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Antiphon *Or.* 1. 20 καὶ χειρουργήσασα

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In Antiphon's speech "Prosecution of the Stepmother for Poisoning", one of emphasized motives is the opposition between, on the one hand, the author of the criminal plan and organizer of the murder, and on the other hand, the immediate executor. The accuser claims that his stepmother plotted to kill her husband and deceived a female slave into adding poison to his wine. The slave was executed as the murderer, but the accuser seeks to prove that the true guilt lies with the stepmother, as she conceived the crime. The manuscript text (20) reads a participle χειρουργήσασα, 'the one who enacted', attributed to the stepmother. Friedrich Blass, in his 1871 edition, transposed the words καὶ χειρουργήσασα, referring them to the slave who poured the poison into the wine, believing, as she was told by the accused, that it was a love potion. By doing this, Blass emphasized the distinction between the plan and its execution. Almost all editors accepted this rearrangement. At the same time, some scholars prefer the manuscript reading. Reiske, supported by Maetzner, suggested a literal understanding of the participle, 'the one who prepared the poison.' Wilamowitz considered χειρουργήσασα a rhetorical exaggeration. Adelmo Barigazzi and Ernst Heitsch understood the participle attributed to the stepmother in the manuscripts as a way to shift the entire responsibility for the murder — both the criminal idea and its execution — onto the stepmother. Here I present arguments in favor of the manuscript reading and variants of interpreting its meaning.

Keywords: Antiphon, "Prosecution of the Stepmother for Poisoning", forensic rhetoric, manuscript reading, intention and execution.

In the first speech of Antiphon, "Accusation Against the Stepmother for Poisoning", the accuser is a young man who argues that his father was poisoned by his own wife, the stepmother of the plaintiff. He asserts (3 and 9) that the accused had previously attempted to poison her husband but was caught in the act. She justified her actions by claiming she was not trying to poison him, but rather to give him a love potion. According to narra-

tio (14–20), the stepmother ultimately executed her plan and orchestrated the poisoning, though not by her own hands. The plaintiff’s father had a friend named Philoneus, who had a concubine. From the plaintiff’s speech, it can be concluded that this concubine was a slave. Firstly, Philoneus, seemingly having lost interest in her, was planning to send her to a brothel (14). Secondly, after the crime was committed, she was subjected to interrogation under torture and then executed (20). The accuser claims that the stepmother, upon learning of Philoneus’ intentions regarding the concubine, invited her over. When she arrived, the accused said that her own husband was also treating her poorly (using the verb ἀδικέω, 15). The stepmother persuaded the concubine to administer a potion to both her husband and Philoneus, which was supposed to restore the love of both men, and the concubine promised to assist her (διακονῆσαι, 16). In reality, according to the accuser, the stepmother wanted to kill her husband and thus deceived the concubine, who only realized this when it was too late (ἐξαπατωμένη, 19). The concubine carried out her instructions when Philoneus and the plaintiff’s father were dining together at Philoneus’ house in Piraeus. After drinking the wine into which the potion had been mixed, Philoneus died immediately, while the plaintiff’s father fell gravely ill and died on the twentieth day. Thus, the stepmother was not even present at the poisoning. The accuser’s goal is to prove that Philoneus’ concubine was an unwitting accomplice to the crime, as she herself was deceived and unaware of the true purpose of the stepmother’s actions, and did not anticipate the outcome that ultimately resulted from them. The plaintiff distinguishes between the criminal intent and its execution, referring to the stepmother, who conceived the murder, as the “true culprit” (αἰτία οὐσα), in contrast to Philoneus’ concubine, whom he equates to a tool in the hands of the murderer. The perpetrator has already been punished, while the plaintiff’s stepmother has not yet paid for the murder she committed. The accuser seeks to convince the judges that his stepmother should justly be found guilty of murder. His entire speech is aimed at proving the stepmother’s guilt as the one who conceived the crime and forced the unsuspecting concubine to carry out her plan.

