

A Historical Commentary on
Lysias, On the Murder of Eratosthenes, §§23-24

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I. Context and *Diēgēsis*

Lysias' On the Murder of Eratosthenes (*Lysias* 1) is conventionally dated to the early fourth century BCE, though its historical context remains debated. The speech presents Euphiletos' defence for the killing of Eratosthenes, whom he claims to have caught in adultery with his wife, and seeks to justify the act as legitimate under Athenian homicide law. While some scholars treat the speech as a forensic defence delivered in a homicide trial,¹ others have emphasised the rhetorical shaping of the surviving narrative and its carefully constructed presentation of events.² Regardless of its historicity, the speech offers a case study for the use of Attic oratory as evidence for Athenian social and legal norms.

Lysias 1.23-24 occupies a crucial place within the *diēgēsis*, narrating the discovery of Eratosthenes *ep' autophōrō* and the gathering of witnesses before the house is entered. The passage transforms a private act of adultery into a public, legally defensible action, foregrounding domestic space, slaves, neighbours, and night-time activity, which situate the narrative within recognisable Athenian social practice and prepare the ground for Euphiletos' legal justification.

The present commentary treats the passage as a forensic narrative shaped by legal procedure and rhetorical strategy. Rather than reading the account as a straightforward record of events, it examines how juror expectations and legal norms inform the presentation of domestic space, masculine authority, and civic legitimacy. In doing so, it highlights both the historical value of the speech and the limits of using Attic oratory as direct evidence for social practice. The Greek text of the passage with translation are presented first, followed by an analysis of its historical and cultural significance.

¹ Carey, 1989; Todd, 2008

² Herman, 1993; Porter, 1997; Usher, 1999

II. Greek Text and Translation in English

§23 ἐπειδὴ δὲ καλῶς αὐτῷ εἶχεν, ἐκεῖνος μὲν ἀπὼν ὄχρετο, ἐγὼ δ' ἐκάθευδον. ὁ δ' Ἐρατοσθένης, ὧ ἄνδρες, εἰσέρχεται, καὶ ἡ θεράπεινα ἐπεγείρασά με εὐθὺς φράζει ὅτι ἔνδον ἐστί. καὶ γὰρ εἰπὼν ἐκείνη ἐπιμέλεσθαι τῆς θύρας, καταβάς σιωπῇ ἐξέρχομαι, καὶ ἀφικνοῦμαι ὡς τὸν καὶ τόν, καὶ τοὺς μὲν <οὐκ> ἔνδον κατέλαβον, τοὺς δὲ οὐδ' ἐπιδημοῦντας ἡῦρον.³

After enjoying a good meal, he left and I went to bed. Eratosthenes, gentlemen, entered the house, and the slave girl woke me at once to say he was inside. I told her to take care of the door, and going downstairs, I went out silently. I called at the houses of various friends: some I discovered were out, while others I found were not even in town.

§24 παραλαβὼν δ' ὡς οἷόν τε ἦν πλείστους ἐκ τῶν παρόντων ἐβάδιζον. καὶ δᾶδας λαβόντες ἐκ τοῦ ἐγγύτατα καπηλείου εἰσερχόμεθα, ἀνεωγμένης τῆς θύρας καὶ ὑπὸ τῆς ἀνθρώπου παρεσκευασμένης. ὥσαντες δὲ τὴν θύραν τοῦ δωματίου οἱ μὲν πρῶτοι εἰσιόντες ἔτι εἶδομεν αὐτὸν κατακείμενον παρὰ τῇ γυναικί, οἱ δ' ὕστερον ἐν τῇ κλίνῃ γυμνὸν ἐστηκότα.⁴

I took as many men as I was able, from those who were at home, and made my way back. We picked up torches from the nearest shop and went indoors, the door having been left open and kept ready by the (slave) girl. Having burst open the door of the bedroom, those of us who first entered saw him still lying beside my wife; those (who entered) after (saw him) stood naked on the bed.

