

## FAIRNESS AND KINDNESS IN THUCYDIDES

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THE TITLE of this paper may sound somehow paradoxical. The world and the war which Thucydides describes are commanded by force and by violence. The Athenian empire is founded on fear and gathers only hatred. The hardness of war develops, among the people, ambition and greed, which flourish in civil strife: *ὁ δὲ πόλεμος . . . βίαιος διδάσκαλος*. It would seem, therefore, that fairness and kindness have no place there. Yet, I have shown elsewhere<sup>1</sup> that there are, in Thucydides' work, some hints showing a regret that Athens' power should not rest on good-will, or *eunoia*. And what should she have done in order to inspire such good-will? The first answer that comes to mind is that she should have acted according to justice; and this is indeed suggested.<sup>2</sup> Justice is what can be opposed to force and violence. In Athens' case it meant respecting the cities' autonomy. And this is just what they wanted. But justice is not always easy to define, in time of war or civil strife, nor is it always easy to follow, when passion and power invite to very different actions. It may therefore require the help of some general disposition or virtue which would support moderation—such as the mild and tranquil virtues, which are usually appreciated between friends, or within a family, and which are the ornaments of peace. Among them are *ἡπιότης*, *ἐπιείκεια*, and *πραότης*. And it is a fact that, when we look a little more closely at Thucydides' work, a regret of these virtues can be as clearly detected as the regret of *eunoia*.

Where and how it shows may be worth considering, and it occurred to me that such a theme, where gentleness and firm lucidity were for once reconciled, was particularly apt to be dedicated to the scholar whom we honour on this occasion.

First of all, it is remarkable enough to see that even the old Homeric adjective *ēpios* is not unknown to Thucydides. *Epios*, in Greek, is generally used to describe the kind manners a father displays towards his children; more than his behaviour, it qualifies his tone and general gentleness. Neither Isocrates nor Polybius uses the word any more. But Thucydides uses it, in three different passages. Or, to be quite accurate, he uses it in the comparative; and the fact is not devoid of meaning: for, in that harsh world, there is no place for real gentleness; but one may long, at least, for

<sup>1</sup>"Eunoia in Isocrates, or the importance of creating good-will," *JHS* 78 (1958) 92–101.

<sup>2</sup>For instance, Brasidas expects the Toronaeans to have all the more good-will as Sparta acts with more justice (4.114.4: *πολλῷ μᾶλλον, ὅσω δικαιοτέρα πράσσουσιν, εὖνος ἀν σφίσι γενέσθαι*).

some *more* gentleness. Nicias thus hopes that the gods will show more gentle dispositions (7.77.4: *ἡπιώτερα ἔξειν*). Pericles, when he sees the people hostile and irritated, makes an effort, in the last speech Thucydides reports, to restore their confidence and to calm down their anger, making them more gentle (2.59.3 *ἀπαγαγὼν τὸ ὀργιζόμενον τῆς γνώμης πρὸς τὸ ἡπιώτερον καὶ ἀδέεστερον καταστήσαι*). And indeed once, towards the end of the work, we see the Athenians, in the full gale of civil strife, master their own passion and actually become more gentle; that is when the Five Thousand are being created and an assembly planned on the question of reconciliation: thanks to numerous interventions and discussions, the whole mass of the hoplites, says Thucydides, became more gentle and forgot their egoistic excitement (8.93.3: *τὸ δὲ πᾶν πλῆθος τῶν ὀπλιτῶν . . . ἡπιώτερον ἦν ἢ πρότερον καὶ ἐφοβέιτο μάλιστα περὶ τοῦ παντὸς πολιτικοῦ*).

If we leave aside Nicias (although his wish is characteristic enough), we can notice that the other two instances of the word apply to the behaviour of the citizens toward each other—as if the tie of citizenship was a sort of family tie. And it is also a fact that the policy of civic union, of which this gentleness is the first sign and the symbol, is presented by Thucydides as leading to the welfare of the State. In both cases it is defended by people whom Thucydides approves of: Pericles, and, later, the moderates. In both cases, also, the attitude they recommend is, in the *History*, a wise one, that involves restraining the city from losing sight of its common interest. The old Homeric gentleness, the quality of being *ēpios*, is still an important value, which may help to maintain the inward unity of the group.

