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Nature and Correctness

Negative and Positive Concepts of Nature in the Prehistory of the Idea of Natural Justice and Natural Law¹

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1. Natural Law in Aristotle
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Introduction: There is much ambiguity in such terms as 'natural justice' and 'natural law'. The ideas they convey may vary both with the meanings of 'nature', 'justice', and 'law' and with the methodologies, inherent in the context, of theology, philosophy, jurisprudence, etc.² With respect to the history of ideas, however, this division of thought into disciplines must not be taken for granted. Both language and methodology may be transferred from one discipline to another. In particular, the adoption of a terminology may indicate that a transfer of methodology has taken place.

¹ This paper was presented at the University of Athens (Faculty of Law) in April 2002, at the American College of Thessaloniki (in the "Philosophy on the Hill" series) in Sept. 2002, and at the University of Crete (Rethymnon) in April 2003. It is dedicated to Professor Kostas Beys, with deep feelings of friendship and admiration. I am grateful to Professors Sourlas (Athens), Müller (Thessaloniki), and Tsounorema (Rethymnon) for their invitations, to the participants of the discussions for criticism and useful suggestions and, last but not least, to Allan Smith for linguistic support.

The title – in ancient Greek: ἡ φύσις καὶ τοῦθόν – is a quotation from a Euripidean fragment (206 N.) which will be discussed in n. 90 below.

(Additional remark, June 2013: Much of the material described in this paper is now being re-worked in my *Vorlesungen zur Geschichte des griechischen Naturbegriffs bis Aristoteles*. A) *Grundlagen und Übersicht, Ältere Begriffsgeschichte, Vorsokratische Kosmologien* (= *Studien zum griechischen Naturbegriff*, Teil II) – see [www.uni-kassel.de/philosophie/Heinemann/Work in Progress](http://www.uni-kassel.de/philosophie/Heinemann/Work%20in%20Progress) . For the *Antigone*, see also ch. 5 of my *Die Fragilität der Weisheit. Vorgeschichten zu Platon*, [www.uni-kassel.de/philosophie/Heinemann/Verstecktes und Unpubliziertes](http://www.uni-kassel.de/philosophie/Heinemann/Verstecktes%20und%20Unpubliziertes) .)

² For a summary, see Wolf [1984].

I shall argue that such was the case when, in Plato's *Gorgias* and in his *Republic*, the concept of nature was linked for the first time with the concepts of justice and law.³ When Plato entered the stage, 'nature' (φύσις) was the catchword for a methodology designed to referring to standards of correctness in such arts as medicine and, presumably, rhetoric.⁴ Plato adopted this usage for his philosophy. In rational discourse, for Plato, the standard of correctness is provided by the respective Forms; dialectic is the method employed in referring to Forms. Accordingly, Forms are also termed "natures" by Plato. In particular, the phrase τὸ φύσει δίκαιον which in the *Gorgias* (and, similarly, in the *Laws*) may be taken as adumbrating pre-Platonic versions of the idea of "natural justice", is used in the *Republic* as referring to the respective Form. "Natural justice" is meant here just to be the standard of correctness with which rational discourse about justice and, hence, legislation ought to comply.⁵

This methodological bias is typical of positive concepts of nature. Negative concepts of nature, by contrast, require no methodology; "nature" is merely referred to as something indispensible.⁶ My present claim is that this distinction of positive from negative conceptions of nature is crucial to the question as to what is natural about natural law.⁷ For in a sense, if the

³ See below sections 4 and 5. Plato's priority is confirmed by Brandt [1984, 565]. In particular, the νόμος which in the Melian dialogue (Thucydides 5,105) is supposed to correspond to natural necessity is but an "approved way of behaviour" (which nevertheless may be unjust, cf. *ibid.* 5,89). It should be noted, however, that due to the poor transmission of ancient Greek literature statements of priority inevitably reflect our state of ignorance.

⁴ See below, section 5.

⁵ It should be noted that this is quite in accordance with Cicero's way, as proposed in his *De legibus*, of basing legislation on "nature", see Girardet [1983, 54 ff.].

⁶ "Positive" and "negative" concepts of nature are distinguished by Hampe [2001, 909] as follows. "Nach dem *positiven Naturbegriff* ist alles, was Teil des notwendigen Gesetzeszusammenhanges ist oder unter notwendige Gesetze fällt, Natur. Nach dem *negativen Naturbegriff* ist all das, was ohne menschliche Planung und Intentionalität 'von selbst' geschieht, also auch das Zufällige, das nicht gesetzmäßig erfassbar ist, Natur." (According to positive concepts of nature, to be "natural" means: to be an item in a lawlike nexus, or to be determined by necessary laws. According to negative concepts of nature, by contrast, to be "natural" merely means: to come about "by itself", that is, without human planning and independently of human intentions.)

The conceptual framework presupposed in this passage, with natural "necessity" and physical "law" being taken for granted, is a modern one. In order to make it work with respect to ancient Greek frameworks, Hampe's definition must be slightly modified. In particular, both the genetic and the dynamic constitutions of things (see below, section 5) ought to be classified as "natures" in the positive sense.

⁷ An earlier approach to this question was presented by Striker [1987]. Striker covers quite the same ground as I shall do in the sequel. In addition, emphasis is laid by her (and by Inwood in his comments [1987]) on Stoic conceptions of natural justice and natural law. Minor controversies for which, however, this is not the right place may arise from Striker's view of post-Aristotelian conceptions. In general, my paper may be rather taken as supplementing Striker's and Inwood's discussion.

concept of nature is taken negatively there is nothing "natural" at all about "natural law". In the first three sections of my paper, I shall argue that this is the case both in Aristotle's account of natural justice and natural law and in the pre-history to which he refers.

1. Natural Law in Aristotle

"Natural" law, according to Aristotle, is universal law. It is thus distinguished from ordinary – or, "legal" – law. "Legal" law is established, and could have been established differently, by certain people holding that things ought to be settled in a particular way.⁸ Hence, "legal" law may be different in different communities. "Natural" law is the kind of law for which this is not the case. – The relevant passage in the *Nicomachean Ethics* reads as follows.

"Of political justice part is natural, part legal, – natural, that which everywhere has the same force and does not exist by people's thinking this or that; legal, that which is originally indifferent, but when it has been laid down is not indifferent, e.g. that a prisoner's ransom shall be a mina [...]."⁹

Another passage is in the *Rhetoric* where Aristotle observes that "just and unjust ... have been defined relatively to two kinds of law", viz., to

"particular law and universal law. Particular law is that which each community lays down and applies to its own members: this is partly written and partly unwritten. Universal law is the law of nature. For there really is, as everyman to some extent divines, a natural justice and injustice that is common to all, even to those who have no association or covenant with each other."¹⁰

Surprisingly, the concept of nature is left unexplained in either passage. In particular, the definition presented by Aristotle in *Phys.* II 1 and in *Met.* V 4 does not obviously apply. The "nature" (φύσις) of a thing according to this definition is its "essence" (οὐσία) and, more specifically, is a source of movement and rest that belongs to this "essence". Yet, nothing is exhibited in the passages quoted the "nature" of which is at issue. Nor is there any indication

⁸ "Holding": τῷ δοκεῖν (*E.N.* V 7/10, 1134b20); "differently": οὐδὲν διαφέρει οὕτως ἢ ἄλλως (*ibid.* b20 f.).

⁹ *E.N.* V 7/10, 1134b18-22: Τοῦ δὲ πολιτικοῦ δικαίου τὸ μὲν φυσικόν ἐστι τὸ δὲ νομικόν, φυσικὸν μὲν τὸ πανταχοῦ τὴν αὐτὴν ἔχον δύναμιν, καὶ οὐ τῷ δοκεῖν ἢ μή, νομικὸν δὲ ὃ ἐξ ἀρχῆς μὲν οὐδὲν διαφέρει οὕτως ἢ ἄλλως, ὅταν δὲ θῶνται, διαφέρει, οἷον τὸ μνᾶς λυτροῦσθαι, κτλ. (tr. ROT).

¹⁰ *Rhet.* I 11, 1373b2-9: ὦρισται δὴ τὰ δίκαια καὶ τὰ ἄδικα πρὸς ... νόμους δύο ... λέγω δὲ νόμον τὸν μὲν ἴδιον, τὸν δὲ κοινόν, ἴδιον μὲν τὸν ἐκάστοις ὠρισμένον πρὸς αὐτούς, καὶ τοῦτον τὸν μὲν ἄγραφον, τὸν δὲ γεγραμμένον, κοινὸν δὲ τὸν κατὰ φύσιν. ἐστὶ γάρ τι ὃ μαντεύονται πάντες, φύσει κοινὸν δίκαιον καὶ ἄδικον, κἄν μηδεμία κοινωνία πρὸς ἀλλήλους ἢ μηδὲ συνθήκη, κτλ. (tr. ROT).

as to how the "essence" of things – or, any way of functioning that is characteristic of their "nature" – shall be taken into account.

Rather, Aristotle's use of the term here seems to correspond to the way φύσις has been contrasted with νόμος since the 2nd half of the 5th century.¹¹ The issue underlying this contrast is the question as to whether some fact – some regularity or state of affairs, including the necessities inherent in public and private life – is at human disposition or not. In the latter case, the fact in question is said to be determined "by nature" (φύσει). That is to say, the meaning of "nature" is *negative* here. The term is employed to merely deny that the fact in question was – or, may be – intentionally effected by man.¹² Accordingly, no qualification is required that specifies some thing or things the "nature" of which is talked about. Lacking this specification, the term "nature" is used in an indefinite way. It may be either taken as referring to indisposability as such. Or else, the specification could be added but is omitted since, as long as a negative meaning of "nature" prevails, it is irrelevant.

When turning to special topics pertaining to natural law, Aristotle may explicitly refer to the "natures" involved, "nature" being taken in the *positive* sense as explained by the definition mentioned earlier. A good example is slavery. Alcidas, in his *Messenian speech* (about 370 B.C.), claimed that

"God let all (sc. human beings) free, and nature made nobody a slave".

In Aristotle's *Rhetoric*, immediately after the passage quoted earlier, this statement is mentioned as a claim about natural law.¹³ The way "nature" is paired with "God" indicates that a negative conception of nature prevails. In the *Politics*, Aristotle replies that slavery is both natural and beneficial to someone who by birth "participates in reason enough to apprehend, but not to have";¹⁴ this, he adds, is generally assumed to be typical of barbarians.¹⁵ In

¹¹ The classic study of this contrast is Heinemann [1945/80]. For a more recent treatment see Hoffmann [1997].

