

POPULAR ETHICS IN FOURTH CENTURY GREECE*

By LIONEL PEARSON

IT will be best for me to begin by explaining what I mean by popular ethics. It is not my intention to discuss or investigate the facts of behaviour — did numerous people cheat the tax-collector or cheat their associates in business? was family life disrupted by marital infidelity and was juvenile delinquency common? Even in modern times these are difficult questions to answer with any confidence unless you live in the country and win the confidence of people who have grown up there. For ancient times we have to depend on the literature that survives and on its art and monuments. From these sources we can learn what people were expected to do; better still, we can learn the kind of language they used in justifying or explaining their own conduct or in complaining about the conduct of others.

This is what I mean by popular ethics. Even if we never know all the details that we should like to have clearly before us, we can try to discover the changes in standards and modes of thinking, the different kinds of argument which prevail in different societies. Greek literature supplies us with good information when we look for it. It seems to lead to the conclusion that the fifth century, the Periclean age in Athens, was a time when very high ideals were set, if not always reached. And historians cannot resist the temptation of treating the end of the fifth century as a great landmark. The century that follows, after the end of the Peloponnesian War, is accordingly presented as a very different era; because the period of Athenian empire and greatness is followed by years of frustration and eventually by defeat at the hands of Philip, we are supposed to believe that there has been a fundamental change in the character of the Athenians. They are supposed to have lost the fine qualities that made the splendour of the fifth century possible. Passionate appeals to act in a manner worthy of their great traditions, such as we read in the works of Demosthenes and Isocrates, accomplish very little. Something has gone wrong and the story of failure is more satisfying if we can say that Athenians refused to bestir themselves, that they lacked the courage or the initiative to fight for their city.

That is one common way of presenting the fourth century. If, on the other hand, we take as our landmark not the political and military disaster of 404 B.C., but the death of Socrates, we may be tempted to interpret the century that follows

* An address delivered to a meeting of the Association on 14th March 1968 by Lionel Pearson, M.A. (Oxon.), Ph.D. (Yale), Visiting Professor of Latin in the University of Sydney.

as a century of individualism, to say that in the fifth century the Athenians identified their own good with the good of their city, and that the fourth century may be regarded as a time when traditions of religion and ethics came to be abandoned or forgotten, and philosophy came into its own.

But is it true that philosophic thinking came to take the place of tradition as a guide to life and conduct? A very quick glance at the literature of the fourth century tells us that we must answer No. We have lost all the tragedies and most of the history written in the fourth century, but in addition to the philosophic work of Plato and Aristotle we have the speeches of the orators to tell us what went on in public and private life—more authentic pictures than historians can give us—and a few fragments of the comedy, especially of Menander. The picture of the social life of Athens that we acquire from these authors is not quite the same as that of Plato's dialogues, not always a flattering one; we learn more about the petty meanness and dishonest methods of Athenians who took their cases to court than we can ever learn from even as shrewd an historian as Thucydides. And we learn how they argued.

I don't want to labour the point—though we may find it difficult to compare details of private life in the two centuries we still have evidence about the manner in which people thought in both centuries. We can observe the arguments by which they explained and justified their conduct, the standards that they used in attempting to solve problems of behaviour, the terms which they used to describe actions and character. The characters in Plato's dialogues include ordinary men who are neither sophists nor adherents of Socrates, men who think in current conventional terms. So also in the fifth century the speeches in Thucydides are intended to show how ordinary people must have thought, because (though the language may seem involved and difficult to us) Thucydides is trying to make us understand why certain decisions were taken by political assemblies. Likewise Demosthenes' clients want to make the jury understand why they consider themselves shamefully treated and why their opponents are dishonourable men. I hope to be able to show you that non-philosophic thinkers in both centuries argued in similar terms, and that whatever changes took place, they retained very similar popular ethics.

