been securely established on grounds that are wholly independent of φθονίσει.

Finally, we may add, for completeness’ sake, that III.3.c (οὐ γὰρ σύνος τούτος μισώς, ὥς ἐμαυτόν φιλῶς) recounts, in summary fashion, the Trierarchs’ acquiescence in the exegetes’ claim (at II.3.γ/δ) that it is in the Trierarchs’ own self-interest not to prosecute. The sentiment here expressed is a common one.147

Nothing in the passage, then, supports the view that a prosecution could be undertaken even by one who was neither a relative nor master of the victim; nor does the Trierarchs hint at any ambiguity within the law that might be exploitable. Quite the contrary, a detailed analysis of the passage reveals that the Trierarchs himself unwaveringly assumes that he could proceed only if he lied about the status of the nurse; and the only possible anomaly, concerning φθονίσει, is easily explained on this account. The law as presented by the speaker of [Dem.] 47 is thus seen to be restrictive in the usual sense that only the relatives and masters of a slave were allowed to prosecute a δίκη φόνου.

CHAPTER THREE
(Plato’s Euthyphro 3E7-5D7)

The final passage for consideration comes from Plato’s Euthyphro. Since our discussion requires the reader’s familiarity with the general course of the dialogue, it will help to begin our analysis with a brief summary of the work as a whole. As we also need to consider several specifics of the passage, I append the text of 3E7-5D7.148

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148 All references to the text of Plato, unless stated otherwise, are to J. Burnet, Platonis Opera. Recognovit Breviique Adnotatione Critica Instruxit. Tom. I-V (Oxford, 1900-07); but the following critical editions of the Euthyphro should be consulted with regularity: M. Schanz, Platonis Opera Quae Feruntur Omnia ad Codices denuo Collatos (Lipsiae, 1875); idem, Platonis Euthyphro in Scholarae Usum (Lipsiae, 1887); M. Wohlrab, C. F. Hermann, Platonis Dialogi Secundum Thrasyllos Tetralogias Dispositi. Post Carolum Fr. Hermannum Recognovit M. Wohlrab, vol. I (Lipsiae, 1887); and now (though their decision to abandon Burnet’s lineation is unfortunate) E. A. Duke, W. F. Hicken, W. S. M. Nicoll, D. B. Robinson, and J. C. G. Strachan, Platonis Opera. Recognovunt Breviique Adnotatione Critica Instruxerunt. Tomus I. Tetralogias I-II (Oxford, 1995): “Euthyphronem...Nicoll suscepit...at...persaepe de locis difficiiliobus inter nos consultabamus” (xx). The most recent, scholarly commentaries on the Euthyphro remain those of J. Adam, Platonis Euthyphro (Cambridge, 1926), and J. Burnet, Plato’s Euthyphro, Apology of Socrates, and Critias. Edited with Notes (Oxford, 1924). Only two full-length books on the dialogue have appeared in the interim: R. E. Allen, Plato’s “Euthyphro” and the Earlier Theory of Forms (New York, 1970), and L. Versényi, Holiness and Justice: An Interpretation of Plato’s Euthyphro (Lanham, New York, and London, 1982). This state of affairs is quite remarkable, given the torrent of literature produced on Plato each year. Serious students of the dialogues should always consult the older commentaries, which continue to be of enormous value, though nowadays they are widely ignored. The most important of these, as regards the Euthyphro, are (in reverse chronological order): W. A. Heidel, Plato’s Euthyphro with Introduction and Notes (New York, Cincinnati, and Chicago, 1902; rpt. 1976); M. Wohlrab, Platonis Euthyphro für den Schulgebrauch, 4 verb. Auf. (Leipzig, 1900) (= C. Crön and J. Deuschle, eds., Platonis ausgewählte Schriften für den Schulgebrauch erklärt [Leipzig, 1865-1931], vol. 3.2); M. Schanz, Sammlung ausgewählter Dialoge Platos mit deutschem Kommentar. Erstes Bändchen. Euthyphro (Leipzig, 1887); R. Fritzsche, Platonis Meno et Euthyphro Incerti Scriptoris Theasae Erastae et Hipparchus. Recensuit Prolegomenis et Commentariis Instruxit (Lipsiae, 1885), which is Fritzsche’s completely revised version of G. Stallbaumer, Platonis Meno et Euthyphro Ilmeum Incerti Scriptoris Theasae Erastae et Hipparchus. Recensuit et Prolegomeni et Commentariis Illustravit (Gotthae et Erfordiae, 1836) = Platonis Opera Omnia. Recensuit et Commentariis Instruxit (henceforth = Plat. Opera Omnia), Vol. VI, Sect. II (Gotthae et Erfordiae, 1836; rpt. New York, 1980); also, see this same author’s Platonis Euthyphro. Prolegomenis et Commentariis Illustratur G. Stallbaumerius. Accesserunt Scholia Graeca ex Codicis Bodl. Acta cum Annotatione Runkenii (Lipsiae, 1823). These two editions differ in many important ways, and despite the author’s own judg-
The dialogue opens as Euthyphro comes upon Socrates standing in front of the Stoa Basileios. Euthyphro is surprised, and slightly alarmed, to see his friend at the court of the King Archon (Socrates was known not to be the litigious sort; cp. Apol. 17D), and he quickly remarks that Socrates, surely, cannot have a suit (dike) pending before the Basileus as he does. Socrates replies that the Athenians do not call this matter of his a dike, but rather a graphe (2A5–6), from which Euthyphro infers, correctly, that Socrates must be defending rather than prosecuting. Socrates explains that he has been charged by a certain Meletus, a young man (νεαν), as yet unaccomplished (ἀγνώστος). Despite his youth, Socrates continues, this Meletus claims to know (2C3–4 εἰσιν γὰρ ὃς φησιν, οὐδε) just how the young are corrupted and who corrupts them; so, in his great wisdom (σοφὸς τύτ), and casting his gaze upon Socrates’ ignorance (2C6 τὸν ἐμὴν ἀμαθὸν κατίδων; cp. 16A2 ἔπνε ἄγνωστος), Meletus has charged Socrates with corrupting the young. Indeed, Socrates opines, like a good gardener, who attends first to the young shoots, and only then to all of the others, so Meletus alone begins the task of reforming the citizenry correctly, by weeding out all those who destroy these young sprouts of youth. Euthyphro replies that, by attacking Socrates, Meletus instead is undermining the city at its foundations. At any rate, Socrates says that the charge of corrupting the youth is based on the claim (3B1 φησί γὰρ) that he makes new gods and does not honor the old ones. Euthyphro assumes that this refers to Socrates’ daimonion; such things, he knows, are easily misrepresented to the many and become a source of jealousy; for they laugh at him too, he says, whenever he foretells the future in the Ekklesia — though he never predicts anything that is false. Socrates says to be laughed at is of no great moment, that the Athenians are not terribly disturbed so long as they do not suppose that one is teaching his skill to others, and that Euthyphro, finally, makes himself scarce in this regard.

But he fears lest the many will think that he himself, from goodwill (3D7 ἐπὶ φιλανθρωπίας), will tell anyone everything he knows — and without a fee! — which seems to anger the Athenians, for whatever reason. So, if he were to be laughed at, as they laugh at Euthyphro, then the trial might be quite pleasant, as they playfully jest away the hours. But if, in fact, they are serious, then,... well, the outcome is unknown, Socrates portends, save, of course, to Euthyphro and to the mantic. Euthyphro replies that Socrates’ case will end satisfactorily, as will his own. (2A1–3E6).

With this, the discussion turns to Euthyphro’s case. Euthyphro says that he is pursuing a matter for which he will once again (4A1 σὺ; cp. 3C2) be thought to be mad. Socrates is astonished to learn, first, that the defendant is Euthyphro’s father (4A7); he is doubly astonished (4A11 Ἡράκλεις) when he hears that the charge is a charge of murder. Euthyphro, Socrates observes with a marvelous irony, must be very wise indeed, for only one far advanced in wisdom would undertake such an action (4A11–B2; cp. 4E4–8). Socrates then infers (4B4–6) that the victim, on whose behalf Euthyphro is leading the prosecution, must himself be a relation (τὸν συγγενῆν τύτ). Euthyphro replies that it makes no difference whether or not the victim is a relation, since all that matters is whether the killer justly killed: if he killed justly, he should be left alone; if unjustly, he should be prosecuted — for the pollution (μισθος) is the same regardless of the status of the victim, if one knowingly (συναινεῖς) associates with such a murderer. Euthyphro now proceeds to offer the facts of the case (4C3 ἑλεῖ κτλ.). While the family was farming on Naxos, one of their day-laborers, in a drunken rage, killed one of the family’s slaves. Euthyphro’s father bound the laborer hand and foot and tossed him into a ditch, while he sent to the exegetes in order to learn just what he should do. Before word was returned, however, the laborer died from the cold and from neglect. The family is angered by Euthyphro’s prosecution, claiming that the father did not really kill the man himself and that, even if he had, since the laborer was himself a murderer, Euthyphro should not trouble himself on this laborer’s behalf — for it is impious for a son to prosecute his father for murder. And yet, Euthyphro avers, they themselves misunderstand (κακῶς εἰσέτες) what the god thinks about the pious and the impious. Once again (cp. 4A11–B2), Socrates praises

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149 For a more detailed analysis of the various problems raised by this passage, see A. Tulin, “Translation and Commentary on the Prologue to Plato’s Euthyphro (Eu. 2A1–3E6),” forthcoming.
Euthyphro’s exceptional wisdom, stating that Euthyphro would not undertake such a case, and thereby risk an impious act himself, unless he thought that he knew quite precisely (οὕτως ἄκριβῶς ὅσι ἡ ἡπειροσκέασα) what the gods thought about pious and impious acts (4E4-8; cp. 15D2-8). Euthyphro grants that he does possess such wisdom. Socrates then replies that he himself ought to become Euthyphro’s student, and that if Meletus thinks that Euthyphro is wise in these matters, he should let Socrates off, as having learned them thoroughly from Euthyphro; otherwise (and cp. 3C2), let him prosecute Euthyphro for corrupting his elders: Socrates, by his teaching; Euthyphro’s father, by this prosecution. So, let Euthyphro state what he so strongly claims to know (5C8f. ὁ νομιμὸς σοφὸς εἰσερχεται διαμεταρχεῖται) — viz., what sort of thing the pious is. Isn’t the pious itself the same in every circumstance, itself with itself, and also the impious, while contrary to the pious as a whole, itself the same as itself, possessing a single idea as regards impiety? (3E7-5D7).

There now follow three attempts on the part of Euthyphro to provide an account or definition of the pious, each of which fails because Euthyphro, in every attempt, is unable to grasp the universal. In the first definition (5D8-6E9), Euthyphro states that the pious is what he is doing now — viz., prosecuting the unjust acts of his father — and he tries to support this contention by introducing a mythological τεκνήριον (the castration of Ouranos by Cronos, and the overthrow of Cronos by Zeus), all of which Euthyphro seems to accept quite literally (6B3-C9). Socrates, though he does not himself believe such tales (6A6-8), yet rejects this first definition on the more substantial ground that Euthyphro has only provided an instance of what is or is not pious, but that he has not stated what piety is in and of itself. In language that vividly recalls the logical/ontological claims of the later dialogues, Socrates says that he wants the ἐνδοξος (6D11) by which (ὁ) all pious things are pious, the ἐνδικος (E3), so that by looking at it, and using it as a παράδειγμα, we may thus determine which actions are pious and which are impious. The second definition (6E10-9E3) claims that piety is what the gods love, which, thus stated, proves inconsistent, and forces the modification that piety is what all the gods love. This third definition (9E4-11B5), which poses the famous ‘Euthyphro Question’, leads to a rather complex argument by which Socrates shows, through a reductio ad absurdum, that piety and god-beloved are not equivalent, and that Euthyphro has therefore stated only a πάθος of piety, but not the ὀφείλει of it. In a brief dramatic interlude

(11B6-E4; cp. Meno 97D-98A), Euthyphro complains that none of his definitions seems to stay put, but that, under the pressure of Socrates’ elenchos, they all seem to walk away of their own accord; that Socrates is a sort of Daedalus. In a fourth and final definition (11E5-15C10), following this dramatic interlude, Socrates leads the discussion: he introduces the notion of whole and part (genus and species), gives the genus of piety, and demands that they seek the differentia. But after a series of three attempts to state this differentia, each of which is a specification of the previous attempt, Euthyphro returns, by a strange inevitability, to the claim that piety is what is loved by all the gods — even though this very account had been rejected already in 9E4-11B5. Socrates observes (15B7-C1) that Euthyphro’s definitions not only walk off, they walk around in circles.

Finally, as the dialogue draws to its conclusion (15C11-16A4), Socrates exhorts Euthyphro to begin afresh, and to apply himself more vigorously to the task at hand. If anyone at all should understand these matters, Socrates says, then it ought to be Euthyphro: for undoubtedly, if he did not understand clearly (εἰ μὴ ξένος σοφὸς) both the pious and the impious, then he would not have undertaken (οὐκ ἔστιν ἄπως ἀντικρινομένως) to prosecute his father for murder on behalf of a laborer, but he would have been afraid lest this very action itself might be improper (15D2-8; cp. 4E4-8). Rather than take up this gauntlet, Euthyphro hurries off (15E3-4). As he departs, Socrates laments that Euthyphro has thus destroyed the great hope he had that, by learning about pious and impious matters from Euthyphro, he might thereby escape the charge of Meletus, and that he might no longer err in these matters on account of ignorance (16A2 ὑπ’ ἄγνωσε; cp. 2C6 ὑμαθίαν), but live the rest of his life in the best of all possible manners.
The text of 3E7-5D7 runs as follows:

EYΘ. Πόρρω μέντο νή Δια, ὁ Σόκρατες.
4B5 σοῦ πατρός; ἡ δέ διὰ δή,151 οὐ γὰρ ἂν ποὺ ὑπὲρ γε ἄλλο-
τριον ἐπεξεργασθή.152 φῶνι αὐτῷ.
EYΘ. Γελόιον, ὁ Σόκρατες, ὅτι οὐ τι διαφέρειν εἴτε
4B10 ἄλλοτροι εἴτε οἰκεῖοι ὁ τεθεῖος, ἀλλ' οὗ τούτῳ μόνον δεῖν
φυλάττειν, εἴτε ἐν δίκῃ ἔκφευς ὁ κτεῖνας εἴτε μή, καὶ εἰ
μὴν ἐν δίκῃ, ἔκα, εἰ δὲ μὴ, ἐπεξεργάζεσθαι εὔνομως ὁ
cτεῖνας, τ��ος σοὶ καὶ ὄστρακες ζῆρ. Ἡ οὖν γὰρ τὸ μέγα
tιμεῖ την σωφία τῆς τοιούτως συνειδώτως καὶ μή ἐμφασιζω
tο τῇ δίκῃ ἐπεξεξά. ἐτεί δ' ἕνεκαν πελάτῃ
tῆς ἡμῶν, καὶ ὡς ἔγοροιεξεῖν ἐν τῇ Ἁδήν, ἑθεῖσιν
4C5 ἐκαὶ παρ' ἡμῖν. παροικισας ὁ γὰρ καὶ ὄριοιθέν
tῶν οἰκετῶν τινί τῶν ἡμετέρων ἀποκαλεῖται αὐτόν. ὁ οὖν
dισθύρος σοῦ τῶν πόδας καὶ τὰς χεῖρας αὐτοῦ, κατάβαλον ἐκ τῆς
τομῆς πέμπτη δύο ἄλλην πεπομένον τοῦ ἐξηγητοῦ 153 ὁ χρῆ.
4D1 ποίησε. ἐν δ' ὑπό τῶν τῶν δειμένων ἀλλιώριοι
tοι καὶ ἡμᾶς ἀθροφόρον καὶ οὐδὲν ὕπαρξα ἤ ἄμεινον 154 ἄμεινον
cτὸς ὑπὸ καὶ ἐπιδεδέο ἕνεκαν ἀπάθειαν τοῦ ἐξηγητοῦ
4D5 τοῦ ἄλλου. τοῦτο δ' ἕνεκαν καὶ ἀγαπηθεῖ οὐ τοῖς
dηγοί καὶ οἱ ἄλλοι οἰκεῖοι, ὅτι ὑπὸ ἑτεροτοῦ 

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150 In his Oxford text, Burnet (following Clarkianus; cp. Schanz, Novae Comhillamenta Platonicae [Wurzburg, 1871], 133; also Verdenius, "Notes on Plato's Phaedo," Memen., ser. iv. 11, 1158, ad 68D6) properly omitted δίχα (post ἐπι-
tυχοῦς), though he later wavered (see "Vindiciae Platonicæ I," CQ 8, 1914, 233). He was certainly correct, moreover, against J. N. Madvig (Adversaria Critica [Copenhagen, 1871-84], I.366) and many others (e.g., Schanz, Heidel [1902], 15.3. ad ad loc.), in rejecting a lacuna after ἕκα, and in taking ὄρθως ἡ χρῆ (4A1) impersonally; cp. 9A6ff., 1B1. The second ὅρθως (4B1), on the other hand, which Burnet also (boldly) bracketed, is more difficult. cp. in view of 15D6ff. ἐκαὶ τοῦ τοιοῦτος ἀδέλησα, παρακδεδομένοι καὶ ὧν ἄρθρος αὐτὸ ποιοῦς. But here, too, Burnet may have been right. The repetition of ὅρθως in 4B1 is stylistically weak (despite the willingness of the Greeks to tolerate stylistic redundancy; cp. Verdenius, op. cit., 203ff. ad 68B4), and the interpolation can be explained quite easily from the preceding clause (cp. Meno 97A8). Besides, in the present context, it is not a question of bringing a suit against one's father in the proper manner (ὅρθως αὐτὸ πράξα), but rather, of how bringing such a suit at all (αὐτὸ πράξα) could be correct (cp. 4A1; A11f., where ὅρθως modifies the verb, whatever be the subject of ἐκαὶ; 6E-8; indeed, 15D7f. [cp. 4B8-8], where ὧν ὅρθως is a litotes, really implies nothing more than this). As such, the γὰρ of A12 cannot state (pace Adam) either the proof or the reason of the "ignorance of the many" itself ("the many are ignorant of how this action is correct, because few can do this thing correctly"); rather, it states the ground of the statement by Socrates that the many fail to understand; in other words, he says (with obvious irony; cp. 4E3-5A2): "Surely, Euthyphro, the many fail to understand how your action is correct; I say this, for what you are doing (αὐτὸ πράξα) is very unusual and the mark of an extraordinary man." Euthyphro, of course, is quick to agree (4B3).

