Lysias

Introduction: The Law Courts at Athens

When the question of rights and freedoms is raised in our time, the focus is often on issues of expression and/or participation in the democratic processes. In other words, we tend to fixate on the ‘right to vote’ and the right to publically express some opinion, regardless of its political import. But the author of the *Ath. Pol.* (9.1) is correct in saying that the freedom and protection of the people comes more from the system of civil and criminal law that from the day-to-day business of the management of public affairs. True democracy exists when the people control the courts because democracy can only function when a citizen has reasonable assurance that all are equal under the law (*isonomia*) and that no person, or class of persons, monopolizes the power to make legal judgements. That is to say that in a democracy no political, social or economic group, or individual representative of a group, can bring about the prosecution or forcible detention of any other individual or group based on political ideology, expression of dissent, or assembly for the purpose of expression. Equally importantly, any person who is being prosecuted for any charge has the right to present a defense before an impartial jury of citizen peers.

It is clear enough that the jury system was invented in Athens to take the power of judgement away from the aristocrats – the wealthy landowners who made up the governing councils in the Oligarchic systems and who controlled not only the governance and laws, but also the economies of every Archaic Greek city state (*polis*) – but it also had to be designed to take away their proxy power. Nearly every citizen of a Greek *polis* was indebted or obligated to a wealthier patron (*prostates*) and that patron could direct his clients to vote one way or another when serving on a jury.

Because of this possibility, the law court system in Athens was a cumbersome and complicated affair – and deliberately so. It was designed to ensure a fair and equitable trial and to minimize the possibility of corruption and jury tampering.
What follows is the explanation of the Athenian jury-court system offered in the *Athenaion Politaea*, the *Constitution of the Athenians* attributed to Aristotle.

**The Constitution of the Athenians, 63 – 69:**

[63.1] The Jury-courts are elected by lot by the Nine Archons by tribes, and the Clerk of the Thesmothetai from the tenth tribe. [2] The courts have ten entrances, one for each tribe, twenty rooms, two for each tribe, in which courts are allotted to jurors, a hundred small boxes, ten for each tribe, and other boxes into which the tickets of the jurymen drawn by lot are thrown, and two urns. Staves are placed at each entrance, as many as there are jurymen, and acorns to the same number as the staves are thrown into the urn, and on the acorns are written the letters of the alphabet, starting with the eleventh, Lambda, as many as the courts that are going to be filled.¹ [3] Right to sit on juries belongs to all those over thirty years old who are not in debt to the Treasury or disfranchised. If any unqualified person sits on a jury, information is laid against him and he is brought before the Jury-court, and if convicted the jurymen assess against him whatever punishment or fine he is thought to deserve; and if given a money fine, he has to go to prison until he has paid both the former debt, for which the information was laid, and whatever additional sum has been imposed on him as a fine by the court. [4] Each juryman has one box-wood ticket, with his own name and that of his father and deme written on it, and one letter of the alphabet as far as Kappa; for the jurymen of each tribe are divided into ten sections, approximately an equal number under each letter. [5] As soon as the Thesmothetes has drawn by lot the letters to be assigned to the courts, the attendant immediately takes them and affixes to each court its allotted letter.

*Only fragments of the remaining pages of the MS. survive, much defaced. The most legible passages are here appended, gaps having been filled in without note where the restoration is generally accepted or is very probable.*

**64 Fragments**

[64.1] The ten boxes lie in front of the entrance for each tribe. They have inscribed on them the letters as far as kappa. when the jurymen have thrown their tickets into the box on which is

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¹ The elaborate system for assigning jurors to courts was intended to ensure that no juror could be bribed, since none knew until the last minute to which court he would be assigned, and that no jury could be stacked on a tribal or regional basis.
inscribed the same letter of the alphabet as is on the ticket itself, the attendant shakes them thoroughly and the Thesmothetes draws one ticket from each box. [2] This attendant is called the Affixer, and he affixes the tickets taken from the box to the ledged frame on which is the same letter that is on the box. This attendant is chosen by lot, in order that the same person may not always affix the tickets and cheat. There are five ledged frames in each of the balloting-rooms. [3] When he has thrown in the dice, the Archon casts lots for the tribe for each balloting-room; they are dice of copper, black and white. As many white ones are thrown in as jurymen are required to be selected, one white die for each five tickets, and the black dice correspondingly. As he draws out the dice the herald calls those on whom the lot has fallen. Also the Affixer is there corresponding to the number. [4] The man called obeys and draws an acorn from the urn and, holding it out with the inscription upward, shows it first to the superintending Archon; when the Archon has seen it, he throws the man’s ticket into the box that has the same letter written on it as the one on the acorn, in order that he may go into whatever court he is allotted to and not into whatever court he chooses and in order that it may not be possible to collect into a court whatever jurymen a person wishes. [5] The Archon has by him as many boxes as courts are going to be filled, each lettered with whichever is the letter assigned by lot to each court.

