THERESE FUHRER

The Deceptive Word: A Study of a *Topos* in the Proem of Antiphon's Fifth Speech

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The Deceptive Word:
A Study of a *Topos* in the Proem of Antiphon’s Fifth Speech\(^1\)

Therese Fuhrer

The three orations of Antiphon (i.e., 1, 5, and 6, which belong to the last quarter of the 5th century [419/8 — 411/10]), are the first extant “real” speeches. From what we know of the history of ancient rhetoric, we can assume that Antiphon, with both the “real” speeches and the three model-speeches, the *Tetralogies*,\(^2\) affords a glimpse of the beginning of ancient practical speechwriting.\(^3\) In addition to being a professional speechwriter, Antiphon taught rhetoric and wrote a rhetorical theory as did Tisias, Corax, and Theodorus before him.\(^4\) His speeches therefore exemplify what the rhetorical theory taught at that time, and his handling of commonplaces represents early rhetorical practice. This paper discusses Antiphon’s adaptation of a topic from sophistic philosophy to practical speechwriting.

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\(^1\) I am grateful to Dr. Steven Lattimore, of the University of California, Los Angeles, and to Dr. Harry C. Avery, of the University of Pittsburgh, who made some helpful criticisms.

\(^2\) O. Navarre, *Essai sur la Rhétorique Grecque avant Aristote* (Paris 1900), 148, thinks that the *Tetralogies* are educational works written by Antiphon as model speeches for his pupils. Cf. K. J. Dover, “The Chronology of Antiphon’s Speeches”, *CQ* 44 (1950) 59, who opposes this view.

\(^3\) For questions of chronology cf. Dover (above, n. 2), *passim*.

\(^4\) G. Kennedy, “The Earliest Rhetorical Handbooks”, *AJP* 78 (1959) 172. Of Antiphon’s τέχνη we have the fragments 71-6 of Blass-Thalheim.
It is obvious that the proem of Antiphon’s speech *On the Murder of Herodes* contains nothing which directly refers to the facts of the case. This proem might easily be detached from the body of the oration and used as an introduction to any of Antiphon’s speeches.

In §1 Antiphon makes the defendant say that he wishes he had δύναμις λέγειν and ἐμπειρία πραγμάτων:

'Εβουλόμην μέν, ὁ ἀνδρες, τὴν δύναμιν τοῦ λέγειν καὶ τὴν ἐμπειρίαν τῶν πραγμάτων ἐξ ἰσου μοι καθεστάναι τῇ τε συμφορᾷ καὶ τοῖς κακοῖς τοῖς γεγενημένοις· νῦν δὲ τοῦ μὲν πεπείραμαι πέρα τοῦ προσήκοντος, τοῦ δὲ ἐνδεής εἰμι μᾶλλον τοῦ συμφέροντος.

In §§2 and 3, he contrasts ἀλήθεια and δύναμις λέγειν by saying that, although he tells the truth, it will not help him because of his λέγειν ἀδύνασία:

οὐ μὲν γὰρ με ἔδει κακοπαθεῖν τῷ σώματι μετὰ τῆς αἰτίας τῆς οὐ προσήκουσίς, ἐνταυθοὶ οὐδὲν μὲ ὄφελησαι ἡ ἐμπειρία· οὐ δὲ μὲ δεὶ σωθῆναι μετὰ τῆς ἀληθείας εἰσόντα τὰ γεγονόμενα, ἐν τούτῳ μὲ βλάπτει καὶ τὸ λέγειν ἀδύνασία. (3) πολλοὶ μὲν γὰρ ἢδι τῶν οὐ δυναμένων λέγειν ἀπιστοὶ γεγονόμενοι τοῖς ἀληθείαις, αὐτοῖς τούτοις ἀκώλοντο, οὐ δυνάμενοι δηλάσαι αὐτά· πολλοὶ δὲ τῶν λέγειν (δυναμένων) πιστοὶ γεγονόμενοι τῷ ψεύδεσθαι, τούτῳ ἐσώθησαν, διὸτε ἐγενόσαντο. ἀνάγκη οὖν, ὅταν τις ἀπειρος ἢ τοῦ ἀγωνιζομαι, ἐπὶ τοῖς τῶν καρηγόρων λόγοις εἶναι μᾶλλον ἢ ἐπ' αὐτοῖς τοῖς ἔργοις καὶ τῇ ἀληθείᾳ τῶν πραγμάτων.

