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Antiphon the Sophist and Democritus

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Of the men whom Eric Havelock selected as the principal exponents of the "liberal temper" of Greek thought, only Antiphon and Democritus have survived in their ipsissima verba¹. In an additional note to his chapter on Antiphon, Havelock observed three striking parallels between the fragments of Democritus and Antiphon's work 'On Concord', containing explicit verbal reminiscences (whoever wrote first) on the subject of marriage and parenthood². In this paper, I propose to examine further connections in the two men's thought; I will attempt to exercise due caution with the 'Democrates' material³, and will focus, not on 'Concord'⁴, but on the papyrus fragments of Antiphon's 'Truth' (FVS 87 B 44), and most particularly on what I take to be the central (and generally ignored) point of this treatise, namely legal criticism⁵. Let us begin, however, with a summary of the most common recent view of the relationship between Antiphon and Democritus,

¹ Eric A. Havelock, *The Liberal Temper in Greek Politics* (New Haven 1957) 255.

² *ibid.* 419. The most important and closest parallels are given here, with references to Diels-Kranz, FVS⁶, vol. II. With Antiphon 357, 16 compare Democritus 202, 8; Antiphon 358, 3 is similar to Democritus 202, 1ff., as is Antiphon 358, 6 to Democritus 202, 10.

³ The problem of the identity of 'Democrates' and the authenticity of FVS 68 B 35-115 has received no definitive treatment; Z. Stewart has recently presented good arguments for detached, cautious interpretation of the material, the survival of which he explains in terms of Cynic interest and, quite probably, distortion: see Z. Stewart, *Democritus and the Cynics*, HSCP 63 (1958) 179ff. Cf. W. K. C. Guthrie, *A History of Greek Philosophy* 2 (Cambridge 1965) 489-490. The meshing of Democritus' ethical thought with his physical theories, perhaps more reliably reported by the doxographers, has also been a project for the more adventurous; the skepticism of Guthrie (*ibid.* 496-497) does not diminish the interest of G. Vlastos' perceptive analysis in *Ethics and Physics in Democritus*, Part 1 in *Philosophical Review* 54 (1945) 578-592, Part 2 in *Philosophical Review* 55 (1946) 53-64, referred to in subsequent notes as Vlastos (1) and Vlastos (2). Also see C. C. W. Taylor, *Pleasure, Knowledge and Sensation in Democritus*, *Phronesis* 12 (1967) 6-27.

⁴ The fragments of *Concord*, like much Democritean material, are largely known from Stobaeus; as an index of Antiphon's views, the papyrus fragments of *Truth* (FVS 87 B 44) are obviously more reliable. A minority of scholars have even refused to accept the gnomic *Concord* fragments as genuinely Antiphontic; see Wilamowitz, *Der Glaube der Hellenen* 2 (Berlin 1931) 217-218, W. Nestle, *Vom Mythos zum Logos*² (Stuttgart 1942) 387-388, 399, and Havelock (above, note 1) 419, who accepts only sections of B 49.

⁵ See my article *Antiphon the Sophist, On Truth*, TAPA 103 (1972) 329-366, and the analysis there of the fragments. In his useful analysis of Antiphon, E. Bignone noted in passing certain "dottrine affini" with Democritus: moderate hedonistic premises, moral autonomy and conscience as truer and more reliable guides than the laws, emphasis on concord and friendship, and a general "tono triste"; see *Studi sul Pensiero Antico* (Naples 1938) 81-85. But Bignone confined his comments on Democritus almost entirely to comparison with *Concord*. So too, with the more obvious parallels listed by J. H. Finley (on the subjects of enjoyment, misers, concord, and children) in *Three Essays on Thucydides* (Cambridge, Mass.

i.e. that their ethical and social outlook shows few similarities, or even that, as Havelock puts it, "they represent within the liberal camp diametrically opposed positions"⁶.

The polarity within "liberalism" implied by the last quotation has usually been applied to Antiphon and Democritus in the following terms. Democritus' fragments, it is said, suggest rational optimism, and are linked by commentators to the flourishing spirit in the Athens of the 440's. Antiphon's fragments, on the other hand, seem starkly pessimistic and are perhaps to be dated later, during the war and after the death of Pericles, in the more self-questioning decade of the 420's. Secondly, whereas Democritean support for co-operation with *nomos* can be found with little searching, Antiphon's sharp division at the beginning of frg. 44 A between *nomos* and *physis*, and his strident criticism of the former's inequities, prove that he despaired of *nomos*. The assumption of many that Antiphon wrote his book 'On Truth' to combat the 'Truth' of Protagoras (who through Plato's reports, especially in the Theaetetus, can be assumed to have been a partisan of *nomos*) is held to reinforce Antiphon's intellectual and political separation from Democritus⁷. Thirdly, there emerges from the fragments of Democritus more stress on the community, as opposed to the individual, whose champion is Antiphon. And finally, there is the difference in the two philosophers' "hedonism":

1967) 96 and note 101 (originally *The Origins of Thucydides' Style*, HSCP 50 [1939]). Finley accepts W. Aly's claim for the priority of Antiphon, based on the treatment of mathematical problems by a method of endless repetition of the same process (the problems are squaring the circle in Antiphon, cf. B 13, and the section of a cone in Democritus, cf. B 155); see W. Aly, *Formprobleme der frühen griechischen Prosa*, Philologus Supplementband 21, 3 (1929) 115–116 (and note 123), and compare Finley 97–98. As evidence for dating all the remaining Democritean fragments (very few of which are established by book title by the *testimonia*) as composed subsequent to *On Truth*, Aly's argument is shaky at best.