Plato and Aristotle and their philosophic successors introduced new modes of ethical thinking, because they found the traditional standards and arguments inadequate, inexact, and full of contradictions. If we read Thucydides and the dramatists with care we find similar dissatisfaction with conventional ethics there, and the ghastly events of the War in the last quarter of the century are enough, we might think, to make even the most rigidly conservative people lose faith in the old gods, sneer at Apollo's oracle, and turn into political and moral cynics. It is a remarkable tribute to the vitality of tradition that this does not happen. Despite some serious threats Athens keeps its democratic government. Delphi still commands respect. And despite Plato's attack on traditional education, there

is no revolution in family life and manners and the upbringing of children. After the death of Aristotle (or after the end of the fourth century, if you prefer) philosophy begins to reach a much wider public and the ethical thinking of literary men is bound to be affected in some degree by philosophic ideas. People who write will have some acquaintance with philosophy and hence literature will no longer, to the same extent, represent popular ethics. I hope it is now clear that what I mean by popular ethics is the ethical thinking of people who are not philosophers. When all literary men know some philosophy, it becomes difficult to discern popular ethics.

Readers of Greek literature will remember that moral issues are discussed in terms of Justice. Is it just that Prometheus be punished for an act of disobedience to Zeus which benefits the human race? that Antigone be put to death for disobeying Creon's edict, because her love for her brother cannot allow her to obey it? that Orestes avenge his father's murder, when it means killing his mother? that the Athenians carry out a mass execution of the people of Mytilene for their act of rebellion? The chorus in the *Oresteia* of Aeschylus comment that the act of Orestes was an act of justice, but they could not commend it, it was not *kalon*, not admirable but shameful and horrible. And the speaker who opposes Creon's proposal to carry out the grim sentence of mass execution against the rebels of Mytilene admits that justice demands it, but insists it is not in the interest of Athens. There can be times when strict justice is to be rejected in favour of mercy or in favour of a course that is more profitable and expedient. There are times also when a man or a nation may defend the refusal to do what justice demands of them, because the price will be too high and the advantages of refusing too great. This is the argument known as the Unjust Argument, which a speaker in the courts must know how to use when he cannot deny what are said to be the facts; he did indeed evade his strict obligations—but would the jury if faced by a similar situation or exposed to similar temptations or opportunities or dangers have acted otherwise?

The thoughtful man might believe that some form of compromise between extremes was the practical answer to many problems of conduct, but no one seemed able to put his feelings into accurate and logical language until Aristotle developed his principle of the Mean, and showed how virtues could be defined as a compromise between extremes, though the virtue itself was incapable of excess; you could not be too just or too courageous, though you certainly could be too severe or too daring, too lenient or too cowardly. By careful choice of terms he made the two extremes seem undesirable in themselves; flattery and ill-humour are equally undesirable characteristics, and only the mean that comes between them is admirable. Popular ethics, on the other hand, when it argued that you should do favour to your friends and obey the laws, offered two different or alternative principles. Though it knew there were occasions when you should not do a favour to your

friends, it refused to abandon the general principle; and so the principle remained as a general guide to conduct, which might on occasion be disregarded. This is what makes popular ethics so inexact; it is liable to decide in almost arbitrary fashion when one principle or the other should be followed.

This inconsistency is beautifully illustrated in the speeches which Thucydides puts in the mouth of politicians in his history. Sometimes they appeal to justice, in terms of keeping faith with allies—as when the Athenians are urged to help their allies in Sicily by military intervention, though this may (and does) mean stirring up international turmoil; or when the Spartans warn the Plataeans that they will be punished if they abandon their loyalty to the anti-Athenian group, though the Plataeans themselves consider themselves bound equally firmly to their benefactors the Athenians who have hitherto preserved their liberty for them. Sometimes they argue that strict notions of keeping faith cannot be maintained, as when the people of Mytilene explain to the Spartans that they should not be censured for withdrawing from the Athenian alliance; they want to be helped and protected against the Athenians by the Spartans, but not to be despised for their apparent infidelity.

