

## Sign Language\*

John Glucker and Ivor Ludlam

There is no proper history of ancient rhetoric which traces the development of rhetorical theory step by step, as do the histories of ancient literature or of ancient philosophy in their fields. George Kennedy's *The Art of Persuasion in Greece* (Princeton 1963: henceforth *Kennedy*) does enter into some historical problems, but it only traces the larger historical developments and does not pay enough attention to changes and developments within the shorter periods. Josef Martin's *Antike Rhetorik: Technik und Methode* (Munich 1974) is essentially what its title signifies; it treats the whole of ancient rhetoric as if it were only one consistent system with slight variations from period to period. Heinrich Lausberg's *Handbuch der literarischen Rhetorik* (2 vols., Munich 1960) is the most useful collection of ancient sources from the various periods in the history of rhetoric, but again, it is arranged systematically and not historically. Ludwig Radermacher's *Artium Scriptores* (Vienna 1951: henceforth *AS*) has been available to students of pre-Aristotelian rhetoric for over forty years. It is not an easy book to use, but it does contain a more complete collection of sources for that early period than any other work. It has not been used as often and as properly as it should. A more careful use of Radermacher by earlier scholars might have deprived us of the necessity and the pleasure of writing much of this article. Our own discussion, since it deals with one small point in ancient rhetorical theory, is based on a wider range of ancient sources than Radermacher's discussion of the same point in his larger context, and goes beyond his conclusions; but we have found it reassuring that his conclusions point in the direction our work has taken.

---

\* John Glucker was taught Greek by Ra'anana Meridor about forty years ago. Ivor Ludlam was taught Greek by John Glucker about fifteen years ago.

מעשי אבות סימן (τεκμήριον!) לבנים.

Ammonius, a lexicographer writing in late antiquity or early Byzantine times, has preserved for us in his *Περὶ ὁμοίων καὶ διαφόρων λέξεων* (p.127 Valckenaar) a sentence from the *Ῥητορικὴ τέχνη* of Antiphon the Orator:

σημεῖον καὶ τεκμήριον διαφέρει. Ἀντιφῶν ἐν τῇ τέχνῃ τὰ μὲν παρωχημένα σημεῖοις πιστοῦσθαι, τὰ δὲ μέλλοντα τεκμηρίοις

On the face of it, this distinction seems to make no sense. Even if we can understand why a *σημεῖον* should refer to the past, why should a *τεκμήριον*, the general sense of which is “a piece of evidence from which an inference may be drawn”, refer to the future? The awkwardness of such a distinction is probably one reason why this fragment is not mentioned anywhere in Martin’s and Lausberg’s works. Kennedy does mention it in his note 99 to page 100. Here is the relevant section of the note:

A fragment of Antiphon’s *τέχνη* preserved by Ammonius (Radermacher B.X.8) says that *sêmeia* refer to things past, *tekméria* to things future, but this cannot be illustrated from anything except Andocides 3.2.

An answer to this difficulty has been available all along in Radermacher’s detailed note on his C 36, AS 214-215. Here is the relevant passage from p. 215:

Recte autem oratores in hoc argumentandi genere ex rebus praeteritis colligi aliquid, quod posthac futurum erat, adfirmant: sic Andocides 3,2: χρῆ γάρ, ὦ Ἀθηναῖοι, τεκμηρίοις χρῆσθαι τοῖς πρότερον γενομένοις περὶ τῶν μελλόντων, quocum congruit Isocrates 4,141, Dinarchus 1,33: τεκμαιρόμενοι τὰ μέλλοντα ἐκ τῶν γεγενημένων, quibus verbis illustratur etiam, quod Antiphontis arti tribuitur; τὰ μέλλοντα τεκμηρίοις πιστοῦσθαι. Rem ut plenior reddam, habes apud Lysiam 31, 34: οὐ γὰρ ἄλλοις τισὶν ὑμᾶς δεῖ περὶ τῶν ἀξίων ὄντων βουλευεῖν τεκμηρίοις χρῆσθαι ἢ ὑμῖν αὐτοῖς. ὁποῖοί τινες ὄντες αὐτοὶ περὶ τὴν πόλιν ἐδοκιμασθήτε. Scilicet ea est temporum ratio, quam nostri grammaticὶ relativam dicunt.

That is, Antiphon’s *μέλλοντα* are future events or states from the temporal point of view of the *τεκμήριον*, and not necessarily from the speaker’s temporal point of view, although they may be that as well. We have collected numerous instances of such a usage of *τεκμήριον* from the orators and from other literary sources of the two centuries before Aristotle.

Antiphon is generally faithful to his own distinction:

a. *Τεκμήριον*

1.10 — my behaviour in this trial so far is a *τεκμήριον* *δίκαιον* that I am now rightly prosecuting the murderer

1.11 — if the other side had behaved in the same way, and I had behaved otherwise, so far in the trial, these would be *μέγιστα τεκμήρια* that they were now innocent.

