

On Law and Justice

attributed to Archytas of Tarentum

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1. Introduction

Archytas of Tarentum, a contemporary and associate of Plato, lived from about 435 to 360 BCE.¹ He was a famous Pythagorean, philosopher, mathematician, statesman and military general of Tarentum. Although none of his works survives complete, at least four fragments preserved by later writers can with confidence be attributed to him.² Many other fragments and several whole works were attributed to him in antiquity, and a substantial amount of these survives, over 40 pages of Greek text in the standard edition.³ Although most scholars agree that most of this was probably composed (“forged,” say some) by Neo-Pythagorean⁴ writers of the Hellenistic and Post-Hellenistic eras, the fragments nevertheless might contain valuable information about the history of early Pythagoreanism, and might even offer insight into the thought of Archytas of Tarentum.⁵

From the standpoint of the history of early Greek ethics, the most important of these fragments derives from the work entitled *On Law and Justice*. Five long fragments (over 100 lines of Greek) of this work are preserved and attributed to Archytas in the fifth century CE anthology of Stobaeus. The fragments are extremely dense and touch on many key themes of early Greek ethics and political philosophy, including: the express differentiation of written from unwritten laws; a reference to being “free” (ἐλεύθερος) in a political context, understood not only as a condition opposed to slavery, but also positively in terms of self-sufficiency

(αὐτάρκεια); a moral⁶ psychology focused on moderation of the emotions and cultivation of virtues; a defense of equality and the competence of the majority to participate effectively in government; a strong criticism of “rule by an individual” (μοναρχία) and the favoring of “private interests” over “public interests”; a theory of the ideal “mixed constitution,” containing elements of kingship, aristocracy, and democracy; a theory of distributive justice with a unique interpretation of how mathematical proportions relate to constitutional structure; a theory of corrective justice and punishment, advocating the use of shame (αἰσχύνη) over monetary fines; and a theory of the rule of law, the legitimacy of political leaders, and the importance of “being humane” (φιλανθρώπους) on the part of rulers. The fragments also deserve to be studied closely because this text contains a true rarity: one of the only positive accounts of democracy delivered *in propria persona* in ancient Greek philosophy.⁷

In the limited space available for this essay, we can do little more than translate the fragments (which are not widely available⁸), and offer an interpretation which situates them in the early fourth-century BCE context and relates them to later developments in ancient philosophy, especially among the writers of the later Platonist, Pythagorean, Aristotelian, and Stoic traditions. We will begin by discussing the authorship of the fragments, and then proceed through the fragments in the order they appear in Stobaeus.⁹

2. The Authorship of *On Law and Justice*

The fragments of *On Law and Justice* are all in direct speech, and one contains a first-person pronoun, indicating that they are either drawn from the original work, or were composed by a later writer so as to convey the impression that these were Archytas of Tarentum’s actual views. Some scholars have accepted Stobaeus’ attribution of *On Law and*

Justice to the historical Archytas of Tarentum.¹⁰ Nothing in them is flatly inconsistent with the genuine fragments of Archytas of Tarentum—in fact there are several compelling parallels. The only dateable reference in the text seems to refer to the Spartan constitution before 242 BCE.¹¹ There is no (strictly-speaking) anachronistic terminology in the fragments.¹²

However, given the nature of the corpus of Pythagorean writings, which includes many doubtlessly spurious works attributed to earlier philosophers (including Archytas of Tarentum), one would have to present a preponderance of evidence for authenticity. Thus most scholars have treated the fragments as dubious or spurious. In recent times, they have been collected together with other works attributed to Archytas and placed among the “Pythagorean Pseudepigrapha” (writings dubiously attributed to various early Pythagoreans). The Pythagorean Pseudepigrapha consist of works on various topics, including metaphysics, physics, cosmology, epistemology, logic, politics and ethics.¹³

Carl Huffman has recently assessed the arguments in favor of attributing the fragments to the historical Archytas of Tarentum, but he concludes that “the treatise should be regarded as spurious, although the evidence is almost equally divided.”¹⁴ His doubt is based on the perception that the connections to the genuine fragments are weaker than the connections to the other Pythagorean Pseudepigrapha. Bruno Centrone has studied the Pseudepigrapha on ethics and politics and concluded that several of them, including *On Law and Justice*, are middle or late Hellenistic forgeries dating to between the first century BCE and the first century CE.¹⁵ This has been represented as a consensus view,¹⁶ even though earlier scholars had interpreted the fragments as either genuine or as deriving from a relatively early Hellenistic period forgery and had dated them to the third to first centuries BCE.¹⁷

Certainty is impossible for early authors whose works survive only in fragments, particularly those associated with Pythagoreanism, and so one must proceed on the basis of probabilities. While not ruling out the possibility of genuine authorship, or later Hellenistic or even post-Hellenistic forgery, we do not consider either of these options to be the most probable for the fragments of *On Law and Justice*. On the one hand, the fragments are not likely to contain the *ipsissima verba* of Archytas of Tarentum, because of certain undeniable parallels with Aristotle and Peripatetic texts, which have largely gone unnoticed¹⁸ but are on the whole stronger than the parallels with either Stoicism or Platonism. At the same time a late Hellenistic forgery does not seem likely, because of certain positions contradictory with other Pythagorean Pseudepigrapha related to politics and ethics, especially on the value of kingship and μοναρχία.

Here we introduce a different hypothesis about the authorship of the fragments. It seems more probable to us that the fragments of *On Law and Justice* originated from a Peripatetic biography of Archytas of Tarentum in which the philosopher was depicted as offering his views on social-political matters. This interpretation would explain several facts otherwise difficult to account for: (1) the appearance of the fragments in direct speech attributed directly to Archytas of Tarentum;¹⁹ (2) the connections to the genuine fragments of Archytas and other facts known about him independently; (3) the presence of strong parallels with notions of specifically Peripatetic political theory; and (4) the relative lack of strong parallels with the Pythagorean Pseudepigrapha texts on political science (which otherwise tend to parallel each other).

Aristotle himself wrote several works on Archytas and the Pythagoreans, all lost.²⁰ Aristotle was thoroughly familiar with the works and philosophy of Archytas.²¹ He certainly

had good sources of information. Besides his teacher Plato, who knew Archytas first hand, Aristotle's pupil Aristoxenus (circa 375-300 BCE) was a native of Tarentum and wrote an authoritative biography of his famous countryman.²² Carl Huffman has remarked on the nature and importance of this work:

Whereas Aristotle's works on the philosophy of Archytas, now lost, do not seem to have been much used in the doxographical tradition, Aristoxenus' *Life* undoubtedly lies behind much of the later biographical and anecdotal tradition about Archytas ... Aristoxenus was thus in a position to possess very accurate information about Archytas' actions and beliefs. The testimonia show that his *Life* was not a spare catalogue of events but rather relied heavily on anecdote to make points about the character of Archytas. Aristoxenus also brought out Archytas' views by dramatizing his meetings with other philosophers and putting speeches into the mouths of both Archytas and his opponents.²³

Aristoxenus wrote extensively on Pythagoreanism, with titles for these works surviving: *On Pythagoras and His Associates*, *On the Pythagorean Life*, and *The Pythagorean Precepts*.²⁴

Huffman has recently studied and authenticated several fragments of the *Pythagorean Precepts*.²⁵ A large fragment from Athenaeus²⁶ and a large report from Cicero give us a good impression of the style of Aristoxenus' biography of Archytas. In his dramatization of Archytas, Aristoxenus devised speeches for Archytas and his interlocutors, presumably based on information he had gathered either from oral histories of Tarentum or from the writings of Archytas. He then presented these in his biography as a kind of "historical fiction." Readers would be expected to understand that the words were composed by Aristoxenus, not Archytas, but would more or less reflect the actual views of their subject.

If this or something like it is true, one could compare our situation to that of scholars using a Platonic dialogue to speculatively reconstruct the ideas of an earlier thinker, such as using Plato's *Protagoras* as a basis for speculating about Protagoras' actual views. As the example shows, this is an extremely difficult and fraught matter. But the crucial difference with the present case is that, whereas Plato intended not to write a biography of Protagoras but rather a critique of him, we have every reason to believe that Aristoxenus not only sympathetically portrayed his subject, but also intended his account to have some historical veracity.

We speculate that the fragments of *On Law and Justice* were derived from a speech (or dialogue) contained in Aristoxenus' biography of Archytas. The speeches were probably similar to the exchange of speeches (or dialogue) about the nature of pleasure and its relationship to politics that Aristoxenus described in his biography; there he represented a conversation between "Polyarchus" and "Archytas," set as a series of diatribes (or dialogue) in the sacred precincts around Tarentum. A related possibility is that the fragments derive from some other early Peripatetic biographer, doxographer, or epitomizer who was himself dependent on either Aristotle or Aristoxenus or both.²⁷ But we can find no reasons to attribute the fragments to a later anonymous biographer rather than to Aristoxenus himself (the first undisputed Peripatetic biographer), since he was considered the authority on Archytas; any later Peripatetic source would have depended on his account. At the same time, the fragments as we have them lack the stylistic polish we would expect of Aristoxenus' work on the basis of its reflection in Athenaeus and Cicero (although those authors certainly could have added rhetorical polish to rougher source material); and so it is likely that what we have is a further excerption or compression from the speeches attributed to Archytas in Aristoxenus' *Life*.

In the end, not much hangs on whether the author was Aristoxenus or a later biographer. In any case we would have early and fairly reliable evidence for Archytas' political views. It is only if it can be shown that the work should be read as a later Hellenistic or post-Hellenistic work or forgery that one could dismiss the evidence out of hand for Archytas' thought. Even in that case it may hold interest, at least for the interpretation of Archytas' political views in those periods. But it does not seem to us that it can be shown that this text should be read as a late Hellenistic forgery. At any rate, the question of the authorship of the fragments should not be allowed to obscure the considerable interest that this piece of ancient philosophy holds, regardless of who its author was or when he wrote.

Insofar as the fragments of *On Law and Justice* do relate to the genuine fragments of Archytas, they remain an indispensable part of the basis of evidence for interpreting Archytas' views. In summary, these connections include: the general idea of combining mathematics and political science, and the importance of calculation (λογισμός) for political activity; the definitions of the mathematical proportions; the emphasis on equality and the concern to control greed (πλεονεξία), desire, and pleasure. To the extent that the fragments show non-Archytan aspects, they all seem to be traceable to Aristotelian or Peripatetic ideas. In summary, these include: a bipartite conception of the human soul; a moral-psychological analysis of emotions and virtue; a concern with identifying the causes of political stability and legitimacy; an interest in the "mixed" and specifically Spartan constitution; a relatively positive attitude about democracy; the elaboration of theories of both distributive and corrective justice; and an interest in somewhat hokey etymological theories.²⁸ The cause of these Peripatetic notions in Archytas' text may be due to the fact that Aristotle was influenced by Archytas.²⁹ As Huffman writes: "one must remember that Aristotle studied Archytas' work carefully and wrote three

books on Archytas so that Archytan influence on Aristotle is always a possibility.”³⁰ Or it may be that our author was himself a Peripatetic, or at least deeply influenced by Peripatetic philosophical formulations and concepts.

3. Analysis of the Fragments of *On Law and Justice*

Now we will attempt to situate the fragments in their relevant contexts, from the early-mid fourth century (in the writings chiefly of Plato, Xenophon, Isocrates, Aristotle, Aristoxenus, and the fragments of Archytas of Tarentum) to the first century BCE (especially the writings of Cicero and the Pythagorean Pseudepigrapha). Let us begin with our translation and analysis of Fragment 1:

From *On Law and Justice* of Archytas, a Pythagorean. The law’s relation to the soul and life of a human being is the same as attunement’s relation to hearing and vocal expression. [4] For, whereas the law educates his soul, it also organizes his life; likewise, whereas attunement makes his hearing comprehensible, it also makes his vocal expression agreeable. [6] I, for my part, declare that every community is constituted of ruler,³¹ ruled, and thirdly, laws. [8] Of laws, one, the animate, is a king, but the other, the inanimate, is written. [9] Thus law is primary; for by means of it, the king is lawful, the ruler is compliant, the man who is ruled is free, and the whole community is happy. [10|11] And in contravention of this <sc. law> the king is tyrannical, and the ruler noncompliant; and the man who is ruled slavish, and the whole community unhappy. [12|13] For the affairs of state³² are strung together out of ruling, being ruled, and, thirdly, mastering. [14] For ruling is suitable to the better, and being ruled to the worse, and being master to both. [15] For the part of

the soul that has reason rules, and the irrational part of the soul is ruled, and both are master of the emotions. [16] For virtue is produced out of the mutual adjustment of each, and it leads the soul away from pleasure and pain to peace and absence of emotional suffering.³³

Ἀρχύτα Πυθαγορείου ἐκ τοῦ Περὶ νόμου καὶ δικαιοσύνης. Νόμος ποτ' ἀνθρώ-
που ψυχάν τε καὶ βίον ὅπερ ἁρμονία ποτ' ἀκοάν τε καὶ φωνάν· ὃ τε γὰρ
νόμος παιδεύει μὲν τὰν ψυχάν, συνίστησι δὲ τὸν βίον, ἃ τε ἁρμονί [33.5]
ἐπιστάμονα μὲν ποιεῖ τὰν ἀκοάν, ὁμόλογον δὲ τὰν φωνάν. φαμί
δ' ἐγὼ πᾶσαν κοινωνίαν ἐξ ἄρχοντος καὶ ἀρχομένω συνεστάμεν καὶ
τρίτον νόμων. νόμων δὲ ὁ μὲν ἔμψυχος βασιλεὺς, ὁ δὲ ἄψυχος γράμμα.
πρῶτος ὢν ὁ νόμος· τούτῳ γὰρ ὁ μὲν βασιλεὺς νόμιμος, ὁ δ' ἄρχων
ἀκόλουθος, ὁ δ' ἀρχόμενος ἐλεύθερος, ἃ δ' ὅλα κοινωνία εὐδαίμων· [10]
καὶ τούτῳ παραβάσει <ὁ> μὲν βασιλεὺς τύραννος, ὁ δ' ἄρχων ἀνα-
κόλουθος, ὁ δ' ἀρχόμενος δοῦλος, ὁ δ' κοινωνία κακοδαίμων.
συνείρονται μὲν γὰρ ταὶ πράξεις ἐκ τοῦ ἄρχειν καὶ τοῦ ἄρχεσθαι καὶ τρί-
τον ἐκ τοῦ κρατεῖν. τὸ μὲν οὖν ἄρχεν τῷ κρείσσονος οἰκῆον, τὸ δ' ἄρχεσ-
θαι τῷ χερήονος, τὸ δὲ κρατὲν ἀμφοτέρων· ἄρχει μὲν γὰρ τὸ λόγον ἔχον [15]
τᾶς ψυχᾶς, ἄρχεται δὲ τὸ ἄλογον, κρατοῦντι δὲ τῶν παθέων ἀμφοτέρα.
γίνεται γὰρ ἐκ τᾶς ἐκατέρων συναρμογᾶς ἀρετά, αὐτὰ δὲ καὶ ἀπὸ τᾶν
ἀδονᾶν καὶ ἀπὸ τᾶν λυπᾶν εἰς ἀρεμίαν καὶ ἀπάθειαν ἀπάγει τὰν ψυχάν.

2 Codd. MA. 3 νόμος – 6 φωνάν om. M. 7 δὴ M δ' A. 9 πρῶτος M

πρῶτος A. τούτῳ γὰρ Th. τούτων γὰρ MA τούτῳ γὰρ <ἐμμονᾶ>

Hense. 11 τούτῳ Meineke τούτων MA. ὁ add. Meineke. 13 ταὶ A ταῖς

M. 14 τῷ M τοῦ A. 15 χερήονος M χερείονος (η superscr.) A¹. κρατὲν M

κρατεῖν A. 17 συναρμογᾶς M ἁρμογᾶς A. τᾶν ἀδονᾶν M τῶν ἡδονᾶν

A. 18 τᾶν M τῶν A.

Fragment 1 starts emphatically, establishing an analogy between law (νόμος) and human life (βίος) before shifting into a broader claim about the political community. Very little survives

of the genre that encompassed texts entitled *On Law*, but we do know that Chrysippus' work of the same name began by defining law as "king of all things, both divine and human" (ὁ νόμος πάντων ἐστὶ βασιλεὺς θεῶν τε καὶ ἀνθρωπίνων πραγμάτων).³⁴ Similarly, Archytas offers something like a definition through analogy.³⁵ The terms of the analogy are these: Law: human soul and way of life :: attunement : human hearing and vocal expression (νόμος : ψυχὴ τε καὶ βίος ἀνθρώπου :: ἀρμονία : ἀκοή τε καὶ φωνή). Archytas seems to be setting up the expectation of a discussion of each of the initial terms of the analogy ("law" and "attunement"), by reference to human psychology and ethics, and to the instruments of successful human communication. Indeed, the rest of Fragment 1, as it survives, focuses on the first part of the analogy ("law"), and explains at length how, precisely, law effects good order in the soul and life of human beings. There is only a gesture in the direction of attunement's importance for successful human communication at the very end of the fragment, when Archytas refers to the "mutual adjustment" (συναρμογή) of the parts of the soul to one another.

