

# Sophistic Criticisms of the Rule of Law: A Comparison of Callicles and Thrasymachus

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## Summary

This article discusses different interpretations of Callicles and Thrasymachus' positions. There are good reasons for interpreting Callicles as a critic of democracy and as an aristocratic political thinker whose political views are closer to Plato's than is usually assumed. The paper argues that Callicles defends a natural right of the best citizens to rule over the crowd. However, in contrast to Plato, for Callicles the rule of the best should not aim at the common good but at their personal advantage. The paper also discusses the view that Thrasymachus is just a sociologist of power who diagnoses what actually happens in politics (Henning Ottmann, Max Salomon). This interpretation is still current, and enables us to understand important aspects of legislation in contemporary democracies. Finally, the paper argues that there are reasons to understand Thrasymachus not only as a political realist, but, similar to Protagoras, as a moral sceptic.

## 1. Plato's and Aristotle's appreciation of the rule of law

Today the rule of law is usually recognized as a central political ideal or principle of governance. According to it, all citizens and in particular the state authority and government are subject to the law and held accountable by it. Nobody is above the law. The effective enforcement of the rule of law requires the separation of powers and in particular an independent judiciary. Further constraints are that everyone is equal before the law and that the law needs to be publicly promulgated. The rule of law aims at both preventing the abuse of power and safeguarding the public good and the freedom of the citizens.<sup>1</sup>

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<sup>1</sup> In his important book on the history, politics, and theory surrounding the rule of law, Tamanaha conceives of the rule of law as “an exceedingly elusive notion” which is understood in several contrasting ways; B. Z. Tamanaha, *On the Rule of Law. History, Politics, Theory*, Cambridge 2004, p. 3. In his book, Tamanaha isolates three “themes of clusters of meaning” that “run through the rule of law tradition”: 1) “the sovereign, and the state and its officials, are limited by the law”; 2) formal legality, i.e. “public, prospective laws, with the qualities of generality, equality

In the archaic period of ancient Greece, equality before the “law” (*nomos*) was already established as a principle.<sup>2</sup> However, the law was usually used in favor of the interests of the aristocrats, which constituted an injustice that outraged the farmers. The demand for a truly equal application of the law was an important part of the democratic idea.<sup>3</sup> In Herodotus’ constitutional debate, Otanes links a “multitude’s rule” to “equality before the law” (*isonomia*) (Herodotus, *Hist.* III,80, transl. A. D. Godley). In 462/461 B. C., prepared by the reforms of Cleisthenes (508/507 B. C.), democracy was established in Athens and in the following period “popular sovereignty reached its peak”.<sup>4</sup> In Athenian democracy, the law was no longer seen as an unchangeable pattern established by the gods, but as “the instrument in which the people of Athens asserted their sovereignty over their own legal and political affairs”.<sup>5</sup> Nevertheless, the enacted law could not be modified easily by legislative assemblies or popular courts and the rule of law, which included equality before the law and accountability of magistrates, was respected as an essential part of democracy.<sup>6</sup>

In his important study on Athenian democracy, Martin Ostwald examines the “challenges popular sovereignty had to face” throughout the fifth century.<sup>7</sup> As a result of these challenges, when democracy was restored in Athens at the end of the fifth century, “the principle of the sovereignty of law was given official primacy over the principle of popular sovereignty”.<sup>8</sup> Sovereignty of law complements the rule of law and means that a written law code is enacted by “lawgivers” (*nomothetai*) and that no decree by either the Popular Assembly or the Council had higher authority than a law.<sup>9</sup>

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of application, and certainty. ... Formal legality emphasizes a rule-bound order established and maintained by government”; 3) the rule of law is contrasted to the rule of man; *ibid.*, pp. 114, 119, 122.

2 J. Bleicken, *Die athenische Demokratie*, Paderborn 1994<sup>2</sup>, p. 289.

3 *Ibid.*

4 Ch. Meier, *Athen. Ein Neubeginn der Weltgeschichte*, Berlin 1993, p. 351; M. Ostwald, *From Popular Sovereignty to Sovereignty of Law. Law, Society, and Politics in Fifth-Century Athens*, Berkeley 1987, p. xx.

5 M. Ostwald, *From Popular Sovereignty to Sovereignty of Law*, pp. 129–130;

6 J. W. Jones, *The Law and Legal Theory of the Greeks*, Oxford 1956, pp. 69–70; democracy “was synonymous for the Athenians with the ‘rule of law’”; *ibid.*, p. 90; cf. B. Z. Tamanaha, *On the Rule of Law*, pp. 7–8.

7 M. Ostwald, *From Popular Sovereignty to Sovereignty of Law*, xix.

8 *Ibid.*, pp. xx, 497, 524.

9 *Ibid.*, pp. 500 ff., 523. It is interesting to notice that Ostwald nowhere in his book uses the term “rule of law” and it is not clear whether for him “rule of law” is identical with “sovereignty of law”. However, the distinction between the two terms makes sense. “Sovereignty of law” complements the “rule of law” but further expresses that only in cases of clearly proven inadequacy can existing laws be changed. Compared to regular rule of law, sovereignty of law aims at preventing the people from declaring and changing the law as they please and thus at thwarting the dangers entailed in popular sovereignty.

A consistent and stable “new kind of democracy” was established in which “jury courts held center stage”, while in “matters of legislation the Assembly relinquished its final say to *nomothetai*”.<sup>10</sup> The conception of sovereignty of law, which comprises the rule of law and aims at thwarting the dangers entailed in popular sovereignty, inspired Plato who advocates it in the *Laws* as the essential and primary principle of governance:

Where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if law is master of the government and the government is its slave, then the situation is full of promise and men enjoy all the blessings that the gods shower on a state (Plato, *Leg.* IV,715d; transl. T. J. Saunders).<sup>11</sup>

In the *Laws*, Plato develops a mixed constitution in which the ruling citizens are subject to the laws.<sup>12</sup> He even sets up a special court that examines the conduct of the holders of the political offices (*Leg.* XII,945b ff.; cf. *Polit.* 298e–299a). In doing this, he establishes a whole system of “checks and balances” and anticipates some of the basic principles of modern political systems.<sup>13</sup> However, Plato’s version of the sovereignty and rule of law has to be clearly distinguished from its modern and contemporary counterpart, which it partly anticipates.<sup>14</sup> For Plato, the institution of laws that aim at the common good of the whole city is a crucial precondition for a flourishing political community (*Leg.* IV,715b; cf. IX,875a).

Aristotle agrees with Plato’s appreciation of the sovereignty and rule of law and distinguishes right and wrong constitutions according to the criterion of whether the rulers and their laws aim at the common good or rather at their personal advantage (*Pol.* III,6,1279a17–21, 11,1282b8–13;

10 *Ibid.*, p. xi, 524; cf. B. Z. Tamanaha, *On the Rule of Law*, p. 8.

11 Plato anticipates this appreciation of the sovereignty of law in the *Politikos*, in which he distinguishes three right constitutions from three wrong ones by means of the criterion of whether the rulers govern according to the law or against it (*Polit.* 302d–e). The fact that Plato chooses a lawful government as the essential criterion for evaluating existing constitutions demonstrates the important role that the rule of law begins to occupy in his later political philosophy. However, as early as in the *Republic* Plato talks frequently about the laws of the city and – anticipating a central idea of the *Laws* – says that the “guardians of the laws” should not change the most important laws of the city (*Resp.* IV,421a, 445e; VI,484b, 504c).

12 M. Knoll, *Platons Konzeption der Mischverfassung in den Nomoi und ihr aristokratischer Charakter*, in: M. Knoll – F. L. Lisi (eds.), *Platons “Nomoi”. Die politische Herrschaft von Vernunft und Gesetz* (Staatsverständnisse, 100), Baden-Baden 2017, pp. 23–48.

13 Cf. R. F. Stalley, *An Introduction to Plato’s Laws*, Oxford 1983, pp. 115–116.

14 A main difference between the two versions of the rule of law is that, for Plato, reasonable laws are an expression of divine reason. Cf. F. L. Lisi, *Plato and the Rule of Law*, in: *Methexis*, 26, 2013, pp. 83–102. Lisi argues mainly against G. Morrow’s influential article titled *Plato and the Rule of Law*, in: *The Philosophical Review*, 50, 1941, pp. 105–126.

