REVIEW DISCUSSION

How to Understand *nomos* and *physis* in Herodotus?

KINGSLEY, K. Scarlett. 2024. *Herodotus and the Presocratics: Inquiry and Intellectual Culture in the Fifth Century BCE*. Cambridge: Cambridge University Press. £85.00. 9781009338547.

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The vast scope of the investigation conducted in this important book is apparent from the list of chapters:

1. Introduction: Transtextual *Histories*: History, Philosophy, and Intellectual Culture
2. Relativism, King of All
3. The Pull of Tradition: Egoism and Persian Revolution
4. History *peri physeos*
5. *Physis* on the Battlefield
6. Historical Inquiry and Presocratic Epistemology
7. Herodotean Philosophy

Appendix 1: Tolerance or Relativism?
Appendix 2: 'Strong' and 'Weak' Relativism
Appendix 3: Knowledge and the Herodotean Narrator

Inquiries

As one might have expected, K. Scarlett Kingsley begins her book with Herodotus' Solon responding to Croesus. She rightly observes that Solon 'nowhere refers explicitly to his travels or personal experience' (2), a *theōriē* which is nevertheless, according to Herodotus, the goal of his *philosophiē*. But the episode has a powerful metanarrative effectiveness for the very meaning of inquiry: 'In terms of the debate on well-being, history reveals itself as the only space in which the concept can be properly understood' (4). And not in an empirical way, despite the empirical label often associated with Herodotus. As in the exemplary case of the Nile flood, Herodotus' reader tests philosophical ideas in the 'laboratory' of historical narrative (9). In particular, Kingsley's ambition is to reveal 'a progressive story arc for *physis* as a category of historical explanation' (10). Like Rosalind Thomas, Kingsley abandons the perspective of the invention of the historiographical genre in favour of that of *historiai*, intellectual and scholarly research in general, aimed at a comprehensive understanding of the natural world and human happiness, before 'philosophy' took on a specialized meaning. Perhaps Kingsley is overstating the case here by comparing Herodotus and Hippias of Elis, who truly aspired to be universal (22–3), and by limiting the meaning of *aitiē* to that of 'cause' (23–5).

Relativism

The title of the second chapter, 'Relativism, King of All', raises the difficult question of the different meanings of the word 'relativism', to which two appendices are

also devoted. Kingsley starts mainly from Protagoras as he appears in Plato, with an oscillation between subjectivist relativism and cultural relativism that is particularly clear in the *Theaetetus*. She clearly marks the particularity of cultural relativism: 'Cultural relativism does more than acknowledge that differing societies engage in differing practices, it entails the proposition that the traditional practices of a given society are ethical for it, however disturbing they may be from an etic perspective ... Cultural norms differ while being equally authoritative' (43, 47). The catastrophic consequences of what may appear to be an intrinsic contradiction are particularly evident in Aristophanes and Euripides. The famous 'apology of Protagoras' in the *Theaetetus* is of course not examined in detail. There is a way, for Protagoras (or at least for 'Platagoras', the nickname given by Cynthia Farrar to Plato's Protagoras), as for the physician in the Hippocratic treatise *Ancient Medicine* (their reasoning is very similar),[1] to change harmful (but not 'false') opinions and perceptions into good ones, which, according to him (but not according to Socrates-Plato), makes it possible to escape this contradiction. What is Herodotus' stance in what was clearly already a crucial debate in his time? He seems in line with Platagoras: 'Not unlike Plato's Protagoras, for whom whatever seems just and fine to each city is just and fine so long as it observes that customarily, the *Histories* reveals a willingness to attribute to a given culture its own ethical coherence' (52). For Kingsley, this implies an attitude of 'tolerance' towards different *nomoi*, 'laws' (52, 55). The concept of 'tolerance' seems to be absent from Herodotus, and it would be difficult to find a corresponding Greek term. Appendix 1, which revisits this word, takes a slightly different approach: tolerance, notes Kingsley, presupposes an internal point of view, whereas Herodotus explicitly adopts an external point of view and places his readership in the same position, defining law by means of the famous *nomos pantōn basileus* ('law, king of all'), a phrase from Pindar that uses a formula traditionally used to describe the reign of Zeus (Hdt. 3.38.4), while at the same time adopting a completely external point of view: 'an outsider's gaze, as one who follows neither custom' (208).