151 ἡ δὲ δέδεδε is so punctuated by Schanz (1887, Platonis Euth., Adem, Heidel ([1902] 42 ad loc.; 97 fin.), Burnet, and Nicoll. The phrase is punctuated with a colon (ἥ δὲ δ ὑπερ...) by Stallbaum, in Schanz' earlier text (1875), and by Wohlbrab-Hermann. See n.205 infra.

152 ἐπικροῦε, printed without comment by Burnet, is not given (it seems) by any of the mss; see Schanz (1875) and (1887, Platonis Euth.) app. corr. ad loc.; Stallbaum, Platonis Quae Supersunt Opera. Textum ad Fidem Codicum Florent. Paris. Vindob. Altorumque. Tom. IX. Varias Lectiones in Euthyrephon, Apologiam Socrates, Continentia (Lipsiae, 1824), 5f.; also R. Kühner and F. Blass, Ausführliche Grammatik der griechischen Sprache. Erster Teil: Elementar-und Formenlehre, 3 Aufl. (Hannover and Leipzig, 1898), §922, Anm. 3. On the placement of γὰρ (after ἐπικροῦε), Burnet (with most editors) correctly follows T (against both B [τοὺς ὑπὲρ... cp. Stallbaum [1823]: "contra communem logendi consuetudinem"") and W (νοτοὶ ὑπὲρ ἄλλοτρού γε); see H. Hoefer, De Particularis Platoniciis Capita Selecta (Bonn, 1882), 22f.; also n.209 infra.

153 χρῆ B²_TW; cp. 9A6: χρῆ D fortasse B (see Schanz [1875], ad loc.) Suidas s.v. χρῆ: The opinion is widely preferred by modern editors (Schanz, Heidel, Burnet, Nicoll, etc., following Bekker) as the lectio difficultior, the indicative should probably be retained. It has far better manuscript authority (cp. Nicoll's apparatus), and it is formulaic (see Stallbaum [1823], ad loc.; also [Dem.] 47.68, 71).
πάσχει το άδικον αυτό αυτό, και το άνοιχτο αυτό του μεν άδικου παντός ἔναντι, αυτό δὲ αὐτῷ δεικνύει καὶ ἔχον μίαν τιμὴν ἢ ἄλλην κατὰ τὴν ἀνοικτότητα πάντων ἀκριβῆς ἢ μέλλῃ

5.45 ἀνοιχτὸν εἶναι;

ΕΥΘ. Πάντως δήποτε, ὥσιμοι, οὕτω τιμήν εἶναι τὸ άδικόν καὶ τὸ τοῦ ἀνοιχτοῦ;

If the Euthyphro were the only one of our three texts to remain extant, then, it is true, we might not be able to provide a definitive response to those who insist on opposing a restrictive reading of the law: for, admittedly, there is no single set of words, when taken from its context, that states unambiguously and unequivocally that only the relatives could prosecute, while the evidence supplied by the dialogue as a whole is slightly more nuanced and indirect than is the evidence offered by the previous two passages. Still, the Euthyphro, fortunately, is not the only text to survive, and our earlier analyses of Drakon’s Code and of [Dem.] 47 already allow us to claim with reasonable certitude, and on entirely independent grounds, that the right of prosecution was indeed restrictive.

154(1) While 4Bδ-6 has often been taken as a definitive proof that the law was indeed restrictive, it is certainly true that the impf. ἐπιστρέφει (4Bδ; n.152 supra) might, in isolation, merely be a past potential (see W. W. Goodwin, Syntax of the Moods and Tenses of the Greek Verb [London, 1890; rpt. Philadelphia, 1992], §§243-49), transferrable as “would not” rather than as “could not”; see, e.g., Panagioutou, 436; also Gagarin (1979), 306n.17; Kidd, 216. But the clause is not given in isolation; see pp.77-80 infra. (2) 4D9 ὅπερ φρονεῖν ἐπὶ τοῦ τοικίου μίαν ζητήσει τον μὲν καὶ τὸν ἀνοιξτὸν προτέρου ἢ ἐμόλυν. Ὅταν τὸ προσφέροντας διαφανέροιτο ἐμοὶ ἐν τῷ πρὸς τὰ ἀνοικτά πατέρα, ἐμὴν διαδικοῦσα, ἐκεῖνον δὲ νουθετοῦντ’ τοὺς τε καὶ κολαζοῦντ’ — καὶ ἐν μη μοι πληθυότας μηδὲ ἀφήνῃς τὴν δίκην ἢ ἀντ’ ἐμοῦ γράφοντας σε, αὐτὰ ταῦτα λέγειν ἐν τῷ δικαστηρίῳ ἡ προσκολλύοντος αὐτών;

ΕΥΘ. Καλά μὲν Δία, ὥσιμοι, ἐφ’ ἐμὲ ἐπιστρέφει, γράφοντας, εὐρεία! ἄν, ὡς οὖν, ἐπὶ οὗτος ἐστιν, καὶ πολὺ ἄν μὴν πρῶτεν μὴ ἐκείνος λόγους ἐγένετο ἐν τῷ δικαστηρίῳ ἢ περὶ ἐμοῦ.

ΕΥΘ. Καὶ ἐγώ τοι, ὥσιμοι, ὥσιμοι, ταῦτα γιγνόσκον προσκολλώντας αὐτῶν, ὡς ἐκείνος ἢ καὶ ἀλλὸς ποιεῖ τις καὶ οὗτος καὶ ἡ Μέλιτος ὡς ἐν τῷ δικαστηρίῳ ἢ περὶ ἐμοῦ.

5.48 ἐπιστρέφει (cp. 4δ5-9 ταῦτα δὲ ὡς διστηκτεὶ ἢ γεύσεται ὅπερ τοῦ οὐ οὖν ὡς ἐπιστρέφει, ἀνδροφόρον τε οὔτε τοῦ ἀνδροφόρου τοῦ ἢ οὔτε τοῦ τοικίου τοῦ ἐπιστρέφει, ἀνδροφόρον τοῦ τοικίου ἢ οὔτε τοῦ ἀνδροφόρου προτέρου ἢ οὔτε τοῦ τοικίου κτλ.). Οn. the other hand, this apparent ambiguity of ὅπερ τοῦ τοικίου may well be deliberate; cp. 9A6f. καὶ ἐπὶ τοῦ τοικίου δ’ ἄρα ηθος ἢ ἐπιέμειναι, ἡ 9A6f. ὡς δὲ νηπίων ἀνδροφόρων συμμετέχον; (3) the arguments "from silence" — i.e., the family’s silence (at 4D5-8) concerning the procedural point at issue, and Socrates’ alleged “acceptance” (at 4E4-6) of Euthyphro’s legal strategy (see Kidd, 215f.) — each proves nothing. Plato was not trying to establish a polemical point for a later generation of legal scholars. Rather, the family’s response at 4D5-8 goes to what Plato really wants to discuss in the body of the dialogue (see E1-3, with pp.94ff. infra), while 4E4-8 (cp. 4A11-B2) does not indicate Socrates’ “acceptance” of anything at all.
Our primary task, therefore, is not to demonstrate that the law can be shown to be restrictive solely on the basis of the Euthyphro — for, surely, it cannot; but simply to consider whether or not the dialogue, when properly understood, is consistent with this restrictive reading. We should proceed, in other words, ex hypothesi, using the Euthyphro as a touchstone, in the hope of thereby confirming a general interpretation that has been established already independently on other grounds. To achieve this goal, we must approach the dialogue from several angles. Starting first with a discussion of certain preliminary matters, some of which have played a prominent, perhaps disproportionate role in previous discussions of the dialogue, we will then proceed to an examination of several passages in the text of 3E7-5D7. Finally, we shall conclude by attempting to situate Plato’s account of the matter within the context of the dialogue as a whole, so as to give some indication as to how Plato incorporates Euthyphro’s case, and the legal principle on which it rests, into the broader philosophical and literary aims of the dialogue. Let us turn first to these preliminaries.

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155That the Euthyphro may — indeed, that it actually should be read against the backdrop of a fairly detailed knowledge of Greek homicide procedure, ought to be obvious, for the dialogue itself seems to presuppose just this type of knowledge in the reader, as is shown by the fact that Socrates refers to the principle that relatives are to prosecute (4B4-6) allusively, and without offering a full explanation. For a similar allusion to a well-known legal conception, and so a similar presumption on the reader’s knowledge, see 2A3-6, with Burnet (1924) ad a5; also Stallbaum (1836) ad δικαιὸν καλόσω.

156The Euthyphro has not received adequate treatment especially in this last regard. Gagarin (1979), 305f. (cp. 313), conceives that the dialogue may be consistent with a restrictive reading of the law, though one would have thought that his task was rather to demonstrate how the dialogue accords with the non-restrictive reading that Gagarin himself prefers. Panagiotou does attempt, at least, to show just this very thing. But his argument ultimately reduces simply to (a) the unexceptional (see n.154 supra) claim that there is no single, definitive statement in the dialogue to prove that the law is indeed restrictive, and to (b) offering a general (though brief) interpretation of the dialogue that is, admittedly, consistent with his non-restrictive reading of the law, but which is also at a far remove from the text and, for this reason, is incorrect. Panagiotou, in fact, begins with the frank admission (419f.) that he cannot see how to interpret the dialogue on the assumption that the law is restrictive (see n.166 infra). In what follows, I hope to show that the dialogue not only can be interpreted on this assumption, but that it should be so interpreted.

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157See E. Zeiller, Die Philosophie der Griechen in ihrer geschichtlichen Entwicklung, 5 Aufl. (Leipzig, 1922), 2.1:45n.1. Not surprisingly, no greater precision can be obtained. Socrates’ trial took place on the day after the Delian ship had set sail (Pld. 58A6-8). This sailing, if we may trust Xenophon (cp. Mem. 4.8.2 with 3.3.12), was associated not with the quadrennial Delia, whose date is unknown (either Thrargeon or, more likely, Anthesterion), but with an annual theopaia, whose date is also unknown. On the problems concerning these Delian festivals, see Nilsson, Griechische Festes (Leipzig, 1906), 144ff.; W. A. Laidlaw, A History of Delos (Oxford, 1933), 43ff., 55n.25; Pr. Bureau, Recherches sur les cultes de Delos à l'époque hellénistique et à l'époque impériale (Paris, 1970), 81ff., 93ff.; idem, "Delica (IX)," BCH 115, 1991, 377-79; also Rhodes, 606ff., 626.

158The στεγάζειν, long confused with the Portico of Zeus (see H. A. Thompson and R. E. Wycherley, The Athenian Agora, XIV. The Agora of Athens: The History, Shape and Uses of an Ancient City Center [Princeton, 1972], 85ff.; cp. G. Busolt and H. Swoboda, Griechische Staatskunde, 3 Aufl. [München, 1920-26], 791n.5), was actually the northermost structure on the western end of the Agora; see T. Leslie Shear, Jr., "The Athenian Agora: Excavations of 1970," Hesperia 40, 1971, 243-60; idem, "The Athenian Agora: Excavations of 1973-74," Hesperia 44, 1975, 365-70; Thompson-Wycherley, 83-90; Rhodes, 134ff.; G. Kuhn, "Untersuchungen zur Funktion der Säulenhalle in archaischer und klassischer Zeit, III: Die Stoa Basileios in Athen," Jahrbuch des deutschen archäologischen Instituts 106, 1991, 202-26; Robertson, 66f.; H. Hansen, Die Ausgrabungen des Athenischen Law Courts of 410/09-400/99 B.C. (New York and London, 1990), 235ff. For the literary evidence, see Wycherley, The Athenian Agora, III. Literary and Epigraphical Testimonia (Princeton, 1957), 21-25. On the erection of Drakon’s code both το στεγαστει το βασιλεία, see p.24n.e supra. The stela was inscribed in the year 409/08 (Stroud [1968], 19; Kuhn, 208f.), long before the dramatic date of the Euthyphro. That the discussion described in the dialogue is set thus beside the actual text of the law on homicide is of obvious significance, especially given the conceit that litigants will consult the laws (see n. supra). With Klionsky, "The Portico of the Athenian Law Basileus: On the Significance of the Setting of Plato’s Euthyphro," CJ 81, 1986, 130-37, esp. 130f.; also setting and characterization in Plato’s Euthyphro, Dialogos 44, 1984, 123-39, esp. 138n.41. Klionsky (following H. Neumann, "The Problem of Piety in Plato’s Euthyphro," The Modern Schoolman 43, March 1966, 265-72) thinks that the dialogue displays a "threefold contrast", with the Stoa Basileios functioning as a sort of silent interlocutor. Leaving aside the fact that Klionsky (strangely) mislocates the Stoa, placing it south of the Acropolis, in the "precinct of Dionysus" ([1986], 130, 136), his position rests on a mistaken characterization of Euthyphro as "Orphist", and so far from the, "sacred area", (see n.221 infra). It is instructive to note, moreover, that the foundations of this "threefold" interpretation (despite Klionsky’s repeated claims to originality; cp. [1984], 127n.10; [1986], 130n.1, 133n.8) are already present (at least by implication) in D. Tiedemann, Dialogorum Platonis Argumenta Exposita et Illustrata (Biponti, 1786, 13f). (["Propositum in hoc dialogo videtur esse Platonis falsa vulgi non solum, sed sacerdotum etiam, corumque qui optime versati in rebus divinis putabantur...notiones reprehendere: non substitutos tamen in earum locum...melioribus..." Intelligitur simul hic, quantopere philosophorum studia...])
Concerning Euthyphro himself, we know nothing apart from what we learn from Plato, and this is not very much at all.\(^{159}\) It is always stated, for example, that Euthyphro is a ‘seer’ or *mantis;\(^{160}\) but he certainly was not one of the officially recognized *manteis* who played so prominent a role in Greek civic affairs.\(^{161}\) Instead, he must have been one of that crowd of self-styled, freelancing prophets, seers, and oracle-mongers of the type so often lampooned by Plato and Aristophanes.\(^{162}\)

It is widely believed, at any rate, that Euthyphro is an historically real personage, though the only ground of this belief is the wide-spread assumption that Plato would not populate his dialogues with entirely fictitious characters.\(^{163}\) While this assumption is plausible, it is by no means certain. On the other hand, the many attempts by a previous generation of scholars to see Euthyphro as merely a ‘cover’ for some other historical figure, are not in the least persuasive.\(^{164}\) We ought, therefore, either

frequently spoke in the *Ekklēsia* (FGH IIIb, Suppl. II, 185n.33), Euthyphro is mocked (καταγγέλει; cf. *Smp.* 189B6-7, with n.214 infra) in the *Assembly* because its members consider his claims to be unfounded; cf. *Prot.* 319Bc, esp. 316-318 B 54, and *Dial.* ἑπάρχου ἀπὸ συμβουλίου ὑπὲρ ἄνδρων εὐγεμενίας αὐτὴν: καὶ τὸ ἑπάρχου, διὰ τὸ ἐπὶ τὲ ἑπάρχου ἐνδοτικὸς, ἀνὰ τὸ ἐπὶ τéseως εὐγεμενίας αὐτῆς: καὶ τὸ ἑπάρχου ἐνδοτικὸς, καὶ τὸν ἑπάρχου, διὰ τὸ ἐπὶ τéseως εὐγεμενίας αὐτῆς. 

