

Socrates, Antiphon, and the True Nature of Justice

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Plato's *Republic* is concerned with the nature of justice and how it operates in a social context. In this dialogue, the main character, Socrates, declares that justice is the quality of the well-ordered soul that results in each person "practic[ing] one of the functions in the city, that one for which [he is] naturally most fit" (433a). Simply put, justice is each person minding his or her own business (433b). By defining justice in this way, Socrates means that each individual fits a specific role in society, and that social harmony is at its peak when each individual works in that role. Later in the dialogue, Socrates suggests that the human soul has three parts: reason, spirit, and appetite (436a). In comparing the human organism with the societal organism, he explains that the three parts of the soul correlate to the three main classes in society in which rulers represent reason, auxiliaries¹ represent spirit, and craftsmen represent appetite (435b). Thus, just as reason and spirit should regulate the soul's appetite for pleasure, with reason being the highest tier and spirit being right below it, rulers and auxiliaries govern the craftsmen accordingly. This analogy between the city and the soul shows how a just society is composed of just individuals. Socrates confirms this, saying "the just man will not be any different from the just

¹ Plato uses the term "auxiliaries" to refer to the military class of the just city.

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city with respect to the form itself of justice, but will be like it" (435b). Justice according to Socrates, then, is a sort of specialization. Society functions best when each element of the soul within each individual fulfills its appropriate role and when each individual fulfills his or her appropriate role in society.

Antiphon, a contemporary of Socrates, was a sophist.² In his work, he was primarily concerned with the affairs of the state. His concern with justice as it functions in society manifests itself in his many orations regarding criminal trials, which individuals in ancient Athens used to defend their suits at law.³ Antiphon simply defines justice as adhering to the laws of one's city, but he also specifies that part of justice is neither doing harm nor suffering harm (Antiphon 44A). Yet, the remnants of his writings show his struggle to decide how justice functions in the context of society, especially within the courtroom. Antiphon's primary concerns are twofold. First, justice does not seem advantageous for the individual. Second, the courtroom situation does not allow either the victim or the perpetrator to receive their due.

In this paper, I argue that Antiphon's concerns regarding justice are answered by Socrates in *The Republic*. Specifically, Antiphon's ideas coincide with those of Glaucon, Cephalus, and Polemarchus,⁴ all three of whom Socrates refutes in the course of *The Republic*.⁵ In order to make my argument easier to follow, I will describe each of Antiphon's two concerns regarding justice before applying the relevant "responses" by Plato's Socrates. Because of this, I will not follow *The Republic* chronologically, but rather I will discuss issues as they arise in response to Antiphon's concerns. I will discuss how Socrates' response to Glaucon applies to Antiphon's first concern regarding justice, and then I will discuss how Socrates' responses to Cephalus and Polemarchus apply to Antiphon's second concern regarding justice. By establishing Antiphon's stance on justice and then placing his theories in a dialogue with Socrates, I will demonstrate how Plato, through Socrates, refines Antiphon's ideas into his own concept of justice. I will use

² Antiphon lived from 480 to 411 B.C.E. (Curd 156).

³ This practice was typical in ancient Athens. Defendants would commonly employ a "speech-writer" to compose a speech for them, which they would learn by heart and recite when pleading their case during trial (Tucker, 260).

⁴ Though Thrasymachus is the primary interlocutor of Book I in *The Republic*, I exclude him from this paper because his views do not directly illustrate any of Antiphon's concerns.

⁵ The direct correlation between Antiphon's views on justice and those voiced by Glaucon, Cephalus, and Polemarchus is likely due to the fact that such views were common in Athens at the time and should not be seen as a direct response to Antiphon by Plato (Tucker 257).

the aphorisms in Patricia Curd's *Presocratics Reader* to examine Antiphon's writings, and I will use secondary sources by Michael Gagarin, Gerard Pendrick, Eric Brown, R.E. Allen, and T. G. Tucker to analyze Antiphon's viewpoint and show how it fits into the same theories that are voiced by Glaucon, Cephalus, and Polemarchus.

Antiphon's first concern regarding social justice is that it is not advantageous for the individual (44B1).⁶ This concern arises from an examination of the relationship between *physis* and *nomos*. *Physis* refers to the "physiological qualities necessarily present by nature in all humans" such as breathing through one's nose and crying out of one's eyes (Gagarin 6). The requirements of *physis* are "natural and not by agreement" and are physically impossible to violate (44B1). *Nomos* refers to the "different laws and customs" of each society (44B1). In the state of nature, human life had no order. As a result, humans were unable to live alone. They then established *nomoi* as punishers so there would be a reward for the good and a punishment for the bad, and so gave themselves up to *nomos*. The requirements of *nomos* match the requirements of the specific laws advanced by each society, and are secondary to *physis* (Curd 158).

