Maintaining the boundaries of *nomos*: Phthonotic responses to sociopolitical perturbations in Herodotus' *Histories*

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ABSTRACT

JOHN ESPOSITO: Maintaining the boundaries of *nomos*:
Phthonotic responses to sociopolitical perturbations
in Herodotus' *Histories*
(Under the direction of Emily Baragwanath)

Herodotus begins the *Histories* with a series of princess-thefts, each resolved by a straightforward *tisis* response. This simple quantitative equalization is complicated by the Greek theft of Medea without recompense, and Paris appeals to this imbalanced theft as precedent. This appeal implies common east-west membership in a 'nomotic system' in a way that will contribute significantly to the rest of the narrative. The Candaules *logos* introduces the 'inverse proportionality' characteristic of the circumstances to which *phthonos* responds; the Croesus *logos* extends *phthonos* to the gods, which describes the nomotic system of the *kosmos*. The Cambyses *logos* introduces a political formulation of 'unlimited monarchy' that precludes any *nomoi* whatsoever, and puts the Persian monarch in a potentially phthonotic relation to all others. Darius attempts to avoid *phthonos* from his subjects by imperial expansion, and Xerxes' coerced submission to *nomos* in book 9 hearkens back to the Candaules *logos* in book 1.

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0. Introduction: motivation

John Gould argues that the related notions of reciprocity and gift-exchange significantly structure Herodotus' *Histories*.[1] In this thesis I will attempt to expand this analysis, supplementing 'reciprocity and gift-exchange' with '*tisis*, *nomos*, and *phthonos*' which, I believe, will help provide a clearer understanding of how these kinds of exchanges work in Herodotus. I will examine a number of key or 'hinge' passages, starting with the opening of book 1 and ending with the close of book 9, in which Herodotus presents the *tisis-nomos-phthonos* complex with particular clarity and complexity.

At issue is the general problem of *nomos* in Herodotus[2], and specifically the *genesis* of Herodotean *nomoi*: given that *nomoi* regulate human relations, which in economic terms are always exchanges of some sort, why do certain *nomoi* arise in the places and times at which they do? What are the circumstances to which a particular *nomos*' regulatory force responds? I will glean the terms of my general answer from the opening passages of book 1, arguing that, in Herodotus' opening narrative (as elsewhere throughout the *Histories*), *nomos* responds at the point where *tisis* fails, insofar as *tisis* addresses only quantitative equalities, and cannot comprehend quantitative non-equality.

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[1] Gould 1989, 1991.

[2] For a general discussion of *nomos* in Herodotus, see Powell 1938 *s. v.*, Gigante 1956 *passim*; Evans 1965; in ancient Athens, Ostwald 1969; Humphreys 1987; Thomas 2000, 102-134; for Persian kings violating Persian *nomoi*, see e.g. Gould 1989, 26-27; Lateiner 1989, 140-144; for an extended treatment of *nomos* and kings in Herodotus, see MacNellen 1994.

This principle – that *nomos* begins where *tisis* ends, the specific difference being quantitative imbalance – means that *nomoi* arise, and are found useful by the respective communities, when some inequity needs to be addressed, but cannot be addressed by simple 'equalization'. This inequity is addressed psychologically by *phthonos*, which obtains in x toward y when y's good redounds to x's harm[3]; by responding proportionally to *phthonos*-generating inequity, *nomos* responds to phthonotic circumstances and regulates individual humans' responses. The opening of book 1 contextualizes such circumstances in the arena of *interstate* human relations; the other 'hinge' passages I will discuss offer the arenas of *intrastate* human and *divine-human* relations as parallel contexts. Just as the interstate inequity narrated in the opening chapters resulted from the collapse of 'equal-for-equal' exchanges regulated by *tisis*, and hence needed to be addressed by some sort of *nomos*, so also the simple kind of intrastate inequity resulting from social differentiation is addressed by *nomoi* regulating each member of a community in proportional relation to other community-members, and to the community as a whole.

Monarchs in Herodotus pose a special problem for *nomos*[4], and in several places the Herodotean narrative suggests why. The most straightforward answer comes from Otanes, who argues (3.80) that monarchy is a poor form of government because '*phthonos* is born in men from the beginning (φθόνος δὲ ἀρχῆθεν ἐμφύεται

[3] See especially Aristotle's *Rhetoric*, 1387b-1388b; Ranulf 1933; Schoeck 1967; Foster 1972; Walcot 1978, Ben Ze'ev 1992; Elster 1999; Konstan and Rutter 2003, especially Harrison 2003; and Cairns 2003 (which provides a fairly comprehensive bibliography).

[4] Cf. Ferrill 1971; Waters 1971; Gammie 1986; Hartog 1988, 330-339; Lateiner 1989, 140-144; Christ 1994; MacNellen 1994; Dewald 2003 and sources.

ἀνθρώπῳ)'.[5] Moreover, Amasis' advice to Polykrates (3.40), along with the whole Polykrates *logos*, refutes excessive monarchical wealth and power by appeal to the inevitable *phthonos* of the gods (θεῖον ἐπισταμένῳ ὡς ἔστι φθονερόν).[6] These passages and others, most famously Artabanus' 'lightning strikes tall trees' argument at 7.10e (ὁ θεὸς φθονήσας φόβον ἐμβάλῃ ἢ βροντήν), present *phthonos* explicitly; this paper will argue that *phthonos* does a great deal of 'behind the scenes' work in Herodotus' narrative, especially in monarchical contexts. For if monarchy is bad because divine and/or human *phthonos* always obtains, then *phthonos* is somehow related to the proper ordering of communities and divine-human relations – which *nomos* is supposed to regulate, whenever *tisis* is not enough. Monarchy is opposed to certain particular *nomoi* when the monarch's desire and the normative impulse of custom or law come into material conflict, but unlimited monarchy is opposed to any and all *nomoi*, because *nomos* divides, and hence limits, in order to respond proportionally to quantitative imbalance.

This formal contradiction between *nomos* and absolute monarchy helps tie together two notoriously slippery Herodotean, and generally Greek, usages, namely, *tyrannos* and *mounarchos*.[7] For if the *tyrannos* is specifically the ruler who has come to power unconstitutionally, then the unconstitutionality of his accession entails the indivision, and hence potential unlimitedness, of the tyrant's power – since *politeiai* are

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[5] See Pelling 2002 for narrative complications of Herodotus' presentation of Otanes' argument. Lateiner 1984 is a sensitive general treatment of this passage. See also Raaflaub 1987; Thompson 1996, 52-78.

[6] The best discussion of this aspect of the Polykrates *logos* is found in Van der Veen 1996, 23-52.

[7] For an overview of tyranny in ancient Greece see McGlew 1996. Parker 1998 offers an extraordinarily detailed semantic history of the word '*tyrannos*', including earlier Near Eastern usages. For *tyrannos* and *mounarchos* in Herodotus, see note 3 above.

sufficient conditions for *nomoi*, inasmuch as *nomoi* are necessary conditions of *politeiai*.[8] But in both interstate and intrastate human contexts, as well as divine-human contexts, social and religious *nomoi* protect against the common phthonotic response by re-establishing proportional, not quantitatively identical, relations. Such a reading of *phthonos* and *nomos* helps to establish a sound psychological foundation for political and economic analysis. Herodotus' narrative, precisely in presenting individual human beings acting with convincing and intelligible psychological complexity, offers such a foundational account.

The bulk of this paper will be devoted to showing how *phthonos* is related to *nomos* and *tisis* in Herodotus, especially how the *tisis-nomos-phthonos* complex appears in the narrative when kings do harmful (or potentially harmful) things. Exactly how *phthonos* generates *nomos* differs considerably in each particular instance of *nomos*, because phthonotic circumstances vary as extensively as the number of possible configurations of the relevant terms. Herodotus' articulation of the *tisis-nomos-phthonos* complex, then, cannot be reduced to any 'scientific' formula, but rather must be understood in all the richness of the Herodotean narrative.

[8] See Ostwald 1986, 370-72 and 367n119 with sources cited.

1. The opening of the *Histories*: *tisis*, *nomos*, and quantitative imbalance

In the first sentence of Herodotus' inquiry, the Persian *logioi* attribute responsibility (cp. αἰτίους) to the Phoenicians, which Herodotus describes in 1.2 as injustice (ἀδικημάτων).[9] The first action anyone performs in the narrative is the Phoenician theft of Io; the second action is a response to the first (μετὰ δὲ ταῦτα), the Greek theft of Europa. So far the narrator has not located either action in any interpretive framework: to this point, the Persian *logioi*, if they are wrong, are wrong simply about matters of fact. The Herodotean narrator emphasizes the possibility of Persian error by directing the first mention of an alternative account against a factual Persian claim[10]: Persians and Greeks agree that Io came to Egypt, but what the Greeks deny is the *narrative* the Persians offer (οὕτω μὲν Ἰοῦν ἐς Αἴγυπτον ἀπικέσθαι λέγουσι Πέρσαι, οὐκ ὡς Ἕλληνες). The Persian aitiology depends on the veracity of their narrative. Thus the disagreement between Persians and (implied) Greeks as to the causal explanation of east-west conflict lies in claims about particular actions; the Persian interpretation of these actions, if they really happened, does not enter into the discourse of alternatives.

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[9] Dewald 1999 is the most complete discussion of the focalization of the opening chapters of book 1.

[10] For the rhetorical effect of alternative accounts in Herodotus see Dewald 1987, 149-168; Lateiner 1989, 76-90.

The first interpretive judgment in the *Histories* appears right after the Persian account of the Greek response to the Phoenician theft of Io: 'on the one hand these things were for them equal for equal (ταῦτα μὲν δὴ ἴσα πρὸς ἴσα σφι γενέσθαι)'. The *men* sets this clause against the following *de* clause, where the Persians immediately juxtapose causality and injustice as they shift blame from Phoenicians to Greeks: 'but after this the Greeks were responsible for the second injustice (μετὰ δὲ ταῦτα Ἕλληνας αἰτίους τῆς δευτέρης ἀδικίης γενέσθαι)'. The acceptability of 'equal for equal' suggested by the juxtaposition of the two clauses is implicitly granted.[11]

Thus Herodotus presents this quantitative formulation of *lex talionis* as a regulator of human interactions that does not require any logical or rhetorical justification. This is a thoroughly Greek, and actually cross-culturally recognized fundamental principle of law.[12] If the opening of the Herodotean inquiry is tightly structured[13], then the fact that this is the first interpretive judgment in the whole work must be significant. The first two actions in the *Histories*, narrated as part of the Persian aitiology of the conflict between Greeks and barbarians, are instances of *tisis*, which Herodotus describes in terms of equality of exchange (ἴσα πρὸς ἴσα).[14]

The first Greek theft of a princess was, then, justified by the self-evident *lex talionis*, and hence was neither blameworthy nor unjust. The second Greek princess-theft – the theft of Medea, narrated in the *de* clause at 1.2 – *was* unjust, because it was not an

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[11] Cf. Pelling 2000, 155.

[12] Pospisil 1971, 1-9.

[13] See Moles 1993, 91-114; Dewald 1987; Dewald 1999, 223-33.

[14] For notes on *tisis* and equality, see Lateiner 1989, 191-96.

instance of ἴσα πρὸς ἴσα. Thus the suggestively contrasting *men/de* construction, whose first clause expresses the 'law' of *tisis* as a quantity-equalizer, presents the theft of Medea narrated in the second clause as somehow *opposed* to quantitative equality. Indeed the quantitative ratio of princess-thefts between east and west is at this point 2:1, weighted toward the west; the Colchian king responds by demanding that the even the score by giving justice and returning the girl (αἰτέειν τε δίκας τῆς ἁρπαγῆς καὶ ἀπαιτέειν τὴν θυγατέρα). Already an inkling of some more complex regulator of human interactions than simple 'equal for equal' has snuck quietly into the picture: the Colchians did not try to steal a princess back, as the Greeks had done to the Phoenicians, but rather demanded *dikas* through a herald, and required that the princess-theft ratio be returned to 1:1 by the return of Medea. But the state of affairs intended by this regulator is still simple 'equal for equal': the Colchian response is simply a more fully articulated form of *lex talionis*, justified by being aimed at the quantitative equality that *tisis* enforces.

But the Greeks, say the Persians, reject this argument, on the reasoning that, since the Phoenicians did not give *dikas* for the theft of Io, so neither must the Greeks give *dikas* for the theft of Medea. This seemingly straightforward passage actually introduces, for the first time in the *Histories*, one of the key concepts of law, significant for the Greeks, namely, *relevant similarity*.[15] The Greeks claim that their theft of Medea was somehow 'sufficiently like' the Phoenician theft of Io that what was appropriate in the first case was appropriate also in the second. The problem with the Greek argument is of course that there *is* no relevant similarity between the two princess-thefts: Tyre is not

[15] Pospisil 1971, 78-81. The legal and generally systemical concept may be related to Munson's observation (2001a, 98) that meaningful similarities between two apparently different cultures are themselves 'wonders', one of the *Histories*' chief concerns.

Colchis, and anyway the Phoenicians *did* lose Europa to the Greeks in response. So while the *concept* of relevant similarity is introduced in the Greek argument, the implied assertion of *fact* is denied by the narrative (wherein relevant similarity of the sort the Greeks affirm does not actually appear).

But the Greek refusal to pay *dikas* for the theft of Medea sets a precedent that *is* relevantly similar to the next princess-theft, as Paris argues in 1.3. The Greek claim of relevant similarity does not fit the narrated facts; but Paris' claim of relevant similarity between his contemplated theft of Helen, and the unavenged Greek theft of Medea, does fit the narrated facts, because the only fact Paris needs in order to establish relevant similarity sufficient to justify his action to himself is that the thief on whom the injured party made a claim of *dikas* did not actually pay it.[16] The Greeks did not when they stole Medea, so Paris need not when he steals Helen. Thus Paris' argument at 1.3 is the first time a legitimate appeal to precedent appears in the narrative – legitimate, at least, within the Persian account. The appeal to precedent is an appeal to *nomos*, to 'the way things are in fact done'; and the relevance of the precedent depends on relevant similarity obtaining between actions of east and west.[17]

The Paris narrative is enormously significant to the Herodotean presentation of *tisis* and *nomos*[18]; and it needs to be examined more closely. First, Paris needs a little more than simply some real similarity between the projected theft of Helen and the accomplished theft of Medea. Two thefts might be alike but not related as Paris relates

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[16] Flory 1987, 27; Pelling 2000, 154.

[17] Pospisil 1971, 11-37.

[18] Wardman 1961, 134-38 analyses the various notions of *casus belli* operating the narrative to this point. More recent analyses of the significance of the opening narrative appear in Dewald 1999 and especially Pelling 1997.

them, namely, such that what follows one will also follow the other. But Paris, deliberating over what to do next, decides that what followed the first theft (non-*dikas*) *will* also follow the second theft. The absence of any further reasoning means that, in Paris' view, princess-thefts of the sort common to the Greeks' Medea-theft and his Helen-theft are related to their consequences in a definite and predictable way (namely, that *dikas* will not follow). Thus Paris is implicitly presupposing something common to east and west: that the same consequences follow the same actions when both westerners and easterners perform them. The claim that actions of this sort (namely, princess-theft) stand in the same relation to their consequences whether easterners or westerners perform them describes a kind of 'law of consequence' – not juridical law but rather 'physical' law, descriptive of human relations, whereby actions and what follows them are commonly and intelligibly related.[19]

The juridical/physical distinction lies near the heart of Greek sophistic *physis/nomos* debates, and might be taken by Herodotus' contemporary audience as gesturing in the direction of contemporary intellectual concerns. The Candaules *logos* will climax in a juridical application of *nomos*, but already the Persian Paris' deliberation implies that east and west are located in the same system of consequence, and that the absence of juridical submission in one case entails the non-necessity of juridical submission in another relevantly similar case.

[19] Pospisil 1971, 28-36.

1a. Nomotic systems

This location of east and west in the same 'nomotic system' affirms relevant similarity between east and west in certain contexts determined by consequence.[20] This commonality has a flip side: if relevant similarity obtains between two parties, then one party's benefit might redound to the other party's harm. These circumstances arise whenever two parties are related in the way just described, for straightforward legal reasons: if two parties are subject to the same laws, then their relation to each other is at least partly determined by those laws, insofar as laws serve as regulators of human *inter*action. These interactive relations are, insofar as law-regulated, *determinate*, which is to say, literally, 'bounded'; the 'bounds' of the *nomos*-regulated relations are what locate the relevant parties in their respective nomotic 'places' in society. [21] This is why *politeiai* are a kind of *nomoi*, indeed the 'foundational' *nomoi* insofar as they establish the basic sociopolitical structure in which all parties are related.[22]

Now insofar as *politeiai*, along with other more specifying *nomoi*, put each citizen into a definite 'location' within a sociopolitical structure, the role of each citizen is determined by his or her location within that structure. Violation of these boundaries is a violation of *nomos*. But another, utterly crucial complication arises when the 'boundaries'

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[20] The Herodotean breakdown of the hard-and-fast east/west dichotomy is discussed more generally in Pelling 1997.

[21] Sealey 1994 offers a sophisticated discussion of the Greek idea of justice toward an approximately similar conclusion.

