

seems to, but does not, commit a solecism. Cf. C 3; PLATO *Cratylus* 430Dff.

29. ——— *Poetics* 19, 1456b15 For why should one assume that Protagoras is right in criticizing as faulty the phrase "Sing, goddess, the wrath . . ." on the grounds that it is a command purporting to be a request? For, he says, to bid someone to do or not to do something is a command. Cf. above A 1 (53).

30. AMMONIUS SCHOLIUM on HOMER [*POxy*] II no. 68] col. XII 20 on *Iliad* xxi 240 Protagoras says that the next episode, the fight between Xanthus and a mortal, is meant to divide the battle, in order to make a transition to the battle of the gods; perhaps also in order to glorify Achilles and . . . the dangers . . . catching . . . leaped no longer in the stream bed but on the plain.⁸

B. FRAGMENTS

PROTAGORAS' TRUTH OR REPUTATIONS

1. SEXTUS *Against the Schoolmasters* VII 60 Some also reckoned Protagoras of Abdera in the company of those philosophers who do away with the standard of judgment, since he says that all appearances and opinions are true and that truth is a relative matter because a man's every perception or opinion immediately exists in relation to him. At any rate, he begins the *Reputations* with the following pronouncement: "Of all things the measure is man, of things that are that⁹ they are, and of things that are not that they are not." Cf. above A 1 (51), A 13, A 24; opposed in PLATO *Laws* IV 716C.

⁸ The text is mutilated.

⁹ The Greek word *ds* ("that"), used here and in other quotations of this statement, also means "how," and some prefer to translate it so. For discussion of this problem, see Kurt von Fritz, *RE*, s.v. "Protagoras."

PLATO *Theaetetus* 151E-152A [Socrates and Theaetetus] It seems to me that this account you've given of knowledge is not a bad one at all; in fact, it was also Protagoras' version of the matter. But he expressed the same view in rather different words. For he says somewhere that of all things the measure is man, of things that are that they are, and of things that are not that they are not. You've read it, I suppose? ——— I've read it many times. ——— Now doesn't he say¹⁰ something of this sort, that as each thing appears to me, so it is for me, and as it appears to you, so in turn it is for you, you being a man, and I too? . . . Isn't it true that at times, when the same wind is blowing, one of us will be cold and the other will not, or the one slightly and the other extremely so? ——— Indeed it is. ——— Now in that case shall we say that the wind is cold in itself or not cold, or shall we agree with Protagoras that it is cold to the man who feels cold but not so to the other? ——— We shall agree with him, it seems. ——— It also "appears" so to each one, doesn't it? ——— Yes. ——— And "it appears" surely is the same as "he perceives"? ——— It is. ——— Appearance, then, and perception are equivalent when one is speaking of warmth or anything of that sort. Then things are, I venture, for each person just as he perceives them. 161C [Socrates:] On the whole I'm quite delighted with his statement that what appears to each man also *is*. But I'm surprised at the way he started his account, that he didn't say at the beginning of his *Truth* that of all things the measure is the pig or the baboon or some other even more outlandish choice from among creatures endowed with sensation, so that he might have commenced speaking to us with an air of magnificence and utter disdain, demonstrating that, whereas we stood in awe of him as of a god because of his wisdom, he was in fact no more intelligent than a tadpole, to say nothing of other men. Cf. A 21a.

ON BEING

2. PORPHYRY, from Book 1 of the *Lecture on Literature*, in EUSEBIUS *Preparation of the Gospel* x 3, 25 Books written by Plato's predecessors

¹⁰ Possibly "mean."

number, to live in private concord." For it seems that Gorgias had a passion for the little maid and his wife was jealous. Cf., however, A 20.

