

not the other way around, which supports ἐνδελεχῶς over ἐντελεχῶς at *Laws* 10, 905E3. And the support would be even stronger if ‘against all the laws’ (παρὰ πάντας τοὺς νόμους) was an allusion to Plato’s *Laws*, which I suppose is just possible.

The strength of the philological case for ἐνδελεχῶς should cause us to give serious consideration to accepting the reading of Stobaeus over that of the manuscripts, and explains why so many editors and translators have done so.

### *A stalemate*

We have reached a stalemate. Taken in its philosophical context, the manuscript reading ἐντελεχῶς—‘perfectly’, in the sense of completely and with a view to the best—is more natural than ἐνδελεχῶς. But there are some excellent philological reasons for thinking that Stobaeus’ reading is correct—especially the fact that ἐντελεχῶς appears nowhere (else) in *any* author. I would not go to the stake to defend either reading; but if I had to choose, I would (without much confidence) go with the manuscripts and ἐντελεχῶς: the gods ‘manage the entire heavens perfectly’—that is, they neglect nothing, and see to what is best for everything as a whole.<sup>15</sup>

*Seton Hall University*

ROBERT MAYHEW

mayhewro@shu.edu

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<sup>15</sup> I should like to thank an anonymous referee for comments on an earlier draft of this paper.

## THE MYSTERIOUS ‘CYRENEANS’ IN [DEMOSTHENES] 59.9\*

The transmitted text at the end of §9 of [Demosthenes] 59, (*Apollodorus*) *Against Neaera*, presents a scholarly puzzle of long standing. The speaker—Theomnestus in this introductory section of the speech (§§1–15)—claims that Stephanus, Neaera’s putative husband, had tried to have Apollodorus exiled:

ἐπενέγκας γὰρ αὐτῷ αἰτίαν ψευδῇ ὥς Ἀφίδναζέ ποτε ἀφικόμενος ἐπὶ δραπετήν αὐτοῦ ζητῶν πατάξειε γυναῖκα καὶ ἐκ τῆς πληγῆς τελευτήσειεν ἢ ἄνθρωπος, παρασκευασάμενος ἀνθρώπους δούλους καὶ κατασκευάσας ὥς Κυρηναῖοι εἴησαν, προεῖπεν αὐτῷ ἐπὶ Παλλαδίῳ φόνου.

For he brought a false accusation against him that once, when he had gone to Aphidna in search of a runaway slave of his, he struck a woman and the person died from the blow; (Stephanus), suborning slave persons and representing them as Cyreneans, summonsed him for homicide at the Palladium.

The most recent student of the speech, Debra Hamel, has this to say on the point: ‘[w]e cannot know why Stephanos disguised his witnesses as Kyreneans. Stephanos may not have wanted the court to know that the witnesses he was presenting—who were perhaps manifestly non-Greek—were slaves. But why Kyrene was selected as

\* A first draft of what follows profited from the reactions of Chris Carey, Debra Hamel, Kostas Kapparis, Douglas MacDowell, Cynthia Patterson, and Lene Rubinstein (most of whose

their country of origin is not clear.<sup>1</sup> Comparable, and understandable, *aporia* is expressed in (for example) the standard account of Athens' homicide laws and procedures, by Douglas MacDowell. 'The false witnesses were really slaves, but were alleged to be Kyreneans. . . . Why was a Kyrenean disguise chosen? We do not know, because we have not enough information about the circumstances of the case. But presumably there was some reason.'<sup>2</sup>

The two modern commentators on the speech, Carey and Kapparis, fare better but still offer no real enlightenment on the matter of the Kyreneans. Carey notes that

it is not clear whether these people are meant to be relatives of the dead woman, [or] her owners, or simply witnesses. The description of Stephanos' role suggests that he was the accuser, and therefore that the woman was his slave. . . . If this is correct, the 'Cyreneans' are presumably witnesses; the trick of disguising slaves as free men may have been intended to prevent their testimony being tested by torture . . . and also perhaps to increase the weight of their evidence in the eyes of the jury.<sup>3</sup>

