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IN AND OUT OF CHARACTER: SOCRATIC *MIMĒSIS*

by

MATEO DUQUE

A dissertation submitted to the Graduate Faculty in Philosophy in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York

2020

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Mateo Duque

This manuscript has been read and accepted for the Graduate Faculty in Philosophy in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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THE CITY UNIVERSITY OF NEW YORK

This dissertation is dedicated to *all* my teachers (beginning with my parents, Adriana and Efrain; continuing with teachers, like Mrs. Linda Janoff at Pine View; as well as Professors, like Mike Michalson at New College of Florida, Alex Levine at the University of South Florida, and Nick Pappas at the CUNY Graduate Center—to name just a few examples). It's dedicated to all those who strive to teach themselves and others as best they can, and to the Abiding Teacher—Life, Nature, the Cosmos, *natura naturans*—and to its constant questioners, seekers, and thinkers.

We are always, and in all ways, your students.

New York, 2020.

ABSTRACT

In and Out of Character: Socratic *Mimēsis*

by

Mateo Duque

Advisor: Nickolas Pappas

In the *Republic*, Plato has Socrates attack poetry's use of *mimēsis*, often translated as 'imitation' or 'representation.' Various scholars (e.g. Blondell 2002; Frank 2018; Halliwell 2009; K. Morgan 2004) have noticed the tension between Socrates' theory critical of *mimēsis* and Plato's literary practice of speaking through various characters in his dialogues. However, none of these scholars have addressed that it is not only Plato the writer who uses *mimēsis* but also his own character, Socrates. At crucial moments in several dialogues, Socrates takes on a role and speaks as someone else. I call these moments "Socratic *mimēsis*." While previous commentators have noticed some of these moments, they have either overstated their rarity or they have not studied them collectively. My dissertation is the first in-depth investigation of this phenomenon in the dialogues. Socrates' dramatic imitation of others is way of teaching in a voice separate from his own, and it is also a way for Plato to speak to, and to educate, different kinds of audiences.

Although "Socratic *mimēsis*" occurs throughout the Platonic corpus, I focus on three passages from three different dialogues, which are paradigm instances:

[1] in the *Crito* Socrates plays the part of 'the Laws' (50a-54c);

[2] in the *Theaetetus* he acts the part of 'Protagoras' (166a-168c); and

[3] in the *Menexenus* he recites a funeral speech learned from 'Aspasia' (236d-249c).

Instead of one-sidedly reading the dialogues as either only literary works of art or as only a

series of philosophical arguments, this study gleans philosophic insights from the literary and dramatic details of the dialogues.

In chapter one I argue that in the *Crito* Socrates tries to convince Crito of a universal and absolute ethics based on never committing injustice, but Crito is not able to understand. In order to make Crito more just—but not yet at the level of Socratic ethics—Socrates creates ‘the Laws’ to persuade Crito to expand his personal notion of justice. Socrates instills a political obedience in place of Crito’s existing lawlessness as a second-best recourse. Plato expects the astute listener or reader to see the contrast between Socrates’ earlier ethical principles, said in his own voice, with what he says in the voice of ‘the Laws.’ In chapter two I argue that in the part of the *Theaetetus* where Socrates defends Protagoras (often called ‘the Defense’), Socrates, by imitating ‘Protagoras,’ is actually *criticizing* Protagorean relativism. The Protagorean theory cannot account for *mimēsis* and Socrates’ mimetic act performatively contradicts the identity of appearance and reality, which the theory presupposes. Finally, in chapter three I argue that in the *Menexenus* the funeral oration that Socrates recounts for Menexenus that he heard from ‘Aspasia’ is actually a disguised criticism of political rhetoric and of Athenian imperialism. Although the speech is never interrogated *within* the dialogue, Plato provokes the listener or reader outside the dialogue to question its message and to see how it conflicts with many of Socrates’ positions in other dialogues.

Beyond reconsidering the long-standing and persistent view that Plato was against poetry and mimetic performance, I re-examine the role that performance and role-playing can have in philosophy and pedagogy more generally. Actors, by taking on other personas, and audience members, in observing actors and their actions, are both involved in acts of imagination that can expand their horizon of thinking and feeling.

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“And taking the immortal principle of the mortal living thing, they imitated the craftsman who had made them. [καὶ λαβόντες ἀθάνατον ἀρχὴν θνητοῦ ζώου, μιμούμενοι τὸν σφέτερον δημιουργόν]”

—Timaeus (*Timaeus* 42e7-8)

INTRODUCTION

1. The *Mimēsis* of Plato (and Socrates)

How does someone inspire another to learn? How does someone spark in another a passion for seeking wisdom? These questions pressed upon both Socrates and his student, Plato. Each in his own way tried to realize this will-to-teach.¹ Socrates never wrote anything, but he embodied a spirit of perpetual examination; he stung others with his questions, making them realize their own ignorance and start their search for the right answers. Plato never wrote anything in his own voice,² but he crafted his dialogues in such a way as to leave his audience, as his teacher had, confused but craving a knowledge they lacked. Both Socrates and Plato used what in ancient Greek is called *mimēsis*, often translated as ‘imitation’ or ‘representation.’ Socrates modeled the kind of self-interrogation he wanted others to adopt. And Plato in his dialogues not only represented the kind of philosophical discussions he wanted others to engage in, he also structured them to *provoke* his audience into discussing the questions and themes raised within them.

Interestingly, Plato has his principal character, Socrates, attack poetry and its use of *mimēsis* in books II, III, and X of the *Republic*, as part of what he calls the “ancient quarrel between poetry and philosophy” (607b). *Mimēsis* is a crucial term in Plato’s discussion of poetry. Socrates contrasts *mimēsis*, in which a poet speaks not in his own voice but in the voice

¹ My use of ‘will-to-teach’ is inspired by Nietzsche’s phrasing of will-to-..., as in the will-to-truth [Wille zur Wahrheit] and his most famous use of it, the will-to-power [der Wille zur Macht]. For will-to-truth see *Beyond Good and Evil* (2000 [1886]) and for ‘will-to-power’ see *Thus Spoke Zarathustra* (1976 [1892]) and *Beyond Good and Evil* (2000 [1886]).

² Putting its authenticity aside, see the *Second Letter* 314c1-3: “For these reasons I myself have never written on these subjects. There is no writing of Plato’s, nor will there be; those that are now called that are of a Socrates become young and beautiful” (my translation).

of a character, with *diēgēsis*, in which a poet speaks ‘simply’ in his own voice (as a narrator) directly to the audience without being filtered through the voice of any character(s) (393b-c). Socrates urges that for the sake of the ethical character of the audience and the poet, poetry, if it is to be performed, ought to be done in the direct *diegetic* mode rather than in the *mimetic* one. Various scholars have noticed the tension between the criticism of *mimēsis* by the character Socrates and the literary, mimetic practice of Plato the author, who speaks through many different characters in his dialogues.³ Some commentators have even noticed that the structure of the *Republic* itself illustrates an ironic self-awareness about this inconsistency.⁴ The entire dialogue is narrated by Socrates, with him speaking all the voices from the discussion he had yesterday, both his own voice and those of all the others who spoke gathered at Cephalus’ house. However, none of these commentators has seriously addressed that it is not just Plato the writer who uses *mimēsis* but also his own character, Socrates. Socrates, not only in the *Republic*, but also at various crucial moments in several different dialogues, imitates or acts out a persona. He takes on a role and speaks as someone else. This is what I am calling Socratic *mimēsis*. It is as if literary critics only commented on Shakespeare’s dramatic use of characters and action in *Hamlet* but failed to account for Hamlet’s own use of drama, of his staging of *The Mousetrap*, the play-within-the-play.⁵

My dissertation, *In and Out of Character: Socratic Mimēsis*, redresses this omission by analyzing episodes in Plato’s dialogues when Socrates uses an extended instance of *mimēsis*, to bring a character and their worldview to life. I contend that Socrates’ criticisms (in the *Republic* and other dialogues) against *mimēsis* are more accurately interpreted as the *mimēsis* of **the poetry**

³ Halliwell (2009), K. Morgan (2004), Blondell (2002), and Ferrari (1989).

⁴ Halliwell (2009), Blondell (2002), Tejera (1984).

⁵ Or to use an ancient work, it would be like studying the *Odyssey* but not investigating the metafictional episode of the poet’s performance of Odysseus’ poetic performance of his travels in Books IX-XII.

and drama of his age and their psychological abuses and it is not a criticism of a possible *philosophical mimēsis*.⁶ What if there was a way of using *mimēsis* in the service of philosophy? What if philosophy could appropriate elements of drama for its own purposes? It would be not merely to entertain and give pleasure as the poets and dramatists seek to do,⁷ but to *educate*, to inspire others to learn and to question—as, I will argue, Socratic *mimēsis* does. We have evidence of philosophic *mimēsis* not only in the form of Plato’s dialogues, but also within them. These are in moments when his own character Socrates, speaking like a playwright-actor or like Plato himself, speaks not in his own voice but in the persona of one of his own characters. How widespread is the phenomenon of Socratic *mimēsis* in the Platonic dialogues? When one begins to look, it is much more prevalent than one would think given Socrates’ criticism against *mimēsis*.

2. The definition of Socratic *mimēsis*

My definition of ‘Socratic *mimēsis*’ is carefully stipulated. If the term is stretched too broadly, to include all instances where Socrates merely speaks in another voice, then all Platonic dialogues might be characterized as containing it. An example of this overly-broad definition is when Socrates, *very* often, asks hypothetical questions of his interlocutors (usually, in the potential optative mood) of the form, “what if someone were to ask you...”⁸ In these cases,

⁶ If we put Socrates’ stated aims for the *kallipolis* in the *Republic* in its proper context, then, I think, we will see that Socrates’ criticisms of *mimēsis* in that work are more self-contained than previously acknowledged. That is, his harsh proposals against poetry and *mimēsis* (like those against the traditional family) are limited to his ideal city-in-words and they might not be practical prescriptions for the real world. I cannot argue for this here, but see my “Imitating against Imitation: Performative Contradiction in the *Republic*” (2019, manuscript).

⁷ See *Laws* II.658a-660a; III.700a-701d.

⁸ A non-exhaustive list of some examples of this kind of potential optative questions from ‘someone’ [τις]:

<i>Apology</i>	28e ἴσως ἂν οὖν εἴποι τις [perhaps, therefore, someone might say...] 37e ἴσως οὖν ἂν τις εἴποι [therefore, perhaps, someone might say...]
<i>Crito</i>	48a ‘ἀλλὰ μὲν δὴ,’ φαίη γ’ ἂν τις, ‘οἴοι τέ εἰσιν ἡμᾶς οἱ πολλοὶ ἀποκτείνονται.’ [but, in fact, someone might say, ‘the many are able to kill us’] Crito answers that ‘it is clear that someone might say these things’
<i>Theaetetus</i>	165b-e the intrepid man asks questions leading to Socrates becoming Protagoras 195c-196a ἂν τις ἔρηταί με [if someone were to ask me...]

Socrates is ‘speaking in the voice of another,’ but only briefly, as a way of putting some distance between himself and the question asked; he is evading responsibility and shifting the onus of the answer onto the respondent. We can call this rhetorical strategy, third-person *impersonal*, ‘what would someone, anyone say...’ He is not investing this different voice with a distinctive, fleshed-out character or personality. On the contrary, Socrates empties these words of any kind of identifying markers; they seemingly come from ‘no one’ and ‘nowhere’; they do *not* spring from a unique worldview or a particular perspective. By asking these questions from the perspective of a hypothetical potential questioner, Socrates does gain ‘plausible deniability’ for even asking the question; on top of that, it is the respondent who is responsible for the answers given in that line of questioning.⁹ By comparison, ‘Socratic *mimēsis*’ as I define it, is third-person *personal*. In these mimetic episodes, each voice comes from a carefully crafted, personalized perspective, and *named* identity. The length of the episodes also contributes to the instances as I define them. The audience (*both* Socrates’ interlocutors inside the dialogue *and* the listeners/readers outside of it) must have sufficient time to get a ‘feel’ for each voice, to hear not only *what* each character has to say (content), but also *how* they say it (form, or style). It is in

<i>Parmenides</i>	129b1 εἰ...τις ἀπέφαινε 129b5, 129c4, 129d2, 129d6 129e6
<i>Symposium</i>	204d εἰ δέ τις ἡμᾶς ἔροίτο [what if someone were to ask us] (this Socrates’ ‘Diotima’ distancing herself) εἰ δέ τις ἡμᾶς ἔροίτο [if someone were to ask us...] 204e ἂν εἴ τις μεταβαλὼν [if someone were to change...]
<i>Phaedrus</i>	268a-269c Socrates has Pericles speak
<i>Alcibiades</i>	108e, 116e, 123c-124a
<i>Protagoras</i>	311c, 311d-e, 312d, 330c-331c, 353a-358a
<i>Gorgias</i>	451a-c, 453e, 454d, 455d
<i>Meno</i>	75c
<i>Ion</i>	538d σοῦ ἐρομένου, εἰ ἔροίό με [suppose you were the questioner, and you asked me...]

(Although the object of my study is Socratic *mimēsis*, it is worth pointing out that Plato has both *Parmenides* and the Eleatic Visitor use this hypothetical τις construction quite often as well. Here are few examples:)

<i>Parmenides</i>	133b εἴ τις φαίη [if someone were to claim...], 160c τί δ’ εἴ τις λέγοι εἰ [what if someone were to say...]
<i>Sophist</i>	233d εἴ τις φαίη [if someone were to claim that...], 233e, 234a, 249e-250a, 253b-c;
<i>Statesman</i>	285d εἴ τις ἀνέροίτο ἡμᾶς [what if someone were to ask us...], 296b

⁹ See *Alcibiades I* 112d-113c.

examining both of these elements that one can gain insight into the ethical character of Socrates' literary characters. With this definition in hand, we can begin to narrow down the object of my study.

3. The Instances of Socratic *mimēsis*

In my dissertation I focus on three passages from three different dialogues, all of which are what I take to be paradigm instances of Socratic *mimēsis*.

- [1] In the *Crito* Socrates plays the part of 'the Laws' (50a-54c);
- [2] In the *Theaetetus* he acts the part of 'Protagoras' (166a-168c);
- [3] In the *Menexenus* he recites a funeral speech learned from 'Aspasia' (236d-249c).

In my initial plan for the dissertation, I was going to cover *five* different episodes of Socratic *mimēsis*. That meant that I was also going to try to cover:

- [4] In the *Symposium* Socrates recounts the teachings of 'Diotima' (201e-212c);
- [5] In the *Phaedrus* Socrates gives a palinode speech from 'Stesichorus' (244a-257b).

I cut these last two from the dissertation because when I began to write about the others, I realized that each chapter was going to be fairly long on its own and since these last two are the most-written about, they have the most secondary literature. Thus, for issues of space and time I have excluded them from this doctoral research project, but I have already begun work on my interpretation of Socrates' imitation of 'Diotima' in the *Symposium*.¹⁰

I have selected these three episodes because in each one Socrates is able to represent a singular personality with a clearly distinctive voice, one that I will argue is identifiably quite different from his own. Like Plato, who writes in the various voices of the characters of his dialogues, (Plato's own character) Socrates speaks in multifarious voices. Socrates does this not merely by giving his characters a different name and then attributing things said to them. He also embodies them with individualized *styles of speaking*, and he represents his characters' thoughts

¹⁰ See my "Acting Out Philosophy: Socratic *mimēsis* in the *Symposium*" (2019, manuscript).

and actions, like how they relate to the interlocutors with whom they are speaking. Although Plato's dialogues only give us the script, we can easily imagine Socrates as an actor really getting into character: altering the timbre and pitch of his voice, his facial expressions, and his bodily movements to suit the role, just like an actor or even a rhapsode.¹¹

There are some other ancillary instances of Socratic *mimēsis*—in the minimal sense of Socrates 'speaking in a different voice'—but often these are short-lived personifications, or they are not even given proper names. Socrates does not invest as much time and characterization on these other, momentary voices. They differ sufficiently from the fully drawn, paradigmatic examples to merit a secondary, supplementary designation. Let me mention seven instances of ancillary Socratic *mimēsis* (again, not meant to be exhaustive):

[*6] In the *Hippias Major* Socrates plays an 'annoying questioner' (287d-304e);

[*7] In the *Republic* VIII Socrates speaks as 'the Muses' (545d-7b);

[*8] In the *Protagoras* Socrates and Protagoras interrogate 'the majority' (353c-7e);

[*9] Also in the *Protagoras*, Socrates imitates what 'our discussion' would say (361a-c);

[*10] In the *Phaedrus*, Socrates portrays what 'the art of speaking' might say (260d);

[*11] when Callicles refuses to continue conversing, so Socrates speaks as and for him in the *Gorgias* (506c-509c);

[*12] In the *Cratylus*, Socrates attributes his etymology to 'Euthyphro' (396d-e).

But the focus of study in my dissertation is the three paradigmatic passages I am bringing together as representative of an expressive genre used by Socrates. Thinking about and investigating Socratic *mimēsis* will lead one to rethink what Socrates says about *mimēsis* (primarily in the *Republic* II, III, and X), especially the charge that *mimēsis* leads to the disunity of *psuchē*, 'the soul,' and also to reassess Socrates' frequent insistence (particularly in the *Protagoras* 347-8) that speakers engaged in conversation should speak in their own voice and shun other, foreign voices. The main research questions of this dissertation are: *why* does Socrates choose to speak in another voice? *What* is he intending to do; and *how* does it in fit with

¹¹ *Ion* 535c-e.

the other things Socrates say in his own voice in that specific dialogue, but also in others? My thesis is that Socratic *mimēsis* serves a pedagogical purpose; that is, it is an educational technique meant to provoke further debate. I think that most often *within* the world of the dialogues, Socrates' use of *mimēsis* fails to produce this sought-after discussion. As if held fixed by their previous experience of listening to rhapsodic and poetic recitations, most of Socrates' interlocutors are content to just passively take in his mimetic performance and few rarely take up his goading and answer back in some way. However, I believe this internal dramatic tension further heightens the urgency of Plato's own needling to *his* external audience. Listeners and readers of the dialogues hear Socrates' *mimēsis* and then feel compelled to respond in some way to the problems and issues raised by these personifications. But *how exactly* can *mimēsis*, that is, listening to a voice representing a particular personality, prompt someone to answer in an educationally fruitful way? To resolve this, I look to book II of the *Republic*, where Socrates successfully responds to a "mimetic encounter" from the brothers Glaucon and Adeimantus.

4. The *Mimēsis* of Glaucon and Adeimantus in the *Republic*

Why would Socrates act out these characters for his interlocutors in different dialogues, especially when he argues against *mimēsis* in the *Republic*? Why doesn't he just continue his more customary dialectic practice of asking and answering questions in *propria persona*? The means for answering these questions lie inside the *Republic* itself, which, as others have noted is suffused with *mimēsis*.¹² However, what has *not* been noticed by commentators is the importance of the mimetic intervention early on in the *Republic* (in Book II) by Glaucon and Adeimantus. In fact, it is their *mimēsis* that inspires Socrates' lengthy response, which is most of the *Republic* itself. At the end of Book I, Socrates has *seemingly* or *apparently* defeated Thrasymachus' defense of injustice. Glaucon, at the start of Book II, rescues Thrasymachus' argument, which he

¹² e.g. Blondell (2002), Halliwell (2009).

thinks has been unfairly dismissed by Socrates. He revives Thrasymachus' argument in a slightly-revised form. Glaucon explicitly tells Socrates he doesn't agree with Thrasymachus, but he wants to hear a better defense of justice than the one Socrates gave earlier. Glaucon pretends or imitates to argue for Thrasymachus' view, that being unjust is worth it and better than being just. Later, his brother, Adeimantus, follows Glaucon in imitating this position, which he too does not really believe. Both Glaucon and Adeimantus defend injustice from a position and in a voice that is not their own. Each one, with their own *mimēsis*, 'imitates' or 'represents' someone else.

Glaucon and Adeimantus' mimetic intervention has five aspects which will parallel aspects of Socrates' own *mimēsis*. Glaucon and Adeimantus are:

- [a] not convinced by an interlocutor (Socrates), the account lacks persuasiveness (357a, 358b-d);
- [b] there is some kind of confusion and perplexity among the discussants, either the speaker (358c), or the interlocutor (354b-c), (or both);
- [c] they speak from, and give voice to, a position they personally don't believe in (358c, 368a-b);
- [d] they want to hear a proper counterargument against the imitated position (358c-d, 367a-e);
- [e] they elaborate criteria by which to judge interlocutor's counterargument (358b-c, 368d-e).

Even though Glaucon and Adeimantus believe in justice, they put on the masks of people who do not and try to articulate an anti-Socratic position in order to goad Socrates into better defending his conception of justice. Without their *mimēsis* we would not have the later books (II-X) of the *Republic*! Additionally, it is interesting that the very kind of person that Glaucon is imitating, the most unjust person imaginable, is someone who is himself an imitator and uses *mimēsis*. These are the kind of people who are internally-psychologically bad and unjust in their very soul, but who have the external appearance, the public mantle, of being just. These are people who 'backstage' are despicable, who in stealth, lie, cheat, steal, and kill, but once they are on the public stage, they are the very image of a just person. These five features [a-e] of Glaucon and Adeimantus' 'mimetic encounter' recur in the paradigmatic instances of Socrates' *mimēsis*.

In each episode:

- [a] Socrates is not convinced by the unpersuasive position of an interlocutor;
- [b] and since there is some kind of confusion and perplexity among the discussants;
- [c] Socrates gives voice to, and speak from, a position he personally does not believe in;
- [d] he does it hoping to hear a proper counterargument against the position he imitates;
- [e] Socrates, both internal and external to his mimetic performance, gives sufficient material with which to assess that he himself does not hold to the imitated position and material by which to judge an interlocutor's counter-argument against it (358b-c, 368d-e).

I have answered the *how* of Socratic *mimēsis*, I turn now to the *why*.

5. Socrates' *mimēsis* as an educational technique for provoking student responses

My thesis is that Socratic *mimēsis* is a self-conscious educational practice that casts doubts on the relation between “the author” (Socrates) and the characters created by that author. Socratic *mimēsis* opens up a space, a gap, between the author and the character being imitated. In this sense, Socratic *mimēsis* can induce skepticism toward the author and is anti-authoritarian (Or, to be more historically faithful to Plato's own language and conceptual vocabulary, we could say ‘anti-tyrannical.’¹³). Socrates by splitting himself in two—into the character he is portraying and Socrates-the-author—forces the interlocutor(s) of the dialogue to think for themselves. But more importantly, Plato is asking the listeners and readers of the dialogue to think about how the different characters fit together. How does one resolve the inconsistencies between what Socrates says in his own voice and those said in the voice of a persona? These dramatic events are very self-reflexive and self-referential. They reproduce the same kind of dynamic that Plato-the-author, who never speaks to us directly but always through his characters, has to his audience. These episodes exhibit what André Gide in his 1893 journal called ‘*mise en abyme*’¹⁴; “a textual part reduplicating, reflecting, or mirroring...the textual whole.”¹⁵

Although all the characters Socrates portrays in the paradigm cases are self-styled

¹³ See Morgan (2003), 181-214.

¹⁴ Gide (1987 [1947]), 29-30.

¹⁵ Prince (1987), 53.

experts, Socratic *mimēsis* is also anti-authoritarian. Socrates represents these characters as master-teachers, but their methods belie their educational expertise. All of the characters give uninterrupted *epideictic* speeches (that is, rhetorical displays or exhibition speeches) without any input or queries from the student as to whether or not the student has understood the lesson, nor do the characters take any questions or objections. This is in sharp contrast to Socrates' preferred method of dialectical back-and-forth between interlocutors, of asking questions and giving answers. I deny Socrates' own charge (from the *Republic*) that in representing flawed characters and teachers, Socrates is himself a bad teacher with a flawed character who wishes to make his interlocutors worse. Ironically, it is in representing these teachers that don't let the interlocutor get a word in edgewise, that Plato stimulates and provokes creative and agonistic reactions from his audience.

6. Two advantages of the study of Socratic *mimēsis*

One advantage of my research project is that I am the first person to systematically investigate and bring together these diverse passages from different dialogues into a single genre and name it 'Socratic *mimēsis*.' Previous commentators have noticed some of these moments—usually only one or two—but they have, first, overstated their rarity. Gregory Vlastos, for example, wrote the following about Socrates' performance of 'the Laws': "in a curious act of self-abnegation—an act without parallel in the Platonic corpus—[Socrates] yields the floor to a majestic surrogate."¹⁶ Second, they have not studied them collectively as a group, as evidenced by Ruby Blondell who takes note of *two* occasions of Socrates' ventriloquism: 'the Laws' and 'Diotima,' but she does not connect them to other instances or make much of them.¹⁷

Another advantage of Socratic *mimēsis* as an object of study is that it sidesteps the hotly

¹⁶ Vlastos (1974), 32, emphasis added.

¹⁷ Blondell (2002), 32.

debated issue of Platonic chronology. My three paradigmatic examples of the Platonic Socrates using his mimetic method are spread over three different dialogues, which span various so-called Platonic periods. So, if one takes Platonic chronology seriously, (regardless of whichever interpretative chronology one chooses) the instances of Socratic *mimēsis* range widely from dialogues often labeled early or ‘Socratic,’ to ones from the middle period, and even to some from the late dialogues. Thus, one cannot restrict and dismiss Socratic *mimēsis* as belonging to a single period and as merely characteristic of that period. And if one is skeptical of Platonic chronology, Socratic *mimēsis* offers fresh insight because of the thematic unity and connections it opens up among the dialogues.

7. Ancient Reading, or Hermeneutic, Practices

Someone might object and say, ‘but could Plato really have intended for us, his listeners/readers, to interpret a view as coming from one of his character rather than coming from him, the very author of the dialogue? Do ancient practices of interpretation allow for a reading based on this subtle distinction?’ A glance at the Platonic corpus shows that Plato is aware of the distinction between character and author and he often has Socrates use it in his own interpretations.¹⁸ Perhaps the most appropriate and telling ancient example is in Aristotle’s

¹⁸ Although not exhaustive, the following survey of Plato’s use of poetic quotation is representative. All English translations are from Cooper (1997); I used its critical apparatus to look for Plato’s references to poets, which the editor has conveniently footnoted.

Instances where a Platonic speaker mentions the character as speaking:

Apology 28b-c Socrates refers to what ‘Achilles’ not Homer says; *Cratylus* 428c “it occurs to me to say to you what Achilles says to Ajax in the ‘Prayers’...”; *Sophist* 252c “the strange ventriloquist Eurycles [from Aristophanes’ *Wasps* 1017-20]”; *Hippias Minor* 370b “A little later he [Achilles] says he wouldn’t be persuaded by Odysseus and Agamemnon, and wouldn’t stay in Troy at all. But, he says...”; 370c “And before that, when he [Achilles] was insulting Agamemnon, he said...”; *Ion* 537a “Then tell me what Nestor says to his son Antilochus, when he advises him to take care at the turning post in the horse race they held for Patroclus’ funeral. Ion: ‘Lean,’ he says...”

Instances where a Platonic speaker mentions only the poet (going against my view):

Euthyphro 12a “I am saying the opposite of what the poet said who wrote...”; *Phaedo* 112a “it is that which Homer mentioned when he said...”; *Cratylus* 391e “where he [Homer] says that...”; 392a “what he [Homer] says about a certain bird that...”; 392c-d “Homer tell us that...”; 392d “when he [Homer] says...”; 397e “he [Hesiod] says this

Rhetoric where Aristotle twice (!) attributes the funeral oration in the *Menexenus* to Socrates (1.9.30 [1367b] and 3.14.11 [1415b30-32]).¹⁹ In general, my interpretation follows Aristotle's example, but goes one step further; instead of assigning authorship to Plato, or to his character Socrates (like Aristotle does with the *Menexenus*), I examine the view that Socrates performs his *mimesis* as coming from a separate character, distinct from both Plato and from Socrates. To use an example from my dissertation, I think 'Aspasia' is different from both Plato and from Plato's

about it..." 402b; "Similarly, Homer speaks of..." "Orpheus, too, says somewhere that..."; 406c "there's no point in contradicting Hesiod, we should agree with him that..."; 428a "But I think that Hesiod is right in saying that..."; 428d "as the aforementioned poet puts it."; *Theaetetus* 152e "for when Homer talked about..."; 153c "Homer's golden cord"; 154d "it will be like that episode in Euripides"; 155d "the man who made Iris the child of Thauomas..."; 170e "as Homer says..."; 173e "as Pindar says..."; 183e "in the words of Homer..."; 194c "as Homer calls it..."; 207a "what Hesiod is doing when he says..."; *Sophist* 216a-b "like the ones Homer mentions. He says..."; *Parmenides* 136e-137a "Ibycus compares himself to a horse."

Instances where a Platonic speaker mentions *both* the character *and* the author (and/or the work):

Phaedo 94d "as Homer wrote somewhere in the *Odyssey* where he says that Odysseus 'struck his breast and rebuked his heart saying, 'Endure, my heart, you have endured worse than this'; 108a "The journey is not as Aeschylus' Telephus describes it. He says..."; *Alcibiades I* 123a "It's just like what the fox says to the lion in Aesop's fable..."; *Alcibiades II* 151b "In Euripides' play, when Creon sees Tiresias crowned with garlands and learns that he has been given them by the enemy as trophies to reward his skill, he says..."; *Protagoras* 340a "so I don't mind calling for your help, just as Homer says Scamander called Simoïs to help him when he was besieged by Achilles"; *Gorgias* 485e "I find myself feeling what Zethus, whose words I recalled just now, felt Toward Amphion in Euripides' play [*Antiope*]."; *Hippias Minor* 364e "But tell me this; maybe it'll make me understand better. Doesn't Homer make Achilles wily? Hippias: Not in the least, Socrates, but most simple and truthful; for in the "Prayers," when he has them conversing, he has Achilles say to Odysseus..."; 339e-340d "that in the lines you just now recited—to show that Achilles speaks to Odysseus as if Odysseus were a fraud—it seems ridiculous to me, if you speak truly, that Odysseus (the wily one), is nowhere portrayed as lying, whereas Achilles is portrayed as a wily person according to your argument. In any case, he lies. For he begins by saying the lines which you just now recited..."; 370d "Although he [Achilles] said these things—once before the entire army and once before his colleagues—nowhere is he shown to have prepared or tried to drag down the ships to sail home. Rather, he shows quite a noble contempt for telling the truth." 371b-d "Don't you know that after he said to Odysseus that he would sail away at dawn, he doesn't say again that he's going to sail away when he speaks to Ajax, but says something different? Hippias: Where? Socrates: In the lines in which he says..."; *Ion* 538e "Often, in the *Odyssey*, he says things like what Theoclymenus says—the prophet of the sons of Melampus..."; *Republic* II 385a-b "of Aeschylus when he makes Thetis say that Apollo sang in prophecy at her wedding..."; III 388b-d "And we'll ask them even more earnestly not to make the gods [Thetis in this example] lament and say..."; "they mustn't dare to represent the greatest of the gods as behaving in so unlikely a fashion as to say [two examples of Zeus speaking]...or..."; III 389e "Then we'll say that the words of Homer's Diomedes are well put..."; III 390a-b "What about making the cleverest man [Odysseus] say that the finest thing of all is when...or..."; III 390e "Nor must Phoenix, the tutor of Achilles, be praised as speaking with moderation when he advises him to take the gifts and defend the Achaeans, but not to give up his anger without gifts"; III 391a "I hesitate to say that it is positively impious to accuse Achilles of such things or to believe others who say them. Or to make him address Apollo in these words..."; *Laws* IV 706d "He [Homer] has Odysseus pitching into Agamemnon for ordering the ships to be put to sea just when the Achaeans were being hard put to it in their fight with the Trojans. In his anger, Odysseus says to him..."

¹⁹ Although it is worth speculating as to *why* Aristotle attributes the funeral oration to Socrates and *not* to Aspasia *nor* to Plato (since elsewhere he speaks of the positions and views of Plato—which are most properly credited to the character Socrates), ultimately it is inconclusive. For example he will talk about the views of Socrates in Plato's *Republic*, see Book II of *The Politics*.

character ‘Socrates’; I also think that in the case of the *Menexenus* one must also contend with the characters of ‘An Athenian Orator’ and ‘the War-dead.’²⁰

8. My Methodology

I am *highly* skeptical of Platonic chronology.²¹ I am also skeptical of a certain method, mostly practiced by Continental philosophers, that “black-boxes” individual dialogues; that is, they read an individual dialogue as separate from all the others. I think that the dialogues are highly interconnected, and they display a tremendous amount of intertextuality among themselves. I see all the dialogues as taking place in one single literary-philosophical universe and we (the listeners and readers) are supposed to make links between and among the dialogues.²² I think that besides Socrates, there are several recurring characters in the dialogues. The following three examples are illustrative (but not used in the body of the dissertation). First, all the characters present in the *Symposium* are also present in the *Protagoras*, except for Aristophanes. It seems that Plato wants to somehow connect these two dialogues in his philosophical-literary universe. What did or didn’t each of the characters learn from the experience of Socrates’ and Protagoras’ discussion recounted in the *Protagoras* when compared to the events depicted as occurring after in the *Symposium*, which has a later dramatic date? Second, as Mitch Miller has pointed out, Plato recalls the *Republic* at the beginning of the *Parmenides* by starting that dialogue with the same characters of Adeimantus, Glaucon, and (a

²⁰ This goes contrary to the “hermeneutical assumptions” that David Murphy (2013), 28, argues apply to Isocrates, Plato, and by extension all ancient authors in “Isocrates as a Reader of Socratic Dialogues.”

²¹ Howland (1991) “Re-Reading Plato: The Problem of Platonic Chronology” *Phoenix* 45(3), 189-214; Nails (1993) “Problems with Vlastos’s Platonic Developmentalism” *Ancient Philosophy* 13, 273-291; Altman (2010) “The reading order of Plato’s dialogues” *Phoenix* 64 (1), 18-51; Charalabopoulos (2012) *Platonic Drama and its Ancient Reception*; F. Gonzalez (2016) “Plato’s Perspectivism” *Plato Journal* 6, 47n21.

²² Tigerstedt (1977) *Interpreting Plato* “The Discontinuity of the Dialogues,” 99; D. Clay (1988) “Gaps in the ‘Universe’ of the Platonic Dialogues” and M. Miller (1988) “Commentary on Clay” *Proceedings of the Boston Area Colloquium of Ancient Philosophy* 3, 131-64.

different, but similarly named) Cephalus.²³ Third, Alcibiades is a recurring character in the dialogues; he is in: the *Protagoras*; *Alcibiades I*; *Alcibiades II*; *Symposium*; and although he is not present, he is also the topic of discussion in the *Gorgias*.²⁴

In each chapter of the dissertation I examine various dialogues for other portraits, other representations, of a single character elsewhere in the Platonic corpus. So, in the *Crito* chapter, I examine not only Crito in the *Crito*, but also Crito in the *Euthydemus*, and in the *Phaedo*; in the *Theaetetus* chapter, I examine not only Socrates' imitation of 'Protagoras' there, I also look at Plato's representation of Protagoras in the *Protagoras*; lastly, in the *Menexenus* chapter, I look at the character of Menexenus not only in the *Menexenus*, but also in the *Lysis* and also as a non-speaking participant in the *Phaedo*.

Recurring characters is but one way of making links between dialogues. Another is shared topics or themes. Sometimes I turn to another dialogue to see how that same topic or theme is treated there. Oftentimes, the change in the main speaker's (most often Socrates') audience will determine the difference in *how* the topic or theme is treated in each dialogue. So, one should pay close attention to some of the seemingly minor literary or narrative details about the internal audience of the dialogues (e.g. philosophical vs. non-philosophical; Athenian vs. foreigner; etc.).

In line with my skepticism of Platonic chronology, my interpretation of the dialogues is

²³ M. Miller (2017 [1986]) *Plato's Parmenides: The Conversion of the Soul*, 18-20.

²⁴ A comprehensive but non-exhaustive list of recurring characters (besides Socrates, Crito, and Menexenus) in the Platonic dialogues:

Clitophon is both in his eponymous dialogue, *Clitophon*, but also in the *Republic*.

Hippias is in *Hippias I* and *Hippias II* and he is in the background of the *Protagoras*.

Critias is in the *Protagoras*, in the *Timaeus*, in his eponymous dialogue [and in the *Eryxias*].

Lysias is in the *Republic*, a speech of his in the *Phaedrus*, and he is mentioned in the *Clitophon*.

Ctesippus is in the *Lysis*, in the *Euthydemus*, and is present at Socrates' death bed in the *Phaedo*.

Anytus is in the *Meno*, which connects it with the *Apology*, where Anytus is one of Socrates' accusers.

The Stranger, Theodorus, Theaetetus, and young Socrates are present in the *Theaetetus*, *Sophist*, and *Statesman*.

Timaeus and Hermocrates are in both the *Timaeus* and the *Critias*.

Chaerephon is mentioned by Socrates in the *Apology* and he is in the *Charmides* and the *Gorgias* [and *Halcyon*].

Charmides is in his eponymous dialogue, *Charmides*, and present in the *Protagoras* [and *Axiochus*].

closer to a reader-response theory. I like considering the (plausible and possible) audience for Plato's dialogues. What would they know from other texts, and had perhaps listened or read? (e.g. Homer, Hesiod, Pindar, Aristophanes, Aeschylus, Sophocles, Euripides, Herodotus, Thucydides, Xenophon, Heraclitus, Parmenides, Aesop, Protagoras, Gorgias, Lysias, Pythagoras, Hippocrates, etc.) I am open to other ways of arranging and ordering the dialogues as opposed to chronologically. There is Plato's own narrative chronology of giving dramatic dates to many (but not all) of the dialogues.²⁵ The most interesting recent suggestion, which is a revival of a prior ancient method, is William Altman's Pedagogical Reading Order (of the Dialogues).²⁶ He thinks that Plato is first and foremost a Teacher; he also considers all 35 dialogues and the letters as authentic; and he then arranges the dialogues into the order in which he thinks Plato would have taught them and would have had his student read/listen to them. Although I cannot fully endorse Altman's order, I much prefer his argument for his Reading Order to the still dominant idea of Platonic chronology of Early, Middle, and Late dialogues.

Lastly, my methodology unites two seemingly separate schools of Platonic scholarship. There are, on the one hand, those who focus on the literary and dramatic details of the dialogues. They often myopically focus on some small artistic strokes, while forgetting the larger picture that Plato is painting. On the other hand, there are those who focus on analytically reconstructing the arguments of the dialogues, independent of its narrative qualities. They try to paraphrase Plato and do violence to the subtleties of his thought. I bring these two traditions together by showing the philosophical arguments that Plato has embedded into the literary and dramatic details of the three episodes of Socratic *mimēsis* I treat in this dissertation. Plato speaks to us not

²⁵ Zuckert (2009) *Plato's Philosophers: The Coherence of the Dialogues*.

²⁶ Altman (2010) "The reading order of Plato's dialogues" *Phoenix* 64 (1), 18-51; Altman (2012) *Plato the Teacher: The Crisis of the Republic*; Altman (2016) *The Guardians in Action: Plato the Teacher and the Post-Republic Dialogues from Timaeus to Theaetetus*; Altman (2016) *The Guardians on Trial: The Reading Order of Plato's Dialogues from Euthyphro to Phaedo*; Altman (2018) *Ascent to the Good: The Reading Order of Plato's Dialogues from Symposium to Republic*.

only through the content of a dialogue, but also in its form; he communicates and expresses more than what can be captured by solely trying to get at the “simple” logical structure of his characters’ arguments. Which character says what, when, and in what manner, matters a great deal—and just as important is what is *not* said by anyone, what is absent, is crucial for interpreting Plato.

9. The Main Lesson of Each Chapter of the Dissertation

As I mentioned earlier, I believe that Socratic *mimēsis* serves a pedagogical function, both for Socrates and for Plato. Socrates is trying to teach his interlocutor(s) some lesson, but the interlocutor(s) don’t seem to get it. However, ultimately, it is Plato that stages Socrates’ failed internal, pedagogical, dramatic performance for the sake of us, the listeners and readers of the dialogue. Plato wants to educate his audience. He wants to teach them something that Socrates was not able to. Each lesson learned is going to be different depending on the individual dialogue, but there is a kind of common form that a proper response to Socrates’ *mimēsis* [a-e] discussed above. Before turning to the body chapters of the dissertation, I would like to briefly summarize what I take to be the main lesson Plato is attempting communicate in each of the three episodes of Socratic *mimēsis* that I cover.

In the *Crito*, I show that Plato is teaching us the idea of ‘the fictionality of the Laws.’ In the *Crito*, Socrates creates the fictional character of ‘the Laws’ to represent how citizens take the laws of their polity as a single, real, and unified entity. In reality the laws of the state are a collection of multiple, conflicting, often contradictory entities, that reflect the various competing factions in a *polis*. We need this fiction of the laws to get along, but we should never lose sight of the fact that it is a fiction and that there is a more fundamental ethical level that goes deeper and extends further than the legal/political sphere of the state. This is the absolute and universal

Socratic ethics of never harming anyone ever and of never committing an injustice against anyone ever, even if someone else has injured or committed an injustice against us first.

In the *Theaetetus*, I show that Plato reveals the ‘*Mimēsis* Objection’ against Protagorean Relativism through Socrates’ imitation of Protagoras in ‘the Defense.’ The objection posits that an experience that cannot be accounted for by individualistic relativism of Protagoras is dramatic *mimēsis*, like the one Socrates engages in in order to defend Protagoras. Ontologically, a dramatic *mimēsis* is something in between being, existence, and reality and also in between non-being, non-existence, and fiction. Protagorean relativism, however, posits that *all* experiences an individual has are real and true. This means that the very dramatic imitation that Socrates performs of ‘Protagoras’ in the *Theaetetus* (which is done to seemingly back up Protagoras; that’s why it is often referred to as ‘the Defense’) is actually ‘the most clever’ objection against Protagorean relativism.

In the *Menexenus*, I show that Plato wants his audience to take off ‘the Cloak of Patriotism’ in order to better see and know one’s self (both an individual and a collective self). ‘The Cloak of Patriotism’ refers to a political idea I diagnosis from Thucydides’ record of Pericles’ funeral oration (2.35-46, specifically 2.42.3); it asserts that a citizen’s death in battle in service to the state can “cover up” (like a Cloak) or “make up for” an individual’s vices. Plato is asking his audience to look critically at the practice of public funeral orations and cautions them not to lose themselves in praise which they do not deserve, they have not earned, and might not be true.

As I see it, Socrates performs a *mimēsis* in each instance in order to teach and to stimulate his interlocutors to respond to the things said in another voice, in a different persona. The interlocutors do not take the bait; they remain silent and passively accept the *epideictic* speech

given by Socrates' character. Plato, however, is staging these moments of dramas of education gone awry to elicit a critical reply from a listener or reader of the dialogue (perhaps, originally a student in the Academy); to analyze and to seriously scrutinize what is going in these moments, specifically, and in the dialogue in which it occurs, more generally. Each of the following chapters is my answer to the Platonic provocation of a different occurrence of Socratic *mimēsis*.

“That *if* Lysias or some other person ever wrote or will write—either privately or publicly—a political document [σύγγραμμα πολιτικὸν γράφων] proposing laws [νόμους τιθείς] and believing it has some great certainty and clarity [καὶ μεγάλην τινὰ ἐν αὐτῷ βεβαιότητα ἡγούμενος καὶ σαφήνειαν], *then* it’s a disgrace [ὄνειδος] to the writer—whether anyone says so or not. For, whether waking or dreaming, to be to be ignorant of just and unjust things [δικαίων καὶ ἀδικῶν], about both good and bad things [περὶ καὶ κακῶν καὶ ἀγαθῶν], he does not escape reproach [ἐπονείδιστον], even if the whole crowd praises it [ὁ πᾶς ὄχλος αὐτὸ ἐπαινέσῃ].”

—Socrates to Phaedrus (*Phaedrus* 277d6-e3)

CHAPTER 1

Socratic *mimēsis* and the Disappointment of Crito

Introduction

In the *Crito*, a lifelong friend of Socrates, Crito, comes very early in the morning (it’s still dark) to visit Socrates in jail. Crito is distressed. He has come to convince Socrates to escape and flee from Athens before Socrates’ scheduled execution, which Crito (erroneously) believes will take place the day after. Socrates and Crito discuss what doing the just thing would mean. For Crito, it would mean Socrates running away and staying alive for Socrates’ own sake, for his family, and for his friends (especially for Crito). This would also be a way of getting back at his enemies (those responsible for bringing Socrates to trial and his subsequent death sentence). For Socrates, doing the just thing would mean following someone who knows, an expert, and not the ignorant many. The conversation shifts to talking about following one’s own reason, and later, how for Socrates, it is imperative to never to harm or commit an injustice against anyone, even if one has been injured or wronged.¹

After some back-and-forth, there is the crucial turning-point of the *Crito*. It is a question posed by Socrates to Crito at 49e9-50a3:

¹ “Socrates is notorious for denying that he has knowledge, except for the knowledge of his ignorance. Yet in the *Crito* he moves without argument, so far as I can see, from getting Crito to agree that they should defer to one who has knowledge to working out the decision of what to do on the basis, with Socrates leading the way, of their own reason. Isn’t it striking that Socrates simply drops the idea of deferring to one who has knowledge and takes up the case himself?” Mitch Miller (communication).

Are we, going away from here, not having persuaded the city, doing harm to some people, and indeed to those least whom one ought <to harm> with respect to these things, or not? And are we abiding by those things which we agreed are just or not?²

Crito replies “I am not able, Socrates, to answer your question; as I don’t understand” (50a4-5).

In response to Crito’s failure to answer, Socrates creates the character of ‘the Laws’ and speaks from their perspective.³ Socrates delivers a long, almost uninterrupted speech, at the end of which he abruptly switches back to his own voice and makes a strange, hard-to-decipher analogy. He says that he is like one of the Corybants, a group of frenzied religious revelers who participated in a ritual with drums and flutes in an ancient cult/religion dedicated to the goddess Cybele. He says he can’t hear anything else besides the words of ‘the Laws’ and he tells Crito that speaking in opposition to them would be in vain. And yet he leaves an opening for Crito, saying “Nevertheless, if you think you can do something more, speak” (54d7). Crito says he cannot answer, and the last words of the dialogue are Socrates saying, “Let it be, Crito, and let us act in this way, since this is the way the god is leading” (54e1-2).

The *Crito*, therefore, can be divided into two parts. The first part (43a1-50a5) is the discussion between Crito and Socrates in his own voice. The second part (50a6-54d1) is where Socrates stages an encounter between two principal characters, ‘the Laws’ and ‘Socrates,’ the former does almost all the talking. The entire time they are speaking, ‘the Laws’ direct their

² All translations are my own, unless otherwise noted. They are in consultation with: W.W. Goodwin (1879); Jowett (1882); Tyler and Tyler (1887); J. Adam (1888); H. Cary (1888); St. George Stock (1891); F. J. Church (1903); J. Burnet (1924); Tredennick (1954); Harold North Fowler (1966); West and West (1984); *Platonis Opera: Tomus I* (Ed. Duke et al. 1995); G.M.A Grube (1997); *Apologie de Socrate: Criton* (trans. L. Brisson 1999); Chris Emlyn-Jones (1999); Cathal Woods and Ryan Pack (2007); G. Steadman (2017); *Apologia di Socrate - Critone* (trans. M. Valgimigli 2018).

³ In order to indicate that ‘the Laws’ are Socrates’ creation and character I mark them off by single quotes. Furthermore, I use ‘the Laws’ as shorthand for the fuller expression, “the laws and the commonwealth of the city [καὶ τὸ κοινὸν τῆς πόλεως]” (50a7-8). Grube translates this phrase as “the laws and the state,” which gives a modern reader a sense of τὸ κοινὸν, but he leaves out the qualification ‘of the city.’ This an important detail, which will be touched on later, that ‘the Laws’ are limited to Athens. Emlyn-Jones (1999), 57, says that use of this phrase “shows that Plato’s [Socrates] intends ‘the Laws’ to be interpreted in the widest possible sense, as the embodiment of the legal, social and cultural authority of the polis.”

comments solely to ‘Socrates’ and mention Crito only at the end, urging ‘Socrates’ to obey them and not Crito. ‘The Laws’ try to persuade ‘Socrates’ not to escape from jail because it would defy them. As a useful interpretative heuristic, readings of the *Crito* can be distinguished into two main lines, which are mutually opposed to one another.⁴ ‘Continuous interpretations,’ as I call them, read the position espoused by ‘the Laws’ in the second part of the dialogue as *continuous with* (in the sense of ‘holding together’ with) what Socrates advocates, in his own voice, in the first part. Some Continuous interpreters even go so far as to say that what ‘the Laws’ say is even continuous with what Plato himself would profess. That is, Plato would have no qualms accepting what ‘the Laws’ say. This might be considered a *strong* continuous position. What I call ‘Discontinuous interpretations’ claim there is a fundamental difference between what Socrates says and what ‘the Laws’ say. ‘The Laws’ are *discontinuous with* what Socrates advocates in the first part of the dialogue; they are incompatible (again, in the sense that they ‘do not hold together’). I want to emphasize that the distinction between Continuous vs. Discontinuous is rough-and-ready and not exact. One quite weak, and yet ecumenical, claim about the *Crito*—whether one has a Continuous or Discontinuous interpretation—is that the mere existence of two mutually opposed, and divergent, interpretative camps illustrates that Plato’s use of a mimetic, one might even say a ‘poetic,’ episode has caused wildly differing readings. It seems that Plato has intentionally constructed the *Crito* in such a way that it can be read several ways. I hope I have set up the debate as clearly and as neutrally as possible.