In order to develop a fuller account of what he means by "law," Archytas turns to the notion of the political community in the following sentence: "every community is constituted of ruler, ruled, and thirdly, laws." This appears to establish an overall thematic structure of the fragments, whose contents can be summarized as follows: introduction of the triad "ruler-ruled-law" (Fragment 1); discussion of the law (Fragments 2, 3, 4.a, and 4.b); discussion of the ruled (Fragments 4.c,d,e, 35.3-30); and finally discussion of the ruler (Fragment 5). This is a speculative reconstruction of the work, and other possible arrangements can make sense of the structure of fragments. Be that as it may, the programmatic statement in Fragment 1 gives some guidance to the order of discussion, and also helps to explain the title of the work. The

political community is formed out of “ruler and ruled” and “laws.” One cannot help but think of Aristotle’s claim in the *Politics* that “every political community is constituted of rulers and ruled.”³⁶ But unlike Aristotle, Archytas adds “laws” as a constituent part of the political community in addition to rulers and ruled.

Archytas identifies two species of law: there is “animate” (ἔμψυχος) law, which is “king,” and “inanimate” (ἄψυχος) law, which is written. Scholars have sought to use these lines to assign a later date to the treatise – recall Chrysippus’ claim above that “law is king of all things” – but in the context of late fifth and early fourth century BCE political thought the concepts behind these words are not in fact very original. It was a commonplace from at least Pindar to formulate law as a king.³⁷ Archytas does not further explain what it means for animate law to be a king, but we can imagine from similar positions developed by other philosophers in the fourth century BCE: Xenophon has his paradigmatic king Cyrus imagine the good ruler to be a “law that sees” (νόμος βλέπων) for the benefit of humankind, precisely because he is capable of giving orders (τάττειν), observing transgressors and rendering punishment.³⁸ And in a passage replete with Pythagorean innuendo in the *Nicomachean Ethics*, Aristotle describes the judge to whom disputants appeal as “justice animate, as it were.”³⁹

Law obtains its primacy from the benefits it produces for human individuals and society: it encourages individual and community flourishing. Interestingly, in addition to the effect of legitimating the king’s position as lawful and making the ruler (i.e. the magistrate) compliant with himself, it makes the ruled free (ἐλεύθερος). What does Archytas mean by this? In the political context, it appears that Archytas is thinking of non-domination by a lawless ruler or tyrant – that law renders the king “lawful” and the ruler compliant also guarantees that the subordinate will be “free” and “self-sufficient” (αὐτάρκεια). This claim is reinforced by

an argument from opposites in the following sentence. When the participants in the political community fail to adhere to law, the consequences are disastrous: the rise of tyranny and enslavement of the community.

Archytas' text encompasses social-political theory, ethics, and moral psychology. He employs a term which is crucial to each of these fields: "mastery" (τὸ κράτειν).⁴⁰ In this context, "mastery" seems to refer to the training that human beings are forced to undergo as a consequence of fortune and circumstance (further described in Fragment 4.d, 35.16-21), which hopefully leads them to a "self-sufficient" disposition. Archytas posits a bipartite theory of the soul, along the lines of Aristotle⁴¹ and especially Plato in the *Laws*, where the elements of every human are said to be "double: one, the stronger and *better*, is what lords over; the other, the lesser and *worse*, is a slave."⁴² Archytas explains that virtue (ἀρετή) is a product of the mutual adjustment (συναρμογή) that marks the collaborative activity of "mastery," the successful achievement of which produces psychological peace and the absence of emotional suffering (εἰς ἡρεμίαν καὶ ἀπάθειαν). Although the appearance of the term ἀπάθεια here has led some scholars to suspect the text, since this becomes a central term of moral psychology only in the Hellenistic era, the most important parallel is in Aristotle's reference to unnamed predecessors who define the virtues as "certain types of absence of emotional suffering and peace" (ἀπαθείας τινὰς καὶ ἡρεμίας).⁴³ Also unique to *On Law and Justice* is the claim that, in concert with law, "mastery" is an activity appropriate not only to the "better" part of the soul (the rational part) and the community (the ruler), but also for the "worse" part of the soul (the irrational part) and the community (the ruled). That is because law extends to *all* members of the political community (and, as we will see, the system of justice), both the ruler and the

ruled, and *all* the parts of the soul, both the rational and the irrational. In Fragment 2, to which we now turn, Archytas presents his theory of law:

In the same work. The law should be compliant with nature, effective in affairs, and beneficial to the political community. [21] For if it lacks either one or more or all of these things, it will surely not be a law, or not a perfect law. [23] It would, then, be compliant with nature if it were to imitate the justice of nature: this is what is proportionate, i.e. what falls to each in accordance with the worth of each. [25] And it is effective if in relation to those who are furnished with laws it has mutual adjustment. [26] For many people are competent to accept what [is compliant] with nature and a primary good, and it belongs to them and is acceptable to them. For in this way the sick and the suffering receive treatment.⁴⁴

ἐν ταύτῳ. Δεῖ δὲ τὸν νόμον ἀκόλουθον ἤμεν τῇ φύσει, δυνατόν τοῖς [33.20] πράγμασι, συμφέροντα τᾷ πολιτικῇ κοινωνίᾳ· αἴτε γὰρ ἐνὸς τούτων αἴτε πλειόνων αἴτε πάντων ἀπολείπεται, ἥτοι οὐ νόμος ἢ οὐ τέλειος νόμος ἐσεῖται. ἀκόλουθος μὲν οὖν κα εἴη τᾷ φύσει, μιμεόμενος τὸ τᾷ φύσιος δίκαιον· τοῦτο δὲ ἐστὶν τὸ ἀνάλογον καὶ τὸ ἐπιβάλλον ἐκάστῳ κατὰ τὰν ἐκάστου ἀξίαν. δυνατός δέ, εἰ ποτὶ τοὺς νομοθετούμενους [25] ἔχει τὰν συναρμογάν· πολλοὶ γὰρ τὸ τᾷ φύσει καὶ πρᾶτον ἀγαθὸν ἱκανοὶ δέξασθαι, τὸ δὲ ποθ' αὐτοὺς καὶ τὸ ἐνδεχόμενον· οὕτω γὰρ καὶ τοὶ νοσέοντες καὶ τοὶ κάμνοντες τυγχάνοντι ἐπιμελείας.

19 Cod. A. 23 κα εἴη Halm καὶ ἡ A. 25 δυνατός Gaisford δυνατοὺς A. 27 οὐχ add. Gaisford. 28 νοσέοντες Meineke νοσέονται A. κάμνοντες Meineke κάμνοντι A.

In Fragment 1, law is described as “primary,” and the ruler is said to be “compliant” with the law (as the king is “lawful”) just in case the law is treated as primary. In Fragment 2 we are

told that the law ought to be “compliant with nature” (ἀκόλουθον ... τῇ φύσει), as well as capable of effecting change in political affairs and directed toward the benefit of the political community. Thus the ruler is expected to comply with law, and law is expected to comply with nature, and so if the ruler were to comply with law, he would by extension comply with nature. Archytas explains further what he means by compliance with nature; he says that this activity consists in “imitating” (μιμεόμενος) *natural* justice.

The notion that law ought to be in accordance with nature has a long history in the Hellenistic world: for the Stoic Chrysippus, law, just like justice and right reason, is natural and not conventional,⁴⁵ and similarly Cicero in *On Laws* defines law not simply as right reason, but as “the distinction between just and unjust things, produced in accordance with nature, the most ancient and first of things.”⁴⁶ The position of Aristotle on the relation between law and nature is difficult to pin down: if we are to judge by a much discussed section of the *Nicomachean Ethics*, he saw justice as having both natural (φυσικόν) and conventional (νομικόν) species, the former of which is universal and ubiquitous, and the latter of which is subject to enactment by a political body.⁴⁷ In the *Protrepticus*, however, Aristotle requires of his statesman that he be experienced in nature in order to deploy a skill that will *imitate* nature, insofar as nature is immortal and stable, unlike human political systems, such as those of Sparta and Crete.⁴⁸

Due to the fragmentary status of the *Protrepticus*, it is difficult to interpret what Aristotle has in mind by describing the person with political skill imitating nature. The fragment of Archytas, however, does offer an explanation for what it would mean to have a political skill that imitates nature, and what he says relates directly to Aristotle’s views on justice: Archytas says that for a law to be in compliance with nature, the ruler must imitate the

natural system of justice, which is identified with “what is proportionate” (τὸ ἀνάλογον), a term that Archytas glosses as “what falls to each in accordance with its worth” (τὸ ἐπιβάλλον ἑκάστῳ κατὰ τὸν ἑκάστου ἀξίαν). Justice according to worth (κατ’ ἀξίαν) is a concept familiar from the writings of Plato and Aristotle.⁴⁹ For Plato in the *Laws*, the so-called judgment of Zeus, which corresponds with the geometric proportion (by giving a higher proportion to the better and a lower proportion to the worse in accordance with virtue) is said to offer its portions to each “relative to its nature” (πρὸς τὴν φύσιν ἑκατέρῳ).⁵⁰ And Aristotle explicitly defines justice as a kind of proportion: “the just, then, is a kind of proportion (τὸ δίκαιόν ἀνάλογον τι). For what is proportionate (τὸ ἀνάλογον) is not only a property of abstract numbers, but of number in general; proportion is equality of ratios, and so involves at least four terms.”⁵¹ Aristotle differentiates three types of justice “according to worth”: democrats make the criterion for the distribution free birth, oligarchs wealth (or good birth), and aristocrats virtue. In the *Politics*, Aristotle differentiates his preferred kind of government from aristocracy and monarchy by focusing on the former’s commitment to distribution according to worth: “A constitutional people is one in which there naturally arises a political stock capable of ruling and being ruled under a law that allots the offices to the prosperous according to worth (κατ’ ἀξίαν).”⁵² Aristotle’s association of distribution according to worth with his preferred kind of constitution is akin to the position developed in our text, in which Archytas begins to develop a unique account of the mixed (or “synthetic”) constitution in Fragment 3, to which we now turn:

In the same work. The law is beneficial to the political community, if it is neither rule by an individual, nor in the service of private interest, but rather in the public interest, and extended to all. [31] And the law should have regard for both place

and location; for neither is a ground able to receive the same fruit, nor the soul of a human being the same virtue. [34.3] That is why some people adopt aristocratic justice, others democratic justice, and others oligarchic justice. [4] Aristocratic justice is established according to the subcontrary mean. [5] For this proportion distributes a greater part of the ratio to the greater, and a lesser part of the ratio to the lesser. [6] Democratic justice is established according to the geometric mean. [7] For in the geometric mean the ratios of the magnitudes are equal for the greater and the lesser. [8] And oligarchic and tyrannical justices are established according to the arithmetic mean, for it stands opposed to the subcontrary, in that a greater part of the ratio is distributed to the lesser, and a lesser part of the ratio to the greater. [10] These, then, are how many of forms of distribution there are, and their manifestations are observed in political constitutions and households. [11] For honors, punishments, and rule are distributed either equally to the greater and the lesser, or unequally, by virtue of superiority with respect to virtue, wealth, or even power. [13] Thus, democratic justice distributes equally, whereas aristocratic or oligarchic justice distributes unequally.⁵³

Ἐν ταύτῳ. Συμφέρων δὲ τῇ πολιτικῇ κοινωνίᾳ, αἵκα μὴ μόναρχος ἢ καὶ [33.30] ἰδίωφελὴς ὁ νόμος, κοινωφελὴς δὲ καὶ διὰ πάντων διατείνων· δεῖ δὲ καὶ ποτὶ τὰν χώραν καὶ ποτὶ τὼς τόπως ἀποβλέπειν τὸν νόμον· οὔτε [34.1] γὰρ γὰ τὼς αὐτὼς καρπῶς οὔτε ψυχὰ ἀνθρώπῳ τὰν αὐτὰν ἀρετὰν παραδέξεσθαι δύναται. διὸ τὸ δίκαιον τοῖ μὲν ἀριστοκρατικὸν τοῖ δὲ δημοκρατικὸν τοῖ δὲ ὀλιγαρχικὸν ποιοῦντι· καὶ τὸ ἀριστοκρατικὸν κατὰ τὰν ὑπεναντίαν μεσότητά· τοῖς μὲν γὰρ μέζοσι μέζοντας τὼς [δὲ] λόγως, [5] τοῖς δὲ μείοσι μείοντας διανέμει ἅ ἀναλογία αὐτά· τὸ δὲ δαμοκρατικὸν κατὰ τὰν γεωμετρικάν· ἐν γὰρ ταύτῃ τοῖ λόγοι ἴσοι τῶν μειζόνων καὶ μειόνων μεγεθέων· τὸ δὲ ὀλιγαρχικὸν καὶ τυραννικὸν κατὰ τὰν ἀριθμητικάν· ἀντιάζει γὰρ αὐτά τῇ ὑπεναντίᾳ· τοῖς γὰρ μείοσι μέζοντας τοὺς λόγως, τοῖς δὲ μείζοσι μείοντας. ταὶ μὲν ὧν ιδέαι τῆς διανομῆς τοσαῦται, [10]

ταὶ δὲ εἰκόνες ἐν ταῖς πολιτείαις καὶ τοῖς οἴκοις θεωροῦνται· τιμαὶ τε γὰρ καὶ κολάσεις καὶ ἀρχαὶ <ἢ> ἐξ ἴσω τοῖς μείζουσι καὶ μείουσι διανεμόνται, ἢ ἐξ ἀνίσω ἢ τῷ ἀρετᾷ ὑπερέχεν ἢ τῷ πλούτῳ ἢ καὶ δυνάμει. τὸ μὲν ὦν ἐξ ἴσου δημοκρατικόν, τὸ δὲ ἐξ ἀνίσω ἀριστοκρατικόν ἢ ὀλιγαρχικόν.

p. 33 Thesleff 29 Codd. MA. 30 συμφέρων Halm συμφέροντα MA. τᾷ πολιτικᾷ A τὰ πολιτικὰ M. p. 34 Thesleff 1 ποτὶ τᾶν M τὸ τὰν A. 2 ἀνθρώπῳ Th. ἀνθρώπων MA. 3 διὸ – 14 ὀλιγαρχικόν om. M. 5 δὲ secl. Gaisford. 6 διανέμει Gaisford διαμένει A. 9 αὐτὰ Hense αὐτᾷ A. 10 ἰδέαι Gaisford ἰδίαι A. 12 ἀρχαὶ Hirschig ἀρεταὶ A. ἢ add. Halm. διανεμόνται Halm διανέμεται A. 13 τῷ ἄ. Halm τᾷ ἄ. A. ἢ καὶ Gaisford ἄ καὶ A.

