

## GORGIAS' SKEPTICISM REGARDING JUSTICE IN THE *EPITAPHIOS* (DK82B5a)

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*RESUME.* Cet article présume le grand répandu du scepticisme sophiste par l'intelligentsia d'Athènes de la deuxième moitié du 5<sup>e</sup> siècle av. J.-C. Suivant la logique de cette supposition, on peut dire que dans l'*Epitaphios*, Gorgias a prolongé ingénieusement cette sorte de scepticisme à la loi positive et à la justice qu'elle engendre dans la société athénienne de l'époque. L'article maintient que Gorgias a réalisé cela en concevant respectivement des faits favorables et défavorables autour de l'équité, de la loi et de la justice dans les périodes de la parole. Ces périodes sont alors arrangées deux par deux par antithèse, de sorte que sa préférence suggérée se voit sans argument. Mais au cas où un argument soit nécessaire, les périodes, selon la façon dont elles sont arrangées, montrent quelle sorte d'argument il faut avoir. L'assistance en s'alignant sur Gorgias dans la parole, donne, probablement de l'expérience accumulée et de la sagesse traditionnelle, la prémisse évidente mais manquante comme l'on fait normalement quand on pense à une action pratique. En mettant ainsi deux prémisses ensemble dans leur pensée, l'assistance arrive à la conclusion qui reproduit l'idée de Gorgias sur la question de la loi et de la justice – c'est-à-dire, que la loi est rigide et que la justice qui s'en sort est avec malignité. De cette manière, l'article conclut que Gorgias a réussi à reproduire chez l'assistance son scepticisme au sujet de la justice.

*KEY WORDS.* Gorgias, *Epitaphios*, justice, periods, antithesis, scepticism

### *Introduction*

In the *Epitaphios* (DK 82 B5a) otherwise known as the *Funeral Oration*, Gorgias deploys sense-bearing periods<sup>1</sup> antithetically. I argue in this paper that the antithetical deployment of periods in the *Epitaphios* suggests skeptical arguments with regard to the prevailing concept of justice in Greek society, say Athens, of the 5<sup>th</sup> century B.C. This contention becomes even clearer when the said arrangement of the periods are discussed in the context

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<sup>1</sup> Periods essentially are short meaningful and complete phrases and sentences rhythmically arranged in write ups to aid remembrance of what was said.

of intellectual ferment known as the Greek enlightenment of the epoch. The arguments of this paper are discussed in two sections – periods on equity and justice and periods on reason and law. The third section is the conclusion in which it is maintained that Gorgias’ rhetorical artistry analyzed in the two preceding sections was capable of creating skeptical dispositions in the audience regarding the conception of justice in the 5<sup>th</sup> Century B.C. Greek society.

*Consideration of the relevant periods: The periods on equity and justice*

In pursuance of his eulogy of the fallen heroes, Gorgias opined that they preferred: “Mildness of equity to the Malignity of Justice.” This period should be significant for a sophist like Gorgias in the later half of the 5<sup>th</sup> century B.C. Athens. It should be borne in mind that the epoch saw the conventional view of justice, or what is right, according to which a good citizen was one who abided by the positive laws of the state, severely criticized by the intelligentsia. Champions of this criticism were Thrasymachus of Chalcidion and Callicles<sup>2</sup>, although it was widespread in the society for Plato later identified the trend in both the “prose-writers and poets.”<sup>3</sup>

Thrasymachus main view of justice is that it is nothing but the advantage or interest of the stronger party. In other words, no matter the type of government such as tyranny, aristocracy or democracy – the ruling and dominant power in the society makes laws in order to maximize its own advantage.

Thus, through the instrument of positive laws, the ruling power legislates its own interests as standards of right or just action for the mass of the people. Hence from the point of view of the subject majority, obeying the law amounts to actualizing the advantages of the ruling minority, and in the process, working contrary to the interests of the majority.

Consequently, institutionalizing this as a principle for codification of laws according which justice is dispensed makes the whole concept of jus-

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<sup>2</sup> See Plato, *Republic* I. 336ff; *Gorgias*.

<sup>3</sup> Plato, *Laws*, 890a.

tice through law malignant. For this reason, Thrasymachus rejects the whole idea of conventional justice in the Greek society of his time.

