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NOMOS AND *PHUSIS* IN DEMOCRITUS AND PLATO

By C. C. W. Taylor

I. Introduction

In the fifth and fourth centuries B.C., one of the questions central to Greek thought was that of the relation between how things are in reality, independent of human thought, and how they are represented by human thoughts and practices. That is the most general characterization of a contrast which took different forms in different areas of thought.[1] One of the most fundamental applications of the contrast was the question of whether our ordinary beliefs represent things as they really are. Thus, the fifth-century philosopher-poet Empedocles says (DK31B9) that when we describe a plant or animal as being generated or as perishing, what is really happening is not that anything is actually coming to be or ceasing to be, but simply that portions of the eternal changeless elements, earth, air, fire, and water, are being mixed together and then separated again; he comments: "they [i.e., people in general] do not call it what they ought, but I too comply with their usage." "Usage" renders *nomos,* from the verb *nomizein,* to have a usage or custom. *Nomos* is *ho nomizetai,* what is customary or enshrined in usage. The term is standardly contrasted with *phusis,* literally "nature," which in this general contrast is simply the abstract noun for how things are independent of human thought or belief. A related sense of *nomos* is "norm," or more specifically "law," derived from the basic sense via the normativity of custom and usage. In that sense of *nomos,* the question of the relation of *nomos* to *phusis* is a question of the status of moral and other norms (including legal norms). Are they in some sense part of or grounded in the real nature of things, or are they mere products of human customs, conventions, or beliefs? In this essay, I shall explore the treatment of some of these issues by Democritus and by Plato in the *Protagoras*, the *Gorgias,* and the *Republic.* I shall argue that while in his physical theory Democritus draws a sharp contrast between the real nature of things and how they are represented by human conventions, in his political and ethical theory he maintains that moral con-

[1] On the *nomos-phusis* contrast in general, see Felix Heinimann, *Nomos und Physis: Herkunft und Bedeutung einer Antithese im Griechischen Denken des 5. Jahrhunderts (Schweizerische Beiträge zur Altertumswissenschaft 1)* (Basel: Verlag Friedrich Reinhardt, 1945; reprinted 1965); W. K. C. Guthrie, *A History of Greek Philosophy,* vol. 3 (Cambridge: Cambridge University Press, 1956), chap. 4; and Richard D. McKirahan, Jr., *Philosophy Before Socrates: An Introduction with Texts and Commentary* (Indianapolis, IN, and Cambridge: Hackett Publishing Company, 1994), chap. 19.

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ventions are grounded in the reality of human nature. Plato builds on that insight in the account of the nature of morality which he puts into the mouth of the sophist Protagoras in the dialogue of that name. That account provides material for a defense of morality against the attacks by Callicles in the *Gorgias* and Thrasymachus and Glaucon in the *Republic*, all of whom rely on the *nomos-phusis* contrast to devalue morality.

II. Democritus

Perhaps the most familiar of the surviving fragments of Democritus is DK68B9, TD16:[2]

> By convention sweet and by convention bitter, by convention hot, by convention cold, by convention color; but in reality atoms and void.

In contrast to atoms and the void, which exist in reality, independently of how things appear to human beings or how they are believed to be, sensible qualities such as colors and tastes exist only *nomô(i)*;[3] that is, their existence is in some way relative to the way they appear, or to conventional ways of characterizing those appearances.

While the basic sense of *nomos* is "usage" or "custom" (see above), the related sense of the verb as "hold or believe to be . . ." points toward a secondary understanding of *ho nomizetai* as "what is believed."[4] Hence, the point of Democritus's contrast may be either that, whereas atoms and void exist in reality, sensible qualities in some sense exist by custom or convention, or that atoms and void really exist, whereas sensible qualities are (merely) believed to exist (but in fact do not). Sextus Empiricus[5] (*M.*vii.135; DK68B9, T179a) explicitly interprets Democritus in the latter way: "In some places Democritus does away with the sensory appearances, and says that none of them appear in reality (*kat' alêtheian*) but only in opinion (*kata doxan*). . . . For he says, 'By convention sweet . . . in reality atoms and void.' That is to say, the sensible qualities are conventionally considered and thought to exist, but in reality they do not exist, but only atoms and the void." Galen,[6] however, interprets the contrast as that between atoms and void, which exist "according to the nature of

[2] Fragments and testimonia of Democritus are enumerated according to the systems employed in DK and in C. C. W. Taylor, *The Atomists: Leucippus and Democritus: Fragments, A Text and Translation with a Commentary* (Toronto, Buffalo, London: Toronto University Press, 1999). The latter will be abbreviated in the text as T, and each passage cited will be given its enumeration in both volumes, e.g., "DK68B9, TD16."

[3] The term *nomô(i)* renders νόμῳ, the dative singular of νόμος, meaning "by convention." The character (*i*) represents the Greek iota subscript.

[4] See Liddell and Scott, *Greek-English Lexicon,* rev. ed. (Oxford: Clarendon Press, 1940), νομίζειν and νόμος.

[5] Skeptical philosopher, second century A.D.

[6] Medical writer and philosopher, second century A.D.

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things" and sensible qualities, which "come into being relative to our perception of them, from the combination of atoms" (*On the Elements according to Hippocrates* 1.2; DK68A49, T179d). Galen says that *nomô(i)* means "relative to us" (*pros hêmas*), in contrast with *eteê(i),* a term of Democritus's own coining, which amounts to "in the nature of things" (*kat' autôn tôn pragmatôn tên phusin*). On this interpretation, Democritus is distinguishing, not what really exists from what we falsely believe to exist, but what exists independently of us from what is dependent on our modes of observation. (Galen is, then, an objective relativist, who holds, contrary to Sextus's view that it is false to call an apple red, that the apple really is red, only not intrinsically, but in relation to perceivers.) Given that interpretation, the question arises why Democritus should have used the word *nomô(i)* to express the idea "relative to us as perceivers." A possible explanation is that he may have been relying (a) on an established contrast between the way things are in reality and the way we describe them via linguistic conventions, and (b) on the belief that our linguistic conventions of description are shaped by our sensory experience. Evidence for (a) is provided by the fragment of Empedocles cited earlier: (b) amounts to the belief that we describe things as being such and such ultimately because they seem to us to be such and such—for example, that we call grass green because it looks green.

