

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

Finally, we may add, for completeness' sake, that III.3.c (οὐ γὰρ οὕτως τούτους μισῶ, ὡς ἑμαυτὸν φιλῶ) recounts, in summary fashion, the Trierarchos' acquiescence in the exegetes' claim (at II.3.γ/δ) that it is in the Trierarchos' 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 Trierarchos hint at any ambiguity within the law that might be exploitable. Quite the contrary, a detailed analysis of the passage reveals that the Trierarchos himself unwaveringly assumes that he could proceed *only if he lied about the status of the nurse*; and the only possible anomaly, concerning φθονήσει, 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.

¹⁴⁷ See Eur. *Med.* 86, with D. Page, *Euripides, Medea. The Text, Edited with Introduction and Commentary* (Oxford, 1938), *ad loc.*; also Lys. 1.1; cp. n.202 *infra*.

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

¹⁴⁸ All references to the text of Plato, unless stated otherwise, are to J. Burnet, *Platonis Opera. Recognovit Brevique 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 Scholarum Usum* (Lipsiae, 1887); M. Wohlrab-C. F. Hermann, *Platonis Dialogi Secundum Thrasylli Tetralogias Dispositi. Post Carolum Fr. Hermannum Recognovit M. Wohlrab*, vol. 1 (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. Recognoverunt Brevique Adnotatione Critica Instruxerunt*. Tomus I. *Tetralogias I-II* (Oxford, 1995): "Euthyphronem...Nicoll suscepit...at...persaepae de locis difficilioribus 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 Crito*. 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 Euthyphron für den Schulgebrauch*, 4 verb. Aufl. (Leipzig, 1900) (= C. Crön and J. Deuschle, edd., *Platonis ausgewählte Schriften für den Schulgebrauch erklärt* [Leipzig, 1865-1931], vol. 3.2); M. Schanz, *Sammlung ausgewählter Dialoge Platons mit deutschem Kommentar. Erstes Bändchen. Euthyphro* (Leipzig, 1887); R. Fritzsche, *Platonis Meno et Euthyphro Incerti Scriptoris Theages Erastae et Hipparchus. Recensuit Prolegomenis et Commentariis Instruxit* (Lipsiae, 1885), which is Fritzsche's completely revised version of G. Stallbaum, *Platonis Meno et Euthyphro Itemque Incerti Scriptoris Theages Erastae et Hipparchus. Recensuit et Prolegomenis atque Commentariis Illustravit* (Gothae et Erfordiae, 1836) = *Platonis Opera Omnia. Recensuit et Commentariis Instruxit* (henceforth = *Plat. Opera Omnia*), Vol. VI, Sect. II (Gothae et Erfordiae, 1836; rpt. New York, 1980); also, see this same author's *Platonis Euthyphro. Prolegomenis et Commentariis Illustravit G. Stallbaumius*. *Accesserunt Scholia Graeca ex Codice Bodl. Aucta cum Annotatione Ruhnkennii* (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 (*νέος*), as yet unaccomplished (*ἀγνώστ*). Despite his youth, Socrates continues, this Meletus claims to know (2C3-4 *ἐκείνος γάρ, ὡς φησὶν, οἶδε*) just how the young are corrupted and who corrupts them; so, in his great wisdom (*σοφός τις*), and casting his gaze upon Socrates' ignorance (2C6 *τὴν ἐμὴν ἀμαθίαν κατιδὼν*; cp. 16A2 *ὑπ' ἀγνοίας*), 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 *φησὶ γάρ*) 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.

ment (see Stallbaum [1836], 148: "quae falsa essent, corrigeremus; quae redundarent, deleeremus"), the earlier commentary is occasionally superior to the later one; see, e.g., n.246 *infra*. In addition to the articles (already mentioned) by Kidd and Panagiotou, the only other specialized paper to deal primarily with Euthyphro's trial is J. Hoopes, "Euthyphro's Case," *The Classical Bulletin* 47.1, Nov. 1970, 1-6, which is excellent, though very brief. Passing comments found in more recent works, such as S. C. Todd, *The Shape of Athenian Law* (Oxford, 1993), 9f., 31f., G. Vlastos, *Socratic Studies* (Cambridge, 1994), 77n.27, and M. McPherran, "Socratic Piety in the *Euthyphro*," *Journal of the History of Philosophy* 23, 1985, 283-309 = H. Benson, ed., *Essays on the Philosophy of Socrates* (New York and Oxford, 1992), 220-41, esp. 228f., with nn.56-58, are not very helpful. T. Saunders, *Plato's Penal Code: Tradition, Controversy, and Reform in Greek Penology* (Oxford, 1991), 217-57, while useful in certain other respects, does not mention Euthyphro's case at all.

But he fears lest the many will think that he himself, from goodwill (3D7 *ὑπὸ 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 mantics. Euthyphro replies that Socrates' case will end satisfactorily, as will his own. (2A1-3E6).¹⁴⁹

With this, the discussion turns to Euthyphro's case. Euthyphro says that he is pursuing a matter for which he will once again (4A1 *αὖ*; 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 (*τῶν οἰκείων τις*). 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 (*μiasμα*) is the same regardless of the status of the victim, if one knowingly (*συνειδῶς*) associates with such a murderer. Euthyphro now proceeds to offer the facts of the case (4C3 *ἐπέει 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 εἰδότες*) what the god thinks about the pious and the impious. Once again (cp. 4A11-B2), Socrates praises

¹⁴⁹For 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 (οὐτως ἀκριβῶς οἷε ἐπίστασθαι) 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 νυνδὴ σαφῶς εἰδέναι διισχυρίζου) — 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 τεκμήριον (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 εἶδος (6D11) by which (ἐφ) all pious things are pious, the ἰδέαν (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 οὐσία 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 ἤδησθα σαφῶς) both the pious and the impious, then he would not have undertaken (οὐκ ἔστιν ὅπως ἄν ποτε ἐπέχειρησας) 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' ἀγνοίας; cp. 2C6 ἀμαθίαν), but live the rest of his life in the best of all possible manners.

The text of 3E7-5D7 runs as follows:

- 3E7 ΣΩ. Ἔστιν δὲ δὴ σοί, ὦ Εὐθύφρων, τίς ἡ δίκη;
φεύγεις αὐτήν ἢ διώκεις;
ΕΥΘ. Διώκω.
ΣΩ. Τίνα;
- 4A1 ΕΥΘ. Ὅν διώκων αὐτὸν δοκῶ μαίνεσθαι.
ΣΩ. Τί δέ; πετόμενόν τινα διώκεις;
ΕΥΘ. Πολλοῦ γε δεῖ πέτεσθαι, ὅς γε τυγχάνει ὧν εὐ
μάλα πρεσβύτης.
- 4A5 ΣΩ. Τίς οὗτος;
ΕΥΘ. Ὁ ἐμός πατήρ.
ΣΩ. Ὁ σός, ὦ βέλτιστε;
ΕΥΘ. Πάνυ μὲν οὖν.
ΣΩ. Ἔστιν δὲ τί τὸ ἐγκλημα καὶ τίνος ἡ δίκη;
- 4A10 ΕΥΘ. Φόνου, ὦ Σώκρατες.
ΣΩ. Ἡράκλεις! ἢ που, ὦ Εὐθύφρων, ἀγνοεῖται ὑπὸ τῶν
πολλῶν ὅπη ποτὲ ὀρθῶς ἔχει· οὐ γὰρ οἶμαί γε τοῦ ἐπιτυ-
χόντος [ὀρθῶς] αὐτὸ πράξει ἀλλὰ πόρρω που ἤδη σοφίας
ἐλαύνοντος.¹⁵⁰

¹⁵⁰In his Oxford text, Burnet (following Clarkianus; cp. Schanz, *Novae Commentationes Platonicae* [Wirceburgi, 1871], 133; also Verdenius, "Notes on Plato's *Phaedo*," *Mnem.*, ser. iv, 11, 1958, 204 ad 68D6) properly omitted εἶναι (*post* ἐπιτυχόντος), though he later wavered (see "Vindiciae Platonicae I," *CQ* 8, 1914, 233). He was certainly correct, moreover, against J. N. Madvig (*Adversaria Critica* [Copenhagen, 1871-84], 1:366) and many others (e.g., Schanz, Heidel [1902]; cp. Adam *ad loc.*), in rejecting a lacuna after ἔχει, and in taking ὀρθῶς ἔχει (4A12) impersonally; cp. 9A6ff., B1f. The second ὀρθῶς (4B1), on the other hand, which Burnet also (boldly) bracketed, is more difficult, esp. in view of 15D6ff. ἀλλὰ καὶ τοὺς θεοὺς ἂν ἔδεισας παρακινδυνεύειν μὴ οὐκ ὀρθῶς αὐτὸ ποιήσῃς. But here, too, Burnet may have been right. The repetition of ὀρθῶς in 4B1 is stylistically weak (despite the willingness of the Greeks to tolerate stylistic redundancy; cp. Verdenius, *op. cit.*, 203f. ad 68B4), and the interpolation can be explained quite easily from the preceding clause (cp. *Memo* 97A8). Besides, in the present context, it is not a question of bringing a suit against one's father *in the proper manner* (ὀρθῶς αὐτὸ πράξει); but rather, of how bringing such a suit *at all* (αὐτὸ πράξει) could be correct (cp. 4A1; A11f., where ὀρθῶς modifies the verb, whatever be the subject of ἔχει; E6-8; indeed, 15D7f. [cp. 4E6-8], where οὐκ ὀρθῶς 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. 4E4-5A2): 'Surely, Euthyphro, the many fail to understand how your action is correct; I say this, for what

- ΕΥΘ. Πόρρω μέντοι νῆ Δία, ὦ Σώκρατες.
ΣΩ. Ἔστιν δὲ δὴ τῶν οἰκείων τις ὁ τεθνεὼς ὑπὸ τοῦ
4B5 σοῦ πατρός; ἢ δῆλα δὴ;¹⁵¹ οὐ γὰρ ἂν που ὑπὲρ γε ἄλλο-
τρίου ἐπεξήσισθα¹⁵² φόνου αὐτῶ.
ΕΥΘ. Γελοῖον, ὦ Σώκρατες, ὅτι οἶει τι διαφέρειν εἶτε
ἀλλότριος εἶτε οἰκείος ὁ τεθνεὼς, ἀλλ' οὐ τοῦτο μόνον δεῖν
φυλάττειν, εἶτε ἐν δίκη ἔκτεινεν ὁ κτείνας εἶτε μὴ, καὶ εἰ
4B10 μὲν ἐν δίκη, εἴαν, εἰ δὲ μὴ, ἐπεξίεναι, ἐάνπερ ὁ κτείνας συν-
4C1 ἔστιός σοι καὶ ὁμοτράπεζος ἦ· ἴσον γὰρ τὸ μίasma γίγνεται
ἐάν συνῆς τῷ τοιούτῳ συνειδῶς καὶ μὴ ἀφοσιῶς σεαυτὸν τε
καὶ ἐκείνον τῇ δίκη ἐπεξίων. ἐπεὶ ὁ γε ἀποθανὼν πελάτης
τις ἦν ἐμός, καὶ ὡς ἐγεωργοῦμεν ἐν τῇ Νάξῳ, ἐθήτευεν
4C5 ἐκεῖ παρ' ἡμῖν. παροινήσας οὖν καὶ ὀργισθεὶς τῶν οἰκετῶν
τινι τῶν ἡμετέρων ἀποσφάττει αὐτόν. ὁ οὖν πατήρ συνδή-
σας τοὺς πόδας καὶ τὰς χεῖρας αὐτοῦ, καταβαλὼν εἰς τάφρον
τινά, πέμπει δεῦρο ἄνδρα πεισομένον τοῦ ἐξηγητοῦ ὅτι χρῆ¹⁵³
4D1 ποιεῖν. ἐν δὴ τούτῳ τῷ χρόνῳ τοῦ δεδεμένου ὠλιγώρει τε
καὶ ἡμέλει ὡς ἀνδροφόνου καὶ οὐδὲν ὄν πρᾶγμα εἰ καὶ ἀπο-
θάνοι, ὅπερ οὖν καὶ ἔπαθεν ὑπὸ γὰρ λιμοῦ καὶ ρίγους καὶ
τῶν δεσμῶν ἀποθνήσκει πρὶν τὸν ἄγγελον παρὰ τοῦ ἐξηγη-
4D5 τοῦ ἀφικέσθαι. ταῦτα δὲ οὖν καὶ ἀγανακτεῖ ὁ τε πατήρ καὶ
οἱ ἄλλοι οἰκεῖοι, ὅτι ἐγὼ ὑπὲρ τοῦ ἀνδροφόνου τῷ πατρὶ

you are doing (αὐτὸ πράξει) is very unusual and the mark of an extraordinary man.' Euthyphro, of course, is quick to agree (4B3).

¹⁵¹ἢ δῆλα δὴ: is so punctuated by Schanz (1887, *Platonis Euth.*), Adam, Heidel ([1902] 42 *ad loc.*; 97 *fin.*), Burnet, and Nicoll. The phrase is punctuated with a colon (ἢ δῆλα δὴ) by Stallbaum, in Schanz' earlier text (1875), and by Wohlrab-Hermann. See n.205 *infra*.

