

Hippias of Elis and his Pursuit of Justice

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Hippias' involvement in the conception of justice forms the philosophical topic of this paper.

Hippias did not, of course, invent justice. In order to understand the transition of Justice to justice, we need to go back to the great god, Zeus, to meet his daughter, Δίκη (Dike), who is the personification of Justice. We will relate the notion of Justice as Homer and Hesiod expressed it, and trace its evolution by referring to a number of significant Greeks up the time of Hippias in about 450 BC. Attention will be given to Hippias' association with Socrates, to his (Hippias') conception of justice, and the dichotomy between natural law and man-made law.

This is a pitifully abbreviated chapter of a much longer work — Hippias was a polymath — and ancient references are meagre, but in addition to Plato and Xenophon, there is a variety of sources which could be pursued in order to build a life of this most versatile of all the Sophists.

This is a story about a goddess, Δίκη, and a mortal, Hippias of Elis, who pursued her.

What we now regard as the wonderful exciting stories of ancient Greek mythology were the living religion of the Ancient Greeks, people whose lives were intimately associated with the great family of gods who dwelt on Mount Olympus.

The myth of Δίκη is compelling for we are informed that when mortals infringed upon the traditional values she took to the mountains and then when they continued to violate to even a further degree, she rebuffed them, rejecting the world altogether. She is now seen in the heavens as the Constellation Virgo.

Hesiod who was writing in the 8th–7th centuries BC tells us that “the deathless gods, the immortals, are close to us, they mingle with men and are aware of all those who oppress their fellows with crooked judgments, and care nothing for the anger of the gods” (Hesiod, *Works and Days*: 248–250).

Hesiod hailed from Boeotia to where his father had migrated from Asia Minor. Perses, Hesiod's father, fled not riches, wealth and prosperity but evil penury, which Zeus gives to men (Hes., *W. and D.*: 635–637). He fled to escape from poverty and destitution, no doubt hoping for a better life in mainland Greece, but Boeotia was

overpopulated and less fertile. They settled in “a miserable hamlet, Ascra, which is bad in winter, sultry in summer, and good at no time” (Hes., *W. and D.*: 638–640).

Hesiod was inspired by the Muses, receiving their divine inspiration on Mount Helicon, near his home. He introduces himself:

not as a poet, not as a thinker, but as a mere farmer who happened to receive a divine revelation. ... The new world-order, which is to replace the ancient aristocratic ideals portrayed in Homer's *Iliad*, is all about order and justice. In his *Theogony*, Hesiod writes what the Muses reveal to him—he organises in genealogies the numerous gods and goddesses from various local pantheons, in order to present the foundations of a Greek pan-Hellenic religion (Engel, 2004:21).

Hesiod explained:

And there is Δίκη, the virgin daughter of Zeus and Themis, honoured and revered among the gods, and whenever anyone hurts her with lying slander, she sits beside her father Zeus, and tells him of men's wicked heart, ... (Hes., *W. and D.*: 255–268).

So we meet Δίκη, the personification of Justice. Hippias was much concerned with justice, and we note, also, the mention of lying slander, an evil which Hippias recognised as an injustice.

Justice, Δίκη, has been described as Zeus' favourite child, but it is not justice for the weak. For justice there must be equality: only with equality can there be justice — this is something that will be mentioned again.

Δίκη has many meanings, and even in Homer and Hesiod this was so. It describes verdicts and decisions in law; it illustrates custom or usage; it expresses the appointed way of mortals: “Odysseus wrought no wrong in deed or word to any man in the land, as is the wont (δική) of divine kings ...” (Homer, *Odyssey*: 11.218).

We have Hesiod advising his brother to listen to right and not to foster violence: “The better path is to go by on the other side towards justice (δικαία); for Justice (Δίκη) beats Outrage when she comes at length to the end of the race” (Hes., *W. and D.*: 213–218). The Greeks held the utmost faith in Homer and Hesiod as conveyers of truth.

I leap forward to Tyrtaeus who flourished in about 640 BC (Gerber, 1999:25). Tyrtaeus was conscious of the social inequities and injustices that prevailed in Sparta and, in a poem entitled *Eunomia*, put forward a claim to carry out a re-division of the land (Aristotle, *Politics*: 1306 b36). *Eunomia*, we recall, was a daughter of Zeus and Themis, personified as Law and Order (Hesiod, *Theogony*: 902).

Law and Order provides an adequate rendering of *eunomia*, although *eunomia* probably describes “a condition of a state in which citizens obey the law, not a condition of the state in which the laws are good” (Andrewes, 1938:89).