Fragment 3 begins with a blunt statement of two political principles, one fairly mundane, the other contentious and, from a certain perspective, momentous. The more straightforward principle is the maxim that “the law should pay attention to both the place and the location; for neither is a ground able to receive the same seeds, nor the soul of a human being the same virtue” (33.31-34.3). Plato in the *Laws* likewise encourages the legislator to pay attention to the effect of locality on character,⁵⁴ and Aristotle in the *Politics*, after making extensive general recommendations about the selection of locality for the placement of a state (presumably addressing colonizers), develops a general theory about the effect of local climate on the character of the inhabitants, and so the appropriate kind of governing structures. This is an important way of making the law compliant with nature.⁵⁵

The more radical principle mentioned by Archytas is that: “the law is beneficial to the political community, if it is neither rule by an individual, nor in the service of private interest, but rather in the public interest, and extended to all” (33.30-31). This is interesting because in

the early fourth-century context, many are likely to agree with “the Old Oligarch,” who explains that “if you are looking for good laws, the first thing you will see is that the cleverest men make laws in their own interest.”⁵⁶ Nevertheless, the principle that rule ought to be in the public instead of the private interest is precisely what divides the correct from the corrupt forms of government according to Aristotle. The phrase “extended to all” refers to the superset of rulers and ruled and thus shows a radical aspect of *On Law and Justice*.⁵⁷ The term “rule by an individual” translates μόναρχος, and the stark contrast drawn between public interest and μοναρχία is striking. Aristotle, unlike Archytas, recognizes a legitimate form of μοναρχία.⁵⁸ Archytas, however, regards kingship as legitimate only in the context of a mixed constitution (34.15-20). But Aristotle strikes a more democratic tone when he discusses the actual unlikelihood of legitimate rule by an individual (i.e. a king).⁵⁹ Aristotle’s view is in the end similar to that of Archytas, but the Stagirite’s criticism of kingship and preference for democracy is stated less clearly. Aristotle certainly recognizes the abandonment of law and justice combined with the rule of an individual as a cause of tyranny, but his remarks about μοναρχία are much more ambivalent than those found in *On Law and Justice*.⁶⁰ Archytas’ views are in stark contrast to the monarchical views of the Hellenistic and Post-Hellenistic Pythagorean *On Kingship* and *On the Constitution* texts, all of which unequivocally assert the superiority of kingship and entertain no argument against rule by an individual.⁶¹

The author of *On Law and Justice* develops an innovative account of distributive justice, corresponding to what he calls “the justice of nature” in Fragment 2: “what is proportionate (τὸν ἀνάλογον), i.e. what falls to each in accordance with the worth of each” (33.24-25). In developing a mathematical account, the author applies a theory of proportion advanced by Archytas of Tarentum.⁶² Further, it is clear that Archytas of Tarentum held that

mathematical calculation (λογισμός) could contribute to political stability by securing fairness and equality; he refers to the justice of the redistribution from the wealthy and powerful to the poor and needy:

Once calculation was discovered, it stopped discord and increased concord. For people do not want more than their fair share, and equality exists, once this has come into being. For by means of calculation we will seek reconciliation in our dealings with others. Through this, then, the poor receive from the powerful, and the wealthy give to the needy, both in the confidence that they will have what is fair on account of this. It serves as a standard and a hindrance to the unjust. It stops those who know how to calculate, before they commit injustice, persuading them that they will not be able to go undetected, whenever they appeal to it [sc. as a standard]. It hinders those who do not know how to calculate from committing injustice, having revealed them as unjust by means of it [i.e. calculation].⁶³

Archytas, like Aristotle, asserts that the various forms of distribution exist not only in political constitutions but also in households (34.10-11).⁶⁴ Distributions of “honors, punishments, and rule” are made to individuals “greater and lesser” on the basis of “virtue, wealth, or capability” (34.11-13).⁶⁵ The distributions may be made either equally or unequally, and if unequally, in one of two ways. Archytas thus distinguishes between democratic, aristocratic, and oligarchic justice (34.3-4)⁶⁶ and goes on to define the forms of distribution that apply to each of these in terms of mathematical proportions. We find only a simplified and in fact less satisfactory version of this in Isocrates, Plato, and Aristotle.⁶⁷ Archytas’ account, not otherwise found in the Hellenistic Pythagorean political texts,⁶⁸ is original,⁶⁹ interesting,⁷⁰ and influential.⁷¹ All these philosophers agree that the geometric proportion is best.⁷² But for Plato and Aristotle, the

geometric proportion is associated with aristocracy, whereas for our author it is associated with democracy. For Isocrates, Plato and Aristotle the arithmetic proportion is unjust and is associated with democracy,⁷³ whereas our author holds that the arithmetic proportion corresponds to oligarchy. In order to understand the substantial disagreement among these positions, we must clarify the mathematical theory that is applied to politics here.⁷⁴

In the case of arithmetic proportion, each number is at an equal interval from each other number, e.g. 2, 4, 6, 8, where each successive number exceeds its predecessor by exactly 2 units. Assume the first term in each part of the ratio (ἀναλογία) to be a measure of the value (e.g. good birth, wealth, virtue) of the person to whom some good is distributed;⁷⁵ and the second term to be the measure of the value of a good (e.g. land, money, offices) being distributed. There is a kind of arithmetic equality here, in that the intervals are equal, and this is why Aristotle and Plato associate this kind of proportion with democracy. But, as they point out, there is a great inequality when the distribution of the goods is taken into account. The man valued at 2 will receive goods valued at 2 times his value (goods valued at 4), while the thrice superior man valued at 6 will receive goods equivalent to only 1+1/2 times his value (goods valued at 8). The more superior people, the men valued at 8, etc., will unjustly receive proportionally less and less. With geometric proportion on the other hand, each number is not at an equal interval, e.g. 2, 4, 8, 16. But there is an equality of ratios, so the man valued at 2 receives goods valued at 4, and the man valued at 8 receives goods valued at 16, both receiving goods equivalent to twice their value. And so on up the scale: the man valued at 32 will receive goods valued at 64. For this reason, Archytas associates the geometric proportion with democracy, since it ensures equality of distribution; and the arithmetic proportion with oligarchy since the few get the greater share and inequality is sustained.

Archytas' position is original not only in departing from the Isocratean, Platonic, and Aristotelian accounts of which kinds of proportion apply to which kinds of regime. Archytas also introduces a third kind of proportion absent from these other authors: harmonic (or “subcontrary”) proportion.⁷⁶ In the case of the harmonic proportion, each number is again, unlike the arithmetic proportion, not at an equal interval, e.g. 3, 4, 4, 6. Nor are the ratios equal, as with the geometric proportion: 4 is $1\frac{1}{3}$ times 3; and 6 is $1\frac{1}{2}$ times 4. But in this case, contrary to the oligarchic or arithmetic proportion, the larger amount goes to the person of greater value: the man valued at 3 receives only $1\frac{1}{3}$ times his value in distributed goods, while the man valued at 4 receives goods a whopping $1\frac{1}{2}$ times his own value.

The Archytan definitions of equality and inequality, and the application of the kinds of proportion to kinds of distributive justice, are striking not only because they represent the most complete version of one of the earliest attempts to apply mathematical reasoning to political science, but also because they constitute the earliest such argument that is offered in *defense* of democracy and a democratic conception of justice, as opposed to an attack on it, as in Isocrates, Plato, or Aristotle.⁷⁷ Archytas further shows his positive attitude about democracy by proposing to incorporate it into a kind of “mixed” constitution in Fragment 4.a, to which we now turn.⁷⁸

In the same work. The better law and state should be a synthesis of all the other political constitutions, and have something of democracy, something of oligarchy, something of kingship, and of aristocracy, just as it is in Sparta as well. [17] For their kings <are the portion> of the monarchy, the elders of the aristocracy, the ephors of the oligarchy, and the cavalry officers and the boys of the democracy. [20] Accordingly, the law should not only be good and noble, but also reciprocated

in its portions, for this <sc. law> is strong and durable. [22] And by “reciprocated” here I mean that the rule itself both rules and is ruled by it <sc. law>, just as Sparta, which has the best laws, as well. [24] For the ephors counterbalance the kings, and the elders counterbalance them <sc. the ephors>, and the cavalry officers and boys are in the middle. [26] For, in the case that some of the rulers who get more than their fair share preponderate, they are enjoined by the others.⁷⁹

ἐν ταύτῳ. Δεῖ δὲ τὸν νόμον τὸν κάρρονα καὶ τὰν πόλιν ἐκ πασῶν σύνθετον [34.15]
εἶμεν τῶν ἀλλῶν πολιτειῶν καὶ ἔχεν τι δημοκρατίας, ἔχεν τι ὀλιγαρχίας,
ἔχεν τι βασιλείας καὶ ἀριστοκρατίας, ὥσπερ καὶ ἐν τῇ Λακεδαίμονι·
τοὶ μὲν γὰρ βασιλεῖς τῆς μοναρχίας, τοὶ δὲ γέροντες τῆς ἀριστοκρατίας,
τοὶ δὲ ἔφοροι τῆς ὀλιγαρχίας, ἵππαγρέται δὲ καὶ κόροι τῆς δημοκρατίας. [20]
δεῖ τοίνυν τὸν νόμον μὴ μόνον ἀγαθὸν καὶ καλὸν ἡμεῖν, ἀλλὰ καὶ ἀντι-
πεπονθέναι τοῖς αὐτῷ μερέεσσιν· οὗτος γὰρ ἰσχυρὸς καὶ βέβαιος· τὸ δ’
ἀντιπεπονθέναι λέγω αὐτῷ καὶ ἄρχεν καὶ ἄρχεσθαι τὰν αὐτὰν ἀρχάν,
ὥσπερ καὶ ἐν τῇ εὐνομωτάτῃ Λακεδαίμονι. τοῖς μὲν γὰρ βασιλεῦσιν
τοὶ ἔφοροι ἀντικείμενοι, τούτοις δ’ οἱ γέροντες, μέσοι δ’ οἱ κόροι καὶ [25]
ἵππαγρέται· ἐφ’ ὃ γὰρ ἂν ρέψωνται τοὶ πλεονεκτίοντες τῶν ἀρχόντων,
οὗτοι τοῖς ἄλλοις ὑποτίθενται.

p. 34 Thesleff 15 Codd. MA. 17 ἔχεν M ἔχειν A. 21 τοίνυν om. M. 24 τῇ M τῇ
A. βασιλεύσιν A βασιλεύσι M. 26 ρέψωνται Halm ρέψονται MA. 27 ὑποτίθενται
MA ποτιτίθενται Cobet.

Fragment 4.a begins by advocating a kind of “mixed” constitutional system, which the author represents as modeled on the ancient constitution of Sparta. This is fitting for Archytas of Tarentum, who was himself elected general-*autokratôr* (στρατηγὸς αὐτοκράτωρ)⁸⁰ of a moderate democratic state which had been a Spartan colony, and which evidently maintained good relations with Sparta when he was in power.⁸¹ So Archytas had special reasons for taking

Sparta as a model, but he was hardly alone. Many other fourth century authors expressed admiration for the Spartan laws given by the legendary Lycurgus, for example the Athenian Visitor in Plato's *Laws* describes Lycurgus as:

a man who combined human nature with some of the powers of a god ... who blended the obstinacy and vigor of the Spartans with the prudent influence of age by giving the twenty-eight elders the same authority as the kings. ... he saw that your government was still fretting and fuming with restless energy, so he put a kind of bridle on it in the shape of the power of the ephors ... this is the formula that turned your kingship into a mixture of the right elements, so that thanks to its own stability it ensured the stability of the rest of the state.⁸²

Plato represents the mixed constitution of Sparta under Lycurgus as the best possible, a view maintained in various forms by many later writers.⁸³ In the *Politics*, Aristotle mentions several of these writers (he has in mind people other than Plato):

Some, indeed, say that the best constitution is a combination of all existing forms, and they praise the Spartan one because it is made up of oligarchy, monarchy, and democracy, the king forming the monarchy, and the council of elders the oligarchy, while the democratic element is represented by the ephors; for the ephors are selected from the people. Others, however, declare the ephorate to be a tyranny, and find the element of democracy in the common meals and in the habits of daily life.⁸⁴

Plutarch, in his biographical essay on Lycurgus also remarks on how many subsequent writers imitated this kind of system:

The aim, therefore, of all his arrangements and adjustments was to make his people free people (ἐλευθέριοι), self-sufficient (αὐτάρκεις), and moderate (σωφρονοῦντες) in all their ways, and to keep them so as long as possible. His design for a civil polity was adopted by Plato, Diogenes, Zeno, and by all those who have won approval for their treatises on this subject, although they left behind them only writings and words.⁸⁵

Observe that Aristotle recognizes not only the trend of writers modeling the mixed constitutional scheme of Sparta, but also notes the existence of disagreement about the details, such as the exact role of the ephors. Indeed, our author's proposal and interpretation of the ancient Spartan constitution is unique in incorporating both aristocracy and oligarchy, thus producing a four-part mixed constitution instead of a three-part one. Thus his scheme differs not only from those mentioned by Aristotle, but also from those later discussed in detail by Polybius and Plutarch,⁸⁶ as well as the one mentioned in the Hellenistic Pythagorean pseudo-Hippodamus.⁸⁷ The following table summarizes the differences.

	Archytas	Aristotle	Polybius
monarchy	kings	kings	kings
oligarchy	ephors	elders	◇ ⁸⁸
aristocracy	elders	◇	elders
democracy	cavalry and boys	ephors	commons

According to Aristotle, the ephors were thought to represent the democracy;⁸⁹ but are considered by him and others to actually represent the tyrannical element of the Spartan constitution, not the oligarchical.⁹⁰ This and related issues were under debate in the ancient world. Plutarch for example tells us that some people believe that the institution of the ephorate

supported democracy, but that in reality it increased the power of the aristocracy.⁹¹ Plutarch thus refers to the same people whom Aristotle had cited as assuming that the ephorate was the democratic element of the Lacedaimonian constitution.⁹²

Archytas makes the claim that such a mixed constitution is the strongest and most enduring, as Plato and Aristotle⁹³ say, but our author adds that this is because it is “reciprocated (ἀντιπεπόνθεναι) in its portions” (34.21-22), meaning that the various groups “counterbalance” (ἀντικάθηνται) one another. This kind of benefit of the Spartan mixed constitution is mentioned in later literature (despite disagreements about the details of the arrangement), although not exactly in the terms we have it here. For example, Plutarch represents the elders as maintaining a balance between the kings and the people:

Before this the civil polity was veering and unsteady, inclining at one time to follow the kings towards tyranny, and at another to follow the multitude towards democracy; but now, by making the power of the elders a sort of ballast for the ship of state and putting her on a steady keel, it achieved the safest and most orderly arrangement, since the twenty-eight elders always took the side of the kings when it was a question of curbing democracy, and, on the other hand, always strengthened the people to withstand the encroachments of tyranny.⁹⁴

But Plutarch’s scheme is simplified relative to Archytas’, according to which the kings are counterbalanced by the ephors, but the ephors are counterbalanced by the elders, while the cavalry and boys are said to be “in the middle” and to incline so that no one ruling element gets more than its fair share (34.25-27). It must be admitted that not everything our author claims about the Spartan constitution is clear,⁹⁵ which is practically to be expected given the fragmentary state of the text. But it does seem clear that our author’s conception of the Spartan

constitution and arguments for why it should be imitated are original and otherwise unavailable in the ancient evidence base. We see a similar kind of originality in Fragment 4.b, to which we now turn:

The law should reckon god, daemons, parents, and in general the things that are noble and honorable as primary, and things that are beneficial as secondary, for it is proper for the lesser to comply with the greater. [30] And the law should be inscribed not in temples or on doors, but in the characters of those who are its citizens. [31] For not even in Sparta, which has the best laws, is the state managed by a multitude of writings but rather much more by the customs of those who are its citizens.⁹⁶

Δεῖ τὸν νόμον τὰ περὶ θεῶς καὶ δαίμονας καὶ γονέας καὶ ὅλως τὰ [34.28]
καλὰ καὶ τίμια πρῶτα τίθεσθαι, δεύτερον δὲ τὰ συμφέροντα· τὰ γὰρ
μήονα τοῖς μείζουσιν ἀκολουθεῖν ποθάκει· καὶ μὴ ἐν οἰκήμασι καὶ [30]
θυρώμασιν ἐνῆμεν, ἀλλ' ἐν τοῖς ἥθεσι τῶν πολιτευομένων. οὐδὲ γὰρ
ἐν Λακεδαιμόνι τᾷ εὐνομωτάτῳ πλάθει γραμμάτων ἅ πόλις διοικῆται,
πολὺ δὲ μᾶλλον [ἐν] τοῖς τρόποις τῶν πολιτευομένων· [συμφέροντι δὲ [35.1]
τᾷ πολιτικᾷ κοινωνίᾳ, αἵκα μὴ μόναρχος ἦ καὶ ἰδιωφελῆς, κοινωφελῆς
δὲ καὶ διὰ πάντων διατείνων ὁ νόμος] ...

p. 34 Thesleff 28 θεῶς A θεοῖς M. p. 35 Thesleff 1 secl. Horky & Johnson.

