

**Clauses out of Context:  
partial citation of statutes in Attic forensic oratory**

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1. Οὕτω τοίνυν περιφανῶς παράνομα γεγραφώς, παραταχθεὶς μετὰ Δημοσθένους ἐποίσει τέχνας τοῖς νόμοις· ἃς ἐγὼ δηλώσω καὶ προερῶ ὑμῖν, ἵνα μὴ λάθητε ἐξαπατηθέντες. Οὗτοι γάρ, ὥς μὲν οὐκ ἀπαγορεύουσιν οἱ νόμοι τὸν ὑπὸ τοῦ δήμου στεφανούμενον μὴ κηρύττειν ἔξω τῆς ἐκκλησίας, οὐχ ἔξουσι λέγειν, οἴσουσι δὲ εἰς τὴν ἀπολογίαν τὸν Διονυσιακὸν νόμον, καὶ χρήσονται τοῦ νόμου μέρος τι νὺν κλέπτοντες τὴν ἀκρόασιν ὑμῶν, καὶ παρέξονται νόμον οὐδὲν προσήκοντα τῇδε τῇ γραφῇ...

*Although he has so blatantly proposed something unlawful, he will apply cunning tricks to the laws, been arrayed next to Demosthenes. What they are, I shall reveal and inform you about in advance, so that you won't be deceived unawares. Now, these men cannot produce any arguments to the effect that the laws do not forbid that the person crowned by the Demos should be proclaimed anywhere except in the Assembly. However, they will adduce in their defence the law on the Dionysia, and, deceiving your ears, they will use a part of the law, and they will produce a law that is not in any way relevant to the present graphē...*  
Aischines 3 Against Ktesiphon 35

2. Ἀκούεις, Αἰσχίνη, τοῦ νόμου λέγοντος σαφῶς, "πλὴν ἐάν τις ὁ δῆμος ἢ ἡ βουλὴ ψηφίσῃται· τούτους δ' ἀναγορευέτω." τί οὖν, ὦ ταλαίπωρε, συκοφαντεῖς; τί λόγους πλάττεις; τί σαυτὸν οὐκ ἐλλεβορίζεις ἐπὶ τούτοις; ἀλλ' οὐδ' αἰσχύνει φθόνου δίκην εἰσάγων, οὐκ ἀδικήματος οὐδενός, καὶ νόμους μεταποιῶν, τῶν δ' ἀφαιρῶν μέρη, οὓς ὅλους δίκαιον ἦν ἀναγιγνώσκεσθαι τοῖς γ' ὁμωμοκόσιν κατὰ τοὺς νόμους ψηφιεῖσθαι;

*Do you hear, Aischines, the law which says clearly 'except if the Assembly or the Council vote for them. Let the herald proclaim these'. Then why, you miserable man, do you play the sykophant? Why are you fabricating tales? Why are you not bringing yourself to your senses on these matters by taking a dose of hellebore? No, you are not ashamed of taking a legal action to court, not for any crime, but for envy, or of refashioning the laws or of removing parts of some of them, which it would be just to have read out in their entirety for the benefit of those who have sworn to vote in accordance with the laws.*  
Demosthenes 18.121

3. λέγε τὰ ψηφίσματα ταυτί. ἀλλ' ἵνα μὴ μακρὸν ὑμῖν ἀκούειν ἦ, ἐξ ἐκάστου τῶν ψηφισμάτων αὐτὸ τοῦτ' ἐξείλεκται περὶ οὗ τούτου κατηγορῶ. λέγε.

**ΨΗΦΙΣΜΑΤΑ.**

*Recite these decrees. But in order that you should not have to listen for long, this very matter, on which I am prosecuting my opponent, has been selected from the decrees.*

*Recite. Decrees.*

Demosthenes 23.88

4. Καί μοι ἀνάγνωθι τούτους τοὺς νόμους τοὺς Σόλωνος τοὺς παλαιούς.

