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THE DISAPPEARANCE AND REAPPEARANCE OF *EXETASIS*

DAVID C. MIRHADY

In a law court there is always at least one of two sets of questions at issue, questions of law and questions of fact. In the latter case each side maintains a particular narrative, or "commemoration," of past events, whether about the original circumstances of their dispute or about some step in their process of litigation. In the Athenian legal process, the formal means of supporting one narrative over another was generally through witnesses, or through documents, which had to be verified in any case by witnesses. The Athenians were unfamiliar with the marvels revealed by material evidence.

But the 4th century BC rhetorical handbook known as the *Rhetorica ad Alexandrum* does introduce a species of oratory, the *eidos exetastikon*, which is to be used to argue that the speech of one's opponent might be challenged by reference to contradictions in his choices, actions, or words (*Rh. Al.* 5 1427b12–30[1]):

> Ἐν κεφαλαίῳ μὲν οὖν εἰπεῖν, ἡ ἐξέτασίς ἐστι προαιρέσεων ἢ πράξεων ἢ λόγων πρὸς ἄλληλα ἢ πρὸς τὸν ἄλλον βίον ἐναντιουμένων ἐμφάνισις. δεῖ δὲ τὸν ἐξετάζοντα ζητεῖν, εἴ που ἢ ὁ λόγος ὃν ἐξετάζει ἢ αἱ πράξεις τοῦ ἐξεταζομένου ἢ αἱ προαιρέσεις ἐναντιοῦνται ἀλλήλαις. 2 ἡ δὲ μέθοδος ἥδε· σκοπεῖν ἐν τῷ παροιχομένῳ χρόνῳ, εἴ τῳ πρῶτόν τις φίλος γενόμενος πάλιν ἐχθρὸς ἐγένετο καὶ πάλιν φίλος τῷ αὐτῷ τούτῳ, ἤ τι ἄλλο {ἐναντίον ἢ εἰς μοχθηρίαν φέρον} ἔπραξεν ἢ ἔτι πράξειεν ἄν, εἰ καιροὶ παραπέσοιεν αὐτῷ, ἐναντίον τοῖς πρότερον ὑπ' αὐτοῦ πεπραγμένοις. 3 ὡσαύτως δὲ ὅρα καὶ εἴ τι † εἰπὼν νῦν λέγει ἐναντίον τοῖς πρότερον αὐτῷ εἰρημένοις, ἢ εἴ τι εἴποι ἐναντίον τοῖς λεγομένοις ἢ τοῖς πρότερον εἰρημένοις †. 4 ὡσαύτως δὲ καὶ εἴ τι προείλετο ἐναντίον τοῖς πρότερον ὑπ' αὐτοῦ προηρημένοις, ἢ προέλοιτ' ἂν καιρῶν παραπεσόντων. ὁμοιοτρόπως δὲ τούτοις λαμβάνειν καὶ πρὸς τὰ ἄλλα ἔνδοξα ἐπιτηδεύματα τὰς ἐν τῷ τοῦ ἐξεταζομένου βίῳ ἐναντιώσεις. τὸ μὲν οὖν ἐξετάστικὸν εἶδος οὕτω μετιὼν οὐδένα παραλείψεις τρόπον τῆς ἐξετάσεως.

[1] The Greek text is that of Fuhrmann 2000; the translations are my own.

> To describe it in general terms, investigation is the exposure of choices or acts or words that contradict each other or the rest of the person's life, and the investigator must examine whether somehow the speech that he is investigating or the actions of the person being investigated or his choices contradict each other. 2 The method is as follows: see whether, at a previous time, after having been at first a friend to someone he became his enemy and again a friend to the same person, or if he has done something else [contradictory; which may lead to baseness] or if he may in the future do something contradictory to what he has done in the past, if circumstances present themselves. 3 In the same way, see if after saying something he now says the contrary of what he said before, or if he may say something contrary to what is being said or what has been said earlier. 4 In the same way, see whether he has made some choice contrary to what he is choosing now, or what he would choose if circumstances presented themselves. In ways similar to these, take up contradictions in the life of the person being examined with regard to other behaviors that are held in repute. By proceeding through the investigative species in this way you will not miss any mode of investigation.

The handbook, which, at least for the purposes of this paper, I assume to have been written by Anaximenes, recognizes an argument both as a complex of potentially contradictory statements and as an artifact of a particular person's character, a character that entails a complicated set of "choices, acts, and words."[2] If the speaker can successfully expose the contradictions of the argument or of that character, then he can simultaneously challenge the speech.