\(^{159}\) Apart from our dialogue, the same (see Fritzsche, 153f.; Burnet [1924] ad 2a1 EYOUTHFON initi.; also T. Bauer, *The “Cratylus”: Plato’s Critique of Naming* [Leiden, 1992], 108 [who, however, oversstates his case] Euthyphro is mentioned several times in the *Cratylus* (396D5, 399A1, 400A1, 407D8, 409D1f., 428C7), no doubt ironically, as the inspiration behind some of Socrates’ etymologies; see Stallbaum (Plat. *Opera Omnia*, vol. 5.2), 22 and 63f. ad *Crat.* 391C πρὸ *Euthyphro.* A. Apelt, *Platonis Dialogus Kratylus* (Leipzig, 1922), 12f., 140ff.n.46, 59; L. Méridès, *Platon, Oeuvres complètes*. Tome 5.2. *Cratyle*. 2 ed. (Paris, 1950), 17, 41f.; also n.217 infra. For the erroneous view (maintained by Schanz and Adam ad 2AS) that our dialogue also shows some evidence of Euthyphros’ interest in etymology, see my *Prologue* ad loc. (forthcoming).


\(^{162}\) See 3B9-C2 καὶ ἔγραψα τοίς, ἢτοι τὸ λέγω ἐν τῇ ἐκκλησίᾳ πρὸ τοῦ θηρίου ἐπιλογῶν αὐτῶν τὰ μάλλοντα, καταγελάσω ὡς εὐμαυτέος. While mantics
accept the historicity of Euthyphro outright, or else admit the possibility that he is entirely fictitious. Unfortunately, there is no way to decide these alternatives.

There is also a question concerning the historicity of Euthyphro's case. Since Schleiermacher, who did not much like the dialogue, first raised cautious doubts about the trial's historicity, several scholars have been willing to follow and pronounce the case fictitious, though the only arguments in favor of the suit's historicity are, again, the presumption that Plato would not introduce such fictions into his writings, and the sentiment occasionally stated, more often implied, that the case is too good not to be true. While there is no evidence that will demonstrate conclusively that Euthyphro's case is indeed fictitious, there is at least one argument that would point the reader provisionally in this direction, if it could establish its claim. It is commonly stated, on the basis of 4C4 (ὅς ἐγκορόγυμν ἐν τῇ Νέξη), that Euthyphro and his father were cleruchs on the island of Naxos when the events occurred. This, however, creates a problem in chronology. Since the Athenians lost their cleruchs after the military catastrophe of 405/04 — that is, four to five years prior to the dramatic date of the dialogue — there is a significant time-lag between the date before which the murder may be supposed to have occurred and the date at which Euthyphro appears in court. Many have found this time-lag difficult to accept, especially in view of Euthyphro's strange behavior that the characters and situation must be historically real is a complete non sequitur. The matter is in no way altered by introducing terms such as 'fiction'. Finally, cp. n.163 supra.

E.g., A. E. Taylor, Plato: The Man and His Work (London, 1926), 146, says "I fully agree with Burnet [cp. Burnet 1924], 84 init. that the supposed proceedings by Euthyphro against his father as a murderer must be historical fact; the situation is too bizarre to be a natural [sic] fiction" (author's italics); similarly Allen, 20. That the circumstantial evidence, including the case are extraordinary, both legally and historically, is not denied (pp.94-95 infra), but it is not disposed of by Socrates (4A1-B2), but by Euthyphro himself (4A1; cp. B3, 69-5A2). But to use the extraordinary character of these events as proof simpliciter of their actual occurrence is, to say the least, subjective, as the transposition of this argument to other literature will immediately show; cp. n.172 infra.

On the complex problem of the Athenian cleruchs, see Buset-Swoboda, 1271-80; A. W. Gomme, A. Andrewes, and K. J. Dover, A Historical Commentary on Thucydides (Oxford, 1945-81), 1:348, 1:373; 3-326-32; W. Schuller, Die Herrschaft der Athenen im ersten attischen Seehandel (Berlin and New York, 1974), 13-32, 104ff.; 174n.113; A. J. Graham, Colony and Mother City in Ancient Greece, 2nd ed. (Chicago, 1983), 167-92; Figueira, Athens and Aigion in the Age of Imperial Colonization (Baltimore and London, 1991), 40-73, et passim. For Naxos, see Naxos Νάξου (cp. Jacoby [1949], 289n.110), see, additionally, R. Herbst, "Naxos", RE 16.2, 1935, 2079-95; also FGRH IIIB, nn. 497-501. A. H. M. Jones (Athenian Democracy [Oxford, 1957], 176) denied that Euthyphro and his father were cleruchs (cp. Figueira, 60n.33) on the ground that cleruchs are not actually known to have personally settled their lots, and he suggested that Euthyphro's farm may have been instead a private holding (for such private land-holdings in the colonies, see de Ste. Croix [1972], 43ff.). The more probable scenario, however, is that cleruchs did, in fact, hold and settle their lots (see Graham, 180ff., esp. 181a.2, with xxxii, 51; also R. M. Meiggs, The Athenian Empire [Oxford, 1972]; 261ff.). It is certainly possible that some of the cleruchs may have been sublet on occasion (cp. Thuc. 3.50.2 [Lesbos], with Gomme, et al., 2:327; also 1:344n.1); also Gauthier, "Les Clerouques de Lesbos et la colonisation athénienne au Ve siècle," REG 79, 1966, 64-88). But this question of sublets is clearly not at issue in the present instance; see 4C4 έγκορόγυμν (sc. Euthyphro and his father); also Buset-Swoboda, 1273n.2. On the πάλιν (of 4C3ff., see text infra.)
preoccupation with miasma (4B7-C3): for, one may reasonably ask, if Euthyphro is driven to prosecute his own father for murder because he believes that his failure to do so would leave a pollution in force, then how could he possibly wait all these years to proceed. This line of reasoning has led some to assume that Plato has introduced one of those anchora that appear with some frequency in the Platonic dialogues.169 If the presence of an anchora could thus be confirmed, we would see that Euthyphro’s case has at least been fictionalized, if not entirely fabricated — which, in turn, would give us some reason to doubt its historicity as such. Yet the time-lag that gives rise to this problem can be explained perhaps, with Burnet, by the fact that there may have been a real disruption of the Attic legal system between the years 404-399 B.C. (Lys. 17.3; Isoc. 21.7), and that it may have been difficult, if not wholly impossible, to bring any dikai to trial during this period of chaos and revolution.170 Burnet’s argument, surely, is attractive, but it is not conclusive.171 And while his argument weakens the case of those who hold against the historicity of Euthyphro’s trial, it does little, unfortunately, to actually bolster the claims of those who insist that the case occurred precisely in the manner here presented. As such, the historicity of Euthyphro’s trial may remain an open question.172

On several other points, largely of a technical nature, we find ourselves on slightly firmer ground, though here too uncertainties remain. For instance, there does not appear to be any dispute among either of the parties involved as regards the actual facts of the case.173 It is obvious, moreover, that the procedure described in the dialogue cannot refer to a trial proper (which would have been set at the appropriate homicide court), but that it must refer instead to those pre-trial hearings that the Athenians normally termed the anarkis, but which, in the case of homicide, were called prodiskias.174 Unfortunately, we do not know whether

169 Anchora is accepted, inter alios, by Schleiermacher, 55f. (see n.165 supra); Schanz (1887, Samml.), 10f. Fritzsche ad 4C4 τυγχαιρογογειν; Heidel (1902), 21; P. Friedländer, Plato, tr. H. Meyerhoff (Princeton, 1958-69), 283; Gigon, 21ff. (= Studien, 206). For the conditions of the peace imposed by Sparta in 404 B.C., including the Athenian loss of all of her foreign possessions (κβόντων το πατη των πάθεων ταν σωθαυσ γενο μνε έχενες) see Lys. (Lys. 14.4), see H. Bengston, Die Staatsverträge des Altertums II: Die Verträge der griechisch-römischen Welt von 700 bis 338 v. Chr. (München, 1962), nr. 211. Allen’s suggestion (21n.3; cp. Adam ad 4c3-31 τυγχαιρογογειν) that Euthyphro and his father may have stayed on in Naxos even after the catastrophe of 405/04, and that the murder therefore may have occurred at a point in time much nearer to the dialogue’s dramatic date, is simply a piece of special pleading: see Panagioutou, 424f.; Fritzsche, 152n.18 (τυγχαιρογογειν ad tempus praeteritum respectit); cp. Kidd, 215. For another returning cleruch, Euthus (Xen. Mem. 2.8.1), see Gauthier, “A propos des clérouquies athénennes de Ve siècle,” in Problèmes de la terre en Grèce ancienne, ed. M. I. Finley (Paris, 1973), 167f.

170 See Burnet (1924) ad 4C4 (105f.); Bonner-Smith, 1:332ff.; MacDowell, “The Chronology of Athenian Speeches and Legal Innovations in 401-398 B.C.,” RlDA, 3rd ser., 18, 1971, 267-73; also Kidd, 215; cp. Dem. 45.4, 39.17. T. C. Loening, The Reconciliation Agreement of 403/2 B.C. in Athens (Stuttgart, 1987). 120f., is skeptical, but (as Robertson, 61n.63, observes) without offering any substantial proof. Ar. Ἀθ. Ποι., 39.5 (pace Allen, 21n.3) deals only with the provisions of the Amnesty (see Rhodes, 468), and so does not bear on this question at all.

171 At the very least, Plato’s silence on this point may be taken to militate against it. Such a lengthy hiatus in the normal prosecution of legal affairs would appear to be sufficiently remarkable that Plato might be expected to have commented upon it, had this been the reason for Euthyphro’s delay.

172 The strongest argument against the historicity of Euthyphro’s case may be the cumulative weight of the various implausibilities (dramatic [see esp. pp.97-100 infra], legal, and historical) that mark Plato’s narrative. Such a position, which I myself am inclined to consider, yet amounts to little more than the claim that the case is “too good” or “too bizarre to be true”. As such, it remains too slender a prop to use as support for further argument.

173 ἄτις μηταίτις αὔταιμίς, αὔταιμίς, ἀνδροφόρους γε ἀπότω κτλ., whether it represents the family’s legal defense or, more probably, an informal response (see n.244 infra; also Panagioutou, 422f.), does not imply a dispute over the actual facts of the case (as may be inferred, so I believe, in Thir’s [1969], 119-51. Despite the claim to be a claim of innocence (cf. An. 1.6.16 βουλευόμενος δέ οὗτοι μη ἀποτελείται μὲν βολευόμενος τὸν ἔρωταν. ὤγο μὴ ἄποτελειν, μήτη χείλις ψυχογόμον [Andoc. 1.94; pace Thir (1990), 152; (1991), 57], μήτη βουλευόμενος, amounts only to a denial of responsibility (so Panagioutou, 423), and even here the father does not deny that the events were precisely as Euthyphro has stated them. As to ἀτις μηταίτις (cp. 9C2ff.), often used in a fortiori arguments (e.g. “and even if he had...”), see the fine note in G. Pendrick, “A Note on [Hippocrates], De Morbis II 1.4 A,” CQ, n.s., 44, 1949, 279n.7; also Schrader (1887, Sammlung); E. S. Thompson, The Memo of Plato (London, 1901), 117 ad 90D; Heidel (1902) ad loc.

174 But cp. n.175 infra. Unlike the anarkis, which was a single event, the προδοσίαi were to be held on three separate days distributed over three successive months, and presided over by a single magistrate before the completion of his annual tenure; see Lipsius, 840, 845; MacDowell (1963), 34ff.; Harrison, 2:86. On the difficult question of pre-trial hearings generally, see Lipsius, 829-44; Bonner-Smith, 1:283-93; Harrison, 2:294-105. On the παραγραφή, in which a defendant presumably had the right to lodge a purely procedural challenge μη παραγράφουσιν εὔνοι τον δικόν, see Lipsius, 845-65; Bonner-Smith, 2:74-96; Harrison, 2:105-24; H. J. Wolff, Die attische Paragraphe: Ein Beitrag zum Problem der Auflockerung archaischer Prozessformen (Weimar, 1966), 17ff.; S. Iager and M. H. Hansen, Aspects of Athenian Society in the Fourth Century B.C., tr. J.H. Rosenmeier (Odense, 1975), 123ff.; Ph. Katzouras, “Origine et effets de la ΠΑΡΑΓΡΑΦΗ attique,” in Thir (1969), ed., 119-51. Despite the extensive literature, many difficult problems remain, and students of the dialogue ought to apply some caution (contrast Kidd, 219) in using these procedures to explain, or to explain away, either the actions of Euthyphro or of his father (4D5-E3, obviously, cannot be adduced in this connection; see n.154 supra, and text infra).
Euthyphro has just now initiated these proceedings, or is already well in their midst. It is also widely believed that the charge, had it gone to court, would have been one of φόνος ἕκοιμος and would therefore be tried at the Palladian, though admittedly this issue cannot be solved with complete certainty. Nor, finally, can there be much doubt as to the father's legal culpability. The suggestion that the laborer's death might have been ἐν δίκαιῃ is tacitly rejected by all of the participants involved; the father's denial of responsibility (ἐστὶν ἐπικεκλημένον κτλ.) is not entirely persuasive, nor is it maintained with complete consistency. Gignon's view that the father's guilt was minimal on account of his having sent promptly to the exegetes (4C8, D4f.) is inconsequential, since it thoroughly mistakes the nature of the exegetes' charge which was concerned solely with ritual matters. None of this, of course, is meant to suggest that the father is seen (either by Euthyphro or by any potential court) as morally culpable in the modern sense. It is simply that a death has occurred, presumably through the father's neglect; and so, in keeping with the ancient emphasis on the result as opposed to the intent, the culpability falls inevitably on the father's head.

On the other hand, though it may appear strange at first glance, we cannot determine anything about the outcome of Euthyphro's case. If we so was not a case of φόνος ἐκ προμοποιείας (cp. Wallace, 101, 104; also [1991], 78n.15); contrast Carawan (1991), 7f.


178 Cp. n.176 supra. Yet nothing in the following discussion hinges upon its solution; the distinction on which Euthyphro's own argument rests is, we shall see, the very different one of whether or not the murder was ἐν δίκαιῃ (4B8ff.).

179 So, e.g., B. Jowett, The Dialogues of Plato. Translated into English with Analysis and Introductions (New York, 1895), 1:282 “(Euthyphro) is quite sincere in his prosecution of his father; who has accidentally been guilty of homicide, and is not wholly free from blame” (italics mine).

