Ps.-Hermogenes and the Characterizing Oath

Barbara Price Wallach

I N HIS *Rhetorica* Aristotle includes oaths among the 'inartificial' kinds of proof and gives examples of arguments for four sets of circumstances.[1] Treatments of the oath in later rhetorical works tend to resemble Aristotle's.[2] Hermogenes of Tarsus, however, has a different approach in his *Peri ideon*, connecting the device with certain stylistic virtues. Hermogenes' treatment is rather brief. A supplement to his remarks may occur in *Peri methodou deinotetos* 435–36 (chapter 20), a work attributed to him, which seems to have been influenced by his methods. Since *Peri methodou* is a pseudepigraphal work, however, we cannot assume that it contains only Hermogenean doctrine.[3] It is important, therefore, to examine closely the views of Hermogenes and 'Ps.-Hermogenes' on the oath and determine whether *Peri methodou*'s account is compatible with known Hermogenean theories.

Hermogenes' comments on the oath appear in his discussion of *apheleia* (simplicity), one of the traits that produce *ethos*, the rhetorician's fifth stylistic *idea*. *Ethos* is created in a speech by reasonableness (*epieikeia*) and simplicity, as well as by what appears to be sincere and spontaneous. Further, this *idea* cannot be observed by itself but must be accompanied by *apheleia* or *epieikeia* or τινος τῶν ἄλλων ἠθικῶν τι.[4]

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[1] 1375a22–25 and 1377a8–1377b11. George Kennedy, *The Art of Persuasion in Greece* (Princeton 1963) 88, defines inartificial proofs as "direct evidence not the product of the speaker's art: laws, witnesses, testimony exacted from slaves under torture, contracts, and oaths." According to Aristotle's fourfold division of circumstances, one may both give and accept an oath, do neither, give but not accept, or accept but not give.

[2] See for instance Quint. 5.1.2 and 5.6.1–6; *cf*. F. Solmsen, "The Aristotelian Tradition in Ancient Rhetoric, II," *Kleine Schriften* II (Hildesheim 1968) 199–200.

[3] Concerning the authorship of *Peri methodou* see E. Bürgi, "Ist die dem Hermogenes zugeschriebene Schrift Περὶ μεθόδου δεινότητος echt?" *WS* 48 (1930) 187–97 and 49 (1931) 40–69; L. Radermacher, *RE* 8.1 (1912) 872–73 *s.v.* "Hermogenes" 22; D. Hagedorn, *Zur Ideenlehre des Hermogenes* (Hypomnemata 8 [1964]) 84–85; G. Kennedy, *The Art of Rhetoric in the Roman World 300 B.C.–A.D. 300* (Princeton 1972) 632–33. Bürgi has proved that the treatise is not authentic, but he acknowledges the possibility that some of the material in it stems from Hermogenes.

[4] *Id.* 321.19–322.1: compare 326.23–327.21 (ed. Rabe). This second passage contains

Hermogenes argues that confirming something by means of oaths and not διὰ τῶν πραγμάτων is *apheles* (simple) and ἠθικὸν κατ' ἔννοιαν or "character-revealing in thought."[5] His illustrations are Demosthenes' *De corona* 141, καλῶ δὲ τοὺς θεοὺς πάντας καὶ πάσας, ὅσοι τὴν χώραν ἔχουσι τὴν Ἀττικήν, καὶ τὸν Ἀπόλλω τὸν Πύθιον, and 1, πρῶτον μέν, ὦ Ἀθηναῖοι, τοῖς θεοῖς εὔχομαι πᾶσι καὶ πάσαις.[6]