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[65.1] And the man himself having again shown it to the attendant then goes inside the barrier, and the attendant gives him a staff of the same colour as the court bearing the same letter as the one on the acorn, in order that it may be necessary for him to go into the court to which he has been assigned by lot; for if he goes into another, he is detected by the colour of his staff, [2] for each of the courts has a colour painted on the lintel of its entrance. He takes the staff and goes to the court of the same colour as his staff and having the same letter as is on the acorn. And when he has come into it he receives a token publicly from the person appointed by lot to this office. [3] Then with the acorn and the staff they take their seats in the court, when they have thus entered. And to those to whom the lot does not fall the Affixers give back their tickets. [4] And the public attendants from each tribe hand over the boxes, one to each court, in which are those names of the tribe that are in each of the courts. And they hand them over to the persons appointed by lot to restore the tickets to the jurymen in each court by number, in order that according to these when they examine them they may assign the pay.
When all the courts are full, two ballot boxes are placed in the first of the courts, and copper dice with the colours of the courts painted on them, and other dice with the names of the offices written on them. And two of the Thesmothetai are chosen by lot, and throw the two sets of dice in separately, one throwing in the coloured dice into one ballot-box and the other the names of the offices into the other. And to whichever of the offices the lot falls first, it is proclaimed by the herald that this will use the first court allotted. . . .

[66.2 to 68.1 are missing]

A copper token marked with a 3 (for on giving this up he gets three obols), so that they all may vote; for nobody can get a token if he does not vote. [3] And there are two jars placed in the court, one of copper and one of wood, separate so that a man may not secretly throw in pebbles undetected, into which the jurymen put their votes, the copper jar to count and the wooden jar for pebbles not used, the copper jar having a lid with a hole in it only large enough to take just the pebble alone, so that the same man may not throw in two. [4] And when the jury are about to give their verdict, the herald first asks whether the litigants wish to challenge the evidence of the witnesses; for they are not allowed to challenge it after the voting has begun. Then he proclaims again, ‘The pebble with the hole through it is a vote for the first speaker, and the whole pebble one for the second speaker.’ And the juryman when taking the pebbles out of the lamp-stand presses the pebble against the lamp-stand and does not let the parties to the action see either the perforated pebble or the whole one, and throws the one that he wishes to count into the copper vessel and the one that he discards into the wooden one.

[69.1] And when all have voted, the attendants take the vessel that is to count and empty it out on to a reckoning-board with as many holes in it as there are pebbles, in order that they may be set out visibly and be easy to count, and that the perforated and the whole ones may be clearly seen by the litigants. And those assigned by lot to count the voting-pebbles count them out on to the reckoning-board, in two sets, one the whole ones and the other those perforated. And the herald proclaims the number of votes, the perforated pebbles being for the prosecutor, and the whole ones

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1 The accuser, or plaintiff, is in most cases the first to speak.
for the defendant; and whichever gets the larger number wins the suit, but if the votes are equal, the defendant wins. [2] Then again they assess the damages, if this has to be done, voting in the same way, giving up their ticket and receiving back a staff; as to assessment of damages each party is allowed to speak during three pints of water. And when they have completed their legal duties as jurymen, they take their pay in the division to which each was assigned by lot …

*The Manuscript breaks off here.*

**Lysias, The Murder of Eratosthenes**

[1] I should be only too pleased, sirs, to have you so disposed towards me in judging this case as you would be to yourselves, if you found yourselves in my plight. For I am sure that, if you had the same feelings about others as about yourselves, not one of you but would be indignant at what has been done; you would all regard the penalties appointed for those who resort to such practices as too mild. [2] And these feelings would be found, not only amongst you, but in the whole of Greece: for in the case of this crime alone, under both democracy and oligarchy, the same requital is accorded to the weakest against the strongest, so that the lowest gets the same treatment as the highest.¹ Thus you see, sirs, how all men abominate this outrage.² [3] Well, I conceive that, in regard to the severity of the penalty, you are all of the same mind, and that not one of you is so easygoing as to think it right that men who are guilty of such acts should obtain pardon, or to presume that slight penalties suffice for their deserts.