Many people who are not δυνάμενοι λέγειν are not believed although they tell the truth, and therefore are convicted. The ones who are δυνάμενοι λέγειν are acquitted although because they lie. The λόγοι of the prosecution are opposed to the ἔργα and ἀλήθεια on the side of the defendant.

In §5 the defendant points out the difference between ἀμαρτάνειν γλώσση, or ἀπειρία, and ἀμαρτάνειν ἀδικίας:

τάδε δέομαι ὑμῶν, τούτῳ μὲν ἐὰν τι τῇ γλώσσῇ ἀμάρτω, συγγνώμην ἔχειν μοι, καὶ ἡγεῖσθαι ἀπειρία αὐτῷ μᾶλλον ἢ ἀδικία ἡμαρτῆσαι, τούτῳ δὲ ἐὰν τὶ ὀρθῶς εἴπω, ἀληθείᾳ μᾶλλον ἢ δεινότητι εἰρήσθαι. οὐ γὰρ δίκαιον σὺτ' ἔργῳ ἀμάρτοντα διὰ ῥήματα σωθῆναι, σὺτ' ἔργῳ ὀρθῶς πράξαντα διὰ ῥήματα ἀπολέσθαι· τὸ μὲν γὰρ ἰσον τῆς γλώσσης ἀμάρτημα ἐστι, τὸ δ' ἔργον τῆς γνώμης.

If he makes a mistake in his speech, it will be his ἀπειρία, not his ἀδικία. On the other hand, if he speaks well (ὄρθως εἴπω), it is not his δεινότης εἰρήσθαι, his skill, since he does not have any, but it is because he tells the truth. In the next two sentences he opposes ῥήματα and ἔργον. A clever speech can save a person who is guilty, whereas a bad speech can destroy a person who is innocent. Therefore, everything depends on the ῥήματα; it does not matter what in fact (ἔργο) happened. But this is not fair, he continues, since it admits the possibility that a clever speaker who is guilty is acquitted whereas a poor speaker who is innocent is condemned.
In §6 he adds a further antithesis: τύχη corresponds to ἀδύνασία λέγειν and ἀπειρία, and πρόνοια corresponds to the δεινότης εἰρήσθαι or δύναμις λέγειν. Yet κίνδυνος can have the effect that even people who are ἐμπειροὶ τοῦ ἀγωνίζεσθαι speak worse than they usually do (7a):

> όρω γὰρ ἔγγοι καὶ τοὺς πάντα ἐμπειροὺς τοῦ ἀγωνίζεσθαι πολλῷ χειρὸν ἔαυτων λέγοντας, ὅταν ἐν τινι κινδύνῳ δόσιν ὅταν δὲ ἀνευ κινδύνων τι διαπράσσωνται, μᾶλλον ὅρθομένους.

With the theme of κίνδυνος we are again at the same point as in §1 where συμφορὰ and τὰ κακὰ γεγενημένα were stressed for the same reason: the defendant’s bad situation puts him at a disadvantage right from the beginning. This gives us a ring composition around the proem.

It is obvious how elaborately Antiphon connects the different elements in this proem so that they form a unit dealing with the defendant’s ἀπειρία and his ἀδύνασία λέγειν which make it difficult for him to present the facts and the truth (ἐργα and ἀλήθεια), as opposed to the prosecution’s δύναμις λέγειν and his ability to distort the truth.

The theme of ἀδύνασία λέγειν resulting from ἀπειρία, the antithesis of λόγος and ἐργα, and the topic of κίνδυνος occur in later speechwriters and are commonplaces in 5th and 4th century speechwriting. They are used mostly in proems. The following four examples show how topical these themes had become at the time of Isaeus, Lysias, and Demosthenes. Isaeus combines δεινότης λέγειν with ἀπειρία at the beginning of the 10th speech:

> νῦν δὲ οὐκ εξ ἰσου διακείμεθα, δὲ ἀνδρες. οἱ μὲν γὰρ καὶ λέγειν δεινοὶ καὶ παρασκευάσασθαι ἰκανοὶ ... ἐγὼ δὲ μὴ διὶ ἀπε ἄλλου ἄλλα σοδὲ ἀπε ἐμαυτού πάκποτε δίκην ἰδίαν ἐρήμα, ὥστε πολλῆς δεὶ με συγγνώμης τυχεὶν παρ’ ὑμῶν. (10.1)