In this context, my attention was drawn to the transposition made by F. Blass in the sentence concluding the narratio (20). The manuscripts provide the following text:

ἡ μὲν διακονήσασα ἔχει τὰ ἐπιχειρα ὧν ἀξία ἦν, οὐδὲν αἰτία οὐσα, <...> ἡ δ’ αἰτία τε ἦδη καὶ ἐνθυμηθεῖσα καὶ χειρουργήσασα ἔξει, ἐὰν ὑμεῖς τε καὶ οἱ θεοὶ θέλωσιν

One woman, as she served as an assistant, has received the punishment she deserved, although she is not at all guilty of the intent to murder. And the other, as she is guilty because she both conceived the crime and personally prepared the instrument of murder, will finally suffer the consequences, if you and the gods desire so.

In his first edition,¹ Blass placed the words καὶ χειρουργήσασα before ἔχει, thus attributing this participle to the concubine, who with her own hands mixed the poison into the wine and served the poisoned drink to the banquet attendees. Apparently, Blass believed that the participle from the verb χειρουργέω, when applied to the stepmother, contradicts the rest of the speech: the accuser clearly distinguishes between the intent, i. e., the criminal idea, and the execution, i. e., the act carried out by hand. This is precisely why he refers to the concubine as οὐδὲν αἰτία οὐσα, ‘not at all guilty (of the intent to murder)’, and διακονήσασα, ‘having served as an assistant’, while calling the stepmother αἰτία, ‘guilty’.

¹ Blass 1871.

and ἐνθυμηθεῖσα, ‘having conceived the criminal intent’. Accordingly, Blass assumed that the act indicated by the participle was the offering of a poisoned drink to men.

The meaning of the verb χειρουργέω can be conveyed as ‘to perform with one’s own hands’. LSJ offers the translation ‘do with the hand, execute’ (s. v. I, 1). The dictionary cites the passage from Antiphon διακονήσασα καὶ χειρουργήσασα, accepting the transposition made by Blass. Additionally, examples of the verb χειρουργέω and its derivatives can be found in opposition to words denoting intention or design, reflecting the same contrast between idea and execution as in Antiphon’s speech:

ἀπεφηνάμην <...> τοὺς αἰτίους τῆς ἐξ ἀρχῆς καταλήψεως τοῦ ἱεροῦ δίκης ἤξιον τυχεῖν, μὴ τὰς πατρίδας αὐτῶν, ἀλλ’ αὐτοὺς τοὺς χειρουργήσαντας καὶ βουλευσαντας (Aeschin. *De fals. leg.* 117).

I declared that those at whose initiative the shrine was plundered, I consider to be subject to judgment, not their homeland, but those who carried it out with their own hands and planned it.

It seems that the transposition intensifies the antithesis of the plotter and the performer. It was accepted by most subsequent editors: Jernstedt (Jernstedt 1880), Talheim (Talheim 1914), Gernet (Gernet 1923), Maidment (Maidment 1941), Dilts and Murphy (Dilts, Murphy 2018). Wilhelm Schmid, in his history of Greek literature, also considers a text where the participle χειρουργήσασα is attributed to the concubine.²

However, before Blass transposed the words καὶ χειρουργήσασα, there were no objections from editors regarding the manuscript text at this point. In some cases, it is possible to determine exactly how scholars understood the participle χειρουργήσασα. Thus, Reiske,³ in his edition of the Greek text, provided the following paraphrase in a note to this passage: *femina vero illa, quae in culpa et causa fuit, quippe quae excogitarit scelus, eique perpetrando manum operamque praestiterit*. In the volume containing translations, he rendered the passage somewhat differently: *quae autem femina et scelus ipsa prima mente concepit, et venena a se cocta manibus suis famulae administravit*.⁴ Both the paraphrase and especially the translation leave no doubt: Reiske understands χειρουργήσασα as the act of the stepmother preparing poison and subsequently administering it, under the guise of a love potion, to the concubine. Maetzner, in his commentary, provides the following paraphrase: *Illa vero quae in culpa est, quippe quae et excogitarit scelus et perpetrando sceleris manum praebuerit*.⁵ It is not difficult to notice that this is almost identical to Reiske’s paraphrase. It is evident that Maetzner⁶ interprets this passage in the same way as the former editor. Karl Müller, in his edition, adopted the Greek text from his predecessors and relied on their translations. He undoubtedly understood the passage similarly to Reiske and Maetzner: *quae autem est in culpa et scelus ipsa prima mente concepit et manibus suis*

² Schmid, Stählin 1940, 105.

