

Between *Nomos* and *Physis*: The Multiformity of the Sophists's Speech

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Abstract

Sophists deal with the problem of relationship between *nomos* and *physis* in terms *not only* of opposition between, *but also* of intertwinement. On the one side, the discussion leads to an exaltation of the *physis*, with opposite effects: in some sophists (Hippias and Antiphon) nature warrants the equality among human beings, while, in other sophists (Callicles and Thrasymachus), nature becomes the basis for legitimizing the dominance of the strongest over the weakest. In this context, the *nomos* is considered an invention of the weakest to inhibit the strongest. On the other side, we find sophists (like Gorgias) that affirm the need to decide to follow the *nomos* or the *physis* on the basis of situation, that is to avoid unilateral positions, or sophists (like Anonymous of Iamblichus) that assume a “conciliatory” perspective between *nomos* and *physis*. Socrates completes the variety of this debate. In *Criton*, Socrates applies a manifold movement to the *nomos*, divine and human, thus deserving respect and, at the same time, modifiable.

Keywords: *Nomos*, *Physis*, Sophists, Socrates, Justice, Immoralism

Resumen

Los sofistas tratan el problema de la relación *nomos-physis* en términos no sólo de oposición, sino también de entrelazamiento. Por un lado, la discusión se resuelve en una exaltación de la *physis* que produce efectos opuestos: en algunos sofistas (Hippias y Antifonte), garantiza la igualdad entre los seres humanos, mientras que en otros (Callicles y Trasímaco), se convierte en la base de legitimación del dominio de los fuertes sobre los débiles. En este sentido, el *nomos* se considera como una invención de los más débiles, para inhibir a los más fuertes. Por el otro lado, se encuentran sofistas (como Gorgias) que afirman la necesidad de decidir, en función de la circunstancia, seguir el *nomos* o la *physis*, evitando posiciones unilaterales. Incluso hay sofistas (como el Anónimo de Jámblico) que asumen una perspectiva “conciliadora” entre *nomos* y *physis*. Completa esta variedad de posiciones Sócrates, quien en el *Critón* aplica un movimiento multiforme al mismo *nomos*, divino y humano, y por tanto digno de respeto y, al mismo tiempo, modificable.

Palabras clave: *Nomos*, *Physis*, Sofistas, Sócrates, Justicia, Inmoralismo

Premise

On the basis of texts and ancient testimonies, this article wants to show the multiformity of the sophistical debate on the relationship between *nomos* and *physis* and to examine, within it, the particular and complex evaluation of laws proposed by Socrates. His thought is a breakpoint with the traditional sophistic dimension and therefore an innovation. My position is opposed to the traditional interpretations, which consider the two terms - Socrates and the Sophistry - *or* in antithetical way *or* in a conciliatory one.

A semantic premise has to be made:

1. The term *physis*, “nature”, indicates the set of realities and stable principles, or fundamental elements, which regulate them; the use of this term highlights the contrast between the *intrinsic* characteristics of a reality and those acquired or imposed from outside;

2. The term *nomos*, “rule”, “law”, “custom”, and the whole range of terms that are related to it «in Greek are always prescriptive and normative and never merely descriptive – they give some kind of direction or command affecting the behaviour and activities of persons and things» (KERFERD, 1981, 112);

3. At this point, the question arises about the nature of the *nomos*, which is certainly *by convention*, but which presents itself in the form of what is valid *always and for itself*, therefore *by nature*, so that it is possible to speak of *nomos physeos*, “natural law”, which indicates what the nature *prescribes to do*: it is not a question of describing what happens at the natural level, but of accepting it as a rule of action, precisely as a “norm”.

In this context, the relationship between *nomos* and *physis* appears as the relationship and/or the contrast between *human* laws and *natural* laws. Hence, the Sophists’ anthropocentric thought cannot overlook an apparently “distant” theme such as *physis*, intended in the first sense and in relation to the human being, as a source from which the *nomos physeos*, the law of nature, can be originated.