Kapparis, for his part, begins by suggesting that 'the accent or the looks of the disguised slaves would raise less suspicion if they pretended to be from Kyrene' and adds that '[i]f these slaves had been presented as relatives of the woman, they themselves, not Stephanos, should have made the prosecution'. This latter point is then taken up more fully, as follows:

Although this [ὡς Κυρηναῖοι εἴησαν] seems to be the correct text, the confusion in several manuscripts was probably caused by the fact that the text seemed incomprehensible to some copyists and therefore corrupt. Taylor suspected this phrase: 'neque melius video, quid ad rem nostram conferret, si quam maxime Cyrenaei essent, aut potius esse videantur' and Hude (*NTF* 7 (1885–7), 251) proposed ὡς κύριοι εἴησαν; but if they were supposed to be the masters, they should be prosecuting, not Stephanos.<sup>4</sup>

This objection to Hude's κύριοι seems to me a cogent one, and I am not aware of any other conjectures currently on offer. Here I will suggest two. But before doing so it is necessary to say more about the manuscript uncertainty to which Kapparis alludes. His apparatus criticus describes it, summarily, thus:

ὡς . . . εἴησαν om. S. spatio vacuo relicto: ὡς Κυρηναῖοι εἴ om. Y, sed add. manus scribae Vk, qui ex Y descriptus est: ας ὡς . . . εἴησαν om. R spatio vacuo relicto.

In correspondence (accompanied by photographs of the manuscripts in question) Professor Kapparis has been kind enough to expand on this for me. In the oldest manuscript, S (Parisinus gr. 2934, tenth century), there is a lacuna, amounting to the second half of one line and the first half of the next, between κατασκευάσας and προεἶπεν. The second most significant manuscript, Y (Parisinus gr. 2935, eleventh century), is quite different from S in many ways but also has a gap here—a gap filled in the fourteenth century by the scholar who used Y as an original from which to copy

names reappear, uncoincidentally, in the notes below). Given their different degrees of endorsement for what I argue, it will be simplest if I exempt them all in the usual way from any shared responsibility. *CQ*'s anonymous referee made two suggestions which I have been happy to incorporate.

<sup>1</sup> D. Hamel, *Trying Neaira: The True Story of a Courtesan's Scandalous Life in Ancient Greece* (New Haven and London, 2003), 179, n. 10.

<sup>2</sup> D. M. MacDowell, *Athenian Homicide Law in the Age of the Orators* (Manchester, 1963), 107–8.

<sup>3</sup> C. Carey, *Apollodorus: Against Neaira. [Demosthenes] 59* (Warminster, 1992), 89.

<sup>4</sup> K. A. Kapparis, *Apollodorus: Against Neaira. [D. 59]* (Berlin and New York, 1999), 183, 185.

Yk (Vaticanus gr. 1407). A similar gap occurs in R (Parisinus gr. 2935, fourteenth century), not copied directly from any of the older manuscripts. Thus the origins of the phrase *ὡς Κυρηναῖοι εἶσαν* lie in manuscripts F (Marcianus gr. 416, tenth century), its 'twin' Q (Marcianus gr. 418, eleventh century), and D (Ambrosianus 112, tenth–eleventh century), a strand of the tradition that Blass almost always disregarded when it conflicted with SYR.

Two possibilities seem to flow from this. The first is that the phrase *ὡς* [plural noun] *εἶσαν* intrudes into an original which simply read *παρασκευασάμενος ἀνθρώπους δούλους καὶ κατασκευάσας, προεῖπεν κτλ.* In that event the distinction between the verbs *παρασκευάζεσθαι* and *κατασκευάζειν*, each governing the accusative *ἀνθρώπους δούλους* ('slave persons'), would lie between preparing/coaching the slaves in their role and actually bringing them forward to carry the deception off—and the present problem would vanish.<sup>5</sup> On the other hand, reliable manuscripts (notably S and Y) do indicate that something is missing between *κατασκευάσας* and *προεῖπεν*, and the fact that they prefer to leave a blank rather than fill it suggests that what might have filled it was already perceived as palaeographically and/or substantively suspect. As an overarching principle one would then treat cautiously, to say the least, any idea that manuscripts which were notionally and generally *peiores* could supply the missing material; but in the instance of this speech they occasionally do so.<sup>6</sup>