S. Luria thought Antiphon clearly a follower of Democritus; see *Wann hat Demokrit gelebt?* Arch. f. Gesch. d. Philos. 38 (1928) 205–238, especially 209–218. In fact, he regarded Antiphon as a translator of Democritean phrases into Attic (232), and claimed that Democritus must have published between 430 and 425, since Antiphon was parodied in the *Clouds* of 423, where he was not named because *he* published pseudonymously (220–224). This is not good argumentation and is ill supported; the only close parallel Luria is able to adduce is between the gnomic B 51 of *Concord* and Democritus B 285. He lays great stress on Democritus A 166, from the later testimony of Epiphanes (*καὶ τὸ δοκοῦν δίκαιον οὐκ εἶναι δίκαιον, ἄδικον δὲ τὸ ἐναντίον τῆς φύσεως*); it seems unlikely that the papyrus fragments are a translation of, or even have much to do with, this sentiment. Other parts of the argument are also weak: to establish that Antiphon was afraid to publish openly because of the prosecutions for *ἀσέβεια* sparked by Diopeithes, Luria deduces that Antiphon was an atheist from Plato, *Laws* 889e, which suddenly becomes Antiphontic (cf. 224). On the chronological questions, J. Ferguson's arguments for dating Democritus significantly later (with his ethical works in the early 4th century) are highly conjectural, and unpersuasive in the main; see *On the Date of Democritus*, Symb. Osl. 40 (1965) 17–26. The same is true for Ferguson's theory that Plato reports a Democritean version of Protagoras in the *Protagoras*; see *Plato, Protagoras and Democritus*, Bucknell Review 15 (1967) 49–58.

⁶ Havelock (above, note 1) 255.

⁷ Even if Antiphon did write to confute Protagoras, he is not therefore to be placed any further away from Democritus; the latter's statement in B 69 and Plutarch's report in B 156 indicate that Democritus may have differed substantially from Protagoras' views.

Democritus is held by many to conceive of *τέρψις* far more intellectually and morally than Antiphon thought of *τὰ ἡδοντα*: Antiphon's approach, according to one recent scholar, is "unitary", "naturalistic", and "biological"⁸.

It is true, with regard to the first of these generalized differences, that the fragments of Democritus point to a confidence in the promise of human nature, in learned capacities, and in the state-*nomos* as potentially benevolent, working systems that may co-ordinate men into a viable social unit. Preservation of the *polis* and its smooth operation are objectives demanding men's full energies; Democritus explains: *πόλις γὰρ εἰ ἀγομένη μεγίστη ὀρθωσίς ἐστι, καὶ ἐν τούτῳ πάντα ἔνι, καὶ τούτου σωζομένου πάντα σώζεται καὶ τούτου διαφθειρομένου τὰ πάντα διαφθείρεται* (FVS 68 B 252; vol. II 195, 15–196, 2). Justice (*δίκη*: B 215), intelligence (*φρόνησις*: B 119. 193), moderation (*μετριότης* or *σωφροσύνη*: B 191. 208. 294; cf. B 284–286) are all commended values for the individual in Democritus. Practice (*ἀσκησις*: B 242) in virtue and cultivation of these values make for the good individual, as opposed to the fool (*ἀνοήμων*, cf. B 197. 199–202) and the unhappy man, condemned to envy, jealousy, and spite (*φθόνος, ζήλος, δυσμενία*: B 191, vol. II 185, 9). With regard to states, nothing is worse than *στάσις* (B 249); *δμόνοια* in the *polis*, on the other hand, can support the greatest of projects (B 250), and an economic and social *concordia ordinum* is idealized in B 255 and pictured as the best of all possible worlds⁹.

Reverence for, and obedience to, *nomos* are incorporated in Democritus' ideal vision. For instance, it is characteristic that, toward the end of the long fragment on *εὐθυμία* (B 191), he pictures the unhappy, envious, over-aggressive man as finally mastered by his desire (*ἐπιθυμία*) and compelled (*ἀναγκάζεται*) to commit an irredeemable transgression (*ἀνήκεστόν τι*) of the *νομοί* (vol. II 185, 1–2). In another fragment, Democritus speaks of *nomos* as of a benevolent person, that wishes to bless human life, if men only possess the corresponding will to be blessed: *ὁ νόμος βούλεται μὲν εὐεργετεῖν βίον ἀνθρώπων· δύναται δέ, ὅταν αὐτοὶ βούλωνται πάσχειν εἶ· τοῖσι γὰρ πειθομένοισι τὴν ἰδίην¹⁰ ἀρετὴν ἐνδείκνυται* (B 248).