Aristotle tells us in the *Rhetoric* that the end (*telos*) of a speech in the law-courts is “the just or unjust” (it is the speaker’s purpose to show that his action is just or his opponent’s unjust), in a political assembly “the expedient or inexpedient” (to show that his proposal will benefit the city or that a counter-proposal will not), in a panegyric or epideictic speech, on a solemn or festive occasion it is “the noble or ignoble, beautiful or ugly” (*kalon* or *aischron*), for example to show that national heroes or a public figure who has just died are worthy of praise for their splendid actions or have prevented ugly consequences by their skilful policies. He adds, of course, that each kind of speaker, the forensic, the political, and the epideictic, may use as subsidiary arguments the kind of argument more normally appropriate to the other type of speech. A political speaker, if he is lucky, may be able to show that the course which he advocates is not only expedient, but just and noble as well. These are the terms of popular ethics, the terms in which the audience in the assembly will consider the question put to them; this is why Aristotle expects the orator to put his case in this way. And they are the terms which we shall find in Thucydides and Sophocles as well as in Demosthenes and the other orators of the fourth century. Aristotle does not tell us how the orator should define justice, though he tries to define it for himself in his work on Ethics. We must go to the oratory and the comedy of the fourth century to see what they have to tell us.

A man who takes a suit to court in Athens often expresses the fear that the jury will be prejudiced against him. They may suppose that he has no real case, or if he has real grounds for complaint, they may think he should have settled the case by private arbitration and accepted a reasonable compromise. Aristotle says, at the beginning of the *Rhetoric*, that it ought to be enough to tell the story

plainly and prove to the jury that your adversary has broken the law or done you an injury, that he has robbed you or cheated you, and that further questions, like measuring the seriousness of the offence, should be left for the law and the judgement of the jury. But he knew it was useless to complain of existing practices, that the orator could not disregard them; he knew that juries were affected very strongly by the kind of character each litigant appeared to have and the apparent motives behind his acts; he knew that they would be antagonized or favourably impressed by considerations not strictly relevant to the case.

Like Aristotle we are very ready to find fault with the Athenian juries, who may not insist on litigants keeping to the point and are therefore likely to disregard the strict legal merits of the case. But we learn a great deal about Athenian attitudes and their method of forming moral judgements from speeches which would be disallowed in our own courts. The surviving examples of Attic oratory, notably the speeches of Demosthenes and Isaeus, help us to understand the criteria by which conduct was admired, condoned, or condemned.

It may be useful to start by considering the part that the revenge motive plays in the courts. A man accused of grievous bodily assault would not do himself much good in a modern court by explaining that his victim had treated him shabbily in the past. It might be worth while for him to plead that he acted on impulse, in a fit of rage that he could not control. But if he said that he was acting understandably because of something that happened six months earlier, though the jury might sympathize with him privately, they would not give a verdict in his favour just for that reason.

Demosthenes wrote one most interesting speech for a young man who complained that he had been violently assaulted by a group of men in the Agora, the civic centre of Athens, where he was taking a walk. The evidence seems clear enough, though he may have exaggerated the agony that he suffered. We need not take him literally when he says that for a long time his family and his doctors despaired of his life; and that after his assailants tripped him up and jumped on him, he lost his power of speech and could not rise from the ground, that he was not only bruised and covered with sores for a long time afterwards but attacked with a terrible fever. He calls in medical evidence, which might or might not be believed, but his real trouble is that the jury may think he has got no more than he deserved.

During his military service, when in camp on the borders of Attica, he and his comrades had quarrelled with their neighbours in the camp, who became offensively drunk and made life so difficult for them that they complained to the commanding officer. He issued a severe rebuke, and naturally the offenders did not take this very kindly; they took revenge in a night-time raid; and later, when they were back in Athens and saw this young man again, they decided to give him a further dose. We may be inclined to think that the young man was rather a

poor sport and that the complaint to the commanding officer was not in the best traditions of the service. He is clearly afraid this is what the jury will think, and that they will therefore dismiss his case; and he accordingly takes pains to show that the behaviour of his opponents cannot be dismissed as good-humoured horse-play. He represents himself as tolerant and moderate in his demands for satisfaction—not insistent on revenge, as his opponents apparently were.

