

# SOCRATES, DEMOCRACY, AND RELATIVISM

by

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(Under the Direction of Charles Platter)

## ABSTRACT

This thesis concerns the relation between Socrates' commitment to a transcendent value and democracy. I argue that Socrates' commitment to justice overrides any imperatives from democratic law. This is because democratic law is fundamentally susceptible to a type of relativism which privileges the opinions of the many rather than a unified conception of truth. This negative aspect is why Socrates avoids politics. Yet Socrates is committed to following democratic law and procedure. He follows law and procedure because it allows him to pursue a transcendent source of value in philosophy. So a transcendent value and democratic law need not be read as an unresolved tension for Socrates, but instead we should realize his actions in respect to the city are an attempt to ground particular in a value which transcends them.

## INDEX WORDS:

Democracy, Plato, Relativism, Socrates, Protagoras, Rhetoric, Dialectic, Universal, Particular

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by

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## INTRODUCTION

This thesis examines Plato's depiction of Socrates' relation to democracy in three early dialogues: *Apology*, *Crito* and *Protagoras*, as well as how the *Republic* endorses Socrates' stance in these early dialogues. The examination of the *Apology* and *Crito* in Chapter One will partly serve to introduce a problem which Plato presents starkly in the *Protagoras*. This problem in its most abstract characterization is the problem of the universal and particular, i.e., the Socratic search for a universal definition of virtue and knowledge through dialectic that depends on interactions with particular people, in a particular city, with particular laws.<sup>1</sup> In the case of the dialogues I am treating, this problem presents itself as the tension between Socrates' philosophical method and the authority of Athenian democratic law. My argument will attempt to show that Plato presents Socrates as coherently separating his commitment to justice from his commitment to Athenian law, and further, that Socrates does not think the two can be reconciled in the form of a democratic state. This does not diminish Socrates' status as a citizen of Athens, but qualifies it, and gives it a resonance which, although incommensurate with active political participation, does not mean disobedience to all Athenian law. This distinction between law and

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<sup>1</sup>See Blondell 2002, pp. 1-2, 75, 302, and the review in Griswold 2008, p. 214. Blondell emphasizes the tensions of universal and particular are "embodied" in Socrates (p.75). Roochnik 2002, p. 108 also points out the fundamental nature of the issue: "The Platonic dialogue contains and expresses a fundamental tension within the soul between the universal and particular." Roochnik notes that Wittgenstein criticized Socrates' search for general definition as not focused enough on concrete cases. Yet, as Roochnik counters, "...Plato himself, the putative champion of universals, situates all assertions in a thoroughly particularized context." On Plato's philosophy in the *Republic* as oriented toward bringing the universal into particulars, see Halper 2006 p.126 and *passim*.

philosophy, or between the structure of the city and the practice of the philosopher, is what makes the tension between universal and particular so palpable in these dialogues. However, the tension embodied in these three dialogues between Socrates and the political community is not an unresolvable dilemma for Socrates: what makes Socrates' particular human life so intriguing is actions which have as their principle something transcending the particular. In the *Phaedo* we see Socrates calmly facing death, and instead of despairing, engaging in a *logos* with his friends; in the *Apology*, displaying a bold commitment to philosophic principle, while still acquiescing to the legal processes of the law-court, and in the *Crito*, refusing to escape from jail when it is possible for him to and instead calmly directing Crito into the realm of *logos*. In these cases the calmness involved in seeking the truth is interwoven with the particular situation and interlocutors who have their own peculiar traits. The ease in which Socrates operates stems from a principle that he cannot be harmed as long as he retains his moral commitments (*Ap.* 30d1-2). That Socrates supports Athenian democracy by engaging its people, going on military campaigns, and occasionally participating in democratic institutions such as the *boule* and *dikasteria*, suggests that to a certain degree democratic law is a necessary component of his commitment to morality. Thus the tension of universal and particular only develops when one seeks to integrate Socrates' principles directly into political participation——



something which could cause such a conflict that it could result in his death.<sup>2</sup>

My claim will be that this tension occurs because of conflicting viewpoints on the source of ethical value. What I want to propose is that in the *Apology* and *Crito*, Plato presents Socrates as hewing to the viewpoint of philosophy as the only arbiter of value against the claims of tradition and law. The opposition in these dialogues is clearly delineated by the source of value articulated by Meletus in the *Apology* and the Speech of the Laws in the *Crito*, namely the respect for law as producing virtue. While I will show that there is an opposition in the *source* of value, this does not rule out a commitment on Socrates' part to preserving the particular laws of Athens. This is because in some way democratic freedom, while itself ungrounded in a stable source of value, is crucial to philosophic activity, which for Socrates, involves a relation to transcendent form. So by following law, Socrates is not separating two commitments, but rather, the commitment to pursue philosophy entails following particular laws.

The first chapter will accordingly treat the *Apology* and *Crito* in tandem, with special attention to the relationship of *dike* and *nomos*. The discussion of *dike* and *nomos* transitions to an examination of how Plato presents two opposing principles, the authority of positive law, and universal philosophical principles seen in the *Apology* and *Crito*, in stark relief, and suggests a limitation of relying completely on either stance. So, against

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<sup>2</sup> Cf. *Ap.* 31e: "no man will survive who opposes you or any other crowd and prevents the occurrence of many unjust and illegal happenings in the city. A man who really fights for justice must lead a private, not a public, life if he is to survive for even a short time (Trans. Grube, in Cooper 1997)," and *Cr.* 48a-b: "We should not then think so much of what the majority will say about us... "But," someone might say, "the many are able to put us to death. [...] that argument we have gone through remains, I think, as before[...]the most important thing is not life, but the good life." (Trans. Grube in Cooper 1997).

Protagoras' relativism, Socrates shows a commitment to a unified standard of value, and against Socrates' disavowal of knowledge, and thus inability to translate virtue to a city, Protagoras offers the possibility of unifying a city under a common ideology. The issue of Protagoras' relativism will thus occupy much of the second chapter, as this assumption is not made explicit as a feature of Protagoras' character as it is presented in the *Theaetetus*, and must be discovered from the dramatic context of the *Protagoras*. The third and final chapter, then, will be dedicated to showing how the political philosophy of the *Republic*, and especially some of its central images, confirm rather than negate Socrates' views and practices in the early dialogues. My interpretation will show that the *Republic's* presentation of an ideal city supports Socrates' commitment to democratic Athens in the *Apology* and *Crito* by showing how philosophy is not antithetical to democracy, but presupposes it.

### **A Note on Interpretation**

Before proceeding, let me briefly clear the air as to how I approach Platonic interpretation, and the question of the historicity of Plato's Socrates. Vlastos' now famous reading of Plato's early dialogues claims that the content essentially represents the views of the historical Socrates, and that the doctrines specific to Plato were not present in them.<sup>3</sup> Some have challenged this view, on the grounds that structural components within the early dialogues clearly show the hand of Plato, and indeed, his own philosophy.<sup>4</sup> This

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<sup>3</sup> See Vlastos 1991, ch. 2.; Cf. Samaras 2002, p. 21, n.1 for relevant literature opposing Vlastos' view.

<sup>4</sup> See Halper 1993, p. 15. In this thesis I will not take a side on the Socratic problem, but merely deal with Socrates as he is depicted by Plato.

reading relies on evidence not directly argued for by the characters in the dialogue, and thus appeals to the dramatic and literary elements which help supply the philosophical argument. The approach of not separating the dialogue form from its philosophic content is, I think, the most honest way to approach a Platonic dialogue, and so I have attempted to pay attention to dramatic elements when they are relevant for explaining my interpretation of Plato's argument.<sup>5</sup> This includes paying attention to aspects of the character of Socrates' interlocutor when they are relevant to discerning why Socrates says what he does.<sup>6</sup> Additionally, I think the project of interpreting Plato can strike upon the intent and thought of the author, without becoming lost in a maelstrom of dialogic interplay.<sup>7</sup> However, I think this possibility is contingent upon the willingness of the interpreter to engage in dialectical thought in response to Plato's text. Thus one must attempt to think philosophically not only about the subject matter, but also how it is presented in order to grasp the nature of what Plato is doing. In a sense, the dialogue format facilitates this attitude

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<sup>5</sup> This approach of taking into account literary form as inseparable from philosophic content is articulated in Schleiermacher 1973, and has been adopted in differing forms by scholars such as Friedländer 1958 p. 231ff., Strauss 1964, p.52, Hyland 1968, Klein 1998 (introduction), Weiss 1998, p. 5. Griswold 1986 (introduction), and Halper 2004. For relevant bibliography see Griswold 1986, notes on p.244ff., as well as the introduction to Gonzalez 1995, and Tigerstedt 1977. For critiques of Strauss' approach, see Klosko 1986 and Burnyeat 1985.

<sup>6</sup> Cf. *Rep.* 539aff.

<sup>7</sup> Because Plato never speaks in his own voice, and is hardly mentioned in the Platonic corpus it may seem that the thought of Plato can never be revealed. I have in mind postmodern readers of Plato such as Derrida who place the author in the hands of each interpreter's construction. Cf. Griswold 1986, p. 235, Miller and Platter 2005, pp. 38-46.

by itself, but the reader must also attempt to seek out a coherent intent from the material without preconceived hermeneutic goals eliminating any facet of Plato's presentation.<sup>8</sup>

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<sup>8</sup> Griswold 1980, p.533. For this "Talmudic" approach to reconciling apparent contradictions in texts by means of a close reading, which might raise the question of whether the interpretation is being read into the text, see Roochnik 2010. See also Halper 1993, p. 15: "Evidentiary literalism rules this hypothesis [implicit arguments for form in the early dialogues] and others like it out of court without a hearing. Hence, relying only on what is stated in the text is not neutral. It would commit us to excluding certain interpretations."

## Chapter 1

### Socrates' Source of Value in the *Apology* and *Crito*

#### I. Introduction

Although Socrates acknowledges that his activity in the city is strange (20c4-8, 31c4ff.), he defends it as something beneficial to the city and indeed, the greatest good that has ever happened to it (30a5-7). Socrates traces his strangeness to a certain human wisdom: knowing that he does not know (*Ap.* 20d8, 21d5ff.). He claims that the discovery of his human wisdom was caused by the Pythian Oracle, whose response to his friend Chaerephon that no one was wiser than Socrates (21a6-7) motivated Socrates' philosophic activity.<sup>9</sup> Socrates explains the benefit he provides to the city in terms of the necessity for the city to value the benefits of philosophy for its insight into the source of value rather than traditional values that are uncritically held.<sup>10</sup> In addition, there is a critique of Athenian democracy on the grounds of its inability to have a stable principle of value, which would allow it to consistently arrive at just outcomes.<sup>11</sup> What I want to argue for in

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<sup>9</sup> The introduction of the story of the Pythian Oracle is new to the jurors (Cf Strauss 1984, p.41). By trying to refute the oracle, Socrates' subjects many Athenian's to his *elenchus*. Because of the highly specific nature of his activity and the unique relationship to the Oracle, Socrates makes it clear that he is unique from the rest of citizens in Athens.

<sup>10</sup> This is metaphorically shown in the passage comparing Socrates to a gadfly. The suggestion that he get free meals in the prytaneum also invites an interpretation of Socrates as someone uniquely able to provide something external to democratic institutions.

<sup>11</sup> This inconsistency of the democracy is referred to in the case of the trial of the generals, as well as Socrates' statement about *plethoi* in general at *Ap.* 31e2.

this chapter, is that the laws, the supposed teachers of good democrats (as Socrates' accuser Meletus claims), have no intrinsic moral force for Socrates, but he instead grounds his action in a divine principle that orients human activity towards doing philosophy. In the first part, I make the case for Socrates' source of value deriving from his divine commitments, a commitment which is initiated through philosophical awareness. I show how this source of value translates to a commitment to the Athenians. Then I explore how this commitment to the Athenians impacts the authority of Athenian law. In the process, I hope to show that Socrates' source of value never derives from legal origins, but rather informs his relationship to legal structures. These legal structures must be brought to understand the importance of Socrates' philosophic mission. This can only occur through the cloaking of philosophical autonomy in the religious tradition of the average Athenian. The just, for Socrates, not law, must always inform action. That they do not go together very often in the form of democracy gives force to Socrates' "mission."

## **II. Socrates' Divine Commitments**

First, I'd like to point out Socrates' appeal to the divine to explain his lack of participation in Athenian politics, before dealing with the issue of his positive democratic commitments. The divine realm for Socrates can be divided into two entities: The Oracle of Apollo at Delphi, and Socrates' *daimonion*. These two are elsewhere referred to with the singular for god, *theos* (*Ap.* 19a6, 37e6, 40b2), and seem to have unique importance

for Socrates apart from the rest of the Olympian Pantheon.<sup>12</sup> This divergence between Socrates' individual connection to the divine realm and the ordinary gods recognized by the city is quite possibly the single largest problem in reconciling Socrates' uniqueness with the prevailing religious authority.<sup>13</sup>

In explaining the divergence between his singular divine mission and participation in the institutions of Athenian democracy, Socrates proclaims that his *daimonion* had rightly kept him from engaging in politics (31d6). Socrates elaborates that no man will survive very long who is really committed to pursuing what is just in politics (31c4-32a3). This principle on the surface clashes with what Socrates says elsewhere about whether death should be feared or not. But the distinction here is that his reasons for avoiding death stem from a commitment to "the god".<sup>14</sup> While taking part in politics in general is normally forbidden by his *daimonion* (we may note, that Socrates' appearance in court is significantly not opposed by his *daimonion*, *Ap.* 40aff.), his lack of participation also relates to the specific benefit that Socrates envisions Athens derives from his service to the Oracle; this could not be realized if he made regular political activity the norm (31d8-e1). Thus his abstention from politics is not motivated by fear of death, but

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<sup>12</sup>At 40b2 Socrates equates his *daimonion* with the "sign of the god." This interpretation basically rules out Socrates' defense of his piety as acknowledging the gods of the city, for Socrates' piety involves a personal relationship that is not universalizable for all Athenians. The specific content of Socrates' relations to the divine is exhausted in signs, dreams, oracles and prophecies (*Ap.*33c5-7). That these are set forward as modes of communion between man and divine suggests the impossibility of ever grasping the divine being directly. Additionally, philosophy itself, by showing man's limitations, involves a relation to what is beyond those limits.

<sup>13</sup> See section VI below.

<sup>14</sup> Socrates' commitment to the god and his commitment to justice are almost identical. Socrates thinks his profit to the Athenians is unable to come about in political life, and this profit is the result of his obedience to the god. At the same time his obedience to the god simply consists in adhering to the just at all times.

fear of not realizing his mission to profit both himself and the city.<sup>15</sup> Here the daemonic feature enables the Oracular mission to thrive.<sup>16</sup> Indeed, both divine principles function differently for Socrates than for the rest of Athenian society; he makes his relation to the divine incompatible with democratic political structures, and at the same time suggests a hierarchy of moral authority that descends from the divine realm to the particular. In this sense, the “mission” from the Delphic Oracle and the apotroptic function of the *daimonion* overlap to form a transcendent source of ethical value.<sup>17</sup> That Socrates has ended up in the courtroom suggests that this value is in some way not compatible with democratic values. However, in what follows I would like to show how Socrates is not satisfied with a stark dichotomy between philosophy and the city in which he assigns no value to law, but rather he sees law as contributing to the pursuit of a divine value.

A bit more needs to be said about Socrates’ belief in a transcendent source of value, and his stance towards the possibility of knowledge. I would like to simply suggest that Socrates’ invocation of the divine as the origin of his mission is also at the same time

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<sup>15</sup> Socrates uses the terms shame and fear to characterize attitudes towards a moral superior also in the *Crito* (47d). Cf. *Rep.* 465a. Given that Socrates’ moral superior in the *Apology* is clearly “the god,” and given that he conceives of this relationship as bringing about a good for all Athenians, it is not proper to regard Socrates as acting selfishly in the cases of the Arginusae generals and Leon. For any intense measures by Socrates to warn Leon or join with Europtolemus in opposing the injustice against the generals would have impeded him carrying out his mission and the resulting profit for himself and for all Athenians. Cf. Colson 1985, pp.146-7.

<sup>16</sup> In the positive case, the divine principle is a part of Athenian cultural practice, the Pythian Oracle, but importantly modified to describe Socrates’ distinctive activity. In the negative case, Socrates’ *daimonion* is not a part of Athenian common religion. Cf. *Rep.* 496c; there Socrates calls it his “*daimonion semeion*” and says it has happened for perhaps one or no one before him.

<sup>17</sup> This may seem controversial, since Socrates radically questions the oracle’s pronouncement; yet the Oracle as transcendent source of value does not need to be erased because of Socrates’ ability to question it, but rather explains why Socrates needs to question it. It is the difference between man and god that forces Socrates to question the Oracle. This difference emphasizes the transcendent location of value.



a statement about the ontological status of knowledge, and consequently, human relationship to it. By acknowledging the divine as the repository of knowledge, Socrates is able to describe his philosophic activity as a “service” to the divine, whereas philosophy could also be described so as to emphasize his own erotic search for knowledge as such.<sup>18</sup> What this service entails, I would like to suggest, is the objective value of philosophical pursuit; the understanding that philosophic activity aims at what is beyond human articulation, and thus in a sense involves a specialty in exploring the space between the human and divine realms.<sup>19</sup> We should make clear what exactly the authority of the god means here. For Socrates’ mission to the city resulted from an attempt to *disprove* the god (21c1). Thus Socrates’ ability to transfer the moral authority of the god to the city is paradoxically also an attempt to refute the god’s legitimacy. Why Socrates pursues virtue, then, is hardly to be understood by any authority of the oracle, which neither commands any ac-

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<sup>18</sup> On Socrates’ “service,” see *Ap.* 23c (λατρείαν) and 30a (ὕπηρεσίαν). Cf. Brickhouse and Smith 1983, p. 662.

<sup>19</sup> In connection with philosophy and its starting point, at *Tht.* 155dff., Socrates says that Thauomas is the starting point of philosophy, and claims that the genealogists who made Iris the daughter of Thauomas were correct. In this sense, Iris performs the same function as Socrates: both are sent on missions from divine sources. However, the mythical reference by Socrates to Iris is not meant to correlate Socrates with a divinity, just as his reference to Achilles in the *Apology* is not meant to equate Socrates’ commitment to justice with Achilles’ eye for an eye mentality; rather, these examples are illustrative of the way Socrates brings his philosophic goals into the idiom of his time. By stating that Thauomas or wonder is the starting point of philosophy, Socrates grounds philosophy in an active principle of the human mind, but oriented toward producing activity that relates to others. For if wonder is symptomatic of someone thinking about the divine, then it is not the divine itself, but the wonder, which is present in the individual. This relationship to the Oracle, of puzzling it over, and wondering at what it says, shows that the beginning of Socrates’ philosophic activity is not fully contained in the message from the Oracle, but in his stance in relation to it. Cf. Sallis 1996, pp.44-54, Scholem 1996, p 30.

tion nor suggests the scope of Socrates' activity.<sup>20</sup> Similarly it is the authority of the standpoint of philosophy that is clearly preferred to any law of the city. Based on what we can infer from Socrates' philosophical standpoint, what gives institutions moral authority is the ability of its members to know the law in a way that complies with justice, that is, justice that has been won through proper philosophical thinking. Yet this philosophic understanding is not readily available to the jurors Socrates has to deal with and, in the courtroom context, the emphasis on the divine is appropriate in light of the focus on Socrates' piety. This seeming incongruity between Socrates' understanding of authority and that authority acknowledged by the *demos* leads us to an exploration of how Socrates' divine commitments, and his identification of a source of value outside the democratic laws of Athenians, can be related to the "moral authority" of Athenian law and institutions.

Now that we have seen how Socrates sees his activity as grounded in a principle beyond the Athenian legal order, we must examine what, if any, authority the law has. The relation of Socrates to the oracle may help us understand his thoughts on the authority of law, since Socrates conceives of the god as someone to be obeyed.<sup>21</sup> When Socrates says he would rather obey the god than the *demos*, he is effectively pointing to god as his moral superior:

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<sup>20</sup> My view here is indebted to that of Weiss 1998, p.11. See Brickhouse and Smith 1983. While not conceiving of the oracular response as a direct command, they argue that it leads to one, given Socrates prior commitments to piety (as outlined in the *Euthyphro*). Thus for B and S, the oracular response becomes a command because it presents the opportunity for Socrates to act piously according to a pre-existing framework.

<sup>21</sup> At *Ap.*29b6 Socrates says that it is bad and shameful to do wrong and to disobey a superior whether man or god.