Antiphon posits that "a person would best use justice to his own advantage if he considered the laws (*nomois*) important when witnesses are present, but the requirements of nature (*physis*) important in the absence of witnesses" (44B1). Antiphon believes that "shame and punishment," and, thus, harm to the perpetrator, are conditional upon the presence of witnesses to the crime whereas in nature, if one could violate a law of *physis*, then the "harm [one] suffers is no less if he is seen by no one, and no greater if all see him; for he is harmed not in people's opinions but in truth" (44B1). Justice for Antiphon, then, appears to be a social construct.⁷ It dictates that individuals must obey the laws of society only if society is around to catch them. One acts justly to avoid suffering harm from punishment for injustice (Pendrick 161). Antiphon then puts forth the view that justice appears to be a sort of behavior that one can use to their advantage by selectively obeying rules based on whether or not there were observers present. He takes this turn because he is worried that *nomos*, in restricting the freedom of action allowed by *physis*, makes itself undesirable for its own

⁶ Papyrus 44B1 found on (Gagarin 66-67).

⁷ Since justice has been previously defined by Antiphon as "adhering to the laws of one's city," we can see that justice and avoiding punishment are practically the same thing, because that person who is just will simultaneously adhere to the laws of their city and avoid punishment. So, if punishment is a social construct, then justice also is a social construct.

sake. That is, he thinks that *nomos* imposes substantial restrictions upon *physis*, thus, individuals will only consider adhering to *nomos* advantageous in situations where they could be apprehended if they failed to follow the law. The fact that he expresses concern over this view of justice indicates that Antiphon wants to prove that acting justly is always inherently advantageous for the individual (Gagarin 73).

The concern that Antiphon raises is discussed in *The Republic* when Glaucon argues, like Antiphon, that justice is only a social construct. He advances what is known in scholarly circles as the “Ring of Gyges”⁸ anecdote. In this story, he poses a situation to Socrates involving a shepherd who finds a ring that makes him invisible when he twists it one way on his finger, and visible again when he twists it the opposite way. He then arranges to become one of the king’s messengers. While he is in the palace, he turns the ring to make himself invisible, commits adultery with the queen, kills the king, and takes over the country. Next, Glaucon goes on to consider a case in which two such rings exist and one is given to a man with a reputation for being just while the other is given to a man who is notoriously unjust. He makes the argument that the just man will not keep his reputation, but rather will act in the same unjust manner as the unjust man. He will steal whatever he wants, sleep with whomever he wants, and kill whomever he wants without concern that he will be violating justice since there will be no repercussions (Plato 359a–360d). Ergo, Glaucon draws the same conclusion as Antiphon: justice is a social construct and is worth abiding by only if witnesses are present. Thus, no one must actually have just character, but must simply appear just in the presence of others (362a). Further, there is no inherent advantage to abiding justly; rather, it is advantageous to abide by the laws of society only if someone with the ability to inflict punishment on or testify against the individual is present. So, according to Glaucon, criminal law becomes the “ultimate cop on the corner,” because “all men desire to do wrong but not to suffer it,” and “nobody wants justice for its own sake, but rather for its consequences” (Allen 53).

In response to Glaucon, Socrates begins his verbal creation of the aforementioned hypothetical just city in order to prove that justice is good in itself and that it brings about the well-ordered life and leads to happiness. He explains that through education and training in all aspects of life, a group of elite individuals will arise in the city and be known as “philosopher-kings.” These individuals represent the rational part of the soul and would

rule gently through a love of wisdom.⁹ Just underneath the philosopher-kings would be the auxiliaries. These represent the spirited portion of the soul and protect the just city from external invasion and internal disorder (*Republic* 440e). At the bottom of society are the craftsmen. These individuals represent the appetitive part of the soul and their love of money-making leads them to produce items useful to the city. Yet this is also precisely the reason that they are unfit to rule (439d). By modeling society after the divisions of the soul, governed by an elite group of individuals possessing truly good souls, Socrates postulates a perfectly just society in which everything works together in harmony and everyone fulfills his or her correct societal role. To illustrate this point, Socrates speaks about the five types of possible regimes that are analogous to the five types of the soul, in order from most to least ideal: aristocracy, timocracy, oligarchy, democracy, and tyranny. Socrates believes that having an aristocracy in power is the best possible sort of society and best exemplifies the perfectly harmonious city, in which each group fulfills its appropriate societal role (540d).

