18. He says that the gods worshipped by men neither exist nor have knowledge, but that the ancients exalted crops and everything else that is useful for life. (P.Herc. 1428 col. 19.12–19; not in DK)

14.4. Hippias

Hippias was born in Elis, near Olympia in the Peloponnesian; his birth date is unknown, but he was still living in the year of Socrates’ death. He was another wealthy and successful Sophist. Plato makes fun of him as a polymath who can even make his own shoes, and presents him as rather dim-witted, but this is clearly a caricature. Hippias taught rhetoric, including mnemonics, and was interested in mathematics and geometry, where he made an important discovery, as well as in the arts. He was famous both for his rhetorical displays, many given at Olympia during the games, and for his “improvisational sophistry”—making speeches on any subject proposed by a member of his audience. He was also an early historian, compiling a list of Olympic victors, and most significantly, he collected texts of poets and philosophers, thus beginning the tradition of the history of philosophy.

19. (86B6) Some of these things may have been said by Orpheus, some by Musaeus—in short, in different places by different authors—some by Hesiod, Homer, or other poets, and some in prose works by Greeks or foreigners. From all of them I [Hippias] have collected the most important ones that are related, and I will compose out of them this original and multiform account. (Clement of Alexandria, Miscellanies 6.2.15)

20. How can anyone suppose that laws are a serious matter or believe in them, since it often happens that the very people who make them repeal them and substitute and pass others in their place?49

(Xenophon, Memorabilia 4.4.14; not in DK)

14.5. Antiphon

The Sophist we know as Antiphon is probably Antiphon of Rhamnous. He was thus a native of Attica and a citizen of Athens and so was eligible to hold political office in Athens. Born around 480 BCE, he had wide philosophical and scientific interests, but it is for his views on justice that he is best known. Here he considers the relation between nature (phusis) and law or customs (nomos, pl. nomoi).

49. Translator’s note: This passage occurs in conversation with Socrates in a work by Xenophon. How closely it reflects the actual views of Hippias is impossible to say.
21. (87A44a) (1) Justice is a matter of not transgressing what the nomoi prescribe in whatever city one is a citizen. A person would make most advantage of justice for himself if he treated the nomoi as important in the presence of witnesses and treated the decrees of phusis as important when alone and with no witnesses present. For the decrees of nomoi are extra additions, those of phusis are necessary; those of the nomoi are the products of agreement, not of natural growth, whereas those of phusis are the products of natural growth, not of agreement. (2) If those who made the agreement do not notice a person transgressing the prescriptions of nomoi, he is free from both disgrace and penalty, but not so if they do notice him. But if, contrary to possibility, anyone violates any of the things that are innate by phusis, the harm is no less if no one notices and no greater if all observe. For he does not suffer harm as a result of opinion but as a result of truth. . . . This is the entire purpose of considering these matters—that most of the things that are just according to nomos are established in a way that is hostile to phusis. For nomoi have been established for the eyes as to what they must (3) see and what they must not, and for the ears as to what they must hear and what they must not, and for the tongue as to what it must say and what it must not, and for the hands as to what they must do and what they must not, and for the feet as to where they must go and where they must not, and for the mind as to what it must desire and what it must not. Now the things from which the nomoi deter humans are no more in accord with or suited to phusis than the things that they promote.

Living and dying are matters of phusis, and living results for them from what is advantageous, dying from what is not advantageous. (4) But the advantages that are established by the nomoi are bonds on phusis, and those established by phusis are free.

And so things that cause pain, at least when thought of correctly, do not help phusis more than things that give pleasure. Therefore it will not be painful things that are advantageous rather than pleasant things. For things that are truly advantageous must not cause harm but benefit. Now the things that are advantageous by phusis are among these. . . .

<But according to nomos, those are correct> who defend themselves after suffering (5) and are not first to do wrong, and those who do good to parents who are bad to them, and who permit others to accuse them on oath but do not themselves accuse on oath. You will find many of these cases hostile to phusis. They permit people to suffer more pain when less is possible and to have less pleasure when more is possible and to receive injury when it is not necessary.