The Continuous interpretation is the standard, dominant, and much more widely held

⁴ I borrow the idea of the distinction from Brickhouse and Smith (2006), (2007) and Dasti (2007) but I have chosen two labels with less socio-political overtones. They call the two kinds of readings ‘integrationist’ and ‘separationist.’ I worried over the exact wording of the two classifications; I considered (harmonious vs. discordant; agreement vs. disagreement; common counsel [see *Crito* 49d3] vs. divided deliberation, etc.). I decided to not fuss over, Prodicus-like, the terms used (See *Charmides* 163d; *Statesman* 261e; *Protagoras* 337a-c; 341b ff., 358a-b); the idea in the main, however, is what is important, not the names.

view.⁵ In this chapter I will argue for a weaker Discontinuous view.⁶ Even though my position is closer to a Discontinuous reading, I concede that no reading can be *completely* Discontinuous because both ‘the Laws’ and Socrates arrive at the same conclusion; they both agree that Socrates should remain in jail and not escape. Furthermore, there are some Discontinuous readings that render Socratic philosophy and Athenian politics as being totally at odds with each other; this might be considered a *strong* discontinuous position.⁷ It is telling that although Socrates puts on the act of ‘the Laws’ for Crito’s benefit, it is a role or a social script that Socrates must have had within him at the ready. Therefore, it is necessary to think about the proper relationship among the three views represented in the dialogue: Crito’s, Socrates’, and the one of ‘the Laws.’ While I do think there are major divisions, or discontinuities, among them, I believe the three views operate as three nested ethical stages, like concentric circles where the larger circles overlap and encompass the smaller ones, and thus there are also continuities among them as well. This position will be defended later. Continuous interpretations often cover up major stylistic and substantial differences between Socrates and ‘the Laws,’ while Discontinuous ones tend to ignore or downplay the similarities.

I think one way through the impasse of the Continuous vs. Discontinuous readings is to think about what I call Socratic *mimēsis*. Socrates acts out the role of ‘the Laws’; he does not speak in his own voice in taking the persona of ‘the Law.’ I imagine that in acting out ‘the Laws’ Socrates changes his actual physical voice and even his body language to reflect this change in character. These “stage directions” or “play text” suggestions are speculative, but what is in the text is that Plato has Socrates alter his whole manner, style, and way of communicating to

⁵ Some Continuous interpreters are: J. Adam (1888); Kraut (1981, 1984); Kahn (1989); Brickhouse and Smith (1984, 2006, 2013); Neufeld (2003); Dasti (2007); and Vasiliou (2008).

⁶ Some Discontinuous interpreters are: Strauss (1966, 1976); Weinrib (1982); Miller (1996); Weiss (1998); Harte (1999).

⁷ Eg. Strauss (1966, 1976).

indicate a change in dramatic character, which is reflected in the new dramatic persona's *ethical* character as well (e.g. not allowing another to speak, question, or criticize the points one has made; making fallacious arguments; using rhetoric to cover over the weak spots in one's argument; etc.). If Socrates imitates 'the Laws,' then we should ask why. Socrates is the consummate teacher, and I believe that Socratic *mimēsis* serves a pedagogical function. Since Socrates' interlocutor did not understand what he was saying in *propria persona*, Socrates tries to teach and say something to his interlocutor in a new, different voice. Like the difficulty faced by the interlocutors inside the dialogue, that they do not understand Socrates in his own voice, there is the problem outside the dialogue that often interpreters don't pick up on all the reasons for why Socrates is imitating someone else. So, although Socrates is staging a play for Crito's benefit, in order to teach Crito something, that doesn't guarantee that Socrates is successful, and that Crito fully understands everything Socrates is trying to do with his dramatic pedagogy. And yet it is ultimately Plato who is "staging" this dialogue in which Socrates performs 'the Laws' *for* Crito (which I think partly succeeds and partly fails to teach Crito), and Plato is staging it for the benefit of his listeners and readers. There is a play within a play. So even though Crito may not completely see what Socrates is doing through his *mimēsis*, I think Plato is inviting and challenging his listeners and readers to attempt an understanding of what lies behind the mask and portrayal of 'the Laws.' Too many commentators take it for granted that 'the Laws' speak for Socrates and forget the performative and mimetic aspects of Socrates' speech in the second part of the dialogue (the weak Continuous interpretation). Some even take Socrates' disguise as 'the Laws' as a disguised treatise by Plato (the strong Continuous interpretation).

Thus, I approach the *Crito* by examining *how* Plato has Socrates represent and characterize 'the Laws'—their dramatic character—in order to evaluate their *ethical* character.

Plato through his expressive portraits of his dramatic characters, reveals their ethical characters to us, his audience. It is through *both* the content *and* the form of the dialogues that one can arrive at a judgment about character. When I say ‘characterization,’ I have in mind:

- (i) not just *what* characters say (content);
- (ii) but also, *how* they say it, the way they speak, their style (form);
 - (a) their use of rhetorical strategies;
 - (b) themes;
 - (c) images; and
 - (d) how they are presented as behaving toward and addressing their interlocutor.⁸

I believe that Socrates not only changes himself in his mimetic characterization of ‘the Laws’ and does this for the benefit of Crito, he also models much of the persona of ‘the Laws’ on what Crito said previously in the dialogue, on his concerns and anxieties. Socrates enacts ‘The Laws’ as a kind of therapy aimed at easing Crito’s soul and making him *more* just, this entails that Crito be obedient to the city of Athens, even if it is being unjust. There is an open question that any interpretation must confront: ‘Why would Socrates create and act out the role of ‘the Laws’ for Crito? Why not just speak in his own voice, as he has so far in the conversation?’ This chapter is an attempt to answer that question.⁹ Since Socrates stages his performance of ‘the Laws’ for the benefit of Crito, it is important to investigate who Crito is. The *Crito* is a short dialogue, and we only get a brief glimpse of Crito. Furthermore, the character of Crito represented in the *Crito* might *not* be the best reflection of the typical Crito, since he is in extreme duress when he comes to Socrates on, what he thinks, is the day before his friend will die. It is for the sake of

⁸ By ‘characterization’ I intend something marked out by the term, *ēthopoia* (ἠθοποιία). It is first used by Dionysius of Halicarnassus in *The Ancient Orators Lysias* 1.8. However, what he means by *ēthopoia* is more character-*type* than *individual*-character. However, the rhetorical technique he was commenting on, Lysias’, was a display of *individual* character and not necessarily of types. See Wisse (1989), 58 n.233; Worman (2003), 11, 150–151, 235n. 70; K.S. Bruss (2013) “Persuasive *Ethopoia* in Dionysius’s *Lysias*” *Rhetorica: A Journal of the History of Rhetoric* 31(1), 34-57.

⁹ Vasiliou (2008), 74n52, gives two main reasons why Socrates speaks in the voice of ‘the Laws’ instead of his own: [1] “to make the argument more palatable to Crito... if [Socrates] presented the argument... in his own voice, it would be much more adversarial”; and [2] “By presenting the argument in the persona of the Laws, [the *Crito*’s] nature as political philosophy is highlighted.”

understanding the character of ‘the Laws,’ both dramatic and ethical, that we must first examine the character of Crito. It is specifically for him, and in response to him, that Plato has Socrates create and enact ‘the Laws.’

Who is Crito? PLATO’S CHARACTERIZATION OF CRITO

Crito is a recurring character in Plato’s dialogues. He is in the *Euthydemus*, *Apology*, *Crito*, and *Phaedo*.¹⁰ Crito is one of Socrates’ oldest friends, and they are around the same age. They grew up together in the same neighborhood, or Attic *dēme*. Crito is a wealthy businessman, who made his money from farming. He is also a devoted family man. Although Crito is deeply committed to his friend and has obviously conversed with him countless times, Crito fails to truly grasp fundamental lessons that Socrates taught. For example, he does not get what it is that Socrates does, his philosophical practice. And he doesn’t understand certain of Socrates’ deeply held beliefs, e.g. the soul as an independent (from the body) *locus* of harm and benefit for humans; the importance of the soul over the body¹¹; and the need to consider the soul in judging the worth of a life. Crito is an ordinary, everyday, ‘materialist,’ in the sense that he believes and trusts only in what he can physically sense for himself.¹² Crito has a hard time piercing through the appearances of things and into their unseen depths.¹³ These are character traits that recur in

¹⁰ Crito is only briefly mentioned twice in the *Apology*: at 33d, where Socrates mentions Crito as a ‘witness’ to the fact that his accusers are neither his former students nor relatives of his students; and at 38b, where Socrates names Crito as one of the people willing to guarantee the payment of a larger monetary penalty.

¹¹ Vasiliou (2008) *Aiming at Virtue in Plato*, pp. 16, 66, 92-3, 109, 112-6, 127, 134, 136, 171, 211.

¹² A contrast could be drawn with the more reflective, philosophical materialists described by Socrates in the *Theaetetus* 246a-248a.

¹³ This general portrait is corroborated by Xenophon’s writings, which serve as another piece of evidence, independent of Plato’s texts, for some of claims I am making about Crito. Crito appears in Xenophon’s accounts of Socrates: *Symp.* 4.24; *Mem.* 1.2.48 and 2.9.1–8. The first two are only brief appearances, the last passage gives us a scene that grants us insight into Crito’s character. Crito laments the difficulty of a man in Athens to just mind his own business. He’s worried about sycophants [συκοφάντης]; these are people who bring frivolous lawsuits as a way of extorting wealthier individuals to just give payouts as opposed to going through the hassle of a lawsuit. Socrates recommends that the rich Crito employ the poor, but honest, Archedemus, who is a good speaker to act as a kind of ‘shepherd dog’ to keep away the sycophants at the law courts. As repayment, “whenever Crito was storing corn, oil, wine, wool or other farm produce,” he would give some to Archedemus and he would invite him whenever he made sacrifices, so he could partake of the meat (2.9.4). In *Mem* 2.9.1-8, we see Crito’s prosperity through farming; his

Plato's picture of Crito, but Plato also highlights Crito's shortcomings in understanding philosophy and the soul. In looking at the other dialogues, a clearer and more consistent picture emerges of who Crito is.

PART I: The *Euthydemus*

In the *Euthydemus*, Crito speaks with Socrates about a demonstration given by the brothers and sophists, Euthydemus and Dionysodorus. Crito wants to know whom he ought to entrust his sons to as their teacher. Through Socrates' questioning, Plato represents Crito as a farmer, a businessman, and a family man. Crito's farming influences the way he sees the world.¹⁴ First, as a farmer he is interested in the environmental conditions and provenance of crops, and with the proper breeding, or the stock, of animals. Second, he concerns himself with the cultivation (ἡ τροφή) of crops and the rearing of the livestock. As a businessman, he is concerned with a fair price, and with a correct or 'just' exchange. Lastly, *as* a farmer and businessman and in many other aspects of his life, Crito is anxious about his reputation. In the *Euthydemus* when describing the brothers' art, Socrates makes sure to say, "And, what is especially relevant for you to hear, they say that their art is in no way a hindrance to the making of money [χρηματίζεσθαί]" (304c3-5). This is a recurring theme of Crito's: his love of χρήματα, of things, property, and/or money. In the *Crito*, after Crito has beseeched Socrates to escape with a rambling exhortation speech, Socrates summarizes some of the concerns that Crito raised (which should not be relevant to the question of what doing the just thing is) as: [a] spending money, [b] reputation, [c] raising children (48c3). We can better understand the appeal made by 'the Laws' and addressed to 'Socrates' (but really directed at Crito): "for we birthed you [γάρ σε

inability to speak and defend himself in the law courts; his generosity with, and fidelity to, his friends; and his dependence on others for justice.

¹⁴ At 291e8-292a2, Socrates says: "And what about your own art of farming, when it rules over all the things in its control—what result does it produce? Wouldn't you say that it provides us with nourishment (τὴν τροφήν) from the earth (ἐκ τῆς γῆς)?"

γεννήσαντες], nurtured you [ἐκθρέψαντες], and educated you [παιδεύσαντες]” (51c8-9). The *Euthydemus* ends with Crito discussing with Socrates whom he ought to send his sons to for their education. Crito admits he has done everything he could for his children, even “such as marrying to make sure that they would be of noble birth on the mother’s side and making money so that they would be as well off as possible,” but he has yet to fully take care of their education (306d6-e3). Crito’s concern for and his strong attachment to his family, particularly his sons, will again be exemplified in the *Crito*, and this trait will also show up in what ‘the Laws’ say.

Toward the end of *Euthydemus*, after Socrates has finished recounting his episode of his encounter with the brothers’ demonstration, Crito tells Socrates that as he was coming up, he heard something from one of the people who had witnessed the discussion. This person was someone who thought himself wise, was clever at writing speeches in law courts, and he criticizes philosophy to Crito (304c ff.)¹⁵ He asks Crito if he was an attendant of these wise men. It’s almost certain that the unnamed man is asking about the brothers Euthydemus and Dionysodorus (because later he refers to Socrates as Crito’s friend and how Crito would have been ashamed at how Socrates hands himself over to these men). But in his initial question, the unnamed man does not distinguish between the brothers and Socrates, and so Crito could interpret the man as asking him if he is a student of the brothers *or* of Socrates. We know from the *Crito* that Crito discusses often with Socrates. Crito has missed the whole show, and he responds (and pay attention to Plato’s word choice):

“No by god, I said, although standing near, I was not able to hear clearly because of the crowd”

[οὐ μὰ τὸν Δία, ἦν δ’ ἐγώ: οὐ γὰρ οἶός τ’ ἦ προσσταῶς κατακούειν ὑπὸ τοῦ ὄχλου.] (304d7-9).

First, here in the *Euthydemus*, Plato has Crito possibly deny (unconsciously? unwittingly?) his

¹⁵ Adam (1888) says it’s an allusion to Isocrates.

discipleship to Socrates. Second, Plato uses κατακούειν, which etymologically means ‘to really hear’ but its principal meaning is ‘to hear and obey, to be subject to.’¹⁶ Another way of reading what Crito said would be ‘Although standing near (to Socrates) I was unable to hear and obey (Socrates) because of the crowd.’ This is a good description of Plato’s portrait of Crito and his lack of depth in the *Crito*: a man who though close to Socrates his whole life was unable to really listen and obey his message because it was drowned out by the voice of the crowd, the many. The unnamed man criticizes the discussion that just took place, saying that the discussants (including Socrates) were “speaking nonsense [ληρούντων]” and “making a big fuss about worthless things of no consequence [καὶ περὶ οὐδενὸς ἀξίων ἀναξίαν σπουδὴν ποιουμένων]” (304e3-5). Right after this, Crito weakly defends Socrates and his practice, even though he has not seen the demonstration, by saying, “But surely... philosophy is some delightful affair [χαρίεν γέ τι πρᾶγμα ἐστὶν ἡ φιλοσοφία]” (304e6-7). The man shoots back,

What sort of delight, my blessed man! It is nothing of value [οὐδενὸς μὲν οὐδ’ ἄξιον]. And if you had been present just now, I think you would have been very much ashamed for your friend [sc. Socrates], he was so strangely willing to give himself up to those men who take no care with the things they say, but they latch onto every word. And these men, as I was saying, are the best exemplars in these things now. But Crito...this very thing itself [sc. philosophy] and the people who pass their time with this thing are worthless and utterly ridiculous [φαῦλοί εἰσιν καὶ καταγέλαστοι] (304e7-305a8).

In a bit of l’esprit de l’escalier, Crito answers this man’s criticism of philosophy, but he gives his response not to the unnamed man *then*, but at a later moment to Socrates: “It seemed to me... not right to blame this thing [sc. philosophy]; whether it be him or anyone else who blames it. But indeed, to be willing to discuss against those sorts of men in front of so many people listening it seems to me to be blameworthy” (305a8-b3). Socrates would object to Crito’s characterization

¹⁶ (LSJ A). See also Alpheus Crosby’s *A Grammar of the Greek Language, Part 1* p. 287 §556: “The idea of *hearing* passes, by an easy transition, into that of *obedience* (obēdio, *to give ear to, to listen to, to obey*, from ob and audio, *to hear*.)” For an example of κατακούειν as “really hear” see *Protagoras* 330e.

and defense of philosophy. It is weak. Crito also misses the point of *why* Socrates would engage with almost anyone—including not only the sophist-brothers in front of a large crowd but even Crito himself! It suggests that Crito does not get what it is that Socrates does. Furthermore, as we will see, philosophy is not some cute hobby or pastime one can drop in on as a spectator whenever one likes. It is a serious commitment, a whole way of life that demands active individual engagement.

The last thing Socrates says to Crito, as a kind of warning, that closes the *Euthydemus* is:

Then don't do what you ought not to, Crito, but pay no attention [ἐάσας χείρειν] to the practitioners of philosophy, whether good or bad. Rather give serious consideration to the thing [πρᾶγμα] itself: if it seems to you negligible, then turn everyone from it, not just your sons. But if it seems to you to be what I think it is, then take heart, pursue it, practice it, both you and yours, as the proverb says (307b6-c4).¹⁷

This is Socrates throwing down the gauntlet. First off, Socrates uses the same words Crito used earlier to describe philosophy, but instead he turns them around, so that now it's used to describe what Crito ought to do to the philosophers themselves, to the practitioners of philosophy, forget about them, pay no attention [ἐάσας χείρειν] to them. Instead he ought to really examine and investigate philosophy itself. Is *it* worth it? Socrates doesn't want Crito to see philosophy as some mere light, pleasant diversion. It is either φαῦλον ('paltry' 'slight'), in which case he should turn everyone away, or it's as Socrates sees it: a serious lifelong project and the only undertaking that can bestow on humans the greatest gifts. Then, in that case, Crito should turn everyone toward it. Philosophy is not only suitable for educating his sons, but for everyone, most especially also for educating and edifying Crito. And this is Socrates' challenge to Crito: Crito needs to seriously test the worth of philosophy for himself. What we see then in the dramatic interval between the *Euthydemus* and the *Crito* (and *Phaedo*) is that Crito seems *not* to have

¹⁷ Translation by Rosalind Kent Sprague in Cooper (1997).

taken Socrates' exhortation at the end of the *Euthydemus* to heart. Socrates is telling Crito to ignore the individual practitioners of philosophy—whether they be bad like Euthydemus and Dionysodorus or good like Socrates—and instead to focus on the practice of philosophy itself. Although Crito doggedly follows his friend *Socrates*, Crito has not courageously pursued and practiced *Socratic* philosophy. Crito is loyal to Socrates and in the *Crito* it is implied that Crito and Socrates speak regularly. But is Crito really listening and learning from Socrates? Crito remains devoted to Socrates, but he has a shallow understanding of what is entailed by the practice of philosophy. Crito has gone on believing that philosophy is 'some charming thing' he can occasionally try his hand at.

In the spirit of equity, this portrait of Crito cannot remain one-sided. Plato is a literary master who represents the many sides of his well-rounded characters; this means that he will exhibit contradictory qualities in a character, like Crito. While I have emphasized the negative aspects Plato represents in Crito, he also presents positive qualities. There are two instances of an exemplary Crito in the *Euthydemus*. Plato uses *both* Euthydemus and his brother Dionysodorus *as well as* Crito as literary foils for the character of Socrates. There are two moments when Crito comes out better than the sophist-brothers. One occasion is when Crito interrupts Socrates, calls him out, and tells him that what he is recounting cannot possibly be true.¹⁸ Crito does this at 290e1-291a9, he confronts Socrates on his misdirection. Socrates says it was Clinias who had made an excellent point about the pursuit of an object in various arts, but Crito doubts that the boy could have said it. So, then Socrates attributes it to Ctesippus, and Crito doubts even this claim. Socrates then admits that maybe it was 'some superior thing' that spoke, and Crito, most likely thinking that it is Socrates who said these things, agrees. Crito demonstrates the Socratic

¹⁸ I owe this point to William H. Altman (in conversation). He encouraged me to see the fuller, more complex, portrait of Crito, and to resist readings that use a Crito-as-simpleton approach.

intellectual courage of calling out and contesting others—and against Socrates no less!

The other moment occurs at 304c6-d2 when Crito says that he loves to listen [φιλήκοος] and learn something, but he prefers to be refuted by these sorts of eristic arguments rather than to refute others with them. While one can negatively interpret Crito's behavior as the typical Athenian gentleman's disdain for practicing, and for being seen to practice, sophistical refutation and as passive surrender to sophistical tricks in contrast to Socrates' active engagement with them, there is a positive interpretation as well. It is here that Crito seems most like the Socrates who prefers to be refuted than to refute others because he considered it a beneficial lesson to be refuted.¹⁹ Crito evinces a preference for being victimized by eristic rather than victimizing others with it. This last point is in deep convergence with Socrates' belief that it is better to be the victim of injustice than for one to commit an injustice against another. Let us return to Socrates' crucial question to Crito that divides the *Crito* in two.

What is the answer to the first part of Socrates' Crucial Question?

The first part of Socrates' pivotal question to Crito was:

Are we, going away from here, not having persuaded the city, doing harm to some people, and indeed to those whom one ought <to harm> least with respect to these things, or not? (49e9-50a3)

In their final appeal to Socrates, 'the Laws' say,

If you go away, thusly you are shamefully retaliating and injuring in-turn, you are breaking your agreements and contracts with us and you are injuring those whom you ought least <to injure> [κακὰ ἐργασάμενος τούτους οὐς ἥκιστα ἔδει]: you, your friends, your fatherland, and us [σαυτόν τε καὶ φίλους καὶ πατρίδα καὶ ἡμᾶς] (54c2-5)

The final appeal of 'the Laws' seems to answer exactly Socrates' question about those whom we should harm least of all: you, your friends, *your fatherland*, and *the laws*. In fact, it mirrors Crito's earlier exhortation at 45c-46a, where Crito invokes Socrates, his children and his friends.

¹⁹ This mirrors Socrates in the *Euthydemus* 295b; see also *Gorgias* 458a, 461a, 506c and *Symposium* 201c.

The only things missing from Crito's speech but present in that of 'the Laws'? It is the fatherland and the laws. Socrates has tried to add these to the list of things that Crito should concern himself with. Socrates has tried to enlarge Crito's more limited, personal and familial ethical engagement to include the city and all its citizens. This is a natural reading of how these two passages fit together and it is the dominant interpretation. However, *if* this view is correct, *then* it means that there was never any way that Crito would have been able to answer the question since it required 'the Laws,' who don't come until *after* the question has been asked. It would be a trick question. This is the kind of pedagogical tactic used by certain teachers, in which the question being asked is really a rhetorical question because the student can't answer it and doesn't know how to answer it. I do think that Socrates is able to ask any sort of questions, even tricky ones, as is evidenced by his use of them repeatedly in the dialogues. But what I am pressing is: 'what sense does it make for Socrates, *here*, to ask a question whose answer can only be anticipated with the introduction of a new character, 'the Laws'?'²⁰ I believe there is an important parallel here. What are the reasons why Socrates does not escape from jail, and accepts his punishment? While 'the Laws' do give us an argument as to *why* Socrates should remain in jail, it is not said in Socrates' own voice; rather, it said by and belongs to Socrates' character 'the Laws.' And I believe that there are *other* reasons alluded to in the earlier part of the dialogue in the conversational back-and-forth between Socrates and Crito that reveal better what Socrates' own actual reasons are. Similarly, although 'the Laws' seem to answer Socrates' pivotal question, I believe there is another possible response to that question that is not the one given by 'the Laws,' but is

²⁰ For a different, 'continuous' interpretation see Vasiliou (2008), 57: "I think that careful consideration of Crito's argument, and Socrates' response, will reveal that many of the same reasons that Socrates appealed to in the *Apology* he appeals to again with Crito under the persona of the Laws" (cf. Adam 1888, v-x); and 70: "But then [Socrates] must turn to the question of whether escaping from prison is indeed virtuous or not. And he cannot do this by looking at what benefits his soul. Harte says Socrates has 'nothing to say on this front': if we believe that the Laws' arguments are also Socrates', then, on the contrary, Socrates has lots to say on this front. And if we deny this, as Harte does, on what basis does Socrates believe that escape is unjust? His belief that justice benefits the soul, and that the state of one's soul is of paramount importance, is of no help whatsoever."

embedded in the earlier discussion.

Another consideration is a nagging problem that Mitch Miller points out with Socrates' pivotal question: it is the part of the question that refers to 'those whom least one ought to harm,' which "suggests a spectrum or continuum on which, at the opposite end, there might be some others against whom violence would be justified."²¹ The question seems to imply a hierarchy of persons, with those whom least one ought to harm at the top and those whom one may or can harm at the bottom. How does this hierarchy of appropriate harm cohere with Socrates' injunction to never harm anyone ever? We can begin to answer this question by deciding *how* Socrates' critical question is tricky and whether it should be read as looking *forward* to the dramatic episode of 'the Laws' or instead *backwards* to Socrates' and Critos' earlier discussions (both the one depicted in the *Crito*, and perhaps to others Socrates alludes to in the *Crito*.) Continuous readings tend to "look forward" narratively to find the answer to Socrates' question in the speech of 'the Laws,' while Discontinuous readings "look backward" to find the answer to the question in Socrates' earlier conversation with Crito. Let's look at the question in detail.

This is Socrates' question in Greek:

ἐκ τούτων δὴ ἄθρει. ἀπιόντες ἐνθένδε ἡμεῖς μὴ πείσαντες τὴν πόλιν πότερον κακῶς τινὰς ποιοῦμεν, **καὶ ταῦτα** οὐδ' ἥκιστα δεῖ, ἢ οὐ; (49e9-50a3).

Characteristic of the traditional interpretation of this question, Grube translates it in English as

See what follows from this: if we leave here without the city's permission, are we harming people whom we should least do harm to? And are we sticking to a just agreement, or not?

Grube seems to take the neuter plural ταῦτα as neutral 'things,' perhaps, referring to the 'things' mentioned in the previous clause, like "harming people" and so it doesn't really show up in his

²¹ Miller (1996), 131.

English translation.²²

I suggest interpreting Socrates' question differently. The important part of Socrates' question is not about *whom* least one ought to harm, but with *respect to what* that one should not harm others. There is no getting around the fact that, like the traditional reading, the subject of the relative clause 'to those' (οὓς) picks up the object of the main clause, the 'some men' or 'whichever men' (τινας) we harm; both are masculine plural. However, most translations skip over the καὶ ταῦτα, or read it like Grube does above. They take it as being in apposition, as referring to and explicating the previous clause; it is these things (these injuries or harms) which we will cause if we were to go away from here. Instead, I read the καὶ ταῦτα as an accusative of respect, as limiting and explaining 'those men' least whom we ought to harm. I read the clause as: 'especially with respect to these things, to those whom least one ought <to harm>.'²³ But what could the neuter καὶ ταῦτα be referring to? This is admittedly speculative, but I can imagine that when Socrates says καὶ ταῦτα he puts his hand over his and Crito's chest, over their hearts or φρένες, to indicate or to demonstrate (as in a demonstrative, indexical gesture) what he is talking about. He is pointing and alluding to souls. (This is an instance where thinking about the missing "stage directions" for Plato's dialogues can help illuminate its philosophical content.) One thing I will grant to the Grube translation and others like his is that theirs is the more straightforward reading. However, in Plato's dialogues, and especially in this one where Socrates speaks indirectly through the mask of 'the Laws,' we might caution following the straight and direct path. My alternative reading does not preclude a more obvious, 'natural' reading, like Grube's. In fact, I think Plato is writing in an intentionally ambiguous way.

Two immediate benefits of this reading also answer two criticisms of the traditional

²² See Smyth *Greek Grammar* §1253: "ταῦτα...may take up a substantive idea not expressed by a preceding neuter word."

²³ See Smyth *Greek Grammar* §1249: "οὗτος ...is regularly...used as the demonstrative antecedent of a relative."

reading raised above. First off, the question does not have to anticipate its answer later in the speech of ‘the Laws’ but instead it recalls a topic already discussed by Crito and Socrates, albeit admittedly obliquely. The ‘things’ alluded to by Socrates in my interpretation as ‘*with respect to* these things to which those whom least one ought <to harm>’ are *souls*. Before the crucial question there are three brief references to the soul in the dialogue. Although interestingly Socrates never says the word *soul*, he refers to them in a roundabout way:

if we will not follow him [sc. the expert] [ὅ εἰ μὴ ἀκολουθήσομεν], we will destroy and mutilate [1st reference:] that thing [διαφθεροῦμεν ἐκεῖνο καὶ λωβησόμεθα], which is made better with justice and is ruined with injustice [ὁ τῷ μὲν δίκαιῳ βέλτιον ἐγένετο τῷ δὲ ἀδίκῳ ἀπώλλυτο]. (47d3-5)

[2nd reference:] But after this thing of ours is destroyed is life worth living [ἀλλὰ μετ’ ἐκείνου ἄρ’ ἡμῖν βιωτὸν διεφθαρμένου], <the thing> which by injustice is mutilated and by justice benefitted [ὅ τὸ ἀδίκον μὲν λωβᾶται, τὸ δὲ δίκαιον ὀνίνησιν]?

[3rd reference:] Or do we think that this thing is inferior to the body [ἢ φαυλότερον ἡγούμεθα εἶναι τοῦ σώματος ἐκεῖνο], that thing which is concerned with injustice and justice [περὶ ὃ ἢ τε ἀδικία καὶ ἢ δικαιοσύνη ἐστί]? (47e6-48a1)

Perhaps anticipating Crito’s difficulty with this concept, Socrates seems to tiptoe around this idea of the soul. Here in this one-on-one conversation with Crito, Socrates never names it explicitly, but he does strongly gesture toward it. This is different from Plato’s other dialogues, where Socrates does not at all shy away from discussing the soul; on the contrary, he is constantly bringing it up (even when his interlocutors don’t want him to—e.g. *Euthydemus* 295b3-296a2). In the *Crito*, Socrates refuses to say the word soul, while still somehow talking about it. We see Socrates’ psychological and pedagogical method at work. He is right to be cautious of Crito’s actual understanding of the soul. Despite Crito’s easy assent to Socrates’ positions via elenctic questioning, Crito’s does not apprehend the soul; and we will see Socrates’ forethought with respect to Crito’s possible incomprehension toward the soul corroborated in the sequel to the *Crito*, the *Phaedo*. There it is obvious that Crito really does not get the soul-concept. In that

dialogue he is a tragicomic figure. Whereas everyone else in the dialogue is trying to follow the topic of Socrates' discussion in the final moments of life, the immortality of the soul, Crito is constantly interrupting the conversation and brings up issues related to Socrates' body. Thus, when Socrates and Crito are alone in the *Crito*, Socrates is trying to be sensitive to what Crito can grasp. By having Socrates speak with sensitivity to what Crito doesn't really understand, Plato is underscoring for his reader what Crito fails to understand and thereby pushing his reader to a critical view of Crito and to the effort to overcome the latter's limitations.²⁴ It's also worth noting that Crito's disagreement with Socrates *now* about what he ought to do (whether to escape or remain in jail) seems to indicate that Crito's previous assent to Socrates' arguments, (e.g. those past conversations which Socrates repeatedly references in the *Crito*) were perhaps not totally genuine or had not been tested.

The peculiarity of Plato never using the actual word 'soul' (ἡ ψυχή) in the dialogue has been noticed by other interpreters before,²⁵ but my interpretation offers a coherent answer as to *why* Socrates instead refers to it elliptically (in *paralepsis* or *apophasis*). According to my reading, Socrates' crucial question to Crito is the fourth and final implicit mention of soul in the *Crito*. It is also the reason why in the question Socrates refers to souls in the neuter case (ταῦτα) and not in the feminine (ταύτας) because he is keeping with the terminology he has so far used with Crito, 'the thing' (neuter) in us which are made better by justice and ruined by injustice.²⁶

A second advantage of my reading is that it responds to Miller's worry that Socrates seems to propose a continuum of propriety about whom one ought to harm. Although Socrates

²⁴ I owe this point to Mitch Miller (communication).

²⁵ Burnet (1971 [1924]), 272-3; Dybikowski (1974), 522-3; R.E. Allen (1980), 70-1; Strauss (1983), 58-62; Kahn (1989), 40; Miller (1996), 136n42; Payne (1983), 5-6; Tarrant (1993), 209n27; Weiss (1998), 43n12; Emllyn-Jones (1999), 8-9n4, 65-6; Harte (1999), 132-4; Gergel (2000) 294, 294n14, 302; Vasiliou (2008), 66; Diduch (2014), 11-12n18.

²⁶ I don't have a good reason for why Plato would refer to 'with respect to these things [souls]' in the neuter *plural*, instead of 'with respect to this thing [soul]' in the neuter *singular* as all his other previous references to the soul have been neuter singular.

does talk about “those whom least one ought <to harm>” he immediately tempers it with καὶ ταῦτα, which in my reading is Socrates explicating with respect to what, and limiting and qualifying, what ‘those men that least one ought to harm’ means. It elucidates *with respect to what* it is that these men are those that least should be harmed: it is *precisely* with respect to ‘these things’ (souls). The thing that Socrates has referenced three times previously in the neuter gender: *soul*. It is with respect to souls that those are the ones least we should harm. So, we shouldn’t harm anyone with a soul. Socrates’ absolute and universal ethical position is maintained. We should never harm anyone with (respect to) a soul, which is everyone. Socrates twice secures Crito’s assent that the soul is more important than the body:

Socrates: Or do we think that this thing is inferior to the body, that thing which is concerned with injustice and justice?

Crito: In no way.

Socrates: But <it is> more valuable?

Crito: Much more. (47e7-48a4)

Interpreting Socrates as saying that there are some people one ought to least to harm implies there is a more or less to the permissibility of harming others. It doesn’t cohere well, especially with two points with which Socrates has Crito agree to almost immediately after.

[1] Socrates: And moreover, Crito, ought one to do harm or not?

[κακουργεῖν δεῖ...ἢ οὐ];

Crito: Certainly not, Socrates (49c2-3).

[2] Socrates: For doing harm to people [τὸ γὰρ πονεῖν κακῶς ποιεῖν ἀνθρώπους] in no way differs from committing injustice [τοῦ ἀδικεῖν οὐδὲν διαφέρει].

Crito: That is true (49c7-9).

[Earlier at 49b8-9, Crito agrees with Socrates that “one ought, in no way, to commit injustice” Οὐδαμῶς ἄρα δεῖ ἀδικεῖν]

Here the idea of harming is barred absolutely and unconditionally. The traditional reading of 50a1-2, ‘those whom least one ought to harm,’ implies a relative spectrum of appropriate harm to other humans. Whereas, my interpretation allows us to understand what Socrates is saying in this enigmatic exchange, beginning at 49a3 leading up to the first part of the culminating question.

Once Socrates has secured Crito's assent to what I am calling 'the soul premise' (47c-48a), it operates in the background of his other questions. It is an enthymeme in this very condensed line of questioning. In order to even interpret what kind of harm Socrates is talking about, we need to assume that he is talking about harm to the soul, a kind of psychological harm, and *not* a physical harm, a harm to the body. The only real harm is to the soul. In fact, it is possible that a physical harm or an injury, like a sickness, a broken bone, or even death, is not a *real* harm. Since it does not touch that which is most important, our soul, so it is not a real injury.²⁷ On the contrary, those physical injuries may be beneficial to our soul. To sum up, Socrates is not barring all harm—how could he, when he no doubt has physically harmed, maimed, and (more than likely) killed others as a soldier,²⁸ and he has endorsed corporal punishment.²⁹ He is only forbidding harm to the soul, to one's own soul and to others' souls as well. My reading of καὶ ταῦτα as an accusative of respect tempers or limits Socrates' seeming spectrum of appropriate harm by acting as kind of universal qualifier, 'it is with respect to these things (souls) that those men are those whom least one ought to hurt.'³⁰ Socrates' categorical prohibition to never harm anyone is maintained. This textual detail leads us into the fundamental difference between the ethical positions of *both* Crito *and* 'the Laws' as compared to Socrates: they both lack Socrates' concern for the soul. These differences in ethical worldviews will affect how each conceptualizes harm and affect how 'the Laws' seek agreement (implicit consent in a political contract) in contrast to Socrates' method of arriving at explicit, philosophical agreement between interlocutors. We can confirm the

²⁷ Vasiliou (1997, 72); cf. Kraut (1984, 3-24).

²⁸ At *Apology* 28e, Socrates says he fought in the battles of Potidaea, Delium, and Amphipolis. At *Symposium* 220e, Alcibiades describes how Socrates rescued him at Potidaea. At *Laches* 181b, Laches talks about the retreat from Delium. At *Charmides* 153a-c, Socrates talks about coming back from Potidaea. See also Mark Anderson's (2005) "Socrates the Hoplite."

²⁹ *Gorgias* 525b-e; 526c.

³⁰ I recognize that this argument is sophistical (in the sense of utilizing the subtleties of a sophist, like Prodicus), but Socrates is not above using sophistical argument. See *Symp.* 204d-206b where Socrates as 'Diotima' uses a sophistical argument playing on the ambiguity of ἀεί [forever] against a young Socrates.

hypothesis that Crito does not get the soul-concept by examining the next dialogue in the narrative order, the *Phaedo*. Many interpreters of the *Crito* are concerned with making sense of what Socrates says in his defense speech in the *Apology*—where Socrates seems to exhibit a kind of rebellious insubordination to Athens—with what he says in the *Crito*—where (Socrates as) ‘the Laws’ seem to advocate submission and obedience to the state. I would argue that just as important is to think how the last dialogue in the Socratic narrative cycle, the *Phaedo*, relates to its immediate narrative predecessor, the *Crito*.

Who is Crito? PLATO’S CHARACTERIZATION OF CRITO

PART II: The *Phaedo*

In the *Phaedo*, Socrates’ student, Phaedo, recounts Socrates’ last moments alive, which Phaedo witnessed firsthand, to Echecrates; in his last deathbed discussion with his students and followers, Socrates talks about the immortality of the soul. Crito’s overriding feelings in the *Phaedo* are grief and anxiety, which exacerbate his ignorance. In the middle of a philosophical discussion, at 63d3-e, Socrates stops because he notices Crito is antsy, and has been wanting to say something for some time. Crito is concerned about Socrates’ body, about the fact that Socrates may be heating up from all the talking he is doing, and the person tasked with administering the poison might have to give him several doses. Socrates twice says, “let the poisoner be [(imperative) ἔα...χάριεν] and let him prepare two or, if need be, three doses” (63e3-5) and “let him be [(imperative) ἔα αὐτόν]” (63e8). Later as befits Crito the family man, at 115b1-4, he asks Socrates “what are your instructions to me and the others about your children or anything else? What can we do that would please [ἐν χάριτι] you most?” In a dialogue where all the other interlocutors and auditors (including us, the listeners and readers of the dialogue) are paying close attention to Socrates’ discussion about ἡ ψυχή (‘the soul’), Crito is tragically

preoccupied with Socrates' body, and is unable to grasp the idea of Socrates' as a 'soul':

"Indeed, we will be eager to do these things thusly," [Crito] said, "but in which way will we bury you?"

"In whichever way you <all> like," [Socrates] said, "if you catch me and I don't escape from all of you." Then laughing quietly and at the same time looking at us, [Socrates] said, "I do not convince Crito, gentlemen, that I am this Socrates, the one discussing and arranging each of the things said, but he thinks that I am the thing that he will see a little while later, a corpse. In fact, he asks how to bury me. Seeing that I have been talking for a long time, making a long speech, and that when I drink the poison, I will no longer be with you; but I will—leaving here—go to some happiness of the blessed. Although encouraging all of you *and* at the same time myself, these things seem to me to be said to [Crito] in vain."

"Therefore, <all of you> make a pledge toward Crito for me," he said, "the opposite pledge which he guaranteed for the jury. For, then, <he pledged> that I would stay; now, you all will pledge that I will not remain when I die, but that I—leaving here—will go away; in order that Crito may bear it more easily. So, when he sees my body being burned or buried, he not be unnerved on my behalf, as if I were suffering terrible things, and he won't say at the funeral that he is laying out, or carrying outside, or burying Socrates. For you know well, my finest Crito, that to speak ignobly is not only for it³¹ itself to be 'out-of-tune' [πλημμελής], but he also does some harm to the soul. But you ought to take courage, and say you are burying my body, and to bury it in whichever way might be pleasing to you and in the way that you think most conforming-to-custom [νόμιμον] (*Phaedo* 115c2-116a1).

³²

As we saw in the *Crito*, Crito does not grasp the concept of 'the soul,'³³ and the *Phaedo* further substantiates this claim. Tellingly in the *Crito*, with no other philosophical interlocutors around, like Cebes, Simmias, or Phaedo, Socrates never once refers to ἡ ψυχή ('the soul') by name but only in an oblique manner. Here in the *Phaedo* we can really see why: Crito doesn't get it. Yes, the *Crito* is *not* primarily about the soul, but my contention is that Crito's ignorance about the soul will play an important, if implicit, role. Thus, the *Phaedo* is *dramatic* confirmation of Crito's inability to grasp or learn a crucial philosophical lesson.

Much of the discussion of the soul and the afterlife in the *Phaedo* is in opposition to Crito's restlessness with the body. Toward the end of the *Phaedo*, Crito's denseness toward 'the

³¹ It is unclear if the referent here is 'language.'

³² My translation.

³³ *Crito* 47c-48a.

soul' acts as a foil, really bringing out the courage and luminosity in Socrates' thought and actions:

And Crito said, "But, Socrates, I, for my part, think the sun is still upon the hills and has not yet set. At the same time, I know that others drink <the poison> much later after someone orders them, eating and drinking really well, and some being with those whom they love. But in no way be pressured; for there is yet time."

And Socrates said, "It is fitting, Crito, for those to do these things, the ones of which you speak, for they think they profit [κερδαίνειν] from doing these things, but, for me, fittingly I will *not* do these things. For I, in no way, think to profit from drinking <the poison> a little later, except to incur laughter on account of my clinging to my life and sparing it when there is none left to spare."

"But come," [Socrates] said, "comply and don't do otherwise."

[ἀλλ' ἴθι, ἔφη, πείθου καὶ μὴ ἄλλως ποίει] (116e1-117a3, emphasis added).

Crito still clings to the last moments of Socrates' life, wanting to wring as much 'stolen time' out as possible, but he is not really listening to and getting the meaning of Socrates' words. He is not listening now, and he didn't listen or learn before, as witnessed in the dialogues where Crito is a named character (*Euthydemus*, *Apology* or *Crito*). On top of that, the dialogues, especially the *Crito*, allude to other conversations that Socrates has had with Crito in the past. We can almost hear a slight sadness and exasperation in Socrates' voice when the penultimate thing he says to Crito is a strong imperative "Obey <me>! And don't do otherwise!" This is not the way philosophers speak amongst themselves, but more like what an adult would tell a child. There is a tragicomic irony in Socrates giving Crito this command because it is a line, with slight variations, that is repeated three times by Crito to Socrates in the *Crito*.³⁴ Here, in his very last moments, Socrates returns Crito's lines, but not in the angered and anxious tone delivered by Crito to Socrates in the *Crito* but more melancholic and almost resigned.

Socrates' famous last words, seemingly directed at Crito, are:

᾿ὦ Κρίτων, ἔφη, τῷ Ἀσκληπιῷ ὀφείλομεν ἀλεκτρούνα: ἀλλὰ ἀπόδοτε καὶ μὴ ἀμελήσητε.' (118a8-9). G.M.A Grube's translation is: "Crito, we owe a cock to Asclepius; make this offering

³⁴ 44b6 (without the 'don't do otherwise'), 45a3, 46a8.

to him and do not forget.” However, what this translation covers up is that, although Socrates’ final words are ostensibly addressed to Crito—because Socrates calls out vocatively to him by name at the beginning—that is really only the first part. The second part contains two second-person plurals imperatives: “but (you all) repay and don’t (you all) be careless.”³⁵ Socrates last words are addressed to everyone, to ‘all of you’ of his auditors, not just Crito. Furthermore, perhaps, Plato meant them for more than the characters present in the jail in the dialogue, as the frame narrative with Phaedo and Echechrates illustrates the transmission of Socrates’ words to new audiences. And lastly, Plato is calling on all of us (the audience of the *Phaedo*) ‘to repay (our debt to Socrates and Plato) and not be careless.’

Crito’s final interaction with Socrates shows his lingering fixation on the body and his failure to understand the soul. Right after Socrates’ last, second-person plural, command, Plato writes:

“These things will be done,” [ἀλλὰ ταῦτα... ἔσται] said Crito, “but see if you say something else [ἀλλ’ ὄρα εἴ τι ἄλλο λέγεις]” But there was no answer. Shortly afterwards Socrates made a movement; the man uncovered him, and his eyes were fixed. Seeing this Crito closed his mouth and his eyes. (118a9-14)

Crito has not learned. Even in death, Socrates’ body is Crito’s main concern. Socrates’ corpse, the one with which Crito has been obsessed, involuntarily moves, almost as if it were trying to communicate ‘something else,’ as if it did have some meaning to transmit. But only the words and deeds of the living Socrates really mean something. We can imagine Crito still holding out hope that there might be life still left in the body of Socrates when it jostles. He goes to see, and we are told that Socrates’ eyes are set in place and just stare ahead vacuously. The real Socrates can’t really answer. Let us turn to Plato’s characterization of Crito in the *Crito*.

³⁵ The same point developed in different ways: G.W. Most (1993), 105; J. Crooks (1998), 118; L.A. Madison (2002) 432-436.

THE CHARACTERIZATION OF CRITO IN THE *CRITO*

In the *Crito*, Plato's writing gives us an insight into Crito's distressed psychology. As Emlyn-Jones notes, Crito's "elliptical syntax" at 43b3ff., the "somewhat convoluted syntax" at 44b10-c2 and at 45d9-46a1 where Crito "loses his way in the syntax of the long straggling sentence," all point to Crito's state of mind: his anxiety; his heightened and irritated emotions; and his feeling pressed for time.³⁶ As an illustration of Crito's mental state, at 45c5-8 he uses the same verb *σπεύδειν*, which means 'to hasten' or 'to seek eagerly,' three times in quick succession: "you are betraying yourself, although being able to save yourself, thus hastening [*σπεύδεις*] the very sort of things your enemies [*οἱ ἐχθροί σου*] would seek out eagerly [*σπεύσαιέν*] and those who sought [*ἔσπευσαν*] to destroy you are wishing." Crito's repetition reveals his urgency, he doesn't have the time, the fluency, or the wherewithal to try to come up with a different word on each occasion, but he just uses the same one repeatedly.³⁷ He himself is trying to 'hasten' and 'eagerly seek' to convince Socrates to escape. Much of Crito's speech is filled with imperatives, bespeaking his urgency and desperation.³⁸ Crito *commands* Socrates. He does not ask or beseech Socrates to consider or reflect on the matter. Crito has lost his patience and wants to tell Socrates what to do; they are running out of time. This contrasts sharply with Socrates' speech, in his own voice, which is filled with impersonal verbal adjectives ending in -τέον.³⁹ Crito is ordering Socrates to do something, to escape from jail, while Socrates is trying to get Crito to see what *one*, impersonally, abstracted from the heat of the moment, should or ought

³⁶ Emlyn-Jones (1999), 51, 57.

³⁷ Crito does this again at 46a5-6, "ἀλλὰ **βουλεύου**—μᾶλλον δὲ οὐδὲ **βουλεύεσθαι** ἔτι ὥρα ἀλλὰ **βεβουλεύσθαι**—μία δὲ **βουλή** [Just **consider**, or rather it is time not to **consider** any longer, but to have finished **considering**. And there is just one possible **plan**]."

³⁸ There are 11 instances of imperatives: 44b6 (twice), 44e1, 45a1,3,6, 45b8, 46a3,4,8, 48d6.

