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## **Justice in Thucydides' Athenian speeches**

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ABSTRACT: Speakers in Thucydides sometimes dismiss considerations of justice as irrelevant to decision-making in questions of international relations. It is argued that this line of argument is a distinctive characteristic of Thucydides' Athenian speakers; and evidence from Athenian political oratory in the fourth and (so far as it is recoverable) late fifth centuries suggest that it is unlikely to have been characteristic in reality of Athenian speakers in the late fifth century. This conclusion poses a problem concerning Thucydides' practice in his speeches to which there is no evident solution.

Speakers in Thucydides sometimes dismiss considerations of justice as irrelevant to decision-making in questions of international relations. In the first part of this paper I shall argue that this is a distinctive characteristic of Thucydides' Athenian speakers; in the second part I shall argue that this line of argument is unlikely to have been characteristic in reality of Athenian speakers during the latter part of the fifth century. In the final part I shall point briefly to the problem which this conclusion poses for Thucydides' interpreters.

### **1. The distinctiveness of Thucydides' Athenians**

#### **1.1 Athenian speakers in Thucydides**

Many speakers in Thucydides dismiss another party's claim to justice as no more than a specious pretext. This accusation is made by the Corinthians against the Corcyreans, by the Thebans against the Plataeans, by the Mytileneans and by Hermocrates against the Athenians.<sup>1</sup> In all these cases the accusation is a reproach, and a counter-claim to real justice is substituted for the opponents' specious claim.

The Athenians make the same charge of using justice as a pretext for self-interest against the Spartans in 1.76.2; but they do so in order to dismiss the question of justice, which (they say) has never acted as a restraint on the acquisition and extension of power. In what follows, justice is relegated to effective irrelevance in two ways. First, the scope of its relevance is restricted: the fact that power is sought and exercised is not to be judged on grounds of justice, but rather the way in which that power once acquired is exercised; those who are more just than they are constrained to be are worthy of praise (76.3). (This statement does not entail that those who are not more just than they are constrained to be are worthy of condemnation.) Secondly, even within this narrow sphere justice is shown to be of no practical consequence, for what the Athenians have incurred by their moderation is not the praise they deserve but hostility; their moderation has created an illusion of equality, and what would be tolerated as

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<sup>1</sup> Corinthians: 1.39.2 (τὸ εὐπρεπὲς τῆς δίκης); Thebans: 3.67.6-7 (ἐπ' ἀδίκους ἔργοις λόγους καλούς); Mytileneans: 3.11.3-4 (εὐπρεπείᾳ λόγου); Hermocrates: 4.60.1 (εὐπρεπῶς), cf. 4.61.7 (εὐπρεπῶς ἄδικοι) and 6.33.2, 6.76.2 (confirmed by Thucydides at 6.6.1). Cf. also Brasidas at 4.86.6.

unavoidable from an acknowledged superior is resented in an apparent equal.<sup>2</sup> The allied complaints, therefore, being based on an illusion, can be dismissed, and the Athenian case rests on the fact of their superiority together with the acknowledged inevitability of the rule of the stronger over the weaker (77.3-4).

It is consistent with this attitude that the Athenians rule out at the beginning of their speech any attempt at self-justification in reply to the charges brought against them (72.1 τῶν μὲν ἐγκλημάτων περί μηδὲν ἀπολογησομένου, cf. 73.1 οὐ παρὰ δικασταῖς ὑμῖν); their intention is deterrent rather than apologetic. In Thucydides' preamble two deterrent themes are indicated: the envoys wanted to indicate how powerful Athens was and 'to remind the older men of what they knew, and inform the younger men of what they had not experienced' (72.1). The second of these points is cryptically expressed, but comparison with 1.80.1 and 2.8.1 suggests that what the old know and the young do not is the nature of war, a point which is duly taken up at the very end of the speech (78).<sup>3</sup> If that is right, then the two themes are repeated in the form of a chiasmus in the opening of the speech itself (73.1); the second is restated as an exhortation to careful deliberation (a point to which the comments on war are linked in 78), while the first is subdivided: they will demonstrate that the empire is 'not unreasonable' (οὐκ ἀπεικότως) and that their city is 'worthy of attention' (ἄξια λόγου). In what sense Athens is 'worthy of attention' is at once made plain in the rehearsal of Athens' achievements in the Persian Wars, which is explicitly offered not as a plea (παραίτησις: again, we find a firm refusal of self-justification) but as a proof of Athenian power (73.3, where μὴ εἶ βουλομένοις points to the connection between the speech's two major themes).<sup>4</sup> Likewise, it follows from the initial refusal of self-justification and from the subsequent rejection of the argument from justice, on which we have already commented, that the 'reasonableness' of Athenian rule will consist precisely in the fact that Athens is a powerful city, such as will inevitably acquire and seek to extend control of others; it is in this sense that they consider themselves worthy (ἄξιοι) of their empire, as the Spartans had done before they discerned an advantage in appealing to justice (76.2). Consistently, therefore, the Athenian argument excludes considerations of justice and concentrates solely on the reality and implications of Athenian power.<sup>5</sup>

Euphemus' speech in Camarina (6.82-7) follows a similar pattern. In the speech to which Euphemus is replying Hermocrates has made justice a leading theme. He represents the empire as unjust, pre-empting the argument that Athens' services against the Persians gives a moral claim to empire not only by attacking

<sup>2</sup> Cf. Aristotle *Rhet.* 2.10 (1387b22-8a30): φθόνοσ is felt at equals, not at superiors.

<sup>3</sup> Surely the reference is not to the recital of Athens' achievements in the Persian War, which is described as well-known.

<sup>4</sup> Especially relevant to the impending war is Athens' indifference to the loss of its land, and the significance of its naval power, both of which the Persian War exhibits.