The case of the King of Persia is crucial. In order to marry his sister, Cambyses can rely on a Persian law 'discovered' by the royal judges, according to which the king can do whatever he wants (Hdt. 3.31.2–5), and thus acts somewhat like Pheidippides in Aristophanes' *Clouds* (61 n. 82) or various tragic tyrants. Kingsley shows very well, by studying the parallels, that incest in particular was 'a contested index in the debate on cultural relativism' (63–4). But if Cambyses has tragic aspects, particularly at the end of his life, through his repentance and death, for Herodotus his behaviour should be analysed above all as *madness* – a point discussed by the historian but difficult to understand, which perhaps deserves more attention, even though it has already been studied extensively.

For the reader, the Pindaric context of Pindar's quotation is, according to Kingsley, implicit in the background of the anecdote about Darius' inquiry into *nomoi* conducted by Darius among Greeks and Indians. But this context seems to highlight 'the disturbing and ambiguous power of *nomos* as a force in the justification of violence' (67), as illustrated by the Persian kings, particularly

[1] One could add this parallel with medicine: Demont 2013a.

Cambyses. Kingsley then devotes five pages to the link between the account of Cambyses' reign and the so-called Constitutional Debate, and the 'impasse' to which it leads (68–72), which also appears in Xenophon in a debate between Pericles and Alcibiades. The conflict between the law of the king and the law as 'a socially constituted phenomenon' (60) also appears in the description of Persian imperialism, which destroys many *nomoi* by force (as shown in particular by Hdt. 5.18.2–3), and in the description of the complex relations between Persia and Ionia, which are analysed in detail (78–9). The philosophical problem is thus once again 'dramatized' in historical narrative (80).

It is from this perspective that Kingsley reads the debate at the beginning of Book 7, and a curious argument by Xerxes about the impossibility of tranquillity for the Persians (and therefore for himself), which perhaps deserves further clarification. She writes: 'The motif of motion versus rest continues in Artabanus' opposition of destructive haste to constructive waiting. It is notable that Xerxes responds with the astonishing pronouncement that "if we will keep quiet, they (i.e., the Greeks) will not" (εἰ ἡμεῖς ἡσυχίην ἄξομεν, ἀλλ' οὐκ ἐκεῖνοι, 7.11.2)' (83). It is not the Greeks in general who are targeted here by Xerxes, but specifically the Athenians (Ἀθηναίους), whose innate refusal to remain calm Thucydides repeatedly highlights. Allow me to quote myself on this: 'Here, then, almost by surprise, is the theme of Athenian activism in a non-Attic work and in relation to a period well before the debates we have studied. Xerxes justifies this digression by referring to Athens' past conduct ... Nevertheless, Herodotus' readers, at the beginning of the Peloponnesian War, agree'.[2] Kingsley then rightly analyses, as do many other commentators, the parallel with the famous dialogue between the Athenians and the Melians (84), but this dialogue is not the only text at stake: the Athenian refusal of *hēsychia* ('stillness') is an essential leitmotif of Thucydides' work and thought that is already present here. The Herodotean use shows that the catchword goes beyond Thucydides and was a dominant theme in the political thought of the time. Kingsley also rightly notes the remarkable, pre-Platonic role played by Artabanus, who, 'as a wise advisor, treats imperialism as a corruption of the soul' (87).

The conclusion of the chapter suggests that cultural relativism implies the possibility of introducing new, arbitrary laws, as embodied by despots and imperialists: 'this complicates a reading of the work as unilaterally supportive of *nomos*' (90). This is very insightful, but we could add two points. On the one hand, according to Herodotus, respect for laws is based on a psychological complex in which religion, scruples, shame and fear play the main roles, as we see in the reactions of the Greeks and Indians in the Darius anecdote. However, it seems that for Herodotus, some fears and scruples are better (more effective) than others. In the famous debate between Xerxes and Demaratus, the law of the strongest, the fear aroused by Xerxes, is dramatized as less effective than the Spartans' fear of their own law. It would be worthwhile to explore this interplay of fear in greater

[2] Demont 1990: 186: 'Voici donc, presque par surprise, le thème de l'activisme athénien dans une œuvre non attique et à propos d'une période bien antérieure à celle des débats que nous avons étudiés. Xerxès justifie cette incise par la conduite passée d'Athènes ... Il n'en reste pas moins que le lecteur d'Hérodote, au début de la guerre du Péloponnèse, acquiesce.'

depth. In fact, Kingsley returns to it in more detail later in her chapter on the battlefield, as will I.

