

Morality and Time in Fifth- and Fourth-Century Greek Literature*

1. Introduction

The combination of morality and time may seem curious. Ethical decisions have a location in time, but this may appear too obvious to be of interest. However, to consider the temporal structure of ethical propositions enhances our understanding of ethical frameworks and controversies in Greek literature of the classical period¹.

A modern text may help to suggest how intriguing the temporal dimension can be. In Ionesco's rather Aristophanic philosophico-political drama *Rhinocéros*, M. Bérenger disputes with M. Jean, who is turning into a rhinoceros; Jean wishes to replace morality with nature.

JEAN . . .

La nature a ses lois. La morale est antinaturelle.

BÉRENGER

Si je comprends, vous voulez remplacer la loi morale par la loi de la jungle ! . . .

JEAN, *l'interrompant, et allant et venant*.

Il faut reconstituer les fondements de notre vie. Il faut retourner à l'intégrité primordiale.

(Acte II, tableau II)

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¹ The relevant literature on topics and passages discussed is very large; the footnotes offer pointers, particularly to recent work, from which earlier work will easily be found. The ancient passages considered are of course only a selection. On the relation of morality and time in a range of scholarship see Teresa Morgan, *Popular Morality in the Early Roman Empire*, Cambridge 2007, 235 n. 1; her whole admirable chapter on time and morality pursues a different line of approach from the present investigation, but the two have various overlaps.

Jean implies that the temporal priority of nature gives it ethical priority; this should lead to a future reordering of human principles. Béranger seems to imply a reverse and evolutionary argument: the moral law is a later and so better development than the law of animals. Time is bound up in the basic moral argument.

Such an example may embolden us to explore. First, let us consider some categories of time. An obvious division might be into past, present, and future. There are liable to be significant differences in relating specific ethical decisions to the future, as against the present or past. This article has no philosophical pretensions; but one might imagine some cases of typical reasons orientated towards the past, present, and future. All the protagonists assume that a general principle is involved².

A considers being kind to B, on the following grounds: B has once been kind to A (past), and one should return kindnesses.

C considers being kind to D, on the following grounds: D is her brother (present), and one should be kind to brothers.

E considers being kind to F, on the following grounds: if E is not kind to F, F will be distraught (future), and one should not make people distraught.

One can see that E's potential reason involves a future conditional which relates to the mooted action itself. The future events concerned are not certainties for E in the way that the assertions on past and present are certainties for A and C; this difference relates to the unfixed character of the future. The difference on certainty is not invariable: so G might consider making a will on the grounds that at some time she is going to die, and that all who will eventually die should make a will. One could imagine restating A's, C's, and E's reasons in conditional form (*e.g.* if A is kind to B, A will be following the principle that one should return kindnesses); but E's reason would retain an additional complication.

This division of time, then, relates to common differences in the form of moral reasons; but it produces difficulties of its own. Thus the present is an awkward category. «I am sitting at the altar in supplication», «I am your brother», «murder is wrong» all seem different kinds of proposition from a temporal point of view. Important to the first is the specific time at which it obtains. The last like the others may be true at this minute, but the claim is not designed to make a statement about a limited time³.

² For an account of moral reasons which demotes general principles from their usual position see J. Dancy, *Moral Reasons*, Oxford-Cambridge, Mass. 1993. His *Ethics without Principles* (Oxford 2004) develops the view; the differences below would still obtain if we replaced principles with 'contributory reasons'.

³ On the 'thickness' (or extension) of the present, cf. H.S. Hestevold, *Presentism: through thick and thin*, «Pacific Philosophical Quarterly» LXXXIX (2008) 325-347. Even generic state-

We might try some other categories in addition, and distinguish between momentary, extended, and permanent. To be useful for considering literature, the idea of a moment cannot be given the philosophical sense of a point in time with no extension. Admittedly, not to give it that sense might produce *sorites*-style difficulties in deciding whether an action is momentary; but what matters is subjective perception by the speaker. In this connection, the linguistic terms ‘perfective’ and ‘imperfective’ might help distinguish between a one-off decisive event and a prolonged process. As we shall see, ‘momentary’ cannot always be suitably applied to perfective events. We might also want to distinguish between an imperfective process or condition which is waiting for a goal, and a self-contained state. But the terms ‘perfective’ and ‘imperfective’ are handy tools. The border between ‘extended’ and ‘permanent’ is imprecise too. «Murder is against the law», and «Zeus guarantees morality» could be viewed as continually true for all practical purposes; or a speaker could have in mind the origins of the law or of Zeus’s rule. It might indeed be profitable to use the term ‘perpetual’ for those propositions, like «murder is wrong», which are actually conceived of as timeless. Since our aim is to capture something of written approaches to happenings rather than to classify happenings as such, an untidy abundance of terms can be more profitable than a neat system⁴.

The rest of the paper will look at two different sides of time. Reasons for taking actions will be viewed as related to the past, and as related to the future. Only some particular kinds of reason will be considered; but these will suffice to indicate significant issues. The aim is not to reveal unexpected thoughts about, say, debt or parenthood; it is rather to consider forms and structures which underlie some basic types of reason in the period, and which partly underlie, and are partly assailed by, criticism of those types.

2. Past perfective

In the fifth and fourth centuries, much importance attaches to the past as a ground for action: that is, to decisive events in the past which should affect action

ments («the sun rises in the east») are sometimes excluded from the tense system by linguists; so T. Roudel, *Tense, Aspect and Modality in Nepali and Manipuri*, München 2007, 191-195. At *ibid.* 238 and 242 the present itself is treated as not a tense.

⁴ Perfective and imperfective were brought into the philosophical discussion of events and processes by A.P.D. Mourelatos, *Events, processes, and states* [or. 1978], in R. Casati-A.C. Varzi (edd.), *Events*, Aldershot-Brookfield 1996, 415-434. Z. Vendler uses «state» in a different way, which includes ‘desiring’ (*Linguistics in Philosophy*, Ithaca, N.Y. 1967, 106-121). Mourelatos is criticized by Kathleen Gill, *On the metaphysical distinction between processes and events* [or. 1993], in Casati-Varzi, *o.c.* 477-496; but the ontological aspects do not concern us so much. For a primarily linguistic treatment, see Alessandra Giorgi-F. Pianesi, *Tense and Aspect: From Semantics to Morphosyntax*, Oxford 1997.

in the future, where the present is the time at which a person is considering what to do. We might start with the oath, an institution older than written law. As we will see, the temporal structure of oaths is complex; but an oath which promises a future action forms in itself a quite specific occasion to which reference can later be made. Before our period, Alc. fr. 129 V. refers back elaborately to the particular occasion in the past on which Pittacus swore his oath. Medea refers to the gods who were ruling 'then' (τότ'), the time when Jason made his oath (Eur. *Med.* 492-495, see below). Oaths are thought to limit future action, with various striking metaphors: so περιβαλοῦσα at Eur. *IT* 788, here used ironically of an oath easily fulfilled, or ὅρκοις τε Λακεδαιμονίων καταλαβὼν τὰ τέλη τοῖς μεγίστοις at Thuc. IV 86,1, spoken by Brasidas encouraging potential allies (cf. IV 88,1). Oaths are ubiquitous in fifth- and fourth-century Athens; for example, Athens' 'allies' are made to swear oaths. The oath is what holds democracy together, claims Lysurgus (79). The moral condemnation with which the oath-breaker is regarded indicates that he is not simply committing an imprudence⁵.