180 Cp. p.90, with n.244, infra.

181 Cp. 4D8ff. σώτερ ἔτη μαλακτα ἀπεκτείνειν, ἀνθρώπου γὰρ ἐντός κτλ., with n.173 supra and 244 infra.

182 Gignon, 21f. (= Studien, 206f.).

183 Cp. p.23a n. supra.

184 See n.37 supra; also (in a similar vein) FGrH IIIb, Suppl. II, 44a.12 init. Adám (53) ad 4B.54 ἐν δίκαιῃ μή αὐτὶ ἀποκλείει Laws 865C2-5 (though D1-3 might have been more relevant; cp. 4E4 μοῦ, with n.236 infra) to prove that Euthyphro's father was not culpable for the laborer's death. But even apart from the fact that 4E7f. has nothing to do with legal culpability, it is clear that Laws 865CD refers to the murder of a slave, and is therefore irrelevant as regards the death of the laborer (πέντετες; see pp.88-91 infra) who is the victim of Euthyphro's father. On Laws 865C2-5 (= the murder of another's slave), see Grace (1973), 7n.2, 16ff. On D1-3 (= the murder of one's own slave), cp. G. Morrow, “The Murder of Slaves in Attic Law,” CP 32, 1937, 210-27; MacDowell (1963), 21f.; Saunders, 220ff.; cp. n.43 supra.
begin, as we have stated,\textsuperscript{185} with the operative assumption that Euthyphro had no legal case, then it is certainly plausible, as is often proposed, that Euthyphro’s charge would have been non-suited by the Archon Basileus, who is widely presumed to have had the authority to pronounce a case inadmissible on procedural as well as on factual grounds.\textsuperscript{186} But at least one objection can be raised against this view. It has often been noted that the Basileus seems rarely to have exercised this right of non-introduction and that he would be far more likely to err on the side of caution by allowing disputed claims to proceed.\textsuperscript{187} In fact, on the only occasion of which we are informed where the Basileus actually refused a case (see Ant. 6.41-43), the decision was based on the purely technical consideration that the charge had been lodged too late in the calendar year to be heard by a single magistrate, and even here it appears that the Basileus was thereby in danger of being challenged for this decision at his euthuna.\textsuperscript{188} The fact remains, then, that we do not know precisely what type of procedural response a case of this sort would have encountered. Others\textsuperscript{189} have sought for clues as to the outcome of Euthyphro’s case in a passage of Diogenes Laertiussus (2.29): ‘τικυνδε ε’ μαρτυρίαν η [sc. ο Σωκράτης], και προτρέπας και ἀποπρέποι. ἦσσερ τον Θεάκτητον περὶ ἐπιστήμης διαλεκτής ένθεν ἀπέπεμψε…Εὐθύφρων δὲ τὸ πατρὶ γραφαμένον

\textsuperscript{185}See p.64 supra.

\textsuperscript{186}See Bonner-Smith, 1:289, 2:75n; Latte (1931), 41n.19 (= Kl. Schr., 261n.19); Harrison, 2:9lf.; cp. Kidd, 215n.6. On the legal functions of the Basileus generally, see Busolt-Swoboda, 1089-93; Lipsius, 61-63, 358-68, 600-19; MacDowell (1963), 33-38; Rhodes, 636-50.

\textsuperscript{187}The Basileus, of course, was not a professional judge; he was chosen annually by lot from the citizen rolls and could not be expected to have any specialized legal expertise. Accordingly, the ancient magistrate had none of the discretionary powers granted to the modern judge; he could not rule on evidence, bind the jury with guidelines, sentence, and so forth.

\textsuperscript{188}See Ant. 6.43 καὶ ότι οὐκ ἂν οὗτος αὐτοῖς, μέγιστον αἰτοῦν Φιλοκράτης γάρ ὀφείλεται ἄδειας τῶν ὑπευθύνων ζωῆς καὶ ἐσκορφάντας, τούτου δὲ τοῦ βασιλέας, ὑπὸ φθονίας καὶ σχέδια λύγοςσον, οὐκ Ἀκμίας κατηγορεῖν εἰς τὰς ἐφεύρους. καὶ τί ἄν τούτῳ μιὼν τούτων τεκμηρίων ἀποδείξεως, ἃτι οὐκ ἂν ἦκιν αὐτῷ οὐδ’ ἔχεικαν οὐδὲ ἔχεικαν; Obviously, these lines are used by the speaker to prove that the decision of the Basileus was, in this particular case, entirely correct. But the passage also indicates that the Basileus (hardly an expert in legal technicalities; see previous note) would need to be careful, for purely personal reasons, not to overreach what was prudent in his legal activities. For the euthuna in general, see Harrison, 2:208-11; also Piéart, “Les euthynoi athéniens,” L’Antiquité classique 40, 1971, 526-73.

\textsuperscript{189}See, e.g., Wohlrab ad 15E νὰο γὰρ σπεῦδω πει; Fritzsché ad loc.; Allen, 21n.1.

\textsuperscript{190}See Ant. 6.43 καὶ ὃτι οὐκ ἂν οὗτος ἢ τὸν βασιλέα ἢ τὸν διάλεκτον ἀπήγαγε. The assertion that Socrates, having conversed with a certain Euthyphro, dissuaded him (ἀπήγαγε) from prosecuting his father for manslaughter, must refer to our dialogue and not to an otherwise unattested meeting, as περὶ ὕσσον; διαλεκτῆς clearly indicates.\textsuperscript{191} Such a claim, moreover, if it is to be anything more than mere supposition, must have been drawn by Diogenes (or by his source) from Euthyphro’s hurried departure at the dialogue’s close (cp. 15E3-4 Εὔφρων ἑστι τὸν τούτου, ὁ Σωκράτης: νῦν γὰρ σπεύδω πει; καὶ μοι ὃρᾳ ἀπίνει).\textsuperscript{192} Yet nothing in the text of the dialogue supports this interpretation of Euthyphro’s parting lines. Indeed, the language of 15E3-4 is of itself unremarkable and cannot sustain the inference drawn by Diogenes (or by his source).\textsuperscript{193} Besides, Socrates’ call at 15C1ff. to renew their inquiry into the nature of piety (εἰς ἀρχής ἄρα ἢ μὴν πάλιν σκέπτετο τι ἠκούσα τὸ διόνυσον κτλ.), his expressed disappointment at 15E5ff. on Euthyphro’s sudden announcement that he is leaving the Stoa (Οἷα ποιήσεις, ὁ ἔξω ἀρετής ἐπὶ ἔλπιδος με καταβαλαυν μεγάλης ἀπήρχο ἡ ἐλπίς κτλ.), and, finally, Socrates’ subsequent failure to comment (even obliquely) on Euthyphro’s alleged ‘change of heart’ — all appear inconsistent with Diogenes’ supposition that Euthyphro has been dissuaded at last from pursuing his case. But one further point should be made. Euthyphro’s hasty departure at the end of the dialogue (15E3-4) needs to be viewed, it would seem, in the light of his entrance at 2A1-4, for Euthyphro’s departure, at the dialogue’s close, away from the scene of the Stoa,\textsuperscript{194} will appear significant only if his arrival onto the scene (at 2A1-4) occurs prior to his meeting with the Basileus. Now, Burnet, with his usual perspicacity, realized that, at the dialogue’s opening, Socrates is already waiting about the Stoa Basileios, and that it is Euthyphro who comes unto

\textsuperscript{191}Cp. the authorities cited in n.189 supra, who note this connection.

\textsuperscript{192}Cp. Prot. 361E6; Meno 100B7 (with Thompson’s note ad loc.); also Stallbaum (Plat. Opera Omnia, vol. 9.2) ad Philb. 62E “ὤρα δε.”

\textsuperscript{194}N.β. 15E4 πει.
As such, we may probably infer that this question of the outcome of Euthyphro's case is not really essential to the dialogue's interpretation.\footnote{By contrast, the outcome of Socrates' trial, which clearly is essential to the dialogue's interpretation (see pp.93-100 infra), is not only stated explicitly in the Apology, Crito, and Phaedo, but is unambiguously foreshadowed by the conditionals of Eu. 3D9-E3; see my forthcoming "Prologue".}

Our results thus far have largely been negative.\footnote{Such negative conclusions are not entirely useless if students of the dialogue are thereby encouraged to cease building arguments on the basis of claims that are incapable of proof.} As we have seen, the outcome of Euthyphro's suit cannot be known with any confidence. In fact, the very historicity of the case, and even the historicity of Euthyphro himself, may be opened legitimately to doubt. We stand on slightly stronger ground as regards some of the procedural aspects of the suit, though these do not generally appear to be matters of any great significance, and though here too uncertainties remain. In some cases, the fault for all this lies with a normal confusion in the evidence or, more frequently, as is so often the case, simply with an absence of relevant data. But at other times, it is Plato himself who seems to fail us, as topics that we tend to think of as having great importance, Plato chose rather to ignore. Our task, then, is to consider what Plato himself might have thought important, by focusing upon just those very elements which Plato chose to emphasize within the dialogue. To this end, we may now leave aside these preliminary matters and turn instead to an examination of several critical passages in the actual text of the Euthyphro.

Various arguments have been offered by which scholars have sought to establish the claim that Euthyphro had no legal case against his father.\footnote{Allen (21n.3), troubled by the time-lag (see pp.69-70 supra) that seems to have elapsed since the laborer's death, wondered if the case would be barred by a statute of limitations. It seems certain, however, that there was no such statute in the case of homicide: see Lys. 13.83; Ant. 1, passim; also Lipsius, 85n.24; Panagiotou, 425f. Allen further suggested that there might be a problem of jurisdiction, since the events}

\footnote{Cp. n.195 supra.}
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the only one that is relevant at the present stage in our inquiry, is the question (introduced by Socrates at 4B4-6) of whether or not the victim was a relation (τῶν οἰκείων τῆς), and whether Euthyphro would ever prosecute on behalf of an outsider (ὑπὲρ γε ἄλληλος)\(^{202}\). There has been some confusion recently about the Greek of this passage. As we have noted,\(^{203}\) some have supposed ἃν...προς...βαθύτατα (4B5-6) to be potential, rather than contrafactual; it has even been claimed that the fact that Socrates introduces this topic of the victim’s status interrogatively (4B4f. Ἐστίν δὲ δὴ...προς;) shows that Socrates was himself genuinely in doubt, that he did not know the answer to his initial question—which indicates, in turn, that he did not suppose that the law was unequivocally restrictive. Of course, Ἐστίν δὲ δὴ...προς is an interrogative. In fact, ἡ

took place on what was now, at the time of the trial, foreign soil. Our knowledge of Athenian jurisdiction remains imperfect (see Lipsius, 965ff.; R. J. Hopper, “Interstate Judicial Agreements in the Athenian Empire,” JHS 63, 1943, 35-51; Gomme, et al., 1:237-43; de Ste Croix, “Notes on Jurisdiction in the Athenian Empire,” CQ, n.s., 11, 1961, 94-112, 268-80; Meiggs, 220-33; MacDowell, The Law in Classical Athens [London, 1978], 220ff.; J. M. Balcer, The Athenian Regulations For Chalkis: Studies in Athenian Imperial Law [Wiesbaden, 1978], 119ff.). Under normal circumstances, homicide cases would have been referred to Athens for settlement, on account of the severity of the penalties involved. Prosenoi too could be tried at Athens by special privilege, and so it may be supposed that, a fortiorti, all Athenian citizens will have retained this right; unfortunately, there is no evidence to support this contention (see [pace Panagiotou, 425], de Ste Croix, 275f.). On the other hand, as both Euthyphro and his father were now residing at Athens, there was nowhere else to try the case, and the fact that the crime itself took place on what was now foreign soil need not have meant that the case could not lie. (Indeed, the absence of evidence on this whole topic suggests that Athenian views on this matter may have been so minutely thought out as historians would compare; compare the comments offered in an analogous context by Grace [1973]. exp. 16-20, 23-25.) At any rate, it would have stood against the entire spirit of Athenian legal proceedings to have tried to base a defense solely on so subtle and so difficult a problem of inter-state but in-civic jurisdiction as here arises. Of course, if the case is fictitious, or legally impossible on other grounds, then the presence of additional improbabilities will in no way weaken our general argument.\(^{202}\)

\(^{202}\)MacDowell, “The Oikos in Athenian Law,” CQ, n.s., 39, 1989, 17ff., insists that oikoi and its cognates, unlike ἄγγελοι (n.28 supra), are not legal terms and, accordingly, are not legally precise; cf. Humphreys (1986), 85ff. This may be right. Ar. Pol. 1253b4-7 would include slaves as members of the oikos. But there can be no doubt that in the present context (4D5-6; also MacDowell, 15f.), Socrates is referring to the provision that the (agnate) relatives of the victim are to prosecute. ἄλληλος (cp. the disjunction at 4B7-8) simply = ὅλοι οἶκοι. Cp. An. 4.15 κατὸν δὸς ὥριζε γυναῖκα τὴν ηαμωτι καὶ τὸ κηδεία δήδοντες ἐπιθυμεῖτε, τὰ ἐπὶ προσδοκόντων τούτων παντὸς γι’ ἑαυτῶν τῶν οἰκείων τῶν ἄλληλος ἀποκαθάρθηκαν περὶ πλασίους. See n.147 supra.

δῆλον δὴ should also be punctuated as an interrogative,\(^{204}\) for ἡ, like the Latin an, is often used to withdraw a question and to substitute another one, better suited, in its place.\(^{205}\) Yet these types of questions, both those that substitute and those that are substituted, are frequently rhetorical.\(^{206}\) This is confirmed for the present context by the fact that the entire passage (4B4-6) is an obvious instance of an argumentum ex contrario. This type of argument, rooted in the Greek love of antithesis, can be found on nearly every page of Greek prose: it consists broadly in the attempt to establish a proposition by pointing to the impossibility, or implausibility, or simply by the denial of another proposition more or less germane to the first.\(^{207}\) Interrogatives are frequently used, rhetorically, in

\(^{204}\)See n.151 supra.

\(^{205}\)See Gebauer, xii ff.; also Stallbaum (Plat. Opera Omnia, vol. 1.1) ad Crito 43C ἢ τὸ πλασίον. The usual expression is ἀ δῆλον ὅτι (Apol. 36B4f.; Phdr. 227B6f.; ἢ δῆλον ὅτι (Apol. 26B3ff.; Meno 191B2ff.; Lach. 190D3ff.; ἢ δῆλον ὅτι (Menex. 234A4f.; Rep. 452A10ff.; Prot. 309A1ff. [cited in the following note]); on the plural, see [with Heidel (1902)] J. Riddell, The Apology of Plato [Oxford, 1877], Appendix B, “Digest of Idioms,” §§17, 41-43; also Hdt. 1.4.2; 1.207.3, et saep.; cp. B. L. Gildersleeve, Syntax of Classical Greek from Homer to Demosthenes, 2 vols. [New York, Cincinnati, and Chicago, 1900-1911], §37; also Denniston, 205). The closest parallel to Eu. 4B5 is Crito 4BB1 Δῆλον δὲ καὶ ταύτα: φαίνει γὰρ ὅτι, κτλ., but the punctuation and the distribution of lines are both in doubt.\(^{206}\)


\(^{207}\)For the argumentum ex contrario, see esp. Gebauer, xxiii-xxii, et passim, also Thompson ad Meno 91E.17 ἢ ὅτα, Forman, 422f., 438, 451, etc. For ὡς γὰρ τοῦ...γάρ (n.152 supra), and related collations, often used in this type of argument, see Hoefner, 21ff. “Τὰ πρὸς του προτείου...οἱ γὰρ γοῦν, different, ut si noticetiam factum, quam omnia probant et usus, γὰρ ποιος εἶναι. Τυχόν, unde etiam, at ut apud Platemon, si praeecessit sententia his partibus ornata, εἰ οὖν interlocutor adsemptuatur...”, also Gebauer, xxxi-xvi. In the Euthyphro alone, cp. 2A3f., 2B1f., 4A12f., 7E3f., 13A2f. (with Stallbaum [1823] ad loc.), 14E2f. (see Gebauer, 28f.), 15Cf. Sicking in C. M. J. Sicking and J. M. van Ophuijzen, Two Studies in Attic Particle Usage: Lysis and Plato (Leiden, 1993), 24f., is hyper-subtle, and never refers to the main point of this collocation. See my “Prologue” ad 2A3-4.
both portions of this type of argument. And so, given Socrates’ firm rejection of the contrary supposition (4B5-6 ὀ γὰρ ἄν του ὑπὲρ γε ἄλλοτριον ἐπεξετήθη), the initial interrogative of 4B4-5 (‘ἔστιν δὲ δὴ...πατρός;) does not appear indicative of any real doubt. This, of course, does not prove that ἄν...ἐπεξετήθη is not potential. Parallels, in fact, might be supplied, though proponents of this view have not troubled to do so. But the potential, if such were to have, would have to be a past potential, and it is difficult to see why Socrates would use a past formulation to refer to a trial which — even if Euthyphro is already engaged in the preliminaries of a case — itself lies essentially in the future. It is far better then, to take ἄν...ἐπεξετήθη contrafactually. In this case, ὑπὲρ γε ἄλλοτριον = ἐi ἄλλοτριον ἄγ. Socrates thus implies, quite unequivocally, it seems, that he at least assumes the law to be restrictive.

