀλίσκεσθαι διὰ ταῦτα.  
 ὡσπερ γάρ, εἴ τις ἐκείνων ἦλω, σὺ τὰδ' οὐκ ἂν  
 ἔγραψας, οὕτως, εἰ σὺ νῦν ἀλῶς, ἄλλος οὐ γράψει.

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are sworn to decide to the best of an honest judgement ; but the view that commends itself to their judgement is guided by the speeches to which they listen, and, inasmuch as they cast their votes in accordance with that view, they are true to their oath. Every man keeps his oath who does not, 97 through spite or favour or other dishonest motive, vote against his better judgement. Suppose that he does not apprehend some point that is explained to him, he does not deserve to be punished for his lack of intelligence. The man who is amenable to the curse is the advocate who deceives and misleads the jury. That is why, at every meeting, the crier pronounces a commination, not upon those who have been misled, but upon whosoever makes a misleading speech to the Council, or to the Assembly, or to the Court. Do not listen to proof that the thing has 98 happened, but only to proof that it ought to have happened. Do not let them tell you that those old decrees were upheld by other juries ; ask them to satisfy you that their plea for this decree is fairer than ours. Failing that, I do not think that you ought to give greater weight to the delusions of others than to your own judgement. Moreover, I 99 cannot but think that there is something uncommonly impudent in such a plea as that other people have before now got decrees of this sort.—If, sir, an illegal act has already been done, and you have imitated that act, that is no reason why you should be acquitted. On the contrary, it is an additional reason why you should be convicted. If one of them had been found guilty, you would never have moved your decree ; and similarly another will be deterred, if you are found guilty to-day.

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- 100 Ὡς μὲν τοίνυν οὐ παρὰ πάντας τοὺς νόμους φανερώς γέγραφε τὸ ψήφισμ' Ἀριστοκράτης, οὐκ οἶμαι λέγειν αὐτὸν ἕξειν· ἤδη δέ τιν' εἶδον, ὧ ἄνδρες Ἀθηναῖοι, γραφὴν ἀγωνιζόμενον παρανόμων τοῖς νόμοις μὲν ἀλισκόμενον, ὡς δὲ συμφέρονθ' ὑμῖν γέγραφε λέγειν ἐπιχειροῦντα, καὶ [654] ταύτῃ βιαζόμενον, εὐήθη μὲν, οἶμαι, μᾶλλον δ' 101 ἀναιδῆ λόγον· εἰ γὰρ καὶ κατὰ τᾶλλα πάντα συμφέροι τὰ εἰρημένα, ἧ γ' ὁμωμοκότας κατὰ τοὺς νόμους δικάσειν ὑμᾶς ἀξιοῖ κυροῦν ἅ μὴδ' αὐτὸς ἔχει δικαίως δεῖξαι γεγραμμένα, ἀσύμφορον ἂν εἶη, εἴπερ τὸ εὐορκεῖν περὶ πλείστου πᾶσιν ἐστι ποιητέον· οὐ μὴν ἀλλ' ἔχει τιν' ὅμως ἢ ἀναίδει' αὕτη λόγον. τούτῳ τοίνυν οὐδ' οὗτος ἐνέσται πρὸς ὑμᾶς ὁ λόγος· οὕτω γὰρ σφόδρ' ἐναντίον ὄν τοῖς νόμοις τὸ ψήφισμα μᾶλλον ἀσύμφορόν ἐστιν ἢ 102 παράνομον. βούλομαι δ' ἤδη καὶ τοῦθ' ὑμῖν ἐπιδεικνύναι. ἵνα δ' ὡς διὰ βραχυτάτου λόγου δῆλον ὁ βούλομαι ποιήσω, παράδειγμά τι γνώριμον πᾶσιν ὑμῖν ἐρῶ. ἴσθ' ὅτι συμφέρει τῇ πόλει μήτε Θηβαίους μήτε Λακεδαιμονίους ἰσχύειν, ἀλλὰ τοῖς μὲν Φωκίας ἀντιπάλους, τοῖς δ' ἄλλους τινὰς εἶναι· ἐκ γὰρ τοῦ ταῦθ' οὕτως ἔχειν ἡμῖν ὑπάρχει 103 μεγίστοις οὖσιν ἀσφαλῶς οἰκεῖν. τοῦτο τοίνυν νομίζετε ταῦτό καὶ τοῖς Χερρόνησον οἰκοῦσι τῶν πολιτῶν συμφέρειν, μηδέν' εἶναι τῶν Θρακῶν ἰσχυρόν· ἢ γὰρ ἐκείνων πρὸς ἀλλήλους παραχῆ καὶ



I say that I do not expect that Aristocrates will be 100  
 able to deny that he has moved a decree in open  
 violation of all the laws ; but before now, men of  
 Athens, I have seen a man contesting an indictment  
 for illegal measures, who, though convicted by law,  
 made an attempt to argue that his proposal had been  
 to the public advantage, and insisted strongly on that  
 point,—a simple-minded argument, surely, if it was  
 not an impudent one. Admit a man's proposition to 101  
 be in every other respect advantageous ; it is still dis-  
 advantageous in so far as he begs you, who are sworn  
 to give judgement according to law, to ratify a decree  
 which he himself cannot prove to have been honestly  
 drawn, seeing that every man is bound to set the  
 highest value upon fidelity to his oath. At the same  
 time the plea, though impertinent, has reason in it ;  
 but not a reason which Aristocrates will be able to  
 submit to you. Entirely opposed as his decree is to  
 the laws, it is not less pernicious than illegal. That is 102  
 a point which I wish now to make good to you ; and,  
 in order to do what I wish in as few words as possible,  
 I will cite an illustration that is well known to you all.  
 You are aware that it is for the advantage of Athens  
 that neither the Thebans nor the Lacedaemonians  
 should be powerful ; that the Thebans should be  
 counterbalanced by the Phocians, and the Lacedaemonians  
 by other communities ; because, when  
 that is the position of affairs, you are the strongest  
 nation, and can dwell in security. You must, then, 103  
 take the view that for those of our fellow-citizens who  
 live in the Chersonese the same condition is advan-  
 tageous, that is, that no one man shall be all-powerful  
 among the Thracians. In fact the quarrels of the  
 Thracians, and their jealousy of one another, afford

ὑποψία φρουρὰ Χερρονήσου μεγίστη τῶν πασῶν  
 ἔστι καὶ βεβαιότατη. τὸ τοίνυν ψήφισμα τουτὶ  
 τῷ μὲν ἡγουμένῳ τῶν Κερσοβλέπτου πραγμάτων  
 ἀσφάλειαν δίδόν, τοῖς δὲ τῶν ἐτέρων βασιλέων  
 στρατηγοῖς φόβον καὶ δέος μή τιν' αἰτίαν ἔχῃσι  
 παριστάν, τοὺς μὲν ἀσθενεῖς, τὸν δ' ἔν' ὄντ'  
 104 ἰσχυρὸν καθίστησιν. ἵνα δὲ μὴ πάνυ θαυμάζητ'  
 εἰ τὰ παρ' ὑμῖν ψηφίσματα τηλικαύτην ἔχει  
 [655] δύναμιν, γεγονὸς καὶ ὁ πάντες ἐπίστασθε πρᾶγμ'  
 ὑμᾶς ὑπομνήσω. ὅτε Μιλτοκύθης ἀπέστη Κότυς,  
 συχρὸν ἤδη χρόνον ὄντος τοῦ πολέμου, καὶ ἀπ-  
 ηλλαγμένου μὲν Ἐργοφίλου, μέλλοντος δ' Αὐτο-  
 κλέους ἐκπλεῖν στρατηγοῦ, ἐγράφη τι παρ' ὑμῖν  
 ψήφισμα τοιοῦτον, δι' οὗ Μιλτοκύθης μὲν ἀπήλθεν  
 φοβηθεῖς καὶ νομίσας ὑμᾶς οὐ προσέχειν αὐτῷ,  
 Κότυς δ' ἐγκρατῆς τοῦ τ' ὄρους τοῦ ἱεροῦ καὶ  
 τῶν θησαυρῶν ἐγένετο. καὶ γὰρ τοι μετὰ ταῦτ', ὧ  
 ἄνδρες Ἀθηναῖοι, Αὐτοκλήης μὲν ἐκρίνεθ' ὡς ἀπ-  
 ολωλεκῶς Μιλτοκύθην, οἱ δὲ χρόνοι κατὰ τοῦ τὸ  
 ψήφισμ' εἰπόντος τῆς γραφῆς ἐξεληλύθεσαν, τὰ δὲ  
 105 πράγματ' ἀπωλώλει τῇ πόλει. εὖ τοίνυν ἴσθ' ὅτι  
 καὶ νῦν, εἰ μὴ λύσετε τὸ ψήφισμα τοδί, καὶ τοῖς  
 βασιλεῦσι θαυμαστὴ γενήσεται δι' αὐτὸ ἀθυμία  
 καὶ τοῖς στρατηγοῖς αὐτῶν· ὅλως γὰρ ἡγήσονται  
 παρεῶσθαι μὲν αὐτοί, πρὸς Κερσοβλέπτῃν δ'  
 ἀποκλίνειν ὑμᾶς. εἰ δ' ἐκ τοῦ ταῦτα γνῶναι παρα-  
 χωρήσονται τῆς ἀρχῆς ἐπὶ καιροῦ τινὸς αὐτοῖς ἐπι-  
 θεμένου τοῦ Κερσοβλέπτου, πάλιν ὁράτε τί συμ-  
 106 βήσεται. φέρε γὰρ πρὸς θεῶν, ἂν ἡμᾶς ἀδικῇ  
 Κερσοβλέπτῃς, ὃ μᾶλλον ἐλπίς ἢ μὴ δυνηθέντα  
 ποιῆσαι, οὐκ ἐπ' ἐκείνους ἴμεν καὶ δι' ἐκείνων

<sup>a</sup> In 361; see Grote, chap. lxxx.

the best and most trustworthy guarantee of the safety of the Chersonese. Now the decree before us, by offering security to the minister who controls the affairs of Cersobleptes, and by putting the commanders of the other kings in imminent fear of being accused of crime, makes those kings weak, and the king who stands by himself strong. And that you 104 may not be quite surprised to hear that decrees made in Athens have so powerful an effect, I will remind you of a piece of history within the knowledge of all of you. After the revolt <sup>a</sup> of Miltocythes against Cotys, when the war had already lasted a considerable time, when Ergophilus had been superseded, and Autocles was on the point of sailing to take command, a decree was proposed here in such terms that Miltocythes withdrew in alarm, supposing that you were not well disposed towards him, and Cotys gained possession of the Sacred Mountain and its treasures. Now observe that later, men of Athens, although Autocles was put on his trial for having brought Miltocythes to ruin, the time for indicting the author of the decree was past ; and, so far as Athens was concerned, the whole business had come to grief. Even so to-day, if you 105 do not annul this decree, the kings and their commanders will be immensely discouraged. They will regard themselves as altogether slighted, and will imagine that your favour is inclining towards Cersobleptes. Now suppose that on this assumption they surrender their royalty, whenever Cersobleptes seizes his opportunity and attacks them ; and again observe what will happen.—In heaven's name, tell me this. 106 If Cersobleptes attacks us,—and he is more likely than not to do so, when he has the power,—shall we not have recourse to those kings ? Shall we not try

- ἀσθενῆ ποιεῖν αὐτὸν ζητήσομεν; ἂν οὖν εἴπωσιν ἡμῖν ὅτι “ ὑμεῖς, ὦ ἄνδρες Ἀθηναῖοι, οὐ μόνον ἡμῖν ἀδικουμένοις οὐκ ἐβοηθήσατε, ἀλλὰ καὶ φόβον, ἂν ὑπὲρ ἡμῶν αὐτῶν ἀμυνώμεθα, θαυμαστὸν παρεστήσατε, ψήφισμα ποιησάμενοι, τὸν ἐναντία τοῖς
- [656] ὑμῖν συμφέρουσι καὶ ἡμῖν πράττοντ’ ἂν τις ἀποκτείνῃ, ἀγώγιμον εἶναι· οὐκ οὖν ἐστὲ δίκαιοι βοηθούς καλεῖν ἡμᾶς, ἐφ’ οἷς καὶ περὶ ὑμᾶς αὐτοὺς καὶ περὶ ἡμᾶς κακῶς ἐβουλεύσασθε,” εἶπέ μοι, ταῦτ’ ἂν λέγῃσιν, οὐ δικαιοτέρ’ ἡμῶν ἐροῦσιν; ἔγωγ’ οἶμαι.
- 107 Καὶ μὴν οὐδ’ ἐκεῖνό γ’ ἔστιν εἰπεῖν, ὅτι νῆ Δι’ εἰκότως ἐφανακίσθητε καὶ παρεκρούσθητε. εἰ γὰρ μηδὲν εἶχετε τῶν ἄλλων λογίσασθαι, μηδ’ ἐφ’ ὑμῶν αὐτῶν οἰοί τ’ ἦτε ταῦτα συνεῖναι, ἦν ἰδεῖν παράδειγμα Ὀλυνθίους τουτουσί, οἳ τί πεποικότος αὐτοῖς Φιλίππου πῶς αὐτῷ χρώνται; ἐκεῖνος ἐκείνοις Ποτειδαίαν οὐχὶ τηνικαῦτ’ ἀπέδωκεν, ἠνίκ’ ἀποστερεῖν οὐκέθ’ οἷός τ’ ἦν, ὥσπερ ὑμῖν Κερσοβλέπτῃς Χερρόνησον· ἀλλὰ πρὸς ὑμᾶς πολεμῶν χρήματα πόλλ’ ἀναλώσας, ἐλὼν καὶ δυνηθεὶς ἂν αὐτὸς ἔχειν, εἶπερ ἐβουλήθη, παρέδωκε, καὶ οὐδ’
- 108 ἐπεχείρησεν ἄλλο ποιεῖν οὐδέν. ἀλλ’ ὅμως ἐκεῖνοι, τέως<sup>1</sup> μὲν ἐώρων αὐτὸν τηλικούτον ἡλικὸς ὢν πιστὸς ὑπῆρχε, σύμμαχοί τ’ ἦσαν καὶ δι’ ἐκείνον ἡμῖν ἐπολέμουν, ἐπειδὴ δ’ εἶδον μείζω τῆς πρὸς αὐτοὺς πίστεως γιγνόμενον, τοσοῦτ’ ἀπέχουσι τοῦ ψηφίσασθαι, ἂν τις ἀποκτείνῃ τινὰ τῶν ἐκείνῳ συγκατεσκευακώτων τὴν ἀρχήν, ἐκ τῶν ἑαυτῶν
- 109 συμμάχων ἀγώγιμον εἶναι, ὥσθ’ ὑμᾶς, οὓς ἴσασιν

<sup>1</sup> So mss. ἕως Dind.

to reduce him through them? Very well; then suppose they reply: "Athenians, so far from helping us when we were ill-treated, you made us grievously afraid of defending ourselves, for you issued a decree that anyone who should kill the man who was working against your interests and ours alike, should be liable to seizure. Therefore you have no right to call upon us to help you in a matter which you mismanaged for us as well as for yourselves." Tell me this, I say: will not they have the best of the argument? I think so.

Again, it cannot possibly be alleged that it was 107 natural that you should be hoodwinked and misled. For even though you had no other basis of calculation, even though you were unable of yourselves to grasp the state of affairs, you had before your eyes the example of those people at Olynthus. What has Philip done for them? And how are they treating him? He restored Potidaea to them, not at a time when he was no longer able to keep them out, as Cersobleptes restored the Chersonesus to you; no,—after spending a great deal of money on his war with you, when he had taken Potidaea, and could have kept it if he chose, he made them a present of the place, without even attempting any other course. Nevertheless, although so long as they saw that he 108 was not too powerful to be trusted, they were his allies and fought us on his account, when they found that his strength had grown too great for their confidence, they did not make a decree that whosoever should kill any man who had helped to consolidate Philip's power should be liable to seizure in the country of their allies. No, indeed; they have made 109 friendship, and promise to make alliance, with you,—

ἀπάντων ἀνθρώπων ἤδιστ' ἂν καὶ τοὺς ἐκείνου φίλους καὶ αὐτὸν τὸν Φίλιππον ἀποκτείναντας, φίλους πεποιήνται, φασὶ δὲ καὶ συμμάχους ποιήσεσθαι. εἴτ' Ὀλύνθιοι μὲν ἴσασι τὸ μέλλον προορᾶν, ὑμεῖς δ' ὄντες Ἀθηναῖοι ταῦτ' οὐχὶ ποιήσετε; ἀλλ' αἰσχρὸν τοὺς τῷ περὶ πραγμάτων ἐπίστασθαι βουλευσασθαι δοκοῦντας προέχειν ἤττον

[657] Ὀλυνθίων τὸ συμφέρον εἰδότας ὀφθῆναι.

110 Ἀκούω τοίνυν αὐτὸν καὶ τοιοῦτόν τιν' ἐρεῖν λόγον, οἷον καὶ πρότερόν ποτ' Ἀριστόμαχος παρ' ὑμῖν ἐδημηγόρει, ὡς οὐκ ἔστιν ὅπως ποτὲ Κερσοβλέπτῃς αἰρήσεται Χερρόνησον ἀποστερεῖν ἐπιχειρῶν ἐχθρὸς ὑμῖν εἶναι· οὐδὲ γὰρ εἰ λάβοι καὶ κατάσχοι, λυσιτελήσειν αὐτῷ. ἐκ μὲν γ' ἐκείνης οὐκ ἔστιν ὑπὲρ τριάκοντα τάλανθ' ἢ πρόσοδος μὴ πολεμουμένης, εἰ πολεμήσεται δ', οὐδέν· ἐκ δὲ τῶν ἐμπορίων, ἃ τότε ἂν κλεισθείη, πλείν ἢ διακόσια τάλαντά ἐσθ' ἢ πρόσοδος· ὥστε τί βουλόμενος μικρὰ λαμβάνειν καὶ πολεμεῖν ἂν ἔλοιτο, ἐξὸν τὰ πλείω καὶ φίλος εἶναι, θαυμάζειν φή-

111 σουσιν. ἐγὼ δ' οὐκ ἀπορῶ μὲν εἰπεῖν πολλά, ἃ μοι δοκεῖ μᾶλλον ἂν τις ἰδὼν ἀπιστεῖν εἰκότως ἢ τούτοις πιστεύων ἐκείνον ἔαν μέγαν γίνεσθαι· οὐ μὴν ἀλλ' ὁ μάλιστα πρόχειρον ἔχω, τοῦτ' ἐρῶ. ἴστε δήπου Φίλιππον, ὃ ἄνδρες Ἀθηναῖοι, τουτοῦ τὸν Μακεδόνα, ᾧ πολὺ δήπου μᾶλλον ἐλυσιτέλει τὰς ἐξ ἀπάσης Μακεδονίας προσόδους ἀδεῶς λαμβάνειν ἢ μετὰ κινδύνων τὰς ἐξ Ἀμφιπόλεως, καὶ χρῆσθαι φίλοις αἰρετώτερον ἦν αὐτῷ τοῖς πατρικοῖς ὑμῖν ἢ Θετταλοῖς, οἳ τὸν πατέρ' αὐτοῦ

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you who of all men in the world would be most delighted to kill Philip's friends or even Philip himself. When mere Olynthians know how to provide for the morrow, will not you, who are Athenians, do likewise? It is discreditable that you, who have a reputation for superior ability in political deliberation, should be convicted of a duller perception of your own advantage than Olynthians.

I am informed that Aristocrates will also say something to the same effect as a speech once made in the Assembly by Aristomachus,—that it is inconceivable that Cersobleptes would ever deliberately provoke your enmity by trying to rob you of the Chersonesus, because, even if he should take it and hold it, it will be of no use to him. Indeed when that country is not at war, its revenue is no more than thirty talents, and when it is at war, not a single talent. On the other hand the revenue of his ports, which, in the event supposed, would be blockaded, is more than two hundred talents. They wonder,—as they will put it,—what he could possibly mean by preferring small returns and a war with you, when he might get larger returns and be your friend.

But I am at no loss for plenty of instances in the light of which a man might reasonably be sceptical, instead of putting his trust in those orators, and allowing Cersobleptes to become a potentate. However, I will be content with the instance that lies nearest to hand. Of course, gentlemen, you all know that Macedonian, Philip. It was certainly more profitable for him to draw the revenues of all Macedonia in safety, than the revenue of Amphipolis with risks attached; and more agreeable to have you, his hereditary friends, on his side, than the Thessalians who once ejected his

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- 112 ποτ' ἐξέβαλον. ἄνευ γὰρ τούτου κακῆϊνο ἔστιν  
 ἰδεῖν· ὑμεῖς μὲν, ὦ ἄνδρες Ἀθηναῖοι, οὐδένα προῦ-  
 δώκατε πώποτε τῶν φίλων, Θετταλοὶ δ' οὐδένα  
 πώποθ' ὄντιν' οὔ. ἀλλ' ὅμως οὕτως ἐχόντων τού-  
 των, μικρὰ λαμβάνειν καὶ τοὺς ἀπίστους φίλους  
 καὶ τὸ κινδυνεύειν ἀντὶ τοῦ μετ' ἀσφαλείας ζῆν  
 [658] ὁράτε προηρημένον αὐτόν. τί δὴ ποτ' αἴτιον;  
 113 οὐ γὰρ δὴ λόγον γε τὸ πρᾶγμ' οὕτωςι πρόχειρον  
 ἔχει. ὅτι, ὦ ἄνδρες Ἀθηναῖοι, δυοῖν ἀγαθοῖν  
 ὄντοι πᾶσιν ἀνθρώποις, τοῦ μὲν ἡγουμένου καὶ  
 μεγίστου πάντων, τοῦ εὐτυχεῖν, τοῦ δ' ἐλάττονος  
 μὲν τούτου, τῶν δ' ἄλλων μεγίστου, τοῦ καλῶς  
 βουλευέσθαι, οὐχ ἅμ' ἢ κτῆσις παραγίγνεται τοῖς  
 ἀνθρώποις, οὐδ' ἔχει τῶν εὖ πραττόντων οὐδεὶς  
 ὄρον οὐδὲ τελευτὴν τῆς τοῦ πλεονεκτεῖν ἐπιθυμίας·  
 δι' ὅπερ πολλοὶ πολλάκις μειζόνων ἐπιθυμοῦντες  
 114 τὰ παρόντ' ἀπώλεσαν. καὶ τί δεῖ Φίλιππον λέγειν  
 ἢ τιν' ἄλλον; ἀλλ' ὁ πατὴρ αὐτὸς ὁ Κερσοβλέπτου  
 Κότυς, ἠνίκα μὲν στασιάζοι πρὸς τινας, πρέσβεις  
 πέμπων ἅπαντα ποιεῖν ἔτοιμος ἦν, καὶ τότε ἠσθά-  
 νετο ὡς ἀλυσιτελὲς τὸ τῇ πόλει πολεμεῖν, ἐπειδὴ δ'  
 ὑφ' αὐτῷ τὴν Θράκην ἔχοι, κατελάμβανε τὰς  
 πόλεις, ἠδίκηει, μεθύων ἐπαρώνει μάλιστα μὲν εἰς  
 αὐτόν, εἶτα καὶ εἰς ἡμᾶς, τὴν χώραν ἐποιεῖθ'  
 ἑαυτοῦ, τὸ πρᾶγμ' ἀμήχανον ἦν. τῶν γὰρ ὑπὲρ  
 τοῦ πλεονεκτεῖν ἐπιχειρούντων οἷς οὐ χρῆ οὐ τὰ  
 δυσχερέσταθ' ἕκαστος εἴωθε λογίζεσθαι, ἀλλ' ἂ  
 115 κατορθώσας διαπράξεται. ἐγὼ δὴ δεῖν ὑμᾶς οἶμαι  
 τοῦτον τὸν τρόπον βεβουλευσθαι, ὅπως, ἂν μὲν  
 ἂ χρῆ περὶ ὑμῶν γιγνώσκη Κερσοβλέπτῃς, μηδὲν  
 ὑφ' ὑμῶν ἀδικήσεται, ἂν δ' ἀλόγως ἀδικεῖν ἐπι-



own father. Apart from that, it may be observed <sup>112</sup> that you, Athenians, never yet betrayed any of your friends, while the Thessalians have betrayed every one of theirs. Nevertheless, in spite of all that, you see that he has deliberately chosen small gains, faithless friends, and big risks, in preference to a life of security. Now what can be the reason? For the <sup>113</sup> logic of the thing is certainly not so very obvious. The truth is, men of Athens, that there are two things that are excellent for everybody : good luck, the chiefest and greatest of goods, and good counsel, —inferior to good luck, but greater than any other ; but men do not get both these good things at once, and no successful man sets any limit or end to his desire to get more. And that is why men, in the desire for more, so often throw away what they already have. But what need to name Philip, or any <sup>114</sup> other man ? Why, Cersobleptes' own father, Cotys, whenever he had a quarrel on hand, used to send his ambassadors, and was ready to do anything, and *then* he could see that being at war with Athens was quite unprofitable. But, as soon as he had all Thrace at his command, he would occupy cities, do mischief, discharge his drunken fury, first on himself, and then on us ; he must needs subjugate the whole country ; there was no dealing with the fellow. For everybody who attempts improper enterprises for the sake of aggrandizement is apt to look, not to the difficulties of his task, but to what he will achieve if successful. My <sup>115</sup> own opinion, then, is that your policy should be fashioned in such a way that, if Cersobleptes' views in regard to you are what they should be, he shall not be unjustly treated by you, but that, if he is so unreasonable as to treat you unjustly, he may not be

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χειρῇ, μὴ μείζων ἔσται τοῦ δίκην δοῦναι. ἀναγνώσομαι δ' ὑμῖν τὴν ἐπιστολὴν ἣν, ὅτ' ἀφειστήκει Μιλτοκύθης, Κότυς ἔπεμψε, καὶ ἦν πᾶσαν ἔχων τὴν ἀρχὴν πέμψας Τιμομάχῳ τὰ χωρὶ' ὑμῶν ἐξείλεν.

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### ΕΠΙΣΤΟΛΑΙ

- 116 Τοῦτ', ὦ ἄνδρες Ἀθηναῖοι, τὸ παράδειγμ' ἑορακότες, ἂν ἐμοὶ πείθησθε, κακείνο εἰδότες, ὅτι Φίλιππος, ὅτε μὲν Ἀμφίπολιν ἐπολιόρκει, ἵν' ὑμῖν παραδῶ πολιορκεῖν ἔφη, ἐπειδὴ δ' ἔλαβε, καὶ Ποτεΐδαιαν προσαφείλετο, ἐκείνην τὴν πίστιν βουλήσεσθ' ἔχειν, ἣν περ φασὶ πρὸς Λακεδαιμονίους
- 117 ποτ' εἰπεῖν Φιλοκράτην τὸν Ἐφιάλτου. καὶ γὰρ ἐκεῖνόν φασιν, ἐξαπατώντων τι τῶν Λακεδαιμονίων καὶ προτεινόντων πίστιν ἦντινα βούλεται λαμβάνειν, εἰπεῖν ὅτι πίστιν ἂν οἶεται γενέσθαι μόνην, εἰ δείξειαν ὅπως, ἂν ἀδικεῖν βούλωνται, μὴ δυνήσονται, ἐπεὶ ὅτι γ' αἰεὶ βουλήσονται εὔ εἰδέναί· ἕως ἂν οὖν δύνωνται, πίστιν οὐκ εἶναι. ταύτην, ἂν ἐμοὶ χρῆσθε συμβούλῳ, φυλάξετε τὴν πίστιν πρὸς τοῦτον τὸν Θράκα, καὶ μὴ βουλήσεσθ' εἰδέναί τιν' ἂν, εἰ πάσης ἄρξειε Θράκης, πρὸς ὑμᾶς σχοίη γνώμην.
- 118 Ὅτι τοίνυν ὅλως οὐδ' ὑγαινότων ἐστὶν ἀνθρώπων τοιαῦτα γράφειν ψηφίσματα καὶ διδόναι τισὶ τοιαύτας δωρείας, καὶ τοῦτ' ἐκ πολλῶν ῥάδιον γνῶναι. ἴστε γὰρ δήπου πάντες, ὦ ἄνδρες Ἀθηναῖοι, τοῦθ' ὁμοίως ἐμοί, ὅτι τὸν Κότυν ποτ'

too strong to be punished. I will read to you the letter which Cersobleptes sent at the time of the revolt of Miltocythes, and also that which, when the whole kingdom was his, he sent to Timomachus before seizing your outposts.

*(The Letters are read.)*

Here is a warning, men of Athens, which, if you 116 will be guided by me, you will bear in mind ; and, remembering also that, when Philip was besieging Amphipolis, he pretended to be doing so in order to hand the place over to you, but that, when he had got it, he annexed Potidaea into the bargain, you will wish to have the same sort of assurance that, according to the story, Philocrates, son of Ephialtes, once proposed to the Lacedaemonians. It is said that, 117 when the Lacedaemonians were trying to overreach him, and offered any assurance he was willing to accept, Philocrates replied that the only possible assurance would be that they should satisfy him that, if they had a mind to injure him, they would not have the power ; “ for,” he added, “ I am quite certain that you will always have the mind, and there can be no assurance so long as you have the power.” That,—if you will let me advise you,—is the sort of assurance that you will hold against this Thracian. If he ever became master of all Thrace, you need not inquire what his sentiments toward you would be.

That it is entirely the act of insane men to compose 118 such decrees, or to bestow such favours as this, may easily be learned from many examples. I am sure, men of Athens. that you all know as well as I do that you once admitted Cotys over yonder to your citizen-

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ἐκείνον ἐποιήσασθε πολίτην, δῆλον ὡς κατ' ἐκείνον  
 τὸν χρόνον εὖνουν ἡγούμενοι καὶ φίλον. καὶ μὴν  
 καὶ χρυσοῖς στεφάνοις ἐστεφανοῦτε, οὐκ ἂν, εἴ  
 119 γ' ἐχθρὸν ἡγείσθε. ἀλλ' ὅμως, ἐπειδὴ πονηρὸς  
 καὶ θεοῖς ἐχθρὸς ἦν καὶ μεγάλ' ὑμᾶς ἠδίκηκε, τοὺς  
 ἀποκτείναντας ἐκείνον Πύθωνα καὶ Ἡρακλείδην,  
 τοὺς Αἰνίους, πολίτας ἐποιήσασθ' ὡς εὐεργέτας  
 καὶ χρυσοῖς στεφάνοις ἐστεφανώσατε. εἰ δὴ τόθ',  
 ὅθ' ὑμῖν οἰκείως ἔχειν ὁ Κότυς ἐδόκει, ἔγραψέ τις,  
 [660] εἰάν τις ἀποκτείνῃ Κότυν, ἔκδοτον αὐτὸν εἶναι,  
 πότερον ἐξέδοτ' ἂν τὸν Πύθωνα καὶ τὸν ἀδελφόν,  
 ἢ παρὰ τὸ ψήφισμα τοῦτο πολίτας ἐποιεῖσθε καὶ  
 120 ὡς εὐεργέτας ἐτιμᾶτε; τί δ'; Ἀλέξανδρον ἐκείνον  
 τὸν Θετταλόν, ἡνίκ' εἶχε μὲν αἰχμάλωτον δήσας  
 Πελοπίδαν, ἐχθρὸς δ' ὡς οὐδεὶς ἦν Θηβαίοις, ὑμῖν  
 δ' οἰκείως διέκειθ' οὕτως ὥστε παρ' ὑμῶν στρατη-  
 γὸν αἰτεῖν, ἐβοηθεῖτε δ' αὐτῷ καὶ πάντ' ἦν Ἀλέξ-  
 ανδρος, πρὸς Διὸς εἴ τις ἔγραψεν, ἂν τις ἀπο-  
 κτείνῃ Ἀλέξανδρον, ἀγώγιμον εἶναι, ἅρ' ἂν ὦν  
 μετὰ ταῦθ' ὕβρισε καὶ προὑπηλάκισεν ἀσφαλὲς ἦν  
 121 τῷ παρ' αὐτοῦ δίκην πειρᾶσθαι λαβεῖν; τί δὲ  
 τᾶλλα λέγοι τις ἂν; ἀλλ' ὁ μάλιστα δοκῶν νῦν  
 ἡμῖν ἐχθρὸς εἶναι Φίλιππος οὕτοσί, εἰ τόθ', ὅτ'  
 Ἀργαῖον κατάγοντας λαβὼν τῶν ἡμετέρων τινὰς  
 πολιτῶν ἀφῆκε μὲν αὐτούς, ἀπέδωκε δὲ πάνθ' ὅσ'  
 ἀπώλεσαν αὐτοῖς, πέμψας δὲ γράμματ' ἐπηγγέλ-  
 λετο ἕτοιμος εἶναι συμμαχίαν ποιεῖσθαι καὶ τὴν  
 πατρικὴν φιλίαν ἀνανεοῦσθαι, εἰ τότ' ἠξίωσε τυχεῖν

<sup>a</sup> In 368 Alexander, tyrant of Pherae, detained Pelopidas as a hostage. This led to the Theban invasion of Thessaly.

ship, evidently because you regarded him at the time as a sincere well-wisher. Indeed, you decorated him with golden crowns ; and you would never have done that, if you had thought him your enemy. Nevertheless, when he was a wicked, unprincipled man, and was doing you serious injury, you treated the men who put him to death, Pytho and Heracleides of Aenos, as benefactors, made them citizens, and decorated them with crowns of gold. Now suppose that, at the time when the disposition of Cotys was thought to be friendly, it had been proposed that any one who killed Cotys should be given up for punishment, would you have given up Pytho and his brother? Or would you, in defiance of the decree, have given them your citizenship, and honoured them as benefactors? Again, there was Alexander of Thessaly.<sup>a</sup> At the time when he had imprisoned Pelopidas, and was holding him captive, when he was the most bitter enemy of the Thebans, when his feelings towards you were so fraternal that he applied to you for a commander, when you gave aid to his arms, when it was Alexander here and Alexander there,—why, gracious heavens ! if anybody had moved that whoever killed Alexander should be liable to seizure, would it have been safe for any man to try to give him due punishment for his subsequent violence and brutality? But why need one talk about the other instances? Take Philip, who is now accounted our very worst enemy. At the time when, having caught some of our citizens in the act of trying to restore Argæus, he released them and made good all their losses, when he professed in a written message that he was ready to form an alliance with us, and to renew his ancestral amity, if at that time he had asked us for this favour, and if

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- τούτων καί τις ἔγραψε τῶν ἀφεθέντων ὑπ' αὐτοῦ,  
 ἐάν τις ἀποκτείνῃ Φίλιππον, ἀγώγιμον εἶναι, καλήν  
 122 γ' ὕβριν ἡμεν ἂν ὑβρισμένοι. ἀρά γ' ὁρᾶτε καί  
 καταμανθάνετ', ὦ ἄνδρες Ἀθηναῖοι, ἐφ' ἐκάστου  
 τούτων ἡλίκην ἂν ὠφληκότες ἦτε παράνοιαν, εἴ τι  
 τοιοῦτον ἐτυγχάνετ' ἐψηφισμένοι; ἔστι γὰρ οὐχ  
 ὑγαινότων, οἶμαι, ἀνθρώπων, οὔθ' ὅταν τιν'  
 ὑπειλήφωσι φίλον, οὔτω πιστεύειν ὥστ', ἂν ἀδικεῖν  
 ἐπιχειρῇ, τὸ ἀμύνασθαι σφῶν αὐτῶν ἀφελέσθαι,  
 οὔθ' ὅταν ἐχθρόν τιν' ἠγῶνται, οὔτως αὐ μισεῖν  
 ὥστ', ἂν παυσάμενος βούληται φίλος εἶναι, τὸ  
 ποιεῖν ἐξεῖναι ταῦτα κωλύσαι· ἀλλ' ἄχρι τούτου  
 [661] καὶ φιλεῖν, οἶμαι, χρῆ καὶ μισεῖν, μηδετέρου τὸν  
 καιρὸν ὑπερβάλλοντας.
- 123 Οὐ τοίνυν ἔγωγ' οὐδ' ἐκείνο ἰδεῖν δύναμαι, ὡς  
 οὐχὶ πάντες ἄνθρωποι τούτων ἀξιόσουσι τυχεῖν,  
 ὅσοις πέρ ἐστι καὶ ἠτισοῦν εὐεργεσίας πρόφασις  
 πρὸς ὑμᾶς, εἰ Χαριδῆμω δώσετε, οἶον, εἰ βούλεσθε,  
 Σίμων, Βιάνωρ, Ἀθηνόδωρος, ἄλλοι μυρίοι. εἰ  
 μὲν τοίνυν πᾶσι ψηφιοῦμεθα ταῦτά, λήσομεν, ὡς  
 ἔοικε, μισθοφόρων ἔργον ἀνθρώπων ποιοῦντες τὴν  
 ἐκάστου σωτηρίαν τούτων δορυφοροῦντες· εἰ δὲ  
 τῷ μὲν, τοῖς δ' οὔ, δικαίως ἐγκαλέσουσιν οἱ μὴ  
 124 τυχόντες. φέρ', ἐὰν δὲ δῆ καὶ Μενέστρατος ἡμᾶς  
 ὁ Ἐρετριεὺς ἀξιοῖ ταῦτά καὶ αὐτῷ ψηφίσασθαι, ἢ  
 Φάϋλλος ὁ Φωκεὺς ἢ τις ἄλλος δυνάστης (πολλοῖς  
 δὲ δήπου διὰ καιροῦς τινὰς πολλακίς φίλοι γιγνό-  
 μεθα), πότερον ψηφιοῦμεθα πᾶσιν ἢ οὔ; ψηφιοῦ-  
 μεθα νῆ Δία. καὶ τί φήσομεν, ὦ ἄνδρες Ἀθηναῖοι,  
 298

one of the men he had released had proposed that "whoever shall kill Philip" should be liable to seizure, a fine insult we should have had to swallow! Do you not see, gentlemen, do you not understand, how you would have been chargeable with sheer lunacy in every one of these instances, if you had carried by vote any such resolution as this? I say it is not the part of sane men either to put such confidence in a man, whenever they imagine him to be friendly, as to deprive themselves of all defence against possible aggression, or, on the other hand, when they regard anyone as an enemy, to hate him so fiercely that, if he ever wants to reform and be their friend, they have taken it out of his power to do so. But we should, I think, carry both our friendship and our hatred only so far as not to exceed the due measure in either case.

For my part, I cannot see why everybody who has any sort of claim to be your benefactor should not expect to get this favour, if you bestow it upon Charidemus,—Simon, for example, if you want a name, or Bianor, or Athenódorus, or thousands more. No; if we make the same decree in favour of the whole company, we shall unconsciously make ourselves a bodyguard for every one of them, like jobbing mercenaries; but if we do it for one but not for another, those who are disappointed will have a right to complain. Now just suppose that Menestratus of Eretria were to require us to make the same decree for him, or Phaÿllus of Phocis, or any other autocrat,—and I need not say that we often make friends, to serve our occasions, with many such people,—are we to vote decrees for all of them, or are we not? You say, Yes. Then what decent excuse shall we have, men

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- καλόν, εἰ τῶν Ἑλλήνων ἐπ' ἐλευθερίᾳ προεστάναι  
 φάσκοντες τοὺς ἰδίᾳ δυνάμεις ἐπὶ τοῖς πλήθεσιν  
 125 κεκτημένους δορυφοροῦντες φανούμεθα; εἰ γάρ  
 ἐστὶ τῷ δοτέον τι τοιοῦτον, ὡς ἔγωγ' οὐ φημι,  
 πρῶτον μὲν τῷ μηδὲν ἡδίκηκότι πώποτε, δεύτερον  
 δὲ μηδ' ἂν ἀδικεῖν βούληται δυνησομένῳ, ἔπειθ'  
 ὡς ἀληθῶς ὅστις ἅπασιν ἀνθρώποις ἔσται φανερός  
 ὑπὲρ τοῦ μὴ παθεῖν ταῦθ' εὐρισκόμενος, καὶ οὐκ  
 ἐπὶ τῷ ποιεῖν μετ' ἀδείας ἐτέρους κακῶς, τούτῳ  
 δοτέον. ὅτι μὲν τοίνυν ὁ Χαρίδημος οὔτε τῶν  
 ἀναμαρτήτων ἐστὶ πρὸς ὑμᾶς οὔτε τῶν ἵνα μὴ τι  
 πάθωσι ταῦθ' εὐρισκομένων, ἔασω· ἀλλ' ὡς οὐδὲ  
 πιστὸς εἰς τὸν ἔπειτα χρόνον, ἀκούσατέ μου, καὶ  
 σκοπεῖτ', ἂν ὑμῖν ὀρθῶς ἐξετάζειν δοκῶ.
- 126 Ἐγὼ νομίζω, ὦ ἄνδρες Ἀθηναῖοι, ὅσοι μὲν τῶν  
 [662] ἡμετέρων ἐθῶν καὶ νόμων ἐπιθυμηταὶ γενόμενοι  
 πολῖται ἐσπούδασαν γενέσθαι, ἅμα τ' αὐτοὺς ἂν  
 τυγχάνειν τούτων καὶ παρ' ἡμῖν οἰκεῖν καὶ μετέχειν  
 ὧν ἐπεθύμησαν· ὅσους δὲ τούτων μὲν μηδενὸς μήτ'  
 ἐπιθυμία μήτε ζῆλος εἰσέρχεται, τὴν πλεονεξίαν δ'  
 ἀγαπῶσιν, ἣν διὰ τοῦ δοκεῖν ὑφ' ὑμῶν τιμᾶσθαι  
 καρποῦνται, τούτους δ' οἶομαι, μᾶλλον δ' οἶδα  
 σαφῶς, ὅταν ποτὲ μείζονος πλεονεξίας ἐτέρωθεν  
 ἐλπίδ' ἴδωσιν, οὐδ' ὅτιοῦν ὑμῶν φροντίσαντας  
 127 ἐκείνην θεραπεύσειν. οἶον, ἴν' εἰδῆτε καὶ ὑμεῖς  
 πρὸς ὃ ταῦτ' ἐγὼ βλέπων λέγω, Πύθων οὔτοσί, ὅτε  
 μὲν Κότυν εὐθύς ἀπεκτονῶς οὐκ ἀσφαλὲς ἠγείτο τὸ  
 300



of Athens, if, while asserting ourselves as the champions of all Hellas in the cause of liberty, we make our appearance as yeomen of the guard to men who maintain troops on their own account to keep down the populace? If we ought, though I say we 125 ought not, to grant such a favour to anyone, let it be given in the first instance to the man who has never done us wrong; secondly, to the man who will never have the power, though he have the will, to injure us; and finally the man who is known by everyone to be seeking it for his own protection, and not in the hope of maltreating his neighbours with impunity—it is to him truly that it should be given. I will spare you the proof that Charidemus is neither a man void of offence towards us, nor one who, for his own safety, tries to win your support; but I do ask you to listen to me when I declare that he is not even one who can be trusted for the future, and to consider carefully whether my argument is sound.

In my judgement, men of Athens, everyone who 126 desires to become an Athenian citizen, because he has fallen in love with our customs and laws, will make his home in our midst, as soon as he receives our franchise, and will enjoy his share in the advantages he coveted. But as for those who are not moved by any desire or emulation of those institutions, but value only the advantage they derive from the credit of being distinguished by you, I fancy, indeed I am quite certain, that as soon as they discern a prospect of larger advantage elsewhere, they will devote their attention to that prospect, without the least concern for you. For example, to make clear to you my 127 purpose in saying this, when that man Pytho, having just killed Cotys, did not think it safe to take his

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- ἀπελθεῖν ὅποι τύχοι, ἦλθεν ὡς ὑμᾶς καὶ πολιτείαν ἤτησε καὶ πάντων ἐποιήσατο πρώτους ὑμᾶς, ἐπειδὴ δ' οἶεται τὰ Φιλίππου πράγματα συμφέρειν αὐτῷ μᾶλλον, οὐδ' ὀτιοῦν ὑμῶν φροντίσας τὰ κείνου φρονεῖ. οὐ γάρ ἐστιν, οὐκ ἐστιν, ὦ ἄνδρες Ἀθηναῖοι, παρὰ τούτοις τοῖς ἐπὶ τῇ τοῦ πλεονεκτεῖν προαιρέσει ζῶσιν οὐδὲν οὔτε βέβαιον οὔθ' ὅσιον, ἀλλὰ δεῖ τούτων, ὅστις εὖ φρονεῖ, φυλαττόμενον
- 128 περιεῖναι, μὴ προπιστεύσαντα κατηγορεῖν. εἰ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τὸναντίον ἢ τὰ ληθὲς ὑπάρχει, θείημεν τὸν Χαρίδημον αὐτὸν καὶ γεγενῆσθαι περὶ ἡμᾶς σπουδαῖον καὶ εἶναι καὶ ἔσεσθαι, καὶ μηδέποτ' ἄλλην γνώμην ἢ ταύτην σχήσειν, οὐδὲν μᾶλλον ἔχει καλῶς ταῦτ' αὐτῷ ψηφίσασθαι. εἰ μὲν γὰρ ἐπ' ἄλλο τι ταύτην τὴν ἄδειαν ἐλάμβανε, τὴν ἐκ τοῦ ψηφίσματος, ἢ τὰ Κερσοβλέπτου πράγματα, ἦττον ἂν ἦν δεινόν· νῦν δ', ὑπὲρ οὗ καταχρήσεται
- [663] τῇ διὰ τοῦ ψηφίσματος πλεονεξία, οὐκ ἀξιόπιστον οὔθ' ἡμῖν οὔτ' ἐκείνῳ λογιζόμενος αὐτὸν εὐρίσκω.
- 129 Σκέψασθε δ' ὡς δικαίως ἕκαστ' ἐξετάζω, καὶ σφόδρα γ' εἰκότως δεδιώς. ἐγὼ σκοπῶ Κότυν, ὅτι κηδεστῆς ἦν Ἰφικράτει τὸν αὐτὸν τρόπον ὄνπερ Χαριδήμῳ Κερσοβλέπτῃς, καὶ τὰ πεπραγμέν' ὀρώ πολλῷ μείζονα καὶ χάριτος πλείονος ἄξι' ὑπὲρ Κότυος Ἰφικράτει ἢ ὑπὲρ Κερσοβλέπτου Χαριδήμῳ.
- 130 σκεψώμεθα δ' οὕτωςί. ἴστε δήπου τοῦτ', ὦ ἄνδρες Ἀθηναῖοι, ὅτι χαλκῆς εἰκόνας οὔσης παρ' ὑμῖν Ἰφικράτει καὶ σιτήσεως ἐν πρυτανείῳ καὶ δωρειῶν

chance of a place of refuge, he came to you, applied for your citizenship, and thought you the finest people in the world. But now that he thinks relations with Philip more advantageous to him, he takes Philip's side, without the slightest regard for you. No, men of Athens ; when men give their lives to the pursuit of their own ambitions, I say that there is no stability and no honesty to be found in them. Every sensible man must get the better of such people by wary conduct : he should not begin by trusting and end by denouncing them. Athenians, if we should 128 assume,—though it is the reverse of the truth,—that Charidemus himself has been, is still, and will remain devoted to us, and that he will never entertain any other sentiment, it is not a whit the more wise to pass such decrees for him. If he had accepted the security offered by the decree for any other purpose than the interests of Cersobleptes, the danger would have been less ; but, in fact, I find on a calculation of probabilities that the man for whose benefit he will turn to account the advantage given by the decree is himself equally unworthy of his confidence and of ours.

Observe how honestly I examine the several points, 129 and how entirely reasonable are my apprehensions. I look at Cotys, and I find that he was related by marriage to Iphicrates in the same degree as Cersobleptes to Charidemus ; and that the achievements of Iphicrates on behalf of Cotys were far more important and meritorious than anything that Charidemus has done for Cersobleptes. Let us consider it in this way. No doubt you remember, men of 130 Athens, that Iphicrates was a very fortunate man, with his bronze effigy, his free board at the Town

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καὶ τιμῶν ἄλλων, δι' ἃς εὐδαίμων ἐκεῖνος ἦν, ὅμως ἐτόλμησεν ὑπὲρ τῶν Κότυος πραγμάτων ἐναντία τοῖς ὑμετέροις στρατηγοῖς ναυμαχεῖν, καὶ περὶ πλείονος ἐποιήσατο τὴν ἐκείνου σωτηρίαν ἢ τὰς ὑπαρχούσας ἑαυτῷ παρ' ὑμῖν τιμάς· καὶ εἰ μὴ μετριωτέραν ἔσχετε τὴν ὀργὴν ὑμεῖς τῆς ἐκείνου προπετείας, οὐδὲν ἂν αὐτὸν ἐκώλυεν ἀθλιώτατον

131 ἀνθρώπων ἀπάντων εἶναι. ἀλλ' ὅμως ὁ Κότυς, ὑπ' ἐκείνου σωθεὶς καὶ λαβὼν ἔργῳ τῆς ἐκείνου φιλίας πείραν, ἐπειδὴ βεβαίως ἠγήσατο σῶς εἶναι, οὐχ ὅπως ἀποδώσει χάριν ἐσπούδασεν αὐτῷ, καὶ πρὸς ὑμᾶς δι' ἐκείνου τι φιλάνθρωπον ἔπραξεν, ἵνα συγγνώμης ἐπὶ τοῖς πεπραγμένοις τύχη, ἀλλὰ πᾶν τοῦναντίον ἡξίου μὲν αὐτὸν συμπολιορκεῖν τὰ λοιπὰ

132 τῶν ὑμετέρων χωρίων, οὐκ ἐθέλοντος δ' ἐκείνου λαβὼν αὐτὸς τὴν τε βαρβαρικὴν δύναμιν καὶ τὴν ὑπ' ἐκείνου συνειλεγμένην, καὶ τὸν Χαρίδημον τοῦ-

[664] τον προσμισθωσάμενος, προσέβαλλε τοῖς ὑμετέροις χωρίοις, καὶ εἰς τοῦτο κατέστησε τὸν Ἴφικράτην ἀπορίας ὥστ' ἀπελθόντ' εἰς Ἀντισσαν οἰκεῖν καὶ πάλιν εἰς Δρῦν, ἠγούμενον ὡς μὲν ὑμᾶς οὐχὶ καλῶς ἔχειν ἐλθεῖν, οὐς ὑστέρους ἐπεποιήτο τοῦ Θρακὸς καὶ τοῦ βαρβάρου, παρ' ἐκείνῳ δ' οὐκ ἀσφαλὲς εἶναι μένειν, ὃν οὕτως ὀλιγωροῦνθ' ἑώρα τῆς ἑαυτοῦ

133 σωτηρίας. ἂν οὖν, ὦ ἄνδρες Ἀθηναῖοι, καὶ Κερσοβλέπτῃς ἐκ τῆς τῷ Χαριδήμῳ νῦν ἀδείας κατασκευαζομένης αὐξηθεὶς ὀλιγορῆ μὲν ἐκείνου, νεωτερίζῃ δέ τι καὶ κινῆ πρὸς ὑμᾶς, ἐξαρκεῖ τοῦθ' ὑμῖν, ἐὰν Χαρίδημος ἐξαπατηθῇ, τὸν Θρακ' ἰσχυρὸν ἐφ' ὑμᾶς αὐτοὺς κατεσκευακέναι; ἐγὼ μὲν οὐκ ἀξιῶ. καὶ γὰρ ἐκεῖνο νομίζω δίκαιον, εἰ μὲν αἰσθάνεται ταῦτα καὶ προορᾷ Χαρίδημος, εἴθ' ὅπως

Hall, and other grants and distinctions. Nevertheless he had the courage to fight a battle at sea against your commanders in defence of Cotys, setting a higher value on the salvation of that king than upon all the honours he enjoyed in your city. If your resentment had not been more restrained than his impetuosity, nothing could have saved him from being the most miserable of mankind. In spite of 131 that, when Cotys, who owed his deliverance to Iphicrates, and had had practical experience of his loyalty, believed himself to be permanently out of danger, he took no pains to reward him, and never showed you any civility through his agency in the hope of winning forgiveness for his past conduct. On the contrary, he claimed his help in besieging the rest of your strongholds, and, on his refusal, he made an attack in 132 person on the strongholds, taking with him the forces collected by Iphicrates as well as his barbarian troops, and engaging the services of Charidemus. He reduced Iphicrates to such helplessness that he withdrew to Antissa, and afterwards to Drys, and lived there; for he did not think he could honourably return to you, whom he had slighted for the sake of a Thracian and a barbarian. On the other hand, he thought it dangerous to remain at the court of a king whom he had found so negligent of his safety. Now 133 suppose, men of Athens, that Cersobleptes also, having his power enhanced by the immunity that is being procured for Charidemus, should disdain that man, and initiate plots and disturbances against you,—are you content, as long as Charidemus is misled, to have furnished the Thracian with strength to fight you? I hope not! Here is the view that I think the just one: if Charidemus makes it his business to get

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- τοιούτων ψηφισμάτων τεύξεται διαπράττεται, ὡς  
 134 ἐπιβουλεύοντι μὴ ἐπιτρέπειν αὐτῷ, εἰ δὲ λέληθεν  
 αὐτόν, ὅσῳ μᾶλλον εὖνον τις αὐτόν ὑπείληφεν  
 εἶναι, τοσοῦτῳ μᾶλλον προιδέσθαι καὶ ὑπὲρ αὐτοῦ  
 καὶ ὑπὲρ ἐκείνου. ἔστι γὰρ φίλων ἀγαθῶν οὐ τὰ  
 τοιαῦτα χαρίζεσθαι τοῖς εὖνοις, ἐξ ὧν κακείνοις καὶ  
 σφίσι αὐτοῖς ἔσται τις βλάβη, ἀλλ' ὁ μὲν ἂν μέλλῃ  
 συνοίσειν ἀμφοῖν, συμπράττειν, ὁ δ' ἂν αὐτὸς  
 ἄμεινον ἐκείνου προορᾷ, πρὸς τὸ καλῶς ἔχον τίθε-  
 σθαι καὶ μὴ τὴν ἤδη χάριν τοῦ μετὰ ταῦτα χρόνου  
 παντὸς περὶ πλείονος ἡγεῖσθαι.
- 135 Οὐ τοίνυν οὐδ' ἐκείνο λογιζόμενος δύναμαι κατ-  
 ιδεῖν, ὡς, εἰ καὶ βάρβαρος καὶ ἄπιστος ὁ Κερσο-  
 βλέπτης, ὅμως προνοηθεῖη γ' ἂν μὴ τὰ τηλικαῦτ'  
 ἀδικῆσαι Χαριδήμον. ὅταν γὰρ πάλιν ἐξετάσω  
 ἡλικῶν Κότυς Ἰφικράτην ἀποστερήσειν μέλλων  
 [665] οὐδὲν ἐφρόντισε, παντελῶς τούτῳ γ' οὐδὲν ἂν  
 136 ἡγοῦμαι μελήσαι τῶν ἀπολουμένων Χαριδήμῳ. ὁ  
 μὲν γ' ἐκείνον τιμάς, σίτησιν, εἰκόνας, πατρίδ' ἢ  
 ζηλωτὸν αὐτὸν ἐποίησεν, ὀλίγου δέω λέγειν πάνθ'  
 ὧν ἄνευ ζῆν οὐκ ἄξιον ἦν Ἰφικράτει, νομίζων  
 ἀποστερήσειν οὐκ ἐπεστράφη· οὗτος δ' ὡς ἀληθῶς  
 τίνος ἂν καὶ λόγον σχοίη μὴ Χαριδήμον ἀποστερήσει;  
 οὐδ' ὅτιοῦν ἐστὶ γὰρ παρ' ὑμῖν αὐτῷ, οὐ παῖδες, οὐκ  
 137 εἰκῶν, οὐ συγγενεῖς, οὐκ ἄλλ' οὐδέν. καὶ μὴν εἰ  
 μήτε φύσει πιστὸς ὁ Κερσοβλέπτης, ἔκ τε τῶν  
 γεγενημένων πρότερον δικαίως ἄπιστος, μηδέν τε  
 τοιοῦτον ὑπάρχει τοῖς πράγμασι δι' ὃ καὶν παρὰ  
 γνώμην καὶ φύσιν προνοηθεῖη τι τοῦ Χαριδήμου,

these decrees, after perceiving and foreseeing that  
 peril, you must distrust him as an intriguer. On the 134  
 other hand, if he has failed to discern the peril, the  
 more you credit him with good intentions, the more  
 forethought you should exercise for his sake as well  
 as your own. Honest friends should not bestow upon  
 their well-wishers such favours as will bring disaster to  
 both alike, but should rather co-operate in any action  
 that tends to their common advantage ; and when a  
 man is more far-sighted than his friend, he should  
 order things for the best, and not treat the gratifica-  
 tion of the moment as of more value than all future  
 time.

Moreover, I cannot discover on reflection that 135  
 Cersobleptes, though both barbarous and faithless, is  
 likely to take any pains not to injure Charidemus  
 so seriously ; for when I look backwards and observe  
 the advantages of which Cotys was going to deprive  
 Iphicrates without the slightest consideration for him,  
 I really cannot think that Cersobleptes would trouble  
 himself about the losses that will fall on Charidemus.  
 Cotys expected to rob Iphicrates of honours, of main- 136  
 tenance, of statues, of the country that made him a  
 man to be envied, I may almost say of everything  
 that made life worth living ; yet he had no scruple.  
 But, really, what is there of which this man should be  
 anxious not to deprive Charidemus ? He has no  
 possessions whatsoever in your city,—neither children,  
 nor a statue, nor kindred, nor anything else. If 137  
 Cersobleptes is by nature not a man of his word, if he  
 is justly distrusted because of his past behaviour, and  
 if there is nothing in the political situation that should  
 induce him, even against his judgement and his  
 character, to promote the welfare of Charidemus,

τίνος ἔνεχ' ἀπλῶς καὶ κομιδῇ τετυφωμένως οὕτως, ἃ βούλεται διαπράξασθαι, συλλάβωμεν αὐτῷ, καὶ ταῦτ' ἐφ' ἡμῖν ὄντα; ἐγὼ μὲν οὐχ ὀρώ.

- 138 "Οτι τοίνυν ἄνευ τοῦ τοῖς πράγμασι μὴ συμφέρειν τὸ ψήφισμα, οὐδὲ πρὸς δόξαν συμφέρει τῇ πόλει τοιοῦτον οὐδὲν ἐψηφισμένη φαίνεσθαι, καὶ τοῦτο δεῖ μαθεῖν ὑμᾶς. εἰ μὲν γάρ, ὦ ἄνδρες Ἀθηναῖοι, πόλιν οἰκοῦντί τω καὶ νόμοις πολιτευομένῳ τὸ ψήφισμ' ἐγγράπτο, δεινὸν ὃν ἦττον ἂν ἦν αἰσχροῦ· νῦν δὲ γέγραπται Χαριδῆμω τῷ πόλιν μὲν οὐδ' ἠντινοῦν οἰκοῦντι, Θρακί δ' ἀνθρώπῳ βασιλεῖ στρατηγοῦντι καὶ διὰ τῆς ἐκείνου βασιλείας
- 139 πολλοὺς ἀδικοῦντι. ἴστε γὰρ δήπου τοῦθ', ὅτι πάντες οἱ ξεναγοῦντες οὗτοι πόλεις καταλαμβάνοντες Ἑλληνίδας ἄρχειν ζητοῦσι, καὶ πάντων, ὅσοι περ νόμοις οἰκεῖν βούλονται τὴν αὐτῶν ὄντες ἐλεύθεροι, κοινοὶ περιέρχονται κατὰ πᾶσαν χώραν,
- [666] εἰ δεῖ τάληθές εἰπεῖν, ἐχθροί. ἄρ' οὖν, ὦ ἄνδρες Ἀθηναῖοι, καλὸν ἢ πρέπον ὑμῖν τοῦ μὲν ἔνεκα τῆς ἑαυτοῦ πλεονεξίας ἐπιβουλεύσοντος οἷς ἂν τύχη τοιαύτην φυλακὴν ἐψηφισμένους φαίνεσθαι, τοῖς δ' ὑπὲρ τῆς ἑαυτῶν ἐλευθερίας ἀμυνομένοις εἶργεσθαι
- 140 τῆς ὑμετέρας συμμαχίας προειρηκέναι; ἐγὼ μὲν οὐχ ὑπολαμβάνω τοῦτ' οὔτε καλῶς ἔχει οὔθ' ὑμῶν ἀξίως. πῶς γὰρ οὐκ αἰσχροῦν Λακεδαιμονίοις μὲν ἐγκαλεῖν ὅτι τοὺς τὴν Ἀσίαν οἰκοῦντας Ἑλληνας ἔγραψαν ἐξεῖναι δρᾶσαι πᾶν ὃ τι ἂν θέλῃ βασιλεύς, αὐτοὺς δ' ἐκδοῦναι καὶ τοὺς τὴν Εὐρώπῃ οἰκοῦντας Κερσοβλέπτη καὶ πάντας, ὅσων περ ἂν

<sup>a</sup> By the Peace of Antalcidas, 387.



for what reason should we, in sheer absolute stupidity, help him to accomplish his desires, even to our own detriment? I see no reason.

Apart then from the fact that this decree does not 138 further our policy, you must be warned that, as regards reputation also, it does not further the interest of our city to be known to have enacted anything of the sort. If, men of Athens, the decree had been made for the benefit of a man dwelling in a free state, and living under its laws as a free citizen, it would have been less discreditable, though still unwarranted; but in fact it has been made for Charidemus, a man not domiciled in any free state at all, but commanding an army for a Thracian and an autocrat, and maltreating people by royal authority. (You cannot but know how all 139 these mercenary officers seize upon free Hellenic cities, and try to dominate them. They march about through country after country as the common enemies, if the truth must be told, of every man whose wish is to reside constitutionally and as a free man in his own fatherland.) Men of Athens, is it creditable to you, is it dignified, that you should be known to have carried a measure for the protection of a fellow who, to satisfy his greed, is ready to fall foul of anybody who comes his way, and to have given notice of expulsion from your alliance to the defenders of their own independence? For my part, I cannot regard such 140 action as consistent with your honour or your good fame. It must be discreditable, first to denounce the Lacedaemonians for giving written licence to the King of Persia to do what he likes to the Hellenic inhabitants of Asia,<sup>a</sup> and then to put European Hellenes, and everybody whom Charidemus thinks

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οἴηται κρείττων Χαρίδημος ἔσεσθαι; οὐ γὰρ ἄλλο τι ποιεῖ τὸ ψήφισμα τουτί, ὅτε τῷ μὲν ἐκείνου στρατηγῷ οὐ διήρηται τί πρακτέον ἢ μή, πᾶσι δ', ἂν τις ἀμύνηται, τοσοῦτος ἐπήρτηται φόβος.

- 141 Καὶ μήν, ὦ ἄνδρες Ἀθηναῖοι, καὶ γεγονός τι πρᾶγμα φράσαι πρὸς ὑμᾶς βούλομαι, δι' οὐ μᾶλλον ἔθ' ὑμῖν γενήσεται δῆλον ὡς σφόδρα δεῖ λύσαι τὸ ψήφισμα τουτί. ὑμεῖς ἐποιήσασθ' ἔν τισι καιροῖς καὶ χρόνοις Ἀριοβαρζάνην πολίτην καὶ δι' ἐκείνον Φιλίσκον, ὥσπερ νῦν διὰ Κερσοβλέπτην Χαρίδημον. ὢν δ' ὅμοιος ἐκείνος τούτῳ τῇ προαιρέσει τοῦ βίου, διὰ τῆς Ἀριοβαρζάνου δυνάμεως πόλεις κατελάμβανεν Ἑλληνίδας, εἰς αἷς εἰσιῶν πολλὰ καὶ δεῖν' ἐποίει, παῖδας ἐλευθέρους ἀδικῶν καὶ γυναῖκας ὑβρίζων, καὶ πάντα ποιῶν ὅσ' ἂν ἄνθρωπος ποιήσειεν ἄνευ νόμων καὶ τῶν ἐν πολιτείᾳ καλῶν τετραμ-  
 142 μένος εἰς ἔξουσίαν ἔλθῶν. ἐν δὲ Λαμφάκῳ τινὲς ἄνθρωποι γίνονται δύο. Θερσαγόρας ὄνομ' αὐτῷ,  
 [667] θατέρῳ δ' Ἐξήκεστος· οἱ παραπλήσια τοῖς παρ' ἡμῖν γνόντες περὶ τῶν τυράννων ἀποκτινύασι τὸν Φιλίσκον δικαίως, τὴν αὐτῶν πατρίδ' οἰόμενοι δεῖν ἐλευθεροῦν. εἰ δὲ τῶν τόθ' ὑπὲρ Φιλίσκου λεγόντων, ὅτ' ἐμισθοδοτεῖ μὲν τοῖς ἐν Περίνθῳ ξένοις, εἶχεν δ' ὅλον τὸν Ἑλλήσποντον, μέγιστος δ' ἦν τῶν ὑπάρχων, ἔγραψέ τις ὥσπερ οὗτος νυνί, εἴαν τις ἀποκτείνῃ Φιλίσκον, ἀγώγιμον αὐτὸν ἐκ τῶν συμμάχων εἶναι, πρὸς Διὸς θεάσασθ' εἰς ὅσῃν  
 143 αἰσχύνῃν ἂν ἡ πόλις ἡμῶν ἐληλύθει. ἦκε μὲν γὰρ

<sup>a</sup> Satrap of Phrygia. The date is some time between 368 and 362.

he can overpower, at the mercy of Cersobleptes. And that is precisely the effect of this decree, when no distinction is drawn as to what his general may or may not do, but when all who resist his attacks are menaced with such terrors.

In the next place, men of Athens, I would like to 141  
 relate a piece of history, which will make it still more evident to you that it is your bounden duty to abrogate this decree. Once upon a time, on a certain occasion, you gave your citizenship to Ariobarzanes,<sup>a</sup> and also, on his account, to Philiscus,—just as you have recently given it to Charidemus for the sake of Cersobleptes. Philiscus, who resembled Charidemus in his choice of a career, began to use the power of Ariobarzanes by occupying Hellenic cities. He entered them and committed many outrages, mutilating free-born boys, insulting women, and behaving in general as you would expect a man, who had been brought up where there were no laws, and none of the advantages of a free constitution, to behave if he attained to power. Now there were two men in 142  
 Lampsacus, one named Thersagoras and the other Execestus, who had formed views about tyranny very much like those that prevail here. These men put Philiscus to death, as he deserved, because they felt it their duty to liberate their own fatherland. Now suppose that one of those orators who spoke on behalf of Philiscus, at a time when he was paymaster of the mercenaries at Perinthus, when he held all the Hellespont, and was the most powerful of viceroys, had then, like Aristocrates to-day, moved a resolution that whosoever killed Philiscus should be liable to seizure in allied territory. I entreat you to reflect upon the depth of ignominy to which our city would have

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ὁ Θερσαγόρας καὶ ὁ Ἐξήκεστος εἰς Λέσβον, καὶ ὦκουν ἐκεῖ· εἰ δ' ἐφήπτετό τις τῶν Φιλίσκου φίλων ἢ παίδων, ἐξεδίδοντ' ἂν ὑπὸ τοῦ ὑμετέρου ψηφίσματος. πῶς οὖν οὐκ αἰσχρὸν καὶ δεινὸν ἂν ἦτε πεπονηκότες, ὧ ἄνδρες Ἀθηναῖοι, εἰ τοὺς μὲν παρ' ὑμῖν τοιοῦτό τι πράξαντας χαλκοῦς ἰστάντες καὶ ταῖς μεγίσταις δωρειαῖς τιμῶντες ἐφαίνεσθε, τοὺς δ' ἐτέρωθί που τὴν αὐτὴν τούτοις διάνοιαν ὑπὲρ τῆς αὐτῶν πατρίδος ἐχόντας ἐκδότους εἶναι κατεψηφισμένοι; τοῦτο τοίνυν ἐπ' ἐκείνου μὲν, εὖ ποιοῦν, οὐ συνέβη φενακισθεῖσιν ὑμῖν αἰσχύνῃν ὀφλεῖν· ἐπὶ τούτου δ', εἰ ἐμοὶ πείθησθε, φυλάξεσθε. μὴ γὰρ ὠρισμένου μηδενός, ἀλλ' ἀπλῶς “ ἂν τις ἀποκτείνῃ Χαριδῆμον ” γεγραμμένου, τάχ' ἂν, εἰ τύχοι, καὶ τοιοῦτό τι συμβαίῃ.

- 144 Βούλομαι τοίνυν ἤδη καὶ τὰ πεπραγμέν' ἐξετάσαι τῷ Χαριδῆμῳ διὰ βραχέων, καὶ δεῖξαι τὴν ὑπερβολὴν τῆς ἀναιδείας τῶν ἐπαινούντων αὐτόν. ἐν δ' ὑμῖν ἐκεῖν' ὑπισχνουμαι, καὶ μου μηδεὶς ἀχθεσθῆ τῇ ὑποσχέσει· οὐ μόνον ὑμῖν ἐπιδείξω τῆς φυλακῆς οὐκ ἄξιον ἦν γέγραφεν οὗτος, ἀλλὰ καὶ δίκην δόντ' ἂν δικαίως τὴν μεγίστην, εἴπερ οἱ κακόνιοι καὶ
- [668] φενακίζοντες ὑμᾶς καὶ διὰ παντὸς ἐναντία πράτ-
- 145 τοντες κολάζουσιντ' ἂν δικαίως. ἴσως δέ τισι λογιζομένοις ὑμῶν, ὅτι πρῶτον μὲν πολίτης γέγονεν ἄνθρωπος, εἶτα πάλιν χρυσοῖς στεφάνοις ὡς εὐεργέτης ἐστεφάνωται, θαυμάζειν ἐπελήλυθεν εἰ τὰ τηλικαῦτα οὕτως ἐξηπάτησθε ῥαδίως. εὖ τοίνυν ἴστ', ὧ ἄνδρες Ἀθηναῖοι, ὅτι ἐξηπάτησθε. καὶ δι' ἃ γ' εἰκότως τοῦτο πεπόνθατε, ἐγὼ πρὸς ὑμᾶς

fallen. Thersagoras and Execestus came to Lesbos 143  
 and lived there. Well, if any son or any friend of  
 Philiscus had laid hands on them, they would have  
 been given up to justice in pursuance of your decree ;  
 and assuredly you would have been guilty of a shame-  
 ful and a scandalous act if, while ostentatiously  
 setting up bronze statues of the men who performed  
 a similar feat in your own city, and loading them with  
 unparalleled honours, you had condemned to out-  
 lawry those who in some other country had exhibited  
 the selfsame spirit of patriotism. I am glad to say  
 that, in the case of Philiscus, it was not your fate to  
 be ensnared and to incur that great dishonour ; but  
 in the present case, if you will heed my warning,  
 you will be very careful ; for, if there is no limiting  
 clause and if the phrase " whosoever shall kill Chari-  
 demus " is unqualified, it is quite possible that the  
 outcome will be such as I have described.

My next purpose is briefly to examine the past 144  
 history of Charidemus, and to unmask the extra-  
 ordinary audacity of his flatterers. I pledge myself  
 simply to this,—and I hope no one will take my  
 pledge in bad part,—that I will satisfy you, not only  
 that he is unworthy of the protection proposed by the  
 defendant, but that he deserves to be most severely  
 punished, if chastisement is justly due to those who  
 wish you ill, and cheat you, and are always trying to  
 thwart you. I dare say that some of you, reflecting 145  
 that the fellow has first been made a citizen, and  
 thereafter has been decorated with crowns of gold,  
 are astonished that it has been such an easy task to  
 delude you so completely. Well, you may be quite  
 sure, men of Athens, that you have been deluded ;  
 and I will explain why such a result was to be

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- φράσω. ὅτι, ὦ ἄνδρες Ἀθηναῖοι, πολλὰ γινώσκοντες ὀρθῶς ὑμεῖς οὐ διὰ τέλους αὐτοῖς χρῆσθε.
- 146 οἶον τί λέγω; εἴ τις ὑμᾶς ἔροιτο, τί πονηρότατον νομίζετε τῶν ἐν τῇ πόλει πάντων ἔθνων, οὔτε τοὺς γεωργοὺς οὔτε τοὺς ἐμπόρους οὔτε τοὺς ἐκ τῶν ἀργυρείων οὔτε τῶν τοιούτων οὐδὲν ἂν εἶποιτε, ἀλλ' εἰ τοὺς ἐπὶ μισθῷ λέγειν καὶ γράφειν εἰωθότας εἶποι τις, εὖ οἶδ' ὅτι συμφήσαιτ' ἂν ἅπαντες. μέχρι μὲν δὴ τούτου καλῶς ἐγνώκατε, ἔπειτ' οὐκέτ'
- 147 ὀρθῶς τὸ λοιπόν. οὓς γὰρ αὐτοὶ πονηροτάτους νομίζετε πάντων, τούτοις περὶ τοῦ ποῖόν τιν' ἕκαστον χρῆ νομίζειν πεπιστεύκατε· οἱ δ' ὄν ἂν αὐτοῖς λυσιτελῆ, καὶ χρηστὸν καὶ πονηρὸν εἶναι φασιν, οὐχ ὄν ἂν ἢ δίκαιον καὶ ἀληθές. ὅπερ πεποιήκασιν τὸν Χαριόδημον τοῦτον οἱ ῥήτορες πάντα τὸν χρόνον, ὡς καὶ ὑμεῖς ὁμολογήσετε, ἐπειδὰν ἀκούσητέ μου τὰ πεπραγμέν' αὐτῷ.
- 148 Ὅσα μὲν δὴ στρατιώτης ὢν ἐν σφενδονήτου καὶ ψιλοῦ μέρει τὸ ἀπ' ἀρχῆς ἐναντία ἐστράτευται τῇ πόλει, οὐ τίθημι ἐν ἀδικήματος μέρει, οὐδ' ὅτι ληστικὸν ποτε πλοῖον ἔχων ἐλήζετο τοὺς ὑμετέρους συμμάχους, ἀλλ' ἐῷ ταῦτα. διὰ τί; ὅτι, ὦ ἄνδρες Ἀθηναῖοι, αἱ ἀναγκαῖαι χρεῖαι τοὺς τοῦ τί
- [669] πρακτέον ἢ μὴ λογισμοὺς ἀναιροῦσιν ἅπαντας, ὥστ' οὐ πάνυ ταῦτ' ἀκριβολογεῖσθαι δεῖ τὸν δικαίως ἐξετάζοντα. ἀλλ' ὅθεν ἀρξάμενος ξεναγῶν ἤδη καὶ τινων ἀρχων στρατιωτῶν κακῶς ὑμᾶς ἐποίει,
- 149 ταῦτ' ἀκούσατέ μου. οὗτος ἐν μὲν ἀπάντων πρῶτον, μισθωθείς ὑπ' Ἰφικράτους καὶ πλεῖν ἢ τρί' ἔτη μισθοφορήσας παρ' ἐκείνῳ, ἐπειδὴ τὸν μὲν Ἰφικράτην ἀποστράτηγον ἐποιήσατε, Τιμόθεον

expected. You have plenty of good judgement ; but you do not apply it persistently. I mean this, for 146 instance : suppose you were asked which you regard as the most unprincipled breed of citizens you have ; you would not name the farmers, or the traders, or the silver-miners, or any class like those, but if any one named the people who make speeches and move resolutions for hire, I am sure that your assent would be unanimous. So far your judgement is excellent ; but it is no longer sound in the sequel. For it is 147 on the very people whom you regard as most unprincipled that you rely for a right opinion of a man's character ; and they describe this or that man as virtuous or wicked, not when the description is honest and true, but when it brings money into their own pockets. And that is what the orators have constantly done in respect of Charidemus, as you will agree when I have given you an account of his past career.

I do not reckon among his misdeeds those cam- 148 paigns of his early life, in which he served against Athens as a slinger or light-infantry man ; nor that he once owned a piratical ship and preyed on your allies. But I pass these things by. And for what reason ? Because, gentlemen, hard necessity does away with all consideration of what anyone should or should not do ; and therefore in such matters a candid examiner must not be too fastidious. But let me tell you of the mischief he did to you at the outset of his career as a mercenary officer with troops under his command. First 149 of all, he was hired by Iphicrates, and drew pay in his army for more than three years. When you had cashiered Iphicrates, and dispatched Timotheus

δ' ἐπ' Ἀμφίπολιν καὶ Χερρόνησον ἐξεπέμφατε  
 στρατηγόν, πρῶτον μὲν τοὺς Ἀμφιπολιτῶν ὀμή-  
 ρους, οὓς παρ' Ἀρπάλου λαβὼν Ἰφικράτης ἔδωκε  
 φυλάττειν αὐτῷ, ψηφισαμένων ὑμῶν ὡς ὑμᾶς  
 κομίσει παρέδωκεν Ἀμφιπολίταις· καὶ τοῦ μὴ  
 λαβεῖν Ἀμφίπολιν τοῦτ' ἐμποδὼν κατέστη. δεύ-  
 τερον δέ, μισθουμένου Τιμοθέου πάλιν αὐτὸν καὶ  
 τὸ στράτευμα, τούτῳ μὲν οὐ μισθοῖ, πρὸς δὲ Κότυν  
 πλέων ὥχεται ἔχων τὰς ὑμετέρας τριακοντόρους,  
 ὃν ἀκριβῶς ἦδει τῶν ὄντων ἀνθρώπων ἐχθρόταθ'  
 150 ὑμῖν διακείμενον. καὶ μετὰ ταῦτ', ἐπειδὴ τὸν  
 πρὸς Ἀμφίπολιν πόλεμον πρότερον πολεμεῖν εἴλετο  
 Τιμόθεος τοῦ πρὸς Χερρόνησον, καὶ οὐδὲν εἶχε  
 ποιεῖν ὑμᾶς ἐκεῖ κακόν, μισθοῖ πάλιν αὐτὸν Ὀλυν-  
 θίοις τοῖς ὑμετέροις ἐχθροῖς καὶ τοῖς ἔχουσιν Ἀμφί-  
 πολιν κατ' ἐκείνον τὸν χρόνον. καὶ πλέων ἐκείσε,  
 ἐκ Καρδίας ἀναχθεῖς, ἵνα τὰναντία τῇ πόλει πολεμῇ,  
 ὑπὸ τῶν ἡμετέρων τριήρων ἐάλω. διὰ τὸν παρόντα  
 δὲ καιρὸν καὶ τὸ δεῖν ξένων ἐπὶ τὸν πόλεμον τὸν  
 ἐπ' Ἀμφίπολιν, ἀντὶ τοῦ δίκην δοῦναι ὅτι οὐκ  
 ἀπεδεδώκει τοὺς ὀμήρους καὶ διότι πρὸς Κότυν  
 [670] ἐχθρὸν ὄνθ' ὑμῖν ἠῦτομόλησεν ἔχων τὰς τριακον-  
 τόρους, πίστεις δούς καὶ λαβῶν ἐστράτευσε μεθ'  
 151 ὑμῶν. ὧν δ' ἐκείνον δίκαιον ἦν χάριν ὑμῖν ἔχειν  
 οὐκ ἀπολωλότα, τοῦτο παθόντ' ἂν δικαίως, ἀντὶ  
 τούτων ὡς ὀφείλουσ' ἢ πόλις αὐτῷ στεφάνους καὶ  
 πολιτείαν καὶ ἅ πάντες ἐπίστασθε δέδωκε. καὶ ὅτι  
 ταῦτ' ἀληθῆ λέγω, τό τε ψήφισμ' ἀνάγνωθί μοι τὸ  
 περὶ τῶν ὀμήρων, καὶ τὴν Ἰφικράτους ἐπιστολὴν  
 καὶ τὴν Τιμοθέου, καὶ μετὰ ταῦτα τὴν μαρτυρίαν



as commander-in-chief to Amphipolis and the Chersonesus, the man's first performance was to surrender to the Amphipolitans those hostages of theirs whom Iphicrates had taken from Harpalus, and put under his care, although you had ordered them to be conveyed to Athens. That act prevented you from occupying Amphipolis. Secondly, when Timotheus in his turn wanted to hire him and his troops, he refused the engagement, and repaired by sea to Cotys, taking with him your light galleys, though he was perfectly well aware that Cotys was the most bitter enemy you had in the world. Subsequently, 150 after the decision of Timotheus to take the operations against Amphipolis before those against the Chersonesus, finding that there was no mischief he could do you in that country, he again hired himself out,—this time to the Olynthians, who were your enemies and were then holding Amphipolis. He set sail from Cardia for Amphipolis, with the intention of fighting against Athens, but on the voyage he was captured by our fleet. But in view of the needs of the hour, and because mercenaries were wanted for the war against Amphipolis, instead of being punished for his refusal to deliver the hostages, and for deserting with the light galleys to your enemy Cotys, guarantees were exchanged, and he entered the campaign as your auxiliary. He ought to have been grateful to you 151 because his life was spared when he might justly have been put to death; but instead of that the city, as though she owed gratitude to him, has bestowed upon him crowns and franchise and favours known to you all.—To prove the truth of these allegations, please read the decree respecting the hostages, the dispatch of Iphicrates, the dispatch of Timotheus, and lastly

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ταυτηνί· ὄψεσθε γὰρ οὐ λόγους οὐδ' αἰτίαν, ἀλλ'  
ἀλήθειαν οὖσαν ὧν λέγω. λέγε.

### ΨΗΦΙΣΜΑ. ΕΠΙΣΤΟΛΑΙ. ΜΑΡΤΥΡΙΑ

- 152 Ὅτι μὲν τοίνυν καὶ τὸ πρῶτον, οὗ πολεμεῖν ὑμῖν ᾤετο, ἐκεῖσ' ἐμίσθωσεν αὐτὸν πολλαχόσ' ἄλλοσε μισθῶσαι παρόν, καὶ μετὰ ταῦτα, ὡς οὐδὲν ἐκεῖ κακὸν εἶχε ποιεῖν ὑμᾶς, ἔπλει δεῦρο πάλιν οὗ τάναντί' ἔμελλε πράξειν τῇ πόλει, καὶ τοῦ μὴ λαβεῖν Ἀμφίπολιν πάντων οὗτος αἰτιώτατός ἐστιν, ἀκηκόατ' ἐκ τῆς ἐπιστολῆς καὶ τῆς μαρτυρίας. καὶ τὰ μὲν πρῶτα τοιαῦτ' ἐστὶ τῶν ἔργων τῶν Χαριδήμου, μετὰ ταῦτα δ' ἄλλα θεάσασθε.
- 153 Χρόνου γὰρ διελθόντος καὶ τοῦ πολέμου πρὸς Κότυν ὄντος ἤδη, πέμπει πρὸς ὑμᾶς ἐπιστολήν (μᾶλλον δ' οὐχὶ πρὸς ὑμᾶς, ἀλλὰ πρὸς Κηφισόδοτον· οὕτω σφόδρ' ὑπ' αὐτοῦ γε οὐδ' ἂν ἐξαπατηθῆναι τὴν πόλιν ἠγείτο, συνειδὼς ἂ πεποίηκεν) ἐν ἧ Χερρόνησον ὑπέσχετο τῇ πόλει κομιεῖσθαι, πάντα τούτοις τάναντί' ἐγνωκῶς ποιεῖν. δεῖ δ' ὑμᾶς τὸ πρᾶγμ' οἶον ἦν τὸ περὶ τὴν ἐπιστολήν ἀκοῦσαι
- [671] (καὶ γὰρ ἐστὶ βραχύ) καὶ θεωρῆσαι τὸν τρόπον
- 154 τάνθρώπου, ὡς ὑμῖν ἀπ' ἀρχῆς κέχρηται. ἐκεῖνος ὡς ἀπόμισθος γίνεται παρὰ τοῦ Τιμοθέου τότε, ἀπ' Ἀμφιπόλεως ἀναχωρῶν, διαβὰς εἰς τὴν Ἀσίαν, διὰ τὴν σύλληψιν τὴν Ἀρταβάζω συμβᾶσαν τόθ' ὑπ' Αὐτοφραδάτου μισθοῖ τὸ στράτευμα καὶ αὐτὸν τοῖς Ἀρταβάζου κηδεσταῖς, λαβῶν δὲ πίστει καὶ

this deposition.—You will find that what I am telling you is not mere gossip and recrimination, but the plain truth.—Read.

*(The Decree, the Dispatches, and the Deposition are read.)*

You have heard the evidence of the dispatch and 152 the deposition, proving that at the outset Charidemus sold his services to a country where he expected to fight against you, though he had the choice of many other markets ; that later, finding that in that country he could do you no harm, he sailed back to a place where he had a chance of operating against Athens ; and that he was the chief cause of your failure to take Amphipolis. Such were the early exploits of Charidemus. You must now look at his later conduct.