⁸ For optimism and the 440's, see Havelock (above, note 1) 256. 266–267; C. P. Segal, *Reason, Emotion and Society in the Sophists and Democritus* (unpubl. diss., Harvard 1961) 264. 391 (on Democritus B 181). For the assumption of Antiphontic reaction against Protagoras, see Segal 378. For the community as opposed to the individual, see Havelock 130; for hedonism, see Segal 365 and his chapter 2 on Democritus, *passim*.

⁹ It appears, from the legal 'suit' between body and soul reported by Plutarch (B 159) that some such *concordia* may well have been Democritus' ideal for the individual also, given his repeated insistence on intelligence and pleasure as complementary ideals. Such seems to be the thrust of the short fragment B 188, connecting *τέρψις* with *συμφέρον*, and the longer, psychological fragment B 191, recommending a sensible enjoyment of what one has, in conjunction with the intellectual power necessary to ward off envy and *πλεονεξία*, which may result in irreparable damage (cf. vol. II 184, 16–185, 2) and which, *per se*, make life miserable. For social *concordia* as a *locus communis* in the fifth and fourth centuries, see G. J. D. Aalders, *The Political Faith of Democritus*, *Mnemosyne* IV 3 (1950) 308.

¹⁰ *τὴν ἰδίην ἀρετὴν* – not the *law's* own *ἀρετή* (as in Diels' translation, vol. II 195), but the *individual's*; cf. *ἰδίη ἐξουσίη* in B 245.

Not only respect for the law, but also its enforcement, are essential to the maintenance of justice. A man who subordinates *nomos* to *κέρδος* or *ἡδονή*, says Democritus, and remits a criminal's penalty *παρὰ νόμον* is guilty of injustice (*ἀδικεῖ*); it is *δίκαιον* for criminals to be punished severely (B 262. 261).

It is highly likely that Antiphon would not have agreed with the last statement. Nothing in his fragments parallels the explicit recommendation of Democritus in favor of vengeance (B 193) and the exaction of penalties, extending even to the taking of life (B 258. 259) for the sake of good order (*κόσμος*). The consistency of Antiphon's argument, which derives much of its emotional power from its protest against harm of any kind (cf. FVS 87 B 44, P. Oxy. 1797, hereafter referred to as frg. 44 C, col. 2, 12–17), militates against any straightforward acceptance of a usual punishment theory. Such a theory might provide that the unjust suffer for their transgressions either because retributive action is morally right, or because the suffering acts as an effective social deterrent. Because we do not have an Antiphontic 'system' that is complete, we can never know how he would have proposed to punish the not only demonstrably, but also *truly*, guilty, i.e. those who committed a *βλάβη* against *physis* or *ἀλήθεια* and were convicted of such¹¹.

The crucial thrust of Antiphon's inquiry into justice and punishment, however, as I hope to have shown elsewhere, lies at another point in the process, a point arrived at long before the question of punishment need logically be considered. This point is, of course, the phase of demonstration, or determination, of true innocence or guilt in the eyes of a society working with a human, imperfect legal mechanism. "Your punishment theory, Democritus, may or not be humane", Antiphon may have reasoned, "but you have missed the important point. Even you have admitted that for human beings' advantage and disadvantage, pleasure and the lack of it are the boundary markers; how can you then fail to treat the enormous disparity between the traditional claims of *nomos* and the suffering, inequity, and falsehood that its practical operation entails in Athens? Instead of worrying about punishing people, why do you not consider the *ῥοθωσις*, *κόσμος* and *εὐθυμία* possible in a society where men *μήτ' ἀδικεῖν μήτ' ἀδικεῖσθαι*, or where, if they did, *nomos* could be relied on to support the truth?"¹²

Such may have been Antiphon's rejoinder to the theories of Democritus if he was familiar with them. Historical priority of either figure, however, is not important to this analysis. What we are concerned with are the probable doctrines 'in the air' in the late fifth century, and those reflections on law and justice which may reasonably be assumed to form a background to Antiphon's works and which he may have developed or modified. And here, I think, Antiphon is philosophically

¹¹ It is possible that he thought that punishment came automatically in these cases; cf. FVS 87 B 44 A, col. 2, 10–23.

¹² *ῥος συμφόρων καὶ ἀσυμφόρων τέρπις καὶ ἀτερπία* (B 188; cf. B 4). I have given Vlastos' interpretation of *ῥος* as "landmark", or boundary marker; cf. Vlastos (1) 588, and R. Ferweda, *Democritus and Plato*, Mnemosyne IV 25 (1972) 368–369. On Antiphon, see frg. 44 C and TAPA 103 (1972) 348–349.

more compatible with Democritus than is generally recognized. As we have seen, they are not likely to have agreed on punishment. But an equitable assessment of Democritus' ethical fragments must allow for a constantly lingering disquiet on the strength of man's moral will. And we must remember that co-operation of that will was a necessary condition in the optimistic statement on the benevolent potential of *nomos*; cf. B 248: [ὁ νόμος] δύναται δὲ [εὐεργετεῖν], όταν αὐτοὶ βούλωνται πάσχειν εἶ.