In about 620 BC, Draco gave a new meaning to Athenian “justice”. From his name we obtain the adjective *draconian*, which translates as “excessively harsh”. Aristotle wrote of “the reform in the time of Draco, in which a code of laws was first published” in 621 BC (Aristotle, *Athenian Politics*: XLI). Draco imposed the death penalty for even minor offences such as idleness and petty theft and when

challenged about the severity of his justice “replied that in his opinion the lesser ones deserved it, and for the greater ones no heavier penalty could be found” (Plutarch, *Solon*: XVII.2). This is justice in Draco’s meaning of the word, but the report emanates from Plutarch who, perhaps, should not be taken too literally.

With Solon, who was born in about 630 BC, we meet a very different lawmaker. If ever Athens needed a man of exceptional abilities it was at this time, and Solon was certainly the man for the moment. Athens had sunk into an economic, political and social crisis. The economy was based on land ownership, not on money. The economic gulf between the upper and lower classes was vast, the poor were deeply in debt to the rich, even pledging their very selves to their creditors, with some being sold into slavery overseas. The main cause of the anger of the lower classes was the excessive greed of the privileged classes, rather than the crooked judgments about which Hesiod wrote. Solon was “as earnest a moralist as Hesiod” (Vlastos, 1995:33), and from one of his verses we see that he visualized Justice as a divine power: “Wealth I desire to have; but wrongfully to get it / I do not wish. Justice (δίκη), even if slow, is sure” (Plut., *Sol.*: II.3).

Solon wrote of those who failed to revere the goddess Δίκη (Edmonds, 1961: 117–19). He knew of the hardships suffered by the oppressed classes. It was probably in 594 BC that Solon, being considered “the justest and the wisest of all” (Plut., *Sol.*: XIV.3), was chosen as archon (chief magistrate) in an attempt to “set free the condemned debtors, divide the land anew, and make an entire change in the form of government” (Plut., *Sol.*: XIII.3).

Solon was visited by Anacharsis, a Scythian prince who laughed at Solon for thinking that he could check the injustice and rapacity of the citizens by written laws, which were just like spiders’ webs (Plut., *Sol.*: V.2). Anacharsis was right because, ultimately, Solon pleased no one — in his redistribution of land the privileged rich believed he had gone too far, and for the poor and enslaved he had not gone far enough in his attempt to alleviate the inequalities which afflicted Athens.

Following soon after Solon was Anaximander of Miletus who was born in about 610 BC. Fundamental in his theory on the nature of matter was the notion of the stability of existing things which he envisaged as a scientific process of change in nature, a process occurring as a natural event which he described in the rather poetic terms for which he is noted: “for they (the so-called elements) pay penalty and retribution to each other for their injustice according to the assessment of Time” (Simplicius *in Phys.* 24).

Aeschylus, an Athenian, was born c. 525 BC. He was a soldier and a dramatist, and a man who held a firm belief in the primacy of Justice and faith in Divine Government. It is observed that, concurrent with the development of literature, more frequent references to justice become apparent but, although hazy, there is a traceable shift towards justice for all.

In 495 BC, Pericles was born. By about 450 BC he was the most powerful man in Athens, the most popular leader, and was regarded as being quite incorruptible. He

abolished almost all the authority of the Areopagus, and opened up the jury courts to the citizens. He awarded daily payments to the citizens making it possible for them to leave their land and other work to attend to the business of Athens. It was now necessary for citizens to learn how to formulate a speech, how to develop an argument, and how to defend themselves against charges and claims. This need was filled by the Sophists, men of diverse interests, but with the ability to teach. They were the first formal teachers, and many of them accumulated large fortunes.

Hippias, the most versatile of the sophists, hailed from Elis, which is the name of a city and a state on the Peloponnese. He was born in about 480–470 BC, which makes him roughly contemporary with Socrates. He was skilled in astronomy, geometry, arithmetic, grammar, rhythm, music, genealogy, mythology, and history, which includes the history of philosophy. It seems that he had lectures prepared in advance, so that he could speak on almost any topic that was requested in the various places he visited. He was sought after as a lecturer and became extremely rich. Hippias was neither the first nor the best known of the Sophists but he is an important figure in the history and philosophy of the time.

We know that he spent time in Athens before the outbreak of the Peloponnesian War which raged between Athens and Sparta and their allies and subjects, from 431–404 BC, ending in the defeat of Athens. It was one of the most tragic events ever to afflict Greece. Being a Peloponnesian, and thus a foreigner, Hippias could not have visited Athens during the years of the War, except during rare periods of truce. He would have found an exciting city, in “a period where arts and sciences blossomed: there existed an unprecedented level of intellectual curiosity, a questioning of superstitions and conventions, and a belief in progress. All of the arts, particularly the literary arts, oration and rhetoric, reached their zenith as the masters in the various disciplines competed for fame and honour” (Usher, 2005:113).