After noting that there are countless things like this in Demosthenes, all of them ἠθικὰ καὶ ἀφελῆ τὰ τῶν ὅρκων, Hermogenes observes that, if one wants to make the audience or one's opponent swear an oath, one should follow a similar procedure. The composition of these oaths should be not *agonistika*, like πρὸς Διὸς καὶ θεῶν, μὴ ἀποδέξησθε (Dem. 19.78), but rather ἠθικὰ τῇ πίστει καὶ πιθανά. The distinction between the 'agonistic' and 'ethical' nature of the oath becomes clear if we look at his examples in their contexts. Both examples from the *De corona* represent obvious attempts by the orator to create a good impression of his own character. In *De corona* 1 Demosthenes requests of all the gods and goddesses that he may receive from the jury as much goodwill as he has shown to its members and to the city.[7] The oath at 141, more forceful because of its detail, calls on all the deities of Athens and on Pythian Apollo and asks that, if the orator is speaking the

no reference to a *peri methodou deinotetos* and so is not cited by Bürgi, who has collected the references in the *Peri ideon* to such a work. In his *apparatus* to *Peri methodou* 435–36 Rabe directs the reader to *Id.* 326 and 327 without comment. As J. F. Lockwood has observed, "ΗΘΙΚΗ ΛΕΞΙΣ and Dinarchus," *CQ* 23 (1929) 183, the connection between *ethos* and *apheleia* seems to go back beyond Hermogenes to Aristides, who wrote, τὸ μὲν γὰρ ἦθος χαρίεν πάνυ, ὅπερ ἐστὶν ἀφελοῦς ἔργον (83.19ff Schmid) and also attached other stylistic traits to *ethos*. Concerning the identity of the author and the relationship between the Aristides *Rhetoric* and Hermogenes, see Kennedy (*supra* n.3) 628–32. The definition of *ethos* in Hermog. *Id.* 320.25–321.18 is discussed by Hagedorn (*supra* n.3) 57–58, who also concisely summarizes the trait *apheleia* as "eine für die schlichte, leicht verständliche Sprache einfacher, unverstellter . . . Menschen charakteristische Stileigenschaft" (59). The trait *barutes* or gravity also is closely related to *ethos*. Cf. Hermog. *Id.* 321.21–22.

[5] 326.23–25; for this rendering of the phrase see D. A. Russell in *Ancient Literary Criticism, The Principal Texts in New Translations*, ed. D. A. Russell and M. Winterbottam (Oxford 1972) 574.

[6] The second example also appears in *Peri methodou* as an example of *diatribe*, which, as I have shown in "Epimone and Diatribe: Dwelling on the Point in Ps.-Hermogenes," *RhM* N.F. 123 (1981), is identical with the figure *epimone*. The oath from *De cor.* 141 also turns up in 'Aristides' (Spengel II 486.26ff) as an instance of an oath producing *axiopistia* or credibility, a concept undoubtedly related to Hermogenes' views as expressed by ἠθικὰ τῇ πίστει καὶ πιθανά (see *infra*). On the Aristides *Rhetoric* and Hermogenes see further W. Schmid, "Die sogenannte Aristidesrhetorik," *RhM* N.F. 72 (1917) 238–57.

[7] The prayer in this passage is analyzed in H. Wankel (ed.), *Demosthenes Rede für Ktesiphon über den Kranz* I (Heidelberg 1976) 105.

truth, he be granted good fortune and safety; if on the other hand he is making a false accusation because of hatred or contentiousness, then the divinities should deprive him of all benefits.[8] Certainly, in each of these oaths Demosthenes puts himself forward as a pious man of goodwill whose motives cannot be questioned, since he is willing to submit his case to divine judgement.[9] The agonistic oath in Demosthenes 19.78 (*De falsa legatione*) differs significantly from the other two oaths in that it occurs within an actual argument and is not directly connected with any attempt to characterize the speaker. Instead, the orator is asking his listeners not to pay any attention to Aeschines' claim that Athens now has the Chersonese in place of Phocis, Thermopylae, and the rest. The oath seems to have been inserted primarily for emphasis and has no important persuasive force. Moreover, the term *horkos* in Hermogenes seems to cover more than the formal legal oath sworn to support some point and includes also what we might call simply an exclamation.

