

suggesting life and freshness or with one indicative of pallor and low vitality.⁸ The answer is obvious.

Demetrius' dependence on the Peripatetic and Aristotelian tradition does not by any means entail complete identity between his illustrations and Aristotle's own. Many of his quotations find no parallel in Aristotle, and he clearly had larger material at his disposal.⁹ On the present occasion where, we must remember, the actual concern of both authors is not with antitheses but with metaphors it happened that Aristotle chose one limb of the antithesis and Demetrius the other. Our inclination may be to integrate *τρέμοντα καὶ ὥχρὰ τὰ γράμματα* and *χλωρὰ καὶ ἔναιμα τὰ πράγματα* into the standard form of an antithesis by adding *μὲν* to the one *κῶλον* and *δέ* to the other. But since this is more than we have a right to propose, we must content ourselves with insisting that the two quotations respond to one another by similarity of structure and opposition of content, although the manner in which they were syntactically connected eludes us.

Chapel Hill, N.C.

FRIEDRICH SOLMSEN

⁸ Early examples of *χλωρόν* contrasting with a word meaning 'dry' are *Od.* 9.3–21 and *Hes. Op.* 742f. Note also *χλωρόν αἶμα* at *S. Tr.* 1064; *E. Hec.* 129.

⁹ For his sources, see my paper 'Demetrios *περὶ ἑρμηνείας* und sein peripatetisches Quellenmaterial', *Hermes* 66 (1931), 241–67 = *Kleine Schriften* (Hildesheim, 1968), ii.151ff. In that paper I dealt with the passage 1406b9 in a footnote (249 = 159 n. 2, cited by Kassel *ad* 1406 b9) but in a manner apt to increase rather than to clear up the confusion. Thanks are due to my late friend Rudolf Güngerich for helping me toward a better solution.

TWO MEN IN A BOAT: ANTIPHON, ON THE MURDER OF HERODES 42

Antiphon, in his fifth oration, relates that *c.* 422–413 B.C.¹ Euxitheos, a young Mytilenean, and Herodes, probably an Athenian cleruch in Mytilene,² embarked together on a ship bound from Mytilene for Ainos in Thrace. Shortly after they left port, a storm forced them to put into an unnamed harbour in Methymnian territory. The two men left their uncovered ship to take shelter in a covered one; whether others from their own ship went with them is not indicated. During the night, a drinking party ensued. Herodes, after heavy drinking, left the covered ship and disappeared; he could not be found in the morning, nor even after two days of searching. When the weather cleared, the search was abandoned, and all ships in the port resumed their voyages. On Euxitheos' return to Mytilene, a charge of murder was brought against him by Herodes' relatives, who tried him in Athens. Antiphon's fifth oration is his final defence; we do not know whether the speech was successful.

What actually happened to Herodes has been much debated by scholars. Determining the most plausible cause of his disappearance requires the scrutiny of even the smallest clues, but Euxitheos' narrative, while 'full of argument',³ is not generous with details. Two men whose testimony was crucial are simply introduced as *τοὺς*

¹ On the date see U. Schindel, 'Der Mordfall Herodes', *NAWG* 8 (1979), 206–8.

² While not mentioned in the speech, this is especially well argued by Schindel, *op. cit.* (above n. 1), 208–13; on the controversy, cf. recently A. Maffi, review of E. Heitsch, *Antiphon aus Rhannus* (*AAWM* 1984, 3, Wiesbaden, 1984; reference from M. Haslam) in *Gnomon* 57 (1985), 696.

³ B. Due, *Antiphon. A Study in Argumentation* (Copenhagen, 1980), 34. Due 34–7 and Schindel, *op. cit.* (above n. 1), 231–2 are among the most recent scholars to consider Euxitheos' narrative – in fact, his whole speech – sophistic and misleading.

ἀνθρώπους:⁴ Herodes' relatives arrested them soon after they arrived in Mytilene on the ship on which Herodes and Euxitheos had been drinking together (29). They immediately tortured one of their prisoners (30), a free man (49), who said nothing to incriminate Euxitheos (30, 55) but, rather, confirmed his alibi (42): he had not left the covered ship all night. The other man, a slave (49), was tortured later and confessed that he had been Euxitheos' accomplice in the murder of Herodes (30, 39).⁵ The slave's confession, even though he later recanted (34, 41), was apparently the most damaging as well as the first evidence against Euxitheos.

