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Notes on pseudo-Apsines

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ABSTRACT: The paper discusses problems of text and interpretation in the rhetorical treatise traditionally attributed to Apsines: (i) two declamation themes mentioned in 1.33 are clarified; (ii) in 1.44 emendation of ποιεῖ to παίει is proposed; (iii) points of rhetorical theory in 4.15 and 5.10 are explained, leading to a defence of the transmitted text; (iv) an explanation is offered of the concepts of 'leading' and 'necessary' arguments in 10.3, and the implications of this passage for the composition of the treatise are briefly discussed; (v) at 10.14 deletion of συγκρίσεως may be the best solution to the textual problem.

The recent publication of two bilingual editions[1] of the rhetorical treatise dubiously[2] attributed to Apsines provides a welcome stimulus to renewed reflection on the many problems of text and interpretation that it contains: ἴσως δ' ἄν τι καὶ αὐτὸς συνεισενεγκεῖν ὡς εἰς κοινὸν ἔρανον δυνηθείην.

1.33.3f. (224.3f.): οἱ ῥήτορες πρὸ τῶν ἐκκλησιῶν βουλευόμενοι κρίνονται.

'Speakers who give advice before the assembly are brought to trial' (Kennedy); 'les orateurs donnent leur avis avant les assemblées et ils sont mis en accusation' (Patillon). But what objection could anyone have to their giving advice? The speakers surely attract hostility not by giving advice but by taking counsel with each other prior to the assembly. The objection is to politicians colluding to rig the outcome of debates.

1.33.4f. (224.4f.): πάντα ῥήτορα νικῶντα γράφει τις ἐλαύνειν.

'Someone introduces a motion to exile every successful speaker' (Kennedy); 'quelqu'un propose d'exiler tout orateur à succès' (Patillon). The proposal envisaged in these translations would be most ill-advised, since if carried it would expose the proposer himself (now *ex hypothesi* a successful speaker) to the penalty of exile. Related declamation themes show that it is not success as such that provokes legal restraints, but invariable success (Syrianus 2.150.19-22: ῥήτωρ ἐπὶ τῷ πάντα νικᾶν ἐφυγαδεύθη...; *RG* 8.408.1-3: ῥήτορι πάντα νικῶντι ἐψηφίσατο ἡ πόλις σιωπᾶν...; *RG* 8.411.1-3: ῥήτωρ ἐπὶ τῷ πάντα νικᾶν

[1] Mervin R. Dilts and George A. Kennedy (ed.), *Two Greek Rhetorical Treatises from the Roman Empire: introduction, text, and translation of the Arts of Rhetoric attributed to Anonymous Seguerianus and to Apsines of Gadara* (Leiden: Brill, 1997), reviewed D.M. Schenkeveld, *Mnemosyne* 53 (2000), 236-40. Michel Patillon (ed.) *Apsinès, Art rhétorique. Problèmes à faux-semblant* (Paris: Les Belles Lettres 2001); see my review, *CR* 52 (2002), 11-13. I give references by the chapter and section numbers introduced by Dilts and Kennedy, and adopted by Patillon, together with the line number in Patillon, adding the page and line numbers from Spengel-Hammer in brackets. The research for this paper was completed with the support of a British Academy Research Readership.

[2] Both recent editions accept the attribution, and are thus forced to make a number of excisions from the text which I think cannot be justified on text-critical grounds: hence, in part, my rejection of the traditional attribution. See M. Heath, 'Apsines and Pseudo-Apsines', *AJP* 119 (1998), 89-111 (where I also, less confidently, make suggestions about the authorship of this work and pseudo-Hermogenes *On Invention*).

ἐκελεύσθη σιωπᾶν διὰ ψηφίσματος…). The word-order in the present instance is admittedly misleading, but rhetorical technography is often remarkably careless of the reader's convenience. If any change is necessary a transposition (ῥήτορα πάντα νικῶντα) would perhaps suffice.