Secondly, might we not think that Herodotus' cultural relativism, as in the case of Platagoras, also envisages the possibility of introducing new laws that are not worse than those that came before (those of the tyrant) but better (those of Lycurgus or Cleisthenes)? It is this possibility that allows him, within a corpus of *nomoi*, sometimes to rank laws explicitly (and it is hard to believe that he does not also construct an implicit hierarchy in the Darius anecdote – we must not neglect the implicit in Herodotus). This is especially clear in the case of Cleisthenes' reforms in Athens, whose effectiveness (and not justice: this is again very 'Platagorean') is emphasized (Hdt. 5.78): the passage is later commented on by Kingsley from the perspective of triumphant individualism, but it is first and foremost a question of the collective development of Athens (111). The usual parallel between Herodotus and Protagoras would be reinforced by such an analysis, which would also suggest that Plato's Protagoras is fairly faithful to the historical Protagoras.

Selfishness, personal gain and lying

Chapter 3 raises the question of 'selfishness' in relation to the Constitutional Debate, which has so often been likened to sophistry.[3] Selfishness is first defined in a way that is perhaps more reminiscent of the founding fathers of Anglo-American liberalism than of ancient Greek morality: 'the philosophy that all action is performed in the interest of maximizing the individual's self-interest' (92). This would correspond to the philosophy of Darius.

By contrast, Kingsley analyses in great detail how Otanes, in his agency and in his words, 'subverts Persia's traditional top-down mechanism of political action' (93). She shows that Darius for his part subverts the Persian *nomos* of respect for the truth whenever lying is profitable (through 'love of profit', 98; cf. αἰσχροκερδής, 'covetous', 1.187.5; κάπηλος, 'huckster', 3.89.3): this 'profit motive', which is well studied later, has a meaning that differs somewhat from our concepts of 'selfishness' and self-interest (101–8). The question of truth and falsehood would be resolved later by Xenophon in the *Cyropaedia* (1.6.27–34), without any ambiguity or link to the sophists, when the young Cyrus, having reached adulthood, must necessarily learn to lie to his enemies, while respecting the truth with his friends: this is what Darius knows how to do in Herodotus (Kingsley subsequently studies the *Cyropaedia* passage without making this specific connection, 113–15), and it corresponds to an old educational maxim (Pindar, *Pyth.* 2.81–5). But it is true, as Kingsley notes, that Herodotus contrasts Darius' reasoning with Prexaspes' proclamation of the truth (at the risk of his life), and that Darius' defence of lying is not applied in the historical narrative that immediately follows (further on, it is echoed in his ruse to ensure that he is chosen as king, 109). It is certainly tempting to compare the character to Odysseus in Sophocles' *Philoctetes*. It is also true that

[3] To the rich bibliography I might add Demont 1994, in which I propose a parallel with the unresolved philosophical debates ridiculed at the beginning of the Hippocratic treatise *On the Nature of Man*, and with the tripartite structure, also without solution, of Plato's *Protagoras*.

the later execution of Intaphernes shows that the absence of a separation between truth and falsehood leads to uncertainty about the division between friend and foe. Lastly, it is true that the character of Themistocles is again constructed in part around the motif of personal gain and leads to similar ambiguities. This makes a lot of arguments in favour of Kingsley's analysis.