IV,1,1289a10–22). Like Plato in the *Laws*, he states that the sovereignty and rule of law is more desirable than the rule of individual citizens and that individual rulers “must be established as law-guardians and as servants of the laws” (*Pol.* III,16,1287a21–22, transl. C. Lord; cf. *Leg.* IV,715c). Aristotle calls the law an „intellect without appetite“ (*aneu orexeôs nous*) (*Pol.* III,16,1287a33, transl. C. Lord).<sup>15</sup> This wording elucidates why for Aristotle and the later Plato the sovereignty and rule of law is superior to the rule of persons who display moral and intellectual excellence. Even such persons are subjected to their appetites and passions, inclinations and disinclinations, and to pleasure and pain. Because of these tendencies and because of avarice and selfishness they are constantly at risk of making arbitrary and unjust decisions and of treating equal cases unequally (*Leg.* IV,713c; IX,875b–d; cf. V,739a–e). In contrast, laws are devoid of such tendencies and therefore represent, if they are good and reasonable, an assurance for justice and the flourishing of the political community.

Of course, not all ancient Greek political thinkers were in agreement with Plato’s and Aristotle’s appreciation of the sovereignty and rule of law. In particular Callicles and Thrasymachus, both portrayed by Plato as sophists, advanced substantial criticisms of these principles in the late fifth century. Today, Callicles and Thrasymachus are among the well-known proponents of sophistic views because of their appearances in Plato’s *Gorgias* and *Republic*. However, in the literature it is disputed whether they are merely fictional characters or actual historical persons. It is likely but not certain that Plato’s Thrasymachus is identical with the eponymous orator and teacher of rhetoric from Chalkedon (today a part of Istanbul called Kadıköy).<sup>16</sup> Several scholars claim that Callicles is just a fictional character (“eine Kunstfigur

15 However, the concept of “reason” (*nous*) on which Aristotle’s statement is based is very different from Plato’s. While for Plato reasonable laws are an expression of divine reason, for Aristotle good laws are the expression of human “prudence” (*phronêsis*). For Aristotle’s concept of “prudence” see R. Elm, *Klugheit und Erfahrung bei Aristoteles*, Paderborn 1996.

16 Guthrie and Untersteiner identify Plato’s Thrasymachus with the orator from Chalkedon and try to square their views; W. K. C. Guthrie, *A History of Greek Philosophy*, III, Cambridge 1977, ch. “The Sophists”, pp. 88–97, 294–298; M. Untersteiner, *I Sofisti* (Presentazione di Fernanda Declava Caizzi), Milano 1949, pp. 497–501 (engl.: *The Sophists*, Oxford 1954). At the beginning of his article, Kerfer identifies the two as well, making a reference to E. Schwarz, *De Thrasymacho Chalcedonio* (Index scholarum in academia Commentatio Rostochiensis), Rostock 1892, pp. 3–16; G. B. Kerfer, *The Doctrine of Thrasymachus in Plato’s Republic*, in: *Durham University Journal*, 9, 1947, pp. 19–27; again in: C. J. Classen (ed.), *Sophistik* (Wege der Forschung, CLXXXVII), Darmstadt 1976, pp. 545–563. In contrast, Maguire distinguishes between Plato’s Thrasymachus and the orator from Chalkedon. In *Resp.* I, Maguire makes out three different assertions about “the just” and attempts to decide which of these need to be assigned to which Thrasymachus; J. P. Maguire, *Thrasymachos – – or Plato?*, in: *Phronesis*, 16, 1971, pp. 142–163; again in: C. J. Classen (ed.), *Sophistik*, pp. 564–588.

Platons”<sup>17</sup>). However, others such as George B. Kerferd and Hellmut Flashar stated in 1998 that a majority of scholars today are inclined to acknowledge him as a historical person.<sup>18</sup>

This article analyses and compares Callicles’ and Thrasymachus’ criticisms of the rule of law. Their criticisms of the validity of *nomos* (law, morality, custom) are similar in some ways and both seem to be informed by the historian Herodotus that *nomos* varies from one culture to another. Based on this information, the sophist Protagoras defended the view that in moral and legal matters there are no universal truths.<sup>19</sup> One important parallel between Callicles and Thrasymachus is that both relate the *nomos* to questions of power and benefit. Both analyze its origin and the interests it serves. It is not easy to come up with indisputable interpretations of Thrasymachus’ and Callicles’ legal, political, and ethical views. Our only source for Callicles is Plato’s *Gorgias*. The surviving fragment from Thrasymachus of Chalkedon on justice is not easy to reconcile with the position Plato’s Thrasymachus holds on the subject.<sup>20</sup> In the literature, Thrasymachus’ and Callicles’ views are a controversial issue. In particular with respect to the interpretation of Thrasymachus’ position, many proposals have been advanced. George B. Kerferd, who discusses several of them, distinguishes between “ethical nihilism” (no real moral obligation exists), “legalism” (all moral obligation stems from legal enactment), “natural law theory” (moral obligation exists and arises from the nature of man), and “psychological egoism” (humans by nature act in their presumed self-interest).<sup>21</sup>

The following interpretation of Callicles’ and Thrasymachus’ criticisms of the rule of law starts out with an analysis of their views of a good and happy life (sections 2 and 3). Both defend similar views of human nature and a good life. Callicles defends a radical form of hedonism and of psychologi-

17 H. Ottmann, *Geschichte des politischen Denkens. Die Griechen*, Stuttgart 2001, 1/1, p. 225; 1/2, p. 15.

18 G. B. Kerferd – H. Flashar, *Die Sophistik*, in: H. Flashar (ed.), *Die Philosophie der Antike*, 2/1: *Sophistik. Sokrates. Sokratis. Mathematik. Medizin (Grundriss der Geschichte der Philosophie*, eds. K. Döring – H. Flashar – G. B. Kerferd – C. Oser-Grote – H.-J. Waschkiess), Basel 1998, p. 85; cf. E. R. Dodds (ed.), *Plato: Gorgias*, Oxford 1959, pp. 12–13. Following Dodds, Balot believes “that Callicles was a real person in the late fifth century who held views similar to those attributed to him in the *Gorgias*”; R. K. Balot, *Greed and Injustice in Classical Athens*, Princeton 2001, p. 5.

19 Most of our knowledge of Protagoras is derived from Plato’s dialogues *Theaetetus* and *Protagoras*; see *Th.* 172b, 177d.

20 Thrasymachus of Chalkedon refers to justice as the “greatest of human goods” and laments that humans “make no use of it” and that the gods don’t take notice of this (*DK* 85 B 8, transl. M. K.).

21 G. B. Kerferd, *The Doctrine of Thrasymachus in Plato’s Republic*. For another overview of different interpretations of Thrasymachus’ views see R. C. Cross – A. D. Woozley, *Plato’s Republic. A Philosophical Commentary*, London 1964, pp. 28–41. Cross and Woozley distinguish between (1) Naturalistic Definition, (2) Nihilist View, (3) Incidental Comment, (4) Essential Analysis.

cal and ethical egoism, claiming that a good life consists in an unrestrained satisfaction of desires. Thrasymachus holds that the life of an unjust person is better than that of a just one, and that the life of a tyrant is best. Callicles' and Thrasymachus' criticisms of the rule of law are linked to their respective views of a good and happy life. Understanding the latter improves our comprehension of the former. Therefore, their criticisms of the rule of law (sections 4 and 5) are only examined after their views of a good and happy life (sections 2 and 3). This is the reverse order in which Plato presents their respective views. The conclusion advances final interpretations of both their positions and the similarities and differences of their political thought. It argues that Thrasymachus is not only a legal positivist but a political sociologist and political realist who holds a coherent view. Furthermore, the conclusion claims that Thrasymachus should be understood, similar to Protagoras, as an ethical relativist and a moral skeptic. However, Thrasymachus rejects Protagoras' view that legislation always aims at the good and the advantage of the whole political community. This article also argues against the prevailing interpretation according to which Callicles defends a natural right of *the stronger*. Rather, Callicles advocates a natural right of *the better* and should be interpreted as an aristocratic political thinker who criticizes popular sovereignty and democracy (section 4).