Similarly, Callicles in Plato's *Gorgias* assails the conventional view of justice. He starts from the premise that 'nature and convention are generally in opposition'. Accordingly, he maintains that 'natural goodness and justice decree that the man who lives rightly must not check his desires but let them grow as great as possible, and practically gratify them to the full. The common run of men condemns this indulgence only out of shame at their own incapacity for it. For a man with power over others nothing could be worse or more disgraceful than self-control and respect for the laws, arguments and reproaches from others. In fact, luxury, wantonness and freedom from restraint, if backed by strength, constitute excellence (*arete*) and happiness; all the rest is fine talk, human agreements contrary to nature, worthless nonsense.<sup>4</sup>

According to Callicles therefore, laws and justice achieved through them are nothing but ploys by weaklings in society to restrain the strongman, who is nature's just man, from attaining his potentialities to the full. As a result living or acting in accordance with the positive laws of the society is malignant because they work against or constrains natural justice. Antiphon, the sophist, has a similar view as Callicles regarding the supremacy of the dictates of nature over and above positive laws or mores of the civil society.<sup>5</sup>

Furthermore, in Plato's *Republic* II Glaucon believed that Thrasymachus in debating the nature of justice with Socrates failed to adequately represent the views of those who praise injustice. So he offers to do so and thus shows the origin of popular conception of justice: originally, human natural inclination (*phusis*) was for the strong and mighty to gratify with impunity their basic instincts to their own advantage. However, given that such an inveterate behavior is mutual, the experience of people who had both benefited and suffered from it compelled them into codifying rules of conduct for mutual co-existence called laws. Conventional justice is acting in accordance with these laws (*Rep.* 358 c5 – 359 c).

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<sup>4</sup> See W.K.C. Guthrie, *History of Greek Philosophy: The fifth Century Enlightenment* Vol. III, Cambridge University Press 1969. p. 105.

<sup>5</sup> See, Trevor J. Sanders, "Antiphon the Sophist on Natural Laws (B44DK)," *Proceedings of Aristotelian Society*, 78, 1977-78, p. 215-236.

Thus, considering the three categories of goods Glaucon identified at 375ff, conventional justice is oddly in the third category as a good not chosen for its own sake but for the sake of the rewards and other things that come from them (357 c). This is less than a noble view of justice, which was nonetheless pervasive in the society.

Plato identifies the consequences of the triumph of Calliclean views for the society when he complains in the *laws*<sup>6</sup>, that because this view of the supremacy of nature's promptings are expressed by wise men such as poets and the prose-writers, young men who are their pupils at various times, found it very convenient to be irreligious as if gods did not exist. On the heels of the irreligion of the youths, arose civil and social disorder as people were lured to nature's way of life which evidently meant a life of dominion over one's fellows and utter refusal to serve others as law and custom demanded.

If as we have seen, some people believed sincerely that

“justice according to nature is a warrant for domination”,

then checks on it by the principles of *aidos* and *dike*, the purpose of which is to make

“political order possible and create a bond of friendship and union”,<sup>7</sup>

are from their point of view malignant checks. Thus, we can conclude that in the age of the Sophists, criticisms of the conventional view of justice appear in the Thrasymachian and Calliclean out-bursts. For the former, justice is malignant because it enjoins one to work always against his own interest and to promote that of others in order to be deemed a good and just man. For the latter, conventional justice is malignant because it acts as a check on what is, in Callicles view, natural justice.

Nevertheless, existing states run on laws which according to Aristotle are of two types:

- (i) positive laws as enacted and codified in constitutions

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<sup>6</sup> Plato, *Laws*, 890a.

<sup>7</sup> Plato, *Protagoras*, 322c.

- (ii) Universal laws,<sup>8</sup> those preferred by Sophocles' *Antigone* and An-tiphon the Sophist.

Positive laws define just and unjust actions as they affect persons and communities. Laws and equity seek justice. However, contrary to laws, equity makes up for the defects of a society's written code of law. Thus, equity is required by the inexactitudes in the scope and details of legal enactments, interpretations and applications.

Therefore, while law seeks justice through codified standards applied almost inexorably to persons, equity in seeking justice is sensitive to extenuating conditions of an offender. Generally, equity, unlike law, is therefore situational in approach and considers, more than law, the intentions and the weaknesses of human nature in the process of securing justice. In all, it can be said that equity is more an instrument of expediency than law. The demands of equity rather than those of law go well with the expedient, pragmatic and relativist philosophical disposition of the sophists.