SPEECH AT THE PYTHIAN GAMES

9. PANTOSTRATUS *Lines of the Sophists* 1 9, 4 [See A 1 (4).]

ENCOMIUM FOR THE PEOPLE OF ELIS

10. ARISTOTLE *Rhetoric* III 14, 1416a1 Gorgias' *Encomium for the People of Elis* is of this sort. For without any preliminary skirmishing or prelude he begins immediately, "Elis, happy city."

GORGIAS' ENCOMIUM OF HELEN

11. (1) What is becoming to a city is manpower, to a body beauty, to a soul wisdom, to an action virtue, to a speech truth, and the opposites of these are unbecoming. Man and woman and speech and deed and city and object should be honored with praise if praiseworthy and incur blame if unworthy, for it is an equal error and mistake to blame the praisable and to praise the blamable. (2) It is the duty of one and the same man both to speak the needful rightly and to refute <the unrightfully spoken. Thus it is right to refute>⁴ those who rebuke Helen, a woman about whom the testimony of inspired poets has become univocal and unanimous as had the ill omen of her name, which has become a reminder of misfortunes. For my part, by introducing some reasoning into my speech, I wish to free the accused of blame and, having reproved her detractors as prevaricators and proved the truth, to free her from their ignorance.

(3) Now it is not unclear, not even to a few, that in nature and in blood the woman who is the subject of this speech is preeminent

⁴ Accepting Dick's "sense" as given in the *apparatus criticus*.

among preeminent men and women. For it is clear that her mother was Leda, and her father was in fact a god, Zeus, but allegedly a mortal, Tyndareus, of whom the former was shown to be her father because he was and the latter was disproved because he was said to be, and the one was the most powerful of men and the other the lord of all.

(4) Born from such stock, she had godlike beauty, which taking and not mistaking, she kept. In many did she work much desire for her love, and her one body was the cause of bringing together many bodies of men thinking great thoughts for great goals, of whom some had greatness of wealth, some the glory of ancient nobility, some the vigor of personal agility, some command of acquired knowledge. And all came because of a passion which loved to conquer and a love of honor which was unconquered. (5) Who it was and why and how he sailed away, taking Helen as his love, I shall not say. To tell the knowing what they know shows it is right but brings no delight. Having now gone beyond the time once set for my speech, I shall go on to the beginning of my future speech, and I shall set forth the causes through which it was likely that Helen's voyage to Troy should take place.

(6) For either by will of Fate and decision of the gods and vote of Necessity did she do what she did, or by force reduced or by words seduced <or by love possessed>. Now if through the first, it is right for the responsible one to be held responsible; for god's predestination cannot be hindered by human premeditation. For it is the nature of things, not for the strong to be hindered by the weak, but for the weaker to be ruled and drawn by the stronger, and for the stronger to lead and the weaker to follow. God is a stronger force than man in might and in wit and in other ways. If then one must place blame on Fate and on a god, one must free Helen from disgrace.

(7) But if she was raped by violence and illegally assaulted and unjustly insulted, it is clear that the rapist, as the insulter, did the wronging, and the raped, as the insulted, did the suffering. It is right then for the barbarian who undertook a barbaric undertaking in word and law and deed to meet with blame in word, exclusion in law, and punishment in deed. And surely it is proper for a woman raped and

robbed of her country and deprived of her friends to be pined rather than pilloried. He did the dread deeds; she suffered them. It is just therefore to pity her but to hate him.