Euthyphro’s response at 4B7-C3 seems initially to reject Socrates’ reasoning just as unequivocally. It is ridiculous, he says, to think that the status of the victim makes any difference, as all that matters is whether or not the killer justly (ἐν δίκαιo) killed: if justly (ἐν δίκαιο), he should be left alone; if unjustly (ἐνδικός), he should be prosecuted — ἐντέρπτεν ὁ κτισας συνεδρίσι τοι καὶ ὁμιστρατείοις. But, so γὰρ κτλ. Olof Gigon, in a

208See the references given in the previous notes.

209See n.207 supra on ὀ γὰρ του...γε. It should not be necessary to prove that the particle του (BS), even if it had stood alone, is polite and urbane, and, like other such qualifying expressions (e.g., δήντος; see Forman, 280; ἵνα; see H. Bonitz, Index Aristotelicu, 2 Aufl. [Berlin, 1870], 347P3ff.; also Stallbaum [Plat. Opera Omnia, vol. 1.2] ad Phld. 67A μετὰ τοιοῦτον; ὡς ἕγεμις; see P. Shorey, “Note on ὡς ἕγεμις and Plato Proteus 336D,” CP 15, 1920, 200f. [= P. Shorey, Selected Papers, ed. L. Tarán (New York, 1980), 216f.] does not of itself mark any hesitation or lack of certainty.

210See Gebhart, 209ff.

211See Stallbaum (1823): latet sententia conditionalis: also Wohlrab ad loc.

212For Plato’s somewhat different treatment in the Laws (e.g., 817Bff.), where the right of prosecution was not so tightly restricted, see Morrow, Plato’s Cretan City: A Historical Interpretation of the Laws (Princeton, 1960), 274ff.; also Saunders, 233-35. For the relationship between Platonic and Attic law generally, see Gernet’s excellent discussion in E. Des Places, A. Diës, and L. Gernet, Platon, Œuvres complètes. Tome XI. Les Lois (Paris, 1951), xciv-cxiv, esp. ccxxii.

213Mader (28) contrasts γάλον (= was zum Lachen ist) with καταγελάστος (= wer [oder was] sich Lachen zuzieht); καταγελάν = verlachen, auslachen.

lengthy and detailed paper devoted to the dialogue, argued on the basis of 4B7-C1 that Euthyphro is a proponent of “einem radikalen Philosophieren”, in which “Unrecht bleibe immer Unrecht”, he represents an emerging cosmopolitanism216 for which the only criterion for judging an action is the ethical value of the deed, and not any preoccupation with the agnation of the actor.217 But Gigon’s interpretation is untenable.

215Gigon, 20f. (= Studien, 204f.).

216See, e.g., H. C. Baldry, “The Idea of the Unity of Mankind,” in Grecs et Barbares, Entretiens sur l’antiquité classique 8 (Geneva, 1961), 169-204; The Unity of Mankind in Greek Thought (Cambridge, 1965); Dover (1974), 268ff., 283; see also Pl. Prot. 337C-E.

217Cp. Gigon, 19 (= Studien, 203): “Was bei der Beurteilung einer Tat zählt, ist ausschließlich ihr ethischer Wert, δίκαιος oder δίκαιος, und nicht, wer der Täter ist. Der Grundsatz, dass das Recht gilt ohne Ansehen der Person, wird in radikalster Form ausgesprochen.” (italics mine.) Cp. Demokritos 68 B38 DK καλὸν τοῦ δίκαιου κολύκιν: ἑν γὰρ μη ἑς ἄρσιδα (also B261 ἄρσιδανες πληροῦσι κατὰ δύναμιν χρή καὶ μὴ παρεθέντο: τὸ μὲν γὰρ τοιοῦτον δίκαιον καὶ ἀγαθόν, τὸ δὲ μὴ τοιούτον δίκιον καὶ κακόν). CP B107 πέτρας τοῦ πέτρας ἰγνωρίσας. Αἱ ἔλ οὐρα ὑπογεγραμμέναι ποτὸς Ιεράς ἡλικίας, also L. Stirnem, Gnomenlogium Vaticanum et Codice Vaticanum Graeco 743 (Berlin, 1963), 185 ad nr. 501; cp. Chroust, 128f. (with n.164 supra): Roth, 63f. Though conceived in a very different (i.e., abiological) idiom, this is also the view of Peter Geach, “Plato’s Euthyphro: An Analysis and Commentary,” Monist 50, 1966, 370 and 381ff., who thinks that Euthyphro was a “Mr. Right-Mind”, who was not to be led a-wandering from the straight path; likewise, R. F. Holland, “Euthyphro,” Proceedings of the Aristotelian Society 82, 1982, 1-15. Another view, frequently associated with the claim that Euthyphro is a cosmopolitan, though strictly distinct from it, is the belief of G. M. A. Grube, The Drama of Euripides (London, 1941), 404 (cp. Roth, 65; also Wilamowitz [1919], 276ff.; W. Nestle, Vom Mythos zum Logos, 2 Aufl. [Stuttgart, 1942], 131n.17) that Euthyphro was some type of “theological sophist”, as shown by his alleged interest in divine etymologies (on this topic generally, see N. J. Richardson, Homeric Professors in the Age of the Sophists,” PCPS 201, 1975, 71ff.; Baxter, 125ff.; but of course, there is nothing uniquely “sophistic” about divine etymologies: see R. Pfeiffer, History of Classical Scholarship: From the Beginnings to the End of the Hellenistic Age [Oxford, 1968], 41f., 12, 40ff.; M. L. West, Hesiod, Theogony. Edited with Prolegomena and Commentary [Oxford, 1966], 77, 88, also ad vv. 141, 144-5, 209, etc.; H. S. Schiller, Pleroedore of Sycos [Oxford, 1900], 27f.; Baxter, 113ff.; K. Pollmann, “Etymologie, Allegorische und epische Struktur. Zu den Toren der Träume bei Homer und Vergili,” Philologus 137, 1993, 232-35; also, FGrH IIIb, Suppl I, 60, 13-14). This view of Euthyphro’s character is based only on an interpretation of the Cratylus; the Euthyphro itself provides no support for it whatsoever. We have already stated (n.159 supra) that the Euthyphro of our dialogue shows no interest in any word-play (as Schanz and others have thought). In fact, the (allegorical) etymologies of the Cratylus (none of which, it must be remembered, is ever directly attributed to Euthyphro himself; they are only vaguely ascribed to Euthyphro’s inspiration [n.159 supra], or to τοὺς δὲν Ἐθνοροφές [Cra. 400A1 = “E. eiusque similium”; see Stallbaum <Plat. Opera Omnia, vol. 4.2> ad Hipp. Mag. 281C Περιεχόμενα τα και βιοτρόνια; Fritzsche, 154-2; R. Kühner and B. Gerth, Ausführliche Grammatik der griechischen Sprache. Zwieter Teil: Satzlehre, 3 Aufl. <Hannover und Leipzig, 1898>, 1:270]) are not entirely consistent with the humorous literalism adopted by Euthyphro in the Euthyphro (see 5E2-69).
Euthyphro’s firm rejection (γελώθηκα κτλ.) of Socrates’ supposition in 4B4-6 that the victim must himself have been a relation, and Euthyphro’s subsequent appeal to the very different principle, in 4B7-C1, that all that matters is whether the killer justly killed, is not based on any generalized regard for justice as such, but solely and explicitly on a ritual concern over *miasma*.

If this is the case, however, then we must understand ἐν δικαίῳ κτείνειν in 4B7-C1 primarily in its legal sense, referring to the category of justifiable homicide, and not in the moral sense favored by Gigan; for it is only thus that the reference to *miasma* can be rendered relevant.

With this introduction of the concept of *miasma*, we enter upon a far more complex set of issues. Indeed, the importance of *miasma* for Greek thought generally, and its role in connection with death and, more particularly, with murder, is so well known to every student of Greek literature, and is so well covered by every handbook on Greek religion, that it is difficult even to raise the question of whether our common assumptions on the topic are fully accurate. Yet this question must be addressed. There is a tendency still to ascribe real importance to the role played by *miasma* both in the practical life of the Greeks and in their religious life. Accordingly, we are not surprised to find Euthyphro’s preoccupation with the doctrine of *miasma* (and uncritically used to support the contention that Euthyphro was a representative of the

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218 C1-3 ὑπὸ γὰρ τὸ μίασμα γίγνεται κτλ. ὑπὸ, of course, refers back to B7f. ἐπὶ ἄλλοτρος ὑπὸ εἰς σκότος ὑπὸ τέμενος. Gigon’s error is due, surprisingly, to a failure to attend carefully to the Greek. He starts (203) by treating 4B7-C1 and C1-3 as “zwei ethische Thesen”, i.e., as coordinate principles; he ends (205) with the assertion that Euthyphro chose to act on the ritual concern of pollution as a result of his more fundamental preoccupation with justice (“Wenn Euthyphro, vor die zwei Gebote der ὁσστὴς gestellt: die Eltern zu ehren und die Besiedelung durch den Mord zu entfernen, sich für das zweite entscheidet, so tut er dies um einer vielleicht abstrakteren, aber konsequenter durch den Gerechtigkeit willen, wie dies 4B9 sept.”). But this is precisely the reverse of the logical relationship presented by the text, where a concern with *miasma* is unambiguously given as the ground (ἰόν γὰρ) of the principle enunciated at 4B7-C1. In fact, Gigon has so much difficulty explaining away Euthyphro’s superstitions concern with pollution, that he goes so far as to virtually accuse Plato of distorting the views of his own characters! Cp. 205: “Der Fall Euthyrho is zunächst und wesentlich ein solcher der Geruchlichkeit. Die ὁσσία (4B1) hat da nichts zu suchen, aber fürs erste auch nicht die ὁσστὴς [but n.b. 4D9-E3]. Doch Platon [1] will mit aller Gewalt auf die ἐπιστήμη τοῦ ὄςου lossteuern und eliminiert darum systematisch den Gesichtspunkt der Geruchlichkeit”; cp. n.219 infra. In fact, Euthyphro’s concern with *miasma* does not even wait for the introduction of ὑπὸ γὰρ in C1, but already appears at B10f. (ἐν δὲ τῆς ὁσσοῦν τοῦ διὸ καὶ ὁμοτάτοις). This phrase is frequently misunderstood, because it is often matched (inappropriately) with 5D10f. ἐν δὲ τῆς ὁσσοῦν τοῦ διὸ τῆς ὁσσοῦν ἐπαύειται μήτηρ ἐπαύειται ἔντοτς ἐπάυειται (σο., e.g., by Wohlrab ad loc.; cp. Adam ad 4B.27 init. [Adam correctly notes, however, the similarity of 5D10f. with Gorg. 480D is superficial, since the motives underlying Euthyphro’s prosecution of his father (see 4C1-3 and those that support Socrates’ recommendation in the *Gorgias* are distinct from one another]). On οὐχόντες...καὶ ὁμοτάτοις, see the excellent note in Burnet (1924); also Parker, 39f., 112f., 117f. ἐν δὲ τῆς (4B10), of course, is not concessive ("even if..."). The translators commonly give it (e.g., Allen, Church, Cooper, Fowler, Grube, even Jowett; see J. M. Stahl, *Kritisich-historische Syntax des griechischen Verbum* [Heidelberg, 1907], 41f.; Kühner-Gerth, §505.5 ["selbst wenn"]; also §578, Ann.2.), but is intensive ("if, that is, ..."), see Burnet (1914), 233 ad loc.; Denniston, 484f; also L. Robin, *Platon, Oeuvres complètes*. Traduction nouvelle et notes par L. Robin avec la collaboration de M. J. Moreau (Paris, 1940-42), 1:354 “et justement parce que celui qui a tué s’assied au même foyer, mange à la même table que toi!”; also 1272n.13: “Et non pas <<quoiqu’>, <<même si>>.”

219 This fact, though missed by the older commentators, was noted by Heidel (1902), Burnet (1924), even Adam; see now Parker, 367. For the problems surrounding justifiable homicide, cp. Lipsius, 614ff.; Latte (1933), 285 (= *KL. Schr.*, 387f.).

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220 On *miasma*, see, e.g., Glotz (1904), 228ff.; Rohde, 174-82, 294-97; Bonner-Smith, 1:15ff., 53ff., 2:192ff., esp. 199ff.; Dods (1951), 35ff.; L. Moulinier, *Le Pur et l’impur dans la pensée des Grécs d’Homère à Aristote* (Paris, 1952), passim, esp. 330ff.; J. R. Rudhardt, *Notions fondamentales de la pensée religieuse et actes constitutifs du culte dans la Grèce classique* (Geneva, 1958), 46ff., 53ff., 163ff.; MacDowell (1963), 38f., 141-50; Nilsson (1961-67), 1:89-110; Gagarin (1981), 17f., 164ff.; Parker, 104-43, 366-92; W. Burkert, *Greek Religion*, tr. J. Raffan (Cambridge, 1985), 75ff.; Wallace (1985), 31f. See Ant. 2.1.3; 2.1.10-11; 2.2.11; 2.3.9-11; 3.1.2; 3.3.11-12; 4.1.2-4; 4.2.7-9; 4.3.7; also 5.11 ([κύροφίος] 82-83 (see Parker, 9n.39; J. F. Kindstrand, *Bion of Borysthenes: A Collection of the Fragments with Introduction and Commentary* [Uppsala, 1976], 296); 6.4-6; Lys. 12.99; Dem. 20.158 (see [pace MacDowell (1963), 145) Rhodes, 64); 21.120 ([κύροφίος]) 23.72 (with MacDowell (1963), 148; this passage also refers to a purely ritual activity); 37.59 (after a prosecution); Aeschines 2.87f. (largely rhetorical); *Pl. Rep. 451B and Laws passim* (cp. n.224 infra); frequently in tragedy (Parker, *passim*). The old view of K. O. Müller (see *Aischylos, Eseniden* [Göttingen, 1833], 136ff.), positing a Delphic origin for the doctrine of homicide pollution, often repeated (e.g., Treston, 138ff. *et passim*; Cantarella, 83ff.), should be put to rest (see Parker, 138ff.; and, more generally, Jacoby (1949), 265f.n.174). It rests on little more than a skein of suppositions and on a worthless scholion ad *Pl. Laws* 865B.
same Athenian orthodoxy that ultimately put Socrates to his death.\textsuperscript{221} Since no one doubts the significance of poine in the formulation of the Greek response to homicide, those who attribute major importance also to the concept of miasma are bound, it would seem, to treat Euthyphro’s dilemma seriously. For example: it is commonly thought that homicide law had a two-fold origin in poine and in miasma, though details regarding the origin of each of these components eludes consensus; while this two-fold origin usually will have produced a double spur to action, operating hand-in-hand to create a single prosecution, there must have been instances, it is said, especially in the Fifth Century, as the social structure of Athenian life grew more complex,\textsuperscript{222} in which the familial claims of vengeance and the wider claim of purity fell into competition; and so, in the present case, Euthyphro finds himself trapped between just such competing obligations, as, on the one hand, the demands of poine (or, as some would prefer it,\textsuperscript{223} the requirements of filial piety) prohibited Euthyphro’s prosecution of his father on behalf of a laborer, but, on the other hand, the imperative that he free both himself and his father from the dangerous taint of pollution (4C2f. καὶ μὴ ἄφοβος σεισάων τὲ καὶ ἐκινοῦ τῇ δικῃ ἐπεξεργ.) moved him to proceed with the prosecution. Plato’s own response to this dilemma can then be given one of several twists. Such interpretations of the dialogue are certainly neat, and they are, for this reason, attractive. But they are not likely to be correct. In the first place, the evidence on which this popular estimation of miasma relies is not at all conclusive. No one today would attempt to derive everyday Attic conceptions of miasma from the stipulations proffered by Plato’s Laws;\textsuperscript{224} nor would anyone suppose that Athenian views on homicide, or on pollution, could spring full-blown, like Athene, from the pages of the ancient tragedians.\textsuperscript{225} The forensic evidence, on the other hand, comes almost entirely from the writings of Antiphon,\textsuperscript{226} who may not be a reliable guide for the reconstruction of Attic law generally.\textsuperscript{227}

\textsuperscript{221}See, e.g., Parker, 112ff., 374; Saunders, 252-57; also n.213 supra; contrast Paoli (1956), 136f. (= Altri studi, 244; cp. n.85 supra).