On the other hand, both *epieikeia* and *praotes* concern the attitude of the city towards other cities. *Epieikeia* is by far the more frequently used of the two. Thucydides has four examples of the noun and five of the adjective, for only one instance of *praotes*.

One reason may be that *epieikeia* is more vague. It may mean, as it does already in Homer, "reasonable." That is to say, it refers not to an absolute right or duty, nor to a precise behaviour, but to a general notion of what people might expect or find normal. This very vagueness made it a useful word in the case of foreign affairs, where there is no written law, and where the application of justice is often difficult to grasp—unless it is limited to the very negative idea of *μὴ ἀδικεῖν*, which means, practically, keeping to a previous truce. But once two cities have been at war, where does justice come in? As the contemporaries of Thucydides knew so well, there is some justice in the success of the stronger and victorious party. And any offense may, according to justice, be punished: the new treaty will establish new rights, by which it will thereafter be just to abide. If the victorious party is not too severe, that will then be a question not of justice, but of *epieikeia*. And this distinction, which was later to inspire

Aristotle, when he turned *epieikeia* into a well-defined virtue, parallel to justice and manifesting itself in the cases where no written law had any place, explains why *epieikeia* is often required of those who could, without injustice, make a more decided use of their own superiority.

In Thucydides, the mention of *epieikeia* generally concerns the Athenians (that is so in seven cases out of nine).<sup>3</sup> And the range of the idea covers their attitude to all the different kinds of cities Athens has to deal with: cities of the empire, cities not belonging to the empire, when they are being conquered, and finally her enemy, Sparta.

As regards the cities of the empire, or the so-called allies, it is a fact that the Athenians in Book 1 are proud of having behaved to them with *epieikeia*. They could have used sheer force: they didn't; they were, as they say, "more just than their actual power would have allowed" (1.76.3: *δικαιότεροι ἢ κατὰ τὴν ὑπάρχουσαν δύναμιν*). But their allies felt all the more offended at any slight encroachment that came to spoil this apparent equality; and the Athenians, as was not consonant with proper expectation, derived more criticism than praise from their very fairness (1.76.4: *καὶ ἐκ τοῦ ἐπικεκούς*).

This gives us a very precise idea of what *epieikeia* can be. It also enables us to see a little further into the Athenian empire and its history. For whatever may be our opinion about this appearance of good conscience on the part of the Athenians, it is in complete contrast with the way they behaved later, during the war itself. Mytilene, for instance, wishes to obtain a *ὁμολογία τινὶ ἐπικεκῇ* (3.4.2). Perhaps she could have had it. But the Mytilenaeans didn't trust that possibility, and turned towards Sparta (3.4.4: *οὐ γὰρ ἐπίστευον*). They seem to have been right, for their envoys come back from Athens having achieved nothing (3.5.1: *οὐδὲν . . . πράξαντες*). They thus enter upon the course of revolt and war; and they are defeated. Now, in the discussion between Cleon and Diodotus about the way in which they should be dealt with after that defeat, both agree that it would be wrong to try and be moderate, or fair. Cleon says that nothing is so adverse to dominion as pity, the pleasure of words, and *epieikeia* (3.40.2); and he explains that *epieikeia* is all right towards people who will be friends in the future, not towards people who are and will remain, in spite of all, one's enemies (40.3). Diodotus, on the other hand, is for mercy, but not because mercy is a fairer attitude: he

<sup>3</sup>The two exceptions are 3.9.2 and 8.93.2. The first instance applies to the justification of a revolt; it means that the reason is considered as reasonable and normally accepted. The second one is an occurrence of the plural *ἐπικεῖς*, the word meaning "reasonable and decent people," and having generally both an aristocratic and a favourable connotation. The fact that these reasonable and decent people are, here, the wise advisers who speak for concord at the time of the Four Hundred is in agreement with the general treatment of the notion in Thucydides.