1. *The sophistic thought*

1.1. *A double foundation of the nomos*

Obviously the two ways of considering political and social norms lead to very different results: if the law is natural, it will be characterized by necessity and it will be imposed by the force of the course of nature, while positive law, like all human constructions, not only cannot go against *physis*, but also it has not any prerequisite that makes it necessary and imperative, apart from the force of the legislator. This is

proven by the continuous diversity of norms, which are different in different places: all Hellenes are brothers (by nature, according to ancient legends); however, each *polis* has different laws and norms.

This diversity of customs and laws is exemplified in the second chapter of *Dissoi Logoi*, a sophistic text:

I think that if one were to order all mankind to bring together into a single pile all that each individual considered shameful, and then again to take from this mass what each thought seemly, nothing would be left, but they would all, severally, take away everything (= DK 90,2)¹.

In this framework, contrarily to most of the critics who give unilaterally value to one or the other side, the relationship between *nomos* and *physis* is analyzed by the different Sophists in terms of *both* opposition *and* twine and cooperation, with a further variety of solutions.

First scenario: the opposition *nomos-physis*

The *nomos-physis* contrast is highlighted by Sophists who belong to the so-called naturalistic current: for example, Hippias and Antiphon consider nature as the only guarantor of equality; indeed, in the platonic dialogue, Hippias affirms:

I believe you are all kinsmen and relatives and fellow citizens *by nature* (φύσει), *not by law*; for by nature like is akin to like, but *law is a tyrant of mankind and forces many things contrary to nature* (Protagoras 337c 7-d 3 = DK 86C1)².

Here nature is seen as a universal principle of equality among men (or at least among the Hellenes) that goes beyond all conflicts, it contains them in a large family. Instead, the positive norms are opposed to this natural fact, for which they must operate *in a tyrannical and violent way*. Even Gorgias supports a similar idea in the *Defense of Palamedes* (= DK 82B11a), by separating the justice of nature, which establishes equal rules for all, from the violence of human law, which - often erring - imposes "unfair" norms.

In this oppositional model, the problem is the risk of a contrast between the norm and the necessity of the natural law, which is not tyrannical but has a *prescriptive character* because it indicates men how to behave. On the contrary, the conventional norm does not seem to have this character; this is confirmed by the discussion between Hippias and Socrates about the justice, as Xenophon reports: Socrates identifies the

¹ English translation by ROBINSON (1979).

² English translation by ALLEN (1998).

dike with the *nomos*, that is, he identifies justice with positive laws; while, Hippias, on the basis of experience, objects that the laws *are not* a serious expression:

But Socrates - said Hippias - how can anyone take laws seriously or believe in them, when often the same people who established them repeal them and change them? (Xenophon, *Memoirs of Socrates*, IV 4, 14)³.

In virtue of its value which is stable, immutable and equal for all, natural law establishes itself as something objective, which cannot be ignored; instead, human law can be formulated without any criterion, and therefore be contradictory; consequently, it is damaging, even though it pursues the goal to realize an advantage and a benefit, like platonic Hippias shows:

⟨Hippias:⟩ the ⟨human⟩ law is made, I think, with benefit in view, but sometimes, if the law is made without criterion, it is injurious [...] ⟨Socrates:⟩ So the lawful and the law will be affected by, if those who make the laws miss the good (*Hippias Major*, 284d 2-7)⁴.

The cause of the failure of law has to be found in errors and within the limitations of men; these have repercussions on the laws and on the law itself, precisely because they are *human products*. This risk does not exist for natural law, which is *necessarily* and *permanently* valid for all men and cannot be evaluated in terms of profit-damage.

In this antithetical framework between *nomos* and *physis*, Antiphon, in his treatise *On the Truth*, seems to take a step forward, defining the right behavior on the basis of two variants:

A man would use justice *in a way advantageous to himself* if, *in the presence of witnesses*, he held the laws in esteem, whereas *when he was alone*, he valued the works of nature. For the works of laws are factitious, whereas those of nature are necessary; and the works of law, being conventional, are not natural, while those of nature, being natural, are not conventional (*Oxyrhynchus Papyrus* f. A = DK 87B44)⁵.