³⁹ There are 13 instances of impersonal verbal adjectives: 46b3, 47b9 (twice), 10 (twice), 48a5, b6,11, c7, 49a4,5, 49e6,7. These grammatical constructions mean something like 'one ought to...' The grammatical position of 'the one,' as in 'one ought' or 'one should' is not as common in English as it is in the French '*on faut*' or the German '*das man*.' See Tarrant (1993), 208n8; Vasiliou (2008), 64.

to do. Socrates wants to look at the situation from the universal normative perspective of ‘one ought to...’ before deciding and Crito is making very personal second-personal commands and demands of Socrates. Plato has the characters’ grammar and syntax indicate not only their current psychological state but also their habits. Why is Crito so anxious? He’s about to lose Socrates. Crito is someone who is gripped by common sense and who, despite his professed beliefs, accepts as real only what he can see and touch. And even though he has been taught by Socrates to distinguish the soul from the body, he fails to maintain this focus when on his own and instead takes the person as the basic unit of reality. Socrates’ demise is a harrowing reminder to Crito of his own and everyone who he loves’ eventual death. Death is the ultimate loss for someone preoccupied with earthly possessions and Crito hates and fears death because “it is the thief who robs them of all,” and it reveals the hidden mortality of the things he holds dear.⁴⁰

SOCRATES AS AUTHOR AND ACTOR OF A ‘DIALOGUE’ (INNER/OUTER FRAME)

After Crito’s failure to answer Socrates’ pivotal question (49e9-50a3), Socrates acts out a dialogue, seemingly improvised, between two characters, ‘Socrates’ and ‘the Laws.’ Socrates creates an inner and an outer frame for the dialogue. Crito is outside the frame; he is the listening audience and sometimes Socrates will break from the performance to ask Crito questions directly. Initially, Socrates says “what if *we*, intending [μέλλουσιν] to run away,” implying that *both Socrates and Crito* are part of the drama; but then immediately after, Socrates switches to the internal audience of the performance of ‘the Laws’ by saying “what if the laws and commonwealth of the city were to come, standing over us, and say, ‘Tell me, *Socrates*, what do you have in mind to do?’” (50a6-9, emphasis added). Socrates’ first part of the sentence is said diegetically as the narrator of the tale, while the second part is said mimetically in the voice of ‘the Laws.’ They only address ‘Socrates,’ and they only make a single reference to Crito in the

⁴⁰ Payne (1983), 15.

last line of their speech, saying, “don’t let Crito persuade you to do the things he says, rather than us” (54c8-d1). This is revealing because it is not Socrates’ but Crito’s idea to escape from jail. There are three levels; there is the inner dramatic dialogue Socrates creates between ‘Socrates’ and ‘the Laws’; there is outer dramatic dialogue in which Plato’s character Socrates is staging a performance of ‘the Laws’ for Crito and sometimes asks questions of him; and finally there is the outermost frame in which Plato is writing the *Crito* for us, the listeners/readers of the dialogue. In the dramatic scene he is ‘staging,’ Socrates is putting himself in a role, which Crito is more naturally suited to play. This a technique Socrates uses to persuade Crito.⁴¹

It’s the opposite of what Crito did. Crito *projects* his feelings onto Socrates. Probably one of Crito’s most curious psychological conditions in the dialogue is his constant *projection*, he ascribes his belief, fears, and desires onto Socrates:⁴²

- (i) Crito projects his own preference for sleeping over waking onto Socrates (43b);
- (ii) Crito worries about himself, regarding losing his friend, losing his reputation, and what the majority believes (44b-c); thus, he projects *his* worries, of losing money and property, onto Socrates (44e-45a);
- (iii) Crito tells Socrates not to worry about what he said in his trial (fundamentally misunderstanding *who* Socrates is and what he stands for) (45b-c);
- (iv) Crito projects his own concern with merely living and being secure vs. Socrates’ concern with living well and living according to virtue (45c);
- (v) Crito projects his own extraordinary concern and protection of his children (see the *Euthydemus*) onto Socrates (45d);
- (vi) Crito thinks staying in jail would be cowardly (45e).
- (vii) Crito projects onto Socrates his unthought-through conventional sense of justice (helping friends and harming enemies) (45c-45c).

Crito never *asks* Socrates how he is doing. At 44e-45a he tries to imagine what Socrates may be

⁴¹ One could object to my characterization of the situation and say that perhaps Socrates changed his mind and now escape is a real live possibility for him and, so, it is in fact *both* Socrates *and* Crito who are considering this idea, and ‘the Laws’ are, thus, addressing both of them. Although an interesting suggestion, I don’t really think this really fits the general picture of Socrates, nor does it seem to follow from the things Socrates has been saying earlier to Crito up to the present moment in the *Crito*.

⁴² The phenomenon I am describing also goes by other terms such as “egocentric bias,” “self-reference effect,” or “similarity projection.” From a traditional psychoanalytic perspective, projection is often defined as ascribing one’s own negative characteristics onto others, I mean it in a more neutral sense. For a relevant discussion of ‘projection’ in psychology, see Kawada, Oettingen, Gollwitzer, and Bargh. “The Projection of Implicit and Explicit Goals” *Journal of Personality and Social Psychology*, 2004, Vol. 86, No. 4, 545–559.

thinking and deliberating about (Crito thinks that Socrates is worrying that Crito and his friends might lose their property, or a lot of money, or suffer something else). But Crito does this only so that he can dismiss these very fears, which he has ‘diagnosed’ with no input from or questioning of Socrates.

In his vignette with ‘the Laws’, Socrates, instead of ‘projecting’ his feelings onto Crito, ‘*introjects*’—we might say—Crito’s point of view into his own. He takes Crito’s position (both his place and his suggestion to escape from jail) and makes it his own in the drama he is creating. He imitates or emulates Crito. As the inner auditor/interlocutor of ‘the Laws,’ the ‘Socrates’ of the *mimēsis* represents Crito.

In exhorting Socrates to escape, Crito uses Socrates’ own key terms and concepts against him. Socrates’ terms have serious ethical commitments; in fact, in the *Crito* Socrates repeatedly alludes to his past philosophical discussions and agreements with Crito. Crito uses Socratic words like: “courage [ἀνδρείος]” (45d7); “caring for virtue [ἀρετῆς...ἐπιμελεῖσθαι]” (45d8); “just [δίκαιοί, δίκαιόν]” (45a1, c5); “evil [κακά, κακῶ]” (44d6, 46a3); “shame [αἰσχύνομαι, αἰσχρὰ,]” (45e1, 46a3). However, Crito uses them contrary to Socrates’ meaning and without really understanding them. At 45c5 Crito says that “the thing [sc. staying in jail] you seem to be attempting is not just [*dikaion*].” On the contrary, Socrates thinks that remaining and suffering his punishment is the just thing to do. At 45d6-7 Crito says that “Socrates is choosing the laziest things, it is necessary to choose the things a *good and brave* [*agathos kai andreios*] man would,” which for Crito would be to run away. Socrates would disagree; the good and brave man would remain in jail. At 45d8 Crito reminds Socrates that he is “claiming to have cared for virtue his

whole life.” Socrates has not stopped caring for virtue, and, in fact, that is his aim, it is what drives him to comply with the court’s death penalty and to *live well* rather than to just live longer. At 45e1 Crito says he is “ashamed [*aischunomai*] lest ‘they’ think this whole affair concerning Socrates has been conducted in a cowardly way by us.” But Socrates likely feels no shame at what he has done. Lastly, at 46a3 Crito thinks that saving Socrates should not be seen as shameful or evil [*kakō kai aischra*]. In the *Apology* 37b-38, however, when Socrates is trying to think of an appropriate punishment for himself, he considers exile but does not choose it because it would be an evil. Socrates will use many of these same words and tropes that Crito himself used against him, but this time he will change their meaning to be in line with the voice and perspective of ‘the Laws.’

In the entire previous discussion between Crito and Socrates, the word for law never comes up. There is no mention or use of any word related to the νόμος-word group before Socrates introduces ‘the Laws.’ It’s a bit strange because Socrates and Crito have been discussing justice and injustice, committing an injustice, doing harm, performing evils, etc. Part of the problem is the lack of clarity in the *dik*-terms and its derivatives. Crito is the first to use one of them, he mentions it, discussing his and his friends’ plan to smuggle Socrates out of jail: “for we, perhaps, will be δίκαιοί in saving you and hazarding this risk” (45a1-2). Here, δίκαιοί can mean ‘just,’ as in doing things in line with the virtue of justice and doing the right thing, but in context works better to translate it as ‘justified’ as in being warranted in doing something, having a good reason. These are different meanings, but the problem is it’s the same Greek word.

The vagueness is present again when Crito uses the same word a few lines later to describe Socrates: “Still, Socrates, you seem to me [μοι δοκεῖς] not just [οὐδὲ δίκαιόν] to attempt this thing [ἐπιχειρεῖν πρᾶγμα]” (45c5-6) Is Crito lamenting that Socrates is not being ‘just,’ that is not displaying the virtue of justice, *or* that he is not ‘justified’ in remaining in jail?⁴³ Crito might be using the word one way and Socrates another.

Socrates’ characterization of ‘the Laws’

I now turn to analyzing the speech of ‘the Laws.’ Similar to how I looked at Plato’s characterization of Crito in the *Euthydemus*, *Phaedo*, and *Crito*, I will assess the character of ‘the Laws’ in the *Crito*. I intend to show that Socrates bases ‘the Laws’ on many of the things Crito says earlier in the speech. Socrates is trying to appeal to Crito and his concerns; Socrates characterizes ‘the Laws’ in order to fit Crito, but also to teach him something that he was not fully apprehending earlier. Thus, Socrates creates the character of ‘the Laws’ so that Crito can learn the lesson that Athens as a civil society can and should be viewed as a master paternal authority to whom one owes obedience and deference. This is one level of the Socratic *mimēsis*, where Socrates teaches and edifies his interlocutor, Crito. The other level of Socratic *mimēsis*, which Crito doesn’t get, is that by having Socrates imitate ‘the Laws,’ Plato subtly undermines many of the positions he has Socrates say in their voice, and that Plato contrasts the view of ‘the

⁴³ Vasiliou (2008), 64-5, wants to connect Crito’s use of δίκαιόν with his concern for reputation: “Crito’s appeal to shame and reputation is sandwiched between the claims that Socrates is not acting virtuously, in one case, by remaining in prison and, in the other, by allowing himself to be put to death (45d6-8 and 46a3-4). If we interpret Crito’s argument sympathetically, as I think Socrates does, he attaches consideration of reputation in his main speech to the claim that Socrates is not acting rightly by remaining in prison. If it is indeed true (as Crito maintains) that it is wrong for Socrates to stay in prison, then even by Socrates’ lights it would be reasonable and appropriate for Crito to worry about the reputation he and Socrates would rightly acquire from someone who knew what the right thing to do is. Socrates is making sure that it is not reputation per se that is important, but the reputation one acquires from the right people – people who know what is right and wrong.” I would rather emphasize Crito as allowing external exigencies to “justify,” or warrant, certain actions, whereas, justice for Socrates, seems to be determined internally by one’s soul.

Laws’ with that view that Socrates said earlier in his own voice. Plato is staging Socrates’ performance of ‘the Laws’ for the benefit of a listener/reader of the dialogue, perhaps a precocious young student in the Academy, one who might take up the challenge of what lies behind the (Crito-friendly) mask and portrayal of ‘the Laws.’ First, I analyze the two main arguments that ‘the Laws’ use in their speech, their analogical arguments that Socrates is like their offspring and slave, and that he is not abiding by the contract or agreement that he made with them; then, I consider the third and final part of their speech where they specifically address many of the concerns that Crito brought up earlier in his exhortation.

Offspring and Slave, Contracts and Agreements (50c4-53a7)

At 50c9-d1, using legal terminology, ‘the Laws’ ask Socrates what charges [τί ἐγκαλῶν] he brings against them and the city such that he tries to destroy [ἀπολλύναι] them. By escaping from jail ‘the Laws’ assert that Socrates would be ‘destroying’ them, for his part.⁴⁴ Then ‘the Laws’ ask, “didn’t we engender you [σε ἐγεννήσαμεν ἡμεῖς]” (50d1-2). With this question, ‘the Laws’ initiate their first argument by “analogy.” Socrates is ‘like’ the offspring of ‘the Laws.’ I put “analogy” in scare-quotes because sometimes it seems that ‘the Laws’ want to suggest that they are really responsible for Socrates’ existence and so their “analogy” is actually meant more literally. Furthermore, Socrates is ‘like’ a child to ‘the Laws,’ but they imply that his duty, obligations, and obedience are even more binding and necessary than those that a child owes to a

⁴⁴ Mitch Miller (communication) claims that figuring out what is meant by ‘destroy’ (used ten times by ‘the Laws’: ἀπολέσαι 50b1; καὶ διαφθείρονται 50b5-6; ἀπολλυμένου 50b7-8; ἀπολλύναι 50d1; ἀπολλύναι 51a3; ἀνταπολλύναι 51a5; ἐπιχειρῶν διαφθεῖραι 52c9; ἀπολέσαι 53b3; σε διαφθορέα ἡγούμενοι τῶν νόμων 53b7; ἀπολέσαι 54c8) is “one of the topics that I think an interpreter of the speech of ‘the Laws’ must focus on and try to explicate.” Earlier in his conversation with Crito, Socrates uses διαφθείρω as a synonym with ἀπόλλυμι: “if we will not follow him [sc. the expert], we will destroy and mutilate that thing [διαφθεροῦμεν ἐκεῖνο καὶ λωβησόμεθα], which is made better with justice and is ruined with injustice [τῷ δὲ ἀδίκῳ ἀπόλλυτο]” (47d3-5). So, it seems that for Socrates ‘destroy’ means to cause *unjust* harm. Miller (1996), 132-3, draws out three points from the possibility of “non-injurious destructive action” from Socrates’ own examples of the doctor and the trainer: [1] “the Laws themselves may be diseased or unjust”; [2] “radical reflection on justice, the laws of Athens, and the possibility of therapeutic destructive action will lead to, nonetheless, from the Socratic perspective the questions must be raised and pursued”; [3] “nowhere do the Laws acknowledge, much less raise, these questions.”

parent. It is through them, ‘the Laws’ argue, that Socrates’ father married his mother and they produced him (50d2-3). They ask him if he can find any fault [μέμψη] with the laws related to marriage; Socrates says he does not (50d3-5). Since ‘the Laws’ birthed, raised up, and educated [ἐγένου τε καὶ ἐξετράφη καὶ ἐπαιδεύθη] Socrates, they claim that—and here they really mix their metaphors—Socrates is *both* their offspring *and* their slave [ἡμέτερος...καὶ ἔκγονος καὶ δοῦλος] (50e2-4)! They go even further, and they claim that this applies not just to Socrates but to all of his ancestors (50e4). ‘The Laws’ rhetorically ask Socrates if he thinks he and they are on equal footing [ἐξ ἴσου] with respect to the just [τὸ δίκαιον], and they ask him if he thinks it just that whatever they do to him, in turn, he does it to them (50e5-7). As others have noticed, ‘the Laws’ contend that there is a fundamental inequality between Socrates, as individual citizen, and them; but strangely they seem to insinuate that in a relationship between equals it is just to retaliate, to do in turn the things that are done to one.⁴⁵ They return to the mixed metaphor, stressing that there is no equality [οὐκ ἐξ ἴσου] in terms of the just between Socrates and his father, nor between him and his master—should he happen to have one (50e7-8). If there was equality, he could return in kind the sort of things he has suffered at their hands: if hearing abusive words to talk back, and if being hit to strike back (50e9-51a1).

As we saw in the analysis of Plato’s characterization of Crito, Crito is a farmer, a businessman, and family man. Plato will have Socrates appeal to these very same qualities of Crito in the speech of ‘the Laws’ which is directed at him. ‘The Laws’ appeal to Crito’s strong sense of obligation, responsibility, and duty for the family as a father. Socrates’ impersonation of ‘the Laws’ and his claim that he is the offspring of ‘the Laws’ cause Crito to begin to take on and identify with the perspective of the laws and the state of Athens. As a fellow father he understands the duties one has to one’s children, and also the respect and obedience that one is

⁴⁵ Miller (1996), 131-3.

owed to him from them. Before the speech of ‘the Laws,’ Crito was not much concerned with the city and its laws. Prior to their speech, if Crito had considered them at all it was almost as an “enemy” that had unjustly harmed his friend, Socrates, and thus Crito felt justified in retaliating, in striking back against them, and committing a retaliatory injustice: helping steal Socrates out of jail to avoid an unjust punishment. It’s not just engendering that ‘the Laws’ appeal to either, they talk about how they raised Socrates, how they gave him an education, and about the care they lavished on him. This attention to necessary care and conditions for proper growth and development appeals to Crito the farmer and also Crito the family man—who is a father not just by virtue producing children, but also by giving them an appropriate education and nurture. Now with Socrates’ subtle re-framing of the circumstances and ethical issues involved, Crito can get it. ‘The Laws’ have bestowed upon Socrates tremendous advantages and benefits, and so Socrates should feel indebted to them and should treat them with more respect and reverence than escaping from jail. Committing this injustice toward the city would destroy them in so far as it is in Socrates’ power to undermine their power and authority. But Socrates wants to leave no doubt in Crito’s mind, he wants to make the speech of ‘the Laws’ overwhelmingly convincing to Crito. So, Socrates blends or mixes this familial metaphor with the analogy of the slave. As a large landowner and farmer, Crito almost certainly had slaves. He, again, has firsthand experience of the obedience that a slave owes to a master. Socrates is expertly conjoining these two images together specifically for Crito.

The problem is that when put together these mixed metaphors of ‘the Laws,’ that Socrates is *both* their offspring *and* their slave, do not cohere well.⁴⁶ They seem to encourage or

⁴⁶ For a defense of the coherence of the analogies see Kraut (1984), 91-114, 149-193 and Vasiliou (2008), 79-84. In order to defend these analogies Kraut introduces two of his own analogies, which while clever and thought-provoking, are never critically analyzed for being *disanalogous*. Kraut uses the analogy of a “daughter authorized by her father to disobey his orders for running the business in his absence, provided that she offer explanation of her

provoke a critical listener or reader of the *Crito* to want push back against the speech of ‘the Laws’ and to investigate. While there may be hearers who, unreflectively identifying with Crito—those who are *not* inclined to push back—Plato also writes for others who are, at the very least, skeptical of ‘the Laws.’ Plato was not the first or the only writer to call the *polis a patria*, a fatherland, but with arguments by analogies one should investigate not only the similarities between the two things being compared, but also their dissimilarities, their differences. Although the relationship between a child and parent is an asymmetrical one, it is also a dynamic and not a static one. When children are young, they are entirely dependent on their parents for their welfare. However, when they grow older, two things happen. First, they often have children of their own and they are now responsible for their own children’s welfare. Second, their parents now in their old age often become dependent on their adult children.⁴⁷ The political justice of citizens depends on their equality, and on the equal likelihood of ruling *and* being ruled. On the other hand, ‘the Laws’ twice point out that their brand of justice, between themselves and

stewardship upon his return.” Penner (1997), 156. (This sounds similar to the virtue of *to epieikes* that Aristotle argues for in *NE.V.10*. See my manuscript “*To Epieikes: Aristotle’s Complete Justice.*”) The analogy breaks down because in the father/daughter example there is a single individual entering into a compact with another single individual. It is much more difficult to specify how the laws of a state may grant to an individual citizen *or* to each and every citizen the latitude to disobey individual edicts or decrees. Second, on p. 183, Kraut uses the analogy of “a person who agrees to play chess thereby agrees to every rule of the game, unless he speaks up and proposes a variant.” Again, the game analogy obscures the point that in it, a single individual enters into a tacit agreement about playing by clearly delineated rules of an established game with another individual, and both players are on equal footing. One last point. Kraut on p. 107 says “The master-slave relationship is dropped [after 51a7] as soon as it has served its limited purpose, which is to illustrate a point about violence” (cf. Vasiliou (2008), 82n65) This is not true. The image of the slave recurs later in the speech of ‘the Laws’ 52c9-d3, 53d4-7, and 53e4-5, as Kraut himself acknowledges on pp. 120-1; For criticism of the analogies see Dybikowski (1974), 527; Farrell (1978), 178; Irwin (1986), 402-6; Kahn (1989), 40-1; West (1989), 77; Bostock (1990), 11-2; Blyth (1996), 13; White (1996), 98; Gallop (1998), 254-5; Weiss (1998), 99n9, 101-3, 101n12,13, 102n19, 113n66, 116-8, 117n75. Emlyn-Jones (1999), 12, 16; Harte (1999), 199n44.

⁴⁷ The idea that children eventually become the equals to their parents is mentioned by Aristotle. Aristotle, seeming to respond directly to the *Crito* in *NE V.6* 1134b8-18, says that the justice of masters (to slaves) and of fathers (to children) is only similar to but not the same as *political* justice. The reason he gives is that slaves and children are part of one’s self, of one’s own, and since one would never harm one’s self it is impossible to commit an injustice against them. For Aristotle, political justice and law depends on the possibility of *injustice* (1134a30-1): “Therefore, the politically just must accord with the law...and hence to those who have equality [*isotēs*] in ruling and being ruled” (1134b14-6). I will not comment on this point from Aristotle except to say that it is a strange claim coming from a member of a culture that celebrated dramatic instances of parents tragically harming children (e.g. the *Oresteia* [Agamemnon and Iphigenia] and *Medea*.) I owe this last point to Mitch Miller (correspondence).

humans is founded on *inequality* (50e5, οὐκ ἐξ ἴσου ἦν τὸ δίκαιον 50e7-8). And yet, even if there is not an equal relation in terms of justice between an individual citizen and the laws, humans (individually and collectively) have an influence, an effect, and a causal relation to the laws they enact. Moreover, the ordering, the structure, and the presentation of the speech of ‘the Laws’ is suspect. They *first* liken Socrates to their offspring, and *then* to their slave. The slave analogy is much stronger and seems to get everything ‘the Laws’ want to convey, so there seems to be little need for the earlier child analogy. But why present the weaker analogy first? Or at all? Obviously ‘the Laws’ wish to appeal to Crito’s attachment to family and lineage, but at the same time they want the absolute authority implied in the more forceful slave analogy. Perhaps, the slave analogy is meant to prescribe *absolute* subservience to authority, whereas the offspring analogy inspires compliance but cannot guarantee it completely. These two analogies seem to be in conflict. The authority of a parent is not unconditional or forever, and there is also a bond of love and kinship; whereas, the authority of a master is very different (see *Euthyphro*). As was noted above, the offspring is not always unequal to the parents; in fact, they end up eventually replacing them.

The second argument ‘the Laws’ give is often referred to as the ‘argument from contracts and agreements.’ As a businessman and owner of a vast estate, Crito very likely often dealt with and was involved in contracts and agreements. He understands that one must keep one’s word in a business deal, otherwise one will get a bad reputation as an unjust person and no one will want to do business with you. Thus, ‘the Laws’ appeal to Crito’s sense of fairness and justness in contracts and agreements to try to motivate a sense of fairness and justice in dealings with the state. If a state guarantees and gives all these wonderful things to its citizens, what is owed to it? What would be a fair deal? What are the proper terms for entering into, belonging to, and

remaining a part of Athenian society? Socrates makes Crito see that if we conceive of our relation to the state as a contract, then running away and avoiding punishment would be to break the agreement and render the lawbreaker as an unjust business dealer. But similar to the mixed metaphors of the offspring and the slave, the mixed metaphors of a runaway slave breaking his contracts and agreements does not really work either and, again, invites the listener or reader to question the point: “You do the very things the worst slave [δοῦλος ὁ φαυλότατος] might do: trying to run away <like a slave> [ἀποδιδράσκειν ἐπιχειρῶν] against your contracts and agreements [παρὰ τὰς συνθήκας τε καὶ τὰς ὁμολογίας] according to which you agreed to live civilly with us [καθ’ ἃς ἡμῖν συνέθου πολιτεύεσθαι]” (52c9-52d3). Later on, ‘the Laws’ will tease Socrates saying that perhaps some might find amusement in hearing how

ridiculously [Socrates] ran away like a slave from jail [γελοίως ἐκ τοῦ δεσμωτηρίου ἀπεδίδρασκες] by assuming some costume [σκευὴν τέ τινα περιθέμενος], taking a hide of leather or whatever sort of thing runaway slaves are accustomed to wear [οἷα δὴ εἰώθασιν ἐνσκευάζεσθαι οἱ ἀποδιδράσκοντες] and changing his appearance [τὸ σχῆμα τὸ σαυτοῦ μεταλλάξας]. (53d4-7)

In this last clause, “changing his appearance [τὸ σχῆμα τὸ σαυτοῦ μεταλλάξας],” there seems to be a subtle, self-conscious reference to Socrates’ *mimēsis*.

Why does one need an agreement if we take the slave-analogy to hold? That should be sufficient. To talk about runaway slaves violating contracts and agreements doesn’t make much sense. In fact, the very idea of giving consent, and of an agreement between parties, is completely alien to both of their previous analogies, children and slaves. One doesn’t choose one’s parents nor one’s master; one never gives consent in these cases. They are just thrust upon one by necessity, outside of one’s control. There are no agreements and contracts for the choice of parents, masters, or one’s birth city. So the images of the child, of the slave, and of contractual agreements don’t harmonize well, especially in the order of presentation in which they are

given.⁴⁸ Thus, Socrates represents ‘the Laws’ as using a series of arguments by analogies, without seeming to have considered the *disanalogies*, or of thinking how or whether the analogies even hold well together as a group. This casts doubt on the argumentative competence of ‘the Laws’ and invites a listener/reader to question their authority.

Crito’s Concerns (53a8-54d1)⁴⁹

In the third, final part of their speech, ‘the Laws’ appeal to some of the things Crito said in his exhortation, especially about appearances and reputation, they try to frighten ‘Socrates’ with pictures of his future shameful and ugly life. Also, ‘the Laws’ “are very concerned with appearance: the shame of being mocked, the appearance of slavishness, the indignity of dressing like a lowly peasant.”⁵⁰ At 53c8-d1, ‘the Laws’ ask Socrates, “Don’t you think that the affair of Socrates appears shameful?” and they add—with a line which they will repeat later—that “one ought to think so [οἷεσθαί γε χρή].” One option for Socrates is to choose to go to Crito’s friends in Thessaly, but there there is much disorder and license [ἀταξία καὶ ἀκολασία] there (53d1-4). Would he take them to Thessaly to be raised and educated, making them foreigners, in order that they can ‘enjoy’ [ἀπολαύσωσιν] it too (54a1-4)? Another option is for them to stay in Athens to be raised and educated while he lives in Thessaly, but in that case Socrates’ friends would have to take care of them, and wouldn’t his sons be better off being brought up by his friends, regardless—whether they were not together in the same place or if Socrates was in Hades (54a5-a9). They close off this line of thought by saying that if his friends are of any use, they will care for his sons, at least “one ought to think so [οἷεσθαί γε χρή.]” (54a9-b1).

Raising some of Crito’s earlier concerns at the end of their speech, ‘the Laws’ ask what good Socrates will do for himself and his friends if he runs away (53a9). His friends will risk

⁴⁸ See Martin (1970), 36; Weiss (1998), 120.

⁴⁹ See Vasiliou (2008, 88 2.7.3) cf. Miller (1996, 128).

⁵⁰ Ober (2001), 187.

banishment, the loss of their homes, and the loss of property (53b1-3). And what will happen to Socrates? If he goes to another city, like Thebes or Megara (for both are well-ordered), he will go as an enemy [πολέμιος] of the state, and whoever concerns themselves with the things of city will look with suspicion at Socrates, believing him to be a destroyer of laws; he will, thus, confirm the verdict of the jurors, so that they will think they judged the case correctly (53b3-c1). ‘The Laws’ say that whoever is a destroyer of laws might very much be thought to be a corrupter of young and ignorant people (53c1-3). Socrates could avoid well-governed cities and well-ordered men, but then in that case—and here ‘the Laws’ seem to allude to Socrates’ famous lines from the *Apology* (38a5-6)—they ask him, ‘would life even be worth living?’ (53c4-5). But if he does go, ‘the Laws’ question what kinds of discussions he will have, will they be like those here in Athens, in which Socrates said that virtue and justice and lawful things and laws are the things of most worth to humans (53c5-8).

I want offer four textual details from the speech of ‘the Laws’ that make us question taking their view as merely a ‘continuation’ of what Socrates says in his own voice in the first part of the dialogue.

1. The Last in a Tricolon of Verbs at 51b2-3

At 51b2-3, ‘the Laws’ say, “and you ought to revere, to submit to, and to appease an angry fatherland more than a father [καὶ σέβεσθαι δεῖ καὶ μᾶλλον ὑπέικειν καὶ θωπεύειν πατρίδα χαλεπαίνουσιν ἢ πατέρα].” This tricolon of verbs (σέβεσθαι, ὑπέικειν, θωπεύειν) used by ‘the Laws’ to describe what a citizen ought to do in the face of an “angry fatherland” is troubling. The most worrisome of three is the last verb, *thōpeuein*. There are *no* instances in the Platonic *corpus* of *thōpeuein* having a positive connotation. In fact, looking at the three other occurrences in Plato will help us to see why we should look askew at the idea of ‘flattering’ or ‘wheedling’

an angry fatherland. First, at *Theaetetus* 173a2 Socrates is talking about speakers in the law court, he says that “they know how to appease [θωπεῦσαι] their master [the *dēmos*] with speeches and to insinuate <themselves> by deeds; but their souls <come to be> small and crooked.” Second, at *Republic* VIII 563a4, Socrates is discussing the perverted, and topsy-turvy nature of a democracy; he uses the example of an inverted education where “the teacher fears and fawns [φοβεῖται καὶ θωπεύει] on the pupils.” And lastly, at *Republic* IX 579a1, Socrates presents us with a thought experiment: he ask us to imagine a tyrant transported by a god on a secluded island with no other freemen and how he would find it necessary “to fawn [θωπεύειν] on some of his slaves and to make many promises and free them, although in no way wanting to.” There is another instance of the form of this word, but it is not the verb but the plural noun form, θωπεύματα, at *Republic* IX 590c3-6. Socrates, after giving the famous image of the three parts of the soul as the tiny human, the lion, and the giant many-headed beast, says that

Or is it for any other reason than that, when the best part is naturally weak in someone, it can’t rule the beasts within him but can only serve them and learn to flatter [θωπεύματα] them?⁵¹

This reference is interesting because here θωπεύματα recalls a synonym for flattery, which is used by Socrates a few lines earlier, κολακεία (590b).⁵² This last verb in the tricolon (*thōpeuein*) is critical for showing that the suggestion by ‘the Laws’ that they should be appeased or flattered ought to be questioned. Plato never represents θωπεύειν as good. I doubt he would want anyone to flatter, wheedle, appease, or fawn on *anyone* or *anything*—especially someone who is *angry*. The idea of ‘the Laws’ telling Socrates that he *ought* to flatter or appease the angry fatherland, is one that does not sit well with Plato’s other uses of *thōpeuein* in the corpus. In fact, there is a related picture in the *Republic* I (331e-332a) when Polemarchus suggests that justice is, as

⁵¹ Translation by G.M.A. Grube, rev. C.D.C. Reeve.

⁵² κολακεία is important because it is the term used to describe the art of rhetoric in the *Gorgias* 463b-466a. See also the *Sophist* 222e-223a; *Alcibiades* 120b.

Simonides says, giving to each what one owes; Socrates objects and says that in the case of a person who has gone mad it is not necessarily right or just to return to that person the thing that one has borrowed (like, say, a weapon). So even though we may “owe” obedience and deference to the city, if it has gone mad, perhaps, it is not just or right to return the compliance that one owes to it. We can compare Plato’s usage of *thōpeuein* with those of his (near) contemporaries, and we see that there is semantic consistency.⁵³

2. To Appease or Satisfy (ἀρέσκειν) (51d4-53a5)

At 51c8-d1, ‘the Laws’ repeat their claim that they engendered, raised up, educated [ἡμεῖς γάρ σε γεννήσαντες, ἐκθρέψαντες, παιδεύσαντες] Socrates and that they gave a share of all the fine things [καλῶν] not only to him but to all the other citizens. They also let any Athenian—after he has been formally inducted into Athenian social and political life and seen the affairs of ‘the Laws’ and the city—who is not satisfied with them [ᾧ ἂν μὴ ἀρέσκωμεν ἡμεῖς] take his things and go away wherever he wishes (51d1-5). ‘The Laws’ will repeat this idea of “being satisfied” or of “*not* satisfying” several times. ‘The Laws’ say that Socrates has agreed in deed, that is, via his actions, to do the things they command [ὡμολογηκέναι ἔργῳ ἡμῖν ἃ ἂν ἡμεῖς κελεύωμεν ποιήσῃν ταῦτα] (51e3-4). Again using legal language, ‘the Laws’ claim that Socrates

⁵³ Compare Aristophanes *Archarnians*: 634-5 “if you no longer allow yourselves to be too much hoodwinked by strangers or seduced by flattery [θωπευομένους]”; 639-640 “Or if, to tickle your vanity [ὑποθωπεύσας], someone spoke of ‘rich and sleek Athens,’ in return for that ‘sleekness’ he would get all, because he spoke of you as he would have of anchovies in oil.”; 656-8 “As for you, never lose him, who will always fight for the cause of justice in his Comedies; he promises you that his precepts will lead you to happiness, though he uses neither flattery [οὐ θωπεύων], nor bribery, nor intrigue, nor deceit; instead of loading you with praise, he will point you to the better way. *Knights* 46-49 “he plays the fawning cur, flatters, cajoles [ἐθώπευ’], wheedles, and dupes him at will with little scraps of leavings, which he allows him to get.”; 788 “Petty flattery [θωπευματίων] to prove him your goodwill!” (1115-20) “You love to be flattered [θωπευόμενός] and fooled; you listen to the orators with gaping mouth and your mind is led astray”; *Wasps* 563 “Oh! what tricks to secure acquittal! Ah! there is no form of flattery [θώπευμ’] that is not addressed to the Heliast!”; *Peace* 390 “Do you not hear them wheedling you [θωπεύουσί], mighty god?” Compare also Aeschines *Against Ctesiphon* 226 line 3: “whoever has the power to cajole [θωπεῦσαι] the people.”

There is one more meaning associated with θωπεύειν, this has to do with animals, typically horses and dogs, as either a master having to “coax” his pet or as a pet “fawning” over the master. See Xenophon *On Horsemanship* Chapter 10 section 13 line 4; *On Hunting* Chapter 6 section 22 line 1; Aristotle *History of Animals* Bekker page 488b line 2; *Physiognomonics* Bekker page 811b line 38.

is not least of the Athenians but among those most “guilty of this charge [ταῖς αἰτίαις ἐνέξεσθαι]” and they have “exceeding evidence [μεγάλα... τεκμήριά]” that they and the city have pleased Socrates: he stayed in Athens more than all other Athenians; he never went out of the city to a festival, or anywhere else, except on military campaign; he never journeyed outside the city, like others do; he had no wish to get know other cities or other laws; he had children there in the city; he didn’t offer up the penalty of exile at his trial as a possible punishment, preferring death to banishment (52a7-c8).

In a little over two Stephanus pages (51d-53a), ‘the Laws’ use the verb ἀρέσκειν (to satisfy, or to appease) eight times. It is the basis for their argument that Socrates has agreed to obey (or persuade) them in deed (ἔργῳ) but not in word (ἀλλ’ οὐ λόγῳ) 52d4-5.

[1] If we ourselves do not please [ἀρέσκωμεν] someone, he can go away, taking his things, wherever he wishes (51d4-5) ...

[2] If we ourselves and the city might not please [ἀρέσκομεν] (51d7-8) ...

[3 and 4] That we ourselves and the city were pleasing [ἠρέσκομεν] to you; for you would not have dwelled here in Athens above all other Athenians if she [sc. Athens] had not exceedingly pleased [ἤρεσκεν] you (52b1-3) ...

[5] You had children in the city thus the city was pleasing [ἀρεσκούσης] to you (52c3) ...

[6] If we did not please [ἠρέσκομεν] you (52e4) ...

[7 and 8] Thus, it is clear that the city and <also> us, the laws, were exceedingly pleasing [ἤρεσκεν] to you, more so than to other Athenians, for what city might please [ἀρέσκοι] without laws? (53a3-5)⁵⁴

In the background of the argument-from-the-satisfaction of ‘the Laws’ is the idea that *if* Socrates found something *not* to his liking, *then* he could have left Athens whenever he wanted. By not moving elsewhere and thus remaining in Athens, Socrates has *tacitly* demonstrated to ‘the Laws’ that Athens and its laws have satisfactory, and, therefore, he has agreed to abide by them. According to the reasoning of ‘the Laws,’ Socrates’ staying in Athens is an indication of its having pleased him and it is a sufficient condition of agreeing to their compact. I think that Plato

⁵⁴ See Gergel (2000), 297-8.

is having Socrates repeatedly use forms of the verb ἀρέσκειν in this part of the speech of ‘the Laws’ to signal to the astute reader that there is something important and perhaps troubling about how this word is being used in the argument. Typically when ἀρέσκειν is used in a Platonic dialogue it is Socrates (or sometimes another speaker) *explicitly* asking his respondent if they are satisfied with the account that has been presented so far.⁵⁵ The questioner wants to know *in words*, definitively, whether or not the interlocutor is satisfied or pleased with the argument up to now; this is in stark contrast with ‘the Laws,’ who infer satisfaction from Socrates’ behavior, his deeds. Yes, Socrates has had a more pleasant than painful life in Athens, but that does not guarantee total obedience to ‘the Laws.’ Implicitly inferring ‘satisfaction’ from another is not the proper basis of an ethical/political argument for obedience. In another context, Socrates would likely have severely criticized the argument from satisfaction that ‘the Laws’ use: one in which they must infer Socrates’ (implied) agreement as the basis for their fundamental political contract. Furthermore, a listener/reader of the *Crito* would wonder why give ‘the Laws’ such a bad ‘love it or leave it’ type argument, unless it was to make them question their character.

Someone might object and say that the point ‘the Laws’ are making in this section is not about justified satisfaction but about *consent*; Socrates agreed to the relationship with ‘the Laws’ before and so he is obligated to continue it now. But as some contemporary debates are exploring, the issue of consent is complicated, and it seems that to assume agreement nonverbally from the behavior of what appears to be satisfying or pleasing to the one supposedly implying consent is “problematic.” In the *Apology*, Socrates told the jurors that he devotes his life in Athens to serving justice. Does that fit well with the claim of ‘the Laws’ that Socrates remaining in Athens implies his approval of the city’s political principles and laws? It does not

⁵⁵ *Crat.* 391c8, 427e1, 433c9, d1, e2, e9, 435c2; *Theaet.* 157c3, d7, 177b5, 189d4, 202c7; *Phileb.* 14a7; *Lach.* 201b6; *Hipp. Maj.* 297c7, d1, *Rep* I. 348b6, 350d9, e6, II.380c5, VI.504b6; *Laws* I.643b2, d4, II.702c6, IV.722a3, VII.800e9, VII.811e7, VII.820e9.

seem likely. If ‘Laws’ pursue the idea of implied consent, then I don’t think they should build the basis of their social contract on it. A stronger strategy for ‘the Laws’ would be to look for the moments in a citizen’s life where he does give explicit verbal consent to the state, very close to signing a business contract or making an oath. Ancient examples of moments like this would be Epehebic Oath or the *dokimasia*, which ‘the Laws’ even allude to (δοκιμασθῆ 51d3). The fact that ‘the Laws’ do build their argument for upholding a social contract via continued nonverbal implied consent based on satisfaction seems to point to another of Plato’s provocations for the critical listener or reader of the dialogue to object to what ‘the Laws’ say.

3. The Absence of Compulsion and Trickery does *not* Imply the Presence of Justice

At 52e1-3, ‘the Laws,’ in a boasting way, say that if Socrates were to escape and leave jail, he would be breaking their agreement, one which was agreed to not from compulsion (ἀνάγκης), nor deception (ἀπατηθείς), nor from being pressured to decide in a short amount of time. As Roslyn Weiss puts it, “They take...the conditions...of a Socratic agreement... (non-coercion), and... (non-deception)—and treat them as features of their agreement.”⁵⁶ The absence of compulsion and deception (and even the presence of mutual willingness on the part of all parties involved) does not guarantee that an agreement or contract is itself just. Both the absence of compulsion and the absence of deception are *necessary* conditions of a just agreement, but by themselves they are no way sufficient. At 50a3-4, Socrates makes a condition of his implication, that one should abide by what one has agreed to, that “the things <one has agreed to> are just [δικαίους οὔσιν].” By contrast, ‘the Laws’ never argue explicitly for the justice of the citizen’s agreement, they take it for granted that any contract with them is inherently just. In fact, all those conditions may be met and, yet, an agreement can still be unjust. By giving ‘the Laws’ a sophistical argument, Plato’s Socrates undermines their credibility, but subtly. On the surface the

⁵⁶ Weiss (1998), 121-122.

argument seems to work, especially if one is not paying close attention (like Crito). But if one, not in the heat of moment, interrogates the logic of the argument, one will see that it is faulty and starts to challenge it and the one who proffered it.

4. Doubts about the Judgment of ‘the Laws’

In the ‘prologue’ to the dramatic episode with ‘the Laws,’ Socrates, after he has put forth the opening question of ‘the Laws,’ interrupts the action of the *mimēsis* to ask Crito in his own voice:

Or shall we say towards them [sc. ‘the Laws’] that “the *polis* has committed an injustice against us and did not judge the verdict correctly.” Shall we say these things or what? (50c1-2, emphasis added).

Here, Socrates raises the idea that the *polis* has committed an injustice against *us* (why the first-person plural and not the singular—against *me*?). Crito answers, “Yes by god, <we shall say> these things” (50c3), but then ‘the Laws’ go on to ask another question and ignore this point. Part of the reason is that when Socrates asks Crito this question, he is at that moment outside of the *mimēsis* that he is producing. So, Socrates’ suggestion and Crito’s assent to it are never taken up *inside* the dialogue by the character of ‘the Laws’ or by the character of ‘Socrates.’ Perhaps if Crito the auditor, outside the frame, had been more forceful in standing up for this objection, but he doesn’t pursue it. The possibility that it is the *polis* that has wronged Socrates doesn’t come up at all again save for a brief throw-away line by ‘the Laws’ but then only to dismiss it; ‘the Laws’ say that Socrates has been wronged not by them but by humans (50c1-2). At 51e7 ‘the Laws’ make another small, and unexpected, qualification to their “Persuade or Obey” command. They soften their absolute obedience to what they characterized earlier as seemingly divine-like infallibility. At 51e4-7, ‘the Laws’ say that someone who does not obey [μὴ πειθόμενον] commits an injustice [τρυχῆ... ἀδικεῖν] in three ways: (i) that he does not obey those who are his

parents; (ii) that he does not obey those who nurtured him; and (iii) that although agreeing to obey them, neither obeys nor persuades them ‘if they do something not nobly [εἰ μὴ καλῶς τι ποιοῦμεν].’ They specify when one ought to persuade: “persuade us, if we do something ignobly (πείθει ἡμᾶς, εἰ μὴ καλῶς τι ποιοῦμεν)” (51e7).

Here, ‘the Laws’ admit to the possibility of erring, and so their earlier demands for reverence and submission should be tempered by the possibility that they may be wrong, that they may do something not noble. What would it mean for the laws of city to do something ignobly? And *if* that were the case *then* to whom exactly does one appeal? They say ‘persuade us’? But what does it mean to persuade ‘the Laws’?

Conviction (πίστις), and to Persuade (πείθειν) or to Obey (πείθεσθαι)

Probably one of the most important words and terms that is used very often in the *Crito* is the verb πείθειν, which in the active voice means ‘to persuade’ and in the middle/passive voice means ‘to obey’ (in a sense, ‘to be persuaded’). Indeed, there are fourteen occurrences of πείθειν in the *Crito*.⁵⁷ In fact, ‘the Laws’ turn it into a kind of rhetorical refrain, variations of which they are constantly repeating, “Persuade or Obey us”⁵⁸ What is obscured by English translations is that in the Greek these are both imperatives of the same word, πείθειν, but one is in the active voice and the other is in the middle/passive. Πείθειν is morphologically related to πίστις, trust, conviction, or better belief. Πίστις is the corresponding affection for the third subdivision (of four) on the divided line in the *Republic* in descending order of grasping at truth and reality: [1] νόησις (intelligence); [2] διάνοια (knowledge); [3] πίστις (belief); and [4] εἰκασία (likeness).⁵⁹

The abundant references ‘the Laws’ make to πείθειν-related words speaks to the level at which

⁵⁷ πείθου 45a3, 46a8; πιθοῦ 44b6; πείθεσθαι 46b5; πειθόμενοι 47d9; πείθειν 51b3, 51c1, 52a2; πειθόμενον 51e4; πείθεται 51e5, 51e7; πείθει 51e7; πείθη 53a6; πειθόμενος 54b2.

⁵⁸ ‘The Laws’ use the either persuade or do the things commanded: At 51b3 ἢ πείθειν ἢ ποιεῖν ἃ ἂν κελεύη; 51b-c ποιητέον ἃ ἂν κελεύη...ἢ πείθειν; and 52a2 ἢ πείθειν ἡμᾶς ἢ ποιεῖν. At 51e9 they use the almost Gorgianic slogan ‘persuade or obey’: οὔτε πείθεται οὔτε πείθει ἡμᾶς.

⁵⁹ See *Republic* VI 509d-510b, and especially 511d-e. See also *Republic* VII 534a.

Socrates is pitching his *mimēsis*; it is at level of belief, trust, or conviction. He wants to raise Crito, epistemologically speaking, from his current level of dealing with likenesses (εἰκασία) of justice according to the many, that is with the phantasms and shadows of others' opinions, to a slightly higher level of opinion, to Crito's own belief that the city is an authority worthy of obedience. For Crito, the two highest levels of intelligence and knowledge remain inaccessible. Socrates is like the philosopher that has gone back into the Cave and he is using rhetorical images and tricks to bring Crito out of the Cave, to somewhat higher step, out of bondage to others' opinions, but he cannot bring Crito fully out and into the light. Crito remains at the lower half of the divided line.

The difference between Political and Philosophical views on Agreement and Persuasion

At 50c-d, 'the Laws' mockingly mention Socrates' question-and-answer method, saying that he should answer their question because he is accustomed to this practice. The character of 'Socrates' in Socrates' performance answers two questions posed by 'the Laws' in quick succession: 'Is there anything to criticize in the marriage laws?' (he answers 'no'); 'Were we doing the right thing in commanding your father to educate you in music and gymnastics?' (he answers 'you were right'). But then Socrates never has the character of 'Socrates' address 'the Laws' or speak with them again within the vignette (the play within the play). 'The Laws' brought up Socrates' question-and-answer method and it seemed, initially, like they were even going to use it, but they abandon it fairly quickly and turn to making one long, uninterrupted monologue. Occasionally, the Socrates outside the frame of the dialogue will ask Crito what 'they' should say but Crito never contributes more than one or two words of meek agreement. He seemed to be enthralled by rhetoric of 'the Laws.'⁶⁰

⁶⁰ At 52a5, 'the Laws' say they have charges against Socrates, saying that "you, not least of all Athenians (καὶ οὐχ ἥκιστα Ἀθηναίων σέ). Next, the character of 'Socrates,' in Socrates' *mimēsis*, asks 'the Laws' "On account of what

The second argumentative ploy of ‘the Laws’ is the so-called ‘argument from agreement.’⁶¹ The idea of agreements and what types of agreements we enter into, and are committed to, is an important theme of the *Crito*.⁶² There is a vast difference between Socrates’ philosophical agreement and the political agreement demanded by ‘the Laws.’ In the exchange with Crito, Socrates repeatedly recalls their previous philosophical positions. He brings it up constantly. At 46b6-c1 he says—against Crito’s plea to escape—that he is not able to throw away his earlier arguments, because they seem to him to be nearly the same. Later at 46c8 and 46d2, Socrates rhetorically asks whether their previous position was said nobly (καλῶς ἐλέγετο) and so if now under the pressure of the threat of death they fail to stand by the principles they earlier together affirmed, they will show that their earlier agreements were just talk, just pretense and not serious. At 48b3-6, Socrates says the argument appears much the same to him as before. At 49a6-9, Socrates brings up past *philosophical* agreements: “so that often it was agreed by us in the past” and he asks whether “all of those, our earlier agreements (ὁμολογίαι), are in the last few days in this way being wasted.” Lastly at 49e1, Socrates says “For it seems to me both for a long time and thusly now.” It’s important for Socrates to be consistent with what he has said previously *in his own voice*, and he urges Crito to live up to this idea of being consistent as well. Socrates’ philosophical agreements always allow for nullifications or exit-clauses. At 48e1, he urges Crito, “gainsay <me> and I will obey you.” This is very similar to the last prompt Socrates gives Crito: “Nevertheless, if you think of something more to do, speak (λέγε)” (54d7)

exactly? [διὰ τί δή;].” There are structural parallels here with Socrates’ pivotal question (49e9-50a3) to Crito. First, ‘Socrates’ is initially unable to understand why it is that he above all other citizens are vulnerable to these charges. This is similar to Crito’s inability to understand Socrates’ question. Second, both confusions in the questions arise out of the use of the superlative ἥκιστα (the least).

⁶¹ On the “Argument from Agreement” see R.E. Allen (1972); Rosen (1973); Dybikowski (1974); Young (1974); D’Amato (1976); Dyson (1978); Euben (1978); Farrell (1978); Kraut (1981); Kraut (1984), 25-53, 149-193; Irwin (1986); Kahn (1989); Bostock (1990); H. Brown (1992); Sobel (1994); Blyth (1995); M. Lane (1998); Weiss (1998), 112-124; Emlyn-Jones (1999), 11-16; Harte (1999); Gergel (2000); Howse (2002); Vasiliou (2008), 84-88; Brickhouse and Smith (2013).

⁶² See James Warren “Agreement and consensus in Plato’s *Crito*” (forthcoming).

Importantly, Socrates' philosophical agreements are: (i) between discussants; (ii) they have been agreed to explicitly and expressly by all parties; (iii) they are binding on all who submit to the conclusions of an inquiry, but (iv) they are always open to revision; one can overturn a philosophical agreement if the position is refuted.