1.44.10-12 (227.7f.): συνεχῶς πλούσιος πένητος ἀνδριάντα ποιεῖ, καὶ κρίνεται ὑπ᾽ αὐτοῦ ὕβρεως.

This, the reading of A, is obviously silly;[3] B's πένητα ἐπανατείνεται is simply an attempt to solve the problem by substituting the more commonly attested variant in which the rich man makes threatening gestures towards the poor man without actually striking him.[4] As Patillon notes (129 n.60), the statue is secured by the principle of *lectio difficilior* and by the parallel in Quintilian (4.2.100): *qualis est ille diues qui statuam pauperis inimici flagellis cecidit et reus est iniuriarum*. But Patillon's <ὑβρίζεσθαι> ποιεῖ is vague and has a makeshift air. I propose παίει: the rich man strikes the poor man's statue, just as he whips it in Quintilian. Syrianus uses the same verb in articulating the rich man's defence in the more common variant (ἔξεστιν ὅπως ἄν τις βούλοιτο κινεῖν τὼ χεῖρε, παίειν δὲ προπετῶς εἴργουσιν οἱ νόμοι, 2.115.10-13). In that variant a question of definition arises from the fact that the rich man did not actually *strike* the poor man; in our text it arises from the fact that he did not strike the poor man *in person*.

4.15.13-19 (267.16-268.1): τοῦτο εἰσῆκται μὲν ὡς μία ἀντίθεσις, τὸ δ᾽ ὡς ἀληθῶς εἰσὶ δύο, μία μὲν ἀπὸ τῆς βουλήσεως, ὅτι οὐκ εἰκὸς ἦν προσαπολέσαι με ἑλέσθαι τὴν γυναῖκα καὶ ὀνείδει περιβαλεῖν, εἰ μὴ ταῖς ἀληθείαις μεμοίχευτο, ἑτέρα δὲ ἀπὸ τῆς μεταλήψεως, ὅτι [Bake: εἰ A, om. B] καὶ ἄλλοι τρόποι ἦσαν ἀναιρέσεως, εἰ ἐβουλόμην ἀνελεῖν τὸν ἄνθρωπον.

The declamation theme in question is one also attested in Hermogenes, who uses it to illustrate incident conjecture (ἐμπίπτων στοχασμός): 'A man convicted of treason is to be held under arrest by the general until he reveals his accomplices; a general convicted of treason is held in the house of a fellow-general, who kills him, alleging that he had found him with his wife; the second general is charged with complicity.'[5] The primary question in this case is whether the second general was complicit in the plot, but the innocent explanation which the defendant offers for the suspicious silencing of the first general gives rise to a secondary question: did the first general commit adultery with the wife of the

[3] Kennedy's suggestion *ad loc*. ('probably a caricature, publicly ridiculing the poor man') is the best that can be done to make sense of A's text as it stands; but the crucial point would surely need to have been made explicit in the theme.

[4] Syrianus 2.50.16-23, 98.8-10, 100.1f., 8-10, 102.26f., 104.24-105.9, 107.4-6, 112.12-27, 115.10-13; Sopater *RG* 4.404.21f., 479.17-19, 482.7-10, 499.26f.; Sopater *Division of Questions* 91.26-7, cf. 83.7-8.

[5] Hermogenes *On Issues* 56.26-57.4; translation and commentary in M. Heath, *Hermogenes On Issues: strategies of argument in later Greek rhetoric* (Oxford: Clarendon Press, 1995).

second? Our author cites a declamation[6] on this theme which introduces a counterposition (ἀντίθεσις: an argument attributed to the other side so that the speaker can provide a solution, or λύσις) that he claims is in fact two distinct counterpositions presented as one.

