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# Illegal Execution in Ancient Athens

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In Plato's *Apology* Socrates mentions a famous trial in which he attempted in vain to prevent the Athenian people from acting illegally. He said:

> I was a member of the Council, and our division happened to be presiding when you (the people) wished to try the generals who had not picked up the casualties from the naval battle all together as a group, illegally, as at a later time you all recognized. Then I alone of the presiders opposed taking any action contrary to the laws, and although the orators were ready to indict me and you were egging them on I thought I had to take my chances with law and justice, rather than fearing imprisonment or death to side with you when you were resolved on injustice.

Other sources as well credit Socrates with this bold and unpopular stand in this ancient Athenian example of a clear abrogation of civil rights.

In 406 B.C. shortly before the end of the Peloponnesian War the Athenians won a great naval victory over the Spartan fleet at Arginousai. The Athenian people were delighted by the victory but distressed that the casualties from the lost ships had not been picked up and they held the eight generals who had commanded the fleet responsible. Two causes of the lapse are given: (1) that a violent storm had blown up after the battle and (2) that the generals had assigned this duty to several of the ship captains. And here our two chief sources disagree sufficiently to make it impossible to be sure who, if anyone, was really culpable. The version of the contemporary historian Xenophon assumes the innocence of the generals as it attributes the people's indignation against them to the actions of Theramenes, one of the ship captains to whom the casualty-pick-up had been assigned. About this Theramenes Xenophon wrote: "He showed as evidence that the generals were not blaming anyone else the letter which they had sent to the Council and the People in which they gave as the reason nothing other than the storm." (*Hell.* I.7.4) And Xenophon goes on to describe the way in which associates of Theramenes not only arranged for apparent mourning relatives of the casualties to appear at the popular assembly to inflame passions but also persuaded the Council to propose to the Assembly the condemnation of the generals as a group.

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Diodorus Siculus, a much later source generally thought to have used two historians who wrote within a generation of our battle, tells a different story: how Theramenes and Thrasyboulos, another of the ship captains, preceded the generals to Athens; how the generals assumed that the popular wrath over the neglect of the casualties had been sparked by them and so wrote letters asserting that it was the ship captains who had been assigned the task and had failed; how Theramenes and Thrasyboulos who might otherwise have testified on their behalf then had to defend themselves, very much to the detriment of the generals' cause.

Various reconciliations of these two chief sources and other stray bits of evidence have been attempted, but none is really compelling and all involve efforts to see in the affair the effects of political alignments and opposition. And indeed this is particularly tempting because of the career and personality of one of the chief actors, Theramenes. He had been, a few years earlier, not only one of the prime movers in the Revolution of the 400 but also one of the first to seek the abolition of that oligarchic regime. And again, two years later, he would be active first in the establishment of the co-called Thirty Tyrants and then very soon so opposed to their actions that they executed him out of hand. This political versatility had earned for him the nickname of Kothornos, a word designating the bulky thick-soled boot that made tragic actors imposing and could be worn on either foot. His opposition to the generals combined with this evidence of shifting allegiances has made possible various reconstructions of the political alignments that played a part in the affair. But those reconstructions show up their creators as no less guilty than the Athenian people in treating the generals not as individuals but as a group. So, for example, one reconstruction asserts that "unquestioned loyalty to the democracy was a necessary qualification for this board of generals" and it proceeds to show that their election was a reaction to the failure of the recently repatriated Alcibiades to fulfill the Athenians' hopes of naval victory. In that case Theramenes' alleged hostile action against them may have been in his oligarchic *persona* out of loyalty to Alcibiades or simply to save his own skin. Another reconstruction, coming from a different angle, sees the generals as allied by both political ties and those of kinship *with* Alcibiades and therefore victimized by certified democratic accusers associated with Theramenes in one of his democratic phases.

Surely just as the Athenians later realized that justice would have been better served if they had tried the generals as individuals, so it seems fairer now to consider them one by one, trying to work out their individual loyalties and connections from the scanty references that record their activities. First, we should note that of the ten generals elected for that year only eight were involved in the battle, the other two having been bottled up elsewhere by an arm of the Spartan fleet. Then, our task is made easier still by the fact that, when the eight were recalled

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to face the people of Athens after the battle, two of the generals went into voluntary exile rather than return. This might be taken as admission of guilt on their part, except that a knowledge of recent history, including the sentence passed on Thucydides the historian for a failure not his own, could have alerted them to the overly righteous indignation of the Athenian people. But it is interesting that only the two about whom we have no other information at all decided not to go home, as if by neither birth nor action they had connections on whom they could count as supporters of their cause.