Besides his keen psychological insight concerning the obstacles to happiness and *τέρψις* in the private life of the individual, Democritus was equally acute in discussing men's conduct and hazards in public life. And it is here that we must recognize more than occasional pessimism. Take the statement in B 253: τοῖς χρηστοῖσιν οὐ συμφέρον ἀμελέοντας τῶν ἐωντῶν ἄλλα πρήσσειν· τὰ γὰρ ἴδια κακῶς ἔσχεν. εἰ δὲ ἀμελέοι τις τῶν δημοσίων, κακῶς ἀκούειν γίγνεται, καὶ ἦν μηδὲν μήτε κλέπτῃ μήτε ἀδικῃ. ἐπεὶ καὶ <μῆ>¹³ ἀμελέοντι ἢ ἀδικέοντι κίνδυνος κακῶς ἀκούειν καὶ δὴ καὶ παθεῖν τι· ἀνάγκη δὲ ἀμαρτάνειν, συγγινώσκεσθαι δὲ τοὺς ἀνθρώπους οὐκ εὐπετές. As with the man who tries to obey traditional *nomos* in Antiphon in the matter of witnessing (FVS 87 B 44 C), here the public servant, basically good (*χρηστός*), is trapped. In terms of τὸ συμφέρον he loses if he is zealous in his job (since his private affairs suffer), and he loses if he ignores such jobs (since he is subject to back-biting)¹⁴, even if he remains an honest, upright citizen (καὶ ἦν μηδὲν μήτε κλέπτῃ μήτε ἀδικῃ). Still worse, if he is zealous and manages to avoid ἀδικία, there is the danger that he will be subject to actual harm, as well as a bad reputation. And there is the third factor of inescapable ἀμαρτία; though it is inevitable for men to err, forgiveness for such error is rare. With the whole fragment, it is especially relevant to compare Antiphon, frg. 44 C, describing the undesirable consequences for the man who undertakes the 'just' and 'useful' duties of witnessing in court: ... αὐτὸς δ' ἀδικεῖται ὑπὸ τοῦ καταμαρτυρηθέντος, ὅτι μισεῖται ὑπ' αὐτοῦ τὰ ἀληθῆ μαρτυρήσας· καὶ οὐ μόνον τῷ μίσει, ἀλλὰ καὶ ὅτι δεῖ αὐτὸν τὸν αἰῶνα πάντα φυλάττεσθαι τοῦτον οὗ κατεμαρτύρησεν ὡς ὑπάρχει γ' αὐτῷ ἐχθρὸς τοιοῦτος, οἷος καὶ λέγειν καὶ δρᾶν εἶ τι δύναίτο κακὸν αὐτόν. καίτοι ταῦτα φαίνεται οὐ σμικρὰ ὄντα τὰδικήματα, οὔτε δ' αὐτὸς ἀδικεῖται οὔτε δ' ἀδικεῖ (col. 1, 35–2, 17).

¹³ Here the meaning is substantially affected depending on the acceptance or rejection of Meineke's emendation <μῆ>. Diels-Kranz accepted and printed the conjecture in the text, rightly I think; the consequent sense continues one of the main ideas of the fragment: "Ist doch selbst für den, der nicht nachlässig ist oder unrecht tut, Gefahr ..." (tr. Diels II 196), i.e. "heads I win, tails you lose". This sentence is, then, a slight amplification of the preceding one – "those who do no injustice (whether or not they are guilty of ἀμέλεια) are subject to a bad reputation, and sometimes harm" – and the ἀμαρτία of the last sentence may perhaps be interpreted, not as an ἀδικία solely, but as the inevitable intellectual error involved in *what-ever* attitude a citizen takes on public affairs, given the stacked odds against him.

¹⁴ Contrast Pericles' optimistic comments in the funeral oration, where he maintains that individualism is not resented in Athens, even with hard looks (Thuc. 2, 37, 2); Havelock's statement (above, note 1) 147, on the affinities between Democritus and Pericles, needs qualification.

It may be objected that Democritus' sympathy is not with the individual, but with the 'system', in which he was occasionally obliged to note defects. We may note at once that the 'individual-system' dichotomy, at least with regard to Athenian citizens, possesses anachronistic overtones. In the direct democracy in Athens in the late fifth century, every citizen could reasonably expect the tenure of some sort of ἀρχή at least once during his lifetime, and probably more often than that¹⁵. Thus every adult Athenian citizen of some means (cf. Democritus' phrase in B 253, τῶν ἐσωτῶν) was potentially an official in the 'system', and the likelihood for individual service as a magistrate was probably far greater than the probability of jury-duty in the United States today. Sympathy for the magistrate is thus to a large extent de facto sympathy for the conscientious individual. Let us now consider the following Democritean statement on those who hold ἀρχαί: οὐδεμία μηχανὴ τῷ νῦν καθεστῶτι ῥυθμῶ μὴ οὐκ ἀδικεῖν τοὺς ἄρχοντας, ἣν καὶ πάνυ ἀγαθοὶ ἔωσιν. οὐδενὶ γὰρ ἄλλῳ ἔοικεν ἢ ἐσωτῶ τὸν ...¹⁶ αὐτὸν ἐφ' ἐτέροισι γίνεσθαι· δεῖ δέ κως οὕτω καὶ ταῦτα κοσμηθῆναι, ὅκως ὁ μηδὲν ἀδικέων, ἣν καὶ πάνυ ἐτάξῃ τοὺς ἀδικέοντας, μὴ ὑπ' ἐκείνους γενήσεται, ἀλλὰ τις ἢ θεσμός ἢ τι ἄλλο ἀμυνεῖ τῷ τὰ δίκαια ποιεῦντι (B 266). The current arrangement of society (ῥυθμός) possesses no device to prevent the occurrence of injustice. We may here compare the complaint of Antiphon that *nomos* cannot prevent the fact of injustice, or adequately anticipate aggression: νῦν δὲ φαίνεται τοῖς προσιεμένοις τὰ τοιαῦτα τὸ ἐκ νόμου δίκαιον οὐχ ἱκανὸν ἐπικουρεῖν· ὁ γε πρῶτον μὲν ἐπιτρέπει τῷ πάσχοντι παθεῖν καὶ τῷ δρῶντι δρᾶσαι· καὶ οὔτε ἐνταῦθα διεκώλυε τὸν πάσχοντα μὴ παθεῖν, οὔτε τὸν δρῶντα δρᾶσαι (frg. 44 A, col. 6, 3–18).