Democritus may then be taken (following Sextus) as maintaining that things are not in fact flavored or colored, but are merely (falsely) called so (because that is how they seem to be), or (following Galen) as maintaining that things are flavored, colored, etc., not intrinsically, but insofar as that is how they seem to us and, consequently, how we (conventionally) describe them. It may be that Democritus did not in fact distinguish these two theses, which are not in any case sharply distinguished from one another, since it is frequently disputed how far something's being generally regarded as F, or called F, is constitutive of its actually being F.

Democritus (like Empedocles) thus makes explicit use of the contrast between reality and convention (or belief) in the context of physical theory, not in a moral or political context. The contrast had already been drawn in the latter area by Archelaus, reportedly a teacher of Socrates and hence probably a generation older than Democritus. Archelaus is reported by Diogenes Laertius[7] (*Vitae Philosophorum* ii.16; DK60A1) as saying that the just and the shameful are so (or "exist") not by nature but by convention: *to dikaion einai kai to aischron ou phusei, alla nomô(i).* In its moral application, the contrast clearly allows for the same ambiguity as we have identified above in the physical sphere. On the one hand, we have the thesis that, though we believe some things to be just and some shameful, nothing is in fact just or shameful. Hence, all our moral beliefs are false;

[7] Biographer, probably third century A.D.

this amounts to what is called an "error theory" of moral belief.[8] On the other hand, we have the thesis that things are just, or shameful, not intrinsically, but insofar as there is an established usage of regarding them as such. These different versions open the way for more or less radical criticisms of morality. At one extreme, if all moral beliefs are false, morality would appear to have the status of a discredited theory, such as witchcraft or astrology, and a defender of morality would have the difficult task of showing why it is better to hang on to a set of false beliefs than to abandon them, and to accommodate to a better theory the phenomena that those beliefs attempted to describe.[9] Somewhat less radically, the theory that moral characterizations are relative to our social practices seems to shift the criticism and defense of morality to the level of those practices themselves. To the extent that those practices are arbitrary, grounded in nothing more than local usage or ancestral tradition (or even the product of conscious fraud perpetrated by interested parties), the moral judgments that express them are arbitrary too; but to the extent that those practices can be seen as well-founded (e.g., as meeting fundamental human needs, or interests that are constant across a wide range of different cultures), the moral judgments in which they issue can be defended as themselves well-founded. It is familiar enough that these issues were discussed in a wide range of writings of the fifth and fourth centuries B.C.;[10] in what follows, I shall deal with some traces of these discussions in Democritus and Plato.

In the ethical and social context, *nomos* in the sense of "usage" or "convention" was not sharply distinguished from *nomos* understood as "law," since (on the one hand) established or customary views on what

[8] The term "error theory" was introduced by J. L. Mackie, *Ethics: Inventing Right and Wrong* (Oxford: Oxford University Press, 1977). See Simon Blackburn, *The Oxford Dictionary of Philosophy* (Oxford and New York: Oxford University Press, 1996), 125:

> *error theory* . . . a theory according to which everyday thought in some area is sufficiently infected by mistaken philosophical views to be widely in error. . . . The principal problem confronting an error theory is to say how our thinking ought to be remedied to free us of the error. One suggestion is wholesale eliminativism, counselling us to abandon the area entirely; other less radical moves would counsel various cleaning-up operations.

[9] To say that this task is difficult is not to say that it is impossible. In various areas of philosophy, such as philosophy of science and philosophy of mathematics, varieties of fictionalism seek to show that while certain theoretical statements are literally false, they are justified in view of their utility in making sense of the relevant phenomena. For a survey of different applications of this strategy, see M. E. Kalderon, ed., *Fictionalism in Metaphysics* (Oxford: Clarendon Press, 2005); and for its application to moral statements, see M. E. Kalderon, *Moral Fictionalism* (Oxford: Clarendon Press, 2005). Applied to moral statements, the basic idea is that fictionalism achieves the theoretical advantages of noncognitivism without the implausibility of a nonrepresentational semantics. A moral statement such as "Infanticide is wrong" expresses a moral proposition, but someone who makes that statement sincerely does not express belief in that proposition (any more than someone who asserts "Sherlock Holmes lived at 221B Baker Street" expresses the belief that Sherlock Holmes lived at 221B Baker Street) but some other attitude, such as disapproval of infanticide.

[10] See note 1.

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kinds of conduct were admirable, permissible, or disgraceful had normative force and (on the other hand) law, narrowly understood as the content of individual or collective legislation, was typically seen as encapsulating the moral traditions of the community. In the ethical fragments of Democritus, the term *nomos* is best understood as applying to both normative convention and positive law, though individual uses may indicate that one or other application is primary in the particular case. Thus, DK68B259, TD123 includes the provision:

> According to the ancestral *nomoi* one may kill an enemy in every form of community, provided that *nomos* does not prohibit it.

The fragment then continues by listing three specific forms of prohibition (viz. the religious enactments of each state, treaties, and oaths). Here we have, in the first place, ancestral *nomoi* (plural) common to all kinds of community, licensing the killing of enemies in all communities whatever their particular legal system; consequently, these *nomoi* may or may not be enshrined in explicit legal enactments, depending on the situation in any particular community. This universal norm is then limited in the case of each community by formal legal provisions (*nomos*, singular)[11] specific to that community, of which three kinds are listed. Thus, in a single sentence, the term *nomos* is applied both to traditional, customary law and to specific enactments of various kinds, the only difference being that in the former application the term is plural and in the latter singular. The precise significance of that difference is unclear; the point may be to emphasize that what limits the application of the ancestral *nomoi* is not further *nomoi* of the same kind, but a different kind of *nomos*. We should avoid concluding from this single fragment that, in general, Democritus uses the singular *nomos* to refer to positive law specifically; in other fragments (see below), the wider application is at least as appropriate.

Two other fragments that explicitly mention institutional *nomos* and *nomoi* (DK68B245, TD109; and DK68B248, TD112) are complementary. The first runs:

> The laws would not prevent every person from living as he pleased, if one did not harm another; it is envy which prompts the beginning of civil strife.