1.12 — same argument as 1.11

- 4 δ 3 κοινοῦ δὲ τοῦ τεκμηρίου ἡμῖν ὄντος τούτῳ τῷ παντὶ προέχονεν· οἱ γὰρ μάρτυρες τούτων φασιν ἄρξαι τῆς πληγῆς. ἄρξαντος δὲ τούτου, καὶ τῶν ἄλλων ἀπάντων <τῶν> κατηγορουμένων ἀπολύεται τῆς αἰτίας. — past fact as τεκμήριον to present culpability.<sup>1</sup>
- 5.8 ... ἀλλ' ἵνα ἡ τεκμήρια ὑμῖν καὶ τῶν ἄλλων πραγμάτων τῶν εἰς ἐμὲ ἢ τούτων βιαιότης καὶ παρανομία. ... καὶ ὡς μὲν οὐ κακοῦργός εἰμι οὐδ' ἔνοχος τῷ τῶν κακούργων νόμῳ, αὐτοὶ οὗτοι τούτου γε μάρτυρες γεγένηται. — their modes of behaviour so far are τεκμήρια that I am innocent.
- 5.38 (twice) — hypothetical previous behaviour of each side in the trial would have been τεκμήρια for the justice of the other side.
- 5.61 τεκμήριον δὲ μέγιστον ὡς οὐκ ἐβούλετο αὐτὸν ἀπολέσαι: he could have prosecuted him earlier and have him condemned to death legally, but he did not. This is a τεκμήριον that he did not kill him illegally later.
- 5.63 καὶ μὲν δὴ καὶ τῆς χρείας τῆς ἐμῆς καὶ τῆς Λυκίνου τοῦτο ὑμῖν μέγιστον τεκμήριόν ἐστιν. ὅτι οὐ σφόδρα ἐχρώμην ἐγὼ Λυκίνῳ φίλῳ, ὡς πάντα ποιῆσαι ἂν τὰ ἐκείνῳ δοκοῦντα· — I had not been in the past on such friendly terms with him, and this is a τεκμήριον that I did not do what he wanted in this particular case.
- 5.83 ... μεγάλα μοι τεκμήρια ... ὅτι οὐκ ἀληθῆ μου οὗτοι κατηγοροῦσι ... — facts in the past are μεγάλα τεκμήρια that the other side is not telling the truth.

b. σημεῖον

Antiphon's use of σημεῖον is consistent with his words in the τέχνη, either as a fact in the present or past as evidence for a previous event (2 β 5; 2 γ 8; 5.14; 6.2; 6.27) or as a visible sign indicating a past fact (4 γ 3 — physical weakness no evidence concerning self-defence; 5.27 — no eye-witness, no blood, no other σημεῖον for the murder; 5.28 (twice) — neither the sunk boat nor any other σημεῖον has been found to indicate that the man was killed and thrown overboard; 5.45 — no σημεῖον and no blood either on land or in the boat to indicate a murder).<sup>2</sup>

<sup>1</sup> The argument continues with a discussion of probabilities, and in the previous paragraph we have εἰκόσι τεκμηρίοις. The relation between τεκμήριον and εἰκός will be touched upon later.

<sup>2</sup> In 5.84, the facts described in 82-3 are called τὰ σημεῖα τὰ ἀπὸ τῶν θεῶν. These divine σημεῖα had been distinguished already in 81 from ἀνθρώπινα τεκμήρια, but

Andocides made his first speech a year after Antiphon's death. In that speech (1.24), he uses τεκμήριον to infer a future possible action from a present state of affairs. His statement in 3.2 about inferring the future from the past has already been noted by Radermacher as supporting Antiphon's distinction (p. 95 above). While Andocides uses τεκμήριον quite consistently in Antiphon's sense, in 2.3-4 he uses σημεῖον for inferring from past and present actions a present state (a μέλλον in Antiphon's sense), which is the complete opposite of Antiphon's usage. On the other hand, in 2.25, Andocides' present actions are used by the Athenians as evidence of his past ἀμαρτία — σημεῖον in Antiphon's sense. We shall see more instances of this and similar apparent confusions in the usages both of σημεῖον and τεκμήριον and we shall attempt to give a partial explanation for this situation.

Such apparent confusions abound in the orators. It is therefore surprising to find that the one orator who is consistently faithful to Antiphon's distinction in his use of both terms is one of the latest of them, Lycurgus. Admittedly, we have only one extant speech by this orator, but in it, he has τεκμήριον five times, all in Antiphon's sense of past events as evidence for subsequent states (61; 90; 91; 129; 138), and σημεῖον once as a sign from the gods (93) and once as evidence from present to past (90). To illustrate his consistency in this distinction, here is §90:

Καίτοι γ' ἐπεχείρησεν εἰπεῖν. ὃ καὶ νῦν ἴσως ἐρεῖ πρὸς ὑμᾶς. ὡς οὐκ ἂν ποτε ὑπέμεινε τὸν ἀγῶνα τοῦτον συνειδῶς ἑαυτῷ τοιοῦτόν τι διαπεπραγμένω· ὡσπερ οὐ πάντας καὶ τοὺς κλέπτοντας καὶ ἱεροσυλοῦντας τούτῳ τῷ τεκμηρίῳ χρωμένους. οὐ γὰρ τοῦ πράγματός ἐστι σημεῖον ὡς οὐ πεποιθήκασιν, ἀλλὰ τῆς ἀναιδείας ἢν ἔχουσιν.