In contrast, Socrates believes that tyranny is the worst possible form of governance (*Republic* 544c). He argues that the unjust tyrant is actually enslaved to himself because he is overcome by the appetitive part of his soul. Rather than having the power to do whatever he wants, the tyrant is actually the least able to do what he wants and is the most unsatisfied and full of disorder and fear (577c–578a). Eric Brown, in his article, “Plato’s Ethics and Politics in *The Republic*,” elaborates upon the nature of the tyrant, saying that the tyrant is so overcome by his appetitive desires that to satisfy one is to not satisfy others; thus, he can never be wholly satisfied. These appetitive desires press on him until he is completely aware that he can never do what he truly wants—to satisfy all of his desires. This not only infuses him with regret, but also infuses him with fear as he knows he will never be able to satisfy his desires in the future either. Additionally, the tyrannical soul is completely isolated, left without friendship because of the way he behaves. Paranoid and fearing for his life, a man who is tyrannical is a man who is alienated from even himself (Brown).

Glaucon and Antiphon both have precisely this sort of tyrannical person in mind—the person who depends on the presence of witnesses to decide whether or not to make the just decision. For, if a person makes the apparently just decision in the presence of witnesses, but does not adhere to justice in the absence of witnesses, that person’s soul will become split between reason and appetite since he or she uses reason in the presence

⁸ See *The Republic*, Book II, beginning with line 359a.

⁹ Discussed all throughout Book VII of *The Republic*.

of witnesses but follows appetite in the absence of witnesses.¹⁰ Allowing one's soul to be split between reason and appetite, rather than controlling appetite with reason, results in an unchecked appetite. Such an appetite then inevitably becomes a constant reminder that one is unsatisfied. It is undesirable and disadvantageous to be either split-souled or to be unjust, because to be either is to be unhappy and discontent. In contrast, the perfectly just philosopher-king is the person who is most free and is most able to do what he wants to do, because he desires to do what is best and is in control of himself because of his rationality (*Republic* 580b).

Were Socrates able to give a rebuttal to Antiphon and Glaucon, Socrates would say that justice is not a social construct, but that he has adequately proved it is advantageous and good in itself. To phrase it in Antiphon's terms, the man who abuses the power of the Ring to act unjustly is enslaved to his *physis* while the just man would not ever act unjustly even in the absence of witnesses because he knows that having a split soul would enslave him to himself.¹¹ The just man would be in rational control of himself and would not use the Ring to commit unjust behaviors because he would already be happy and would know that justice is always advantageous. To Antiphon specifically, Socrates would argue that it is always better and more advantageous to abide by *nomos*. The only alternative would be abiding by *physis*, in which there are no rational laws that everyone follows. In *physis*, every man would essentially be an unjust tyrant unto himself and would therefore be unhappy.

Antiphon, however, still remains concerned that the current standard of justice within the court system cannot possibly give individuals what they are owed. The traditional Athenian criminal court functioned much like the court system in the United States today, except there were no attorneys. Individuals pled their own cases before a jury, using speeches pre-written by sophists like Antiphon, and defended themselves by calling witnesses (Tucker 257–63). However, unlike court proceedings in the United States, witnesses “were often friends or relatives of the litigant for whom they testified. The Athenians took for granted that personal relations had a proper role in the legal process” (Gagarin 78).

Antiphon's concern regarding this manner of carrying out a trial is that it inherently violates a generally accepted principle of justice: you should not wrong those who have not wronged you (Antiphon 44C). This principle conflicts with courtroom procedures, in which witnesses testify against individuals who did not specifically harm them, and thus witnesses wrong individuals who, though guilty of wrong, have not wronged them. This is an injustice. Furthermore, the person who has witnessed against, and thereby wronged, the perpetrator of the initial crime now lives in fear that the criminal might retaliate. In fact, Antiphon hints that such retaliation might be justified.¹² Thus, justice cannot be achieved since the principle of not doing harm to those who have not done harm to you is violated (Gagarin 77). The courtroom system, according to Antiphon, constantly violates justice by promoting wrongdoing between the criminal and witnesses in a trial.