The political agreement 'the Laws' describe is in complete contrast with Socrates' philosophical agreement. The civil agreement between Socrates and 'the Laws' was never made explicitly and expressly: "You agreed to be a citizen with us in deed but not in word [ἔργῳ ἄλλ' οὐ λόγῳ]" (52d4-5). Socrates agreed to live as citizen according to 'the Laws' in deed not in word—that is, Socrates gave consent *not* verbally but through his actions, his behavior (52d4-5).⁶³ 'The Laws' say that Socrates is breaking [παραβαίνεις] his contracts and agreements [συνθήκας τὰς πρὸς ἡμᾶς...καὶ ὁμολογίας] with them, even though: he agreed. And he agreed *not* under physical compulsion, *nor* by deceit, *nor* constrained by time pressure—Socrates had seventy years to decide! (52d8-e3). Instead, it is by nonverbal actions that Socrates has indicated his 'satisfactory' consent with 'the Laws' and the city. This implied consent in this contract is not between two people, but between, on the one hand, a disembodied representation of the people, the Laws of Athens, that is the general body politic, and on the other hand, the individual citizen. The relationship described by 'the Laws' not only applies to the ancient world. Our modern laws often feel like they are not of our choosing, there is no proper moment of consent in which each citizen gives his/her assent to the laws. Each person is just assumed to have already accepted them, and it really only becomes an issue when someone has been caught breaking one of them. Lastly, supposedly, 'the Laws' allow for exit-clauses in their 'contract,' but these options were really a form of social death or political suicide for ancient citizens. It was not easy

⁶³ On the phrase "ἔργῳ ἄλλ' οὐ λόγῳ," see Adam (1888), 77n33; Burnet (1971 [1924]), 286-7 says of it that it "is a standing formula, and must not be too closely analysed"; Woozley (1979), 76-110; Weiss (1998), 114n69; Tarrant (1993), 211n49; but I think Emlyn-Jones (1999), 84-5 has the best and most even-handed analysis.

to just pick up and move to another city and become a citizen. Some cities (like Athens) allowed for non-voting, second-class foreign residents or *metics*, but other cities (like Sparta) were quite hostile to foreigners and would often expel all foreigners from the city.

There is a Euthyphro-like dilemma at the heart of the *Crito*: ‘Are our agreements, our laws, just because we have agreed to them, or have we agreed to them because they are just?’ The question is what has priority of explanation. Are political agreements, our laws, the fundament of all justice or is there some kind of more basic, more universal justice, to which the justice of a *polis* ought to match itself? The second part of Socrates’ crucial question asks, “And are we abiding by those things which we agreed are just or not? [καὶ ἐμμένομεν οἷς ὠμολογήσαμεν δίκαιοις οὕσιν ἢ οὔ;]” (50a2-3).⁶⁴ What is Socrates asking about? If read looking forward, with an eye to what is to come in the character of ‘the Laws,’ then one could think that Socrates’ question is alluding to the contract or agreement that he made with them. But here, again, Crito would have no way of giving this answer. Another way of reading this question is backward, with an eye to the discussion that Socrates and Crito were just engaged in, but also to the other conversations that Socrates alludes to having numerous times earlier with Crito in the past. This Euthyphro-like dilemma (‘Are our agreements, our laws, just because we have agreed to them, or have we agreed to them because they are just?’) lies at the heart of the *Crito* because we should ask ourselves is Socrates asking about those thing that (both Socrates *and* Crito) agreed to be just in their previous philosophical discussion(s) (e.g. it is never right to harm another person) or is Socrates asking about those things that he (non-verbally) agreed to with the Laws of Athens.

There are two conceptions of persuasion that are exhibited in the *Crito*. There is a philosophical persuasion exemplified by Socrates. At 46b Socrates says:

as I am not now first [ὥς ἐγὼ οὐ νῦν πρῶτον] but also always [ἀλλὰ καὶ ἀεὶ] this

⁶⁴ See Wozzley (1979), 25-6; Weiss (1998), 74n51.

sort of person: the one who in my things [τῶν ἐμῶν] is persuaded in no other way [μηδενὶ ἄλλῳ πείθεσθαι] than by that account I count as appearing the best [ἢ τῷ λόγῳ ὃς ἂν μοι λογιζομένῳ βέλτιστος φαίνεται.].

As he demonstrated in his defense speech in the *Apology*, when it comes human, mortal experts, Socrates is quite skeptical.⁶⁵ But he will submit himself to his own reason, his intense and withering critical self-scrutiny and questioning. He only expects the same of others as well. And whatever is the outcome of that (perhaps, hidden to others) deliberation, he will follow it. Thus, Socrates himself could be said to follow a dictum of persuade-or-obey, but it is very different from the one of ‘the Laws.’ Socrates obeys the philosophical force of an argument, not the political compulsion of the polity. In Socrates’ own question-and-answer method, what is called his *elenchus* or dialectic method, each step is secured, and guaranteed. Or as Callicles complains, one is “held down and bound by arguments of steel and adamant”⁶⁶ as when Polus agrees to a point to which Callicles would not have (*Gorgias* 482e). This example shows that what one person agrees to (Polus) in a philosophical conversation another interlocutor does not have to accept (Callicles), and so a new compact can be initiated with a different respondent. Crito swallows the uninterrupted speech of ‘the Laws’; Socrates portrays them as not allowing for any openings (such as questions, criticisms, voicing disagreements, etc.) to challenge any of their statements.

If one does not agree with a premise of an argument, then one should argue and try to persuade the interlocutor of its falsity. If a discussant is unable to refute the claims of another person, then that interlocutor should obey the account, the argument, the *logos*. Crito is unable to do this against the speech of ‘the Laws.’ He must obey, but some of the points being made are done so ‘unjustly.’ That is, they are not argued well or fairly, or they are said without properly

⁶⁵ See *Apology* 20d ff.

⁶⁶ *Gorgias* 509a (trans. Zeyl).

interrogating them. Yet Crito just accepts them unconditionally. This claim that ‘the Laws’ do not argue well or fairly depends on what level we are considering them on; that is, whether we are considering Crito or ourselves as the audience that Plato is addressing. That is, the “points” ‘the Laws’ make are argued very “well” for Crito (they appeal to his mindset), and so he defers and agrees. But his very deference and agreement will move those of us who perceive his limitations to demand deeper and more searching argument on key matters. Socrates is inviting Crito or (more likely) Plato is urging us, his listeners/readers, to commit an act of “disobedience” against the argument of the Laws—an act of rebellion. I put scare quotes around “disobedience” because it is not the best way to describe a reasoned critique of the speech of ‘the Laws’; it’s meant to be provocative. As Socrates says, after his performance, to Crito, nearly breaking the fourth wall to address Plato’s audience: “Nevertheless, if you think you can do something more, speak” (54d7). We ought to interrogate ‘the Laws’ thoroughly. To do that one must think about not just what ‘the Laws’ themselves say, but also what Socrates’ performance of them *expresses*, without asserting.

THREE DIFFERENT ETHICAL VIEWS: CRITO, SOCRATES AND ‘THE LAWS’⁶⁷

We are now in position to better “hear” the three separate voices of the *Crito* (Crito’s, the one of ‘the Laws’ and Socrates’) and their corresponding ethical worldviews and how they are similar to each other and how they are different. Crito’s ethical view comes out in his exhortation to Socrates (45a6-46a8). It is primarily personal. The just, or better ‘the *justified*,’ action is the one which will help one’s friends and family and/or harm one’s enemies.⁶⁸ In the *Crito* it’s not

⁶⁷ I am indebted to other Discontinuous interpreters Miller (1996), Weiss (1998), and especially in this section Harte (1999).

⁶⁸ Crito says his friends will help Socrates 45c2-3, Crito says Socrates should avoid the harms his enemies intend for him 45c7-8, Crito says he feels shame for Socrates and ‘us’ (his friends) d8-e3; cf. Crito calls Socrates’ impending death a hardship to him and Socrates’ friends 43c5-8, Crito says if Socrates dies he will be deprived of a friend the likes of which he will never find again 44b5-c5, Crito worries that Socrates is considering that he will be a bother to his friends 44e2-45a3. See also what ‘the Laws’ say about enemies at 53b5 and friends at 53a8-b3, 54c5

obvious that Crito wants to harm any “enemies,” but insofar as Crito sees Socrates’ escape from jail and saving himself as getting one over on what Socrates’ enemies intended, then Crito holds to a zero-sum game of winners and losers. For Crito, if Socrates stays alive in the face of what his accusers wanted, then Socrates wins, and his enemies lose. Crito holds to a traditional Archaic Greek view, and he is not alone in holding this view in the dialogues (e.g. Polemarchus in the *Republic*).⁶⁹ But as ‘the Laws’ will make clear to Crito, he is (unintendedly? unconsciously?) treating the city as an enemy by retaliating against its unjust verdict.

Socrates’ ethical view comes out in his back-and-forth with Crito, where they examine Crito’s reasons for having Socrates escape from jail (46e2-49e8). The just action, what one ought to do, is to never commit injustice against anyone. This is a *universal* and *absolute* ethic. It is universal in scope because those whom one ought not to harm are *all people*, everyone (49c10-11 cf. 49c7-8). More specifically, Socrates’ injunction against harm is not for physical harm against bodies but is against the harming of souls—once the premise of the soul-concept is granted. Second, it is absolute because there are no exceptions. One must never commit injustice, even in the extreme case where one is harmed by someone else, one ought never to return harm with harm.⁷⁰ This contrasts with Crito’s view (49d3), which has a much smaller sphere of concern (self, friends and family); it also contrasts with the view of ‘the Laws,’ which while having a wider sphere of concern (the whole *polis*) is still more limited than Socrates’ universal ethical concern. Crito is okay with retaliating against the city’s unjust verdict in Socrates’ case and with helping him to escape from jail and from his allotted punishment. When ‘the Laws’

⁶⁹ See Harte (1999), 128-134; Blundell *Helping Friends and Harming Enemies: A Study in Sophocles and Greek Ethics* (1989). Also *Republic* 332d, 334b-336a, 362b, 382c; *Letter VIII* 352d; *Meno* 71e; *Clitophon* 410b.

⁷⁰ See the repetition of οὐδαμῶς [‘in no way’] at 49a5, b8, b11, c6 and the use of οὐδέποτε [‘never’] at 49d7 and οὐδένα ἀνθρώπων [‘no humans’] at 49c10-11. See 49b3-6, b10-c1, c10-11 and d7-9 for Socrates’ extreme test case of suffering injustice and not “paying it back.” There are no exceptions. There is no exit-clause here that somehow one might be justified in doing harm to another if it is some way just because at 49c7-8 Socrates identifies “doing harm [κακῶς ποιεῖν]” as in “no way differing [οὐδὲν διαφέρει] from committing injustice [τοῦ ἀδικεῖν].”

make Socrates' lack of equal standing with his father or master the basis for their prohibition against his striking back at them when struck by them, the implication is that it is permitted to strike back against another with whom one does have equal standing (50e7-51a1). 'The Laws' are okay with equals returning harm for harm and injustice for injustice, but in their eyes an inferior (an individual citizen) can never retaliate against a superior (a polity).

The ethical view of 'the Laws' comes out in their speech (50a-54c). They espouse a *civic* ethic. One should always either obey the laws of one's city or persuade them to the contrary. Thus, they refrain of the only two options available for a citizen: 'either obey or persuade' (51b3; 51b-c; 51e9). It's never really spelled out what is involved in 'persuading' 'the Laws.' But the scope, the power, and the authority of 'the Laws' are confined to the city, to within the walls of Athens. In fact, if one disagrees with them, there is a third option: leave the city (52b1-d6). However, while a citizen is in the *polis*, he must obey (or persuade).

I agree with Harte (1999) and see the three ethical views as representing three interconnected ethical stages.⁷¹ They operate like concentric circles, in the sense that the higher levels encompass and envelop the ones below. Let us start with the lowest of the ethical stages, the smallest circle. This is Crito's ethical concern which is primarily personal; it is the Archaic ethic of "help myself, my friends, and my family and harm my enemies." The second level is that of civic ethic of 'the Laws.' On a literary level, as we saw, the speech of 'the Laws' incorporated Crito's worries and reasons but they expanded it to include the entire *polis*. At the end of the *Crito*, Crito seems to have gone from the first stage to the second. On a practical level, a civic ethic does not preclude one from caring about one's self, one's friends, and one's family. But it does mean that there might be moments when those concerns must be subsumed under the

⁷¹ The following idea is Harte (1999), 135-6. This idea is also inspired in part by Kierkegaard's three stages of existence. See *Concluding Unscientific Postscript* Volume I (1992 [1846]), 294.

concerns for the city. For example, if there is a war, one must put aside concerns solely of “you and yours” and defend and protect the city, which means that one may have to give up one’s own life or the life of a family member or a friend in the process. The last, most all-encompassing of the ethical stages is Socrates’ absolutist and universal ethics that enjoins us never to harm anyone’s soul. This stage is not circumscribed by the walls or boundaries of the city. This is an ethical injunction for everyone and for all time and in all places. Again, this ethical stage does not preclude Socrates from being a hoplite or from physically injuring or killing people. Socrates’ ethical commitments and obligations include the ones that he owes to his city. Nor does it at all prevent Socrates from caring about himself, his friends, and his family. But there may be moments of conflict. We can imagine that there may be a law that from the perspective of Socrates’ absolutist standard may be considered *unjust*, since obeying it would cause harm to others in their souls. In these moments, Socrates will follow his obligation to the highest ethical stage, not to the second stage of civic obedience. It may seem to the Crito who comes running to the jail as if Socrates is giving up his obligations to himself, his friends, and his family by remaining in jail. But on this point, both the civic ethics of ‘the Laws’ and Socratic ethics agree. In remaining at a lower ethical level, Socrates would betray a higher ethical ideal and put that lower level into harm and jeopardy by not willingly accepting the obligations to the higher level. Socrates was able to extemporaneously come up with his performance of ‘the Laws’ on the spot. This indicates that Socrates understands and is able to produce an argument at the civic ethical level, a “social script,” which says that one owes obedience to ‘the Laws’ and city of Athens, for Crito’s benefit, even though he follows the higher ethical level of never harming people’s souls.

Although never saying the word, ‘soul’ (ψυχή), Socrates elliptically refers to it four times in the first part of the *Crito*; furthermore, ‘the Laws’ in the second part never once mention or

gesture towards the soul-concept. This arresting absence is in stark contrast to the discussion of the soul in other dialogues. I will take but one obvious example, the discussion about politics and rhetoric in the *Gorgias*. At *Gorgias* 521d6-e2, Socrates says this about himself in contrast with the rhetoricians:

I think that I'm one of a few Athenians—so as not to say I'm the only one, but the only one among our contemporaries—to take up the true political art and practice the true politics [τῆ ὡς ἀληθῶς πολιτικῆ τέχνῃ καὶ πράττειν τὰ πολιτικὰ]. This is because the speeches I make on each occasion do not aim at gratification [οὐ πρὸς χάριν] but at what's best. They don't aim at what's most pleasant. And because I'm not willing to do those clever things you recommend, I won't know what to say in court.⁷²

In the *Gorgias*, Socrates is trying to distinguish what he does from what Gorgias and other rhetoricians do. He calls their rhetoric flattery (κολακεία), since he thinks they have don't really have a science or art concerned with improving people. Instead they have a 'knack' (ἐμπειρία 462 ff.) for producing some gratification and pleasure. Socrates makes the following analogy: doctors and gymnastic trainers are the ones truly concerned with the maintenance and improvement of the body, whereas rhetoricians are like pastry-chefs. Pastry-chefs only aim to please and gratify the body short-term, but in the long-run they and their products cause serious damage. The art or science concerned with the body is two-fold: gymnastics (the preventive practice) and medicine (the curative practice). The art or science concerned with the soul, *politics*, is also two-fold: the preventive practice is legislation (νομοθετικήν), corresponding to gymnastics, and the curative practice is justice (δικαιοσύνην), corresponding to medicine (464b-c). It's important to notice that for Socrates the true art of politics (τῆς δὲ πολιτικῆς 464b7) is concerned with the soul. There cannot be a real politics without caring for souls. This concern with what is best for the souls of citizens is the mark of a true art of rhetoric *and* a true rhetorician, and also of a true politics *and* a true politician. This is what Socrates says when he

⁷² Translation by Donald J. Zeyl, slightly altered.

contrasts this ideal political speech with the current rhetoric, which only seeks to flatter:

One of these two, I suppose, would be flattery [κολακεία], as shameful demagoguery, while the other is noble: to prepare, in whichever way, so that the *souls of citizens* will be the best, and to constantly contend to say what is best, whether it will be more pleasant or more distasteful to the ones listening. But you have never seen this rhetoric, or if you are able to mention someone who is this kind of orator, why have you not shown me who he is? (503a5-3b, emphasis added)

Only Socrates practices the true political art of speaking because only he says what will better his and others' souls. One more example of what, for Socrates, is entailed in this real rhetoric and not flattery:

Isn't then towards these things that this rhetor, the skilled and good one, will look to: to the words he will apply to the *souls*, the ones which he says; and also to all his actions, and whenever giving a gift, he will give, and whenever he appropriates something, he will take it away; and towards always having this in mind: how might <the virtue> of justice come to be in the *souls* of his fellow-citizens, and <how might> injustice be relinquished; and mindfulness engendered, and be rid of licentiousness, and the rest of virtue be engendered and iniquity be expelled. (504d-e, emphasis added)

The *Gorgias*, and its discussion of politics, rhetoric, and its preoccupation with the soul, contrasts with the second part of the *Crito*, the speech of 'the Laws.' It makes their missing talk of the soul all the more striking. If the true art of politics is concerned with the soul, then why don't 'the Laws' ever mention souls? However, the same point can be made with any number of dialogues.⁷³ Plato deftly blends concerns with what we would call moral psychology and politics. So, what is going on? What do 'the Laws' represent? Someone may object and say that what 'the Laws' are arguing for in the *Crito* is a contrast between obedience and disobedience. But one of the main benefits conferred by the laws to humans is the improvement of their souls, which is a major Platonic theme in many other dialogues; so, their silence on this matter is quite arresting.

⁷³ See *Apology* 29e-32b; *Protagoras* 312b-314b, 351b; *Phaedo* 66b-68e, 79d-84b; *Theaetetus* 173a, 185c-187a; *Sophist* 227c-231b; *Republic* II.366d-7a, IV.434d-445b, VII.532b-533d, IX.586a-587a, X.609b-612c; *Laws* I.649b-650b, V.726a-744a.

Socrates' imitation of 'the Laws' suggests that in the first part of the *Crito*, he failed to rationally convince Crito of his absolute and universal ethics. Crito did not understand and could not answer Socrates' critical question, so Socrates switches tactics. Since he was unable to bring Crito to his view through logical argumentation, Socrates, in the second part, speaks in the voice of 'the Laws' in order to move Crito's soul to a more just position (but not an absolutely just position), to a civic justice or virtue. Socratic *mimēsis* in the *Crito* is very similar to what Socrates ascribes to the art of true rhetoric in the *Phaedrus*.⁷⁴ There Socrates defends an art of rhetoric as *psuchagōgia*, soul-leading through discourse.⁷⁵ In the *Crito*, Socrates uses *mimēsis* as *psuchagōgia* to persuade Crito to abandon his Archaic personalist ethics of benefiting self, friends, and family and harming one's enemies. Socrates leads Crito's soul away from confusion, anger, resentment, and injustice toward a more reconciled, calm, civic justice. Socrates uses *mimēsis* as protreptic and *psuchagōgia*, as a way of turning Crito away from evil and ignorance and *towards* (though not necessarily) the good and knowledge. Socrates seeks the education and edification of Crito. Socrates is like a physician of the soul, to employ a metaphor he himself likes to use.⁷⁶ He gives Crito a kind of curative therapeutic intervention, which acts as a kind of purge (similar to the Corybants). It is a purification of Crito's dis-eased mind and soul, and Socrates leaves in its place a soul *more* at ease and closer to justice.

The use of comparatives is necessary because Socrates cannot take Crito immediately all the way out of his darkness and into the light. In the first part of the dialogue, Socrates attempts a more rational means of persuasion. He tries to bring Crito to his position solely through the question-and-answer of dialectic. But at the critical moment when Socrates asks Crito a question

⁷⁴ See *Phaedrus* 261a-b; 269c-d; 270d-272e; 276a-278d.

⁷⁵ *Phaedrus* 261a, 271c.

⁷⁶ *Protagoras* 313a-e; *Charmides* 155d-158, 175d-176b. See also the discussion of 'noble sophistry' by 'the Stranger' in *Sophist* 230a-231e.

and Crito cannot answer, Crito fails the test. Socrates then turns to a second-best option of using *mimēsis* as a way of convincing Crito onto a better course.⁷⁷

Socrates thus puts on a show that is meant to persuade Crito, but Socrates' *mimēsis* convinces in a way that is quite different from Socrates' more rational and objective back-and-forth method of asking questions and seeking his respondent's assent. Instead, 'the Laws' give Crito an overwhelming, nearly uninterrupted speech that appeals directly to all of Crito's commitments. It is in part an emotional appeal, but it also tries to use Crito's own reasons, words, ideas and concepts to try to get him to see the Laws of Athens as an authority figure worthy of proper respect and obedience. But when listeners or readers of the *Crito* go back to, interrogate, and investigate the speech of 'the Laws,' they find certain inconsistencies, which should make them question the character and authority of 'the Laws.'

Crito's failure is supposed to be instructive *for us*. Plato represents Crito's failing, but that does not mean that we must follow Crito. Socratic *mimēsis* is an opportunity for Platonic pedagogy of the listener/reader. Crito fails to answer Socrates' critical question at 49e9-50a3, which instigates Socrates' *mimēsis* of 'the Laws,' but he also fails to properly respond to Socrates' imitation as well. He just passively accepts what Socrates says as 'the Laws' without questioning or examining what it. We, who engage with Plato's dialogues, must undertake to interrogate and analyze Socrates' words, especially when they come explicitly from the voice of a created character and not Socrates speaking in his own voice. We know that

no *logos* is worth much effort to be written down or to be spoken in the manner of rhapsodes, that is, '*without interrogation or teaching for the sake of persuasion*'...and a poet or lawgiver or speech writer who '*composed knowing how it stood with the truth, is capable of coming to the aid of what he has written, undergoing an elenchos with regard to it.*'⁷⁸

⁷⁷ For second-best, *deuteros plous* see *Phaedo* 99c9; *Statesman* 300c2.

⁷⁸ Gonzalez "The Hermeneutics of Madness," (2011), 106 emphasis added, quoting *Phaedrus* 277e6–9, and 278d8–e2. See the epigraph to this chapter.

We must submit ‘the Laws’ to a thoroughgoing questioning, an *elenchos*.⁷⁹ This is the aim of this chapter. As J.B White puts it,

The [*Crito*] at once stimulates and frustrates the reader's own desire for an authority external to [him/herself]. We want Plato (or Socrates) to tell us what authority the law has, and a part of us wants this to be very great indeed; but he will not do that and offers us instead contradictory and paradoxical movements of the mind, with respect to which we can locate ourselves only by becoming active, affirming and rejecting the various claims from our own point of view; as we do this, we find our affirmations and rejections are themselves subject to challenge.⁸⁰

This chapter puts the “contradictory and paradoxical movements” of the *Crito* through an *elenchos*; and it argues that Plato represents Socrates’ *mimēsis* of ‘the Laws’ as being *discontinuous* from Socrates’ own thinking, but as also as still arising from and coming forth from Socrates. So, there must be some sense in which the view of ‘the Laws’ somehow coexists in the mind of Socrates with those views that are properly his own. The work of the listeners/readers becomes that of distinguishing Socrates from ‘the Laws,’ and, in effect, they end up imitating a questioning and anti-authoritarian stance.

The differing notions of ‘harm.’

Consistent with their differing ethical perspectives, Crito, Socrates, and ‘the Laws’ have differing views on *harm*. Both Crito and ‘the Laws’ lack a soul-concept, and so their ethical outlooks reflect this missing commitment. According to Crito’s traditional Athenian personal ethic of ‘help your friends, family, and yourself; and harm your enemies,’ δίκη is interpreted as *justified*. He thinks what he is doing (trying to help Socrates escape) is *justified* by the circumstances. Crito is not fully thinking about what is right or correct, as what is in line with the virtue of justice. He is more concerned with what is customary. He wants to maintain his

⁷⁹ For a great example of this questioning of the *Crito* in a different medium see the podcast of “The Partially Examined Life” Episode 149: “Crito.” The discussants there don’t arrive at my conclusions but they bring up many of the questions, problems, and themes that Crito the character leaves unexplored. (last accessed June 2017)

⁸⁰ J.B. White (1994), 49.

reputation, his standing, and, if possible, his property (48c). When Crito considers harm, for him, it is mainly bodily or material harm. Crito would lament the loss of external goods (e.g. children, money, his friend). One could object and point to Crito's obsession with other people's opinion of him as implying some kind of harm beyond the bodily. But even here, Crito conceives of reputation almost as something observable, material, transferable, and fungible.⁸¹ Reputation and the opinion others have of you is something you *do* publicly for all to see. Harm, for Crito, then is the material damage to, or the taking of, one's body or goods (44e).

Socrates' absolutist and universalistic ethics dictate that it is *never* (absolute temporal scope, no exceptions) right to commit injustice to *anyone* (prohibits harm universally, to all) (49b-c). Socrates comes up with an extreme case to test this, he imagines suffering an injustice at the hands of another, and then says that even then, one ought not to return injustice in kind (49b-d). It is important, however, to interpret 'harm' for Socrates here correctly; one must take on the somewhat-concealed soul-concept Socrates operates with. If we do, then we ought never to harm, or commit an injustice, to anyone's *soul*. For Socrates harm is *psychological*, having to do with soul, and it is not bodily or material. That's the real reason why Socrates himself will not escape from jail: if he did, he would harm his and others' souls. He's not afraid or anxious of losing his body or his life because he knows that there are fates worse than death. Socrates sees δίκη as doing the virtuous thing, doing the absolutely right thing as regards souls.

'The Laws' have a civic ethic. 'The Laws' only care about whether you obey them or persuade them. And if you don't do either, then you are destroying and harming them and the city. Socrates via his *mimēsis* of 'the Laws' is seeking to expand Crito's small, personal sphere of concern to include the entire city and its laws. 'The Laws,' thus, interpret δίκη as what they (the laws) have dictated as just. But 'the Laws' sense of what is just and right ends at the city's

⁸¹ Vasiliou (2008), 62.

limits. They don't make claims on other cities' citizens. 'The Laws' are not interested in individual citizens' harm as it affects them "personally," but only insofar as the injury represents an attack on them, and the political collective. In fact, in their speech, 'the Laws' emphasize how the individual citizen ought to submit to any number of possible physical harms in order to preserve the polity, e.g. to be beaten, to be bound, to be led into war, to be wounded or to die (51b5-6).

These are all passive ordeals; these are some of the things a citizen undergoes in obedience to the laws of a city. So, for 'the Laws,' the just thing is for Socrates to remain in jail, to suffer and undergo his legal fate (capital punishment).⁸² For Socrates, harm is active. We must always be careful lest *we* actively harm our own or other's souls. It is we who commit the injury. Likewise, *not* doing injustice is an active choice it is not just a passive absence of injustice, but a difficult choosing of what the most virtuous action is. Socrates' own rationale for staying in jail would emphasize this aspect, his actively choosing the most just action over *not* actively harming his own and others' souls (e.g. Crito's; his sons'; his students'; the souls of those who would come after and look to Socrates as a model; even our souls—we the readers and listeners of Socrates' story).

Socrates' *mimēsis* of 'the Laws' performatively contradicts their position

When interrogated, Socrates' mimetic performance, his role-playing of 'the Laws,' undermines and contradicts the content of what is said by 'the Laws.' This is a formal feature of Socrates' argument. It is not *formal* in the sense of formalizing an argument, its premises and conclusions, into a logical structure. But it is formal in that one must pay close attention not just to the content of the speech of 'the Laws' but also its formal qualities (e.g. Socrates himself as the very condition of possibility, the necessary ground, for the speech itself; Crito as its intended

⁸² See DeFilippo (1991), 257–60; Vasiliou (2008), 83.

internal audience vs. the wider, external Platonic audience), as well as to its philosophico-literary form. In fact, these elements are “extra-logical.”⁸³ They appear at the junctures and interstices of what is said and what is not said. Sometimes they are difficult to formalize because they involve aspects that resist a formal logical treatment (e.g. self-reference or reflexivity; arguments from silence; the representation of multiple levels of discourse, which requires tracking the interplay between object-language and meta-language; etc.). The fiction Socrates creates and impersonates, ‘the Laws,’ expose by contrast the laws in reality in three ways. First, his performance expresses without explicitly stating the answer to a question omitted by ‘the Laws’ themselves, ‘Where do you come from?’ Socrates’ poetic creation of ‘the Laws’ reflects and reveals that it is humans who are the creators of laws. Second, Socrates’ role-playing will instill in Crito a political illusion: that the laws of a polity are a single, unified collective entity, speaking in one voice and acting with one intention. Although it is a misrepresentation of laws, it is a useful fiction for having a sense of faith in the fairness and justice in political institutions, like the assembly and lawcourt. Third, ‘the Laws’ argument is directed specifically *to* and *for* Socrates. Laws, however, by their very general nature have universal scope (they address themselves to all citizens), they do not target individuals, but “speak” to the whole body politic.

A modern-day trial lawyer would say that the accusation leveled by ‘the Laws’ towards the end of their speech, “But, now, you are going away having suffered an injustice [ἀλλὰ νῦν μὲν ἡδίκημένος ἄπει]—if you go away [ἐὰν ἀπίης]—not by us ‘the Laws’ but by humans [οὐχ ὑφ’ ἡμῶν τῶν νόμων ἀλλὰ ὑπ’ ἀνθρώπων]” (54b8-c1), ‘opens the door’ to a line of questioning concerning the relationship between humans and laws. What is the appropriate responsibility borne by the laws themselves in contrast to humans for an (legal) injustice? Why should humans bear all the guilt and the laws none?

⁸³ I owe this expression to Gerald Press (in conversation).

In their speech, ‘the Laws’ present a fundamental asymmetry between the laws themselves and individual citizens; however, this means that at the very foundation of their theory of justice is *inequality*. Aristotle will spend most of Book V of the *Nicomachean Ethics* arguing for justice as fairness, as a kind of equal measure between people. Aristotle might be beside the point, but someone might object, “Are not the laws of *any* polity on an unequal relation with its citizens? ‘All citizens are all equal before the law,’ but that means that the law stands above and beyond any and all individuals. It is just this inequality of the law to its citizens that guarantees our rights by transcending individual particularities.” I would agree with these points on the whole, but one must remember that ‘the Laws’ are only making claims and demands about justice on *Athenian* citizens, their authority and power end at the end of the walls of Athens. One should also ask them a question which remains unanswered: ‘Where do you come from? What are your origins? Who gave birth to you?’ They never ask or investigate how or where laws themselves come from.⁸⁴ In their oration, ‘the Laws’ claim to be the real progenitors, the real parents, of Socrates (and by implication, all citizens 50c-51c). Who, however, in turn, made them? At 51a8-9, right before the tricolon of verbs mentioned above, ‘the Laws’—using a tricolon of comparative adjectives—claim that, “the fatherland [πατρις] is more honored [τιμιώτερόν], more revered, and more holy [σεμνότερον καὶ ἁγιώτερον] than all [sc. of Socrates’] ancestors [τῶν ἄλλων προγόνων ἀπάντων].” But this response about relative honor, reverence, and holiness doesn’t answer the question about the origin of the actual laws of Athens or about the origin of the character Socrates creates, ‘the Laws.’

Ten times ‘the Laws’ accuse Socrates of ‘destroying us’ or ‘trying to destroy us.’⁸⁵ In one

⁸⁴ See Glaucon’s speculative genealogy of law in the *Republic* (II 358e-359c), or Callicles’ theory of the law as instrument of the many who are weak to control the few who are naturally strong (*Gorgias* 482e-484c). See also *Minos* 313a-318c) and *Hippias Major* (284e-285c). A forerunner may have been Antiphon DK 87A44 A.

⁸⁵ *s.v.* fn. 44.

of these recriminations, ‘the Laws’ come close to making a conceptual link between humans and laws. At 53c1-3 ‘the Laws’ say, “For whoever is a destroyer of laws [ὅστις γὰρ νόμων διαφθορεὺς ἐστίν] might especially be thought [σφόδρα που δόξειεν ἄν] to be a destroyer of young and ignorant people [νέων γε καὶ ἀνοήτων ἀνθρώπων διαφθορεὺς εἶναι].” Here the implication is that the destruction of laws leads to the destruction of the young and the ignorant, but ‘the Laws’ never discuss the converse. What relation do ‘ignorant people’—especially in the form of ‘the many,’ who make and decide the laws in a democracy—have to the laws?

This is never addressed or answered *directly* by ‘the Laws,’ but Socrates’ *mimēsis* subtly answers the question, by showing but not telling us. Socrates creates the character of ‘the Laws.’ He is the poet and progenitor of them, and, thus, of their words and their actions. Socrates’ production of ‘the Laws’ mirrors what human beings do: they create and invent the laws of a polity.⁸⁶ Humans are fundamentally responsible and answerable for the good and the bad in their laws. I’m not claiming that Socrates’ *mimēsis* overturns the asymmetry of ‘the Laws’ and grants priority to humans over laws—he does represent himself as being subordinate to them—but I am claiming that in poetically producing (ποιεῖν) ‘the Laws,’ Socrates illustrates the role humans have in constructing their laws. We might say, to refashion Marx, that humans create their own laws, but they do not make them completely as they please; they do not make them under self-selected circumstances, but under already existing laws and circumstances, given and transmitted from the past.⁸⁷

⁸⁶ Cohen (1995), 49 talking about Plato’s *Laws*: “The paradox of Plato’s ‘rule of law’ [in the *Laws*] is that, although he repeatedly insists that the true rule of law only comes into existence through the voluntary compliance of free citizens, after they have adopted his constitutional scheme these citizens are educated so as to ‘forget’ this. Their crucial role in the foundation of Magnesia is glossed over by education in the collective fiction of ‘sovereign’ laws, which leads them to believe that they are servants or slaves of the personified and sanctified Laws which rule above them.”

⁸⁷ Marx (1999 [1852]) “The Eighteenth Brumaire of Louis Bonaparte.” <https://www.marxists.org/archive/marx/works/1852/18th-brumaire/ch01.htm> (last accessed May 2018)

A democracy is “a government of the people, by the people, for people.”⁸⁸ It is ultimately, ‘the people’ that should be held accountable for their laws. The missing character in the speech of ‘the Laws’ is ‘the people’ (*dēmos*) or ‘the many.’ So, although ‘the Laws’ never discuss the human basis of laws or ‘the many,’ Socrates’ *mimēsis* represents and reminds us that the people are the agents behind the laws. ‘The many’ are the ones that weighed so heavily on Crito’s mind in the first part of the dialogue. In a short dialogue, Crito refers to ‘the many’ or ‘to others’ six times; and in order to argue against Crito, Socrates refers to them eleven times.⁸⁹ It’s not just ‘the many’ or ‘the others’ that is at issue, but also their opinions or beliefs. Crito cares about his reputation, and about what others or the many, may think about him. Socrates wants to disabuse Crito of his reliance on the opinion of the many (46d ff). One should instead seek out a master or an expert on the subject (47a ff.), and if one cannot find this person then as a second-best option one should follow the reasoning—that results after a lengthy self-examination—which appears best to one (46b6-8; 48c1-2). Crito’s slavish concern with what the many think leads him into contradictions. For example, it was the many (the majority) of the jurors in the courtroom who decided and sentenced Socrates to death; but it was also ‘the many’ of Athens, Crito tells us, that expect that Crito and his friends will save Socrates’ life and flee Athens (44b9-c2; 45e1-3; 45e5-46a1). This contradiction, first handing down a death sentence and then expecting that the guilty person will abscond, demonstrates the fickle nature of ‘the many’ and explains Socrates’ quote at 48c4-6: these “speculations [σκέμματα] belong to those who, with no thought whatsoever [οὐδενὶ ξὺν νόῳ], kill easily and would bring <someone> back to life [ῥαδίως ἀποκτεινόντων καὶ ἀναβιωσκομένων γ’ ἄν], if they were able to [εἰ οἷοί τ’ ἦσαν]; these are ‘the

⁸⁸ <https://www.usconstitution.net/getty.html> (last accessed October 2017)

⁸⁹ Instances from Crito: ἄλλοι (43c1); πολλοῖς (44b9); δόξα... οἱ πολλοὶ (44c2-5); τῆς τῶν πολλῶν δόξης (44d1-2); μὴ δόξη (45e1-2); δοκεῖν (45e6-46a1). Instances from Socrates (in response to Crito): οἱ πολλοὶ (44d6); τῶν δοξῶν ἅς οἱ ἄνθρωποι (46d9-e1); πάσας... τὰς δόξας τῶν ἀνθρώπων (47a2-3); μὴ τοὺς τῶν πολλῶν (47b5-7); τοῖς ἄλλοις (47b11); τοὺς τῶν πολλῶν λόγους (47c1-3); τῆ τῶν πολλῶν δόξη (47c11-d1); μὴ τῆ τῶν ἐπαϊόντων δόξη (47d8-9); τῆς τῶν πολλῶν δόξης (48a8-10); οἱ πολλοὶ (48a11); τούτων τῶν πολλῶν (48c6); οἱ πολλοὶ (49b3).

many' [τούτων τῶν πολλῶν].”⁹⁰ In the case of Socrates’ trial, the guilty death sentence handed down by ‘the many’ (the majority of the jurors) was an expression of law, concerning capital crimes.⁹¹ In a court case, the jurors are the law. On juries the people *are* identical to the law, in the sense that their decision is the legal outcome of the trial—they are the expression of the law.⁹² As Lycurgus of Athens says of Athenian jurors [*dikastai*]: “you should not be only judges of the crime, but also lawmakers (*nomothetai*).”⁹³

Socrates’ engendering of ‘the Laws,’ thus, performatively undermines the asymmetry advocated by ‘the Laws’ and reveals their silence on the question of ‘the many.’ Socrates represents ‘the Laws’ as arguing selfishly; they want to foist all culpability for injustice onto humans and at the same time they want to take responsibility for all of the positive benefits conferred by laws. But the relationship between laws and humans is more reciprocal and coequal than ‘the Laws’ had advanced in their uninterrupted epideictic speech. By having Socrates be the “author” of ‘the Laws,’ Plato reminds the listeners and readers of the *Crito* that it is human beings who are the authors and authorizers of laws in general, and in this particular case it is the majority of Athenians, the *dēmos*, that were the authority for the decision in Socrates’ trial. Only at the very end of the speech of ‘the Laws,’ do ‘the people’ come back at all. Throughout their speech, ‘the Laws’ specify all the benefits granted to citizens, all the ways they positively affect their human wards (50d1-3, 50e2, 51c8-d1). But ‘the Laws’ only once talk about their possible negative effects, that is their liability to make mistakes: they say, “neither obeying nor persuading us, if we don’t do something nobly” (51e7). In fact, they avoid taking *any*

⁹⁰ Plato could also be referring to the vote concerning the destruction of Mytilene in 428-7 BCE (see Thucy. 3.36-49) or he could also to the vote to try, convict and execute all the generals from the battle of Arginusae in 406 BCE, which the Athenians later regretted (see Xenophon *Hellenica* 1.7.1-35).

⁹¹ See Ober (1989), 145-148.

⁹² ‘The Laws,’ though, seem to want to distinguish very sharply between themselves and humans, see 54b8-c1.

⁹³ (1.9) quoted in Edward M. Harris’s “Law and Oratory” in *Persuasion: Greek Rhetoric In Action* (ed. Ian Worthington 1994), 139. See also Lysias 14.4; Demosthenes 19.232.

responsibility for Socrates' legal judgment: "But now you are going away, if you go away, having been harmed not by us 'the Laws' but by humans" (54b8-c1). How are 'the people' guilty of a mistake, of harming Socrates, but 'the Laws' are blameless? They implore Socrates to "Obey or persuade us" (51b2; 51b7-c1; 52a1), but they never spell out what 'persuading 'the Laws'' might mean or look like. This is because laws cannot really be persuaded, but the minds of individual citizens in the assembly can. (The idea of 'persuading the laws' is a fiction, one can only convince the minds of one's fellow citizens in a democracy). Demosthenes sums up this thought well:

And what is the strength of the laws? If one of you is wronged and cries aloud will the laws run up and stand at his side to assist him? No. They are only letters [*grammata*] and incapable of such action. Wherein resides their power? In yourselves, if only you support them and make them all powerful to help him who needs them. So, the laws are strong through you and you through the laws.⁹⁴

So, the real actors, agents, and progenitors behind the laws are humans. But the mass of humanity, as Plato knew, was liable to err in their ethical judgments, especially at critical moments. As Josiah Ober puts it,

it is not Laws in the abstract that must be persuaded, but rather masses of ignorant, ideological lawmakers who must be convinced by the sort of public address that Socrates assiduously avoided.⁹⁵

In fact, in Socrates' pivotal question to Crito, he qualifies the "if we are going away from here" with "not having persuaded the city" (49e9-50a1). Perhaps, another puzzling aspect for Crito of Socrates' crucial question is that he doesn't know what 'persuading the city' might mean. How does one persuade the city? It seems as difficult, and identical to, persuading 'the majority.' Throughout his life, Socrates' *daimon* prevented him from participating in public politics, and

⁹⁴ (21.224-25) quoted in Cohen (1995), 56. Cohen also quotes Weinreb (1987), 59 saying that "[he] points out that the law cannot 'rule'; it is "neither spontaneous, nor self-executing, nor immune to change; its creation, administration, and interpretation are invariably acts of human agency." See also Demosthenes (42.15): "save those who believe that the voice of the laws is your [the people's] own voice." quoted in Ober (1989), 300.

⁹⁵ Ober (2001), 188-189.

from speaking demagogically (*Apology* 31d-e). But when he was forced to speak before a jury in his own defense, he was not able to persuade the amassed crowd, or he was not willing to do what he knew persuading a majority would have required. When Crito comes to Socrates in jail in a panic because he thinks Socrates will be executed the day after, Socrates is not able to convince Crito rationally with his own arguments in his own voice. In order to persuade Crito, Socrates creates and acts out the role of ‘the Laws.’ Perhaps Socrates cannot persuade ‘the many,’ but he tries to persuade a lone, troubled friend, whose soul is in the grips of the opinion of ‘the many.’ ‘The Laws’ maintain they gave birth to Socrates, but they never say anything about their origins. Socrates shows us that since he is the creator of the character, ‘the Laws,’ analogously it is human beings who are the creators of laws, and it is humans who should, ultimately, be held responsible.

There is a second performative contradiction in Socrates’ acting out the role of ‘the Laws.’ Socrates personifies the laws, and by giving himself over to them as ‘the Laws’ he makes the various multiple laws of the city appear, think, and speak, as a single, individual, unified entity. But this is a gross simplification and misrepresentation. We can abstract an idea of ‘the Laws’ of a city, but really the laws of a polity are much more variegated, often conflicting, if not outright contradictory than are supposed by Socrates’ representation, with a single voice, a single intention.⁹⁶ If the laws of a polity were really united into a single consciousness and made to speak as a single person, it would be a much more fractured, almost schizophrenic, entity with multiple personalities.

To see the conflict of law better, take the example mentioned above of the courtroom where the jury is the law. In Ancient Athens there were no established (legal) definitions. As

⁹⁶ On the possibility of an ancient Athenian law conflicting with itself or another law see Aristotle’s *Rhetoric* 1375b9 ff. See also Harris (1994), 140 talking about Aristotle’s *Rhetoric*: “a litigant can point to conflicts among the laws, draw attention to ambiguous wording, or argue that a law is obsolete.”

Ober, talking about late-fifth/early fourth century Athens, points out:

Athenian law was overwhelmingly procedural and left the definition of important terms (e.g., *asebeia* [impiety], *hubris* [abuse]) up to the litigants and jurors... [Socrates] regards it as possible (indeed, likely) that the particular jury will decide substantively wrongly, having employed erroneous definitions in its judgments.⁹⁷

One can see the so-called ‘dialogues of definitions,’ where Socrates interrogates his interlocutor as to the definition of some key term (e.g. piety, courage, the beautiful, mindfulness, justice, etc.) as a counter-practice to the ancient Athenian legal model of *not* defining important legal terms. The meanings of crucial terms used in trials were not discussed and deliberated on by the jurors. They used implicit, assumed, and taken-for-granted definitions in deciding cases, and worst of all from a Socratic perspective, they did not debate among themselves about the sense of those words, nor about their individual reasonings toward a verdict. Socrates’ habit of asking his interlocutors, ‘what is x?’ (where x is some important term) is a way of bringing out, of making explicit, what our presumed ideas, and interpretations of those terms actually commit us to. Imagine deciding the fate of person accused of a capital crime and not really knowing or understanding the crucial term of the charge, like impiety. Every single one of the jurors could have a different interpretation, meaning, and definition of the word. This would mean that the jurors in the courtroom, as representatives of the law itself, would be at odds with each other without any means of coming to a consensus, and the law would be in conflict with itself. In his portrayal of ‘the Laws,’ Socrates does not represent the reality of contradictory laws, but the illusion of a unified body of laws speaking and acting as if it were a single, rational agent. On one level, the performance works well, in that it seems to convince Crito; but on another level— from the perspective of possible listener/reader in the Academy—Socrates’ performance should raise various questions and concerns of the type being enumerated here.

⁹⁷ Ober (2001), 187n. 59, emphasis added. See also Cohen (1995), 189-190.

However, *if* we do grant ‘personhood’ status to laws, *then* Socrates’ character of ‘the Laws’ is a terrible moral exemplar. First off, they admit that Socrates’ verdict is unjust and yet they never address Socrates’ earlier indictment (said in his own voice) that “the city committed an injustice to *us* and didn’t judge the case correctly” (50c1-2). The city, its citizens, and its laws (as an expression of its collective judgment) are committing an injustice in putting Socrates to death. From a higher philosophical vantage point, one can see that Socrates’ ‘the Laws’ are, thus, not an adequate or accurate representation of the laws of Athens. Furthermore, they are rather an intentional distortion, aimed to make them look better and more attractive to Crito. The fictionality of Socrates’ character of ‘the Laws’ reflects the fiction of the laws of a polity as a single, unified institution.⁹⁸ It is a necessary illusion that most ordinary citizens must take as holding. It can be destabilizing to think that the legal and political order of a polity is actually constituted by rivalling factions, parties, and interests. If Socrates is trying to persuade Crito to trade his vengeful personal Archaic justice for a civic justice, then Socrates will try to represent the laws in the best light possible, going so far as to cover up their plural and divided nature. But Plato must balance trying to make ‘the Laws’ attractive enough to Crito (and even to some listeners/readers of the *Crito*—like Continuous interpreters) with giving the listeners/readers of the dialogue enough textual clues and details to show that ‘the Laws’ are not fully compatible with Socrates’ own ethical views (those discussed in the first part of the *Crito*).

The conflicts that result in the interpretation of law shows us another element that is missing in the legal sphere that Socrates laments in his own voice in the discussion in the first part of the *Crito*: an expert (47a-d). In Ancient Athens there was no modern-day equivalent of

⁹⁸ For a similar view about laws as necessary fictions in Platonic political/legal philosophy as a whole see Cohen (1995), 44: “It is this belief [that the laws once accepted cannot be altered] that I refer to as the ‘fiction’ of personified sovereign laws, or the capacity for ‘forgetting’ that the rule of law ultimately depends upon the rule of men and women.”

our contemporary courtroom judges, or of a ruling legal expert, as well as no standards to set facts.⁹⁹ If we walked into ancient Athenian courtroom, probably one of the most visually conspicuous absences would be the lack of a single, expert judge: some *one* official who rules on legal matters, who sits in the center of the courtroom, and to whom all the people involved would have to show deference.¹⁰⁰ Instead, cases were decided by hundreds of juror/judges (δικασταί) assigned by lot and who, controversially for some Athenians (like Plato), were paid a daily-stipend. This practice was instituted by Pericles. One can only imagine the variety of men that constituted a jury. It was a real display of true Athenian Democracy. For democratic supporters, it was a proud illustration of a democratic praxis; for opponents (like Plato), it was an embarrassment and a living counterexample to the claim of democracy as the best political system.¹⁰¹ Talking about how the practice of law in fifth and fourth century ancient Athens was often ‘lawless law,’ Paul Woodruff says:

This lawlessness is a consequence of a procedural defect: Athenian courts did not rigorously mark off findings of fact from findings of law; there was no judge to give the jury clear standards against which to set the facts.¹⁰²

There two differences from modern law: (i) the lack of an expert-judge to give (ii) clear standards distinguishing findings of fact from findings of law. One can only imagine that Plato’s experience with Socrates’ trial, the chaos of that courtroom and the judges’ lack of expertise (especially in moral and ethical matters) affected, in part, his portrayal of Socrates as seeking the moral expert—so sorely lacking not only in Socrates’ affair, but in Athenian courtrooms more generally. Second, findings of fact were muddled together with conclusions of law. In the Athenian courtroom, long, passion-stirring speeches from the dueling litigants was the standard

⁹⁹ Woodruff (1983), 96.

¹⁰⁰ On ancient Athenian law see Cohen’s *Law, Violence, and Community in Classical Athens* (1995).

¹⁰¹ For the social composition of ancient Athenian juries see Ober (1989), 141-149 [III.E.4].

¹⁰² Woodruff (1983), 93.

practice. (These forensic speeches were similar in form to the nearly uninterrupted epideictic speech of ‘the Laws.’) For us, it would be as if there were only opening and closing statements by the defense and the prosecution. Yes, while there were other ancient legal “procedures,” like the torturing of slaves, the primary means of seeking justice in ancient Athens was by forensic speeches. It would be as if there was no way for jurors to separate-out and check what the plaintiff or the defendant said happened with what *really* was the case. The evidence (the supposed facts) given in an ancient legal case was from partisan, interested parties who would try to make whatever ‘facts’ *appear* best to their own cause.¹⁰³ The lack of a moral/political expert in the courtroom links Socrates’ search for the expert in the first part (and implicit criticism of Ancient Athenian legal practice, which lacked experts) with the false representation of ‘the Laws’ in the second part as the single, adept expert, when in fact the law should rather be more accurately seen as consisting of multiple, competing and conflicting views.

