

NEW THOUGHTS ON NEW FRAGMENTS OF DIOGENES OF OINOANDA

In a recent article, entitled “Excavations at Oinoanda 1997: the new Epicurean texts”¹ (henceforth cited as “Excavations”), I presented ten new fragments of the Greek inscription of the Epicurean Diogenes of Oinoanda. The texts (NF [= New Fragments] 126–135) were discovered at Oinoanda in 1997 during an excavation carried out by the British Institute of Archaeology at Ankara in collaboration with the Fethiye Museum and with the kind permission of the Directorate-General of Monuments and Museums in Ankara.² I now offer some revisions of “Excavations”. Several of the new thoughts have been prompted by correspondence with Jonathan Barnes and Phillip De Lacy, who sent me some helpful queries and criticisms. I am very grateful to them, as well as to Alexander Verlinsky both for his valuable comments on a draft of the article and for his kindness in making two word-searches by computer for me. I warmly thank also Jean-Louis Ferrary and Olivia Robinson for advice on matters of Roman law.

NF 126–127³

NF 126, the largest block of the inscription yet found, joins up with NF 127, which in turn joins up with fr. 20,⁴ to give us twelve consecutive fourteen-line columns of a discussion, contained in Diogenes’ *Physics*, of theology and religion. It is the longest continuous passage of the inscription to have been recovered so far. For the most part the text is splendidly preserved, but some restoration of it is necessary. The left part of col. I and the right part of col. IX are missing. Missing too, at the time of writing (March 2000), are the first 4–6 lines of cols. VI–IX: these lines probably

¹ *Anatolian Studies* 48 (1998) 125–170.

² I was the Scientific Director of the excavation, as well as the individual responsible for dealing with the Diogenes-fragments which came to light. I wish to record my gratitude to the Turkish authorities for granting the excavation-permit, to the Fethiye Museum’s Director, İbrahim Malkoç, and his colleagues, to the archaeologists Andrew L. Goldman and Julian Bennett for their participation, and to the British Institute of Archaeology at Ankara for funding the work.

³ First published in “Excavations” 131–146.

⁴ Fragment-numbers of Diogenes are those of M. F. Smith, *Diogenes of Oinoanda: the Epicurean inscription* (Napoli 1993).

survive in good condition, but they could not be recorded in 1997, because the inscribed face of the block which carries them (NF 127) disappears here under the blocks above it, and those blocks, in turn, are under a statue-base. It is to be hoped that it will soon be possible to expose the concealed parts of the text and, this being so, I shall not discuss some queries, communicated to me by Barnes and De Lacy, relating to my reconstruction of the buried lines.

Col. I

I quote the text and translation presented in “Excavations”, extending the quotation as far as II. 10:

- [σημεῖον δ' ὅτι οἱ ἄδικοι]
 1 [φαίνονται οὔτε φοβού]-
 [μενοι μεγά]λας [ζ]η[μ]ίας
 [οὐδ' αὖ δεδ]οικότες τοὺς
 [φόνους συ]νκεχωρημέ-
 5 [νους ἐστὶ τ]οῦτο ὤ εἰ γὰρ
 [ἀλλοίως ἦ]σαν, οὐκ ἂν
 [ἠδίκουν. τ]ῶν δ' ἄλλων
 [ἀνδρῶν οἴ]μαι τοὺς μὲν
 [σοφοὺς το]ῦτο μὲν οὐ ὤ (λό-
 10 [γος αἰρεῖ] διὰ τοὺς θεοὺς εἶ-
 [ναι δικαί]ους, διὰ δὲ τὸ
 [φρονεῖν ὀ]ρθῶς, ὤ τὰς τε
 [δόξας ἅς εἴ]ς τιν' ἔχουσιν
 [καὶ μάλιστα] τὰς ἀλγηδό-
 II νας καὶ τὸν θάνατον
 (πάντη τε γὰρ πάντως
 ἦ διὰ φόβον ἦ διὰ ἠδο-
 νὰς ἀδικοῦσιν ἄνθρω-
 5 ποι), τοὺς δ' αὖ χυδαίους διὰ
 τοὺς νόμους εἶναι δικαί-
 ους, ὤ ἐφ' ὅσον γέ εἰσιν δί-
 καιοι, ὤ καὶ τὰς ἀπὸ τού-
 των ἐπικρεμαμένας
 10 αὐτοῖς ζημίας.