Anaximenes gives another description later in the work, in which he acknowledges that the exetastic *eidos* does not often exist by itself (*Rh. Al.* 37 1445a30–b22):

> Τὸ δ' ἐξεταστικὸν εἶδος αὐτὸ μὲν καθ' ἑαυτὸ οὐ πολλάκις συνίσταται, τοῖς δὲ ἄλλοις εἴδεσι μίγνυται καὶ μάλιστα πρὸς τὰς ἀντιλογίας χρήσιμόν ἐστιν. οὐ μὴν ἀλλ' ὅπως μηδὲ τούτου τὴν τάξιν ἀγνοῶμεν, ἄν ποθ' ἡμῖν λόγον ἢ βίον ἢ πρᾶξιν ἀνθρώπων ἢ διοίκησιν πόλεως ἐξετάζειν συμβῇ, διέξειμι καὶ περὶ τούτου κεφαλαιωδῶς. 2 φροιμιαστέον μὲν οὖν σχεδὸν ὁμοιοτρόπως τοῖς διαβεβλημένοις καὶ τοῖς ἐξετάζουσι ταῦτα, ὥστε προφάσεις ἐν

[2] The triad "choices, actions, and words" appears in Anaximenes' definitions of both demegoric and epideictic rhetoric (1.3 1421b22–23 and 3.1 1425b36–37), but not forensic rhetoric.

ἀρχαῖς εὐλόγους ἐνεγκόντες, δι' ἃς δόξομεν εἰκότως τοῦτο ποιεῖν, οὕτως ἐπὶ τὴν ἐξέταςιν ἥξομεν. 3 αἱ τοιαίδε δὲ ἁρμόςουςιν ἐν μὲν τοῖς πολιτικοῖς cυλλόγοις, ὡς οὐ φιλονεικίᾳ τὸ τοιοῦτον ποιοῦμεν, ἀλλ' ὅπως μὴ λάθῃ τοὺς ἀκούοντας, εἶτα ὅτι ἡμᾶς οὗτοι πρότερον ἠνώχληcαν· ἐν δὲ τοῖς ἰδίοις ⟨χρὴ προφαςίζεcθαι⟩ ἢ ἔχθραν ἢ τὰ ἤθη τῶν ἐξεταζομένων φαῦλα ὄντα ἢ φιλίαν πρὸς τοὺς ἐξεταζομένους. {ἢ} ὅπως cυνέντες, ἃ πράττουcι, μηκέτι ταῦτα ποιήςωcιν, ἐν δὲ τοῖς δημοςίοις τὸ νόμιμον ⟨καὶ⟩ τὸ δίκαιον καὶ τὸ τῷ κοινῷ cυμφέρον. 4 φροιμιαςάμενοι δ' ἐκ τούτων καὶ τῶν τούτοις ὁμοιοτρόπων ἐφεξῆς ἕκαcτον προτιθέμενοι τῶν ῥηθέντων ἢ πραχθέντων ἢ διανοηθέντων ἐξετάςομεν, ἐνδεικνύντες αὐτὰ καὶ τοῖς δικαίοις καὶ τοῖς νομίμοις καὶ τοῖς ἰδίᾳ καὶ κοινῇ cυμφέρουcιν ἐναντιούμενα, καὶ πάντα cκοποῦντες, εἴ που αὐτὰ αὑτοῖς ἐcτιν ἐναντία ἢ τοῖς ἤθεcι τῶν χρηcτῶν ἀνθρώπων ἢ τοῖς εἰκόcιν. 5 ἵνα δὲ μὴ μηκύνωμεν καθ' ἕν ἕκαcτον λέγοντες, ὅcῳ ἂν πλείοcι τῶν ἐνδόξων ἐπιτηδευμάτων ἢ πραγμάτων ἢ λόγων ἢ ἐθῶν ἐναντιούμενα τὰ τῶν ἐξεταζομένων ἀποφαίνωμεν τοῖς ἀκούουcι, τοcούτῳ μᾶλλον οἱ ἐξεταζόμενοι ἀδοξήcουcι. 6 δεῖ δὲ πικρῷ τῷ ἤθει μὴ ἐξετάζειν, ἀλλὰ πραεῖ· τοῦτον γὰρ τὸν τρόπον οἱ λόγοι γινόμενοι πιθανώτεροι φανήcονται τοῖς ἀκούουcιν, οἱ δὲ λέγοντες αὑτοὺς ἥκιcτα διαβαλοῦcιν. 7 ὅταν δὲ πάντα ἀκριβῶς ἐξητακὼς αὐξήςῃς αὐτά, παλιλλογίαν ἐπὶ τῇ τελευτῇ cύντομον ποίηcαι καὶ τοὺς ἀκροατὰς περὶ τῶν εἰρημένων ἀνάμνηcον.