[22] Pospisil 1971, 107-119.

set by law are actual divisions of a *finite* set.[23] For when sociopolitical locations are determined within a finite set, the 'establishment of boundaries', which is the work of *nomos*, is also a *division* of the finite set into measurable, summable quantities. *Nomoi* (beginning with *politeiai*) thus *divide* society into finite sections. Whether these sectional 'cuts' are made according to wealth, descent, or some other criterion, varies from one set of laws to another, but in every case the division is made according to distinctions that allow individual parties to be assigned to the appropriate sections with relative ease. But the constitutional histories, familiar to all students of ancient politics, show that some 'sectional cuts' are more beneficial to the community than others. Whatever the intricacies that determine the 'propriety' of these cuts, it is surely the case that faulty, inappropriate cuts lead to grave social disruption and even revolution. The excellent legislator knows how to make these divisions 'properly'. But the 'excellent legislator *par excellence*' in the constitutional history with which we are most familiar, that of ancient Athens, was Solon, whose legislation responded to the class-*phthonos* that was tearing Athenian society apart.[24]

Herodotus' earliest presentation of the Solonian legislative program is an allusion to (1.30), and later discussion of (2.177), a law taken from the Egyptians, which requires each citizen to justify his place in society. These passages will receive their own

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[23] Later I will argue that the Herodotean narrative explicitly offers an alternate picture – that the set in which certain individuals (specifically Persian kings) is *not* finite – and then rejects this picture, for several, often overlapping reasons.

[24] This is the position taken by the *Ath. Pol.* (2.1, 5.1). Ellis and Stanton 1968 offer an extended discussion of Solon's reforms in these terms, which McGlew 1996, 87-123 updates usefully. Harris 2002 offers an antidote to overly casual readings of Marxist (historical-materialist) notions of class-envy into Solon's poems and laws. Chiasson 1986 remains the most thorough discussion of the relation of the Herodotean Solon to the historical Solon, possibly excepting a paper that I believe remains unpublished, and to which I have not been able to get access (Mathieu de Bakker at a conference entitled 'Solon: New Historical and Philological Perspectives' at Soeterbeeck, The Netherlands, on December 14, 2003).

treatment below; but already in 1.3 the location of east and west in the same nomotic system implies that, at least in respect of princess-theft, east and west are 'bounded' in the way just described. If interstate and intrastate relations are commonly modeled as analogously 'nomotic' insofar as both participate in the kind of system of consequence-relation described above, then the kinds of problems faced by states whose *intra*state divisions are somehow 'inappropriate' will be analogously troublesome to *systems* of states whose *inter*state divisions are somehow 'inappropriate' in a correspondingly analogous way. The Herodotean narrative is expressly concerned with intrastate *nomoi*, and how these *nomoi* do their work (i.e., regulate society). The other matter the Herodotean narrative explores, which together with the various nations' *nomoi* fulfils the programmatic promise opening book 1, is the 'διαφορῆ' between Greeks and barbarians, which in the *Histories* means primarily the Persian wars. Thus the Herodotean narrative is from the start concerned with what might succinctly be called, in nomotic terms, 'the determinations of interstate and intrastate systems' – the perturbation of which determinations, in the case of the interstate systems, is war.[25]

1b. *Nomos* and *phthonos*

Keeping in mind this analogy, let us return to the concept of *phthonos* and treat it in terms of the 'divisions' mentioned above. The relation of *phthonos* to divisions of a finite set is straightforward: if a divided set is finite, then the quantitative variation of one

[25] The account presented in this section is crudely system-theoretic; for a brief system-theoretic account of envy, see White 1991. For Herodotean boundaries in general, see Immerwahr 1966, *passim*, esp. 325-26; Lateiner 1989, 126-44.

section is inversely proportional to the quantitative variation of the other.[26] (If my brother eats five slices from an eight-slice pizza, then I can eat no more than three. The more slices he eats, the fewer I have any chance of eating.) Of course this inverse proportion holds when and only when both sections are really divisions of the same set – a common set-membership that we argued followed from a certain 'relevant similarity' between members. But this is exactly the kind of circumstance – i.e., 'inverse proportion obtaining between relevant similars' – to which *phthonos* responds. When the benefited is not relevantly similar, then no envy follows.[27] (For example, humans feel more envious toward co-workers who have just received a ten-thousand-dollar raise than they do to a billionaire whose net worth has just increased by ten million.)

Thus the concept of *phthonos* ties together (a) 'nomotic' divisions, (b) finiteness of divided sets, and (c) quantitativeness of nomotic regulation. This whole conceptual complex was introduced, as we have seen, by the opening narrative of the *Histories* where *tisis* failed and Paris responded by appealing to precedent, so introducing interstate *nomos*. In certain passages in the *Histories*, *phthonos*' importance is already evident on the surface: Thomas Harrison (2003) discusses these adequately, arguing that *phthonos* functions in the *Histories* as 'for Herodotus the primary motor of historical action' (157). Harrison understands that envy has something to do with *politeiai*, and something to do

[26] This derivation, which puts metaphysics before ethics, is the inverse of that presented in Kaster 2003, which puts ethics before metaphysics. Kaster's reversal is philosophically Cartesian, but an ancient rhetorical commonplace. The fact that the inverse proportionality must be perceived in order to be acted upon, which the tacit Cartesian might readily cite in favor of Kaster, argues in favor of my prioritization inasmuch as 'false perception of *phthonotic* circumstances' is a meaningful term, along with 'deceptive appeal to *phthonos*' and any number of similar, rhetorically significant terms.

[27] This precludes the frequent sociological inference from envy to egalitarianism, presented in e.g. Schoeck 1967, Elster 1999, and Cairns 2003. Moreover, since egalitarianism makes individuals, irrespective of differing social *proprietates*, the players on the zero-sum field, then if *any divisions whatsoever* are 'appropriate', then egalitarianism is nonsensical (and will in fact produce phthonotic circumstances). Frank 2005 offers a reading of Aristotle's political theory in roughly this direction.

with imperial expansion, but only touches on the 'inverse proportionality' that, I have argued, is necessarily possible in any divided finite set. Thus even the opening three chapters of the Herodotean narrative encode a far richer understanding of *tisis* and *nomos*, and, if my analysis is correct, *phthonos* also, than Harrison's brief survey.[28] In the rest of this paper I will attempt to follow through several crucial passages in the *Histories* the development of this complex picture first presented in the *Histories*' opening.

[28] Harrison 2003, 158 asserts that Croesus is the first Herodotean character not to participate in 'robotic tit-for-tat'; his point is well-taken (and the Croesus *logos*, which I treat below, does explicitly relate *phthonos* and quantity), but Paris (let alone Candaules) is deliberating in a way surely a bit more sophisticated than 'robotic'.

2. The Candaules *logos*: *eros*, *phthonos*, and not 'looking to one's own'

The first story given on Herodotus' own authority is the Candaules *logos*. The deliberate structure of the Herodotean narrative suggests that this location, as the first of the *logoi* vouched for by Herodotus himself, is significant.[29] Its narrative-initial position makes it ideal for developing the themes introduced in the introductory chapters.[30]

The *logos* begins with Candaules' *eros* toward his wife (οὗτος δὴ ὢν ὁ Κανδαύλης ἠράσθη τῆς ἑωυτοῦ γυναικός) (1.8.1). In the clause immediately following, connected by the participial repetition of the first clause's main verb (ἠράσθη /ἐρασθεὶς), Candaules 'supposes his wife to be by far the most beautiful woman of all' (ἐνόμιζέ οἱ εἶναι γυναῖκα πολλὸν πασέων καλλίστην). The first, emotive verb related only Candaules and his wife, while the second, rational verb relates Candaules' wife and all other women. Thus the set referenced by ἠράσθη/ἐρασθεὶς, which is emotive and hence non-calculative, as just two members, while the set referenced by the calculative ἐνόμιζέ/νομίζων is Candaules, his wife, and all women. The superlative adjective is καλλίστην, and Candaules and his wife are not relevantly similar in any respect presented in either sentence – Candaules and his wife are not being compared.

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[29] Bravo and Węcowski 2004 discusses the formal structure of the opening narrative, concluding that the passage's unity derives in great part from Herodotus' self-presentation as a *sophos* integrating a large body of material in a single intelligible pattern.

[30] See Immerwahr 1966, 46-78 for a general discussion of narrative 'building' in Herodotus.

But in respect of beauty Candaules' wife and all other women *are* relevantly similar, as the superlative with the genitive of comparison πασέων expresses.

The opening two sentences of the Candaules *logos* thus successively present systems of interpersonal relations of increasing size from 'two' to 'many'. The repeated, logically unifying verb describing the first system was ἠράσθη/ἐρασθεὶς, which the story will eventually present as *necessarily* limited to two humans (1.11); the repeated, logically unifying verb describing the second system is ἐνόμιζέ/νομίζων, an 'estimation' or 'supposition' that potentially takes unlimited objects (in this case, 'all women'). Indeed the work of the 'estimation' is precisely to distinguish one object from all the rest. The distinction is expressed by the superlative adjective; the first 'supposing' in the authoritative *logoi*[31], then, puts 'relevantly similar' humans in a relation such that one's possession of a certain excellence necessarily redounds to the others' lack of that excellence (namely, 'greatest beauty'). Candaules supposes his wife to be 'the most beautiful of all': and this is the kind of circumstance to which *phthonos* responds.

Candaules, however, is not satisfied with his wife *being* the most beautiful; she must also be *known* to be the most beautiful in the eyes of him whom he trusts. The narrative signifies this 'trust' in Gyges by τὰ σπουδαιέστερα τῶν πρηγμάτων (1.8.1), and narrates Candaules' desire to show Gyges his wife in the next clause of the same sentence, the two clauses connected by complementary *kai*'s. The fact that Candaules wants Gyges to know his wife's beauty, and insists that Gyges know it, along

[31] The *nom-* verb appears only once before in the *Histories*, where (in the Persian aitiology) the Greeks judge princess-theft to be an injustice. Without pressing the etymological connection too far (though I think it can be pressed pretty far before it breaks!), one might observe that the first '*nom'*ing anyone did in the *Histories* involved establishing inverse proportionality between relevantly similar states, and the second involved establishing inverse proportionality between relevantly similar women.

with the fact that Candaules' wife is never named properly, but named only by reference to him, and first named as (and here it is tempting to see a subtle focalization in the reflexive pronoun) 'the wife of *himself* (τῆς ἑωυτοῦ γυναικός)' – all these factors contribute to the picture of Candaules' wife as somehow derivative of Candaules, and his wife's beauty as somehow, at least in Candaules' own mind, reflective on Candaules himself. Candaules would evidently remain dissatisfied if his wife were not *known* to be the most beautiful. But he wants more than simple agreement: the knowledge that will satisfy him must be *sensual*, his wife must be known *physically*: Gyges already accepts Candaules' testimony but Candaules will not be satisfied until Gyges *sees* her with his own eyes. Candaules contrasts the persuasive inefficacy of 'supposing with ears' with the persuasive efficacy of 'seeing with eyes', insisting that Gyges must consequently *see* her naked (Γύγη, οὐ γὰρ σε δοκέω πείθεσθαι μοι λέγοντι περὶ τοῦ εἴδεος τῆς γυναικός (ὦτα γὰρ τυγχάνει ἀνθρώποισι ἐόντα ἀπιστότερα ὀφθαλμῶν), ποίεε ὅκως ἐκείνην θεήσεαι γυμνήν).

Candaules' fateful command thus breaks down into two essential components: first, that Gyges *look at* her naked; and second, that in seeing her he recognize her as *the most beautiful* of all women. The second can be accomplished only by the first, for nothing but seeing will suffice to show her unique supremacy in beauty. Gyges has no objection to the judgment: indeed he already agrees that Candaules' wife is the most beautiful, simply on the authority of Candaules' word. Gyges instead objects only to the *seeing*: this is in fact the only thing that violates the Lydian maxim 'look to one's own

(σκοπέειν τινὰ τὰ ἑωυτοῦ)' (1.8.4).[32] The maxim describes a *nomos*: it is enforced by *aidos* (1.8.3), its contradiction is *anomon* (σέο δέομαι μὴ δέεσθαι ἀνόμων) (1.8.4), and the queen describes its violation as *ou nomizomena* (σε τὸν ἐμὲ γυμνήν θεησάμενον καὶ ποιήσαντα οὐ νομιζόμενα) (1.11.3). The Lydian *nomos* says nothing about 'supposing another's wife to be the most beautiful', but emphatically prohibits the *physical seeing* of another's wife naked, to such an extent that the ethical concept of *aidos* and the actual articles of clothing are fused (ἅμα δὲ κιθῶνι ἐκδυομένῳ συνεκδύεται καὶ τὴν αἰδῶ γυνή) (1.8.3).[33]

From the point of view of *nomos*, the relevant Lydian *nomos* has made a 'sectional cut' in Lydian society: σκοπέειν τινὰ τὰ ἑωυτοῦ, applied to this case, divides the members of the Lydian nomotic system into 'those that *may* look at Candaules' wife naked' and 'those that *may not* look at Candaules' wife naked'. The first section has a *definite* quantity: only Candaules' wife's husband can call her 'his own' (the ἑωυτοῦ in Gyges' quotation of the relevant *nomos* picks up the ἑωυτοῦ from ἠράσθη τῆς ἑωυτοῦ γυναικός at the *logos*' opening), so this quantity is *determinately two*.[34] Candaules' command attempts to increase that set's membership to three.[35] The offense, then, was a quantitative *expansion*; the queen's *tisis* (1.11.3) is a *contraction* that restores

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[32] Cairns 1996, 79-82 interestingly discusses the anomotic implications of seeing another's wife naked in terms of the casting-off of the bride's veil during many Greek wedding ceremonies.

[33] Cf. Stahl 1968, 392; Konstan 1983, 12; Cairns 1996; Pelling 2006, 144.

[34] Polyandry obviously has no place in Herodotus' Lydia.

[35] Herodotus' presentation Gyges slightly shades into portraying him as representative of the entire Lydian community: Candaules wants to prove his wife is the most beautiful *of all*; he will be satisfied if *Gyges* alone sees and judges her to be so.

the number of persons permitted to see her naked to the definite quantity determined by the Lydian *nomos*.[36]

Gyges' argument against Candaules' command is explicitly an appeal to *nomos* (1.8.4). Candaules does not understand; he patiently explains that Gyges need have no fear, since he will prevent the queen from inflicting *tisis* on him (1.9). Candaules responds as if Gyges were afraid of *tisis*, but Gyges had said nothing about *tisis*; Gyges had not even expressed fear, having justified his appeal to 'look to one's own' by describing it as 'fine things discovered by men of old' (τὰ καλὰ ἀνθρώποισι ἐξεύρηται). The Lydian *nomos* is fine, and it divides the world into 'those who may see the queen naked' and the 'those who may not see the queen naked'. Candaules does not even think in these nomotic, set-sectioning terms. Gyges has spoken only of the division as excellent through itself, not insofar as it avoids anything that might follow from violating it. But Candaules thinks that by blocking *tisis* he is obviating Gyges' appeal to *nomos*: 'take courage, for no harm will come to you' (1.9.1). If this is adequate response to Gyges' objection, then the Lydian *nomos* serves no other purpose, because it has no other dialectical force, than to help Lydians avoid the harm (βλάβος, at 1.9) that might follow from not looking to one's own. For Candaules, the work of *nomos* is to protect against *tisis*; but why follow *nomos* when I, the king, whose contrivance will surely be successful (ἀρχήν γὰρ ἐγὼ μηχανήσομαι), can do the work of *nomos* for you? This argument – which *must* be Candaules' if he thinks he is answering Gyges' objection as Herodotus narrates it – considers *nomos* valuable only insofar as coercive, and therefore

[36] Cairns 1996, 80-81.

superfluous when some other equally strong coercive force appears. Candaules believes he possesses this power. Gyges does not dispute that Candaules can *violate* the *nomos*; he certainly can, because Gyges is not able to escape the royal command (ὃ μὲν δὴ ὡς οὐκ ἐδύνατο διαφυγεῖν (1.10.1)). But whereas Candaules in his royal power can command that the *nomos* be violated, he does not have the power to avoid the consequences of *tisis*, to which he reduced the work of *nomos* in his own argument.

Candaules cares nothing for the content of the Lydian *nomos*; he looks only to its consequences. But the content of the Lydian *nomos* addresses *exactly* the situation to which Candaules is himself responding – namely, the circumstances in which *phthonos* arises. Candaules loved his wife (in the *logos*' first clause); as soon as (in the second clause) he brought others into the picture, and compared her with them, he established his wife and others' beauty in an inverse proportion; and so long as this inverse proportion obtained, he could not bear that anyone should consider his wife *not* the most beautiful. When the set of referents is two, Herodotus uses the ἠράσθη/ἐρασθεὶς verb; when Candaules phthonotically expands the set to many, the verb becomes ἐνόμιζέ/νομίζων, and immediately Candaules' dissatisfaction with the inverse proportion becomes physicalized, visualized. Humans don't believe their ears; they must *see* things in order to judge them the most beautiful (even before issuing his anomotic command, Candaules was praising his wife's appearance in particular: τὸ εἶδος τῆς γυναικὸς ὑπερεπαινέων (1.8.1)). The set of the wife and the one that can call her 'his own' *ought* be identical to the set referred to by ἠράσθη/ἐρασθεὶς (Candaules and his wife);

if it were, then nothing problematic would have resulted.[37] The Lydian *nomos, in its specific content,* commands that the set of 'those who may see the queen naked' be limited to one, and those that one plus the queen are the same as those referred to by ἠράσθη/ἐρασθεὶς. The juridical *nomos* turns out to be 'physical' – violating it does have harmful consequences, does produce *tisis*, and that's a good reason for Candaules not to violate it – but even this obtains *exactly in virtue of its juridicality*: Candaules' violation harms him *because his wife also affirmed the Lydian nomos' sectional cut*. But Candaules is not interested in the *nomos*' specific content, its set-division, at all.[38]

The way Candaules contrives to do what he believes is the work of *nomos* – namely, to block *tisis* for 'not looking to one's own' – is worth considering. First, he promises 'to contrive so that she not learn that she has been seen by you' (ἀρχήν γὰρ ἐγὼ μηχανήσομαι οὕτω ὥστε μηδέ μαθεῖν μιν ὀφθεῖσαν ὑπὸ σεῦ (1.9.1)). The verb for the wife's action is μαθεῖν, a purely cognitive term without specifically physical connotation; the verb used for Gyges' action is ὀφθεῖσαν, which is specifically physical. Later Candaules will tell Gyges to 'make sure she doesn't *see* you going through the door' (σοὶ μελέτω τὸ ἐνθεῦτεν ὅκως μὴ σε ὄψεται ἰόντα διὰ θυρέων (1.9.3)). The wife's projected action has shifted semantically from 'learning' to 'seeing',

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[37] The mere presence of *eros*, especially when directed towards one's wife, is sufficient to suggest something problematic; but within the narrative as Herodotus presents it, the *eros* alone did not cause the problem that the Candaules *logos* narrates. Even the notion that '*eros* toward one's wife is unsuitable' (which does not appear explicitly in the narrative, even as much as it may legitimately be read into the text) implies the same *kind* of division, if not the same specific division, that Candaules later violates in commanding Gyges to see his wife naked. The unsuitability of *eros* towards one's wife, in other words, implies the division of Lydians into 'those toward whom one may have *eros*' and 'those toward whom one may not have *eros*'.