The right behavior is articulated on the basis of the considered sphere, whether public or private: an individual will act with justice if he gives value to human laws on the social level, “in front of witnesses”; instead, he will respect the natural laws in the subjective evaluation, “alone”. This ambivalence is the consequence of a radically binary point of view: human laws as “conventional” are not natural, while natural

³ English translation is by WATERFIELD (2000).

⁴ My English translation.

⁵ The English translation of all the Antiphon’s texts and testimonies is by GRAHAM (2010), with my slight changes.

ones which are “necessary and innate” are characterized by necessity (which is obvious) and, for this reason, they apparently seem not to be the subject of an agreement.

Despite the effort to guarantee the order of the *polis* through the common respect of its rules, the gap between the public and the private sphere, therefore the division of the individual between *citizen* and *private man*, involves risks: the preeminence of *physis* in the personal sphere implies the promotion of the relationship with nature in an individual perspective (in contrast with the public sphere), which can be easily radicalized and can also bring about an immoral deviation, as we will see further on. Antiphon confirms this possible outcome when he affirms:

One who transgresses the laws, if he eludes those agreed on them, also escapes shame and punishment, but if not, he does not. But if he undertakes to violate what is possible of things innate in nature, even if elude all men, the evil that results is no less; even if all observe, it is no more. *For he is harmed, not because of opinion, but in truth* (= DK 87B44).

If human laws are violated, shame and punishment are met only if one is discovered: if the setting is that of the “witnesses” and if they are not present, the setting itself is completely absent, so the person does not pay any price. This reasoning does not apply to the laws of nature, which are objective. The criterion of action is that of convenience and personal advantage: if the natural law is violated, harm is done *in any case*. Therefore, in this utilitarian perspective, it is *advantageous* to respect the natural law much more than the human law. It is not a case that the text contrasts opinion, *doxa*, with truth, *alétheia*: the real damage does not derive from human opinions, but from the truth of things, which coincides with the truth of nature.

By this way Antiphon arrives to make explicit the contrast between *nomos* and *physis*: «This inquiry is meant to show precisely this, that most of the things that are just by law are hostile to nature (= DK 87B44)».

What is right in the sphere of the *nomos* is opposed to what the *physis* prescribes; this situation concerns most things. The impossibility of conciliating the two spheres is evident and it is absolutely negative because the laws take over, as Antiphon points out with a paradoxical tone:

For laws have been imposed on the eyes, what they should see and what they should not; and on the ears, what they should hear and what they should not; and on the tongue, what it should say and what it should not; and on the hands what they should do and what it should not; and on the mind, what it should desire and what it should not (= DK87B44).

This is a dramatization (excessive) that Antiphon needs so as to underline the negative weight of the bonds that *nomos* imposes on the free development of human abilities.

However, even if the laws impose restrictions on nature, they are unable to repress it:

Some think the nature and the substance of things that are by nature is the primary component of the thing, being unstructured in itself, as the nature of a bed is the wood, and of a statue the bronze. A proof of this, according to Antiphon, is the fact that if one were to bury a bed and the putrefaction were to take strength so as to put up a shoot, it would not be a bed, but wood, as the one thing exists by accident, the conventional disposition and the art, while the substance is that which persists, continually undergoing these states (Aristoteles, *Physics*, II 1, 193a 9-17 = DK 87B15).

Nature remains and it is not destroyed by the laws, which force it and contain it each time in a different way.

Even more radically, Antiphon identifies one of the major weaknesses that the *nomos* has: it undermines its own claim to justice; human law in no way supports the victim of injustice, because it guarantees the procedures, but it is indifferent to the objective fact:

For the victim must persuade those who will exact punishment that he suffered a wrong, and he petitions to be able to get justice. But it remains to the perpetrator to deny these things ... this is above all bad, that the persuasiveness of accusing, which is proper to accuser, *manifests itself equally both for the victim and for the perpetrator* (= DK 87B44).