If then the idea of a *ὡς . . . εἶσαν* clause after *κατασκευάσας* here is accepted,<sup>7</sup> and a plural noun required for it, we return to the problem of *Κυρηναῖοι*. Retaining 'Cyreneans' means that the jury was being presented here with the most fleeting of references to them which does not relate to anything else either earlier or later in the speech<sup>8</sup>—a speech (of two speakers) which opened the case for the prosecution<sup>9</sup> and which cannot, accordingly, be harking back to something explained or presented more fully in an earlier speech. Such a state of affairs might be dismissed as unproblematic if Cyreneans loomed so large in the life and consciousness of ordinary fourth-century Athenian jurors that any explanation of their mention here would have been otiose.<sup>10</sup> However, that—as is implicit in scholars' bafflement at the reading—is scarcely the case. The most one can envisage is a medium-sized contingent of resident (more precisely, city-dwelling) Cyreneans,<sup>11</sup> boosted from time to time in

<sup>5</sup> For *κατασκευάζειν* used of producing people who were not what they purported to be cf. Is. 4.6, Dem. 53.29, [Dem.] 42.28, Din. 1.95.

<sup>6</sup> Thus e.g. in §20 (*ὡς ἡλευθέρωσαν* SYRD, *ὡς ἡλευθερώθησαν* correctly FQ) and §125 (*θεραπαινῶς ἐγὼ* SYRD, *θεραπαινῶς ἄς ἐγὼ* correctly FQ).

<sup>7</sup> For *κατασκευάζειν ὡς* in the sense of 'to fraudulently maintain that . . .', cf. Dem. 21. 110: *τῶν ἐν Εὐβοίᾳ πραγμάτων . . . ὡς ἐγὼ αἰτιὸς εἰμι κατεσκευάζε.* (The construction, it must be conceded, is uncommon, but that fact in itself could be argued to tell in its favour in the present instance.) And more generally cf. e.g. Lys. 29.12: *ἐλεγον ὡς πεντακόσιοι μὲν αὐτοῖς εἶσαν ἐκ τοῦ Πειραιῶς δεδεκακμήνοι, ἑξακόσιοι δὲ καὶ χίλιοι ἐκ τοῦ ἄστεως.*

<sup>8</sup> Contrast e.g. [Lys.] 20.25, where *Καταναῖοι* comes as no surprise after the mention of Catane (and Sicily) in 24.

<sup>9</sup> On the pair of speakers and their roles, both rhetorical and procedural, in [Dem.] 59 see L. Rubinstein, *Litigation and Co-operation: Supporting Speakers in the Courts of Classical Athens*, *Historia Einzelschriften* 147 (Stuttgart, 2000), 16 and *passim*.

<sup>10</sup> It will be seen that I am taking a 'common-sense' approach to this issue. For a different slant note Chris Carey (*per ep.*): 'the reference to Cyrene is abrupt and obscure, but it makes narratological sense, in that circumstantial detail is a useful way of generating plausibility for an account'.