Lysias opposes the λόγοι of the prosecution to the ἐργα of the defendant:

> ἅ χρὴ πάντας ἐνθυμομένους μὴ τοῖς τούτων λόγοις πιστεύειν, ἀλλὰ [καὶ] ἐκ τῶν ἐργῶν σκοπεῖν ὡς ἐκάστῳ τυχαίναι πεπραγμένα. (25.13)

The following passage from a proem by Demosthenes combines δεινότης λέγειν and ἀπειρία with the topos of κίνδυνος, as Antiphon does in 5.7:

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5 F. Solmsen, "Antiphonstudien, Untersuchungen zur Entstehung der attischen Gerichtsrede", *Neue Philologische Untersuchungen* 8 (1931) 67, calls this phenomenon συμπλοκή.

6 For the topos of ἀπειρία cf. also Lys. 19.2; 12.3; Is. 1.1; 8.5; Dem. 27.2; Ant. Tetr. 1 α 1; 2 β 1 f. M. Lavency, "Aspects de la Logographie Judiciaire Attique", *Université de Louvain, Recueil de Travaux d'Histoire et de Philologie* 4e ser. 32 (1964) 71, n. 2; E. Albini, "Antifonte Logografo", *Maia* 10 (1958) 44f. For ἀδύνασία resp. δεινότης λέγειν: Is. 9.35f.; 10.1; Lys. 17.1; 19.1-3; Dem. 27.2; 52.1; 55.2. For λόγος-ἐργαν: Ant. Tetr. 2 β 2; 2 γ 3f.; 5.84; 6.47; Andoc. 1.7; 3.1; Lys. 7.30; 12.33; 19.61; 25.13; 34.5; Dem. 55.2. The closest parallel to the proem of Antiphon's 5th speech is Plato's *Apology* 17a-18a: cf. Lavency 153-66. For the topos of κίνδυνος cf. Ant. Tetr. 2 γ 3; Andoc. 1.6; Lys. 19.3f., and Lavency, 156f.
Compared with all the instances in orations of later speechwriters quoted above and referred to in note 3, it is striking how Antiphon uses these *topoi* much more lavishly in the proem of his 5th speech. We will see that there might be specific reasons for this. It is necessary first to look at the technique of writing orations practiced by classical speechwriters to see how a *topos* becomes part of a speech. Later, I will discuss the literary and sophistic origins of the *topos* of ἀδυναμεῖν, ἕνωσις καὶ ἑξιδιασθῆναι, ἀμίαντος ἀμαθῆς (τοῦ) μεγίστου. ἐνθυμήματα are excerpted from sophistic writings and collected for use in speeches. Cicero, citing Aristotle, seems to refer to such collections when he speaks of Protagoras' disputations on important subjects, called *communes loci* (Brut. 46). Gorgias, he continues, did much the same thing in writing his *laudes* and *vituperationes* (Brut. 47). Antiphon too is mentioned by Cicero: *huic Antiphontem Ramnusium similia quaedam habuisse conscripta* (47). *Conscripta* seems to mean a collection of

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7 Albini (above, n. 6), 53-6, 62, 138-46; Navarre (above, n. 2), 146.

8 Cf. Isocrates' critique against this technique in *Against the Sophists* 9.f and 12; v. also Aristotle, *Soph. Refut.* 183b36ff.

9 D. A. G. Hinks, "'Tisias and Corax and the Invention of Rhetoric", *CQ* 34 (1940) 64, mentions the possibility that already Tisias could have made a beginning in the classification of *topoi*. 
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communes loci stored up to be used as needed. Antiphon also made collections of proems and epilogues (frgs. 69-70 Blass-Thalheim). In general Antiphon differs from later orators in his use of *topoi* because he employs them on a relatively large scale. The explanation might be that he stood at the beginning of a development and was the one who introduced some of the topical themes to speeches after he had shaped them into ready-to-use elements. Later, the more speeches were given and published, the more tired the audience and the readers became of hearing the same expressions and formulas over and over again, so the orators abstained from an extensive use of *topoi.*

Knowledge about the common practice of speechwriting is important for the thesis of this paper. Since speechwriters employ material collected in advance for the parts of an oration which do not contain facts relevant to the trial, one can assume that the thoughts expressed in these parts do not originate with the composition of the speech. As Alcidamas says in the passage quoted above, the material came from the sophistic συγγράμματα. In what follows I will examine the origins of the *topos* of δύναμις λέγειν. In this case it is clear that it is not the actual situation of the defendant which suggests the idea for the *topos,* but that theoretical considerations, originating in poetry and elaborated in sophistic philosophy, furnished the idea to be put into practice.

