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"Apply the Laws from Euclides": Andocides 1. 82-99

Andocides on trial for impiety (400/399) made an argument against the legality of the suit that is crucial to our understanding of how democracy was reconstructed. Andocides argues that under the new regime he cannot be punished for violating a restriction imposed in 415, and he cites a list of laws, past and current, to prove that old liabilities are cancelled. He declares (82) that the whole matrix of laws was "scrutinized" in order to bar such litigation. Then, among the documents of reconstruction, he refers to a rule that legal decisions rendered under democracy shall be valid, but "one must apply the laws from Euclides' archonship" —*nomois chrêsthai ap' Eukleidou* (87). This last clause is often understood to mean that one must apply only those laws enacted since 403/2. But, as MacDowell recognized (1962, 1978), for that meaning the article should make the phrase attributive: *nomois chrêsthai <tois> ap' Eukleidou*. As it stands, "from Euclides" is adverbial: it tells not *which* laws to use, but *how* to apply the laws; they cannot be applied to *offenses* prior to 403. It is thus the very "law of amnesty." Andocides himself, however, seems to argue to the contrary, that it is *legislation* prior to 403 that does not apply. His argument is contradicted by documents inserted in the text—notably the decree of Teisamenus. Relying on these documents rather uncritically, scholars have often dismissed Andocides' argument as pure "perversity." This paper offers a new solution, treating both the argument and the documents with proper scepticism.

The "document" inserted at §87 is roughly adapted from Andocides' remarks at that point in his argument: it is not a reliable text of the law. What Andocides says about the law in question confirms the more competent document in Dem. 24.56. *Dikai* and *diatai* under democracy, before and after 404, shall be valid. The aim, Andocides explains (88), is to guarantee performance of "private obligations," *symbolaia idia*, that there be no cancellation of debts or reopening of settled suits. Conversely, all decisions under the Thirty, public and private, shall be invalid. But what of public liabilities incurred before 404? Andocides' report of a general "scrutiny" suggests that many potentially divisive measures were somehow reauthorized, statute by statute, in such a way as to bar public suits for certain offenses before 403. The rule to "apply the laws from Euclides" was probably introduced in the law that Andocides read to the court at this point, and it was specific to this group of laws, reenacted to apply from 403. The document in our text, the decree of Teisamenus (83-4), refers to a subsequent procedure: it is a largely reliable document but almost certainly the wrong document.

Among the laws affected by the "scrutiny" was the decree of Demophantus (410/9). Andocides tells us that it cannot be invoked against those who collaborated with the Thirty, for "one must apply the laws from Euclides." But Demosthenes and Lycurgus refer to Demophantus' decree as valid in the fourth century — indeed, Lycurgus regarded it as a law *enacted after the fall of the Thirty*. The garbled prescript suggests in itself that

the document in And. 1.96-9 was adapted from a **reauthorization**; it includes an otherwise needless "starting date"—*archei chronos*—which an officious hand has "corrected" to the date of original enactment .

In 402/1 (or soon after) the decree of Diocles (Dem. 24.42-3) treats the "established" laws reinscribed in the year of Euclides as a special category, analogous to laws given a later starting date. It is in regard to this group of laws—and by no means all old laws—that Andocides insists "apply the laws from Euclides." By specific notation, relevant rights and remedies were reckoned *ap' Eukleidou*. It was only by such scrutiny that the Athenians arrived at a workable approximation to a "law of amnesty."