Gorgias juxtaposes two periods referring to equity and law thus: "Mildness of equity: the malignity of law" (DK 82 B5a). What does he intend to achieve by this approach? It appears that in this juxtaposition, he prods the audience to compare the current general conception of equity as shown above and the stringency of law. At the same time, by using 'malignity of law' in the second of the juxtaposed periods, he invokes in the mind of the audience the contemporary and pervading criticisms of law<sup>9</sup> as exemplified in Thrasymachus and Calicles. Given that both "mildness" and "malignity", as used in these periods are value-laden terms<sup>10</sup>, there is a subtle suggestion to the audience as to which of the juxtaposed terms to choose.

Greek, or more specifically Athenian culture seemed to be the last bas-

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<sup>8</sup> Aristotle, *Rhetoric* I.9 136869.

<sup>9</sup> It is probably not rash to suppose that before the Sophists, the majority of the Greeks as well as the intelligensia were well aware of the criticisms of Dracon's code of law (621B.C.). These criticisms are encapsulated in Demades' claim that "Dracon's laws were written not in ink but in blood". (See Bury, *History of Greece* 3rd ed. 1966, pp. 179-180).

<sup>10</sup> This is feasible in view of note 2 above, and the possible 'carry-over effect such terms would have on a mind in transition from predominantly oral culture to a literate one.

tion of absolutism, in which justice was dispensed by reference to standards in the form of statutes. This practice implied in the eyes of the sophists, that these statutes were absolutely known to be valid or true, which was a supposition that jarred on the philosophical sensibility or conviction of the Sophists. In arguing that atemporal standards like those seen in legal provisions, when applied to the practical affairs of men lead to absurd consequences, Gorgias sought to pull down standards – no matter how described – in law and possibly replace them with the expediency of equity. This, as we have seen, soothed the philosophical temperament of the Sophists generally, and Gorgias in particular. In a sense, this juxtaposition of the periods in question, allowed Gorgias to push forward his philosophical convictions which he expected the audience to adopt as they chose equity in preference to law.

*Consideration of Relevant Periods: The Periods on Reason and Law*

The implied attack on absolutism in legal practice identified above is pursued by Gorgias in the way he arranged the next set of periods. He was still preoccupied with eulogizing the fallen heroes, and thus he maintained further that they preferred: “righteousness of Reason to rigidity of law” (DK 82 B 5a). It seems that reason is considered righteous in this case simply because that is what comes to play in deliberation. When we deliberate, available options and reasons for or against each of the options within a context are appraised much in the same way as we weigh reasons for practical actions.<sup>11</sup>

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<sup>11</sup> If a person for example, needs a cure for malaria fever, he is likely to reason thus: I need a cure for malaria fever. Chloroquine phosphate cures malaria fever. The obvious conclusion for him is that he should procure and use tablets containing chloroquine phosphate. This conclusion needs not be put in words but instead a practical action of reaching for and swallowing any of the brands of chloroquine phosphate is taken. But before this practical action, he stops a while to consider the relative advantages of each brand of this medicine regarding the readiness to cause priorities. It is reason or some other kind of evaluation through reason, of course, that enables the man or human beings in general to consider the relative merits of a particular line of action towards an end, or of similar means to a particular goal. This is at least a part of the considerations for calling reason righteous.

This is done with a view to determine either which option would have been the best in the case of past events, or which will be the best option to choose in future actions. Equity by nature is predicated on deliberation hence, its mildness.

On the other hand, law is supposed to be applied to cases irrespective of extenuating circumstances. This is especially so for legal positivists who maintain that the letters of the law must always apply. For instance, the Athenian law of citizenship demanded that “the name of no child should be admitted whose father and mother were not Athenian citizens legitimately wedded.”<sup>12</sup> When applied to particular cases in this form, this law excludes Themistocles and Cleisthenes the lawgiver, whose mothers were foreigners, despite the fact that these were among the greatest of Athenians.

Similarly, a great Athenian was liable to ostracism sometimes for very simple mistakes of judgement that led to failure. Hence, Miltiades the hero of Marathon was ostracized because of the failure of his Paros expedition. His shining military records since Marathon could not save him. Themistocles suffered the same fate – his enduring works on the Athenian navy notwithstanding.

The Athenian political system was such that if an appeal to ostracism was made in the assembly against a particular individual and that appeal succeeds, then it had the status of law to banish the person concerned from the city of Athens for some stipulated years. It could be objected that ostracism was a political weapon used against a successful and dominant political figure by his opponents in the society.

Much as this objection can be upheld, it shows that using law as an instrument of politics has a long malignant history.