πείσομαι δὲ μᾶλλον τῷ θεῷ ἢ ὑμῖν, καὶ ἕωςπερ ἂν ἐμπνέω  
καὶ οἷος τε ᾧ, οὐ μὴ παύσωμαι φιλοσοφῶν καὶ ὑμῖν  
παρακελευόμενός τε καὶ ἐνδεικνύμενος ὅτι ἂν ἀεὶ  
ἐντυγχάνω ὑμῶν, λέγων οἷάπερ εἶωθα (*Ap.* 29d-3-6).<sup>22</sup>

Here we see the authority of philosophy ultimately trumping the authority of a decree of the court. How can we relate this dismissal of law to Socrates' commitment to justice? At *Ap.* 31a9, Socrates describes himself as "bestowed" (δεδοσθαι) and at 31e2 "placed" (προσκειμένον) onto the city by the god. If Socrates' relation to the city is meant to involve a relationship to its democratic laws, the gift of Socrates from the god to the *demos* should result in a proper orientation of the people with respect to their laws.<sup>23</sup> Seen in this light, Socrates' mission would seem to be enhanced by laws empowering his activity. Socrates would surely endorse the structure which allows him to benefit its citizens. Yet it is not clear that the actual political institutions of democracy would be the best vehicle for Socrates' mission. This is so because Socrates exhorts each individual to engage himself in inquiry, that is allow his own mind to work itself out as to what his beliefs are. Thus the *elenchus* produces either consistency in belief or an understanding of the inadequacy of human wisdom. Since Socrates' "elenctic gift" cannot be formulated in terms that are reproducible in the same fashion for each person, but rather depends on each individual's capacities, it is ill suited for speech making and political assemblies. This is the main problem with Socrates' incompatibility with democratic law. What is more, Socrates

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<sup>22</sup> "You" (*umin*), in this context, stands for the Athenian *demos*. Cf. Ober 1989, p.8.

<sup>23</sup> Cf. Arist. *Pol.* III.4, Kraut 2003, p.158. This suggestion would entail the congruence of civic and sacred law, something already implied in Socrates' trial. Socrates does not avoid this congruence, yet emphasizes the separateness of divine and human knowledge.

implies that a true fighter for justice (*Ap.* 32a1-2) avoids political mechanisms ruled by a *plethos* (the multitude), whether Athenian or not, which often renders many *unjust* and even *unlawful* outcomes (31e2ff.).<sup>24</sup> Socrates seeks justice outside the legal sphere, which places his idea of justice beyond the particular laws of Athens, and thus in a certain sense, gives it universal application.<sup>25</sup> Indeed the only activity that could be considered just in Socrates' case is engaging in conversations about virtue, something he says the jurors would not readily believe (38a). These speeches on virtue are correlated with obeying the god, and also as the greatest good. None of these involve explicit attention to following legal norms. Yet Socrates often points to the necessity of obeying the law, in both the *Apology* and the *Crito*. This inadequacy, or perhaps, inappropriateness of Socrates' mission for democratic institutions brings to light a problem: if justice is looked for as a result of the proper functioning of political institutions by the average Athenian, and Socrates sees a defining feature of his divine mission to be acting in accordance with justice *in private*, how will his "divine" justice benefit those involved in politics? Will they seek to overthrow the established order?

Taking up the idea of Socrates' mission to the people, Gregory Vlastos puts Socrates into a binary predicament: he is either a crypto-oligarch, depicted by Xenophon as believing only a certain class possesses the art of ruling which must subdue the *ba-*

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<sup>24</sup> This attention to the intrinsic form that holds in all places regardless of Athens is evident in Socrates' care for both citizen and foreigner (*Ap.* 30a); it is indicative of his attention to a reality that transcends the particular. Note that Socrates says *ostis anthropon*, and "you and any other *plethos*." The addition of "unlawful" emphasizes the inability of the *plethos* to maintain any steady application of established law. This is again pointed out in the case of the Arginusae generals (32b).

<sup>25</sup> Indeed Socrates will talk to citizen or foreigner, and not only those who are involved in the political life of the demos. (*Ap.* 30a)

*nausuoī*, or he is a lover of the people, as depicted by Plato, who believes in the “moral authority” of the political institutions.<sup>26</sup> To support this binary opposition, Vlastos appeals (incoherently) to Socrates’ understanding of the art of ruling. Vlastos correctly points out that the art of ruling for Plato’s Socrates does not consist in the acquisition of wealth or material benefits, but it has for its object the improvement of the soul.<sup>27</sup> This characterization Vlastos says is closer to being ‘demophilic’ than a lover of an explicit democratic form of government, yet he insists that there *is* political import because of the implied negation of oligarchic political structure that results from Socrates’ mission to improve *all* souls.<sup>28</sup> As a result, Vlastos claims that Plato’s Socrates never “directly implies” that civic authority is contingent on knowledge of statecraft.<sup>29</sup> Thus in this reading, Socrates thinks political institutions are not in danger of being ruled by ‘inferiors’ as Xenophon would have it, but rather democracy aims at the realization of a common good. That Socrates is committed to the constitution as well as the “moral authority” of civic institutions is going too far. We must recall the import of Socrates’ mission, and the divine source of value, which is simply philosophy. Democratic authority must reside in how it

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<sup>26</sup> Vlastos 1983, p.511.

<sup>27</sup> See *Ap.* 30a7-30b4

<sup>28</sup> Vlastos 1983, p.509, imagines the implications of this political outcome only on an ideal plane, which, however, is impossible in everyday life. In the case of Xenophon’s reading, Socrates would disparage the democratic machinery because the elite who hold the art of ruling would be in danger of being outvoted by the ignorant majority, or simply skipped over in the lot (p. 505). In Plato’s *Laches* 184e8-9, Socrates also comments on the unjustifiability of the lot, confirming Xenophon’s depiction. See Kraut 1983, p.196-7,

<sup>29</sup> Vlastos overestimates the importance of the paucity of direct discussion in Plato of civic authority and statecraft. For a criticism of Vlastos’ view of democracy and in particular the jury system, see Schofield 2000, p.289.

responds to Socrates' private search for justice. If the mechanisms of power do not impede this mission, then perhaps the often unjust and unlawful democracy could have instrumental authority, insofar as it promotes the practice of improving the soul. Thus statecraft is dependent on the preservation of soul-craft. Moral authority then is always contingent on how the democracy relates to this practice and has no inherent authority from the perspective of Socratic philosophy.

The authority of institutions to improve souls is illustrated when Socrates cross-examines Meletus. When he asks Meletus what man makes the youth better, Meletus answers with '*oi nomoi.*' When Socrates corrects him, and asks again what *man*, Meletus replies with 'the dicasts.' Here there are two opposed accounts of what constitutes excellence in the city: for Socrates, while he claims not to be a teacher, his object is *arete* of the soul, and he defines his philosophic mission as bringing improvement to the city insofar as he gets people to care for their soul. For Meletus, improvement of the youth is exhausted by their conformity to the laws of the society they are in, which, because they are created and changeable by the very institutions that make up this society, Meletus is forced to admit that the Assembly, Council, and Judges all make the youth better, but not Socrates.<sup>30</sup> This admission serves Socrates' broader point about the care of the soul when he later characterizes the activity of such political bodies as fickle and dangerous. The effect of knowledge of the laws must not be very much, for Socrates goes on to point out that Meletus himself does not care at all for the souls of the youths. Thus, for Socrates,

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<sup>30</sup> See Weiss 1998, p.59 n.7 on the neutrality of the laws; Socrates earlier had stated the necessity to obey one's better be it god or man. The better man is the one who can understand rationally the moral ends of the soul, while the god perhaps represents knowledge itself in the form of divine intuition

evidently either Meletus does not know the laws, which would have given him the ability to benefit the youth, or the laws themselves do not allow any man to benefit himself or the youth through this very knowledge. The implication certainly is that the laws cannot achieve this benefit, but the extension of legal expertise to everyone in the city except Socrates is even more absurd. For if everyone were legal experts, according to Meletus, they would all benefit the youth. But if all men are legal experts, how could Socrates fail to be one as well? Is he not an Athenian, and does he not have the same access to the laws as anyone else? What separates Socrates then, is not his awareness or conformity to the laws, for that is all it takes to be a legal expert, but his use of his mind to determine the validity of certain laws. Meletus identifies following the laws with benefit, while Socrates seeks the one man who knows. In the case of *nomos* construed as the operations of democratic government, which are simply the decrees reached in application of the laws, it would not have any solidity or foundation that could not be changed. This relativity of law based on the authority of every man in the *demos* undermines the idea of law contributing to virtue by means of its superior status to the ordinary man—for the ordinary citizen is taken to be the originator of it. This authority, which Socrates points out has contradictory implications in practice, nevertheless is the object of Socrates' "mission" in doing philosophy. Thus in some way, philosophy must conform to democratic practice on some level in order to achieve its ends.

#### **IV. Socrates and Constitutional Law in the *Apology***

One way to reconcile Socrates' commitment to justice in the *Apology* with Athenian law is to separate Socrates' potential disobedience to court rulings and decrees (*psephismata*) from his commitment to constitutional law (*nomos*).<sup>31</sup> Because Socrates makes it explicit that the democratic machinery could often produce rulings and laws that were unjust,<sup>32</sup> emphasizing Socrates' commitment to a fundamental constitution may reconcile Socrates' commitment to justice with democratic Athens.<sup>33</sup> Thus the constitution, understood as an unchanging body of law, on this view is authoritative for Socrates, because it is not something determined as the result of a democratic institution where the many make errors, but has a fixed value.<sup>34</sup> Thus one could maintain that the constitution demands that justice ought to be realized, although in practice it may not prove possible. But there is a problem with this: the so called *nomoi* are not easy to separate from other democratic laws enacted by the Assembly. Those laws that went back to Draco and Solon were only called *nomoi*, since these were not enacted by vote.<sup>35</sup> These established laws, though, could be confused with authoritative decrees or rulings and collectively both

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<sup>31</sup> For discussion of the relation between democratic institutions and rule of law, see Sealey 1987, and MacDowell 1978, ch.3. Also Kraut 1983, pp. 20-21. Kraut concludes that, with respect to the *Crito*, "for Socrates, the distinction between a law and an order is of little significance. He is interested in the perfectly general question of when a citizen should do that which his city, through its legal institutions and officers, tells him to do." (p.21).

<sup>32</sup> *Ap.*31e2-32a1.

<sup>33</sup> See Vlastos 1983.

<sup>34</sup> Commitment to the constitution itself is a vague issue, since the constitution was not centrally codified and could be modified; in fact, after 410 the constitution was undergoing a revision. See Sealey 1987, p.35.

<sup>35</sup> *Nomos*, as a constitutional term, had a looser sense which was more suited to community approved behaviour than directives from a higher authority. See MacDowell 1978, pp.44ff., and Sealey 1987, pp.32ff.



came to be known collectively as *nomoi*.<sup>36</sup> So if Socrates was committed to a “rule of law,” these fundamental laws, if not themselves products of Athenian democratic machinery, must have gained authority from a more ancient source. It is not clear, however, that the authority of the ancient *nomoi* can be easily separated from newer laws, and the *politeia* was far from stable in Socrates’ time.<sup>37</sup> Whatever the case, any democratic law, new or old, would be inherently in need of philosophic justification, and hence ultimately lack authority. In my view, the reason Socrates is not committed to these laws is his separation of *dike* from *nomos*, placing *dike* in a category which does not derive its authority from public institutions. In support of my claim I will offer as evidence the emphasis on *dike* in Socrates’ account of his unyielding commitment to justice in his service on the Boule and reaction to the reign of the Thirty. This evidence, coupled with the earlier discussion of Socrates’ divine source of value, will make it clear that Socrates’ commitments to law are secondary.

The relation of *dike* to *nomos* in the *Apology* is crucial for understanding where Socrates’ allegiances lie.<sup>38</sup> In Socrates’ statements regarding his experience with politics, it is clear that his central concern is his commitment to *dike*:

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<sup>36</sup> MacDowell 1978, p. 45: “In the fifth century *nomos* and *psephisma* were overlapping terms: any new law was made by vote of the Ekklesia and so could be called either a *nomos* or a *psephisma*...” Cf. Ostwald 1986, p. 523.

<sup>37</sup> Cf. Colson 1985, p.140.

<sup>38</sup> Xen. *Mem.* 4.4.12. has Socrates identifying *nomos* and *dike*.

ἀκούσατε δὴ μου τὰ ἐμοὶ συμβεβηκότα, ἵνα εἰδῆτε ὅτι οὐδ’  
ἂν ἐνὶ ὑπείκῃθιμι παρὰ τὸ δίκαιον δείσας θάνατον, μὴ  
ὑπείκων δὲ ἅμα κἄν ἀπολοίμην (*Ap.* 32a5-8).<sup>39</sup>

The first instance Socrates discusses is the fiasco regarding the generals involved in the naval battle of Arginusae.<sup>40</sup> The case involved a controversial proposal to execute the generals involved under a special hearing that appeared to be an instance of *eisangelia*.<sup>41</sup> Socrates refers to law twice in the upcoming lines: He says that the motion was illegal (*paranomōs*), as the demos itself thought later (32b4-5), and that he alone opposed the demos not to act contrary to the laws. Both instances represent Socrates’ action in respect to a legal norm governing procedure in the Boule. But the fact that Socrates supported the laws in this instance does not supply his whole motivation for his action. The very next line makes it clear that, while Socrates would rather “run the risk” on the side of *dike* and *nomos*, it is the unjust deliberation of the assembly that he is avoiding by siding with the law.<sup>42</sup> The common word here is *dike*; Socrates could have emphasized the unlawfulness of the motion, but instead he reiterates what he set out to prove, that he does not yield (*ὑπείκων*) to anyone contrary to *dike*. Due to the hysteria of the crowd, and the risk of

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<sup>39</sup> Socrates sets up the examples “in order that you may know that I would not yield to anyone contrary to justice...”. The categorical statement implies that Socrates *would* yield to someone if it is in accordance with justice to do so. Cf. *Cr.* 48a7, *Ap.* 33a3-4.

<sup>40</sup> Xen. *Hel.* 1.7, *Mem.* 1.3, provide further details on this incident. For discussion of the legal issues involved see McDowell 1978, pp.186-189, and Brickhouse and Smith 1989, pp.174-179.

<sup>41</sup> MacDowell 1978, p.187: “...no ancient author actually calls it an *eisangelia*, and a question arises whether the procedure followed was really legal at all.”

<sup>42</sup> μετὰ τοῦ νόμου καὶ τοῦ δικαίου ὄμην μᾶλλον με δεῖν διακινδυνεύειν ἢ μεθ’ ὑμῶν γενέσθαι μὴ δίκαια βουλευομένων, 32b9-c2.

opposing the motion, this instance is indeed a “great proof,” that Socrates would not yield to anyone contrary to justice.

Next Socrates recounts the command of the Thirty to fetch Leon of Salamis, which he cites as an example that he cares most of all for not acting unjustly or impiously.<sup>43</sup> No word of legality is mentioned here, although a statement of his commitment to democratic law would have made this action more impressive to the jurors.<sup>44</sup> In carrying out law in the case of the generals, the *demos* contradicts their own lawful guidelines, while Socrates could say that he remained devoted to democratic ideals even when there is a change of regime; but instead, Socrates’ emphasis in both cases conforms to his original proposition, his commitment to justice. Thus from these examples, following on the heels of his pronouncement that no true fighter for justice takes part in the public sphere, the conclusion follows that Socrates’ actions stem from a standpoint external to the legal structure of government. Even according to strictures of constitutional authority, the legal questions in the Arginusae case are hazy. It is not clear what laws are actually being broken in the attempted trial.<sup>45</sup> The proposal was for execution, and whether this was lawful or not, Socrates saw that it was also unjust. In Socrates’ own case, he himself was to be

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<sup>43</sup> τοῦ δὲ μηδὲν ἄδικον μηδ’ ἀνόστιον ἐργάζεσθαι, τούτου δὲ τὸ πᾶν μέλει. 32d2-4.

<sup>44</sup> As Weiss 1998, p.14 notes, the elision of any sense of illegality in the case of Socrates’ order to fetch Leon of Salamis emphasizes the primacy for him of acting in accord with justice. Here, measures which were demanded of Socrates would have the possibility of being disobeyed because of their injustice, something separate from their legality.

<sup>45</sup> MacDowell, p.189, notes that the law requiring separate trials was not explicitly referred to in the sources, and it could possibly be an unwritten law. The fact that unwritten laws were enforced adds to the vague situation with respect to rule of law, and perhaps enhanced the power of the Boule and Assembly to formulate its own law. This type of outcome resembles what Aristotle calls the “rule by decree” in the politics which characterized the later democracy (*Pol.* 1292a3-37, 1298b13-16). See Ober 1989, p.98, n.105.

executed, and the charge as well was not very clear with respect to established law.<sup>46</sup> Thus the notion of a fixed standard, or an ancient body of law that determined the application of law was not a reality, although it served as an effective concept for politicians (as we will see in ch. 2), during the majority of Socrates' life, which certainly weakens the case for Socrates' allegiance to the constitution.<sup>47</sup>

To cap off the section on why he avoids politics, Socrates emphatically reinforces the primacy of *dike* in his life:

ἀλλ' ἐγὼ διὰ παντὸς τοῦ βίου δημοσίᾳ τε εἴ ποῦ τι ἔπραξα  
τοιούτος φανοῦμαι, καὶ ἰδίᾳ ὁ αὐτὸς οὗτος, οὐδενὶ πώποτε  
συγχωρήσας οὐδὲν παρὰ τὸ δίκαιον (*Ap.* 33a1-4)

The idea behind the participle *συγχωρήσας* is the same as that of *ὑπείκων* at 32a7: Socrates never conceded or compromised to anyone in his public or private activity contrary to justice. This covers his whole life, which saw the Athenian laws change and the democracy overthrown and restored. Thus the use of *nomos*, in the examples of his time on the Boule, and elsewhere, such as when Socrates invokes a law that requires Meletus to respond to his questioning (*Ap.*25d2-3), and his reference to the law at the outset of his defense speech (*Ap.*19a6), seem to perhaps ignore the universal standpoint of justice in favor of following particular Athenian laws. The question for Socrates' relation to democratic authority, is whether his commitment to these positive laws stemmed from a deep

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<sup>46</sup> For the legal inadequacy of Socrates' trial, see Allen 1980, p. 29, who states: "His trial was, in effect, a political trial, and the fact that it could take place as it did constitutes a severe indictment of the legal quality of Athenian law."

<sup>47</sup> Note that the idea of returning to the old constitution or '*patrios politeia*' gets associated with oligarchic factions. See Hignett 1952, p.273.

set commitment to democracy, or from Socrates' approval of these laws as capable of realizing justice. The second option appears to be the Socratic answer, as I have shown, yet this option is obviously the actual practice of democratic machinery: the laws get interpreted, rejected and made through group decisions in the Ekklesia and Boule.<sup>48</sup> How the laws are interpreted, then, is fundamental to how they impact the life of the citizenry. Thus the correct interpretation must be desired. But if the interpretation is only to apply particular cases to a constitutional standard, any further alterations of the standard must have as their basis a political understanding which informs the alteration.<sup>49</sup> The simple application only involves a technical expertise, but altering and constructing law cannot be done in the manner of a simple alignment; it appears there must be expert lawgivers. Because the nature of democracy is one that allows for alteration and construction there appears to be a necessity that those who deliberate have what Socrates had in the case of the ten generals: a clear understanding of *dike*. Since *dike* is referenced by Socrates as "*to dikaion*" it has a different status than the "*nomoi*." *Dike* is one, that is, it does not admit of change. *Nomos* by its nature in democracy does not have the sense of a unified value; it is determined by the context and must yield itself to a different standard in order to be judged more or less just than another law. The question is if *dike* can be reliably understood by all Athenian citizens in the same way as they can understand what is lawful.

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<sup>48</sup> For the elastic sense of *nomos* as it is interpreted and executed by Athenian institutions, see Ober 1989, p.98ff. He notes that democracy has been interpreted to be in reality a rule of law separate from the democratic institutions; Ober argues, however, that these institutions played the main role in the understanding of law, a role which blurred the line between constitutional law and interpreted law.

<sup>49</sup> Ober 1989, p.96, McDowell 1979, p.45 on the universal vs. particular nature of *nomos* and *psophisma*. Ostwald 1986, p. 521 and the jurors oath quoted there makes it clear that in cases where a law was not available the juror was to use his judgment to make the most just (*dikaion*) decision.

Since Socrates implies that they cannot, democracy is not oriented toward arriving at *to dikaion*. Yet this provides the content for Socrates' activity to the city; if he can translate his appreciation for a universal justice to the Athenians, their upholding of particular law may coincide with the possibility of Socrates' own philosophizing.