The first of the two counterpositions is unproblematically described as based on motive (ἀπὸ τῆς βουλήσεως): the speaker would not have wished to bring a false charge of adultery against his wife. The description of the second as being based on objection (ἀπὸ τῆς μεταλήψεως) presents a difficulty, as Patillon notes (144 n.280). In conjecture the defendant asserts that his action (not, of course, the criminal act which he denies committing, but the allegedly incriminating act which the prosecution puts forward as a sign of his guilt) is allowable; this is the head of argument known as counterplea (ἀντίληψις), to which the prosecution responds with an objection (μετάληψις) conceding that the action is allowable *per se* but finding fault with it on circumstantial grounds—for example, that it is not permissible for this person, or on this occasion.[7] That is clearly not relevant here. Patillon conjectures ἀπὸ τῆς δυνάμεως, a counterposition based on capacity making an apparently natural complement to one based on motive, since motive and capacity are standard, linked heads of argument in conjecture.[8] But this cannot be right, since one would expect an argument for the defence based on capacity to take the form 'I could not have...'. It is not much of a defence to point out that one could have done it in other ways as well—unless the other ways would have been preferable, which seems to takes us back to arguing from motive.

A closer examination of objection may resolve the difficulty. As a regular heading in the division of conjecture (and some other issues) objection is an instance of a general pattern of argument in which an action is faulted in respect of some circumstance. But the term can also be used in an extended sense. Consider, for example, the scholia on Demosthenes 22.33. In this passage, while arguing that Androtion could not legally bring a proposal to the assembly because he was an undischarged public debtor, Demosthenes anticipates the response that, if so, Androtion's opponents should have used the legal procedure known as *endeixis*. Demosthenes replies that, while an *endeixis* will indeed be forthcoming, currently it is more appropriate to expose the illegality of Androtion's proposal through a *graphe paranomon*. In the scholia (97bc, 98) Androtion's anticipated response is identified as a counterposition based on objection (ἀντίθεσις μεταληπτική), since it finds fault with the *manner* of the proceedings; Demosthenes' reply in turn is a solution based on objection (λύσις μεταληπτική), since it finds fault with Androtion's counterposition on the grounds that *endeixis* is not the appropriate *manner* in which to proceed at the present *time*. The term 'objection' is being used here of any argument that faults an action or argument on the other side with regard to one or more elements of circumstance. That extended

[6] Depending on one's view of the text at 4.15.3 (267.6) this declamation is attributed either to Apsines or to 'us', which in turn will be either Apsines or the author of the treatise, depending on one's view of the authorship question; see Heath (n.2), 94f.

[7] Hermogenes *On Issues* 48.3-49.6.

[8] Hermogenes *On Issues* 46.8-48.7.

usage fits our passage admirably. The defendant would not have chosen to bring a false charge of adultery against his wife *at all*; this is the counterposition based on motive. And had he been aiming to silence the prisoner, then given that there were alternative and less damaging methods, he would not have chosen to do it *in this way*: this is a counterposition based on objection, faulting the prosecution's case in respect of the *manner* of the killing. In this respect, therefore, the transmitted text is therefore sound.

5.20.1-6 (276.3-7): γίνεται λύσις καὶ μεταστατικῶς ἢ ἐπὶ τὰ ἐν ἡμῖν πάθη συγγνωστά, οἷον ἀδικεῖς, φησίν, ὑβρίσας· ἢ συγγνωστὸς [συγγνωστῶς Volkmann] διὰ μέθην ἢ διὰ μανίαν. ἐπὶ τὰ ἐκτὸς δέ, ὡς ἐν τῷ περὶ στεφάνου· ἥττης γέγονας αἴτιος, ὦ Δημόσθενες· κυρία τούτου ἡ τύχη.

This is the text in A; B offers only minor variants. The passage has exercised editors greatly, but needlessly.

The heads of argument called transference (μετάστασις) and mitigation (συγγνώμη), together with the homonymous issues, were generally distinguished in terms of the external or internal factors that could be cited in defence of an admittedly improper action.[9] So interference by a third party would be an instance of transference, overwhelming passion an instance of mitigation. Of the examples mentioned in this passage, drunkenness and insanity standardly fall under mitigation, and chance under transference.[10] The distinction between these two heads of argument is therefore the key to understanding the passage.