Now if some assistance came from the nomoi for those who submitted to these conditions and some damage to those who do not submit
but resist, (6) obedience to the nomoi would not be unhelpful. But as things are, it is obvious that the justice that stems from nomos is insufficient to aid those who submit. In the first place, it permits the one who suffers to suffer and the wrongdoer to do wrong, and it was not at the time of the wrongdoing able to prevent either the sufferer from suffering or the wrongdoer from doing wrong. And when the case is brought to trial for punishment, there is no special advantage for the one who has suffered over the wrongdoer. For he must persuade the jury that he suffered and that he is able to exact the penalty. And it is open to the wrongdoer to deny it. . . . (7) However convincing the accusation is on behalf of the accuser, the defense can be just as convincing. For victory comes through speech.50

(Oxyrhynchus Papyrus XI no. 1364, col. 1, line 6 to col. 7, line 15)

As the passage from Antiphon shows, the question of whether law and morality are grounded in nature or convention was a major subject of debate. Here are two texts that explore that question, the first from Critias, an aristocratic Athenian (related to Plato) and an associate of Socrates, who became one of the Thirty Tyrants after the defeat of Athens by Sparta in 404 BCE. Critias defends nomos as the source of civilization. Finally, there is a late (for the Presocratic period) anonymous text called the Anonymus Iamblichi (usually dated to about 400), which argues that nomos is grounded in phusis.

22. (88B25 lines 1–8) Critias on nomos
There was a time when human life was without order, on the level of beasts, and subject to force; when there was no reward for the good or punishment for the bad. And then, I think, humans established nomoi as punishers, so that justice would be the mighty ruler of all equally and would have violence (hubris) as its slave, and anyone who did wrong would be punished.

(Sextus Empiricus, Against the Mathematicians 9.54)

23. (DK89.6 and 7) Selections from The Anonymous Iamblichi
(6.1) No one should set out to maximize his own advantage or suppose that power used for one’s advantage is aretē [virtue] and obedience to nomoi is cowardice. This is the most wicked thought, and it results in everything diametrically opposed to what is good: evil and harm. For if humans were by phusis unable to live singly but yielding to necessity came together to live with one another and discovered all their life and their contrivances for living, but it is impossible for them

50. Translator’s note: The last part of the text is uncertain.
to live with one another and to conduct their lives in the absence of nomoi (since that way they would suffer more damage than they would by living alone)—on account of these necessities nomos and justice are kings among humans, and in no way can they depart. For they are firmly bound into our phusis.

(6.2) If, then, someone were born who had from the beginning the following sort of phusis: invulnerable in his flesh, not subject to disease, without feelings, superhuman, and hard as steel in body and soul—perhaps one might have thought that power used for personal advantage would be sufficient for such a person, since such a person could be scot-free even if he did not subject himself to the law (nomos). But this person does not think correctly. (6.3) Even if there were such a person, though there could not be, he would survive by being an ally of the laws (nomoi) and of justice, strengthening them and using his might for them and for what assists them, but otherwise he could not last. (6.4) For it would seem that all people would become enemies of a person with such a nature [phunti, related to phusis], and through their own observance of nomos and their numbers they would overcome him by craft or force and would prevail. (6.5) So it is obvious that power itself—real power—is preserved through nomos and justice.

(7)51 It is worthwhile to learn these facts about eunomia and anomia—how big the difference is between them, and that eunomia is the best thing both for the community and for the individual, and anomia is the worst, for the greatest harm arises immediately from anomia. Let us begin by indicating first what results from eunomia. (7.1) In the first place, trust arises from eunomia, and this benefits all people greatly and is one of the great goods. For as a result of it, money becomes available, and so even if there is little it is sufficient, since it is in circulation, but without it not even a great deal of money would be enough. (7.2) Fortunes and misfortunes in money and life are managed most suitably for people as a result of eunomia. For those enjoying good fortune can use it in safety and without danger of plots, while those suffering ill fortune are aided by the fortunate through their mutual dealings and trust, which result from eunomia. (7.3) Through eunomia, moreover, the time people devote to pragmata [a word that can mean “government,” “public business,” or “troubles”] is idle, but that devoted to the activities of life is productive. (7.4) In eunomia people are free from the most unpleasant concern and engage in the most pleasant, since concern about pragmata is most unpleasant and

51. Translator’s note: Here the Anonymus Iamblichi contrasts eunomia (a condition where the nomoi are good and people abide by them) and anomia (the opposite of eunomia), which the author seems to conceive as a condition in which each person pursues his or her own advantage in competition with others.
concern about one’s activities is most pleasant. (7.5) Also when they go to sleep, which is a rest from troubles for people, they go to it without fear and unworried about painful matters, and when they rise from it they have other similar experiences and do not suddenly become fearful. Nor after this very pleasant change [that is, sleep] do they expect the day to bring poverty but they look forward to it without fear directing their concern without grief toward the activities of life, lightening their labors with trust and confident hopes that they will get good things as a result. For all these things *eunomia* is responsible.