### V. Socrates and the Athenian Juror

In his discussion of the duty of the juror and the necessity of giving a defense speech, Socrates appears to acknowledge the validity of Athenian legal procedure, and raises the question of what value his commitment to the god and justice has in relation to the proceedings of the law court. An example of these seemingly dual commitments of god and law comes at the outset of Socrates' defense speech, where he remarks: ὁμῶς τοῦτο μὲν ἵτω ὅπῃ τῷ θεῷ φίλον, τῷ δὲ νόμῳ πειστέον καὶ ἀπολογητέον (19a5-6).<sup>50</sup> In this sentence, Socrates agrees to proceed in the usual courtroom fashion, despite his reservations about the difficulty of extracting from the jurors the bias that they received from his "first accusers." That Socrates puts the god and the law as separate parts of a *men/de* construction at 19a5-6 is indicative of their possible separation.<sup>51</sup> Yet we do not have to speculate about what Socrates' thinks about the role of the juror: At 18a5, Socrates identifies the *arete* of the juror and the rhetor: the juror to engage their intellect

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<sup>50</sup> Cf. *Rep.* III, 394d8-9: οὐ γὰρ δὴ ἔγωγέ πω οἶδα, ἀλλ' ὅπῃ ἂν ὁ λόγος ὡσπερ πνεῦμα φέρῃ, ταύτη ἰτέον

<sup>51</sup> Socrates has not made mention of "the god" up till 19a6, but he invokes it just before beginning his defense, and later he reasserts that his activity in the court is in deference to the god in his last words to the jury before they give the verdict.

to discover if Socrates speaks just things, and Socrates to speak true things.<sup>52</sup> In this web of interaction three things can be identified: the intellect (*nous*), the truth, and justice.<sup>53</sup> Thus while the *dikasteria* is an organ of the Athenian constitution, the function of this instrument according to Socrates is not to produce just any verdict, or to adhere closely to a preconceived law, but rather to ascertain justice.<sup>54</sup> Later, at 35c5, Socrates will introduce the laws into this web. This synthesis will ultimately disprove any thought of Socrates' complete disregard for law, while showing his commitment to divine principle.

Right before the jury makes its decision, Socrates invokes two themes: reputation and the juror's oath. These are particular to the Athenians. The discussion of reputation refers to certain reputable Athenians and their actions in court. The officials that are not elected by lot are supposed according to Socrates to surpass the ordinary Athenian in virtue just as Socrates is thought to. If that "virtuous" individual acts piteously in court, this makes the city *katagelastos* (35b8). This term is also used in the context of Achilles preferring to die in order to avenge himself against Hector, rather than be *katagelastos*. It is referred to by Crito in the sense that the trial turned out *katagelastos*—that is, out of

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<sup>52</sup> *Ap.* 18a3-6. αὐτὸ δὲ τοῦτο σκοπεῖν καὶ τούτω τὸν νοῦν προσέχειν, εἰ δίκαια λέγω ἢ μή· δικαστοῦ μὲν γὰρ αὕτη ἀρετή, ῥήτορος δὲ τὰληθῆ λέγειν.

<sup>53</sup> Cf. *Cr.* 48a5-7

<sup>54</sup> In the speech of the Laws in the *Crito*, they say that their commands ought to be obeyed, or they should be persuaded as to the nature of justice (51c). This assumes that the Law is not co-extensive with Justice and that persuasion is a proper means of discourse with respect to the Laws. This understanding of persuasiveness is immediately denied at the outset of the *Apology*, when Socrates claims he will speak the whole truth (*Ap.* 17c). The term *dikaïos* could encompass ethical, political and legal meanings. Given the courtroom setting, the term used by Socrates is often closely conjoined with the idea of *nomos*. Yet the term is separate from *nomos*, and appears to be capable of being a standard that could encompass law, but also had a broader meaning which points towards the internal correctness of action regardless of its relation to positive law. See Dover 1974, pp.184-187, and pp. 306-309.

some sort of perceived unmanliness on behalf of Crito and his friends, the outcome has been *katagelastos* (45e5). In all these cases, not acting justly according to social convention appears to be motivated not by justice itself, but by shame (Achilles: 28c4, Athenian: 35a2, Crito: 45e1). At *Cr.* 47d1, Socrates says it is necessary to feel shame and fear the *one who knows*, and at *Ap.* 29d7, Socrates says it is shameful to do wrong or disobey one's superior god or man. If, just as in the *Crito*, the superior is the one who knows, and it is clear that in the *Apology* the god is the one who really knows (23a5-6), then it follows that shame should be directed toward the god. So any appeal to shame or reputation of the city in the eyes of others as a motive for acting would have no currency with Socrates. Indeed in the *Crito* Socrates makes clear that Crito is invoking the things that the many say when he refers to such arguments.<sup>55</sup> So why does Socrates bring up the idea of shame and of the city becoming a laughing stock, right before the jury is to decide his fate? This appeal to reputation sets the stage for perhaps why Socrates thinks the jurors should feel shame: they are not judging in accordance with justice, but judging from an emotional standpoint. Yet it isn't clear how the discussion of reputation is necessary. Is he modifying his views about what the legal structure can attain?

Right before the verdict is given, Socrates makes a complex set of statements that seem to simultaneously invoke the legal norms of the jurors' oath as well as pious commitment. Complicating this paragraph are the ideas of an oath, judging (*krinein*), ruling

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<sup>55</sup> Directly after this appeal is when Socrates makes the statement that he is only persuaded by the argument which seems to him to be best (*beltistos*, 46b). Contrasted with the *Apology*, Socrates says one should not do wrong (*adikein*) or disobey (*apeithein*) one's superior (*beltioni*) whether man or god (29b). Thus given the information from the *Crito*, it appears that doing an unjust act or being persuaded to do something should only stem from argument.



according to laws (*dikazein kata nomous*), and according to what is best (*arista*) and just (*dikaion*). In this passage it may be noted that Socrates is pointing to the duty of a juror to dispense justice according to the ideal of what a juror is supposed to be, not how in fact the Athenian juror often behaves.<sup>56</sup> Yet he apparently thinks that justice is possible within the framework of law that constrains an Athenian juror. That Socrates does not jettison the traditional oath of the juror, nor the idea of rule of law, while still maintaining the primacy of justice and the role of the god represents a call to a reorientation of the procedure of thought, rather than a radical restructuring of institutional *nomoi*. As the jurors' oath is represented in Demosthenes, the juror binds himself to a conception of public piety that goes beyond mere consideration of particular laws.<sup>57</sup> In Demosthenes' representation of the juror voting with his mind set on divine Dike, from which he derives the name *dikast*, one can see how there is room within Athenian religious life to see the juror as committed to a principle which, while beyond law, also confers validity on it. As Ostwald notes, the Heliastic oath could be thought of as representing the oath of the Athenian people as a whole, even if not extended to all citizens.<sup>58</sup>

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<sup>56</sup> See Aristophanes' *Wasps* and the characterization of Philokleon as an extreme example of the jurors operating on subjective pleasure rather than the judging according to their duty. Cf. Ostwald 1986, pp. 220-221.

<sup>57</sup> Ostwald 1986, p. 159 n.66, cites Dem. 25.11: "You must cast your vote in the belief that inexorable and solemn Dike, who, as Orpheus, who has instructed us in the most holy mysteries, tells us, sits beside the throne of Zeus and supervises all the affairs of men, is watching each and every one of you; you must be on your guard and see to it not to disgrace her from whom each one of you, whenever the lot falls on him, derives his name as *dikast*, because he [is guarding] whatever is good, just, and beneficial in the city [and] has on this day received from the laws, from the constitution, and from the fatherland a trust he is sworn to preserve."

<sup>58</sup> *Ibid.*, p. 160.

By invoking the jurors oath as standing on the same level as Socratic piety, Socrates gets the jurors to think of themselves as serving a higher principle, the just itself. At the same time the jurors oath recalls Athenian exceptionalism, it also calls to mind the idea of shame. So long as shame is represented as stemming from a failure to adhere to a pious commitment to pursue the just, Socrates is gently suggesting that the jurors see themselves as capable of transcending particular law and grasping truth. Yet this is not quite possible. They must be accustomed (*ethizesthai*). By emphasizing Athenian religion and custom, as well as *doxa*, and the laws, Socrates has given his fellow jurors a familiar way of thinking about their duties that refer to already held belief structures, yet suggested that the fulfillment of all these structures involves a serious commitment to intellectual honesty. While the jurors may ultimately fall short of philosophical insight into these issues, by being accustomed to think about their duties as jurors as stemming from a divine justice, Socrates allows the juror to attain the possibility of making a true judgement.<sup>59</sup>

Here Socrates' suggestion takes into account the legal and religious framework of the average Athenian, yet also seeks to align this with Socrates' own conception of piety. This combination is inherently possible, since being a juror does not preclude one making a judgment based only on the justice or injustice of the case.<sup>60</sup> Thus, here, the oath of the

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<sup>59</sup> Cf. *Theaetetus* 201c: "But if true judgement and knowledge were the same thing, then even the best of jurymen would never make correct judgements without knowledge; and, as things are, it seems that the two are different." (McDowell 1973 trans.)

<sup>60</sup> Ostwald 1986, p. 521, points out the clause in the jurors' oath: *περὶ ὧν ἄν νόμοι μὴ ᾔσῃ, γνώμη τῆ δικαιοσύνη κρινεῖν* "in matters not covered by laws I shall pass judgment on the basis of my perception of what is most just." For references in Demosthenes, see *Ibid.* n.88.

juror and acting on what is just can coincide.<sup>61</sup> In order to bring the law into congruence with its ideal, however, requires not mere attention to the law itself, but how human judgment operates within the confines of the law.

## VI. The Consistency of Socrates' view of Justice in the *Apology* and *Crito*

In addition to holding to the primacy of justice over democratic law in the *Apology*, I believe Socrates holds the same view in the *Crito*. One reason to view the two dialogues as consistent is that Socrates separates *dike* from *nomos* in both the *Apology* and *Crito*, and attributes a higher moral weight to *dike* than Athenian law. What *dike* entails, I will show, has more to do with the philosophic inquiry than any formula or prescribed law. Thus Socrates' appeal to *logos* as a determiner of one's actions undermines the authority of law itself to determine behavior, since the law demands obedience without recourse to dialectic.<sup>62</sup> In this sense, *dike* transcends *nomos*, which must always derive its support from *dike* or else be regarded as having no authority. I will argue that Socrates doesn't express commitment to Athenian law because of its peculiarly democratic character (for example, the Laws point out they allow themselves to be persuaded), or its positive authority, but only insofar as following a law agrees with his understanding of jus-

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<sup>61</sup> Perhaps I should make a note here of the idea of a "model" or "pattern" in Plato. If these are divine, and behavior on earth is to conform to them, it may be thought that men can attain these patterns and implant them in this realm. Yet it appears that behavior can only imitate or liken itself to these divine patterns. Knowledge of this divergence is crucial and attempting to mimic the divine pattern allows human affairs to receive a likeness of (true) virtue. Cf. *Tht.* 176e.

<sup>62</sup> Cf. Weiss 1998, p.8: "Socrates' unwavering commitment to justice and philosophy determines his thinking on every important human question." See also p. 15 and n.23. Dialectic itself raises questions about the ability to sustain an objective standard of value, against the claims of democracy, which answer to persuasion. See below on the "persuade or obey" dictum.

tice.<sup>63</sup> This may seem to be contradicted by the speech of the Laws; but if we pay close attention to the whole dialogue, I believe we will see that Socrates has reasons for bringing in this speech that align with his overall position.

For most of the *Crito* Socrates exhibits the same autonomy of mind and commitment to justice which he shows in the *Apology*.<sup>64</sup> An example of this is Socrates' willingness to act contrary to law based on the quality of argumentation. At the outset of Socrates' discussion, he states:

ὥς ἐγὼ οὐ νῦν πρῶτον ἀλλὰ καὶ ἀεὶ τοιοῦτος οἶος τῶν ἐμῶν  
μηδενὶ ἄλλῳ πείθεσθαι ἢ τῷ λόγῳ ὃς ἂν μοι λογιζομένῳ  
βέλτιστος φαίνεται. (*Cr.* 46b4-6)

The argument that seems best upon examination is not always set in stone: it is open to refutation. Moreover, it is not a man or a law that Socrates yields to, but argument.<sup>65</sup> Socrates warns *Crito* that he has not been able up to the present to refute the one which requires him to stay where he is.<sup>66</sup> If the outcome of the investigation is the same he will not compromise (συγχωρήσω, 46c3). In this case, as in the examples of the trial of the generals and the Thirty, Socrates represents himself as having a standard that he is com-

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<sup>63</sup> Cf. This includes laws that are not already a part of a codified rule of law; see *Crito* 51b, where the types of obedience listed are those things that are within the sphere of democratic mechanism. See the discussion in Weiss 1998, p.107, and *ibid.* n. 44.

<sup>64</sup> Weinrib 1982, p.87, points out that scholars often ignore the first two-thirds of the *Crito*, while focusing on the speech of the Laws. I think the points raised in the first part of the *Crito* condition our understanding of the speech of the Laws in a way that allows us to recognize how the speech is related specifically to *Crito*.

<sup>65</sup> We may recall that Socrates asks Meletus, who is the man who knows the laws? The laws do not have validity merely because of their existence, but in the way in which they contribute to the overall improvement of the soul; to know this, means to go beyond the many laws.

<sup>66</sup> This is evidence that while Socrates obeys the law it is from philosophic reasons which may not be understood by his interlocutor.

mitted to which he will not compromise or yield, whatever the outcome may be. In the discussion with Crito, like his experience on the Boule and in Court, death is a real possibility. What is different in the *Crito*, however, is that the principle of action is itself under review in terms of a *logos*. In the *Crito*, the principle to be acted on is the purpose of the *logos* as opposed to appealing to his past deeds in the *Apology*. Though Socrates has made up his mind, he does not rule out a change, which means that the inquiry itself into what is just cannot be unjust according to his accepted standards. But what is the difference between Socrates' agreeing to attempt a revision of his idea of the justice of escaping in the *Crito*, and the revision of law carried out by the Boule, Assembly or Court? I think that the answer lies in the nature of democratic institutions, as opposed to individual dialectic. That is, the inherently different nature of rhetoric and philosophical dialectic.<sup>67</sup> Socrates yields to the autonomy of argument, which proceeds in common with an interlocutor, while the political speeches of Athenian institutions put the speaker in an asymmetrical relation to their audience. Yet we have seen Socrates' willingness to cater to the jurors in such a way as to cast the importance of his philosophic activity in terms that can be related to Athenian piety; in a similar way Socrates abandons the full force of dialectic when confronted with a less than capable interlocutor whose soul is shaken by the trauma of his friend's situation.<sup>68</sup> This is not to say that these conversational choices reveal

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<sup>67</sup> This will be explored further in chapter two, when the two sources of value, universal and particular are put on display in clear opposition.

<sup>68</sup> Weinrib 1982, notes that there is a reason why Socrates discusses nature of death with Simmias and Cebes and not Crito. Similarly, Socrates abandoned the nature of death in his discussion with the Athenian jurors (*allos logos*, 34e), and instead brought up concerns of reputation and piety.

Socrates' own position, but in realizing their contextual import, they point towards Socrates' full position which is revealed in bits and pieces.

From the get go, Crito's enthusiasm for rescuing Socrates has proceeded from the wrong assumptions (46b1). Socrates runs through all the old Socratic positions with Crito to ensure that they are on a level footing before proceeding through the argument, even though he is his lifelong friend. Socrates' discussion with Crito takes as its ground rule that the one who knows about justice and injustice (ὁ ἐπαιῖων περὶ τῶν δικαίων καὶ ἀδίκων)<sup>69</sup> should always be listened to before the opinion of the many, and that the good life should be considered greater than life itself.<sup>70</sup> After Crito grants these assumptions, Socrates says that if escape seems just, "let us attempt."<sup>71</sup> In effect, Socrates is giving the dialectic conversation between himself and Crito the full weight of determining what is just in respect to what the Athenian law has ordered.<sup>72</sup> It is *logos* which is primary, and supplies the mental tools on which a conception of justice depends. If the argument leads them to realize that escaping involves doing injustice, no other consideration need be invoked. The last main assumption Socrates brings forward is the need to never do wrong, neither voluntarily or in return for being wronged (49d). He significantly states that this

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<sup>69</sup> On the equation of the person who is 'epistates' with one who has knowledge, see *Prot.* 312d4, and Burnet's note ad. *Cr.* 47b10.

<sup>70</sup> καὶ τόνδε δὲ αὖ σκόπει εἰ ἔτι μένει ἡμῖν ἢ οὐ, ὅτι οὐ τὸ ζῆν περὶ πλείστου ποιητεον, ἀλλὰ τὸ εὖ ζῆν, 48b4-5

<sup>71</sup> *Cr.* 48c: καὶ ἐὰν μὲν φαίνεται δίκαιον, πειρώμεθα, εἰ δὲ μή, ἐῶμεν; He then further chastises Crito for bringing up arguments that are the concern of the many, such as considerations of money, reputation and the upbringing of children (48c2-6), considerations which skirt the central importance of virtue.

<sup>72</sup> 48c7-9: μὴ οὐδὲν ἄλλο σκεπτόν ἢ ἢ ὅπερ νυνδὴ ἐλέγομεν, πότερον δίκαια πράξομεν

position is only held by a few, and that there is no common ground between those who hold this view, and those who do not (οὐκ ἔστι κοινὴ βουλή).<sup>73</sup> It is important that Crito agree to this premise, since his earlier arguments were in effect motivated by the arguments of the many, which allow for the “harm one’s enemies” proviso. That Crito has agreed to what Socrates says is a minority position signals his willingness to follow Socrates’ argument notwithstanding his earlier unphilosophical claims. Socrates’ emphasis is on the common search, and he enjoins Crito to interrupt if he can (48d9). Yet as will become clear, the choice to bring in the Laws is in response to Crito’s inability to effectively participate in the logos.

The overwhelming emphasis in the early part of the *Crito* on justice as the only criterion for action is evidence for my point that Socrates is committed to an independent justice, apart from an idea of law. In fact, in many places it appears Socrates places a sanctity on justice which gives it a higher elevation than positive law. In the *Crito*, Socrates refers to it as “that part” which is made just or unjust.<sup>74</sup> The question is, does Socrates think the laws contribute in any positive way to the transformation of souls? On the analogy of the expert trainer who cares for the body, does the law similarly care for the soul? Since Socrates emphasizes that they should listen to the one who knows, and concomitantly, since he holds the idea that few hold the opinion that it is always wrong to do injustice, he effectively separates the authority of laws passed through the opinion of

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<sup>73</sup> *Cr.* 49c11-d5: καὶ ὄρα, ὦ Κρίτων, ταῦτα καθομολογῶν, ὅπως μὴ παρὰ δόξαν ὁμολογῆς· οἶδα γὰρ ὅτι ὀλίγοις τισὶ ταῦτα καὶ δοκεῖ καὶ δόξει. οἷς οὖν οὕτω δέδοκται καὶ οἷς μὴ, τοῦτοις οὐκ ἔστι κοινὴ βουλή, ἀλλὰ ἀναγκη τοῦτους ἀλλήλων καταφρονεῖν ὁρῶντας τὰ ἀλλήλων βουλευόμενα.

<sup>74</sup> *Cr.* 47e8-48a1

the many, from the idea of justice. Socrates brings up the rejoinder that the many are able to put one to death. This is in reference to the possibility of the law in democratic Athens enforcing the unjust opinions of the many. Because only the good life matters, Socrates cannot worry about what the many thinks about what he does, even if they condemn him to death (*Cr.* 48b). Then Socrates equates the good life, the beautiful life, and the just life. Because the good life is the same as the just life, Socrates' concern for the justice of the situation cannot be concerned with life merely. As we will see, since the concern for life and reputation motivated Crito's attempt, the Laws address themselves to these issues, and hence tacitly acknowledge the inability for Socrates to elevate Crito's perspective.

### **VII. A Contradiction? Socrates' Speech of the Laws in the *Crito***

Many interpretations seeking to reconcile the seeming incongruity between the speech of the Laws and Socrates' position in the *Apology* have been put forward.<sup>75</sup> Some commentators dismiss the incongruity by understanding the speech of Socrates' Laws to be a rhetorical tool devised specifically for Socrates' unphilosophical interlocutor, Crito; this approach preserves Socrates' personal commitment to justice.<sup>76</sup> Others argue that Socrates is committed to the Athenian laws already in the *Apology*, because his commit-

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<sup>75</sup> For a brief survey see Penner 2005, p. 186; see also Stephens 1985.

<sup>76</sup> For an incomplete list of these interpreters, see Brickhouse and Smith 1989, n.35 and Weiss 1998, p. 5, n. 5. Strauss 1983 and Miller 1996 are representative of this interpretation. See also Hyland 1968 and Weinrib 1982. I think this approach ultimately resolves some of the surface contradictions between the two dialogues in question.



ment is fundamentally to the Athenian Constitution,<sup>77</sup> which is reinforced by the Laws' speech in the *Crito*, understood to be representative of Socrates' real views.<sup>78</sup>

Because of the singular importance of *logos* in an understanding of justice, it is no surprise that Socrates gives the Athenian Laws a *logos* of their own, but the *logos* turns out to be more of a 'harangue,' as Vlastos puts it.<sup>79</sup> In what follows I will examine two flawed arguments from the Laws' perspective which show how the Socratic perspective has been forced to modify itself so as to accommodate *Crito*. First is the concept of agreement, and second, that of the Laws' moral superiority.