Hermogenes unfortunately does not go into further detail in showing what he means by an oath conducive to *ethos*. Nevertheless, his remarks in connection with the examples cited and the use of *ethikos* in his discussion of *ethos* and its related forms (*Id.* 321.5–10) suggest that for him an oath involving *ethos* is one expressive of the character of the person delivering it.[10] We may call this type a 'characterizing' oath. In order to see why Hermogenes may have included such oaths under *apheleia*, we need only look at his first comments about the "simple and pure,"

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[8] In *The Administration of Justice from Homer to Aristotle* II (Chicago 1938) 145, Robert J. Bonner and Gertrude Smith note the development of "fixed formulas for formal oaths for certain occasions," and observe that "the curse was regularly added, in which the gods were asked to send punishment upon the man who, having called the gods to witness, then made a false statement or a promise which he did not fulfil." Demosthenes, therefore, is following a standard form here, but the formulaic nature of the oath plays no part in Hermogenes' argument.

[9] *Cf.* Bonner and Smith (*supra* n.8) 148–49, who comment that the oath "is sometimes a rhetorical device to strengthen a statement or to impress something upon the dicasts." In these cases Demosthenes clearly is trying to impress a picture of his character upon the jury. And even if the jury may have recognized the formulaic nature of the oaths, just as they might have noted various rhetorical devices within the speech, an effective delivery by the speaker should have eliminated any question of Demosthenes' sincerity.

[10] Concerning *ethos* see Hagedorn (*supra* n.3) 57–76. The occurrences of *ethikos* with the connotation of 'character delineation' are too numerous to be included here, but the tradition for that meaning is a strong one. See for references Lockwood (*supra* n.4) 181–84 and *passim*; J. Martin, *Antike Rhetorik* (Munich 1974); James M. May, "The *Ethica Digressio* and Cicero's *Pro Milone*: A Progression of Intensity from *Logos* to *Ethos* to *Pathos*," *CJ* 74 (1979) 242–45.

which must be *αἱ γὰρ ἁπάντων ἀνθρώπων κοιναὶ καὶ εἰς πάντας ἀνελθοῦσαι ἢ δόξασαι ἀνελθεῖν καὶ μηδὲν ἔχουσαι βαθὺ μηδὲ περινενοημένον* (*Id.* 322.6–9). Appeals to the gods, such as those cited from *De corona*, obviously fit into these categories, since their meaning is on the surface and not "cunningly wrought," and their emphasis is on notions presumably common to all men.

The contrast between *agonistika* and *ethika* serves as a transition to Hermogenes' next topic, the oath that is neither simple nor characterizing. The rhetorician states that, if one treats some *πίστιν ἀγωνιστικήν* or something else so that it falls into a *ὅρκου σχῆμα*, then the result is neither simple nor *ethikos*. In fact, it would no longer be an oath, but *μεθωδεύθη μέν πως ἄλλο τι ὂν ὥστε εἰς τοῦτο ἀφικέσθαι, φυλάττον δὲ τὴν οἰκείαν δύναμιν προσλαμβάνει τι καὶ ἕτερον διὰ τῆς μεθόδου* (327.8ff). The illustration then cited is part of Demosthenes' famous oath by those who risked their lives at Marathon (*De corona* 208). Hermogenes quotes only the words *οὔ, μὰ τοὺς ἐν Μαραθῶνι προκινδυνεύσαντας τῶν προγόνων*, but he implies (through *καὶ τὰ ἑξῆς*) that he is thinking of the entire oath.[11] This example, which is a *pistis* or proof that it is customary for the city to fight and encounter danger on behalf of the freedom of Greece, and which has been put into the form of an oath, produces brilliancy and loftiness (*λαμπρότητα καὶ μέγεθος*), but not simplicity and character. *De corona* 208, therefore, is not an oath, but a proof cast into the shape of an oath, and, as such, it is not *ethikos*.

