

## Was Lysias 1 (“On the Murder of Eratosthenes”) a Rhetorical Exercise?

Lysias 1 is a particularly useful speech for ancient historians because of the information that it provides about the daily lives of Greek women, Athenian laws on rape and seduction, and the mediation of violence in classical Athens. It is extraordinary for its sensational depiction of the affair between Euphiletus’ wife and Eratosthenes, Euphiletus’ discovery of the affair, and his plan to catch the two of them in the act so that he could then kill Eratosthenes with impunity. The speech is also an especially noteworthy illustration of Lysias’ skill as a logographer. At the same time, his rhetorical artistry makes it extremely difficult for scholars to reconstruct the laws that Lysias cites because he clearly distorts and misrepresents them (see Cohen, Harris, Herman, Plastow). Rather than attempt to resolve these long-standing legal questions, I will examine the narrative of the speech to show why it is unlikely that Euphiletus delivered it to an Athenian court.

Most scholars conclude that Athenian law permitted Euphiletus to kill Eratosthenes, but this was not the customary penalty. By the fourth century, the guardian would have normally accepted monetary compensation from the *moichos* (seducer) for an illicit affair (Carey, Todd). Although Euphiletus may have violated Athenian custom by killing Eratosthenes, the law granted him this right even if it was not often practiced. This conclusion, however, depends on two assumptions: (1) the speech was delivered to an Athenian court and (2) Euphiletus was not guilty of entrapment. Given the seriousness of the offense and the shame, dishonor, and humiliation which resulted from his wife’s adultery, it is unlikely that Euphiletus would have allowed the affair to continue so that he could catch Eratosthenes in the act. Instead, it is more

likely that the speech was a rhetorical exercise that Lysias used to showcase his skill as a logographer.

Periotti and Porter have called attention to several features that make Lysias 1 exceptional: (a) the brevity of the speech, (b) the compactness of the legal argument, (c) the ironically appropriate names of the defendant (Euphiletus) and the adulterer (Eratosthenes), (d) the lack of typical *topoi* used in other forensic speeches and (e) the similarities between Lysias 1 and adultery scenes from Greek and Roman comedies. Yet, many, if not all, extant speeches have survived because they are exceptional in some way, and Lysias 1 has many rhetorical features that are typical of other forensic speeches. Only the name of the adulterer has caused any concern among other scholars (see Todd). However, it is hard to imagine that Lysias would have used the same name for the adulterer as the man who killed his brother if the speech were a rhetorical exercise (Nyvlt).

More problematic is the depiction of the discovery of the affair and killing of Eratosthenes. After learning of the affair from one of Eratosthenes' former lovers, Euphiletus cross-examined his slave and compelled her to help him catch Eratosthenes. At least twice, Eratosthenes entered Euphiletus' house while he was asleep. On the second time, the slave woke Euphiletus up, but he did not immediately confront Eratosthenes. Instead, he first gathered witnesses in case he was later charged with murder. This took some time since some of his neighbors were not home. Then, on the way to his house, the posse first stopped at a nearby tavern for torches, so they would have adequate lighting in case they had to report in a court of law what they saw. It is not surprising that Euphiletus methodically planned out his revenge. Yet, if the shame and dishonor were as great as Euphiletus describes, why did he not stop the affair immediately or rush into the bedroom as soon as the slave woke him up? Were witnesses really

necessary? It is hard to believe that an Athenian would have allowed his friends and neighbors to enter his wife's bedroom and see her with another man just to bolster a hypothetical defense.

#### Works Cited

Carey, C. 1989. *Lysias: Selected Speeches*. Cambridge.

Cohen, D. 1991. *Law, Sexuality and Society: The Enforcement of Morals in Classical Athens*.  
Cambridge.

Harris, E. 1990. "Did the Athenians Regard Seduction as a Worse Crime than Rape?" *CQ* 40: 370–77.

Herman, G. 1993. "Tribal and Civic Codes of Behaviour in Lysias 1." *CQ* 43: 406–19.

Nyvt, P. 2013. "Killing of Eratosthenes between Reality and Mime." *Graeco-Latina Brunensia* 18:  
159–70.

Periotti, P. 1989-1990. "La I orazione di Lisia fu mai pronunciata?" *Sandalion* 12-13: 43–48.

Plastow, C. 2020. *Homicide in the Attic Orators: Rhetoric, Ideology, and Context*. London.

Porter, J. 1997. "Adultery by the Book (*On the Murder of Eratosthenes*) and Comic *Diegesis*." *EMC* 16:  
421–53.

Todd, S., ed. 2007. *A Commentary on Lysias, Speeches 1-11*. Oxford.