³ Reiske 1773a, 615.

⁴ Reiske 1773b, 206.

⁵ Maetzner 1838, 141.

⁶ Maetzner refers to Lobeck’s *Phrynichi Eclogae nominum et verborum Atticorum*, where Lobeck argues in the comments as follows: *audacia verba αὐτοφυεῖν et χειροφυεῖν ab operariis ad eos traduxerunt, qui per se aliquid agunt, non aliena opera utentes* (Lobeck 1820, 120). This cannot apply to the stepmother, since she is precisely an *aliena opera utens*. Lobeck gives examples of such word usage only from later authors (Flavius Philostratus, Lucian, Philo) and notes: *quorum nihil simile veteres dixerunt*.

paravit.⁷ In Étienne's dictionary (vol. VIII) under χειρουργέω, the primary meaning is given as '*manibus operor, opus facio*'. An example of its use for describing food preparation is provided from Athenaeus, which recounts Megasthenes' work on India: κειχειουρρημηνα ὄψα (FGrHist 715 F 2), meaning 'a dish prepared by the cook's hands, a dish prepared by culinary art' (1421D). Similarly, LSJ s. v. I. 3 cites this meaning, referring to the same passage from Megasthenes: 'to be dressed, of meats'. In the same article of Étienne's dictionary, the passage from Antiphon is used as an example of this participle applied to those who not only gave counsel but also physically contributed to the crime and misdeed. This interpretation allows to understand the participle as 'having prepared the poison with her own hands and administered it with her own hands'. The fragment from Megasthenes supports this understanding. Such an interpretation would support the manuscript text without introducing contradictions.

W. Passow held a specific point of view. He writes: *De noverca χειουρρηειν quo modo dici possit non video; ne adfuit quidem illis sacris funestis neque ullam facinoris habuit partem praeter consilium, quod excogitavit*.⁸ Passow is mistaken in asserting that the stepmother '*neque ullam facinoris habuit partem praeter consilium*', for according to the accuser's version, even if we attributed χειουρρηήσασα to the concubine, the stepmother should prepare the poison and send it with the concubine to Piraeus (26: ἡ δὲ πέμψασα τὸ φάρμακον καὶ κελεύσασα ἐκείνῳ δοῦναι πιεῖν ἀπέκτεινεν ἡμῶν τὸν πατέρα). Nonetheless, like those who support the rearrangement, he finds the manuscript reading seemingly contradictory. On the other hand, he notes: *Non minus autem falsum est quod Blassius id paelici tribuit; ita enim paelex cogitanda est viris cum poculo, quo venenum inerat, caput infregisse*. Passow sees a contradiction in the use of χειουρρηειν in relation to poisoning.⁹ LSJ s. v. notes that in one of its meanings this verb indeed marks cases where some act of violence is described. For example, the dictionary refers to a passage in Thucydides where the participants in the coup of the Four Hundred brought with them 120 young soldiers in case they failed to achieve their goals peacefully: νεανίσκοι, οἷς ἐχρῶντο εἶ τί που δέοι χειουρρηειν (Thuc. 8, 69, 4). Apparently, Passow takes this verb to signify only coarse physical violence, such as a blow; if this interpretation was to be accepted, then the participle χειουρρηήσασα would have to be entirely excluded from the text.

Now one should turn to the arguments in defense of manuscript reading presented by scholars after Blass's emendation. Wilamowitz, in his article, rejecting the necessity of transposing the words καὶ χειουρρηήσασα, characterizes the use of χειουρρηήσασα in relation to the stepmother as 'die sophistische Übertreibung'.¹⁰ He compares this with the word βιαίως in 1. 26, where the accuser claims that his father 'died against his will and forcibly'. Wilamowitz argues that βιαίως represents an even greater exaggeration than χειουρρηήσασα. I find it difficult to agree with. Clearly, in 1. 26 Antiphon implies that the death occurred neither from natural causes, nor from the victim's own desire. Wilamowitz interprets the participle χειουρρηήσασα in the most straightforward manner, as it seems to me: he understands it as the preparation of poison and its delivery to the executor. Nonetheless, he tends to view its use as an exaggeration that Antiphon allows in order to portray the stepmother as the sole culprit: "In dem Bereiten und Einhandigen des Giftes

⁷ Müller 1847, 4.