(8) But if it was speech which persuaded her and deceived her heart, not even to this is it difficult to make an answer and to banish blame as follows. Speech is a powerful lord, which by means of the finest and most invisible body effects the divinest works: it can stop fear and banish grief and create joy and nurture pity. I shall show how this is the case, since (9) it is necessary to offer proof to the opinion of my hearers: I both deem and define all poetry as speech with meter. Fearful shuddering and tearful pity and grievous longing come upon its hearers, and at the actions and physical sufferings of others in good fortunes and in evil fortunes, through the agency of words, the soul is wont to experience a suffering of its own. But come, I shall turn from one argument to another. (10) Sacred incantations sung with words are bearers of pleasure and banishers of pain, for, mingling with opinion in the soul, the power of the incantation is wont to beguile it and persuade it and alter it by witchcraft. There have been discovered two arts of witchcraft and magic: one consists of errors of soul and the other of deceptions of opinion. (11) All who have and do persuade people of things do so by molding a false argument. For if all men on all subjects had <both> memory of things past and <awareness> of things present and foreknowledge of the future, speech would not be similarly similar, since as things are now it is not easy for them to recall the past nor to consider the present nor to predict the future. So that on most subjects most men take opinion as counselor to their soul, but since opinion is slippery and insecure it casts those employing it into slippery and insecure successes. (12) What cause then prevents the conclusion that Helen similarly, against her will, might have come under the influence of speech, just as if ravished by the force of the mighty? For it was possible to see how the force of persuasion prevails; persuasion has the form of necessity, but it does not have the same power.⁵ For speech constrained the soul, persuading

⁵ Accepting Diels's "sense" as given in the *apparatus criticus*.

it which it persuaded, both to believe the things said and to approve the things done. The persuader, like a constrainer, does the wrong and the persuaded, like the constrained, in speech is wrongly charged. (13) To understand that persuasion, when added to speech, is wont also to impress the soul as it wishes, one must study: first, the words of astronomers who, substituting opinion for opinion, taking away one but creating another, make what is incredible and unclear seem true to the eyes of opinion; then, second, logically necessary debates in which a single speech, written with art but not spoken with truth, bends a great crowd and persuades; <and> third, the verbal disputes of philosophers in which the swiftness of thought is also shown making the belief in an opinion subject to easy change. (14) The effect of speech upon the condition of the soul is comparable to the power of drugs over the nature of bodies. For just as different drugs dispel different secretions from the body, and some bring an end to disease and others to life, so also in the case of speeches, some distress, others delight, some cause fear, others make the hearers bold, and some drug and bewitch the soul with a kind of evil persuasion.

(15) It has been explained that if she was persuaded by speech she did not do wrong but was unfortunate. I shall discuss the fourth cause in a fourth passage. For if it was love which did all these things, there will be no difficulty in escaping the charge of the sin which is alleged to have taken place. For the things we see do not have the nature which we wish them to have, but the nature which each actually has. Through sight the soul receives an impression even in its inner features. (16) When belligerents in war buckle on their warlike accoutrements of bronze and steel, some designed for defense, others for offense, if the sight sees this, immediately it is alarmed and it alarms the soul, so that often men flee, panic-stricken, from future danger <as though it were> present. For strong as is the habit of obedience to the law, it is ejected by fear resulting from sight, which coming to a man causes him to be indifferent both to what is judged honorable because of the law and to the advantage to be derived from victory. (17) It has happened that people, after having seen frightening sights, have also lost presence of mind for the present moment;

in this way fear extinguishes and excludes thought. And many have fallen victim to useless labor and dread diseases and hardly curable madnesses. In this way the sight engraves upon the mind images of things which have been seen. And many frightening impressions linger, and what lingers is exactly analogous to <what is> spoken. (18) Moreover, whenever pictures perfectly create a single figure and form from many colors and figures, they delight the sight, while the creation of statues and the production of works of art furnish a pleasant sight to the eyes. Thus it is natural for the sight to grieve for some things and to long for others, and much love and desire for many objects and figures is engraved in many men. (19) If, therefore, the eye of Helen, pleased by the figure of Alexander, presented to her soul eager desire and contest of love, what wonder? If, <being> a god, <love has> the divine power of the gods, how could a lesser being reject and refuse it? But if it is a disease of human origin and a fault of the soul, it should not be blamed as a sin, but regarded as an affliction. For she came, as she did come, caught in the net of Fate, not by the plans of the mind, and by the constraints of love, not by the devices of art.

