

Lysias, *On the Murder of Eratosthenes* (trans. Caroline L. Falkner; from www.stoa.org/diotima)
[Greek text; ca. 400 BCE]

The defendant in this court case, Euphiletos, stands accused of the murder of Eratosthenes, his wife's lover.

[1] I would be very grateful, gentlemen, if you, the jurymen in this case, judged me as you would judge yourselves, were you to go through the same sort of experience. For I am well aware that if you employed the same standards for others as you do for your own behaviour, there is not a single one of you who would not be furious at what has happened. In fact, all of you would consider the penalties light for those who practise such things.

[2] And these feelings would be acknowledged not just by you but by the whole of Greece. For in the case of this crime alone both democracy and oligarchy offer the same redress to their weakest members as to their most powerful. The result is that the least individual has the same opportunity as the greatest. In the same way, gentlemen, all humanity considers this kind of violation to be the most outrageous of acts.

[3] I believe, then, that all of you have the same opinion about the severity of the punishment, and that no one considers the matter to be so frivolous that he supposes that those guilty of such acts should be pardoned or deserve light penalties.

[4] I believe, gentlemen, that what I have to demonstrate is this: that Eratosthenes seduced my wife and corrupted her, that he brought shame on my children and insulted me by entering my house, that there was no cause for enmity between him and me apart from this, and that I did not commit this deed for money, to make myself rich instead of poor, nor for any other advantage except revenge, as the law allows.

[5] I shall, then, reveal the whole story to you from the beginning, omitting nothing, but telling the truth. For I believe my only chance of survival lies in my telling you everything that has taken place.

[6] Now, Athenians, when I decided to get married and brought a wife into my house, for some time I did not wish to impose on her or let her be too free to do whatever she wanted. I used to keep an eye on her as far as I could, and give her a suitable amount of attention. But from the time my son was born I began to have more confidence in her, and I gave her full responsibility for my house, as I believed this to be the best type of domestic arrangement.

[7] Well, in the beginning, Athenians, she was the best of all wives, for she was clever and frugal in her running of the house, and carefully supervised every aspect of its management. But when my mother died, her passing proved to be the cause of all my problems.

[8] It was at her funeral, which my wife attended, that she was seen by this man and was eventually seduced. You see, by keeping watch for the times when our slave girl went to market and by propositioning her, he corrupted her.

[9] First of all then, gentlemen, for I must also explain such details to you, I have a modest, two storey house, which has equal space for the women's and men's quarters on the upper and lower floors. When our child was born its mother nursed it, and, so that she would not risk a fall on her way downstairs whenever the baby needed bathing, I took to living on the upper level while the women lived downstairs.

[10] From that time, then, it became such a regular arrangement that my wife would often go downstairs to sleep with the child to nurse it and to stop it crying. This was the way we lived for quite a while, and I never had any cause for concern, but carried on in the foolish belief that my wife was the most proper woman in the city.

[11] Time passed, gentlemen, and I came home unexpectedly from the farm. After dinner the child started to cry and become restless. It was being deliberately provoked by our slave girl into behaving like this because that individual was in the house; I found out all about this later.

[12] So, I told my wife to go away and nurse the child to stop it crying. To begin with, she did not want to go, claiming that she was glad to see me home after so long. When I got annoyed and ordered her to leave she said, "Yes, so you can have a go at the young slave here. You made a grab at her before when you were drunk."

[13] I laughed, and she got up, closed the door as she left, pretending it was a joke, and drew the bolt across. Thinking there was nothing serious in this, and not suspecting a thing, I happily settled down to sleep as I had come back from my farm work.

[14] About dawn my wife returned and opened the door. When I asked why the doors had made a noise in the night, she claimed that the lamp near the baby had gone out, and so she had gone to get a light from the neighbours. I said nothing, as I believed this was the truth. I noticed though, gentlemen, that her face was made up, although her brother had died not thirty days earlier. Still, I said nothing at all about it, and I left without a word.

[15] Later, gentlemen, after some time had passed during which I remained quite ignorant of the terrible way I was being treated, an old woman came up to me. She had been sent in secret by a woman with whom that individual was having an affair, as I later heard. The woman was angry, thinking herself badly treated because he no longer visited her as he had, and so she waited until she found out the cause.

[16] Well, the old woman, who had been watching for me near my house, came up to me and said, "Euphiletos, do not suppose that I have approached you from any desire to interfere in your business. The person who is disgracing you and your wife happens to be our mutual enemy. If you catch your slave, the one who goes to market for you and waits on you, and if you torture her, you will find out everything. It is," she said, "Eratosthenes from the deme of Oea who is responsible for this; he has not only seduced your wife but many other women, too. It's his specialty."

