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XI.

PROFESSOR VOEMEL'S "DEFENCE OF THE GENUINE-
NESS OF THE DOCUMENTS IN DEMOSTHENES'S
SPEECH ON THE CROWN, AGAINST PROFESSOR
DROYSEN."¹

THE fourth and last part of this Defence is at length arrived, and may demand some notice here, in pursuance of the discussion on the same subject, inserted in the second Number of the *Classical Museum*.

To mediate between scholars so full of erudition as the two professors here engaged, would be an arduous, and perhaps an unprofitable task; for if the umpire were competent to survey the strife from a position higher than that of the combatants, even so he might find it impossible to guarantee to his readers the value of his own decision. No attempt will here be made to cope with Professor Voemel on the field of *learning*, properly so called. Nevertheless, it is possible, on other grounds, to form a legitimate opinion concerning the success of Professor Voemel's attempt, and I intend here to assign reasons which seem to me to deprive his arguments of practical validity.

In strictness, perhaps, he might be said rather to have attacked Droysen than to have defended the documents. He taxes him, more than once, with a wilful desire to set aside their authenticity; while it is hard to deny that there is in Voemel at least an equal unwillingness to admit that Droysen's objections can ever be valid. As one illustration, I adduce the following (II. p. 9):—

"Although I believe that I have here set aside every objection alleged by Droysen against this decree, yet I do not think its general tone to be that of Demosthenes; and if any one regards as spurious this one document, which is the last of those in the oration for the Crown, I have nothing to say against it."

¹ Professor Voemel's *Die Echtheit der Urkunden in des Demosthenes Rede vom Kranze vertheidigt gegen den Herrn*

Prof. Droysen, was published in four separate programs, Frankfurt, 1841-4, 4to.

In his final summing up (iv. p. 13), he distinctly admits that this decree is "perhaps fabricated" (*vielleicht fingirt*), yet with no more definite reason assigned than before. If Droysen had rejected the decree on the bare ground that the tone was not that of Demosthenes, Voemel might have replied, as elsewhere, "To this subjective judgment of improbability, I oppose my subjective judgment of probability." One might have expected, or even required, that when he agreed with Droysen in the conclusion that the decree was spurious, he would either have observed a respectful silence concerning Droysen's arguments, or have at least shewn more diffidence in rejecting them.

No one, on reading the title which Voemel has prefixed to his treatise, will easily guess what is the position for which he is actually contending. By the *genuineness* of the documents, all that he means is, that they are not fabricated wantonly, but are real transcripts (more or less corrupted) of what was once in the Athenian archives, *though perhaps having nothing at all to do with the matter for which they are adduced in the speech*. But on this important point the reader must hear his very words:—

I. p. 7. "It must here be repeated, that these documents are not those which Demosthenes himself gave [to the notary] to be read aloud; but that, as Boeckh has made very probable, they have been introduced—in part at wrong places — out of a collection of decrees and protocols, which was taken from the archives. This I here once more mention, because Droysen in many places, and especially upon this accusatory speech by Æschines, goes on the supposition that the present opinion is, that Demosthenes himself had searched out the documents, and had set them forth to the reader in the protocol-form in which we find them."

I. p. 10. "Concerning both of the decrees which now lie before us [§ 164], I believe that they, as well as that which is set in § 29, have been introduced at a wrong place, all three decrees extant relating to Athenian embassies to Philip. That of § 29 belongs, as Boeckh saw, to Olymp. 110, 2, when Philip, in difficulties before Byzantium, entered into treaty for peace, although the peace did not come to pass. The two others, however, as I suppose, refer to earlier affairs, perhaps when Philip made attempts upon Megara."

It is, then, admitted by Voemel that the documents were introduced by some unknown person, who has certainly done his work very clumsily, and has probably fabricated at least

one decree; and yet he will not allow that this throws the least discredit on them as a whole! This may be seen in the following comments on Droysen (iv. p. 13):—

“‘Nothing essential,’ says Droysen, ‘appears to apply against *this* decree, but the other documents must at least stir up suspicion.’ What! also against *this*? Again: ‘The suspicious character of the rest thereby so mounts up,’ (*thereby*, i.e. that Droysen thinks he has pointed out the spuriousness of the majority), ‘that we hold as decided the spuriousness of all the documents presented in this speech.’ *But why, then, does not a similar sentence fall on ALL the documents found in authors?* [über alle bei den Schriftstellern vorkommende Urkunden].”