Fragment 4.b represents one of the most baffling portions of the text. As it stands, it functions as an abrupt transition from the discussion of law to the discussion of the ruled; but the transition is unclear due to a textual problem.⁹⁷ Archytas establishes a hierarchy comparable to the one found in Aristoxenus' *Pythagorean Precepts*,⁹⁸ but different from similar arrangements described in Plato's *Laws*⁹⁹ and in Philip of Opus' *Epinomis*.¹⁰⁰ A comparison shows at once

the divergence of Archytas' axiology from those of Plato and Philip of Opus, and alignment with the views of the Pythagoreans according to Aristoxenus.

Archytas states that law should not be inscribed on temples or doors, but rather in the characters of the citizens, just as was done in Sparta, where written laws were forbidden.

Evidence for this practice in Sparta is to be found in Plutarch's *Life of Lycurgus*:

Lycurgus put none of his laws into writing, and indeed one of the so-called "rhetras" is about this. For he thought that if the most authoritative and important principles leading to the flourishing and virtue of a state were implanted in the habits and training of its citizens (τὰ μὲν γὰρ κυριώτατα καὶ μέγιστα πρὸς εὐδαιμονίαν πόλεως καὶ ἀρετὴν, ἐν τοῖς ἡθεσιν ᾤετο καὶ ἀγωγαῖς τῶν πολιτῶν), they would remain unchanged and secure, having a stronger bond than compulsion in the intention, given to the young by education, which acts as a lawgiver for every one of them.¹⁰¹

We do not know where Plutarch obtained his information, but the notion of inscribing law in human character was somewhat popular among Middle Platonists like Plutarch and Philo of Alexandria.¹⁰² It also appears in one of the writings from the Pythagorean Pseudepigrapha, Pseudo-Diotogenes' *On Piety* (p. 76.2-4 Thesleff). But this does not necessarily imply that our text was written in the Hellenistic age or later, because something similar can already be read in Isocrates, who asserts of the state's forefathers that there is no need for citizens to fill up porticos with writings, but that they should "have justice in their souls" (ἐν ταῖς ψυχαῖς ἔχειν τὸ δίκαιον) and that cities are "managed well not by decrees, but by characters" (οὐ τοῖς ψηφίσμασιν ἀλλὰ τοῖς ἡθεσιν καλῶς οἰκεῖσθαι). This is because, according to Isocrates, the advancement of virtue arises not out of written laws, but daily habituation.¹⁰³

In the next part of Fragment 4, which comes, we think, after a gap in the text of unknown size, Archytas discusses the related topic of the effectiveness of punishment (Fragment 4.c):

And the law refers both the penalty and the dishonor to their shame <i.e. that of the transgressors>, but not to the loss of their possessions. [4] For out of being penalized with shame, people will be eager for what is most orderly and most useful, so that the penalty in the laws they have is not communicated. [6] But <if the penalty is paid> from their possessions, people will make possessions the most important thing, since they will suppose them to be the greatest remedy for their mistakes.¹⁰⁴

καὶ τὴν ζαμίαν ἐς τὰν αἰσχύναν
καὶ τὰν ἀτιμίαν ἀμφέρη, μὴ ἐς τὰν τῶν χρημάτων ἀποβολάν. ἐκ μὲν
γὰρ τῷ αἰσχύνῃ ζαμιοῦσθαι κοσμιότατα καὶ χρηστότατα σπουδάζοντι, [5]
ὅπως τὰν ἐν τοῖς νόμοις ζαμίαν ἀκοινώνητον ἔχωντι· ἐκ δὲ τῷ χρήμασι
χρήματα περὶ πλείστου ποιησοῦνται, μέγιστον φάρμακον ὑπολαμβάνοντες
ἡμεν τῶν ἀμαρτημάτων.

30 μείονα (η superscr. A¹) MA. ποθάκει M ποθ' ἡκει A. 32 ἂ M ἢ A. διοικῆται M
διοικεῖται A. p. 35 Thesleff 1 ἐν secl. Halm. 2 ἰδιωφελῆς Gesner ἰδιοτελῆς MA 3
ζαμίαν A ζημίαν M. 4 ἐκ Gesner ἐν MA. 5 τῷ Hense τῷ MA. 6 ἔχωντι Gesner
ἔχοντι MA. 8 ἡμεν Gesner ἢ μὲν M εἶναι A.

Fragment 4.c argues that the people should be penalized with shame (αἰσχύνῃ) instead of monetary fines, since monetary fines will encourage pursuit of wealth and hence greed, whereas legal penalties inflicting shame will encourage orderly or honorable behavior (35.4-8). This is a neat point that we do not find expressed in other authors. Plato, for example, utilizes both shame and monetary fines as penalties without reflecting on the difference between the

two.¹⁰⁵ But Archytas does not seem to address the problem raised by Antiphon the Sophist: “when a man transgresses the laws, then, he is free from shame and punishment if he escapes the notice of those who agreed on them, but if he does not, he is not.”¹⁰⁶ For Archytas’ notion of shame, like Antiphon’s, relates to social disgrace, not to an inner state of conscience that could discourage even invisible transgressions of law.¹⁰⁷

Aristotle, again, directly contradicts the idea that inflicting shame could be an effective form of punishment: “the masses naturally obey fear, not shame, and abstain from shameful acts because of the punishments associated with them, not because they are shameful.”¹⁰⁸ Aristotle could be responding to, among others, Archytas or Democritus. But in what follows in Fragment 4, Archytas interestingly develops a theme very important to Aristotle, self-sufficiency (αὐτάρκεια):

Furthermore, it is best for the whole state to be arranged in such a way that it requires nothing from the outside, neither for virtue, nor for power, nor for any other cause. [10] For this is the way in which a body, a house, and an army are arranged well: by having in itself – and not from the outside – the cause of its preservation. [12] For, thereby, the body is stronger, the house well-constructed, and the army neither manned with mercenaries nor untrained. [13] For, things thus arranged become better than others. [14] They are both free and not enslaved because they do not require anything in addition for maintenance, except for a few things that are easy to supply. [16] For, indeed, in this way the strong man prevails over the heavy weight, and the naked athlete over the cold. [17] For their fortunes and their circumstances train human beings. [18] When the temperate man has labored hard in both body and soul, all food and drink, and even a bed of leaves,

seem pleasant; but when a man lives luxuriously and is provided the means to live like a Sybarite, even the provision of the Great King fails to satisfy and is estranged.¹⁰⁹

ἄριστον μὲν οὖν τὰν ὅλαν πόλιν οὕτως συντε- [35.8]
τάχθαι, ὥστε μηδενὸς ποτιδεῖσθαι ἔξωθεν, μήτε κατ' ἀρετὰν μήτε
κατὰ δύνάμιν μήτε κατ' ἄλλαν μηδεμίαν αἰτίαν· οὕτω γὰρ καὶ σῶμα [10]
καὶ οἰκία καὶ στράτευμα συντέτακται καλῶς, τὸ ἐν αὐτῷ ἔχον τὰν
αἰτίαν τᾶς σωτηρίας, ἀλλὰ μὴ ἔξωθεν· σῶμα μὲν τὸ κάρρον, οἰκία δ'
ἂ συγκειμένα καλῶς, στράτευμα δὲ τὸ μὴ μισθοφόρον μηδ' ἀγύμναστον·
κρέσσονα γὰρ τὰ οὕτως συνταχθέντα γίνεται τῶν ἄλλων· καὶ ἐλεύθερα
μὲν καὶ ἀδούλωτα, οὐ πολλῶν ποτιδεόμενα ποτὶ τὰν διαμονάν, ὀλίγων [15]
δὲ καὶ εὐπαρακομίστων. οὕτω γὰρ ὧν ὁ μὲν ἰσχυρὸς τῷ βάρει, ὁ δὲ
γυμνάτας τῷ ῥίγεος περιγίνεται· γυμνάζοντι γὰρ ταὶ τύχαι καὶ ταὶ
συμφοραὶ τῶς ἀνθρώπως· ἐπεὶ καὶ τῷ σώφρονι καὶ διαποναθέντι καὶ
σώματι καὶ ψυχῇ καὶ τροφῇ ἀδέα φαίνεται πᾶσα καὶ ποτόν, καὶ εὐνὰ
δὲ ἂ μετὰ φυλλάδος, τῷ δὲ τρυφᾷ καὶ συβαρίζεν εὐποριουμένῳ καὶ [20]
ἂ τῷ μεγάλῳ βασιλέως παρασκευὰ δυσάρεστος καὶ ἄλλοτρία.

11 συντέτακται vulg. συντετάχθαι MA. 12 σῶμα MA σᾶμα Nolle. μὲν τὸ
Hense μέντοι MA. δ' ἂ Hense δὲ MA. 15 διαμονάν M διανομάν A. 16 ὧν
Hense ἂν MA. 17 ταὶ τύχαι Gesner τε τύχαι MA. 19 ποτόν M ποτῷ A. 20
συβαρίζεν M συβαρίζειν A. εὐποριουμένῳ Delatte ἐμ- MA ἐκ- Meineke. 21 ἂ
τῷ M αὐτῷ A.

As background, the claim that no person alone can be self-sufficient is associated with Solon by Herodotus, and the idealization of the autarchic state is attested in Thucydides.¹¹⁰ In the *Laws*, Plato argues that Magnesia should be founded in such a way as to make it possible for the various parts of the polity to provide for one another, and not need goods imported from other states.¹¹¹ Aristotle treats the point as obvious, at least with respect to the ability of the

surrounding territory to produce food, and indicates a consensus about the desirability of self-sufficiency: “Everyone would agree in praising the territory that is most self-sufficient; and that must be the territory that can produce everything necessary, for to have everything and to want nothing is self-sufficiency.”¹¹² Archytas duly proceeds to discuss things like food and drink (35.19), but he also makes a slightly less obvious point, referring to self-sufficiency with respect to “virtue, power, or any other cause” (35.10). Further, he draws an analogy between a state and “a body, a house, and an army” (35.10).

Aristoxenus discusses a very similar analogy in the *Pythagorean Precepts*, where he remarks that the Pythagoreans “asserted that the first principle in everything is one of the most honorable things, in knowledge, experience, and in generation likewise; and again in the household, state, and army.”¹¹³ The discussion of the “first principle” as applied to the household and state makes reference to the relation between ruler and ruled:

Neither a household nor a state is well managed when it is not subject to the rule and authority of a genuine commander and master. For authority to arise it is necessary for both the ruler and the ruled to be equally willing. Just so, they [sc. the Pythagoreans] declared that teaching is correctly imparted when it takes place voluntarily, and both the teacher and the student are willing. For if either of the two resists in any way, the proposed work can never be duly completed.¹¹⁴

Aristoxenus’ account of the Pythagorean notion of authority relates well to what we have already discussed in *On Law and Justice* regarding the harmonious and cooperative relation between ruled and ruler (Fragment 1, 33.13-18; 2, 33.26-28; and Fragment 5, 36.2-11). On the issue of political self-sufficiency, comparison with Aristotle is key.¹¹⁵ Because Aristotle sees

them as all originating and developing naturally, he too holds that there is a kind of “self-sufficiency” that constitutes the best condition for an animal, a family, and a city:

If the earlier forms of society are natural, so is the state, for it is the end of them, and the nature of a thing is its end. For what each thing is when fully developed, we call its nature, whether we are speaking of a man, a horse, or a family. Besides, that for the sake of which and the end of a thing is the best, and to be self-sufficient is the end and the best.¹¹⁶

The analogy between the body and the body politic is frequently deployed by Aristotle in various contexts, as when he draws an analogy between the functions of the parts of an animal’s body and the functions of the various parts of the state.¹¹⁷ In *Politics* V, Aristotle discusses the “causes of preservation” as well as the “causes of destruction” of the constitutional forms he had earlier analogized to animal bodies.

Archytas stresses the importance of self-sufficiency for preservation of the state, arguing by analogy that bodies, houses, and armies are also better preserved when self-sufficient and not in need of anything external (35.10-13). To this end, as we have seen, he advocates a constitution with elements of kingship, aristocracy, and even oligarchy mixed in. In Fragment 3, the cause of the constitution’s stability is said to consist in the balancing and “counterbalancing” of its *internal* elements, and now in Fragment 4.d the state’s capacity to operate well is said to be due to its not requiring anything *external*. Archytas now argues that self-sufficiency also makes the state and its citizens free: “they are both free (ἐλεύθερα) and not enslaved because they do not require anything in addition for maintenance, except for a few things that are easy to supply” (35.14-16).

The term ἐλεύθερος (“free”) in its original fifth century sense meant “not being enslaved,” and Archytas uses the term both in this traditional way and in an extended secondary sense as it applies to the sovereignty or independence of an entire state from external threats. As Raaflaub explains, this secondary sense arose in connection with the Persian War, and so the reference to the Great King later in this fragment (35.21) is fitting.¹¹⁸ And yet, Archytas in this fragment utilizes a third meaning of ἐλεύθερος that Raaflaub has identified as subsequent to the second meaning of sovereignty at the inter-state (inter-*polis*) level, when the term finally becomes applied to the political (intra-*polis*) level.¹¹⁹ For Archytas seems to apply the predicate “free” not only to the state, but also to the citizens. Earlier, it was also asserted that the law would make the man who is ruled by it “free” (ἐλεύθερος, Fragment 1, 33.10) and the reason for this now seems to be given: the rulers arrange things so that the citizens are self-sufficient.

As has often been noted, we possess embarrassingly very few direct defenses of a democratic conception of freedom in ancient philosophy. The following text of Aristotle is crucial evidence about the democratic conception of freedom:

A fundamental principle of the democratic constitution is freedom. (For this is what people are accustomed to say, on the ground that only in this constitution do they have a share of freedom – which is what they declare every democracy aims at.) One component of freedom is ruling and being ruled in turn. For democratic justice is having an equal share on the basis of number, not worth. When this is what is just, the majority is necessarily supreme; and whatever seems right to the majority – this is the end, and this is what is just. For they say that each of the citizens ought to have an equal share, so that in democracies it comes about that the needy are

more sovereign than the prosperous. For they are a majority, and the opinion of the majority is supreme.¹²⁰

Several of the elements of democratic freedom that appear here correspond to ideas found in Archytas, but not obviously or straightforwardly. So where Aristotle mentions ruling and being ruled in turn, Archytas refers to a “mutually adjusted” relation between rulers and ruled and law (Fragment 1, 33.3-13); Aristotle claims that democrats are committed to an arithmetic conception of equality, but our author defines democratic equality in the terms of the geometric proportion, and argues that the arithmetic proportion manifests the oligarchic concept of justice, since the greater ratio is given to the smaller terms (Fragment 3, 33.6-10 and 13-14).