Moderation plays a great part in the ethical thinking of classical times. Some writers find it attractive to construct a neat and consistent picture of Greek civilization and Greek manners by maintaining that in earlier days the virtues of moderation, charity, and friendly co-operation were not valued as highly as the more barbaric qualities of physical strength and agility and the successful attainment and exercise of power. This means that we can claim to watch the development of Greek character from very rough beginnings and primitive culture to a more refined state of civilization. Bruno Snell, in his book *The Discovery of the Mind*, invites us to believe that Greeks did not regard themselves as fully independent human beings, with full power of decision, until the fifth century, but though I have a high regard for his scholarship in other respects, I think there is plentiful evidence in Greek literature to refute his interpretation. An even more extreme point of view is represented by a younger scholar, Arthur Adkins (*Merit and Responsibility*, Oxford, 1960), who thinks the Greeks became more human in the fourth century than in the fifth. He believes that what he calls the co-operative virtues were slow in winning respect, and did not really establish themselves until the time of Aristotle.

It seems to me that all adherents of this point of view fail to appreciate the essential and inevitable inconsistency in all popular ethical thinking. Or perhaps we might better speak of the two faces of Greek ethics—the severe and the lenient, like justice and mercy. As we have seen, Greek tragedy forces us to recognize that ruthless pursuit of revenge is not always to be equated with justice. But this does not mean that the motive of revenge disappears from Greek thinking, any more than Christian insistence on turning the other cheek has made us utterly unsympathetic towards someone who tries to get his own back—especially if he is content with less than a whole eye or a whole tooth for the eye or tooth that he has lost. The young man who brings the case for assault points out that he might have brought a criminal action for a much more serious charge, which would have exposed his assailant to the risk of very severe punishment, but on the advice of his friends he has been content to claim damages in a civil suit. Only by showing himself more lenient and modest in his claims can he counteract the sympathy that the other side is hoping to arouse.

If revenge and “harming our enemies” can be represented as just and fair, it will not surprise us to find an equal insistence on the virtue of gratitude, on the obligation to return a favour and to show oneself loyal and trustworthy towards

one's friends. Popular ethics, we must notice, preserves the distinction between our friends and our enemies, a distinction which Christian ethics tells us we must abandon. Greek philosophers, indeed, did abandon the distinction long before the Christian era, but we need not suppose that popular ethics in any part of the Greek-speaking world changed its old ways which were so firmly rooted in traditional thinking.

It is very hard to obtain redress for ingratitude in the courts, since it is not regarded as a civil offence. But Greek thinkers delighted in imagining systems of justice in which ingratitude was punished severely. Xenophon's *Cyropaedia*, "The Education of Cyrus", the earliest work of prose fiction that we know, the first historical novel in the history of literature, gives us an idealized picture of education in Persia. In this system the boys are trained in ethics by conducting trials among themselves and punishing the boy whom they find guilty: "And among the offences for which a trial can be held is the offence of ingratitude, which arouses very bitter feelings among men, though they cannot bring suit for it; and when they find that a boy could have shown gratitude and did not, they punish him severely" (1.2.7).

Xenophon was one of the companions of Socrates, but he had not a brilliant and imaginative mind like Plato's, and consequently he presents us with a link between newer philosophic ways of thinking and the more traditional outlook. He is conservative and conventional in various ways, as his critics always point out, and the moral tone of the *Cyropaedia* is quite old-fashioned. It still presents justice in terms of returning gratitude and avenging injuries. "What can be more just than taking vengeance or more noble than helping our friends", (1.5.13), the young Cyrus asks his soldiers, who are to help their allies, the Medes, in a war against the Assyrians, "who had taken the initiative in unjust acts".

The English word "just" may sound inept in some of these contexts, but I use it so that it will be clear that the Greek word *dikaïos* was written. It is important to see what Xenophon means by this word. In his thinking the quality of being *dikaïos* is bound up with the quality of being a good friend; and so the military commander who takes proper care of his men is said to be "most just". This is very simple, old-fashioned ethics, and would not satisfy the philosophers. The *Education of Cyrus* is about the education of a king—a much simpler education than the education Plato designed for future rulers in his ideal republic.