After a certain lapse of time, when the war with 153 Cotys had already broken out, he sent a letter to you ; or rather, not to you but to Cephisodotus, for, being conscious of his transgressions, he was very much of the opinion that the beguilement of Athens was a task beyond his own powers. In this letter he undertook to recover the Chersonesus for Athens ; but his real intention was exactly the opposite. You must be informed of the nature of this epistolary transaction,—it is not a long story—and so get an insight into the fashion of this man's dealings with you from first to last. Being at that time discharged 154 from the service of Timotheus, he withdrew from Amphipolis, crossed the straits to Asia, and there, because of the recent arrest of Artabazus by Auto-phradates, he hired out his forces and himself to the sons-in-law of Artabazus. He had taken and given

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δούς, ὀλιγωρήσας τῶν ὄρκων καὶ παραβὰς αὐτούς,  
 ἀφυλάκτων ὄντων ὡς ἂν πρὸς φίλον τῶν ἐν τῇ  
 χώρα, καταλαμβάνει Σκῆψιν καὶ Κεβρήνα καὶ Ἴλιον  
 155 αὐτῶν. ἐγκρατῆς δὲ γενόμενος τούτων τῶν χωρίων  
 πρᾶγμ' ἔπαθε τοιοῦτον, οἷον οὐχ ὅτι στρατηγὸς ἂν  
 ἠγνόησέ τις εἶναι φάσκων, ἀλλ' οὐδ' ὁ τυχῶν  
 ἄνθρωπος. οὐδ' ὅτιοῦν γὰρ χωρίον ἔχων ἐπὶ  
 θαλάττῃ, οὐδ' ὅθεν ἂν σιτοπομπίας ἠϋπόρησε τοῖς  
 στρατιώταις, οὐδ' αὖ σίτον ἔχων ἐν τοῖς χωρίοις,  
 ὑπέμεινεν ἐν τοῖς τείχεσι καὶ οὐ διαρπάσας ὄχετο,  
 ἐπειδὴ γ' ἀδικεῖν ἔγνω. ὡς δὲ συλλέξας δύναμιν  
 παρῆν ὁ Ἀρτάβαζος, ἀφειμένος παρὰ τοῦ Αὐτο-  
 φραδάτου, τῷ μὲν ὑπήρχεν ἐπισιτισμὸς ἐκ τῆς  
 ἄνωθεν Φρυγίας καὶ Λυδίας καὶ Παφλαγονίας  
 οἰκείας οὔσης, τῷ δ' οὐδ' ὅτιοῦν ἄλλο πλὴν πολιορ-  
 156 κία περιειστήκει. αἰσθόμενος δ' οὗ ἦν κακοῦ καὶ  
 λογισμὸν λαβὼν ὅτι ληφθήσεται, κἂν μηδενὶ τῶν  
 ἄλλων, τῷ γε λιμῷ, εἶδεν, εἴτε δὴ τινος εἰπόντος  
 εἶτ' αὐτὸς συνείς, ὅτι σωτηρία μόνη γένοιτ' ἂν  
 αὐτῷ, ἢ περ ἅπαντας ἀνθρώπους σώζει. ἔστι δ'  
 αὕτη τίς; ἢ ὑμετέρα, ὧ ἄνδρες Ἀθηναῖοι, εἴτε  
 χρὴ φιλανθρωπίαν λέγειν εἴθ' ὅ τι δήποτε. γνοὺς  
 δὲ τοῦτο πέμπει τὴν ἐπιστολὴν ὑμῖν, ἧς ἄξιόν ἐστ'  
 ἀκοῦσαι, βουλόμενος διὰ τῆς ὑποσχέσεως τοῦ κομι-  
 [672] εἶσθαι Χερρόνησον ὑμῖν, καὶ διὰ τοῦ τὸν Κηφισό-  
 δοτον δοκεῖν ἐχθρὸν ὄντα τοῦ Κότυος καὶ τοῦ  
 Ἴφικράτους ταῦτα βούλεσθαι, τριήρων εὐπορήσας  
 157 παρ' ὑμῶν ἀσφαλῶς ἐκ τῆς Ἀσίας ἀποδρᾶναι. τί  
 δὴ συμβαίνει παραυτά, ὅθεν ἐξηλέγχθη τὸ πρᾶγμ'

pledges, but he ignored and broke his oaths, and, finding the inhabitants of the country, who thought they were dealing with a friend, off their guard, he seized their towns, Scepsis, Cebren, and Ilium. Having taken possession of these strongholds, he had 155 a misadventure into which even an ordinary person, not to say a man calling himself a commander, should never have blundered. Although he held no position on the sea-coast, and had no means of supplying his troops with provisions, and although he had no food in the towns, he remained within the walls, instead of looting the towns and making off in pursuance of his intention to do mischief. But Artabazus, having been released by Autophradates, collected an army, and appeared on the scene ; and he could draw supplies from the friendly countries of Upper Phrygia, Lydia, and Paphlagonia, while for Charidemus nothing remained but to stand a siege. When he realized what trouble he was in, and came 156 to the conclusion that he would be reduced by famine, if by no other means, he made the discovery, whether by suggestion or by his own wits, that his only chance of salvation lay where there is salvation for everybody. And where is that ? In your good-nature, if that is the right term, men of Athens,—or call it what you will. Having reached that conclusion, he dispatched the letter to you,—and it is worth your while to hear it read. His desire was, by means of a promise to recover the Chersonesus for you, and on the pretence that such was also the wish of Cephisodotus, as an enemy of Cotys and Iphicrates, to get a supply of galleys from you, and so scuttle safely out of Asia. Do you remember the immediate sequel, 157 by which the trick was exposed in the very act ?

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ἐπ' αὐτοφώρῳ; ὁ Μέμνων καὶ ὁ Μέντωρ, οἱ κηδεσταὶ τοῦ Ἀρταβάζου, ἄνθρωποι νέοι καὶ κεχηρμένοι ἀπροσδοκῆτῳ εὐτυχία τῇ τοῦ Ἀρταβάζου κηδεῖα, βουλόμενοι τῆς χώρας ἄρχειν εὐθὺς ἐν εἰρήνῃ καὶ τιμᾶσθαι καὶ μὴ πολεμεῖν μηδὲ κινδυνεύειν, πείθουσι τὸν Ἀρτάβαζον τοῦ μὲν τιμωρεῖσθαι τὸν Χαριδῆμον ἀφέσθαι,<sup>1</sup> ἀποστεῖλαι δ' ὑπόσπονδον, διδάσκοντες ὡς ὑμεῖς, κὰν ἐκεῖνος μὴ  
 158 θέλῃ, διαβιβᾶτε καὶ οὐ δυνήσεται κωλύειν. ὡς δὲ τυγχάνει ταύτης τῆς ἀλόγου καὶ ἀπροσδοκῆτου σωτηρίας ὁ Χαριδῆμος, διαβὰς εἰς τὴν Χερρόνησον ἐφ' αὐτοῦ διὰ τὰς σπονδὰς, τοσοῦτου ἐδέησεν ἐπελθεῖν τῷ Κότυϊ, γεγραφὼς ὅτι οὐχ ὑπομενεῖ Κότυς αὐτὸν ἐπιόντα, ἢ τὴν Χερρόνησον ὅπως κομμεῖσθ' ὑμεῖς συμπράξαι, ὥστε πάλιν μισθώσας αὐτὸν τῷ Κότυϊ τὰ ὑπόλοιπα τῶν ὑμετέρων χωρίων Κριθώτην καὶ Ἐλαιούνην ἐπολιόρκει. καὶ ὅτι ταῦτα, καὶ ἡνίκ' ἔτ' ἦν ἐν τῇ Ἀσίᾳ καὶ τὴν ἐπιστολὴν ἔπεμπε πρὸς ὑμᾶς, ἐγνωκῶς ποιεῖν ἐφενάκιζεν ὑμᾶς, ἀπὸ τῆς διαβάσεως ἣν ἐποιήσατο γνώσεσθε· ἐκ γὰρ Ἀβύδου τῆς τὸν ἅπανθ' ὑμῖν χρόνον ἐχθρᾶς, καὶ ὅθεν ἦσαν οἱ Σηστὸν καταλαβόντες, εἰς Σηστὸν  
 159 διέβαινον, ἣν<sup>2</sup> εἶχε Κότυς. καίτοι μὴ νομίζετε μήτ'  
 [673] ἂν τοὺς Ἀβυδηνοὺς αὐτὸν ὑποδέχεσθαι μήτ' αὐτοὺς ἐν τῇ Σηστῷ, τῆς ἐπιστολῆς ὑμῖν ἐκείνης πεπεμμένης, εἰ μὴ συνήδεσαν φενακίζοντι αὐτῷ τότε καὶ συνεξηπάτων αὐτοί, βουλόμενοι τοῦ μὲν διαβῆναι τὸ στράτευμ' ὑμᾶς παρέχειν τὴν ἀσφάλειαν, διαβάντος δ', ὅπερ συνέβη δόντος Ἀρτα-

<sup>1</sup> So Cobet: ἀφεῖσθαι Dind. with mss.

<sup>2</sup> ὄν Dind. with S and most mss. So below mss. have τῷ Σ.

## AGAINST ARISTOCRATES, 157-159

Memnon and Mentor, the sons-in-law of Artabazus, were young men, enjoying unexpected good fortune by their relationship to Artabazus. What they wanted was to govern the country peaceably without delay, and to win distinction without warfare and peril. Accordingly, they persuaded Artabazus to forgo his vengeance upon Charidemus, and to send him off under an armistice, advising him that you would bring Charidemus across with or without his consent : he could not possibly stop you. Having 158 gained this unaccountable and unforeseen deliverance, Charidemus crossed the sea to the Chersonesus without your authority by reason of the armistice ; but then, so far from attacking Cotys,—although he had told you in his letter that Cotys would not repel his attack,—and so far from helping you to recover the Chersonesus, he entered the service of Cotys once more, and began to beleaguer your last remaining strongholds, Crithote and Elaeus. You will find proof in his route across the straits that he had already decided on this action at the time when he was in Asia and was sending you the letter, and therefore that he was cheating you ; for he crossed from Abydus, a place always hostile to you, and the base from which Sestus was captured, to Sestus, which was in the possession of Cotys. Yet you must not 159 imagine that either the Abydenes or the people at Sestus would have admitted him, after that letter had been sent to you, if they had not been aware that he was cheating you, or if they had not been actually parties to the deception. They wanted you to provide a safe passage for the troops, and then, after the passage, to get the use of them for their own purposes ;

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βάζου τὴν ἄδειαν, αὐτοῖς ὑπάρξαι τὴν χρεῖαν. ὅτι τοίνυν οὕτω ταῦτ' ἔχει, λέγε τὰς ἐπιστολάς, ἣν τ' ἔπεμψεν ἐκεῖνος καὶ τὰς παρὰ τῶν ἀρχόντων τῶν ἐκ Χερρονήσου· γνώσεσθε γὰρ ἐκ τούτων ὅτι ταῦθ' οὕτως ἔχει. λέγε.

### ΕΠΙΣΤΟΛΗ

- 160 Ἐνθυμείσθ' ὅθεν οἱ διέβη, ἐξ Ἀβύδου εἰς Σηστόν. ἀρ' οὖν οἶεσθ' ἂν ὑποδέξασθαι τοὺς Ἀβυδήνους ἢ τοὺς Σηστίους, εἰ μὴ συνεξηπάτων, ὅτε τὴν πρὸς ὑμᾶς ἔπεμπεν ἐπιστολήν;

Λέγ' αὐτοῖς τὴν ἐπιστολήν αὐτήν. καὶ θεωρεῖτ', ὦ ἄνδρες Ἀθηναῖοι, τὰς ὑπερβολὰς ὧν αὐτὸς περὶ αὐτοῦ πρὸς ὑμᾶς ἔγραψεν ἐπαίνων, τὰ μὲν ὡς πεποίηκε λέγων, τὰ δ' ὑπισχνούμενος ποιήσειν. λέγε.

### ΕΠΙΣΤΟΛΗ

- 161 Καλά γ', οὐ γάρ; ὦ ἄνδρες Ἀθηναῖοι, τὰ γεγραμμένα καὶ χάριτος πολλῆς ἄξια, εἴ γ' ἦν ἀληθῆ. νῦν δ', ὅτε μὲν τῶν σπονδῶν οὐκ ᾤετο τεύξεσθαι, ταῦτ' ἔγραψεν ἐξαπατῶν· ἐπειδὴ δ' ἔτυχε, λέγ' οἱ ἐποίησεν.

### ΕΠΙΣΤΟΛΗ

Οὐκοῦν τοῦ κομείσθαι τὰ πολυλότα χωρὶ' ὑποσχομένου Χαριδήμου διαβάντος φησὶν ὁ ἄρχων Κριθώτης περὶ τῶν ὑπαρχόντων γεγενῆσθαι μείζους τῶν πρότερον τοὺς κινδύνους. λέγ' ἐξ ἑτέρας ἐπιστολῆς ἐπιδείξας.



as in fact they did, when Artabazus had granted a safe-conduct.—To prove that such are the facts read the letters,—I mean the letter sent by Charidemus, and those that came from the authorities in the Chersonesus.—You will learn from them that the facts are so.—Read.

*(A Letter is read.)*

Observe from and to what points he crossed the 160 straits; it was from Abydus to Sestus. Do you suppose that the Abydenes and the Sestians would have admitted him, if they had not been privy to his fraud, when he sent you that letter?—Now read to the jury the letter itself.—Observe, men of Athens, with what extravagance of self-commendation he wrote to you, telling you he had done this, and undertaking to do that.—Read.

*(The Letter is read.)*

A beautiful letter, is it not, gentlemen? One for 161 which you could not have been too grateful,—if only it had been true! But in fact he wrote it to deceive, when he had no expectation of an armistice; but when he had got his armistice,—read what he did then.

*(Another Letter is read.)*

So, after the gentleman who undertook to recover our lost fortresses had passed the straits, the governor of Crithote informs us that our remaining possessions are in greater danger than ever.—Show me another letter, and then read a bit of it.

## DEMOSTHENES

### ΕΠΙΣΤΟΛΗ

Λέγ' ἐξ ἐτέρας.

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### ΕΠΙΣΤΟΛΗ

- 162 Ὅραθ' ὅτι πανταχόθεν τὸ πρᾶγμα μαρτυρεῖται, ὅτι διαβὰς οὐκ ἐπὶ τὸν Κότυν, ἀλλ' ἐφ' ἡμᾶς μετ' ἐκείνου ἐπορεύετο. ἔτι τοίνυν ταύτην μόνην ἀν-ἀγνωθί μοι τὴν ἐπιστολήν, τὰς δ' ἄλλας ἕα· δῆλον γάρ που ὑμῖν γέγονεν ὡς πεφενάκικεν ὑμᾶς. λέγε.

### ΕΠΙΣΤΟΛΗ

Ἐπίσχεσ. ἐνθυμείσθ' ὅτι γράψας μὲν ὡς ἀποδώσει Χερρόνησον, τὰ λοιπ' ἀφελέσθαι μισθώσας αὐτὸν τοῖς ὑμετέροις ἐχθροῖς ἐπεχείρει, γράψας δ' ὡς Ἀλεξάνδρου πρεσβευσαμένου πρὸς αὐτὸν οὐ προσεδέξατο, τοῖς λησταῖς φαίνεται τοῖς παρ' ἐκείνου ταῦτα πράττων. εὖνους γ', οὐ γάρ; ἀπλῶς ὑμῖν, καὶ οὐδὲν ἂν ἐπιστείλας ψεῦδος οὐδ' ἐξαπατήσας.

- 163 Οὐ τοίνυν ἐκ τούτων πω δῆλόν ἐσθ', οὕτω σαφῶς δῆλον ὄν, ὡς οὐδὲν πιστόν ἐσθ' ὦν ἐκείνός φησι καὶ προσποιεῖται τῇ πόλει προσέχειν, ἀλλ' ἐκ τῶν μετὰ ταῦτα συμβάντων ἔσται φανερώτερον. τὸν μὲν γὰρ Κότυν, εὖ ποιῶν, ὄντα γ' ἐχθρὸν ὑμῖν καὶ πονηρὸν ἀποκτίνουσιν ὁ Πύθων, ὁ δὲ Κερσοβλέπτης ὁ νυνὶ βασιλεύων μειρακύλλιον ἦν καὶ πάντες οἱ τοῦ Κότυος παῖδες, τῶν δὲ πραγμάτων κύριος διὰ τὴν παρουσίαν καὶ τὸ δύναμιν ἔχειν ὁ Χαρίδημος ἐγγόνοι, ἦκε δὲ Κηφισόδοτος στρατηγῶν, πρὸς ὃν αὐτὸς ἔπεμψε τὴν ἐπιστολήν ἐκείνην, καὶ αἱ τριή-

*(Another Letter is read.)*

Read a passage from another.

*(Another Letter is read.)*

You see how testimony comes in from every quarter 162 that, when he crossed the straits, he was not marching to attack Cotys but to join Cotys in attacking us. Now here is just one letter more that you must read ; but never mind the rest. For it has, I suppose, become quite clear now that he has cheated you. Read.

*(Another Letter is read.)*

Stop. Now reflect how, after writing that he would recover the Chersonesus, he took the pay of your enemies, and tried to rob you of your remaining possessions there ; and how, after writing that Alexander had sent envoys to him but that he had refused to see them, he was found behaving exactly like Alexander's filibusters. So much for your single-minded well-wisher ; the man who is incapable of writing lies or practising deceit !

Although, then, it is abundantly clear that there is 163 not a sincere word in all his professions of attachment to Athens, yet, if it is not already clear from these facts, it will be more evident in the light of later events. Cotys, I am glad to say,—for he was your enemy, and a bad man,—was killed by Pytho ; Cersobleptes, the present king, was a mere boy, and so were all the sons of Cotys ; and Charidemus had got control of affairs, because he was on the spot and had a force at his back. Cephisodotus, the man to whom he sent the famous letter, had arrived in com-

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ρεις, αἷ, ὅτ' ἦν ἄδηλα τὰ τῆς σωτηρίας αὐτῶ,  
 καὶ μὴ συγχωροῦντος Ἀρταβάζου σώζειν ἔμελλον  
 164 αὐτόν. τί δὴ προσῆκεν, ὦ ἄνδρες Ἀθηναῖοι, τὸν  
 [675] ὡς ἀληθῶς ἀπλοῦν καὶ φίλον, παρόντος μὲν στρατη-  
 γοῦ οὐχ ὧν ἐκεῖνος ἔφησεν αὐτῶ φθονεῖν οὐδενός,  
 ἀλλ' ὃν αὐτὸς ἑαυτοῦ φίλον προεἶλετο τῶν παρ'  
 ὑμῖν, καὶ πρὸς ὃν τὴν ἐπιστολὴν ἐπεπόμφει, τε-  
 τελευτηκότος δὲ Κότυος, κύριον δ' ὄντα τῶν πραγ-  
 μάτων; οὐκ ἀποδοῦναι μὲν τὴν χώραν εὐθέως  
 ὑμῖν, κοινῇ δὲ μεθ' ὑμῶν καθιστάναι τὸν βασιλέα  
 τῆς Θράκης, δηλῶσαι δ' ὡς εἶχεν εὐνοικῶς ὑμῖν,  
 165 καιροῦ τοιοῦτου λαβόμενον; ἔγωγ' ἂν φαίην. ἄρ'  
 οὐν ἐποίησέ τι τούτων; πολλοῦ γε δεῖ. ἀλλὰ τὸν  
 μὲν ἅπαντα χρόνον μῆνας ἑπτὰ διήγαγεν ἡμᾶς  
 πολεμῶν, ἐκ προφανοῦς ἐχθρὸς ὧν καὶ οὐδὲ λόγον  
 φιλάνθρωπον διδούς. καὶ κατ' ἀρχὰς μὲν ἡμῶν  
 δέκα ναυσὶ μόναις εἰς Πέρινθον ὀρμισαμένων, ἀκη-  
 κοότων ὅτι πλησίον ἐστὶν ἐκεῖνος, ὅπως συμ-  
 μείξαιμεν αὐτῶ καὶ περὶ τούτων εἰς λόγους ἔλθοι-  
 μεν, ἀριστοποιουμένους φυλάξας τοὺς στρατιώτας  
 ἐπεχείρησε μὲν ἡμῶν τὰ σκάφη λαβεῖν, πολλοὺς δ'  
 ἀπέκτεινε τῶν ναυτῶν, κατήραξε δ' εἰς τὴν θάλατ-  
 166 ταν ἅπαντας, ἰππέας ἔχων καὶ ψιλούς τινας. μετὰ  
 ταῦτα δὲ πλευσάντων ἡμῶν—οὐκ ἐπὶ τῆς Θράκης  
 τόπον οὐδέν' οὐδὲ χωρίον· οὐδὲ γὰρ τοῦτό γ' ἂν  
 εἶποι τις “ νῆ Δί”, ἀμυνόμενος γὰρ ὑπὲρ τοῦ μὴ  
 παθεῖν ἐποίει τι κακόν.” οὐκ ἔστι τοῦτο· οὐ γὰρ  
 ἤλθομεν οὐδαμοῖ τῆς Θράκης, ἀλλ' ἐπ' Ἀλωπεκόν-  
 νησον, ἣ Χερρονήσου μὲν ἐστὶ καὶ ἦν ὑμετέρα,  
 ἀκρωτήριον δ' ἀνέχον πρὸς τὴν Ἰμβρον ἀπωτάτω  
 τῆς Θράκης, ληστῶν δ' ἦν μεστή καὶ καταποντι-

mand of an army, and so had the galleys, which were to have rescued him, even without the consent of Artabazus, when his deliverance was in doubt. Now 164 what, men of Athens, was the conduct proper for a really single-minded and friendly person, after the arrival of a commander,—not one of those men whom he might have called jealous of himself, but the recipient of his letter, a man whom he had chosen out of all Athens as his special friend,—with Cotys in his grave, and himself in supreme power? Was it not to restore your territory there and then? To co-operate with you in establishing the King of Thrace? To embrace the opportunity of exhibiting his friendly disposition towards you? I should say, yes. Well, is that what he did? By no means. 165 For seven whole months he persisted in making war on us, openly displaying his hostility and withholding even the language of goodwill. At the outset we took anchorage at Perinthus with only ten ships, having heard that he was in the neighbourhood, and hoping to meet him and talk matters over. He waited till our men were having their breakfast, and then tried to take our ships, killed a number of our sailors, and hunted every man of them into the sea with his cavalry and light infantry. Afterwards, 166 when we set sail—, no, it was not to attack any part of Thrace, or any fortress there. For this at least no man can say: “Ah, yes; he did do a little damage,—in self-defence, you know, and to protect himself.” That is not true; we never went to any place in Thrace; we went to Alopeconnesus, and that is in the Chersonesus and used to belong to you,—a headland running out towards Imbros, a long way from Thrace; a place swarming with robbers and

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167 *στῶν—ἐνταῦθα δ' ἐλθόντων ἡμῶν καὶ πολιορκούντων τούτους, πορευθεὶς διὰ Χερρονήσου πάσης τῆς ὑμετέρας ἡμῖν μὲν προσέβαλλεν, ἐβοήθει δὲ τοῖς λησταῖς καὶ καταποντισταῖς. καὶ πρότερον προσκαθήμενος τὸν ὑμέτερον στρατηγὸν ἔπεισε καὶ ἠνάγκασε μὴ τὰ βέλτισθ' ὑπὲρ ὑμῶν πράττειν, ἢ αὐτὸς ὑπὸ τούτου ἐπείσθη ὧν ὠμολογῆκει καὶ ὑπέσχητό τι πράξαι, καὶ γράφει δὴ τὰς συνθήκας ταύτας τὰς πρὸς Κηφισόδοτον, ἐφ' αἷς ὑμεῖς οὕτως ἠγανακτήσατε καὶ χαλεπῶς ἠνέγκατε ὥστ' ἀπεχειροτονήσατε μὲν τὸν στρατηγόν, πέντε ταλάντοις δ' ἐζημιώσατε, τρεῖς δὲ μόναι ψῆφοι διήνεγκαν τὸ μὴ*
- 168 *θανάτου τιμῆσαι. καίτοι πηλίκην τινὰ χρῆ νομίζειν, ὧ ἄνδρες Ἀθηναῖοι, ταύτην τὴν ἀλογίαν, ὅταν τις ἴδῃ διὰ τὰς αὐτὰς πράξεις τὸν μὲν ὡς ἀδικοῦντα κολασθέντα πικρῶς οὕτως, τὸν δ' ὡς εὐεργέτην ἔτι καὶ νῦν τιμώμενον; ὅτι τοίνυν ταῦτ' ἀληθῆ λέγω, τῶν μὲν τῷ στρατηγῷ συμβάντων δήπου μάρτυρες ὑμεῖς ἐστέ μοι· καὶ γὰρ ἐκρίνεθ' ὑμεῖς ἀπεχειροτονεῖτε καὶ ὠργίζεσθε, καὶ πάντα ταῦτα σύνισθ' ὑμεῖς· τῶν δ' ἐν Περίνθῳ καὶ τῶν ἐν Ἀλωπεκονήσῳ κάλει μοι τοὺς τριηράρχους μάρτυρας.*

### ΜΑΡΤΥΡΕΣ

- 169 *Μετὰ ταῦτα τοίνυν, ἐπειδὴ Κηφισόδοτος μὲν ἀπηλλάγη τοῦ στρατηγεῖν, ὑμῖν δ' οὐκ ἐδόκουν καλῶς ἔχειν οὐδὲ δικαίως αἱ πρὸς ἐκείνον γραφεῖσαι συνθήκαι, τὸν μὲν Μιλτοκύθην, τὸν διὰ παντὸς εὖνον ὑμῖν τοῦ χρόνου, λαβὼν προδοθένθ' ὑπὸ τοῦ Σμικυθίωνος ὁ χρηστὸς οὗτος Χαριδημος, οὐκ ὄντος*

pirates. When we got there, and were besieging these 167  
 gentry, he marched right across the Chersonesus,  
 —your property, every yard of it,—attacked us, and  
 tried to rescue the robbers and pirates. He took  
 up his position, and persuaded or constrained your  
 commander not to serve your interests, instead of  
 letting himself be persuaded by him to carry out  
 some part of his covenant and undertaking; and  
 then he must needs draw up that convention with  
 Cephisodotus, by which you were so deeply annoyed  
 and exasperated that you dismissed your commander,  
 and fined him five talents, and there was a majority  
 of three votes only against a sentence of death. Why, 168  
 what a prepostèrous absurdity a man must account  
 this, men of Athens, when for one and the same  
 transaction he sees one man punished with such  
 severity as a criminal, and another glorified as a  
 benefactor from that day to this!

To prove the truth of my narrative, you are, of  
 course, my witnesses in regard to the fate of the  
 commander; for it was you who tried him, cashiered  
 him, reprimanded him; all this is within your know-  
 ledge. In respect of the incidents at Perinthus and  
 Alopeconnesus, please call the ships' captains as  
 witnesses.

*(The Evidence of the Captains.)*

Thereafter, when Cephisodotus had been dis- 169  
 charged from his command, and you held the view  
 that the convention made with him was improper and  
 unfair, Miltocythes, who had been consistently well-  
 affected to you, was betrayed by Smicythion, and fell  
 into the hands of our honest friend. Knowing that

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- [677] νομίμου τοῖς Θραξίν ἀλλήλους ἀποκτινύναι, γνοὺς ὅτι σωθήσεται πρὸς Κερσοβλέπτην ἂν ἀχθῆ, παραδίδωσι Καρδιανοῖς τοῖς ὑμετέροις ἐχθροῖς. κακῆνοι λαβόντες καὶ αὐτὸν καὶ τὸν υἱόν, ἀναγαγόντες εἰς τὸ πέλαγος ἐν πλοίῳ, τὸν μὲν υἱὸν ἀπέσφαξαν, ἐκείνον δ' ἐπιδόντα τὸν υἱὸν ἀποσφαττόμενον κατ-
- 170 ἐπόντισαν. τῶν δὲ Θρακῶν ἀπάντων χαλεπῶς ἐνεγκόντων ἐπὶ τούτοις, καὶ συστραφέντων τοῦ τε Βηρισάδου καὶ τοῦ Ἀμαδόκου, ἰδὼν τὸν καιρὸν τοῦτον Ἀθηνόδωρος, συμμαχίαν ποιησάμενος πρὸς τούτους οἷος ἦν πολεμεῖν. ἐν φόβῳ δὲ καταστάντος τοῦ Κερσοβλέπτου γράφει ὁ Ἀθηνόδωρος συνθήκας, καθ' ἃς ἀναγκάζει τὸν Κερσοβλέπτην ὁμόσαι πρὸς θ' ὑμᾶς καὶ τοὺς βασιλέας εἶναι μὲν τὴν ἀρχὴν κοινὴν τῆς Θράκης εἰς [τούς]<sup>1</sup> τρεῖς διηρημένην,
- 171 πάντας δ' ὑμῖν ἀποδοῦναι τὴν χώραν. ὡς δ' ἐν ἀρχαιρεσίαις ὑμεῖς Χαβρίαν ἐπὶ τὸν πόλεμον τοῦτον κατεστήσατε, καὶ τῷ μὲν Ἀθηνοδώρῳ συνέβη διαφεῖναι τὴν δύναμιν χρήματ' οὐκ ἔχοντι παρ' ὑμῶν οὐδ' ἀφορμὴν τῷ πολέμῳ, τῷ Χαβρία δὲ μίαν ναῦν ἔχοντι μόνην ἐκπλεῖν, τί πάλιν ποιεῖ ὁ Χαρίδημος; ἃς μὲν ὤμοσε πρὸς τὸν Ἀθηνοδώρον συνθήκας, ἕξαρνος γίγνεται καὶ τὸν Κερσοβλέπτην ἀρνεῖσθαι πείθει, γράφει δ' ἑτέρας πρὸς τὸν Χαβρίαν ἔτι τῶν πρὸς Κηφισόδοτον δεινοτέρας· οὐκ ἔχων δ' ἐκείνος, οἶμαι, δύναμιν στέργειν ἠναγκάζετο τού-
- 172 τοις. ἀκούσαντες δ' ὑμεῖς ταῦτα, ἐν τῷ δήμῳ λόγων ῥηθέντων πολλῶν καὶ τῶν συνθηκῶν ἀναγνωσθεισῶν, οὔτε τὴν Χαβρίου δόξαν αἰσχυ-
- [678] θέντες οὔτε τῶν συναγορευόντων οὐδένα, ἀπεχειροτονήσατε καὶ ταύτας πάλιν τὰς συνθήκας, καὶ

<sup>1</sup> Added, perhaps rightly, by Blass.



the man's life would be spared if he were taken to Cersobleptes,—for killing one another is not customary among the Thracians,—Charidemus handed him over to your enemies the Cardians. They took Miltocythes and his son, put out in a ship to deep water, cut the boy's throat, and then threw the father overboard, after he had witnessed the murder of his son. These atrocities moved the whole population 170 of Thrace to resentment ; Berisades and Amadocus made a coalition ; and Athenodorus, recognizing a favourable opportunity, formed alliance with them, and so was in a position to make war. Then Cersobleptes took fright, and Athenodorus proposed a convention, under which he compelled Cersobleptes to make a sworn engagement with you and with the other princes that the kingdom of Thrace should be held in common, and divided among the three, and that they should all restore to you your territory. At the election of magistrates you appointed Chabrias 171 to command in that campaign ; but unluckily Athenodorus disbanded his army, because he had no money from you, and no resources for carrying on war ; and Chabrias started on his expedition with only one ship. And how does this man Charidemus turn his coat ? He repudiates his sworn covenant with Athenodorus, persuades Cersobleptes to disclaim it, and proposes new terms to Chabrias,—terms more monstrous than those made with Cephisodotus. Chabrias was obliged to acquiesce, I suppose because he had no force at his back. When the news reached 172 you, a great many speeches were made in the Assembly ; the conventions were read and compared ; and, without any respect for Chabrias's good name or for any of his supporters, you in your turn cancelled

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ἐψηφίσασθε ψήφισμα Γλαύκωνος εἰπόντος ἐλέσθαι  
 πρέσβεις δέκ' ἄνδρας ἐξ ὑμῶν αὐτῶν, τούτους δ',  
 ἂν μὲν ἐμμένῃ ταῖς πρὸς Ἀθηνόδωρον συνθήκαις  
 ὁ Κερσοβλέπτης, ὀρκίσαι πάλιν αὐτόν, εἰ δὲ μὴ,  
 παρὰ μὲν τοῖν δυοῖν βασιλέοιιν ἀπολαβεῖν τοὺς  
 ὄρκους, πρὸς δ' ἐκείνον ὅπως πολεμήσετε βουλευέσ-  
 173 θαι. ἐκπεπλευκότων δὲ τῶν πρέσβειων συμβαίνει  
 τοῖς χρόνοις εἰς τοῦθ' ὑπηγμένα τὰ πράγματα ἤδη,  
 τριβόντων τούτων καὶ οὐδὲν ἀπλοῦν οὐδὲ δίκαιον  
 ὑμῖν ἐθελόντων πράξαι, ὥστ' ἐβοηθοῦμεν εἰς  
 Εὐβοίαν, καὶ Χάρης ἦκεν ἔχων τοὺς ξένους, καὶ  
 στρατηγὸς ὑφ' ὑμῶν αὐτοκράτωρ εἰς Χερρόνησον  
 ἐξέπλει. οὕτω γράφει πάλιν συνθήκας πρὸς τὸν  
 Χάρητα, παραγενομένου τοῦ Ἀθηνοδώρου καὶ τῶν  
 βασιλέων, ταύτας αἴπερ εἰσὶν ἄριστα καὶ δικαιο-  
 174 ποιεῖν οὐδ' ἴσον. εἶθ' ὃν ὁρᾷτ' ἐκ προσαγωγῆς  
 ὑμῖν φίλον, καὶ ὅπως ἂν ὑμᾶς δύνασθαι νομίση,  
 οὕτω πρὸς ὑμᾶς εὐνοίας ἔχοντα, τοῦτον οἴεσθε δεῖν  
 ἰσχυρόν ποτ' εἶσαι γενέσθαι, καὶ ταῦτα δι' ὑμῶν;  
 οὐκ ἄρ' ὀρθῶς ἐγνώκατε. ἵνα τοίνυν εἰδῆθ' ὅτι  
 τάληθῆ λέγω, λαβέ μοι τὴν ἐπιστολὴν ἢ μετὰ τὰς  
 πρώτας συνθήκας ἦλθεν, εἶτα τὴν παρὰ Βηρισάδου·  
 μάλιστα γὰρ οὕτω γνώσεσθε διδασκόμενοι.

### ΕΠΙΣΤΟΛΗ

Λέγε καὶ τὴν ἐπιστολὴν τὴν τοῦ Βηρισάδου.

the new convention, and resolved, on the motion of Glauco, to elect ten citizens as ambassadors. If Cersobleptes would abide by his covenant with Athenodorus, they were to make him renew his oath; if not, they were to accept the oaths of the two kings, and concert measures for making war on him. The ambassadors took their departure; but 173 by mere lapse of time the business came to such a pass, with these men dawdling and refusing to take any plain, honest action in your service, that we sent a relief expedition to Euboea, and Chares, on returning with his mercenaries, was sent out by you to the Chersonesus as plenipotentiary. So Charidemus once more drafts a new convention with Chares, supported by Athenodorus and the two kings: here it is,—the best and most equitable of the lot. He has convicted himself by his conduct of lying in wait for opportunities against Athens; there is no uprightness, no equity, in his policy. When you see that he is your 174 friend only on inducement, and that his estimate of your strength is the measure of his goodwill, do you really think it your duty to allow him to be powerful,—and powerful through you? If that is your opinion, it is wrong.

To satisfy you that I am telling the truth, please take the letter that came after the first convention, and then the letter from Berisades.—You will be helped by these documents to a right conclusion.

*(The Letter is read.)*

Read also the letter of Berisades.

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ΕΠΙΣΤΟΛΗ

175 Ἡ μὲν τοίνυν συμμαχία τοῖν δυοῖν<sup>1</sup> τοῦτον τὸν τρόπον μετὰ τὴν παράκρουσιν τὴν διὰ τῶν πρὸς Κηφισόδοτον συνθηκῶν συνεστάθη, ἥδη Μιλτοκύθου μὲν ἀνηρημένου, Χαριδήμου δ' ἔργῳ φανεροῦ γεγενημένου ὅτι τῆς πόλεως ἐχθρὸς ἔστιν. ὃς γὰρ ὄν ἤδει διὰ παντὸς τοῦ χρόνου πάντων τῶν Θρακῶν εὐνούστατον ὄνθ' ὑμῖν, τοῦτον ἠξίωσ' ὑποχείριον λαβὼν τοῖς ὑμετέροις ἐχθροῖς Καρδιανοῖς ἐγχειρίσαι, πῶς οὐ μεγάλης ἐχθρας δεῖγμα πρὸς ὑμᾶς ἐξέφερον; ἄς δὴ τὸν πόλεμον δεδιὼς τὸν πρὸς τοὺς Θρακᾶς καὶ πρὸς Ἀθηνοδώρον ἐποιήσατο συνθήκας μετὰ ταῦθ' ὁ Κερσοβλέπτης, λέγε.

ΣΤΝΘΗΚΑΙ

176 Ταῦτα τοίνυν γράψας καὶ συνθέμενος, καὶ τὸν ὄρκον ὃν ὑμεῖς ἠκούσατ' ὁμόσας, ἐπειδὴ τὴν μὲν Ἀθηνοδώρου δύναμιν διαφειμένην εἶδε, μιᾷ δὲ μόνον τριήρει Χαβρίαν ἤκοντα, οὔτε τὸν Ἰφιάδου παρέδωκεν υἱὸν ὑμῖν οὔτ' ἄλλ' οὐδὲν ὧν ὤμοσ' ἐποίησεν, ἀλλὰ καὶ περὶ τῶν ἄλλων τῶν γεγραμμένων ἐν ταῖς συνθήκαις ἕξαρνος γίγνεται, καὶ γράφει ταύτας τὰς συνθήκας. λαβέ μοι καὶ λέγε ταυτασί.

ΣΤΝΘΗΚΑΙ

177 Ἐνθυμεῖσθ' ὅτι καὶ τέλη καὶ δεκάτας ἠξίου λαμβάνειν, καὶ πάλιν ὡς αὐτοῦ τῆς χώρας οὔσης τοὺς λόγους ἐποιεῖτο, τοὺς δεκατηλόγους ἀξιῶν τοὺς

<sup>1</sup> S has τοῖς βασιλευσι τ. δ.: Blass reads τοῖν βασιλείων τ. δ. with A.

*(The Letter is read.)*

The alliance with the two kings was concluded in 175 this manner after the fraud effected by the convention with Cephisodotus. At that time Miltocythes had been got rid of, and Charidemus was known by his conduct to be an enemy of Athens ; for surely a man who, having got into his power one known to him as the most loyal friend you had in all Thrace, put him into the hands of your enemies the Cardians, was ostentatiously displaying his great hostility towards you.—Read the convention which Cersobleptes made later, when he was afraid of war with the Thracians and with Athenodorus.

*(The Convention is read.)*

These are the terms that Charidemus drafted, and 176 this is the convention he signed. He swore the oath to which you have listened ; but as soon as he saw that the forces of Athenodorus had been disbanded, and that Chabrias had come with only one galley, he did not give up to you the son of Iphiades ; he did not fulfil any other of his sworn promises ; he repudiated every other article of the convention, and drew up the convention I have here.—That is it ; please take and read it.

*(The Convention is read.)*

Observe that he claimed the right to take the port- 177 dues and the ten-per-cent customs-duties ; that he again talked as though the whole country belonged to him, requiring that the duties should be under the

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αὐτοῦ τῶν τελῶν κυρίου εἶναι, καὶ τὸν ὄμηρον  
τὸν υἱὸν τὸν Ἰφιάδου, ὃν ὑπὲρ Σηστοῦ ἔχων ὤμοσε  
πρὸς τὸν Ἀθηνόδωρον παραδώσειν, οὐδ' ὑπισχνεῖ-  
[680] ται παραδώσειν ἔτι. λαβὲ τὸ ψήφισμ' ὃ πρὸς ταῦθ'  
ὑμεῖς ἐψηφίσασθε. λέγε.

### ΨΗΦΙΣΜΑ

178 Ἐλθόντων τοίνυν μετὰ ταῦτα τῶν πρέσβειων εἰς  
Θράκην, ὃ μὲν Κερσοβλέπτῃς ὑμῖν ἐπιστέλλει  
ταυτί, καὶ οὐδ' ὀτιοῦν ὠμολόγει δίκαιον, οἱ δ'  
ἕτεροι ταυτί. λέγ' αὐτοῖς.

### ΕΠΙΣΤΟΛΗ

Λέγε δὴ τὴν παρὰ τῶν βασιλέων. καὶ σκοπεῖτ'  
εἰ ἄρ' ὑμῖν δοκοῦσι μηδὲν ἐγκαλεῖν.

### ΕΠΙΣΤΟΛΗ

ἽΟράτε καὶ συνίετ', ὧ ἄνδρες Ἀθηναῖοι, τὴν  
πονηρίαν καὶ τὴν ἀπιστίαν, ὡς ἄνω καὶ κάτω. τὸ  
πρῶτον ἠδίκηει Κηφισόδοτον, πάλιν φοβηθεὶς Ἀθη-  
νόδωρον ἐπαύσατο· αὐθις ἠδίκηει Χαβρίαν, πάλιν  
ὠμολόγει Χάρητι. πάντ' ἄνω καὶ κάτω [πεποίηκε],  
καὶ οὐδὲν ἀπλῶς οὐδὲ δικαίως ἔπραξεν.

179 Μετὰ ταῦτα τοίνυν ὅσον μὲν χρόνον ἢ ὑμετέρα  
δύναμις παρῆν ἐν Ἑλλησπόντῳ, κολακεύων καὶ  
φανακίζων ὑμᾶς διαγέγονεν· ἐπειδὴ δ' εἶδε τάχιστα  
τὸν Ἑλλησποντον ἔρημον δυνάμεως, εὐθύς ἐνεχείρει  
καταλύσας καὶ ἀπαλλάξας τοὺς δύο τῆς ἀρχῆς  
πᾶσαν ὑφ' ἑαυτῷ ποιήσασθαι τὴν ἀρχήν, ἔργω

<sup>a</sup> With *πεποίηκε*, which Dind. kept but Cobet rightly

## AGAINST ARISTOCRATES, 177-179

control of his own custom-house officers ; and that, though he had taken his oath to Athenodorus that he would surrender the son of Iphiades, the hostage whom he held on behalf of Sestus, he now does not even promise to surrender him.—Take the decree which the Athenians adopted in this emergency. Read it.

*(The Decree is read.)*

Here is the letter sent by Cersobleptes later, after 178 the arrival of the ambassadors in Thrace,—he would agree to nothing that was fair ; and here is the letter sent by the others.—Read this to the jury.

*(The Letter is read.)*

Now read the letter from the two kings.—Consider whether you really think that they are making no complaint.

*(The Letter is read.)*

Men of Athens, look at this see-saw of villainy and perfidy, and try to understand it. First he was maltreating Cephisodotus ; then he stopped, because he was afraid of Athenodorus. Another time he tried to maltreat Chabrias ; changed his mind, and agreed with Chares. He always acted inconsistently,<sup>a</sup> never like an honest, straightforward man.

Since that time, so long as you had forces in the 179 Hellespont, he has continually flattered you and cozened you ; but as soon as he found the Hellespont denuded of your forces, he tried to break and to dethrone the two kings, and to bring the whole kingdom under his own thumb, knowing by experience brackets, the phrase would mean “ he has turned everything upside-down,” as in ix. 36.

DEMOSTHENES

- 180 πειραν ἔχων ὅτι τῶν πρὸς ὑμᾶς οὐδὲν μὴ δυνηθῆ  
 ὡς ῥᾶστα τοῦτο περάνειε, ψήφισμα τοιοῦτο παρ'  
 ὑμῶν εὔρετο, ἐξ οὗ κυρωθέντος ἂν, εἰ μὴ δι' ἡμᾶς  
 καὶ ταύτην τὴν γραφὴν, ἠδίκηντο μὲν φανερώς οἱ  
 δύο τῶν βασιλέων, ἡσυχίαν δ' ἂν ἦγον οἱ στρατη-  
 [681] γοῦντες αὐτοῖς, ὁ Βιάνωρ, ὁ Σίμων, ὁ Ἀθηνόδωρος,  
 φοβούμενοι τὴν διὰ τοῦ ψηφίσματος συκοφαντίαν,  
 ὁ δὲ ταύτης τῆς ἐξουσίας ἀπολαύσας καὶ πᾶσαν  
 ὑφ' αὐτῷ λαβὼν τὴν ἀρχὴν ἰσχυρὸς ἂν ἐχθρὸς  
 ὑπῆρχεν ὑμῖν.
- 181 Ἔχει δ' ὀρμητήριον παρὰ πάντα τὸν χρόνον  
 αὐτῷ τετηρημένον τὴν Καρδιανῶν πόλιν, ἣν ἐν  
 ἀπάσαις μὲν ταῖς συνθήκαις ἐξαίρετον αὐτῷ γέ-  
 γραφε, τὸ τελευταῖον δὲ καὶ φανερώς αὐτὴν ἀφείλετο  
 παρ' ὑμῶν. καίτοι τοῖς ἀπηλλαγμένοις μὲν τοῦ  
 περὶ ἡμῶν τι φρονεῖν ἄδικον, μετὰ πάσης δ' ἀλη-  
 θείας ἀπλῶς εὐνοεῖν ἡμῖν ἡρημένοις τί προσῆκεν  
 αὐτοῖς ὀρμητήριον καταλιπεῖν χρήσιμον τοῦ πρὸς  
 182 ἡμᾶς πολέμου; ἴστε γὰρ δήπου τοῦτο, οἱ μὲν  
 ἀφιγμένοι σαφῶς, οἱ δ' ἄλλοι τούτων ἀκούοντες,  
 ὅτι τῆς Καρδιανῶν πόλεως ἐχούσης ὡς ἔχει, εἰ  
 γενήσεται τὰ πρὸς τοὺς Θυράκας εὐτρεπῆ τῷ Κερσο-  
 βλέπτῃ, παρ' ἡμέραν ἕξεστιν αὐτῷ βαδίζειν ἐπὶ  
 Χερρόνησον ἀσφαλῶς. ὥσπερ γὰρ Χαλκὶς τῷ  
 τόπῳ τῆς Εὐβοίας πρὸς τῆς Βοιωτίας κείται, οὕτω  
 Χερρονήσου κείται πρὸς τῆς Θυράκης ἢ Καρδιανῶν  
 πόλις. ἦν ὃν ἔχει τόπον ὅστις οἶδεν ὑμῶν, οὐδ'  
 ἐκεῖν' ἀγνοεῖ, τίνος ἔνεκα καιροῦ περιπεποιήται



that, until he had ejected them, he could not possibly  
 revoke any part of his agreement with you. For the 180  
 more expeditious fulfilment of this purpose, he pro-  
 cured from you a decree so worded that, if it had been  
 ratified, as it would have been but for us and for this  
 indictment, the two kings would have been iniqui-  
 tously treated in the eyes of the world, the com-  
 manders of their armies, Bianor, Simon, Athenodorus,  
 would have remained inactive through fear of the  
 spiteful prosecution authorized by the decree, and the  
 man who took advantage of this licence, and brought  
 the whole kingdom into subjection, would have  
 become and remained an enemy, and a powerful  
 enemy, of Athens.

For a base of operations,—on which he has con- 181  
 stantly kept his eyes,—he has the city of the Cardians.  
 In all his conventions he has had that city reserved to  
 himself, and in the end he openly stole it from you.  
 Yet why should men who had entirely got rid of any  
 unjust feelings toward us, and had resolved candidly  
 and with entire sincerity to be friendly to us, have left  
 themselves a convenient base of operations for a war  
 against us? I am sure that you all know,—those of 182  
 you who have visited the place know for certain, and  
 the rest by hearing their report,—that, the condition  
 of Cardia being what it is, if the relations of Cerso-  
 bleptes with the Thracians ever become favourable,  
 he is able at twenty-four hours' notice to invade the  
 Chersonesus quite safely. Indeed by its situation the  
 city of the Cardians occupies a position in the Cher-  
 sonesus in relation to Thrace analogous to the position  
 of Chalcis in Euboea in relation to Boeotia. Those of  
 you who know its situation cannot be unaware of the  
 advantage for the sake of which he has acquired it

## DEMOSTHENES

- 183 καὶ διεσπούδασται μὴ λαβεῖν ὑμᾶς. ὃν οὐ συμ-  
 παρασκευάσαι καθ' ὑμῶν αὐτῶν ὀφείλετε, ἀλλὰ  
 κωλύσαι καθ' ὅσον δυνατόν, καὶ σκοπεῖν ὅπως μὴ  
 γενήσεται, ἐπεὶ, ὅτι γ' οὐδ' ἂν ὄντινοῦν καιρὸν  
 παρείη, δεδήλωκε. Φιλίππου γὰρ εἰς Μαρώνειαν  
 ἐλθόντος ἔπεμψε πρὸς αὐτὸν Ἀπολλωνίδην, πίστει  
 δοὺς ἐκείνῳ καὶ Παμμένει· καὶ εἰ μὴ κρατῶν τῆς  
 χώρας Ἀμάδοκος ἀπέειπε Φιλίππῳ μὴ ἐπιβαίνειν,  
 [682] οὐδὲν ἂν ἦν ἐν μέσῳ πολεμεῖν ἡμᾶς πρὸς Καρ-  
 διανούς ἤδη καὶ Κερσοβλέπτην. καὶ ὅτι ταῦτ'  
 ἀληθῆ λέγω, λαβὲ τὴν Χάρητος ἐπιστολὴν.

### ΕΠΙΣΤΟΛΗ

- 184 Ταῦτα μέντοι δεῖ σκοπομένους ἀπιστεῖν καὶ μὴ  
 τετυφῶσθαι, μηδ' ὡς εὐεργέτη προσέχειν τὸν νοῦν.  
 οὐ γὰρ ὦν ἀναγκαζόμενος φίλος εἶναί φησι, φενα-  
 κίζων ὑμᾶς, χάριν ἐστὶ δίκαιον ὀφείλειν [Κερσο-  
 βλέπτη],<sup>1</sup> οὐδ' ὦν μικρ' ἀναλίσκων ἰδία καὶ τοῖς  
 στρατηγοῖς καὶ τοῖς ῥήτορσι [Χαρίδημος]<sup>1</sup> διαπράτ-  
 τεται πρὸς ὑμᾶς ἐπαίνους αὐτοῦ γράφεσθαι· ἀλλ'  
 ὦν, ὅσαχοῦ κύριος γέγονε τοῦ πράττειν ὃ τι βού-  
 λεται, πανταχοῦ κακῶς ἐπιχειρῶν ἡμᾶς ποιεῖν  
 φαίνεται, τούτων πολὺ μᾶλλον ὀργίζεσθαι προσήκει.  
 185 οἱ μὲν τοίνυν ἄλλοι πάντες, ὅσοι τι παρ' ὑμῶν  
 εὖρηνται πώποτε, ἐφ' οἷς εὖ πεποιθήκασιν ὑμᾶς  
 τετίμηνται, οὗτος δ' εἰς ἀπάντων τῶν ἄλλων μόνος  
 ἐφ' οἷς ἐγχειρῶν οὐ δεδύνηται κακῶς ποιῆσαι.

<sup>1</sup> Dind. retained these proper names, bracketed by more recent editors as an unintelligent gloss.

for himself, and has taken great pains to keep it out of our hands. It is not your duty to help him to 183 secure this advantage against yourselves; you must thwart him to the very best of your power, and consider how to prevent it, for he has made it quite clear that he is not the man to let slip any occasion whatsoever. In fact, when Philip came to Maroneia, he sent Apollonides to him, and gave pledges both to him and to Pammenes; and if Amadocus, who had control of the country, had not forbidden Philip to set foot there, there was nothing to prevent our being at war by this time with the Cardians and with Cersobleptes.—To prove that this statement of mine is true, take Chares' letter.

*(The Letter is read.)*

In view of these facts you ought to distrust him, 184 instead of losing your wits and giving him your attention as a benefactor. There is no reason why you should owe him gratitude for those deceitful professions of friendship which he offers under compulsion, nor for the small sums which he lays out for the benefit of your commanders and politicians,<sup>a</sup> thereby contriving to get votes of thanks to himself submitted to you. You have far better cause to resent those efforts to do you harm, which we know him to be making in every place where he has won the power of acting as he pleases. All other persons who have ever received any favour from you have been honoured for 185 benefits conferred on you; Charidemus is the one and only man who is honoured for the impotence of his efforts to do you harm. Why, to such a fellow

<sup>a</sup> Lit. "orators," but the word has sometimes the derogatory implication of "professional politicians."

- καίτοι τῷ τοιούτῳ τὸ δίκης, ἣν ἔδωκε δικαίως ἄν, ἀφείσθαι μεγάλη δωρεὰ παρ' ὑμῶν ἦν. ἀλλ' οὐ ταῦτα δοκεῖ τοῖς ῥήτορσιν, ἀλλὰ πολίτης, εὐεργέτης, στεφάνοι, δωρειαί, δι' ἃ τούτοις ἰδία δίδωσιν. οἱ δ' ἄλλοι πεφenaκισμένοι κάθησθε, τὰ πράγματα
- 186 θαυμάζοντες. τὸ τελευταῖον δὲ νυνὶ καὶ φύλακας κατέστησαν ὑμᾶς ἐκείνου διὰ τοῦ προβουλευματος τούτου, εἰ μὴ τὴν γραφὴν ἐποιησάμεθ' ἡμεῖς ταυτηνί, καὶ τὸ τοῦ μισθοφόρου καὶ θεραπεύοντος ἐκείνου ἔργον ἢ πόλις ἄν διεπράττετο, ἐφρούρει
- [683] Χαρίδημον. καλόν γ', οὐ γάρ; ὦ Ζεῦ καὶ θεοί, ὃς αὐτός ποτε τοὺς ὑμετέρους ἐχθροὺς μισθὸν λαμβάνων ἐδορυφόρει, τοῦτον ὑφ' ὑμετέρου ψηφίσματος φανῆναι φυλαττόμενον.
- 187 "Ἴσως τοίνυν ἐκείνο ἄν τίς μ' ἔροιτο, τί δήποτε ταῦτ' εἰδὼς οὕτως ἀκριβῶς ἐγὼ καὶ παρηκολουθηκῶς ἐνίοις τῶν ἀδικημάτων εἶασα, καὶ οὐθ' ὅτ' αὐτὸν ἐποιεῖσθε πολίτην οὐδὲν ἀντεῖπον, οὐθ' ὅτ' ἐπηρεῖτε, οὐθ' ὅλως πρότερον, πρὶν τὸ ψήφισμα τουτὶ γενέσθαι, λόγον ἐποιησάμην οὐδένα. ἐγὼ δ', ὦ ἄνδρες Ἀθηναῖοι, πρὸς ὑμᾶς ἅπασαν ἐρῶ τὴν ἀλήθειαν. καὶ γὰρ ὡς ἀνάξιος ἦν ἡδεῖν, καὶ παρῆν ὅτε τούτων ἡξιοῦτο, καὶ οὐκ ἀντεῖπον· ὁμολογῶ.
- 188 διὰ τί; ὅτι, ὦ ἄνδρες Ἀθηναῖοι, πρῶτον μὲν ἀσθενέστερον ἡγούμην ἔσεσθαι πολλῶν ψευδομένων ἐτοίμως περὶ αὐτοῦ πρὸς ὑμᾶς ἓνα τάλθηθῆ λέγοντ' ἐμαυτόν· ἔπειθ' ὦν μὲν ἐκείνος εὐρίσκετο ἐξαπατῶν ὑμᾶς, μὰ τὸν Δία καὶ θεοὺς πάντας οὐδενὸς εἰσῆμι μοι φθονεῖν, κακὸν δ' οὐδὲν ἐώρων ὑπερφυῆς πεισομένους ὑμᾶς, εἴ τιν' ἡδικηκότα πόλλ' ἡφίετε καὶ

exemption from the punishment he had justly earned was a handsome gratuity ! But that is not the view of the politicians ; no, make him a citizen, dub him benefactor,—here are crowns and presents,—in return for those private doles of his ! The rest of you are gulled, and sit there wondering what is going on. And, to crown all, to-day they would have appointed 186 you his protectors by this resolution, if we had not laid the present indictment, and the commonwealth would have done duty as his hired servant and lackey, —keeping guard over a Charidemus ! A pretty business, is it not ? Heaven help us ! to think that a man, who once shouldered a pike for hire in the service of your enemies, should now be seen protected by your decree !

Now perhaps I may be asked for what reason I, 187 who had such exact knowledge of these doings, and had given close attention to some of his misdeeds, let them all pass ; why I did not object either when you made him a citizen or when you gave him a vote of thanks ; why, in short, I found nothing to say at any time earlier than the passing of this decree. Men of Athens, I will tell you the whole truth. I knew that he was undeserving ; I was present when he asked these favours ; I made no objection. I admit it. What was the reason ? In the first place, men of 188 Athens, I imagined that a great many men glibly telling lies about him would overpower one man, namely myself, telling the truth alone. Then as for the favours that he won by misleading you, I solemnly protest that it never entered my head to grudge him any one of them. I could not see that you would suffer any very grievous calamity, if you forgave a man who had done you much wrong, and so en-

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- προὔκαλεῖσθέ τι τοῦ λοιποῦ ποιεῖν ὑμᾶς ἀγαθόν·  
 ἐν γὰρ τῷ πολίτην ποιεῖσθαι καὶ στεφανοῦν ταῦτ'  
 189 ἐνῆν ἀμφοτέρα. ἐπειδὴ δ' ὀρώ προσκατασκευαζό-  
 μενόν τι τοιοῦτον, δι' οὗ, ἂν μόνον εὐτρεπίσῃται  
 τοὺς ἐνθάδ' ἐξαπατήσοντας ὑμᾶς ὑπὲρ αὐτοῦ, τῶν  
 γ' ἔξω φίλων καὶ βουλομένων ἂν τι ποιεῖν ὑμᾶς  
 ἀγαθόν κἀκείνον κωλύειν ἐναντία πράττειν ὑμῖν,  
 οἷον Ἀθηνόδωρον λέγω, Σίμωνα, Βιάνορα, Ἀρχέ-  
 [684] βιον τὸν Βυζάντιον, τοὺς Θραῦκας τοὺς δύο, τοὺς  
 βασιλέας, τούτων μηδενὶ μήτ' ἐναντιωθῆναι μήτε  
 κωλύειν ἐκείνον ἐξέσται, τηνικαῦθ' ἤκω καὶ κατ-  
 190 ηγορῶ. καὶ νομίζω τὸ μὲν, οἷς ἔμελλεν ἐκείνος  
 λαβὼν μηδὲν ὑπερμέγεθες τὴν πόλιν βλάψειν,  
 ἀντιλέγειν ἢ κακῶς ἰδίᾳ πεπονθότος ἢ συκοφαντοῦν-  
 τος εἶναι, τὸ δ', ἐφ' οἷς μέγα πρᾶγμα ἄλυσιτελὲς τῇ  
 πόλει κατεσκευάζετο, ἐναντιοῦσθαι χρηστοῦ καὶ  
 φιλοπόλιδος ἀνδρὸς ἔργον εἶναι. διὰ ταῦτ' ἐπ'  
 ἐκείνοις οὐδὲν εἰπὼν νῦν λέγω.
- 191 "Ἔστιν τοίνυν τις αὐτοῖς τοιοῦτος λόγος, δι' οὗ  
 προσδοκῶσιν παράξειν ὑμᾶς, ὡς ὁ Κερσοβλέπτης  
 καὶ Χαριδῆμος ἴσως ἐναντί' ἔπραττον τῇ πόλει τόθ'  
 ὅτ' ἦσαν ἐχθροί, νῦν δὲ φίλοι καὶ χρησίμους παρ-  
 ἔχουσιν ἑαυτούς. οὐ δὴ δεῖ μνησικακεῖν· οὐδὲ γὰρ  
 Λακεδαιμονίους ὅτ' ἐσώζομεν, οὐκ ἀνεμμηνη-  
 σκόμεθ' εἴ τι κακῶς ἐποίησαν ἡμᾶς ὄντες ἐχθροί,  
 οὐδὲ Θηβαίους, οὐδ' Εὐβοέας τὰ τελευταῖα νυνί.
- 192 ἐγὼ δ' ἠγοῦμαι τοῦτον τὸν λόγον, εἰ μὲν ἐν τινι  
 καιρῷ, βοηθείας γεγραμμένης τῷ Κερσοβλέπτῃ καὶ  
 τῷ Χαριδῆμῳ, κωλυόντων ἡμῶν ταύτην, ἔλεγον,  
 ὀρθῶς ἂν λέγεσθαι· εἰ δὲ τοιοῦτου μὲν μηδενὸς ὄντος

couraged him to do you good service in future. Both these considerations applied to the grant of citizenship and to the grant of a crown. But now, when I 189 perceive that he is contriving a new plan by which, if only he can provide himself with agents here to mislead you on his behalf, our friends abroad, who are ready to serve you and to stop him from acting against you,—I mean such men as Athenodorus, Simon, Archebius of Byzantium, the two kings of Thrace,—will all find it out of their power to oppose or to thwart him, at such a time I come into court and denounce him. I conceive that to speak against 190 grants which he might accept without being likely to do serious injury to the State, is the act of one who has either a private grievance or the spirit of an informer, but that to set myself in opposition to a project by which he was concerting very serious detriment to the commonwealth is the act of an honest man and a patriotic citizen. That is why I was silent then and speak now.

There is another plea of the same sort by which 191 they hope to lead you off the track. “Cersobleptes and Charidemus,” they will say, “did perhaps oppose Athens at a time when they were unfriendly; but now they are our friends, and wish to be useful friends. We really must not be vindictive. When we were rescuing the Lacedaemonians, we dismissed from our minds the injuries they had done to us as enemies; so too with the Thebans, and, quite recently, with the Euboeans.” —But I hold that this plea would have been rightly 192 offered, if they had offered it on some occasion when an expedition in relief of Cersobleptes and Charidemus had been proposed, and we were trying to block it. But, as we have here no such occasion and

μηδὲ γεγραμμένου, βουλόμενοι δὲ μείζω τοῦ δέοντος ποιῆσαι διὰ τοῦ παρ' ὑμῶν ἄδειαν λαβεῖν τοὺς ἐκείνου στρατηγούς, ἐροῦσι, δεινὰ ποιεῖν αὐτοὺς ἡγοῦμαι. οὐ γάρ ἐστι δίκαιον, ὦ ἄνδρες Ἀθηναῖοι, τοὺς τῶν σωθῆναι ζητούντων λόγους πρὸς ὑμᾶς λέγειν ὑπὲρ τῶν ὅπως ἀδικεῖν αὐτοῖς ἐξέσται πρατ-  
 [685] τόντων. χωρὶς δὲ τούτων, εἰ μὲν ἐχθρὸς ὢν κακῶς  
 193 ἐποίει, φίλος δὲ φήσας εἶναι μετεβέβλητο, τάχ' ἂν ταυτά τις ἤκουεν· ἐπειδὴ δ' οὐ τοιοῦτ' ἐστίν, ἀλλ' ἐξ οὗ φίλος εἶναι προσποιεῖται, ἐκ τούτου πλείστα ὑμᾶς ἐξηπάτηκεν, εἰ μὴ καὶ δι' ἐκείνα μισεῖν, διὰ γε ταυτ' ἀπιστεῖν δήπου προσήκει. καὶ μὴν περὶ τοῦ γε μὴ μνησικακεῖν ἔγωγ' ὡδί πως λέγω· ὁ μὲν ἔνεκα τοῦ τι κακὸν ποιεῖν τὰ τοιαῦτ' ἐξετάζων μνησικακεῖ, ὁ δ' ὑπὲρ τοῦ μὴ παθεῖν ἀλλὰ φυλάξασθαι σκοπῶν σωφρονεῖ.

194 Ἴσως τοίνυν καὶ τοιαύτην τιν' ἐροῦσιν ὑπόνοιαν, ὡς ὠρμηκότα νῦν τὸν ἄνθρωπον φίλον εἶναι καὶ βουλόμενόν τι ποιεῖν ἀγαθὸν τὴν πόλιν εἰς ἀθυμίαν τρέψομεν, εἰ καταψηφιούμεθα, καὶ ποιήσομεν ὑπόπτως ἔχειν πρὸς ἡμᾶς. ἐγὼ δ', ὦ ἄνδρες Ἀθηναῖοι, θεάσασθ' ὡς ἔχω. εἰ μετ' ἀληθείας ἀπλῶς ἦν ἡμῖν φίλος καὶ νῆ Δία πάντα τὰγαθὰ ἔμελλεν ἡμᾶς ποιήσειν, οὐδ' ἂν οὕτως ᾤμην δεῖν τοῦτον ἀκούειν τὸν λόγον· οὐδένα γὰρ ἂν νομίζω τοσαῦτ' ἀγαθὰ ποιῆσαι, δι' ὃν ὑμῖν προσήκειν ἐπιορκῆσαι καὶ παρ' ἃ φαίνεται δίκαια τὴν ψῆφον  
 195 θέσθαι. ἐπειδὴ δὲ καὶ φενακίζων καὶ οὐδ' ὅτιοῦν ὑγιᾶς πράττων ἐξελέγχεται, δυοῖν ἀγαθοῖν θάτερον ὑμῖν, ἂν καταψηφίσησθε, συμβήσεται· ἢ γὰρ ἐξ-



no such proposal, but only the argument of men trying to make Cersobleptes more powerful than he deserves by means of an immunity received from you by his generals, I regard their action as dangerous. It is not fair, men of Athens, that the pleas of men seeking deliverance should be offered to you in justification of men whose object is the power to do you wrong. Apart from that, if he had injured you as an enemy, 193 but had been reformed after claiming to be your friend, such an excuse might, perhaps, have been acceptable ; but, inasmuch as that is not so, and as most of his deceptions fall after the date of his profession of friendship, you ought to distrust him for his later, if not to dislike him for his earlier, conduct. With regard, however, to not being " vindictive," I have this to say. The vindictive man is the man who hunts up grievances in order to inflict injury ; the man who bears them in mind in order to be on his guard and not suffer injury, is a reasonable man.

Perhaps they will make a suggestion of this sort : 194 the man has now embarked on a course of friendship, and really wants to do Athens a good turn ; if we condemn the decree, we shall be discouraging him, and filling him with mistrust of us. Well, men of Athens, my attitude is this ; please consider it. If he were our friend honestly and in all sincerity, if he really did intend to do us all manner of good, even then I should not think this argument worthy of your attention. In my judgement there is no man who could possibly do you so much service that for his sake you ought to perjure yourselves and vote against proven justice. Seeing that he is convicted of 195 deceit and perpetual dishonesty,—vote against him, and one of two desirable results must follow.

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απατῶν παύσεται, νομίσας οὐκέτι λανθάνειν, ἢ εἴπερ αὐτῷ βουλομένῳ πρὸς ὑμᾶς ἔστιν οἰκείως ἔχειν ὡς ἀληθῶς, ἀγαθόν τι ποιεῖν πειράσεται, γνοὺς ὅτι τῷ φενακίζειν οὐκέθ' ἂ βούλεται πράξει. ὥστε καὶ εἰ μηδὲ δι' ἐν τῶν ἄλλων, διὰ τοῦτο καταψηφίσασθαι συμφέρει.

- 196 "Αξιον τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, κἀκεῖνο ἐξετά-  
 [686]σαι, πῶς ποθ' οἱ πάλαι τὰς τιμὰς ἔνεμον καὶ τὰς  
 δωρεῖὰς τοῖς ὡς ἀληθῶς εὐεργέταις, καὶ ὅσοι  
 πολῖται τύχοιεν ὄντες καὶ ὅσοι ξένοι. κὰν μὲν  
 ἴδητ' ἐκείνους ἄμεινον ὑμῶν, καλὸν τὸ μιμήσασθαι,  
 ἂν δ' ὑμᾶς αὐτούς, ἐφ' ὑμῖν ἔσται τὸ πράττειν.  
 πρῶτον μὲν τοίνυν ἐκείνοι Θεμιστοκλέα τὸν τὴν  
 ἐν Σαλαμῖνι ναυμαχίαν νικήσαντα, καὶ Μιλτιάδην  
 τὸν ἡγούμενον Μαραθῶνι καὶ πολλοὺς ἄλλους, οὐκ  
 ἴσα τοῖς νῦν στρατηγοῖς ἀγάθ' εἰργασμένους, οὐ  
 197 χαλκοῦς ἴστασαν οὐδ' ὑπερηγάπων. οὐκ ἄρα τοῖς  
 ἑαυτοὺς ἀγαθόν τι ποιουῶσιν χάριν εἶχον; σφόδρα  
 γ', ὦ ἄνδρες Ἀθηναῖοι, καὶ ἀπεδίδοσάν γε καὶ  
 αὐτῶν κἀκεῖνων ἀξίαν· ὄντες γὰρ πολλοῦ πάντες  
 ἀξιοὶ προὔκρινον ἐκείνους αὐτῶν ἡγεῖσθαι. ἔστι δὲ  
 σῶφροσιν ἀνθρώποις καὶ πρὸς ἀλήθειαν βουλομένοις  
 σκοπεῖν πολὺ μείζων τιμὴ τῆς χαλκῆς εἰκόνοσ τὸ  
 198 καλῶν κἀγαθῶν ἀνδρῶν κεκρίσθαι πρῶτον. καὶ  
 γάρ τοι τῶν ἔργων τῶν τότε', ἄνδρες Ἀθηναῖοι,  
 οὐδενὸς ἀπεστέρησαν ἑαυτούς, οὐδ' ἔστιν οὐδεὶς  
 ὅστις ἂν εἴποι τὴν ἐν Σαλαμῖνι ναυμαχίαν Θεμι-  
 ατοκλέουσ, ἀλλ' Ἀθηναίων, οὐδὲ τὴν Μαραθῶνι

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"By "not equal" Demosthenes seems here to mean "superior."

Either he will abandon his impostures on the ground that they can no longer escape detection, or else, if it is his desire to be really on good terms with us, he will make a genuine effort to serve us well, having discovered that he can no longer accomplish his purposes by chicanery. For that reason alone, if for no other, you will do well to give your verdict against him.

It is also opportune, men of Athens, to inquire how 196 our forefathers bestowed distinctions and rewards upon genuine benefactors, whether they were citizens or strangers. If you find their practice better than yours, you will do well to follow their example; if you prefer your own, it rests with you to continue it. Take first Themistocles, who won the naval victory at Salamis, Miltiades, who commanded at Marathon, and many others, whose achievements were not on a level with those of our commanders to-day.<sup>a</sup> Our ancestors did not put up bronze statues of these men, nor did they carry their regard for them to extremes. So they were not grateful to those who had served 197 them well? Yes, men of Athens, they were very grateful; they showed their gratitude in a manner that was equally creditable to themselves and the recipients. They were all men of merit, but they chose those men to lead them; and to men of sobriety, who have a keen eye for realities, being raised to the primacy of a brave and noble people is a far greater distinction than any effigy of bronze. The truth is, gentlemen, that they would not rob 198 themselves of their own share in any of those ancient achievements; and no man would say that the battle of Salamis belonged to Themistocles,—it was the battle of the Athenians; or that the victory at

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μάχην Μιλτιάδου, ἀλλὰ τῆς πόλεως. νῦν δ', ὧ  
 ἄνδρες Ἀθηναῖοι, πολλοὶ τοῦτο λέγουσιν, ὡς Κέρ-  
 κυραν εἶλε Τιμόθεος καὶ τὴν μόραν κατέκοψεν  
 Ἰφικράτης καὶ τὴν περὶ Νάξον ἐνίκα ναυμαχίαν  
 Χαβρίας· δοκεῖτε γὰρ αὐτοὶ τῶν ἔργων τούτων  
 199 παραχωρεῖν τῶν τιμῶν ταῖς ὑπερβολαῖς αἷς δεδώ-  
 τικὰς δωρεὰς οὕτως ἐκείνοί τε καλῶς καὶ λυσιτε-  
 λούντως αὐτοῖς ἐδίδοσαν καὶ ἡμεῖς οὐκ ὀρθῶς·  
 τὰς δὲ τῶν ξένων πῶς; ἐκείνοι Μένωνι τῷ Φαρ-  
 [687] σαλίῳ δώδεκα μὲν τάλαντ' ἀργυρίου δόντι πρὸς  
 τὸν ἐπ' Ἡϊόνι τῇ πρὸς Ἀμφιπόλει πόλεμον, τρια-  
 κοσίους δ' ἰππεῦσι πενέσταις ἰδίους βοηθήσαντι,  
 οὐκ ἐψηφίσαντ', αὐτὸν ἂν τις ἀποκτείνῃ, ἀγώγιμον  
 εἶναι, ἀλλὰ πολιτείαν ἔδοσαν καὶ ταύτην ἱκανὴν  
 200 ὑπελάμβανον εἶναι τὴν τιμὴν. καὶ πάλιν Περδίκκα  
 τῷ κατὰ τὴν τοῦ βαρβάρου ποτ' ἐπιστρατείαν  
 βασιλεύοντι Μακεδονίας, τοὺς ἀναχωροῦντας ἐκ  
 Πλαταιῶν τῶν βαρβάρων διαφθείραντι καὶ τέλειον  
 τἀτύχημα ποιήσαντι τῷ βασιλεῖ, οὐκ ἐψηφίσαντ'  
 ἀγώγιμον εἶναι, ἂν τις ἀποκτείνῃ Περδίκκαν, ᾧ  
 βασιλεὺς ὁ Περσῶν ἐχθρὸς δι' ἡμᾶς ἀπεδέδεικτο,  
 ἀλλὰ πολιτείαν ἔδωκαν μόνον. καὶ γάρ τοι τότε  
 μὲν οὕτω τίμιον ἦν πᾶσιν ἀνθρώποις τὸ γενέσθαι  
 πολίταις παρ' ὑμῖν ὥσθ' ὑπὲρ τοῦ τυχεῖν τούτου  
 τηλικαῦθ' ὑμᾶς ἀγάθ' ἤθελον ποιεῖν, νῦν δ' οὕτως  
 ἄτιμον ὥστε τῶν τετυχηκότων πολλοὶ πλείω κακὰ  
 201 τῶν φανερώς ἐχθρῶν εἰσιν ὑμᾶς εἰργασμένοι. οὐ  
 μόνον δ' αὕτη τῆς πόλεως ἢ δωρεὰ προπεπηλά-

Marathon belonged to Miltiades,—it was the victory of the commonwealth. But to-day, men of Athens, it is commonly said that Corcyra was captured by Timotheus, that the Spartan battalion was cut to pieces by Iphicrates, that the naval victory off Naxos was won by Chabrias. It really looks as though you disclaimed any merit for those feats of arms by the extravagant favours that you lavish on the several commanders.

Thus *they* distributed rewards within the city <sup>199</sup> righteously and to the public advantage; *we* do it the wrong way. But what about those bestowed on strangers? When Meno of Pharsalus had given us twelve talents for the war at Eion near Amphipolis, and had reinforced us with three hundred of his own mounted serfs, they did not pass a decree that whoever slew Meno should be liable to seizure; they made him a citizen, and thought that distinction adequate. Or take Perdiccas, who was reigning in <sup>200</sup> Macedonia at the time of the Persian invasion, and who destroyed the Persians on their retreat from Plataea, and made the defeat of the King irreparable. They did not resolve that any man should be liable to seizure who killed Perdiccas, the man who for our sake had provoked the enmity of the great King; they gave him our citizenship, and that was all. The truth is that in those days to be made a citizen of Athens was an honour so precious in the eyes of the world that, to earn that favour alone, men were ready to render to you those memorable services. To-day it is so worthless that not a few men who have already received it have wrought worse mischief to you than your declared enemies. Not only this guerdon of <sup>201</sup> the common wealth but all your honours have been

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κισται καὶ φαύλη γέγονεν, ἀλλὰ καὶ πᾶσαι διὰ τὴν τῶν καταράτων καὶ θεοῖς ἐχθρῶν ῥητόρων, τῶν τὰ τοιαῦτα γραφόντων ἐτοίμως, πονηρίαν, οἷ τοσαύτην ὑπερβολὴν πεποιήνται τῆς αὐτῶν αἰσχροκερδείας ὥστε τὰς τιμὰς καὶ τὰς παρ' ὑμῶν δωρεὰς, ὥσπερ οἱ τὰ μικρὰ καὶ κομιδῇ φαῦλ' ἀποκηρύττοντες, οὕτω πωλοῦσιν ἐπευωνίζοντες καὶ πολλοῖς ἀπὸ τῶν αὐτῶν λημμάτων γράφοντες πᾶν ὅ τι ἂν βούλωνται.

- 202 Πρῶτον μὲν, ἵνα τῶν τελευταίων πρώτων μνησθῶμεν, Ἀριοβαρζάνην ἐκείνον οὐ μόνον αὐτὸν καὶ τοὺς υἱεῖς τρεῖς ὄντας πάντων ἡξίωσαν ὅσων ἐβου-  
 [688] λήθησαν, ἀλλὰ καὶ δὺ' Ἀβυδηνούς, μισαθηναϊοτάτους καὶ πονηροτάτους ἀνθρώπους, προσέθηκαν αὐτῷ, Φιλίσκον καὶ Ἀγαυόν. πάλιν Τιμοθέου δόξαντός τι ποιῆσαι τῶν δεόντων ὑμῖν, πρὸς τῷ πάνθ' ἃ μέγιστ' ἦν αὐτῷ δοῦναι προσέθηκαν αὐτῷ Φρασηρίδην καὶ Πολυσθένην, ἀνθρώπους οὐδ' ἐλευθέρους, ἀλλ' ὀλέθρους καὶ τοιαῦτα πεποιηκότας οἷα λέγειν ὀκνήσειεν ἂν τις εὖ φρονῶν.
- 203 τὸ τελευταῖον δὲ νῦν, ἐπειδὴ Κερσοβλέπτην ἡξίου ὦν αὐτοῖς ἐδόκει, καὶ περὶ τούτων ἦν ἡ σπουδὴ, προστιθέασι δὺ' αὐτῷ, τὸν μὲν ὅσ' ὑμεῖς ἀκηκόατ' εἰργασμένον κακά, τὸν δ' ὅλως οὐδεὶς οἶδεν ἀνθρώπων τίς ἐστιν, Εὐδέρκην ὄνομα. τοιγάρτοι διὰ ταῦτ', ὧ ἄνδρες Ἀθηναῖοι, μικρὰ, ἃ πρὸ τοῦ μεγάλ' ἦν, φαίνεται, καὶ τὸ πρᾶγμ' ἤδη καὶ πορρωτέρω βαδίζει, καὶ οὐκέτι ταῦτ' ἀπόχρη, ἀλλ' εἰ μὴ καὶ φυλάξεθ' ἕκαστον τούτων, ἐκείνων γ' οὐδεμία χάρις, ὡς ἔοικεν.

- 204 Τοῦ μέντοι ταῦθ' οὕτως αἰσχροῦς προεληλυθέναι, εἰ δεῖ μετὰ παρρησίας εἰπεῖν τάληθῆ, οὐδένες ὑμῶν,

dragged through the mire and made contemptible by those execrable and god-forsaken politicians, who make proposals like this on such easy terms; men who, in their inordinate lust of dishonest gain, put up honours and civic rewards for sale, like hucksters vending and cheapening their pitiful, trumpery merchandise, and supply a host of buyers at fixed prices with any decree they want.

In the first place,—let me mention the latest 202 instance first,—they not only claimed that Ariobarzanes and his two sons deserved everything they chose to ask for, but they associated with him two men of Abydus, unprincipled fellows, and bitter enemies of Athens, Philiscus and Agavus. Again, when Timotheus was held to have served your needs in some way, besides conferring on him all manner of great rewards, they associated with him Phrasierides and Polysthenes, who were not even free-born, but were blackguards whose conduct had been such as any man of good feeling will be loth to describe. Finally on this occasion, while demanding for Cerso- 203 bleptes any honours they thought proper, and while concentrating on that, they attached two other names to his. One is the man of whose many misdeeds you have just heard the story. The other is named Euderes, but nobody in the wide world knows who he is. You see the result, men of Athens: honours that were once great now appear trifling; and the practice is advancing ever farther and farther. The old rewards no longer suffice, and they are not in the least grateful for them, unless you will also protect their persons, man by man, or so it seems.

For this progress along the road of dishonour, men 204 of Athens, if I am to tell the truth in all candour,

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ὦ ἄνδρες Ἀθηναῖοι, μᾶλλον εἰσιν αἴτιοι. οὐδὲ γὰρ  
 δίκην ἔτι λαμβάνειν ἐθέλετε παρὰ τῶν ἀδικούντων,  
 ἀλλὰ καὶ τοῦτ' ἐξελήλυθεν ἐκ τῆς πόλεως. καίτοι  
 σκέψασθ' ὡς ἐκόλαζον οἱ πρόγονοι τοὺς ἀδικούντας  
 205 ἑαυτούς, εἰ παραπλησίως ὑμῖν. ἐκεῖνοι Θεμισ-  
 στοκλέα λαβόντες μείζον αὐτῶν ἀξιούντα φρονεῖν  
 ἐξήλασαν ἐκ τῆς πόλεως καὶ μηδισμόν κατέγνωσαν·  
 καὶ Κίμων<sup>1</sup>, ὅτι τὴν πάτριον<sup>1</sup> μετεκίνησε πολιτείαν  
 ἐφ' ἑαυτοῦ, παρὰ τρεῖς μὲν ἀφείσαν ψήφους τὸ  
 μὴ θανάτῳ ζημιῶσαι, πεντήκοντα δὲ τάλαντα ἐξ-  
 ἔπραξαν. καὶ τοῦτον τὸν τρόπον προσεφέροντο  
 τηλικαῦτ' αὐτοὺς ἀγάθ' εἰργασμένοις ἀνθρώποις  
 [689] δικαίως· οὐ γὰρ αὐτοῖς ἀπεδίδοντο τὴν αὐτῶν  
 ἐλευθερίαν καὶ μεγαλοψυχίαν τῶν ἔργων, ἀλλὰ  
 χρηστοὺς μὲν ὄντας ἐτίμων, ἀδικεῖν δ' ἐπιχειροῦσιν  
 206 οὐκ ἐπέτρεπον. ὑμεῖς δ', ὦ ἄνδρες Ἀθηναῖοι, τοὺς  
 τὰ μέγιστ' ἀδικούντας καὶ φανερώς ἐξελεγχο-  
 μένους, ἂν ἐν ἧ δὴ ἀστεί<sup>2</sup> εἴπωσι καὶ παρὰ τῶν  
 φυλετῶν τινὲς ἡρημένοι σύνδικοι δεηθῶσιν, ἀφίετε·  
 εἰ δὲ καὶ καταψηφίσθησθέ του, πέντε καὶ εἴκοσι  
 δραχμῶν ἐτιμήσατε. καὶ γὰρ τοι τότε τὰ μὲν  
 τῆς πόλεως ἦν εὖπορα καὶ λαμπρὰ δημοσία,  
 207 ἰδία δ' οὐδεὶς ὑπερεῖχε τῶν πολλῶν. τεκμήριον  
 δέ· τὴν Θεμιστοκλέους μὲν οἰκίαν καὶ Μιλτιάδου  
 καὶ τῶν τότε λαμπρῶν, εἴ τις ἄρ' ὑμῶν οἶδεν ὅποια

<sup>1</sup> So most mss. and edd. with the corrector of S. Dind. read *παρίων* with the first hand of S. The person, whether Demosthenes' copyist or scholiast, who wrote, or corrected to, *παρίων* was guilty, to begin with, of confusing Cimon with his father Miltiades; and it seems more reasonable to attribute the error to an Alexandrian than to Demosthenes.

If Demosthenes said that Cimon was punished for actually (aor.) subverting the democracy, he was (if Plut. and others tell



nobody is more to blame than yourselves. You are no longer willing to bring malefactors to justice : retribution has disappeared from our city. Yet consider how our ancestors castigated those who had done them wrong, and ask whether their way was not better than yours. When they caught Themistocles presumptuously setting himself above the people, they banished him from Athens, and found him guilty of siding with the Medes. Because Cimon had dislocated the ancestral constitution by his personal efforts, they acquitted him by a majority of three votes only on the capital charge, and made him pay fifty talents. Such was their attitude to the men who had rendered those signal services. And they were right ; they would not sell to those men their own freedom and their pride in their own achievements ;<sup>a</sup> they honoured them as long as they did right, but resisted them when they tried to do wrong. You, men of Athens, acquit men who have committed the gravest crimes and are clearly proved guilty, if they treat you to one or two pleasantries, or if a few advocates chosen from their own tribe ask you to be so good. If ever you do bring them in guilty, you assess the penalty at five-and-twenty drachmas. In those old times the State was wealthy and splendid, but in private life no man held his head higher than the multitude. Here is the proof : if any of you know the sort of house that Themistocles or Miltiades or any of those distinguished men of old

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<sup>a</sup> Or, if *ἐργων* is, as some take it, genitive of price, "sell their freedom and their pride to those men in return for their achievements."

the whole story) guilty of a gross exaggeration, but of no more than exaggeration, for Cimon was ostracized on suspicion (at least) of oligarchical intentions.

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ποτ' ἐστίν, ὄρᾳ τῶν πολλῶν οὐδὲν σεμνοτέραν  
 οὔσαν, τὰ δὲ τῆς πόλεως οἰκοδομήματα καὶ κατα-  
 σκευάσματα τηλικαῦτα καὶ τοιαῦθ' ὥστε μηδεὶν  
 τῶν ἐπιγιγνομένων ὑπερβολὴν λελεῖφθαι, προ-  
 πύλαια ταῦτα, νεώσοικοι, στοαί, Πειραιεύς, τᾶλλ'  
 208 οἷς κατεσκευασμένην ὀρᾶτε τὴν πόλιν. νῦν δ'  
 ἰδίᾳ μὲν ἐκάστῳ τῶν τὰ κοινὰ πραττόντων τοσαύτη  
 περιουσία ἐστίν ὥστε τινὲς μὲν αὐτῶν πολλῶν  
 δημοσίων οἰκοδομημάτων σεμνοτέρας τὰς ἰδίας  
 κατεσκευάκασιν οἰκίας, γῆν δ' ἔνιοι πλείω πάντων  
 ὑμῶν τῶν ἐν τῷ δικαστηρίῳ συνεώνηται· δημοσίᾳ  
 δ' ὑμεῖς ἅ μὲν οἰκοδομεῖτε καὶ κονιᾶτε, ὡς μικρὰ  
 καὶ γλίσχρα, αἰσχύνῃ λέγειν. ἀλλ' ἔχειτ' εἰπεῖν  
 ὅ τι κοινῇ κτησάμενοι καταλείψετε, ὥσπερ ἐκείνοι  
 Χερρόνησον, Ἀμφίπολιν, δόξαν ἔργων καλῶν; ἦν  
 οἱ τοιοῦτοι πολῖται πάντ' ἀναλίσκοντες τρόπον οὐχ  
 209 οἰοίτ' εἶσιν ἀφανίσαι, ὧ ἄνδρες Ἀθηναῖοι. εἰκότως·  
 τότε μὲν γὰρ τῷ κυρίῳ τῶν φόρων γενομένῳ τάξαι  
 [690] Ἀριστείδῃ οὐδὲ μιᾷ δραχμῇ πλείω τὰ ὑπάρχοντ'  
 ἐγένετο, ἀλλὰ καὶ τελευτήσαντ' αὐτὸν ἔθαψεν ἡ  
 πόλις· ὑμῖν δ', εἴ τι δέοισθε, χρήμαθ' ὑπῆρχε  
 κοινῇ πλείστα τῶν πάντων Ἑλλήνων, ὥσθ' ὀπόσου  
 χρόνου ψηφίσαισθ' ἐξιέναι, τοσούτου μισθὸν ἔχον-  
 τες ἐξῆτε. νῦν δ' οἱ μὲν τὰ κοινὰ διοικούντες ἐκ  
 πτωχῶν εὐποροὶ καὶ πολλοῦ χρόνου τροφὴν ἀφθονόν  
 εἰσιν ἡτοιμασμένοι· ὑμῖν δ' οὐδὲ μιᾷς ἡμέρας ἐφόδι'

lived in, you may observe that it is no grander than the common run of houses. On the other hand, both the structure and the equipment of their public buildings were on such a scale and of such quality that no opportunity of surpassing them was left to coming generations. Witness those gatehouses, docks, porticoes, the great harbour, and all the edifices with which you see our city adorned. But to-day every 208 man who takes part in public life enjoys such superfluity of wealth that some of them have built private dwelling-houses more magnificent than many public buildings; and others have bought larger estates than all you people in this court possess between you; while, as for the public buildings that you put up and whitewash, I am ashamed to say how mean and shabby they are. Can you name anything that you have acquired and that you will bequeath to posterity, as they bequeathed the Chersonesus, and Amphipolis, and the glory of noble exploits? That glory citizens like these are squandering as fast as they can,—but they cannot annihilate it, men of Athens; and we know why. In those days Aristeides 209 had full control of the assessment of the tribute, but his own fortune was not increased by a single shilling; and when he died he was actually buried at the public expense. Whenever you wanted anything, you had more money in your treasury than any other Hellenic people, insomuch that you always started on any expedition with pay for the full period named in the decree authorizing such expedition. Now, while the administrators of public affairs have risen from poverty to affluence, and are provided with ample maintenance for a long time to come, you have not enough money laid by for a single day's expenditure,

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ἐστὶν ἐν τῷ κοινῷ, ἀλλ' ἅμα δεῖ τι ποιεῖν, καὶ  
 πόθεν, οὐκ ἔχετε. τότε μὲν γὰρ ὁ δῆμος ἦν δε-  
 210 σπότης τῶν πολιτευομένων, νῦν δ' ὑπηρέτης. αἴτιοι  
 δ' οἱ τὰ τοιαῦτα γράφοντες, καὶ συνεθίζοντες ὑμᾶς  
 ὑμῶν μὲν αὐτῶν καταφρονεῖν, ἕνα δ' ἢ δύο θαυμά-  
 ζειν ἀνθρώπους. εἶθ' οὗτοι κληρονομοῦσι τῆς  
 ὑμετέρας δόξης καὶ τῶν ἀγαθῶν, ὑμεῖς δ' οὐδ' ὀτι-  
 οῦν ἀπολαύετε, ἀλλὰ μάρτυρές ἐστε τῶν ἐτέρων  
 ἀγαθῶν, οὐδενὸς ἄλλου μετέχοντες ἢ τοῦ ἐξ-  
 απατᾶσθαι. καίτοι πηλίκον τί ποτ' ἂν στενάξειαν  
 οἱ ἄνδρες ἐκεῖνοι, οἱ ὑπὲρ δόξης καὶ ἐλευθερίας  
 τελευτήσαντες, καὶ πολλῶν καὶ καλῶν ἔργων ὑπο-  
 μνήματα καταλιπόντες, εἰ ἄρ' αἰσθίνοντο ὅτι νῦν ἡ  
 πόλις εἰς ὑπηρέτου σχῆμα καὶ τάξιν προελήλυθε,  
 καὶ Χαρίδημον εἰ χρή φρουρεῖν βουλευέται; Χαρί-  
 δημον; οἴμοι.

