

The *dikê* of Diodotus

Commentators on the Mytilene debate (e.g. Johnson 1990, Orwin 1984, Winnington-Ingram 1965) have inevitably focused on the range of meanings of the noun *dikê* (e.g., justice, a court case, penalty, revenge), its opposite *adikia* (crime, injury, injustice), the various verbal forms of this root (*dikasdein*, *adikein*: to judge, to be accused, to commit a crime, be judged guilty, be the victim of a crime, etc.), the adjective *dikaion* (just, strict, fair), and the noun *dikastai* (judges in court). Other courtroom terminology includes *kritai* (judges), *krinai* (to judge), *katêgorein* (to bring a formal court accusation). Many readers of the Mytilenean debate interpret various arguments proposed by Diodotus as leading to "moderation" and "leniency." Laurie Johnson, for example, derives from the arguments of the Athenian envoys at Sparta "this thesis--that the ambition to become ever more powerful is natural and compelling" (1990: 54), and argues "the use of this thesis...leads to a policy of moderation. Leniency for the Mytilenaeans emerges largely because...they were defended by an able Athenian orator, Diodotus" (54). De Romilly too declares "Diodotus proposes that Athens should adopt a merciful attitude" (1963: 159 cf. de Romilly 1974:97).

Compared to Cleon's call for the slaughter of all adult Mytilene males and enslavement of all the women and children, this is undeniably true. He has invoked the idea of obedience to "laws" (*nomoi* 3.37.3) and exhorted his audience to be courtroom judges (*kritai* 37.4) instead of mere participants in a contest. But he immediately focuses on the "crimes" (*êdikêkotôn*, *adikias*) of the Mytilenaeans as demanding immediate "revenge" (*timôria* 3.38.1), thus invoking, as many have noted, a traditional Greek version of "justice" as doing good to friends and harm to enemies.

Diodotus declares he is not about to lodge a court-room style charge (*katêgorêsôn* 3.44.1). After demonstrating the inefficacy of law (*nomos, nomôn*) in the face of overriding human passions (3.45.3-7), he insists "we must not be strict courtroom judges" (*dikastas..akribeis*) and spells out his case for not killing all the Mytilenaeans. This includes a reinstatement of one traditional view of "justice": his audience will commit injustice if they kill their benefactors (*adikêsete tous euergetas kteinontes* 3.47.5). This does not preclude his conclusion that Cleon's claim that "justice" (*to dikaion*) consisting of "vengeance" (*timôrias*) is also "expedient" (*ksumphoron*) is impossible (3.47.5).

What is not appreciated is that after denying the relevance of courtroom considerations of "justice," Diodotus ends by reinstating both the language of the courtroom and invites his audience to the immediate pleasures of revenge. "On the basis of the points advised, be persuaded by me: judge (*krinai*) those Mytilenaeans whom Paches sent as guilty of crime (*adikountas*) at your leisure (*kath' hêsukhian*), but let the rest inhabit (their *polis*)" (3.48.1-2). There is something grotesquely sinister in the invocation *hêsukhia*, a favorite concept of Greek conservatives (Hornblower 2004: 60-63). The Athenians are offered the compensatory opportunity of taking "legal" vengeance on those allegedly guilty on the judgment of one Athenian general and enjoying the slaughter of a thousand Mytilnaeans at their leisure.

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