

LYSIAS III AND ATHENIAN BELIEFS ABOUT REVENGE

It has recently been argued by Gabriel Herman that fourth-century Athenian citizens, or at least the majority of them, believed that even under the impact of serious private aggression a man should not pursue revenge.¹ The general ideal, so it is maintained, was to avoid not only violent revenge but also revenge through prosecution. Herman recognizes that other Athenian texts of the same period take the propriety of exacting revenge for granted, and he explains this in part by reference to a supposed ‘double standard’²—a rather strange expression in this context, because it suggests that the propriety of revenge in classical Athens depended on the status of the victim of the revenge—which is not in fact the burden of Herman’s doctrine.

A quite attractive case can be made for this point of view. But Herman has not yet presented enough background (a full discussion of Athenian reservations about revenge should reach all the way back to Draco, as G. A. Lehmann has pointed out)³ or dealt adequately with possible counter-arguments—in other words, the reasons which scholars, since at least the time of Burckhardt, have put forward for thinking that the Greeks regarded revenge as morally unproblematic.⁴ In addition, some of Herman’s arguments seem decidedly thin; for example, the claim that Aristotle wrote his *Rhetoric* for posterity and not for a contemporary audience.⁵ This desperate claim is intended to convince us that the philosopher’s evidence for fourth-century Athenian attitudes—his assumption that avenging oneself is normal, with the concomitant belief that passing it up is servile⁶—can be dismissed. And Herman’s attempt to distinguish the Athenians sharply from other Greeks in this respect is also hard to accept in an unmodified form.

Indeed, he seems in the end to withdraw part of his case, claiming only that ‘in relation to comparable societies their [the fourth-century Athenians’] sense of honour and their desire for revenge were suppressed to an extent unsuspected hitherto’.⁷ Which leaves us wondering which societies are comparable, and why more credit has not been given to those who have detected magnanimity and willingness to settle disputes among the virtues which classical Athenians sometimes recognized and respected.

¹ ‘Honour, Revenge and the State in Fourth-century Athens’, in W. Eder (ed.), *Die athenische Demokratie im 4. Jahrhundert v. Chr.* (Stuttgart, 1995), pp. 43–60 (with discussion, pp. 61–6); cf. ‘Tribal and Civic Codes of Behaviour in Lysias I’, *CQ* 43 (1993), 406–19, ‘How Violent was Athenian Society?’, in R. Osborne, S. Hornblower (edd.), *Ritual, Finance, Politics. Athenian Democratic Accounts Presented to David Lewis* (Oxford, 1994), pp. 99–117.

² In *Die athenische Demokratie*, pp. 62–63.

³ In *Die athenische Demokratie*, p. 62.

⁴ See *Griechische Kulturgeschichte* II (Basel & Stuttgart, 1956 [1898]), pp. 422–5. Other important discussions of classical Greek revenge include K. J. Dover, *Greek Popular Morality in the Time of Plato and Aristotle* (Oxford, 1974), esp. pp. 181–4; S. Said, ‘La tragédie de la vengeance’, in G. Courtois (ed.), *La Vengeance. Études d’ethnologie, d’histoire et de philosophie* (Paris, 1984), IV, pp. 47–90; H.-J. Gehrke, ‘Die Griechen und die Rache. Ein Versuch in historischer Psychologie’, *Saeculum* 38 (1987), 121–49; D. Cohen, *Law, Violence and Community in Classical Athens* (Cambridge, 1995), esp. chs 4–6.

⁵ ‘How Violent . . .’, p. 109.

⁶ *Nicomachean Ethics* iv.5.1126a7–8, which is evidently meant to represent the normal view.

⁷ ‘Honour, Revenge . . .’, p. 65, with a dry comment by D. Cohen.

Herman bases his arguments on the orators, and in particular on Demosthenes XXI (*Against Meidias*) and LIV (*Against Conon*), Lysias I and III, and Isaeus IX (*On the Estate of Astyphilus*). I will confine most of my attention here to Lysias, *Defence against Simon* (III). This speech is held to be prime evidence for the proposition that 'the victim of aggression in ancient Athens was not supposed to retaliate but to forbear'.⁸

The speaker of Lysias III is defending himself before the Areopagus on a charge of deliberate or intentional wounding.⁹ His quarrel with the plaintiff Simon apparently arose out of their rivalry for the amatory attentions of a young man from Plataea named Theodotus. Simon is alleged to have broken into the defendant's house, insulted people, and caused property damage. What did the defendant do about it? This is what he says (iii.9):

So, members of the council, thinking myself grossly ill-used, but being ashamed at my misfortune, as I said before, I put up with it, and I preferred to go without satisfaction for these offences rather than be thought foolish (*ἀνόητος*) by the citizens—realizing that though these goings-on fit in well enough with the depravity of the plaintiff, such an experience would bring down ridicule on *me* from many of those who are accustomed to envy anyone who tries to be a useful citizen.