(20) How then can one regard blame of Helen as just, since she is utterly acquitted of all charge, whether she did what she did through falling in love or persuaded by speech or ravished by force or constrained by divine constraint?

(21) I have by means of speech removed disgrace from a woman; I have observed the procedure which I set up at the beginning of the speech; I have tried to end the injustice of blame and the ignorance of opinion; I wished to write a speech which would be a praise of Helen and a diversion to myself. //

A DEFENSE ON BEHALF OF PALAMEDES
BY THE SAME AUTHOR

11a. (1) Prosecution and defense are not a means of judging about death; for Nature, with a vote which is clear, casts a vote of death against every mortal on the day on which he is born. The danger

relates to dishonor and honor, whether I must die justly or whether I must die roughly with the greatest reproaches and most shameful accusation. (2) There are the two alternatives; you have the second within your power, I the first; justice is up to me, roughness is up to you. You will easily be able to kill me if you wish, for you have power over these matters, over which as it happens I have no power. (3) If then the accuser, Odysseus, made his accusation through good will toward Greece, either clearly knowing that I was betraying Greece to the barbarians or imagining somehow that this was the case, he would be best of men. For this would of course⁸ be true of one who saves his homeland, his parents, and all Greece, and in addition punishes a wrongdoer. But if he has put together this allegation out of envy or conspiracy or knavery, just as in the former case he would be the finest of men, so in this he would be the worst of men. (4) Where shall I start to speak about these matters? What shall I say first? To what part of the defense shall I turn my attention? For an unsupported allegation creates evident perplexity, and because of the perplexity it follows that I am at a loss in my speech, unless I discover something out of the truth itself and out of the present necessity, having met with teachers more dangerous than inventive. (5) Now I clearly know that my accuser accuses me without <knowing> the matter clearly; for I know in my heart clearly that I have done no such thing; and I do not know how anyone could know what did not happen. But in case he made the accusation thinking it to be so, I shall show you in two ways that he is not speaking the truth. For I could not if I wished, nor would I if I could, put my hand to such works as these.

(6) I come first to this argument, that I lack the capability of performing the action charged. There must have been some first beginning to the treason, and the beginning would have been speech, for before any future deeds it is necessary first for there to be discussions. But how could there be discussions unless there had been some meeting? And how could there have been a meeting unless the opponent

⁸ Without the emendation of Stephanus-Blass, the meaning would be "of course not."

Here he has called "self-begotten" the creative mind. The sequel has to do with the universe, including even the oppositions of light and darkness.

20. [EURIPIDES fr. 595 Nauck] PLUTARCH *On Friendships* 7 P. 96C Some, though they derived no benefits from friends whose fortunes were good, join them in ruin when they meet mischance. And especially philosophers and men of taste suffer thus, as Theseus along with Pirithus, when the latter was punished and tied up:

[Theseus] has been yoked [to Pirithus] in shackles of awe not forged by any smith.

21. [EURIPIDES fr. 598 Nauck] STROBAEUS II 8, 4 In Euripides' *Pirithus*:

Not with unpracticed mind did the first speaker make his contribution, he who originated the statement that chance becomes ally to men of understanding.

22. [EURIPIDES fr. 597 Nauck] STROBAEUS III 37, 15 In the *Pirithus*:

An honest manner is more steadfast than a law. No orator could ever distort the one; but, stirring the other up and down with speeches, he frequently does dishonor.

23. [EURIPIDES fr. 596 Nauck] STROBAEUS IV 53, 23 In Euripides' *Pirithus*:

Is it not true that it is better not to live than to live ill?

24. From the *Pirithus*, according to Welcker, come the following fragments of Euripides, fr. inc. 865D:

Fame points out the good man even in the far corners of the earth.

and 936,

No, but while I was still living Hades received me.

and, according to Willamowitz, fr. 964 also.⁸ Cf. PHOTIUS *Lexicon* p. 91, 18 Reitzenstein: "Motherless (*amētoros*)": Euripides:

O Aphidus, scion of motherless Earth!