That is, his past action of awaiting the trial indicates, as he would say, his continuous state of innocence (συνειδῶς is perfect). For the orator, this is a σημεῖον (present to past) not that he did not commit the act, but rather a mark (the same word σημεῖον serving in this sense as well<sup>3</sup>) of his shamelessness.

Lycurgus seems to be consistently Antiphonian. Most other orators are not:

Lysias 13.20: the βουλή under the Thirty is τεκμήριον for the politics of the βουλή before the Thirty (subsequent state as evidence for previous state. Antiphon would have called this σημεῖον); *ibid* 72-3: two subsequent facts as

---

the court is told there that one can τεκμαίρεσθαι from them just as well — see note 14 and context. Divine σημεῖα will be mentioned in this article only in passing, but Antiphon's usage in this particular case is still consistent with his temporal distinction.

<sup>3</sup> σημεῖον is used here first in the sense of Antiphon — present to past evidence — and then in the sense of a mark of a disposition. See below, pp. 99ff.

τεκμήρια that Agoratus had not killed Phrynichus (again, Antiphonian σημεῖον); but see 22.11: the way they sold the grain subsequently is μέγιστον ... καὶ περιφανέστατον τεκμήριον that they are now lying about their motives for buying the grain previously (of course). This is τεκμήριον in the Antiphonian sense. In 4.12, Lysias uses both σημεῖον and τεκμήριον for past acts proving something in the present.

Aeschines uses τεκμήριον three times for past facts as evidence for general statements continuing into the present (1.125; 2.152, 162). This is Antiphonian; but in 2.31-2, 142 and 3.238, he uses σημεῖον clearly in the same sense of Antiphonian τεκμήριον.

Isaeus is usually consistent in his use of τεκμήριον for a past fact indicating something subsequent, e.g. 1.12; 3.19-22, 54-5, 79-80; 4.1-2, 12; 5.26, 31; 6.1; 8.6, 15; 10.16; 11.40. All these are in Antiphon's sense. He never uses τεκμήριον in Antiphon's sense of σημεῖον; but in 1.31 and in 12.12, he uses σημεῖα/σημεῖον where Antiphon would have called them τεκμήρια/τεκμήριον.

None of the above examples antedates Antiphon. There are no remains of speeches published by orators before Antiphon,<sup>4</sup> and we must resort to other Attic writers earlier than Antiphon or contemporary with him to see whether his distinction conforms to normal usage. There is a reason for the unusual order in which we shall present the authors.

Thucydides, who knew Antiphon personally (8.68.1-2) and who may have been his pupil (Marcellinus, *Life of Thucydides* 22), has nine cases of τεκμήριον in Antiphon's sense (1.20.1, 21.1, 34.2, 73.5, 132.5; 2.39.2, 50.2; 3.66.1; 6.28.2). He has one clear case where present facts point to something prior (2.15.4), and one famous case which is unclear (1.1.3 — see Gomme *ad loc.*). Not counting σημεῖον in the sense of visible, military or naval signs, he has four cases of σημεῖον referring to previous events (1.6.2, 10.1, 21.1, 132.1), and one case where a past fact points to a general potential (ἔν + inf.) conclusion (4.120.3).

Sophocles is a rough contemporary of Antiphon. He uses τεκμήριον four times in his extant tragedies, all corresponding to Antiphon's distinction (*El.* 774, 904, 1109; *OC* 1510). His use of σημεῖον does not match Antiphon's distinction. Disregarding two places referring to divine signs (*Ant.* 998, *OC* 94), we have two cases of a σημεῖον from present to present (*El.* 24, 886), two from

<sup>4</sup> Antiphon is said in the *Life* ascribed to Plutarch, 4-5, to be the first to publish δικανικούς λόγους, but in 5 — in the context of Themistocles, Aristides, and Pericles — we are told simply διὰ τὸ μηδέπω ἐν ἔθει τὸ συγγράφειν εἶναι, which seems to apply to the professional writing of any speeches, and their publication.

past to present (*OT* 710, 1059), and only one in Antiphon's sense of indicating a prior event (*Ant.* 257).

Thucydides seems to follow in practice the theoretical distinction made by Antiphon, while Sophocles' usage conforms to Antiphon's distinction only with regard to τεκμήριον.

The usage of Aeschylus is nearer that of Sophocles. Out of four cases of σημεῖον, three are present, physical signs pointing to something else in the present (*Su.* 218, 506; *Ag.* 1355)<sup>5</sup> and one has past events as σημεῖα for a disposition (*PV* 842). There is no correspondence here to Antiphon's distinction. Two of Aeschylus' τεκμήρια are used in a neutral sense (*Su.* 271 — "my credentials"; *Ag.* 332 — "criterion"). In one place (*Eu.* 485), we have μαρτύρια τε καὶ τεκμήρια as elements required in a court case.<sup>6</sup> These three cases may be disregarded as evidence for or against Antiphon's distinction. In the remaining cases, however, Aeschylus' usage seems to correspond to Antiphon's usage. In five passages, τεκμήριον points to something subsequent (*Su.* 55; *PV* 826; *Ag.* 1366; *Cho.* 205; *Eu.* 447). There is, finally, another passage which does not seem to conform to any pattern so far encountered, and deserves closer attention.