In the present passage γίνεται λύσις καὶ... ἢ... must follow the pattern of 5.19 (276.1f.), where γίνεται δὲ λύσις καὶ ἐκ τοῦ ἐλλιποῦς ἢ παραγραφικῶς describes alternative kinds of solution,[11] rather than that of 5.17 (275.4), where ἐκ τοῦ ὁμοίου and συλλογιστικῶς are equivalent (if there were not an ἢ between them, we would not need to introduce one by conjecture). So our author is saying that a solution can also arise through transference or mitigation. He could have expressed this more symmetrically: γίνεται λύσις καὶ μεταστατικῶς ἢ συγγνωμονικῶς; the words ἢ ἐπὶ τὰ ἐν ἡμῖν πάθη συγγνωστά are a periphrastic replacement for the latter adverb that anyone familiar with the standard definitions of transference and mitigation would understand immediately (and that might, conceivably, provide a student who was uncertain on the point with a concise reminder of what he had been taught). Likewise the phrase ἐπὶ τὰ ἐκτός is equivalent to μεταστατικῶς. So we may translate:

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[9] Hermogenes articulated the distinction in different terms, while acknowledging the standard doctrine: *On Issues* 39.6-19, 75.11-21. Patillon suggests that in the present passage mitigation has been subsumed into transference (148 n.337), but cites no parallel; if there were a difficulty in the passage, it would not be acceptable to solve it by postulating a unique occurrence of a non-standard usage. Dilts and Kennedy, printing μεταστατικῶς but translating μεταληπτικῶς, offer no assistance.

[10] Drunkenness and insanity: *RG* 4.397.23f., 826.3f.; 5.205.4-6; 7.391.27-29; sch. Dem. 19.101 (228, p.41.31-32.1). Chance: [Aps.] 5.21.30-32 (277.17-18); *RG* 7.586.19f.; sch. Dem.. 19.101 (228, p.42.4-7), 22.17 (53d).

[11] Patillon rightly reads the following words (ἢ κατὰ χρόνον ἢ κατὰ τόπον [A: τρόπον B; cf. Syr. 2.158.6f.] ἢ κατὰ πρόσωπον [om. A]) as subdivisions of παραγραφικῶς, rather than additional alternatives, as do Dilts and Kennedy.

> Solution can arise also through transference, or with regard to passions internal to us that allow of mitigation. E.g.: '"You have done wrong," he says, "in committing assault"—but[12] pardonably, since it was due to drunkenness, or madness.' And with regard to external factors, as in *On the Crown*: '"You are responsible for the defeat, Demosthenes"—chance was the mistress of this.'

The sequence of thought, though compressed, is coherent and would be readily intelligible to readers trained in the technicalities of issue-theory. The transmitted text may stand.

10.3.9-12 (297.22-298.2): ἕτεροι δὲ ἤδη μεταξὺ τῶν προηγουμένων [Finckh: προειρημένων AB] καὶ τῶν ἀναγκαίων πίστεων ἀνέμνησαν τῶν προηγουμένων ἀποδείξεων κεφαλαιωδῶς μέλλοντες περὶ τῶν ἀναγκαίων διαλέγεσθαι.

Finckh's correction is supported by the parallel in the summary that immediately follows, to be discussed below, and by the adaptation at *RG* 4.426.20-31 (προηγουμένων 426.24).[13] The same corruption occurs at another point in Gregory of Corinth's adaptation of this passage (*RG* 7.1225.21). Finckh also proposed to read προειρημένων in place of προηγουμένων; this is possible (cf. Anon. Seg. 210f.), is by no means equally compelling.

The passage in question is the third in a list of four possible positions for recapitulation within a speech. But in the following summary it is the second of only three positions: (i) at the end of a speech; (ii) μεταξὺ... τῶν τε ἀναγκαίων καὶ τῶν προηγουμένων ἀποδείξεων; (iii) at the end of an individual head of argument (10.3.19-23 (298.9-14)).