<sup>5</sup> Contrast A.E. Raubitschek, 'The speech of the Athenians at Sparta', in P.A. Stadter (ed.), *The Speeches in Thucydides* (Chapel Hill 1973), 32-48, who finds in this speech 'a moral justification of Athenian democracy' (48) and contrasts its 'idealism' with Euphemus' speech in Book 6; compare J. de Romilly, *Thucydides and Athenian Imperialism* (Oxford 1963), 242-72. H.-P. Stahl, *Thukydides: die Darstellung des Menschen im geschichtlichen Prozess* (Zetemata 40, Munich 1966), 43-55, is sounder.

the subjugation of initially free allies (again we find the attack on specious pretexts: αἰτίαν εὐπρεπῆ), but also by arguing that the Athenian resistance to Persia was compromised from the very beginning by the intention to enslave the Greeks (76.3-77.1). He describes the current Athenian operation in Sicily as unjust (80.2). And he takes pains to counter the argument that it would, on specifiable grounds, be just to adopt a neutral policy by pointing precisely to this Athenian injustice (79.1-2); the argument in question would, he suggests, be merely a pretext (εὐλογος πρόφασις) for cowardice, and he offers a different course of action as in reality just (79.2-3). In reply Euphemus maintains that the empire is 'reasonable' (εἰκότως 82.1), first because it was necessary to secure Athenian independence and security, and secondly because the Ionians had forfeited their rights by making war on Athens with the Persians (82.2-4). There is a brief reference to Athens' unique contribution to the war against Persia as one ground of her being 'worthy' to rule (83.1); but Euphemus at once rejects as merely 'fine words' (οὐ καλλιεπούμεθα) any attempt to derive a moral claim from this material, and reverts to the argument from Athenian security (83.2). In this way he pointedly refrains from responding to Hermocrates' moral attack on the empire on its own terms, and restricts the discussion to questions of interest; and that single-minded focus on interest as the sole basis on which the policy of Athens is to be judged and the policy of Camarina is to be decided is sustained through the rest of the speech. There is indeed a reference to justice at 86.2; but this turns out to be merely a call to consistency in giving weight to the Syracusan threat. A claim that Athens is helping the victims of injustice is made at 87.2; but no moral argument is made to rest on this—on the contrary, Euphemus immediately and rather peremptorily tells his audience that their business is not to pass moral judgement on Athens, but to consider their own interests (87.3). It is in this spirit, and not in order to develop a moral case as an apologist for the Athenian empire might have done, that he goes on to mention the advantages that accrue from it to all Greeks (87.4).

The most obvious parallel to the exclusion of moral arguments is to be found in the Melian dialogue (5.89), where the Athenians' refusal to use 'fine words' (καλὰ ὀνόματα) relates to questions of justice; justification of the empire, on the grounds of Athenian services in the Persian War, and of the attack on Melos, on the grounds of injury suffered at its hands, are both ruled out at the very beginning of the discussion. Justice can only be in question where there is a balance of force. Consequently, justice is irrelevant to the present discussion; only advantage can be considered (90, 98). The principle that power by natural necessity seeks to control is again set out as the sole rationale for Athens' behaviour (105).

Pericles' speech in Book 1 makes one reference to justice: the proposed reply to the Spartan ultimatum is a just one (144.2). This seems, however, to refer only to Athens' adherence to the terms of the treaty: that is, to the call to arbitration and the declaration that Athens will not begin the war, though it will defend itself if attacked. There is no attempt to argue that the policies to which the Spartans have objected are just, and the rejection of the ultimatum is urged only on the grounds that concession, implying weakness, will amount to enslavement (140.5-141.1). We observe here the same exclusive concern with Athenian independence and

security as we have observed in the speech of Euphemus. Pericles concentrates on the same themes in his last speech: inactivity and 'gentlemanly behaviour' (ἀνδραγαθίζεσθαι) are attitudes consistent only with servitude in a subject state (2.63.2-3), and the injustice of holding the empire, which Pericles does not deny, clearly does not undermine the pride he takes in it (63.1-2, 64.3).

One Athenian who does argue from justice is Cleon, who hammers away at the idea that the Mytileneans were acting unjustly in revolting (3.38.1, 39.1, 39.3, 39.6, 40.5); this enables him to maintain that the severe punishment which he advocates is just as well as advantageous to Athens (τά τε δίκαια... καὶ τὰ ξύμφορα ἄμα ποιήσετε 40.4). It is Diodotus' reply which embodies the characteristic exclusion of moral argument (44.1-4, 46.4). He does, in fact, suggest in passing that the indiscriminate retribution proposed by Cleon would be unjust (47.3); but he goes on to argue on grounds of Athenian self-interest that even were it otherwise the punishment should not be inflicted (47.4). The coincidence of justice and advantage asserted by Cleon is impossible (47.5): for Diodotus has shown that the proposed punishment is either unjust and disadvantageous, or just and disadvantageous; and in either case it is advantage that must take precedence. We must be cautious here: to remit a just penalty is not to treat anyone unjustly; so Diodotus' exclusion of moral argument does not in this case constitute advocacy of an unjust policy. But it does not follow that he, unlike the other Athenian speakers we have considered, would decline to follow an positively unjust but advantageous policy; on the contrary, he introduces his argument by saying that grounds for clemency, as well as grounds for punishment, should be subordinated to the city's interest (44.2). Even Cleon, despite his emphasis on justice, is equivocal here. He points out that if his claim that the Mytilenean revolt was an act of injustice is rejected, then the empire must be unjust; but the inference that the empire must in that case be surrendered is mockingly dismissed in terms which echo Pericles' last speech (ἀνδραγαθίζεσθαι 40.4, cf. 2.63.2). If justice and advantage do not coincide, Cleon's argument too implies that advantage must take precedence. And since he began by referring to the empire as a tyranny (37.2), echoing Pericles again and foreshadowing Euphemus (6.85.1), his argument from justice is in any case insecure.<sup>6</sup>