## 2. Callicles' view of a good and happy life

Callicles lays out his criticism of the rule of law and his view of a good and happy life in Plato's *Gorgias*. In the text, Socrates first has a debate with the famous sophist Gorgias, then with his student Polos, and finally – in the dialogue's climax – with Callicles of the *deme* Acharnae (*Gorg.* 495d). In the dialogue, Callicles hosts Gorgias in his house in Athens. This is one of several reasons for the interpretation that Callicles was a student of Gorgias.<sup>22</sup> Callicles' role as host also implies that he was a well-off man from a privileged family or is at least depicted as such by Plato. He clearly has “aristocratic and oligarchic connexions” and his aristocratic descent is explicitly mentioned (*Gorg.* 512d).<sup>23</sup> However, it seems that Callicles was not a sophist in the strict sense because in the *Gorgias* he dismisses “those who profess to instruct people in virtue (*aretē*)” as worthless (*Gorg.* 519e–520a; transl. W. Hamilton – C. Emlyn-Jones). Rather, Callicles is depicted as an ambitious young man at the beginning of his political career (*Gorg.* 481e, 515a).

22 Irwin claims that Callicles “is a disciple of neither” Gorgias nor Polos; Plato, *Gorgias*, transl. T. Irwin, Oxford 1979, p. 110.

23 For details see W. K. C. Guthrie, *A History of Greek Philosophy*, III, p. 102.

In Plato's *Gorgias*, Callicles not only defends his view of a good and happy life, but also a theory of natural right, which will be analyzed in section 4. In the first phrase of the following central quotation, Callicles refers to natural right and its authority:

*Callicles*: I tell you frankly that what is fine and right by nature (*kata physin kalon kai dikaion*) consists in this: that the man who is going to live as a man ought should encourage his appetites (*epithymia*) to be as strong as possible instead of repressing them, and be able by means of his courage (*andreia*) and intelligence (*phronêsis*) to satisfy them in all their intensity by providing them with whatever they happen to desire. For the majority, I believe, this is an impossible ideal; that is why, in an endeavour to conceal their own weakness, they blame the minority whom they are ashamed of not being able to imitate, and maintain that excess is a disgraceful thing. As I said before they try to make slaves of those who are better by nature (*beltiôn tên physin*), and because through their own lack of manliness they are unable to satisfy their passions (*hedonais*), they praise moderation (*sôphrosynê*) and righteousness (*dikaiosynê*). To those who are either the sons of kings to begin with or able by their own qualities to win office or absolute rule or sovereignty (*archê tina ê tyrannida ê dynasteia*), what could in truth be more disgraceful or worse than moderation and justice, which involves their voluntary subjection to the conventions and standards and criticism of the majority, when they might enjoy good things without interference from anybody? How can they fail to be wretched when they are prevented by your fine righteousness and moderation from favouring their friends at the expense of their enemies, even when they are rulers in their own city? The truth, Socrates, which you profess to be in search of, is in fact this: luxury (*tryphê*) and excess (*akolasia*) and licence (*eleutheria*), provided that they can obtain sufficient backing, are virtue (*aretê*) and happiness (*eudaimonia*); all the rest is mere pretence, man-made rules contrary to nature (*para physin*), worthless cant (Plato, *Gorg.* 491e–492c, transl. W. Hamilton – C. Emlyn-Jones).

This rich and dense passage contains several views. First, in the terminology of contemporary ethics, Callicles defends a radical form of psychological and ethical egoism. *Psychological egoism* is a view of human nature which claims “that we always do that act that we perceive to be in our own best self-interest. That is, we have no choice but to be selfish”.<sup>24</sup> *Ethical egoism* “is the moral view that everyone ought always to do those acts that will best serve

his or her own best self-interest. That is, morally right actions are those that maximize the best interest of oneself, even when it conflicts with the interests of others”.<sup>25</sup> One common argument for ethical egoism is that it follows immediately from psychological egoism.

Plato’s Callicles combines his psychological and ethical egoism with a defense of a radical form of hedonism. This form likely goes back to Aristippus of Kyrene because it defines a good and happy life as the maximization of sensual pleasures.<sup>26</sup> We arrive at this conclusion because Callicles talks about satisfying our “appetites” (*epithymia*) and identifies “excess” (*akolasia*) with happiness (cf. *Gorg.* 494a–c). For him, this is natural. And what is natural is also good and justified. Today we call this the fallacy of deriving an “ought” from an “is”. For Callicles, it is in our best interest to strive for both a maximum of pleasure and for the material means to attain these pleasures. Therefore, Callicles’ defense of hedonism is linked to a defense of *pleonexia*, of the desire to have more (*pleon* = more; *echein* = to have). According to Callicles’ and similar views on human nature, *pleonexia* mainly aims at goods such as wealth, power, and honor or recognition.<sup>27</sup> Following Plato’s understanding, today the term “pleonexia” is usually given a negative connotation and is translated as “avarice” or “greed” (*Resp.* II,359c; IX,586b; *Gorg.* 508a; *Symp.* 182d, 188b). However, for Callicles *pleonexia* is not only a natural human striving, but nature herself demonstrates “that it is right (*dikaion*) that the better man should have more (*pleon echein*) than the worse” (*Gorg.* 483c–d; transl. W. Hamilton – C. Emlyn-Jones; cf. section 4 of this article). In his excellent “reconstruction of the Greek discourse on greed”, Ryan K. Balot refers to

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25 *Ibid.*, p. 87.

26 For Aristippus of Kyrene see M. Knoll, *Antike griechische Philosophie*, Berlin – Boston 2017, pp. 185–192, and K. Döring, *Der Sokratesschüler Aristipp und die Kyrenaiker* (Akademie der Wissenschaften und der Literatur. Abhandlungen der Geistes- und Sozialwissenschaftlichen Klasse, 1), Mainz – Stuttgart 1988. For the literature on Callicles’ “notion of happiness” see R. K. Balot, *Greed and Injustice in Classical Athens*, p. 6, fn. 16. Following Charles H. Kahn, Balot holds Callicles to be “an indiscriminate hedonist”; *ibid.*, p. 9, fn. 24.

27 According to Plato’s psychology, the “spirited part of the soul” (*thymoeides*) is the source of the striving for power and recognition and the “appetitive part of the soul” (*epithymetikon*) is the root of the striving for pleasures and for the material wealth to obtain them (see *Resp.* IV,435c–441c and IX,580d–581c). The greed for having more material possessions, power, and recognition than others is identified by several Greek authors, such as Thucydides and Aristotle, as a main feature of human nature (Thucydides, *Hist.* I,22; III,82; V,105). For Aristotle, *pleonexia* is the main motive for unjust actions. This is a central aspect of his proof that particular forms of injustice and justice exist that are opposed to the general form of injustice and justice; *Eth. Nic.* V,2–4,1129b1 ff., 1130a15–b6; cf. R. K. Balot, *Greed and Injustice in Classical Athens*, pp. 10, 22–34, and M. Knoll, *Aristokratische oder demokratische Gerechtigkeit? Die politische Philosophie des Aristoteles und Martha Nussbaums egalitaristische Rezeption*, München – Paderborn 2009, pp. 65–68.



Callicles as a “paradigmatic figure” exhibiting “the widest possible range of immoral desire to get more”.<sup>28</sup>

In Plato’s *Gorgias*, Callicles argues against Socrates who defends the prevailing morality of the Greeks and the paradoxical thesis that it is better to suffer injustice than to commit injustice. Callicles rejects the common morality and in particular two of the classical four cardinal virtues. He rejects “moderation” (*sôphrosynê*) and “justice” (*dikaïosynê*) because he conceives them as obstacles to a good and happy life. However, he praises the two other cardinal virtues “courage” (*andreia*) and “intelligence” (*phronêsis*). For him, these two virtues, and reason in general, are means or instruments for attaining pleasure and a good life. It is important to note that in the wake of his discussion with Socrates, Callicles defines the elite of the stronger and better people, who have a right to rule and to have more than others, mainly by the possession of these two virtues (*Gorg.* 489e, 491a–d; cf. section 4).