This reality in the practice of law in ancient Athens A.E. Allen names “lawless law” because the law was infected with popular morality.¹⁰⁴ And yet, how different is this from today? How often does one read or watch the news to hear of politicians and citizens trying to create or abolish laws based on social *mores*? Popular morality in law is a feature, not a bug. However, it is just this feature of law that Plato will criticize in the *Crito*. One should distinguish between an idealized, ideal law and non-ideal, that is, actual real laws. Most Continuous interpreters think of the law as coextensive with the just and believe in an ideal law. Ancient juries placed much weight on litigants *as* individuals in their legal reasoning; that is, they would judge people’s personalities, their character. But faith in an ‘ideal law’ turns the law into something much more abstract, generalized, and universalized (one could dare say, Kantian) than was actually the case

¹⁰³ In the *Theaetetus* 201a-c and *Phaedrus* 272d-273c, Socrates criticizes just this kind of ‘knowledge,’ based on ‘the likely,’ used in courtrooms from hearsay and testimony in courtrooms.

¹⁰⁴ R.E. Allen (1972), 566-7.

in ancient Athens. An ideal law is one that, perhaps, is never realized in the actual world but exists nonetheless in thought or imagination.¹⁰⁵

One could argue against my interpretation (that Socrates by representing ‘the Laws’ as unified performatively contradicts the conflicting nature of real laws) by saying that my interpretation is too general. It would apply not only to Socrates’ mimicking the laws but to anyone who tried to represent them. Can no one represent the laws as an authority? Is the reality of Athenian law, as I have described it, unrepresentable? I would argue that there may have been a way to depict the laws in ancient Athens, but it could not be done by a single person, it would have to take the form of a chorus. In addition, the chorus representing the laws should not sing and dance—as was the custom—in complete harmony as a single unified group, but there should be various discordant camps each dancing to their own tune to symbolize the various parties and interests in the laws. It is telling that although there are various representations of aspects of the law, like blind *Themis* with scales of justice, the goddess *Dikē*, or *Eunomia*, and there were representations of *Demokratia* and the *Dēmos* on stage, the laws (*nomoi*) were not often represented and it is likely that the personified laws are Plato’s poetic innovation.¹⁰⁶ It is worth mentioning that whereas for us the laws may often seem disembodied and abstract, for the ancient Greeks, “Statute law emerged in the middle decades of the seventh century in the form of written laws inscribed on surfaces like stone (on temple walls and *stelai*) and wood (on boards or panels); and these inscribed laws were always displayed in the state’s most public spaces.”¹⁰⁷ There was a materiality and an embodiment to laws of a city in Ancient Greece.

The last performative contradiction is that Plato has Socrates represent ‘the Laws’ as

¹⁰⁵ This ideal law is open to the same criticism leveled against Thrasymachus’ ideal ruler, that is the ruler in the ‘precise sense,’ in Rep. I 339d-341b)

¹⁰⁶ See Farenga *Citizen and Self in Ancient Greece Individuals Performing Justice and the Law* (2006) and A. Smith *Polis and Personification in Classical Athenian Art* (2011).

¹⁰⁷ Farenga (2011), 263.

making a personal appeal to the character of ‘Socrates’ within the drama that Socrates stages for the sake of Crito; their argument is *ad hominem*, it is not a general or universal one, but it is aimed specifically at ‘Socrates.’¹⁰⁸ Their entire oration is directed at ‘Socrates’ and they address ‘Socrates’ by name twelve times.¹⁰⁹ I’m *not* suggesting that ‘the Laws’ are proposing that only ‘Socrates’ or only philosophers need to obey them, but I am pressing that the *form* of their argument is personal and particular. What is so contradictory about this? Well, as Aristotle notes in *NE* V.10: the law is of the general and speaks universally (καθόλου).¹¹⁰ That is, it is in the nature of law that it speaks generally, it cannot speak singularly or make exceptions.¹¹¹ It always operates with the universal quantifier; ‘*all* citizens ought to obey this rule.’ So here although the laws normally speak at the universal level, ‘the Laws’ are making an individualized argument and claim on the person of ‘Socrates.’ Someone *could* easily take the speech of ‘the Laws’ and ‘rationally reconstruct’ it so that their assertions are made as generally incumbent on all citizens. But the way that they speak, their style, is based on their personality and, more importantly, they make their argument personally *for* ‘Socrates.’ Take an example from the beginning of their speech, ‘the Laws’ say to ‘Socrates,’

Come on, what are the charges [τί ἐγκαλῶν] to us and to the city, such that you are trying to destroy us? In the first place, didn’t *we* engender you, and through us, your father married your mother and they produced you? Therefore, tell us what you find fault with in us, in those laws concerned with marriage (50c9-d5).

This is a particular query aimed directly and individually *at* ‘Socrates.’ ‘The Laws’ are setting up a confrontation with ‘Socrates,’ almost of a legal nature, with their use the term “charges

¹⁰⁸ I owe this point to Vasiliou (2008), 78-79. He cites Kahn (1989), 35-36 and Vlastos (1974/1995), 42.

¹⁰⁹ 50a4, a9, c4, 51c6, 52a4, b1, 53a6, b5, c6, d1, e3, 54b2.

¹¹⁰ 1137b14 ff.

¹¹¹ See Aeschines 1.87-89; Demosthenes 23.86 Also the ninth table in the twelve table of Roman Law (450-449 BCE) specifically prohibits the passage of laws against specific individuals. See also the idea of *Isonomia*, the equality of rights. In Thucydides’ *The History of the Peloponnesian War*, Pericles says (2.37): “μέτεστι δὲ κατὰ μὲν τοὺς νόμους πρὸς τὰ ἴδια διάφορα πᾶσι τὸ ἴσον ‘with respect to laws all share in equality with regard to private differences.’”

[ἐγκαλῶν].” They ask him if he personally can find fault with them.

This kind of personalized attention is inconsistent with the actual laws very essence. In fact, ‘the Laws’ behave in this respect more like *Socrates*, who molds his arguments to his interlocutors’ personalities and peculiarities.¹¹² Why? Because Socrates would rather convince the soul of a single person with whom he is speaking than to ‘persuade’ all those Athenians gathered in the assembly with sophistic rhetoric. Also, persuading ‘the many’ depends on *both* arguments that utilize the ‘likely’ (that is, what is most likely the case) *and* the consequences of large-scale democratic decisions dependent on the many could only be ‘likely,’ and thus never fully certain.¹¹³ It was sometimes only by a matter of a few votes one way or another that a decision of tremendous importance would be decided—like Socrates’ death penalty. Thus, *all political* decisions depend on the majority.

In Ancient Athenian legal practice there was no public prosecutor role nor any public defender role.¹¹⁴ When we see contemporary court dockets that read ‘The United States of America vs. ...’ or ‘The People vs. ...,’ or ‘The State vs. ...,’ etc., we should remember that no such office or political position existed in ancient Athens. That’s in part what makes Socrates’ personification of ‘the Laws’ so novel. We can’t be sure of the direction of influence, but Demosthenes (21.186–88) once used a very similar image, arguing that

the jurors should weigh the spectacle of the defendant surrounded by his family
against the imaginary spectacle of the prosecutor surrounded by the Laws of

¹¹² Is this resemblance between Socrates and ‘the Laws’ a result of the fact that even when Socrates is the ‘actor/author’ a part of his personality comes out in his ‘character’? This could be related to the moment in *Theaetetus* 167d-168b where ‘Protagoras’ (Socrates’ character) exhorts Socrates to act justly in his arguments with others. Is this a genuine Protagorean tenet or is this a Socratic belief coming out in Socrates’ performance of Protagoras?

¹¹³ *s.v.* fn. 103.

¹¹⁴ “There was no office of public prosecutor in Athens and no official machinery for making investigations except in matters of public finance (the *logistai*)” Humphreys (1985), 356. See also Rhodes’s *The Athenian Court and the American Court System*.

<http://www.yale.edu/ynhti/curriculum/units/1984/2/84.02.08.x.html>

Athens.¹¹⁵

In ancient Athens, if you wanted to bring a charge against someone—even if you believed that the injury they committed was against the entire *polis*—you had to accuse them yourself, personally. And then you became the face of the prosecution, and you were responsible for the case. That’s why Socrates’ prosecutors are known even today: Meletus, Anytus, and Lycon (*Apology* 23e). The only prosecutions that were done for the sake of the public were cases of financial fraud. Since there was no public defender, if you were charged in a suit, you personally had to come to the courtroom and defend yourself. There was no established profession of *courtroom* representatives, or lawyers. Athenian society still expected to judge you by the way you presented and expressed yourself in the courtroom, especially in speaking. There were legal speech writers, like Lysias, Isocrates, or Antiphon, who could write a speech for your case. However, you were supposed to memorize it and be able to recount it well (without notes) to the jury. The personality and individuality of ancient Athenian justice contrasts sharply with our more impersonal, bureaucratic, modern justice system. Plato depicts Socrates representing ‘the Laws’ as bringing a personal charge against ‘him,’ as if they were a single, human citizen. But this goes against what laws typically do, which is to make general rules not individualized edicts (that’s a contradiction in terms). The individual Athenian citizen had to seek justice *personally* in the law courts, but the laws are supposed to operate universally. Socrates anthropomorphizes ‘the Laws,’ but by giving them a personality and ‘human’ characteristics. Socrates also gives them human-all-too-human failings. In personifying ‘the Laws,’ Socrates makes them a single entity and this imports questions of ethical relations between individuals. Socrates undermines the position of ‘the Laws’ in his performance by highlighting: (1) their omitting any mention of their origins; (2) their disguising themselves as unified while in reality being in disaccord; and (3)

¹¹⁵ quoted in Ober (2001), 176.

their personalizing their argument.

Deciphering the sound of the Corybants

One last final puzzle remains—what about Socrates’ enigmatic reference to and comparison with the Corybants? Right after finishing his performance of ‘the Laws,’ Socrates says this to Crito:

Crito, my dear friend be assured that these [that is, the arguments of ‘the Laws’ speech] are the arguments I seem to hear, as the Corybants seem to hear the music of their flutes, and the echo of these arguments resounds in me and makes it impossible for me to hear the others [τῶν ἄλλων].¹¹⁶ But know that in so far as things seem to *me* right now, if you speak against these things, you will speak in vain. *Nevertheless, if you think you can do something more, speak.* (54d2-7, emphasis added)

Socrates’ final question, or better provocation, seems to elicit a response *against* ‘the Laws’—and if it is not aimed at Crito, then, perhaps, it is Plato’s own taunt to his listeners/readers. Moreover, Socrates’ analogy with the Corybants has long troubled interpreters of the *Crito*. Many Continuous readings point to this passage as decisive for their view as a proof that Socrates agrees with the arguments of ‘the Laws’ and all other argument are silenced.¹¹⁷ Nonetheless, there are several details within the lines themselves that speak against this quick identification. One is the connection with Corybants, and another is the idea of a booming sound so loud that one is not being able to hear, let alone really think. This is not the most rational or pleasant image; in fact, it calls to mind Odysseus bound to the trireme listening to the seductive but ultimately deadly song of Sirens (*Ody.* XII). There is evidence for the view that we should think of Socrates’ *mimēsis* as *psuchagōgia* and as a kind of *therapeia*, a therapy, and that the allusion to the Corybants is used in this respect. John Burnet describes the reference to Corybants like this:

¹¹⁶ This part of the translation is from Mitch Miller; see Miller (1996), 121-2.

¹¹⁷ Brickhouse and Smith (2006), 567; (2013), 74-75.

[it is a] *homoeopathic treatment* of nervous and hysterical patients by wild pipe and drum music. The patients were thus excited to the pitch of exhaustion, which was followed by a sleep from which they awoke purged and cured. Plato refers to this form of psychotherapy more than once. Cf. *Euthyd.* 277d6 sqq., *Symp.* 215e1...*Laws* 790e1 (of nurses putting children to sleep by motion)¹¹⁸

Jane Ellen Harrison draws the link between the Corybantic rites and shamanism, drawn from more contemporary anthropological evidence:

in most savage mysteries it is a main part of the duty of initiators to impersonate gods or demons. The initiators dress up as the ancestral ghosts of the tribe sometimes even wearing the actual skulls of their ancestors, and in this disguise dance round the catechumens and terrify them half out of their senses. It is only when fully initiated that the boys learn that these terrific figures are not spirits at all but just their living uncles and cousins...The Korybantes bind and release men from spells, they induce madness and heal it.¹¹⁹

Christopher Gill tells us that, “The Corybantic rites, in particular, are regularly presented in our sources as being religious rituals which are capable of curing states of emotional disturbance and anxiety.”¹²⁰ He further reminds us of Aristophanes’ play the *Wasps* (114-124) where the character Philocleon is obsessed with being part of a jury; and, first, his son tries to rationally persuade him out of it and fails and then tries the Corybants to treat his ‘disease.’ Apparently, “the irrationally frightened were drawn to the Corybantic rites...and found them satisfying”¹²¹

Lastly, Yulia Ustinova says this about the Corybants:

The aim of the therapy is then not to abolish the possession-trance behavior, but to impart to it a new direction and thus to control it. Here illness and cure constitute a form of religious initiation...A phenomenon which could have been disruptive to both the sufferer and the society is used as a social asset rather as a liability. The rituals of therapy and the acquisition of new ritual status by the new cult member or shaman thus are methods of social adaptation (511) ...
[T]here is a great deal of play acting in the dramatic structure of the possession-trance ritual... There is no doubt that the Corybantic ceremony was similarly based on the combination of the theatrical effect and genuine belief.” (513)¹²²

¹¹⁸ Burnet (1971 [1924]), 291 emphasis added.

¹¹⁹ Harrison (1912), 26.

¹²⁰ Gill (1985), 310.

¹²¹ Gill (1985), 311.

¹²² Ustinova (1998).

Thus, when Socrates wakes up and sees that Crito has come to the jail earlier than usual, he notices right away that Crito is ill-at-ease and anxious. Socrates tries to rationally persuade Crito that remaining in jail is the just and virtuous action. He tries to get him to understand the soul-concept with using the word ψυχή, but Crito cannot get how he and Socrates, and countless other will be harmed in their souls if Socrates were to escape and avoid his execution. So, Socrates decides on a second-best cure, a homeopathic therapy. He will combat Crito's *ochlomania* (his unhealthy obsession with 'the crowd,' with what 'the many' think) and Socrates will try to instill a sense of civility based on the political fiction of 'the Laws' (this is *relatively* healthier than Crito's previous condition). Socrates wishes to make Crito more just, to concern himself with the laws of Athens and with *all* his fellow-citizens. In order to do this, Socrates enacts a quasi-religious-cultic, Corybantic performance. He takes on the mask and mantle of 'the Laws' and tries to purge and purify Crito of his diseased mind, of his unjust thoughts. In reality, there is a kind of political psychosis in thinking of a polity as unified, when really it is a mishmash of competing interests, individuals, and impulses. And yet, it helps us function in a society, to think of the entire political enterprise as somehow unified, even if it is really not. It is a willingness-to-believe in an Order, a Law and Order. In this final comment to Crito, Socrates has taken off the mask, and has shown Crito behind the curtain and has even provoked him to pierce through the veil, to speak against 'the Laws' and to try to arrive at an understanding of the universal ethics Socrates was trying to persuade Crito of earlier. But Crito does not do this.

Suggested Subtitle of the *Crito*: 'The disappointment of Crito'

The ancient subtitle of the *Crito* was περί πρακτέων ('Concerning what-one-ought-to-do'). I want to suggest as a possible alternate subtitle: 'The disappointment of Crito.'¹²³ This can

¹²³ See West and West (1984), 99. On Platonic subtitles more generally see *The Platonic Theages: An Introduction*,

be read in several ways.¹²⁴ First, we can see it as the disappointment Crito himself feels. Crito goes to the jail very early in the morning thinking that one of his best friends, Socrates, will die tomorrow and he tries to rescue him by trying to persuade him to escape from jail. However, his friend decides to stay and die. In addition, *the manner* in which Socrates tries to convince Crito of his decision is by way of an unusual *mimēsis*. It is one where Socrates acts out the character of ‘the Laws.’ Crito seems convinced in the moment, especially right after Socrates’ performance; but I would suggest that if Crito were to reflect on the “conversation” of ‘the Laws,’ he might begin to feel disappointment in himself for not asking questions, for not coming up with objections, or for not criticizing aspects of what they said. And Crito might even feel some disappointed in Socrates—when he realizes that Socrates abdicated speaking in his own voice and started speaking in the voice of an imagined character. Supposedly—at least from what he says—Crito is convinced by Socrates’ speech of ‘the Laws.’ But we can see from Plato’s later characterizations of Crito that it seems unlikely that Crito has learned his lesson, and that Crito has so completely changed his mind so quickly. Furthermore, we are shown, in later a literary episode in the *Phaedo*, Crito’s continuing disappointment: his tragicomic inability to understand the concept of the soul during Socrates’ last moments alive arguing for the immortality of the soul.

This leads into the second way of reading ‘the disappointment of Crito’; we can see Crito as the disappointment. In many ways, he is. He is well meaning and eager, but he seems to miss the upshot of Socrates’ exhortation in the first part of the dialogue. Crito seems to be still enthralled by a common ethical view held by the many, an archaic ethics that we should only

Commentary and Critical Edition (Ed. M. Joyal 2000), 195-6; Hoerber “Thrasylus’ Platonic Canon and the Double Titles” (1957); Chroust “The Organization of the Corpus Platonicum in antiquity” (1965).

¹²⁴ See Pappas’s (2005) *The Nietzsche Disappointment: Reckoning with Nietzsche’s Unkept Promises on Origins and Outcomes* for more on the various meanings of ‘disappointment.’

help ourselves, our friends, and our family and we should harm our enemies. Socrates even highlights how far apart the common view of the many is from the one he is trying to articulate.

He warns Crito:

For I know that there are few who believe or will believe this. Therefore, to those who deem it thusly [that one should never commit injustice] and to those who don't, there is no common ground [κοινή βουλή], but that when eyeing one another <they> necessarily look down upon one another's counsels [ἀλλὰ ἀνάγκη τούτους ἀλλήλων καταφρονεῖν ὀρῶντας ἀλλήλων τὰ βουλευόμενα] (49d2-6)

Crito is a disappointment not so much because he disagrees with Socrates as because he does not realize that he disagrees. After so many years of expressed agreement, the urgency of the present situation makes it evident to Socrates that Crito's agreement is only apparent, not real. This is why Socrates must bring him into *aporia*; he must expose Crito to himself, then try, once again (but now by operating within Crito's familiar frame of reference and appealing to Crito's own unrecognized beliefs), to win him over. If Crito is the disappointment, we must ask who is it that is disappointed in him. Is it Plato? Socrates? The listeners/readers of the *Crito*? In Plato's depiction of Socrates' final moments in the *Phaedo*, Plato does seem to portray Socrates as disappointed in Crito. Is this historically accurate, or is this just Plato's view? As readers, Plato invites us to be disappointed with Crito. However, we should be careful not to be so quick to congratulate ourselves. As was said above, we are more like Crito than we are like Socrates.

A disappointment can also be a failure to meet at an appointed time or moment, a missed encounter. This kind of disappointment is exemplified in the very first line of the *Crito*: "Why have you come, Crito, at this time? Or isn't it still early?" (43a1). Here there is some kind of missed or interrupted *kairos*, a right or appointed time. Crito and Socrates have been seeing each other regularly in jail early in the morning; they have an established time, an appointment. But on this day, Crito comes—unexpectedly to Socrates—much earlier than usual, in the darkness

before dawn. Crito has come thinking (erroneously) that Socrates will be executed tomorrow and so now is the best and last moment to escape from jail. The rest of the dialogue is a working out of this missed meeting or dis-appointment. The missteps, and off beats between them only continue, and the theme of being out of synch is a constant refrain in the *Crito*.

At 43b10, Socrates says it would be “outrageous” (πλημμελές) for someone his age to be troubled if he must die; πλημμελές literally means ‘out-of-tune,’ a false-note, or better the skipping-over of lines in a poem or a song. At 43d2-6, Crito tells Socrates his disappointing news that he heard from Sunium that the ship from Delos will arrive tomorrow. Crito turns out to be wrong, and Socrates’ dream is correct. Socrates will, instead, be killed the day after tomorrow. Crito calls Socrates’ vision “ἄτοπον τὸ ἐνύπνιον,” a strange or, better, out-of-place or displaced dream (44b3). Illustrating the difference and tension in their intentions, Crito ends his exhortation by saying “but if we still wait [εἰ δ’ ἔτι περιμενοῦμεν], then it will be impossible to act.” (46a8). At 47a1-2, Socrates reminds Crito that “since you are exempt from dying tomorrow, your present ‘misfortune’ ought not ‘bias’ [παρακρούοι] you.” Παρακρούοι literally means to strike aside, to divert from a point.

Fundamentally, the misstep between Crito and Socrates comes from their different impulses and directions. Crito wants to go away, and Socrates wants to stay. Crito emphasizes the exigencies of the *present* and the promises of the *future*: ‘We will miss our chance, our moment, our appointment to abscond, Socrates, if we don’t go away *now*. We must fight back against the injustice done to you and flee from here to some other city. For the future: yours, your family’s and your friends’.’ Socrates emphasizes the promises made in the *past*: ‘This is our moment; we must not give up our previous appointments, commitments, and agreements. We must uphold what we previously said. All of these leads us to remain in jail.’

Lastly, ‘the disappointment of Crito’ can be read as a disappointment with the *Crito*, the dialogue itself. For the audience of the *Crito*, whether it is a listener in Plato’s academy or a contemporary reader in translation, there are, I think, lingering questions about it. Why does Socrates remain in jail? Is Socrates really convinced of ‘the Laws’? Is Crito? What was Plato doing having Socrates create ‘the Laws’? However, these frustrations and ‘disappointments’ are constructive. They are what motivate readers to find answers to their questions. Plato has not given us an authoritative answer with the authority and voice of *the* author. He has let his characters speak for him, so that his audience must interpret the *Crito* for themselves.

Conclusion

Why does Socrates imitate ‘the Laws’? To begin to answer the question, we looked at the intended audience of the internal performance, *Crito*, and we traced Plato’s consistent characterization of him in the other dialogues. We saw a farmer, a family man, a businessman; but someone too preoccupied with the crowd to really understand Socrates, philosophy, and the concept of the soul. Thus, we can anticipate Crito’s state of mind in the *Crito*: when he comes to see Socrates, he is distraught, and Socrates can see this immediately. Crito means well. He thinks one of his lifelong, best friends is going to die tomorrow, so he has come to convince him to escape from jail and sneak away to another city. But what lies behind this conviction? Crito is enthralled by an archaic ethic to help one’s own (one’s self, and one’s friends and one’s family) and to harm one’s enemies. Crito is also under the spell of the opinions of ‘the many’; one of his main concerns is his reputation, what others think about him. Socrates tries to rationally persuade Crito in his own voice that staying in jail is the right and virtuous thing to do, and to convince him of a universal and unconditioned ethical principle: one ought never to harm anyone’s soul. But after Socrates asks Crito a critical question that he can’t answer and doesn’t understand,

Socrates realizes that he must change his tactics and he gives Crito a second-best lesson.

Socrates personifies ‘the Laws’ in order to educate Crito. Although Socrates and ‘the Laws’ *both* agree that Socrates should remain in jail and not escape, each arrives at this shared conclusion via their own ethical reasoning. Closely examining the *mimēsis* of ‘the Laws’ reveals that they are at odds with what Socrates says in his own voice in the first part. Since Socrates was unable to turn Crito, he brings in ‘the Laws’ to persuade Crito to expand his personal notion of justice. Socrates will instill a political obedience in place of Crito’s existing lawlessness as a second-best recourse. I looked at the characterization of ‘the Laws’ in the *Crito* and suggested that Socrates molded them for Crito’s own benefit, but also (perhaps?) hoping that he would also see through the disguise and see the problems inherent in representing ‘the Laws.’ Although Crito does not succeed, Plato has staged Socrates’ performance and his failed lesson for the listeners/readers of the *Crito* to question ‘the Laws,’ their authority, and their speaking with or for Socrates (or, perhaps, even for Plato). That is, I argued against a Continuous interpretation of the *Crito*. Although I argued more for a Discontinuous view, I also showed the continuities among the various views represented in the *Crito*: Crito’s, Socrates’, and those of ‘the Laws.’ At the heart of the differences among them is Socrates’ belief in the soul and of his politics through souls. The reason Socrates himself does not escape from jail is that it would harm his and others’ souls. ‘The Laws’ remain silent about internal souls. For them, harm is civic harm; it would be an injury to disobey and thus destroy the entire body politic of Athens, as far as an individual is able to. Socrates’ *mimēsis* of ‘the Laws’ performatively contradicts the position espoused by ‘the Laws’ in three ways. (1) They omit any mention of the origins of Laws, which are human beings; but Socrates as the human performer and producer of ‘the Laws’ reminds the listener or reader of this connection. (2) Socrates disguises ‘the Laws’ as a single unified entity, speaking in one

voice as opposed to the fractured, contentious, and polyphonic reality of laws. (3) The argument of ‘the Laws’ is personal in form and directed solely at Socrates; yet this is completely different than how the laws of polity “speak” in reality, they speak universally to all citizens without exception or distinctions.

“I myself don’t know, Socrates, nor concerning you; for I am not able to really grasp whether you believe the things you say, or you are trying me.

[οὐκ οἶδα ἔγωγε, ὦ Σώκρατες καὶ γὰρ οὐδὲ περὶ σοῦ δύναμαι κατανοῆσαι πότερα δοκοῦντά σοι λέγεις αὐτὰ ἢ ἐμοῦ ἀποπειροῦ.]”

—Theaetetus to Socrates (*Theaetetus* 157c4-6)

CHAPTER 2

Imitation (*mimēsis*) as the Cleverest Form of Criticism

Introduction

In the *Theaetetus* there is a section that has come to be called the *peritropē* argument (169d3-171c7), often translated as the ‘self-refutation,’ ‘table-turning,’ or ‘recoil’ argument.¹ It is here that Socrates, in conversation with Theodorus, overturns Protagoras’ own theory on its own grounds. I contend, however, that there is *another, stronger peritropē*, or self-refutation, argument earlier in the dialogue.² I claim it is stronger because the *peritropē* argument in the *Theaetetus* has generated significant controversy in Platonic secondary literature, especially concerning whether or not Socrates properly relativizes Protagoras’ assertions. The argument I will bring out does not suffer from this defect. I claim that Socrates’ so-called Defense of

¹ Sextus Empiricus says that both Plato and Democritus taught the *peritropē* argument against Protagoras (who, according to Sextus, claims that all appearances are true). See *M* VII.389-390 in Bekker (1842), 275. See *Sextus Empiricus: Against the Logicians* (2006, edited by Richard Bett), 77-8; Burnyeat (1976a) “Protagoras and Self-Refutation in Plato’s *Theaetetus*”; and Chappell (2006) “Reading the *περιτροπή*: *Theaetetus* 170c-171c,” 109n3: “‘Table-turning’ is the name used in Cornford 1935: 79; the name ‘recoil’ is suggested by Blackburn 2005, Chapter 2, Section 1.”

² For discussion of the *peritropē* argument see the two previous references and: Tigner (1971) “The ‘Exquisite’ Argument at *Tht.* 171 A”; Lee (1973) “‘Hoist with His Own Petard’: Ironic and Comic Elements in Plato’s Critique of Protagoras (*Tht.* 161-171); Burnyeat (1976b) “Protagoras and Self-Refutation in Later Greek Philosophy”; Waterlow (1977) “Protagoras and Inconsistency: *Theaetetus* 171 a6-c7”; Meiland (1979) “Is Protagorean Relativism Self-refuting?”; Newman (1982) “The Recoil Argument”; Haden (1984) “Did Plato Refute Protagoras?”; Emilsson (1994) “Plato’s Self-Refutation Argument in *Theaetetus* 171a-c Revisited”; Matthen (1985) “Perception, Relativism, and Truth: Reflections on Plato’s *Theaetetus* 152–160”; White (1989) “Self-refuting Propositions and Relativism.” Ketchum (1992) “Plato’s ‘refutation’ Of Protagorean Relativism: *Theaetetus* 170-171”; Chappell (1995) “Does Protagoras Refute Himself?”; Fine (1998) “Relativism and Self-Refutation Plato, Protagoras, and Burnyeat”; Fine (1998b) “Plato’s Refutation of Protagoras in the *Theaetetus*”; Bemelmans (2002) “Why Does Protagoras Rush Off? Self-Refutation and Haste in Plato, *Theaetetus* 169a-171d”; Castagnoli (2004) “Protagoras Refuted How Clever is Socrates’ ‘Most Clever’ Argument at *Theaetetus* 171a–c?”; Long (2004) “Refutation and Relativism in *Theaetetus* 161-171”; Erginel (2009) “Relativism and Self-Refutation in the *Theaetetus*”; Giannopoulou (2011) “In and Out of Worlds: Socrates’ Refutation of Protagorean Relativism in *Theaetetus* 170a-171c.”

Protagoras (166a2-168c2) is actually a cleverly-disguised criticism of Protagorean relativism.³ The criticism is not in the *content* of the speech—there, Socrates *is* defending Protagoras—but in the speech’s *form*. It is in Socrates’ performance of ‘Protagoras’ that he contradicts the Protagorean theory. It is a performative contradiction because the way, or manner, in which Socrates defends Protagoras (through *mimēsis*) conflicts with what follows from the Protagorean theory presented.⁴ Throughout the first part of the *Theaetetus*, Socrates tries out several objections against the Protagorean theory he develops. Many of the objections are answered in the content of the Defense, but its *form* actually contains “the most clever” (κομψότατον 171a6) objection against this Protagorean view. I call it, ‘the *Mimēsis* Objection.’ Socrates’ impersonation of Protagoras is a *mimēsis*, that is, an imitation or an artistic representation. But I argue that *mimēsis* cannot be accounted for in the Protagorean theory, and in fact *mimēsis* undermines the very identity of appearance and reality presupposed by that view. Furthermore, the mimetic act that brings to life the character, or the ‘self,’ of ‘Protagoras,’ is one which cannot be explained by, and is a counterexample to, Protagoras’ theory. Socrates’ ‘Protagoras’ refutes Protagoras’ theory; thus, the Defense of Protagoras is also a ‘*self*’-refutation. This chapter is divided into four parts. In the first part I discuss some preliminaries and particularities about how Socrates presents the Protagorean theory, especially in relation to what the theory has to say about the self or the subject; in the second part I lay out the *Mimēsis* Objection and how it works in the *Theaetetus*; in the third part I contrast the portrait of Protagoras that Plato has Socrates

³ I will repeatedly refer to ‘Protagorean relativism’ or to the ‘Protagorean theory.’ These are shorthand for Plato’s *individualistic* interpretation of Protagoras’ theory.

⁴ Although I follow the translation of *peritropē* as ‘self-refutation.’ “Self-refutation and self-contradiction are different things... cf. Mackie 1964. Their relationship is... that of genus to species: contradicting myself is only one way of refuting myself” Chappell (2006), 109n2. Following Mackie’s tripartite typology of self-refutation (pragmatic, operational, absolute), what I am calling a ‘performative self-contradiction’ would be classed as Mackie’s “pragmatic self-refutation” in “Self-Refutation: A Formal Analysis” (1964), 193-195. Other examples of performative self-contradictions: “writing against writing” See Nikulin (2010) and Miller (2011); If I say, “I am not saying anything” See Mackie (1964), 193; perhaps the Liar’s Paradox, saying “I am lying” See Wersinger (2010), “The Self-refutation of the Skeptic Viewed from the Ancient Tragic Stage.”

represent in the *Theaetetus* against Plato’s own portrait of Protagoras in the *Protagoras*; in the fourth part I defend the *Mimēsis* Objection against various counterarguments and I also draw out some consequences from it. In Platonic studies there are, on the one hand, those who focus on the literary and dramatic details of the dialogues—often using these to argue *against* the philosophical views stated by characters;⁵ and, on the other hand, there are those who focus on reconstructing the arguments of the dialogues, independent of its narrative qualities.⁶ I want to bring these two traditions together by showing the philosophical arguments that Plato has embedded into the literary and dramatic details of the *Theaetetus*.

PART I: Preliminaries about the Protagorean Theory

After Theaetetus offers his first proper definition of knowledge—that ‘knowledge is perception’ (151e1-3)—Socrates says that that is what Protagoras used to say: “he said the same thing, but in some other manner” (152a1-2).⁷ Thus, Socrates connects Theaetetus’ definition with Protagoras’ human-measure fragment, “Man [ἄνθρωπον] is [εἶναι] the measure [μέτρον] of all things [πάντων χρημάτων]: of the things which are [τῶν μὲν ὄντων], that they are [ὡς ἔστι], and of the things which are not [τῶν δὲ μὴ ὄντων], that they are not [ὡς οὐκ ἔστιν]” (152a2-4).⁸ Socrates next gives his own explication of Protagoras’ dictum; his gloss on the line is: “As each [ἕκαστα] sort of thing appears [φαίνεται] to me [ἐμοί], it is that sort of thing for me [τοιαῦτα ἔστιν ἐμοί]; and those sorts <that appear> to you [οἷα δὲ σοί], in turn these sorts are for you [τοιαῦτα δὲ αὖ σοί]—since you and I <are each> a human [ἄνθρωπος δὲ σύ τε κἀγώ]” (152a6-

⁵ Strauss (1957); Benardete (1986); Desjardins (1990); Hemmenway (1990); Rue (1991); Polansky (1992); Stern (2008); Bartlett (2016).

⁶ Burnyeat (1990); Chappell (2004); Cornford (1935); McDowell (1974); Sedley (2002).

⁷ All translation are mine unless otherwise noted. They are consultation with: Campbell (1861); Paley (1875); Jowett (1892); Kennedy (1894); Dyde (1899); Fowler (1921); Cornford (1959); McDowell (1974); Waterfield (1987); Levett, rev. Burnyeat (1990) (henceforth LrB); Nancy *Théétète* (1995); *Platonis Opera Tomvs I* (1995, Edited by E.A Duke et al.); Chappell (2004); Sachs (2004); F. Ferrari (2011) *Teeteto*; Rowe (2016).

⁸ LrB translation (1990).

8).⁹ Socrates crucially construes Protagoras' human-measure fragment (a) *individualistically* (as opposed to a collective or group relativism), and he also (b) equates appearance with reality. Socrates, thus, gives an *individualistic* interpretation to the word '*anthrōpos*' in Protagoras' maxim, and so he makes each individual person the measure of what-is and what-is-not. Socrates ignores an explanation of '*anthrōpos*' in Protagoras' fragment as meaning all humankind or as related to a human group, collective, or polity until he impersonates 'Protagoras' in the Defense. It is there, in the Defense, that for the first time in the dialogue it is suggested that '*anthrōpos*' could be read as implying a larger social-political unit and that Protagoras' relativism could be also be a group or collective one and not necessarily an individualistic one (167c2-4 and 168b5-6). Related to the distinction between an individual vs. group, there is also the difference between private vs. public. There are some exegeses of the Protagorean theory in the *Theaetetus* that want to emphasize its 'privacy,' in the sense that things appear privately *only* to an individual person, and there is no way in which these things can appear publicly, that is, shared in common with others.

Shortly after joining Theaetetus' definition to Protagoras' fragment, Socrates implies that Protagoras secretly held certain beliefs which he taught only to certain student-initiates. In addition to Protagoras' dictum, Socrates joins a third position, mainly attributed to Heraclitus,¹⁰ that "nothing is in itself one thing [ἐν μὲν αὐτὸ καθ' αὐτὸ οὐδὲν ἔστιν]" and 'nothing ever is but

⁹ There is much debate on whether the lines that follow Protagoras' famous dictum are Protagoras' own or an interpretation. I follow Gagarin (1968), 137, in taking them *not* as Protagoras' own but as Socrates'—or better, as Plato's own interpolation of Protagoras' thought: "I think it unlikely that Plato found this explanation [what I called Socrates' 'gloss'] of the [hu]man-measure saying in a writing of Protagoras and reworded or summarized it for this dialogue. It seems to me more probable that Plato heard this explanation from other people, perhaps from later Protagoreans." See also Cornford (1935), 33: "It would be entirely in accordance with dialectical procedure that Plato should ignore what Protagoras actually meant and adopt such a construction of his words as would contribute to his own analysis of sense-perception."

¹⁰ Socrates also names Protagoras, Homer, Empedocles, and Epicharmus (152e3-5).

instead everything is in the process of coming-to-be.’¹¹

Socrates construes Protagoras’ theory as involving two consequences:

- (i) a single perceiver cannot have two simultaneous seemings;
- (ii) whenever a perceiver perceives something it is real (partakes of what-is) and is true; so, a perceiver can never perceive something that is-not and/or is false.

The *Mimēsis* Objection will attack both consequences.

Evidence for the first consequence, (i), comes from Protagoras’ ‘Secret Doctrine,’ which Socrates says Protagoras taught not to lay people but only to his initiated disciples (155e-157c).

According to this theory, every perceptual event actually consists of four movements:

- (a) a slow-active movement, something that does the perceiving (e.g. an eye)
 - (b) a slow-passive movement, something that is perceived (e.g. a white stone).
- They come together and give birth to twins:
- (c) a fast-active movement, a perceiving (e.g. a seeing), which is conjoined with
 - (d) a fast-passive movement, a percept (e.g. a whiteness).¹²

The Secret Doctrine’s fourfold structure of a perceptual-event guarantees that for each perception-event (however short in time it might last, and/or however one individuates it in space), whenever (a) some perceiving thing (a sensory organ) encounters (b) some thing that is perceived (an object), there will always be *one and only one perceiving* (c), which comes along with (d) some percept (of a property of the object perceived). This makes it impossible, according to the Secret Doctrine, that an individual percipient will ever have two (possibly conflicting) perceivings or seemings arise from a single perceptual event. This is the first consequence of the Protagorean theory, which Socrates will subtly criticize via his *mimēsis* of

¹¹ This is a paraphrase of “the things of which we naturally say that they ‘are’ [εἶναι], are in process of coming to be [γίγνεται], as the result of movement [φορᾶς] and change [κινήσεως] and blending [κράσεως] with one another [πρὸς ἄλληλα]. We are wrong [οὐκ ὀρθῶς] when we say they ‘are’ [φάμεν εἶναι], since nothing ever is [ἔστι μὲν γὰρ οὐδέποτε οὐδέν], but everything is coming to be [ἀεὶ δὲ γίγνεται]” (152d7-e1—LrB (1990) translation).

¹² See Chappell (2004) 74-48; McDowell (1974), 137-145; Burnyeat (1990), 16-19. Socrates’ mental midwifery, where the child is examined and tested before it is officially accepted (151b-d), contrasts with the continual, indiscriminate proliferation of perceptual “twins” in the Secret Doctrine of ‘Protagoras.’

Protagoras.

Evidence for the second consequence, (ii), comes from Socrates' desiderata for knowledge. In the process of elaborating the Protagorean theory, Socrates articulates what he takes to be as two necessary requirements for a definition of knowledge: (1) it must be about what always is, and (2) it must be free of falsehood. Thus, if the Theaetetus-Protagoras-Heraclitus theory is right, then "Perception, therefore, is of what always is, and is falsehood-free, as knowledge is" (152c5-6). This Protagorean view of perception will be confirmed later when in the Defense, Socrates—speaking as 'Protagoras'—says, "For it is impossible to judge what is not, or <to judge> other than those things which one experiences, these are always true" (167a7-b1). This is the second consequence that Socrates will target in his *Mimēsis* Objection.

An aspect of the Secret-Doctrine that has not received much comment is that the theory does *not* function at the level of the perceptual experience of *a unified subject* more generally but at the level of a single, simple, sense organ. In his elaboration of the Secret Doctrine, three times Socrates uses the singular form, *an eye* (157d3, 157e5) or *the eye* (157e2), as opposed to the dual or plural form, *eyes*. This is the relevant passage:

Thus *an eye* [ὄμμα] and some other thing—one of the things commensurate with it—which has come into its neighborhood, generate both whiteness and the perception which is by nature united with it (things which would never have come to be if it had been anything else that either had approached). In this event, motions arise in the intervening space, sight from the side of the eyes and whiteness from the side of that which cooperates in the production of the color. *The eye* [ὁ μὲν ὀφθαλμὸς] is filled with sight; at that moment it sees, and becomes not indeed sight, but *a seeing eye* [ὀφθαλμὸς ὁρῶν]; while its partner in the process of producing color is filled with whiteness, and becomes not whiteness but white, a white stick or stone or whatever it is that happens to be colored this sort of color (156d3-156e7, emphasis added)¹³

This seemingly small detail, that perception occurs at the level of a single sense organ, will insert an element of doubt into the Protagorean theory, which Socrates exploits later in his objections.

¹³ LrB translation (1990) slightly altered and emphasis added.

In, what I will call, his Covered-Eye Objection (165a4-165d2), Socrates asks what happens when someone is looking at a cloak, but one eye is covered and the other open. Does one see, or perceive, the cloak, or not?¹⁴ The objection is actually stronger if the Secret Doctrine takes a perceptual experience to happen at the level of a single sense organ *and* sense organs do not have to operate in conjunction. One eye has one perceptual experience (the covered eye sees nothing) and the other eye has another completely different experience (the open eye sees the cloak). One possible way out of the seeming contradiction then is to say that there are two “perceivers,” each having their own perceptual experience: a covered-eye perceiver and an open-eye perceiver. How then do these two perceivers relate? According to ‘Protagoras,’ these two “persons” do not have to cohere together. In his defense, ‘Protagoras’ says that someone will not hesitate in “agreeing that it is possible for the same man to know and not to know the same thing” or that “a man is not some *one* but rather many, and he comes to be an innumerable them” (166b4-5, 7-8). This coming-to-be an infinite multitude of selves arises from the third adopted position, Heraclitean Flux of Becoming. It grants ‘Protagoras’ cover; he has no need to reconcile the different perceptual experiences from the different *individual* sense organs (e.g. right eye, left eye, right ear, left ear, right nostril, left nostril, one part of the tongue, etc.) into a single subject.

A major failing of the Secret Doctrine is that whether it is one eye or two, no mere perception from a simple sense-organ can get one to more complicated kinds of perceptions, like multisensory experiences, or to beliefs or judgments about perception. The Protagorean theory is never interrogated about multimodal perceptual experiences—for example, about the possibility of several different senses engaged with the same object all in their own ways. How would they coordinate? The resulting cacophony of perceptions never coalescing into a single subject

¹⁴ Many of the names for the Objections come from, or are heavily indebted to, Chappell (2004). For discussion of “covered eye objection” see Chappell (2004), 98-100.

(allowing for a self-subsisting knower and, thus, for knowledge) leads to, Socrates' final, fatal objection against the Heraclitean theory of flux, that I call the Wooden-Horse Objection (184d1 ff.). Without a single, unified subject underlying all these diverse perceptions, there can be no knowledge. There can be no knowledge without a persisting knower. When Socrates first presents the Protagorean theory, he does not interrogate it on whether or not there needs to be a unified subject or percipient for any kind of intelligible perception. Later, though, Socrates will bring up this very objection against the theory (in the Wooden-Horse Objection 184d1 ff.) So, we know that Plato was aware of this difficulty.

One of the initial attractions of the Secret Doctrine is that it was a guarantee on the truth of one's own perceptions. Sometimes this is interpreted as the 'Infallibility of perception' (Fine), or as the 'Privatization of perception' (Burnyeat and others). But these interpreters appear to take it for granted that the perceptual experiences described by the Protagorean theory inhere in and are guaranteed by a single underlying subject.¹⁵ The combination of a Heraclitean flux of selves and perception at the level of individual sense organs undermines any kind of multimodal perceptual experience or any kind of belief or judgment originating from a single unified self. This lays the foundation for my earlier claim that Protagorean relativism assumes the necessity of a single, unified self—without which there cannot be knowledge or any knower—but the corollaries that Plato joins to it (Heraclitean flux and Theaetetus' 'knowledge is perception')

¹⁵ I want to highlight three interpreters, who, to their credit at least mention the trouble of going from a single sense-organ to a single perceiving subject as a problem, but none of them resolves it. McDowell (1974) takes it for granted that when Socrates talks of a sense organ he means the subject or the perceiver; eliding from one to the other, he writes "'the thing which collides and the thing it collides with'; i.e. the sense organ, or more generally the perceiver, and the object" (131). Likewise, Sedley (2004), in *The Midwife of Platonism*, writes "Every perception is an interaction between a subject and an object. The subject may be thought of either as the perceiver, or more specifically as the relevant sense-organ" (91). He does not elaborate on the point that a relevant sense organ is quite different from a perceiver, or about how one could get from sense-organ perceptions to a multimodal-sense experience, or to a unified subject fit for beliefs and judgments. Von Eck (2009), in "Moving Like a Stream," writes, "This implies that the perceiver or sense-organ which is the subject of the sentence is supposed to become different without anything happening to itself" (205n9). Again, Von Eck makes no issue of the difference between sense-organ and perceiver. Again, Plato cannot have been unaware of this problem, since he has Socrates raise the Wooden-Horse Objection later at 184d1 ff.

invalidate the idea of strong self.

There is an irreconcilable tension among the various positions joined together by Socrates in the first definition. In fact, the *individualistic* Protagoreanism that Socrates articulates seems to require a robust, temporally persisting sense of self. There must be a strong, lasting self that judges what things are and what things are not, and what *will be*—for that very person.¹⁶ There is an expectation that what a self judges best for itself, particularly concerning future events and for its own future-self, is and will be for the *same* self. Otherwise, the vigorous individualism that Socrates builds into his Protagorean relativism is for naught. If in making future judgments for him/herself, a person chooses things for a wholly different self than the one s/he will be in the future, then the judgment would be meaningless. It would be as if I went clothes shopping, but all my decisions would be for someone else, someone completely different than me, with completely different measurements, and I had no idea who this person will be. The two propositions of Heracliteanism, that ‘nothing is in itself one thing’ and that ‘nothing ever is but instead everything is in the process of coming-to-be,’ undermine the single, unified, continuing self that is required by an individualistic Protagoreanism.

After the Defense, Socrates will go on to refute Theaetetus’ suggestion that ‘knowledge is perception,’ Protagorean relativism, and Heraclitean flux. One of the main criticisms Socrates deploys is a scathing attack on the fact that these positions together (and the Heraclitean position by itself) undermine the notion of a persisting self. The Protagorean/Heraclitean theory unleashes a two-pronged attack on the idea of the self. As a counterstrike, Socrates mounts a defense of the enduring subject. First, the theory attacks the possibility of a *diachronic* self, that is, a sustained subject making judgments *through time*. A theory that denies the self will entail

¹⁶ See Ricoeur’s idea of identity as selfhood (*ipséité*) or *ipseity* (1990), 12-3, 143 and Zahavi (2005), 125: “to link an experiential sense of self to the particular first-personal givenness that characterizes our experiential life; it is this first-personal givenness that constitutes the *mineness* or *ipseity* of experience.”

that we cannot properly make temporal judgments, especially about what *will* be the case. But Socrates interrogates this result. How then does one account for judgments concerned with a later date? He brings in the Objection from Expertise and the Future (177b8-179b9) as a counterexample to this outcome. We need to have experts (like doctors, lawyers, and even cooks) and expertise, and all of these rely on making informed judgments about the future. It is a kind of transcendental argument; we must account for the conditions of possibility of expertise, especially in making expert judgments concerning future events. Second, the theory attacks a *synchronic* self, that is a subject making several different perceptual judgments arising from various sensory modalities (sense organs) *at the same time*. The theory entails that each sense organ has its own perceptual experiences and is a percipient. But how then are various inputs integrated? The Wooden Horse Objection (184d1 ff.) attacks the view that perception is just a variegated collection of various individual senses organ impressions inside of a person without any kind of unity, constancy, or ordering. Socrates will, instead, defend a unified and abiding self capable of simultaneously integrating and adjudicating among multiple judgments (of perception).

If one decides to read the human-measure fragment individualistically, then I think the most plausible and defensible interpretation is as ‘proto-phenomenalist-existentialist.’¹⁷ In that case, Protagoras’ fragment would be arguing that there is necessarily an inherent indexical frame, or reference-point to each individual. I cannot live or fully know your life, your beliefs,

¹⁷ On Protagoreanism as ‘phenomenalism’ see McDowell (1975), 143; Chappell (2004), 63, 67; Ferrari (2011) “L’enigma Della Conoscenza. Un’introduzione Al *Teeteto*,” pp. 44-45. No commentator that I know of defends an ‘existentialist’ reading of Protagorean relativism, but there is some discussion of ‘existentialism’ and Protagoras in J.N. Jordan (1971) “Protagoras and Relativism: Criticisms Bad and Good” *The Southwestern Journal of Philosophy* 2 (3), 17, who quotes A. MacIntyre “Existentialism,” who is talking about Kierkegaard’s position that “Truth is subjectivity,” which finds its highest expression in his *Concluding Unscientific Postscript to Philosophical Fragments* (1992 [1846]), 189-251. Most of the secondary literature on Protagorean relativism has focused on whether Protagoras’ dictum should be read as implying: an “existential” is; or an is “of identity” (a “copulative/predicative” is); or a “veridical” is. I think interpreters should also consider an “existentialist” (à la Kierkegaard, Dostoevsky, Sartre, Camus, etc.) reading of Protagoras’ human measure fragment.

your desires, your pains or pleasures—in a word, your perspective. Likewise, you cannot live your life through my perspective. But as will be argued later, I see Protagoras as arguing *not* for an *individual* relativism, but for perspectivalism, which—although it can have an individualistic angle—is more often articulated as a form of social or political analysis. There can be overlapping and shared perspectives among various individuals and maybe even among various peoples; there may even be a universal ‘human’ perspective. But if we stick to the individualistic, proto-existentialist interpretation, I am first and foremost my own and best measure of myself—in terms of my unique, lived perspective (it’s also the only one I have full access to)—likewise, you are your own best measure for your own perspective, since no one else can live your life. This existentialist, or the inherently, indexical first-personal perspective of our perceptual experience requires a firm and relatively stable self.¹⁸ This view conflicts with the Heraclitean flux theory, which threatens the integrity of the subject (the self) and even with the objects this self interacts with. The Wooden-Horse Objection (184d1 ff.; discussed later) is one of the first philosophical formulations of what is made famous by Kant’s idea of the transcendental unity of apperception.¹⁹ This is the thought that there necessarily exists some kind of unity beneath, behind, below—‘*somewhere*’—distinct from our various perceptions, and this unity is a kind of self that endures, and structures and unifies our thoughts and experiences.