The investigative species does not occur often by itself but is mixed with other species and is particularly useful for controversies.[3] Nevertheless, in order that we not be ignorant of its arrangement if it ever falls upon us to examine a speech or life or action of people or the administration of a city I shall also go through it summarily. 2 The introduction should be very similar for those who have been slandered and for those who are doing an investigation, so that, by bringing in reasonable pretexts, as a result of which we seem to be acting reasonably, we come to the investigation on this basis. 3 The following sorts of pretexts are appropriate for political discussions, that "we are doing this not out of contentiousness but so that it does not escape our audience's attention;" then, that "these people injured us first." In private discussions (the pretext will be) either enmity or that the character of those being investigated is bad, or friendship towards those being investigated, so that if they know what they are doing

[3] I am not convinced that the "controversies" (*antilogiai*) must always be forensic.

> they may no longer do it. In state matters, the pretext will be what is legal or just or in the common interest. 4 After doing an introduction in this way, or in ways like it, by introducing each of the things said or done or thought in turn, we shall do the investigation, pointing out that they contradict what is just, legal, and in the private and common interest, and investigating all of them, whether they contradict with themselves or with the behavior of good people or with probability. 5 In order to avoid speaking at length on each point, [suffice it to say that] as much as we show the listeners that the pursuits or actions or words or customs of the people being investigated contradict most reputable pursuits, actions, words and customs, the more the people being investigated will be in disrepute. 6 The investigation must be done not in a bitter spirit but in a mild one. In this way the arguments will appear to become more trustworthy to the listeners and their speakers will disparage themselves least. 7 When you have investigated everything in detail and amplified them, do a concise repetition at the end and remind the hearers what has been said.

All of this seems sensible enough to us, especially in an intellectual climate now long experienced with tropes of post-modern deconstruction. But, curiously, the *Rhetorica ad Alexandrum* seems to pick the idea for this species of rhetoric, indeed its entire terminology, almost out of thin air. In the rest of its divisions of oratory, it follows essentially the same tri-partition, in the same order—deliberative/forensic/epideictic—as Aristotle does.[4] What are its origins? Xenophon suggests that there was an exetastic activity that worked alongside several other *technai*, such as metalwork, farming, and government, and served as some sort of check on them,[5] but it is impossible to draw any conclusions from such a solitary and indistinct usage.

In some ways this odd seventh species, the *eidos exetastikon*, may be a remnant of an earlier tri-partition, which is mentioned by Plato and Alci-

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[4] As I was at pains to point out in Mirhady 1994, Aristotle gives a much more thorough justification for the tri-partition, and it may well be that Anaximenes did not think in terms of three *genera* at all. Quintilian 3.4.9 claims that Anaximenes had only two *genera* (grouping epideictic with deliberative), and it may be that the references to three *genê* in the *Rh. Al.* result from later changes in the text that were made to make it conform with Aristotle.

[5] Xen., *Mem.* 1.1.7: τεκτονικὸν μὲν γὰρ ἢ χαλκευτικὸν ἢ γεωργικὸν ἢ ἀνθρώπων ἀρχικὸν ἢ τῶν τοιούτων ἔργων ἐξεταστικὸν ἢ λογιστικὸν ἢ οἰκονομικὸν ἢ στρατηγικὸν γενέσθαι, πάντα τὰ τοιαῦτα μαθήματα καὶ ἀνθρώπου γνώμῃ αἱρετὰ ἐνόμιζεν εἶναι.

damas[6] and which combined deliberative and epideictic into one genus, called demegoric ("public") oratory, and included, as well as forensic oratory as its second genus, some form of private discourse as the third, separate genus, on which sophists also gave instruction. Training in private discourse was useful for the sort of circumstances dramatized so often by Plato in his dialogues (and perhaps also for private arbitrations, negotiating contracts, or serving on diplomatic missions), but Aristotle's *Rhetoric* consigns that activity to dialectic and separates it off as a "counterpart" to the entire *technê* of rhetoric.[7] In fact, Aristotle seems significantly to allude to the activity of *exetasis* at the beginning of his *Rhetoric* by referring to one of the two primary activities of dialectic with the verb *exetazein*, the only instance of that verb in the entire treatise.[8] In his *Ethics*, Aristotle uses the verb to describe a philosophical method of examining various ideas (*EN* 1095a; *EE* 1215a), and in the *Topics*, Aristotle describes dialectic