Archytas’ use of the concept of freedom also touches on a notion of intrapersonal freedom developed by Plato and Aristotle, according to which a person is free if the rational and ruling part of the soul gains mastery over the irrational part, which is treated like a slave. Plato and Aristotle identify control over desires and pleasures with the virtue of temperance, and our author argues that the temperate person is “free” because “self-sufficient” in the sense of needing very little “except for a few things easy to supply,” such as a bed of leaves for sleep. In this context Archytas draws a contrast with the Syberite,¹²¹ who is the opposite of self-sufficient, since his luxurious lifestyle makes him pursue pleasures that are impossible to satisfy, even if supplied with the provisions of the Great King of Persia (35.20-21). In contrast, the “temperate” person of *On Law and Justice* is free in virtue of laws that train citizens for self-sufficiency by mastering their desires and feelings,¹²² something Archytas, like several fourth century BCE authors, compares to athletes overcoming physical challenges through training (35.16-18).¹²³

It is here that we find a key point of reference for contextualizing *On Law and Justice*. Aristoxenus' *Life of Archytas* contained a fictional dialogue set in the sacred precincts of Tarentum in which Archytas was portrayed refuting a rather elaborate defense of hedonism put into the mouth of one Polyarchus nicknamed "the Voluptuary" who was supposed to have been an associate of Dionysius the Younger. Polyarchus asserts that "to resist and enslave the appetites is quite absurd and far removed from nature" on the grounds that powerful men are all carried towards bodily pleasures and consider this to be the goal of their power. The main evidence he cites for this is the behaviour of the Persian kings, whom he extensively discusses.¹²⁴ This establishes a solid link between *On Law and Justice* and Aristoxenus' *Life of Archytas*. Furthermore, Polyarchus argues that lawgivers have fabricated the virtues in order to reduce inequality and luxury among the citizens:

But the lawgivers, wishing that human beings be reduced to one level and that no individual citizen live in luxury, have caused the class of virtues to rear its head. And they wrote laws about our dealings with one another and about as many other things as seemed to be necessary for political union ... Therefore, since the lawgivers were at war with the clan of those who wanted more than their share, first the praise of Justice was magnified ... After this Temperance and Self-control joined the revel and gave the name of greed to any pre-eminence in enjoyment, so that it is the one who is obedient to the laws and the voice of the multitude that is moderate in bodily pleasures.¹²⁵

In the *Laws*, Plato offers a more nuanced literary fiction, according to which the kings of Persia, such as Xerxes, are not properly educated and suffer from a vicious social life (695c-696b). These unjust Persian kings are contrasted with the just ones, Cyrus (694a-b) and Darius

(695c-d), who conferred upon the Persians the right blend of freedom and subjugation. The Athenian Visitor elicits these stories as evidence for the claim that in the absence of temperance (σωφροσύνη), not only can there be no justice, but also no wise man, “who keeps his feelings of pleasure and pain in tune with and obedient to the correct reasons” (τὸν τὰς ἡδονᾶς καὶ κεκτημένον συμφώνους τοῖς ὀρθοῖς λόγοις καὶ ἐπομένας). Plato goes on to argue that a strong system of laws is needed to prevent the ethical corruption that characterized the Persian Empire (700a-b). The position of Archytas seems to be situated somewhere in this general milieu. He presents the Persian kings as an undifferentiated mass, and he rejects the position they represent entirely. *On Law and Justice* offers a very suitable extension of this ethical dispute into the area of politics. Moreover, the testimony about Archytas’ response to the ethical part of the argument partially preserved in Cicero is perfectly consistent with the argument we read in *On Law and Justice*:

Listen, most excellent young men, to an ancient discourse of Archytas of Tarentum ... which was handed down to me, since as a young man I was with Q. Maximus at Tarentum. Archytas used to say that no more deadly curse had been given to men by nature than bodily pleasure, since, eager for this pleasure, our lusts spur themselves on blindly and without restraint to possess it. ... neither is there a place for self-control where lust is master, nor is virtue able to gain any foothold under the tyranny of pleasure.¹²⁶

Presumably the Archytas of Aristoxenus’ biography will not have stopped after addressing only the ethical dimension of Polyarchus’ hedonism and let drop the striking claims about the aims and purposes of lawgivers and laws. On the contrary, it seems much more likely that Archytas would have offered his own view on these matters; and what we read in these

fragments seems to present a kind of epitome of those ideas. The conclusion of Fragment 4, however, goes in a different direction, as we will now see:

Therefore, the law should be engrained in the characters and the pursuits of the citizens. For it will put the citizens in a self-sufficient condition and distribute the portion that falls to each in accordance with his worth. [24] For, in this way too, the sun, being carried through the zodiac, distributes to all on earth the proper portion of birth, nutriment, and sustenance, by providing the good climate of the seasons as a good law (εὐνομία), as it were. [27] That is why Zeus is called both the Shepherd (Νόμιος) and the Distributor (Νεμήιος), and the man who distributes food to the sheep is called a distributor (νομεύς); and the songs sung by those who play the lyre are called melodies <or: laws> (νόμοι), for they also arrange the soul by being sung with attunement and rhythms and measures.¹²⁷

τὸν νόμον [35.21]

ὦν ἐν τοῖς ἄθεσι καὶ τοῖς ἐπιτηδεύμασι τῶν πολιτῶν ἐγχρώζεσθαι
 δεῖ· τοὺς γὰρ πολίτας αὐταρκέας θήσει καὶ διανεμεῖ τὸ κατ' ἀξίαν
 ἐκάστῳ καὶ τὸ ἐπιβάλλον· οὕτω γὰρ καὶ ὁ ἅλιος φερόμενος διὰ τῷ
 ζωοφόρῳ διανέμει τοῖς ἐπὶ γᾶς πᾶσι καὶ γενέσιος καὶ τροφᾶς καὶ βιοτᾶς [25]
 τὰν ποθάκουσαν μοῖραν, οἷον εὐνομίαν τὰν εὐκρασίαν τᾶν ὥρων παρα-
 σκευαζάμενος. διὸ καὶ Νόμιος καὶ Νεμήιος Ζεὺς καλέεεται, καὶ νομεύς ὁ
 διανέμων τὰς τροφὰς τοῖς οἰέουσιν· καὶ τὰ τῶν κιθαρωδᾶν δὲ ἀείσματα
 νόμοι· συντάσσοντι γὰρ καὶ ταῦτα τὰν ψυχάν, ἁρμονίᾳ καὶ ῥυθμοῖς καὶ
 μέτροις ἀειδόμενα. [30]

22 ἄθεσι M ἥθεσι A. 25 γᾶς M γῆς A. 27 νεμήιος M νομήιος A. 28 οἰέουσιν M
 οἰέοσι A. κιθαρωδᾶν M κιθαρωδῶν A. ἀείσματα Meineke αἵσματα M αἴσματα
 A.

Fragment 4.e appears to be a concluding section that reflects back upon arguments that have been made in previous portions of the treatise while at the same time linking together aspects of Archytas' political and ethical thought that have not quite been brought into relation with one another. Archytas returns to the principle, discussed above in Fragment 4.b, 34.30-32, according to which the law ought to be engrained in the characters and political pursuits of the citizens over which it holds sway. But he links this principle with a backwards glance at several other aspects of the text: personal self-sufficiency, which he has just discussed at 4.d, 35.16-21, as the factor that guarantees the freedom of the citizens; the distribution of honors, punishments, and rule to citizens according to worth (κατ' ἀξίαν) discussed in Fragment 3, 34.11-14; and the system of natural justice alluded to in Fragment 2, 33.24-25.

Archytas develops his account of natural justice further here by appeal to the heavenly circuit of the sun through the zodiac. The sun distributes the appropriate portion of “birth, nutriment, and sustenance” (γενέσιος καὶ τροφᾶς καὶ βιοτᾶς) in the process of maintaining the good mixture (ἐνκρασία) of the seasonal climate. A very similar notion appears in Plato in the *Republic*, as Socrates claims of the sun that it is not only the source of our capacity to see, but also of “birth, growth, and food” (παρέχειν ... τὴν γένεσιν καὶ αὔξην καὶ τροφήν), in its role as the cause of generation. Similarly, Aristotle held that the motion of the sun produces warmth and heat and that because the sun's motion is, like the motion of the heavens, cyclical and determinate, “the seasons come to be in a cycle.”¹²⁸

The proper distribution through the solar zodiac is understood to be a good seasonal mixture, or “a good law, as it were.” Archytas thus embeds this natural distributional circuit once again within the traditions of Sparta, which was reputed to have good laws and was referred to as “with good laws” traditionally from at least the fifth century BCE (see also

34.23, where Sparta is referred to as “with the best laws”). The distribution according to natural justice is understood to be a system of Zeus, who obtains his epithets Νόμιος and Νεμήιος from the fact that he who distributes food to the sheep is called a νομεύς (“shepherd”).¹²⁹ One operative term has to do with the verbal association of Νόμιος (“shepherd”) with νόμος, which can mean either “law” or “melody.” This sort of etymologizing was familiar to Plato as well.¹³⁰ It might be thought here to imply an adherence to principles of natural language, where divine epithets that are applied to Zeus indicate his functions. The second operative term here is δια-νέμων, which corresponds to Ζεὺς-Νεμήιος.¹³¹ This association between “law” and “distribution” was taken very seriously by Cicero, who appears to refer directly to this part of *On Law and Justice* in his dialogue *On the Laws*:

Philosophers have taken their starting point from law; and they are probably right to do so if, as these same people define it, law is the highest reason, rooted in nature, which commands things that must be done and prohibits the opposite. When this same reason is secured and established in the human mind, it is law. And therefore they think that law is judgment, the effect of which is such as to order people to behave rightly and forbid them to do wrong; they think that its name in Greek is derived from “distributing to each his own” (<a> *suum cuique tribuendo appellatam*), while I think that in Latin it is derived from “choosing” (*a legendo*). They put the essence of law in equity, and we place it in choice; both are attributes of law. I think these ideas are generally right; and if so, then the beginning of justice is to be sought in law: law is a power of nature; it is the mind and reason of the prudent man; it distinguishes justice and injustice.¹³²

Note that Cicero's description of the etymologization of "law" (Greek νόμος; Roman *lex*) depends entirely on the language employed to define it, whether Greek or Latin. He attributes to unnamed Greek philosophers an etymological derivation based on "distributing to each his own" (<a> *suum cuique tribuendo*), a derivation that does not make sense in Latin, but is nearly a verbatim translation of Archytas' "διανεμεῖ τὸ κατ' ἄξίαν ἐκάστῳ καὶ τὸ ἐπιβάλλον" (35.23-4).¹³³ Contrarily, for Cicero, Roman "law" (*lex*) obtains its own derivation from "choosing" (*a legendo*). The fundamental attributes of law are choice and equity (*aequitas*), the latter of which, according to Cicero, is central to Greek notions of law. Cicero's Stoicizing reactions here represent some of the very best evidence for the early reception of Archytas' *On Law and Justice* in the Roman Republic.¹³⁴

In Fragment 5, to which we now turn, Archytas' finishes his discussion of the triad "law-ruled-ruler" with a discussion of the ruler:

The true ruler should not only be knowledgeable and effective with respect to ruling well, but also humane. [4] For it would be absurd if a herdsman were to hate cattle and be the sort to be ill-disposed towards his own livestock. [5] And he should, too, be lawful, for by having the superintendence of the ruler he will be this way. [7] For through his knowledge he will be able to judge <them> correctly; and through his power he will be able to punish <them> correctly; and through his being extremely useful he will be able to benefit them; and through the laws he will be able to do all these things to them relative to reason. [9] And the one nearest to the law would be the best ruler. And he would be the one who acts not for the sake of himself but for the sake of those under him, since, in truth, the law does not even exist for his sake, but rather for the sake of those under him.¹³⁵

Ἀρχύτα Πυθαγορείου ἐκ τοῦ Περὶ νόμου καὶ δικαιοσύνης. Δεῖ δὲ τὸν ἀληθινὸν [36.2]

ἄρχοντα μὴ μόνον ἐπιστάμονά τε καὶ δυνατὸν ἤμεν περὶ τὸ καλῶς
 ἄρχεν, ἀλλὰ καὶ φιλάνθρωπον· ἄτοπον γὰρ ἤμεν ποιμένα μισοπρόβατον
 καὶ τοιοῦτον οἶον καὶ δυσμενῶς ἔχειν τοῖς αὐτοῦ θερμμάτεσσι. δεῖ δ' [5]
 αὐτὸν καὶ νόμιμον ἤμεν· οὕτω γὰρ ἐσσεῖται τὰν τῷ ἄρχοντος ἐπίστασιν
 ἔχων. διὰ μὲν γὰρ τᾷς ἐπιστάμας κρίνεν ὀρθῶς δυνασεῖται, διὰ δὲ τᾷς
 δυνάμιοις κολάζει, διὰ δὲ τᾷς χραστότατος τὸ εὐεργετεῖν, διὰ δὲ τῶν
 νόμων τὸ ποτὶ τὸν λόγον πάντα ταῦτα ποιεῖν. ἄριστος δὲ κ' εἴη ἄρχων
 ὁ ἀγχοτάτω τῷ νόμῳ· οὗτος δὲ κ' εἴη ὁ μηθὲν αὐτῷ ἔνεκα ποιέων ἀλλὰ [10]
 τῶν ὑπ' αὐτόν, ἐπειδήπερ οὐδὲ νόμος αὐτῷ ἔνεκα, ἀλλὰ τῶν ὑπ' αὐτόν.

1 Codd. SMA. 3 ἤμεν SM εἶναι A. 4 ἄρχεν S ἄρχειν MA. φιλάνθρωπον
 Hirschig φιλανθρώπως SMA. μισοπρόβατον S μιστο- M μισθο- A¹. 5
 θερμμάτεσιν (σ superscr.) M¹ -άτεσι SA. 6 ἤμεν M εἶναι A. ἐσσεῖται SM ἐσεῖται
 A. 7 γὰρ om. A. ἐπιστάμας MA ἐπιστήμας S. κρίνεν SM κρίνειν A. 8
 χραστότατος M χρηστότατος (ex – τητος S¹) SA. 9 δὲ κ' εἴη S δίκ' εἴη M δέ
 κεν εἴη A. 10 ἀγχοτάτω SA ἀγχωτάτω M. τῷ om. S. κ' SM κεν A.

Fragment 5 says of the “true ruler” that he “should not only be knowledgeable and effective with respect to ruling well, but also humane” (36.2-4); and the true ruler must himself be lawful or law-abiding if he is to be legitimate, “for in this way he will have the authority of a ruler” (36.6-7). Concerning the first point, there is an exact parallel in Aristoxenus’ *Pythagorean Precepts*: “Concerning rulers and ruled they thought as follows: they asserted that rulers must not only be knowledgeable but also humane (φιλανθρώπους), and that the ruled must not only be obedient but also love the rulers.”¹³⁶ Aristoxenus’ point that the ruled must in turn love the rulers (thus reciprocating their φιλανθρωπία) is not found in *On Law and Justice* (even in the lengthy Fragment 4, where there is a discussion of the ruled). The point may have been made in the original but has not been excerpted by Stobaeus. And what follows in this

quotation in Aristoxenus' *Pythagorean Precepts* may indicate a further line of argument now missing from *On Law and Justice*: "they thought that it was necessary to show concern for every age group." Aristoxenus goes on to describe precepts according to which young children should be educated; young men trained in the customs and laws of the state; "men should apply themselves to actions on behalf of the public"; and old men should serve as judges and give counsel. Attention to these matters will facilitate "order and due proportion."¹³⁷ As we will soon see, according to the political principle articulated in Fragment 3, the law is beneficial to the political community if it is oriented towards the common or public interest, and is applied to all.

The term φιλόανθρωπος is standardly translated as "humane" or "benevolent." Aristotle treats it as a praiseworthy quality indicative of friendship,¹³⁸ which he connects to justice:

Parent seems by nature to feel it <sc. friendship> for offspring and offspring for parent, not only among men but among birds and among most animals; it is felt mutually by members of the same race, and especially by men, whence we praise those who are *humane*. We may see even in our travels how near and dear every man is to every other. Friendship too seems to hold states together, and lawgivers to care more for it than for justice; for unanimity seems to be something like friendship, and this they aim at most of all, and expel faction as their worst enemy; and when men are friends they have no need of justice, while when they are just they need friendship as well, and the truest form of justice is thought to be a friendly quality.¹³⁹

In Aristotle's argument, φιλόανθρωπία indicates a human love of other *humans* and originates in a parent's love for their own offspring and other animal kinds' love of their *own* kind.¹⁴⁰ But

the author of *On Law and Justice* uniquely mentions *interspecies* relations as a warrant for his claim that the true leader should be *humane*: the relationship between a herdsman and his cattle or livestock (36.4-5, presumably comparable to the shepherd and sheep mentioned in Fragment 4.d, 35.27-28).¹⁴¹ Here Archytas utilizes imagery whose *locus classicus* is Xenophon's account of a remark of Cyrus:

People quote a remark of his to the effect that the duties of a good shepherd and of a good king were very much alike; a good shepherd ought, while deriving benefit from his flocks, to make them happy (so far as sheep can be said to have happiness), and in the same way a king ought to make his people and his cities happy, if he would derive benefits from them. Seeing that he held this theory, it is not at all surprising that he was ambitious to surpass all other men in attention to his friends.¹⁴²

Again, the motivation for the king to make his friends happy is the same as that for the shepherd to take care of his own flocks: by benefitting them, he is able to obtain a better benefit from them. This shows the author's conception of the relationship between ruler and ruled, and indicates his perspective: that of the ruler. The rest of the fragment is concerned with the relationship between the ruler and the law.