¹⁵²ἐπεξήσισθα, printed without comment by Burnet, is not given (it seems) by any of the mss; see Schanz (1875) and (1887, *Platonis Euth.*) *app. crit. ad loc.*; Stallbaum, *Platonis Quae Supersunt Opera. Textum ad Fidem Codicum Florent. Pariss. Vindobb. Aliorumque. Tom. IX. Varias Lectiones in Euthyphronem, Apologiam Socratis... Continens* (Lipsiae, 1824), 5f.; also R. Kühner and F. Blass, *Ausführliche Grammatik der griechischen Sprache. Erster Teil: Elementar- und Formenlehre*, 3 Aufl. (Hannover and Leipzig, 1890), §292, Ann. 3. On the placement of γε (after ὑπὲρ), Burnet (with most editors) correctly follows T (against both B [πού γε ὑπὲρ; cp. Stallbaum {1823}: "contra communem loquendi consuetudinem"] and W [ποτέ ὑπὲρ ἄλλοτρίου γε]); see H. Hofer, *De Particulis Platonis Capita Selecta* (Bonn, 1882), 22f.; also n.207 *infra*.

¹⁵³χρῆ B²TW; cp. 9A6: χρῆν D fortasse B (see Schanz [1875], *ad loc.*) Suidas s.v. χρῆ. While the optative is widely preferred by modern editors (Schanz, Heidel, Burnet, Nicoll, etc., following Bekker) as the *lectio difficilior*, 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).

φόνου ἐπεξέρχομαι οὔτε ἀποκτείναντι, ὡς φασιν ἐκεῖνοι, οὔτ' εἶ ὅτι μάλιστα ἀπέκτεινεν, ἀνδροφόνου γε ὄντος τοῦ ἀποθανόντος, οὐ δεῖν φροντίζειν ὑπὲρ τοῦ τοιούτου — ἀνόσιον γὰρ εἶναι τὸ ὑὸν πατρὶ φόνου ἐπεξιέναι — κακῶς εἰδότες, 4E1 ὦ Σώκρατες, τὸ θεῖον ὡς ἔχει τοῦ ὀσίου τε πέρι καὶ τοῦ ἀνοσίου.

ΣΩ. Σὺ δὲ δὴ πρὸς Διὸς, ὦ Εὐθύφρων, οὕτως ἀκριβῶς 4E5 οἶε ἐπίστασθαι περὶ τῶν θεῶν ὅπῃ ἔχει, καὶ τῶν ὀσίων τε καὶ ἀνοσίων, ὥστε τούτων οὕτω πραχθέντων ὡς σὺ λέγεις, οὐ φοβῆ δικαζόμενος τῷ πατρὶ ὅπως μὴ αὐτὸν ἀνόσιον πράγμα τυγχάνῃς πράττων;

ΕΥΘ. Οὐδὲν γὰρ ἂν μου ὄφελος εἴη, ὦ Σώκρατες, οὐδέ 5A1 τῷ ἂν διαφέροι Εὐθύφρων τῶν πολλῶν ἀνθρώπων, εἰ μὴ τὰ τοιαῦτα πάντα ἀκριβῶς εἰδείην.

ΣΩ. Ἄρ' οὖν μοι, ὦ θαυμάσιε Εὐθύφρων, κράτιστόν ἐστι 5A5 μαθητὴ σὴ γενέσθαι, καὶ πρὸ τῆς γραφῆς τῆς πρὸς Μέλητον αὐτὰ ταῦτα προκαλεῖσθαι αὐτόν, λέγοντα ὅτι ἐγώ γε καὶ ἐν τῷ ἔμπροσθεν χρόνῳ τὰ θεῖα περὶ πολλοῦ ἐποιούμην εἰδέναι, καὶ νῦν ἐπειδὴ με ἐκεῖνος αὐτοσχεδιάζοντά φησι καὶ καινοτομοῦντα περὶ τῶν θεῶν ἐξαμαρτάνειν, μαθητῆς δὴ γέγονα σός — “καὶ εἰ μὲν, ὦ Μέλητε,” φαῖν ἂν, “Εὐθύφρονα ὁμολογεῖς 5B1 σοφὸν εἶναι τὰ τοιαῦτα, [καὶ] ὀρθῶς νομίζειν καὶ ἐμὲ ἡγοῦ καὶ μὴ δικάζου· εἰ δὲ μή, ἐκεῖνῳ τῷ διδασκάλῳ λάχε δίκη πρῶτον ἢ ἐμοί, ὡς τοὺς πρεσβυτέρους διαφθείροντι ἐμὲ τε καὶ τὸν αὐτοῦ πατέρα, ἐμὲ μὲν διδάσκοντι, ἐκεῖνον δὲ νοουθετοῦντί τε καὶ κολάζοντι” — καὶ ἂν μὴ μοι πειθῆται μηδὲ ἀφίη 5B5 τῆς δίκης ἢ ἀντ' ἐμοῦ γράφηται σέ, αὐτὰ ταῦτα λέγειν ἐν τῷ δικαστηρίῳ ἢ προκαλούμην αὐτόν;

ΕΥΘ. Ναὶ μὰ Δία, ὦ Σώκρατες, εἰ ἄρα ἐμὲ ἐπιχειρήσειε 5C1 γράφεσθαι, εὐροίμ' ἂν, ὡς οἶμαι, ὅπῃ σαθρός ἐστιν, καὶ πολλὸν ἂν ἡμῖν πρότερον περὶ ἐκείνου λόγος ἐγένετο ἐν τῷ δικαστηρίῳ ἢ περὶ ἐμοῦ.

ΣΩ. Καὶ ἐγὼ τοι, ὦ φίλε ἑταῖρε, ταῦτα γινώσκων 5C5 μαθητῆς ἐπιθυμῶ γενέσθαι σός, εἰδὼς ὅτι καὶ ἄλλος πού τις καὶ ὁ Μέλητος οὗτος σέ μὲν οὐδὲ δοκεῖ ὄραν, ἐμὲ δὲ οὕτως ὀξέως [ἀτεχνῶς] καὶ ῥαδίως κατεῖδεν ὥστε ἀσεβείας ἔγραψατο, νῦν οὖν πρὸς Διὸς λέγε μοι ὁ νυνδὴ σαφῶς εἰδέναι δισχυρίζου, ποῖόν τι τὸ εὐσεβές φῆς εἶναι καὶ τὸ ἀσεβές 5D1 καὶ περὶ φόνου καὶ περὶ τῶν ἄλλων; ἢ οὐ ταυτόν ἐστιν ἐν

πάσῃ πράξει τὸ ὄσιον αὐτὸ αὐτῷ, καὶ τὸ ἀνόσιον αὐτὸ τοῦ μὲν ὀσίου παντὸς ἐναντίον, αὐτὸ δὲ αὐτῷ ὁμοῖον καὶ ἔχον μίαν 5D5 τινὰ ἰδέαν κατὰ τὴν ἀνοσιότητα πᾶν ὅτιπερ ἂν μέλλῃ ἀνόσιον εἶναι;

ΕΥΘ. Πάντως δήπου, ὦ Σώκρατες.

ΣΩ. Λέγε δὴ, τί φῆς εἶναι τὸ ὄσιον καὶ τί τὸ ἀνόσιον;

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,¹⁵⁴ 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 4B4-6 has often been taken as a definitive proof that the law was indeed restrictive, it is certainly true that the impf. ἐπεξήσθηα (4B6; 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), translatable as “would not” rather than as “could not”; so, e.g., Panagiotou, 436; also Gagarin (1979), 306n.17; Kidd, 216. But the clause is *not* given in isolation; see pp.77-80 infra. (2) 4D9 οὐ δεῖν φροντίζειν ὑπὲρ τοῦ τοιούτου might be taken to refer to the victim's status as ἀλλότριος (cp. 4B5f. ὑπὲρ γε ἀλλοτρίου; also 15D5f. ὑπὲρ ἀνδρὸς θητὸς... δικωκάθειν; on θῆς [= πελάτης 4C3] as unequivocally ἀλλότριος, see [pace Kidd] pp.88-91 infra); but in the present context (4D5ff.), it must be taken instead to refer primarily to the victim as (allegedly; cp. Bonner-Smith, 1:119n.4, with n.176 infra) ἀνδροφόνος (cp. 4D5-9 ταῦτα δὴ οὖν...ἀγανακτεῖ...ὅτι ἐγὼ ὑπὲρ τοῦ ἀνδροφόνου... φόνου ἐπεξέρχομαι...οὔτ' εἰ...ἀπέκτεινεν, ἀνδροφόνου γε ὄντος τοῦ ἀποθανόντος, οὐ δεῖν φροντίζειν ὑπὲρ τοῦ τοιούτου κτλ.). On the other hand, this apparent ambiguity of ὑπὲρ τοῦ τοιούτου may well be deliberate; cp. 9A6f. καὶ ὑπὲρ τοῦ τοιούτου δὴ ὀρθῶς ἔχει ἐπεξιέναι, with 9A3f. ὅς ἂν θητεῶν ἀνδροφόνος γενόμενος.... (3) The arguments ‘from silence’ — i.e., the family's silence (at 4D5-E1) concerning the procedural point at issue, and Socrates' alleged “acceptance” (at 4E4-8) 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-E1 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.¹⁵⁵ 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.¹⁵⁶ Let us turn first to these preliminaries.

* * * *

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 δικην αὐτῆ καλοῦσιν.

¹⁵⁶The *Euthyphro* has not received adequate treatment especially in this last regard. Gagarin (1979), 305f. (cp. 313), concedes 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.

The dramatic date of the dialogue is set in the year 400/399 B.C., shortly before Socrates' own trial and execution.¹⁵⁷ The scene is placed at, or in front of the *Stoa Basileios* (2A1-3), very near to the spot where Drakon's homicide code was itself erected (cp. IG i³ 104.7-8).¹⁵⁸

¹⁵⁷See E. Zeller, *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 (*Phd.* 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 Thargelion or, more likely, Anthesterion), but with an annual *θεωρία*, whose date is also unknown. On the problems concerning these Delian festivals, see Nilsson, *Griechische Feste* (Leipzig, 1906), 144ff.; W. A. Laidlaw, *A History of Delos* (Oxford, 1933), 45ff., 55n.25; P. Bruneau, *Recherches sur les cultes de Délos à l'époque hellénistique et à l'époque impériale* (Paris, 1970), 81ff., 93ff.; idem, "Deliaca (IX)," *BCH* 115, 1991, 377-79; also Rhodes, 606f., 626.

¹⁵⁸The *στοὰ βασιλείου*, 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 northernmost 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* 100, 1985, 200-26; Robertson, 64n.74; H. Hansen, *Aspects of the Athenian Law Code of 410/09-400/399 B.C.* (New York and London, 1990), xiiff. For the literary evidence, see Wycherly, *The Athenian Agora, III. Literary and Epigraphical Testimonia* (Princeton, 1957), 21-25. On the erection of Drakon's code *ἐν τῇ στοᾷ τῆ βασιλείου*, see p.24n.e supra. The stele 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.e supra). Yet this point is ignored by R. Klonoski, "The Portico of the Archon 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. Klonoski (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 Klonoski (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 some type of 'Orphic' sectarian (see n.221 infra). It is instructive to note, moreover, that the foundations of this "threefold" interpretation (despite Klonoski'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), 13ff. ("Propositum in hoc dialogo videtur esse Platoni falsas vulgi non solum, sed sacerdotum etiam, eorumque qui optime versati in rebus divinis putabantur...notiones reprehendere: non substitutis tamen in earum locum...melioribus.... Intelligitur simul hinc, 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

verae profuerint religionis & emendandis absonis rudium hominum de rebus divinis notionibus" [italics mine]. In Platonic studies, at least, little is completely novel.

¹⁵⁹ Apart from our dialogue, the same (see Fritzsche, 153f.; Burnet [1924] ad 2a1 ΕΥΘΥΦΡΩΝ init.; also T. Baxter, *The "Cratylus": Plato's Critique of Naming* [Leiden, 1992], 108 [who, however, overstates 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 παρ' Ομήρου; O. Apelt, *Platons Dialog Kratylus* (Leipzig, 1922), 12f., 140f.nn.46, 59; L. Méridier, *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 2A5) that our dialogue also shows some evidence of Euthyphro's interest in etymology, see my "Prologue" *ad loc.* (forthcoming).