³ Perseus Digital Library. <http://www.perseus.tufts.edu>

⁴ Perseus Digital Library. <http://www.perseus.tufts.edu>

III. Legal Construction and Forensic Representation

The passage 1.23–24 of *On the Murder of Eratosthenes* details Euphiletos’ methodical discovery of Eratosthenes *in flagrante delicto* and the subsequent gathering of witnesses before entering the house. *Lysias* presents these events in a sequential, paratactic narrative, employing temporal markers (ἐπειδὴ, εὐθύς) and active verbs of motion in historic present (εἰσέρχεται, καταβαίνω, ἐξέρχομαι, ἀφικνοῦμαι) to convey immediacy and the appearance of lawful, deliberate action. This structuring reinforces the legal plausibility of Euphiletos’ conduct under the *ep’ autophōrō* provision, emphasising visual certainty through emphatic word order (ἔτι εἶδομεν αὐτὸν κατακείμενον) and bodily exposure (γυμνός), while presenting his actions as unpremeditated and witnessed, in accordance with Athenian homicide law.⁵ At the same time, the careful selection and ordering of events suggest rhetorical shaping: the narrative foregrounds key details (domestic space, slaves, neighbours, and night-time activity) while downplaying potential disorder, illustrating how *Lysias* crafts a persuasive, forensic self-presentation.⁶

This rhetorical shaping is most evident in how the speech addresses a central legal risk: that the killing might be seen as premeditated. In 1.23, Euphiletos emphasises leaving the house σιωπῇ, gathering only neighbours immediately available, and noting the absence of others, constructing an image of improvised yet procedurally careful action. Assembling witnesses before re-entering the house highlights publicity and communal oversight, key elements in claims of lawful killing *ep’ autophōrō*.⁷ This strategy relies on widely shared social assumptions about gender and honour. Beliefs about women’s sexual unreliability reduced the shame associated with exposing adultery and legitimised seeking the help of friends, framing the offence as a violation of the household’s integrity.⁸ Communal participation thus enhances, rather than undermines, the plausibility of Euphiletos’ account.

The emphasis on openness and witness presence aligns with jurors’ expectations of legal legitimacy,⁹ shaping inferences about premeditation and necessity.¹⁰ Yet the precision of these

⁵ Carey, 1989, pp.62–4; Edwards, 1999, p.75; Todd, 2008, pp.43–9

⁶ Herman, 1993, pp.409–11; Usher, 1999, pp.69–73; Todd, 2008, pp.49–54

⁷ Cf. *Lys.* 3.33

⁸ Dover, 1973, p.62

⁹ Carey, 1989, pp.62–4; Todd, 2008, pp.52–3; Fredal, 2020

¹⁰ Cf. *Antiph.* 1.28–30; *Dem.* 23.53–56; *Lys.* 3.41–3

details invites caution. Athenian law operated within social expectations rather than strict formalism, a context that encouraged speakers to tailor their narratives to jurors' assumptions.¹¹ In this sense, Lysianic realism depends as much on rhetorical selectivity as on factual completeness.¹² The passage, therefore, exemplifies how legal argument and narrative construction are inseparable, highlighting the need to read Attic oratory as strategically shaped evidence rather than transparent historical record.

The legal defensibility of Euphiletos' actions is further strengthened through the narrative management of space and bodily control in 1.24. Entry into the *dōmation* is presented not as a chaotic intrusion but as a contained, collectively supervised act.¹³ Eratosthenes is discovered within the inner room of the *oikos* and immediately restrained in the presence of multiple witnesses, with emphasis placed on the open door and the swift neutralisation of resistance. This framing presents the use of force as necessary rather than retaliatory, a distinction with clear legal significance. Athenian homicide law distinguished justified killing from wrongful violence not solely by outcome, but by the circumstances and the apparent self-control exercised by the agent,¹⁴ within a system in which restraint and orderly conduct shaped juror judgement.¹⁵

The effectiveness of this narrative strategy is further enhanced by the social meaning of domestic space. The Athenian house was a normatively regulated environment in which access to interior rooms carried symbolic weight, making intrusion into the *oikos* a serious violation that could warrant decisive response. Comparable emphasis on restraint and spatial control appears in *Lysias* 3.6–7, where limited force is stressed to counter accusations of aggression. While scholarship supports the plausibility of such representations, it also highlights their rhetorical calibration.¹⁶ The careful alignment of spatial detail with legal norms, therefore, suggests a persuasive reconstruction shaped by forensic priorities rather than an objective record of events.