Here *nomoi* are seen as devices to protect individuals from the aggression of others, which is prompted by envy. There would be no need for these devices if everyone was willing to allow everyone else to live as they

[11] The singular *nomos* seems here to designate formal legal provisions in the abstract. A possible alternative is that it should be understood as "unless a formal legal provision, e.g., an oath, prohibits it." I am not, however, aware of any case of an oath or a treaty being designated as *a nomos*.

wished; but in that state of nature some will have things that other people want, and the have-nots will be tempted to seize those things by force. Hence, *nomoi* must be instituted to defend the haves from the aggression of the have-nots, and to prevent, or at least limit, the civil strife which results from that aggression. In DK68B248, *nomos* occurs in the singular, but the message is essentially the same:

> It is the aim of law to benefit the life of men; and it can, provided they themselves wish to benefit from it.

The function of *nomos* is to benefit those subject to it (by protecting them from the aggression of others, as DK68B245 spells out), but this requires that everyone is willing to be benefited in that way, by accepting the restrictions imposed by the system of *nomoi.* This seems to be the point of the explanatory sentence that immediately follows: "For it displays its own goodness to those who obey." The subject of the sentence is clearly *nomos,* and, translated as above, the object phrase *tên idiên aretên* refers to the goodness of *nomos* itself; those (and only those) who obey *nomos* appreciate why *nomos* is a good thing. A possible alternative translation takes *tên idiên aretên* as "their own goodness," that is, the goodness of those who obey *nomos*; on that understanding, *nomos* shows people what being a good person is. That interpretation assumes that being a good person is broadly identical with being a person who obeys *nomos,* which in turn assumes a broad conception of *nomos* as roughly equivalent to social morality (as in Aristotle's conception of "general justice" as obedience to *nomos* in *Nicomachean Ethics* V.1). On either interpretation, a central point of the fragment is the role of *nomos* in promoting a good life for the individual. On the former interpretation, which associates the fragment closely with DK68B245, *nomos* promotes the good life instrumentally, by protecting individuals from aggression; on the latter, more ambitious interpretation, its role is rather constitutive, in that the good life itself consists in acceptance of *nomos.*

These two fragments should be read in association with a third, DK68B252, TD116; the three passages occur close together in Stobaeus's[12] collection, suggesting a similar collocation in the original collection of Democritus's maxims which is their presumed source.[13] The third fragment runs:

> One should attach the greatest importance of all to the city's being well run, and not indulge in inappropriate rivalry or increase one's own power to the detriment of the community. For the city's being well run is the greatest good; everything is contained in that, if that

[12] Compiler of an anthology of literary and philosophical excerpts, fifth century A.D.

[13] For information on the sources of the ethical fragments of Democritus, see Taylor, *The Atomists,* 222–27.

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> is preserved everything is preserved, if that is destroyed everything is destroyed.

Though the word *nomos* (singular or plural) does not occur in this maxim, it clearly sums up the doctrine of the two passages just considered; a stable community (which is achieved by subordination to the rule of *nomos*) is essential for the well-being of the individual members of the community. Hence, in forgoing the fulfillment of individual ambition for the good of the community, individuals are, in fact, not sacrificing but promoting their greater individual good.

In these passages there is no mention of nature or reality, and hence no hint of the contrast between reality and *nomos* with which we began this discussion. It would, however, be quite mistaken to assume that the treatment of *nomos* in Democritus's ethics is unconnected with the *nomos-phusis* contrast in its application to ethics. As I pointed out above, one aspect of that contrast is a challenge to the defender of morality to show that moral conventions are well-grounded. Perhaps the most persuasive version of that defense consists in showing that those conventions themselves arise via a natural process of development in response to human needs. Humans, as beings of limited powers competing for limited resources in a hostile environment, need the protection of communities if they are to survive and flourish, and the existence of communities requires the acceptance of conventions limiting the pursuit of individual interests and regulating the various kinds of interaction that constitute communal life. The most detailed expositions of that defense are found in Protagoras's myth of the origin of society in Plato's *Protagoras* (322a–323a; see below) and in the so-called "Anonymous Iamblichi," portions of a work of the late fifth or early fourth century B.C. preserved by the neo-Platonist philosopher Iamblichus (third–fourth century A.D.),[14] but its essentials are present (in comparatively inexplicit form) in Democritus. He was apparently the first thinker to maintain that humans have a natural good or goal, which he called "cheerfulness" or "well-being"; this he identified with the untroubled enjoyment of life, to be achieved by moderation, including moderation in the pursuit of pleasures, and by conformity to conventional morality.[15] If nature prompts us to seek an untroubled and

[14] For the text, see DK89; and for discussion, see Guthrie, *A History of Greek Philosophy,* vol. 3, 71–74 and 314–15; and Hellmut Flashar, ed., *Die Philosophie der Antike* 2/1, *Sophistik, Sokrates, Sokratik, Mathematik, Medizin* (Basel: Schwabe and Co. AG Verlag, 1998), 101–4.

[15] A key text is Stobaeus II.7.3i (DK68A167, T189), quoting from a summary history of ethics by Arius Didymus (first century B.C.):

> Democritus and Plato both place blessedness in the soul. The former writes as follows: "Blessedness and wretchedness belong to the soul" (DK68B170, TD24); "Blessedness does not reside in herds or in gold; the soul is the dwelling-place of the guardian spirit" (DK68B171, TD25). And he calls blessedness cheerfulness and well-being and harmony, as well as proportion and freedom from trouble, and says that it arises from the distinction of pleasures, and this is the finest and most beneficial thing for people.

For details, see Taylor, *The Atomists,* 227–30.

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enjoyable life, and the best way to achieve that is by moderation and adherence to the established norms of morality (thereby avoiding hostility from others and the pangs of a guilty conscience),[16] then so far from there being a radical antithesis between nature and convention, the two point in the same direction.[17] *Nomoi* are, in fact, developed by a process of natural necessity, the necessity for human beings to develop cooperative strategies enabling them to achieve their natural goals despite their natural limitations.