211 'Ἄλλ' οὐ τοῦτ' ἔστι τὸ δεινόν, εἰ τῶν προγόνων,  
 οἱ διενηνόχασιν ἀπάντων ἀρετῇ, χεῖρον βουλευό-  
 μεθα, ἀλλ' ὅτι καὶ πάντων ἀνθρώπων. πῶς γὰρ  
 οὐκ αἰσχρὸν Αἰγινήτας μὲν τουτουσί, νῆσον οἰκοῦν-  
 [691] τας οὕτω μικρὰν κοῦδὲν ἔχοντας ἐφ' ᾧ μέγα χρή  
 φρονεῖν αὐτούς, Λάμπιν, ὃς μέγιστα ναυκλήρια  
 κέκτηται τῶν Ἑλλήνων, καὶ κατεσκεύακε τὴν  
 πόλιν αὐτοῖς καὶ τὸ ἐμπόριον, μηδέπω καὶ τήμερον  
 πολίτην πεποιῆσθαι, ἀλλὰ μόλις τῆς ἀτελείας αὐτὸν  
 212 ἤξιωκέναι τῆς τοῦ μετοικίου· καὶ Μεγαρέας του-  
 τουσί τοὺς καταράτους οὕτως εὖ τὰ παρ' αὐτοῖς  
 σεμνύνει ὥσθ' Ἐρμωνα τὸν κυβερνήτην, τὸν μετὰ  
 Λυσάνδρου λαβόντα τριήρεις διακοσίας ὅτ' ἐν Αἰγὸς

and when something must be done, you are at once without the means of doing it. The nation was then the master, as it is now the servant, of the politicians. The fault lies with the authors of such decrees as this, 210 who have trained you to think very little of yourselves, and a great deal of one or two individuals. So *they* are the inheritors of your renown and of your possessions; *you* get no benefit from that inheritance! You are the witnesses of the prosperity of others, and participate in nothing but delusions. Ah, how loud would be the lamentation of those great men who laid down their lives for glory and for liberty, and left behind them the monuments of many noble achievements, if they could see how to-day the progress of our city has ended in the form and rank of a dependant, and that the question of the hour is—whether Charidemus is entitled to personal protection! Charidemus! Heaven help us!

But the really scandalous thing is, not that our 211 counsels are inferior to those of our ancestors, who surpassed all mankind in virtue, but that they are worse than those of all other nations. Is it not discreditable that, whereas the Aeginetans yonder, who inhabit that insignificant island, and have nothing whatever to be proud of, have never to this day given their citizenship to Lampis, the largest shipowner in Hellas, who fitted out their city and their seaport, but have reluctantly rewarded him merely with exemption from the alien-tax; that whereas those 212 detestable Megarians are so obsessed with their own dignity that, when the Lacedaemonians sent and ordered them to admit to their citizenship Hermo, the pilot, who, serving with Lysander, captured two hundred war-galleys on the occasion of our disaster

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- ποταμοῖς ἡτυχήσαμεν ἡμεῖς, πεμφάντων Λακε-  
 δαιμονίων καὶ κελευόντων ποιήσασθαι πολίτην,  
 ἀποκρίνασθαι ὅτι, ὅταν αὐτοὺς ἴδωσι Σπαρτιάτην  
 αὐτὸν πεπονημένους, τότε αὐτοὶ Μεγαρέα ποιή-  
 213 σονται· καὶ Ὠρείτας ἐκείνους, μέρος τέταρτον  
 Εὐβοίας οἰκοῦντας, τὸν Χαρίδημον τοῦτον αὐτόν,  
 ᾧ μήτηρ μὲν ὑπάρχει πολίτις ἐκεῖ, πατήρ δ' οὐκ  
 ἐρῶ τίς ἢ πόθεν (οὐδὲν γὰρ δεῖ πλείω τῶν ἀναγ-  
 καίων αὐτὸν ἐξετάζεσθαι) ἀλλ' ὅμως τὸ ἡμισυ τοῦ  
 γένους αὐτοῦ συμβαλλομένου, τοῦ ἡμίσεος μέχρι  
 τῆς τήμερον ἡμέρας οὐκ ἠξιώκασιν, ἀλλ' εἰς τοὺς  
 νόθους ἐκεῖ συντελεῖ, καθάπερ ποτ' ἐνθάδ' εἰς  
 214 Κυνόσαργες οἱ νόθοι· ὑμεῖς δ', ᾧ ἄνδρες Ἀθηναῖοι,  
 πάσης τῆς πόλεως μεταδόντες αὐτῷ καὶ τετι-  
 μηκότες ἄλλοις, ἔτι καὶ τοῦτ' αὐτῷ προσθήσετε;  
 ὅτι τί; ποίας ἔλαβε ναῦς ὑμῖν, δι' ἧς ὑπὸ τῶν  
 ἀπολωλεκότων ἐπιβουλεύεται; ἢ ποίαν πόλιν  
 παρέδωκεν αἰχμάλωτον λαβών; ἢ τίνας κινδύνους  
 ὑπὲρ ὑμῶν κεκινδύνευκεν; ἢ τίνας ἐχθροὺς τοὺς  
 αὐτοὺς ὑμῖν ἤρηται; οὐδεὶς ἂν εἰπεῖν ἔχοι.
- 215 Περὶ δὴ τῶν νόμων ὧν παραγεγράμμεθ', ᾧ ἄν-  
 δρες δικασταί, βούλομαι μικρὰ πρὸς ὑμᾶς εἰπὼν  
 καταβαίνειν, ἃ νομίζω μνημονεύοντας ἂν ὑμᾶς  
 [692] ἄμεινον φυλάττειν, ἂν παράγειν καὶ φενακίζειν  
 οὗτοι ζητῶσιν. ὁ πρῶτος νόμος ἀντικρυς εἶρηκεν,  
 ἂν τις ἀποκτείνῃ, τὴν βουλὴν δικάζειν· ὁ δ', ἂν τις  
 ἀποκτείνῃ, εὐθύς γέγραφεν ἀγώγιμον εἶναι. τοῦτο  
 φυλάττετε καὶ μέμνησθε, ὅτι πάντων ἐστὶν ἐναν-  
 τιώτατον τῷ κρίνειν τὸ μὴ διδόντα κρίσιν ἔκδοτον  
 216 ποιεῖν. οὐκ ἔα μετὰ ταῦθ' ὁ δεύτερος νόμος οὐδὲ

at Aegospotami, they replied that they would make him a Megarian when they saw that the Lacedaemonians had made him a Spartan ; that whereas the 213  
 people of Oreus, who inhabit only a fourth part of Euboea, dealing with this very Charidemus, whose mother belongs to their city,—I will not mention who his father is or where he comes from, for it is not worth while to make unnecessary inquiries about the man,—so that he himself contributed one-half of the birth-qualification, have never to this day thought fit to make up the other moiety, and to this very day he is on the bastards' list, just as here bastards are registered at Cynosarges,—will you, men of Athens, after 214  
 giving him your full franchise and honouring him with other distinctions,—will you bestow upon him this immunity into the bargain ? For what ? What ships has he taken for you, to cause the men who have lost them to plot against him ? What city has he captured and handed over to you ? What perils has he encountered in your defence ? When has he chosen your enemies as his own ? No man can tell you.

Before I leave the tribune, gentlemen of the jury, 215  
 I wish to add some brief observations upon the statutes that we have adduced. If you will bear them in mind, I think that you will keep a better look-out for any attempts these men may make to cajole and mislead you. The first statute expressly ordains that, if any man slay another, the Areopagus shall take cognizance. Aristocrates proposes that such a manslayer shall be liable to seizure without more ado. Mark that carefully, and remember that to make a man an outlaw without trial is exactly the opposite of trying him. The second statute forbids personal 216

## DEMOSTHENES

τὸν ἡλωκότ' ἀνδροφόνον λυμαίνεσθαι οὐδὲ χρήματα  
 πράττεσθαι· ὁ δ' ἐν τῷ ποιεῖν ἀγώγιμον πάντα  
 ταῦτα δέδωκεν· ἐπὶ γὰρ τοῖς λαβοῦσιν ἔσται ποιεῖν  
 ὃ τι ἂν βούλωνται. ἀπάγειν ὁ νόμος ὡς τοὺς  
 θεσμοθέτας κελεύει, καὶ τοῦτ', ἂν ἐν τῇ τοῦ πεπον-  
 θότος λάβῃ τις πατρίδι· ὁ δ' ἀγώγιμον αὐτῷ τῷ  
 τῆν αἰτίαν ἐπενεγκόντι δίδωσιν ὡς αὐτόν, κἂν τῆς  
 217 ἀλλοτρίας που λάβῃ. ἔστιν ἐφ' οἷς ἀδικήμασι δέ-  
 δωκεν ἀποκτείνειν ὁ νόμος· ὁ δ' οὐδὲν ὑπειπὼν,  
 κἂν ἐπὶ τούτοις τις κτείνῃ, δίδωσιν ἔκδοτον τὸν  
 ἀθῶον ἀφειμένον ἐν τοῖς νόμοις. ἂν τις πάθῃ τι  
 τοιοῦτον, δίκας ὁ νόμος κελεύει αἰτεῖν πρῶτον· ὁ  
 δὲ τούναντίον οὐδεμίαν κρίσιν οὔτ' αὐτὸς εἰπὼν  
 οὔτε παρ' ὧν ἐξιοῖ λαβεῖν αἰτήσας, ἀγώγιμον εὐθύς  
 ἔγραψε, κἂν τις ἀφαιρῆται, παραχρῆμ' ἔκσπονδον.  
 218 ἀνδρολήψιον, παρ' οἷς ἂν ὁ δράσας ἦ, ἂν μὴ διδώσι  
 δίκας, κελεύουσιν οἱ νόμοι μέχρι τριῶν εἶναι· ὁ δέ,  
 ἂν ἀφέληται τις τὸν ἄγοντα μὴ βουλόμενος πρὸ  
 δίκης ἐκδοῦναι, εὐθύς ἔκσπονδον ποιεῖ. οὐκ ἔῃ ὁ  
 νόμος νόμον, ἂν μὴ τὸν αὐτὸν ἐπὶ πᾶσι τιθῇ τις,  
 εἰσφέρειν· ὁ δ' ἐπ' ἀνδρὶ γράφει ψήφισμ' ἴδιον.  
 οὐκ ἔῃ ψήφισμ' ὁ νόμος κυριώτερον εἶναι νόμου·  
 [693] ὁ δ' ὑπαρχόντων τοσοῦτων νόμων ψήφισμα ποιεῖ  
 219 κύριον τοὺς νόμους ἀναιρῶν. ταῦτα φυλάττετε  
 καὶ μεμνημένοι κάθησθε. καὶ τὰς μὲν παραγωγάς,



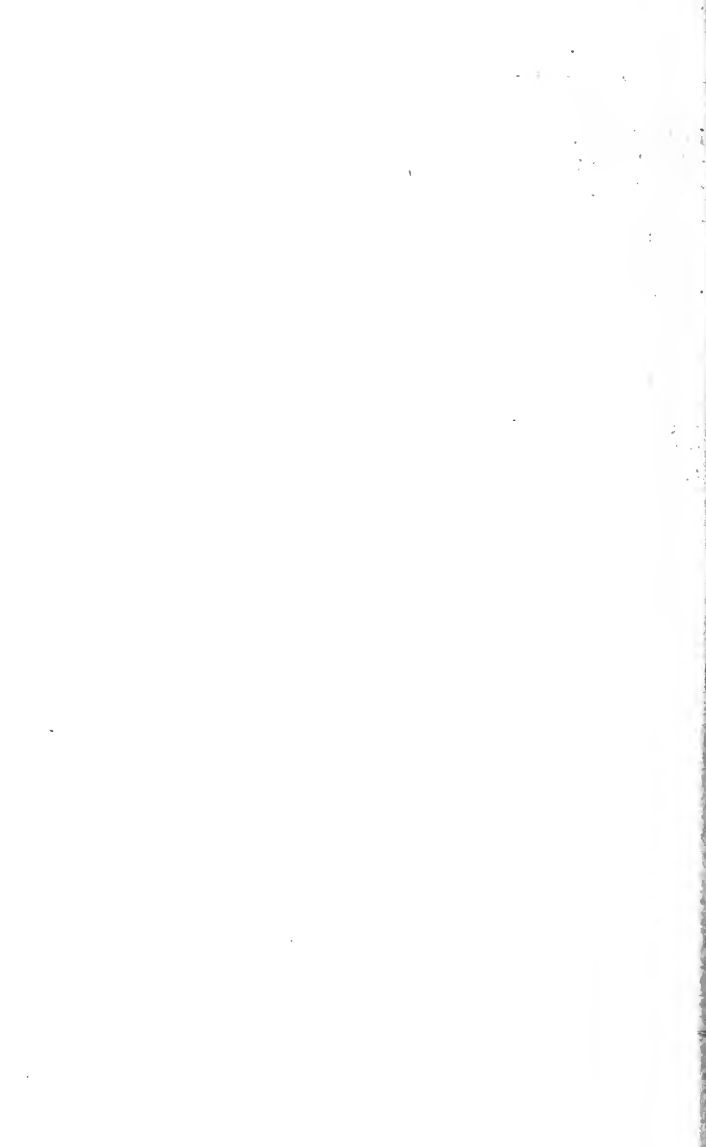
maltreatment or extortion even in the case of a convicted homicide. Aristocrates, by making him liable to seizure, has permitted such misuse; for it will be competent for captors to treat the man as they will. The statute provides that the culprit shall be conveyed to the judges, even though arrested in the country of his victim. He allows the homicide on seizure to be taken to the house of the prosecutor, even though the capture be effected in foreign parts. There are certain injuries for which the statute 217 permits life to be taken. Aristocrates, even though the life be taken in such circumstances, makes no reservation, but permits a man whom the laws release without penalty to be handed over for punishment. When a man has suffered this misfortune, the law enjoins that satisfaction be first claimed. In defiance of this law he proposes no trial, demands no redress from the persons on whom he has such claim, but declares incontinently that the man is liable to seizure, and puts under an immediate ban anyone who tries to rescue him. The statute provides that 218 not more than three hostages may be taken from the people with whom the offender lives, if they refuse to give satisfaction. The defendant puts under ban without more ado whosoever rescues the accused from his captors because he is unwilling to surrender him before judgement. The statute forbids anyone to introduce a new law without making it applicable to all men alike; he composes a special decree in favour of a particular man. The statute does not permit any decree to override the law. The relevant laws are many, but Aristocrates annuls them all and makes a mere decree supreme.

Bear all this in mind and memory so long as you sit 219

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ἄς οὗτοι ποιήσονται, χαίρειν ἔατε καὶ μὴ ἐπιτρέπετε  
 λέγειν αὐτοῖς, κελεύετε δὲ δεῖξαι ποῦ γέγραφε  
 κρίσιν, ἢ ποῦ γέγραφεν, ἂν τις ἀλῶ φόνου, κατὰ  
 τούτου τὰς τιμωρίας. εἰ γὰρ ἢ τὸν ἄλλοθί που  
 κριθέντα καὶ ἠλωκότα ὅτι δεῖ κολάζειν ἔγραψεν,  
 ἢ αὐτὸς ἔγραψε κρίσιν εἰ πεποίηκεν ἢ οὐ καὶ εἰ  
 220 δικαίως ἢ ἀδίκως, οὐκ ἂν ἠδίκηι. εἰ δὲ τὸ τῆς  
 αἰτίας ὄνομ' αὐτὸ γράψας, " ἂν τις ἀποκτείνῃ,"  
 καὶ ὑπερβὰς τὸ " καὶ ἀλῶ φόνου," καὶ τὸ " δόξῃ  
 ἀπεκτονέσθαι," καὶ τὸ " δίκας ὑπεχέτω τοῦ φόνου,"  
 καὶ τὸ " τὰς τιμωρίας εἶναι κατ' αὐτοῦ τὰς αὐτὰς  
 ἄσπερ ἂν τὸν Ἀθηναῖον κτείνῃ," καὶ πάνθ' ὅσ'  
 ἐστὶ δίκαι' ὑπερβὰς ἀγώγιμον εἶναι γέγραφε, μὴ  
 φενακίζεσθε, ἀλλ' εὖ ἴσθ' ὅτι πάντων παρανομώτατ'  
 εἶρηκεν.

in that box. Dismiss all the fallacious reasons they will allege ; do not allow them to be uttered. Tell them to show you the clause in which he has proposed a trial, or the clause that punishes a man duly convicted of murder. If he had provided for the due punishment of a man tried and found guilty elsewhere, or if he had himself proposed a trial to determine whether homicide has been committed or not, and if so whether justifiably or not, he would have done no wrong. But inasmuch as, after a phrase of 220 mere accusation, " if any man kills," without any such addition as " and is found guilty of murder," or, " is adjudged to have killed," or, " he shall submit to judgement for the murder," or, " he shall be liable to the same penalty as if he had killed an Athenian," he has omitted every just precaution, and has simply made the man liable to seizure, do not be led astray, but be assured that in this decree the laws have been absolutely contravened.



# AGAINST TIMOCRATES

## INTRODUCTION

In the year 355 three Athenians, of whom Androtion was one, sailing as ambassadors to the court of Mausolus, King of Caria, captured a merchant vessel off the Egyptian port of Naucratis. The Athenian authorities decided that this was a lawful seizure of enemy's property, as Egypt was in revolt from Persia, with which Athens was at the time on friendly terms; but they claimed by law the lion's share of the profits ( $9\frac{1}{2}$  talents) for the State. The ambassadors held on to the plunder, until a commission was appointed to receive information against all persons retaining public property. Before this body Euctemon, the late prosecutor of Androtion, and Diodorus laid information against the two trierarchs who commanded the vessel conveying the ambassadors. The matter was brought before the Assembly, and the ambassadors admitted that they were in possession of the money. But Euctemon, still suspicious, moved and carried a decree that the trierarchs should be responsible for recovering the money. Androtion and his friends now had recourse to the inevitable *γραφὴ παρανόμων* against Euctemon. On his acquittal the ambassadors had still a card to play. One of their friends, Timocrates, actually managed to carry a law that any debtor to the State should remain at liberty till the ninth prytany of the

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year, if he gave sureties for his debt. Clearly the ambassadors intended to escape with their plunder. Euctemon and Diodorus promptly retorted with a *γραφὴ παρανόμων* against Timocrates, the effect of which was to suspend the operation of the new law. The ambassadors, therefore, had to pay up at last, but the action against Timocrates was persisted in, and Demosthenes wrote this speech for Diodorus, who opened the case. It will be seen that some passages are repeated from the speech against Androtion. The date of the speech is probably the summer of 353.

## XXIV. ΚΑΤΑ ΤΙΜΟΚΡΑΤΟΥΣ

[700] Τοῦ μὲν ἀγῶνος, ὧ ἄνδρες δικασταί, τοῦ παρόντος οὐδ' ἂν αὐτὸν οἶμαι Τιμοκράτην εἰπεῖν ὡς αἰτιός ἐστιν ἄλλος τις αὐτῷ πλὴν αὐτὸς αὐτῷ. χρημάτων γὰρ οὐκ ὀλίγων ἀποστερηῆσαι βουλόμενος τὴν πόλιν, παρὰ πάντας τοὺς νόμους νόμον εἰσήνεγκεν οὔτ' ἐπιτήδειον οὔτε δίκαιον, ὧ ἄνδρες δικασταί· ὅς τὰ μὲν ἄλλ' ὅσα λυμανεῖται καὶ χεῖρον ἔχειν τὰ κοινὰ ποιήσει, κύριος εἰ γενήσεται, τάχα δὴ καθ' ἕκαστον ἀκούοντες ἐμοῦ μαθήσεσθε, ἐν δ', ὁ μέγιστον ἔχω καὶ προχειρότατον πρὸς ὑμᾶς εἰπεῖν, οὐκ ἀποτρέ-

2 ψομαι. τὴν γὰρ ὑμετέραν ψῆφον, ἣν ὁμωμοκότες περὶ πάντων φέρετε, λύει καὶ ποιεῖ τοῦ μηδενὸς ἀξίαν ὁ τουτουὶ νόμος, οὐχ ἵνα κοινῇ τι τὴν πόλιν ὠφελήσῃ (πῶς γάρ; ὅς γ', ἃ δοκεῖ συνέχειν τὴν πολιτείαν, τὰ δικαστήρια, ταῦτ' ἄκυρα ποιεῖ τῶν προστιμημάτων τῶν ἐπὶ τοῖς ἀδικήμασιν ἐκ τῶν νόμων ὠρισμένων) ἀλλ' ἵνα τῶν πολὺν χρόνον ὑμᾶς τινὲς ἐκκεκαρπωμένων καὶ πολλὰ τῶν ὑμετέρων διηρπακότων μηδ' ἃ κλέπτοντες φανερώς ἐλήφθησαν,

3 καταθῶσι. καὶ τοσοῦτω ῥᾶόν ἐστιν ἰδίᾳ τινὰς θεραπεύειν ἢ τῶν ὑμετέρων δικαίων προϊστασθαι, ὥσθ' οὗτος μὲν ἔχει παρ' ἐκείνων ἀργύριον καὶ οὐ



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I do not think, gentlemen of the jury, that even Timocrates can lay the blame of the present prosecution upon anyone else : he has brought it on himself. Moved by desire to deprive the State of a large sum of money, he has most illegally introduced a law which is both inexpedient and iniquitous. You shall presently learn in detail, if you will listen to me, in how many respects this law, if ratified, will be injurious and detrimental to the common weal ; but there is one result, the most important and the most obvious that I can name, which I shall not hesitate to put before you. For it is the decision that you pronounce on oath on every question which is annulled and made worthless by the law proposed by the defendant ; and his object is not any public benefit to the State,—that is impossible, for his law robs those Courts of Justice, which are the pillars of the constitution, of all power to impose the additional penalties attached by the laws to transgressions,—but that certain of those men who have long battered on your substance and pillaged your property may not even refund moneys which they were openly caught in the act of embezzling. Also it is so much easier to curry favour privately with certain persons than to stand up in defence of your rights that, while Timocrates has their fee in his pocket, and never

- [701] πρότερον τοῦτον εἰσήνεγκεν ὑπὲρ αὐτῶν τὸν νόμον,  
 ἐμοὶ δ' ἐν χιλίαις ὑπὲρ ὑμῶν ὁ κίνδυνος· τοσοῦτον  
 4 ἀπέχω τοῦ λαβεῖν τι παρ' ὑμῶν. εἰώθασι μὲν οὖν  
 οἱ πολλοὶ τῶν πράττειν τι προαιρουμένων τῶν  
 κοινῶν λέγειν ὡς ταῦθ' ὑμῖν σπουδαιότατ' ἐστὶ καὶ  
 μάλιστ' ἄξιον προσέχειν τούτοις, ὑπὲρ ὧν ἂν αὐτοὶ  
 τυγχάνωσι ποιούμενοι τοὺς λόγους. ἐγὼ δ', εἶπερ  
 τινὶ τοῦτο καὶ ἄλλῳ προσηκόντως εἴρηται, νομίζω  
 5 κάμοι νῦν ἀρμόττειν εἰπεῖν. τῶν γὰρ ὄντων ἀγαθῶν  
 τῇ πόλει καὶ τοῦ δημοκρατουμένην καὶ ἐλευθέραν  
 εἶναι, ὡς ἄλλο τι τῶν νόμων αἰτιώτερόν ἐστιν, οὐδ'  
 ἂν ἓνα εἰπεῖν οἶμαι. περὶ τοίνυν αὐτοῦ τούτου νῦν  
 ὑμῖν ἐστὶ, πρότερον δεῖ τοὺς μὲν ἄλλους νόμους, οὓς  
 ἐπὶ τοῖς ἀδικοῦσι τὴν πόλιν ὑμεῖς ἀνεγράψατε,  
 ἀκύρους εἶναι, τόνδε δὲ κύριον, ἢ τοῦναντίον τοῦτον  
 μὲν λῦσαι, κατὰ χώραν δὲ μένειν τοὺς ἄλλους εἶναι.  
 τὸ μὲν οὖν πρᾶγμα, περὶ οὗ δεῖ νῦν ὑμᾶς γνῶναι,  
 ὡς ἐν κεφαλαίῳ τις ἂν εἶποι, τοῦτ' ἐστίν.  
 6 "Ἴνα δ' ὑμῶν μηδεὶς θαυμάζη τί δὴ ποτ' ἐγὼ με-  
 τρίως, ὡς γ' ἐμαυτὸν πείθω, τὸν ἄλλον χρόνον  
 βεβιωκῶς νῦν ἐν ἀγῶσι καὶ γραφαῖς δημοσίαις ἐξ-  
 ετάζομαι, βούλομαι μικρὰ πρὸς ὑμᾶς εἰπεῖν· ἔσται  
 δὲ ταῦτ' οὐκ ἄπο τοῦ πράγματος. ἐγὼ γάρ, ὦ  
 ἄνδρες Ἀθηναῖοι, προσέκρουσ' ἀνθρώπῳ πονηρῷ  
 καὶ φιλαπεχθήμονι καὶ θεοῖς ἐχθρῷ, ᾧ τελευτῶσ'  
 7 ὅλη προσέκρουσεν ἡ πόλις, Ἀνδροτίωνα λέγω. καὶ  
 τοσοῦτῳ δεινότερα Εὐκτῆμονος ἠδίκηθη ὑπ' αὐτοῦ,  
 ὥσθ' ὁ μὲν Εὐκτῆμων εἰς χρήματ' ἔσθ' ἅ κακῶς  
 [702] ἔπαθεν, ἐγὼ δ', εἰ κατώρθωσεν ἐκείνος ἢ ἐπ' ἔμ'  
 ἦλθεν ὁδόν, οὐχ ὅτι τῶν ὄντων ἂν ἀπεστερήμην,  
 ἀλλ' οὐδ' ἂν ἕζων, οὐδ' ὁ κοινὸν ἅπασιν ἐστίν,  
 ἀπαλλαγῆναι τοῦ βίου, ῥάδιον ἦν ἂν μοι. αἰτια-

introduced his law until he got it, I, so far from getting any reward from you, am risking a thousand drachmas in your defence.

Now it is the common practice of those who take 4 up any piece of public business to inform you that the matter on which they happen to be making their speeches is most momentous, and worthy of your best attention. But if that claim has ever been made with propriety, I think that I am entitled to make it now. For I suppose that no man living will attribute the 5 prosperity of Athens, her liberty, her popular government, to anything rather than to the laws. Well, the question for you to-day is this : shall all the laws that you have enacted for the restraint of evil-doers be invalidated, and this law alone be valid ; or shall this law be annulled and the rest allowed to remain ? That, to put it in brief summary, is the issue that you have to determine to-day.

But to forestall any surprise you may feel that I, who 6 can claim to have hitherto lived a quiet life, should now be making my appearance in actions at law and public prosecutions, I desire to offer a brief explanation, which will not be irrelevant to the issue. Men of Athens, I once fell out with a worthless, quarrelsome, unprincipled fellow, with whom in the end the whole city also fell out,—I mean Androtion. By 7 this man I was far more grievously wronged than Euctemon, inasmuch as Euctemon suffered the loss of some money, but I, if he had made good his attack upon me, should have lost my life as well as my property ; indeed, even the common privilege of an easy exit from life would have been denied me. He

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σάμενος γάρ με ἂ καὶ λέγειν ἄν τις ὀκνήσειεν εὖ  
 φρονῶν, τὸν ἔμαντοῦ πατέρ' ὡς ἀπέκτονα, ἀσεβείας  
 γραφὴν κατασκευάσας εἰς ἀγῶνα κατέστησεν. ἐν  
 δὲ τούτῳ τὸ πέμπτον μέρος τῶν ψήφων οὐ μετα-  
 λαβὼν ὤφλε χιλίας, ἐγὼ δ', ὥσπερ ἦν δίκαιον,  
 μάλιστα μὲν διὰ τοὺς θεοὺς, ἔπειτα δὲ καὶ διὰ τοὺς  
 8 δικάζοντας ὑμῶν ἐσώθην. τὸν δὲ εἰς τοιαῦτα  
 καταστήσαντά μ' ἀδίκως ἀδιάλλακτον ἐχθρὸν  
 ἠγοῦμην. ἰδὼν δ' ἠδίκηκότα κοινῇ πᾶσαν τὴν  
 πόλιν καὶ περὶ τὴν εἴσπραξιν τῶν εἰσφορῶν καὶ  
 περὶ τὴν ποιήσιν τῶν πομπείων, καὶ χρήματα πολλὰ  
 τῆς θεοῦ καὶ τῶν ἐπωνύμων καὶ τῆς πόλεως ἔχοντα  
 καὶ οὐκ ἀποδιδόντα, ἦλθον ἐπ' αὐτὸν μετ' Εὐκτή-  
 μονος, ἠγοῦμενος ἀρμόττοντ' εἰληφέναι καιρὸν τοῦ  
 βοηθῆσαί θ' ἅμα τῇ πόλει καὶ τιμωρίαν ὑπὲρ ὧν  
 ἐπεπόνθειν λαβεῖν. βουλοίμην δ' ἂν ἐμέ τε τυχεῖν  
 9 ὧν βούλομαι, τοῦτόν τε παθεῖν ὧν ἀξίός ἐστι. τοῦ  
 δὲ πράγματος οὐκέτ' ὄντος ἀμφισβητησίμου, ἀλλὰ  
 πρῶτον μὲν τῆς βουλῆς κατεγνωκυίας, εἶτα τοῦ  
 δήμου μίαν ἡμέραν ὄλην ἐπὶ τούτοις αὐτοῖς ἀναλώ-  
 σαντος, πρὸς δὲ τούτοις δικαστηρίῳ δυοῖν εἰς ἓνα  
 καὶ χιλίους ἐψηφισμένων, ἐνούσης δ' οὐδεμιᾶς ἔτ'  
 ἀποστροφῆς τοῦ μὴ τὰ χρήματ' ἔχειν ὑμᾶς, Τιμο-  
 κράτης οὕτωσι τοσοῦθ' ὑπερέιδεν ἅπαντα τὰ πράγ-  
 ματα ὥστε τίθησι τουτονὶ τὸν νόμον, δι' οὗ τῶν  
 [703] ἱερῶν μὲν χρημάτων τοὺς θεοὺς, τῶν ὀσίων δὲ τὴν  
 πόλιν ἀποστερεῖ, ἄκυρα δὲ τὰ γνωσθένθ' ὑπὸ τῆς  
 βουλῆς καὶ τοῦ δήμου καὶ τοῦ δικαστηρίου καθίστη-  
 σιν, ἄδειαν δὲ τὰ κοινὰ διαρπάζειν τῷ βουλομένῳ  
 10 πεποιήκεν. ὑπὲρ δὲ τούτων ἀπάντων λύσιν εὐρί-  
 σκομεν ταύτην οὖσαν μόνην, εἰ γραψάμενοι τὸν νόμον

## AGAINST TIMOCRATES, 7-10

accused me of a crime which a man of good feeling would be loath even to mention,—of having killed my own father ; he concocted an indictment for impiety, and brought me to trial. At that trial he failed to get a fifth part of the votes of the jury, and was fined a thousand drachmas. I was deservedly acquitted, for which I thank first the gods, and secondly those of you who were on the jury ; but the man who had 8 wickedly brought me to that pass I accounted an enemy with whom I could make no terms. When I discovered that he had defrauded the whole commonwealth in the collection of the property-tax and in the manufacture of processional utensils, and that he held and refused to restore a great deal of money belonging to the Goddess, the Heroes, and the State, I proceeded against him with the aid of Euctemon, thinking it a favourable opportunity for doing the State a service, and at the same time getting satisfaction for the wrongs I had suffered. My purpose would naturally be that I should accomplish my desire, and that he should get his deserts. The facts were indis- 9 putable ; the Council condemned him ; the Assembly spent a whole day over the case ; two juries, each a thousand-and-one strong, brought in their verdict ; and then, when there was no subterfuge left by which you could be kept out of your money, this man Timocrates, with the most insolent contempt of the whole proceeding, proposes this law,—a law by which he robs the gods of their consecrated treasure and the city of her just dues, invalidates the judgements pronounced by the Council, the Assembly, and the Courts of Justice, and has given free licence to everybody to plunder the treasury. From all these wrongs we saw 10 only one way of escape, that is, if we could abrogate

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καὶ εἰσαγαγόντες εἰς ὑμᾶς λῦσαι δυναίμεθα. ἐξ ἀρχῆς οὖν ἐν βραχέσι τὰ πραχθέντα δίδειμι πρὸς ὑμᾶς, ἵνα μᾶλλον μάθητε καὶ παρακολουθήσητε τοῖς περὶ τὸν νόμον αὐτὸν ἀδικήμασιν.

- 11 Ψήφισμ' εἶπεν ἐν ὑμῖν Ἀριστοφῶν ἐλέσθαι ζητητάς, εἰ δέ τις οἶδέ τινα ἢ τῶν ἱερῶν ἢ τῶν ὀσίων χρημάτων ἔχοντά τι τῆς πόλεως, μηνύειν πρὸς τούτους. μετὰ ταῦτ' ἐμήνυσεν Εὐκτῆμων ἔχειν Ἀρχέβιον καὶ Λυσιθειδὴν τριηραρχήσαντας χρήματα Ναυκρατιτικά, τίμημα τάλαντα ἐννέα καὶ τριάκοντα μνᾶς. προσῆλθε τῇ βουλῇ, προβούλευμ' ἐγράφη. μετὰ ταῦτα γενομένης ἐκκλησίας προῦ-
- 12 χειροτόνησεν ὁ δῆμος. ἀναστὰς Εὐκτῆμων ἔλεγεν ἄλλα τε πολλὰ καὶ διεξῆλθε πρὸς ὑμᾶς ὡς ἔλαβεν ἢ τριήρης τὸ πλοῖον ἢ Μελάνωπον ἄγουσα καὶ Γλαυκέτην καὶ Ἀνδροτίωνα πρεσβευτὰς ὡς Μαύσωλον, ὡς ἔθεσαν τὴν ἰκετηρίαν ὧν ἦν τὰ χρήματα ἀνθρωποι, ὡς ἀπεχειροτονήσαθ' ὑμεῖς μὴ φίλια εἶναι τότε.<sup>1</sup> ἀνέμνησεν ὑμᾶς τοὺς νόμους [ἀνέγνω],<sup>2</sup> καθ' οὓς τοῦτον τὸν τρόπον πραχθέντων τῆς πόλεως
- 13 γίγνεται τὰ χρήματα. ἐδόκει δίκαια λέγειν ὑμῖν [704] ἅπασιν. ἀναπηδήσας Ἀνδροτίων καὶ Γλαυκέτης καὶ Μελάνωπος (καὶ ταῦτα σκοπεῖτε ἂν ἀληθῆ λέγω) ἐβῶν, ἠγανάκτουν, ἐλοιδοροῦντο, ἀπέλυον τοὺς τριηράρχους, ἔχειν ὠμολόγουν,<sup>3</sup> παρ' ἑαυτοῖς ζητεῖν ἠξίουν τὰ χρήματα. ταῦτ' ἀκουσάντων ὑμῶν, ἐπειδὴ ποτ' ἐπαύσανθ' οὔτοι βοῶντες, ἔδωκε γνώμην Εὐκτῆμων ὡς δυνατὸν δικαιοτάτην, ὑμᾶς

<sup>1</sup> So Blass: εἶναι. τότε Dind. etc.

<sup>2</sup> Bracketed by Dobree as a gloss on ἀνέμνησε. Dind. kept.

<sup>3</sup> Dind., following Dobree, needlessly brackets ἐχ. ὠμ.

the law by indicting it and bringing it before this court. I will therefore briefly recount the facts from the outset, in order that you may more readily grasp, and follow step by step, the manifold iniquities involved in the law itself.

A decree was moved by Aristophon in the 11  
 Assembly, appointing a commission of inquiry, and directing anyone, who knew of any sacred or public money in private hands, to give information to the commission. Thereupon Euctemon laid an information that Archebius and Lysitheides, who had served as naval captains, held property captured in a ship of Naucratis to the value of nine talents and thirty minas. He approached the Council, and a provisional resolution was drafted. Subsequently the Assembly met, and the people voted in favour of further inquiry. Then Euctemon stood up, and in the course of his 12  
 speech told you the whole story : how the ship in question was taken by the galley that was conveying Melanopus, Glaucetes, and Androtion on their embassy to Mausolus, how the owners presented their petition, and how you voted that the goods were enemy property at the time of capture. He reminded you of the statutes by which in such circumstances the property belongs to the State. You all thought that 13  
 what he said was just. Androtion, Glaucetes, and Melanopus sprang to their feet,—and here you may judge whether I am telling the truth,—made noisy, indignant, abusive speeches, exonerated the captains, admitted that the money was in their hands, and asked that the inquiry should proceed at their own houses. You listened to them ; and, when their clamour had subsided, Euctemon offered a proposal, the fairest that could possibly be made, that you

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μὲν εἰσπράττειν τοὺς τριηράρχους, ἐκείνοις δ' εἶναι  
 περὶ αὐτῶν εἰς τοὺς ἔχοντας ἀναφορὰν· ἐὰν δ'  
 ἀμφισβητῆται τι, ποιεῖν διαδικασίαν, τὸν δ' ἤττη-  
 14 θέντα τοῦτον ὀφείλειν τῇ πόλει. γράφονται τὸ  
 ψήφισμα· εἰς ὑμᾶς εἰσῆλθεν· ἵνα συντέμω, κατὰ  
 τοὺς νόμους ἔδοξεν εἰρῆσθαι κἀπέφυγεν. ἐνταῦθα  
 τί προσῆκεν; τὰ μὲν χρήματ' ἔχειν τὴν πόλιν, τὸν  
 δ' ἀποστεροῦντα κολάζειν· νόμου δ' οὐδ' ὅτιοῦν  
 οὐδενὸς δήπου προσέδει. μέχρι μὲν δὴ τούτων  
 οὐδὲν ἠδίκησθ' ὑπὸ Τιμοκράτους τουτουί. μετὰ  
 ταῦτα δὲ πάντ' ἀνεδέξατο ἐφ' ἑαυτὸν τὰ προειρη-  
 μένα, καὶ πάντα ἠδικημένοι φανήσεσθ' ὑπὸ τούτου·  
 ταῖς γὰρ ἐκείνων τέχναις καὶ πανουργίαις μισθώσας  
 αὐτὸν καὶ παρασχὼν ὑπηρέτην, ἐφ' αὐτὸν ἤγαγε  
 15 τὰδικήματα, ὡς ἐγὼ σαφῶς ὑμῖν ἐπιδείξω. ἀνάγκη  
 δὲ πρῶτον ὑπομνήσαι τοὺς χρόνους ὑμᾶς καὶ τὸν  
 καιρὸν ἐν ᾧ τίθησι τὸν νόμον· καὶ γὰρ ὑβριστικῶς  
 προσκεχλευακῶς ὑμᾶς φανήσεται. ἦν μὲν γὰρ  
 σκιροφοριῶν μὴν ἐν ᾧ τὰς γραφὰς ἤττηντο ἐκείνοι  
 τὰς κατὰ τοῦ Εὐκτῆμονος· μισθωσάμενοι δὲ τοῦτον  
 καὶ οὐδὲ παρεσκευασμένοι τὰ δίκαια ποιεῖν ὑμῖν,  
 [705] κατὰ τὴν ἀγορὰν λογοποιούσας καθίεσαν, ὡς ἀπλᾶ  
 μὲν ἔτοιμοι τὰ χρήματ' ἐκτίειν, διπλᾶ δ' οὐ δυνή-  
 16 σονται. ἦν δὲ ταῦτ' ἐνέδρα μετὰ χλευασίας καὶ  
 κατασκευασμὸς ὑπὲρ τοῦ λαθεῖν τόνδε τὸν νόμον  
 τεθέντα. μαρτυρεῖ δ' ὅτι ταῦθ' οὕτως ἔχει τοῦργον  
 αὐτό· τῶν μὲν γὰρ χρημάτων ἐκείνοις τοῖς χρόνοις  
 δραχμὴν οὐ κατέθηκαν ὑμῖν, νόμῳ δ' ἐνὶ πλείστοις

<sup>a</sup> See § 82 below.



## AGAINST TIMOCRATES, 13-16

should demand payment from the captains, that they should apply in turn to the men in possession, and that any dispute as to liability should be adjudicated, the loser of such action to be indebted to the State. They challenge the decree ; it is brought before this Court ; and to cut the story short, it was held to be legal, and escaped condemnation. Now what should have been the sequel ? The State should have got the money, and the embezzler should have been punished ; but assuredly there was no need of any new statute whatsoever. So far no wrong had been done to you by Timocrates, the defendant in this case ; but afterwards he took over responsibility for everything that I have recounted, and it will be shown that the whole of your injuries are due to him. He made himself the hired agent of the artifices and impostures of these men, and, by that offer of his services, as I will prove to your satisfaction, he took upon himself the burden of their iniquities. However, to begin with, I must remind you of dates, and of the conjuncture at which he proposed his new law ; and indeed it will be apparent that he was impertinently laughing in your faces. It was the month of Scirophorion when those men lost the action they brought against Euctemon. Then they hired this man, and, without making the least preparation to satisfy your claim, they put up some newsmongers to tell people in the market-place that they were ready to pay the bare amount of the debt, but that they really could not afford to pay it twice over.<sup>a</sup> This was a mere manœuvre, with banter thrown in,—a device to divert attention from the enactment of this law. That it was so, we have the testimony of plain fact : all the time they never paid over a shilling of the money,

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- τοὺς ὑπάρχοντας ἀκύρους ἐποίησαν, καὶ τούτῳ τῶν  
 πώποτ' ἐν ὑμῖν τεθέντων αἰσχίστῳ καὶ δεινοτάτῳ.
- 17 Βούλομαι δὴ μικρὰ διεξελθὼν περὶ τῶν κειμένων  
 νόμων, καθ' οὓς εἰσιν αἱ τοιαῖδε γραφαί, περὶ αὐτοῦ  
 τοῦ νόμου λέγειν ὃν γέγραμμαι· γενήσεσθε γὰρ  
 εὐμαθέστεροι πρὸς τὰ λοιπὰ ταῦτα προακούσαντες.  
 ἔστιν, ὦ ἄνδρες Ἀθηναῖοι, ἐν τοῖς οὖσι νόμοις ἡμῖν  
 κυρίοις διωρισμένα ἀκριβῶς καὶ σαφῶς πάνθ' ὅσα  
 δεῖ ποιεῖν περὶ τῶν μελλόντων τεθήσεσθαι νόμων.
- 18 καὶ πρῶτον μὲν ἀπάντων χρόνος ἐστὶ γεγραμμένος,  
 ἐν ᾧ προσήκει νομοθετεῖν· εἴτ' οὐδὲ τόθ' ὡς ἂν  
 ἐκάστῳ δοκῇ δέδωκε τοῦτο πράττειν, ἀλλὰ προσ-  
 τάττει πρῶτον μὲν ἐκθεῖναι πρόσθεν τῶν ἐπωνύμων  
 γράψαντα σκοπεῖν τῷ βουλομένῳ, μετὰ ταῦτ' ἐπὶ  
 πᾶσι τὸν αὐτὸν νόμον τιθέναι κελεύει, πρὸς τούτοις  
 λύειν τοὺς ἐναντίους, ἀλλὰ περὶ ὧν οὐδὲν ἴσως  
 ὑμᾶς κατεπείγει νῦν ἀκοῦσαι. ἂν δέ τις τούτων ἐν
- 19 παραβῆ, τῷ βουλομένῳ δίδωσι γράφεσθαι. εἰ μὲν  
 οὖν μὴ πᾶσιν ἦν ἔνοχος τούτοις Τιμοκράτης καὶ  
 παρὰ πάντα ταῦτ' εἰσηγησέη τὸν νόμον, ἐν ἂν  
 αὐτοῦ τις ἐποιεῖτο κατηγορήμα, ὃ τι δήποτε τοῦτ'  
 ἦν· νῦν δ' ἀνάγκη καθ' ἕκαστον χωρὶς περὶ ἐκάστου  
 [706] διελόμενον λέγειν. πρῶτον μὲν οὖν, ὅπερ ἠδίκησε  
 πρῶτον, τοῦτ' ἐρῶ, ὡς παρὰ πάντας τοὺς νόμους  
 ἐνομοθέτει, εἶτα τῶν ἄλλων ἐξῆς ὃ τι ἂν βουλο-  
 μένοις ὑμῖν ἀκούειν ἦ. καί μοι λαβὲ τουτουσὶ τοὺς  
 νόμους καὶ ἀνάγνωθι· φανήσεται γὰρ τούτων οὐδὲν

## AGAINST TIMOCRATES, 16-19

while they disannulled most of the established laws by a single statute, and that the most disgraceful and scandalous ever enacted in your assembly.

Before speaking of the law that I have indicted, I<sup>17</sup> wish to give you a brief account of the existing statutes under which indictments of this kind are laid ; for after hearing this account you will find the information useful for the rest of my speech. In our laws at present in force, men of Athens, every condition that must be observed when new statutes are to be enacted is laid down clearly and with precision. First of all, there is a prescribed time for legislation ;<sup>18</sup> but even at the proper time a man is not permitted to propose his law just as he pleases. He is directed, in the first place, to put it in writing and post it in front of the Heroes for everyone to see. Then it is ordained that the law must be of universal application, and also that laws of contrary purport must be repealed ; and there are other directions with which I do not think I need trouble you now. If a man disobeys any of these directions, anyone who chooses is empowered to indict him. Now if<sup>19</sup> Timocrates had not been liable to prosecution on every count, if he had not contravened every one of these directions when he introduced his law, a single charge, whatever it might be, would have been preferred against him ; but, as the matter stands, I am compelled to take the points one by one and address you on each in its turn. I will therefore take his first offence first, that is, that he tried to legislate in defiance of all the statutes. Afterwards I will deal in turn with any other topic on which you are willing to hear me.—Please take the statutes,—here they are,—and read them.—You will find that he has not

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πεποιηκώς. προσέχετε, ὦ ἄνδρες δικασταί, τὸν νοῦν ἀναγιγνωσκομένοις τοῖς νόμοις.

### ΕΠΙΧΕΙΡΟΤΟΝΙΑ ΝΟΜΩΝ

- 20 [Ἐπὶ δὲ τῆς πρώτης πρυτανείας τῇ ἐνδεκάτῃ ἐν τῷ δήμῳ, ἐπειδὴν εὐξήται ὁ κήρυξ, ἐπιχειροτονίαν ποιεῖν τῶν νόμων, πρῶτον μὲν περὶ τῶν βουλευτικῶν, δεύτερον δὲ τῶν κοινῶν, εἶτα οἱ κείνται τοῖς ἐννέα ἄρχουσιν, εἶτα τῶν ἄλλων ἀρχῶν. ἢ δ' ἐπιχειροτονία ἔστω ἢ προτέρα, ὅτῳ δοκοῦσιν ἀρκεῖν οἱ νόμοι οἱ βουλευτικοί, ἢ δ' ὑστέρα, ὅτῳ μὴ δοκοῦσιν. εἶτα τῶν κοινῶν κατὰ ταῦτά. τὴν δ' ἐπιχειροτονίαν εἶναι τῶν νόμων κατὰ τοὺς νόμους
- 21 τοὺς κειμένους. εἴαν δέ τινες τῶν νόμων τῶν κειμένων ἀποχειροτονηθῶσι, τοὺς πρυτάνεις, ἐφ' ὧν ἂν ἢ ἐπιχειροτονία γένηται, ποιεῖν περὶ τῶν ἀποχειροτονηθέντων τὴν τελευταίαν τῶν τριῶν ἐκκλησιῶν· τοὺς δὲ προέδρους, οἱ ἂν τύχωσι προεδρεύοντες ἐν ταύτῃ τῇ ἐκκλησίᾳ, χρηματίζουσιν ἐπάναγκες πρῶτον μετὰ τὰ ἱερὰ περὶ τῶν νομοθετῶν, καθ' ὃ τι καθεδοῦνται, καὶ περὶ τοῦ ἀργυρίου, ὀπόθεν τοῖς νομοθέταις ἔσται· τοὺς δὲ νομοθέτας εἶναι ἐκ
- 22 τῶν ὁμομοκότων τὸν ἡλιαστικὸν ὄρκον. εἴαν δ' οἱ πρυτάνεις μὴ ποιῶσι κατὰ τὰ γεγραμμένα τὴν ἐκκλησίαν ἢ οἱ πρόεδροι μὴ χρηματίσωσι κατὰ τὰ γεγραμμένα, ὀφείλουσιν τῶν μὲν πρυτάνεων ἕκαστον χιλίας δραχμὰς
- [707] ἱερὰς τῇ Ἀθηνᾷ, τῶν δὲ προέδρων ἕκαστος ὀφειλέτω τετταράκοντα δραχμὰς ἱερὰς τῇ Ἀθηνᾷ. καὶ ἔνδειξις αὐτῶν ἔστω πρὸς τοὺς θεσμοθέτας, καθάπερ εἴαν τις ἄρχῃ ὀφείλων τῷ δημοσίῳ· οἱ δὲ θεσμοθέται τοὺς ἐνδειχθέντας εἰσαγόντων εἰς τὸ δικαστήριον κατὰ τὸν νόμον ἢ μὴ ἀνιόντων εἰς Ἄρειον πάγον, ὡς καταλίνοντες
- 23 τὴν ἐπανόρθωσιν τῶν νόμων. πρὸ δὲ τῆς ἐκκλησίας ὁ βουλόμενος Ἀθηναίων ἐκτιθέτω πρόσθεν τῶν ἐπωνύμων γράψας τοὺς νόμους οὓς ἂν τιθῆ, ὅπως ἂν πρὸς τὸ

## AGAINST TIMOCRATES, 19-23

satisfied any one requirement. I ask your attention, gentlemen of the jury, to the statutes as they are read.

### RATIFICATION OF LAWS

[In the first presidency and on the eleventh day thereof, in 20 the Assembly, the Herald having read prayers, a vote shall be taken on the laws, to wit, first upon laws respecting the Council, and secondly upon general statutes, and then upon statutes enacted for the nine Archons, and then upon laws affecting other authorities. Those who are content with the laws respecting the Council shall hold up their hands first, and then those who are not content ; and in like manner in respect of general statutes. All voting upon laws shall be in accordance with laws already in force. If any law already 21 in force be rejected on show of hands, the presidents in whose term of office the voting takes place shall appoint the last of the three meetings of the Assembly for the consideration of laws so rejected. The commissioners who preside by lot at the Assembly are required, immediately after religious observances, to put the question respecting the sessions of the Legislative Committee, and respecting the fund from which their fees are to be paid. The Legislative Committee shall consist of persons who have taken the judicial oath. If the 22 Presidents do not convene the Assembly according to the written regulations, or if the commissioners do not put the question, each president shall forfeit one thousand drachmas of sacred money to Athene, and each commissioner shall forfeit forty drachmas of sacred money to Athene, and information thereof shall be laid before the Judges in such manner as when a man holds office being in debt to the treasury ; and the Judges shall bring before the Court according to the law all persons against whom such information is laid ; otherwise they shall not be raised to the Council of Areopagus, as obstructing the rectification of the statutes. Before the 23 meeting of the Assembly any Athenian citizen who wishes shall write down the laws proposed by him and exhibit the same in front of the Eponymous Heroes, to the end that the

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πλήθος τῶν τεθέντων νόμων ψηφίσηται ὁ δῆμος περὶ τοῦ χρόνου τοῖς νομοθέταις. ὁ δὲ τιθεὶς τὸν καινὸν νόμον, ἀναγράψας εἰς λεύκωμα, ἐκτιθέτω πρόσθεν τῶν ἐπωνύμων ὁσημέραι, ἕως ἂν ἡ ἐκκλησία γένηται. αἰρεῖσθαι δὲ καὶ τοὺς συναπολογησομένους τὸν δῆμον τοῖς νόμοις, οἳ ἂν ἐν τοῖς νομοθέταις λύωνται, πέντε ἄνδρας ἐξ Ἀθηναίων ἀπάντων, τῇ ἑνδεκάτῃ τοῦ ἑκατομβαιῶνος μηνός.]

- 24 Οὗτοι πάντες οἱ νόμοι κεῖνται πολὺν ἤδη χρόνον, ὧ ἄνδρες δικασταί, καὶ πείραν αὐτῶν πολλάκις δεδώκασιν ὅτι συμφέροντες ὑμῖν εἰσι, καὶ οὐδεὶς πώποτε ἀντεῖπε μὴ οὐ καλῶς ἔχειν αὐτούς. εἰκότως· οὐδὲν γὰρ ὠμὸν οὐδὲ βίαιον οὐδ' ὀλιγαρχικὸν προστάττουσιν, ἀλλὰ τὸναντίον πάντα φιλανθρώ-
- 25 πως καὶ δημοτικῶς φράζουσι πράττειν. καὶ πρῶτον μὲν ἐφ' ὑμῖν ἐποίησαν διαχειροτονίαν, πότερον εἰσοιστέος ἐστὶ νόμος καινὸς ἢ δοκοῦσιν ἀρκεῖν οἱ κείμενοι· μετὰ ταῦτα δ' ἂν χειροτονήσητε εἰσφέρειν, οὐκ εὐθὺς τιθεῖναι προσέταξαν, ἀλλὰ τὴν τρίτην ἀπέδειξαν ἐκκλησίαν, καὶ οὐδ' ἐν ταύτῃ τιθεῖναι δεδώκασιν, ἀλλὰ σκέψασθαι καθ' ὃ τι τοὺς νομο-
- [708] θέτας καθιεῖτε. ἐν δὲ τῷ μεταξὺ χρόνῳ τούτῳ προσέταξαν τοῖς βουλομένοις εἰσφέρειν ἐκτιθεῖναι τοὺς νόμους πρόσθεν τῶν ἐπωνύμων, ἵν' ὁ βουλόμενος σκέψηται, κἂν ἀσύμφορον ὑμῖν κατίδη τι,
- 26 φράση καὶ κατὰ σχολὴν ἀντεῖπη. τούτων μέντοι τοσοῦτων ὄντων οὐδὲν πεποίηκε Τιμοκράτης οὐτοσί· οὔτε γὰρ ἐξέθηκε τὸν νόμον, οὔτ' ἔδωκεν, εἴ τις ἐβούλετο ἀναγνοὺς ἀντειπεῖν, οὔτ' ἀνέμεινε οὐδένα τῶν τεταγμένων χρόνων ἐν τοῖς νόμοις, ἀλλὰ τῆς ἐκκλησίας, ἐν ἣ τὸς νόμους ἐπεχειροτονήσατε, οὔσης ἑνδεκάτῃ τοῦ ἑκατομβαιῶνος

## AGAINST TIMOCRATES, 23-26

People may vote on the question of the time allowed to the Legislative Committee with due regard to the total number of laws proposed. Whosoever proposes a new statute shall write it on a white board and exhibit it in front of the Heroes on every day until the meeting of the Assembly. On the eleventh day of the month Hecatombaeon the people shall elect from the whole body of citizens five persons to speak in defence of laws proposed for repeal before the Legislative Committee.]

These are all old-established laws, gentlemen of 24 the jury; they have been repeatedly tested and found advantageous to you, and no man ever denied that they were well-conceived. Naturally; for there is nothing offensive or violent or oligarchical in their provisions; they order business to be done in a courteous, democratic spirit. In the first place, they 25 entrusted to you citizens the decision whether a new law is to be introduced or the existing laws judged satisfactory. Then, if your vote is in favour of introduction, they did not order immediate enactment, but appointed the next assembly but one, and even at that assembly, they do not permit you to legislate, but only to consider the terms on which the Legislative Committee shall sit. In the intervening time they instructed persons wishing to introduce laws to exhibit them in front of the Heroes, so that anyone who chooses may inspect them, and, if he discovers anything injurious to the public interest, may inform you and have time to speak against the laws. Now, 26 of all these rules the defendant Timocrates has not observed one. He never exhibited his law; he gave no one a chance to read it and oppose it; nor did he wait for any of the dates appointed by statute. The assembly at which your vote was taken fell on the eleventh of Hecatombaeon, and he introduced his

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μηγός, δωδεκάτη τὸν νόμον εἰσήνεγκεν, εὐθὺς τῇ ὑστεραία, καὶ ταῦτ' ὄντων Κρονίων καὶ διὰ ταῦτ' ἀφειμένης τῆς βουλῆς, διαπραξάμενος μετὰ τῶν ὑμῖν ἐπιβουλευόντων καθέζεσθαι νομοθέτας διὰ ψηφίσματος ἐπὶ τῇ τῶν Παναθηναίων προφάσει.  
 27 βούλομαι δ' ὑμῖν τὸ ψήφισμ' αὐτὸ ἀναγνῶναι τὸ νικῆσαν, ἵν' εἰδῆθ' ὅτι πάντα συνταξάμενοι καὶ οὐδὲν ἀπὸ ταυτομάτου τούτων ἔπραττον. λαβὲ τὸ ψήφισμ' αὐτοῖς καὶ ἀναγίνωσκε σύ.

### ΨΗΦΙΣΜΑ

[Ἐπὶ τῆς Πανδιονίδος πρώτης, ἑνδεκάτη τῆς πρυτανείας, Ἐπικράτης εἶπεν, ὅπως ἂν τὰ ἱερὰ θύηται καὶ ἡ διοίκησις ἱκανῆ γένηται καὶ εἴ τινος ἐνδεῖ πρὸς τὰ Παναθηναία διοικηθῆ, τοὺς πρυτάνεις τοὺς τῆς Πανδιονίδος καθίσει νομοθέτας αὔριον, τοὺς δὲ νομοθέτας εἶναι ἓνα καὶ χιλίους ἐκ τῶν ὁμωμοκότων, συννομοθετεῖν δὲ καὶ τὴν βουλὴν.]

28 Ἐνθυμήθητ' ἀναγινωσκομένου τοῦ ψηφίσματος, [709] ὡς τεχνικῶς ὁ γράφων αὐτὸ τὴν διοίκησιν καὶ τὸ τῆς ἑορτῆς προστησάμενος κατεπεῖγον, ἀνελὼν τὸν ἐκ τῶν νόμων χρόνον, αὐτὸς ἔγραψεν αὔριον νομοθετεῖν, οὐ μὰ Δί' οὐχ ἵν' ὡς κάλλιστα γένοιτό τι τῶν περὶ τὴν ἑορτὴν (οὐδὲ γὰρ ἦν ὑπόλοιπον οὐδ' ἀδιοίκητον οὐδέν), ἀλλ' ἵνα μὴ προαισθημένου μηδενὸς ἀνθρώπων μηδ' ἀντειπόντος τεθείη καὶ γένοιτο κύριος αὐτοῖς ὅδε ὁ νῦν ἀγωνιζόμενος νόμος.



## AGAINST TIMOCRATES, 26-28

law on the twelfth, the very next day, although it was a feast of Cronos and the Council therefore stood adjourned ; for he had contrived, with the help of persons whose intentions are unfriendly to you, to get by decree a sitting of the Legislative Committee, on an excuse afforded by the Panathenian Festival. I wish to read to you the decree that was adopted on 27 division, to show you that the whole business was managed by collusion, and nothing was left to chance.—Take the decree, sir, and read it to the jury.

### DECREE

[During the first presidency, namely, that of the Pandionid Tribe, and on the eleventh day of that presidency, it was moved by Epicrates that, in order that the sacrifices may be offered, that provision may be adequate, and that any lack of funds for the Panathenian Festival may be made good, the Presidents of the Pandionid Tribe do to-morrow set up a Legislative Committee, and that such Legislative Committee do consist of one thousand and one citizens who have taken the oath, and that the Council co-operate therewith in legislative business.]

Observe, as the decree is read, how ingeniously 28 the man who drafted it, under a pretext of finance and the urgency of the Festival, cancelled the date fixed by statute, and put in his own date,—that they should legislate “to-morrow.” I protest that his intention was, not that something belonging to the Festival should be done as handsomely as possible, for in fact there was nothing left to be done, and no financial deficiency to be made good ; but that this law of theirs, the subject of the present trial, might be enacted and come into force without any living man having wind of it beforehand or offering opposi-

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- 29 τεκμήριον δέ· καθεζομένων γὰρ τῶν νομοθετῶν περὶ μὲν τούτων, τῆς διοικήσεως καὶ τῶν Παναθηναίων, οὔτε χεῖρονα οὔτε βελτίω νόμον οὐδέν' εἰσήνεγκεν οὐδεὶς, περὶ δ' ὧν οὔτε τὸ ψήφισμα ἐκέλευεν οἷ τε νόμοι κωλύουσι, Τιμοκράτης οὕτοσι κατὰ πολλὴν ἡσυχίαν ἐνομοθέτει, κυριώτερον μὲν νομίσας τὸν ἐκ τοῦ ψηφίσματος ἢ τὸν ἐν τοῖς νόμοις εἰρημένον χρόνον, οὐδ' ὅτιοῦν δὲ φοβηθεὶς εἰ ἀπάντων ὑμῶν ἀγόντων ἱερομηνίαν, καὶ νόμου κειμένου μήτ' ἰδίᾳ μήτε κοινῇ μηδὲν ἀλλήλους ἀδικεῖν ἐν τούτῳ τῷ χρόνῳ, μηδὲ χρηματίζειν ὅ τι ἂν μὴ περὶ τῆς ἑορτῆς ᾗ, αὐτὸς οὐχ ἓνα τὸν τυχόντα, ἀλλ' ὅλην ἀδικῶν
- 30 φανήσεται τὴν πόλιν. καίτοι πῶς οὐ δεινὸν εἰδότα μὲν τοὺς νόμους, ὧν ὀλίγω πρότερον πάντες ἠκούσατε, κυρίους ὄντας, εἰδότα δ' οὐκ ἐῶνθ' ἕτερον νόμον ψήφισμα οὐδέν, οὐδ' ἂν ἔννομον ᾗ, νόμου κυριώτερον εἶναι, γράψαι καὶ θεῖναι νόμον ὑμῖν κατὰ ψήφισμα, ὃ καὶ αὐτὸ παρὰ τοὺς νόμους εἰρη-
- 31 μένον ᾗδει; ἢ πῶς οὐ σχέτλιον τὴν μὲν πόλιν αὐτὴν ἐκάστῳ ἡμῶν δεδωκέναι ἄδειαν τοῦ μή τι παθεῖν ἀηδὲς ἢ δεινὸν ἐν τούτῳ τῷ χρόνῳ ποιήσασαν
- [710] ἱερομηνίαν, αὐτὴν δὲ μὴ τετυχηκέναι ταύτης τῆς ἀσφαλείας παρὰ Τιμοκράτους, ἀλλ' ἐν αὐτῇ τῇ ἱερομηνίᾳ τὰ μέγιστ' ἠδικῆσθαι; τί γὰρ ἂν τις μείζον ἠδίκησεν ἰδιώτης ἀνὴρ ἢ καταλύων τοὺς νόμους αὐτῆς, δι' ὧν οἰκεῖται;

tion. Here is the proof: when the Legislative 29  
 Committee was in session, nobody introduced any  
 law, good or bad, in respect of the business specified,  
 that is, of financial provision for the Panathenian  
 Festival, but this man Timocrates coolly and quietly  
 proceeded to legislate about matters that lay out-  
 side the terms of the decree, and were forbidden  
 by statute. He assumed that the date specified in  
 the decree was more authoritative than the date  
 prescribed by law; and, while you were all holiday-  
 making, and though there is a standing law that at  
 such a time we shall do one another no wrong either  
 in private or public life nor transact business that  
 does not concern the Festival, he was not in the least  
 afraid of making an exhibition of himself by doing  
 wrong, not to this or that person, but to the whole  
 community. Yet was it not outrageous that, well 30  
 knowing that the statutes which you heard read just  
 now were still in force, well knowing also that another  
 law declares that no decree, even though in itself  
 constitutional, shall have higher authority than a  
 statute, he should draft and propose to you a new  
 law, in virtue of a decree that, as he was fully aware,  
 had been moved in defiance of the laws? Was it 31  
 not atrocious that, when the State had granted to  
 us individually security against any disagreeable or  
 offensive treatment at that time, by declaring a  
 religious holiday, the State itself should have obtained  
 no such immunity from Timocrates, but, during that  
 very holiday, should have been subjected to most  
 grievous ill-treatment? How, indeed, could any  
 private person ill-treat the State more gravely than  
 by subverting the laws by which the State is  
 administered?

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32 Ὅτι μὲν τοίνυν οὐδὲν ὦν προσηκέ τε καὶ κελεύουσιν οἱ νόμοι πεποιήκεν, εἰς τὰ προειρημένα τις σκοπῶν ἂν γνοίῃ. ὅτι δ' οὐ μόνον κατὰ τοῦτ' ἀδικεῖ, εἰ παραβὰς τὸν χρόνον τὸν ἐκ τῶν νόμων, καὶ τὸ βουλευσασθαι καὶ σκέψασθαι περὶ τούτων ὑμᾶς παντελῶς ἀνελὼν οὔσης ἱερομηνίας ἐνομοθέτει, ἀλλὰ καὶ κατ' ἐκείνο, ὅτι πᾶσιν ἐναντίον εἰσενήνοχε τοῖς οὔσι νόμοις, αὐτίκα δὴ μάλ' ἀκριβῶς μαθήσεσθε. ἀνάγνωθι δέ μοι λαβὼν τουτονὶ πρῶτον τὸν νόμον, ὃς διαρρήδην οὐκ ἔᾶ νόμον οὐδένα ἐναντίον εἰσφέρειν, ἂν δέ τις εἰσφέρειν, γράφεσθαι κελεύει. ἀναγίνωσκε.

### ΝΟΜΟΣ

33 [Τῶν δὲ νόμων τῶν κειμένων μὴ ἐξεῖναι λύσαι μηδένα, εἰ μὴ ἐν νομοθέταις. τότε δ' ἐξεῖναι τῷ βουλευμένῳ Ἀθηναίων λύειν, ἕτερον τιθέντι ἀνθ' ὅτου ἂν λήγῃ. διαχειροτονίαν δὲ ποιεῖν τοὺς προέδρους περὶ τούτων τῶν νόμων, πρῶτον μὲν περὶ τοῦ κειμένου, εἰ δοκεῖ ἐπιτήδειος εἶναι τῷ δήμῳ τῷ Ἀθηναίων ἢ οὐ, ἔπειτα περὶ τοῦ τιθεμένου. ὁπότερον δ' ἂν χειροτονήσωσιν οἱ νομοθέται, τοῦτον κύριον εἶναι. ἐναντίον δὲ νόμον μὴ ἐξεῖναι τιθέναι τῶν νόμων τῶν κειμένων μηδενί. εἰ δέ τις λύσας τινὰ τῶν νόμων τῶν κειμένων ἕτερον ἀντιθῆ μὴ ἐπιτήδειον τῷ δήμῳ τῷ Ἀθηναίων ἢ ἐναντίον τῶν κειμένων τῷ, τὰς γραφὰς εἶναι κατ' αὐτοῦ κατὰ τὸν νόμον ὃς κείται, εἰ μὴ ἐπιτήδειον θῆ νόμον.]

34 Ἦκούσατε μὲν τοῦ νόμου· πολλῶν δὲ καλῶς κειμένων νόμων τῇ πόλει, οὐδενὸς ἦττον ἡγοῦμαι καὶ

## AGAINST TIMOCRATES, 32-34

That Timocrates has done nothing that he ought 32 to have done, nothing that the laws expressly enjoin, may be concluded from consideration of what I have already said ; and before long you shall be satisfied, point by point, that he transgressed not merely in so far as he ignored the dates fixed by statute, and entirely annulled your right of deliberate consideration, by attempting to legislate during the holiday, but also in this respect,—that the law he introduced is inconsistent with all existing statutes.—But first take and read the statute I have here, which expressly forbids the introduction of any conflicting law, and authorizes an indictment if such a law should have been introduced.

### THE LAW

[It shall not be lawful to repeal any established law except 33 at a Legislative Committee; and then any Athenian citizen may move for such repeal only on condition that he proposes a law to be substituted for the law so repealed. The Commissioners shall take a show of hands upon such laws, in the first instance upon the established law, whether it appear to be advantageous to the Athenian democracy or not, and afterwards upon the law proposed. And whichever law is approved on division by the Legislative Committee shall then be operative. It shall not be lawful to introduce any law contrary to existing laws ; and if any person having repealed any existing law proposes in substitution another law that is either disadvantageous to the Athenian democracy or contrary to any established law, an indictment shall lie against him according to the law made and provided in the case of the proposer of a disadvantageous law.]

You have heard the law. Our city possesses many 34 excellent laws, but in my judgement there is not one that has been framed in a more praiseworthy

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τοῦτον ἀξίως ἐπαίνου γεγράφθαι. σκέψασθε γὰρ  
 ὡς δικαίως καὶ σφόδρα ὑπὲρ τοῦ δήμου κείμεναι.  
 οὐκ ἔα τοῖς ὑπάρχουσι νόμοις ἐναντίον εἰσφέρειν,  
 εἰ μὴ λύσῃ τὸν πρότερον κείμενον. τίνος ἕνεκα;  
 35 πρῶτον μὲν ἴν' ὑμῖν ἐξῆ τὰ δίκαια ψηφίζεσθαι μετ'  
 εὐσεβείας. εἰ γὰρ εἶησαν δύο τινὲς ἐναντίοι νόμοι,  
 καὶ τινες ἀντίδικοι παρ' ὑμῖν ἀγωνίζοντο ἢ περὶ  
 δημοσίων ἢ περὶ ἰδίων πραγμάτων, ἀξιοίη δ'  
 ἑκάτερος νικᾶν μὴ τὸν αὐτὸν δεικνύων νόμον, οὔτ'  
 ἀμφοτέροις ἐνὶ δήπου ψηφίσασθαι· πῶς γάρ; οὔτε  
 θατέρῳ ψηφιζομένους εὐορκεῖν· παρὰ γὰρ τὸν ἐναν-  
 36 τίον, ὄντα δ' ὁμοίως κύριον, ἢ γνώσις συμβαίνει.  
 τοῦτό τ' οὖν ὑπὲρ ὑμῶν φυλαττόμενος ταῦτα  
 προεῖπε καὶ ἔτι πρὸς τούτῳ βουλόμενος φύλακας  
 ὑμᾶς τῶν νόμων καταστήσαι· ἦδει γὰρ ἐκείνο, ὅτι  
 τὰς ἄλλας ἅς γέγραφεν αὐτῶν φυλακὰς ἔστι πολ-  
 λαχῆ διακρούσασθαι. τοὺς συνηγόρους, οὓς χειρο-  
 τονεῖτε, δύναιτ' ἂν πείσαι τις σιωπᾶν. ἐκτιθέναί  
 κελεύει τοῦ προειδέναί πάντας· τάχ' ἂν, εἰ τύχοι,  
 τοὺς μὲν ἀντειπόντας ἂν, εἰ προαίσθοντο, λάθοι,  
 37 οἱ δ' οὐδὲν προσέχοντες ἀναγνοῖεν ἂν. ἀλλὰ  
 γράψασθαι νῆ Δί' ἕκαστον ἔστιν, ὃ καὶ γὰρ νυνὶ  
 πεποίηκα· κἀνταῦθ', ἂν ἀπαλλάξῃ τις τὸν ἐπι-  
 στάντα, ἢ πόλις παρακέκρουσται. τίς οὖν μόνῃ  
 φυλακῇ καὶ δικαίᾳ καὶ βέβαιος τῶν νόμων; ὑμεῖς  
 οἱ πολλοί· οὔτε γὰρ τὸ γνῶναι καὶ δοκιμάσαι τὸ  
 [712] βέλτιστον ἐξελέσθαι δύναιτ' ἂν ὑμῶν οὐδὲ εἰς, οὔτ'  
 ἀπαλλάξας καὶ διαφθείρας πείσαι τὸν χεῖρῳ θέσθαι

<sup>a</sup> Five advocates were officially appointed to defend in the court of Heliasts any law which it was proposed to repeal.

manner than this. Observe in what an equitable and thoroughly democratic spirit it is enacted. It forbids the introduction of anything repugnant to existing laws, except after abrogation of the law previously enacted. What is the purpose? First, to enable a jury to give a just and conscientious verdict; for, if <sup>35</sup> there were two inconsistent laws, and if two litigants were contending in this court, whether in a public or a private dispute, and if each of them, by citing a different law, claimed your verdict, you could not of course give judgement in favour of both of them,—that is absurd,—nor could you give your verdict for either without breaking your oath, because such a decision contravenes the opposite law, which is equally valid. As a safeguard against such a dilemma the <sup>36</sup> lawgiver made this provision in your interest. He also wished to make you the established guardians of the law, well knowing that the other safeguards provided by him may be evaded in many ways. The advocates <sup>a</sup> appointed by you, for instance, may be persuaded to hold their peace. He enjoined the exhibition of a proposed law that we may all have knowledge of it beforehand; but it may happen that it is unobserved by those who would oppose it if they knew in time, and that the rest read it without attention. But, it may be objected, it is open to anyone <sup>37</sup> to indict the law, as I have done on this occasion. Well, even in that event the State is outwitted if a man gets the prosecutor to stand aside. What, then, is the only honest and trustworthy safeguard of the laws? You, the common people. It is beyond the power of mortal man to take away from you the right to determine and to approve the best policy. No man, by getting you to stand aside, or by bribing you,

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38 νόμον ἀντὶ τοῦ κρείττονος. διὰ ταῦτα πάντα ἐφ' ἐκάστην ἀπαντᾷ τὴν ὁδὸν τῶν ἀδικημάτων, κωλύων καὶ οὐκ ἔων βαδίζειν τοὺς ἐπιβουλεύοντας ὑμῖν. ταῦτα πάντα Τιμοκράτης, οὕτω καλῶς καὶ δικαίως κείμενα, ἠφάνισεν, ἐξήλειψεν, ὅσον ἦν ἐπὶ τούτῳ, καὶ νόμον εἰσήνεγκεν ἅπασιν ἐναντίον ὡς ἔπος εἰπεῖν τοῖς οὔσι, οὐ παραναγνούς, οὐ λύσας, οὐ δούς αἴρεσιν, οὐκ ἄλλο ποιήσας οὐδὲν τῶν προσηκόντων.

39 Ὡς μὲν οὖν ἔνοχος τῇ γραφῇ καθέστηκεν, ἐναντίον εἰσηνηνοχῶς τοῖς οὔσι νόμοις, οἶμαι πάντας ὑμᾶς ἠσθησθαι· ἵνα δ' εἰδῆτε παρ' οἷους νόμους οἶον οὗτος εἰσήνεγκεν, ἀναγνώσεται πρῶτον ὑμῖν τὸν τούτου νόμον, εἶτα τοὺς ἄλλους, οἷς οὗτος ἐναντίος ἐστίν. ἀναγίνωσκε.

### ΝΟΜΟΣ

[Ἐπὶ τῆς Πανδιονίδος πρώτης, δωδεκάτῃ τῆς πρυτανείας, Τιμοκράτης εἶπε· καὶ εἴ τιμι τῶν ὀφειλόντων τῷ δημοσίῳ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῆ, εἶναι αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου ἐγγυητὰς καταστήσαι τοῦ ὀφλήματος, οἷς ἂν ὁ δῆμος χειροτονήσῃ, ἢ μὴν ἐκτείσειν τὸ ἀργύριον ὃ ὤφλε. τοὺς δὲ προέδρους ἐπιχειροτονεῖν ἐπάναγκες, ὅταν τις

40 καθιστάναι βούληται. τῷ δὲ καταστήσαντι τοὺς ἐγγυητὰς, εἰν ἀποδιδῶ τῇ πόλει τὸ ἀργύριον ἐφ' ᾧ κατέστησε τοὺς ἐγγυητὰς, ἀφείσθαι τῶν δεσμῶν. εἰν

[713] δὲ μὴ καταβάλλῃ τὸ ἀργύριον ἢ αὐτὸς ἢ οἱ ἐγγυηταὶ ἐπὶ τῆς ἐνάτης πρυτανείας, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι,

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can ever induce you to substitute a bad law for a good one. Therefore the lawgiver anticipates every avenue 38 of iniquity, thwarting the plans and forbidding the advance of men whose intentions are hostile to you. All these precautions, so admirably and so righteously enacted, Timocrates has subverted and obliterated, so far as in him lay ; he has introduced a law repugnant to all or nearly all the existing statutes, without reading any for comparison, without repealing any, without leaving you the right of choice, without taking any other of the steps that he was required to take.

I suppose that you are all satisfied that he is amen- 39 able to the indictment, as having introduced a law that contravenes existing statutes ; but, to show you the character of the laws he has contravened and of the law he has introduced, the clerk will read to you, first his new law, and then the other laws to which it is repugnant.

THE LAW OF TIMOCRATES

[During the first presidency, namely, that of the Pandionid Tribe, and on the twelfth day of that presidency, it was moved by Timocrates that, if the additional penalty of imprisonment has been or shall hereafter be inflicted in pursuance of any law or decree upon any person in debt to the treasury, it shall be competent for him or for any other person on his behalf to nominate as sureties for the debt such persons as shall be approved by vote of the Assembly, on an undertaking to pay in full the amount in which he was indebted. The Commissioners are required to put the question whensoever any debtor wishes to nominate sureties. The debtor 40 who has given sureties shall be released from the penalty of imprisonment on payment to the State of the money in respect of which he gave such sureties ; but if at the time of the ninth presidency neither he nor his sureties shall have paid in the money, the man who gave sureties

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τῶν δὲ ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν. περὶ δὲ τῶν ὠνούμενων τὰ τέλη καὶ τῶν ἐγγυωμένων καὶ ἐκλεγόντων, καὶ τῶν τὰ μισθώσιμα μισθουμένων καὶ ἐγγυωμένων, τὰς πράξεις εἶναι τῇ πόλει κατὰ τοὺς νόμους τοὺς κειμένους. εἰάν δ' ἐπὶ τῆς ἐνάτης πρυτανείας ὄφλη, τοῦ ὑστέρου ἐνιαυτοῦ ἐπὶ τῆς ἐνάτης ἢ δεκάτης πρυτανείας ἐκτίειν.]

- 41 Ἀκηκόατε μὲν τοῦ νόμου, μνημονεύετε δ' ἐξ αὐτοῦ μοι πρῶτον μὲν τὸ “ καὶ εἴ τιμι τῶν ὀφειλόντων δεσμοῦ προστετίμηται ἢ τὸ λοιπὸν προστιμηθῆ,” ἔπειθ' ὅτι πλὴν περὶ τῶν τελωνῶν καὶ τῶν μισθουμένων, καὶ ὅσοι ταῦτα ἐγγυῶνται, χρῆσθαι κελεύει τῷ νόμῳ. ὅλος μὲν γάρ ἐστιν ἅπασιν ἐναντίος τοῖς οὐσι, μάλιστα δὲ ταῦτα<sup>1</sup>. γνῶσεσθε δὲ τοὺς νόμους ἀκούοντες αὐτοῦς. λέγε.

### ΝΟΜΟΣ

- 42 [Διοκλῆς εἶπε τοὺς νόμους τοὺς πρὸ Εὐκλείδου τεθέντας ἐν δημοκρατία, καὶ ὅσοι ἐπ' Εὐκλείδου ἐτέθησαν καὶ εἰσὶν ἀναγεγραμμένοι, κυρίους εἶναι. τοὺς δὲ μετ' Εὐκλείδην τεθέντας καὶ τὸ λοιπὸν τιθεμένους κυρίους εἶναι ἀπὸ τῆς ἡμέρας ἧς ἕκαστος ἐτέθη, πλὴν εἴ τῳ προσγέγραπται χρόνος ὄντινα δεῖ ἄρχειν. ἐπιγράψαι δὲ τοῖς μὲν νῦν κειμένοις τὸν γραμματέα τῆς βουλῆς τριάκοντα ἡμερῶν· τὸ δὲ λοιπόν, ὅς ἂν τυγχάνῃ γραμματεύων, προσγραφέτω παραχρῆμα τὸν νόμον κύριον εἶναι ἀπὸ τῆς ἡμέρας ἧς ἐτέθη.]

- 43 Καλῶς ἐχόντων τῶν νόμων, ὧ ἄνδρες δικασταί,  
 [714] τῶν ὑπαρχόντων, ὅδε ὁ νῦν ἀναγνωσθεὶς νόμος ὡσπερὶ διώρισε καὶ βεβαιοτέρους ἐποίησεν αὐτοῦς. κελεύει γὰρ ἕκαστον ἀφ' ἧς ἡμέρας ἐτέθη κύριον εἶναι, πλὴν εἴ τῳ χρόνος προσγέγραπται, τούτῳ

<sup>1</sup> τούτῳ Dind. with S.

## AGAINST TIMOCRATES, 40-43

shall be imprisoned and the property of the sureties shall be confiscated. But in the case of tax-farmers, their sureties, and their collectors, and of the lessees of leasable revenues and their sureties, the State may exact payment according to the established laws. If any man incur debt during the ninth presidency he shall pay in full during the ninth or the tenth presidency of the next ensuing year.]

You have heard the law, and I beg you to bear in 41 mind this phrase, "if the additional penalty of imprisonment has been or shall hereafter be inflicted," and also that he excepts from the operation of his law tax-farmers and lessees and their sureties. The law as a whole, but those provisions more especially, is contrary to all existing statutes. That you will recognize when you have listened to the actual laws.—Read.

### THE LAW

[Moved by Diocles: that laws enacted under democratic 42 government before the archonship of Eucleides and all laws that were enacted during the archonship of Eucleides and are on record shall be in force. Laws enacted after the archonship of Eucleides or laws that shall hereafter be enacted shall be in force as from the day of their several enactment, unless a clause be appended defining the date of their first coming into force. The Clerk of the Council shall affix his mark to all laws now established within thirty days; and hereafter whosoever is acting as clerk shall forthwith make a note that the law is in force as from the date of enactment.]

The existing laws are excellent, gentlemen of the 43 jury; but the law just read has defined them, if I may so put it, and given them new authority. It ordains that every statute shall be operative as from the date of enactment, unless any date is appended, and, in that case, that the specified date shall mark

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δὲ τὸν γεγραμμένον ἄρχειν. διὰ τί; ὅτι πολλοῖς τῶν νόμων προσεγέγραπτο “ τὸν δὲ νόμον εἶναι κύριον τόνδ’ ἀπὸ τοῦ μετὰ τὸν νῦν ἄρχοντα.” ὕστερον δὲ γράφων ὁ τιθεὶς ἐπὶ τούτοις τόνδε τὸν νόμον, τὸν ἀνεγνωσμένον, οὐκ ἐνόμιζε δίκαιον εἶναι τοὺς αὐτοὺς τῶν νόμων γεγραμμένους ὕστερον ἢ ἐτέθησαν κυρίους εἶναι ἀνενεγκεῖν ἐπὶ τὴν ἡμέραν, ἀφ’ ἧς ἐτέθησαν, καὶ πρότερον ποιῆσαι κυρίους ἢ

44 ὁ θεὸς ἕκαστον ἠξίωσεν. τούτῳ μέντοι τῷ νόμῳ σκέψασθε ὡς ἐναντίος ἐστὶν ὃν οὗτος τέθεικεν. ὁ μὲν γε κελεύει τὸν γεγραμμένον χρόνον ἢ τὴν ἡμέραν ἀφ’ ἧς ἂν τεθῆῃ κυρίαν εἶναι· ὁ δ’ ἔγραψεν “ καὶ εἴ τιμι προστετίμηται,” περὶ τῶν παρεληλυθότων λέγων. καὶ οὐδὲ τοῦθ’ ὤρισεν, ἄρχοντα προσγράψας ἀφ’ οὗ, ἀλλὰ πεποίηκεν οὐ μόνον πρὸ τῆς ἡμέρας ἐν ἣ ἔθεικε κύριον τὸν νόμον, ἀλλὰ καὶ πρὸ τοῦ γενέσθαι τινὰ ἡμῶν· ἀόριστον γὰρ ἅπαντα τὸν παρεληλυθότα προσπεριείληφε χρόνον. καίτοι χρῆν σε, ὦ Τιμόκρατες, ἢ τοῦτον μὴ γράφειν ἢ ἐκείνον λύειν, οὐχ, ἵνα ὁ βούλει σὺ γένηται, πάντα τὰ πράγματα συνταράξαι. λέγε ἄλλον νόμον.