After Clytemnestra's second speech in the first episode of *Agamemnon*, the chorus answers ... (352-4):

ἐγὼ δ' ἀκούσας πιστὰ σου τεκμήρια  
θεοὺς προσειπεῖν εὖ παρασκευάζομαι  
χάρις γὰρ οὐκ ἄτιμος εἶργασται πόνων.

The γάρ of 354 seems to explain the πιστὰ τεκμήρια of 352 merely as referring to Clytemnestra's evidence in the Beacon Speech (281-316). Indeed, at 272, after Clytemnestra has said twice (267, 269) that Troy has been captured, the chorus asks her:

τί γὰρ τὸ πιστόν: ἔστι τῶνδέ σοι τέκμαρ:

But the Beacon Speech itself is regarded by Clytemnestra as her τέκμαρ, ending as it does (315-6):

τέκμαρ τοιοῦτον σύμβολόν τέ σοι λέγω  
ἄνδρὸς παραγγείλαντος ἐκ Τροίας ἐμοί.

Yet, in lines 317-9, the chorus, still maintaining the lukewarm attitude it has manifested since the beginning of this episode (258), does not seem to accept her speech as τέκμαρ. Instead, it wants her to speak διηνεκῶς (319) — that is (with the scholiast and Fraenkel *ad loc.*), "not a mere repetition with more elaborate details, but a version that carries the tale on to its close". In her following speech (320-50), Clytemnestra describes in detail the sack of Troy in the vivid present

<sup>5</sup> This is essentially the medical sense of σημεῖον which we shall discuss later.

<sup>6</sup> These are also — in that order — two elements of the structure of a speech in Theodore of Byzantium's division, on which more anon.

tense as she sees it in her mind's eye (οἶμαι 321) and then expresses hopes and fears for the future of the Achaeans which all depends on their behaviour towards the Trojan gods. It is interesting that she ends *this* speech, not with a reference to her husband or to τέκμαρ as in the last speech, but with the words τοιαῦτά τοι γυναικὸς ἐξ ἐμοῦ κλύεις (348). We have already quoted the last three lines of the chorus' answer (352-4). Here now is the first line (351):

γύναι, κατ' ἄνδρα σώφρον' εὐφρόνως λέγεις.

This is usually taken to mean "like a wise and temperate man" (Fraenkel's translation), but could it not mean something else? At the end of the Beacon Speech, Clytemnestra offered a τέκμαρ from her husband, and this was ignored by the chorus who expected more. After all, at 272, they demanded a πιστόν ... τέκμαρ,<sup>7</sup> not merely a τέκμαρ. After the second speech, they admit that they have heard πιστά σου τεκμήρια. What seems to have convinced them is Clytemnestra — a woman, as she points out — delivering a wise man's message. She has shown that she has been talking *according to* her husband, and this renders her credible in both her speeches. From the τεκμήρια of the second speech the chorus have inferred that she is speaking the truth. Knowing this, they may now accept the τέκμαρ of the first speech, that Troy has fallen. While the τέκμαρ points backwards from the beacon to the fall of Troy, the τεκμήρια point from the words just said by Clytemnestra to her present truthful disposition. As far as the sequence of events is concerned, Aeschylus' usage of τεκμήριον is consistent and corresponds to Antiphon's distinction.

This specific use of τεκμήριον, to demonstrate the veracity/justice or otherwise of the speaker or his opponents, is quite common in the orators, and constitutes a significant sub-group of τεκμήριον in Antiphon's sense: past facts, or recent behaviour, are evidence for the present truthful/just disposition (or the opposite) of a speaker. It is frequent in Isaeus (1.13; 3.19, 54, 79; 5.26; 9.16; 10.16). It is already attested in Lysias 4.12 (of unknown date, but Lysias was one year old when the *Oresteia* was produced), and most of the τεκμήρια in Antiphon himself are in this sense (1.10, 11, 12; 4 δ 3; 5, 8, 38 (twice), 83). It is very common in the Demosthenic corpus, but mainly in the inauthentic speeches — 21 cases (33.22, 28; 36.19; 37.2; 44.53; 45.13, 23, 37; 47.77; 48.38; 49.57(twice), 58;

<sup>7</sup> On the punctuation of 272, see Fraenkel *ad loc.* We take it to be one question, which is why the chorus are not happy with the mere τέκμαρ of 315, but require the τεκμήρια to be πιστά (351). In later rhetorical theory, τεκμήρια are among the ἔντεχνοι πίστεις. In Isocrates 15.280, cited on p. 102 below, τεκμήρια are already mentioned as part of τὸ τῶν πίστεων εἶδος. Was there already some form of relation between the two terms in 458 BCE?

52.16, 17, 23, 32; 53.1, 2; 55.12; 59.82) as against only four in the authentic speeches (19.92; 20.145; 30.5; 31.5).<sup>8</sup>

It is time we turned to another contemporary of Antiphon, Euripides. Σημεῖον appears ten times in Euripides, eight of which are irrelevant to our discussion, having the sense of “symbol”, “star”, “emblem”, and “landmark”, with no implication of time. In one case (*Phoen.* 1332), σημεῖον looks like a present fact predicting a future event, but one could argue that the language is close enough to that of prophecy, and the context is certainly not that of inference. We are left with one case of σημεῖον in the field of inference (*Alc.* 717): σημεῖα τῆς σῆς. ὦ κάκιστ', ἀψυχίας, which we shall discuss later.