Physis

Kingsley first briefly examines the earliest uses of *physis*, which are often difficult to interpret.[4] It is noteworthy that *physis* can have an agentive function, for example in Parmenides ('a strong agential force', 120). This point is related to the formation of the word. The noun belongs to the category of derivatives ending in *-ti-*, which form names of agents, actions and the results of actions.[5] It sometimes retains, more often than Kingsley says (she cites only a tricky passage from Empedocles, 121 n. 19, in a much too allusive manner), the seme present in *phyomai* ('to develop, grow'), which reinforces this agentive function. The medical texts in which Hippocratic physicians directly oppose philosophical inquiries into nature provide explicit evidence on this subject, notably in Chapter 3 of the treatise *On the Nature of Man*, which identifies the 'generation' and 'nature' of man, and in *On Ancient Medicine*, which states: 'The discourse of these people is in line with philosophy, like that of Empedocles and others, who, on the subject of nature, wrote about the origins of man, how he was formed in the beginning and what elements he was made of' (20.1–2). Jacques Jouanna observes that 'It is clear that the philosophical research that is condemned ... is research into the genesis of man, into his original constitution from the primary elements, which are none other than the primary elements of the universe'.[6] Herodotus also adopts this perspective. The *physis* ('nature') of Egypt includes the history of its geomorphology and its incessant evolution (123–4), in a way that cannot fail to bring Anaximander to mind. The *physis* of the Nile is not its appearance, but its surprising evolution over the seasons, which Thales, Hecataeus and Anaxagoras (Kingsley uses Daniel Graham here)[7] explain differently, and badly, according to Herodotus.

The comparison with *Airs, Waters, Places* is made following Thomas, clearly highlighting the limitations of certain interpretations of the last paragraph of the *Histories*: 'Cyrus' description of the relationship of Persian men to Persian soil is a metaphorical representation of the opposition of cultivation to imperialism, not a literal espousal of environmental determinism' (136). Kingsley also clearly highlights the unifying function of *physis*, a universal and timeless category. In this sense, nature has a connection with the divine, as we see in Hdt. 3.109: the cases of the winged serpents of Arabia, vipers, lions and hares clearly show that their 'nature' (that is, in my opinion, their 'natural development', with clear

[4] To her extensive bibliography one could add Hadot 2004.
[5] Chantraine 1979 [1933]: 277 and 283.
[6] Jouanna 2002: 224: 'Il est clair que la recherche philosophique qui est condamnée ... est une recherche sur la genèse de l'homme, sur sa constitution originelle à partir des éléments premiers qui ne sont autres que les éléments premiers de l'univers'.
[7] Graham 2003.

agency) is organized by 'divine providence' to ensure the survival of man. In Herodotus' opinion, this, at least, is consistent with *eikos* ('likelihood', a very Protagorean point, it should be added). It could also be noted that in these natural developments divine providence causes lions, Arabian snakes and vipers to exhibit appalling behaviours in defending their honour and exacting vengeance and retribution, which are also found in humans in Herodotus' investigations.[8] Let us add a suggestion. Could this very Herodotean mixture of reasoning based on 'nature' and on 'justice' be compared to what seems to be described in a famous but obscure fragment of Anaximander, which Kingsley does not quote (B1 DK, 6D6 Laks-Most, trans. Laks-Most)?

> Anaximander [...] said that the principle (*archē*) and element of beings is the unlimited (*to apeiron*); he was the first to call the principle by this term. He says that it is neither water nor any other of what are called elements, but a certain other unlimited nature from which come about all the heavens and the worlds in them. And the things out of which birth comes about for beings, into these too their destruction happens, according to what must be:[9] for they pay the penalty (*dikē*) and retribution (*tisis*) to each other for their injustice (*adikia*) according to the order of time – this is how he says these things, with rather poetic words.

This fragment may find in Herodotus a kind of concrete illustration that allows us better to understand the strange link between *physis* and justice and retribution.

Could we add in this context a brief aporetic note about the very strange first sentence of the Hippocratic treatise *Generation*: 'Law rules all things' (νόμος μὲν πάντα κρατύνει)? If the text of all the manuscripts is secure, it is another testimony of the conversation about *nomos* and *physis*, and could be playing on Pindar and/or Herodotus. Without endorsing such a play, Thomas briefly comments upon it: 'here the author appears to refer to natural law, that is (here) the regular processes of nature'.[10] The following words in the Hippocratic treatise are very difficult indeed to connect to this beginning. In his Loeb edition Paul Potter translates them thus: 'A man's seed comes from all the moisture in his body, and is the excretion of its most powerful part' (*De gen.* 1.1). In his extensive commentary, Iain M. Lonie endorses the usual interpretation of the first words as alluding to the law that rules every aspect of human bodies, but he qualifies this observation – nowhere else is *nomos* used in this sense: 'The characteristically recurrent word which expresses such an attitude in the author is ἀνάγκη ... *mechanical necessity* which governs all things, not an ordainment, νόμος'.[11] He notes that *anankē* is a word also used by the atomists (and we could add the pastiches in Aristophanes' *Clouds*, and

[8] See Demont 2022, cited by Kingsley but published too late to be used.