The idea that the key to justice is showing favour to people—showing them *charis*, or charity—is fundamental to the *Education of Cyrus*. It is not original to Xenophon of course and if you read earlier Greek literature with care you will soon realize that it is one of the most persistent tenets of Greek popular ethics. This should warn us that charity is not altogether a Christian invention, though it is not one of the virtues that plays a great part in the Greek philosophers, except in the philosophy of Epicurus. In the *Education of Cyrus* *charis* is almost the basis

of good government. It is supposed that rulers will gain control of their subjects and make them accept their decisions cheerfully if they win their affection by showing them favour and kindness. Xenophon may seem inclined to sentimentality in this respect (cf. 2.4.9-12). It does not take a very astute philosopher to recognize that the art of government demands rather more than kindness. Demosthenes, in his political speeches, the Olynthiac and Philippic orations, is very severe on politicians whose principal aim is to win popularity and show *charis* to the Athenians, when the national interest demands that they be told unpalatable truths and be persuaded to take steps that are neither welcome nor easy.

It may not seem to us that a moral question is necessarily involved in a choice between severity and leniency. But, according to the standards of popular ethics, a son who disobeys a kindly indulgent father is guilty of ingratitude, while the severe father can make no such complaint against his son. The opening scene of Terence's *Adelphi*, in which the two systems of bringing up sons are debated, is well known. We must remember that the plays of Terence are founded on Greek comedies written in the fourth century, and are therefore likely to reproduce Greek ways of thinking. The contrast between two ways of handling people—insisting on one's rights or getting what one wants by kindness—occurs so constantly in Terence and in Plautus as well that we must suspect there is an issue involved beyond the mere dramatic value of the altercations and arguments. And our suspicions are confirmed when we turn our attention to Menander, whose plays we are coming to know better, as new texts are discovered on papyri recovered from the sand of Egypt.

In the more recently discovered play of Menander, the *Dyscolos* (*The Bad-Tempered Man* or *The Curmudgeon*), we have an example of an old man who refuses to show good will. A slave knocks at his door, hoping to borrow a cooking pot from him (there is a party preparing to offer a sacrifice to the Nymphs), and the old man snarls at him, wanting to know:

"Have you and I any prior agreement, any contract?" If he were under an obligation, he could not refuse to meet it, but he has no wish to make a new friend by doing a favour. "A regular viper" is how the slave describes him; and his own comment on the world at large is:

"Murderous brutes—they come knocking at your door, as though you were a friend; if I catch any one of them coming to my door, I'll make an example of him for the whole neighbourhood."

He is unwilling to do or receive any favours, hates the thought of any obligation. It is only when he falls down the well, thinks his last hour has come, and has to be pulled out by young Gorgias, his nephew, that he recognizes the error of his ways:

I thought I was the one man in the world who was sufficient unto himself, needing no one. But now that I have seen how sudden, how unforeseen the end of life can be, I have learnt that I was wrong to think so. As I looked about me at other people's lives and observed how they calculated the advantages they could gain, I thought there was no one in the world who bore good will to another man. That was my difficulty. Now at last Gorgias has proved to me how wrong I was, he has behaved like a true man. I never let him come near my door, I would not lift a finger to help him, I never addressed a word to him or answered him, if I could help it, but even so he has saved my life. Another might with justice have said: "You never helped me, I won't help you."

And so the comedy draws its simple moral—you must help your neighbour, because life is intolerable if you do not; and you must accept favours too, not shirk the obligation that they impose. You will find further examples in Roman comedy of the ill-tempered and the excessively indulgent old man, and if we put the stories all together, a clear pattern of thought emerges. Not only are children more likely to obey their fathers and subjects their rulers if they are well treated and friendly relations established, but their moral obligation to be obedient is far greater; to disobey a friend is to be guilty of ingratitude. The law may recognize that a father or a ruler or a government has rights which can legally be enforced in face of opposition, but it may be wiser to substitute moral obligation for legal force, to establish a harmonious relationship in which we have friends helping one another, satisfying the requirements of the law, and each doing what is most advantageous for him.

