

NOTES ON ANAXIMENES' *TEXNH PHTOPIKH*

FUHRMANN's work on the manuscripts¹ of Anaximenes' *Τέχνη Πητορική*, finally made public in his Teubner text (Leipzig, 1966), has left the ground clear for critical operations. A solid start was made by Spengel and Kayser (for references to their contributions, and to those of other scholars, see Fuhrmann, pp. xlvī–xlviii, whose abbreviations are used below); but that there are still serious flaws in the text has recently been shown by R. Kassel² (*Philologus* 1967, 122–6). The main purpose of the following notes is to air difficulties, some afresh, some for the first time.

- p. 9. 4–11 τὸ μὲν οὖν ὁμοιον τῷ νομίμῳ τοῦτον τὸν τρόπον λαμβάνεται, τὸ δὲ ἐναντίον ὥδε· εἰ γὰρ ὁ νόμος ἀπαγορεύει τὰ δημόσια διανεμέσθαι, δῆλον ὅτι τοὺς διαιρουμένους αὐτὰ πάντας ἀδικεῖν ὁ νομοθέτης ἔκρινεν· εἰ γὰρ τιμᾶσθαι οἱ νόμοι προστάττουσι τοὺς καλῶς καὶ δικαίως τῶν κοινῶν ἐπιστατήσαντας, δῆλον ὡς καὶ τοὺς τὰ δημόσια διαφθείροντας τιμωρίας ἀξίους νομίζουσιν

The second example is apt, the first not, because the author is discussing not outright illegality, which falls within the compass of τὸ νόμιμον, but two ways of bringing within the compass of τὸ νόμιμον acts that are not expressly illegal. Deletion of the first example must therefore be considered. It should not be thought, however, that there is anything wrong with the asyndetic coupling of two examples that both lead off with γάρ (cf. p. 10. 9–11).

- p. 14. 15–20 εἰσὶ δὲ νόμοι συλλήβδην μὲν εἰπεῖν ὁμολογήματα κοινὰ πόλεως ἅ διὰ γραμμάτων ὀρίζει καὶ προστάττει πῶς χρῆ πράττειν ἕκαστα. δεῖ δὲ αὐτῶν τὴν θέσιν <τοιάνδε ποιεῖσθαι> ἐν μὲν ταῖς δημοκρατίαις τὰς μικρὰς ἀρχὰς καὶ τὰς πολλὰς κληρωτὰς ποιεῖν (ἀσταςίαστον γὰρ τοῦτο), τὰς δὲ μεγίστας χειροτονητὰς ὑπὸ τοῦ πλήθους

Kayser¹ 288 saw that something was amiss and proposed τῇ θέσει for τὴν θέσιν. The remedy suggested here is in keeping with the author's methodical way of introducing and rounding off his various sets of instructions; for the wording cf. p. 16. 3–4, where he rounds off the first half of the present subject: τῶν μὲν οὖν ἐν ταῖς δημοκρατίαις νόμων τοιαύτην δεῖ τὴν θέσιν ποιεῖσθαι.

- p. 16. 15–20 καθόλου δὲ εἰπεῖν δεῖ τοὺς νόμους ἐν μὲν ταῖς δημοκρατίαις κωλύειν τοὺς πολλοὺς ταῖς τῶν πλουσίων οὐσίαις ἐπιβουλεύειν, ἐν δὲ ταῖς ὀλιγαρχίαις ἀποτρέπειν τοὺς τῆς πολιτείας μετέχοντας ὑβρίζειν τοὺς ἀσθενεστέρους καὶ συκοφαντεῖν τοὺς πολίτας

The sentence is meant to be a summary of p. 14. 14–p. 16. 15, in which nothing has been said about συκοφαντία in oligarchies. Since συκοφαντία is

¹ He did not go over the papyrus, but if a brief inspection can be trusted, Grenfell and Hunt took such pains over reading it that he would not have had anything new to offer (in line 1 *τουτοις* is not impossible, and in lines 22–3 their articulation needs

adjusting: *οὕτω κ* and almost certainly stood at the beginning of 23, and accordingly it is unlikely, despite traces of ink, that anything followed *εὐεργετησαντας*).