The theme of δύναμις λέγειν versus ἀλήθεια or ἐργον is well known in later speechwriters and its sophistic and poetic background is easily recognizable: it occurs in 5th century poetry and was discussed by the sophists in connection with rhetoric in general.

Pindar deals with truth and falsehood as depending on the power of words in *Nemean 7* where he blames the ποταμά μαχανά of the ἀδύεπης Όμηρος and the μύθοι of his σοφία that Odysseus' fame (λόγος) was greater than what he deserved (πάθα):

έγώ δέ πλέον’ ἔλπομαι λόγον 'Οδυσσέος ἢ πάθαν

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10 R. C. Jebb, *The Attic Orators,* vol I, 3rd ed. (New York 1962) 37. Navarre (above, n. 2), 166ff., tries to reconstruct a collection of proemial *topoi* written by Isaeus. The technique of composing an oration by putting prefabricated elements together was later on considered too simple, especially by Isocrates (*Soph.* 12). Lysias still wrote τόποι γεμυμναμένοι. Andocides, who was a non-professional speechwriter, might have used such a *topoi*-collection for parts which did not consist of narration and needed to be more polished. Cf. Navarre, 173f., and Alcidamas 4: καὶ τοῖς ἀπαιδευτοῖς βρδιον πέφυκεν.

11 So did Critias, Cephalus, and Thrasymachus; cf. Kennedy (above, n. 4), 170f. Entire speeches could be copied down and used for picking out commonplace or the whole speech could serve as an example of oratory to be studied or imitated. The three *Tetralogies* of Antiphon were certainly written to furnish models of oratory, and also speech 1 as well as Lysias 6 and 9, and the forensic orations of Isocrates have sometimes been regarded as exercises rather than as real speeches. Cf. Kennedy 169, and Jebb (above, n. 10), vol. I, 65, 229, 291, and vol. II, 7.


13 Lavency (above, n. 6) 160.
The charm of a poet’s words makes the audience believe what, in Pindar’s view, is not in accordance with reality. In the following lines Pindar shifts from this general treatment of the theme to the specific case of the δπλων κρίσις, and thus what he has said about Homer in lines 20-24 becomes applicable to Odysseus’ rhetorical skill as well. For it was only because the Greeks at Troy, just like Homer’s audience, were led astray by Odysseus’ speech that they did not recognize the truth, namely that Ajax deserved Achilles’ armor since he was the best warrior after Achilles:

In Nemean 8 Pindar again complains about the issue of the ὀπλῶν κρίσις between Ajax and Odysseus and says:

Odysseus who is using αἰολὸν ψεύδος can persuade the Greeks and

14 Cf. Olympian 1, where Pindar offers a new version of the Tantalus myth because, as he claims, the traditional story is untrue: it has been embellished with fanciful lies and thus deceived the audience:

Cf. also Hes. Theog. 27f., where the muses say to the poet:

Thucydides too hints at the tendency of the poets to embellish the facts, a device which, as he complains, is used by the logographers whose concern is to please the audience rather than to tell the truth:


15 Cf. Od. 19.203 where it is said of Odysseus after he has told a false story to Penelope: ἴσις ψεύδεα πολλὰ λέγων ἑτύμοις ὁμηρεῖα. Cf. also Theogn. 713f., where the line from Od. 19.203 and the line from Hes. Theog. 28 (cf. n 14) are related to Nestor’s ability to speak:
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gets the γέρας, namely Achilles' armor. Ajax, on the other hand, is the ἀνήρ ἄγαθός who is courageous and brave but an unskilled speaker, and is therefore at a disadvantage.