After summarising these three positions, our author goes on to say that a recapitulation of type (i) sets out all the questions addressed in the speech, and includes a reminder τῶν προηγουμένων ἀποδείξεων... καὶ τῶν ἀναγκαίων, while a recapitulation of type (ii) provides a reminder τῶν ἀναγκαίων πίστεων (10.3.25-8 (298.14-19)). In place of this last occurrence of ἀναγκαίων Hammer conjectured (but did not print) προηγουμένων,[14] on the grounds that the transmitted text seems to contradict the earlier statement that a recapitulation of this type provides a reminder τῶν προηγουμένων ἀποδείξεων when one is going on to speak περὶ τῶν ἀναγκαίων. The corruption is a relatively old one, since the adaptation at *RG* 4.426.28 already has ἀναγκαίων. But I have been unable to find a way to make consistent sense of the paragraph without this change.

The textual uncertainties are not the only difficulties which this discussion presents. The disappearance of the second of the four positions originally listed is puzzling. More fundamentally, we need to achieve a clearer understanding of what

[12] On this ἢ see Patillon 54 n.318; I note, however, that at 5.7.7 (271.17) B has ἢ where ἀλλά is undoubtedly correct.

[13] This comes from a section (422.18-429.5) with the heading (omitted in Walz, but retrieved from the manuscript by H. Rabe, 'Aus Rhetoren Handschriften: 11. Der Dreimänner Kommentar WIV', *RM* 64 (1909), 588) Μητροφάνους, Ἀθανασίου, Πορφυρίου καὶ Πολέμωνος; Metrophanes and Porphyry are third-century, Athanasius fourth- or fifth-century, while Polemo is entirely obscure.

[14] C. Hammer, *De Apsine Rhetore* (Prog. Guntianum, 1876), 28.

is meant by 'leading' and 'necessary' proofs or demonstrations,[15] and of why our author assumes that there will be a transitional point between them at which a recapitulation can be inserted.

As often with rhetorical terminology, the usage of προηγούμενος is varied. It can refer simply to the order in which points are introduced in a speech; but it can also refer to more abstract kinds of precedence which may vary independently of the actual order in which things occur in a speech. For example, the leading question may be the one which the jury is ultimately required to adjudicate. A commentator on Hermogenes observes (*RG* 7.336.15-337.14) that in incident conjectures (such as the case of the general discussed above) the leading question is addressed first, and the incident question is introduced subsequently in order to test the defence's explanation of apparently incriminating facts; by contrast the leading question in pre-confirmatory (προκατασκευαζόμενος) conjecture has to be addressed second, since it rests on presuppositions that require prior investigation.[16] From another perspective, however, it is precisely the investigation of the presuppositions of the question for ultimate adjudication that is leading, since the presuppositions have logical priority. Thus in the *First Olynthiac* the question of whether the war should be fought (advantage) is logically prior to the question of how the war is to be financed (feasibility), since the latter does not arise unless and until it has been established that the war should be fought; but for tactical reasons Demosthenes places what is 'naturally leading' (τῇ φύσει προηγούμενα) second in order (τῇ τάξει δεύτερα: sch. Dem., p.6.32, cf. 5.28-30). From yet another perspective arguments which we introduce to establish our own case have precedence over those which we use to rebut the opposition; hence these too may be called leading arguments. This usage is attested, for example, in Sulpicius Victor (324.16-18 Halm): 'confirmatio est eorum argumentorum atque earum quaestionum, quae ex nostra parte sunt, quae Graeci προηγούμενα appellant.' Since arguments rebutting the opposition are typically presented by way of counterposition and solution, a contrast is often made between leading and counterposed heads of arguments (e.g. sch. Dem. 3.10 (63c); 24.108 (215c),[17] 112 (221)). Of course, tactical considerations can lead to complications here too: sometimes a leading head is introduced *as if* in response to a counterposition (ὡς πρὸς ἀντίθεσιν: sch. Dem. 17.1 (2, p.197.8-10)).