(7.6) And war, which is the source of the greatest evils for people, leading as it does to destruction and slavery—this too comes more to those who practice *anomia*, less to those practicing *eunomia*. (7.7) There are many other goods found in *eunomia* that assist life, and also from it comes consolation for our difficulties. These are the evils that come from *anomia*. (7.8) In the first place, people do not have time for their activities and are engaged in the most unpleasant thing—*pragmata*, not activities—and because of mistrust and lack of mutual dealings they hoard money and do not make it available, so it becomes rare even if there is much. (7.9) Ill fortune and good fortune minister to the opposite results [from what occurs under *eunomia*]: good fortune is not safe in *anomia* but is plotted against, and bad fortune is not driven off but is strengthened through mistrust and the absence of mutual dealings. (7.10) War from outside is more frequently brought against a land, and domestic faction comes from the same cause, and if it did not occur earlier it happens then. Also it happens that people are always involved in *pragmata* because of plots that come from one another, which force them to live constantly on guard and to make counterplots against each other. (7.11) When they are awake their thoughts are not pleasant, and when they go to sleep their receptacle [that is, sleep] is not pleasant but full of fear, and their awakening is fearful and frightening and leads a person to sudden memories of his troubles. These and all the previously mentioned evils result from *anomia*.

(7.12) Also tyranny, so great and so foul an evil, arises from nothing else but *anomia*. Some people suppose—all who do not understand correctly—that a tyrant comes from some other source, and that people are deprived of their freedom without being themselves responsible but compelled by the tyrant when he has been established. But they do not consider this correctly. (7.13) For whoever thinks that a king or a tyrant arises from anything else than *anomia* and personal advantage is an idiot. For when everyone turns to evil, this is what happens. For it is impossible for humans to live without *nomoi* and justice. (7.14) So when these two things—*nomos* and justice—are missing from the mass of the people, that is exactly when the guardianship
and protection of them passes to a single person. How else could solitary rule be transferred to a single person unless the *nomos* had been driven out that benefited the mass of the people? (7.15) For this man who is going to destroy justice and abolish *nomos*, which is common and advantageous to all, must be made of steel if he intends to strip these things from the mass of the people, he being one and they many. (7.16) But if he is made of flesh and is like the rest, he will not be able to accomplish this, but on the contrary if he reestablishes what is missing, he might rule alone. This is why some people fail to notice this occurring when it does.

(*Anonymus Iamblichi fr. 6 and 7 = DK 89, 6; Vol. 2 402.21–404.32*)

15. THE DERVENI PAPYRUS, 
COLUMNS IV–XXVI

The Derveni Papyrus was found in 1962, by workers constructing a highway in northern Greece, near the town of Derveni. It is a scroll, partially burnt and otherwise damaged (it was used in a funeral pyre in about 400 BCE), which contains parts of an Orphic poem with a commentary on the poem. Orpheus was a mythological musician and son of Apollo, who went to Hades and returned. Orphism is based on this myth, and the central texts of Orphism were based on material that supposedly went back to Orpheus himself. A fundamental belief was that the soul is immortal and undergoes transmigrations from one body to another. Following the Orphic way of life, after undergoing initiation, was supposed to bring eventual freedom from transmigration and release from punishment after death. The Derveni Papyrus combines an Orphic theogony similar to Hesiod’s, along with a naturalizing explanation of the Orphic poem. The author, who is familiar with Presocratic theories, interprets the theogony as an allegorical cosmology, and in doing so quotes Heraclitus and offers explanations that seem to indicate familiarity with Anaxagoras and perhaps Diogenes of Apollonia.

The papyrus contains twenty-six columns of text, all of which are more or less damaged; the first three columns contain practically no legible material, so our text begins with column IV. The author weaves together quotations of parts of the Orphic poem with his commentary.

52. In the Orphic poem, there is first Night, who gives birth to Ouranos [the heavens]. Ouranos rules but is overthrown by Kronos, who is, in turn, overthrown by Zeus. It is Zeus who is responsible for the present state of the cosmos.  
52. McKirahan describes it this way: “Imagine a rolled up newspaper partially burned in a fire, whose outer pages are destroyed, as are the top and bottom of the remaining pages, in which the fire, heat, and subsequent handling have created holes of varying sizes” (Philosophy Before Socrates, 2nd edition, p. 430).