The last words, here denoted by italics, will be read by most persons, it is believed, with extreme surprise. It might seem too obvious to need insisting on, that until the opposite is proved, we must rest in the supposition that the documents of this speech come from one and the same hand, and have been liable to the same influences. So far as those influences reach, suspicion will extend, and no further. Voemel, however, assumes that, after all his admissions, the credit of the documents is so unimpaired, that hypothetical solutions of difficulties on his part suffice. When a gross contradiction is met, he insists that this goes to prove the simple-heartedness of the compiler, and rather accredits the documents (i. p. 10). On the contrary, it seems more reasonable to impute stupidity, especially if it be allowed that one document is convicted of forgery principally by its vapid nonsense; but that alternative does not seem to have occurred to Professor Voemel, though elsewhere he confesses that there has been great carelessness.

It is a peculiarly perverse *kind* of carelessness which he ascribes to the compiler, in so many places to have turned notaries into archons. Such a corruption would indeed have been malicious, if this man had foreseen how much trouble it would cause to commentators in these days. But, once more, the reader must listen to Voemel’s own account of this unfortunate jumble:—

III. p. 4. “No one any longer regards as archons these names which were a great while entitled pseudonymi, but, with Boeckh, as notaries of the Prytaneum; and these were sometimes found with their fathers’ name annexed.”

I. p. 4. “To Mr. Droysen, Boeckh’s hypothesis ‘appears, how-

ever subtly conceived and laboured out, yet to oppose all probability.'

* * * But why should not the collector of the decrees have set the superscription of the archon's name *once only* to the chapter which contained the documents of one year, without repeating it before each separate document; while he furnished these barely with the name of the notary of the Prytaneum, also without once repeating *ἐγραμμάτευε* or *γραμμάτεως*? Out of such a collection, not directly out of the archives, the missing documents in the speeches of Demosthenes were completed."

It may be hard to express an opinion of this argument, without seeming to despise the reasoning powers, not only of Professor Voemel, but also of Boeckh. Great men have their paradoxes, and as such perhaps we may regard this. A set of documents are found to have false names of archons. Boeckh acknowledges the blunder, but kindly volunteers to re-write the documents, as they certainly (or at least probably) were in the Athenian archives. We have but to change *ἄρχωντος* a dozen times over into *γραμματεύοντος*, and all will be right! Many things are possible, and, it must freely be admitted, so is Boeckh's hypothesis; but it remains, that its falsehood is at least as possible as its truth. It is one out of a hundred or a thousand conceivable contingencies; and we submit, that the entire burden of proof rests with him who espouses its defence. Voemel has convinced himself, on the contrary, that a man is unreasonable who does not adopt the possibility as a fact. For myself, I would by no means assert that every one of these documents is a pure scholastic fabrication; but, from the moment we are convinced that several of them have no place in Demosthenes's speech, and have false names and dates, the external authority of all is shaken. It is then necessary to begin the whole question anew, just as if now, for the first time, some scholar found them in manuscript, in the drawer of an old monastery, disconnected from the speeches of Demosthenes. If any of them bear severe examination, let them have the credit of it; yet, even so, should any of their companions be convicted of forgery, a deep suspicion will inevitably rest on all, and none can be quoted as an authority in proof of any doubtful point. On the other hand, to tamper with the text in order to save their credit, is contrary to every just principle of reasoning.

This, nevertheless, is what Voemel feels that he has a right

to do, not only in serious questions, as in this about the archons, but even in cases so gratuitous as to make the controversy one, not of erudition, but concerning the first principles of evidence. Thus, in the decree which he himself feels to be spurious, he is actually at the pains to suppose that five names of ambassadors have dropped out of the text (II. p. 9), in order to rebut Droysen's objection, that whereas Demosthenes had said there were ten ambassadors, the decree gives but five. This is a fair specimen of *medicinam mortuo*.

