

# Interpretation

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# Rethinking the Diodotean Argument

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## INTRODUCTION

In the Mytilenaeen Debate of Thucydides' *History of the Peloponnesian War*, Diodotus explains the full philosophical and practical consequences of the "Athenian thesis" first articulated by the Athenian envoys at Sparta before the war began (1.75.5; 1.76.2). According to Thucydides, the envoys' speech aims not at a defense against the charges of imperialism of the various Peloponnesian cities but at advertising the great power of Athens, in order to frighten the Spartans into rejecting war. The envoys claim that the empire was not acquired by force, but was given to Athens after Sparta retired, unwilling to finish off the remaining Persian forces at the end of the Persian War. The allies asked Athens for her leadership due to this power vacuum. Thus, they say, it was

. . . under the *compulsion* of circumstances that we were *driven* at first to advance our empire to its present state, influenced chiefly by fear, then by honour also, and lastly by self-interest as well; and after we had once incurred the hatred of most of our allies, and several of them had already revolted and been reduced to subjection, and when you were no longer friendly as before but suspicious and at variance with us, it no longer seemed safe to risk relaxing our hold. For all seceders would have gone over to you. (1.75.3–5; my emphasis)

The outlook which characterizes this thesis—that the ambition to become ever more powerful is natural and compelling—is shared or criticized by some of the main actors in the *History* (cf. 4.61.5; 1.69.12). The use of the thesis in the Mytilenaeen debate is particularly interesting because in this case it leads to a policy of moderation. Leniency for the Mytilenaeans emerged largely because they did not defend themselves (from a position of weakness), as did the less fortunate Plataeans and Melians, but were defended by an able Athenian orator, Diodotus. Diodotus, as we will see, used the Athenian thesis rhetorically to save the Mytilenaeans from destruction. Diodotus' speech is an example of how moderation can be won through successful oratory, but it also illuminates for us the philosophical assumptions behind the Athenian thesis. These assumptions, as his argument shows, imply a policy untempered by justice and informed only by the expedient use of force. This paper will explore Thucydides'

subtle teaching on statesmanship in this opposition between Diodotus' speech and his intentions.

#### THE DEBATE

The Mytilenaeen debate took place in Athens between two Athenian politicians. Compared with Mytilene, Plataea and Melos had done little or nothing to deserve punishment. The Melians had done the least, judging by the evidence we have; the Athenians accuse them of nothing (5.87–89). Plataea had been a faithful ally of Athens and had treated her Theban invaders shabbily, and thus, while it can hardly be said that these things were enough to warrant a death sentence, she had done something to provoke Spartan wrath (2.5; 2.74). But Mytilene, an independent ally of Athens, not only had rebelled, but had attempted to take the rest of the Lesbian cities allied with Athens with her (3.2). She wished to gain hegemony in Lesbos, in hostility to Athens, and she enlisted Spartan help in her pursuit of this goal (3.4; 3.9–15). Although their fears of Athenian encroachment on their independence may have been well founded, Athens had done nothing to threaten that independence directly, as the Mytilenaeans themselves admitted (3.11). Indeed, there was a good chance Athens never would have attacked Mytilene, because, unlike other allies, she had her own fleet. But Mytilene decided to revolt anyway, because she was dissatisfied with Athenian interference and indirect domination. And even though she was the most guilty of the three, she was treated with the most leniency, while Melos, the most innocent, and Plataea, the most virtuous, were treated much more severely.

