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THE SOPHISTS AND POLITICAL JUSTICE: “THERE IS LEGISLATION ABOUT THE EYES, WHAT THEY MUST SEE AND WHAT NOT”

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For a certain stream of the theoretical thinking in Greece in 5th century B.C., there is typical dissolubility between natural and cosmological legitimating of morale, religion, policy, and culture. In the discussion, we follow the difference between texts which ground justice by natural and cosmological path, and others that describe the beginning of justice as political and cultural process. From this point of a view we read the Melian dialog by Thucydides, the speeches by Sophists in Plato's *The Republic* and Protagoras, and a fragment of the sophist Antiphon. The notions of the political justice, as formed by the Sophists, are in parts similar to the modern theories of democracy (in Protagoras), social contract (in *The Republic's* Glaucon), and the critique of authority (in Antiphon the Sophist).

Key words: Political philosophy, social philosophy, history of ideas, theory of justice, ethics, Sophists, Plato, ancient Greece.

I. *Origin of justice.* Justice (fairness) originates among approximately equal powers, as Thucydides (in the horrifying conversation between the Athenian and Melian envoys) rightly understood. When there is no clearly recognizable supreme power and a battle would lead to fruitless and mutual injury, one begins to think of reaching an understanding and negotiating the claims on both sides: the initial character of justice is barter.

F. Nietzsche, *Human, All-Too-Human*, I. 92

In the middle of the Peloponnesian War, in the year 416 B.C., the Athenians send to the island Melos (today's Milos) which maintained the neutral position in the conflict between Peloponnesian League under the authority of Sparta, and the Athenian Delian League, a military expedition under the Alkibiades's command. The Athenians de-

manded from the inhabitants of the island Melos to give up their impartiality and to submit to them, otherwise they would be faced with a military attack. The great chronicler of the war, Thucydides, did in his 5th book of *History of the Peloponnesian War* in dramatized form write a dialog which should take place a night before the attack between the inhabitants of the island Melos and the Athenian delegates, and which presents one of the most concrete documents of the “crisis” of the justice notion. Namely, the process of justice decomposition which Plato ascribed to his philosophical opponents that he summed up under the common name Sophists to distinguish them from in Socrates personalized figure of a true philosopher.

Thucydides's Athenian delegates announce the directness of their speech:

«Athenians: For ourselves, we shall not trouble you with specious pretences — either of how we have a right to our empire because we overthrew the Mede, or are now attacking you because of wrong that you have done us — and make a long speech which would not be believed; and in return we hope that you, instead of thinking to influence us by saying that you did not join the Lacedaemonians, although their colonists, or that you have done us no wrong, will aim at what is feasible, holding in view the real sentiments of us both; since you know as well as we do that right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must». Thucydides, *The History of the Peloponnesian War* V.89.

The Athenians claimed that their political demands need not to be grounded with their justice. Therefore, they did not expect from the inhabitants of the island Melos to refer to the justice or injustice of the Athenian demands in the negotiations — that would simply be a waste of time. The justice is merely what is declared to be justly by the stronger by his own will. Therefore, the negotiations should take place at clear consciousness of the realistic circumstances, namely in this case, the fact of the strong Athenian military threat and much weaker Melos's defence.

The inhabitants of the island Melos still try to find at least one argument why the Athenians should not cast off the principles of honesty in the relationships towards the independent city-states.

«*Melians*: As we think, at any rate, it is expedient- we speak as we are obliged, since you enjoin us to let right alone and talk only of interest- that you should not destroy what is our common protection, the privilege of being allowed in danger to invoke what is fair and right, and even to profit by arguments not strictly valid if they can be got to pass current. And you are as much interested in this as any, as your fall would be a signal for the heaviest vengeance and an example for the world to meditate upon». *The History of the Peloponnesian War* V. 90.

The inhabitants of the island Melos aim at pragmatic reasons that one should be at least minimally just to the others in the situation when our power is much bigger. It could happen that once we will be in the opposite situation and then the justice we had shown to the weaker would be taken as the example how the stronger will treat us. But for the Athenians this argument did not prevail:

«*Athenians*: The end of our empire, if end it should, does not frighten us: a rival empire like Lacedaemon, even if Lacedaemon was our real antagonist, is not so terrible to the vanquished as subjects who by themselves attack and overpower their rulers. This, however, is a risk that we are content to take. We will now proceed to show you that we are come here in the interest of our empire, and that we shall say what we are now going to say, for the preservation of your country; as we would fain exercise that empire over you without trouble, and see you preserved for the good of us both.» *The History of the Peloponnesian War* V. 91.