Antiphon also believes the courtroom system is unjust insofar as it claims to mete out justice for the victim yet can only act after the crime has already occurred (Antiphon 44C). This inescapable fact means that someone has already suffered by the time that the law can deal out consequences. Additionally, the courtroom situation does not offer an advantage to the victim because it places the burden of proof upon them (44B5–B7). It is impossible to give each individual what they are owed in such a setting, but because the courtroom system abides by the laws of *nomos*, it calls itself just. In contrast, Antiphon points out that, for the stated reasons above, the courtroom system is actually unjust *despite* the fact that it adheres to the laws of *nomos*. By extension, Antiphon believes that *nomos* is not actually just. Despite this negative view of *nomos*, Antiphon opposes those who would abolish it because he believes that it alleviates some level of pain and suffering in communal living. He expresses great concern over remedying the law to make it more just, but the papyrus fragment we have from him breaks off before he can postulate any reforms (Gagarin 74). However, these deficiencies can be corrected by applying Socrates' responses to situations posed by Cephalus and Polemarchus to Antiphon's concerns.

In *The Republic*, Cephalus argues that Justice is “the truth and giving back what a man has taken from another” (331c). Similarly, Antiphon believes that an ideal courtroom situation would result in the victim receiving their innocence back (Antiphon 44C). Socrates, however, argues

¹⁰ This is my own argument, which I am advancing based on all of the information laid out prior to this in the paper.

¹¹ We can conjecture this because being enslaved to one's *physis* is analogous to being enslaved to the appetitive part of one's own soul, based on the descriptions that Antiphon advances of *physis* and those that Socrates advances of the appetitive portion of the soul (as discussed in this paper).

¹² In ancient Athens, “litigants commonly recite[d] the history of their relations with their opponent (and his family and friends) in an effort to show that any wrong they may have done their opponent was the result of wrong that they have suffered” (Gagarin 78).

that based on the circumstances, “giving back what a man has taken from another” can sometimes be just but can at other times be unjust. For example, if a man borrows weapons from a friend who is lucid, and if the friend later flies into a rage and demands his weapons back, it must be unjust to return the weapons to him at that time (*Republic* 331c). Returning the weapons could potentially cause the owner harm. Because justice is always good in itself and advantageous, introducing a potential harm by returning what has been taken would, in this case, be unjust. Thus, it would seem that justice requires something beyond the definition that Cephalus and Antiphon support.

After Cephalus leaves, Polemarchus takes up his cause. He concurs with Cephalus’s definition of justice while advancing the idea that justice is also “to give to each what is owed” (331e). Polemarchus believes that this definition is the same as Cephalus’s definition; however, Socrates uses the same example to show that there is a difference between giving back what a man has taken from another and giving to each what is owed (332a). He then establishes that justice cannot be what is “fitting” or owed by drawing an analogy using medicine. Medicine is fitting for a person who is sick, but useless for a person who is well. If justice is what is fitting for a person, then it might also be, on occasion, useless. But Justice can never be useless (332b). Polemarchus then amends his definition to that which is useful to friends and harmful to enemies; a view which again echoes Antiphon’s opinions of courtroom justice (334b). Both Polemarchus and Antiphon agree on this point is because it is a “rule of traditional Greek morality which . . . sanctions helping friends and harming enemies” (Gagarin 75). In response to them, Socrates asserts that those who are harmed become “worse with respect to human virtue” and that if justice is a human virtue, harming enemies would make them worse, or more unjust (335b). Justice cannot possibly bring about injustice; hence Polemarchus’s definition of justice is flawed once more. From this scene in *The Republic*, we can see that justice cannot possibly mean giving to each what is owed, per Polemarchus’s definition.

It seems likely that Antiphon would concede to this refutation of his own argument, because he believes that adherence to the laws of one’s city (his definition of justice) fails to provide what the victim is truly owed: it can neither prevent a victim’s suffering, nor can it return his or her innocence (Antiphon 44A7).¹³ However, even if Antiphon would now be convinced that to be just is advantageous, he would still remain concerned

that adhering to *nomos* is not advantageous, because doing so cannot assure that individuals will receive their due. Antiphon is rightly concerned because, like Socrates, he worries about tyranny and argues that tyranny springs from “nothing else but [injustice],” which happens only in the absence of *nomos* (Curd 159). If individuals cannot be assured of justice, or receiving their due, they will not adhere to *nomos*. The absence of *nomos* is *physis*, which is order-less and characterized by lawlessness, out of which springs tyranny. So, it is highly important to Antiphon that individuals receive justice in order to find *nomos* advantageous and desirable.