The Mytilenaeans had asked Sparta to aid in their revolt. They received reassurance from a Spartan ambassador who told them “that there would be an invasion of Attica and that simultaneously the forty ships which were to come to their aid would arrive” (3.25). But the Peloponnesian ships were characteristically slow, and the Mytilenaeans were compelled to surrender to and negotiate with the Athenians, who had managed even in their plague-weakened condition to send enough ships to subdue Mytilene (3.3). It was unclear who in Mytilene was responsible for the surrender. As a last resort, the oligarchs had allowed the commons heavy armor in order to attack the Athenians,

but the commons, as soon as they had got arms, would no longer obey their commanders, but gathered in groups and ordered the aristocrats to bring out whatever food there was and distribute it to all; otherwise, they said, they would come to terms with the Athenians independently and deliver up the city. (3.27.2–3)

The oligarchs, realizing that if they did not take part in a surrender, they would be placing their lives in undue jeopardy, joined the commons in making an agreement with the Athenians (3.28). Athens then allowed representatives of

the Mytilenaeen government to plead their case and await a decision. The Athenian general Paches sent with the representatives to Athens those Mytilenaeans he thought most guilty of the insurrection (3.28).

In this way, the fate of the Mytilenaeans ended up in the hands of the Athenian *demos*, who were presented with clear evidence from the demagogue Cleon of treachery and bad faith. On “the impulse of anger,” they decided to put the present prisoners to death and to kill the adult male population of Mytilene, enslaving the women and children. They sent a ship off to Paches with the appropriate orders. However, the next day brought “repentance” of the cruelty of the decree, and the people called for a second vote (3.36.1–5). Accordingly, they held a second assembly and heard arguments both for rescinding and retaining the decree. Cleon, whose arguments had succeeded in convincing the Athenians to pass the initial sentence, was “not only the most violent of the citizens, but at that time had by far the greatest influence with the people.” He is the first to speak again in defense of his policy (3.36.6), most of his argument revolving around the injustice of the Mytilenaeans’ actions. As we will see, Cleon’s argument differs from Diodotus’ because, even though it may be distasteful, it utilizes the common-sense notions of justice and retribution.

Cleon objects to the Athenian *demos*’ softheartedness in rethinking their decision. He speaks to them in support of standing firm on their initial verdict, arguing that by passing a death sentence on the Mytilenaeans, the Athenians would be acting justly. Moreover, he says that this poses no political difficulties because, at least in this case, justice and expediency coincide. Thus, he tells them that he will maintain his original position regarding the Mytilenaeans. Any delay in administering justice will only blunt the Athenians’ righteous anger and therefore benefit the guilty (3.38). Like Pericles, Cleon says that he has not changed his opinion, but he wonders at those who wish to open the policy to debate again (3.38). But unlike Pericles, his “wondering” turns into a pointed attack on a political opponent. Cleon would like nothing better than to stifle debate altogether, and he tries to do so by besmirching his opponent’s intentions. Anyone who would recommend a policy of leniency to Mytilene must have some personal reason for doing so, like a bribe. Moreover, by claiming that the time to act is now, before the Athenians’ anger is blunted, Cleon has questioned the usefulness of deliberation of any kind. Gut feelings can guide men better than reasoned policies, which should be suspect.

Cleon says he will attempt to prove that Mytilene “has done you more injury than any single state.” He distinguishes between revolt, which is an attempt by cities which are oppressed to free themselves, and rebellion or conspiracy, which was what the Mytileneans committed. Rebellion is instigated by men who are not oppressed, but are independent—in this case, “men who inhabited a fortified island and had no fear of our enemies except by sea, and even there were not without the protection of a force of their own triremes . . .” (3.39.2). No, the Mytilenaeans presumed to put “might before right,” and they did so

even though they were well treated and prosperous. Indeed, it is states that come suddenly into prosperity which prove to be the most insolent (3.39.5).

