

## **Examine and Punish**

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The examination  
combines the techniques of  
an observing hierarchy and those of  
a normalizing judgment. It is a normalizing  
gaze, a surveillance that makes it possible to qualify, to  
classify and to punish. It establishes over individuals a visibility  
through which one differentiates them and judges them. That is why, in all  
the mechanisms of discipline, the examination is highly ritualized. In it are combined  
the ceremony of power and the form of the experiment, the deployment of  
force and the establishment of truth. At the heart of the procedures of  
discipline, it manifests the subjection of those who are perceived  
as objects and the objectification of those who are subjected.  
The superimposition of the power relations and  
knowledge relations assumes in  
the examination all  
its brilliance.

Michel Foucault

Socrates exhorts us, through the exercise of his renowned examination, or *elenchos*, to prefer suffering injustice to committing it, and to prefer punishment for injustices we have committed rather than impunity. Yet Callicles exhorts us, through the exercise of his notorious eloquence, or *rhêtorikê*, to despise those who prefer such things as slaves "for whom it's better to die than to live." Whom should we follow? Ultimately, it is to this question that this study is addressed. It therefore proceeds on two levels. On the surface it elucidates their dispute about justice and punishment; more deeply, though, it elucidates the foundations of that dispute in another dispute, one about knowledge, its acquisition, and its relationship to power. In short, this study argues that the deeper differences of epistemological standpoint between Socrates and Callicles require them to adopt their respective juridico-penological positions; but it also argues that neither such position is rational superior to its rival, since the epistemological standpoints that require their adoption are equally reasonable, though nonetheless incommensurable.

## I

In the *Gorgias* the character of Socrates articulates a novel penology according to which injustice is like a disease, the unjust person a sick person, and the judge a doctor. Following these persuasive analogies he says, for example, that if someone "does do injustice, he should go voluntarily wherever he will pay justice as quickly as possible, to the court of justice as to the doctor, eager to prevent the disease of injustice from being chronic and making his soul festering and incurable." (480a6-b1) This section seeks to show that, despite modern criticism to the contrary, the argument that Socrates deploys in order to defend these persuasive analogies is valid, though limited in two important ways. The argument itself proceeds in two stages: in the first, Socrates convinces Polus, his interlocutor at that point, that it is more choiceworthy to

suffer injustice than to do it; in the second stage, he reuses and innocuously modifies one of the premises from that first stage in order to convince Polus that, in addition, if one has done injustice it is more choiceworthy to be punished for it than to go unpunished. This section discusses these two stages below, turning, when necessary, to the criticisms they have received from modern commentators.

The *Gorgias* is not the only dialogue in which we find Plato writing that it is more choiceworthy to suffer injustice than to do it (470c1 ff.); for, to begin with, in the *Apology* he portrays Socrates as saying that he fears neither expropriation, nor banishment, nor even death because only injustice can harm a person (28b2-5; 30c3-d3); and, in the *Crito*, he portrays Socrates as saying that, whether or not the majority agree, injustice is more harmful to the one who does it than to the one who suffers it (49b1-3); and then later in the *Republic* Plato writes that the son of Ariston--implying, perhaps, that he himself, as well as his brother Glaucon--agrees that the most vicious man is also the most wretched (576b6-c2; cf. 580b3); and, finally, in the *Seventh Letter*, Plato says *in propria persona* that "we must hold it a lesser evil to be victims of great wrongs and crimes than to be doers of them." (335a3-b1) As we might expect, this doctrine is sometimes passively accepted and sometimes incredulously opposed. After all, even if Thrasymachus is right, and "those who reproach injustice do so because they are afraid not of doing it but of suffering it," (*Republic*, 344c2) we should expect that those who envy successful injustice will nonetheless endorse this doctrine aloud. Moreover, even if Thrasymachus is right, we might also expect that there will be a few--like Thrasymachus himself, as well as Polus and Callicles--that are bold enough to say "clearly what the others think but aren't willing to say." (492d2) This section concentrates on the initially incredulous, even abusive, opposition that this doctrine meets from the character of Polus: "Why, couldn't even a child refute you and show that what you're saying isn't true?" (470c5 ff.)

Were Polus a more conventional interlocutor, Socrates could have deployed the following simple argument: first of all, to do injustice is more *aischron* (shameful, ugly) than to suffer injustice; but secondly, something more *aischron* is thereby more *kakon* (bad, not choiceworthy); therefore, to do injustice is more *kakon*, or less choiceworthy, than to suffer injustice. Now, Socrates does successfully deploy such an argument against, for example, the more conventional Laches (*Laches*, 192c4-d6). Polus, however, like the young Alcibiades (*First Alcibiades*, 115a1-116d3), is not so easily cowed: he distinguishes between *to kakon* and *to aischron*, and also between *to agathon* (the good, the choiceworthy) and *to kalon* (the fine, the beautiful). In his eyes, then, such a simple argument will not succeed, since he will deny its second premise. Having recognized this difficulty (474c9-d2), though, Socrates faces Polus' opposition with the following, more sophisticated, argument: (i) to do injustice is more *aischron* than to suffer injustice (474c7-8); and (ii) just as something is more *kalon* than something else if and only if the first thing is either more pleasant or more useful or more of both than the second thing, so, contrarily, is something more *aischron* than something else if and only if the first thing is either more painful or more harmful or more of both than the second thing (475a6-b3); therefore, (iii) to do injustice must be either more painful or more harmful or more of both than to suffer injustice (475b6-8); but (iv) to do injustice is neither more painful nor, therefore, both more painful and more harmful than to suffer injustice (475c1-6); and finally therefore, (v) to do injustice must be more harmful, and thus more *kakon*, than to suffer injustice (475c7-10). Now, Polus, for his part, endorses all three of the substantive premises upon which this argument draws--namely, the first, the second, and the fourth. Whether or not the argument is in fact valid, then, Polus seems to think so, since, as we know, he capitulates and reluctantly agrees that it is more *kakon*, and thus less choiceworthy, to do injustice than to suffer injustice (475d2-e3).

Many modern commentators are not so easily convinced. Regardless of the truth-value of those substantive premises that Polus endorses, many modern commentators complain that the argument as a whole is invalid. Vlastos (1967) was the first such commentator, complaining that the refutation of Polus depends upon a crucial ambiguity in the second premise. He begins his complaint by, first, pointing out that the evidence adduced to support this premise is inductive, and, secondly, asking us to scrutinize the details of that induction. Doing so, we find both that Socrates enumerates several sorts of *kala*, and that, as he enumerates each sort, he asks Polus whether it is not either their pleasantness, or their usefulness, or both that constitute their being *kala*. Yet, Vlastos notices, when Socrates enumerates the first of such things, *kala* bodies, he asks Polus whether they are not *kala* specifically "either because of use, for whatever each of them is useful for, or because of some pleasure, if they give their onlookers enjoyment when they look on?" (474d5-7) Now, the second sort of *kala* things he enumerates are shapes and colours; the third, sounds and music; the fourth, laws and practices; and finally the fifth, branches of learning. After he leaves bodies behind, though, he no longer asks Polus whether these other sorts of *kala* are not *kala* specifically either because of use, for whatever each of them is useful for, or because of some pleasure, if they give their onlookers enjoyment when they look on. He does continue to ask whether they are not *kala* because they are either useful or pleasant or both, but he never again asks that specific question which, when it asks about pleasure, refers to the enjoyment of onlookers.

Vlastos believes that Socrates omits this specific question in these other cases "because the pace is very quick and Socrates clips his sentences, reducing verbal baggage to the absolute minimum." (p.455) Accordingly, Vlastos believes that were the pace not to have been so quick, and were Socrates to have made all his thoughts explicit at each point, he would have asked the same specific question after enumerating each successive sort of *kalon* thing. If this hypothesis were correct, then,

the second premise should read instead: (ii) just as something is more *kalon* than something else if and only if the first thing is either more pleasant *to its onlookers* or more useful or more of both than the second thing, so, contrarily, is something more *aischron* than something else if and only if the first thing is more painful *to its onlookers* or more harmful or more of both than the second thing. Indeed, Vlastos thinks "a close reading of the text should convince anyone that this is indeed what is meant." (p.455)

One might immediately object, however, that although one does *look on* both the first and the second sorts of *kala* Socrates enumerates--i.e., bodies, shapes and colours--one certainly cannot look on the third sort of *kala* Socrates enumerates--i.e., sounds and music--nor does one usually look on the fourth and fifth sorts of *kala*--i.e., laws, practices and branches of learning. Yet Vlastos anticipates this immediate objection by suggesting that Socrates "would have needed only some such formula as this: *that which delights those who see or hear or contemplate it.*" (p.456) In sum, then, Vlastos complains that the premise that Socrates' induction genuinely warrants is not the second premise as it stands, but rather the following, qualified, premise: (ii) just as something is more *kalon* than something else if and only if the first thing is either more pleasant *to its onlookers or hearers or contemplators* or more useful or more of both than the second thing, so, contrarily, is something more *aischron* than something else if and only if the first thing is more painful *to its onlookers or hearers or contemplators* or more harmful or more of both than the second thing.

As we see, Vlastos's observation would amount to a genuine complaint, were this indeed the only premise that Socrates' induction genuinely warrants; for such a revised premise would make the argument invalid. After all, even though Polus concedes that it is more *aischron* to do injustice than to suffer it, all that follows from his concession, given only the revised premise, is that to do injustice rather than to suffer it is either more harmful, or more painful to those who look on (or hear or

contemplate) it, or both. And if, as Vlastos suggests, the doing of injustice might be rather more painful to look upon than the suffering of injustice, Socrates cannot, as he thinks he can, validly conclude that it is therefore more harmful. Now, even if the doing of injustice is indeed more painful to look upon than the suffering of injustice, I remain unconvinced nonetheless that the argument is invalid, since I remain unconvinced that Vlastos has correctly interpreted the premise that both Socrates and Polus agree the induction warrants.

In short, Vlastos accuses Socrates of moving illicitly from an induction that warrants a definition of *to kalon* in terms of pleasure with qualification--i.e., qualification with respect to those who look on or hear or contemplate the thing which is *kalon*--to a definition of *to kalon* in terms of pleasure without qualification. Of this illicit induction, Vlastos observes that, "instead of 'pleasure' without qualification . . . we have . . . pleasure arising in sensuous apprehension or mental representation of an act or object." (p.456) And on this score all commentators think he is right. However, both Mackenzie (1981) and Berman (1991) have complained *contra* Vlastos that we may interpret the second premise so as to define *to kalon* in terms of pleasure with qualification, as his observation requires, thereby preserving the genuine warrant of the induction, without also rendering invalid the argument to which it contributes. So far as their common insight is concerned, I agree with, and have profited from, both; so far as the details of their divergent interpretations are concerned, however, I agree on the whole rather more with Berman. In order to avoid becoming mired in exegesis of their exegeses, though, I develop an interpretation that draws elements from each.

To begin with, I think Vlastos is right to point out not only that Socrates does not specify a qualification for the pleasure that each sort of *kala* engenders, but also that he most likely does intend, without explicitly stating, such a qualification. Nevertheless, I believe Vlastos was wrong to conclude that that implicit qualification must remain constant for all sorts of *kala*. For if we keep in mind that Socrates

enumerates seemingly random *kala*, we might already agree with Mackenzie that he thereby seeks to emphasize that the definition of *to kalon* need not be "so specific as to designate *who* (i.e., observers, perpetrators, etc.) finds these *kala* useful or pleasant." (p.242) Whether or not we already agree with Mackenzie on this point, let us nonetheless consider an interpretation that pursues her suggestion. According to such an interpretation, something is *kalon* if it is pleasant *to the person for whom it is suitably pleasant*; thus, according to such an interpretation, although it may be the case that bodies, on the one hand, are *kala* if they are pleasant to their onlookers, it may be the case that practices, on the other hand, are *kala* if they are pleasant to their practitioners, irrespective of whether they are pleasant to their onlookers, hearers, or contemplators. Now, if this interpretation is correct, the troublesome second premise could read as follows: (ii) just as something is more *kalon* than something else if and only if the first thing is either more pleasant *to the person for whom it is suitably pleasant* or more useful or more of both than the second thing, so, contrarily, is something more *aischron* than something else if and only if the first thing is more painful *to the person for whom it is suitably painful* or more harmful or more of both than the second thing.

I think this interpretation gains purchase by two of its features. First of all, as Berman points out, the two most general questions being examined throughout the text that it interprets are, first, whether or not someone who does injustice is capable of being happy (472d2-9), and thus, second, whether or not it is more choiceworthy to do injustice than to suffer it (475d5-e2). Ultimately, then, as Berman writes, "the issue which Socrates is debating with Polus is just this: Which would *you* rather be, *the person* who does the injustice or *the person* who suffers it?" (p.272) Considering that this is the issue, then, we should expect that Socrates, when he induces a definition of *to kalon* from the list of examples, would qualify the pleasure of each sort of *kalon* thing by a phrase general enough to include perpetrators and sufferers as well as

onlookers and hearers and contemplators; for in this way he could apply it to the case of injustice in a way that would allow Polus to imagine himself in each position, first doing and then suffering injustice, and thereby determine which would be more painful *for himself*, and not for some disinterested onlooker, since the pains of first doing and then suffering injustice are suitably painful to, first the doer, and then the sufferer, of injustice, respectively. Yet secondly, I think this interpretation gains further purchase because a qualification similar to the one it adds for pleasure is already found explicitly in the text for usefulness: Socrates, remember, asks Polus whether *kala* bodies are not *kala* either because of use, *for whatever each of them is useful*, or because of some pleasure. Thus, just as Socrates explicitly qualifies the use of a thing relative to that for which it is suitably useful, this interpretation explicitly qualifies the pleasure of a thing relative to the person for whom it is suitably pleasant. This interpretation has, as a result, an appealing symmetry.

Such an interpretation certainly takes more liberty with the text than did Vlastos's; but we should not forget that Vlastos took his own liberty--that is, whereas Socrates spoke only of bodies that are pleasant to their onlookers, Vlastos interpolated an expanded formula that spoke of other things being pleasant to their hearers or to their contemplators. In my view, speaking generally now, if we must take liberties with a text in order to make sense of its argument, as it seems we must with this text, I think we should take those liberties that are required to render its argument valid. And this interpretation does just that. After all, a person who does injustice is the person for whom doing injustice would be suitably painful, if it were painful at all; but since people usually feel no pain while doing injustice, and they certainly never feel more pain doing that injustice than their victims feel suffering it, to do injustice can be neither more painful nor both more painful and more harmful than to suffer injustice; consequently, to do injustice, insofar as it is more *aischron*, must be more harmful than to suffer injustice; and finally, assuming, as Socrates does, that to do injustice is

suitably harmful for the doer of injustice, insofar as it is more harmful, must be more *kakon*, and thus less choiceworthy, than to suffer injustice. Polus assents to this conclusion reluctantly (475e6); nevertheless, because he has endorsed all of its substantive premises, and because it is indeed valid, given the interpretation of those premises that his endorsement of them suggests, he assents reluctantly to a conclusion that is intimately his own. (cf. 466e3)

Once Socrates has persuaded Polus that it is less choiceworthy to do injustice than to suffer it (475e4-6), he next seeks to persuade him that if one has done injustice, it is more choiceworthy to be punished for it than to go unpunished (476a5 ff.). He argues as follows: (i) all just things are *kala* insofar as they are just (476b1); (ii) if someone does something transitive, there must also be something affected by the doer (476b4-5); and (iii) if someone does something transitive, whatever that doer does to the thing affected, that is how the thing affected is affected (476d2-4); therefore, (iv) being punished justly for doing injustice is being affected justly by the punisher (476a7-8, 476d5-7); and (v) the punisher who punishes justly does just things (476e1-2); thus, (vi) being punished is being affected by just things (476e3); and therefore, (vii) being punished is being affected by *kala* (476e4-5); now, both borrowing and innocuously modifying what was said earlier, (viii) something is *kalon* if and only if it is either pleasant to whomever it is suitably pleasant, or useful for whomever it is suitably useful, or both; but (ix) just things like punishments are neither pleasant to those for whom they would be suitably pleasant--i.e., those who have done injustice--if they were pleasant at all, nor, therefore, both pleasant and useful for them; therefore, (x) just things, insofar as they are *kala*, must be useful for those who have done injustice (477a2-4). Now, once again, Polus, for his part, endorses all of the assumptions and substantive premises upon which this argument draws--namely, the first, second, third, fifth, eighth, and ninth, and eleventh. And so, once again, whether or not the argument is in fact valid, Polus seems to think so, since, as we know, he

capitulates and reluctantly agrees that to be punished when one has done injustice rather than go unpunished (475e4-6) is more useful--even more *agathon* (477a2)--and thus more choiceworthy.

Modern commentators, when they have deigned to address this second argument, have not been so easily convinced. Mackenzie and Irwin (1979) think that there is an irremediable flaw in the third premise. That premise, remember, reads: if someone does something transitive, whatever that doer does to the thing affected, that is how the thing affected is affected. Now, Socrates adduces three vividly concrete examples in order to not only defend, but presumably also explain, these complementary, and rather abstract, premises. First of all, he says, when something strikes, something must be struck; and when something strikes hard or quickly, something must be struck hard or quickly. Secondly, when something burns, something must be burnt; and when something burns hard or painfully, something must be burnt hard or painfully. Finally, when something cuts, something must be cut; and when something cuts deeply or painfully, something must be cut deeply or painfully (476b7-d2). Taken together, then, these three vivid examples warrant the induction of the second and third premises, or so Socrates thinks.

Mackenzie and Irwin have objected that these examples do not, or at least do not obviously, warrant the third premise. Let us consider Mackenzie's two counterexamples: "from 'I did this to you well' (describing my performance) does it follow that 'you suffered it well' (describing your forbearance)? If I hit you voluntarily, were you hit voluntarily?" (p.179) As these two counterexamples rightly point out, then, we should beware of too readily moving from the active use of a verb to its passive use, at least when the adverb that modifies that verb is, as Mackenzie writes, either "relational or psychological." Keeping this warning in mind, let us recall those vivid examples before examining the third premise that Socrates and Polus agree those examples warrant.

The first example, that of striking, is straightforward, since Socrates mentions only striking hard or quickly, neither of which is a relational or psychological adverb. The second example, that of burning, however, seems more difficult, since Socrates mentions burning hard or painfully, and 'painfully' is obviously a psychological, and thereby a relational, adverb. The third example, that of cutting, seems equally difficult, since Socrates mentions pain again. Now, the apparent difficulty of these two examples is our first clue that Socrates does not intend the third premise as generally as Mackenzie and Irwin have interpreted it. After all, in English idiom, from 'I burnt or cut you painfully' (possibly describing my pangs of conscience) it does not follow that 'you were burnt or cut painfully' (possibly describing your agony), as Mackenzie might have pointed out in a longer list of counterexamples; yet, from 'I burnt or cut you painfully' (describing, somewhat unusually, your agony) it does follow that 'you were burnt or cut painfully' (describing, again, your agony). This, I suggest, is the use of the adverb Socrates has in mind, for two reasons. First of all, in Greek idiom, from 'I burnt or cut you *alsôs* (painfully)' it does indeed follow that 'you were burnt or cut *alsôs*,' since the Greek adverb *alsôs*, unlike the English adverb 'painfully,' refers to the agony of the sufferer of an action. And secondly, this use of the adverb makes it relative to the person for whom the property of the action is suitable. Thus, when someone burns someone else *alsôs*, the burn is suitably *alsos* for the burned, not for the burner; likewise when someone cuts someone else *alsôs*, the cut is suitably *alsos* for the cut, not for the cutter; and so finally, when punishing *dikaiôs* (justly), the punishment is suitably *dikaïos* (just) for the punished, not for the punisher.

Not surprisingly, both Mackenzie and Irwin suspect that the adverb *dikaiôs* is relational or psychological in such a way as to render illicit the move from the active to the passive use of the verb that it modifies in the argument above. Now, their suspicions were inspired by a reading of Aristotle, who was the first to point out this fallacy of "correlative ideas" (*Rhetoric*, 1397a22-b11), especially as it concerns the

adverb *dikaiôs* in legal sophisms. However, the reading of Aristotle that inspired those suspicions is in fact a misreading of Aristotle, one which involves two mistakes that are best exposed together.

Although Aristotle misleadingly suggests that the fallacy of correlative ideas sometimes occurs when moving from the *active* to the *passive* use of a verb modified by *dikaiôs* (1397a22-b25), the only examples he actually provides of this fallacy, so far as verbs modified by *dikaiôs* are concerned, involve moving from their *passive* to their *active* uses (1397a27 ff.). Thus, he points out, it may be *dikaion* that A should be treated in a certain way, and yet *not dikaion* that B should so treat A. (1397a29-30) After all, e.g., it may have been *dikaion* for Alpheisiboea's mother to be killed, though not *dikaion* for Alcmaeon to kill her (1397b2-6). From this example, though, we see clearly that the move from the passive to the active use of a verb modified by *dikaiôs* is fallacious when the active use of the verb illicitly imports an agent that was not named in the original passive construction. Altering Aristotle's example slightly, then, we see that there is nothing fallacious about moving from the passive to the active use of a verb modified by *dikaiôs*, *per se*; such a move is licit so long as we are careful to mention the agent in the original passive construction. Thus, whenever it is *dikaion* that A should be treated in a certain way *by B*, it is always *dikaion* that B should so treat her. After all, e.g., if it was *dikaion* for Alpheisiboea's mother to be killed *by Alcmaeon*, it was thereby *dikaion* for Alcmaeon to kill Alpheisiboea's mother. The two mistakes made by Mackenzie and Irwin, then, are as follows. First of all, since there is nothing fallacious about moving from the passive to the active use of a verb modified by *dikaiôs* so long as an agent is not illicitly imported during the move, were Socrates to have moved from the passive *dikaiôs kolazesthai* (to be punished justly) to the active *dikaiôs kolazein* (to punish justly), he could easily have named the agent in the original passive construction in order to have avoided this fallacy. (Indeed, the agent named would have been the judge or executioner, who are so obviously the agents in

cases of *dikaion* punishment that they may even remain unnamed without incurring vicious fallacy.) But secondly, and more importantly, Socrates does not move from the passive *dikaiôs kolazesthai* to the active *dikaiôs kolazein* in the argument in question; instead, he moves in the opposite direction, from the active to the passive; and there is no reason, based only upon the example and argument that Aristotle provides, to believe that there is ever anything fallacious about doing so.