Building on this careful regulation of domestic space, Lysias' depiction of the nocturnal

¹¹ Gagarin, 2008, pp.189–92

¹² Edwards, 1994, pp.60–1

¹³ Cf. Dem. 21.74

¹⁴ MacDowell, 1963, pp.1–7

¹⁵ Todd, 1993, pp.36–8; Kapparis, 2018, pp.214–6

¹⁶ Gagarin, 2011, pp.75–8

intrusion in 1.24 highlights his attention to ‘narrative realism’.¹⁷ The calm, orderly entry, marked by the absence of resistance or disorder, enhances the plausibility of Euphiletos’ actions. Norm compliance is performed through structure rather than merely reported, showing that legal defensibility is inseparable from rhetorical presentation.¹⁸ The sequence of events in 1.23–24 thus reflects forensic priorities as much as historical reality.

Expanding on this, the selective presentation of space, witnesses, and timing reveals Lysias’ careful orchestration of events to persuade jurors with the consistency and emphasis on legally advantageous elements indicating deliberate rhetorical construction. The speech prioritises persuasive effect over strict historical accuracy, demonstrating forensic argumentation shaped to Athenian legal and social norms. This interplay of narrative selectivity, spatial control, and legal reasoning not only demonstrates Lysias’ rhetorical skill but also invites a broader consideration of how forensic speeches illuminate the social, cultural, and legal norms of classical Athens.

IV. Narrative as Social and Historical Evidence

The preceding analysis of narrative shaping and legal strategy highlights Lysias’ rhetorical skill. It additionally prompts consideration of the broader social and historical norms that inform his reconstruction. In 1.23–24, Euphiletos, therefore, focusses less on narrating the killing itself than on framing it as lawful and socially credible. Within this legal framing, *moicheia* is treated as a threat to the integrity of the *oikos*, particularly to legitimate descent and inheritance,¹⁹ concerns repeatedly emphasised in Athenian forensic rhetoric.²⁰ By stressing that Eratosthenes was caught *ep’ autophōrō*, Euphiletos aligns his actions with the provisions of Draco’s homicide law and with broader social expectations that a husband should protect his household.²¹ Comparable assumptions appear elsewhere in Attic oratory, where sexual misconduct is treated as a matter of civic concern because of its implications for citizen status²² and familial stability.²³

¹⁷ Edwards, 1999, pp.58-9, 67

¹⁸ Herman, 1993, pp.415-9

¹⁹ Pomeroy, 1995, pp.60-5, pp.69-70

²⁰ Dem. 59.12-17; Isae. 3.67-69; Lys. 3.6, 23, 29

²¹ Cohen, 1989, p.6

²² Cf. Apollodoros, *Against Neaira* ([Dem.] 59)

²³ Cf. Isaeus’ inheritance speeches (Isae. 1-12)

However, Lysias' handling of masculine honour is notably restrained. Rather than emphasising aggressive masculinity, Lysias portrays Euphiletos as legally cautious, stressing the absence of premeditation (οὐ πρόνοήσας) and the presence of witnesses (μάρτυρας), thereby framing the killing as procedurally justified rather than impulsive. Anger is carefully subordinated to legality: Euphiletos' authority derives not from physical dominance but from his adherence to procedure, the presence of witnesses, and his conformity to *nomos*.²⁴ Masculine virtue is thus defined in civic rather than personal terms, aligning household authority with self-control and legal restraint. This presentation reflects less the reality of social behaviour than the expectations of jurors regarding acceptable male conduct.

The restrained construction of masculine honour contrasts with other forensic narratives and reflects a broader pattern in Attic oratory, in which masculine virtue is defined in civic rather than personal terms and excessive anger or violence signals moral unreliability.²⁵ Such representations underline the extent to which forensic narratives promote normative ideals rather than record everyday behaviour. Lysias' portrayal of Euphiletos, therefore, offers insight not into how husbands typically responded to adultery, but into how male authority needed to be articulated before a jury in order to appear legitimate.