² —to whom thanks are due for his comments on this article.

usually regarded, and not less by Anaximenes (p. 15. 12–13), as a pastime of the *πλῆθος* in democracies, its association with oligarchies here is best put down to an interpolator, as it was by Fuhr¹ 1597 (Spengel⁴ had decided ‘καὶ συκοφαντεῖν τοὺς πολίτας ad democratiam spectant, post ἐπιβουλεύειν inserenda’); an incidental advantage is that the μέν and δέ phrases then balance perfectly. Unfortunately Fuhr² 1417–18 submitted to the authority of the papyrus, and Fuhrmann registers no suspicions.

p. 18. 2 ‘Zu bemerken ist πρότερόν τι τῇ πόλει ἀγαθὸν πεποιηκότας’ Wendland² 488, in a list of Hellenistic usages (cf. LSJ ποιέω B 2, where, incidentally, Ar. Nu. 388 has no right to be cited). More important, in the 10 pages of this chapter there are only 2 other instances of hiatus, and in both places (p. 17. 18, p. 18. 9) the text is uncertain. The author probably wrote τὴν πόλιν.

Fuhrmann is too ready to introduce hiatus by conjecture (e.g. p. 26. 2, p. 31. 2, p. 52. 21).

p. 27. 14–17 φάθι τὸ μὲν ἀδικεῖν εἶναι τῶν πονηρῶν ἀνθρώπων ἴδιον, τὸ δὲ ἑξαμαρτάνειν

(Zwierlein, cf. *Philol.* 1967, 126: ἑξαμαρτεῖν codd.)

καὶ περὶ τὰς πράξεις ἀτυχεῖν οὐ μόνον εἶναι ἑαυτῷ ἴδιον ἀλλὰ καὶ κοινὸν καὶ τῶν δικαζόντων καὶ τῶν ἄλλων ἀνθρώπων

μόνον . . . ἑαυτοῦ Finckh¹, μόνῳ . . . σαυτῷ Spengel⁶

Some change must be made in this sentence, because ‘not only peculiar to oneself but also common . . .’ is nonsense. ἀλλὰ [καὶ] circumvents this, but [οὐ μόνον εἶναι ἑαυτῷ ἴδιον ἀλλὰ καὶ] would also dispose of one hiatus and the necessity of introducing another (between p. 25. 14 and p. 37. 2 there is only one certain hiatus, and that not a harsh one: p. 29. 5 βίῳ ἐναντιώσεις; p. 28. 10 που ἦ is probably admissible, and the text of p. 28. 17–18 is in disorder).

If these words are removed, the antithesis is sharpened and the personal reference, unwelcome in a distinction between terms, disappears. Cf. p. 87. 21–3 τὸ μὲν ἀμαρτάνειν κοινὸν πάντων ἀνθρώπων ἐπιδεικνύοντας, τὸ δ’ ἀδικεῖν ἴδιον τῶν πονηρῶν.

p. 28. 9–14 δεῖ δὲ τὸν ἐξετάζοντα ζητεῖν εἴ που ἦ ὁ λόγος ὃν ἐξετάζει ἢ αἱ πράξεις τοῦ ἐξεταζομένου ἢ αἱ προαιρέσεις ἐναντιοῦνται ἀλλήλαις. ἢ δὲ μέθοδος ἥδε σκοπεῖν ἐν τῷ παροισχομένῳ χρόνῳ εἴ τῳ πρώτῳ τις φίλος γενόμενος πάλιν ἐχθρὸς ἐγένετο καὶ πάλιν φίλος τῷ αὐτῷ τούτῳ

To be inconsistent it is not necessary to change from A to B and back again to A: it suffices to change from A to B. There is therefore corruption, probably by loss rather than interpolation, in the εἰ clause (e.g. . . . πάλιν ἐχθρὸς ἐγένετο <ἢ πρῶτον ἐχθρὸς γενόμενος> [καὶ] πάλιν φίλος τῷ αὐτῷ τούτῳ).

p. 34. 1–p. 35. 6 This is all very difficult, and the difficulties are not just matters of wording. First the opening of the chapter (p. 34. 1–7):

παραδείγματα δ’ ἐστὶ πράξεις ὅμοιαι γεγενημέναι καὶ ἐναντία ταῖς νῦν ὑφ’ ἡμῶν λεγομέναις. τότε δὲ χρηστέον αὐτοῖς ἐστίν, ὅταν ἀπιστον ὃν τὸ ὑπὸ σοῦ λεγόμενον εἶναι φανερόν ποιῆσαι λέγῃς, ἐὰν διὰ τοῦ εἰκότος μὴ πιστεύηται, ὅπως πρᾶξιν ὁμοίαν ἑτέραν τῇ ὑπὸ σοῦ λεγομένη καταμαθόντες οὕτω πεπραγμένην ὥς σὺ φῇς πεπραχθαι μᾶλλον πιστεύσωσι τοῖς ὑπὸ σοῦ λεγομένοις