[4] But I take it, sirs, that what I have to show is that Eratosthenes had an intrigue with my wife, and not only corrupted her but inflicted disgrace upon my children and an outrage³ on myself by entering my house; that this was the one and only enmity between him and me; that I have not acted thus for the sake of money, so as to raise myself from poverty to wealth; and that all I seek to gain is the requital accorded by our laws.⁴ [5] I shall therefore set forth to you the whole of my

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¹ The comparison here, between oligarchy and democracy, is that in the former there are often multiple levels, or layers, to the law whereby an aristocrat would have far greater legal freedom than a peasant. In a democracy, of course, the fundamental principle is that the law is equally applied to all. Lysias’ argument is that adultery is so serious that even in an oligarchy a mere peasant has equal legal recourse to an aristocrat.

² The Greek here is *hubris: τὴν ὑβρίν*.

³ *Hubris* again.

⁴ Euphyletus’ plea is ‘justifiable homicide.’ He is not denying that he killed Eratosthenes, but he does need to demonstrate that the killing was, as the law prescribes, for the adultery alone and complicated by no other motive.
story from the beginning; I shall omit nothing, but will tell the truth. For I consider that my own sole deliverance rests on my telling you, if I am able, the whole of what has occurred.

[6] 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, thenceforward I began to trust her, and placed all my affairs in her hands, presuming that we were now in perfect intimacy. [7] 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. [8] 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-girl1 who went to market, and so paid addresses to her mistress by which he wrought her ruin. [9] 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.2 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. [10] 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 most chaste wife in the city. [11] 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, [12] as I later learned. So I bade my wife go and give the child her breast, to stop its howling. At first she refused, as though delighted to see me home again after so long; but when I began to be angry and bade her go, she said, “Yes. So that you may have a try here at the little maid. Once before, too, when you were drunk, you pulled her about.” [13] At that I laughed, while she got up, went out of the room, and closed the door, feigning to make fun, and she turned the key in the lock. I, without giving a thought to the matter, or having any suspicion, went to sleep in all content after my return from the country. [14] Towards

1 *Therapaina* (θεράπαινα) is here translated as “servant-girl.” The term refers specifically to a female slave who attends upon the woman of the house; a hand-maid.

2 It was a typical feature of the Greek house for a room, or rooms, to be set aside as ‘womens quarters’ (γυναικωνίτις) and another room as ‘men’s quarters’ (ἀνδρωνίτιν). For a detailed discussion see Gareth (1982).
daytime she came and opened the door. I asked why the doors made a noise in the night; she told me that the child's lamp had gone out, and she had lit it again at our neighbour’s. I was silent and believed it was so. But it struck me, sirs, that she had powdered her face, though her brother had died not thirty days before;¹ even so, however, I made no remark on the fact, but left the house in silence.

[15] 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 kept a close watch on him until she discovered what was the cause. So the old creature accosted me where she was on the lookout, near my house, and said; “Euphiletus, do not think it is from any meddlesomeness that I have approached you; [16] for the man who is working both your and your wife’s dishonour 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 Oe² who is doing this; he has debauched not only your wife, but many others besides; [17] he makes an art of it.”³ 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. [18] 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, never to have any rest from miseries of that sort,⁴ 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.”

[19] 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

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¹ We can deduce from this that it was improper for Athenian women to wear makeup during the period of mourning for the loss of a family member.
² One of the demes of Attica.
³ Aparently these sorts of affairs were not uncommon. See Aristophanes Ecclesiazusae 214 – 240.
⁴ Slaves condemned for various crimes could be sentenced to work in the mill-house (bakery). See Thuc. vi.22.
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, [20] 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
Thesmophoria\(^1\) 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. [21] 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.” [22] She agreed to do this.

Then came an interval of four or five days...[lacuna] 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 as he came from the country. [23] 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.\(^2\) 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. [24] 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.

[25] 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, [26] “It is not I who am going to kill you, but our city’s law, which you have

\(^1\) A festival of Demeter, attended only by women, celebrated outside the city walls once every year in the month
Pyanepsion (October – November).

\(^2\) Normally Euphiletus would entertain his guest in the men’s quarters on the lower floor, but that room was now a
nursery.
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.¹

[27] 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 hearth² as these people say.³ For how could it be so, when it was in the bedroom that he was struck and fell down there and there, and I pinioned his arms, and so many persons were in the house that he could not escape them, as he had neither steel nor wood nor anything else with which he might have beaten off those who had entered? [28] 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.