The second part of the Democritus fragment asks about ὁ μηδὲν ἀδικῶν. And here Democritus comments once more with the double-edged pessimism of B 253. The upright official who indicts the unjust man falls himself under the latter's power, and the current establishment has no remedy for this eventuality either. Even if one be honest, and do no wrong, one may be wronged. The situation parallels the dilemma of the man who, though he may witness to Antiphon's truth (cf. frg. 44 C, col. 1, 17–18ff.), must fear unjust reprisal. The difference is that Antiphon proceeds with a more complex, and more damaging, complaint. The witness to the truth is put in the position of *doing* injustice (as well as suffering it), because of the fact that his testimony will result in a wrong to a man who may never have wronged him (but rather some third party)¹⁷. The complaint might be solved by a theory of social cohesiveness thus: even though B did no wrong to A, A may still give testimony against B, since B wronged *someone* (C), a member of

¹⁵ Cf. M. I. Finley, *Democracy, Ancient and Modern* (New Brunswick 1973) 20. 64. Even Socrates, who was far from being interested in seeking public office, saw service as a magistrate; cf. Plat. *Apol.* 32 b–d.

¹⁶ Diels-Kranz assumed a lacuna at this point; cf. note ad loc. (II 200). The meaning of the fragment's middle sentence is obscure.

¹⁷ See frg. 44 C col. 1, 30–35, and TAPA 103 (1972) 345–350.

the social group to which A too belongs, and therefore B may be said to have wronged A (cf. the rationale for 'honor systems' in schools). The extant fragments do not indicate whether Antiphon had recourse to, or commented on, such a theory in the 'Truth'. Democritus was a partisan of co-operation and harmony (cf. B 255 on concord), and it is significant that as a remedy to the conflicts observed in B 266 he speaks in terms of *μηχανή, κοσμηθῆναι*, and *θεσμός*: all suggesting a tinkering with, or reordering of, the social unit. The phrase *ἢ τι ἄλλο* near the end of the fragment yet suggests that its author is none too clear about what can be done. What emerges most powerfully from the passage is the plight of the good and just man, who under the established order faces the danger of intimidation in public life, and who is plainly in need of defense (cf. *ἀμυνεῖ*)¹⁸.

That Democritus sympathized with the plight of the individual is hardly surprising. In a sense, he recommended that plight. Though B 287 speaks of *ἀπορίη ξυνή* as worse than individual distress, the reason given is that in the former case no hope of succor remains: one may imagine Democritus' thought proceeding ultimately, then, from the individual's point of view¹⁹. But it is in the well-known statement of B 264 that man's individual responsibility, as opposed to the social pressures upon him, receives Democritus' emphasis: *μηδέν τι μᾶλλον τοὺς ἀνθρώπους αἰδεῖσθαι ἔωτοῦ μηδέ τι μᾶλλον ἐξεργάζεσθαι κακόν, εἰ μέλλει μηδεὶς εἰδήσειν ἢ οἱ πάντες ἀνθρώποι· ἀλλ' ἔωτον μάλιστα αἰδεῖσθαι, καὶ τοῦτον νόμον τῆ ψυχῆ καθεστάναι, ὥστε μηδέν ποιεῖν ἀνεπιτήδειον*. As usual in the longer fragments (cf. B 215), Democritus here launches two imperatives: do not endanger your personal self-respect by relying too much on others, and do not esteem their opinion so highly that it becomes your deterrent from evil. It is a man's own judgment which, as *nomos* to his soul, must direct his action and restrain him from evil.

Democritus plainly shared with Antiphon the recognition that the nature of men's deeds varied depending on the public or private status of the deed²⁰. In Democritus, the second imperative of B 264 aims at combatting this implied fact of human conduct; the same objective underlies B 244 (*φαῦλον, κἂν μόνος ᾖς, μήτε λέξης μήτ' ἐργάσῃ*) and B 41 (*μηδὲ διὰ φόβον, ἀλλὰ διὰ τὸ δέον ἀπέχεσθαι ἀμαρτημάτων*), where it is reasonable to conjecture that *φόβος* is the fear of getting caught. Antiphon suggests that, given a definition of justice as not transgressing the laws of one's city, justice and advantage might best be combined if a man obeyed

¹⁸ Though *ex silentio*, the point should be noted that Democritus often emphasizes the evil consequences of injustice for the individual self, and omits the consequences for the social unit; see, for example, the conclusion of B 262, where the man who *παρὰ νόμον* releases a criminal *ἀδικεῖ, καὶ οἱ τοῦτο ἐγκάρδιον ἀνάγκη εἶναι*.

