

Legal failures and blunders

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The recent decision of the Supreme Judicial Council gives us an opportunity to refresh our minds on other similar cases of the past. Legal blunders are errors or omissions that occur during legal proceedings and can have significant consequences. The legal blunders of antiquity are quite interesting and often reveal a lot about the societies of the time.

The trial of Socrates in ancient Athens in 399 BC is one of the most well-known examples. Socrates was accused of corrupting the youth and disrespecting the gods of the city. Despite his defense, he was sentenced to death by drinking hemlock. This trial is seen as a miscarriage of justice and a major legal blunder, driven more by political motives than actual guilt. At the trial of Aristides, also known as Aristides the Just, he was exiled from Athens in 482 BC through the process of ostracism. Despite being one of the most respected and righteous citizens, his exile is seen as a legal blunder, as it was based on political disputes rather than actual crimes.

The trial of Protagoras (490 BC - 420 BC) is an interesting and lesser-known episode of ancient Greek history. Protagoras, one of the most famous sophists of antiquity, was accused of impiety (atheia) because of his philosophical views. Protagoras believed that knowledge is relative and depends on the senses and experiences of each individual. The famous saying "πάντων χρημάτων μέτρον ἄνθρωπος" (man is the measure of all things) reflects this view. Furthermore, in his work *About the Gods*, he stated that he could not know whether the gods exist or not, which was considered blasphemous by the Athenians. The charge of impiety led to his condemnation and the burning of his books in the marketplace. To avoid further persecution, Protagoras fled to Sicily, but his ship was wrecked, and he drowned. This trial shows how philosophical views could provoke serious reactions in ancient Athens, particularly when they challenged traditional religious beliefs.

The naval battle at the Arginouses (islands off the coast of Asia Minor opposite Lesbos) took place in 406 BC. during the late Peloponnesian War between eight Athenian generals leading 155 triremes and the Spartan Callicratides leading 120. After the battle the six Athenian generals were executed for failing to save shipwrecked men. The trial was rushed and did not follow proper legal procedures, leading to widespread criticism.

The trial and crucifixion of Jesus Christ is another example. The trial of Jesus by Pontius Pilate and the Sanhedrin is considered by many to be unfair and illegal, as many legal procedures of the time were violated. These examples show how the legal processes of antiquity could be influenced by political and social motivations, leading to decisions, which in retrospect are considered unjust or wrong. Many examples can be given from more modern history.

Ideally, legal decisions should attempt to balance both existing laws and the pursuit of justice. This balance ensures that laws are applied fairly while allowing for adaptability to evolving social norms. This may include considering the intent behind the law, the context of the case and the potential impact of the decision. Sometimes, strict adherence to existing laws may

not lead to a fair outcome. The interplay between law and justice is crucial to achieving a just society.

In the recent decision, the question is whether the court made an attempt to balance the two positions, since the accused was trying to pursue corruption, which can appear as theft, embezzlement, nepotism, bribery to extortion or undue influence, which certainly has a lot to do with justice.

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