A striking example of Voemel's mode of defence is found in reference to Cottyphus the Pharsalian, who is wrongly called "Cottyphus the Arcadian," in one of these confessedly garbled pieces. To sustain the anonymous authority, Voemel unhesitatingly adopts Winiewsky's conjecture, that *Φαρσάλιον*, in the speech of *Æschines*, is to be altered to *Παρθάσιον* (what more could he do, if these documents were indisputably genuine and authoritative ?); and then he argues, that the Parrhasians were not only Arcadians, but also Argives; and, in the latter character, might possibly have been admitted into the Amphictyonic council.

Nor, indeed, is it possible, from Professor Voemel's treatise, to gain any clear idea how far he has fulfilled the limited object of refuting Professor Droysen. The latter had adopted an arrangement which, he said, "was most convenient for the examination;" words which Voemel sarcastically interprets, "convenient for proving the spuriousness of the records." From words of Droysen, quoted incidentally (IV. p. 13), it clearly appears that he does not lay equal stress on all his arguments, and that he thinks many of them to be valid in combination which are not decisive singly. Now, by dissolving this combination, and answering them one by one, Voemel has made it difficult or impossible to know what is the real value of his reply. Indeed the fallacy appears to me to pervade his whole dissertation, of supposing that it suffices to deal separately with every unusual phrase. It very often happens that words and phrases *exist* in a language long before they become the standard mode of speech. They are avoided by the earlier writers as vulgar—or as poetical—or as technical slang; or for some other reason, they are unusual, and do not readily offer themselves to the mind; yet perhaps they are to be found by searching. The later style, then, is distinguished from the

older by the *greater abundance* of such phrases; and it may be a valid proof of the recency of a document, that in ten lines it has five modern phrases. In such a case, it is a most insufficient reply to adduce, by laborious searching of indices, similar expressions out of old writers. The question is one of degree, and that is wholly evaded by Voemel's method of reply. When to this we add, that in extreme cases he cuts the knot either by altering the text arbitrarily (as, for *ἐνδεχομένως*, i. p. 14, he conjectures, *ἐκ τῶν ἐνδεχομένων*), or by ruling, we cannot tell why, that the objection goes for nothing (as when he confesses (iv. p. 12) that *μεμψιμοιρεῖν* is not current earlier than Polybius), it appears that Droysen had no chance of proving any thing, even had the case been stronger in his favour. Nevertheless, having said thus much, I will not shrink from adding, if it concern any one to know, that Droysen appears to me to have grasped at too much, and weakened his cause by overstating his objections. But I am aware how easily, under the circumstances, I may misconceive the relative stress which he intended to be laid on his arguments.

But we have not yet got to the end of the arbitrary inventions required by Boeckh's and Voemel's hypothesis. "Five documents," according to the latter, "are attached to a wrong place, four are full of gaps, one perhaps imperfect, and one forged." Such is his final summary. But, as he states five to be out of place, it is his business to assign their right place. Accordingly, he ascribes those which bear the name of Mnesiphilus to Olymp. 110, 2, and 109, 2; *i. e.* to the years B.C. 338 and 342. Yet even on this he has not made up his mind, for he adds (III. p. 9): "*Or else*, both belonged to the same year, Olymp. 110, 2; then this is one more example that one man might be several times in the year notary of the Prytaneum." (If I rightly understand, this means that the notary did not change *every month*.) It is surprising that Professor Voemel should be so confident that the document is not forged, when he is doubtful what is its real date. He may seem to forget that as, by his own shewing, it has not a particle of external support, it can only stand by strong internal proofs of congruity. To doubt about the date, is to doubt whether it is a mere fabrication or not. But let this pass, for more is to come. We know from Demosthenes the extreme anxiety he felt in the year B.C. 346, concerning *the oaths of peace*, which

Philip had not yet taken, and how he despatched an embassy to get them. Now, in order to sustain the credit of the document (p. 235, Reiske), ἐπὶ ἄρχοντος Μνησιφίλου, we are required by Boeckh and Voemel to believe that the same thing happened a second time in B.C. 338, or else in B.C. 342—in which year is uncertain; but that it was in one or other, they request that we will not doubt. We will here transcribe the pith of the decree:—