[6] Pl. *Phdr.* 261a–b: Σωκράτης. ἆρ' οὖν οὐ τὸ μὲν ὅλον ἡ ῥητορικὴ ἂν εἴη τέχνη ψυχαγωγία τις διὰ λόγων, οὐ μόνον ἐν δικαστηρίοις καὶ ὅσοι ἄλλοι δημόσιοι σύλλογοι, ἀλλὰ καὶ ἐν ἰδίοις ("Socrates: Is not rhetoric in its entire nature an art which leads the soul by means of words, not only 1) in law courts and 2) the various other public assemblages, but 3) in private companies as well?"); *Sph.* 222c: τὴν δὲ γε δικανικὴν καὶ δημηγορικὴν καὶ προσομιλητικήν, ἓν αὖ τὸ σύνολον, πιθανουργικήν τινα μίαν τέχνην προσειπόντες. ("And by calling (1) the forensic, (2) the demegoric, and (3) the conversational (arts) also by a single name, collectively, an art of persuasion"); and Alcid. *Soph.* 9: λέγειν μὲν ἐκ τοῦ παραυτίκα καὶ δημηγοροῦσι καὶ δικαζομένοις. καὶ τὰς ἰδίας ὁμιλίας ποιοῦσιν ἀναγκαῖόν ἐστι. ("It is necessary for those 1) in public assemblies, 2) in law courts, 3) and in private discussions to speak extemporaneously.")

[7] Arist. *Rh.* 1.1 1354a1–6: ἡ ῥητορικὴ ἐστιν ἀντίστροφος τῇ διαλεκτικῇ· ἀμφότεραι γὰρ περὶ τοιούτων τινῶν εἰσιν ἃ κοινὰ τρόπον τινὰ ἁπάντων ἐστὶ γνωρίζειν καὶ οὐδεμιᾶς ἐπιστήμης ἀφωρισμένης· διὸ καὶ πάντες τρόπον τινὰ μετέχουσιν ἀμφοῖν· πάντες γὰρ μέχρι τινὸς καὶ **ἐξετάζειν** καὶ ὑπέχειν λόγον καὶ ἀπολογεῖσθαι καὶ κατηγορεῖν ἐγχειροῦσιν. ("Rhetoric is a counterpart to dialectic; for both concern certain matters that are in a way within the understanding of all and not confined to any one science. Hence all in a way have a share of both; for all, to an extent, endeavour to investigate or uphold an argument, to defend themselves or to accuse.")

[8] Maffi 1985: 32 seeks to confirm Quintilian's association of the *eidos exetastikon* within the genre of forensic rhetoric. At the same time he acknowledges its conceptual autonomy, whether standing by itself or used in other discourses. Quintilian (3.4.9) reports that "Anaximenes wanted there to be two generic parts of rhetoric (*iudicialis* and *contionalis*) and a seventh *species, exquirendi* (which he calls *exetastikon*)." Quintilian sees the first three pairs of species breaking down along the usual generic lines, but sees the seventh joining the forensic. Anaximenes himself actually seems to deny this joining in ch. 37.1, but he admits that the species does not often occur by itself but says that it is mixed with the other species, especially in controversies (*antilogiai*).

in general as "investigative" with regard to the first principles of all methodologies (*Top.* 101b1–4).

Aristotle's silence about *exetasis* in the *Rhetoric* also seems reflected in the forensic logographers of late fifth and early fourth centuries. Antiphon, Andocides, Lysias, and Isaeus scarcely use the term *exetasis* or the verb *exetazein*.[9] Where the term occurs in a striking way in a law court speech, however, is in Plato's *Apology of Socrates*. When Socrates introduces his questioning of Meletus, he does not mention an *erôtêsis* formally at all, as some might assume, but invites the judges to join with him in performing an *exetasis*, an investigation, of each of the points in Meletus' charge.[10] The loose and extended structure of Socrates' questioning is altogether different from the few extant formal *erôtêseis*, which are found in Lysias and Isaeus.[11] They have no sustained attempt to elicit contradictions, as Anaximenes might suggest, but only attempts to get some potentially damning admissions (*homologiai*). None of the passages suggests a distinct use of the term *exetasis* in connection with the interrogation.

The focus of the *exetasis* in the *Apology* is not any sort of evidence, but the pleas themselves, the heart of the prosecutors' case.[12] At 24b, Socrates

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[9] The only passages are Ant. 5.37; Andoc. 4.2; Lys. 26.5; and Is. 4.2, 11, 27. Cf. Pasini (2006: 192–193).

[10] *Ap.* 24c2–3: τούτου δὲ τοῦ ἐγκλήματος ἕν ἕκαστον ἐξετάσωμεν. ("Let us investigate each point in this charge.") Maffi 1985 has drawn attention to the connection between Socrates' *exetasis* and Anaximenes' *eidos*, but he sees them both as stemming from forensic *erôtêsis*. I see it as part of what Socrates tries to excuse at the beginning of his speech, 17c, where he says that he will speak through the same words that he used "both in the market place at the bankers tables, where many of you have heard me, and elsewhere." That is, he will perform Socratic dialectic.