45

### ΝΟΜΟΣ

[Μηδὲ περὶ τῶν ἀτίμων, ὅπως χρῆ ἐπιτίμους αὐτοὺς  
 [715] εἶναι, μηδὲ περὶ τῶν ὀφειλόντων τοῖς θεοῖς ἢ τῷ δημοσίῳ τῷ Ἀθηναίων περὶ ἀφέσεως τοῦ ὀφλήματος ἢ τάξεως, εἰ μὴ ψηφισομένων Ἀθηναίων τὴν ἄδειαν πρῶτον μὴ ἔλαττον ἑξακισχιλίων, οἷς ἂν δόξῃ κρύβδην ψηφισομένοις. τότε δ’ ἐξεῖναι χρηματίζειν καθ’ ὅ τι ἂν τῇ βουλῇ καὶ τῷ δήμῳ δοκῇ.]

46 Ἄλλος οὗτος νόμος, οὐκ ἐὼν περὶ τῶν ἀτίμων  
 400

the beginning of its operation. The reason is that a clause had been appended to many statutes, to the effect that "this law shall be in force from the time of the next ensuing archon." But the man who, to confirm such statutes, proposed the statute that has just been read, did not, in drafting his law at a later date, think it right to carry back to their dates of enactment those laws whose operation had been deferred to a date later than their enactment, and so make them operative earlier than their several authors intended. You must therefore observe how contrary <sup>44</sup> to that statute is the law that Timocrates has proposed. The statute ordains that either the date specified or the date of enactment shall hold good; Timocrates writes, "if the penalty has been inflicted," referring to past transactions. He did not even define the initial date by naming an archonship; nay, he has made his law operative not merely before the date of enactment, but before any of us were born, for he has included all past time without any limitation.—Your duty, Timocrates, was either not to compose your law, or to repeal the other one; you had no right to throw the whole business into confusion for the furtherance of your own purposes.—Read another law.

## THE LAW

45

[. . . nor in respect of disfranchised citizens, for restoration of their franchise, nor in respect of persons indebted to the Gods or to the treasury of the Athenians, for remission or composition of their debt, unless permission be granted by not less than six thousand citizens giving an affirmative vote by ballot. In that event it shall be lawful to put the question in such manner as the Council and the Assembly approve.]

Here is another law which forbids any proposal <sup>46</sup>

οὐδὲ τῶν ὀφειλόντων λέγειν οὐδὲ χρηματίζειν περὶ ἀφέσεως τῶν ὀφλημάτων οὐδὲ τάξεως, ἂν μὴ τῆς ἀδείας δοθείσης, καὶ ταύτης μὴ ἔλαττον ἢ ἑξακισχιλίων ψηφισαμένων. οὗτος δ' ἔγραψεν ἄντικρυς, καὶ εἴ τιμι τῶν ὀφειλόντων δεσμοῦ προστετίμηται, εἶναι τὴν ἄφεισιν πορισαμένῳ τοὺς ἐγγυησομένους, οὐ προτεθέντος οὐδενὸς περὶ τούτων, οὐδὲ δοθείσης

47 ἀδείας λέγειν. καὶ ὁ μὲν νόμος, οὐδ' ἐπειδὰν τὴν ἄδειαν εὖρηταί τις, ἔδωκεν ὡς ἂν βούληται πράττειν, ἀλλ' ὡς ἂν τῇ βουλήν καὶ τῷ δήμῳ δοκῇ· τῷ δ' οὐκ ἀπέχρησε τοῦτ' ἀδικεῖν μόνον, εἰ μὴ δοθείσης τῆς ἀδείας λέγει καὶ νόμον εἰσφέρει περὶ τούτων, ἀλλὰ καὶ προσέτι οὐκ εἰς τὴν βουλήν, οὐκ εἰς τὸν δῆμον εἰπὼν περὶ τούτων οὐδέν, ἐν παραβύστῳ, τῆς βουλήs μὲν ἀφειμένηs, τῶν δ' ἄλλων διὰ τὴν ἑορτὴν

48 ἱερομηνιαὴν ἀγόντων, λάθρα νόμον εἰσήνεγκεν. καίτοι χρῆν σε, ὦ Τιμόκρατες, εἰδότα τὸν νόμον τόνδε ὄν ἀνέγων, εἴ τι δίκαιον ἐβούλου πράττειν, πρῶτον μὲν πρόσοδον γράψασθαι πρὸς τὴν βουλήν, εἶτα τῷ δήμῳ διαλεχθῆναι, καὶ τόθ' οὕτως, εἰ πᾶσιν Ἀθηναίοις ἐδόκει, γράφειν καὶ νομοθετεῖν περὶ τούτων, καὶ τότε τοὺς χρόνους ἀναμείναντα τοὺς ἐκ τῶν

[716] νόμων, ἵνα τοῦτον τὸν τρόπον πράττων, εἰ καὶ τις ἐπεχειρεῖ δεικνύειν οὐκ ἐπιτήδειον ὄντα τῇ πόλει τὸν νόμον, μὴ οὖν ἐπιβουλεύειν γ' ἐδόκεις, ἀλλὰ

49 γνώμῃ διαμαρτῶν ἀποτυχεῖν. νῦν δὲ τῷ λάθρα καὶ ταχὺ καὶ παρὰ τοὺς νόμους ἐμβαλεῖν τὸν νόμον εἰς

in respect of disfranchised or indebted persons, for remission or composition, to be made or put to the vote, except after permission granted, and that only if at least six thousand citizens have voted aye. But Timocrates expressly proposed that, if the additional penalty of imprisonment has been inflicted on any debtor, he shall have remission on production of sureties, without any preliminary resolution having been carried, or any permission granted for such a resolution. Even when a man has got his permission, 47 the law does not allow him to do the business as he chooses, but as the Council and the Assembly approve. Timocrates was not satisfied with the simple transgression of making his proposal and introducing his law on the matters in question without permission granted; he went further and, without laying any proposition before the Council or before the Assembly, on the sly, when the Council stood adjourned, and everybody was holiday-making in honour of the festival, he brought in his bill surreptitiously.—Yet, 48 if your intentions had been honest, Timocrates, knowing as you did the statute which I have read, it was your duty, first to make written request for audience before the Council, then to confer with the Assembly, and after that, if the whole body of citizens had approved, to compose and bring in your bill on the matters in question, and even then to wait for the dates prescribed by law, in order that, doing business in that fashion, even though anyone tried to show that your law was disadvantageous to the State, you might not have been suspected of malicious intention, but only of the misfortune of erroneous judgement. As it is, by thrusting your 49 law into the statute-book clandestinely, hastily, and

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τοὺς νόμους καὶ μὴ θεῖναι πᾶσαν ἀφήρησαι σουτοῦ τὴν συγγνώμην· τοῖς γὰρ ἄκουσιν ἁμαρτοῦσι μέτεστι συγγνώμης, οὐ τοῖς ἐπιβουλεύσασιν, ὃ σὺ νῦν εἴληψαι ποιῶν. ἀλλὰ γὰρ αὐτίκα ἐρῶ περὶ τούτων. νῦν δ' ἀναγίγνωσκε τὸν ἐξῆς νόμον.

50

ΝΟΜΟΣ

[Ἐὰν δέ τις ἰκετεύῃ ἐν τῇ βουλῇ ἢ ἐν τῷ δήμῳ περὶ ὧν δικαστήριον ἢ ἡ βουλή ἢ ὁ δῆμος κατέγνω, ἐὰν μὲν αὐτὸς ὁ ὀφλὼν ἰκετεύῃ πρὶν ἐκτεῖσαι, ἔνδειξιν εἶναι αὐτοῦ, καθάπερ ἐὰν τις ὀφείλων τῷ δημοσίῳ ἠλιάξῃται· ἐὰν δ' ἄλλος ὑπὲρ τοῦ ὀφληκότος ἰκετεύῃ πρὶν ἐκτεῖσαι, δημοσία ἔστω αὐτοῦ ἢ οὐσία ἅπασα. ἐὰν δέ τις τῶν προέδρων δῶ τινὲ τὴν ἐπιχειροτονίαν, ἢ αὐτῷ τῷ ὀφληκότῳ ἢ ἄλλῳ ὑπὲρ ἐκείνου, πρὶν ἐκτεῖσαι, ἄτιμος ἔστω.]

51 Ἔστι μὲν ἔργον, ὧ ἄνδρες δικασταί, εἰ περὶ πάντων τῶν νόμων, οἷς οὗτος ἐναντίον εἰσενήνοχεν, ἐροῦμεν· ἄξιον δ', εἴπερ περὶ του καὶ ἄλλου, καὶ περὶ τοῦδε ὄν νῦν ἀνέγνω διελθεῖν. ὁ γὰρ τὸν νόμον τοῦτον, ὧ ἄνδρες Ἀθηναῖοι, θεὸς ἤδει τὴν φιλανθρωπίαν καὶ τὴν πραότητα τὴν ὑμετέραν, καὶ διὰ ταύτην ἑώρα περὶ πολλῶν ὑμᾶς ἐκόντας ἤδη

52 ποτὲ μεγάλα ζημιωθέντας. βουλόμενος δὴ μηδεμίαν πρόφασιν τοῦ τὰ κοινὰ κακῶς ἔχειν ὑπολιπεῖν,

[717] τοὺς μετὰ τῶν νόμων κρίσει καὶ δικαστηρίῳ μὴ δίκαια ποιεῖν ἐγνωσμένους οὐκ ὤετο δεῖν τῆς εὐηθείας τῆς ὑμετέρας ἀπολαύειν, τὸ δεῖσθαι καὶ μετὰ συμφορᾶς ἰκετεύειν ἔχοντας ἀφορμὴν, ἀλλ' ὅλως ἀπέειπε μὴτ' αὐτῷ μὴτ' ἄλλῳ μηδενὶ μὴθ' ἰκε-



illegally, you have stripped yourself of all claim to indulgence ; for indulgence belongs to those who offend unwittingly, not to those who have concerted a plot, as you are convicted of doing. However, I shall have a word to say on that point presently. Meantime,—read the next law.

THE LAW

50

[If any person make petition to the Council or to the Assembly in respect of any sentence of a Court of Justice or of the Council or of the Assembly, if the person who has been fined himself make petition before he has paid the fine, an information shall lie against him in the same manner as when a person sits on a jury being indebted to the treasury ; and if another person make petition on behalf of the person fined, his whole property shall be confiscated ; and if any Commissioner shall allow the question to be put for anyone, whether for the person fined or for another on his behalf, he shall be disfranchised.]

It is a long task, gentlemen of the jury, if we are 51 to speak of all the laws to which the proposals introduced by the defendant are repugnant ; but if any law deserves discussion it is surely that which the clerk has just read. The author of that law knew how kind-hearted and indulgent you Athenians are ; he could see that in many instances you had already suffered serious detriment by your own act because of that easy disposition ; and therefore, wishing to 52 leave no excuse for public losses, he declared it wrongful that men who had been convicted of misconduct by process and judgement with the sanction of law should enjoy the benefit of your good-nature, falling back upon prayers and solicitation in their distress. Accordingly he strictly forbade either the culprit himself or anyone else to supplicate you or make

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τεύειν μήτε λέγειν ὑπὲρ τῶν τοιούτων, ἀλλὰ ποιεῖν  
 53 τὰ δίκαια σιγῇ. εἰ τοίνυν τις ἔροιθ' ὑμᾶς, ποτέροις  
 μᾶλλον ἂν εἰκότως ποιήσαιθ' ὅτιοῦν, τοῖς δεομένοις  
 ἢ τοῖς ἐπιτάττουσιν, οἶδ' ὅτι φήσαιτ' ἂν τοῖς δεο-  
 μένοις· τὸ μὲν γὰρ χρηστῶν, τὸ δ' ἀνάνδρων ἀνθρώ-  
 πων ἔργον ἐστίν. οὐκοῦν οἱ νόμοι μὲν ἅπαντες  
 προστάττουσιν ἅ χρῆ ποιεῖν, οἱ τιθέντες δὲ τὰς  
 ἱκετηρίας δέονται. εἰ τοίνυν ἱκετεύειν οὐκ ἔξεστιν,  
 ἦ που νόμον γ' ἐπίταγμα ἔχοντα εἰσφέρειν; ἐγὼ  
 μὲν οὐκ οἶμαι. καὶ γὰρ αἰσχυρὸν περὶ ὧν μηδὲ  
 χαρίζεσθαι δεῖν ὑπειλήφατε, περὶ τούτων ἀκόντων  
 ὑμῶν ἔαν ἅ τινες βούλονταιπραχθῆναι.

Λέγε τὸν μετὰ τοῦτον ἐφεξῆς.

54

ΝΟΜΟΣ

[Ὅσων δίκη πρότερον ἐγένετο ἢ εὐθυνα ἢ διαδικασία  
 περὶ τοῦ ἐν δικαστηρίῳ, ἢ ἰδίᾳ ἢ δημοσίᾳ, ἢ τὸ δημό-  
 σιον ἀπέδοτο, μὴ εἰσάγειν περὶ τούτων εἰς τὸ δικαστήριον  
 μηδ' ἐπιψηφίζειν τῶν ἀρχόντων μηδένα, μηδὲ κατηγορεῖν  
 ἐόντων ἅ οὐκ ἐῶσιν οἱ νόμοι.]

55 Τιμοκράτης τοίνυν, ὥσπερ μαρτυρίαν ὧν ἀδικεῖ  
 γράφων, εὐθύς ἀρχόμενος τοῦ νόμου τὰναντία ἔθηκε  
 τούτοις. ὁ μὲν γ' οὐκ ἐᾷ περὶ ὧν ἂν ἅπαξ γνῶ  
 δικαστήριον πάλιν χρηματίζειν· ὁ δ' ἔγραψε, καὶ  
 εἴ τι τι προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα,  
 τὸν δῆμον τούτῳ χρηματίζειν, ὅπως ἅ μὲν ἔγνω τὸ  
 [718] δικαστήριον λυθήσεται, καταστήσει δ' ἐγγυητὰς ὁ

speeches upon such complaints : they must do what justice demands in silence. Now if you were asked <sup>53</sup> for whom you would more naturally do a service, for those who beg you or for those who bid you, I am sure you would reply, for those who beg ; for the former service is the outcome of kindness, the latter of cowardice. Well, the laws, all of them, command you to do your duty ; suppliants beg you to do a favour. Then where supplication is forbidden, can it be permissible to introduce a law that contains a command ? I think not. In cases in which you conceived it to be your duty even to refuse favours, it is shameful that you should allow the desires of certain people to be fulfilled against your will.—Read the statute that comes next in order.

THE LAW

54

[When there has been a prior judgement audit or adjudication about any matter in a court of law, whether in a public or a private suit, or where the State has been vendor, none of the magistrates may bring the matter into court or put any question to the vote, nor shall they permit any accusation forbidden by law.]

Why, it looks as though Timocrates were compiling <sup>55</sup> evidence of his own transgressions ; for at the very outset of his law he makes a proposal exactly contrary to these provisions. The legislator does not permit any question once decided by judgement of the court to be put a second time ; the law of Timocrates reads that, if any penalty has been inflicted on a man in pursuance of a law or a decree, the Assembly must reconsider the matter for him, in order that the decision of the court may be overruled, and sureties put in by the person amerced. The statute forbids

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ὀφλῶν. καὶ ὁ μὲν νόμος μὴδ' ἐπιψηφίζειν φησὶ τῶν ἀρχόντων παρὰ ταῦτα μὴδένα· ὁ δ' ἔγραψε τοῖς προέδροις ἐπάναγκες, εἴαν τις καθιστῆ, προσάγειν, καὶ προσέγραψεν “ ὁπότ' ἂν τις βούληται.”

56 Λέγ' ἕτερον νόμον.

### ΝΟΜΟΣ

[Τὰς δίκας καὶ τὰς διαίτας, ὅσαι ἐγένοντο ἐπὶ τοῖς νόμοις ἐν δημοκρατουμένῃ τῇ πόλει, κυρίας εἶναι.]

Οὗ φησι Τιμοκράτης, οὐκ οὐκ ὁπόσοις γ' ἂν δεσμοῦ προστιμηθῆ.

Λέγε.

### ΝΟΜΟΣ

[Ὅποσα δ' ἐπὶ τῶν τριάκοντ' ἐπράχθη ἢ δίκη ἐδικάσθη, ἢ ἰδίᾳ ἢ δημοσίᾳ, ἄκυρα εἶναι.]

57 Ἐπίσχεσ. εἰπέ μοι, τί δεινότατον πάντες ἂν ἀκούσαντες φήσαιτε, καὶ τί μάλιστ' ἂν ἀπεύξαισθε; οὐχὶ ταῦτα τὰ πράγματα, ἅπερ ἦν ἐπὶ τῶν τριάκοντα, μὴ γενέσθαι; ἔγωγ' οἶμαι. ὁ γοῦν νόμος οὗτος εὐλαβούμενος, ὡς ἐμοὶ δοκεῖ, τὸ τοιοῦτον ἀπέειπε τὰ πραχθέντα ἐπ' ἐκείνων μὴ κύρια εἶναι. οὗτοσι τοίνυν τὴν αὐτὴν κατέγνω παρανομίαν τῶν ἐπὶ τῆς δημοκρατίας πεπραγμένων, ἦνπερ τῶν ἐπ'

58 ἐκείνων ὑμεῖς· ὁμοίως γοῦν ἄκυρα ποιεῖ. καίτοι τί φήσομεν, ὦ ἄνδρες Ἀθηναῖοι, τοῦτον κύριον τὸν νόμον εἶσαντες γενέσθαι; πότερον τὰ δικαστήρια, ἢ δημοκρατουμένης τῆς πόλεως ἐκ τῶν ὁμωμο-

## AGAINST TIMOCRATES, 55-58

any magistrate even to put the question contrary to these provisions; Timocrates proposes that, if sureties are nominated, the Commissioners shall be obliged to submit their names, and adds the phrase, "whenever any debtor wishes."—Read another 56 statute.

### THE LAW

[Judgements and awards given under the law while the government was democratic shall be valid.]

No, says Timocrates; they shall not be valid, at least when the penalty of imprisonment has been imposed.—Proceed.

### THE LAW

[But acts done and judgements delivered during the time of the Thirty Tyrants, whether in private or public suits, shall be invalid.]

Stop. Tell me; hearing that, what would all of 57 you name as the most terrible misfortune? Against what would you pray most earnestly? I suppose that your prayer would be that the state of things under the Thirty Tyrants should never recur. Anyhow, that, as I understand it, is the misfortune against which this statute provides, by ordaining that the acts of that time shall be invalid. Well, the defendant condemns as illegal acts done under popular government, exactly as you condemned the acts of the tyranny; or at least he makes them equally invalid. Then, what are we to say for our- 58 selves, men of Athens, if we allow this law to be confirmed? That our tribunals, composed under popular government of men who have taken the

## DEMOSTHENES

κότων πληροῦται, ταῦτ' ἀδικήματα τοῖς ἐπὶ τῶν  
 τριάκοντα ἀδικεῖν; καὶ πῶς οὐ δεινόν; ἀλλὰ  
 δικαίως ἐψηφίσθαι; τίνος οὖν ἔνεκα τὸν λύσοντα  
 ταῦτα νόμον θέσθαι φήσομεν; πλὴν εἰ τοῦτό τις  
 [719] εἶποι, μανέντες· ἄλλο γὰρ οὐκ ἔστιν εἰπεῖν.  
 59 Λέγ' ἄλλον νόμον.

### ΝΟΜΟΣ

[Μηδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ θείναι, ἐὰν μὴ τὸν  
 αὐτὸν ἐπὶ πᾶσιν Ἀθηναίοις τιθῆ [ἐὰν μὴ ψηφισαμένων  
 μὴ ἔλαττον ἑξακισχιλίων οἷς ἂν δόξῃ κρύβδην ψηφίζο-  
 μένοις.]<sup>1</sup>]

Οὐκ ἔᾶ νόμον ἄλλ' ἢ τὸν αὐτὸν τιθέναι κατὰ τῶν  
 πολιτῶν πάντων, καλῶς καὶ δημοτικῶς λέγων.  
 ὥσπερ γὰρ τῆς ἄλλης πολιτείας ἴσον μέτεστιν  
 ἐκάστῳ, οὕτω καὶ τούτων ἴσον μετέχειν ἕκαστον  
 ἀξιοῖ. δι' οὓς μὲν τοίνυν οὗτος εἰσέφερε τὸν  
 νόμον, ὑμεῖς οὐδὲν ἐμοῦ χεῖρον γινώσκετε· ἄνευ  
 δὲ τούτων αὐτὸς ὠμολόγησε μὴ ἐπὶ πᾶσι τὸν αὐτὸν  
 τεθεικέναι, πλὴν περὶ τῶν τελωνῶν καὶ τῶν μι-  
 σθουμένων καὶ τῶν τούτων ἐγγυητῶν χρῆσθαι  
 προσγράψας τῷ νόμῳ. οὐκοῦν ὁπότ' εἰσὶ τινες  
 οὓς ἀφορίζεις, οὐκ ἂν ἔτι εἴης ἐπὶ πᾶσι τὸν αὐτὸν  
 60 τεθεικώς. καὶ μὴν οὐδ' ἐκεῖνό γ' ἂν εἶποις, ὡς  
 ὅσοις δεσμοῦ προστιμᾶται, τούτων μάλιστα ἢ τὰ  
 μέγιστα ἀδικοῦσιν οἱ τελῶναι, ὥστε μόνοις αὐτοῖς  
 μὴ μεταδοῦναι τοῦ νόμου. πολὺ γὰρ δήπου μᾶλλον  
 οἱ προδιδόντες τι τῶν κοινῶν, οἱ τοὺς γονέας  
 κακοῦντες, οἱ μὴ καθαρὰς τὰς χεῖρας ἔχοντες,  
 εἰσιόντες δ' εἰς τὴν ἀγοράν, ἀδικοῦσιν. οἷς ἅπαντι

<sup>1</sup> Dind. rejects the second half of this law, because it is omitted in *Aristocr.* 86.

judicial oath, are guilty of the same iniquities as the tribunals of the Thirty Tyrants? Preposterous! That they give righteous judgements? Then what reason can we allege for enacting a law to reverse those judgements? Unless indeed we plead that we were out of our minds. We have no other excuse to offer.—Read another statute.

59

THE LAW

[Nor shall it be lawful to propose a law applying to a particular man, unless the same be applicable to all Athenian citizens, except by the votes of not less than six thousand citizens voting in the affirmative by ballot.]

It forbids the introduction of any law that does not affect all citizens alike,—an injunction conceived in the true spirit of democracy. As every man has an equal share in the constitution generally, so this statute asserts his equal share in the laws. You know as well as I do for whose sake Timocrates introduced his law; but, leaving those names out of the question, we have his own admission that his law is not of universal application, for he added a clause excepting from its operation tax-farmers, lessees, and their sureties.—When, sir, there are certain persons whom you have put outside your law, you cannot claim that you have made the same law for all alike. And there is another thing that you cannot say,—  
 that of all persons punished by imprisonment tax-  
 farmers are the greatest offenders and do us the  
 gravest wrong, and that that is why you do not give  
 them the benefit of your law. Surely men who are  
 traitors to the commonwealth, men who maltreat  
 their own parents, men who enter the market-place  
 with unclean hands, offend far more heinously; and

## DEMOSTHENES

οἱ μὲν ὑπάρχοντες νόμοι δεσμὸν προλέγουσιν, ὁ δὲ σὸς λελύσθαι δίδωσιν. ἀλλ' ἐνταῦθα πάλιν καταμηνύεις ὑπὲρ ὧν ἐτίθεις· διὰ γὰρ τὸ μὴ τελωνήσαντας ὀφείλειν αὐτούς, ἀλλὰ κλέψαντας, μᾶλλον δ' ἀρπάσαντας τὰ χρήματα, διὰ τοῦτ' οὐκ ἐφρόν-  
 [720] τισας, οἶμαι, τῶν τελωνῶν.

- 61 Πολλοὺς δ' ἂν τις ἔχοι νόμους ἔτι καὶ καλῶς ἔχοντας δεικνύναι, οἷς πᾶσιν ἐναντίος ἐστὶν ὃν οὗτος τέθεικεν. ἀλλ' ἴσως ἐγὼ μὲν, εἰ περὶ πάντων ἐρῶ, ἐξωσθήσομαι περὶ τοῦ μηδ' ἐπιτήδειον ὅλως ὑμῖν εἶναι τὸν νόμον εἰπεῖν, ὑμῖν δ' ὁμοίως ἔνοχος φανεῖται τῇ γραφῇ, καὶ εἰ ἐνὶ τῶν ὄντων νόμων ἐναντίος ἐστίν. πῶς οὖν μοι δοκεῖ; τοὺς μὲν ἄλλους ἐᾶν, περὶ δ' οὗ πρότερόν ποτ' αὐτὸς οὗτος ἔθηκε νόμου διελθόντ' ἐπ' ἐκείνο ἵεναι τὸ μέρος τῆς κατηγορίας ἤδη, ὡς καὶ μεγάλ' ἂν βλάβητοι  
 62 γενόμενος κύριος τὴν πόλιν. τὸ μὲν οὖν τοῖς τῶν ἄλλων ἐναντίον εἰσηνηροχένοι νόμον δεινὸν μὲν, ἀλλ' ἄλλου δεῖται κατηγοροῦ· τὸ δ' ὑφ' ἑαυτοῦ πρότερον κειμένῳ νόμῳ τᾶναντία θεῖναι, τοῦτ' ἤδη ποιεῖ κατηγορον αὐτὸν αὐτοῦ γεγενῆσθαι. ἴν' οὖν τοῦτ' εἰδῆτε γιγνόμενον, ἀναγνώσεται τὸν νόμον ὑμῖν αὐτὸν ὃν οὗτος ἔθηκεν· ἐγὼ δὲ σιωπήσομαι. λέγε.

### ΝΟΜΟΣ

63

[Τιμοκράτης εἶπεν· ὅποσοι Ἀθηναίων κατ' εἰσαγγελίαν ἐκ τῆς βουλῆς ἢ νῦν εἰσιν ἐν τῷ δεσμοτηρίῳ ἢ τὸ λοιπὸν κατατεθῶσι, καὶ μὴ παραδοθῆ ἢ κατάγνωσις αὐτῶν τοῖς θεσμοθέταις ὑπὸ τοῦ γραμματέως τοῦ κατὰ πρυτα-  
 412



all those criminals are threatened with imprisonment by the standing laws, while your law offers them instant release. But here again you reveal the men in whose favour you moved your law. They got into our debt not by tax-farming, but by embezzling, or rather by plundering, our money ; and that, I warrant you, is the true reason why you had no consideration for the tax-farmers.

Many other excellent statutes might be cited, all <sup>61</sup> contradicted by the law he has proposed. However, if I discuss every one of them, I shall, perhaps, be robbed of my chance of arguing that the law is altogether disadvantageous to the citizens. On the other hand, even if it is repugnant to one only of the existing laws, you can have no doubt that it is open to the indictment. What, then, is my decision ? To pass over all the other laws, but to discuss one law proposed on a former occasion by the defendant himself, before I proceed to that part of my accusation in which I allege that the law, if operative, will be most injurious to the commonwealth. To have <sup>62</sup> introduced a law contrary to the laws of others is a serious offence, but one which requires accusation by someone else ; but, when a man legislates in opposition to a former enactment of his own, he is really making himself his own accuser. To show you that such is really the case, the clerk will read to you the actual law proposed by him, while I hold my peace.—  
Read.

[Moved by Timocrates : if any Athenian citizens are now in gaol or shall hereafter be imprisoned on impeachment by the Council, if the judgement against such prisoners be not delivered to the Judges by the Secretary of the Presidency

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νείαν κατὰ τὸν εἰσαγγελτικὸν νόμον, δεδόχθαι<sup>1</sup> εἰσάγειν  
 τοὺς ἔνδεκα εἰς τὸ δικαστήριον τριάκονθ' ἡμερῶν ἀφ' ἧς  
 ἂν παραλάβωσιν, ἐὰν μὴ τι δημοσίᾳ κωλύῃ, ἐὰν δὲ μὴ,  
 ὅταν πρῶτον οἶόν τ' ᾖ. κατηγορεῖν δ' Ἀθηναίων τὸν  
 βουλόμενον οἷς ἕξεσθιν. ἐὰν δ' ἀλφῶ, τιμάτω ἢ ἡλιαία  
 περὶ αὐτοῦ ὅ τι ἂν δοκῆ ἄξιός εἶναι παθεῖν ἢ ἀποτεισάσθαι.  
 [721] ἐὰν δ' ἀργυρίου τιμηθῆ, δεδέσθω ἕως ἂν ἐκτείσῃ ὅ τι ἂν  
 αὐτοῦ καταγνωσθῆ.]

64 Ἀκούετε, ὦ ἄνδρες δικασταί; λέγε αὐτοῖς αὐτὸ  
 τοῦτο πάλιν.

### ΝΟΜΟΣ

[Ἐὰν δ' ἀργυρίου τιμηθῆ, δεδέσθω ἕως ἂν ἐκτείσῃ.]

Πέπαυσο. ἔστιν οὖν ὅπως ἂν ἐναντιώτεραί τις  
 δύο θείῃ τοῦ δεδέσθαι, ἕως ἂν ἐκτείσωσι, τοὺς  
 ἀλόντας, καὶ τοῦ καθιστάσαι τοὺς αὐτοὺς τούτους  
 ἐγγυητάς, ἀλλὰ μὴ δεῖν; ταῦτα τοίνυν κατηγορεῖ  
 Τιμοκράτης Τιμοκράτους, οὐ Διόδωρος, οὐδ' ἄλλος  
 65 ὑμῶν οὐδεὶς τοσοῦτων ὄντων τὸ πλήθος. καίτοι  
 τίνος ὑμῖν ἂν ἀποσχέσθαι δοκεῖ λήμματος, ἢ τί  
 ποιεῖν ἂν ὀκνήσαι κέρδους ἕνεκα, ὅστις ἐναντία  
 αὐτὸς αὐτῷ νομοθετεῖν ἠξίωσεν, οὐδὲ τοῖς ἄλλοις  
 τῶν νόμων ἐώντων; ἐμοὶ μὲν γὰρ ἕνεκ' ἀναιδεΐας  
 ὁ τοιοῦτος δοκεῖ πᾶν ἂν ἐτοιμίως ἔργον ποιῆσαι.  
 ὥσπερ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τῶν περὶ τᾶλλα  
 κακούργων τοὺς ὁμολογοῦντας ἄνευ κρίσεως κολά-  
 ζειν οἱ νόμοι κελεύουσιν, οὕτω δίκαιον καὶ τούτου,  
 ἐπειδὴ τοὺς νόμους κακουργῶν εἴληπται, μὴ δόντας  
 λόγον μηδ' ἐθελήσαντας ἀκοῦσαι καταψηφίσασθαι.

<sup>1</sup> After this word mss. have τοῖς θεσμοθέταις (with variant νομοθέταις). Dind. omits as an accidental repetition from the line above.

## AGAINST TIMOCRATES, 63-65

in pursuance of the law of impeachment, be it enacted that the Eleven shall bring them before the Court within thirty days of the day on which they receive them into custody, unless prevented by public business, and, if so prevented, as soon as possible. Any Athenian qualified as a prosecutor may prosecute. If the culprit be convicted, the Court of Heliæa shall assess such penalty, pecuniary or otherwise, as he appears to deserve. If the penalty assessed be pecuniary, he shall be imprisoned until he has paid the full amount of the fine inflicted.]

You hear that, gentlemen of the jury?—Read 64 those words again.

### THE LAW

[If the penalty assessed be pecuniary he shall be imprisoned until he has paid the full amount—]

That will do.—Could a man possibly propose two more contradictory enactments than these,—that convicted malefactors shall be kept in gaol until they have paid their fines, and that these same malefactors may put in sureties, but must not be imprisoned. Here, then, is an accusation brought against Timocrates by Timocrates, not by Diodorus nor by any other of the great multitude of citizens. Yet from 65 what gain do you think that such a man would restrain his hand, or what would he hesitate to do for lucre's sake, when he did not disdain to legislate in contradiction of himself, though the laws forbid contradiction even of others? It seems to me that, so far as effrontery goes, such a man is ready to do anything. Inasmuch, therefore, as the laws provide that evildoers of other kinds shall upon confession be punished without trial, you, men of Athens, have a right to give your verdict against this man without allowing him to speak or giving him a hearing, now that he has been caught in the act of maltreating the laws ;

ὡμολόγηκε γὰρ [θατέρῳ] τῷ προτέρῳ νόμῳ ἐναντίον τόνδε τιθεὶς ἀδικεῖν.

- 66 Ὅτι μὲν τοίνυν καὶ παρὰ τούτους τοὺς νόμους καὶ παρὰ τοὺς προειρημένους, καὶ μικροῦ δέω παρὰ πάντας εἶπειν τοὺς ὄντας ἐν τῇ πόλει, τέθεικε τὸν νόμον, οἶμαι δῆλον ἅπασιν ὑμῖν εἶναι. θαυμάζω δ' αὐτοῦ τί ποτε καὶ τολμήσει λέγειν περὶ τούτων. οὔτε γὰρ ὡς οὐκ ἐναντίος ἔσθ' ὁ νόμος
- [722] τοῖς ἄλλοις δεικνύειν ἔξει, οὔθ' ὡς δι' ἀπειρίαν ἰδιώτην αὐτὸν ὄντα τοῦτ' ἔλαθε δύναιτ' ἂν πείσαι· πάλαι γὰρ μισθοῦ καὶ γράφων καὶ νόμους εἰσ-
- 67 φέρων ὤπται. καὶ μὴν οὐδ' ἐκείνῳ γ' ἔνεστιν αὐτῷ, ἀδίκημα μὲν εἶναι τὸ πρᾶγμα ὁμολογήσαι, συγγνώμης δὲ τυχεῖν ἀξιοῦν· οὐ γὰρ ἄκων οὐδ' ὑπὲρ ἠτυχηκότων, οὐδ' ὑπὲρ συγγενῶν καὶ ἀναγκαίων αὐτῷ τεθεικῶς φαίνεται τὸν νόμον, ἀλλ' ἐκῶν ὑπὲρ μεγάλα ἠδίκηκότων ὑμᾶς, οὐδὲν προσηκόντων αὐτῷ, πλὴν εἰ συγγενεῖς ὑπολαμβάνειν φησὶν τοὺς μισθουμένους αὐτόν.
- 68 Ὡς τοίνυν οὐδ' ἐπιτήδειον νόμον ὑμῖν οὐδὲ συμφέροντ' εἰσενήνοχε, τοῦτ' ἤδη πειράσομαι νυνὶ δεικνύειν. οἶμαι ἅπαντας ἂν ὑμᾶς ὁμολογήσαι δεῖν τὸν ὀρθῶς ἔχοντα νόμον καὶ συνοίσειν μέλλοντα τῷ πλήθει πρῶτον μὲν ἀπλῶς καὶ πᾶσι γνωρίμως γεγράφθαι, καὶ μὴ τῷ μὲν εἶναι ταυτὶ περὶ αὐτοῦ νομίζειν, τῷ δὲ ταυτί. ἔπειτ' εἶναι δυνατὰς τὰς πράξεις, ἃς δεῖ γίγνεσθαι διὰ τοῦ νόμου· εἰ γὰρ αὐτὸ καλῶς μὲν ἔχοι, μὴ δυνατὸν δέ τι φράζει,
- 69 εὐχῆς, οὐ νόμου διαπράττοιτ' ἂν ἔργον. πρὸς δὲ τούτοις μηδενὶ τῶν ἀδικούντων φαίνεσθαι μηδεμίαν

for by proposing this law in contravention of the former law, he has pleaded guilty.

That the law he has proposed is contrary to the statutes just read, to those which I cited before, and, 66 I may almost say, to every law in Athens, is now, I suppose, manifest to every one of you. I really wonder what he will have the face to say about those statutes. He cannot show that his law does not contradict the others; and he will not be able to convince you that he is a simple layman who did not know what he was doing through lack of experience, because for a long time past he has been celebrated for composing and introducing laws at so much apiece. Moreover, there is another course that is not open to him: he cannot admit that he has done wrong and 67 then plead that he deserves forgiveness; for it is quite clear that he did not propose his law unwillingly, or to help the distressed, or his own family, or people who have a claim upon him. He did it by intention, on behalf of men who have done you a grave injury, and who are in no way related to him,—unless he pretends that payment of wages is a bond of kinship.

I will now do my best to prove that the law he introduced is unacceptable and disadvantageous to 68 the citizens. I presume that you will all agree with me that a really wholesome law, such as is calculated to benefit the people, ought, in the first place, to be drawn simply and intelligibly, not in such terms that one man thinks it means this and another that; and, secondly, that the proceedings prescribed by the law ought to be practicable, for if a law, though well-meant, were to enjoin what is impossible, it would be attempting the work not of a law, but of a prayer. Furthermore, it should plainly appear that it does not 69

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διδόντα ῥαστώνην. εἰ γὰρ δημοτικόν τις ὑπέιληφε  
 τὸ πρᾶους εἶναι τοὺς νόμους, τίσι τούτοις προσ-  
 εξεταζέτω, κἄνπερ ὀρθῶς βούληται σκοπεῖν, εὐρήσει  
 τοῖς κρίνεσθαι μέλλουσιν, οὐ τοῖς ἐξεληλεγμένοις·  
 ἐν μὲν γὰρ τοῖς ἄδηλον εἶ τις ἔστ' ἀδίκως δια-  
 βεβλημένος, τοῖς δὲ οὐδὲ λόγος λείπεται τὸ μὴ  
 70 οὐ πονηροῖς εἶναι. τούτων τοίνυν ὧν διεξελέλυθ'  
 ἐγὼ νῦν οὐδ' ὅτιοῦν οὗτος ἔχων ὁ νόμος φανήσεται,  
 τάναντία δ' ἐξῆς πάντα. πολλαχόθεν μὲν οὖν ἄν  
 τις ἔχοι τοῦτο διδάσκειν, μάλιστα δὲ τὸν νόμον  
 [723] αὐτὸν ὃν τέθεικε διεξιῶν. ἔστι γὰρ οὐ τὸ μὲν  
 αὐτοῦ καλῶς κείμενον, τὸ δ' ἡμαρτημένον, ἀλλ'  
 ὅλος ἐξ ἀρχῆς, ἀπὸ τῆς πρώτης συλλαβῆς μέχρι  
 71 τῆς τελευταίας, ἐφ' ὑμῖν κείμεναι. λαβὲ δ' αὐτοῖς  
 τὴν γραφὴν αὐτὴν, καὶ μέχρι τοῦ πρώτου μέρους  
 ἀνάγνωθι τὸν νόμον· ῥᾶστα γὰρ οὕτως ἐγὼ τε  
 διδάξω καὶ ὑμεῖς μαθήσεσθ' ἃ λέγω.

### ΝΟΜΟΣ

[Ἐπὶ τῆς Πανδιονίδος πρώτης πρυτανείας δωδεκάτῃ,  
 τῶν προέδρων ἐπεψήφισεν Ἀριστοκλῆς Μυρρινούσιος,  
 Ἵμοκράτης εἶπε· καὶ εἴ τινα τῶν ὀφειλόντων τῷ δημοσίῳ  
 προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ  
 τὸ λοιπὸν προστιμηθῆ, εἶναι αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου  
 ἐγγνητὰς καταστήσαι.]

72 Ἐπίσχεσ· αὐτίκα γὰρ καθ' ἕκαστον ἀναγνώσει.  
 τουτὶ πάντων, ὧ ἄνδρες δικασταί, τῶν γεγραμ-  
 μένων ἐν τῷ νόμῳ σχεδόν ἔστι δεινότατον. οἶμαι

offer an easy time to any wrongdoer. For if anyone supposes that indulgent laws are the mark of popular government, let him ask this further question: to whom are they to be indulgent? If he will look at the matter rightly, he will find that the answer is, to persons who are going to be tried, not to persons already convicted. For of the former we may say that it is still uncertain whether they have been unjustly calumniated; but the latter can no longer plead that they are not evil-doers. Now it shall be made clear that the law before us exhibits none of the traits I have enumerated, but the very opposite, taking them one by one. There are many ways in which I might make good that statement; the best will be to go through the law itself, phrase by phrase. It is not a law well-conceived in parts, and defective in parts; from beginning to end, from the first syllable to the last, it is enacted to your detriment.—The clerk shall take the actual manuscript, and read the law to the jury as far as the end of the first section.—That is the easiest way for me to explain, and for you to apprehend, what I mean.

THE LAW OF TIMOCRATES

[During the first presidency, namely, that of the Pandionid Tribe, and on the twelfth day of that presidency, the question was put by Aristocles of Myrrhinus, one of the Commissioners: moved by Timocrates, that if the additional penalty of imprisonment has been or shall hereafter be inflicted in pursuance of any law or decree upon any person in debt to the treasury, it shall be competent for him or for any person on his behalf to nominate as sureties for the debt—]

Stop; you shall read it clause by clause presently. This, gentlemen of the jury, is very nearly the most scandalous provision of the whole statute. I do not

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γὰρ οὐδὲ ἓνα ἀνθρώπων ἄλλον τολμῆσαι, νόμον εἰσφέροντα ἐπὶ τῷ χρῆσθαι τοὺς πολίτας αὐτῷ, τὰς κατὰ τοὺς πρότερον κυρίους νόμους κρίσεις γεγενημένας ἐπιχειρῆσαι λύειν. τοῦτο τοίνυν οὐτοσὶ Τιμοκράτης ἀναιδῶς καὶ οὐδ' ἀποκρυσάμενος πεποίηκε, γράψας διαρρήδην “ καὶ εἴ τιτι τῶν ὀφειλόντων τῷ δημοσίῳ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῆ.”

- 73 περὶ μὲν δὴ τῶν μελλόντων εἴ τι δίκαιον ἔπεισεν ὑμᾶς, οὐκ ἂν ἠδίκηι· περὶ δ' ὧν δικαστήριον ἔγνωκε
- [724] καὶ τέλος ἔσχηκε, πῶς οὐ δεινὰ ποιεῖ νόμον εἰσφέρων δι' οὗ ταῦτα λυθήσεται; ὥσπερ ἂν εἴ τις ἑάσας κύριον τὸν τούτου γενέσθαι νόμον γράψειεν ἕτερον τοιόνδε “ καὶ εἴ τιτες, ὠφληκότες χρήματα καὶ δεσμοῦ προστετιμημένον αὐτοῖς, ἐγγυητὰς κατέστησαν κατὰ τὸν νόμον, μὴ εἶναι τὴν διεγγύησιν αὐτοῖς, μηδὲ τὸ λοιπὸν ἐξεγγυᾶν μηδένα.”
- 74 ἀλλ' οὔτε ταῦτα ποιήσειεν ἂν οὐδεὶς ὑγιαίνων, οἶμαι, σύ τ' ἐκεῖνα λύων ἠδίκηις. χρῆν γὰρ αὐτόν, εἰ τὸ πρᾶγμ' ἐνόμιζε δίκαιον, ἐπὶ τοῖς ὕστερον γενησομένοις θεῖναι τὸν νόμον, καὶ μὴ συνενεγκόντα εἰς ταῦτ' ἅ μὲλλοντα τοῖς παρεληλυθόσι καὶ τὰ μὴ δῆλα τοῖς φανεροῖς ἀδικήμασιν εἶτ' ἐπὶ πᾶσι γράψαι τὴν αὐτὴν γνώμην. πῶς γὰρ οὐ δεινὸν τῶν αὐτῶν ἠξιοκέναι δικαίων τοὺς ἐξεληλεγμένους ἀδικοῦντας τὴν πόλιν πρότερον καὶ τοὺς μηδ' εἰ κρίσεως ἄξιον ἐργάσονταί τι δήλους;



think that any other man, when introducing a law for the use of his fellow-citizens, ever ventured upon an attempt to rescind judgements passed under earlier statutes. Yet that is what the defendant Timocrates has done without shame and even without concealment, inserting these plain words : " if the additional penalty of imprisonment has been or shall hereafter be inflicted in pursuance of any law or decree upon any person in debt to the treasury." If he had merely 73 advised us of the right course for the future, there would have been no harm in it ; but, when a court of justice has given its verdict and determined the issue, is it not outrageous to introduce a law by which that verdict is to be rescinded ? It is as though, after allowing the law of Timocrates to become operative, someone should draft a second law to this effect : " if any persons being indebted, and having had the further penalty of imprisonment passed upon them, shall have put in sureties as the law directs, they shall not be entitled to such bail, and it shall not be lawful hereafter to release anyone on bail." I suppose that 74 no man in his senses would do such a thing ; and you, sir, were guilty when you tried to annul those other provisions. For if he thought it a fair thing to do, his proper course was to introduce a law governing future transactions ; not to lump together all offences, past and future, proven and unproven, and then register an indiscriminate judgement upon all together. Surely it is outrageous that men who have already been convicted of offences against the common weal should be deemed worthy of the same judicial treatment as men of whom it is not yet known whether they will ever do anything that deserves prosecution ?

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- 75 Καὶ μὴν κακέϊθεν ἴδοι τις ἂν ὡς δεινὸν πεποίηκε τὸ θείναι περὶ τῶν παρεληλυθότων τὸν νόμον, εἰ λογίσαιτο παρ' αὐτῷ τί ποτ' ἔστιν ᾧ νόμος ὀλιγαρχίας διαφέρει, καὶ τί δή ποθ' οἱ μὲν ὑπὸ νόμων ἐθέλοντες ἄρχεσθαι σώφρονες καὶ χρηστοὶ νομίζονται, οἱ δ' ὑπὸ τῶν ὀλιγαρχιῶν ἀνανδροὶ καὶ
- 76 δούλοι. εὖροι γὰρ ἂν ὡς ἀληθῶς τοῦτο προχειρότατον, ὅτι τῶν μὲν ἐν ταῖς ὀλιγαρχίαις ἕκαστος καὶ τὰ πεπραγμένα λῦσαι καὶ περὶ τῶν μελλόντων ἅ ἂν αὐτῷ δοκῆ προστάξαι κύριός ἐστιν, οἱ δὲ νόμοι περὶ τῶν μελλόντων ἅ χρῆ γίγνεσθαι φράζουσι, μετὰ τοῦ πείσαι τεθέντες ὡς συνοίσουσι τοῖς χρωμένοις. Τιμοκράτης τοίνυν ἐν δημοκρατουμένη τῇ πόλει νομοθετῶν τὴν ἐκ τῆς ὀλιγαρχίας ἀδικίαν εἰς
- [725] τὸν αὐτοῦ νόμον μετήνεγκε, καὶ περὶ τῶν παρεληλυθότων αὐτὸν κυριώτερον τῶν καταγνότων δικαστῶν ἠξίωσε ποιῆσαι.
- 77 Καὶ οὐ τοῦτο μόνον πεποίηκεν ὑβριστικόν, ἀλλὰ καὶ γέγραπται, “ ἢ τὸ λοιπὸν εἰάν τινι προστιμηθῆ δεσμοῦ, εἶναι καταστήσαντι τοὺς ἐγγυητὰς, ἢ μὴν ἐκτείσειν, ἀφείσθαι.” καίτοι χρῆν αὐτόν, εἰ τὸ δεδέσθαι δεινὸν ἠγείτο, μηδενὶ προστιμῶν ὅς ἂν ὑμῖν ἐγγυητὰς καθιστῆ δεσμοῦ νομοθετῆσαι, μὴ προλαβόντα κατεγνωκότας ὑμᾶς τὸν δεσμὸν μηδ' ἐχθρῶς διατεθέντα πρὸς ὑμᾶς τὸν ἠλωκότα τηνικαῦτα ποιεῖν τὴν ἐξεγγύησιν. νυνὶ δ', ὥσπερ ἐνδεικνύμενος ὅτι, κἂν ὑμῖν δοκῆ δεδέσθαι τινά, αὐτὸς ἀφήσει, τοῦτον τὸν τρόπον τὸν νόμον εἰσήνεγκεν.
- 78 ἄρ' οὖν τῷ δοκεῖ συμφέρειν τῇ πόλει τοιοῦτος νόμος

## AGAINST TIMOCRATES, 75-78

Again, we may discern how monstrously he has acted 75 in making his law retrospective, by asking ourselves what is the real difference between government by law and oligarchy; and why we regard those who prefer to live under laws as honest, sober-minded persons, and those who submit to oligarchical rule as cowards and slaves. The outstanding difference you will find to 76 be really this: under oligarchical government everybody is entitled to undo the past, and to prescribe future transactions according to his own pleasure; whereas the laws of a free state prescribe what shall be done in the future, such laws having been enacted by convincing people that they will be beneficial to those who live under them. Timocrates however, legislating in a democratically governed city, has introduced into his law the characteristic iniquity of oligarchy; and in dealing with past transactions has presumed to claim for himself an authority higher than that of the convicting jury.

Nor is this the only example of his arrogance. It 77 is further enacted that "if hereafter the additional penalty of imprisonment shall have been imposed, the prisoner may be released on producing sureties for payment of his fine." If he really thought imprisonment such a dreadful infliction, his proper course was to enact that no man who produces sureties shall be committed to prison; but not, having first found that you have passed sentence of imprisonment and so incurred the resentment of the convict, then to give him a discharge on bail. In fact, he has introduced his law in this fashion by way of advertising himself as one who will, on his own authority, release prisoners, though you may have decided to keep them in gaol. Can anyone see any public advantage in a law that is 78

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ὅς δικαστηρίου γνώσεως αὐτὸς κυριώτερος ἔσται καὶ τὰς ὑπὸ τῶν ὁμωμοκότων γνώσεις τοῖς ἀνωμότοις προστάξει λύειν; ἐγὼ μὲν οὐκ οἶμαι. φαίνεται τοίνυν ὁ τούτου νόμος ταῦτ' ἔχων ἀμφότερα. ὥστ' εἴπερ ὑμῶν ἐκάστω μέλει τι τῆς πολιτείας καὶ δεῖν οἴεται κυρίαν εἶναι τὴν αὐτοῦ γνώμην περὶ ὧν ἂν ὁμωμοκῶς ψηφίσηται, λυτέος καὶ οὐκ ἑατέος ὁ τοιοῦτος νόμος κύριος νυνὶ γενέσθαι.

- 79 Οὐ τοίνυν ἀπέχρησεν αὐτῷ τὰ δικαστήρια ἄκυρα ποιῆσαι τῶν προστιμημάτων, ἀλλ' οὐδὲ ἅ δίκαια ὠρίσατο αὐτὸς ἐν τῷ νόμῳ καὶ προσέταξε τοῖς ὠφληκόσιν, οὐδὲ ταῦτα ἀπλῶς οὐδὲ ἀδόλως φανήσεται γεγραφώς, ἀλλ' ὡς ἂν μάλιστα τις ὑμᾶς ἐξαπατῆσαι καὶ παρακρούσασθαι βουλόμενος. σκέψασθε γὰρ ὡς γέγραφεν. “Τιμοκράτης εἶπε”
- [726] φησὶ “καὶ εἴ τιτι τῶν ὀφειλόντων τῷ δημοσίῳ προστετίμηται κατὰ νόμον ἢ κατὰ ψήφισμα δεσμοῦ ἢ τὸ λοιπὸν προστιμηθῆ, εἶναι αὐτῷ ἢ ἄλλῳ ὑπὲρ ἐκείνου ἐγγυητὰς καταστήσαι, οὓς ἂν ὁ δῆμος
- 80 χειροτονήσῃ, ἢ μὴν ἐκτείσειν.” ἐνθυμείσθ' ἀπὸ τοῦ δικαστηρίου καὶ τῆς καταγνώσεως οἱ διεπήδησεν. ἐπὶ τὸν δῆμον, ἐκκλέπτων τὸν ἡδικηκότα καὶ τὴν παράδοσιν αὐτοῦ τὴν τοῖς ἔνδεκα. τίς γὰρ ἀρχὴ παραδώσει τὸν ὀφλόντα; τίς τῶν ἔνδεκα παραλήφεται; κελεύοντος μὲν τοῦ νόμου τούτου ἐν τῷ δήμῳ καθιστάναι τοὺς ἐγγυητὰς, ἀδυνάτου δ' ὄντος αὐθημερὸν ἐκκλησίαν ἅμα καὶ δικαστήριον γενέσθαι, οὐδαμοῦ δ' ἐπιτάπτοντος φυλάττειν ἕως ἂν

## AGAINST TIMOCRATES, 78-80

to override the decisions of a court of justice, and that requires unsworn persons to cancel the judgements of sworn juries? I hope not. It is clear that the law of Timocrates has both these faults; and if you have, each one of you, any regard for the constitution, or if you claim authority for your own decision of the questions on which you give your verdict under oath, you must abrogate a law like this, and not permit it to be made valid to-day.

He was not satisfied with destroying the authority 79 of this court in respect of additional penalties, but you will find that even the proceedings which he has prescribed in his law, and imposed upon culprits who have been condemned, have not been drafted with honesty and sincerity, but as though his main purpose was to mislead and overreach you. Observe the phrasing: "Moved by Timocrates that, if the additional penalty of imprisonment has been or shall hereafter be inflicted in pursuance of any law or decree upon any person in debt to the treasury, it shall be competent for him or for any other person on his behalf to nominate as sureties for the debt such persons as shall be approved on vote by the Assembly." See what a long stride he has taken 80 from the court of justice and its sentences! Even to the Assembly; for he steals the person of the criminal, as well as the right to hand him over to the Eleven. What magistrate will ever hand over the delinquent? What member of the Eleven will ever accept custody? The order of Timocrates is that sureties are to be nominated in the Assembly; it is impossible for the Assembly and the Courts to be in session on the same day; and there is no injunction to keep the man in custody until he has named his

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- 81 καταστήσῃ τοὺς ἐγγυητάς. καίτοι τί ποτ' ἦν δι' ὃ προσγράψαι σαφῶς ὤκνησε " τὴν δ' ἀρχὴν τὸν ὀφλόντα φυλάττειν ἕως ἂν καταστήσῃ τοὺς ἐγγυητάς "; πότερ' οὐχὶ δίκαιον; εὖ οἶδ' ὅτι πάντες ἂν φήσαιτε. ἀλλ' ἐναντίον ἦν τινὶ τοῦτο νόμῳ; οὐκ, ἀλλὰ μόνον κατὰ τοὺς νόμους. τί ποτ' οὖν ἦν; οὐδὲν ἂν ἄλλο τις εὔροι πλὴν ὅτι οὐχ ὅπως δώσουσι δίκην ὧν ἂν ὑμεῖς καταγνώτε ἐσκόπει, ἀλλ' ὅπως μή.
- 82 Εἶτα πῶς γέγραπται μετὰ ταῦτα; " καθιστάναι τοὺς ἐγγυητάς ἢ μὴν ἐκτείσειν τὸ ἀργύριον ὃ ὤφλεν." ἐνταυθὶ πάλιν τῶν μὲν ἱερῶν χρημάτων τὴν δεκαπλασίαν ὑφήρηται, τῶν δ' ὀσίων, ὀπόσων ἐν τῷ νόμῳ διπλασιάζεται, τὸ ἥμισυ. πῶς δὴ τοῦτο ποιεῖ; γράψας ἀντὶ μὲν τοῦ τιμήματος τὸ ἀργύριον, ἀντὶ
- 83 δὲ τοῦ " τὸ γιγνόμενον," " ὃ ὤφλεν." διαφέρει δὲ τί; εἰ μὲν ἔγραψε καθιστάναι τοὺς ἐγγυητάς ἢ μὴν ἐκτείσειν τὸ τίμημα τὸ γιγνόμενον, προσπεριελήφει
- [727] τοὺς νόμους ἂν, καθ' οὓς τὰ μὲν δεκαπλᾶ, τὰ δὲ καὶ διπλᾶ γίνεταί τῶν ὀφλημάτων· ὥστ' ἐκ τούτων ἦν ἀνάγκη τοῖς ὀφλοῦσι τὸ γεγραμμένον τ' ἐκτίνειν, καὶ τὰς ἐκ τῶν νόμων προσούσας ζημίας καταβάλλειν. νῦν δὲ τῷ γράψαι " τὴν κατάστασιν εἶναι τῶν ἐγγυητῶν ἢ μὴν ἐκτείσειν τὸ ἀργύριον ὃ ὤφλεν " ἐκ τῆς λήξεως καὶ τῶν γραμμάτων, ἐφ' οἷς ἕκαστος εἰσήχθη, ποιεῖ τὴν ἔκτισιν, ἐν οἷς πᾶσιν ἀπλοῦν, ὅτις ὤφλεν, ἀργύριον γέγραπται.

sureties. Why should he have been afraid to add a 81 distinct injunction that "the magistrate shall keep the delinquent in custody until he shall have put in his sureties"? Is not that quite fair? I am sure you will all say yes. Would it have been contrary to any statute? No, indeed; it would have been the only clause that does conform to the statutes. Then what was his reason? There is no discoverable reason except this,—that his purpose was not to help but to obstruct the punishment of criminals condemned by you.

Well, how does it go on? "To nominate sureties 82 on an undertaking to pay in full the amount in which he was indebted." Here again he has stolen away the right of the sacred funds to a tenfold payment, and one-half of the claim of the civil treasury, in cases where double payment is required by law. And how does he manage that? By writing "the amount" instead of "the penalty," and "in which he was indebted" instead of "which has accrued." The 83 difference is this: if he had proposed that sureties should be appointed to guarantee the payment of the accruing penalty, he would have embraced in his enactment the statutes under which certain debts are doubled, and others multiplied by ten; and so the debtor would have been obliged not only to pay in full the amount of the debt as recorded, but also to liquidate the penal payments legally added thereto. As it is, by the words "nominate sureties on an undertaking to pay in full the amount in which he was indebted," he makes the payment depend on the plaint and the documents upon which the several delinquents were brought to trial; and in those documents only the original amount of the debt is recorded.

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- 84 Μετὰ ταῦτα τοίνυν τηλικούτο πρᾶγμα ἀνελὼν ἐν τῇ τῶν ῥημάτων μεταθέσει προσέγραψε “ τοὺς δὲ προέδρους ἐπιχειροτονεῖν ἐπάναγκες, ὅταν τις καθιστάναι βούληται,” παρὰ πάντα τὸν νόμον οἴομενος δεῖν σώζειν τὸν ἡδικηκότα καὶ τὸν ἐν ὑμῖν ἡλωκότα. δούς γὰρ ὅταν βούληται τὴν κατάστασιν αὐτῷ τῶν ἐγγυητῶν, ἐπ’ ἐκείνῳ πεποίηκε μηδέποτ’ ἐκτεῖσαι
- 85 μηδὲ δεθῆναι. τίς γὰρ οὐ ποριεῖται φαύλους ἀνθρώπους, οὓς ὅταν ὑμεῖς ἀποχειροτονήσητε ἀπαλλάξεται; εἰ γὰρ τις ὡς οὐ καθιστάντα τοὺς ἐγγυητὰς ἀξιοῖ δεδέσθαι, φήσει καὶ καθιστάναι καὶ καταστήσειν, καὶ δείξει τὸν τούτου νόμον, ὃς καθιστάναι μὲν ὅταν βούληται κελεύει, φυλάττειν δὲ τέως οὐ λέγει, οὐδ’ ἂν ἀποχειροτονήσθ’ ὑμεῖς τοὺς ἐγγυητὰς, προστάττει δεδέσθαι, ἀλλ’ ὡς ἀληθῶς ὥσπερ ἀλεξιφάρμακόν ἐστι τοῖς ἀδικεῖν βουλομένοις.
- 86 “ Τῷ δὲ καταστήσαντι ” φησὶ “ τοὺς ἐγγυητὰς, εἰ ἀποδιδῶ τῇ πόλει τὸ ἀργύριον ἐφ’ ᾧ κατέστησε τοὺς ἐγγυητὰς, ἀφείσθαι τοῦ δεσμοῦ.” πάλιν ἐνταῦθ’ ἐπέμεινεν ἐπὶ τοῦ κακουργήματος ὃ μικρῷ πρότερον εἶπον, καὶ οὐκ ἐπελάθετο, οὐδ’ ἔγραψε τὸ τίμημα τὸ γιγνόμενον, ἀλλὰ τὸ ἀργύριον ὃ
- [728] ὤφλεν, εἰ ἀποδιδῶ, ἀφείσθαι τοῦ δεσμοῦ.
- 87 “ Ἐὰν δὲ μὴ καταβάλλῃ τὰργύριον ἢ αὐτὸς ἢ οἱ ἐγγυηταὶ ἐπὶ τῆς ἐνάτης πρυτανείας, τὸν μὲν ἐξεγγυηθέντα δεδέσθαι, τῶν δ’ ἐγγυητῶν δημοσίαν εἶναι τὴν οὐσίαν.” ἐν δὴ τῷ τελευταίῳ τούτῳ παντελῶς αὐτὸς αὐτοῦ κατήγορος, ὡς ἀδικεῖ,

<sup>a</sup> See § 22 above.



## AGAINST TIMOCRATES, 84-87

Again, after making such a big hole in the laws by 84 juggling with words, he adds: "the Commissioners<sup>a</sup> are required to put the question whensoever any debtor wishes to nominate sureties," for right through his law he thinks it his business to rescue the criminal who has been convicted in this court. By allowing the nomination of sureties to take place at the pleasure of the delinquent, he puts it into his power never to pay, and never to go to prison. Of course he 85 will put forward men of straw, and by the time you have rejected them, he will be out of your reach. For if anyone demands his retention in gaol for failing to produce sureties, he will reply that he has done so, and intends to do so; and then he will point to the statute of Timocrates, which bids him nominate sureties whenever he likes, but says nothing about custody in the meantime, which gives no instruction for imprisonment in case you reject the sureties, which is, in short, a sort of universal talisman for would-be evil-doers.

"The debtor who has given sureties," he goes on, 86 "shall be released from the penalty of imprisonment on payment to the State of the money in respect of which he gave sureties." Here again he persisted in the trick I mentioned just now; he had not forgotten it; he enacted that the man shall be released from prison on payment, not of the accruing penalty, but of the original debt.

"But if at the time of the ninth presidency neither 87 he nor his sureties shall have paid in the money, the man who gave sureties shall be imprisoned, and the property of the sureties shall be confiscated." In this final clause, you will find, he has at last become the accuser of his own iniquities in the fullest sense.

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γεγονὼς φανήσεται. οὐ γὰρ ὅλως τὸ δεδέσθαι τινὰ τῶν πολιτῶν αἰσχρὸν ἢ δεινὸν νομίσας ἀπέειπε μὴ δεῖν, ἀλλὰ τὸν καιρὸν, ἐν ᾧ τὸν ἡδικοκότητα ἐνῆν παρόντα λαβεῖν, ἐκκλέψας τοῦνομα μὲν τῆς τιμωρίας ἔλιπε τοῖς ἀδικουμένοις ὑμῖν, τὸ δ' ἔργον ἀφείλετο. καὶ παρ' ἀκόντων ἔδωκεν ἄφεσιν τοῖς τὰ ὑμέτερα ἀξιοῦσιν ἔχειν βία, καὶ μόνον οὐ προσέγραψε δίκην ἐξεῖναι λαχεῖν αὐτῷ κατὰ τῶν δικαστῶν τῶν προστιμησάντων τοῦ δεσμοῦ.

88 Ὁ δέ, πολλῶν ὄντων καὶ δεινῶν ὧν ἐν τῷ νόμῳ τέθεικε, μάλιστ' ἀξιὸν ἐστ' ἀγανακτῆσαι, βούλομαι πρὸς ὑμᾶς εἰπεῖν. δι' ὅλου γὰρ τοῦ νόμου τῷ καταστήσαντι τοὺς ἐγγυητὰς ἅπαντα λέγει, τῷ δὲ μὴ καθιστάντι μήτε βελτίους μήτε χείρους, μηδ' ὅλως προσέχοντι τὸν νοῦν ὑμῖν, οὐδεμίαν οὔτε δίκην οὔτε τιμωρίαν προσγέγραφεν, ἀλλ' ἄδειαν πεποίηκε τοσαύτην ὅσην οἶόν τε γενέσθαι πλείστην. καὶ γὰρ τὸν χρόνον ὃν διώρισε, τὴν ἐνάτην πρυτανείαν, τῷ καταστήσαντι λέγει τοὺς ἐγγυητὰς.

89 γνοίη δ' ἂν τις ἐκεῖθεν· προσέγραψε δημοσίαν εἶναι τὴν οὐσίαν τὴν τῶν ἐγγυητῶν, ἂν μὴ τις ἐκτείσῃ· τοῦ δὲ μὴ καταστήσαντος οὐκ ἐνὶ δήπουθεν ὑπάρχειν ἐγγυητὰς. καὶ τοῖς μὲν προέδροις, οἳ κεκληρωμένοι καθίζουσιν ἐξ ὑμῶν, ἐπάναγκες ἐποίησεν, ὅταν καθιστῇ τις, δέχεσθαι· τοῖς δ' ἀδικοῦσι τὴν πόλιν οὐδεμίαν προσέγραψεν ἀνάγκην, ἀλλ' ὥσπερ [729] εὐεργέταις αἵρεσιν αὐτοῖς ἔδωκεν εἰ χρῆ δοῦναι δίκην ἢ μή.

90 Καίτοι πῶς ἂν ἀσυμφωρότερος ὑμῖν τούτου γένοιτο νόμος ἢ κάκιον ἔχων; ὃς πρῶτον μὲν

He did not forbid imprisonment on the broad ground that to imprison a free citizen is something shameful or terrible ; but he stole from you your chance of catching your criminal in the place where he is, and so he left to you, who are the party aggrieved, the empty name of retribution, but robbed you of the reality. Without your consent he gave a discharge to people who forcibly appropriate your money ; and he was within an ace of adding a clause enabling an action at law against the juries that had imposed the penalty of imprisonment.

But of all the objectionable enactments of his law, 88 that of which I will now speak deserves our most vehement indignation. From beginning to end it is addressed to delinquents who put in sureties ; but there is neither prosecution nor penalty for the man who offers no sureties, good or bad, but simply defies you. For that man he has provided the fullest imaginable impunity. The days of grace, defined as extending to the ninth presidency, he offers to the man who has put in bail. You will see the point by 89 observing that he adds a clause to the effect that the property of the sureties shall be confiscated, if they do not pay the debt in full. Yes, but suppose a man has not named any sureties,—then of course there are no sureties to punish. He compels the Commissioners, men chosen for that office by lot from the ranks of the citizens, to accept sureties whenever named ; but on men who defraud the commonwealth he imposes no sort of compulsion,—he treats them as benefactors, and gives them the right to choose whether they will be punished or not.

Could any conceivable statute be more unsound or 90 more opposed to your interests ? First, it enjoins the

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περὶ τῶν ἐκ τοῦ παρεληλυθότος χρόνου κριθέντων ἐναντία τοῖς ὑφ' ὑμῶν ἐγνωσμένοις προστάττει, δεύτερον δὲ περὶ τῶν μελλόντων κριθήσεσθαι προστιμᾶν κελεύων τοὺς δικαστὰς τοὺς ὁωμοκότας ἄκυρα τὰ προστιμήματα ποιεῖ, πρὸς δὲ τούτοις ἐπιτίμους τοὺς ὀφείλοντας οὐ τὰ προσήκοντ' ἐκτίνοντας καθίστησιν, ὅλως δ' ἐπιδείκνυσι μάτην ὀμνύντας, τιμῶντας, δικάζοντας, ὀργιζομένους, ἅπαντα ποιούντας ὑμᾶς. ἐγὼ μὲν γάρ, εἰ Κριτίας ὁ γενόμενος τῶν τριάκοντ' εἰσέφερε τὸν νόμον, οὐκ ἂν ἄλλον τρόπον οἶμαι γράψαντ' εἰσενεγκεῖν ἢ τοῦτον.

- 91 "Ὅτι τοίνυν ὅλην συγχεῖ τὴν πολιτείαν καὶ καταλύει πάντα τὰ πράγματα ὁ νόμος, καὶ πολλὰς φιλοτιμίας περιαιρεῖται τῆς πόλεως, καὶ τοῦτο ῥαδίως ὑμᾶς νομίζω μαθήσεσθαι. ἴστε γὰρ δήπου τοῦθ', ὅτι σώζεται πολλάκις ἡμῶν ἢ πόλις διὰ τὰς στρατείας καὶ τὰς ναυτικὰς καὶ τὰς πεζὰς, καὶ πολλὰ καὶ καλὰ πολλάκις ἤδη διεπράξασθε καὶ σώσαντές τινες καὶ τιμωρησάμενοι καὶ διαλλά-
- 92 ξαντες. πῶς οὖν; ἀνάγκη τὰ τοιαῦτα διοικεῖν ἐστὶ διὰ ψηφισμάτων καὶ νόμων τοῖς μὲν εἰσφέρειν ἐπιτάττοντας, τοὺς δὲ τριηραρχεῖν κελεύοντας, τοὺς δὲ πλεῖν, τοὺς δ' ἕκαστα ποιεῖν ὧν δεῖ. οὐκοῦν ταῦθ' ὅπως γίγνηται, δικαστήρια πληροῦτε καὶ καταγιγνώσκετε δεσμὸν τῶν ἀκοσμοῦντων. σκέψασθε δὴ τὸν τοῦ καλοῦ κάγαθοῦ τούτου νόμον,
- 93 ὡς λυμαίνεται ταῦτα καὶ διαφθείρει. γέγραπται [730] γὰρ δήπου ἐν τῷ νόμῳ αὐτοῦ, "καὶ εἴ τιτι τῶν ὀφειλόντων προστετίμηται δεσμοῦ ἢ καὶ τὸ λοιπὸν προστιμηθῆ, εἶναι καταστήσαντι ἐγγυητάς, ἢ μὴν

reversal of your judgements in cases long ago decided ; and secondly, in cases still to be tried, while instructing sworn jurors to inflict penalties, it makes those penalties inoperative. Further, it enfranchises state-debtors who do not discharge their liabilities, and, in general, it makes an exhibition of you jurors as men whose oaths, whose penalties, whose verdicts, whose censures, whose acts, in short, are all utterly futile. For my part, I conceive that if the author of the statute had been Critias of the Thirty Tyrants, he would hardly have framed and introduced it in any other fashion than this.

I think that you will easily be convinced that this 91 law upsets the constitution, throws public business into confusion, and denudes the commonwealth of many honourable ambitions. For you cannot be unconscious that our city has often owed her safety to the warlike adventures of our navy and our land-forces ; and that you have frequently performed glorious achievements in the deliverance, or the chastisement, or the reconciliation, of other cities. What do I infer ? Such successes could only have 92 been organized by the aid of those decrees and laws under which you levy contributions on some citizens, and require others to furnish war-galleys ; bid some to serve in the navy, and others to perform their several duties. With that object, therefore, you impanel juries, and punish the insubordinate with imprisonment. Now mark how this gallant gentleman's statute vitiates and makes havoc of all that business. His clause reads, you remember : " if the 93 penalty of imprisonment has been or shall hereafter be inflicted upon any debtor, he shall, on nominating sureties on an undertaking to pay the money during

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ἐπὶ τῆς ἐνάτης πρυτανείας ἐκτείσειν τὸ ἀργύριον,  
 ἀφείσθαι τοῦ δεσμοῦ." τίς οὖν πόρος ἔσται; τίν'  
 ἀποσταλήσεται τρόπον ἢ στρατιά; πῶς τὰ χρήματα  
 εἰσπράξομεν, εἴαν ἕκαστος ὀφλισκάνων ἐγγυητὰς  
 καθιστῆ κατὰ τὸν τούτου νόμον, ἀλλὰ μὴ τὸ προσ-  
 94 ἦκον ποιῆ; ἐροῦμεν νῆ Δία τοῖς "Ἐλλησι " Τιμο-  
 κράτους νόμος ἐστὶ παρ' ἡμῖν· ἀναμείνατ' οὖν τὴν  
 ἐνάτην πρυτανείαν· εἶτα τότε ἔξιμεν." τοῦτο γὰρ  
 λοιπόν. ἂν δ' ὑπὲρ ὑμῶν αὐτῶν ἀμύνεσθαι δέη,  
 ἀρά γ' οἴεσθε τοὺς ἐχθροὺς τὰς τῶν παρ' ἡμῖν  
 πονηρῶν διαδύσεις καὶ κακουργίας ἀναμενεῖν; ἢ  
 τὴν πόλιν, αὐτὴν ἐμποδίζοντας νόμους εἰ θήσεται  
 καὶ τὰναντία τῶν συμφερόντων λέγοντας, δυνή-  
 95 σεσθαί τι ποιῆσαι τῶν δεόντων; ἀλλ' ἀγαπητόν,  
 ὦ ἄνδρες Ἀθηναῖοι, εἰ πάντων καλῶς ἐχόντων  
 ἡμῖν, καὶ μηδενὸς ὄντος τοιοῦτου νόμου, κρατοῖμεν  
 τῶν ἐχθρῶν καὶ ταῖς ὀξύτησι δυναίμεθα καὶ τοῖς  
 τοῦ πολέμου καιροῖς ἀκολουθεῖν καὶ μηδενὸς  
 ὑστερίζειν. ἀλλὰ μὴν εἰ φαίνει τοιοῦτον τεθεικῶς  
 νόμον, ὃς τὰ τοιαῦτα λυμαίνεται δι' ὧν ἡ πόλις  
 καὶ σεμνὴ καὶ λαμπρὰ παρὰ πᾶσι καθέστηκε, πῶς  
 οὐχὶ δικαίως ὄτιοῦν ἂν πάθοις;  
 96 "Ἐπι τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τὴν διοίκησιν  
 ἀναιρεῖ, τὴν θ' ἱερὰν καὶ τὴν ὀσίαν. ὡς δέ, ἐγὼ  
 φράσω. ἔστιν ὑμῖν κύριος νόμος, καλῶς εἴπερ τις  
 καὶ ἄλλος κείμενος, τοὺς ἔχοντας τά τε ἱερὰ καὶ τὰ  
 ὄσια χρήματα καταβάλλειν εἰς τὸ βουλευτήριον, εἰ  
 δὲ μὴ, τὴν βουλήν αὐτοὺς εἰσπράττειν χρωμένην  
 97 τοῖς νόμοις τοῖς τελωνικοῖς. διὰ τοίνυν τοῦ νόμου  
 [731] τούτου διοικεῖται τὰ κοινά· τὰ γὰρ εἰς τὰς ἐκκλη-

## AGAINST TIMOCRATES, 93-97

the ninth presidency, be released from imprisonment." Then where are our resources? How shall any expedition be dispatched? How shall we collect ways and means, if every defaulter nominates sureties under this man's act instead of discharging his obligation? I presume that our reply to the Hellenic world 94 will be: "We have a law here,—the statute of Timocrates. Kindly wait till the ninth presidency; then after that we will start." No other excuse is left. And if you have to fight in self-defence, do you really think that the enemy will wait for the evasions and rogueries of every scoundrel in Athens? If our city enacts laws for her own discomfiture, laws exactly contrary to her own interests, do you think she will ever be able to play her true part in the world? Men of Athens, we may well be satisfied if, with 95 everything in good order, and with no such law as this, we hold advantage over our enemies, keep pace with the swift emergencies and sudden chances of warfare, and are never behindhand.—But if you, sir, distinguish yourself as the author of a law that makes havoc of everything by which our city has earned the respect and admiration of the world, is there any punishment that you do not deserve to suffer?

Moreover, men of Athens, the law shatters our 96 financial system, both sacred and civil; and I will tell you how. You have a law in operation, as good a law as ever was enacted, that holders of sacred or civil moneys shall pay the money in to the Council-house, and that, failing such payment, the Council shall recover the money by enforcing the statutes applicable to tax-farmers; and on that law the 97 administration of the treasury depends. That is the

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σίας καὶ τὰς θυσίας καὶ τὴν βουλὴν καὶ τοὺς ἰππέας  
 καὶ τᾶλλα χρήματ' ἀναλισκόμενα, οὗτός ἐσθ' ὁ  
 νόμος ὁ ποιῶν προσευπορεῖσθαι. οὐ γὰρ ὄντων  
 ἱκανῶν τῶν ἐκ τῶν τελῶν χρημάτων τῇ διοικήσει,  
 τὰ προσκαταβλήματ' ὀνομαζόμενα διὰ τὸν τοῦ  
 98 νόμου τούτου φόβον καταβάλλεται. πῶς οὖν οὐχ  
 ἅπαντ' ἀνάγκη καταλυθῆναι τὰ τῆς πόλεως, ὅταν  
 αἱ μὲν τῶν τελῶν καταβολαὶ μὴ ἱκαναὶ ᾧσι τῇ  
 διοικήσει, ἀλλ' ἐνδέη πολλῶν, καὶ μηδὲ ταῦτα ἀλλ'  
 ἢ περὶ λήγοντα τὸν ἐνιαυτὸν ἢ λαβεῖν, τὰ δὲ προσ-  
 καταβλήματα τοὺς μὴ τιθέντας μὴ κυρία ἢ ἡ βουλή  
 μηδὲ τὰ δικαστήρια δῆσαι, ἀλλὰ καθιστώσιν ἐγγυη-  
 99 τὰς ἄχρι τῆς ἐνάτης πρυτανείας; τὰς δ' ὀκτῶ τί  
 ποιήσομεν; εἶπέ, Τιμόκρατες· οὐ σὺνιμεν καὶ βου-  
 λευσόμεθα, εἴαν τι δέη; εἶτ' ἔτι δημοκρατησόμεθα;  
 οὐ δικάσει τὰ δικαστήρια τά τε ἴδια καὶ τὰ δημόσια;  
 καὶ τίς ὑπάρξει τοῖς ἀδικουμένοις ἀσφάλεια; οὐκ  
 εἴσεισιν ἢ βουλή καὶ διοικήσει τὰ ἐκ τῶν νόμων;  
 καὶ τί λοιπὸν ἔσθ' ἡμῖν ἀλλ' ἢ καταλελυθῆναι; ἀλλὰ  
 νῆ Δί' ἀμισθὶ ταῦτα ποιήσομεν; καὶ πῶς οὐ δεινόν,  
 εἰ διὰ τὸν νόμον, ὃν σὺ τέθεικας μισθὸν λαβῶν,  
 ἀμισθος ὁ δῆμος καὶ ἡ βουλή καὶ τὰ δικαστήρια  
 100 ἔσται; χρῆν γὰρ τοῦτό γέ σε, ᾧ Τιμόκρατες,  
 προσγράψαι τῷ νόμῳ, ὅπερ ἐποίεις κατὰ τῶν  
 τελωνῶν καὶ τῶν ἐγγυητῶν, “καὶ εἰ κατὰ τινων ἐν  
 ἄλλῳ τινὶ νόμῳ ἢ ψηφίσματι τὰς αὐτὰς εἴρηται  
 πράξεις ὧν ὀφείλουσιν εἶναι, ἅς περὶ τῶν τελωνῶν,  
 καὶ κατὰ τούτων εἶναι τὰς πράξεις κατὰ τοὺς  
 101 ὑπάρχοντας νόμους.” νῦν δὲ κύκλῳ φεύγων τοὺς  
 [732] 436



law that ensures the supplementary supply for the expenses of meetings of the Assembly, religious services, the Council, the cavalry, and so forth, because the revenue from taxation is not sufficient for current expenses, and what we call the supplementary payments are made under the constraint of that law. It follows that the whole business of the State must go to rack and ruin when, the payments on account of taxation being insufficient, there is a large deficiency, when that deficiency cannot be made up until towards the end of the year, and when, as regards the supplementary payments, neither the Council nor the law-courts have authority to imprison defaulters, if they put in sureties until the ninth presidency. What are we to do for the first eight? Tell us this, Timocrates: are we never to meet and deliberate? If so, shall we still be living under popular government? Shall there be no sessions of the courts, civil or criminal? If so, what security will there be for complainants? Shall the Council not attend at their office to transact their legal business? If so, what remains but complete disorganization? You may reply that we shall go on without payment of fees. Then is it not monstrous that the Assembly, the Council, and the law-courts must go unpaid for the sake of a statute which you were paid to introduce? You ought at least to have added a clause, as you did in dealing with the tax-farmers and their sureties, that "if in any other statute or decree it is provided that the debts of any defaulter may be recovered as in the case of tax-farmers, recovery from such defaulters shall be effected in accordance with the existing laws."—But in fact he went out of his way to avoid the statutes of

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νόμους τοὺς τελωνικούς, ὅτι τὸ ψήφισμα τὸ Εὐκτή-  
 μονος εἶρηκε πράττειν τοὺς ὠφληκότας κατὰ τού-  
 τους τοὺς νόμους, διὰ ταῦτ' οὐ προσέγραψε τοῦτο.  
 ἐκ. δὲ τούτου τοῦ τρόπου τὴν μὲν ὑπάρχουσαν  
 τιμωρίαν λύσας κατὰ τῶν τὰ τῆς πόλεως ἐχόντων,  
 ἑτέραν δ' οὐ προσγράψας πάντα τὰ πράγματ'  
 ἀναιρεῖ, δῆμον, ἱππέας, βουλήν, ἱερά, ὅσια· ἀνθ' ὧν,  
 ἄνπερ ὑμεῖς, ὦ ἄνδρες Ἀθηναῖοι, σωφρονῆτε, κο-  
 λασθεῖς καὶ δούς ἀξίαν δίκην τοῖς ἄλλοις παρά-  
 δειγμα γενήσεται μὴ τιθέναι τοιούτους νόμους.

102 Οὐ τοίνυν μόνον τὰ δικαστήρια ἄκυρα ποιεῖ τῶν  
 προστιμημάτων, τοῖς ἀδικοῦσι τὰ κοινὰ δίδωσιν  
 ἄδειαν, τὰς ὑπὲρ τῆς πόλεως στρατείας λυμαίνεται,  
 τὴν διοίκησιν καταλύει, ἀλλὰ καὶ τοῖς κακούργοις  
 καὶ τοῖς πατραλοῖαις καὶ τοῖς ἀστρατεύτοις βοη-  
 θοῦντα τέθεικε τὸν νόμον· τὰς γὰρ ὑπαρχούσας ἐκ

103 τῶν νῦν κυρίων νόμων τιμωρίας καταλύει. λεγόν-  
 των γὰρ τῶν νόμων οὓς ἔθηκε Σόλων, οὐδὲν ὅμοιος  
 ὧν τούτῳ νομοθέτης, ἐάν τις ἀλῶ κλοπῆς καὶ μὴ  
 τιμηθῆ θανάτου, προστιμᾶν αὐτῷ δεσμόν, καὶ ἐάν  
 τις ἀλοὺς τῆς κακώσεως τῶν γονέων εἰς τὴν ἀγορὰν  
 ἐμβάλλῃ, δεδέσθαι, κἂν ἀστρατείας τις ὄφλῃ καί  
 τι τῶν αὐτῶν τοῖς ἐπιτίμοις ποιῆ, καὶ τοῦτον  
 δεδέσθαι, Τιμοκράτης ἅπασιν τούτοις ἄδειαν ποιεῖ,  
 τῇ καταστάσει τῶν ἐγγυητῶν τὸν δεσμόν ἀφαιρῶν.

104 ὥστ' ἔμοιγε δοκεῖ (καὶ γὰρ εἰ φορτικώτερον εἶναι  
 τὸ ρηθησόμενον δόξει, λέξω καὶ οὐκ ἀποκρύψομαι)  
 κατὰ τοῦτο αὐτὸ ἀξίον αὐτὸν εἶναι θανάτῳ ζημιῶ-  
 σαι, ἢ ἐν Ἄιδου τοῖς ἀσεβέσι θῆ τοῦτον τὸν νόμον,

tax-farming ; and, because Euctemon's decree did authorize recovery from losers of suits according to those statutes, for that very reason he omitted to add the clause. In that manner, by cancelling the existing punishment of public defaulters without substituting any other, he makes havoc of all our business,—the Assembly, the cavalry, the Council, the sacred funds, the civil revenue. And for that offence, men of Athens, if you are wise men, he will be chastised and treated as he deserves, and so made an example to deter others from bringing in such laws.

Not only, then, does he deprive the court of authority 102 in respect of supplementary payments, offer immunity to defrauders of the State, cripple our national service, and undermine our financial system, but also, by abrogating the penalties imposed by the existing statutes, he has enacted his law for the benefit of swindlers, parricides, and shirkers. The statutes 103 enacted by Solon, a very different legislator from the defendant, provided that if a man is convicted of theft, and not punished with death, he shall suffer imprisonment ; that if a man found guilty of ill-treating his parents intrudes upon the market-place, he shall go to gaol ; and that if a man, having been convicted of shirking military service, behaves as though he were not disfranchised, he also shall be imprisoned. Timocrates gives impunity to all these offenders, for he abolishes imprisonment if they put in bail. Therefore, in my judgement (and though 104 you may think what I am going to say rather coarse, I will say it without hesitation), he deserves, on that very account, to be punished with death, so that he may pass this law in Hell for the benefit of the wicked,

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ἡμᾶς δὲ τοὺς ζῶντας τοῖσδε τοῖς ὁσίοις καὶ δικαίοις  
 [733] ἔᾶ τὸ λοιπὸν χρῆσθαι. ἀνάγνωθι δὲ καὶ τούτους  
 τοὺς νόμους.

### ΝΟΜΟΙ ΚΛΟΠΗΣ, ΚΑΚΩΣΕΩΣ ΓΟΝΕΩΝ, ΑΣΤΡΑΤΕΙΑΣ

105 [Ὅ τι ἂν τις ἀπολέσῃ, ἐὰν μὲν αὐτὸ λάβῃ, τὴν διπλα-  
 σίαν καταδικάζειν, ἐὰν δὲ μὴ, τὴν δεκαπλασίαν πρὸς  
 τοῖς ἐπαίτιοις. δεδέσθαι δ' ἐν τῇ ποδοκάκκῃ τὸν πόδα  
 πένθ' ἡμέρας καὶ νύκτας ἴσας, ἐὰν προστιμῆσῃ ἢ ἡλιαία.  
 προστιμᾶσθαι δὲ τὸν βουλόμενον, ὅταν περὶ τοῦ τιμή-  
 ματος ἦ.—Ἐὰν δὲ τις ἀπαχθῇ τῶν γονέων κακώσεως  
 ἡλωκῶς ἢ ἀστρατείας, ἢ προειρημένον αὐτῷ τῶν νόμων  
 εἶργεσθαι, εἰσιῶν ὅποι μὴ χρή, δησάντων αὐτὸν οἱ  
 ἔνδεκα καὶ εἰσαγόντων εἰς τὴν ἡλιαίαν, κατηγορεῖτω  
 δὲ ὁ βουλόμενος οἷς ἔξοστιν. ἐὰν δ' ἀλῶ, τιμάτω ἢ  
 ἡλιαία ὅ τι χρή παθεῖν αὐτὸν ἢ ἀποτεῖσαι. ἐὰν δ'  
 ἀργυρίου τιμηθῇ, δεδέσθω ἕως ἂν ἐκτείσῃ].