If we now turn our attention to *Peri methodou* (20.435.17–436.15), we shall find some material that resembles these Hermogenean theories, but striking differences also will be apparent. Ps.-Hermogenes begins his discussion of oaths with the question, "when will the orator swear and use an oath?"—a query typical of his catechistic style, but untypical of the style of Hermogenes.[12] The answer is that a speaker will never swear an oath *ἐπὶ πράγματος*, but instead will confirm his word *ἐπὶ ἤθους*. Swearing *ἐπὶ πράγματος* is illustrated by the sentence "this man committed murder or treason or this thing." Swearing *ἐπὶ ἤθους*, in contrast,

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[11] The main part of the oath reads: *μὰ τοὺς Μαραθῶνι προκινδυνεύσαντας τῶν προγόνων καὶ τοὺς ἐν Πλαταιαῖς παραταξαμένους καὶ τοὺς ἐν Σαλαμῖνι ναυμαχήσαντας καὶ τοὺς ἐπ' Ἀρτεμισίῳ, καὶ πολλοὺς ἑτέρους τοὺς ἐν τοῖς δημοσίοις μνήμασι κειμένους ἀγαθοὺς ἄνδρας, οὓς ἅπαντας ὁμοίως ἡ πόλις τῆς αὐτῆς ἀξιώσασα τιμῆς ἔθαψεν κτλ*. The fact that this oath is part of an argument was noticed by Longinus 16.2, who comments that Demosthenes is producing an *ἀπόδειξιν* on behalf of *τῶν πεπολιτευμένων. Cf.* Wankel (*supra* n.7) II 961.

[12] *Cf.* Bürgi (*supra* n.3) 48, 192–93.

is exemplified by two oaths from Demosthenes' speech against Meidias (21.2–3, quoted here as Ps.-Hermogenes has them): ὡς μὲν ἐμοὶ δοκεῖ, δι' ἀμφότερα, ὦ Ἀθηναῖοι, νὴ τοὺς θεούς, κἀμὲ νομίζοντες δεινὰ πεπονθέναι, and πολλὰς δὲ δεήσεις καὶ νὴ Δία ἀπειλὰς ὑπομείνας. Ps.-Hermogenes concludes that it is clear from his remarks that the orator will not give a πραγματικὸν ὅρκον, but rather will swear one that is *ethikos*. Of course, all that is actually clear is the distinction between the two types of oath. The *pragmatikos* works with the facts of the case and seems to reflect the importance attached by law to an oath sworn in a litigation.[13] The *ethikos*, on the other hand, being exemplified by oaths from a *prooemium* in which Demosthenes tries to create a good impression of his own character at the expense of his enemy Meidias, obviously is an oath intended to characterize the speaker.

In the rest of chapter 20 the author describes three forms of the *ethikos horkos*, which we shall temporarily call forms of the 'ethical oath', naturally avoiding any implication of 'ethical' as 'moral'. Ps.-Hermogenes claims here (436.6–15) that Homer was the first to swear an 'ethical oath', and that Plato imitated Homer. Demosthenes then was Plato's heir.[14] Each, moreover, employed the ἰδέα τοῦ ἤθους differently. Homer, for instance, made a τραγικόν oath on the misfortunes of Odysseus, when he had Telemachus swear οὔ, μὰ Ζῆν', Ἀγέλαε, καὶ ἄλγεα πατρὸς ἐμεῖο. Plato, in a similar fashion, made an ethical oath, but one that was *ethikos ἐκ τοῦ ἐναντίου ἤθους*, *i.e.* ironical, when he wrote οὔ, μὰ τὸν Ζῆν', ὦ Καλλίκλεις.[15] Demosthenes' distinctive touch was an ethical oath that was *politikos*, when in *De corona* 208 he swore, οὔ, μὰ τοὺς ἐν Μαραθῶνι προκινδυνεύσαντας καὶ τοὺς ἐν Σαλαμῖνι παραταξαμένους.