[9] Laks-Most 2016, with slight changes to appear in the new, forthcoming edition ('according to what must be' instead of 'according to obligation', and a reduction of the number of words they believe to be quoted verbatim from Anaximander, in bold type). I thank Glenn Most for his kind advice.

[10] Thomas 2000: 126.

[11] Lonie 1981: 103–4.

sometimes Herodotus himself, but there it has the sense of 'logical necessity'),[12] and concludes that only 'literary associations and the desire to make a dramatic beginning'[13] are responsible for this choice of *nomos*. It has also been often suggested that this beginning is part of a poetic verse. Lonie adds, 'We should be wary of reading back into it an eighteenth-century, and still more a modern, concept of natural law.'[14] But Potter in his Loeb edition does not edit νόμος, which he finds 'the bizarrest beginning of all the Hippocratic writings'. Following Gilles Maloney's suggestion,[15] he chooses νομός, giving the (in my opinion, rather controversial) meaning: 'Now whereas food gives everything strength, a man's seed...'!

The battlefield

Kingsley then opens up a new field of inquiry into nature: the very interesting cases where one can transcend one's nature (Hdt. 5.118.2), and where nature sometimes transcends itself (as in the case of the Danube, 4.50.2–3). This leads her to analyse in detail the famous debate between Xerxes and Demaratus, mentioned above, which Thomas sees as one of the first examples of sophistic debate opposing *physis* (represented here by Xerxes' point of view) and *nomos* (Demaratus' point of view). Taking as a point of comparison the passage from Gorgias' *Praise of Helen*, where the terrifying natural effect of armed troops on the warrior's soul is said to ruin his respect for *nomos*, she shows that the reasoning attributed to Xerxes assumes that this natural effect is overcome by a motive relating to *nomos*, a higher fear, that inspired by the superhuman king (curiously called 'transhumanist', 148 and elsewhere) and his whip. To this, Demaratus opposes the even greater fear in which the Spartans hold their *nomos*. Kingsley, like Nigel Wilson in his edition, adopts Van Herweden's correction ὑπερδειμαίνουσιν ('to be much afraid of', LSJ) at Hdt. 7.104.4 to show the 'similarity' of the reasoning of both (149). But this correction is not necessary. The text of the manuscripts, ὑποδειμαίνουσιν ('stand in secret awe of', LSJ), effectively evokes the internalization of fear. The change of verb, from Xerxes to Demaratus, then shows the *difference* between their fears: one is external, the other internal, and the second is more effective. The Aristotelian example given next by Kingsley, which contrasts fear inspired by the leader with noble fear, supports such a hierarchy, rather than similarity. Kingsley then interestingly argues that the link made by Themistocles between *physis* and *katastasis* ('condition') before Salamis (Hdt. 8.83.1–2) is not a commonplace, but is also found in medical and philosophical analyses. The Athenian strategist appeals to the soldiers' 'choice' to surpass themselves, which again stands in stark contrast to Xerxes' reasoning, though he uses the same naturalistic terms (152–7).

Paradoxically, the course of subsequent battles does not confirm these analyses: the Persians are capable of surpassing themselves, and the decisive factor in victory is rather an old Homeric criterion, the *kosmos*. Kingsley sees this as evidence of a Herodotean 'counter-discourse', relativizing naturalistic

[12] Thomas 2000: esp. 184–6.
[13] Lonie 1981: 104.
[14] Lonie 1981: 104
[15] Maloney 1988.

arguments such as that of Callicles on the right of the strongest (164): history shows their inadequacy.