As previously noted in the literature, Callicles’ position is a model for the views Nietzsche expresses in his *Genealogy of Morality*. Callicles claims that “moderation” (*sôphrosynê*) and “justice” (*dikaïosynê*) are praised by the weak who cannot enjoy excessive pleasures and cannot get away with doing injustice. With this Callicles gives a genealogy of these virtues that is based on psychological assumptions. Like later Nietzsche, Callicles praises “great individuals”, shows contempt for the masses, and aims at a reevaluation of the prevailing egalitarian moral values. We find a similar view about the origin of justice at the beginning of Book II of the *Republic*, where Glaucon presents unnamed sophistic views close to those defended by Thrasymachus (*Resp.* II,358e–359b).<sup>29</sup> Callicles’ defense of psychological and ethical egoism, a radical form of hedonism, and *pleonexia* culminates in a defense of tyranny and the life of the tyrant. This is something that he has in common with Thrasymachus, who appears in Book I of Plato’s *Republic*.

### 3. Thrasymachus’ view of a good and happy life

In Book I of Plato’s *Republic*, Socrates argues against the three definitions of justice that are proposed consecutively by Cephalos, Polemarchus, and Thrasymachus. The position advanced by Thrasymachus is connected to his criticism of the rule of law. Before this criticism is analyzed in detail, it is

28 R. K. Balot, *Greed and Injustice in Classical Athens*, pp. 5, 17, 20.

29 Glaucon introduces these sophistic views by saying that he will “restore Thrasymachus’ argument” (*Resp.* II,358b–c, transl. A. Bloom). For an instructive comparison of Callicles’, Thrasymachus’, and Glaucon’s views see M. Vegetti, *Antropologie della pleonexia. Callicle, Trasimaco e Glaucone in Platone*, in: *id.*, *Il potere della verità. Saggi platonici*, Rome 2018 (2002’), pp. 195–208.

beneficial to reconstruct Thrasymachus' view of a good and happy life, which is similar to the one defended by Callicles. Thrasymachus explains his understanding of happiness in the context of a criticism of common morality and in particular of justice. He argues both that just behaviors are detrimental to a good and happy life and that injustice is beneficial for happiness. Therefore, he concludes that injustice is superior to justice. Thrasymachus begins supporting these claims with the assertion that

the just man everywhere has less (*pantachou elatton echei*) than the unjust man. First, in contracts, when the just man is a partner of the unjust man, you will always find that at the dissolution of the partnership the just man does not have more than the unjust man, but less. Second, in matters pertaining to the city, when there are taxes (*eisphorai*), the just man pays more on the basis of equal property, the unjust man less; and when there are distributions, the one makes no profit, the other much. And, further, when each holds some ruling office, even if the just man suffers no other penalty, it is his lot to see his domestic affairs deteriorate from neglect, while he gets no advantage from the public store, thanks to his being just; in addition to this, he incurs the ill will of his relatives and his acquaintances when he is unwilling to serve them against what is just (Plato, *Resp.* I,343d–e, transl. A. Bloom).

As this passage and its context demonstrate, Thrasymachus, like Callicles, links happiness to *pleonexia*. While to have less goods is detrimental to a good and happy life, to have more is beneficial for it. This shows that Thrasymachus and Callicles have similar conceptions of a good and happy life. Thrasymachus' main thesis about the relation of happiness to justice and injustice reads: "the just man everywhere has less (*pantachou elatton echei*) than the unjust man". While being unjust is to a person's private advantage, being just is a serious obstacle for attaining happiness. Thrasymachus illustrates his main thesis by first referring to voluntary business transactions such as contracts and the exchange of goods. In Book V of the *Nicomachean Ethics*, Aristotle investigates this sphere of justice for which Thomas Aquinas coined the term *iustitia commutativa*. Second, Thrasymachus exemplifies the disadvantages of being just in relation to citizens' contributions and distributions in the polis. In such cases, the unjust citizen will pay less and get more goods than the just citizen. Third, Thrasymachus illustrates his central thesis by pointing to the disadvantages of being just when holding a political office. The just citizen is not corrupt and will not take advantage for himself and his friends and family from his office and thus will get less than he could have and thus harm himself. In all these three spheres being just means

being moral and fair in the common sense and being unjust means being immoral and unfair.

After arguing for how disadvantageous being just is for a good and happy life, Thrasymachus moves on to show that unjust behaviors are beneficial for happiness. However, this demonstration is mainly valid for doing injustice on a large scale,

The unjust man's situation is the opposite in all of these respects. I am speaking of the man I just now spoke of, the one who is able to get the better in a big way. Consider him, if you want to judge how much more to his private advantage the unjust is than the just. You will learn most easily of all if you turn to the most perfect injustice (*adikia*), which makes the one who does injustice most happy (*eudaimonestaton*), and those who suffer it and who would not be willing to do injustice, most wretched. And that is tyranny, which by stealth and force takes away what belongs to others, both what is sacred and profane, private and public, not bit by bit, but all at once. When someone does some part of this injustice and doesn't get away with it, he is punished and endures the greatest reproaches – temple robbers, kidnappers, housebreakers, defrauders, and thieves are what they call those partially unjust men who do such evil deeds. But when someone, in addition to the money of the citizens, kidnaps and enslaves them too, instead of these shameful names, he gets called happy (*eudaimones*) and blessed (*makarioi*), not only by the citizens but also by whomsoever else hears that he has done injustice entire. For it is not because they fear doing unjust deeds, but because they fear suffering them, that those who blame injustice do so. So, Socrates, injustice, when it comes into being on a sufficient scale, is mightier, freer, and more masterful than justice... (Plato, *Resp.* I,343c–344c, transl. A. Bloom; cf. II,358b–362c).

Similar to Callicles' view of a good and happy life, Thrasymachus' analysis of happiness culminates in a defense of tyranny and the life of the tyrant. Just as for Callicles, for him the life of a tyrant is best. However, to this interpretation of the passage quoted above one could object that Thrasymachus' praise of *pleonexia*, injustice, and the happiness of the tyrant is not as unambiguous as that of Callicles and that Thrasymachus might just be reporting the prevailing opinion of the masses. However, one of the quoted statements, which needs to be attributed to Thrasymachus himself, refutes this objection. In the conclusion of his argument he explains, "injustice, when it comes into being on a sufficient scale, is mightier, freer, and more masterful than

justice”.<sup>30</sup> This is a value-judgment in favor of *pleonexia* and injustice.<sup>31</sup> Later in the dialogue, Thrasymachus also declares that injustice is “good counsel” (*euboulia*) and that unjust people are “prudent” (*phronimoi*) and “good” (*agathoi*) persons (*Resp.* I,348d, transl. A. Bloom). Such favorable assessments of unjust persons are another indication that Thrasymachus does not merely report the common view of the crowd but shares it. Another argument for the claim that Thrasymachus is putting forward “the case for *pleonexia*” is that as a dramatic *persona* Plato characterizes him “as animal-like, aggressive and incontinent” and thus “as in some respects an embodiment of the position he is made to defend”.<sup>32</sup>

Section 2 elucidated that Callicles defends psychological and ethical egoism, a radical form of hedonism, and *pleonexia*. Keimpe Algra, for good reasons, speaks of “Thrasymachus’ implicit anthropology of *pleonexia*” and suggests that Glaucon is making this anthropology explicit in Book II of Plato’s *Republic*.<sup>33</sup> This is a convincing interpretation because Glaucon, who announces that he wants to “restore Thrasymachus’ argument”, interprets “the desire to get the better (*pleonexian*)” as “what any nature naturally pursues as good” (*Resp.* II,358b–c, 359c). Thrasymachus’ endorsement of *pleonexia* strongly suggests that he also supports ethical egoism. Whether he grounds his ethical egoism on psychological egoism is less clear.<sup>34</sup> Finally, despite the fact that Thrasymachus does not explicitly make a reference to hedonism, it is plausible to assume that his view of a good and happy life is inextricably linked to it. It seems natural to presume that the desire to possess a considerable amount of goods such as wealth, power, and recognition is also mo-

30 This conclusion continues with a restatement of what he defended earlier. He continues explaining, “and, as I have said from the beginning, the just is the advantage of the stronger, and the unjust is what is profitable and advantageous for oneself” (*Resp.* I,344c; transl. A. Bloom).

31 According to Balot, not only Callicles but also Thrasymachus expresses “the ideals of greed”; R. K. Balot, *Greed and Injustice in Classical Athens*, p. 235.