¹² Similarly, Rapp [2002, part 2, 488 f.], commenting on *Rhet.* 1373b4-b18: "dass ... 'natürlich' nirgendwo mehr als den Gegensatz zu rein konventionellen Verhaltensnormen impliziert."

¹³ *Rhet.* I 13, 1373b18 f.: καὶ ὡς ἐν τῷ Μεσσηνιακῷ λέγει Ἀλκιδάμας, «Ἐλευθέρους ἀφῆκε πάντας θεός, οὐδένα δούλον ἢ φύσις πεποίηκεν.» – The quotation from Alcidas isn't in the mss. but was inserted by Ross into the text, see Rapp [2002, part 2, 494].

In the relevant passage of the *Politics*, Alcidas isn't explicitly mentioned. Aristotle's question, however, obviously echoes Alcidas' claim, cf. *Pol.* I 5, 1254a17-20: Πότερον δ' ἔστι τις φύσει τοιοῦτος [i.e., μὴ αὐτοῦ ... ἀλλ' ἄλλου ἀνθρώπου ὧν, I 4, 1254a14 sq] ἢ οὐ, καὶ πότερον βέλτιον καὶ δίκαιόν τι δουλεύειν ἢ οὐ, ἀλλὰ πᾶσα δουλεία παρὰ φύσιν ἔστι, μετὰ ταῦτα σκεπτέον.

¹⁴ *Pol.* I 5, 1254b20-23: ἔστι γὰρ φύσει δούλος ... ὁ κοινῶν λόγου τοσοῦτον ὅσον αἰσθάνεσθαι ἀλλὰ μὴ ἔχειν. "By birth": cf. a23 f.: καὶ εὐθύς ἐκ γενετῆς ἔνια διέστηκε τὰ μὲν ἐπὶ τὸ ἄρχεσθαι τὰ δ' ἐπὶ τὸ ἄρχεσθαι.

this case slavery, according to Aristotle, is the adequate way to establish the natural rule of reason.¹⁶ Hence, slavery cannot be denied to be just.¹⁷ In short, he who must, and can, be told what it is reasonable to do is a "natural" slave; his subjugation to slavery is justified by natural law.

2. Unwritten Law in the *Antigone*; Nature and Cosmic Order in the Presocratics

2.1. The passage in the *Rhetoric* mentioned earlier is supplemented by three quotations which Aristotle understands as referring to natural law. The third of them is the statement about slavery just cited. Two more examples are taken from 5th century literature. The first one is Antigone's claim (in Sophocles) that, as opposed to Creon's decree,¹⁸ her obligation to bury her brother is in accordance with "the gods' unwritten and unfailing laws".¹⁹ Such laws – or, rather, customs or rites (νόμιμα) –, Antigone adds,

"are not of today or yesterday, but live eternal, and no one knows when they first appeared."²⁰

According to Aristotle, Antigone "clearly means ... that the burial of Polyneices was ... just by nature".²¹ In addition to this, Aristotle adduces a quotation from Empedocles suggesting that

¹⁵ Cf. *Pol.* I 2, 1252b8 f. (quoting Euripides, *Iph. Aul.* 1400): φασιν οἱ ποιηταὶ "βαρβάρων δ' Ἑλλήνας ἄρχειν εἰκός", ὡς ταὐτὸ φύσει βάρβαρον καὶ δούλον ὄν. Aristotle does not endorse this view without reservation, cf. Schütrumpf [1991, 197 f.] (*ad loc.*).

¹⁶ Cf. *Pol.* I 5, 1254b6-9: φανερόν ἐστιν ὅτι κατὰ φύσιν καὶ συμφέρον τὸ ἄρχεσθαι τῷ σώματι ὑπὸ τῆς ψυχῆς, καὶ τῷ παθητικῷ μορίῳ ὑπὸ τοῦ νοῦ καὶ τοῦ μορίου τοῦ λόγον ἔχοντος, κτλ.

¹⁷ *Pol.* I 5, 1254b39-1255a2: ὅτι μὲν τοίνυν εἰσὶ φύσει τινὲς οἱ μὲν ἐλεύθεροι οἱ δὲ δούλοι, φανερόν, οἷς καὶ συμφέροι τὸ δουλεύειν καὶ δίκαιόν ἐστιν.

¹⁸ "Decree": κηρύγματα, Sophocles, *Ant.* 454 (cf. 461: προῦκήρυξας) = νόμοι, *ibid.* 449 (Creon speaking) and 452 = φρόνημα, *ibid.* 459 (with the exception of vs. 449, Antigone is speaking).

¹⁹ *Ant.* 454 f.: ἄγραπτα κἀσφαλῆ θεῶν / νόμιμα (not in Aristotle's quotation).

²⁰ *Ant.* 456 f. (= Aristotle, *Rhet.* I 13, 1373b12 f.): Οὐ γὰρ τι νῦν γε κἀχθές, ἀλλ' αἰεὶ ποτε / ζῆ ταῦτα, κούδεις οἶδεν ἐξ ὅτου 'φάνη. Aristotle replaces ταῦτα (vs. 457) by τοῦτο, echoing his own comment which precedes the quotation (and which I shall cite presently).

²¹ *Rhet.* I 13, 1373b9-11: ... οἷον καὶ ἡ Σοφοκλέους Ἀντιγόνη φαίνεται λέγουσα, ὅτι δίκαιον ἀπειρημένου θάψαι τὸν Πολυνείκη, ὡς φύσει ὄν τοῦτο δίκαιον (tr. ROT).

"Unwritten laws" (νόμοι or νόμιμα) are also supposed to be derived from "nature" in Demosthenes, or. 18, 275 (*De corona*); or. 25, 65 (*In Aristogitonem* 1); or. 45, 53 (*In Stephanum* 1); cf. or. 10, 40 (*Philippica* 4) – cf. Kullmann [1995, 54 f.]. Again, obligations of kinship are at issue. The concept of nature is employed here to suggest that, in humans and animals, parents and children have a "natural" inclination to protect and support each other. This idea may be traced back to Democritus (DK 68 B 278) and (Pseudo-)Epicharmus (DK 23 B 4). In Demosthenes, and later, it gives rise to a "popular" (Kullmann [1995, 77]) and "unspecific" (*ibid.* 63) conception of natural law which ought to be distinguished from the more ambitious conceptions of the Stoics and their followers.

it "isn't just for some people while unjust for others" to refrain from killing animals. Rather, Empedocles claims,

"this, the law for all, extends unendingly throughout wide-ruling air and the immense light [of the sun]."²²

Remarkably, the concept of nature is missing in either quotation. In what follows, I shall argue that this concept could not even be inserted without disturbing the contexts from which the quotations are taken.

In Sophocles, there is no indication that Antigone has the contrast of φύσις with νόμος in mind. Rather, the contrasts exhibited are such as unwritten vs. written,²³ divine vs. mortal,²⁴ eternal vs. ephemeral. That is to say, Antigone claims to be committed to a traditional way of behaviour which is endorsed by – and is owed to – the gods,²⁵ and which wasn't established by any event in history that could be recalled (or even be related by myth).

One may also doubt if anything similar to Aristotle's distinction of universal law from particular law really applies here. Antigone is committed to avert from her brother the dishonour (ἀτιμία) of not being buried.²⁶ That is to say, she is committed to the obligations inherent

Kullmann (ibid. 54) also adduces Isocrates, or. 12, 169 (*Panathenaicus*) and claims that both in Demosthenes and Isocrates, the traditional phrase 'unwritten law' is replaced by 'natural law'. As regards Isocrates, this is misleading. In the passage mentioned, such laws as "are ordained by divine power" are distinguished from ordinary laws which "are subject to human nature" (ὕπὸ δαίμονιας προστεταγμένω δυνάμει vs. ὑπὸ ἀνθρώπινης κειμένω φύσει, sc. νόμω). Obviously, "nature" here is semantically linked with "power"; a law is "subject to human nature" if its validity is established by such powers as are provided by the "nature" of man. Similarly, Sophocles speaks of "celestial" laws to which human "nature" did not give birth, cf. *O.T.* 868 f. : οὐδέ νιν (i.e. νόμους, v. 865) θνατὰ φύσις ἀνέρον / ἔτικτεν.

²² *Rhet.* I 13, 1373b14-17: καὶ ὡς Ἐμπεδοκλῆς λέγει περὶ τοῦ μὴ κτείνειν τὸ ἔμψυχον· τοῦτο γὰρ οὐ τισὶ μὲν δίκαιον τισὶ δ' οὐ δίκαιον, «ἀλλὰ τὸ μὲν πάντων νόμιμον διὰ τ' εὐρυμέδοντος / αἰθέρος ἠνεκέως τέταται διὰ τ' ἀπλέτου αὐγῆς» (= DK 31 B 135; KRS #413).

²³ Sure, nowhere in the *Antigone* is Creon's decree claimed to be presented in written form. Yet, the decree must have been promulgated some way (cf. *Ant.* 7 f.: πανδήμω πόλει κήρυγμα θεῖναι, ibid. 192: κηρύξας ἔχω, ibid. 448: ἐμφανῆ γὰρ ἦν). A written form of promulgation may have suggested itself to the audience of the drama.

²⁴ Cf. *Ant.* 455: θνητόν.

²⁵ "Endorsed": see also *Ant.* 77: τὰ τῶν θεῶν ἔντιμα (Antigone speaking). Also, in vs. 450 ff., neither the genitive θεῶν (vs. 454, similarly 368) nor the reference of divine sanctions (vs. 459 f.: ἐν θεοῖσι τὴν δίκην / δώσειν) are necessarily meant to suggest a divine origin of the rules in question.

²⁶ That Polyneices' τίμη is at issue in the *Antigone* becomes clear from the beginning. Cf. vs. 22: τὸν δ' ἀτιμάσας ἔχει (Antigone speaking). Ditto vs. 207 f.: κοῦποτ' ἔκ γ' ἐμοῦ / τιμὴν προέξουσ' οἱ κακοὶ τῶν ἐνδίκων (Creon speaking); vs. 284 f. / 288: Πότερον (sc. the gods) ὑπερτιμώντες ὡς εὐεργέτην / ἔκρυπτον αὐτόν, ... // ἢ τοὺς κακοὺς τιμώντας εἰσορᾶς θεοῦ; (Creon speaking); vs. 514 ff.: {KP.} Πῶς δῆτ' ἐκείνῳ δυσσεβῆ τιμᾶς χάριν; / {AN.} Οὐ μαρτυρήσει ταῦθ' ὁ κατθανῶν νέκυς. / {KP.} Εἴ

in sisterly friendship (φιλία). Furthermore, being of noble birth, she is committed to noble conduct and, hence, cannot leave a friend without support.²⁷ Either commitment may be claimed to be particular rather than universal.