A promise lacks the divine and punitive elements which belong to the form of the oath; but it still constitutes an occasion which ought to affect future action. Oaths can be explicitly not imposed, as at Soph. *Ph.* 811, or *OC* 650 οὔτοις ἐφ' ὅρκου γ' ὥς κακὸν πιστώσομαι. At *Ph.* 813 another set form of action is still sought, a pledge with the right hand. This has turned into an oath in Philoctetes' angry presentation of the recent past at ll. 941-945. In the narrative at II 5,5 Thucydides unusually gives two versions: the Thebans and Plataeans disagree about whether an oath was added (cf. ἐπομόσαι) to the Plataeans' promise or the like to return the Theban captives. In the later debate, the Theban speaker does not refer to oaths, as these are disputed; he talks (III 66,3) of how the Plataeans promised not to kill the men and then illegally (παρὰ νόμῳ) killed them, and cheated on their promise (τὴν ... ψευθεῖσαν ὑπόσχεσιν). The promise too is a decisive event, which should determine action⁶.

There seems to be no oath in Glaucus' original acceptance of the deposit at Hdt. VI 86,α3-β2; but we have here another set form of action which should af-

⁵ More on oaths in section 3. The most important works are now A.H. Sommerstein-Judith Fletcher (edd.), *Horkos: The Oath in Greek Society*, Exeter 2007, 113-124, and the Nottingham database (<<http://www.nottingham.ac.uk/classics/oaths/>>), in which, for example, the oath at Thuc. IV 86,1 is *ID* 1667. A work by A.H. Sommerstein-A. Bayliss-Isabelle Torrance-Kyriaki Konstantinidou-Lynn Kozak-Judith Fletcher, *The Oath in Archaic and Classical Greece*, is promised for ca. 2012. On oaths in the Athenian Empire, cf. now P.J. Rhodes, *After the three-bar sigma controversy: the history of Athenian imperialism reassessed*, «CQ» n.s. LVIII (2008) 506.

⁶ On obligation in oaths apart from divine sanctions, cf. Margo Kitts, *Sanctified Violence in Homeric Society: Oath-making and Rituals in the Iliad*, Cambridge 2005, 75. The moment of Neoptolemus' undertaking in *Ph.* 810-812, marked by an action of the hand, closely follows another significant act: the acceptance of a deposit, the bow (ll. 763-766), which he is still holding in his other hand. That act soon connects, from a pragmatic angle, with the perfective moment of leaving without Philoctetes, which Neoptolemus refuses to seize (ll. 832-864).

fect the future, the temporary handing over of something or somebody with the understanding that it will be returned. This is formally organized with *ἐὐμβολα*. The *παράθηκη* is made the point of connection in Leontychides' telling the Athenians of Glaucus (86,1, α1, δ), even though the Athenians' situation concerns the deposit of men, Glaucus' the deposit of money. In the *Republic* the initial definition of justice considered (331d 2f.) is speaking the truth (particularly in regard to deposits, cf. 331c 8f.) and giving back what one has taken (clearly on trust, as in the example of weapons). For all the shortcomings which Socrates observes in it, it is a historically interesting conception.

Cephalus also speaks of not owing a person money (331b 2f.). The idea of owing clearly involves a present imperfective situation created by a past action. Now it may be said more generally of reasons related to the past that the crucial determining point is not really the past action but the present imperfective moral situation which the past perfective action creates. One could think of Pindar's figurative debt, his undertaking to praise a victor (*O.* 10,1-15). It has been written in his mind (l. 3 *γέγραπται*): the perfect stresses that it is still there to be read. But if we think of a present (or very recent) situation, it must none the less be a situation with a past perfective component. Pindar's initial undertaking is essential to his later condition of debt and shame (l. 8). That shame was produced by *ὁ μέλλων χρόνος* (l. 7), but that very expression embraces the temporal perspective of the original action. *Ἀλάθεια* (l. 4, cf. l. 13 *Ἀτρέχεια*) is needed to ward off a moral reproach for falsehood: the original undertaking must be proved by forthcoming action to have been made truly⁷.

Laws may be thought of as permanent though not perpetual entities, which obtain in the present and at other times. Yet they too create a situation which is often seen to have its roots in decisive past action by the lawgiver. Zeus, as a figurative lawgiver but one with a history, put mortals on the road of sense and caused the rule of learning by suffering to have authority (*θέντα*, Aesch. *Ag.* 178, an aorist participle). In Athens, the most important lawgiver is Solon. So in *Lys.* 10 an appeal has been made to the precise words of his text. *Lys.* 30 attacks Nicomachus, who was commissioned to write up Solon's laws, but is indignantly said to have made himself *νομοθέτης* instead of Solon (2). At *Isae.* 2,13 and elsewhere *ὁ*

⁷ The action is of course actually being realized by the poem already begun; cf. e.g. *O.* 1,17f. The handling of time in the poem is thematized and many-faceted; this passage obviously connects (see B.L. Gildersleeve, *Pindar. The Olympian and Pythian Odes*, London 1885, 212f.) with ll. 51-55, where truth is tested by Time (enjambéd first word of epode). The comparison of the late song (l. 85 *χρόνῳ*) with a child born to an aging father (ll. 86-90) brings in biological time, as does the origin of the Olympic games (l. 51 *πρωτογόνῳ*). But, it is suggested, Pindar's immortal song will freeze the boy victor in time like Ganymede (ll. 91-93, 99-105). On ll. 7f. I agree with W.S. Barrett, *Greek Lyric, Tragedy, and Textual Criticism: Collected Papers*, Oxford 2007, 60; but he does not accept the link of ll. 13 and 4 (p. 62). On the text of l. 9 see *ibid.* 61, and K. Itsumi, *Pindaric Metre: The 'Other Half'*, Oxford 2009, 187f.

νομοθέτης denotes Solon, and his intentions are considered (cf. *e.g.* [Dem.] 43,50, 62, 48,56f.). Ar. *Nu.* 1185-1187 (intentions), or Av. 1660 (law quoted) indicate that his authority was similarly used in the fifth century. Solon's laws were seen as fundamental to the Athenian system of laws, sometimes perhaps as coextensive with it. Laws can be proposed now, but they are expected to be consistent with, and their proposers to show a textual knowledge of, the laws of Solon (cf. *e.g.* Dem. 20,102-104). The past event establishes the basis for later action⁸.

The whole of the law and the political system can be thought of as produced by a more extended past: οἱ πάτριοι νόμοι (Thuc. VIII 76,6, cf. *e.g.* Antipho 5,48, Din. 1,62 [Demosthenes' alleged statement]). All the laws can also be seen to rest on the specific past event, even very recent, of having been voted for at a meeting of the people and written up (a decisive act): so Pericles at Xen. *Mem.* I 2,42. This is especially relevant to the situation before 403, while there is still no fundamental distinction between νόμος and ψήφισμα. It should be noted that space too comes into the specific basis of law: the laws to be kept are those of a particular city⁹.

A present and permanent obligation to obey the laws is often posited. Sometimes it rests on a past oath: note the ephebic oath to obey τῶν θεσμῶν τῶν | ἰδρυμένων καὶ οὕς ἂν τὸ λοιπὸν ἰδρύνωνται ἐμφρόνως¹⁰. More intriguing is the

⁸ On Lys. 10, cf. the commentaries by M. Hillgruber, Berlin 1988, and S.C. Todd, Oxford 2007. For Nicomachus' task see, among other works, K. Clinton, *The nature of the fifth-century revision of the Athenian law code*, in AA.VV., *Studies in Attic Epigraphy, History and Topography*. «Presented to Eugene Vanderpool», Princeton 1982, 27-37; S.C. Todd, *Lysias against Nikomachos: the fate of an expert in Athenian law*, in Lin Foxhall-A.D.E. Lewis (edd.), *Greek Law in Its Political Setting: Justifications not Justice*, Oxford 1996, 101-131. On the problems of identifying Solon's laws, and the possibility that the original was mixed with later material, cf. Adele Scafuro, *Identifying Solonian laws*, in Josine Blok-A.P.M.H. Lardinois (edd.), *Solon of Athens: New Historical and Philological Approaches*, Leiden-Boston 2006, 175-196; P.J. Rhodes, *The reforms and laws of Solon: an optimistic view*, *ibid.* 248-260. On the importance of Solon in the fourth century see M.H. Hansen, *Solonian democracy in fourth-century Athens*, in W.R. Connor-M.H. Hansen-K.A. Raaflaub-B.S. Strauss, *Aspects of Athenian Democracy*, Copenhagen 1990, 71-99; Rosalind Thomas, *Law and the lawgiver in the Athenian democracy*, in R. Osborne-S. Hornblower (edd.), *Ritual, Finance, Politics*. «Athenian Democratic Accounts Presented to David Lewis», Oxford 1994, 119-133. The latter paper, valuable as it is, perhaps underplays the significance of Solon's occurrences in Aristophanes.