But what would have made the Athenian citizens regard the speaker as 'foolish'? Not his attempt to retaliate by judicial means against Simon, but whatever it was that made him 'ashamed of his misfortune'.

The potential source of this shame was not the aggression supposedly practised by Simon, but a crucial fact which Herman leaves out of his accounts of the matter—the defendant's age. The speaker has already admitted a few minutes earlier that at his age (which is not known), a passion for a *μειράκιον* such as Theodotus would make the jurors think him rather *ἀνόητος*.¹⁰ The crucial words are *παρὰ τὴν ἡλικίαν τὴν ἐμαυτοῦ*. In iii.10 he again reveals some embarrassment about his passion for Theodotus with the words *ἅπαντα γὰρ δεῖ τάληθῃ λέγειν*.¹¹

If we need evidence of the derision which was aimed at those who formed sexual liaisons with persons much younger than themselves, we can turn to Philocleon in the *Wasps* (see esp. lines 1364–5), or to the aged passions that are a principal element in the *Ecclesiazusae* (323 etc.). Aeschines, although he admits to being *ἐρωτικός* (about males) at the advanced age of forty-four (*Against Timarchus* 49, 136), nonetheless

⁸ 'Honour, Revenge . . .', p. 47.

⁹ The charge is usually said to have been something like 'wounding with murderous intent', but in interpreting *τραῦμα ἐκ προνοίας* in that sense J. H. Lipsius (*Das Attische Recht und Rechtsverfahren* II [Leipzig, 1912], pp. 605–607), who is the source of modern teaching on the subject, seems to put too much faith in the transparently special pleading of Lysias iii.41–2 and iv.4–5.

¹⁰ 'What especially vexes me, members of the council, is that I shall be compelled to speak to you of the facts of this case; for it was my feeling of shame at the mere thought that many would know of my troubles that made me put up with my wrongs. But since Simon has obliged me to do so, I shall relate all the facts to you without the slightest concealment. If . . . I prove my innocence, but seem to you to have adopted a rather foolish attitude, unsuitable for my age, towards the boy, I ask you not to think the worse of me for that. You know that desire is part of every human being . . .' (iii.3–4). Cf. K. J. Dover, *Greek Homosexuality* (London, 1978), p. 33.

¹¹ E. Cantarella, usually very accurate, fails to notice the disapproval which the speaker, whom she takes to be Lysias himself, expected to encounter (*Secondo natura. La bisessualità nel mondo antico* [Rome, 1988], p. 65). She sees no upper limit for the proper age of an *ἐραστής*, taking the stories in Athenaeus xiii.603e–604f about that aging *φιλομειράξ* Sophocles to be proof of this; they should rather (as the context requires) be seen as indications of how Athenaeus defined amatory excess.

implies that the age difference between his contemporary Misgolas and the latter's young man was an unsuitable one (ibid. 49). It is thus entirely credible that the speaker of Lysias III would have made himself ridiculous if he had paraded his passion for Theodotus in public, and consequently there is no reason to think that he was claiming to be against revenge on principle.

Herman also makes use of Lysias I, Euphiletus' famous defence against the charge of having murdered Eratosthenes.¹² Since Euphiletus caught Eratosthenes in bed with his wife (at least according to the orator's narrative, which as usual is our only source), this is normally taken to be a straightforward and indeed characteristic instance of violent Greek retaliation. Not so, Herman argues, for the defendant makes every effort to *avoid* saying that he had exacted revenge, and instead tries to cast his behaviour as a quasi-judicial proceeding which led to his *executing* the guilty party.¹³ Hence the speech is taken to be further evidence that Athenian citizen juries of the early fourth century to some considerable extent rejected the ethic of revenge.