These facts of history and many more like them were probably not unknown to the majority of the people. There is every likelihood that the intelligentsia of which the sophists were a significant part knew these facts. Thus, these historical facts, as should be expected, give credence to Gorgias' claim that the law is rigid which is what the periods we are considering tend to point out. The fallen heroes rejected this rigidity of law, as Gorgias suggests in the *Epitaphios* in favour of ‘righteousness of reason’.

Gorgias' arrangement of the periods in the speech suggests to the audi-

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<sup>12</sup> Burry, *History of Greece*, p. 365.

ence to prefer ‘righteousness of reason’ to ‘rigidity of law’. This suggestion is made against the background of historical facts and legal practice from which samples of either alternative case could be selected for reappraisal and discussion. The request for reappraisal of the audience’s collective wisdom as shown in its respect for sanctity of law, is weighted heavily against the rigidity of law by Gorgias’ assertion that the eulogized fallen heroes preferred “righteousness of reason” in much the same way as they also preferred “mildness of equity” to the “malignity of justice”. The justice in question here is that achieved through the law of the state. The request for reappraisal is therefore an appeal to the audience to reconsider its near blind reverence for the law.

As a rhetorical appeal<sup>13</sup> this request for the audience’s reappraisal of its reverence for the law “attempts to alter beliefs or commitments of the audience”<sup>14</sup> with regard to the law. Such an appeal as this is made by the rhetorician to “seek accommodation with others seeking change within their commitments.”<sup>15</sup> A rhetorical appeal takes place within the percipient or audience’s consciousness with the result that he or it reconsiders his or its attitudes, beliefs and commitments. This is a kind of “wedge” thrown by the rhetorician into the percipients consciousness. The function of this “wedge” is to invoke in the percipient or audience self-rhetoric<sup>16</sup> or what we can simply call argument with oneself – deliberation, evaluation or re-evaluation of these attitudes, beliefs and commitments. Given this process, the following scenario describes, in my view, what Gorgias is doing with *Epitaphios* speech.

Gorgias makes a statement of some sort – law is rigid – and goes ahead to suggest that the Greek heroes rejected it in favour of “righteousness of reason” as evident in equity. The audience as the percipient hears this statement. If it attends to it, as I think it should, the audience will notice, first,

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<sup>13</sup> See Gorge E. Yoos, “Rhetoric of appeal and rhetoric of response”, *Philosophy and Rhetoric*, 202 1987, p. 107-117.

<sup>14</sup> Yoos, “Rhetoric or appeal and rhetoric of response”, pp. 107-117.

<sup>15</sup> Yoos, p. 11.

<sup>16</sup> See, Carroll C. Arnold “John Stone’s “Wedge” and theory of Rhetoric”, *Philosophy and Rhetoric*, 20 (2) 1987, 118-127.



that it agrees or disagrees with Gorgias about the statement, or that it is indifferent to it. Secondly, the audience's awareness of this agreement, disagreement or indifference vis-à-vis Gorgias' statement initiates within him or it a Self-conscious deliberative or evaluative rhetoric. This is more so if there is a disagreement between the audience and the speaker.

The purpose of this self-conscious deliberative rhetoric is to resolve, if possible, the disagreement by reaching a new understanding of the situation. At each point in time, what constitutes this new understanding is not or should not be definite. It depends on how the disagreement is resolved. The resolution or new understanding is necessary because Gorgias' castigation of law as rigid and malignant is also a subtle invitation to the audience to reject it in favour of equity because of its mildness and reliance on righteousness of reason engendered by deliberation on the peculiarities of cases.

This tendency is in accordance with Gorgias' philosophical temperament, which is what he nudges the audience to share with him. He endeavours to achieve this through the deployment of certain clauses or periods antithetically to achieve the anticipated effect. In order to be able to share Gorgias' philosophical inclination, the audience has to engage itself in "critical assessment of self and what is heard."<sup>17</sup> What the audience heard from Gorgias', that "law is rigid and malignant", attacks the audience's previous beliefs about and disposition towards the law.

Thus, it can be said that one distinctive feature of rhetorical appeal is that it attacks awareness and beliefs of the audience. This kind of attack, for a Sophist like Gorgias, is aimed at unsettling the mind of the audience with regard to the possibility of attaining (knowledge of) justice through the current practice and application of law as an absolute standard for justice.

It is perhaps reasonable to say, at this stage, that rhetorical appeal challenges the audience to a reappraisal, a reconsideration of self-perception and beliefs as well as attitudes as nurtured within a particular kind of social and intellectual environment. When thus challenged it is only natural that the audience responds.<sup>18</sup>

Rhetorical response in this case can be understood as explanations the

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<sup>17</sup> Arnold, p. 112.

