

Death of a Greek Casanova

This is from Lysias's defense of the husband, who killed Eratosthenes.

... When I, Athenians, decided to marry, and brought a wife into my house, for some time I was disposed neither to vex her nor to leave her too free to do just as she pleased; I kept a watch on her as far as possible, with such observation of her as was reasonable. But when a child was born to me, thence-forward I began to trust her, and placed all my affairs in her hands, presuming that we were now in perfect intimacy. It is true that in the early days, Athenians, she was the most excellent of wives; she was a clever, frugal housekeeper, and kept everything in the nicest order. But as soon as I lost my mother, her death became the cause of all my troubles. For it was in attending her funeral that my wife was seen by this man, who in time corrupted her. He looked out for the servant-girl who went to market, and so paid addresses to her mistress by which he wrought her ruin.

Now in the first place I must tell you, sirs (for I am obliged to give you these particulars), my dwelling is on two floors, the upper being equal in space to the lower, with the women's quarters above and the men's below. When the child was born to us, its mother suckled it; and in order that, each time that it had to be washed, she might avoid the risk of descending by the stairs, I used to live above, and the women below. By this time it had become such an habitual thing that my wife would often leave me and go down to sleep with the child, so as to be able to give it the breast and stop its crying. Things went on in this way for a long time, and I never suspected, but was simple-minded enough to suppose that my own was the chastest wife in the city. Time went on, sirs; I came home unexpectedly from the country, and after dinner the child started crying in a peevish way, as the servant-girl was annoying it on purpose to make it so behave; for the man was in the house--

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After this, sirs, an interval occurred in which I was left quite unaware of my own injuries; I was then accosted by a certain old female, who was secretly sent by a woman with whom that man was having an intrigue, as I heard later. This woman was angry with him and felt herself wronged, because he no longer visited her so regularly, and she was keeping a watch on him until she should discover what was the cause. So the old creature accosted me where she was on the look-out, near my house, and said,--"Euphiletus, do not think it is from any meddlesomeness that I have approached you; for the man who is working both your and your wife's dishonor happens to be our enemy. If, therefore, you take the servant-girl who goes to market and waits on you, and torture her, you will learn all. It is," she said, "Eratosthenes of Oe who is doing this; he has debauched not only your wife, but many others besides; he makes an art of it." With these words, sirs, she took herself off; I was at once perturbed; all

that had happened came into my mind, and I was filled with suspicion,--reflecting first how I was shut up in my chamber, and then remembering how on that night the inner and outer doors made a noise, which had never occurred before, and how it struck me that my wife had put on powder. All these things came into my mind, and I was filled with suspicion.

Returning home, I bade the servant-girl follow me to the market, and taking her to the house of an intimate friend, I told her I was fully informed of what was going on in my house: "So it is open to you," I said, "to choose as you please between two things,--either to be whipped and thrown into a mill, and to be irrevocably immersed in that sort of misery, or else to speak out the whole truth and, instead of suffering any harm, obtain my pardon for your transgressions. Tell no lies, but speak the whole truth." The girl at first denied it, and bade me do what I pleased, for she knew nothing; but when I mentioned Eratosthenes to her, and said that he was the man who visited my wife, she was dismayed, supposing that I had exact knowledge of everything. At once she threw herself down at my knees, and having got my pledge that she should suffer no harm, she accused him, first, of approaching her after the funeral, and then told how at last she became his messenger; how my wife in time was persuaded, and by what means she procured his entrances, and how at the Thesmophoria¹, while I was in the country, she went off to the temple with his mother. And the girl gave an exact account of everything else that had occurred.

When her tale was all told, I said,--"Well now, see that nobody in the world gets knowledge of this; otherwise, nothing in your arrangement with me will hold good. And I require that you show me their guilt in the very act; I want no words, but manifestation of the fact, if it really is so." She agreed to do this. Then came an interval of four or five days... as I shall bring strong evidence to show. But first I wish to relate what took place on the last day. I had an intimate friend named Sostratus. After sunset I met him coming from the country. As I knew that, arriving at that hour, he would find none of his circle at home, I invited him to dine with me; we came to my house, mounted to the upper room, and had dinner. When he had made a good meal, he left me and departed; then I went to bed. Eratosthenes, sirs, entered, and the maid-servant roused me at once, and told me that he was in the house. Bidding her look after the door, I descended and went out in silence; I called on one friend and another, and found some of them at home, while others were out of town.