Nevertheless, both Mackenzie and Irwin think that there is such a fallacy. In this way, following her two counterexamples, Mackenzie might have asked: If I punish you justly, does it follow that you were punished justly? Now, considering what has been said concerning both the merely apparently difficult nature of the two vivid examples, and the limitations of Aristotle's argument, I see no reason why it does not follow. In any case, however, the use of *dikaiôs* in the argument above, like the use of 'painfully' in the two vivid examples, is neither relational nor psychological in any way that *either* renders it unwarranted by an induction from the three vivid examples *or* renders that argument invalid. For although *dikaiôs* might seem problematically relational or psychological to Mackenzie and Irwin in the fourth premise, we should notice that it is quickly converted, in the fifth premise, to an idiom that is not problematically relational or psychological: i.e., whereas the fourth premise, on the one hand, mentions the verb/adverb complexes of *dikaiôs kolazein* and *dikaiôs kolazesthai*, the fifth premise, on the other hand, mentions instead the verb/noun complexes of *dikaia poiein* (to do just things) and *dikaia paschein* (to suffer just things). And this idiomatic conversion is not incidental to the argument, since *dikaia*--i.e., the sort of things that a judge or executioner inflicts upon a criminal--include, e.g., blows.

Maddowell, in his excellent study of law and punishment in classical Athens, claims that "there is no evidence that flogging or other physical maltreatment was ever imposed as a legal penalty on free men" (p.257); however, we have Socrates' own

testimony that someone who has done injustice should offer himself "for flogging, if his unjust action deserves flogging" (480d1) to prove that, at the very least, blows are one of the modes of punishment that he has in mind. Remembering this, we should find nothing more objectionable in moving from the active sentence 'The executioner inflicts *dikaia* upon the thief' to the passive sentence 'The thief suffers *dikaia* at the hands of the executioner' than we find in moving from the active sentence 'The executioner strikes the thief with a hard or quick blow' to the passive sentence 'The thief is struck with a hard or quick blow by the executioner.'

Indeed, I think such an interpretation gains purchase when it is compared with a feature of the sort of interpretation that is usually proffered by critics of this argument. For instance, Irwin claims that Socrates fallaciously induces his third premise from the putatively random and analogous, but mischievously simple, cases of striking, burning, and cutting. ("Socrates does not mention difficult cases; he sticks to those cases where his principle looks plausible." (p.159)) Alternatively, I submit that Socrates induces his third premise without fallacy from cases that are appositely chosen and in no way misleading. For, first of all, the selection of striking is apposite not only because it is one of the modes of punishment that Socrates has in mind, but also because it is obviously painful. (That it is obviously painful, as we have seen, proves important for the argument--since, being *dikaion*, and thereby *kalon*, it must therefore be useful to whomever it is suitably useful.) And secondly, the selections of cutting and burning are apposite because they are two of the most obviously painful techniques that the Asclepiadae employed for their usefulness to whomever they were suitably useful, i.e., patients. After all, Socrates recommends that someone who has done injustice should not shrink in cowardice from blows, but should offer himself well and bravely, "as though to a doctor for cutting and burning." (480c6). As we will soon see, Socrates argues that, just as doctors minister to the body with an eye to its health, judges and executioners minister to the soul with an eye to *its* health; thus, the

cases of striking, burning and cutting are neither random nor meant to be merely analogous: first of all, all three cases are cases of things--i.e., blows, burns and cuts--that are painful to their recipients, yet useful to them when properly administered; and secondly, as has been noted, the first case is not merely analogous to a *dikaion* thing but precisely the sort of *dikaion* thing that Socrates has in mind when he speaks of *dikaion* punishment.

In sum, then, the third premise of the argument above, when properly understood, is *both* warranted by the induction from the three vivid examples, *and* sufficient to preserve the validity of that argument. First of all, it is warranted because Socrates is not, or at least need not be, concerned to induce a principle that *both* covers all actions, including those that possess troublesome relational or psychological properties, *and* legitimates moves both from the active to the passive and then the passive to the active uses of the verbs that describe those actions; rather, he is, or need only be, concerned to induce a principle that *both* covers those transitive actions that do not possess troublesome relational or psychological properties, *and* legitimates moves from the active to the passive uses of the verbs that describe those actions. More specifically, though, he is, or need only be, concerned to induce a principle that covers at least those actions wherein a painful *thing*--be it a blow, burn, cut, prison sentence, or fine (480d1-2)--is inflicted upon someone else for his or her benefit.

And secondly, this premise is sufficient to preserve the validity of the second argument since, modifying some of the other premises, we arrive at the following: (i) all *dikaia* are *kala* insofar as they are *dikaia*; (ii) if someone does something transitive, there must also be something affected by the doer, and (iii) if someone does something transitive that is not troublesomely relational or psychological, whatever that doer does to the thing affected, that is how the thing affected is affected; therefore (iv) being punished *dikaiôs* for doing injustice is being affected *dikaiôs* by the punisher; and (v) punishment involves the punisher inflicting *dikaia* upon the punished;

therefore, (vi) punishment involves the punished suffering *diakaia* at the hands of the punisher; consequently, (vii) being punished is being affected by *kala*; but (vii) something is *kalon* if and only if it is either pleasant to whomever it is suitably pleasant, or useful for whomever it is suitably useful, or both; and because (viii) *dikaia* like blows administered by a judge or executioner are not pleasant to those for whom they would be suitably pleasant--i.e., those who receive them--if they were pleasant at all, they cannot be both pleasant and useful for them; finally therefore, (ix) *dikaia*, insofar as they are *kala*, must be useful for those for whom they are suitably useful--i.e., those who have done injustice. Now, were we, like Polus, to endorse all the substantive premises of this argument, we too should be persuaded that punishment is more choiceworthy for the unjust than impunity, insofar as it is useful for them.

Before moving on to examine in more detail the penology that these two arguments, taken together, are meant to defend, let us pause and notice two curious features of them. First of all, my interpretation of the second argument elicits something from it that is so curious that it might, at first, seem like a blow to that interpretation. For this second argument, at least as I have reconstructed it, is longer and much more complicated than it needs to be in order to validly secure its conclusion; that is to say, it could easily do so without its second, third, fourth and fifth premises, by converting its sixth from a formal premise, derived from them, into an uncontroversial substantive premise, while nonetheless remaining valid. Why, then, if Socrates does intend the argument as I have reconstructed it, would he have complicated it with an unnecessary detour through the premise concerning inflictors and sufferers that has so vexed commentators? As we have seen, that premise allows Socrates to introduce one vivid example of corporal punishment, as well as two vivid examples of Asclepiad medicine. All three, striking, burning and cutting, cause pain to the body of the person struck, burnt or cut. There is an important difference, however, between the example of corporal punishment and the examples of Asclepiad medicine:

whereas burning and cutting, insofar as they are good medical techniques, are, on the one hand, not only painful, but also useful to the body, striking, on the other hand, is painful without being useful to the body. Thus, since Polus has already been persuaded by the argument as a whole that punishments like striking are useful to the unjust person, irrespective of this vivid bodily pain and harm that they may cause him or her, when Socrates comes to the point where he asks Polus whether the usefulness, or benefit, of punishment is for the soul rather than the body, Polus' response is inevitable: "Yes, that's likely." (477a7)

The second curious feature of both of these arguments is that they are unmistakably *ad hominem*. (And here, as elsewhere, I mean that term in its technical, and currently unfashionable, sense: that is, the sense in which an argument is *ad hominem* if it begins with premises that the interlocutor, but not *necessarily* the examiner, endorses. It was this sort of argument, for example, that Berkeley deployed against Lockeans--or, rather, that Philonous deployed against Hylas--in the first of the *Three Dialogues Between Hylas and Philonous*.) After all, Socrates is always careful to secure the endorsement of his interlocutors for the premises with which he will construct his arguments. Indeed, as Xenophon writes, "he used to say that Homer himself attributed to Odysseus the quality of being an infallible speaker, because he could base his arguments on the accepted beliefs of his hearers." (*Memoirs of Socrates*, 4.6.20) It is this concern with premises that are endorsed by his interlocutors, rather than with premises that are true, (or, at the very least, this concern with premises that are supposed to be true because they are endorsed by his interlocutors) that generally makes Socrates' arguments *ad hominem*. More specifically, though, both of Socrates' arguments with Polus are unmistakably *ad hominem* because they both appeal to a premise that he, Socrates, most likely does not accept--i.e., the premise that something is *kalon* if it is pleasant. After all, later in the same dialogue Socrates endeavours by several means to lead Callicles to deny that all pleasures are *agatha*

(494e9 ff.). For instance, he seeks to show Callicles that some pleasures are *aischra*, by broaching, first, the contemptible subject of the person who pleasantly scratches himself his entire life, and, second, the flagrantly *aischron* subject of catamites, who themselves enjoy *aischra* pleasures (494c4-e7). Now, if Socrates grants, with Callicles, that there are *aischra* pleasures, as he seems to do here and elsewhere (499e6), then some *aischra* will turn out also to be *kala*, a contradiction. Socrates, therefore, cannot consistently maintain *both* the definition of *to kalon* that Polus endorses, *and* the belief that there are *aischra* pleasures.

Were Socrates presented with a choice between, on the one hand, abandoning that cavalier definition while maintaining that there are *aischra* pleasures, and, on the other hand, preserving that cavalier definition and denying that there are *aischra* pleasures, we should expect that he would choose the former. For in what other dialogue, excepting *perhaps* the *Protagoras*, do we find Socrates *either* denying that there are *aischra* pleasures *or* defining an evaluative term as important as *to kalon* via hasty induction? And yet, were this what he would in fact choose, he could not endorse, as Polus does, the definition of *to kalon* that is crucial to both of the arguments he uses to persuade him; both of those arguments would, thereby, become merely *ad hominem*. (And these surely would not be the only such arguments of the dialogue: cf. 488b2-489b7.) Borrowing a phrase from the *Republic* (414b8), we might call this cavalier definition a "noble lie," told in order to draw an interlocutor more speedily towards a conclusion in whose truth Socrates is confident. And perhaps such a strategy should not surprise us. For we have Socrates' own testimony that he can produce only one witness at a time to the truth of his doctrines (474a5-7, 475e7-476a2), and that he can do so only when that witness remains sincere (495a7-8, 500b5-c1; cf. *Crito*, 49c11-d2, *Protagoras*, 331c4-d1). In this way, it seems, Socrates works from the premises that his given interlocutor avers in order to dexterously draw him towards conclusions that Socrates himself avers. This is not to say that Socrates is a

liar. After all, he insists that he would be doing the wrong thing were he himself being insincere (495b1-2). Taking him at his word, then, we should notice that he never himself avers this definition of *to kalon*. What he does aver, both solemnly and frequently, are the two conclusions that it vindicates in the eyes of Polus: that it is more choiceworthy to suffer injustice than to do it, and that if one has done injustice it is more choiceworthy to be punished for it than to go unpunished. Not taking him at his word, however, we might agree with Callicles: "You're being sly, Socrates." (489e1; cf. 495b1, 482e2)

In sum, then, Socrates persuades Polus with a valid *ad hominem* argument that punishment, although more painful than impunity, is nonetheless, even thereby, more useful to the unjust person. (To see Socrates persuading one of his interlocutors with a more blatantly *ad hominem* argument, consider *Euthyphro* 5d5-8a7.) Let us set this fact of persuasion aside for a while, and briefly examine the penology that the peculiar argument that effected it was meant to defend. To begin with, Socrates does not release Polus once he has gained his reluctant assent to the conclusion of that argument; instead, he pursues with him an argument meant to show what we should by now expect to be shown: that justice is a *technê* (craft, skill) that ministers to the soul, just as medicine is a *technê* that ministers to the body (478a2-6). We will not examine the details of that argument here, but we should notice that the analogy it defends, made throughout this dialogue, and indeed throughout the *Republic*, is innovative, and accordingly rather crude. (It is fitting, then, that Plato has Socrates articulate and develop it, this first time, in conversation with Polus, since Polus was known in antiquity as the author of a book entitled *Technê*, which Plato portrays Socrates himself as having read (462c1-2).)

Even at this early stage, though, the analogy already has five facets. First of all, just as a person would be happiest with respect to his or her body if he or she had never been sick, so too, following what was concluded earlier, would a person be

happiest with respect to his or her soul if he or she had never committed injustice (478c3-6). Secondly, just as a person who had become sick would be worse off if he or she had gone untreated rather than having undergone medical treatment for his or her illness (treatment that would have purged his or her body of its unique evil--sickness, generally, but more specifically the various physical vices), so too, following what was concluded earlier, would someone who has committed injustice be worse off if he or she went unpunished rather than undergoing just punishment for his or her injustice (punishment that would purge his or her soul of its unique evil--baseness, generally, but more specifically the psychical vices of injustice, intemperance, cowardice and stupidity (477a6-479a4)). Thirdly, just as the sick are often unwilling to undergo medical treatment because it is painful, and because its usefulness for the body is not immediately obvious, so too are the unjust often unwilling to undergo just punishment because it too is painful, and because its usefulness for the soul is likewise not immediately obvious (479a5-c5). Fourthly, just as doctors often deny a sick person the satisfaction of his or her desires for injurious foods and drinks, so too do judges deny an unjust person the satisfaction of his or her desires for, presumably, injurious activities and company (505a6-b5). Fifthly, and finally, just as medicine pursues the harmony of the body, so too does justice pursue the harmony of the soul (504c5-d3).

Now, it is this final facet that is most important to the success of the analogy as a whole, for unless Socrates develops this facet further, the analogy can be little more than suggestive. After all, medicine is a genuine *technê*, like the other genuine *technai* mentioned earlier in the dialogue (e.g., carpentry, painting, arithmetic, calculation, geometry, astronomy, money-making, and gymnastics: 448b4-452c5), because it has at least a provisional *logos* (rational account) of its *telos* (end, goal) (464c5-6, 465a2-6). That *telos* is, of course, health; but the *logos* it has of that *telos* must describe in further detail, i.e., in as much detail as progress in this *technê* has hitherto afforded, the nature of health. The Asclepiadae described the nature of health as a harmony of

the body, it seems, and a perfect balance of the body's humours, among other things. Consequently, they were able to restore health in particular cases by prescribing precise foods and drinks, or precise burns and cuts, that were derivable from that *logos* of the *telos* of their *technê*. Needless to say, those prescriptions would sometimes have failed, and learning from those failures they could have emended that *logos*, making it more adequate to its objects, and thereby contributing to the progress of their *technê*. Without such a *logos*, though, their prescriptions would have been nothing but the products of rough-and-ready generalizations--i.e., generalizations based upon experience perhaps, but not so based in any way that would have afforded knowledge of the natures of the objects of that experience (465a2-6; cf. 448c4-8). In short, then, without such a *logos* Asclepiad medicine would have been a spurious *technê*.

When Socrates compares the *technê* of justice to the *technê* of medicine, then, he must, first of all, ascribe a *telos* to justice. Irwin (1977), however, complains that although "the hedonism of the *Protagoras*" ascribed a determinate *telos* to justice, or rather to virtue more generally, "when the *Gorgias* rejects hedonism, it offers no alternative." (p.128) Yet this cannot be wholly right, since, as we have already seen, Socrates does offer the alternative of the harmony of the soul (504b2-e2). Nevertheless, when Socrates compares the *technê* of justice to the *technê* of medicine, he must not only ascribe a *telos* to justice; he must also, secondly, provide a *logos* of that *telos*, a *logos* that describes the nature of that *telos* in further detail, i.e., in as much detail as progress in this nascent *technê* has hitherto afforded. In other words, Socrates must not only tell us that justice pursues the harmony of the soul; he must also tell us what harmony of the soul *is*.

Toward the end of the dialogue Socrates struggles, without much success, to do just this. (And that he struggles should not surprise us, since the recorded history of justice conceived as a *technê* that survives begins with this dialogue, so that there has been no progress in this *technê* that has hitherto afforded any such *logos*.) Through his

inchoate struggle, Socrates suggests that in the same way that the harmony of the body is called 'health', the harmony of the soul is called 'lawfulness' and 'justice' and 'temperance' (504d1-3; cf. 507a1-c8). But this suggestion is of little help. After all, we began wishing to know what the *telos* of the *technê* of justice was, and Socrates told us that it was the harmony of the soul; we then wished to receive a *logos* of that *telos*, and he told us that it was 'lawfulness' and 'justice' and 'temperance'; so, at this point we need *logoi* of these as well, *logoi* which cannot, on pain of circularity, describe any of them as *either* the harmony of the soul *or* products of the *technê* of justice.

Unfortunately, Socrates only avoids such circularity by delivering platitudes *ex cathedra*. For by this point in the dialogue he has cowed all three of his interlocutors and must play-act a dialogue with himself in order to continue his arguments, reasoning thus without resistance: "the temperate soul is good," therefore "the temperate man would do fitting things towards both gods and men," therefore he "is just and brave and pious," etc. (507a2-c7).

Behind these platitudes, however, we can discern a familiarly Socratic candidate for the *logos* of the *telos* of the *technê* of justice. For, to begin with, he implies that Gorgias does not have a harmonious soul when he accuses him of "saying things which don't quite follow from or harmonize with the things" he said at first about rhetoric (457e1-3). And furthermore, he implies that Polus does not have a harmonious soul when he shows him that "Polus doesn't agree" with what Polus has just said about power (466e3-6). And finally, he implies that Callicles does not have a harmonious soul when he says that not only does *Socrates* not agree with what Callicles is saying about pleasure, but "*Callicles*" does not agree "either . . . whenever he views himself correctly." (495d6-e2; cf. 482b6) Taking all three of these implications together, then, along with his own declaration, "that it is superior to have my lyre out of tune and discordant . . . than for me . . . to be discordant with myself and contradict myself," (482 b8-c4) we see that one way of possessing a soul that is

not harmonious is to have inconsistent beliefs. Indeed, Socrates says of this dissonance that, "there is no greater evil for a man as great as false beliefs about the things which our discussion is about now." (458a8-b2) Possessing false or inconsistent beliefs cannot, however, be the *only* way of possessing such dissonance; for if it were, truth or consistency would be sufficient for harmony, i.e., lawfulness and justice and temperance; and Socratic examination would always be a sufficient, and almost always be a necessary, punishment to remedy injustice.

Now, Socrates does seem to think that his examination is a sort of punishment. To begin with, he prophesies that he will someday be tried, and that he, "will be judged as a doctor might be judged by a jury of children with a cook as a prosecutor. For consider how such a man would defend himself before such a jury, if someone accused him and said 'Children, this man has inflicted many evils on you. He ruins the youngest of you by cutting and burning.'" (521e4-7) The allusion here is, of course, to Socrates' own trial, and more specifically to the *Apology*, wherein Socrates is arraigned before the Athenians by Meletus and others for having corrupted the youth (24b2-c3). Evidently, Meletus is the 'cook' and the Athenians are the 'children', the youngest of whom have been 'burnt' and 'cut' by Socrates, the 'doctor'. Burning and cutting, though, were earlier compared with striking, and presumably Socrates never struck the Athenians. Instead, it seems, he inflicted his own mode of punishment: his examination. After all, before he describes false beliefs about the best way of life as the greatest of evils, he implicitly compares his examination and its effect on those beliefs to the punishments he earlier recommended and their effect on injustice; for just as he earlier argued that it is better to be punished when one has committed injustice, so now he says that it is better to be refuted when one possesses false beliefs (458a2-8). Indeed, at one point he says to the timid Polus, "Don't shrink from answering Polus--you won't be harmed at all; but present yourself to the argument as to a doctor" (475d6-e1; cf. 505c2-4). Nevertheless, he cannot now think that his

examination is *either* necessary *or* sufficient to remedy all injustice, since, as we have seen, he recommends flogging, prison, fines and even death, when such measures are required (480b7-d6). Moreover, he says much later that the benefit of punishment for those who have committed injustice "comes to them through pain and suffering . . . for there is no other way to get rid of injustice." (525b7-8) (On this score, we should neither overlook nor take too seriously the evidence of the *Theaetetus*, wherein Socrates jokingly compares himself to a midwife, saying of his patients that "they suffer the pains of labour and, by night and day, are full of distress far greater than a woman's," adding of his art of midwifery that it "has the power to bring on these pains or to allay them." (151a4-b1))

Thus, Socrates provides two insufficient candidates for the *logos* of the *telos* of the *technê* justice. The first he provides explicitly: i.e., harmony of the soul is lawfulness, justice and temperance; but this *logos* is insufficient because it is *both* merely platitudinous substitution *and* undefended. The second he provides implicitly: i.e., harmony of the soul is consistent belief; but this *logos* is insufficient because it cannot justify the non-intellectual, and sometimes even corporal, punishments that he recommends. Without such a *logos*, though, the prescriptions of judges and the punishments of executioners will be nothing but the products of rough-and-ready generalizations--i.e., generalizations based upon experience perhaps, but not so based in any way that affords knowledge of the natures of the objects of that experience. In short, then, without such a *logos* justice will be a spurious *technê*.

