

# The Essence of Justice Reconsidered: Power and Justice in Thucydides' *The History of the Peloponnesian War*

*Zachery Ackerson*

Justice, as it appears to any human within a law abiding society, must rely on the use of threats so as to keep private interests checked, in favour of the common good of a society. This formulation of justice leads one to a troubling, yet well-founded conclusion: the effectiveness and ubiquity of justice within a society must depend on the use of power for its desired ends. This realist view of justice may be posited as a necessary result of Hobbesian realism, yet the co-dependent nature of power and justice originally found its genesis in the thoughts of the Greek self-proclaimed war historian, Thucydides. His characterization of Athenian power-politics in *The History of the Peloponnesian War* has at the heart of its nature a tenuous, yet essential, relation between justice and power. For Thucydides, Athenian justice is not inherent in the city's intrinsic goodness, but only gains legitimacy through the constant relationship it maintains with a power.

Thucydides' first articulation of the relationship between justice and power comes about in his rendition of Pericles' funeral oration, where justice and "greatness" are construed as virtues grounded within the tradition and execution of power and force. Pericles, before he takes on the task of praising the dead, endeavours first to "point out by what principles of action [Athens] rose to power, and under what institutions and through what manner of life our empire became great."<sup>1</sup> Already here one can see Pericles' conception of greatness as inextricably linked to the rise and consolidation of power, which set the stage for Athens' "great institutions." These institutions Pericles speaks of guarantee "protection of the injured," and enshrine "those unwritten laws which bring upon the transgressor ... the reprobation of the general sentiment."<sup>2</sup> The conclusion to be drawn here is that the written laws are inferred to maintain some sort of institutionalized, punitive penalty. Even unwritten social conventions should not be transgressed in fear

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1. Thucydides, *The History of The Peloponnesian War* (Oxford: Clarendon Press, 1900), II.36.

2. *ibid.*, II.37.

of the people of the city exacting their own punishments on the transgressor. Either institutionalized or not, Pericles' Athenian laws depend on the risk of punishment. Punishment, either physical or otherwise, hinges on the ability of the justice-keeper to restrain/fine/punish criminals via their inherent dominant position in relation to relative power measurement. Athenians are not great due to an inherent drive toward goodness as such, but in an obedience to the risk(s) of reprobation, whether official or mob-based. Ultimately, for Pericles, Athenians "are prevented from doing wrong by respect for the authorities and for the laws."<sup>3</sup> However, as illustrated above, this respect is predominantly a fear of power as opposed to an objective reverence for the laws in themselves. In summation, with the help of Pericles' own words, Athenians "cultivate their minds" with regard to objective justice "without the loss of manliness" nor without losing the fear of the power behind the laws.<sup>4</sup> After justice and power are illustrated through Pericles' oration as a source of Athenian greatness, Thucydides, in his examination of the Mytilenean dialogue, turns to a characterization of justice as expedience.

Though on opposing sides of the argument in the Mytilenean dialogue, Cleon and Diodotus, through their respective orations, construe justice as expedience. While Cleon perhaps makes this characterization in more definitive terms, Diodotus still echoes Cleon in much of his defence of the Mytileneans; it is only the debaters view of expedience, and not justice, which is divergent in objective meaning. Cleon first grounds the Athenian empire as an empire maintained by force. Cleon states that "the Athenian empire is a despotism exercised over unwilling subjects, who are always conspiring against [Athens]; they do not obey in return for any kindness which you do them to your own injury, but in so far as you are their masters; they have no love of you, but they are held down by force."<sup>5</sup> Cleon, the forceful pragmatist, acknowledges the tenuous nature of the Athenian colonial system as inherently maintained through the use of fear and backed by force. Here justice is not mentioned, only force. Force keeps enemies at bay, taking the place of justice in the anarchic theatre of international struggle. Cleon executes his death-blow to justice, stating "we forget that a state in which the laws, though

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3. *ibid.*, II.36.