## 1.2 Non-Athenian speakers in Thucydides

The exclusion of moral arguments is not characteristic of non-Athenian speakers. We have already seen that Hermocrates, in the speech to which Euphemus replies, is much concerned with justice.<sup>7</sup> So is the debate to which the Athenian envoys contribute in Book 1, and the decisive speech of Sthenelaidas (1.86) focuses insistently on Athenian injustice and the rightful claims of the

<sup>6</sup> For a subtle reading of the Mytilene debate see C.W. Macleod, 'Reason and necessity: Thucydides III 9-14, 37-48', *JHS* 98 (1978), 64-78, at 68-77 = *Collected Essays* (Oxford 1983), 92-102.

<sup>7</sup> In 4.61.5 his remark that he does not criticise the Athenians for seeking power, but the Sicilians for submitting to them, is reminiscent of the characteristic attitude of Athenian speakers; but its rhetorical context and purpose must be considered: he is trying to shock and shame the Sicilians out of their passivity.

allies.<sup>8</sup> The Mytileneans, seeking Spartan aid for the revolt which Cleon will later condemn as unjust, have to establish the justice of their revolt as well as the advantage it offers to Sparta (3.9-14). They regard it as essential to persuade the Spartans that they are acting justly, since they are seeking an alliance with them, and alliance must be based on like-minded virtue (10.1); but their revolt, as a breach of their alliance with Athens, at first sight calls precisely that into question: those who betray their allies may be exploited, but are not respected or trusted (9.1). They respond to this problem by drawing a distinction: the breaking of a free alliance between equals is rightly regarded as improper, but the alliance with Athens had ceased to be of that kind (9.2-3, 10.2-6). It follows from this distinction that the claim that like-mindedness alone cements an alliance is not contradicted by the subsequent claim that only the balance of fear can do so (11.2).<sup>9</sup> The alliance sought with Sparta is one based on mutual good-will; but this was absent from the alliance with Athens and, failing that, the only basis for an alliance is equal fear (12.1); but this too was now absent from the alliance with Athens (11-12). This argument is entirely consistent: the alliance with Athens is of a kind which annuls the normal obligations of an ally, and the inevitability of Athenian action once the restraint of fear has been removed justifies Mytilene's pre-emptive revolt.

Let us consider some further examples. The debate between Corcyrean and Corinthian envoys in Athens (1.32-43) is often interpreted somewhat schematically as an opposition of arguments from interest and justice;<sup>10</sup> that is a mistake. It is important to grasp that Athens is under no obligation to help Corcyra (there is no bond of treaty or kinship, for example), so that the positive thrust of the Corcyrean argument must be from interest; justice can enter their argument only to show the Athenians would not be acting unjustly in concluding an alliance with them. That is, the Corcyreans must argue that an alliance is consistent with, even if it is not required by, justice. This they are at pains to do; they assert that the reversal of their policy reflects a previous error of judgement, not malice (32.5), and that Athens will gain honour from helping innocent victims of injustice (33.1); they take care to defuse the charge that alienating another city's colony would be unjust (34.1), saying that this depends on whether the colony has been treated justly; they point out that the alliance would not contravene the treaty with Sparta (35.1); and they argue that if Athens refuses, it would be unjust not to

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<sup>8</sup> I document these claims in 'Thucydides 1.23.5-6', *LCM* 11 (1986), 104-5; contrast (e.g.) G.E.M. de Ste Croix, *The Origins of the Peloponnesian War* (London 1972), 56-7, 159 ('Sthenelaidas... than whom no one in Thucydides... concentrates more exclusively on the selfish interests of his own city, in contempt of all other considerations').

<sup>9</sup> Contradiction is claimed by Macleod (n.6), 65 = *Collected Essays* (n.6), 89; this is not the only case in which Macleod's relentless and minute suspiciousness has obscured rather than illuminated a speaker's rhetorical strategy.

<sup>10</sup> E.g. C.W. Macleod, 'Form and meaning in the Melian dialogue', *Historia* 23 (1974), 385-400, at 388 = *Collected Essays* (n.6), 55; D. Cohen, 'Justice, interest, and political deliberation in Thucydides', *QUCC* 16 (1984), 35-60, at 37-39; S. Hornblower, *Thucydides* (London 1987), 47; also G. Kennedy, quoted n.23 below. W.R. Connor, *Thucydides* (Princeton 1984), 34, recognises that Corcyra's ambassadors 'stress the justice of their case', but argues (n.33) that this appeal to justice is weak; if that is so, it only strengthens the point concerning their rhetorical technique: it is significant that they felt compelled to argue from justice even when their case was weak.

restrict assistance to Corinth, by banning recruitment of mercenaries in the empire (35.3-4).

The Corinthian reply begins by addressing these claims. The Corinthians insist that Corcyra has acted unjustly and harmed others (37.2-4), and counters the charge of treating the colony unjustly—on the contrary, it is Corinth that has suffered injustice at the hands of its colony (38.1-5, 39.3). It would not be just for Athens to make an alliance with Corcyra (40.1), but it would be just to stay neutral or help Corinth (40.4). The Corinthians go on to back this up by referring to previous assistance given to Athens, drawing on that reciprocity (*χάρτις*) which Corcyra had promised on its side (40.5-41.3). In the last part of their speech they try to prevent a wedge being driven between justice and advantage; they cannot present a concrete military argument as weighty as the Corcyrean fleet, but they stress that the war which the Corcyreans say is imminent is not certain, and that acting unjustly for immediate advantage is a risky policy; and throughout this they keep up their insistence on Corcyrean injustice (42.2, 42.4, 43.3). Thus both sides keep arguments from interest and justice in play.