[11] Lys. 12.25, 13.30, 22.5, and Is. 11.5. Maffi 1985: 36 calls attention to the legal requirement for litigants, normally in the preliminary *anakrisis*, to answer each other's questions (cf. Dem. 46.10). But that seems largely a process of trying to narrow the questions at issue between the litigants rather than a rhetorical device. Carawan 1983 has done the most thorough study of the *erôtêsis*, but I am not convinced by his conclusion that *erôtêseis* remained an active element in forensic contests of the 4th century. None of the later passages that he cites includes an answer. They seem much like the sort of rhetorical questioning that is familiar in debates today. Carawan seems right, however, in observing that the questions do seem to echo the sorts of questions one might have heard at an *erôtêsis* during the preliminary hearing.

[12] In his commonly used commentary on the *Apology*, Burnett 1927: 107, 110 divides Socrates' interrogation of Meletus into only two parts, the first (24c4–26a7) dealing with the charge of corrupting the young and the second (26a8–28a1) with the charge of atheism. I wish to suggest that the passage actually falls into three parts, which correspond in turn to two parts of Socrates' counter-plea at 24c, 24d–25c and 25c–26a, and a direct refutation of Meletus' plea at 24b–c, 26a–28a. This

relates the formulaic wording of Meletus' plea: "Socrates does injustice in corrupting the young and in not observing the gods the city observes, but other strange religious practices."[13] Socrates' counter-plea follows almost immediately after and contains as much formulaic wording as does Meletus' plea: "Meletus does injustice because he jests in earnest by lightly putting people on trial about matters that he pretends to take earnestly and to be distressed by, which have never been of any concern to him."[14]

In the first part of the *exetasis* (24d–25c), Socrates attempts to show the correctness of his own assertion, that Meletus has no concern for the matters about which he is bringing suit, so, as Anaximenes' account of *exetasis* suggests, there are inconsistencies in Meletus' "choices, acts, and words;" he "jests in earnest." Socrates begins by asking Meletus who makes the young people good, and finally elicits from Meletus the (for the Athenians) paradoxical conclusion that while for the training of horses there are specialists, for the training of children there are no specialists. Socrates infers from the contradictory nature of this paradox that Meletus has no concern for the upbringing of youths. In the second part (25c–26a), Socrates attempts to show that Meletus is wrongfully putting him on trial. He begins by asking whether anyone would intentionally associate with people who would do him harm and infers from Meletus' negative response that it must be Meletus' view that Socrates was inadvertently corrupting the young, to which the proper response was not simply to bring Socrates to court but to instruct him concerning his mistake. In the third part, from 26b to 28a, once Socrates has reaffirmed the correctness of his own counter-plea, he goes on to clarify what Meletus means by corrupting

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reading, I believe, takes better account of the legal and rhetorical circumstances of the passage, in which Plato first skillfully interweaves ridicule of Meletus' charges into the proof of his own countercharge, and then confronts Meletus' charges directly.

[13] *Ap.* 24b8–c1: Σωκράτη φησὶν ἀδικεῖν τούς τε νέους διαφθείροντα καὶ θεοὺς οὓς ἡ πόλις νομίζει οὐ νομίζοντα, ἕτερα δὲ δαιμόνια καινά. More complete texts of the charges are reported by Diogenes Laertius 2.40 and Xenophon, *Mem.* 1.1.1.

[14] *Ap.* 24c4–8: ἐγὼ δέ γε, ὦ ἄνδρες Ἀθηναῖοι, ἀδικεῖν φημι Μέλητον, ὅτι σπουδῇ χαριεντίζεται, ῥᾳδίως εἰς ἀγῶνα καθιστὰς ἀνθρώπους, περὶ πραγμάτων προσποιούμενος σπουδάζειν καὶ κήδεσθαι ὧν οὐδὲν τούτῳ πώποτε ἐμέλησεν. Xenophon's recounting of Socrates' defense generally employs more rhetorical questions that Plato's, but it also includes actual questions to Meletus, two of which Meletus even answers. Socrates asks Meletus to say whom specifically he has corrupted (*Ap.* 19) and whether military experts are elected as generals (21). But the reason for Xenophon's inclusion of Meletus' responses has little to do with Plato's *Apology*. He appears to include them as a way for Meletus' evidentiary material to be introduced, the fact that he has specific people who will testify that Socrates has taught their sons to be disobedient.

the youth and not observing the city's gods: he means that Socrates is an atheist who yet believes in gods. Near the end of the *exetasis* (27c), Socrates feels justified in saying to Meletus, "I put you down as *admitting* (that it is so), since you do not answer."[15] If Meletus had actually made this *admission*, the *homologia*, that if Socrates observes *daimonia*, he must also observe *daimones* or gods, then his position would have been seriously compromised. It would have been tantamount to admitting that his plea was wrong, and Socrates would have walked away a free man.