The example we were giving as long we were winners is not vital. If the fortune of war changes, it would be naive to rely on pity of a country we ones had conquer. The will to revenge always ponders over the feeling of justice. One should act pragmatically and subdue the other country with the minimum effort; at the same time, the fear of its future revenge should not be the reason for not subduing it equally decisively. The mercy is by the Athenians, the same way as much later by Machiavelli, not the most effective means for conquering and retaining the power.

«*Melians*. So that you would not consent to our being neutral, friends instead of enemies, but allies of neither side.

Athenians. No; for your hostility cannot so much hurt us as your friendship will be an argument to our subjects of our weakness, and

your enmity of our power.» *History of the Peloponnesian War* V. 94-95.¹

II. If the Thucydides did place his dialog in the year 416 B.C. then a few years earlier, in Plato's fictive time of the dialogue *The Republic*, the same intense intellectual encounter had developed on the notion of justice between the "Sophists" and Socrates.² The stand point easily recognized as much related to the one by the Thucydides's Athenians, Plato's puts I the mouth of Sophist Thrasymachus in his first book *The Republic*. We are here quoting the entire passage where Plato tries in the as clear-est as dramatised way as possible to show the theory of the political justice of the Sophists:

«Listen, then, he [Thrasymachus] said; *I proclaim that justice is nothing else than the interest of the stronger*. And now why do you not me? But of course you won't.

Let me first understand you, I [Socrates] replied. Justice, as you say, is the interest of the stronger. What, Thrasymachus, is the meaning of this? (...)

¹ In a similar spirit, there is a known part in Machiavelli's *The Prince*: « Upon this a question arises: whether it be better to be loved than feared or feared than loved? It may be answered that one should wish to be both, but, because it is difficult to unite them in one person, is much safer to be feared than loved, when, of the two, either must be dispensed with. Because this is to be asserted in general of men, that they are ungrateful, fickle, false, cowardly, covetous, and as long as you succeed they are yours entirely; they will offer you their blood, property, life and children, as is said above, when the need is far distant; but when it approaches they turn against you...» (Machiavelli, *The Prince*, ch. XVII. Next to the numerous debates on comparison of Machiavelli and the Sophists, let us mention only the classical study by the Leo Strauss (Strauss; 1995) which on the contrary does not read Machiavelli as the Plato's Sophist.

² Plato has probably written *The Republic* round the year 375 before A.D, and has placed the happening round the dialog fifty years back in the past, in the year 422 before A.D. what is evident from the introductory sentences of *The Republic* which are about the first festival dedicated to Thracian goddess (Bendis). A true Socrates (469–399) was a Thucydides' (round 460–395) contemporary.

Well, he said, have you never heard that forms of government differ; there are tyrannies, and there are democracies, and there are aristocracies?

Yes, I know.

And the government is the ruling power in each state?

Certainly.

And the different forms of government make laws democratical, aristocratical, tyrannical, with a view to their several interests; and these laws, which are made by them for their own interests, are the justice which they deliver to their subjects, and him who transgresses them they punish as a breaker of the law, and unjust. And that is what I mean when I say that in all states there is the same principle of justice, which is the interest of the government; and as the government must be supposed to have power, the only reasonable conclusion is, that everywhere there is one principle of justice, which is the interest of the stronger.» *The Republic* 338c-338e (Trans. B. Jowett)

Thrasymachus' theory of justice (except the fact that a rhetorician with such name actually did live, the Sophist Thrasymachus is known only as a Plato's character) summarized in a formula *justice is nothing else than the interest of the stronger*, became the most explicit notion of "Sophistics" political morale which can be, regarding its directness, only compared with the Melian dialog. Thrasymachus equals the notion of justice with the notion of law: just or unjust person is the one acting in accordance with or breaking the laws.

This definition is extremely important, and places the Thrasymachus's theory of justice into the wider sphere of the Greece moral theories which got generally named as the "Sophists".