¹⁶⁰ Euthyphro never explicitly claims this title of μάντις for himself; but cp. 3E2-3 τούτ' ἤδη ὅπη ἀποβήσεται ἀδηλον πλὴν ὑμῖν τοῖς μάντεσιν, with C1ff. προλέγων αὐτοῖς τὰ μέλλοντα κτλ. To prophesy the future was the chief characteristic of *mantike*; see Cic. *De Div.* 1.1 divinationem quam Graeci μαντικήν appellat, id est praesensionem et scientiam rerum futurarum, with A. S. Pease, *M. Tulli Ciceronis De Divinatione* (Urbana, 1920-23; rpt. New York, 1979), 204f., 596 ad 205a, l. 16; also Pl. *Lach.* 195E-196A; *Charm.* 173C-174A; *Phdr.* 244BC; *Thi.* 179A, etc. (see, for additional bibliography, D. Obbink, "'What All Men Believe — Must Be True': Common Conceptions and *Consensus Omnium* in Aristotle and Hellenistic Philosophy," in *Oxford Studies in Ancient Philosophy*, vol. X, ed. J. Annas [Oxford, 1992], 211ff., esp. 213n.67). For *mantike* generally, see Th. Hopfner, "Mantike," *RE* 14.1, 1928, 1258-88; Nilsson, *Geschichte der griechischen Religion* (München, 1961-67), 1:164-74, 2:229f.

¹⁶¹ The importance of these official *manteis* was not restricted to military matters, as is sometimes thought; see L. Ziehen, "Mantis," *RE* 14.2, 1930, 1345-55; Jacoby (1949), 32, 47f., 257ff.n.119; FGh IIIb, Suppl. I, 256-60; Suppl. II, 181-86; P. Kett, *Prosopographie der historischen griechischen Manteis bis auf die Zeit Alexanders des Grossen* (Diss. Nürnberg, 1966), *passim*. It is surprising that R. Garland, *Introducing New Gods: The Politics of Athenian Religion* (Ithaca, 1992), 146f., should continue (cp. Jacoby [1949], 47; FGh IIIb, Suppl. I, 256, ll. 21-23, with Suppl. II, 181n.3) to speak of the mantic Euthyphro as an exegete (on which office, see p.23n.a supra). On the other hand, Oliver's (1952) identification of mantics and chresmologues (uncritically adopted by Klonoski, "Exegetes and Seers in Plato's *Euthyphro*," *Classical Outlook* 64.1, Oct.-Nov. 1986, 7f.), is also untenable; see FGh IIIb, Suppl. II, 536; also A. W. Argyle, "Χρησολόγοι and Μάντις," *CR*, n.s., 20, 1970, 139. It is precisely a failure to realize that Euthyphro is no kind of official religious figure (and see next note) that so thoroughly misleads F. Rosen, "Piety and Justice: Plato's *Euthyphro*," *Philosophy* 43, 1968, 106f.; see, further, H. Bloch (1957), 41.

¹⁶² See 3B9-C2 και ἐμοῦ γάρ τοι, ὅταν τι λέγω ἐν τῇ ἐκκλησίᾳ περὶ τῶν θεῶν, προλέγων αὐτοῖς τὰ μέλλοντα, καταγελάσωιν ὡς μαινόμενον. While mantics

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 *Ekklesia* (FGh IIIb, Suppl. II, 185n.33), Euthyphro is mocked (καταγελάω; cp. *Symp.* 189B6-7, with n.214 infra) in the Assembly because its members consider his claims to be unfounded; cp. *Prot.* 319BC, esp. C1-6 ἐὰν δέ τις ἄλλος ἐπιχειρῇ αὐτοῖς συμβουλεύειν ὃν ἐκεῖνοι μὴ οἴονται δημιουργὸν εἶναι, κὰν πάνυ καλὸς ἦ καὶ πλούσιος καὶ τῶν γενναίων...ἀλλὰ καταγελάσωι καὶ θορυβοῦσιν; also 322E-323B, esp. A7ff. ἐν γὰρ ταῖς ἄλλαις ἀρεταῖς...ἐὰν τις φῆ ἀγαθὸς ἀλύπτῆς εἶναι, ἢ ἄλλην ἦντιον ἔχουσαν ἢν μὴ ἐστίν [sc. ἀγαθός], ἢ καταγελάσωιν ἢ χαλεπαίνουσιν, καὶ οἱ οἰκεῖοι προσιόντες νοθετοῦσιν ὡς μαινόμενον; cp. M. Mader, *Das Problem des Lachens und der Komödie bei Platon* (Stuttgart, 1977), 30 and 100n.150; also, on laughter in the *Ekklesia*, Aesch. 1.79-85; on ὡς μαινόμενον, see (*contra* Adam ad 3C.18) my "Prologue" *ad loc.* Clearly, the point of 3B9-C2 is that the Athenians consider Euthyphro, whose conceit apparently knows no bounds (see esp. 3C2f. καίτοι οὐδὲν ὅτι οὐκ ἀληθὲς εἶρηκα ὧν προεῖπον; also 4B3, E1-3, E9-5A2, etc.), to be some type of charlatan — and not without cause (n.b. Euthyphro's faulty prophecy at 3E4-6; also C4-5). For this common *topos* of the mantic-charlatan, see *Il.* 24.220-22; *Ar. Pax* 1026-1126; *Av.* 960-91; *Pl. Rep.* 363A-366B (with I. Linforth, *The Arts of Orpheus* [Berkeley and Los Angeles, 1941], 75-97); *Laws* 908D, 909BC (cp. O. Reverdin, *La Religion de la cité platonicienne* [Paris, 1945], 225ff.; also P. Louis, *Les Métaphores de Platon* [Paris, 1945], 73f.); P. Derv., col. XVII [West]; *Diog. Laert.* 6.24 (cp. *Diog. Sinop., Epist.* 38 [Hercher]), etc.; also, albeit with many variations, R. Staehlin, *Das Motiv der Mantik im antiken Drama*, RGVV 12.1 (Giessen, 1912); B. Jordan, "Religion in Thucydides," *TAPA* 116, 1986, 134ff.; N. D. Smith, "Diviners and Divination in Aristophanic Comedy," *Classical Antiquity* 8, 1989, 140-58; H. S. Versnel, *Inconsistencies in Greek and Roman Religion I. Ter Unus. Isis, Dionysos, Hermes: Three Studies in Henotheism* (Leiden, 1990), 110n.58, 116-18; Lateiner, "The Perception of Deception and Gullibility in Specialists of the Supernatural (Primarily) in Athenian Literature," in Rosen-Farrell, ed., 179-95. This whole topic is in need of sober re-examination. Nilsson's famous claim (*Greek Folk Religion* [Philadelphia, 1940], 132ff.; [1961-67], 1:767f.; cp. Stallbaum [1823], XVIII), often repeated (e.g., G. Marasco, "I Processi d'empietà nella democrazia ateniese," *Atene e Roma* 21, 1976, 116-19; also Jacoby [1949], 48, 258f.), that the mantics were responsible for stirring up the impiety trials of the Fifth Century B.C., is without foundation, and ought to be rejected; see E.R. Dodds, *The Greeks and the Irrational* (Berkeley, Los Angeles and London, 1951), 190.

¹⁶³ See Dodds, *Plato, Gorgias. A Revised Text with Introduction and Commentary* (Oxford, 1959), 12n.5; also n.166 infra.

¹⁶⁴ A wide array of options has been proposed. Joël, of course, thought Euthyphro a stand-in for Antisthenes; see K. Joël, *Der echte und der xenophontische Sokrates* (Berlin, 1893-1901), 2:507-13, Anm.1; also E. Höttermann, "Platons Polemik im *Euthyphron* und *Kratylos*," *Sokrates: Zeitschrift für das Gymnasialwesen* 64, 1910, 68f.; A.-H. Chroust, *Socrates, Man and Myth: The Two Socratic Apologies of Xenophon* (Notre Dame, 1957), 129. M. Warburg, *Zwei Fragen zum "Kratylos"* (Berlin, 1929), 3-31, esp. 15ff., thought that Euthyphro (at least in the *Cratylus*) was really a 'mask' for

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,¹⁶⁵ few 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,¹⁶⁶ and the senti-

Herakleides Ponticus (cp. D. L. 5.86, with F. Wehrli, *Die Schule des Aristoteles*. Heft 7. Herakleides Pontikos. 2 Aufl. [Basel, 1969], 59; on Warburg's general thesis, see J. V. Luce, "The Date of the *Cratylus*," *AJP* 85, 1964, 136f.; also Méridier, 41). Gigon, "Platons *Euthyphron*," in *Westöstliche Abhandlungen, R. Tschudi zum 70. Geburtstag*, ed. F. Meier (Wiesbaden, 1954), 8n.2 (= idem, *Studien zur antiken Philosophie* [Berlin and New York, 1972], 191n.2) hinted at a connection with the *Telauges* of Aischines, while K. Reich, *Platon, Euthyphron* (Hamburg, 1968), xviii, offered the amazing suggestion, *sine ratione*, that our Euthyphro was perhaps 'Aristoteles Mythos' (D. L. 2.63, 5.35; cp. H. Dittmar, *Aischines von Sphettos* [Berlin, 1912], 254, Zeug. ad 41 γνῶριμος). Meanwhile, Th. Bergk, *Commentationum de Reliquiis Comoediae Atticae Antiquae Libri Duo* (Lipsiae, 1838), 357f., 360, made the oft-repeated claim (see Fritzsche, 154f.) that Euthyphro himself appeared in the Προσπάλτιοι of Eupolis; others (notably C. H. Kahn, "Language and Ontology in the *Cratylus*," in *Exegesis and Argument: Studies in Greek Philosophy Presented to Gregory Vlastos*, edd. E. N. Lee, A. P. D. Mourelatos, and R. M. Rorty [Assen, 1973], 156n.6; cp. Baxter, 132f.) have actually claimed that Euthyphro was the author of the *Derveni* commentary. Wilamowitz, *Platon: sein Leben und Seine Werke* (Berlin, 1919), 2:76f., for his part, asserted (though he did not bother to demonstrate) that the *Euthyphro* and the *Cratylus* both presupposed a written work, now lost, on the subject of religious allegory; cp. n.217 infra; also P. Roth, "Teiresias as *Mantis* and Intellectual in Euripides' *Bacchae*," *TAPA* 114, 1984, 65n.28. In all these instances, however, there is not one shred of evidence, ὄντα ἀνεξέλεγκτα. It is hoped that such vagaries are nowadays out of favor.

¹⁶⁵See Fr. Schleiermacher, *Platons Werke* (Berlin, 1804-10), 1.2:56 "Ziemlich deutlich trägt der Rechtsstreit des Euthyphron gegen seinen Vater das Gepräge einer wahren Begebenheit, wäre sie auch von andern Zeiten oder Personen übertragen" (italics mine). Cp. P. Shorey, *What Plato Said* (Chicago, 1933), 457 ad 4BC "The suit, if real," For Schleiermacher's judgment on the dialogue generally, see *ibid.*, 53 "mit dem Laches und Charmides verglichen erscheint er dennoch als eine sehr untergeordnete Arbeit...."

¹⁶⁶See Fritzsche, 155n.3; Schanz (1887, *Samml.*), 10, with n.1; Burnet (1924), 84 init.; more expansively, Kidd, 214f. From the fact that philosophy in Plato's dialogues has a practical component (as Kidd correctly states; see p.96 infra), it hardly follows that the dramatic situations that provoke these dialectical discussions must have occurred in actuality; it is sufficient that the arguments derive from a situation that is 'possible' (Kidd's own word) or simply plausible. (Admittedly, the situation ought to be plausible. But the fact that Euthyphro's case itself may be incredible [see next note] does not make it incredible that a man such as Euthyphro would lodge an incredible case — which, after all, is the only plausibility that is here required.) Consequently, to infer (with Kidd; cp. Panagiotou, 419f., with n.156 supra) from the practical aspect of Plato's philosophy

ment occasionally stated, more often implied, that the case is too good *not* to be true.¹⁶⁷ 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 (ὡς ἐγεωργοῦμεν ἐν τῇ Νάξῳ), that Euthyphro and his father were cleruchs on the island of Naxos when the events occurred.¹⁶⁸ This, however, creates a problem in chronology. Since the Athenians lost their cleruchies 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 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 'faction'. Finally, cp. n.163 supra.

¹⁶⁷E.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 circumstances surrounding the case are extraordinary, both legally (see text infra) and also morally (pp.94-95 infra), is indisputable, and is noted not only by Socrates (4A11-B2), but by Euthyphro himself (4A1; cp. B3, and E9-5A2). 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.

