

Action, Error, and Responsibility in Antiphon's Second Tetralogy

Antiphon's Second Tetralogy contains what is probably the most sophisticated treatment of human action and responsibility in extant Greek literature before Aristotle. The defendant takes up what must have seemed to many to be an impossible task: to admit that his son threw a javelin which struck and killed another boy, but to argue that his son was not guilty of unintentional homicide. Despite the inherent interest of this argument, its subtleties have been generally neglected and remain poorly understood. This neglect is due largely to doubts about the authenticity of the Tetralogies and to an assumption that they serve primarily as rhetorical showpieces rather than as vehicles for serious intellectual exploration. Much effort has been directed at attacking or defending a 5th century date for the Tetralogies and at assessing their relevance as evidence for the development of law and rhetoric. Careful analysis of their content, however, has remained conspicuously absent from most major treatments of the 5th century sophistic movement. Those who have taken the central argument of the Second Tetralogy seriously have tended to interpret it in light of modern conceptions of negligence. This paper argues, to the contrary, that the defendant focuses primarily on the substantially broader issues of the proper description and classification of actions and of the nature of error or mistakes. Though the defendant gestures in the direction of 'negligence' when he denies that his son acted carelessly, he presents this consideration as an addendum to his central argument. The core of his defense consists in a classification of unintentional actions as actions in which an agent fails to achieve his intended aim because of some error on his part. Error, in turn, is conceived broadly as any failure of execution and hence extends beyond errors of judgment and mistakes due to carelessness. The defendant's case thus rests on a novel view of action and responsibility that is nonetheless coherent and defensible. A more nuanced appreciation of the argument and the conception of responsibility it defends not only reveals their distinctiveness, but also helps to show how the Tetralogies are best understood not as mere rhetorical display pieces, but as complex explorations of intellectual problems emerging from Athenian legal practice.

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