106 Ὅμοιός γε, οὐ γάρ; ὦ ἄνδρες Ἀθηναῖοι, Σόλων  
 νομοθέτης καὶ Τιμοκράτης. ὁ μὲν γε καὶ τοὺς  
 ὄντας βελτίους ποιεῖ καὶ τοὺς μέλλοντας ἔσεσθαι.  
 ὁ δὲ καὶ τοῖς γεγεννημένοις πονηροῖς, ὅπως μὴ  
 δώσουσι δίκην, ὁδὸν δείκνυσι, καὶ τοῖς οὖσιν ὅπως  
 ἄδεια γενήσεται κακουργεῖν εὐρίσκει, καὶ τοῖς μέλ-  
 λουσιν ἔσεσθαι, τοὺς ἐξ ἀπάντων τῶν χρόνων πονη-  
 ρούς, ὅπως ἔσονται σω<sup>1</sup> καὶ μηδὲν πείσονται,  
 107 παρασκευάζων. καίτοι τίν' ἂν ἀξίαν δοίης δίκην, ἢ  
 τί σὺ παθὼν ἂν τὰ προσήκοντ' εἴης πεπονθώς, ὅς,  
 τὰ μὲν ἄλλ' ἐῶ, ἀλλὰ τοὺς τῷ γήρα βοηθοὺς λυ-  
 μαίνει, οἳ καὶ ζῶντας ἀναγκάζουσι τοὺς παῖδας τοὺς  
 γονέας τρέφειν, καὶ ἐπειδὴν ἀποθάνωσιν, ὅπως τῶν

<sup>1</sup> So Dind. : σωῖι mss. and most edd.

## AGAINST TIMOCRATES, 104-107

and leave us who are still alive in the continued enjoyment of our holy and righteous laws.—Read also the laws I have mentioned.

### LAWS CONCERNING THEFT, MALTREATMENT OF PARENTS, AND DESERTION

[If a man has recovered the property lost, the penalty shall be twice the value of such property; if he has not recovered it, ten times the value in addition to the lawful amercement. The thief shall be kept in the stocks for five days and five nights, if an additional penalty is awarded by the court; and such additional penalty may be proposed by anyone, when the question of sentence is raised.—If any man be put under arrest after being found guilty of ill-treating his parents or of shirking service, or for entering any forbidden place after notice of outlawry, the Eleven shall put him into prison and bring him before the Court of Heliaea, and any person being a lawful prosecutor may prosecute him. If he be found guilty, the Court shall determine what penalty, corporal or pecuniary, he shall suffer; and if the penalty be pecuniary, he shall be kept in prison until he has paid the fine.]

Much alike these two legislators, Solon and Timocrates,—are they not, men of Athens? Solon aims at the reformation of the living and of the unborn; Timocrates points the scoundrels of the past to a road by which they may escape justice, and invents a scheme of impunity for malefactors present and malefactors to come, providing deliverance and reprieve for past, present, and future sinners alike.—What adequate satisfaction can you render, or by what punishment can you be punished as you deserve, you who, to say nothing of the rest, subvert the laws that protect old age, that compel the maintenance of parents in their lifetime, and ensure that they shall

[734] νομιζομένων τύχῳσι, παρασκευάζουσιν; ἢ πῶς οὐ  
 κάκιστος ἀπάντων ἀνθρώπων δικαίως ἂν νομίζοιο,  
 ὅστις, ὧ κατάρατε, περὶ πλείονος φαίνει τοὺς  
 κλέπτας καὶ τοὺς κακούργους καὶ τοὺς ἀστρα-  
 τεύτους τῆς πατρίδος ποιούμενος, καὶ διὰ τούτους  
 καθ' ἡμῶν νόμον τίθησιν;

108 Βούλομαι τοίνυν ὑμῖν, ἃ ὑπεσχόμην ἐν ἀρχῇ τοῦ  
 λόγου, ἀπολογίσασθαι πεποιηκότα ἑμαυτόν. ἔφην  
 γὰρ αὐτόν ἐξελέγξειν κατὰ πάντα ἔνοχον ὄντα. τῇ  
 γραφῇ, πρῶτον μὲν παρὰ τοὺς νόμους νομοθετοῦντα,  
 δεύτερον δὲ ὑπεναντία τοῖς οὖσι νόμοις γεγραφότα,  
 τρίτον δὲ τοιαῦτα δι' ὧν βλάπτει τὴν πόλιν. οὐκοῦν  
 ἠκούσατε τῶν νόμων, ἃ κελεύουσι ποιεῖν τὸν  
 τιθέντα νόμον καινόν· καὶ πάλιν ὑμᾶς ἐδίδαξα ὅτι

109 τούτων οὐδ' ὅτιοῦν ἐποίησεν οὗτος. καὶ μὴν κἀ-  
 κείνων ἠκούετε τῶν νόμων οἷς ἐναντίος ὧν ἐφαίνεθ'  
 ὁ τούτου· καὶ τούτους ὅτι πρὶν λῦσαι τόνδε τέθεικεν  
 ἐπίστασθε. ἀλλὰ μὴν ὅτι γ' οὐκ ἐπιτήδειος, ἀκη-  
 κόατε· ἄρτι γὰρ λέγων ἐπαυσάμην. οὐκοῦν κατὰ  
 πάντ' ἀδικεῖ φανερώς, καὶ οὐδὲν ἔσθ' ὅ τι φροντίσας  
 οὐδ' εὐλαβηθεὶς φαίνεται, ἀλλ' ἔμοιγε δοκεῖ, κἂν  
 εἰ πρὸς τούτοις ἄλλο τι μὴ ποιεῖν ἐγέγραπτο ἐν  
 τοῖς οὖσι νόμοις, κἂν τοῦτο ποιῆσαι.

110 Πανταχόθεν. μὲν τοίνυν δῆλός ἐσθ' ὅτι ταῦτ'  
 ἔγραψεν ἐπιβουλεύσας, καὶ μετὰ τοῦ βουλεύσασθαι  
 ταῦτ' ἀδικεῖ καὶ οὐ γνώμη διαμαρτῶν, μάλιστα  
 δ' ἐκ τοῦ πάντα τὸν νόμον μέχρι τῆς ὑστάτης  
 συλλαβῆς τοιοῦτον εἶναι· οὐδὲ γὰρ οὐδ' ἄκων οὐδὲν  
 ἔθηκεν ὀρθῶς ἔχον, οὐδ' ὡς ὑμῖν ἔμελλε λυσιτελή-  
 σειν. πῶς οὖν οὐκ εἰκὸς μισεῖν καὶ τιμωρεῖσθαι

be honoured with due observance when they die? How can you escape being adjudged the basest of mankind, you reprobate, who openly account thieves and scoundrels and shirkers of more value than your fatherland, and for their sake bring in a law to our detriment?

Now I propose to reckon up how I have fulfilled 108 the promises I made at the outset of my address. I undertook to prove that he is amenable to the indictment in every respect, first, because he legislated illegally; secondly, because his proposals were contrary to existing statutes; and thirdly, because they were injurious to the commonwealth. Well, you have now heard the statutes, and what they enjoin upon the author of a new law; and again I have satisfied you that the defendant has not observed any one of those injunctions. Further, you have also 109 heard the statutes with which the defendant's law is manifestly at variance; and you are aware that he has introduced it without repeal of those statutes. And you have certainly heard that the law is detrimental, for I have only just left off telling you so. Therefore he is unquestionably guilty on every count, and in nothing has he shown consideration or scruple; but, as it seems to me, if anything else had been forbidden by the existing statutes, he would have done that as well.

From every point of view it is clear that he framed 110 his proposals with a sinister purpose, and that he offends of malice prepense and not by error of judgement, especially as the character of his law is preserved down to the very last syllable. He proposed nothing that was right, nothing likely to be serviceable to you, even unintentionally. Surely you are bound

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- τοῦτον, ὅστις τοῦ μὲν δήμου ἠδικημένου ἠμέλησεν,  
 ὑπὲρ δὲ τῶν ἠδικηκότων καὶ ὕστερον ἀδικησόν-  
 111 των τοὺς νόμους ἔθηκεν; θαυμάζω δ', ὧ ἄνδρες  
 δικασταί, τῆς ἀναιδείας αὐτοῦ, τὸ ἠνίκα μὲν ἤρχεν  
 αὐτὸς μετ' Ἀνδροτίωνος, τὸν ἔλεον τοῦτον ἐπὶ  
 [735] τῷ πλήθει τῷ ὑμετέρῳ μὴ ποιήσασθαι, τῷ ἀπ-  
 ειρηκότι τὰ ἑαυτοῦ χρήματ' εἰσφέροντι, ἐπειδὴ δ'  
 Ἀνδροτίωνα ἔδει ἅ πάλαι ὑφήρητο τῆς πόλεως  
 χρήματα καταθεῖναι, τὰ μὲν ἱερά, τὰ δ' ὄσια, τότε  
 θεῖναι τὸν νόμον ἐπ' ἀποστερήσει τῶν μὲν ὀσίων  
 τῆς διπλασίας, τῶν ἱερῶν δὲ τῆς δεκαπλασίας.  
 καὶ οὕτω πρὸς τὸ πλήθος τὸ ὑμέτερον προσ-  
 ενήνεκται ὁ αὐτίκα μάλα ὑπὲρ τοῦ δήμου φήσων  
 112 τὸν νόμον τοῦτον θεῖναι. δικαίως δ' ἂν ἔμοι δοκεῖ  
 παθεῖν ὅτιοῦν, ὅστις οἶεται δεῖν, εἰ μὲν τις ἀγορα-  
 νόμος ἢ ἀστυνόμος ἢ δικαστῆς κατὰ δήμους γενό-  
 μενος κλοπῆς ἐν ταῖς εὐθύναις ἤλωκεν, ἄνθρωπος  
 πένης καὶ ἰδιώτης καὶ πολλῶν ἀπειρος καὶ κληρω-  
 τὴν ἀρχὴν ἄρξας, τούτῳ μὲν τὴν δεκαπλασίαν εἶναι,  
 καὶ νόμον οὐδένα τοῖς τοιούτοις ἐπικουροῦντα  
 τίθησιν· εἰ δέ τινες πρέσβεις αἰρεθέντες ὑπὸ  
 τοῦ δήμου, πλούσιοι ὄντες, ὑφείλοντο χρήματα  
 πολλά, τὰ μὲν ἱερά, τὰ δ' ὄσια, καὶ εἶχον χρόνον  
 πολύν, τούτοις ὅπως μηδὲν πείσονται μήθ' ὧν οἱ  
 νόμοι μήθ' ὧν τὰ ψηφίσματα προστάττει, μάλ'  
 113 ἀκριβῶς εὗρεν. καίτοι γ' ὁ Σόλων, ὧ ἄνδρες  
 δικασταί, ὧ οὐδ' ἂν αὐτὸς Τιμοκράτης φήσειεν<sup>1</sup>  
 ὅμοιος νομοθέτης εἶναι, οὐχ ὅπως ἀσφαλῶς κακουρ-  
 γήσουσι φαίνεται παρασκευάζων τοῖς τοιούτοις,

<sup>1</sup> Dind. keeps the form φῆσαι of the mss.



to abhor and to punish a man who had no thought for wrongs done to the people, but enacted laws for the benefit of those who have injured you before and will injure you again. Gentlemen of the jury, I am 111 amazed at the man's effrontery. To think that, when he and Androtion were in office, he never had any compassion for the great body of your fellow-citizens, who were exhausted with paying income-tax, and that then when Androtion was called upon to refund money, both sacred and civil, which he had long before stolen from the State, he must needs propose a law to deprive you of the double repayment of civil, and the tenfold repayment of sacred, liabilities! Thus the whole mass of you citizens has been attacked by a man who was immediately afterwards to pretend that he had framed his law as a friend of the people. In my view, no punishment could be too severe for 112 a man who, when some market-clerk, or street-inspector, or judge of a local court,—some poor, unskilled man, without experience, and appointed to his office by lot,—has been found guilty of peculation at the audits, demands from him a tenfold restitution, and has no new law to propose for the relief of such delinquents, and then, when ambassadors, elected by vote of the people, men of substance, have embezzled and long retained large sums of money, the property in part of the temples, in part of the treasury, is at great pains to invent for them a way of escape from penalties ordained both by decree and by statute. And yet Solon, gentlemen of the jury,—and even 113 Timocrates cannot pretend to be a legislator of the same calibre as Solon,—so far from providing such defaulters with the means of swindling in security, actually introduced a law to ensure that they should

- ἀλλ' ὅπως ἢ μὴ ἀδικήσουσιν ἢ δώσουσι δίκην  
 ἀξίαν, καὶ νόμον εἰσήνεγκεν, εἰ μὲν τις μεθ' ἡμέραν  
 ὑπὲρ πεντήκοντα δραχμὰς κλέπτει, ἀπαγωγὴν πρὸς  
 [736] τοὺς ἔνδεκ' εἶναι, εἰ δέ τις νύκτωρ ὅτιοῦν κλέπτει,  
 τοῦτον ἐξεῖναι καὶ ἀποκτεῖναι καὶ τρῶσαι διώκοντα  
 καὶ ἀπαγαγεῖν τοῖς ἔνδεκ', εἰ βούλοιο. τῷ δ'  
 ἀλόντι ὧν αἱ ἀπαγωγαί εἰσιν, οὐκ ἐγγυητὰς κατα-  
 στήσαντι ἕκτισιν εἶναι τῶν κλεμμάτων, ἀλλὰ θάνα-  
 114 τον τὴν ζημίαν. καὶ εἴ τις γ' ἐκ Λυκείου ἢ ἐξ  
 Ἀκαδημείας ἢ ἐκ Κυνοσάργους ἱμάτιον ἢ ληκύθιον  
 ἢ ἄλλο τι φαυλότατον, ἢ εἰ τῶν σκευῶν τι τῶν ἐκ  
 τῶν γυμνασίων ὑφέλοιο ἢ ἐκ τῶν λιμένων, ὑπὲρ  
 δέκα δραχμὰς, καὶ τούτοις θάνατον ἐνομοθέτησεν  
 εἶναι τὴν ζημίαν. εἰ δέ τις ἰδίαν δίκην κλοπῆς  
 ἀλοίῃ, ὑπάρχειν μὲν αὐτῷ διπλάσιον ἀποτεῖσαι τὸ  
 τιμηθέν, προστιμῆσαι δ' ἐξεῖναι τῷ δικαστηρίῳ  
 πρὸς τῷ ἀργυρίῳ δεσμὸν τῷ κλέπτῃ, πένθ' ἡμέρας  
 καὶ νύκτας, ὅπως ὀρῶεν ἅπαντες αὐτὸν δεδεμένον.  
 καὶ τούτων ὀλίγῳ πρότερον ἠκούσατε τῶν νόμων.  
 115 ὦετο γὰρ δεῖν τὸν γε τὰ αἰσχρὰ ἔργα ἐργαζόμενον,  
 μὴ ἂν ὑφείλετο μόνον ἀποδόντα ἀπηλλάχθαι (πολλοὶ  
 γὰρ ἂν αὐτῷ ἐδόκουν οὕτω γ' οἱ κλέπται ἔσεσθαι,  
 εἰ μέλλοιεν λαθόντες μὲν ἔξειν, μὴ λαθόντες δ'  
 αὐτὰ μόνον καταθήσειν), ἀλλὰ ταῦτα μὲν διπλάσια  
 καταθεῖναι, δεθέντα δὲ πρὸς τούτῳ τῷ τιμῆματι  
 ἐν αἰσχύνῃ ζῆν ἤδη τὸν ἄλλον βίον. ἀλλ' οὐ Τιμο-  
 κράτης, ἀλλ' ὅπως ἀπλᾶ μὲν, ἂν δεῖ διπλᾶ, κατα-  
 θέσουσι παρεσκεύασε, μηδ' ὅτιοῦν δ' ἐπιτίμιον  
 116 ἔσται πρὸς τούτοις. καὶ οὐκ ἀπέχρησεν ὑπὲρ τῶν  
 μελλόντων αὐτῷ ταῦτ' ἀδικεῖν, ἀλλὰ καὶ εἴ τις  
 ἄρ' ἠδίκηκὼς κεκολασμένος ἦν, καὶ τοῦτον ἀφῆκεν.

either refrain from crime or be adequately punished. For a theft in day-time of more than fifty drachmas a man might be arrested summarily and put into custody of the Eleven. If he stole anything, however small, by night, the person aggrieved might lawfully pursue and kill or wound him, or else put him into the hands of the Eleven, at his own option. A man found guilty of an offence for which arrest is lawful was not allowed to put in bail and refund the stolen money; no, the penalty was death. Or suppose that he stole 114 a cloak, or an oil-flask, or any such trifle, from the Lyceum, or the Academy, or Cynosarges, or any utensil from the gymnasia or the harbours, above the value of ten drachmas, for such thefts also Solon enacted the capital penalty. If a man was found guilty on a private prosecution for theft, while the normal penalty was double reparation, the court was empowered to add to the fine the extra penalty of imprisonment for five days and as many nights, so that everybody might see the thief in gaol. You heard those laws read not long ago. Solon's view 115 was that the doer of infamous deeds ought not to get off with mere repayment of the money stolen; for it seemed to him that there would be no lack of thieves on such terms,—if they had the chance of keeping their booty if undetected, and of simply restoring it if caught. They must pay double; they must be imprisoned as well as fined, and so live in disgrace for the rest of their lives. Not so Timocrates; he made arrangements for a simple, instead of a double, reparation, and for no sort of additional penalty. Nor 116 was he content to be guilty of this iniquity in respect of future offences only; he released even the man who had already committed his crime, and already

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- [737] καίτοι ἔγωγ' ὦμην δεῖν τὸν νομοθετοῦντα περὶ τῶν μελλόντων ἔσεσθαι, οἷα δεῖ γίγνεσθαι καὶ ὡς ἕκαστα ἔχειν, καὶ τὰς τιμωρίας ὁποίας τινὰς ἐφ' ἑκάστοις δεῖ τοῖς ἀδικήμασιν εἶναι, περὶ τούτων νομοθετεῖν. τοῦτο γάρ ἐστι τὸ ἐφ' ἅπασιν τοῖς πολίταις κοινούς τοὺς νόμους τιθέναι. τὸ δὲ περὶ τῶν γεγονότων πραγμάτων νόμους γράφειν οὐ νομοθετεῖν ἐστίν, ἀλλὰ τοὺς ἀδικοῦντας σώζειν.
- 117 σκοπεῖτε δ', ὡς ἀληθῆ λέγω, ἐκ τωνδὶ. εἰ μὲν γὰρ Εὐκτῆμων ἐάλω τὴν τῶν παρανόμων γραφήν, οὐκ ἂν ἔθηκε τοῦτον τὸν νόμον ὁ Τιμοκράτης, οὐδ' ἂν ἐδεῖτο ἢ πόλις τούτου τοῦ νόμου, ἀλλ' ἐξήρκει ἂν αὐτοῖς ἀπεστερηκόσι τὴν πόλιν τὰ χρήματα τῶν ἄλλων μὴ φροντίζειν. νῦν δ', ἐπειδὴ ἀπέφυγε, τὸ μὲν ὑμέτερον δόγμα καὶ τὴν τοῦ δικαστηρίου ψῆφον καὶ τοὺς ἄλλους νόμους ἀκύρους οἶεται δεῖν εἶναι, αὐτὸν δὲ καὶ τὸν αὐτοῦ νόμον
- 118 κύριον. καίτοι, ὦ Τιμόκρατες, οἱ μὲν ὄντες ἡμῖν κύριοι νόμοι τουτουσὶ ποιοῦσι κυρίους ἀπάντων, καὶ διδόασιν αὐτοῖς ἀκούσασιν, ὁποῖον ἂν τι νομίζωσι τὸ ἀδίκημα, τοιαύτη περὶ τοῦ ἡδικοκῆτος χρῆσθαι τῇ ὀργῇ, μέγα μεγάλη, μικρὸν μικρᾶ. ὅταν γὰρ ἦ "ὄ τι χρὴ παθεῖν ἢ ἀποτεῖσαι," τὸ τιμᾶν
- 119 ἐπὶ τούτοις γίγνεται. σὺ τοίνυν τὸ παθεῖν ἀφαιρεῖς τὸν δεσμὸν ἀφιεῖς· καὶ ταῦτα τίσι; τοῖς κλέπταις, τοῖς ἱεροσύλοις, τοῖς πατραλοῖαις, τοῖς ἀνδροφόνοις, τοῖς ἀστρατεύτοις, τοῖς λιποῦσι τὰς τάξεις· τούτους γὰρ πάντας σώζεις τῷ νόμῳ. καίτοι ὅστις ἐν δημοκρατία νομοθετῶν μῆθ' ὑπὲρ τῶν ἱερῶν μῆθ' ὑπὲρ τοῦ δήμου νομοθετεῖ, ἀλλ' ὑπὲρ ὧν εἶπον ἄρτίως, πῶς οὐ δίκαιός ἐστι τῆς ἐσχάτης τιμωρίας

been punished. I, however, used to suppose that legislators were concerned with the future, making laws to direct how people should behave, how everything should be managed, and what should be the proper penalties for different transgressions. That is what is meant by making the laws the same for all citizens. To frame statutes for past transactions is not to legislate, but to rescue malefactors. You may 117 judge that what I am telling you is true by reflecting that, if Euctemon had been convicted on the charge of illegal legislation, Timocrates would never have proposed his law, and the State would never have wanted his law ; his friends would have been content to plunder the property of the State, without any concern for other people. But in fact Euctemon was acquitted ; and therefore Timocrates demands that your decision, the judgement of the court, and every other statute shall be invalidated, and that he and his law shall alone be authoritative.—And yet, Timo- 118 crates, laws which are still authoritative have given supreme authority to the gentlemen of the jury. The laws permit them, after hearing the case, to adjust their condemnation of the offender to their view of the gravity of the offence ; light for light, heavy for heavy. Whenever the phrase is, “ what penalty, corporal or pecuniary, should be awarded,” the award is at the discretion of the jury. You, then, abolish 119 the corporal penalty by remitting imprisonment. For whom ? For thieves and temple-robbers, for parricides, murderers, shirkers, and deserters. All such men you protect by your law. And yet does not a man who, under a free constitution, legislates, not to protect the temples, not to protect the people, but to protect such people as I have named, deserve to suffer

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- 120 τυχεῖν; οὐ γὰρ δὴ ἐρεῖ γε ὡς τοὺς τοιοῦτους οὐ  
 [738] καὶ προσήκει καὶ οἱ νόμοι κελεύουσι ταῖς μεγίσταις  
 τιμωρίαις ἐνόχους εἶναι, οὐδ' ὡς οὗτοι, ὑπὲρ ὧν  
 εὔρηκε τὸν νόμον, οὐ καὶ κλέπται καὶ ἱεροσυλοὶ  
 εἰσι, τὰ μὲν ἱερά, τὰς δεκάτας τῆς θεοῦ καὶ τὰς  
 πεντηκοστὰς τῶν ἄλλων θεῶν, σεσυληκότες καὶ  
 ἀντὶ τοῦ ἀποδοῦναι αὐτοὶ ἔχοντες, τὰ δ' ὅσια, ἃ  
 ἐγίγνετο ὑμέτερα, κεκλοφότες. διαφέρει δὲ τοσοῦ-  
 τον αὐτῶν ἢ ἱεροσυλία τῶν ἄλλων, ὅτι τὴν ἀρχὴν  
 οὐδὲ ἀνήνεγκαν εἰς τὴν ἀκρόπολιν, δέον αὐτούς.
- 121 οἶμαι δὲ νῆ τὸν Δία τὸν Ὀλύμπιον, ὧ ἄνδρες  
 δικασταί, οὐκ ἀπὸ ταῦτομάτου τὴν ὕβριν καὶ τὴν  
 ὑπερηφανίαν ἐπελθεῖν Ἀνδροτίωνι, ἀλλ' ὑπὸ τῆς  
 θεοῦ ἐπιπεμφθεῖσαν, ἴν', ὥσπερ οἱ τὰ ἀκρωτήρια  
 τῆς Νίκης περικόψαντες ἀπώλοντο αὐτοὶ ὑφ'  
 αὐτῶν, οὕτω καὶ οὗτοι αὐτοὶ αὐτοῖς δικαζόμενοι  
 ἀπόλονται, καὶ τὰ χρήματα καταθεῖεν δεκαπλάσια  
 κατὰ τοὺς νόμους ἢ δεθεῖεν.
- 122 Βούλομαι δ' ὑμῖν, ὃ μεταξὺ λέγων περὶ τούτων  
 ἐνεθυμήθην, εἰπεῖν περὶ οὗ τέθεικε νόμου, παρά-  
 δοξόν τι, θαυμαστὸν ἠλίκον. οὗτος γάρ, ὧ ἄνδρες  
 δικασταί, τοῖς μὲν τὰ τέλη ὠνούμενοις ἔγραψε τὰς  
 τιμωρίας εἶναι, εἰ μὴ καταβάλοιεν τὰ χρήματα,  
 κατὰ τοὺς νόμους τοὺς προτέρους, ἐν οἷς καὶ ὁ  
 δεσμὸς καὶ ἡ διπλασία γέγραπται ἀνθρώποις, οἱ  
 διὰ τὸ ζημιοῦσθαι ἐπὶ τῇ ὠνῇ ἄκοντες ἔμελλον  
 τὴν πόλιν ἀδικήσειν· τοῖς δ' ὑφαιρουμένοις τὰ τῆς  
 πόλεως καὶ ἱεροσυλοῦσι τὰ τῆς θεοῦ τὸν δεσμὸν

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<sup>a</sup> Nothing is known of this incident.

the extreme penalty?—Certainly he cannot deny 120 that such people ought to be, and that the laws make them, liable to the heaviest punishments. Neither can he deny that the men for whose protection he has invented his law are thieves and temple-robbers ; for they have robbed the temples of the ten per cent due to Athene and of the two per cent due to the other gods ; they keep the money in their own pockets instead of making restitution, and they have stolen the public share, which belonged to you. Their sacrilege differs from other forms of sacrilege to this extent,—that they never even paid the money into the Acropolis as they ought. As Heaven is my wit- 121 ness, gentlemen of the jury, I believe Androtion became the victim of this arrogant, overbearing temper, not by accident, but by the visitation of the gods, to the end that, as the mutilators of the statue of Victory perished by their own hands,<sup>a</sup> so these men should perish by litigation among themselves, and should either make tenfold restitution, as the laws direct, or be cast into prison.

I should like to make an observation about his law 122 which occurred to my mind while I was speaking about these matters,—something quite out of the common, indeed surprisingly so. The defendant, gentlemen of the jury, has proposed that the penalty inflicted upon farmers of taxes, if they did not pay their dues, should be in accordance with the earlier statutes, in which the penalty provided is imprisonment and double restitution for men who, in consequence of losses on their contract, might possibly do the State a wrong unintentionally. On the other hand, he abolishes imprisonment for men who steal the property of the State and rob the temples of the

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ἀφείλεν. καίτοι εἰ μὲν ἐλάττω τούτους ἀδικεῖν ἐκείνων νομίσει φήσεις, ἀνάγκη μαίνεσθαι σε [739] ὁμολογεῖν, εἰ δὲ μείζω νομίζων, ὥσπερ ἔστιν, ἐκεῖνα τὰδικήματα τοὺς μὲν ἀφίης, τοὺς δὲ μή, οὐκ ἤδη δῆλος εἰ πεπρακὼς τὸ πρᾶγμα τούτοις;

123 "Ἄξιον τοίνυν καὶ τοῦτ' εἰπεῖν, ὅσον ὑμεῖς διαφέρετε, ὦ ἄνδρες δικασταί, μεγαλοφροσύνη τῶν ῥητόρων. ὑμεῖς μὲν γε τὰ ἐπὶ τῷ πλήθει νενομοθετημένα δεινά, ἐάν τις ἢ διχόθεν μισθοφορῇ ἢ ὀφείλων τῷ δημοσίῳ ἐκκλησιάξῃ ἢ δικάξῃ ἢ ἄλλο τι ποιῇ ὧν οἱ νόμοι ἀπαγορεύουσιν, οὐ λύετε, καὶ ταῦτ' εἰδότες ὅτι διὰ πενίαν ἂν ποιήσειεν ὁ τούτων τι ποιῶν, οὐδὲ νόμους τοιούτους τίθεσθ', ὅπως ἐξουσία ἔσται ἐξαμαρτεῖν, ἀλλὰ τὸναντίον ὅπως μὴ οὗτοι δ', ὅπως οἱ τὰ αἰσχιστα καὶ τὰ δεινότατα 124 ποιῶντες δίκην μὴ δώσουσιν. εἶτα προπηλακίζουσιν ὑμᾶς ἰδίᾳ τοῖς λόγοις, ὡς αὐτοὶ καλοὶ κάγαθοί, πονηρῶν καὶ ἀχαρίστων οἰκετῶν τρόπους ἔχοντες. καὶ γὰρ ἐκείνων, ὦ ἄνδρες δικασταί, ὅσοι ἂν ἐλεύθεροι γένωνται, οὐ τῆς ἐλευθερίας χάριν ἔχουσι τοῖς δεσπόταις, ἀλλὰ μισοῦσι μάλιστα πάντων ἀνθρώπων, ὅτι συνίσασιν αὐτοῖς δουλεύσασιν. οὕτω δὴ καὶ οὗτοι οἱ ῥήτορες οὐκ ἀγαπῶσιν ἐκ πενήτων πλούσιοι ἀπὸ τῆς πόλεως γιγνόμενοι, ἀλλὰ καὶ προπηλακίζουσι τὸ πλήθος, ὅτι σύννοιδεν αὐτῶν ἐκάστοις τὰ ἐν τῇ πενίᾳ καὶ νεότητι ἐπιτηδεύματα.



Goddess.—If you tell us, Timocrates, that the latter are guilty of a less serious offence than the former, you must admit that you are out of your senses ; and if you think their offence more serious, as indeed it is, and yet release them and refuse to release the others, is it not evident that you have sold your services to these men for a bribe ?

Another remark worth making, gentlemen of the jury, is that you are far more magnanimous than the politicians. Anyhow you do not repeal the harsh enactments made against the common people,—against those, for instance, who take fees from both parties, or attend the Assembly or sit on a jury while in debt to the treasury, or do anything else forbidden by the laws,—although you know that any man who commits one of these offences may do so because he is poor. You do not enact laws to give liberty of transgression, but rather to take it away. They, on the other hand, make laws to rescue from punishment persons guilty of the most infamous and outrageous misconduct. And then in private they talk insultingly about you, as though they were superior persons, though they are really behaving like ill-conditioned, ungrateful servants. Servants who have been manumitted, you know, gentlemen of the jury, are never grateful to their masters for their liberation, but hate them more bitterly than they hate anyone else, as sharing in the secret of their former servitude. In the same spirit politicians are not satisfied with having risen from poverty to affluence at the expense of the City, but calumniate the common people,—because the common people know what their style of life was when they were young and poor.

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- 125 Ἄλλὰ νῆ Δί' αἰσχρὸν ἴσως ἦν Ἀνδροτίωνα δε-  
θῆναι ἢ Γλαυκέτην ἢ Μελάνωπον. οὐ μὰ τὸν Δί',  
ὦ ἄνδρες δικασταί, ἀλλὰ πολὺ αἰσχίον τὴν πόλιν  
ἀδικουμένην καὶ ὑβριζομένην μὴ λαβεῖν δίκην καὶ  
ὑπὲρ τῆς θεοῦ καὶ ὑπὲρ αὐτῆς. ἐπεὶ Ἀνδροτιώνι  
[740] γε πότερα οὐ πατρῶον τὸ δεδέσθαι; ἀλλ' αὐτοὶ  
ἴστε πολλὰς πεντετηρίδας ἐν τῷ δεσμωτηρίῳ δια-  
τρίψαντα τὸν πατέρ' αὐτοῦ καὶ ἀποδράντα, ἀλλ' οὐκ  
126 ἀφθέντα. ἀλλὰ διὰ τὰ ἐπιτηδεύματα τὰ ἐν τῇ  
ἡλικίᾳ; ἀλλὰ καὶ διὰ ταῦτα δεδέσθαι αὐτῷ οὐχ  
ἦττον προσήκει ἢ δι' ἅπερ ὑφείλετο. ἢ ὅτι εἰσῆει  
εἰς τὴν ἀγορὰν οὐκ ἔξόν αὐτῷ, καὶ ἐκ ταύτης τοὺς  
σωφρόνως βεβιωκότας αὐτὸς ἦγεν εἰς τὸ δεσμω-  
τήριον; ἀλλὰ Μελάνωπος δεινὸν νῆ Δί' ἐστὶν εἰ  
127 δεθῆσεται νῦν ἔμελλεν. ἀλλὰ περὶ μὲν τοῦ πατρὸς  
αὐτοῦ οὐδὲν ἂν φλαῦρον εἴποιμι, οὐδ' εἰ πάνυ πόλλ'  
ἔχω περὶ κλοπῆς λέγειν, ἀλλ' ἔστω μοι ἐκεῖνός γε  
τοιούτος οἷον ἂν Τιμοκράτης αὐτὸν ἐγκωμιάσειεν.  
ἀλλ' εἰ χρηστοῦ πατρὸς ὦν πονηρὸς καὶ κλέπτῃς  
ἦν καὶ προδοσίας γε ἀλοὺς τρία τάλαντα ἀπέτεισε,  
καὶ συνέδρου γενομένου κλοπὴν αὐτοῦ τὸ δικαστή-  
ριον κατέγνω καὶ δεκαπλάσιον ἀπέτεισε, καὶ παρ-  
επρεσβεύσατο εἰς Αἴγυπτον, καὶ τοὺς ἀδελφοὺς τοὺς  
ἑαυτοῦ ἠδίκηει, οὐ τοσοῦτῳ μᾶλλον αὐτὸν ἔδει δε-  
δέσθαι, εἰ χρηστοῦ πατρὸς ὦν τοιούτος ἦν; οἶμαι  
γὰρ ἔγωγ', εἴπερ τῷ ὄντι χρηστὸς ἦν Λάχης καὶ  
φιλόπολις, ὑπ' αὐτοῦ ἂν ἐκεῖνου δεθῆναι αὐτὸν

<sup>a</sup> The Second Athenian Confederacy, as reformed in 377.

<sup>b</sup> The father of Melanopus; probably *not* the well known general who fell at Mantinea, 418.

But it would perhaps, as he may suggest, have been 125  
 a great shame for Androtion to be sent to prison, or for  
 Glaucetes, or Melanopus. No, indeed, gentlemen of  
 the jury ! It will be a far greater shame if an injured  
 and insulted commonwealth shall exact no retribution  
 for the Goddess or for itself. Does not imprisonment  
 run in Androtion's family ? Why, you know your-  
 selves that his father often went to gaol for five  
 years at a stretch ; and then he was not discharged,  
 —he ran away. Or has he earned forgiveness by 126  
 his conduct in youth ? Why, he deserves im-  
 prisonment for that conduct just as much as for his  
 embezzlements. Do you mean because he frequented  
 the market-place before he was qualified, and with  
 his own hands haled men of respectable life from the  
 market-place to the gaol ? But there is Melanopus,  
 you say, and what a dreadful thing it would be if  
 Melanopus were committed to prison to-day ! Well, 127  
 about his father I will say nothing disrespectful ;  
 though I could tell you a long story about thieving,—  
 however, so far as I am concerned, let his father be  
 worthy of all the compliments that Timocrates may  
 lavish upon him. But suppose that the son of this  
 virtuous father was himself a rascal and a thief ;  
 suppose that he once paid a fine of three talents on  
 conviction for treason ; suppose that, after he had  
 sat in the Allied Congress,<sup>a</sup> the court found him guilty  
 of embezzlement, and ordered him to make tenfold  
 restitution ; suppose that he played false when he  
 went on embassy to Egypt ; suppose that he swindled  
 his own brothers—does he not deserve imprisonment  
 all the more if his father was virtuous, and he is what  
 he is ? For my part, I fancy that, if Laches<sup>b</sup> really  
 was virtuous and patriotic, he should himself have

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- τοιοῦτόν γ' ὄντα καὶ οὕτως αἰσχροῖς ὀνειδέσει περι-  
 βάλλοντ' ἐκείνον. καὶ τοῦτον μὲν δὴ ἐῶμεν, Γλαυ-  
 128 κέτην δὲ σκεψώμεθα. οὐχ οὗτός ἐστιν ὁ πρῶτον  
 μὲν εἰς Δεκέλειαν αὐτομολήσας, κακείθεν ὀρμώ-  
 μενος καταθέων καὶ φέρων καὶ ἄγων ὑμᾶς; ἀλλὰ  
 πάντες ἴστε ταῦτα. καὶ ὁ ἀπὸ μὲν τῶν ὑμετέρων  
 παίδων καὶ γυναικῶν καὶ τῶν ἄλλων χρημάτων,  
 [741] ὅσα λάβοι, δεκάτας ἐκεῖ τῷ ἄρμοστῇ κατατιθεῖς  
 129 τούτων ἀκριβῶς, τὴν δέ γ' ἐνθάδε θεόν, πρεσβευτῆς  
 ἀξιωθείς εἶναι ὑφ' ὑμῶν, ἀποστερῶν τὰς ἀπὸ τῶν  
 ὑμετέρων πολεμίων δεκάτας; ἔπειτα ταμιεύσας ἐν  
 ἀκροπόλει τὰριστεῖα τῆς πόλεως, ἃ ἔλαβεν ἀπὸ  
 τῶν βαρβάρων, ὑψηρημένος ἐξ ἀκροπόλεως, τόν τε  
 δίφρον τὸν ἀργυρόποδα καὶ τὸν ἀκινάκην τὸν Μαρδο-  
 νίου, ὃς ἦγε τριακοσίους δαρεικοὺς; ἀλλὰ ταῦτά γ'  
 οὕτω περιφανῆ ἐστὶν ὥστε πάντας ἀνθρώπους εἰδέναί.  
 130 ἀλλὰ τᾶλλα οὐ βίαιος; ὡς οὐδεὶς ἀνθρώπων. εἶτα  
 φείσασθαι τινος αὐτῶν ἀξιόν ἐστιν, ὥστε διὰ τούτους  
 ἢ τῶν δεκατῶν τῶν τῆς θεοῦ ἀμελῆσαι, ἢ τῆς δι-  
 πλασίας τῶν ὀσίων χρημάτων, ἢ τὸν τούτους πειρώ-  
 μενον σώζειν μὴ τιμωρήσασθαι; καὶ τί κωλύσει  
 ἅπαντας εἶναι πονηροὺς, ὧ ἄνδρες δικασταί, εἰ διὰ  
 ταῦτα πλέον ἔξουσιν; ἐγὼ μὲν γὰρ οἶμαι οὐδέν.  
 131 Μὴ τοίνυν αὐτοὶ διδάσκετε, ἀλλὰ τιμωρεῖσθε.  
 καὶ μὴ ἔατε ἀγανακτεῖν, εἰ δεθῆσονται ἔχοντες τὰ  
 ὑμέτερα, ἀλλ' ἄγετ' αὐτοὺς ὑπὸ τοὺς νόμους. οὐδὲ  
 γὰρ οἱ τῆς ξενίας ἀλισκόμενοι ἀγανακτοῦσιν ἐν τῷ  
 οἰκῆματι τούτῳ ὄντες, ἕως ἂν τῶν ψευδομαρτυριῶν

<sup>a</sup> οἰκημα is a common euphemism for δεσμοκτήριον. There seems to have been only one prison at Athens, and this passage suggests that it was in view of the Agora; but τούτῳ is not necessarily deictic.

sent his degenerate son to gaol for implicating him in such infamous scandals. However, let us pass Melanopus by, and fix our gaze upon Glaucetes. Was not he the man who first ran away to Deceleia, 128 and, with Deceleia as his base, overran and harried your country? But you all know that. Was it not he who scrupulously paid to the Spartan governor at that place tithes due upon your wives and children and all the rest of his booty; and yet, when you had 129 honoured him with the office of ambassador, robbed the Goddess at Athens of her tithe of the plunder he took from your enemies? Was it not he who, being appointed treasurer at the Acropolis, stole from that place those prizes of victory which our ancestors carried off from the barbarians, the throne with silver feet, and Mardonius's scimitar, which weighed three hundred darics? These exploits, however, are so celebrated that they are known to everybody. But in everything else is he not a man of violence? Aye, he has no equal for that. Is it right, then, that you 130 should deal tenderly with any one of them, and disregard for their sakes the tithes of Athene or the double repayment of public moneys? Is it right to leave unpunished the man who is exerting himself to save them? What is there, gentlemen, to prevent everybody turning knave, if knavery is to be profitable? Nothing that I can see.

You must punish crime, not encourage it by your 131 own teaching. Do not let them make a grievance of going to prison with your money in their pockets, but bring them under the yoke of law. People convicted under the alien acts do not think themselves aggrieved when they are kept in yonder building<sup>a</sup> until the

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- ἀγωνίσωνται, ἀλλὰ μένουσι καὶ οὐκ οἴονται δεῖν  
 132 ἐγγυητὰς καταστήσαντες περιμένα. ἔδοξε γὰρ τῇ  
 πόλει ἀπιστεῖν αὐτοῖς, καὶ οὐκ ᾤετο δεῖν διακρου-  
 σθῆναι τῆς τιμωρίας δι' ἐγγυητῶν καταστάσεως,  
 ἀλλ' ἐνταῦθα μένειν αὐτοὺς οὐ καὶ ἄλλοι πολλοὶ τῶν  
 πολιτῶν. καίτοι καὶ ἐπὶ χρήμασιν ἤδη τινὲς ἐδέθη-  
 σαν καὶ ἐπὶ κρίσεσιν, ἀλλ' ὅμως ὑπέμενον. ἀηδὲς  
 μὲν οὖν ἴσως ἐστὶν ὀνομαστί περί τινων μεμνηῆσθαι,  
 [742] ἀναγκαῖον δὲ παρεξετάσαι αὐτοὺς παρὰ τούτους.  
 133 τοὺς μὲν οὖν πρὸ Εὐκλείδου ἄρχοντος ἐάσω καὶ  
 τοὺς σφόδρα παλαιούς. καίτοι κατὰ τοὺς χρόνους  
 οὓς ἕκαστοι αὐτῶν ἦσαν, πολλοῦ ἄξιοι δοκοῦντες  
 γεγενῆσθαι τὸν ἔμπροσθεν χρόνον, ὅμως ἰσχυρὰς  
 παρὰ τοῦ δήμου ὀργῆς ἐτύγχανον ἐπὶ τοῖς ὕστερον  
 γιγνομένοις ἀδικήμασιν· οὐ γὰρ χρόνον τινὰ δι-  
 καίους ᾤετο δεῖν αὐτοὺς ἢ πόλις εἶναι, εἶτα κλέπτας,  
 ἀλλὰ περί γε τὰ κοινὰ αἰεὶ δικαίους· ἐδόκει γὰρ  
 τὸν ἔμπροσθεν χρόνον οὐ φύσει, ἀλλ' ἐπιβουλεύων,  
 τοῦ πιστευθῆναι, δίκαιος γεγονέναι ὁ τοιοῦτος  
 134 ἄνθρωπος. ἀλλὰ μετ' Εὐκλείδην ἄρχοντα, ὃ ἄνδρες  
 δικασταί, πρῶτον μὲν Θρασύβουλον τὸν Κολλυτέα  
 πάντες μέμνησθε δις δεθέντα καὶ κριθέντα ἀμφο-  
 τέρας τὰς κρίσεις ἐν τῷ δήμῳ· καίτοι τῶν ἐκ  
 Πειραιῶς κατὰ Φυλῆς οὗτος ἦν. ἔπειτα Φιλέσιον  
 τὸν Λαμπτρέα. ἔπειτα Ἀγύρριον τὸν Κολλυτέα,  
 ἄνδρα χρηστὸν καὶ δημοτικὸν καὶ περὶ τὸ πλῆθος  
 135 τὸ ὑμέτερον πολλὰ σπουδάσαντα· ἀλλ' ὅμως τοὺς  
 νόμους ᾤετο δεῖν καὶ αὐτὸς ἐκεῖνος ὁμοίως, ὥσπερ  
 ἐπὶ τοῖς ἀδυνάτοις, οὕτω καὶ ἐφ' ἑαυτῷ ἰσχύειν, καὶ  
 ἐγένετο ἐν τῷ οἰκῆματι τούτῳ πολλὰ ἔτη, ἕως τὰ

<sup>a</sup> 403 B.C.

<sup>b</sup> To end the rule of the Thirty Tyrants.

trial for false evidence is over ; they simply stay there without expecting to get the freedom of the streets by putting in bail. The commonwealth, 132 having decided to distrust them, did not choose to be cheated of retribution by the process of putting in bail, but preferred that they should stay in a place where many genuine Athenians have sojourned. Yet people have been imprisoned there before now both for debt and on judgement, and have taken it quietly. Perhaps it is rather invidious to mention names, but I cannot help giving you a list for comparison with the men before you. I will not mention very ancient 133 instances, or any earlier than the archonship of Eucleides <sup>a</sup> ; but I must observe that many men, who in their own generation were highly esteemed for their earlier conduct, were nevertheless most severely treated by the People for the offences of their later life. The commonwealth was not content with a period of honesty followed by knavery, but expected uninterrupted honesty in public dealings. The previous honesty of such a person was not, in their view, attributable to innate virtue ; it was part of a scheme to attract confidence. But after the archon- 134 ship of Eucleides, gentlemen of the jury, first, you all remember that the well-known Thrasybulus of Colyttus was twice imprisoned and condemned at both his trials before the Assembly ; and yet he was one of the heroes of the march from Phyle and Peiræus.<sup>b</sup> Then there was Philepsius of Lamptra. Next take Agyrrhius of Colyttus, a good man, a liberal politician, and an ardent defender of popular rights ; and yet 135 even he admitted that the laws must be as binding upon him as upon people without influence, and he stayed in that building for many years, until he had

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χρήματα ἀπέτεισεν ἃ ἔδοξε τῆς πόλεως ὄντα ἔχειν·  
 καὶ ἐπ' ἐκείνῳ Καλλίστρατος δυνάμενος καὶ ἀδελφι-  
 δοῦς ὢν αὐτοῦ οὐκ ἔτιθει νόμους. καὶ Μυρωνίδης  
 ὁ Ἀρχίνου υἱὸς τοῦ καταλαβόντος Φυλῆν καὶ μετὰ  
 γε τοὺς θεοὺς αἰτιωτάτου ὄντος τῆς καθόδου τῷ  
 δῆμῳ καὶ ἄλλα πολλὰ καὶ καλὰ πεπολιτευμένου  
 136 καὶ ἐστρατηγηκότος πολλάκις. ἀλλ' ὅμως ἅπαντες  
 [743] οὗτοι ὑπέμενον τοὺς νόμους. καὶ οἱ ταμίαι ἐφ'  
 ὧν ὁ Ὀπισθόδομος ἐνεπρήσθη, καὶ οἱ τῶν τῆς  
 θεοῦ καὶ οἱ τῶν ἄλλων θεῶν, ἐν τῷ οἰκήματι τούτῳ  
 ἦσαν, ἕως ἢ κρίσις αὐτοῖς ἐγένετο. καὶ οἱ περὶ  
 τὸν σῆτον ἀδικεῖν δόξαντες, καὶ ἄλλοι πολλοί, ὧ  
 ἄνδρες δικασταί, πάντες βελτίους Ἀνδροτίωνος  
 137 ὄντες. εἶτα τούτοις μὲν ἔδει κυρίους τοὺς πάλαι  
 κειμένους νόμους εἶναι, καὶ δεδωκέναι δίκην αὐτοὺς  
 κατὰ τοὺς ὑπάρχοντας νόμους· δι' Ἀνδροτίωνα δὲ  
 καὶ Γλαυκέτην καὶ Μελάνωπον καινὸν δεῖ γενέσθαι  
 νόμον, τοὺς ἠλωκότας καὶ ψήφῳ κεκριμένους κατὰ  
 τοὺς πάλαι κειμένους νόμους καὶ δόξαντας ἔχειν  
 ἱερὰ χρήματα καὶ ὅσια; εἶτ' οὐ καταγέλαστος  
 δόξει ἢ πόλις εἶναι, εἰ τοῖς ἱεροσύλοις, ὅπως σωθή-  
 138 σονται, νόμον φανεῖται τιθεμένη; ἔγωγ' οἶμαι. μὴ  
 τοίνυν ἐάσητε ὑμᾶς αὐτοὺς ὑβρίζεσθαι μηδὲ τὴν  
 πόλιν, ἀλλὰ μνησθέντες ὅτι Εὐδήμον τὸν Κυδ-  
 αθηναῖᾶ νόμον δόξαντα θεῖναι οὐκ ἐπιτήδειον, οὐ  
 πάλαι, ἀλλ' ἐπ' Εὐάνδρου ἄρχοντος, ἀπεκτείνατε,  
 καὶ Φίλιππον τὸν Φιλίππου τοῦ ναυκλήρου υἱὸν  
 μικροῦ μὲν ἀπεκτείνατε, χρημάτων δὲ πολλῶν



repaid the money in his possession which was adjudged to be public property ; nor did Callistratus, who was in power, and who was his nephew, try to make new laws to meet his particular case. Or take Myronides ; he was the son of that Archinus who occupied Phyle, and whom, after the gods, we have chiefly to thank for the restoration of popular government, and who had achieved success on many occasions both as statesman and as commander. In spite 136 of their merits, these men all submitted to the laws. Again, the treasurers of Athene and of the other gods, during whose term the Inner Treasury was burned down, were lodged in yonder building pending their trial ; so too were the persons suspected of the corn-market frauds, and many others, gentlemen of the jury,—all better men than Androtion. Then 137 if it was right that for them the old-established laws should be operative, and that they should be punished in accordance with the existing laws, can it be right that for the sake of Androtion, Glaucetes, and Melanopus, a brand-new statute should be made,—for men who have been found guilty and condemned by verdict in pursuance of old-established laws, and who are declared to be detaining sacred and public moneys ? Will not Athens be a laughing-stock if she is discovered enacting laws for the deliverance of temple robbers ? So I should say. Then do not 138 tolerate any insult to yourselves or to the State. Remember how, no longer ago than the archonship of Evander, you put Eudemus of Cydathenaeum to death, because you held him to have proposed an objectionable statute ; and that you were within an ace also of putting to death Philip, the son of Philip the shipowner, but, by a very small majority, you

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αὐτοῦ ἐκείνου ἀντιτιμωμένου παρ' ὀλίγας ψήφους ἐτιμήσατε, ταύτην τὴν ὀργὴν καὶ νῦν ἐπὶ τουτοῦ λάβετε, ἐκείνο πρὸς τούτοις ἅπασιν ἐνθυμηθέντες, τί ποτ' ἂν ἐπάθετε ὑπὸ τούτου αὐτοῦ, εἰ οὗτος εἰς ὧν ἐπρέσβευεν ὑπὲρ ὑμῶν. οἶμαι γὰρ τοιοῦτον οὐδὲν εἶναι ὅτου ἂν ἀπέσχετο. ὁρᾶτε δὲ τὴν διάνοιαν αὐτοῦ· ὁ γὰρ νόμος, ὃν ἐτόλμησε θεῖναι, τὸν τρόπον αὐτοῦ δείκνυσιν.

- 139 Βούλομαι δ' ὑμῖν, ὦ ἄνδρες δικασταί, ἐν Λοκροῖς ὡς νομοθετοῦσι διηγῆσασθαι· οὐδὲν γὰρ χεῖρους  
 [744] ἔσεσθε παράδειγμά τι ἀκηκοότες, ἄλλως τε καὶ ὧ πόλις εὐνομουμένη χρῆται. ἐκεῖ γὰρ οὕτως οἴονται δεῖν τοῖς πάλαι κειμένοις χρῆσθαι νόμοις καὶ τὰ πάτρια περιστέλλειν καὶ μὴ πρὸς τὰς βουλήσεις μηδὲ πρὸς τὰς διαδύσεις τῶν ἀδικησάντων νομοθετεῖσθαι, ὥστ' ἕαν τις βούληται νόμον καινὸν τιθέναι, ἐν βρόχῳ τὸν τράχηλον ἔχων νομοθετεῖ, καὶ ἕαν μὲν δόξη καλὸς καὶ χρήσιμος εἶναι ὁ νόμος, ζῆ ὁ τιθεὶς καὶ ἀπέρχεται, εἰ δὲ μή,  
 140 τέθνηκεν ἐπισπασθέντος τοῦ βρόχου. καὶ γὰρ τοι καινοὺς μὲν οὐ τολμῶσι τιθέναι, τοῖς δὲ πάλαι κειμένοις ἀκριβῶς χρῶνται. ἐν πολλοῖς δὲ πάνυ ἔτεσιν, ὦ ἄνδρες δικασταί, εἰς λέγεται παρ' αὐτοῖς νόμος καινὸς τεθῆναι. ὄντος γὰρ αὐτόθι νόμου, ἕαν τις ὀφθαλμὸν ἐκκόψῃ, ἀντεκκόψαι παρασχεῖν τὸν ἑαυτοῦ, καὶ οὐ χρημάτων τιμῆσεως οὐδεμιᾶς, ἀπειλησαί τις λέγεται ἐχθρὸς ἐχθρῷ ἕνα ἔχοντι ὀφθαλμὸν ὅτι αὐτοῦ ἐκκόψει τοῦτον τὸν ἕνα.  
 141 γενομένης δὲ ταύτης τῆς ἀπειλῆς χαλεπῶς ἐνεγκῶν

accepted his own counter-assessment of the penalty, and made him pay a very heavy fine. Treat the defendant to-day in the same spirit of severity. And there is another consideration for you to bear in mind,—how injuriously you would have been treated by Timocrates, if he alone had been your ambassador. I really believe that there is nothing from which such a fellow would have kept his hands. Have regard also to the disposition of the man ; for the law which he has had the audacity to propose is significant of his character.

I should like, gentlemen of the jury, to give you a 139 description of the method of legislation among the Locrians. It will do you no harm to hear an example, especially one set by a well-governed community. In that country the people are so strongly of opinion that it is right to observe old-established laws, to preserve the institutions of their forefathers, and never to legislate for the gratification of whims, or for a compromise with transgression, that if a man wishes to propose a new law, he legislates with a halter round his neck. If the law is accepted as good and beneficial, the proposer departs with his life, but, if not, the halter is drawn tight, and he is a dead man. In 140 very truth they are not bold enough to propose new laws, but punctually obey the old ones. And, during quite a long series of years, we are told, gentlemen of the jury, that they have enacted only one new statute. They had a law in that country that, if any one destroyed his neighbour's eye, he must submit to the destruction of one of his own eyes ; and there was no alternative of a fine. The story goes that a man, whose enemy had only one eye, threatened to knock that one eye out. The one-eyed man was much 141

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- ὁ ἑτερόφθαλμος, καὶ ἠγούμενος ἀβίωτον αὐτῷ εἶναι τὸν βίον τοῦτο παθόντι, λέγεται τολμῆσαι νόμον εἰσενεγκεῖν, ἐάν τις ἕνα ἔχοντας ὀφθαλμὸν ἐκκόψῃ, ἄμφω ἀντεκκόψαι παρασχεῖν, ἵνα τῇ ἴσῃ συμφορᾷ ἀμφότεροι χρῶνται. καὶ τοῦτον μόνον λέγονται Λοκροὶ θέσθαι τὸν νόμον ἐν πλείν
- 142 ἢ διακοσίοις ἔτεσιν. οἱ δὲ παρ' ἡμῖν ῥήτορες, ὧ ἄνδρες δικασταί, πρῶτον μὲν ὅσοι μῆνες μικροῦ δέουσι νομοθετεῖν τὰ αὐτοῖς συμφέροντα, ἔπειτ' αὐτοὶ μὲν τοὺς ἰδιώτας εἰς τὸ δεσμωτήριον ἄγουσιν, ὅταν ἄρχωσιν, ἐφ' ἑαυτοῖς δ' οὐκ οἴονται δεῖν ταῦτο
- [745] δίκαιον τοῦτ' εἶναι· ἔπειτα τοὺς μὲν τοῦ Σόλωνος νόμους τοὺς πάλαι δεδοκιμασμένους, οὓς οἱ πρόγονοι ἔθεντο, λύουσιν αὐτοί, τοῖς δ' ἑαυτῶν, οὓς ἐπ' ἀδικία τῆς πόλεως τιθέασιν, χρῆσθαι ὑμᾶς
- 143 οἴονται δεῖν. εἰ οὖν μὴ τιμωρήσεσθε τούτους, οὐκ ἂν φθάνοι τὸ πλῆθος τούτοις τοῖς θηρίοις δουλεῦον. εὖ δ' ἴστε, ὧ ἄνδρες δικασταί, ὅτι ἐάν μὲν σφόδρ' ὀργίζησθε, ἦττον ἀσελγανοῦσιν, ἂν δὲ μή, πολλοὺς τοὺς ἀσελγεῖς εὐρήσετε καὶ τοὺς ὑβρίζοντας ὑμᾶς ἐπὶ τῇ τοῦ φιλοτιμείσθαι προφάσει.
- 144 "Ἴνα δὲ καὶ περὶ ἐκείνου εἶπω τοῦ νόμου, ὧ ἄνδρες δικασταί, ὧ ἀκούω μέλλειν παραδείγματι χρῆσθαι τοῦτον καὶ φήσιν ἀκόλουθον αὐτῷ τεθεικέναι, ἐν ᾧ ἔνι "οὐδὲ δῆσω Ἀθηναίων οὐδένα, ὅς ἂν ἐγγυητὰς τρεῖς καθιστῇ τὸ αὐτὸ τέλος τελούντας, πλὴν ἐάν τις ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ καταλύσει τοῦ δήμου συνιῶν ἀλῶ, ἢ τέλος τι πριάμενος ἢ ἐγγυησάμενος ἢ ἐκλέγων μὴ κατα-
- 145 βάλλῃ," ἀκούσατέ μου καὶ περὶ τούτου. οὐ γὰρ

perturbed by the threat, and, reflecting that his life would not be worth keeping after such a loss as that, he plucked up courage, as we are told, to introduce a law that whosoever struck out the eye of a man who had only one, should submit to the loss of both his own eyes, in order that both might suffer the same affliction. And that, according to the story, is the only new statute adopted by the Locrians for more than two hundred years. But in this city, gentlemen 142 of the jury, our politicians rarely let a month go by without legislating to suit their private ends. When in office they are always haling private citizens to gaol; but they disapprove of the application of the same measure of justice to themselves. They arbitrarily repeal those well-tried laws of Solon, enacted by their forefathers, and expect you to obey laws of their own, proposed to the detriment of the community. If, then, you decline to punish the men before 143 you, in a very little time the People will be in slavery to those beasts of prey. But you may be sure, gentlemen of the jury, that, if you are really very angry with them, their ferocity will soon be mitigated. If not, you will have plenty of ruffians to insult you under pretence of patriotic fervour.

Let me now say a word, gentlemen of the jury, 144 about the statute which, as I am informed, he intends to cite as a precedent and which he will claim to have followed in his own proposal. I mean the statute which contains these words: "Nor will I imprison any Athenian citizen who offers three sureties taxed in the same class as himself, except any person found guilty of conspiring to betray the city or to subvert popular government, or any tax-farmer or his surety or collector being in default." Listen to my reply.

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ἐρῶ ὅτι αὐτὸς Ἀνδροτίων ἤγεν εἰς τὸ δεσμωτήριον  
 καὶ ἔδει τούτου κειμένου τοῦ νόμου, ἀλλ' ἐφ' οἷς  
 κεῖται ὁ νόμος οὗτος, διδάξω ὑμᾶς. οὗτος γάρ,  
 ὦ ἄνδρες δικασταί, οὐκ ἐπὶ τοῖς κεκριμένοις καὶ  
 ἠγωνισμένοις κεῖται, ἀλλ' ἐπὶ τοῖς ἀκρίτοις, ἵνα  
 μὴ διὰ τὸ δεδέσθαι χεῖρον ἀναγκάζονται ἀγωνί-  
 ζεσθαι ἢ καὶ παντάπασιν ἀπαράσκευοι εἶεν. οὗτοσὶ  
 146 εἰρημένα μέλλει πρὸς ὑμᾶς λέγειν. ὡς δὲ σαφῶς  
 γνώσεσθε ὅτι ἀληθῆ λέγω, ἐγὼ ὑμῖν ἐρῶ. οὔτε  
 γὰρ ἂν, ὦ ἄνδρες δικασταί, ἐξῆν ὑμῖν τιμᾶν ὃ τι  
 χρὴ παθεῖν ἢ ἀποτεῖσαι (ἐν γὰρ τῷ παθεῖν καὶ ὁ  
 [746] δεσμὸς ἐνι· οὐκ ἂν οὖν ἐξῆν δεσμοῦ τιμῆσαι), οὔθ'  
 ὅσων ἐνδειξίς ἐστιν ἢ ἀπαγωγή, προσεγέγραπτο  
 ἂν ἐν τοῖς νόμοις " τὸν δ' ἐνδειχθέντα ἢ ἀπαχθέντα  
 δησάντων οἱ ἕνδεκα ἐν τῷ ξύλῳ," εἴπερ μὴ ἐξῆν  
 ἄλλους ἢ τοὺς ἐπὶ προδοσίᾳ τῆς πόλεως ἢ ἐπὶ  
 καταλύσει τοῦ δήμου συνιόντας ἢ τοὺς τὰ τέλη  
 147 ὠνούμενους καὶ μὴ καταβάλλοντας δησαι. νῦν  
 δὲ ταῦθ' ὑμῖν τεκμήρια ἔστω ὅτι ἔξεστι δησαι·  
 παντελῶς γὰρ ἤδη ἄκυρ' ἂν ἦν τὰ τιμήματα.  
 ἔπειτα δ', ὦ ἄνδρες δικασταί, τοῦτο τὸ γράμμα  
 αὐτὸ μὲν καθ' αὐτὸ οὐκ ἔστι νόμος, τὸ " οὐδὲ  
 δήσω Ἀθηναίων οὐδένα," ἐν δὲ τῷ ὄρκῳ τῷ  
 βουλευτικῷ γέγραπται, ἵνα μὴ συνιστάμενοι οἱ  
 ῥήτορες οἱ ἐν τῇ βουλῇ δεσμὸν κατὰ τινος

<sup>a</sup> *i.e.* if, as Timocrates contends, imprisonment was repugnant to the spirit of Athenian law, the law would not have given you the option of imposing corporal or pecuniary punishment.

I will say nothing about Androtion himself dragging 145  
 people to prison and putting them in irons after the  
 enactment of this law, but I must inform you to whom  
 it really applies. This statute, gentlemen of the  
 jury, is not intended for the protection of people who  
 have stood their trial and argued their case, but for  
 those who are still untried ; and its purpose is that  
 they shall not plead at a disadvantage, or even  
 without any preparation at all, because they have  
 been sent to gaol. But Timocrates is going to speak  
 to you of regulations made for untried culprits, as  
 though they had been framed to include everybody.  
 Let me give you a proof that my account of the matter 146  
 is correct. It would not have been lawful <sup>a</sup> for you,  
 gentlemen of the jury, to assess any penalty, corporal  
 or pecuniary,—for imprisonment is a corporal punish-  
 ment, and therefore you could not have inflicted it  
 as a penalty,—nor could it have been provided by  
 statute, in cases where information is laid or summary  
 arrest is allowed, that “ the Eleven shall put in the  
 stocks any man against whom information is laid,  
 or who has been arrested,” if it had been unlawful  
 to imprison any offenders other than those who con-  
 spire to betray the commonwealth, or to overthrow  
 popular government, or tax-farmers who do not satisfy  
 their contract. But as matters stand you must accept 147  
 these facts as proving that imprisonment is lawful,  
 otherwise penal sentences would at once have been  
 entirely inoperative. In the second place, gentle-  
 men of the jury, the formula, “ I will not imprison any  
 Athenian citizen,” is not in itself a statute ; it is  
 merely a phrase in the written oath taken by the  
 Council, to prevent politicians who are in the Council  
 from caballing to commit any citizen to prison.

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148 τῶν πολιτῶν λέγοιεν. ἄκυρον οὖν τοῦ δῆσαι τὴν βουλήν ποιῶν ὁ Σόλων τοῦτο πρὸς τὸν ὄρκον τὸν βουλευτικὸν προσέγραψεν, ἀλλ' οὐ πρὸς τὸν ὑμέτερον· ἀπάντων γὰρ κυριώτατον ὤρετο δεῖν εἶναι τὸ δικαστήριον, καὶ ὃ τι γνώη, τοῦτο πάσχει τὸν ἀλόντα. ἀναγνώσεται δ' ὑμῖν αὐτοῦ τούτου ἕνεκα τὸν τῶν ἡλιαστῶν ὄρκον. λέγε σύ.

149

ΟΡΚΟΣ ΗΛΙΑΣΤΩΝ

[Ψηφιοῦμαι κατὰ τοὺς νόμους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς τῶν πεντακοσίων. καὶ τύραννον οὐ ψηφιοῦμαι εἶναι οὐδ' ὀλιγαρχίαν. οὐδ' εἴαν τις καταλύῃ τὸν δῆμον τὸν Ἀθηναίων ἢ λέγη ἢ ἐπιψηφίσῃ παρὰ ταῦτα, οὐ πείσομαι· οὐδὲ τῶν χρεῶν τῶν ἰδίων ἀποκοπὰς οὐδὲ γῆς ἀναδασμὸν τῆς Ἀθηναίων οὐδ' οἰκιῶν· οὐδὲ τοὺς φεύγοντας κατὰξω, οὐδὲ ὧν θάνατος κατέγνωσται, οὐδὲ τοὺς μένοντας ἐξελῶ παρὰ τοὺς νόμους τοὺς κειμένους καὶ τὰ ψηφίσματα τοῦ δήμου τοῦ Ἀθηναίων καὶ τῆς βουλῆς οὔτ' αὐτὸς ἐγὼ οὔτ' ἄλλον οὐδένα εἰάσω. οὐδ' ἀρχὴν καταστήσω ὥστ' ἄρχειν ὑπεύθυνον ὄντα ἐτέρας ἀρχῆς, καὶ τῶν ἐννέα ἀρχόντων καὶ τοῦ ἱερομνήμονος καὶ ὅσαι μετὰ τῶν ἐννέα ἀρχόντων κυμαεῦνται ταύτη τῇ ἡμέρᾳ, καὶ κήρυκος καὶ πρεσβείας καὶ συνέδρων· οὐδὲ δις τὴν αὐτὴν ἀρχὴν τὸν αὐτὸν ἄνδρα, οὐδὲ δύο ἀρχὰς ἄρξαι τὸν αὐτὸν ἐν τῷ αὐτῷ ἐνιαυτῷ. οὐδὲ δῶρα δέξομαι τῆς ἡλιάσεως ἕνεκα οὔτ' αὐτὸς ἐγὼ οὔτ' ἄλλος ἐμοὶ οὔτ' ἄλλη εἰδότος ἐμοῦ, οὔτε τέχνη οὔτε

151 μηχανῇ οὐδεμιᾶ. καὶ γέγονα οὐκ ἔλαττον ἢ τριάκοντ' ἔτη. καὶ ἀκροάσομαι τοῦ τε κατηγοροῦ καὶ τοῦ ἀπολογουμένου ὁμοίως ἀμφοῖν, καὶ διαψηφιοῦμαι περὶ αὐτοῦ οὐ ἂν ἢ δίωξις ἦ. ἐπομνύμαι Δία, Ποσειδῶ, Δῆμητρα, καὶ ἐπαρᾶσθαι ἐξώλειαν ἑαυτῷ καὶ οἰκίᾳ τῇ ἑαυτοῦ, εἴ τι τούτων παραβαίνοι, εὐορκοῦντι δὲ πολλὰ κάγαθὰ εἶναι.]



Solon therefore, wishing to deprive the Council of 148 authority to imprison, included this formula in the Councillors' oath; but he did not include it in the judicial oath. He thought it right that a Court of Justice should have unlimited authority, and that the convicted criminal should submit to any punishment ordered by the court. To make good this view the clerk will read the judicial oath of the Court of Heliaea. Read.

THE OATH OF THE HELIASTS

149

[I will give verdict in accordance with the statutes and decrees of the People of Athens and of the Council of Five-hundred. I will not vote for tyranny or oligarchy. If any man try to subvert the Athenian democracy or make any speech or any proposal in contravention thereof, I will not comply. I will not allow private debts to be cancelled, nor lands nor houses belonging to Athenian citizens to be redistributed. I will not restore exiles or persons under sentence of death. I will not expel, nor suffer another to expel, persons here resident in contravention of the statutes and decrees of the Athenian People or of the Council. I will 150 not confirm the appointment to any office of any person still subject to audit in respect of any other office, to wit the offices of the nine Archons or of the Recorder or any other office for which a ballot is taken on the same day as for the nine Archons, or the office of Marshal, or ambassador, or member of the Allied Congress. I will not suffer the same man to hold the same office twice, or two offices in the same year. I will not take bribes in respect of my judicial action, nor shall any other man or woman accept bribes for me with my knowledge by any subterfuge or trick whatsoever. I am not 151 less than thirty years old. I will give impartial hearing to prosecutor and defendant alike, and I will give my verdict strictly on the charge named in the prosecution. The juror shall swear by Zeus, Poseidon, and Demeter, and shall invoke destruction upon himself and his household if he in any way transgress this oath, and shall pray that his prosperity may depend upon his loyal observance thereof.]

## DEMOSTHENES

Ἐνταῦθ' οὐκ ἔνι, ὦ ἄνδρες δικασταί, “ οὐδὲ δῆσω Ἀθηναίων οὐδένα.” τὰ γὰρ κρίνοντα τὰς κρίσεις ἀπάσας τὰ δικαστήριά ἐστιν, οἷς ἐξουσία ἐστὶ καὶ δεσμὸν καὶ ἄλλο ὅ τι ἂν βούλωνται καταγιγνώσκειν.

- 152 Ὡς μὲν οὖν ἐξεστὶν ὑμῖν δεσμὸν καταγιγνώσκειν, ταύτῃ ἐπιδείκνυμι· ὡς δὲ τὰ δεδικασμένα ἄκυρα ποιεῖν καὶ δεινὸν καὶ ἀνόσιόν ἐστι καὶ δήμου κατάλυσις, πάντας ἂν οἶμαι ὁμολογήσαι. ἢ γὰρ πόλις ἡμῶν, ὦ ἄνδρες δικασταί, νόμοις καὶ ψηφίσμασι διοικεῖται. εἰ δὴ τις τὰ ψήφω κεκριμένα νόμῳ καινῷ λύσει, τί πέρας ἔσται; ἢ πῶς τοῦτον δίκαιόν ἐστι νόμον προσαγορεύειν, ἀλλ' οὐκ ἀνομίαν; ἢ πῶς οὐ τῆς μεγίστης ὀργῆς ὁ τοιοῦτος νομοθέτης
- 153 ἀξιός ἐστιν; ἐγὼ μὲν γὰρ τῶν ἐσχάτων νομίζω,  
 [748] οὐχ ὅτι τοῦτον μόνον τὸν νόμον ἔθηκεν, ἀλλ' ὅτι καὶ τοῖς ἄλλοις ὁδὸν δείκνυσι καὶ περὶ δικαστηρίων καταλύσεως καὶ περὶ τῶν φευγόντων καθόδου καὶ περὶ τῶν ἄλλων τῶν δεινοτάτων. τί γὰρ κωλύει, ὦ ἄνδρες δικασταί, εἰ οὗτος χαίρων ἀπαλλάξει ὁ τοιοῦτον νόμον τιθεῖς, ἕτερον φανῆναι ἄλλο τι τῶν τῆς πόλεως ἰσχυροτάτων καταλύοντα νόμῳ καινῷ;
- 154 ἐγὼ μὲν γὰρ οἶμαι οὐδέν. ἀκούω δ' ἔγωγε καὶ τὸ πρότερον οὕτω καταλυθῆναι τὴν δημοκρατίαν, παρανόμων πρῶτον γραφῶν καταλυθεισῶν καὶ τῶν δικαστηρίων ἀκύρων γενομένων. ἴσως μὲν οὖν ἂν τις ὑπολάβοι ὅτι οὐχ ὁμοίων ὄντων τῶν πραγμάτων νῦν καὶ τότε λέγω περὶ καταλύσεως τοῦ δήμου. ἀλλ' οὐδὲ σπέρμα δεῖ καταβάλλειν ἐν τῇ πόλει

The oath, gentlemen of the jury, does not contain the words "I will not imprison any Athenian citizen." The courts alone decide every question brought to trial; and they have full authority to pass sentence of imprisonment, or any other sentence they please.

That you are empowered to pass sentence of imprisonment I prove by this argument; and I take it that everybody will agree that to invalidate judicial decisions is monstrous, impious, and subversive of popular government. Our commonwealth, gentlemen of the jury, is administered by laws and by votes of the people; and if once decisions by vote are repealed by a new law, where will be the end of it? Can we justly call this thing a law? Is it not rather the negation of law? Does not such a lawgiver merit our strongest resentment? Indeed 153 in my view he merits the severest punishment, not merely for proposing this law, but for revealing to everyone else a method of destroying the courts of justice, restoring exiles, and introducing every sort of atrocity. If the author of this law goes on his way rejoicing, what is there, gentlemen of the jury, to prevent another man from coming forward to overthrow our most powerful institutions with a fresh statute? In my opinion, nothing. I have been told 154 that in time past popular government was overthrown in this way, when indictments for illegal legislation were abolished, and courts of justice were stripped of authority. Someone may perhaps object that, when I talk of subverting popular government, I am ignoring the difference of conditions between that time and this. Yes, but no man ought even to drop the seed of such a policy in our commonwealth,

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οὐδένα, ὧ ἄνδρες δικασταί, τοιούτων πραγμάτων, οὐδ' εἰ μήπω ἂν ἐκφύοι, ἀλλὰ καὶ τὸν ἐγχειροῦντα λέγειν ἢ ποιεῖν τι τοιοῦτον δίκην διδόναι.

- 155 Ὅτι τοίνυν καὶ τέχνη κακῶς ἐνεχείρησε ποιεῖν ὑμᾶς, ἄξιόν ἐστιν ἀκοῦσαι. ὁρῶν γὰρ ἐκάστοτε πάντας, καὶ τοὺς πολιτευομένους καὶ τοὺς ἰδιώτας, τοὺς νόμους τῶν τῆς πόλεως ἀγαθῶν αἰτίους ὑπολαμβάνοντας, ἐσκόπει πῶς λήσει τούτους καταλύσας, κἂν ἄρα ληφθῆ τοῦτο ποιῶν, μὴ δόξει δεινὸν
- 156 μηδ' ἀναιδὲς μηδὲν εἰργάσθαι. εὔρεν οὖν τοῦτο ὁ πεποίηκε, νόμῳ τοὺς νόμους καταλύσαι, ἵνα τὰδικήματ' αὐτοῦ τὸ τῆς σωτηρίας ὄνομ' ἔχη. οἳ τε γὰρ σώζοντες τὴν πόλιν εἰσὶ νόμοι, ὃν τε οὗτος ἔθηκεν οὐδὲν ἐκείνοις τῶν αὐτῶν ἔχοντα, νόμος. τὴν μὲν οὖν τοῦ ὀνόματος φιλανθρωπίαν, ὅτι ταύτην δὴ<sup>1</sup> μάλιστα προσείσθε, κατεῖδε· τὴν δὲ χρεῖαν, ὅτι
- [749] 157 τὰναντία ἔχουσα φανήσεται, παρεῖδε. φέρε γὰρ πρὸς Διός, ἔστιν ὅστις ἂν ἢ πρόεδρος ποτ' ἐπειψήφισεν ἢ πρύτανις τούτων τι τῶν ἐν τῷ νόμῳ γεγραμμένων; ἐγὼ μὲν οὐδέν' ἂν οἶμαι. πῶς οὖν τοῦθ' ὑπέδου; νόμον ἔθετ' ὄνομα τοῖς αὐτοῦ κακουργήμασιν. οὐ γὰρ ἀπλῶς, οὐδ' ὅπως ἔτυχον, ποιοῦσι κακῶς ὑμᾶς, ἀλλ' ἐσκεμμένως καὶ τοῦτ' αὐτὸ πράττοντες, οὐχ οὗτος μόνον, ἀλλὰ πολλοὶ τῶν πολιτευομένων, οἳ τούτῳ παριόντες αὐτίκα δὴ μάλα συναπολογήσονται, οὐ μὰ Δί' οὐ Τιμοκράτει χαρίσασθαι βουλόμενοι, πόθεν; ἀλλ' αὐτῷ συμφέρειν ἕκαστος ἡγούμενος τὸν νόμον. ὥσπερ τοίνυν

<sup>1</sup> δὴ is Dindorf's correction of ἂν: some read ἂν . . . προσείσθε.

though for the moment it may not germinate ; rather should every man who by word or deed attempts anything of the kind be brought to justice.

It is also proper that you should be informed how 155 craftily he laid his plans to injure you. Having observed that everybody, whether in public life or outside it, constantly attributes all the prosperity of Athens to her laws, he began to consider how he could destroy those laws without detection, and how, even if caught in the act, he might be thought to have done nothing formidable or presumptuous. He invented 156 the method which he has actually employed, that of overthrowing old laws by a new one, in the hope that his iniquities might be described as preservative. It is true that the city is preserved by laws ; and the thing he introduced, though widely different from other laws, certainly was a law. He saw that the beneficent associations of that name were bound to win your approval ; and he did not choose to see that in its actual effect it would be found very different. But tell me this,—is there any chairman or any 157 president who would ever have put to the vote the proposals contained in his law ? I should say, none. Then how did the thing slip through ? He gave the name of law to his own knaveries. For these men do not injure you artlessly or casually, but deliberately and of set purpose ; and I do not mean these men alone, but a great company of politicians, who will shortly appear and reinforce the defence,—not, I need hardly say, because they want to oblige Timocrates,—why should they ?—but because every man of them imagines that Timocrates' law will serve his own purposes. As these people, then, rally round

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- οὔτοι σφίσιν αὐτοῖς βοηθοῦσιν ἐφ' ὑμᾶς, οὕτω δεῖ  
 158 καὶ ὑμᾶς ὑμῖν αὐτοῖς βοηθεῖν. καίτοι ἀνερωτῶντός  
 τινος αὐτὸν ὅτου ἔνεκα τοιαυτ' ἠθέλησε γράφειν,  
 καὶ διεξιόντος ὡς χαλεπὸν τὸν ἀγῶνα ὑπολαμβάνοι  
 τόνδε, τετυφῶσθαι τὸν λέγοντ' ἔφη· συμπάρεσσεσθαι  
 γὰρ Ἀνδροτίωνα ἑαυτῷ, καὶ τοιούτους λόγους  
 σχολὴν ἄγοντα ἐσκέφθαι περὶ πάντων ὥστ' εὖ  
 εἰδέναι ὅτι οὐδὲν αὐτῷ γενήσοιτο φλαυρον ἀπὸ τῆς  
 159 γραφῆς τῆσδε. καὶ δῆτα καὶ τεθαύμακα τὴν ἀναι-  
 σχυντίαν τὴν τούτου τε κἀκείνου, τοῦ μὲν, εἰ καλεῖ,  
 τοῦ δ', εἰ πάρεισι καὶ συναπολογήσεται. μαρτυρία  
 γὰρ Ἰδήπου φανερὰ γενήσεται πᾶσιν ὑμῖν ὅτι τὸν  
 νόμον τούτου ἔνεκ' ἐτίθει, ἀλλ' οὐκ ἐπὶ πᾶσι τὸν  
 αὐτόν. ὅμως δὲ καὶ περὶ τῶν ἐκείνω πεπολιτευ-  
 μένων ὑμᾶς μικρὰ βέλτιόν ἐστιν ἀκούσαι, καὶ τού-  
 των ταῦτα, ὧν κεκοινώνηκεν οὗτος καὶ δι' αὐτοῦτον  
 οὐδὲν ἦττον ἐκείνου δικαίως ἂν μισοῖτε. λέξω δ'  
 [750] οὐδὲν ὧν ἀκηκόαθ' ὑμεῖς, εἰ μὴ τινες ἄρα ἐπὶ τοῖς  
 Εὐκτήμοι γιγνομένοις ἀγῶσι παρήσαν.
- 160 Καὶ πρῶτον μὲν, ἐφ' ᾧ μέγιστον φρονεῖ, τὴν τῶν  
 χρημάτων εἴσπραξιν ἐξετάσωμεν αὐτοῦ, ἣν μετὰ  
 τούτου τοῦ χρηστοῦ πάντα εἰσέπραξεν ὑμᾶς.  
 αἰτιασάμενος γὰρ Εὐκτήμονα τὰς ὑμετέρας ἔχειν  
 εἰσφοράς, καὶ τοῦτ' ἐξελέγξειν ἢ παρ' ἑαυτοῦ κατα-  
 θῆσειν ὑποσχόμενος, καταλύσας ψηφίσματι κληρω-  
 τὴν ἀρχὴν ἐπὶ τῇ προφάσει ταύτῃ ἐπὶ τὴν εἴσπραξιν  
 παρέδου, καὶ τοῦτον προὔβαλετο, εἰπὼν τὴν τοῦ  
 161 σώματος ἀρρωστίαν, ἢ, ἔφη, συνδιοικῆ μοι. δημη-

one another to your prejudice, so it is your business to rally round yourselves. Somebody asked him for 158 what purpose he had chosen to bring forward such a proposal, and tried to explain to him that he had a difficult task before him in this trial. His reply was : " You talk like a fool. Androtion will be there to help me ; and he has thought out at leisure such fine arguments on every point, that I am quite certain that no harm will come to me from this indictment." I am simply amazed at the effrontery of the pair of 159 them,—of Timocrates, if he calls Androtion, and of Androtion, if he appears and speaks for the defence ; for, of course, you will then have the clearest testimony that Timocrates proposed his law for the special benefit of Androtion, not as a law of general application. Nevertheless, it will be useful to you to hear a brief account of Androtion's political performances, including those in which the defendant took part, and for which he, no less than the other, should be the just object of your detestation. I will tell you nothing that you have heard already, unless indeed any of you were in court at the trials of Euctemon.

Let us first of all inquire into the exploit on which 160 he chiefly prides himself,—his collection of the money which he extracted from all of you, with the help of this honourable gentleman. Having accused Euctemon of retaining revenue money in his own hands, he promised that he would either make good the charge, or pay the money out of his own pocket ; and on that pretext he turned out a magistrate appointed by lot, and insinuated himself into the tax-collecting business. He also proposed the appointment of Timocrates, pleading his own ill-health ; " I shall be glad of his help in the work of the office," he said.