SISYPHUS (SATYR-PLAY)

25. [EURIPIDES (I P. 770 Nauck)] SEXTUS *Against the Schoolmasters* IX 54 And Critias, one of those who held tyrannical power at Athens, appears to come from the rank[s] of the atheists, since he says that ancient lawgivers fabricated the deity as an overseer of men's successes and failures in the interest of no man's secretly injuring his neighbor, guarding against retribution on the part of the gods. So goes the statement in his writings: "There was . . . race." AETIUS I 7, 2 (D 298) And Euripides, the tragic poet, out of fear of the [Council of the] Areopagus, was unwilling to lay the truth bare, yet gave indications in the following manner. For he introduced Sisyphus as the champion of this opinion and shared in advocacy. "There was a time," he says, "when . . . subservient" [lines 1-2]. Then he avers that lawlessness was undone through the introduction of laws. For since law could restrain the obvious among injustices, whereas many men acted unjustly in secret, at that point some sage established that it was necessary to obscure the truth with false discourse and persuade mankind "that there is . . . with life, who hears and sees these things and is extremely thoughtful" [lines 17-18]. AETIUS I 6, 7 (D 294) Whence also Euripides says "and the starry brightness of heaven, wise . . . Time" [lines 33-34].

There was a time when the life of men was uncivilized and bestial and subservient to brute force, a time when neither was there any prize for the good nor for the wicked did any chastisement arise. It seems to me that men next set up laws as chastisers, that Justice might become tyrant (equally of all) and might have Arrogance as a slave. Should anyone commit an error, he was penalized. Next, since laws hindered them from committing obvious

⁸ The fragment is cited in connection with Anaxagoras, DK 59 A 33.

crimes by force, yet they acted secretly; it seems to me that at this point some clever and wise man (for the first time) invented fear (of the gods) for mortals, that the wicked might experience fear, even if they act or say or think (something) in secret. As a consequence he introduced the divine: "There is a deity flourishing with indestructible life. Through mind it hears, sees, is extremely thoughtful, and attends to these things, bearing divine nature [in itself]. It will hear all that is said among mortals and will be able to see all that is done. If in silence you plan some evil, this will not escape the notice of the gods. For thought is in it (to too great a degree)."³⁴ Making these statements, he introduced the most pleasant of doctrines and with false discourse obscured the truth. He claimed that the god inhabited a place where, merely by mentioning it, he could have frightened men extremely.³⁵ He recognized that from this source there were fears for mortals and benefits for their wretched way of life, coming from heavenly revolution, where he saw that there existed lightning flashes and frightful thunderclaps and the star-spangled frame of heaven, the lovely embroidery of Time, wise craftsman. From here the bright mass of the star proceeds and damp storm moves out toward earth. With such fears did he encircle men, through whom he settled the deity well via discourse and in a suitable location; and through laws he quelled lawlessness.

And, going a bit further, the poet adds:

And I think that it was in this way that someone first persuaded mortals to think that there existed a race of deities.

FROM UNDETERMINED DRAMAS

26. STROBAEUS I 8, 11:

After the shadow time grows old very quickly.

27. ——— III 14, 2 Of Critias:⁹

[One must be able to oppose even friends.] Whoever in dealing with friends does everything in order to gain favor causes immediate pleasure to turn into enmity for a later time.

⁹ Cf. B 13a above.

28. ——— III 23, 1 Of Critias:

But it is frightening when someone who lacks understanding believes that he understands.

29. ——— IV 33, 10 Of Critias:

Is it better to have wealthy gaucherie as an inmate in the home rather than wise poverty?