The Socratic principle of never doing an injustice, a position Socrates says holds no *koine boule* with the position of the many, seems to contradict the notion of agreement that the Laws invoke. Ironically, the content of this most important *koine boule* is not alluded to when the Laws similarly speak of the importance of agreement. Since Socrates has pointed out the necessity to maintain just agreements, as well as the categorical refusal to do wrong, the agreement of the Laws must be seen to adhere to these provisos in

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<sup>77</sup> Vlastos 1983; Vlastos cites Grote who calls Socrates' sentiments in the *Crito* that of a "devoted democratic patriot," (p.498). See also Kraut 1984, who takes the "persuade or obey" dictum in the *Crito* to be Socrates' justification for following democratic procedure: the persuade part allows for significant acts of civil disobedience which account for the positions in the *Apology*. This account seeks to place Socrates in line with a sort of liberalism, but I think commitment to democracy ultimately must refer to Socrates' understanding of philosophy, something potentially incompatible with the changing nature of democratic power.

<sup>78</sup> Vlastos 1983, p.502, argues that Socrates is not dissatisfied with the Athenian laws, but rather the people who administer them: "...Socrates blames men, not Athenian law. This is not because he thinks that law perfect (cf. *Ap.*37a7-b1), but because he thinks it a reasonable law under which fair minded judges could and should have acquitted him." What a "reasonable law" means, and how the court operates in respect to it will be discussed further below. He cites *Cr.* 54b9-c2: ἀλλὰ νῦν μὲν ἡδικοῦμενος ἄπει, ἐὰν ἀπίης, οὐχ ὑφ' ἡμῶν τῶν νόμων, ἀλλὰ ὑπ' ἀνθρώπων (Greek text is Duke 1995).

<sup>79</sup> Vlastos 1974, p.523. Allen, 1980, has a more positive view of the Laws' speech. Charles Platter pointed out that there is an interesting alignment of Socratic *macrologia* in the *Crito* and *Apology* with what Socrates will protest against in the speech of Protagoras (see ch.2).

order to remain consistent with Socrates. Yet the agreement the Laws have in mind is to abide by the Laws, and specifically the one which demands obedience to whatever judgments the city arrives at. Because this agreement, brought about in the form of a tacit contract,<sup>80</sup> does not distinguish between a just and unjust law, but merely refers to the original agreement, the Laws do not grasp the most important proviso: never to do wrong.<sup>81</sup> The Laws rely on the just agreement which is supposed to cover anything that the law may command, and narrows disobedience down to the possibility of persuasion. Yet as Verity Harte points out, the justice of the agreement is not enough to “establish whether any individual action, required by the agreement, might be unjust.”<sup>82</sup> The proviso, furthermore, is something that can only be understood by means of logos, not nomos. The Laws themselves are embedded in Socrates’ logos. That does not mean that they attain the status of Socratic principles infused with emotion as Burnet thinks.<sup>83</sup>

The second flawed argument of the Laws has to do with asymmetrical relationship of Socrates to the state. Embedded within this appeal is a scale of relationships

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<sup>80</sup> The Laws cite Socrates’ life spend in the city as a sign of the congeniality of the Laws, but if we are to believe Socrates, he has an attachment to the city precisely because of its inadequate concern for virtue. Cf. Miller 1996, p.129: “Socrates remains in the city to criticize its injustice. It may well be that Socrates loves Athens or, to put this more temperately, finds it the most “congenial” (53a) of all existing cities; but it does not follow from the fact that he remains in it that he finds it just.” Cf. also Irwin 1989, p.197: “A political theorist may present theoretical objections to a form of government without claiming that in the actual circumstances the best thing to do would be to replace it with one of the actually available alternatives.” See Samaras 2002, p. 83-84 for the view that Socrates was an anti-democrat.

<sup>81</sup> Socrates’ statement “and if we wondered at these words” at 50c hints at the inherent non-Socratic principles that the Laws invoke. Immediately afterward, the Laws cite arguments that are clearly the concern of the many: upbringing of babies and education.

<sup>82</sup> Harte 1999, p.127.

<sup>83</sup> Burnet 2002, pp. 279-80.

which is congruent with the mob morality of helping friends and harming enemies.<sup>84</sup> By pointing out that Socrates was not on equal footing with his father as regards the right to retaliate, nor with his master if he had one, presumes that in these situations it is not right to return a wrong, but in a symmetrical situations, one is allowed to do so. By essentially describing themselves as having a special privilege to order Socrates on the lines of a father and a master, the Laws puff themselves up into the revered place of Socrates' moral superior in the *Apology*, and the “knower” of the just and unjust spoken of earlier in the *Crito*. At this point we may expect Crito to object based on principles outlined in the previous conversation. Yet, he merely agrees that the Laws speak the truth. So Socrates continues on in the same vein eliciting no interruptions, and after Crito's two brief agreements that the Laws speak the truth again, he finally says “ I have nothing to say” (54e).

In a much commented on passage, the Laws present themselves as both permanent features of Athenian history and as fluid entities in administering yet unknown commands in the future.

καὶ οὐχὶ ὑπεικτέον οὐδὲ ἀναχωρητέον οὐδὲ λειπτέον τὴν  
τάξιν, ἀλλὰ καὶ ἐν πολέμῳ καὶ ἐν δικαστηρίῳ καὶ πανταχοῦ  
ποιητέον ἃ ἂν κελεύῃ ἡ πόλις καὶ ἡ πατρίς, ἢ πείθειν αὐτὴν  
ἢ τὸ δίκαιον πέφυκε.<sup>85</sup>

The Laws here do not follow the separation of constitution and *psephismata*. They talk in modalities, speaking of future “commandments” in different political areas. Their speech

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<sup>84</sup> Cf. Miller 1996, p. 128: “in making violence against one's country “less” justified than against one's parents, the argument suggests a spectrum or continuum on which, at the opposite end, there might be some others against whom violence *would* be justified.” Emphasis in original.

<sup>85</sup> *Cr.* 51b8-c1; See Kraut 1983, pp. 20-21.

to Socrates does not take into account the progression and changes of Athenian democratic structure since the time of Socrates' birth until his time in jail.<sup>86</sup> What is more the laws speak of themselves in terms of actions, and emotions, which must be endured, complied with or placated. (*Cr.* 51a.ff.) They are, in fact, quite similar to the behaviour of the crowd in Socrates' account of the Arginusae fiasco, inflamed with passion.<sup>87</sup> The laws refer to the presumably constitutional feature that the rulings of the mechanism must be complied with.<sup>88</sup> They get the moral authority of law backwards; instead of constructing the law from the standpoint of justice and reason, it first commands and then expects to be convinced of what is just by nature.

If the agreement in some crucial way involves the part of the soul that is improved by just and unjust actions, then perhaps the act of escaping would be doing an injustice to the Laws themselves, and thus violate Socrates' philosophic principle. Yet as Ernest Weinrib notes, Socrates formulates the principle of not doing an injustice in regards to

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<sup>86</sup> Allen 1980, however, speaks of them as representing the restored democracy. Cf. Colson 1985, p. 140: "Even if we restrict ourselves to Socrates' lifetime and attempt to discern 'the laws under which he had grown up,' we are destined to fail. There is no complete list of laws or 'established process' of legal revision to which we can point and say with confidence that it persisted invariably through Socrates' lifetime." Colson goes on to point out that six different constitutions were in effect at different times in Socrates' life according to Aristotle's historical study of constitutions, and that they were effected legally, since there was no established process to stabilize change than the vote of the multitude (*ibid.*, p. 141). This ability to change is significant, and colors my interpretation of Socrates' understanding of the impossibility of justice coming about in the type of democracy he is used to. The fact that the Laws themselves are speaking, laws which would have undergone change and alteration since Socrates was a young man, puts into question their status as moral authorities. Because they can only be conformed to justice through persuasion after the fact, the laws can only compel obedience through the form of a command which by its existence is not made just.

<sup>87</sup> Cf. *Cr.* 54d4-5, when Socrates compares himself to a corybant hearing flutes after the speech of the Laws. Burnet describes the speech of the Laws as Socrates imbuing his principles with passion. I think the judgment is not generous enough to a man of Socrates' philosophical integrity.

<sup>88</sup> Cf. *Dem.* 24.148. "Solon...thought it right that a Court of Justice should have unlimited authority, and that the convicted criminal should submit to any punishment ordered by the court." Vince 1935 trans.

people, for the crucial consideration is the harm to the soul that it causes. Since the Laws are not people, nor have souls, Socrates could not be seen to be doing an injustice to them in any coherent manner.

If Socrates' arguments spoken by the Laws do not hold up to scrutiny by his own lights, why does Socrates use them? In my opinion, the speech is looking at law from the standpoint of survival, and separation of the good from the law itself. The law, then, in its use is separated from any normative ends which it may serve, but in being applied allow the individual freedom to pursue its ends however one may choose. The fact that the laws base their authority on the agreement of Socrates emphasizes this liberal aspect of their existence. Yet the agreement ends where commitment to acting just in every situation opposes the judgment of the law. Thus the only way the Laws as portrayed in the *Crito* can operate in concert with the ends of the individual is if what the Laws provide do not come into conflict with the individuals acting in respect of justice. Because Socrates has spoken of the importance of the soul and of seeking virtue, this appears to be the condition by which law must not overstep in their agreement with Socrates. The Laws do not seem to understand the limits of their own application however. They prescribe future commands and wars in terms that do not admit of prescribed limits that do not admit of an individual resisting because the action would be unjust. While there is mention of justice, the Laws only refer to it as something to which they are to be persuaded, something, as the *Apology* shows, may not result in justice or legality.

The Laws in the *Crito* may be said to speak from an ‘internalist’ perspective, in that they understand the legal order as valid in and of itself, and an externalist perspective, by emphasizing the positive benefits that the law provides for its citizens.<sup>89</sup> These benefits, however, are not spoken of in terms of the soul. The Laws speak in the same terms as Meletus, when they assert that whoever corrupts the laws, would be seen as corrupters of the young and ignorant (*Cr.* 53c1-3). These are the minds that have still not been formed, and Socrates’ act of ignoring his sentence would cause a fundamental questioning of those laws. The Laws present the *polis* as being pleasant according to its established laws. In characterizing those cities that are well governed (*eunomeisthai*) it appears that the Laws mean that the function of the law works because its citizens are well ordered in relation to the law. Since the laws inform the behaviour of its citizens according to its own prescriptions, living in accordance with law seems to be the end of life in the community. The breaking point between the law and the individual is the subjective mind which if not inculcated into the system of laws, threatens to break the glue which binds the society together, namely, the understanding that the mere life underneath law is not the highest good. Once a process of questioning takes place which searches for a higher purpose for the laws, an inquiry into their justification and their ultimate effects, the power to subdue the individual mind is weakened. The Laws in the *Crito* view this situation as signaling their own destruction, and are threatened when the subjective side of the equation attempts to assert itself. This is most clearly in effect in relation to the most gen-

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<sup>89</sup> Incidentally, these positive benefits are those which Socrates assigns to the “many” earlier in the dialogue.

eral law which the Laws say is being destroyed, the one that demands that all laws be followed, something that is said to be the product of an agreement.

Lastly, one common interpretation which focuses on Crito's unphilosophical character suggests that Socrates gives the speech of the Laws as directed toward the soul of Crito, and even to the future of philosophy, in that by escaping Socrates would be doing what the common morality expected of an individual in his situation and thus discredit his life's work. In this interpretation, Socrates gives the speech of the Laws as a sort of therapy, so that by being reaffirmed in his commitment to Law as a citizen, Crito will not errantly use Socrates' action as a paradigm. This reading implies that Socrates thinks that following Athenian law is useful for improving the soul. For, if the soul is the most important consideration when having a conversation, the appeal to law cannot be simply for the sake of obedience itself, but for the soul. Socrates already in the *Apology* points out that he has been holding back many who will carry on his work (39d). Could Socrates be taking care for the future of philosophy by seeking to improve the soul of Crito by giving the arguments of the Laws in favor of Socrates' own conclusions?<sup>90</sup> If Socrates always acts on the principle of justice, in private and in public, as he declares in the *Apology*, is his rhetorical use of the speech of the Laws compatible with this principle? It is, if one takes into account that Socrates' dialectical conversations are adaptable to each interlocutor, and thus in a sense, formal.<sup>91</sup> This formality threatens to turn Socrates' commitment

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<sup>90</sup> Miller 1996, p. 134: "...can we really accept that Socrates, the lifelong champion of following the argument wherever it leads, would now suppress it?[...] It may be, however, that [...] he suppresses inquiry in the short term in order to preserve and even occasion it in the long term."

<sup>91</sup> Roochnik 1995, p.87-88.

to justice into a malleable relativism, that alters depending on who he is talking to. But this “formal” aspect is always tied to a singular principle: The One or god, who “knows” what benefits the human soul. Ultimately, then, it may be best to be cautious about assigning everything the Laws say to Socrates. Better to recognize the vast importance Socrates puts on the existence of Law and the need for the philosopher to work within it to cure its injustices and realize the good.

Socrates points out that the jurors should not commit perjury of the Heliastic Oath, and that they should judge according to the laws rather than their own conscience, shows that he has concern for Athenian law. We may note, this same concern could also be the motivation for Socrates’ speech of the Laws to his friend Crito. While Crito is not enough of a philosopher to derive his thoughts on justice from his conscience, so the Athenian juror cannot step outside the legal framework in which he understands himself in order to ascertain the philosophic grounding of justice. That is not to say Socrates is not critical of law: he comments on trials that seek the death penalty being different than the laws of other places, with the result that it is more difficult to persuade the Athenians of his innocence (37b). But clearly Socrates is protective of philosophy; he knows that law and custom is what gives meaning to most people, and that an unphilosophic appropriation of Socrates’ principles could ruin the prospect of the philosophic mission restoring the emphasis on soul to the structures of law.



## Conclusion

Attempting to reach a philosophical standpoint of justice may be seen as instantiating a paradoxical quality in Plato's Socrates, or a tension between universal and particular that has no resolution. In this respect Plato's *Apology* shows the failure of philosophy to integrate itself into institutions, and concomitantly, through the resistance of the political circumstance, its failure to achieve ultimate separation and become systematic.<sup>92</sup> Yet, although Socrates describes his activity as not bounded by Athenian interlocutors, or by considerations of age, he conceived himself as rooted to the Athenian polis in a way in which the justice which he seeks is a *service* to the Athenian polis—ultimately, Socrates' philosophic activity *is* political. So here we see Socrates being portrayed by Plato as someone who is seeking to instill a particular city with the value of an ontologically separate standpoint, the divine. Yet Socrates constantly shows that this ontological sphere is not fully accessible, but can be understood proximately by way of signs. Socrates' middle standpoint then, is characteristic of his claim to believe in daemonic things, and, as we know from the *Symposium* and *Theages*, Socrates claims knowledge of *ta erotika*.<sup>93</sup> If this is nothing more than human knowledge, Socrates' activity constitutes a bridge between the level of the divine and the level of the human. The universal knowledge that the divine represents is thus not the endpoint of human activity, but the lodestar

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<sup>92</sup> This is Hegel's criticism of Plato: The perennial opposition faced by Socrates in the dialogues of less competent interlocutors in a political setting arguably prevents philosophy from reaching a place where its fundamental activity can finally become something intrinsic to itself rather than always a defense of the philosophic life in general. Cf. Griswold 1982, p. 118ff.

<sup>93</sup> *Theag.* 128b. Cf. Strauss 1983, pp. 46-47.

from which particular interactions proceed. The ‘from which’ indicates the lack possessed by the pursuer——thus it is by lacking the principle that one comes to achieve something in the human realm. Hence the ‘tension’ between universal and particular is lessened if we acknowledge Plato’s presentation of Socrates as not inhering in paradoxical ontological realms, but rather as fully in the particular, with his guidance for particular action derived from an acknowledgement of the universal dimension, and its relationship to the practice of philosophy that constantly reveals human limitation.

## Chapter 2

### Democracy and Relativism in the *Protagoras*

#### I. Framing the Opposition: Dialectic and the Soul of Hippocrates

Implicit in Socrates' discourse methodology is the care for individual souls—he does not cater to mass audiences, but puts a premium on one-on-one discussion and the self-sufficiency of his interlocutor.<sup>94</sup> Socrates' concern for the soul contrasts with Hippocrates' desire to become eminent in the city and reflects a tension pervasive in these three dialogues mentioned so far: political success and private virtue, and how the one can possibly fit in with the other.<sup>95</sup> On the divide between both is the concept of learning; can Hippocrates learn to be virtuous and is this the same as political success? It is clear from his overhasty desire to see Protagoras that his *eros* does not have an object that preserves the active role of subjectivity in his desire to know; he laments half-jokingly that Protagoras is the only one that is wise, but doesn't *make* him wise (310d5-6, μόνος ἐστὶ σοφός, ἐμὲ δὲ οὐ ποιεῖ). In contrast to this, Socrates aims his questions toward getting

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<sup>94</sup> See Griswold 1999, p.292 and *passim* on Socrates and Protagoras' underlying moral ideals and its influence on their discourse methods. On the self-sufficiency which provides one part of the contrast I have been emphasizing, Griswold states: "Self-sufficiency [as a moral ideal], in that the speaker does not rely without questioning on what is conveyed by the voices of others, but rather relies on what passes the test of one's own examination." (Ibid.) See also *Cr.* 46b4-6., on Socrates' commitment to the *logos*, and *Ap.* 31c4ff. for his aversion to political speaking.

<sup>95</sup> Hippocrates only appears in the *Protagoras*. He is excited to see Protagoras when he visits Socrates and Socrates later speaking on his behalf says that he desires to become eminent (*ellogimos*) in the city (316c). He comes from a wealthy family, and appears to be a prospect whose experience with either Socrates, or some other sophist could determine the fate of his soul and possibly the fortunes of the city.

Hippocrates to inquire into what exactly it is that makes the soul better, thus allowing Hippocrates to actively seek wisdom and not giving him a ready-made doctrine. This ties in with Socrates' stance toward Meletus' assertion that it is the Laws that make the youth better; for Socrates, the criterion for value exists in the relation to the divine, which, for him, involves the activity of philosophy. As we will see, virtue for Protagoras arises not from philosophic inquiry, but through passive social practices that do not involve testing the limits of one's mind, at least in theory—in practice it is clear that Protagoras values using his own mind actively—but for the purpose of gaining renown, not truth.<sup>96</sup>

In discussing the perils of associating with sophists, Socrates presents the importance of the soul. Socrates warns Hippocrates that it is necessary to inquire how teachings (*mathemata*) directly affect the soul before they can be judged good or bad. In order to know whether something is good or bad for the soul then, on the analogy of experts who can identify what food is healthy or not, one must be a 'doctor of the soul' (ἐὰν μή τις τύχη περὶ τὴν ψυχὴν αὖ ἰατρικὸς ὢν, 313e2) and be able to test the teaching out. It is clear that Hippocrates is in no position to be qualified as a doctor of the soul, and so Socrates, in accompanying Hippocrates to Callias' is able to act as a sort of intellectual buffer, who is able to test out the teachings of Protagoras before they are absorbed untest-

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<sup>96</sup> Cf. *Prt.* 335a5ff. It will become clear that Protagoras supplies the theory of law which someone like Meletus can advocate, while Protagoras' status as an itinerant sophist obscures the meaning of his theory as it applies to himself.

ed by Hippocrates.<sup>97</sup> The reason why it is dangerous to accept teachings without testing them is the close relation between discourse methodology and the soul.<sup>98</sup> The paradigmatic type of speech that discourses on a subject matter is the epideictic speech, while Socratic dialectic privileges the *logos*, something that is the form of discussion as well as the content of the subject matter, since dialectic involves the soul operating to discover what is good for itself.<sup>99</sup> Thus through his methodology the content of thought is instantiated, while Protagoras' *epideixis* is a medium for a pre-formulated content. As we have seen in the *Crito*, Socrates values the *logos* as a means to reach what is true—and if it is through the *logos* that one improves the soul, one must engage in this activity.<sup>100</sup> That Socrates finds a way to translate his philosophical activity into the particular life of the polis I tried to show in the first chapter, although the question of his methodology and its

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<sup>97</sup> It may be useful to note that Hippocrates' situation is similar to the reader, since Hippocrates is merely an observer of the discussion between Socrates and Protagoras. Socrates suggests that they listen to Protagoras, but then also to Prodicus and Hippias (314c); the ability to get more than one perspective prevents one from taking any teaching away whole cloth, and brings up the prospect of judging between teachings. Socrates' insistence on dialectic inquiry into virtue after Protagoras' Great Speech also underlines his earlier comments about the need to test out teachings.

<sup>98</sup> For the effect of rhetorical teaching on the soul, see *Grg.* 453ff., Segal 1962, p. 105, Schiappa 1991, p. 163.

<sup>99</sup> See Gonzalez 1995a, pp. 159-163, for a discussion of the reflexivity of dialectic; in this sense the object of inquiry is not something transferred from one to another, but is a joint goal. Cf. *Prt.* 348d. Gonzalez explains "reflexivity" as follows: "while it is not subjective or relative but is oriented towards a transcendent reality and truth, it nevertheless is not objective in the way that the natural sciences, for example are... philosophy... is not an objectifiable "result" which as such is separable from the person who knows and the method by which he or she knows... This means that philosophical knowledge depends on self-knowledge to a degree not paralleled in the natural sciences, to the degree, that is, that philosophers cannot know the "object" into which they are inquiring without knowing themselves." Cf. Vlastos 1980a, p. 14, on self-sufficiency in the *Euthyphro*.