2.2. In Empedocles, the rule (νόμιμον) in question is claimed to be obligatory for "everything" (πάντα). Modern readers might take it for granted that "nature as a whole" is referred to by this. Presocratic language, however, was different. 'Nature' (φύσις) was a term referring to the way things come to be, and to the way things are as a result of their coming to be. It was not used to denote the realm of all things considered by Presocratic enquiry. This realm, rather, was referred to by the very term 'everything' (πάντα) which is also used in the present Empedoclean fragment. Accordingly, the Presocratics did not claim to write "about nature" (περὶ φύσεως) but, this phrase being taken literally, "about everything" (περὶ πάντων).²⁸

Sure, about the end of the 5th century the field of interest covered by Presocratic teachings was usually referred to by the formula 'about nature' (περὶ φύσεως). Yet, there is no indica-

τοί σφε τιμᾶς ἐξ ἴσου τῷ δυσεβεῖ. / [AN.] Οὐ γάρ τι δούλος. ἀλλ' ἀδελφὸς ὤλετο. See also the in the so-called calculus, vs. 904, 913 f.: Καίτοι σ' ἐγὼ τίμησα τοῖς φρονοῦσιν εἶ. / ... / Τοιῶδε μέντοι σ' ἐκπροτιμήσασ' ἐγὼ / νόμῳ, κτλ. (Antigone speaking).

Only Haemon claims that divine τίμαι (rather than Polyneices' τίμη) are at issue (vs. 745: οὐ γὰρ σέβεις, τιμᾶς γε τὰς θεῶν πατῶν). Similarly, Tiresias later in the drama (vs. 1068 ff.) complains a violation of the cosmic order that divides "above" from "below", and, thus, separates the respective domains of divine concerns. There is no indication that Antigone has anything like that in mind.

²⁷ Cf. the words Antigone uses when she demands the help of her sister: καὶ δείξεις τάχα / εἴτ' εὐγενῆς πέφυκας εἴτ' ἐσθλῶν κακῆ (Ant. 37 f.).

²⁸ This was pointed out by Long [1999, 10 f.] and, independently, by myself [2000, 20n25]. The most obvious evidence is in Democritus to whom the formula περὶ τῶν ξυμπάντων, as an *incipit*, is well attested both by Cicero and Sextus Empiricus (DK 68 B 165). This formula may already underlie the phrase ἀμφὶ θεῶν τε καὶ ἄσσα λέγω περὶ πάντων in Xenophanes (DK 21 B 34.2). Accordingly, the passage quoted is rendered "about the gods, and such things as I say concerning all things" by Leshner [1999, 229] (similarly, Fränkel [1962, 382], Long [1999, 10]); another way to translate it is "about the gods and about everything I speak of" (KRS, #186).

In general, the frequent use of πάντα in the opening passages of Presocratic treatises (or of their cosmological parts) is noticeable, cf.

- Heraclitus, DK 22 B 1: γινομένων γὰρ πάντων κατὰ τὸν λόγον τόνδε κτλ.
- Parmenides, DK 28 B 1.31 f. ἀλλ' ἔμπης καὶ ταῦτα μαθήσεται, ὡς τὰ δοκοῦντα / χρῆν δοκίμως εἶναι διὰ παντὸς πάντα περὶ πάντα. B 8.60 f.: τόν σοι ἐγὼ διάκοσμον εὐκότα πάντα φατίζω, / ὡς οὐ μὴ ποτέ τις σε βροτῶν γνώμη παρελάσσει.
- Empedocles, DK 31 B 6.1: τέσσαρα γὰρ πάντων ῥιζώματα πρῶτον ἄκουε·
- Anaxagoras, DK 59 B 1 (= Simpl. in phys. 155.23): λέγων ἀπ' ἀρχῆς ὅμοῦ πάντα χρήματα ἦν κτλ.
- Diogenes von Apollonia, DK 64 B 2 (= Simpl. in phys. 151.28): γράφει δὲ εὐθύς μετὰ τὸ προοίμιον τάδε· ἐμοὶ δὲ δοκεῖ τὸ μὲν ξύμπαν εἰπεῖν πάντα τὰ ὄντα ἀπὸ τοῦ αὐτοῦ ἔτεροιοῦσθαι καὶ τὸ αὐτὸ εἶναι.

tion that this was the case earlier than that; and only after Aristotle was this formula attached to Presocratic writings as their title.²⁹

In the Presocratics, the term 'nature' (φύσις) refers to a certain set of questions to be answered about "everything" (πάντα). As Kahn has put it, "to understand the 'nature' of a thing" is to discover "from what source and in what way it has come to be what it is". I agree with Kahn that 'nature' (φύσις) is a "catchword" for Presocratic enquiry,³⁰ in so far as the Presocratics devoted themselves to questions like that. Presocratic enquiry, however, was not at all confined to this. Its primary concern may be even claimed to be "order" (κόσμος) rather than "nature" (φύσις). That is to say, one set of facts described by early Greek cosmology concerns the origin of things and their way of coming to be. Yet, there is another set of facts concerning the way things are adapted to each other, and are so arranged as to form an orderly whole. As far as I can see, there was no attempt to explain the latter set of facts by the former.

In particular, the term φύσις wasn't employed by the Presocratics to refer to cosmic order, nor did it refer to principles from which order was supposed to derive. Rather, the principles in question were (more or less metaphorically) referred to by appropriate abstract terms such as

- 'justice': δίκη in Anaximander (DK 12 B 1) and Heraclitus (DK 22 B 80);
- 'the order of time': χρόνου τάξις in Anaximander (DK 12 B 1), echoing "time's judgement" in Solon³¹ and, thus, confirming Hesiod's and Solon's representation of divine justice as a regularity in the temporal succession of offence and taliation;³²
- 'necessity': χρέων in Anaximander (DK 12 B 1) and Heraclitus (DK 22 B 80), ἀνάγκη in Parmenides (DK 28 B 10.6) and Leucippus (DK 67 B 2);
- 'regularity' or 'rule': λόγος in Heraclitus (DK 22 B 1 and passim) and in Leucippus (DK 67 B 2);

²⁹ See Schmalzriedt [1970]. See also n. 24 in my [2002a].

³⁰ The relevant passage is as follows. "Φύσις is, of course, the catchword for the new philosophy [sc., of Anaximander and his successors]. (...) The early philosophers sought to understand the 'nature' of a thing by discovering *from what source* and *in what way* it has come to be what it is. (...) It is this interest in the origin of all things – of the world, of living beings, of man, and of his social institutions – which characterizes the scientific thought of early Greece" (Kahn [1960, 201 f.], emphasises this).

Similarly, Vlastos [1975, 18] claims that "*physis* is the key term in the transition from (...) the world of common belief and imagination (...) to the world of the *physiologoi* and of a few (...) intellectuals like Thucydides and the Hippocratics – the world which was *cosmos*."

Cf. also Naddaf [1998, 2 f.], summarizing the argument of his [1992] (see below n. 37). – My (and Long's) interpretation strongly diverges from orthodoxy.

³¹ Cf. Solon: fr. 24.3 D.: ἐν δίκη χρόνου.

³² Cf. Hesiod, *Erga* 279 ff.; Solon, fr. 1.25 ff. and 3.14 ff. D.

- 'fittedness': ἄρμονία in Heraclitus (DK 22 B 51 and 54) and Philolaos (DK 44 B 1 and 6);
- 'love' and 'strife', that is, mutual attraction or repulsion of unlike elements: φιλία and νεῖκος in Empedocles (passim).

Additionally, a (more or less divine) agency was usually exhibited in Presocratic teachings which was claimed to be in charge of guaranteeing order by governing or steering (κυβερνᾶν) the world. Such agencies are

- the ἄπειρον in Anaximander (DK 12 A 15);
- an anonymous agency, assisted by lightning, in Heraclitus (DK 22 B 41 and 64). Heraclitus thereby suggests that, on the one hand, the governing agency has to do with fire (i.e., with the fundamental element of his cosmology) and, on the other hand, with some reservations may be identified with Zeus (cf. DK 22 B 32);³³
- an anonymous female deity (δαίμων) in Parmenides (DK 28 B 12);
- air (ἀήρ), i.e. the primary element which is also claimed to be endowed with intelligence (νόησις) and, hence, to dispose things "in the best possible way" (κάλλιστα) in Diogenes of Apollonia (DK 64 B 5).

Further, cosmic order was claimed to be maintained by the Erinyes in Heraclitus (DK 22 B 94),³⁴ and was claimed to be inaugurated by "reason" in Anaxagoras (DK 59 B 12).

Sure, cosmic order was also claimed to be fundamental to legal order both by Empedocles in the fragment mentioned earlier,³⁵ and by Heraclitus in a fragment to which I shall return in the next section.³⁶ The very idea of divine government, however, precluded that the notion of cosmic "order" (κόσμος) was derived from "nature" (φύσις), in whatever meaning of the latter term available to Presocratic writers.³⁷

³³ Fire, in Heraclitus, is deeply involved in the way things come to be, i.e. in their φύσις. This, however, is not to say that the governing agency may be equated with the φύσις of things in any way. Rather, it should be noted that things are "distinguished by their natures" according to Heraclitus (DK 22 B 1; see below sect. 3). His claim that "one thing [i.e., fire] is all things" (DK 22 B 50: ... ἐν πάντα εἶναι) does not amount to claiming that fire is the common φύσις of things. – See also n. 37; concerning fr. 41, see below section 3.

³⁴ See below n. 39.

³⁵ DK 31 B 135 (quoted by Aristotle).

³⁶ DK 22 B 114 (which Aristotle doesn't adduce).

³⁷ Sure, Anaximander may have claimed that the ἄπειρον on the one hand is the origin of all things and, on the other hand, permanently governs the world.