To summarize the results of this study so far, then: the penology that Socrates articulates in the *Gorgias* is limited in the following two important ways. First of all, the defence of that penology is only a defence to Polus, and others similar enough to him to endorse the premises that he endorses. And secondly, the details of that penology as it stands are insufficient to provide and defend a *logos* of the *telos* of the *technê* of just punishment. Considering these two important limitations, we might have

expected that this penology would be rejected in the face of the more vigorous and sustained opposition that it meets from the character of Callicles, especially as he does not endorse all the premises that Polus had earlier endorsed. And yet, as we know, Socrates subdues Callicles' opposition with only somewhat more difficulty than he had earlier subdued the opposition of Polus. In order to more adequately understand both Socrates' motivation for articulating that penology and Callicles' own unique motivation for opposing it, let us abscond from Plato for a while and develop two distinctions before applying them to this peculiar debate.

## II

Although, as we have seen, all genuine *technai* must have at least provisional *logoi* of their particular *telê*, there are at least two different sorts of *technê*, depending on the nature of the *telê* that practitioners of those different sorts of *technê* pursue. For, first of all, there are many *technai* for which the determinate nature of their *telê* are such as to be acknowledged as the determinate nature of their *telê* by all people, even non-practitioners of those *technai*. Navigation is an example of such a *technê*: one need not be a good navigator, or even a navigator at all, in order to distinguish good navigators from bad ones, since the good ones are evidently those who are able to safely traverse large bodies of water in many different sorts of weather and arrive reliably at or near their intended destination. Medicine is another example of such a *technê*: one need not be a good doctor, or even a doctor at all, in order to distinguish good doctors from bad ones, since the good ones are evidently those who are able to reliably diagnose and cure a variety of illnesses. Let us therefore call this first sort of *technê*, *exoteric*.

Now, secondly, there are many other *technai* for which the determinate nature of their *telê* are such that their determinate nature can only be reliably acknowledged as such by the practitioners of those *technai*, or even, in some cases, only by the good

practitioners of those *technai*. Dramatic poetry is an example of such a *technê*: one must be a good dramatic poet, or at least a dramatic poet of some quality, in order to reliably distinguish good dramatic poets from bad ones, since there are no universally acknowledged criteria common to all and only good dramatic poets. One might object, of course, that some professional drama critics are able to distinguish good dramatic poets from bad ones without themselves practicing the *technê* of dramatic poetry. On this score, however, I think it is telling that the reviews of professional drama critics are rarely, if ever, more highly regarded than the reviews of fellow dramatic poets. But if this is not telling enough, consider another example of such a *technê* that is more familiar to *us*: one must be a good philosopher, or at least a philosopher of some quality, in order to reliably distinguish good philosophers from bad ones, since there are no universally acknowledged criteria common to all and only good philosophers. And thus with philosophy, even more so than with dramatic poetry, the reviews of professional critics, were there such an odd profession, would never be more highly regarded, if they were regarded at all, than the reviews of fellow practitioners. (Moreover, one need only go to the philosophy section of a bad bookstore in order to learn that it is difficult for the uninitiated to distinguish between philosophy and astrology, let alone good philosophy and bad philosophy.) Let us therefore call this second sort of *technê*, *esoteric*.

The practitioners of all *technai*, whether exoteric or esoteric, can achieve two different sorts of goods through the practice of their *technai*. (Here, and throughout much of the remainder of this section, my debt to MacIntyre (1988), pp. 30-46, is deep.) For, on the one hand, they can achieve goods like riches, power, status and prestige--goods which we shall call *external*, for the following two reasons. First of all, desires to acquire and maintain these particular goods can exist independently of, and thus external to, progress toward, or achievement of, the determinate *telos* of any particular *technê*, or indeed of any *technai* at all. After all, people often do exhibit

desires to acquire and maintain these goods without having ever been apprenticed in any particular *technê*, or indeed in any *technai* at all. Secondly, and more importantly, the acquisition and maintenance of these particular goods never intrinsically require progress in any particular *technê*, or indeed in any *technai* at all. After all, their acquisition and maintenance by someone require only a *belief*, held widely--and, in most instances, by those people external to the *technê* by means or affectation of which that person hopes to acquire or maintain these goods--that that person has actually progressed in that particular *technê*.

Now, on the other hand, the practitioners of all *technai*, whether those *technai* be exoteric or esoteric, can also achieve the goods germane to progression toward, or even achievement of, the particular determinate *telê* of their particular *technai*--goods which we shall conversely call *internal*, for the following two reasons. First of all, in the cases of esoteric *technai* at least, desires to achieve the good germane to any given one of those *technai* depend upon, and are thus internal to, progress toward, or achievement of, the determinate *telos* of that particular *technê*. After all, people cannot desire to achieve that good without ever having been apprenticed in that particular *technê*, since without having been so apprenticed they will have only the vaguest idea of the determinate *telos* of, and thus the internal good available through progress in, that *technê*. Secondly, and more importantly, in the cases of both exoteric and esoteric *technai*, the achievement of the good germane to any given *technê* intrinsically requires, and requires only, progress in that particular *technê*, so that such an achievement is in no way helped by any belief, no matter how widely held, that one has actually progressed in that particular *technê*.

This distinction, between external and internal goods, is perhaps most easily understood by the following parable (cf. MacIntyre, 1984, p.188). There once was a father who wished to teach his daughter how to play chess. So, he set up the board and invited her to play. At first he had to teach her the rules, but she mastered them

quickly. And yet, although she seemed happy whenever they played, he couldn't be sure that she had learned to enjoy the game itself. To make sure, then, he began to interrupt their games halfway through in order to prepare a snack. For the first few weeks, whenever he returned to the board he found that his daughter had moved a few of the pieces to her own advantage. He was disappointed but said nothing. Instead, he allowed her to win in this way, until one day he returned and found the pieces exactly as they were when he had left. On this day he became sure that she had learned to enjoy the game itself.

Embellishing this parable a little, we can imagine that the daughter's progress in the *technê* of chess proceeded in something like the following manner. When she first began to play, she did so in order to achieve the glory of victory. To begin with, then, her desire to acquire that glory was independent of, and thus external to, progress toward, or achievement of, the determinate *telos* of the *technê* of chess. Moreover, and more importantly, the acquisition of that glory (or rather, that apparent glory) upon her victory did not require any genuine progress in the *technê* of chess; instead, she acquired that (apparent) glory merely as a result of her father's (apparent) belief in her victory. When she first began to play, therefore, she played primarily in order to achieve an external good. However, the day she left the pieces as they were--the same day that she recognized how moving them was beginning to frustrate a new and growing desire--was the day that she no longer played in order to achieve that external good. At this point, she began to play in order to achieve the *telos* of the *technê* of chess--i.e., excellent chess-playing. From this point her desire to play chess became dependent upon, and thus internal to, her progress toward the determinate *telos* of the *technê* of chess, since, from this point, she had to begin to continually revise her beliefs about, and thus the content of her desires for, that determinate end. Moreover, her achievement of the good she henceforward sought began intrinsically to require, and require only, progress in the *technê* of chess. Whether or not her father pretended

to believe, or even really did believe, that she had won became thereby irrelevant to her achievement of that good. In short, she henceforward played chess primarily in order to achieve the internal good that can only be achieved by playing chess, "a certain highly particular kind of analytical skill, strategic imagination and competitive intensity." (MacIntyre, 1984, p.188)

Having developed these two distinctions--between, first of all, exoteric and esoteric *technai*, and between, secondly, external and internal goods--let us now consider a competition between various practitioners of a given *technê*, e.g., dramatic poetry. Each year, three dramatic poets staged performances of their tragedies at the most important festival in Athens: the Greater Dionysia. Judges compared these performances, selected the best among them, and awarded a prize accordingly. Thus, by writing a tragedy for performance at the festival, a dramatic poet could have achieved both the internal good of writing excellent tragedy--a certain highly particular kind of poetic skill, sympathetic imagination, and emotional clarity, say--and the external good of first prize, with its concomitant prestige and status. That is to say, these two different sorts of good could have regularly been achieved together so long as at least the following two conditions were satisfied by the competition itself.

First of all, the competition would have had to have been fair in several respects. For example, because each tragedy was performed by a different chorus, and because those choruses were all supervised and accoutered by a wealthy *chorêgos* (chorus-master), the different tragedies could have been performed with choruses of different quality and accoutrements. After all, if the *chorêgos* were partial to Euripides, e.g., so that his tragedies were performed with only the best chorus members, clothed in only the finest robes, and accompanied by only the most experienced musicians, while the tragedies of Sophocles, e.g., were performed with only the worst chorus members, clothed in rags, and accompanied by novice musicians, the competition would not have been fair. Under such conditions, then, it

could have been the case that the dramatic poet who had achieved the greatest internal good of the *technê* of tragedy from among the competitors did not also acquire the external goods available through the practice of that *technê*. However, so long as the competition was fair in these and other respects, the dramatic poet who had achieved that greatest internal good could also regularly have acquired those external goods, barring quirks of fortune and a failure to meet the next condition.

Secondly, these two different sorts of good could have regularly been achieved together only if the judges who awarded the prizes were competent judges of good dramatic poetry. After all, dramatic poetry is, as was said earlier, an esoteric *technê*, so that one must be a good dramatic poet, or at least a dramatic poet of some quality, in order to reliably distinguish good dramatic poets from bad ones. Now, the judges of the Greater Dionysia were most likely not themselves dramatic poets, let alone good ones; nonetheless, they could have been to-a-greater-or-lesser-degree-reliable in distinguishing good dramatic poets from bad ones. For since, on the one hand, they would have grown up in Athens and been regularly exposed to the tragedies of Sophocles throughout their lives, they could thereby have become accustomed to good tragedy in such a way as to make bathetic tragedy insufferable. Yet, on the other hand, if they had been the sort of "people who eat nuts in theatres," as Aristotle observes (*NE*, 1175b13), and had not been paying attention to those tragedies, they could regardless have preserved a childish fondness for bathos. Under such conditions, then, it could have been the case that the dramatic poet who had achieved the greatest internal good of the *technê* of tragedy from among the competitors did not also acquire the external goods available through the practice of that *technê*. However, so long as the judges were relatively competent in judging tragedy, the dramatic poet who had achieved that greatest internal good could also regularly have acquired those external goods, barring quirks of fortune and failure to meet the previous condition.

Speaking generally now, whenever the conditions of a competition itself are such that the competitor who has achieved, among all the competing practitioners, the greatest internal good of the *technê* that is the medium of that competition *can* also regularly acquire the greatest amount of external goods available to those competitors, on the one hand, then it may be difficult for a practitioner of that *technê* to determine whether his or her primary allegiance is to that internal good or to those external goods. Yet whenever the conditions of a competition itself are such that the competitor who has achieved, among all the competing practitioners, the greatest internal good of the *technê* that is the medium of that competition *cannot* also regularly acquire the greatest amount of external goods available to those competitors, on the other hand, it will often be easy for a practitioner of that *technê* to determine whether his or her primary allegiance is to that internal good or to those external goods. For like the parable of the daughter presented with the opportunity to move the chess pieces to her own advantage, such competitions often present practitioners of *technai* with the opportunity of cheating, and thereby acquiring the external goods available through the practice of that *technê*, though sometimes the cost of doing so will involve sacrificing an opportunity to achieve, or even vitiating the talent required in order to ever again achieve, more of the internal good available through the practice of that *technê*. Let us return to the specific example of dramatic poetry in order to illustrate this point.

Were the judges in the Greater Dionysia to have regularly preferred formulaic and bathetic tragedy to good tragedy, we can imagine, though perhaps only with difficulty, that the early Sophocles might have considered writing tragedies that obeyed such absurd formulas--potboilers, as it were--in order to acquire the prestige and status concomitant to a first prize in the festival. However, were he to have written such absurd things on a regular basis, he would thereby have sacrificed many opportunities to progress toward the *telos* of his *technê*, would thereby have sacrificed

the opportunity to achieve more of the internal good available through the practice of that *technê*, and might even, had he made these sacrifices often enough, have thereby vitiated the talent he once had and still required in order to ever again achieve more of that internal good. After all, even potboilers demand an exhausting, and sometimes corrupting, effort, since their writers must pay constant attention to the whims of the crowd that they wish to please.

Returning to the *Gorgias* for the moment, we see that Socrates recognizes such exhausting effort in the behaviour of Callicles: "I notice you each time, clever though you are--whatever your beloved says and however he says things are, you can't contradict him, but you change this way and that. In the Assembly, if you're saying something and the Athenian *demos* [people] says it's not so, you change and say what it wants. And with this fine young man [Demos] the son of Pylilampes you're affected in other similar ways. For you're incapable of opposing the proposals and speeches of your beloved; and if someone were amazed whenever you say the things you say because of your beloveds, at how absurd these things are, then no doubt you'd tell him, if you wanted to tell him what's true, that unless someone stops your beloved from saying these things, you'll never stop saying them either." (481d6-482a2) Now, why does Callicles obey the whims of the Athenian *demos*, e.g., saying what Socrates considers to be such absurd and variable things? As we will see, he wishes, by the practice of a rhetoric which aspires to manipulate that *demos*, to acquire power over it. The primary of allegiance of Callicles is thus to the external good of power. (This is not, of course, to say that power is all that he desires, since he says, for example, that "philosophy is a delightful thing, if someone touches it in moderation at the right time of life" (484c6-7); but what he says about philosophy and other topics, as well as the way he speaks about them throughout this dialogue reveal his primary passion for power, and thereby strongly suggest that he desires to practice the *technê* of philosophy, and, by extension, other *technai* as well, as a means toward the acquisition

of that external good. Were this indeed the case, the Platonic character of Callicles would be similar to the historical characters Critias and Alcibiades, who intended to acquaint themselves with the Socratic circle and philosophy, writes Xenophon, in order to achieve "the highest efficiency in speech and action." Indeed, he adds, "as soon as they felt superior to the rest of the company, they broke away from Socrates and took up politics, the object for which they had courted his society." (*Memoirs of Socrates*, 1.2.12-17)) Contrarily, we see that although Socrates may also exhaust himself pursuing his own beloveds, one of whom is Alcibiades (whose whims were more extreme than those of either Demos the son of Pyrilampes or the Athenian *demos*), one of those beloveds is philosophy, and, according to him, "philosophy says always the same thing" (482b1; cf. 509a4, 473b10). For philosophy is a *technê* whose *telos* is the truth, and truth never changes; or so Socrates thinks. His primary allegiance is thus, contrarily, to the internal good of truth.

I submit that the competing conceptions of justice (and thus also, by implication, of punishment) that Socrates and Callicles tender in the *Gorgias* are products of these divergent primary allegiances. In order to elicit this relationship--between, on the one hand, an allegiance to one or the other of the two sorts of good and, on the other hand, a particular conception of justice--let us return one last time to the festival of the Greater Dionysia. Indeed, let us return to two such imaginary festivals.

First of all, let us imagine a festival in which the primary allegiances of the three dramatic poets who participate in it are to the external goods of prestige and status available through victory. Moreover, let us imagine that although all three of those dramatic poets are wealthy, only one of them is wealthy enough to covertly rig the selection of judges. And finally, let us imagine that the only people that could be selected by so fraudulent a process are incompetent judges of tragedy, aficionados of the sort of bathos the production of which that wealthiest of dramatic poets is

peculiarly capable. At this point he is thus faced with the following choice: *either* rig the selection of the judges and write bathetic tragedies--thereby sacrificing an opportunity to achieve the internal good of dramatic poetry, but securing an opportunity to acquire the external goods of prestige and status--*or* not rig that selection and write what-at-least-now-seems-to-him good tragedies--thereby preserving an opportunity to achieve the internal good of dramatic poetry, but failing to secure an opportunity to acquire the external goods of prestige and status. Although the primary allegiance of this dramatic poet, like the others, is to external goods, his choice of the former option is inevitable; for to choose the latter would be to frustrate his own desires.

Now, the moment that the other two dramatic poets discover this fraudulence they will of course denounce it as unjust and clamour for justice. That is to say, since their similar desires for the advantages of external goods are frustrated by such a rigged selection of judges, they will clamour for more scrupulous supervision of that process, and likely also for a set of rules, the infraction of which will be punishable by a deprivation of external goods severe enough to make future infraction irrational in normal circumstances. The aim of their clamour will thus be not only to render the wealthiest dramatic poet incapable of exercising his previous superiority in wealth, but also, as a result, to render the competition fair and equal for all, regardless of inferiority in wealth. And amid their pious clamour for fairness and equality and other such fine things, we can expect that they will also denounce the injustice of the rigging of festivals more vigorously, perhaps calling it *aischron*. Nevertheless, because their primary allegiances are also to external goods, we should not overlook the fact that were they themselves to become wealthy enough to rig the process of judge selection, or indeed any other facet of the festival, in their own favour without the attendant likelihood of being caught doing so and thus suffering the deterrent consequences, they, like that dramatic poet they earlier denounced as 'unjust', would circumvent the

very rules of justice they had clamoured to establish; for to do otherwise would be to frustrate their own desires.

In these ways at least, then, such a clamour should remind us of Callicles' conception of conventional justice: "But in my view those who lay down the rules are the weak men, the many. And so they lay down the rules and assign their praise and blame with their eye on themselves and their own advantage. They terrorize the stronger men capable of having more; and to prevent these men from having more than themselves they say that taking more is *aischron* and unjust, and that doing injustice is this, seeking to have more than other people; they are satisfied, I take it, if they themselves have an equal share when they're inferior." (483b5-c6) Callicles thus seems to think that, first of all, people by nature primarily seek external goods, that, secondly, some few are by nature better at acquiring and maintaining them than others, and, thirdly, that those many others will try to tame the better few with a stultifying, merely conventional, apparatus of justice in order to prevent their own victimization. Yet he is not alone among either Athenians or foreigners in holding that conventional justice functions in something like this way. After all, similar versions of such a genealogy are found in the mouths of other Platonic characters: explicitly in Protagoras' speech (*Protagoras*, 320c8-328d2), and implicitly in the belief common to both Meletus and Alcibiades that the many teach justice (*Apology*, 24d2-25a6, and *First Alcibiades*, 110d6-e1, respectively). Moreover, another similar such genealogy is found in a surviving fragment commonly attributed to Critias, the leader of the Thirty tyrants of Athens, and corollaries of such a genealogy are found in the surviving writings of many of the Sophists, e.g., the anonymous *Dissoi Logoi* (6.1-12).

Were Callicles' specific version correct, the practice of justice would thereby become, for the many at least, although they might not always acknowledge it as such, an instrumental means to an external end--i.e., the acquisition and maintenance of more external goods than would otherwise be possible. After all, a maximally efficient

conventional apparatus of justice would deploy a rhetoric, as well as other more insidious techniques of manipulation akin in some ways to what Foucault has called "the micro-physics of power," both of which would be engineered to tame those few who would otherwise be able to acquire and maintain more external goods than the many others. And yet, by taming those few indiscriminately it would also dupe those many along with them into believing that conventional apparatus to be a feature of nature, having legitimacy beyond the walls of any particular city at any particular time; for were it believed to lack such legitimacy, that apparatus would eventually become subject to the skepticism of its creatures, and thereby could not remain maximally efficient. As Callicles says of both that rhetoric and those more insidious techniques of manipulation, "we mould the best and strongest among us, taking them from youth up, like lions, and tame them by spells and incantations over them, until we enslave them, telling them they ought to have equal shares, and that this is *kalon* and just." (483e5-484a2)

Besides those duped by these incantations, however, there would arise some few, Callicles thinks--perhaps some elite subset of those few most able by nature to acquire and maintain more external goods than the many others--who would pierce both that rhetoric and those more insidious techniques of manipulation. Moreover, being thus liberated from conventional illusions, this elite would thence seek the more external goods that are their birthright, without the timidity and remorse characteristic of the duped. Callicles foreshadows the arrival of a member of this elite, an Athenian *Übermensch*e like Alcibiades, as it were, in the following terms: "He will trample on our writings, charms, incantations, all the conventions contrary to nature. He rises up and shows himself master, this slave of ours" (484a4-6; cf., *Anonymus Iamblichi*, 6.2-4, 9.14-16).

Evidently, however, because Callicles himself tenders this conception of conventional justice, he thereby supposes himself, whether reflectively or

unreflectively, to have pierced both the rhetoric and those more insidious techniques of manipulation deployed by that apparatus against him. In short, he counts himself among the elite. To him, then, like to the wealthiest dramatic poet of our example, the apparatus of conventional justice becomes an *impediment* to the acquisition and maintenance of the more external goods he desires, since he must, in order to avoid frustrating those desires, *either* submit to it in order to avoid the punishments it inflicts, *or*, when possible, covertly and thus inconveniently circumvent it. However, as we will see later, to him--as a dynamic speaker, an admirer of Gorgias, and an Athenian aristocrat during the democracy--the rhetoric of that apparatus, prudently used, might become a *tool* for the more thorough satisfaction of those desires.

So much for Callicles' conception of (conventional) justice, then; at least for the moment. Let us now turn to Socrates' conception of justice. Whereas Callicles' conception, as we have seen, emerges from a primary allegiance to external goods, Socrates' conception, as we will now see, emerges from a primary allegiance to internal goods. In order to approach this emergence in the same way that we approached that earlier emergence, though, let us imagine a subsequent festival of the Greater Dionysia, one in which the primary allegiances of the three dramatic poets who participate in it are not to the external goods that are contingently available through the practice of the *technê* of dramatic poetry, but to the internal goods achievable only in progress toward, or achievement of, the *telos* of that *technê*. Yet let us also imagine that the circumstances of this second festival are otherwise identical to the circumstances of the first one, so that, as before, all three of those dramatic poets are wealthy, but only one of them is wealthy enough to covertly rig the selection of judges, and so that, as before, the only people that could be selected by so fraudulent a process are incompetent judges of tragedy, aficionados of the sort of bathos the production of which that wealthiest of dramatic poets is peculiarly capable.

