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Autor(en): **Zuntz, Günther**

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Once again the Antiphontean Tetralogies

By Günther Zuntz

Once¹ again the spuriousness of the Tetralogies has been asserted; this time by Professor Von der Mühl². He has honoured me by a reference to my different view³ and the particular respect in which I hold him forbids me to leave his arguments unanswered. I may use the occasion to develop a thesis which has been dismissed by H. Frisch⁴ – *quem ipsum quoque honoris causa nomino*.

Professor Von der Mühl revives the argument of Dittenberger and Aly that the mention of *εἰσφοραί* in *A* β 12 and γ 8 combined with Thucydides III 19, 1 date the Tetralogies after 428 B. C. Surprisingly enough, Von der Mühl at the same time refuses to take his stand with those who, like A. M. Andreades⁵, would take Thucydides by his word: “bekanntlich kann ja Thukydides nicht an die erste Eispheora in Athen überhaupt gedacht haben, sondern nur an die erste im peloponnesischen Kriege”⁶. If there had been *εἰσφοραί* prior to 428 B.C., their mention cannot date the Tetralogies after 428. How frequent such contributions had been before this date, it is impossible to say with confidence; in fact we have not got the evidence which would enable us to make tenable statements, whether positive or negative, on the Attic *εἰσφοραί* before 428 B. C. The elaborate definition which Andreades gives on the basis of the later practice could indeed hardly apply to capital contributions, whether voluntary or enforced, at this earlier period. That such existed is not disputed⁷ and there is no means for disproving that they could be styled *εἰσφοραί*. Under these circumstances no inference about the date of the Tetralogies can be based upon *A* β 12. If other arguments should indicate an early date, this passage would automatically become the earliest extant evidence about the Attic *εἰσφορά*.

Many of the *τόποι* produced in the Tetralogies recur in Antiphon's speeches. Arguments about priority in such cases are normally controvertible. Generally speaking, it is most improbable that arguments should have been picked from various passages in various speeches and combined into the concentrated context of the didactic pieces which are the Tetralogies. The opposite procedure is natural⁸. However Professor Von der Mühl believes that the unsuitability, within the context, of *A* δ 9 demonstrates dependence upon the Metastasis speech.

¹ O. Skutsch read a draft of this article and helped me greatly by his suggestive criticism.

² M. H. 5 (1948) 1.

³ Class. et Med. 2 (1939) 121.

⁴ *The Constitution of Athens* (1942) 176.

⁵ *A History of Greek public Finances* I (1933) 333.

⁶ Loc. laud. 2.

⁷ Cp. B. A. van Groningen, *Mnemos.* 56 (1928) 397.

⁸ E. g. the enthymema *I* a 1 could be the source of both V 88 and VI 3ff, while the opposite relation is hard to imagine. Dependence upon established stock-arguments has been frequently observed also in the other orators.

The argument by which the tetralogist, in *A* δ 9, rebuts *A* γ 8 can indeed seem to be curiously beside the point, but the reference to the Metastasis speech cannot account for the apparent inconsistency. When the two passages are compared, their similarity proves all too slight. In his own defence, Antiphon asserted that *νεωτερισμός* is characteristic of two groups of people, namely those who want to escape punishment for crimes and those who seek revenge for injuries: neither alternative applied to himself. In the tetralogy, on the other hand, it is argued that poor people pursue *νεωτερισμός* in the hope of getting rich, while rich people, like the speaker, have every reason to avoid it. The two passages thus have little more in common than the reference to *νεωτερισμός* and the purpose to exonerate the speaker. The situation of the speakers and the arguments used by them being about as different as possible, it is impossible to assume dependence of the tetralogy upon Antiphon's most famous speech. Revolutions had happened in the Greek world before 411 B. C., providing the thinker with experiences on which to build theories and the orator with arguments for iuridical fencing, for "des Problems, warum man Revolutionen macht, hat sich freilich früh die politische Theorie bemächtigt"⁹. Our two speeches record two different answers to this problem. According to the one, revolutions are made by people seeking illegal advantages; according to the other they are the work – to use a modern term – of the exploited proletariat. The fact that Antiphon used one of these theories in 411 B. C. cannot establish the dependence of the tetralogy which uses the other¹⁰.