If the justice is only set with the law (*nomos*) then whatever was created and set by the men is "artificial", and not something given by the "nature" (*physis*) of the things, independent from the man and his will and interest. The attitude of Athenian by Thucydides is similar: he immediately warns the inhabitants of the island Melos about the

artificial justice, and tells them that is the stronger who prevails over that matters. But Thrasymachus is more subtle: he preserves the justice as such; he just adds that is the product of the stronger. But not stronger just like that, what Socrates is trying to foist upon him. “The stronger” is for him precisely the authority. The authority produces laws, and this way “produces” justice; but because it always makes the laws in such manner that the authority profits from them, consequently, the justice is something than only stronger, therefore the authority, benefits from.

The image of sophist theory of political justice by Plato — political because Thrasymachus’s debate on justice is always in the context of the relation towards the authority — is being supplemented by the second Thrasymachus’s thesis about the justice that he expresses in the debate a bit later. He claims that the justice is something that human does not profit from, and is actually bad for him. On contrary, the unjustness is useful by his opinion. While stating the numerous cases how an unjust man lives better than an honest man as long as he does not get caught, Thrasymachus concludes: «And thus, as I have shown, Socrates, injustice, when on a sufficient scale, has more strength and freedom and mastery than justice; and, as I said at first, justice is the interest of the stronger, whereas injustice is a man’s own profit and interest.» *The Republic* 344c. Thrasymachus adds to the statement that the *stronger benefits from the justice*, the statement that *injustice is more useful than justice*. To combine both seemingly opposing statements, we need to read them again in the political context: For the “prince” the justice is useful since the laws of which he is the author are functioning for his benefits. Contrary, for the “serf” the laws are harmful or useless; is better for him if he breaks them or acts unjust —

from his perspective the injustice is more useful than the justice.

III. To define Sophists as the intellectual flow of the 5th century B.C. for which the dissolving between natural and cosmological legitimating of the morale, religion, politics, and culture is typical, is simplified and a bit vocabulary like, as long as it connects very heterogeneous authors in a kind of a “philosophical school” — such a synthesis is of course to a large extent the result of the Plato’s image of the Sophistic negative of the philosophy. Yet still, we can from the point of a view of our discussion on political justice at authors from the 5th century find a difference in some legitimating justice in the natural or cosmological way, and the others which we technically do call the Sophists, who explain legitimation or at least the origin of justice as the political and the cultural process.

For example, we can find a case of the natural theory of justice in early medical theories. This way Alcmaeon of Croton defines health as a balance, and the sickness as the autocracy of one physical force above the other:

«Health is the equality of rights of the functions, wet-dry, cold-hot, bittersweet and the rest; but single rule among them causes disease; the single rule of either pair is deleterious. ... But health is the harmonious mixture of the qualities.» Alcmaeon, DK 24 B 4.

Health means that the component forces are in balance, and therefore equal between them. If the harmony breaks down, we get the sickness. We do have a political metaphor for the natural occurrences in the body but the metaphor can also act in the opposite direction: also the polis, its “health” is being preserved by the right extend of the equality of the opposing political forces and their balance, when no one should prevail over the other. If any of the forces would escape from the “composition” of the city and would stand on its own, it would

become too strong and would cause the “political disease”. Similarly, in the Hippocratic essays, the moderate climate is defined as the *equality* of the warm and cold, dry and moist. (cf. Guthrie; 1971: 58)

Similarly, we can see “the political cosmology” by Empedocles where the cosmological, physical, political and moral notions can be used mutually and alternating, for example:

«All these (Elements) are equal and of the same age in their creation; but each presides over its own office, and each has its own character, and they prevail in turn in the course of Time. And besides these, nothing else comes into being, nor does anything cease. For if they had been perishing continuously, they would Be no more; and what could increase the Whole? « Empedocles DK 31 B 17.

For Empedocles, all the substances are equal by “the origin” and, none of them can claim the origin due to its age; cosmos can not be a kind of a *hereditary monarchy* but instead it is organized by the almost democratic rules of the periodical “change of the authority”. The political charge we can also find in Empedocles’s topic of two natural forces, Love and Quarrel. Also here there is no prevailing over but instead there is certain equality. If the Love would not have its opposite in the Quarrel, the world would not appear of shapeless mixture (Sfairos) — it is the only the dynamics of two opposing forces that enables the cosmos to come into being.