Now, he is thus faced with the same choice as was his homologue: *either* rig the selection of the judges and write bathetic tragedies--thereby sacrificing an opportunity to achieve the internal good of dramatic poetry, but securing an opportunity to acquire the external goods of prestige and status--*or* not rig that selection and write what-at-least-now-seems-to-him good tragedies--thereby preserving an opportunity to achieve the internal good of dramatic poetry, but failing to secure an opportunity to acquire the external goods of prestige and status. Given that the primary allegiance of this dramatic poet, like the others, is to that internal good, though, his choice of the latter option is inevitable; or so it would seem, since to choose the former would be to frustrate his own desires. However, I submit, his choice of the latter option is not so inevitable as was his homologue's choice of the former option. To see why, we must remember the first, and more subtle, feature of the distinction between external and internal goods.

Desires to acquire and maintain external goods, remember, can exist independently of, and thus external to, progress toward, or achievement of, the determinate *telos* of any particular *technê*, or indeed of any *technai* at all. After all, remember, people often do exhibit desires to acquire and maintain these goods without having ever apprenticed in any particular *technê*, or indeed in any *technai* at all. In fact *most* people, even those who have thoroughly apprenticed in a particular *technê* or particular *technai*, exhibit desires to acquire and maintain these goods to some degree (though the primary allegiances of these people at least need not be, and often are not, to these goods). These desires thus seem to be a nearly, if not entirely, ineliminable constituent of human nature. Consequently, even when the primary allegiance of someone is to the internal good of his or her *technê*, like any one of the dramatic poets in our second example, his or her desires for external goods could occasionally become so strong as to temporarily eclipse this primary allegiance, so that he or she is thereby tempted to sacrifice an opportunity to achieve the internal good available

through the practice that *technê* in order to secure an opportunity to acquire or maintain those external goods. (On this score, notice how unusual it would be, alternatively, to describe someone whose primary allegiance was to external goods like prestige and status as being *tempted* by the prospect of acquiring the internal good of a *technê* like dramatic poetry.)

Aristotle implies that the young are particularly prone to be tempted by external goods, since a youth "tends to be guided by his passions." (*NE*, 1095a2-9) And yet, given what has been said about the internal goods germane to esoteric *technai* like dramatic poetry, this is precisely what we should expect. For in the cases of esoteric *technai*, desires to achieve the good germane to any given one of them depend upon, and are thereby internal to, progress toward, or achievement of, the determinate *telos* of that particular *technê*. Thus, without having been apprenticed in a *technê* people will have only the vaguest idea of the determinate nature of the *telos* of, and thus the internal good available through progress in, that *technê*. Consequently, any youth who has just begun to apprentice in an esoteric *technê* will have little more than the vaguest idea of the determinate *telos* of, and thus the internal good available through progress in, that *technê*; and as a result, his or her primary allegiance to that internal good will be weaker than, and thus more easily eclipsed by, settled desires for more determinate external goods.

Let us therefore imagine that the wealthiest dramatic poet in our second example is at least similar to, if not really, a youth, in the respect that he is easily tempted by external goods to frustrate his primary allegiance to the internal good of dramatic poetry. (After all, as Aristotle observes, "it does not matter whether he is young in years or immature in character, since the deficiency does not depend on age, but results from being guided in his life and in each of his pursuits by his passions" (1095a5-8).) When he is not being so tempted, however, he will reflectively that it is better for him to *suffer* one of his competitors to rig the selection of the judges and

write bathos in hopes of securing prestige and status for himself, than for himself to do so; for his primary allegiance is not to those external goods but instead to the internal good of dramatic poetry. Moreover, if he has once been so tempted and caught, he will, at least retrospectively, acknowledge that it was better for him to have faced *punishment* for having been so tempted than to have acted with *impunity*; for effective punishment will have *both* chastened the passion or desire that led him to succumb to a temptation that frustrated his primary allegiance, *and* thus made it easier for him to satisfy the desires of that allegiance in the future. Impunity would have left that passion or desire intact, perhaps even allowing it to grow, "making his soul festering and incurable," (480b1) and thereby making it likely that he would have frustrated that allegiance again. Such acknowledgments should, of course, remind us of Socrates' conceptions of justice and punishment.

Socrates, I therefore submit, conceives of justice as a similarly esoteric *technê*: first of all as a *technê*, because he assumes it has a *telos*, and thus a germane internal good; and secondly as an *esoteric technê*, because he assumes that the desire to achieve that good depends upon, and is thus also internal to, progress toward, or achievement of, the determinate *telos* of that *technê*. (One might immediately object that Socrates evidently does not consider justice, insofar as it is a *technê*, to be like the composition of tragedy, as our second example suggests it is, insofar as Socrates does not consider tragedy to be a *technê* at all (502b1-8). Yet we should notice that his reason for not doing so is that the tragedy he has in mind does not "struggle, if anything is pleasant and gratifying to them [the audience], but base, to avoid saying it, and if something is without pleasure, but beneficial, to say and sing this, whether they enjoy it or not." Consider two features of this observation, however. First of all, it is false as a description of the tragedies of Sophocles, his contemporary, at least-- consider, e.g., *Oedipus Tyrannus*, or the *Philoctetes* (cf. MacIntyre (1988), pp.57-63). Secondly, irrespective of its historical accuracy, it criticizes tragedy for ministering to

the pleasures of the audience, and thereby, presumably, seeking the external good of their accolades; but the primary allegiances of the dramatic poets of our second example are all, *ex hypothesi*, to the internal good achievable only through progress in their esoteric *technê*.) Now, this conception of justice as a similarly esoteric *technê* creates a special difficulty for Socrates' defence of it when its legitimacy is challenged by characters like Callicles, whose primary allegiance is, as we have seen, to external goods. Before elucidating this special difficulty, though, let us juxtapose their two competing conceptions of justice by highlighting two of the important differences between them.

First of all, even though these two conceptions may often recommend both the same rules of justice and the same punishments for those who have broken them, they will nonetheless *justify* these same rules and punishments differently. For example, as we have seen, each conception will recommend both rules proscribing the rigging of the selection of judges in the festival of the Greater Dionysia, and punishments for those dramatic poets who break these rules. However, whereas the conventional justice of Callicles' conception will justify these rules and punishments by arguing that they are required in order to prevent the wealthiest dramatic poet from frustrating the *other* dramatic poets, the justice of Socrates' conception will justify these same rules and punishments by arguing that they are required in order to prevent that wealthiest dramatic poet from frustrating *himself*.

Correlatively, in affairs of the *polis* (city-state), each conception may often recommend both the same rules of justice and the same punishments for those who have broken them. For example, each will likely recommend both rules proscribing the rigging of the selection of *prytaneis* (presidents), and punishments for those citizens who break them. However, whereas the conventional conception of justice that Callicles contemns will justify these rules and punishments by arguing that they are required in order to prevent the wealthiest citizens from frustrating the *other* citizens'

acquisition and maintenance of external goods, Socrates' conception justice will justify these rules and punishments by arguing that they are required in order to prevent those wealthiest citizens from frustrating *themselves* in their own efforts to achieve the internal good of the *technê* of justice.

This first difference entails the following, important second difference. Even though these two conceptions may often recommend the same rules of justice, the *binding force* of these same rules will nonetheless be different for the respective adherents of each conception. For example, as we have seen, each conception will recommend a set of rules governing the selection of judges in the festival of the Greater Dionysia, and indeed they will each deem it irrational for the wealthiest dramatic poet, or indeed either of the other dramatic poets, to break them; but the different binding force of these rules for their respective adherents becomes evident when we inquire of each *why* it would be irrational to break them. According to the conventional conception justice that Calicles contemns, on the one hand, it would be irrational for an adherent of this conception to do so because doing so will *often* most likely be recognized by the others and thus provoke punishments that will deprive him of more external goods than he would likely acquire by his infraction, thereby frustrating his own primary allegiance. According to Socrates' conception of justice, on the other hand, it would be irrational for an adherent of this conception to do so because doing so, by depriving him of an opportunity to progress toward, or achieve, the internal good of the *technê* of dramatic poetry, will *always* frustrate his own primary allegiance.

Now, turning to the *polis* more generally, this second difference between these two conceptions appears again when we consider those cases in which a citizen is presented with the opportunity of covertly committing injustice and escaping both recognition and resulting punishment. Most saliently, were a citizen presented with the rare opportunity of becoming a tyrant--so that he could consistently commit injustice

with impunity--we would observe the following contrast. If, on the one hand, his primary allegiance were to external goods, it would be rational for him to seize that opportunity, since doing so would allow him to acquire and maintain more of those goods. (It is for this reason that Sophists like Anitphon thought that it is rational to obey the rules of justice only if one will be seen doing so; after all, he thought that "a man would employ justice best for his own interests if he were to regard the laws as important when witnesses were present, but when no witnesses are present, he were to regard the demands of nature as important," since "if his transgression is unnoticed . . . he escapes without either shame or penalty." (1-45 H.)) But if, on the other hand, his primary allegiance were to the internal good of the *technê* of justice, it would be irrational for him to seize that opportunity, since doing so would not only certainly prevent him from progressing toward, or achieving, that good, but would also likely vitiate his ability to ever achieve that good. Doing so, Socrates thinks, would likely create a dissonance in his soul impossible to resolve by mundane punishments alone. We should not be surprised, therefore, that the crux of debate between, first, Socrates and Polus (466c1, 479a3), and, second, Socrates and Callicles (484a2-c3, 492b4, 525d2), is this very subject--i.e., the tyrant and the worth of his life.

Callicles, as we have seen, aspires to be a tyrant. Evidently, then, he has not been apprenticed in the esoteric *technê* of justice (assuming, for the moment, that there is such a *technê*). Thus, he not only does not owe his primary allegiance to the internal good achievable only through apprenticeship in that *technê*, he cannot even understand such a primary allegiance. After all, when one has not been apprenticed in an esoteric *technê*, one will have none of the determinate desires to achieve the internal good that depend upon, and are thus also internal to, progress toward, or achievement of, the determinate *telos* of that *technê*. For, remember, without ever having been so apprenticed, one will have only the vaguest idea of the determinate *telos* of, and thus the internal good available through progress in, that *technê*. Worse even than youths

who have recently begun their apprenticeship in that *technê* then, characters like Callicles will have not only *no determinate desires* to achieve the internal good that depend upon, and are thus also internal to, progress toward, or achievement of, the determinate *telos* of the *technê* of justice, they will also have *no understanding* of the value of that internal good (assuming, for the moment, that there is such an internal good). To such characters, we should thus expect such desires to appear to be the fetishes characteristic of "a rabble of slaves and all sorts of people worth nothing" (489c5). Indeed, to such characters, a desire to suffer injustice rather than do injustice would appear to be the reassuring superstition of someone who "can't defend himself or anyone else he cares about" (483b4). Finally, to such characters, a desire to be punished for injustices that one has committed rather than go unpunished would appear to be the product of a rhetoric, or more insidious techniques of manipulation, engineered to produce obedient servants of the *polis* for whom "it's better to die than to live" (483b2).

Not surprisingly, these appearances create a special difficulty for Socrates' defence of justice. To begin with, Socrates cannot persuade Callicles by appealing to the value of the internal good germane to the *technê* of justice, since Callicles does not desire, and cannot even understand the value of, that internal good. And yet, Socrates seems to recognize this difficulty. For, first of all, when he and Callicles disagree about the value of temperance (491d5 ff.), and Callicles erupts with his final, sustained speech of the dialogue, a speech in which he celebrates the unrestrained life of appetite-satisfaction, Socrates replies with a story, not an argument, to the effect that the appetites are like leaky jars, so that a life spent in satisfying the appetites is akin to tediously filling and refilling a collection of such jars. Indeed, by the end of this story he has turned away from his examination entirely and toward explicit entreaty: "These ideas may naturally seem somewhat absurd, but they reveal what I want to put before you, to persuade you, if I can, to retract your view and to choose in place of an

insatiable and uncontrolled life the life of order that is satisfied with what at any time it possesses." (493c4-5) And secondly, although Socrates has already cowed Callicles long before the end of the dialogue with arguments he takes to be decisive (508e6-509a2), he concludes it by recounting another story (523a1 ff.), an after-life story in which, it seems, those who have been unjust in this life suffer the deprivation of external goods and worse in the next life (525a6-8), while those who have been just in this life are sent to the Isles of the Blessed, where no such deprivations are suffered (523b2-3). Presumably, Socrates intends this link between external goods in the next life and the practice of justice in this to fill the gap created in his defence of justice by Callicles' ignorance of, and contempt for, the alleged link between the allegedly supreme internal good of the alleged *technê* of justice in this life and the practice of that *technê* in this life. Indeed, by the end of this story he has turned to universal exhortation: "And I call all other men, as far as it is in my power--yes, I call you, Callicles, in reply to your call--to this life and contest, which I say is worth more than all the contests here." (526e1-5)

Yet this difficulty for Socrates' defence of justice, and thus also for his defence of punishment, is already the third problem with that defence that this study has revealed. The first section of this study concluded that the penology articulated by Socrates in the *Gorgias* is limited in the following two important ways. First of all, its defence as it stands is only a defence to Polus, and others similar enough to him to endorse the premises that he endorses. And secondly, its details as it stands are insufficient to provide a *logos* of the *telos* of the *technê* of just punishment. Now, this latter limitation will become paramount much later; but at this point let us recall the first of these limitations in the new light afforded by Callicles' opposition.

By appealing to the premise that to do injustice is more *aischron* than to suffer it (474c4-8), Socrates persuaded Polus, first of all, that it is more choiceworthy to suffer injustice than to do it. By appealing to the premise that all just things are *kala*

insofar as they are just (476b1), Socrates persuaded Polus, secondly, that if one has done injustice it is more choiceworthy to be punished for it than to go unpunished. As Vlastos noticed, Socrates moves through these arguments very quickly; and as Meno noticed, he often brings his interlocutors into a state of perplexity (80a1-b6). His speed, I think, is to some extent responsible for that perplexity. For in the first argument with Polus, e.g., Socrates has not *proven*, even to Polus himself, that it is more choiceworthy to suffer injustice than to do injustice, since all that he has shown is an *inconsistency*, of which Polus is guilty, between believing, on the one hand, that to do injustice is more *aischron* than to suffer it, and, on the other, that it is less choiceworthy to suffer injustice than to do it (assuming, that is, that one endorses all the other premises that Polus endorsed). Thus, were Socrates to have moved less quickly, and were Polus to have been less easily ashamed, Polus might have recognized this and abandoned his first belief, that to do injustice is more *aischron* than to suffer it, rather than his second, that to suffer injustice is less choiceworthy than to do it. Likewise in the second argument with Polus, e.g., Socrates has not *proven*, even to Polus himself, that if one has done injustice it is more choiceworthy to be punished for it than to go unpunished. After all, all that he has shown is an *inconsistency*, of which Polus is again guilty, between believing, on the one hand, that all just things are *kala* insofar as they are just, and, on the other, that even if one has done injustice it is less choiceworthy to be punished for it than to go unpunished (assuming, again, that one endorses all the other premises that Polus endorsed). Thus, likewise, were Socrates to have moved less quickly, and were Polus to have been less easily ashamed, Polus might have recognized this and abandoned his first belief, that all just things are *kala* insofar as they are just, rather than his second, that if one has done injustice it is less choiceworthy to be punished for it than to go unpunished.

Elsewhere, Socrates acknowledges that inconsistencies, rather than proofs, are all that his examination elicits. For example, when he has revealed an inconsistency

between two of Protagoras' beliefs--one about the uniqueness of contraries, and another about the unity of the virtues--he does not conclude that Protagoras must retain one in particular, while abandoning the other; instead he concludes that Protagoras may retain one or the other, no matter which, but not both. With this more limited conclusion in mind, Socrates asks: "Which statement are we to give up? . . . Which shall we renounce? The two statements are not very harmonious. They don't chime well together or fit in with each other." (*Protagoras*, 333a1-6; cf. *Hipparchus* 229e3-230a5) However, when this technical limitation has been acknowledged, as many modern commentators have observed, the following epistemological problem arises: simply eliciting inconsistencies between beliefs, even when those inconsistencies are then eliminated, is insufficient for the acquisition of knowledge. For, assuming with Socrates that the truth is always the same (cf. 482b1, 509a4, 473b10), since two inconsistent beliefs cannot both be true, one of them may be true and one of them may be false, or both of them may be false; but whether either of them is true, and, if so, which one it is, is something, it seems, neither Socrates cannot determine, since Socrates does not have the epistemological resources required to determine the truth-value of any given premise. Consequently, when Socrates cows Polus into abandoning, first, his belief that it is less choiceworthy to suffer injustice than to do it, and then, second, his belief that if one has done injustice it is less choiceworthy to be punished for it than to go unpunished, neither Socrates nor Polus can know whether he has not mistakenly abandoned true beliefs and preserved false ones, rather than abandoning false beliefs and preserving true ones. And it is acknowledgment of this epistemological problem, in my opinion, that compels Socrates to perpetually confess his ignorance: e.g., "For remember I don't have knowledge any more than you have when I say what I say." (506a3-4) (Irwin (1977) provides the following, comprehensive list of such confessions: *Apology*, 21b1-d7, *Euthyphro*, 5a3-c7, 15c11-16a4, *Charmides*, 165b4-c2, 166c7-d6, *Laches*, 186b8-c5,

d8-e3, 200e2-5, *Lysis* 212a4-7, 223b4-8, *Meno*, 71a1-7, 80d1-4, *Hippias Major*, 286c8-e2, 304d4-e5, *Symposium*, 216d1-4. Notice, though: there is no such confession in the *Republic*.)

The *telos* of the *technê* of Socratic examination is thus not really truth after all, but rather the elimination of inconsistency, or perhaps truth insofar as the absence of inconsistency is taken to be a hallmark of it. At times Socrates acknowledges this: "For what I say is always the same--that I know not the truth in these affairs, but I do know that of all whom I have ever met either before or now no one who put forward another view has failed to appear ridiculous." (509a4) In other words, Socrates acknowledges that the only advantage of his beliefs over against those of his interlocutors is that his beliefs have proved consistent under examination, while those of his interlocutors have proved inconsistent. Nevertheless, the fact that his beliefs have proved consistent is no guarantee that they are true, as he himself, speaking in a more characteristically Platonic voice, acknowledges elsewhere: "For if he did begin in error, he may have forced the remainder into agreement with the original error and with himself; there would be nothing strange in this, any more than in geometric diagrams, which have often a slight and invisible flaw in the first part of the process, and are consistently mistaken in the long deductions which follow." (*Cratylus*, 436c6-d3) In short, then, all that Socrates has really accomplished in his defence of justice, and thus also in his defence of punishment, against the opposition of Polus, is to elicit an inconsistency in Polus' beliefs regarding both justice and punishment, and to recommend that he abandon two of those beliefs in order to begin constructing an edifice of consistent ones, all of which, Socrates neglects to mention, might nonetheless be false.

Those defences were earlier called *ad hominem*, insofar as they began with premises that Polus, though not necessarily Socrates himself, endorsed. In this respect, then, they persuaded *Polus* by eliciting inconsistencies in *his* beliefs. However, those

defences were evidently not meant for the benefit of Polus alone, since there are a few hints throughout the dialogue that Polus' inconsistencies are not unique, but endemic. On the one hand, for instance, when Socrates declares that no-one who does injustice can be happy, but that the tyrant who escapes punishment must be more wretched than the one who suffers punishment for his injustice, Polus asks him: "Don't you think you've been thoroughly refuted, Socrates, when you say things like this, that not a single man would say?" (473e4-5) Indeed, when Socrates earlier asked Polus to say why he denied that it is more choiceworthy to suffer injustice than to do it, Polus did not adduce an argument, but instead related the news of the ruthless tyrant Archelaus, asking Socrates sarcastically whether "there is some Athenian, beginning with yourself, who would choose to become any other Macedonian rather than Archelaus." (471d1-2) That is to say, in lieu of arguments, Polus adduces popular opinions, opinions which Callicles will also cite, and upon which Socrates will then comment: "Yes, I know it, my good Callicles, if I'm not deaf. I've often heard it from you and Polus just now, and from practically everyone else in the city." (511b1-3) It thus seems to have been a popular opinion in Athens that it is less choiceworthy to suffer injustice than to do it. Yet on the other hand, for instance, after Socrates has compelled Callicles to concede that the many are superior in strength to the few, so that whatever those many recognize as *aischron* must be *aischron* by nature, he then asks him whether, by nature, doing injustice is not more *aischron* than suffering it, since "the many recognize this rule . . . that doing injustice is more *aischron* than suffering it" (488e9-489a4). It thus seems to have been another popular opinion in Athens that doing injustice was more *aischron* than suffering it. Polus, then, was very much a man of the times.