[Proof that wrong-doers manifestly neither are afraid of severe penalties nor even] have a fear of legally-sanctioned [executions is] that, if they had [a different attitude, they] would not [do wrong]. As for the others, [it is my opinion] that the [wise] are not [(reasoning indicates) righteous] on account of the gods, but on account of [thinking] correctly and the [opinions

which] they hold [regarding] certain things [and especially] pains and death (for indeed invariably and without exception human beings do wrong either on account of fear or on account of pleasures), and that ordinary people on the other hand are righteous, in so far as they are righteous, on account of the laws and the penalties, imposed by the laws, hanging over them.

Although I continue to believe that Diogenes' argument in col. I was very much as I reconstructed it in "Excavations", I am not happy with all the restorations.

1–5. Verlinsky has rightly queried whether τὸς [φόνους συ]νκεχωρημέ[νους] in lines 3–5 can be "legally-sanctioned executions". One would expect φόνους to mean "killings". In Hermarchus fr. 34. 9. 3 Longo, which I compared ("Excavations" 139), τὸς συγκεχωρημένους ὑπὸ τοῦ νόμου φόνους are "killings excused by the law". So, if φόνους is right in our passage, one would naturally suppose that Diogenes too is referring to justified or excusable homicide. Roman law permitted killing in self-defence,⁵ the killing of deserters,⁶ and the killing, by a *paterfamilias*, of an adulterous daughter and her lover.⁷ A reference to justified homicide is therefore not impossible, but in the present passage, as restored by me, seems surprisingly narrow and specific: why should Diogenes single out this kind of killing rather than make a general reference to death as a penalty for wrongdoing? I cannot think of a plausible explanation. At the same time I cannot think of a plausible alternative to φόνους. Therefore I suspect that φόνους is right, and that what requires alteration is my restoration of the words which preceded [δεδ]οικότες in line 3. If Diogenes referred there to the death-penalty, his mention of justified homicide in lines 3–5 would be more natural. Perhaps he wrote something like οὔτε φοβούμενοι τὴν θανάτου ζημίαν οὔτε δεδοικότες τοὺς φόνους συγκεχωρημένους: "... neither are afraid of the death-penalty nor fear justified homicide..."

6. ἀλλοίως can hardly be right with ἦσαν. [ἀλλοίῳ γ' ἦ]σαν would be less implausible, but is still unconvincing. I now propose [φοβεροί γ' ἦ]σαν: "if they were fearful, they would not do wrong". Since Diogenes' argument is that the unjust are not deterred from wrong-doing by fear of le-

⁵ For example, if one found a burglar in one's house at night, one could kill him, if one would otherwise be in danger (*Dig.* 48. 8. 9: *furem nocturnum si quis occiderit ita demum impune feret, si parcere ei sine periculo suo non potuit*); and, at least under Hadrian, one could kill someone who sexually assaulted oneself or a member of one's family (*Dig.* 48. 8. 1. 4: *item divus Hadrianus rescripsit eum qui stuprum sibi vel suis per vim inferentem occidit, dimittendum*).

⁶ *Dig.* 48. 8. 3. 6: *transfugas licet ubicumque inventi fuerint quasi hostes interficere*.

⁷ Under the *lex Iulia de adulteriis coercendis*.

gal penalties, however severe, φοβεροί gives perfect sense. For the use of the word in the passive sense “fearful” and in the context of a discussion of morality and law, compare Plato *Leg.* 647 c: τί δ’ ὅταν ἐπιχειρῶμέν τινα φοβερόν ποιεῖν μετὰ δίκης; (“What about when we endeavour to make someone fearful with justice?”). I have included γ’, because φοβεροί ἦσαν would involve a hiatus, which, though not unparalleled in the inscription (in fr. 16. II. 9–10 we find θεοὶ εἶσιν), would not be in accordance with Diogenes’ usual practice.⁸ For γάρ... γε, cf. fr. 12. III. 7–8 περιφανῆς γὰρ αὕτη γε ἀδολεσχία.