Euripides' usage of τεκμήριον, however, is more complex. Of the twelve appearances of this word, we have three in the sense of Antiphon (*IT* 808, 822; *Rh.* 94), and two contradicting Antiphon's distinction (*El.* 575, *Io* 349). In one case, we have an inference from present particular to present particular (*He.* 714), but in seven cases, we find a present particular from which a general state or disposition is inferred (*Hipp.* 925; *Io* 237, 329; *Med.* 517; frs. 60N1; 322N3; 898N5). Let us quote an example (*Io* 237-8):

γενναιότης σοι. καὶ τρόπων τεκμήριον  
τὸ σχῆμ' ἔχεις τόδ', ἥτις εἶ ποτ', ὦ γύναι.

The similarity between τρόπων τεκμήριον here and σημεῖα ... ἀψυχίας quoted above is striking. In both cases, something present is evidence for a state or disposition which in itself is not observable. Is Euripides merely careless in applying Antiphon's distinction, or is he rather following another school of thought? Let us now look at two other fragments of Euripides:

*Phoenix*, fr. 808 Nauck (ed. min.):

τάφανῃ τεκμηρίοισιν εἰκότως ἀλίσκεται

*Oenomaus*, fr. 578 Nauck (ed. min.):

τεκμαιρόμεθα τοῖς παροῦσι τάφανῃ<sup>9</sup>

Verbal similarities between these two lines are quite striking. Some passages from other authors would tend to reinforce this impression:

Hyperides fr. 195 Kenyon:

ἂ δ' ἔστιν ἀφανῆ. ἀνάγκη τοὺς διδάσκοντας τεκμηρίοις καὶ τοῖς εἰκόσι ζητεῖν.

[Plato] *Definitiones* 414e1:

τεκμήριον ἀπόδειξις ἀφανοῦς.

<sup>8</sup> We leave it to the experts to explain the significance of this proportion.

<sup>9</sup> A verbal confusion between this expression and a part of Antiphon's distinction is to be found in Nicephorus Chumnus, *Epist.* 84, Boissonade *Anecd. Nov.* p.106: τὰ μέλλοντα τεκμαιρόμεθα τοῖς παροῦσιν. Nauck quotes it in his apparatus to this fragment, without mentioning Antiphon.



Demosthenes 22.22:

ἔστι τοίνυν ἀνάγκη τοὺς ἐλέγχοντας ἢ τεκμήρια δεικνύναι δι' ὧν ἐμφανιοῦσι τὸ πιστὸν ὑμῖν. ἢ τὰ εἰκότα φράζειν. ἢ μάρτυρας παρέχεσθαι.<sup>10</sup>

In all these passages, τεκμήρια are connected with things which are ἀφανῆ (in the last one by implication — ἐμφανιοῦσι), and in some of them it is connected with εἰκός and cognates. No temporal specification is made. The connection with εἰκός, one of the oldest rhetorical terms, is revealing. It appears as though Euripides, Hyperides, the author of *Definitiones* and Demosthenes are drawing on materials present in a τέχνη, but not that of Antiphon. How were τεκμήριον and σημεῖον treated in that τέχνη?

In the last passage quoted, one also notices that τεκμήρια are grouped with εἰκότα and μαρτύρια as indicating τὸ πίστον. Let us compare this with similar passages:

Demosthenes 28.23:

πίστεις δ' ἔχουσιν ἱκανὰς ἐκ μαρτύρων. ἐκ τεκμηρίων. ἐκ τῶν εἰκότων  
...

Isocrates 15.280:

... τὰ μὲν εἰκότα καὶ τὰ τεκμήρια καὶ πᾶν τὸ τῶν πίστεων εἶδος ...

Isocrates 21.4:

ὥστε μὴτ' ἐκ βασάνων μὴτ' ἐκ μαρτύρων οἶόν τ' εἶναι γινῶναι περὶ αὐτῶν. ἀλλ' ἀνάγκη ἐκ τεκμηρίων καὶ ἡμᾶς διδάσκειν καὶ ὑμᾶς δικάζειν. ὁπότεροι ἀληθῆ λέγουσιν.

It is already clear from these passages that there is an approach, probably based on some τέχνη, according to which πίστεις include μάρτυρες (and in the case of slaves, βάσανοι), τεκμήρια and εἰκότα. Σημεῖον is not mentioned in any of these passages.

This division seems to correspond exactly to part of that ascribed to Theodore of Byzantium in Plato's *Phaedrus* 266d5-267a2: προοίμιον, διήγησις, μαρτυρία, τεκμήρια, εἰκότα, πίστῳσις, ἐπιπίστῳσις, ἔλεγχος, ἐπεξέλεγχος. From *Phaedrus*' words (266d5-6) and Socrates' words (e3-5), it appears that an earlier division went only as far as εἰκότα, the other four parts being additions by Theodore,<sup>11</sup> just as two or three more parts added by Euenus

<sup>10</sup> This passage and the next two passages to be quoted (Demosthenes and Isocrates), although — as we shall see — they are possible traces of another τέχνη, are not cited in *AS*.