We thus have the apparently paradoxical situation that Democritus asserts the radical opposition of *nomos* and reality in the context of his physical theory, while a central thesis of his ethics is the continuity between *nomos* and nature. In fact, the appearance of paradox disappears when we observe that the opposition of *nomos* and reality is internal to the atomic theory specifically, whereas the ethical debate concerning the relation of *nomos* to nature hinges on a concept of nature that is not tied to any specific physical theory, though it can be accommodated as well by atomism as by competing theories. It is significant that in the physical opposition the term contrasted to *nomos* is not *phusis* but *eteê*, a noun coined by Democritus (according to Galen; see above) from the adjective *eteos*, meaning "true" or "real." I suggest that Democritus coins a new term for "truth" or "reality" to indicate that the truth about things, or (equivalently) the way things really are, is precisely specified by his own theory, as opposed to others. There is, then, a radical opposition between the real nature of things as described by that theory and the common-sense picture of the world given by perception and expressed by our ordinary ways of speaking. However, in the ethical debate on the relation between *nomos* and *phusis*, conventions, including social and moral norms and the laws that typically express them, are contrasted, not with the "deep structure" of things as revealed by any particular physical theory, but with a nonspecific concept of nature as "how things really are," of which a salient aspect is "how things are in the natural world," that is, the world in which things, including humans and nonhuman animals, behave when untrammeled by conventional restrictions. Thus, when Callicles urges in Plato's *Gorgias* (483c–d) that "nature itself shows that it is just for the superior to have more than the inferior and the more capable than the less capable," he cites instances of human aggression, together with the behavior of "the other animals."

Democritus's own use of the term *phusis* fits that conception. The statement "Rule belongs by nature to the superior" (DK68B267, TD131) can

[16] On conscience, see DK68B174, TD39; and DK68B215, TD79. On shame, see DK68B244, TD108; and DK68B264, TD128.

[17] There is no conflict between this thesis and the assertion in DK68B181, TD46 that it is better to be persuaded not to do wrong than to be restrained by "law and necessity." The contrast there is not between nature and convention but between rational persuasion and coercion. See Taylor, *The Atomists*, 230.

Nomos and *nomoi* designating legal enactments occur also in DK68B191, TD55 (*nomoi*) and DK68B262, TD126 (*nomos*). On DK68B264, TD128, see p. 18 below.

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indeed be read as summarizing Callicles' position, though without its radical overtones. Several fragments deal with the theme of "nature versus nurture." DK68B242, TD106 presents the simple antithesis "More people become good by practice than by nature." But DK68B33, TD28 takes a subtler view, assimilating the role of teaching to that of nature in human development, and thereby, in effect, expressing the idea of teaching as "second nature":

> Nature and teaching are similar. For teaching reshapes the man, and in reshaping makes his nature.

Teaching is seen, in conformity with atomic theory, as a physical process of rearrangement of the atoms composing the (physical) soul,[18] and the effect of that process is to produce the socially active individual. DK68B183, TD48, which states that one's degree of good sense is determined not by one's age but by the interaction of one's nature and upbringing, confirms that message. DK68B176, TD41 contrasts the reliability of nature thus conceived (i.e., nature properly shaped by upbringing) with the unreliability of fortune:

> Fortune gives great gifts, but is undependable, while nature is self-sufficient; so its dependable inferiority exceeds the greater advantage which one hopes for.

That is, it is more prudent to ensure a modest degree of success by means of one's properly developed capacities than to hope for great but unpredictable strokes of fortune. Given this conception of nature, man is indeed part of the natural world, but there is no deep antithesis between our natural capacities and the practices and conventions which, in developing those capacities, shape us as moral and social beings, and thereby "make [our] nature." Rather, as shown by the fragments dealing with *nomoi* (discussed above), those practices and conventions are themselves natural, in that, given our natural limitations and proclivities, they are necessary for the attainment of the good toward which nature prompts us.

III. Plato

Turning now to Plato, we have already seen how characters in different dialogues represent opposed positions on the ethical application of the *nomos-phusis* contrast. On the one side, the thesis of radical opposition is

[18] This is maintained by Gregory Vlastos, "Ethics and Physics in Democritus," in Daniel W. Graham, ed., *Gregory Vlastos, Studies in Greek Philosophy, Volume 1, The Presocratics* (Princeton, NJ: Princeton University Press, 1995), 328–50, at 342. This essay was originally published in *Philosophical Review* 54 (1945): 578–92, and 55 (1946): 53–64. I retract an earlier criticism of Vlastos on this point (in Taylor, "Pleasure, Knowledge, and Sensation in Democritus," *Phronesis* 12 [1967]: 6–27, at 14–15) in Taylor, *The Atomists,* 233.

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maintained by Callicles (*Gorg.* 483–84) with a striking blend of conceptual subtlety, rhetorical brilliance, and brutal candor. In this passage, Callicles asserts that conventional morality is a contrivance invented by the weak to protect themselves against domination by the strong, whereas it is naturally right for the strong to dominate the weak. Hence, in contrast to Archelaus's simple claim that things are just and shameful only *nomô(i),* not by nature, Callicles maintains in this passage the following theses:

(i) Some things are just and some things unjust (merely) *nomô(i).*
(ii) Some things are just and some things unjust by nature.
(iii) What is just *nomô(i)* is unjust by nature and vice versa.
(iv) What is unjust *nomô(i)* is just by nature and vice versa.
(v) What is just and unjust by nature has normative priority over what is just or unjust *nomô(i).*

Callicles is not, then, an amoralist, understood as one who rejects the use of moral language altogether, nor is he a simple immoralist, understood as one who thinks that what one ought to do is what is morally wrong. Rather, he is (like Nietzsche) an inverted moralist, who holds that what it is really right to do is what it is (by conventional moral standards) wrong to do. He believes in at least one natural right, the right of the strong to dominate and exploit the weak, and hence believes that insofar as conventional morality seeks to inhibit the strong from doing so, it is a device for cheating them of what they have a legitimate claim to; it is thus an institutionalized fraud.[19] For Callicles (as noted above), the authoritative norms are those which prevail in nature, as illustrated by the behavior of nonhuman animals and of humans in international relations—both areas where, it is assumed, conventional morality does not apply. Those who act in accordance with these norms, he says,

> do these things in accordance with the nature of justice and, by heaven, in accordance with the law of nature, but perhaps not in accordance with this one which we lay down. (*Gorg.* 483e1–4)

[19] Note in particular his highly pejorative description of the process of moral education, and his eulogy of those who reject it:

> We manipulate the strongest and best amongst us, taking them young like lions and enslaving them with incantations and spells, telling them that one should have equality and that this is what is fine and just. But if someone is naturally capable of shaking off all that and breaking through it and escaping, trampling underfoot our edicts and mumbo-jumbo and incantations and all our unnatural laws, then from being our slave he stands forth as our master, and in him what is naturally just shines out. (*Gorg.* 483e4–484b1)

See my "Popular Morality and Unpopular Philosophy," in Elizabeth Craik, ed., *"Owls to Athens": Essays on Classical Subjects for Sir Kenneth Dover* (Oxford: Clarendon Press, 1990), 233–43, at 238–39.