**ΝΟΜΟΣ.** Δεδέσθαι δ' ἐν τῇ ποδοκάκκῃ ἡμέρας δέκα τὸν πόδα, ἐὰν προστιμήσῃ ἡ ἡλιαία.

Ἡ ποδοκάκκη αὕτη ἐστίν, ὃ Θεόμνηστε, ὃ νῦν καλεῖται ἐν τῷ ξύλῳ δεδέσθαι. εἰ οὖν ὁ δεθεὶς ἐξελθὼν ἐν ταῖς εὐθύναις τῶν ἑνδεκα κατηγοροῖ ὅτι οὐκ ἐν τῇ ποδοκάκκῃ ἐδέδετο ἀλλ' ἐν τῷ ξύλῳ, οὐκ ἂν ἡλίθιον αὐτὸν νομίζοιεν; Λέγε ἕτερον νόμον.

**ΝΟΜΟΣ.** Ἐπεγγυᾶν δ' ἐπιορκήσαντα τὸν Ἀπόλλω.

δεδιότα δὲ δίκης ἕνεκα δρασκάζειν.

Τοῦτο τὸ ἐπιorkήσαντα ὁμόσαντά ἐστι, τό τε δρασκάζειν, ὃ νῦν ἀποδιδράσκειν ὀνομάζομεν.

*Please read for me those ancient laws of Solon.*

**Law: ...Let him be confined by his foot for ten days in the podokakke, if the Heliaia shall impose this penalty...** This 'podokakke', Theomnestos, is what is now called 'being confined in the stocks'. If someone who had been confined were after his release to accuse the Eleven at their euthynai on the grounds that they had confined him not in the podokakke but in the stocks, they would presumably regard him as an idiot. Please read another law.

**Law: '...After swearing an oath by Apollo, let him give security. If he is afraid on account of justice, let him abscond...' This word 'epiorkesanta' means 'swearing', and 'draskanein' is what we call 'to run away'.** Lysias 10.16-17 (trs. Todd)

5. Λαβὲ δὴ αὐτοῖς τοὺς νόμους, παρ' οὓς ταῦτα πεποιήκασι, καὶ ἀνάγνωθι.  
Νόμος

Ἐνταῦθα μὲν ὁμοίως καὶ ἀδελφῇ καὶ ἀδελφιδοῦς ἰσόμοιροι κατὰ τὸν νόμον εἰσίν. Λαβὲ δὴ καὶ τοῦτον καὶ ἀναγίγνωσκε αὐτοῖς.

Νόμος  
Ἐὰν μὴ ὦσιν ἀνεψιοὶ μηδὲ ἀνεψίων παῖδες μηδὲ τοῦ πρὸς πατρός γένους ἢ προσήκων μηδεῖς, τότε ἀπέδωκε τοῖς πρὸς μητρός, διορίσας οὓς δεῖ κρατεῖν.  
*Now take the laws, in contravention of which my opponents did this, and read them out to them.*

#### Law

*Here, on the one hand, a sister and the off-spring [of a sister] alike are entitled to equal shares according to the law. Now take this one, too, and read it out to them.*

#### Law

*If there are no cousins or children of cousins, nor any relative on the father's side, then it has given (the inheritance) to the relatives on the mother's side, having defined who is to take precedence.* Isaios 7.21-22

6. ἀλλὰ μὴν "γνησίων" γ' ὅταν λέγῃ καὶ "κυρίως κατὰ τὸν θεσμόν", παρακρούεται παρὰ τοὺς νόμους. τὸ μὲν γὰρ γνήσιόν ἐστιν, ὅταν ἡ γόνυ γεγονός· καὶ ὁ νόμος ταῦτα μαρτυρεῖ λέγων, "ἢν ἂν ἐγγυήσῃ πατὴρ ἢ ἀδελφὸς ἢ πάππος, ἐκ ταύτης εἶναι παῖδας γνησίους." τὸ δὲ "κυρίως" κατὰ τῶν ποιήσεων ὁ νομοθέτης ἔλαβεν, ὑπολαμβάνων δεῖν, ὅταν τις ὦν ἄπαις καὶ κύριος τῶν ἑαυτοῦ ποιήσῃται υἱόν, ταῦτα κύρια εἶναι.