If we compare the remarks of Hermogenes on the oath with this account from *Peri methodou*, we find a curious mixture of doctrine in the latter. The first part of chapter 20 of *Peri methodou*

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[13] On oaths in Greek law see Bonner and Smith (*supra* n.8) 144–91.

[14] Quint. 12.10.24 writes of Demosthenes' oath in *De cor.* 208, *non illud ius iurandum per caesos in Marathone ac Salamine propugnatores rei publicae satis manifesto docet, praeceptorem eius Platonem fuisse? Cf.* Wankel (*supra* n.7) II 960.

[15] *Od.* 20.339 and *Grg.* 489E, quoted as Ps.-Hermogenes has them. The twelfth-century commentator Gregory of Corinth (Walz, *Rhetores Graeci* VII.2 1090–1352) already noticed the discrepancy between the reading Ζῆν' in Ps.-Hermogenes and τὸν Ζῆθον in *Gorgias* (*cf.* Walz 1281 and Rabe's *apparatus*). On the phrase ἐκ τοῦ ἐναντίου ἤθους and irony see Gregory of Corinth 1280. This formulation is visible also in the definitions of the trope *eironeia* in Tryphon and Kokondrios (Spengel III 205.1–2, 235.20–21) as a λόγος διὰ τοῦ ἐναντίου τὸ ἐναντίον μετά τινος ἠθικῆς ὑποκρίσεως δηλῶν. *Cf.* Tiberios (Spengel III 60.7 ff); H. Lausberg, *Handbuch der literarischen Rhetorik* I (Munich 1960) section 582.

does seem to have been influenced slightly by the Hermogenean tradition. For instance, the phrase ἐπὶ πράγματος could reflect the διὰ τῶν πραγμάτων of *Peri ideon* (326.25), and the examples that Ps.-Hermogenes has chosen from the speech against Meidias are compatible with Hermogenes' theories on the characterizing nature of some oaths. A significant omission, however, is any reference to the concept of *apheleia*, which is a major ingredient in Hermogenes' discussion. Furthermore, instead of a distinction between confirmation through oaths and proof διὰ τῶν πραγμάτων (*Id.* 326.24–25), *Peri methodou* differentiates between the *pragmatikos* and the *ethikos* oath, with the admonition that the orator will not use the *pragmatikos* (436.4–5). There is no such prohibition in Hermogenes, where the emphasis is on the theory that confirming something 'by the facts' is not conducive to simplicity or character. The change in terminology here is also important. Unlike Ps.-Hermogenes, Hermogenes does not mention either a *pragmatikos horkos* or an *ethikos horkos*. He only uses the phrase διὰ τῶν πραγμάτων and refers to the ἠθικὰ καὶ ἀφελῆ τὰ τῶν ὅρκων (327.4–5). A likely explanation for these differences might be that in the first part of chapter 20 Ps.-Hermogenes has taken over some elements of Hermogenean theory and then formalized them into a doctrine with practical applications, bearing a minimal resemblance to its source.

In the second part of chapter 20, however, the similarities between Ps.-Hermogenes and Hermogenes almost vanish. There is no Hermogenean counterpart for the description of the three kinds of 'ethical oath' or for the designation *ethikos horkos*. Furthermore, the examples given by Ps.-Hermogenes do not seem compatible with Hermogenes' views. To determine the relationship between this passage and genuine Hermogenean doctrine we must look more closely at Ps.-Hermogenes' threefold division of the oath.