A better idea of the identity of the two men would improve our understanding of the overall situation. While we cannot be sure that they had been together before their voyage to Mytilene, they are closely linked not only by their being forced to give testimony but by Euxitheos' suggestion that a guilty man would have done away with both witnesses (52). Some scholars believe that the two men had sailed to the Methymnian port as members of the covered ship's crew,⁶ others that they had been fellow-passengers of Herodes and Euxitheos.⁷ Those holding the first opinion must contend with the text at 42, which describes the free man as ὁ ἐν τῷ αὐτῷ πλοίῳ πλέων καὶ παρὼν διὰ τέλους καὶ συνὼν μοι; those of the second opinion must explain why the two men voyaged to Mytilene rather than to Thrace with Euxitheos. A servant of Herodes would have had the most obvious reason to break the journey to Thrace and return to Mytilene, but we do not know whether Herodes was travelling with a personal servant.⁸ Cataldi Palau nevertheless identifies as Herodes' slave the man expressly called ὁ ἐλεύθερος (49).⁹ While there has been controversy over the correctness of the text at 49, Bushala's demonstration that Athenian law provided for the torture of free non-Athenian Greeks in homicide investigations has gained general acceptance.¹⁰ A free man and a slave, then, were arrested when the covered ship, at first thought to have been the scene of the crime (29), reached Mytilene – because they were the only two on board? In that case, they must have been the crew.¹¹ Slaves were

⁴ They were, of course, already known to the court, as noted by L. Gernet, *Antiphon, Discours* (Paris, 1923), 117 n. 2.

⁵ For the confused evidence on the exact nature of the slave's complicity cf. Schindel, op. cit. (above n. 1), 234–7; Due, op. cit. (above n. 3); Heitsch, op. cit. (above n. 2), 73–4.

⁶ Cf. K. J. Maidment, *Minor Attic Orators* (London and Cambridge, MA, 1941), i.149, 181; F. Scheidweiler, 'Antiphons Rede über den Mord an Herodes', *RhM* 109 (1966), 319, 321; D. Ferrante, *Antifonte. ΠΕΡΙ ΤΟΥ ΗΡΩΙΔΟΥ ΦΟΝΟΥ* (Naples, 1972), 7; Schindel, op. cit. (above n. 1), 213; Heitsch, op. cit. (above n. 2), 34.

⁷ E. W. Bushala, 'Torture of Non-Citizens in Homicide Investigations', *GRBS* 9 (1968), 62, A. Cataldi Palau, 'Ipotesi per un "giallo" antico', *Helikon* 17 (1977), 201–2; perhaps also G. Thür, *Beweisführung vor den Schurgerichtshöfen Athens. Die Proklesis zur Basanos (SAWW 317, Vienna, 1977)*, 52. Edwards in M. Edwards and S. Usher, *Greek Orators 1. Antiphon and Lysias* (Warminster and Chicago, 1985), 88–9, in the best discussion I have seen of this question, declines to accept either alternative. (I owe this last reference to M. Haslam.)

⁸ Cataldi Palau, art. cit. (above n. 7), 194, 202 thinks it probable that Herodes was accompanied by a servant; Schindel, op. cit. (above n. 1), 223 argues convincingly that he was not. What the speech tells us is that Herodes was accompanied by Thracian slaves (prisoners of war? See Schindel, 215–16) for whom he was to receive ransom on arriving in Thrace (20).

⁹ Cataldi Palau, art. cit. (above n. 7), 202; Edwards, op. cit. (above n. 7), 99 thinks it possible that the man, while free, was some sort of travelling companion for Herodes.

¹⁰ Bushala, art. cit. (above n. 7), 61–8. To my knowledge, only Cataldi Palau, art. cit. (above n. 7), 202 has objected (although cf. also Ferrante, loc. cit. [above n. 6]), and her arguments are ineffectual in the face of an extended contrast between the two – most explicit in 50 – which can only be explained by the δούλος/ἐλεύθερος antithesis of 49. Cf. Bushala 62.