insists that he is no more than Cleon in favour of pity or *epieikeia* (48.1).<sup>4</sup> The case, therefore, is clear: no fairness has its place in the empire as it has turned out to be. Good feelings are judged with the harsh realism of people who know they are now hated, and who cannot afford to relent.<sup>5</sup>

This, in itself, is clear enough. But we find a confirmation in the most important analytical passage dealing with Athens' empire—namely, the dialogue at Melos. For there again we find the notion of *epieikeia*. It occurs in the very beginning of the dialogue, when the Melians insist on the conditions in which the deliberations are to take place: they say that the fairness of a peaceful discussion is satisfactory, (5.86: ἡ μὲν ἐπιείκεια<sup>6</sup> τοῦ διδάσκειν καθ' ἡσυχίαν ἀλλήλους), but that it cannot be reconciled with the actual state of war, which makes the Athenians both a party and a judge, and which deprives Melos of any hope of convincing them: should she have right on her side, it would mean war; should she be convinced, it would mean slavery. So that, once more, Athens is seen to refuse real *epieikeia*.

But this is not all, for the Melians are not content with this remark; later in the dialogue, they come back to the notion. What they wish is that Athens should be fair and generous, remembering that the common advantage of all is that people in danger should be treated in a normal and just manner (τὰ εἰκότα καὶ δίκαια), and that they should be treated thus even if they cannot justify their own case with perfect accuracy (90: καὶ ἐντὸς τοῦ ἀκριβοῦς πείσαντα). This almost shy and rather obscure formulation<sup>7</sup> points to the fact that Athens could act with *epieikeia* (which is suggested by the very use of the word *εἰκότα*), even if she wasn't persuaded that such was her immediate interest. As the Melians declare, she might later find such a general rule of some use even to her, if she came to be threatened by too much rancour on the part of Greek cities. Now, although the Athenians brush aside that hypothesis with pride and even arrogance, this is exactly what was to happen to Athens. *Epieikeia* may be a silly and sentimental attitude, which lucidity regards with suspicion;

<sup>4</sup>He is in favour of saving what remains of *eunoia* towards Athens in the cities (3.47.2), but not for the sake of kindness and generosity, only because it might be useful. If he hadn't kept so closely to the realistic view of politics which rhetoric had helped to make a fashion of, he could have said that *epieikeia* may turn out useful; see below, the suggestion made by the Melians.

<sup>5</sup>Of course, political experience could also have taught them—and Thucydides—that worthy sentiments are seldom or only briefly listened to. Their severe judgement on Sparta's attitude, in 5.106, is confirmed both by the fact that she let the Melians be destroyed and by her general policy once she was victorious.

<sup>6</sup>Cf. Andrewes, in A. W. Gomme, *A Historical Commentary on Thucydides* (Oxford 1945–), *ad loc.*: "a notable word here, 'generosity and reasonableness'."

<sup>7</sup>See Crawley's interpretation, which is rightly criticized by Andrewes (above, note 6), *ad loc.*

yet, it is here clearly suggested that, in the long run, it could well turn out to be both a safer and a wiser behaviour.

It must be added that this refusal of *epieikeia*, on the Athenians' part, doesn't only exist in relation to her actual or possible subjects: they refuse it also in their relations with Sparta. In Book 4, the Spartans are represented as urging in vain a fair and moderate peace. They say that the best means of achieving a peace that is likely to last and will allow the two parties to be friends again, is to have it rest not on unequal and compulsory conditions, but on a spirit of fairness (4.19.2: *πρὸς τὸ ἐπιεικές*); then the victorious party, being more moderate than was expected, is also victorious as regards virtue itself. Once again, what is advocated is more than simple justice. And once again, the whole structure of the episode suggests that this would have been, ultimately, a sound and wise policy. For the Athenians discarded the advice, and not only regretted it but had even to acknowledge later that the peace they finally concluded was not solid, because it had been compulsory and shameful for Sparta (6.10.2, Nicias)—*epieikeia* would, once more, have proved safer.