[38] Cf. Gray 1995, 187-88.

just as Candaules would not allow Gyges merely to *suppose* his wife was the most beautiful, but demanded that he *see* she was the most beautiful. By the time Candaules' narrative has moved from 'learning' to 'seeing', his wife and Gyges are presented such that Gyges' 'being seen seeing' is exactly what Candaules' attempt to block *tisis* is prohibiting. Even as he seeks to ignore the 'look to one's own' *nomos*, Candaules is implicitly conceding it, with *deception* making the relevant difference: if Gyges is *seen* not looking to his own, then Gyges will be harmed (by the queen's *tisis*).

The relation Candaules is attempting to establish between Gyges and his wife is thus straightforwardly asymmetric: Gyges must see the queen, but the queen must not see Gyges. The first is prohibited by *nomos*, the second (putatively) by Candaules' contrivance; if Candaules' contrivance had succeeded, then this asymmetric relation would have obtained. This is what Candaules is promising; Candaules is trying to prevent the situation from arising in which 'the queen's seeing Gyges' makes 'Gyges' seeing the queen' harmful to Gyges. But if Candaules fails, then inverse proportionality obtains between Gyges(-seeing) and the queen(-seeing): one party's benefit necessarily entails the other's harm; but *this is also a phthonotic relation*, a relation of 'inverse proportionality' between Gyges and the queen. The queen would be harmed by Gyges seeing her naked, because that is shameful (αἰσχύνην μεγάλην (1.10.3)); and Gyges would be harmed by the queen seeing him see her, because she would inflict *tisis* on him. This phthonotic relation arises when three circumstances obtain: (1) Gyges and the queen are both seeing each other; and (2) the queen is naked, and (3) Gyges is not the queen's husband. The third is simple fact, the second is what Candaules wishes to display in order to show that she is the most beautiful, and the first is what Candaules is contriving to

prevent. Thus Candaules' contrivance to block *tisis* is, in its specifics, an attempt to remove Gyges from a relation of 'inverse proportionality' with his wife.

So far in this *logos* the 'inverse proportionality' characteristic of phthonotic circumstances has appeared twice: first, verbally, in καλλίστην; second, conceptually, in the relation between Gyges and Candaules' wife. The first case presented Candaules as attempting to make himself (through his wife's beauty) the enviable 'best'; in the second case Candaules sought to remove Gyges, and through Gyges himself, from the phthonotic system that would, when perturbed, result in *tisis*. The queen's restoration of the Lydian *nomos*' 'sectional cut', the contraction of the set of 'those who may see the queen naked', is the nomotic system's response to such a perturbation; it arises when 'inverse proportionality' between humans obtains. Candaules has attempted, in both cases, to master this 'inverse proportionality', to move persons in and out of phthonotic relation at will. He fails, and dies; but he fails *only because his wife sees Gyges*.[39]

The queen's *tisis* takes phthonotic form as well, but more deeply than Candaules had imagined: she offers Gyges the choice between killing Candaules or being killed himself (1.11.2). Candaules' command would result in some measure of harm to either Gyges (if he disobeyed) or his wife (if Gyges obeyed); the queen's command must result in death to one or the other. In offering Gyges the 'kill or be killed' choice, the queen radicalizes the 'inverse proportionality' between Gyges and Candaules to the greatest possible extent: now even Candaules' *very existence* redounds to Gyges' non-existence. The narrative puts this strikingly: '[Gyges] chose to remain existing (αἱρέεται αὐτὸς

[39] Women are often seen as 'guardians of *nomos*/culture', in Greek and other contexts; see e. g. Collier 1974, Rosaldo 1974, McHardy 2004. For women in Herodotus specifically, see Dewald 1981, esp. 119n30; Lateiner 1989, 135-40; Van der Veen 1996, 23-52; and most recently Blok 2002, which surveys the field and provides a useful synthesis.

περιεῖναι)' (1.11.4). From here the narrative immediately turns to the murder-plot, without saying anything like 'so Gyges decided to kill Candaules', or 'Gyges decided to kill Candaules so as to stay alive'. Gyges' choice to live does not merely *result* in his killing Candaules; it is *identical* to his choice to kill Candaules. This profound contradiction between Gyges' and Candaules' *acts of being* follows from the inflexible determinateness of the size of the 'those who may see the queen naked' set[40] – prescribed by the Lydian *nomos*, enforced by the queen.[41]

Thus the first authoritative *logos* in the Histories concludes in an absolute radicalization of this 'inverse proportionality' between one and another's good. In the beginning Candaules could not endure that someone should not think his wife the most beautiful; at the end, because of Candaules' anomotic pursuit of this phthonotic desire, Gyges cannot endure that Candaules should remain existing. Candaules' *eros* began the *logos*, and the queen's phthonoticized *tisis* ended Candaules life. At first, *eros* motivated Candaules to judge his wife the most beautiful, but only *eros in conjunction with phthonos* motivated him to violate the nomotic division. The violation was an expansion of the *nomos*-determined section: here where *eros* and expansion both first appear, *eros* alone is not sufficient to generate expansion.

This conjunction will remain important throughout the Herodotean narrative. Moreover, the first explicitly cited *nomos* divides Lydian society according to 'who may *see*': a few may (determinately two), the rest may not. Sight will figure prominently

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[40] See also Cairns 1996, 82n26.

[41] The queen's active role is paralleled in the Masistes *logos* (9.108-13), as Wolff 1964, Flory 1987, 35-36, Gray 1995, 189-92, and Blok 2002, 230-32 point out.

throughout the narrative[42], but here, where it first appears, it serves as the 'dividing line' according to which *nomos* sections society. Third, the queen emphasizes the close tie between Candaules' royal power and 'not looking to one's own' when she describes Gyges' action of seeing her naked as 'obeying Candaules in everything (πάντα πειθόμενος Κανδαύλῃ)' (1.11.2). The essential conflict between unlimited monarchy, which allows the king to do whatever he wants, and *nomos*, which establishes definite limits to sections of society – to violate which limits generates the 'inverse proportionality' to which *phthonos* will inevitably respond – will become increasingly important throughout the *Histories.* It appears for the first time here, in the queen's own mouth as she puts Gyges' and Candaules' lives in inverse proportion, plotting to inflict her *tisis* on the king.

[42] See the discussion of the Croesus *logos* below.

3. The Croesus *logos*: Solon, Amasis, and the *phthonos* of the gods

As Herodotus tells it, the Candaules *logos* is prefatory to the Croesus *logos*: the Herodotean narrator is interested in Candaules especially insofar as Candaules is Croesus' predecessor, and Croesus was 'the first to commit injustices against the Greeks (ὸν δὲ οἶδα αὐτὸς πρῶτον ὑπάρξαντα ἀδίκων ἔργων ἐς τοὺς Ἕλληνας)' (1.5.3). The authoritative affirmation is explicitly distinguished from the preceding Persian and Phoenician accounts, and Croesus' introduction is the narrative statement that sets the 'vouched for' and 'merely related' *logoi* apart.[43]

The two *logoi* are thus as closely related as possible within the narrative presentation of the Lydian world. As will be seen shortly, both characters' downfalls have something to do with boundary-violations; but the boundaries violated are formally quite different. The difference is described partly by distinction between 'internal' and 'external' perturbations to the relevant system. [44] Gyges was no foreigner; he killed Candaules because of Candaules' attempt to expand the *nomos*-determined set within the Lydian sociopolitical system.[45] But Cyrus is no Lydian (and so cannot possibly be enforcing a Lydian *nomos*), and yet Croesus' fall has surely something to do with his

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[43] See De Jong 2004, 102-7.

[44] The parallel discussion of feminine/barbarian 'otherness' in Gray 1995 offers an example of the kind of parallel intrastate/interstate movements modeled by and responded to within a phthonotic system.

[45] Gyges' regicide, it turns out, was not altogether justifiable, even though the *nomos* demanded the set's contraction – because Gyges was a slave (1.91).

own, dramatically culpable failure.[46] A kind of *phthonotic* desire motivated Candaules to expand the relevant set, and radicalized 'inverse proportionality', enacted in the queen's *tisis*, motivated Gyges to recontract the set and kill the king. But Croesus' *phthonos* does not motivate anyone to kill him (Cyrus does not envy Lydian wealth, but Croesus fears Persian power[47]), and yet his stubborn, blind refusal to admit that anyone else could be as blessed as he – thus explicitly establishing the universally quantified 'inverse proportionality' just seen in Candaules' attitude toward his wife's beauty – is exactly the *hamartia* around which Herodotus centers Croesus' dramatic arc. The conjunction of these two kinds of aitiology – internal and external – marks the Croesus *logos* as the true beginning of the complex, authoritative Herodotean inquiry, as Herodotus himself openly affirms at 1.5.3.

The 'internal/external' distinction is made explicit, and narrated in the storyteller's memorable style, in the encounter between Croesus and Solon 'when Sardis was at its peak of wealth (Σάρδις ἀκμαζούσας πλούτῳ)' (1.29.1). Here the narrative picks up a rhetorical flourish from the opening of book 1 – the 'sudden appearance of an incalculably important figure': there Paris (incalculably important to mythical history), here Solon (incalculably important to political history). The 'important figure' brings the pre-existing force of his own character to the narrative, serving for Herodotus as the narrative analogue to Aristotle's 'artless proof' in rhetoric (*Rhetoric* 1355b35ff): Herodotus doesn't need to convince you of their importance by means of his narrative

[46] See esp. Sheffield 1973, 5-161; Moles 1996, 259-284; Blösel 2001, 180; Vannicelli 2001, 213ff.

[47] Pelling 2006, 153 and sources in n46.

art.[48] But while Paris does only one thing in the Herodotean narrative, and that action is not materially differently to his standard action in the epic cycle, Solon carries his 'narrative baggage' with additional Herodotean chronological background, some mentioned right away, and a little more given in the next book (2.177).

At 1.29, Solon has just given his laws to Athens; at 1.30, he goes first to Amasis at Egypt and then to Croesus at Sardis. The chronological analepsis is a narrative prolepsis, here pointing to Herodotus' only explication of what Solon did at Egypt (2.177). During his visit to Egypt, Solon took an Egyptian *nomos* that Amasis had originally made, and gave it to the Athenians (Σόλων δὲ ὁ Ἀθηναῖος λαβὼν ἐξ Αἰγύπτου τοῦτον τὸν νόμον Ἀθηναίοισι ἔθετο).[49] This is the only law of Solon explicitly mentioned in the *Histories*, and it deserves further examination.

Herodotus introduces the law as a cap-stone to Amasis' achievements in Egypt, beginning 2.177 with a laudatory summation of his reign: 'it is said that while Amasis was king Egypt at that time became the most blessed (ἐπ᾽ Ἀμάσιος δὲ βασιλέος λέγεται Αἴγυπτος μάλιστα δὴ τότε εὐδαιμονῆσαι)'. The account of Amasis' law follows an explanatory expansion of 'most blessed' to include both natural and human phenomena (καὶ τὰ ἀπὸ τοῦ ποταμοῦ τῇ χώρῃ γινόμενα καὶ τὰ ἀπὸ τῆς χώρης τοῖσι ἀνθρώποισι), and a definite quantitative account of Egypt's population at the time (καὶ πόλις ἐν αὐτῇ γενέσθαι τὰς ἁπάσας τότε δισμυρίας τὰς οἰκεομένας).

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[48] Herodotus strengthens the emphasis anyway: 'καὶ δὴ καὶ Σόλων ἀνὴρ Ἀθηναῖος' (1.29).

[49] The *nomos/thesmos* distinction is not helpful here, although Solon's reforms are indeed more properly called *thesmoi* (cf. McGlew 1996, 106), both because Herodotus does not distinguish Amasis and Solon as lawgivers, although their real political offices were extremely different, and also because, in any case, the word *nomos* is used explicitly.

No causal relation between Amasis' policies and the state's prosperity is strictly entailed by the text, but the two are immediately juxtaposed, and the paratactic Herodotus often shows consequence by mere juxtaposition.[50] In any case the next sentence follows up on the quantitative 'twenty thousand' accounting by offering a carefully phrased formulation of Amasis' (later Solon's) law: 'the establisher of this law for the Egyptians was Amasis: that each year every one of the Egyptians [must] show to his nomarch whence he lived (νόμον τε Αἰγυπτίοισι τόνδε Ἄμασις ἐστὶ ὁ καταστήσας, ἀποδεικνύναι ἔτεος ἑκάστου τῷ νομάρχῃ πάντα τινὰ Αἰγυπτίων ὅθεν βιοῦται)'. The formula is interesting in several ways: first, the verb signifying the action commanded is ἀποδεικνύναι, the word Herodotus chose at 1.1 to describe his own text; second, the official to whom each citizen is accountable is the 'nomarch', the official in charge of the *nomoi*; and third, the 'thing that must be shown' is 'whence [each] lived'. Amasis' *nomos* does not prescribe, or proscribe, any particular activity determined by the Egyptian sociopolitical structure; it requires instead a *showing* of the whole set of each citizen's activity within the structure, so that each citizen's *bios* is nomotically accounted for.[51]

Thus by Amasis' law each citizen is required formally to locate himself in the Egyptian sociopolitical structure. Whence each citizen lives, and hence how each citizen

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[50] Aristotle, *Rhetoric*, 1409a; Brubacher 1902; Immerwahr 1969, 7-15, 46-78; Lang 1984, ; Bakker 2006, 93-95 and *passim*.

[51] The phrase ὅθεν βιοῦται implies the society's interest in the *foundations* of each citizen's living. The necessity of such an accounting suggests Agamben's technical distinction between 'mere life' (*zoe*) and 'political life' (*bios*); but Amasis' establishment of a *nomos* designed to relate the two (i.e., to prove that one is living acceptably to the community) by casuistic self-accounting seems partly to avert the danger of 'exceptionality' insofar as the *nomos* exactly does *not* prescribe anything *but* casuistic self-accounting *itself*. The casuistic nature of this self-accounting is of course not necessarily egalitarian, and the importance of particularized self-accountings suggests a basic sociopolitical order far more complex than simple egalitarianism; for some notes in this direction re. Solon's family laws, see Lape 2002.

relates to other members of society, must be accounted for. The narrative relates this to Egyptian prosperity by paratactic suggestion; the next clause brings the prosperity-generating law to Greece, for 'Solon the Athenian took this law from Egypt and established it for the Athenians' (Σόλων δὲ ὁ Ἀθηναῖος λαβὼν ἐξ Αἰγύπτου τοῦτον τὸν νόμον Ἀθηναίοισι ἔθετο)' (2.177.2). Herodotus follows this factual note with another highly positive evaluation, observing that 'the Athenians are always bound by [this law] because it is faultless (τῷ ἐκεῖνοι ἐς αἰεὶ χρέωνται ἐόντι ἀμώμῳ νόμῳ)'. As the law benefited Egypt, so also it benefited the Athenians, when Solon the Athenian gave it to them.

This is the chronological background to Solon's arrival at Croesus' court, analeptically introduced at 1.30. The narrative first introduced Solon as merely one of 'the *sophistai* from Greece' (οἱ πάντες ἐκ τῆς Ἑλλάδος σοφισταί), but merely being '*sophos*' does not exhaust his importance to the Athenians, nor, therefore, his imported impact on the narrative. Solon's 'artless weight' impacts the narrative *generally* as law-giver at 1.29.1, and his law-giving is *specified* to this law of Amasis' at 2.177. Thus insofar as Solon appears in the *Histories* as law-giver, he appears as having taken a 'flawless' law from Amasis, which ensured prosperity by requiring every citizen to account for his livelihood to a public official, whose title is *nomarch*. Herodotus praises this 'self-accounting' requirement; but how does it work? The narrative affirms that self-accounting produces prosperity; this is its effect, but what is its proper *ergon*, in virtue of which it brings about these great benefits?

The conceptual complex introduced in earlier *logoi* gives the answer. Certain divisions of society generate *phthonos*; others do not, and the good law-giver, and hence

the good *nomoi*, divide society such that *phthonos* does not obtain.[52] Under Amasis'/Solon's law, each individual's self-accounting to the nomarch ensures that the individual's *bios*, his life in society, is arranged nomotically, i.e., respecting the 'sectional cuts' made by the relevant *nomoi*. This prevents 'inverse proportionality' from obtaining, and hence prevents the material precondition of *phthonos*. This is consistent with the general thrust of Solon's laws: within a non-monarchical state, the phthonotic response to inverse proportionality is *stasis*[53]; and it is a commonplace accepted as far back as Solon's own poetry, that the office of legislator was assigned to Solon in order that he might give such laws as would stop present and block future city-sickening *stasis*.[54] If each citizen, following the Amasian-Solonian law, successfully accounts for his living to the public nomarch, then in the public theater he will *not* appear in violation of nomotic 'sectional cuts'. Amasis' law prevents *phthonos* by blocking 'inverse proportionality', which it accomplishes by ensuring that each citizen is located within his or her own section. Each citizen has a place in society, which each society's *nomoi* determine; the law of 'casuistic self-accounting' securely locates each citizen in his proper, *nomos*-respecting and hence *phthonos*-avoiding place.[55]

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[52] Cf. the discussion of Solon's reforms in McGlew 1996, 87-123.