*But surely when he say 'legitimate children; and adds 'validly according to the ordinance', he is misleading you in defiance of the laws. For 'legitimate' [gnesion] means when a child is born of one's body, and the law attests this usage when it says 'legitimate children are born from a woman whom a father or brother or grandfather has pledged in marriage'. And as for 'validly', the lawgiver used this word in reference to adoptions, understanding that whenever a man who is childless and has control of his own property adopts a son, this ought to be 'valid'. [Dem.] 44.49 (trs. Scafuro)*

7. <Νόμοι> Διὰ ταῦθ' ὑμῖν ἀνέγνων τοὺς νόμους, ὅτι κατὰ τὸν πρῶτον αὐτῶν ἰσχυρίζεται τῷ παιδί τοῦ ἡμικληρίου προσήκειν, οὐκ ἀληθῆ λέγων. Οὐ γὰρ ἦν ἡμῖν Ἀγνίας ἀδελφός, ὁ δὲ νόμος περὶ ἀδελφοῦ χρημάτων πρῶτον ἀδελφοῖς τε καὶ ἀδελφιδοῖς πεποίηκε τὴν κληρονομίαν, ἐὰν ὧσιν ὁμοπάτορες·

*Laws. I've read you the laws for this reason, because according to the first of these, my opponent maintains that the boy is entitled to half the estate, a claim that is not true. Hagnias was not our brother, but the law concerning a brother's property has given the right of inheritance first to brothers and nephews, if they are on the father's side: this is the nearest degree of relationship to the deceased.* Isaios 11.1 (trs. Edwards)

8. Εἰ δέ τοι μηδὲν τούτων ἔξει εἰπεῖν, πῶς οὐκ ἐλεγχθήσεται φανερώς ἐμὲ μὲν συκοφαντῶν, ὑμᾶς δ' ἐξαπατῆσαι παρὰ τοὺς νόμους ζητῶν; Ἀναβιβασάμενος οὖν αὐτὸν ἐναντίον ὑμῶν ἐρωτήσω τὰ ἐν τοῖς νόμοις ὑπαναγιγνώσκων· οὕτως γὰρ εἴσεσθε εἰ προσήκει τῷ παιδί τῶν Ἀγνίου χρημάτων ἢ μή. Λαβὲ οὖν αὐτοῖς τοὺς νόμους· σὺ δ' ἀνάβηθι δεῦρο, ἐπειδὴ δεινὸς εἰ διαβάλλειν καὶ τοὺς νόμους διαστρέφειν. Σὺ δ' ἀναγίγνωσκε.

Νόμοι

*But if he cannot state any of these, surely he will be clearly proved to be acting as a sykophant against me and trying to deceive you in contravention of the laws. I shall therefore bring him up before you and question him, reading the law clause by clause, and in this way you will learn whether the boy is entitled to the property of Hagnias or not. Please take the laws; and you, come up here, since you are so clever at slandering and twisting the laws. You read.*

Isaios 11.4 (trs. Edwards)

*cf. e.g. Dem. 37.45-47 + 37.33 with Thür (2008: 63-64).*

9. Καὶ πῶς λέγει; ἂν τις Ἀθηναίων, φησὶν, ἑταιρήσῃ, μὴ ἐξέστω αὐτῷ τῶν ἐννέα ἀρχόντων γενέσθαι, ὅτι οἶμαι στεφανηφόρος ἢ ἀρχή, μηδ' ἱερωσύνην ἱεράσασθαι, ὥς οὐδὲ καθαρῷ τῷ σώματι, μηδὲ συνδικησάτω, φησί, τῷ δημοσίῳ, μηδὲ ἀρξάτω ἀρχὴν μηδεμίαν μηδέποτε, μήτ' ἔνδημον μήτε ὑπερόριον, μήτε κληρωτὴν μήτε χειροτονητὴν· μηδὲ κηρυκευσάτω, μηδὲ πρεσβευσάτω, μηδὲ τοὺς πρεσβεύσαντας κρινέτω, μηδὲ συκοφαντεῖτω μισθωθεῖς, μηδὲ γνώμην εἰπάτω μηδέποτε μήτε ἐν τῇ βουλῇ μήτε ἐν τῷ δήμῳ, μηδ' ἂν δεινότατος ἢ λέγειν. Ἐὰν δέ τις παρὰ ταῦτα πράττῃ, γραφὰς ἑταιρήσεως πεποίηκε καὶ τὰ μέγιστα ἐπιτίμια ἐπέθηκεν. Λέγε αὐτοῖς καὶ τοῦτον τὸν νόμον, ἵν' εἰδῇτε οἷων νόμων ὑμῖν κειμένων, ὥς καλῶν καὶ σωφρόνων, τετόλμηκε Τίμαρχος δημηγορεῖν ὁ τοιοῦτος τὸν τρόπον οἷον ὑμεῖς ἐπίστασθε.