The other cross-references between tetralogies and speeches are so naturally understood as practical applications in the latter of the recipes contained in the former that I shall waste no words upon them.

Dittenberger's often quoted linguistic observations¹¹ cannot serve to sustain Professor Von der Mühl's thesis. Or can it seriously be held that Ionisms are likely in an imitator after 411 B. C., rather than in Antiphon himself at an earlier date? The deviations from Attic law serve the theoretical purpose of the Tetralogies¹² but hardly suggest an imitator drawing upon Antiphon's actual speeches.

⁹ Von der Mühl, loc. laud. 3, note 11.

¹⁰ The question why the Tetralogist in *A* δ 9 uses an argument so seemingly irrelevant to his purpose is strictly outside the present discussion. It may however be suggested that thereby he indicates a line of defence, or rather a feint, against a dangerous attack. The accused had been charged, in *A* α 10, with *ἐπιβουλεύειν* and this charge had been combined with a forceful description of the dangers with which his presence threatened the polis. In defending himself against this twofold charge (*β* 12), the accused accordingly stressed the services which he had rendered to the polis. The accuser in turn (*γ* 8) argued that the riches which his opponent displayed in these services had actuated his crime. To rebut this powerful argument, the accused exploits the wider implications of the word *ἐπιβουλεύειν* which he had utilized already in *β* 12. There the notion of "planning murder" had imperceptibly been widened into that of "planning revolution" (one may compare the trick-stery with *βουλεύειν* and *ἐπιβουλεύειν* in *Γ* δ 4–5). In δ 9 the latter connotation alone is brought into play; the implication being, so it seems, that a law-abiding citizen is incapable of the crime with which the speaker is charged.

¹¹ Hermes 32 (1897) 30.

¹² See the survey of earlier discussions in J. H. Thiel, *Antiphons erste Tetralogie* (1932) 13ff.

After all, the manuscripts ascribe the Tetralogies to Antiphon. The ascription to be disproved requires arguments more powerful than have so far been produced. Let us relieve the discussion of such details which, with some effort, can be booked on either side of the argument and consider really characteristic and unambiguous features of our texts. I would invite Professor Von der Mühl to reread, with that mature sense of style and atmosphere which is his own, such outstanding passages as α 3 and 10–11; β 11; γ 10, 2 in the first tetralogy and, in the third, α 1–5; β 8–9; γ 6–7; δ 10f. Can the supreme validity of the notions of purity and pollution; the dependence of polis and individual upon these notions; the creation and repulsion of avenging spirits used as a decisive argument in court – can this set of archaic notions be ascribed to the very end of the fifth century? The answer in my opinion cannot be doubtful. The passages indicated have, with the particular urgency of their message, no place in the world of Kritias and Meidias. They take one right into an Aeschylean sphere¹³. Antiphon himself indeed does not for a moment believe in these notions. He uses them cunningly and ruthlessly to establish the opposite, modern conception of justice; but he coined his arguments for a public which ascribed final validity to them. Such was not the audience of the Metastasis speech nor the judges on the murder of Herodes. By way of illustration, it is worth comparing e. g. the analogous arguments in the fifth speech (91) and in Tetralogy $I \beta$ 8. Both passages caution against judicial murder. The speech emphasizes that there is no cure for it: an obvious argument which could be produced at any time (cp. $A \delta$ 12). The parallel in the third Tetralogy is wholly dominated by the idea of the avenging spirit. In this form, the argument fails to reappear in extant speeches, whether Antiphon's or others. The abandonment of this traditional motif is characteristic evidence of a changed "Zeitgeist". A little later in the same speech (V 95) there was one of many suitable occasions to emphasize the danger of pollution, as it is done in the analogous context in Tetralogy $A \beta$ 11 and $I \alpha$ 3 – but this notion, too, was at the time no longer sufficiently prominent. Even in the rapidly developing life of fifth century Athens anything less than the span of one whole generation could hardly account for so essential a change of attitude.