These pieces of poetry belong to the first half of the 5th century. A few decades later the theme of the deceptive power of speech became a matter of wider interest. It shows up in sophistic treatises and in the plays of Euripides whose fondness for sophistic ideas make it likely that he was borrowing ideas from contemporary philosophy. The superiority of a skilled and well-trained speaker is at issue in several Euripidean passages. The following lines come from a speech of Hecabe:

\[\text{Αγάμεμνον, άνθρώποισιν οἱ έχρήν ποτὲ τῶν πραγμάτων τὴν γλώσσαν ἱσχύειν πλέον. \ άλλ', εἴτε χρήστ', ἔδρασε, χρήστ', ἐδει λέγειν, εἴτε σὺ πωνηρά, τοὺς λόγους εἶναι σαβροὺς, καὶ μὴ δύνασθαι τάδικ' εὖ λέγειν ποτὲ. (Hec. 1187-91)\]

Hecabe is complaining about the discrepancy between reality and what men say, due to a powerful γλώσσα. Here the theme is embedded in a speech with the same function as it has in an oration delivered in court: to put emphasis on one’s own disadvantage as a consequence of the inability to speak while the opponent, with his ability εὖ λέγειν, can manipulate the appearance of truth and make τάδικα seem like χρηστά.

It has been suggested that the occurrence of the topos both in Euripides and Antiphon’s 5th speech might be due to the influence of pre-rhetorical lawcourt practice. But since the topic of the power of speech and the resulting injustice is dealt with both in extant sophistic treatises not much later than Euripides and in earlier poetry, Euripides’ source of inspiration does not necessarily have to be an actual lawcourt speech. Euripides might, like Antiphon, furnish evidence of the popularity of the topic after it developed from a poetic motif to a theme argued in sophistic-rhetorical circles.

The extant sophistic writings which are concerned with the power of λόγος are Gorgias’ Defense of Helen and the Defense of Palamedes, Antisthenes’ speech of Ajax against Odysseus, and the anonymous δισσοὶ λόγοι. A few passages from Thucydides will be discussed as well since they show, like Euripides’ application of the topic, that the power of words and the implicit danger of their persuasiveness was a commonplace in contemporary discussions.

\[οὔδ' εἰ ψεύδει μὴν ποιοῖς ἐτύμοισιν ὅμως, γλώσσαν ἐξαν ἄγαθήν Νέστορος ἀντιδέου,...\]

16 Solmsen (above, n. 5) 66 f., quotes the Euripidean passages as parallels to the proem of Antiphon’s fifth speech.

17 C. Moulton, “Antiphon the Sophist On Truth”, TAPA 103 (1972) 354-7, cites a few other passages from Euripidean plays which are parallel to what Antiphon the Sophist says about πειΡήθω and gives further examples which prove that Euripides was familiar with the theme of the persuasive power of speech.

18 Solmsen (above, n. 2) 67.
In Gorgias’ *Defense of Helen* the rhetor deals with the different reasons why Helen followed Paris. One of them, he says, could have been that Paris persuaded her with the power of words: λόγος was δ’ πείσας καὶ τὴν ψύχην ἀπατήσας (8; cf. fr. 82 B 23 D.-K.). Gorgias claims that Helen’s behavior is pardonable since the power of λόγος has struck many other people too and made them believe what is not true. For λόγος can distort the truth by impressing the psyche of the hearer, as is the case, for instance, in the lawcourts:19

ότι δ’ ἡ πειθώ προσιούσα τῷ λόγῳ καὶ τὴν ψύχην ἐτυπώσατο δόκις ἐβούλετο, χρὴ μαθεῖν πρῶτον μὲν τοὺς τῶν μετεωρολόγων λόγους,... δεύτερον δὲ τοὺς ἀναγκαῖους διὰ λόγων ἀγάνακτας, ἐν οἷς εἰς λόγος πολὺν ἤχλον ἐπερρέω καὶ ἐπιείρε τέχνη γραφεῖς, οὐκ ἄλθεῖσα λεγθεῖς. (13).

Lambda is considered as resting upon a psychological foundation and, with its charm, makes the audience believe what does not correspond to reality and truth (cf. also Hel. 14).20

Whereas the *Helen* treats the λόγος primarily as an aesthetic medium, the *Palamedes* uses it as a practical tool of persuasion. The latter is a defensive speech against the accusations made by Odysseus at Troy. There, in §§33-6, we find an epilogue which consists of the same *topoi* which we know from the proem of Antiphon’s 5th speech.21 Also Palamedes speaks of the deceptive manipulation of λόγος as opposed to the ἔργα:

ὑμές δὲ χρῆ μὴ τοῖς λόγοις μᾶλλον ἢ τοῖς ἔργοις προσέχειν τὸν νῦν ... (34).

and:

εἰ μὲν οὖν ἂν διὰ τῶν λόγων τὴν ἀληθείαν τῶν ἔργων καθαράν τε γενέσθαι τοῖς ἀκούονσι (καὶ) φανεράν, εἴκοσι δὲν εἰς κρίσις ἢ ἤδη ἀπὸ τῶν εἰρημένων· ἐκείθεν δὲ οὕτως ἐξεί, τὸ μὲν σῶμα τοῦ μονοφλαῖτε, τὸν δὲ πλεῖον χρόνον ἐπιμείνατε, μετὰ δὲ τῆς ἀληθείας τὴν κρίσιν ποιήσατε. (35)

In this model speech it is obvious that Palamedes himself, employing this *topos*, uses λόγος to serve just what he criticizes: with his technical virtuosity, namely the use of *topoi*, he applies the tools of effective oratory. He uses arguments based on probability (esp. in §5), a rhetorical technique which, according to Plato (*Phaedr.* 272d-e), creates an impression of truth.


20 De Romilly (above, n. 19) 159f., shows that the roots of the idea of the psychological effect of the λόγος, due to its power and charm can be traced back to archaic poetry such as Pindar’s and Hesiod’s. Cf. above, n. 14 and C. P. Segal, “Gorgias and the Psychology of the *Logos*”, *HSCP* 66 (1962) 105.

21 Albini (above, n. 6) 53, 59, and 62, mentions some other similarities between these two speeches.
but does not reveal the truth itself. Whereas in the *Palamedes* Gorgias plays with the contradiction, in Antiphon’s speech the problem is real and the philosophic-sophistic considerations are no longer just a theoretical issue.

We can only assume that Gorgias’ *Palamedes* had some influence on the proem of Antiphon’s fifth speech; it seems to have furnished some commonplaces for other parts as well.\(^2\)

Odysseus’ ability to speak cleverly and the resulting disadvantage for his opponents is also the subject of a work by the sophist Antisthenes. Like Pindar, he contrasts Odysseus’ eloquence with Ajax’ strength. In a speech before the assembly of the Greek warriors Ajax bids them not to be influenced by the λόγοι (of Odysseus) but by the ἔργα, namely his own achievements:

\[ \text{έγω μὲν οὖν \ υἱὲν \ λέγω τοῖς \ οὐδὲν \ εἰδοσι \ κριταῖς \ καὶ \ δικασταῖς,} \\
\text{μὴ \ εἰς \ τοὺς \ λόγους \ σκοπεῖν \ περὶ \ ἄρετῆς \ κρινόντες,} \\
\text{ἀλλ' \ εἰς \ τὰ \ ἔργα \ μᾶλλον ... \ ως \ εἰ \ μὴ \ δικάσωτε \ καλῶς,} \\
\text{γνώσθωσθε \ δτι \ οὐδεμίαν \ ἔχει \ λόγος \ πρὸς \ ἔργον \ ἵσχυν.} (7; cf. 1-6 and 8)

Ajax and Odysseus have been used to contrast the δεινός λέγειν with the ἀγλώσσος since Pindar.\(^2\) Ajax, like Palamedes, represents the ἀδύνατος λέγειν we find in the lawcourt speeches, whereas Odysseus stands for the prosecutor who is a clever speaker and knows how to manipulate the presentation of the facts.

The δισσοί λόγοι are either an excerpt or a compilation from excerpts of a sophistic source by an anonymous writer of the late 5th or early 4th century. They discuss the theme in a more abstract way. Its thesis is that both the prosecution’s and the defendant’s λόγος can be true or false. In the end, reality does not matter since the jury’s verdict determines whether a λόγος is ψευστής or ἀληθής:

\[ \text{αὐτίκα \ κατηγορεῖ \ λεσούλιαν \ τω· \ αἱ \ γ' \ ἐγένετο \ τάργον,} \\
\text{ἀλαθῆς} \\
\text{ὁ \ λόγος· \ αἱ \ δὲ \ μὴ \ ἐγένετο,} \\
\text{ψεύστασ. \ καὶ \ τὰ} \\
\text{ἀπολογομένῳ} \\
\text{ὑπότις \ λόγος. \ καὶ \ τὰ \ γε} \\
\text{δικαστήρια} \\
\text{τῶν} \\
\text{αὐτῶν \ λόγον} \\
\text{καὶ} \\
\text{ψεύσταν} \\
\text{καὶ} \\
\text{ἀληθῆ} \ \text{κρίνωτι.} (4.3; cf. 3.10)