¹⁹ This has recently been emphasized by Aalders (above, note 9) 313, and Ferweda (above, note 12) 369–370; the latter presents an illuminating contrast with Plato.

²⁰ Guthrie (above, note 3) seems guilty of excessive generalization and of a misleading judgement of the evidence when he claims that Democritus B 264 "sounds like a deliberate rebuttal" of an "Antiphontic immoralist idea" (350). See, for another view more harmonious with my own, L. A. Stella, *Valore e posizione storica dell'etica di Democrito*, *Sophia* 10 (1942) 244; F. Altheim, *Staat und Individuum bei Antiphon dem Sophisten*, *Klio* 20 (1926) 266–267.

nomos when there were witnesses, and *physis* when witnesses were absent (frg. 44 A, col. 1, 6–23), although this compromise must entail disadvantageous transgressions at least part of the time, and probably does not constitute Antiphon’s final recommendation. Democritus probably did not analyze such cases because for him, as will be noted more fully below, *nomos* and *physis* were not conflicting. But he is comparable to Antiphon at the point of the latter’s utmost seriousness. Men are tempted, Antiphon implies, to behave in any way they choose when they are in private. But if they do violence to *physis*, the consideration of privacy is irrelevant. The *δόξα* of other men counts no more, and the transgressor is convicted independently, *δι’ ἀλήθειαν* (cf. frg. 44 A, col. 2, 10–23). Democritus’ tack here is perhaps more traditional and less categorically explicit. On the one hand, even if the unjust man is not caught, there are the disadvantages for him of fear and the absence of *τέρψις* (cf. B 174, where Democritus seems to be speaking of some type of conscience). On the other hand, there is the chance that *προτροπή* and *πειθῶ* may produce the desirable results of good conduct; a man’s tendency to break the law in secret may be countered more effectively through these means than by simple mandate (*nomos*) or compulsion (*ἀνάγκη*): *κρείσσων ἐπ’ ἀρετὴν φανεῖται προτροπῇ χρώμενος καὶ λόγου πειθοῖ ἢ περ νόμου καὶ ἀνάγκης. λάθρη μὲν γὰρ ἀμαρτέειν εἰκὸς τὸν εἰργόμενον ἀδικίης ὑπὸ νόμου, τὸν δὲ ἐς τὸ δέον ἡγμένον πειθοῖ οὐκ εἰκὸς οὔτε λάθρη οὔτε φανερώς ἔδειν τι πλημμελές ...* (B 181)²¹. The implication in this fragment, that *nomos* is not enough by itself to insure justice, is substantially the point of Antiphon’s complaint that *nomos* cannot prevent “the sufferer from suffering, and the aggressor from acting” (frg. 44 A, col. 6, 14–18).

Let us now examine the Democritean material on *nomos* and *physis*. It will be recalled that Democritus, while he attributed good intentions to *nomos*, added that men’s good will was also necessary to bring forth in them their own particular *ἀρετή* (B 248). At other points, Democritus can speak of *nomos* as so important a value that its preservation must be strenuously fought for (B 262). *Physis* as well is a subject for broadly varied statements. It is a quantity with a small edge over *τύχη* in B 176, since nature, unlike chance, is self-sufficient (*αὐτάρκης*) in the gauge of the fulfilment of hope. When the objective is *τὸ ἀγαθόν*, however, *physis* is less reliable than *ἄσκησις* (B 242). It seems likely, if Sextus’ testimony is correct (and part of it is independently echoed by Galen), that Democritus used *nomos* as a con-

²¹ C. P. Segal’s observations notwithstanding, this fragment should not be taken as a touchstone for showing the differences between Democritus and Antiphon. Differences there are, but it is confusing to subsume them exclusively under the rubrics of optimism and pessimism, adducing as support the two authors’ view of *πειθῶ* (cf. Segal [above, note 8] 391). Antiphon’s distrust of rhetoric occurs in an entirely different context, as a careful reading of frg. 44 A, col. 5, 25–7, 12 makes clear. And even Democritus, it should be noted, was quite aware that *ἀγαθά* and *κακά* could result from the selfsame thing (cf. B 172, 173), depending on how it was used. Altheim (above, note 20) takes note of the fragment (263–264, 269), but somewhat misleadingly parallels Critias, FVS 88 B 25, 9ff. He is correct in showing, however, that *λάθρα ἀμαρτάνειν* is not “ein Prinzip des Handelns” for Antiphon, but rather simply part of his argument (264).