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γορίαν δ' ἐπὶ τούτοις ποιούμενος, ὡς ἔστι τριῶν  
 αἵρεσις, ἢ τὰ πομπεῖα κατακόπτειν ἢ πάλιν εἰσ-  
 φέρειν ἢ τοὺς ὀφείλοντας εἰσπράττειν, αἰρουμένων  
 εἰκότως ὑμῶν τοὺς ὀφείλοντας εἰσπράττειν, ταῖς  
 ὑποσχέσεσι κατέχων καὶ διὰ τὸν καιρὸν ὃς ἦν τότε  
 ἔχων ἐξουσίαν, τοῖς μὲν κειμένοις νόμοις περὶ τού-  
 των οὐκ ᾤετο δεῖν χρῆσθαι οὐδ', εἰ μὴ τούτους  
 ἐνόμιζεν ἰκανούς, ἐτέρους τιθέναι, ψηφίσματα δ'  
 εἶπεν ἐν ὑμῖν δεινὰ καὶ παράνομα, δι' ὧν ἡργολάβει,  
 162 προσαγωγῇ τούτῳ χρώμενος τῶν λημμάτων. καὶ  
 πολλὰ τῶν ὑμετέρων κέκλοφε μετὰ τούτου, γράψας  
 τοὺς ἔνδεκα καὶ τοὺς ἀποδέκτας καὶ τοὺς ὑπηρέτας  
 ἀκολουθεῖν μεθ' αὐτοῦ. εἶτ' ἔχων τούτους ἤγεεν ἐπὶ  
 τὰς ὑμετέρας οἰκίας, καὶ σύ, ὦ Τιμόκρατες, συν-  
 ηκολούθεις, μόνος τῶν συναρχόντων δέκ' ὄντων.  
 [751] καὶ μηδεὶς ὑπολαμβανέτω με λέγειν ὡς οὐ χρῆν  
 εἰσπράττειν τοὺς ὀφείλοντας. χρῆν γάρ. ἀλλὰ πῶς;  
 ὡς ὁ νόμος κελεύει· τῶν ἄλλων ἔνεκα· τοῦτο γάρ  
 ἐστὶ δημοτικόν. οὐ γὰρ τοσοῦτον, ὦ ἄνδρες Ἀθη-  
 ναῖοι, πέντε ταλάντων ὑμῖν, ὧν οὗτοι τότε εἰσ-  
 ἔπραξαν, τεθέντων ὠφέλησθε, ὅσον βέβλαφθε τοιού-  
 163 των ἐθῶν εἰς τὴν πολιτείαν εἰσαγομένων. εἰ γὰρ  
 ἐθέλοιτ' ἐξετάσαι, τίνος ἔνεκα μᾶλλον ἂν τις ἔλοιτο  
 ἐν δημοκρατίᾳ ζῆν ἢ ἐν ὀλιγαρχίᾳ, τοῦτ' ἂν εὔροιτε  
 προχειρότατον, ὅτι πάντα πραότερά ἐστιν ἐν δημο-  
 κρατίᾳ. ὅτι μὲν τοίνυν τῆς ὅπου βούλεσθε ὀλιγα-  
 ρχίας πολλῶ ἀσελγέστερα καὶ δεινότερα ἐποιοῦν



He made a speech to the people on that occasion, 161  
 advising you that you had the choice of three courses,  
 either to break up the processional plate, or to pay  
 your taxes over again, or to recover arrears from  
 defaulters. You naturally preferred to collect your  
 debts; and as by virtue of his promises he had the  
 upper hand, and enjoyed special powers to suit the  
 emergency, he did not think proper to observe the  
 statutes made and provided for such business, nor, if  
 he considered them unsatisfactory, to propose new  
 ones. Instead of that, he moved at the Assembly  
 some truculent and unconstitutional decrees, and  
 used those decrees for jobbery, with Timocrates as his  
 jackal. With the help of this man he has stolen a 162  
 great deal of your property, for he had included in  
 his decree an order that the police-magistrates, the  
 receivers, and their clerks, should all follow his in-  
 structions. Taking these officers with him, he pro-  
 ceeded to invade your dwelling-houses; and you,  
 Timocrates, were the only one of his colleagues,  
 though there were ten of them, who went with him.  
 And let no one suppose that I am hinting that pay-  
 ment ought not to be exacted from defaulters. It  
 ought; but how? As the law directs, and dis-  
 interestedly; that is the democratic way. Men of  
 Athens, you got far less benefit from the five talents  
 that this man collected, than injury from the practices  
 that he introduced into your government. For if you 163  
 care to inquire why a man would rather live under  
 democracy than under oligarchy, you will find that  
 the most obvious reason is that under democracy  
 things are done more considerately. I will not insist  
 that the conduct of these men was more outrageous  
 and intolerable than under any oligarchy, no matter

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οὔτοι, παραλείψω. ἀλλὰ παρ' ἡμῶν πότε πώποτε  
 δεινότερα ἐν τῇ πόλει γέγονεν; εὖ οἶδ' ὅτι ἐπὶ  
 164 τῶν τριάκονθ' ἅπαντες ἂν εἶποιτε. τότε τοίνυν,  
 ὡς ἔστιν ἀκούειν, οὐδεὶς ἔστιν ὅστις ἀπεστερέϊτο  
 τοῦ σωθῆναι, ὅστις ἑαυτὸν οἴκοι κρύψειεν, ἀλλ'  
 αὐτὸ τοῦτο κατηγοροῦσι τῶν τριάκοντα, ὅτι τοὺς  
 ἐκ τῆς ἀγορᾶς ἀδίκως ἀπήγον. οὔτοι τοίνυν  
 τοσαύτην ὑπερβολὴν ἐποιήσαντο ἐκείνων τῆς αὐτῶν  
 πονηρίας ὥστ' ἐν δημοκρατίᾳ πολιτευόμενοι τὴν  
 ἰδίαν οἰκίαν ἐκάστω δεσμωτήριον καθίστασαν, τοὺς  
 165 ἔνδεκ' ἄγοντες ἐπὶ τὰς οἰκίας. καίτοι, ὦ ἄνδρες  
 Ἀθηναῖοι, τί οἶεσθε, ὅπότ' ἄνθρωπος πένης, ἢ καὶ  
 πλούσιος, πολλὰ δ' ἀνηλωκῶς καὶ τιν' ἴσως τρόπον  
 εἰκότως οὐκ εὐπορῶν ἀργυρίου, μὴ μόνον εἰς τὴν  
 ἀγορὰν φοβοῖτ' ἐμβαλεῖν, ἀλλὰ μηδ' οἴκοι μένειν  
 ἀσφαλὲς ἠγοῖτο, ὃ δὲ τούτων αἴτιος Ἀνδροτίων  
 εἶη, ὃν οὐδ' ὑπὲρ αὐτοῦ δίκην ἐᾷ λαβεῖν τὰ πεπραγ-  
 μένα καὶ βεβιωμένα, μὴ τί γ' ὑπὲρ τῆς πόλεως  
 166 εἰσπράττειν εἰσφοράς; καίτοι εἴ τις ἔροιτ' αὐτὸν  
 [752] ἢ σέ, ὦ Τιμόκρατες, τὸν ἐπαινέτην τούτων καὶ  
 συνεργόν, τὰς εἰσφοράς πότερον τὰ κτήματα ἢ τὰ  
 σώματα ὀφείλει, τὰ κτήματα φήσαιτ' ἂν, εἴπερ  
 ἀληθῆ λέγειν βούλοισθε· ἀπὸ γὰρ τούτων εἰσφέρο-  
 μεν. τίνος οὖν ἔνεκ', ὦ κάκιστοι πάντων ἀνθρώ-  
 πων, ἀφέντες τὸ τὰ χωρία δημεύειν καὶ τὰς οἰκίας,  
 καὶ ταῦτ' ἀπογράφειν, ἐδεῖτε καὶ ὑβρίζετε πολίτας  
 ἀνθρώπους καὶ τοὺς τάλαιπώρους μετοίκους, οἷς  
 ὑβριστικώτερον ὑμεῖς ἢ τοῖς οἰκέταις τοῖς ὑμετέροις  
 167 αὐτῶν κέχρησθε; καὶ μὴν εἰ ἐθέλοιτε σκέψασθαι  
 παρ' ὑμῶν αὐτοῖς, ὦ ἄνδρες δικασταί, τί δοῦλον ἢ

where. But take our own city : at what time was the greatest severity practised here ? I am sure you will all reply, in the days of the Thirty Tyrants. And yet, even at that time, as we are told, no man who had concealed himself in his own house was deprived of his security ; indeed, the particular charge brought against the Thirty is that they wrongfully carried men to gaol from the market-place. But these men carried their atrocity to far greater lengths than that, insomuch that, under democratic government, they made every man's house his prison, bringing the police into our very homes. What do you think of this, men of Athens ? A poor man, or, for the matter of that, a rich man, who had spent a great deal and was, perhaps, in a certain sense short of money, was not only afraid to show himself in the market-place, but found it unsafe even to stay at home. And to think that Androtion was responsible for those fears,—Androtion, whose past life and conduct disqualify him for seeking satisfaction at law even for himself, much more for imposing property-taxes for the State. anyone asked him,—or asked you, Timocrates, the apologist and abettor of that gang,—whether our property or our persons are amenable to taxation, you would reply, if you chose to tell the truth, our property, because it is from our property that we pay. Then why, you unparalleled scoundrels, instead of confiscating estates and houses, and putting them on the schedule, did you imprison and maltreat men who were full citizens, as well as those unhappy aliens, whom you treated more outrageously than your own domestic slaves ? If, gentlemen of the jury, you will turn over in your minds the question what is the difference between being a slave and being a free

- ἐλεύθερον εἶναι διαφέρει, τοῦτο μέγιστον ἂν εὔροιτε, ὅτι τοῖς μὲν δούλοις τὸ σῶμα τῶν ἀδικημάτων ἀπάντων ὑπεύθυνόν ἐστι, τοῖς δ' ἐλευθéroις ὕστατον τοῦτο προσήκει κολάζειν. οἱ δὲ τοῦναντίον εἰς τὰ σώμαθ', ὥσπερ ἀνδραπόδοις, ἐποιήσαντο τὰς τι-
- 168 μωρίας. οὕτω δ' ἀνίσως καὶ πλεονεκτικῶς ἔσχε πρὸς ὑμᾶς Ἀνδροτίων ὥστε τὸν μὲν αὐτοῦ πατέρα ᾤετο δεῖν, δημοσίᾳ δεθέντα ἐπὶ χρήμασιν ἐν τῷ δεσμοτηρίῳ, μήτ' ἀποδόντα ταῦτα μήτε κριθέντ' ἀποδρᾶναι, τῶν δ' ἄλλων πολιτῶν τὸν μὴ δυνά-
- 169 μενον τὰ ἑαυτοῦ θείναι οἴκοθεν εἰς τὸ δεσμοτήριον ἀχθέντα ὑφ' ἑαυτοῦ δεδέσθαι. καὶ Τιμοκράτης τῶν μὲν πολλῶν ἡμῶν τότε, ὅτε τὴν διπλασίαν εἰσέπραττεν, οὐδ' ἂν παρ' ἐνὸς λαβεῖν ἠθέλησεν ἐγγυητάς, μὴ μέχρι τῆς ἐνάτης πρυτανείας, ἀλλ' οὐδεμιᾶς ἡμέρας, ἀλλ' ἢ διπλᾶ τὰ χρήματ' ἔδει καταβάλλειν ἢ παραχρήμα δεδέσθαι. παρεδίδου δ' οὗτος τοῖς ἔνδεκα τὸν οὐκ ὠφληκότα ἐν τῷ
- [753] δικαστηρίῳ. νῦν δ' ὅπως ὦν ἂν ὑμεῖς καταγνώτε ἄδετοι περιίασιν, ὑπεύθυνον αὐτὸν ποιήσας νόμον εἰσενεγκεῖν ἐτόλμησεν.
- 170 Ἄλλ' ὅμως κἀκεῖνα καὶ τάδε φήσουσιν ὑπὲρ ὑμῶν πράττειν. εἶτα ταῦθ' ὑμεῖς ἀναδέξεσθε ὑπὲρ ὑμῶν πεπραχθαι, καὶ τὰ τῆς τούτων θρασύτητος καὶ πονηρίας ἔργα πράως οἴσετε; ἀλλὰ μισεῖν ὀφείλετε τοὺς τοιούτους, ὧ ἄνδρες Ἀθηναῖοι, μᾶλλον ἢ σώζειν. τὸν γὰρ ὑπὲρ τῆς πόλεως πράττοντά τι καὶ πράων ὑμῶν τευξόμενον τὸ τῆς
- 171 πόλεως ἦθος ἔχοντα δεῖ φαίνεσθαι. τοῦτο δ' ἐστὶ τί; τοὺς ἀσθενεῖς ἐλεεῖν, τοῖς ἰσχυροῖς καὶ δυνα-

## AGAINST TIMOCRATES, 167-171

man, you will find that the biggest difference is that the body of a slave is made responsible for all his misdeeds, whereas corporal punishment is the last penalty to inflict on a free man. These men reversed that principle, and applied punishment to the bodies of their victims, as though they were bondservants. Androtion's behaviour towards you was so unfair and 168 so greedy that, whilst approving the conduct of his own father, who had been confined in gaol for a debt to the State and made his escape without payment or trial, he thought it quite proper that any other citizen, who was unable to pay out of his own resources, should be dragged by him from his home to the gaol and there imprisoned. And Timocrates, at the 169 time when he was levying double payment, would never have consented to accept bail, I do not say till the ninth presidency, but even for a single day, from any of us common people ; we must either pay down the money or incontinently be lodged in prison. He used to hand over to the police even a man who had never been condemned in any court. Yet to-day he has dared, taking full responsibility, to introduce a law to enable persons on whom you have passed sentence, to go where they will in freedom.

Nevertheless they will allege that both then and 170 now they were acting in your interests. Will you then accept their exploits as due to zeal in your interests ? Or will you indulgently tolerate the handiwork of their audacity and wickedness ? No, men of Athens ; you ought to abhor such men rather than liberate them. He who claims your indulgence as having acted for the good of the commonwealth must be shown to possess the spirit of the commonwealth. That spirit is a spirit of compassion for 171

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μένοις μὴ ἐπιτρέπειν ὑβρίζειν, οὐ τοὺς μὲν πολλοὺς ὡμῶς μεταχειρίζεσθαι, κολακεύειν δὲ τὸν αἰεὶ τι δύνασθαι δοκοῦντα. ὁ σὺ ποιεῖς, ὦ Τιμόκρατες· δι' ἃ πολλῶ μᾶλλον ἂν εἰκότως μὴ ἐβελήσαντες ἀκοῦσαι σοῦ θάνατον καταψηφίσαιενθ' οὗτοι ἢ δι' Ἄνδροτίων' ἀφείησαν.

- 172 Ὅτι τοίνυν οὐδὲ τὴν εἰσπραξιν αὐτὴν ὑπὲρ ὑμῶν πεποιήνται, καὶ τοῦτ' αὐτίκα δὴ μάλα ὑμῖν δῆλον ποιήσω. εἰ γάρ τις ἔροιτο αὐτούς, πότεροι αὐτοῖς δοκοῦσιν ἀδικεῖν μᾶλλον τὴν πόλιν, οἱ γεωργοῦντες καὶ φειδόμενοι, διὰ παιδοτροφίας δὲ καὶ οἰκεῖα ἀναλώματα καὶ λητουργίας ἐτέρας ἐλλειποῦτες εἰσφοράν, ἢ οἱ τὰ τῶν ἐβελησάντων εἰσενεγκεῖν χρήματα καὶ τὰ παρὰ τῶν συμμάχων κλέπτοντες καὶ ἀπολλύντες, οὐκ ἂν εἰς τοῦτο δήπου τόλμης, καίπερ ὄντες ἀναιδεῖς, ἔλθοιεν ὥστε φῆσαι τοὺς τὰ ἑαυτῶν μὴ εἰσφέροντας μᾶλλον ἀδικεῖν ἢ τοὺς
- 173 τὰ κοινὰ ὑφαιρουμένους. τίνος οὖν ἕνεκ', ὦ Τιμόκρατες καὶ Ἄνδροτίων, ἐτῶν ὄντων πλειόνων ἢ
- [754] τριάκοντα ἀφ' οὗ ὃ γ' ἕτερος ὑμῶν πολιτεύεται, καὶ ἐν τούτῳ τῷ χρόνῳ πολλῶν μὲν στρατηγῶν ἡδίκηκότων τὴν πόλιν, πολλῶν δὲ ῥητόρων, οἱ παρὰ τουτοισὶ κέκρινται, ὧν οἱ μὲν τεθνᾶσιν ἐφ' οἷς ἡδίκουν, οἱ δ' ὑποχωρήσαντες ὥχοντο καταγνόντες αὐτῶν, οὐδενὸς πώποτε τούτων ἐξητάσθη κατήγορος ὑμῶν οὐδέτερος, οὐδ' ἀγανακτῶν ὥφθη ὑπὲρ ὧν ἢ πόλις πάσχει, ἀλλ' ἐνταῦθ' ἐφάνηθ'

## AGAINST TIMOCRATES, 171-173

the helpless, and of resistance to the intimidation of the strong and powerful ; it does not inspire brutal treatment of the populace, and subservience to the potentates of the day.—And such is your conduct, Timocrates ; and therefore the jury will have better reason to refuse you a hearing and condemn you to death than to acquit you for the sake of Androtion.

However, I will make it quite clear to you without 172 more ado that they did not carry out those exactions for your benefit. If they were asked whether, in their opinion, the greater injury is done to the commonwealth by tillers of the soil, who live frugally, but, because of the cost of maintaining their children, or of household expenses, or of other public burdens, are behindhand with their taxes, or by people who plunder and squander the money of willing taxpayers and the revenue that comes from our allies, I am sure that, for all their hardihood, they would never have the audacity to reply that those who fail to contribute their own money are worse transgressors than those who embezzle public money.—What then 173 is the reason, Timocrates and Androtion, that, though one of you has taken part in public life for more than thirty years, though during that time many commanders have defrauded the commonwealth, and many politicians as well, who have been tried in this court, and though some of them have suffered death for their crimes, and others have condemned themselves by slipping away and disappearing altogether, neither of you ever once appeared as prosecutor of those offenders, or expressed any indignation at the wrongs of the city, but made your first exhibition of anxiety for our welfare in an affair which involved

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- ἡμῶν κηδόμενοι, οὐ πολλοὺς ἔδει κακῶς ποιῆσαι;  
 174 βούλεσθε, ὦ ἄνδρες Ἀθηναῖοι, τὸ τούτων αἴτιον  
 ἐγὼ ὑμῖν εἶπω; ὅτι τούτων μὲν μετέχουσιν ὧν  
 ἀδικοῦσιν ὑμᾶς τινές, ἀπὸ δὲ τῶν εἰσπραττομένων  
 ὑφαιροῦνται δι' ἀπληστίαν δὲ τρόπων διχόθεν  
 καρποῦνται τὴν πόλιν. οὔτε γὰρ ῥᾶον πολλοῖς καὶ  
 μικρὰ ἀδικοῦσιν ἀπεχθάνεσθαι ἢ ὀλίγοις καὶ μεγάλα,  
 οὔτε δημοτικώτερον δήπου τὰ τῶν πολλῶν ἀδι-  
 175 κήμαθ' ὄραν ἢ τὰ τῶν ὀλίγων. ἀλλὰ τοῦτ' αἴτιον  
 οὐγὰρ λέγω. δεῖ τοίνυν ὑμᾶς ταῦτα λογιζομένους,  
 καὶ μεμνημένους ὧν ἂν ἕκαστος ἀμάρτη, κολάζειν,  
 ὅταν λάβητέ τινα, καὶ μὴ τὸν χρόνον, εἰ πολὺς  
 ἔστ' ἀπ' ἐκείνου, σκοπεῖν, ἀλλ' εἰ ταῦτ' ἐποιοῦν.  
 ὡς εἰ νῦν πράως οἴσετ' ἐφ' οἷς τότε ἠγανακτεῖτε,  
 δόξετ' ὀργιζόμενοι κατεγνωκέναι τὰ χρήματα τού-  
 των, οὐκ ἀδικούμενοι. τῶν μὲν γὰρ ὀργιζομένων  
 ἐστὶν ὀξέως τι κακὸν τὸν λελυπηκότ' ἐργάσασθαι,  
 τῶν δὲ ἀδικουμένων, ὅταν ποθ' ὑφ' αὐτοῖς λάβωσι  
 τὸν ἠδίκηκότα, τότε τιμωρήσασθαι. οὐκ οὖν δεῖ  
 δοκεῖν νῦν μαλακισθέντας τότε τῶν ὀμωμοσμένων  
 ὄρκων ἀμελήσαντας ὑμῖν αὐτοῖς χαρίσασθαι παρὰ  
 [755] τὸ δίκαιον, ἀλλὰ μισεῖν καὶ μηδ' ἀνέχεσθαι φωνὴν  
 μήτε τούτου μήτ' ἐκείνου, τοιαῦτα πεπολιτευ-  
 μένων.
- 176 Ἄλλὰ νῆ Δία ταῦτα μόνον τοιοῦτοι γεγόνασιν ἐν  
 οἷς πεπολίτευνται, ἄλλα δ' ἔσθ' ἅ καλῶς διωκθή-  
 κασιν. ἀλλὰ καὶ τᾶλλα οὕτω προσεληλύθασιν πρὸς



## AGAINST TIMOCRATES, 174-176

harsh treatment of a great many people?—Do you 174  
wish me to tell you the reason, men of Athens? These  
men share in the frauds that certain persons practise  
on you, and they also get their pickings from the  
collection of revenue. In their insatiable greed they  
reap a double harvest from the State. For it is not  
an easier matter to make enemies of a multitude of  
petty offenders than of a few big offenders; neither  
of course is it a more popular thing to have an eye  
for the sins of the many than for the sins of the few.  
However, the reason is what I am telling you. You 175  
must, therefore, take these facts into account, and,  
bearing in mind their several misdeeds, punish every  
one of them as soon as you have caught him. Never  
mind how long ago the offence was committed;  
consider only whether they committed it. If you are  
indulgent to-day to crimes that aroused your indig-  
nation then, it will look as though you sentenced  
them to repay the money because you were angry,  
not because you suffered any wrong. For to do some-  
thing spiteful on the spur of the moment to the man  
who has hurt you is a symptom of anger; if you are  
really aggrieved, you wait till you have the malefactor  
at your mercy, and then punish him. You must not  
let it be inferred from your placability to-day that  
you disregarded your oaths and gratified an unjust  
passion then. You ought to detest them; you ought  
to be impatient of the sound of the voice of either of  
those two men, whose public conduct has been what  
I describe.

Yes, but, in spite of those public delinquencies, 176  
there was, it may be said, other business which they  
managed with credit. On the contrary, in every  
respect their behaviour towards their fellow-citizens

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ὑμᾶς ὥσθ' ἤκιστα ἐν οἷς ἀκηκόατε ἄξιόν ἐστι μισεῖν  
 αὐτούς. τί γὰρ βούλεσθε εἶπω; τὰ πομπεῖα ὡς  
 ἐπεσκευάκασι, καὶ τὴν τῶν στεφάνων καθαίρεσιν,  
 177 ἢ τὴν τῶν φιαλῶν ποίησιν τὴν καλήν; ἀλλ' ἐπὶ  
 τούτοις γε, εἰ μηδὲν ἄλλο ἠδίκουν τὴν πόλιν, τρίς,  
 οὐχ ἅπαξ τεθνάναι δικαίως ἂν μοι δοκοῦσι· καὶ γὰρ  
 ἱεροσυλία καὶ ἀσεβεία καὶ κλοπῇ καὶ πᾶσι τοῖς  
 δεινοτάτοις εἰσὶν ἔνοχοι. τὰ μὲν οὖν πόλλ' ὦν  
 λέγων ἐφενάκιζεν ὑμᾶς Ἀνδροτίων, παραλείψω·  
 φήσας δ' ἀπορρεῖν τὰ φύλλα τῶν στεφάνων καὶ  
 σαπροὺς εἶναι διὰ τὸν χρόνον, ὥσπερ ἴων ἢ ρόδων  
 ὄντας, ἀλλ' οὐ χρυσοῦ, συγχωνεύειν ἔπεισεν. αἰρε-  
 θεῖς δ' ἐπὶ ταῦτα προσεῖλετο τοῦτον τὸν πάντων  
 178 τῶν κακῶν κοινωνόν. κατ' ἐπὶ μὲν ταῖς εἰσφοραῖς  
 τὸν δημόσιον παρεῖναι προσέγραψεν ὡς δὴ δίκαιος  
 ὢν, ὦν ἕκαστος ἀντιγραφεὺς ἔμελλεν ἔσσεσθαι τῶν  
 εἰσενεγκόντων· ἐπὶ τοῖς στεφάνοις δ', οὓς κατ-  
 ἔκοπτεν, οὐχὶ προσήγαγε ταῦτ' ὡς δίκαιον τοῦτο, ἀλλ'  
 αὐτὸς ῥήτωρ, χρυσοχόος, ταμίας, ἀντιγραφεὺς γέ-  
 179 γονεν. καὶ μὴν εἰ μὲν ἅπαντ' ἠξίους, ὅσα πράττεις  
 τῇ πόλει, σαυτῷ πιστεύειν, οὐκ ἂν ὁμοίως κλέπτῃς  
 ὦν ἐφωρῷ· νῦν δ' ἐπὶ ταῖς εἰσφοραῖς ὁ δίκαιόν ἐσθ'  
 ὀρίσας, μὴ σοὶ πιστεύειν, ἀλλὰ τοῖς αὐτῆς δούλοις  
 τὴν πόλιν, ὅπότ' ἄλλο τι πράττων καὶ χρήματα  
 [756] κινῶν ἱερά, ὦν ἔνι' οὐδ' ἐπὶ τῆς ἡμετέρας γενεᾶς  
 ἀνετέθη, μὴ προσγραψάμενος τὴν αὐτὴν φυλακὴν

## AGAINST TIMOCRATES, 176-179

has been such that the story you have heard is the least of the reasons you have for hating them. What do you wish me to mention? How they repaired the processional ornaments? How they broke up the crowns? Their success as manufacturers of saucers? Why, for those performances alone, though they had committed no other fraud on the City, it seems to me that they deserve not one but three sentences of death; for they are guilty of sacrilege, of impiety, of embezzlement, of every monstrous crime. The greater part, then, of the speech by which Androtion threw dust in your eyes I will leave unnoticed; but, by alleging that the leaves of the crowns were rotten with age and falling off,—as though they were violet-leaves or rose-leaves, not leaves made of gold—he persuaded you to melt them down. Being appointed to perform that operation, he chose as his assistant Timocrates, the constant partner of his misdeeds. And then, in providing for the collection of taxes, he had put in a clause that the public accountant should attend. That was very honest of him; only every taxpayer was certain to check the accounts. But in dealing with the crowns that he was to break up, he left out that very proper regulation; he was himself orator, goldsmith, business-manager, and auditor of accounts.—Now if you, sir, had claimed our entire confidence in all your public business, your dishonesty would not have been equally manifest; but, seeing that in the matter of the taxes you laid down the just principle that the City must trust, not you, but her own servants, and then, when you took up another job, and were tampering with the consecrated plate, some of it dedicated before we were born, you forgot to provide the precaution that was

DEMOSTHENES

- ἦν περ ἐπὶ τῶν εἰσφορῶν φαίνει, οὐκ ἤδη δῆλον δι'  
 180 ὃ τοῦτ' ἐποίησας; ἐγὼ μὲν οἶμαι. καὶ μὴν, ὦ  
 ἄνδρες Ἀθηναῖοι, καὶ κατὰ παντὸς τοῦ χρόνου  
 σκέψασθε ὡς καλὰ καὶ ζηλωτὰ ἐπιγράμματα τῆς  
 πόλεως ἀνελὼν ὡς ἀσεβῆ καὶ δεινὰ ἀντεπέγραψεν.  
 οἶμαι γὰρ ὑμᾶς ἅπαντας ὄραν ὑπὸ τῶν στεφάνων  
 ταῖς χοινικίσι κάτωθεν γεγραμμένα "οἱ σύμμαχοι  
 τὸν δῆμον ἀνδραγαθίας ἕνεκ' ἐστεφάνωσαν καὶ  
 δικαιοσύνης," ἢ "οἱ σύμμαχοι ἀριστεῖον τῇ  
 Ἀθηναίᾳ ἀνέθεσαν," ἢ κατὰ πόλεις "οἱ δεῖνες τὸν  
 δῆμον ἐστεφάνωσαν σωθέντες ὑπὸ τοῦ δήμου,"  
 οἷον "Εὐβοεῖς ἐλευθερωθέντες ἐστεφάνωσαν τὸν  
 δῆμον" ἐπεγέγραπτό που, πάλιν "Κόνων ἀπὸ τῆς  
 ναυμαχίας τῆς πρὸς Λακεδαιμονίους," "Χαβρίας  
 ἀπὸ τῆς ἐν Νάξῳ ναυμαχίας". τοιαῦτα γὰρ ἦν τὰ  
 181 τῶν στεφάνων ἐπιγράμματα. ταῦτα μὲν τοίνυν, ἃ  
 ζῆλον πολὺν εἶχε καὶ φιλοτιμίαν ὑμῖν, ἠφάνισται  
 καθαιρεθέντων τῶν στεφάνων· ἐπὶ δὲ ταῖς φιάλαις,  
 ἃς ἀντ' ἐκείνων ἐποιήσατο ὑμῖν ὁ πόρνος οὗτος,  
 "Ἀνδροτίωνος ἐπιμελουμένου ἐποιήθησαν" ἐπι-  
 γέγραπται, καὶ οὗ τὸ σῶμα ἠταιρηκότος οὐκ ἐῶσιν  
 οἱ νόμοι εἰς τὰ ἱερὰ εἰσιέναι, τούτου τοῦνομα ἐν  
 τοῖς ἱεροῖς ἐπὶ τῶν φιαλῶν γεγραμμένον ἐστίν.  
 ὁμοίον γε, οὐ γάρ; τοῦτο τοῖς προτέροις ἐπιγράμ-  
 182 μασι, ἢ φιλοτιμίαν ἴσην ἔχον ὑμῖν. τρία τοίνυν ἐκ  
 τούτου τὰ δεινότατ' ἂν τις ἴδοι πεπραγμέν' αὐτοῖς.  
 [757] τὴν μὲν γὰρ θεὸν τοὺς στεφάνους σεσυλήκασιν· τῆς  
 πόλεως δὲ τὸν ζῆλον ἠφανίκασι τὸν ἐκ τῶν ἔργων,  
 ὧν ὑπόμνημα ἦσαν ὄντες οἱ στέφανοι· τοὺς δ'  
 ἀναθέντας δόξαν οὐ μικρὰν ἀφήρηται, τὸ δοκεῖν  
 ὧν ἂν εὖ πάθωσιν ἐθέλειν μεμνησθαι. καὶ τοιαῦτα

taken at your own instance in respect of the tax-collection, is it not perfectly clear what you were aiming at? Of course it is. Again, men of Athens, 180 consider those glorious and much-admired inscriptions that he has obliterated for all time, and the strange and blasphemous inscriptions that he has written in their stead. You all, I suppose, used to see the words written under the circlets of the crowns: "The Allies crowned the People for valour and righteousness," or "The Allies dedicated to the Goddess of Athens a prize of victory"; or, from the several states of the Alliance, "Such-and-such a city crowned the People by whom they were delivered," or "The liberated Euboeans," for example, "crowned the People," or again "Conon from the sea-fight with the Lacedaemonians," "Chabrias from the sea-fight off Naxos." Such, I say, were the 181 inscriptions on the crowns. They were tokens of emulation and honourable ambition; but now they have vanished with the destruction of the crowns, and the saucers which that lewd fellow has had made in their place bear the inscription "Made by direction of Androtion." And so our temples contain gold plate marked with the name of a man whom the laws forbid to enter those temples in person because of his filthy life. Just like the old inscriptions,—is it not?—and the same incentive to your ambitions! You 182 may, then, mark three scandalous crimes committed by these persons. They have robbed the Goddess of her crowns. They have extinguished in the City that spirit of emulation that sprang from the achievements which the crowns, while in being, commemorated. They have deprived the donors of a great honour,—the credit of gratitude for benefits

## DEMOSTHENES

- καὶ τοσαῦτα τὸ πλῆθος κακὰ εἰργασμένοι εἰς τοῦτ' ἀναισθησίας καὶ τόλμης προεληλύθασιν ὥσθ' ὁ μὲν οἶεται δι' ἐκεῖνον ὑφ' ὑμῶν σωθήσεσθαι, ὁ δὲ παρακάθηται καὶ οὐ καταδύεται τοῖς πεπραγμένοις.
- 183 οὕτω δ' οὐ μόνον εἰς χρήματ' ἀναιδής, ἀλλὰ καὶ σκαιός ἐστιν ὥστ' οὐκ οἶδεν ἐκεῖνο, ὅτι στέφανοι μὲν εἰσιν ἀρετῆς σημεῖον, φιάλαι δὲ καὶ τὰ τοιαῦτα πλούτου, καὶ στέφανος μὲν ἅπας, κἂν μικρὸς ᾖ, τὴν ἴσην φιλοτιμίαν ἔχει τῷ μεγάλῳ, ἐκπώματα δ' ἢ θυμιατήρια ἢ τὰ τοιαῦτα κτήματα, ἐὰν μὲν ὑπερβάλλῃ τῷ πλῆθει, πλούτου τινὰ δόξαν προσετρίψατο τοῖς κεκτημένοις, ἐὰν δ' ἐπὶ μικροῖς σεμνύνηται τις, τοσοῦτ' ἀπέχει τοῦ τιμῆς τινὸς διὰ ταῦτα τυχεῖν ὥστ' ἀπειρόκαλος πρὸς ἔδοξ' εἶναι. οὗτος τοίνυν ἀνελὼν τὰ τῆς δόξης κτήματα τὰ τοῦ πλούτου
- 184 πεποιήται μικρὰ κἀνάξια ὑμῶν. καὶ οὐδ' ἐκεῖν' εἶδεν, ὅτι πρὸς μὲν χρημάτων κτήσιν οὐδεπώποτε ὁ δῆμος ἐσπούδασε, πρὸς δὲ δόξης ὡς οὐδὲ πρὸς ἐν τῶν ἄλλων. τεκμήριον δέ· χρήματα μὲν γὰρ πλεῖστα τῶν Ἑλλήνων ποτὲ σχῶν ἅπανθ' ὑπὲρ φιλοτιμίας ἀνήλωσεν, ὑπὲρ δὲ δόξης εἰσφέρων ἐκ τῶν ἰδίων οὐδένα πώποτε κίνδυνον ἐξέστη. ἀφ' ὧν κτήματ' ἀθάνατ' αὐτῷ περίεστι, τὰ μὲν τῶν ἔργων ἢ μνήμη, τὰ δὲ τῶν ἀναθημάτων τῶν ἐπ' ἐκείνοις
- [758] σταθέντων τὸ κάλλος, προπύλαια ταῦτα, ὁ παρθενῶν, στοαί, νεώσοικοι, οὐκ ἀμφορίσκοι δύο οὐδὲ χρυσίδες τέτταρες ἢ τρεῖς, ἄγουσα ἐκάστη μνᾶν, ἄς, ὅταν σοι δοκῇ, πάλιν γράψεις καταχωνεύειν.
- 185 οὐ γὰρ ἑαυτοὺς δεκατεύοντες, οὐδ' ἂ καταράσαιντ'

received. And after this long series of evil deeds they have grown so callous and so audacious that one of them expects you to acquit him for the sake of the other, and the other sits by his side and does not sink into the ground for shame at his conduct. Not only 183 is he lost to shame when money is in question, but he is so dull-witted that he cannot see that crowns are a symbol of merit, but saucers and the like only of wealth ; that every crown, however small, implies the same regard for honour as if it were large ; that drinking-cups and censers and such possessions, if very numerous, attach to their owners a sort of reputation for wealth ; but, if a man takes pride in trifles, instead of winning some honour by them, he is disdained as a man of vulgar tastes. This man, then, after destroying the possessions of honour, has made the possessions of wealth mean and unworthy of your dignity. There is another thing that he did 184 not understand, that the Athenian democracy, never eager to acquire riches, coveted glory more than any other possession in the world. Here is the proof : once they possessed greater wealth than any other Hellenic people, but they spent it all for love of honour ; they laid their private fortunes under contribution, and recoiled from no peril for glory's sake. Hence the People inherits possessions that will never die ; on the one hand the memory of their achievements, on the other, the beauty of the memorials set up in their honour,—yonder Gate-houses, the Parthenon, the porticoes, the docks,—not a couple of jugs, or three or four bits of gold plate, weighing a pound apiece, which you, Timocrates, will propose to melt down again whenever the whim takes you. To dedicate those buildings they did not tithe them- 185

## DEMOSTHENES

ἂν οἱ ἐχθροὶ ποιῶντες, διπλᾶς πράττοντες τὰς εἰσφοράς, ταῦτ' ἀνέθεσαν, οὐδ' οἷόςπερ σὺ χρώμενοι συμβούλοις ἐπολιτεύοντο, ἀλλὰ τοὺς ἐχθροὺς κρατοῦντες, καὶ ἅ πᾶς τις ἂν εὖ φρονῶν εὔξαιτο, τὴν πόλιν εἰς ὁμόνοιαν ἄγοντες, ἀθάνατον κλέος αὐτῶν λελοίπασι, τοὺς ἐπιτηδεύσαντας οἰά σοι

186 βεβίωται τῆς ἀγορᾶς εἴργοντες. ὑμεῖς δ' εἰς τοσοῦτον, ὧ ἄνδρες Ἀθηναῖοι, προήχθητ' εὐηθείας καὶ ῥαθυμίας ὥστ' οὐδὲ τοιαῦτ' ἔχοντες παραδείγματα ταῦτα μιμείσθε, ἀλλ' Ἀνδροτίων ὑμῖν πομπείων ἐπισκευαστής, Ἀνδροτίων, ὧ γῆ καὶ θεοί. καὶ τοῦτ' ἀσέβημα ἔλαττον τίνος ἠγεῖσθε; ἐγὼ μὲν γὰρ οἶομαι δεῖν τὸν εἰς ἱερὰ εἰσιόντα καὶ χερνίβων καὶ κανῶν ἀψόμενον, καὶ τῆς πρὸς τοὺς θεοὺς ἐπιμελείας προστάτην ἐσόμενον οὐχὶ τακτὸν ἡμερῶν ἀριθμὸν ἀγνεύειν, ἀλλὰ τὸν βίον ἠγνευκέναι τοιούτων ἐπιτηδευμάτων οἷα τούτῳ βεβίωται.

187 Καὶ περὶ μὲν τούτου<sup>1</sup> κατὰ σχολήν· ἅ δὲ Τιμοκράτει συνερεῖ,<sup>2</sup> πολλὰ λέγειν ἔτι πρὸς τούτοις ἔχων παύσομαι. οἶδα δ' ὅτι, ὡς μὲν οὐκ ἀσύμφορος ὑμῖν ἐστὶν ὁ νόμος καὶ παρὰ πάντα τοὺς νόμους εἰσηνεγμένος καὶ κατὰ πάντ' ἀδίκως ἔχων, οὐχ ἔξει λέγειν· ἀκούω δ' αὐτὸν λέγειν ὡς ἐκτέτισται τὰ χρήματα Ἀνδροτίωνι καὶ Γλαυκέτῃ καὶ Μελανώπῳ, καὶ ὅτι δεινότατ' ἂν πάθοι πάντων ἀνθρώπων, εἰ πεποιηκότων ἐκείνων τὰ δίκαια, ὑπὲρ ὧν αὐτὸς αἰτίαν ἔχει θεῖναι τὸν νόμον, μηδὲν ἦττον

<sup>1</sup> So Dind. with S: other mss. have τούτων, which many edd. prefer.

<sup>2</sup> Many edd., after Dobree, alter to Τιμοκράτης νῦν ἐρεῖ, because Dem. has not yet said anything about Androtion's arguments. Perhaps two different versions of this speech have been clumsily combined.



selves, nor fulfil the imprecations of their enemies by doubling the income-tax ; nor was their policy ever guided by such advisers as you. No, they conquered their enemies, they fulfilled the prayers of every sound-hearted man by establishing concord throughout the city, and so they have bequeathed to us their imperishable glory,—and excluded from the market-place men whose habits of life were what yours have always been. But you, men of Athens, have grown so extremely good-natured and pliable, that, with those examples ever before you, you do not imitate them,—and Androtion is the repairer of your processional plate. Androtion ! Gracious Heavens ! Do you think impiety could go further than that ? I hold that the man who is to enter the holy places, to lay hands on the vessels of lustration and the sacrificial baskets, and to become the director of divine worship, ought not to be pure for a prescribed number of days only ; his whole life should have been kept pure of the habits that have polluted the life of Androtion.

Of Androtion I may speak at greater length hereafter. As for what he will say in support of Timocrates, I have still much more to say, but I will refrain. I am sure that he will not be able to deny that this law is undesirable, that it was introduced unconstitutionally, and that it is iniquitous in every respect ; but I understand that he alleges that the money has now been paid in full by Androtion, Glaucetes, and Melanopus, and that he would be most infamously treated if, when the people on whose behalf he is accused of proposing his law have made full restitution, he should nevertheless be convicted.

## DEMOSTHENES

- 188 αὐτὸς ἀλίσκοιτο. ἐγὼ δὲ τὸν λόγον ἡγοῦμαι τοῦτον οὐδὲ καθ' ἓν λέγειν ἐνεῖναι τούτῳ. εἰ μὲν γὰρ ὑπὲρ τούτων, οὓς τὰ προσήκοντα φῆς πεποιηκέναι, θεῖναι τὸν νόμον ὁμολογεῖς, κατ' ἐκείνο προσήκει σε ἀλίσκεσθαι φανερώς, ὅτι μὴ τιθέναι νόμον, εἴαν μὴ τὸν αὐτὸν ἐπὶ πᾶσι τοῖς πολίταις, ἄντικρυς οἱ κύριοι νόμοι λέγουσι, καθ' οὓς οὗτοι δικάσειν
- 189 ὁμωμόκασιν. εἰ δὲ τοῦ πᾶσι συμφέροντος ἕνεκα ταῦτα νομοθετῆσαι φήσεις, μὴ λέγε τὴν ἔκτισιν τὴν τούτων· οὐδὲν γὰρ κοινωνεῖ τῷ νόμῳ τῷδε· ἀλλ' ὡς ἐπιτήδειός ἐστι καὶ καλῶς ἔχων ὁ νόμος, τοῦτο δίδασκε. τοῦτο γάρ ἐσθ' ὑπὲρ οὗ σὺ μὲν εἰσενεγκεῖν φῆς, ἐγὼ δὲ γέγραμμαι τάναντία φάσκων, κρίναι δὲ προσήκει τουτουσί. καίτοι καὶ τοῦτ' οὐκ ἀπορήσαιμ' ἂν δεῖξαι, πάντα μᾶλλον ἢ κατὰ τοὺς νόμους πεποιημένους τὴν ἔκτισιν ἐκείνους τὴν τῶν χρημάτων· ἀλλὰ μὴ περὶ τούτων ὑμῶν οἰσόντων τὴν ψῆφον, τί δεῖ ταῦτα λέγοντα ἐνοχλεῖν με νυνί;
- 190 Οἶμαι τοίνυν αὐτὸν οὐδ' ἐκείνων ἀφέξεσθαι τῶν λόγων, ὡς δεινὰ ἂν πάθοι, εἰ γράψας ὅπως Ἀθηναίων μηδεὶς δεθήσεται αὐτὸς πείσεται τι κακόν, καὶ ὅτι τοὺς νόμους ὡς πραοτάτους καὶ μετριωτάτους εἶναι ὑπὲρ τῶν ἀδυνάτων μάλιστα ἐστίν. πρὸς δὴ τοὺς τοιούτους λόγους βέλτιον προακηκοένοι μικρὰ πάντας ὑμᾶς, ἢ ἦττον ἐξαπα-
- 191 τᾶσθε. ὅταν μὲν γὰρ λέγη, ὅπως μηδεὶς Ἀθηναίων δεθήσεται, μὴ λανθανέτω ψευδόμενος ὑμᾶς.
- [760] οὐ γὰρ τοῦτο τέθεικεν, ἀλλ' ὅπως ὑμεῖς ἄκυροι τῶν προστιμημάτων ἔσεσθε· καὶ τὴν μεθ' ὄρκου καὶ λόγου καὶ κρίσεως ψῆφον ἐνηνεγμένην ἀνάδικον καθίστησιν. μὴ δὴ ταῦθ' ὑμῖν τῶν ἐκ τοῦ νόμου

## AGAINST TIMOCRATES, 188-191

In my judgement, it is not open to him to make the 188  
slightest use of that plea.—If you, sir, admit that you  
did bring in your law on behalf of the persons who, as  
you say, have now done their duty, you must clearly  
be found guilty on this count,—that statutes still  
valid distinctly forbid you to introduce a law that does  
not apply equally to every citizen ; and the jury have  
sworn to give judgement in accordance with those  
statutes. On the other hand, if you say that you 189  
legislated for the general good, you must not plead  
the payment made by these men,—it has nothing to  
do with your law,—you must prove that the law itself  
is acceptable and well conceived. That is the motive  
you allege ; that is what I deny, and have therefore  
indicted you ; that is the issue which the jury is to  
decide.—I should, indeed, have no difficulty in prov-  
ing that respect for law is by no means the reason  
why these persons have paid their debt ; but as that  
is not the question on which the jury have to vote,  
why trouble them by discussing it now ?

He will not, I suppose, spare you the argument 190  
that it would be very hard on him to be punished for  
proposing that no Athenian citizen shall be sent to  
gaol ; and that it is for the benefit more especially of  
people without influence that laws should be as merci-  
ful and humane as possible. To avoid being led  
astray, you will do well to listen to a brief rejoinder  
to that plea. For when he uses the phrase, “ that 191  
no Athenian citizen shall be sent to gaol,” do not  
forget that he is lying. That is not his proposal ; it  
is that you jurors shall lose your control over penalties.  
He is trying to establish the right of appeal against  
a verdict returned on oath, after argument and trial.  
Do not let him pick out of his law and read a few

DEMOSTHENES

- ῥημάτων ἐκλέξας λεγέτω, ἃ φιλανθρωπότατ' ἐστὶν ἀκοῦσαι· ἀλλ' ὅλον δεικνύτω τὸν νόμον ἐξῆς, καὶ τὰ συμβαίνοντ' ἐξ αὐτοῦ σκοπεῖν ἐάτω. εὐρήσετε γὰρ ταῦτ' ὄντα ἃ ἐγὼ λέγω, καὶ οὐχ ἃ φησιν
- 192 οὗτος. ἀλλὰ μὴν πρὸς γε τὸ τοῖς πολλοῖς συμφέρειν τοὺς νόμους πρᾶους καὶ μετρίους εἶναι τάδε χρή σκοπεῖν. ἔστιν, ὦ ἄνδρες Ἀθηναῖοι, δύο εἶδη, περὶ ὧν εἰσιν οἱ νόμοι κατὰ πάσας τὰς πόλεις· ὧν τὸ μὲν ἐστὶ, δι' ὧν χρώμεθα ἀλλήλοις καὶ συναλλάττομεν καὶ περὶ τῶν ἰδίων ἃ χρή ποιεῖν διωρίσμεθα καὶ ζῶμεν ὅλως τὰ πρὸς ἡμᾶς αὐτούς, τὸ δ', ὃν τρόπον δεῖ τῷ κοινῷ τῆς πόλεως ἓνα ἕκαστον ἡμῶν χρῆσθαι, ἃν πολιτεύεσθαι βούληται καὶ φῆ
- 193 κήδεσθαι τῆς πόλεως. ἐκείνους μὲν τοίνυν τοὺς νόμους, τοὺς περὶ τῶν ἰδίων, ἡπίως κείσθαι καὶ φιλανθρώπως ὑπὲρ τῶν πολλῶν ἐστί· τούσδε δὲ τοὺς περὶ τῶν πρὸς τὸ δημόσιον τὸναντίον ἰσχυρῶς καὶ χαλεπῶς ἔχειν ὑπὲρ ὑμῶν ἐστίν· οὕτω γὰρ ἂν ἦκισθ' οἱ πολιτευόμενοι τοὺς πολλοὺς ὑμᾶς ἀδικοῖεν. ὅταν δὴ τούτῳ τῷ λόγῳ χρῆται, ἐπὶ ταῦτα ἀπαντᾶτε, ὅτι τοὺς νόμους οὐκ ἐκείνους τοὺς ὑπὲρ ὑμῶν πρᾶους ποιεῖ, ἀλλὰ τούσδ' οἱ τοῖς πολιτευομένοις φόβον παρέχουσιν.
- 194 Πολλὰ δ' ἂν τις ἔχοι λέγειν, εἰ καθ' ἕκαστον ὧν ἐρεῖ δεικνύναι βούλοιο φενακισμοῦ καὶ παρακρούσεως ἕνεκα ῥηθησόμενα. ἀλλὰ τὰ μὲν πολλὰ
- [761] παρήσω, κεφάλαιον δ' ὑμῖν ὃ μνημονεύσετε ἐρῶ. σκοπεῖτ' ἐν ἅπασιν τοῖς λόγοις, ὅπόσους ἂν λέγη, εἴ τι δυνήσεται τοιοῦτον εἰπεῖν, δι' οὗ διδάξει ὡς ἔστι δίκαιον τὸν τιθέντα νόμον ταῦτὰ προστάξαι

## AGAINST TIMOCRATES, 191-194

phrases that have a benevolent sound to the ear ; let him produce the whole statute, clause by clause, and allow you to consider its effects. You will find that it is what I describe, not what he pretends. Again, 192 with regard to the plea that merciful and humane laws are good for the common people, you must consider this. There are two sorts of problems, men of Athens, with which the laws of all nations are concerned. First, what are the principles under which we associate with one another, have dealings with one another, define the obligations of private life, and, in general, order our social relations? Secondly, what are the duties that every man among us owes to the commonwealth, if he chooses to take part in public life and professes any concern for the State? Now it is to the advantage of the common 193 people that laws of the former category, laws of private intercourse, shall be distinguished by clemency and humanity. On the other hand it is to your common advantage that laws of the second class, the laws that govern our relations to the State, shall be trenchant and peremptory, because, if they are so, politicians will not do so much harm to the commonalty. Therefore, when he makes use of this plea, refute it by telling him that he is introducing clemency, not into the laws that benefit you, but into the laws that intimidate politicians.

It would take a long speech to prove, point by 194 point, that everything he will say will be intended to hoodwink and mislead you. Most of his topics I will pass over, but I will mention one leading point which you will bear in mind. Watch all his pleas, however various, and see if he will be able to advance one to prove his contention that a legislator may justly make

## DEMOSTHENES

περὶ τῶν παρεληλυθότων καὶ πρότερον τέλος ἐσχη-  
 κότων ποιεῖν, καὶ περὶ τῶν μελλόντων γενήσεσθαι·  
 πάντων γὰρ ὄντων αἰσchrῶν καὶ δεινῶν τῶν γεγραμ-  
 μένων ἐν τῷ νόμῳ, τοῦτο δεινότατον καὶ μάλιστα  
 195 παράνομον γέγραπται. εἰ δὲ μήθ' οὗτος μήτ'  
 ἄλλος μηδεὶς τοῦτο δυνήσεται δείξαι, εἰδέναί χρῆ  
 σαφῶς φενακίζομένους, καὶ λογιζέσθαι πρὸς ὑμᾶς  
 αὐτοὺς ἐκ τίνος ποτ' ἐπήλθε τούτῳ τοιαῦτα νομο-  
 θετεῖν. οὐ προῖκα, ὦ Τιμόκρατες, πόθεν; οὐδ'  
 ὀλίγου δεῖ τοῦτον ἔθηκας τὸν νόμον· οὐδεμίαν γὰρ  
 ἂν εἰπεῖν ἔχοις ἄλλην πρόφασιν, δι' ἣν τοιοῦτον  
 ἐπήρθης εἰσενεγκεῖν νόμον, ἢ τὴν σαυτοῦ θεοῖς  
 ἐχθρὰν αἰσχροκέρδειαν· οὔτε γὰρ συγγενῆς οὔτ'  
 196 οἰκεῖος οὔτ' ἀναγκαῖος ἦν σοι τούτων οὐδεὶς· οὐδ'  
 ἐκεῖν' ἂν ἔχοις εἰπεῖν, ὡς ἐλεήσας δεινὰ πάσχοντας  
 ἀνθρώπους εἴλου διὰ ταῦτα βοηθεῖν αὐτοῖς. οὔτε  
 γὰρ τὰ τούτων πολλοστῷ χρόνῳ μόλις ἄκοντας,  
 ἐν τρισὶν ἐξελεγχθέντας δικαστηρίοις, κατατιθέναι,  
 τοῦθ' ἠγήσω τὸ δεινὰ πάσχειν εἶναι· ποιεῖν γὰρ  
 ἐστὶ τοῦτό γε δεινὰ, καὶ παροξύνειε μᾶλλον ἂν τινα  
 μισεῖν ἢ προτρέψειεν ἐλεεῖν· οὔτ' ἄλλως πρᾶος  
 καὶ φιλόανθρωπος σύ τις τῶν ἄλλων διαφόρως ὢν  
 197 ἐλεεῖς αὐτούς· οὐ γὰρ ἐστὶ τῆς αὐτῆς ψυχῆς Ἄνδρο-  
 τίωνα μὲν καὶ Μελάνωπον καὶ Γλαυκέτην ἐλεεῖν,  
 ἃ κλέφαντες εἶχον εἰ καταθήσουσι, τουτωνὶ δὲ  
 [762] τοσοῦτων ὄντων καὶ τῶν ἄλλων πολιτῶν, ὧν ἐπὶ  
 τὰς οἰκίας ἐβάδιζες σὺ τοὺς ἔνδεκα καὶ τοὺς ἀπο-  
 δέκτας ἔχων καὶ τοὺς ὑπηρέτας, μηδένα πώποτ'  
 ἐλεῆσαι, ἀλλὰ θύρας ἀφαιρεῖν καὶ στρώμαθ' ὑπο-  
 σπᾶν καὶ διάκονον, εἴ τις ἐχρήτο, ταύτην ἐνεχυρά-  
 ζειν· ἃ σὺ πάντ' ἐποίεις ἐνιαυτὸν ὅλον μετ' Ἄνδρο-

## AGAINST TIMOCRATES, 194-197

the same ordinance for bygone issues, already determined, as for cases yet to come. Every clause of his law is infamous and outrageous ; but that provision is the most outrageous and unconstitutional of all. But, if neither the defendant nor any other man can 195 make good that contention, you must clearly recognize that you are being deluded, and you must ask yourselves how it ever occurred to his mind to legislate in this fashion.—You did not bring in your law gratuitously, Timocrates. No, indeed ! far from it. You can offer no excuse for daring to introduce such a measure, except that cursed greediness of yours. Not one of these men is your kinsman, or a member of your household, or has any natural claim on you. Nor 196 can you plead that you took compassion on ill-used men, and therefore resolved to help them. That long after date they should restore money belonging to the citizens, reluctantly, unwillingly, and after conviction in three courts of justice,—you certainly never thought that *ill-usage*. That means *ill-conduct*, and should rather provoke our indignation than incline us to pity. Nor do *you* take pity on them because a humane and considerate disposition is a peculiar trait of your character. Compassion for Androtion, Glau- 197 cetes, and Melanopus, because they have to repay stolen money, shows a temper quite different from your refusal of compassion to everyone of the many persons here present, and of all the other citizens, whose houses you invaded with police-magistrates, receivers, and clerks at your heels ; with demolishing their front-doors, dragging their bed-clothes from under them, and levying distraint on a man's maid-servant, if he was living with her ; and that is how you and Androtion were employed for a whole twelve-

DEMOSTHENES

- 198 *τίωνος*. πολλῶ γὰρ δήπου σχετικώτερ' ἐπάσχεθ' ὑμεῖς, καὶ πολὺ μᾶλλον ἂν εἰκότως ἤλείεις τούτους, οἳ δι' ὑμᾶς, ὧ κατάρατε, τοὺς λέγοντας οὐδ' ὅτιοῦν εἰσφέροντες παύονται. καὶ οὐκ ἀπόχρη τοῦτ', ἀλλὰ καὶ διπλᾶ πράττονται, καὶ ταῦθ' ὑπὸ σοῦ καὶ Ἀνδροτίωνος, οἳ μίαν εἰσφορὰν οὐδεπώποτ'
- 199 εἰσηγηνόχατε. τηλικούτο τοίνυν ἐφρόνησεν οὗτος ὡς ἄρ' οὐδὲ δίκην τούτων οὐδεμίαν δώσων, ὥστε μόνος δέκα τῶν συναρχόντων ὄντων κοινῇ τὸν λόγον ἐγγράψαι μετ' Ἀνδροτίωνος ἐτόλμησε. προῖκα γάρ, οὐδὲν ὠφελούμενος, ὑμῖν Τιμοκράτης ἀπεχθάνεται καὶ νόμους εἰσφέρει πᾶσιν ἐναντίους, τὸ τελευταῖον δὲ καὶ αὐτοῦ νόμῳ προτέρω, ὃ μὰ τὴν Ἀθηναῶν οὐδ' ὑμᾶς οἶμαι λανθάνειν.
- 200 Ὁ τοίνυν ἔμοιγε δοκεῖ μάλιστ' ἄξιον ὀργῆς εἶναι, φράσω καὶ οὐκ ἀποτρέψομαι, ὅτι ταῦτ', ὧ ἄνδρες Ἀθηναῖοι, πράττων ἐπ' ἀργυρίῳ, καὶ προηρημένος ὡς ἀληθῶς μισθαρνεῖν, οὐκ εἰς ἅ καὶ συγγνώμην ἀκούσας ἂν τις ἔσχε, ταῦτ' ἀναλίσκει. ταῦτα δ' ἐστὶν τί; ὁ πατήρ, ὧ ἄνδρες δικασταί, ὁ τούτου τῷ δημοσίῳ ὀφείλει· καὶ οὐκ ὄνειδίζων ἐκείνῳ λέγω, ἀλλ' ἀναγκαζόμενος· καὶ οὗτος ὁ χρηστὸς
- 201 περιορᾷ. καίτοι ὅστις μέλλων κληρονομήσειν τῆς ἀτιμίας, ἂν ἐκεῖνός τι πάθῃ, μὴ οἶεται δεῖν ἐκτεῖσαι, ἀλλὰ κερδαίνειν, ὃν ἐκεῖνος ζῆ χρόνον, ἀξιοῖ τοῦτο τὸ κέρδος, τίνος ἂν ὑμῖν ἀποσχέσθαι δοκεῖ; καὶ



## AGAINST TIMOCRATES, 198-201

month.—Yes, it was you citizens who were the more 198  
infamously ill-used ;—and as for you, you reprobate,  
you had far more reason to pity your fellow-citizens,  
who, thanks to you speech-makers, never get a  
moment's respite from taxpaying. Even that is not  
enough ; they are compelled to pay double,—com-  
pelled by you and Androtion, who never paid in-  
come-tax in your lives.—And yet this fellow was so 199  
self-confident,—as though he could never be brought  
to justice for his doings,—that, with ten colleagues  
in office, he alone joined Androtion in making his  
return. Yes indeed ; gratuitously and from purely  
unselfish motives, Timocrates provokes your hostility,  
introducing laws that contradict every statute, and  
that even, to crown all, contradict a statute of his own  
making ! By our Lady, I think that even you must  
recognize his generosity !

I will now tell you, without any hesitation, some- 200  
thing that, in my opinion, deserves your sternest  
indignation. Men of Athens, while he is doing all  
this for money, while he has, to tell the truth, deliber-  
ately adopted the profession of paid agent, he does  
not spend his earnings on purposes that might claim  
the indulgence of anyone who heard of them. What  
purposes do I mean ? Well, gentlemen of the jury,  
the defendant's father is in debt to the Treasury. I  
do not mention that by way of reproach, but because  
I cannot help it. And this dutiful son allows him to  
remain in debt ! Here is a man who is going to 201  
inherit disfranchisement, if anything happens to his  
father, and yet does not think proper to pay the debt,  
but prefers to pocket the profit of his meanness so  
long as his father lives. Is such a man likely to keep  
his hands off anything ?—For your own father you

## DEMOSTHENES

- [763] τὸν μὲν πατέρα οὐτ' ἐλεείς οὔτε δεινά σοι δοκεῖ  
 πάσχειν, εἰ σοῦ λαμβάνοντος καὶ χρηματιζομένου  
 ἀπὸ τῶν εἰσφορῶν ὧν εἰσέπραττες, ἀπὸ τῶν ψηφι-  
 σμάτων ὧν γράφεις, ἀφ' ὧν εἰσφέρεις νόμων, διὰ  
 μικρὸν ἀργύριον μὴ μετέχει τῆς πόλεως, ἑτέρους δ'  
 202 ἐλεῆσαι τινας φῆς; ἀλλὰ νῆ Δία τὴν ἀδελφὴν  
 καλῶς διώκῃκεν. ἀλλ' εἰ καὶ μηδὲν ἄλλο ἠδίκηι,  
 κατὰ τοῦτ' ἄξιός ἐστ' ἀπολωλέναι· πέπρακε γὰρ  
 αὐτήν, οὐκ ἐκδέδωκε. τῶν γὰρ ὑμετέρων ἐχθρῶν  
 ἐνί, Κερκυραίῳ τινὶ τῶν νῦν ἐχόντων τὴν πόλιν,  
 καταλύοντι παρ' αὐτῷ, ὅτε δεῦρο πρεσβεῦοι, καὶ  
 βουλευθέντι λαβεῖν αὐτήν (ἐξ οὗ δὲ τρόπου, παρα-  
 λείψω) λαβὼν ἀργύριον δέδωκε· καὶ νῦν ἐστὶν ἐν  
 203 Κερκύρα. ὃς οὖν τὴν μὲν ἀδελφὴν ἐπ' ἐξαγωγῇ  
 φησὶ μὲν ἐκδοῦναι, πέπρακε δὲ τῷ ἔργῳ, τὸν δ'  
 αὐτοῦ πατέρα οὕτω γηροτροφεῖ, κολακεύει δὲ καὶ  
 μισθοῦ γράφει καὶ πολιτεύεται, τοῦτον ὑμεῖς λα-  
 βόντες οὐκ ἀποκτενεῖτε; δόξετε ἄρα, ὦ ἄνδρες  
 Ἀθηναῖοι, κρίσεις βούλεσθαι καὶ πράγματ' ἔχειν,  
 ἀλλ' οὐκ ἀπηλλάχθαι τῶν πονηρῶν.
- 204 Καὶ μὴν ὅτι μὲν προσήκει πάντας κολάζειν τοὺς  
 ἀδικοῦντας, εὖ οἶδ' ὅτι πάντες ἄν, εἴ τις ἔροιτο,  
 φήσαίτε· ὅσω δὲ μάλιστα τοῦτον, ὃς νόμον εἰσ-  
 ενήνοχεν ἐπὶ βλάβῃ τοῦ πλήθους, ἐγὼ πειράσομαι  
 διδάξαι. τῶν μὲν γὰρ κλεπτῶν καὶ λωποδυτῶν  
 καὶ τὰ τοιαῦτα κακουργούντων ἕκαστος πρῶτον  
 μὲν ὡς ἀληθῶς τὸν ἐντυχόντ' ἀδικεῖ, καὶ οὐκ ἂν  
 οἶός τ' εἴη πάντας ἐκδύειν οὐδὲ τὰ πάντων ὑφελέ-  
 σθαι, εἶτα καταισχύνει τὴν αὐτοῦ δόξαν καὶ τὸν βίον

have no compassion ; you do not think him ill-used because, while you are getting your pickings and making your profits out of the taxes you used to collect, out of the decrees you move, out of the laws you introduce, he is losing his citizen-rights for lack of a trifling sum of money. And yet you call yourself a compassionate man!—Ah, but he was a good 202 manager for his sister. Why, if he had committed no other crime, he deserves destruction on that account alone. He has not given her in marriage, he has sold her. An enemy of yours from Corcyra, one of the faction now in power there, used to lodge at his house whenever he came here on embassy, and wanted to have his sister,—I will not say on what terms. He took the man's money, and he has given him the girl ; and she is in Corcyra to this day. A 203 man who pretends to have given his sister in marriage, but has really sold her for export ; a man who supports his father's old age in the manner you know ; a toad-eater who drafts decrees and does political jobs for hire,—now that you have caught him, will you not make an end of him ? If not, we shall think, men of Athens, that you like lawsuits and vexations, and that you do not want to be quit of scoundrels.

I am sure that you would all agree, if asked, that 204 all evil-doers ought to be punished ; but I will try to satisfy you that this malefactor in particular deserves punishment for introducing a law detrimental to the common people. A thief, or a cutpurse, or any rogue of that sort, in the first place really injures only the man who encounters him ; it is out of his power to strip everybody, or steal everybody's property ; and in the second place, he brings disgrace on no one's reputation or manner of life but his own.

## DEMOSTHENES

205 μόνον. εἰ δέ τις εἰσφέρει νόμον ἐξ οὗ τοῖς ὑμᾶς  
 [764] βουλομένοις ἀδικεῖν ἢ πᾶσα ἐξουσία καὶ ἄδεια  
 γενήσεται, οὗτος ὄλην ἀδικεῖ τὴν πόλιν καὶ κατ-  
 αισχύνει πάντας· νόμος γὰρ αἰσχρὸς ὅταν κύριος ᾖ,  
 τῆς πόλεως ὄνειδός ἐστι τῆς θεμένης, καὶ βλάπτει  
 πάντας ὅσοι περ ἂν αὐτῷ χρῶνται. τὸν οὖν καὶ  
 βλάπτει ὑμᾶς καὶ δόξης ἀναπιμπλάναι φαύλης ἐπι-  
 χειροῦντα, τοῦτον οὐ τιμωρήσεσθε λαβόντες; καὶ τί  
 206 φήσετε; γνοίη δ' ἂν τις οὕτω μάλισθ' ἠλίκα πράγ-  
 ματα συσκευάσας γέγραφεν αὐτόν, καὶ ταῦθ' ὡς  
 ὑπεναντία τῇ καθεστῶσῃ πολιτεία, εἰ λογίσαιτο ὅτι  
 πάντες, ὅταν που καταλύοντες τὸν δῆμον πράγ-  
 μασιν ἐγχειρῶσι νεωτέροις, τοῦτο ποιούσι πρῶτον  
 ἀπάντων, ἔλυσαν τοὺς πρότερον νόμῳ δι' ἁμαρτίαν  
 207 τινὰ ταύτην ὑπέχοντας τὴν δίκην. πῶς οὖν οὐκ  
 ἄξιός οὗτος, εἰ δυνατόν, τρίς, οὐχ ἅπαξ ἀπολω-  
 λέναι, ὅς εἰς ὧν καὶ οὐ δήπου μέλλων καταλύσειν<sup>1</sup>  
 ὑμᾶς, ἀλλὰ τούναντίον αὐτὸς ἐν ὑμῖν, ἂν τὰ δίκαια  
 καὶ τὰ προσήκοντα ποιῆτε, ἀπολεῖσθαι, ὅμως ἐμι-  
 μήσατο τοῦτο τὰ δίκημα, καὶ διὰ τοῦ νόμου λύειν  
 ἠξίωσεν οὓς δέδεκε τὰ δικαστήρια, γράψας ἀναιδῶς,  
 εἴ τιμι προστετίμηται δεσμοῦ κἂν τὸ λοιπὸν τιμι  
 208 προστιμήσητε, τοῦτον ἀφείσθαι. καὶ μὴν εἰ αὐτίκα  
 δὴ μάλα κραυγὴν ἀκούσαίτε πρὸς τῷ δικαστηρίῳ,  
 εἴτ' εἴποι τις ὡς ἀνέωκται τὸ δεσμοπήριον, οἱ δὲ  
 δεσμῶται φεύγουσιν, οὐδεὶς οὔτε γέρων οὔτ' ὀλί-  
 γωρος οὕτως ὅστις οὐχὶ βοηθήσειεν ἂν καθ' ὅσον  
 δύναται. εἰ δὲ δή τις εἴποι παρελθὼν ὡς ὁ τούτους

<sup>1</sup> καταλύειν Dind. with the best mss.

## AGAINST TIMOCRATES, 205-208

But if a man introduces a law by which unlimited license and immunity is granted to those who seek to defraud their fellow-citizens, he is guilty in respect of the whole city, and he brings disgrace upon everybody ; for an infamous statute, when ratified, is a discredit to the government that enacted it and an injury to everyone who lives under it. Will you not, then, punish, when you have caught him, a man who is doing his utmost to injure you, and to pollute you with infamy ? If not, what excuse will you have ? The best way to ascertain with what far-reaching designs he has framed his law, and how inimical those designs are to the established constitution, is to reflect that this is just the way that all conspirators begin, when they are trying to overthrow democracy by innovations,—they first of all release all who were formerly by law suffering this penalty for some offence. Does not this man, then, deserve, if possible, not one but three sentences of death, because, standing by himself, and of course with no expectation of crushing you, but rather of meeting his own doom in this court, if you do justice as you ought, he nevertheless imitated that crime, and attempted to release men whom the tribunals have imprisoned, by his impudent enactment that if the penalty of imprisonment has already been inflicted, or if you hereafter inflict it, upon any man, that man shall be discharged from prison ? Suppose that in a moment's time you were to hear an outcry hard by this court, and suppose that you were told that the gaol had been thrown open and that the prisoners were escaping, there is not a man, however old or however apathetic, who would not rally to the rescue to the utmost of his power. And if someone came

DEMOSTHENES

- ἀφείς ἐστὶν οὕτως, οὐδὲ λόγου τυχῶν εὐθὺς ἂν  
 209 ἀπαχθεὶς θανάτῳ ζημιωθείη. νῦν τοίνυν ἔχετε, ὦ  
 ἄνδρες Ἀθηναῖοι, τοῦτον, ὃς οὐχὶ λάθρα πεποίηκε  
 τοῦτο, ἀλλὰ φενακίσας καὶ παρακρουσάμενος νόμον  
 [765] τέθεικε φανερώς, ὃς οὐκ ἀνοίγνυσι τὸ δεσμοπήριον,  
 ἀλλὰ καθαιρεῖ, προσπεριεῖληφε δὲ καὶ τὰ δικαστήρια.  
 τίς γὰρ ἢ τούτων ἢ ἐκείνου χρεῖα, ὅταν οἷς  
 τετίμηται δεσμοῦ λύωνται, κἂν τὸ λοιπὸν τιμήσητέ τω,  
 μηδὲν ὑμῖν ἢ πλεόν;
- 210 Δεῖ τοίνυν ὑμᾶς κάκεῖνο σκοπεῖν, ὅτι πολλοὶ τῶν  
 Ἑλλήνων πολλάκις εἰσὶν ἐψηφισμένοι τοῖς νόμοις  
 χρῆσθαι τοῖς ὑμετέροις, ἐφ' ᾧ φιλοτιμεῖσθε ὑμεῖς,  
 εἰκότως· ὁ γὰρ εἰπεῖν τινὰ φασὶν ἐν ὑμῖν, ἀληθὲς  
 εἶναί μοι δοκεῖ, ὅτι τοὺς νόμους ἅπαντες ὑπειλήφασιν,  
 ὅσοι σωφρονουῖσι, τρόπους τῆς πόλεως. χρῆ  
 τοίνυν σπουδάζειν ὅπως ὡς βέλτιστοι δόξουσιν  
 εἶναι, καὶ τοὺς λυμαινομένους καὶ διαστρέφοντας  
 αὐτοὺς κολάζειν, ὡς εἰ καταρραθυμήσετε, τῆς  
 φιλοτιμίας τε ταύτης ἀποστερήσεσθε καὶ κατὰ τῆς  
 211 πόλεως δόξαν οὐ χρηστὴν ποιήσετε. καὶ μὴν εἰ  
 Σόλωνα καὶ Δράκοντα δικαίως ἐπαινεῖτε, οὐκ ἂν  
 ἔχοντες εἰπεῖν οὐδετέρου κοινὸν εὐεργέτημ' οὐδὲν  
 πλὴν ὅτι συμφέροντας ἔθηκαν καὶ καλῶς ἔχοντας  
 νόμους, δίκαιον δῆπου καὶ τοῖς ὑπεναντίως τιθεῖσιν  
 ἐκείνοις ὀργίλως ἔχοντας καὶ κολάζοντας φαίνεσθαι.  
 οἶδα δὲ Τιμοκράτην, ὅτι τὸν νόμον εἰσενήνοχε τοῦτον  
 οὐχ ἠκισθ' ὑπὲρ αὐτοῦ· πολλὰ γὰρ ἠγγεῖτο  
 πολιτεύεσθαι παρ' ὑμῖν ἄξια δεσμοῦ.

- 212 Βούλομαι τοίνυν ὑμῖν κάκεῖνο διηγῆσασθαι, ὃ

forward and informed you that the man who had let them out was the defendant, he would be incontinently arrested and executed without a hearing. Well, 209 men of Athens, you hold in your power to-day this man, who has not done that deed in secret, but after beguiling and deceiving you has openly enacted a law that does not merely throw open but demolishes the prison, and that includes in that destruction the courts of justice as well. For of what use are either courts or prisons, if persons sentenced to imprisonment are set free, and if you are to get no benefit from any such sentence henceforward ?

You ought also to consider this point, that many 210 Hellenic nations have often resolved by vote to adopt your laws ; and in this you take an honourable pride, naturally ; for there seems to me to be truth in an observation once made, as we are told, in this court, that all wise men regard laws as the character of the State. Therefore we should take pains that they be accounted as good as possible, and we should punish those who debase and pervert them ; for, if they are impaired by your neglect, you will lose that high distinction, and will create an unfavourable reputation for your city. If you are justified in praising 211 Solon and Draco, although you can credit neither of them with any public service except that they enacted beneficial and well-conceived statutes, it is surely right that you should visit men whose enactments are contrary to the spirit of those lawgivers with indignation and chastisement. But as to Timocrates I know that he brought in this law chiefly for his private advantage, because he felt that many of his political acts in your city deserve imprisonment.

I would also like to repeat to you a saying attributed 212

## DEMOSTHENES

- φασί ποτ' εἰπεῖν Σόλωνα κατηγοροῦντα νόμον τινὸς οὐκ ἐπιτήδειον θέντος. λέγεται γὰρ τοῖς δικασταῖς αὐτὸν εἰπεῖν, ἐπειδὴ τᾶλλα κατηγόρησεν, ὅτι νόμος ἐστὶν ἀπάσαις ὡς ἔπος εἰπεῖν ταῖς πόλεσιν, εἴαν τις τὸ νόμισμα διαφθείρῃ, θάνατον τὴν ζημίαν εἶναι. ἐπερωτήσας δὲ εἰ δίκαιος αὐτοῖς καὶ καλῶς ἔχων
- 213 ὁ νόμος φαίνεται, ἐπειδὴ φῆσαι τοὺς δικαστὰς, [766] εἰπεῖν ὅτι αὐτὸς ἠγεῖται ἀργύριον μὲν νόμισμα εἶναι τῶν ἰδίων συναλλαγμάτων ἔνεκα τοῖς ἰδιώταις εὐρημένον, τοὺς δὲ νόμους ἠγοῖτο νόμισμα τῆς πόλεως εἶναι. δεῖν δὴ τοὺς δικαστὰς πολλῶ μᾶλλον, εἴ τις ὁ τῆς πόλεως ἐστὶ νόμισμα, τοῦτο διαφθείρει καὶ παράσημον εἰσφέρει, μισεῖν καὶ κολάζειν, ἢ εἴ τις
- 214 ἐκεῖνο ὁ τῶν ἰδιωτῶν ἐστίν. προσθεῖναι δὲ τεκμήριον τοῦ καὶ μείζον εἶναι τὰδίκημα τὸ τοὺς νόμους διαφθείρειν ἢ τὸ ἀργύριον, ὅτι ἀργυρίῳ μὲν πολλὰ τῶν πόλεων καὶ φανερώς πρὸς χαλκὸν καὶ μόλυβδον κεκραμένῳ χρώμεναι σῶζονται καὶ οὐδ' ὅτιοῦν παρὰ τοῦτο πάσχουσι, νόμοις δὲ πονηροῖς χρώμενοι καὶ διαφθείρεσθαι τοὺς ὄντας ἐῶντες οὐδένας πώποτ' ἐσώθησαν. ταύτῃ μέντοι τῇ κατηγορίᾳ Τιμοκράτης ἔνοχος καθέστηκε νυνί, καὶ δικαίως ἂν ὑφ' ὑμῶν τοῦ προσήκοντος τύχοι τιμήματος.
- 215 Χρῆ μὲν οὖν πᾶσιν ὀργίλως ἔχειν, ὅσοι τιθέασιν νόμους αἰσχροὺς καὶ πονηροὺς, μάλιστα δὲ τούτοις οἱ τοὺς τοιούτους τῶν νόμων διαφθείρουσι, δι' ὧν ἔστιν ἢ μικρὰν ἢ μεγάλην εἶναι τὴν πόλιν. εἰσὶ δ' οὗτοι τίνες; οἳ τε τοὺς ἀδικοῦντας τιμωρούμενοι
- 216 καὶ ὅσοι τοῖς ἐπεικέσι τιμὰς τινὰς διδῶασιν. εἰ γὰρ ἅπαντες προθυμηθεῖεν ποιεῖν ἀγαθὸν τι τὸ κοινόν,



to Solon, when he was prosecuting a man who had carried an undesirable law. We are told that, after stating his other charges, he observed that in all, or nearly all, states there is a law that the penalty for any man who debases the currency is death. He proceeded to ask the jury whether they thought that a just and good law; and when the jury replied that 213 they did, he said that in his opinion money had been invented by private persons for private transactions, but laws were the currency <sup>a</sup> of the State; and therefore if a man debased that currency, and introduced counterfeit, the jury had graver reason to abhor and punish that man than one who debased the currency of private citizens. By way of proof that it is a more 214 heinous crime to debase laws than silver coinage, he added that many states that use without concealment silver alloyed with copper and lead are safe and sound and suffer no harm thereby; but that no nation that uses bad laws or permits the debasement of existing laws has ever escaped the consequence. Now that is the accusation to which Timocrates stands open to-day, and he may justly receive from you the punishment that is adequate to his guilt.

While, therefore, you should be indignant with 215 every man who brings in shameful and wicked laws, your indignation ought chiefly to be directed against those who vitiate the laws upon which depends the greatness, or the weakness, of the commonwealth. And what are they? The laws that avenge you upon evil-doers, and all the laws that confer certain honours on the well-conducted. If all men alike were 216 zealous to serve the community, because they had

<sup>a</sup> The play upon words between νόμος "law" and νόμισμα "coin" is impossible to render in English.

## DEMOSTHENES

- τὰς τιμὰς καὶ τὰς δωρεῖας τὰς ὑπὲρ τούτων ζηλώ-  
 σαντες, καὶ πάντες ἀποσταίεν τοῦ κακουργεῖν [ἢ  
 κακόν τι πράττειν], τὰς βλάβας καὶ τὰς ζημίας τὰς  
 ἐπὶ τούτοις κειμένας φοβηθέντες, ἔσθ' ὅ τι κωλύει  
 τὴν πόλιν μεγίστην εἶναι; οὐ τριήρεις ὅσας οὐδεμία  
 πόλις Ἑλληνὶς κέκτηται; οὐχ ὀπλίτας; οὐχ ἰππέας;  
 [767] οὐ προσόδους; οὐ τόπους; οὐ λιμένας; ταῦτα δὲ  
 πάντα τί σῶζει καὶ συνέχει; οἱ νόμοι· κατὰ γὰρ  
 τούτους οὔσης τῆς πολιτείας ἐστὶ ταῦτα χρήσιμα  
 217 τῷ κοινῷ. εἰ δὲ τοῦναντίον γένοιτο τοῖς χρηστοῖς  
 μὲν μηδ' ὅτιοῦν πλέον, τοῖς δ' ἀδικουσιν ἄδεια ὄσην  
 Τιμοκράτης γέγραφε, πόση ταραχὴ γένοιτ' ἂν  
 εἰκότως; εὖ γὰρ ἴσθ' ὅτι τούτων ὧν διεξῆλθον  
 κτημάτων, οὐδ' εἰ δις γένοιθ' ὅσα νῦν ἐστιν, οὐδ'  
 ὅτιοῦν ἂν ὄφελος εἶη. οὗτος τοίνυν ἐν τούτῳ  
 τῷ νόμῳ φαίνεται κακῶς ἐπιχειρῶν ὑμᾶς ποιεῖν,  
 δι' οὗ τοῖς ἀδικεῖν ἐπιχειροῦσίν εἰσιν αἱ τιμωρίαι.  
 218 Πάντων οὖν ἔνεκα τῶν εἰρημένων ἄξιον ὀργι-  
 σθῆναι καὶ κολάσαι καὶ παράδειγμα ποιῆσαι τοῖς  
 ἄλλοις· ὡς τὸ πρῶτος ἔχειν τοῖς τοιούτοις, καὶ  
 καταψηφίζεσθαι μὲν, ὀλίγου δὲ τιμᾶν, ἐθίζειν καὶ  
 προδιδάσκειν ἔστ' ἀδικεῖν ὑμᾶς ὡς πλείστους.

become ambitious of the honours and rewards of such service, and if all were to recoil from noxious acts, through fear of the pains and penalties enacted for malefactors, could anything prevent our commonwealth from becoming very great? Does not Athens possess more war galleys than any other Hellenic city? Is she not rich in infantry and cavalry, in revenue, in military positions, in harbours? And how are those possessions preserved and consolidated? By the laws; for they are profitable to the community only so long as our public conduct conforms to the laws. If conditions were reversed, if there were 217 no recompense for the virtuous, if evil-doers were to enjoy all the immunity that Timocrates has sought to enact, what utter confusion would be the natural result! For you may be quite sure that from these possessions that I have enumerated, even if they were twice as great as they now are, you would not then get an atom of advantage. Therefore the defendant is proved to be striving to do you wrong in respect of that law by which punishments are provided for would-be criminals.

For all the reasons I have set before you, it is 218 incumbent upon you to show your resentment, to chastise these men, and to make them an example to others. To be lenient to such offenders, or to convict them and then inflict a light penalty, is to habituate and train the greatest possible number to do you wrong.



AGAINST ARISTOGEITON  
I AND II

## INTRODUCTION

ARISTOGEITON was an " orator " of evil reputation, who had earned the nickname of " the Dog." His father had died in debt to the State, and Aristogeiton, inheriting the debt, had been imprisoned for it. He was further in debt to the State for 5 talents, the amount of fines imposed by the Courts as the result of a *γραφὴ παρανόμων* brought by the father of Hierocles, and for 1000 drachmas, when he failed to obtain a fifth of the votes in his prosecution of Hegemon. Neither debt was paid in the prescribed time, and they were therefore doubled. A third debt had been registered against him by Ariston, but Aristogeiton brought an action for " false entry " (*γρ. ψευδεγγγραφῆς*) against him. It is argued by the prosecution that, until this case was settled in a law-court, Aristogeiton was still liable for the debt, the amount of which is not stated.

The case is complicated by the fact that, in order to pay the two fines, Aristogeiton had sold an estate to his brother, Eunomus, subject to the payment of yearly instalments to the State; two such instalments had been paid, leaving 8 talents 1600 drachmas still owing. Aristogeiton seems to have claimed that Eunomus was now the State-debtor, and he proceeded to exercise his citizen-rights as usual. Lycurgus and Demosthenes, therefore, bring

## AGAINST ARISTOGEITON

an "information" (ἐνδείξις) against him. In this form of prosecution the plaintiffs deposited with the magistrate a written information, leaving the magistrate to have the defendant arrested.

The two legal points raised are (1) whether Aristogeiton or Eunomus was now debtor for the amount of the State-debts unpaid, and (2) whether the registration of a State-debt held good until the charge of "false entry" had been settled by a jury. The verdict on both points went against Aristogeiton.

The orator Deinarchus in a speech against the same defendant, delivered in 325-324, refers to the result of this trial, and our speeches refer to events following the battle of Chaeroneia. The date of the trial was therefore some time between 338 and 324.

No one familiar with Demosthenes will doubt the spuriousness of these speeches. They read like rhetorical exercises, and, though in places the rhetoric is good of its kind, they are often both obscure and tedious. They contain many expressions not found in Demosthenes' admitted speeches and some scurrility which is far beneath him. Longinus quotes the first speech as genuine, but Dionysius of Halicarnassus rejects them and calls them justly ἀηδέϊς καὶ φορτικοί. Modern editors are generally in agreement on the question.

## XXV. ΚΑΤ' ἈΡΙΣΤΟΓΕΙΤΟΝΟΣ Α

Πάλαι καθήμενος, ὦ ἄνδρες δικασταί, καὶ κατηγοροῦντος ἀκούων, ὥσπερ ὑμεῖς, Λυκούργου, τὰ μὲν ἄλλα καλῶς αὐτὸν ἠγοῦμην λέγειν, ἐν δὲ τεθαύμακα ὄρων ὑπερδιατεινόμενον, εἰ ἀγνοεῖ τοῦθ' ὅτι οὔτε παρὰ τοὺς ὑφ' ἑαυτοῦ λόγους εἰρημένους οὔτε παρὰ τοὺς ὑπ' ἐμοῦ μέλλοντας ῥηθήσεσθαι τὰ τουτουῖ τοῦ ἀγῶνός ἐστι δίκαι' ἰσχυρά, ἀλλ' ὡς ἂν ἕκαστος ὑμῶν ἔχη πρὸς τὸ δυσχεραίνειν ἢ

2 προσίεσθαι πονηρίαν. καὶ ἔγωγ' ὑπολαμβάνω τὴν μὲν κατηγορίαν καὶ τὸ τῶν λόγων πλῆθος ἔθους ἔνεκα καὶ τῆς ὑμετέρας ἀκροάσεως δεῖν ποιήσασθαι, κεκρίσθαι δὲ τοῦτο τὸ πρᾶγμα πάλαι ὑπὸ τῆς ἐκάστου φύσεως οἴκοθεν, καὶ νῦν εἰ μὲν εἰσιν ὑμῶν οἱ πλείους οἱοὶ τοὺς πονηροὺς φιλεῖν καὶ σώζειν, μάτην ἐρραψωδηκότας ἡμᾶς ἔσεσθαι, εἰ δ' οἱοὶ μισεῖν, δίκην, ἐὰν θεὸς θέλη, τοῦτον δώσειν.

3 Πολλῶν δὲ λόγων εἰρημένων καὶ πάντων καλῶς, οὐκ ὀκνήσω πρὸς ὑμᾶς εἰπεῖν ἃ γ' ἐμοὶ φαίνεται. ἐμοὶ γὰρ οὐδ' ὅτιοῦν εὐοικεῖν δοκεῖ τοῖς ἄλλοις ὁ παρῶν ἀγῶν. σκοπεῖτε δ' οὕτως. πρὸς ἅπαντ' ἔρχονται τὰ δικαστήρια οἱ μὲν δικασταὶ παρὰ τοῦ

[771] κατηγοροῦ καὶ τοῦ φεύγοντος τὸ πρᾶγμα μαθησόμενοι περὶ οὗ δεήσει τὴν ψῆφον ἐνεγκεῖν αὐτούς, οἱ δ' ἀντίδικοι μεθ' ἑαυτοῦ δείξων ἑκάτερος ὄντα τὰ



## AGAINST ARISTOGEITON I

GENTLEMEN of the jury, as I sat here for a long time and listened with you to the speech of Lycurgus for the prosecution, I thought it in general an excellent speech ; but when I observed him unduly exerting himself, I was surprised that he should not realize that the strength of our case does not really depend on the arguments that he has used or that I am going to use, but on the disposition of each juryman either to be indignant at wickedness or to condone it. For <sup>2</sup> myself, I admit it was our duty to undertake the prosecution and to deliver full speeches in accordance with custom and for your information ; but I feel that the case has been already decided by each one of you in his inmost conscience, and that now, if the majority of you are men disposed to admire and protect rascals, all our declamation will be wasted, but if you are disposed to hate them, then this man, please God ! shall pay the penalty.