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The intentionally paradoxical expression "the law of nature" highlights the normative precedence of natural over conventional morality.[20]

The position of Thrasymachus in the *Republic* has considerable affinities with that of Callicles, while lacking its innovative inversion of values. Both maintain that conventional law and morality (not distinguished from one another) are a device to promote the interests of those who lay down its norms, but while Callicles attributes that contrivance specifically to the weak, Thrasymachus attributes it to those who are already in positions of political power. Both admire the ruthless individual who is capable of overcoming the restraints of morality, but the crucial difference is that whereas Callicles characterizes successful self-assertion as naturally just, Thrasymachus is content to abide by conventional morality in calling it unjust (*Rep.* 343b–344c). While Callicles is an inverted moralist, Thrasymachus is an immoralist, who thinks that the best life (that of the successful tyrant) is "the extreme of injustice, which makes the person who has committed injustice superlatively happy" (344b4–5). Callicles explicitly uses the *nomos-phusis* contrast in a radically innovative way, whereas Thrasymachus (a) does not use the terminology and (b) assumes a more conventional stance with respect to the contrast. For Thrasymachus, morality exists (merely) *nomô(i)*, and hence (he implies) it lacks normative authority. The best way to live, the way to achieve supreme happiness (*eudaimonia*), is (provided one is strong and clever enough) to be a successful tyrant; that is what one's human nature prompts one toward (though Thrasymachus does not say so in so many words). Implicitly, then, he accepts the normative authority of *phusis* over *nomos.* To that extent, he and Callicles agree; where they differ is that Callicles takes the further step of identifying the authority of *phusis* with that of real, as opposed to conventional, morality. For Thrasymachus, there is only one kind of morality, conventional morality, which lacks authority.[21]

[20] In his note on 483e3, E. R. Dodds points out that this is the earliest recorded use of the expression "law of nature"; see Dodds, *Plato, Gorgias: A Revised Text with Introduction and Commentary* (Oxford: Clarendon Press, 1959), 268. But the thought, though not the precise terminology, had been anticipated by Thucydides, who has the Athenians say, in defense of their extermination of the population of the island of Melos in 416 B.C.,

> As far as the gods are concerned we believe, and as far as men are concerned it is apparent, that by a universal natural necessity they exercise mastery over what they have in their power. We neither laid down this law nor were the first to make use of it once it had been laid down, but we found it in existence and make use of it in the knowledge that it will continue for ever. (V.105.2)

[21] There has been much debate on the interpretation of Thrasymachus, including the question of whether, as maintained here, he maintains a consistent immoralist stance, or whether he shifts from a position of inverted moralism to immoralism. For a penetrating discussion, see Rachel Barney, "Callicles and Thrasymachus," in Edward N. Zalta, ed., *The Stanford Encyclopedia of Philosophy* (Fall 2004 Edition), http://plato.stanford.edu/archives/fall2004/entries/callicles-thrasymachus/.

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On the other side, Protagoras's myth presents *nomos* as one of the products of *phusis.* The basic idea is that which we have already found in Democritus, namely, that law and morality are necessary for human well-being; but in the *Protagoras* the idea is spelled out more explicitly in the context of a speculative, but naturalistic, account of human development. The mythical apparatus, including the figures of Epimetheus, Prometheus, Hermes, and Zeus, embellishes but does not obscure the naturalistic story. Human beings are animals, competing with members of other species and with one another for survival in a threatening environment (*Prot.* 320d–321c: the sphere of Epimetheus). Human survival and flourishing depends primarily on intelligence, manifested in practical discoveries, above all the use of fire and its associated technologies (321c–322b: the gifts of Prometheus). But these are insufficient to ensure the continuation of human life. For that, humans require cooperation, presupposing social organization, which in turn requires universal or at least general acceptance of mutual limitation on the pursuit of individual interests (322c–d: the intervention of Hermes and Zeus). This acceptance must be internalized in the form of conscience (*aidôs*) and a sense of justice (*dikê*), without which no society can exist. The terms *phusis* and *nomos* each occur only once in this narrative,[22] and no particular weight is attached to them.[23] Nevertheless, this passage is one of the clearest expressions of the reconciliationist project.

Nomos and *phusis* occur together once elsewhere in the dialogue, when the sophist Hippias, in the course of trying to induce Protagoras and Socrates to resume their discussion after a disagreement, says that intellectuals ought not to quarrel, since

> I think that you are all kin and related and fellow-citizens, by nature, not by convention. For like is kin to like by nature, but convention, a tyrant over mankind, carries many things by force contrary to nature. (337c–d)

Here we have a standard application of the contrast to devalue convention and to exalt nature. The political conventions that assign different individuals citizenship in different city-states[24] are mere human contrivances, which distort the real nature of things by making people who are

[22] *Phusis* occurs at 320e3, in the course of the description of Epimetheus's assignment of different natural capacities to the various animal species: "for those to whom he had assigned an unarmed nature (i.e. those lacking claws, fangs etc.) he devised some other power for their preservation." *Nomos* occurs at 322d4, in the context of Zeus's commands to Hermes: "lay down on my authority a law that whoever cannot share in conscience and justice is to be killed as a plague on the city."

[23] By contrast, the pair "*aidôs* and *dikê*" (or "*dikê* and *aidôs*") occurs four times in eleven lines at 322c2–d5.