There is admittedly somewhat of an overlap between *exetasis* and *erôtêsis* in so far as eliciting admissions. In her in-depth study of *exetasis* and *exetazein* in Plato and Aristotle, Rossitto puts particular emphasis on *Apology* 29e[16]:

> ἐάν τις ὑμῶν ἀμφισβητήσῃ καὶ φῇ ἐπιμελεῖσθαι, οὐκ εὐθὺς ἀφήσω αὐτὸν οὐδ' ἄπειμι, ἀλλ' ἐρήσομαι αὐτὸν καὶ ἐξετάσω καὶ ἐλέγξω, καὶ ἐάν μοι μὴ δοκῇ κεκτῆσθαι ἀρετήν, φάναι δέ, ὀνειδιῶ ὅτι τὰ πλείστου ἄξια περὶ ἐλαχίστου ποιεῖται. (*Ap.* 29e–30a)
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> If any of you argues, and says he does care, I shall not let him go at once, nor shall I go away, but I shall *question and investigate and refute* him, and if I find that he does not possess virtue, but says he does, I shall rebuke him for scorning the things that are of most importance.

The juxtaposition of the three verbs ἐρήσομαι / ἐξετάσω / ἐλέγξω suggests distinct meanings for each. There is questioning of the subject, an oral exchange. The *exetasis*, the putting him to the proof ("*metterlo alla prova*"), involves a logical examination of his responses. The *elenchos*, refuting him, involves drawing the conclusion that the respondent does not know what he claims to know.

The method that Socrates employs in his *exetasis* seems essentially that recommended two generations later in the *Rhetorica ad Alexandrum*, except that no interrogation is foreseen by Anaximenes. Nevertheless, Socrates reveals choices and words of Meletus that are arguably at odds with the claims that he is making about Socrates in his accusation and in his narrative of Socrates' activities. It seems a striking method, which leads us to ask why it, or at any rate its terminology, appears so rarely in the forensic oratory of the late 5th and early 4th century. Part of the reason may have to do with the discontinued use of the interrogation, or *erôtêsis*, in the courts, or at least in the speeches that we have from the courts. In the

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[15] *Ap.* 27c9–10: τίθημι γάρ σε ὁμολογοῦντα, ἐπειδὴ οὐκ ἀποκρίνῃ.

[16] Rositto 2000: 247–248.

early orators we see several instances, where, like Socrates, one litigant, albeit more briefly, interrogates the other before the judges. But it must have been an unwieldy procedure for creating a forensic narrative, so the fact that this (as it were dialectical) procedure disappears in the later orators is not surprising. On the other side, we should note that with regard to his *eidos exetastikon* Anaximenes does not mention *erôtêsis* at all, so he appears not to see the species' origins there in any case.[17] He has a completely unrelated discussion of *erôtêsis* elsewhere in his treatise (36.43–44).

Another reason why *exetasis* disappears so thoroughly from the contemporary forensic oratory may have precisely to do with the dialectical (that is, philosophical) quality of Socrates' *exetasis*. In the *Apology*, Socrates describes his own ongoing activity in life as *exetasis*:

> The young men who have the most leisure, the sons of the richest men, accompany me of their own accord and find pleasure in hearing people being *investigated*, and often imitate me themselves, and then they undertake to *investigate* others.[18]

Socrates' labeling of his own philosophical activity as *exetasis* seems to agree in large measure with Aristotle's relegation of it to dialectic. It seems a real possibility that the forensic logographers also largely avoided the term because of its philosophical connotations.

The *Apology* makes clear that *exetasis* was fundamental to Socrates' philosophical vocation (28e). When his young followers imitated him, performing the *exetasis* on others, many of them became angry at Socrates as a result (23c–d, 28e, 33c). The *exetasis* led to *elenchos*, as the people being questioned were found not to know what they were talking about and were refuted (29e).[19] The *exetasis*, however, was to be directed as much at

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[17] Syrianus *In Hermog.* II (11.21–23 Rabe), in what appears to be a discussion of the *Rhetorica ad Alexandrum*, says that the listeners, not the speaker, are to perform the *exetasis*. Cf. Mirhady 1994: 59–60. Both Aristotle and Anaximenes devote sections of their texts to *erôtêsis* (*Rh.* 3.18.1–4; *RhA* 36.43–44) within their discussions of the arrangement of parts of speeches. The two accounts are very dissimilar, Aristotle making logical divisions (and citing *Apology* 29d) and Anaximenes giving advice on what answers to supply to the interrogation. Both authors seem to be inventing new material to attach to an outmoded heading in the tradition of rhetorical treatments of arrangement.