<sup>100</sup> In the *Crito* it is agreed that the one who knows should be acquiesced to, not the many. This person allows the part of the soul to be in accordance with justice (47d). But how to know that someone is a knower would be to engage in a review of what they know. This turns back to the *logos*, which Socrates relies on to decide whether it is just to escape or not. Hence the *logos* can improve the soul, but if it is an untested *logos*, it could destroy it.

ultimate relation to the laws still lies open. So in what follows we will see how the specific operation of differing discourse methodologies take opposing objects for their goal, which points up the potentially conflicting concerns of universal and particular.

This opposition between an external standard and a *logos* has been dramatized in the *Apology* and the *Crito*, and it will be more intensely dramatized in the *Protagoras*. The *logos* is separate from the individual at rest; it is not something that is constitutive of one's mind, but must be actively constructed. It admittedly proceeds from reception of given content, but must in turn act upon the received content to produce a new understanding. Once Socrates and Protagoras try to join *logoi*, the result is not a unified discussion with an 'organic' *logos* linking the thought of two individuals, but rather Protagoras' personalized rhetoric clashing with Socrates' dialectical style.<sup>101</sup> Much of the dialogue involves difficulties of managing the conversation, which itself illustrates the political implications of each method of speaking. The main opposition occurs between Protagoras' Great Speech and Socrates' inquiry into the Unity of Virtue. Through this opposition it is possible to discover Protagoras' relativism and Socratic intellectualism placed forcefully at odds, as well as pointing up the difference between value oriented toward particular law and value located in a relation to transcendent knowledge. Through this opposition of viewpoints, Plato presents a powerful critique of "Periclean" democracy and So-

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<sup>101</sup> See *Tht.* 154e: συνελθόντες σοφιστικῶς εἰς μάχην τοιαύτην, ἀλλήλων τοὺς λόγους τοῖς λόγοις ἐκρούομεν·

cratic inquiry, but also points the way to a solution that could incorporate both Socrates and Protagoras' methodologies.<sup>102</sup>

The specific issue in the "Great Speech" is whether what Protagoras claims to teach, that is, political *arete*, can be taught.<sup>103</sup> Socrates does not think so, and he references for support at 319bff. that because all Athenian citizens have the right to give advice on policy matters, they must believe that no one is a political expert and that virtue cannot be taught. Protagoras, in his response, goes out of his way to align his own expertise with universal political virtue in his Great Speech, arguing both that all citizens possess political virtue, and that because people possess it in varying degrees, his own teaching, as a higher degree of political virtue, can improve one's political excellence.<sup>104</sup> Can what Protagoras teaches be assigned within the same category as mere democratic participation and observance of law? I will argue that it cannot, because Protagoras' skill, as shown in his epideictic "Great Speech," is qualitatively different from what he claims is universal political virtue.<sup>105</sup> Thus I want to show that Protagoras reveals, by way of the

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<sup>102</sup> That Plato uses the opposing viewpoints to point toward his own thought is controversial; for opposed readings, see Halper 2004, n.2 and literature cited there.

<sup>103</sup> Here I think is a good place for a digression on terms in the *Protagoras*: It should be noted that Protagoras initially describes what he teaches as *euboulia* about household and political affairs (318e5). In his Great Speech, at 322b5, again it is political *techne* which is invoked as what would enable men to form cities and be effective in warding off beasts. Once Protagoras picks up the moral of Zeus' distribution, it is political *arete* which he describes (323a1) as all having a share in. It is clear that the distinction between *techne* and *arete* is not very rigorously maintained. I will thus assume that "virtue" is what Protagoras claims to teach, and political virtue in particular.

<sup>104</sup> The idea of a *techne* as a defined body of knowledge becomes problematic when identified with *arete*. Protagoras will introduce *arete* as a scale of degrees, which makes ascending the scale a problem in respect to assigning all levels the title of expertise.

<sup>105</sup> Thus political virtue ends up being varied and distinct, not something universal.

drama, the reality of how a powerful political orator can sway a passive mass of citizens, and at the same time reveals a relativism endemic to the principles of democratic institutions.

## II. Relativism in Protagoras' "Great Speech"

My argument for Protagoras' relativism<sup>106</sup> will fall into three parts: first, I will demonstrate that what Protagoras teaches is separate from the political virtue he describes in his Myth, which only outlines the formal agreement that characterizes all states without showing how this formal agreement realizes virtue. Second, I will show how Protagoras' appeal to law and punishment as means to achieve virtue is based on a similar formal agreement. Third, I will show how his description of education presents learning virtue as a process which is the reception of an external given that ignores the activity of the subjects own thought. By placing value on what is historically contingent Protagoras advocates a relativist theory of virtue. First, I would like to say a bit more about Protagorean relativism and its appearance in another dialogue, the *Theaetetus*.

Protagoras is presented in the *Theaetetus* as the author of the "man is the measure of all things" dictum.<sup>107</sup> This is discussed in the *Theaetetus* first in relation to perception,

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<sup>106</sup> Whether Protagoras can be seen as a relativist in the *Protagoras* has been heavily debated with many supporters of both sides. Among the scholars who think there is no relativism are Levi 1940, Muster and Kostas 1966, Nussbaum 1986 (citing approvingly both Muster and Kostas and Levi), Taylor 1991 (although he qualifies his remarks, see p.100-101); Those who think there is are Taylor 1926, Vlastos 1956, Cole 1972, Adkins 1973, Nicholson 1986, Samaras 2002, Halper 2004, Zilioli 2007, Manuwald 2013, Rowett 2013. The individual interpretations vary as to what kind of relativist Protagoras is, and whether it agrees with his depiction in the *Theaetetus*. For a good analysis of Protagorean relativism in light of other types of relativism, see Okrent, 1984.

<sup>107</sup> *Tht.* 152a quotes Protagoras: φησὶ γάρ που "πάντων χρημάτων μέτρον" ἄνθρωπον εἶναι, "τῶν μὲν ὄντων ὥς ἔστι, τῶν δὲ μὴ ὄντων ὥς οὐκ ἔστιν." Later, Socrates explains the relative nature of the theory: Οὐκοῦν οὕτω πως λέγει, ὡς οἷα μὲν ἕκαστα ἐμοὶ φαίνεται τοιαῦτα μὲν ἔστιν ἐμοί, οἷα δὲ σοί, τοιαῦτα δὲ αὖ σοί.



and then later to judgements. The basic idea is that all perceptions are relative to one's own particular experience, and thus are different for each individual.<sup>108</sup> Since any one perception cannot be related to another person's, the truth of the experience is relative to each individual. Expressed in terms of judgements, whatever each person has an opinion about expresses the way the truth seems to that person. Including "for him" or "to him" expresses the relativity of the truth. Call this "subjective" relativism. In Protagoras' theory subjective relativism does not admit of error so long as the qualifier "for him" is maintained. Later in the *Theaetetus*, Protagoras' theory is modified to include the role of wise men who know how to change appearances to a more beneficial state, although, according to the theory, the individual's inner reality is always true.<sup>109</sup> The *polis* version of Protagorean relativism is different than the purely subjectivist relativism which asserts that anything that a subject believes is true *for them*, and the infallibilist assertion that removes the qualifier "for him," and simply claims that *all* beliefs are true.<sup>110</sup> Rather, this position of "moral relativism,"<sup>111</sup> can be ascribed to Protagoras' viewpoint revealed at

*Tht.* 167c:

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<sup>108</sup> Socrates' explicit reference to the power of appearances at *Prt.* 356d4 (ἄρα ἡ μετρητικὴ τέχνη ἢ ἡ τοῦ φαινομένου δύναμις;) shows that Socrates' art of measurement is conceived of as a response to a theory that gives credence to how things appear (whether this be perceptions or beliefs). See Vlastos 1956, p. xviii for this point.

<sup>109</sup> *Tht.* 166d5;167cff; 172aff; 177dff. This version attempts to combine the two premises "All judgments are true for those who make them," and "Some people are wiser than others." As we will see, this is the doctrine defended by Protagoras in the *Protagoras* who similarly modifies his theory of the virtues to include wisdom once he is questioned by Socrates.

<sup>110</sup> See Lee 2005 pp.30-35.

<sup>111</sup> "Moral relativism," on the other hand, may admit the error of individual judgment if it strays from the relevant system. So if the moral system is country A's laws, acting contrary to country A would be wrong, while the same action in country B may be correct. This presents truth as relative to a certain scheme.

My claim is, too, that wise and good politicians make beneficial things, instead of harmful ones, seem to their states to be just. If any sort of thing seems just and admirable to any state, then it actually is just and admirable for it, as long as that state accepts it.<sup>112</sup>

This position in effect collapses individual beliefs about morality into the overall societal and political order (the “things” that are thought to be just).<sup>113</sup> What “seems” to each state is different in each form of government; in Athens it is the judgment of the Assembly and the courts, which excludes from what “seems best” to it those opinions that don’t win a consensus.<sup>114</sup> If the sophist’s theory in the *Protagoras* is to follow from this statement quoted above in the *Theaetetus*, the sophist must be in a causal relationship to the things

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<sup>112</sup> McDowell 1973 trans. See Halper 2004, p.46n.9 stating that Protagoras’ ontological subjectivism is subordinated to moral subjectivism in the dialogue. By allowing room for error of individual citizens within whatever is recognized as true for the society in question, this view avoids the infallibilist and subjectivist (“for him”) positions. For an overview of the distinctions between different sorts of relativism, see Lee 2005, pp.30-35, and p.34 for an overview of the history of the word ‘relativism.’ Lee claims that “our ancient sources are unanimous in representing Protagoras as rejecting the possibility of error,” (pp.33-34) although, as I will claim, Protagoras’ societal relativism in his Great Speech allows for error within his theory of punishment. A belief that is in opposition to the laws of the city is wrong and should be punished, but what is considered lawful is relative to each city. This coincides with No. 3 among the options for relativism that Lee lists on p.33, namely that “Truth is relative, but may be objective. This space is occupied for example by the semantic relativists described above who think that truth is relative to conceptual schemes, within which error and correction are possible.” The relevant conceptual scheme in this Protagoras is whatever agreed upon laws are in place in the city.

<sup>113</sup> The only difference between the view presented here in the *Theaetetus* and the individualist version is that the criterion of truth is transported from the individual judgment to that of the community. This point is made by Samaras 2002, p. 16: “Protagoras’ ethical doctrine is both conventional and relativistic. The sophist regards the community as the agent ultimately responsible for the moral formation of its younger members. His theory is therefore conventional, since it relies upon the collective wisdom of the community. It is also relativistic, since Protagoras does not question the moral principles on which the education of the young is based, but accepts that every individual community has the right to impose its ethical code on its younger generation.”

<sup>114</sup> Nicholson 1986, argues that Protagoras’ speech is relativistic, but argues that he does not justify Athenian democracy but rather presents a value neutral political theory that is just as applicable to all states as it is to democratic ones. However, Protagoras *appears* to defend democracy, which according to his own theory is all that suffices to avoid being oppressed by political leaders (arguably the demos itself in Athens, 317a).

that seem just to people, and thus must be related to political form in general.<sup>115</sup> In particular, it is a relation which stands outside the form of individual cities, which fits with Protagoras' traveling seminars. In what follows I want to show, first, how the Great Speech serves to enact Protagoras' claim in the *Theaetetus* that wise men stand in an asymmetrical relationship to the citizens of the state and, second, that he produces a relativistic argument that instantiates objects of belief in his listeners.

Protagoras' extensive defense of the teachability of political virtue (the "Great Speech," 320c8-328d2) says that by the fact of living in a city, all men possess political excellence, and thus the Athenians are right to allow all men to speak in the Assembly; in addition Protagoras accounts for his own teaching by appealing to degrees of political virtue.<sup>116</sup> However, the content of this citizen virtue is described differently: first, in the Myth section of the Great Speech (320d-323a), it is the possession of *aidos* and *dike*, a universal possession of all citizens, and later, in the *logos* section (324d-328d2), virtue is inculcated by a process of education and the punishments of laws in the city.<sup>117</sup> What Protagoras teaches is made clear by the dramatic action of the dialogue: he clearly has a

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<sup>115</sup> See Taylor 1991, pp.100-103 for a review of the Great Speech and its applicability to the *Theaetetus*. Taylor supposes that "Even granted that the historical Protagoras gave the defence of his programme attributed to him in the *Theaetetus*, there is no indication in the *Protagoras* that Plato represents him as intending his programme to be seen in that light." Rowett 2013, p.194, on the other hand, thinks Protagoras' activity is "clearly consistent with Protagoras' claim in the *Theaetetus* [167c]," as does Griswold 1999, p. 299 n.47.

<sup>116</sup> *Prt.* 324a5-6. Protagoras uses different terms for political excellence, at first proclaiming that he teaches *euboulia*, how to manage a household, and how to become most powerful (*dunotatos*) in public affairs. He in turn agrees with Socrates that he teaches *politike techne*, which in turn becomes *politike arete* (324a), then *arete* of a man simply (325a). Cf. Nussbaum 2001, p. 103.

<sup>117</sup> The contradiction implied in an innate theory of citizen virtue and a theory of virtue produced by teaching is noted by many scholars, including Taylor 1991, pp.81-82, and Strauss 1965, no.15. Strauss calls the myth "inept" because it does not justify Protagoras' own teaching.

unique ability to enrapture his audience with amazing feats of rhetoric. This realization from the dramatic aspect of the dialogue can help us understand how it relates to the content of his speech which ignores the ability he has in giving it.

To begin with, let us separate what Protagoras says about what he teaches, from what he displays. Protagoras, at 318e5-319a2, says:

τὸ δὲ μάθημά ἐστιν εὐβουλία περὶ τῶν οἰκείων, ὅπως ἄν  
ἄριστα τὴν αὐτοῦ οἰκίαν διοικοῖ, καὶ περὶ τῶν τῆς πόλεως,  
ὅπως τὰ τῆς πόλεως δυνατώτατος ἄν εἴη καὶ πράττειν καὶ  
λέγειν.

The unique art that Protagoras teaches he calls *euboulia*, but he does not go on to specify by what specific method one can achieve the state of being *dunotatos*, only that his teaching contributes to this end. However, if we take clues from Protagoras' behavior in the early section of the dialogue, along with subtleties within the "logos" speech, it is clear that Protagoras is *performing* the art he teaches and that his performance agrees with his earlier hints. One hint is given to Socrates and Hippocrates soon after they first approach him. When Protagoras asks Socrates if he would like to talk to him in private or in front of the others, Socrates immediately expresses his ambivalence at either prospect, but says for Protagoras to decide after hearing why they have come. After Socrates explains that Hippocrates is interested in *politics*, Protagoras launches on an epideictic speech explaining the necessity for speaking out in the open. He prudently speaks of the distrust that sophists traditionally inspire (echoing Socrates' warning at 312a5), and claims that the fault of the older sophists was that they failed to conceal their teaching and thus drew the

ire of the political leaders.<sup>118</sup> In suggesting that he speak in front of everyone, Protagoras uses the term *enantion*, which must here be translated ‘in front of’.<sup>119</sup> Instead of orienting himself toward the individual soul of Hippocrates, as Socrates emphasizes in the mini dialogue earlier, he keeps his sophistry out in the open by aiming his speech at all present, and not any one soul in particular.<sup>120</sup> By indicating his orientation with respect to all listeners Protagoras suggests that this position is best suited for discussing political subjects and is preeminent among the sophists gathered there.<sup>121</sup>

Beyond these suggestive statements to Socrates and Hippocrates, the orphic effect of Protagoras on his students is noted by Socrates upon entering Callias’ house, and even Socrates himself describes being enchanted by Protagoras (κεκηλημένος, 328d4).<sup>122</sup> These dramatic details serve to point out Protagoras’ uniqueness, which leads us to think

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<sup>118</sup> Protagoras claims that their various ‘*proschemata*’ did not achieve their purpose, which was to conceal their teachings from those in power; the answer could be to use the government itself as a *proschema*. In addition to this programmatic statement, Protagoras flippantly dismisses the masses as singing whatever tune is brought before them (317a4-6). While Protagoras doesn’t call political oratory a *proschema*, my argument will be that it functions as his version. See Adkins 1973, p.12. Adkins notes that Plato ironically has Protagoras doing what he claims he will not do. Yet this is only ironical to the reader, Hippocrates, and Socrates, since Protagoras still hasn’t begun speaking in front of everyone yet.

<sup>119</sup> ἀπάντων ἐναντίον τῶν ἔνδον ὄντων τὸν λόγον ποιεῖσθαι, 317c5.

<sup>120</sup> Cf. Griswold 1999, p. 292, who states: “I would infer that Protagoras speaks without looking into the eyes of his students, declaims without questioning, and voices his views without demanding that his students hold him accountable for them through questioning. His students are eager and yet passive consumers...” and Idem, p.293, n. 26: “it is inconceivable that he would take the kind of interest in Hippocrates that Socrates does.”

<sup>121</sup> Note Hippias and Prodicus are in separate rooms, but they are discussing narrower scientific subjects. This reflexivity of Protagorean rhetoric is the true architectonic nature of Protagoras’ skill, since his subject matter includes all aspects of knowledge underneath its aegis. Cf. Halper 2004, p. 47 on the significance of this point.

<sup>122</sup> Whether or not Socrates is saying this ironically, Protagoras’ enchanting effect is clear enough on the rest of the audience.

of the possession of an outstanding ability such as making beneficial things seem just to a city. If as Adkins suggests, the desire to be gain political power is the typical desire among prominent classes, when Socrates says Hippocrates desires to be *ellogimos* in the city, this would entail the acquisition of political power.<sup>123</sup> The idea of power as the virtue that the sophist can teach does not sufficiently show how this power is beneficial to the people who are subjected to it. The use of power for personal benefit over the benefit conferred onto the people would seem to suggest that power itself is intrinsically desirable beyond its effects on others. Indeed, when Protagoras says that he prefers to speak in front of a collected audience, he describes his choice as being what is sweetest to him (*polu moi hediston estin*), and in the selection of a Myth over a *logos*, Protagoras says that it is *chariesteron* for him to deliver a myth. As Protagoras has maintained, his sophistry must remain in the open in order to avoid those who are in power in the city (317b). Thus an appropriate speech which avoids those who are in power in Athens would attempt to demonstrate the virtue of rule by the people while linking Protagoras' own activity with popular rule. In fact, this is exactly what he does.

Protagoras' Myth instantiates the relativistic principles seen in the *Theaetetus* that "whatever seems just to a city is just," by making justice consist in the agreement that allows cities to exist, without specifying what this agreement entails for the structure of the government. Protagoras' rhetorical mastery betrays the essential further component of wisdom which could determine how the agreement should best be embodied in a consti-

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<sup>123</sup> Adkins 1973, p.10, points out that the traditional understanding of this "success," among the *agathoi* was political power, citing *Meno* 73d, where Meno describes virtue: "What else but the rule over people, if you are seeking a description to fit them all." (Cooper 1997)

tution.<sup>124</sup> Protagoras' attention to form without concern for content is shown by his attempt to give an *aitia* (323a4) of how cities came to be formed wherein men could live together peaceably, since in ancient times they were unjust to one another and were wiping each other out. In response to the prospect of mankind being utterly demolished from the earth Zeus describes the possession of *aidos* and *dike* as the *sine qua non* of the existence of cities. Thus a fundamental part of being a citizen of a city is to possess these virtues—and these virtues are what enables man to stay alive by agreeing to live together. Thus whatever particular constitutional structures that exist which preserve life in cities agree with these principles—leaving virtue itself contentless.<sup>125</sup> Protagoras did not say that the cities would be democratic, but by emphasizing Zeus' command to distribute *aidos* and *dike* to all, Protagoras subtly is implying the propriety of Athenian democratic *isegoria*.<sup>126</sup> Further, as his rhetorical prowess shows, a universal political virtue is nothing more than a construct divorced from the actual functioning of cities.

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<sup>124</sup> However even the valuing of rhetoric is relative to whatever gains praise and acceptance amongst Greeks—thus it is Protagoras' ability to give pleasurable speeches and win arguments, not arrive at truth, which makes his name famous and allows him to travel from city to city and make money. (335a5)

<sup>125</sup> We may note the distinction between cities that are well governed such as Sparta and Crete, yet which do not thereby achieve the good life in Socrates' terms. Whether the people are merely surviving or living the good life is another question. This is what is most important for Socrates; the structure of the city must be aligned with what is actually good and not contingent upon whatever beliefs are already in place. The rhetorician can ensure survival by creating a consensus; but because he gains power through his political art, this is privileged over the dialectical art, which pursues not consensus but whatever the *logos* provides as true.

<sup>126</sup> Protagoras lumps the Athenians in with all cities at 322d6: οἱ τε ἄλλοι καὶ Ἀθηναῖοι. Under this construction all cities allow their citizens to give advice on political excellence. It is not clear that this involves the *isegoria* of the Assembly, but this is surely implied. This vagueness suits Protagoras' next step which is to refer teaching to the following of prescribed teachings and laws, an externalization of virtue.