⁹ Claims to past authority, both specific and extended, are particularly important and contested *ca.* 411-399. Cf. *e.g.* [Arist.] *Ath.* 29,3 τοὺς πατρίους νόμους of Cleisthenes, whose constitution was Solonic and not δημοτικός (contrast Ar. *Nu.* 1187, Isocr. 7,16), 31,1 κατὰ τὰ πάτρια (contrast Thuc. VIII 68,4 τὸν ... δῆμον ... ἐλευθερίαν παῦσαι). IG I³ 104 shows the writing up of Dracon's law on homicide in 409/408 BC (cf. 105). For the writing up of laws more widely cf. Rosalind Thomas, *Written in stone? Liberty, equality, orality and the codification of law*, «BICS» XL (1995) 59-74; M. Gagarin, *Writing Greek Law*, Cambridge 2008.

¹⁰ P.J. Rhodes-R. Osborne, *Greek Historical Inscriptions 404-323 BC*, Oxford 2003, no. 88,12-14.

line of thought which presents the obligation as resulting from a previous contract or agreement. One of the significant past elements asserted by the Laws in the *Crito* is an agreement by the citizen; it is implied in his choosing not to leave Athens. His decision to remain and his agreement are past perfective events looked back to with moral force: cf. 51e 1 ὁ δ' ἂν ὑμῶν παρραμείνηι, 6f. (the disobedient man does wrong) ὅτι ὁμολογήσας ἡμῖν πείσεσθαι οὔτε πείθεται οὔτε πείθει ἡμᾶς εἰ μὴ καλῶς τι ποιῶμεν. At [Dem.] 25,15f. laws are discovered or invented at a specific moment, given by gods, decided on by sensible men, and agreed on by the whole city: πόλεως ... συνθήκη κοινή. This passage too points, though less forcefully, to a crucial past agreement¹¹.

The *Crito* links to the past agreement another perfective event: the Laws' giving birth to Socrates (50d 2 ἐγεννήσαμεν ἡμεῖς, emphatically arranged). This is because they were behind his literal begetting. They also bring in an extended past action, that of bringing up and educating the child (50d 5-7): here again they were the causes behind the father's action, and later appear as performing it themselves (51c 9 ἐκθρέψαντες, παιδεύσαντες, 51e 6 τροφεῦσι). This too is viewed as a decisive deed accomplished in the past. Plainly these past events and the obligation they produce are based on the obligation owed to literal parents. Likewise Lycurg. 53 indicates that every man should pay τροφεῖα to his fatherland in return (ἀπέδωκε; cf. 94-97 on literal parents); so too Isocr. 6,108 (ἀποδῶμεν; Sparta), cf. Plat. *Resp.* 520b 3f. (ἐκτίνειν; only of the invented city). Such language applies metaphorically a concrete institution based on past actions: we find already in the archaic period the θρέπτρα or θρεπτήρια that are paid to old parents or a nurse (ἀποδίδωμι: *Il.* IV 477, XVII 301f., Hes. *Op.* 187f., *H. Hom. Dem.* 168, 223). The basic temporal structure underlies Strepsiades' claim at Ar. *Nu.* 1380-1385: his nurturing of Pheidippides makes it unjust for Pheidippides to beat him. He uses the perfective verb ἐξέθρεψα (note the confective preverb), although he describes the repeated actions involved. At Eur. *Ph.* 996, Menoeceus does not wish to betray the city ἢ μ' ἐγείνατο: he would be betraying his father and brother as well as his city (*Il.* 1003f.; his father's wishes are not seen as creating a subordinate claim in conflict with the city's). Praxithea differently connects the event of giving birth with the city: we produce children in order to defend the fatherland (Eur. fr. 360,13-15

¹¹ Socrates' rhetorical device, the speaking Laws, are curiously poised. In some ways they are like gods, separated from human agents (cf. 54b 9-c 2); but they could in principle be destroyed (50a 9-b 2, 54c 8-d 1). Their role as quasi-parents and quasi-masters makes them at once like humans, the city, and gods (cf. 50e 3f.; cf. for δοῦλος Soph. *OT* 410, Eur. *Ion* 309, Plat. *Ap.* 23c 1; Hdt. VII 104,4). The relation of the Laws' speech to Socrates' or Plato's views is much discussed; cf. e.g. R. Metcalf, *The elenctic speech of the Laws in Plato's Crito*, «AncPhil» XXIV (2004) 37-65. See in general P. Liddel, *Civic Obligation and Individual Liberty in Ancient Athens*, Oxford 2007; for a cautious modern account of the sources of obligation, not mentioned there, cf. J. Raz, *Ethics in the Public Domain: Essays in the Morality of Law and Politics*, Oxford 1994, ch. 15.

K.). [Dem.] 25,65 applies city language metaphorically, and talks of the ‘law’ of nature, for man and animals, that one should love one’s parents¹².

Character as a determinant of action might seem very much an extended phenomenon primarily relevant in the present of the decision. But this too can be seen as having a basis in the past. Education is viewed as fundamental by Antiphon: a noble education is like a decisive action of ploughing a seed into the ground (ἐν νέωι κόματι ὅταν τις τὴν παίδευσιν γενναίαν ἐναρόσῃ, fr. 60 Pendr.); one has thereby brought about the extended flourishing of the person throughout their life. Philoctetes holds that Neoptolemus owes his φύσις, which he has finally shown, to being born from Achilles (Soph. *Ph.* 1310-1313, cf. e.g. ll. 874-876). Both education and origin are causal in these passages rather than creating an obligation; but in the *Philoctetes*, Neoptolemus and others feel that his origin creates a further obligation on him to behave in particular ways, even if those ways would seem generally desirable too. Odysseus uses Neoptolemus’ birth to recommend behaviour which does not actually suit it; a single sentence moves from nobility to subordination: Ἀχιλλέως παῖ, δεῖ σ’ ἐφ’ οἷς ἐλήλυθας / γενναῖον εἶναι, μὴ μόνον τῷ κόματι, / ἀλλ’ ἦν τι καὶνὸν ὧν πρὶν οὐκ ἀκήκοας / κλύεις, ὑπουργεῖν, ὡς ὑπερέτης πάρεϊ (ll. 50-53)¹³.

Connection with one’s forebears can also relate to specific past actions in a more direct fashion. The wish to imitate them can make a particular action in the past the basis for a particular action now. So for the present Athenians, βουλομένοις μιμεῖσθαι τοὺς προγόνους, it would be πάτριον to follow their treatment of Lycidas (cf. Hdt. IX 5,1-3) and kill Leocrates (Lycurg. 122f.)¹⁴.

We shall now consider some of the criticism directed by adventurous thought against the notion that events of these kinds in the past should determine future behaviour. The criticism which we find in the fifth and fourth centuries does not simply deny that any past event can have a moral bearing on a present situation.