It thus appears that, although the word is not frequently used in Thucydides' work, each single occurrence is illuminating, and helps one to see where Athens was wrong and where the blunt opposition of justice and force proved too simple a dialectic, which reckoned insufficiently with the future.

It could, of course, be argued that it is not enough to show that Athens refused *epieikeia* and that she was ultimately defeated. The demonstration, in order to be complete, would require some more positive proof, in which the advantage of fairness, or kindness, would be shown. Thus certainty cannot be found in connexion with *epieikeia*. But it can with another word, namely *praotes*.

*Epieikeia*, being a vague word, is used for general claims. It just means something fairer than what one has actual power to impose—nobody would dare ask Athens to use *praotes*; and Athens never used it. But someone did, during the Peloponnesian war, and with such success as to endanger Athens' power: that was Brasidas. In Acanthos, he presented himself as bringing freedom to the cities, and he emphatically declared that he would bring no harm to them, but that they would be treated as autonomous allies (4.86.1), nor would he favour one party against another. Then the Acanthians accept his offer, both because they are afraid for their harvest and because he uses appealing language (88.1: *ἐπαγωγά*). Later he is secretly admitted into a fortress near Amphipolis by the inhabitants, and he offers a moderate truce (105: *ξύμβασιν μετρίαν ἐποιεῖτο*). By this truce, the people were allowed either to leave the town with the things they owned, or to stay and enjoy full rights. They are then won over by such kind proposals (106.1: *ἀλλοιότεροι ἐγένοντο τὰς γνώμας*),

they find the terms are just, and they agree to them. After these events, which Thucydides had only too good reasons to pay attention to, all the cities are eager to revolt; and Thucydides says quite clearly that this eagerness is due both to the capture of Amphipolis and the general terms offered, and to the fairness, or kindness, of Brasidas (108.3: τῆς τε Ἀμφιπόλεως τὴν ἄλωσιν καὶ ἃ παρέχεται, τὴν τε ἐκείνου πραότητα). Everybody knows that Brasidas was to keep to this *praotes* and enjoy success after success—till Athens finally agreed to make peace.

By a remarkable circumstance, when he deals with the making of the peace, Thucydides seems to forget the part played by this *praotes*: he only mentions the fact that the cities are exalted by Athens' repeated failures (5.14.2: διὰ τὰ σφάλματα). This means that his positive and realistic mind preferred to stress the positive and realistic reasons, which—it must be added—were also more in the line of modern rhetoric and intellectual fashion.<sup>8</sup> He therefore refrains from emphasizing the importance of *praotes*. But the fact remains that, in the narration itself, the very failures of Athens had been, partly, the result of this *praotes*. *Praotes* had proved wise and profitable, just as *epieikeia* would have been for Athens.

This clear idea in the general design leads directly to Isocrates. No doubt the absence of any stress on the idea, in Thucydides' work, corresponds to the wide difference which separates two periods, two situations, and two men. Thucydides gave all his attention to Athens' power and to the great clash which it involved between force and justice. But when Isocrates, after Athens' ultimate collapse, tried to find out a wise policy, the general lines of this policy could be derived from the lessons of the collapse. Isocrates saw that a wise policy could no longer be one that rested on force; force, anyhow, had proved of short avail. Hidden in Thucydides, but clear as everything is in Thucydides, lay his solution. And he spent a lifetime advocating it. Thucydides had nine examples of *epieikeia* or *epieikes*; Isocrates has forty-two. Thucydides mentioned *praotes* once; Isocrates mentions it in not fewer than thirty-one cases. Xenophon also has many instances. The notion bursts out at the dawn of the 4th century and is suddenly found everywhere: it will lead to Polybian *philanthropia* and to Roman *clementia*. But the origin of that outburst and of that new trend is to be found in the indications given by Thucydides—indications which, although discreet and unobtrusive, have the almost algebraic precision that always marks his thought and style.

## PARIS

<sup>8</sup>All this part of the work insists on egoism and interest in a surprising manner; it must be kept in mind that fashion may suggest the occasional exaggeration of some explanations. The same thing happens when tragic heroes justify their sacrifice by reasons of well-calculated interest.