Some help for our investigation is to be found in chapter 33, where Ps.-Hermogenes discusses τὸ τραγικῶς λέγειν, a topic which has an obvious bearing on the use of the adjective *tragikos* in chapter 20. The author begins (450.1–4) by observing that, while Homer taught τὸ τραγικῶς λέγειν, Demosthenes imitates him. Further, Plato bears witness (*Resp.* 598D) that Homer was tragic and the father of tragedy. Ps.-Hermogenes next remarks that Homer did not speak about the capture of Troy, passing that topic by artfully, since the sack of one little city did not fit the tragedy of his

poem. Instead, Homer wrote about the sack of every city in two lines (*Il.* 9.593–94):

> ἄνδρας μὲν κτείνουσι, πόλιν δέ τε πῦρ ἀμαθύνει,
> τέκνα δέ τ' ἄλλοι ἄγουσι βαθυζώνους τε γυναῖκας.

The scene of mourning for Hector (24.725ff) is adduced as another example of Homer's tragic manner. Then the rhetorician comments upon the poet's method, explaining that great things keep their greatness through brevity of expression, for conciseness preserves their loftiness (*megethos*), while small and trivial things gain *megethos* through τῇ περιβολῇ τῶν λόγων. Examples from Demosthenes (19.65 and 54.3ff) illustrate that speaking tragically involves being concise about great matters, such as the destruction of a city, and expansive about paltry matters, such as an outrageous attack by insolent fellows. If we apply these rules to the example of the oath called *ethikos tragikos* in chapter 20, we can easily see why Ps.-Hermogenes considers that oath 'tragic'. Homer clearly is treating great matters concisely, when he has Telemachus refer to the woes of his father briefly and without specifics. Thus, on purely stylistic grounds (but not necessarily on any other), the oath from *Odyssey* 20.339 is *tragikos*.

The use of the term *ethikos* with *tragikos*, however, may indicate that Telemachus' oath is to be considered tragic in tone as well as in style. Telemachus has just seen his father Odysseus, disguised as a beggar, narrowly avoid being hit by an ox hoof thrown by the suitor Ctesippus. After Telemachus angrily upbraids Ctesippus for his rudeness, Agelaos tries to make peace and suggests that, since it is clear that Odysseus will not return, Telemachus urge his mother to remarry. Telemachus then swears the oath by Zeus and Odysseus' troubles as he claims that he is not delaying his mother's remarriage. If we assume that Telemachus wants to seem sincere in his protestations, then we may assume that his oath is meant to be expressive of his integrity and so 'characterizing' in the sense generally meant by *ethikos* in the Hermogenean passages that we have discussed. Furthermore, to keep up the pretense that he has no good news about Odysseus, Telemachus would need to deliver his oath in a tone suggestive of sadness and resignation, and hence perhaps in a 'tragic' tone. It is possible, then, that Ps.-Hermogenes see *tragikos* as something more than a formal stylistic trait: *ethikos* here could retain its Hermogenean sense of 'characterizing', since the *ethikos horkos* in question lets

Telemachus present to the suitors the picture of his nature that he wants them to have.[16]

Moreover, although Ps.-Hermogenes fails to include any notion of simplicity (*apheleia*) in his discussion of the *ethikos horkos*, this particular oath does fulfill some criteria connected with that trait. Telemachus' remarks are obviously neither deep nor difficult to understand and do reflect views and emotions seen as common to all men, namely sorrow for the loss of a father and concern for a mother's welfare. Other traits connected with *ethos* also are apparent. For example, the tone, while sad and perhaps tragic, also seems to be that of a person giving a reasonable reply in a difficult situation and thus showing *epieikeia* and possibly also spontaneity. Still, despite these apparent correspondences with his views on the oath, we cannot conclude that Hermogenes would have reckoned Telemachus' oath among those conducive to *ethos*, for, connected as it is with Telemachus' stating of his position to Agelaos, the oath smacks of proof and seems to fit into Hermogenes' category of proof cast into the form of an oath. Thus, in a strict Hermogenean sense, Telemachus' oath cannot be considered *ethikos* or simple, since, in its function, it is closer to the examples that Hermogenes cites from Demosthenes' *De falsa legatione* 78 and *De corona* 208, than to the examples noted from *De corona* 1 and 141.