¹² On the law of nature in [Dem.] 25,65 cf. W. Kullmann, *Antike Vorstufen des modernen Begriffs des Naturgesetzes*, in O. Behrends-W. Sellert (edd.), *Nomos und Gesetz*. «Ursprünge und Wirkungen des griechischen Gesetzesdenkens. 6. Symposium der Kommission “Die Funktion des Gesetzes in Geschichte und Gegenwart”», Göttingen 1995, 54f. For the beating of parents see now *P. Oxy.* LXXII 4855, with Daniela Colomo’s notes. Human sacrifice is often presented as an act of giving (*Heracl.* 550f. [girl], fr. 360,4, 38 K. [Praxitheia], *Ph.* 966 (Creon); Menoeceus sets such giving (l. 998 δώω) against ‘giving’ him to cowardice (l. 994 δίδωμι) and against προ-δίδωμι, being a traitor (l. 996 προδότην, cf. l. 1003 προδοῦς).

¹³ On φύσις and education cf. Simone Kroschel, «Wenig verlangt die Natur». *Naturgemäß leben, Einfachheit und Askese im antiken Denken*, Frankfurt a.M. 2008, 43-45.

¹⁴ The theme of tradition runs through Lycurgus’ wide-spreading speech in many ways: so 98 οὐκ ἀποστήσομαι τῶν παλαιῶν, i.e. the heroes of myth in their specific actions, as mediated through a praiseworthy Athenian poet (100). For Lycurgus cf. M. Faraguna, *Atene nell’età di Alessandro. Problemi politici, economici, finanziari*, Roma 1992 (= «MAL» s. 9 II, 1992, 165-447) 195-209, 245-285; R.C.T. Parker, *Athenian Religion: A History*, Oxford 1996, 242-255; G. Wirth, *Hypereides, Lykurg und die αὐτονομία der Athener*, Wien 1999, 30-53.

One line of attack is to complicate in some instances the relation between present and past. So at Plat. *Resp.* 331c 1-9 it is supposed that the situation when the return of the sword is demanded might be different from that envisaged when the undertaking was made (the depositor has gone mad); the obligation is then removed. Hence past undertakings do not always impose an unlimited obligation. This sort of thought could open the way for many specific breaches of promise without attacking promises on general principle. Another line is Pheidippides' attempt to remove a special glamour and difference from the past: past lawgivers were people just like us, and we can pass our own laws (Ar. *Nu.* 1421-1426). But Pheidippides himself implies the principle that a blow is made acceptable by a previous blow: one past action can affect the moral circumstances for another. He further suggests that his new law allowing sons to beat fathers back would not be retrospective (Il. 1425f.); he thus concedes – perhaps quixotically – that laws are more satisfactory when they are instituted before the crime (cf. Lycurg. 126). A different line of thought is intimated when he counters the claim that an avoidance of beating fathers is universal (l. 1420); he points to animals, and denies a hierarchical difference (Il. 1427-1429, nicely countered by Strepsiades, Il. 1430f.). His argument is not temporal in itself; but it hints at a temporal argument about nature which we will see articulated elsewhere¹⁵.

Antiphon seems to accept the idea of law as a previous agreement. It may be that he thinks of it as an agreement by the citizens in general (cf. fr. 44(a) II 5f. *Pendr.* τοὺς ὁμολογῆσαντας). He appears to assent, at least hypothetically, to the notion that justice is for the individual to keep the laws of the city he is in (I 6-11). But he seems to commend keeping the laws only when those who have agreed to them are present ((a) I-II). If so, the moral bearing of the past event on present actions is considerably undermined. A more important temporal argument tells against the laws: they are secondary additions (ἐπίθετα (a) I 25); this marks their arbitrary character in comparison to truth and 'nature'. The perfect *νε[νο]μο[θ]έ[τε]ται* (II 30f.) is used in a vehement sequence to emphasize all the present limitations produced by the past action of lawgiving: *νε[νο]μο[θ]έ[τε]ται | γὰρ [ἐ]πί τε τοῖς ὀφ[θ]αλμοῖς ἃ δεῖ || αὐτοῦ]ς ὁρᾶν καὶ | ἃ οὐ [δ]εῖ, καὶ*

¹⁵ On retrospective legislation, cf. Sommerstein on *Nu.* 1425f. For the relation of old and new in the *Clouds*, cf. A. Bierl, *Alt und Neu bei Aristophanes (unter besonderer Berücksichtigung der Wolken)*, in A. von Müller-J. von Ungern-Sternberg (edd.), *Die Wahrnehmung des Neuen in Antike und Renaissance*, München 2004, 1-24. Pheidippides is of course a comic character, and argumentatively he is enjoying himself; but this is an intelligent comedy, and sophists too could be thought to enjoy themselves in argument. On promises, R.M. Fox-J.P. DeMarco, *On making and keeping promises*, «Journal of Applied Philosophy» XIII (1996) 199-208, emphasize the time of keeping the promise rather than the time of making it. A deflationist approach to making promises (no further obligation created by promising itself) interestingly removes significance from what is often thought a type of past event particularly able to create obligation: cf. Elinor Mason, *We make no promises*, «Philosophical Studies» CXXIII (2005) 33-46.

ἐπὶ | τοῖς ὦσιν ... καὶ ἐπὶ τῷ νῶι, | ὧν τε δεῖ αὐτὸν | ἐπιθυμεῖν καὶ | ὧν μὴ (II 30-III 18). A spatial argument makes the same point (44(b) II), though as there is no arrow of space, this merely removes glamour from the space of Greece. The temporal argument does not disregard sequence in time, but uses it differently from the idea of agreement which it subverts. In the agreement, priority is required by the structure of creating a basis for action; in the argument, posteriority shows that the demands of law are not perpetual and necessary ((a) I 25-28) like those of nature. Time is important to the attack on time-based obligation¹⁶.

Antiphon also complicates particular instances, to show that obligation is limited. On duties to parents he complicates the past events: the actions of οἵτινες[c] ἄν | [τοῦς] γειναμέλ[ινου]ς καὶ κακοὺς | ὄντας εἰς αὐτοὺς | εὖ ποιῶσιν ((a) V 4-8) would be in various ways hostile to nature. He implicitly objects in general to keeping one's oath in a legal situation, as for instance by bearing true witness: on an individualized level this is doing wrong (ἄδικεῖν) to another and oneself (c). But his position is not quite as provocative as it might appear: (c) II 25-30 suggests that the choice is not between bearing true and false witness in a given situation, but between bearing witness and declining to do so. These particular assaults upon obligation derived from the past are cunning rather than frontal¹⁷.

Plato's Callicles presents laws and education not as decisive events but as repeated and secondary attempts to enslave the strong individual and limit the 'law' of nature (*Gorg.* 483e 3f.). As with a lion, nature is prior to and more fundamental

¹⁶ Even if 'nature' belongs to individuals and can be generalized, its requirements, etc. are clearly universal and unchanging (cf. III 25-IV 1). The term ἐπίθ]ετα is particularly pointed in an Athenian context (and on any view of Antiphon he has Athenian connections): the word used in a legal context (of the Areopagus) distinguishes later additions from τὰ πάτρια. Cf. esp. Lys. fr. 224 Carey; Isocr. 7,29f. For vehemence in *Περὶ ἀληθείας* cf. fr. 44(b) II 27-III 12 Pendlr. (where in the original the stroke coming to join the top of υ and the position of the dot to the right of ν suggest not · but κ: e.g. κνβ[ε]ρν-?). The work should not be thought cerebral, however different from the remarkable writing in *Περὶ ὁμονοίας* fr. 49 Pendlr.: Antiphon the Sophist is an underestimated prose-writer. For the papyrus fragments see, besides G.J. Pendlr., *Antiphon the Sophist, the Fragments*, ed. with intr., transl. and comm., Cambridge 2002, G. Bastianini-Fernanda Decleva Caizzi, *Antipho 1-2 De Veritate [P. Oxy. 1364 + 3647, 1797]*, in *CPF* I (1989) 176-222.