Furthermore, just on the face of it, Protagoras’ human-measure fragment is not consistent with Heracliteanism. As Socrates is revealing the tenets of Heracliteanism, he says that “One

¹⁸ See Zahavi *Subjectivity and Selfhood* (2005), 107-8, 114-6, 125-126, 134-6, 146, 157. Zahavi draws on the work of: Ricoeur (1985, 1990); Merleau-Ponty (1945); Sartre (1943); Michel Henry (1963); William James (1890); Sass (2000); Parnas (2003); Sass and Parnas (2003) and Husserl. For related thoughts from another philosophical perspectives, see Sidney Shoemaker’s *The first-person perspective and other essays* (1996) and Shaun Gallagher “Philosophical conceptions of the self: implications for cognitive science” (2000).

¹⁹ *Critique of Pure Reason* (1998 [1787]), A108, A118, B132, B139, B142, B151, A178. In his introduction, Burnyeat (1990) cites Kant’s famous slogan from the first Critique, “intuition without concepts are blind.” (In 62n77, he references A51 and cf. A294). Without explicitly crediting Kant or the idea of apperception, he does say “All this does indeed presuppose a central enduring mind with a unified consciousness capable of far more than the mere reception of isolated data” (62).

ought to remove ‘Being’ from everywhere” (157a9-b1) and “<we must>, according to nature, utter that ‘something becomes,’ ‘something comes-to-be created’ ‘something becomes-dead,’ or ‘something becomes different,’ for if someone stands something still with his words, in doing this he <is> easily-refuted” (157b5-8). But Protagoras’ one-line fragment contains five references ‘to be’ or ‘being’!

Man *is* [1 εἶναι] the measure of all things, of *the-things-which-are* [2 τῶν μὲν ὄντων], that they *are* [3 ὡς ἔστι], and of *the-things-which-are-not* [4 τῶν δὲ μὴ ὄντων], that they *are not*. [5 οὐκ ἔστιν]’ (152a2-4)

I think this is one of the main reasons that Socrates had to call Protagoras’ doctrine “secret.” He had to explain away the master’s use of ‘being’ in this famous saying. Thus, according to this Socratic interpretation, Protagoras used ‘being’ in his message for mass-consumption, but in private he taught his students a more Heraclitean lesson that there is no being but only coming-to-be. Socrates individualizes Protagoras’ maxim, so it becomes “things are to me as they appear to me and are to you as they appear to you,” but then by joining Heracliteanism to it, he undermines any sort of single, subsisting self—which would actually let *us* be measures. There is no possibility of a distinct and durable you and I, just an infinite multitude of selves coming-to-be. There is an irony in the fact that the Theaetetus-Protagoras-Heraclitus theory that extols the multiplicity of selves coming-to-be is undone by dramatic *mimēsis*, a practice which encourages the practitioner to become a multitude of other selves, to wear several different masks, to see, perceive, and appear as others for short periods of time.

PART II: The *Mimēsis* Objection

Socrates, at 166a2-168c2, comes to the defense of Protagoras—as ‘Protagoras.’²⁰ In other

²⁰ Prior to the Socrates’ long speech impersonating Protagoras, Socrates at 162d5-163a1 briefly imitates what “Protagoras, or someone else speaking on his behalf” would say against some of the objections he has made about

words, Socrates' Defense of Protagoras is a *mimēsis*; he speaks in the style of Protagoras, imitating him, his bearing, and how he *would* speak (e.g. he accuses Socrates of intimidating a young boy, Theaetetus, in order to prove his points at 166a2-3). Socrates creates a character, 'Protagoras,' that is supposed to closely resemble what the real, but deceased, Protagoras was like and what he would be like *if* he were there now. The Socrates of the *Republic* would call the Socrates of the *Theaetetus* an imitator, who "makes a speech as if he were someone else... [and] he makes his own style [λέξις] as much like that of the indicated speaker as possible" (*Rep.* III 393b9-c2) and he would call Socrates' performance of Protagoras a *mimēsis*.²¹ This is the same position, structurally, that Plato, as the author of the Socratic dialogues, occupies: he creates a character 'Socrates' that is supposed to be similar, but obviously not exactly identical, to the historical Socrates. As everyone acknowledges, Plato's dialogues are not and cannot be exact word-for-word transcriptions of what the historical Socrates actually said. That Socrates defends Protagoras by *mimēsis*, speaking as the character 'Protagoras,' I take to be incontrovertible, but crucial premise.

A Brief Summary of the Defense Speech of 'Protagoras' (166a2-168c2)

In the mimetic speech, Socrates speaks as 'Protagoras' defending 'himself' against some of the objections and criticisms that have been brought against the Protagorean theory previously by Socrates and Theaetetus. Imitating Protagoras, Socrates' speech manifestly changes. It is abundant with legal, military, and wrestling language and metaphors.²² The last thing Socrates says in his own voice before speaking as 'Protagoras' is that Protagoras would say all the same

his interpretation of the Protagorean theory. This chapter will concentrate solely on the Defense speech (166a2-168c2).

²¹ Grube/Reeve translation in Cooper (1997). For context see *Rep.* III 392c-398b.

²² Legal language and metaphors: οὔτος (166a2), κατηγορητέον (167a1), αἰτιάσονται (168a3); military language and metaphors: θηρεύσεις διευλαβεῖσθαι ἀλλήλων (166c1-2), ἐπ' αὐτὸ ἐλθὼν (166c3), δίωκε (166e1), φευκτέον... διωκτέον (167d6-7), διώζονται (168a4), οὐ δυσμενῶς οὐδὲ μαχητικῶς (168b2-3); wrestling language and metaphors: σφάλληται (166a8), σφάλλη (167e5), ἐπανορθοῖ (167e7), τὰ σφάλματα (168a1).

things that he and Theaetetus had been saying in defense of his views, and that Protagoras “will advance on us, looking down on us [χωρήσεται καταφρονῶν ἡμῶν], saying...” (166a1-2). ‘Looking down on us’ [καταφρονῶν ἡμῶν] has a similar connotation in ancient Greek as in English: it can mean ‘talking down’ to someone, as in a condescending tone, it can also mean that the person looking down feels superior to the other person, as in disdainning him/her. The first thing ‘Protagoras’ does is complain about how Socrates has treated him so far in the conversation. ‘Protagoras’ says that if Socrates’ interlocutor answers in the kind of way that Protagoras would respond and is tripped up by Socrates, then Protagoras is the one who is refuted; but if the respondent answers in ways other than how Protagoras would, then it is the one being asked questions who is refuted and *not* Protagoras (166a6-b1). Next ‘Protagoras’ complains about several of the points that Theaetetus seemed to have agree with, but with which he would *not* have agreed:

- (1) That it is *not* possible for the same person to remember and at the exact same time to not know that very same thing (166a3-4)
- (2) That someone’s present memory, of something experienced in the past but no longer being experienced, is the same sort of experience as s/he experienced then (166b1-4).²³
- (3) That it is *not* possible for the same person to know and not know the same thing (166b4-5).
- (4) That a person in the process of becoming unlike is the same as the one before becoming unlike (166b6-7).
- (5) That a person is some *one* (rather than many, and s/he comes to be an innumerable them)

After listing the positions that Theaetetus should not have agreed to, ‘Protagoras’ says that Socrates should come at his argument more nobly, refuting—if he is able to—that:

[1] individual perceptions come to be for each us [ἴδιαι αἰσθήσεις ἐκάστῳ ἡμῶν γίνονται];
or *if* indeed perceptions are individual, *then*

²³ About (2) ‘Protagoras’ says that it is “far from required [πολλοῦ γε δεῖ]” (166b4); he uses this ‘far from’ construction two other times: at 166d5 he says, “I am far from [πολλοῦ δέω] asserting that there is no wisdom or a wise man” and at 167b5-6 he says, “I am far from [πολλοῦ δέω] saying that frogs are wise.”

[2] an appearance comes-to-be to each person alone [τὸ φαινόμενον μόνῳ ἐκείνῳ γίγνεται] (or if one ought to call it ‘being,’ would be to the person <alone> to whom it appears) (166c3-6).

‘Protagoras’ insists that there are countless differences among people; to one person different things are and appear, and to another person other things are and appear (166d3-4). ‘Protagoras’ affirms that he is far from denying that wisdom or the wise person do not exist (166d5). In fact, he says that the wise person is the one who makes things appear and be good, by changing those things which appear and are bad. (166d6-8). ‘Protagoras’ chastises Socrates for not seeking a clearer meaning behind what he says, instead of getting hung up on how the argument is phrased (166d8-e1).

As an example, ‘Protagoras’ offers the case of the sick person vs. the healthy person. To the sick person the things that he eats appear and are bitter, whereas to someone healthy the things that he eats appear and are the opposite (166e1-4). But this does not make one of the two wiser; nor should one ‘charge’ the sick person as ignorant and the healthy person as wise; but one ought to change one into another—for one is *better* (166e4-167a4). Thus, in education one ought to change from one condition to a better one; likewise, a doctor does this by means of drugs, whereas a sophist does it by means of words (167a4-6). ‘Protagoras’ claims that no one ever makes another person who believed something false earlier believe something true later (167a6-7). For it is impossible *both* for someone to believe what-is-not (that is, something that does not currently exist for the perceiver) *and* for someone to believe things other than what one experiences in the present moment, these always being true (167a7-b1). ‘Protagoras’ says he thinks that someone who makes another, who has a harmful [πονηρᾶς] condition of the soul and believes things akin to it, believe other sort of things akin to a useful [χρηστῆ] condition of the soul, makes that person’s appearances ‘better’ but not necessarily ‘truer’; some people through

inexperience call these appearances ‘true’ but ‘Protagoras’ instead calls them ‘better,’ but in no way ‘truer’ (167b1-b4).

Thus, according to ‘Protagoras,’ the wise person with respect to bodies is the doctor, and with respect to plants, the wise person is the gardener (167b5-6). For when some plants are sick, the gardeners induce useful, healthy perceptions in them instead of harmful ones (167b7-c2).²⁴ Likewise, the wise and good rhetors make useful things seem to be just [δίκαια δοκεῖν εἶναι ποιεῖν] to cities, instead of harmful things (167c2-4). For whatever each city judges just and noble [δίκαια καὶ καλὰ], these things are just and noble to it for as long as it might consider them so (167c4-5).²⁵ ‘Protagoras’ brings out the implication of someone who can teach others to be a wise person: he says that the sophist able to teach students in that way is wise and worth a lot of money from his students (167c7-d1).

‘Protagoras’ leaves Socrates with a final warning and exhortation; he urges Socrates not to be unjust in his questioning (167e1). ‘Protagoras’ draws a distinction between being contentious in a discussion to just pass the time and trying to trip up the other as much as possible vs. being seriously engaged in dialogue, and putting his interlocutor upright, back on his feet, after a takedown and pointing out only those mistakes that are due to the interlocutor himself or his previous associations (167e3-168a2). In fact, ‘Protagoras’ taunts Socrates saying that it is highly illogical [πολλὴ ἀλογία] for someone like Socrates, who has professed to care for virtue, to continue to be unjust in discussion (167e1-3). ‘Protagoras’ advises Socrates that if he does act justly in conversations, those who spend the time with him will blame themselves for their confusion and perplexity but not Socrates (168a2-4). These people will seek out Socrates

²⁴ See Maguire (1973), 125-6n20 “Protagoras—or Plato?” for points in favor of excising or amending ‘ἀληθεῖς’ from the list at 167c1-2 of “χρηστάς καὶ ὑγιεινὰς αἰσθήσεις τε καὶ ἀληθεῖς ἐμποιεῖν.”

²⁵ To reiterate a point made earlier, this is the first mention of a collective, group, or political relativism in the dialogue. Up until this point, Socrates has only treated Protagorean relativism *individualistically*; here he implies that there may be a kind of relativism at the level of polities.

and love wisdom (philosophize) (168a4). They will hate and flee from themselves right into philosophy; in order that they may become different and be delivered from the people they were before (168a5-7). But if Socrates does the opposite and acts unjustly in conversations, just like the many do, the opposite will result. His associates, instead of loving wisdom (philosophizing), will hate the very act, and this will be apparent when they become older (168a7-b2).

At the end of the speech, ‘Protagoras’ summarizes his main assertions as: (i) all things are moved [κινεῖσθαι... τὰ πάντα]; (ii) what *seems* to each (*both* to each individual *and* to each city) that thing *is* (168b4-6). It is from those things that Socrates will investigate (iii) whether knowledge and perception are the same thing or different. It is worth noting that at the end of the Defense, ‘Protagoras’ seems to bring together the three propositions that Socrates had initially brought together with Theaetetus’ first hypothesis (iii) knowledge is perception: (i) Heraclitus’ flux and (ii) Protagoras’ human-measure dictum. But in this last reformulation of human-measure fragment, ‘Protagoras’ is explicit about not only an *individual* relativism but also a group or collective relativism at the level of polities. Something that has been avoided up to this point in the dialogue. The last thing ‘Protagoras’ says to Socrates is he exhorts him not to do, as he did just now, argue from customary words and phrases, as the many do when they drag them any which way and thus hand each other over into every sort of problem (168b7-c2). Socrates returns to speak in his own voice and he says about his performance: “I offered these things, Theodorus, for the rescue of your friend—from the little that was in my power, meager though it be; but if he himself were alive, he would have come to the rescue of his offspring in a more magnificent manner” (168c2-5).

An Analysis of the Defense of Protagoras

The first words Socrates says as ‘Protagoras’ can be translated (somewhat colloquially)

as “So this here [οὗτος] good ol’ Socrates [Σωκράτης ὁ χρηστός]” (162a2). The initial words ‘Protagoras’ says are vocative hails to Socrates, which he uses frequently throughout the speech.²⁶ Socrates, the mimetic performer, does this to dissociate the character ‘Protagoras’ from the target of his attacks, ‘Socrates.’ With these few words, Socrates establishes the verbal contest wherein ‘Protagoras’ pits himself as a ‘defendant’ against his ‘accuser,’ Socrates. Even the use of “οὗτος” (what I translated as “this here”) reveals ‘Protagoras as a seasoned speaker whose style has been honed in the law courts, since this is the term used in addressing opposing counsel.²⁷ Throughout the entire speech ‘Protagoras’ only uses the second-person singular (“you”) to address Socrates alone; he never directs his criticisms to anyone else. ‘Protagoras’ never calls on Theaetetus (who deserves some of the blame for the characterization of the Protagorean theory thus far) nor on any others listening, like Theodorus or young Socrates, nor does he use the second-person plural to make everyone listening the target of his attack.²⁸ Throughout the defense speech, Socrates will use the first-person singular (“me,” “myself” “I”) to speak in the character of ‘Protagoras.’²⁹ Although he will occasionally use the first-person plural as a

²⁶ Three times: “most lightsome Socrates [ὦ ῥαθυμότατε Σώκρατες]” (166a6); “Blessed [ὦ μακάριε]” (166c2); “Beloved Socrates [ὦ φίλε Σώκρατες]” (167b5).

²⁷ See “οὗτος” in LSJ 4. C.4: “[select] in Att. law-language, οὗτος is commonly applied to the opponent, whether plaintiff (as in Aeschin. 2.130) or defendant (as in Id.1.1); so, in the political speeches of D., οὗτοι are the opposite party, 4.1, 8.7, etc.”

²⁸ There are twenty-two instances of second person singular in the defense (notice the high frequency of imperatives; Protagoras commands Socrates 5 times—marked with exclamation point, ‘!’, in the English translation) : “you examine [σκοπήεις]” (166a7); “do you think someone will agree with you [δοκεῖς τινά σοι συγχωρήσεσθαι]” (166b2); “if you are able [δύνασαι]” (166c3); “you act like a pig [ὕηνεῖς]” (166c7); “you convince [ἀναπαίθεις]” (166c8-d1); “don’t pursue! [μὴ... δίωκε]” (166d8-e1); “study! [μάθε]” (166e1); “remember! [ἀναμνήσθητι]” (166e2); “you experience [πάσχει]” (167a8); “whether you want to or not [ἐάντε βούλη ἐάντε μὴ]” (167d3); “if you are able” [σὺ εἰ μὲν ἔχεις] (167d4); “if you wish [βούλει]” (167d6); “do! [ποίη]” (167d7); “don’t be unjust! [μὴ ἀδίκει]” (167e1); “you did [ποίη]” (168a2); “those passing the time with you [προσδιατρίβοντές σοι] (168a3); “but not you, and you... [ἀλλ’ οὐ σέ, καὶ σέ]” (168a4); “if you do [ῥᾶς] (168a7); “with you [σοι]” (168a8); “it you will be clear to you [ἀποφανεῖς]” (168b1); “you be persuaded by me [ἐμοὶ πείθῃ]” (168b2); “you will review [ἐπισκέψη]” (168b6).

²⁹ There are fourteen instances of Socrates using the first-person singular as ‘Protagoras’: “he demonstrated that my argument is ridiculous [γέλωτα δὴ τὸν ἐμὲ ἐν τοῖς λόγοις ἀπέδειξεν]” (166a5-6); “as I might answer [οἷάπερ ἂν ἐγὼ ἀποκρινάμην]” (166a8); “I will be refuted [ἐγὼ ἐλέγχομαι] (166a8-b1); “the thing I mean [ὃ λέγω]” (166c3); “toward my writing [εἰς τὰ συγγράμματά μου]” (166c8); “for I assert that the true is as I have written [ἐγὼ γάρ φημι μὲν τὴν ἀλήθειαν ἔχειν ὡς γέγραφα]” (166d1-2); “I say [λέγω]” (166d6); “τὸν δὲ λόγον... μου [of my argument]” (166d8); “what I say [λέγω]” (166e1); “I think [οἶμαι]” (167b1); “I <call> them better than other things [ἐγὼ δὲ

rhetorical strategy to bring those who are listening to his side.³⁰

Socrates' repeated use of the first-person singular as 'Protagoras' reveals two main things. First off, in using the first-person to imitate Protagoras, Socrates illustrates the complicated, and conflicting nature of *mimēsis*. Is Socrates lying when he uses the first-person as 'Protagoras'? No, not exactly. But at the same time, he has partly ceased *to be* completely and only Socrates, and he has ceased to speak completely in his own name or voice.

Second, by repeatedly emphasizing the first-personal ("I" [*egō*]) style of the speaker, Socrates characterizes 'Protagoras' as *ego*-centric. We can also see this criticism of Protagoras in Plato's characterization of Protagoras in the *Protagoras*. There he brags about: being the first out-and-open sophist (317a-c); making his students better and better every day (318a-b); being able to either a "tell a story" (*muthos*) or "develop an argument" (*logos*) (320c); being worth his high fees—even offering a satisfaction guarantee on his teaching (328b-c); and about being superior to anyone else and "Protagoras" as being a 'name' among the Greeks (335a).³¹ Socrates also reminds Protagoras that not only others say, but he himself boasts, that he is able to discuss things either speaking at length or briefly (335b-c). This is not to pass judgment on Protagoras. He was a very capable person and he might merit his braggadocio; but there is a sharp contrast when one considers his personality against Socrates'. Compare his bombast to Socrates' humility, piety, and self-effacement (yes, sometimes ironic, but often not). (Also, it should be mentioned that as traveling sophist and foreigner from Abdera, perhaps, Protagoras might have

βελτίω μὲν τὰ ἕτερα τῶν ἐτέρων]" (167b3-4); "I am bound to say [δέω...λέγειν]" (167b5-6); "I say [λέγω]" (167b6); "for I assert [φημι γάρ]" (167b7).

³⁰ There are only three instances of the first-person plural: "perceptions come-to-be privately to each of us [ἴδια αισθήσεις ἐκάστῳ ἡμῶν γίνονται]" (166c4); when restating the human-measure fragment, "For each of us is the measure of the things that are and the things that are not [μέτρον γὰρ ἕκαστον ἡμῶν εἶναι τῶν τε ὄντων καὶ μὴ]" (166d2-3); "for anyone of us [ὄς ἄν τι ἡμῶν]" (166d6).

³¹ "Protagoras is described as someone 'who brags—the crook—περὶ τῶν μετεώρων, and eats what's on the ground' (Eup. *Flatters* fr. 157.2-3 *PCG*)" as quoted in p. 83 of the commentary of Plato's *Protagoras* edited by Nicholas Denyer (2008).

had to overdo his self-promotion in order to sell himself. And, so, Socrates' posture of unpretentiousness is, in part, a consequence of Socrates' security in his Athenian citizenship and a stable social position. Something not available to Protagoras.)

The egocentrism of Protagoras has been noted by Edward Lee:

When 'Protagoras' takes up the defense of his views, there is in the same way a strongly *proprietary, personal* and *self-centered* air to all that he says. Just as he makes himself the measure of Theaetetus' performance (166A7-B1), he goes on to insist that all discussion be directed scrupulously to what he himself maintains (166C3...): to the truth as he has written it (166D1-2) and, indeed, not just to the letter, but to the spirit of what he means to maintain (234, emphasis added).

the peculiarly *proprietary, self-protective* and *self-centered* tone in which 'Protagoras' is made to take up his defense throughout Socrates' impersonations of him (249, emphasis added).

Protagoras' *self-important* and *self-centered seriousness* is also *self-deceiving* and *pernicious* (257n42, emphasis added).³²

There are at least two reasons why even in this short one-man scene, the self-centeredness of 'Protagoras' comes out. One is actually built into the very form of the uninterrupted *epideixeis*, the rhetorical display speech that 'Protagoras' gives. Discussing, *epideixeis*, Rosalind Thomas writes,

An epideictic style is often visible in excessive claims to have proved points, use of the first person, rhyming, rhetorical questions, and a lively awareness of the audience (180).

The reputation of speakers rests both on the quality of their ideas (or knowledge) and how they express them to a live audience in public. Their presence was dramatic and apparently modeled in part on that of the poet (181).

Epideixeis are generally uninhibited about stressing the personality and views of the author; indeed, egocentrism, so to speak, is one of the main features of this proto-genre (183).³³

³² Lee (1973) "Hoist with his own Petard: Ironic and Comic Elements in Plato's Critique of Protagoras (Tht. 161-171)."

³³ Thomas, Rosalind (2003) "Prose Performance Texts Epideixis and Written Publication in the Late Fifth and Early Fourth Centuries" in *Written Texts and the Rise of Literate Culture in Ancient Greece* (Edited by Harvey Yunis).

Furthermore, the egocentrism of the epideictic speech of ‘Protagoras’ contrasts with the interpersonal and social nature of Socrates’ preferred method of dialectic, of question-and-answer, and back-and-forth with another.³⁴ In fact, Socrates and Protagoras’ conversation in the *Protagoras* breaks down because of this difference in speaking styles, and it requires the assistance of almost the entire listening audience to get them to talk again.

The second reason why the “self-centeredness” of ‘Protagoras’ comes out in the defense speech has more to do with the actual substance of the Protagorean theory rather than with just the form of the Defense speech of ‘Protagoras.’ Socrates makes ‘Protagoras’ appear mimetically and first-personally because that is the only way that the *individualized* Protagorean theory can really defend itself. Protagoras *himself* must come into the discussion to defend himself and his (alleged) views. If, as the *individualized* Protagoreanism contends, knowledge comes from, is indexed to, and founded on, a first-personal perspective—a self—then the only person who can really defend the Protagorean theory is Protagoras himself. It must be the “I” or “self” of Protagoras that fights for the *individualized* Protagorean theory, following from his own premises. The third-personal impersonal stance, often associated with a scientific viewpoint, or the second-personal interrogation of another by Socratic dialectic is not really countenanced by the Protagorean theory. Socrates’ performance of ‘Protagoras’ undermines the solipsism of the Protagorean theory by defending it.

In the defense, ‘Protagoras’ affirms a Heracliteanism that leads to the multiplicity of the self, of a division and multiplication of the subject. But he is silent on whether there is also a multiplicity of objects that come-to-be for these multiple subjects. ‘Protagoras’ says “Or, again, <do you suppose> someone will hesitate in agreeing that it is possible for the same person to know and not to know the same thing” or that a person “is not some *one* but rather many, and he

³⁴ Thomas (2003), 181.

comes to be an innumerable them” (166b4-5, 7-8). This could be a one-sided Heracliteanism, that posits the flux of the subject and says nothing about the flux of objects that come-to-be and appear to the myriad subjects. This option, however, goes against the spirit of the “Secret Doctrine” that emphasized the fourfold movements of perceptual event (slow-active, slow-passive, fast-active, fast-passive). The fourfold movements guarantee that on each perceptual encounter twin “offsprings” come-to-be from *both* “parents.” On the subject side, “the parent” is a perceptual organ (like an eye) and on the object side, “the parent” is something perceived (like a stone); on the subject side, “the offspring” is a perceiving (like a seeing) and on the object side, “the offspring” is a perceptible property (like white) (155e-157c). On the other hand, *if* ‘Protagoras’ allows for a flux on both the subject and object side of perceptual experience, *then* there will never be anything stable—no firm self to be the measure of anything, nor any definite, and durable objects to grasp. There will just be an infinite regress, a flux of ever-and-always-changing and shifting movements, with no possibility for any kind of subjecthood or objecthood. A sea of completely mixed and indeterminate movements.

If I am right that Plato is deploying a Mimetic Objection against Protagorean Relativism, then there is another irony in that the extreme, unlimited divided subjecthood (and, perhaps, objecthood) implied by ‘Protagoras’ is contrasted with *mimēsis*, which is an experience of a limited divided subjecthood and objecthood. On the side of the performer, the actor divides himself. In a dramatic mimetic performance, the actor becomes a divided subject: on the one hand, there is the real, live actor in control of his/her body, face, gestures, movements, voice, etc., on the other hand, s/he represents and embodies another subject, a completely different person. To be a good actor is to be able to be aware of this double-consciousness. For example, in the ‘Defense,’ Socrates divides himself into Socrates and ‘Protagoras.’ On the side of the

audience, the audience sees a divided object: the actors in their two aspects. The spectators will see both the real, live actor in front of them moving his body and using his voice, but the viewers will also understand that the actor is supposed to represent another person and another world. Theaetetus and Theodorus perceive both Socrates and Socrates representing ‘Protagoras.’ As Socrates says in the *Republic* III, “If the poet were nowhere to conceal himself [ἐαυτὸν ἀποκρύπτοιτο], all his poetry and narrative would be accomplished without imitation [ἄνευ μιμήσεως]” (393c10-11).³⁵ The difference between the division of the subject and object in the Protagorean theory and a *mimēsis* is that in the Protagorean view the division of selves and objects is without end or limit (in either time or space). There are an infinite number of “cuts” to the self, and it goes on eternally. Whereas *mimēsis* allows for the dividing of both the subject and object, but it is limited in scope. Although the mimetic divisions can be iterated (e.g. the slave imitates Socrates imitating Protagoras)—and there are artists who love creating nested narratives (Plato himself)—we humans are limited by the levels we can follow in a story. In a *mimēsis*, the cuts to the self and objects will not be without end, nor will they last forever. As soon as the curtain rises, the actor is back to being a unified person. At a minimum, there are at least two-streams of *mimēsis* because a percipient of *mimēsis* will be split in two by the experience, but the levels are iterative or recursive. For example, at the very moment that Socrates is giving his performance of Protagoras to those gathered—although we may have forgotten about the frame narrative—there is a slave reading to Terpsion and Euclides. The slave must do all the ‘parts’ of the dialogue written down by Euclides. So, at this point of the dialogue, we are several narrative layers or levels deep:

Listener/Reader→Terpsion & Euclides→ slave reading E’s dialogue→Socrates→ ‘Protagoras’

Now, imagine that someone reads the *Theaetetus* to us. This person’s recitation would add

³⁵ Goldstein (2016), *Classical Greek Syntax Wackernagel’s Law in Herodotus*, 24.

another layer. This person’s voice would take us through Plato’s *Theaetetus*, but this voice would be representing the slave reading Euclides’ dialogue, who does the voice of Socrates imitating ‘Protagoras.’

As if to remind us that Socrates has been speaking, Plato inserts a “φήσει [He will say]” (166c2) a few lines after ‘Protagoras’ has been speaking. This is Socrates returning to talk in his own voice, like a poet switching from speaking in the voice of a character (*mimēsis*) back to his own, more detached, reporting of events (*diēgēsis*). This is the only interruption by Socrates in the entire *epideixis* by ‘Protagoras.’ Otherwise the entire speech is bookended by Socrates beginning with, “λέγων [he says] ...” (166a2) and then at the end a reminder that “these are things I offer to rescue your companion” (168c2-3).

Ever since Socrates brought Protagoras into the conversation—right after Theaetetus’ first proper definition—as supposedly saying the same thing as Theaetetus, the Protagorean theory has been interpreted by Socratically *individualistically*. In fact, Socrates’ gloss on the maxim, “that things are to me as they appear to me and are to you as they appear to you,” verifies this. The defense is the first time that a different interpretation of *anthrōpos* (“human”) is introduced and taken seriously. Instead of ‘human’ signifying each individual, it means a group or collective:

but the wise and good rhetors make useful things [τὰ χρηστὰ] seem just [δίκαια] to a city [ταῖς πόλεσι] instead of harmful ones [ἀντι τῶν πονηρῶν]. Since whatever in each city [ἐκάστη πόλει] is judged [δοκῆ] just and noble [δίκαια καὶ καλὰ], these things are <just and noble> to <the city> [αὐτῆ], as so long as [the city] might considers [νομίζῃ] them <so>” (167c2-4).

whatever seems [τό τε δοκοῦν] to both each [ἐκάστῳ] individual [ιδιώτῃ] and <each> city [πόλει] also is [εἶναι] (168b5-6).

Although it is ‘Protagoras’ that finally proposes and allows for a group or collective relativism, he seems, strangely, to treat the city as a single entity, an individual. In the first quoted line, the

city is treated *as if* it were just a single, collective subject, and whatever it ‘judges’ or ‘considers’ will be the case. This is similar to the obfuscation by unification that Socrates orchestrates in the *Crito*; he unifies various often conflicting laws and commonwealth of the city into one speaking and thinking entity, ‘the Laws.’ After the Defense, even though Socrates in his earlier interrogation with Theaetetus only treated the Protagorean theory as individual relativism, he will allude to group relativism three times.³⁶ Each time Socrates mentions group relativism he allows for a city to decide for itself many things: what is right, noble, shameful, just, unjust, pious and impious. But what he cannot seem to accept is a group relativism in which a city establishes what is ‘advantageous’ to itself. As we will see later in my analysis of the *Protagoras* and of the Platonic *Protagoras*’ use of ‘advantageous’ in that dialogue, there is something about letting collectives legislate what is advantageous or useful that Socrates cannot seem to endorse on Protagoras’ behalf. He thinks that is a bridge too far.

In his discussion of the Protagorean theory, Socrates (sounding like the later-Heidegger) prohibits the use of being: “One ought to remove [sc. or etch out] ‘Being’ from everywhere” (157a9-b1) and “<we must>, according to nature, utter that ‘something becomes,’ ‘something comes-to-be created’ ‘something becomes-dead,’ or ‘something becomes different,’ for if

³⁶ Here are the three instances [1]-[3] (but I split [1] and [2] into two different parts [a] and [b]):

[1a] “Surely then, concerning political matters, the noble and shameful, just things and unjust things, pious and impious, whatever view a city takes on these matters and establishes as its law or convention, is truth and fact for that city” (172a1-3).

[1b] “But in settling what is advantageous and what is disadvantageous [συμφέροντα ἑαυτῆ ἢ μὴ συμφέροντα], here, if anywhere, again Protagoras would agree that... the opinion of a city differs one from another...and [Protagoras] wouldn’t really dare to affirm that the things a city establishes— thinking them advantageous [συμφέροντα] to it— that above all, these things will be advantageous [συνοίσειν]” (172a5-2).

[2a] “Concerning good things [τάγαθὰ], no one <is> yet so courageous as to dare to contend that whatever a city itself thinks and establishes as advantageous [ὠφέλιμα], is advantageous—and is for as much time as it remains advantageous [ὠφέλιμα]” (177d2-5).

[2b] “whatever any community judges to be just and right, and establishes as such, actually is, and for as long as it remains <so>” (177c9-d2).

[3] “necessarily a city, when it legislates, often misses-the-mark about <what is> the most useful <thing> [ὠφελιμωτάτου]” (179a6-8).

In [1a] and [2b] Socrates discusses the possibility of a group relativism with respect to several qualities a city may believe (e.g. noble/shameful, just/unjust, pious/impious), but in [1b], [2a], [3] he dismisses the possibility of a group relativism with respect to what is ‘advantageous’ to it.

someone stands something still with his words, in doing this he <is> easily-refuted” (157b5-8).³⁷ He even reinforces that a person *is* not just one, but rather many and instead comes-to-be an infinite number of selves (166b7-8). But in the Defense, ‘Protagoras’ himself—seeming to forget his own theory’s injunctions—uses ‘being/to be’ profusely.³⁸

The Impossibility of Negative Judgments and Negation

‘Protagoras’ says, “For it is impossible to judge [δοξάσαι] what is not [μὴ ὄντα], or <to judge> other than those things which one is experiencing, these are always true [ἀεὶ ἀληθῆ]” (167a7-b1). This line makes ‘Protagoras’ agree with an extremely *radical* consequence of Protagoreanism: that there is no falsehood, and everyone is always right. Based on Protagoras’ surviving fragments, Plato’s portrait of him in the *Protagoras*, and some other ancient evidence, it’s highly unlikely that the historical Protagoras would have actually endorsed that his views lead to such an unreasonable outcome.³⁹ I don’t think interpreters have fully appreciated *how drastic* the implications of this distorted caricature of Protagoras are. Protagoras would be agreeing that

- (1) it is impossible to judge what-is-not; that
- (2) one only judges what one is experiencing at that very moment, this always being true; which leads to a corollary that
- (3) one can never judge falsehood.⁴⁰

If Protagoras had accepted these positions, *then* he would be saying that humans can never judge or think of things that are non-existent. The Protagoreans would fall into the same Eleatic trap of

³⁷ For the literary practice of crossing out words see Heidegger (2001 [1929/30]) *The Fundamental Concepts of Metaphysics* and Derrida’s discussion of ‘under erasure’ [“sous rature”] in (1976 [1967]) *Of Grammatology*.

³⁸ There are eleven instances of ‘Protagoras’ using ‘being/to be’ (unadulterated without some other verb, like δοκεῖν, to modify or accompany it: ἔστι (166d4, d7, e3, e4); ὄντων (166d3, 167c6); εἶσιν (167d2); ὄντι (167d3); ἦ (167e2); ἔστιν (167e3); εἶναι (168b5).

³⁹ For a defense of this claim see Chapter 7 “The ‘Human-Measure’ Fragment” in Schiappa (2003) *Protagoras and Logos* 117-133. See also Zilioli (2002) and (2007). In the third section of this chapter I will compare the ‘Protagoras’ that Plato has Socrates act out in the *Theaetetus* with the Protagoras depicted in the *Protagoras*.

⁴⁰ An exception is Katja Vogt’s reconstruction of what she calls Measure Realism in contrast to Truth Relativism in Chapter 4 of *Desiring the Good: Ancient Proposals and Contemporary Theory* (2017), “The Long Goodbye from Relativism.” (92-114).

being unable to judge of things that are-not, of those things which have non-being. Plato discusses the pitfalls of the Parmenidean and Eleatic inability to talk about non-being in the *Sophist* (237a ff.) and sets out to explain non-being without negation. The *Mimēsis* Objection depends on the fact that in a perceptual experience of *mimēsis* a percipient is simultaneously perceiving what-is and what-is-not. *Mimēsis* becomes something in-between, an intermediary, that partakes somewhat in being and somewhat in nonbeing.

[T]he analysis of mimesis in the dialogue [the *Sophist*] is cast within the framework of being and non-being—a metaphysical problem that mimesis complicates by participating in both categories. An odd third term that cannot be embraced within Eleatic oppositions, mimesis disrupts the ontology of either/or, and herein lies both its danger and its power. Socrates, the philosopher of true being, enacts his inquiry with methods that productively engage the ironic illusions that are part of the slippery world of mimesis, though his is a mimesis grounded in knowing” (Gellrich, “Socratic Magic, 297).

Socrates’ *mimēsis* of Protagoras has a magical quality; he makes assertions on behalf of, and through, the voice of a dead man. He is elaborating a view in which one cannot think about non-existent objects by representing an object which is no longer existent: the dead Protagoras. One way the Protagorean might try to escape this contradiction is by saying that it is only as a figment of thought that ‘Protagoras’ exist. Yes, the real, historical, Protagoras is non-existent, but this ‘Protagoras’ exists as momentary idea, an intentional object in the mind of the listeners of Socrates’ performance (*Theaetetus*, Theodorus, and the young Socrates). But the paradoxes of non-existence in *Theaetetus* do not end there. At the time of the frame narrative, Socrates himself has been dead for several years, and tragically, perhaps, even Theaetetus has died or is in the process of dying as well. So Euclides and Terpison are listening to a slave read about non-existent objects, things which they cannot really perceive (except if we grant them a perception like in the mind’s eye, when remembering). And we, contemporary readers of the dialogues, are reading about people who lived in 5th and 4th century ancient Greece and who no longer exist.

Furthermore, we could also question how accurate and adequate these representations are in comparison to the actual historical personages. Perhaps these literary objects only share their names with the no longer existing objects of time and history.

In her article, “In and Out of Worlds: Socrates’ Refutation of Protagorean Relativism” Giannopoulou, makes a point similar to mine; she writes, “Since [the] belief [of ‘Protagoras’] is not the belief of a [hu]man, it counts for naught. Even worse, with the deceased Protagoras as the sole supporter of his theory, [the human measure dictum] becomes what Socrates says it is, a self-refuting doctrine” (283). Protagoras, perhaps the only true believer in his own theory, is dead.⁴¹ Only Socrates’ performance bring him to life momentarily. Giannopoulou is right to point out Protagoras’ absence and the fact that it is the *living* Socrates who must bring the dead Protagoras to life. But it’s not just the fact that Protagoras is dead and therefore cannot count as a human, an *anthrōpos*, it is also that he is a fantastic, fabricated, literary and mimetic phantom. ‘Protagoras’ has a liminal existence as a mimetic representation; one foot in the realm of reality, of what-is, the world of Socrates, Theodorus, and Theaetetus; and another in an unreal realm of what-is-not, where Protagoras is alive and speaking to those gathered. ‘Protagoras’ exists through Socrates: by Socrates temporarily relinquishing his selfhood, ‘Protagoras’ inhabits Socrates’ body. He really is like a shade in the Underworld. ‘Protagoras’ requires the blood and body of a living human, Socrates, in order to become embodied and communicate with others. He takes over Socrates. It is no wonder that *mimēsis* is often associated with magic, sorcery, shamanism, spirit-possession, ritual, and speaking with the dead.

⁴¹ She says something similar in (2010-2011) “Protagoras’s Talking Head Corporeality, Rationality, and Self-Refutation in Theaetetus 171c-d”: “It is important that the living man voicing Protagoras’s ... belief in [the Protagorean theory], Socrates, does not share that belief but serves only as the vehicle for its transmission... By paying due attention to this dramatic feature we can appreciate the force of Socrates’s refutation: the only believer in it is not a human being, but its dead author” (33) and “The performative nature of the passage creates the illusion of human presence—Socrates revives Protagoras with his own resources—and at the same time calls attention to the sophist’s physical and mental unavailability” (40).

But my purpose has been to show that Socratic *mimēsis* is more than witchcraft and necromancy, Socrates tries to teach his interlocutors through his performance, he deliberately uses *mimēsis* to refute the Protagorean theory. If the interlocutors do not see it, nevertheless, Plato—the mind and hand behind all of this—has staged a ‘play-within-a-play’ of Socrates’ *failed* lesson in order to educate us, the listeners and readers of the dialogue. Plato’s poetics are extraordinarily beautiful and aesthetically dazzling, but they also have a philosophical and pedagogical purpose. Plato teaches us through Socrates’ unsuccessful attempt to teach his interlocutors in imitating Protagoras. We, the listeners and readers of *Theaetetus*, must do the work, the labor, of unpacking what Plato has hidden in plain sight. Plato is practicing a form of steganography, of hiding a message or lesson out in the open, potentially accessible to all.⁴²

Let us return to the Protagorean suggestion that the non-existent Protagoras could live on as image or concept in the mind. The suspicions surrounding the ‘perception of non-existing objects’ are similar to some of the lingering doubts left by Socrates’ Objection from Memory (163c5-165a3). *Theaetetus* never fully works out how to treat memory. Is it a perception or not? A memory comes from past perceptions, but when we are currently remembering something or someone, we are not then in that instance perceiving that remote object. So, in a sense, we can re-describe that perceptual experience of memory as perceiving a non-(at that very moment)-existing object. One of the first salvos ‘Protagoras’ makes in his defense is to accept that memories are a kind of perception:

Do you expect that someone will concede that an existing memory of that which he experienced, is such a sort of experience: of the sort that he was experiencing, but he is no longer [at that very moment] experiencing? It is far from necessary (166b2-4).

In agreeing that a memory is a kind of (perceptual) experience—which is different from the past

⁴² See Herodotus *Histories* V.35-6; VII.239.

(perceptual) experience one had when one was actually perceiving it—‘Protagoras’ has tried to reaffirm his connection with Theaetetus’ definition of ‘knowledge is perception.’ In reasserting his link with Theaetetus’ suggestion, ‘Protagoras’ is arguing that memory is a perception that can lead us to knowledge, but there are two problems with this suggestion. The first is that memory does not always function as ‘instant recall,’ like when one re-reads a line that one has previously written in the past (e.g. on a wax tablet).⁴³ Memory often involves confabulation.⁴⁴ That means that I can add or take away things from my memories depending on how they affect me psychologically. I can fabricate, distort, or misinterpret past events and, thus, not remember them as they actually happened, but as I have emotionally re-imagined them happening. The second is that by confirming his concurrence with Theaetetus, ‘Protagoras’ has unwittingly undermined his connection with Heraclitus. If we really accept Heraclitus’ flux and forego any ideas of ‘sameness,’ or identity, how can we still hold to a conception of memory? Memory relies on the idea of matching or pairing a past mental state with a current mental state. Furthermore, it relies on correctly identify and re-identifying the intentional object of that previous mental state, what it was about—say, about a friend from the past, like Socrates or Theaetetus. We must be sure that we are mentally grasping at the *same* Socrates or Theaetetus which existed in our past perceptual experience, otherwise it would not really be a memory.⁴⁵ A thorough-going Heracliteanism must renounce all memory, recall, and recollection. Someone might object and say that a moderate Heracliteanism is not so extreme. Perhaps, but in the Defense Socrates burdens ‘Protagoras’ with an extreme form of Heracliteanism, this is especially evident when ‘Protagoras’ proclaims that a person *is* not just one, but rather many and instead comes-to-be an infinite number of selves

⁴³ The wax tablet example comes from a famous image from the second part of the *Theaetetus*, where knowledge is defined as correct opinion, at 191b10-e1.

⁴⁴ For work in psychology on ‘confabulation’ see Moscovitch (1995); Kassin et al (1996); Hirstein (2005).

⁴⁵ This last point is indebted to Chappell (2004, 105).

(166b7-8).

One of the clues that this Objection about Memory is crucial in interpreting Protagoras and his theory, is the response Socrates gives to his own harsh criticisms to the Protagorean theory on memory, which occur only a few Stephanus pages before the Defense:

This would not be so, I think, my friend, if the father of the other story were alive; otherwise he would have many <ways> of defending himself. But now we are bespattering an orphan. For not even the executors, whom Protagoras left behind—one of whom is Theodorus here—are willing to come to his assistance. But, in fact, we ourselves will run the risk, for the sake of justice, to assist him (164e2-6)

Socrates laments the fact that Protagoras is not there to defend himself, particularly regarding this objection concerning memory. One wonders if Socrates is being serious about trying to defend Protagoras and come to his assistance, or if it is rather Plato who is speaking through Socrates and trying to provoke someone listening or reading the dialogue to come to his defense. Yes, very soon after this Socrates will launch into the Defense of Protagoras, but as I keep urging the defense is also a disguised attack.

Lastly, I argue that the claim that Socrates-as-‘Protagoras’ makes, “it is impossible to judge [δοξάσαι] what is not [μὴ ὄντα]” (167a7-8) ought to be taken literally and at face value. If one buys into the reconstructed Protagorean consequences (1)-(3)⁴⁶ then what is impossible to judge is negation itself and negative judgments in general. We can only make positive judgments. For when do I ever experience *not-cold*? The Protagorean could try to say that it is when one experiences heat. But this only gives us the positive experience of heat, it does not grant us the further judgment of *not-cold*. *Not-cold* is a non-existent object because it has

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(1) it is impossible to judge what-is-not; that
(2) one only judges what one is experiencing at that very moment, this always being true; which leads to a corollary that
(3) one can never judge falsehood.

negation, and strictly speaking we never sensuously ‘perceive’ negation or a non-existent state of affairs, but it is an ideational operation of the mind. But someone may object and ask, ‘what about when Socrates is first discussing the Protagorean theory (152b) and he talks about the wind being cold and not-cold to two different people?’ Yes, but the problem with Socrates’ reconstruction and rehearsing of the Protagorean position is that he does not consistently take up the theory’s essential first-personal point of view. In this very example, Socrates talks about “one of us” making it unclear which one of us—of the first-person plural—is doing the experiencing and which one of us is doing the observing.

Therefore, let’s follow him. Isn’t the case that sometimes when the same wind blows, one of us feels cold, and the other not? And <sometimes> one <feels it> gently, and the other very much? ...

Therefore, will we assert that the wind in itself is cold or not-cold? Or are we persuaded by Protagoras that to the one feeling cold it is cold, and to the other it is not? (152b1-7)

This first-person plural “we” blurs the lines between, and has one foot in, the properly first-person singular “I” of the *individualistic* Protagorean theory and the observational mode, more properly of third-personal judgments (“he, she, or it”). A Protagorean individual relativism is *only* first personal; all judgments must be relativized to me, myself, or I. It cannot make claims in the first-person plural (“we”), nor in the second-person—whether singular (“you”) or plural (“you all”), nor in the third-person—whether singular (“he, she, it”) or plural (“they”). There is a lot of secondary literature on Socrates’ wind example; however, no commentator has made the point I am making here about Socrates’ (perhaps intentionally) confusing use of the first-person plural perspective and the inability to perceive negation.⁴⁷ If this radical implication is taken on,

⁴⁷ The closest any commentator comes to the first assertion is Castagnoli (2004), 25n10. For analysis of Socrates wind example see: Cornford (1935), 33-6; Kerferd (1949), 20-22; Mansfeld (1972), 133-139; Maguire (1973), 120-1; McDowell (1974), 119-121; Glidden (1975), 118-9, 127-8; F.C. White (1975), 4-6; Burnyeat (1976), 178-9, 190-4; Matthen (1985), 35-55; Dancy (1987), 64-79, 87-88, 93-4; Waterfield (1987), 63-4; Glidden (1988), 323-326; Burnyeat (1990), 5, 11, 15, 24, 59; Ketchum (1992), 73-85, 91-97, 102; L. Brown (1993), 205-6, 214; Fine (1998), 206-7, 220-1; Fine (1998b), 213, 222-229, 241-2; Fine (1998c), 140-1, 155; Silverman (2000), 113-118, 123-4;

then a real *individualistic* Protagorean does not only give up the use of properly speaking for anyone else other than one’s self and also the use of any kind of negation. But Protagoras uses negation (or ideas that imply negation or refutation) thirty-one times in the brief episode!⁴⁸ Furthermore, as I mentioned in regard to being/to be, “Protagoras would not have granted his consent to the suggestion that one cannot speak of what is not (*hōs ouk esti*) since his human-measure aphorism states otherwise” (Schiappa 2003, 135).⁴⁹

PART III: Socrates’ ‘Protagoras’ in the *Theaetetus* vs. Protagoras in the *Protagoras*

Socrates’ Two Portraits of Protagoras

On the one hand, Plato consistently portrays Socrates as constantly criticizing Protagoras (or his followers) by name for holding on to some extreme, implausible views—not only in the

Sedley (2002), 38-43; Zilioli (2002), 30-2, 42-6, 178; Osborne (2003), 135, 145-149; Castagnoli (2004), 4-9; Chappell (2004), 31, 56-61, 63, 71; McCoy (2005) 3-4; Chappell (2006), 113, 121-127, 134; Zilioli (2007), 33-38, 46-48, 121; Erginel (2009), 9-11, 14, 19-21, 26-7, 31-33, 39, 46, 56, 63; Y.C. Lee (2012), 62-4, 166-179; Thaler (2013), 20-1; Zilioli (2013), 236-241; Bartlett (2016), 135-143; Vogt (2017), 96-102. It is interesting to note that the wind example directly follows Socrates wondering whether Theaetetus’ first suggested definition ‘knowledge is perception’ happens to be “genuine or ‘windy’ [γόνυμον ἢ ἀνεμιαῖον τυγχάνει ὄν]” (151e6). Chappell’s (2004), 56 translation does a good job of bringing this out, but he does not comment on it explicitly.