I refer now, to Xenophon and his work *Memorabilia* which forms part of the literature on Socrates, and which is an important source for research on Hippias. Xenophon was born in 428/7, which makes him about 29 years old when Socrates was executed in 399 BC. Xenophon relates Socrates' views about justice:

Concerning Justice (Δίκη) [Socrates] did not hide his opinion but proclaimed it by his actions. All his private life was lawful ... [and] he chose to die through his loyalty to the laws rather than to live through violating them (Xenophon, *Memorabilia*: VI vi 1–4).

When the conversation with Hippias takes place, Hippias had not been in Athens for a considerable time. Socrates was decrying the fact that while craftsmen had to learn their crafts from an expert in the area, say if one wanted to learn cobbling or building one would seek out a shoemaker or a builder, but “strangely enough, if you want to learn Justice yourself, or to have your son or servant taught it, you know not where to go for a teacher” (Xen., *Mem.*: IV iv 5–6).

Now in the past, Hippias had heard this same tired old discussion and questioning from Socrates, and said so: “Surely, not again? ... Still the same old sentiments that

I heard from you so long ago?" Such a rejoinder would be most pleasing to Socrates who replies: "Always the same and on the same topics too!" (Xen., *Mem.*: IV iv 6).

And this embodies his absolute belief that the question "What is Justice?" has not been answered. While people may state that a certain action is a just action, or a certain decision is a just decision, they do not define "justice" itself. It can be said that a just man is one who acts justly, but if one does not grasp the essence of "justice" and if that very essence is not known, then the nature of justice cannot be comprehended, nor followed. At least, that is Socrates' opinion about justice.

Hippias, too, does not recognise his ignorance of the nature of "justice", at least his ignorance of the definition that Socrates seeks to extract from his victims. Perhaps Hippias considered that if Socrates still had not been able to elicit the essence of "justice" enough debate had been devoted to the quest and too many years spent on it. Hippias was not concerned with a Socratic definition. To Hippias, justice was a practical issue. To Hippias it would be more productive to proceed, to progress to instances of justice and injustice, and how they were administered, rather than continue the fruitless search for the seemingly indefinable. We may consider this in connection with Aristotle's *Nichomachean Ethics* (1103 b272–29), written about a century later: "...for we are not investigating the nature of virtue for the sake of knowing what it is, but in order that we may become good, without which result our investigation would be of no use ...".

Hippias now makes an astonishing statement: "As for Justice I feel confident that I can now say that which neither you nor anyone else can contradict" (Xen., *Mem.*: IV iv 7).

The astounded Socrates gives a mocking reply. Scornfully he pretends his delight with Hippias' great discovery about Justice which would have wide ranging and beneficial results: it would see juries always in agreement, citizens having no need to pursue litigation, cities not warring with each other. This is the ironical Socrates pouring scorn upon Hippias but Hippias is up to the challenge. He replies:

But I vow you shall not hear unless you first declare your own opinion about the nature of Justice; for it's enough that you mock at others, questioning and examining everybody, and never willing to render an account yourself, or to state an opinion about anything (Xen., *Mem.*: IV iv 9).

The debate continues and Socrates and Hippias engage in a discussion on "laws of the state" with Hippias stating that "laws of the state" are "covenants made by the citizens whereby (the citizens) have enacted what ought to be done and what ought to be avoided" (Xen., *Mem.*: IV iv 13).

Hippias had little regard for man-made laws, because he had observed that "the very men who passed them often reject and amend them" (Xen., *Mem.*: IV iv 14). Man-made laws, of course, are the laws by which Socrates was convicted, tried and executed.

Natural laws are universal laws. Socrates and Xenophon agree that unwritten laws are divine laws that are ordained by the gods (Xen., *Mem.*: IV iv 19). Becoming

acquainted with God's standards may be deemed an insurmountable problem, and there seem to be few instances of divine revelation: Two may be mentioned; we saw above, above, Hesiod recording in his *Theogony* the laws of the gods as they were revealed to him by the muses; and on Mt Sinai, God's law was dispensed to Moses in the form of the Ten Commandments.

There is testimony that, apart from his military service, Socrates never left Athens, the city-state in which he was born. The countryside had nothing to offer him. He therefore lacked the opportunities to observe at first hand the way of life, the customs and traditions of societies in other states and countries. Hippias was ahead of Socrates in these experiences. He had travelled widely and this opened up many opportunities for him to observe different societies, their customs and the manner in which they dispensed justice.