¹⁷ M. Bonazzi, *L'uomo, gli dei, le bestie. A proposito dell'antropologia di Antifonte*, «Elenchos» XXVII (2006) 113f. (cf. 106f.) does not see Antiphon as opposing the kindness to parents, or preferring φύσις to νόμος (cf. M. Gagarin, *Antiphon the Athenian: Oratory, Law, and Justice in the Age of the Sophists*, Austin 2002, 65-73, though he would not agree on parents). Against the whole approach, cf. G. Veneciano, *Antifonte 44 D.-K.: una investigación sobre el comportamiento humano*, «QUCC» n.s. LXXXIX (2008) 87-115. In general, the imagery of a IV 1-7 (note ἐλεύθερα), and the provocative vigour of II 30-III 18 are better guides to what is being said than τὰ ... ξυμφέροντα IV 1f., a term which is divided into real (*scil.* and apparent) at IV 17-20 (cf. 9f.), just before we come to V. Note F. Dunn's use of «revolutionary force» in *Present Shock in Late Fifth-Century Greece*, Ann Arbor 2007, 63. The treatment of parents in Dancy, *Ethics* cit. (n. 2) 138f. is related to Antiphon's, but in some ways less radical.

than the attempts to tame the best and strongest men. The constraints of obligation are scorned in the decisive action which breaks off these bonds (*Gorg.* 484a 3-b 1). The justice of nature is revealed, τὸ τῆς φύσεως δίκαιον (b 1). Athenians in Thucydides present a law older than their own and perpetual, perhaps backed by the gods: the stronger rules, ὑπὸ φύσεως ἀναγκαίας (V 105,3). Again, time matters even here¹⁸.

Plato's riposte in *Leg.* X is particularly intriguing. In considering religious legislation, the Athenian stranger discusses the view adopted by some young men that gods, like ideas of justice, are arbitrary human inventions (888d 7-890a 9); it follows from this view, incidentally, that morality cannot be supported by religion. Temporal sequence is essential both to this view and to its refutation. Living beings come into existence, on this view, by nature and by chance. Laws and τέχνη, which produce the gods, are secondary, and vary from place to place; nature is prior and fundamental (perpetual, one might infer). The Athenian stranger's answer is that ψυχή comes before all bodies; hence mind, τέχνη, and the 'law' of the physical cosmos come before nature and the things that are by nature (892a 2-c 7). The proof of this thesis is long and involved; the argument has taken a bold cosmogonical turn. It seeks to outflank irreligious argument on time by undoing its chronology. Antigone makes the same kind of move to discredit the recent past of Creon's laws: the νόμμοι of the gods are eternal, not written up on a single occasion; no one knows when they appeared (*Ant.* 449-457, cf. *OT* 865-871). The connection of the divine with the unchanging is important in the theistic argument; but in a sense it lies behind the sophistic audacities too¹⁹.

We have seen the importance in fifth- and fourth-century literature of past events as a basis for action or obligation. But we must now look at more complicated structures of time in some of the areas we have been considering.

¹⁸ On Callicles in the *Gorgias* cf. T. Irwin, *Plato's Ethics*, Oxford 1995, chs. 7f.

¹⁹ On Antigone's speech, and some other passages discussed here, cf. C.C.W. Taylor, *Popular morality and unpopular philosophy*, in Id., *Pleasure, Mind, and Soul: Selected Papers in Ancient Philosophy*, Oxford 2008, 121-133. The gods as the cause of the laws begin Plato's *Laws* (624a 1-6). Thematically, the argument in book X intersects interestingly with biological time: the young atheist will abandon his atheism with age, but atheists have for now abandoned the religious belief instilled in them from childhood (887c 7-888c 4). Different kinds of priority create authority (older is wiser; childhood provides foundations). The gentle tone adopted with the young atheist, though a choice, reflects the age of the hypothetical speaker (888a 4-8). The use of dialogue here is discussed by C. Bobonich, *Plato's Utopia Recast: His Later Ethics and Politics*, Oxford 2002, 101-104, and *Reading the Laws*, in C. Gill-Margaret McCabe (edd.), *Form and Argument in Late Plato*, Oxford 1996, 265-269. Recent commentaries on Book X: H. Kuhn-P.M. Steiner, Berlin 1992; R. Mayhew, Oxford 2008. Steiner (*o.c.* 117) associates the atheistic view particularly with Critias (*TrGF* 43 F 19).

3. Futures

The notion that some past events should affect conduct now can be looked at from a different standpoint; one can move back from the time when a decision must be made to the time around the significant event itself. The present becomes the time just before that event, when the event is itself decided on. We can start from taking oaths. An oath can be seen as a device for giving more fixity to the future than it seems to possess; this fixity is to be attained through the mind of the oath-taker. We may take as an example Aegeus swearing to Medea that he will give her refuge in Athens. Medea wants an oath, so that she will gain πίστις (Eur. *Med.* 731f.). Aegeus swears by the gods; he prays (ll. 754f.), with nervous lack of detail, for “what happens to impious mortals” if he does not stick by his oath. The oath forms a perfective event. Either, which both Aegeus and Medea must think more likely, Aegeus will feel compelled by fear of the consequences and moral regard for oaths and gods not to let Medea be removed from Athens; for her this will create a resolved state in the future. Or Aegeus will break his oath, and end Medea’s state of asylum, upon which the gods will punish him: a future perfective action. The shape of the fundamental conception, and its relation to others yet to be considered, may be more clearly seen if expressed in the forms of logic (with letters for propositions):

p : Aegeus will let Medea be removed from Athens.
 q : the gods will punish Aegeus.
 If p , then q .

The power and permanence of the gods ensure [if p , then q], as Aegeus knows; his knowledge makes $\neg p$ (i.e. not- p) the likelier outcome. Medea has confidence that $\neg p$ will be the case, as she would not without an oath²⁰.

Medea’s confidence is made the more notable by her comments on Jason’s broken oath: ὄρκων δὲ φρούδη πίστις, οὐδ’ ἔχω μαθεῖν / εἰ θεοὺς νομίζεις τοὺς τότε οὐκ ἄρχειν ἔτι / ἢ καινὰ κεῖσθαι θέμι’ ἀνθρώποις τὰ νῦν, / ἐπεὶ κύνοισθ’ αἰεὶ εἰς ἔμ’ οὐκ εὖορκος ὢν (Eur. *Med.* 492-495). She envisages unlikely possibilities that Jason might notionally believe in: that the gods or the system of ‘laws’ for mortals might not be permanent. She implies that her confidence had been based on his sharing universal and true beliefs in the permanence of both. The mention of laws implicitly adds a general principle (mortals should keep their

²⁰ The more elaborate form of Aegeus’ actual oath (ll. 749-751 μήτ’ αὐτὸς ... ἐκβαλεῖν ... / μήτ(ε) ... / ... μεθήσειν), like that of Agamemnon’s below (Il. XIX 261-263), has been simplified here so as to illustrate the essential pattern clearly. On oaths in the *Medea*, cf. A. Allan, *Masters of manipulation: Euripides’ (and Medea’s) use of oaths in Medea*, in Sommerstein-Fletcher, *o.c.* (n. 5) 113-124; Isabelle Torrance, *On your head be it sworn: oath and virtue in Euripides’ Helen*, «CQ» n.s. LIX (2009) 4. For the basic conception of an oath, cf. A.H. Sommerstein, in Sommerstein-Fletcher, *o.c.* 2 (note also West, *ad Hes. Th.* 231).

oaths) to the specific sanction for this perjury. The general principle is part of a system – the ‘laws’; it forms a bridge between Jason’s oath and the proposition that he ought to keep it. Such a use of general principles is common in Greek literature. The parallelism of ll. 493 and 494 suggests that the ‘laws’ are supported by punishment; the lines reinforce the basic conditional structure of the oath (cf. [if p , then q] above). We see again a sequence of actions: the making of the oath is followed by either the keeping of the oath or punishment.