Here is an extraordinary defense of what we now call "the rule of law." The ruler should be "lawful" or "law-abiding" (νόμιμος), for this entails him having the "superintendence" (ἐπίστασις) of a ruler. This superintendence relates to several virtues and functions: having the knowledge to judge those who are under him correctly; having the power to punish them correctly (these correspond to the theory of corrective justice in Fragment 4.c, 35.3-8); being useful so as to benefit them (τὸ εὐεργετεῖν) (corresponding to the theory of

distributive justice in Fragment 3, 34.3-34.14). What doing these things “through the laws” affords the “lawful ruler” is the ability to do all these things “relative to reason” (ποτὶ τὸν λόγον).

It is not clear exactly what is meant by the expression “relative to reason” here. “The part of the soul that has reason (τὸ λόγον ἔχον)” was called the ruler at in Fragment 1, 33.15-16, where it is set in opposition to the “irrational” part of the soul and the ruled. This would suggest that “relative to reason” has to do with the leader judging, punishing, and distributing according to reason, as opposed to passion, such as anger or greed. The mathematical theory of distributive justice in Fragment 3 (which refers to λόγος and λόγοι in the context of mathematical “ratio” or ἀναλογία) would then provide the reason (λόγος) to which the ruler looks (or appeals) in deciding about distributions of goods; likewise the theory of corrective justice in Fragment 4.c would provide the reason (λόγος) for the judge and punisher, for example that the punishment inflicts shame and not a monetary fine. Another possibility is that “relative to reason” here refers to the rationality that is accessible to those who are ruled (repeatedly referred to here as “those who are under him”), so that the ruler acts lawfully by acting for reasons that can be comprehended by those who are ruled under him.

Aristotle rejects the idea that subjects could be transformed by “reason,” holding that only externally imposed laws and punishments can change or control the characters of the majority of people, because they are motivated by fear, but not by shame (αἰσχύνῃ).¹⁴³ In connection with this, he would reject the idea, defended by Archytas, that one should utilize shame (αἰσχύνῃ) instead of monetary penalties (Fragment 4.c, 35.4-8), and generally that the majority are sufficient to receive what is good by nature (Fragment 3, 33.26-27). Nevertheless, Aristotle himself expresses the idea that law is connected with reason: “the law has a

compulsive power, while it is at the same time a reason (λόγος) proceeding from a kind of intelligence and intellect.”¹⁴⁴ In fact, he offers a strong defense of the rule of law, for example in his *Protrepticus*: “We all agree that the most excellent man should rule, i.e. the most superior by nature, and that the law rules and alone is authoritative (τὸν δὲ νόμον ἄρχοντα καὶ κύριον εἶναι μόνον); but the law is a kind of intelligence, i.e. a reason based on intelligence (οὗτος δὲ φρόνησις τις καὶ λόγος ἀπὸ φρονήσεως ἐστίν).”¹⁴⁵ Aristotle says that “the most excellent man should rule,” but then that the law alone should rule,¹⁴⁶ whereas Archytas asserts that the one “nearest” to the law would be the best ruler. This suggests a continuum of good and bad rulers depending on their proximity to the law (which, in accordance with the above, must mean something like acting in accordance with “the reason” in judging, punishing, and benefiting, and literally following mathematical ratios when distributing goods). Earlier in Fragment 1 it is said that the ruler who is not compliant will make the whole community unhappy. According to the last sentence of Fragment 5, the best ruler is said to be the one who acts not for the sake of himself but for those under him (i.e. the ruled). The reason given for this is that the law does not exist for his sake but for the sake of those under him, invoking the political principle originally introduced in Fragment 2, 33.20-23.

4. Conclusion

If the fragments of *On Law and Justice* are the work of a late Hellenistic “forger,” that person must have been marvellously well-informed, and a gifted philosopher, quite worthy of his ancient model. For the number of important ideas and theories central to debates of early Greek ethics and political theory incorporated into these extremely dense fragments is astounding. The fact that *On Law and Justice* attributed to Archytas of Tarentum presents

perhaps the most direct defence of democracy to be found in any text of ancient Greek philosophy makes it especially important and deserving of closer analysis. But an excessive focus on disproving the authenticity of the fragments has led scholars to overlook the actual philosophical content contained in them. Here we have attempted to treat the fragments philosophically by building on the work of some earlier scholars who recognized their value, but we believe that there is more work to be done in order to incorporate these ideas into the history of ethics and philosophy. What would be especially useful going forward would be a closer comparison of the fragments of *On Law and Justice* with other fragments of early Greek ethics, such as the fragments of Antiphon, Democritus, and the Anonymus Iamblichi. The situation of their writings is not too dissimilar to that of *On Law and Justice*: scholars remain perplexed by whether this or that fragment is to be ascribed to Antiphon the Sophist, or Antiphon of Rhamnus; the doubtful status of the Democritean maxims effectively silences them; and debates about the affiliation of the Anonymus Iamblichi overshadow his contributions to philosophy. Hopefully the present volume will make the task of identifying the value of these texts for philosophy easier.

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¹ There is uncertainty about the exact dates; see C. A. Huffman, *Archytas of Tarentum: Pythagorean, Philosopher and Mathematician King* [Archytas], (Cambridge, 2005), 5-6, who gives the range 435/10 to 360/350 BCE.

² Huffman, *Archytas*, 30-2.

³ H. Thesleff, *The Pythagorean Texts of the Hellenistic Period* [Pythagorean], (Åbo, 1965), 2-48. Also see W. Burkert, “Hellenistische Pseudopythagorica,” *Philologus* 105 (1961), 16–43, 226–246 and H. Thesleff, “On the Problem of the Doric Pseudo-Pythagorica. An Alternative Theory of Date and Purpose,” *Pseudepigrapha* I, Fondation Hardt Entretiens XVIII (Genève, 1972), 59-87.

⁴ Some scholars prefer “Pseudo-Pythagorean.” There is no consensus currently on which term is best to use.

⁵ A point we have made earlier in: M. R. Johnson, “Sources for the Philosophy of Archytas,” *Ancient Philosophy*, 28 (2008), 189–199; and P. Horky, “Pseudo-Archytas’ Protreptics? *On Wisdom* in its contexts” [“Pseudo-Archytas”], in *Second Sailing: alternative perspectives on Plato*, D. Nails and H. Tarrant (eds.), (Helsinki, 2015), 25-7.

⁶ We use the term “moral” in the phrase “moral psychology” instead of “ethical” (although “moral” and “ethical” are for our purposes equivalent terms) because this is how the subfield is conventionally referred to in contemporary literature.

⁷ On the paucity of pro-democratic texts from the classical period, see J. Ober, *Political Dissent in Democratic Athens: intellectual critics of popular rule* (Princeton, 2001).

Democritus fragment 68B251 DK is the earliest unambiguous pro-democratic statement *in propria persona* (see chapter XXX). Another rare, key early pro-democratic text, which also

shows affinities to both Democritus and Archytas, and may have originally been entitled “*On Law and Justice*,” is the Anonymus Iamblichi (see chapter XXX).

⁸ However, Glenn Most and André Laks have recently included Fragments 1 and 3 of *On Law and Justice* in the Archytas section of the Loeb edition of *Early Greek Philosophy*, volume IV (London and Cambridge, 2016), 259-263.

⁹ Fragments 1-5 of *On Law and Justice* are arranged in sequence by Stobaeus under the heading *On the Constitution* (4.1.135-138, pp. 82.13-88.4 in O. Hense, *Ioannis Stobaei anthologii libri duo posteriores*, vol. 2 (Berlin, 1909). They are followed by a genuine fragment of Archytas of Tarentum (Fragment 3 Huffman) said to be from his work *On Sciences* (Stobaeus 4.1.136, pp. 88.5-89.8 Hense). Fragment 5 appears later in the same volume, under the heading *On the Principle and What Sort of Principle Must Exist* (Stobaeus 4.5.61, pp. 218.10-219.2 Hense). They are also presented in this order by Thesleff, *Pythagorean*, 33.1-36.11. A final fragment preserved by Stobaeus, which discusses the difference between written and unwritten laws, appears just before the cluster of fragments ascribed to *On Law and Justice* (4.1.132, p. 79.12-16 Hense = Thesleff, *Pythagorean*, 47.23-26) but features no title. It is possible that this fragment too is attributable to the *On Law and Justice*.

¹⁰ Including: A. Delatte, *Essai sur la politique pythagoricienne* (Liège and Paris, 1922); E. L. Minar, *Early Pythagorean Politics in Practice and Theory* (Baltimore, 1942); J. S. Morrison, “Pythagoras of Samos,” *Classical Quarterly* 50 (1956), 135-156.

¹¹ Thesleff, H., *An Introduction to the Pythagorean Writings of the Hellenistic Period* [Introduction], (Åbo, 1961), 100.

¹² The dialect, a blend chiefly of Doric and Attic forms, presents challenges for interpretation and does not significantly aid in dating or authenticating the work. Among notable dialectical

attributes we should like to mention: αἴκα for ἐάν; use of ἡμεν; τοῖ for οἱ; contraction of ου to ω; non-contraction of εε; retention of primitive long α; πρᾶτος for πρῶτος; τὰι for αἱ; μεζον- for μειζον-; dative plural of third declension in –εσσι; thematic infinitive in –εν; ποτί for πρός; subjunctives in short-vowel –οντι; ιο = ιω; ευ = εο; non-contraction of εο to ου. Some of these attributes are attested both in the genuine fragments of Archytas of Tarentum and in the Pseudepigrapha.

¹³ Works ascribed to Archytas whose authenticity is dubious or spurious include: *On the Universal Logos/On the Categories*, *On Wisdom*, *On Intelligence and Perception*, *On Being*, *On Opposites*, *On the Virtuous and Happy Man*, *On Moral Education*, and *Ten Universal Assertions*, in addition to two epistles. According to Boethius, the authenticity of these texts was not in doubt prior to Themistius in the fourth century CE (*In Categorias Aristotelis libri quatuor*, ed. J.-P. Migne, *Patrologia Latina* 64 (1891), 162a).

¹⁴ Huffman, *Archytas*, 601.

¹⁵ B. Centrone, *Pseudopythagorica Ethica* (Naples, 1990), synthesizes the political theories of pseudo-Hippodamus' *On the Constitution* with the *On Law and Justice* so as to present a single system, but this approach obscures important differences between the texts, and fails to appreciate the significance of many important parallels with non-Pythagorean texts.

¹⁶ Scholars who have supported this view include E. Zeller, *Die Philosophie der Griechen in ihrer geschichtlichen Entwicklung dargestellt* (Volume 3.2., Fifth edition, Leipzig 1923; originally published 1902), who emphasized the Alexandrian revival of Pythagoreanism in the first century BCE. K. Praechter emphasized the eclecticism of the author, parallel to Antiochus (130-68 BCE) and Arius Didymus (fl. circa first century BCE) in a pair of articles: "Metopos, Theages und Archytas bei Stobaeus Flor. 1.64.67 ff.," *Philologus* 50 (1891), 49-57; "Krantor

und Ps.-Archytas,” *Arch. f. Gesch. d. Philosophie* 10 (1897), 186-190. B. Centrone emphasizes parallels with middle Platonism and other Pythagorean pseudepigrapha: B. Centrone, “Il ΠΙΕΠΙ ΝΟΜΩ ΚΑΙ ΔΙΚΑΙΟΣΥΝΑΣ di Pseudo-Archita” [“ΝΟΜΩ”], in *Tra Orfeo e Pitagora*.

Origini e incontri di culture nell’ antichità, M. Tortorelli et al. (eds.), (Naples, 2000), 487-505; and “Platonism and Pythagoreanism in the early empire,” in *The Cambridge History of Greek and Roman Political Thought*, C. Rowe and M. Schofield (eds.), (Cambridge, 2000), 559–584.

¹⁷ Scholars who have held this view include the following. M. Pohlenz, *Die Stoa: Geschichte einer geistigen Bewegung*, I-II (Göttingen, 1948-1949) stressed the connections with middle Stoicism; G. Aalders, *Political Thought in Hellenistic Times [Political]* (Amsterdam, 1975), places it in the third to second on the basis of a parallel with Polybius (264-146 BCE) on “mixed” constitutions; K. Von Fritz, *The Theory of the Mixed Constitution in Antiquity: a critical analysis of Polybius’ political ideas* (New York, 1954), admits that our text is evidence that views about mixed constitutions were already common prior to Polybius; W. Theiler, in his review of Delatte, *Gnomon* 2 (1926), 147-156, stressed the relation to pseudo-Occelus, and dates those texts to third to second centuries BCE. E. R. Goodenough, “The Political Philosophy of Hellenistic Kingship,” *Yale Classical Studies* 1 (1928), 55-102, offers extensive argumentation for a third to second century BCE date.

¹⁸ A notable exception is P. Moraux, *Der Aristotelismus bei den Griechen von Andronikos bis Alexander von Aphrodisias, Zweiter Band: Der Aristotelismus im I. und II. Jh. n. Chr.*, [Aristotelismus] (Berlin, 1984), 671-77.

¹⁹ Archytas does not use the first-person singular pronoun in any of the fragments agreed by all to be genuine. It should be noted that some of the Pythagorean Pseudepigrapha that deal with politics do feature the first-person pronoun (e.g. pseudo-Hippodamus Fragment 2, p. 98.12

Thesleff). But it is difficult to know whether these texts are imitating “Archytan” style or not, given Archytas’ status as a standard authority for Doric prose (see Testimonium A6g in Huffman, *Archytas*).

²⁰ The ancient lists of Aristotle’s writings inform us that in addition to works *In Response to the Pythagoreans* and *Concerning the Pythagoreans*, Aristotle also wrote *Three Books concerning the Philosophy of Archytas* and <Extracts> from the *Timaeus* and the *Archytan Writings*. All of these titles are found in Diogenes Laertius V.25; see Huffman, *Archytas*, 579-580. Both of the titles of the works about Archytas are also preserved in the list of Hesychius, and the *Three Books concerning the Philosophy of Archytas* is also preserved on an ancient Arabic list.

²¹ M. Schofield, “Archytas,” in *A History of Pythagoreanism*, C. A. Huffman (ed.), (Cambridge, 2014), 81-2) has expressed doubt about the <Extracts> from the *Timaeus* and the *Archytan Writings*. On the basis of a quotation in the Neoplatonist Damascius which mentions Aristotle’s “Archytan writings,” Schofield argues that that work was probably a later Pseudo-Pythagorean forgery designed to show the indebtedness of Plato and Aristotle to Archytas and by extension to Pythagoras and Pythagoreans.

²² As Huffman has written: “Aristotle wrote more books on Archytas than any other individual figure. He devoted three books to the philosophy of Archytas himself and wrote another consisting of a summary of Plato’s *Timaeus* and the writings of Archytas. Aristotle’s pupil, Aristoxenus, appears to have begun the tradition of peripatetic biography and wrote a life of Archytas ... Aristoxenus was from Tarentum and began his philosophical career as a Pythagorean, so that it is not a surprise that he should choose to write a life of his countryman, but that choice also reflects the prominence of Archytas” (*Archytas*, 4).

²³ Huffman, *Archytas*, 4. Note that Huffman does not entertain the hypothesis that Aristoxenus is the source for *On Law and Justice*; but he does allow that Athenaeus and Cicero (Testimonia A9 and A9a) preserve valuable information about Archytas' ethics originally derived from a speeches found in Aristoxenus' *Life of Archytas* "or one of his other writings on the Pythagoreans directly" (*Archytas*, 327).

²⁴ C. A. Huffman, "The Pythagorean Precepts of Aristoxenus: crucial evidence for Pythagorean moral philosophy" ["Precepts"], *Classical Quarterly*, NS 58 (2008), 104n4.

²⁵ See chapter XXX.

²⁶ Athenaeus explicitly refers to Aristoxenus' biography of Archytas of Tarentum:

Ἀριστόξευος ... ἐν τῷ Ἀρχύτῃ Βίῳ (Athenaeus XII, 545a).

²⁷ Such an interpretation is advanced by Thesleff, who classes our work in the "middle or end of fourth century BC." (*Introduction*, 114).

²⁸ This is not to deny the important comparisons with Plato's or others' political philosophy, but we perceive much stronger correlation with Aristotle's works.

²⁹ Hence, we will refer to the positions taken as those of the character "Archytas" from Aristoxenus' *Life of Archytas*, although the reader should note that this does not exclude them being taken as the views of "Pseudo-Archytas" either. By referring to "Archytas," we also seek to distinguish the views of this character from those of the unquestionably genuine writings of "Archytas of Tarentum," although there are many relevant connections here too.