[53] Cf. Darius at 3.82: 'αὐτὸς γὰρ ἕκαστος βουλόμενος κορυφαῖος εἶναι γνώμῃσί τε νικᾶν ἐς ἔχθεα μεγάλα ἀλλήλοισι ἀπικνέονται, ἐξ ὧν στάσιες ἐγγίνονται'.

[54] The monarchical state does not produce *stasis* only because *stasis* is a technical term denoting 'phthonotic correction' in a society constituted in a particular way. The analogous corrective responding in a monarchical constitution is what I will be discussing below, treating Persian monarchs' attempts to avoid *phthonos*.

[55] The law needs to be understood in the context of Herodotus' whole picture of Amasis. In fact Amasis is so conscious of divine *phthonos* (τὸ θεῖον ἐπισταμένῳ ὡς ἔστι φθονερόν (3.40.2)) that he grows worried as soon as he learns of nothing more than Polykrates' good fortune (3.40.1). Immediately he advises Polykrates to give up what is dearest to him (3.40.4), and eventually, fearing divine *phthonos*, breaks off his friendship with Polykrates (which he marked with special offerings (2.182.2)), completely

Thus Herodotus presents Solon *nomothetes*. He appears at 1.29 carrying this 'artless baggage', and insofar as this introduction gives background to the narrative following, the Croesus *logos* must be read with the colossal figure of Solon-*nomothetes*, *phthonos*-avoider, lurking at its narratological edge. Following his introduction to Croesus' palace, the first concrete thing Solon does is to look, at Croesus' bidding, at 'all [Croesus'] great and blessed things (ἐπεδείκνυσαν πάντα ἐόντα μεγάλα τε καὶ ὄλβια)' (1.30.1). The narrator has just noted that Solon's purpose in leaving Athens, and hence coming to Egypt and Sardis, was, first, to prevent the Athenians from escaping the laws he set for them, to which they bound themselves by oath; and, second, 'for seeing' (καὶ τῆς θεωρίης).'[56] The first thing Solon does at Sardis is indeed 'seeing', but the 'seeing' is narrated by an active verb taking Croesus as subject, the first thing Croesus does to Solon (ἐπεδείκνυσαν). The *deik-* root is the same as Herodotus' description of his project at 1.1 (ἀπόδεξις), and the single verb appearing in Herodotus' formulation of

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dissociating himself from the Samian tyrant as soon as he hears that Polycrates' ring has been returned (πέμψας δέ οἱ κήρυκα ἐς Σάμον διαλύεσθαι ἔφη τὴν ξεινίην (3.43.2)). Amasis' attitude toward Polykrates could hardly be more Solonic in its acute awareness of the *phthonos* of the gods. Herodotus consistently describes Amasis in this way (cf. 2.162, 2.172-174) even from Amasis' accession, which he accomplished by defeating the paradigmatically arrogant rival Apries, who believes that even divinity could not halt his kingship (2.169.2). (For Amasis as the major exception to Herodotus' king-type, see Lattimore 1939, 32. For the notion that Polykrates' rule, not his ring, is what Polykrates needs to give up in order to escape divine *phthonos* – because his rule is the most important thing to him – see Van der Veen 1996, 6-22.)

[56] Here the narrative voice offers 'for seeing' as a true reason for Solon's departure. At 1.29.1, Solon had himself offered 'for seeing' as an *excuse* for his departure (κατὰ θεωρίης πρόφασιν), when in fact he wished simply not to be forced to repeal his laws. Herodotus uses the same word in both places, in the same case, though with different uses of the genitive. This coincidence between pretense and reality may speak to nothing more than Solon's, or perhaps generally Greek, predilection for *theoria* – as if its plausibility as reason for self-exile could scarcely be questioned; and even when it did not originally motivate the self-exile, yet when the opportunity for *theoria* presents itself, even the most self-controlled Solon cannot resist. But given Herodotus' general awareness of the importance of criticizing historical accounts, including individuals' accounts of their own motivation, and in a narrative context in which, analeptically, the Amasian-Solonian 'self-accounting' *nomos* is about to be mentioned, it is hard to avoid wondering whether something more about *theoria* is intended by the text.

the Amasian-Solonian 'self-accounting' requirement at 2.177 (ἀποδεικνύναι).[57] From the point of view of the 'self-accounting' *nomos*, Croesus is now showing Solon *what his bios is*. But instead of offering an account of whence his *bios* comes, so as to prove that his *bios* does not contradict others', Croesus instead expects that this 'showing' will prove to Solon that Croesus is 'the most blessed of men' (1.30.2, again repeating θεωρίης).

The contrast between Solon's and Croesus' use of *deixis* could not be more direct. What Croesus wants from *deixis* is 'to be seen to be more blessed than all others'; what Solon and Amasis require of *deixis* is 'to be seen to be living nomotically'. Croesus is phthnoticizing *deixis*: he puts 'himself' and 'all' into a relation of inverse proportionality, like Candaules in the last *logos* vis-à-vis his wife. Solon and Amasis are deploying *deixis* along an exactly opposite sociopolitical vector, using it *against phthonos*, seeking to block *phthonos* by 'showing' to 'all' (represented by the nomarch) that the *bios* of each citizen does *not* redound to others' harm. Like Candaules', Croesus' *deixis* is solely physical: as Candaules expected nothing but physical sight to establish that his wife was more beautiful than all other women, here Croesus expects that physical sight with nothing added will suffice to establish that he is more blessed than all other men. Gyges thinks that sight is not necessary, and Solon thinks that sight is not enough.[58] The

[57] For an extended discussion of Herodotean *apodeixis* see Thomas 2000, 249-69.

[58] Cf. Baragwanath 2008, 127n20, citing Montiglio 2005, 132: 'Croesus mistakes Solon's *theoria* (1.30.1) for the less involved and intelligent *theasthai* (1.86.5, i.e 'watching' as opposed to 'contemplating'.'

difference for both is *nomos*: for Gyges, the Lydian *nomos* that prohibits not 'looking to one's own'; for Solon, the content of his speeches that contradicts Croesus' claim.[59]

Croesus, however, does not understand Solon's stories of Tellus and Cleobis/Biton, and angrily rejects Solon's affirmation that these 'private' Greeks are more blessed than Croesus. At the close of Solon's second tale, Croesus' and Solon's disagreement over 'what constitutes happiness' remains fundamentally intact: Croesus believes that happiness comes from supremacy in wealth; Solon believes that happiness has something to do with communities, divinities, and ends.[60] So far Croesus and Solon simply disagree about how to measure happiness; Solon has not actually refuted Croesus' claim. Croesus may be excused, then, for failing to understand why Solon does not consider him the most blessed – for Croesus and Solon are measuring blessedness according to different *metra*. Now, these *metra* differ in many ways, but one of them is that 'best', on Croesus' *metron*, is measured by simple quantitative superiority: 'that human is most blessed who has the greatest quantity of wealth'. For Croesus, blessedness is identical to 'greatness' along a certain (chrematistic) dimension; while Solon's calculus of blessedness has at least three dimensions, and their geometric relation[61] is far from

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[59] Both of Solon's stories emphasize the essential dependence of each individual's blessedness on his society: Tellus is blessed partly because he came to a glorious end, and this end was glorious inasmuch as it came during (victorious) battle for Athens; Cleobis and Biton are blessed in their end also, which the god gave them in response to their mother's prayer (which they merited by serving her at a public festival). Both individuals also are honored by the city, and since Solon's stories are supposed to show their blessedness, these honors must play a part in their blessedness also. All three individuals won their blessedness through military service, on the one hand, or filial piety, on the other; and both military service and filial piety, in the modes in which the Athenians and Argives conceive them, are matters of *nomos*, whether customary only or formally legal also.

[60] This disagreement is the central theme of Crane 1996.

[61] By this I mean that Croesus thinks that blessedness can be 'graphed' easily (and linearly), while for Solon, even if such an account were possible, it would have to be given in some extremely non-obvious way.

simple. It is exactly at this point in the narrative (1.32.1) that Croesus grows angry with Solon's judgments, and demands that he justify the standards according to which he has 'thrown away (ἀπέρριπται)' Croesus' happiness (εὐδαιμονίη). Solon's justification presents the *Histories*' first extended treatment of limits, deity, and *phthonos*, and turns Croesus' 'quantitivism' on its rhetorical head by offering a detailed quantitative analysis as a conclusive argument in *support* of 'looking to the end'. It turns out that Croesus is wrong because, first, human *bios* has a limit; and second – a point that is somewhat obscurely related to the first – because of the *phthonos* of the gods.[62]

The first verb in Solon's reply (1.32.1) relates Croesus' question to Solon as questioned (ἐπειρωτᾷς), and characterizes Solon as 'knowing that the god is envious and troublesome in all things (ἐπιστάμενόν με τὸ θεῖον πᾶν ἐὸν φθονερόν τε καὶ ταραχῶδες)'. Thus insofar as Solon is responding to Croesus' question, he presents himself as having knowledge of universal divine envy, and its 'troublesome' impact on human affairs (ἀνθρωπηίων πρηγμάτων πέρι). This is the first appearance in the *Histories* of the 'envy of the gods'; it is also the first mention of divinity within a theoretical account, and claims universal scope. The first adjective describes a fact about the gods in general (πᾶν ἐὸν φθονερόν); the second relates this fact to humans (ταραχῶδες..ἀνθρωπηίων πρηγμάτων πέρι). This is an explicit statement of a supremely important principle in the *Histories*, the principle this paper aims to

[62] For relevant bibliography see Harrison 2003, 158n52.

explicate.[63] For in terms of the systemic 'sectional cuts' that determine the 'inverse proportionalities' to which *phthonos* responds: *the gods' phthonotic relation to human beings makes the whole human-divine world the system in which the gods respond phthonotically*.[64]

Solon's relation of this divine *phthonos* to 'human matters' confirms that humans and gods are related within the system of the world such that 'inverse proportionality' can obtain between them.[65] This system is 'humanity and divinity', and Solon explicitly declares that it is phthonotic (φθονερόν). Insofar as the system is phthonotic, it is considered as *divided*, since *phthonos* responds to the violation of the 'sectional cuts' that make one division's benefit redound to the other's harm. But 'the world considered as divided' is precisely the *kosmos*, apportioned according to *moira*, which the gods, and

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[63] Herodotus' general agreement with Solon is argued in Stahl 1975, 5; Redfield 1985, 102; Shapiro 1994, 1996, and 2000; Moles 1996, 259-84; Harrison 2000, 31-63; Fisher 2002, 201; Harrison 2003, 158ff; Pelling 2003, 143. Lang 1984, 61; Kurke 1999, 148-149, and Pelling 2003, 143 argue in favor of a more complex attitude toward Herodotus' use of Solon's wisdom, but no-one doubts that the Herodotean narrative more or less bears out Solon's claims, at least in the most important respects.

[64] Ranulf 1933-34 argues that this is a foundational principle of all Greek notions of justice.

[65] This 'relevant similarity' implied by the common divine-human membership in the cosmic set seems intriguingly at odds with the Persian disbelief in the Greek notion of human-divine likeness (οὐκ ἀνθρωποφυέας ἐνόμισαν τοὺς θεοὺς κατά περ οἱ Ἕλληνες εἶναι) (1.131.1). But this touches on the Persian ethnography, which, though in many cases profoundly relevant. The Persian division, or rather *in*division, of Asia and Europe; their wine-drinking and drunken/sober deliberations, which, according to the Ethiopian king, implies comparative weakness, and hence in the context of the 'semi-divinized' Ethiopians suggests wine as an effective if non-actual violation of the divine-human boundary; the Persians' phthonotic supposition that they are the best of all humans, and simultaneous (and hence at least purportedly consistent) maximally free adoption of foreign *nomoi*; their juridical quantitative calculation of benefits and harms caused – all of these touch on the Persians' peculiar attitude toward divine-human relations, and their special focus on *quantity*, but the subject of Persian ethnography is far too large and too complex to discuss here. A fuller discussion of the 'nomotic systems' discussed in this paper would relate domestic and foreign relations more fully, and hence not only through individual stories, but also through Herodotus' ethnographic digressions.

especially Zeus, are essentially bound to maintain.[66] Thus for Solon, 'humans' are one part of the *kosmos*, and 'gods' are another; and the gods maintain the 'sectional cut' that divides the parts by responding to human violations phthonotically.

But the universalization of divine *phthonos* toward humans further affirms that the limits of the finite set treated by divine *phthonos* are identical to the limits of the world. Thus Solon's justification of his own *metron* of blessedness, deployed against Croesus' challenge, presents this divine 'phthonotic system' as analogous to the human sociopolitical systems, intrastate and interstate, already introduced in the earlier Herodotean narrative. The divided sets that include the gods, and the divided sets that do not include the gods, maintain systemic homeostasis by means of *phthonos*, responding to systemic perturbations caused by violations of boundaries between humans and other humans (both interstate and intrastate), or between humans and gods. *But it is not possible to exit the set of the* kosmos*, for everything that exists is its member by definition*.

The identification of the external limits of the 'divine phthonotic system' with the limits of the world has deep implications for all attempts at 'set-expansion', at least one of which we have already seen. Within the Lydian nomotic system, Candaules' wife maintained the boundary determined by 'look to one's own' by killing Candaules its violator, thus reducing the set of 'those who may see the queen naked' back to its *nomos*-determined quantity. The weakness of this kind of phthonotic response is that it can respond only *within* a given nomotic system, a system of 'sectional cuts'. But Solon's location of the gods within such a system, and the identification of this system with the

[66] The gods' (or at least Apollo's) subordination to *moira* is mentioned at 1.91.2 (οὐκ οἷόν τε ἐγίνετο παραγαγεῖν μοίρας), explaining the vengeance visited upon Gyges' descendants for the regicide.

kosmos, makes this weakness irrelevant. Later I will treat imperial expansion as another kind of 'set-expansion', designed to avoid *phthonos* from within a given sociopolitical system. But the presence of a set that contains all other sets (the *kosmos*) dooms any such attempt to failure, so long as the set-expansion in fact violates one of the 'sectional cuts' that divide one state from another.[67] As we will see toward the end of this paper, Xerxes attempts to take control of even this 'set of all other sets', setting his imperial sights on an empire whose extension is 'everything the sun touches' (7.8c.2). He fails; for even Xerxes comes up against limits.

All this is presented only in embryo here, articulated by Solon in theoretical justification after two relatively simple illustrations in narrative. In this way Solon in his stories is doing the same kind of thing Herodotus does in his *Histories*. Solon's stories offer a far richer and more complex picture than the justificatory theory presented in all its theoretical dryiness. Moreover, the theory is offered only when Croesus refuses to listen to the stories. But even within his dialectical response Solon cannot resist telling a story – here, not the story of *any* particular individual's life, but rather the story of *every* individual's life, in respect of those things that all human lives share.[68]

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[67] Themistocles (8.109.3) claims that just such a 'sectional cut' does in fact divide Europe from Asia, and attributes the maintenance of this boundary to the *phthonos* of the gods (ἀλλὰ θεοί τε καὶ ἥρωες, οἳ ἐφθόνησαν ἄνδρα ἕνα τῆς τε Ἀσίης καὶ τῆς Εὐρώπης βασιλεῦσαι). He goes on in the next clause to accuse Xerxes, inasmuch as he is violating this boundary, of 'making sacred and profane things the same (ὃς τά τε ἱρὰ καὶ τὰ ἴδια ἐν ὁμοίῳ ἐποιέετο)'. The violation of the divinely-guarded interstate boundaries is thus also a violation of the divine-human boundary, and hence engenders a divine phthonotic response.

[68] Solon presents his arithmetical accounting at 1.32 as 'the boundary of life for the human (οὖρον τῆς ζόης ἀνθρώπῳ)' (1.32.2); he sums up the account by observing that 'the human being is altogether chance (πᾶν ἐστὶ ἄνθρωπος συμφορή)' (1.32.4). The singular ἀνθρώπῳ/ἄνθρωπος , in conjunction with its application to Croesus (as well as the πολλοὶ μὲν…πολλοὶ δὲ at 1.32.5), imply that Solon's calculation is a *generic* account: Solon here is speaking narratively, not syllogistically, about 'everyman'.

Now immediately after stating the general theory of 'divine-human membership in a phthonotic system', Solon has merely made explicit the metaphysical claim (universal divine *phthonos*) implied by his presentation of the Tellus/Cleobis/Biton stories as refutations of Croesus' phthonotic claim. Croesus might still refuse to acknowledge this claim; again, Solon has merely asserted it, without argument. The rest of the chapter narrates Solon's argument, beginning with the connecting γὰρ at 1.32.2. This sentence is connected with the next by another γὰρ, so this sentence reads as a summation of the argument that follows. The proof of the claim is presented, in the first γὰρ clause, as an empirically determinable proposition, with empirical results presented as evidence in the second. The first sentence asserts that 'in [the long time of life, about to be calculated] there are many things one does not wish to see, and many also that one does not wish to suffer (ἐν γὰρ τῷ μακρῷ χρόνῳ πολλὰ μὲν ἐστὶ ἰδεῖν τὰ μή τις ἐθέλει, πολλὰ δὲ καὶ παθεῖν)'. Solon offers this as proof of divine *phthonos*; again, taking Solon's rhetoric seriously, this means that the existence and relevant operation of divine *phthonos* is proved by the 'appearance' and 'suffering' of 'many things one does not wish'. At the beginning of his justification Solon had extended divine *phthonos* as evidence for Tellus/Cleobis/Biton's blessedness; here the relevance of divine phthonos is given as its explicit opposition, in many cases (πολλὰ μὲν… πολλὰ δὲ καὶ), to human desire.