Cleon urges his audience not to put all the blame on the oligarchs of Mytilene and exonerate the commons. The common people joined the oligarchs in their revolt and should be punished in equal measure. Also, he reasons, the Athenians should consider the effect a light punishment would have on the allies. If the same lenient penalty is handed out for those who voluntarily revolt and those who are forced to revolt by the Peloponnesians, who will not choose to desert Athens on the slightest pretext? If such a city succeeds, it wins liberty, while if it fails, it does not have to fear harsh punishment. By setting such a precedent, furthermore, Athens will have to fight many more rebellious cities, risking lives and treasure each time, and the devastation which will result from such conflicts will reduce the value in tribute of those states Athens manages to regain. If Athens fails to recover these cities, it faces even more enemies (3.39.6–8). Would it not be better to make revolts so risky that few cities would choose to revolt? Mytilene would be a prime example and a warning for all others who were contemplating rebellion. He says that he has shown that what is just and what is expedient thus coincide in his advice, but even if the death sentence was unjust, the Athenians must still abide by it, because their empire is a tyranny and the Mytilenaeans' deaths are useful to it (3.40.4–5). Cleon is saying that if the Athenians want their empire, they must do unjust things. But luckily, in the case of Mytilene, they do not have to commit any injustice: the Mytilenaeans deserve full Athenian wrath, and their punishment will set a useful example for the other allies. Cleon seems to subordinate his argument for justice to the demands of *realpolitik*, and yet it is when he speaks of justice that one can still hear the fervor in his voice.

We must not, therefore, hold out to them any hope, either to be secured by eloquence or purchased by money, that they will be excused on the plea that their error was human. For their act was no unintentional injury but a deliberate plot; and it is that which is unintentional which is excusable. (3.40.1–2)

In this, and one other place (3.39.5–6), Cleon admits that what the Mytilenaeans did accorded with human nature, or “was human.” Cleon, however, denies what his opponent Diodotus claims: that what is done because of human nature is done with less or no blame. Even if it is natural for the Mytilenaeans to want their liberty and to be contemptuous of those who cannot or do not directly control them, it is not unintentional. Cleon may be saying, then, that the impulses of human nature are strong, but he is not saying that they are in any way compelling. What is unintentional is excusable, but for Cleon nothing could be unintentional other than an accident or misunderstanding. Cleon’s understanding of what is unintentional is the common understanding. It is the assumption behind most conceptions of morality, for if people are compelled to

do “bad” things because of their nature, how can they be blamed in any meaningful sense for doing them?

Cleon ends with another attempt to revive the Athenians’ initial rage, clearly showing why Thucydides, who admired those who displayed forethought and prudent consideration, disliked him so.

Do not, then, be traitors to your own cause, but recalling as nearly as possible how you felt when they made you suffer and how you would then have given anything to crush them, now pay them back. (3.40.7–8)

As much as we might deplore the harshness, even bloodthirstiness, of Cleon’s recommendations, his prediction of what effect this action will have on the other allies also seems commonsensical. Would not seeing the Mytilenaeans receive a death sentence for their rebellion discourage others from venturing down the same path? Most of Athens’ allies were not nearly so well equipped as Mytilene to defend themselves, and they had little in the way of military might to offer Sparta as incentive for her help. Wouldn’t news of Mytilene’s fall, the fall of a relatively strong and independent city, effectively deter those in a much less advantageous position? This is precisely what Diodotus, who next argues for leniency towards Mytilene, has to deny in order to compete with Cleon’s proposals.

Diodotus promises to speak not of right or wrong, but of what is in Athenian interest. In doing so, he insists on exactly what Cleon denies: that the impulses of human nature are compelling and therefore those who follow them should not be blamed. This argument is at the root of Diodotus’ theory that even capital punishment is no deterrent. Expediency should be the only factor in considering when and how much to punish, he says.

Athens, Diodotus asserts, is “not engaged in a law-suit with them [the Mytilenaeans], so as to be concerned about the question of right and wrong; but we are deliberating about them, to determine what policy will make them useful to us” (3.44.4). The Mytilenaeans should not be put to death if Diodotus proves they are guilty unless it is to the advantage of Athens, nor should they be forgiven, even if Diodotus proves they should be, unless it is for the good of Athens. Contrary to what Cleon says, it is not to Athenian advantage to inflict harsh punishment on the Mytilenaeans. Diodotus warns the Athenians not to heed Cleon’s argument, which relies more on the “legal aspects of the case,” and takes advantage of the Athenians’ bitterness towards the Mytilenaeans (3.44.3–4). Thus it is not that Diodotus proposes to ignore the Mytilenaeans’ “claim for forgiveness,” but that this consideration, he maintains, should not be the point on which the Athenians decide.