Epistemology

Kingsley draws mainly on Carolyn Dewald's studies on 'the only partially authoritative stance of the narrator' and proposes two additional orientations. First, she situates this position within the philosophical horizon of its time, by sketching a brief picture of the complex relationship of the Presocratics to truth (169–74): Herodotus' caution ('if it is true that...', 'I cannot say precisely...') finds clear parallels here, and the investigation of Scyllias (Hdt. 8.8) plays, after Xenophanes, on the famous verses of the *Odyssey* and Hesiod concerning the 'Protean' nature of truth (177).

Secondly, Herodotus claims to attain *greater* truth than others (emphasized by Kingsley), notably through the narrator's intrusions which express reservations about the use of the senses, especially hearing, but also affirm the truth obtained through autopsy or, as in the courtroom, through compelling reasoning. The place occupied in Herodotus by *to eon* ('what-is'), with a value of truthfulness in a way comparable to that which it has in Parmenides, but, and this changes everything, applied to the world of becoming through 'inquiry' (δίζησις and its cognates, more frequently than *historiē*), is particularly well analysed (181–6).

Kingsley rightly notes that Herodotus is nevertheless very discreet about his own methods of investigation, almost always leaving the reader in the dark about the principles guiding his choices. This goes hand in hand, she believes, with the uncertainty that often remains about the truth, the quest for which is sometimes explicitly presented as aporetic, without a solution. Perhaps we could add here that the investigations conducted by others that are inserted into the narrative use methods, often surprising and more or less effective, to test the truth, which Herodotus takes care to describe in detail – again, to quote Kingsley, through a historical 'dramatization' of the philosophical problem. Through these embedded inquiries, Herodotus shows a palpable concern for the complex responsibilities of a successful investigation.[16]

Philosophy

In the final chapter, Kingsley focuses mainly on the 'allusions' to Herodotus made by the *Dissoi logoi* in the second double argument, on what is proper and improper. The famous passage from 3.38 is, of course, included in the discussion. The author of the *Dissoi logoi* offers a fairly similar line of reasoning in 2.26, but

[16] Following on from Matthew Christ's work on royal investigations, I have attempted to describe some of these responsibilities: 'These methods – trap interviews, cross-checking of information, written or oral testimonies, external observers, prior validation by the informant, religious procedures, hypothesis, banquets and contests, and last-minute modification of prior conclusions – thus allow some inquirers to avoid the mistakes which others are lured into making through manipulation and lies of their informants. These games of inquiry therefore seem far more complex, risky and ironic than the direct inquiries of Herodotus' (Demont 2009: 192–3).

condemns these arguments: 'They say that if certain people gathered together all that is improper among peoples everywhere, and then summoned them and enjoined them to choose what each found proper, everything would be won over by the idea that it is proper ... They also adduce as witnesses poets – who write their poetry to give pleasure, not to propound truth'.[17] Walter Burkert, in contrast to most interpreters, believed that 'the author is directly dependent on Herodotus, taking into account 7.152.2'.[18] Kingsley offers very good commentary on the comparison, and in particular on the condemnation added by the author: 'The *Dissoi Logoi* discards the potential of ethnography to shape moral intuitions and the applicability of a hypothetical marketplace of *nomoi*' (202). In the same volume in which Burkert argued for a direct dependence of the *Dissoi logoi* (at least of its second argument) on Herodotus, David Asheri ruled it out in relation to another comparison, even denying the possibility of a common source. This is the comparison between Hdt. 5.6.1 and *Dissoi logoi* 2.12–13 on tattoos in Thrace,[19] on which Kingsley focuses. Kingsley believes that 'the allusion gestures to the *Histories*', with significant modifications that are 'only apparent if the audience returns to the *Histories*', which implies for Kingsley 'a vigilant reader' (195–8), but which could be interpreted as ruling out Herodotus as the direct source. Then, in *Dissoi logoi* 2.15, on the relativity of the prohibition of incest, the author simplifies Herodotus' analysis in the direction of absolute relativism by replacing Cambyses with 'the Persians'. The poetic quotation in *Dissoi logoi* 2.19, which is only 'a typical sophistical practice' for Stefano Maso (could we add: in Herodotus too?), would rather imply, for Kingsley, 'a pointed play on and reshaping of Herodotus' *Histories*' (201).