This is an objective approach to the problem of the distortion of truth and reality by the enticing words of a good speaker. The δισσοὶ λόγοι deal in general with the principle that about each problem there exist two different opinions and the one who is most able to present his case in a convincing way is believed.\(^2\) This comes close to Protagoras’ conception of τὸν ἡμιτω

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\(^2\) Paragraphs 34-6 of the Palamedes contain the same *topoi* as Ant. 5.71-3 and 88-92. As some scholars have noticed, Plato too draws on Gorgias’ *Palamedes* in the proem of the *Apology*. Cf. J. A. Coulter, “The Relation of the *Apology of Socrates* to Gorgias’ *Defense of Palamedes* and Plato’s Critique of Gorgianic Rhetoric”, *HSCP* 68 (1964) 269-303. Direct influence of Antiphon on Plato, however, seems unlikely, as Solmsen (above, n. 2) 67, maintains.

\(^2\) There is another surviving mythological speech called *Odysseus* bearing the name of Alcidamas. It seems, however, to be a product of the school of Gorgias. Cf. G. Kennedy, *The Art of Persuasion in Greece* (Princeton 1963) 172f.

It was part of the sophistic-rhetorical instruction to teach their pupils to argue with equal success on both sides of a question and therefore to be able to represent either side as the truth. According to Protagoras, all truth is relative anyway and no one can know anything for certain. So the truth for any man was simply what he was made to believe. It should be possible to persuade anyone that black is white since there can be belief but never knowledge. Plato argues against this in the Phaedrus: rhetoric, says Socrates, teaches from the first that what matters is not what is the case, but what appears, what men can be persuaded of. Λόγος is not only speech and argument but also appearance and belief as opposed to ἔργον, and its goal is persuasion (267a-b; 279b-d; cf. Phaed. 90bff.).

Thucydides, like Euripides, is familiar with this topic as discussed by the sophists, since he touches upon it in several passages of the History. Cleon in his speech in the Mytilenean debate attacks the sophistic rhetoric and any τέρποντες λόγω ρήτορες (3.40.3) both at the beginning and at the end of his pleading:

οἵτινες ἐλώθατε θεταί μὲν τῶν λόγων γίγνεσθαι, ἀκροαταὶ δὲ τῶν ἔργων, ... μετὰ καὶνότητος μὲν λόγον ἀπατᾶσθαι ἀριστοὶ, ... (3.39.4f., cf 37.3-5; 38.2 and 7; cf. also 67.6f.).

Diodotus in his reply expresses a thought which in its particulars is similar to Antiphon’s complaint in §3 for the 5th speech. Antiphon contrasts the δυνάμενοι λέγειν, who are trusted although they tell lies, with the οὐ δυνάμενοι λέγειν, who are destroyed because they lack skill in speaking. Thucydides’ Diodotus is worried about the fact that the τὰ ἀμείνω λέγοντα is more πιστός than the one speaking ἀπὸ τοῦ εὐθέος. So also the good counsellor has to use the tricks of ἀπάτη and προσάγεσθαι τὸ πλῆθος:

καθέστηκε δὲ τάγαθα ἀπὸ τοῦ εὐθέος λεγόμενα μηδὲν ἀνυπότερα εἶναι τῶν κακῶν, ὥστε δεὶ ὁμοίας τὸν τε τὰ δεινότατα βουλόμενον πείσα τὸ κλήθος καὶ τὸν τὰ ἀμείνω λέγοντα πενσάμενον πιστὸν γενέσθαι. (3.43.2)

Although Thucydides refers to the topic of the δύναμις λέγειν in speeches,
he does not use it in a formulaic way as do Antiphon and later orators. It
seems therefore that he did not have its adaptation by the orators in mind.
Rather the passages may indicate that the abuse of rhetoric which later
concerned Plato was a real problem in late 5th century politics.28

In the proem to On the Murder of Herodes, the occurrence of the topic
of the power of speech, and its ability to misrepresent the facts, may, as
above, denote the common rhetorical practice of using "prefabricated"
commonplaces in a commissioned oration. This specific topos is only one
of many used in speeches; before it became such a building block, it was the
subject of a number of 5th century writings. In the case of Antiphon,
however, we must ask whether Antiphon the Orator is identical with
Antiphon the Sophist.29 If Antiphon was just a professional speechwriter
and teacher of rhetoric, he either collected commonplaces devised by a
contemporary sophist or, himself, wrote essays on such themes as the
power of λόγος. His oratorical art, then, consisted of weaving these
collected topos into his speeches to strengthen his arguments. If Antiphon
the Orator was Antiphon the Sophist, what is said about δύναμις λέγειν in
the proem of the speech On the Murder of Herodes, is more than just a
commonplace, for then it would be the product of Antiphon’s own
philosophical studies.