Diodotus claims that the death penalty does not stop people from committing crimes, an argument not unfamiliar to us today. If a city rebels, he reasons, it means that it thinks it can succeed. All men are prone to error in both private

and public life, “and there is no law which will prevent them.” States will take even greater risks than individuals because the stakes are higher—freedom or empire. The individual leader, when supported by the people, “unreasonably overestimates his own strength,” and is thus more likely to recommend the dangerous course of rebellion (3.45.6). “In a word, it is impossible, and a mark of extreme simplicity, for anyone to imagine that when human nature is wholeheartedly bent on any undertaking it can be diverted from it by rigorous laws or by any other terror” (3.45.7). In making this argument, Diodotus is elaborating on the Athenian thesis, the theory of human nature put forth earlier by the Athenian envoys at Sparta. He continues:

Nay, men are lured into hazardous enterprises by the constraint of poverty, which makes them bold, by the insolence and pride of affluence, which makes them greedy, and by the various passions engendered in the other conditions of human life as these are severally mastered by some mighty and irresistible impulse. Then, too, Hope and Desire are everywhere; Desire leads, Hope attends; Desire contrives the plan, Hope suggests the facility of fortune; the two passions are the most baneful, and being unseen phantoms prevail over seen dangers. (3.45.5–6)

From one perspective, this seems like an argument concerning the justice of the Mytilenaeans’ actions. If they were lured or compelled by some irresistible impulse, if they would transgress laws regardless of the prospect of punishment by some natural and uncontrollable urge, how can they be guilty of wrongdoing? The Mytilenaeans committed no injustice, in the usual sense, if they could not help themselves. But Diodotus’ argument, while absolving the Mytilenaeans of injustice, actually subverts the common understanding of justice. Justice presupposes the ability to control ones’ actions. But Diodotus’ human beings cannot even control themselves when faced with the death penalty. They rationalize their situation until they are sure of success, no matter who else has failed. Punishment, if men cannot learn from others’ mistakes and others’ punishment, cannot even be used effectively as a deterrent—a benefit Cleon claims for his policy. It is just this question—whether or not Cleon’s punishment would serve as a proper deterrent or example for other cities—that Diodotus now takes up.

Cities will surrender more quickly if they think they will receive better terms for doing so, he says. If they have no hope of being treated with leniency, why won’t they hold out to the very end, thus making the Athenians spend more time and money on the siege? Current Athenian policy, he points out, encourages rebellious cities to surrender early by paying an indemnity and agreeing to keep up their tribute in the future. But Cleon’s policy would lead only to the destruction of such cities and thus the forfeiting of any future tribute from them. If they are punished too severely, Athens will inadvertently punish itself. It is better, he says, to punish moderately, and to “deem it proper to protect ourselves against revolts, not by the terror of our laws, but rather *by the vig-*

ilance of our administration” (3.46.4; my emphasis). Instead of severely punishing free peoples when they revolt, as they “naturally will,” Athens should “watch them rigorously before they revolt, and thus forestall their even thinking of such a thing” (3.46.6). Diodotus is not recommending deterrence at all but prevention. Laws and the threat of punishment are meant to deter. Rigorous and vigilant administration prevent not only revolt itself, but the idea of revolt which emerges whenever people are allowed any reason for entertaining false dreams of success.

Diodotus’ recommendation, then, is that Athens should try to prevent revolt beforehand, but if she cannot, to punish as few individuals as possible (3.46.6). This is because, while men cannot be persuaded but only prevented from attempting revolt in the first place, it is possible to persuade them to surrender when their cause appears hopeless. At present, he points out, the commons in the various cities are friends of Athens. But if Athens kills the Mytilenaeans, she will be killing her allies and encouraging the many, in the future, to support the few to the bitter end. According to Diodotus, the commons did not take part in the revolt, and they gave the city up to Athens as soon as they could. But even if the people of Mytilene are guilty, they should still be absolved, for the sake of Athenian interest (3.47.4–5).