By defending democratic *isegoria* while in Athens, Protagoras is ingratiating himself to the element that has the power in Athens, the *demos*.<sup>127</sup> Yet Protagoras' political theory in the Great Speech is amenable to several theories of government, and his open exposition does not privilege any specific group.<sup>128</sup> Because Protagoras claims that all men consider virtue to be teachable and especially the Athenians, it may be understood as a universal aspect of Protagoras' teaching that in every state there is always *some* custom that is agreed to which stems objectively from *aidos and dike* (or *sophrosune* and *dikaio-sune*), and thus the conditions for having a state rest on an absolute standard, thereby avoiding relativism.<sup>129</sup> But this absolute standard only consists in the base agreement for forming determinate systems of law that prescribe specific ways of acting. You can have two very different constitutions in different countries that both proceed from *aidos* and *dike*. You cannot have a city without the citizens being unified in agreement to law, but the specific character of the laws is conveniently left out in Protagoras' theory.<sup>130</sup> That Protagoras recognizes the difference between the description of a community and decid-

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<sup>127</sup> It is possible many other students similar to Hippocrates have shown up—there is raucous applause at many points, seemingly not from the intellectuals present.

<sup>128</sup> What Adkins calls a '*captatio benevolentiae*'; the speech is pleasing to the masses, and its hidden argument, the power of rhetoric, is pleasing to those who seek power. Cf. Griswold 1999, p.299 n.46: "That some interpreters have seen him as a benevolent democratic humanist is a tribute to his genius for persuasive self-presentation."

<sup>129</sup> See Taylor, p.101. Rowett 2013, p. 199, sees this as compatible with relativism: "Claiming that community living is impossible without *aidos* and *dike* is quite compatible with taking moral values to be relative, subjective, or indeed constructed."

<sup>130</sup> Notice that Zeus considers *aidos* and *dike* necessary for there to be order (*kosmoi*) and bonds of friendship (*desmoi philias*), 322c2-3. This keeps how the order gets specifically implemented appropriately vague. In the context of the Athenian Assembly laws could be passed which contravened previous laws; thus Protagoras' formal theory of government mirrors the formal nature of Athenian democracy from which major changes could occur at different points in its history.



ing on community policy betrays a crucial difference: To agree to enter into a discussion about future policy decisions implies that a community has already been constituted——yet if political excellence is exhausted by the existence of such a community, decisions about policy do not seem to require privileging everyone’s opinion, since policy is not determining the existence or non-existence of the state, but rather what is the best course of action for the function of such a city. By essentially ascribing to all citizens the ability to determine the normative content of the laws, Protagoras suppresses the criterion of the good from being an object of knowledge from which the lawgiver proceeds, in favor of historical existence of written law.<sup>131</sup> As we will see later, this assumption of a function for the city beyond a necessary agreement is provided for in the *Republic*.

Next, I want to show that in Protagoras’ explanation of how his Myth is compatible with the teachability of virtue, Protagoras employs relativist arguments about the power of law to create virtue.<sup>132</sup> This involves a similar universalist account of teaching, and the aligning of Athenian practice within this same relativist framework. He appeals to virtue achieved by willful thought and not by nature, and to the practice of rational punishment to show that all men think political virtue teachable (324a3-b2). This nests

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<sup>131</sup> We may note that Zeus creates the first *nomos* for cities, that of not being able to learn how to be lawful itself. This corresponds to the speech of the Laws in the *Crito* which claims that not following whatever the law prescribes is tantamount to destroying the foundations of the city. Socrates is put to death, then, by the many in a way that seems to align with Zeus’ Law. Yet once anyone reflects on why any law is valid, requiring justification of the oldest law becomes possible; but this also requires a commitment to philosophy beyond following law.

<sup>132</sup> Protagoras introduces the ‘logos’ at 324d7, although technically the myth ended at 322d5. The gap from 322d5-324d7, then may be seen as an interpretation of the myth, particularly to argue that political arete comes about not by nature (323c5) but through discipline, teaching and care. It is clear that this section incorporates argument (324c3-4, *kata touton ton logon*), although it is prior to the “official” logos section.

Athens along with all civilized men, without regard for specific constitutions.<sup>133</sup> Protagoras in this section adds to political *arete* a conception of piety to go with *dikaiosune* and *sophrosune* (323e3). Further he attempts to show that *arete* can be taught since punishment occurs only when something which has been taught or has arisen from voluntary concern does not result in action in conformity with political *arete*. These actions are the opposite of political *arete* (324a), which presumably are committed after living in a community and understanding the rules, but choosing voluntarily to break them. Since the wrong has occurred after one has learned what is right, the wrong action must have not proceeded from the knowledge of virtue. So Protagoras' view of political virtue does not amount to a mere knowledge of the laws, since knowledge of the laws, which requires education in justice, piety, and temperance, does not automatically result in right action, but rather, virtue amounts to simply following law. Punishment then must consist not in teaching virtue, since virtue must first be understood in order to voluntarily disobey what is prescribed, but in creating a deterrence (*ἀποτροπῆς γούν ἕνεκα κολάζει* 324b6).<sup>134</sup> Again, Protagoras claims that the compulsion of the city is productive of virtue (327d), but with no definite criterion as to what constitutes something successful, good or

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<sup>133</sup> "...everyone chastises and punishes those whom they think guilty of wrongdoing, not least your fellow citizens, the Athenians; so according to this argument the Athenians are among those who think that excellence can be trained and thought." (324c) Taylor 1991 trans.

<sup>134</sup> Protagoras later will admit the sovereignty of knowledge in action, thus proving that his outline of virtue does not seek to instill knowledge but habituation through threats that appeal to care for things other than the individual soul. Cf. *Prt.* 352c-d: 'Now are you of a similar opinion [that knowledge gets dragged about like a slave] about knowledge, or do you think that it is something fine and such as to rule man, and that if someone knows what is good and bad, he would never be conquered by anything so as to do other than what knowledge bids him? In fact, that intelligence is a sufficient safeguard for man?' 'My opinion is indeed as you say, Socrates,' he replied, 'and moreover it would be an especial disgrace to me of all people not to maintain that wisdom and knowledge is the mightiest of human things.'

praiseworthy other than survival in a city which leaves each city structure relative.<sup>135</sup> This may seem to denigrate Athenian democracy, but it also has the effect of justifying its form, by basically saying that it realizes the appropriately civilized virtue that necessarily inhabit cities.<sup>136</sup> Here again we notice that Protagoras is supplying the Athenians with a new way of thinking which effectively places the community at the heart of virtue, without reference to a transcendent source of value, and aligns well with “man is the measure” theory.

I would like to comment further on the historical relativism involved in ascribing virtue to the application of law and education.<sup>137</sup> In the “official” logos section in which Protagoras gives a fuller account of education and law, Protagoras makes the rule of law analogous to the teaching of schoolmasters who have their students trace the outlines of letters, and the virtue of citizens depend on the existence of written law. Further, he subtly assumes the authority of ancient lawgivers without explaining how they constructed their laws.<sup>138</sup> He asserts that the city compels to rule and be ruled according to laws written beforehand, on analogy with grammar teachers (326d5ff.) and cites the practice of *eu-*

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<sup>135</sup> See Rowett 2013, p.194.

<sup>136</sup> See Nicholson 1986 and Rosen 1994 who pay special attention to whether Protagoras’ speech is a justification of democracy. Rosen is a good review of the literature up to that point.

<sup>137</sup> See Taylor 1991, p. 95.

<sup>138</sup> *Prt.* 326d5-6: ὥς δὲ καὶ ἡ πόλις νόμους ὑπογράψασα, ἀγαθῶν καὶ παλαιῶν νομοθετῶν εὐρήματα, κατὰ τοῦτους ἀναγκάζει καὶ ἄρχειν καὶ ἄρχεσθαι. If Zeus’ historical gift of *aidos* and *dike* is supposed to account for this historical moment, it would still not account for the variety of constitutions within Greece. In addition *euremata* implies that the lawgivers discovered the law after a process of inquiry. Cf. *Statesman* 300c-d; Samaras 2002, ch.10.

*thune* to emphasize the rule of law.<sup>139</sup> Behind this vague commendation of public institutions is the reality of public orators who are prominent in these institutions.<sup>140</sup> If it was necessary for the lawgiver to possess virtue in order to prescribe the proper laws, he must have achieved this virtue by means of a similar law, and so on to an infinite regress. But since Protagoras has assigned the possession of virtue to a determinate point in the history of man, he implies that at some point the principles of society must have been constructed. Nor is the ethical teaching of parents separate from the guiding authority of the given structure of the community: the goal of the parents is not to confer autonomy on the child, but to condition him to accept the customs of the state, presumably out of fear of being executed or sent into exile.<sup>141</sup> The truth of justice and the good is assumed from the outset by making students imitate the lives of poets who are trusted to be good (326a).

It is now possible to discover that there is a scale that Protagoras is employing in regards to virtue: passive acceptance of social customs and laws, active dissent (non-human), and, as it turns out, a higher level, the political orator.<sup>142</sup> Protagoras is able to teach and get paid for his services, but his political virtue cannot be the same as the passive re-

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<sup>139</sup> *Euthune* is again another practice not exclusive to Athens. Cf. 325d: Private education is similarly seen to be a straightening out through an external relation to the child, that is by threats, and physical beatings if it does not voluntarily obey the commands of the parents.

<sup>140</sup> This point relates back to the claims to authority in the Speech of the Laws in the *Crito*; the comment by Socrates that many things could be said in behalf of their absolute authority by orators (*Cr.* 50b) illustrates the reflexivity of the orator's power to determine a passive audience's belief about political structure. Also the persuade or obey indicates the power of oratory (*Cr.* 52a).

<sup>141</sup> *Prt.* 325b5. Cf. *Cr.* 48a-b.

<sup>142</sup> Protagoras relates ruling to the constitutional standard set by ancient lawgivers; but importantly, in a democracy, the power of oratory can make an action appear lawful to an uneducated crowd.

cipients of the particular customs and laws of a state.<sup>143</sup> Because this involves the use of rhetoric, Protagoras' scale of citizen virtue does not allow for a mere variability in degrees of political virtue, but a qualitative difference.<sup>144</sup> The scale is faulty because Protagoras creates the scale. Protagoras has caused the audience to think of themselves in a certain way. He gives those listening a way to conceive themselves in relation to the form of government in which they are a part.<sup>145</sup> So long as Protagoras changes how his audience perceive themselves, what they think is just or good may be altered from a previous understanding.<sup>146</sup> Yet the activity of providing a theory is not something that merely reflects Athenian practice, but, as Nussbaum points out, makes their connections to their social structures more clearly defined and organized.<sup>147</sup> Protagoras' activity of publicly aligning his specific activity within democratic practice is in fact the art he practices; it is not the content of the theory that he expounds, but the *ability* to unify others under it.

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<sup>143</sup> See also 329e5, where Protagoras asserts that one can be just but not wise. The possibility that there is a higher authority who can judge better than the ordinary citizen would overturn Protagoras' claim that all men possess justice, and so all are equally qualified to advise on policy matters. Judging, however, may not be what separates the man with knowledge for Protagoras, but rather the ability to bring about judgments that are in agreement. This activity is active, rather than passive.

<sup>144</sup> See 328b on Protagoras' higher "degree" of virtue.

<sup>145</sup> The way the average Athenian considers law and democracy, although it may not be explicitly theorized by any one contemporary, is provided for to a degree in the speech of Protagoras. On the lack of a positive argument for Athenian democracy in the surviving sources, see Ober 1998, p.30. The point is that Athenian democracy is accounted for by Protagoras, yet his speech is relative to other forms of government. See Nicholson 1986, and Finley 1973 quoted in Rosen 1993, p. 13: "The Greeks themselves did not develop a theory of democracy. There were notions, maxims, generalities, but these do not add up to a systematic theory...One exception, possibly the only one, was...Protagoras." Cf. Wood and Wood 1978, p.129: "Protagoras' long speech, the so-called Myth and Apology, is the most systematic expression available to us of what might be called the political theory of Greek democracy."

<sup>146</sup> Halper 2004, p.48.

<sup>147</sup> Nussbaum 1986, p.104. See Rosen 1994 on providing a democratic theory where there is no clear one already.

What may be considered bad, before Protagoras has spoken, may be considered good afterward. This is the hidden problem behind describing institutions as the bodies that compel men to care for virtue. Because Protagoras has control over the categories in which his words are defined, his art of teaching appears to fall into the overall category of democratic virtue which is implied in the Myth section. This clearly demonstrates Protagoras' ability to change the objects of what seems just to a state by altering the theoretical framework in which they conceive justice itself.<sup>148</sup> Far from giving his listeners a *techne* which only enhances their understanding of their own social relations, Protagoras' utilizes the *techne* of rhetoric which he alone employs, to unilaterally define his art in false categories.<sup>149</sup> The ability to ingratiate oneself to a mindset already formed may not seem to agree with the *Tht.* 167c, which says that the politician also is able to change the objects, not simply align oneself with previous perceptions;<sup>150</sup> yet it is clear that Protagoras has concocted a theory that incorporates rhetorical mastery into a single continuum of virtue, and thus emphasizes that trust be placed in orators like Pericles who give patriotic speeches. Socrates himself immediately categorizes Protagoras' speech as similar to one

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<sup>148</sup> The ability to create virtue as opposed to discovering it demonstrates Protagoras' manipulation of belief in opposition to Socrates' concept of dialectic; this ability also detaches Protagoras from any commitment to one city. Cf. Griswold 1999, p. 299, n.46: "Protagoras' detachment is embodied in the fact that he floats from city to city, as market conditions, prudence, and inclination recommend, selling his teachings to those wealthy enough to afford them...He is not rooted in any one tradition or set of conventional moral ideals. His apparent cosmopolitanism comes to the same as his detachment from standing moral ideals."

<sup>149</sup> Cf. *Phdr.* 260d: "And so, when a rhetorician who does not know good from bad addresses a city which knows no better and attempts to sway it, not praising a miserable donkey as if it were a horse, but bad as if it were good, and, having studied what the people believe, persuades them to do something bad instead of good—with that as its seed, what sort of crop do you think rhetoric can harvest?" Cf. Euripides *Supp.* 417-18.

<sup>150</sup> See Kerferd 1953 for a critique along these lines.

that could be heard from Pericles (329a), and uses the terms *rhetoires* and *demegoron* in describing his speech.<sup>151</sup> The epideictic speech is compared to a book, and later the disdain of conversation oriented around a dead poet's writings demonstrates Socrates emphasis on subjective activity in conversation (347cff.). The ability to introduce virtues such as *aidos* and *dike* in the Myth, and then subsequently add piety and later wisdom to the list without giving an account of their relative importance characterizes Protagoras' speech more as confusing relations between ideas than clarifying them.<sup>152</sup> This is the opposite of the goal of dialectic as stated in the *Theaetetus* (154e), and so Protagoras displays the opposite of Socratic practice.<sup>153</sup>

### III. The Unity of Virtues and the Good

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<sup>151</sup> This connects Protagoras with the idea of a "led democracy." See Morrison 1941 for Protagoras' connection to Pericles. This is not, however, a defense for that sort of democracy, but rather the implications of his rhetorical skill is that it can be exercised in a democracy. The connection to Pericles is hinted at throughout the dialogue directly and indirectly; perhaps not incidentally, Protagoras' claim to teach one how to become *dunotatos* in word and action is paralleled by Thucydides' description of Pericles at Thuc. 1.139.20-22: Περικλῆς ὁ Ξανθίππου, ἀνὴρ κατ' ἐκείνον τὸν χρόνον πρῶτος Ἀθηναίων, λέγειν τε καὶ πράσσειν δυνατώτατος. Cf. *Ap.* 32a4-5. Again, It is *political* oration which sets Protagoras apart from other sophists.

<sup>152</sup> Adkins 1973 p.10: "[Protagoras] simply uses the demonstrable necessity of αἰδώς and δίκη, coupled with the ambiguities and vagueness of ἀρετή and τέχνη, to create in his hearers' minds the notion that they all have πολιτικὴ ἀρετὴ or τέχνη with all the implications of those terms." See Nussbaum 1986, p.448, n. 38, for a critique of Adkins view. Nussbaum refers to Aristotle's view that there is room for societal inculcation and expert teachers. Perhaps Nussbaum ignores the distinction Aristotle makes between *phronesis* and *sunesis*. Those who have *phronesis* are the ones who rule and those with *sunesis* are those who judge accurately while someone else is speaking (*NE* VI.10; Cf. *Pol.* III.4.1277b28-29: ἀρχομένου δέ γε οὐκ ἔστιν ἀρετὴ φρόνησις, ἀλλὰ δόξα ἀληθῆς·). This sense of judge in my interpretation is merely to make the logical connection between premises that are presented while others are talking. Thus if the speaker employs deceitful premises, the audience may validly infer a result, but the ability to know why the result is the best choice among other results would be to possess *phronesis*. Interestingly, Prodicus introduces the idea of a critical audience later in the *Protagoras* (337aff.), but this ability to listen impartially and give praise to the better seems to be possible for the elite sophists who are gathered around and not the many students who shout out at various points (334c6, 339d10).

<sup>153</sup> "But since, as things are, we're ordinary people, we'll want first of all to inspect our thoughts themselves, in relation to one another, to see what, exactly, they are, and whether we find they harmonize with one another or absolutely fail to do so." McDowell 1973 trans.

Socrates forces Protagoras into dialectic after his Great Speech, a situation in which the performance of both parties is related equally to the *logos*, rather than there being one person ‘*enantion*,’ and thus attempts to resist the harm that could have infected his soul without testing the details of the speech.<sup>154</sup> Socrates realizes that it is not so much the content of the *epideixis* that matters, but the form in which it is embedded that can infect the passive soul of Hippocrates. As Edward Halper notes, for Socrates to respond to Protagoras’ display with a speech would be to endorse the sort of discourse that occurs in the Assembly, and hence validate the centrality of persuasive speech in political discourse.<sup>155</sup> In what follows, I want to show how Socrates’ dialectic maneuvering reveals the need for virtue to be unified in a conception of the good which can provide for a universal purpose of the city.

If we add up the virtues that Protagoras locates as distinctively political within his Great Speech, we have three virtues: piety, temperance and justice.<sup>156</sup> If the other citizens can acquire other virtues without possessing wisdom, then the virtue of a citizen does not

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<sup>154</sup> Halper 2004, p. 50. Protagoras may be one of a select few of Socrates’ interlocutors who could be said to be on the same intellectual level as he is.

<sup>155</sup> Halper 2004, p. 50. Halper notes that neither character’s conception of what is good prevails, although there is needed a unity of belief if there is to be a unified state. Because he sticks to dialectic, Socrates implicitly denies the ability of political speeches to give an account of virtue.

<sup>156</sup> Interestingly, the first two virtues that Protagoras describes, *adios* and *dike*, relate to what Socrates invokes in relation to the Athenian jury and *Crito*. Both focus on the shame that goes with others’ opinion, as well as the importance of following law, or abiding by just agreements. In these cases the principles of activity are conceived of as stemming from an agreement to an external structure existing outside one’s own judgment. Similarly, for Protagoras, Shame and Justice are conceived of as relating oneself to the laws and paying attention to reputation.



necessarily involve the most important one, wisdom.<sup>157</sup> Protagoras, by admitting the importance of wisdom, sets his art apart from the other virtues which he does not think are unified, since he agrees that virtues are distinct from one another like the parts of a face (329e4-330a2).<sup>158</sup> Thus his admission of the importance of wisdom shows that unity does not rely only on a single universal political *arete* of all citizens, but rather his unique ability to unite them through his one over-arching virtue——political rhetoric or wisdom.<sup>159</sup> As Protagoras shows, his wisdom is able to construct a theory of virtue by which people can conveniently live by. If the other citizens can acquire other virtues without possessing wisdom, then the virtue of a citizen does not necessarily involve wisdom. Thus wisdom in a sense rules over the other virtues by being able to define them. But if the community is united through wisdom, what is the object of wisdom itself? If it is merely the power to determine agreement, which may be beneficial with respect to surviving, it still may preclude the public from being able to reach the highest virtue of wisdom itself. But if wisdom is merely orienting itself toward given opinion, then wisdom will always be relative to what presents itself. So what does this wisdom amount to? In the passage from the *Theaetetus* mentioned earlier, Protagoras claims to “make beneficial things seem to be just.” If this is the power of Protagoras’ wisdom, the question is, if wisdom is distinct from citizen virtues, are the beneficial things beneficial to the one with wisdom or to the

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<sup>157</sup> Outside of characterizing Hephaestus’ art as *sophos*, Protagoras ignores this virtue; Cf. Grube 1933, p. 204 n.5.

<sup>158</sup> *Prt.* 330a1

<sup>159</sup> Cf. Grube 1933, p. 204 n. 3.

whole community? If there are two or more sophists who have different standards of what is beneficial to man, then creating a unity will be dependent on whose particular benefit wins out, making communities like Athens dependent on agreement susceptible to swings in orientation and policy, depending on who captures the common opinion of the people.<sup>160</sup> Here, I think is where Socrates' and Protagoras' critique of the many coalesce in agreement. Yet while Protagoras' art *creates* belief, Socrates seeks to *discover* a criterion for action through dialectic. The former can work within democratic institutions such as the Assembly, while Socrates' method can only appeal to certain people who have the capacity, like Protagoras, and dialectic doesn't pretend to be a part of political activity.