Another divergence from the Hermogenean norm may be seen in the phrase ἠθικὸν δ᾽ ἐκ τοῦ ἐναντίου ἤθους and the example adduced by Ps.-Hermogenes. The oath drawn from *Gorgias* is sworn in an ironic fashion by Socrates, as he argues with Callicles, who has just reshaped a speech of Zethus from Euripides' *Antiope* into a rebuke of Socrates (485E6ff). In the Platonic text the irony and humor are clearer, as Socrates swears μὰ τὸν Ζῆθον, not μὰ τὸν Ζῆν'.[17] Ps.-Hermogenes' reading largely destroys the point of the oath, but we may assume from his definition that he still saw the oath as ironic. Such an oath can be regarded as *ethikos* in the sense that it reflects the typical ironical character of Socrates, who simu-

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[16] The tradition that this oath was *ethikos* seems to have persisted, for Eustathius remarks that Telemachus ὅρκον ποιησάμενος ἠθικῶς καὶ τὰ τοῦ πατρὸς παθήματα φησίν. Gregory of Corinth 1280.6 interprets *tragikon* as *threnetikon*. Concerning *tragikos legein* see also J. Ernesti, *Lexikon technologiae graecorum rhetoricae* (Leipzig 1795) 355–56.

[17] According to E. R. Dodds (ed.), Plato, *Gorgias, A Revised Text with Introduction and Commentary* (Oxford 1959) 287, the oath is "a playful distortion of μὰ τὸν Ζῆνα . . . ; since Callicles 'swears by' Zethus, Socrates will do the same."

lates ignorance as he leads on his interlocutor.[18] Thus, Socrates is helping to characterize himself in a way suitable to his own purposes, when he swears ironically by Zethus (or Zeus), and so his oath is in that respect *ethikos* in the Hermogenean sense. The employment of irony, however, by which one says one thing while meaning something different, is incompatible with the concept of simplicity (*apheleia*) which implies the avoidance of the subtle and which, according to Hermogenes, is closely connected with *ethikos*. Thus although Socrates' oath may be *ethikos* in its characterization of the speaker, it still fails to meet the criteria set up by Hermogenes in his discussion of oaths.

Therefore, Ps.-Hermogenes' first two examples of the *ethikos horkos* contain some traits that might be considered Hermogenean, but they are prevented either by their manner of presentation or by their tone from being considered genuine examples of Hermogenes' oath conducive to character. They seem, in fact, to be the type of illustrations that might be chosen by someone who imperfectly understood Hermogenes' theory or who was trying to adapt Hermogenes' views to suit his own ideas. With the third example cited by *Peri methodou*, Demosthenes' oath by those who fought at Marathon, the author has departed even more from Hermogenean doctrine and provided a direct contradiction of the rhetorician's views at *Id*. 327.8–21, where the same illustration appears. For Hermogenes, the oath in *De corona* 208 has neither simplicity nor *ethos*, since it is an instance of a proof put into the ὅρκου σχῆμα. Ps.-Hermogenes, on the other hand, explicitly classes this oath as an example of an oath that is *ethikos* and *politikos*. One might assume that, just as the tragic and ironic oaths seemed to characterize their speakers, this oath is seen by Ps.-Hermogenes as characterizing Demosthenes, in this case as a good citizen. It is also possible that the rhetorician saw this oath as political, because it referred to the exploits of citizens and was then employed by Demosthenes to stress his own achievements and appear as a proper citizen. Whatever interpretation Ps.-Hermogenes gave to *politikos* here, when he connected it with this oath and with the term *ethikos*, he ceased to follow Hermogenean doctrine.