*And what does he say? If any Athenian (he says) prostitutes himself, he is not to have the right to serve as one of the nine archons (the reason being, I think, that these officials wear a sacred wreath), nor to undertake and priesthood, since his body is quite unclean; and let him not serve (he says) as advocate for the state or hold any office ever, whether at home or abroad, whether selected by lot or elected by a vote; let him not serve as herald, nor as envoy (nor let him bring to trial people that have served as envoys, nor let him act as sykophant for pay), nor let him voice any opinion in the Council or the Assembly (not even if he is the cleverest speaker in Athens). If anyone acts against these provisions, he has allowed for indictments (graphai) for prostitution and imposed the most severe penalties. Read this law out to them as well, to make you aware of the noble and decent character of the established laws, against which Timarchos has dared to address the Assembly, a man whose way of life is known to you all.*

Aischines 1.19-20 (trs Carey)

10. Ἐὰν δ' ἐπιχειρῶσι λέγειν ὡς οὐχ ἡταίρηκεν ὅστις μὴ κατὰ συγγραφὰς ἐμισθώθῃ, καὶ γραμματεῖον καὶ μάρτυρας ἀξιῶσί με τούτων παρασχέσθαι, πρῶτον μὲν τοὺς περὶ τῆς ἐταιρήσεως νόμους μέμνησθε, ἐν οἷς οὐδαμοῦ μνείαν ὁ νομοθέτης περὶ συνθηκῶν πεποιήται. Οὐ γάρ, εἰ κατὰ γραμματεῖόν τις ἑαυτὸν κατήσχυνε, τοῦτ' ἐξήτασεν, ἀλλὰ παντελῶς, ὅπως ἂν ἡ πράξις γένηται, τὸν πράξαντα κελεύει μὴ μετέχειν τῶν τῆς πόλεως κοινῶν. Εἰκότως ὅστις γὰρ νέος ὢν ἀπέστη δι' αἰσχρὰς ἡδονὰς τῆς εἰς τὰ καλὰ φιλοτιμίας, τοῦτον οὐκ ᾤθη δεῖν πρεσβύτερον γενόμενον ἐπίτιμον εἶναι.

*If they try to argue that a man has not prostituted himself if he did not make a contract to hire himself out, and demand that I provide documentation and witnesses to this effect, firstly remember the laws concerning prostitution; nowhere does the legislator mention contracts. He did not ask whether anyone had disgraced himself under a written contract, but, however the activity takes place, he absolutely bars the man who has engaged in it from the public affairs of the city. And rightly so. If any man in his youth abandoned noble ambitions for the sake of shameful pleasure, he believed that this man should not in later years enjoy political rights.* Aischines 1.160 (trs. Carey)

11. Καὶ τίνα ἕτερον νόμον ἔθηκε φύλακα τῶν ἡμετέρων παίδων; τὸν τῆς προαγωγείας, τὰ μέγιστα ἐπίτιμια ἐπιγράψας, εἴαν τις ἐλεύθερον παῖδα ἢ γυναῖκα προαγωγεύῃ. **This law is not read out;** the speaker proceeds straight to another law concerning *hybris*.

*What other law did he lay down to protect your children? The law against procuring, to which he attached the most severe penalties, if anyone procures for prostitution a free boy or a woman.* Aischines 1.14 (trs. Carey)

12. Καὶ τὰς προαγωγοὺς καὶ τοὺς προαγωγοὺς γράφεσθαι κελεύει, καὶ ἄλῳσι, θανάτῳ ζημιῶν, ὅτι τῶν ἐξαμαρτάνειν ἐπιθυμούντων ὀκνούντων καὶ αἰσχυνομένων ἀλλήλοις ἐντυγχάνειν, αὐτοὶ τὴν αὐτῶν ἀναίδειαν παρασχόντες ἐπὶ μισθῷ τὸ πρᾶγμα εἰς διάπειραν καὶ λόγον κατέστησαν.

*And he allows for indictment (graphe) of procurers, male and female; and if they are convicted, he makes death the punishment. The reason is that when people who wish to sin hesitate through shame to come together, the procurers offer their own lack of shame for pay and advance the affair to the point of discussion and action.*

Aischines 1.184 (trs. Carey)

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