¹⁶⁸On the complex problem of the Athenian cleruchies, see Busolt-Swoboda, 1271-80; A. W. Gomme, A. Andrewes, and K. J. Dover, *A Historical Commentary on Thucydides* (Oxford, 1945-81), 1:344ff., 373-80; 2:326-32; W. Schuller, *Die Herrschaft der Athener im ersten attischen Seebund* (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 Aigina in the Age of Imperial Colonization* (Baltimore and London, 1991), 40-73, *et passim*. For Naxos, and οἱ Νάξιων ἐρωγράφοι (cp. Jacoby [1949], 289n.110), see, additionally, R. Herbst, "Naxos," *RE* 16.2, 1935, 2079-95; also FGh III B, nrr. 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], 43f.). The more probable scenario, however, is that cleruchs did, in fact, hold and settle their lots (see Graham, 180ff., esp. 181n.2, with xxxii, nr. 51; also R. Meiggs, *The Athenian Empire* [Oxford, 1972], 261f.). It is certainly possible that some of the cleruchies 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 Clérouques 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 ἐγεωργοῦμεν (sc. Euthyphro and his father); also Busolt-Swoboda, 1273n.2. On the πελάγης 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 anachronisms that appear with some frequency in the Platonic dialogues.¹⁶⁹ If the presence of an anachronism 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

¹⁶⁹Anachronism is accepted, *inter alios*, by Schleiermacher, 55f. (see n.165 supra); Schanz (1887, *Samml.*), 10f.; Fritzsche ad 4C4 ἐγεωργοῦμεν; Heidel (1902), 21; P. Friedländer, *Plato*, tr. H. Meyerhoff (Princeton, 1958-69), 2:83; Gigon, 21f. (= *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 (ἐκβάντες ἐκ πασῶν τῶν πόλεων τὰν αὐτῶν γὰρ ἔχοντες Plut. *Lys.* 14.4), see H. Bengtson, *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 4c.31 ἐγεωργοῦμεν fin) 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 Panagiotou, 424f.; Fritzsche, 152n.18 (ἐγεωργοῦμεν ad tempus praeteritum respicit); cp. Kidd, 215. For another returning cleruch, Eutherus (Xen. *Mem.* 2.8.1), see Gauthier, "A propos des cléroutiques athéniennes du Ve siècle," in *Problèmes de la terre en Grèce ancienne*, ed. M. I. Finley (Paris, 1973), 167f.

¹⁷⁰See Burnet (1924) ad 4C4 (105f.); Bonner-Smith, 1:332f., 366f.; MacDowell, "The Chronology of Athenian Speeches and Legal Innovations in 401-398 B.C.," *RIDA*, 3^e ser., 18, 1971, 267-73; also Kidd, 215; cp. Dem. 45.4, 39.17. T. C. Loening, *The Reconciliation Agreement of 403/02 B.C. in Athens* (Stuttgart, 1987), 120f., is skeptical, but (as Robertson, 61n.63, observes) without offering any substantial proof. Ar. *Ἀθ. Πολ.* 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.

¹⁷¹At 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.

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 *anakrasis*, but which, in the case of homicide, were called *prodikasiai*.¹⁷⁴ Unfortunately, we do not know whether

¹⁷²The 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 argumentation.

¹⁷³4D7ff. οὐτε ἀποκτείναντι...οὐτ' εἶ ὅτι μάλιστα ἀπέκτεινεν, ἀνδροφόνου γε ὄντος κτλ., whether it represents the family's legal defense or, more probably, an informal response (see n.244 infra; also Panagiotou, 422f.), does not imply a dispute over the actual events that occurred. οὐτε ἀποκτείναντι [sc. τῶ πατρὶ], which appears to be a claim of innocence (cp. Ant. 6.16 διωμόσαντο δὲ οὔτοι μὲν ἀποκτεῖναι με Διόδοτον βουλευσάντα τὸν θάνατον. ἐγὼ δὲ μὴ ἀποκτεῖναι, μήτε χειρὶ ἐργασάμενος [Andoc. 1.94; *pace* Thür (1990), 152; (1991), 57], μήτε βουλεύσασ), amounts only to a denial of responsibility (so Panagiotou, 423), and even here the father does not deny that the events were precisely as Euthyphro has stated them. As to εἶ ὅτι μάλιστα (cp. 9C2f.), often used in a *fortiori* arguments (= "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, 1994, 279n.7; also Schanz (1887, *Sammlung*); E. S. Thompson, *The Meno of Plato* (London, 1901), 117 ad 80D; Heidel (1902) *ad loc.*

¹⁷⁴But cp. n.175 infra. Unlike the *anakrasis*, which was a single event, the *prodikasiai* 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, 2:86f. On the difficult question of pre-trial hearings generally, see Lipsius, 829-44; Bonner-Smith, 1:283-93; Harrison, 2:94-105. On the παραγραφή, in which a defendant presumably had the right to lodge a purely procedural challenge μὴ εἰσαγωγίμων εἶναι τὴν δίκην, 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. Isager and M. H. Hansen, *Aspects of Athenian Society in the Fourth Century B.C.*, tr. J.H. Rosenmeier (Odense, 1975), 123ff.; Ph. Katzourous, "Origine et effets de la ΠΑΡΑΓΡΑΦΗ attique," in Thür (1989), 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.¹⁷⁵ It is also widely believed that the charge, had it gone to court, would have been one of φόνος ἀκούσιος.¹⁷⁶ and would therefore be

¹⁷⁵The present δοκῶ (4A1) does not in any way prove (*pace* Kidd, 215) that Euthyphro has already initiated his proceedings, and is therefore attending the *second or third* of these προδικασίαι; cp. the equally innocuous presents of 3E7-8 and 2A1-4. In fact, prior to the *anakrisis*, both parties, it seems, will (as a rule) have appeared before the relevant magistrate in response to an initial πρόσκλησις ('summons'; cp. Lipsius, 804ff.) — or, in the case of homicide, in response to the familial *prorrhesis* (see pp.38ff. supra) — whereupon the charge would be formally registered (δίκην λαγχάνειν [n.103 supra], ἀπογράφεισθαι [n.92]; see Lipsius, 815ff.), publication on plaques or on whitened boards (σανίδες, λευκώματα; see A. Wilhelm, *Beiträge zur griechischen Inschriftenkunde* [Wien, 1909], 239ff.) before the statues of the Eponymous Heroes (πρόσθεν τῶν ἐπωνύμων; see Thompson-Wycherley, 38ff.) would be ordered (cp. Harrison, 2:91n.1), while a surety (πρυτανεία) would be collected, and a date for the *anakrisis* determined (Dem. 58.8). Not only Euthyphro's case, then, but the case of Socrates too (cp. the informality of 2C4 ὡς φησιν, 3B1 φησὶ, etc., with the presumably written charge of *Apol.* 24B8-C3 [for the form of these written charges, see Lipsius, 821-23; also Harrison, 2:91f.]), may simply be at this initial stage of the proceedings, i.e., prior even to the *anakrisis*.

¹⁷⁶See 4D1ff. ἐν δὲ τούτῳ τῷ χρόνῳ τοῦ δεδεμένου ὀλιγώρει τε καὶ ἡμέλει κτλ. Panagiotou (420ff.), thinking the father's neglect (ἡμέλει) was not benign (cp. 4D2f. ὀλιγώρει τε καὶ ἡμέλει ὡς ἀνδροφόνου καὶ οὐδὲν ὄν πρᾶγμα εἰ καὶ ἀποθάνοι κτλ.), takes these very same lines as proof that the father was guilty of a more serious crime, such as "negligence with the intent to harm and/or kill" (421), which may then have qualified (cp. Loomis, 93f.; also Gagarin [1981], 34) as an instance of φόνος ἐκούσιος. The emphasis chosen by Panagiotou is certainly open to question (see n.244 infra). Moreover, his use of Dem. 23.28 (cp. n.18 supra) to show that the accused is to be arrested, or killed on the spot, but not maltreated (cp. Dem. 23.37 and n.104 supra) is also inconclusive. Dem. 23.28 refers solely to *apagoge* (which *could* be relevant to the present instance; so, at least, Panagiotou, 421), and specifically to actions occurring on Attic soil in violation of the terms of exile (Gagarin [1979], 316). But the events in question took place on Naxos, far from the confines of Attica, and the laborer (though loosely termed ἀνδροφόνος [4D2, 6, 8]) clearly is not a convict (see Stroud, 53) in exile. The placement of the events on Naxos also raises a question of a decidedly practical nature. If the deaths had occurred in Athens, then the place of confinement *may* have been the Prytaneion (cp. Suidas, s.v. προδικασία; but see MacDowell [1963], 36f.; also Lipsius, 840n.39; and, for the source[s] of this type of notice [Telephos of Pergamon?; cp. C. Wendel, "Telephos {2}", *RE* VA, 1934, 369-71], see FGh IIIb, Suppl. I, 114.4-10). Yet in the present circumstance (custodial imprisonment was, of course, not the norm; Dem. 24.63 refers only to *eisangelia*), it is not clear what type of official confinement Panagiotou would have preferred to see. At any rate, questions regarding the scope and nature of the various types of homicide (intentional, unintentional, etc.) are fraught with difficulty (cp., e.g., Lipsius, 603ff.; MacDowell, 45f., 59f.; Loomis; Gagarin [1981], 3f., 31-37; Wallace [1985], 98ff.; also n.219 infra); it is not even clear whether the charge was determined by the prosecution (e.g., Rhodes, 642) or (more plausibly) by the *Basileus* (Latte [1933], 282 [= *Kl. Schr.*, 384]; Stroud, 42f.; Heitsch [1989], 73ff.; cp. Loomis, 87n.11). Burnet (1924), for his part, sensibly used 9B6 τῶν δικαστῶν (see ad 4B4) to prove that the case would *not* be tried at the Areopagos, and

tried at the Palladion,¹⁷⁷ though admittedly this issue cannot be solved with complete certainty.¹⁷⁸ Nor, finally, can there be much doubt as to the father's *legal* culpability.¹⁷⁹ The suggestion that the laborer's death might have been ἐν δίκῃ is tacitly rejected by all of the participants involved;¹⁸⁰ the father's denial of responsibility (οὔτε ἀποκτείναντι κτλ.) is not entirely persuasive, nor is it maintained with complete consistency;¹⁸¹ Gigon's view¹⁸² 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.¹⁸³ 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.¹⁸⁴

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 προνοίας" (cp. Wallace, 101, 104; also [1991], 78n.15); contrast Carawan (1991), 7f.

¹⁷⁷Cp. p.24n.d supra.

¹⁷⁸See 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 δίκῃ (4B8ff.).

¹⁷⁹So, 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).

¹⁸⁰See p.90, with n.244, infra.

¹⁸¹Cp. 4D8f. οὐτ' εἰ ὅτι μάλιστα ἀπέκτεινεν, ἀνδροφόνου γε ὄντος κτλ., with nn.173 supra and 244 infra.

¹⁸²Gigon, 21f. (= *Studien*, 206f.).

¹⁸³See p.23n.a supra.

¹⁸⁴See n.37 supra; also (in a similar vein) FGh IIIb, Suppl. II, 44n.12 init. Adam (53) ad 4E.54 ὅπως μὴ αὐτὸς σὺ cites *Laws* 865C2-5 (though D1-3 might have been more relevant; cp. 4C4 ἐμός, 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 (πελάτης; 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,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.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.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*.¹⁸⁸ The fact remains, then, that we do not know precisely what type of procedural response a case of this sort would have encountered. Others¹⁸⁹ have sought for clues as to the outcome of Euthyphro's case in a passage of Diogenes Laertius (2.29): 'ικανός δ' ἀμφοτέρα ἦν [sc. ὁ Σωκράτης], καὶ προτρέψαι καὶ ἀποτρέψαι. ὥσπερ τὸν Θεαίτητον περὶ ἐπιστήμης διαλεχθεὶς ἔυθεον ἀπέπεμψε...Εὐθύφρονα δὲ τῷ πατρὶ γραψάμενον

¹⁸⁵See p.64 supra.

¹⁸⁶See Bonner-Smith, 1:289, 2:75n.2; Latte (1931), 41n.19 (= *Kl. Schr.*, 261n.19); Harrison, 2:90f.; 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.

¹⁸⁷The *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.

¹⁸⁸See Ant. 6.43 καὶ ὅτι οὐκ ἠδίκηκε αὐτοὺς, μέγιστον σημεῖον· Φιλοκράτης γὰρ οὐτοσί ἐτέρους τῶν ὑπευθύνων ἔσειε καὶ ἐσυκοφάντει, τούτου δὲ τοῦ βασιλέως, ὅν φασὶ δεινὰ καὶ σχέτλια εἰργάσθαι, οὐκ ἦλθε κατηγορήσων εἰς τὰς εὐθύνas. καίτοι τί ἂν ἡμῖν μείζον τούτου τεκμήριον ἀποδείξαιμι, ὅτι οὐκ ἠδίκηίτο οὐθ' ὑπ' ἐμοῦ οὐθ' ὑπ' ἐκείνου; 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 Piérart, "Les *euthynoi* athéniens," *L'Antiquité classique* 40, 1971, 526-73.

¹⁸⁹See, e.g., Wohlrab ad 15E νῦν γὰρ σπεύδω ποι; Fritzsche *ad loc.*; Allen, 21n.1.