Though much has been said, and all of it well said, <sup>3</sup> I shall not scruple to put my own views before you, because the present suit seems to me quite different from all others. Just consider. To all our courts the juries come to learn from plaintiff and defendant the facts upon which they are to give their votes, and each litigant comes to prove that the legal right is

- 4 τῶν νόμων δίκαια. τὰ δὲ τούτου τοῦ ἀγῶνος πῶς ἔχει; οἱ μὲν δικάσοντες ὑμεῖς ἤκετε μᾶλλον ἡμῶν τῶν κατηγορῶν εἰδότες καὶ ὀφείλοντα τῷ δημοσίῳ τοῦτον καὶ ἐγγεγραμμένον ἐν ἀκροπόλει καὶ οὐκ ἐξὸν αὐτῷ λέγειν· ὥσθ' ἕκαστον ὑμῶν κατηγοροῦ τάξιν ἔχειν καὶ τὰ πράγμα' εἰδέναι, μὴ μαθεῖν δεῖ-
- 5 σθαι. ὁ δὲ κρινόμενος τῶν μὲν εἰς σωτηρίαν φερόντων ἀλλ' οὐδ' ὅτιοῦν πάρεστιν ἔχων, οὐ τοὺς ὑπὲρ αὐτοῦ τοῦ πράγματος λόγους δικαίους, οὐ τὸν ἑαυτοῦ βίον ἀνθρώπινον, οὐκ ἄλλ' οὐδ' ὅτιοῦν ἀγαθόν· δι' ἃ δ' ἂν καὶ μηδ' ὅτιοῦν ἀδικῶν τις ἔδρασε, διὰ ταῦθ' οὗτος οἶεται σωθήσεσθαι· ἐν γὰρ τῇ τῆς πονηρίας ὑπερβολῇ τὴν ἐλπίδα τῆς σωτηρίας ἔχει.
- 6 Οὕτω δ' ἐχόντων τούτων, δοκεῖ μοί τις οὐκ ἂν ἀμαρτεῖν εἰπὼν ὅτι νῦν κρίνεται μὲν Ἀριστογείτων, δοκιμάζεσθε δὲ καὶ κινδυνεύεθ' ὑμεῖς περὶ δόξης. εἰ μὲν γὰρ ὀφθήσεσθ' ἐπὶ τοῖς οὕτω φανεροῖς καὶ μεγάλοις ἀδικήμασιν ὀργιζόμενοι καὶ τιμωρούμενοι, δόξετε τοῦθ', ὅπερ ἐστέ, δικασταὶ καὶ φύλακες τῶν
- 7 νόμων εἰσεληλυθέναι· εἰ δ' ἕτερόν τι περιέσται τούτων, ὃ μηδεὶς μὲν ἂν αὐτὸς πεπονηκέναι φήσειεν, ἐν δὲ ταῖς ψήφοις εὔρεθήσεται, δέδοικα μὴ δόξητέ τισιν τὸν αἰεὶ βουλόμενον εἶναι πονηρὸν τῶν ἐν τῇ πόλει παιδοτριβεῖν. ἀσθενὴς μὲν γὰρ ἐστὶν ἅπας ὁ πονηρὸς καθ' ἑαυτόν· ᾧ δ' ἂν ὑμεῖς πρόσθησθε, οὗτος ἰσχυρὸς γίγνεται. ἔστι δὲ τοῦτο τῷ μὲν
- [772] λαβόντι παρ' ὑμῶν ἐργασία καὶ δυναστεία, ὑμῖν δὲ
- 8 τοῖς δοῦσιν ὄνειδος. βουλοίμην δ' ἂν, ᾧ ἄνδρες Ἀθηναῖοι, πρὸ τοῦ περὶ τῶν ἰδίων ἐμὲ τῶν τουτουὶ λέγειν, σπουδάσαντας ὑμᾶς ἐξετάσαι διὰ βραχέων εἰς ὄσσην αἰσχύνην καὶ ἀδοξίαν προῆχε τὴν πόλιν

strong on his side. But how stands it with the 4  
 present trial? You who are to give the verdict have  
 come here knowing better than we, the accusers, that  
 this man, since he is a state-debtor and registered as  
 such in the Acropolis, has no right to speak at all; so  
 that each of you is in the position of an accuser,  
 knowing the facts and not needing to be told them.  
 But the defendant is here with nothing whatever to 5  
 support his acquittal, with no sound plea based on the  
 facts, with no past record of a decent life, with not  
 a single point in his favour. He imagines that he  
 may be saved by what would have frightened anyone  
 else, though innocent; for he bases the hope of his  
 acquittal on the enormity of his wickedness.

This being so, it seems to me that one would not 6  
 be wrong in saying that, while Aristogeiton is on his  
 trial, it is your character that is being tested, your  
 reputation that is at stake. For if you make it quite  
 clear that you are angry at such patent and gross  
 offences and are determined to punish them, then it  
 will be seen that you have come here to play your  
 true part as judges and guardians of the law. But if 7  
 some other motive prevails, some motive which none  
 would care to confess, but which your votes will  
 betray, then I am afraid that to some you will appear  
 to be playing the part of trainers of any citizen who  
 has a taste for wickedness. For every bad man is  
 in himself weak; he only becomes strong by your  
 countenance and support. Whoever wins that sup-  
 port finds in it his advantage and his strength; to  
 you who give that support, it is a source of shame.

But before I speak of the private affairs of the de- 8  
 fendant, men of Athens, I should like you seriously but  
 briefly to calculate how much shame and discredit is

δημοσίᾳ πάντα τὰ τοιαῦτα θηρία, ὧν μέσος καὶ  
 9 τελευταῖος καὶ πρῶτός ἐστιν οὗτος. καὶ τὰ μὲν  
 ἄλλ' ἑάσω· ἄλλ' εἰς τὰς ἐκκλησίας ἀναβαίνουσιν, ἐν  
 αἷς ὑμεῖς γνώμης ἀπόδειξιν, οὐ πονηρίας τοῖς  
 λέγουσι προτίθετε, τόλμαν καὶ κραυγὴν καὶ ψευδεῖς  
 αἰτίας καὶ συκοφαντίαν καὶ ἀναισχυντίαν καὶ πάντα  
 τὰ τοιαῦτα συνεσκευασμένοι, ὧν οὐκ ἂν εὔροι τις  
 ἐναντιώτερα τῷ βουλευέσθαι, νομίζω δὲ μὰ τοὺς  
 θεοὺς οὐδ' ἂν αἰσχίω. καὶ τούτοις τοῖς αἰσχροῖς  
 ἀπάντων τῶν τῆς πόλεως καλῶν περίεσι, τῶν  
 νόμων, τῶν προέδρων, τοῦ προγράμματος, τῆς  
 10 εὐκοσμίας. εἰ μὲν οὖν ὑμεῖς ταῦτα βούλεσθε καὶ  
 μετὰ τῆς ὑμετέρας γνώμης οὗτοι ταῦτα ποιούσιν,  
 ὁδῶ βαδίζει καὶ ἔαν δεῖ· εἰ δ' ἐπανορθώσασθαι ταῦτ'  
 ἔτι καὶ νῦν οἴεσθε χρῆναι, καὶ τὰ προειμένα πόρρω  
 καὶ πολὺν ἤδη χρόνον αἰσχυρῶς καὶ κακῶς ὑπὸ τού-  
 των διακείμενα βελτίω ποιῆσαι, πάντα τὰ τοιαῦτ'  
 ἔθη παριδόντας ὑμᾶς τήμερον ὀρθῶς δεῖ δικάσαι,  
 11 τὴν τὰ δίκαι' ἀγαπῶσαν Εὐνομίαν περὶ πλείστου  
 ποιησαμένους, ἣ πάσας καὶ πόλεις καὶ χώρας σώζει·  
 καὶ τὴν ἀπαραίτητον καὶ σεμνὴν Δίκην, ἣν ὁ τὰς  
 ἀγιωτάτας ἡμῖν τελετὰς καταδείξας Ὀρφεὺς παρὰ  
 τὸν τοῦ Διὸς θρόνον φησὶ καθημένην πάντα τὰ τῶν  
 ἀνθρώπων ἐφορᾶν, εἰς αὐτὸν ἕκαστον νομίσαντα  
 [773] βλέπειν οὕτω δεῖ ψηφίζεσθαι, φυλαττόμενον καὶ  
 προορώμενον μὴ καταισχυῖναι ταύτην, ἧς ἐπώνυμός  
 ἐστὶν ὑμῶν ἕκαστος ὁ αἰεὶ δικάζειν λαχών, πάντα  
 τὰ ἐν τῇ πόλει καλὰ καὶ δίκαια καὶ συμφέροντα  
 φυλάττειν ταύτην τὴν ἡμέραν παρακαταθήκην ἔν-  
 ορκον εἰληφῶς παρὰ τῶν νόμων καὶ τῆς πολιτείας  
 12 καὶ τῆς πατρίδος. ὡς εἰ μὴ τοῦτον ἔξετε τὸν τρό-

brought upon our city by these monsters, of whom the defendant is at once the midmost, the first, and the last. To mention only one matter ; they mount the 9 platform in the Assembly, where you look to your orators to explain their policy, not to flaunt their wickedness ; they come equipped with a hardened front, a raucous voice, false charges, intimidation, shamelessness, and all such gifts as these, than which one could name no qualities more hostile to the spirit of debate nor, I think,—so Heaven help me !—more discreditable. By these vile tricks they gain supremacy over all that is respectable in the State, over the laws, the committees, the course of public business, and the maintenance of order. Now if that is what 10 you want, if their practice accords with your ideas, we must just let them go their own way ; but if you think that even at the eleventh hour you ought to put all this right, and reform what has been allowed to go too far, and has been disgracefully misdirected by these men, you must to-day avert your eyes from all such practices and give a righteous verdict. You 11 must magnify the Goddess of Order who loves what is right and preserves every city and every land ; and before you cast your votes, each juryman must reflect that he is being watched by hallowed and inexorable Justice, who, as Orpheus, that prophet of our most sacred mysteries, tells us, sits beside the throne of Zeus and oversees all the works of men. Each must keep watch and ward lest he shame that goddess, from whom everyone that is chosen by lot derives his name of juror, because he has this day received a sacred trust from the laws, from the constitution, from the fatherland,—the duty of guarding all that is fair and right and beneficial in our city. For if you 12

πον, ἀλλ' ἀπὸ τῆς συνήθους εὐηθείας εἰσεληλυθότες καθεδεῖσθε, φοβουμαι μὴ τὸ πρᾶγμ' εἰς τούναντίον περιστῆ καὶ δοκοῦντες ἡμεῖς Ἀριστογείτονος κατηγορεῖν ὑμῶν κατηγοροῦντες φανῶμεν· ὅσω γὰρ ἂν μᾶλλον ἡμῶν δειξάντων τὴν τούτου πονηρίαν μηδὲν ὑμεῖς φροντίσητε, τοσοῦτω μείζων ἢ καθ' ὑμῶν αἰσχύνῃ γενήσεται. καὶ περὶ μὲν τούτων ἱκανά.

- 13 Πάνυ δ', ὦ ἄνδρες Ἀθηναῖοι, μετὰ πάσης οἰκειότητος ἐρῶ τάληθῆ πρὸς ὑμᾶς. ἐγὼ γὰρ ἐν ταῖς ἐκκλησίαις ὄρων ὑμᾶς κατατάττοντάς με καὶ προχειριζομένους ἐπὶ τὴν τούτου κατηγορίαν, ἡχθόμην καὶ μὰ τὸν Δία καὶ πάντας θεοὺς οὐκ ἐβουλόμην. οὐ γὰρ ἠγνόουν ὅτι ὁ ποιήσας τι τοιοῦτον παρ' ὑμῖν καὶ παθὼν ἀπέρχεται. εἰ δὲ μὴ τηλικούτον ὥστ' εὐθύς αἰσθέσθαι, ἀλλ' ἔαν πολλὰ τοιαῦτα ποιῆ καὶ μὴ παύηται, ταχὺ γνωσθήσεται. ὅμως δ' ἀναγκαῖον ἠγοούμεν εἶναι πείθεσθαι τοῖς ὑμετέροις
- 14 βουλήμασι. τὰ μὲν οὖν περὶ τῆς ἐνδείξεως καὶ τῶν νόμων δίκαια αὐτόν, ὅπερ πεποίηκεν, Λυκοῦργον ἐρεῖν ἠγοούμεν, καὶ τοὺς μάρτυρας τῆς πονηρίας τῆς τούτου τοῦτον ἐώρων προσκαλούμενον· ἃ δὲ καὶ λογίζεσθαι τοὺς ὑπὲρ πόλεως καὶ νόμων βου-
- [774] λευομένους προσήκει καὶ σκοπεῖσθαι δεῖ, ταῦτα προηρούμην εἰπεῖν, καὶ νῦν ἐπὶ ταῦτα πορεύσομαι. δότε δ', ὦ ἄνδρες Ἀθηναῖοι, δότε καὶ συγχωρήσατέ μοι πρὸς Διός, ὡς πέφυκα καὶ προήρημαι, περὶ τούτων διαλεχθῆναι πρὸς ὑμᾶς· καὶ γὰρ οὐδ' ἂν ἄλλως δυναίμην.
- 15 Ἄπας ὁ τῶν ἀνθρώπων βίος, ὦ ἄνδρες Ἀθηναῖοι, κἂν μεγάλην πόλιν οἰκῶσι κἂν μικράν, φύσει καὶ νόμοις διοικεῖται. τούτων δ' ἡ μὲν φύσις ἐστὶν

do not cherish that temper, if you come here and take your seats with your usual easy good nature, I am afraid that the case may be reversed, and that we who seem to accuse Aristogeiton may be found to be accusing you ; for the more convincingly we prove his guilt without arousing your interest, the greater will be your shame. But enough of that subject !

Men of Athens, I shall certainly tell you the truth <sup>13</sup> with the utmost frankness. When I saw you in the Assembly indicating and proposing me as the accuser of Aristogeiton, I was troubled, and I call Heaven to witness that I did not relish the task. For I was not unaware that he who plays such a part in your courts suffers for it in the end, not perhaps so as to feel it at once, but if he undertakes many such tasks and perseveres in them, his character will soon be recognized. I thought it, however, my duty to accede to your wishes.

Now as regards the laying of the injunction and the <sup>14</sup> legal points, I considered that Lycurgus would deal adequately with them ; and I also saw that he was producing witnesses to the wickedness of the defendant. But I resolved to devote my speech to those points which ought always to be considered and examined by those who are deliberating in the interests of the State and of the laws ; and I will now proceed to deal with those points. But do you, men of Athens, in Heaven's name grant me the privilege of addressing you on these topics in the way that suits my natural bent and the scheme of my speech, for indeed I could not speak in any other way.

The whole life of men, Athenians, whether they <sup>15</sup> dwell in a large state or a small one, is governed by nature and by the laws. Of these, nature is some-

- ἄτακτον καὶ κατ' ἄνδρ' ἴδιον τοῦ ἔχοντος, οἱ δὲ νόμοι κοινὸν καὶ τεταγμένον ταῦτὸ πᾶσιν. ἡ μὲν οὖν φύσις, ἃν ἡ πονηρά, πολλάκις φαῦλα βούλεται· διόπερ τοὺς τοιούτους ἐξαμαρτάνοντας εὐρήσετε.
- 16 οἱ δὲ νόμοι τὸ δίκαιον καὶ τὸ καλὸν καὶ τὸ συμφέρον βούλονται, καὶ τοῦτο ζητοῦσι, καὶ ἐπειδὰν εὐρεθῆ, κοινὸν τοῦτο πρόσταγμ' ἀπεδείχθη, πᾶσιν ἴσον καὶ ὅμοιον, καὶ τοῦτ' ἔστι νόμος. ὧ πάντας πείθεσθαι προσήκει διὰ πολλά, καὶ μάλισθ' ὅτι πᾶς ἔστι νόμος εὐρημα μὲν καὶ δῶρον θεῶν, δόγμα δ' ἀνθρώπων φρονίμων, ἐπανόρθωμα δὲ τῶν ἐκουσίων καὶ ἀκουσίων ἀμαρτημάτων, πόλεως δὲ συνθήκη κοινή, καθ'
- 17 ἣν πᾶσι προσήκει ζῆν τοῖς ἐν τῇ πόλει. ἀλλὰ μὴν ὅτι νῦν Ἀριστογείτων τοῖς μὲν τῆς ἐνδείξεως δικαίοις ἅπασιν ἤλωκεν, ἕτερος δ' οὐδὲ εἰς ἔστιν ἀνεκτὸς αὐτῷ λόγος, περὶ τούτων ῥάδιον διδάξαι δυοῖν γὰρ ὄντων, ὧ ἄνδρες Ἀθηναῖοι, ὧν ἕνεκα πάντες τίθενται οἱ νόμοι, τοῦ τε μηδένα μηδὲν ὁ μὴ δίκαιόν ἔστι ποιεῖν, καὶ τοῦ τοὺς παραβαίνοντας ταῦτα κολαζομένους βελτίους τοὺς ἄλλους ποιεῖν, ἀμφοτέροις τούτοις οὗτος ἔνοχος ὧν φανήσεται. ἐπὶ μὲν γὰρ οἷς ἐξ ἀρχῆς παρέβη τοὺς νόμους, τὰ
- [775] ὀφλήματ' αὐτῷ γέγονεν· ἐπὶ δ' οἷς οὐκ ἐμμένει τούτοις, νῦν ἐπὶ τὴν παρ' ὑμῶν ἄγεται τιμωρίαν, ὥστε μηδεμίαν καταλείπεσθαι πρόφασιν δι' ἣν ἂν
- 18 τις αὐτὸν ἀφείη. οὐδὲ γὰρ αὖ τοῦτ' ἔστιν εἰπεῖν, ὡς ἄρ' ἐκ τούτων οὐδὲν ἡ πόλις βλάπτεται. ἐγὼ γάρ, ὅτι μὲν πάντ' ἀπόλλυται τὰ ὀφλήματα, εἰ τὰ τούτου σοφίσματα προσδέξεσθε, καὶ ὅτι, εἰ ἄρα δεῖ τινὰς ἐκ τῶν ὀφειλόντων ἀφιέναι, τοὺς ἐπιεικεστάτους καὶ βελτίστους καὶ τοὺς ἐπὶ τοῖς ἡκιστα



thing irregular and incalculable, and peculiar to each individual; but the laws are something universal, definite, and the same for all. Now nature, if it be evil, often chooses wrong, and that is why you will find men of an evil nature committing errors. But the laws desire what is just and honourable and salutary; they seek for it, and when they find it, they set it forth as a general commandment, equal and identical for all. The law is that which all men ought to obey for many reasons, but above all because every law is an invention and gift of the gods, a tenet of wise men, a corrective of errors voluntary and involuntary, and a general covenant of the whole State, in accordance with which all men in that State ought to regulate their lives. But that Aristogeiton has been convicted on all the heads of the information, and that he has not a single counter-argument worth considering, can be easily proved. For there are two objects, men of Athens, for which all laws are framed—to deter any man from doing what is wrong, and, by punishing the transgressor, to make the rest better men; and it will be shown that both these objects will be secured by the punishment of the defendant. For by his original transgressions he has incurred the due penalties, and for his refusal to acquiesce in them he is now brought into court to receive your punishment; so that no one has any excuse left for acquitting him.

Nor is it possible to say, "After all, these things do no harm to the State." I will not dwell on the fact that all the fines due to the State are lost, if you admit his sophistries, or that if we must forgive any of our debtors, it ought to be the most decent and respectable and those who have been fined on the least

- δεινοῖς ὠφληκότας, τούτους ἀφιέναι δεῖ, οὐχὶ τὸν  
 πονηρότατον καὶ πλείσθ' ἡμαρτηκότα καὶ δικαιοτάτ'  
 19 ὠφληκότα καὶ ἐπὶ δεινοτάτοις (τί γὰρ ἂν γένοιτο  
 συκοφαντίας καὶ παρανομίας δεινότερον, ἐφ' οἷς  
 ἀμφοτέροις οὗτος ὠφληκεν;) καὶ ὅτι οὐδ' εἰ πᾶσι  
 τοῖς ἄλλοις, οὐχὶ τῷ βιαζομένῳ δήπου συγχωρήσαι  
 προσήκει (ὑβρις γὰρ δὴ τοῦτό γε), καὶ πάντα  
 τὰ τοιαῦτ' ἐάσω· ἀλλ' ὅτι καὶ πᾶς ὁ τῆς πόλεως  
 καὶ τῶν νόμων κόσμος, ὧ ἄνδρες Ἀθηναῖοι, συν-  
 ταραττέται καὶ διαφθείρεται τὸ κατὰ τοῦτον, καὶ  
 τοῦτ' οἶμαι σαφῶς ὑμῖν ἐπιδείξειν.
- 20 Λέξω δ' οὔτε καινὸν οὔτε περιττὸν οὐδὲν οὔτ'  
 ἴδιον, ἀλλ' ὁ πάντες ὑμεῖς ἴσθ' ὁμοίως ἐμοί. εἰ γάρ  
 τις ὑμῶν ἐξετάσαι βούλεται τί ποτ' ἐστὶ τὸ αἴτιον  
 καὶ τὸ ποιοῦν τὴν βουλήν συλλέγεσθαι, τὸν δῆμον εἰς  
 τὴν ἐκκλησίαν ἀναβαίνειν, τὰ δικαστήρια πληροῦ-  
 σθαι, τὰς ἕνας ἀρχὰς ταῖς νέαις ἐκούσας ὑπεξιέναι,  
 καὶ πάντα δι' ὧν ἡ πόλις οἰκεῖται καὶ σώζεται  
 γίνεσθαι, τοὺς νόμους εὐρήσει καὶ τὸ τούτοις  
 ἅπαντας πείθεσθαι, ἐπεὶ λυθέντων γε τούτων, καὶ  
 ἐκάστῳ δοθείσης ἐξουσίας ὃ τι βούλεται ποιεῖν, οὐ  
 [776] μόνον ἡ πολιτεία οἴχεται, ἀλλ' οὐδ' ὁ βίος ἡμῶν τοῦ  
 21 τῶν θηρίων οὐδὲν ἂν διενέγκαι. τί γὰρ ἂν τοῦτον  
 αὐτὸν οἴεσθε ποιεῖν λυθέντων τῶν νόμων, ὃς ὄντων  
 κυρίων τοιοῦτός ἐστιν; ἐπειδὴ τοίνυν οἱ νόμοι μετὰ  
 τοὺς θεοὺς ὁμολογοῦνται σώζειν τὴν πόλιν, δεῖ  
 πάντας ὑμᾶς τὸν αὐτὸν τρόπον ὥσπερ ἂν εἰ καθῆσθ'  
 ἐράνου πληρωταί, τὸν μὲν πειθόμενον τούτοις ὡς  
 φέροντα τὴν τῆς σωτηρίας φορὰν πλήρη τῇ πατρίδι  
 τιμᾶν καὶ ἐπαινεῖν, τὸν δ' ἀπειθοῦντα κολάζειν.

<sup>a</sup> πληρωταί seems to mean either those who pay the contribution or those who see that it is paid.

serious charges, not the greatest villain of all, who has committed most offences and incurred the most deserved fines on the most serious charges. For 19 what could be more serious than chicanery and breach of the constitution, for both of which the defendant has been condemned? Nor will I urge that even if you let off all other offenders, it is surely wrong to give way to one who resorts to force, for that is surely an outrage. I waive such considerations as these; but I do think that I can clearly prove to you that the defendant's example confounds and destroys all order in law and in government.

I shall say nothing novel or extravagant or peculiar, 20 but only what you all know to be true as well as I do. For if any of you cares to inquire what is the motive-power that calls together the Council, draws the people into the Assembly, fills the law-courts, makes the old officials resign readily to the new, and enables the whole life of the State to be carried on and preserved, he will find that it is the laws and the obedience that all men yield to the laws; since, if once they were done away with and every man were given licence to do as he liked, not only does the constitution vanish, but our life would not differ from that of the beasts of the field. You see what the 21 defendant is, when the laws are in force: what do you think he would do, if the laws were done away with? Since then it is admitted that, next after the gods, the laws preserve the State, it is the duty of all of you to act just as if you were sitting here making up a contribution to your club.<sup>a</sup> If a man obeys the laws, respect and commend him for paying his contribution in full to the welfare of his fatherland; if he disobeys them, punish him. For everything done at the 22

- 22 ἔρανος γὰρ ἔστι πολιτικὸς καὶ κοινὸς πάνθ' ὅσα, ταξάντων τῶν νόμων, ἕκαστος ἡμῶν ποιεῖ. ὃν ὁ λείπων, ὦ ἄνδρες Ἀθηναῖοι, πολλὰ καὶ καλὰ καὶ σεμνὰ καὶ μεγάλ' ὑμῶν ἀφαιρεῖται καὶ διαφθείρει
- 23 τὸ καθ' αὐτόν. ὦν ἐν ἧ' ἑξ ἑμῶν παραδείγματος ἕνεκα, τὰ γνωριμώτατα. τὸ τὴν βουλὴν τοὺς πεντακοσίους ἀπὸ τῆς [ἀσθενοῦς] τοιαυτησὶ κικκλίδος τῶν ἀπορρήτων κυρίαν εἶναι, καὶ μὴ τοὺς ἰδιώτας ἐπεισιέναι· τὸ τὴν ἐξ Ἀρείου πάγου βουλὴν, ὅταν ἐν τῇ βασιλείῳ στοᾷ καθεζομένη περισχοιῖσθαι, κατὰ πολλὴν ἡσυχίαν ἐφ' ἑαυτῆς εἶναι, καὶ ἅπαντας ἐκποδῶν ἀποχωρεῖν· τὸ τὰς ἀρχὰς ἀπάσας, ὅσας οἱ λαχόντες ἀρχουσιν ὑμῶν, τῷ τὸν ὑπὲρ τὴν εἰπεῖν “μετάστητ' ἔξω” τῶν νόμων κρατεῖν ἐφ' οἷς εἰσεπέμφθησαν, καὶ μηδὲ τοὺς ἀσελγεστάτους βιά-
- 24 ζεσθαι· ἄλλα μυρία. πάντα γὰρ τὰ σεμνὰ καὶ καλὰ καὶ δι' ὧν ἡ πόλις κοσμεῖται καὶ σώζεται, ἡ σωφροσύνη, πρὸς τοὺς γονέας καὶ τοὺς πρεσβυτέρους
- [777] ὑμῶν ἢ παρὰ τῶν νέων αἰσχύνη, ἢ εὐταξία, τῇ τῶν νόμων προσθήκῃ τῶν αἰσχρῶν περίεστι, τῆς ἀναισχυντίας, τῆς θρασύτητος, τῆς ἀναιδεΐας. ἰταμὸν γὰρ ἡ πονηρία καὶ τολμηρὸν καὶ πλεονεκτικόν, καὶ τοῦναντίον ἡ καλοκαγαθία ἡσύχιον καὶ ὀκνηρὸν καὶ βραδὺ καὶ δεινὸν ἐλαττωθῆναι. τοὺς νόμους οὖν δεῖ τηρεῖν καὶ τούτους ἰσχυροὺς ποιεῖν τοὺς αἰεὶ δικάζοντας ὑμῶν· μετὰ γὰρ τούτων οἱ χρηστοὶ τῶν
- 25 πονηρῶν περίεισιν. εἰ δὲ μή, λέλυται πάντα, ἀνέωκται, συγκέχυται, τῶν πονηροτάτων καὶ ἀναιδεστώτων ἡ πόλις γίνεσθαι. φέρε γὰρ πρὸς θεῶν, εἰ ἕκαστος τῶν ἐν τῇ πόλει τὴν Ἀριστογείτονος τόλ-

<sup>a</sup> The wooden lattice-work doorway, giving admission

bidding of the laws is a contribution made to the State and the community. Whoever leaves it unpaid, men of Athens, is depriving you of many great, honourable, and glorious benefits, which he is destroying to the best of his ability. One or two of these benefits I will name for the sake of example, choosing the best known.

The Council of the Five Hundred, thanks to this barrier,<sup>a</sup> frail as it is, is master of its own secrets, and no private citizen can enter it. The Council of the Areopagus, when it sits roped off in the King's Portico, enjoys complete freedom from disturbance, and all men hold aloof. All the magistrates who are chosen from you by lot, as soon as the attendant cries "Strangers must withdraw," control the laws which they were appointed to administer and cannot be disturbed by the most unruly. There are thousands of other benefits. All the noble and reverend qualities that adorn and preserve our city,—sobriety, orderliness, the respect of your younger men for parents and elders—hold their own, backed by the laws, against the base qualities of indecency, audacity, and shamelessness. For vice is vigorous, daring, and grasping; on the other hand probity is peaceful, retiring, inactive, and terribly liable to come off second-best. Therefore those of you who sit upon juries ought to protect and strengthen the laws, for with the help of the laws the good overcome the bad. If not, all is dissolved, broken up, confounded, and the city becomes the prey of the most profligate and shameless. For tell me this, in Heaven's name; if everyone in the city copied the audacity and shame-  
 through the bar to the council-chamber or law-court. The corresponding Lat. term is *cancelli*.

μαν καὶ ἀναισχυντίαν λαβῶν, καὶ διαλογισάμενος  
 ταῦθ' ἄπερ οὗτος, ὅτι ἕξεστι καὶ λέγειν καὶ ποιεῖν  
 μέχρι παντός ὃ τι ἂν βούληται τις ἐν δημοκρατία,  
 ἄνπερ τοῦ ποῖός τις εἶναι δόξει ταῦτα ποιῶν ὀλιγω-  
 ρήση, καὶ οὐδεὶς ἐπ' οὐδενὶ τῶν ἀδικημάτων εὐθύς  
 26 ἀποκτενεῖ· εἰ ταῦτα διανοηθεῖς ὃ μὴ λαχὼν τῷ  
 λαχόντι καὶ ὃ μὴ χειροτονηθεῖς τῷ χειροτονηθέντι  
 ἐξ ἴσου ζητοῖε εἶναι καὶ τῶν αὐτῶν μετέχειν, καὶ  
 ὅλως μὴ νέος, μὴ πρεσβύτερος τὰ προσήκοντα  
 πράττοι, ἀλλὰ πᾶν τὸ τεταγμένον ἐξελάσας ἕκαστος  
 ἐκ τοῦ βίου, τὴν ἑαυτοῦ βούλησιν νόμον, ἀρχήν,  
 πάνθ' ὑπολαμβάνοι· εἰ ταῦτα ποιούμεν, ἔστι τὴν  
 πόλιν οἰκεῖσθαι; τί δέ; τοὺς νόμους κυρίους  
 εἶναι; πόσῃν δ' ἂν οἴεσθε βίαν καὶ ὕβριν καὶ παρα-  
 νομίαν ἐν ἀπάσῃ τῇ πόλει καθ' ἑκάστην τὴν ἡμέραν  
 γίνεσθαι καὶ βλασφημίαν ἀντὶ τῆς νῦν εὐφημίας  
 27 καὶ τάξεως; καὶ τί δεῖ λέγειν ὅτι τοῖς νόμοις  
 ἅπαντα κοσμεῖται καὶ τῷ τούτοις πείθεσθαι; ἀλλ'  
 [778] ὑμεῖς αὐτοὶ πάντων ἄρτι κληρουμένων Ἀθηναίων,  
 καὶ πάντων εὐ οἶδ' ὅτι βουλομένων εἰς τοῦτο λαχεῖν  
 τὸ δικαστήριον, μόνοι δικάζεθ' ἡμῖν. διὰ τί; ὅτι  
 ἐλάχετε, εἴτ' ἀπεκληρώθητε· ταῦτα δ' οἱ νόμοι  
 λέγουσιν. εἴθ' ὑμεῖς αὐτοὶ κατὰ τοὺς νόμους  
 εἰσεληλυθότες τὸν παρὰ τοὺς νόμους λέγειν ἢ πράτ-  
 τειν τι βιαζόμενον λαβόντες ἀφήσετε; καὶ οὐδεὶς  
 ὑμῶν χολὴν οὐδ' ὀργὴν ἔχων φανήσεται ἐφ' οἷς ὃ  
 βδελυρὸς καὶ ἀναιδὴς ἄνθρωπος οὕτοσιν βιάζεται  
 28 τοὺς νόμους; ὅς, ὦ μιαρῶτατε πάντων τῶν ὄντων  
 ἀνθρώπων, κεκλειμένης σοι τῆς παρρησίας οὐ  
 κιγκλίσιν οὐδὲ θύραις, ἃ καὶ παρανοίξειεν ἂν τις,  
 ἀλλὰ τοσοῦτοις καὶ τηλικούτοις ὀφλήμασι, καὶ τού-  
 των παρὰ τῇ θεῷ κειμένων, εἰς τὸ ἐντὸς τούτων  
 530

lessness of Aristogeiton and argued in the same way as he, that in a democracy a man has an unlimited right to say and do whatever he likes, as long as he does not care what reputation such conduct will bring him, and that no one will put him to death at once for any of his misdoings ; if, acting on this principle, the 26 citizen rejected at the ballot or at the election should put himself on an equality with the chosen citizen ; if, in a word, neither young nor old should do his duty, but each man, banishing all discipline from life, should regard his own wish as law, as authority, as all in all—if, I say, we should act like this, could the government continue to be carried on ? What ? Would the laws be any longer valid ? What violence, insolence and lawlessness there would be throughout the city every day ! What scurrility instead of our present decency of language and behaviour ! Why 27 need one repeat that order is everywhere maintained by the laws and by obedience to the laws ? You yourselves have the sole right of judging our case, though every Athenian was in the ballot and all, I am sure, wanted to be allotted to this court. Why is this ? Because by lot you were chosen and then assigned to this case. Those are the instructions of the law. And then will you, who owe your presence here to the laws, allow a man, who flouts the laws by word and deed, to escape from your grasp ? Will none of you show anger or bitterness at this shameless ruffian's defiance of the laws ?

Vilest of all living men ! Shut out from your right 28 of speech, not by barriers or doors which any man might break open, but by so many heavy penalties, which are registered in the temple of the Goddess,

βιάζει καὶ προσέρχει πρὸς ταῦτ' ἀφ' ὧν ἀπελαύνουσίν σ' οἱ νόμοι· ἀπεσχοινισμένος πᾶσι τοῖς ἐν τῇ πόλει δίκαιοις, γνώσει δικαστηρίων τριῶν, ἐγγραφῇ θεσμοθετῶν, ἑτέρα πρακτόρων, τῇ τῆς βουλευσεως, ἣν αὐτὸς διώκεις, γραφῇ, μόνον οὐχ ἀλύσει σιδηρᾶ, ὑποδύει παρὰ ταῦτα καὶ διασπᾶς, καὶ προφάσεις πλάττων καὶ ψευδεῖς αἰτίας συντιθεῖς τὰ κοινὰ δίκαι' ἀνατρέψειν οἶει.

- 29 Καὶ μὴν μέγα καὶ σαφὲς ὑμῖν ἐρῶ παράδειγμα, ὅτι ταῦτ' οὐδὲ καθ' ἐν προσήκει παριδεῖν. εἰ γάρ τις αὐτίκα δὴ μάλ' εἴποι ὡς ἐκ τῶν νεωτάτων ἢ τῶν πλουσιωτάτων ἢ τῶν λελητουργηκότων ἢ τῶν τοιούτων τι μερῶν ἀφορίσας, τοὺς λέγοντας εἶναι δεῖ, ἀποκτείναιτ' ἂν αὐτὸν εὖ οἶδ' ὅτι, ὡς κατα-
- [779] λύνοντα τὸν δῆμον, καὶ δικαίως ἂν τοῦτο ποιήσατε.
- 30 καὶ μὴν ὅ τι βούλεσθε τούτων ἥττον ἐστι δεινὸν ἢ εἴ τις ἐξ ὧν οὗτός ἐστι μερῶν εἴποι τοῖς βιαζομένοις ἐξεῖναι λέγειν, ἢ τοῖς ἐκ τοῦ δεσμωτηρίου, ἢ τοῖς ὧν ἀπέκτεινεν ὁ δῆμος τοὺς πατέρας, ἢ τοῖς ἀποδεδοκιμασμένοις ἄρχειν λαχοῦσιν, ἢ τοῖς ὀφείλουσι τῷ δημοσίῳ, ἢ τοῖς καθάπαξ ἀτίμοις, ἢ τοῖς πονηροτάτοις καὶ δοκοῦσι καὶ οὔσι· πάντα γὰρ ταῦθ' ὑπάρχει τούτῳ, καὶ πρόσεστι τοῖς οἷος οὗτός ἐστι τὴν φύσιν. ἐγὼ γάρ, ὦ ἄνδρες Ἀθηναῖοι, νομίζω μὲν αὐτὸν καὶ ἐφ' οἷς νυνὶ ποιεῖ δικαίως ἂν ἀποθανεῖν, πολὺ μέντοι μᾶλλον, ἢ οὐδέν γ' ἥττον, ἐφ' οἷς δῆλός ἐστι ποιήσων, εἰ τὴν παρ' ὑμῶν
- 31 ἐξουσίαν λήψεται καὶ καιρόν· ὁ μὴ γένοιτο. ὁ καὶ θυμαστόν ἐστιν, εἴ τις ὑμῶν ἀγνοεῖ ὅτι ἐπὶ μὲν



you are trying to force your way in and to approach those precincts from which the laws exclude you. Debarred by every right that holds good in Athens, by the decisions of three tribunals, by the registers of the archons and of the collectors of taxes, by the indictment for wrongful entry in which you yourself are the plaintiff, curbed, I might almost say, by chains of steel, you wriggle and force your way through all and imagine that by weaving excuses and trumping up false charges you can overturn all the principles of justice.

I will, however, by a clear and forcible example <sup>29</sup> show the jury that they ought not to overlook such conduct; no, not in a single particular. Imagine for a moment that someone proposed that speakers in the Assembly should be confined to the youngest citizens, or to the richest, or to those who had performed a public service, or to some similar category. I am sure you would have him put to death for trying to overthrow the democracy. And indeed you would be justified. Yet any one of these proposals is less <sup>30</sup> dangerous than if it were proposed that speakers should belong to one of the classes to which the defendant belongs—law-breakers, gaol-birds, sons of criminals put to death by the people, citizens disqualified after obtaining office by lot, public debtors, men totally disfranchised, or men who by repute and in fact are utter rascals. All these descriptions fit the defendant and apply to those who resemble him in disposition. I think, men of Athens, that he deserves death both for what he is doing now and much more, or at least no less, for what he obviously will do, if he gets the power and opportunity from you; which Heaven forbid! It is also strange if anyone of you is <sup>31</sup>

καλὸν ἢ χρηστὸν ἢ τῆς πόλεως ἄξιον πρᾶγμ' οὐδὲν οὗτός ἐστι χρήσιμος (μὴ γάρ, ὦ Ζεῦ καὶ θεοί, τοσαύτη σπάνις ἀνδρῶν γένοιτο τῇ πόλει ὥστε παρ' Ἀριστογείτονος τῶν καλῶν τι ποιήσασθαι). ἐφ' ἃ δ' ἂν καὶ χρήσαιτό τις τοιούτῳ θηρίῳ, ἀπεύχεσθαι τοῖς θεοῖς μὴ γενέσθαι δεῖ. εἰ δ' ἄρα συμβαίῃ, μείζόν ἐστιν εὐτύχημα τῇ πόλει ἀπορηῆσαι τοὺς βουλομένους ἐξαμαρτεῖν δι' οὗ τοῦτο ποιήσουσιν, ἢ

32 τοῦτον ἀφειμένον αὐτοῖς ἔτοιμον ὑπάρξαι. τί γὰρ οὗτος ὀκνήσειεν ἂν, ὦ ἄνδρες Ἀθηναῖοι, τῶν ἀνηκέστων ἢ δεινῶν, ἄνθρωπος μιὰρὸς καὶ πατρικῆς ἔχθρας πρὸς τὸν δῆμον ἀνάμεστος; τίς δ' ἂν ἄλλος μᾶλλον, ὃ μὴ γένοιτ', ἀνατρέψειε τὴν πόλιν, εἰ λάβοιτ' ἐξουσίας; οὐχ ὀράθ' ὅτι τῆς φύσεως αὐτοῦ καὶ πολιτείας οὐ λογισμὸς οὐδ' αἰδῶς οὐδεμία, ἀλλ' ἀπόνοι' ἠγείται, μᾶλλον δ' ὄλον ἔστ' ἀπόνοι' ἢ τούτου πολιτεία; ἢ μέγιστον μὲν ἐστὶν αὐτῷ τῷ

[780] ἔχοντι κακόν, δεινὸν δὲ καὶ χαλεπὸν πᾶσι, πόλει δ' οὐκ ἀνεκτόν. ὃ γὰρ ἀπονενοημένος ἅπας ἑαυτὸν μὲν προεῖται καὶ τὴν ἐκ λογισμοῦ σωτηρίαν, ἐκ δὲ τοῦ παραδόξου καὶ παραλόγου, ἐὰν ἄρα σωθῆ,

33 σῶζεται. τίς ἂν οὖν εὖ φρονῶν αὐτὸν ἂν ἢ τὰ τῇ πατρίδι συμφέροντα ταύτῃ συνάψειε; τίς οὐκ ἂν εἰς ὅσον δυνατὸν φεύγοι, καὶ τὸν ἔχοντα ταύτην ἐκποδῶν ποιήσαιτο, ἵνα μηδ' ἄκων αὐτῇ ποτὲ περιπέση; οὐκ ἀπονοίας, ὦ ἄνδρες Ἀθηναῖοι, τοὺς ὑπὲρ πατρίδος βουλευομένους δεῖ ζητεῖν ὅτῳ κοινωνήσουσιν, ἀλλὰ νοῦ καὶ φρενῶν ἀγαθῶν καὶ προνοίας πολλῆς. ταῦτα μὲν γὰρ εἰς εὐδαιμονίαν ἄγει

<sup>a</sup> We have no exact equivalent for this Greek word;

ignorant that for nothing that is honourable or useful or worthy of our city is he of any use. May Zeus and all the gods grant that Athens may never be so short of real men that any honourable task should have to be performed by an Aristogeiton! We ought to pray Heaven that the occasion may never arise for which such a monster could be found useful. But should it possibly arise, it would be a greater blessing for the city that those who wish for its fall should lack the instrument of their designs than that this fellow should be released and ready to their hand. For <sup>32</sup> what fatal or dangerous act will he shrink from, men of Athens,—this polluted wretch, infected with hereditary hatred of democracy? What other man would sooner overthrow the State, if only—which Heaven forbid!—he should gain the power? Do you not see that his character and his policy are not guided by reason or by self-respect, but by recklessness? <sup>a</sup> Or rather, his policy is sheer recklessness. Now that is the very worst quality for its possessor, terribly dangerous for everyone else, and for the State intolerable. For the reckless man has lost all control of himself, all hope of rational safety, and can only be saved, if at all, by some unexpected and incalculable accident. Who, then, that is wise would bind up his <sup>33</sup> own or his country's interests with this failing? Who would not shun it as far as possible, and keep its possessor at arm's length, that he may not be involved in it even against his will? Patriotic statesmen, Athenians, ought to seek out some adviser who will contribute, not recklessness, but intelligence, sound judgement, and ample forethought; for these

"moral insanity" has been suggested. Read the XVth *Character* of Theophrastus with Jebb's commentary.

- 34 πάντας ἀνθρώπους, ἐκείνη δ' οἱ τοῦτον ἀπελθεῖν  
 δεῖ. θεωρεῖτε δὲ μὴ πρὸς τὸν ἑμὸν λόγον, ἀλλ' εἰς  
 ἅπαντα τὰ τῶν ἀνθρώπων ἔθη βλέποντες. εἰσι  
 ταῖς πόλεσιν πάσαις βωμοὶ καὶ νεῶ πάντων τῶν  
 θεῶν, ἐν δὲ τούτοις καὶ Προνοίας Ἀθηνᾶς ὡς  
 ἀγαθῆς καὶ μεγάλης θεοῦ, καὶ παρὰ τῷ Ἀπόλλωνι  
 τῷ ἐν Δελφοῖς κάλλιστος καὶ μέγιστος νεὼς εὐθύς  
 εἰσιόντι εἰς τὸ ἱερόν, ὃς ὢν θεὸς καὶ μάντις οἶδε τὸ  
 35 βέλτιστον· ἀλλ' οὐκ ἀπονοίας οὐδ' ἀναιδείας. καὶ  
 δίκης γε καὶ εὐνομίας καὶ αἰδοῦς εἰσι πᾶσιν ἀν-  
 θρώποις βωμοί, οἱ μὲν κάλλιστοι καὶ ἀγιώτατοι  
 ἐν αὐτῇ τῇ ψυχῇ ἐκάστου καὶ τῇ φύσει, οἱ δὲ  
 καὶ κοινῇ τοῖς πᾶσι τιμᾶν ἰδρυμένοι· ἀλλ' οὐκ ἀν-  
 αισχυντίας οὐδὲ συκοφαντίας οὐδ' ἐπιορκίας οὐδ'  
 ἀχαριστίας, ἃ πάντα τούτῳ πρόσσεστιν.
- 36 Οἶδα τοίνυν ὅτι τὴν μὲν ὀρθὴν καὶ δικαίαν ὁδὸν  
 τῆς ἀπολογίας οὗτος φεύξεται, ἔξωθεν δὲ κύκλω  
 [781] περίεσι λαιδορούμενος καὶ διαβάλλων καὶ ὑπ-  
 ισχνούμενος κρινεῖν, εἰσάξειν, παραδώσειν. ἔστι  
 δὲ πάντ' αὐτῷ ταῦτα, εἴανπερ ὑμεῖς ὀρθῶς ἀκούητε,  
 ἀδόκιμα. τί γὰρ οὐκ ἐξελέληγκται τούτων ἐπὶ  
 37 πάντων πολλάκις; καὶ τὰ μὲν ἄλλ' εἶσω· ἀλλ',  
 Ἀριστογέϊτον, ἐπὶ τὰ γραφὰς κέκρικάς με, τοῖς  
 ὑπὲρ Φιλίππου τότε πράττουσι σεαυτὸν μισθώσας,  
 καὶ εὐθύνας διδόντος δις κατηγορήσας. καὶ Ἀ-  
 δράστειαν μὲν ἄνθρωπος ὢν προσκυνῶ, καὶ ἔχω  
 τοῖς θεοῖς καὶ πᾶσιν ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι,  
 τοῖς σώσασί με πολλὴν χάριν· οὐδεπώποτε δ' οὐδὲν

<sup>a</sup> The goddess with a temple at the entrance to the pre-  
 cinets of Apollo at Delphi was Ἀθήνη Προναία, whom the  
 Pytho addresses at the beginning of the *Eumenides* and to  
 whom Croesus offered a golden shield (Hdt. i. 92). Perhaps

qualities conduct all men to happiness ; the other leads to that goal for which Aristogeiton is bound.

In considering this question, look not at my speech, 34 but at the general character of mankind. All our cities contain shrines and temples of all the gods, and among them is one of Athena, Our Lady of Forethought,<sup>a</sup> worshipped as a beneficent and powerful goddess, and close to the temple of Apollo at Delphi, immediately as you enter the precincts, she has a large and beautiful temple. Apollo, a god and prophet both, knows what is best. But there is no temple of Recklessness or of Shamelessness. Of 35 Justice too and Order and Modesty all men have shrines, some, the fairest and holiest, in the very heart and soul of each man, and others built for the common worship of all. But none is raised to Shamelessness or Chicanery or Perjury or Ingratitude—all qualities of the defendant.

Now I know that he will avoid the straight and 36 honest path of defence, and will take a devious course, abusing, slandering, and threatening to prosecute, arrest, imprison, and the like. But he will find all this futile, if you duly attend to the case ; for which of these tricks has not been exposed over and over again ? To pass over other occasions, seven times, 37 Aristogeiton, have you indicted me, when you had taken the pay of Philip's agents, and twice you accused me at my audit. As a mere mortal I pay my respects to Nemesis, and I am deeply grateful both to the gods and to all the citizens of Athens for their protection. But as for you, it was never once found

by popular etymology she became the goddess of Providence, under which title she is named also in Aeschines (*In Ctes.* 108). Pausanias mentions both titles (ix. 10. 2 ; x. 8. 6).

[DEMOSTHENES]

ἀληθὲς λέγων ἐφάνης, ἀλλ' αἰεὶ συκοφαντῶν ἠλέγ-  
 χου. εἰ οὖν ἀκύρους τοὺς νόμους οὗτοι ποιή-  
 σαντες ἀφώσι σε τήμερον, νῦν μ' ἐξελέγξεις; περι-  
 38 τοῦ; σκοπεῖτε γὰρ οὕτως. δὴ ἔτη βιάζεται λέ-  
 γειν οὗτος, οὐκ ἐξὸν αὐτῷ, ἀλλὰ λέγει γ' ὅμως.  
 ἔπειτ' ἐν τούτοις τὸν μὲν ταλαίπωρον Φωκίδα καὶ  
 τὸν χαλκοτύπον τὸν ἐκ Πειραιῶς καὶ τὸν σκυλό-  
 δεψον, καὶ ὅσων ἄλλων κατηγορήκε παρ' ὑμῖν, εἶδ'  
 ἀδικούντας τὴν πόλιν, ἐμὲ δ' οὐχ ἑώρα τὸν ῥήτορ',  
 ὧ ἐπολέμει, οὐδὲ τὸν Λυκοῦργον, οὐδὲ τοὺς ἄλλους,  
 περὶ ὧν αὐτίκα δὴ τὰ πόλλ' ἐρεῖ; καὶ μὴν κατ'  
 ἀμφοτέρ' ἀξιόσ' ἐστ' ἀπολωλέναι, τοῦτο μὲν, εἴ τι  
 καθ' ἡμῶν ἔχων ἀδίκημα δεικνύναι ἡμᾶς μὲν ἠφίει,  
 ἐπὶ δὲ τοὺς ἰδιώτας ἐπορεύετο, τοῦτο δ', εἰ μηδὲν  
 ἔχων ἔνεκα τοῦ παρακρούσασθαι καὶ φενακίσαι  
 39 ὑμᾶς ταῦτ' ἐρεῖ. εἰ τοίνυν ἄρα καὶ τοιοῦτός τις  
 ἐστὶν ἄνθρωπος ἐν τῇ πόλει, οἷος ἐκ παντὸς τρόπου  
 [782] τὸν κρινούντά τινος καὶ συκοφαντήσοντα ζητεῖν, εἰ  
 δὲ δικαίως ἢ ἀδίκως μηδὲν φροντίζειν, οὐδέν' ἂν  
 ἦττον εὖροι χρήσιμον ὄντ' ἢ τοῦτον ἑαυτῷ. διὰ τί;  
 ὅτι τὸν κατηγορήσοντα τῶν ἄλλων καὶ πάντας  
 κρινούντ' αὐτὸν ἀνεξέλεγκτον ὑπάρχειν δεῖ, ἵνα μὴ  
 διὰ τὴν τούτου πονηρίαν ἀποφεύγωσιν ἐκεῖνοι.  
 τούτου δ' οὔτε πλειόνων οὔτε μειζόνων ἀμαρτη-  
 40 μάτων οὐδεὶς μᾶλλον ἐστὶ μεστός ἐν τῇ πόλει. τί  
 οὖν οὗτός ἐστι; κύων νῆ Δία, φασὶ τινες, τοῦ  
 δήμου. ποδαπός; οἷος οὗς μὲν αἰτιᾶται λύκους  
 εἶναι μὴ δάκνειν, ἃ δὲ φησι φυλάττειν πρόβατ'

that you had spoken the truth ; you were always convicted of chicanery. If, then, these gentlemen make the laws invalid by acquitting you to-day, will you convict me now ? On what charge ? I ask the jury to reflect. For two years he has been asserting his claim to address you, though it is illegal for him to do so ; but he speaks all the same. All that time he saw the State injured by the wretched Phocides, by the coppersmith from Peiraeus, by the tanner, and by all the others whom he has accused in your courts ; but had he no eyes for me, the orator with whom he was at open war, or for Lycurgus, or for the other orators about whom he will have so much to say presently ? Yet either way he deserves death ; in the one case, if he had a charge against us that he could prove, but passed it over to assail private citizens, or on the other hand, if he has no charge against us, but wants to deceive and hoodwink you by his statements. If there really is in our city a man whose disposition prompts him diligently to search for someone ready to accuse and blackmail others, but who does not trouble himself about the justice or injustice of the charges, he could not find an agent less fitted for his purpose than the defendant. And why ? Because one who is prepared to accuse others and bring them all to trial, ought to be himself unimpeachable, so that his victims may not escape through his own wickedness. But no one in the city has a record of more numerous and more serious crimes than the defendant.

Now what is the defendant ? “ He is the watch-dog of the democracy,” cry his friends. Yes, but what sort of dog ? One that never snaps at those whom he accuses of being wolves, but himself devours

αὐτὸς κατεσθίειν. τίνα γὰρ τῶν ῥητόρων οὗτος εἵργασται τι κακὸν τοσοῦτον ἤλικον τοὺς ἰδιώτας, περὶ ὧν ψηφίσματα γράψας ἔάλω; τίνα δ', ἐξ οὗ νῦν πάλιν λέγει, κέκρικεν ῥήτορα; οὐδένα· ἀλλ' ἰδιώτας πολλούς. ἀλλὰ μὴν τοὺς γενομένους κύνας τῶν προβάτων κατακόπτειν φασὶ δεῖν, ὥστ' οὐκ  
 41 ἂν φθάνοι κατακοπτόμενος. οὐδέν, ὦ ἄνδρες Ἀθηναῖοι, χρήσιμός ἐστιν ὧν φησίν, ἀλλ' οὗτος πράγμα' ἑώρακεν μιαρὸν καὶ ἀναιδές. λοιδορούμενος γὰρ ἐν ταῖς ἐκκλησίαις καὶ προπετῶς ἅπασι προσκρούων, ὧν ἂν ἐκ τούτων ἀθρόους πάντας ὑμᾶς ἐκεῖ παρακρούσῃται, τούτων καταβὰς καθ' ἓν ὑμῶν παρ' ἐκάστου δίκην λαμβάνει, συκοφαντῶν, αἰτῶν, εἰσπράττων ἀργύριον, οὐχὶ μὰ Δία τοὺς λέγοντας (οὔτοι μὲν γὰρ ἐπίστανται τούτῳ διαβαπτίζεσθαι), ἀλλὰ τοὺς ἰδιώτας καὶ τοὺς ἀπείρους· ἴσασι δ' οἱ πεπληγ-  
 42 μένοι. ἀλλὰ νῆ Δία ταῦτα μὲν οὕτως ἔχειν ὁμολογήσετε, χρήσιμον δ' ἄνθρωπον τῇ πόλει κρίνειν,  
 [783] ὥστε πάντα ταῦτα παριδόντας δεῖν αὐτὸν σώζειν. ἀλλ' ὧν ἔργῳ πείραν εἰλήφατ', ὦ ἄνδρες Ἀθηναῖοι, μηδέποτ' ἐκ λόγου ταῦτα σκοπεῖσθε. οὗτος ὑμῖν οὐχὶ προσῆλθε πέντ' ἐτῶν, ὧν ἐτιμήθη μὴ λέγειν αὐτῷ. τίς οὖν ἐν τούτῳ τῷ χρόνῳ τοῦτον ἐπόθησε; τί τῶν τῆς πόλεως ἔλλειφθὲν διὰ τὴν ἀπουσίαν εἶδε τὴν τούτου; τί δ', ἀφ' οὗ νῦν λέγει, βέλτιον γεγονός; ἐμοὶ μὲν γὰρ δοκεῖ τούναντίον, ὃν μὲν οὐ προσῆει χρόνον ὑμῖν, ἀναπαύσασθαι τῶν κακῶν ἢ

<sup>a</sup> Editors confess themselves unable to understand the drift of this sentence.



the sheep he pretends to guard. To which of the orators has he done so much harm as to the private citizens against whom he has been convicted of moving unlawful decrees? What statesman has he brought to trial, since he again took to public speaking? Not a single one—but plenty of private citizens. But they say that dogs who taste mutton ought to be cut to bits; so the sooner he is cut up the better.

Men of Athens, he serves no purpose that he <sup>41</sup> claims to serve, but he has turned his attention to an abominable and disgusting trick. In the Assembly he recklessly abuses and attacks all alike, and for all the misrepresentations that he thus foists upon you collectively, he gets his remuneration from each of you separately, when he descends from the platform, by threatening prosecution and by demanding and extorting money.<sup>a</sup> Not from the orators, you may be sure: they know how to throw mud back at him: but from the inexperienced private citizens, as those know who have felt his blows.

But perhaps, while admitting the truth of this, you <sup>42</sup> will say that you consider him a useful servant of the State, so that we must overlook all this and spare him. Men of Athens, when you have had practical experience of something, you should never take a merely theoretical view of it. This man had no dealings with you in the five years when he was deprived of the right to address you. Well, who in all that time regretted him? What neglect of the city's interests has anyone observed in consequence of his absence, or what improvement now that he is allowed to speak? On the contrary, it seems to me that as long as he did not come before you, the city

πόλις ὧν ἅπασιν οὗτος παρέίχεν, ἀφ' οὗ δὲ πάλιν δημηγορεῖ, πολιορκεῖσθαι, λόγους στασιώδεις καὶ ταραχώδεις ἐν ἀπάσαις ἀεὶ ταῖς ἐκκλησίαις λέγοντος τούτου.

- 43 Βούλομαι τοίνυν καὶ παρακινδυνευτικοῦ τινὸς ἄψασθαι λόγου καὶ διαλεχθῆναι τοῖς διὰ ταῦτα φιλοῦσιν αὐτόν· οὓς ὁποίους μὲν τινὰς χρῆ νομίζειν, αὐτοὶ σκοπεῖσθε, ἐγὼ δ' οὐδὲν ἂν εἴποιμι, πλὴν ὅτι γ' οὐ σωφρονοῦσι προσνέμοντες αὐτοὺς τούτῳ. τῶν μὲν οὖν ἐν τῷ δικαστηρίῳ νῦν ὄντων ὑμῶν οὐδέν' εἶναι τοιοῦτον τίθεμαι· καὶ γὰρ δίκαιον, ὧ ἄνδρες Ἀθηναῖοι, καὶ καλὸν καὶ συμφέρον οὕτω
- 44 καὶ λέγειν ἐμὲ καὶ φρονεῖν περὶ ὑμῶν. ἐκ δὲ τῶν ἄλλων πολιτῶν, ἵν' ὡς εἰς ἐλαχίστους τὴν βλασφημίαν ἀγάγω, τὸν μαθητὴν, εἰ δὲ βούλεσθε, τὸν διδάσκαλον αὐτοῦ, Φιλοκράτην τὸν Ἐλευσίνιον, μόνον εἶναι τοιοῦτον τίθεμαι, οὐχ ὡς οὐχὶ πλειόνων ὄντων (ὧφελε γὰρ μηδεὶς ἄλλος Ἀριστογείτονι χαίρειν), ἀλλ' ὃ καθ' ὑμῶν ὡς ὄνειδος ὀκνῶ λέγειν, οὐδὲ τῶν ἄλλων πολιτῶν δίκαιός εἰμι δημοσίᾳ κατηγορεῖν· εἶτα καὶ ταῦτ' οὕτως ποιήσει καὶ πρὸς ἓνα
- 45 ῥηθεὶς ὁ λόγος. τὸ μὲν οὖν ἐξετάζειν ἀκριβῶς οἷον ἀνάγκη τὴν φύσιν εἶναι τὸν Ἀριστογείτονι χαίροντα, ἑάσω, ἵνα μὴ πολλὰ καὶ βλάσφημ' ἀναγκάζωμαι λέγειν καὶ διεξιέναι· ἀλλ' ἐκείνο
- [784] λέγω. εἰ πονηρὸς ἐστὶν Ἀριστογείτων ἀπλῶς καὶ πικρὸς καὶ συκοφάντης καὶ τοιοῦτος οἷος ὑπισχνεῖται, δίδωμι, συγχωρῶ, Φιλόκρατες, σοὶ τῷ τοιούτῳ τὸν ὅμοιον σώζειν· τῶν γὰρ ἄλλων ἀπάντων καὶ φρονούντων ἃ δεῖ καὶ φυλαττόντων τοὺς νόμους, οὐδὲν ἂν παρὰ τοῦτ' οἶμαι γενέσθαι.
- 46 εἰ δὲ κάπηλός ἐστιν πονηρίας καὶ παλιγκάπηλος

had respite from the troubles that he caused to everyone, but since he started his harangues again, Athens is in a state of siege from the factious and unruly speeches that he delivers at every meeting of the Assembly.

I will now trench upon a dangerous topic and offer 43 some remarks to those who, for these reasons, admire him. How such persons ought to be regarded, you shall judge for yourselves; I will say nothing myself, except that they are not wise in taking his part. Now of you who are here in court, I assume that this does not apply to any: it is only fair, men of Athens, and honourable and proper that I should both say and think that of you. But of the rest of our 44 citizens—to confine the reproach to as few as possible—his pupil, or, if you like, his teacher, Philocrates of Eleusis, is the only one whom I account as such, not as if there were not more (for I would that no one else found satisfaction in Aristogeiton), but I have no right publicly to bring a charge against other citizens which I shrink from bringing against you. Moreover the argument, though it applies to one man alone, will have the same force.

I will not discuss too minutely what character we 45 must assign to an admirer of Aristogeiton, for fear lest I should be committed to a long tirade of vituperation. But one thing I will say. If Aristogeiton is in plain language a rascally and malicious blackmailer, the sort of man in fact that he professes to be, then you have my hearty consent, Philocrates, to support one who so closely resembles you; because, if everyone else does his duty and upholds the law, I do not think that your attitude will produce any effect. But if he is a jobber and pedlar and retail-dealer in 46

- καὶ μεταβολεύς, καὶ μόνον οὐ ζυγὰ καὶ στάθμ' ἔχων πάνθ' ὅσα πώποτ' ἔπραξεν ἐπώλει, τί τοῦτον, ὦ μάται', ἀκονᾶς; οὔτε γὰρ μαγεῖρῳ μαχαίρας οὐδέν ἐστ' ὄφελος δῆπουθεν ἤτις μὴ τέμνει, οὔτε τῷ βουλομένῳ δι' αὐτοῦ πᾶσι πράγματα καὶ κακὰ γίνεσθαι, ὁ ταῦτ' ἀποδωσόμενος συκοφάντης
- 47 οὐδέν ἐστι χρήσιμος. ἀλλὰ μὴν ὅτι τοιοῦτος οὗτός ἐστιν, εἰδότε σοι φράσω. τὴν καθ' Ἡγήμονος εἰσαγγελίαν μέμνησαι ὡς ἀπέδοτο· τὰς κατὰ Δημάδου γραφὰς οἶσθ' ὡς ἐξέλιπεν. τὸν ἐλαιοπώλην Ἀγάθωνα (ταυτὶ γὰρ τὰ πρῶην) βοῶν καὶ κεκραγῶς καὶ ἰοῦ ἰού, πάντ' ἄνω τε καὶ κάτω ποιῶν ἐν ταῖς ἐκκλησίαις ὡς δέον στρεβλοῦν, λαβὼν ὅτιδήποτε, παρῶν ὅτ' ἠφίετο, ἄφωνος ἐγένετο. τὴν κατὰ Δημοκλέους εἰσαγγελίαν ἀνασείσας ποῖ ἔτρεψεν; ἄλλα μυρία, ὧν ἐμοὶ μὲν ἔργον ἀπάντων μνησθῆναι, σὺ δ' εὖ οἶδ' ὅτι καὶ
- 48 τὰντίγραφ' αὐτῶν ἔχεις, ἐργολαβῶν αὐτῷ. τίς οὖν ὁ τὸν τοιοῦτον σώσων ἢ πονηρὸς ἢ χρηστός; ἢ διὰ τί; τῶν μὲν γὰρ ὁμοίων προδότης, τῶν δὲ χρηστῶν ἐχθρὸς ἐκ φύσεως καὶ γένους· πλὴν εἰ συκοφάντου τις καὶ πονηροῦ σπέρμα καὶ ρίζαν, ὡσπερανεὶ γεωργός, οἶεται δεῖν ὑπάρχειν τῇ πόλει.
- [785] τοῦτο δ' οὐ καλόν, ὦ ἄνδρες Ἀθηναῖοι, νομίζω δὲ μὰ τοὺς θεοὺς οὐδ' ὅσιον· οὐδὲ γὰρ τοὺς προγόνους ὑπολαμβάνω τὰ δικαστήρια ταῦθ' ὑμῖν οἰκοδομῆσαι, ἵνα τοὺς τοιούτους ἐν αὐτοῖς μοσχεύητε, ἀλλὰ τούναντίον ἴν' ἀνείργητε καὶ κολάζητε καὶ μηδεὶς ζηλοῖ μηδ' ἐπιθυμῇ κακίας.
- 49 Δυσκατάπαυστον δέ τι κινδυνεύει πράγμ' εἶναι

wickedness, if he has all but sold by scale and balance every action of his whole life, why, you silly fellow, do you egg him on? Surely a cook has no use for a knife that does not cut, and in the same way a man who wants by his own efforts to cause trouble and annoyance to everybody has no use for a blackmailer who is ready to sell such services. That, I may tell <sup>47</sup> you, is the sort of man the defendant is, though you know it already. You remember how he sold the impeachment of Hegemon. You know how he threw up his brief against Demades. At the trial of Agathon, the olive-merchant, a day or two ago, he bellowed and ranted and cried "Ha-ha!" and threw the Assembly into confusion, saying it was a case for the rack; and after pocketing some trifle or other, though he was present at his acquittal, he kept his mouth shut. He held the threat of impeachment over Democles' head, and what did he make of it? There are thousands of other cases. I should find it a task to mention them all, but *you*, who were his jackal, must have notes of them. Then what man, <sup>48</sup> be he good or bad, wants to spare such a fellow? Why spare one who is the betrayer of those who resemble him, and the foe, by instinct and by inheritance, of good men; unless one thinks that the State should preserve, as a farmer might do, the seed and stock of the blackmailer and rascal? But that would be a disgrace, men of Athens; yes, by Heaven! and I account it an impiety too. I cannot believe that your ancestors built you these law-courts as a hotbed for rogues of this sort, but rather to enable you to check and chastise them, until no man shall admire or covet vice.

Depravity may prove a difficult thing to check. <sup>49</sup>

πονηρία. ὅπου γὰρ Ἀριστογοείτων ἐπὶ τοῖς ὁμο-  
 λογημένοις ἀδικήμασι κρίνεται καὶ οὐκ ἀπόλωλε  
 πάλαι, τί χρὴ ποιεῖν ἢ λέγειν; ὃς εἰς τοῦθ' ἦκε  
 πονηρίας, ὥστ' ἐνδεδειγμένος ἤδη βοῶν, συκο-  
 φαντῶν, ἀπειλῶν οὐκ ἐπαύετο, οἷς μὲν ὑμεῖς τὰ  
 μέγιστ' ἐνεχειρίζετε στρατηγοῖς, ὅτι αὐτῷ ἀρ-  
 γύριον αἰτοῦντι οὐκ ἔδοσαν, οὐδὲ τῶν κοπρῶνων  
 50 ἂν ἐπιστάτας ἐλέσθαι φάσκων, οὐκ ἐκείνους  
 ὑβρίζων, οὐ (ἐκείνοις μὲν γὰρ ἐξῆν μικρὸν ἀργύριον  
 δοῦσι τούτῳ μὴ ἀκούειν ταῦτα), ἀλλὰ τὴν ὑμετέραν  
 χειροτονίαν προπηλακίζων καὶ τῆς αὐτοῦ πονηρίας  
 ἐπίδειξιν ποιούμενος, τὰς δὲ κληρωτὰς ἀρχὰς σπα-  
 ράττων, αἰτῶν, εἰσπράττων ἀργύριον, τί κακῶν  
 οὐ παρέχων; τὰ τελευταῖα δὲ ταυτὶ πάντας εἰς  
 ταραχὴν καὶ στάσιν ἐμβαλλεῖν ζητήσας, γράμματ'  
 ἐκτιθεῖς ψευδῆ, ὅλως δ' ἐπὶ τῷ πάντων κακῷ  
 πεφυκῶς, καὶ πρόδηλος ὢν ὅτι τοιοῦτός ἐστι τῷ  
 51 βίῳ. σκοπεῖτε γάρ. εἰσὶν ὁμοῦ δισμύριοι πάντες  
 Ἀθηναῖοι. τούτων ἕκαστος ἔν γέ τι πράττων  
 κατὰ τὴν ἀγορὰν περιέρχεται, ἤτοι τὸν Ἡρακλέα  
 τῶν κοινῶν ἢ τῶν ἰδίων. ἀλλ' οὐχ οὗτος οὐδέν,  
 οὐδ' ἂν ἔχοι δεῖξαι πρὸς ὅτῳ τὸν βίον ἐστὶ τῶν  
 μετρίων ἢ καλῶν. οὐχὶ τῶν πολιτικῶν ἀγαθῶν  
 [786] ἐπ' οὐδενὶ τῇ ψυχῇ διατρίβει· οὐ τέχνης, οὐ γεωρ-  
 γίας, οὐκ ἄλλης ἐργασίας οὐδεμιᾶς ἐπιμελεῖται·  
 οὐ φιλανθρωπίας, οὐχ ὁμιλίας οὐδεμιᾶς οὐδενὶ  
 52 κοινωνεῖ· ἀλλὰ πορεύεται διὰ τῆς ἀγορᾶς, ὥσπερ  
 ἔχισ ἢ σκορπιος ἠρκῶς τὸ κέντρον, ἄττων δεῦρο  
 κἀκείσε, σκοπῶν τίνι συμφορὰν ἢ βλασφημίαν ἢ  
 κακόν τι προστριψάμενος καὶ καταστήσας εἰς  
 φόβον ἀργύριον πράξεται. οὐδὲ προσφοιτᾷ πρὸς τι

When Aristogeiton, for acknowledged misdeeds, is only now on his trial and has not been put to death long ago, what is one to do or say? His wickedness has reached such a pitch that after information had been laid against him, he did not cease to bluster and blackmail and threaten; and because the generals, to whom you have entrusted the most important interests, refused to give him money, he said that they did not deserve to be appointed inspectors of latrines. This affront did not touch the generals—no, for they 50 could have silenced his abuse by paying him a trifling sum, but it was a gross insult to your action as electors and a proof of his own depravity. The officials chosen by lot he worried with his demands, extorting money from them and sparing them no insult. And now his latest exploit is to stir up confusion and dissension among us all by publishing false letters, for he was born to be the bane of all men, and his character is clearly shown by his life.

Just consider. There are something like twenty thousand citizens in all. Every single one of them 51 frequents the market-place on some business (you may be sure), either public or private. Not so the defendant. He cannot point to any decent or honourable business in which he has spent his life; he does not use his talents in the service of the State; he is not engaged in a profession or in agriculture or in any other business; he takes no part in any charitable or social organization: but he makes his way through 52 the market-place like a snake or a scorpion with sting erect, darting hither and thither, on the look-out for someone on whom he can call down disaster or calumny or mischief of some sort, or whom he can terrify till he extorts money from him. He never

τούτων τῶν ἐν τῇ πόλει κουρείων ἢ μυροπωλίων ἢ τῶν ἄλλων ἐργαστηρίων οὐδὲ πρὸς ἓν· ἄλλ' ἄσπειστος, ἀνίδρυτος, ἄμεικτος, οὐ χάριν, οὐ φιλίαν, οὐκ ἄλλ' οὐδὲν ὧν ἄνθρωπος μέτριος γινώσκων· μεθ' ὧν δ' οἱ ζωγράφοι τοὺς ἀσεβεῖς ἐν "Αἰδου γράφουσιν, μετὰ τούτων, μετ' ἀρᾶς καὶ βλασφημίας καὶ φθόνου καὶ στάσεως καὶ νείκους, 53 περιέρχεται. εἶθ' ὄν οὐδὲ τῶν ἐν "Αἰδου θεῶν εἰκὸς ἔστιν τυχεῖν ἴλεων, ἀλλ' εἰς τοὺς ἀσεβεῖς ὠσθῆναι διὰ τὴν πονηρίαν τοῦ βίου, τοῦτον ὑμεῖς ἀδικοῦντα λαβόντες οὐ μόνον οὐ τιμωρήσεσθε, ἀλλὰ καὶ μειζόνων ἀξιώσαντες δωρεῶν ἀφήσεται ἢ τοὺς εὐεργέτας; τίτι γὰρ πώποθ' ὑμεῖς ἔδοτε, εἰ ὄφλη τι τῷ δημοσίῳ, τοῦτο μὴ καταθέντι τῶν ἴσων μετέχειν; οὐδενί. μὴ τοίνυν μηδὲ τούτῳ δώτε νῦν, ἀλλὰ τιμωρήσασθε καὶ παράδειγμα ποιήσατε τοῖς ἄλλοις.

54 "Αξιον δ' ἔστιν, ὧ ἄνδρες Ἀθηναῖοι, καὶ τὰ λοιπ' ἀκοῦσαι· δεινῶν γὰρ ὄντων, οὐ μὲν οὖν ἐχόντων ὑπερβολήν, ὧν ἠκούσατ' ἄρτι λέγοντος Λυκούργου, τὰ λοιπ' ἐνάμιλλα τούτοις καὶ τῆς αὐτῆς φύσεως εὐρεθήσεται. πρὸς μὲν γὰρ τῷ τὸν πατέρ' ἐν τῷ δεσμωτηρίῳ προδοῦς ἀπελθεῖν ἐξ [787] Ἐρετρίας, ὡσπερ ἠκούσατε Φαίδρου, ἀποθανόνθ' ὁ ἀσεβῆς οὗτος καὶ μιαρὸς οὐκ ἔθαιψεν, οὐδὲ τοῖς θάψιασι τὴν ταφήν ἀπέδωκεν, ἀλλὰ καὶ δίκην πρὸς 55 ἔλαχεν. πρὸς δὲ τῷ τῆς μητρὸς μὴ ἀπεσχῆσθαι τῷ χεῖρε, ὡσπερ ἀρτίως ἠκούσατε τῶν μαρτύρων, καὶ τὴν ἀδελφὴν τὴν ἑαυτοῦ, οὐχ ὁμοπατρίαν μὲν, θυγατέρα δ' ἐκείνης ὅπως ὅποτε γενομένην, ἐῷ γὰρ τοῦτ', ἀλλ' ἀδελφὴν γε, ἐπ' ἐξαγωγῇ ἀπέδοτο, ὡς φησι τὸ ἔγκλημα τῆς δίκης, ἣν ὑπὲρ τούτων 548



calls at the barber's or the perfumer's or any other shop in the city. He is implacable, restless, unsociable ; he has no charity, no friendliness, none of the feelings of a decent human being ; he is attended by those companions whom painters couple with the damned souls in hell—by Malediction, Evil-speaking, Envy, Faction, Dissension. This man, then, who is 53 likely to find no mercy from the powers below, but to be thrust out among the impious for the depravity of his life—this man, when you have caught him doing wrong, will you not only decline to punish, but actually dismiss him with greater rewards than you would bestow on your benefactors ? For what defaulter to the treasury have you ever allowed to enjoy full rights, unless he paid his debt ? Not one ! Then do not grant this favour to the defendant now, but punish him and make him a warning to the others.

The sequel too, men of Athens, is worth hearing. 54 What you have just heard from Lycurgus is serious, or, rather, impossible to exaggerate, but the rest will be found to rival it and to be of the same character. Not content with abandoning his father in prison when he quitted Eretria, as you have heard from Phaedrus, this unnatural ruffian refused to bury him when he died, and would not refund the expenses to those who did bury him, but actually brought a lawsuit against them. Not content with offering violence 55 to his mother, as you have just heard from witnesses, he actually sold his own sister—not indeed a sister by the same father, but his mother's daughter, whatever her parentage (for I pass that by)—yes, sold his sister for export, as is stated in the indictment of the action which was brought against him on these grounds by

ἔλαχ' αὐτῷ ὁ χρηστός ἀδελφὸς οὐτοσί, ὁ νῦν  
 56 συναπολογησόμενος. πρὸς δὲ τούτοις τοιούτοις  
 οὔσιν ἕτερον δεινόν, ὦ γῆ καὶ θεοί, πρᾶγμ' ἀκού-  
 σεσθε. ὅτε γὰρ τὸ δεσμωτήριον διορύξας ἀπέδρα,  
 τότε πρὸς γυναῖκά τιν' ἔρχεται Ζωβίαν ὄνομα, ἣ  
 ἐτύγχανεν, ὡς ἔοικε, κεχρημένος ποτέ· καὶ κρύπτει  
 καὶ διασώζει τὰς πρώτας ἡμέρας αὐτὸν ἐκείνη, ἃς  
 ἐζήτουν καὶ ἐκήρυττον οἱ ἔνδεκα, καὶ μετὰ ταῦτα  
 δοῦσα δραχμὰς ὀκτὼ ἐφόδιον καὶ χιτωνίσκον καὶ  
 57 ἰμάτιον ἐξέπεμψεν εἰς Μέγαρα. ταύτην τὴν ἄνθρω-  
 πον, τὴν τοιαυτ' εὐεργετήσασαν αὐτόν, ὡς πολὺς  
 παρ' ὑμῖν ἔπνει καὶ λαμπρός, μεμφομένην τι καὶ  
 τούτων ὑπομιμνήσκουσαν καὶ ἀξιούσαν εὖ παθεῖν, τὸ  
 μὲν πρῶτον ραπίσας καὶ ἀπειλήσας ἀπέπεμψ' ἀπὸ  
 τῆς οἰκίας, ὡς δ' οὐκ ἐπαύεθ' ἡ ἄνθρωπος, ἀλλὰ  
 γυναίου πρᾶγμ' ἐποίει καὶ πρὸς τοὺς γνωρίμους  
 προσιοῦσ' ἐνεκάλει, λαβὼν αὐτὸς αὐτοχειρία πρὸς  
 τὸ πωλητηρίον τοῦ μετοικίου ἀπήγαγε· καὶ εἰ μὴ  
 [788] κείμενον αὐτῇ τὸ μετοίκιον ἔτυχεν, ἐπέπρατ' ἂν  
 58 καὶ ταῦθ' ὡς ἀληθῆ λέγω, κάλει μοι τὸν τὴν ταφὴν  
 τοῦ πατρὸς οὐκ ἀπειληφότα, καὶ τὸν τῆς δίκης  
 δαιτητήν, ἣν ὑπὲρ τῆς πράσεως τῆς ἀδελφῆς  
 ἔλαχ' αὐτῷ οὐτοσί, καὶ τὸ ἔγκλημα φέρε. κάλει  
 δέ μοι πρῶτον πάντων τὸν τῆς Ζωβίας προστάτην,  
 τῆς ὑποδεξαμένης αὐτόν, καὶ τοὺς πωλητάς, πρὸς  
 οὓς ἀπήγαγεν αὐτήν. ὑμεῖς δ' ἠγανακτεῖτ' ἀρτίως  
 εἰ τῶν τὸν ἔρανον φερόντων εἰς τὴν σωτηρίαν αὐτῷ

his good brother here, who in the present action will help to defend him.

All this is bad enough, Heaven knows ; but you 56 shall hear another dreadful performance. On the occasion when he broke prison and ran away, he visited a certain woman named Zobia, with whom he had probably cohabited at one time. She kept him in safe hiding during the first few days, when the police were searching and advertising for him, and then she gave him eight drachmas journey-money and a tunic and a cloak and packed him off to Megara. When this same woman, who had been such a bene- 57 factress, complained to him, seeing that he was giving himself airs and making a great show here among you, and when she reminded him of her services and claimed some recompense, on the first occasion he cuffed her and threatened her and turned her out of his house. But when she persisted and, woman-like, went about among her acquaintance with complaints of his conduct, he seized her with his own hands and dragged her off to the auction-room at the aliens' registry, and if her tax had not happened to be duly paid, she would have been put up for sale, thanks to this man who owed his safety to her. To 58 prove the truth of this statement, please call the man who buried the defendant's father without payment, and also the arbitrator in the action which the witness here in court brought against him for the sale of his sister, and produce the indictment. But first of all please summon the protector of Zobia, who gave him shelter, and the sale-commissioners before whom he carried her. You yourselves just now expressed your indignation at his accusing the man who had con-

[DEMOSTHENES]

κατηγορεί. μιάρόν, μιάρόν, ὦ ἄνδρες Ἀθηναῖοι, τὸ θηρίον καὶ ἄμεικτον. λέγε τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

- 59 Τίς οὖν ἱκανὴ κατὰ τοῦ τοσαῦτα καὶ τοιαῦτα πεποιηκόςτος γένοιτ' ἂν δίκη; τίς ἀξία τιμωρία; θάνατος μὲν γὰρ ἔμοιγε μικρὰ φαίνεται.
- 60 Ἐν τοίνυν εἰπὼν ἔτι τῶν ἰδίων αὐτοῦ πονηρευμάτων τὰ λοιπὰ ἔάσω. πρὶν γὰρ ἐξελθεῖν ἐκ τοῦ δεσμοτηρίου, ἐμπεσόντος ἀνθρώπου τινὸς Ταναγραίου πρὸς κατεγγύην, γραμματεῖον ἔχοντος, προσελθὼν καὶ λαλῶν ὀτιδῆποθ' ὑφαιρεῖται τὸ γραμματεῖον. αἰτίωμένου δὲ καὶ δεινὰ ποιούντος τὰνθρώπου, καὶ λέγοντος ὅτι οὐδεὶς ἄλλος ὑφῆρηται, εἰς τοῦτ' ἀφικνεῖται βδελυρίας ὥστε τύπτειν ἐπεχείρησε τὸν
- 61 ἄνθρωπον. νεαλῆς δὲ καὶ πρόσφατος ὢν ἐκείνος περιῆν αὐτοῦ τεταριχευμένου καὶ πολὺν χρόνον ἐμπεπτωκόςτος. ὡς δ' εἰς τοῦθ' ἦκεν, ἀπεσθίει τὴν ρῖνα τὰνθρώπου. καὶ τότε μὲν περὶ τὴν γεγυῖαν συμφορὰν ἄνθρωπος γενόμενος ἀπέστη τοῦ τὸ γραμματεῖον ἐρευνᾶν [καὶ ζητεῖν]. ὕστερον δ' εὐρίσκουσι τὸ γραμματεῖον ἐν κιβωτίῳ τινί, οὗ
- [789] τὴν κλεῖν οὗτος εἶχεν. καὶ μετὰ ταῦτα ψηφίζονται περὶ αὐτοῦ ταῦθ' οἱ ἐν τῷ οἰκῆματι, μὴ πυρός, μὴ λύχνου, μὴ ποτοῦ, μὴ βρωτοῦ μηδενὸς μηδένα τούτῳ κοινωεῖν[, μὴδὲ λαμβάνειν, μὴδ' αὐτὸν
- 62 τούτῳ διδόναι]. καὶ ὅτι ταῦτ' ἀληθῆ λέγω, κάλει μοι τὸν ἄνθρωπον οὗ τὴν ρῖν' ὁ μιάρὸς οὗτος ἐσθίων κατέφαγεν.

tributed towards his defence. Athenians, he is an unclean beast ; his touch is pollution. Read the depositions.

[*The depositions are read*]

What penalty is adequate for a man who has 59 committed such offences? What retribution does he deserve? To my thinking death is too light a sentence.

One more instance, then, of his private crimes, and 60 I will pass over the rest. Before Aristogeiton was released, a man of Tanagra was thrown into the prison until he could find bail. Aristogeiton accosts him and, while chatting on some topic or other, filches the pocket-book that he had on him ; and when the man charged him with the theft and made a to-do about it, saying that no one else could have taken it, he so far forgot all decency that he tried to strike him. But the Tanagran, a fresh-caught fish, was getting 61 the better of the defendant, who was thoroughly pickled, having been long in gaol. So when it came to this, he swallows the other man's nose. Then the unfortunate victim of this outrage abandoned the search for his pocket-book, which was afterwards found in a chest of which the defendant possessed the key. After that the inmates of the prison passed a resolution not to share fire or light, food or drink with him, not to receive anything from him, not to give him anything. To prove the truth of my statements, 62 please call the man whose nose this monster bit off and swallowed.

## ΜΑΡΤΥΡΙΑ

Καλῶν γ' ἔργων ὁ ῥήτωρ δημιουργὸς ὑμῖν γέγονεν. ἄξιόν γ' ἐκ τοῦ τοιαῦτα πεποιηκόςτος στόματος λόγον ἢ συμβουλήν τιν' ἀκούσαι. ἀνάγνωθι δὴ καὶ τουτὶ τὸ καλὸν περὶ αὐτοῦ δόγμα.

## ΔΟΓΜΑ

63 Εἴτ' οὐκ αἰσχύνεσθ', ὦ ἄνδρες Ἀθηναῖοι, εἰ οἱ μὲν ἐπὶ πονηρίᾳ καὶ τοῖς ἐσχάτοις ἐμπεπτωκότες εἰς τὸ οἴκημα τοσοῦτῳ τοῦτον ἠγγήσανθ' ἑαυτῶν εἶναι πονηρότερον ὥστ' ἄμεικτον ἑαυτοῖς καταστήσῃαι, ὑμεῖς δ' ἐξεληλακότων τῶν νόμων αὐτὸν ἐκ τῆς πολιτείας εἰς ὑμᾶς αὐτοὺς καταμείξετε; τί τῶν πεπραγμένων ἢ βεβιωμένων ἐπαινέσαντες; ἢ τί τῶν πάντων οὐχὶ δυσχεράναντες; οὐκ ἀσεβής; οὐκ ὠμός; οὐκ ἀκάθαρτος; οὐ συκοφάντης;

64 Ἄλλ' ὅμως τοιαῦτα ποιῶν καὶ τοιοῦτος ὢν, ἐν ἀπάσαις αἰεὶ βοᾷ ταῖς ἐκκλησίαις " ἐγὼ μόνος εὖνους ὑμῖν· πάντες οὗτοι συνεστᾶσι· προδέδοσθε· ἢ παρ' ἐμοὶ μόνον εὖνοια λοιπή." βούλομαι δὴ τὴν σφοδρὰν καὶ μεγάλην εὖνοϊαν αὐτοῦ ταύτην ἐξετάσαι, πόθεν ἐστὶ καὶ ἐκ τίνος αὐτῷ γεγонуῖα, ἢν' εἰ μὲν ἐστὶ τοιαύτη, χρῆσθ' αὐτῇ καὶ πιστεύητε, εἰ δὲ μή, φυλάττησθε. πότερον γάρ, ὅτι τοῦ πατρὸς αὐτοῦ θάνατον κατέγνωτε καὶ τὴν μητέρ' [αὐτοῦ] 65 [790] ὀφλοῦσαν ἀποστασίῳ ἀπέδοσθε, διὰ ταῦτ' αὐτὸν ὑμῖν εὖνουν ὑπολαμβάνετ' εἶναι; ἀλλ' ἄτοπον νῆ τὸν Δία καὶ θεοὺς τοῦτό γε. εἰ μὲν γὰρ εὖνους ἐστὶν ἐκείνοις καὶ τὸν τῆς φύσεως διασώζει νόμον,

[*The witness is called*]

What a fine performance for your popular orator ! What a privilege to hear words of wisdom from a man with such a record as this ! Now read also the precious resolution that was passed about him.

[*The resolution is read*]

Are you not ashamed then, men of Athens, if the 63 men who had been thrown into prison for villainy and vice thought him so much more villainous than themselves that they forbade all intercourse with him, while you are ready to admit him to intercourse with yourselves, though the laws have placed him outside the pale of the constitution ? What did you find to commend in his life or conduct ? Which of all his actions has failed to move your indignation ? Is he not impious, blood-thirsty, unclean, and a black-mailer ?