<sup>18</sup> This occurs in much the same way as Carl Wellman articulates in his book *Challenge and Response*.

audience requires from the rhetorician.<sup>19</sup> As such, rhetorical response encompasses such modes as narration, description, logical demonstrations, definitions, comparison and contrast aimed at clarifying what one is saying, and also clarifying what someone else is saying. The audience requires each of these, when relevant, in order to minimize the burden of interpreting the rhetorician regarding his perspectives and persuasion on the matter in question. In this way also, the audience satisfies its own *curiosity* pertaining to the subject matter of discussion or debate.

Normally, in rhetoric, the expression of curiosity excites a kind of contemplation of the matter, which then predisposes the audience to rebuttal and counter argument. Naturally, contemplation of issues is an internal operation of the mind. In the way that it is understood here, the argument that emerges from it when directed towards a case on hand is not *agonistic* or competitive rebuttal like a Euthydemus or a Dionysodorus<sup>20</sup> would have done. Rather it is a collaborative argument in which the effort of the orator in “rhetoric of appeal” and that of the audience in “rhetoric or response” complement each other as in mutually beneficial dialogue.

Given a particular kind of what I call ‘*suggestive premise*’ which a rhetorician builds into his speech on a subject matter, an audience supplies a *collaborative premise* by taking a cue from the rhetorician *suggestive premise*. This *collaborative premise* then appears as the second premise of the argument the audience is contemplating in his mind consequent upon the rhetorician “rhetoric of appeal” on a particular subject. Thereafter, the audience makes the requisite deduction validly or otherwise. A similar process obtains when we deliberate about a line of action.<sup>21</sup>

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<sup>19</sup> See Yoos, “Rhetoric of Appeal and rhetoric of response”, p. 113. For example, Protagoras myth (in Plato’s *Protagoras*) in a lot of ways is a rhetorical response, for it is put forward to explain how arete can be taught. The rhetorical topos there is that arete is acquired by either physis or nomos. Protagoras argues there that it is acquired by nomos.

<sup>20</sup> The Sophist brothers in Plato’s *Euthydemus* who bamboozled the lad Cleinias with their *tekhnē eristikē* (‘art of disputation’) and *antilogikē*.

<sup>21</sup> For Instance: When you conceive that every man ought to walk (stamp of desire), and that you yourself are a man (stamp of information), you immediately walk... Again, I need a covering (Stamp of desire). A Cloak is a covering (stamp of information). Therefore, I ought to make a cloak (this conclusion is an action). This last act or constructed object is the syllogism and the end of this process of thought is action; no “mental” con-

Given the foregoing background, the arguments suggested by Gorgias' periods in the *Epitaphios* can now be set out thus: each of the antithetical periods – 'mildness of equity and the malignity of justice' can be taken as a *suggestive premise* from Gorgias as he makes his rhetorical appeal. From these premises, two *collaborative arguments*<sup>22</sup> can be derived thus:

- A:     1. Justice is malignant (*suggestive premise* from the rhetorician).  
          2. Law begets justice (Obvious *collaborative premise* from the audience).  
∴ Justice by law is malignant.

The aim of the rhetorician here, it should be emphasized, is not valid reasoning but making the audience to reach the above conclusion by putting (1) and (2) together. In the case of practical reasoning, what would have followed after due contemplation is an action. But because this is mental reasoning or deliberation, the audience having supplied No. 2 goes ahead to deduce "justice by law is malignant".

But before the audience could do this, Gorgias has put forward the first premise of the argument and expects that given the audience's experience as

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clusion need be drawn at all. (See Robert Price "Some Antistrophes to Rhetoric", in Keith V. Erickson ed. *Aristotle: The classical heritage of rhetoric*, New Jersey, The Scarecrow Press Inc., 1974, pp. 78-79. The author maintains that both premises are formed by what he terms perception – intellect through induction. The two are combined and the end of the process is the reasoned fact. However, I would rather say that in a rhetorical situation both premises are formed by (i) a suggestive premise derived from a rhetor's rhetorical appeal, and (ii) a collaborative premise derived from the audience's contemplative response to the suggestive premise when the audience engages itself in a collaborative argument with the rhetoric.