However, it is not clear precisely which times Polus was a man of. Consider the following seven well-known, conflicting indicators of the dramatic date of the *Gorgias*. First of all, it most likely occurs during or soon after 429, the date of Pericles'

death, since Callicles says at one point of Pericles, "he's lately died" (503c2). Secondly, it cannot occur before 427, the date of Gorgias' first (and only attested) visit to Athens. Thirdly, it likely occurs around 422, since Socrates teases Callicles about his passion for Demos of Pyrilampes (481d5), and Demos would have been a beardless youth--i.e., of the age to have been the beloved of an older man--during that period. Fourthly, it likely occurs before 415, the date of the Sicilian expedition (which Alcibiades was instrumental in commissioning, and which proved a debacle that marked the end of realistic Athenian hopes for victory in the Peloponnesian war), since Socrates predicts that "my companion Alcibiades" will be seized by Athenians who will hold him responsible for their misfortunes (519b1). Fifthly, it most likely occurs during or soon after 413, the date Archelaus usurped the throne of Macedonia, since Polus says that this happened "yesterday or the day before" (473d2). Sixthly, it must occur during or after 411, the earliest possible date for the production of Euripides *Antiope*, since Callicles quotes from that play (485e3-486a3). And seventhly, it most likely occurs in 405, the year after 406, the year during which Socrates was a member of the Athenian council, since Socrates says at one point to Polus, "Last year I was chosen to sit on the Council." (473e7)

Now, these indicators have puzzled ancient commentators, e.g., Herodicus of Babylon, and modern commentators, e.g., Cornford, alike. Most of them agree that Plato could not have mistakenly jumbled these dramatic dates. (To have done so would have been as unlikely as an American playwright of the present day mistakenly writing a play in which one character says Roosevelt has lately died, another of the characters is having an affair with Marilyn Monroe, another predicts that J.F.K will come to a bad end, the first then says that Castro has just led a revolution in Cuba, the second quotes a line from *Easy Rider*, and finally the third says, "Last year I was chosen to sit on the Watergate commission.") Dodds suggests that either Plato did not care about the dramatic date of his dialogue, or, agreeing with Gercke and Cornford,

he deliberately jumbled these dates in order to lift the dialogue "out of the course of the historical sphere of actual circumstances and the course of party politics at Athens." (p.18) Following Saxonhouse, however, I suggest instead that Plato deliberately jumbled these dates in order to *immerse* the dialogue in the historical sphere of actual circumstances; for I suggest that Plato wrote a dialogue with dramatic dates that span nearly the entire period of the Peloponnesian war in order to signal that that dialogue was meant to illuminate the relationships between its own characters, their ideas, and that war which was the backdrop to both.

The next section of this study therefore tries to justify this suggestion. More importantly, though, it hopes to use such a justification in order to reveal and motivate a fourth epistemological problem with Socrates' defence of justice and punishment. For, as we have seen, this study has already revealed three such problems. To summarize its results so far, then: first of all, although these defences seek to persuade Polus, and others similarly subject to inconsistent popular opinions, they do little more than expose those inconsistencies; secondly, neither those defences nor the juridico-penological position they seek to defend are sufficient to provide and defend a *logos* of the *telos* of the *technê* of justice or of punishment; and thirdly, Socrates cannot persuade Callicles, or others similarly unapprenticed in the *technê* of justice, to adopt his position by appealing to the value of the internal good germane to that *technê*, since such people do not desire, and cannot even understand the value of, that internal good.

Needless to say, the first epistemological problem would have become more obviously a problem were Socrates to have attempted to use the same arguments that he had earlier used with Polus against Callicles, who openly contemns the popular opinions that they use as premises. Unlike Polus, who was, it seems, "ashamed to say what he thought," (482e2) Callicles is bold enough to deny that doing injustice is more *aischron* than suffering it (482d6-e1). Moreover, he would no doubt also have been

bold enough to deny that all (conventionally) just things are *kala* insofar as they are (conventionally) just--that is, he would have done so had he paused a moment to consider the matter before unleashing a ferocious indictment of Socrates, justice, and philosophy in turn. In these two ways, then, both of the arguments that Socrates persuasively used with Polus would have been useless against Callicles. Thus, the light afforded by Callicles' vigorous opposition has only exacerbated this first epistemological problem. (Likewise, this light has also only exacerbated the second such problem; but let us ignore it for the moment, since it will become paramount much later.)

To make things worse, we have already imagined, as a result of the third epistemological problem, how Socrates' juridico-penology must appear to Callicles, and other characters like him--as a mere fetish "of slaves and all sorts of people worth nothing," or as just the reassuring superstition of an incompetent "who can't defend himself or anyone else he cares about." However, while earlier imagining those appearances, we inadvertently became exposed to the germs of a fourth, and far more serious, epistemological problem, that to such characters the desire to be punished for one's injustices rather than go unpunished would appear to be the product of a rhetoric, or more insidious techniques of manipulation, engineered to produce obedient servants of the *polis* for whom "its better to die than to live." The next section therefore tries to show that at least one account of the Peloponnesian War, that of Thucydides, warranted taking such a disturbing appearance as reality.

### III

Before considering these events from Athenian history, let us recall two features of the distinction between external and internal goods that were earlier revealed by our fictional example of the Greater Dionysia. To begin with, as we then saw, the same

dramatic poet could regularly have acquired and achieved both the external and internal goods available through the exercise of the *technê* of dramatic poetry in the milieu provided by that festival only if the following two conditions were satisfied by that milieu. First of all, its competition would have had to have been fair in several respects. For as we saw, since a *chorêgos* could have influenced the outcome of a competition by making one performance more spectacular than another, that milieu could have been such that the dramatic poet who had achieved the greatest internal good achievable through the exercise of the *technê* of dramatic poetry did not also regularly acquire the greatest external goods acquirable through that exercise. And secondly, its judges would have had to have been competent judges of dramatic poetry. For as we saw, since the judges could have been aficionados of bathos, that milieu could likewise have been such that the dramatic poet who had achieved the greatest internal good achievable through the exercise of the *technê* of dramatic poetry did not also regularly acquire the greatest external goods acquirable through that exercise. In sum, then, the regular convergence of the acquisition of external goods and the achievement of internal goods always depends upon the milieu in which those goods are both pursued. And if, on the one hand, the milieu is such that their respective acquisition and achievement *are* regularly convergent, it will not always be clear to the inhabitants of that milieu which sort of goods they are primarily pursuing; but if, on the other hand, the milieu is such that their respective acquisition and achievement *are not* regularly convergent, their allegiances will quickly become clear, to themselves if not also to others.

Focusing on the latter sort of milieu, the conceptions of justice that people would develop in it would, as we also saw, be twofold, coincident with their two primary allegiances. A first group, those whose primary allegiance is to external goods, would develop a conception of justice according to which injustice, first of all, always harms others, often benefits oneself if one is not caught and punished severely,

and always harms oneself if one is caught and punished severely, and thus secondly, is irrational whenever it is likely that one will be caught and punished severely but rational whenever it is unlikely that one will be caught and punished severely. Let us call this conception of justice, *external*. A second group, those whose primary allegiance is to the internal good germane to the *technê* of justice, would develop a conception of justice according to which injustice, first of all, harms oneself as well as others, whether or not one is caught and punished, and thus secondly, is always irrational. Let us call this conception of justice, *internal*. As we have seen, even though both conceptions could often recommend the same rules of justice and the same punishments for those who had broken them, they would nonetheless justify those same rules and punishments differently: the first by appealing to the net increase of external goods that those rules and punishments would afford, the second by appealing to the possibility of achieving the internal good germane to the *technê* of justice that those rules and punishments would afford.

Now, let us imagine a milieu that was initially such that the achievement of the internal good germane to the *technê* of justice, on the one hand, and the acquisition of external goods like riches, power, prestige and status, on the other hand, regularly converged, so that most, if not all, people followed a common set of rules of justice, and submitted to commonly prescribed punishments for having broken those rules, but never reflected upon *either* the reasons why they followed those rules *or* the reasons why they submitted to those punishments. Moreover, let us imagine that events occurred within and without that milieu so that it changed and became such that the achievement of the internal good germane to the *technê* of justice, on the one hand, and the acquisition of external goods like riches, power, prestige and status, on the other hand, began to diverge. At this point, as we have seen, those whose primary allegiance was to external goods would have begun to distinguish themselves from those whose primary allegiance was to the internal good germane to the *technê* of

justice. Yet if those transforming events were such that they required some changes in those rules of justice, or some changes in those prescriptions of punishment, that were amenable to one group but execrable to the other, both sorts of inhabitants of that milieu would have been forced to reflect upon those rules of justice, or those prescriptions of punishment, in efforts either to justify or to subvert them. And whereas the first group would have done so by developing a conception of external justice, the second group would have done so by developing a conception of internal justice.

However, these two conceptions of justice would eventually have proved incommensurable, in the sense that the reasons one conception offered for acting or not acting, adopting a rule or not adopting that rule, inflicting a punishment or not inflicting that punishment, would have been no reason at all to advocates of the rival conception. In this way, disagreements between advocates of these rival conceptions would have eventually emerged as manifestations of a deeper disagreement about the respective values of external goods like riches, power, status and prestige, on the one hand, and the internal good germane to the *technê* of justice, on the other. The exigencies of those transforming events would thus have demanded from each group a defense of their respective primary allegiance. Whereas the advocates of external goods, on the one hand, would have celebrated the appetitive life, and thus also the ambitious life, with panegyrics to tyrants, the advocates of the internal good germane to the *technê* of justice, on the other, would have tried, in vain it seems at this point, to have articulated a *logos* of the *telos* of that *technê*. The *Gorgias*, I therefore submit, is illuminatingly read as a record of such a clash; for Athenian history before and during the era of the Peloponnesian War is illuminatingly read as the history of just such a milieu.

Early in the fifth century the Greeks fought two wars against the invading Persians, a first against King Darius, and then a second, a decade later, against his son,

King Xerxes. For the Greeks, those wars had been fought, so we learn from Herodotus, in the cause of freedom for Greece over an ignominious slavery to barbarians. Understanding this well, Mardonius, one of Xerxes' generals, sent a messenger to treat with the Athenians before invading Attica, hoping to entice them into submitting peacefully to him with the following words, at least as we find them in Herodotus: "Be free, having contracted an alliance with us, without guile or deceit." (viii, 140) A Spartan embassy was present when this offer was tendered, and before the Athenians could deliberate upon it, the Spartans urged them to refuse with the following words, again at least as we find them in Herodotus: "that the Athenians, who are the authors of all these things, should prove the occasion of slavery to Greece, is on no account to be borne; you, who always, and from old, have been seen to assert the freedom of many nations." (viii, 142) Yet the bold Athenians required neither time to deliberate upon the Persian offer nor time to consider the Spartan counsel. They immediately responded to the Persians that, "being ardent for liberty," they would never make terms with Xerxes so long as the sun held its course; and they immediately responded to the Spartans by pointing out that "the Grecian race being of the same blood and the same language, and the temples of the gods and sacrifices in common, and our similar customs; for the Athenians to become betrayers of these would not be well." (viii, 144)

However, sixty-three years later, so we learn from Thucydides, the inhabitants of a small Greek island, Melos, received similar messengers from the Athenians, who now echoed the terms that they themselves had once received from Mardonius: "We do not want any trouble in bringing you into our empire, and we want you to be spared for the good both of yourselves and of ourselves." (v, 91) The Melians, though, assumed the same insouciant boldness that the Athenians had once shown the Persians, asking them: "And how could it be just as good for us to be the slaves as for you to be the masters?" (v, 92) The Athenians replied coldly: "You, by giving in,

would save yourselves from disaster; we, by not destroying you, would be able to profit from you." (v, 93) The Melians refused this offer nonetheless, and the Athenians immediately began the siege of their city. Once that siege had succeeded, the Athenians did not hesitate to kill all the Melian men and sell all the Melian women and children into slavery, irrespective this time of their common language, customs, sacrifices and temples of the gods. Therefore, in sixty-three years--indeed, in much less time than that--Athens, which had once been the liberator of Greece, had become its tyrant. How did this happen?

After the Greeks had defeated the Persians under Xerxes at Salamis and Mardonius at Plataea, and had thus repulsed most of them from Europe, they convened on the small Aegean island of Delos, in 479, to form a military league intended to direct their collective efforts to repulse the Persians from both the other islands and the Ionian coast, thereby liberating Greece altogether. In the past it had been the Spartans, under Pausanias, who had lead the Greeks; however, when Pausanias became unpopular for intriguing with the Persians, and was recalled to Sparta as a result, the delegates at Delos willingly made Athens their leader (i, 96). In this office, Athens assessed and exacted various contributions from its subordinates--charging some with the provision of ships, others with the provision of money--and in this way gained compensation for its continuing struggle against the Persians (i, 96).

In the earliest stage of Athenian leadership, then, because the Persians were still present in Greece and thus still posed a threat to Greek freedom, these exactions were considered just, since they were exacted in the name of that freedom, and, as Greene writes, "the idea of justice or injustice in international relations resolved itself into the issue of freedom or slavery." (p.52) Moreover, though, these exactions were also profitable to the Athenians, since they also thereby acquired riches, power, prestige and status. Consequently, the international milieu during the final stage of the Persian Wars was such that, for Athens at least, the achievement of the internal good

germane to the *technê* of justice, on the one hand, and the acquisition of external goods like riches, power, prestige and status, on the other hand, regularly converged. And, as a result of this convergence, we should expect that the Athenians never had the occasion to reflect upon *either* the real reasons why they exacted those contributions *or* the real reasons why they would have inflicted punishments upon those members who had refused to contribute, were any, in this early stage, to have done so.

This convergence did not last long, however. Under the command of Cimon, most of the Persians were soon repulsed from both the islands and the Ionian coast, so that they no longer menaced Greece. And although Athens would not make peace with Persia until 449, the islands themselves had become safe within a decade of the Delian League's formation. It had therefore served its purpose, and members began to stop contributing. The first such member was Naxos, in or around 469 (i, 97-99). Now, because Athens had not only been receiving from Naxos and other members the money and ships sufficient to build and equip a large navy (i, 96), but also because Athenian admirals, generals, sailors and soldiers had borne the bulk of the military burden against the Persians, Athens' military forces had become both powerful and effective enough to punish the inhabitants of that island by forcing their return to the League, thereby turning it, for all intents and purposes, into an empire (i, 99). At this point, then, the international milieu changed and became such that the achievement of the internal good germane to the *technê* of justice, on the one hand, and the acquisition of external goods like riches and power, on the other hand, began to diverge.

Were the primary allegiance of Athens to have been to the internal good germane to the *technê* of justice, it would, at this point, have dissolved the League, or at least have allowed members like Naxos who wished to withdraw from it to have done so. But the primary allegiance of Athens was instead to external goods like riches and power, since it not only attacked Naxos, forcing it back into the League, but, as

Thucydides adds, "the process was continued in the cases of the other allies as various circumstances arose." (i, 98; cf. i, 114-7) Indeed, the defining moment in the emergence of this allegiance to external goods was the transference of the treasury of the ostensibly Delian League, but by now genuinely Athenian Empire, from Delos to Athens, in 454. The best spokesmen for this emergence of allegiance--from power held unreflectively and for ambiguous reasons, to power held reflectively and more exclusively for the sake of external goods--were some Athenians present many years later in Sparta when Sparta considered declaring war on Athens. For when confronted by Spartan accusations to the effect that their empire was a tyranny, those Athenians responded: "We did not gain this empire by force . . . It was the actual course of events which first compelled us to increase our power to its present extent: fear of Persia was our chief motive, though afterwards we thought, too, of our honour and our own interest." (i, 75; following Kagan, I take the speeches in Thucydides to be accurate representations of the tenor if not also the content of actual speeches. Let *both* those readers who specifically reject the approximate authenticity of the speeches in Thucydides *and* those readers who generally reject the authenticity of Thucydides' account of these events of the Peloponnesian War notice that the purpose of this section is genealogical. That is to say, in the tradition of Nietzsche's *Genealogy of Morals*, a work of somewhat more dubious historical authenticity, the history of this section provides a brief genealogy of the conventional morality of Athens, one that, were it merely possible, would explain and justify the eloquent eruptions of one of the first genealogists, Callicles.)

Athenians, however, were not unanimous in their support of the Empire. For instance, the leader of the oligarchical party against Pericles was most likely the person whom Plutarch reports as having protested against it, after the transference of the treasury marked it unequivocally as an empire: "It seems to us that this is a vile piece of insolence against the dignity of Greece and that which is clearly tyranny is

being exercised over her." (Plutarch, *Life of Pericles*, xii, 2: cited in Greene, pp.45-6)

Now, Pericles himself acknowledged that the empire that he had been so instrumental in building was like a tyranny, admitting in a speech that "it may have been wrong to take it" (ii, 63). Nevertheless, he maintained before the Athenians that "it is no longer possible for you to give up this empire, though there may be some people who in a mood of sudden panic and in a spirit of political apathy actually think this would be a *kalon* and noble thing to do." (ii, 63) Athenian opposition to the empire, it thus seems, was formulated in terms of justice. This should come as no surprise, since the universally acknowledged code of inter-*poleis* justice inherited from the era of the Persian Wars was, as we have seen, framed in terms of freedom or slavery; according to that code, therefore, Athens was clearly behaving unjustly by subjecting other Greeks. Yet Pericles, anticipating Callicles, denounced those Athenians who expressed such opposition to this subjection as "quite valueless in a *polis* which controls an empire, though they would be safe slaves in a *polis* that was controlled by others." (ii, 63)

Thus, although Athens presented a united imperial face to its subjects and rivals, there were in fact within it at least two distinct groups. On the one hand, there were evidently those whose primary allegiance was to the external goods acquirable through prudent exercise of tyranny. And this first group must have begun to distinguish itself, shortly after the Persian defeat, from a second group. For on the other hand, there seems also to have been those whose primary allegiance was to the internal good achievable only through progress toward, or achievement of, the *telos* of the *technê* of justice. Now, debates within the assembly upon diverse matters of foreign policy--of rules for the administration of the League, just or otherwise, as well as of punishments for those who had broken those rules--must have precipitated regular clashes between these two groups. For example, *both* the policy to punish Naxos by crushing its secession and thereby depriving it of its independence, *and* the

policy to change the administration of the League to that of an unequivocal Empire by transferring its treasury from Delos to Athens, must have been amenable to the first group but execrable to the second. In the face of such clashes, then, members of both groups would have been compelled to reflect more generally upon *both* rules of administration, *and* prescriptions of punishment for infractions of those rules, in order to more successfully justify, to themselves, but more importantly to their rivals, either their support or opposition to those imperial policies.

As a product of such reflection, I submit, the first group--i.e., those whose allegiance was to the external goods acquirable through prudent exercise of tyranny--developed an increasingly sophisticated conception of external justice. According to a conception of external justice, remember, injustice harms others, often benefits oneself when one is not caught and punished severely, and always harms oneself when one is caught and punished severely. Therefore, as we saw, according to a conception of external justice beneficial injustice is irrational whenever it is likely that one will be caught and punished severely, but rational whenever it is unlikely that one will be caught and punished severely. And as a result, finally, according to a conception of external justice rules of justice will be rationally observed only between equals, since someone superior, either strong enough or clever enough to commit beneficial injustice with impunity, will have no reason to observe its rules. In a tyranny, then, since the tyrant stands above the law and is thus never either caught or punished, it is always rational, according to this conception, for him, or her, or even *it*, to commit beneficial injustice. And in this way, according to a conception of external justice, Athens, the tyrant of Greece, acted rationally *both* when it prevented the secession of Naxos *and* when it transferred the treasury from Delos. After all, neither Naxos nor any other subject *polis* was powerful enough to punish Athens severely for these injustices. And it was in this way, I submit, that the Athenian advocates of external goods like riches and power defended their imperial policies with increasing

sophistication throughout the Peloponnesian War. Let us briefly consider three examples of such defenses: the position of the Athenians speaking to Spartan leaders on the eve of war in 432, the different positions of Cleon and Diodotus on the fate of the Mytileneans in 427, and the position of the Athenian negotiators speaking to Melian leaders in 416.

First of all, as was mentioned above, some Athenians were present in 432 when the Spartans were considering whether or not to begin war with Athens in order to liberate Greece from its tyranny. Now, when those Athenians replied to the accusations made against them, they invoked three concerns of traditional justice in their defense. For they began by trying to justify their empire by reminding those present of Athens' pre-eminent role in preserving Greek freedom throughout the Persian Wars (i, 73). Later, they conceded that although they were indeed ruling an empire, it was an empire of which they were worthy, and they were ruling it with more *sôphrosunê* (sound-mindedness, temperance) than was required of them, adding that "those who really deserve praise are the people who, while human enough to enjoy power, nevertheless pay more attention to justice than they are compelled to do by their situation." (i, 76; cf. i, 77) Finally, they urged the Spartans to keep the oaths that the gods had witnessed and with which they had solemnized the peace treaty with Athens that had not yet expired (i, 78).

Nevertheless, amid these appeals to concerns of traditional justice, the Athenians introduced the novel concerns of their own conception of external justice. After all, as we have seen, they audaciously admitted that they now ruled their empire in their own interests, and then added: "Nor have we been the first in this kind, but it hath been ever a thing fixed, for the weaker to be kept under by the stronger," (i, 76: Hobbes's translation; cf. i, 77). Indeed, alongside this invocation of red-in-tooth-and-claw natural law, they went so far as to patronize the Spartans for invoking concerns of traditional justice, saying that justice is "a thing which no man that had the occasion

to achieve anything by strength, ever so far preferred as to divert him from his profit." (i, 76: Hobbes's translation) Considering, then, this mixture of *both* concerns of traditional justice *and* novel concerns of external justice, Greene has argued that this speech is a "halfway house" between morality and utility (p.62).