Even more expressively “naturally” the justice is being legitimized by Parmenides. Firstly, in the poem to the philosopher, it’s the goddess Dike, personified justice, who reveals the truth:

«There (in the Palace of Night) are the gates of the paths of Night and Day, and they are enclosed with a lintel above and a stone threshold below. The gates themselves are filled with great folding doors; and of these Justice, mighty to punish, has the interchangeable keys. ... Welcome!—since no evil fate has des-

patched thee on thy journey by this road (for truly it is far from the path trodden by mankind); no, it is divine command and Right. Thou shalt inquire into everything: both the motionless heart of well-rounded Truth.» Parmenides, fr. 1.

According to Parmenides, the Being is necessary just, and it can not be unjust at all: if the injustice means violating “the right extend” of reaching over the boundaries set by your nature, this is impossible for the Being — “For powerful Necessity holds it in the bonds of a Limit, which constrains it round about, because it is decreed by divine law that Being shall not be without boundary. For it is not lacking; but if it were (spatially infinite), it would be lacking everything.” (Parmenides, fr. 8). Injustice as transgression of the boundary is metaphysically impossible.

If for the Parmenides the justice is defined as metaphysical identity of the Being and the Truth on one hand, on the other, Heraclitus defines the justice precisely through the “quarrel” of the constant origin:

«One should know that war is general and jurisdiction is strife, and everything comes about by way of strife and necessity.» Heraclitus Ephesius, fr. 80.

But the Heraclitus’s texts for certain can not be read as the texts of the “Sophist” in a sense of Plato’s Thrasymachus and his statement on justice as the benefit of the stronger. Regarding the justice, also at Heraclitus there arises a question of extend: the justice is “conflict” because during the becoming as a process of conflict of the opposites, the *entend* is always preserved. The same way as with Parmenides, the justice therefore legitimize cosmological and metaphysical. Also the opposites are bound together by certain equality:

«And what is in us is the same thing: living and dead, awake and sleeping, as well as young and old; for the latter having changed becomes the former, and this again having changed becomes the latter.» Heraclitus Ephesius, fr. 88.

The one, equality of the opposites, is what is *common* to all the universe; the common, divine cosmical law and guarantee of the justice:

«If we speak with intelligence, we must base our strength on that which is common to all, as the city on the Law (Nomos), and even more strongly. For all human laws are nourished by one, which is divine. For it governs as far as it will, and is sufficient for all, and more than enough.» Heraclitus Ephesius, fr. 114.

By Heraclitus the living is marked by the process of stopping, the process of eternal “conflict of opposites”. But behind this conflict there always lies something general, common and the One — namely, the Law that governs the process of stopping.

Such a metaphysical theory leads Heraclitus directly to certain political standpoint which is diametrically opposing the one by the “Sophists.” We can mark it as a strict *legalism*. The same way as the world is governed and preserved by the law, the Law is an absolute basis and a condition for the political community. «The people should fight for the Law (Nomos) as if for their city-wall,» (Heraclitus, fr. 44) is categorical Heraclitus in his sentence which is in the spirit a reminiscent of Socrates’ words in Crito dialogue:

«In the first place did we not bring you into existence? Your father married your mother by our aid and begat you. ... Well, then, since you were brought into the world and nurtured and educated by us, can you deny in the first place that you are our child and slave, as your fathers were before you?» , Crito 50d. (Transl. B. Jowett)

IV. The difference that separates these discourses from the discourses by the authors that are typically designated as the Sophists could maybe be drawn most distinctive through different legitimation of justice as typical for the theory of Heraclitus and Parmenides. Is this really “the crisis” or “the breakdown” of this legitimation, the disinte-

gration of the unified world on *physis* and *nomos* as the common textbook definition claims?¹ And what would therefore be its cause? Probably neither the seeking of the clear breakup point, neither its cause is not the question that would be put down in the right way. On the other hand, we can follow the texts that truly show the relativization of the belief on universality of the law of polis, through the experience that seems close to the experience of the “multiculturalism” as described in the known passage by Herodotus:

«When Darius was king, he summoned the Greeks who were with him and asked them for what price they would eat their fathers' dead bodies. They answered that there was no price for which they would do it. Then Darius summoned those Indians who are called Callatiae, who eat their parents, and asked them (the Greeks being present and understanding through interpreters what was said) what would make them willing to burn their fathers at death. The Indians cried aloud, that he should not speak of so horrid an act. So firmly rooted are these beliefs; and it is, I think, rightly said in Pindar's poem that *custom is lord of all*.» Herodotus of Halicarnassus, The Histories III.38 (Transl. A.D. Godley)