4. *ibid.*, II.40.

5. *ibid.*, III.37.

imperfect, are inviolable, is better off than one in which the laws are good but ineffective."<sup>6</sup> Cleon, with this utilitarian-type of justice, becomes a proponent not of objective justice as imagined, but a firm backer of justice as expedience. Justice here is a means to an end and not an end in itself. "If [Athenians] do as [Cleon] say[s]," then by putting all the Mytileneans to death, Athens "will do what is just to the Mytilenaeans, and also what is expedient for [themselves]."<sup>7</sup> Cleon is certainly right with his second point of expedience, but makes justice here simply a tool for expedience, deeming it 'just' due to its use, void of any objective arguments.

Oddly enough, Cleon's adversarial debater, Diodotus, argues for mercy to be given to the Mytileneans, also in terms of expediency. Diodotus, rather matter-of-factly, even admits that Athens "is not at law with [the Mytileneans], and do[es] not want to be told what is just."<sup>8</sup> For Diodotus, as it appears for Cleon, the Athenians are not present to be arbiters of the law but are "considering a question of policy."<sup>9</sup> Whereas Cleon "insists that the infliction of death will be expedient and will secure you against revolt in time to come", Diodotus, "like [Cleon] taking the ground of future expediency, stoutly maintain[s] not to put all of the Mytileneans to death."<sup>10</sup> Diodotus ultimately disregards justice entirely in his defence of the Mytileneans, choosing instead to argue for future expediency. Justice, thus, in the Mytilenean dialogue is fully bound up within Athenian power and, more precisely, within the option of expediency as grounded within this relative power.

Perhaps the most jarring conception of justice in Thucydides manifests in the Melian dialogue, where justice becomes the subjective instrument of Athenian *realpolitik*. Facing an insurmountable military invasion, the Melians agree to debate terms of surrender, but encounter a less-than-objective final judgement from the Athenian powers. The Athenians encapsulate their form of justice at the beginning of their part of the dialogue, claiming "we both alike know that into the discussion of human affairs the question of justice only enters where there is equal power to enforce it, and that the powerful exact what they can,

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6. *ibid.*

7. *ibid.*, III.40.

8. *ibid.*, III.44.

9. *ibid.*

10. *ibid.*

and the weak grant what they must."<sup>11</sup> For the Athenians, justice is irrelevant in their conversation with the Melians. When it comes to blows, justice is thrown out the window and a shield and spear are donned, unless each belligerent is totally equal in strength. Moreover, the Athenians seem to appropriate justice as an aspect of tangible power, particularly when they posit that "guilt," an essentially judicial term, is an error in seeing things for what they are.<sup>12</sup> When challenged by the Melians with a divine conception of justice, Athens still maintains its position. The Athenian delegates see the God's justice as "a law of their nature wherever they can rule they will."<sup>13</sup> This appeal to divine justice is the only abstraction the Athenians can make, because it corroborates their powerful position. The gods, with their immeasurable power, do just as the Athenians do with their tangible powers. That is, the gods conquer as they will. "What encourages men who are invited to join in a conflict," is not abstraction or appeal to objective principles (like justice) for the Athenians, "but a decided superiority in real power."<sup>14</sup> As is obvious with the numerous responses of the Athenians illustrated above, power not only trumped (Melian) justice, but makes justice appear wholly subjective. Justice, thus, in the Melian dialogue, is subverted by the overarching force of absolute power.

Through Pericles' funeral oration, and the Mytilenean and Melian dialogues, one concrete conclusion is made apparent: no matter how power is conceived (greatness, expedience, or brute force), it always takes precedence over justice. Justice, then, for Thucydides in *The History of the Peloponnesian War* finds its legitimacy and utility only by and through the exercise of power, however construed.

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11. *ibid.*, V.89.

12. *ibid.*, V.103.

13. *ibid.*, V.105.

14. *ibid.*, V. 109.