We move now to Plato's dialogues, *Hippias Major* and *Hippias Minor*. The dramatic date of *Hippias Major* is probably in the Peace of Nicias, between 421–416 BC, with *Hippias Minor* being two days later.

The former commences with Socrates greeting Hippias, commenting that it had been a long time since Hippias had been in Athens. Hippias explains that he is too busy, frequently acting as an envoy for Elis, because his countrymen regard him as the most able person to represent them.

We may accept that Hippias had the qualities necessary in an envoy and it seems evident that Socrates lacked the very qualities that made Hippias so suitable — Socrates would irritate and frustrate the very people he was meant to appease, and get bogged down in discussions on the essence of virtue and justice and so on.

In *Hippias Major* we learn that during the visit to Athens, Hippias is to deliver a discourse at the invitation of a certain Eudicus. This talk, or exhibition, was already prepared, having previously been presented at Sparta. It explained the noble pursuits a young man should follow. Hippias summarises the lecture which is known as the *Trojan Discourse*:

I recount how, when Troy had been captured, Neoptolemus asks Nestor what type of noble pursuits could give the one who practises them a fine reputation, even if he is young. And, in response, Nestor laid out for him a whole collection of very noble customs (Pl., *Hp. Ma.*:286 B).

This is surely admirable and, although we do not know just what advice Nestor gave, we may be certain that it related to virtue and courage, and that it was not sophistry.

Hippias speaks: "I say that Homer made Achilles the best man of those who went to Troy, Nestor the wisest, and Odysseus the wiliest" (Pl., *Hp. Mi.*: 364 C). The revered Nestor was the king of Pylos, a region which bordered Elis. Odysseus was the son of Laertes, the king of Ithaca, and husband of Penelope. Ithaca is less than one hundred kilometres to the north-west of Elis. Achilles was the son of the goddess, Thetis, but he was a man, real or imaginary, not a god. His name may have a connection with the river Achelous, which is in mainland Greece, east of

Ithaca. One may believe that Hippias would have sought out the stories of Nestor in neighbouring Pylos, and of Odysseus and Achilles in near-by areas. They would have been very real people in his lectures. Hippias surely knew much more than we now do about these characters, and one may envisage lively lectures in which the virtues, vices, strengths and weaknesses of Nestor, Achilles, and Odysseus provided examples of the noble pursuits which featured in Hippias' discourse.

Plutarch records that Hippias declared slander to be a "dreadful thing", worse than violence, because slander is so underhand (Plut., *On Calumniating*: fr. 156).

On the basis of the testimony that I have collected, I contend that the concept of justice was a critical issue in the philosophy of Hippias. There remains much to be said on this topic, but this must await another, longer paper.

Let us consider just two instances of present-day justice. In 1983, Australians witnessed the conservationist case relating to the proposed construction of a dam in Tasmania, known as the Gordon below Franklin Dam (See the absorbing web site: http://en.wikipedia.org/wiki/Franklin_Dam).

By a majority of four to three the High Court of Australia found that the Commonwealth Government had the power to over-ride the Tasmanian government. The Franklin and Gordon Rivers were saved. But what should one make of four votes to three? This result indicates no more than the strength of four personal views — the decision of one judge prevailed. Can that be regarded as justice?

I refer to the US Presidential Election of 2000: Bush vs. Gore. The final result depended on the Florida count. George W. was declared the narrow winner, and therefore was in a position to claim the Presidency. However, the Florida result was disputed by the Democrat Campaign, mainly because of the manner in which certain machine-punched votes were excluded. The case was taken to the Florida Supreme Court which ordered a statewide recount. The Republican Campaign appealed against the decision to the US Supreme Court, which ordered that the recount be stopped. This, in effect, declared George W. the victor. The US Supreme Court decision was split five votes to four.

The majority decision was fundamentally that the recount would take too much time. However, each of the Judges wrote a separate rationale for the judgements, which were all very murky and influenced by partisan considerations. This is an example of a supposedly just outcome arising from a mish-mash of conflicting considerations that had little to do with anything that has any claim to be "real" justice.

So what is justice? Is it subjective, and must man face the appalling possibility that there are no absolutes? — is man the measure of all things, as Protagoras claimed? Is it god's law, or natural law? Indeed, is justice definable, or even knowable?

We read and hear of people who claim "I want to see justice done"; "I just want a little justice"; "There is no justice in that". We still seek that elusive goddess Justice, but until men and women in all societies in all nations can reach agreement, until equality is established and maintained, there will be no justice, and Δίκη will remain inaccessible in the sky as the Constellation, Virgo.

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