Consider also the ‘trial’ of the Plataeans (3.53-68). It is obvious that the Plataeans are in no position to argue from expediency; they have no choice but to hammer away at the religious and moral arguments. What is more significant is that, according to Thucydides himself (3.60), the Thebans thought that this speech might influence the Spartans; and their reply addresses itself to the question of justice exclusively. Furthermore, at the beginning of 3.68 Thucydides portrays the Spartans as weighing the historical and moral arguments to reach the conclusion that they were not bound by treaty.<sup>11</sup> It is somewhat perplexing that Thucydides goes on to say (at the end of the chapter) that the Spartans made their decision because the Thebans were useful allies, that is, on a judgement of self-interest; and he makes no attempt to reconcile this assessment of the Spartan decision with his report of their deliberations. Something similar happens when the Spartans decide to go to war in Book 1. As we have seen (n.8), the debate is pervaded by, and the decisive speech is primarily based on, arguments concerning Athenian injustice; but Thucydides goes on claim that the Spartans were more influenced by fears of growing Athenian power (1.88, picking up 1.23.6, cf. 118.2), without reconciling this judgement with what is implied by his narrative. The point may simply be that the Spartan perception of Athens as a threat and of Thebes as a valuable ally predisposed them to accept and be incensed by, the charges of injustice against Athens, and to find the Plataean defence inadequate;<sup>12</sup> that is, the Athenians may have been right when they told the Melians that the Spartans are particularly prone to supposing that what is to their advantage is also just (5.105.4). But it would have been helpful had Thucydides explained himself. However that may be, this episode confirms that the exclusion of moral argumentation is not characteristic of non-Athenian speakers, and suggests that such arguments were (rightly or wrongly) perceived as genuinely influential.

<sup>11</sup> In 2.71-4 justice was invoked by the Plataeans (71.2) with historical argument and an appeal to oaths (71.4 *μη̄ ἀδικεῖν μηδὲ παραβαίνειν τοὺς ὅρκους*); Archdamus was intent on rebutting this in 72, 74. For Spartan scruples cf. 7.18.2, 7.123.2.

<sup>12</sup> Cf. Heath (n.8).

## 2. Is Thucydides' picture historically plausible?

### 2.1 Fourth-century evidence

It is, then, a distinctive characteristic of Athenians in Thucydides that they dismiss arguments from justice as irrelevant to international relations; is this historically verisimilar? Since we do not have direct access to the kinds of argument used by Athenian speakers in the last decades of the fifth century, we have to approach this question indirectly. We could attempt to answer it on the basis of assumptions about what Thucydides is, or must be, doing in his speeches; but since there is still an extraordinary diversity of opinion even about what he says he is doing, this is not a promising strategy. It would, in any case, be prudent to test whatever conclusions about Thucydides' practice one may reach on internal grounds against external evidence. That is what I shall attempt to do here.

Since contemporary external evidence is sparse, we are bound to look primarily to the fourth century. This immediately involves the danger of anachronism, since rhetorical practice may have changed since the end of the fifth century; it has in fact been argued that there was such a discontinuity.<sup>13</sup> I shall attempt to show in due course that this argument is mistaken; but before that it will be sensible to determine what the fourth-century norm was with which we are trying to establish continuity or discontinuity.

A revealing instance is Demosthenes 16. In this speech Demosthenes is recommending a policy of manipulating the balance of power between Sparta and Thebes in the interests of Athenian security. This will naturally involve changing sides every so often, and in the present situation Demosthenes thinks that Athens should break its alliance with Sparta and defend the Arcadian city of Megalopolis against Spartan attack. This is a policy which might be regarded as cynical, and which clearly has to be argued primarily through an analysis of Athens' interest, which is what Demosthenes does. But it appears that he cannot rest his case solely on considerations of interest; 'justice' (δικαιοσύνη and its cognates) appears 21 times in just over 8 pages of text (in 15 out of 32 paragraphs). As he says later in the speech: all the present problems stem precisely from the fact that people (other people, of course) do not sincerely want to act justly. His reply to two of his opponents' lines of argument deserves particular attention. First, there are those who concede Demosthenes' analysis, but claim that it would be intolerable to betray their former comrades-in-arms, the Spartans. Demosthenes' first response is an argument from justice: if the Spartans behave justly, the question of defending Megalopolis will not arise, but they will forfeit their claim on Athenian loyalty by their unjust aggression (16.6).<sup>14</sup> He then makes a tactical concession: it would not be just to abandon Megalopolis to Sparta, but that on its own would not outweigh the argument from loyalty; but if we abandon Megalopolis now, Spartan injustice will later attack Messene, which we will be obliged to defend by treaty as well as by self-interest; if we resist Sparta now, people will see that it is

<sup>13</sup> G. Kennedy, 'Focusing of arguments in Greek deliberative oratory', *TAPA* 90 (1959), 131-8; cf. *The Art of Persuasion in Greece* (London 1963), 183.

<sup>14</sup> Cf. Hermocrates at Camarina, 6.79.1.

because of a sense of justice, but if we wait then people will be able to rule out justice as a motive (since that would equally have been operative in the case of Megalopolis), and infer that we are acting out of self-interest; but that is the wrong way round. We should always do what is just, and protect our own interests incidentally (συμπαρατηρεῖν 16.10). A second argument attributed to the opposition is that the Athenians will appear inconsistent; Demosthenes rejects this on the grounds that Athens has always followed the policy of protecting the victims of injustice (16.14-15)—we shall return to this point shortly.