A different structure obtains for oaths which at the time when they are taken relate not to the future but to the present or (more often) the past. This is a common category. So in the *Iliad*, where we find an oath to keep a truce in the future (III 264-301), we also find Agamemnon’s oath that he has never slept with Briseis (IX 132-134, 274-276, XIX 257-265). In the *Hippolytus*, where Hippolytus has sworn to keep silent in the future (ll. 611f., 656-658, 1060-1063), we also find Hippolytus’ oath that he has never touched or thought of touching his father’s wife (ll. 1025-1028, 1030f.). Cf. also *e.g.* Isae. 11,6: he has not sworn an oath that the boy is related in such a way (oath on present), and yet expects you to break your oath that you will vote according to the laws (oath on future); Dem. 19,176: I will force them to bear witness or else swear that they do not know (ἐξόμνηθαι: oath on present) – if the latter, I will prove that they are breaking their oath²¹.

Again the oath forms a perfective event. Either, which both speaker and listener are meant to think more likely, Agamemnon will be compelled by fear of the consequences and moral regard for oaths and gods to tell the truth about sleeping with Briseis; this telling will be a perfective action performed simultaneously with and as part of the oath. Or Agamemnon will break his oath, and tell lies about sleeping with Briseis, upon which the gods will punish him; the punishment is a perfective action further in the future. So:

p : Agamemnon will tell the truth in his oath.
 q : the gods will punish Agamemnon.
 If $\neg p$, then q .

The ultimate aim of the structure is to secure future knowledge of the past (or, in other cases, of the present); in that respect the past can be unfixed. The structure aims immediately, at the time of a dispute, to secure a very close future: p coincides with the taking of the oath. This very close future is meant to be secured by the same kind of cause as before: knowledge that the gods ensure [if $\neg p$, then q]. In this type of oath too, the forceful conditional remains.

²¹ For the Isaeus, cf. Wyse, *ad l.* and *ad* 3,6,8 and 12,9,3. For the Demosthenes, cf. MacDowell, *ad l.* and on 19,122. But I follow above the interpretation of G. Martin, *The witness’s exomosia in Athens*, «CQ» n.s. LVIII 58 (2008) 56-68; cf. C. Carey, *The witness’s exomosia in the Athenian courts*, «CQ» n.s. XLIV (1995) 114-119.

The working out of this connection of perfective acts can receive powerful literary form, though the oath is on the past. In Hdt. VI 86, Glaucus does not even swear an oath that he did not receive the money (which in fact he did receive); but the Pythia says his asking the god if he might swear such an oath was equivalent to performing the deed, ἔφη τὸ πειρηθῆναι τοῦ θεοῦ καὶ τὸ ποιῆσαι ἴσον δύνασθαι (86,γ2: both aorist infinitives). The absence of the actual perfective deed of swearing makes the grim consequence all the more terrible. It is first expressed through a negative extended state (permanent from the present on): Γλαύκου νῦν οὔτε τι ἀπόγονον ἔστι οὐδὲν κτλ. Rather, ἐκτέτριπται ... πρόρριζος ἐκ Πάριος (86,δ). The oracle has already presented the sequence of false oath and punishment as a generalization (86,γ2). The act of the oath is personified; its child destroys the race of the oath-breaker – that child destroys his children. Though many deaths are implied, the act is perfective and decisive: εἰς ὃ κε πᾶσαν / συμάρψας ὀλέσει γενεὴν καὶ οἶκον ἅπαντα. But, as we shall see later, the passage is full of complications²².

Here the punishment of the oath-breaker (cf. *q* above) goes into a future beyond his own life. It will prove of interest later that even in the *Iliad* oath-breakers are seen as punished not only by perfective death (e.g. IV 270f.) but by lasting retribution in Hades (III 278-280, XIX 259f.). In the fifth and fourth centuries such retribution applies both to oath-breaking and to other misdeeds (cf. e.g. Ar. *Ra.* 145-150 [despite the humour], Plat. *Gorg.* 524e 1-525a 8). Cephalus' conception of the misdeeds so punished focuses particularly on deposits and on debts to men and gods (Plat. *Resp.* 330d 4-331b 7). He uses a legal metaphor, διδόναι δίκην (330d 8)²³.

Laws have a related structure to oaths, when seen from the perspective of the lawgiver and the time of the law-making. But their aim is generalized: all the more so when one thinks of an initial lawgiver producing a system. Even a single law is aimed at repeated results. The structure is something like this: a lawgiver creates a law (a perfective action). If the law is a prohibitive law, say against a murder,

²² And the narrative ironies are numerous: Leotychides' narration of the story to the Athenians is his unsuccessful attempt to rectify his own misdeed, for which he has escaped punishment (85); he will later be exiled from Sparta himself (72,1 οὐ μὲν οὐδὲ Λευτυχίδης κατεγύρα ἐν Πάριος). He is from the perspective of the primary narrator figuratively being punished for a scandal which involved doubtful use of oaths (65,3), and, on the part of the ring-leader Cleomenes, bribery of the Delphic oracle (66,2f.). Recent commentaries: G. Nenci, *Erodoto. Le storie. Libro VI: la battaglia di Maratona*, Milano 1998; L. Scott, *Historical Commentary on Herodotus, Book 6*, Leiden-Boston 2005.

²³ The idea of punishment in the next life naturally prepares for the end of the whole work (cf. 614d 4-616b 1). This view would be modified if one believed in a book I originally separate or in a two-book version; cf. D. Nails, *The People of Plato: A Prosopography of Plato and Other Socratics*, Indianapolis-Cambridge 2002, 324-326, and add e.g. C. Emlyn-Jones, *Plato, Republic 1-2.368c4*, with intr., transl. and comm., Oxford 2007, 3-5.

it is aimed to make murder less likely in a given situation than abstention. For an individual citizen, say H, the law would mean:

p: H will commit a murder.

q: the state will punish H.

If *p*, then *q*.

Once the law has been passed, if H contemplates a murder he will, it is hoped, be discouraged from performing that perfective act (cf. e.g. Aesch. *Eu.* 690-694, Plat. *Prot.* 324b 1-5). This discouragement is to be produced by knowledge of [if *p*, then *q*]. But other factors provide further support. First there is the general principle (*a*) that citizens should keep the laws of their city; this is itself perhaps supported by the principle (*b*) that one should keep an agreement. It can further be supported by a general moral feeling against acts like murder: those arguing for the punishment of a lawbreaker will usually present the prohibited action as intrinsically immoral rather than presenting the law itself as arbitrary and only its maintenance as moral. It is also assumed that [if *p*, then *q*] is morally right. The operation of [if *p*, then *q*] and the relevance of (*a*) presuppose two points: the permanence of the city – like the permanence of gods in the case of oaths – and the conception of a law. A law is a rule which is permanently binding on citizens until it is explicitly rescinded or superseded²⁴.