32 K. A. Algra, *Observations on Plato’s Thrasymachus: The Case for Pleonexia*, in: K. A. Algra – P. W. van der Horst – D. T. Runia (eds.), *Polyhistor. Studies in the History and Historiography of Ancient Philosophy. Presented to Jaap Mansfeld on his Sixtieth Birthday* (Philosophia Antiqua, LXXII), Leiden 1996, pp. 41–59.

33 Plato, *Resp.* II,359c4; K. A. Algra, *Observations on Plato’s Thrasymachus: The Case for Pleonexia*, p. 59. Mario Vegetti, who also contributed to the volume in which Algra’s aforementioned paper appeared, takes up the term “antropologia della *pleonexia*” and includes it in the title of his article. However, he does not include a reference to Algra’s article; M. Vegetti, *Antropologie della pleonexia*, p. 196.

34 Psychological egoism is attributed to Thrasymachus by H. W. B. Joseph, *Plato’s Republic: The Argument with Thrasymachus*, in: *id.*, *Essays in Ancient and Modern Philosophy*, Oxford 1935, p. 17. Kerferd concludes that “Thrasymachus was not a psychological egoist”. His argument is that the ruled “think they ought to be just against their own interests (cf. 343c6 ff.)”; G. B. Kerferd, *The Doctrine of Thrasymachus in Plato’s Republic*, p. 562). However, Kerferd’s argument is not convincing because to abide by the law is in the best self-interest of the ruled in order to avoid punishment (cf. *Resp.* I,338e, 344b).

tivated by the desire to use them as a means to obtain a substantial amount of pleasure. While Thrasymachus holds the law to be an instrument of those who have political power to reach these goals, for Callicles it is a means of the crowd to subdue the best and strongest citizens and their striving to have an unequal amount of goods.

#### 4. Callicles' criticism of the rule of law

According to Martin Ostwald's research, "the absolute validity of *nomos*, the embodiment of the concept of popular sovereignty, remained unquestioned" in Athens until "about the mid-fifth century".<sup>35</sup> Regardless of whether Callicles was a real person or just a fictional character, what the Athenian is attacking in Plato's *Gorgias* is the validity of the democratic *nomos* of the late fifth century. Callicles relates the democratic *nomos* to questions of power and benefit and analyzes its origin and the interests it serves. For him, it is the *hoi polloi*, the crowd, that decides the laws and establishes the moral and legal rules to their advantage. Callicles claims that the crowd's interest is to prevent the better and more virtuous citizens from accumulating an unequal amount of material goods and political power. While the crowd strives for arithmetic equality, the few, motivated by *pleonexia*, aim at inequality and privilege. Callicles' argument to justify *pleonexia* and to criticize the *nomos* is based on the opposition of *physis* and *nomos*, of *nature* on the one hand, and *law*, *morality*, and *custom* on the other. This was a well-known opposition in later 5th century Greek thought and several philosophers based their arguments on it.<sup>36</sup> The common scheme of these arguments is to criticize the *nomos* by claiming that it can claim no real authority because it is neither divine and unchangeable nor part of the order of the cosmos. The *nomos* is just a human and artificial product, which contradicts nature and in particular human nature. However, the interpretations of human nature in these kinds of arguments differ. While the sophist Antiphon concludes that human equality requires social and political equality, for Callicles human in-

35 M. Ostwald, *From Popular Sovereignty to Sovereignty of Law*, p. 250.

36 In all likelihood, the opposition of *physis* and *nomos* goes back to Anaxagoras' student Archelaus (DK 60 A 2). Sophocles' *Antigone* invokes a natural right to bury her brother Polynices despite the ban of king Creon, her uncle. For the opposition of *physis* and *nomos* see G. Casertano, *Natura e istituzioni umane nelle dottrine dei sofisti*, Napoli 1971; W. K. C. Guthrie, *A History of Greek Philosophy*, III, pp. 55–134; F. Heinemann, *Nomos und Physis. Herkunft und Bedeutung einer Antithese im griechischen Denken des 5. Jahrhunderts*, Basel 1965 (1945'); G. B. Kerferd, *The Sophistic Movement*, Cambridge 1981, pp. 111–130; M. Ostwald, *From Popular Sovereignty to Sovereignty of Law*, pp. 250–273.

equality demands social and political inequality.<sup>37</sup> Callicles' genealogy of the *nomos* and his argument to justify *pleonexia* and to criticize the *nomos* read,

*Callicles*: Conventions (*nomoi*), on the other hand, are made, in my opinion, by the weaklings who form the majority of mankind (*hoi polloi*). They establish them and apportion praise and blame with an eye to themselves and their own interests (*to autois sympheron*), and in an endeavour to frighten those who are stronger and capable of getting the upper hand they say that taking an excess of things is shameful and wrong, and that wrongdoing consists in trying to have more (*pleon echein*) than others; being inferior themselves, they are content, no doubt, if they can stand on an equal footing with their betters. That is why by convention an attempt to have more than the majority is said to be wrong and shameful, and men call it wrongdoing; nature (*physis*), on the other hand, herself demonstrates, I believe, that it is right (*dikaion*) that the better man should have more than the worse and the stronger than the weaker. The truth of this can be seen in a variety of examples, drawn both from the animal world and from the complex cities and nations of human beings; right is judged to be the superior ruling over the inferior and having the upper hand (*ton kreittô tou hêttonos archein kai pleon echein*). ... My conviction is that these actions are in accordance with nature (*kata physin*); indeed, by Zeus, I would go so far as to say that they are in accordance with natural law (*nomos tês physeôs*), though not perhaps with the law enacted by us. Our way is to take the best and strongest among us from an early age and endeavour to mould their character as men tame lions; we subject them to a course of charms and spells and enslave them by saying that men ought to be equal and that this is fine and right. But I think that if there arises a man sufficiently endowed by nature, he will shake off and break through and escape from all these trammels; he will tread underfoot our texts and spells and incantations and all our unnatural (*para physin*) laws, and by an act of revolt reveal himself our master instead of our slave, in the full blaze of the light of natural justice (*physeôs dikaion*) (Plato, *Gorg.* 483b–484b, transl. W. Hamilton – C. Emlyn-Jones; cf. *Resp.* II,358e–359b; *Leg.* X,890a).

As explained in section 2, Callicles' genealogy of the *nomos* has many similarities with Nietzsche's genealogy of morality. With *nomoi*, which is translated here as "conventions", Callicles seems to refer more to morals and mo-

37 For Antiphon see *Papyri Oxyrhynchus* (POxy) 1364, DK 87 B 44a; DK 87 B 44b; cf. POxy 3647, which was published in 1984; cf. M. Knoll, *Antike griechische Philosophie*, pp. 159–165.

rality than to laws. However, he also rejects the morality of equality that is incorporated and enforced by democratic laws.<sup>38</sup> For him, natural right and natural justice exist, which can be derived from a natural law. This law, which is based on natural inequalities, is a source of law superior to positive law and allows for criticism of it. According to natural law, it is just that the better citizens have more goods and rule over the worse citizens, i.e. over the crowd. Similarly, Gorgias states in his *Encomium of Helen* that by nature “the weaker are ruled and directed by the stronger” (*DK* 82 B 11, transl. M. K.). This is another indication that Callicles was Gorgias’ student. In the exchange between the Melian commissioners and the Athenian envoys which Thucydides reports, he has the latter express similar thoughts, “For of the gods we hold the belief, and of men we know, that by a necessity of their nature (*hypo physeōs anankaias*) wherever they have power they always rule” (Thucydides, *Hist.* V,105; transl. C. F. Smith; cf. V,89, 101).<sup>39</sup>

The literature usually refers to Callicles’ position as a “natural right of the stronger”.<sup>40</sup> However, he uses the opposition of the weaker and the stronger only when he introduces his views (*Gorg.* 483b ff.). In the wake of his conversation with Socrates he makes clear that by “the stronger” he really means “the better” (cf. section 2). The better citizens who have a right to rule and to have more goods than others are the elite of those who possess the virtues “courage” (*andreia*) and “intelligence” (*phronēsis*) (*Gorg.* 489e, 491a–d).<sup>41</sup> What Callicles is actually defending is not a natural right of the stronger but a natural right of the better. This is evidence that, in line with his family background and his oligarchic connections, Callicles was not only a critic of popular sovereignty and democracy, but an aristocratic political thinker.<sup>42</sup>

38 Cf. R. K. Balot, *Greed and Injustice in Classical Athens*, p. 5, and M. Ostwald, *From Popular Sovereignty to Sovereignty of Law*, pp. 248–249.