The argument in Demosthenes 15 is also worth noting. To go to the aid of the Rhodians would be to oppose Persia's unjust aggression; and it is right to wage war on behalf of justice (5-8). It is true that the Rhodians have injured Athens (15); nevertheless, one should not bear grudges (μνησικακεῖν)—the Athenians too have been misled into errors in the past, for which they would not think it just to be punished (16). It is just for one democracy to help another; and the prosperous should help the unfortunate in view of the uncertainty of the future (21). It is clear that the question of justice has been raised by the opposition, and Demosthenes responds with a nimble smear (25): 'there are some among you who are most eloquent at pleading justice on behalf of others (τὰ δίκαια λέγειν ὑπὲρ τῶν ἄλλων)'—but why do they not plead justice on your behalf? It is not just for a citizen to display bias against his own city; so these people are acting unjustly themselves when they lecture you on justice. Having thus written off his opponents' moral argument as unpatriotic and hypocritical, he goes on to point out that other states are not being hampered by such lectures (26-27). It is just to help Rhodes, he insists, but we should still do so even if it were not, since it would be mere cowardice to submit unresistingly to unjust treatment at the hands of other states. Within a state laws ensure justice; between states it must be secured by force. Note that an unjust course of action is commended here only as a necessary response to the injustice of others, and that the commendation is even so purely hypothetical; Demosthenes never in fact surrenders the claim to justice, which he asserts immediately before (28) and immediately after deploying this argument (30). Like his opponents, Demosthenes is careful to present his policy as just.<sup>15</sup>

Further evidence abounds.<sup>16</sup> For example, Demosthenes 6 attests an assembly in which speakers dwell on the justice of the Athenian case against Philip (1, 3), and comments sarcastically on the ineffectualness of Athenian justice in the face of Philip's unjust aggression (7). Demosthenes 14 combines advantage and justice: it is an advantage to have a just *casus belli*, since it will win the support of the other Greeks (3, 7). Although justice is here recommended because it is

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<sup>15</sup> The distinction which Demosthenes makes between justice within states, which is secured by law, and between states, which is secured by force, has been compared to the Athenian position in the Melian debate (de Ste Croix [n.8], 16-17); but one must also recognise the great difference between saying (i) that we will not admit considerations of justice in this case, since there is no equality of strength, and (ii) that we must strengthen our position by whatever means we can since the opposition is acting unjustly and we can only secure justice from a position of strength.

<sup>16</sup> 'Greek orators continued to prate about justice', as Andrewes has it (*HCT* III 161). For a more measured discussion of Greek views of the morality of interstate relations see K.J. Dover, *Greek Popular Morality* (Oxford 1974), 310-16 (but on 312 a distinction is needed between a course of action that is unjust, and one that is not required by justice).

advantageous, it is a premise of the argument that other Greek states will respect and be influenced by considerations of justice. There is, of course, no suggestion that advantage is the only reason for acting justly.

Andocides claims (*Peace* 13) that all men agree that there are two reasons for fighting a war: if one is the victim of injustice oneself, or is assisting the victims of injustice. The second of these two reasons brings us back to the point which we noted and deferred in our discussion of Demosthenes 16—the Athenians' image of themselves as the defenders of the victimised and oppressed. This image appears also in Demosthenes 15, with the Athenians appearing as the champions of Greek liberty (30). Elsewhere Demosthenes reminds his audience that Athens has often passed over the chance of self-aggrandisement to save others (2.24); that Athens would never sacrifice other Greeks to its own advantage—which is why Philip turned to Thebes, Argos and Messene, who would join in his injustice (6.8-12); and he can produce many examples of Athens' selfless devotion to the well-being and liberty of other states, heedless of the injustices suffered at their hands (18.98-101). As well as examples from recent history, a mythological antecedent for this selfless policy of defending the victims of injustice was found in the vindication of the rights of the Seven against Thebes and the Children of Heracles (Xen. *Hel.* 5.4; Lys. 2.7-17; Plato *Menexenus* 239b, cf. 244e-5a; Isocr. 4.54-6, 12.168-71, cf. 14.1). A reference to this popular epideictic *topos* provides the peroration of Demosthenes' speech on behalf of the Rhodians (15.35). The Athenians had constructed an ideal self-image, as the Greek city uniquely concerned with upholding international law, labouring to defend innocent victims to the neglect of her own interests: 'the common refuge' (κοινή καταφυγή) of the Greeks, as Aeschines puts it (3.134). What this means is that the Athenians liked to think of themselves as possessing the virtues by which they were impressed in political deliberations; or, to put the same point the other way round, the Athenians liked deliberative speakers to reassure them that the course of action being proposed conformed to the virtues embodied in their own idealised self-image. Ideal image and tactics of persuasion in practice corresponded.

Given this ideal self-image, the issue of the fifth-century empire was necessarily a sensitive one. The potential for embarrassment is reflected in Demosthenes' delicate evasion (9.24-5): all the Greeks thought it necessary to go to war in defence of the victims of injustice when Athens—or rather, the Athenians who lived then—seemed to some to be behaving with a lack of moderation (ἐπειδὴ τισιν οὐ μετρίως ἐδόκουν προσφέρεσθαι); the corresponding statement about the Spartan hegemony is significantly bare of qualification and understatement (ἐπειδὴ πλεονάζειν ἐπεχείρουν). Isocrates offers one elaborate defence of the empire in which he denies that there was anything to be ashamed of in Athens' record, her moderation and selflessness being contrasted with Spartan cruelty and greed (4.80-1, 100-18). Elsewhere, Isocrates acknowledges that mistakes were made, and these are offered to the Athenians as a lesson; he contrasts the dangerous hatred which Athens incurred as a result of her *polypragmosyne* with the honours bestowed on her when she was loyal to her tradition of serving justice and aiding the oppressed (8.30, cf. 75-80; Xen. *Poroi* 5.5-8). In one passage Isocrates defends the empire as a regrettable