According to Burnet [⁴1930, 10 f.], the "original meaning" of φύσις "appears to be the 'stuff' of which anything is made, a meaning which easily passes into that of its 'make-up,' its general character or constitution. Those early [i.e. pre-Eleatic] cosmologists who were seeking for an 'undying and ageless' something, would naturally express the idea by saying there was 'one φύσις' of all things." This

3. Divine Law in Heraclitus

In the opening passage of his book (fr. 1), Heraclitus complains that people are notoriously ignorant of the "rule" or "regularity" (λόγος) he is setting out to describe. He adds that this is the case in spite of the fact that "everything happens according to this rule"; even his own enterprise – i.e., "distinguishing each thing by its nature and declaring how it is" – is not expected by Heraclitus to bring about any change in this.³⁸

reconstruction still underlies Naddaf's [1998, 3] claim that "Anaximander chose as his φύσις ... the ἄπειρον, a neutral or 'mediating' substance. In brief, the universe began to grow from a φύσις of this sort." In the same vein, he might have also claimed that, according to Anaximander, the φύσις governs all things.

Yet in the passage quoted, Burnet merely reproduces a doxographical myth which derives from a careless reading of Aristotle's *Met.* I. In addition, Burnet's key evidence is inconclusive. Scholars agree that Empedocles (DK 31 B 8: φύσις οὐδενὸς ἔστιν ἀπάντων θνητῶν, / κτλ.) was entirely misrepresented by Burnet [1930, 205n4, 228]. Further, in the Euripidean fragment which Burnet adduced in the passage quoted above (fr. 910.5 ff. N.: ... ἀθανάτου καθορῶν φύσεως / κόσμον ἀγήρων, πῆ τε συνέστη / καὶ ὅπη καὶ ὅπως) the phrase ἀθάνατος φύσις probably ought to be taken in a periphrastic sense, meaning "that which by nature is immortal", as opposed to the current θνητή φύσις, i.e., "that which by nature is mortal" (Sophocles, *O.T.* 868 and fr. 590; Democritus, DK 68 B 297; Plato, *Symp.* 207d1, *Tht.* 176a7).

The earliest evidence exemplifying the usage Burnet describes derives from late 5th / early 4th century: Diogenes of Apollonia, DK 64 B 2: identity τῆ ἰδίᾳ φύσει is identity of material origin; [Hippocrates], *Nat. hom.* c. 4: τὸ δὲ σῶμα τοῦ ἀνθρώπου ἔχει ἐν ἑωυτῷ αἷμα καὶ φλέγμα καὶ χολὴν ξανθὴν τε καὶ μέλαιναν, καὶ ταῦτ' ἔστιν αὐτέω ἢ φύσις τοῦ σώματος.

Sure, Plato seems to claim in the *Laws* that all inquirers "about nature" (891c8 f.: ὅποσοι πάποτε τῶν περὶ φύσεως ἐφήψαντο ζητημάτων) have taken certain stuffs, viz, the so-called elements, as primary to everything and, hence, have termed them "nature" (cf. 891c2 f.: ... πῦρ καὶ ὕδωρ καὶ γῆν καὶ ἄερα πρῶτα ἠγεῖσθαι τῶν πάντων εἶναι, καὶ τὴν φύσιν ὀνομάζειν ταῦτα αὐτά), the term being used to refer to the primary origination of things (892c2 f.: φύσιν βούλονται λέγειν γένεσιν τὴν περὶ τὰ πρῶτα). On closer reading, however, the claim that the "nature" of things is their origination from the elements must be distinguished from a definition according to which "nature", taken absolutely, is equated with the elements. Only the former is attested to accord with older usage by Plato in this passage.

Finally, Aristotle reports that according to the atomists "nature" moves with respect to place (*Phys.* VIII 9, 265b24; DK 68 A 58: ... καὶ γὰρ οὗτοι τὴν κατὰ τόπον κίνησιν κινεῖσθαι τὴν φύσιν λέγουσιν); Simplicius comments that this claim refers to "the natural and primary and indivisible bodies; for these were termed 'nature' by them" (*In Phys.* 1318.33; DK 68 A 58 = B 168: τουτέστι τὰ φυσικὰ καὶ πρῶτα καὶ ἄτομα σώματα: ταῦτα γὰρ ἐκεῖνοι φύσιν ἐκάλουν κτλ.). Yet, there is no indication that Aristotle's report, taken together with Simplicius' comment, really records Presocratic (rather than 4th century) usage, as it is commonly taken for granted.

³⁸ DK 22 B 1: τοῦ δὲ λόγου τοῦδ' ἐόντος αἰεὶ ἀξύνετοι γίνονται ἄνθρωποι καὶ πρόσθεν ἢ ἀκοῦσαι καὶ ἀκούσαντες τὸ πρῶτον: γινομένων γὰρ πάντων κατὰ τὸν λόγον τόνδε ἀπειροῖσιν εὐόκασι, πειρώμενοι καὶ ἐπέων καὶ ἔργων τοιούτων, ὁκοίων ἐγὼ διηγέσθαι κατὰ φύσιν διαίρεων ἕκαστον καὶ φράζων ὅπως ἔχει. (...) – Hippolytus' reading (without ἕκαστον after διαίρεων) makes no sense at all.

With respect to my present topic, the question arises as to how the phrases just quoted, that is, how λόγος and φύσις are related to each other in Heraclitus. My answer is this. Λόγος, in Heraclitus, is the rule followed when things come about or interact (mutual generation and destruction being the principal way of interaction considered). The φύσις of each thing is the way it comes to be what it is according to that rule (κατὰ τὸν λόγον).³⁹ Similarly, the way things are adapted to each other (ἀρμονία) and thus form an orderly whole (κόσμος) is derivative of the λόγος followed in their coming about.

Sure, Heraclitus may also have claimed that everything happens "according to nature" (κατὰ φύσιν). This, however, would be a tautology, stating that everything happens according to the way each thing comes about κατὰ τὸν λόγον, i.e., according to the regularity Heraclitus describes. Hence, the phrases κατὰ φύσιν and κατὰ τὸν λόγον are not at all equivalent in Heraclitus, as some, including Heidegger, have claimed.⁴⁰ Rather, the former presupposes the latter; λόγος rather than φύσις is the "key term" (Vlastos) in Heraclitus, and is the "catchword" (Kahn) for a philosophy designed to explain how order is maintained in a world of becoming.⁴¹

In fr. 112, Heraclitus apparently recommends "to act according to nature" (ποιεῖν κατὰ φύσιν).⁴² Reinhardt, however, convincingly argued that the phrase κατὰ φύσιν does not

Quite the same use of λόγος reappears in Leucippus, DK 67 B 2: οὐδὲν χρῆμα μάτην γίνεται, ἀλλὰ πάντα ἐκ λόγου τε καὶ ὑπ' ἀνάγκης. ("Nothing occurs at random, but everything as the result of regularity and by necessity." – KRS, #569 have "for a reason" for ἐκ λόγου.)

³⁹ Cf. NADDAF 1992, 214: "c'est le *logos* qui détermine la *physis*". This is confirmed by the quotation from Heraclitus in the *Derveni Papyrus*, Col. IV.7-9 :

ἥλι[ος ἔω]τοῦ κατὰ φύσιν ἀνθρ[ω]πίου] εὖρος ποδός [ἐστι] (= DK 22 B 3)

τοῦ[ς ὄρου]ς οὐκ ὑπερβάλλων· εἰ γάρ [τι εὔ]ρους ἐ[ω]υτοῦ]

[ἐ]κ[βή]σεται], Ἐρινύε[ς] νιν ἐξευρήσουσ[ι, Δίκη]ς ἐπικούροι. (= DK 22 B 94)

("The sun according to its own nature is a human foot in width, not exceeding its boundaries. For if it goes outside its own width, the Erinyes, helpers of Justice, will find it out." – Text: Tsantsanoglou [1997, 94], tr. Laks and Most [1997, 11]; for a different reconstruction see Lebedev [1989]). On the one hand, the size of a sun here is claimed to be a feature in its "nature". This is quite a surprise since this part of the fragment was transmitted by Aetius without mentioning "nature", cf. DK 22 B 3: (περὶ μεγέθους ἡλίου) εὖρος ποδός ἀνθρωπέου, similarly Diogenes Laertius 9,7 (DK 22 A 1) εἶρηκε ... ὅτι τε ὁ ἥλιός ἐστι τὸ μέγεθος οἶος φαίνεται. On the other hand, Heraclitus claims that the size of a sun is controlled by the Erinyes. Accordingly, the "nature" of the sun is subdued to Dike and, hence, is determined by the Logos.

⁴⁰ Heidegger [*EiM* 100], Gladigow [1965, 87].

⁴¹ For full quotations, see above, n. 30.

⁴² DK: "... zu handeln nach der Natur"; similarly Heinemann [1945/80, 93], Bolton [1989, 55], Kahn [1998, 32].

qualify ποιεῖν but rather belongs to the word that follows, i.e. ἐπαῖοντας ("understanding" or "listening").⁴³ Accordingly, the fragment ought to be rendered as follows.

"Sound thinking is the greatest excellence, and wisdom is: to act and speak what is true, directing one's awareness towards nature."⁴⁴

Again, "nature" here is the way things truly come about, that is, the way things come about κατὰ τὸν λόγον. Hence, fr. 112 is quite in accordance with fr. 41, claiming that

"The wise is one thing, to be acquainted with true judgement, how all things are steered through all."⁴⁵

The "how" in question is the "rule" or "regularity" (λόγος) Heraclitus describes. Similarly, it is claimed in fr. 114 that

"Those who speak with sense must rely on what is common to all, as a city must rely on its law, and with much greater reliance. For all the laws of men are nourished by one law, the divine law; for it has as much power as it wishes and is sufficient for all and is still left over."⁴⁶

No doubt, "what is common to all" is the λόγος,⁴⁷ and must not be equated with φύσις. Things are "distinguished by their natures" according to Heraclitus.⁴⁸ Hence, Heraclitus is bound not to claim that "nature" is "common to all". Accordingly, nonsense would be made of the fragment just quoted if the "divine law" by which "all the laws of men are nourished" was supposed to be a "natural" law.

⁴³ Reinhardt [1977, 223n1]: κατὰ φύσιν ἐπαῖειν = "etwas nach seiner wahren Beschaffenheit wahrnehmen und verstehen". Similarly Kahn's previous translation [1979, 43]: "Thinking well is the greatest excellence and wisdom: to act and speak what is true, perceiving things according to their nature."