Arguments introduced to establish our own case are ones that we use of our own choice; in responding to arguments on the other side we are acting under constraint or necessity. The point is made by a commentator on Hermogenes (*RG* 7.508.21-26): what are leading heads on the prosecutor's side are necessarily (ἐξ ἀνάγκης) taken up by counterposition on the side of the defence—leading heads being those that have a positive probative force (πιστωτικά), as distinct from those that are solutions to opposing arguments (λυτικὰ τῶν ἐναντίων). It is in this sense that we should understand our author's distinction between leading and

[15] Patillon's translation ('les preuves directes et nécessaires') is accurate but unenlightening, Kennedy's ('previously introduced demonstrations' and 'full proofs') misleading; Hammer's reference (n.14) to πίστεις ἔντεχνοι is completely misconceived.

[16] Hermogenes *On Issues* 57.11-58.2.

[17] The supplement at 351.17 is wrong: read κατὰ τὸ ἑπόμενον, as at 352.26.

necessary proofs. So far as I can determine no extant Greek source provides explicit confirmation for this interpretation,[18] but Fortunatianus does: 'ipsam confirmationem nostrorum argumentorum, quae προηγούμενα dicuntur, et reprehensionem eorum, quae ab adversario proponuntur, quae ἀναγκαῖα Graeci vocant' (108.27-29 Halm); 'omnis quaestio qualis est? aut προηγουμένη, quae a nobis inducitur, ut confirmetur, aut ἀναγκαῖα, quae ab adversariis, ut refellatur' (117.6f.; cf. 115.1f.).

Leading and necessary arguments are therefore those used respectively for proof and refutation. The existence of a transitional point between the leading and necessary arguments at which an interim recapitulation could be inserted follows automatically if we assume a theory of the standard structure of a speech in which proof and refutation are treated as distinct sections. The *Rhetorica ad Herennium* (1.4) and Cicero (*Inv.* 1.19) provide evidence for such a theory in Hellenistic Greek rhetoric,[19] and Quintilian explicitly asserts it in the face of those who envisage a single section integrating positive and negative arguments (3.9.1, 5). But Greek theorists of the second century and later adopt the position which Quintilian rejects, distinguishing only four standard parts: proem, narrative, arguments and epilogue.[20] Practice, as reflected in Greek declamation from this period, likewise works with a single argumentative section in which positive arguments and solutions to opposing arguments are intermingled, generally arranging heads of argument in the order set out in the division of the relevant issue; the same is true of analyses of Demosthenes' speeches in the scholia.[21] Our author does not give an explicit programmatic statement on this point, but seems to assume the four-part analysis at 10.2.3-6 (297.2-6).

It seems likely then, that the doctrine that recapitulation may occur in three positions derives from an older source, and has not been perfectly integrated with its context. This may also explain the disappearance from the summary of the second of the four positions originally listed—recapitulation 'in the middle of the speech' (ἔνιοι δὲ καὶ κατὰ μέσον τοῦ λόγου ἐχρήσαντο τῇ ἀναμνήσει, 10.3.6f. (297.20)). The use of elements of an epilogue in the middle of a speech is

[18] The distinction is assumed in the essay on memory appended to the fragment of Longinus' *Art of Rhetoric* (193 Patillon = 205.11 Spengel-Hammer, with Patillon's correction of the transmitted text, ὅταν δὲ ἅπτηται τῶν πίστεων, <προ>ηγουμένων τε καὶ ἀναγκαίων διάκρισιν ποιοῦ), but no explanation is given.

[19] Cf. D.H. *Isaeus* 14: because Isaeus inserts proofs into the narrative, after the narrative he does not need to support his 'leading demonstrations' at length, but proceeds directly to the refutation of his opponents' arguments. This is contrasted with 'modern technical writers', who by implication follow the narrative with leading arguments (i.e. proof) and then a separate refutation.

[20] E.g. [D.H.] 367.18-21; Anon. Seg. 1. The four-part analysis at Sulpicius Victor 320.14-16 probably reflects his (second-century) Greek source Zeno (see M. Heath, 'Zeno the rhetor and the thirteen *staseis*', *Eranos* 92 (1994), 17-22); Victor himself prefers to distinguish proof and refutation (322.4-10, 324.15-20), and it is in this context that he cites the Greek term προηγούμενα.