And yet, in spite of his performances and his 64 character, he misses no opportunity in the Assembly of bellowing, " I, only I, am your sincere well-wisher. All these others are in a cabal. You are betrayed. My patriotism is all you have left." I should like to examine the source and origin of this great and wonderful patriotism of his, so that, if it is as he says, you may trust it and benefit by it ; but if not, that you may be on your guard. Because you condemned 65 his father to death and sold his mother when she was found guilty of defrauding her emancipator, do you suppose that that makes him well-disposed to you ? By Zeus and all the gods, that is absurd. For if he is well-disposed towards father and mother, and so observes the great law of nature, which is laid down

- ὅς καὶ ἀνθρώποις καὶ θηρίοις εἰς καὶ ὁ αὐτὸς ἅπασιν  
 66 ὄρισται, στέργειν τοὺς γονέας, κακόνους ἐστὶν τοῖς  
 ἐκείνους ἀπολωλεκόσιν δῆλον ὅτι καὶ νόμοις καὶ  
 πολιτεία τῇ τούτων· εἰ δὲ μηδένα τούτων ὑπόλογον  
 ποιεῖται, ἡδέως ἂν εἰδείην τίς ἐστὶν ὁ τὴν πρὸς τοὺς  
 γονέας εὐνοίαν ὀρῶν προδεδωκότα τοῦτον, ἦν πρὸς  
 τὸν δῆμον νῦν ἔχειν ὑπισχνεῖται, πιστεύων· ἐγὼ μὲν  
 γὰρ ἄπιστον καὶ θεοῖς ἐχθρόν, οὐ μόνον ἀνθρώποις,  
 67 ὑπολαμβάνω τὸν τῶν γονέων ἀμελοῦντα. ἀλλὰ νῆ  
 Δία, ὅτι τὰς ἐνδείξεις αὐτοῦ κατεψηφίσασθε, καὶ δις  
 εἰς τὸ δεσμωτήριον κατέθεσθε καὶ αὐτὸν καὶ τὸν  
 ἀδελφόν, διὰ ταῦθ' ὑμῖν εὐνοῦς ἐστίν. ἀλλὰ καὶ  
 τοῦτ' ἄτοπον. ἀλλ' ὅτι τὴν ἀρχὴν ἦν ἔλαχ' ἄρχειν  
 ἀπεδοκιμάσατε; ἀλλ' ὅτι παρανόμων αὐτοῦ κατ-  
 ἐγνωτε; ἀλλ' ὅτι πέντε ταλάντων πρὸς ἐτιμήσατε;  
 ἀλλ' ὅτι δακτυλοδεικτεῖτ' ἐπὶ τῷ πονηρότατον τῶν  
 68 ὄντων ἀπάντων δεικνύναι; ἀλλ' ὅτι τῶν ὑπαρχόν-  
 των νόμων καὶ πολιτείας μερόντων οὐκ ἔνι τῶν  
 αἰσχρῶν αὐτῷ τούτων ἀπαλλαγῆναι; ἀλλὰ διὰ  
 τί ὑμῖν οὗτος εὐνοῦς ἐστίν; ὅτι, φησὶν, ἀναιδῆς  
 ἐστίν· ὁ δ' ἀναιδῆς ἐκ τίνος ὠνομάσθη τῶν ἄλλων  
 ἀλλ' ἢ ὅταν τὰ μῆτ' ὄντα μῆτ' ἂν γενόμενα, ταῦτα  
 τολμᾷ λέγειν δι' ἀναισχυντίαν, ὅπερ οὗτος ποιεῖ;
- 69 Ἐγούμαι τοίνυν καὶ περὶ τῆς ἐνδείξεως, ἃ μοι  
 [791] παραλείπειν ἔδοξε Λυκούργος, βέλτιον εἶναι πρὸς  
 ὑμᾶς εἰπεῖν. ἐγὼ γὰρ οἶμαι δεῖν ὑμᾶς, ὥσπερ ἂν  
 εἰ χρέος ἐσκοπεῖτ' ἴδιον, οὕτως ἐξετάσαι τοῦτον  
 καὶ τὰ τουτουὶ τοῦ ἀγῶνος δίκαια. εἰ τοίνυν τις  
 ὀφείλειν τιν' ἠτιᾶτο χρήματα, ὁ δ' ἠρνείτο, εἰ  
 μὲν ἐφαίνονθ' αἶ τε συνθήκαι καθ' ἃς ἔδανείσατο  
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alike for man and beast, that all should love their  
 parents, then he must clearly be ill-disposed to those 66  
 who have destroyed them and to their laws and their  
 constitution. But if he has no regard for these things,  
 I should like to know who that sees how he has  
 renounced all affection for his parents, can believe in  
 his pretended zeal for the people ; for the man who  
 neglects his parents I regard as unworthy of trust and  
 hateful alike to gods and men. But I shall be told it 67  
 is because you condemned him on information laid  
 and twice put him and his brother into prison ; it is  
 for this reason that he is your well-wisher. But that  
 too is ridiculous. Or because you disqualified him  
 for the office to which he had been allotted ? Or  
 because you found him guilty of a breach of the  
 constitution ? Or because you fined him ten talents ?  
 Or because you habitually point the finger of scorn  
 at him as the vilest of all men in the world ? Or 68  
 because, as long as the present laws and constitution  
 stand, he cannot clear himself of these reproaches ?  
 Then why is he well-disposed to you ? It is because,  
 in his own words, he is impudent. Why is the  
 impudent man so called save because, being lost to a  
 sense of shame, he dares to state what is not, and  
 never will be, true ? And that is precisely what the  
 defendant does.

Now there are some facts about the information 69  
 laid against him which Lycurgus seems to have passed  
 over, but which I had better lay before you ; for  
 I think you should examine the defendant and the  
 rights of the present case as carefully as you would  
 scrutinize a private debt. Suppose then that A  
 accused B of owing him money, and B denied it. If  
 the registered terms of the loan were still to be read,

κείμεναι καὶ οἱ τεθέντες ὄροι ἐστηκότες, τὸν ἀρνού-  
 μενον ἡγείσθ' ἂν ἀναιδῆ δηλονότι, εἰ δ' ἀνηρημένα  
 70 ταῦτα, τὸν ἐγκαλοῦντα· οὕτω ταῦτα πέφυκεν. εἰσὶ  
 τοίνυν ὧν Ἀριστογείτων ὀφείλει τῇ πόλει συνθῆκαι  
 μὲν οἱ νόμοι, καθ' οὓς ἐγγράφονται πάντες οἱ  
 ὀφλισκάνοντες, ὄρος δ' ἡ σανὶς ἢ παρὰ τῇ θεῷ κει-  
 μένη. εἰ μὲν οὖν ἀνήρηται ταῦτα καὶ ἐξαλήλιπται  
 τὸ ὄφλημα, ἡμεῖς ληροῦμεν, μᾶλλον δὲ ψευδόμεθα·  
 εἰ δ' ἔτ' ἔστι καὶ ἔσται τέωσπερ ἂν ἐκτεῖση κεί-  
 μενα, οὗτος οὐδὲν ἀληθὲς λέγει, ἀλλ' ἀδικεῖ καὶ  
 71 δεινὰ ποιεῖ τὰ κοινὰ δίκαι' ἀφανίζειν ἐπιχειρῶν. οὐ  
 γάρ, εἰ μὴ πᾶν ὅσον ὠφλεν ὀφείλει, νῦν ἢ κρίσις οὐδ'  
 ὁ λόγος, ἀλλ' εἰ ὀφείλει. ἢ δεινὰ γ' ἂν πάθοιεν οἱ  
 δραχμῆν ἐγγεγραμμένοι μόνην, εἰ, διότι μικρὰ καὶ  
 οὐδὲν ἡδικήκασιν, ἰσχύσει τὸ ὀφείλειν κατ' αὐτῶν·  
 ἐὰν δέ τις μεγάλ' ἡδικηκῶς ᾗ, μίαν θείς ἢ δύο  
 καταβολὰς ἐπίτιμος ἔσται. ἔτι τοίνυν τρι' ἐστὶν τὰ  
 ὀφλήμαθ' ἃ ἐγγέγραπται καὶ ἐφ' οἷς ἐνδέδεικται.  
 τὰ μὲν δὴ δύ' ἐν ἀπογραφῇ πεποιήται, τὸ δ' ἐν οὐδ'  
 ἀπογέγραπται, ἀλλὰ βουλεύσεως τὸν Ἀλωπεκῆθεν  
 72 Ἀρίστωνα διώκει. ναί, φησὶν· ἀδίκως γάρ μ' ἐγ-  
 γέγραφεν. δεῖ δὴ σ' ὡς ἔοικε δίκην λαβεῖν. οὐκοῦν  
 ὑποσχεῖν πρῶτον καὶ μείναι ἐν οἷς πέπονθας ἀνάγκη.  
 ἢ τίνος λήψει δίκην; εἰ γὰρ ἔξεστί σοι πάνθ' ἄπερ

<sup>a</sup> The defendant admitted these two debts by mortgaging his land for them.

or if the pillars which marked the mortgaged property were still standing, you would clearly regard as impudent the man who denied the transaction; but if it was shown that these proofs no longer existed, then you would regard the accuser as impudent. That is natural. Well, of Aristogeiton's debt to the State the terms 70 still exist, namely the laws under which all defaulters are registered; and the pillar is the wooden table of the law deposited in the temple of the Goddess. Now if these have been destroyed and the debt wiped out, we are talking nonsense, or rather telling lies; but if they are still in existence and will remain valid until he pays his debt, then there is no truth in his plea, but he is committing a serious crime in trying to suppress the rights of the State. For the point to be 71 argued and decided is not whether all his debts are unpaid, but whether he is still in debt. Otherwise it would be hard on those who are registered for a debt of one drachma, if their indebtedness is to tell against them, because they have done some trifling wrong or even no wrong at all, whereas if a man has committed serious wrongs, he is to regain his civic rights by paying one or two instalments. Moreover, there are three distinct debts registered and forming the ground of the information. Two Aristogeiton has entered in the register; <sup>a</sup> the third he has not registered, but he is prosecuting Aristo of Alopece for malicious entry.

"Yes," says he, "for he has registered my name as 72 a debtor unjustly." Of course it is evident that you have a right to satisfaction for this; but then you ought first to give satisfaction and abide by the penalty you have brought on yourself. Or again, for what do you expect to obtain satisfaction? If you are at liberty to do everything that other citizens do,

- 73 τοῖς ἄλλοις, τί ἠδίκησαι; φέρε δὴ πρὸς θεῶν  
 [792] κακῆϊνο σκέψασθε. ἂν ἔλη τὸν Ἀρίστωνα τῆς  
 βουλευσεως, τί ἔσται; ἐξαλειφθήσεται νῆ Δία, ὃ  
 δ' ἀντεγγραφήσεται· ταῦτα γὰρ οἱ νόμοι λέγουσι.  
 καλῶς. πότερον οὖν ἀπὸ ταύτης τῆς ἡμέρας ὀδὶ  
 μὲν ὀφειλήσει τῷ δημοσίῳ, ὃ ἐξαλειφθεῖς, ἐκεῖνος  
 δ' ἐπίτιμος ἔσται, ὃ ἐγγραφεῖς; ἐκ γὰρ ὧν νῦν ὄδ'<sup>4</sup>  
 ἀξιοῖ, ταῦτα συμβαίνει· εἰ γὰρ ὄτ' ἐγγέγραπται μὴ  
 ὀφείλει, ἐπειδὴν ἐξαλειφθῆ, ὀφειλήσει δηλονότι. ἀλλ'  
 οὐκ ἔστι ταῦτα, οὐκ ἔστιν, ἀλλ' ὅταν ἐξαλειφθῆ,  
 74 τότ' οὐκ ὀφειλήσει. οὐκοῦν νῦν ὀφείλει. τί δ';  
 ἂν αὐτὸν ἀποφύγη, παρὰ τοῦ κομιεῖται ταῦθ' ἢ  
 πόλις ἢ νῦν οὐκ ἐξὸν οὔτος ποιεῖ; πόθεν δ', οἷς  
 οὔτος θανάτου τιμᾶται καὶ δεσμοῦ περιῶν ἐν τῷ  
 δικαστηρίῳ, οἱ μὲν τὰς ψυχὰς, οἱ δὲ τὸ μὴ δεινὰ  
 πεπονθῆναι κομιοῦνται; ὧ γὰρ οὐδὲ τῶν ἴσων οὐδὲ  
 τῶν ἐγκυκλίων δικαίων μετουσίαν διδόασιν οἱ  
 νόμοι, οὔτος τῶν ἀνηκέστων ἑτέροις αἴτιος γίγ-  
 νεται, οὐκ ὀρθῶς οὐδὲ πολιτικῶς οὐδ' ὡς συμφέρει  
 75 γιγνομένων τούτων. ἀλλ' ἔγωγε ταῦθ' ὀρῶν θαυ-  
 μάζω, τὸ τᾶνω κάτω γεγενῆσθαι τί ποτ' οἶεσθ'  
 εἶναι. εἰ ἢ γῆ μὲν ἄνω, τὰ δ' ἄστρα κάτω γένη-  
 ται; οὐκ ἔστι τοῦτο γενέσθαι, μηδὲ γένοιτο. ἀλλ'  
 ὅταν, οἷς ἐκ τῶν νόμων μὴ ἔξεστιν, ἐκ τῶν ὑμετέρων  
 βουλήσεων ἐξῆ, ὅταν ἢ μὲν πονηρία τιμᾶται, τὰ  
 χρηστὰ δ' ἀπορρίπτηται, ὅταν τὸ δίκαιον καὶ τὸ  
 συμφέρον ἠττᾶται τοῦ φθόνου, τότ' ἄνω κάτω  
 πάντα χρῆ νομίζειν τετράφθαι.
- 76 Ἦδη τοίνυν τινὰς εἶδον τῶν ἀγωνιζομένων

<sup>4</sup> To the reader who fails to follow the argument of this paragraph it may perhaps occur that the jury were not intended to follow it either.

how are you wronged? I beg the jury in Heaven's 73 name to consider this point also. If he convicts Aristo of malicious intent, what will it mean? His name, of course, will be erased and Aristo's substituted, because that is the law. Good! Then henceforward will this man, whose name has been erased, be a State-debtor, and will the other man, registered as a debtor, retain his full citizenship? That is what follows from the defendant's claim, for if he is not a debtor when his name has been registered, then, when his name has been erased, he will obviously be a debtor. But that is absolutely untrue. No; when his name is erased, then he will be no longer a debtor. In that case the defendant is a debtor now.<sup>a</sup>

Again; if Aristo is acquitted, to whom is the State 74 to look for compensation for the defendant's illegal acts? And what about the men whose execution and imprisonment he tries to procure, as he bustles to and fro in the court? How will they recover their lives or escape from the sufferings they have already endured? For this man, to whom the laws refuse a share in our common everyday privileges, is the cause of intolerable wrongs to others by methods that are neither correct nor constitutional nor convenient. When I see all this, I wonder what meaning you 75 attach to the phrase "upside down." Is it for the earth to be up there and the stars down here? That is impossible, and let us hope it always will be. But when those who have no rights enjoy rights at your pleasure, when villainy is honoured and virtue spurned, when justice and expediency are sacrificed to personal spite, then we must suppose that the universe has indeed been turned upside down.

I have before now seen men on their trial, who were 76

- οἱ τοῖς πράγμασιν αὐτοῖς ἀλισκόμενοι, καὶ οὐκ  
 [793] ἔχοντες ὡς οὐκ ἀδικοῦσι δεῖξαι, οἱ μὲν εἰς τὴν  
 τοῦ βίου μετριότητα καὶ σωφροσύνην κατέφυγον,  
 οἱ δ' εἰς τὰ τῶν προγόνων ἔργα καὶ λητουργίας, οἱ  
 δ' εἰς ἕτερα τοιαῦτα δι' ὧν εἰς ἔλεον καὶ φιλαν-  
 θρωπίαν τοὺς δικάζοντας ἤγαγον. τούτῳ δ' οὐδέν'  
 ὀρώ τῶν τόπων τούτων βάσιμον ὄντα, ἀλλὰ πάντ'  
 77 ἀπόκριμμα, φάραγγας, βάραθρα. τί γὰρ ὡς ἀληθῶς  
 ἐρεῖ; ὧν ὁ πατήρ τι πεποίηκε νῆ Δία. ἀλλὰ  
 κατεγνώκαθ' ὑμεῖς ἐν τουτοισὶ τοῖς δικαστηρίοις  
 αὐτοῦ θάνατον, ὡς πονηροῦ δηλονότι καὶ ἀξίου  
 τεθνάναι. ἀλλὰ νῆ Δία, εἰ ταῦτ' ἐστὶν αὐτῷ δυσ-  
 χερῆ τὰ περὶ τὸν πατέρα, εἰς τὸν ἑαυτοῦ βίον κατα-  
 φεύξεται ὡς σώφρονα καὶ μέτριον. ποῖον; ὃν ποῦ  
 βεβίωκεν; ὃν μὲν γὰρ ἅπαντες ὑμεῖς ἐοράκατε,  
 78 οὐκ ἔστι τοιοῦτος. ἀλλ' ὧ τᾶν, εἰς τὰς λητουργίας  
 ἀποχωρήσεται. τὰς πότ' ἢ ποῦ γεγонуίας; τὰς  
 τοῦ πατρός; ἀλλ' οὐκ εἰσὶν. ἀλλὰ τὰς ἑαυτοῦ;  
 φάσεις, ἀπαγωγάς, ἐνδείξεις, οὐχὶ λητουργίας εὐ-  
 ρήσετε. ἀλλὰ νῆ Δία καὶ χωρὶς τούτων συγγενεῖς  
 πολλοὶ καὶ καλοὶ κάγαθοὶ παραστάντες αὐτὸν  
 ἐξαιτήσονται. ἀλλ' οὔτ' εἰσὶν οὔτ' ἐγένοντο πώ-  
 79 ποτε· πῶς γὰρ τῷ γε μηδ' ἐλευθέρῳ; πλὴν ἔστι  
 νῆ Δία, ἔστιν ἀδελφός τις αὐτῷ, ὁ παρῶν καὶ τὴν  
 καλὴν δίκην λαχών. περὶ οὗ τὰ μὲν ἄλλα τί δεῖ  
 λέγειν; ἀδελφός δ' ἐστὶ τούτου ὁμομήτριος καὶ  
 ὁμοπάτριος καὶ πρὸς τοῖς ἄλλοις κακοῖς δίδυμος.  
 οὔτοσί—τὰ μὲν ἄλλα σιωπῶ· ἀλλ' ἐφ' οἷς ὑμεῖς τὴν  
 μιανὰν Θεωρίδα, τὴν Λημνίαν, τὴν φαρμακίδα,  
 80 καὶ αὐτὴν καὶ τὸ γένος πᾶν ἀπεκτείνετε, ταῦτα

being convicted by the actual facts and were unable to prove their innocence, taking refuge some of them in the respectability and moderation of their lives, others in the achievements or public services of their ancestors, or in similar pleas, by which they succeeded in moving their judges to compassion and goodwill. But I cannot see that any one of these topics offers an easy path for the defendant ; there is nothing before him but precipices, ravines, and gulfs. What true 77 plea can he find ? Something perhaps that his father did ? But you yourselves condemned that father to death in these very courts as a detected rascal who deserved his doom. Or perhaps, if there is a difficulty about his father, he will appeal to the sobriety and respectability of his own life. What life ? Where has he lived it ? For the life that you have all seen him leading is not of that description. " But, my 78 dear sir, he will rely on public services." When and where performed ? His father's ? Why, there are none. His own ? You will find record of delations, arrests, informations—but no services. Or perhaps, putting these aside, his numerous and highly respectable kinsmen will come forward and beg him off. But there are none and never were. How could there be, when he is not even a free-born citizen ? No ; I am 79 wrong. He *has* a brother, who is present here in court and who brought that precious action against him. What need to say anything about him ? He is own brother to the defendant, born of the same father and mother, and, to add to his misfortunes, he is his twin. It was this brother—I pass over the other facts—who got possession of the drugs and charms from the servant of Theoris of Lemnos, the filthy sorceress whom you put to death on that account

λαβὼν τὰ φάρμακα καὶ τὰς ἐπωδὰς παρὰ τῆς  
 θεραπαίνης αὐτῆς, ἣ κατ' ἐκείνης τότε ἐμήνυσεν,  
 [794] ἐξ ἧσπερ ὁ βάσκανος οὗτος πεπαιδοποιήται, μαγ-  
 γανεύει καὶ φενακίζει καὶ τοὺς ἐπιλήπτους φησὶν  
 ἰᾶσθαι, αὐτὸς ὢν ἐπίληπτος πάσῃ πονηρίᾳ. οὗτος  
 οὖν αὐτὸν ἐξαιρήσεται, ὁ φαρμακός, ὁ λοιμός, ὃν  
 οἰωνίσαιτ' ἂν τις μᾶλλον ἰδὼν ἢ προσειπεῖν βού-  
 λοιτο, ὃς αὐτὸς αὐτῷ θανάτου τετίμηκεν, ὅτε τοιαύ-  
 την δίκην ἔλαχεν.

- 81 Τί οὖν λοιπόν, ὦ ἄνδρες Ἀθηναῖοι; ἂ κοινὰ νῆ  
 Δία πᾶσιν ὑπάρχει τοῖς ἀγωνιζομένοις παρὰ τῆς  
 τῶν ἄλλων ὑμῶν φύσεως, καὶ οὐδεὶς αὐτὸς ἑαυτῷ  
 ταῦτα φέρει τῶν κρινομένων, ἀλλ' ὑμῶν ἕκαστος  
 ἔχων οἴκοθεν ἔρχεται, ἔλεον, συγγνώμην, φι-  
 λανθρωπίαν. ἀλλὰ τούτων γ' οὔθ' ὅσιον οὔτε θέμις  
 τῷ μιαρῷ τούτῳ μεταδοῦναι. διὰ τί; ὅτι ὃν ἂν  
 αὐτὸς ἕκαστος νόμον τῇ φύσει κατὰ πάντων ἔχη,  
 τούτου τυγχάνειν παρ' ἐκάστου δίκαιός ἐστι καὶ  
 82 αὐτός. τί οὖν νόμον ὑμῖν ἢ τίνα βούλησιν ἔχειν  
 Ἀριστογείτων κατὰ πάντων δοκεῖ; πότερ' εὖ-  
 τυχοῦντας ὀρᾶν καὶ ἐν εὐδαιμονίᾳ καὶ χρηστῇ δόξῃ  
 διάγοντας; καὶ τί ποιῶν ζήσεται; τὰ γὰρ τῶν  
 ἄλλων κακὰ τούτον τρέφει. οὐκοῦν ἐν κρίσεσιν  
 καὶ ἀγῶσι καὶ πονηραῖς αἰτίαις ἅπαντας εἶναι  
 βούλεται ταῦτα γεωργεῖ, ταῦτ' ἐργάζεται. ὁ δὲ  
 ποιός τις, ὦ ἄνδρες Ἀθηναῖοι, καλοῖτ' ἂν δικαίως  
 ὁ τρισκατάρατος, ὁ κοινὸς ἐχθρὸς, ὁ πᾶσι δυσμενής,  
 ὅτῳ μήτε γῆ φέροι καρπὸν μήτ' ἀποθανόντα  
 83 δέξαιτο; οὐχ ὁ τοιοῦτος; ἔγωγε νομίζω. τίνος δὲ



with all her family. She gave information against 80 her mistress, and this rascal has had children by her, and with her help he plays juggling tricks and professes to cure fits, being himself subject to fits of wickedness of every kind. So this is the man who will beg him off! This poisoner, this public pest, whom any man would ban at sight as an evil omen rather than choose to accost him, and who has pronounced himself worthy of death by bringing such an action.

What help, then, remains for him, Athenians? The 81 help, I suppose, that comes to all defendants alike from the natural temper of the jury, the help that no man on his trial provides for himself, but that each of you brings with him from home to the court—I mean pity, pardon, benevolence. But of such help religion and justice alike demand that this unclean wretch should receive no share. Why? Because whatever law each man's nature prompts him to apply to his neighbours, that law it is only fair that they should apply to him. What law do you think Aristogeiton 82 applies to all other men, and what are his wishes concerning them? Does he wish to see them enjoying prosperity, happiness and good fame? If so, what becomes of his livelihood? For he thrives on the misfortunes of others. Therefore he likes to see everyone involved in trials, lawsuits and vile charges. That is the crop he sows; that is the trade he plies. Men of Athens, what sort of man deserves to be called the complete villain, the thrice-accursed, the common foe, the universal enemy, against whom one prays that the earth may neither yield him fruit nor receive him after death? Is it not such a man as this? That is my opinion. What pardon, what pity 83

- συγγνώμης ἢ ποίων ἐλέων οἱ σεσυκοφαντημένοι  
 τετυχήκασιν παρὰ τούτου, οἷς οὗτος θανάτου πᾶσιν  
 [795] ἐτιμᾶτ' ἐν τουτοιῶσι τοῖς δικαστηρίοις, καὶ ταῦτα  
 πρὶν τὴν πρώτην ψήφον διενεχθῆναι; καὶ ἐφ' οἷς  
 ὁ βάσκανος οὗτος οὕτως ὠμῶς καὶ πικρῶς εἶχε,  
 τούτους ὑμῶν οἱ λαχόντες, ἄνδρες Ἀθηναῖοι, τὰ  
 δίκαια ποιοῦντες ἔσωζον, καὶ τοὺς ὑπὸ τούτου  
 συκοφαντούμενους ἀπειψηφίζοντο, καὶ τὸ πέμπτον  
 84 μέρος τῶν ψήφων οὐ μετεδίδουσαν τούτῳ. ἀλλ' ἦ  
 γε τούτου πικρία καὶ μαιφονία καὶ ὠμότης παρῆν  
 καὶ ἐξητάζετο. οὐχὶ παιδία, οὐχὶ μητέρας τῶν  
 κρινομένων ἐνίων γραῦς παρεστῶσας ὄρων οὗτος  
 ἤλεει. εἶτα σοὶ συγγνώμη; πόθεν ἢ παρὰ τοῦ;  
 ἢ τοῖς σοῖς παιδίοις ἔλεος; πολλοῦ γε καὶ δεῖ. σὺ  
 τὸν εἰς ταῦτ' ἔλεον προδέδωκας, Ἀριστογείτον,  
 μᾶλλον δ' ἀνήρηκας ὅλως. μὴ δὴ πρὸς οὓς αὐτὸς  
 ἔχουσας λιμένας καὶ προβόλων ἐνέπλησας, πρὸς  
 τούτους προσορμίζου· οὐ γὰρ δίκαιον.
- 85 Εἰ τοίνυν ἀκούσατε καὶ τὰς βλασφημίας ἃς κατὰ  
 τὴν ἀγορὰν περιῶν καθ' ὑμῶν ἔλεγεν, ἔτι μᾶλλον  
 ἂν αὐτὸν μισήσατε, καὶ δικαίως. φησὶ γὰρ πολ-  
 λούς ὀφείλειν τῷ δημοσίῳ, τούτους δ' ἅπαντας  
 ὁμοίους ὑπάρχειν ἑαυτῷ. ἐγὼ δὲ πολλούς μὲν  
 εἶναι τοὺς ἡτυχηκότας, εἰ καὶ δύο εἰσὶ μόνοι, συγ-  
 χωρῶ· παντὶ γὰρ πλείους εἰσὶ τοῦ δέοντος, καὶ  
 οὐδένα τῶν ἄλλων ὀφείλειν ἔδει. οὐ μέντοι μὰ  
 τοὺς θεοὺς τούτῳ γ' ὑπάρχειν ὁμοίους οἶομαι τού-  
 86 τούς, οὐδὲ πολλοῦ δεῖ, ἀλλὰ καὶ τούναντίον. οὐ-

did the victims of his blackmail obtain from him, the men whose execution he was always demanding in your courts—yes, even before the first verdict was decided? <sup>a</sup> Those against whom this wretch showed such cruelty and bitterness were saved from death by the righteous conduct of those of you who had been allotted to try their case, who acquitted the men he was falsely accusing and withheld from him the necessary fifth part of the votes. But his bitterness, <sup>84</sup> cruelty and blood-thirstiness were displayed and proved. The sight of the children of some of the defendants and their aged mothers standing in court did not move him to pity? And do you, Aristogeiton, look for pardon? Whence? From whom? Are your children to be pitied? Far from it. You have yourself thrown away their right to pity; nay, you have destroyed it once for all. Do not then seek anchorage in harbours that you have yourself blocked up and filled with stakes; for that is unfair.

If you heard the slanderous language that he used <sup>85</sup> against you, as he paraded the market-place, you would hate him even more than you do, and with justice. For he says there are many men in debt to the treasury, and all of them in the same case as himself. I admit that these unfortunate men are “many,” though there are but a couple of them; for every state-debtor is one too many,<sup>b</sup> and no others ought to be in debt to the State. But I solemnly swear that their case is not the same as the defendant’s, nor anything like it, but quite the contrary. Look at it in this way. And do not imagine, <sup>86</sup>

<sup>a</sup> The jury voted first on the question of guilty or not guilty, and secondly on the penalty, if guilty.

<sup>b</sup> Lit. “They are more by everyone than is right.”

Ἀθηναῖοι, ὡς πρὸς ὀφείλοντας ὑμᾶς τῷ δημοσίῳ διαλέγεσθαι· οὔτε γὰρ ἔστι μήτε γένοιτο τοῦτο, οὔτ' ἐγὼ νομίζω. ἀλλ' εἴ τῷ τις ἄρ' ἢ φίλος ἢ

[796] γνώριμός ἐστιν ἐν τούτοις, ὡς ὑπὲρ τούτου τοῦτον προσήκει μισεῖν, τοῦτο βούλομαι δεῖξαι. πρῶτον μὲν ὅτι ἀνθρώπους ἐπιεικεῖς, οἷς ἐγγύαι καὶ φιλανθρωπίαί γίνονται καὶ ὀφλήματ' ἴδια, οἷς οὐ πρόσ-  
 87 οὔκ ὀρθῶς οὐδὲ προσηκόντως. οὐ γὰρ ὁμοίον ἐστιν, Ἀριστογεῖτον, οὐδὲ πολλοῦ δεῖ, γράψαντά σε τῶν πολιτῶν τρεῖς ἀκρίτους ἀποκτεῖναι γραφὴν ἀλῶναι παρανόμων καὶ δέον σε τεθνάναι ἐπὶ ταύτῃ τοῦ τιμήματος τυχεῖν, καὶ φίλον ἐγγυησάμενον μὴ δύνασθαι ζημίαν ἀπροσδόκητον ἐνεγκεῖν· οὐχ ὁμοιον, οὐ. ἔπειθ' ὅτι τὴν κοινὴν φιλανθρωπίαν, ἣν ὑμεῖς ἔχετε ἐκ φύσεως πρὸς ἀλλήλους, οὗτος ἀναιρεῖ καὶ διαφθείρει, τὸ καθ' αὐτόν. ἴδοιτε δ' ἂν ἐντεῦθεν. ὑμεῖς γάρ, ὦ ἄνδρες Ἀθηναῖοι, τῇ τῆς φύσεως πρὸς ἀλλήλους, ὅπερ εἶπον, χρώμενοι φιλανθρωπία, ὥσπερ αἱ συγγένειαι τὰς ἰδίας οἰκοῦσιν οἰκίας, οὕτω τὴν πόλιν οἰκεῖτε

88 δημοσίᾳ. πῶς οὖν ἐκείναι; ὅπου πατὴρ ἐστι καὶ υἱεῖς ἄνδρες, τυχὸν δὲ καὶ τούτων παῖδες, ἐνταῦθ' ἀνάγκη πολλὰς καὶ μηδὲν ὁμοίας εἶναι βουλήσεις· οὐ γὰρ τῶν αὐτῶν οὔτε λόγων οὔτ' ἔργων ἐστὶν ἡ νεότης τῷ γήρα. ἀλλ' ὅμως οἷ τε νέοι πάνθ' ὅσ' ἂν πράττωσιν, ἄνπερ ὦσιν μέτριοι, οὕτω ποιούσ' ὥστε μάλιστα μὲν πειραῖσθαι λανθάνειν, εἰ δὲ μή,

Athenians, that I am debating the point with you, as if you were debtors to the treasury. That is not so, and I hope it never may be ; it is no idea of mine. But if any of you has a friend or acquaintance among the debtors, I propose to show you that for that friend's sake he ought to hate the defendant.

My first reason is that honest folk, who are hampered by security for others and kind offices and private debts involving no wrong to the State, but who happen to have been unlucky, are placed by him in the same infamous category as himself, contrary to what is right and fitting. When you, Aristogeiton, 87 were convicted of a breach of the constitution for having moved that three citizens should be executed without trial, and you escaped with a fine, though you ought to have suffered the extreme penalty, there is no parallel, not the slightest, between your case and that of a man who has gone bail for a friend and then finds himself unable to pay an unexpected fine. My second reason is that the bond of mutual kindness, which you yourselves naturally preserve towards one another, is broken and destroyed by Aristogeiton, as far as in him lies. You will understand this from what I am going to say. For you, Athenians, observing what I have called the natural bond of mutual kindness, live as a corporate body in this city just as families live in their private homes. How then do 88 such families live ? Where there is a father and grown-up sons and possibly also grandchildren, there are bound to be many divergent wishes ; for youth and age do not talk or act in the same way. Nevertheless whatever the young men do, if they are modest, they do in such a way as to avoid notice ; or if this is impossible, at any rate they make it clear

- φανεροί γ' εἶναι τοῦτο βουλόμενοι ποιεῖν· οἱ τε πρεσβύτεροι πάλιν, ἂν ἄρ' ἴδωσιν ἢ δαπάνην ἢ πότον ἢ παιδιὰν πλείω τῆς μετρίας, οὕτω ταῦθ' ὀρώσιν ὥστε μὴ δοκεῖν ἑορακένας. ἐκ δὲ τούτων γίγνεται τε πάνθ' ἃ φέρουσιν αἱ φύσεις καὶ καλῶς γίγνεται. τὸν αὐτὸν τοίνυν τρόπον ὑμεῖς, ὧ
- 89 [797] ἄνδρες Ἀθηναῖοι, τὴν πόλιν οἰκέετε συγγενικῶς καὶ φιλανθρώπως, οἱ μὲν οὕτως ὀρώντες τὰ τῶν ἡτυχηκότων ἔργα ὥστε, τὸ τῆς παροιμίας, ὀρώντας μὴ ὀρᾶν καὶ ἀκούοντας μὴ ἀκούειν, οἱ δ' οὕτω ποιούντες ἃ πράττουσιν ὥστ' εἶναι φανοροὶ καὶ φυλαττόμενοι καὶ αἰσχυρόμενοι. ἐκ δὲ τούτων ἢ κοινῇ καὶ πάντων τῶν ἀγαθῶν αἰτία τῇ πόλει μένει
- 90 καὶ συνέστηκεν ὁμόνοια. ταῦτα τοίνυν Ἀριστογείτων τὰ καλῶς οὕτω πεπηγότα τῇ φύσει καὶ τοῖς ἡθεσι τοῖς ὑμετέροις κινεῖ καὶ ἀναιρεῖ καὶ μεταρρίπτει, καὶ ἃ τῶν ἄλλων τῶν ἡτυχηκότων ἕκαστος ἀψοφητεῖ ποιεῖ, ταῦθ' οὗτος μόνον οὐ κώδωνας ἐξαψάμενος διαπράττεται. οὐ πρυτάνεις, οὐ κῆρυξ, οὐκ ἐπιστάτης, οὐχ ἢ προεδρεύουσα
- 91 φυλὴ τούτου κρατεῖν δύναται. ἐπειδὴν οὖν τις ὑμῶν ἐφ' οἷς οὗτος ἀσελγαίνει λυπηθεὶς εἶπη “ τοῦτον δὲ ταῦτα ποιεῖν, καὶ ταῦτ' ὀφείλοντα τῷ δημοσίῳ,” “ τί δ'; οὐ καὶ ὁ δεῖνα,” φησὶν, “ ὀφείλει;” τὸν ἐχθρὸν ἕκαστος ὑπειπὼν τὸν αὐτοῦ. ὥστε τὴν πονηρίαν τὴν τούτου αἰτίαν εἶναι τῶν βλασφημιῶν αἱ περὶ τῶν οὐχ ὁμοίων τούτῳ διὰ τοῦτον γίνονται.
- 92 Λοιπὸν τοίνυν ἐστίν, ὧ ἄνδρες Ἀθηναῖοι, τοῖς ἀπαλλαγῆναι βουλομένοις τούτου, ἀδίκημα σαφὲς καὶ ἐναργὲς ἔχοντας ἐκ τῶν νόμων, μάλιστα μὲν αὐτῷ θανάτου τιμῆσαι, εἰ δὲ μὴ, τοσοῦτ' ἀναθεῖναι

that such was their intention. The elders in their turn, if they see any lack of moderation in spending or drinking or amusement, manage to see it without showing that they have seen it. The result is that everything that their various natures suggest is done, and done satisfactorily. And that is just how you, 89 men of Athens, live in this community on humane and brotherly principles, one class watching the proceedings of the unfortunate in such a way that, as the saying runs, "seeing, they see not; hearing, do not hear"; while the others by their behaviour show that they are both on their guard and alive to a sense of shame. Hence it is that that general harmony, which is the source of all our blessings, is firmly established in our city. Those feelings, so happily im- 90 planted in your nature and your habits, Aristogeiton would change and remove and overturn. What every other citizen does with as little noise as possible, he performs, one might almost say, with a peal of bells hung about his neck. Neither the president nor the crier nor the chairman nor the tribe on duty can control him. So when any of you, annoyed at his 91 outrageous conduct, cries, "To think that he should act like this, and he a debtor to the treasury!" the reply is, "What! Is not So-and-so a debtor too?"—each man suggesting his personal enemy. Thus his wickedness is the cause of the scandals which are circulated about men who do not resemble him.

Therefore the one thing left, men of Athens, for 92 those who wish to get rid of this man, now that they can charge him with a clear and manifest offence against the laws, is, if possible, to punish him with death, or, if not, to impose such a money fine as he

τίμημα χρημάτων ὅσον μὴ δυνήσεται φέρειν· ἄλλη  
 γὰρ οὐκ ἔστιν ἀπαλλαγὴ τούτου, σαφῶς ἐπίστασθε.  
 93 καὶ γάρ, ὦ ἄνδρες Ἀθηναῖοι, τῶν μὲν ἄλλων ἀν-  
 [798]θρώπων ἂν τις ἴδοι τοὺς μὲν βελτίστους καὶ με-  
 τριωτάτους αὐτῇ τῇ φύσει πάντα ποιοῦντας ἐκόντας  
 ἂ δεῖ, τοὺς δὲ χείρους μὲν τούτων, ἔξω δὲ τοῦ  
 πονηροῦς ἄγαν κληθῆναι, τῷ φόβῳ τῷ πρὸς ὑμᾶς  
 καὶ τῷ τοῖς αἰσχροῖς καὶ λόγοις καὶ ὀνειδέσειν  
 ἀλγεῖν εὐλαβουμένους ἔξαμαρτάνειν· τοὺς δὲ πονη-  
 94ροτάτους καὶ ἔξαγίστους ὀνομαζομένους τὰς γε  
 συμφορὰς σωφρονίζειν λέγουσιν. οὗτοσὶ τοίνυν  
 Ἀριστογείτων τοσοῦθ' ὑπερῆρκεν ἅπαντας ἀνθρώ-  
 πους πονηρία ὡστ' οὐδὲ παθῶν ἐνουθετήθη, ἀλλ'  
 ἐπὶ τοῖς αὐτοῖς ἀδικήμασι καὶ πλεονεκτήμασι πάλιν  
 εἴληπται. καὶ τοσοῦτῳ πλείονος ὀργῆς ἀξίός ἐστιν  
 νῦν ἢ πρότερον, ὅσῳ τότε μὲν γράφειν μόνον ᾤετο  
 δεῖν παρὰ τοὺς νόμους, νυνὶ δὲ πάντα ποιεῖν, αἰτιά-  
 σθαι, λέγειν, διαβάλλειν, βλασφημεῖν, θανάτου τιμᾶ-  
 σθαι, εἰσαγγέλλειν, κακολογεῖν τοὺς ἐπιτίμους αὐτὸς  
 ὀφείλων τῷ δημοσίῳ· τούτου γὰρ οὐδέν ἐστι δεινό-  
 95τερον. τὸ μὲν οὖν νουθετεῖν τούτον μανία· ὅς γὰρ  
 οἷς ὁ δῆμος ἅπας τοὺς ἐνοχλοῦντας ἑαυτὸν νουθετεῖ  
 θορύβοις μηδεπώποθ' ὑπεῖξε μηδὲ διетράπη,  
 ταχύ γ' ἂν φροντίσειέ τι τοῦ παρ' ἑνὸς λόγου.  
 ἀνίατον, ἀνίατον, ἄνδρες Ἀθηναῖοι, τὸ πρᾶγμα ἔστι  
 τὸ τούτου. δεῖ δὴ πάντας, ὡσπερ οἱ ἰατροί, ὅταν  
 καρκίνον ἢ φαγέδαιναν ἢ τῶν ἀνιάτων τι κακῶν  
 ἴδωσιν, ἀπέκασαν ἢ ὅλως ἀπέκοψαν, οὕτω τοῦτο  
 τὸ θηρίον ὑμᾶς ἐξορίσαι, ρῖψαι ἐκ τῆς πόλεως,  
 ἀνελεῖν, μὴ περιμείναντάς τι παθεῖν, ὃ μήτ' ἰδία  
 96 μήτε δημοσία γένοιτο, ἀλλὰ προευλαβηθέντας. ὡδὶ



will not be able to pay. For depend upon it, there is no other way to be rid of him. Among other men, 93 Athenians, you may see the best and most respectable ready at the prompting of nature to do what is right ; those who are worse men, but are not classed as the very bad, are careful of offending, because they are afraid of you and are sensitive to disgrace and reproach ; the utterly wicked, the moral lepers, as we call them, are said to be taught wisdom only by suffering. Now here is Aristogeiton, who has so far 94 outstripped all men in wickedness that his punishments have not disciplined him and he is once more detected in the same illegal and rapacious acts. Also he is the more deserving of your anger now than before, inasmuch as previously it was only by moving decrees that he ventured to transgress the laws, but now he transgresses them in every possible way—by accusations, by public speeches, by calumnies, by demanding the death penalty, by impeaching and maligning the fully qualified citizens, when he himself is a state-debtor. For nothing is more abominable than that. Surely, then, to admonish such a fellow is 95 madness. A man who never yielded or shrank before the storm of protest with which the whole Assembly admonishes those who offend it, would readily heed the protest of an individual ! His case is incurable, men of Athens, quite incurable. Just as physicians, when they detect a cancer or an ulcer or some other incurable growth, cauterize it or cut it away, so you ought all to unite in exterminating this monster. Cast him out of your city ; destroy him. Take your precautions in time and do not wait for the evil consequences, which I pray may never fall either on individuals or on the community. Let me put it 96

γὰρ ὁράτε. οὐδένα πώποτ' ἴσως ὑμῶν ἔχισ ἔδακ'  
 [799] οὐδὲ φαλάγγιον, μηδὲ δάκοι· ἀλλ' ὅμως πάντα τὰ  
 τοιαῦτα, ἐπὰν ἴδητε, εὐθὺς ἀποκτείνετε. τὸν αὐτὸν  
 τοίνυν τρόπον, ὧ ἄνδρες Ἀθηναῖοι, καὶ ὅταν συκο-  
 φάντην καὶ πικρὸν καὶ ἔχιν τὴν φύσιν ἄνθρωπον  
 ἴδητε, μὴ πόθ' ἕκαστον ὑμῶν δήξεται περιμένετε,  
 ἀλλ' ὁ προστυχῶν ἀεὶ τιμωρησάσθω.

97 Λυκοῦργος μὲν οὖν τὴν Ἀθηναίων ἐμαρτύρητο καὶ  
 τὴν μητέρα τῶν θεῶν, καὶ καλῶς ἐποίει. ἐγὼ δὲ  
 τοὺς προγόνους τοὺς ὑμετέρους καὶ τὰς ἀρετὰς τὰς  
 ἐκείνων ἀνακαλῶ, ὧν οὐδ' ὁ χρόνος τὴν μνήμην  
 ἠφάνικεν, εἰκότως· ἐπολιτεύοντο γὰρ οὐχὶ τοῖς  
 πονηροτάτοις καὶ συκοφάνταις συνεργεῖν διδόντες  
 ἑαυτοὺς, οὐδὲ τὸν ἐντὸς τείχους φθόνον ἀσκούντες  
 ἐπ' ἀλλήλους, ἀλλὰ καὶ τῶν ῥητόρων καὶ τῶν  
 ἰδιωτῶν τοὺς μὲν σώφρονας καὶ χρηστοὺς τιμῶντες,  
 τοὺς δὲ πονηροὺς καὶ θρασεῖς μισοῦντες καὶ κολά-  
 ζοντες. ἐξ ὧν πάντες ἀθληταὶ τῶν καλῶν ἔργων  
 ἐγένοντο.

98 "Ἐν δ' εἰπὼν ἔτι παύσασθαι βούλομαι. ἔξιτ' αὐ-  
 τικά δὴ μάλ' ἐκ τοῦ δικαστηρίου, θεωρήσουσι δ'  
 ὑμᾶς οἱ περιεστηκότες καὶ ξένοι καὶ πολῖται, καὶ  
 κατ' ἄνδρ' εἰς ἕκαστον τὸν παριόντα βλέπονται καὶ  
 φυσιογνωμονήσουσι τοὺς ἀπειψηφισμένους. τί οὖν  
 ἐρεῖτ', ὧ ἄνδρες Ἀθηναῖοι, εἰ προέμενοι τοὺς  
 νόμους ἔξιτε; ποίοις προσώποις ἢ τίσιν ὀφθαλμοῖς  
 99 πρὸς ἕκαστον τούτων ἀντιβλέψεσθε; πῶς δ' εἰς τὸ  
 μητρῶον βαδιεῖσθε, ἂν τι βούλησθε; οὐ γὰρ δήπου  
 καθ' ἓν ὑμῶν ἕκαστος ὡς ἐπὶ κυρίου τοὺς νόμους  
 πορεύσεται, εἰ νῦν μὴ βεβαιώσαντες αὐτοὺς ἔξιθ'

<sup>a</sup> Where copies of all Athenian laws were deposited for reference.

in this way. Perhaps none of you has ever been bitten by an adder or a tarantula, and I hope he never may be. All the same, whenever you see such creatures, you promptly kill them all. In just the same way, men of Athens, whenever you see a false accuser, a man with the venom of a viper in his nature, do not wait for him to bite one of you, but always let the man who comes across him exact punishment.

Lycurgus did well to call Athene and the Mother of the gods to witness. But I will invoke your ancestors and the virtues of your ancestors, whose memory time has not effaced. It is right that I should do so; for their policy was not to lend themselves to co-operation with the worst of rascals and false accusers, not to foster the mutual jealousy that lurks within doors, but to honour those public and private men who were wise and good, and to loathe and chastise those who were wicked and unscrupulous; and that was how they all became competitors in the rivalry of noble deeds.

One more thing I have to say before I sit down. You will soon be leaving this court-house, and you will be watched by the bystanders, both aliens and citizens; they will scan each one as he appears, and detect by their looks those who have voted for acquittal. What will you have to say for yourselves, Athenians, if you emerge after betraying the laws? With what expression, with what look will you return their gaze? How will you make your way to the Sanctuary of the Mother-goddess,<sup>a</sup> if you wish to do so? For surely you will never go individually to consult the laws as if they were still valid, unless you have now collectively confirmed them before

[DEMOSTHENES]

ἅπαντες κοινῇ. πῶς δὲ ταῖς νομηναῖαις εἰς ἀκρό-  
 πολιν ἀναβαίνοντες, τὰγαθὰ τῇ πόλει διδόναι καὶ  
 [800] ἕκαστος ἑαυτῷ τοῖς θεοῖς εὖξεται, ὅταν ὄντος ἐκεῖ  
 τούτου καὶ τοῦ πατρὸς<sup>1</sup> αὐτοῦ τοῦ χρηστοῦ τάναντία  
 τοῖς ὄρκοις καὶ τοῖς ἐκεῖ γράμμασιν ἐγνωκότες ἦτε;  
 100 τί ἐρεῖτ', ἄνδρες Ἀθηναῖοι, τί ἐρεῖτε, ἂν τις ὑμᾶς  
 ἐρωτᾷ γνωρίσας τοὺς ἀπειψηφισμένους; τί φήσετε;  
 ἀρέσκειν τοῦτον ὑμῖν; καὶ τίς ὁ τοῦτο τολμήσων  
 εἰπεῖν; τίς ὁ τῆς τούτου πονηρίας μετ' ἀρᾶς  
 καὶ κακῆς δόξης κληρονομεῖν βουλευσόμενος; ἀλλ'  
 οὐκ αὐτὸς ἕκαστος ἀποψηφίσασθαι; οὐκοῦν κατ-  
 ἀράσεσθε τοῖς ἀπειψηφισμένοις, τοῦτο τὸ πιστὸν  
 101 ἕκαστος διδοὺς ὡς οὐκ αὐτὸς οὗτός ἐστι. καὶ τί  
 δεῖ ταῦτα ποιεῖν, ἐξὸν εὐφημεῖν καὶ ἅπαντας ἅπασιν  
 πάντα τὰγάθ' εὖχεσθαι, καὶ ὑμᾶς ὑμῖν αὐτοῖς καὶ  
 τοὺς ἄλλους Ἀθηναίους ἅπαντας ὑμῖν, προσθήσω δὲ  
 καὶ τοὺς ξένους καὶ παῖδας καὶ γυναῖκας; ἐφίκται  
 γάρ, ἐφίκται πάντων ἢ τούτου κακοπραγμοσύνη,  
 καὶ πᾶσιν βουλομένοις ἐστὶν ἀπαλλαγῆναι τῆς τού-  
 του πονηρίας καὶ δίκην δεδωκότ' ἰδεῖν.

<sup>1</sup> So MSS. : ἀδελφοῦ Dindorf.

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you depart. How on the first of each month will you climb the Acropolis and pray for blessings on the State and on yourselves, when the defendant and his worthy father are registered there,<sup>a</sup> and you have given your verdict clean against your oaths and the documents there preserved? Or what will you say, 100 Athenians, what will you say, if someone detects and questions those of you who have voted for acquittal? What will you answer? That you were satisfied with him? But who will dare to say that? Who will choose to inherit this fellow's wickedness, with the execration and infamy that it entails? Will each of you deny that he acquitted him? In that case you will have to invoke a curse on the acquitters, as a guarantee from each of you that he was not himself 101 one of them. What need to do this, when you can keep your lips undefiled, and can all of you pray for every blessing upon all, both on yourselves and on all other citizens and, I may add, on all aliens and women and children? For the evil influence of the defendant has extended, yes, extended to all classes, and all alike are anxious to be rid of his wickedness and to see that he has paid the penalty.

<sup>a</sup> See § 4.

## XXVI. ΚΑΤ' ΑΡΙΣΤΟΓΕΙΤΟΝΟΣ Β

"Οτι μὲν τοίνυν καὶ ὀφείλει τῷ δημοσίῳ Ἀριστο-  
 γείτων οὕτως καὶ οὐκ ἔστιν ἐπίτιμος, καὶ οἱ νόμοι  
 διαρρήδην ἀπαγορεύουσιν μὴ ἐξεῖναι λέγειν τοῖς  
 [801] τοιούτοις, φανερώς ἐπιδέδεικται, ὧ ἄνδρες Ἀθη-  
 ναῖοι. δεῖ δ' ὑμᾶς ἅπαντας μὲν ἀνείργειν καὶ  
 κωλύειν τοὺς παρανομοῦντας, πολὺ δὲ μάλιστα τοὺς  
 2 ἐν ταῖς ἀρχαῖς ὄντας καὶ τοὺς πολιτευομένους· διὰ  
 γὰρ τούτους τὰ κοινὰ καὶ βλάπτεσθαι πέφυκεν, ἐὰν  
 ὦσι φαῦλοι, καὶ τὰ μέγιστα πάλιν ὠφελείσθαι, ἐὰν  
 ὦσιν ἐπιεικεῖς καὶ θέλωσιν ἐμμένειν τοῖς νόμοις.  
 ὥς, ἐὰν ἅπαξ δῶτε τοῖς ὑπὲρ τῶν κοινῶν ἐγχειροῦσί  
 τι πράττειν τὸ παρανομεῖν καὶ καταφρονεῖν τῶν  
 ὠρισμένων δικαίων, ἀναγκαῖόν ἐστιν ἅπαντας ἀπο-  
 3 λαύειν τοὺς μετέχοντας τῆς πόλεως. ὥσπερ γὰρ  
 τῶν ἐν ταῖς ναυσὶν ἀμαρτημάτων ἅ συμβαίνει περὶ  
 τοὺς πλους, ὅταν μὲν τῶν ναυτῶν τις ἀμάρτη,  
 βραχείαν τὴν βλάβην ἤνεγκεν, ὅταν δ' ὁ κυβερνήτης  
 ἀποσφαλῆ, κοινὴν τὴν ἀτυχίαν ἅπασιν τοῖς ἐμπλέουσι  
 παρεσκεύασεν, ὡσαύτως τὰ μὲν τῶν ἰδιωτῶν ἀμαρ-  
 τήματα οὐκ εἰς τὸ πλῆθος, εἰς δ' αὐτοὺς ἤνεγκε  
 τὰς βλάβας, τὰ δὲ τῶν ἀρχόντων καὶ πολιτευο-  
 4 μένων εἰς ἅπαντας ἀφικνεῖται. διὸ καὶ τὰς τιμω-  
 ρίας ὁ Σόλων τοῖς μὲν ἰδιώταις ἐποίησε βραδείας,  
 ταῖς δ' ἀρχαῖς καὶ τοῖς δημαγωγοῖς ταχείας, ὑπο-  
 578

## AGAINST ARISTOGEITON II

IT has been conclusively proved, men of Athens, that the defendant, Aristogeiton, is a state-debtor and disfranchised, and that the laws expressly forbid all such to address the Assembly. But it is your duty to restrain and check all law-breakers, but especially those who hold office and take part in public affairs, because such men tend to injure the community, if <sup>2</sup> they are unprincipled, and on the other hand to confer the greatest benefit upon it, if they are honest men and willing to abide by the laws. If you once allow those who administer any part of our public affairs to break the laws and override the established principles of justice, everyone who has a stake in the country is bound to suffer from their wickedness. For just as on a voyage an error committed by a <sup>3</sup> common sailor causes little damage, but, when the helmsman is at fault, he brings disaster on everyone aboard, so the faults of private persons cause loss not so much to the general public as to themselves, while the faults of rulers and statesmen come home to all citizens alike. That was why Solon ordained that <sup>4</sup> the penalties for private citizens should be slow, but for magistrates and political leaders swift, assuming

λαμβάνων τοῖς μὲν ἐνδέχασθαι καὶ παρὰ τὸν χρόνον  
 τὸ δίκαιον λαβεῖν, τοῖς δ' οὐκ ἐνεῖναι περιμῆναι·  
 τὸ γὰρ τιμωρησόμενον οὐχ ὑπέσται τῆς πολιτείας  
 καταλυθείσης. καὶ τούτοις τοῖς δικαίοις οὐδεὶς  
 οὕτως οὔτ' ἀναιδῆς οὔθ' ὑπὲρ ὑμᾶς φρονῶν ἐστὶν  
 ὅστις ἀντιλέγειν ἐπιχειρήσει, πλὴν Ἀριστογείτονος  
 [802] τουτουὶ καὶ τῆς τούτου πονηρίας. ἀλλὰ πάσας καὶ  
 τὰς ἀρχὰς καὶ τοὺς πολιτευομένους εὐρήσομεν,  
 ἐπειδὰν ἅπαξ τι καταγνώθῃ ὑμεῖς, τούτοις ἐμμένον-  
 5 τας. τοῦτο μὲν γὰρ ὅταν ἀποχειροτονηθῶσί τινες  
 τῶν ἐν ταῖς ἀρχαῖς, παραχρῆμα πέπανται ἄρχοντες  
 καὶ τοὺς στεφάνους περιήρηται· τοῦτο δ' ὅσοις τῶν  
 θεσμοθετῶν εἰς Ἄρειον πάγον οὐχ οἷόν τ' ἐστὶν  
 ἀνελθεῖν, παρέντες τὸ βιάζεσθαι στέργουσι ταῖς  
 ὑμετέροις γνώσεσι. καὶ τοῦτ' εἰκότως· ὥσπερ γάρ,  
 ὅταν ἄρχωσι, τοὺς ἰδιώτας οἴονται δεῖν αὐτοῖς  
 πειθαρχεῖν, ὡσαύτως, ὅταν αὐτοὶ ἰδιῶται γένωνται  
 πάλιν, τοῖς τῆς πόλεως ἄρχουσι νόμοις δικαίως ἂν  
 6 ἀκολουθοῖεν. ἔτι τοίνυν οἱ πολιτευόμενοι πάντες,  
 ἐκ τῶν παλαιῶν εἰ βούλεσθ' ἀρξάμενοι χρόνων  
 θεωρεῖν, ὡσαύτως φαίνονται εἴκοντες τοῖς ὑμε-  
 τέροις δικαίοις. Ἀριστείδην μὲν γέ φασιν ὑπὸ τῶν  
 προγόνων μετασταθέντ' ἐν Αἰγίνῃ διατρίβειν, ἕως  
 ὃ δῆμος αὐτὸν κατεδέξατο, Μιλτιάδην δὲ καὶ Περικ-  
 κλέα ὀφλόντας, τὸν μὲν τριάκοντα, τὸν δὲ πεντή-  
 7 κοντα τάλαντα, ἐκτείσαντας οὕτω δημηγορεῖν. ὃ  
 καὶ δεινότατον ἂν εἴη συμβαῖνον, τοὺς μὲν πολλὰ  
 καὶ μεγάλα ποιήσαντας ὑμᾶς ἀγαθὰ μὴ τυχεῖν  
 ταύτης τῆς δωρεᾶς, ὥστε παρὰ τοὺς νόμους τι τοὺς  
 κειμένους ὑμῖν πράξαι, τὸν δὲ μηδὲν μὲν ἀγαθὸν  
 εἰργασμένον, ὑπερπληθῆ δ' ἐξημαρτηκότα, τοῦτον



that from the former one can get satisfaction even after some delay, but that one cannot wait for the latter, because there will be no prospect of punishment if the constitution is destroyed. No one will be so impudent or so pretentious that he will attempt to gainsay these principles, except Aristogeiton here with his reckless wickedness. On the contrary we shall find that, when once you have given an adverse verdict, all magistrates and all statesmen accept them. For on the one hand, whenever any officials 5 have been rejected by vote, they instantly cease to hold office and are stripped of their official crowns ; and on the other hand, all the judicial archons who are disqualified for promotion to the Areopagus forbear to force their way in and submit humbly to your decision. And this is only reasonable ; for just as they believe that private citizens ought to obey them when they are rulers, so when they in their turn descend to the rank of private citizens, they ought to submit to the laws, which are the real rulers of the State. Again, all the statesmen, if you will pass them 6 in review from the earliest times, can be proved to have submitted in the same way to your constitutional decrees. It is said that Aristeides was banished by your ancestors and lived in Aegina till the people recalled him, and that Miltiades and Pericles, being fined thirty and fifty talents respectively, did not try to harangue the people until they had paid in full. It would be a most scandalous state of things if, while 7 these men, to whom you were indebted for so many services, were not allowed to do anything contrary to your established laws, this man, who has never done you a single good service, but has committed a prodigious number of offences, should be found to

οὕτω προχείρως φαίνεσθαι καὶ παρὰ τὸ συμφέρον  
καὶ τὸ δίκαιον ἐξουσίαν παρ' ὑμῶν τοῦ παρανομεῖν  
εἰληφότα. καὶ τί δεῖ λέγειν περὶ τῶν παλαιῶν;  
ἀλλὰ τοὺς ἐφ' ὑμῶν αὐτῶν ἀναλογίσασθε, εἴ τις  
[803] οὕτως ἀναιδῆς γέγονε πώποτε· οὐδένα γὰρ ἂν  
8 εὔροιτε, εἰ βουλήσεσθ' ἀκριβῶς ἐξετάζειν. χωρὶς  
τοίνυν τούτων, ὅταν τις ψηφίσματος ἢ νόμου γραφὴν  
ἀπενέγκῃ πρὸς τοὺς θεσμοθέτας, ὁ μὲν νόμος ἢ τὸ  
ψηφισμ' ἄκυρόν ἐστιν, ὁ δὲ θεὸς ἢ γράψας οὐδὲν  
ἀναισχυντεῖ βιαζόμενος, ἀλλ' ὅ τι ἂν ὑμεῖς ψηφί-  
σησθε, τούτῳ ἐμμένει, κἂν ἦ πρῶτος τῷ δύνασθαι  
λέγειν ἢ πράττειν ἐν ὑμῖν. καίτοι πῶς οὐκ ἄτοπον,  
ἃ μὲν ἅπαντες ὑμεῖς συλλεγέντες ἐψηφίσασθε, διὰ  
τοὺς νόμους ἄκυρ' εἶναι, τὴν δ' Ἀριστογείτονος  
βούλησιν εἰς τὸ παρανομεῖν κυριωτέραν οἶεσθαι δεῖν  
9 τῶν νόμων αὐτῶν καταστήσαι; πάλιν τοίνυν ὅταν  
τις ἐπεξιῶν μὴ μεταλάβῃ τὸ πέμπτον μέρος τῶν  
ψηφῶν, ἐφ' οἷς οἱ νόμοι κελεύουσι τὸ λοιπὸν μὴ  
γράφεσθαι μηδ' ἀπάγειν μηδ' ἐφηγεῖσθαι, τὸν αὐτὸν  
τρόπον παρὰ ταῦτ' οὐδεὶς οἶεται δεῖν πράττειν τῶν  
ἐνόχων ὄντων τούτοις τοῖς ἐπιτιμίοις. Ἀριστο-  
γείτονι δέ, ὡς ἔοικε, μόνῳ τῶν ἀπάντων οὐδὲν οὔτε  
δικαστήριον οὔτε νόμος κυριώτερόν ἐστι τῆς αὐτοῦ  
10 βουλήσεως. καὶ ταῦτα πάνθ' οὕτω διαφυλάττουσιν  
οὐδεπώποτ' οὔθ' ὑμῖν οὔτε τοῖς προγόνοις μετ-  
εμέλησεν. ἔστι γὰρ δημοκρατίας φυλακὴ τῶν μὲν  
ἐχθρῶν ἢ βουλευομένων ἢ μαχομένων περιεῖναι,  
τῶν δὲ νόμων ἢ προαιρουμένων ἢ συναναγκαζο-  
μένων ἠττάσθαι. καὶ ταῦθ' ὅτι τοῦτον τὸν τρόπον  
προσῆκει πράττεσθαι, καὶ παρ' αὐτοῦ τούτου συν-  
11 ωμολόγηται. ὅτε γὰρ Ὑπερείδης ἔγραψε, τῶν περὶ  
Χαιρώνειαν ἀτυχημάτων τοῖς Ἑλλησι γενομένων,

have received at your hands, so readily and so contrary to justice and expediency, the right to transgress the laws. And why appeal to ancient history? Count up the men of your own days and see if anyone has ever been found so shameless. A careful scrutiny will not reveal a single instance. Now apart from 8 all this, whenever a man lodges with the judicial Archons an objection against a decree or law, that law or decree is invalid and the mover or proposer has not the impudence to employ violence, but loyally accepts your decision, even if he is the foremost orator or administrator in your city. Yet is it not absurd that, while decrees passed by you in full assembly as in accordance with the laws should be invalid, you should imagine that you ought to make the whim of Aristogeiton to flout the laws more authoritative than the laws themselves?

Again, when a plaintiff fails to obtain a fifth part of 9 the votes, in cases where the laws forbid him henceforward to indict anyone or arrest him or give him into custody, in the same way none of those liable to these disqualifications ever dreams of defying them. But for Aristogeiton, it seems, and for Aristogeiton alone, no court, no law has authority higher than his own caprice. Neither you nor your ancestors ever 10 repented of observing these rules, for it is the salvation of democracy that it overcomes its enemies either by good counsel or by arms, but submits to its laws either by free choice or under constraint; and that this principle is sound, is allowed even by the defendant himself. For after the disasters to the 11 Greek forces at Chaeroneia, when the very founda-

- καὶ τῆς πόλεως ὑπὲρ αὐτῶν τῶν ἑδαφῶν εἰς κίν-  
 [804] δυνον μέγιστον κατακεκλειμένης, εἶναι τοὺς ἀτίμους  
 ἐπιτίμους, ἵν' ὁμονοοῦντες ἅπαντες ὑπὲρ τῆς ἑλευ-  
 θερίας προθύμως ἀγωνίζωνται, εἴαν τις κίνδυνος  
 τηλικούτος καταλαμβάνῃ τὴν πόλιν, τούτου τοῦ  
 ψηφίσματος γραφὴν παρανόμων ἀπενέγκας ἡγω-  
 12 νίζετ' ἐν τῷ δικαστηρίῳ. καίτοι πῶς οὐ δεινὸν εἰς  
 μὲν τὴν [ὑπὲρ] τῆς πατρίδος σωτηρίαν μηδενὶ τῶν  
 πολιτῶν Ἀριστογείτονα τουτονὶ συγχωρῆσαι τυχεῖν  
 τῆς ἐπιτιμίας, εἰς δὲ τὴν αὐτοῦ παρανομίαν παρὰ  
 πάντων ὑμῶν ἀξιοῦν λαμβάνειν τὴν αὐτὴν δωρεάν;  
 καίτοι πολὺ γε νομιμώτερον καὶ δικαιοτέρον τὸ  
 ψήφισμ' ἐκεῖν' ἦν, οὗ σὺ νῦν ἀξιοῖς ψηφίσασθαί σοι  
 13 τουτουσί. τὸ μὲν γὰρ ἴσον καὶ κοινὸν ἅπασιν τοῖς  
 πολίταις ἦν, τὸ δ' ἄνισον καὶ σοὶ μόνῳ τῶν ἐν τῇ  
 πόλει τὴν πλεονεξίαν κατασκευάζον· καὶ τὸ μὲν  
 ὑπὲρ τοῦ μὴ γενέσθαι τὴν εἰρήνην ἐφ' ᾧ θ' ἔνα  
 κύριον τῆς ὅλης πολιτείας καταστῆναι, τὸ δ' ὑπὲρ  
 τοῦ τὰ τουτωνὶ δόγματα καὶ νόμιμ' ἐκ παλαιοῦ  
 παραδοθένθ' ὑπὸ τῶν προγόνων σοὶ μόνῳ δεδόσθαι  
 ἐξουσίαν ἀδεῶς παραβαίνοντι καὶ πράττοντι ὃ τι  
 14 ἂν βουλευθῆς. ἡδέως δ' ἂν ἔγωγ' αὐτὸν ἐρωτή-  
 σαιμι πότερ' ἔννομον καὶ δικαίαν ἐποιήσατο τοῦ  
 ψηφίσματος τὴν γραφὴν, ἢ τούναντίον ἀδικον καὶ  
 παράνομον. εἰ μὲν γὰρ ἀσύμφορον καὶ τῷ δήμῳ  
 βλαβεράν, διὰ τοῦτο δικαίως ἂν ἀποθάνοι· εἰ δὲ  
 συμφέρουσαν καὶ τοῖς πολλοῖς ὠφέλιμον, πῶς νῦν  
 τάναντί' οἷς αὐτὸς ἔγραψας ψηφίξεσθαι τούτους  
 ἀξιοῖς; ἀλλ' οὔτ' ἐκεῖνα δίκαια οὔτε ταῦτ' ἔννομ'  
 15 οὐδὲ συμφέροντ' ἐστὶν ὑμῖν. ὁρῶ δ' ὑμᾶς ἔγωγ',  
 ὧ ἄνδρες Ἀθηναῖοι, ταύτην ἔχοντας τὴν γνώμην

tions of our State were threatened with the utmost danger, when Hypereides proposed that the disfranchised citizens should be reinstated in order that, if any such danger should menace our State, all classes might unite wholeheartedly in the struggle for liberty, the defendant indicted this decree as unconstitutional and conducted his case in court. But 12 is it not monstrous that, where the safety of the State is involved, the defendant should allow none of his fellow-citizens to obtain enfranchisement, but should claim that same favour from you all, in order to cover his own lawlessness? Yet the former vote, Aristogeiton, was far more lawful and equitable than the vote which you now require the jurors to cast in your favour. For the one was fair and equal for all 13 citizens alike, but this is unfair and brings profit to you alone of all the people of Athens. The first was intended to prevent a peace by which one man would have been put in control of the whole government; the effect of this vote will be that you have received authority to transgress with impunity the decisions of the jury and the laws handed down by our ancestors—to do, in fact, whatever you please. I should like 14 to ask him whether his indictment of the decree was lawful and right or on the other hand unjust and illegal. For if the indictment was inexpedient and against the interests of the people, on that very ground he richly deserves death; but if it was useful and advantageous to the majority, why, pray, do you now insist on the jury giving a verdict which is contrary to your indictment? No; your proceedings then were unjust and now are neither lawful nor beneficial to the citizens. I can see that you, men of 15 Athens, are of this opinion in your own behalf, for you

καὶ περὶ ὑμῶν αὐτῶν· πολλὰς γὰρ ἐνδείξεις ἤδη  
 [805] κατεψηφίσασθ' ἰδιωτῶν ἀνθρώπων. καίτοι πῶς οὐ  
 δεινὸν ἐφ' ὑμῶν μὲν αὐτῶν ἐξετάζεσθαι ἀκριβῶς  
 τοὺς νόμους, ἐπὶ δὲ τῶν περιεργαζομένων τι καὶ  
 κοινῇ πάντας ἐνοχλούντων καὶ προσποιουμένων  
 ὑπὲρ τοὺς ἄλλους εἶναι ῥαθύμως οὕτως ἔχει;

16 Οὐ γὰρ δὴ τινες ὑμῶν οὕτως ἔχουσιν, ὡς προσ-  
 ἦκον μὲν ταῦθ' οὕτως ἔχειν ὡς ἐγὼ λέγω, διὰ δὲ  
 τὴν ἐπιείκειαν τὴν Ἀριστογείτονος καὶ τὸ χρή-  
 σιμον αὐτὸν ὑμῖν εἶναι παροπτέον τι καὶ παρα-  
 νομοῦντ' αὐτόν. ὅτι μὲν γὰρ πονηρὸς καὶ τὸν τρόπον  
 δεινῶς ἄδικος, ἱκανῶς ὑμῖν, ὡς ἔγωγ' οἶμαι, ἐκ  
 τῶν προειρημένων Λυκοῦργος ἐπιδέδειχεν· ὅτι δ'  
 οὐδὲ χρήσιμος, ἐξ αὐτῶν τῶν πολιτευμάτων ἄν

17 τις αὐτὸν θεωρήσειεν. τίνα γὰρ παραγαγὼν εἰς  
 τὸ δικαστήριον, ὦν ἠτιᾶτο, τούτων καὶ ἤρηκεν;  
 ἢ ποῖον πόρον ὑμῖν πεπόρικεν; ἢ τί ψήφισμα  
 γέγραφεν ᾧ πεισθέντες ὑμεῖς οὐ πάλιν μετανοῆσαι  
 προείλεσθε; καὶ γὰρ ταῦτα· οὕτω σκαιὸς ἐστί  
 καὶ βάρβαρος τὸν τρόπον ὡσθ', ὅταν ὑμᾶς ἴδῃ πρὸς  
 τινὰς ὀργισθέντας τι καὶ μᾶλλον τοῦ δέοντος  
 παροξυνθέντας, τηνικαῦτα παρὰ τὴν ὀργὴν ὑμῶν  
 τὰ βουλήματα λαβὼν τοῖς καιροῖς ἐναντιοῦται.

18 δεῖ δὲ τὸν πολιτευόμενον ὑπὲρ ὑμῶν οὐχὶ τοῖς  
 ἐξαίφνης μετ' ὀργῆς πάθεισιν ὑμῖν συμπίπτουσιν  
 ἐπακολουθεῖν, ἀλλὰ τοῖς λογισμοῖς καὶ τοῖς πράγ-  
 μασι καὶ τοῖς ὑπάρχουσι καιροῖς· τὰ μὲν γὰρ ταχὺ  
 μεταπίπτειν εἶθισται, τὰ δὲ διαμένειν καὶ πλείω  
 χρόνον ὑπάρχειν· ὦν οὗτος οὐδὲν ἐνθυμούμενος  
 ἐλέγχει τὰ πόρρητα τῆς πολιτείας, ὥστε ταῦτ'  
 [806] ἀναγκάζεσθαι καὶ κύρια καὶ πάλιν ἄκυρα ποιεῖν.

have ere now decided many such "informations" laid against private men. Yet is it not all wrong that in your own case you should so scrupulously examine the laws, but in the case of these mischief-makers, who annoy everyone alike and pretend to be superior to the rest, you should display such indifference?

It is impossible that any of you are of opinion that things ought to be as I say, but that, because of the decorous behaviour of Aristogeiton and his usefulness to you, you ought to wink even at his violation of the laws. I think Lycurgus in his speech has satisfactorily proved that the defendant is an unscrupulous man and has an extraordinary faculty for injustice; and that he is not a useful citizen, anyone can see from his public performances. For whom has he brought into court that he succeeded in convicting on the charges that he laid against him? Or what source of revenue has he provided for you? Or what decree has he ever drafted that you were not afterwards glad to disown? The truth is, he is so tactless, so un-Greek in his temperament, that when he sees you somewhat angry with anyone and rather more exasperated than the occasion calls for, he at once anticipates your wishes in the moment of your wrath and so opposes your interests. But a statesman, acting on your behalf, ought not to follow up the hasty sentiments that accompany your anger, but should be guided by reasons, by events, by the opportunities that present themselves. For sentiments are wont to change quickly, but reasons to subsist for a longer period. Paying no regard to this, the defendant detects the secret weakness of the community, so that the same policy is bound to be ratified one day and repealed the next.

- 19 Ἄλλ' ἴσως ὅτι πρὸς ἅπαντας ἀεὶ προαιρεῖται  
 λαιδορεῖσθαι καὶ διαβοᾶσθαι καὶ μέμφεσθαι τὰ  
 λεγόμενα, διὰ ταῦτα περιποιῆσαι νῦν αὐτὸν ἀρ-  
 μόττει. ἀλλὰ ταῦτά γε νῆ τὴν Ἀθηναίων ὄνειδος  
 ἐστίν, ἄνδρες δικασταί, τῇ πόλει γιγνόμεν' ἐπὶ τοῦ  
 βήματος, καὶ διὰ τὰς τούτων ἀπονοίας ἐπονείδιστον  
 ἤδη τὸ πολιτεύεσθαι παρὰ τοῖς ἐπιεικέσιν ὑμῶν  
 ἐστίν. εἰ δ' οὖν τινὶ τοῦτ' ὑμῶν ἐν ἡδονῇ συμ-  
 βέβηκεν, οὐκ ἀπορήσετε τῶν τοιαῦτα ποιησόντων,  
 ἐπεὶ καὶ νῦν μεστὸν τὸ βῆμ' ἐστίν. οὐ γὰρ ἐπι-  
 τιμᾶν τοῖς συμβεβουλευμένοις χαλεπὸν, ἀλλὰ συμ-  
 βουλευσαί τε καὶ πείσαι τι τῶν δεόντων ὑμᾶς ψηφί-  
 20 σασθαι. πρὸς δὲ τούτοις, εἰ μὲν μὴ καὶ πρότερον  
 τοῖς αὐτοῖς τούτοις χρώμενος λόγοις ἐξηπάτησεν  
 ὑμᾶς, ὅτ' ἠγωνίζετο τὴν προτέραν ἔνδειξιν, ἣν μὲν  
 οὐδ' οὕτω δίκαιον παρὰ τοὺς ὑπάρχοντας νόμους  
 τι συγχωρεῖν (οὐ δεῖ γὰρ παρανομεῖν δόντας τισὶ  
 τοὺς ἄλλους κατὰ τοὺς νόμους ἀξιοῦν πράττειν),  
 οὐ μὴν ἀλλ' ἴσως γ' εὐλογώτερον ἦν τὸ πιστεῦσαι  
 καὶ καταχαρίσασθαι καὶ προέσθαι τι τῶν τοιούτων.  
 21 ἐπειδὴ δὲ τότε ἀφέντες ἐπὶ ταῖς ὁμολογουμέναις  
 ἐλπίσι, μικρὸν ὕστερον τὸν αὐτὸν τοῦτον, ὡς πρᾶτ-  
 τοντα καὶ λέγοντα μὴ τὰ ἄριστα τῷ δήμῳ, πάλιν  
 ἐκολάσατε, τίς ὑπολείπεται σκῆψις ὑμῖν ἀρμότ-  
 τουσα, ἂν νῦν παρακρουσθῆτε; ὧν μὲν γὰρ ἔργῳ  
 πείραν εἰλήφατε, τί δεῖ τοῖς λόγοις πιστεύειν; ὧν  
 δὲ μηδέπω τὴν δοκιμασίαν ἔχειτ' ἀκριβῆ παρ' ὑμῖν  
 αὐτοῖς, ἐκ τῶν λεγομένων ἴσως ἀναγκαῖόν ἐστι  
 22 κρίνειν. θαυμάζω δ' ἔγωγε τῶν οὕτως ἐχόντων  
 ὥστε τὰ μὲν ἴδια τοῖς ἐκ τῶν παρεληλυθότων  
 χρόνων οὖσιν ἐπιεικέσι, τούτοις παρακατατίθεσθαι,



But perhaps because the role he adopts is to rail at 19 everyone, to shout people down and find fault with their speeches, therefore it is convenient in these times to protect him. Gentlemen of the jury, I swear by the goddess of Athens that what takes place on the hustings is a disgrace to our city, and it is through the recklessness of such speakers that political life is now discredited with all decent citizens. But if any of you happen to like that sort of thing, you will never want for such performers. Why, even now the platform swarms with them. For to pick holes in the counsel offered is not difficult, but it is difficult to advise you and persuade you to pass any indispensable resolution. Furthermore, if he 20 had not already deceived you by using these same arguments, when he was on trial at the earlier information, even so it would not be just to make any concession contrary to the existing laws; for you must not allow some persons to break the law and insist on the rest obeying it. Yet just possibly it might then have been more reasonable to trust him and grant him privileges and sacrifice some of these principles. But after you had let him off, admittedly 21 in hope of amendment, and then shortly after had to punish the same man again for speaking and acting against the best interests of the city, what reasonable excuse is left you if you are a second time hoodwinked? When you have tried him by deeds, why need you trust his words? In cases where you have not yet an accurate test ready to hand, it may perhaps be necessary to judge by words. But, for myself, I am 22 amazed that there are men so constituted that, though they deposit private property with those only whose past record shows them to be honest, they entrust

- [807] τὰ δ' ἐν τῇ πολιτείᾳ κοινὰ τοῖς ὁμολογουμένως ἐξεληλεγμένοις οὔσι φαύλοις ἐπιτρέπειν. καὶ κύνα μὲν ἐπὶ ποιμνῆν ἀγεννῆ καὶ φαῦλον οὐδ' ἂν εἰς ἐπιστήσειε φυλάττειν· ἐπὶ δὲ τοὺς τὰ κοινὰ πράττοντας τοὺς τυχόντας ἀνθρώπους φασὶν ἔνιοι φύλακας δεῖν ἐπιπέμπειν, οἳ προσποιούμενοι μηνύειν τοὺς ἀμαρτάνοντας αὐτοὶ τῆς μεγίστης εἰσὶ φυλακῆς δεόμενοι.
- 23 Ὡν, εἰς ἔχῃτε νοῦν, ἐνθυμούμενοι τοὺς μὲν φάσκοντας τούτους τῷ λόγῳ φιλεῖν ὑμᾶς χαίρειν εἶσατε, αὐτοὶ δὲ τοῦτ' ἐκ παντὸς τρόπου παραφυλάξετε, ὅπως μηδενὶ δῶτ' ἐξουσίαν ἀκύρους τοὺς νόμους ποιεῖν, ἄλλως τε καὶ τῶν [πολλῶν] ὑπὲρ τοῦ πλήθους καὶ λέγειν καὶ γράφειν δύνασθαι προσποιουμένων. ὡς πάνδεινόν ἐστι τοὺς μὲν προγόνους ὑπὲρ τοῦ μὴ καταλυθῆναι τοὺς νόμους ἀποθνήσκειν τολμᾶν, ὑμᾶς δὲ μηδὲ τοὺς ἐξ-αμαρτάνοντας εἰς αὐτοὺς τιμωρεῖσθαι, καὶ τὸν μὲν γράψαντα τοὺς νόμους Σόλωνα [ἐψηφίσθαι] χαλκοῦν ἐν ἀγορᾷ στήσαι, αὐτῶν δὲ τῶν νόμων ὀλιγωροῦντας φαίνεσθαι, δι' οὓς κακείνον ὑπερ-
- 24 βαλλόντως συμβέβηκε τιμᾶσθαι. πῶς δ' οὐκ ἂν εἶη τὸ συμβαῖνον ἄλογον, εἰ νομοθετοῦντες μὲν ὀργίζεσθε τοῖς πονηροῖς, ἐπ' αὐτοφώρῳ δέ τινας εἰληφότες ἀθώους εἶσατε; καὶ τὸν μὲν νομοθέτην ἐν' ὄντα πᾶσιν ὑπὲρ ὑμῶν ἀπεχθάνεσθαι τοῖς φαύλοις, ὑμᾶς δὲ μηδ' ὑπὲρ ὑμῶν αὐτῶν κοινῇ συλλεγέντας ἐνδείξασθαι μισοῦντας τοὺς πονηροὺς, ἀλλ' ὑφ' ἐνὸς ἀνδρὸς πονηρίας ἠττηθῆναι; καὶ θάνατον μὲν ὠρικέαι τὴν ζημίαν, εἰς τις οὐκ ὄντα νόμον παράσχηται, τοὺς δὲ τοὺς ὄντας εἰς τὴν
- [808] τῶν οὐκ ὄντων νόμων τάξιν ἄγοντας, τούτους ἀτιμωρήτους περιορᾶν;

public affairs to men who have been admittedly proved unscrupulous. No one would dream of setting a sorry mongrel to guard a flock ; yet some people say that, to keep watch on those who administer the State, one need only employ the first comers, men who pretend to detect delinquents, but need the most careful watching themselves.

If you are wise, you will bear this in mind. Turn <sup>23</sup> a deaf ear to those who profess to be devoted to you, and take your own precautions to ensure that you grant to no one the power to make your laws null and void, especially to no one of those who pretend to be able to speak and legislate in the interests of the masses. It is preposterous that your ancestors faced death to save the laws from destruction, but that you do not even punish those who have offended against the laws ; that you set up in the market-place a bronze statue of Solon, who framed the laws, but show yourselves regardless of those very laws for the sake of which he has received such exceptional honour. Is it not an absurd situation that you <sup>24</sup> should by legislating express your anger against the criminals, but, when you have caught any of them red-handed, should proceed to let them go unscathed ? That the lawgiver, a single individual, should on your behalf incur the hostility of all the worthless, but that you yourselves, collected together to defend your own interests, should not even display your hatred of the wicked, but should be overpowered by the wickedness of a single individual ? That you should have fixed death as the penalty if anyone cites a law which does not exist, and yet should allow men to escape unpunished who reduce the existing laws to the level of laws which do not exist ?

- 25 Οὕτω δ' ἂν ἀκριβέστατα συνθεωρήσαιτε τὸ τοῖς  
 κειμένοις νόμοις πείθεσθαι ἡλικὸν ἀγαθὸν ἔστι, καὶ  
 τὸ καταφρονεῖν καὶ τὸ μὴ πειθαρχεῖν αὐτοῖς  
 ἡλικὸν κακόν, εἰ τὰ τ' ἐκ τῶν νόμων ἀγαθὰ χωρὶς  
 καὶ τὰ διὰ τῆς παρανομίας συμβαίνοντα πρὸ  
 ὀφθαλμῶν ὑμῖν αὐτοῖς ποιησάμενοι θεωρήσαιτε.  
 εὐρήσετε γὰρ τὴν μὲν τὰ τῆς μανίας καὶ ἀκρασίας  
 καὶ πλεονεξίας, τοὺς δὲ τὰ τῆς φρονήσεως καὶ  
 σωφροσύνης καὶ δικαιοσύνης ἔργα διαπραττομένους.
- 26 δῆλον δέ· τῶν γὰρ πόλεων ταύτας ἄριστ' οἰκου-  
 μένας ἴδοιμεν ἂν ἐν αἷς ἄριστοι νομοθέται γεγόνασιν·  
 τὰ μὲν γὰρ ἐν τοῖς σώμασιν ἀρρωστήματα τοῖς τῶν  
 ἰατρῶν εὐρήμασι καταπαύεται, τὰς δ' ἐν ταῖς  
 ψυχαῖς ἀγριότητος αἰ τῶν νομοθετῶν ἐξορίζουσι  
 διάνοιαι. ὅλως δ' οὐδὲν οὔτε σεμνὸν οὔτε σπου-  
 27 δαῖον εὐρήσομεν ὃ μὴ νόμου κεκοινώνηκεν, ἐπεὶ  
 καὶ τὸν ὅλον κόσμον καὶ τὰ θεῖα καὶ τὰς καλου-  
 μένας ὥρας νόμος καὶ τάξις, εἰ χρὴ τοῖς ὄρωμένοις  
 πιστεύειν, διοικεῖν φαίνεται. παρακαλέσαντες οὖν  
 ὑμᾶς αὐτούς, ἄνδρες Ἀθηναῖοι, βοηθήσατε μὲν  
 τοῖς νόμοις, καταψηφίσασθε δὲ τῶν εἰς τὸ θεῖον  
 ἀσεβεῖν προηρημένων. καὶ ταῦτ' ἐὰν πράξητε,  
 τὰ δέοντα ποιήσετε καὶ τὰ κράτιστα ψηφιεῖσθε.

The surest way to realize the blessing of obedience 25  
to the established laws, and the curse of despising and  
disobeying them, is to put before your eyes and ex-  
amine separately the advantages that you derive from  
the laws and the results of lawlessness. For you will  
find that the fruits of lawlessness are madness, intem-  
perance and greed, but from the laws come wisdom,  
sobriety and justice. This is clearly so, because we can 26  
see that those cities are best ordered which have given  
birth to the best lawgivers. For as the distempers of  
the body are arrested by the discoveries of physicians,  
so savagery is expelled from the soul by the wise  
purposes of the legislator. To sum up : we shall find  
nothing venerable or admirable which is not associated  
with law, since the whole round world, the heavenly 27  
bodies and what we call the seasons are plainly, if we  
can trust our senses, controlled by law and order.  
Therefore, men of Athens, exhort one another to  
come to the rescue of the laws, and cast your votes  
against those who deliberately dishonour what is  
divine ; and if you do this, you will be doing your  
duty and making the best use of your votes.



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