trast to ἀλήθεια (or ἐτεές) in the exposition of his physical theories (cf. B 9. 125. 117). Havelock's perceptive commentary on one of the fragments dealing with children (B 278) shows that Democritus is able to speak of νομίζον (B 278) or *nomos* superimposed on *physis*, "without appearing to feel that there is any inherent conflict." Again, "it is fairly clear that for Democritus the two are not antithetic²²". The evidence certainly points this way. Granted that διδαχή (teaching) is not quite the same thing as *nomos*, the statement of B 33, where διδαχή interacts with *physis*, is suggestive of Democritus' probable view: ἡ φύσις καὶ ἡ διδαχὴ παραπλήσιόν ἐστι. καὶ γὰρ ἡ διδαχὴ μεταρυσμοῖ τὸν ἄνθρωπον, μεταρυσμοῦσα δὲ φυσιοποιεῖ. At its best, *nomos* can interact with and shape *physis* cooperatively and fruitfully, producing ἀρετή²³. With this view, Antiphon is not likely to have agreed. Yet, since we do not know his resolution to the problems he explicated, since even Democritus is pessimistic and vague about solutions to some of the problems, and since the pragmatic criticism of both writers seems at least as important as their generalized, and not wholly explained, concepts about the relation of *nomos* to *physis*, it is judicious to regard the two men's relationship as one of interaction, rather than of polar opposition.

It remains to discuss the attitude of the two philosophers toward pleasure²⁴. Democritus, though an advocate of τέρψις (cf. the poetic B 230), commended σωφροσύνη in the highest terms (B 11. 191. 233. 284. 285. 286. 294). Along with believing that the true σώφρονες were the men who were masters, rather than slaves, of their pleasures (B 214), he can be said, as Vlastos has pointed out, to have further analyzed such mastery in terms of its object: pleasure itself is "the creature, not the creator, of the good life"²⁵. In 'Concord', at least, Antiphon seems to agree. B 53 exposes the duality of pleasure and pain involved in making money and spending it; Antiphon's fuller remarks on the miser in B 54 make the analysis of this duality reasonably clear. A man's attitude towards his material possessions determines their quantum of pleasure. Not only ἐαυτῶν κρατεῖν (B 58. 59)²⁶, but also καλῶς φρονεῖν: these are the two key factors producing restraint and proper enjoyment (ἡδονή for Antiphon). Similarly, in 'Truth', Antiphon while arguing for the τὰ τῆ φύσει ξυμφέροντα, does not simultaneously recommend unrestricted pleasure, nor does he exalt hedonism; Antiphon must be sharply distinguished from the argument of the Unjust Logos in Aristophanes' Clouds 1071ff.²⁷

The words ἡδονή and τέρψις seem interchangeable in Democritus²⁸; σωφροσύνη

²² Havelock (above, note 1) 122; cf. Aalders (above, note 9) 307, F. Heinemann, *Nomos und Physis* (Basel 1945) 88–89.

²³ Cf. Eur. *I. A.* 558–562, and Protagoras, FVS 80 B 3.

²⁴ See Ferweda (above, note 12) 368–369 and Taylor (above, note 3) for recent opinions on pleasure in Democritus' thought; on Antiphon, see TAPA 103 (1972) 336–343, especially 338.

²⁵ Vlastos (2) (above, note 3) 58.

²⁶ Parallel to Democritus noticed, *ibid.* 58, note 17. Vlastos also noted the interesting echo of the Democritean (and rare) word *εὔεστώ* in the *ἀειεστώ* of Antiphon B 22; see Vlastos (1) (above, note 3) 583, note 30; for divergent comment, see Taylor (above, note 3) 11–12.

²⁷ See TAPA 103 (1972) 336–343. 357–360.

²⁸ See Ferweda (above, note 12) 368–369.

is connected with the multiplication of *ἡδοναί* in B 211, whereas in B 191 the phrase *μετριότης τέρπιος* is employed as conducive to *εὐδουμία*. Hence the artificiality, it seems to me, of C. P. Segal's terminological distinction between "Antiphontic" *ἡδονή* (said to be biological) and "Democritean" *τέρπιος* (said to be more intellectual and moral)²⁹. The absence of the word *τέρπιος* from the Antiphontic fragments is no argument for a deliberate shift in the concept of pleasure on the part of Antiphon, or for a shift betokening a more biologically "hedonistic" emphasis³⁰.

The coincidences of observation on both the public and private spheres by Democritus and Antiphon are sufficient, it seems to me, to warrant a cautious affirmation of interrelationship. It is impossible to judge at precise points who borrowed from whom; putative chronology and fragmentary material are hardly firm enough bases for such a judgment. In hazarding that Antiphon may have been a contemporary borrower and expander, I merely suggest what I take to be a fruitful way of looking at the connections, in contrast to the 'polar opposites' theory. These connections between the fragments of the two men do not confirm that theory. Rather, they suggest that Antiphon was Democritus' continuator³¹, that he expanded on the ideas of a contemporary whose style, like his, tended to that of case-law³², and that he shifted the emphasis of those ideas, complicating and sharpening their substance with the addition of a new theoretical construct.

²⁹ See Segal (above, note 8) 365.