⁴⁴ DK 22 B 112: σωφρονεῖν ἀρετὴ μέγιστη, καὶ σοφίη ἀληθέα λέγειν καὶ ποιεῖν κατὰ φύσιν ἐπαῖοντας (punctuation as proposed by Gladigow [1965, 113]). For my rendering of ἐπαῖοντας κατὰ ... by "directing one's awareness towards ..." see LSJ, s.v. κατὰ, B. III.

⁴⁵ DK 22 B 41 (Kirk's reading): ἐν τὸ σοφόν· ἐπίστασθαι γνώμην [adv.], ὅκη κυβερνᾶται πάντα διὰ πάντων ("The wise is one thing, to be acquainted with true judgement, how all things are steered through all", text and tr. KRS, #227). Obviously, my interpretation in section 2 is also supported by Diels' reading (which was defended by Vlastos): ... ἐπίστασθαι γνώμην, ὅτι ἐκυβέρνησε πάντα διὰ πάντων ("... to know the Thought by which all things are steered through all things", text DK, tr. as rendered by Guthrie, [HGP 1, 429]).

⁴⁶ DK 22 B 114: ξὺν νόῳ λέγοντας ἰσχυρίζεσθαι χρὴ τῷ ξυνῶ πάντων, ὅκωσπερ νόμῳ πόλις, καὶ πολὺ ἰσχυροτέρως. τρέφονται γὰρ πάντες οἱ ἀνθρώπειοι νόμοι ὑπὸ ἑνὸς τοῦ θεοῦ κρατεῖ γὰρ τοσοῦτον ὁκόσον ἐθέλει καὶ ἐξαρκεῖ πᾶσι καὶ περιγίνεται (tr. KRS, #250).

⁴⁷ Cf. DK 22 B 2: διὸ δεῖ ἔπεσθαι τῷ <ξυνῶ> τοῦ λόγου δ' ἐόντος ξυνοῦ ζῶουσιν οἱ πολλοὶ ὡς ἰδίαν ἔχοντες φρόνησιν ("Therefore it is necessary to follow the common; but although the Logos is common the many live as though they had a private understanding," tr. KRS, #195).

4. Natural Law and Natural Justice in Plato's *Gorgias*

So far, I have pursued Aristotle's own hints at the prehistory of the idea of natural law. My result is as follows. Both in poetry and in Presocratic writings, the precursor of the idea of natural law is the idea of divine law. Divine law,

- on the one hand, was contrasted with (and was claimed to be fundamental to) human law and,
- on the other hand, was represented as a regularity in divine government and, hence, as a principle of cosmic order (to which, again, the order of human affairs must conform).

The idea of divine law may be also referred to by the phrase "natural law", with "nature" being taken in a *negative* sense (i.e., merely indicating that the regularity in question isn't at human disposition). The same is true of the idea of unwritten law.⁴⁹ That is to say, however, that nothing specifically "natural" is referred to by this phrase. My question, therefore, is whether the concept of nature acquired any *positive* significance in the early history of the idea of natural law.

In Aristotle's account, the concept has a negative meaning. Both in the contexts from which his examples are taken and in Heraclitus whom he does not mention, the meaning of "nature" either is also negative. Or else, it does not affect the ideas which, according to Aristotle, refer to natural law.

In Plato, however, the situation is different. In the *Gorgias*, Callicles (a young politician otherwise unknown to us) is represented as claiming that unlimited acquisition by the stronger rather than moderation is just.⁵⁰ In a sense, this is a mere restatement of a claim which was repeatedly stated in Thucydides, viz. that justice is ineffective against power and, hence, that it is futile to appeal to justice when powers are unbalanced.⁵¹ Callicles, however, goes one step further, claiming that the exercise of superior power for the sake of superior gain is even required by justice. Sure, he adds, the conduct in question may be condemned as unjust when justice is taken in a legal sense,⁵² and may be unlawful with regard to the kind of law which "is established by ourselves".⁵³ Yet this verdict, favoring moderation and, thus,

⁴⁸ DK 22 B 1, as quoted above.

⁴⁹ See above, n. 21.

⁵⁰ Grg. 482C ff. "Unlimited acquisition": πλεονεξία (508a7; cf. 483c2 and passim: πλεον ἔχειν, 483c3 and passim: πλεονεκτεῖν). "Moderation": σωφροσύνη (492b1 and passim).

⁵¹ See, e.g. Thucydides 5,89 (Melian dialogue): ... ἐπισταμένους πρὸς εἰδότας ὅτι δίκαια μὲν ἐν τῷ ἀνθρώπῳ λόγῳ ἀπὸ τῆς ἴσης ἀνάγκης κρίνεται, δυνατὰ δὲ οἱ προύχοντες πράσσοσι καὶ οἱ ἀσθενεῖς ξυγχωροῦσιν.

⁵² Cf. Grg. 483c6-8: διὰ ταῦτα δὴ νόμῳ μὲν τοῦτο ἄδικον καὶ αἰσχρὸν λέγεται, τὸ πλεον ζητεῖν ἔχειν τῶν πολλῶν, καὶ ἀδικεῖν αὐτὸ καλοῦσιν.

⁵³ Cf. Grg. 483e3 f.: κατὰ τοῦτον [sc. νόμον] ὃν ἡμεῖς τιθέμεθα.

unduly privileging the weak,⁵⁴ is "unnatural", and so is the kind of law from which it is derived.⁵⁵ By contrast, Callicles claims that unlimited acquisition by the stronger is required by "natural justice" and follows "natural law".⁵⁶

The phrases mentioned – which I rendered in English by "natural justice" and "natural law" respectively – occur here for the first time in extant Greek literature. Accordingly, the question I asked at the beginning of this section might be taken as concerning the significance of the concept of nature in the doctrine recorded. Part of this is elucidated by the fact that, at the beginning of his statement, Callicles obviously employs the contrast of φύσις with νόμος mentioned earlier in this lecture. The significance of this contrast may be illustrated by his claim that

"by nature (φύσει), everything is more shameful which is also worse, suffering injustice, but by rule (νόμῳ) doing injustice is more shameful."⁵⁷

The concept of nature here refers to a regularity which is supposed to be at no one's disposition, viz. that it is humiliating to be harmed in any way. The first part of the statement quoted, then, is easily established by the additional assumptions that (i) suffering injustice amounts to being harmed, whereas (ii) doing injustice does not amount to harming oneself but, rather, amounts to harming someone else. This, however, is not to deny that doing injustice may both be legally punished, and condemned by the public. Due to legal practice, doing injustice is something to conceal and, hence, is "shameful" (αἰσχρόν), as Callicles claims in the second part of the statement.⁵⁸

⁵⁴ *Grg.* 483BC and *passim*.

⁵⁵ Cf. *Grg.* 484a5: ... νόμους τοὺς παρὰ φύσιν ἅπαντας, 492c7: τὰ παρὰ φύσιν συνθήματα ἀνθρώπων.

⁵⁶ "Natural justice": cf. *Grg.* 483e2: κατὰ φύσιν τὴν τοῦ δικαίου, 484b1: τὸ τῆς φύσεως δίκαιον, 484c1: ὡς τούτου ὄντος τοῦ δικαίου φύσει κτλ. (cf. 488c5: κατὰ τὸ φύσει δίκαιον, 490a6 f.: τοῦτο γὰρ οἶμαι ἐγὼ τὸ δίκαιον εἶναι φύσει κτλ.), 488b2 f.: τὸ δίκαιον ... τὸ κατὰ φύσιν. – "Natural law": cf. 483e3: κατὰ νόμον ... τὸν τῆς φύσεως.

⁵⁷ *Grg.* 483a7 f.: φύσει μὲν γὰρ πᾶν αἰσχρόν ἐστιν ὅπερ καὶ κάκιον, τὸ ἀδικεῖσθαι, νόμῳ δὲ τὸ ἀδικεῖν (Irwin's tr.).

Here the term 'injury' (τὸ ἀδικεῖν / ἀδικεῖσθαι) still has its traditional meaning which was taken for granted in the episode with Polos (to which Callicles is alluding). A revisionary use of the term, allowing that injuries (in the traditional sense) are "naturally just", is introduced by Callicles in the sequel. See also Irwin [1979, 174].

⁵⁸ Similarly, Antiphon, DK 87 B 44 A, col. 1.12-2.10: χρῶτ' ἂν οὖν ἄνθρωπος μάλιστα [] ἑαυτῷ ξυμφερόντως δικαιοσύνη, εἰ μετὰ μὲν μαρτύρων τοὺς νόμους μεγάλο<υ>ς ἄγοι, μονούμενος δὲ μαρτύρων τὰ τῆς φύσεως· τὰ μὲν γὰρ τῶν νόμων ἐπίθετα, τὰ δὲ τῆς φύσεως ἀναγκαῖα· καὶ τὰ μὲν τῶν νόμων ὁμολογηθέντα οὐ φύντ' ἐστίν, τὰ δὲ τῆς φύσεως φύντα οὐχ ὁμολογηθέντα. τὰ οὖν νόμιμα παραβαίνων εἰὰν λάθῃ τοὺς ὁμολογήσαντας καὶ αἰσχύνῃ καὶ ζημίας ἀπήλλακται· μὴ λαθῶν δ' οὐ.

Yet, the claims about "natural justice" and "natural law" mentioned earlier cannot be explained as easily. Again, the concept of nature may be taken as referring to some regularity which is supposed to be crucial to the valuation in question. The argument presented by Callicles, however, seems to boil down to the claim that, as a matter of fact, superior strength normally results in superior gain (both of power and of wealth and delight). This is a mere restatement of the Athenian claim in Thucydides (so-called Melian dialogue) that, "due to inevitable nature", rule is exercised over the inferior throughout the world as a whole and, particularly, throughout the domain of human affairs.⁵⁹ Similarly, Democritus said that "ruling naturally belongs to the stronger".⁶⁰ It is hard to see why Callicles believes that this is of any importance to justice and law.⁶¹

Later in the dialogue, Callicles restates his claim in such a way as not to be necessarily exposed to this objection. His claim now is that

"this is what I think the just by nature is – that the man who is better and wiser should rule over the lower men, and have more than them."⁶²

As in his statement concerning humiliation and harm which I quoted earlier, the valuation in question is inherent in either side of the statement. On the one hand, a valuation is expressed when a man is claimed to be "better and wiser" than others. Hence, on the other hand, this valuation may be claimed to communicate itself to the state of affairs described, thus taking the form that rule and advantage are just. And finally, it may make some sense to claim that the connection thus established obtains "naturally".