What we know about the six generals who *did* return is very much a matter of chance, but it is clear that they were a mixed lot, which makes treating them as a group *now* even more injudicious than it was in 406 B.C. when at least they were all in the same battle. But before taking up the six, we need some political and social context into which they may be fitted. In 415 B.C. during an uneasy peace with Sparta Athens had, at the urging of Alcibiades, launched a great expedition to conquer Sicily; when as a result of alleged profanation of the Eleusinian Mysteries Alcibiades was exiled and fled to Sparta, the Sicilian expedition was doomed, partly because of reluctant leadership and partly because of Spartan aid to the Sicilians. After Athens' disastrous defeat in Sicily in 413 B.C. the war between Athens and Sparta moved into a new phase, mostly naval, in which Sparta with Persian help was attempting to bring about wholesale defection of Athenian subject allies in the Aegean and on the coast of Asia Minor. With the Athenian fleet, largely manned by lower class democrats, stationed across the Aegean at Samos, oligarchic intrigue at home made enough headway to launch the Revolution of the 400 in 411 B.C., using the possibility of thereby diverting Persian aid from Sparta through a returning Alcibiades. Sponsors of the Revolution included Theramenes, the tragic boot, and Phrynichos; the murder of this Phrynichos, who typified the pro-Spartan policy and oligarchic excesses of the 400, and the defection of others, including Theramenes because of those excesses, combined with the hostility of the navy at Samos, brought the Revolution to an end in less than half a year. One positive result was the navy's election of Alcibiades as one of its generals and a vote for his recall by the Athenian assembly. In 407 as a result of his successes against Sparta Alcibiades finally returned to Athens and was proclaimed supreme commander over all the other generals.

Barely a year later all the high hopes centered on Alcibiades were destroyed by large ship losses resulting from the insubordination of an aide, and Alcibiades once more retired into exile. It was at this point that in both sorrow and anger the Athenians elected the ten generals, six of whose political and social connections we need to examine in order to determine the extent to which they may have been elected and may have acted as individuals instead of as the undifferentiated group in which they were executed.

Aristokrates son of Skelias was rich and well connected; in 421 B.C. as

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one of the ten generals he had co-signed the peace with Sparta; in 411 he had joined in the Revolution of the 400 but then with Theramenes worked to overthrow that narrow oligarchy in favor of a government by 5,000 which soon gave way to full-scale democracy. As a newly elected general in 407 B.C. he accompanied Alcibiades to put down a revolt in Andros, and despite the fall of his supreme commander he was re-elected for the fatal year of the battle of Arginousai. So here is one man of the six who was not a new broom to sweep away the previous year's disgrace; and one man, too, who not only *like* Theramenes, but hand-in-glove *with* Theramenes, converted from oligarchic to democratic action and, despite that cooperation, suffered from Theramenes' apparent hostility along with the other five.

Diomedon was elected general for 412 B.C. and was active with various contingents of the fleet during that year, ending up in Samos where he showed his sympathy with the democratic opposition to the Revolution of the 400. Nothing else is known of his career until his election in 406 and his participation in the battle of Arginousai. During the subsequent trial in Athens it was said in his defense that Diomedon had urged his colleagues to pick up the casualties, but that a compromise was reached by which the fleet was split, leaving only the ship captains to make the pick-up. For this one of the six we have no information about his relation to Theramenes or to Alcibiades except that he was a friend to a relative of Alcibiades; his sympathy was with the democrats, but no action is known.

Erasinides, third of the six generals, proposed a decree in 409 B.C. that was passed by the Athenian people giving praise and a golden crown to the murderer of Phrynichos, one of the leaders of the 400. Whether this gesture, made two years after the fact, is proof of actual anti-oligarchic activity is uncertain. Erasinides is not known to have held office of any sort before his election in 406. Before the battle he was blockaded with two other generals and a large fleet in Mytilene; Erasinides managed to slip through the lines of the blockaders in order to take the news to Athens and then accompany the new fleet sent out first to engage the Spartans at Arginousai and then to lift the blockade. On the six generals' return to Athens it was Erasinides who was first attacked; our contemporary source notes that the democratic leader Archedemos "accused him in court, saying that he had in his possession public money, and then accused him about his generalship." How Erasinides' alleged peculation served as a lightning-rod to attract official action on the failure of the generals to pick up casualties is obscure, but that he was the first to be accused about his generalship may be explained by his having argued after the battle for lifting the blockade in preference to picking up casualties. As far as political action or connection is concerned, there is only his presumably democratic proposal to honor the murderer of the oligarch Phrynichos.