[24] The principal speakers in the *Protagoras* and their audience come from many Greek cities (315a–d).

naturally akin treat one another as strangers and foreigners.[25] In reality, they are all fellow citizens and members of the same family, and so they should treat each other appropriately, as friends, not as strangers. There is a certain irony in the fact that this fairly commonplace use of the antithesis should occur so soon after the continuity of *nomos* and *phusis* has emerged so clearly from the myth. I take it that this is intentional on Plato's part. He is aware of both sides of the debate, and suggests that the opposition between *nomos* and *phusis* is more superficial than their continuity. Some conventions, such as political distinctions between people who share a common culture and language (on top of a common nature as social beings) are merely superficial phenomena, and in placing undue emphasis on them we distort the real nature of things. At a deeper level, however, the fundamental norms that constitute our social being[26] are firmly grounded in human nature.

Glaucon's account of the origin and nature of justice in Book II of the *Republic* (358e–359b) gives a nonmythological version of Protagoras's story.[27] Glaucon professes himself dissatisfied with Socrates' purported refutation of Thrasymachus, and says that he will present the latter's case in a different way, as a first step setting out what people say justice is and how it comes into being (*Rep.* 358b7–c2). We expect, then, that Glaucon will follow Thrasymachus in claiming that morality is determined by convention, and that the way to achieve happiness is to abandon morality in favor of the maximal satisfaction of one's desires. He does make these claims, but goes beyond Thrasymachus by giving first an account of the origin of morality and then a more realistic assessment of how to achieve happiness. Glaucon locates the origin of morality in the formation of society itself, via the device of a social contract of a broadly Hobbesian kind.[28] Human beings are ultimately egoistic, and hence would like to be able to exploit others without restraint, but since each expects to lose more from being exploited by others than he will gain from exploiting

[25] There is a very similar thought in Antiphon, DK87B44, fragment B, as emended by Jonathan Barnes, "New Light on Antiphon," *Polis* 7, no. 1 (1987), reporting a new papyrus fragment published by Maria Serena Funghi in *Oxyrhynchus Papyri* 51 (1984):

> The laws of our neighbours we know and revere: the laws of those who live afar we neither know nor revere. Thus in this we have been made foreigners with regard to one another. For by nature we are all in all respects similarly endowed to be foreign or Greek.

[26] *Aidôs* and *dikê* are "principles of organization of cities and bonds which associate people in friendship" (*Prot.* 322c3).

[27] The literature on Glaucon is considerable. See esp. Christopher Kirwan, "Glaucon's Challenge," *Phronesis* 10 (1965): 162–73; and Christopher Shields, "Plato's Challenge: The Case against Justice in *Republic* II," in Gerasimos Santas, ed., *The Blackwell Guide to Plato's Republic* (Malden, MA, and Oxford: Blackwell, 2006), 63–83. The latter item contains a bibliography of the topic.

[28] On traces of social contract in Greek writers of the fifth and fourth centuries, see Charles H. Kahn, "The Origins of Social Contract Theory," in G. B. Kerferd, ed., *The Sophists and Their Legacy* (*Hermes* Einzelschriften 44) (Wiesbaden: Franz Steiner Verlag, 1981), 92–108.

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them, human beings find it advantageous to make agreements to refrain from mutual exploitation (358e3–359a4); that is, they behave as self-interested rational agents in the classic Prisoner's Dilemma situation.[29] Morality is thus a second-best case, better than the worst case, that of being powerless to resist exploitation, but worse than the best case, that of exploiting others without suffering any adverse consequences (359a4–7). It is not the ideal (Thrasymachus's account of that is correct), but given the actual circumstances of human life, it is what everyone has reason to accept as the best available option.

Prima facie, then, Glaucon has moved from his Thrasymachean starting-point, in which the natural drive to achieve happiness is opposed to the conventional restraints of morality, to a Protagorean position in which those restraints themselves arise from human nature, in that they are chosen by rational agents seeking to promote their individual interests in a situation of competition. Yet Glaucon himself asserts the opposition between nature and convention even more strongly than Thrasymachus. People accept the restraints of morality, Glaucon says, only unwillingly, as we see if we perform the thought-experiment of imagining them (like the legendary Gyges, who had a magic ring which made him invisible) free to do as they like without restraint (359b6–c3). Then we should find everyone, the (conventionally) good and bad alike, motivated by greed for their own satisfaction (359c3–5), "which every natural being is constituted to pursue as good, but they are forcibly diverted by convention towards valuing what is equal" (359c5–6). Morality is indeed integral to social life, as Protagoras maintains; but social life itself requires the stunting of human nature, by forcing individuals to pursue a goal that is naturally alien to them. What nature prompts us to, in contrast, is the unrestrained satisfaction of our desires, an ideal exemplified by the Calliclean strongman and the Thrasymachean tyrant. In prompting us that way, nature shows us where real happiness and human perfection lies; social life is a mere distorted shadow of this ideal of unrestrained individualism.

A possible response on behalf of Protagoras would be that since social cooperation, and hence morality, have been shown to be literally indispensable for human survival, to say nothing of well-being, the "Calliclean" life is simply not an available option *for humans.* Hence, it is no tragedy or even misfortune for humans that they are not able to live it, any more than it is a tragic misfortune that humans are not gods. But that would be too swift. What Protagoras has shown is that there can be no human life which is not a social life and that there can be no social life without morality, but given that the institution of morality is in place, nothing prevents us from maintaining that the best life available for a human is that of the individual who is capable of taking advantage of the observation of morality by others to free himself from its restraints. After

[29] See Blackburn, *The Oxford Dictionary of Philosophy,* 302–3.

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all, history provides many actual examples of supremely gifted, unscrupulous, and successful tyrants. We are, then, led to confront the classic "free-rider" problem. Glaucon shows us that we all have reason to prefer a situation where the buses run regularly (paid for by fare-paying passengers) to a situation where there are no buses. But he also shows us that, given his fundamental assumption of egoism, what each individual would prefer is to dodge paying him- or herself, provided that others pay, and if individuals can get away with it, as they can at least sometimes, it still needs to be shown why that is not the best thing for them to do.

