

Euphiletus, 'A Husband Speaks in His Own Defence', in Katherine Lualdi, *Sources of The Making of the West: Peoples and Cultures*, 3rd edn (Bedford/St Martin's: Boston & New York, 2010), pp. 65-71

4.
In Defense of Manly Honor
Euphiletus, A Husband Speaks in
His Own Defense (c. 400 B.C.E.)

In contrast to the trial of Socrates, that of an ordinary Athenian recounted here illuminates the more mundane aspects of Athenian life in the fifth century B.C.E. It also indicates that despite the momentous changes of the age, ancient traditions retained their grip on much of society, especially women. The testimony is that of a man named Euphiletus who was put on trial for murdering his wife's lover. He presented the following arguments in his own defense, as prepared for him by the speechwriter Lysias (c. 440–380 B.C.E.). Although the outcome of the trial is unknown, Euphiletus's testimony opens a window onto domestic routines and the ways in which they were expected to serve as the anchor of a woman's identity and her husband's honor.

I would give a great deal, members of the jury, to find you, as judges of this case, taking the same attitude towards me as you would adopt towards your own behavior in similar circumstances. I am sure that if you felt about others in the same way as you did about yourselves, not one of you would fail to be angered by these deeds, and all of you would consider the punishment a small one for those guilty of such conduct.

Moreover, the same opinion would be found prevailing not only among you, but everywhere throughout Greece. This is the one crime for which, under any government, democratic or exclusive, equal satisfaction is granted to the meanest against the mightiest, so that the least of them receives the same justice as the most exalted. Such is the detestation, members of the jury, in which this outrage is held by all mankind.

Concerning the severity of the penalty, therefore, you are, I imagine, all of the same opinion: not one of you is so easy-going as to believe that those guilty of such great offenses should obtain pardon, or are deserving of a light penalty. What I have to prove, I take it, is just this: that Eratosthenes seduced my wife, and that in corrupting her he brought shame upon my children and outrage upon me, by entering my home; that there was no other enmity between him and me except this; and that I did not commit this act for the sake of money, in order to rise from poverty to wealth, nor for any other advantage except the satisfaction allowed by law.

I shall expound my case to you in full from the beginning, omitting nothing and telling the truth. In this alone lies my salvation, I imagine — if I can explain to you everything that happened.

Members of the jury: when I decided to marry and had brought a wife home, at first my attitude towards her was this: I did not wish to annoy her, but neither was

she to have too much of her own way. I watched her as well as I could, and kept an eye on her as was proper. But later, after my child had been born, I came to trust her, and I handed all my possessions over to her, believing that this was the greatest possible proof of affection.

Well, members of the jury, in the beginning she was the best of women. She was a clever housewife, economical and exact in her management of everything. But then, my mother died; and her death has proved to be the source of all my troubles, because it was when my wife went to the funeral that this man Eratosthenes saw her; and as time went on, he was able to seduce her. He kept a look out for our maid who goes to market; and approaching her with his suggestions, he succeeded in corrupting her mistress.

Now first of all, gentlemen, I must explain that I have a small house which is divided into two — the men's quarters and the women's — each having the same space, the women upstairs and the men downstairs.

After the birth of my child, his mother nursed him; but I did not want her to run the risk of going downstairs every time she had to give him a bath, so I myself took over the upper story, and let the women have the ground floor. And so it came about that by this time it was quite customary for my wife often to go downstairs and sleep with the child, so that she could give him the breast and stop him from crying.

This went on for a long while, and I had not the slightest suspicion. On the contrary, I was in such a fool's paradise that I believed my wife to be the chastest woman in all the city.

Time passed, gentlemen. One day, when I had come home unexpectedly from the country, after dinner, the child began crying and complaining. Actually it was the maid who was pinching him on purpose to make him behave so, because — as I found out later — this man was in the house.

Well, I told my wife to go and feed the child, to stop his crying. But at first she refused, pretending that she was so glad to see me back after my long absence. At last I began to get annoyed, and I insisted on her going.

"Oh, yes!" she said. "To leave *you* alone with the maid up here! You mauled her about before, when you were drunk!"

I laughed. She got up, went out, closed the door — pretending that it was a joke — and locked it. As for me, I thought no harm of all this, and I had not the slightest suspicion. I went to sleep, glad to do so after my journey from the country.

Towards morning, she returned and unlocked the door.

I asked her why the doors had been creaking during the night. She explained that the lamp beside the baby had gone out, and that she had then gone to get a light from the neighbors.

I said no more. I thought it really was so. But it did seem to me, members of the jury, that she had done up her face with cosmetics, in spite of the fact that her brother had died only a month before. Still, even so, I said nothing about it. I just went off, without a word.

After this, members of the jury, an interval elapsed, during which my injuries had progressed, leaving me far behind. Then, one day, I was approached by an old

hag. She had been sent by a woman — Eratosthenes' previous mistress, as I found out later. This woman, furious because he no longer came to see her as before, had been on the look-out until she had discovered the reason. The old crone, therefore, had come and was lying in wait for me near my house.