⁸ Passow 1886, 16.

⁹ Ibid.

¹⁰ Wilamowitz 1887, 205.

liegt das χειρουργεῖν: dem Redner kommt es darauf an, die Schuld einzig und allein auf die Gattin zu walzen; wie weit er die sophistische Übertreibung gesteigert hat, haben wir ihm nicht vorzuschreiben, sondern zu lernen”.¹¹ This is agreed upon by Gagarin: “Since the speaker’s strategy is to shift all the responsibility to the stepmother, the exaggeration is tolerable.”¹²

Barigazzi, arguing that there is no need for emendation, joins the interpretation of Wilamowitz and cites Hippocrates: διαχειρισμός φαρμάκων (Hp. *Epid.* 2.3.2).¹³ He also presents¹⁴ a very convincing parallel from Sophocles’ “Trachiniae”, where Hyllus refers to his mother, Deianeira, as βουλεύσασα <...> καὶ δρῶσα (Soph. *Tr.* 807–808). At this point, Hyllus does not yet know what his mother truly intended to achieve; in any case, Deianeira, like the accused in Antiphon’s first speech, did not commit the murder personally but sent a poisoned robe. The verb δρᾶω, perhaps, denotes action more abstractly than the verb χειρουργέω, but the combination βουλεύσασα <...> καὶ δρῶσα together expresses the same degree of responsibility for another’s death that Antiphon’s client tries to attribute to the accused. Barigazzi discusses exactly this: “*Infatti nel diritto antico chi istiga al delitto e lo medita e lo prepara è accusato e punito come se l’avesse compiuto di sua mano*”.¹⁵ The participles ἐνθυμηθεῖσα and χειρουργήσασα, in this case, are equivalent to βουλεύσασα <...> καὶ δρῶσα and express full responsibility for the crime, including both the planning and the actual commission of the murder. Barigazzi correctly notes that the construction with polysyndeton referring to the stepmother (ἢ δ’ αἰτία τε καὶ ἐνθυμηθεῖσα καὶ χειρουργήσασα) is strikingly contrasted with a single participle denoting the concubine — διακονήσασα.¹⁶ The one who merely served was punished without being truly guilty, while the true culprit, the one who planned and ensured the execution of her plan, is yet to be punished. Heitsch asserts this as well: “*Nicht zwei Täter mit ihren eigenständigen Beiträgen zur gemeinsamen Tat, sondern ein Täter und sein menschliches Werkzeug*”.¹⁷ Indeed, if one separates the participles ἐνθυμηθεῖσα and χειρουργήσασα, attributing the latter to the concubine, then the distribution of guilt between the organizer and the executor would be much more balanced than what the accuser evidently seeks. He calls the concubine οὐδὲν αἰτία οὖσα — ‘not the true culprit’: he directly states that she received her just punishment but considers her guilty not of the murder but of following the stepmother’s advice and adding, as she thought, a love potion to the wine for the master’s table. The responsibility for the murder, as Heitsch emphasizes, lies with the stepmother: “*Der Anstoß zur Tat und die Verantwortung für sie (αἰτία), Wahl der Mittel und Planung der Ausführung (ἐνθυμηθεῖσα) und schließlich die Realisierung (χειρουργήσασα) lagen einzig bei der Angeklagten*”.¹⁸ Although Heitsch understands by the verb χειρουργέω not

¹¹ Ibid.

¹² Gagarin 1997, 118.

¹³ Barigazzi 1955, 93.

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ It is worth noting the wordplay ἐπίχειρα — χειρουργήσασα: one (ἢ μὲν), since she was an assistant (διακονήσασα), justly received punishment (ἔχει τὰ ἐπίχειρα ὧν ἀξία ἦν), although she was not at all guilty of the intent to murder (οὐδὲν αἰτία οὖσα), while the other (ἢ δέ), being guilty (αἰτία) of having conceived the murder (καὶ ἐνθυμηθεῖσα) and having made its instrument with her own hands (καὶ χειρουργήσασα), will finally receive punishment (ἦδη ἔξει with the implied τὰ ἐπίχειρα). This detail was pointed out by M. N. Kazanskaia, for which I am deeply grateful.