\textsuperscript{222}See Parker, 13f., 308ff., et passim; contrast, exempli causa, Dodds (1951), 55n.43.

\textsuperscript{223}Cp. n.220 supra; even here, the evidence comes largely from the Tetralogies. For the authority of these Tetralogies, see the bibliography given in Carawan (1993), 235n.2; also P. von der Mühll, “Zur Unechtheit der antipolitischen Tetralogien,” Mus. Helv. 5, 1948, 1-5; H. C. Aver, “One Antiphon or Two? Hermes 110, 1982, 15ff. On the identity of the Athenian Antiphon, and for a strong defense of the so-called ‘separatist’ position, see Pedrick, “The Ancient Tradition on Antiphon Reconsidered,” GRBS 34, 1993, 215-28, who cites the relevant literature.

\textsuperscript{224}The reliability of the Tetralogies as a source of Attic law was attacked broadly (in fact, too broadly) by W. Dittenberger: “Antiphoens Tetralogien und das attische Criminalrecht, I,” Hermes 31, 1896, 271-77; “Antiphoens Tetralogien und das attische Criminalrecht, II,” Hermes 32, 1897, 1-41; “Zu Antiphos Tetralogien,” Hermes 40, 1905, 450-70; also Glotz (1904), 506-8; Gernet, Antiphon, Discours (Paris, 1923), 6ff.; Maudment, 45f.; von der Mühll; Sealey, “The Tetralogies Ascribed to Antiphon,” TAPA 114, 1984, 71-85; Carawan (1993), passim, esp. 254ff. One of Dittenberger’s principal arguments — the introduction of a strange injunction (ὁ νόμος μηδε δικαιος μηδε δικαιος ἀποκτανων 3.2.9, 3.3.7, 4.2.3, 4.4.6), inconsistent with what is otherwise known of Attic law (see n.219 supra on justifiable homicide) — has been attacked by Gagarin (“The Prohibition of Just and Unjust Homicide in Antiphon’s Tetralogies,” GRBS 19, 1978, 291-306). This injunction (he thinks) plays no significant role in the argument; it is simply a rhetorical (or moralizing) flourish that was not meant to be taken as a legal claim. Gagarin rightly rejects previous attempts by Paoli and others to resolve this anomaly though an appeal to historical development (291ff., 302ff); as usual, such genetic interpretations are a desperate measure. He also may be correct in claiming (295ff., 300; cp. Blass, 1:164n.3) that δικαιος/δικαιου is used equivalently in the two Tetralogies in which it appears, though the identification in 3.2.9 of δικαιος/δικαιου with δικαιος/δικαιου seems merely to be a (sophistical) misapplication of a principle (cp. Glotz [1904], 506n.7). The argument on the significance of this “variation” (300), moreover, is not well chosen. But most importantly, Gagarin has not properly analyzed the structure of Antiphon’s reasoning. It is not accurate to say that the injunction is just “a simple prohibition of homicide expanded rhythmically with the ‘polo expression’ μηδε δικαιος μηδε δικαιος (300); that “the qualification μηδε δικαιος μηδε δικαιος is irrelevant to the argument” (297); that the dispositive prohibition is ‘quickly reduced’ to an ‘unqualified’ prohibition of homicide (299; cp. 296). Rather, in 3.2.9, the defendant

\textsuperscript{225}See, esp. Versanyi, esp. 3ff., 31f., 35ff.; also W. D. Furley, “The Figure of Euthyphro in Plato’s Dialogue,” Phronesis 30, 1985, esp. 205f. That Euthyphro is a figure of Athenian orthodoxy remains the most popular interpretation of Euthyphro’s character. A clear formulation of this position can be found in Heidel (1902), 14, 25f.; idem, “On Plato’s Euthyphro,” TAPA 31, 1900, 165f.; M. Croiset, Platon, Oeuvres complètes. Tome I. Introduction, Hippias Mineur... Euthyphro, etc. (Paris, 1920), 179f.; Adam, xvif., xxif. In fact, this view goes back to antiquity: see Numenius fr. 23 Des Places = fr. 30 Leemans = Eusebius, Praep. Ev. 13.4.4-5 (= voi. II, pp. 177, 25-187, 12 [Mars]: δικαιος [sc. Plato] τα νομον τον οποιτερωνον ον Αθηνοτος Εθνοτον οταν; this fragment is, I believe, misunderstood by Adam (xxiv.3); see instead, E. Acosta Méndez and A. Angeli, Filodemo: Testimonia on Socrate (Napoli, 1992), 46n.3; also Stahlanum (1823), xf. This ‘orthodox’ interpretation is well criticized by Burnet (1924) ad 2a1 EYφeφοδWN, ad 39D, ad 4b3, etc. (though I cannot agree with Burnet’s further claim [already in Chr. Lobeck, Aglaophamus sive De Theologiae Mysticae Graecorum Causis {Regiomonti Pragenses, 1829}, 1:602] that Euthyphro was some type of ‘Orphic’ sectarian; cp. n.158 supra; also Tulin, AJP 113, 1992, 630-33). For additional criticism, see Hoopes, 6.1; Gigon, 11f. (= Studien, 194f.). Of course, even apart from these particulars, it must be remembered that the notion of doctrinal orthodoxy has no meaning for classical religio; see, e.g., Dodds, The Religion of the Ordinary Man in Classical Greece, in The Ancient Concept of Progress (Oxford, 1973), 140-55; also Dover (1974), 129ff.

\textsuperscript{226}See n.10 supra.

\textsuperscript{227}E.g., Gigon (n.218 supra); see pp.94f. infra.
and whose reliability in this regard is certainly suspect. Secondly, whatever may have been the case in the archaic period, it seems that by the end of the Fifth Century, the average Athenian would not have taken these fears of miasma nearly as seriously as does Euthyphro; in fact, such a preoccupation with pollution was probably the mark of a superstitious man (δεισιδαιμόνου). But finally, and most importantly of all, it seems constructs a dilemma, stating that the law (ὁ νόμος) prohibits murder both (A) δίκαιος and (B) δικαίος. He then claims (υπὸ μὲν γάρ κτλ.), chirographically, that the facts prove that (B) is not the case (for it is not the defendant, but the victim himself that is at fault [τῆς αὐτοῦ τοῦ τεθνήτου ἀμαρτίας]), while no one asserts (υπὸ δὲ κτλ.) that (A) is the case. Therefore, the defendant is innocent (ἀφενός ἀπολύεται τοῖν ἐγκληματοι, ἢμ' ἐκατούρων μηδ' ἐκατούρων ἀπόκτηται). See Carawan, 262. The argument at 4.2.3.4 is similar: the defendant, after stating that the plaintiff will assert that the law (ὁ νόμος) prohibits murder both (A) δικαίος and (B) δίκαιος (cf. arrangement in 3.2.9 [cited above]), now starts with the conclusion (ὥσπερ δέ εὐθέτησαν καὶ τρίτον σῶλον ἀπόκτηται σφίμα), and then introduces a two-fold statement (ὁ μὲν γάρ... τοῦ ἔγκλειμας, ἢμ' ἐκατούρων...). 4.4.8, which alludes to 4.2.3.4 (ἀπόκτηται), is no different; the argument is simply telescoped. In 3.3.7 (also 4.2.3. init. ἀλλ' ὁ νόμος κτλ.), the plaintiff notes (quite plausibly) that μήτε δίκαιος μήτε δίκαιος means never, i.e., under no circumstances (intentional or unintentional) is murder to be punished (ὅτι διεσφαραθή σώματί ἕκαστος ἐκατούρος...). 4.4.8, and that there is no doubt, according to the plaintiff, about the facts (ὑπὸ γάρ ἀφενή). That the plaintiff thus “accepts” the argument (297, 300fin) proves nothing, since the argument works to the plaintiff’s advantage; that it is the defendant who introduces the argument (though apparently, only by way of anticipation: cf. 3.2.9 ὁ νόμος... ὁ πιστεύει... 3.2.10 τοῦ νόμου καθ' ἐν διεσφαράταν... 3.3.7; also 4.2.3 ἐρεί ἐκατούρων...). But the injunction is presented consistently as a law (ὁ νόμος: 3.2.9, 3.2.10, 3.3.7, 3.4.8 [Gagarin, 297n.34, 3.4.10, 4.2.3, 4.2.5, 4.2.6 [with Reiske], 4.3.5]). But, even so: Carawan (1993, 254ff), and it is (as we see) germane to the argument. None of this should entail a denial of the traditional ascription to Antiphon of Rhambus; yet the foregoing discussion accords with the presumption of these writings as fictitious and rhetorical models ("Überzeugungen", "Schablonen für Schüler"; see W. Schmid and O. Stählin, Geschichte der griechischen Literatur [München, 1959-61], 3:103, 118ff, 124ff.).

See Gernet (1923), 13ff; von der Mühll, 5; Sealy (1984), 74ff; Parker, 126ff; Carawan (1993), 249ff, 267; also n.230 infra.

Obviously, a full account of this problem is impossible in the present context. For this view of the Fifth Century attitude towards miasma, see esp. Parker, 119ff, 126ff. On the superstitious man, see H. Bolkstein, Theophrastos’ Charakter der Deisidaimonía als religionsgeschichtliche Urkunde, RGVV 21.2 (Giessen, 1929), certain that the problem of pollution had little or no bearing on the most significant aspect of Greek homicide law, for miasma by itself was not in any sense sufficient to ensure or determine a prosecution. Drakon’s code ignores it entirely; as Gagarin notes, the code was (in this respect) a wholly “ secular” document. Indeed, [Dem.] 47, where no prosecution occurred, and several other instances in which a prosecution was delayed for years (e.g., Ant. 1; Lys. 13), prove that a failure to prosecute a murder was not felt — either by the law of the polis (cp. Ant. 6.38, 41ff.) or, for that matter, by the exegetes themselves ([Dem.] 47.68-73) — to be so morally disruptive as to require an action otherwise contrary to the traditions of the community. If these observations prove correct, then we must conclude that the issue of miasma is strictly irrelevant to the present question of whether Euthyphro is to prosecute his father on behalf of a mere day-laborer. As such, Euthyphro’s rejection of Socrates’ supposition in 4B4-6, and his subsequent appeal to a very different set of principles in 4B7-C3, stands (so it seems) extra lege.


Pollution played a significant role in certain procedural and ritual matters is hardly in doubt, and does not affect the point at issue. Yet this is all that the instances added by Rhodes (641), Lateiner (408), and Furley (205ff.) serve to establish. On Dem. 23.72, see n.220 supra; on ἐγκλήματι τῶν ψυχῶν, n.84; on the Basilium, n.186; on removal of the myrtle crown, see Rhodes, 648; Thür (1900), 154n.48; on Phereatos, MacDowell (1963), 82ff.; Heitsch (1984), 21; also Carawan (1990). Furley (206n.25) might have added the well-known fact that homicide trials were held outdoors: see MacDowell (1963), 145ff.; Parker, 122n.67; cp. Hansen (1958-81), 16ff. Gigon, 21 (= Studien, 205) has it right when he says, with reference to 4C1-3: “Diese Seele des φιλοσοφοῦ nur mehr in den Prozedurformen zum Ausdruck kam, während die Sache selbst durchaus zu einer Angleichung der prozesslichen Rechtsprechung und Adokatenkunst geworden war”; also Kidd, 219.

Taylor (146ff.; also R. Hoerber, “Plato’s Euthyphro,” Phronesis 3, 1958, 58; Furley, 206) thought that Euthyphro might be bringing a case which he himself fully non-suited of the presiding magistrate, in the belief that such an action could of itself clear both Euthyphro and his father from the taint of pollution; see 4C2f., drawdown (with Parker, 330ff) σειράνω τι καὶ κατανική τι δίκη ἐπιτελείας; cp. 2D3-3A2 (with Parker, 263n.38). There is no evidence that the Greeks supposed that a trial could ipso facto, regardless of its outcome, purify anything. Antiphon, at least, considers that an unjust acquittal or conviction leaves those responsible liable to the dangerous effects of pollution (2.110-11; 2.3.9-11; 3.3.11-12; 4.1.2-4; 4.2.7-9, etc.); cp. Asch. 2.8ff. (with Gagarin [1978], 304ff.). Outcome matters (n.37 supra). Of course, Euthyphro is capable of holding idiosyncratic views (cp. 4C2 συνεδροῦ, with n.219 supra). But as Hoopes (5) well observed, Taylor’s thesis is probably undone by the general anger and
In 4C3-D5 (ἐπει...ἀφεξόμενοι), Euthyphro narrates the actual events that led to his prosecution. Some have used the opening sentence of this passage in an attempt to save the legality of Euthyphro’s case, claiming that the laborer (πελάτης)234 who died as a result of the father’s neglect was himself a legal dependent, something on the order of the Roman cliens.235 Others, more cautious, are willing to grant that, whatever be the actual legal status of the πελάτης, Euthyphro at least seems to suppose some type of dependent relationship.236 There is, of course, no evidence to show that being a πελάτης ever involved any type of legal dependency anywhere in the classical period.237 But this lack of evidence has not proved a deterrent, for this interpretation of the passage does not prove a deterrent, for this interpretation of the passage does not

233 4C3-5: ἐπει δὲ γε ἀποθανόν πελάτης τῆς ἡμῶν, καὶ ὡς ἐγεργοῦσιν ἐν τῇ ἁβάπτωσεν, ἐθέτησεν ἐκεῖ παρ’ ἡμῖν.

234 4C3 πελάτης = ἡδίς; cp. 15D6 ἡδίς, with 4C3-4 πελάτης..., καὶ...ἐθέτευς; also 9A.3.

235 So, most recently Kidd, impressed that πελάτης is used by Plutarch for the Latin cliens. Kidd chose not to mention his predecessors, but this interpretation of the passage was already old (see, e.g., M. H. E. Meier and G. F. Schömann, Der attische Process [Halle, 1824; rpt. 1979], 164n.9) when Stallbaum (1836) ad 4B 8 ἐστὶ δὲ δὲ τῶν ἁβαπτώσεως τοῦ πελάτης, and rejected it as without foundation; cp. also 4C πελάτης τῆς ἡμῶν. Among modern writers, Adam (ad 4B.20 and ad 4C.30) and Heidel ([1902] also ad 4B.20 and 4C.30) both discussed this view; Morrow (1937), 220ff., tentatively endorsed it.

236 This is the view of Stallbaum (1836); also Burnet (1924) ad 4C3 πελάτης. Many think that Euthyphro places a special emphasis on 4C4 ἡμῶν (cp. Adam ad 4C.30; Burnet ad 4C τε κτα; Kidd, 219; also Robin, 1:1272n.15). Admittedly, the possessive could be emphatic on account of its position. But there is no contrast in the text between this “mine” and some “not-mine”; instead, 4C3 πελάτης τῆς ἡμῶν is opposed to 4C4 τῶν ἁβαπτώσεως τῶν ἡμῶν, so that the contrast implicit is not with ἡμῶν (cp. C6 ἡμετέρων; also C5 παρ’ ἡμῖν), but with πελάτης (cp. C5 τῶν ἁβαπτώσεως).