Clearly, the assumption of egoism is crucial. If Callicles, Thrasymachus, and Glaucon are granted the premise that human nature is ultimately individualistic, so that human good consists for each individual in the maximal satisfaction of that individual's desires, or the realization of his or her projects or values, irrespective of the effect of that satisfaction or realization on the welfare of others, it follows that restraints, including moral restraints, on the pursuit of those desires, values, or projects, must be seen as inhibiting, rather than promoting, the pursuit of human good. In that situation, morality has for the self-interested individual only instrumental value, as a protection against aggression on the part of others. As we see from Glaucon's description of people equipped with Gyges' ring, however, someone with that attitude toward morality lacks genuine commitment to it. Glaucon says that we would see "the just and the unjust alike" going all out for themselves once the restraints of morality were removed (359c3–5). But someone who is prepared to do that is not really just (*dikaios*) at all; to be really just is to be unwilling to trample over others to gain one's own advantage, even when there are no sanctions to prevent one from doing so. The defender of the view that morality is itself a product of nature has, therefore, to do more than show that it is natural for humans to set up moral sanctions limiting the pursuit of individual interests. He or she has to show that it is natural for humans to develop the appropriate attitudes toward morality. These attitudes are complex, including attitudes toward certain types of behavior as intrinsically, rather than merely instrumentally, desirable and undesirable, and, even more fundamentally, regard for others as requiring or meriting concern in their own right, as beings of equal standing with oneself. In short, showing that morality is natural requires showing that it is in some sense natural to abandon the egoistic stance and instead to look at the world from "the moral point of view."[30]

There is a very plain sense in which that is indeed the case. The alternative to the moral point of view is evaluative or moral solipsism, in which the individual regards him- or herself as, in the last resort, the center of the evaluative universe, the only thing that really matters. Infants

[30] See Kurt Baier, *The Moral Point of View* (Ithaca, NY: Cornell University Press, 1958); and Thomas Nagel, *The View from Nowhere* (New York and Oxford: Oxford University Press, 1986), chap. 9.

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begin as paradigm moral solipsists, and the process of their development from that status to that of persons (i.e., of fully developed human beings) includes their being taught to see themselves as merely one among others, whose interests have equal weight with theirs and must be taken into account via fair procedures. Children who have not learned these lessons have not been properly brought up, and adults who have not learned them are in various degrees socially undeveloped—in the extreme cases, psychopaths. That is to say, human nature, in the sense of what has to be developed and perfected in the processes of maturation and education, is itself human nature conceived socially.[31] That is not, of course, incompatible with the truths that every human being is a unique individual, and that the ideal of human development is the perfect realization of the potentialities of the individual. Rather, individual potentiality is for the development of one's capacities as a human being, that is, as a being among others, whose capacities have to be realized in harmonization with the realization of the capacities of others. The Calliclean view of human perfection as unbridled individual self-expression thus rests on a fundamentally distorted view of what it is to be human. That is not because the view assumes (as Callicles actually does assume in the *Gorgias*)[32] that unbridled self-expression involves, or is even identical with, the maximal satisfaction of bodily appetites. Physical asceticism combined with unrestrained individualism in the pursuit of political, artistic, or intellectual aims may be equally sociopathic.[33]

Central to social development, which is identical with development as a mature human being, are affective attitudes such as concern for the welfare of others, desire for the good opinion of others, respect for the value of others, and self-respect. These amount to a spelling out of the pairing *aidôs* and *dikê,* conscience and a sense of justice, which we saw to be so prominent in the concluding section of Protagoras's myth. The basic sense of *aidôs* is "shame," and shame, as Bernard Williams points out, is integral to one's sense of self in relation to others.[34] Its basic form

[31] I count both the innate capacity for socialization and the acquired dispositions which realize that capacity as natural. Aristotle gets the point exactly: "[T]he virtues do not come to us by nature nor contrary to nature, but it is natural to us to be receptive of them, and we are perfected in them through habit" (*EN* 1103a23–6). What "comes to us by nature" is the capacity for socialization, and it is natural for us to realize this capacity by acquiring good dispositions; hence, those dispositions, once acquired, are themselves natural. Protagoras's myth seems to me to anticipate Aristotle on this point. See note 35 below.

[32] *Gorg.* 494b1–2, c2–3.

[33] A notable example is that of Hitler, a teetotaler, a frugal vegetarian, virtually asexual, whose only sensual indulgence seems to have been a fondness for cream cakes.

[34] Bernard Williams, *Shame and Necessity* (Berkeley, Los Angeles, Oxford: University of California Press, 1993), chap. 4. A particularly telling passage is the following:

> By giving through the emotions a sense of who one is and of what one does, it [i.e., shame] mediates between act, character, and consequence, and also between ethical demands and the rest of life. Whatever it is working on, it requires an internalised other, who is not designated merely as a representative of an independently identified social group, and whose reactions the agent can respect. (102)

is fear of disgrace in the eyes of others, which prompts us to seek to earn their approval. A derivative notion is that of reverence or respect, both respect for others and self-respect, in which the consciousness that one is respected by others is an essential element. It is thus intimately bound up with *dikê*, a sense of justice, a stable disposition to be concerned with what is due to others and consequently to eschew the promotion of one's own interest at the expense of other people's legitimate interests. *Aidôs* and *dikê* can be seen as inward-looking and outward-looking aspects of the fundamental disposition to see oneself as one among others, as a member of a community composed of beings of equal status; a sense of justice consists in being sensitive to the claims of others, and a sense of shame makes the idea of violating those claims distasteful to oneself. But that is too simple a contrast, since each has its own inward- and outward-looking aspect. A sense of fairness involves sensitivity to one's own claims as well as to those of others, while a key element in shame is a horror of being despised or disapproved of by others. Since these dispositions are constituents of the state of identification with others which is essential to our social nature, it is unsurprising that they have both inward- and outward-looking aspects.