Laws place both who is subjected to harm and who commits it *on the same level*, and both must use persuasion to defend their position. This is “unfair”, as the former, objectively offended, should have some advantage over the other. But the law cannot decide who the one is and who the other is *a priori*. In its effort of impartiality, the *nomos* reveals its limitation which almost leads to a paradox: *the human law, equal for all, in its application designed for justice, realizes and practices a necessary injustice*.

Faced with these limits of *nomos*, Antiphon seems to be hoping for a profound modification based on the *physis* that can help to achieve *true* justice by uniting all men regardless of their social conditions. On this basis, the Sophist constructs an egalitarian hypothesis, capable of breaking down the contrasts and disagreements that arise in positive law between people and people, man and man.

We respect and honor those born of noble fathers; while we do not respect nor honor those who do not come from a noble family; in this way we became barbarians to each other, since *by nature we are all equal in everything*, barbarians and Greeks. It is possible to examine some of the features that are naturally necessary to all men: everyone can obtain these in the same way and in all such things no one of us has been distinguished as either a barbarian or a Greek. For we all breathe the same air through our mouth and our nose [...] (= DK 87B44).

The text establishes a double opposition: nobles-not nobles, barbarian-Greeks: Greeks's behavior, which is positive *only* towards the nobles, is judged worthy of the barbarians as it is against the Greeks. Here Antiphon builds a clever rhetorical game because he uses "barbaric" with two different connotations: in the first case, as a negative term, according to a very widespread use in Greece; in the second case it is immediately denied and used as a descriptive fact of the not-Greeks, being humans like the Hellenes. When certain human conventions are followed, humans behave as barbaric (that is evil), since human beings are all the same by nature and there is no distinction between barbarian (that is not-Greek) and Greek. The basis of this equality is the biological level: men are all the same because the vital mechanism works in the same way.

1.2. *The immoral and relativistic outcome*

The separation between *nomos* and *physis* and the exaltation of the latter contain an ambivalence: as seen before, on this basis it is possible to make the unity of the human species prevail. However, if, on the basis of *physis*, we consider the diversity among men, the application of natural law becomes the primary source of inequality. To this we can add a radicalization of the utilitarian discourse: nothing has value in itself, but is valid only in relation to the *individualistic and immediate* advantages and disadvantages. Consequently, everything depends only on the circumstances and we fall into a radical relativism.

The Sophists, which Plato puts into play in his dialogues, are emblematic figures of this position. In the *Gorgias*, for example, Callicles scolds Socrates, who led Polo to the contradiction, making him admit that committing injustice is uglier than suffering it. Socrates led Polo to this affirmation by mixing together two levels that should instead be kept separate, that of *physis* and that of *nomos*:

Really, Socrates, you keep leading matters around to such vulgar demagoguery as this - *to what is not beautiful by nature but by custom and law* - while claiming to pursue the truth. *But nature and law are for the most part opposite to each other*; so that if a man is ashamed and doesn't dare say what he thinks, he is compelled to contradict himself, which is the basis for the clever trick you've invented for spoiling arguments;

you reply by a question according to nature if someone means law, and according to law if he means nature (*Gorgias*, 482e 2-483a 4)⁶.

Callicles reaffirms the separation between the two spheres, which we have already seen in the previous Sophists, and he underlines the diversity of judgment that originates from it on the social level, but he wants also to leave this situation:

Polus meant that doing wrong is more ugly according to law, and you pursued the argument according to nature, for *by nature* everything is more ugly which is also more evil, and it is more evil to suffer wrong, *but by law*, doing wrong is more evil (*Gorgias*, 483a 3-5).

The judgment changes radically, because it depends on the point of view taken on: on the level of nature, it is uglier to suffer injustice (than to commit it), while, according to the positive law, it is uglier to commit injustice (than to suffer it).