[21] For declamation see the comments on illustrative examples in Heath (n.5), and the discussion of Lucian's *Disinherited Son* in D.H. Berry and M. Heath, 'Oratory and declamation', in S. Porter (ed.), *A Handbook of Classical Rhetoric* (Leiden 1997), 393-420. Cases based on the heads of purpose (τελικὰ κεφάλαια) are an exception, since there was no default order for these: Heath (n.5), 130.

an aspect of Demosthenes' technique often noted in later Greek sources.[22] This observation has been inserted (either by our author or by some predecessor) into material inherited from an older source, thereby creating a doublet—for these medial epilogues are generally seen as occurring at the conclusion of individual heads of argument: that is, they are identical with type (iii).

The fact that our author is using material from a variety of sources (as the Anonymus Seguerianus does more overtly) may help to explain the variations in style and presentational technique that can be observed within the treatise. It is also possible that the component parts of the treatise were composed over an extended period: the treatise as a whole may have been assembled from what were originally short essays on specific aspects of rhetorical technique. I therefore view with caution the suggestion, made by both Kennedy and Patillon, that chapter 10 is the work of a different hand from chapters 1-9. Chapter 10 does indeed have distinctive features; but chapters 1-9 are themselves not uniform, the range of variation is not obviously greater than might be expected of a single author, and chapter 10 seems to resemble the earlier chapters more than it is does the work of any other extant rhetorician. Multiple authorship cannot be excluded, but I do not think the case has yet been adequately made.

10.14.6f. (306.11f.): ἐκ τῆς παραθέσεως ἀμφοτέρων τῶν δικαίων συγκρίσεως

To cure the faulty syntax Patillon supplies ἢ before συγκρίσεως, comparing 10.8.1f., 12 (302.9f., 20f.): ἀναμνήσομεν δὲ καὶ διὰ τῆς συγκρίσεως τῶν ἀμφοτέροις δικαίων... ἢ οὕτως ἀντιπαραβαλοῦμεν τὰ ἀλλήλων δίκαια... But that passage offers alternative ways of organising a *synkrisis* (as Patillon notes, 85 n.507), not *synkrisis* and an alternative.[23] If the problem is to be solved by a supplement, therefore, Bake's καὶ might seem preferable ('by juxtaposing the claims to justice on each side and comparing them').

Deletion has also been canvassed as a cure: Dilts and Kennedy bracket παραθέσεως, while Hammer bracketed παραθέσεως ἀμφοτέρων τῶν δικαίων. But the intrusion of παραθέσεως would be difficult to account for, and I suggest that a better case could be made for deleting συγκρίσεως. Our author does not always phrase a summary in the exact words used in the substantive discussion, as the last item in the summary of recapitulations shows (ἐκ τῆς κεφαλαιώδους ἐκθέσεως τῶν εἰρημένων: cf. 10.4.1-3, where Patillon's text is a distinct improvement on that of predecessors—but the corruption may go still deeper); the terminological variation could readily have given rise to an explanatory note that was subsequently intruded into the text.

[22] See Anon. Seg. 236; Syrianus 2.111.12-20; Nic. *Prog*. 40.8-10; sch. Dem. 10.11 (9, p.149.16-22), 19.72 (172c, p.31.17-23), 24.96 (186b).

[23] The only example I have found of an opposition between σύγκρισις and παράθεσις is at sch. Dem. 21.148 (515: οὐ κατὰ σύγκρισιν, ἀλλὰ κατὰ παράθεσιν). The two terms are far more often positively associated with each other; e.g. Aphthonius 31.7f. (σύγκρισίς ἐστι λόγος ἀντεξεταστικὸς ἐκ παραθέσεως συνάγων τῷ παραβαλλομένῳ τὸ μεῖζον; cf. 17.6-10, 22.9f.); sch. Dem. 22.1 (1g: κατὰ παράθεσιν δὲ προῆκται τὸ προοίμιον... συγκρίνει γὰρ...); *RG* 4.526.14-17, 527.16-20; *RG* 7.216.9; etc.