The precise significance of this particular Solonian formulation of the 'law of divine *phthonos*' is crucial for relating divine *phthonos* to human *phthonos*. For the kind of opposition offered by any phthonotic response is the opposition of *limiting*, within the

relevant finite set. Thus divine *phthonos* opposes human desire by *limiting* it within the *kosmos*, responding to the 'inverse proportionality' established by human attempts to expand the human division of the universe. Now in Solon's formulation, this phthonotically-preserved 'limiting' is presented precisely as opposed to 'τὰ τις ἐθέλει'. This phrase, describing what divine *phthonos* opposes, is the 'unlimiting' expression of human will: humans cannot do whatever they want because divine *phthonos* will stop them. In the set of the *kosmos*, divine *phthonos* opposes unlimited human desire. But the Herodotean narrative includes another, similar expression of unlimited human desire; and this time the set is the Persian *state*. At 3.31, when Cambyses conceives an erotic desire for his sister, the Persian 'royal judges' tell him that there exists a Persian *nomos* permitting the king to do 'τὸ ἄν βούληται' (3.31.4). I will discuss this passage at length later (in chapter 4), but for now the strong verbal likeness between Solon's formulation of 'what makes Croesus wrong' and this formulation of the Persian monarchical *nomos* should be noted: *the kind of thing that divine* phthonos *opposes, is exactly the kind of thing that Persian 'unlimited' monarchical* nomos *permits*. The conceptual overlap lies in the potential 'unlimitedness' of human desire, which Solon takes generically, but Herodotus, in Cambyses' case, contextualizes to the erotic. But already at 1.32, Candaules' and Croesus' shared emphasis on *physical seeing* materially relates Croesus' obsession with *chremata* to Candaules' eroticism – whether or not Croesus' phthonotic claims to supreme blessedness can itself be taken as erotically possessive (in Croesus' case, of wealth).

After this expression of the limits placed by divine *phthonos* on the accomplishment of human desire, Solon's calculation of the number of days in a human

life (1.32.3) explicates and definitely determines the repeated πολλὰ that indefinitely quantified the 'things that happen that humans don't want' mentioned in evidence of universal divine *phthonos*. Croesus wanted a definite quantity (of wealth) to prove his claim to supreme blessedness; Solon gives him a definite quantity (of days) to refute it. Where Croesus places wealth, Solon places days; but the set of days, not wealth, is irrefutably finite, *because humans are not immortal*. Death is exactly the 'sectional cut' that divides humans and gods[69]; Croesus is wrong because death is a human fact.[70] But the narrative presents Solon's argument as if his quantitative explication of 'death is a fact' explains 'divine *phthonos* makes many unwanted things happen to humans'. Then the division preserved by divine *phthonos* is exactly the division in virtue of which gods and humans are kept apart. *The limit that divine* phthonos *enforces on human desire is ultimately the limit of human life*. Solon's final summation of his refusal to grant Croesus what he asks (1.32.5-9) is filled with the 'end/*bios*' language that informed and climaxed his two stories (*tel-* words appearing six times, 'life' words appearing five times). He finishes the summary with his famous dictum 'look to the end in all things (σκοπέειν δὲ χρὴ παντὸς χρήματος τὴν τελευτήν)' (1.32.9), and connects this, by means of another explanatory γὰρ, with his final, vivid description of divine involvement in human affairs: 'for the god, after showing blessedness to many, uproots and overturns them (πολλοῖσι γὰρ δὴ ὑποδέξας ὄλβον ὁ θεὸς προρρίζους ἀνέτρεψε)'.

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[69] This boundary is exactly what epic *menis* safeguards: see Muellner 2005.

[70] See also Pelling 2006, 146.

There is more to the Solonian story of death. For in the Cleobis and Biton story, death is through itself *blessedness-generating*: 'the god showed in them that it is better for humans to be dead than to live (διέδεξέ τε ἐν τούτοισι ὁ θεὸς ὡς ἄμεινον εἴη ἀνθρώπῳ τεθνάναι μᾶλλον ἢ ζώειν)' (1.31.3). The god did this by *killing* the young Argives: the end that *proves* divine *phthonos*, by proving that 'many things happen that one does not want', is actively *given* by the gods to the brothers as a *blessing*. For Solon, denying finitude is denying death; and death is better than living. Croesus is not simply wrong about blessedness; his error also ignores the very *principle* of blessedness, that is, the limit on human existence, *the end of life*. By Solon's refutation of Croesus' chrematistic-phthonotic claim, *any* denial of human finitude contradicts precisely that in which humans are blessed, the mortality that separates humanity and divinity, and which divine *phthonos* safeguards against violation.

Thus, as every Greek since Homer knows, death is what guarantees the division of the *kosmos* into 'human' (mortal) and 'divine' (immortal). If the work of *nomoi* is to determine the limits placed on humans in interstate and intrastate systems, then human enforcement of *nomoi* is doing in subsets of the *kosmos* what divine *phthonos* is doing in the entire set.[71] Conversely, violations of *nomoi* are violations of those limits, and hence mathematical denials of mortality: for the finitude of the set of human subsets is determined by the finitude of the entire human set, which is mortality. Thus within the Herodotean narrative the Croesus *logos* provides a *foundational* refutation of all *nomos*-violators, or system-expanders and hence limit-expanders, enforced by divine *phthonos*. The human enforcement of *nomoi* by this kind of radicalized application of 'inverse

[71] This is roughly the overall thesis of Ranulf 1933-34.

proportionality' had already produced Gyges' choice, 'to kill Candaules or himself to die'. Here Solon recontextualizes this radical *phthonos* by expanding the system 'Lydia' to the system 'the *kosmos*', or 'everything, considered as divided'. Candaules' fall takes the form of queen's *tisis*, Croesus', divine *nemesis* (1.34.1). Solon's refutation of *nomos*-violation/system-expansion/limit-expansion is mortality. Croesus fully recognizes Solon's wisdom only when he is about to die (1.86).[72]

[72] Thompson 1994, 14-16 draws a similar conclusion. Of course Croesus, unlike Candaules, does *not* die immediately: just after he recalls Solon's wisdom, and Cyrus' men fail to put out the threatening flames, an apparent miracle from Apollo saves Croesus' life (1.87).

4. Cambyses' career: infinitizing *nomos*, divine universality, and *phthonos* eroticized

The picture we have so far assembled from the Herodotean narrative is something like the following. Paris introduced the 'relevant similarity' and implied the 'finite system' that *phthonos* presupposes. Candaules established the 'inverse proportionality' that arises when a *nomos* is violated, to which 'inverse proportionality' *phthonos* responds. Solon's reply to Croesus positioned individuals within a finite political system, and argued that there is a set of all other sets, the *kosmos*, whose nomotic 'sectional cuts' are guarded by divine *phthonos*. Boundary-violations in all cases essentially involved physicality, sometimes erotically, and usually emphasized physical sight. Human-human and human-divine divisions were enforced by either *tisis* alone, or *tisis* in response to *nomos*-violation, or divine *nemesis*. *Nomos*-violators attempted to expand *nomos*-determined sets, but were blocked by phthonotic responses, either human or divine. The finitude of each subset of the *kosmos* was ultimately determined by death, which the gods at times give phthonotically.

All of these *logoi* treat *political* systems in some way: Paris' appeal to interstate precedent concerning the non-payment of *dikas* for princess-theft; Candaules' use of the royal power of command to expand the *nomos*-determined to three; Croesus' affirmation of supreme blessedness on the evidence of his unsurpassed wealth. Solon's refutation of Croesus' affirmation hinted at 'infinitizing' human desire, in his formulation of 'what divine *phthonos* opposes' as 'humans doing everything they want'. Such 'infinitizing', if

necessarily entailed by a particular political *system*, would make that system essentially violate all *nomoi* as limits. Such a political system would necessarily entail the relevant sort of 'inverse proportionality', and hence necessarily generate *phthonos*, human and/or divine. But these three *logoi* presented no political system as *essentially* violating set-divisions such that some perturbation-repairing *phthonos* responds. Candaules had the power to command Gyges, but the transgressiveness of the command came from his own phthonoticized *eros*, not his kingship; Croesus had tremendous wealth in virtue of his kingship, but his error lay not his wealth as such, but rather his phthonotic claim to supreme blessedness on account of his wealth.

The Cambyses *logos* offers an account of a political system that *does* violate set-divisions in this way. In particular, the 'infinitizing' property 'the king doing whatever he wants (βασιλεύοντι Περσέων ἐξεῖναι ποιέειν τὸ ἂν βούληται)' appears for the first time explicitly in this *logos* (3.31.4). A verbal foreshadowing of this formulation had already appeared at 1.32.2, where Solon had been speaking counterfactually of humans in general. The formulation at 3.31.4 is not counterfactual, but is offered by the Persian βασιλήιοι δικασταί as an actual Persian *nomos*. The law permits the king to do whatever he wants; the actual limit on the king's action is, then, determined entirely by the king's desire. The indefinite particle ἄν makes this explicit: what the king can do is indeterminate in respect of the king's will (cp. βούληται); the king's wishing alone makes something happen or not happen.

The narrative context in which this law appears is important; for the formula appears in the mouths of the 'Royal Judges', who are speaking in fear of Cambyses' power (3.31.5). Cambyses has just asked them 'whether there is some law that someone

who wishes should marry his sister (εἴ τις ἐστὶ κελεύων νόμος τὸν βουλόμενον ἀδελφεῇ συνοικέειν)' (3.31.2). The king does so wish; he so wishes because he 'has *eros* for one of his sisters (ἠράσθη μιῆς τῶν ἀδελφεῶν Καμβύσης)'. Incest violates a universal, *agraphos nomos*[73]; this *nomos*, being universal, is safeguarded by the gods.[74] Cambyses violated it by *eros* toward his sister, which I will discuss later. But the narrative context of the incest-narrative is the invasion of Egypt, and Cambyses had invaded Egypt for a specific, related reason: he wished to marry Amasis' daughter, but Amasis prevented him by a trick (3.1). This motivation for invading Egypt bridges interstate and intrastate sociopolitical systems in Herodotus' treatment of Cambyses' boundary-violations. Herodotus notoriously presents multiple motivations for his characters[75], and Cambyses' invasion of Egypt is no exception. But the first motivation Herodotus gives is Cambyses' desire for Amasis' daughter, or rather his anger in response to Amasis' attempt to replace his own daughter with his predecessor Apries'.

Cambyses' request, itself motivated by a vengeful Egyptian physician, had placed Amasis in a quandary: if he should refuse Cambyses, then he would risk invasion from a terrible foreign power; if he should acquiesce, then his daughter would not be Cambyses' wife (γυναῖκά), but his concubine (παλλακήν) (3.1.2). The first choice would harm

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[73] Rudhart 1982.

[74] Cf. Xenophon, *Memorabilia*, 4.34-39. See also Munson 2001a, 251. The gods themselves, of course, most notably Zeus and Hera, do commit incest. Brown 1982, 397-99 briefly discusses Cambyses' incest in relation to another religious violation, the murder of Apis; also see below. For Cambyses as a general violator of *nomos*, see e.g. Munson 1991. Herodotus presents Cambyses as *nomos*-violator at such length and so strongly that the famous '*nomos* is king' discussion (3.38) is located within the Cambyses *logos* in order to prove that Cambyses, in violating all sorts of *nomoi*, really *must* have been insane.

[75] Baragwanath 2008, 55-81 offers a detailed general overview of the complexity of Herodotus' attribution of motives to his characters.

Egypt, and Amasis' power; the second would harm Amasis' daughter. Amasis' solution is to replace his daughter with another woman, the daughter of his former rival, Apries (3.1.3). Cambyses discovers this through the woman's unsolicited confession[76], and consequently grows greatly angered at Egypt (μεγάλως θυμωθέντα ἐπ᾽ Αἴγυπτον) (3.1.5). This is, according to the opening of book 3, 'the cause (αἰτίην τοιήνδε)' of Cambyses' invasion of Egypt.[77]

This narrative requires some analysis. First, note that both of Amasis' possible responses to Cambyses' request involve the impossibility of simultaneous co-possession: either Egypt or his daughter must be given over to Persia, through war in the first case, or concubinage in the second. Amasis' concern with the legitimacy of his daughter's marriage may have been more than paternal altruism: concubinage would forfeit any political benefits of a marriage-alliance. Both choices, then, would harm Amasis precisely insofar as both would relate him and Cambyses such that Cambyses' possession would necessarily entail Amasis' lack. The first choice would establish this 'inverse proportionality' in respect of interstate relations; the second in respect of interpersonal relations. The problem, as Amasis sees it, is that he has only one daughter, and Cambyses wants her. If he does not get her, then in his resulting anger he will want *Egypt*, and,

[76] This is of course yet another instance of a woman acting totally on her own initiative, with vast sociopolitical implications. Here the willful confession is particularly interesting insofar as Apries' daughter is given no motivation whatever. One is left to imagine her personal pride, loyalty to her father, indignation at being used as a political pawn, or some combination of the above. Herodotus' complete silence allows the readers to imagine as rich a motivational structure as their imagination allows.

[77] Baragwanath 2008, 110-12 considers the other reasons Herodotus gives for the expedition against Egypt.

being powerful, will get Egypt by invasion. If Cambyses cannot have Egypt in person, in the body of the pharaoh's daughter, then he will have it in empire.[78]

Amasis' problem is solved by multiplying daughters – not in reality, as analogously Candaules had attempted to multiply 'those who may see the queen naked', but in *perception*, by *deceiving* Cambyses into thinking that he had Amasis' daughter, when in fact he had only another beautiful woman. The attempt would have succeeded – if only Apries' daughter had not confessed (3.1.4). The daughter shattered the deception by telling the truth, collapsing together the double world of Cambyses' perception and Amasis' manipulated reality, where according to the previous hypothetical amalgamation two of Amasis' 'daughters' were happily serving both their father's and husband's respective wishes. Amasis tries to solve the problem of Amasis-Cambyses 'inverse proportionality' by multiplying the set of 'Amasis' daughters' in whose singularity the 'inverse proportionality' obtained. He fails, because his deception fails, and Cambyses' angry response addresses Amasis' daughter precisely insofar as she is *not* his. Insofar as

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[78] Cf. Tomyris' (accurate) interpretation of Cyrus' wooing at 1.205: 'ἡ δὲ Τόμυρις συνιεῖσα οὐκ αὐτήν μιν μνώμενον ἀλλὰ τὴν Μασαγετέων βασιληίην'. Cambyses himself elsewhere (1.34.4) ties personal and imperial accomplishment strongly together: when he asks what sort of man he is in comparison with his father Cyrus (κοῖός τις δοκέοι ἀνὴρ εἶναι πρὸς τὸν πατέρα τελέσαι Κῦρον), he does not approve of the Persians who argue that he is greater than his father because he conquered more territory (οἳ δὲ ἀμείβοντο ὡς εἴη ἀμείνων τοῦ πατρός· τά τε γὰρ ἐκείνου πάντα ἔχειν αὐτὸν καὶ προσεκτῆσθαι Αἴγυπτόν τε καὶ τὴν θάλασσαν), as much as he approves of Croesus, who asserts that Cambyses does not seem equal to his father because Cambyses has not yet produced such a son as himself (οὐ δοκέεις ὅμοιος εἶναι τῷ πατρί· οὐ γάρ κώ τοι ἐστὶ υἱὸς οἷον σε ἐκεῖνος κατελίπετο). In this passage Cambyses actually rates 'having a son as great as Cambyses' *higher* than 'increasing the kingdom as much as Cambyses did', suggesting that Cambyses' concern for personal accomplishment is at least equal to, and perhaps greater than, his interest in imperial success. Avery 1972, 536 calls this ranking 'vanity', and attributes it to Cambyses' madness.

she is not his, she is Amasis'; and this phthonotic 'inverse proportionality' is Herodotus' first presentation of possible reasons for Cambyses' invasion of Amasis' land.[79]

This is how Cambyses' Egyptian campaign begins. It ends with the divine *tisis* for Apis' murder; but in between these respective peculiarities of marriage and religion an episode appears that combines both. The episode is the incest-narrative mentioned at the beginning of this section. This narrative contains the straightforward formulation of potentially infinite royal Persian authority, τὸ ἂν βούληται. Given that the turning-points in the Cambyses *logos* that begin his Egyptian invasion, on the one hand, and end the invasion and his life, on the other, both involve phthonotic 'inverse proportionality', and together involve marriage, religion, and system-expansion of different sorts, the application of the 'sectional cuts' model to this formulation of Persian monarchical power seems particularly appropriate. The implications of this analysis are extreme: for where a finite set is divided by *nomoi* constituting a sociopolitical system, the potential infinitude of one section necessarily entails the potential nullity of the rest. If the 'king' section of the Persian state is *infinite* – which it actually *is*, if the king so wishes – then every other section is *nothing*. This means that *any law of the* 'τὸ ἂν βούληται' *sort essentially contradicts every possible* nomos, insofar as all *nomoi* section the finite system.[80] This is the Persian monarchical *nomos*, at least as the terrified Royal Judges claim; therefore, at least insofar as Cambyses intimidates the Royal Judges, Persian monarchy is essentially

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[79] Brown 1982, 391 conjectures that Herodotus' source for this passage might have been a Persian tradition justifying the invasion of Egypt as legitimate revenge. If this is correct and, moreover, has some relevant bearing on the Herodotean narrative as such, this would be the first instance of a Persian king illegitimately presenting *tisis* as a *casus belli*, as Xerxes most famously is revealed (by Artemisia) to have done at 8.102.