237 Even Kidd seems to admit this (219ff.). All the evidence on which he relies is late and (with the exception of Dion. Hal. 2.9.2, which only refers to some legendary time [κατ’ ἀρχάς], and which does not prove his point in any event) also non-Athenian. His argument, moreover, is based solely on analogy (e.g., the Arcadian use of πασχεῖν, attributed to Athenaeus by the testimonia of Theopompus). On πασχεῖν generally (cp. Pollux 3.82 πασχεῖται δὲ καὶ θέτεις ἀληθεύων ὀντος ὠνόματα διὰ πανίν ἐπ’ ἄργυρῳ διολυδοῦτός, which seems clear enough), see Rhodes, 90ff.; Y. Garlan, “Le Travail libre en Grèce ancienne,” in P. Garsey, ed., Non-Slave Labour in the Greco-Roman World, Cambridge Philological Society, Suppl. Vol. 6 (Cambridge, 1980), 6-22; de Ste. Croix, The Class Struggle in the Ancient Greek World (Ithaca, 1981), 179-204; cp. Wyse, 464f. For the lexicographical tradition, which is abundant, see W. C. Greenstone, Scholia Platonica (Haverford, 1938), 2; also, though the treatment is inadequate, J. Ducat, Les Pénestes de Thessalie (Paris, 1994), 30ff., 76.

rest on the special vocabulary of ancient social relations, but simply on the assumption that the ἐπει of 4C3 must be concessive (= “although, for the matter of that...”).238 The point of the passage is then taken as follows: Euthyphro first rejects Socrates’ reasoning in 4B4-6 by appealing to the principles of 4B7-C3, but then he observes in 4C3ff. ἐπει κτλ.) that the victim was, after all, his dependent: ἐπει δὲ γε ἀποθανόν πελάτης τῆς ἡμῶν... This interpretation of ἐπει is surely incorrect. ἐπει, though it sometimes feels concessive (e.g., Prot. 335C1-2 ἔγος δὲ τὰ μακρὰ τάτα ἄδουνάτο, ἐπει ἄβουλημα ἀν ὀλού τ’ ἔμαι), never really means “although”. It is almost always causal, though frequently elliptical, supplying the ground not for the fact, but for the statement of the fact.239 Moreover, ἐπει is often used, just like καὶ γάρ or the Latin namque, to mark transitions from a general utterance to an illustrative instance of it.240 So, elsewhere in the Euthyphro, ἐπει is causal, though elliptical,241

238 Kidd almost concedes as much (cp. 219, with 221): “πελάτης in an Athenian context does not of course refer to a serf class... But it could be argued that it refers to a recognized servile state... I can see no other explanation of ἐπει δὲ γε ἀποθανόν πελάτης τῆς ἡμῶν” [italics mine]. Already implicit in Stallbaum (1836; cp. n. 236 supra; also n.246 infra), this view of ἐπει...γε (cp. Goodwin, 719.2; Kühner-Gerth, §569, 1a, Anm.1) figures prominently in Adam, Burnet (1924), Heidel (1902), and Schanz; also see Wohlrab, Platonis Theaetetis. Recensuit Prolegomenis et Commentariis Instructum. Editio altera auctore et emendator (Lipsiae, 1891), ad Th. 142C.10 (with n.246 infra). Among the translators, ἐπει is taken concessively by Allen (“Now as a matter of fact”) and Robin (“A vrai dire cependant, c’était à mon service qu’était le défunt”); cp. Finico’s “quandam qui perītī, cliens atque minister meus erat” (on Finico’s Latin translations of Plato, see J. Hankins, Plato in the Italian Renaissance [Leiden, 1991], 1:300-14; 2:465ff.). The Germans tend to echo Schleiermacher’s “Obrigens”.

239 This use of ἐπει has been noted time and again, though it has been forgotten repeatedly. See, e.g., D. Wyttenbach, Plutarachi Chaeremonis Moralia. Tomus 8. Index Graecitatis (Oxford, 1795-1830), 1:618; Fr. Ast, Lexicon Platonicium Volum Platoniciarum Index (Lipsiae, 1835-38), 1:757ff.; Gebauer, 266ff.; Rehdanz, 72, s.v.; Forman, 285, 421, and esp. 461ff. (which ought to be read carefully by all students of Platonic Greek); G. H. Billings, The Art of Transition in Plato (Chicago, 1920), 64n.38, 65n.63 (this excellent monograph deserves wider recognition than it generally receives); P. Shorey, “Note on Herodotus 1.60,” CP 15, 1920, 89 (Sel. Pap., 1:189); also CP 17, 1922, 155 (Sel. Pap., 2:242). That γαρ primarily marks the logical relation, and not the substantive ἐπει ἀποθανόν, can be seen from the likes of Rep. 352C7. cp. Forman, 461; also, see my “Prologue” ad 2A3-4.

240 See, e.g., 5E2, which is an excellent parallel (see next note); also Forman, 421; Billings, 64ff. On the use of namque to introduce a mythological or illustrative exemplum, see Fraenkel, Horace (Oxford, 1957), 185f. ad Carm. 1.2.29 (namque me silva lupus in Sabina); on καὶ γὰρ, see my forthcoming “Prologue” ad 3B9-C3.

241 Heidel (1902) cites 8D11, 9B5, and 11D1 as instances of this allegedly concessive use of ἐπει. He conveniently omits 1289 (where the causal sense is unmistakable) and eventually grants that 5E2 (see Heidel ad loc.) — the closest parallel to our
elliptical ("I say this, because...") — is now seen to mark a transition from the general statement of principle (4C3-D3) to, in this case, a particular application of it (4C3-D5). The entire passage, then, must run as follows: Euthyphro rejects Socrates’ initial premise (4B4-6) by appealing to the very different principle that all that really counts is the justice of the deed (4B7-C3); he now remarks that he states this general principle because (έπειτα) the actions of his father were, indeed, unjust. From this it is clear that all attempts to salvage the legality of Euthyphro’s case on the basis of 4C3-5 (έπειτα κτλ.) are doomed to failure.

καὶ ἁμαρτάνεις, ἃπειρον δὲ καὶ ἔπειταν ὑπάρξει λιμοῦ καὶ δίψους καὶ τῶν δεινῶν ἀποθηκεύεται κτλ. (cp. n.176 supra). That this is precisely the role that is played by the narrative (4C3-D5) is not often noticed, though a moment’s reflection will show that this passage can have no other function, and though this role is confirmed by what follows not once, but twice. First of all, at 4D5-E1, immediately after this narrative, Euthyphro concludes his speech by observing that the family is angry (ἀγάνακτοι) because (ταύτα δὲ οὖν...; see Riddell, §18) he is prosecuting his own father, even though, as the family has it (διὰ φασον τικέτου), the father did not even kill the man (Δ7 οὔτε Δ7 δικαίως/καὶ...; cp. n.173 supra), and also because, even if he had (ἔτη δὲ μέλλοντο), it is still impious for a son to prosecute his father for murder (Δ8-E1): thus, Δ7 οὔτε ἀποκατάθεται answers the claim implicit in the narrative that the father killed unjustly, by stating that the father did not kill the man at all: Δ8-E1, on the other hand, which is more densely packed (see n.154 supra), refers to the broader issue (see text below) that Euthyphro’s action remains impious, regardless of the facts of the case. This view of the narrative (4C3-D5) is then reconfirmed at 5D-6A (though these two passages are not identical [cp. n.219 supra and n.245 infra], they are closely linked with one another): in 5D-6A, Euthyphro offers, as his first attempt at a definition of the pious, that the pious is that which he is doing now — viz., prosecuting anyone who does anything unjustly (see 5D8-E2 Λύγα τοῦ ἡ ὑπάρξει τὸ ἐπὶ μὲν νοοῦ ἐπὶ δὲ ἐπὶ ἐν ἑαυτῷ τῷ καθιστήματι ὑπήκοντα δίκαιον κτλ.; cp. 5B4, μὴ ἐπιτρέπεται τὸ καθιστέοντι) — and he supports this general proposition by introducing (see 5E2-έπειτα) the mythological exemplum of Zeus who bound his father, Cronos, when this latter was unjust (6A1. οὖν τοῦ δὲ κατεπείτων ὅσον ἐν τῇ δικαιοσύνῃ: ἀλλ’ οὐκ ἐν δίκαιον κτλ.; and so, to return to the point of comparison (A3 ἔμειν οὖν ἐν πεπόνησηι), Euthyphro also acts against his father, when this latter too is unjust (A3-4 ἔμειν οὖν καὶ ξεπερασθεὶς ἐπὶ τῷ παῖς ἐπεξερεύομαι δικαίωτα; and n.b. the emphatic position of the pple. ἀδικώτατον; likewise, with 6A2 οὖν εἰ δίκαιον, and with A3-3 ἦταν τοιαῦτα τοιαῦτα).
We have completed our analysis of three separately important, but connected segments of text, and we have reached the following three conclusions. (1) 4B4-6 is an instance of an *argumentum ex contrario*; it is contrafactual, not potential, and thus suggests that Socrates at least assumes the law to be restrictive. (2) In 4B7-C3, Euthyphro dismisses this question of the status of the victim as utterly irrelevant, but he grounds his suit in a principle of justice that itself is rooted only in a doctrine (that of *miasma*) that bears no legal weight, and which appears to be entirely *extra leges*. (3) Finally, *et mi* in 4C3 is causal, not concessive; it simply marks a transition from the general proposition (4B7-C3) to its particular application (the father's deed). We readily concede that none of these arguments amounts to a mathematical proof of the proposition that prosecution in a δίκη φωνού was necessarily restricted to the agnate relations of the victim. But this was not required; all that was needed was to show that the dialogue could be viewed, *ex hypothesi*, as consistent with a restrictive reading of the law. This has been accomplished quite easily, at least as regards certain specifics of the dialogue. Now, however, we are prepared to broaden our claim to a slight degree. For, if the foregoing arguments, based on a close and

father did not act justly (n.244 supra), and it is equally clear that this passage has no bearing whatsoever on the question of the victim's status. But if this is so, and if *et mi* is also concessive, then 4C3-5 becomes parenthetical, and the logic of the passage is disrupted thus: (a) is the victim a relation? (4B4-6); (b) well, all that matters is whether the deed was justly done (4B7-C3); (c) though, for all that, the victim was a dependent (4C3-5); (d) therefore (οὖν), the father killed unjustly (4C5-D5). Surely, this is impossible. Instead, *et mi* is causal, and the οὖν of C5 (as also C6) is simply narrative and connective; e.g., *Rep. 327B2, 328C3,* et al.; also Wytenbach, 1:618 ("post hoc ound abundat"); Denniston, 425f.; *Des Places, Études sur quelques parties de liaison chez Platon: OYN et ses composés,* APA, TOINYN (Paris, 1929), 60f. The causal sense of our passage has been noted explicitly (apart from Billings, 65.63) only twice, so far as I am aware. In his earlier commentary (1823; see n.148 supra), Stallbaum ad 4C μάλας τούτων οὖν ὕπατος says "De particula ἐν ἐν συνεπτεί τὸν ὑποτασσεῖ σημαντικόν..."; he later (1836) changed his mind, apparently (m.235-236 supra), and for the worse. Wohlrab, in the fourth and final edition of his fine commentary (1900), says "εν τη...", denn. Vgl. 5E 8D 12B. Ebenso οὖν 15C", just as he stated it in his third edition (1887); yet in his elaborate note on Th. 142C.10 (1891; see n.238 supra), he states (by a slip of memory, perhaps) of several passages, including 4C3: "His locis omnibus *et mi* concessive usurpatu". At gemini lapsu delabra ad summa dracoons effugiant. Though he does not cite 4C3 in his Lexion Platonicon (see above), Ast elsewhere (Platonic Quae Exstant Opera. Accedunt Platonis Quae Fenrurus Scipula ad Optimorum Librorum Fidel Recensuit, In Linguam Latinam Converdit, Annotationibus Explanavit, etc. [Lipsiae, 1825], 8:61) renders our passage thus: *et mi* (cp. καὶ ὅσον) is quis petit mercenarius [n.b.] erat quidam meus; et [οὖν] quum agrum coheresem in Naxo, etc. One hundred and seventy years of discussion has yet to improve on this translation.

![Image](image.png)

The only task that remains is for us to situate our discussion of Euthyphro's case into the broader context of the dialogue as a whole; that is, to offer some indication as to how the *Euthyphro* may be interpreted if prosecution in a δίκη φωνού was indeed restricted to the agnate relations of the victim. We hope thus to assay those who claim that the dialogue cannot be so interpreted. Admittedly, as I am fully aware, a complete analysis of the *Euthyphro* will not be achieved in the present setting. Such an undertaking would require a separate volume devoted to just this topic. (Yet this, in turn, could not be undertaken profitably until we had first solved for the problem of Euthyphro's case.) And so, keeping these very real limitations always before us, I will state my views briefly and categorically.

Relative to the dialogue as a whole, the *Euthyphro* has an extremely long dramatic introduction, amounting to nearly one-third of the dialogue's entire length. This introduction actually breaks into two distinct parts: the first, dealing with Socrates' famous trial on a charge of impiety (γραφή ἀσέβειας; cp. 5C7, 12E3; *Apol.* 35D1-2), introduced by a certain Miletus (2A1-3E6); the second, marked by a clear transitional collocation (5E 61), dealing with Euthyphro's case (3E7-5D7). These two topics,

248 We are discussing the *Euthyphro* from the point of view of Greek homicide procedure, and it is thus that our analysis of the dialogue remains slightly tentative. If, however, we were considering the dialogue from its own point of view, and if we also could take it as firmly established that the right of prosecution was restricted to agnate relations, then our analysis of 4B4-D5 would be just the same, but with this one difference: our conclusions regarding this section of the dialogue would now be considered as certain.

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247 For a more synoptic view of this entire passage, see below.
Plato’s Euthyphro

moreover, intersect at several points, most prominently at 5A3-B7 (cp. C4-8) and at the dialogue’s close (15E5-16A4). As such, these two trials cannot be kept wholly apart from one another, and something must be said as regards each of them. We will start with the second, with Euthyphro’s case, as this has the most immediate bearing on the subject at hand.