"Euphiletus," she said, "please don't think that my approaching you is in any way due to a wish to interfere. The fact is, the man who is wronging you and your wife is an enemy of ours. Now if you catch the woman who does your shopping and works for you, and put her through an examination, you will discover all. The culprit," she added, "is Eratosthenes from Oea. Your wife is not the only one he has seduced — there are plenty of others. It's his profession."

With these words, members of the jury, she went off.

At once I was overwhelmed. Everything rushed into my mind, and I was filled with suspicion. I reflected how I had been locked into the bedroom. I remembered how on that night the middle and outer doors had creaked, a thing that had never happened before; and how I had had the idea that my wife's face was rouged. All these things rushed into my mind, and I was filled with suspicion.

I went back home, and told the servant to come with me to market. I took her instead to the house of one of my friends; and there I informed her that I had discovered all that was going on in my house.

"As for you," I said, "two courses are open to you: either to be flogged and sent to the tread-mill, and never be released from a life of utter misery; or to confess the whole truth and suffer no punishment, but win pardon from me for your wrong-doing. Tell me no lies. Speak the whole truth."

At first she tried denial, and told me that I could do as I pleased — she knew nothing. But when I named Eratosthenes to her face, and said that he was the man who had been visiting my wife, she was dumbfounded, thinking that I had found out everything exactly. And then at last, falling at my feet and exacting a promise from me that no harm should be done to her, she denounced the villain. She described how he had first approached her after the funeral, and then how in the end she had passed the message on, and in course of time my wife had been overpersuaded. She explained the way in which he had contrived to get into the house, and how when I was in the country my wife had gone to a religious service with this man's mother, and everything else that had happened. She recounted it all exactly.

When she had told all, I said:

"See to it that nobody gets to know of this; otherwise the promise I made you will not hold good. And furthermore, I expect you to show me this actually happening. I have no use for words. I want the *fact* to be exhibited, if it really is so."

She agreed to do this.

Four or five days then elapsed, as I shall prove to you by important evidence. But before I do so, I wish to narrate the events of the last day.

I had a friend and relative named Sôstratus. He was coming home from the country after sunset when I met him. I knew that as he had got back so late, he would not find any of his own people at home; so I asked him to dine with me. We went home to my place, and going upstairs to the upper story, we had dinner there. When he felt restored, he went off; and I went to bed.

Then, members of the jury, Eratosthenes made his entry; and the maid wakened me and told me that he was in the house.

I told her to watch the door; and going downstairs, I slipped out noiselessly.

I went to the houses of one man after another. Some I found at home; others, I was told, were out of town. So collecting as many as I could of those who were there, I went back. We procured torches from the shop near by, and entered my house. The door had been left open by arrangement with the maid.

We forced the bedroom door. The first of us to enter saw him still lying beside my wife. Those who followed saw him standing naked on the bed.

I knocked him down, members of the jury, with one blow. I then twisted his hands behind his back and tied them. And then I asked him why he was committing this crime against me, of breaking into my house.

He answered that he admitted his guilt; but he begged and besought me not to kill him — to accept a money-payment instead.

But I replied:

"It is not I who shall be killing you, but the law of the State, which you, in transgressing, have valued less highly than your own pleasures. You have preferred to commit this great crime against my wife and my children, rather than to obey the law and be of decent behavior."

Thus, members of the jury, this man met the fate which the laws prescribe for wrong-doers of his kind.

Eratosthenes was not seized in the street and carried off, nor had he taken refuge at the altar, as the prosecution alleges. The facts do not admit of it: he was struck in the bedroom, he fell at once, and I bound his hands behind his back. There were so many present that he could not possibly escape through their midst, since he had neither steel nor wood nor any other weapon with which he could have defended himself against all those who had entered the room.

No, members of the jury: you know as well as I do how wrong-doers will not admit that their adversaries are speaking the truth, and attempt by lies and trickery of other kinds to excite the anger of the hearers against those whose acts are in accordance with Justice.

[To the Clerk of the Court]:

Read the Law.

[The Law of Solon is read, that an adulterer may be put to death by the man who catches him.]

He made no denial, members of the jury. He admitted his guilt, and begged and implored that he should not be put to death, offering to pay compensation. But I would not accept his estimate. I preferred to accord a higher authority to the law of the State, and I took that satisfaction which you, because you thought it the most just, have decreed for those who commit such offenses.

Witnesses to the preceding, kindly step up.

[The witnesses come to the front of the Court, and the Clerk reads their depositions. When the Clerk has finished reading, and the witnesses have agreed that the depositions are correct, the defendant again addresses the Clerk]:

Now please read this further law from the pillar of the Court of the Areopagus:

[The Clerk reads another version of Solon's law, as recorded on the pillar of the Areopagus Court.]

You hear, members of the jury, how it is expressly decreed by the Court of the Areopagus itself, which both traditionally and in your own day has been granted the right to try cases of murder, that no person shall be found guilty of murder who catches an adulterer with his wife and inflicts this punishment. The Lawgiver was so strongly convinced of the justice of these provisions in the case of married women, that he applied them also to concubines, who are of less importance. Yet obviously, if he had known of any greater punishment than this for cases where married women are concerned, he would have provided it. But in fact, as it was impossible for him to invent any more severe penalty for corruption of wives, he decided to provide the same punishment as in the case of concubines.