PROSE FRAGMENTS

<COMMONWEALTH OF THE ATHENIANS>

30. Possibly B 53-73 belong here.

COMMONWEALTH OF THE THESSALIANS

31. ATHENAEUS XIV 662F "It is admitted that the Thessalians have become the most extravagant of the Greeks, so far as dress and mode of life are concerned. This turned out to be the reason for their bringing in the Persians against Greece, for the latter envied them their extravagance and luxury." Critias makes observations concerning the Thessalians' extravagance in his *Commonwealth of the Thessalians*.

COMMONWEALTH OF THE LACEDAEMONIANS

32. CLEMENT *Miscellanies* VI 9 [II 428, 12 Stählin] Aware that Euripides wrote, "Offspring are superior if from a mother and father who labor to provide an austere mode of life" [fr. 525, 4-5] Critias writes: "I start, you see, from a man's hour of birth. How might he become physically supreme and strongest? [He could.] if his sire would exercise and eat manfully and harden himself physically and if the mother of the child-to-be would grow physically strong and exercise."

of Prodicus; there is disagreement about how seriously to take this claim). Surviving fragments indicate that Prodicus was interested in rhetoric and logic, ethics and virtue, and the origins of religion: he was said to have denied the reality of the gods.

16. There is a reference to the paradoxical view of Prodicus that contradiction is impossible. What does this mean? It goes against everyone's judgment and opinion. For in both practical and intellectual matters we are constantly conversing with people who contradict us. He says dogmatically that contradiction is impossible, because if two people contradict one another they are both speaking, but they cannot both be speaking with reference to the same fact. He says that only the one who speaks the truth is reporting the fact as it is, while the person who contradicts him does not state the fact.

(Didymus the Blind, *Commentary on Ecclesiastes*; not in DK)

17. (84B5) The ancients believed that the sun and moon, rivers and springs, and in general everything that benefits our life were gods because of the benefit deriving from them.

(Sextus Empiricus, *Against the Mathematicians* 9.18)

18. He says that the gods worshipped by men neither exist nor have knowledge, but that the ancients exalted crops and everything else that is useful for life.

(PHerc. 1428 col. 19.12–19; not in DK)

14.4. Hippias

Hippias was born in Elis, near Olympia in the Peloponnese; his birth date is unknown, but he was still living in the year of Socrates' death. He was another wealthy and successful Sophist. Plato makes fun of him as a polymath who can even make his own shoes, and presents him as rather dim-witted, but this is clearly a caricature. Hippias taught rhetoric, including mnemonics, and was interested in mathematics and geometry, where he made an important discovery, as well as in the arts. He was famous both for his rhetorical displays, many given at Olympia during the games, and for his "improvisational sophistry"—making speeches on any subject proposed

by a member of his audience. He was also an early historian, compiling a list of Olympic victors, and most significantly, he collected texts of poets and philosophers, thus beginning the tradition of the history of philosophy.

19. (86B6) Some of these things may have been said by Orpheus, some by Musaeus—in short, in different places by different authors—some by Hesiod, Homer, or other poets, and some in prose works by Greeks or foreigners. From all of them I [Hippias] have collected the most important ones that are related, and I will compose out of them this original and multiform account.

(Clement of Alexandria, *Miscellanies* 6.2.15)

20. How can anyone suppose that laws are a serious matter or believe in them, since it often happens that the very people who make them repeal them and substitute and pass others in their place?³

(Xenophon, *Memorabilia* 4.4.14; not in DK)

14.5. Antiphon

The Sophist we know as Antiphon is probably Antiphon of Rhamnous. He was thus a native of Attica and a citizen of Athens and so was eligible to hold political office in Athens. Born around 480 BCE, he had wide philosophical and scientific interests, but it is for his views on justice that he is best known. Here he considers the relation between nature (phusis) and law or customs (nomos, pl. nomoi).