Furthermore, if we could assume that the word *politikos* is equivalent to Hermogenes' term ἀγωνιστικά (327.6), then we

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[18] In his discussion of irony Quintilian (9.2.46) observes that Socrates was called ironic *agens imperitum et admiratorem aliorum tamquam sapientium*. *Cf*. Ernesti (*supra* n.16) 96.

would have an even greater contradiction, for *Peri ideon* separates the *agonistika* from the *ethika*. This equation cannot be proved from the text of *Peri methodou*, but it remains a possible objection. We should note, finally, that the *logos politikos* is the subject of chapters 10 and 11 of *Peri ideon* II (380–403), where, according to Hermogenes, the ἄριστός τε γὰρ πολιτικῶν λόγων is the *Demosthenikos* (381.4). Perhaps an observation such as φημὶ τοίνυν δεῖν ἐν τῷ τοιούτῳ λόγῳ (*i.e. πολιτικῷ*) πλεονάζειν μὲν ἀεὶ τόν τε τὴν σαφήνειαν ποιοῦντα τύπον καὶ τὸν ἠθικόν τε καὶ ἀληθῆ κτλ. (*Id.* 381.6–8) ultimately gave Ps.-Hermogenes his conception of *De corona* 208 as an oath that was both *ethikos* and *politikos*. The reference to a style that could be *ethikos* in a political speech might have led him to misunderstand Hermogenes' position or to use the terms *ethikos* and *politikos* together, simply because the oath in question appeared in a political speech. The use of *politikos* to refer only to the type of speech, however, would not be compatible with the threefold division of oaths offered in *Peri methodou*. At any rate, the contradictory use of the illustration concerning Marathon provides strong additional evidence that, as it now stands, *Peri methodou* is not a genuine Hermogenean work. Further, while the section on the oath may have been developed from Hermogenes' theories, it clearly is not a thoroughly accurate account of his doctrine.

The problematic nature of chapter 20 of *Peri methodou* has gone generally unremarked by scholars, but a Byzantine commentator, Gregory of Corinth, was troubled by the passage. Concerning the use of *De corona* 208 in *Peri methodou* 20 Gregory writes (1280.33ff) that one should be puzzled about how Hermogenes says there that Demosthenes ἠθικὸν πολιτικὸν ἐποίησεν ὅρκον, because he said "not by those in Marathon," since ἐν δὲ τῷ περὶ ἀφελείας λόγῳ οὔ φησι ποιεῖν ἦθος τοῦτο τὸ παράδειγμα (*i.e.* in *Peri ideon* 327). Since Gregory thinks that both *Peri methodou* and *Peri ideon* are by Hermogenes, he applies his ingenuity and tries to resolve the difficulty. His solution is relatively simple, if not precisely logical. He argues that in the discussion of *apheleia* Hermogenes was dealing only with 'ethical' oaths, while in his *Peri methodou* he was concerned with the division (περὶ διαιρέσεως) of 'ethical' oaths, and for that reason called one *tragikon*, one *eironikon*, and one *ethikon politikon*. And if Hermogenes said that an oath has produced λαμπρότητα καὶ μέγεθος, ἀλλ' οὐκ ἀφέλειαν, he was not altogether abrogating τὸ εἶναι τὸν τοιοῦτον ὅρκον, τὸ εἶναι ἠθικόν, but τὸ εἶναι μόνον ἠθικὸν καὶ ἀφελῆ. We need not clutch

at straws as Gregory does here, especially when he ignores the
"neither . . . nor" in Hermogenes' οὐκ ἀφέλειαν οὐδε ἦθος (*Id.*
327.21) and substitutes a *kai* with adjectives. Keeping in mind the
work of Bürgi on other sections of *Peri methodou* and the discrep-
ancies in style and doctrine between *Peri ideon* and *Peri methodou*,
we can say that Gregory's 'problem' disappears, if we assert that
Hermogenes is not the author of *Peri methodou*.

THE UNIVERSITY OF MISSOURI AT COLUMBIA
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