[18] *Ap.* 23c: οἱ νέοι μοι ἑπακολουθοῦντες—οἷς μάλιστα σχολή ἐστιν, οἱ τῶν πλουσιωτάτων—αὐτόματοι, χαίρουσιν ἀκούοντες ἐξεταζομένων τῶν ἀνθρώπων, καὶ αὐτοὶ πολλάκις ἐμὲ μιμοῦνται, εἶτα ἐπιχειροῦσιν ἄλλους ἐξετάζειν·

[19] Tarrant 2002 argues, among other things, that *exetasis*, rather than *elenchos*, is the more accurate term for Socratic interrogation and that it is primarily used to

Socrates himself as he performed the *exetasis* as against his interlocutors. His famous phrase, "the unexamined life is not worth living," refers to *exetasis* (*Ap.* 41b–c; cf. *Prt.* 333c), and Socrates even extends the activity to death, imagining himself performing the *exetasis* on Odysseus and Sisyphus in the underworld (41b–c). The *exetasis* seems central to Socrates' philosophical vocation, which suggests that the term came to be associated with him, and by extension, with the sophists who were engaged in similar activities, some of them, perhaps his one-time followers.

In the *Theaetetus* the *exetasis* seems to have become part of a sophistic exercise, in which competitors, based on a presumed complete understanding of psychology, do battle with arguments.[20] The *Sophist*, however, seems to describe a methodology very similar to that of Axaminenes' *exetasis* (*Sph.* 230b):

> They do an interrogation if a man thinks he is talking sense when he is talking nonsense; then they easily *investigate* the opinions of those who err, and by bringing those opinions together with his words they place them side by side, and by the comparison they show that they contradict each another about the same things, in relation to the same things, and in respect to the same things.

Like Anaximenes, emphasis is put on finding contradictions. The complicated series of prepositional phrases in the last sentence seems analogous to Anaximenes' "choices, acts, and speech" (cf. *Phdr.* 261a). Again, as in the *Apology*, the *exetasis* leads to *elenchos*, which Socrates likens to a spiritual purification (230d).

The *Gorgias* also presents the role of *exetasis* in the dialectical situation quite clearly, as Socrates complains that Callicles is not cooperating in the *exetasis* of his own views by not answering truthfully. In another striking echo of Anaximenes, as Socrates proceeds in his *exetasis*, Callicles accuses him of being "contentious" (*philonikos*).[21] Anaximenes actually uses the word *philoneikia* (37.3 1445a40) instead of *philonikia*, but the same transla-

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test knowledge-claims by individuals rather than propositions. In his comments on Tarrant's paper, however, Young 2002 voices some skepticism.

[20] Pl., *Tht.* 154d–155a: Socrates: Well, if you and I were clever and wise and had investigated everything about the mind, we would spend the rest of our time testing each other out of the fullness of our wisdom, rushing together like sophists in a sophistical combat, battering each other's arguments with counter arguments. But, as it is, since we are ordinary people, we shall wish in the first place to look into the real essence of our thoughts and see whether they harmonize with one another or not at all ... shall we not quietly, without any impatience, but truly investigating ourselves, consider again the nature of these appearances within us?

[21] *Grg.* 495d, 514a–b.

tion is possible for both words, which obviously also sound alike. Maffi also points out Socrates' differentiation of dialectical from rhetorical method at *Gorgias* 471d–472c, but there, strikingly, there is no reference to *exetasis*.[22]

Evidence in the text of the *Rhetorica ad Alexandrum* suggests that it was written in the 330's BC, roughly contemporary with Aristotle's *Rhetoric*. Its prominent re-appropriation of the term and method of *exetasis* suggests a couple possibilities. It may well have entailed a conscious decision to blur the lines between Socratic philosophical dialectic and oratory, the latter being fashioned through the systematic teachings of rhetorical theory. Unlike the speeches of the earlier logographers, however, the speeches of Demosthenes, Aeschines, and their contemporaries seem to explode with use of the verb *exetazein*—twelve times in Aeschines' three speeches and close to one hundred times in the Demosthenic corpus. Many of the instances, like the few in the earlier logographers, seem in no way technical; they could be interchanged with *skopein* or various other verbs with little difficulty. But some do seem to have a technical sense, either legal or rhetorical.[23] The prevalence of the *dokimasia*, or scrutiny, of the orators in the speeches of Demosthenes and Aeschines seems to play a role here.[24] According to this procedure, an orator could be challenged in the Assembly as being unfit to speak. That led to a trial before a court, such as that for which Aeschines 1, *Against Timarchus*, was written. The court then decided whether something in the orator's life conflicted with his serving as an orator.[25] Several passages in which *exetazein* occurs seem

[22] Maffi 1985: 38. Maffi 32 also points out the close affinity between the *exetasis* and Anaximenes' discussion of *tekmêria* and *enthymêmata* in ch. 9–10, but that may open a greater mystery than it explains. Anaximenes' definition of *tekmêria* as involving inconsistencies is idiosyncratic, as is the emphasis on inconsistencies in the account of *enthymêmata*. Maffi certainly seems right to claim a firm point, however, that *exetasis* serves to demonstrate some internal contradiction in the speech or actions of the adversary, and in so doing seems to approach, in particular, dialectic.