Socrates appears to agree with Antiphon on this point. *Nomos* cannot possibly have the quality of being just, because justice is a quality of the soul being well-ordered and is not a quality of objects or mandates; thus, justice cannot possibly be a quality of the law. Nevertheless, the law should establish consequences for acting unjustly, that thereby individuals may become convinced that to act justly is most advantageous for them. All persons have a rational part of their soul, and if criminals are punished, the rational part of their soul will be aware that it is not advantageous to do the action that has reaped that result. Enforcing the law, then, encourages the growth of the rational part of a criminal’s soul, which will eventually make them into people that are more just. Thus, just because the law does not give the victim their due does not mean that it is wholly separated from justice. Just because the law appears disadvantageous from the victim’s eyes does not mean that it is disadvantageous overall, nor does it follow that adhering to justice is disadvantageous.

Therefore, Antiphon, like Polemarchus and Cephalus in *The Republic* is mistaken about the nature of justice itself. Justice does not mean giving each their due, as Socrates has shown. Rather, justice arises from individuals adhering to their roles in society, and injustice is born out of a lack of individuals adhering to their role in society. The law fosters justice because it encourages individuals to adhere to their roles in society by providing punishments if they do not. For victims to not receive their due does not taint justice itself, but rather exemplifies the injustice that occurs when individuals cease to abide by the law. Even if victims do not receive their due, it does not mean that injustice occurs. Justice is enacted in the courtroom situation precisely when the perpetrator is made more just because of the effects of the punishment set out by the law. If the law compels criminals to cease acting unjustly, it has achieved its goal concerning justice. For, as Socrates points out with Polemarchus, justice cannot make enemies worse; that would be injustice (335b). Instead, justice must make enemies better, or more just.

Antiphon’s concerns regarding justice are thus answered by Socrates in *The Republic* through Socrates’ responses to Glaucon, Cephalus, and

¹³ Papyrus 44A7 found on (Curd 157).

Polemarchus. His first concern, that justice does not seem advantageous for the individual except when in the presence of witnesses, is similar to Glaucon's concern that justice is merely a social construct, illustrated by the Ring of Gyges story. Socrates answers Glaucon and therefore Antiphon by arguing that justice is advantageous and desirable in itself. In the just city, the just aristocrats are happy because they are in control of their desires and thus are free to use their reason. Conversely, the unjust tyrant is least happy because he is subjugated by his desires.

Antiphon's second concern is that the courtroom situation does not allow individuals to receive their due, nor does it return to victims their innocence. Hence, it seems unjust. Cephalus and Polemarchus echo Antiphon by arguing that justice is indeed giving each their due. However *The Republic* shows through many examples that this interpretation of justice is incorrect. Extrapolating from the refutation of characters like Glaucon, Cephalus, and Polemarchus, it seems likely that Plato would argue that if the law makes more people just, then the law itself is advantageous.¹⁴ Thus, to say that the law neither gives each their due nor returns innocence to the victim is inadequate to prove that the law is unjust. Rather, the law treats both victims and criminals with justice by making the worse better. By placing Socrates in a dialogue with Antiphon, it is evident that Socrates' answers to Glaucon, Cephalus, and Polemarchus in *The Republic* also answer Antiphon's concerns regarding the law, the courtroom, and justice.

Works Cited

- Allen, R. E. "The Speech of Glaucon: On Contract and the Common Good." *Justice, Law and Method in Plato and Aristotle*. Ed. Spiro Panagiotou. Alberta: Academic Printing & Publishing, 1987. 51–62.
- Antiphon. *Antiphon the Sophist: The Fragments*. Trans. Gerard Pendrick. New York: Cambridge UP, 2002.
- Brown, Eric. "Plato's Ethics and Politics in *The Republic*." *The Stanford Encyclopedia of Philosophy*. Ed. Edward N. Zalta. Stanford University, Winter 2011.
- Curd, Patricia. *A Presocratics Reader*. Indianapolis: Hackett Publishing Company, Inc., 2011.
- Gagarin, Michael. *Antiphon the Athenian*. Austin: U of Texas P, 2002.
- Plato. *Crito*. Trans. Benjamin Jowett. *Classics.mit.edu*. The Internet Classics Archive, 2009.
- . *The Republic of Plato*. Trans. Allan Bloom. 2nd ed. New York: Basic Books, 1991.
- Tucker, T. G. *Life in Ancient Athens*. New York: The Macmillan Company, 1906.

¹⁴ In the *Crito*, Plato's Socrates argues that each citizen, by choosing to live in Athens, has tacitly consented to a kind of social contract and, therefore, that they have agreed to obey the laws of the city. It is unjust to break laws, and it is just to follow the laws. So, if a punishment entices someone to obey a law in the future, then the law has made that person more just. I have already explained in this paper how he shows being just to be advantageous in *The Republic*. Expounding upon this point would be an interesting avenue for further research.