ξενοκτονίας¹⁹⁰ δίκην περὶ ὅσου τινὰ διαλεχθεὶς 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 ὅσου...διαλεχθεὶς clearly indicates.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 ΕΥΘ· Εἰς αὐθις τοῖσιν. ὦ Σώκρατες· νῦν γὰρ σπεύδω ποι, καὶ μοι ὦρα ἀπιέναι).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).¹⁹³ Besides, Socrates' call at 15C11ff. to renew their inquiry into the nature of piety ('Ἐξ ἀρχῆς ἄρα ἡμῖν πάλιν σκεπτέον τί ἐστὶ τὸ ὅσιον κτλ.), his expressed disappointment at 15E5ff. on Euthyphro's sudden announcement that he is leaving the *Stoa* (Οἶα ποιεῖς, ὦ ἑταῖρε. ἀπ' ἐλπίδος με καταβαλὼν μεγάλης ἀπέρχη ἦν εἶχον 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*,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 perspicuity, realized that, at the dialogue's opening, Socrates is already waiting about the *Stoa Basileios*, and that it is Euthyphro who comes onto

¹⁹⁰Codd. ξενίας; but see H. S. Long, *Diogenis Laertii Vitae Philosophorum. Recognovit Brevique Adnotatione Critica Instruxit* (Oxford, 1964), app. crit. *ad loc.*; also Fritzsche, 154n.10.

¹⁹¹περὶ ὅσου, of course, is the subtitle given by Hellenistic scholars to the *Euthyphro*. On these secondary titles, see L. Tarán, *Academica: Plato, Philip of Opus, and the Pseudo-Platonic Epinomis* (Philadelphia, 1975), 6n.19; J. Mansfeld, *Prolegomena* [Leiden, 1994], 71-74. The subtitle of the *Theaetetus*, of course, was περὶ ἐπιστήμης.

¹⁹²Cp. the authorities cited in n.189 supra, who note this connection.

¹⁹³Cp. *Prot.* 361E6; *Meno* 100B7 (with Thompson's note *ad loc.*); also Stallbaum (*Plat. Opera Omnia*, vol. 9.2) *ad Phileb.* 62E "Ὅρα δὴ.

¹⁹⁴N.b. 15E4 ποι.

the scene and who 'bumps' into Socrates.¹⁹⁵ Burnet also assumed that Euthyphro must have emerged on the scene from *inside* of the *Stoa Basileios*,¹⁹⁶ having therefore completed his own legal business with the King Archon *before* his encounter with Socrates. In all this, Burnet is probably correct; otherwise, as previously noted, Euthyphro's sudden departure will seem to imply a result inconsistent with the general tenor of the dialogue's conclusion (see text above). Thus, we may safely conclude, without the least hesitation, that Euthyphro's withdrawal at the close of the dialogue says nothing about the ultimate status of Euthyphro's suit, and that Diogenes Laertius (or his source) simply mistook the hints that are left like footprints by the dialogue's dramatic elements.¹⁹⁷

From the foregoing, it will be apparent that we cannot determine anything very precise about the outcome of Euthyphro's trial. There are no external considerations that prove decisive and, so it seems, no unambiguous internal clues either. Indeed, if the case is fictitious, as it may well be, then this question of outcome is entirely moot. At any rate, it seems futile to debate a question that Plato (who otherwise manages to write with such care and precision)¹⁹⁸ himself deemed sufficiently unimportant that he did not think it necessary to state the matter clearly.

¹⁹⁵See Burnet (1924), 82 init. "Socrates...is waiting outside...when he is accosted by Euthyphro." Though he does not say so, Burnet's claim rests on 2A1-2, where Socrates is said to be already 'loitering' (διατριβᾶς...διατριβῆς; cp. Burnet *ad loc.*) about the *Stoa* when Euthyphro meets him. We have here an instance of the enormous care that Plato lavished on his compositions; for further instances of this careful writing, see my forthcoming "Prologue".

¹⁹⁶So too, Klonoski (1986), 131; Kidd, 215.

¹⁹⁷Cp. note 195 *supra*. We might attempt to solve this question of Euthyphro's entrance by having recourse to a more 'formalist' approach. Plato, especially in the *Euthyphro*, seems to make liberal use of what Eduard Fraenkel once termed the "grammar of dramatic technique" (*Aeschylus, Agamemnon*. Edited with a Commentary [Oxford, 1950], 2:305): note, e.g., the use of the *Stoa* to serve as a backdrop or *skene*; the contrasting of places or 'spaces' (2A1-3; cp. H. Oranje, *Euripides' Bacchae: The Play and its Audience* [Leiden, 1984], 143-55, esp. 146); the opening deictic expressions (e.g., 2A2 ἐνθάδε νῦν; cp. O. Taplin, *The Stagecraft of Aeschylus: The Dramatic Use of Exits and Entrances in Greek Tragedy* [Oxford, 1977], 150f.); lines cast at the back of a departing actor (15E5ff. [?]; cp. Taplin, 221f.). Consequently, when faced with uncertainty as regards the direction of Euthyphro's entrance, we might seek to form a judgment on the basis of the general demands of dramatic convention, as these are known to us (for this methodological principle, as applied to tragedy, see Fraenkel, 3:768n.3). But entrances, as is well known, could be effected from the *paradoi* or from a door in the *skene* itself, and so it is difficult to see how such an approach can produce any definite results for our problem.

¹⁹⁸Cp. n.195 *supra*.

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.¹⁹⁹

Our results thus far have largely been negative.²⁰⁰ 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.²⁰¹ But the only point adduced by the text of the dialogue, and so

¹⁹⁹By 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".

²⁰⁰Such 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.

²⁰¹Allen (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, 853n.24; Panagiotou, 425f. Allen further suggested that there might be a problem of jurisdiction, since the events

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 τις), and whether Euthyphro would ever prosecute on behalf of an outsider (ὑπὲρ γε ἀλλοτρίου).²⁰² There has been some confusion recently about the Greek of this passage. As we have noted,²⁰³ some have supposed ἀν...ἐπεξήρισθα (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. Ἔστιν δὲ δὴ...πατρός;) 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, Ἔστιν δὲ δὴ...πατρός is an interrogative. In fact, ἦ

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 Juridical 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. *Proxenoí* too could be tried at Athens by special privilege, and so it may be supposed that, *a fortiori*, 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 not have been so minutely thought out as historians would like; compare the comments offered in an analogous context by Grace [1973], esp. 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 intra-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.

²⁰²MacDowell, "The *Oikos* in Athenian Law," *CQ*, n.s., 39, 1989, 17ff., insists that *oikos* and its cognates, unlike ἀγχιστεία (n.28 supra), are not legal terms and, accordingly, are not legally precise; cp. Humphreys (1986), 85ff. This may be right. *Ar. Pol.* 1253^b4-7 would include slaves as members of the *oikos*. But there can be no doubt that in the present context (cp. 4D5-6; also MacDowell, 15f.) Socrates is referring to the provision that the (agnate) relatives of the victim are to prosecute. ἀλλότριος (cp. the disjunction at 4B7-8) simply = οὐκ οἰκείος. Cp. *Andoc.* 4.15 καίτοι ὅστις ὑβρίζει γυναῖκα τὴν ἑαυτοῦ καὶ τῷ κηδεστῇ θάνατον ἐπιβουλεύει, τί χρὴ προσδοκᾶν τούτου περὶ τοὺς ἐντυχόντας τῶν πολιτῶν διαπράττεσθαι: πάντες γὰρ ἀνθρώποι τοὺς οἰκείους τῶν ἀλλοτρίων ποιοῦνται περὶ πλείονος. See n.147 supra.

²⁰³See n.154 supra.

δὴλα δὴ should also be punctuated as an interrogative,²⁰⁴ for ἦ, 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

²⁰⁴See n.151 supra.

²⁰⁵See Gebauer, xiff., 81f.; also Stallbaum (*Plat. Opera Omnia*, vol. 1.1) ad *Crito* 43C ἦ τὸ πλοῖον. The usual expression is ἦ δὴλον ὅτι (*Apol.* 36B4f.; *Phdr.* 227B6f.); ἦ δὴλον δὴ ὅτι (*Apol.* 26B3ff.; *Meno* 91B2ff.; *Lach.* 190D3ff.); ἦ δὴλα δὴ ὅτι (*Menex.* 234A4ff.; *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* 48B1 Δὴλα δὴ καὶ ταῦτα: φαίη γὰρ ἀν, κτλ., but the punctuation and the distribution of lines are both in doubt.

²⁰⁶See the passages cited in the previous note. Also cp. *Prot.* 309A1-5 Πόθεν ὦ Σώκρατες, φαίη: ἦ δὴλα δὴ ὅτι ἀπὸ κυνηγεσίου τοῦ περὶ τὴν Ἀλκιβιάδου ὥραν; καὶ μὴν μοι καὶ πρόην ἰδόντι καλὸς μὲν ἐφαίνετο ἀνὴρ ἔτι. ἀνὴρ μέντοι, ὦ Σώκρατες, ὡς γ' ἐν αὐτοῖς ἡμῖν εἰρησθαι, καὶ πάγωνος ἦδη ὑποπιμπλάμενος, with Prisc. *Inst. Gramm.* 6.63 Hertz (= *Grammatici Latini*, vol. II, pp. 247, 21-248, 1 [Keil]) "Cicero in Protagora: quid tu, unde tandem appares, O Socrate? *an quidem non dubium est*, quin ab Alcibiade?" For this translation of the *Protagoras*, see C. Mueller-Goldingen, "Cicero als Übersetzer Platons," in C. W. Müller, K. Sier, and J. Werner, edd., *Zum Umgang mit fremden Sprachen in der griechisch-römischen Antike* (Stuttgart, 1992), 175n.10; for comments on the Greek of this passage, see Verdenius, "Bemerkungen zur Einleitung des >Protagoras<," in *Studia Platonica: Festschrift für H. Gundert*, edd. K. Döring and W. Kullmann (Amsterdam, 1974), 41f.

²⁰⁷For the *argumentum ex contrario*, see esp. Gebauer, xxiii-xxxii, *et passim*; also Thompson ad *Meno* 91E.17 δὲ ἄρα; Forman, 422f., 438, 451, etc. For οὐ γὰρ που...γε (n.152 supra), and related collocations, often used in this type of argument, see Hoefler, 21ff.: "Γὰρ που particulae...sic a γάρτοι differunt, ut si coniecturam facimus, *quam omnibus probatam esse putamus*, γὰρ που verbis utamur. unde evenit, ut apud Platonem, si praecessit sententia his particulis ornata, *ei fere interlocutor adsentiatur*..."; also Gebauer, xvi-xx. In the *Euthyphro* alone, cp. 2A3f., 2B1f., 4A12f., 7E3f., 13A2f. (with Stallbaum [1823] *ad loc.*), 14E2f. (see Gebauer, 28f.), 15C1f. Sicking in C. M. J. Sicking and J. M. van Ophuijsen, *Two Studies in Attic Particle Usage: Lysias 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.²⁰⁸ And so, given Socrates' firm rejection of the *contrary* supposition (4B5-6 οὐ γὰρ ἂν που ὑπὲρ γε ἀλλοτρίου ἐπεξήρισθα),²⁰⁹ 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 ἂν...ἐπεξήρισθα is not potential. Parallels, in fact, might be supplied, though proponents of this view have not troubled to do so.²¹⁰ But the potential, if such it were, 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 ἂν...ἐπεξήρισθα contrafactually.²¹¹ In this case, ὑπὲρ γε ἀλλοτρίου = εἰ ἀλλότριος ἦν.²¹² Socrates thus implies, quite unequivocally, it seems, that he at least assumes the law to be restrictive.²¹³

Euthyphro's response at 4B7-C3 seems initially to reject Socrates' reasoning just as unequivocally. It is ridiculous,²¹⁴ he says, to think that the status of the victim makes any difference, since all that matters is whether or not the killer justly (ἐν δίκῃ) killed: if justly (ἐν δίκῃ), he should be left alone; if unjustly (εἰ δὲ μή), he should be prosecuted — ἐάνπερ ὁ κτείνας συνέστιός σοι καὶ ὁμοτράπεζος ἦ· ἴσον γὰρ κτλ. Olof Gigon, in a

²⁰⁸See the references given in the previous notes.

²⁰⁹See n.207 supra on οὐ γὰρ που...γε. It should not be necessary to prove that the particle που (B5), even if it *had* stood alone, is polite and urbane, and, like other such qualifying expressions (e.g., δήπου: see Forman, 280; ἴσως: see H. Bonitz, *Index Aristotelicus*, 2 Aufl. [Berlin, 1870], 347^b33ff.; also Stallbaum [*Plat. Opera Omnia*, vol. 1.2] ad *Phd.* 67A μετὰ τοιούτων; ὡς ἐγώμαι: see P. Shorey, "Note on ὡς ἐγώμαι and Plato *Protagoras* 336D," *CP* 15, 1920, 200f. [= P. Shorey, *Selected Papers*, ed. L. Tarán [New York, 1980], 2:16f.]) does not of itself mark any hesitation or lack of certainty.

²¹⁰See Gebauer, 208f.: "Restat contrarium negativum D.18.13 οὐ γὰρ δήπου Κτησιφῶντα μὲν δύναται διώκειν δι' ἐμέ, ἐμὲ δ'· εἴπερ ἐξελέγξειν ἐνόμιζεν, αὐτὸν οὐκ ἂν ἐγράφατο. non irreallem esse ἐγράφατο ἂν, sed potentialem, docet quod in priore membro legitur δύναται"; cp. *Rep.* 600CE, etc. But see Goodwin, §245.