The Law is Read to the Jury

[29] 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.

[30] Read out also, please, that law from the stele in the Areopagus:⁴

Another Law is Read to the Jury

¹ The translation “decent person” is not innacurate, but does not quite impart the importance of the original. the Greek here is kosmios κόσμιος meaning well ordered, orderly, well behaved and derives from kosmos κόσμος, meaning order in a general sense, so general it refers to the divine order of the universe. This is in keeping with Lysias’ main theme – that adultery is a crime against all that is normal, right, decent and human. He must, after all, justify the death penalty.
² The hestia ἑστία – the central fireplace – was the sacred heart of the household and had the same sanctity as any shrine or temple. Anyone claiming sanctuary at a hearth, there as an invited guest, was protected by Hestia, the goddess of the hearth, the home and of sacrifices. But the protection of Zeus as god of suppliants and of the guest-host relationship would also have been at play.
³ Here we have a glimpse of the prosecution: They must have claimed that Eratosthenes supplicated himself at the hearth when caught in the act, or that he was there as a guest – either way the killing would have been a violation of the law.
⁴ The concept of Public Law might be traced to the Lawcode of Hammurabi, but it was fully implemented first by the Athenians who understood that in order for the law to be equitable it had to be public. So the laws were inscribed on stone and posted in conspicuous places so that everyone could read them.
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,¹ has expressly stated that whoever takes this vengeance on an adulterer caught in the act with his spouse shall not be convicted of murder. [31] 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.² But in fact, as he was unable to devise a severer one for wives, he ordained that it should be the same for that of mistresses also. Please read this law besides:

Another Law is Read to the Jury

[32] You hear, sirs, how it directs that, if anyone forcibly debauches a free adult or child, he shall be liable to double damages;³ while if he so debauches a woman, in any 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 lesser penalty than those who use persuasion; for the latter he condemned to death, whereas for the former he doubled the damages, [33] considering that those who achieve their ends by force are hated by the persons forced; while those who used persuasion corrupt their victims’ souls,⁴ thus making the wives of others more closely attached to themselves than to their husbands, and getting the whole house into their hands, and causing uncertainty as to whose the children really are, the husbands’ or the adulterers’. In view of all this the author of the law made death their penalty. [34] Wherefore I, sirs, not only stand acquitted of wrongdoing by the laws, but am also directed by them to take this satisfaction: it is for you to decide whether they are to be valid or of no account. [35] For to my thinking every city makes its laws in order that on

¹ The jurisdiction of the Areopagus Council was, in earlier times, much more comprehensive. It was reduced to little more than a homicide court by the reforms of Ephialtes in 462 BC. The justification for the reform was mythologized in Aeschylus’ Eumenides.
² Perhaps a reference to the Laws of Dracon, which are so famous for their harshness that we have the adjective draconian in our vocabulary. Every offence was punishable by death. When asked why he made it so, he answered that the least of the offences deserved the death penalty, and he couldn’t think of anything more severe for the rest (Plutarch Solon 17). See Pausanias ix.36.8 for the origin of the adultery law;
³ That is, double the damages specified for raping or illegally seducing a slave.
⁴ Recall Socrates’ prescription that “it is better to suffer wrong than to do wrong,” the idea here is that a woman who is raped has been harmed but sees her attacker as a wrongdoer, and therefore spiritually corrupted, while she herself has suffered no harm to her soul. A woman who has been seduced, on the other hand, has been made to join in the wrongdoing and is herself corrupted. The law sees that the corruption is the greater crime.
any matter which perplexes us we may resort to them and inquire what we have to do. And so it is they who, in cases like the present, exhort the wronged parties to obtain this kind of satisfaction. [36] I call upon you to support their opinion: otherwise, you will be giving adulterers such licence that you will encourage thieves as well to call themselves adulterers; since they will feel assured that, if they plead this reason in their defence, and allege that they enter other men’s houses for this purpose, nobody will touch them. For everyone will know that the laws on adultery are to be dismissed, and that it is your vote that one has to fear, because this has supreme authority over all the city’s affairs.¹