[To the Clerk of the Court]:

Please read me this Law also.

[The Clerk reads out further clauses from Solon's laws on rape.]

You hear, members of the jury, how the Lawgiver ordains that if anyone debauch by force a free man or boy, the fine shall be double that decreed in the case of a slave. If anyone debauch a woman — in which case it is *permitted* to kill him — he shall be liable to the same fine. Thus, members of the jury, the Lawgiver considered violators deserving of a lesser penalty than seducers: for the latter he provided the death-penalty; for the former, the doubled fine. His idea was that those who use force are loathed by the persons violated, whereas those who have got their way by persuasion corrupt women's minds, in such a way as to make other men's wives more attached to themselves than to their husbands, so that the whole house is in their power, and it is uncertain who is the children's father, the husband or the lover. These considerations caused the Lawgiver to affix death as the penalty for seduction.

And so, members of the jury, in my case the laws not only hold me innocent, but actually order me to take this satisfaction; but it depends on you whether they are to be effective or of no moment. The reason, in my opinion, why all States lay down laws is in order that, whenever we are in doubt on any point, we can refer to these laws and find out our duty. And therefore it is the laws which in such cases enjoin upon the injured party to exact this penalty. I exhort you to show yourselves in agreement with them; otherwise you will be granting such impunity to adulterers that you will encourage even burglars to declare themselves adulterers, in the knowledge that if they allege this reason for their action and plead that this was

their purpose in entering other men's houses, no one will lay a finger on them. They will all realize that they need not bother about the law on adultery, but need only fear your verdict, since this is the supreme authority in the State.

Consider, members of the jury, their accusation that it was I who on that day told the maid to fetch the young man. In my opinion, gentlemen, I should have been justified in using any means to catch the seducer of my wife. If there had been only words spoken and no actual offense, I should have been doing wrong; but when by that time they had gone to all lengths and he had often gained entry into my house, I consider that I should have been within my rights whatever means I employ to catch him. But observe that this allegation of the prosecution is also false. You can easily convince yourselves by considering the following:

I have already told you how Sôstratus, an intimate friend of mine, met me coming in from the country around sunset, and dined with me, and when he felt refreshed, went off. Now in the first place, gentlemen, ask yourselves whether, if on that night I had had designs on Eratosthenes, it would have been better for me that Sôstratus should dine elsewhere, or that I should take a guest home with me to dinner. Surely in the latter circumstances Eratosthenes would have been less inclined to venture into the house. Further, does it seem to you probable that I would have let my guest go, and been left alone, without company? Would I not rather have urged him to stay, so that he could help me to punish the adulterer?

Again, gentlemen, does it not seem to you probable that I would have passed the word round among my friends during the daytime, and told them to assemble at the house of one of my friends who lived nearest, rather than have started to run round at night, as soon as I found out, without knowing whom I should find at home and whom away? Actually, I called for Harmodius and certain others who were out of town — I did not know it — and others, I found, were not at home, so I went along taking with me whomever I could. But if I had known beforehand, does it not seem to you probable that I would have arranged for servants and passed the word round to my friends, so that I myself could go in with the maximum of safety — for how did I know whether he too might not have had a dagger or something? — and also in order that I might exact the penalty in the presence of the greatest number of witnesses? But in fact, since I knew nothing of what was going to happen on that night, I took with me whomever I could get.

Witnesses to the preceding, please step up.

[Further witnesses come forward, and confirm their evidence as read out by the Clerk.]

You have heard the witnesses, members of the jury. Now consider the case further in your own minds, inquiring whether there had ever existed between Eratosthenes and myself any other enmity but this. You will find none. He never brought any malicious charge against me, nor tried to secure my banishment, nor prosecuted me in any private suit. Neither had he knowledge of any crime of which I feared the revelation, so that I desired to kill him; nor by carrying out this act did I hope to gain money. So far from ever having had any dispute with him, or

drunken brawl, or any other quarrel, I had never even set eyes on the man before that night. What possible object could I have had, therefore, in running so great a risk, except that I had suffered the greatest of all injuries at his hands? Again, would I myself have called in witnesses to my crime, when it was possible for me, if I desired to murder him without justification, to have had no confidants?

It is my belief, members of the jury, that this punishment was inflicted not in my own interests, but in those of the whole community. Such villains, seeing the rewards which await their crimes, will be less ready to commit offenses against others if they see that you too hold the same opinion of them. Otherwise it would be far better to wipe out the existing laws and make different ones, which will penalize those who keep guard over their own wives, and grant full immunity to those who criminally pursue them. This would be a far more just procedure than to set a trap for citizens by means of the laws, which urge the man who catches an adulterer to do with him whatever he will, and yet allow the injured party to undergo a trial far more perilous than that which faces the law-breaker who seduces other men's wives. Of this, I am an example — I, who now stand in danger of losing life, property, everything, because I have obeyed the laws of the State.