When Socrates inquires into the Unity of the Virtues, he is attempting to steer Protagoras toward a conception of unity that does not depend on the wisdom of any particular man. Socrates asks Protagoras if justice is a *pragma* (330c1). By discussing the virtues abstractly, he implies that their being is discovered by inquiring into what they are apart from any instantiation in a concrete particular. If discovering what the virtues are involves the activity of the mind, knowing the virtues would amount to having knowledge.<sup>161</sup> But seeking virtue as something existent in a form beyond particulars is just the Socratic pursuit of philosophy. This emphasizes the difference between dialectic and rhetoric that constitutes the opposition in this dialogue. The opposition is character-

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<sup>160</sup> On consensus in democracy, see Ober 1989, pp.295ff.

<sup>161</sup> For a more complete discussion of the Unity of the Virtues see Vlastos, and Penner

ized in Protagoras' terms by Socrates at the end of the dialogue when he says he likes Prometheus better than Epimetheus in the story (361c-d). Epimetheus could represent what Protagoras has done with his rhetoric; he has not allowed the listeners to produce their own thought about virtue, but caused them to appeal to a given standard outside their own reflection. Thus, by taking up and conforming to written law and particularity Protagoras' education appeals to after thought. By linking his own inquiry with Prometheus, Socrates suggests that through mutual inquiry, the criterion for right action can be discovered through thought itself beyond particularity.

We can see that Socrates wants to know how wisdom can achieve the good. At 333dff., when Socrates attempts to ask if what is good is useful for mortals, Protagoras answers peculiarly: he answers that it is, but he can also call things good even if not useful for mortals. By sticking to a principle of the variability of the good for different people, Protagoras makes it possible that what is beneficial for the political orator may not extend to everyone in the state.<sup>162</sup> Protagoras' art is not concerned with the well being of the state as a whole but on achieving private ends through public means. This is strengthened by what Protagoras says about the just and wicked man at 327c4-d4.<sup>163</sup> By suggesting that a man who possessed education, law courts and compulsion (*anagke*) would "weep with longing for the wickedness of men here" (327d7), and connecting these insti-

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<sup>162</sup> This is brought out also in Protagoras' refusal to admit the unity of the virtues. See Nussbaum 1986, p. 105, on the latent tragedy of this admission.

<sup>163</sup> You must realize that even the wickedest man who has been brought up in a society governed by laws is a just man, an expert in this sphere, if you were to compare him with men without education, or courts or laws, or any coercion at all to force them to be good; they would be savages like those in the poet Pherecrates' play at last year's Lenaea. Taylor trans. ] Cf. pretending to be just as necessary to be among men, and Thrasymachus' idea of justice in the Republic.

tutions with the characters Eurybatus and Phrynondas, paradigmatic malcontents and swindlers, Protagoras suggests that these hucksters possess the virtue of citizens by merely being subject to public coercion.<sup>164</sup> Since Protagoras makes it a feature of society for those to be considered just who only fake that they are just (323b), the avoidance of being caught preserves one's status as an expert in justice.

We see Socrates steering Protagoras toward the question of wisdom and injustice by questioning whether wisdom can be extended to to pursue unjust activities. Since what seems just is just to the citizens, according to Protagoras, Socrates seems to be asking whether an act that actually is unjust can be considered good insofar as it involves wisdom. If it is successful as an unjust act, then it seems that the action was in some sense good. Yet if the action was unjust and good, it appears that wisdom can simultaneously be in service of what is good while what is not good to others. Thus wisdom would not be connected to a unified principle of what is good, but rather, the good of the individual would determine how wisdom is deployed. Because the public orator can constitute a community of opinion through his rhetoric, the good which he pursues must be universal if it is to provide for well-being of all. Protagoras neatly avoids the conclusion of this line of thought, and gives a quick, well received epideixis on the variability of the good. Interestingly later Protagoras is “shamed” into doing dialectic with Socrates by Alcibiades

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<sup>164</sup> For the multiple sources in which these figures of Greek popular culture show up, see Denyer 2008 *ad* 327d3. These swindlers are importantly Attic figures, not specifically Athenian. So when Protagoras says the men here, he could mean Greece in general, which leaves the specific determination of constitutions relative.

and everyone else there.<sup>165</sup> It appears that this is what Socrates referred to at the beginning of the dialogue when he says that Alcibiades said many things on his behalf, and it is Alcibiades' forceful opinion that leads to Protagoras agreeing to join Socrates in debate.<sup>166</sup> Here we see the power of intellectuals who are assembled to determine the course of thought—if I am right, it is the many who have shouted approval over and over throughout the dialogue whenever Protagoras completes a piece of rhetoric, but here the intellectuals are Protagoras' main audience. If acting justly is seeking what is good for all men in one's actions, then one must inquire into the nature of the good. To do this jointly as the grounding principle of communal construction would require the infusion of a constitution with a place for philosophical thought. The transference of the results of this inquiry for the advantage of all men would seemingly require the very constitution itself to be established as a consequence of the fruits of philosophy. We see this attempted in the *Republic*, which also brings up the question of commitment to a particular democratic polity such as we have seen Socrates demonstrate in the *Apology*.

The foregoing can be related to our discussion in the *Apology* and *Crito* by examining how Socrates' method differs from Protagoras'. For one, Socrates' analogies and metaphors to the jury firmly established that the source of value was ontologically separate from the reality of the states' construction at any given time. In the *Crito*, too, Socrates lays out what he thinks is the objectively valid source of value, i.e., what the lo-

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<sup>165</sup> Cf. Halper 2004 who thinks that this implies the ability of a community to create a unity through their own desires and needs

<sup>166</sup> We may note that Alcibiades hushes Hippias when he attempts to give his own interpretation of the Simonides poem. (347b)

gos determines, before departing from this course to offer a second best guide for life in the form of the speech of the Laws. Thus while Socrates gives one a clear indication of the path to virtue, he does not hesitate to alter his presentation for his interlocutors. Yet the goal is always the transformation of the particular by reference to a universal standard. In the speech of Protagoras, as we shall see, his rhetoric does not establish the value of wisdom itself, beyond particular customs, but rather locates value in customs and legal constructs, without reference to a transcendent source of value. The fact that Protagoras' activity betrays the fact that he *does* value wisdom, shows that Protagoras has less care for the particular than Socrates.<sup>167</sup> Hence, ironically, Protagoras' explicit focus on the particulars while showing how they can be manipulated by rhetoric points to the importance of discovering the universal which can unify them. Thus Socrates' metaphysical inquiry into the Unity of the Virtues should not be taken as a complete diversion from Protagoras' political speech, but an attempt to ground political values in a transcendent reality.

### **V. Conclusion: Dialectic, Rhetoric and Unity**

While Protagorean rhetoric is not tied to the good of the citizens necessarily, it shares with Socrates' dialectic the ability to remove oneself from the standpoint of cultural dogma.<sup>168</sup> Because both Protagoras and Socrates can operate outside the standpoint of positive law, they realize that what determines how a state is unified is the ability to cre-

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<sup>167</sup> As Griswold 1999, p. [ ] notes, it is ironic that Protagoras' social theory of virtue excludes care for the individual soul, since it makes teaching external to self in commodity form, while Socrates, in seeking to discover the truth of a thesis takes interest in individual souls in the process of dialectic.

<sup>168</sup> Cf. Halper

ate a unity of belief, a skill not learned from positive law itself.<sup>169</sup> Additionally, like Protagoras' rhetoric, Socrates' dialectic is also only accessible to the most pregnant of Athenians.<sup>170</sup> So both methodologies are competing for the principle toward which the positive law is to be directed. With dialectic there is no guarantee of a link between its search for objectivity and the unity of the state, since the properties of dialectic do not extend across disparate communities. At the same time, because Socrates takes as the object of dialectic objective insight into virtue and the human good, his project offers the people something which, if the knowledge could be passed on, would be of their greatest benefit. Because inquiry itself cannot produce universal consent, seeking after the good or virtue in order to translate itself to a positive order must be linked somehow to something that *can* produce consent. If philosophy could be linked to the whole by means of rhetoric and the law, it would demand a segmenting of society between those who do philosophy and those who do not. But instead of producing a set of beliefs which is beneficial for a plurality of ends, the philosophical state would produce beliefs that congrue in a unified end, and by including the many in the philosophical form of the whole, the many could participate in this endeavor by preserving and contributing to the maintenance of philosophy. While this conclusion is not explicit in Plato's text, I think that the shortfalls of both of

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<sup>169</sup> Cite Halper

<sup>170</sup> Socrates praises Protagoras as someone who "can not only give splendid long speeches, as he has shown here, but he can also answer questions briefly, and when he asks one himself he waits and listens to the answer, which is *a gift that few possess*." (329b1-5) Cf. *Thi.* 150d, where Soc. remarks that those who associate with him, *if God allows it*, progress, and at 151b, he says that many who are not pregnant he sends away to Prodicus. By setting a natural threshold for engaging in dialectic, Socrates effectively limits those who are capable of reaching an objective understanding of justice by means of a *logos* to a talented few.

the main characters point towards this synthesis of dialectic and rhetoric. This is possible because of the presentation of different opposing positions, and the encouragement of a dialectical inquiry on the part of the reader. I suggest that Plato integrates these oppositions in certain ways in the *Republic*, and the next chapter will look to see how Plato conceived of rhetoric and dialectic interacting in a way which is not opposed but linked together. As a result, however, we will see how the presentation of opposing opinions, and the attempts at conversation seen in the *Protagoras* will characterize the one constitution which may be most conducive to the existence of philosophy.



## Chapter 3

### The *Republic* and Democracy

#### I. Introduction

This chapter will attempt to show how some of the central images of the *Republic* in Books V-VII relate to the political philosophy of Socrates seen in the early dialogues dealt with thus far. First, I want to investigate how the depiction of the sophist's connection to necessity (493c) relates to Protagoras' misconstrual of a necessary agreement as constituting human virtue, and then how the images of the Line and the Cave demonstrates how Socrates' relation to the city in the *Apology* and *Crito* is grounded in the relation between particular and universal. In addition, I will investigate whether the *Republic* is an authoritarian upshot of Socrates' views in the early dialogues, or is an attempt to confirm democracy as the most fitting environment for the philosopher's quest for knowledge. The turn to the *Republic* offers us a picture of a synthesis of the opposition between legal authority and philosophy. To review: from the preceding chapters we are left with two alternatives that points toward a third: 1. Legal institutions as the source of value (Meletus in the *Apology*, the Speech of the Laws in the *Crito*, Protagoras' "Great Speech") 2. Transcendent knowledge as the source of value (Socrates in the *Apology*, *Crito* and *Protagoras*). The third option presented in the *Republic* is a synthesis of the first two in the sense that agreement to law based on opinion is necessary for the realiza-

tion knowledge (we see this in compressed form in the *Crito*). The relationship between opinion and knowledge, therefore, will be shown not to be entirely incommensurable, as may be thought by the incompatibility of Protagoras and Socrates' ethical ideals.

In Book V of the *Republic*, we get an even clearer picture of knowledge and opinion in terms of their ontological status. The type of thought oriented toward objects in the realm of becoming cannot be relegated to *doxa*, which is in between what is and what is not (*Rep. V. 477b*). Thought oriented toward what is, on the other hand, involves *episteme*. These alternatives do not have to exist in completely separate ontological realms, however, but rather Plato allows for a progression from the less real to the real as depicted in the image of the divided line (509dff.) The line contains both *doxa* and *noesis*, and the ensuing image of the Cave, which is supposed to be thought of alongside the Line (517b), also presents a continuum between opinion and knowledge. These images in the *Republic* may give us a renewed perspective on the juxtaposition of viewpoints concerning knowledge, opinion, and democracy in the *Protagoras*, and thereby a clearer picture of the more compressed presentation of these problems in the *Apology* and the *Crito*. This new perspective involves a synthesis of the two viewpoints listed above, that is to arrange a city so as to unite it in belief brought about through education and law, while connecting the belief to the good of the whole apprehended in thought.<sup>171</sup> This third way is presented in the form of Kallipolis and its education of its guardians. Since Plato concretely connects the philosopher with a legal structure held together by love for the city instilled

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<sup>171</sup> Cf. Halper 2004, p. 55, foresees this possibility, as have other scholars.

by rhetoric (i.e., myths and noble lies), Plato creates a unification of Protagorean mastery over opinion and the Socratic quest for a virtue united in one knowledge depicted in the *Protagoras*. Yet I do not think Plato considers that this is the only way transcendent knowledge can be apprehended, or that it is even possible to occur. What results from this realization is not the abandonment of a transcendent source of value, nor the need for a unity of belief in law, but rather a revised understanding of the possibility for transcendent knowledge to be realized in non-ideal political environments such as democracy.

I would first like to comment on the supposed difference between the Socrates of the early dialogues and the Platonic theory of forms. Once this difference is explored we will have a better idea of what Plato is up to in the *Republic*, and whether Socrates' relation to Athens in the *Apology* and *Crito* was justified or not. I want to show that through an understanding of Socrates' dialectic, the ironic failure of human knowing points toward the necessity of transcendent form as explanation. From there, Plato's construction of an ideal city in the mouth of Socrates does not present itself as offering a new metaphysical theory so much as using the awareness of the need for Form already established by Plato's Socrates in the early dialogues to inquire into how a city should be constructed.

## **II. Socrates and the Universal**

What I want to explore here is whether the Socrates of the early dialogues and in particular those discussed in this thesis, adheres to a universal source of value, and, if so, if his philosophic activity is congruent with written law. This has already been touched on to a degree, in the first chapter in relation to the Oracle and the *daimonion*, in the *Crito*,

with the priority of *logos*, and in the *Protagoras* we have seen Socrates' opposing ethical standpoint in relation to Protagoras by his insistence on the Unity of Virtue and in knowledge and oblique reference to the Good. In the *Protagoras* Socrates argues for the Unity of Virtue in knowledge, but this unity is not ultimately able to be grasped by humans so that it can be taught. In this sense, the unity of the virtues operates similar to the account of the Oracle in the *Apology*, which gives value without revealing divine essence; it is only through act of inquiry that Socrates derives his mission. In other words, Socrates uses these transcendent symbols as placeholders to fuel investigation from known particulars to that which accounts for the essence of these particulars. These points are not argued for at all times, though the lack of human knowledge concerning virtue in the *Apology* is partially an indicator of the need to ground virtue in a transcendent form. In the *Apology* and *Crito* we see Socrates presenting his conclusions in terms relative to his audience, while in the *Protagoras*, Socrates presses a worthy interlocutor on the necessity of defining virtue in terms of a transcendent knowledge. The failure of the dialogue with Protagoras however, may lead one to surmise that the existence of a separate "universal" is only metaphysically operative in the thought of Plato, whose concern in the *Republic* is with how form can be firmly grasped and linked to the particular life of human communities. As we will see, however, the awareness of form already provides a motivation for Socrates' ethical mission.

I would like to provide a bit of background to the issue of Socrates' relation to a universal Form. Aristotle at *Met.* XIII.4.1078b30-31 states:

there are two things one might justly credit Socrates with, arguments by example and universal definition, for both of these are approaches to the starting point of knowledge. But Socrates did not make the universals or the definitions separate, while those who came next did, and called beings of this sort forms.<sup>172</sup>

and at *Met.* A6 987a29-b7:

Socrates, however, was busying himself about ethical matters and neglecting the world of nature as a whole, but was seeking the universal in these ethical matters, and fixed thought for the first time on definitions; Plato accepted his teaching, but held that the problem applied not to any sensible thing, as they were always changing. Things of this other sort, then, he called Ideas.

Given Aristotle's statements about Socrates, the ascription to Plato of the metaphysical theory of the Forms has been thought to be a definitive response to Socrates' ethical inquiry, namely the ultimate failure of the What is X? question.<sup>173</sup> The story goes that Plato sought to metaphysically ground Socrates' search for objectivity in ethics in a coherent metaphysical account in order to decisively refute the relativism of sophists like Protagoras, which was left undone because of Socrates' inability to lock onto an ontologically separate universal.<sup>174</sup> This makes Socrates' relation to transcendent form ambiguous, since he is depicted as unable to overcome the instability plaguing the realm of becoming. Even Socrates' introduction of a separate standard, a measuring art, in the *Protagoras*, is seen by Thanassis Samaras as being a formal construct without a metaphysical

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<sup>172</sup> Trans. by Sachs 2002

<sup>173</sup> Bonazzi 2013, p.38: "But without an adequate account of reality, or worse still, by being confined within the limits of the sensible world alone, this attempt [to reduce multiplicity to unity] was doomed to failure." Allen 1970, on the other hand, states: "As universals Forms play a regulative role in dialectic; they are the antecedents of ἐστὶ in questions of τί ἐστὶ, 'What is it?', and they therefore specify the nature of that question, and so restrict the range of answers which may sensibly be given to it."

<sup>174</sup> Bonazzi 2013, p.37, argues that Plato's impetus to construct a theory of separate form was inspired by the nominalist sophists more so than Socrates' thought.

theory to give it content.<sup>175</sup> And, as is clear from Socrates' frequent disavowals of knowledge in the early dialogues, he has not apprehended a separate ontological form which can be disseminated (on one view, just because there is no separate ontological realm in Socrates' mind).<sup>176</sup>

### III. Socratic Irony and Form

Scholars do recognize one tangible aspect of Socrates' ethical theory, his methodology of *elenchus*.<sup>177</sup> The question arises, how can the *elenchus*, which purports to find what virtue is itself, or at least to reject all definitions that attribute some characteristic in the sensible world to the sought after virtue, motivate one to act in accordance with the unattained definition of virtue? This is possibly Socrates' prevailing characteristic—his ironic posture—establishing something as the necessary object of thought while at the same time it is inaccessible to thought.<sup>178</sup> Socrates' form of irony may appear to be a pretentious stance from the viewpoint of the *polis*, for their source of value does not pretend

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<sup>175</sup> Cf. Samaras 2002, p.104: "...separation provides the absolute ethical standard which proved so elusive for the Socrates of the early dialogues...[the measuring art introduced in the *Protagoras*] remains a formal concept since Socrates lacks the metaphysical resources to give it a specific content."

<sup>176</sup> This lack of "moral expertise," leads Kraut 1984 to explaining Socrates' commitment to democracy, whereas if moral expertise was capable of being acquired, democracy would not be justified for him. Yet if in Socratic inquiry a necessary relation to a transcendent form is presupposed, this knowledge is sufficient to organize a city around a principle of unity that is universal. Edward Halper's reading of Plato (See Halper 1993, ch.1, and Halper 2006, pp.126-7.) locates the arguments for the forms in the early dialogues, while the later theory of forms assumes them in order to organize particulars. Certainly the argument for a relation to form is present in part in the *Apology*, which makes this awareness crucial for living the good life.

<sup>177</sup> See Vlastos 1999 and Robinson 1953 ch. 2. for discussion.

<sup>178</sup> This posture was discussed briefly in the ch. 2, section I, in relation to the reflexivity of dialectic. This image is reformulated in the *Republic* through the Line.

to be derived from the *logos*, and it is not clear that arguments provide any higher knowledge of the existence of virtues than experience.<sup>179</sup> Thus, in Protagoras' Myth, in the view of the city, the findings of ancient and good lawgivers provide the source of value, without there being a need for subjective apprehension of truth through examination. Irony that presents the particulars as failing to account for their own existence, however, reveals itself as beyond the authority of those particulars themselves (Cf. *Ap.* 38a). It is by consistently abiding by the authority of the Athenians' particular historical constitution which causes Socrates' life to seem so ironic, if not contradictory. The authority of the city is deemed necessary for the possibility of acting in accordance with the universal, for the city provides the context for actions which attempt to cure injustice and instill value. Since this understanding is not built into the reality of the democracy, Socrates' stance toward democracy is one of continual reorientation. Perhaps it is relevant that the city provided Socrates with interlocutors to examine, and this is presented as prior to Socrates' "mission," which attempts to wake up the city to care for virtue. Could this be because the *elenchus*, by not producing a coherent definition of virtue, revealed the inadequacy of virtue defined in terms of its particular instances? Certainly the description of the *elenchus* alongside references to the god in the *Apology* and *Crito* suggest a connection. We have seen how this problematic feature of Socrates' dialectical method puts him in conflict with Protagoras' oratory and almost threatens to stop the conversation altogether (335d). This brings us back to what Professor Vlastos has called the Socratic para-

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<sup>179</sup> Halper 2004, p.56 n.16, cites Diskin Clay as holding this view concerning irony from the perspective of the *polis*. Halper succinctly states that his view "locates irony in the human recognition of a necessary relation to a transcendent knowledge." (Ibid.)

dox: if Socrates cares for the soul, as he claims in the *Apology*, why does he practice an elenctic method which does not result in a necessary account of how to transform oneself, or how to act in the here and now? The answer, I think lies in the realization that dialectic itself brings one into contact with what could provide a ground for action. It has already been suggested that the difference between Socrates' method and that of Protagoras is one between reflexive self-knowledge and the externalization of teaching. In attempting to overcome this difficulty, there is no sure-fire way to deliver what ultimately must derive from each individuals' subjective apprehension of truth. Hence Socrates' method, which questions assumptions and seeks to ground ideas in a logos that transcends particulars, *necessarily* involves irony—that is, his awareness of the inadequacy of the particular that at the same time must be valued for its contribution to realizing the universal in discussion. In a sense, by failing to discover a definition of virtue through elenchus, the realization that it must persist in an ontological realm beyond reveals itself.<sup>180</sup> This revelation through failure which nevertheless would not be revealed without recourse to discussion shows the self-reflexivity of Socratic conversation.<sup>181</sup> By understanding that Socrates' dialectic relates to form through the realization of the failure of human attempts

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<sup>180</sup> This is one outcome or solution which presents itself in the Platonic dialogue. The attractiveness of this reading is that it is confirmed in other places in the corpus; that Plato keeps Socrates from explicitly defining forms in the early dialogues may be in keeping with the historical Socrates, but it doesn't stop form from being present as a solution pointed to through the failure of dialogue. Cf. Halper 1993, p. 33. Halper points out the significance of the Simonides exegesis in that it confirms the divine provenance of knowledge, and thus points toward a virtue that is one.