It should be noted, however, that in either case, some abstract reasoning is required in assessing the statement. In particular, the concept of nature refers to regularities which do not involve such ordinary things as are usually involved when the concept is employed. Rather, the regularities in question are claimed to be characteristic of such abstract things as harm and humiliation, or excellence and rule, each of them being taken in general. In the language of his middle dialogues, Plato would have said that each of these abstract things is taken "as such".

Obviously, "shame" (αἰσχύνη) has to do with visibility to the public; an event or deed is "shameful" (αἰσχροόν) if and only if it is "something to conceal".

⁵⁹ Thucydides 5,105,2: ἡγούμεθα γὰρ τό τε θεῖον δόξῃ τὸ ἀνθρώπειόν τε σαφῶς διὰ παντὸς ὑπὸ φύσεως ἀναγκαίας, οὗ ἂν κρατῆ, ἄρχειν (with τό ... θεῖον referring to the world beyond human reach). – For details of interpretation, see my [2002a].

⁶⁰ Democritus, DK 68 B 267: φύσει τὸ ἄρχειν οἰκίον τῶι κρέσσονι.

⁶¹ A similar point was made by Irwin [1979, 165 ff.].

⁶² *Grg.* 490a6-8: τοῦτο γὰρ οἶμαι ἐγὼ τὸ δίκαιον εἶναι φύσει, τὸ βελτίω ὄντα καὶ φρονιμώτερον καὶ ἄρχειν καὶ πλέον ἔχειν τῶν φαυλοτέρων (Irwin's tr.).

Yet, the *Gorgias* is none of Plato's middle dialogues. No emphasis is laid on the abstractions required. In particular, the strongest argument in reply to Callicles which Socrates, in my view, presents in the *Gorgias* relies on matters of fact rather than considerations of value. The common ideal of equality, Socrates claims, isn't a good target for Callicles since equality may also – and more adequately – be taken in a "geometrical" sense. He who is better would be privileged in due proportion by this and, hence, would not be left to unlimited acquisition, as Callicles presupposed. Socrates takes no steps to substantiate the claim that geometrical equality rather than unlimited acquisition is just. Rather, he complies with his opponent by merely relying on the "powers" involved, claiming that

"geometrical equality has great power among gods and men" and, in fact, is the way that "heaven and earth, gods and men are bound by community and friendship and order and temperance and justice."⁶³

In sum, both negative and positive meanings are conveyed by "nature" in the *Gorgias*. The positive meaning is exhibited by the pairing of "nature" (φύσις) with "power" (δύναμις) which underlies both Callicles' argument and Socrates' reply. Obviously, this dynamic conception of nature is borrowed from contemporary medical and political discourse. Its importance to justice and law, however, is doubtful.

5. Natural Justice in Plato's *Republic*, Nature and Correctness in Plato's *Cratylus*

5.1. Plato's final reply to Callicles isn't to be found in the *Gorgias* but, rather, in the *Republic*. It hides behind the phrase τὸ φύσει δίκαιον ("that which by nature is just") which in the *Gorgias* meant "natural justice",⁶⁴ yet, in a passage of the *Republic* refers to the respective Form or Idea.⁶⁵ Similarly, in another passage of the *Republic*, Forms – which are referred to here by

⁶³ *Grg.* 508a6 f., 507e6-508a2 (Irwin's tr.). The entire passage reads as follows: φασὶ δ' οἱ σοφοί, ὦ Καλλίκλει, καὶ οὐρανὸν καὶ γῆν καὶ θεοὺς καὶ ἀνθρώπους τὴν κοινωνίαν συνέχειν καὶ φιλίαν καὶ κοσμιότητα καὶ σωφροσύνην καὶ δικαιοσύνην, καὶ τὸ ὅλον τοῦτο διὰ ταῦτα κόσμον καλοῦσιν, ὦ ἑταῖρε, οὐκ ἀκοσμίαν οὐδὲ ἀκολασίαν. σὺ δὲ μοι δοκεῖς οὐ προσέχειν τὸν νοῦν τούτοις, καὶ ταῦτα σοφὸς ὢν, ἀλλὰ λέληθέν σε ὅτι ἡ ἰσότης ἢ γεωμετρικὴ καὶ ἐν θεοῖς καὶ ἐν ἀνθρώποις μέγα δύναται, σὺ δὲ πλεονεξίαν οἶε δεῖν ἀσκεῖν· γεωμετρίας γὰρ ἀμελεῖς (507e6-508a8).

⁶⁴ *Grg.* 484c1, 488c5, 490a7 (see above).

⁶⁵ *Rep.* 501b1-3: ... ἐκατέρως' ἀποβλέποιεν, πρὸς τε τὸ φύσει δίκαιον καὶ καλὸν καὶ σῶφρον καὶ πάντα τὰ τοιαῦτα, καὶ πρὸς ἐκεῖν' αὖ κτλ.

Neschke-Hentschke [1996, 63] claims that Plato equates "geometrical equality" (*Grg.* 508a6) – i.e. the due proportion of function to value, taken as a universal principle of order – with "the just by nature", as it is referred to at *Rep.* 501b2. Be that as it may, I don't believe (nor does Neschke-Hentschke claim) that the concept of nature in the phrase τὸ φύσει δίκαιον in the *Republic* is meant to signify cosmic order (as it ultimately signifies cosmic necessity in the *Gorgias*, see above).

It should also be noted that in Book IV of the *Laws*, the phrase τὸν φύσει ὅρον τοῦ δικαίου (*Lg.* 714c3) alludes to the *Gorgias* rather than to the *Republic* (compare the citations from Pindar at *Grg.*

the phrase "that which really is (sc. just, or beautiful etc.)"⁶⁶ – are supposed to have "natures".⁶⁷ Again, the language used by Callicles in the *Gorgias*, attributing a "nature" to "justice",⁶⁸ both is echoed, and is transferred to the Forms.

I don't believe that these are mere coincidences. Rather, I take it that Plato deliberately alludes to the *Gorgias*. This allusion is meant to indicate that only by the doctrine of Forms is a frame of reference provided within which the issue raised by Callicles can be faced adequately.

Yet, the way "nature" is linked with Forms in Plato cannot be sufficiently explained by this. In his middle dialogues, "nature", taken in an absolute sense, is even equated with the realm of all Forms.⁶⁹ Later, Plato notoriously uses such phrases as ἡ (τοῦ) *F* φύσις, where *F* is any abstract term, as referring to the Form in question.⁷⁰ In either case, "nature" (φύσις) is a technical term indicating that Forms are at issue.⁷¹ Forms, in Plato, are the object of philosophical

484b1 and *Lg.* 715a1). In particular, I don't see that the phrase quoted is meant to hint at the θεῖος νόμος of *Lg.* 716a3, as Neschke-Hentschke contends [1996, 64]. Also, in Book XII, κρίνοντας τὰ τε καλῶς γιγνώμενα καὶ τὰ μὴ κατὰ φύσιν (*Lg.* 966b8) doesn't explicitly refer to natural justness (but cf. Lisi [1985, 181]: "das der Natur nach *Gerechte* und *Schöne*"; emphasis mine).

⁶⁶ *Rep.* 490b3: αὐτὸ ὃ ἔστιν ἕκαστον. – Note that ἔστιν is copula, and ἕκαστον is complement here.

⁶⁷ *Rep.* 490a8-b3: ... ὅτι πρὸς τὸ ὄν πεφυκῶς εἶη ἀμιλλᾶσθαι ὃ γε ὄντως φιλομαθῆς, καὶ οὐκ ἐπιμένοι ἐπὶ τοῖς δοξαζομένοις εἶναι πολλοῖς ἑκάστοις, ἀλλ' ἴοι καὶ οὐκ ἀμβλύνοιτο οὐδ' ἀπολήγοι τοῦ ἔρωτος, πρὶν αὐτοῦ ὃ ἔστιν ἑκάστου τῆς φύσεως ἄψασθαι κτλ.

⁶⁸ *Grg.* 483e2: κατὰ φύσιν τὴν τοῦ δικαίου (see above).

⁶⁹ More precisely, Forms are claimed to exist "in nature" by Plato. The relevant passages are as follows.

- (1) *Phd.* 103b5: ἐν τῇ φύσει vs. ἐν ἡμῖν. Taken together with *ibid.* 102d6 f.: αὐτὸ τὸ μέγεθος vs. τὸ ἐν ἡμῖν μέγεθος, we have αὐτὸ τὸ μέγεθος = τὸ μέγεθος ἐν τῇ φύσει.
- (2) *Parm.* 132d2: τὰ μὲν εἶδη ταῦτα ὡσπερ παραδείγματα ἐστάναι ἐν τῇ φύσει, τὰ δὲ ἄλλα [= τὰ ἐν ἡμῖν] τούτοις εὐκείναι καὶ εἶναι ὁμοιώματα. In the sequel, Forms are contrasted with things παρ' ἡμῖν (= ἐν ἡμῖν) in quite the same way as in the *Phaedo*.
- (3) *Rep.* 597b6 and *passim*: the couch that was made by God (i.e., the Form of the couch) exists ἐν τῇ φύσει.
- (4) Similarly, at *Crat.* 397b8 the phrase τὰ ἀεὶ ὄντα καὶ πεφυκῶτα (where πεφυκῶτα must be taken in an absolute sense, meaning "being natural" or "existing in nature") refers to the Forms.

On my count, there are three more occurrences in Plato – *Men.* 81c9, *Phd.* 71e9, *Rep.* 584d3 – where φύσις is used in an absolute (not merely indefinite) sense, yet, does not (or, does not obviously) refer to the realm of all Forms.

⁷⁰ Cf. e.g. *Soph.* 255d9-e1: ... τὴν θατέρου φύσιν λεκτέον ἐν τοῖς εἶδεσιν οὖσαν, κτλ.

⁷¹ Sure, there are hundreds of occurrences in Plato where φύσις is not (or, is not obviously) used in the way described. For example, at *Rep.* 367d2, the "nature" of justness (δικαιοσύνη) is its "power" (δύναμις, *ibid.* 358b5, 366e5) to make a just person happy or unhappy. There is no direct reference to Forms.