Even when the law sanctions or demands severity, leniency can be a wiser choice. In the *Education of Cyrus* the Armenian king is caught clearly in the wrong, and Cyrus could legally and justly punish him with death for his infidelity. But young Tigranes talks Cyrus out of taking severe measures, explaining that it is not in his interest to punish him, when by doing a favour and sparing him he will turn him into a grateful and obedient subject. Xenophon introduces here a new and probably Socratic element of thought, the notion that part of justice is to improve other people, so that if kindness makes the offender better, it is juster than strictness. This argument appears several times in Plato's dialogues, but seems not to be part of conventional thinking.

It is the speeches in Thucydides and Herodotus that illustrate so well the conflict in the fifth century between the claims of the law, friendship, and expediency. It is unlucky for us that we have lost the historical works written in the fourth century (except for Xenophon). There is always the hope that a papyrus text will be found of Ephorus or Theopompus, the two most famous historians of the fourth century, whose works were read widely in later antiquity. But we have been luckier with the discovery of papyrus texts of Menander, and his comedies tell us

something of the part which this conflict continues to play in popular ethical thought. Menander is the foremost exponent of what is called the New Comedy, to distinguish it from the so-called Old Comedy of Aristophanes; and since we have lost practically all of the tragedy that was written by authors later than Euripides, his work acquires a special value for the student of Athenian life and character.

The New Comedy, so far as we know it, does not often raise ethical problems which will disturb the audience seriously or challenge them to side with one character or another. It may represent characters caught in situations where the choice between alternative courses is difficult or even impossible. But it handles these situations much more lightly than tragedy. The great tragedies of the fifth century often show us characters striving to justify a course of action that orthodox opinion would condemn; and when two characters are opposed to one another, the argumentative scene or *agon*, in which each presents his own point of view, is one of the central scenes of the play. Comedy does not develop argumentative scenes to the same degree. But sometimes a conflict happens because the one character cannot recognize an obligation which seems paramount to the other, like a father who expects his son to marry the girl he has chosen for him, and sees no reason why the young man should feel any obligation towards another girl with whom he has fallen in love. More exceptional is the case of Pamphilus in the *Andria*, who is determined not to abandon Glycerion, the girl who is bearing his child, but still finds it hard to overcome his sense of filial obedience towards his father, who has a wife picked out for him.

In comedy, of course, the audience has no need to share the agony of the characters, because they are always rescued from their difficulties by some "discovery" or some sudden change in the situation, which solves the problem by eliminating it. In tragedy the decision has to be made and the consequences faced; but since, in comedy, the decision is never made irrevocably, lengthy or subtle or really thoughtful argument would be wasted and might seem dramatically inappropriate. What we find, in fact, are arguments that follow quite conventional lines and depend on the familiar notions of duty, loyalty, and gratitude. The playwright shows his originality not by devising new arguments, but by new epigrammatic declarations in the mouths of his characters. These *gnomae* or *sententiae* were often quoted by critics in antiquity, and until more substantial portions of Menander's plays were discovered, Menander's chief claim to fame was thought to be his skill in sententious epigram.

In tragedy the search for justice plays a great part—Orestes seeking justice after his father Agamemnon has been murdered, and obeying the command of the oracle to seek it by murdering his own mother; Creon insisting that justice demands the punishment of Polynices, the traitor, even after his death, and that his sister Antigone who disobeys his orders by giving him burial must suffer death; or Odysseus, in the *Philoctetes*, who thinks that the practical necessity of getting

Philoctetes to Troy must override any just claims or any just resentment that Philoctetes feels; and he tells the young Neoptolemus that he must overcome his scruples and be prepared to trick the old man into doing what the Greeks want.