<sup>181</sup> Socrates' statement that it is likely that the god is wise, and that he only has a negative "human" wisdom at *Ap.* 23a can be thought of in a new light.



to define particulars, the use of form in the *Republic* can be understood not as the primary object of inquiry, but the necessary assumption to organize behavior in the world.<sup>182</sup>

#### IV. The Republic and Authoritarianism

Some scholars see Plato's metaphysical theory as a logical consequence of Socrates' search for political expertise in the early dialogues, and hence as providing the metaphysical theory to complement Socrates' already anti-democratic position.<sup>183</sup> My aim here is to combat this notion and reconcile Plato's *Republic* with Socrates' commitment to democratic law in the *Apology* and *Crito*. This will not be done by reneging on the conclusions reached in the first two chapters, that Socrates' source of value is transcendent—but rather that he sees the existence of a democratic Athens as vital for the attainment of this source of value, and the only sphere wherein one can grasp what lies beyond all particulars.<sup>184</sup>

Criticisms directed toward authoritarian aspects neglect two factors in the construction of the *Republic*: the emphasis on apprehension of the Good which applies to the

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<sup>182</sup> The point about Forms being assumed in the middle dialogues belongs to the work of Edward Halper, see Halper 1996, p. 127.

<sup>183</sup> Samaras holds this view in opposition to scholars such as Kraut and Popper, who sees Socrates as fundamentally democratic in contrast to Plato. Kraut 1984, p. 244, however retains partially that authoritarianism is previewed in the early dialogues: "The authoritarianism we find in Plato's *Republic* has its roots in the early dialogues, but those who cherish free critical inquiry justifiably look upon Socrates as their patron saint." I think that while Socrates sees the source of value beyond any governmental construction, he is not anti-democratic since it is a precondition for discovering the source of value.

<sup>184</sup> This line of thought is inspired particularly by the work of Edward Halper, who argues against the "strict separation" of the universal and particular in interpreting Plato. Instead, Halper remarks that "The universal is not something to be held apart from particulars, but that in them that makes them valuable. Friendships, political relationships, and hierarchical relationships can all be conceived of and structured in accordance with the universal, but they must inevitably remain relationships between concrete individuals. To suppose them only universal is to destroy them as well as the very fabric upon which the grasp of the principle depends." Halper 2006, p. 131-2.

whole, and the fact that the city presented is only an ideal taking place within a larger conversation about justice in the soul. By focusing on the fact that certain natures are able to rule over others by privileged access to philosophy, commentators get stuck on an egalitarianism which ignore the necessity of hierarchical relationships, even in democracies, as shown by the necessarily active/passive dichotomy that inevitably occurs in the prominence of rhetoric. Given the ideal assumption of the *Republic* that a philosopher can be compelled to rule who has seen the Form of the Good, a society constructed around this principle inevitably provides for the good of each individual nature according to its needs. Even in the idea of describing a city in terms of conventionality, Plato's ideal city meets the standard of Protagoras' cities in the sense that conforming to a legal order is the foundation of civic life. Because Plato goes further to define his city in terms of its function in respect of the good, he shows why doing political philosophy necessarily involves prescriptions about the ends of the city beyond a mere description.<sup>185</sup> This is the crucial engagement with the relativism seen in Protagoras' orientation toward political excellence. Without a good which is the end of all rational inquiry about the city, the affairs of the city become descriptive states of affairs where whatever is able to gain consent is seen as fulfilling the function of political activity. Yet because Plato presents the good itself as beyond being, it is in principle something that reason cannot grasp. This relates back to the irony of Socrates, and also gives resonance to Socrates as a gift from the god to Athens. Nevertheless, if rationality is inherently instrumental toward an end that must be

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<sup>185</sup> Cf. Versenyi, p. 226. Versenyi argues that all practical reasoning is instrumental toward a presupposed good; thus Plato, in thinking of a city constructed toward realization of the good, is engaging in a fundamentally different sort of political philosophy than Protagoras for example.

presupposed, political reasoning cannot refer to whatever is at hand. In addition to misunderstanding the need for an instrumental practical reasoning in terms of the good, critics of authoritarianism misunderstand the brute impossibility of the philosopher coming into power in the city. Persuading the non-philosopher to compel the philosopher to rule, ignores the unwillingness to rule by the philosopher.<sup>186</sup> Notwithstanding the circularity of this, once there is a philosopher ruler, the necessity of sending everyone over 10 into the countryside to inculcate a philosophical custom and education (541a) is historically nearly impossible to imagine.<sup>187</sup> Thus the advent of the philosopher is always contextualized within a tradition and legal structure which is itself non-philosophic. Another reason that the ideal city is not to be taken seriously is that Socrates admits that only coming close to this model would be satisfactory (*Rep.* 473a; cf. *Tht.* 176b). If the good is in principle reachable outside of the ideal constitution, individuals may still reach this level, and if the city can contribute to this, the city still has a function that gives it importance, without the need for an authoritarian ruler of any sort. The idea of a city being a prerequisite for achieving philosophic insight can be thought of in terms of necessity and the good, and thinking through these two options shows us how the *Republic* validates Socrates' commitment to law and his ethical mission to the polis.

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<sup>186</sup> Strauss 1964, p. 124, makes this point.

<sup>187</sup> On the basis of not having control over the warrior class and thus needing to persuade those over 10 to be expelled, Strauss 1964, pp. 126-7, concludes that the just city is impossible.

## V. Necessity and the Good in Book VI

The discussion of Socrates' irony and its relation to the self-determination of individuals leads us into a discussion of how democracy can serve as a vehicle for realizing self-determination through inquiry. The tensions between relating to external opinions in democratic institutions and the self-reflexivity of dialectic reinforce the need for a bridge between knowledge and opinion. This bridge I will attempt to show is imagined through the simile of the Cave. But in order to show how the Cave can relate to democracy, first I want to look at some allusions to democracy in Book VI.

In Book VI, Socrates describes the inadequacies of the "current constitutions," with respect to cultivating a philosophic nature.<sup>188</sup> Clearly democracy is referred to in this latter passage, and the description of the sophist as a caretaker of a wild beast is a harsh critique of demagogues who cater to the power of desire in the *demos*. Significantly, Socrates describes the sophist as not being able to separate out compulsion (*anagke*) from the good.<sup>189</sup> The sophist is compelled by the power and desires of the *demos* to win their praise, and thus is oriented his thought towards opinion. Socrates in this section sees the philosophic nature as nearly incapable of withstanding the corrupting influence of the majority of people. Yet he allows for the possibility of a great soul who avoids the affairs of the city (496b) to overcome the corrupting influence. Socrates in this section confirms

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<sup>188</sup> "None of our present constitutions is worthy of the philosophic nature..." 497b. (All translations from the *Republic* are Grube revised by Reeve, in Cooper 1997).

<sup>189</sup> "In truth, he knows nothing about which of these convictions is fine or shameful, good or bad, just or unjust, but he applies all these names in accordance with how the beast reacts—calling what it enjoys good and what angers it bad. He has no other account to give of these terms. And he calls what he is compelled to do just and fine, for he hasn't seen and cannot show anyone else how much compulsion and goodness really differ."

what he says about the many in the *Crito*, namely that the majority are not productive of good or evil necessarily, but act haphazardly (.<sup>190</sup> Similarly, Socrates says about the philosophic natures at 495b:

And it is among these men that we find the ones who do the greatest evils to cities and individuals and also—if they happen to be swept that way by the current—the greatest good, for a petty nature will never do anything great, either to an individual or a city.

Clearly Socrates sees potential in people who are gifted intellectually, but like Hippocrates, it is hard to keep them away from individuals like Protagoras who teach in a way oriented toward opinion. Note, however, that the options remain open for the gifted in a democracy, whether they are to be lucky like Socrates or fall in with the majority. As long as this possibility remains open for a few people, the possibility of philosophy remains within the “current constitution.” The distinction between necessity and the good remains as a critique of what drives the sophist and the many in democracy.<sup>191</sup> Since Socrates experiences necessity in the form of compulsion, he is shackled in the *Phaedo*, grabbed by the coat in the *Protagoras* (335a), and threatened at the outset of the *Republic* (327c), it is clear that the difference in Socrates’ principles from that of the sophist is that he nevertheless coherently separates dealing with necessity from the search for the Good.

The natural fact of necessity is anticipated in Protagoras’ Myth and the Healthy City in Book II, where necessity drives the existence of communities, and thus agreement

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<sup>190</sup> *Cr.* 44d.

<sup>191</sup> Socrates points out at *Tht.* 176a5ff: “it isn’t possible that evils should be destroyed; because there must always be something opposite to the good...of necessity, they haunt our mortal nature here...it’s not at all easy to persuade people that it’s not for the reasons which the masses give that one ought to avoid wickedness and pursue virtue.” Socrates is referring here to clever people who act unjustly. He remarks it is not easy to convince them to act virtuously by referencing penalties in the next world. However, this tactic may be able to convince the many.

to live together presents itself as the end of human activity.<sup>192</sup> The nature of communities, however, involves peoples of different types with different needs and desires. Thus the ability to contain desire in such a way that preserves the unity of the whole is itself a need. Thus the introduction of the guardians who practice philosophy is intended to ground the polis on a stable understanding which can preserve the internal desires of the polis from creating stasis. Protagoras also shows that he understands this architectonic point by revealing political oratory as a more powerful communal art than any particular science (represented by the sophists present) or trade that satisfies particular aspects of the city.<sup>193</sup> By contrast, Socrates presupposes the existence of the city, expresses love towards it, yet seeks to guide it toward a transcendent value (*Ap.* 29d). The need both particular sustenance through a community and a normative transcendent value depicted in reference to the “current constitution” in Book VI picks up the familiar opposition of given opinion vs. transcendent knowledge, but what comes next seeks to conceptualize these oppositions as nevertheless potentially crossing over into the other. This is seen in the divided line and the image of the Cave.

## VI. Plato’s Cave and Democracy

I want to argue that by positing the Form of the Good as the cause and ultimate principle for everything that is, Socrates is able to derive a course of action which at-

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<sup>192</sup> Strauss 1964, p. 126, remarks that the existence of communities is presupposed in the theorizing of how the philosopher king will create the ideal city. He cites *Rep.* 376e2-4, which has Socrates remarking how hard it would be to find another education than the one that has developed over a long period of time (music and poetry before physical training).

<sup>193</sup> Hippocrates initially thinks of Protagoras as teaching what is customary for a free man to know (312b). It turns out that Protagoras disdains the other arts typical of this type of education and places more emphasis on political power (319a).

tempts to bring the soul to an imitation of this higher order of being while involving the structuring of particulars in accordance with this higher form. The form of the good interestingly is not given a determinate content, it is too complete to warrant extrapolation.<sup>15</sup> This coincides with Socrates' notions of the divine in the *Apology* and with his concept of the untouchability of transcendent knowledge in the *Protagoras*. Yet the images in the *Republic* show how a glimpse of the unity of form provided through the failure of human philosophic conversation, what was shown to be the consequence of Socratic irony, allows for the conceptualization of uniting particulars through an imitative of the oneness of form. This picture validates Socrates' relation to democracy in the *Apology* and *Crito* by showing how Socrates seeks to organize particulars in imitation of the self-grounding unity of the form of the good. In the former case it is the presentation of piety as orienting oneself toward a transcendent, divine, value. And in the latter, it is the need to give Crito a moderation in respect of the law that he gives the speech of the Laws.

In the presentation of the cave, the location of the good outside of the city, and indeed beyond being (*Rep.* VI, 509b), in the *Republic* is often seen as neglecting the value of the particular state for the sake of the universal.<sup>195</sup> Yet if we look at the case of Socrates in the *Apology* we see an inverted picture of what that interpretation assumes. Instead of the universal being the end-point of all activity, a place reached only through the renunciation of the particular, it should rather be seen as the motivation for activity in

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<sup>194</sup> Halper 2006, p.123 remarks on the relative lack of inquiry into the good in the *Republic*.

<sup>195</sup> See Halper 2006 *passim*. Cf. *Rep.* 519d.

the particular, like Socrates' commitment to the city of Athens as described in his gadfly analogy. If the cave is seen to be the justification for the philosopher leaving the city behind to contemplate the Forms, the upshot of the cave would undermine participation in everyday affairs of the city, and prize only philosophic contemplation, in contrast to the gadfly analogy. This static state of viewing the good is described as residing in the Isles of the Blessed while still alive (519c). Yet it is clear that without the continuum between the cave and the sun, the prisoners could never discover the world of being beyond the cave.<sup>196</sup> Because there lies a continuity between the prisoner in the cave and the liberated prisoner viewing the sun, we can reflect on how the sections of the divided line motivates the construction of the city itself.<sup>197</sup> In contrast to Protagoras, the *Republic* conceives the formulation of opinion as a propaedeutic to higher levels of reality which involve the eventual separation of opinion from knowledge. This separation is presented as culminating in the unhypothesized form of the good. Further, in presenting dialectic as the "coping stone" on top of the educational structure, the ideal city presents an alternative highest art in place of Protagoras' *euboulia*. Another way the line incorporates Protagoras' depiction of cities is simply the already mentioned presupposition of the existence of communities who already have in place an army and a means of maintaining sustenance.<sup>198</sup> But the Divided Line and the Cave are not simply representations of the

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<sup>196</sup> Cf. Samaras on how the continuum from *doxa* to *episteme* solves the possible problem of the objects of *doxa* and *episteme* inhering in two separate worlds.

<sup>197</sup> Cf. Halper 2006, p. 124.

<sup>198</sup> A potentially interesting vein of inquiry is Socrates' military campaigns in light of the necessity of warriors in any city that is to allow for philosophic activity.



ideal city, but can be seen in the light of democracy. The fact that these images are hypotheses and are central to their place in the argument of the *Republic* points towards this connection with democracy, wherein hypothesization can in principle occur.<sup>199</sup> Since the type of existence wherein the philosopher sees the form of the good is depicted as a hypothesis we needn't concern ourselves with how the philosopher will ever come down to associate with particulars, but in what the act of hypothesizing means for living in a city.

Hypotheses are necessary for the lower section of the intelligible part of the divided line, the type of thought characterized as *dianoia*.<sup>200</sup> Because this type of thinking proceeds from unjustified assumptions to end points that agree with these assumptions, the end points themselves are only as good as the assumed premisses.<sup>201</sup> Bloom has pointed out that implicit in the process of hypothesis is the assumption of the principle of non-contradiction.<sup>202</sup> Thus in order to do any philosophic work, any arguments that proceed via hypothesis rely on this crucial assumption. But in order to make this assumption there must be some one thing to apply it to. Thus a pre-requisite for philosophic thought is the possibility for unity. By presenting the Form of the Good as that which holds together the lower levels of being and thinking, Plato gives us a picture of how to think

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<sup>199</sup> Cf. *Rep.* 557d: Democracy is a sort of supermarket for constitutions.

<sup>200</sup> The sections are in descending order, noesis, dianoia, pistis, eikasia. For more on the method of hypothesis, see Robinson 1953, ch. VII., and Bloom 2010, p.2, who notes that the principle of non-contradiction is the only explicit hypothesis in the *Republic*. Halper 2006, p. claims that there are many un-argued for hypotheses in the *Republic*, including the divided line itself.

<sup>201</sup> Cf. Bloom 2010. The lower section of the line *pistis*, or belief, would represent the opinion of the many who are led by their rhetorical leaders, who, in the manner of the puppeteers, create beliefs about the city which ultimately proceed from deficiency in knowledge of the highest being.

<sup>202</sup> Bloom 2010 *passim*.

about structuring particulars in the world of becoming——find what it is that unites particulars into a unified whole. Thus in thinking of the Cave and the Line, themselves hypotheses, we should think about in what way a democracy could rest on a principle of something that is One in order to escape its grounding in the relativizing nature of opinion, something incapable of justifying itself. By presenting the prisoners in the Cave as potentially escaping to see the sun, the earlier levels of belief are not prohibitive. Hence in a democracy, while the type of education Protagoras advocates may not value dialectic, it does not prevent the young Hippocrates from choosing whether to associate with Socrates or Protagoras and even to take in a powerful presentation of competing values at Callias' after he has moved on from his earlier education.

Because of the impossibility of providing a clear conception of the Good from which the laws and customs of a city can be derived, its existence can only be assumed as the ground of all hypotheses, and thus as the necessary end of human inquiry——this is the irony of Socrates. But because of the awareness of the good as an end for practical reasoning one can then turn toward dissembling how this reality can impact the construction of the city itself. Relating oneself to the good implies relating oneself to the community which allows one to reach it, and thus in order to preserve philosophy, one should seek the community which allows one to philosophize.<sup>203</sup> Through the concept of unity on which philosophic thought depends, activity in the particular can seek to orient it to-

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<sup>203</sup> Cf. Roochnik 2003, p. 77: "...the very context from which Kallipolis emerges is democratic."

wards a unity of form that ultimately points back to a unity that cannot be grasped by means of dianoetic thought.

## **VII. Conclusion: Self-Determination and Democracy**

Although up to this point I have argued that Socrates' commitment to democracy is grounded in the possibility of practicing philosophy and involves commitment to particulars, the institutionalization of the opinion of the *demos* renders true self-determination through dialectic contingent on external factors. Because self-determination through dialectical inquiry is in principle possible in a democracy, democracy appears as the second best choice in relation to the ideal state which is firmly grounded on knowledge. But because of the existence of uncritical opinion, living in democracy presents difficulties for one who is to practice philosophy. Thus the need to relate oneself to the community structure appears as a necessary activity of philosophy although it may not be the highest form of philosophy. This nevertheless presents opportunities to imitate the oneness of the object of true inquiry by seeking the universal in a particular city. We have seen Socrates relating himself to the jury, Crito, and Protagoras in various ways. I think that in the *Protagoras*, Socrates insists on dialectic because Protagoras has the extraordinary ability to engage in it. In the *Crito*, Socrates departs from dialectic and gives the "harangue" of the Laws. In a sense the ability to relate to others in different ways appeals to a fundamental quality that Protagoras possesses, that of understanding the powerful effect of one's words to convey meaning. As long as the democratic community is structured around the opinion of the majority, it behooves the philosopher to value what it is that makes philos-

ophy possible, and thus to acknowledge the necessity of law and opinion. Even if valuing the particular necessarily involves rhetoric, this does not also entail the complete subservience of the philosopher to opinion, like the sophist. Rather, it could involve orienting opinion towards what is truly valuable, and that is to conceive of democracy as existing for the purpose of something beyond particulars. The death of Socrates points to the need to engage in some meaningful way with opinion so that more people may appreciate why philosophy is meaningful. In the combination of Socrates and Protagoras we see this ideal, and this is masterfully presented as the ideal city in the *Republic*. Yet in the recognition of this as a model of the ideal we see a glimpse of reality and the democracy which allowed for its very construction, and in turn, a glimpse into Socrates' commitments in the *Apology* and *Crito*. It is the continual attempt to infuse particularity with a self-awareness of its debt to transcendent reality which causes Socrates to simultaneously advocate commitment to law in the *Crito*, and the *logos* as the ultimate standard of truth.<sup>204</sup>

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<sup>204</sup> Kraut 1984, p.247, states: "Socrates' political outlook makes sense only if he believes that no one has a standard for determining which acts are pious and which impious, which just and which unjust, etc. If he thought that he had such standards, then he would hardly have confessed his great satisfaction with the legal system of Athens." This view ignores the obvious: Socrates continually advocates that philosophy and logos be the standard of value—he clearly thinks that he possesses these standards, and he clearly is still satisfied with the legal system of Athens precisely because it allows for philosophy. While the standard is outside of any particular logos, it is always particular logoi which seek the objective standard, and thus always relates itself to a transcendent form.

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