“And whereas Cleon claims that this [Cleon’s] punishment combines justice and expediency, it appears that in such a policy the two cannot be combined,” Diodotus says (3.47.5). Diodotus seems to insist on paying attention only to expediency because the compelling nature of human drives makes punishment or retribution meaningless. However, Diodotus’ recommendations about what to do specifically with the Mytilenaeans could easily have emerged from an argument from justice.

If we accept his claim that the Mytilenaeans are not guilty of wrongdoing, indeed, acted correctly, then Diodotus’ recommendations for punishment (not punishing them but punishing those leaders who instigated the revolt) are just in the common sense. Not only that but, contrary to Diodotus’ claims, justice and expediency do coincide. Diodotus says that if the Athenians decide to kill all the Mytilenaeans, including the commons, they will be guilty (*aphikesete*) of killing their benefactors, and this will show all the other allies that the same punishment “is ordained for the innocent and for the guilty” (3.47.4–5). Diodotus has argued that the commons do not deserve to be punished. He has made this argument even though he says in the same breath that it appears that in such a policy as he recommends, justice and expediency cannot be combined (3.47.5). But why bother to mention Athens’ potential guilt or the innocence of the Mytilenaeans, if the justice of their cause does not matter?

This argument, which rests on justice, is opposed not only to Diodotus’ claims to be concerned only with expediency. It is also opposed to the bulk of Diodotus’ reasoning about human nature and the value of punishment. The fact

that Diodotus hides his moderate agenda within such an extreme version of the Athenian thesis compels us to ask what Thucydides' purpose was in juxtaposing the two in Diodotus' speech. When he says men "naturally will" revolt, that they are moved by mighty and irresistible impulses, then it follows that men cannot be held fully responsible for their actions. But how will they be deterred by any sort of punishment or example if they are naturally convinced that, regardless of the precedents, they will succeed? According to this argument they will not, which is why Diodotus encourages leniency for those who have revolted and strict control over those who have not yet decided to revolt. Leniency will encourage those who have already felt compelled to rebel to surrender early when faced with winning force, thus saving Athens the expense of a long siege. Strict control over the other allies will keep them from even entertaining thoughts of revolution, while neither appeals to justice nor examples of punishment will suffice. This is the natural consequence of saying that men naturally transgress laws: laws themselves become secondary to force.

The only sure way to maintain order, according to this line of Diodotus' reasoning, is through intimidation. Diodotus says that this maintenance of order through constant application of power is more effective than Cleon's idea of making an example of the Mytilenaeans. It is debatable, really, whether Cleon's or Diodotus' analyses of the situation are the harshest, for if Diodotus' logic were to be carried out in full, the remaining allies would have less freedom and would be treated with less respect than they were before. While Cleon would leave the choice up to them—albeit a fearful choice—about whether or not to revolt, Diodotus would make sure they had no real choice:

We ought, on the contrary, instead of rigorously chastising free peoples when they revolt, to *watch them rigorously* before they revolt, and thus *forestall their even thinking* of such a thing; and when we have subdued a revolt, we ought to put the blame on as few as possible. (3.46.6. my emphasis)

Thus, Diodotus' two arguments, first, that crime is involuntary, and second, that the Mytilenaeans are not to be blamed but that those Mytilenaeans who were sent to Athens by Paches as guilty are to be tried and punished, seem difficult to reconcile. The first tells the Athenians to ignore considerations of justice as irrelevant. The second tells them to take the justice of the commons' actions into account. As Orwin has pointed out, if Diodotus had stretched his argument to its logical conclusions—that even the Mytilenaeans could not be blamed and therefore should not be punished—the Athenians would never have accepted it (Orwin, p. 491). But effecting his argument's logical conclusions is not Diodotus' purpose or his intention.