necessity forced on Athens by Spartan aggression (12.114-8); the claim that, given the choice of two evils, it was preferable to rule unjustly than to be subjugated unjustly recalls Demosthenes' argument in the speech on the Rhodians (15.28-30), except that Isocrates acknowledges the injustice, rather than invoking it as a hypothesis unfulfilled in reality. This contrast may be significant. If the deliberative speaker handles the concept of necessary injustice more cautiously, this is presumably because an openly acknowledged injustice will make his hearers uncomfortable and thus in some measure compromise his case; the epideictic speaker is not subject to this urgent practical constraint, and may indulge his taste for paradoxical argument more freely. It should be observed that this passage is an *tour de force* isolated even within the *Panathenaicus* itself; in a later passage Isocrates argues that defeat with justice is better than success with injustice (12.185-7), and in the last part of the speech he uses the reported views of a Spartan apologist, whose defence of self-seeking aggression as a universal human aspiration (243-4) is reminiscent of the distinctive tone of Thucydides' Athenian speakers, as an oblique way of confirming his own attack on the Spartans.<sup>17</sup>

This evidence tends to support the proposition that moral argument was an essential component of fourth-century political persuasion. Further confirmation can be found in contemporary rhetorical theory. This is clearest in the *Rhetoric to Alexander*. At 1421b17-33 justice is mentioned first in the list of the topics of exhortation and dissuasion (along with lawfulness, advantage, honour, pleasantness and ease—or necessity and feasibility, if one has to concede that a proposal is unpleasant or difficult). This priority is not casual; we are subsequently advised to place arguments from justice first in a speech, before proceeding to arguments from advantage (1439a5-39).<sup>18</sup> Aristotle has a more sophisticated position, which is also more artificial. In *Rhetoric* 1358b20-9 Aristotle assigns a distinctive end (τέλος) to each species of rhetoric: deliberative oratory is concerned with advantage and harm, forensic oratory with justice and injustice, epideictic with honour and dishonour. Justice and honour are not excluded from deliberative oratory, but they play at most a supportive role to

<sup>17</sup> This is a complex passage. Isocrates' speech contains within it remarks by a pro-Spartan pupil (12.235-63) which cast doubt on the obvious interpretation of it as an encomium of Athens. We know that the pupil is wrong: Isocrates has been at pains to emphasise his worries about the speech's anti-Spartan tone, worries which would be absurd if the pupil were right (the pupil sets aside Isocrates' professed unease at 235, but Isocrates has made it clear that this is a mistake). The amphiboly which the pupil claims to discern in Isocrates' speech (240) is thus his own invention; it is designed to assist him in the paradoxical task of extracting praise of Sparta from an attack on Sparta—and of doing this without overtly disagreeing with his master. This means that there is an element of amphiboly in the pupil's speech. But there is also amphiboly in Isocrates' use of the pupil's speech, since from Isocrates' point of view the pro-Spartan arguments deepen the condemnation of Sparta; the pupil sees as glorious just those aspects of Spartan policy which Isocrates has condemned. That is why Isocrates has included the dialogue: his expressions of unease protect his *ethos*, proving that he is not a malicious critic; but the reply of the admirer of Sparta unwittingly shows that Isocrates' worry that he had been too harsh was unnecessary, and confirms the charges he has made.

<sup>18</sup> For further references to arguments from justice see 1421b36-2a2 (which indicates the close relation between the just and the honourable), 1422a28-42, and especially 1425a12-19 (on going to war); for the linking of justice and expediency see also 1437a28-9.

considerations of advantage (τὰ δὲ ἄλλα πρὸς τοῦτο συμπαραλαμβάνει). One may suspect that he has been seduced by the neat correlation of his tripartite scheme; Quintilian agrees that the division is too neat ('celer magis ac rotunda distributio quam vera', 3.4.16).<sup>19</sup> And even Aristotle has to hedge in practice: having said that the deliberative speaker can never admit that his proposal is inexpedient, he does not add that he can admit to its being unjust, merely that he need not deny it. But this tactic would in practice be dangerous, for the *Rhetoric to Alexander* recommends arguing from the topic omitted by an opponent (1440a16-21); any speaker who failed to claim justice for his proposal would therefore make himself vulnerable to an obvious and (we must presume) at least potentially persuasive reply.

## 2.2 Fifth-century evidence

Turning now to the fifth century, we may note first of all that there is evidence of theoretical continuity. Plato represents the two most influential rhetorical theorists of the late fifth century describing questions of justice as the characteristic theme of public speaking, whether in law-courts or in deliberative bodies.<sup>20</sup> Gorgias says this in *Gorgias* 454b5-7 (for the inclusion of deliberative assemblies see 452e1-4), Protagoras in *Theaetetus* 167c2-5. Here we do not have Aristotle's sophisticated scheme. The many parallels which have been traced between Thucydides' speeches and fourth-century rhetorical theory also speak for a general continuity.<sup>21</sup> Moreover, the very fact that Athens' opponents are represented in Thucydides as accusing her of making specious appeals to justice implies that Athenian speakers in this period were not as dismissive of moral argument as are the speeches which Thucydides makes them utter.