<sup>11</sup> Obviously, something like πίστῳσις was necessary for concluding the speech in any division, and Theodore probably just divided an original final section into a number of elements.

of Paros are listed at 267a3-5. In this case, one may be tempted to think that the basic division is earlier than Theodore, and perhaps earlier than Antiphon as well. Since Plato seems to ascribe the use of εἰκός and cognates to Tisias, one of the two “founding fathers” of rhetoric (*Phaedrus* 272d2-274a5), and since Aristotle clearly refers to a discussion of εἰκός in the τέχνη of Corax, the other “founding father” (*Rhetoric* 1402a3-28, esp. 18-20), it is not improbable that the use of τεκμήριον as another kind of πίστις may also have originated with them.

Whatever the origin of this theory, it clearly has no special place for σημεῖον. This is probably subsumed under τεκμήριον, and τεκμήριον is anything which reveals something otherwise unknown, regardless of time. Logically, then, it would include both Antiphon’s τεκμήριον and σημεῖον. This may explain why a number of authors we have surveyed use τεκμήριον, and certainly σημεῖον, in a way which does not always correspond with Antiphon’s distinction. They had another, probably older, τέχνη which regarded τεκμήρια (and possibly σημεῖα as τεκμήρια) in a completely different manner.<sup>12</sup>

That σημεῖον was often regarded as some kind of τεκμήριον may be shown from some passages in Isocrates and Demosthenes where the two words appear ἐν παρισώσει or in parallel parts of a sentence or a period (Isocrates 1.2, 13; 4.101; 17.35-6; the Demosthenic corpus 36.12; 54.9; 61.17-8). In a number of these passages, both τεκμήριον and σημεῖον indicate a disposition or a state of mind, as in Isocrates 1.2: τεκμήριον μὲν τῆς πρὸς ὑμᾶς εὐνοίας. σημεῖον δὲ τῆς πρὸς Ἰππόνικον συνηθείας: both referring to the present speech. We have already seen Euripides using both σημεῖον and τεκμήριον (but not together) for dispositions. The use of σημεῖον for dispositions is especially frequent in Isocrates (2.31, 43; 3.7, 26, 86, 101, 107; 4.139; 5.148; 6.7, 92; 7.40; 8.114; 9.4, 8, 70; 10.11-2; 12.54, 123, 127, 148, 160-1, 240; 13.13; 14.58; 15.249, 255; *epp.* 4.4; 7.1), but it is almost as frequent in the Demosthenic corpus (18.279; 20.12; 21.135, 149, 207, 226; 22.75; 32.16, 21; 36.55; 41.3; 44.58; 45.68, 69, 80; 54.23; 57.31, 51; 61.20, 23; *ep.* 2.18). Both can use τεκμήριον for disposition, but this is far less frequent (Isocrates 1.45; 4.68; 7.68; 8.131; 9.51; 12.258; 15.195, 313; 18.58; the Demosthenic corpus: 20.141; 27.2; 30.7; 44.4,

<sup>12</sup> On Aeschylus’ probable familiarity with some older τέχνη, see n. 7 above. We are only referring here to places where τεκμήριον or σημεῖον appear in contexts which are clearly legal or rhetorical. Since some works — like much of Aeschylus and Sophocles — are likely to antedate Antiphon’s τέχνη, and yet much of their usage seems to anticipate his distinction (mostly with regard to τεκμήριον), we have studied some of these earlier texts as evidence for current usage which may have had some influence on Antiphon in making his distinction. See p. 98 above (“None of the above ... to normal usage”).

16; 50.29, 57; 52.24; 56.25; 57.6; 59.58). The preponderance of σημεῖον in this sense would appear to indicate contamination from yet another source where these terms were used. We refer to the Hippocratic corpus, in which σημεῖον is the normal word for what in later Greek would be called σύμπτωμα.<sup>13</sup> A look at any page of the *Prognostics* or at the entries σημεῖον and σημαίνω in the index should suffice to persuade the reader of that. Here are two examples:

*Prognostics* XII. καὶ τὰς λιπαρότητας δὲ τὰς ἄνω ἐφισταμένας ἀραχνοειδέας μέμφεσθαι· συντήξιος γὰρ σημεῖα.

*Prognostics* XVII. τοὺς δὲ σύμπαντας ἐμπύους γινώσκειν χρή τοῖσδε τοῖς σημείοισι· πρῶτον μὲν ὁ πυρετὸς οὐκ ἀφήσιν κτλ.

It is easy to see how we come from a sign of a disposition of the body to a sign of any disposition, mental, moral or political.

The medical writers also have their own use of τεκμήριον. It is most often used in the sense of an observable fact from which one can infer some general principle or theory. Two examples:

*Airs, Waters, Places* VIII καὶ ἐξ αὐτῶν τῶν ἀνθρώπων ἄγει [sc. ὁ ἥλιος] τὸ λεπτότατον τῆς ἰκμάδος καὶ κουφότατον. τεκμήριον δὲ μέγιστον· ὅταν ἄνθρωπος ἐν ἡλίῳ βαδίζη ἢ καθίζη ἱμάτιον ἔχων. ὁκόσα μὲν τοῦ χρωτὸς ὁ ἥλιος ἐφορᾷ, οὐχ ἰδρῶν ἄν· ὁ γὰρ ἥλιος ἀναρπάζει τὸ προφανόμενον τοῦ ἰδρῶτος· ὁκόσα δὲ ὑπὸ τοῦ ἱματίου ἐσκέπασται ἢ ὑπ' ἄλλου του, ἰδροῖ. (observable fact as evidence).