Lysias is the least known of the six and most individual in not even

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being one of the original ten elected in the aftermath of Alcibiades' fall; one of these had been killed in Mytilene, and Lysias was elected to fill out his term. He is the most innocent and pitiful of the lot: our later source tells how the Spartan commander rammed his ship and sank it, so that we must assume that Lysias, who himself had been in need of rescuing, was executed for not rescuing others.

The fifth general was Pericles, bastard son of Pericles by his mistress Aspasia, and both legitimized and given citizenship when his legitimate half-brothers died in the plague. He had been in 410 a treasurer of Athens' imperial fund and is recorded in an inscription as receiving monies from Athena's treasurers to be disbursed for various purposes. Whether Pericles' political inclinations were democratic in the tradition of his father is not known, but his near relationship to Alcibiades may have played some part in his official actions.

The sixth general, Thrasyllos, was serving as a hoplite with the fleet in Samos in the year 411. Along with the Thrasyboulos who was later a ship captain with Theramenes at Arginousai he led the democratic revolt in Samos against the oligarchy in Athens; and both were then elected as generals along with Alcibiades by the Athenians in Samos. Both were reelected in the next three years by the restored democracy in Athens and were active along with Alcibiades and Theramenes in regaining from Persian and Spartan control former subject allies of the Athenians. After one such victory Thrasyllos returned to Athens where, when the Spartan king marched with his army up to the very walls, he led out the army and scared him off. As a reward he was given a new naval force with which he attacked Ephesus and was badly defeated. He then sailed to the Hellespont to join forces with Alcibiades, and except for some initial bitterness between Alcibiades' generally victorious troops and those of Thrasyllos coming from defeat, the joint force made good progress against the Spartan-Persian alliance. Some scholars, however, feel justified in translating the hostility felt by the men in the two forces to their commanders, apparently the better to define Thrasyllos as not only a good democrat but also anti-Alcibiades. The fact that he was not elected general in the next year, when Alcibiades was formally repatriated, is used for the same purpose, as is Thrasyllos' reelection after Alcibiades' fall.

At the battle of Arginousai Thrasyllos was, according to one source, the supreme commander, and it was he, according to another, who urged the splitting of the fleet after the battle, with Theramenes and Thrasyboulos assigned to pick up the casualties. Thrasyllos is seen, then, as a good democrat, either resentful of Alcibiades or a strong supporter, and a canny commander who, either before or after the fact, knew how to shift responsibility to potential rivals.

There we have the six illegally executed generals. About only three of them do we know enough to make an informed guess about their political affiliations and personal allegiances. One, Aristokrates, turns out

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to have been, at various times, an oligarch and a democrat, pro-Alcibiades and pro-Theramenes. A second, Thrasyllos, was certainly a democrat but variously both pro- and anti-Alcibiades as well as anti-Theramenes. The third, Erasinides, could be seen as democratic in his support of the oligarch Phyrnichos' murderer but potentially oligarchic in his alleged embezzlement of democratic funds and in his indictment therefor by a prominent democrat.

Hostility between oligarchs and democrats was compounded by the sometimes even stronger personal allegiances and animosities inspired by ambidextrous figures like Alcibiades and Theramenes, who could use or be used by both oligarchs and democrats. It is therefore questionable whether the Euclidean principle that things equal to the same thing are also equal to one another can be applied to Athenians so that those who are friendly to Alcibiades, for example, are friendly to one another. In a static world and among unchanging persons this might hold true but in late fifth century Athens both democrats and oligarchs came in many different shades and both Alcibiades and Theramenes proved themselves two-faced, so that any assumption of uniformity in any group of their contemporaries such as the six elected generals is as improbable as it was unjust to condemn them as a group.

* * * * *

Note: In the discussion after the talk Christian Habicht brought to our attention a parallel case of illegal execution in Athens a little more than a hundred years later. Under the aegis of Lachares the tyrant four generals were put to death without a trial by a single vote of the Assembly (P. Ox. 2082).

Later, Homer Thompson pointed out to me a much more recent Greek parallel; the court-martial and execution by firing squad of six of the king's ministers and military advisors during the 1922 revolution. The numerical coincidence extends even to the fact that of the eight who were accused two escaped death, not this time by exile but by imprisonment.

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