There is, in any case, no doubt about the continuity in the flattering Athenian self-image. There are many tragedies which embody the same ideal image of Athens as we found in the fourth century: the selfless champion of justice, protector at her own expense of the unjustly victimised.<sup>22</sup> There are also echoes of this self-image in Thucydides, notably in the Funeral Speech: 'we alone bestow benefits not with a reckoning up of advantage, but in the fearless confidence of liberty' (2.40.5). In the Corcyra debate the Athenians are exhorted to aid those who are the 'harmless victims of injustice' (1.33.1); and there are further, if

<sup>19</sup> According to Macleod (n.10), 56, the Athenian exclusion of justice from the deliberations at Melos corresponds to the view of 'an authoritative analyst of rhetoric, Aristotle'; but Aristotle's view is both more subtle and, in so far as it does approximate to the Athenian view, does not seem to be authoritative.

<sup>20</sup> For the obvious point that sophistic rhetorical teaching included political oratory cf. S. Wilcox, 'The scope of early rhetorical theory', *HSCP* 53 (1942), 121-55. Note also Pl. *Alc.* 109bc: questions of justice are what Alcibiades as politician will advise people on.

<sup>21</sup> These parallels have been discussed by various scholars; note in particular P. Moraux, 'Thucydide et la rhétorique', *LEC* 22 (1954), 3-23; Macleod has a number of useful notes in his essays. Hornblower (n.10), 46-51, discusses these parallels and suggests that 'it was not so much that Thucydides was well versed in rhetorical theory as that the rhetorical theorists were well versed in Thucydides' (49); but why should we suppose that fourth-century theory was uniquely influenced by Thucydides? A more plausible explanation of the parallels is that Thucydides and fourth-century theory both reflect a common and continuous tradition of practice.

<sup>22</sup> Cf. M. Heath, *The Poetics of Greek Tragedy* (London 1987), 65.

indistinct, echoes in the speeches of Euphemus (6.87.2) and Alcibiades (6.18.2), and perhaps also in the appeal of the exiles from Egesta and Leontini (6.19.1)—an appeal which swayed the Athenians, according to Thucydides. In the fourth century, as we have seen, this image corresponded to the practice of deliberative speakers; it is a reasonable inference that the same correspondence held good in the fifth century.

Furthermore, although we do not have authentic examples of late fifth-century deliberative oratory, we do have some imitations of deliberative oratory from the late fifth century, especially in tragedy. I offer one example: in Euripides *Heraclidae* an Argive envoy demands the extradition of the children of Heracles from Athens (134ff.). It is only to be expected that he dwells on the disadvantage to Athens of war with Argos, but he is also careful to establish the justice of the Argive claim at the outset (as the *Rhetoric to Alexander* recommends) by establishing that the children of Heracles are subject to Argive jurisdiction and have been lawfully condemned to death. Thus the claim to be acting and speaking justly (138) is substantiated (note γὰρ in 139) by the insistent claim to jurisdiction that follows (141-6).

What can be set against this evidence of continuity? George Kennedy has argued for a development in rhetorical technique from the early years of the Peloponnesian War to the fourth century;<sup>23</sup> if this is correct, then of course the fourth-century evidence gathered above is misleading. Kennedy sees in the earlier period a technique in which ‘orators tend to focus most of their attention on a single form of argument’, and ‘in successful speeches most frequently the centre of attention is the expedient, which is regarded as the real basis of policy’ (131); in the later period he finds multiply focused speeches, which introduce arguments from justice and honour alongside that from expediency. (Kennedy identifies a third stage in late Demosthenes, but since my interest here is in his treatment of the fifth-century evidence I will pass over that refinement.) Kennedy’s primary evidence is taken from Thucydides himself, although it is not always handled convincingly (I have already argued that the interpretation of the Corcyra debate as an opposition of arguments from advantage and justice is misleading);<sup>24</sup> but to base an argument on Thucydides would, for our present purpose, be circular, and we must therefore try to evaluate the corroborating evidence which Kennedy adduces from other authors.

He cites first a fragment of Thrasymachus (DK 85B1) as ‘in no way inconsistent with the manner of thought of Thucydides’ speakers’ (133)—though since ‘there is no real argumentation’ in the passage this is hardly significant; an isolated proem would not in any case allow us to reconstruct the focalising technique of a whole speech. Kennedy also refers us to Plato’s account of Thrasymachus’ attitude to justice and interest in the *Republic*; but there Thrasymachus is trying to lay bare the reality concealed by conventional notions

<sup>23</sup> Kennedy (n.13).

<sup>24</sup> Cf. n.10 above. Kennedy says: ‘in the very first debate of the work, that between the ambassadors of Corcyra and Corinth before the Athenians..., the former expound a strict argument from expediency and are successful in persuading the Athenians to accept them as allies, the latter stress the demands of justice with equal intensity but less success’ (131).

of justice, and it is not sensible to assume that he would have argued in similar terms in a deliberative speech designed to persuade an audience which held those conventional notions. Secondly, the Old Oligarch 'contrasts the oligarchical admiration of justice and temperance with the people's interest in their own advantage (1.5)' (133); a democrat would of course have used a very different set of loaded terms to describe the same behaviour, so again we cannot suppose that we are being told about the techniques that were actually used in deliberative persuasion. Kennedy then cites the speech of Lysias and Socrates' first speech in *Phaedrus*, and Gorgias' *Helen* and *Palamedes*, as having a single focus (134). The difficulty here is not just that (as Kennedy recognises) these are not deliberative speeches, but also that they are artificial constructions, self-conscious exercises in paradox and display; again, therefore, one may doubt whether the evidence tells us anything about the question in hand. Next Kennedy turns to drama; here too we meet the problem that 'there are very few scenes which really reproduce the circumstances of deliberative oratory'. One which does is the speech of the Argive envoy in *Heraclidae*, which we have already discussed; Kennedy misinterprets this speech as an argument from expediency alone (134-5),<sup>25</sup> overlooking the important preparatory argument from justice. Finally, Kennedy interprets Andocides' speech *On his Return* as an appeal solely to Athenian self-interest (135-6).<sup>26</sup> There is a confusion here: to refer to future benefits, as Andocides does at the beginning of his speech, is to appeal to self-interest; but to refer to past benefits is to lay claim to gratitude (9 χάρις οὖν εἰκός με... φέρεσθαι παρ' ὑμῶν), which is at root a moral argument. Moreover, Andocides' attempt to minimise his past offence is clearly concerned with desert (6-7 οὐ γὰρ φθόνου μᾶλλον ἢ οἴκτου ἄξιά μοι ἐστὶ τὰ γεγενημένα), and therefore with justice; and an ingenious argument based on his change of mind explicitly concludes that there is no longer any just grounds for hostility to him (24 οὐδὲν οὖν ἔτι λείπεται ὅτῳ ἂν μοι δικαίως διαβεβλήσθε).