³⁰ That this idea may be a subtle importation from a moralistic bias more modern than fifth-century attitudes is suggested by the general remarks of Vlastos on the pleasant and the good; see Vlastos (1) (above, note 3) 586–587. It may be added that Democritus' thought, so far as we may judge from the extant fragments, was hardly a purely "moral", "intellectual" construct in terms of its application to human beings (see, for example, the biological tone of the word *φθορή* in B 249). In four places (B 154. 164. 257. 259), Democritus uses paradigms from the animal world (a frequent sophistic device) to suggest either a) human debt, or b) the desirability for human *mimesis*. As noted above, Antiphon would probably not agree with Democritus' recommendations for punishment and vengeance, suggestions deriving sanction from the animal kingdom in the latter two fragments cited (B 257. 259); Antiphon's ideal was in all probability "neither to commit injustice nor to suffer it". But Segal employs the dichotomy of "intellectual" and "moral" vs. "biological" only in a selective fashion, e.g. to distinguish between the uses of *ἐπιτήδειον* in Democritus (B 264) and Antiphon (B 49); cf. Segal 338 and 730–731, note 91. To reject any consideration of B 264 in an analysis of Antiphon on such grounds is a mistake.

It may further be observed that the question of the "right attitude" (*καλῶς φρονεῖν*) may reasonably be conjectured to have been the main psychological objective of the *τέχνη ἀλμπίας* attributed to Antiphon of Rhamnus by ps.-Plutarch (cf. FVS 87 A 6). The probable psychological insight therein may parallel such recommendations as Democritus B 284 and 290. See Vlastos' summary remarks on Democritus' conception of the ethical power of *τέχνη*: "it can operate within the limits fixed by necessity to advance man's 'power' (*δύναμις*) and 'self-sufficiency'"; cf. Vlastos (2) (above, note 3) 63. Concerning Antiphon, see Bignone (above, note 5) 83. I think our judgment must be non liquet on the identity or separation of Antiphon of Rhamnus and Antiphon the Sophist.

³¹ I cannot accept the dating proposed by Ferguson for Democritus; see above, note 5. The fact that there are no allusions to the atomic theory in fifth-century comedy or in Plato until the *Sophist* means little; it is also highly conjectural that Democritus borrowed from Protagoras or Socrates.

³² Cf. Havelock (above, note 1) 255. See, for example, B 159.

That construct, arising from an increased pessimism (perhaps the fruit of concrete experience), was the categorical assertion that *τὰ πολλὰ τῶν κατὰ νόμον δικαίων πολεμίως τῆ φύσει κεῖται* (frg. 44 A, col. 2, 26–30)³³.

Democritus and Antiphon were both preoccupied with *nomos* and justice, *physis* and temperance, and each employed different tacks to explore the position of man in society. Brooding in the minds of both was the central concern of ‘social’ man: what to do about aggression? Democritus was certainly more optimistic about *nomos*, and if he had heard Antiphon’s caustic criticism of its restraints he could only have wistfully answered: *οὐκ ἂν ἐκώλων οἱ νόμοι ζῆν ἕκαστον κατ’ ἰδίην ἐξουσίην, εἰ μὴ ἕτερος ἕτερον ἐλυμαίνετο ...* (B 245). Yet the optimism was certainly guarded, given the implication that individual *ἐξουσία* *must* be restrained, because sooner or later it will involve harm to an individual. Democritus’ realistic assessment of the likelihood of evil is so scrupulous that in three places in the ‘Democrates’ material (B 62. 68. 89) he points out that men’s wishes for evil are as dangerous as their evil deeds³⁴. The vagaries of man’s moral will, when set against all that *nomos*, concord, and *φρόνησις* could potentially achieve, set up a disturbing counterpoint in Democritus’ thinking. It did not escape his contemporary Sophocles, who at the end of the most prosperous decade in Athenian history eulogized man’s *τέχνη*, his progress, and the open-ended future possible through his ingenuity. Yet even in the late 440’s, man’s moral instability threatened to eclipse the bright picture (Ant. 354–367):

*καὶ φθέγμα καὶ ἀνεμόεν
φρόνημα καὶ ἀστυνόμους
ὄργας ἐδιδάξατο ...
... ἄπορος ἐπ’ οὐδὲν ἔρχεται
τὸ μέλλον ...
σοφόν τι τὸ μαχανόεν
τέχνας ὑπὲρ ἐλπίδ’ ἔχων
τότε μὲν κακόν, ἄλλοτ’ ἐπ’ ἐσθλὸν ἔρπει³⁵.*

³³ Such an increase in pessimism (easily, but not necessarily, explicable by the outbreak of the war) is observable in Antiphon’s fragment on marriage (B 49), when compared to Democritus’ observations on children (B 275–279). It is very likely that, given the verbal reminiscences, one author knew the other’s work. Havelock (above, note 1) proposes the priority of Democritus (420). It is suggestive in this regard that here again Antiphon centers his criticism on an earlier phase of the subject than that with which Democritus is concerned: whereas the latter points out the hazards involved in having children, Antiphon begins with the pitfalls of marriage itself, and only uses the birth of children to support his pessimism *a fortiori*. One may recall here that with the law, Antiphon’s preoccupation is not with punishment, but with the prior phase of determining guilt or innocence. On children, cf. also Eur. *Med.* 235ff.

³⁴ See Vlastos (2) (above, note 3) 61 and note 27; similar sentiments are to be found in Democritus B 193 and Thuc. 6, 38, 4.

³⁵ I adopt, with Jebb and against Pearson, the punctuation of a full stop at the end of 367, which shows the sense of the whole stanza more clearly than a comma. My thanks to Professor A. T. Cole, for many helpful comments and suggestions.