Callicles lines up with the *physis* against the *nomos*, invented by the weakest people to protect themselves and to realize their own profit by blocking the strongest who cannot have more than others, because they would achieve injustice in this way.

But I think that those who lay down laws are weak and numerous, so they lay down laws and assign their praise and blame relative to themselves and to their own advantage. They frighten the stronger among their fellows, who are able to get a greater share, so that they may not have a larger share than themselves, claiming that overreaching is ugly and unjust and that to seek to have more than others is to do wrong. I think they delight in equality because they are inferior. That is why by law it is said to be ugly and unjust to seek a share greater than the multitude, and why they call it wrongdoing (*Gorgias*, 483b 4-c 8).

Here recurs the utilitarian logic that we have already seen in Antiphon: the mass identifies justice with respect for the laws, but *in fact* it operates in this way only in view of its own advantage (and of the disadvantage of the few human beings superior to it).

Thus, the *nomos* is limited to a mere convention desired by the weak; it indicates as unjust what is right from the point of view of *physis*:

But nature herself reveals, I think, that is just for the better to have a greater share than the worse, right for the more powerful to have more than the weak. For this is clearly true everywhere, among other animals, and in every city and race of men, it has been counted just that the stronger should rule the weaker and have a greater share. By what other justice did Xerxes invade Greece, or his father Scythia? - one could mention a thousand examples of the sort. I think they acted according to what is just by nature,

⁶ The English translation of the passages from the *Gorgias* is by ALLEN (1984).

and yes, by Zeus, *according to a very law of nature* - though not, perhaps, according to that law which we lay down (*Gorgias*, 483c 8-e 4).

From the point of view of the nature it is right that the best has more than the worst, that the most powerful have more than the weakest, so those who are better and stronger must rule over others. But this is impeded by the *nomos*: the advent of a man of suitable nature, capable of breaking the spells of positive law, represents the only hope for the triumph of the just of nature:

We shape and mold the best and strongest among us, catching them in youth like young lions, and we enslave them with magic and incantations, telling them that equality is necessary, that this is what is beautiful and just. But when a man is born of *sufficient nature* he will I think shake off all these fetters, break through his bonds and run free, trampling under foot our writings and charms and spells and *laws, which are all contrary to nature*. Then is our slave, risen up, revealed to be our master. There and *at that point does the justice of nature flash forth* (*Gorgias*, 483e 1-484b 1).

This situation corresponds to the rise of the tyrant, who acquires a completely positive meaning here: he is the one who frees himself from the chains which repressed his nature and releases himself by occupying the place which naturally belongs to him. Callicles confirms this accent, saying: «I think that *the just by nature* consists in the better and wiser ruling and *having a greater share than their inferiors* (*Gorgias*, 490a 6-8)».

This definition of justice is identical to that of Thrasymachus, but Callicles accentuates the connection with the law of nature of this domain, while Thrasymachus just develops a “political” discourse. This sort of “violence” of the best over the worst is legitimized by Callicles on the natural basis, so much so that those who inherit a kingdom are not suited to the virtue of temperance (492d) or they are legitimized to make use of violence too.

I just recall that a similar and, at the same time, opposite position is also in Thrasymachus's thought. In the first book of the *Republic* 338c, he affirms that justice is the profit of the strongest, meaning “strongest” in a political key, that is “the power” actualized in every constitutional form, therefore even in democracy, as it is always the government of a majority party.

2. Second scenario: a conciliatory position

In the sophistical debate there are also less unilateral positions that evaluate the relationship between *nomos* and *physis* in a more balanced way. In this sense, particularly interesting is the reflection of the Anonymous of Iamblichus, whose

fragments can be placed in dialogue with the speculative dimension sketched above (this fact authorizes us to place the Anonymous «in the sphere of the sophistic movement and in the late 5th century b.C.» (CIRIACI, 2011, 151-152)⁷.