7–11. ἀνδρῶν in line 8 is possible, but I now prefer πάντων. There are more troublesome problems in the words which follow. If [οἴ]μαι is right – it probably is, but it is not impossible that Diogenes wrote e. g. [τῶν δ’ ἄλλων | [διαπέπεισ]μαι –, is it, or is it not, parenthetical? Not unrelated to this question is the question of what is to be restored between [το]ῦτο μὲν οὐ in line 9 and [δι]ὰ τοὺς θεοὺς in line 10. If οἴμαι is parenthetical, there cannot be a parenthesis in lines 9–10; if it is not parenthetical, there may well be a parenthesis in lines 9–10. David Sedley, who kindly commented on a draft of “Excavations”, was of the opinion that, if my restoration of lines 8–11 is correct, “it is surely οἴμαι... that should be construed as parenthetical, with λόγος αἰρεῖ part of the main syntax of the sentence”.⁹ Barnes is of the same opinion (letter of 2 December 1999). De Lacy, too, would like to remove the parenthetical λόγος αἰρεῖ], substituting either λόγον ἔχει], with οἴμαι parenthetical (letter of 28 December 1999), or λόγον ἔχει],¹⁰ with οἴμαι non-parenthetical (letter received 12 February 2000). These scholars may be right to object to my parenthesis in lines 9–10, but against their view and in favour of mine is the clear space which the stonemason has left between ου and λο in line 9: although, admittedly, there are some places in the inscription where a space is unwanted for punctuation and in fr. 122. II. 10 we even have one in mid-word, normally it indicates punctuation. If λο- begins a parenthesis, the space before it is appropriate; if, on the other hand, there is no parenthesis here, the space is inappropriate. So I adhere to my text, though not with complete confidence.

Col. II

8–10. I take the opportunity to correct an error in my note on these lines in “Excavations” 140. The sixth last line should begin “Polybius [2. 31. 7]”, not “Polybius [2. 13. 5]”.

⁸ See Smith, *Diogenes* 112.

⁹ “Excavations” 139.

¹⁰ For λόγον ἔχει(v) De Lacy compares Plato *Criti.* 109 b.

Col. VII

11. A punctuation-misprint in “Excavations” 133 needs to be corrected: after Στωικοί there should be a full stop, not a question-mark.

Col. IX

7. Perhaps read θεός γάρ, [φημί, ἐστίν]. For the parenthetical φημί, cf. fr. 34. II. 4, 47. II. 6.

NF 129¹¹

This fragment of Diogenes’ *Ethics* comprises the right part of one fourteen-line column and the left part of a second one.¹² Damage on the left has robbed us of all but the last letters of col. I, and it is not possible to make much of what survives, but the run of the argument of col. II is not in serious doubt. In lines 1–7 Diogenes denies the truth of myths concerning a life after death, before going on, in lines 7–14, to reiterate the Epicurean view that, since we have no sensation after we die, death is nothing to us. In “Excavations” I offered the following text and translation of col. II:

το. υ κα[ὶ γὰρ οὐδαμῶς]
 ἡμεῖν [ἔπεισιν τεθνε]-
 ῶσιν ὁδ[ύναι καὶ ταρα]-
 γματα χρο[νία ἢ χθόνι]-
 5 οἰ ποταμο[ὶ καὶ ἄλλα τοι]-
 αῦτα ἐλε[ῖνά, ὡς λέγου]-
 σιν οἱ μῦθ[οι. οὐδὲν οὖν]
 πρὸς ἡμᾶς, [τῆς αἰσθή]-
 σεως ἀπο[ύσης, ὁ θάνατος],
 10 ὡς εἶρηκα [ἤδη πρὸ τού]-
 των καὶ εὐ[θέως πάλιν]
 διαμενῶ κα[ὶ ἰσχυρίζεσ]-
 θαι. υ παρ[ὶ ἡμεῖν γὰρ ἡ]
 θνητό[της

[For indeed in no way are pains and long-continued disturbances or] rivers [of hell and other such miseries in store] for us [when we are dead, as] the myths [say. So death is nothing] to us, [once sensation is absent], as I have [already] said [before] and [straightaway again] shall continue [also to maintain. For] among us (Epicureans) mortality...

¹¹ First published in “Excavations” 153–155.

¹² NF 129 also carries, in its lower margin, some letters of an unidentified maxim, but this quotation does not concern us here.