¹ In the latest histories of philosophy this antinomy is of course relativised. For example, Giovanni Reale: “In books, we often find a common statement that sophists counter *nomos* and *physis*, «law» and «nature», to diminish the value of the former and to make it a pure convention. But this is not entirely true. The differences between law and nature is not found neither in Protagoras or Gorgias or Prodikus; it is however present in Hippias and Antiphon, who belong to the line that was justifiably named naturalistic sophists. And we also found it in the so called political sophistic.” (“V učbenikih pogosto naletimo na že obrabljeno trditev, da je sofistika protipostavljala *nomos* in *physis*, to je «zakon» in «naravo», da bi prvemu odvzela veljavo in ga zvedla na čisti dogovor. Vendar je ta trditev le delno upravičena. Nasprotja med zakonom in naravo ne najdemo ne pri Protagoru ne pri Gorgiu, niti pri Prodiku ne; pojavlja pa se pri Hipiju in Antifonu, torej tisti smeri sofistike, ki je bila upravičeno imenovana naravoslovni tok sofistike, nato pa na drugi ravni pri političnih sofistih.” (Reale; 2002:218; Transl. L. Omladič).

Even the most sacred range of human laws, funeral customs and relationship towards dead is relative. What seems absolute to one culture is unthinkable to the other. Greeks are horrified when they hear about funeral customs by Indians but the reaction of the latter is the same. Herodotus takes up a distanced position of the modern anthropologist — that is how it is, customs and cultures are diverse in who has seen enough of the world will take note of diversity. To the cultural, the philosophical seeing can follow. Then, is it not inevitable the conclusion that the laws are product of a human and they depend upon the customs, and are not similar to Heraclitus's universal law which is one and remains the same through all the changes?

From this starting-point, let us return to narrower question of political justice and its "Sophist" theory on three passages where the question is formulated in a pure form: again at two Plato's Sophists, Protagoras and Glaucon, and in one of rarely preserved examples of authentic voice of the Sophists, the fragment of the philosopher Antiphon.

Protagoras's theory of justice (let us stress again that in the same way as in numerous other cases of the reconstruction of the "Sophist theory" the source is Plato, who gives the Sophist or his own reading of the Sophist's theory a word in the dialogue *Protagoras* — original Protagoras's wordings, except a few rare fragments, are not preserved) to a degree stands out from an "amoral" model of political justice we can come across on numerous passages of the Sophist discussion on society. Also Guthrie in his influential interpretation of the Sophists sets out the difference between Protagoras's epistemological relativism and rejection of "moral and political anarchy; but this was far from his thoughts, and morals and the social order were saved by this curious doctrine, typical of its period, whereby the standard of truth or

falsehood are abandoned, but replaced by pragmatic standard of better and worse." (Guthrie; 1971: 187) At the key spot of the description of the evolution of the mankind's cultural progress — a human who was not presented with the survival techniques like animals have, was forced to invent the technologies as domiciles, cloths, weapons, language and finally the *polis* — the young human society is faced with a fatal deficiency. Since the justice is not hereditary to human, human groups always when they unite, immediately degenerate: since people by their nature did not have the "art of government" they were unjust to each other and finally, they "were again in process of dispersion and destruction." (Protagoras 322b, transl. B. Jowett). In order for people to gain the art of government or *political skill* and thus enable the existence of the society, they must gain the two key moral virtues:

«Zeus feared that the entire race would be exterminated, and so he sent Hermes to them, bearing reverence (*aidos*) and justice (*dike*) to be the ordering principles of cities and the bonds of friendship and conciliation. Hermes asked Zeus how he should impart justice and reverence among men:-Should he distribute them as the arts are distributed; that is to say, to a favoured few only, one skilled individual having enough of medicine or of any other art for many unskilled ones? «Shall this be the manner in which I am to distribute justice and reverence among men, or shall I give them to all?» «To all,» said Zeus; «I should like them all to have a share; for cities cannot exist, if a few only share in the virtues, as in the arts. And further, make a law by my order, that he who has no part in reverence and justice shall be put to death, for he is a plague of the state"»
Protagoras 322b