The position of the Anonymous seems to be polemic with the extreme positions of Sophists such as Callicles: he explicitly disapproves the will to prevail over others; it is necessary to exercise one's own control on this abuse of power:

Moreover, one must not be overwhelmed by will to prevail, nor consider the power to take advantage of others a virtue, and obedience to laws cowardice. For this is a most wicked conception, and from it results the exact opposite of advantage, namely vice and harm (= DK 89.6)⁸.

There is a kind of natural push to prevail, thus some people believe that virtue coincides with the force that tends to oppression, with the consequence that respect for the laws becomes weakness and cowardice. The concern of the Author, who judges this way of thinking as “perverse”, is due to the disruptive and destructive effects of this antisocial attitude. Associated life is a natural need of man, who organizes his life with others, formulating laws, precisely to satisfy this need:

Men are *by nature* (ἐφυσαν) unable to live by themselves, but came together in mutual association, being compelled by necessity (ἀνάγκη); and their whole livelihood and the means to it were discovered by them, and they are not able to live associated with each other in lawlessness (for then they would have greater disadvantages than living by themselves). For these compelling reasons law and justice rule over men and they can never be removed: for *by nature* (φύσει) these are strongly connected «to men» (= DK 89.6).

In this text, the conciliatory position emerges clearly: the *nomos* originates from a natural necessity of human being, therefore it is not opposed to *physis*, but constitutes its precondition. Only through the laws it is possible to live together as required by nature: the absence of the *nomos* would make the lives of men even worse than the life conducted in isolation (which is considered against nature).

The Author knows well what objection could be made, therefore he deals also with the limited case of an individual so superior as to aspire to absolute self-sufficiency. Neither one of a superior nature in body and soul (like the tyrant proposed by Callicles) could disobey the laws without being punished:

⁷ My English translation.

⁸ The English translation of all the Anonymus Iamblichii's texts is by GRAHAM (2010), with my slight changes.

For if someone were such as people cannot really be, and *he allied himself to the laws and justice*, defending them and directing all his might on behalf of them and their supporting principles, he would be preserved, but otherwise he would not survive. For the human race is so disposed as to be hostile to such a character, and because *of their own lawful society* and their numbers, whether by art or by strength, they would overpower such a man and overcome him. Thus, it is plain that power itself, insofar as it is power, is preserved through law and according to justice (= DK 89.6).

In fact, such a person can never be born and never be there; however, even assuming that such an individual exists, he would be saved only by adhering to the laws and using his strength to reinvigorate them. Laws and justice are not an impediment to power, but a help, because they safeguard this superior individual from a possible attack by the community: if many weaker men gather together, the strongest one can be defeated⁹. But the most relevant thing is the emphasis on the fact that these multitude of men would organize itself against the few ones *by virtue of their own right* which sends back to a natural human condition.

With the reflection of the Anonymous, a non-unilateral vision, which connects *physis* and *nomos* in an original way, is outlined.

3. *The socratic position*

The many-sided debate on these issues becomes even more interesting if we consider (very briefly) also the Socratic position. This is a correct operation, because Socrates is the Sophist of Athens: his relations with the other Sophists, particularly Protagoras, his theoretical approach to reality, and Plato himself prove it: he makes it evident, in an allusive but clear way, in the fourth diairesis of *Sophist*, defining him as a sophist «of noble ancestry» (231b 6).

The interesting thing is that Socrates applies a polyvocal movement to the same *nomos*, which is both divine and human, therefore at the same time worthy of profound respect and modifiable. This is clear in one of the first Platonic dialogues, the *Crito*: the laws are superior and holy (53e) and as such they must be respected; transgressing the laws that have developed and given so much to the citizen would be so unfair (51cd) that the laws themselves speak to explain the three reasons why those who do not obey them commit injustice (*Crito*, 51d-52a):

And if he does not obey, we say that he commits injustice in three ways: <1> because he disobeys us, and we gave him birth; <2> because he disobeys us, and we nurtured him; <3> because he agreed to obey us and neither obeys nor persuades us that we are doing

⁹ In *Gorgias* 488de, this argument is used by Socrates against Callicles: the majority is stronger (and therefore better) than the individual.

something incorrect - even though we did not rudely command him to do as we bid, but rather set before him the alternatives of doing it or persuading us to the contrary (*Crito*, 51e 3-52a 3)¹⁰.