[80] Hardy 1996 draws a similar conclusion about unlimited monarchy from the story of Intaphrenes and his wife, in terms of the public/private distinction.

anomotic.[81] The problem is not that conflicting *nomoi* impose incompatible requirements, producing the kind of tragic impasse that Xerxes, for example, may suffer[82]; but rather that a *nomos* that *grants* the king potentially unlimited power is in potential contradiction to every nomos that *restricts* the power of the king; and because the Persian state is finite, every *nomos* that grants anyone but the king any power at all is a *nomos* of this sort.[83]

There is another implication of the potential infinitude of monarchical power. This implication follows immediately upon expanding the analyzed system from 'Persia' to '*kosmos*': for potential infinitude of any section of any subset of the cosmic set entails more than merely the nullity of the other sections of the same subset. The 'infinitizing' monarchical *nomos* thus puts the king into potential 'inverse proportionality' with other Persians (in the intrastate set), non-Persians (in the interstate set), and even the gods (in the *kosmos*). The narrative emphasizes this by presenting the stark formulation of anomotic royal *infinitude* within the narrative of Cambyses' *incest*. Incest violates a divinely-guarded *nomos*, so it is an appropriate context for the 'infinitizing' nomos to appear, as if incest were justified by the law permitting Cambyses to do 'whatever he wants'.

Now it turns out that the Royal Judges' 'infinitizing' claim is simply false: the Persian king *cannot* do whatever he wants, indeed not in any of these systems. During his ethnographic digression in book 1 Herodotus had already mentioned (and praised) one Persian *nomos* that explicitly limits the king's power: the king may not put anyone to

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[81] Redfield 2002, 47-48 offers a similar interpretation of this passage.

[82] Sancisi-Weerdenburg 2002, 586-88.

[83] Munson 2001a, 169ff connects Cambyses' lawlessness with contemporary sophistical debates, comparing Herodotus' Cambyses to Plato's Callicles (cf. *Gorgias* 483B).

death unless a quantitative accounting of that person's good and bad deeds should show the former to exceed the latter (1.137.1).[84] The failures of Cambyses' wants have already been discussed, and a few of Darius' and Xerxes' most important failures will be discussed in the next section. But it is worth noting now that the only time that the wish of a Persian king is confronted with a Persian *nomos* that directly contradicts it, is in the Masistes *logos* in book 9, where Xerxes' erotic desire for his brother's wife is blocked by another vengeful queen's careful application of another royal Persian *nomos* at a crucial point in the narrative.[85]

The final point regarding the 'infinitizing' Persian royal *nomos* should already be obvious from the foregoing discussion. Insofar as this potential infinitude necessarily generates (radical) inverse proportionality between the king and all others, monarchical actions taken according to this potential infinitude generate *phthonos* at the three levels discussed – interstate, intrastate, and cosmic. Cambyses, insane, makes no attempt to avoid such *phthonos*' triple response.[86] But Darius and Xerxes do. Their attempts involve system-expansion of another sort, motivated differently and more intelligently than their predecessors in disrespect for boundaries, designed specifically to block the 'inverse proportionality' to which *phthonos* responds from obtaining in the first place. The

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[84] The Greek makes Herodotus' high opinion of this *nomos* quite explicit, and uses the term *basileus*: αἰνέω δὲ καὶ τόνδε, τὸ μὴ μιῆς αἰτίης εἵνεκα μήτε αὐτὸν τὸν βασιλέα μηδένα φονεύειν, μήτε τῶν ἄλλων Περσέων μηδένα τῶν ἑωυτοῦ οἰκετέων ἐπὶ μιῇ αἰτίῃ ἀνήκεστον πάθος ἔρδειν· ἀλλὰ λογισάμενος ἢν εὑρίσκῃ πλέω τε καὶ μέζω τὰ ἀδικήματα ἐόντα τῶν ὑπουργημάτων, οὕτω τῷ θυμῷ χρᾶται.

[85] Cf. n46 above. Sancisi-Weedenburg 2002, 586-87n3 emphasizes that the immediate cause of Xerxes' failure was *not* a foolish promise (*pace* Flory 1978, 152), but rather the Persian birthday-*nomos*, which moreover harms Xerxes only because of Amestris' plot: '[h]e not only could not have refused, even avoidance of the occasion was beyond his power, as Herodotus recognizes.'

[86] For Cambyses' insanity in relation to his violation of *nomos* see Munson 1991.

Cambyses narrative showed the essential contradiction between monarchical limitlessness and the finitude of any relevant set, deploying with novel intensity the *nomos-tisis-phthonos* complex presented in the earlier chapters. Cambyses' Persian successors attempt to circumvent the limitation by avoiding the contradiction. Their failed attempts constitute and help explain the two Persian wars, the climax of 'the evils between Greeks and barbarians' that Herodotus wished to show (ἀπόδεξις) and explain (αἰτίην) from the beginning.

5. Darius' career: justifying expansionism, maintaining monarchy, and imperial 'looking to one's own'

Darius first appears in a dream (1.209); immediately Cyrus sees him as being in a phthonotic relation to himself. Cyrus, asleep, had seen Darius spreading two wings over Europe and Asia. He takes this to mean that Darius is plotting against him, to take his kingdom (παῖς σὸς ἐπιβουλεύων ἐμοί τε καὶ τῇ ἐμῇ ἀρχῇ ἑάλωκε). But the narrative voice authoritatively affirms that Cyrus here misinterpreted the dream. For in the following chapter (1.210) Herodotus declares that, whereas Cyrus supposed that Darius was plotting against him, in fact a divinity was showing him that he would die in that place (ὁ δαίμων προέφαινε ὡς αὐτὸς μὲν τελευτήσειν αὐτοῦ ταύτῃ μέλλοι), and that his kingdom would pass to Darius. The content of the dream does not justify Cyrus' interpretation; he added something to the dream to come to his conclusion, and this addition, insofar as it led him to a false interpretation, was unjustified.

All Cyrus saw in the dream was 'Darius as king'. He thought this meant that Darius would overthrow him; so he thinks that 'Darius as king' and 'Cyrus as king' are incompatible, that the two are related by an inverse proportionality. The division of the Persian kingdom that implicitly underlies Cyrus' faulty hermeneutic is such that *anyone* being king, except Cyrus, necessarily redounds to Cyrus' *not* being king. Cyrus' interpretation is wrong, Herodotus says, but his error introduces a dimension to

phthonotic relations between humans hitherto unseen the Herodotean narrative.[87] The dimension is *time*. For Cyrus is wrong only because 'Darius as king' and 'Cyrus as king' are incompatible *only* when they obtain *at the same time*. By putting 'Darius as king' and 'Cyrus as king' into this inverse relation, Cyrus has located them within the same finite set, and furthermore claimed that one's kingship necessarily entails the other's non-kingship. But this is false because the finite set is not 'Persia synchronic' but 'Persia diachronic': Darius will indeed be king, but only after Cyrus has already died. [88]

Cyrus' error is especially intriguing because Croesus was wrong insofar as he also did not take time into account. Croesus' phthonotic calculation excluded the limit of life; Cyrus' paranoid phthonotic hermeneutic ignored the limit of his own life.[89] Cyrus missed the dream's true meaning, that here his life was to come to an end (τελευτήσειν). The word echoes the repeated *tel-* words by which Solon refutes Croesus' claim; the death signified by τελευτήσειν comes about as a result of Cyrus' overextension of the empire into the mysteriously unbounded, otherworldly Massegetae land.[90] Death intervenes to

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[87] Divine *tisis* for Gyges' regicide came five generations after the crime, so time *did* enter into human-divine relations: in fact, the gods' cognizance of time, and humans' ignorance of it, is central to Apollo's defense against Croesus' accusation that the gods had treated him ungratefully (1.91).

[88] Brown 1982, 388-89 reads the dream exactly conversely, arguing that it portrays Darius in the dream-role of the usurper, hinting at an unfavorable tradition concerning Darius' kingship. Brown's and my positions are perhaps complementary rather than contradictory, as Brown's supports the comparative instability of Darius' kingship that I am about to discuss.

[89] Cyrus' phthonotic distortion of the prophetic dream parallels Croesus' earlier filtering of the Delphic oracle through his own over-optimistic, imperialistic lens: the 'great empire' that the oracle had predicted Croesus would destroy by invading Persia (ἢν στρατεύηται ἐπὶ Πέρσας, μεγάλην ἀρχὴν μιν καταλύσειν) (1.53.1) was not Cyrus', as Croesus thought (ὑπερήσθη τε τοῖσι χρηστηρίοισι, πάγχυ τε ἐλπίσας καταλύσειν τὴν Κύρου βασιληίην) (1.54.1), but his own (κατὰ τὸ χρηστήριόν τε καταπαύσαντα τὴν ἑωυτοῦ μεγάλην ἀρχήν) (1.86.1). Croesus' fatal invasion, like Cyrus', involved crossing the river Halys, which constitutes an interstate boundary (Immerwahr 1966, 84).

[90] Cf. Walcot 1978, 32.

falsify Cyrus' phthonotic interpretation as death intervened to falsify Croesus' phthonotic claim. Solon set a quantitative limit on human life; Cyrus, partly through Croesus' advice, did not set a quantitative limit on empire.[91] He failed to recognize the god's warning, that he would die as a result of engaging in expansionist war – refusing to respect boundaries[92] – because he failed to consider the limit of his own life. In fact the dream of 'Darius as king' signified Cyrus' temporal finitude; in Cyrus' reading precisely the absence of 'temporal finitude' from the dream-hermeneutic led him to misinterpret the dream.[93]

Thus Darius comes into the narrative as a phthonotic challenge to unlimited royal power. As the *Histories* presents it, Darius rises to power by overthrowing Magian rule, as Cyrus had overthrown Median rule and so constituted the Persians as a separate and monarchical people. The overthrow of the Medes and the accession of Cyrus as the first Persian monarch are narrated together: the narrative of one is the narrative of the other, because the Persians overthrew the Medes only when Cyrus made himself their single leader. But Darius' accession was not identical to the Magians' overthrow, since an aristocratic conspiracy, not a monarchically-constituted popular uprising, mobilized Persian rebellion against Magian rule. Nor are Darius' 'overthrow' and 'accession' narratives even immediately juxtaposed (let alone materially identical), again for the

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[91] Pelling 2006, 164-172 discusses Croesus' expansionist advice to Cyrus in light of Solon's earlier advice to Croesus.

[92] Immerwahr 1966, 75 and 92 cite the river Araxes, which Cyrus must cross in order to invade the land of the Massegetae as a real boundary between states.

[93] Moreover, the formal character of Cyrus' error contradicts *narrativity as such*: for narrative as such, in contradistinction to syllogistic, presents its terms as *essentially temporally sequenced*. Cyrus does not know that he will die before his dream becomes reality. The narrator does; he can foreshadow, and can read the dream as a foreshadowing, as Cyrus cannot, inasmuch as the narrator does, and Cyrus does not. see the temporal limit of Cyrus' life/kingship.

same reason: nothing about the aristocratic conspiracy required that Darius be made the Persian king. But Herodotus emphasizes the separation between overthrow and the accession by interrupting the narrative by still one more, vital, passage: the constitutional debate at 3.80-82.[94] I will not discuss the much-discussed debate here, but rather merely note that its presence confirms that, as Herodotus tells the story, not only is Darius kept distinct from kingship, but kingship itself is kept distinct from Persia.[95]

Inasmuch, then, as Darius' kingship is not so firmly established as Cyrus' – for questioning Cyrus' kingship is questioning Persian statehood, insofar as the two cannot be separated within the narrative – the new, post-aristocratic king must find some way to fend off any possible aristocratic challenge. No aristocrats challenged Cyrus, because in Cyrus' time there was no Persian aristocracy: before Cyrus the Persians had been a subject people, unaccustomed to ruling, accustomed instead to following orders from a master. What Cyrus did – and the Herodotean narrative presents the issue in just this way[96] – was simply to replace their oppressive foreign masters with a benevolent native king. The difference between Cyrus and the other Persians, as Herodotus presents it, was unbridgeable: Cyrus was their liberator, they were his men. This difference constituted the *lack* of 'relevant similarity' required to establish 'inverse proportionality' to which the *phthonos* that Otanes observes accompanies all tyrants responds. No-one envied

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[94] See e.g. Pelling 2002, Thompson 1996, 52-78.

[95] The debate's outcome is unsurprising; what is surprising is that a debate on forms of government took place in Persia at all (as Herodotus goes out of his way to note: ἐλέχθησαν λόγοι ἄπιστοι μὲν ἐνίοισι Ἑλλήνων, ἐλέχθησαν δ᾽ ὦν (3.80.1)). Herodotus' audience is unlikely to believe that the Persians even worried about such things, but Herodotus emphatically asserts that they did. Thus Herodotus' almost apologetic presentation of the constitutional debate, by opposing its factuality to Greek expectations, highlights possibility that Persian government might not even have been monarchical.

[96] Avery 1972, 531-34.

Cyrus, because no-one was sufficiently like Cyrus that his benefit redounded to their harm. In fact, exactly the contrary was true: Cyrus' benefit, as king, is *precisely* what most benefitted the Persians, insofar as his monarchical leadership generated their freedom.[97]

Note that the mutuality of this benefit took the Persians' 'slave-master' relation to the Medes as a *necessary precondition*: Cyrus' and his subjects' goods would not have coincided if the Medes had not previously enslaved the Persians; because then 'Persia being freed', which Cyrus made identical to 'Cyrus being king', would have been nonsense. As Herodotus presents it, Cyrus' avoidance of *intra*state Persian *phthonos* depended on the Persian political system's *inter*state relation to the Median political system – a departure from the previous political system, as far as the Persian state is concerned.

Darius acceded in no such felicitously aphthonotic way. In this second rebellion-accession sequence, 'Persia being freed' and 'Darius being king' had nothing essential to do with each other. It would have been perfectly possible for Persia to be freed from Magian domination, and Darius simultaneously not to be king – as the narratives of the aristocratic conspiracy, constitutional debate, and almost exaggeratedly contingent selection of Darius as monarch clearly show. Here again 'Persia being freed' depended on Persia's relation to an extra-Persian political system (the Magians'), but Darius'

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[97] Herodotus nicely summarizes the first three Persian monarchs' differing relations to their subjects in the mouths of the Persians themselves: 'λέγουσι Πέρσαι ὡς Δαρεῖος μὲν ἦν κάπηλος, Καμβύσης δὲ δεσπότης, Κῦρος δὲ πατήρ, ὁ μὲν ὅτι ἐκαπήλευε πάντα τὰ πρήγματα, ὁ δὲ ὅτι χαλεπός τε ἦν καὶ ὀλίγωρος, ὁ δὲ ὅτι ἤπιός τε καὶ ἀγαθά σφι πάντα ἐμηχανήσατο.' (1.89.3). The father-child relation used to describe the Cyrus-Persians relation emphasizes the intimacy of Cyrus' bond with the Persians, which is constituted by his benevolence and generousness in providing them with 'all good things'.

kingship as such was not, as Cyrus' was, the specific difference between 'Persia enslaved' and 'Persia free'.

From his accession, then, and owing to its specific mode, Darius is not, as Cyrus is, insusceptible to intrastate *phthonos*. He is surely aware of this, also from the start: for the 'relevant similarity' obtaining among aristocrats, and its relation to, as sufficient material precondition for, *phthonos*-generating inverse proportionality[98], is exactly the argument he had presented against oligarchy during the constitutional debate (3.82). The argument (3.82.3) is worth quoting in full:

> ἐν δὲ ὀλιγαρχίῃ πολλοῖσι ἀρετὴν ἐπασκέουσι ἐς τὸ κοινὸν ἔχθεα ἴδια ἰσχυρὰ φιλέει ἐγγίνεσθαι· αὐτὸς γὰρ ἕκαστος βουλόμενος κορυφαῖος εἶναι γνώμῃσί τε νικᾶν ἐς ἔχθεα μεγάλα ἀλλήλοισι ἀπικνέονται, ἐξ ὧν στάσιες ἐγγίνονται, ἐκ δὲ τῶν στασίων φόνος.
>
> But in oligarchy, they offer excellence to many in public matters, but bitter private hatreds are wont to come to be: for each one wishes to be head, and to be victorious in counsels, and they fall into great hatreds toward one another, from which *staseis* arise, and from these *staseis*, murder.

By wishing to be the 'head', and to be 'victorious' in counsels, each oligarch sets himself up in inverse proportionality to the others. Since oligarchy as such entails *relevant political equality* among the ruling few – for if one were superior, then the *politeia* would no longer be oligarchic, but monarchical – therefore the desire to be 'head' and 'victorious' cannot be resolved within the political system. Anomotic desires of this sort are solved, Darius notes, by murder (φόνος). The result is monarchy in any case (ἐκ δὲ τοῦ φόνου ἀπέβη ἐς μουναρχίην); and, moreover, not merely 'the rule of one', but rather 'the rule of the single best' – because the 'one' remaining after oligarchic

[98] Xerxes too is aware of the 'relevant similarity' requirement, observing that those nearby, and not those distant, are those from whom one need fear *phthonos* (7.237).

competition is by agonistic necessity the victor in the political *agon*, and hence by Darian-Darwinian definition the political best.

So Darius understands oligarchic *phthonos*. He does indeed become monarch (3.84-88); but *not* by killing his rivals, those relevantly similar to him. By his own argument, then, the absence of oligarchic strife – the result of the constitutional debate, the agreement afterwards reached, and Otanes' shrewd withdrawal from monarchial consideration – means that, within Darius' Persian kingdom, relevantly similar Persians remain. These are potential kings; they are therefore, in virtue of their relevant similarity, related to Darius by the inverse proportionality to which *phthonos* responds. The fully contextualized Herodotean Darius understands this, for he says so, and even argues that this is *the* reason that Persian kingship should even exist, even before he becomes king.