Therefore, according to Protagoras, the two fundamental political virtues are not limited to just some people. Regarding the skills, like medicine, music etc. some do have a talents, and other do not. But the political virtue must be shared by eve-

rybody, since *polis* could not exist if only a minority would have it. And paradoxically, since we do not need a natural talent to be political, the minimal disposition necessary for the political is after all given to us “by the nature” (what illustrates the God’s intervention in the Protagoras’s speech). Is then Protagoras actually returning to the naturalistic argumentation of the political justice? Precisely the difference he establishes between the two principles of the distribution of the virtues — on one hand, the natural talent for professional skills which are unevenly distributed, and on the other hand, the shame and justice which are evenly and equally distributed — give evidence of the opposite. But this, seemingly paradox solution, is on balance similar to the modern one. In democracy, the political subject is not dependant on its natural references one hand — political rights are independent from physical characteristics, intelligence, health etc. But on the other hand, in the foundation of the political justice there is a kind of special natural legitimation: namely, the human is “born free” as is worded in the first axiom of the modern political subjectivity.

A different solution regarding the emergence of the political justice Plato puts in the words of Glaukon who takes over the representation of the Sophist theory against Socrates’s from Thucydides in Plato’s second book *The Republic*. With classical illustration of the Sophist amoralism in Gyges’s myth — Lydian shepherd Gyges finds a magic ring which makes him invisible; he takes an advantage of his chance, finally kills the king, and seize the authority — ¹he confirms the thesis already indi-

cated by Thucydides that the unfair act is indirectly useful for human as long as he manages to perform it without punishment, and he broads it with statement that anyone, no matter how just, gives up moral behaviour if being absolutely certain (as the invisible shepherd Gyges) that the violation will not be punished.

But Glaukon does not give up the justice the same way as Thrasymachus. Namely, he finds the circumstances in which the justice is despite its insubstantiality useful, and these are precisely the circumstances of the political life. Glaukon claims that the injustice as such is good for a man if it affects another person who takes advantages of it. On the other hand, the injustice is of course bad for a man if he himself suffers from it. If we put both on a scale, we discover that «good» presented by harming another without punishment does not weight out “bad” — being harmed by another without punishment. A surprising solution offered by Glaukon looks like an early version of the theory of the social contract:

«They say that to do injustice is, by nature, good; to suffer injustice, evil; but that the evil is greater than the good. And so when men have both done and suffered injustice and have had experience of both, not being able to avoid the one and obtain the other, they think that they had better agree among themselves to have neither; hence there arise laws and mutual covenants; and that which is ordained by law is termed by them lawful and just. This

¹ Otherwise, the Gyges’s myth involves numerous interesting aspects of the problem of morality against visibility and invisibility. Plato states the adultery with king’s wife as one of the first examples of Gyges’s benefits by invisibility (360b). In Herodotus’s version of a story another turn is added to this sexual drama: here, Gyges is king’s confidant, and the king wants to boast of his

wife’s beauty. There he convinces him (despite Gyges’s resistance) to hide in the evening in the bedroom and watch her taking her cloths off. The queen overlooks Gyges hidden behind the curtain but she does not say anything. But the next day she approaches him and puts him into dilemma “Now, Gyges, you have two ways before you; decide which you will follow. You must either kill Candaules and take me and the throne of Lydia for your own, or be killed yourself now without more ado; that will prevent you from obeying all Candaules’ commands in the future and seeing what you should not see.” I, 11. Poor Gyges chooses the first path.

they affirm to be the origin and nature of justice; --it is a mean or compromise, between the best of all, which is to do injustice and not be punished, and the worst of all, which is to suffer injustice without the power of retaliation; and justice, being at a middle point between the two, is tolerated not as a good, but as the lesser evil, and honoured by reason of the inability of men to do injustice. For no man who is worthy to be called a man would ever submit to such an agreement if he were able to resist; he would be mad if he did. Such is the received account, Socrates, of the nature and origin of justice.» *The Republic* 359a. (transl. B Jowett)

In the game of visibility and invisibility the pragmatism prevails. The ring of invisibility is just hypothetical; in reality, all the people are in a position when we are equally possibly perpetrators and victims of injustice. Decision based on an agreement on the establishment of laws is the consequence of the fact that a human always lives in a community, and that the political life without justice (laws) would not be bearable.