¹¹ Not necessarily Mytilenean, as Schindel, art. cit. (above n. 1), 213 supposes; the ship is not stated to have returned to Mytilene (pace Gernet's translation of 29, op. cit. [above n. 4]), and the ship's prolonged stay at Mytilene (if the two men constituted its crew or were a major component) is explained by the investigation. Cf. Heitsch, op. cit. (above n. 2), 34.

commonly used in Greek shipping in Classical times,¹² and a two-man crew might have sufficed for a small coasting boat (we know only that the vessel sailed between two harbours on Lesbos).¹³

But there are two possible objections to identifying the free man and the slave as the crew of the covered ship. The first is the argument (hypothetical, to be sure) Euxitheos uses in 52: he could have eliminated both witnesses after bringing them with him to Thrace or transporting them to the mainland.¹⁴ What is most apparent here, however, is the power Euxitheos, scion of a rich family, assumes over the two, which suggests a lower status for the free man as well as the slave. This is not inconsistent with the ship's-crew identification (especially since even a slave could be a captain),¹⁵ and perhaps Euxitheos' (hypothetical) interference with seafaring is no more implausible than his hindrance of some other occupation.

The other problem is, of course, ἐν τῷ αὐτῷ πλοίῳ πλέων (42). These words must refer to the voyage from Mytilene to Thrace – but we know that the free man did not make this voyage.¹⁶ Maidment believes that Euxitheos' description of the free man as his shipmate was a deliberate misrepresentation to make the man appear a more credible witness,¹⁷ but this seems a fantastically risky manoeuvre – all the more so if, as Maidment supposes, the man belonged to the crew of the covered ship. The emendation ὤν for πλέων Cataldi Palau suggests (without supporting it)¹⁸ removes the obstacle to identifying the witness as a crew member and at the same time strengthens the logic of the speech. *Pace* Maidment, what is needed in an alibi is precise focus; 42 supplies this with παρών ('present the whole time') and συνών μοι ('with me'). Because Euxitheos and the free man parted company at the Methymnian port, διὰ τέλους indicates that all three participles refer to the fatal night. I would suggest, however, that a better emendation than ὤν is πίνων, since it refers to a concrete detail of the fatal night which Euxitheos also chooses to mention elsewhere (23, 26, 29). πίνων is also more likely palaeographically. In fact, there is a very good parallel at 29, where there can be no possible rebuttal of Weil's emendation of ἐπίνομεν for the MSS ἐπλέομεν.¹⁹

University of California, Los Angeles

STEVEN LATTIMORE

¹² See L. Casson, *Ships and Seamanship in the Ancient World* (Princeton, 1971), 328.

¹³ Cataldi Palau's speculations, art. cit. (above n. 7), 195 about the size of the covered ship are not binding, since we do not know how many boarded it to drink – and, if we did, that would not establish how many it normally accommodated.

¹⁴ Cataldi Palau, art. cit. (above n. 7), 195 n. 4 argues that this would have left the ship bereft of a two-man crew. Why should this have troubled Euxitheos?

¹⁵ See Casson, op. cit. (above n. 12), 328.

¹⁶ Cf. Maidment, op. cit. (above n. 6), 181 and Edwards, op. cit. (above n. 7), 88. Heitsch, op. cit. (above n. 2), 67 would remove the difficulty by understanding ἐν τῷ αὐτῷ πλοίῳ πλέων as a reference to the undeniable fact that the two men had voyaged together: 'in dem selben Boot (wie der gefolterte Sklave)'. (Cf. Gernet's translation, op. cit. [above n. 4]: 'celui qui naviguait sur le même vaisseau que moi'.) Heitsch must mean the voyage from the Methymnian port to Mytilene; what reference does this have to Euxitheos' alibi? It is very difficult not to take πλέων (and παρών), like συνών, with μοι. On the participles cf. Edwards, op. cit. (above n. 7), 88–9.

¹⁷ See Maidment, op. cit. (above n. 6), 181–2.

¹⁸ Cataldi Palau, art. cit. (above n. 7), 202.

¹⁹ See H. Weil, 'Antiphon, Meurtre d'Hérode, 29, 5, et 49', *RPh* 4 (1880), 150. I am grateful to Michael Haslam for making a number of useful suggestions after reading a first draft of this note.