*Airs, Waters, Places* VIII τὰ δὲ ἀπὸ χιόνος καὶ κρυστάλλων πονηρὰ πάντα. ὁκόταν γὰρ ἅπαξ παγῆ, οὐκ ἔτι ἐς τὴν ἀρχαίην φύσιν καθίσταται, ἀλλὰ τὸ μὲν αὐτοῦ λαμπρὸν καὶ κουφον καὶ γλυκὺ ἐκκρίνεται καὶ ἀφανίζεται. τὸ δὲ θολωδέστατον καὶ σταθμωδέστατον λείπεται. γνοίης δ' ἂν ᾧδε· εἰ γὰρ βούλει, ὅταν ἡ χειμῶν, ἐς ἀγγεῖον μέτρῳ ἐγγέας ὕδωρ θεῖναι ἐς τὴν αἰθρίην, ἵνα πήξεται μάλιστα. ἔπειτα τῇ ὕστεραίῃ ἐσενεγκῶν ἐς ἀλέην, ὅκου χαλάσει μάλιστα ὁ παγετός, ὁκόταν δὲ λυθῆ, ἀναμετρεῖν τὸ ὕδωρ, εὐρήσεις ἔλασσον συχνῶ. τοῦτο τεκμήριον, ὅτι ὑπὸ τῆς πήξις ἀφανίζεται καὶ ἀναξηραίνεται τὸ κουφότατον καὶ λεπτότατον, οὐ τὸ βαρύτατον καὶ παχύτατον· οὐ γὰρ ἂν δύναίτο. ταύτη οὖν νομίζω πονηρότατα ταῦτα τὰ ὕδατα εἶναι τὰ ἀπὸ χιόνος καὶ κρυστάλλου καὶ τὰ τούτοισιν ἐπόμενα πρὸς ἅπαντα χρήματα. (experiment as evidence).

<sup>13</sup> *LSJ* σύμπτωμα III has no reference to this word in the sense of “symptom” earlier than Philodemus.

One could multiply references and examples for such uses of τεκμήριον in the Hippocratic corpus, but since this use is uniform here, such lists and quotations are unnecessary. It is, however, useful to see the distinction made by a Hippocratic writer between the two terms:

*Prognostics* XXIV. τοὺς δὲ περιεσομένους τε καὶ ἀπολλυμένους τῶν παιδίων τε καὶ τῶν ἄλλων τεκμαίρεσθαι τοῖσι σύμπτῃσι σημεῖοισιν. ὡς ἐφ' ἐκάστοις ἕκαστα διαγέγραπται. That is, from the sum total of the σημεῖα described in previous sections, one can draw a general inference, and the verb for that is, of course, τεκμαίρομαι.<sup>14</sup>

*Ibid.* XXV. εὖ μέντοι χρὴ εἰδέναι περὶ τῶν τεκμηρίων καὶ τῶν ἄλλων σημείων. ὅτι ἐν παντὶ ἔτει καὶ πάσῃ χώρῃ τὰ τε κακὰ κακὸν τι σημαίνει καὶ τὰ χρηστὰ ἀγαθόν. ἐπεὶ καὶ ἐν Λιβύῃ καὶ ἐν Δήλῳ καὶ ἐν Σκυθίῃ φαίνεται τὰ προγεγραμμένα σημεῖα ἀληθεύοντα. Note the use of κρίνειν, ἐκλογίζεσθαι and ἐπίστασθαι in the next sentence.<sup>15</sup>

This medical use of τεκμήριον would explain those cases in Euripides where we infer a general state or disposition from something particular. This usage is quite frequent in Plato. In some passages, even the content sounds medical: *Symp.* 196a4-5 συμμέτρου δὲ καὶ ὑγρᾶς ιδέας μέγα τεκμήριον ἢ εὐσχημοσύνη ...; sometimes the medical terminology is more metaphorical: *Rep. III* 405a6-b1 τῆς δὲ κακῆς τε καὶ αἰσχροῦ παιδείας ἐν πόλει ἄρα μή τι μείζον ἕξεις λαβεῖν τεκμήριον ἢ τὸ δεῖσθαι ἰατρῶν καὶ δικαστῶν ἄκρων ...; *Hipp.Min.* 372c1-2 καίτοι τί μείζον ἀμαθίας τεκμήριον ἢ ἐπειδάν τις σοφοῖς ἀνδράσι διαφέρηται; *Hipp.Maj.* 282e6-283a2 ἸΠ: ...καὶ σχεδόν τι οἶμαι ἐμὲ πλείω χρήματα εἰργάσθαι ἢ ἄλλους σύνδυο οὐστίνας βούλει τῶν σοφιστῶν. ΣΟ: καλὸν γε. ὦ Ἰππία. λέγεις καὶ μέγα τεκμήριον σοφίας τῆς τε σεαυτοῦ καὶ τῶν νῦν ἀνθρώπων πρὸς τοὺς ἀρχαίους ὅσον διαφέρουσι. (See also, e.g., *Theaet.* 185b7-c2; *Crat.* 436b12-c4; *Legg.VII* 821e1-4). Sometimes, however, Plato uses τεκμήριον in a sense closer to that of Antiphon. A good example is *Gorg.* 487 b5-d4, esp. 487d2-4: ἐπειδὴ οὖν σου ἀκούω ταῦτ' ἐμοὶ συμβουλευόντος ἅπερ τοῖς σεαυτοῦ ἑταιροτάτοις, ἰκανόν μοι τεκμήριόν ἐστιν ὅτι ὡς ἀληθῶς μοι εὖνους εἶ. Socrates could be imitating any orator here: he is talking to Callicles. Plato's use of σημεῖον follows no discernible pattern. Apart from the more common usage in the sense of

