

Lysias 1, 1-4, 28-33

Text Übersetzung:

(Übersetzung W.R.M. Lamb)

[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 among 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. [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 outrage 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. [...]

[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. "Law" [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. "Witnesses" [30] Read out also, please, that law from the pillar in the Areopagus. "Law" 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. [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. 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. "Law" [32] 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, [33] 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.