⁴⁸ “If, for example, the same person remembers and at the same does not know [μὴ εἰδέναι] the same thing.” (166a3-4); “I am refuted [ἐγὼ ἐλέγχομαι]” (166a10-b1); “A memory is present to someone of what he experienced—but is no longer experiencing [μηκέτι πάσχοντι]—is it the sort of experience, of the sort when he was experiencing it?” (166b2-4); “it is possible for someone to know and not know [μὴ εἰδέναι] the same thing” (166b4-5); “he is someone but rather isn’t <he> many [οὐχὶ τοὺς]” (166b7-8); “refuting that individual perceptions [ἐξέλεγχον ὡς οὐχὶ ἴδια αἰσθήσεις] don’t come to be to each of us” (166c3-4); “In no way [οὐδέν] would that which appears come to be for that one alone” (166c5-6); “<you are> not doing <things> fairly [οὐ καλῶς ποιῶν]” (166d1); “to assert that... are not [τὸ μὴ φάναι εἶναι]” (166d5); “Do not accuse [μὴ... δίωκε]” (166d8-e1); “neither <of the two> [οὐδέτερον]” (166e4); “ for it is not possible [οὐδὲ γὰρ δυνατόν]” (167a1); “nor should one accuse [οὐδὲ κατηγορητέον]” (167a1); “Since in no way [οὐ τί γε] did anyone make someone, who was thinking something false [ψευδῆ δοξάζοντά τις], to later think think <it> truthfully, neither [οὔτε] is it possible to think things <which> do not exist [τὰ μὴ ὄντα], nor [οὔτε] <is it possible to think> other things besides those which one experiences, but these things are always true.” (167a6-b1); “but in no way truer [ἀληθέστερα δὲ οὐδέν]” (167b4); “And in this way, some are wiser than others and no one thinks falsity [οὔδεις ψευδῆ δοξάζει], and you, whether you want to or not [ἐάντε μὴ], must be a measure.” (167d1-3); “for one ought not to flee this [οὐδὲ γὰρ τοῦτο φευκτέον]” (167d6); “don’t be unjust in your questioning [μὴ ἀδίκει ἐν τῷ ἐρωτᾶν]” (167e1); “[μὴδὲν]” (167e2); “whenever someone does not distinguish [μὴ χωρῖς]” (167e3-4); “ but not you [ἀλλ’ οὐ σέ]” (168a4); “not inimically nor combatively [οὐ δυσμενῶς οὐδὲ μαχητικῶς]” (168b2-3); “but not as now [ἀλλ’ οὐχ ὡσπερ ἄρτι]” (168b7).

⁴⁹ “It is also unclear whether Protagoras ever espoused the belief that falsehood is impossible. In Plato’s *Euthydemus* ‘speaking falsely’ is equated with ‘speaking of what is not’—*hōs ouk esti*—which interlocutors agree is impossible... Protagoras would not have conceded such a point” (Schiappa 2003, 137).

Theaetetus, but also in the *Cratylus* and the *Euthydemus*. In the *Cratylus*, Socrates asks Hermogenes,

Is the being or essence [ἡ οὐσία] of each of them something private for each person, as Protagoras tells us? He says that man is “the measure of all things,” and that things are to me as they appear to me and are to you as they appear to you. Do you agree, or do you believe that things have some fixed being or essence of their own? (*Cratylus* 385e4-386a4)⁵⁰

Here we see that, again, Socrates applies his *individualistic* gloss to Protagoras’ human-measure dictum: “that things are to me as they appear to me and are to you as they appear to you.” And, again, Socrates contrasts Protagorean relativism with “fixed essences,” those things that are in themselves something. Similar to the *Theaetetus*, Socrates draws a radical implication out of Protagoras’ thought:

But if Protagoras is telling the truth—if it is the *Truth* that things are for each person as he believes them to be, how is it possible for one person to be wise and another foolish? (*Cratylus* 386c2-4)

If everyone is always right and each one is his/her own measure, or criterion, of truth, then there is no falsehood, and there is no way for there to be error or ignorance, and the need for a paid teacher—a sophist, like Protagoras—becomes unnecessary. At least in the *Euthydemus* it is the followers of Protagoras and not the man himself who is said to hold to this radical view of ‘no falsity’:

The followers of Protagoras made considerable use of it, and so did some still earlier. It always seems to me to have a wonderful way of upsetting not just other arguments, but itself as well. But I think I shall learn the truth about it better from you than from anyone else. The argument amounts to claiming that there is no such thing as false speaking, doesn’t it? And the person speaking must either speak the truth or else not speak? (*Euthydemus* 286c2-8, emphasis added)

[I]f it is impossible to speak falsely, or to think falsely, or to be ignorant, then there is no possibility of making a mistake when a man does anything? I mean that it is impossible for a man to be mistaken in his actions (*Euthydemus* 287a1-

⁵⁰ C.D.C Reeves translation of *Cratylus* in Cooper (1997).

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On the other hand, these implausible positions—like the ‘no falsity’ view, the ‘everyone speaks the truth’ view, as well as the latent radical Heracliteanism—do not seem compatible with the portrait of Protagoras that we get in the *Protagoras*, as I will argue later.

The *Theaetetus* is not the only dialogue where Socrates performs the role of Protagoras. In the opening frame narrative of the *Protagoras*, a friend (who is never named) encounters Socrates, who has just come from Callias’ house where Socrates has had a discussion with Protagoras and others. Socrates recounts the story to the unnamed friend and his slave (310a2-7). Almost the entirety of the *Protagoras* consists of Socrates imitating various characters—including Protagoras, and Socrates’ past self—by saying what they said and affixing phrases such as “I said” and “he said.” This is highly speculative, but there would be a wonderful symmetry to the *Protagoras* and *Theaetetus* if the unnamed friend is Euclides. Then in the *Protagoras* Socrates would recount a story about Protagoras to Euclides and his slave; and in the *Theaetetus* the slave would read to Euclides (and Terpison) Euclides’ account of Socrates’ conversation with Theaetetus and Theodorus, in which (the slave imitates) Socrates (who) imitates Protagoras.⁵² If it is the same slave who both listens to Socrates’ tale and reads Euclides’ account, *and* if this slave is particularly bright, then he might be able to discern that the ‘Protagoras’ that Socrates acts out in the *Theaetetus* is nothing like the Protagoras in the *Protagoras*.⁵³ Regardless of whether the

⁵¹ Translations of *Euthydemus* by Rosamond Kent Sprague in Cooper (1997).

⁵² Thesleff (2009) hypothesizes that there are two versions of the *Theaetetus*, an earlier and a later one; and the later has the complicated frame narrative.

⁵³ For secondary literature on the *Protagoras* see J. Adam and A.M. Adam (eds. and trans. 1921) *Platonis Protagoras, with Introduction, Notes, and Appendices*; Strauss (1965) *Lectures on Plato’s Protagoras*; Gagarin (1969) “The Purpose of Plato’s *Protagoras*.” *Transactions and Proceedings of the American Philological Association* 100, 133–164; C.C.W Taylor (ed. and trans. 1976) *Plato’s Protagoras, Translated with Notes*; Zeyl (1980) “Socrates and Hedonism: *Protagoras* 351b–358d.” *Phronesis* 25(3), 250–269; H. Berger (1984) “Facing Sophists: Socrates’ Charismatic Bondage in *Protagoras*.” *Representations* 5, 66–91; G.R.F. Ferrari (1990) “Akrasia as Neurosis in Plato’s *Protagoras*.” *Proceedings of the Boston Area Colloquium in Ancient Philosophy* 6, 115–140; R. Weiss (1990) “Hedonism in the *Protagoras* and the Sophist’s Guarantee.” *Ancient Philosophy* 10(1), 17–39; Benitez (1992) “Argument, Rhetoric, and Philosophic Method: Plato’s *Protagoras*.” *Philosophy & Rhetoric* 25(3),

slave is insightful or if the unnamed friend is Euclides, I think Plato wants us, the listeners and readers of the dialogues, to hear the dissonance between the two portraits of Protagoras in the *Protagoras* and in the *Theaetetus*, and to wonder *why* Socrates might distort Protagoras in the *Theaetetus*. There are many moments in the *Protagoras* that seem incompatible with some of the inferences drawn by Socrates from a supposed Protagorean point of view. One can think in terms of the *Sophist*: when evaluating Socrates' *mimēsis* of Protagoras, we should compare his imitated copy to the original. We, contemporary readers, only have a few fragments, *verba dicta*, from Protagoras himself. But we can compare Plato's portrait of Protagoras in the *Protagoras*, which I will argue is closer to the "original" actual, historical Protagoras, with Socrates' simulated copy of him in the *Theaetetus*, which is more of a contorted caricature.⁵⁴

Protagoras on *Anthrōpos* and the 'Advantageous'

Although Protagoras in the *Protagoras* never explicitly expresses or alludes to his human measure dictum, to better understand what Protagoras might have meant by 'human' [*anthrōpos*], it is helpful to track his repeated use of 'human' in the *Protagoras*. In order to

222–252; M. Frede (1992) "Introduction" In *Plato: Protagoras* (ed. S. Lombardo and K. Bell), vi–xxxiv; Schofield (1992) "Socrates Versus Protagoras" In *Socratic Questions* (ed. Grover and Stokes), 122–136; Balaban (1999) *Plato and Protagoras: Truth and Relativism in Ancient Greek Philosophy*; C.L. Griswold, (1999) "Relying on Your Own Voice: An Unsettled Rivalry of Moral Ideals in Plato's 'Protagoras.'" *The Review of Metaphysics* 53(2), 283–307; D. O'Brien (2003) "Socrates and Protagoras on Virtue." *Oxford Studies in Ancient Philosophy* 34, 59–131; Bartlett (ed. and trans. 2004) *Plato's "Protagoras" and "Meno"*; A. Long (2005) "Character and Consensus in Plato's *Protagoras*." *The Cambridge Classical Journal* 51, 1–20; Denyer (ed. Trans. 2008) *Plato's Protagoras*; McCoy (2008) *Plato on the Rhetoric of Philosophers and Sophists*; Arieti and Barrus (eds. And trans. 2010) *Plato's Protagoras Translation, Commentary, and Appendices*; Lampert (2010) *How Philosophy Became Socratic. A Study of Plato's Protagoras, Charmides, and Republic*; C.P. Long, (2011) "Crisis of Community: The Topology of Socratic Politics in the *Protagoras*." *Epoché* 15(2), 361–377; Politis, Vasilis (2012) "What do the Arguments in the *Protagoras* Amount to?" *Phronesis* 3(57), 209–239; Burnyeat, (2013) "Dramatic Aspects of Plato's *Protagoras*." *The Classical Quarterly* 1(63), 419–422; J. Moss (2013) "Hedonism and the Divided Soul in Plato's *Protagoras*." Penultimate draft. <http://www.nyu.edu/gsas/dept/philo/faculty/moss/HedonismDividedSoulProtagoras.pdf>. Accessed 3 March 2019; Trivigno (2013) "Childish Nonsense? The Value of Interpretation in Plato's *Protagoras*." *Journal of the History of Philosophy* 51(4), 509–543; F.J. Gonzalez, (2014) "The Virtue of Dialogue, Dialogue as Virtue in Plato's *Protagoras*." *Philosophical Papers* 43(1), 33–66; J.C. Shaw (2015) *Plato's Anti-hedonism And The Protagoras*; Olof Pettersson and Vigdis Songe-Møller (eds. 2017) *Plato's Protagoras: Essays on the Confrontation of Philosophy and Sophistry*.

⁵⁴ Demont (2013) "L'efficacité En Politique Selon Le *Protagoras* de Platon" in *Protagoras of Abdera: The Man, His Measure*, 130, proposes using the Protagoras in the *Protagoras* to defend the 'Protagoras' of the Defense in the *Theaetetus*.

answer Socrates' question of whether and how virtue is teachable and why everyone has a portion of the political art, Protagoras tells a famous myth about the origins of human society. Throughout the tale, Protagoras uses the word *anthrōpos* to mean the whole human race, or kind. He is not using it to mean an individual human being—as Socrates' *individualized* Protagoreanism holds—but instead the entire genus of humanity. This gives weight to the view that *if* Protagoras had the individual person in mind for the meaning of 'human' in his human-measure fragment, *then* it was not without *also* having a more collective or group meaning of 'human' as well.⁵⁵

There are key moments in the *Protagoras* where there is a breakdown in the conversation between Socrates and Protagoras. These aporetic moments can shed light on the *Theaetetus* and especially on Socrates' characterization of Protagoras in the Defense speech.⁵⁶ At one point, Socrates asks, “are those things good, the ones that are advantageous to humans [ὠφέλιμα τοῖς ἀνθρώποις]?” (333d8-e1). Protagoras swears and shoots back, “Yes by god... and even when they are not advantageous to humans, I call things good” (333e1-2). It looks to Socrates like he has irritated [τετραχύνθαι 333e3] Protagoras, and set him against answering, so he carefully and gently asks his next question, “Whether you mean... that there are good things that are

⁵⁵ There are some interpretations of Protagorean relativism that see general relativism as simply following from the aggregate of individuals. In fact, 'Protagoras' in the Defense in the *Theaetetus* even speaks (167c2-4, 168b5-6) as if a more general or collective relativism just arises from another instance of a singular entity (in this case, collective one), like 'the city.' However, I think we are owed an explanation of how one goes from individual to general relativism and we should not just assume that it ought to be taken for granted. This dissatisfaction with the account given by 'Protagoras' should provoke the reader/listener to question Socrates' characterization of Protagoras' position.

⁵⁶ On the breakdown of the conversation between Socrates and Protagoras at *Protagoras* 334c-338e see: Robinson (1953) *Plato's Earlier Dialectic*, 9; Klosko (1979) “Toward a Consistent Interpretation of the *Protagoras*” *Archiv für Geschichte der Philosophie* 61, 125-42; Stokes (1986) *Plato's Socratic Conversations*, 312; Benitez (1992) “Argument, Rhetoric, and Philosophic Method: Plato's *Protagoras*,” *Philosophy and Rhetoric* 25, 222–252; M. Frede (1992) “Introduction,” xix; Schofield (1992) “Socrates versus Protagoras” in *Socratic Questions*, 122-36; A. Long (2005) “Character and Consensus in Plato's *Protagoras*.” *The Cambridge Classical Journal* 51, 4-5; McCoy (2008) *Plato on the Rhetoric of Philosophers and Sophists*, 71-84; R.C. Bartlett (2016) *Sophistry and Political Philosophy: Protagoras' Challenge to Socrates*, 52-4, 213-7; Fossheim (2017) “Question of Methodology in Plato's *Protagoras*” in *Plato's Protagoras: Essays on the Confrontation of Philosophy and Sophistry*, 13-15; Petterson (2017) “Dangerous Voice: On Written and Spoken Discourse in Plato's *Protagoras*” in *Plato's Protagoras: Essays on the Confrontation of Philosophy and Sophistry*, 180-5.

advantageous to no human beings, or that there are good things in no way advantageous at all? And these same things you call good?” (333e5-334). This passage is crucial for several reasons. First off, again, we see that *anthrōpos* is being used by Protagoras in its generic and not specific meaning: he means advantageous to *all* humans as a kind, not just advantageous to a single individual. Second, implicit in the first part of Socrates’ question is a choice that is religiously pious toward the gods—a topic on which Protagoras was famously agnostic about. If there are things that are good, but advantageous to no humans, then there may be goods that are advantageous to others, such as to beasts and/or to the gods. By denying this possibility, Protagoras would make his measured agnosticism toward the gods an explicit radical atheism. Third, Socrates is trying to understand how Protagoras relates ‘good’ to ‘advantageous.’ Is the advantageous the higher, more encompassing category, or is it the good? Or is there a gap between things that are categorized as ‘good’ and those as ‘advantageous’?⁵⁷ That would be puzzling, considering that most people see them as synonyms, and as covering the same set of things. Are all good things advantageous, or useful? Advantageous to what or to whom? Are all advantageous things good? Again, good to, or for, whom? These are questions that are left unanswered within the dialogue, although commentators have tried to come up with responses. It seems, however, that there is an irreconcilable difference between these two thinkers. For Protagoras, good and useful are always and only relative attributes: a good *for*, or useful *for*, someone or something. Whereas Socrates (and Plato) in the *Republic* countenance a Form of the

⁵⁷ On Plato’s *Protagoras* and ‘advantageous’ see: Maguire (1973), 116-22, 127-132; McDowell (1974), 172, 178; Haden (1984) “Did Plato Refute Protagoras?”, 227, 237-8; Kerferd (1984) “Plato’s Account Of The Relativism Of Protagoras” 23-5; Burnyeat (1990), 23, 32, 39; Zilioli (2002), 82-90, 95-113; Zilioli (2007) 124-132; McCoy (2008) *Plato on the Rhetoric of Philosophers and Sophists*, 20-3; R. Bartlett (2016) *Sophistry and Political Philosophy: Protagoras’ Challenge to Socrates*, 47-52; 57-64, 87-99, 174-178, 184-6, 197-200; Rademaker (2017) “The Most Correct Account: Protagoras On Language” in *Plato’s Protagoras: Essays on the Confrontation of Philosophy and Sophistry*, 100-102; Ågotnes (2017) “Socrates’ Sophisticated Attack on Protagoras” in *Plato’s Protagoras Essays on the Confrontation of Philosophy and Sophistry*, 31.

Good, a good which is absolute, in itself, and in no way relativized.⁵⁸ Fourth, it is the interpretation of this word, ὠφέλιμος—which I have been translating as ‘advantageous’—and its relation to ἀγαθὰ (‘good things’) that causes a major rupture in communication between Socrates and Protagoras in the *Protagoras*. In fact, it requires the action of several of the listeners and bystanders of the discussion (Callias, Alcibiades, Critias, Prodicus, Hippias) to get them back to talking to each other (335d-338e). Twice in the *Theaetetus* Socrates will bring up a collective relativism that Protagoras would never really hold to, as a contrast case:

[1] [Protagoras] wouldn’t really dare to affirm that the things a city establishes—thinking them advantageous [συμφέροντα] to it—that above all, these things will be advantageous [συννοίσειν]. (172b1-2).

[2] Concerning good things [τὰγαθὰ], no one <is> yet so courageous as to dare to contend that whatever a city itself thinks and establishes as advantageous [ὠφέλιμα], is advantageous—and is for as much time as it remains advantageous [ὠφέλιμα] (177d2-5).

Here we can see that σύμφορος is a synonym for ὠφέλιμος, and they both mean ‘advantageous.’ Also, interestingly, there’s something about the fallibility of attributing the property ‘advantageous’ to something—which is somehow related to future outcomes and judgments about future advantages—that escapes the general infallibility offered by the Protagorean theory. It is this same concept of the ‘advantageous’ and its relation to the good that derails the discussions between Socrates and Protagoras in the *Protagoras*, and it is also the attribute, according to Socrates in the *Theaetetus*, that precludes Protagoras from affirming a complete collective relativism. While a city can decide what is just/unjust, pious/impious, noble, good, for itself (172a; 177c-d), it cannot determine what is and what is not advantageous to it. Fifth, it is this question that leads to Protagoras’ famous “rant” about the relativity of goodness and usefulness:

But I know of many things that are disadvantageous to humans, foods and drinks

⁵⁸ *Republic* VI 505a2, 508e1-2; VII 517b8, 526be2, 534b9-c1.

and drugs and many other things, and some that are advantageous; some that are neither to humans but one or the other to horses; some that are advantageous only to cattle; some only to dogs; some that are advantageous to none of these but are so to trees; some that are good for the roots of a tree, but bad for its shoots, such as manure, which is good spread on the roots of any plant but absolutely ruinous if applied to the new stems and branches. Or take olive oil, which is extremely bad for all plants and is the worst enemy of the hair of all animals except humans, for whose hair it is beneficial, as it is for the rest of their bodies. But the good is such a multifaceted and variable thing that, in the case of oil, it is good for the external parts of the human body but very bad for the internal parts, which is why doctors universally forbid their sick patients to use oil in their diets except for the least bit, just enough to dispel a prepared meal's unappetizing aroma (334a3-c6).⁵⁹

This excursus on how things are useful or not useful relative to the kind of thing it is or to the context illustrates Protagoras utilizing the two kinds of relativism, a general and individual one. Protagoras says that some things (e.g. food, drink, and drugs) are disadvantageous to humans and later he gives the example of ingesting olive oil as harmful for humans. In this instance, Protagoras is utilizing a general relativism and treating *all* humans as a genus; likewise, he goes on to talk about horses as a genus. Later, though, he will use the example of the doctor who prohibits a sick patient from using oil as a condiment as much as possible. In this instance, Protagoras has in mind an individual relativism, where a doctor is making individual expert judgments depending on what is or is not affecting a particular person at particular time.⁶⁰

There is a telling detail about Protagoras in the *Protagoras*. It is really only *after* Socrates has 'defeated' Protagoras with his interpretation of Simonides' poem, which relies heavily on its strong reading or construal of 'truth' or 'truly' (ἀλήθεια), that Protagoras himself uses ἀλήθεια repeatedly. Socrates uses ἀλήθ-related words five times before his radical interpretation of Simonides⁶¹; he uses them eight times during his interpretation⁶²; and he uses them another six

⁵⁹ Translation by Stanley Lombardo and Karen Bell in Cooper (1997).

⁶⁰ There is also an elision between relativism based on context and the kind based on opinion. Protagoras uses the former to support the latter. Tellingly the Forms are supposed to answer both (as at *Symposium* 211a on Beauty). I owe this point to Nick Pappas (communication).

⁶¹ Socrates uses it at 312d7, 331a2 (as an imaginary speaker), 338c2, 340c1 (quoting Simonides), 342d4 (talking about the Lacedaemonian origins of philosophy).

times after it.⁶³ Protagoras only uses ἀλήθ-related words *once* before Socrates' interpretation.⁶⁴ Protagoras does not mention it in his great speech. It is only after Socrates uses it several times, especially in his exegesis of Simonides, and after Socrates implores him to tell him what he (Protagoras) himself truly believes, does Protagoras use it five times.⁶⁵ Protagoras adapts and adopts Socrates' own key terms and language. Protagoras mirrors and mimics what Socrates says, and those critical concepts that are important to him. For example, Protagoras (and later Hippias and Prodicus) will follow Socrates in thinking about what 'the many' would think or say and also in thinking in terms of pleasure as necessarily a good, even though Protagoras initially dismissed the concerns of 'the many' (352d-353b).

Protagoras on Refutation, Ignorance, and Falsity in the *Protagoras*

In the *Protagoras*, Socrates, exasperated by Protagoras' method of replying to his questions with responses that seem to distance Protagoras from his own answers, says, "Don't <do that> to me! It's not this 'if you want' or 'if you agree' business I want to test [ἐλέγχεσθαι], but you and me, and I think the argument will be tested [ἐλέγχεσθαι] best if we take the 'if' out" (331c4-d1). In the *Protagoras* Socrates and Protagoras are involved in an agonistic *elenchos*, a test but also a kind of verbal *contest*, or trial. I bring this up, because the 'Protagoras' of *Theaetetus* would tell the Protagoras of the *Protagoras* that there is no need to worry about the outcome of this 'test' by Socrates since everyone is always right, there is no falsehood, and no one can be refuted (another meaning of ἐλέγχεσθαι). The 'Protagoras' of the *Theaetetus* would be wrong. The Protagoras of *Protagoras* acts and speaks as if there is the possibility of falsehood

⁶² Socrates uses it at 343c6, d6 (twice), d7, e1, e2, 344a1, 347a1, a3 (speaking as 'Simonides' against Pittacus).

⁶³ Socrates uses it 348a5 (in his exhortation to Protagoras to make "a trial of truth and of us, ourselves,") 352d4 (in agreeing with Protagoras), 356e1, e2 (talking about the truth in the soul in the art of measurement), 358a3 (asking Hippias, Prodicus, and Protagoras whether he speaks truth or falsity), 358e2, 359c7 ("yes truly people say that, but what about you Protagoras"), d4 Socrates agrees with Protagoras.

⁶⁴ Protagoras uses it 326e8 ("if I in those earlier things I was speaking truth").

⁶⁵ Protagoras uses it at 349d5, 354e2, 358a4 (Hippias, Prodicus and Protagoras are all made to agree that Socrates is speaking truthfully), 359e7 and 360b2 (Protagoras agrees with Socrates).

and as if everyone doesn't speak the truth all the time. He also believes in the possibility of error, disagreement, refutation, and ignorance, all of these being necessary to the art of the teacher.

At 328b-c, Protagoras says he is worth the high fee he charges, and he talks about his system of payment, "a student pays the full price only if he wishes to; otherwise, he goes into a temple, states under oath how much he thinks my lessons are worth and pays that amount." As Chappell points out this system implies "that Protagoras thinks it possible for his pupils to make *false* claims about what seems true to them" (106n85, emphasis added). An oath acts as a safeguard against the possibility that a student is capable of lying and could say that he thought Protagoras' lesson worth much less than what he *really* thought they were worth. Protagoras' exegesis of Simonides' poem (339a-347b) depends on Protagoras' belief that poets can get things wrong. For Protagoras, the most important part of an education is to be 'clever' (δεινόν) about poetry, to understand the things said by poets, whether those things are made correctly or *not* [ἄ τε ὀρθῶς πεποιήται καὶ ἄ μῆ] (339a1-2). Protagoras believes that Simonides contradicts himself (339b). At 339c Protagoras, talking about Simonides, asks, "Do you consider that the same man [ὁ αὐτὸς οὗτος] says this and those things, the previous ones?" This is ironic considering that in his defense in the *Theaetetus* and supposedly in his Secret Doctrine, 'Protagoras' holds that there is *no* sameness or identity, that a person is never the same from one moment to the next. Protagoras' criticisms of Simonides depend on positions that 'Protagoras' prohibits in the *Theaetetus*. Protagoras is taking something Simonides says in one part of the poem and something else he says in another part and pointing out that they contradict one another. But a Simonides who was a follower of the Protagorean theory of the *Theaetetus* could reply that these are two different people, two different poets, two separate entities, and there is no need to harmonize and integrate these two. Protagoras' criticism relies on Socrates' belief in a

subsisting self-same subject that persists throughout the poem. At 340e, Protagoras alludes to the possibility that “the ignorance [ἀμαθία] of the poet would be great.” But the Protagorean theory entails that there is no ignorance and falsity, and in the Defense ‘Protagoras’ cautions against attributing ignorance or wisdom to people (167a). Later, toward the end of the dialogue, Socrates asks explicitly, “But what then, don’t you say that ignorance [ἀμαθίαν] is this sort of thing: to have a false belief [τὸ ψευδῆ ἔχειν δόξαν] and to be deceived [ἐψεῦσθαι] about matters of great importance?” (358c3-5). At this point, Prodicus, and Hippias have also joined Protagoras in the conversation, and all of them agree. At the very end of the dialogue, Protagoras agrees that he has contradicted himself and he accuses Socrates of just wanting to win the argument (360e). It’s another turn of the screw that the point on which Protagoras has been refuted is the claim that ‘some men are most ignorant [ἀμαθέστατοι] yet most courageous.’

This chapter and this section have limited themselves to the portraits of Protagoras in Plato’s dialogues. There are also ancient testimonia about Protagoras and his thinking that are difficult to reconcile with the radical consequences that Plato imputes to Protagoras. For instance, there are several historical examples from Edward Schiappa’s *Protagoras and Logos* (2003) that would make one doubt the characterization of ‘Protagoras’ in the *Theaetetus* as an accurate representation: Protagoras supposedly wrote a book called “On Errors in Human Affairs” (165); he was famous for his method of ὀρθοέπεια, in which he ‘corrects’ the poets, like Homer (163-4); his *Two-logoi* fragment implies that “Every logos has an opposite” (99); “Protagoras is also credited with inventing the Socratic method, introducing the methods of attacking any thesis, originating the practice of arguing by questions, inventing eristic, and fathering competitive debate—*logôn agônas* (DK 80 A1, 3, 20).” (78-9).⁶⁶ These example of the

⁶⁶ See also the collection of essays van Ophuijsen and van Raalte and Stork (eds. 2013) *Protagoras of Abdera: The Man, His Measure*.

historical Protagoras from Schiappa do not cohere well with the persona of ‘Protagoras’ in the *Theaetetus* and his supposed Protagorean theory.

Socrates’ “Scientific” *Mimēsis* with Knowledge

Why study *mimēsis* in the *Theaetetus*? Especially since there is only *one instance* of a word related to ‘*mimēsis*’ in the entire dialogue.⁶⁷ Although there is only one explicit use of μιμῆσθαι-related words, the *Theaetetus* also sets up two sequels, the *Sophist* and the *Statesman*. These two dialogues, especially the *Sophist*, really delve into the issues of *mimēsis*, imitators, and kinds of imitation. It is revealing that Socrates, in defending Protagoras, chooses to imitate him; Socrates uses *mimēsis* in the *Theaetetus*. It is a dialogue that from the contemporary perspective is viewed as dealing primarily with epistemological issues. But I also think that Socrates is testing (βασανίζων) Theaetetus and Theodorus (perhaps, even young Socrates) with his *mimēsis*.⁶⁸ They do not see it for what it is, and do not see through it. But although Socrates’ interlocutors miss the point, Plato hopes that we, the listeners and readers of the dialogue, will pick up on it. It also does not bode well that none of the interlocutors notice Socrates’ shenanigans with *mimēsis*, especially since the following two dialogues in the connected narrative trilogy will test them about *mimēsis* and they will encounter a stranger who, perhaps, is an imitator himself.

Is Socrates’ portrayal of Protagoras accurate and faithful to the real, historical Protagoras? I cannot fully argue for this position, but, as we saw, the characterization of Protagoras in the *Protagoras* is quite different from the one of ‘Protagoras’ in the *Theaetetus*. Is Socrates is giving us a true-to-life likeness (εἰκόν) of Protagoras? No, I think it’s more correct to

⁶⁷ After Theaetetus has given examples of expertise (or ‘knowledges’ [ἐπιστήμῃ]) (e.g. geometry, astronomy, and cobbling) as a definition of knowledge itself, Socrates refutes and dismisses this first attempt. At 148d4 Socrates urges Theaetetus to come up with a new definition and he says, “try imitating (*mimoumenos*) your answer about powers.”

⁶⁸ For the idea of “basanastic” pedagogy see William Altman *Plato the Teacher* (2012, xviii-xx, 21-22, 91-100, 154-172, 193-200).

say that he is giving us a partly fantastical appearance (φαντασία) of Protagoras. Or as the *Sophist* puts it, “[i]f it appears the way the thing does but in fact isn’t like it ... it is an appearance” (236b6-7). I believe that Socrates gives us an appearance of Protagoras, and that is why I consistently refer to him as ‘Protagoras,’ inside quotes—to denote that Socrates has had a hand in crafting this representation, which I think Socrates has intentionally exaggerated. In the *Sophist*, the Stranger talks about two kinds of εἰδωλοποιικήν, translated as either ‘image-making art’⁶⁹ or ‘the copy-making craft.’⁷⁰ On the one hand, there is εἰκαστικός, the ‘likeness-making art’ (235d6),⁷¹ in which “someone produces an imitation by keeping to the proportions of length, breadth, and depth of his model, and also by keeping to the appropriate colors of its parts.”⁷² (235d7-e2). There is also φανταστικός ‘appearance-making art’⁷³ or ‘fantastic art’⁷⁴ (236c7) in which “those craftsmen say goodbye to truth and produce in their images the proportions that seem to be beautiful instead of the real ones” (236a4-6). What is interesting in the case of Socrates’ crafting of the caricatural appearance of ‘Protagoras,’ is that I think he distorts and misrepresents his subject, Protagoras. He does it not to make ‘Protagoras’ seem more beautiful than he really is, but instead to make him seem ugly and distasteful. At the end of the *Sophist*, the Stranger distinguishes between “[s]ome imitators know [εἰδότες] what they’re imitating, and some don’t”⁷⁵; he tells Theaetetus, that “someone who knew [γινώσκων] you and your character [σχῆμα] might imitate you [μιμήσαιτο]” (267b11-12). Does Socrates know Protagoras’ character [σχῆμα]? The Stranger draws a distinction between “imitation with belief [τὴν μὲν μετὰ δόξης μίμησιν]” is belief-mimicry [δοξομιμητικήν]” as opposed to “imitation with knowledge [τὴν δὲ

⁶⁹ Harold N. Fowler translation (1921).

⁷⁰ Nicholas P. White translation in Cooper (1997).

⁷¹ White and Fowler agree on this translation.

⁷² Nicholas P. White translation in Cooper (1997).

⁷³ *Ibid.*

⁷⁴ Fowler translation (1921).

⁷⁵ White translation in Cooper (1997).

μετ' ἐπιστήμης], some scientific imitation [ἱστορικῆν τινα μίμησιν]" (267d9-e2). The most important distinguishing feature is whether or not the imitators *know* what they are imitating, that is, whether it is done with knowledge and not from mere belief. I think that in the *Theaetetus* Socrates is practicing some scientific imitation, but he is purposefully presenting Protagoras in a more negative light. Many commentators think that the Stranger is obliquely referring to Plato in this last line about some scientific imitation, but I think that Socrates and his Socratic *mimēsis* could just as easily fit the bill.⁷⁶ This also illuminates a line in the *Laws* where imitation is discussed. This at 719c when the Athenian Stranger speaks in the voice of the poets and says,

when a poet takes his seat on the tripod of the Muse, he cannot control his thoughts. He's like a fountain where the water is allowed to gush forth unchecked. His art is the art of representation, and when he represents men with contrasting characters, he is often obliged to contradict himself, and he doesn't know which of the opposing speeches contains the truth.⁷⁷

Here, again, we see that *knowing* which of the speeches, and perhaps what parts of a speech, are truthful is crucial for a poet who imitates with knowledge. It is likely that the enlightened poet needs to know *both* the person being imitated, his/her character (as indicated at the end of the *Sophist* 267b11-12, quoted above), *and also* the truth value of the things that the imitated person says (as revealed in the *Laws* 719c quote above). This enlightened poet may still represent people with contrasting characters, but he doesn't necessarily contradict himself because he *knows* which characters or lines are true and which ones are not. The ones that are not true are said in order to test the listeners/readers of his works.

⁷⁶ L. Golden (1975) "Plato's Concept of *Mimesis*," *The British Journal of Aesthetics* 15(2), 118-131; Benardete (1984) *Plato's Sophist: The Being of the Beautiful*, II.110-2; Leigh (2009) "Plato on Art: Perspective, and Beauty in the Sophist," *Literature and Aesthetics* 19, 205-6; F. Gonzalez (2016) "Plato's Perspectivism" *Plato Journal* 6, 41. See also Jeng (2017) *Knowledge and logos in Plato's Sophist*, 204-209, Jeng (2017b) "Plato's Sophist on the Goodness of Truth" *Epoché* 21 Issue 2, 341-344; Y.H. Dominick (2018) "The Image of the Noble Sophist" *Epoché* 22 (2), 210-213.

⁷⁷ Trevor J. Saunders translation in Cooper (1997).

PART IV: Consequences and Counters to the *Mimēsis* Objection

Socrates' Previous Objections to the Protagorean theory

I will investigate how Socrates' other objections (earlier in the *Theaetetus*) are related to, but distinct from, the *Mimēsis* Objection. These previous objections also target the two consequences I highlighted above, that:

(i) a single perceiver cannot have two simultaneous seemings;

(ii) whenever an individual perceives something it is real (partakes of what-is) and true.

But ultimately these objections fail because there are replies to them within the dialogue.

The Dreams and Altered States Objection (157c2-160e1)

The *Mimēsis* Objection is most similar to Socrates' Dreams and Altered States Objection at 157c2-160e1. This objection asks us to consider two scenarios: how do we make sense of the perceptions we have when we are dreaming or hallucinating (Dreams), and of the perceptions we have when sick, as compared to those when we are healthy (Altered States). Can we say these are not-true, or false? Socrates' way out from the Dreams and Altered States Objection, on behalf of saving Theaetetus' first definition of knowledge as perception, is to bite the bullet and declare all perceptual events of this kind, even delusions, as true. Furthermore, Socrates leans heavily on the Heracleitean principle that the individual dreaming (or drinking wine while sick) at one moment, time T_1 , is a fully different *entity* from the individual awake and conscious (or drinking wine while healthy) at another moment, time T_2 . There are two main differences between the *Mimēsis* Objection and the Dreams and Altered States Objection. First, both scenarios in the Dreams and Altered States objection rely on a condition *internal* to the individual perceivers as impaired, or (to state it more neutrally) 'affected.' There is no consideration of a situation (like *mimēsis*) where it is not something *in* the perceivers that 'alters'

or ‘deceives’ them and their judgments, but instead it is some *external* environmental stimulus or condition that is causing a change in their perception. For example, the spectators at a drama are no longer perceiving really and truthfully, they are also sensing something untrue.⁷⁸ Furthermore, the *Mimēsis* Objection, unlike the Dreams and Altered States Objection, does not depend on two different mental states at two different times. Instead, as I will argue, when one experiences a mimetic episode it is in a *single instance* that a perceiver is confronted with two *simultaneous* appearances, and one of those appearances asserts, ‘this is not real; this is not true.’ Whereas it is rare that *within a dream* one is fully and consciously aware that one is dreaming, it is not rare or difficult in the case of a mimetic performance to catch oneself thinking, ‘this is not real.’ In that moment, a viewer is confronted with two simultaneous seemings or appearances. One appearance claims, ‘This performance is real. Those are real people on stage actually saying and doing things,’ and *at the same time* another appearance claims, ‘The action and words represented by this performance are *not* real—the performance is depicting events happening in another, different world, and the truth of its statements and the reality of its actions lie there.’

One could attempt to counter the *Mimēsis* Objection by characterizing how a perceiver of a *mimēsis* ought to respond to a mimetic episode in one of two possible ways, but neither of these answers is satisfactory. One could attempt to classify all perceptions of a *mimēsis* as true. This would be similar to the response to the Objection from Dreams and Altered States: that all perceptions, even those in dreams and hallucinations, are true. In a sense, we could try to fully “literalize” *mimēsis*; that is, one ought to take all *mimēsis* as literally true, as real, and put aside its untruth and unreality. The problem with this reply can be seen when an audience member at

⁷⁸ A mimetic performance is just one example of an extrinsic event which causes an altered-state in the individual. Plato talks about this enchanting and beguiling power of *mimēsis* and/or the distortions of perspective in the *Protagoras* 356c5-6; *Republic* VII523b5-6; X.602c7-d4; and *Sophist* 234b7-10. There are also optical, auditory, and other sensory illusions; some illusions are created by humans (e.g. Müller-Lyer illusion) and others exist in nature (e.g. refraction of light causing a stick to appear bent in water; an echo in a canyon).

the theater sees the actors representing the sons of Medea about to be “killed” by her hand (*Medea* 1273-1281). The proper response to this scene, according to this literalizing-*mimēsis* view, would be for the spectator to jump on stage and intervene. This will not work. When we watch a mimetic episode, we also *see* it and *read* it *as* unreal; to intervene in the dramatic action *as if* it were real is inappropriate and childish. One cannot just pronounce the perceptions of a mimetic performance true by fiat. The other proposed response goes in the other direction. One could attempt to classify all perceptions of *mimēsis* as false. In a sense, we could try to “falsify” *mimēsis*; that is, one ought to take *mimēsis* as absolutely false, and put aside any truth or reality it might have. There are two problems with this response. First, it is not available to the Protagorean relativist as so far elaborated by Socrates. According to Socrates, the relativist is already committed to the position that all perception is true. One cannot just make an exception for some appearances from mimetic episodes. The Protagorean theory as construed by Socrates is supposed to cover all cases of perceptions. To put it in a contemporary idiom, if there are some cases of perceptions, like in *mimēsis*, where the very “content” of perception calls into question the very distinction between the guaranteed-veridicality of the medium of perception and the possibly-false “content” of that perception, then we need to rethink the Protagorean theory that posits this distinction.

Second, the “falsify” rejoinder—which is similar to what some positivist philosophers propose in response to art and fiction in general—is *not* an appropriate reply either. We know that *mimēsis* is not-true, but its falsity is not the same as when we know someone is lying. The proper response when we know that someone is lying to us or trying to deceive us, is to walk-away and/or to reject whatever it is s/he was trying to tell us. But this is not the proper response to *mimēsis*, we don’t just walk-away or reject what actors are saying in a drama because we

perceive and know it to be (partly) false. We go into a theater knowing that what we will see is partly not-true.

As a test case, let us consider Socrates' own imitation of Protagoras. Is Socrates' 'Protagoras' real? Well, in the sense that it tries to bring Protagoras, who is dead, back to life, no, obviously it's not true that Protagoras is back and talking. We might say that Socrates is imagining another, different, reality where Protagoras is not dead and instead, he is present and speaking. Is this true? That is a harder, more difficult, question to answer. Perhaps there is another kind of truth, but it would be a truth that does not correspond precisely to the world as it appears only to my senses. Although Plato fights against poetry, the poets, and *mimēsis*, there is a structural similarity between what Plato wants to express in his philosophy and what happens in a dramatic mimetic performance. A dramatic work is not true, but it seems to imply another kind of truth, a possibly higher kind of truth. The words and actions of a drama are not true at this world—our actual world—but they might hold at another, different world. But then this opens the possibility that there might be a higher truth that encompasses both our world and the represented world of the drama. Plato uses this disconnect between the world of a *mimēsis* and the real world for one of his most famous images, the Cave (*Republic* VII 514a1–521b11). The prisoners in the Cave take a *mimēsis*, a shadow-puppet show, for reality. Plato's Cave illustrates that the problem is even worse than the illusion of taking a fiction for reality. Even if the prisoners understood that the shadows are in fact caused by a fire and by the hidden players and their props behind the prisoners, they would still lack a higher understanding of the true nature of things, available only outside of the Cave. Plato plays with the rupture in a *mimēsis* between an imitative copy and an original. (In the image there are various distinct levels. Inside of the Cave, there are the shadows, but then there are also props used to make the shadows; outside of the

Cave, there are the reflections of real things, and then there is seeing the actual things themselves, without intervening media). Plato wants to suggest that there is a rupture between the things we perceive through our senses and some other, higher, level of reality, outside the Cave, accessible only through our reason. There is an even more fundamental divide between the shadows on the wall and real things illuminated by sun above and outside of the Cave.

The Objection from Foreign Languages and from Alphabets (163a7-c5)

I will first present how Socrates opposes Protagorean relativism with the Objection from Foreign Languages and from Alphabets (163a7-c5), primarily to defend Theaetetus' definition that 'knowledge is perception.' Subsequently, I will use the analysis of the Objection from Foreign Languages and from Alphabets to investigate how one might also attack the Mimesis Objection. Socrates uses two counterexamples to the Protagorean theory: just because I *hear* some words spoken in a completely foreign language does not mean I *know* them; and if I were illiterate and I were to *see* some written letters that does not mean I automatically *know* them, that is, that I *know* what the letters mean. Theaetetus responds to the objection in this way:

we will say that we *know* this of them [sc. of the letters or the voice]: as much as we see and we hear. <Of the letters>, we see and we know the shape and the color; and <of the voice> we hear and at the same time we know the high and the lows notes <of the voice>. The things the grammarians and the interpreters teach us about them [sc. the letters and the voice, respectively], we *neither* perceive <them> by seeing or by hearing *nor* do we know <them> (163b8-163c3).

To this, Socrates coyly replies "Well said, Theaetetus, and it is not worthwhile of me to dispute it, in order that, indeed, you grow." (163c4-5). But (as Chappell points out pp. 95-6) Theaetetus' response is not a good answer, it leaves us with a gap in the 'knowledge is perception' equation. It was previously agreed that what experts teach is knowledge (146d-e). Grammarians and interpreters should be included in this group of experts since they teach knowledge of letters and of foreign voices. If grammarians and interpreters teach us things that we neither perceive nor

know, as Theaetetus' response suggests, then there is some kind of teaching, some kind of knowledge, that is either *not* perceived (which would invalidate Theaetetus' 'knowledge is perception') *or* that is *not* known (which leads to a contradiction: 'there is some knowledge that is taught but not known'). That would indeed be a strange outcome. Theaetetus could respond by just stipulating that what is taught by grammarians and interpreters *is* perception. But then it would have to be a different *kind* or *type* of perception from the perception that one gets from simply seeing shapes and colors of written letters or from hearing the low and high notes of a foreign voice. A problem arises as to how this new (perhaps, higher-order?) class of perceptions interacts with the simpler, (lower-order?) class of perceptions. How are they related? It also doesn't really answer the original objection that there are some cases where perception (thinking now about the lower of the two classes) is not sufficient for knowledge. The Objection from Foreign Languages and Alphabets is putting its finger on a troubling spot of the Protagorean theory. It points to the fact that a distinction is needed between lower-order, bare perceptions (what one could call 'simple sensation'), which would include the seeing of shapes and colors and the hearing of high and low notes, *versus* higher-order judgments and beliefs about perceptions, which would include the lessons that grammarians and interpreters teach us. We could still call these judgments on perception, 'perception,' but we would have to admit that these perceptions are 'cognitively-penetrated' (to use the modern expression).⁷⁹ That is, these perceptions include higher-order thinking and cognitive processes, like the use of memory, concepts, ideas, forms, paradigms, types, etc. Part of what the objection is pointing out is that we need to be clear on what is meant by 'perception' (*aisthēsis*), especially as it's being used in Theaetetus' definition of 'knowledge is perception.' We're not entirely clear if Socrates believes that Theaetetus' response to Socrates' Objection from Foreign Languages and Alphabets is really

⁷⁹ See Seigel (2012) "Cognitive Penetrability and Perceptual Justification."

adequate and convincing. At the very least, we ourselves might want to remember and keep this trouble-spot in mind when considering levels of perception in the *Mimēsis* Objection.

There is a possible response to the Objection from Foreign Languages and Alphabets, which might be used against the *Mimēsis* Objection. It might be argued that hearing a voice *as* speaking a foreign language or seeing some marks on surface *as* a written message is equivalent to a spectator in the theater seeing the actions and hearing the words of people *as* representing a mimetic episode. That is, a viewer correctly perceives the movements on stage by real actors *as* representing characters in a non-real world. In other words, there is some kind of higher-order perception or some perceptual judgment necessary in order to perceive a mimetic episode *as a mimēsis*. Just as there must be some kind of education or socialization that moves one from the bare sensation of seeing colored marks on page to comprehending what one is reading *as* an intentionally-communicated piece of information, or to go from hearing the strange fluctuating sounds of a foreign voice to understanding the meaning of what one is listening to *as* a message in another language; likewise there is a process that moves one from seeing a person doing things and hearing a voice on a stage to the more sophisticated perception of a *mimēsis as a mimēsis*. Seeing a *mimēsis as a mimēsis*, I contend involves perceiving the performance as, on the one hand, true and real, *and simultaneously as* not-true and not-real, on the other hand. While I will agree that ‘perceiving something *as a mimēsis*’ might require something more than bare sensation, it is one of the earliest lessons we learn. We are told stories when we are young, and we have to learn that these are not all true. Also, we ourselves learn to pretend, to imitate, or to role-play at being someone we are not (it might be a parent, a hero, or a professional). In fact, Plato knows this well and mentions the power that *mimēsis* has early on in a child’s development:

Then we must first of all, it seems, supervise the storytellers. We'll select their stories whenever they are fine or beautiful and reject them when they aren't. And we'll persuade nurses and mothers to tell their children the ones we have selected, since they will shape their children's souls with stories much more than they shape their bodies by handling them (*Republic* II 377b-c).⁸⁰

This response to the *Mimēsis* Objection faces the same set of problems discussed above, one would need to distinguish between levels of perceptions, which the simple definition by Theaetetus ('knowledge is perception') does *not* do. I discussed Socrates' Objection from Foreign Languages and Alphabets to the Protagorean theory and Theaetetus' meek reply in order to think about and distinguish between two levels of perception: lower-order 'bare, simple sensation,' and higher-order perception, which includes judging and believing. The kind of perception necessarily involved in taking-in a *mimēsis* is quite cognitively rich and of a high-order kind of cognition; we cannot attribute it to simple sensation. However, as I showed, Plato recognizes the power of inculcating and socializing via *mimēsis* early in education. Learning how to perceive a mimetic performance *as* a *mimēsis* (as partaking in both what and what-is, and what is true-and-real and what-is-not-true and not-real) might be difficult, and something that takes time and experience, but it is also something we begin learning early on at a young age. I turn to Socrates' last two objections to help us to think about the proper time and space qualifications that an objection against the Protagorean theory must heed. The *Mimēsis* Objection is the only objection that is able to attack the two consequences of the Protagorean theory because it does not rely on two different moments in time or two different places in space.

The Objection from Memory (163c5-165a3), and the Covered-eye Objection (165a4-165d2)

Socrates deploys two other objections against the Protagorean theory: the Objection from Memory (163c5-165a3), and the Covered-eye Objection (165a4-165d2), which I mentioned previously. Both of them (and also the Objection from Foreign Languages and Alphabets) rely

⁸⁰ Grube/Reeve translation in Cooper (1997).

on two suppositions.