The *Epitrepontes* of Menander takes its name from the scene in which two slaves ask an arbitrator to settle a problem for them. It should not surprise us to find one of the slaves offering a conventionally sententious remark about the importance of justice—"justice must prevail always in every situation" (ll. 56-7)—though the question which they present to the arbitrator is scarcely of earth-shattering importance, and the arbitrator has no difficulty in reaching his decision. The one slave, Davos, has found a baby boy exposed, left with some trinkets in the woods in the hope that some kind-hearted soul will take him home and take care of him. Davos hands over the boy to the other slave Syrus, whose wife is more than willing to take care of him to make up for the loss of her own baby. It is only later that Syrus hears of the trinkets, and when Davos refuses to hand them over they call in a passing stranger to decide between their claims, agreeing to abide by his decision. After hearing what they have to say, he decides without any hesitation that Davos must hand over the trinkets to Syrus. The reason for his decision, of course, is that they may prove valuable to the boy, when he grows up, as a means of identifying himself and discovering his parents.

The two slaves present their case to the judge with simple rhetoric, and the hearing holds the attention of the audience not because it will have any doubt about the correct verdict, but because it seems amusing that two simple slaves should argue so seriously and seek legal help in this minor emergency. Though they seem to be excessively simple in their points of view (Davos insisting that "finders are keepers" and Syrus arguing that the trinkets belong to the boy and no one has a right to deprive him of them), the judge does not explain his decision, because the audience has no need of any explanation, and it is dramatically more interesting to leave Davos unconvinced and protesting against the verdict—"a strange verdict", he keeps on saying—than to finish the scene with a reconciliation.

The interest of this little controversy between two slaves is that it presents an example of exceedingly popular ethics—two men whose ethical outlook is limited by simple slogans—"Finders keepers" and "Thou shalt not steal". Less simple men have their thoughts expressed in more sophisticated language, but their pattern of thinking may be very similar and they will try constantly to make their conduct conform to very simple definitions of justice. The first book of Plato's *Republic* shows us educated men offering definitions of justice and prescriptions for conduct like "Return what is left in your charge", "Obey the laws", "Help your friends and harm your enemies".

Comedy is so full of devious characters, especially slaves who think out elaborate schemes for deceiving their elderly masters or helping their young masters in amorous intrigues, that people with simple straightforward ideas of

right and wrong can be shown in sharp contrast with them — strict fathers or sentimental young men, who think only in terms of loyalty and gratitude. Such people usually get themselves entangled in hopeless difficulties, just as surely as the intriguers find themselves trapped in their own ingenious plots. But the patterns of behaviour which these simpler people claim to be following are so beautifully consistent, that we cannot refuse to recognize pictures drawn from real life. Ancient critics particularly admired Menander's keen observation of life about him.

“O Menander, O Life, which of you copied the other” was a verse that everyone knew; and in all fairness we must suppose that Menander's admirers were thinking of his simpler characters as well as his more sophisticated ones.

I want to finish by returning to the orators, to show how they argue when a conflict between the law and equity occurs—between the just and the fair (*ison*). Some of the best examples of this conflict can be found in the speeches of Isaeus, an expert in cases of disputed inheritance, a writer of great interest who is not so widely read by students as he deserves, though he is one of the recognized ten Attic orators and is supposed to have been Demosthenes' teacher. If you are interested in family quarrels about money you will find him most absorbing reading.

The law courts were, of course, supposed to uphold the law, and this was one of the lessons which the Persian boys, in the system of education described by Xenophon in the *Education of Cyrus*, were intended to learn; in a case where a large boy with a small tunic is charged with stealing a large tunic from a small boy, Cyrus made the mistake of deciding that it was better for each to have the tunic that fitted him; he was given a beating by the master for confusing what was fitting with what was according to law. In cases of inheritance it might often seem to someone hearing the story that the will benefited the wrong persons and ought to be set aside in favour of the more deserving claimant, but the law did not intend that this should happen unless proper grounds were discovered for annulling the will. Several of Isaeus' speeches, however, seem to indicate that Athenian juries could be swayed by appeals to common sense and sympathy, and his manner of handling the argument provides yet another illustration of the current tendencies in ethical thought. In some cases it is maintained that the opposing claimants used deceit or undue influence in order to have a will made in their favour; but we also find instances where a claimant points to the strong bond of friendship and affection which binds him to the testator; and if the opponents, by dishonest methods, and motivated by greed and meanness, have prevented him from showing gratitude and affection, there is a moral, if not a legal case, which can be presented for disregarding the will. The contention can be that not only does the existing will not represent the true wishes of the deceased, but that in presenting it as such the opposing party is slandering his memory, expecting the jury to believe that he was grossly and unnaturally unfaithful to his friends or else that he was suffering from *paranoia*

(this is the Greek word that Isaeus uses, and I prefer to leave it untranslated, while reminding you that he was not familiar with modern psychiatry).