θέλῃς pro λέγῃς Fuhrmann (ὅτε N . . . θέλεις ed. Ven. 1536)

There is more wrong with this than Fuhrmann acknowledges:

1. εἶναι 'abundat' Spengel².
2. φανερόν should be πιθανόν.
3. ὅταν . . . τὸ ὑπὸ σοῦ λεγόμενον πιθανὸν ποιῆσαι θέλης and ὅπως . . . μᾶλλον πιστεύσωσι τοῖς ὑπὸ σοῦ λεγομένοις say roughly the same thing.
4. It is hard to believe that Anaximenes confined all παραδείγματα, and not just παραδείγματα drawn from things that have happened παρὰ λόγον, to the unconvincing parts of one's case.

Daggers must be used, one before εἶναι and the other after εἰάν, or perhaps even wider apart; though there is little doubt that the passage has been expanded, the additions are not easy to isolate (if the whole of the second sentence were removed, the opening of this chapter would resemble the opening of chapter 11; but there is nothing against the ὅπως clause).

Then the rest, which unfortunately has to be set out in full (Fuhrmann's lineation is reproduced):

εἰσὶ δὲ

τῶν παραδειγμάτων δύο τρόποι· τὰ μὲν γὰρ τῶν πραγ-
μάτων γίνεται κατὰ λόγον, τὰ δὲ παρὰ λόγον. ποιεῖ
δὲ τὰ μὲν κατὰ λόγον γινόμενα πιστεῦσθαι, τὰ δὲ μὴ
κατὰ λόγον ἀπιστεῖσθαι. λέγω δ' οἷον εἴ τις φάσκει
τοὺς πλουσίους δικαιοτέρους εἶναι τῶν πενομένων καὶ
φέρει τινὰς πράξεις πλουσίων ἀνδρῶν δικαίας. τὰ μὲν
οὖν τοιαῦτα τῶν παραδειγμάτων κατὰ λόγον εἶναι
δοκεῖ· τοὺς γὰρ πλείστους †ἰδεῖν† νομίζοντας τοὺς
πλουτοῦντας δικαιοτέρους εἶναι τῶν πενομένων. εἰ δέ τις
πάλιν ἀποφαίνει τινὰς τῶν πλουσίων ἐπὶ χρήμασιν
ἀδικήσαντας, τῷ παρὰ τὸ εἰκὸς γενομένῳ παραδείγματι
χρώμενος ἀπίστους ἂν ποιῶι τοὺς πλουτοῦντας. ὥσαύτως
δὲ καὶ εἴ τις φέρει παράδειγμα τῶν κατὰ λόγον εἶναι
δοκούντων, διότι Λακεδαιμόνιοι ποτε ἢ Ἀθηναῖοι πολλῷ
πλήθει χρώμενοι συμμάχων κατεπολέμησαν τοὺς ἐναν-
τίους, καὶ προτρέποι τοὺς ἀκούοντας πολλοὺς συμμάχους
ποιεῖσθαι· τὰ μὲν οὖν τοιαῦτα παραδείγματα κατὰ λόγον
ἐστίν· ἅπαντες γὰρ νομίζουσιν ἐν τοῖς πολέμοις τὸ πλῆθος
οὐ μικρὰν ῥοπήν ἔχειν πρὸς τὴν νίκην. εἰ δέ τις ἀποφαίνειν
ἐθέλοι μὴ τοῦτ' αἴτιον τοῦ νικᾶν, τοῖς παρὰ τὸ εἰκὸς γε-
νομένοις πράγμασι χρῆσται· ἂν παραδείγμασι λέγων ὥς . .

p. 34. 10 πιστεῦσθαι <τὰ εἰκότα> Kayser¹ 284

p. 35. 2 τὰ μὲν οὖν . . . 3 ἐστίν *del.* Spengel¹

Kayser's supplement, right or not, has great value as a diagnostic conjecture. Whatever Anaximenes' failings, obscurity was not one of them, and yet the text here is undeniably obscure: who or what is believed or disbelieved has to be puzzled out by the reader, and if he casts about for help he will only be wandering further into the maze (7 μᾶλλον πιστεύσωσι τοῖς ὑπὸ σοῦ λεγομένοις, 19 ἀπίστους ἂν ποιῶι τοὺς πλουτοῦντας).

