Murder in Ancient Athens

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When we look back on the civilization of Greece, and especially Athens, in the Classical Age, we tend to think first and foremost of the elevated culture: the philosophy of Plato, the great literature, the sublime sculpture and architecture of the Parthenon. What we don't always think about is that, in many ways, the Athenians were people much like ourselves. Not everyone spent their time strolling through the porticoes at the side of Socrates, discussing the nature of the good and the beautiful. Athens was a city of real people with real problems: money troubles, unhappy love affairs, family strife. As in any society, these tensions and frustrations frequently found an outlet in unacceptable behaviour of various kinds. And sometimes the behaviour was the most unacceptable of all: murder.

The motives for murder in the ancient world were much the same as they are in the modern world: crimes of passion were committed, as were crimes for profit. And sometimes murders were committed for no apparent reason. A fellow by the name of Euxitheos, a rich young Mytilenean, was taking a sea voyage to visit relatives in the company of an Athenian called Herodes. Partway through their journey, they were obliged to change ships, since it had started to rain and they had been on an undecked ship. While they were waiting for the new ship, Euxitheos and Herodes started an evening of drinking, in the midst of which Herodes disappeared. Euxitheos was later charged with having bashed Herodes over the head with a rock and dropped him into the sea. His only apparent motive, according to the prosecution, was to oblige another Athenian, Lykinos, an enemy of Herodes. Euxitheos argued his own innocence vociferously, but if he <u>was</u> guilty, this might be our first example of a "hired gun".

Some homicides in ancient Athens appear to have been sheer accidents, or at least so the accused wanted the courts to believe. Diodotos, a young singer, was poisoned by his chorus leader. The man claimed that the drug had been given to Diodotos with no other intent than to improve the young man's voice. Without any kind of forensic science available, no dissection, no chemical tests, there was no way the courts could prove whether the chorus leader had deliberately given Diodotos a poison with intent to kill him, or whether he had simply miscalculated with a supposedly safe drug.

Pharmacology in the ancient world, not surprisingly, was a rather inexact science, and we often hear of cases of poisoning which may, as with Diodotos, have been accidental. On the other hand, this state of affairs would also enable deliberate poisoners, the Lucrezia Borgias of antiquity, to claim that their motivations in administering certain drugs had been only the purest. In one case a woman who wished to get rid of her husband evidently persuaded her next door neighbour, the slave-concubine of a certain Philoneus, to give the drug to both Philoneus and the woman's husband at a party where they would be drinking together. The concubine made a willing dupe, since she believed the drug to be a love potion, a pharmacological remedy for her deteriorating relationship with Philoneus. She was rather naive, perhaps, but scarcely homicidal. She was probably also desperate, since Philoneus, who was growing tired of her, intended to place her in a public brothel.

The concubine, then, apparently believed the drug to be harmless, while the woman who procured the drug in the first place may well have intended it to be fatal. Nevertheless, the concubine was a slave, not a free Athenian woman like her partner in crime. Accordingly, when both Philoneus and the woman's husband died, the concubine was immediately put to torture to reveal what she knew and then summarily executed. The other woman, meanwhile, had a reprieve of several years until her husband's son grew up and took steps to start proceedings against her. And even then, there would be no question of torture for her as a free Athenian.

Certain kinds of murder were considered acceptable. At first this may seem shocking, but we must remember that modern societies also recognize that under some conditions homicide is justifiable. For example, most, though not all, people in any society, past or present, would agree that killing someone who is trying to kill you is acceptable. So the ancient Athenians believed that homicide in self-defence was justified, and one should not have to pay any kind of penalty. While this notion of killing in self-defence may not seem so strange to us, the Athenians had some other categories of homicide which they considered "lawful", and a modern murderer might have a little more trouble persuading a court that his action was justifiable because it fell into one of these categories. For example, an Athenian labourer named Euphiletos was accused in court of murdering his wife's lover, Eratosthenes. Euphiletos admitted the homicide, but argued that what he had done was justified by the law of the land: if a husband catches his wife <u>in the act</u> of committing adultery, he is legally permitted to kill the man involved. It was a perfectly legal crime of passion. Of course, in his defence speech Euphiletos conveniently leaves out a number of other factors, such as the fact that it was evidently customary for the outraged husband to settle for a financial compensation instead. Furthermore, it was not permitted to set a trap for a suspect-

ed adulterer ahead of time, and apparently the prosecution claimed that Euphiletos had done exactly that. Incidentally, it was only legal for a husband to kill his wife's lover, not his wife; Athenians believed that women were not completely responsible for their actions.

Other kinds of murder were also considered justifiable, or at least lawful. If you were fighting a battle, and in the turmoil of hand-to-hand conflict you got confused and killed someone on your own side, you were immune from prosecution. If you were a doctor and killed a patient while trying to treat him, you could not be held legally responsible (the ancient form of protection against malpractice suits). And if you made a livelihood from burgling homes, it was less risky to do so during the daytime, since a homeowner who caught you robbing his house at night was legally entitled to kill you.

One of the issues which was central to the Athenians' attitude towards murder and murderers was that of the religious aspect of the crime. To the ancient Greeks (as to us) murder was the most heinous of crimes, and they believed it offended the gods deeply. But they also believed that the gods would visit their anger not only on the murderer, but also on the people with whom he associated. So having an unpunished killer around could bring miasma, "religious pollution", on your community. Such a situation could be very dangerous. When the Mytilenean Euxitheos was put on trial in Athens for killing Herodes, he brought up the matter of the anger of the gods in his own defence. He had taken a sea voyage to Athens in order to stand trial for the murder, and he argued that it was sure proof of his innocence that the ship had not been struck by lightning on the way.

The concern over religious pollution and the anger of the gods led the Athenians, and many other Greeks, to pursue some cases of "murder" in curious ways. The Athenians had a special court set up for the express purpose of trying cases of homicide committed by animals and inanimate objects. If your farm donkey had a fit of temper one day and pitched you over a cliff and killed you, this court would solemnly sit in judgement on the donkey, and if it were found guilty, it would be killed. As for the question of inanimate objects, if you made a habit of hanging your farm implements from the rafters of your shed, and your axe decided to fall on your head and kill you, then the axe would be put on trial, and if it were found guilty, it would be tossed into the sea or flung beyond the borders of the state. Even valuable objects could be treated in this manner, as the Greek writer Pausanias tells us:

> *"When the great athlete Theagenes of Thasos died, a man who hated him while he was still alive came nightly to the bronze statue of Theagenes to flog it, as if he were beating up the real Theagenes. The statue fell on him and put an end to this activity, but since the man was killed, his sons prosecuted the statue for murder. The Thasians followed the rules of the Athenian murder laws, which state that even inanimate objects which fall on a man and kill him must be taken outside the boundaries of the state, and so they drowned Theagenes' statue in the sea."*

Although some of this may seem like bizarre activity for a courtroom to us, it is important to remember that the Greeks saw the killing of human beings as an extremely serious crime. No matter what the cause, the gods were bound to be angered, and it was for the good of the entire community that killers pay the price for their actions. In the next issue of Labyrinth, we'll take a closer look at how murderers were caught and punished.