“Demosthenes, &c. spoke. Since Philip, having sent ambassadors about peace, has made with the Athenian people a treaty which has been approved, it is decreed, in order that the peace may be accomplished which was voted in the first assembly, to choose instantly five ambassadors; and that those who are elected should *go abroad without any delay, wherever they may hear Philip to be, &c. &c.*”

It will be observed, that all the circumstances are precisely the same as in the year B.C. 346, except that five ambassadors are found for ten, and that “the *first* assembly” should be (apparently) “the *former* assembly.” Such a recurrence of events would be like a dream. The same trick played by Philip a second time would inevitably have been commented on by Demosthenes. Voemel, however, is so unmerciful towards incredulous minds, as to lay on us the new burden of believing that the events of the second decree, ἐπὶ Μνησιφίλου also came twice over. The circumstances of this were likewise peculiar, and are known also from the oration *περὶ Παραπρεσβείας* (p. 368, Reiske.) Callisthenes passed the decree to bring the whole country population into the city, on the sudden panic which seized the Athenians when Philip began to raze the Phocian cities to the ground. It would be strange if, in the year B.C. 342, Callisthenes had proposed a similar decree in a similar panic. Such a thing is possible, no doubt. If we had valid testimony to the fact, we might suppose Callisthenes to be an alarmist, ready to take the lead on such occasions. But more words are not wanting, to insist on the inadmissibility of these coincidences on mere arbitrary conjecture; and if even *one* duplicate event is improbable, the combination of the *two* duplicates cannot be received by any cool and impartial mind. To admit, with Voemel and Boeckh, that these documents, headed with the name Mnesiphilus, do not belong to the events of the speech to which they are annexed, is virtually to admit

that they *were* forgeries. Nor do we here need to go back to the topic, that they are over and above burdened with the false archon's name.

In a like spirit Voemel confesses that the decrees which bear the name of Heropythes (p. 283, Reiske), and another to which he refers as in § 29,—which I cannot be sure of, by reason of the different divisions of different editions,—are interpolated in wrong places (i. p. 10). That of § 29 he places, with Boeckh, in Olymp. 110, 2 (or B.C. 338); but the two others somewhat earlier, “perhaps when Philip was making attempts on Megara.” What has been already said will again, in part, apply. Not that the facts alluded to in the decrees ἐπὶ Ἡροπίθου occurred at the time to which they are referred in the speech; but this does not relieve the difficulties. Philip is in them said to have taken certain cities ἀστυγέρονας to Athens, to have plundered others, and to be preparing to invade Attica. To imagine that Philip did all this before the war of Byzantium, and before he was called in against the Amphissians and seized Elatea, appears to me in flat contradiction to the notorious facts of the history. In the earlier period, he intrigued and did many things by his partisans, but he did not head a great army in his own name on the confines of Attica. In the Phocian war he was ostensibly acting for the confederates and in the sacred cause of the temple; and we have every reason to feel assured that that was the only occasion, previous to his seizure of Elatea, on which he came with an army south of Thermopylæ. Besides, the second decree complains, that Philip is intending to alienate the Thebans from Athens; while, if there is a word of truth in Demosthenes's statements, the Athenians and Thebans were in mutual enmity all along, down to the time when, after Philip had seized Elatea, Demosthenes performed the eminent service of reconciling the two cities. Without pursuing the subject any farther, enough has been said to shew the difficulties in which the hypothesis of Boeckh, which Voemel has so learnedly and zealously defended, is involved.

I turn to a more grateful subject, that of using the learning of Professor Voemel to assist in replying to various questions which were proposed in the former article on these documents. It may be most convenient to the reader to be referred to the pages of the *Classical Museum*, Vol. 1.

P. 152, Κύπριος is corrected to Κόπριος by Boeckh, who (it

seems in his *Seevesen*, p. 384) has established that there was a δῆμος called Κόπρος. No doubt, then, Κόπριος is the word which the first writer of the document intended.