In the same dialogue in which the superiority of the laws is exalted, Plato underlines the possibility of modifying them: the Laws repeatedly reproach Socrates (51bc, 51e-52a) for not having modified them, as they themselves recognize that they may not do something good.

This ambivalent logic, exposed by Socrates in the dialogue, is inserted as an element of innovation within the sophistical debate, insofar as it affirms the limits of the *nomos*, which nevertheless remains superior and “divine”, therefore absolutely worthy of respect; consequently the good citizen has a double obligation: to respect the laws (until his death as in the case of Socrates) and at the same time to improve them as far as possible. The «respect that Socrates manifests for these laws must not be seen in the subordination to their superior nature: in fact the Laws leave the citizen free to accept them or not, that is to leave the city <52ab>, also to convince them so as to change, in accordance with the Laws, those which seem unfair to him; however if he decides to stay, he must obey, for a reason that Socrates himself explains: he owes everything to these laws» (REALE, 2000, 131)¹¹.

On this basis, Socrates completely overturns the traditional perspective, affirming that it is not permissible to commit evil (which in this case consists in transgressing the laws) even in response to the evil and injustice received (*Crito*, 49ac). This affirmation is even more striking, if we think of the Socratic situation itself: death sentence of Socrates is one of the heaviest injustices that mark the history of the Western world.

Given this situation, the laws themselves, again in the *Crito*, make a fundamental clarification: «You now depart, if you depart, the victim of injustice at the hands of men, not at the hands of us who are the Laws (54b 5-c 1)».

Then the laws as such are not responsible. So «in a different direction, far from the sophistic relativism <for us of a part of the Sophistry> also Socrates considers man as a term of reference for justice. He moves the focal point of justice from nature to man and indicates the path of interiority: justice is the virtue of the soul and as such requires unconditional observance» (SILLI, 2016, 318)¹².

Consequently (and since the unjust sentence has the force of law once issued) not respecting the law would be equivalent to committing injustice (*Crito*, 54cd). On this

¹⁰ The English translation of the passages from the *Crito* is by ALLEN (1984).

¹¹ My English translation.

¹² My English translation.

level, the Socratic position is highly innovative too: if one were to choose between the two, it would be better to receive injustice rather than commit it, an explicit position supported by Socrates, against Polo, in the *Gorgias* 468e-469c: «But if it were necessary either to do injustice or suffer it, I would choose to suffer it rather than to do it (469c 1-2)».

Here there is a complete overturning of the conception of Thrasymachus and Callicles, according to whom it is better to execute rather than receive injustice. This different approach can be explained as follows: the Socratic philosophy shifts the attention from the socio-political level to the internal one, to the *psyché* as the true human being.

So, we understand well the Socratic choice: committing injustice is more damaging to the soul, which would be damaged with consequences even after death. However, for Socrates, even on the social level, committing injustice by disobeying the laws leads to more damaging consequences than those caused by suffering it:

But if you escape, if you thus shamefully return injustice for injustice and injury for injury, if you trespass against your compacts and agreements with us, and work evil on those you least ought – yourself, your friends, your Country and its Laws – we shall be angered at you while you live, and those our brothers who are the Laws in the place of the Dead will not receive you kindly, knowing that you undertook so far as in you lay to destroy us (*Críto*, 54c 1-5).

In conclusion, Socratic reasoning takes up and develops the utilitarian logic common to all Sophistry, but takes it to a completely different level, to which Plato obviously gives extensive development. But it is a position that must not be forgotten because it gives the measure of the variety of the sophistic debate on *nomos-physis*.

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