While we have been focusing on the purely procedural question of who had the right of prosecution in Euthyphro’s case, Plato’s own emphasis lies elsewhere — viz., on the highly unusual fact that it is his own father whom Euthyphro chooses to prosecute: so, as soon as the dialogue turns from a discussion of Socrates’ case to that of the case of Euthyphro, we discover that Euthyphro is proceeding against his own father (3E7-4A6), and it is just this very fact — as Euthyphro himself anticipates (4A1) — that occasions Socrates’ first expression of surprise (4A7 ‘Ο σοφός, δε βλαττετε!); only then do we learn that the charge is a charge of murder (4A9-10), which prompts Socrates’ second exclamation (4A11 Ἡράκλεισί). This exchange (3E7-4A11) is finally punctuated by Socrates’ ironic praise (4A11-B2: cp. 4E4-8) to the effect that Euthyphro must be very wise indeed to engage in so extraordinary a case. This focus is maintained consistently throughout the dialogue (4D5-E1, B6-8, 5B3-5, 5D-6A, 8B1-4, 9A1-8, 15D4-8). As others have noted (e.g., Gigon, 20 [= Studien, 204]; Hoopes, 2f.; Klonoski [1984], 128f.), such a prosecution of one’s own father, even if it was not legally prohibited (Lipsius, 508; Morrow [1937], 221; Parker, 137n.133), still would have struck the Athenians as grossly impious, since one was supposed to honor one’s father and mother on every occasion (cp. Harrison, 1:70-81; Dover [1974], 273ff., 302ff.; Rhodes, 629ff.; X. de Schutter, “Piété et impié té filiales en Grèce,” Kernos 4, 1991, 219-43), as Euthyphro’s family states at 4D9f. (ἀνάθεσιν γὰρ ἐμίσει τὸ οὖν πατρὶ φόνου ἐπιτέλεσαν). This was a view that Plato himself generally endorsed (see Shorey [1933], 390f., 400f., 468 ad Criio 50Ef.; also Morrow [1960], 467f.). It is only in this context, however, of Euthyphro’s strange prosecution of his own father, that Socrates finally raises this topic of the victim’s status. In accord with the requirements of Greek homicide procedure, which we now may assume to have been restrictive, Socrates supposes that the victim was a relation (4B4-6). Euthyphro, as we saw, rejects this requirement on grounds that are entirely extra leges, claiming that all that matters is the justice of the deed, and adducing the case of his father as one who killed unjustly. As such, Euthyphro has taken up what contemporaries would view as an extraordinary case, prosecuting his own father for murder, and he does so (and this is the point) without being bound by any legal necessity. In fact, not only was Euthyphro in no way bound to prosecute, as he was neither a master nor an agnate relation to the victim, he was actually barred from prosecution on this same ground. Wohlrab (ad 4C πελάτης) aptly comments: “Dass aber ein so wunderlicher und exaltierter Mensch, als welcher Euthyphro hier dargestellt wird, einen Prozess anstrengen will, ohne das formelle Recht auf seiner Seite zu haben, kann durchaus nicht befremden” (italics mine). Euthyphro now concludes his speech at 4D5-E3 by stating that the family is angry with his decision to prosecute his father for murder (4D5-E1), even though, as they have it, the father did not kill the man, and because, even if he had, it is impious for a son to prosecute his father for murder. Euthyphro rejects the family’s complaint by announcing that they are ignorant (E1 κακὸς εἰσόδης) of the god’s conception of piety (E1-3), thereby implying (and cp. 4E4-5A2) that the family lacks Euthyphro’s own special knowledge of what the gods believe. This last point is of fundamental importance for the topic at hand. As we saw, when confronted with the customary expectation that only a victim’s relative would prosecute for murder, Euthyphro failed to justify his current proceedings on legal grounds, but had recourse instead to a principle that was extra leges. Now we discover that even this translegal principle is grounded in Euthyphro’s exceptional claim to know what the gods think about the pious and the impious. As a result, Euthyphro’s bold rejection in 4B7ff. (Γελοῖον κτά.) of Socrates’ supposition concerning the status of the victim, while firm and unwavering, is not quite so unequivocal as it first appeared, for it neither has, nor claims any bearing on the purely legal aspect of the case; instead, it relies solely on Euthyphro’s dubious claim (and cp. 3B9-C4 [with n.162 supra], E6-8 [with C4-5], 4A11-B3, D9-5A2, B8-C3, E2ff., 6B5-C7, 7A4-5, 8B7-9, 9B4-10, 14A11-B1, etc.) to a specialized knowledge of what the gods think to be pious. It is just this very claim, in fact, which is immediately underlined by Socrates’ second observation (4E4-8 Σὺ δὲ δὴ . . . ἅπαξ δικαιοῦ εἰσὶν ἐπιτέλεσαν περὶ τῶν δεόντων ὃτι ἐξίλει; cp. 4A11-B2) regarding Euthyphro’s remarkable talents. To be sure, Euthyphro’s claim to an expert’s knowledge sets the stage for the remainder of the dialogue, as Euthyphro is induced to offer a series of definitions, each of which is subjected to a rigorous and critical examination (elenchos), and then rejected. Yet this does not render the whole procedure futile. Plato
believes that our actions are determined in no small measure by the conceptions we hold (e.g., 15D2-8 ὑπήρξαν γὰρ ἐπὶ τὰς ἄλλας... ἓ γὰρ μὴ ἠδύνατα σαφῶς τὸ τε δοίον καὶ τὸ ἀνόιον, εἰ τε ἐστὶν ὡς ἄν ποτε ἐπεξεργάσοντα... πατέρα διωκάτων φώναν, ἀλλὰ καὶ τοὺς θεοὺς ἄν ἐπιθυμᾶς... καὶ τοὺς ἀνθρώπους ἑκούσης; cp. 2C5-8, 4A11-B2, E4-8, SAB, 9AB, 15E-16A). Consequently, our beliefs have practical consequences, and our false beliefs may have harmful consequences. So it is, in the present instance, that Euthyphro, a self-professed expert on the nature of piety, has taken up a drastic and potentially impious case on the conviction that he, at least, possesses a special knowledge of what the deities deem pious — though, as it will soon emerge, he cannot even state precisely what the pious is. This false conceit that we know what we do not really know is the worst possible type of ignorance (Apol. 29B1-2 καὶ τὰς σοὶ ἁμαρτίας ἡμῶν ἐτέκνη αὐτὴν ἢ ἐπονοείτο αὐτήν, αὐτὴν εἰδεῖς καὶ οὐκ οἶδας; cp. Shorey [1933], 490 ad Lys. 218AB, 547 ad Symp. 203-4; L. Tarán, “Platonism and Socratic Ignorance [With Special Reference to Republic I.]” in D. J. O’Meara, ed., Platonic Investigations, Studies in Philosophy and the History of Philosophy 13 [Washington, D.C., 1985], 88ff.; on ignorance as a source of evil, see esp. H. Cherniss, “The Sources of Evil According to Plato,” PAPS 98, 1954, 23-30 [= idem, Selected Papers, ed. L. Tarán [Leiden, 1977], 253-60]). We need to uproot this deleterious ignorance by subjecting this conceit to a rigorous and cathartic examination, thereby producing what is surely a better sort of ignorance in which one knows that one does not really know (Apol. 21B-D, 23Aff., Meno 84A-C, Soph. 229E-230E, esp. D2-5 τὰς τῶν μαθητῶν ἐμφάνισε δοξάς ἐξελόν, καθάρσει ἀποφὴν καὶ τοῖς ἠγομένοις ἄπειρον εἰδεῖς μόνα, τινὲς δὲ μὴ. ΘΕΑI Ἐπιλάξτιν γυνὴν καὶ σωφρονεστάτην τῶν ἔξως αὐτήν; on ἔξω in Plato, see Tarán [1975], 360f.). This is accomplished when the interlocutor, under the pressure of the Socratic elenchos, is reduced to that state of conscious confusion, called aporia, whereupon he finally realizes that he does not know what he thought he knew (e.g., Meno 79E-80D; also Tarán [1985], 88n.8.). This state of aporia, reached at the close of some of the Platonic dialogues, has a decidedly salutary effect upon the interlocutor and, by extension, upon the presumptive reader — for these critical, elenctic ‘purifications’, though themselves largely negative, are still preparatory to the search for a positive type of knowledge (Meno 84A-C, etc.). The Euthyphro has something to say on this latter point as well. Plato believed that no act per se is absolutely good or bad (Shorey [1933], 490 ad Lys. 216C; idem, Plato, The Republic, with an English Translation [London, 1930-35], 1:19n.d), that it can only be judged to be so when viewed in relation to some absolute standard or norm (see, e.g., Shorey, The Unity of Plato’s Thought [Chicago, 1903], 9ff.; Cherniss, “The Philosophical Economy of the Theory of Ideas,” AJP 57, 1936, 445-56 [= Sel. Pap., 121-32]; also Aristotle’s Criticism of Plato and the Academy [Baltimore, 1944], 206-20, esp. 214m.128; Tarán [1985], 92f.). Hence, the search in the Euthyphro (and elsewhere) for the eidos (6D11), idea (5D4, 6D11, E3), or ousia (11A7) that will serve as a paradigm (ταῖς ἡξίωσις ἀποβλήταιν καὶ χρώμενοι αὐτή παρεδεξώσαι) by which to measure the ethical value of any particular act (6E3-6). In the present dialogue, admittedly, this universal will not be discovered. Despite some claims to the contrary (most notably, Bonitz, “Zur Erklärung des Dialogs Euthyphrro,” in Platonische Studien, 3 Aufl. [Berlin, 1886], 227-42), the dialogue ends unambiguously on a ‘negative’ note (15C11-D2, E1-2, E5ff.), without any positive account of piety having been obtained. But the search for a definition has not proved utterly useless, for Plato demonstrates, albeit indirectly, through Euthyphros’s continued failure to grasp the universal, precisely the need for the assumption of such universals; he succeeds, moreover, in the purely critical task of defining and specifying the very type of object that he thereby hopes to discover.

Yet this does not exhaust the role that is played by Euthyphros’s case in the dramatic structure of the dialogue. Many students of the dialogue have supposed that the Euthyphros has an apologetic aim. This view is generally predicated on the assumption that Euthyphros is a figure of Athenian orthodoxy. The argument runs as follows: Socrates is being charged with impiety by a certain Meletus, apparently enforcing an outraged public opinion (2A-3E; cp. Apol. 21A-24B); but if Euthyphros, a self-professed expert on matters of religious orthodoxy, himself does not know what the pious is, then we cannot expect Meletus, a mere politician (2C8-D1), to have much of a valid case. Leaving aside the problematic nature of this particular view of Meletus, this interpretation of the dialogue inevitably falls if Euthyphros is not, as we have agreed (n.221 supra), a figure of Athenian orthodoxy. On the other hand, neither can an apologetic interpretation of the dialogue be dismissed out of hand (as it is, e.g., by Bonitz, 238ff.; Friedländer, 2:312n.2; Allen, 8f.). Admittedly, the bulk of the dialogue deals with Euthyphros’s case and with the search that emerges from it. But the dialogue opens (2A1-3E6) and the dialogue closes (15E5-16A4) with a discussion of Socrates’ case, which thereby
'brackets' the entire work. This structure quite obviously casts the account of Socrates’ case into high relief, since it is only in this context of Socrates’ trial that Plato introduces his discussion of Euthyphro’s case. There are, moreover, several points of contact between the two trials. For example, there is a purely formal symmetry, not previously noticed, such that three distinct questions are raised in identical sequence for each of the two parallel cases: is the interlocutor prosecuting or defending (cp. 2B1-5, with 3E8-9); who is the opponent (2B6-11, with 3E10-4A8); what is the charge (2B12ff., with 4A9-10). Also, as we stated previously, the trials intersect more than once as Socrates repeatedly claims that he will use the lessons to be drawn from Euthyphro, and from Euthyphro’s case, in his defense against Meletus (5AB, 15E-16A). On the surface, however, this device appears to be ironic, since neither horn of the dilemma posed by Socrates at 5A9-B5 is really acceptable (with 5A9-B2 καὶ ἐ μὲν Ἐθύφρωνος ὁμολογεῖς ὁς δέ εἶναι τὰ τικαίτα, cp. 3B9-C2 καὶ ἠμοῦ [sc. Euthyphro] γὰρ τοὺς ὅταν τι λέγω ἐν τῇ ἐκκλησίᾳ περί τῶν ἱερῶν, προλέγων αὐτοῖς τὰ μέλλοντα, καταστελλόμενοι ὡς μαρτυόμενοι: with 5B2ff. εἰ δὲ μὴ, ἔκεινοι τῶν δίδακτων [and n.b. 3C7-D9] λάχει δικαιόν...οὐ διὰ τοὺς προσβητέρους διαφθείροντας, cp. 2C2-3A5, esp. C3-8 ἢ ἐκείνοι γὰρ...οἶδε τίνα τρόπον οἱ νεοὶ διαφθείρονται... καὶ κινδυνεύει σοφὸς τις εἰς ἢ καὶ τὴν εἰς ἠμᾶς κατίδους ὡς διαφθείροντος τοὺς ἡλικίωτας αὐτοῦ... also 3A1f. τοὺς τῶν νεῶν τὰς βλάστας διαφθείροντας). But most important of all are the contrasts and similarities that are to be found between the various characters. So, as is frequently said, Euthyphro is something of a foil for Socrates: one is old, the other is young; one is defending a γραφή (2A5-B2), the other is prosecuting a δίκαιον: one disclaims any special knowledge of piety, the other eagerly assumes it (cp. Schanz [1887, Samml.], 10f.; Heidel, 14; Hoerber, 98ff.; Klonoski [1986], 132n.5). Less often noted, but equally certain is the fact that Euthyphro and Meletus, for all their significant differences, are nevertheless, in certain critical ways, actually doublets of one another (see, e.g., Höttermann, 65ff.; W. K. C. Guthrie, A History of Greek Philosophy [Cambridge, 1962-81], 4:107f.). Both the youthful Meletus (2B7ff., esp. B8 νεῶν γὰρ...οἷς ἤγνως [= adolescentia et rerum imperitia] [Stallbaum]; cp. Ant. 1.1 Νέων...οἰς ἠμῶν δικίων; see my forthcoming “Prologue” ad loc.); 2Cf. τὸ γὰρ νεῶν φιλοσ. [C7 ἡλικίωτας αὐτοῦ] and the youthful Euthyphro (12A4; cp. Apol. 25D8ff.; Taylor’s claim [76f.] that Euthyphro is middle-aged depends on dating the Cratylus to the start of the Archidamian War; but see Méridier, 46f.) are prosecuting their elders (cp. 2C2-3A5, with 4A, 5B, 9A) on capital charges. Both Euthyphro and Meletus act on the conceal that each has a special knowledge of the issue at hand (on Euthyphro, see above; for Meletus, cp. 2C2-5 τὸ γὰρ νεῶν ὅταν τοιούτων πράγμα (ἐγων) οὐ φαύλον ἐστιν. ἢ τε ἢ ἢ τε πρότερον οἱ νεοὶ διαφθείρονται καὶ τίνα ὡς διαφθείροντες αὐτοῦς, C5 σοφὸς τις, C6 κατιδών, 5A7-8); both act against those whom they claim lack just this very knowledge (cp. 2C6 τὴν ἀμήνα κατιδῶν [of Socrates’ ignorance; also 16A2 ὡσεῖ ὑπ’ ἀγνοίας], with 4E1 κακὸς ἐξεται (of Euthyphro’s family). Clearly, the two trials are meant to reflect on one another. Gigon, 7 (= Studien, 189), puts it well: “Szenisch liegt die Situation vor, dass Sokrates und Euthyphron einander auf dem Wege zum Gerichtsgebäude begegnen. Sokrates, der alte Mann, ist im Begriff, von Meletos, dessen Jugent Musik hervorgehoben wird, der Gottlosigkeit und der Jugendverführung angeklagt zu werden. Der junge Euthyphron ist im Begriff, seinen alten Vater einer gotthollen Tat anzuklagen. Platons kompositorische Absicht besteht also offenbar darin, die zwei Prozesse mit einander zu konfrontieren und zwar so, dass Sokrates gerechtfertigt wird, Euthyphron aber nicht. Daran, dass Sokrates Euthyphrons Vorgehen gegen den eigenen Vater verurteilt, soll sich erweisen, dass die Anklage gegen ihn selber in beiden Punkten unrecht hat” (italics mine). The dialogue opens, then, with a discussion of Socrates’ case (2A1-3E6). Some of the problems associated with this trial are stated in our passage, including the fact that Meletus is driven by the conceit that he, unlike Socrates (2C6), knows how the young are corrupted and who it is that corrupts them (2C3-5). But these problems are not fully developed. They will be treated at greater length in the Apology, in the Crito, and in the Phaedo. (This of itself suggests that the Euthyphro was meant, at least in some sense, to be read together with these other dialogues of the First Tetralogy; pace Zeller, 2.1:496n.2.) Soon the discussion turns to Euthyphro’s case (3E7). As it happens, the extraordinary nature of this proceeding — let us say it, its legal impossibility — is immediately underlined by Socrates at 4B4-6, and in the lines that follow. On the other hand, it is only gradually, as the dialogue unfolds, that the reader begins to recognize the close similarity between certain salient features common to Euthyphro and to Meletus, and especially between the conceits that drive their respective actions. And so, it is thus that Plato casts a stunning light on Meletus’ prosecution of Socrates through the prism of Euthyphro’s attack on his own father, and by highlighting the conceits that underlie Euthyphro’s prosecution, Plato leads the reader, with the surest of hands, to doubt the equally
specious claims of Meletus, long before these claims themselves are subjected to scrutiny (ὡς ἐπιθύμομεν) and exploded in the Apology (24B3-28A1; esp. 26A8-B2). This is how the Euthyphro serves an apologetic aim. Clearly, then, if we may summarize briefly the chief point of the present section, the legal impossibility of Euthyphro’s case is not at all hard to square with a sound interpretation of the dialogue.

CONCLUSION

We have seen that there was no ambiguity in Drakon’s original code concerning the right of prosecution, in spite of the fact that there was no explicit injunction to the effect that only the relatives or master of a slave could prosecute. The code itself was clearly intended to be restrictive. Nor is it the case that later litigants assumed there to be any ambiguity within the law. At least, in the one forensic speech that explicitly deals with this question, we saw that the Trierarchos himself supposed that he could not prosecute the old woman’s murder precisely and only because he was neither a relative nor her master. He clearly suggests that he could have proceeded only if he had lied on just this issue under oath — which, he assures the jury, he would not have dared to do. This, in turn, implies what is actually stated parenthetically: that litigants in a δίκη φόνου had to swear an oath of relationship, presumably as part of the standard diomosia. There is, in fact, no contradictory evidence; in every case known to us in which a δίκη φόνου is at issue, the prosecution is formally led by the relatives or by the master of the deceased. The Euthyphro proves no exception. Euthyphro’s case, the legality of which is immediately challenged by Socrates precisely on this point of the victim’s status, ultimately rests on principles that are extra leges. In fact, though we are not told the outcome of a case that may well be fictitious, both the specifics of Plato’s careful composition and a general consideration of the broader context of the dialogue are fully consistent with the claim that Euthyphro had no legal case, and offer no support whatsoever to those who oppose a restrictive reading of the law. We must conclude, therefore, from our review of the evidence, that Athenian law was indeed restrictive de jure as regards the question of who had the right of prosecution in a δίκη φόνου.

The foregoing argument, of course, cannot prove that it was absolutely impossible de facto for a homicide proceeding initiated by a non-relative to come to trial. So, it is generally presumed that the Basileus, as presiding magistrate in homicide procedures, had the right to pronounce a case inadmissible on diverse grounds; but, as we saw, the Basileus (who did not much resemble a modern judge) was likely to err

249 See Gagarin (1979), 305.