The consequence sought by lawgivers can be viewed as an avoidance, not only of specific acts in repeated situations, but of a general breakdown in order and in the acceptance of (*a*). This idea of the future brings us close to some physicists' conception of the arrow of time: the chaotic consequences of an event make it irreversible, and thus give a single direction to time. Such visions of breakdown can receive memorable literary expression. The chorus of the *Eumenides* convey the idea impressively in ll. 490-525: Orestes' acquittal will mean κατὰ τὸ νόμον for the new system (ll. 490-493); all will feel free to commit murder, and πίτνει δόμος Δίκας (l. 516). So at Soph. *Aj.* 1246-1249 no law would be firmly founded (ll. 1246f. οὐκ

²⁴ The permanence of the city is often implied in a type of arrangement which is not an internal law but an oath or arrangement between cities, the alliance (R. Meiggs-D.M. Lewis, *A Selection of Greek Historical Inscriptions to the End of the Fifth Century BC*, Oxford 1988², no. 10,1-5, 63,10-12, 64,20-25; Rhodes-Osborne, *o.c.* no. 6,1f., 44,3f. εἰς τὸν ἀεὶ χρόνον). We need not explore here the sense in which a *polis* continues to exist through time, a particularly tricky instance of a wider problem, for which cf. e.g. P. Schmechtig, *Zeit und Persistenz*, «Metaphysica» VII (2006) 87-121. On the general merit of laws in force and on keeping laws regardless of their merit cf. K.J. Dover, *Greek Popular Morality in the Time of Plato and Aristotle*, Oxford 1974, 306-309. On the interesting variation between perfective and imperfective (generalizing) forms for passing judgement in the Gortyn law code, cf. J. Lallot, *L'opposition aspectuelle "présent"-aoriste dans la Grande Loi de Gortyne*, in R.J. Allan-M. Buijs (edd.), *The Language of Literature: Linguistic Approaches to Classical Texts*, Leiden-Boston 2007, 154-167.

ἂν ποτε / κατάστασις γένοιτ' ἂν οὐδενὸς νόμου) if we deprive rightful winners of their prize. A bad law can have equally fearsome consequences: the law of Timocrates gives the bad of all time impunity (Dem. 24,106). The orator, with consciously black humour, maintains that Timocrates should be punished by death so that he can give his law to the sinners in Hades (104): the consequences of his law would not matter, it is implied, in Hades, where sinners will already be punished²⁵.

But laws and systems of laws also aim, in the conception of philosophers and orators, at a positive kind of consequence. The lawgiver is not only seeking the avoidance of acts or states; he is seeking extended states in the citizens as individuals and permanent states in them as a political entity. So in [Dem.] 25,17 all lawgiving has the double aim of preventing unjust actions and of making 'the others' better by punishing lawbreakers. At Dem. 24,102-107 Solon's laws made present and future men better; those holy and just laws support, for example, caring for aged parents. An argument on making others better is commonly used to urge condemnation of the guilty by the jury²⁶.

Plato in *Leg.* I thinks the lawgiver should aim at the ἀρετή of citizens (631a 3f., etc.); previous legislators, such as the Spartans, have had too narrow, and too military, a conception of that ἀρετή (628a 6-e 6, etc.). Aristotle (*Pol.* 1333b 5-10) in a similar way accuses the legislators who have seemed best so far of not aiming their constitutions at the best end, and of not aiming their laws and education at πᾶσας τὰς ἀρετάς, but at those which seemed useful (cf. 1324b 5-22, and 1271a 41-b 10, which refers to *Leg.* I). The narrowness of their aims is exposed by time. The Spartans' claim to εὐδαιμονία is clearly undermined now that they cannot rule others (1333b 21-23); most such cities perish when they pass from war to rule (1334a 6-10). The legislator should implant the best things in men's ψυχαί (1333b 37f.); through these states of mind and character enduring happiness is sought for the city²⁷.

The achievement of the legislator's plan for the future is an elaborate process. Just as the permanent state of happiness requires work on subordinate ends like

²⁵ Cf. Plat. *Leg.* 701a 3-c 4 for a breakdown in the state caused by too much freedom; this includes a collapse of respect for parents, laws, and oaths. See also C. Carey, *Nomos in Attic rhetoric and oratory*, «JHS» CXVI (1996) 45f.

²⁶ Cf. Lys. 14,12, 30,23, Dem. 22,35, Lycurg. 67, Din. 1,27.

²⁷ On Aristotle's treatment of the Spartan constitution cf. E. Braun, *Die Kritik der lak-daimonischen Verfassung in den Politika des Aristoteles*, Klagenfurt 1956. Xen. *Lac.* 14,1-7 sees the Spartans as having failed to keep Lycurgus' laws; for Spartan εὐδαιμονία cf. 1,2. On Thibron (1333b 17) see Jacoby, *FGrHist* IIIb 617f. The eloquent proem to *Pol.* VII-VIII gives highest value to the ψυχή (1323b 16-21; subdivided at 1333a 16-b 5), and makes εὐδαιμονία something which mortals and cities aim at – so a future goal imperfectly sought – whereas for deity it seems a perpetual state (1323b 23-27). Recent commentaries on *Pol.* VII-VIII: R. Kraut, Oxford 1997; P.L.P. Simpson, Chapel Hill-London 1998, on whole work; E. Schütrumpf, Berlin 2005.

war, so work on the ψυχή must start from the body, which originates first, and then the inferior part of the ψυχή, which comes next (1334b 17-28). The body takes the legislator back in biological time to before the citizen's existence: he must work even on the perfective moment of conception and organize the married couple and the time of union (1334b 29-1335b 12). Physical origin, a crucial past moment in aristocratic ideas, becomes part of the legislator's work, which is based on the future. Aristotle includes in his thinking about the time of union the reciprocal arrangement whereby fathers' care is later answered by χάρις from their children (1334b 38-1335a 1): an older quasi-contractual idea is incorporated into his design of a community. The legislator's supervision goes on, and follows the temporal sequence of human life. The greatest emphasis falls on the earlier stages of life (1336b 24-35): πάντα γὰρ στέργομεν τὰ πρῶτα μᾶλλον (33). The extended intervention of the legislator marks a strong difference from Attic law, which is primarily concerned with controlling specific actions. This may be part of the reason that Sparta (and Crete) are of particular interest to Plato and Aristotle, even when, as in the *Republic*, the interest is not acknowledged²⁸.

Let us now look at criticism and questioning. Criticism of the aims and futures involved in oaths, laws, and the like seems less strongly articulated than the criticism we considered in Section 2, on the obligation supposedly created by past events. This is in part because the elaborate constructions of Plato and Aristotle come after the most robust period of criticizing moral conventions.

Scepticism about the consequences of oath-breaking could be thought a possibility from the beginning. Even the idea of punishment in Hades, so exceptional within the *Iliad*, could be imagined to have arisen in reaction to possible objections: not all oath-breakers die early or in poverty. Such punishment in turn is mocked by the wrongdoers in Cephalus' account (καταγελῶμενοι, Plat. *Resp.* 330e 1), before they start to wonder, as they grow old, whether there is something in it. Punishment of an oath-breaker's progeny could likewise be thought a reaction to objection; at Hdt. VI 86,γ2, a similar objection is ironically incorporated into the oracle itself (l. 3 ὄμνυ, ἐπεὶ θάνατός γε καὶ εὖορχον μένει ἄνδρα). Again the oath must move its perfective punishment further into the future (contrast Il. 1-3). Yet for all its effect on the reader, Leotychides' potent speech has no effect on the Athenians it is addressed to. They are admittedly not said to have sworn an oath themselves, but they are not worried at the thought of consequences from breaking an agreement; they are not shown in the narrative to be mistaken. In the *Iliad*, the Achaeans' assured assertions after the breach of the oath (IV 155-168, 234-239, 268-271) are complicated by the gods' role in breaking it, and the defeat which Zeus has in mind for the Achaeans shortly.

²⁸ Cf. E. Lévy, *La Sparte de Platon*, «Ktema» XXX (2005) 217-236. Xen. *Lac.* 1,3-10 (cf. Criti. VS 88 B 32) provides part of the background to Aristotle's whole treatment of arrangements before birth (1334b 29-1336a 2).