However, we should not overlook the fact that the Athenians not only patronized the Spartans for invoking traditional concerns of justice, but also accused them of using those concerns for the purposes of manipulation: "now, after calculating your own interest, you are beginning to talk in terms of right and wrong." (i, 76) The Athenians thus applied their novel conception of external justice not only normatively, thereby justifying themselves, but also interpretively, thereby understanding the behaviour of their rivals (MacIntyre (1988), p.52). For since the primary allegiance of these Athenians seems to have been to external goods like riches and power, and they were thus unapprenticed in the esoteric *technê* of justice, they could only have seen the Spartans' primary allegiance to the internal good germane to that *technê* as *either* a naive superstition *or* a more sophisticated tool in the pursuit of those external goods, a tool effective for manipulating the superstitious perhaps. (Indeed, given that they *both* patronized them for their naiveté *and* accused them of manipulation, the Athenians seem to have interpreted that allegiance as alternately both a superstition and a tool.) Yet, having thus acknowledged that a rhetoric of justice could become a tool in the pursuit of external goods, we should not be at all surprised that the Athenians themselves used that tool throughout their speech. Rather than a halfway house between morality and utility, then, the Athenian speech to the Spartans seems to have been a pillbox of both utility and utility camouflaged as morality.

Secondly, in 428, after the Peloponnesian War had been underway three years, the Lesbian *polis* of Mytilene revolted against Athens. The Athenians therefore dispatched a force and besieged the city, eventually succeeding in taking it after some initial difficulties. Paches, the Athenian general, sent the prisoners he had taken during

that siege to Athens, asking the Assembly to decide their fate. Apparently so enraged that the Mytileneans had revolted without themselves being a subject *polis* (3,36), the Athenians present in the Assembly that day hastily decided not only to kill the prisoners in their custody, but also to send a message to Paches ordering him to kill all the Mytilenean men and to sell all the Mytilenean women and children into slavery. However, the Athenians, regretting their previous haste, reconvened the following day. Among the speakers during that second Assembly were Cleon and Diodotus, who defended the policies of severity and clemency respectively.

Cleon addressed the Assembly first, arguing that regardless of whether it would be right or wrong to punish the Mytileneans so severely, such an action was required by the paramount interests of imperial power (iii, 40). Indeed, the only alternative to such severity, he warned them, would have been to "surrender your empire, so that you can afford to go in for philanthropy." (iii, 40) Diodotus spoke next and also neglected questions of justice; indeed, like Cleon, he deliberately set such questions aside, saying, "If we are sensible people, we shall see that the question is not so much whether they are guilty as whether we are making the right decision for ourselves." (iii, 44) And yet, he argued that punishing the Mytileneans so severely was in fact inimical to the paramount interests of imperial power. For were they to so treat all the Mytileneans, he argued, rather than reserving severity for those who had led the revolt, whenever they would again besiege cities that had revolted, all the inhabitants of those cities would fight to the death together, knowing that they would all receive no better treatment in the hands of their besiegers. In the end, this argument persuaded the Assembly, though only by a slim margin. What we should notice about it, in any case, is that although Diodotus championed the cause of clemency, he did so with nothing but a more sophisticated conception of external justice. After all, Athens was still the strong tyrant, and Mytilene was still the weak subject, so that Athens could have treated it unjustly with impunity, and would have had good reasons for having

done so, according to a conception of external justice, if such injustice were to have been beneficial. It just so happened, and fortunately for the Mytileneans, that such injustice would actually have compromised Athens' primary allegiance to the external goods of riches and power.

Thirdly, in 416, when their empire was perhaps the most powerful it ever had been or would be again, the Athenians made an expedition to subject the small island of Melos. Even though this island was weak, the Athenians considered the combination of its weakness and its liberty an embarrassment and thus also a sort of threat. After all, they said to the Melians, "It is not so much your hostility that injures us; it is rather the case that if we were on friendly terms with you, our subjects would regard that as a sign of weakness in us" (v, 95; cf. v, 97). As we have seen, however, before beginning their siege of Melos, the Athenians offered the Melians terms of peaceful subjection. They justified that offer, as we should by now expect, with a conception of external justice.

To begin with, in noteworthy contrast to the beginning of their compatriots' speech to the Spartans eighteen years earlier, they declared that they would "use no *kala* phrases, saying, for example, that we have a right to our empire because we defeated the Persians" (v, 89). This contrast should not surprise us, however. For the earlier Athenians must have judged the Spartans, on the one hand, *both* generally susceptible to the manipulative power of a rhetoric of justice *and* susceptible to it on that particular occasion, whereas these Athenians must have judged the Melians, on the other hand, insusceptible to the manipulative power of a rhetoric of justice on this particular occasion, although most likely susceptible to it at other times. After all, by this point in the Peloponnesian War, memories of Athenian glory against the Persians had long ago been effaced by Athens' subsequently tyrannical behaviour toward the majority of Greece. Moreover, although the Melians were, by this point in the war, a declared enemy of Athens, they had only become so when, as a neutral island, they

had earlier suffered the devastation of their land at the hands of the Athenians. And finally, no facade of justice could have been convincingly, and thus manipulatively, erected between the expeditionary force awaiting orders to besiege the city, on the one hand, and the eyes of the Melian leaders who awaited the terms that Athens would stipulate, on the other.

Accordingly, the Athenians abandoned any pretence to justice, saying, consistent with their conception of external justice, that "in human disputation justice is then only agreed on when necessity is equal; whereas they that have odds of power exact as much as they can, and the weak yield to such conditions as they can get." (v, 89: Hobbes's translation) After all, according to a conception of external justice it is rational for someone, or some *polis*, to act justly on an occasion only if he, or she, or it, will likely be caught and punished severely for acting unjustly on that occasion. Therefore, according to a conception of external justice, those, like the Athenians, that have odds of power and can escape being punished for acting unjustly would not act justly, but would instead exact as much as they could, while the weak, like the Melians, would yield to such conditions as they could get.

Echoing the earlier speech of their compatriots to the Spartans, these Athenians attributed such unsavoury features of their conception of external justice to an abiding natural law, a law which they, as well as the strong of all times were compelled to obey. "By necessity of nature," they informed the Melians, men and even gods "will reign over such as they be too strong for. Neither did we make this law, nor are we the first that use it made: but as we found it, and shall leave it to posterity for ever, so also we use it: knowing that you likewise and others that should have the same power which we have would do the same." (v, 105: Hobbes's translation) Once again, then, the Athenians applied their novel conception of external justice not only normatively, thereby justifying themselves, but also interpretively, thereby predicting the behaviour of their rivals.

And thus finally, when the Melians insisted that they were "standing for what is right against what is wrong," (v, 104) the Athenians once again echoed the earlier speech of their compatriots, patronizing them, saying: "we congratulate you on your simplicity but do not envy you your folly." (v, 105) For, just as their compatriots had earlier suggested *both* that the concerns of traditional justice were superstitions *and* that the Spartans were using those concerns for the purposes of manipulation, so similarly these Athenians suggested *both* that the rectitude which the Melians' claimed for themselves was a mere convention, saying that even the seemingly righteous Spartans "hold for *honourable* that which pleaseth, and for *just*, that which profiteth," (v, 105: Hobbes's translation) *and* therefore that the naive Melians had themselves been seduced by, even manipulated by means of, that convention. After all, the Melians insisted upon their rectitude even though, according to the Athenians, words such as *honour* and *dishonour*, by their "force of seduction" have drawn people "into a state where they have surrendered to an idea, while in fact they have fallen voluntarily into irrevocable disaster" (v, 111).

In sum, then, behind both these suggestions and these echoes of the earlier speech of their compatriots, the Athenians assumed a distinction between, on the one hand, nature--whose laws, and thus also, in a sense, whose justice, required the strong to dominate the weak--and, on the other hand, convention--whose laws, and thus also, in another sense, whose justice, seduced the strong and weak alike into restraining themselves. As far as the Athenians were concerned, therefore, when the Melians refused peaceful subjection and were slaughtered and sold into slavery instead, they had foolishly fallen into irrevocable disaster on account of conventions which they had somehow been duped into taking for nature.

We have thus seen how Athens, which had once been the liberator of Greece, had now become its tyrant. For its rulers and citizens no longer scrupled to betray those with whom they shared the same language, customs, sacrifices and temples of

the gods; indeed, they now actively sought to dominate them. And all the while, as we have seen, they remained equally irreverent toward the concerns of traditional justice, contemning them as the illusions of simplicity. Instead, they justified themselves by appeal to a conception of external justice that invoked the sanction of a ruthless natural law. Yet before long, even their enemies had abandoned the anachronistic concerns of traditional justice. For instance, when Athens threatened to invade Sicily, Hermocrates the Syracusan spoke before the Sicilians and warned them, in a peculiarly Athenian voice, to prepare for their imminent invasion: "Indeed the Athenians, that covet and meditate these things, are to be pardoned. I blame not those that are willing to reign, but those that are most willing to be subject: for it is the nature of man everywhere to command such as give way" (iv, 61: Hobbes's translation). It seems that Athens had genuinely become, as Pericles once said it was, "an education to Greece" (ii, 41). So far, however, we have seen only how Athenians behaved towards other *poleis*. What remains to be seen, therefore, is how Athenians, and eventually most other Greeks as well, behaved toward their fellow citizens. Not surprisingly, we must begin with Pericles.

In the speeches of Pericles we find not only the foundations of the novel conception of external justice that was so important to the construction and maintenance of the Athenian Empire throughout the Peloponnesian War, but also the ruins of a traditional conception of justice, a conception that resembles the conception of internal justice dear to Socrates. This synthesis was, of course, inherently unstable, since, as we have seen, these two different conceptions of justice are derived from two very different, and incompatible, primary allegiances. However, through the brilliance of his rhetorical style, among other things, Pericles managed to preserve this synthesis throughout his lifetime, disguising its instability by speciously distinguishing between, on the one hand, the way that the Athenians treated other *poleis*, and, on the other, the way that the Athenians treated each other.

With regard to other *poleis* he recommended, as we have seen, that the Athenians subject them in the interests of imperial power: "Your empire is now like a tyranny: it may have been wrong to take it; it is certainly dangerous to let it go. And the kind of people who talk of doing so . . . are quite valueless in a *polis* which controls an empire" (ii, 63; cf. ii, 62, 64, Greene, pp.88-9). With regard to each other, however, Pericles praised the respect for justice that he supposed the Athenians to share: "We obey the laws themselves, especially those which are for the oppressed, and those unwritten laws which it is an acknowledged shame to break." (ii, 37; cf. ii, 41-2) Moreover, he praised this respect for justice for the motive from which he supposed it to spring, since he supposed it to spring not from an allegiance to external goods, which might have encouraged a respect for justice as merely a means toward the acquisition of prestige and status, for example, but rather, it seems, from an allegiance to internal goods, like the internal good available through the practice of the *technai* of liberality and the other virtues. "When we do kindnesses to others," Pericles declared, "we do not do them out of any calculations of profit or loss: we do them without afterthought, relying on our free liberality." (ii, 40; cf. i, 39, for references to the virtues of courage and loyalty)

Now if, on the one hand, the primary allegiances of some Athenians were really to have been to the internal goods available through the practice of the *technai* of the various virtues, then their decisions to turn the Delian League into an Athenian Empire, as well as their decisions to maintain this empire while acknowledging it as such, would have compromised those primary allegiances. And yet, if the primary allegiances of those Athenians were really to have been to these internal goods, then their decisions to obey those laws which were for the oppressed, regardless of whether they would have been rewarded for having done so or punished for not having done so, as well as their decisions to do kindnesses to others, again regardless of whether

they would have been rewarded for having done so or punished for not having done so, would have allowed them to fulfill those primary allegiances.

But if, on the other hand, the primary allegiances of other Athenians were really to have been to the external good of power, as well as to the other external goods the acquisition of which the possession of power facilitates, then their decisions to turn the Delian League into an Athenian Empire, as well as their decisions to preserve it while acknowledging it as such, would have fulfilled those primary allegiances. And yet, if the primary allegiances of those Athenians were really to have been to these external goods, then their decisions to obey those laws which were for the oppressed, regardless of whether they would have been rewarded for having done so or punished for not having done so, as well as their decisions to do kindnesses to others, again regardless of whether they would have been rewarded for having done so or punished for not having done so, would have compromised those primary allegiances.

Thus, whatever the primary allegiance of any given Athenian citizen was, were that citizen to have actually behaved and decided as Pericles both praised him for behaving and exhorted him to decide, he would have actually both fulfilled and frustrated his own primary allegiance. Such inconsistency, I suggest, could not have lasted long. For those citizens whose primary allegiances were to the internal goods available through the practice of the *technai* of the various virtues, including justice, could not have rationally decided in favour of an acknowledged Athenian imperialism, since doing so would not only have prevented them from progressing toward or achieving the goods towards which they were striving, but would also have likely vitiated their ability to ever achieve those goods. Furthermore, those clever citizens whose primary allegiances were to the external good of power, and the other external goods the acquisition of which the possession of power facilitates, could not rationally have always behaved kindly and justly toward their fellow citizens, since always

behaving in this way would only have been rational for such citizens *either* if all examples of such behaviour were both recognized and rewarded, however indirectly, with external goods, *or* if all omissions of such behaviour were both recognized and punished, however indirectly, by the deprivation of external goods.

Now circumstances no doubt arose within Periclean Athens in which it would have been possible for such citizens to have behaved unkindly and unjustly toward their compatriots, while nonetheless preserving facades of kindness and justice, thereby going unrecognized for so having so behaved, and thus helping themselves to more external goods. In such circumstances, of course, it would have been rational for them to have so behaved. Moreover, circumstances no doubt also arose during the rise and maintenance of the Athenian Empire in which it would have been possible for such citizens to have avoided the sacrifices that would have been required for the acquisition and maintenance of the power of that empire, while nonetheless preserving facades of such sacrifices, thereby going unrecognized for having so behaved, and thus enjoying even more external goods. In such circumstances, of course, it would have likewise been rational for them to have so behaved.

In short, then, those whose primary allegiances were to the internal goods available through the practice of the *technai* of the virtues, on the one hand, would not have decided as Pericles exhorted them to decide, whereas those whose primary allegiances were to the external good of power, and the other external goods the acquisition of which the possession of power facilitates, on the other hand, would not have behaved as Pericles praised them for behaving. Neither group would have acted as Pericles wished them to act, that is to say, if Pericles had not been able to *manipulate* them, against their primary allegiances, to so act.

For with those whose primary allegiances were to these internal goods, on the one hand, he seems to have achieved this purpose by appealing, as we have seen, to their fear (e.g., "it is certainly dangerous to let it go" (ii, 62)), but also to their pride,

saying to them, when both the plague and the devastation of their land by the Spartans had demoralised them to the point of considering surrender: "You must not fall below the standards of your fathers, who not only won an empire by their own toil and sweat, without receiving it from others, but went on to keep it safe so that they could hand it down to you." (ii, 62) Indeed, from this invocation of ancestry as well as several other invocations, Pericles concluded, in terms that would have appealed especially to those whose primary allegiances were to the internal goods of the virtues, that "it is right and proper for you to support the imperial dignity of Athens." (ii, 63)

And yet, with those whose primary allegiances were to external goods, on the other hand, he seems to have tried to manipulate them into, at the very least, contributing to the collective efforts of imperial Athens by not only appealing to their pride (ii 41-2), but also trying to instill a love of the *polis* in them: "What I would prefer is that you should fix your eyes everyday on the greatness of Athens as she really is, and should fall in love with her." (ii, 43) Now, Pericles often used such non-rational tools in his speeches, those speeches we find in Thucydides at any rate; for were the primary allegiances of Athenian citizens actually to have been as incompatible as must always be allegiances to external goods, on the one hand, and allegiances to the internal goods of the virtues, on the other, such manipulation would have been the only practicable way to effect, among such a divided citizenry, the consensus required to successfully wage a war. Consequently, by swelling their pride with nostalgia, instilling love in them with encomiums, and appealing to many other such non-rational rhetorical tools, Pericles obscured the inconsistency of the political course he was recommending. And as Thucydides himself comments, Pericles was uniquely talented to do this (ii, 65); after all, as the character of Socrates comments, "I have heard that Pericles knew a great many [incantations], which he used to utter over the *polis*." (Xenophon, *Memoirs of Socrates*, 2.6.13)

More subtle than these incantations of his non-rational mode of obfuscation, though, was the way in which he achieved the same purpose by directly, albeit invalidly, appealing to the rationality of those whose primary allegiance was to external goods. "My own opinion," he argued, "is that when the whole *polis* is on the right course it is a better thing for each separate individual than when private interests are satisfied but the state as a whole is going downhill. However well off a man may be in his private life," Pericles added, "he will still be involved in the general ruin if his *polis* is destroyed; whereas so long as the *polis* itself is secure, individuals have a much greater chance of recovering from their private misfortunes. Therefore," he concluded, "since a *polis* can support individuals in their suffering, but no one person can bear the load that rests upon the *polis*, is it not right for us all to rally to her defence?" (ii, 60; cf. i, 141) Now, such an argument should already be familiar to those acquainted with either Sophistic thought about justice, or the political writings of Thomas Hobbes, or contemporary theories of rational choice, since, elaborating it a little, Pericles' particular version takes something like the following form: (i) I would be better off, with respect to external goods, in a *polis* in which people cooperate and rally together to its defence, than in a *polis* in which people do neither; (ii) I wish to be as well off, with respect to external goods, as possible; but (iii) I cannot be an accepted citizen of a *polis* in which people cooperate and rally together to its defence unless I also cooperate and rally to its defence; therefore, (iv) given a choice between cooperating and not cooperating, I should choose to cooperate.

The invalidity of this version should also, by now, be familiar: since it obscures the crucial distinction between *really cooperating* and *merely appearing to cooperate*, it deceptively draws a stronger conclusion than its premises genuinely warrant. For, revising it in light of that distinction, these premises warrant only the following, weaker conclusion: (iv) given a choice between cooperating and not cooperating, I should choose to not-cooperate-yet-nonetheless-appear-to-cooperate.

After all, such a revision would add, by not cooperating-yet-nonetheless-appearing-to-cooperate in a *polis* in which everyone else really does cooperate, I gain *both* the benefits available to a citizen of a *polis* in which people do cooperate *and* whatever benefits accrue from my not cooperating. Considering this weaker conclusion, though, were the primary allegiance of any Athenian citizen to have in fact been to external goods, and were such a citizen to have been clever enough to choose rationally--that is, in such a way as to have maximally fulfilled his primary allegiance--he would, after having heard Pericles' speech, have neither cooperated nor rallied to the defence of the *polis*, though he would have certainly tried to appear to have done both. Needless to say, this was not the behaviour that Pericles wished to exhort.

And yet he himself seems to have recognized that some Athenian citizens would choose, and indeed had already chosen, to so behave. While eulogizing the Athenians' probity, for example, he observed that "we all look with distaste on people who arrogantly pretend to a reputation to which they are not entitled." (ii, 61) What he may not have recognized, and certainly did not recognize in the speeches we find in Thucydides, was that someone who successfully opted to not-cooperate-yet-nonetheless-appear-to-cooperate, were he to have been supremely rational, would also have appeared, just like many other, sincere Athenians, to have looked with distaste on people who arrogantly pretended to a reputation to which they were not entitled (that is to say, he would have appeared to have looked with distaste on all such people but himself (cf. *Protagoras*, 323b2-c1)). After all, maintaining such an appearance would have been *both* an initially effective means of disguise *and* an initially effective means toward preventing others from adopting the behaviour he had cleverly adopted, behaviour that, if generally adopted, would have brought--and, it seems, did bring--the sort of ruin against which Pericles had forewarned the Athenians.

Such an appearance would have been only an *initially* effective means of achieving these purposes, however, since more and more Athenians would have begun

to recognize this distaste for deception as but another, more sophisticated, technique in the pursuit of external goods; just as more and more Athenians whose primary allegiance was to external goods would have begun to discover and use this and other such techniques themselves. For among those whose primary allegiance was to external goods, at first only the most clever citizens--namely, those who had already *both* disregarded Pericles' non-rational mode of rhetorical manipulation *and* deciphered his putatively rational mode of manipulation--would have begun to competitively pursue those external goods at home, over against citizens of their own *polis*, as well as abroad, over against citizens of foreign *poleis*. Yet their strategy would soon have become progressively more and more widely used by others--that is, by progressively less and less clever citizens--with the result that at some point nearly every citizen whose primary allegiance was to external goods would have begun, first, to deceive the majority of his compatriots, perhaps by forming political parties and factions for that very purpose, but then also, in the end, to deceive even his partners in deception. The *telos* of such competition and deception would thus have been absolute power, the possession of which supremely facilitates the acquisition of other external goods. The *telos* of such competition and deception would therefore have become, as we have already seen, the life of the tyrant, someone whose pursuit of external goods is perfectly unfettered--even, ironically, by the need to deceive.

We have already seen how Athens, which had once been the liberator of Greece, had become its tyrant. We have now also seen how Athenians like Critias, who actually led the short but brutal reign of the Thirty Tyrants in 404, and Alcibiades, who was potentially a tyrant though he died before having had the opportunity to have actually become one, inevitably developed within the political framework that Pericles had articulated and effected with such success for the previous generation. Just as Athenian ambassadors and statesmen had become irreverent toward the concerns of traditional *inter-poleis* justice, contemning them as the illusions of

simplicity (v, 105), so too, it seems, had some of the generation of Athenians who had matured during the Peloponnesian War become irreverent toward the concerns of traditional *intra-polis* justice, contemning them as the fetishes of "a rabble of slaves and all sorts of people worth nothing." (489c5)

The unstable synthesis between a primary allegiance to external goods abroad and a primary allegiance to the internal goods of the virtues at home that Pericles seems to have maintained during his leadership thus deteriorated after his death. This deterioration was evident at the level of political decision, since, as Thucydides comments, the "private ambition and private profit" of Pericles' successors, "led to policies which were bad both for the Athenians themselves and for their allies." (ii, 65). Yet this deterioration was also evident at the level of personal behaviour, since, as Thucydides later comments, the seditions that resulted from such private ambition caused "a general deterioration of character throughout the Greek world." (iii, 83) Athenian citizens who matured during the era of the Peloponnesian War, then, would no doubt have either observed or heard about many effects of this deterioration both political and personal. Let us consider just two such effects: the behaviour of many Athenians during their plague of 430, and the behaviour of many Corcyreans during their seditions of 427.