Appendix: The Antithesis λόγος-έργον as a Political Issue

The discussion of the power of speech to undermine truth was possibly
not just a philosophic-sophistic, but also a political matter. It is often
connected with the topos of inability and inexperience, which, according to
Donald Lateiner, is a variation on the theme of non-involvement as opposed
to the democratic politic, where every man can participate in political
issues.30 This is so especially in the speeches of Lysias, who wrote mostly

28 Thucydides’ Pericles represents the side of the antithesis which is not unwilling to
exploit the power of speech. In the Epitaphius he characterizes the Athenians:

καὶ οἱ αὐτοὶ ἦτοι κρίνομεν γε ἢ ἐνθυμούμεθα ὅτι πράγματα, οὐ τῶς λόγους τοῖς ἐργοῖς βλάψιν
ηγούμενοι, ἀλλά μὴ προδιδαχθήσαντι μᾶλλον λόγῳ πρότερον ἢ ἐκι & δε φράσει ελδεν. (2.40.2)

Cf. the statement of Plutarch in Per. 36 that Pericles rehearsed the art of persuasion with
speeches which seem to have been of the kind of the Tetralogies, and argued with
Protagoras over the hypothetical case of the boy who was accidentally killed with a
javelin in the gymnasium. So Plutarch too characterizes Pericles as favoring the
sophistic education.

29 The most recent article on this issue is the article by H. C. Avery, "One
Antiphon or Two?", Hermes 110 (1982) 145-59, who maintains that there was only one
Antiphon.

30 D. Lateiner, “The Man who does not Meddle in Politics: A Topos in Lysias”,
CW 76/77 (1982) 8. Cf. the passage from Pericles’ speech in Thuc. 2.40.2 quoted in
note 29 above.
for wealthy Athenians who admired and practiced a quiet life apart from public affairs. There the value of σοφρωσύνη and μετριότης, ἥσυχιότης, and even ἄφραγμοσύνη are connected, and the ability to speak is condemned. In the same way the archaic and aristocratic Pindar favors the ἄγλοσσος but brave Ajax as against the shrewd Odysseus. Similar reproaches are made by Gorgias’ Palamedes and Antisthenes’ Ajax where the latter is said to suffer from ἄμαθία in Odysseus’ reply (13). This is just what Cleon praises in his speech at Thuc. 3.37.3: ἄμαθία μετὰ σοφρωσύνης is better than δεξιότης μετὰ ἀκολούθιος. And, whereas Pericles in the Epitaphius calls the one who does not meddle in politics ἄπράγμων (2.40.2), Archidamus characterizes the Spartans as:

Not to meddle in politics, to be σόφρων and even ἄμαθής, which means not to care about skills that can be learned (as opposed to inborn qualities: cf. Pindar),33 are aristocratic values, represented by Ajax and Palamedes in poetry and sophistic thought. To acquire rhetorical skill is the aim of Pericles’ democrat (cf. note 28 above) and is condemned by Cleon who praises ἄμαθία.

Although Antiphon seems to have supported the Athenian oligarchs (cf. Thuc. 8.68.1), we cannot conclude that his use of the τοποὶ ἀπειρία vs. δεινότης λέγειν and έργον vs. λόγος indicates favor for old aristocratic values as Lateiner claims Lysias does. In his apology where he defends his attitude during the oligarchic revolution of 411 B.C. (fr. 1a Blass-Thalheim), Antiphon says that democracy benefits him as a speechwriter since the practice of speaking in lawcourts is much more in demand than it would be in an oligarchic regime. Antiphon’s use of the topos of the power of speech which distorts the truth does not allow us to draw conclusions about his political stance; but it reflects his knowledge of contemporary sophistic thought and may therefore help us to increase our understanding of the historical Antiphon.

Alphilologisches Institut
Universität Bern
3000 Bern, Switzerland

31 17.1; 19.1f.; 19.18; 26.3; 26.54; cf. Lavency (n.3), 102.