Whether Spengel was right is a bigger question than it seems, for the structure of p. 34. 20 εἴ τις φέρει . . . p. 35. 4 νίκην is the same as the structure of p. 34. 11 εἴ τις φάσκει . . . 16 πενομένων (after all, both depend on p. 34. 11 λέγω δ' οἷον).

The main problems are these :

1. What is the function of *μὲν οὖν* at p. 34. 13 and p. 35. 2?
2. What apodosis is to be understood with the *εἰ* clauses?

1. No other of the 100-odd instances of *μὲν οὖν* in Anaximenes is like these; the way has to be paved for retrospective *μὲν οὖν* (more strictly, prospective *μὲν* + retrospective *οὖν*) by a previous mention of whatever the *μὲν οὖν* sentence is about (e.g. p. 34. 1 *παραδείγματα δ' ἐστὶ . . .*, p. 35. 23 *τῶν μὲν οὖν παραδειγμάτων . . .*). Without some such introduction as *κατὰ λόγον μὲν ὧδε*, these illustrations cannot be dismissed with *τὰ μὲν οὖν τοιαῦτα . . . κατὰ λόγον . . .* Furthermore, in both places *τὰ μὲν οὖν τοιαῦτα* is premature, because Anaximenes has more to say about his particular illustrations.

2. In other places where Anaximenes leaves the apodosis of *λέγω δ' οἶον εἰ* unexpressed (e.g. p. 36. 11) it is readily supplied from the context. The apodosis of the first illustration (p. 34. 11 *εἴ τις φάσκει . . .*) is clearly 'this would be *κατὰ λόγον*' or 'this would make for credibility', and it might be expected that the apodosis of the second (20 *εἴ τις φέροι . . .*) would be the same; but it cannot be, because *τῶν κατὰ λόγον εἶναι δοκούντων* already occurs in the protasis (20). What then is it?

No better solution has suggested itself than this: p. 34. 13 [*τὰ μὲν οὖν τοιαῦτα τῶν παραδειγμάτων*], 20 [*τῶν κατὰ λόγον εἶναι δοκούντων*], p. 35. 2 [*τὰ μὲν οὖν τοιαῦτα παραδείγματα*]. Both apodoses are now expressed, but the change of mood is not encouraging.

A final observation: the number and detail of the illustrations attached to p. 35. 6 *λέγων ὥς* expose the generality of the ones that occur in the rest of the chapter, and it would be nice to know what accounts for the disparity.

p. 38. 17-18 *τοῖς τῶν προγεγεννημένων παραδείγμασι χρωμένους*

codd. praeter H¹

τοῖς προγεγεννημένοις παραδείγμασι χρωμένους

H¹

Since the meaning of *τοῖς τῶν προγεγεννημένων παραδείγμασι* is not clear, the reading of H¹ should be preferred. For the juxtaposition of datives, at first misleading, cf. p. 34. 18-19 *τῷ παρὰ τὸ εἰκὸς γενομένῳ παραδείγματι χρώμενος*.

p. 43. 2-5 *δεῖ δὲ καὶ διδάσκειν ὅτι οὐ συμφέρει τὸ ψεῦδος μαρτυρεῖν αἱ μὲν γὰρ ὠφέλειαι μικραί, τὸ δ' ἐξελεγχθῆναι χαλεπὸν, γνωσθέντα δ' οὐ μόνον εἰς ἀργύριον οἱ νόμοι ζημιούσιν ἀλλὰ καὶ εἰς δόξαν καὶ εἰς ἀπιστίαν*

<οὐ> χαλεπὸν Finckh¹ γνωσθέντα γὰρ Fuhr¹

Finckh's conjecture was rightly dismissed by Kayser¹ 283, who could have appealed to Dem. 9. 37 *χαλεπώτατον ἦν τὸ δωροδοκοῦντ' ἐλεγχθῆναι*. Fuhr's γὰρ is more attractive, but further measures are required, for *οὐ μόνον εἰς ἀργύριον . . . ἀλλὰ καὶ εἰς δόξαν καὶ εἰς ἀπιστίαν* demands an impossible switch in the meaning of *εἰς*. *καὶ εἰς ἀπιστίαν* looks like an attempt at making *καὶ εἰς δόξαν* more explicit. Alternatively, the whole clause may have been added by someone who misunderstood *χαλεπὸν* ('... and conviction is difficult, but if you are found guilty . . .').

p. 50. 21 *μηδέποτε κακὸν ὑπὸ τῶν πολεμίων παθεῖν*

Perhaps *μηδ' ἐν μηδ' ἐποτε κακόν*.