Atossa also understands this; and she offers this to Darius as sufficient reason for him to conduct expansionist imperial warfare (3.134), seeking to avoid the 'inverse proportionality' to which *phthonos* responds. This can be taken as a response to what Otanes sees as the decisive refutation of monarchy, namely, that '*phthonos* is born in humans from the beginning (φθόνος δὲ ἀρχῆθεν ἐμφύεται ἀνθρώπῳ)' (3.80.3). In the constitutional debate, Darius had never directly answered Otanes; he had used Otanes' own weapon against Megabyzus, relocating *phthonos* in oligarchs rather than monarchs. But if Otanes is correct, that *phthonos* obtains simply as a matter of human nature (ἐμφύεται), then the monarch too must address *phthonos* in some way; and Darius must address *phthonos* more than others, because of how he acceded to the throne. He does not, until Atossa persuades him. Her argument to Darius inaugurates Persian

imperial policy[99]; she excites in Darius a desire for Scythia, but she, serving as Demokedes' mouthpiece, wanted Darius to invade Greece. Her argument thus provides a single justification for both invasions, tying together Darius' reasoning and motivation for both invasions. Within the overall narrative, the Scythian expedition serves as a kind of mirroring precursor to the invasion of Greece[100]; within Atossa's argument at 3.134, the relation of Scythia to Greece is already rather complex, and needs to be examined within the larger narrative context. The basic reason she gives for imperialism *per se* is, I will argue, simply 'to avoid *phthonos* by making relevant similarity not obtain'. But Atossa's argument has more specific goals, and Herodotus' account is worth examining quite closely.

Interpreting the passage is complicated by the fact that the argument was not Atossa's idea: rather Demokedes, Darius' physician from Crotona, had pressed Atossa into making the argument, as a condition for his offering her medical treatment (3.133). Atossa wanted simply to be healed from a terrible, shameful (αἰσχυνομένη) illness; Demokedes put imperialist words into her mouth, presumably so as to secure his own return to Crotona – a motivation strongly suggested at 3.130, where Demokedes' desire to return to Greece first appears, and at 3.135, where the fruit of Atossa's advice includes Demokedes' craftily-achieved *nostos*.[101] Atossa trusts in his medical skill because he had healed Darius when all others had failed (3.129-30); Darius trusted him then because of

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[99] Immerwahr 1956, 271n60.

[100] Hartog 1988, 12-57.

[101] Dominick 2007, 433 and n8 observe that this and the Candaules *logos* are the only passages in which bodily shame is a motivating factor. Dominick remarks only that they are both women; but their central location in two 'expansion' narratives (one intrastate, the other interstate) connects them as well, not irrelevantly to their femininity, and the common functioning of bodily shame may help illuminate the psychological background to the sociopolitical moves initiated by both women.

his reputation (τις πρότερον ἔτι ἐν Σάρδισι τοῦ Κροτωνιήτεω Δημοκήδεος τὴν τέχνην ἀγγέλλει τῷ Δαρείῳ) (3.129.3), which presumably is connected with Crotona's reputation as having the best physicians in Greece. Now Herodotus says that Crotona owes its reputation primarily to Demokedes' accomplishments during his sojourn as Polykrates' physician in Samos (οὕτω μὲν ἀπίκετο ἐς τὴν Σάμον, καὶ ἀπὸ τούτου τοῦ ἀνδρὸς οὐκ ἥκιστα Κροτωνιῆται ἰητροὶ εὐδοκίμησαν) (3.131.2). This connects Demokedes' medical skill with Polykrates; and Polykrates' downfall is one of the most famous of all Herodotean stories of divine *phthonos*. As Amasis says, Polykrates' excess consists in his wealth and power (ἐμοὶ δὲ αἱ σαὶ μεγάλαι εὐτυχίαι οὐκ ἀρέσκουσι, τὸ θεῖον ἐπισταμένῳ ὡς ἔστι φθονερόν) (3.40.2); Demokedes' stay on Samos would have offered Demokedes ample opportunity to understand the importance of wealth to power; and the relation of wealth and power to imperial display is exactly what the advice he gets Atossa to give Darius seeks to address.

Atossa speaks to Darius in bed, but names him 'king' (ἡ Ἄτοσσα προσέφερε ἐν τῇ κοίτῃ Δαρείῳ λόγον τοιόνδε: ὦ βασιλεῦ) (3.134.1). The kind of narrative detail contributed by ἐν τῇ κοίτῃ adds typically Herodotean vividness, but also complicates the performative context of the argument, and hence the rhetorical impact of Atossa's 'king'. Atossa is about to suggest a course of action designed to maintain Darius' royal power; by beginning her argument with 'king' in this intimate setting, she contextualizes Darius' kingship against the background of their personal relationship, directing his sympathy as husband toward the argument concerning kingship that she is about to give. Her next word is a circumstantial participle (ἔχων), specifying her address

as ‘king’ to Darius’ kingly power (δύναμιν): she is speaking to and about Darius inasmuch as he is king, and inasmuch as he possesses kingly power. She emphasizes his power’s magnitude (τοσαύτην), but follows this laud with an admonishment, shading the circumstantial sense of the ἔχων toward concession: ‘although having such great power, you sit down, acquiring neither any people nor power for the Persians (κάτησαι, οὔτε τι ἔθνος προσκτώμενος οὔτε δύναμιν Πέρσῃσι)’ (3.134.1). Something is good about Darius – he is king, and has great power; something else, nevertheless, is bad about Darius, namely, that he does not increase the Persian kingdom. Darius’ royalty and power are thus opposed to his non-expansionism.

This sets up Atossa’s next step: ‘it is fitting that a young man and lord of great wealth show himself demonstrating something (οἰκὸς δὲ ἐστὶ ἄνδρα καὶ νέον καὶ χρημάτων μεγάλων δεσπότην φαίνεσθαί τι ἀποδεικνύμενον)’ (3.134.2). The ‘something’ Darius ought fittingly to show forth must be somehow fitting to his youth and property, which are things *proper to him*, in contradistinction to others. In the argument’s performative context the phrase ‘ἄνδρα καὶ νέον καὶ χρημάτων μεγάλων δεσπότην’ emphasizes Darius’ personal attributes, but they are *that to which* the ‘thing to be shown’ is fitting, while the ‘thing to be shown’ is the *thing to be fitted to* his personal attributes. He is in fact different – young and lord of great wealth; he must now *show* this to the Persians, so that they know how different his youth and wealth make him. Demonstrating the difference between Darius and the other Persians is precisely the goal toward which she orders this ‘fitting’ advice, as she says in the purpose clause attached: ‘so that the Persians may learn that they are ruled by a man (ἵνα καὶ

Πέρσαι ἐκμάθωσι ὅτι ὑπ᾽ ἀνδρὸς ἄρχονται)'. Those respects in which Darius is already distinguished are *wealth* and *youth* – attributes proper to him in his present physical and political state. Merely 'showing' (ἀποδεικνύμενον) something 'fitting' to these pre-existing attributes is sufficient to show himself to the Persians *as their ruler*. The relevant difference between 'Darius the ruler' and 'Persians the ruled' is indicated by what Atossa is about to advise him to do.

So far the general purpose of Atossa's argument can already be discerned: to *show* the Persians that the one that rules them is *different* from the rest of the Persians. It is not enough merely to *be* different – this is the given fact, Darius' youth and wealth. It is necessary also to *show* himself as different, in order to put himself in the appropriate 'ruler-ruled' relation to the Persians. But if the ruler is to the ruled as 'shown to be youthful/wealthy' is to 'seeing the one shown to be youthful/wealthy', then the 'ruler-ruled' relation Atossa is proposing Darius should make evident by expansion is a relation in which rule and ruled are *dissimilar precisely in respect of rule*. Darius' purpose in conducting imperialist wars, according to Atossa's argument, is that the Persians should learn '*that they are ruled by a man*'. The *similarity relevant to rule* is exactly what Atossa is telling Darius he should make *not* obtain by *imperial expansion*. The similarity relevant to rule is the material precondition of the inverse proportionality to which *phthonos* responds. Thus Atossa is counseling Darius to cut off intrastate *phthonos* before it starts, by blocking its necessary preconditions through system-expansion over interstate boundaries.[102]

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[102] The converse had earlier been attempted: Cyrus, on Croesus' advice, avoided renewed Lydian rebellion not by showing himself to be far *greater* than the Lydians, but rather by *reducing* the Lydians to a state of

Moreover, imperial system-expansion changes the size of the finite set that the *nomoi* divide into sections, establishing each member in his or her proper sociopolitical position. Because one section's expansion necessarily entails the others' contraction *only* insofar as the multiple sections together subdivide a *finite* set, the expansion of the set's boundaries allows one section's expansion *not* necessarily to entail the others' contraction. In this way imperial expansion blocks *phthonos* by relocating the second term of monarchical 'inverse proportionality' to *others outside the state*. Darius must increase his power in order *not* to be relevantly similar to his subjects; but if this increase should remain *within* the boundaries of the Persian state, then it would redound to his subjects' harm, and hence generate *phthonos* anyway.[103] The 'waxing king' must 'show' something that does not redound to his subjects' harm; since this cannot be from within his present dominion, he must expand the borders of his dominion to increase quantitatively the set in which his sociopolitical relation is realized.

The desirability of becoming a 'waxing king' is conveyed in general terms by the purpose clause in conjunction with Atossa's first mention of the 'something' that Darius ought to 'show'. But Atossa understands the full range of anti-phthonotic requirements,

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womanliness, which is as far from rebellion as possible (1.154-56). The attempt involved changing their national customs from the courageous bellicosity Cyrus encountered during his military campaign (ἄπειπε μέν σφι πέμψας ὅπλα ἀρήια μὴ ἐκτῆσθαι) to the soft pursuits of peace (κέλευε δὲ σφέας κιθῶνάς τε ὑποδύνειν τοῖσι εἵμασι καὶ κοθόρνους ὑποδέεσθαι, πρόειπε δ᾽ αὐτοῖσι κιθαρίζειν τε καὶ ψάλλειν καὶ καπηλεύειν παιδεύειν τοὺς παῖδας. καὶ ταχέως σφέας ὦ βασιλεῦ γυναῖκας ἀντ᾽ ἀνδρῶν ὄψεαι γεγονότας, ὥστε οὐδὲν δεινοί τοι ἔσονται μὴ ἀποστέωσι). If Lydian men live customarily like women, Croesus argues, then Cyrus' rule as such cannot redound to their harm. Of course this 'reducing the potentially phthonotic' solution is not available to Darius in his particular circumstances, since he cannot maintain his strength as king by weakening the *Persians* that compose his army and bureaucracy.

[103] The Maeandrius *logos* (3.142-49) provides a striking example of phthonotic response to inverse proportionality between king and subjects obtaining in respect of wealth alone. Maeandrius' rule was unacceptable to the Samians even though he pledged not to oppress them as Polykrates had, and even though he dedicated a temple to Zeus Eleutherios to signify the seriousness of his intent, partly because his low birth made him unfit to rule, and partly because he would not give to the Samian people a full accounting of the wealth he inherited from Polykrates.

and has more specific advice for the king. She briefly mentions that war prevents plotting (ἵνα τρίβωνται πολέμῳ μηδὲ σχολὴν ἄγοντες ἐπιβουλεύωσί τοι), but Darius needs no encouragement on this front: apparently he had already been considering an invasion of Scythia (1.34.4). At the beginning of book 4 Herodotus will attribute Darius' Scythia-directed bellicosity straightforwardly to *tisis*, a motivation the Scythians themselves recognize; this covers 'war' *simpliciter*, but does not address the other reason Atossa gave for invasion, because *tisis* against Scythia does not expand the Persian political system. Merely invading other lands, without this invasion being also *expansionist*, is not enough to avoid 'relevant similarity' between Darius and his subjects. Atossa clarifies immediately: 'see now, hold off first to go against the Scythians, for whenever you wish, they are yours; but wage war for me against Hellas; for I am eager, having heard by report, that I should have Argive and Attic and Corinthian serving-women (οὗτοι γάρ, ἐπεὰν σὺ βούλῃ, ἔσονταί τοι· σὺ δέ μοι ἐπὶ τὴν Ἑλλάδα στρατεύεσθαι. ἐπιθυμέω γὰρ λόγῳ πυνθανομένη Λακαίνας τέ μοι γενέσθαι θεραπαίνας καὶ Ἀργείας καὶ Ἀττικὰς καὶ Κορινθίας)' (3.134). Simply going to war is not enough for Atossa; she wishes also that Darius acquire the *spoils* of war. This picks up and adds to the great wealth (χρημάτων μεγάλων) Darius already possesses by showing something 'fitting' in respect of which Darius ought to show himself to the Persians as their king. By adding 'Greek serving-women' to Darius' proposal of 'war *simpliciter*' she distinguishes simple *tisis* from the system-expansion that her anti-phthonotic strategy requires.

This distinction, which is crucial to understanding the Herodotean difference between phthonotic and aphthonotic warfare, will be highlighted during Xerxes'

invasion, when he chooses to continue the campaign even after his *tisis*-purpose has been fulfilled. But the goal sought by Atossa's system-expansion – the blocking of relevant similarity prerequired for *phthonos*' inverse proportionality – has another comparandum in the *Histories*. This is Deioces, at 1.96-100. Where Atossa uses imperial expansion, Deioces uses judicial wisdom; but in the Deioces narrative, Herodotus is even more explicit about Deioces' desire to *appear* different from his subjects, and Herodotus' description of Deioces' purpose should help clarify Atossa's advice (1.99.2):

> ταῦτα δὲ περὶ ἑωυτὸν ἐσέμνυνε τῶνδε εἵνεκεν, ὅκως ἂν μὴ ὁρῶντες οἱ ὁμήλικες, ἐόντες σύντροφοί τε ἐκείνῳ καὶ οἰκίης οὐ φλαυροτέρης οὐδὲ ἐς ἀνδραγαθίην λειπόμενοι, λυπεοίατο καὶ ἐπιβουλεύοιεν, ἀλλ᾽ ἑτεροῖός σφι δοκέοι εἶναι μὴ ὁρῶσι.
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> [Deioces] magnified these things concerning himself for this reason, that those of his age, having been brought up with him and being neither of lesser estate nor deficient in manliness, should not be grieved to see him, and plot against him, but so that he should seem to be of a different sort to those not seeing him.

Deioces maintains the *appearance* of difference with no reference to *real* difference, leaving the vastness of difference to his subjects' imagination.[104] Insofar as Darius is *already* really different, he need merely show this pre-existing real difference to his subjects; insofar as he is *not* different from his subjects, he must increase this difference by magnifying and adding to the things in which he is different from them. Deioces' approach does not involve system-expansion, because the perception of difference is generated by a lie. Atossa's Darius wishes to be different in *reality*, and hence *needs* to

[104] Real and deceptive 'relevant dissimilarity' blur together in the Scythian treatment of their rebelling slaves (4.3), who run away from battle simply because the Scythians cast down their arms, signifying their refusal to treat the slaves as equals. Here the Scythian argument is that their slaves are *in fact* slaves, but *think* they are not because they see that both they and their masters are holding weapons, and fighting as equals; therefore they can be removed from the system of battle, which unites the two groups as relevantly similar, by showing the real dissimilarity by making common battle-system membership no longer obtain.

expand the state so that his royal section can expand into some division other than his subjects'.[105]

There is more to Atossa's 'reification' of anti-phthonotic difference-generation than simply the Persian stricture against lying (1.136) – anyway Darius is happy to lie when expediency so demands (3.72).[106] Atossa also *wants the things* that expansion will allow Darius to acquire (the serving-women); but she wants these because she has *heard* of them by hearsay (πυνθανομένη).[107] The first piercing of the Persian boundary from Hellas, during Darius' rule and directly connected with the Persian Wars, is not Darius' invasion itself, nor even the Ionian revolt, but the *report* of the Greek serving-women that Atossa presents as her reason for wanting Darius to expand into Greece. She wants something that is not within her land; she presents herself as conceiving her imperialist desire for Hellas because she has, through hearsay, *looked to something not her own*.[108] This collocation of *phthonos*-avoiding system-expansion with the violation of the 'look to one's own' Lydian *nomos* materially joins two motives for set-expansion in their essential relation to *phthonos*. If violation of 'look to one's own' suggests *eros*, as in the Candaules *logos* where the *nomos* first appeared, then Atossa's imperialism is

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[105] Cf. Kurke 1999, 71n13.

[106] This is itself, as many commentators have noted, a striking violation of the Persian *nomos* mentioned 1.136. For discussion see bibliography in Kurke 1999, 78n30.

[107] Munson 2001a, 153.

[108] The fact that Atossa's entire speech is a ruse calculated by Demokedes to manipulate the king suggests that her rhetoric is carefully designed to address Darius' pre-existing way of thinking; and the fact that Demokedes/Atossa think that 'not looking to one's own' will prove convincing to Darius suggests that, if Demokedes/Atossa are right, Darius already finds 'not looking to one's own' a plausible motivation for expansion.

suggestively erotic.[109] Since it is *essentially* anti-phthonotic, Herodotus is here playing with two different sorts of monarchical mistakes, subtly hinting that even the Persian king's attempt to *maintain* himself in power, which makes him imperialistic, is associated with the kind of violation of the sociopolitical 'sectional cut' that brought down the earlier Lydian monarch.

This point is crucial for understanding the close Herodotean link between *tyrannos* and *mounarchos*, in contradistinction to earlier and etymologically-founded Greek usage. Etymologically, tyrants are rulers that have gained power by unconstitutional means; monarchs are simply single rulers, whether constitutional or not. But *Persian* monarchs are constituted by the 'infinitizing' monarchical claim, which we have already seen essentially supersedes *every nomos* insofar as *nomoi* make sectional cuts presupposing finitude of the relevantly divided system. *Persian kings are in this respect no different from tyrants* because the 'infinitized' Persian monarchy is essentially anti-nomotic, and hence, insofar *politeiai* imply *nomoi*, unconstitutional.[110]

This may be uniquely true of the Persian monarch, insofar as Herodotus makes explicitly formulated monarchical constitutions available. But *phthonos* as it functions in Atossa's model of monarchy provides a useful interpretive tool. For insofar as the Persian monarch is *not* nomotically limited, he rules in potential inverse proportionality to his subjects; precisely in the unlimited magnitude of his power, he is therefore perpetually susceptible to phthonotic response. The two Lydian kings suffered perturbation-correcting *phthonos* only when they attempted to do something *over and above* their

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[109] Lateiner 1989, 141-42 gestures in this direction.