<sup>22</sup> The idea of collaborative arguments used here is the kind Daniel J. O'Keefe calls Argument 2 which is interactive like when it is said "They had an argument" i.e. a situation in which one party in the 'argument' does not normally supply all the required premises for a conclusion. Interactive arguments, like in a dialogue, is one in which the parties supply complementary premises. This is as opposed to O'Keefe's Argument 1 whereby a person supplies all premises for his conclusion aptly described as a person making an Argument 1. See Daniel J.O'Keefe, "Two conceptions of Argument," *Journal of the American Forensic Association* 3 (3), 1977, 121-128.

far as dispensation of justice in Athenian society is concerned, it will be able to *collaboratively* supply the other required premise for the conclusion.

The next set of periods in the *Epitaphios* to be considered here are (1) righteousness of reason; (2) the rigidity of law. As in the first set of periods, Gorgias' undeclared focus is on the legal institution. The second of these periods is the *suggestive premise* of the rhetorician. Thus, we arrive at the following collaborative argument:

- B: (i) Law is rigid (suggestive premise of the rhetorician)  
Justice is by law (obvious collaborative premise from the audience)  
∴ Justice by law is rigid.

The suggestive premise – Justice is by law – which makes the deduction – justice by law is rigid – possible is true in the peoples' experience. Consider the example of law of citizenship given earlier on. It is thus not unrealistic for Gorgias to expect that this audience was capable of supplying the missing premise and making the deduction shown above, more so when the supplied premise is obvious.

Now the deductions in arguments A and B above are unfavourable to the legal institution although they are invalid but persuasive. They are therefore capable of undermining the credibility of the legal institution in the minds of the people or audience. They were possibly efficacious in unsettling the audience's mind regarding the suitability of law as the basis, or determinant of justice in the society. It is quite desirable if the rhetorician's arguments in a speech are valid. However, if not, their rhetorical effect is not therefore whittled down but may even be enhanced by their invalidity. What matters to a rhetorician is not so much the validity of his arguments, as his prowess or dexterity in carrying his audience along with him through the speech, and thus persuading it in the process to adopt the rhetorician's preferred point-of-view.

It is conceivable that the sophist sometimes uses invalid arguments not because he is, at that point, ignorant of the fact that the arguments he deploys are invalid, or that he is incapable of coming up with valid ones, but because using valid arguments at that point in time, may not just be suitable

for either his purpose or the mood of his audience. (Consider that Gorgias was the master in *Kairos*: exploiting the opportune moment with requisite materials or speeches).

### *Conclusion*

The argument in this paper is that Gorgias in the *Epitaphios*, tries to lift the audience from the vicissitudes of custom and habit with particular reference to their perception of justice achieved through positive laws. For this purpose, he chooses a suitable moment: the occasion of interning the bodies of fallen heroes, to push through his view regarding the law which the people revere obviously and regard as the epitome of absolute values.

Given his philosophical disposition, Gorgias would want the dispensation of justice through law to be more like the arbitration of equity, which is more attuned to relative and expedient consideration of individual cases. If he succeeds in selling this view to the audience, he would have sown seeds of doubt or skepticism in the audience regarding law as a set of absolute values. In other words, he would have succeeded in introducing sophistic skepticism to the province of law like the sophists had succeeded in extending their skepticism to epistemology, morality and politics.

I have contended here that the way Gorgias artistically deploys certain periods in the speech on the Eulogy of the dead is capable of achieving his aim. He couches favourable and unfavourable views about equity, law and justice respectively in periods. These periods are then antithetically paired off in such a way that the suggested preference<sup>23</sup> even without argument is obvious. But in case someone needs an argument for preferring equity to justice by law, the period is suggestive of what the argument should be. Possibly, the audience taking this cue from Gorgias, supplies from accumulated experience, the obvious but missing premise in the way people normally reason about practical actions. Thereafter, putting two premises together in

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<sup>23</sup> Following Aristotle, it could be argued that “that is good of which the contrary is bad” which means that rational men ought to prefer the former. Now, here, Gorgias has cast equity in good light as against law and justice which are respectively described as rigid and malignant suggesting that rational preference should be in the direction of equity, cf Aristotle, *Rhetoric* 1, 5, 1362b10ff.

his mind, the audience arrives at a conclusion, which captures Gorgias' view on the matter on hand. When and if this happens, the rhetorician who in this case is Gorgias, has succeeded in inducing his skepticism in the audience.

In many ways, Gorgias' criticism of law and justice attained through it, as evident in the oration considered here dovetails into the criticisms of the legal institution already identified in Thrasymachus and Callicles. These criticisms were already popular in the literature of the epoch of enlightenment. The net effect of all these criticisms is the enthronement of sophistic skepticism towards any notion of absolute standard of law and justice achieved through it.