p. 56. 10-11 *σὺ γὰρ κἀκείνων αἴτιος ἐγένου καὶ τούτων αἴτιος σὺ*

¹ αἴτιος σὺ codd. praeter H: αἴτιος εἰ H

Editors follow the weight of the manuscripts, but $\epsilon\lambda$ is much superior: the author is illustrating how particles should balance, and the better the clauses they accompany balance, the better the illustration.

p. 56. 22-4 νῦν μὲν ἐγγενόμενα τὰ ἄρθρα σαφῇ ποιεῖ τὴν λέξιν, ἐξαιρεθέντα δὲ ἀσαφῇ ποιήσει· ἔσθ' ὅτε δὲ συμβαίνει καὶ τὸ ἀνάπαλιν

Surely νῦν μὲν <γάρ> ἐγγενόμενα, and perhaps also νῦν μὲν <γάρ> ἐγγενόμενα <μὲν>.

p. 64. 7-10 αἱ δὲ περὶ τὸ πρᾶγμα (sc. διαβολαὶ) γίνονται μὲν ὅταν τις ἡσυχίαν πρὸς τοὺς μηδὲν ἀδικούντας ἢ πρὸς τοὺς κρείττονας συμβουλευῇ ἢ εἰρήνην ποιεῖσθαι αἰσχράν.

The ὅταν clause has been emended in several ways, but it is easier to suppose that something is missing, e.g. ὅταν τις ἡσυχίαν πρὸς τοὺς <ἀδικούντας ἄγειν ἢ πολεμεῖν πρὸς τοὺς> μηδὲν ἀδικούντας . . .

p. 85. 6-14 περὶ μὲν οὖν τῶν σαφῶς εἰρημένων νόμων . . . περὶ δὲ τῶν ἀμφιβόλων, ἔαν οὕτως ὑπολαμβάνωσιν ὡς σοὶ συμφέρει, χρή ταῦτα ὑποδεικνύειν, ἂν δ' ὡς ὁ ἐναντίος λέγει, χρή διδάσκειν ὡς ὁ νομοθέτης οὐ τοῦτο διανοεῖτο ὁ σὺ λέγεις, καὶ ὅτι συμφέρει αὐτοῖς οὕτω λέγειν τὸν νόμον. ἔαν δὲ μὴ δυνατὸς ᾦς ἐπὶ τὸ ἐναντίον μεθιστάναι, δείκνυε ὡς οὐδὲν ἄλλο λέγειν ὁ ἐναντίος δύναται νόμος ἢ ὁ σὺ

οὐ τοῦτο διανοεῖτο <ἄλλ'> Spengel³ (cf. Kayser² 70)

λέγειν δύναται ὁ νόμος Kayser¹ 289-90, [νόμος]? Spengel³

The jury may interpret ambiguous laws either in your favour or in your opponent's favour. In the former case, indicate (?) your interpretation; in the latter, argue that your interpretation alone is in accord with the lawgiver's intention, which it is in their interest to respect.

'If, however, you cannot make the opposite interpretation stick'—then what? According to the manuscripts, 'demonstrate that the opposite law can only be saying the same as you'; according to Kayser and Fuhrmann, 'demonstrate that the law can only be saying the same as you' (in other words, if you cannot convince them that the law means what you say it means, demonstrate that the law can only be saying the same as you).

For once Kayser has outdone the manuscripts in absurdity; but the manuscripts are still a long way from the truth, whatever it may be. The trouble with Spengel's conjecture (which certainly squares better with the absence of λέγεις after ὁ σὺ) is that οὐδὲν ἄλλο λέγειν δύναται is more appropriate to a law than to one's opponent, who, one would argue, οὐδὲν ἄλλο λέγει or οὐδὲν ἄλλο λέγειν βούλεται; besides, the text ought to disclose how a manœuvre so delicate is to be executed.

p. 88. 7-10 λέγειν μὴ κωλύειν τὸν νόμον ἢ αὐτὸν γεγραμμένα λέγειν ἢ ἐκεῖνον ἄγραφα[· τὸν γὰρ νόμον οὐκ ἔαν τοιαῦτα πράττειν], λέγειν δὲ ὅπως ἂν τις βούληται συγχωρεῖν

A very silly interpolation.

It is difficult to judge when the language of an interpolated passage should be improved, but at p. 96. 9-10 πόλεμον . . . αἰρεῖσθαι ought perhaps to be αἵρεσθαι or ἀναιρεῖσθαι, and at p. 96. 16 the article in ἀπὸ τῶν τιμημάτων is better omitted (ibid. 23, p. 21. 2).