[17] So saying, gentlemen, she went away, while I was immediately confused as everything began to come back to me. I was full of suspicion as I reflected on how I was locked in my room,

and I remembered that on that night the inner and outer doors made a noise -- this had never happened before -- and I thought my wife was wearing make up. Every detail came to my mind, and I was full of suspicion.

[18] I went home and told the slave- girl to come with me to the market. I took her to a friend's home, and said that I knew about everything that was going on in my house. "So you," I said, " can have your choice, either to be beaten and thrown into the mill and suffer endless torture, or to confess the whole truth, receive no punishment, but instead be pardoned by me for the wrongs you have done. Tell me no lies, but speak the whole truth."

[19] She denied it at first, and told me to do what I liked because, she said, she knew nothing. Yet when I mentioned the name of Eratosthenes to her, and said that he was the one visiting my wife, she panicked, because she imagined that I knew every detail of the whole affair. Right then she fell at my knees, and, getting me to promise that she would come to no harm, she confessed first how he approached her after the funeral, [20] then how she ended up carrying his messages, how my wife in time was won over, how he entered the house, and how, during the Thesmophoria when I was at the farm, my wife had gone to the temple with that man's mother. She explained everything else that happened as well.

[21] When she had revealed the full story, I said, "Make sure, then, no one else finds out about this; otherwise, our agreement will be worth nothing. I expect you to show me them in the act. For I do not need words, but clear evidence whether that is really what is going on."

[22] She agreed to do this. After our conversation four or five days passed, ... as I shall bring convincing evidence to show you. First, I want to explain the events of the last day. Sostratus is my friend, and is well disposed towards me. I met him at sunset as he was coming home from his farm. Realising that none of his family would be at home at that time to welcome him on his return, I invited him to have dinner with me.

[23] We came to my house, went upstairs and had dinner. After he had had a good meal, he left, and I went to bed. Eratosthenes came in, gentlemen, and the girl woke me immediately and informed me that he was inside. I told her to mind the door, and went downstairs, leaving without making a sound. I went around to different neighbours, and found that some were not at home and others were out of town. Gathering the largest group I could find of those who were at home, I made my way back to the house.

[24] We took torches from the nearest inn, and entered -- the door was open because the girl had seen to it. We pushed open the door of the bedroom, and those of us who were the first to enter saw him still lying next to my wife; the ones coming in later saw him standing naked on the bed.

[25] I struck him, gentlemen, and knocked him down. Then I twisted him round and tied his hands behind his back. I asked him why he was disgracing my house by entering it. He confessed that he was in the wrong, and he begged and entreated me not to kill him, but to agree to a financial settlement.

[26] I said to him, "Your executioner is not I, but the law of the city, whose violation you thought less important than your pleasures. It was your choice to commit an offence like this against my wife and my children, rather than to obey the laws and behave properly."

[27] This, gentlemen, is the reason why he met the fate the laws allow for those who commit such crimes. He was not snatched from the street, nor was he a suppliant at my hearth, as these people claim. For how could anyone, who was struck in the bedroom and immediately fell down and had his hands tied, get away when there were so many people inside? He had no weapon, no club, or anything else to defend himself against those who had come in.

[28] In fact, gentlemen, I believe that you, too, appreciate that people who commit crimes do not admit when their enemies are speaking the truth, but make up lies and invent stories to make their listeners angry at those who are acting within their rights. So, first, read out the law.

LAW (the law is read)

[29] He did not argue, gentlemen, but confessed that he was in the wrong; he begged and pleaded not to be killed, and was ready to pay money in recompense. I did not agree with his offer; I considered that the law of the city was the greater authority, and I exacted that penalty you considered the most just, and that you ordained against those who practise such crimes. Now bring forward the witnesses of these events.

WITNESSES (the witnesses give their evidence)

[30] Please read out, also, the law that is on the pillar of the Areopagus.

LAW (the law is read)

You hear, gentlemen, that the court of the Areopagus itself, which, from the time of our ancestors down to ours, has been granted the right to judge cases of homicide, has explicitly decreed that a man should not be found guilty of murder if he catches an adulterer in the act with his wife and takes the vengeance I did.

[31] Moreover, the lawgiver so strongly believed this to be the right course of action in the case of married women that he imposed the same penalty even in the case of mistresses, who are worth less than wives. Yet it is clear that, had he any better form of redress than this for married women, he would have introduced it. As it was, he could not discover a more powerful deterrent than this in their case, and he decided that the same penalty should apply even in the case of mistresses. Please read this law, too.