²¹¹Cp. Gebauer, 209f.

²¹²See Stallbaum (1823): latet sententia conditionalis; also Wohlrab *ad loc.*

²¹³For Plato's somewhat different treatment in the *Laws* (e.g., 871Bff.), where the right of prosecution was *not* so tightly restricted, see Morrow, *Plato's Cretan City: A Historical Interpretation of the Laws* (Princeton, 1960), 274f.; also Saunders, 233-35. For the relationship between Platonic and Attic law generally, see Gernet's excellent discussion in E. Des Places, A. Diès, and L. Gernet, *Platon, Oeuvres complètes*. Tome XI. *Les Lois* (Paris, 1951), xciv-ccvi, esp. cciiff.

²¹⁴Mader (28) contrasts γελοῖον (= was zum Lachen ist) with καταγέλαστος (= wer [oder was] sich Lachen zuzieht); καταγελάω = 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",²¹⁵ that 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), 268f., 283; see also Pl. *Prot.* 337C-E.

²¹⁷Cp. Gigon, 19 (= *Studien*, 203): "Was bei der Beurteilung einer Tat zählt, ist ausschließlich ihr ethischer Wert, δίκη oder ἀδικία, 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 μὲν τὸν ἀδικέοντα καλύειν· εἰ δὲ μή, μὴ ξυναδικέειν (also B261 ἀδικουμένοισι τιμωρεῖν κατὰ δύναμιν χρή και μὴ παριέναι· τὸ μὲν γὰρ τοιοῦτον δίκαιον καὶ αγαθόν, τὸ δὲ μὴ τοιοῦτον ἀδικον και κακόν), with B107 φίλοι οὐ πάντες οἱ συγγενεές, ἀλλ' οἱ συμφωνέοντες περὶ τοῦ συμφέροντος; also L. Sternbach, *Gnomologium Vaticanum e Codice Vaticano 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., ahistorical) idiom, this is also the view of Peter Geach, "Plato's *Euthyphro*: An Analysis and Commentary," *Monist* 50, 1966, 370 and 381f., 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], 2:76f.; 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], 4f., 12, 40f.; M. L. West, *Hesiod, Theogony*. Edited with Prolegomena and Commentary [Oxford, 1966], 77, 88, also ad vv. 141, 144-5, 209, etc.; H. S. Schibli, *Pherekydes of Syros* [Oxford, 1990], 27f.; Baxter, 113ff.; K. Pollmann, "Etymologie, Allegorese und epische Struktur. Zu den Toren der Träume bei Homer und Vergil," *Philologus* 137, 1993, 232-35; also, FGh 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 τοῖς ἀμφὶ Εὐθύφρονα [*Crat.* 400A1 (= "E. eiusque similes"; see Stallbaum <<*Plat. Opera Omnia*, vol. 4.2>> ad *Hipp. Maj.* 281C Πιττακοῦ τε καὶ Βιαντος; Fritzsche, 154n.2; R. Kühner and B. Gerth, *Ausführliche Grammatik der griechischen Sprache*. Zweiter Teil: Satzlehre, 3 Aufl. <<Hannover and Leipzig, 1898>>, 1:270)) are not entirely consistent with the humorous literalism adopted by Euthyphro in the *Euthyphro* (see 5E2-6C9).

Euthyphro's firm rejection (γελοῖον 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*.²¹⁸ If this is the case, however, then we must understand ἐν δίκη κτείνειν in 4B7-C1 primarily in its *legal* sense, referring to the category of justifiable homicide, and not in the moral sense favored by Gigon; for it is only thus that the reference to *miasma* can be rendered relevant.²¹⁹ With this introduction of the concept of *miasma*, we enter

²¹⁸C1-3 ἴσον γὰρ τὸ μίasma γίνεται κτλ. ἴσον, of course, refers back to B7f. εἶτε ἀλλότριος εἶτε οἰκείος ὁ τεθνεώσ. 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 Euthyphron, vor die zwei Gebote der δσιότης gestellt: die Eltern zu ehren und die Besudelung durch den Mord zu entfernen, sich für das zweite entscheidet, so tut er dies um einer vielleicht abstrakten, aber konsequent durchdachten Gerechtigkeit willen, wie dies 4b9...sagt"). But this is precisely the *reverse* of the logical relation presented by the text, where a concern with *miasma* is unambiguously given as the *ground* (ἴσον γὰρ) of the principle enunciated at 4B7-C1. In fact, Gigon has so much difficulty explaining away Euthyphro's superstitious 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 Euthyphrons ist zunächst und wesentlich ein solcher der Gerechtigkeit, Die σοφία (4b1) hat da nichts zu suchen, aber fürs erste auch nicht die δσιότης [but n.b. 4D9-E3]. Doch Platon [!] will mit aller Gewalt auf die ἐπιστήμη τοῦ δσιου lossteuern und eliminiert darum systematisch den Gesichtspunkt der Gerechtigkeit"; cp. n.219 infra. In fact, Euthyphro's concern with *miasma* does not even wait for the introduction of ἴσον γὰρ in C1, but already appears at B10f. (ἐάνπερ ὁ κτείνας συνέσιός σοι καὶ ὁμοτράπεζος ἦ). This phrase is frequently misunderstood, because it is often matched (inappropriately) with 5D10f. ἐάντε πατήρ ὦν τυγχάνη ἐάντε μήτηρ ἐάντε ἄλλος ὄσισοῦν (so, e.g., by Wohlrab *ad loc.*; cp. Adam *ad* 4B.27 init. [as 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 συνέσιός...καὶ ὁμοτράπεζος, see the excellent note in Burnet (1924); also Parker, 39f., 121ff. ἐάνπερ (4B10), of course, is not concessive ("even if..."), as the translators commonly give it (e.g., Allen, Church, Cooper, Fowler, Grube, even Jowett; see J. M. Stahl, *Kritisch-historische Syntax des griechischen Verbms* [Heidelberg, 1907], 416f.; Kühner-Gerth, §508.5 ["selbst wenn"]); also §578, Anm.2), but is intensive ("if, that is,"); see Burnet (1914), 233 *ad loc.*; Denniston, 488; 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 <<quoique>>, <<même si>>."

²¹⁹This 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.);

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.²²⁰ 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* frequently (and uncritically) used to support the contention that Euthyphro was a representative of the

MacDowell (1963), 70ff., 128f., 143f.; Gagarin (1978), 111-20; Rhodes, 644f. Though it is not absolutely certain, the preponderance of evidence suggests that the justified killer did *not* incur pollution; in addition to the works just cited, see Parker, App. 5, "The Ritual Status of the Justified Killer at Athens"; also Bonner-Smith, 2:203ff. At any rate, Euthyphro seems to have taken it thus. For Plato's treatment of this topic in the *Laws*, cp. Morrow (1960), 424; Parker, 112f.; Saunders, 243ff. (On the other hand, Euthyphro's restriction to *conscious* [C2 συνειδώς] association may have been less widely acceptable; see Parker, 111n.21.) Still, Gigon (194, 203ff.) was right in one important point: in 5D-6A, a passage that closely echoes 4BC in several particulars (cp. nn.240, 244-245 infra), ἐν δίκη seems to be used (again by Euthyphro) in a somewhat broader sense, with an ethical connotation that is then developed further (with Socrates' encouragement; cp., e.g., 8B7-E1) in the remainder of the dialogue. This, however, does not alter the sense of 4BC. It only shows (a) that the Greeks did not feel the legal sense to be incompatible with the broader, ethical value of this expression, and (b) that Euthyphro is unable to keep the various strands of the term distinct — that is, like many other Socratic interlocutors, Euthyphro too is prone to equivocate.

²²⁰On *miasma*, see, e.g., Glotz (1904), 228ff.; Rohde, 174-82, 294-97; Bonner-Smith, 1:15ff., 53ff., 2:192ff., esp. 199ff.; Dodds (1951), 35ff.; L. Moulinier, *Le Pur et l'impur dans la pensée des Grecs d'Homère à Aristote* (Paris, 1952), *passim*, esp. 330ff.; J. Rudhardt, *Notions fondamentales de la pensée religieuse et actes constitutifs du culte dans la Grèce classique* (Geneva, 1958), 46ff., 53ff., 163ff.; MacDowell (1963), 3ff., 141-50; Nilsson (1961-67), 1:89-110; Gagarin (1981), 17f., 164ff.; Parker, esp. 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 (ὁμοτρόπιος), 82-83 (see Parker, 9n.39; J. F. Kindstrand, *Bion of Borysthene: 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, 641); 21.120 (ὁμοτρόπιος); 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.* 451B4 and *Laws passim* (cp. n.224 infra); frequently in tragedy (Parker, *passim*). The old view of K. O. Müller (see *Aischylos, Eumeniden* [Göttingen, 1833], 136f.), positing a Delphic origin for the doctrine of homicide pollution, often repeated (e.g., Treston, 138ff. *et passim*; Cantarella, 83f.), 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.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,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,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 ἀφοσιῶς σεαυτὸν τε καὶ ἐκείνον τῇ δίκῃ ἐπεξίωον) moved him to proceed with the prosecution. Plato's own response to this dilemma can then be given one of several

²²¹So, most recently, Versényi, 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 offered 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... Euthyphron*, etc. (Paris, 1920), 179f.; Adam, xviiif., xxiff. In fact, this view goes back to antiquity: see Numenius fr. 23 Des Places = fr. 30 Leemans = Eusebius, *Praep. Ev.* 13.4.4-5 (= vol. II, pp. 177,25-178,12 [Mras]): ἐθηκεν [sc. Plato] ἐν μὲν τῷ σχήματι τῶν Ἀθηναίων Εὐθύφρονα κτλ.; this fragment is, I believe, misunderstood by Adam (xxivn.3); see instead, E. Acosta Méndez and A. Angeli, *Filodemo: Testimonianze su Socrate* (Napoli, 1992), 46n.3; also Stallbaum (1823), xf. This 'orthodox' interpretation is well criticized by Burnet (1924) ad 2a1 ΕΥΘΥΦΡΩΝ, ad 3b9, ad 4b3, etc. (though I cannot agree with Burnet's further claim [already in Chr. Lobeck, *Aglaophamus sive De Theologiae Mysticae Graecorum Causis* (Regimontii Prussorum, 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, 6n.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.

²²²See n.10 supra.

²²³E.g., Gigon (n.218 supra); see pp.94f. infra.

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*;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.²²⁵ The forensic evidence, on the other hand, comes almost entirely from the writings of Antiphon,²²⁶ who may not be a reliable guide for the reconstruction of Attic law generally,²²⁷

²²⁴See, e.g., Parker, 112ff., 374; Saunders, 252-57; also n.213 supra; contrast Paoli (1956), 136f. (= *Altri studi*, 244; cp. n.85 supra).

²²⁵See Parker, 13f., 308ff., *et passim*; contrast, *exempli causa*, Dodds (1951), 55n.43.

²²⁶Cp. n.220 supra; even here, the evidence comes largely from the *Tetralogies*. For the authorship of these *Tetralogies*, see the bibliography given in Carawan (1993), 235n.2; also P. von der Mühl, "Zur Unechtheit der antiphontischen *Tetralogien*," *Mus. Helv.* 5, 1948, 1-5; H. C. Avery, "One Antiphon or Two?" *Hermes* 110, 1982, 155f. On the identity of the Rhamnusian Antiphon, and for a strong defense of the so-called 'separatist' position, see Pendrick, "The Ancient Tradition on Antiphon Reconsidered," *GRBS* 34, 1993, 215-28, who cites the relevant literature.