I should also mention *Symp.* 210e4 f. where the phrase τι ... τὴν φύσιν καλόν ("something ... which "by nature is beautiful",) also refers to the respective Form. The context, however, suggests

concern, and are the subject matter of philosophical knowledge. Hence, the language described may be even taken as suggesting that philosophical knowledge is a certain kind of natural knowledge.⁷²

It should be noted, however, that the phrase 'natural knowledge' (περὶ φύσεως εἰδέναι) is ambiguous. In the language of Plato and his contemporaries, this phrase usually refers to cosmology. Yet, in the Hippocratic treatise *On Ancient Medicine*, it is claimed that the kind of natural knowledge which is required by medicine must not be borrowed from cosmology but rather be acquired from medicine itself. I have argued elsewhere that this goes hand in hand with the suggestion that there is an ambiguity concerning the concept of nature. In cosmology, the "nature" of a thing is its genetic constitution, that is, its origin and its way of coming to be (including the way in which it is composed of some kind or kinds of elementary stuff). In medicine, by contrast, "nature" is claimed to be the dynamic constitution of the thing in question.⁷³

As regards the dynamic conception of "nature", the definition proposed by Vlastos applies: "the *physis* of any given thing is that cluster of its stable characteristics by which we ... can anticipate the limits within which it can act upon other things or can be acted upon by them."⁷⁴ Natural knowledge, then, is causal knowledge, and can hardly be denied to be the kind of knowledge required by medicine.⁷⁵ Similarly, various branches of expert knowledge may be seen to refer to the dynamic constitutions involved. In education, "natures" on the one hand are talents, i.e. the dispositions that determine the effects of teaching.⁷⁶ On the other hand, both in education and in private and public affairs (in politics, in war, and in court), someone's "nature" is his or her type of character, i.e. his or her disposition to respond to various situations by acting in a characteristic way.⁷⁷ Similarly, dynamic constitution is referred

that "nature" is taken in a non-technical sense here, indicating that beauty is a "stable characteristic" (Vlastos [1975, 19]) of the respective Form, whereas ordinary things are variable in this.

⁷² It is tempting to understand the phrase ἔγραψέν τι τῶν περὶ φύσεως ἄκρων καὶ πρώτων in Plato's 7th letter (344d4 f.) as conforming to this.

⁷³ [Hippocrates], V.M., c. 20,1-3 (Jouanna). Cf. my [2000, 18 ff.]. As to the concepts of genetic and dynamic constitution, see *ibid.* 31 ff. and my [2001b, 24].

⁷⁴ Vlastos [1975, 19], directly referring to Herodotus 2,45,2 f. Yet, I don't agree with the suggestion (*ibid.* 18 ff.) that this definition also applies to the use of φύσις in Presocratic cosmology.

⁷⁵ This was also emphasized by v. Staden [1998, 268 f.].

⁷⁶ Cf. Protagoras, DK 80 B 3: φύσεως καὶ ἀσκήσεως διδασκαλία δεῖται. – This is also the scheme underlying Plato's *Republic*. (particularly, but not exclusively, books VI and VII).

⁷⁷ Accordingly, human "nature" is the main topic in Thucydides. See, particularly, 1,22,4, where κατὰ τὸ ἀνθρώπινον precludes a series of statements explicitly referring to human "nature".

to when Gorgias claims that rhetoric is the art of acting upon souls by speech in a similar way as medicine acts upon "the nature of bodies" by drugs.⁷⁸

Plato, both in the *Gorgias* and in the *Phaedrus*, leaves no doubt that the way medicine is informed by natural knowledge exemplifies methodological standards with which all expert knowledge, particularly in politics and in rhetoric, ought to comply.⁷⁹ This also applies to philosophy since philosophers are claimed to be the true experts on politics.⁸⁰ It is of no surprise, therefore, that methodological vocabulary is transferred to philosophy by Plato which for the first time appeared in the treatise *On Ancient Medicine*.⁸¹ My present claim is that the concept of nature, explicitly conceived as dynamic constitution, is part of this vocabulary.

5.2. This is not to say, however, that Plato, when referring to Forms by the concept of nature, means to attribute dynamic constitutions to Forms. Sure, he sometimes speaks of Forms as if they had causal properties in an ordinary sense.⁸² Yet, as the concept of cause is undoubtedly stretched thereby, the concept of nature is also stretched by Plato considerably.⁸³ A key to understanding this, in my interpretation, is provided by combining two general principles. One of these principles was stated in the Hippocratic treatise *De arte*, claiming that

- (1) there is expert knowledge (τέχνη) if and only if there are "marks" (ὄροι) by reference to which correctness and incorrectness are distinguishable.⁸⁴

⁷⁸ Gorgias, *Helena*, DK 82 B 11 (14): τὸν αὐτὸν δὲ λόγον ἔχει ἢ τε τοῦ λόγου δύναμις πρὸς τὴν τῆς ψυχῆς τάξιν ἢ τε τῶν φαρμάκων τάξις πρὸς τὴν τῶν σωμάτων φύσιν.

⁷⁹ In the *Gorgias*, criteria of true expert knowledge (τέχνη), met by medicine, are stated as follows. ... ὅτι ἢ μὲν τούτου οὐ θεραπεύει καὶ τὴν φύσιν ἔσκεπται καὶ τὴν αἰτίαν ὧν πράττει, καὶ λόγον ἔχει τούτων ἑκάστου δοῦναι (501a1-3; cf. 465a3-5). – Concerning *Phdr.* 269e4-270e5, see my [2000, 39n85].

⁸⁰ This is suggested when Socrates at *Grg.* 521d6-8 deplores that he is quite alone in devoting himself to the true political craft: οἶμαι μετ' ὀλίγων Ἀθηναίων, ἵνα μὴ εἶπω μόνος, ἐπιχειρεῖν τῇ ὡς ἀληθῶς πολιτικῇ τέχνῃ καὶ πράττειν τὰ πολιτικὰ μόνος τῶν νῦν. The claim mentioned above, then, is presupposed by Plato's call for the philosophers' rule in the *Republic* (473c11 ff.).

⁸¹ See my [2001c, 93].

⁸² Cf., e.g., *Phd.* 100b3 ff. See also the passage in the *Sophist* where it is suggested that both the ingression into souls of such abstract things as "justice or wisdom or any other sort of goodness or badness" (247b1-3) and "knowing or being known" (248d4) are to be described as the display of "a power either to affect anything else or to be affected" (247d8-e1 – Cornford's tr.).

⁸³ For a discussion of Plato's concept-stretching, see also my [2002b].

⁸⁴ [Hippocrates], *De arte* 5.6 (Jouanna): Καίτοι ὅπου τό τε ὀρθόν καὶ τὸ μὴ ὀρθόν ὄρον ἔχει ἑκάτερον, πῶς τοῦτο οὐκ ἂν τέχνη εἴη; Τοῦτο γὰρ ἐγωγέ φημι ἀτεχνίην εἶναι ὅπου μήτε ὀρθόν ἔνι μηδὲν μήτε οὐκ ὀρθόν. – My rendering of ὄρος by "mark" follows Cornford [1935/57, 238], commenting on Plato, *Soph.* 247e3. In a series of private communications, Andrei Lebedev has protested against this. Lebedev rightly insists that some real limit is referred to by ὄρος. Yet, limits as such won't do. Rather, limits of correctness and incorrectness must be exhibited for expert knowledge by

The second principle is Plato's claim in the *Cratylus* that

- (2) both things and activities have "natures";⁸⁵ an activity is performed correctly if and only if (i) the way it is performed follows both the "nature" of the activity itself and the "nature" of its passive counterpart and (ii) the "natural" instrument is used.⁸⁶

Taken together, the two statements suggest that

- (3) there is expert knowledge if and only if the things and/or activities involved have "natures" providing "marks" by reference to which correctness and incorrectness are distinguishable.

appropriate marks. Hence, both in my translation of the passage quoted and in the subsequent discussion, "mark" may be taken as a shorthand for such phrases as "marked limit" or "mark exhibiting a limit".

⁸⁵ Cf. *Crat.* 386d9-e9: {ΣΩ.} ... δηλον δὴ ὅτι αὐτὰ αὐτῶν οὐσίαν ἔχοντά τινα βέβαιόν ἐστι τὰ πράγματα, ... καθ' αὐτὰ πρὸς τὴν αὐτῶν οὐσίαν ἔχοντα ἤπερ πέφυκεν. – {EPM.} Δοκεῖ μοι, ὦ Σώκρατες, οὕτω. – {ΣΩ.} Πότερον οὖν αὐτὰ μὲν ἂν εἴη οὕτω πεφυκότα, αἱ δὲ πράξεις αὐτῶν οὐ κατὰ τὸν αὐτὸν τρόπον; ἢ οὐ καὶ αὐταὶ ἔν τι εἶδος τῶν ὄντων εἰσίν, αἱ πράξεις; – {EPM.} Πάνυ γε καὶ αὐταί.

⁸⁶ *Crat.* 387a1 f.: {ΣΩ.} Κατὰ τὴν αὐτῶν ἄρα φύσιν καὶ αἱ πράξεις πράττονται, οὐ κατὰ τὴν ἡμετέραν δόξαν. ..., e.g.

- (2.1) cutting (387a5-b1): {ΣΩ.} ... ἢ ἔαν μὲν κατὰ τὴν φύσιν βουληθῶμεν ἕκαστον τέμνειν τοῦ τέμνειν τε καὶ τέμνεσθαι καὶ ᾧ πέφυκε, τεμουμέν τε καὶ πλέον τι ἡμῖν ἔσται καὶ ὀρθῶς πράξομεν τοῦτο, ἔαν δὲ παρὰ φύσιν, ἐξαμαρτησόμεθα τε καὶ οὐδὲν πράξομεν; – {EPM.} Ἔμοιγε δοκεῖ οὕτω.
- (2.2) burning (387b2-b5): {ΣΩ.} Οὐκοῦν καὶ ἔαν κάειν τι ἐπιχειρήσωμεν, οὐ κατὰ πᾶσαν δόξαν δεῖ κάειν, ἀλλὰ κατὰ τὴν ὀρθήν; αὕτη δ' ἐστὶν ἢ ἐπεφύκει ἕκαστον κάεσθαι τε καὶ κάειν καὶ ᾧ ἐπεφύκει; – {EPM.} Ἔστι ταῦτα.
- (2.3) speaking (387b11-c5): {ΣΩ.} Πότερον οὖν ἢ ἂν τῷ δοκῇ λεκτέον εἶναι, ταύτη λέγων ὀρθῶς λέξει, ἢ ἔαν μὲν ἢ πέφυκε τὰ πράγματα λέγειν τε καὶ λέγεσθαι καὶ ᾧ, ταύτη καὶ τούτῳ λέγη, πλέον τέ τι ποιήσει καὶ ἐρεῖ ἂν δὲ μή, ἐξαμαρτησεται τε καὶ οὐδὲν ποιήσει; – {EPM.} Οὕτω μοι δοκεῖ ὡς λέγεις.
- (2.4) naming (387d4-9): {ΣΩ.} Οὐκοῦν καὶ ὀνομαστέον [ἐστὶν] ἢ πέφυκε τὰ πράγματα ὀνομάζειν τε καὶ ὀνομάζεσθαι καὶ ᾧ, ἀλλ' οὐχ ἢ ἂν ἡμεῖς βουληθῶμεν, εἴπερ τι τοῖς ἔμπροσθεν μέλλει ὀμολογούμενον εἶναι; καὶ οὕτω μὲν ἂν πλέον τι ποιῶμεν καὶ ὀνομάζομεν, ἄλλως δὲ οὐ; – {EPM.} Φαίνεται μοι.