First of all, as the plague killed thousands of Athenians, each survivor had the opportunity to directly observe what Thucydides calls "a state of unprecedented lawlessness" (ii, 53). Now let us suppose, for the moment, that during the plague the primary allegiances of many, even most, Athenians were to external goods. It would have been rational, then, for most Athenians to have saved their money only if they could have expected to spend it in the future. However, because the plague was so virulent, and because, as a result, few Athenians expected that they would live much longer, it was in fact not rational for most Athenians to have saved their money. Consequently, were the primary allegiances of most Athenians actually to have been

to the external good of pleasure, in particular, we should not be surprised that those Athenians "resolved to spend their money quickly and spend it on pleasure." (ii, 53)

But similarly, as we have already seen, it would have been rational for such Athenians to have behaved justly only if they would have been *either* recognized and rewarded for having done so, *or* recognized and punished for not having done so. However, because the plague was so virulent, and because, as a result, few Athenians expected they would live long enough to be *either* rewarded for having behaved justly, *or* punished for not having behaved justly, it was in fact not rational for such Athenians to have behaved justly. Thus, were the primary allegiances of most Athenians actually to have been to external goods, we should not be surprised that "men, not knowing what would happen next to them, became indifferent to every rule of religion or of law" (ii, 52; cf. ii, 53); moreover, we should not be surprised that "people now began openly to venture on acts of self-indulgence which before then they used to keep in the dark." (ii, 53)

This first effect, I submit, would have had its own profound effect upon the thinking of the clever Athenians who matured during the Peloponnesian War. After all, having seen a general indulgence in shameful pleasures, as well as a general disregard for religion and law--all in a situation in which the normal, bad consequences of both such indulgence and such disregard could have safely been avoided--most of the clever among that generation would have reasonably inferred that this abnormal situation did not exhibit *deviations* from human nature, but in fact revealed human nature *as it genuinely was and is*, a nature that had hitherto been concealed by fear of those bad consequences that convention had established in order to subdue it in normal situations. In this way, most of the clever among that generation may have reasonably inferred, first, that the genuine primary allegiance of human nature, and thus of all human beings, was and is to external goods, and second, that those human beings who appear to have primary allegiances to the internal goods of

the virtues only *appear* so because they live in *normal* situations--wherein the bad consequences that convention has established in order to subdue their genuine primary allegiances to external goods have succeeded--and have thus not yet lived in an *abnormal* situation, like the plague--wherein their innate primary allegiances to external goods "will shake off and smash and escape all this" convention (484a2). In short, having seen this first effect of deterioration, most of the clever among that generation may have reasonably thought about human nature in the same way that Callicles thought about it.

Secondly, upon learning about the Corcyrean seditions, either by word of mouth or, much later, by having read Thucydides' history itself, these same clever young Athenians would have had an opportunity to have confirmed their novel conception of genuine human nature. For these seditions presented another similarly abnormal situation--wherein people had been likewise free to have both indulged shameful pleasures and disregarded religion and law, while avoiding the normal, bad consequences of both such indulgence and such disregard. In addition, though, the Corcyrean seditions presented many more vivid examples of people taking advantage of that freedom for their own ambition and profit, since, according to Thucydides, "people went to every extreme and beyond it" to do so. Most savagely, we learn, debtors killed creditors in order to cancel their debts, fathers killed sons, and suppliants were butchered on the altars of temples (iii, 81).

Thucydides himself attributes these and other atrocities to the "love of power, operating through greed and through personal ambition"; and rightly so, it seems (iii, 82). After all, were the primary allegiances of many, if not most, of the Corcyreans to have been to the external goods of power and riches, we should not be surprised that "they were deterred neither by the claims of justice nor by the interests of the state." (iii, 82) For like the Athenians who had earlier indulged shameful pleasures and disregarded religion and law once their imminent deaths had released them from them

their expectations of suffering the conventional deprivation of external goods that normally subdues both such indulgence and such disregard, the Corcyreans, were their primary allegiances also to have been to external goods, would have foregone neither such indulgence nor such disregard once the dissolution of their *polis* had similarly released them from such expectations. In other words, were their primary allegiances to have likewise been to external goods, it would have been *rational* for the Corcyreans to have stopped short of nothing, to have killed even family members on the altars of temples, if doing so had been required in order to maximize the fulfillment of those primary allegiances. This feature of rationality, i.e., the rationality germane to those whose primary allegiance is to external goods, should remind us of Hume's famous dictum: "'Tis not contrary to reason to prefer the destruction of the whole world to the scratching of my finger." (*A Treatise of Human Nature*, 2.3.3)

Now, upon hearing or reading about the behaviour of the Corcyreans during their seditions, most of clever young Athenians may have agreed with Thucydides that the primary allegiances to external goods that such behaviour revealed were but innate features of genuine human nature; for they may have agreed with Thucydides that "with the ordinary conventions of civilized life thrown into confusion, human nature . . . showed itself proudly in its true colours, as something incapable of controlling passion, insubordinate to the idea of justice, the enemy to anything superior to itself." (iii, 84) And yet, upon learning about the Corcyrean and other, subsequently pandemic seditions, these same clever young Athenians would not only have had an opportunity to have confirmed their novel conception of genuine human nature, they would also have had an opportunity to have developed a political insight closely allied to that conception. For, according to Thucydides, "the knowledge of what had happened previously in other places caused still new extravagances of revolutionary zeal, expressed by an elaboration in the methods of seizing power" (iii, 82). As an example

of such an elaboration, Thucydides notices that "to fit in with the change of events, words, too, had to change their usual meanings." (iii, 82)

According to Thucydides, then, revolutionaries developed increasingly sophisticated and effective techniques of power acquisition; but foremost among these techniques, it seems, was the manipulation of meaning. One might think, at first blush, that techniques of violence, rather than techniques of meaning, would have been foremost among these developments; however, one must remember, techniques of violence would only have been effective as techniques of power acquisition insofar as seditious leaders could have motivated their followers to use those techniques of violence against particular people in particular places--as against family members, or on the altar of a sacred temple. Foremost among the elaborations of revolutionary method, then, would have been increasingly refined techniques of manipulation (cf. Greene, pp. 28-9, 65-8); and foremost among these refinements, it seems, was the manipulation of meaning. Meaning became a micro-physics of power.

Thus, in the case of the Corcyrean sedition, for example, 'a thoughtless act of aggression' came to mean an instance of courage; '*sôphrosunê*' came to mean an attempt to disguise one's unmanly character; and 'an ability to understand a question from all sides' came to mean that one was totally unfitted for action (iii, 82). As we may gather from these three examples, then, the particular semantic changes of the Corcyrean seditions were *both* conversions of some words naming the traditional vices into words of approbation (even when such words of approbation included words naming the traditional virtues, like courage), *and* conversions of some words naming the traditional virtues into words of disapprobation (even when such words of disapprobation included words naming the traditional vices, like unmanliness, or cowardice). These semantic changes thus betray a transvaluation of at least some, if not all, values.

Athenian advocates of the novel conception of human nature, I suggest, reasonably perceived semantic changes like these as *both* conversions of names denoting traditional, or conventional, virtues into names denoting natural vices--i.e., vices only revealed as such in abnormal situations like seditions and plagues--*and* conversions of names denoting traditional, or conventional, vices into names denoting natural virtues--i.e., virtues likewise only revealed as such in similarly abnormal situations. After all, as we have already seen, when the Athenian negotiators at Melos encouraged the Melians not to be seduced by names denoting the conventional virtues, they simultaneously renamed the conventional virtue of honour, observance of which, they said, would lead the Melians to destruction just as it had lead and would lead so many others to destruction, the natural vice of dishonour, a "dishonour that is all the more dishonourable because it has come to them from their own folly rather than their misfortune." (v, 111)

Moreover, Thucydides himself reveals both a similar contempt for conventional virtue and a similar approbation of conventional vice when he assesses the lives of Nicias and Antiphon respectively. Of Nicias, the cautious Athenian general who was compelled against his will to command the Sicilian expedition of 415, and was killed, as a result, after that expedition ended in a disastrous surrender, Thucydides writes that "he had lived all his life in accordance with what is *popularly called virtue*," (vii, 86: Greene's translation, p. 81; italics mine). Of Antiphon, the leader of the Four Hundred Tyrants, whose reign in 411 was brief but ruthless, Thucydides writes that he was "a man among the Athenians of his day second to none in *virtue*" (viii, 68: Greene's translation, p. 81; italics mine). Thucydides thus ascribed conventional virtue to the general whose honour, among other things, had lead him to destruction; but he reserved his ascription of unqualified, and so, I suggest, natural virtue, for the tyrant who had acquired the external good of power by terrorizing his rivals and subjects alike (Greene, pp. 81-82).

And finally, when Callicles erupts for the first time in the *Gorgias* he begins by claiming that "mostly these are opposed to each other, nature and convention," (483a1) and then accuses Socrates of equivocating between them. "By nature," he continues, "everything is more *aischron* which is also worse, suffering injustice, but by convention doing injustice is more *aischron*." (483a8-9) Now Callicles, like the Athenians at Melos, and perhaps also Thucydides, obviously contemns the conventional meaning of evaluative words like *aischron*, *kalon* (483a6) and *dikaion* (483e2). Like the Athenians at Melos, then, Callicles contemns someone who has been seduced by the conventional use of an evaluative word, like *aischron*, into compromising his own acquisition or possession of external goods; indeed, as we have seen, he calls such a person a "slave for whom its better to die than to live." (483b1: cf. Gómez-Lobo, p. 195, for other similarities, both substantive and stylistic, between the speech of the Athenians at Melos and the eruption of Callicles) Callicles, it thus seems, should condemn Socrates. For Socrates, as clever as he is, has foregone riches and power altogether; he is more concerned with avoiding *to aischron* and achieving both *to kalon* and *to dikaion* than with acquiring any external goods at all; in fact, he would rather spend his days "whispering with three or four boys in a corner" (485e1) earning the internal good of wisdom rather than "practise the culture of the world's affairs," and thereby earn "the reputation of wisdom." (486c5-7)

But Socrates is not a passive user of such conventional meanings. Unlike Polus, for instance, who merely regurgitated the conventional view that it is more *aischron* to do injustice than to suffer it, Socrates actively exhorts others to avoid what is more *aischron*, among other things. In short, whereas Polus, on the one hand, has been passively manipulated by the conventional meanings of evaluative words, Socrates, on the other, actively manipulates people with these meanings; or so it seems to Callicles at any rate. In this way Socrates is like Pericles. For although the semantic conversions that *both* occurred during the Corcyrean seditions *and* were later adopted

to some extent, as we have seen, by the Athenians at Melos, and perhaps also Thucydides himself, were *both* conversions of names denoting conventional virtues into names denoting natural vices *and* conversions of names denoting conventional vices into names denoting natural virtues, not all semantic changes need necessarily have been identical to these. Socrates, like Pericles, used words to manipulate people for rather different purposes.

After all, the semantic conversions that occurred during the Corcyrean seditions occurred in precisely the directions in which they did--and would, moreover, have been perceived by Athenian advocates of the novel conception of human nature to have inevitably occurred in precisely the directions in which they did--because such semantic conversions were required by some Corcyreans in their efforts to manipulate other Corcyreans in the struggles for both power and other external goods that constituted the Corcyrean seditions. Yet such Athenians would nonetheless have inferred that in other situations, ones in which such semantic conversions would have been inimical to efforts of manipulation, conversions like these would not have occurred, though other sorts of semantic manipulation would likely have taken their place. For example, in a situation in which the words describing the conventional virtues and the words describing the conventional vices had preserved vestiges of the rhetorical force that they had once had during the era of the Persian Wars, a leader may have sought to manipulate his followers, first of all, by describing the course he was recommending as *kalon*, *agathon*, and *dikaion*, hoping thereby merely to engender approbation by the conventional uses of these words, whether or not he either endorsed these uses himself or thought these words genuinely applied to the course he was recommending, and secondly, by describing the alternative as *aischron*, *kakon*, and *adikaion*, hoping thereby merely to engender disapprobation by the conventional uses of these words, again whether or not he either endorsed these uses himself or thought these words genuinely applied to this alternative. In this way,

Thucydides observes, "leaders of parties in the cities had programmes which appeared admirable . . . but in professing to serve the public interest they were seeking to win prizes for themselves." (iii, 82) And Pericles would have appeared to have been just such a leader. For when he exhorted the Athenians by invoking what was right and proper (ii, 63), he would have appeared to most of the clever Athenians, and reasonably so, to have been manipulating his audience with superstitions.

Therefore, just as the Athenians had earlier suspected the Spartans of using the traditional concerns of justice for the purpose of manipulating them, a rival *polis*, to win prizes for themselves (i, 76), it now became reasonable for those whose primary allegiance was to external goods to suspect their leaders of using those same concerns for the purpose of manipulating them, rival citizens, to win prizes for themselves. Consequently, it became reasonable for Athenians who matured during the era of the Peloponnesian War to suspect their leaders, as well as their family and friends (insofar as those family and friends had already been manipulated by those leaders) of trying to take "them from youth up, like lions, and tame them by spells and incantations over them," until they enslaved them by these spells and incantations, "telling them they ought to have equal shares, and that this is *kalon* and *dikaion*." (483e5-484a2)

For whether their family and friends, or their associates and enemies, or anyone whoever who sought to cast these spells over them, did so because they actively sought power for themselves or had already acquiesced to the manipulation of others who sought power for themselves, it became reasonable, I submit, for Athenians like Callicles to suspect the conventional uses of evaluative language as a micro-physics of power. The question of whether conventional evaluative language could reasonably have been perceived as an instrument of the many, as Callicles maintains, or only of the few, as our example of Corcyra might suggest, is ultimately unimportant to the conclusion we have now reached: that conventional evaluative language could have been reasonably perceived as a micro-physics of power. Even if Callicles is

wrong about the genealogy of conventional Athenian evaluative words, and those words did not in fact gain their currency by popular institution, Thrasymachus obviates so precise a genealogy for the defence of this conclusion by attributing the institution of this micro-physics not to the many, or the few, or even one tyrant, but rather to whoever is most powerful (*Republic*, 338d8-338e5).

To summarize the results of this section, then: it was reasonable for a whole generation of Athenians like Callicles, and even a whole generation of foreigners like Thrasymachus, who had matured during the Peloponnesian War, and had as a result heard about or observed, first of all, abnormal situations like seditions and plagues, and secondly, the discourse and strategies of leaders like Pericles and philosophers like Socrates, to suspect the conventional uses of evaluative words, by those leaders and philosophers alike, to be merely either techniques in or products of a rhetoric engineered to produce obedient servants of the *polis*. The next, and final, section tries to show how the reasonableness of this suspicion creates a fourth epistemological problem for Socrates' juridico-penology.

#### IV

Before articulating the fourth epistemological problem for Socrates' juridico-penology, let us recall the three such problems that this study has so far elucidated. First of all, although Socrates seeks to defend his juridico-penology by persuading Polus, and others similarly subject to inconsistent popular opinions, of its truth, actually he does little more than elicit those inconsistencies; secondly, neither this defence nor the juridico-penology it seeks to defend are sufficient to provide and defend a *logos* of the *telos* of the *technê* of just punishment; and thirdly, Socrates cannot persuade Callicles, or others similarly unapprenticed in the *technê* of justice, to adopt his juridico-penology by appealing to the value of the internal good germane to that *technê*, since

such people do not desire, and cannot even understand the value of, that internal good. Now, in order to both articulate and appreciate the severity of the fourth epistemological problem, we must recapitulate the first such problem in more detail.

Socrates' arguments with Polus only served, as we have seen, to elicit an inconsistency among the beliefs of Polus, and, by extension, other people similarly subject to popular opinions. For Socrates' first argument with him served only to elicit an inconsistency between believing, on the one hand, that to do injustice is more *aischron* than to suffer it, and, on the other, that it is less choiceworthy to suffer injustice than to do it; and Socrates' second argument with Polus only served to elicit an inconsistency between believing, on the one hand, that all just things are *kala* insofar as they are just, and, on the other, that if one has done injustice it is less choiceworthy to be punished for it than to go unpunished. Now, assuming with Socrates again that the truth is always the same (cf. 482b1, 509a4, 473b10), since, as we have seen, two inconsistent beliefs cannot both be true, one of them may be true and one of them may be false, or both of them may be false; but whether either of them is true, and, if so, which one it is, is something neither Socrates nor *most* of his interlocutors can determine, since neither Socrates nor *most* of his interlocutors have the epistemological resources required to determine the truth-value of any given premise. Therefore, as we have also seen, when Socrates cowed Polus into abandoning, first, his belief that it is less choiceworthy to suffer injustice than to do it, and then, second, his belief that if one has done injustice it is less choiceworthy to be punished for it than to go unpunished, neither Socrates nor Polus can *know* that Polus has not mistakenly abandoned true beliefs and preserved false ones, rather than abandoning false beliefs and preserving true ones. And as we have seen, Socrates admits as much (506a3-4).

Nevertheless, it is not fair to say, without further evidence, that Socrates therefore *has no good reasons to believe* that Polus has not mistakenly abandoned true

beliefs and preserved false ones. For after having constructed a juridico-penology from the beliefs that Polus did preserve, Socrates maintains that although he does not have knowledge of these matters, his *logos* of them is nonetheless held firm and bound down by iron and adamantine arguments, since, as he says, "no one I've ever met, just as now, is able to speak otherwise without being ridiculous." (509a5-6)

Although this general claim does seem true of the actual interlocutors with whom Socrates hitherto speaks in the universe of the Platonic dialogues, the reader of the *Gorgias*, in particular, cannot help but speculate how Socrates could have cowed Callicles if Callicles had not granted that there are base pleasures (499c1-e5), and had not thus contradicted himself from shame--just as he had criticized Gorgias and Polus for having done earlier (482c6-e2; cf. 458d6-7, 461b4-6, 474c7-8). Indeed, the reader of the *Gorgias* cannot help but speculate how Socrates could have cowed Callicles if Callicles had not dimmed the critical brilliance of his initial speeches with a crude hedonism. For in these two ways, at least, we can envision a more cautious Callicles, one who would perhaps have been able to speak otherwise than Socrates without having thereby become ridiculous.

We might be tempted, then, to say that, irrespective of the actuality of his interlocutors, the mere potentiality of defensible alternatives should have been enough to have invalidated Socrates' confidence. However, we should endeavour to honour Socrates' usual, and reasonable, stipulation that his interlocutors speak sincerely (495a7-8, 500b5-c1; a stipulation that is saliently and significantly absent from the *Republic*), to the extent that, if we wish to invalidate his confidence, we must find an actual interlocutor or interlocutors who had hitherto sincerely proposed a defensible alternative or defensible alternatives to his position. Yet such an interlocutor or such interlocutors cannot be found. Socrates, then, may not have the epistemological resources required to *determine* with *certainty* the truth-value of *any given premise*; but, by assuming that truth is one, he can both *reasonably* reject as tainted with

falsehood *sets of premises* that are inconsistent, and *reasonably*, though *provisionally*, accept *a set of premises* as possessing, at the very least, a necessary condition of truth, that seems, given the best available arguments so far developed, to be consistent.

Taking Socrates at his word, then, that he has indeed met no-one who is able to speak otherwise than himself without being ridiculous, he does have good reasons to believe that Polus *has not* mistakenly abandoned true beliefs and preserved false ones. Yet, contrarily, Callicles also has good reasons to believe that Polus *has* mistakenly abandoned true beliefs and preserved false ones (that is, he has such reasons so long as his initial, brilliant speeches do indeed presume something like the genealogy of Athenian popular opinions that the previous section of this study has recounted). After all, as we saw in the conclusion of that section, it would have been reasonable for Callicles to have suspected the conventional uses of evaluative words by leaders like Pericles and philosophers like Socrates to have been merely either techniques in or products of a rhetoric engineered to ultimately produce obedient servants of the *polis*.

Consequently, it would have been reasonable for Callicles to have rejected as false both of the beliefs that Polus had earlier preserved. Taking each in turn, it would have been reasonable for Callicles to have first rejected as false the belief that it is more *aischron* to do injustice than to suffer it, since it would have been reasonable for him to have supposed that the disregard people commonly exhibit toward considerations of *to aischron* in abnormal situations like seditions and the plague reveals human nature as it really was and is, thereby revealing the apparently popular concern with *to aischron* in normal situations as a false pretence. And it would have been likewise reasonable for him to have secondly rejected as false the belief that (conventionally) just things are *kala* insofar as they are (conventionally) just, since it would have been likewise reasonable for him to have supposed that the disregard people commonly exhibit toward considerations of *to kalon* in such abnormal

situations reveal human nature as it really was and is, thereby revealing the apparently popular concern with *to kalon* in normal situations as yet another false pretence.

Accordingly, though, it would have been reasonable for Callicles to have preserved as true the two beliefs that Polus had abandoned. For, taking each in turn, it would have been reasonable for him to have first preserved as true the belief that it is less choiceworthy to suffer injustice than to do it, since it would have been reasonable for him to have supposed that the inclinations people exhibited *both* against suffering injustice *and* toward doing it in abnormal situations revealed human nature as it really was and is, thereby revealing what is genuinely choiceworthy for humans with respect to justice. In addition, it would likewise have been reasonable for him to have also preserved as true the belief that if one had done injustice it was less choiceworthy to be punished for it than go unpunished, since it would likewise have been reasonable for him to have supposed that the inclination people exhibited against punishment and toward impunity in abnormal situations revealed human nature as it really was and is, thereby revealing what is genuinely choiceworthy for humans with respect to punishment.