21. (87A44a) (1) Justice is a matter of not transgressing what the *nomoi* prescribe in whatever city one is a citizen. A person would make most advantage of justice for himself if he treated the *nomoi* as important in the presence of witnesses and treated the decrees of *phusis* as important when alone and with no witnesses present. For the decrees of *nomoi* are extra additions, those of *phusis* are necessary; those of the *nomoi* are the products of agreement, not of

3. Translator's note: This passage occurs in conversation with Socrates in a work by Xenophon. How closely it reflects the actual views of Hippias is impossible to say.

natural growth, whereas those of *phusis* are the products of natural growth, not of agreement. (2) If those who made the agreement do not notice a person transgressing the prescriptions of *nomoi*, he is free from both disgrace and penalty, but not so if they do notice him. But if, contrary to possibility, anyone violates any of the things that are innate by *phusis*, the harm is no less if no one notices and no greater if all observe. For he does not suffer harm as a result of opinion but as a result of truth. . . .

This is the entire purpose of considering these matters—that most of the things that are just according to *nomos* are established in a way that is hostile to *phusis*. For *nomoi* have been established for the eyes as to what they must (3) see and what they must not, and for the ears as to what they must hear and what they must not, and for the tongue as to what it must say and what it must not, and for the hands as to what they must do and what they must not, and for the feet as to where they must go and where they must not, and for the mind as to what it must desire and what it must not. Now the things from which the *nomoi* deter humans are no more in accord with or suited to *phusis* than the things that they promote.

Living and dying are matters of *phusis*, and living results for them from what is advantageous, dying from what is not advantageous. (4) But the advantages that are established by the *nomoi* are bonds on *phusis*, and those established by *phusis* are free.

And so things that cause pain, at least when thought of correctly, do not help *phusis* more than things that give pleasure. Therefore it will not be painful things that are advantageous rather than pleasant things. For things that are truly advantageous must not cause harm but benefit. Now the things that are advantageous by *phusis* are among these. . . .

<But according to *nomos*, those are correct> who defend themselves after suffering (5) and are not first to do wrong, and those who do good to parents who are bad to them, and who permit others to accuse them on oath but do not themselves accuse on oath. You will find many of these cases hostile to *phusis*. They permit people to suffer more pain when less is possible and to have less pleasure when more is possible and to receive injury when it is not necessary.

Now if some assistance came from the *nomoi* for those who submitted to these conditions and some damage to those who

do not submit but resist, (6) obedience to the *nomoi* would not be unhelpful. But as things are, it is obvious that the justice that stems from *nomos* is insufficient to aid those who submit. In the first place, it permits the one who suffers to suffer and the wrongdoer to do wrong, and it was not at the time of the wrongdoer able to prevent either the sufferer from suffering or the wrongdoer from doing wrong. And when the case is brought to trial for punishment, there is no special advantage for the one who has suffered over the wrongdoer. For he must persuade the jury that he suffered and that he is able to exact the penalty. And it is open to the wrongdoer to deny it. . . . (7) However convincing the accusation is on behalf of the accuser, the defense can be just as convincing. For victory comes through speech.⁴
(Oxyrhynchus Papyrus XI no. 1364, col. 1, line 6 to col. 7, line 15)

As the passage from Antiphon shows, the question of whether law and morality are grounded in nature or convention was a major subject of debate. Here are two texts that explore that question, the first from Critias, an aristocratic Athenian (related to Plato) and an associate of Socrates, who became one of the Thirty Tyrants after the defeat of Athens by Sparta in 404 BCE. Critias defends nomos as the source of civilization. Finally, there is a late (for the Presocratic period) anonymous text called the Anonymus Iamblichii (usually dated to about 400), which argues that nomos is grounded in phusis.

22. (88B25 lines 1–8) *Critias on nomos*

There was a time when human life was without order, on the level of beasts, and subject to force; when there was no reward for the good or punishment for the bad.

And then, I think, humans established *nomoi* as punishers, so that justice would be the mighty ruler of all equally and would have violence (*nubris*) as its slave, and anyone who did wrong would be punished.

(Sextus Empiricus, *Against the Mathematicians* 9.54)

4. Translator's note: The last part of the text is uncertain.