¹⁷ Heitsch 1984, 30.

¹⁸ Heitsch 1984, 31.

the making of poison, but the actions of the stepmother described in 1. 26 (ἡ δὲ πέμψασα τὸ φάρμακον καὶ κελεύσασα ἐκείνῳ δοῦναι πιεῖν), he insists that the participle here denotes the direct action that led to death: “*wie sie auch nicht etwa nur zur Tat angestiftet, sondern selbst getötet hat*”.¹⁹ She carried out all actions resulting in the death of two people, on her own initiative, with full awareness of the consequences and the intention to achieve them.

I believe that the arguments presented are sufficiently convincing to prefer the manuscript reading. However, it is not entirely clear how exactly the participle χειρουργήσασα is to be understood. Three reputable editors and commentators of the text — Reiske, Maetzner, and Müller — interpret this participle as the preparation of poison and understand the passage as follows: the stepmother planned the poisoning, prepared the poison, and handed it to the concubine under the guise of a love potion, while the concubine carried out the task. After Blass’s emendation, many editors accepted it without feeling the need to comment, as if it was obvious that the manuscript text offers an absurd reading. Publishers and commentators, who nonetheless rejected the transposition, considered the verb to mean an action performed by the stepmother, whether as the preparation of poison or sending it to Piraeus. At the same time, explaining the use of this verb in relation to the accused, they seek to determine its special meaning in the context of the speech beyond the literal: as a rhetorical exaggeration or a way to concentrate full responsibility for the murder on the stepmother. It can be assumed that after the transposition made by Blass, which turned out to be so authoritative, a literal understanding is no longer perceived as sufficient. The editors and commentators defending the manuscript variant seek to give it greater significance for the expressiveness and persuasiveness of the accusation. Meanwhile, the rhythm of the phrase, its rhetorical content, suggests that Blass’s transposition is redundant. It seems that the etymological meaning of the verb takes a back seat here, while the opposition between the unwitting instrument of the crime and the one who planned and *carried it out* takes the foreground.

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¹⁹ Ibid.

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В речи Антифонта «Обвинение мачехи в отравлении» подчеркивается противопоставление между автором преступного замысла и организатором убийства, с одной стороны, и непосредственным исполнителем — с другой. Обвинитель утверждает, что его мачеха замышляла убить своего мужа и обманом убедила рабыню подмешать яд в вино. Рабыня была казнена как убийца, но обвинитель пытается доказать, что настоящей виновницей является мачеха, задумавшая преступление. Рукописи (20) дают текст, который в переводе звучит следующим образом: «Одна женщина, так как она служила помощницей, понесла заслуженное наказание, хотя она ничуть не виновна в умысле на убийство. А другая, так как она виновна, потому что она и задумала преступление, и собственноручно изготовила орудие убийства, понесет наконец-то, если этого захотите вы и боги». Причастие χειροῦρήσασα, «совершившая своими руками», приписывается мачехе. Фридрих Бласс в своем издании 1871 г. переставил слова καὶ χειροῦρήσασα, отнеся их к рабыне, которая подлила отраву в вино, веря словам обвиняемой, что это любовное зелье. Таким образом Бласс подчеркнул различие между замыслом и исполнением. Почти все издатели приняли перестановку. В то же время некоторые ученые отдают предпочтение рукописному чтению. Райске и вслед за ним Мецнер предложили буквальное понимание причастия, «изготовившая яд». Виламовиц рассматривал χειροῦρήσασα как риторическое преувеличение. Адельмо Баригации и Эрнст Хайч толковали причастие χειροῦρήσασα, в тексте рукописей относящееся к мачехе, как способ сосредоточить всю полноту ответственности — и за преступный замысел, и за его исполнение — на мачехе. В статье представлены аргументы в защиту рукописного чтения и варианты его трактовки.

Ключевые слова: Антифонт, «Обвинение мачехи в отравлении», судебная риторика, рукописное чтение, замысел и исполнение.

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