1–7. In “Excavations” 155 I wrote: “A possible objection to my reconstruction is that the abstractions, ‘pains and disturbances’, are bracketed, somewhat heterogeneously one might think, with the rivers of hell, but ‘rivers’ or ‘river’ is a textual certainty and all attempts to make a more homogeneous list have been unsuccessful. In any case, is it so unnatural that Diogenes, in referring to what, according to some accounts, awaits us after death, should mention places of punishment alongside the punishments? I do not think so”. However, Barnes (letter of 2 December 1999) has persuaded me that the mixture of abstract and concrete is rather odd, and I now propose the following changes: in line 2 [ἔσσονται] for [ἔπεισιν]; and in lines 3–4 ὄδυρμοὶ καὶ οἰμῶ[γ]ματα or [στενά]γματα for ὄδ[ύ]ναι καὶ τará[γ]ματα: “For indeed, when we are dead, we shall certainly not experience continual wailings and groanings or rivers of hell and other such miseries, as the myths say”. For ὄδυρμοὶ compare e. g. Plato *Resp.* 387 d, 398 d, Men. *Aspis* 57 (singular); for οἰμῶματα compare e. g. Aesch. *Ag.* 1346, for στενάγματα (which occurred to Barnes, as well as to me) e. g. Soph. *OT* 5. οἰμῶμα seems to occur only in tragedy and in scholia, but one may think that a normally poetical word is not out of place in what is, after all, a report of what the myths say. The entry in LSJ makes it look as though στενάγμα too is wholly poetical, but it occurs (in the singular) in Rufus of Ephesus, *Quaestiones Medicinales* 8, and στεναγματώδης is found in Galen, *De locis affectis* VIII p. 331. 18 Kühn (as LSJ report) and Nemesius, *De natura hominis* 28 p. 89. 21 Morani. Wailing, weeping, and groaning are not infrequently mentioned in accounts of the underworld: see e. g. Plato *Resp.* 614 e ὄδυρομένης τε καὶ κλαιούσας; Virgil *Aen.* 6. 426–427, 557; Luc. *Luct.* 12 οἰμῶγαί δὲ ἐπὶ τούτοις καὶ κωκυτὸς γυναικῶν καὶ παρὰ πάντων δάκρυα. Cocytus, “Wailing”, is indeed one of the rivers of the underworld, which makes it the more natural that Diogenes should mention wailing and the rivers together. As for the combination ὄδυρμοὶ καὶ οἰμῶματα or στενάγματα, it is worth noting that, as in English, with its expressions like “weeping and wailing”, “sobbing and sighing”, so in Greek it is common, when sorrowing is described, to employ two or more terms together: see e. g. Hom. *Il.* 22. 409 κωκυτῶ τ’ εἶχοντο καὶ οἰμῶγῃ; Thuc. 7. 71. 6 οἰμῶγῃ τε καὶ στόνω; Men. *Aspis* 56–57 οἰμῶ[γ]ήν... ὄδυρμόν; Ev. *Matt.* 2. 18 κλαυθμὸς καὶ ὄδυρμός, and the quotations from Plato and Lucian just above.

Is there any alternative to the proposed reading in lines 3–4? One can certainly think of (or find in Buck’s and Petersen’s indispensable reverse

index¹³) other -γματα words which would go well with χθόνιοι ποταμοί, such as ρήγματα (“chasms”), suggested to me by Barnes, or ὀρύγματα (“pits”), but what word (in line 4) beginning χρ (the second letter, though not completely preserved, seems certain) could accompany them? Surely not χρόνια, and there does not seem to be any other suitable candidate.

6. ἐλε[ινά]. Cf. Luc. *Menipp.* 14, in reference to punishments in the underworld: πολλὰ καὶ ἐλεεινὰ ἦν καὶ ἀκοῦσαι καὶ ἰδεῖν. Diogenes too may have written ἐλεεινά rather than ἐλεινά.

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В этих заметках автор предлагает исправления и уточнения к найденным им новым фрагментам Диогена из Эноанды, которые были впервые опубликованы в журнале *Anatolian Studies* 48 (1998).

¹³ C. D. Buck – W. Petersen, *A reverse index of Greek nouns and adjectives* (Chicago 1945; repr. Hildesheim – New York 1970).