What Diodotus claims, that justice and expediency do not coincide in this case, then, is false on one level and true on another. Justice, as Diodotus has defined it, fits perfectly with his prescriptions for Mytilene. These prescriptions

could have been derived from an argument exclusively from justice. But they are not. Diodotus realizes the need to argue on the basis of expediency, and therefore, even if his true aim is justice for the Mytilenaeans and moderation for Athenian policy, his theory contradicts both. Diodotus has built his argument about expediency on a foundation of human nature that admits no reasonable notion of responsibility, guilt, or punishment. Justice not only cannot coincide with this notion of expediency, it cannot coexist with it. Diodotus deceives his audience by using a theory antithetical to justice in order to make them feel good about changing their minds in a way which, after all, they had wanted to ever since they had misgivings about the morality of their first decree. Diodotus has beaten Cleon at the “expediency” game, and has proven that the Athenian thesis was better used in theory than in practice. At the level of theory, the thesis, with its ring of worldly sophistication, appealed to the Athenian people. It could move them to do what they had wanted to do in the first place out of guilt.

## CONCLUSION

Diodotus claimed that a speaker whose proposals are good had to “lie in order to be believed” (3.43). Diodotus’ lie is the very theory he puts forward. He managed, by skillful oratory, to capitalize on the Athenians’ initial change of heart. They began to think that their decree had been cruel and excessive, and they then were given an opportunity to live up to Cleon’s challenge—that their decision should be tough-minded and realistic—while still rectifying what they saw as an immoral decision. Diodotus did not so much change their minds as give them their reasons. But without his reasons, it is likely they would have followed Cleon’s advice. However, much of Diodotus’ argument, while purposefully winning moderation, logically leads to a policy dependent on the raw use of power untempered by notions of justice. Therefore the Diodotean example serves two purposes for Thucydides. First, it is an excellent display of statesmanship. Diodotus wins moderation through an argument whose elements are basically immoderate. Second, more than any other speech in the *History*, it shows us the outcome of assuming that humans are compelled to act by passions like fear, honor and interest. The outcome is that a great power must counter humans’ natural compulsions by power, not by argument or judicial procedure, but by force. The content of Diodotus’ argument and Diodotus’ purpose, indeed his very action in making the argument itself, are fundamentally opposed.

Cleon’s plea for retribution hides behind a policy of expediency. But his impatience with deliberation, his anxiety to have the thing done before the Athenians lose their rage, shows that he is not truly interested in what is best for Athens in the long run as much as he is interested in revenge (Orwin, p.

487). Revenge or retribution has little to do with expediency and more to do with “legality,” as Diodotus later points out. Diodotus claims that justice, or legality, should not be a consideration in war among states at it is in peace among individuals (3.44.3–4). He says that Cleon’s argument really hinges on justice, but that it will be heeded, not by a calm consideration of what is just, but out of bitterness and anger. It turns out that the Mytilenaeans receive more justice because the Athenians are persuaded to think of expediency, which implies that speaking loudly of justice in a forum like this will only lead to extremism, that it will be distorted by the people’s anger, perhaps by a speaker’s own ambitions (cf. Strauss, p. 191).

In the case of Mytilene, in which arguments from expediency are seriously entertained, moderation and enlightened self-interest win. At Plataea and Melos, in which expediency is either not mentioned or has been decided beforehand and is not open to serious debate, immoderation carries the day. The evidence suggests that political rhetoric must rely overtly on arguments of “national interest” or expediency in order to be successful. Diodotus’ speech exemplifies this strategy. Thucydides gives us the example of Diodotus as an agent of moderation within a naturally immoderate regime. But if we admire Diodotus’ achievement, we must recognize that the moderation he obtains depends upon his brilliant statesmanship. Thucydides leaves us with the hope that wise leaders will use the art of political rhetoric for prudent ends.

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