[23] Chiron 2002: 136–137 also identifies some technical uses, as does Rossitto 2000: 227–287.

[24] The *dokimasia* procedure existed for individuals other than orators long before. Lys. 16, 26, and 31 all relate to *dokimasiai*. There is also the complication that the gap between the high-profile public suits in Lysias and those in Demosthenes lasts more than a generation. It is less than clear, however, whether there was a *dokimasia rhêtorôn* procedure as early as Lysias. The evidence of Lys. 10.1 is not conclusive, on which see now Todd 2007: 662–663.

[25] MacDowell 2005 has done the most thorough account of the *dokimasia rhêtorôn* procedure recently. See also Fisher 2001: esp. 156–162.

to refer to the *dokimasia rhêtorôn*, either directly or by some analogy.[26] Other passages put no less emphasis on investigating a person's (usually the opponent's) life.[27]

Some uses of the verb seem to indicate a technical, rhetorical usage.[28] Here speakers seem to proclaim that they are about to embark on a well understood procedure.[29] Hyperides provides striking examples of this. Parts of both his *Euxenippos* speech and his *Lykophron* speech, for instance, seem to fit Anaximenes' description of the *eidos exetastikon*. According to Anaximenes, the speaker should investigate the accusation itself and match it against the character of the accuser, as Socrates does. In *Euxenippos*, Hyperides gives particular attention not only to the accusation, in this case an *eisangelia*, but also to the points brought up in his opponent's actual prosecution speech (*katêgoria*) (*Eux.* 4, 22, 27). At *Lykophron* 3, Hyperides likewise announces that he wants to "investigate" the charges, beginning with that of Lycurcus (cf. *Lyk.* 10, 14).

Aeschines seems to sum up the motive for the procedure in the political realm (Aeschin. 3.78):

> I do not blame him for his misfortune, but I do *investigate* his character. For the man who hates his child and is a bad father could never become a safe guide to the people; the man who does not cherish the persons nearest and dearest to him will never care much about you, who are not his kinsmen.

Like Anaximenes, Aeschines uses the *exetasis* to point out contradictions between Demosthenes' life and what he is now professing.

Whether as a direct result of the increasing use of the *dokimasia rhêtorôn* procedure among our extant speeches or, as here, as a result of the increasing use of *ad hominem* attacks in Athens' political struggles, *exetasis* seems to have gained new life in Athenian oratory close to the time that Anaximenes was composing the *Rhetorica ad Alexandrum*. Its association with Socrates' dialectic was perhaps long enough in the past for it to have been freed from too close an association with him and his sophistic successors. As a rhetorician Anaximenes was likely aware of the Socratic connotations of his *eidos exetastikon*, but he does not indicate

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[26] *Dokimasia*, either directly or by some analogy: Aeschin. 1.195–196; Dem. 18.173, 232, 246, 255–256, 310, 314, 318, 320; 22.66; 24.6, 173; 57.24, 29; Din. 1.102.

[27] Investigating a person's life: Aeschin. 3.51; Dem. 18.265; 21.21, 154, 161; 22.47, 148; 45.63, 80.

[28] Technical, rhetorical usage: Dem. 19.196; 20.5; 22.12, 30, 47; 23.129, 144; 24.160.

[29] Again, as Anaximenes suggests (10.3), there is a call for brevity (Dem. 25.8, 45).

them explicitly. Aristotle clearly launches into his *Rhetoric* in ways that acknowledge and respond to the Platonic critique of rhetoric, one that was centered on the philosophical deficits in rhetorical teaching. Aristotle clearly separates rhetoric from philosophical dialectic, and for him *exetasis* was a part of that dialectic. But Anaximenes took a different route—for him there is no need to respond to Plato—and appropriates for rhetoric the terminology of that most philosophical practitioner of dialectic, Socrates. However, in the rhetorical situation of composing agonistic speeches Socratic questioning *per se* was not possible. Instead the speaker is to do his own investigation of his opponent's "choices, acts, and words," implicitly applying philosophical laws of contradiction.

DEPARTMENT OF HUMANITIES,
SIMON FRASER UNIVERSITY
BURNABY, BC V5A 1S6
dmirhady@sfu.ca

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