[37] Do not consider, sirs, what they say: They accuse me of ordering the maid-servant on that day to go and fetch the young man: Now I, sirs, could have held myself justified in using any possible means to catch the corrupter of my wife. [38] For if I had bidden the girl fetch him, when words alone had been spoken and no act had been committed, I should have been in the wrong: but if, when once he had compassed all his ends, and had frequently entered my house, I had then used any possible means to catch him, I should have considered myself quite in order.²

[39] And observe how on this point also they are lying: you will perceive it easily in this way. As I told you, sirs, before, Sostratus was a friend of mine, on intimate terms with me; he met me as he came from the country about sunset, and had dinner with me, and when he had made a good meal he left me and departed. [40] Now in the first place, sirs, you must bear this in mind: If on that night I had designs on Eratosthenes, which was more to my advantage, to go and take my dinner elsewhere, or to bring in my guest to dinner with me? For in the latter case that man would have been less likely to venture on entering my house. And in the second place, do you suppose that I should have let my dinner-guest go and leave me there alone and unsupported, and not rather have bidden him stay, in order that he might stand by me in taking vengeance upon the adulterer?

[41] Then again, sirs, do you not think that I should have sent word to my intimate acquaintances in the daytime, and bidden them assemble at the house of one of my friends living

¹ See the *Ath. Pol.* 9.1: The most important aspects of Solon’s constitution were “the liberty allowed to anybody who wished to exact redress on behalf of injured persons, and... what is said to have been the chief basis of the powers of the commons, the right of appeal to the jury court - for the commons, having the power of the vote, becomes sovereign in the government.”

² See line 26 above, and the attached footnote. The vocabulary here is sophronein (σωφρονεῖν), which refers more to self-control and a balanced and moderate attitude. Sophrosuné (σοφροσύνη) is the opposite of *hubris*. The argument here, then, is that Euphiletus could well have invited Eratosthenes to his home and would not have been in violation of the laws of hospitality or guilty of acting with criminal intent. The argument is questionable, however: ‘I didn’t do it that way, but if I had it would still have been justifiable.’
nearest to me, rather than have waited till the moment of making my discovery to run round in the night, without knowing whom I should find at home, and who were away? Thus I called on Harmodius,¹ and one other, who were not in town - of this I was not aware - and others, I found, were not in; but those whom I could I took along with me. [42] Yet if I had foreknown this, do you not think that I should have called up servants² and passed the word to my friends, in order that I might have gone in myself with all possible safety - for how could I tell whether he too had some weapon? - and so I might have had as many witnesses as possible with me when I took my vengeance? But as in fact I knew nothing of what was to befall on that night, I took with me those whom I could. Now let my witnesses come forward in support of all this.

The witnesses give their testimony

[43] You have heard the witnesses, sirs; and consider this affair thus in your own minds. Asking yourselves whether any enmity has ever arisen before this between me and Eratosthenes. [44] I say you will discover none. For he had neither subjected me to slanderous impeachment, nor attempted to expel me from the city, nor brought any private suit against me, nor was he privy to any wrongdoing which I was so afraid of being divulged that I was intent on his destruction, nor, should I accomplish this, had I any hope of getting money from anywhere: for there are people who plot each other’s death for such purposes. [45] 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?

[47] I therefore, sirs, do not regard this requital as having been exacted in my own private interest, but in that of the whole city.³ For those who behave in that way, when they see the sort of

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¹ The reason Lysias would name Harmodius alone is because the name, albeit common, is also quite fortunate: Harmodius and Aristogeiton, brothers from over a century before, were immortalised as ‘The Tyrant Killers.’ By using the name Lysias invokes the memory of someone else who killed justly.

² The Greek **therapon** (θεράπων) is often distinguished from **slave**, meaning a free man in the service of another; an attendant, or companion in arms (though of lower rank). In Homer especially the term refers to willing servants as in θεράποντες Ἄρηος (Iliad ii.110). In Herodotus (i.30; v.105) the term is less clear and seems to imply slaves. Lysias, at vii.134, clearly means **slaves**. We can take it, then, that he means **slaves** here as well.

³ Here most emphatically, the Greek word for **city**, polis (πόλις) should be taken to mean the body politic, the City as a communal representation of its citizens, rather than a place of residence and a collection of buildings.
prizes offered for such transgressions, will be less inclined to trespass against their neighbours, if they see that you also take the same view. [48] Otherwise it were better far to erase our established laws, and ordain others which will inflict penalties on men who keep watch on their own wives, and will allow full immunity to those who would debauch them. [49] 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, dishonour the wives of others. [50] For I am now risking the loss of life, property and all else that I have, because I obeyed the city's laws.