39 Cf. F. Heinemann, *Nomos und Physis*, p. 167 (footnote 7).

40 A. Graeser, *Die Philosophie der Antike 2: Sophistik und Sokratik, Platon und Aristoteles*, München 1983; W. K. C. Guthrie, *A History of Greek Philosophy*, III, p. 101; H. Ottmann, *Geschichte des politischen Denkens*, 1/1, p. 226; 1/2, pp. 15–16; D. Silvermintz, *Thrasymachus*, in: P. O’Grady (ed.), *The Sophists. An Introduction*, London 2008, p. 95.

41 Ostwald is not aware of this because he wrongly claims, “Callicles has no clear idea in what the superiority sanctioned by *physis* consists”; M. Ostwald, *From Popular Sovereignty to Sovereignty of Law*, p. 250.

42 For the debate on Callicles’ political position see G. B. Kerferd, *Plato’s Treatment of Callicles in the Gorgias*, in: *Proceedings of the Cambridge Philological Society*, New Series, 20, 1974, pp. 48–52. In line with Kerferd’s view, Mario Untersteiner affirmatively quotes Adolfo Levi’s view that Callicles is “presentato come un campione del partito democratico” and refers to *Gorg.* 481d–e, 513a–b, 515e; M. Untersteiner, *I Sofisti*, p. 502, 523. The passages Untersteiner adduces partly display Socrates’ irony and do not substantiate Levi’s view, which is also refuted by Callicles’ explicit political statements and the information Guthrie gathered about Callicles’ “aristocratic and oligarchic connexions”; W. K. C. Guthrie, *A History of Greek Philosophy*, III, p. 102; cf. M. Ostwald, *From Popular Sovereignty to Sovereignty of Law*, pp. 245–247.

Being an aristocratic political thinker, Callicles' political views are closer to Plato's than is usually assumed. In the *Republic*, Plato designates the "political system" (*politeia*) of his best city – depending on the available amount of virtuous rulers – as an aristocracy or a kingship (*Resp.* IV,445d; cf. VII,520c; VIII,544e, 545c).<sup>43</sup> This is in line with the literal meaning of the term *aristokratia*, which is "rule of the best" or "rule of the most virtuous". Like Callicles, Plato does not value an aristocracy based on birth. However, in contrast to Plato's virtuous rulers, those Callicles defends only possess "courage" (*andreia*) and "intelligence" (*phronêsis*), not "moderation" (*sôphrosynê*) and "justice" (*dikaïosynê*) (*Gorg.* 489e, 491a–492c; cf. section 2). A further difference to Plato is that, for Callicles, the rule of the one or few best men should not aim at the common good, but at their personal advantage. Therefore, it is difficult to locate Callicles' "ideal constitution" in Plato's and Aristotle's scheme of six constitutions (*Polit.* 302c–e; *Pol.* III,6–7,1279a17–b10). In the context of the natural right of the better, Callicles introduces the leonine man who heroically frees himself from the unnatural egalitarian and democratic *nomoi*, seizes political power and realizes his *pleonexia* as a tyrant.<sup>44</sup> Such an ideal is alien to Plato's version of aristocratic political thought.

## 5. Thrasymachus' argument about justice and law

In all likelihood, Thrasymachus, the orator from Chalkedon, spend a considerable amount of time in Athens in the late fifth century.<sup>45</sup> Like Callicles, he relates the law to questions of power and benefit and analyzes its origin and the interests it serves. For Callicles, in democracies the crowd decides the laws and establishes the moral rules to their advantage. In Book I of the *Republic*, Thrasymachus generalizes Callicles' view by claiming that in every political system the ones who have the power and make the laws do not aim at the common good but at their personal advantage. Thrasymachus' argument about justice and law in Book I of the *Republic* reads,

*Thrasymachus:* Don't you know ... that some cities are ruled tyrannically, some democratically, and some aristocratically? ... In each city, isn't the ruling group master? ... And each ruling group sets down laws (*nomoi*)

43 For the aristocratic character of the mixed constitution Plato outlines in the *Nomoi* see M. Knoll, *Platons Konzeption der Mischverfassung in den Nomoi und ihr aristokratischer Charakter*.

44 According to Mario Vegetti, Callicles and his ideal of the leonine man reflect nostalgia toward the power of the Athenian oligarchy, which was humiliated by egalitarian democratic law. Similarly, for Vegetti, Callicles' ideal evokes the shadow of Alcibiades; M. Vegetti, *Antropologie della pleonexia*, p. 198.

45 M. Knoll, *Antike griechische Philosophie*, pp. 153–154.



for its own advantage (*to autê sympheron*); a democracy sets down democratic laws; a tyranny, tyrannic laws; and the others do the same. And they declare that what they have set down – their own advantage – is just for the ruled, and the man who departs from it they punish as a breaker of the law and a doer of unjust deeds. This, best of men, is what I mean: in every city the same thing is just, the advantage of the established ruling body. It surely is master; so the man who reasons rightly concludes that everywhere justice is the same thing, the advantage of the stronger (*tou kreittonos sympheron*) (Plato, *Resp.* I,338d–339a, transl. A. Bloom; cf. *Leg.* IV,714c–d).

In the literature, we find numerous attempts to reconstruct Thrasymachus' argument about justice and law. According to Maguire, "Thrasymachus says three distinct things about the just".<sup>46</sup> In the debate, several scholars distinguish between two definitions of justice and disagree about whether these are compatible or not: (a) justice is the advantage of the stronger/ruler (*Resp.* I,338c, 339a, 344c); and (b) justice is someone else's good (*Resp.* I,343c).<sup>47</sup> The disagreement about whether these two definitions are compatible is identical with the dispute about whether Plato's Thrasymachus defends a coherent and consistent view. The problem linked to this debate, however, is that many scholars over-analyze Thrasymachus' position in the sense that they decompose it into several independent statements and definitions. Thrasymachus' statement that "justice is the advantage of the stronger/ruler" is not an isolated statement and cannot be understood as a proper definition of

46 The just is (1) "the advantage of the stronger" (*Resp.* I,338c); (2) obedience to the laws (*Resp.* I,339b); (3) "someone else's good" (*Resp.* I,343c; transl. A. Bloom); J. P. Maguire, *Thrasymachos – or Plato?*, p. 565.

47 See, also for the literature, K. A. Algra, *Observations on Plato's Thrasymachus: The Case for Pleonexia*, pp. 55–58. Probably influenced by Algra's distinction between the two definitions of justice mentioned above (a and b), Vegetti distinguishes between "due tesi differenti". He also claims that thesis a and b are not logically connected; M. Vegetti, *Trasimaco*, in: *id.* (ed.), *Platone, La Repubblica. Traduzione e commento* (Elenchos, I/1), Napoli 1998, pp. 233–256; M. Vegetti, *Antropologie della pleonexia*, pp. 199–201; cf. A. Maffi, *Trasimaco fra Platone e Aristotele*, in: *via-Borgogna3. il magazine della Casa della Cultura*, 10, 2018 (per Mario Vegetti), pp. 68–75. According to Boter's research, the majority of interpreters "believe that Thrasymachus' utterances are incompatible". Boter summarizes some readings of such scholars who "over-analyze" (my term) Thrasymachus' statements out of context, which leads to extreme misinterpretations. Such scholars argue that "the ruler acts justly by pursuing his own advantage" or that "the ruler acts justly by not pursuing his own advantage"; G. J. Boter, *Thrasymachus and ΠΛΕΟΝΕΞΙΑ*, in: *Mnemosyne*, Fourth Series, 39, 1986, p. 262. Among the interpretations that contend that Plato's Thrasymachus defends a coherent view are G. F. Hourani, *Thrasymachus' Definition of Justice in Plato's Republic*, in: *Phronesis*, 7, 1962, pp. 110–120, and G. B. Kerferd, *The Doctrine of Thrasymachus in Plato's Republic*.

justice.<sup>48</sup> It is rather a provocative catchphrase, which can be synthesized out of his views and with which he rhetorically draws attention to his position. Similarly, the statement that “justice is another one’s good” does not stand alone but is part of a whole proposition which claims that

justice (*dikaiosynē*) and the just (*to dikaion*) are really someone else’s good (*allogtrion agathon*), the advantage of the man who is stronger (*kreitonos*) and rules (*archontos*), and a personal harm to the man who obeys and serves. Injustice (*adikia*) is the opposite, and it rules the truly simple and just; and those who are ruled do what is advantageous for him who is stronger, and they make him whom they serve happy (*eudaimon*) but themselves not at all (Plato, *Resp.* I,343c–d; transl. A. Bloom).