Criticism of legal penalties and doubt on the future they aim at is voiced by Diodotus in Thucydides. Cleon's speech suggests that Diodotus is an embodiment of advanced thinking in Athens (cf. III 38,2-7). The case in question is particularly favourable to his argument: here the punishment is not embraced by the ordinary system of a single city and its laws. By expanding his argument to take in all legal punishment, he is creating an *a fortiori* defence of his position. He supposes, rather as in the possibility mentioned above on posthumous punishment for oath-breaking, that the severe penalty of death in Greek *poleis* is a reaction; but here the reaction is to earlier ineffectiveness rather than to earlier scepticism (45,3). Diodotus argues that laws cannot restrain the imperfective or permanent predisposition of people to do wrong (45,3): the nature of humans, τῆς ἀνθρωπείας φύσεως ὀρμωμένης προθύμως τι πρᾶξαι, cannot be deflected by the strength of laws (45,7, cf. 46,4). This nature seems to have a cognitive impact: the [if *p*, then *q*] in question is denied through impassioned hope (45,1, 5f.)²⁹.

One of Pheidippides' arguments turns round a positive aim, not by denying it but by reapplying it. Strepsiades says that he physically chastised Pheidippides out of concern for him, εὖνοῶν τε καὶ κηδόμενος (Ar. *Nu.* 1409f.); his purpose was clearly to make him better. Pheidippides applies the same impulse, εὖνοεῖν, to his own act in beating his father for his false opinions on poetry (Il. 1411f.). The law would regard that act as a crime to be punished.

Callicles' argument, already spoken of in Section 2, reconsiders the aim of law and education. The real object of those who produce the laws is not to prevent truly unjust actions but to stop strong individuals from having more than weaker people do (Plat. *Gorg.* 483b 6-c 6). The ostensible aim of laws is a deception, turned into moralizing language; Callicles deprives that aim of value. Thrasymachus expands the argument about democracy to all types of constitution, but more strikingly identifies the unmasked aim of the rulers' interest with actual justice (*Resp.* 338e 1-339a 4). This amounts to a disturbing redefinition rather than a criticism of the aim as such.

²⁹ The temporal orientation of the speeches themselves is significant. Cleon's speech is based both on the punishment due to past actions and on the future benefits of that punishment (note the blending at III 40,4); Diodotus attempts to concentrate on the future (47,3 brings in morality and past benefits, in a μέν-clause). The contrasted Plataean debate is actually decided by future advantage (III 68,4 [narrator]; 56,3f., 7, 62,5 [hints]); but it is much more heavily concentrated on the past, recent and distant, than is the Mytilenean debate. Future damage to reputation (57,1f., 59,1, etc.) is more closely connected to moral judgement than future practical losses are. The contrast between the debates contributes something to the wider characterization of the Athenians in the work – though the Athenians' misgivings were at first prompted by the notion of destroying the whole city rather than τὸν αἰτίου, a consideration related to the past (36,4). T. Gärtner, *Die Mytilene-Debatte im thukydideischen Geschichtswerk*, «Gymnasium» CXI (2004) 225-245, rightly emphasizes the application of formal criteria in Diodotus' attempt to exclude morality, but perhaps heeds too little the ethical and characterizing consequences of that application here.

Antiphon presents the mechanism of law as having too late a future in view. It is left out of account that the mechanism seeks, say where H contemplates murder, to make $\neg p$ more likely (pp. 124f. above). If p occurs, q is of little use to H's victim: the law did not prevent the murder (cf. fr. 44(a) VI 14-18 Pendr. καὶ οὔτε ἐνταῦθα διεκώλυε τὸν | πᾶρχοντα μὴ | παθεῖν οὐδὲ τὸν | δρῶντα δρᾶσαι, and note Plat. *Prot.* 324b 1-3: the penalty cannot undo the past). Antiphon more broadly draws out other consequences of the legal structure which undermine its claim to be just. The witness does perfective wrong to the defendant who has not wronged him, and is himself forced to live in an imperfective condition of anxiety lest he should be wronged by the injured defendant. There are problems in maintaining both these points, if retaliation is not doing wrong; but it is a significant criticism of the legal structure that it limits itself to a simple [if p , then q] and ignores the consequences of q . Questioning the morality of legal punishment will also lead to questioning its efficacy: if citizens perceive that the process of punishment involves immorality, that directly damages one source of support, morality; it could also damage the general premise (a) that citizens should keep the laws of the city (since adopting (a) leads in practice to some immoral consequences). Another support, that the actions prohibited by the laws are immoral, had been damaged in the argumentation which was considered in Section 2. These points, if adopted, would make it hard to accept that lawgivers' good aims – if any – could be realized (cf. fr. 44a II 30f. Pendr. νε|νο[μο]θ[έ]τηται).

It is hoped that this temporal discussion contributes to the understanding of issues and ideas in the literature. But a word on a different kind of temporal issue will help to draw the last two sections together: an issue concerning the chronology of the literature itself. It would be possible to see movements within the period. Perfective events in the past as the bases of action are particularly important, one could argue, earlier on in this period. Such ideas draw partly on specific moral structures significant in archaic literature (like oaths). A contractual element is commonly involved. Some causal perfective elements too, like noble birth, are especially notable earlier on. Conversely, if we make the present the time when laws and the like are devised, extended future aims could be thought to gain more importance in the fourth century; oratory as well as philosophy is concerned. This greater importance especially obtains for the creation of ethical states of mind and character. Thus one could see the *Republic* as beginning from older ideas of justice based on perfective action and moving to fresh ideas based on enduring aspects of the ψυχή. The development would be apparent in the way the work treats its central problem of legal structure, cases of just conduct being punished and unjust not punished³⁰.

³⁰ Cf. 360d 8-362c8, 444d 11-445b 5, 588b 1-592b 5. The expected structure could be expressed, without predicate symbols: in the domain of quantification 'a polis', for all x where x is a citizen, the state will punish x if and only if x commits a crime. This proves to be false

Such a view of the chronology has perhaps some validity; but there are many qualifications to be entered. The first is that the apparent change may be in considerable part a matter of genre: we have more philosophy and oratory from the fourth century, and little tragedy. Admittedly, the huge philosophical enterprises of Plato and Aristotle were actually new in scale and scope. Second, a single trajectory over time would reduce the dialectical history that we have seen in scepticism and reassertion, criticism and reply. Third, there are numerous complications within periods and even genres. Thus the role of perfective past events, and contractual ideas, is developed in unexpected ways even by philosophers (so the *Crito*). A future state can be aimed at in the basic structure of an oath in tragedy (so Aegeus'). In any case, we should not be tempted to generalize the posited view on perfective past and extended future into changes in the importance simply of reasons for action based on the past and of reasons for action based on the future. Thus temporal priority matters in the arguments of both sophists and their later antagonists; perfective futures are crucial to the structures of oaths and laws. While there is perhaps some chronological development, the relations of time to Greek moral thought remain intricate. For this very reason, they will repay further exploration.

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Abstract

The underlying structures of moral reasons in Greek literature of the fifth and fourth centuries involve elements of time. Time should here be regarded not only as past, present, and future: aspectual and related categories are significant too. Considering these temporal patterns helps us to see the shapes of reasons and institutions over a wide range, and to understand better the types of criticism directed at them in the period. This in turn deepens our understanding of the literature. The article first looks at reasons based on 'perfective' past events, and then at reasons based on future perfective events and future extended states. Oaths, promises, debts, laws, and character are discussed; the discussion includes the activities of real and imaginary lawgivers, and sophistic criticism and responses to that criticism. Passages treated are drawn from, among other authors, Pindar, Herodotus, Sophocles, Euripides, Aristophanes, Antiphon the Sophist, Lysias, Thucydides, Plato, Lycurgus, Demosthenes, Aristotle.

if there exists an x (where x is a citizen) such that x commits a crime and the state does not punish x , or such that x does not commit a crime and the state punishes x .