Callicles thus has the epistemological resources required to reasonably endorse some premises and reject others. For first of all, those premises declaring behaviour that maximizes one's acquisition or maintenance of external goods to be more choiceworthy than behaviour that does not do so he can reasonably endorse as true, since such premises are confirmed in states of nature--that is, in abnormal situations like seditions and plagues, wherein, he reasonably supposes, genuine human nature reveals itself. And secondly, those premises employing the conventional uses of evaluative words he can reasonably reject as false, since such premises are belied in states of nature. Of course, the behaviour of people in functioning *poleis* appears, however, to confirm such premises, since people in such situations appear to find *both* those actions endorsed by the conventional uses of evaluative words to be more

choiceworthy, *and* those actions admonished by the conventional uses of evaluative words to be less choiceworthy. Callicles reasonably explains this disparity by recounting the genealogy of normal appearances within functioning *poleis*, since, as we have seen, he can reasonably suppose such premises and the conventional evaluative words they employ are regularly techniques in or the products of a rhetoric engineered to ultimately produce obedient servants of such *poleis*.

Like Socrates, though, Callicles has not provided the epistemological resources required to *determine* with *certainty* the truth-value of any given premise. Instead, like Socrates, he has provided epistemological resources sufficient for *reasonably* accepting some premises as true, those that are confirmed by human behaviour in states of nature, and *reasonably* rejecting other premises as false, those that are belied by human behaviour in states of nature. Now, these two standards for the truth-value of premises, although they are no more, and also no less, decisive than Socrates own standards, nonetheless present a fourth, specifically *epistemological*, problem to his juridico-penology. For as we have seen, these standards were developed, and were *necessarily* developed, outside the Socratic examination that was used to articulate and defend that juridico-penology. After all, as we have seen, they do not draw their plausibility from the sort of deductive arguments from popular opinions with which the Socratic examination functions; instead, as we have seen, they draw their plausibility from the sort of genealogy meant to subvert many such popular opinions. Callicles' criticism of Socrates' juridico-penology must therefore be made from without the exercise of Socrates' renowned examination, or *elenchos*.

Indeed, the most effective spoken medium for the communication of the genealogical sort of criticism is the set-speech, the extended monologue, in which such a genealogy may be gradually and persuasively unfolded. And yet, famously, Socrates will not allow his interlocutors to make set-speeches (cf. *Protagoras*, 334c3-338e4). Instead, he tyrannically insists upon the exchange of premises, examples,

counterexamples, and refinements. That is to say, he tyrannically insists upon the use of his own epistemology. Not surprisingly, Callicles tries to escape this tyranny (505c5-d5, 510a1; cf. *Protagoras*, 360d8-e4, or *Republic*, 350d8-e5, 352b2). Perhaps he thinks that if one is guilty of inconsistency it is less choiceworthy to be examined for it than to go unexamined; but to no avail. It is no wonder, then, that Callicles shines while exhorting us through the exercise of his notorious eloquence, or *rhêtorikê*, yet dims throughout the remainder of the dialogue while submitting to this juridico-epistemology.

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We are now at a point at which we can begin to collect the results of this study. Since it is all too obvious to most readers of the *Gorgias* how Callicles appears from Socrates' epistemological standpoint--no doubt because Socrates is both the protagonist and the putative victor of the dialogue--there has been no need for us to explore that appearance. However, since it is not at all obvious to most readers of the *Gorgias* how Socrates appears from Callicles' epistemological standpoint, the remainder of this study seeks to embellish that appearance. For by this point all four epistemological problems with Socrates' juridico-penology have now been articulated. But of course, only one of those problems, the second, is in fact a problem in the eyes of someone like Socrates, who already occupies the Socratic epistemological standpoint; whereas all four of those problems are in fact problems in the eyes of someone like Callicles, who does not already occupy that standpoint. Consequently, though, all four problems are also problems for Socrates, insofar as he wishes to persuade Callicles to accept his juridico-penology; for after Callicles has cooled from his first eruption Socrates says to him: "I know well that if you agree with what my soul believes, these very beliefs are the true ones." (486e5-487a1) Let us therefore

conclude this study by establishing how all four epistemological problems are interrelated, assuming all the while the Calliclean epistemology, so that we may see most vividly how Socrates and his juridico-penology must appear to Callicles.

To begin with, the first such problem is, as we have seen, exacerbated by the fourth. For the first problem by itself shows that the *telos* of the *technê* of Socratic examination is not truth, as Socrates sometimes pretends (*Protagoras*, 360e7), but rather consistency, as he sometimes implies (*Gorgias*, 509a4-6), and therefore that an interlocutor *could* survive examination even if he or she had unwittingly begun with a false premise and "forced the remainder into agreement with the original error" (*Cratylus*, 436c6-d1). When this first problem is combined with the fourth, however, it shows that Socrates *actually has* encouraged just such an unwittingly forced agreement in the defence of his juridico-penology. After all, the two premises with which the two respective stages of that defence began--on the one hand, that it is more *aischron* to suffer injustice than to do it, and, on the other, that just things are *kala* insofar as they are just--are both, Callicles may reasonably maintain, belied by human behaviour in states of nature, merely products of a rhetoric engineered ultimately to produce obedient servants of the *polis*, and thereby false. By endorsing and using these false premises in the defence of his juridico-penology, then, Socrates shows *both* that for all his unconventional airs he is nevertheless just such a servant, *and* that the *telos* of his *technê* of examination is not only not truth, but actually a subtle and insidious confirmation of the most manipulative conventions.

Moreover, and more importantly, the second epistemological problem is exacerbated by both the first and the fourth together. For the second problem by itself is, as we have seen, that neither Socrates' juridico-penology nor the arguments that he adduces to defend it are sufficient to provide and defend a *logos* of the *telos* of the *technê* of just punishment. When this second problem is combined with the first and the fourth, however, a *logos* of the *telos* of that *technê* becomes evident: since the *telos*

of that *technê* must, by all accounts, be justice; and since the nature of justice, like the nature of all the virtues, can only be discovered by Socratic examination, a *technê* whose own *telos* is a subtle and insidious confirmation of the most manipulative conventions; the nature of justice, upon such a Socratic discovery, will inevitably be *either* that which is merely conventionally supposed to be justice, *or* perhaps that which is entailed by what is merely conventionally supposed about a matter considered relevant to the nature of justice.

Now, generally speaking, the *logos* of the *telos* of the *technê* of just punishment will thus be, wherever that *technê* is practiced, *either* that which is merely conventionally supposed to be justice in that society, *or* perhaps that which is entailed by what is merely conventionally supposed about a matter considered relevant to the nature of justice in that society. More specifically, however, just as *both* merely conventional suppositions about justice *and* merely conventional suppositions about matters considered relevant to the nature of justice will vary from society to society, so too will the precise nature, and thus also the *logoi*, of the *telos* of this *technê* from society to society. And yet, although such *logoi* will vary from society to society, it will remain easy enough for each society to articulate its own such *logos*. After all, doing so will involve merely eliciting the considered judgments or intuitions of the members of that society concerning *either* justice *or* what is entailed by matters considered relevant to the nature of justice--trying all the while, of course, to render the set of those considered judgments or intuitions as consistent as possible.

In the quest for such consistency, of course, the considered judgments or intuitions of some marginal members of any given society will almost always have to be discarded. This difficulty for the articulation of such a *logos* notwithstanding, it will remain easy enough to defend that *logos*, once articulated, within the society for which it was articulated, at least to the members of that society whose considered judgments or intuitions were taken into consideration in the articulation of that *logos*. After all,

such a defence will merely need to show such members that they are committed to such a *logos* in virtue of their own considered judgments or intuitions. It will remain difficult, however, to defend that *logos* to those members of that society whose considered judgments or intuitions were discarded during the articulation of that *logos*; for no defence will be able to show them that they are committed to such a *logos* in virtue of their own considered judgments or intuitions.

And yet, in lieu of such a defence, it will be impossible for advocates of a society's own unique *logos* of the *telos* of the *technê* of just punishment to defend this *logos*, using Socratic examination alone, with any premises by which such recalcitrant members would or should be rationally persuaded. For such members are, *ex hypothesi*, those whose considered judgments or intuitions about, and thus premises concerning, *either* the nature of justice *or* what is entailed by matters considered relevant to the nature of justice are in no way connected with the *logos* that their society as a whole has adopted. In lieu of rational persuasion, then, whenever such members behave so as to transgress boundaries laid down by that *logos*, and meriting punishment according to that *logos*, they can only be persuaded to accept those boundaries in the future by non-rational means: most benignly, by rhetoric akin to that of Pericles; most harshly, by violence akin to executed against the Melian; but most insidiously, by manipulation akin to that witnessed in Corcyra or the *Gorgias*.

When such recalcitrant members are non-rationally persuaded, then, since the nature of the *telos* in the service of which they are being so persuaded is *either* that which is merely conventionally supposed to be justice, *or* that which is entailed by what is merely conventionally supposed about a matter considered relevant to the nature of justice, when such recalcitrant members are so persuaded they are so persuaded in the service of conventionality, or homogeneity. And yet that homogeneity, in turn, is effected in the service of the powerful, since, as we saw, the conventions from which it draws can be reasonably suspected, by Callicles and others

like him, to be products of a rhetoric or more insidious techniques of manipulation engineered to ultimately produce obedient servants of the *polis*. Socratic examination, then, is perhaps the most subtle tool of the powerful; for Socratic examination cowed even Callicles, who had previously succeeded in piercing that rhetoric and other obviously less insidious techniques of manipulation.

And yet Socratic examination, at least as it was practiced by Socrates, differed from other such tools not only in its extraordinary influence upon characters like Callicles, but also in the rewards of external goods that its practice denied to its practitioner. For although Socrates resembled Pericles, for instance, insofar as he exhorted some of the same behaviour, and recommended some of the same virtues, whereas Pericles stood to gain external goods like power through such exhortations and recommendations, Socrates stood to gain nothing of the kind. Thus, whereas Pericles could have, and may have, wittingly used his technique of homogenization in order to have maximized his acquisition and possession of external goods, Socrates could not have so used *his* technique of homogenization. Ironically, Socrates used his technique of homogenization, wittingly or unwittingly, with the result that he actually minimized his acquisition and possession of external goods. Socrates would thus have seemed a mystery to Callicles.

After all, Callicles believes that all people genuinely desire to acquire and maintain as many external goods as possible, since this genuine desire is what he reasonably supposes human behaviour in a state of nature to reveal. Now, believing this, Callicles would be somewhat mystified by anyone who claimed a primary allegiance to the putative, internal good of an exoteric *technê*, at the very least, since such an allegiance would occasionally require that person to forego opportunities to acquire or maintain external goods. For example, the primary allegiance of a navigator to the internal good of the exoteric *technê* of navigation may require him to continually practice that *technê*, forcing him occasionally to forego such opportunities

indirectly when his weeks upon the Aegean keep him away from "the city centre and the public squares where the poet says men win good reputations." (485d5-6) Such a man would, to Callicles, seem a fool.

Moreover, believing that all people genuinely desire to acquire and maintain as many external goods as possible, Callicles would be somewhat more mystified by anyone who claimed a primary allegiance to the internal good of an esoteric *technê* in which he, Callicles, was unapprenticed. After all, such an allegiance would not only occasionally require that person to forego opportunities to acquire or maintain external goods, but Callicles would have only the vaguest idea of the putative, internal good for the sake of which such opportunities would be foregone. For example, the primary allegiance of a philosopher to the internal good of the esoteric *technê* of philosophy may require him to remain "sunk away out of sight for the rest of his life," (485e1) forcing him regularly to forego such opportunities indirectly because his immersion in dusty books prevents him from mastering the speech he should use "in meeting men in public and private transactions, and in human pleasures and desires" (484d4-6). Such a man would, to Callicles, seem even more foolish than the navigator.

Finally, believing that all people genuinely desire to acquire and maintain as many external goods as possible, Callicles would be nonplused by anyone who claimed a primary allegiance to the internal good of the esoteric *technê* of justice, in which he, Callicles, was presumably unapprenticed. After all, such an allegiance would not only regularly require that person to forego opportunities to acquire or maintain external goods, but Callicles would again have only the vaguest idea of the putative, internal good for the sake of which such opportunities would be so often foregone. For example, the primary allegiance of that person may require him to suffer injustice rather than to do it, or, if he has done injustice, to be punished for it rather than go unpunished, forcing him to directly forego such opportunities as injustice and

impunity afford. Such a man would, to Callicles, seem even more foolish than the philosopher; and most foolish of all if he was also a philosopher.

Callicles acknowledges that Socrates has a "noble nature" (485e7). And yet he also recognizes that Socrates is a philosopher, as well as, perhaps, a just person. That is to say, Socrates practices two foolish *technai*. Why, Callicles must therefore ask himself, would someone so clever be so foolish: so foolish, to begin with, as to pursue merely putative goods, so foolish, in addition, as to pursue even indeterminate and vague merely putative goods, and so foolish, finally, as to pursue indeterminate and vague merely putative goods that are actually inimical to the pursuit of the external goods that all people genuinely desire to acquire and maintain? He vacillates, I submit, between two answers.

On the one hand, he presumes that Socrates is merely affecting concerns for the truth and for justice. For he enters the dialogue by asking Chaerephon, "is Socrates in earnest about all this or is he joking?" (481b7) Soon afterwards he calls him a "mob-orator" (482c6, 482e4). And after his initial brilliance has begun to fade, he begins defensively to accuse him, first, as we have seen, of "being sly" (489e1), then of engaging in "sophistry" (497a6), and finally of being "competitive" (515b5). On this hand, then, Callicles thinks that Socrates has, like everyone else, a primary allegiance to external goods, and is merely affecting concerns for the truth and for justice as competitive strategies. In this way, his examination would actually be a technique of power acquisition, masquerading as a technique of knowledge acquisition. This answer is not very convincing, however, if it understands Socrates to be wittingly inflicting his examination upon victims in order to promote his own power. For all his cleverness, as we have seen, Socrates has neither power nor riches to speak of. If he is merely affecting concerns for the truth and for justice in order to acquire or maintain external goods, he is failing miserably.

On the other hand, then, Callicles also presumes that Socrates is genuinely concerned with truth and justice because, as he says to him, "you twist this noble nature of your soul in a childish shape." (486a1) Now, Callicles' first and most brilliant eruption is divided into roughly two halves. The first half concerns justice and admonishes Socrates for worrying about conventional justice rather than natural justice exclusively (482c5-484c4); the second half concerns philosophy and admonishes Socrates again for practicing it exclusively rather than politics, which, Callicles says, will earn him "a living, reputation, and many other goods." (486d1, 484c4-486d1) On this hand, then, Callicles may think that Socrates unwittingly uses his examination as a technique of power acquisition; power for others, that is, not for himself. For although Callicles thinks Socrates has a noble nature--one, it seems, that could acquire and maintain many external goods if only it could liberate itself from the micro-physics of power that has twisted it out of shape--he recognizes that that nature has become so twisted that it now actively twists itself. In fact, even when Callicles points this out to Socrates, trying to help him, it seems, by liberating him from his own self-enslavement (491d5-492a4), Socrates responds characteristically, with more of his incessant questions and ignoble analogies. In short, then, even when Callicles tries to help Socrates untwist his soul, a soul that Socrates has already, to some extent, twisted himself, Socrates responds by twisting it further.

And yet this impasse symbolizes well the deeper impasse that may prevent two such people from finding any common ground. For, to begin with, their conceptions of truth are, as we have seen, so different that some of the premises that one finds reasonable to accept, the other will find reasonable to reject. Indeed, although they may eventually discover the root of their differences in their competing conceptions of truth, there will be no common ground from which to evaluate these competing conceptions of truth, since neither Socrates nor Callicles will be rationally persuaded to accept that putatively common ground unless it already accords with his conception

of truth, and is thereby no common ground at all, but instead a denial of the incommensurability that we have already seen to exist. Much remains to be said on this score, of course, but we do have Socrates own acknowledgment in the *Crito* that, with respect to the view that one should never do wrong in return for wrong, at the very least, "only a few people hold this view or will hold it, and there is no common ground between those who hold this view and those who do not, but they inevitably despise each other's views." (49d1-3)

### **Texts:**

Grube, G.M.A. revised by Reeve, C.D.C. *Plato: Republic*, Indianapolis, Indiana: Hackett Publishing Company, 1992.

\_\_\_\_\_. *Plato: Five Dialogues*, Indianapolis, Indiana: Hackett Publishing Company, 1981.

Hamilton, E. and Cairns, H. eds. *Plato: The Collected Dialogues*, Princeton, New Jersey: Princeton University Press, 1989 (14th edition). (All references to Plato, other than to *First Alcibiades*, *Apology*, *Crito*, oftentimes *Gorgias*, *Hipparchus*, *Meno* and *Republic*, are to this volume.)

Irwin, T. *Aristotle: Nicomachean Ethics*, Indianapolis, Indiana: Hackett Publishing Company, 1985.

\_\_\_\_\_. *Plato: Gorgias*, Oxford: Clarendon Press, 1979.

Pangle, T. L. *The Roots of Political Philosophy, Ten Forgotten Socratic Dialogues*, Ithaca, New York: Cornell University Press, 1987. (All references to *First Alcibiades* and *Hipparchus* are to this volume.)

Molesworth, Sir W. *The Collected Works of Thomas Hobbes, Volumes VIII and IX: Eight Books of the Peloponnesian War written by Thucydides*, London, Routledge/Thoemmes Press, 1992.

Thucydides. *History of the Peloponnesian War*, translated by M. I. Finley, New York, New York: Penguin Books, 1972. (All references to Thucydides are to this translation unless otherwise noted.)

Xenophon, *Conversations of Socrates*, translated by H. Tredennick and Robin Waterfield, edited by Robin Waterfield, including Xenophon's four Socratic dialogues: *Socrates' Defence*, *Memoirs of Socrates*, *The Dinner Party*, and *The Estate Manager*; New York, New York: Penguin Books, 1990.

### **Bibliography:**

Annas, J. "Aristotle on Pleasure and Goodness," in *Essays on Aristotle's Ethics*, ed. A. O. Rorty, Berkeley, California: University of California Press, 1980, pp. 285-299.

Anton, J. P. "Dialectic and Health in Plato's *Gorgias*: Presuppositions and Implications," *Ancient Philosophy* 1 (1980): 49-60.

Berman, S. "How Polus Was Refuted: Reconsidering Plato's *Gorgias* 474c-475c," *Ancient Philosophy* (1991): 265-284.

Dodds, E. R. *Plato: Gorgias*, Oxford: Clarendon Press, 1959, pp.1-34

Foucault, M. *Discipline and Punish*, New York, New York: Vintage Books, 1995.

Gomez-Lobo, A. "Philosophical Remarks on Thucydides' Melian Dialogue," *Proceedings of the Boston Area Colloquium in Ancient Philosophy*, 5 (1989): 181-203.

Greene, D. *Man In His Pride (A Study in the Political Philosophy of Thucydides and Plato)*, Chicago, Illinois: University of Chicago Press, 1950.

Hampton, J. "The Moral Education Theory of Punishment," *Philosophy and Public Affairs* (1984): 208-238.

Herodotus. *The History*, translated by Henry Cary, Buffalo, New York: Prometheus Books, 1992.

Hobbes, T. *Leviathan*, edited by Michael Oakeshott, New York, New York: Collier Books, 1962.

Irwin, T. *Plato's Moral Theory*, New York, New York: Oxford University Press, 1977.

Kagan, D. "The Speeches of Thucydides and the Mytilene Debate," *Yale Classical Studies*, 24 (1979): 71-94.

Kauffman, C. "Enactment as Argument in the *Gorgias*," *Philosophy and Rhetoric*, 12 (1979): 114-129.

- MacIntyre, A. *After Virtue*, Notre Dame, Indiana: Notre Dame Press, 1984.  
 \_\_\_\_\_. *Whose Justice? Which Rationality?*, Notre Dame, Indiana: Notre Dame Press, 1988.  
 \_\_\_\_\_. *Three Rival Versions of Moral Enquiry*, Notre Dame, Indiana: Notre Dame Press, 1990.  
 \_\_\_\_\_. *First Principles, Final Ends and Contemporary Philosophical Issues*, Milwaukee, Wisconsin: Marquette University Press, 1990.
- Mackenzie, M. M. *Plato on Punishment*, Berkeley, California: University of California Press, 1981.
- Rawls, J. *A Theory of Justice*, Cambridge, Massachusetts: The Belknap Press of Harvard University Press, 21st printing, 1995.
- Reeve, C. D. C. *Philosopher-Kings*, Princeton, New Jersey: Princeton University Press
- Saxonhouse, A. W. "An Unspoken Theme in Plato's *Gorgias*: War," *Interpretation* 11 (1983): 139-170.
- Stalley, R. F. "Punishment in Plato's Protagoras," *Phronesis* (1995): 1-19.
- Tocqueville, A. de. *Democracy in America*, New York, New York: Vintage Classics, 1990.
- Turner, J. S.. "Atopia and Plato's *Gorgias*," *International Studies in Philosophy* 25 (1993): 69-77.
- Vlastos, G. "Was Polus Refuted?," *American Journal of Philology*, 88 (1967): 454-60.

As we have seen, when Calicles is presented with such incommensurability, his first response to the riddle of Socrates is to distrust him as sly, his second response to this riddle is to patronize him as a child. And yet this ambivalence between distrust and contempt should remind us of the ambivalence of the Athenians present in Sparta in

432 toward the Spartans. For when one believes, as Callicles does, and as the Athenians present in Sparta seemed to, that every human being is primarily motivated by desires for external goods, a confrontation with someone who does not appear to be so motivated can be deeply disturbing. Indeed, one feels as if one is being examined.