Thrasymachus conceives of just behavior, in the sense of law-abiding conduct, exclusively as a behavior of the ruled.<sup>49</sup> Algra, for good reasons, objects to “incompatibilist” interpretations of Thrasymachus’ position that they “usually focus exclusively on the definitions and on what may be inferred from them (i.e. they study the definition in isolation from their context).”<sup>50</sup>

Thrasymachus’ argument about justice and law should be reconstructed as follows. According to the *first premise* of the argument, justice is defined as abiding by the laws of the *polis* and injustice as breaking them. This is a common usage and explanation of the term “just” (*dikaion*).<sup>51</sup> This definition is similar to Aristotle’s understanding of universal justice in Book V of the *Nicomachean Ethics* (V,3,1129b11–1130a13). However, while Aristotle closely links legal justice to the ethical virtues, Thrasymachus’ argument seems to presuppose a form of legalism or legal positivism.<sup>52</sup> According to it, *dikaion* is *nomimon*. Justice is identical with the positive or established laws of the

48 The view that Thrasymachus’ statement is not a definition is shared by G. J. Boter, *Thrasymachus and ΠΛΕΟΝΕΞΙΑ*, p. 264; G. B. Kerferd, *The Doctrine of Thrasymachus in Plato’s Republic*, p. 560; P. P. Nicholson, *Unravelling Thrasymachus’ Arguments in The Republic*, in: *Phronesis*, 19, 1974, p. 211.

49 Cf. K. A. Algra, *Observations on Plato’s Thrasymachus: The Case for Pleonexia*, p. 58; P. P. Nicholson, *Unravelling Thrasymachus’ Arguments in The Republic*, pp. 214–215.

50 K. A. Algra, *Observations on Plato’s Thrasymachus: The Case for Pleonexia*, p. 55.

51 Cf. M. Salomon, *Der Begriff des Naturrechts bei den Sophisten*, in: *Zeitschrift der Savigny Stiftung für Rechtsgeschichte: Romanistische Abt.*, 32, 1911, p. 143.

52 For the interpreters who understand Thrasymachus’ position as “legalism”; see G. B. Kerferd, *The Doctrine of Thrasymachus in Plato’s Republic*, pp. 546–547; this is also the view of G. F. Hourani, *Thrasymachus’ Definition of Justice in Plato’s Republic*, and M. Vegetti, *Antropologie della pleonexia*, p. 199; for Kerferd’s criticism of this view see G. B. Kerferd, *The Doctrine of Thrasymachus in Plato’s Republic*, p. 561, and for his reply to Hourani see G. B. Kerferd, *Thrasymachus and Justice: A Reply*, in: *Phronesis*, 9, 1964, pp. 12–16. For some evidence in support of Kerferd’s views that Thrasymachus was not a legalist see D. J. Hadgopoulos, *Thrasymachus and Legalism*, in: *Phronesis*, 18, 1973, pp. 204–208.

*polis*; no natural law exists. Several interpreters claim that Thrasymachus does not recognize any moral obligation or value that transcends the law.<sup>53</sup> However, Thrasymachus uses the terms “just” and “unjust” also according to the meaning they have in the common morality (*Resp.* I,343d–344c). In the conventional morality, to behave justly means to honor private contracts, to pay taxes and to refrain from corruption and the appropriation of other’s possessions. As we have seen, Thrasymachus argues that, in contrast to unjust behaviors, just ones are not beneficial for a good and happy life (cf. section 3).

The *second premise* of Thrasymachus’ argument relates justice and law to political power. In every political system, the law is given by the members of the ruling group (i.e. “the stronger ones”). This is simply a description of political reality. The *third premise* of Thrasymachus’ argument, which relates justice and law to the self-interest of the rulers, is more controversial. According to it, *all* ruling groups or rulers – be it democrats, aristocrats or just one tyrant – use their power and legislative authority to pass laws that serve their self-interest or advantage. For example, as Plato observed, in *all* political systems the ruling group passes laws that “ensure that it remains permanently in power” (*Leg.* IV,714d, transl. T. J. Saunders). Of course, the preservation of political power is merely *one* specification of the self-interest or advantage of the rulers. The ruling group uses political power, legislation and legal justice also as a means to gain recognition and to enrich itself. This is in line with Callicles and Thrasymachus’ view that human beings are driven by *pleonexia*. The third premise of Thrasymachus’ argument is controversial because it can be objected that ruling groups aim with their legislation not primarily at increasing their personal advantage, but at maximizing the common good of the *polis*. This is Aristotle’s criterion for distinguishing between the three right political systems – kingship, aristocracy, and “polity” (*politeia*) – on the one hand, and the three wrong ones – tyranny, oligarchy, and democracy – on the other (*Pol.* III,6,1279a17–21, 11,1282b8–13; IV,1,1289a10–22).<sup>54</sup> Finally, it is important to note that Thrasymachus’ generalization and conviction that “*each* ruling group sets down laws for its own advantage” is a reason that substantiates that he was not only an ethical egoist, but also a psychological egoist.

According to the *conclusion* of Thrasymachus’ argument, citizens who are just and abide by the laws of their *polis* realize the interests of the ruling

53 These interpreters are usually the ones who understand Thrasymachus’ position as “legalism”.

54 If we ask whether Thrasymachus’ argument about justice and law allows for a political system in which the rulers legislate and rule for the common good, one possibility would be a true democracy with a high degree of equality (e.g. of property) among the citizens.

group. These interests are embodied in the clauses and regulations of the laws, which were passed by the rulers in order to promote their self-interest. This is why justice is the advantage of the stronger/the rulers or someone else's good. Legal justice is the good of the ruling group and the harm of the just and law-abiding citizens. Thrasymachus ascribes just behaviors, in the sense of law-abiding conduct, exclusively to the ruled who are forced to abide by the laws by the threat of punishment (*Resp.* I,338e, 344b).<sup>55</sup> Thrasymachus does not address the question of whether the ruling group is subject to the law or above it. However, if the ruling group makes – as he claims – no mistakes in setting down what is best for it, and if the ruled are forced to do what is best for the rulers, there is no need for them to be above the law (cf. *Resp.* I,340e–341a). This would give them no additional advantage.

### Conclusion: The relation of Callicles and Thrasymachus

This article has demonstrated that there are several important similarities between Thrasymachus' and Callicles' political thought. Both relate the *nomos* to questions of power and benefit and analyze its origin and the interests it serves. Both defend psychological and ethical egoism and acknowledge *pleonexia* as a natural human striving. Callicles is clearly a champion of hedonism; Thrasymachus in all likelihood shares this position. Both have similar ideas about a good and happy life and defend tyranny and the life of the tyrant. However, while Callicles' position is more extreme than Thrasymachus', it is theoretically less profound.<sup>56</sup>

According to Kerferd, there is one more crucial similarity between the two. He claims that Thrasymachus defends a version of the “theory of Natural Right”.<sup>57</sup> If this were the appropriate interpretation, Thrasymachus' position would be indeed “practically identical with that of Callicles” who defends a natural right of the better.<sup>58</sup> However, Kerferd's claim is not convincing and in Book I of the *Republic* there are no statements that substantiate this

55 Cf. K. A. Algra, *Observations on Plato's Thrasymachus: The Case for Pleonexia*, p. 58; P. P. Nicholson, *Unravelling Thrasymachus' Arguments in The Republic*, pp. 214–215.

56 Cf. M. Vegetti, *Antropologie della pleonexia*, pp. 197–198. Louis Groake interprets Callicles as “a kind of freedom-saint” because, like Gorgias and Polus, he defends “rhetoric as a means to individual liberty (*eleutheria*)”; L. Groake, *Callicles*, in: P. O'Grady (ed.), *The Sophists*, pp. 106–107.