Curiously, a similar, equally insoluble, problem arises in another context: Montaigne's use of Hdt. 3.38 in his *Essais* (I, 23). Does the French philosopher quote Herodotus? He too records Herodotus' famous anecdote on Darius interrogating Greeks and Indians on their funerary customs:

> Darius asked some Greeks how much they would want to adopt the Indian custom of eating their dead fathers (for that was their custom, believing that they could give them no more favourable burial than within themselves), and they replied that they would not do so for anything in the world; but when he also tried to persuade the Indians to abandon their custom and adopt that of Greece, which was to burn the bodies of their fathers, they were even more horrified. Everyone reacts in this way, especially since custom robs us of the true face of things,
>
> > *Nil adeo magnum, nec tam mirabile quicquam*
> > *Principio, quod non minuant mirarier omnes*
> > *Paulatim.*[20]

[17] Trans. Robinson 1979: 113, 115.
[18] Burkert 1990: 23 n. 53: 'der Autor ist von Herodot – unter Einbezug von VII 152,2 – direkt abhängig.' Kingsley does not refer to this note.
[19] Asheri 1990: 143.
[20] Lucr. 2.1028–9: 'There is nothing so great or so astonishing that one does not eventually

> In the past, when we had to put forward one of our observations, which was received with resolute authority far and wide around us, and not wanting, as is customary, to establish it solely by the force of laws and examples, but always searching for its origin, I found the foundation so weak that I was almost disgusted by it, I who had to confirm it in others.[21]

Montaigne does not translate Herodotus directly here. The anecdote is quoted without any mention of his name and isolated from its context. The quotation from Pindar on the power of custom is mentioned by Montaigne, but one page earlier, with no explicit connection to this text.[22] Several details of Herodotus' *mise-en-scène*, notably the role of the interpreter, are omitted. Conversely, a detail is added explaining the behaviour of the Indians ('believing that they could give [their relatives] no more favourable burial than within themselves'). It probably comes from the *Dissoi logoi*, where it is stated that the Indians 'believe that being buried with one's children is the most beautiful tomb' (2.14). Is Montaigne combining the two ancient accounts or drawing on a collection of ethnographic curiosities that he had in his library? In any case, he does so from a perspective that is relativist *and sceptical*. The chapter in which this anecdote appears is entitled 'On custom and on the difficulty of changing a received law'. The passage adds to this perspective that of the origins of custom, which Montaigne considers, very often, to be incredibly 'weak'. The observation of this original fragility of laws and customs even makes it difficult to exercise any function of authority: how, asks Montaigne, can one conscientiously enforce laws that one knows to be so fragile and relative? We are a long way from Herodotus then. This may be another reason for Montaigne to separate the Pindaric quotation from the rest of the anecdote. For the question of the original fragility of customs is not raised at all by Herodotus.[23]

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cease to admire it.'

[21] Montaigne 1965 [1580]: 116: 'Darius demandoit à quelques Grecs pour combien ils voudroient prendre la coustume des Indes, de manger leurs peres trespassez (car c'estoit leur forme, estimans ne leur pouvoir donner plus favorable sepulture que dans eux-mesmes), ils luy respondirent que pour chose du monde ils ne le feroient; mais s'estant aussi essayé de persuader aux Indiens de laisser leur façon et de prendre celle de Grece, qui estoit de brusler les corps de leurs peres, il leur fit encore plus d'horreur. Chacun en fait ainsi, d'autant que l'usage nous desrobbe le vray visage des choses, ... Autrefois, ayant à faire valoir quelqu'une de nos observations, et receüe avec resolue authorité bien loing autour de nous, et ne voulant point, comme il se faict, l'establir seulement par la force des loix et des exemples, mais questant tousjours jusques à son origine, j'y trouvai le fondement si foible, qu'à peine que je ne m'en dégoutasse, moy qui avois à la confirmer en autruy.'

[22] Montaigne 1965 [1580] 115: 'And rightly calls her, as I have been told, the Queen and Empress of the world'. Note the 'as I have been told' ('Et avec raison l'appelle Pindarus, à ce qu'on m'a dict, la Royne et Emperiere du monde').

[23] Cf. Demont 2013b.

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