In proof that the celebrated Eubulus was an *Anaphlystian*, Droysen refers to *Plut. Polit. Præc.* cap. 15. Whether this proves any thing is uncertain; for Voemel regards it as clear that Plutarch quotes our documents as genuine; and if so, he may be indebted to this spurious source for his information.

In p. 155 a difficulty is started, concerning *the five hundred drachmas*. Voemel's explanation is, that the people might at discretion lower the penalty of one thousand to five hundred. In proof that five hundred was a common fine to impose, he refers to *Demosth. contra Eueg. et Mnes.* § 43 (p. 1152, 10), which certainly states that five hundred drachmas was the highest fine which the senate could impose at will on a man who had struck a public officer; also to *Isocrat. contra Lochit.* § 3 (p. 898), which says, that a man who used against another scandalous terms of reviling (τι τῶν ἀπορρήτων) was liable to a fine of five hundred drachmas. These instances justify, in Voemel's opinion, the article τὰς πεντακοσίας, although the case before us, of Patrocles, was quite different from these.

On the question in p. 163 (C.M.), concerning Charidemus, who was ἀποσταλὴς εἰς Σαλαμίνα, and was concerned in the ἐπὶ τοῦ ποταμοῦ μάχη, Professor Voemel offers the following explanation (III. p. 18): "Charidemus, the Athenian, *from the Attic Salamis, whither he was ordered*, in conjunction with Diotimus, after the battle on the *Cephisus* against Philip (therefore Olymp. 110, 3), armed, from his private means, eight hundred men. It does not appear that any well-founded objection can be made against the possibility of this supposition." The reader must judge whether the Greek can bear this meaning.

In p. 166 it has been inquired, how old are the titles and the distribution of functions at Athens; ὁ ἐπὶ τῶν δπλων, ὁ ἐπὶ τῆς διοικήσεως, ὁ ἐπὶ τῶν ἱππέων. In Voemel (III. p. 11) it is stated, that such phrases are found in the time of the Cæsars, and, to judge by Athenæus (*Deipn.* lib. v. p. 213, E), in that of Mithridates. Rather more to the purpose, in regard to chronology at least, is his reference to Dinarchus *contra Philoclem* (in initio), στρατηγὸς ὑφ' ὑμῶν ἐπὶ τὴν Μουνυχίαν καὶ τὰ νεῦρια κειροτονημένος.

In i. p. 12, he adduces, with another object, an inscription, ἐπὶ Διοτίμου ἀρχοντος, which has the expression ἕκτη μετ' εἰκάδας, instead of πέμπτη ἀπλοντος. The difference of εἰκάδας and εἰκάδα perhaps is not to be pressed. If this Diotimus is the archon of B.C. 354, the antiquity of the expression is established. Voemel's reference is to *Hall. Archæol. Blätt.* 1836, No. 43. He adds, that Meier, the editor, refers the inscription to the year B.C. 286 or 285, which certainly might affect its value for our present purpose.

In p. 168, the phrases ἐνθυμηθῆναι διότι and ἀντιβαίνειν are remarked on. I have since observed διότι for ὅτι in *Aristot. Nic. Eth.* vi. 9. 5; and in i. 13. 16, he says, ἐναντιούμενον τῷ λόγῳ καὶ ἀντιβαῖνον, without, it seems, intending to be poetical. Voemel quotes διότι for ὅτι, from *Crito Comicus*, apud *Athen.* iv. p. 173, C.

The plural πρεσβευταὶ has crossed my path in *Demosth. in Timocr.* 703, § 1. It is not in the index, and I cannot find it again.

To justify the phrase, ἀξιῶ ἵνα βοηθήσῃ, to which Droysen also has objected, Voemel quotes from *Thucyd.* v. 36, εἰδέοντο ὅπως παραδώσουσι.

It must finally be stated, that in taking his leave of Droysen, Professor Voemel is careful to express himself in terms of much honour towards his learned opponent. I wish it had been possible for me here to lay Voemel's own dissertation more completely before the reader; but as it consists of details, there was no choice but to translate it entire, or to comment on it as I have done.

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