²²⁷The reliability of the *Tetralogies* as a source of Attic law was attacked broadly (in fact, too broadly) by W. Dittenberger: "Antiphons *Tetralogien* und das attische Criminalrecht, I," *Hermes* 31, 1896, 271-77; "Antiphons *Tetralogien* und das attische Criminalrecht, II," *Hermes* 32, 1897, 1-41; "Zu Antiphons *Tetralogien*," *Hermes* 40, 1905, 450-70; also Glotz (1904), 506-8; Gernet, *Antiphon, Discours* (Paris, 1923), 6ff.; Maidment, 45f.; von der Mühl; Sealy, "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 μήτε δικάως μήτε ἀδικῶς ἀποκτείνειν (3.2.9, 3.3.7, 4.2.3, 4.4.8), 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 (291f., 302f.); as usual, such genetic interpretations are a desperate measure. He also may be correct in claiming (295ff., 300; cp. Blass, 1:164n.3) that ἀδικῶς/δικαῶς is used equivocally in the two *Tetralogies* in which it appears, though the identification in 3.2.9 of ἀδικῶς/δικαῶς with ἐκῶν/ἄκων seems merely to be a (sophistical) misapplication of 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 rhetorically with the 'polar expression' μήτε δικάως μήτε ἀδικῶς" (300); that "the qualification μήτε δικάως μήτε ἀδικῶς is irrelevant to the argument" (297); that the disjunctive prohibition is 'quickly reduced' to an "unqualified" prohibition of homicide (299; cp. 296). Rather, in 3.2.9, the defendant

and whose reliability in *this* regard is certainly suspect.²²⁸ 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 (δεισιδαίμων).²²⁹ But finally, and most importantly of all, it seems

constructs a dilemma, stating that the law (ὁ νόμος) prohibits murder both (A) ἀδικῶς and (B) δικαίως. He then claims (ὕπὸ μὲν γὰρ κτλ.), chiasmatically, 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 τεθνεώτος ἀμαρτίας]), while no one asserts (ὕπὸ δὲ κτλ.) that (A) is the case. Therefore, the defendant is innocent (ἀμφοῖν ἀπολύεται τοῖν ἐγκλημάτων, «μήτ' ἄκων» μήθ' ἐκὼν ἀποκτεῖναι). 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) δικαίως and (B) ἀδικῶς (cp. arrangement in 3.2.9 [cited above]), now starts with the conclusion (ἐγὼ δὲ δεῦτερον καὶ τρίτον οὐκ ἀποκτεῖναι φημι), and then introduces a two-fold statement (εἰ μὲν γὰρ... οὖν δὲ κτλ.; εἰ μὲν γὰρ is not, then, a "secondary argument" [299], but the ground of the preceding statement; see Kühner-Gerth, §574) to support the claim that he did not kill (A) δικαίως (since it is not he, but the *physician* that is the murderer); the second horn of the dilemma, (B), that the murder was not ἀδικῶς, is either omitted or is perhaps implicit in ὕπ' ἐμοῦ μὲν, δικαίως δ'.... 4.4.8, which alludes to 4.2.3-4 (ἀποκέκριται), 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 δικαίως μήτε ἀδικῶς means *never*, i.e., under *no circumstances* (intentional or unintentional) is murder to be unpunished (ὅ τε διαφθαρεῖς οὐδὲν ἦσον ἀκουσίως ἢ ἔκουσίως βλαφθεῖς ἀδικοῖτ' ἂν ἀτιμώρητος γενόμενος; cp. n.37 supra), and that there is no doubt, according to the plaintiff, about the facts (οὐ γὰρ ἄφανής). 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: cp. 3.2.9 ὁ νόμος... ὃ πιστεύων and 3.2.10 τοῦ νόμου καθ' ὃν διώκεται [see 3.4.8 ὃν παραφέρουσι], with 3.3.7; also 4.2.3 ἐρεῖ δέ), is simply an instance of turning necessity into a virtue. It is certainly true that the defendant's argument has no *legal* significance in that there was no such law in Athens. It is also true that the argument (as the defense implicitly concedes) is extremely weak (3.2.2 ἐὰν ἀκριβέστερον ἢ ὡς σύνθηδες; 3.4.2 λεπτὰ δὲ καὶ ἀκριβῆ; cp. 4.4.1 οὐ καταγνοῦς... ἀλλὰ... [!]). 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; so Sealey, 75; Carawan [1993], 254f.), and it is (as we see) germane to the argument. None of this should entail a denial of the traditional ascription of the *Tetralogies* to Antiphon of Rhamnus; yet the foregoing does accord with the presumption of these writings as fictitious and rhetorical models ("Übungsreden", "Schablonen für Schüler"; see W. Schmid and O. Stählin, *Geschichte der griechischen Literatur* [München, 1959-61], 3:103, 118f., 124f.).

²²⁸See Gernet (1923), 13f.; von der Mühl, 5; Sealey (1984), 74f.; Parker, 126f.; Carawan (1993), 249ff., 267; also n.230 infra.

²²⁹Obviously, 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. Bolkestein, *Theophrastos' Charakter der Deisdaimonia 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.²³⁰ 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.²³¹ 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 leges*.²³²

passim; Nilsson (1961-67), 1:796ff.; Kindstrand, 242f.; Parker, 307; D. Obbink, *Philodemus, On Piety* (Oxford, 1996), 484 ad ll. 1135-36.

²³⁰See Bonner-Smith, 2:199ff.; MacDowell (1963), 141-50; Gagarin (1981), 164ff.; Parker, 115ff., 119ff., 128ff.; Kidd, 218f.; cp. next note infra.

²³¹That 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 adduced by Rhodes (641), Lateiner (408), and Furley (205f.) serve to establish. On Dem. 23.72, see n.220 supra; on εἰργασθαι τῶν νομίμων, n.84; on the *Basileus*, n.186; on removal of the myrtle crown, see Rhodes, 648; Thür (1990), 154n.48; on Phreatto, 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), 145f.; Parker, 122n.67; cp. Hansen (1981-82), 16ff. Gigon, 21 (= *Studien*, 205) has it right when he says, with reference to 4C1-3: "diese Seite des φόνοσ nur mehr in den Prozedurformen zum Ausdruck kam, während die Sache selbst durchaus zu einer Angelegenheit der profanen Rechtsprechung und Advokatenkunst geworden war"; also Kidd, 219.

²³²Taylor (146f.; also R. Hoerber, "Plato's *Euthyphro*," *Phronesis* 3, 1958, 98; Furley, 206) thought that Euthyphro might be bringing a case which he himself fully expected to be non-suited by 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. ἀφοροῖς (with Parker, 330f.) σεαυτὸν τε καὶ ἐκείνον τῆ δίκῃ ἐπεξεῖων; cp. 2D4-3A2 (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 (2.1.10-11; 2.3.9-11; 3.3.11-12; 4.1.2-4; 4.2.7-9, etc.); cp. Aesch. 2.87f. (with Gagarin [1978], 304ff.). Outcome matters (n.37 supra). Of course, Euthyphro is capable of holding idiosyncratic views (cp. 4C2 συνειδῶς, with n.219 supra). But as Hoopes (5) well observed, Taylor's thesis is probably undone by the general anger and

In 4C3-D5 (ἐπεὶ...ἀφικέσθαι), Euthyphro narrates the actual events that led to his prosecution. Some have used the opening sentence of this passage²³³ 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

"consternation" of the family (4D5f. ταῦτα δὴ οὖν καὶ ἀγανακτεῖ ὁ τε πατήρ καὶ οἱ ἄλλοι οἰκεῖοι); the family, at least, appears to take the charge quite seriously.

²³³4C3-5: ἐπεὶ ὁ γε ἀποθανῶν πελάτης τις ἦν ἐμός, καὶ ὡς ἐγεωργοῦμεν ἐν τῇ Νάξῳ, ἐθήτευεν ἐκεῖ παρ' ἡμῖν.

²³⁴4C3 πελάτης = θῆς; cp. 15D6 θητός, with 4C3-4 πελάτης.... καί...ἐθήτευεν; also 9A3.

²³⁵So, 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 Ἔστι δὲ δὴ τῶν οἰκεῖων τις considered, and rejected it as without foundation; cp. also ad 4C πελάτης τις ἦν ἐμός. 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.

²³⁶This is the view of Stallbaum (1836); also Burnet (1924) ad 4C3 πελάτης. Many think that Euthyphro places a special emphasis on 4C4 ἐμός (cp. Adam ad 4C.30; Burnet ad C3 ἐπεὶ κτλ.; 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, 4C3-4 πελάτης τις ἦν ἐμός is opposed to C5-6 τῶν οἰκετῶν τινι τῶν ἡμετέρων, so that the contrast implicit is not with ἐμός (cp. C6 ἡμετέρων; also C5 παρ' ἡμῖν), but with πελάτης (cp. C5 τῶν οἰκετῶν).

²³⁷Even 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 *προο-*πελάται, attributed by Athenaeus to the writings of Theopompus). On πελάτης generally (cp. Pollux 3.82 πελάται δὲ καὶ θῆτες ἐλευθέρων ἐστὶν ὀνόματα διὰ πένιν ἐπ' ἀργυρίαν δουλευόντων, which seems clear enough), see Rhodes, 90ff.; Y. Garlan, "Le Travail libre en Grèce ancienne," in P. Garnsey, 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. Greene, *Scholion Platonica* (Haverford, 1938), 2; also, though the treatment is inadequate, J. Ducat, *Les Pénesies de Thessalie* (Paris, 1994), 30ff., 76.

rest on the special vocabulary of ancient social relations, but simply on the assumption that the ἐπεὶ 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. (ἐπεὶ κτλ.) that the victim was, after all, his dependent: ἐπεὶ ὁ γε ἀποθανῶν πελάτης τις ἦν ἐμός.... This interpretation of ἐπεὶ is surely incorrect. ἐπεὶ, though it sometimes *feels* concessive (e.g., *Prot.* 335C1-2 ἐγὼ δὲ τὰ μακρὰ ταῦτα ἀδύνατος, ἐπεὶ ἐβουλόμην ἂν οἷός τ' εἶναι), 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, ἐπεὶ 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*, ἐπεὶ is causal, though elliptical,²⁴¹

²³⁸Kidd 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 ἐπεὶ ὁ γε ἀποθανῶν πελάτης τις ἦν ἐμός" [italics mine]). Already implicit in Stallbaum (1836; cp. n.236 supra; also n.246 infra), this view of ἐπεὶ...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 Theaetetus. Recensuit Prolegomenis et Commentariis Instruxit*, Editio altera auctior et emendatior (Lipsiae, 1891), ad *Th.* 142C.10 (with n.246 infra). Among the translators, ἐπεὶ 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. Ficino's "quanquam qui perit, cliens atque minister meus erat" (on Ficino'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 "Übrigens".

²³⁹This use of ἐπεὶ has been noted time and time again, though it has been forgotten repeatedly. See, e.g., D. Wyttenbach, *Plutarchi Chaeronensis Moralia*. Tomus 8. Index Graecitatis (Oxford, 1795-1830), 1:618; Fr. Ast, *Lexicon Platonium sive Vocum Platoniarum Index* (Lipsiae, 1835-38), 1:757f.; Gebauer, 266ff.; Rehdantz, 72, s.v.; Forman, 285, 421, and esp. 461f. (which ought to be read carefully by all students of Platonic Greek); G. H. Billings, *The Art of Transition in Plato* (Chicago, 1920), 64n.58, 65n.63 (this excellent monograph deserves wider recognition than it generally receives); P. Shorey, "Note on Herodotos 1.60," *CP* 15, 1920, 89 (= *Sel. Pap.*, 1:189); also *CP* 17, 1922, 155 (= *Sel. Pap.*, 2:242). That γε primarily marks the logical relation, and not the substantive ὁ...ἀποθανῶν, can be seen from the likes of *Rep.* 352C7. Cp. Forman, 461; also, see my "Prologue" ad 2A3-4.

²⁴⁰See, e.g., 5E2, which is an excellent parallel (see next note); also Forman, 421; Billings, 64f. On the use of *namque* to introduce a mythological or illustrative *exemplum*, see Fraenkel, *Horace* (Oxford, 1957), 185f. ad *Carm.* 1.22.9 (*namque me silva lupus in Sabina*); on καὶ γάρ, see my forthcoming "Prologue" ad 3B9-C3.

²⁴¹Heidel (1902) cites 8D11, 9B5, and 11D1 as instances of this allegedly concessive use of ἐπεὶ. He conveniently omits 12B9 (where the causal sense is unmistakable) and eventually grants that 5E2 (see Heidel *ad loc.*) — the closest parallel to our

and the same holds for the ἐπεὶ of 4C3, as the following argument will demonstrate. As soon as Socrates learns, to his great surprise,²⁴² that Euthyphro is charging his father with a δίκη φόνου (3E7-4B3),²⁴³ he immediately infers (in accordance with the customary practice of the Athenians) that the victim must be a relation (4B4-6). Euthyphro, we saw, strongly rejects this premise, insisting that all that really counts is whether the deed was justly done — for, if unjustly, then the pollution is the same regardless of the status of the victim (4B7-C3). Now, even those who oppose a restrictive reading of the law, and allow 'anyone who wished' to prosecute a δίκη φόνου, admit that such prosecutions were not the norm; clearly, Euthyphro's appeal *away from* the customary practice that agnate relations are to prosecute a murder is highly unusual — even if it was not legally impossible. Furthermore, Euthyphro's appeal to the principle that only the justice of the deed is relevant, resting as it does on the doctrine of *miasma*, is more problematic still, since this factor of pollution seems to have carried no legal weight. Surely, then, what is required in 4C3ff. (ἐπεὶ κτλ.), as Euthyphro turns to his narration of the facts of the case, is a *justification* of the bold position staked in 4B7-C3, and not a *retraction* or *retreat from it* ("although, for the matter of that...") that would leave the remarkable claims of 4B7-C3 both unexplained and, what is worse, unmotivated. On the other hand, if we take ἐπεὶ in its usual sense, i.e. causally, then all of these difficulties vanish. Euthyphro, we saw, began by offering the general principle that the agnation of the victim is irrelevant, claiming that all that matters is the justice of the deed (4B7-C3); this is followed by a narrative account of the actual events of the case, intended to show that the father's deed was, in point of fact, unjust (4C3-D5).²⁴⁴ As such, ἐπεὶ — which must be

passage in *several* ways (see n.240 supra and nn.244-245 infra) — is causal as well. Moreover, there is nothing uniquely concessive about either 8D11 or 11D1, while 9B5 (adduced also by Burnet [1924] and by Schanz [1887, *Samml.*] as their single best example in the dialogue) is apparently not concessive at all (though it is highly elliptical), as is strongly suggested by 9B7 (!). At any rate, 9B5 is correctly given by Ast (1835-38), 1:758 thus: "Euth. 9.B: ἀλλ' ἴσως οὐκ ὄλιγον ἔργον ἐστίν...ἐπεὶ (plene: *nam ni ita esset*, h.e. *nisi difficilis res esset*) πάνυ γε σαφῶς ἔχοιμι ἂν ἐπιδείξαι σοί."