In (2.2)-(2.4), ἕκαστον οἱ τὰ πράγματα, respectively, are the grammatical subjects to ἐπεφύκει and πέφυκε. This may be taken as suggesting that, e.g., (α) my kindling something has a "nature" which some way derives from my own "nature"; (β) the process of a piece of wood being kindled has a "nature" which some way derives from the "nature" of the wood; (γ) my kindling device (say, a piece of paper) by its own "nature" must be fitted to the "natures" mentioned in (α) and (β). Taken this way, both ἕκαστον, in (2.1) and (2.2), and τὰ πράγματα, in (2.3) and (2.4), refer to ordinary things. Accordingly, "natures" of ordinary things are ultimately referred to by ἐπεφύκει and πέφυκε in (2.2)-(2.4). This analysis, however, isn't confirmed by (2.1), and may be overdone in distinctness.

In (2.1)-(2.4), "natural" instruments are referred to by ᾧ (a6, b4, c2, d5). An explicit statement, then, is 389c4-6: τὸ φύσει ἐκάστῳ πεφυκὸς ὄργανον ἐξευρόντα δεῖ ἀποδοῦναι εἰς ἐκεῖνο ἐξ οὗ ἂν ποιῇ [τὸ ἔργον], οὐχ οἷον ἂν αὐτὸς βουληθῇ, ἀλλ' οἷον ἐπεφύκει.

As indicated by the phrase "if and only if", this statement may be read in either direction. In particular, if either clause, viz., that

(a) expert knowledge exists

or, that

(b) there are "natures" providing "marks" by reference to which correctness and incorrectness are distinguishable

is taken for granted, then the other may be inferred. In the *Cratylus*, the dominant direction is from (a) towards (b). It is taken for granted that correctness and incorrectness are distinguishable⁸⁷ – which, according to (1), is equivalent to (a). And it is inferred from this premise that relevant "natures" are followed by activities which are performed correctly and, hence, must be supposed to provide the "marks" of correctness and incorrectness required.

In particular, when speaking and naming are at issue – the latter being the very topic of the dialogue – the line of argument is as follows. In either case, it must be assumed that correctness and incorrectness are distinguishable; to assume the contrary means to accept the destruction of rational discourse.⁸⁸ Hence, it must be also assumed that relevant "natures" are followed by correct speaking and naming. It is important to see, however, that "natures" alone won't do. In addition, a method is required which is suitable to identifying, inspecting, and following the relevant "natures". In the case of naming, it is suggested in the *Cratylus* by a long series of oddities that etymology isn't this method. Plato's solution is only adumbrated by the claim that

"correctness is only to be found in the realm of things which are eternal, and (sc., really) are natural,"⁸⁹

⁸⁷ This is evident from the way this contrast is employed in *Crat.* 387a1 ff., examples (2.1)-(2.3), as quoted in the preceding footnote (see, e.g. a7 f.: ὀρθῶς πράξομεν vs. ἐξαμαρτησόμεθα). As regards example (2.4) – i.e. naming – the contrast isn't referred to explicitly in the respective passage. It should be kept in mind, however, that it is a general presupposition in the *Cratylus* that a contrast of correctness with incorrectness applies to names. What is disputed is whether correctness in this case is "natural" (cf. 383a4 f.: {EPM.} Κρατύλος φησὶν ... ὀνόματος ὀρθότητα εἶναι ἐκάστῳ τῶν ὄντων φύσει πεφυκυῖαν, κτλ.) or, rather, is based on agreement (cf. 384d2 f. {EPM.} ... ἐμοὶ γὰρ δοκεῖ ὅτι ἂν τίς τῶν θῆται ὄνομα, τοῦτο εἶναι τὸ ὀρθόν).

⁸⁸ In the *Cratylus*, this is exemplified by the claim that there is no wisdom nor folly (to which Protagoras is committed), cf. 386c6-d1: φρονήσεως οὔσης καὶ ἀφροσύνης μὴ πάνυ δυνατόν εἶναι Πρωταγόραν ἀληθῆ λέγειν· οὐδὲν γὰρ ἂν που τῆ ἀληθείᾳ ὁ ἕτερος τοῦ ἑτέρου φρονημώτερος εἴη, εἴπερ ἂ ἂν ἐκάστῳ δοκῆ ἐκάστῳ ἀληθῆ ἔσται.

The result is the same if no statement can be false (as *Cratylus* said), cf. 429d1-4: {ΣΩ.} Ἔρα ὅτι ψευδῆ λέγειν τὸ παράπαν οὐκ ἔστιν, ἄρα τοῦτο σοὶ δύναται ὁ λόγος; συχνοὶ γὰρ τινες οἱ λέγοντες, ὦ φίλε Κρατύλε, καὶ νῦν καὶ πάλαι. – {ΚΡ.} Πῶς γὰρ ἂν, κτλ.

⁸⁹ *Crat.* 397b7 f.: εἰκὸς δὲ μάλιστα ἡμᾶς εὐρεῖν τὰ ὀρθῶς κείμενα περὶ τὰ ἀεὶ ὄντα καὶ πεφυκότα.

i.e., in the realm of Forms or Ideas. Accordingly, it is quite a safe guess that the *desideratum* described – with regard to both speaking and naming – is meant to be removed by dialectic, as Plato conceives it in the *Republic* and in the *Phaedrus*.

My point here is that both the existence and the accessibility of "natures" is required by a methodology which Plato seems to have borrowed from medicine.⁹⁰ In a sense, therefore, methodology comes first, and then comes "nature". That is to say, in order to satisfy the demands of methodology, "nature", taken in some positive sense, must be assumed to exist and, in the worst case, must be invented.⁹¹ Taken this way, to have – or, to be – a "nature" ultimately means to provide "marks" by reference to which correctness and incorrectness are distinguishable.⁹²

Accordingly, in my interpretation, the methodological demands of rational discourse about justice, in Plato, come first. And then comes "nature", and comes "natural justice", as conceived in the *Republic*. "Natural justice" here is Plato's device to satisfy the methodological demands of rational discourse about justice (and, thereby, to remove the evils that arise when rationality is lacking).⁹³ The degree to which Plato was conscious of this, is hard to de-

⁹⁰ It should be noted that a similar methodology may be alluded to in Euripides, fr. 206 N. (from the *Antiope*, ca. 410 B.C.).

ὦ παῖ, γένοιντ' ἄν εὔ λελεγμένοι λόγοι
ψευδεῖς, ἐπῶν δὲ κάλλεσιν νικῶεν ἄν
τάληθές· ἄλλ' οὐ τοῦτο τὰκριβέστατον,
ἄλλ' ἡ φύσις καὶ τοῦρθόν· ὅς δ' εὐγλωσσία
νικᾷ, σοφὸς μὲν, ἄλλ' ἐγὼ τὰ πράγματα
κρείσσω νομίζω τῶν λόγων ἀεὶ ποτε.

The topic here is rhetoric, taken as a branch of expert knowledge (τέχνη) where enduring success (cf. vs. 6: κρείσσω ... ἀεὶ ποτε) is provided by exactness (vs. 3: τὰκριβέστατον) and expertise (vs. 5: σοφὸς μὲν, suggesting a maximum of σοφία which is missed by mere εὐγλωσσία, vs. 4). "Nature and correctness" (vs. 4: ἡ φύσις καὶ τοῦρθόν) are claimed to be the standards with which rhetoric ought to comply.

It is left open in the fragment which way "nature" and "correctness" are supposed to be related to each other. Yet, the fragment may be taken as evidence that about 410 B.C. some linkage of "correctness" with "nature" was established in the methodology of expert knowledge. I can't say, however, to which degree the methodology of Plato's *Cratylus* was anticipated by this.

⁹¹ I have borrowed this phrase from the title of Lloyd [1992].

⁹² See my [2000, 37], [2001a, 197 and 267], [2001c, 92]. My restatement of this should be seen in the light of my refined treatment in this lecture of the relevant passage in the *Cratylus*, as compared to my [2001a, 267n35] and [2001c, 92n8].

⁹³ Similarly, "natural correctness of laws" is claimed to be the overall topic in Plato's *Laws* (Lg. 627d2-4: τὰ νῦν σκοπούμεθα ... ὀρθότητός τε καὶ ἀμαρτίας πέρι νόμων (sc. ἔνεκα), ἥτις ποτ' ἐστὶν φύσει). Schöpsdau [1994, 164] adduces a series of parallel passages in the *Laws*; "correctness" of laws, however, in these passages isn't linked up (and at Lg. 715a1 and 739c7, is even contrasted) with "nature".

termine. Yet, we should keep in our minds that, as Forms are Plato's invention, so is "natural justice" – both the conception of it presented by Callicles in the *Gorgias*, and its counterpart in the *Republic* and thereafter.

References: For the titles of ancient texts, the usual abbreviations are used. See, e.g., LSJ, p. xvi ff. and *Der Neue Pauly*, ed. by H. Cancik and H. Schneider, vol. 1, Stuttgart and Weimar 1996, p. xxxix ff. (Hippocratic writings: *ibid.* vol. 5, 1998, col. 591 f.). Modern works are referred to by abbreviation as follows.

DK Diels, H.: *Die Fragmente der Vorsokratiker*, 8th ed. by W. Kranz, Berlin 1956

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LSJ Liddell, H.G. and Scott, R.: *A Greek-English Lexicon*, rev. by H.S. Jones et al., with a Supplement 1968, repr. Oxford 1989

ROT *The Complete Works of Aristotle. The Revised Oxford Translation*, ed. by J. Barnes, Princeton 1984

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