I took with me as many as I could among those who were there, and so came along. Then we got torches from the nearest shop, and went in; the door was open, as the girl had it in readiness. We pushed open the door of the bedroom, and the first of us to enter were in time to see him lying down by my wife; those who followed saw him standing naked on the bed. I gave him a blow, sirs, which knocked him down, and pulling round his two hands behind his back, and tying them, I asked him why he had the insolence to enter my house. He admitted his guilt; then he besought and implored me not to kill him, but to exact a sum of money. To this I replied, "It is not I who am going to kill you, but our city's law, which you have transgressed and regarded as of less account than your pleasures, choosing rather to commit this foul offence against my wife and my children than to obey the laws like a decent person."

Thus it was, sirs, that this man incurred the fate that the laws ordain for those who do such things; he had not been dragged in there from the street, nor had he taken refuge at my hearth¹, as these people say. For how could it be so, when it was in the bedroom that he was struck and fell down then and there, and I pinioned his arms, and so many persons were in the house that he could not make his escape, as he had neither steel nor wood nor anything else with which he might have beaten off those who had entered? But, sirs, I think you know as well as I that those whose acts are against justice do not acknowledge that their enemies speak the

truth, but lie themselves and use other such devices to foment anger in their hearers against those whose acts are just. So, first read the law.

He did not dispute it, sirs: he acknowledged his guilt, and besought and implored that he might not be killed, and was ready to pay compensation in money. But I would not agree to his estimate, as I held that our city's law should have higher authority; and I obtained that satisfaction which you deemed most just when you imposed it on those who adopt such courses. Now, let my witnesses come forward in support of these statements.

Read out also, please, that law from the pillar in the Areopagus.

[He now reads from the official laws, precedent cases, before he goes on...]

You hear, sirs, how the Court of the Areopagus itself, to which has been assigned, in our own as in our fathers' time, the trial of suits for murder, has expressly stated that whoever takes this vengeance on an adulterer caught in the act with his spouse shall not be convicted of murder. And so strongly was the lawgiver convinced of the justice of this in the case of wedded wives, that he even applied the same penalty in the case of mistresses, who are of less account. Now surely it is clear that, if he had had any heavier punishment than this for the case of married women, he would have imposed it. But in fact, as he was unable to devise a severer one for this case, he ordained that it should be the same for that of mistresses also. Please read this law besides.

[another precedent case is presented]

You hear, sirs, how it directs that, if anyone forcibly debauches a free adult or child, he shall be liable to double damages; while if he so debauches a woman, in one of the cases where it is permitted to kill him, he is subject to the same rule. Thus the lawgiver, sirs, considered that those who use force deserve a less penalty than those who use persuasion; for the latter he condemned to death, whereas for the former he doubled the damages,

Considering that those who achieve their ends by force are hated by the persons forced; while those who used persuasion corrupted thereby their victims' souls, thus making the wives of others more closely attached to themselves than to their husbands, and got the whole house into their hands, and caused uncertainty as to whose the children really were, the husbands' or the adulterers'. In view of all this the author of the law made death their penalty.

[He cites more precedents, but they have been left out here.]

So far, indeed, from either abuse or a drunken brawl or any other quarrel having occurred between us, I had never even seen the man before that night. For what object, then, should I run so grave a risk, unless I had received from him the greatest of injuries? [46] Why, again, did I choose to summon witnesses for my wicked act, when it was open to me, if I was thus criminally intent on his destruction, to have none of them privy to it?

[He calls on witnesses, who speak on his behalf. Then he goes on...]

I therefore, sirs, do not regard this requital as having been exacted in my own private interest, but in that of the whole city. For those who behave in that way, when they see the sort of reward that is in store for such transgressions, will be less inclined to trespass against their neighbors, if they see that you also take the same view.

Otherwise it were better far to erase our established laws, and ordain others which will inflict the penalties on men who keep watch on their own wives, and will allow full immunity to those who would debauch them. This would be a far more just way than to let the citizens be entrapped by the laws; these may bid a man, on catching an adulterer, to deal with him in whatever way he pleases, but the trials are found to be more dangerous to the wronged parties than to those who, in defiance of the laws, dishonor the wives of others. For I am now risking the loss of life, property and all else that I have, because I obeyed the city's laws.

(This is an edited version of the full text found at <http://www.perseus.tufts.edu>.)