²⁴²Cp. 4A7, 11; see p.94 infra.

²⁴³That Euthyphro's charge is, in fact, a δίκη φόνου, and not some hypothetical γραφή φόνου (see n.5 supra), is made certain by a comparison of the exchange in 2A3-B1 with the question posed at 3E7-8 and Euthyphro's tacit acceptance (3E9ff.) of the form of this question. Yet this is all that these passages prove for the topic at hand.

²⁴⁴This is why Euthyphro stresses the father's neglect at 4D1ff. ἐν δὲ τούτῳ τῷ χρόνῳ τοῦ δεδεμένου ὀλιγώρει τε καὶ πύλλει ὡς ἀνδροφόνου καὶ οὐδὲν ὄν πρᾶγμα εἰ

elliptical ("I say this, because....") — is now seen to mark a transition from the general statement of principle (4B7-C3) to, in this case, a particular application of it (4C3-D5).²⁴⁵ 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* (ἐπεὶ) 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 (ἐπεὶ κτλ.) are doomed to failure.²⁴⁶

καὶ ἀποθάνοι, ὅπερ οὖν καὶ ἔπαθεν· ὑπὸ γὰρ λιμοῦ καὶ ῥύους καὶ τῶν δεσιῶν ἀποθνήσκει 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 (ἀγανακτεῖ) because (ταῦτα δὴ οὖν...ὅτι; see Riddell, §18) he is prosecuting his own father, *even though*, as the family has it (ὡς φασιν ἐκεῖνοι), the father did not even kill the man (D7 οὔτε ἀποκτείναντι; cp. n.173 supra), and also because, even if he *had* (εἰ ὅτι μάλιστα), it is still impious for a son to prosecute his father for murder (D8-E1): thus, D7 οὔτε ἀποκτείναντι answers the claim implicit in the narrative that the father killed *unjustly*, by stating that the father did not kill the man *at all*; D8-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, the claim that the pious is what he is doing now — viz., prosecuting anyone who does anything unjustly (see 5D8-E2 λέγω τοῖσιν ὅτι τὸ μὲν ὁσιόν ἐστιν ὅπερ ἐγὼ νῦν ποιῶ, τῷ ἀδικοῦντι ἢ περὶ φόνου ἢ περὶ ἱερῶν κλοπᾶς ἢ τι ἄλλο τῶν τοιούτων ἐξαιμαρτάνοντι ἐπεξίνασι, ἐάντε πατὴρ ὦν τυγχάνη ἐάντε μήτηρ ἐάντε ἄλλος ὅστισούν... ἐπεὶ, ὡς Σώκρατες, θέασαι ὡς μέγα σοι ἐρῶ τεκμήριον κτλ.; cp. E4f. μὴ ἐπιτρέπειν τῷ ἀσεβοῦντι) — and he supports this general proposition by introducing (see 5E2 ἐπεὶ) the mythological *exemplum* of Zeus who bound his father, Cronos, when this latter was unjust (6A1f. ὅτι τοὺς υἱεῖς κατέπιπεν οὐκ ἐν δίκῃ), just as Cronos punished *his* father on similar grounds (A3 δι' ἕτερα τοιαῦτα); and so, to return to the point of comparison (A3 ἐμοὶ δὲ [apodeictic]), Euthyphro also acts against his father, when this latter too is unjust (A3-4 ἐμοὶ δὲ χαλεπαίνουσιν ὅτι τῷ πατρὶ ἐπεξέρχομαι ἀδικοῦντι; and n.b. the emphatic position of the ppl. ἀδικοῦντι; likewise, with 6A2 οὐκ ἐν δίκῃ, and with A3 δι' ἕτερα τοιαῦτα).

²⁴⁵Cp. 5E2ff., where ἐπεὶ marks the transition from a general statement to an illustrative *exemplum*. In this latter passage, of course, the *exemplum* is presented as a proof (τεκμήριον; on this, and related terms, see K. Jost, *Das Beispiel und Vorbild der Vorfahren bei den attischen Rednern und Geschichtschreibern bis Demosthenes* [Paderborn, 1936], esp. 3-22; G. Kennedy, *The Art of Persuasion in Greece* [Princeton, 1963], 99f.; J. Martin, *Antike Rhetorik: Technik und Methode* [München, 1974], 106f.) of the more general claim, which surely is not the case with the narrative of 4C3-D5.

²⁴⁶We may now offer a second argument against taking ἐπεὶ concessively. It is obvious that the purpose of the narrative in 4C5-D5 is to illustrate the point that the

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, ἐπεὶ 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).²⁴⁷ We readily concede that none of these arguments amounts to a mathematical proof of the proposition that prosecution in a δίκη φόνου 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 ἐπεὶ 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, ἐπεὶ is causal, and the οὖν of C5 (as also C6) is simply narrative and continuative; cp., e.g., *Rep.* 327B2, 328C3, et saep.; also Wyttienbach, 1:618 ("post hoc οὖν abundat"); Denniston, 425f.; *Des Places, Études sur quelques particules 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, 65n.63) only twice, so far as I am aware. In his earlier commentary (1823; see n.148 supra), Stallbaum ad 4C πελάτης τις ἦν ἐμός says "De particula ἐπεὶ in principio sententiae nam significante..."; he later (1836) changed his mind, apparently (nn.235-236 supra), and for the worse. Wohlrab, in the fourth and final edition of his fine commentary (1900), says "ἐπεὶ, denn. Vgl. 5E 8D 12B. Ebenso ὡς 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 ἐπεὶ concessive usurpatur". At gemini lapsu delubra ad summa dracones effugiunt. Though he does not cite 4C3 in his *Lexicon Platonicum* (see above), Ast elsewhere (*Platonis Quae Exstant Opera. Accedunt Platonis Quae Feruntur Scripta Optimorum Librorum Fidem Recensuit, In Linguam Latinam Convertit, Annotationibus Explanavit, etc.* [Lipsiae, 1825], 8:61) renders our passage thus: etenim [cp. καὶ γάρ] is qui perit mercenarius [n.b.] erat quidam meus; et [οὖν] quum agrum coleremus in Naxo, etc. One hundred and seventy years of discussion has yet to improve on this translation.

²⁴⁷For a more synoptic view of this entire passage, see below.

unbiased analysis of the text of the dialogue, fall short (as they must) of a demonstrative proof of the given proposition in Attic legal procedure, yet they offer scant support — or, more precisely, perhaps, no support at all — to those who continue to oppose a restrictive reading of the law. To this extent, then, the *Euthyphro* actually strengthens our previous conclusions.²⁴⁸

* * * *

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 φόνου was indeed restricted to the agnate relations of the victim. We hope thus to assuage 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 (γραφὴ ἀσεβείας; cp. 5C7, 12E3; *Apol.* 35D1-2), introduced by a certain Meletus (2A1-3E6); the second, marked by a clear transitional collocation (δὲ δὴ), dealing with Euthyphro's case (3E7-5D7). These two topics,

²⁴⁸We 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.

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 σός, ὅ βέλτιστε;); only then do we learn that the charge is a charge of murder (4A9-10), which prompts Socrates' second exclamation (4A11 'Ηράκλεις!). 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, E6-8, 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 impiété filiales en Grèce," *Kernos* 4, 1991, 219-43), as Euthyphro's family states at 4D9f. (ἀνόσιον γὰρ εἶναι τὸ ὑὸν πατρὶ φόνου ἐπεξίεναι). This was a view that Plato himself generally endorsed (see Shorey [1933], 390f., 400f., 468 ad *Crito* 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 Euthyphron 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 κακῶς εἰδότες) 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 trans-legal 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 κτλ.) 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*], E4-6 [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... οὐτως ἄκριβῶς οἶμι ἐπίστασθαι περὶ τῶν θείων ὅπη ἔχει; 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 οἴσθα γὰρ εἴπερ τις ἄλλος.... εἰ γὰρ μὴ ἤδησθα σαφῶς τὸ τε ὄσιον καὶ τὸ ἀνόσιον, οὐκ ἔστιν ὅπως ἂν ποτε ἐπεχείρησας...πατέρα δικακάθειν φόνου, ἀλλὰ καὶ τοὺς θεοὺς ἂν ἔδεισας..., καὶ τοὺς ἀνθρώπους ἡσχύνθη; cp. 2C5-8, 4A11-B2, E4-8, 5AB, 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 gods 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 καίτοι πῶς οὐκ ἀμαθία ἐστὶν αὕτη ἢ ἐπονείδιστος, ἢ τοῦ οἴεσθαι εἰδέναι ἃ οὐκ οἶδεν; 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., 97f.; 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 τοῖς μαθήμασι ἐμποδίου δόξας ἐξελῶν, καθαρὸν ἀποφήνη καὶ ταῦτα ἡγούμενον ἅπερ οἶδεν εἰδέναι μόνα, πλείω δὲ μὴ. ΘΕΑΙ· Βελτίστη γοῦν καὶ σωφρονεστάτη τῶν ἔξεων αὕτη; on ἔξις 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 several 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. 214n.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* (ἵνα εἰς ἐκείνην ἀποβλέπων καὶ χρώμενος αὐτῇ παραδειγματι) 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 *Euthyphron*," 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 Euthyphro'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 Euthyphro's case in the dramatic structure of the dialogue. Many students of the dialogue have supposed that the *Euthyphro* has an apologetic aim. This view is generally predicated on the assumption that Euthyphro 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 Euthyphro, 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 Euthyphro 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 Euthyphro'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 εἰ μὲν...Εὐθύφρονα ὁμολογεῖς σοφὸν εἶναι τὰ τοιαῦτα, cp. 3B9-C2 καὶ ἐμοῦ [sc. Euthyphro] γάρ τοι, ὅταν τι λέγω ἐν τῇ ἐκκλησίᾳ περὶ τῶν θεῶν, προλέγων αὐτοῖς τὰ μέλλοντα, καταγελώσιν ὡς μαινομένον; with 5B2ff. εἰ δὲ μή, ἐκείνῳ τῷ διδασκάλῳ [and n.b. 3C7-D9] λάχε δίκην...ὡς τοὺς πρεσβυτέρους διαφθείροντι, cp. 2C2-3A5, esp. C3-8 ἐκείνος γάρ... οἶδε τίνα τρόπον οἱ νέοι διαφθείρονται... καὶ κινδυνεύει σοφὸς τις εἶναι, καὶ τὴν ἐμὴν ἀμαθίαν κατιδῶν ὡς διαφθειρόντος τοὺς ἡλικιώτας αὐτοῦ...; also 3A1f. τοὺς τῶν νέων 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 δίκη; one disclaims any special knowledge of piety, the other eagerly assumes it (cp. Schanz [1887, *Samml.*], 10f.; Heidel, 14; Hoerber, 98f.; 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 νέος γάρ...καὶ ἀγνώως [= adolescentia et rerum imperitia {Stallbaum}]; cp. Ant. 1.1 Νέος...καὶ ἄπειρος δικῶν; see my forthcoming "Prologue" *ad loc.*]; C2f. τὸ γὰρ νέον ὄντα; C7 ἡλικιώτας αὐτοῦ) and the youthful Euthyphro (12A4; cp. *Apol.* 25D8f.; Taylor's claim [76f.] that Euthyphro is middle-aged depends on dating the *Cratylus* to the start of the Archidamean 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 conceit that each has a special knowledge of the issue at hand (on Euthyphro, see above; for Meletus, cp. 2C2-5 τὸ γὰρ νέον ὄντα τοσοῦτον πρᾶγμα ἐγνωκέναι οὐ φαῦλόν ἐστιν. ἐκείνος γάρ, ὡς φησιν, οἶδε τίνα τρόπον οἱ νέοι διαφθείρονται καὶ τίνες οἱ διαφθείροντες αὐτούς, C5 σοφός τις, C6 κατιδῶν, 5A7-8); both act against those whom they claim lack just this very knowledge (cp. 2C6 τὴν ἐμὴν ἀμαθίαν κατιδῶν [of Socrates' ignorance; also 16A2 οὐκέτι ὑπ' ἀγνοίας], with 4E1 κακῶς εἰδότες [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 Jugend scharf hervorgehoben wird, der Gottlosigkeit und der Jugendverführung angeklagt zu werden. Der junge Euthyphron ist im Begriff, seinen alten Vater einer gottlosen 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 (ἐξετάσωμεν) 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.²⁴⁹ 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

²⁴⁹See Gagarin (1979), 305.