But perhaps the Sophist Antiphon has developed the theory of justice in the most radical direction. The fragment of the essay *On Truth* is one of the more rare indirect records of theories summarized by Plato. «Justice, then,» claims Antiphon, «is not to transgress that which is the law of the city in which one is the citizen.» (Antiphon, DK 87 B 44 fr. A): The justice is bind to lawfulness, political justice set by the laws of the state. He then continues with known topic of visibility and invisibility: «A man can therefore best conduct himself in harmony with justice, if when in the company of witnesses he upholds the laws, and when alone without witnesses he upholds the edicts of nature.» Glaucon and Thrasymachus would agree: pragmatical subordination to the laws to avoid punishment and outwitting them when you are “invisible” to punishment seems like a rational policy. But from here on, Antiphon develops his argument differently. Namely, he distinguishes two types of

“laws”; the one that are made by the society and are artificial, and the “necessary provisions of the nature” of which the human is not an author, but they absolutely do apply for him. The first finding of the Antiphon is that the game of visibility and invisibility can be played only with social laws, and not with nature: «So, if the man who transgresses the legal code evades those who have agreed to these edicts, he avoids both disgrace and penalty; otherwise not. But if a man violates against possibility any of the laws which are implanted in nature, even if he evades all men's detection, the ill is no less, and even if all see, it is no greater. For he is not hurt on account of an opinion, but because of truth.» (Antiphon, DK 87 B 44 fr. A) The morals can be outwitted, but not the nature: shall I act against my nature I will be punished in any case. (Let us imagine “Antiphon's” example of Robinson on a deserted island catching a fish. The sanctions, if he does not share it with even more starving Man Friday, will follow only if Man Friday knows he caught the fish. The sanctions of nature, if he does give the fish away instead eating it, will follow inevitably in a form of collywobbles in the Robinson's stomach.

Even more, for Antiphon does not stand the Glaucon's solution when justice and laws are accepted, despite their artificiality, for pragmatic reasons, since they enable coexistence in the community. Antiphon claims that the laws are not just artificial but they also act against nature, and are therefore harmful. They obstruct his natural freedom, they lock man in fetters, and do not bring anything good in return:

«For there is legislation about the eyes, what they must see and what not; and about the ears, what they must hear and what not; and about the tongue, what it must speak and what not; and about the hands, what they must do and what not; and about the feet, where they must go and where not. ... And the advantages laid down by the laws are chains upon nature, but

those laid down by nature are free.» Antiphon DK 87 B 44.

Let us risk the inevitable anachronism: Antiphon's word which embody Plato's so detestable Sophist contempt towards authority of Law and the state, are in spirit related to the words of prince Kropotkin: «All this we see, and, therefore, instead of inanely repeating the old formula, "Respect the law," we say, "Despite law and all its attributes!" In place of the cowardly phrase, "Obey the law," our cry is "Revolt against all laws!"

Only compare the misdeeds accomplished in the name of each law, with the good it has been able to effect, and weigh carefully both good and evil, and you will see if we are right.» (Pyotr Alexeyevich Kropotkin, *Law and Authority*)

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СОФИСТЫ И ПОЛИТИЧЕСКАЯ СПРАВЕДЛИВОСТЬ: «СУЩЕСТВУЕТ ЗАКОН О ТОМ, ЧТО ГЛАЗА ДОЛЖНЫ ВИДЕТЬ, И ЧЕГО НЕ ДОЛЖНЫ»

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Для определенного потока теоретического мышления в 5 в. до н.э. в Греции характерна типичная расогласованность между природной и космологической легитимацией морали, религии, политики и культуры. Обсуждаются различия между текстами, которые устанавливают справедливость посредством природных и космологических путей, а также теми текстами, которые описывают возникновение справедливости как политического и культурного процесса. С этой точки зрения мы рассматриваем «Мелосский диалог» (Melian dialog) Фукидида, Платоновские диалоги «Республика» и «Протагор», фрагмент текста Антифона. Определение политической справедливости, сформированное софистами, отчасти схоже с современными теориями демократии (в «Протагоре»), социального контракта (в «Республике» Глаукона), критики власти (у Антифона).

Ключевые слова: политическая философия; социальная философия; история идей; теория справедливости; этика, софисты; Платон; античная Греция