LAW (the law is read)

[32] You hear, gentlemen, that it lays down that if anyone rapes a free man or child, he owes double the damages. If he rapes a woman, in those cases that carry the penalty of death, he is liable at the same rate. Thus, gentlemen, rapists are thought to deserve a lighter penalty than

seducers, because the law condemned the latter to death, but assigned double the amount of the damages to the former.

[33] The assumption is that those who achieve their aims by force are hated by those they have violated, while seducers so corrupt the souls of their victims that they make other men's wives more intimate with them than they are with their husbands. They make the whole house theirs, and it becomes unclear to which father the children belong, the husband or the seducer. Because of this the lawmaker assigned death as the penalty for seducers.

[34] So then, gentlemen, not only do the laws acquit me of doing wrong, but they also require me to exact this punishment. It is for you to decide whether they should maintain their authority or become worthless.

[35] I believe that all states make laws with this intention that in those instances where we are uncertain, we find out what we ought to do by consulting them. Well then, the laws recommend that in cases of this nature we exact this kind of penalty from wrongdoers.

[36] I expect you to come to the same conclusion. Otherwise, you will create such a safe haven for seducers that you will find thieves claiming to be seducers in complete confidence that, if they put forward this excuse for themselves, and claim that this is why they are entering other people's homes, no one will lay a finger on them. Everyone will know that the laws on adultery must be renounced, and that what they have to fear is your vote, because it is the supreme authority in the state.

[37] Consider carefully, gentlemen; they charge me with telling my slave on the day in question to go after the young man. I think I would have been within my rights, gentlemen, to try to catch him in any way I could in the act of corrupting my wife.

[38] You see, if, after our conversation, I had told the girl to go after him, and no act was committed, I would have done wrong. But if, when he already achieved all his objectives and made repeated visits to my house, I tried to catch him in any way I could, I would consider my actions perfectly reasonable.

[39] See how they are lying about this, too, as you will easily conclude from the following evidence. As I have already stated, gentlemen, I met my close friend Sostratos coming from the farm at about sunset, and I dined with him. After he had had a good meal, he left for home.

[40] Yet think about this first, gentlemen; if I was laying a trap for Eratosthenes on that night, was it more of an advantage for me to dine at someone else's house or to bring someone home with me? Had I done the latter, that man would have been less likely to risk entering my house. Second, does it seem reasonable to you that I would see my fellow diner off and remain alone and unaccompanied, or that I would ask him to stay and join me in exacting punishment from the seducer?

[41] Lastly, gentlemen, do you not think that I would have called on my friends in the daytime and asked them to gather at the home of a friend who lived very close by, rather than run around

at night as soon as I found out, without knowing whom I might catch at home and who was out? I even went to Harmodius' house and to somebody else's and found they were not in town, for I had no idea. Others I discovered were not at home, and I made my way with those I could find.

[42] Yet, if I really knew what was going to happen, do you not think I would have got slaves ready and summoned my friends in order to provide myself with the greatest possible protection when I went in (for how did I know whether the man was armed as well?), and the greatest number of witnesses when I took my revenge? As it was, I did not know what would happen that night, and I took what people I could. Now please bring forward the witnesses of these events.

WITNESSES (the witnesses give their evidence)

[43] You have heard the witnesses, gentlemen. Reflect on this matter carefully among yourselves, and ask yourselves whether there was ever any cause for enmity between me and Eratosthenes except for this. You will surely find none.

[44] For he did not blackmail me by bringing a false charge against me, or try to have me banished from the city, or bring any private actions against me, or know of any crime whose discovery I feared so as to make me eager to do away with him. Nor, if I did the job myself, was it in the expectation of gain from any source. Some men, it is true, do plot to kill one another for such reasons.

[45] Yet so far from any insults, drunken quarrels or any other difference between us, I had never set eyes on the man before that night. What then would be my point in running a risk like this, unless I had not suffered the greatest of wrongs at his hands?

[46] Lastly, would I have summoned witnesses and committed the sacrilege myself, when, if I were ready to kill him illegally, I had the chance to let none of them in on my plan?

[47] I believe then, gentlemen, that I exacted this penalty not for personal reasons, but on behalf of the whole city. For when the perpetrators of deeds like this see the kinds of rewards their crimes bring, they will be less inclined to do wrong to others, if they understand that you, too, hold the same opinion.

[48] Otherwise, it is far better to wipe out our existing laws, and to introduce others that will exact penalties from those who take care of their own wives, while they create a powerful immunity for those who wish to do these women wrong.

[49] Surely that would be a much fairer course of action than laying traps for citizens through laws that encourage a man who catches an adulterer to do whatever he wants, while making trials riskier affairs for the victims than for those who break the law and dishonour other men's wives.

[50] As it is, I am now in danger of losing my life, my property and everything else because I obeyed the laws of the city.