<sup>14</sup> Since σημαίνω means “to indicate”, and σημαίνομαι, meaning “to conjecture from signs” is rare. We have had no space in this short study to trace the meanings of τεκμαίρομαι, but it usually means, “to infer” or “to conclude”, with no time-distinction inherent in its meaning.

<sup>15</sup> This is the only example known to us before Aristotle where τεκμήρια are treated as part of the class of σημεῖα.

divining the future, σημεῖον often means “symbol”, “token”, “representation” (e.g., *Theaet.* 191d7; *Soph.* 262a6; *Crat.* 415a4-6, 427c8 — in both cases, an ancestor of our semantical sign; *Rep.X* 607c3). Plato also uses σημεῖον sometimes as a piece of factual evidence, in a sense virtually indistinguishable from the medical τεκμήριον (e.g. *Tim.* 71e2-6 ἰκανὸν δὲ σημεῖον ὡς μαντικὴν ἀφροσύνη θεὸς ἀνθρωπίνῃ δέδωκεν· οὐδεὶς γὰρ ἔννοους ἐφάπτεται μαντικῆς ἐνθέου καὶ ἀληθοῦς, ἀλλ’ ἢ καθ’ ὕπνον τὴν τῆς φρονήσεως πεδηθεῖς δύναμιν ἢ διὰ νόσου, ἢ διὰ τινα ἐνθουσιασμόν παραλλάξας.), and sometimes in a sense indistinguishable from that of Antiphon’s τεκμήριον (e.g., *Rep.II* 368b4-7 οὔτε γὰρ ὅπως βοηθῶ ἔχω· δοκῶ γὰρ μοι ἀδύνατος εἶναι — σημεῖον δέ μοι, ὅτι ἅ πρὸς Θρασύμαχον λέγων ὤμην ἀποφαίνειν ὡς ἄμεινον δικαιοσύνη ἀδικίας, οὐκ ἀπεδέξασθέ μου ...). One could hardly, of course, expect a dramatist and master of all styles to follow consistently one or the other of the ῥητορικὰ τέχνη available.

Plato is an extreme case of a great writer who draws on all sources and traditions; but, considering that there were, as we hope we have shown, two τέχνη which approached our terms differently, as well as the medical tradition with its own more limited usage, it is surprising to find how many of the authors we have discussed seem to have a marked preference for one approach or another, with regard to one or the other of the two terms. It is especially surprising to note how often authors before and after Antiphon use τεκμήριον — although rarely σημεῖον — in apparent conformity to Antiphon’s distinction. This applies even to people so different from Antiphon and his approach as Isaeus, Isocrates, and Demosthenes. Does this tell us anything about the nature of Antiphon’s distinction? Perhaps that Antiphon sensed correctly the most common use of τεκμήριον in forensic and political contexts, although, in fact, even in common usage, the time-element was not the decisive factor. The sense Antiphon gave to σημεῖον may well have followed logically from the time-distinction he attributed to τεκμήριον. It may have been helped by one of the most tangible senses of σημεῖον in court, that of a concrete body of evidence from which a past event may be inferred.

Whether Antiphon’s distinction between τεκμήριον and σημεῖον was an attempt to redivide an older part of λόγος which was merely τεκμήριον is anybody’s guess. Our guess is that, had Antiphon offered this distinction as a new subdivision, it would have been mentioned in *Phaedrus* 267a, alongside the subdivisions said to have been offered by Theodore and Euenus. It is also significant that we have found a number of different sources for the division which has only τεκμήριον, while Antiphon’s distinction is only attested in one late and technical source.<sup>16</sup> The relative unpopularity of Antiphon’s distinction is not

<sup>16</sup> Ammonius: see p. 95 above.

surprising: after all, it is based on a secondary factor which does not apply in every case. The medical distinction is based on the real difference between a physical sign and a fact used as evidence. What may be surprising at first glance is that in so many passages, τεκμήριον is used in Antiphon's sense. Andocides and, possibly, Lycurgus seem to be following Antiphon consciously. Other orators, however, use τεκμήριον in Antiphon's sense mostly where a fact in the past proves the veracity or otherwise of one of the parties to the present court case. This, we have seen, is also the most common use of τεκμήριον in the extant speeches of Antiphon himself.

We hope we have shown how complex even the history of two rhetorical concepts within a period of less than two centuries can be. The evidence we have considered provides no explanation for the fact that Aristotle includes τεκμήρια, of all things, *within* the larger class of σημεία.<sup>17</sup> This, however, is outside the range of our work, which has been restricted by space limits in any case.

Tel Aviv University

---

<sup>17</sup> *Rhet.* I.2.1357a32; 1357b1ff., but see n. 15 above.