57 G. B. Kerferd, *The Doctrine of Thrasymachus in Plato's Republic*, pp. 548, 550.

58 *Ibid.*, p. 547. With reference to Gorge Grote and Callicles' supposed “right of the stronger”, Guthrie claims that Thrasymachus' theory is “essentially different from that of Callicles”; W. K. C. Guthrie, *A History of Greek Philosophy*, III, p. 97. Solomon, who rejects the interpretation that Thrasymachus defends a “right of the stronger” (*Recht des Stärkeren*), informs us that this was a prevailing view in the literature of the 19th century; M. Salomon, *Der Begriff des Naturrechts bei den Sophisten*, p. 144.

interpretation. Kerferd himself acknowledges that Thrasymachus nowhere speaks “of natural *Justice*”.<sup>59</sup> Kerferd’s methodical approach is to first list all positions that have been attributed to Thrasymachus in the literature. In a second step, he tries to determine which is the most appropriate interpretation by eliminating all inadequate ones. However, Kerferd neglects to consider a line of interpretation that goes back to Max Salomon.<sup>60</sup> According to it, Thrasymachus’ argument about justice and law wants to set up no norm and has no normative dimension. For Salomon, Thrasymachus is just a descriptive sociologist who diagnoses what actually happens in politics. This interpretation certainly captures an important dimension of Thrasymachus’ argument, which can still be applied to analyze central aspects of legislation in contemporary democracies. In the parliaments of Western democracies there are many MPs who do not mainly represent the will of the people who voted for them, but the will of certain lobbies or economic groups such as the agricultural lobby, trade unions or employer’s associations. Those MPs use their political power to influence legislation with the goal of leveraging legal justice to promote the interests of the lobby they belong to.

Despite the fact that Thrasymachus’ position includes important insights that fit squarely within the realm of political sociology, it cannot be reduced to it. His praise of *pleonexia*, injustice, and the happiness of the tyrant implies that he appreciates politicians who have enough power to give laws for their personal advantage and happiness. Nevertheless, Kerferd’s view “that for Thrasymachus injustice is a moral obligation” is exaggerated because the sophist does not explicitly prescribe to anyone that they behave unjustly.<sup>61</sup> Rather, Thrasymachus should be interpreted as a political realist. Like Callicles, he has a sober and realistic view of human nature and politics.<sup>62</sup> Human beings are motivated by *pleonexia*. Politics is mainly a struggle for power. In this struggle, for Thrasymachus, politicians usually neither respect the

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59 G. B. Kerferd, *The Doctrine of Thrasymachus in Plato’s Republic*, p. 550.

60 M. Salomon, *Der Begriff des Naturrechts bei den Sophisten*, pp. 142–147. Salomon restates his views on Thrasymachus in M. Salomon Shellens, *Der Gerechtigkeitsbegriff des Thrasymachus*, in: *Zeitschrift für philosophische Forschung*, 7, 1953, pp. 481–492. In the recent literature, Salomon’s interpretation is defended by Ottmann who does not refer to Salomon; H. Ottmann, *Geschichte des politischen Denkens*, 1/1, p. 226; 1/2, pp. 28–29. Cf. G. B. Kerferd – H. Flashar, *Die Sophistik*, p. 56.

61 Based on his interpretation that Thrasymachus assigns “to injustice the predicates normally given to justice as a moral ideal at which people ought to aim”, Kerferd claims that he is no ethical nihilist; G. B. Kerferd, *The Doctrine of Thrasymachus in Plato’s Republic*, p. 561.

62 In Chapter IV (3), which is headed by “The realists”, Guthrie includes besides Thucydides, Glaucon, and Adimantus only Thrasymachus. Callicles is treated in Chapter IV (4) headed “The upholders of *physis*”; W. K. C. Guthrie, *A History of Greek Philosophy*, III, pp. 84–134. Untersteiner, for good reasons, treats both Callicles and Thrasymachus under the headline “*Sofistica e realismo politico*”; M. Untersteiner, *I Sofisti*, pp. 497–504.

prevailing morality nor aim at the common good or the happiness of their subjects. Rather, through legislation they pursue their self-interest and personal advantage. A realistic analysis of life shows that people act immorally in private and public matters and that only powerful and unjust persons can live a truly good and happy life. These are the main lesson of Thrasymachus' descriptive sociology and political realism.<sup>63</sup> Considering the fact that a good life was the conscious goal of all Greek citizens, this lesson constitutes a huge provocation to all moralists and idealists.<sup>64</sup> Guthrie argues that Thrasymachus was a "disillusioned moralist".<sup>65</sup> He supports this claim by referring to the surviving fragment from Thrasymachus of Chalkedon on justice in which he complains that humans make no use of justice, the "greatest of human goods" (*DK* 85 B 8, transl. M. K.). However, whether Plato's Thrasymachus is identical with the historical orator, as Guthrie claims, is not certain.

While Callicles is an aristocratic political thinker, Thrasymachus is a political sociologist and political realist. Callicles defends a natural right of the better, Thrasymachus seems to be a legal positivist. However, despite his legalism Thrasymachus also uses the terms "just" and "unjust" according to the meaning they have in the common morality (cf. section 5). Notwithstanding his criticism that acting morally is detrimental to a good and happy life, it is likely that Thrasymachus would acknowledge that a certain moral obligation arises from the moral norms of the time. However, for him it seems to be more important to be happy than to be moral.

Like Protagoras, Thrasymachus seems to be not only a legalist but an ethical relativist and a moral skeptic. For a moral skeptic, no moral facts and no moral truths exist in mind-independent ways. For an ethical and legal relativist, everything which is just and legal is valid only for one *polis* and relative to its particular morality and laws.<sup>66</sup> According to the principal clause of Protagoras' philosophy, man is the measure of all things (*Tht.* 152a). Applied to the field of morality, law, and politics, this clause claims that no such thing

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63 The corruption of justice is a topic in Greek political thought that goes back to its beginnings with Hesiod, *Works and Days*, and Solon (Fr. 4 *Eunomia*).

64 This is acknowledged by Socrates' immediate reaction to Thrasymachus' speech, in which Socrates asks him rhetorically whether he is "trying to determine a small matter and not a course of life on the basis of which each of us would have the most profitable existence?" (*Resp.* I,344d–e, transl. A. Bloom).

65 W. K. C. Guthrie, *A History of Greek Philosophy*, III, p. 97; cf. M. Untersteiner, *I Sofisti*, p. 501. By claiming that Thrasymachus seems to be "ein enttäuschter Moralist", Ottmann takes up Guthrie's interpretation; H. Ottmann, *Geschichte des politischen Denkens*, 1/2, p. 28. However, Ottmann makes no reference to Guthrie.

66 Despite Protagoras' rejection of any universal truths in moral and legal matters, he argues that some moral beliefs or views about the good and just are more beneficial or useful than others (*Tht.* 166d–167d, 172a–b, 177d–e). This implies that he rejects an "absolute relativism" that claims *de gustibus disputandum non est*.

as “the just and unjust” has “by nature (*physei*) any being (*ousia*) of its own” (*Tht.* 172b, transl. M. J. Levett, rev. M. Burnyeat). Rather, “whatever any community (*polis*) decides to be just and unjust, and establishes as such, actually is what is just and right for that community and for as long as it remains so established” (*Tht.* 177d, transl. M. J. Levett, rev. M. Burnyeat). This quote expresses both Protagoras’ legal positivism and his ethical and legal relativism, which both presuppose his moral skepticism. For Protagoras, legislation always aims at the good and the advantage of the whole community, “A community always makes such laws as are most useful to it” (*Tht.* 177d, transl. M. J. Levett, rev. M. Burnyeat). For Thrasymachus’ political realism, this is an idealist view and an unwarranted generalization that needs to be revised. It is neither the whole *polis* that passes the *nomoi* nor do the laws always aim at the common good. Rather, it is the ruling group that passes the laws to promote their self-interest.<sup>67</sup> While Protagoras neglects the relation between the rulers and the ruled, Thrasymachus’ perspective on the *nomos* focuses on this relationship. The rulers use the *nomoi* to suppress the ruled. In contrast, Callicles’ perspective on the *nomos* focuses on the relation between the individual and the democratic *polis*. In such a *polis* the crowd uses the *nomoi* to suppress the most outstanding individuals.

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67 Cf. D. Silvermintz, *Thrasymachus*, p. 96.