<sup>11</sup> M. J. Osborne and S. G. Byrne, *The Foreign Residents of Athens: An Annex to the Lexicon of Greek Personal Names* (Leiden, 1996), 135–7: 41 *Κυρηναῖοι* listed (mainly from tombstones), of

bulk and in profile by (equally urban) Cyrenean visitors, especially traders<sup>12</sup> and intellectuals.<sup>13</sup>

I do not believe that *Κυρηναῖοι* can stand. It must be emended. But to what? Hude's *KYP{HNA}IOI* is excellent from a palaeographical standpoint but results in something unacceptable from a substantive one. Something which can fully satisfy both of these criteria eludes me, as it has eluded others; nevertheless, with that acknowledged, I want at any rate to offer two alternatives to *KYPHNAIOI* which would make sense in this context:

(i) *ΑΦΙΔΝΑΙΟΙ*. Who could best support Stephanus' claim that Apollodorus had dealt a fatal blow to a woman in Aphidna, that large but isolated rural deme more than fifteen miles north-east of the city of Athens (at present-day Kotroni)?<sup>14</sup> The obvious answer, surely, is *members of that deme*. In an earlier story, told in court, of a murderous attack in another isolated rural deme (Araphen, on the east coast), the quarrel between Thudippus, father of Cleon, and Astyphilus' father Eucrates—a quarrel so violent that it resulted in the latter's death—could have been described by the many Araphenians who looked up from their farm work and saw it, says the speaker, had they only been prepared to come forward (Is. 9.18: *ὥς δὲ ταῦτ' ἐστὶν ἀληθὴς, ἴσως μὲν καὶ Ἀραφηνίων πολλοὶ τῶν τότε συγγεωργούντων μαρτυρήσειαν ἂν μοι, διαρρήδην δὲ περὶ τηλικούτου πράγματος οὐκ ἂν ἔχοιμι ὅπως ὑμῖν παρασχοίμην*).<sup>15</sup>

(ii) *ΑΘΗΝΑΙΟΙ*. I have just described Aphidna as a large deme, and so it was; very large, in fact; second only (with sixteen seats on the city council) to the monstrously large Acharnae. Attempting to pass slaves off as demesmen of Aphidna would have been a risky business, therefore, with so many authentic *Aphidnaioi* in a position to notice and denounce the imposture. If this point is taken,<sup>16</sup> there is no call to envisage

whom seven appear to be earlier than Hellenistic/Roman. (Compare with this some equivalent pairs of figures: Aegina 49/23, Megara 87/35, Samos 44/41, Sinope 103/14.) Regrettably, the provenance of these stones is not indicated in the Corpus, but I would be surprised if it were not Athens and Piraeus.

<sup>12</sup> Clear evidence for grain imports from Cyrene to Athens—or indeed to Balkan and Aegean Greece at all—does not occur until Tod 196 in the 320s, a strange fact noted by the most recent editors of the document: P. J. Rhodes and R. Osborne, *Greek Historical Inscriptions 404–323 BC* (Oxford, 2003), 491 (on their no.96); their associated suggestion that the mid-fourth-century proxeny grant (*IG* II<sup>2</sup> 176) to some Cyreneans who have been helping Athenian visitors to Cyrene is connected with the grain trade is attractive but, obviously, conjectural. As regards other commodities, imports of Cyrenean silphium (etc.) into Athens are attested from c. 430 onwards (Hermippus *ap.* Ath. 27E). Among commodities journeying the other way, from Athens to Cyrene, the fourth century saw 'a surge of export' of painted pottery: so J. Boardman, *Athenian Red-Figure Vases: The Classical Period* (London, 1989), 236.

<sup>13</sup> Such as Socrates' pupil Aristippus (c. 435–c. 350). For the 'profile' of Cyreneans in Athens see also Dem. 20.41–7 (with *IG* I<sup>3</sup> 125 = II<sup>2</sup> 174) on Epicerdes, honoured and rewarded as a benefactor of both the Athenian polis and individual Athenians during the final phase of the Peloponnesian War.

<sup>14</sup> J. S. Traill, *Demos and Trittyes: Epigraphical and Topographical Studies in the Organization of Attica* (Toronto, 1986), 138; *Barrington Atlas*, map 59, grid C2.