[110] This is of course not actually true, even within the Herodotean narrative, as the Persian *nomoi* relating to capital punishment and birthday-gifts (mentioned above) show.

monarchical constitution; Atossa's Darius must anticipate anti-monarchical *phthonos* even when he does nothing but 'be the Persian king'. This is so because of the 'infinitizing' character of Persian monarchy; it is manifest in the Persian king's susceptibility to phthonotic response, precisely insofar as 'infinitizing' monarchy *necessarily* contradicts set-dividing *nomoi*. Persian 'infinitized' monarchy is the extreme case, but any *nomos*-violating king is a tyrant insofar as violating a *nomos* is formally violating the 'sectional cuts' that divide any nomotic system. *Phthonos* responds to these violations, because they establish inverse proportionality between the king and others: wherever the king's actions produce *phthonos*, the king is acting tyrannically. Thus *phthonos*, when it appears in all the complexity of the Herodotean narrative, can be used as an index of the *nomos*-violating and hence tyrannical character of any Herodotean monarch's rule.

6. Xerxes' career: a gesture toward fuller treatment

A comprehensive treatment of Persian monarchs in the *Histories* in their relation to this nexus of *tisis*, *nomos*, and *phthonos* lies beyond the scope of what this discussion can address. The Herodotean treatment of *tisis*, *nomos*, and *phthonos* has become richer and more complicated as we have progressed, as the passages under discussion move further and deeper into the text, and consequently our treatment has become increasingly selective. The *Histories* progresses cumulatively and intelligibly, painting an ever more variegated picture of Herodotus' two subjects: what the ethnography treats, the interaction of individuals and groups within a society; and what the war-narrative treats, the interaction of different sociopolitical systems within the grand interstate theater of Europe-Asia relations.[111] This thesis has barely touched on Herodotean ethnography; but if interstate systems are related to intrastate systems as my argument requires, then no discussion of *phthonos* in the *Histories* could be complete, even within its own purview, without a detailed examination of each nation's practices, as Herodotus presents them.

But the ethnographic digressions grow thinner as the inquiry progresses, and by the time Xerxes' war begins at book 7, all the major players in the interstate zero-sum game have already been named, described, and located within an intelligible and coherent, if astonishingly complex, narrative. The various strands of the Herodotean programme, first laid down at the opening of book 1 and cultivated through six books and

[111] Munson 2001a gives an extended treatment of Herodotus' dual purpose.

three Persian kings, come to fruition in the story of the last war treated by the *Histories*, during the career of Herodotus' last Persian king. The last chapter of this thesis will serve as a brief postscript to the main argument, gesturing toward a later, fuller treatment of books 7-9 where, in the figure of Xerxes and the closing of the Persian Wars, the themes introduced in book 1 develop to their fullest degree of complexity and climax in a deliberately structured close.[112]

Book 7 opens with a competition for the Persian throne: neither Artobazanes nor Xerxes has a stronger claim within the Persian state, because Persia has no *nomos* determining the royal succession. A Spartan *nomos* must be imported before Darius will deliver the inheritance to Xerxes; but Herodotus notes that none of this really mattered, because 'Atossa had all the power (ἡ γὰρ Ἄτοσσα εἶχε τὸ πᾶν κράτος)' (7.3.4). Xerxes comes to the throne without support of Persian *nomoi*; he inherits two unfinished wars and the same expansionist customs that Cyrus had founded, and that Darius had pursued against Greece.

At first Xerxes has no interest in war against Greece – the more expansionist of the two wars, insofar as Egypt had earlier been under Persian control. But Mardonius, perversely twisting the 'wise advisor' role toward his own interests, persuades Xerxes to invade Greece, enlarging an appeal to *tisis* for the burning of Sardis by citing advantage to Persia and the king (7.5). After conquering Egypt, Xerxes calls a council of the best Persians (σύλλογον ἐπίκητον Περσέων τῶν ἀρίστων ἐποιέετο) (7.8) and repeats Mardonius' justifications for war against Greece. But before presenting any of Mardonius' arguments, Xerxes appeals first to Persian *nomos*, and to Darius' will: for

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[112] For a full discussion of the closure of the *Histories* see Dewald 1997.

Xerxes' self-presentation it is extremely important to show that he is not himself initiating expansionist war (οὔτ᾽ αὐτὸς κατηγήσομαι νόμον τόνδε ἐν ὑμῖν τιθείς, παραδεξάμενός τε αὐτῷ χρήσομαι) (7.8a). But Xerxes goes far beyond Darius' limited aims, offering in his speech to the Persian nobles a picture of universal Persian dominion, its boundaries identical to the limits of what the sun touches (οὐ γὰρ δὴ χώρην γε οὐδεμίαν κατόψεται ἥλιος ὅμουρον ἐοῦσαν τῇ ἡμετέρῃ, ἀλλὰ σφέας πάσας ἐγὼ ἅμα ὑμῖν χώρην θήσω) (7.8c.2). The Persian sociopolitical system is to be identical with the system of the world: Xerxes' solution to the problem of phthonotic response to boundary-violation is to obliterate all interstate boundaries to the Persian king's rule.

This is the extreme case of system-expansion, synecdochally signified by the bridging of Europe and Asia, dissolving a boundary guarded by the *phthonos* of the gods (ἀλλὰ θεοί τε καὶ ἥρωες, οἳ ἐφθόνησαν ἄνδρα ἕνα τῆς τε Ἀσίης καὶ τῆς Εὐρώπης βασιλεῦσαι) (8.109.3)[113] and affirmed by a customary Persian judgment first

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[113] Artabanus famously argues that the *phthonos* of the gods will destroy this expedition, precisely because Xerxes' army is so large: 'ὁ θεὸς φθονήσας φόβον ἐμβάλῃ ἢ βροντήν' (7.10e). His larger argument cites his previous success as Darius' 'wise advisor', when he opposed the invasion of Scythia: part of Artabanus' wisdom, then, consists in his familiarity with divine *phthonos*, as Solon had earlier argued against Croesus. At first Xerxes decides against the expedition; but Herodotus complicates the picture considerably by the story of Xerxes' two dreams, followed by Artabanus' one dream, threateningly commanding Xerxes to invade. Later (7.47), after beginning the invasion owing to the apparent divine command, Xerxes asks Artabanus whether he would have advised invasion if the dream had not come; Artabanus answers that not footsoldiers and ships but the land and sea themselves are arrayed against Xerxes' army (οὔτε στρατὸν τοῦτον, ὅστις γε σύνεσιν ἔχει, μέμφοιτ᾽ ἂν οὔτε τῶν νεῶν τὸ πλῆθος· ἢν δὲ πλεῦνας συλλέξῃς, τὰ δύο τοι τὰ λέγω πολλῷ ἔτι πολεμιώτερα γίνεται. τὰ δὲ δύο ταῦτα ἐστὶ γῆ τε καὶ θάλασσα) (7.49.1). Xerxes then does not begin the expedition impiously; on the contrary, he genuinely believes, because of the dreams and in spite of practical arguments to the contrary, that his expedition is desired by the gods. For the sympathetic character of Herodotus' portrayal of Xerxes, including his strong awareness of Persian *nomos*, see Sancisi-Weerdenburg 2002, Baragwanath 2008 244-53.

mentioned in book 1 (τὴν γὰρ Ἀσίην καὶ τὰ ἐνοικέοντα ἔθνεα βάρβαρα οἰκηιεῦνται οἱ Πέρσαι, τὴν δὲ Εὐρώπην καὶ τὸ Ἑλληνικόν ἤγηνται κεχωρίσθαι) (1.4.4). Xerxes does indeed extend his war beyond *tisis* against Athens; Artemesia highlights this at 8.68 (asking rhetorically: 'τί δὲ πάντως δέει σε ναυμαχίῃσι ἀνακινδυνεύειν; οὐκ ἔχεις μὲν τὰς Ἀθήνας, τῶν περ εἵνεκα ὁρμήθης στρατεύεσθαι;') and at 8.101-2 transfers the risk of failure for the now fully imperial expedition from Xerxes, who will retire from Greece, to Mardonius, by way of the asymmetric relation that the king enjoys with his servant.

When the expedition finally fails, Xerxes' imperial expansionism returns to Candaules' erotic boundary-violation, completing a ring-composition circling Herodotus' entire work: the ring is closed in the Masistes *logos* (9.108-13) whose similarities to the Candaules *logos* have long been recognized.[114] What makes Xerxes' *eros* fail, however, is not phthonotic system-expansion, as in Candaules' case, nor a foolish oath, which reveals Xerxes' infidelity but does not contract his power; nor even a vengeful queen's response to *nomos*-violation by establishing radical inverse proportionality between himself and another, as Candaules' queen had done earlier. Rather, Amestris foils Xerxes by deliberate manipulation of a Persian *nomos*, which *compels* the king to grant whatever request is made of him on the anniversary of his accession or birth (9.110-11). [115] Amestris, like Candaules' wife, responds to Xerxes' system-expansion by recontracting

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[114] See n41.

[115] The Greek is ambiguous here. The unique anointing of the king's head on the day of this royal feast (τὴν κεφαλὴν σμᾶται μοῦνον βασιλεὺς (1.110.2)) may suggest that the day commemorates his royal accession rather than his personal birthday, but the literal ambiguity remains.

the erotic set, removing her rival by gruesome murder (1.112).[116] The claim to unlimited Persian monarchy is falsified on the anniversary of the monarch's accession: even Xerxes, king of kings, cannot do τὸ ἂν βούληται – because he is constrained by the Persian *nomos* that is applied by the queen.[117]

[116] In fact Xerxes had already switched his *eros* from Masistes' wife to Masistes' daughter (9.109.1), so Amestris is destroying her *perceived* rival. The apparent inappropriateness of Amestris' response is striking, but she is not simply mistaken; but I hope to discuss this more fully in a later treatment of this passage.

[117] See Sancisi-Weerdenburg 2002, 586-88.

7. Conclusion

This paper began by sketching a model for understanding the relation between *tisis*, *nomos*, and *phthonos* in the *Histories*. The conceptual complex was suggested by the structure and content of the opening narrative. The first incidents, reported by the Persians, are princess-thefts, each theft matched by another; and as long as the number of princess-thefts remains exactly equal on each side, the system of reciprocal and 'equal for equal' *tisis* remains unperturbed. The Greeks break this 'equal for equal' *tisis*-system by stealing a second princess, Medea, and refusing to pay *dikas* for her. This establishes a quantitative inequality, the first in the *Histories* that *tisis* does not address. This failure of *tisis* leads Paris to justify the rape of Helen by the *Histories*' appeal to *precedent*, effectively marking the introduction of *nomos*. The disproportionate Greek response, the Persians say, is 'greatly to blame', and the cycle of enmity has begun.

The first passages in the Herodotean narrative thus introduce *tisis* as something responding to maintain quantitative equality, and *nomos* as something appealed to where maintenance of quantitative equality is no longer possible. Conceived in terms of systems, *tisis* maintains systemic homeostasis by matching every negative with a quantitatively identical positive, resulting in a final net equilibrium. *Nomos* does produce homeostasis by proportionalized (not equalized) negation, but by dividing the system into definite sections, which in their zero-sum relation thus exist in potential inverse proportionality to one another. The epistemological difference between *tisis* and *nomos* is

that *tisis* is self-evident, i.e., requires reference to nothing externally determined, whereas *nomos* is not self-evident, and requires reference to some definite division of the system in order to respond to system-perturbations.

Since the relevant systems are sets of humans and/or gods in some kind of proper relation – interstate, intrastate, or cosmic – the intrasystemic maintenance of nomotic divisions must be accomplished by humans and/or gods, and hence by certain properties of human and/or divine motivational structures. The human and divine property that does this work is *phthonos*, which responds whenever the benefit of one section of the system necessarily redounds to another's harm. The sufficient conditions of *phthonos*, here given in terms of system-divisions, i.e., *nomoi*, can also be articulated in terms of relevant similarity, inasmuch as common membership in a nomotic system implies relevant similarity in respect of that system. These relevant similarities are sensible and intuitively discernible, whereas the system-division conditions are abstract and require thorough systemic analysis. The 'relevant similarity' conditions for *phthonos* are therefore more evident in a narrative account, which treats concrete events in chronological or narratological sequence, as opposed to a philosophical or theoretical account, which treats abstract terms in systems of abstract relations.

Herodotus' opening narrative accordingly provides the 'prime matter' for an analysis of the sort presented in this paper. The content of the *Histories* does the rest of the work, fleshing out the structures introduced sketchily in the opening chapters, determining them with a greater level of specificity in the first authoritatively narrated episode, the Candaules *logos*. Here the sort of *nomos*-violation to which perturbation-correctors respond is specified to *erotic*: Candaules establishes an inverse proportionality

inasmuch as he has *eros* for his wife's beauty, in conjunction with his phthonotic insistence that she is the most beautiful of all women. Because his desire is erotic, it must be satisfied by physical means; since he believes specifically her *eidos* to be superior to all other women's, these physical means must be *sight*. But a Lydian *nomos*, 'look to one's own', restricts the set of those seeing his wife to *one*. When Candaules violates this *nomos* by the coercive power of his royal authority, his wife, a member of both the 'Lydian' nomotic set and also the 'one's own' nomotic subset, corrects the *nomos*-violating perturbation by persuading Gyges to kill Candaules. She presents Gyges' choice as a response to the radical inverse proportionality established by Candaules' violation of the 'look to one's own' *nomos*: in order for that *nomos* to be respected, the set described by that *nomos* must be recontracted to the definite quantity specified by that *nomos*. Since that set presently contains one more than the *nomos*-specified number, one member of that set must no longer exist. The queen allows Gyges to choose which member will cease to exist, and so in choosing simply to live Gyges chooses to kill the king.

This first episode presents the *tisis-nomos-phthonos* complex in remarkable clarity and simplicity, and hence provides an easy introduction to the far more intricate tisic-nomotic-phthonotic narratives to follow. The first of these narratives is the *logos* to which Herodotus attached the Candaules *logos* as an introduction, the Croesus *logos*. The most famous episode within the Croesus *logos*, Solon's visit and interview, is given in chronological time immediately following Solon's visit to Amasis in Egypt, which is analeptically mentioned within the opening of the Croesus *logos*. The appearance of Solon as a supremely important figure in Greek history narratively imports Solonian legislation and poetry; the legislative and poetic context is further determined, by the

chronological analepsis, to the specifically anti-phthonotic legislation that Solon took from Amasis in the next book. Herodotus' formulation of this legislation describes a method of locating every member of a sociopolitical system in his proper place, each accounting for his own *bios* to the public nomarch so as to prove that his *bios* does not redound to others' harm. Thus Herodotus' formulation of Amasis/Solon's law analyzes *phthonos* in terms of location within a sociopolitical system, as the model proposed earlier in the paper does also. Precisely this sociopolitical context constitutes a major component of Solon's argument against Croesus' phthonotic claim to be 'the most blessed'. The second major component is death, the end of human life; so where the first treated the limits of humans in relation to others in the same state, the second treated the limits of human in themselves, or in relation to the gods. In fact, Solon refutes Croesus' error by explicit appeal to the *phthonos* of the gods.

This expands the scope of phthonotic systems from those constituted of human-human relations, of any size, to include those constituted of human-divine relations, i.e., the *kosmos*. The sorts of divisions maintained by the gods include the finitude of human life, as Solon observes, but also the unwritten and religious *nomoi* not safeguarded by humans within a given sociopolitical system. In the next passage considered in this paper, Cambyses violates both of these *nomoi* and is accordingly punished, at least partly by the *nemesis* of the gods. The acts the gods do *not* permit, however, *are* permitted by the Persian monarchical *nomos*, according to which the limits on the king's power are identical to 'whatever he wishes', and hence potentially unlimited. Herodotus' formulation of this 'infinitizing' law pushes inverse proportionality to an extreme: in

virtue of this law, the king is potentially related to all others in all systems such that his benefit redounds maximally to their harm.

The next king of the Persians, Darius, attempts to avoid the *phthonos* that such a condition generates by blocking the required inverse proportionality from obtaining, seeking to accomplish this by establishing relevant dissimilarity and expanding the limits of the Persian sociopolitical system. Inspired by Atossa to invade foreign lands, ultimately including Greece, Darius shows that he understands the danger of *phthonos* by his speech during the constitutional debate. His mode of accession, in contradistinction to Cyrus', exacerbates this danger, but even Cyrus, by the end of his career, is not immune to phthonotic fear. Darius' first appearance in the narrative, in Cyrus' dream, is misinterpreted phthonotically; the result is a collapse of time, completely leaving out Cyrus' death, as Croesus' had earlier ignored the end of *bios*, for which Solon had arithmetically-religiously chided him. Darius' attempt to avoid *phthonos* by establishing relevant dissimilarity from the Persians resembles Deioces' attempt to dissociate himself from the Medes; but where Deioces relied on sheer deception, Darius attempts to establish real dissimilarity, which, in order to avoid inverse proportionality, requires extra-systemic, i.e., imperial, expansion.

These passages, which were analyzed in narrative order, progressively build an increasingly complex picture of the relations of humans to humans, and humans to gods. Atossa's spur to imperialism, couched in terms of the *tisis-nomos-phthonos* complex already introduced in the opening narrative, brings Darius to the brink of the Persian Wars. Herodotus began his *Histories* to save Greek and barbarian wonders from erasure, and especially to explain the wars; his inquiry will end with the wars' completion, and the

falsification of the Persian monarchs' claim to limitlessness. This paper ends here for reasons of space and time, lest in violating these I should suffer some kind of perturbation-correction, from the academy or from the gods. The rest of the *Histories*, from Darius' invasion of Scythia to Xerxes' failure to conquer Greece, brings to full bloom the themes and concepts articulated crudely in the passages discussed to this point; but treating these passages is a task better reserved for another division of finite academic endeavor.

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