³⁰ Huffman, *Archytas*, 602.

³¹ The "ruler" (ἄρχων) usually refers to a magistrate in political contexts.

³² "State" here translates *polis*, which can also mean "city" and "city-state."

³³ Fragment 1, 33.3-18 Thesleff = Stobaeus IV.1.135. The numbers in brackets beside the Greek text are Thesleff's, and the numbers in brackets in the translation indicate the ending line number in Thesleff's text. In general, our text follows Thesleff; any divergences are indicated in the *apparatus criticus*, along with other variants and conjectures. Note that Thesleff tends to prefer retaining the manuscript readings over emendations, usually following the earlier edition of Hense.

³⁴ Marcianus, who quotes the fragment, indicates that this is the beginning of Chrysippus' book *On Law*: *sic incipit libro quem fecit* περὶ νόμου (Fragment 3.314 in H. Von Arnim, *Stoicorum Veterum Fragmenta*, volume 3 [*SVF*] (Leipzig, 1903) = *Instit.* I, p. 11.25 Mommsen).

³⁵ Archytas was known to employ such definitions, according to Aristotle (*Rhet.* III.2, 1412a9-17 = Archytas, Testimonium A12 Huffman). Incidentally, we also see something similar at the beginning of Pseudo-Archytas' *On Wisdom*, whose *incipit* is quoted by Iamblichus: "Wisdom excels in all human activities to the same extent that sight excels the [other] senses of the body, the intellect excels the soul, and the sun excels the stars. For sight is the most far-reaching and most variegated of the other senses, and the intellect is supreme at fulfilling what is necessary by means of reason and thought, since it is the sight and power of the most honorable things." On this fragment, see further Horky, "Pseudo-Archytas," 25-7.

³⁶ πᾶσα πολιτικὴ κοινωνία συνέστηκεν ἐξ ἀρχόντων καὶ ἀρχομένων (VII.14, 1332b12-16).

³⁷ Fragment 169; also see Herodotus 3.38.

³⁸ Xenophon, *Cyropaideia* 8.1.22. See Aalders, *Political*.

³⁹ οἷον δίκαιον ἔμψυχον (V.4, 1132a18-22).

⁴⁰ Compare Plato, *Republic* 444d8-11, where Socrates claims that "to produce justice is establish the parts in the soul so as to master and be mastered by one another according to

nature, but to produce injustice is to establish them so as to rule and be ruled one by the other contrary to nature.”

⁴¹ Aristotle, *EE* II.1, 1219b26-35) and *EN* I.13; cf. Aristotle, *Protrepticus* apud Iamblichus, *Protr.* VII.41.17-22.

⁴² Plato, *Laws* 726a3-727a7.

⁴³ *EN* II.3, 1104b19-25; cf. *EE* II.4, 1222a2-5. Although there may be others to whom Aristotle is referring to here, the position expressed in this fragment of Archytas is the most terminologically similar. Another candidate is Democritus; see chapter XXX.

⁴⁴ Fragment 2, p. 33.20-28 Thesleff = Stobaeus IV.1.136.

⁴⁵ *DL* VII.128 = *SVF* III.38.

⁴⁶ Cicero, *On Laws* II.13, tr. Zetzel.

⁴⁷ Aristotle, *EN* V.7, 1134b18-35.

⁴⁸ Aristotle, *Protrepticus*, apud Iamblichus, *Protr.* X, 55.7-56.2 See further: K. Von Fritz and E. Kapp, *Aristotle: Constitution of Athens and related texts* (New York, 1950), 38-40; and M. R. Johnson, “Aristotle’s Architectonic Sciences,” *Theory and Practice in Aristotle’s Natural Science*, D. Ebrey (ed.), (Cambridge, 2015), 179-183.

⁴⁹ The distinction between kinds of equality are discussed in important studies by F. D. Harvey, “Two Kinds of Equality,” *Classica et Mediaevalia*, 26 (1965–66), 101–146; and D. Keyt, “Aristotle’s theory of distributive justice,” in *A Companion to Aristotle’s Politics*, D. Keyt and F. Miller (ed.), (Cambridge, 1991), 238-278.

⁵⁰ Plato, *Laws* 757b7-c6.

⁵¹ Aristotle, *EN* V.2, 1131a24-32.

⁵² Aristotle, *Politics* III.10, 1288a12-14, tr. Robinson.

⁵³ Fragment 3, p. 33.29-34.14 Thesleff = Stobaeus 4.1.137.

⁵⁴ “Some localities are more likely than others to produce comparatively good or bad characters, and we must take care to lay down laws that do not fly in the face of such influences ... the sensible legislator will ponder these influences as carefully as a man can, and then try to lay down laws that will take account of them. This is what you must do too, Cleinias. You’re going to settle a territory, so here’s the first thing you’ll have to attend to.” (*Laws* 747d1-e9, tr. Saunders, cf. 704c1-705a7).

⁵⁵ Aristotle, *Politics* VII.4-7.

⁵⁶ The Old Oligarch, I.9, tr. Osborne.

⁵⁷ διὰ πάντων διατείνων in this context means “extended to all” (or “everyone”), as a parallel in Aristotle’s *Politics* makes clear: “where the state is large, it is more in accordance with democratic principles that the offices of state should be distributed among many persons. For as I said, this arrangement is fairer to all, and any action familiarized by repetition is better and sooner performed. We have a proof in military and navel matters; the duties of rule and being ruled in these services reaches to all (διὰ πάντων)” (II.11, 1273b10-18, tr. Jowett, adapted).

⁵⁸ Aristotle, *Politics* III.7: “The true forms of government, therefore, are those in which the one, or the few, or the many, govern with a view to the public interest; but governments which rule with a view to the private interest, whether of the one, or of the few, or of the many, are perversions. For the members of a state, if they are truly citizens, ought to participate in its advantages. Of the forms of government in which there is rule by an individual, we call that which regards the public interest, kingship” (1279a26-34, tr. Jowett, adapted).

⁵⁹ Aristotle, *Politics* III.17: “It is manifest that, where men are alike and equal, it is neither expedient nor just that one man should be lord of all, whether there are laws, or whether there

are no laws, but he himself is in the place of law. Neither should a good man be lord over good men, nor a bad man over bad; nor, even if he excels in virtue, should he have a right to rule, except in a certain case at which I have already hinted” (1288a1-5, tr. Jowett, adapted).

⁶⁰ In this respect (and in many others), Archytas’ position is more comparable to the position taken by the Anonymus Iamblichi: “For since everyone would turn to vice, this <sc. tyranny> comes about then, for it is not possible for humans to live without laws and justice. So when these two things are abandoned by the plurality, law and justice, their protection and guardianship withdraws to one man. For how else could rule be transferred to one man, unless the law that advantages the plurality is displaced? For that man who deposes justice and removes the law that is common and advantageous to all, should become hard as steel, if he is going to strip away these things from the plurality of humans, being one against many, but if he too were born of flesh similar to the rest of us, he would not be capable of doing these things; on the contrary, he would rule as an individual by establishing the things that had been abandoned” (Fragment 7, *apud* Iamblichus, *Protr.* XX, 103.28-104.14).

⁶¹ See, e.g. Sthenidas’ *On Kinship*, where he says that the king is first in birth and imitation, like God, who is first in nature (p. 187.11-13 Thesleff). Ps-Ecphantus argues that the king, as the best of men, must imitate god alone, whereas other humans, if they are in error, should either imitate the law or the king (p. 80.22-24 Thesleff). Centrone, “NOMΩ,” 498-499, argues that if we look at the expanded context of Plato’s *Statesman* 300e11-301e4, 302e10-12 and *Laws* 875c3-d2 we see a similar notion about kingship and the rule of law—that kings must comply with the law. These ideas are also present in Diotogenes p. 71.18-23 Thesleff.

⁶² Archytas of Tarentum, Fragment 2: “There are three means in music: one is arithmetic, the second geometric and the third sub-contrary[, which they call ‘harmonic’]. The mean is

arithmetic, whenever three terms are in proportion by exceeding one another in the following way: by that which the first exceeds the second, by this the second exceeds the third. And in this proportion it turns out that the interval of the greater terms is smaller and that of the smaller greater. The mean is geometric, whenever they [the terms] are such that as the first is to the second so the second is to the third. Of these [terms] the greater and the lesser make an equal interval. The mean is subcontrary, which we call harmonic, whenever they [the terms] are such that, by which part of itself the first term exceeds the second, by this part of the third the middle exceeds the third. It turns out that, in this proportion, the interval of the greater terms is greater and that of the lesser is less.” (tr. Huffman, *Archytas*, 163).

⁶³ Archytas of Tarentum, Fragment 3, tr. Huffman, *Archytas*, 183. Note that Huffman mysteriously denies that there is any significant discussion of equality in the *On Law and Justice* relevant to Fragment 3 (*Archytas*, 605).

⁶⁴ The analogy between household and constitutional regime is also found in Aristotle: “by nature that a father tends to rule over his sons, ancestors over descendants, a king over his subjects ... The friendship of man and wife, again, is the same that is found in an aristocracy; for it is in accordance with virtue ... the friendship of brothers is like that of comrades ... appropriate to timocratic government” (*EN* VIII.11, 1161a18-28, tr. Ross, adapted). “Of household management we have seen that there are three parts—one is the rule of a master over slaves, ...another of a father, and the third of a husband. A husband and father ... rules over wife and children, both free, but the rule differs, the rule over his children being a kingship, over his wife a constitutional rule.” (*Politics* I.12, 1259a37-b1, tr. Jowett, adapted).

⁶⁵ Compare Aristotle, *Politics* IV.8: “there are three things on the basis of which men claim an equal share of government: freedom, wealth, and virtue, for the fourth, what is called good

birth, is the result of the last two, being only ancient wealth and virtue” (1294a19-22; cf. III.13, 1283a23 where education is also mentioned). See also Moraux, *Aristotelismus*, 670-671, who demonstrates further affinities with Aristotle.

⁶⁶ Aristotle, by contrast, holds that there is no justice in his deviant constitutions (including oligarchy and democracy): “but in the deviation kinds, as justice hardly exists, so too does friendship. It exists least in the worst form; in tyranny there is little or no friendship. For where there is nothing common to ruler and ruled, there is not friendship either, since there is not justice” (*Nicomachean Ethics* VIII.13, 1161a30-34, tr. Ross); “there is by nature both a justice and an advantage appropriate to the rule of a master, another to kingly rule, another to constitutional rule; but there is none naturally appropriate to tyranny, or to any other perverted form of government <sc. oligarchy or democracy>; for these come into being contrary to nature” (*Politics* III.7, 1287b39, tr. Jowett).

⁶⁷ Isocrates, *Areopagiticus* 21; *Nicocles* 14ff. Plato, *Gorgias* 507e6-508b3; *Laws* 756e9-758a2; Aristotle, *Nicomachean Ethics* 1129a29-1131a18-b24; *Politics* 1280a7-25; 1301a9-1302a8; 1317b2-7. On comparisons between justice and kinds of proportion, see: Moraux, *Aristotelismus*, 670-671.

⁶⁸ Equality and inequality occur on the “Pythagorean” table of opposites, and are discussed in axiological terms at Metopius p. 120.9-12 (Thesleff) and Callicratides p. 103.11-18 (Thesleff); see Centrone “NOMΩ,” 502. But these texts do not use or even show any awareness of the Archytan analysis of kinds of equality and inequality according to mathematical proportions.

⁶⁹ The Peripatetic Dicaearchus of Messana suggests that Plato’s political science was influenced not only by Socrates but also by Pythagoras and by the legendary Spartan lawgiver Lycurgus, “who expelled the arithmetic model from Lacedaemon as being democratic and

mob-oriented. He introduced the geometric, since it fits a temperate oligarchy and a lawful monarchy. For the one distributes equality by number, the other an amount according to worth by means of proportion” (apud Plutarch, *Table Talk* 8.2.719a-b, tr. Mirhady). So the distinction between arithmetic and geometric “forms of equality” and their association with kinds of political regime was already commonplace by the time it is worked into the ethics of Aristotle. But our author not only distinguishes a third kind of “aristocratic” equality (not mentioned by Plato or Aristotle), but also assigns the geometric to the democratic and the arithmetic to oligarchic, thus taking a substantively different position on the nature of justice in democracies.

⁷⁰ Against Centrone, who argues: “Qui l’originalità dell’autore e l’anomalia rispetto al modo di considerare l’uguaglianza geometrica derivano dall’applicazione quasi meccanica alla politica della dottrina pitagorica delle proporzioni” (“NOMΩ,” 502).

⁷¹ Boethius relates this theory in his *Introduction to Arithmetic*: “And thus the arithmetic [mean] is compared to a state ruled by a few, because a greater proportion is in its smaller terms. They say that the harmonic mean is the state ruled by the best (*optimates*), because a greater proportion is found in the greater terms. In the same fashion the geometrical mean is of a state that is democratic (*popularis*) and equalized. For it is composed of an equal proportion of all, both in its greater and in its smaller terms, and among all there is a parity of mediation that preserves in proportions an equal right (*aequum ius*)” (II.45, tr. D. J.

O’Meara, *Platonopolis: Platonic Political Philosophy in Late Antiquity* (Oxford, 2003), 104, who notes that: “Boethius’ source is very probably a text *On Law and Justice* going under the name of the Pythagorean Archytas”).

⁷² Plato, *Gorgias* 508a4-8, *Laws* 757b5-c6; Aristotle, *Nicomachean Ethics* V.6, 1131a27-29, b16.

⁷³ Plato, *Laws* 757a1-5; Aristotle, *Eudemian Ethics* VII.9, 1241b35, *Politics* V.1, 1301b29-39, VI.2, 1317b3-7.

⁷⁴ We are indebted to the explanations of the mathematical proportions in Harvey, “Equality.”

⁷⁵ Of course, it may be impossible to quantify worth, or to reach agreement on what aspects of a person’s worth should count for political distribution. For example, a rich person might argue that they have more worth because they contribute more taxes. But why should that count for more than, say, a poor soldier who has sacrificed a limb in defense of the state? The example is borrowed from Harvey, “Equality.”

⁷⁶ Compare again with Archytas of Tarentum, Fragment 2: ‘The mean is subcontrary, which we call harmonic, whenever they [the terms] are such that, by which part of itself the first term exceeds the second, by this part of the third the middle exceeds the third. It turns out that, in this proportion, the interval of the greater terms is greater and that of the lesser is less.’ (tr. Huffman, *Archytas*, 163).

⁷⁷ Although compared to Isocrates and Plato, Aristotle does have relatively positive things to say about democracy, and on the grounds of equality and justice, thus embracing an argument similar to the one made by the author of the *On Law and Justice*: “while in tyrannies friendship and justice hardly exist, in democracies they exist more fully; for where the citizens are equal they have much in common” (*EN* VIII.11.1161b8-10, tr. Jowett)

⁷⁸ For the sake of explaining each part of the very long Fragment 4, we break it up into subgroupings (i-iv).

⁷⁹ Fragment 4.a, p. 34.15-27 Thesleff = Stobaeus 4.1.138.

⁸⁰ The meaning of the term *autokratôr* is unclear, but Huffman, on the basis of parallel usage in Athenian and Syracusan contexts, suggests that Archytas “was given some latitude in carrying

out diplomacy and special authority in making military decisions, while he was on campaign.

The term does not suggest that he was free of oversight of the assembly or autocratic in the modern sense” (Huffman, *Archytas*, 14).

⁸¹ See Huffman, *Archytas*, 601, against Aalders, *Political*.

⁸² Plato, *Laws* 691e1-692b1, tr. Saunders.

⁸³ For example, Polybius: “Most of those whose object it has been to instruct us methodically concerning such matters, distinguish three kinds of constitutions, which they call kingship, aristocracy, and democracy. Now we should, I think, be quite justified in asking them to enlighten us as to whether they represent these three to be the sole varieties or rather to be the best; for in either case my opinion is that they are wrong. For it is evident that we must regard as the best constitution a combination (συνεστῶσαν) of all these three varieties, since we have had proof of this not only theoretically but by actual experience, Lycurgus having been the first to draw up a constitution – that of Sparta – on this principle” (*Histories* 6.3.7-8, tr. Paton; cf. Centrone, “NOMΩ,” 495-496). Also, Cicero: “the best-organized commonwealth, moderately blended (*confuse modice*) from the three primary types (monarchic, aristocratic, and democratic), which does not provoke by punishment the wild and savage mind” (*Republic* Book II, Fragment 5, tr. Zetzel).