This courtroom-oriented construction of masculine authority has broader implications for how social space and legality are represented within the narrative.²⁶ Lysias does not simply reproduce Athenian norms but selectively reshapes them to construct a credible, law-abiding citizen whose violence appears both necessary and socially justified. One consequence of this selective reshaping is the way private space is rhetorically reconceived. By summoning neighbours as witnesses, Lysias presents *oikos* not as a private refuge in the modern sense but as a normatively regulated space. This exposure to public scrutiny renders the killing civically intelligible, an image shaped less by everyday practice than by what jurors expected a lawful defence to look like.

Drawing on the exposure of the household to public scrutiny, Euphiletos presents knowledge of Eratosthenes' adultery as mediated through intermediaries rather than accessed

²⁴ Carey, 1995, pp.410-2

²⁵ Cf. Dem. 21.15–18, 21.27–28; Aeschin. 1.19–21, 1.75–76, 1.191; Lys. 3.4–7, 3.17–18

²⁶ Todd, 1993, pp.136–44

directly by himself alone. The *therapaina* functions as a key mediator, both alerting Euphiletos to Eratosthenes' presence and enabling his return with witnesses by keeping the door open.²⁷ Read alongside the earlier description of her coercion through threats and physical intimidation,²⁸ her role illustrates how slave knowledge is rhetorically mobilised as reliable testimony while the violence required to secure it is displaced earlier in the *diēgēsis*. Euphiletos also gathers torches before reentering the house ensuring that the scene is illuminated for the witnesses and reinforcing the public visibility required for a lawful act. Neighbours, in turn, serve as guarantors of civic legitimacy, transforming a private offence into a civically recognisable act, a concern that Euphiletos articulates explicitly later when he emphasises his conformity to the law.²⁹ This selective presentation underscores the permeability of the *oikos*: although conceptually private, the household is embedded within a network of social relations that renders domestic affairs legible to the wider community. By deploying slave and neighbours, Lysias shapes access to knowledge strategically, converting private experience into forensic evidence while obscuring the coercive structures which, though socially real, make such mediation possible. This methodological difficulty is not unique to Lysias but characterises wider attempts to reconstruct lived experience from forensic sources,³⁰ reinforcing the caution against treating Attic oratory as straightforward social evidence.

V. Methodological Reflections

The issues raised by this passage illustrate both the value and the limitations of Attic oratory as a source for Athenian history. Forensic speeches cannot be treated as transparent records of social practice since they are shaped by litigation and the need to meet jurors' expectations; yet this selectivity itself renders them historically significant, revealing the norms through which actions were expected to be justified.³¹ *Lysias* 1, as one of the narratively richest speeches in the corpus of Attic oratory, exemplifies this dynamic through its extended *diēgēsis* in which *enargeia*

²⁷ Cf. Lys. 1.11; Ar. Vesp. 768–776; Dem. 47.35

²⁸ Lys. 1.18–21

²⁹ Lys. 1.42

³⁰ Robson, 2024, pp.102–17; cf. Apollodoros', *Against Neaira* ([Dem.] 59); Isaeus, 3

³¹ Todd, 1990, pp.159–75

(vividness) and attention to circumstantial detail construct a narrative that appears immediately intelligible and persuasive. This capacity to make actions and characters seem present to the audience (γινόμενα τὰ δηλούμενα ὁρᾶν)³² underpins the speech's plausibility while guiding interpretation.

The same qualities explain Lysias' subsequent importance in rhetorical theory: his clarity, restraint, and sensitivity to human behaviour made his narratives exemplary for later critics. Lysias' enduring value, therefore, lies not only in the historical material his speeches preserve, but also in the stylistic precision with which this material is shaped into compelling forensic narrative. Ultimately, the speech reminds us that what survives is not the murder of Eratosthenes itself, but its reconstruction as a courtroom narrative, mediated by carefully structured forensic language and in deliberate rhetorical form.

³² Dion. Hal. Lys.7

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