Kennedy's evidence is consistently unconvincing, therefore, and his attempt to show that rhetorical technique underwent a relevant change between the late fifth century and the fourth fails. We are bound in consequence to accept the evidence of continuity in rhetorical practice set out above; and from this it seems we must conclude that Thucydides' anomalous treatment of Athenian speakers is unlikely to be historically accurate.<sup>27</sup>

<sup>25</sup> 'The Argive herald addresses the Athenians in somewhat the spirit of an ambassador from the pages of Thucydides. He insists that it is to the interest of the Athenians to expel the children of Heracles; Iolaus, their protector and Heracles' friend, replies that it is just and honorable to accord them refuge.'

<sup>26</sup> 'What he does is simply to state the services which he has performed for the Athenian state and demand that the Athenians requite him. The speech assumes that Athens will take that action which seems in her own interest at the moment and ignore all moral or theoretical scruples. As in some of the other examples cited, benefits conferred here correspond to a kind of past self-interest.'

<sup>27</sup> It has been shown, notably by J.H. Finley, *Thucydides* (Cambridge MA 1942), esp. 36-60, cf. *Three Essays on Thucydides* (Cambridge MA 1967), 1-54, that various forms of argument used in Thucydides' speeches were current in the fifth-century; Finley and some others (e.g. D. Kagan, 'The speeches in Thucydides and the Mytilene debate', *YCS* 24 [1975], 71-94, at 90, with special

### 3. Conclusion

This conclusion, if accepted, is awkward. Thucydides' statement of policy on speeches (1.22) is notoriously difficult to interpret, but seems to operate with two poles: on the one hand, accurate reporting of what was actually said, so far as the *ξύμπαση γνώμη* is concerned;<sup>28</sup> on the other, a supplement derived from Thucydides' own judgement of what was rhetorically appropriate (*τὰ δέοντα*). But we have seen reason to doubt the historical accuracy of the Athenian speeches; and Thucydides' rhetorical judgement does not offer an obvious explanation for the differential treatment of Athenian and non-Athenian speakers. A third possibility is that the speeches represent what the speakers thought, as distinct from what they said. I cannot reasonably object that this is not what Thucydides says that he will do in his statement of policy, since (if my argument is right) Thucydides does not do what he says he will do. But again the differential treatment of Athenians and others is a problem; as we have seen, he indicates in other ways that the Spartans were actually motivated by interest while ostensibly swayed by moral arguments.<sup>29</sup> The only theory of which I am aware that would resolve this difficulty is that of Dionysius of Halicarnassus, who took the view that Thucydides expressed in the Melian dialogue the grudge which he held against Athens as a result of his exile.<sup>30</sup> I do not believe this, and do not imagine that I could induce many others to believe it; but I cannot at present offer any other theory which accounts for all the apparent facts.

It is of course possible that I am wrong to conclude that fifth-century Athenians did not in reality speak as Thucydides makes them speak. But this conclusion should not be rejected simply because it seems to lead to an impasse in the study of Thucydides; to close one's eyes to apparent problems is a sure way to make no progress in interpretation. The argument which has led me to this conclusion seems to be sound; and if the conclusion is unwelcome, we are under an obligation to show how the argument fails.

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reference to the Mytilene debate; cf. Kennedy [n.13], 132 n.4) have taken this as evidence supporting the general reliability of the speeches. But the existence of parallels does not suffice to establish the credibility of Thucydides' speeches, especially when they are at so general a level as argument from *εἰκός*, nature, and expediency (it would be surprising if deliberative speakers ever did not argue that a course of action would bring advantage, or that past events made it reasonable to expect certain future developments), and when the parallels are taken largely from non-deliberative sources (a speaker in the assembly might have been ill-advised to model himself on the Nurse in *Hippolytus*); we must also ask whether there are significant divergences from the probable pattern of argument in the appropriate context. It seems that there are.

<sup>28</sup> On the scope of *ξύμπαση γνώμη* see de Ste Croix (n.8), 8-10; Dover, *HCT* V 394.

<sup>29</sup> H. Strasburger in a similar survey of fifth- and fourth-century political rhetoric ('Thucydides und die politische Selbstdarstellung der Athener', *Hermes* 86 [1958], 17-40 = H. Herter (ed.), *Thucydides [Wege der Forschung* 98, Darmstadt 1968], 498-530) also concluded that the Athenians in Thucydides differ from other Thucydidean speakers, and that Athenians were unlikely to have spoken thus in reality; this is not a problem for Strasburger, since he can explain it as an attempt to expose the underlying reality of Athenian thinking, on the assumption that Thucydides accepts the Spartan self-image. This last position is clearly untenable (see de Ste Croix [n.8], 33-4, 157-9), and the error seems to have distracted attention from the rest of the article.

<sup>30</sup> *Thuc.* 41, cf. *ad Pomp.* 3.15 (II 238.17-22 Usener-Radernmacher); see A.J. Woodman, *Rhetoric in Classical Historiography* (London 1988), 40-44.