A system of justice which has in principle replaced personally inflicted physical retaliation with legal process, but makes an exception for cuckolded husbands with respect to their wives' lovers, as Athenian law did,¹⁴ can obviously lead to some complex pleading. Euphiletus pleads in the course of the same speech that he acted under unbearable provocation and that he acted with quasi-judicial restraint. He does indeed claim to have been acting on behalf of the city, but this should perhaps be understood as a desperate reserve plea, in case the jury rejected his claim to have killed Eratosthenes upon catching him *in flagrante*. As Herman has observed, there are decidedly peculiar elements in Euphiletus' narrative.¹⁵ The plaintiffs had offered a quite different account of what had happened (see i.37), and they may have had convincing arguments, in which case Euphiletus would have needed all the reserve excuses he could devise.

The speaker does not claim that his murderous act 'may better be regarded as an act of punishment than an act of revenge',¹⁶ nor does he say 'I did not do so [i.e. kill Eratosthenes] by way of revenge'.¹⁷ 'I only did this', he says, 'for the sake of the *τιμωρία*, the requital or act of vengeance accorded by the law' (i.4). When he says (i.47) 'I consider this *τιμωρίαν* not to have been a private one exacted on my own behalf, but on behalf of the whole city', he is not rejecting his own 'right' to revenge, but simply attempting to make the jurors feel that they too had an interest in the death of Eratosthenes.

Herman's overall argument is damaged, I think, by his binary contrast between a 'tribal' and a 'civic' code governing reactions to provocation.¹⁸ According to a tribal code, a man is constrained to avenge in blood any perceived affront to his honour; according to a civic code, on the other hand, private violence between citizens is to be avoided at all costs, and even non-violent revenge is somewhat disapproved. But there

¹² See esp. 'Honour, Revenge . . .', pp. 51–4.

¹³ Herman makes rather too much use of such phrases as 'It is almost as if Euphiletus was saying . . .' ('Honour, Revenge . . .', p. 52).

¹⁴ It was presumably necessary that the adulterers, as in this case, be caught in front of witnesses.

¹⁵ 'Honour, Revenge . . .', p. 52. But this does not extend to his search for witnesses (see previous note).

¹⁶ Herman, 'Tribal and Civic . . .', p. 408.

¹⁷ Herman, 'How Violent . . .?', p. 107.

¹⁸ In his 1994 paper he preferred the contrast between 'civilized' and 'primitive'. For effective criticism of such a simple dichotomy, when applied to revenge in the *Oresteia*, see Said, op. cit. p. 55.

are middle ways! Herman constantly contrasts the standards professed by Athenian orators of the fourth century with the very different codes of the Pentateuch, of traditional Albania, and so on.¹⁹ The Athenians had progressed far beyond such 'tribal' codes of behaviour—but that does not mean that they had given up all of their approval of revenge. Euphiletus does not present himself to his Athenian jury as a man who had taken or would take blatantly disproportionate physical revenge, and he does not exult in revenge (which Odysseus too thought inappropriate, *Od.* xxii.412). On the other hand there is no indication that he was embarrassed by his own deeds as a violent, but legal, retaliator.

For the most part, fourth-century Athenians were supposed to seek revenge for extreme provocations not with weapons (which, as Herman has well emphasized, they did not normally carry)²⁰ but with lawsuits. This is not, of course, to say that they lived under a code which required compromise. There are, however, some remarkable texts, the most remarkable, I think, being the passage in Demosthenes' *Against Conon* (liv.5–6) in which the speaker Ariston boasts that he did not try for revenge, even legal revenge:

I swear by the gods that I never saw fit to bring any legal action against them [Conon and his sons], or to pay any attention to what had happened. I simply made this resolve . . . to take care to have nothing to do with people of that sort.

But that seems to be an exceptional claim. A full understanding of classical Athenian or Greek thinking about revenge would, of course, require a re-consideration of *all* the relevant sources. Herman strangely attempts to exclude everything except forensic oratory. But there is so much else. For example, S. Said has persuasively argued that in the theatre of Euripides the imperative of vengeance can be seen to have lost its traditional force.²¹ And not many will think that Thucydides' allusion to the saying that revenge was the sweetest of all things, or Aristotle's allusions to the same saying and to the general belief that revenge was among τὰ καλά,²² are to be ignored as evidence for fourth-century Athenian sentiments. Such texts need careful interpretation, but they suggest that Athenian thinking about revenge was more traditional than Herman imagines.

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¹⁹ 'Honour, Revenge . . .', pp. 45–8, 55, 57.

²⁰ 'How Violent . . .?', pp. 99, 102–5, the starting-point being Thuc. i.6.

²¹ Said, *op. cit.* pp. 66–73.

²² Thuc. vii.68.1, Arist. *Rhet.* i.9.1370b30, 1367a20–2.