If in consequence we date the Tetralogies somewhere near the middle of the century, their various peculiarities, I submit, can be accounted for. The same Antiphon could use, in his early writings, words and forms which are absent from his later productions. The prominence of the "numinous" is natural at his early period and the validity, then, of the ideas of pollution and expiation could necessitate the paradox that a person killed by accident was described as a murderer¹⁴. At the time of Antiphon's extant speeches this necessity had vanished for ever.

¹³ This applies likewise to the whole concept of justice. Rereading the *Oresteia* with the Tetralogies in mind, one notes the similarity in the details of terminology and procedure as well as in the general approach to the problem of culpability and its solution through a revised notion of *αἵρεσις*.

¹⁴ Cp. Class. et Med., loc. laud. 136 and 143; Aesch. *Choeph.* 923.

Finally let us not forget that the origin of "rhetoric" as it was later on miscalled (for this movement meant more than the discovery of the "Gorgian figures") goes back to the first half of the fifth century¹⁵. There were orators before Gorgias and Pericles.

The early date here suggested for the Tetralogies is supported by the remarkable parallel between the second Tetralogy and Plutarch, *Pericles* 36. It is surprising that H. Frisch, in a work otherwise of painstaking precision and full of illuminating observations, should have dismissed this parallel as "insignificant"¹⁶.

In his invective against Pericles, Stesimbrotos of Thasos¹⁷ derided his discussions with the "sophists". Plutarch quotes one of them: he had spent a whole day in discussing with Protagoras a fatal accident which had happened during an agon. Such accidents must have been frequent¹⁸ both before and after; yet this one impressed itself so markedly upon the contemporary mind that even the names of the persons concerned – Pentathlos and his victim Epitimos of Pharsalus – were remembered. It assumed a particular significance because, occurring at a crucial moment in the development of Greek thought, this case raised the central problem of the "new justice". According to the traditional notions, the slayer was automatically guilty and must suffer to expiate his guilt. Not so with the new, "sophistic" mind which would regard as guilty only the real causer of the accident. Stesimbrotos, with doubtless the majority of the contemporaries, might well scorn the hairsplitting considerations of Protagoras and Pericles, but their search after the *κατὰ τὸν ὀρθότατον λόγον αἴτιος*, in weighing and comparing all possibilities of responsibility, actually marked the begin of a new age of justice.

The viewpoint, method and purpose of the Tetralogy are the same. It poses an almost identical situation and echoes the Protagorean argument in demonstrating how the new conception could be utilized in actual law-suits. Their close relation to Protagoras – which can be substantiated by other analogies¹⁹ – is a further argument for the suggested date of the Tetralogies. The second of them is most naturally regarded as an echo of the discussions stirred by the Epitimos case; and Protagoras left Athens in 444 B. C.

On the basis of the facts here outlined I venture to reiterate the thesis: the Tetralogies, early works of Antiphon of Rhamnus, originated in Athens under the influence of Protagoras and thus hardly later than 444 B. C.

¹⁵ Class. et Med., ib. 142.

¹⁶ *The Constitution of Athens* (1942) 176.

¹⁷ Pace F. Jacoby, I still regard the ascription of this passage to Stesimbrotos as obvious. His name indeed occurs after the anecdote under consideration; but it is introduced by the words *πρὸς δὲ τούτοις καὶ κτλ.* Plutarch could not say more distinctly that also the Protagoras anecdote came from Stesimbrotos; all the more so since both are equally traced to Pericles' son Xanthippos.

¹⁸ This is inherently obvious and confirmed by the reflection of such accidents in the myths, e. g. of Hyacinthus, Perseus (Paus. II 16, 3) and Oxylos (Paus. V 3, 7).

¹⁹ The pronoiā-argument at the beginning of the third Tetralogy is one of them; cp. Plato, *Prot.* 320ff.