<sup>15</sup> On this and other evidence for demesmen as witnesses generally D. Whitehead, *The Demes of Attica, 508/7–ca.250 BC: A Political and Social Study* (Princeton, 1986), 227–8. Of the examples cited there, Is. 9.18 does furnish the most uncannily close parallel to the present instance, but see also e.g. Lys. 23.2–4 ('Deceleans', in unstated numbers, testify that they do not know Panceleon) and Aeschin. 2.150 (threatening to invoke the collective memory of 'the senior Paeanians' against their fellow demesman Demosthenes).

<sup>16</sup> I owe it to Lene Rubinstein. (A possible counter-argument would be that the very size of Aphidna militated against its being the sort of face-to-face society where all demesmen were confident that they knew their fellows.)

any other named group of demesmen being mentioned here. Rather, Theomnestus' claim will be that Stephanus brought forward slaves and passed them off, irrespective of deme affiliation, as Athenian citizens who had seen the alleged incident and were competent as such to give free testimony about it. (Compare generally, for example, [Dem.] 47.36: when the defaulting trierarch Theophemus began to threaten and abuse the speaker, the latter 'ordered the slave-boy to call in from the street any citizens he saw passing by, so that they might be witnesses for me of what was being said'.)

I hope that any objections to these suggestions will do more than illustrate

the unconscious tendency to refuse to accept a conjecture, howsoever convincing on grounds of sense . . . , if a precise palaeographical explanation of the word is not forthcoming. By no means is every error due to the misreading of letters. The melancholy fact is that there are numerous passages where scholars have correctly emended the text, but where the corruption remains unexplained. In not a few instances, such emendations have later been fully confirmed by new papyrus discoveries.<sup>17</sup>

With any such confirmation in the present case still to come, I reiterate that it is not my contention that the *ductus litterarum* accounts for everything here. The transmitted word and my own suggested replacements for it do share the last five (in the case of Ἀφιδναῖοι) or six (in the case of Ἀθηναῖοι) of their nine letters, and that is a fact which may have played its part in the error—by not immediately exposing it as erroneous when the eye passed from -ναῖοι to εἴσαν. But even so, the scribe who wrote Κυρηναῖοι, at what must have been an early stage in the process of transmission, is more likely to have been suffering from a wandering mind than defective eyesight.<sup>18</sup>

Queen's University of Belfast

DAVID WHITEHEAD

d.whitehead@qub.ac.uk

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<sup>17</sup> R. Renehan, *Greek Textual Criticism: A Reader* (Cambridge, MA, 1969), 44–5. Renehan might have cited for this doctrine, as others do, the famous Moritz Haupt/A. E. Housman dictum that 'the prime requisite of a good emendation is that it should start from the thought; it is only afterwards that other considerations, such as . . . the interchange of letters, are taken into account. . . . If the sense requires it, I am prepared to write *Constantinopolitanus* where the MSS. have the monosyllabic interjection ο' (*Proc. Class. Ass.* 18 [1921], 67–84 at 77). See further, next note.

<sup>18</sup> I cannot pretend to explain why Cyrene was the particular destination of this wandering mind. (Kostas Kapparis reminds me of arguably the best-known Cyrenean in antiquity, ubiquitous in Christian literature, Simon the carrier of the cross of Christ; but he adds, and I agree, that it seems far-fetched for even Christian zeal to make this man responsible for the appearance of a plurality of his fellow citizens here.) It must suffice to re-emphasize in general terms the legitimacy of proffering corrections of manuscript errors which have come about for reasons other than the microcosmic corruption of the letters on the page. Here are some instances from Strabo, an author particularly rich in them: 4.1.8 (Τίμαιος should be Μάριος—contamination from preceding sentence), 9.1.9 (Ἐλευσῖνι should be Σαλαμῖνι), 9.3.1 (Λοκρίδος should be Φωκίδος), 10.3.22 (Σαλαμῖνον should be Κέλμιν), 12.2.8 (Εὐφράτην should be Ἄλυν), 12.3.17 (Ἴκενι should be Μηλίω), 14.5.15 (Ἀητοῦς should be Μαντοῦς), 16.1.24 (Παρθναίων should be Γορδυναίων—perhaps contamination from preceding sentence).