It is easy to see how arguments of this kind can be particularly damaging, if repayment of an obligation is considered the greater part of justice in the popular mind. A speaker who presents this point of view could not easily be accused of using sophistic argument. I am thinking especially of the first oration of Isaeus, *On the estate of Cleonymus*, in which the opposite side is rebuked for "opposing us and bringing in their friends to help them and using professional speakers and leaving no stone unturned—you would think, gentlemen of the jury, that they were seeking vengeance on their enemies instead of trying to injure members of their own family" (1.8). The speaker explains that one of the most painful things for him about the case is that "I find myself taking part in a family quarrel against my relatives; it is unseemly that I should have to oppose them; I think it is just as much a tragedy that I have to attack them, as to be attacked by them in the first place. But they seem not to have any feeling of this kind." And he hopes that his narrative will make their complete lack of decent feeling clearer. The speaker and his brother are pressing a claim to the estate of their uncle Cleonymus, who took care of them after the death of their father and their father's brother Deinias; but he had neglected to alter an earlier will in which he left his property to two more distant relatives. According to the speaker's story, these two men were with him in his last illness and when he asked them to send for the law officer so that he could change his will, prevented him from seeing the officer. The speaker can argue that the earlier will was legally valid by saying that it was made when the testator was angry and that it was his intention to leave his money to the nephews; they insist that it is *just* to allow a man to leave his property to his closest relatives if that is his wish. But they cannot say that the law is unjust—not at least in a court of law, where just and legal must be synonymous.

It is interesting to compare the tactics of the speaker in another case, the second oration, in which the adopted son of the deceased tries to maintain his right to the inheritance against the brother of the deceased. Here the adopted son offers proof that his adoption was regular and legal and the brother, in order to substantiate his claim as the closer blood-relation, has to argue that the adoption was not legally valid and that the deceased was not of sound mind at the time. But what the brother really means is that it is not "right", not *kalon* that he should be passed over, and the legal argument is over-shadowed by ethical argument. The adopted son, in his speech, also puts forward ethical arguments; he is not contesting the case out of greed, because he will not get much money in any case, but because he has an obligation to rescue his adoptive father's reputation—it would be shameful and ugly if he did not.

In this argument we see another factor entering into the discussion—the element of *doxa*, public opinion, what people think. No one will say bluntly that

what people think is necessarily right, but it is another factor which may assist us in reaching the right and just conclusion. Thus, in trying to reach the right conclusion the thoughtful man, who wants to justify his actions, may have to consider the obligations of friendship, the need to return gratitude and avenge injury, the letter of the law, the interest of himself and that of his friends, and the force of other people's opinions. Because the claims of these different considerations will inevitably come into conflict, popular ethics is bound to be inexact. This, of course, is what Plato tells us—that in the world of the senses and in the realm of opinion (*doxa*) it is impossible to understand or attain true justice—but that true justice does exist if we can rise from the realm of opinion to the realm of knowledge, where the form or *idea* of the good can be comprehended.

It would not surprise Plato to be told that popular ethical thinking in his day was not very different from what it had been a century earlier—he might think it inevitable that thinking along such inexact lines, where no consistent principle was recognized, should fail to make any progress. The Socratic dialogues are supposed to take place in the older world of the fifth century, but there is no reason for thinking that the non-philosophic characters which appear in them are less appropriate to the fourth century than the fifth. The discussion which I have offered you does little more than scrape the surface; I can only suggest to you that you will find it most rewarding, when reading the work of Greek authors, to see how far you can reconstruct and understand the notions of ethics that are reflected in various works.