The *Protagoras* myth thus provides the materials for a rebuttal of Glaucon's opposition of *nomos* and *phusis*. Glaucon's opposition rests on a conception of human nature as ultimately egoistic, and he sees morality (or, rather, the proponents of what he takes to be the general view, for whom he presents himself as spokesman, see morality) as a mechanism for inhibiting the full development of the individual in the interests of mutual protection. The *Protagoras* myth, by contrast, presents human nature as essentially social; humans are creatures whose development culminates in the growth, not of mere alliances for mutual protection and the provision of technical services, but of communities bound by shared culture and "bonds of association in friendship," that is, by the genuine commitment to morality, founded on a shared moral sense (*aidôs* and *dikê*) which is lacking in Glaucon's individualists. Of course, individuals have that commitment because they have been brought up to have it, because they have been imbued with the values of the shared culture. That is to say, they are moral by the force of *nomos*.[35] Ultimately, however, those *nomoi* exist because human beings are the kind of beings to whom it is natural to propagate and perpetuate values via the medium of stable

[35] This is the point of Protagoras's observation (*Prot.* 323c5–6) that people think that moral virtue is neither natural nor self-generated, but that it is something taught. People do not become good unless they are educated to be so. The point of the myth, in my view, is that it is natural for human beings to develop the social feelings and the institutions which allow that education to occur. The myth does not restrict the natural capacities either to the gifts of Epimetheus or to those together with the gifts of Prometheus; the gifts of Zeus are the mythical representation of the perfection of human nature via social conditioning. For a fuller discussion, see my commentary in *Plato, Protagoras: Translated with Notes,* 2d ed. (Oxford: Clarendon Press, 1991), 79–81.

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communities. That picture of human nature is certainly more realistic than Glaucon's, and the moral sentiments are central to it.

In the light of this, it is worth recalling that Democritus anticipates the myth in stressing the importance of shame and conscience.[36] A particularly suggestive fragment is DK68B264, TD128:

> One should not feel shame before others rather than before oneself, or be more willing to do something bad if no one will know of it than if everyone will. Rather one should feel shame before oneself, and set up this law in one's heart, so as to do nothing unfitting.

Here we have a particularly interesting use of *nomos* not as social convention or public enactment (or even as divine law), but as a self-addressed prescription, anticipating the Kantian idea of the individual as legislator of the moral law. (I think that this may be the earliest occurrence of this conception.) In this use, there is no conflict between *nomos* and *phusis;* instead, the *nomos* is the expression of the nature of the individual moral agent.

IV. Conclusion

In this essay, I have explored, on the one side, the confrontation between *nomos* and *phusis* set up in slightly different ways by Callicles, Thrasymachus, and Glaucon, and on the other, the attempts at reconciliation proposed, again in slightly different ways, by Democritus and by Protagoras in the myth of the origin of society. A common presupposition of the confronters is egoism. The individual's natural goal is the unrestrained fulfillment of his or her desires. The inhibition on the fulfillment of those desires imposed by conventional morality is a loss; one may reluctantly have to accept it as the price of protection against the aggression of others, but one will naturally seek to avoid it, and if one is successful one will do better for oneself. Leaving conscience and a sense of justice out of account, the reconcilers cannot adequately answer the confronters. The reconcilers stress that the existence of society, and hence of morality, is necessary for human survival and well-being in a hostile world, but unless they challenge the presupposition of egoism, they cannot deal with the problem of the free-rider. Glaucon uses the story of Gyges' ring to urge that everyone is naturally a free-rider, relying on the normative priority of nature over convention to license the conclusion that everyone who can be a free-rider will do best by being one. The introduction of conscience and a sense of justice allows Protagoras to reject Glaucon's claim. Not everyone is naturally a free-rider, since it is natural for humans to develop not mere alliances

[36] See the passages cited in note 16 above.

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for mutual protection, but communities linked by genuine moral bonds, including conscience and a sense of justice, and people who have internalized those sentiments will not be willing to be free-riders. And Protagoras could now, in his turn, appeal to the normative priority of nature to support the opposite conclusion from Glaucon's. Since it is natural to have, and act on, conscience and a sense of justice, one will do best by being that kind of person, and acting accordingly.

This confrontation of positions is, of course, merely an abstract possibility. Protagoras's myth is not, in fact, presented as a rejoinder to any version of the opposition between *nomos* and *phusis,* while Socrates' actual response in the *Republic* to Glaucon's challenge is altogether different. I shall not discuss that response in detail,[37] but shall confine myself to the central point, that it rests on the premise that the conventional view of justice as primarily a relational virtue, consisting in the disposition to respect the rights and interests of others on a basis of reciprocity, is radically mistaken. Justice as a social virtue does indeed consist in the harmonious interaction between the members of a community, but that is a secondary kind of justice; the primary kind is a virtue of the individual, consisting in a corresponding harmony between the principal elements of the individual personality, that is to say, a sort of psychic health. As the best state of the body is physical health, so justice is the best state of one's personality, and hence the perfection of one's nature.

By contrast, Protagoras's myth takes the conventional conception of justice for granted. I presume that the *Protagoras* antedates the *Republic,* and that by the time Plato came to write the latter he had come to the view that the conventional conception of justice was inadequate, and that the defense of justice which is the heart of the *Republic* needed to be based on what he now saw as the correct conception. From our standpoint the situation is reversed. Since the *Republic*'s conception of justice rests on an elaborate argumentative structure with many weak points,[38] the defense of justice and (more generally) morality against the challenges of opponents such as Callicles and Thrasymachus has better prospects of success if it relies on a better conception, and specifically on the conventional conception outlined above. I have sought to show that Democritus and Protagoras's myth have the resources for such a defense.

This study has been concerned with the earliest attempts to establish that moral and legal norms are founded in nature. The tradition thus founded has been central to much later thought. Plato's most systematic attempts to integrate norms with nature is found in his last work, the *Laws,* where the integration proceeds via the concept of rationality. Nature as a whole is the product of cosmic rationality, and the task of law is

[37] I discuss it more fully in my essay "Platonic Ethics," in Stephen Everson, ed., *Companions to Ancient Thought 4: Ethics* (Cambridge: Cambridge University Press, 1998), 49–76, at 63–71.

[38] See the discussion cited in the preceding note.

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simply to perfect human nature by inculcating complete virtue, and thereby to enable human beings to play their proper role in the rationally designed universe. That conception of moral law as the expression in human affairs of the rationality which guides the universe was inherited by the Stoics, and became via Stoicism the metaphysical foundation of the medieval tradition of natural law, suitably adapted to Christian conceptions of the divine ordering of the world. Aristotle's moral and political philosophy also builds on the idea, adumbrated (I have argued) in Democritus and in Protagoras's myth, that human nature is essentially social, and Aristotle uses this idea to support his conclusion that the institutions of the city-state are necessary for perfect human life. In its turn, a Christianized Aristotelianism was combined with Stoic ideas of universal equality to provide the foundations of theories of natural law and of natural rights.

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