⁸⁴ Aristotle, *Politics* II.6, 1265b33-1266a1; tr. Jowett.

⁸⁵ Plutarch, *Lycurgus* 31.2.

⁸⁶ “Lycurgus, then, foreseeing this, did not make his constitution simple and uniform, but united in it all the good and distinctive features of the best governments, so that none of the principles should grow unduly and be perverted into its allied evil, but that, the force of each other being neutralized by that of the others, neither of them should prevail and outbalance

another, but that the constitution should remain for long in a state of equilibrium like a well-trimmed boat, kingship being guarded from arrogance by the fear of the commons, who were given a sufficient share in the government, and the commons on the other hand not venturing to treat the kings with contempt from fear of the elders, who being selected from the best citizens would be sure all of them to be always on the side of justice; so that that part of the state which was weakest owing to its subservience to traditional custom, acquired power and weight by the support and influence of the elders. The consequence was that by drawing up his constitution thus he preserved liberty at Sparta for a longer period than is recorded elsewhere.” (*Histories* 6.10.6-11; tr. Paton).

⁸⁷ Pseudo-Hippodamus in *On the Constitution* argues that aristocracy and democracy should be interwoven with kingship, but he does not explicitly make the counter-balancing argument, does not make it clear how these regimes are to be mixed, and does not refer to the Spartan precedent: “It is necessary that security be produced by the laws in this way: when the constitution is synthesized (σύνθετος) and arranged out of all the others, I mean not those that are contrary to nature, but those in accordance with it. For there is no advantage of a tyrant for cities, except if it is directed towards an oligarchy, and only for a short period of time. Hence the kingship must be arranged in the order first, and aristocracy second. For a kingship is something that imitates god, and it is difficult for the human soul to protect it, since it is changed quickly by luxury and hubris. Hence one should not employ a kingship universally, but only to the extent of its capacity and usefulness to the state. [One should] interweave the aristocracy more completely, because it consists of a larger number of rulers, arranges them in emulation of one another, and alternates their rules often. But it is necessary for democracy to be throughout, for the citizen, since he is a part [of the state], should take away something of

the entire state as a result of this reward. Yet he should be sufficiently restrained, since the many are extremely bold and rash.” (102.7-20 Thesleff). Some have imagined that the source for pseudo-Hippodamus was Theophrastus, and others Dicaearchus. Alternatively, the Stoics had a doctrine of the mixed constitution, arising out of ‘democracy, kingship, and aristocracy’ (DL 7.131), which von Arnim thought should be associated with Chrysippus (*SVF* 3.700). Perhaps pseudo-Hippodamus was imitating Archytas.

⁸⁸ Note that the ephors are not mentioned here as contributions of Lycurgus, despite the fact that they were central in the exposition of the Lycurgan *eunomia* elsewhere (e.g. Xenophon, *Spartan Constitution*, 8.3-4).

⁸⁹ Aristotle, *Politics* II.6, 1265b40-1266a1.

⁹⁰ Contra Xenophon, *Spartan Constitution* 8.4; cf. Plato, *Laws* 691e3-692a3 and 712d4-7. According to Xenophon (*Spartan Constitution* 4.3-5), Lycurgus had the ephors select three *hippagretes*, whose responsibility it was to then to choose each 100 men (elsewhere called *hippeis*, Hdt. 8.124.3; Th. 5.72.4), providing rationales for these selections. This group famously came to be known as “The 300.” See Centrone “NOMΩ,” 494, 496; Huffman, *Archytas*, 602.

⁹¹ Plutarch, *Lycurgus* 29.6.

⁹² Centrone, “NOMΩ,” 495.

⁹³ Aristotle states that “the more perfect the admixture of the political elements, the more lasting will be the constitution” (*Politics* IV.12, 1297a6-7).

⁹⁴ Plutarch, *Lycurgus* 5.7-8; tr. Perrin, adapted.

⁹⁵ For example, it is not clear whether our author means that the cavalry and boys are in the middle between the elders and ephors, or between the ephors and the king. Presumably the

former is more unrealistic, although the claim about preventing some of the rulers getting more than their fair share is somehow stated generally.

⁹⁶ Fragment 4.b, p. 34.15-35.1 Thesleff = Stobaeus IV.1.138. This part of the fragment is continuous with Fragment 4.a, quoted above.

⁹⁷ The lines 35.1-3, which appear after Fragment 4.b (at p.35.1-3 Thesleff) are identical to the words at the beginning of Fragment 3, where they fit the context much better. Since the repetition makes no sense in the present context, we suspect a lacuna in the text at this point.

⁹⁸ Aristoxenus, Fragment 34 (Wehrli). Compare Aristoxenus' description of the Pythagorean hierarchy of beings with the list found in pseudo-Zaleucus' *Preludes to the Laws* (227.23-6 Thesleff), which goes: gods, daemons, heroes, parents, laws, magistrates (/rulers). Aristoxenus made Zaleucus a Pythagorean (Fragments 17 and 43 (Wehrli); also Iamblichus, *VP* 267), which leads one to wonder whether Pseudo-Zaleucus' text may have originated with Aristoxenus, as Archytas' seems to have.

⁹⁹ Plato's hierarchy ascends from "parents" to "ancestral gods, heroes, daemons, chthonic gods, Olympian gods." See *Laws* 717a6-b8, 884a1-885a3, 930e3-931a8.

¹⁰⁰ The arrangement is much more complicated in Philip of Opus (see 984d3-985a7), who sought to relate his hierarchy to the inanimate elements and the series of living things, in effect offering a kind of *scala naturae*. See Huffman, "Precepts," 107-8, and P. Horky, *Plato and Pythagoreanism* [Plato], (Oxford, 2013), 43-45.

¹⁰¹ Plutarch, *Life of Lycurgus* 13.1, translated by M. Lane, "Platonizing the Spartan *politeia* in Plutarch's *Lycurgus*" ["Platonizing"], in *Politeia in Greek and Roman Philosophy*, V. Harte and M. Lane (eds.) (Cambridge, 2013), 70.

¹⁰² Lane, "Platonizing," and 2013b.

¹⁰³ Isocrates, *Areopagiticus* 40-41.

¹⁰⁴ Fragment 4.c, p. 35.3-8 Thesleff = Stobaeus IV.1.38. The fragment follows the preceding one after a piece of displaced text (a doublet); see above note XXX.

¹⁰⁵ Plato, *Laws* 721b1-3 and 847a6-b1.

¹⁰⁶ Antiphon, Fragment 44a col. II.2-10, tr. Pendrick.

¹⁰⁷ Democritus, however, did address the issue by arguing that a self-imposed sense of shame could undercut the motivation for crime. See chapter XXX.

¹⁰⁸ Aristotle, *EN* X.9, 1179b4-18; cf. IV.9.

¹⁰⁹ Fragment 4.d, p. 35.8-21 Thesleff = Stobaeus 4.1.138. This part of Fragment 4 is continuous with Fragment 4.c.

¹¹⁰ Herodotus I.32.8; Thucydides II.41.1.

¹¹¹ Plato, *Laws* 737d1-738e2.

¹¹² Aristotle, *Politics* VII.5, 1326b27-30, tr. Jowett.

¹¹³ Aristoxenus *apud* Iamb. *VP* 182 (see further Horky, *Plato*, 46-49). Other Pythagorean Pseudepigrapha also use microcosm/macrocosm analogies, e.g. pseudo-Damippus' *On Prudence and Happiness* p. 69.1-4 (Thesleff); pseudo-Callicratidas' *On the Happiness of the Household* pp. 103.19-104.13 (Thesleff). The analogy between state-body-household-army, however, is not found in those texts. With respect to the army analogy, Archytas says that a state has αὐτάρκεια when "the army neither manned with mercenaries nor untrained" (35.13). With reference to the external mercenaries, see A. Mele, "Il Pitagorismo e le popolazioni anelleniche d'Italia," *AION* 3 (1981), 73), who sees a reflection of the historical situation in Tarentum in the third century BCE, which leads him to date the text after 209 BCE. However, E. N. Tigerstedt, *The Legend of Sparta in Classical Antiquity*, volume 2 (Stockholm, 1974),

389n95, claims that “there is nothing in *Peri Nomou* which can be traced back to historical Tarentum.” For an overview of the various approaches the historical evidence, see M. Humm, “Les origines du Pythagorisme romain: problemes historiques et philosophiques (II),” *Les Études classiques* 65 (1997), 27-29.

¹¹⁴ Aristoxenus *apud* Iamblichus *VP* 182-183.

¹¹⁵ For a thorough discussion of the relation between Aristotle’s discussion of αὐτάρκεια in the *Politics* and our author, see Moraux, *Aristotelismus*, 675-6.

¹¹⁶ Aristotle, *Politics* I.2, 1252b30-1253a1, tr. Jowett, adapted.

¹¹⁷ Aristotle, *Politics* IV.4, 1290b21-39; cf. V.3, 1302b34ff. See also *Motion of Animals* 10, where Aristotle analogizes animals to the well-lawed state (πόλις εὐνομουμένη), and asserts that there is no need for a separate monarch to rule over the state once it has been established (703a28-b2).

¹¹⁸ K. Raaflaub, *The Discovery of Freedom in Ancient Greece. First English edition, revised and updated from the German, translation by Renate Franciscono, revised by the author* [*Freedom*], (Chicago, 2004).

¹¹⁹ Raaflaub, *Freedom*.

¹²⁰ Aristotle, *Politics* VI.2, 1317a40-b10, tr. Keyt.

¹²¹ The verb συβριζεν is not common and is explained by grammarians, but it appears that the earliest attestation is Aristophanes’ *Peace* 344. Compare the pro-democratic Hellenistic historian Timaeus of Tauromenium (who wrote much that has been lost on the history of Pythagoreanism before 300 BCE). Timaeus associated luxury with the destruction of cities (Fragment 44 *BNJ* in C. B., Champion, “Timaios (566),” *Brill’s New Jacoby*, I. Worthington (ed.)), but also see F 9 and 47-51), including Sybaris. Timaeus very likely knew Aristotle’s lost

Constitution of Sybaris, and may have found this information there. The association of the Sybarites with luxury (τρυφή) goes back at least to Herodotus VI.127.

¹²² Compare pseudo-Ecphantus, *On Kingship* Fragment 4: “Community consists of equality, and justice consists in its distribution, whereas community shares in <justice>. For it is impossible for something to be unjust when we give a share of equality, or for us to give a share of equality, and not be social. How could someone who is self-sufficient not be continent? For extravagance is the mother of incontinence, and incontinence the mother of hubris, from which arise many vices for people” (83.21-27 Thesleff). Compare also *The Golden Verses of Pythagoras* 9-12 (Thom (ed.)), which speak generally of mastering the stomach, sleep, lust, and anger.

¹²³ For example, Xenophon describes Socrates as having trained himself to become temperate with respect to food and drink: “He trained his body and soul by following a system which, in all human calculation, would give him a life of confidence and security, and would make it easy to meet his expenses. For he was so frugal that it is hardly possible to imagine a man doing so little work as not to earn enough to satisfy the needs of Socrates. He ate just sufficient food to make eating a pleasure, and he was so ready for his food that he found appetite the best sauce: and any kind of drink he found pleasant, because he drank only when he was thirsty” (*Memorabilia* 1.3.5, tr. Marchant, adapted).

¹²⁴ Aristoxenus, Fragment 50 Wehrli = Archytas of Tarentum, Testimonium A9, lines 20 and 36-37 (Huffman, *Archytas*, 307-308).

¹²⁵ Aristoxenus, Fragment 50 (Wehrli) = Archytas of Tarentum, Testimonium A9, tr. Huffman, *Archytas*, 309-310.

¹²⁶ Archytas of Tarentum, Testimonium A9a = Cicero, *On Old Age* 12.39-40, tr. Huffman, *Archytas*, 323-324.

¹²⁷ Fragment 4.e, p. 35.21-30 Thesleff = Stobaeus IV.1.138. This part of Fragment 4 is continuous with Fragment 4.d.

¹²⁸ Plato, *Republic* 509b2-4; Aristotle, *Meteorology* I.3, 341a19-21; *On Generation and Destruction* II.11, 338b3-5. In the first century BCE, Vitruvius (9.3.1-3) gives an extensive illustration of how the sun moves through the zodiac, but we do not know the source of his information (but there are no obvious links to Archytas' text there).

¹²⁹ Pindar (*Pyth.* 9.60) has Νόμιος (along with Zeus) as an epithet of Apollo's son, Aristaeus. Νεμήριος is apparently a *hapax legomenon*.

¹³⁰ Plato, *Laws* 700b5-c1; cf. 722c9-e1 and 775b1-4.

¹³¹ Etymological equivocation between Zeus and “*dia-*” was common in ancient philosophy, starting from Plato (*Cratylus* 396a2-7) and extending to the Stoics (DL 7.147 = *SVF* 2.1021). See also [Plato] *Minos* 317b8-318a7 and 321c5-e6, which may have been composed in the Early Academy, or perhaps later in the Hellenistic world.

¹³² Cicero, *On Laws* I.18-19, tr. Zetzel, adapted.

¹³³ Interestingly, Cicero has not translated the term κατ' ἀξίαν, which, as we have seen, is central to Archytas' description of natural justice.

¹³⁴ Indeed, Marcus closes this speech by stating that they need to discover both ‘highest law’ (*summa lex*) and ‘justice’ (*ius*), and the relationship between them. That project occupies much of the rest of the first book of *On the Laws* (Chapters 18-48).

¹³⁵ Fragment 5, p. 36.2-11 Thesleff = Stobaeus IV.5.61.

¹³⁶ Fragment 35 (Wehrli), tr. Huffman, “Precepts,” 113.

¹³⁷ See Huffman, “Precepts,” 110-113 for a thorough and sensible discussion of this prescription and its parallels in Plato’s *Republic*. Huffman convincingly argues (114-115) that the relevant text of the *Pythagorean Precepts* is not dependent on Plato’s *Republic*, and in fact not even parallel, against: A. Rivaud, “Platon et la ‘politique pythagoricienne’,” *Mélanges Gustave Glotz* II (1932), 779-792.

¹³⁸ But Aristotle also recognizes a difficulty with φιλάνθρωπία in the context of a criticism of Plato’s proposals regarding communism of property: “such legislation may have a specious appearance of humaneness (φιλόανθρωπος); men readily listen to it and are easily induced to believe that in some wonderful manner everybody will become everybody’s friend” (*Politics* II.5.1263b15-18, tr. Jowett).

¹³⁹ *EN* VIII.1, 1155a16-28, tr. Jowett adapted.

¹⁴⁰ The term φιλόανθρωπος can also be used with reference to the friendliness of certain kinds of animals towards humans (i.e. their ease of domestication), see: *Problems* 617b26,44, 630a9; but the argument in *On Law and Justice* is about human love for other animals (their own flocks, etc.).

¹⁴¹ Compare Pseudo-Diotogenes p. 72.14-15 and 73.19-23 Thesleff; Pseudo-Ecphantus 81.26-82.6 (Thesleff); see Centrone, “NOMΩ,” 499-500. The image of the lawgiver as shepherd also appears in a fragment of Aristotle: “When the Locrians asked the oracle how they might find relief from the considerable turmoil they were experiencing, the oracle responded that they should have laws enacted for themselves, whereupon a certain shepherd named Zaleucus ventured to propose to the citizens many excellent laws. When they learned of these and asked him where he had found them, he replied that Athena had come to him in a dream. As a result

of this he was freed and was appointed lawgiver.” (Fragment 548 Rose = *Schol. in Pindar.* Olymp. 11.17, tr. Gagarin).

¹⁴² Xenophon, *Cyropaideia* VIII.2.14, tr. Miller, adapted. See also Plato, *Laws* 694e6-695a5.

¹⁴³ Aristotle, *EN* X.9, 1179b5, tr. Ross. See the discussion of this passage in relation to Democritus at XXX.

¹⁴⁴ Aristotle, *EN* X.10, 1180a21-2.

¹⁴⁵ Aristotle, *Protrepticus*, *apud* Iamblichus, *Protr.* VI.39.15-16.

¹⁴⁶ Aristotle reiterates this in *Politics* IV.4: “the law should rule overall” (1292a32-33).