First, the objections rely on the identity, or the equivalence, between knowledge and perception (knowledge = perceptions; knowledge \leftrightarrow perception). Socrates treats knowledge and perception as completely equivalent, as one does in a mathematical equation. He is co-opting the methods of geometry and mathematics in order to show that they can be appropriated by a sophist as subterfuge. But the reader must be on the look-out for *false* equivalences. Even if we are sympathetic to Theaetetus' definition, we cannot take it for granted that the two terms are joined together by the 'is' of identity.⁸¹ In fact, at 162d2-163a1 in another act of ventriloquism, Socrates speaks as "Protagoras or someone else <speaking> for him" saying that,

[O]f proof or necessity not a word. You (all) just rely on plausibility; though if Theodorus or any other geometer were to do that in his branch of science, he would be a good-for-nothing geometer. So, you and Theodorus had better consider whether, in matters of such importance, you are going to accept arguments which are merely persuasive or plausible.⁸²

'Protagoras' (or someone speaking for him) seems to urge both Theaetetus and Theodorus (both mathematicians) to give up arguments from possibility, plausibility, and likelihood and try to stick to the ones from necessity. But after this outburst, the sophist's tricks come out. Under the supposed guise of following the geometrical necessity of a demonstration, Socrates sticks close to strict definitions as identities or equivalences. But these equivalences are prey to equivocation. Although the same term is used throughout, its meaning varies depending on the context. For example since the discussants have not agreed upon, or stipulated, necessary and sufficient conditions on the definition of 'perception,' Socrates will sometimes treat it as bare sensation,⁸³

⁸¹ Kahn (1966), (1981), (2004); L. Brown (1986), (1994).

⁸² LrB translation (1990), slightly modified. I follow Burnet and *not* LrB in thinking that this outburst continues and is said all in the voice of Protagoras or a defender. Whereas LrB seem to think this Protagorean defender stops talking after saying "he would be a good-for-nothing geometer" and it is Socrates who says "So you and Theodorus..." Burnet, as an editor of the Greek edition, indicates his interpretation by putting a quotation mark at the end of passage.

⁸³ Examples of this lower-order of perception in the *Theaetetus*: 152b perceiving cold; 153e black/white/any other

and other times he will treat as a more complex experience involving belief or judgment, or some kind of higher cognition.⁸⁴ Even though Socrates is “of necessity” attempting to stay close to the equivalence, perception = knowledge, since the *content* of neither side of the equation has been properly fixed, this strict, necessarily equivalent relation ends up being more deceptive than enlightening.

Second, the objections (the Objection from Memory, the Covered-Eye Objection, and the Objection from Dreams and Altered-states) rely on unexpressed differences in time or space. These objections can be answered by supplying missing qualifiers. For example, the Objection from Memory would no longer work as a counterexample if one makes clear that one perceives something at time T_1 and then the person remembers that same thing at a different, later, time T_2 . The Covered-eye objection can be answered by filling appropriate spatial qualifiers; I can perceive with my uncovered eye, but I cannot with the other, the covered one.

color; 154b size or warmth or whiteness; 156b sight, hearing, smelling, feeling cold and feeling hot; also what are called pleasures and pains; 156c visions all kinds of colors, for all kinds of hearings all kinds of sounds; and so on 157a applying in the same way to hard and to hot and everything else; 159d-e sweetness/bitterness; 163b hearing sounds, seeing shapes and colors; 171e warm, dry, sweet and all this type of thing; 178b white and heavy and light and all those kinds of thing without exception; 178c sweetness and dryness; 179c immediate present experience of the individual which gives rise to perceptions; 182a warmth and whiteness; 184b see black white, hear high and low notes; 184e white and black things, perceive hot, hard, light, sweet things; 185a ff. color and sound; 185b salty; 186b perceives the hardness of what is hard, and similarly the softness of what is soft; 186c some things which all creatures, men and animals alike, are naturally able to perceive as soon as they are born; I mean, the experiences which reach the soul through the body; 186d seeing, hearing, smelling, feeling cold or warm

⁸⁴ Examples of this higher-order perception in the *Theaetetus*: 156b *desires and fears*; 157d good and beautiful things; 158b a madman *believes* what is false when he *thinks* he is a god; or a dreamer when he *imagines* he has wings and is flying in his sleep; 158c dreaming all our *thoughts*; 161d only the individual himself can *judge* of his own world; 161e appearances and *judgments*; 163c what schoolmasters and interpreters tell us about [letters and voice in a foreign language]; 163d-e remember, recall, memory; 167a-b *judge*; 167c good instead of the bad, seem just, seem just and noble; 170a *judgments* of a man, this *belief*; 170c ff.; human *judgments*; 171a ff. opinions; 171e what is good or bad for one’s health; 172a political questions, of what may or may not fittingly be done, of just and unjust, of pious; 177c of what is just and right; 178c future things; 178c the farmer’s judgment; 179a what is useful; 179b ff. judgments 179c perceptual judgments; 185c-d being and not-being, likeness and unlikeness, same and different; also one, and any other number applied to them; 186a like and unlike, same and different, beautiful and ugly, good and bad; 186b being opposites, attempts to judge; 186c But calculations regarding their [perceptions] being and their advantageousness come, when they do, only as the result of a long and arduous development, involving a good deal of trouble and education.

The Grain of Millet Objection

There is another objection leveled against Protagorean relativism with an ancient provenance, which targets the consequences I highlighted. David Sedley offers ancient testimonia to the fact that other ancient philosophers also attacked Protagoras on the view that one could not have two simultaneous conflicting appearances (I quote Sedley's introductory sentence, then the ancient passage, and finally his explication):

We have a report of a conversation between Protagoras and Zeno of Elea, said to have run as follows:

'Tell me, Protagoras,' said Zeno, 'if one grain of millet falls, does it make a noise? And what about one ten-thousandth of a grain?' When Protagoras said that they do not, Zeno went on: 'What if a bushel of millet falls? Does it make a noise, or not?' 'It does,' replied Protagoras. 'Well now,' said Zeno, 'does the bushel of millet stand in a ratio to the single grain, and to its ten-thousandth part?' Protagoras agreed. 'Well,' said Zeno, 'won't the noises they make also stand in those same ratios to each other? For as are the things making the noises, so are the noises. In which case, if the bushel makes a noise, the single grain and its ten-thousandth part will also make a noise.'

That is how Zeno put the argument... Zeno was engaged in generating a contradiction in Protagoras' position. The device of getting Protagoras to admit the existence of noises below the threshold of perception can be read as exploiting the same ambiguity of 'appear'... Protagoras, who equated truth with what appears to each person, had not appreciated that the very same thing might appear in opposite ways to the same person at the same time: it both does (judgementally) and does not (perceptually) appear to Protagoras that a tiny fragment of an ear of corn makes a noise when dropped. (Sedley 2004, 51-52)⁸⁵

We can call this the Grain of Millet Objection. This objection, like many of the others presented so far, relies, again, on perceptions at two very different times. One hears or perceives no sound when a single grain of millet falls at time T_1 and *then later* one hears or perceives the 'thud'

⁸⁵ Right after this Sedley, makes a great point about the provenance of this ancient testimony: "Whether the anecdote derived from historical reportage about Zeno, or from a fictional literary dialogue of unknown authorship, it is valuable testimony to a contemporary or near-contemporary interpretation of Protagoras that is independent of Plato. Protagoras was, on this evidence, interpreted as a broad epistemological relativist, for whom the 'appearances' that he proclaimed to be authoritative ranged over both sensory impressions and reflective judgements, apparently without discrimination" (52).

when a bushel of millet hits the ground at time T_2 . In reasoning out the proportion of one millet grain to one bushel of millet, one arrives at a contradiction. But although this contradiction is about the same object (the grain of millet), it really attacks the impossibility of simultaneous perception under the Protagorean view with two different (perceptual) judgments at *two* different times. One could not perform the trick at the same time; it depends on hearing “nothing” from the grain at one time and from hearing the thud from the bushel at another time. If one tried to drop both at the same time, one would only hear the thud of bushel and miss the “silence” of the grain. Furthermore, the Grain of Millet Objection requires that the perceiver think through a series of calculations and inferences to arrive at the paradox.

In the preceding argument whenever I have talked about the *Mimēsis* Objection I have not clarified whether I intended the perceiver, who has two simultaneous and contradictory seemings, to be a performer, *or* an audience member.⁸⁶ This is because I think both positions exhibit the false seemings and split-seemings of *mimēsis*. I will use two different moments from two of Plato’s dialogues to illustrate how Plato presents both the performer (*Ion*) and the spectator (*Republic*) in a *mimēsis* as affected by untrue appearances and by conflicting appearances, thus confirming it as a counterexample to the Protagorean theory.

The *Mimēsis* Objection from the perspective of the Performer: the *Ion*

In the *Ion*, Socrates and the rhapsode Ion discuss what happens to both the spectator and the performer during one of his mimetic recitations. Socrates describes it as

when [Ion gives] a well sung recitation and he really [drives] the spectators out of their minds... [and Ion] comes-to-be outside of himself and his enthused soul thinks it is in the midst of those actions which he recites, whether in Ithaca or in Troy or wherever the poem is (535b2-c3).

Ion wholeheartedly agrees and divulges how and what he feels when he performs:

⁸⁶ I will not tackle the case of the poet, the producer of the *mimēsis*. I save that analysis for another paper.

How vivid to me, Socrates, is this evidence you gave. Not concealing myself from you, I'll talk. For whenever I say something sad, my eyes are filled with tears; and whenever <I say something> fearful or terrible, my hair stands-up straight from fear and my heart leaps (535c4-8).

Here Ion is confirming Socrates' analysis of what happens to the performer in a mimetic performance. His very soul thinks it is elsewhere, not on stage in the theater but wherever the actions of the drama are represented as taking place. He is transported 'outside of himself.' But Ion reveals more; he tells Socrates about another element of his mimetic performances, which Socrates does not take up and follow up on in the *Ion*, but which is critical to understanding Plato's idea of *mimēsis*. Ion says,

I know this [that he, Ion, has a powerful emotional effect on most of his audience—sc.] very well. For each time, I look down on them, from the stage above, crying and looking up terrified and astounded with the things I say. Since it is necessary for me to turn my mind *really* to them, if I set them up crying, I myself will laugh taking their gold, but if they laugh, I will cry losing their gold. (535e1-6).

In the last sentence, it is obvious that Ion's reaction to his audience's reception of his performance—his either 'laughing' or 'crying'—does *not* take place at that very moment. Ion is a good performer. So regardless of whether or not his audience is reacting to his acting in the way he would like them to, Ion will stay in character. He might cry or laugh later when he receives the judges' verdict. In these two passages Ion admits to the splintered existence of the performer: with one foot in the world of the character he is portraying—he feels the very same emotions they feel, and his soul is present in the world he is portraying; and with another foot in the real world of theater—keeping an eye out for his audience's reactions to see if he, the performer, is doing well and will profit.

The *Mimēsis* Objection from the perspective of the Audience: *Republic X*

In Book X of the *Republic* Socrates discusses how the spectators of a *mimēsis*

simultaneously experience two conflicting perceivings and how they also perceive falsely. For Socrates, perceiving falsely in a *mimēsis* does not entail that falsity has a mutually exclusive opposite, the truth. Instead of a binary disjunction, an either/or logic of truth *or* falsity, Socrates will talk about various *levels* of realities, or tiers of what-is-real, because appearances involve degrees of truth and reality. Plato will have Socrates use spatial metaphors of distance from truth or reality to get at this idea. At 599d2-d7, Socrates imagines saying this to Homer:

“Dear Homer, if you’re not third from the truth [τρίτος ἀπὸ τῆς ἀληθείας] about virtue, a craftsman of an image, who we defined as an imitator, but instead <if you’re> even second [δεύτερος], able to know what sorts of customs make humans better and good, in private and in public, tell us which of the cities you lived in are better because of you.”

This also well encapsulated at 598b: “Then imitation is far removed from the truth, for it touches only a small part of each thing and a part that is itself only an image.”⁸⁷ The part of reality that *mimēsis* touches is small, and it is really an *eidōlon*, an image, but it still has at least some basis in reality. So, although Homer doesn't really know the expertise of the different professions he represents, he likely observed some professionals in action. Lastly, at 602c-603b Socrates talks about how *mimēsis* appeals to the lower part of the soul, while calculating, weighing, and measuring appeal to the higher, rational part of the soul. Socrates, then, relies on the premise that “it is impossible for the same thing to believe opposites about the same thing at the same time” to support this division in the soul (602e8-9, which Socrates used previously at 436b-e). The lower part is fooled by appearance while at the same time the higher rational part—if it properly considers matters—is able to distance itself from the illusion in front of it. Socrates analogizes *mimēsis* to seeing an optical illusion like a Necker Cube with colored tiles, which from one perspective can look as if it were projecting out and from another perspective can look as if it were receding back (602c-d). The problem with this analogy of likening a *mimēsis* to an illusion

⁸⁷ Grube/Reeve translation in Cooper (1997).

is related to Wittgenstein's use of the visual illusion of the duck-rabbit.⁸⁸ We can *either* see the duck *or* the rabbit; we cannot see the duck-rabbit at one once with one glance. Socrates' use of the optical illusion analogy seems to imply that one is unable to see both aspects of *mimēsis* at once. We *either* let ourselves go and get taken in by the illusion of *mimēsis*, *or* we take a kind of distance and we are able to see that the images portrayed are not real or true. The implication is we cannot have both perspectives at the same time. But *if* the 'impossible to believe opposites about the same thing at the same time' premise is to work as Socrates intends it to, *then* it must be because these two parts of the soul are having two different beliefs (here I am allowing for a broad definition of perception) at the same time. Therefore, spectators have one belief with the lower part of their souls, which are being taken in by the *mimēsis*; they, like Ion, feel similar thoughts and emotions to the characters represented on stage. At the same time, the audience members—if they are wise and self-restrained—have another completely different belief with the higher part of their souls. They take the proper distance from the *mimēsis*, they can see it for what it is, as partly an illusion. They use their reasoning and calculating to remain at a safe remove from the emotionally charged actions depicted on stage.⁸⁹

Really perceiving a *mimēsis as a mimēsis* requires active perception. To follow and grasp someone as acting or role-playing is not easy. Theatergoers are not just passively and 'barely sensing' the people and things going-on in front of them. For them to perceive a *mimēsis as a mimēsis* they must keep two registers in mind: the real actions of the actors, on the one hand, and the unreality of the represented drama unfolding in front of them, on the other. A consequence of my view is that Book III is more concerned with the effects of *mimēsis* on the practitioner of

⁸⁸ *Philosophical Investigations* Part II, §xi.

⁸⁹ There is another *disanalogy* or dissimilarity with the optical illusion example Plato uses. In the Necker Cube or the Duck-Rabbit, the cube is not *really* convex or concave (it can't be it's two-dimensional) and the duck-rabbit is not *really* a duck or *really* a rabbit. But in a mimetic situation there is a hierarchy of perceptions and of reality, as Plato acknowledges with having the lower and the higher part of the soul have different beliefs about the same thing.

imitation—because the main line of investigation there is whether or not *mimēsis* is a proper profession for the Guardians—whereas, Book X is more concerned with the psychological effects of the audience.

Socrates Twice Performs a *Mimēsis*

I have argued that Socrates imitates Protagoras and, in the process, refutes Protagorean relativism, thus, the form of Socrates' *mimēsis* performatively contradicts the theory he defends in its content. This *mimēsis* was defined as speaking in the voice of another person, different than the speaker, and imitating this person's style, or way of speaking [λέξις]. This is not the only *mimēsis* in dialogue. We might call Socrates' *mimēsis* of Protagoras *negative*, in the sense that it seeks to disprove Protagorean relativism. But there is also a positive *mimēsis*. In the discussion that follows the Defense of Protagoras, Socrates' asks his conversation partner and respondent so far, Theaetetus, to step down. Theodorus is reluctantly called upon to finally engage in a thorough examination of Protagoras' views. My contention is that Socrates, in engaging Theodorus in dialogue, is modeling the kind of actions and ways of speaking that he wishes to promote *as* a counter to the Protagorean theory. The Protagorean theory entails a kind of locked-in solipsism, an individual subjectivism that negates any kind of shared communication and thinking between people. This is beautifully illustrated by the kind of speech 'Protagoras' gives; it is an uninterrupted epideictic monologue that never actively engages with any of those listening. 'Protagoras' speaks solely from and by himself. He never once asks a question or secures an interlocutor's assent in his argument. Whereas Socrates' dialectic is a negotiation, a dance, between two people, as they aim, together, at the truth; the *epideixis* of 'Protagoras' is a closed-offed virtuoso set-piece of rhetoric, and he aims primarily to persuade and convince the others that his position is right, regardless of the truth. They are just expected to quietly and

passively sit there while ‘Protagoras’ puts on a show. Socrates presents and represents a different method for others, especially for Theaetetus and Theodorus, to emulate. Socrates asks others what they personally think about something, he wants to know, discover, and learn from them and with them. Dialectic, the method of question and answer, is the practice that Socrates displays and demonstrates for others. Not only does he perform and model dialectic for the person who is actually answering his questions, but also for all those looking on (including the listeners and readers of Plato’s dialogues). As opposed to the egocentric or self-centered *epideixis* of ‘Protagoras,’ Socrates’ dialectic with Theodorus emphasizes the first-person *plural* nature of investigation—a ‘we’ (a both ‘you’ and ‘me’ together) engaged in shared discovery of the truth. In the process of questioning Theodorus, Socrates at one point says to him, “But indeed let it not be thought only by me [μη μέντοι μόνον ἐμοὶ δοκείτω], but even you take part [ἀλλὰ συμμετέχε καὶ σύ], in order that we undergo something together, if need be [ἵνα κοινῇ πάσχωμεν ἅν τι καὶ δέη]” (181c4-5). Socrates’ questioning of Theodorus (169d-184b) proliferates with first-person plurals. Socrates does not go too far stepwise in the argument before seeking assent from Theodorus; Theodorus himself needs to affirm each dialectical move that Socrates makes in this joint venture. In fact, this ‘we’ that Socrates develops comes in handy when it comes to refuting Protagoras; Socrates is able to get Theodorus to think in terms of ‘us’ vs. Protagoras, all alone by himself. Socrates exhibits and depicts the performance of dialectic as worthy of emulation—we can call this *mimēsis* in the *positive* sense. The main objective is not to imitate Socrates’ unique personality and character, but to imitate the kind of person he is: a philosopher, a questioner, a seeker of truth. In these ways, Socrates is enacting and giving a positive counterexample to the Protagorean theory. Socrates says this about the challenge posed by Protagoras to him and his art of mental midwifery:

I am silent on the matter of myself and my art of midwifery, insofar as we are condemned to ridicule, and I think of the whole practice of dialectic [διαλέγεσθαι]. For to examine [ἐπισκοπεῖν] and to try to refute [ἐλέγχειν] one another's appearances and beliefs [φαντασίας τε καὶ δόξας], when each is correct [ὀρθὰς], isn't it a protracted and enormous nonsense, if the *Truth* of Protagoras is true, and not a joke uttered from the inner sanctum of his book. (161e4-162a3)

This one of the most undesirable but least discussed by commentators results of the Protagorean theory that Socrates' practice of dialectic and philosophical inquiry is rendered ridiculous and nonsense.⁹⁰ If the Protagorean theory were true, then Socrates' method of *dialogue* and *dialectic* would be rendered pointless because there would be no possibility for true communication between people.⁹¹ Each individual would be forever locked into their minds and private worlds and the ability to learn and come to mutually agreed upon and shared, public views would be nullified. Thus, Socrates fights back by having others imitate the kind of behavior, engaging in dialectic, that runs counter to the Protagorean theory.

Mimēsis as a 'Private World'

Myles Burnyeat has offered an interpretation of the Protagorean theory that states that “each of us lives in a private world constituted by a succession of momentary appearances, all of which are true in that world quite independently of what happens next in a given world” (182).⁹² How would *mimēsis* fare in a universe of private worlds? It's interesting because we often turn to the concepts of privateness and individuality of tastes when it comes to art. There is the idea that there are as many interpretations of a work of art as there are interpreters. On the other hand, art is most often experienced *publicly*. We see a painting or a sculpture together with others in a

⁹⁰ Although difficult to prove a negative, none of these commentators discuss the passage, 161e4-162a3: Burnyeat (1990); Chappell (2004); Cornford (1935); Ferrari (2011); McDowell (1974); Sedley (2002); Waterfield (2004). However, both Stern (2008), 32-33, 121, 123-124 and Bartlett (2016), 173 do mention it.

⁹¹ This is similar to Parmenides' warning in the *Parmenides* that if someone will not countenance the existence of Forms, then “he will destroy the power of dialectic entirely” (135c).

⁹² There has been quite a bit of literature generated by this suggestion. See Ziolo (2007), 138; Castagnoli (2004), 16-17; Chappell (2004) states that Taylor (1926) was the originator of the idea pp. 60-61; Chappell (2006), 113, 115; Erginel (2009); Fine (1998); Giannopoulou (2011); Ketchum (1992); Lee (2012, 193-4); Matthen (1985).

museum, we go to see a play together in a theater with others, we hear a singer at a concert with others, etc. Art has a public, communal element that brings people together. Each of us can debate about our interpretation of the painting, novel, theatrical performance, or movie we experienced, but there's a general consensus that we all perceived the *same* public thing, not a private object. I also bring up the idea of the 'private world' because I think it captures nicely what goes on in a dramatic mimetic performance well. A theatrical episode of *mimēsis* portrays another, different world—one that we are not truly a part of. In a sense, it is the mimetic performance that is its own private world; I cannot, as spectator, in anyway affect or alter the events represented on stage. (Perhaps this point works better with our modern example of movies and cinema. But even if I yell or cause a disturbance in a theatrical performance, I affect primarily the actors of my world and not the characters of the private, represented world. In fact, if the actors are any good, they will be able to continue acting and stay in character, as if I was the one locked in a private world not able to alter or affect them in any way.⁹³) At the same time, the 'private world' of a dramatic *mimēsis* is a window into, and reminds us that there are, other worlds with other people. A play can remind us that there are other worlds besides our own personal, private 'world.' A play can be an antidote to the solipsism implied by the Protagorean theory. A theatrical mimetic episode, recognized *as* a mimetic representation by a spectator, resists complete assimilation and integration into my own private world *as true*, and *as truly mine*. If I read it *as a mimēsis* then—although the work of art can play an important role in my life—I still should not see the play as veridical, or as a fully and real part of 'my private world.'

⁹³ As Cavell (1979) says in *The World Viewed: Reflections on the Ontology of Film*, about photographs but applicable also to other mimetic products, like a play: "the reality in a photograph is present to me while I am not present to it; [it is] a world I know, and see, but to which I am nevertheless not present" (23). I am indebted to Nick Pappas for this reference. Pappas explicates the quote this way: "Thus my fantasy is in that moment a fantasy of my own unreality. I can't make Hamlet kill Claudius at prayer even if I run up on stage. Even if I shoot and kill the Claudius actor I haven't changed the play. I'm the ghost" (correspondence).

Responding to Possible Criticisms from a Protagorean

The *Mimēsis* Objection is not a *direct* self-contradiction (e.g. arguing for a position and, at the same time, for its contrary). It is an *indirect* performative contradiction. This means that it is not just *what* I say—the content of an espoused view, that conflicts with something else I say; but it is *how* I say it—the very manner or method in which I am expressing myself—that contradicts the view I am trying to espouse. Sometimes this distinction is explained as a conflict in the semantic as opposed to the pragmatic dimension of an utterance. So, for example, there is nothing contradictory in the content of the statement, “There should be no yelling in the library.” But if someone were to shout this in a library, the pragmatics of the utterance, the way in which they express it, would be in contradiction with the content of what is being communicated.⁹⁴

With this in mind, we can reconstruct Socrates’ inconsistency as follows:

- (a) Socrates engages in *mimēsis*;
- (b) *mimēsis* is the perceptual presentation of something that is false;
- (c) *mimēsis* shows that a perceiver can have two simultaneous (and conflicting) perceptions;
- (d) Protagorean relativism denies the possibility of (b) and (c);
- (e) so Protagorean relativism is false.⁹⁵

A defender of Protagorean relativism could attack (b) and say that *mimēsis* does not generate any false perceptions; in the case of Socrates imitating Protagoras, someone just perceives Socrates speaking. I don’t think it’s sufficient to describe Theaetetus and Theodorus’ perception of Socrates’ *mimēsis* as merely “Socrates speaking.” If one grants that *aisthēsis* (‘perception’) is going to be sufficiently fine-grained and conceptual enough to allow for identifying particular objects (say, an individual, like “Socrates”) and identifying actions or properties (like speaking), then perception needs to be able to distinguish between various modes of speaking (e.g. between

⁹⁴ Nick Pappas gave me another example of a performative contradiction from his late colleague, Jonathan Adler: “I may in fact be modest. But I can’t say, ‘I’m modest’ without negating the statement. The performance belies the truth-content” (communication).

⁹⁵ I owe this reconstruction to Iakovos Vasiliou.

making promises, issuing commands, asking questions, putting forth an assertion, singing, etc.). The problem with the redescription “Socrates speaking” is that it is too general. Socrates speaks throughout the entire dialogue, but one would want to mark out this episode, where Socrates speaks *as* Protagoras, as somehow distinct from other parts of the conversation. We should aim for the description of a perception to be as accurate as possible while still maintaining some level of generality. In that case, describing the perception of Socrates performing a *mimēsis* as merely “Socrates speaking” would be a mistake. Imagine that some passerby happens along the conversation taking place among Socrates, Theaetetus, and Theodorus just at the moment when Socrates is imitating Protagoras. He might perceive Socrates *as* “Socrates speaking” but this perception would be wrong. “Socrates imitating” or “Socrates engaging in *mimēsis*” is the adequate description. As we will see, what is involved in grasping the concept of *mimēsis* is the dual idea that: ‘something is’ and at the same time ‘something is not’; that ‘something is true’ and at the same time ‘something is not true (false).’ Whether someone is pretending or play-acting as someone else, *mimēsis* would be an important category to demarcate. It is also a category of communication that we learn to distinguish and identify at a young age, as Plato acknowledges.

A defender of Protagorean relativism could attack (c) and say that there are not two perceptions of a *mimēsis* one just perceives “Socrates speaking, pretending to be Protagoras.” But what is involved in the perception “Socrates speaking, pretending to be Protagoras”? For this mimetic episode, it will not do to just take the Socrates that was perceived earlier in the conversation as the direct intentional object of one’s thoughts and beliefs. Something has happened to Socrates as a result of his *mimēsis*: Socrates is somewhere in between being and not-being himself (and Socrates is also in between being and not-being Protagoras, whom he is

imitating). During the *mimēsis*, Socrates *is* Socrates and simultaneously Socrates *is-not* Socrates *and at the same time* Socrates *is* Protagoras and Socrates *is-not* Protagoras. Socrates' very identity (Socrates *as* Socrates; and Socrates' use of first-person pronouns to accurately and truthfully refer to himself) is called into question in a *mimēsis*. In a *mimēsis*, a performer appears to be something (Socrates is Socrates; Socrates is Protagoras) while simultaneously appearing to not-be something else (Socrates is-not Socrates; Socrates is-not Protagoras). This 'not-being something' I take to be falsity and impossible in the Protagorean theory.

Any talk of Theaetetus and Theodorus "perceiving Protagoras" is metaphorical at best. But it is not inappropriate to say that someone perceiving Socrates' performance would be in error, if s/he were to predicate certain qualities of the character of 'Protagoras' to Socrates; or, vice versa, to predicate certain qualities of Socrates to 'Protagoras.' Socrates appears both as himself, and there are certain qualities that are particular to the real Socrates (e.g. bug-eyed, snubbed nosed, barefoot, etc.), which would be a mistake to attribute to Protagoras; and at the same time, Socrates also appears as 'Protagoras,' and there are certain qualities that Socrates represents 'Protagoras' as having which are particular to 'Protagoras' (e.g. haughtiness, complaining about an injustice done by Socrates to him, a sincere devotion to a Protagorean theory, etc.) which would be a mistake to attribute to Socrates. Both judgments (Socrates' appearance as Socrates and Socrates' appearance as 'Protagoras') are perceptual. The qualification "perceiving Socrates *as* 'Protagoras'" is important, so as not to be confused with the stronger point "perceiving Protagoras." But we do have the potential to hold both of the conflicting appearance simultaneously, even if sometimes we focus on the actor, or sometimes we focus on the represented role.

The “Shorter” Ethical Argument against Protagorean relativism

If this chapter represents “the longer way” in answering how Socrates’ *mimēsis* undermines the Protagorean theory in *Theaetetus*. There is also a “shorter way.” The “longer way” worked through the epistemological details of the argument. “The shorter way” highlights certain ethical and pedagogical implications of the Protagorean theory that were not mentioned. This other argument for why Socrates’ *mimēsis* is not possible within Protagorean relativism leans heavily on the third proposition of Theaetetus’ definition, Heraclitean flux, and on its two assertions that ‘nothing is in itself one thing’ and that ‘nothing ever *is* but instead everything is in the process of coming-to-be.’ This argument posits that if Heracliteanism entails the instability of *both* subjecthood and objecthood, the *mimēsis* of one person imitating another person is impossible because one could never match one’s own self to resemble another. It is an impossibility because there can never be two selves at any two different moments that are the same. So how could someone understand another person well enough to imitate that person if the other person, the object of the imitation, were constantly in flux? Or there is the even more radical implication: how could someone understand him/herself well enough to imitate another person, if his/her own self was not stable, but a coming-to-be of an infinite number of multiple selves. How would the imitator be able pick out another’s properties and qualities that make that other person distinctive? How then will the imitator be able to re-present these *same* properties to others so that they will recognize his/her performance as an imitation of *that* specific person? A Protagorean relativism joined together to an extreme Heracliteanism cannot allow for this. This extreme solipsism leaves humans unable to emulate, imitate, model, and represent themselves *as* another person. This means that there can be no learning, no education, no socialization from one person to another. This is a repellent pedagogical outcome of the Protagorean theory. We are all

trapped in our minds and there is no true connection, or communication with others. This is even more serious in relation to the question that vexes Protagoras and Socrates in the *Protagoras*: can virtue, ethical excellence, be taught to others? The Protagorean theory denies this possibility. This is the abhorrent ethical result of the Protagorean theory; there can be no moral or ethical imitation of others.

‘To Have’ or ‘To Hold’ (ἔχειν) a Condition (ἔστις)

There are some interpreters and commentators who dismiss and do not understand why ‘Protagoras’ makes the claim that between a healthy and sick person⁹⁶

what one ought to do is not to make either of these wiser—for that is not possible—nor ought one to accuse the sick one of being ignorant for judging as he does, and the healthy one of being wise for judging differently. One ought to change one of the two; for one is a better state than the other (166e3-167a4).

Although ‘Protagoras’ insinuates that the healthy person is in a better condition than the sick person, there is also an agnosticism about which of the two states grants wisdom. Part of what I think is going on, is that ‘Protagoras’ is expressing an insight—perhaps most famously touted by Nietzsche—that there can be positives to sickness.⁹⁷ The healthy person is not necessarily wiser than the sick person. In fact, sickness may grant one epistemic or moral insight that is unavailable to the healthy person. A sick person may have an awareness (moral, epistemic, psychological) that a healthy person could not have—and it is not in spite of the sickness, but *because* of it. The word translated as ‘condition’ in the quoted passage is the Greek ἔστις.⁹⁸ In a span of a few lines, ‘Protagoras’ uses ἔστις three times.⁹⁹

⁹⁶ McDowell (1975), 167.

⁹⁷ Nietzsche writes in the “Why I am so Clever” portion of *Ecce Homo*, “Sickness was what restored me to reason.” (§2 and §6,); *Human, All too Human* (§289, §356); *The Gay Science* (§3, §120). See also Havi Carel’s *Illness: The Cry of the Flesh (The Art of Living)* (2008) and *Phenomenology of Illness* (2016).

⁹⁸ On this point and the following point in the next paragraph see Joshua Grimm “Theodorus Underwater” (unpublished manuscript) p. 5-8.

⁹⁹ The first instance was quoted above in 167a4. The second is at 167a4, “thus, in education one ought to change other conditions [ἔξεως] into a better one”; and the last one is at 167b1, “having a harmful <condition> of the soul

In his defense speech, ‘Protagoras’ will reject the use of qualifiers and attributes, such as ‘wise,’ ‘ignorant,’ ‘wiser,’ (167a1-2) and even ‘truth’ and ‘falsity’ (167b3-4), instead Protagoras urges us to use ‘better’ and ‘worse’ (167a-b). This demand that ‘Protagoras’ requires us to use ‘better’ and ‘worse’ rather than any other attributions, means that perceptual judgments must involve the comparison between two things, (e.g. to see which one of the two is “better” or “worse” or “more” or “less”). But this enmeshes the *individualized*, Protagorean theory, ladened with Heraclitean flux, in some intractable difficulties. It seems that one would need two stable objects in order to render an adequate and accurate comparative judgment between two things. But the puzzle is even more difficult than that. It is not just a two-body problem but a *three*-body problem; there needs to be not only two stable objects to make a comparative judgment but there also needs to be a stable self that will render a judgment between the two. Even the language ‘Protagoras’ uses speaks against his theory. ‘Protagoras’ use of ἔξις, is the substantive form of the verb ἔξειν (which has several meanings but the most common are: ‘to have’ ‘to hold’ or ‘to possess,’ especially of a property), and it is often a substitute for εἶναι ‘to be.’¹⁰⁰ For there to be a condition or property of anything, especially of the ‘better’ or ‘worse,’ one must be able to have, hold, or possess it. One must be able to grasp it—even mentally—for a moment. That means that the intentional object that one attempts to have, or hold must have some kind of substantiality, some persistence, that allows one to identify and pick it out amongst a background of other things. Furthermore, one’s own self must have a substantiality as well, some kind of endurance, that allows for one to engage in the act of identifying and picking out—there must be a subsisting self that remains and continues during this process of possession, of having or holding (a property). As Kant argues, in an act of judgment, one ‘grasps’ both the object of the judgment

[πovηpῶς ψυχῆς ἔξει].” In the last example ἔξει is the verb ἔξειν, and not a noun.

¹⁰⁰ LSJ entry “ἔχω” A.1 and 2 II 1. B. II.

and the subject making the judgment.¹⁰¹ But the Heraclitean flux, which ‘Protagoras’ affirms, would render moot all substances (subject and object) and moments in the process of ‘having’ and ‘holding’ a judgment.

If we keep this idea of ἔξις (‘condition’) and ἔξειν (‘to have’ or ‘to hold’) in mind, then Plato’s language at the end of the discussion of Theaetetus’ first definition becomes less obscure and less metaphorical (183c-187a). There Socrates asks Theaetetus,

Soc. “Where do you place being [τὴν οὐσίαν]? For this most of all accompanies all things.”

Thea. “I <place it> among the things which the soul itself by itself stretches out for [ἐπορέγεται].”

Soc. “And the like and the unlike, and the same and the different?”

Thea. “Yes.”

Soc. “What about this: beautiful and ugly, good and bad?”

Thea. “And these things seem to me those in which <the soul> most of all examines their being, one against the other, the soul analyzing [ἀναλογιζομένη] in itself the past and the present in relation to the future” (186a2-186b1).

And Socrates says, “Knowledge [ἐπιστήμη] is not the experiences, but in the reasoning about those experiences. For it is possible to grasp [ἄψασθαι] being and truth [οὐσίας γὰρ καὶ ἀληθείας], here, as is likely, but there it is impossible” (186d2-5). Now, Socrates’ seemingly figurative language of ‘the soul itself by itself stretching out’ and ‘grasping at being and truth,’ makes more sense and can be made more literal and not so poetic. To have and to hold (ἔξειν) onto to *any* property (ἔξις), the individual and his/her soul must reach out and grasp *at* something that is real and has enduring being. There must be something for the mind to latch onto. There needs to be a physical object in the world, and/or an intentional object in the mind, *and* the self

¹⁰¹ *Critique of Pure Reason* (1999 [1787], B131-144). Specifically, Kant writes “The **I think** must **be able** to accompany all my representations; for otherwise something would be represented in me that could not be thought at all, which is as much as to say that the representation would either be impossible or else at least would be nothing for me” (B131-2) and “For the manifold representations that are given in a certain intuition would not all together be **my** representations if they did not all together belong to a self-consciousness; i.e., as my representations (even if I am not conscious of them as such) they must yet necessarily be in accord with the condition under which alone they can stand together in a universal self-consciousness, because otherwise they would not throughout belong to me.” (B132, emphasis in original Wood/Guyer translation). For a lucid explication of this idea see Longuenesse (1998, 64-72); (2008, 9-31) and (2017, 21-32).

must itself be stable enough for this process of judgment. Any theory that denies or does not allow for this, like the Theaetetean, Protagorean, and Heraclitean theory, cannot be true and must be refuted.

An Opening Statement in the *Real* Defense of Protagoras: ‘Becoming Better Every day’

In this chapter, I have argued via a “longer way” that Socrates performatively contradicts the Protagorean theory that he has been explicating in the *Theaetetus* by imitating Protagoras; I called this the *Mimēsis* Objection. The *Mimēsis* Objection is never explicitly stated by any of the characters inside the dialogue, but I contend that Plato has encoded it in *the way* in which Socrates defends Protagoras (through *mimēsis*). Perhaps Socrates is hoping that at least one of his interlocutors will pick up on it. That never happens. Regardless, I think Plato intends his listeners and readers to try to perceive what he is doing. Plato never wrote a *Poetics* like Aristotle, instead he performs his pedagogical and philosophical poetics through the narratives of his dialogues. Plato asks much of his listeners and readers. He does not want them simply to passively accept a position. Each person must actively work through the dialogue on his or her own and try to solve the various tensions and problems that are raised within it. The *Mimēsis* Objection is my resolution for several of the dialogue’s internal challenges. The *Mimēsis* Objection is even stronger than the “official” refutation that Socrates deploys later in the dialogue after the Defense. This is the *peritropē*, or self-refutation argument at 169d3-171c7. The *peritropē* argument is controversial because it is often accused of not properly relativizing certain steps in its argument against Protagoras. The *Mimēsis* Objection does not require any unrelativized premises. In fact, it tries to take the Protagorean theory on its own terms and yet it aims to show that there is a counterexample: the perceptual experience of a mimetic drama cannot be accounted for. I want to end this chapter with a dialectical digression by outlining how

Protagoras—or someone who truly and justly wanted to defend Protagoras—might stop the *Mimēsis* Objection.

Even though this chapter has tried to give arguments against the *individualized* Protagoreanism, there may still be a way to recover and reconstruct a valid Protagorean position.¹⁰² To genuinely pick-up and stand-up the fallen and tripped Protagoras and his theory after Socrates' takedowns, entails three steps. First, one must properly define *aisthēsis* ('perception') as also encompassing higher cognition. Socrates makes the distinction between bare sensation and higher-order perception at 186b11-c5:

And thus, there are some things which all creatures, men and animals alike, are naturally able to perceive as soon as they are born; I mean, the experiences which reach the soul through the body. But calculations regarding their being and their advantageousness come, when they do, only as the result of a long and arduous development, involving a good deal of trouble and education."¹⁰³

So, Socrates seems to want to define perception *proper* more narrowly as lower-order sensation because he wants to contrast the “long and arduous” process of education and toil required for higher-order perceptual capacities, with the immediacy and innateness of our lower perceptual capacities, which we share even with animals. But in defining perception more broadly as including believing and judging, we would be following the historical Protagoras, who as Schiappa notes, “The weight of the evidence suggests... that Protagoras was fundamentally concerned with judgments of humans, in which perception only plays a part” (119).

Second, one must give up on an *individual* relativism. To defend Protagoras, one would instead have to take up an *intersubjective*, a group or collective, relativism. The *Mimēsis* Objection would not be effective against an intersubjective or group relativism. The reason is that an intersubjective relativism would never grant that it is solely the individual's perceptions

¹⁰² I hope to pursue this *real* defense of the *real* historical Protagoras another time, in the future. In what follows, I give only the briefest of hints at the shape of certain lines needed to defend a better recovered Protagorean theory.

¹⁰³ LrB translation (1990).

that *determine* that something *is* the case. Protagoras was a traveling sophist. As a foreigner, when he would arrive into a new city he would have to adapt to that city's laws and *mores*. He had to be careful about how he appeared or seemed to others. His traveling allowed him to see how varied different Greek city-states were. Protagoras' heightened sensitivity to others, both because of his alien status and his role as a teacher, does not seem to fit with a philosophy that declares that is the individual person that *determines* what-is and what-is-not. Protagoras was all-too familiar with *not* being able to *individually* fully determine certain circumstances and contexts outside of his control. A foreigner cannot change the rules and customs of his guest-country, nor can a teacher just change the initial intelligence and aptitude of a student—one must work with what one is given. Furthermore, an intersubjective relativism would not grant the two consequences which the *Mimēsis* Objection attacked: (i) a single perceiver cannot have two simultaneous seemings and (ii) an individual always perceives what is real and true (that is, what-is). This restored intersubjective relativist theory would no longer operate only at the level of an individual percipient. Furthermore, the new theory returns to a 'human' community, what the Platonic interpretation had denied to the individual 'human': the ability to be a measure of the things that *are* **but** also of the things that *are-not*. Plato's individualized Protagorean theory mandated that a person always perceives what-is and can never perceive what-is-not, but an intersubjective theory allows a community or polity to decide also things that are-not, or things that seem to be between what-is and what-is-not, like *mimēsis*.

Lastly, one must temper the Heraclitean flux theory. One would need distinguish between two types of flux theories. There is a properly Heraclitean one, in which although all things are constantly changing and moving (especially internally). To take an anachronistic example, think of the constant movement of atoms that compose all matter. Even though all things have constant

internal motion, humans can still identify and pick out objects that persist throughout time. This interpretation would lean heavily on the idea of ‘*the same* river’ in Heraclitus’ river fragments.¹⁰⁴ The general lesson from the fragment, as glossed by Plato, is ‘you cannot step into the same river twice.’ One steps into ‘*the same*’ river—as in, the river is re-identifiable and recognizable—but the river itself is constantly flowing and prey to temporal changes (icing over during the winter, drying up in summer, becoming wider and/or deeper in the rainy season, etc.). On the other hand, there is a flux theory, which might be more properly said to come from Cratylus, Heraclitus’ more radical student, who was perhaps trying to one-up his teacher. Cratylus supposedly said, according to Aristotle, that ‘you cannot step into the same river even once[!]’ (*Metaphysics* 1010a). This more extreme flux theory would not allow for any language, thought, recognition, etc.

Rehabilitating Protagoras would involve taking seriously the claim that Protagoras makes to a prospective student, Hippocrates, in the *Protagoras*, when Protagoras is asked what a student will come away who joins Protagoras:

Young man, this is what you will <happen> to you, if you get-together with me: on the day you consort with me, you will go home having become better [βελτίονι γεγονότι], and the same thing the day after. And each day, always, you will improve for the better [τὸ βέλτιον ἐπιιδόναι]. (318a6-9)

This ‘becoming better’ is a selling point of Protagoras’ teaching in the *Protagoras*, and it might give us a glimpse at how one might reconstrue Protagoras’ relativism, in the context of the *Theaetetus*, so as to function properly and be attractive. It also connects with an important point in the Defense, that ‘Protagoras’ exhorts us *not* to use the qualifiers and attributes such as ‘wise,’ ‘ignorant,’ ‘wiser,’ (167a1-2) and even ‘truth’ and ‘falsity’ or ‘truer’ (167b3-4), but instead he urges us to use ‘better’ and ‘worse’ (167a-b). For someone to truly ‘become better,’ the person

¹⁰⁴ B12, B49a, and most especially B91 (which might be the only authentic and genuinely Heraclitean saying). The river fragment is discussed in *Cratylus* 402a.

who ‘becomes better’ must have some kind of connection to the previous, worse-off version of his/her past self. If this ‘new-person’ were completely different, and the new self, wholly other than the past one, then the judgment of ‘better’ disappears because there is no measure and method of comparison. If the process of education involves two selves that are so thoroughly different, this would lead to the terrible result that ‘becoming better’ means wishing for oneself to cease to exist, to no longer be the entity one is now—or, in other words, to wish for one’s own death and demise (*Euthydemus* 283d ff.). There must be some kind of stability and sameness that relates the past, worse-off self to the current, better self. But there must also be some kind of movement and dynamism. The self must change, adapt, and grow in order to learn and get better. The change cannot be so drastic—as it in the Protagorean theory represented—that it severs the link between the selves involved in the process of ‘becoming better.’ I think that if one could defend a Protagorean theory that properly upholds the maxim “become better every day” then one might also find a theory that avoids many of the takedowns from the *Theaetetus*. There is much to admire in Protagoras, and I contend that this motto of ‘becoming better’ is one that Socrates himself would endorse and I think he tried to live by.

“For fair-faced are the ‘great-hearted people of Erechtheus,’ (Hom. *Il.* 2.547) but you should gaze upon them naked. So, beware of the warning that I am saying.

[εὐπρόσωπος γὰρ ὁ τοῦ μεγάλῃτορος δῆμος Ἐρεχθέως· ἀλλ’ ἀποδύντα χρὴ αὐτὸν θεάσασθαι. εὐλαβοῦ οὖν τὴν εὐλάβειαν ἣν ἐγὼ λέγω.]”

—Socrates to Alcibiades (*Alcibiades I* 132a5-7)

CHAPTER 3

Living and Dead Voices in the *Menexenus*

Introduction:

Menexenus and Political and Literary Representation—Who speaks for Whom?

In both the *Crito* and the *Theaetetus*, the question of *whom* Socrates is imitating with his *mimēsis* is fairly straightforward; in the *Crito*, it’s the Laws and in the *Theaetetus*, it’s Protagoras. In the *Menexenus* the issue of imitation is more complicated. Yes, Socrates attributes the speech he recounts to Aspasia; he says he memorized it from her under the threat of a beating (236b8-c1). However, I believe the ascription to Aspasia is not so simple and direct. Although Socrates recites a speech from Aspasia, it is a speech she herself could never give. She was twice barred from delivering a funeral oration in remembrance for those who died for Athens: she was a foreigner and a woman. Many interpreters—perhaps most modern ones—are like Menexenus, and they think that Aspasia did not really compose the funeral oration. They do not take seriously Socrates’ attribution to her, but instead view it as just another of Socrates’ ironic jests. They dismiss Socrates’ claims that he is reciting Aspasia’s speech. They flatten or reduce what Socrates himself credits to Aspasia and give the laurels to Socrates. Socrates’ relation to Aspasia is similar to the one Plato, as the author of the Socratic dialogues, has to his characters, especially Socrates. Plato “attributes” what he writes to his characters, but many interpreters of

Platonic dialogues flatten or reduce what Socrates the character says to merely what Plato says.¹

However, the impetus to reduce Aspasia's speech to Socrates' is not baseless. Throughout the funeral oration proper, the speaker uses masculine pronouns and participles when referring to *himself* as opposed to *herself*.² But, both in introducing and concluding the speech, Socrates explicitly assigns responsibility to Aspasia. At the beginning Socrates says “ἔλεγε [she said]”³ and he use a feminine participle “ἀρξαμένη [she began]” (236d2) indicating that it was Aspasia who was speaking; then again, at the conclusion, Socrates says, “There you have it, Menexenus: the speech [ὁ λόγος] of Aspasia of Miletus [Ἀσπασίας τῆς Μιλησίας]” (249d1-2). One possibility is that Socrates really is the true author of the speech and his use of masculine pronouns and participles reveals this. This is the reductionist approach. However, *if* we take Aspasia as the author seriously, *then* there are, at least, two possibilities in Socrates' designating Aspasia as the author of the speech, which she privately performed for Socrates, but she could not actually perform it in public in an official capacity.

The first possibility is that responsibility for the speech should be directly assigned to Aspasia. In this reading, Socrates converts and transforms the feminine participles and pronouns that Aspasia used when she first recounted the speech into the masculine ones appropriate for him. Although Socrates may be distancing himself by crediting her with the *epitaphios*, there would be no distance or tricks here; it is Aspasia herself who is accountable. But in that case, Aspasia would be imagining a possible world—one completely different from the actual world—where she *could* speak at a funeral oration as the official speaker. In this counterfactual universe

¹ For an instance of reductionism see Shorey (1933) *What Plato Said*. For a collection taking up this issue see G.A. Press (1999) *Who Speaks for Plato? Studies in Platonic Anonymity*.

² “ἐγὼ μὲν οὖν καὶ αὐτός” (where one would expect αὐτή if it were Aspasia herself speaking) (246b5-6); “δίκαιός” (246c2); “τεκμαιρόμενος” (246c6); “καὶ αὐτός” (248e2). These examples are from Helmer (2006), 1n1, “Sur de prétendues anomalies dans le Ménexène de Platon” quoting from an earlier article by Labarde (1991) “Anomalies dans le Ménexène de Platon.”

³ Coventry (1989) “Philosophy and Rhetoric in the *Menexenus*.”

her gender and her citizenship status would not be deal-breakers barring her from giving a funeral oration. In this imagined and imaginary scenario, Aspasia is elected by the assembly as the designated speaker. Aspasia pretends and presents a transformed social and political order, like in Aristophanes' *Lysistrata* or *Thesmophoriazusae*. Instead of changing anything about herself or her social-political position, Aspasia alters the world so that she may speak authoritatively. Such a bold rewriting of the existing order would invite the question, 'what is this Athens that lets a woman and foreigner speak in honor of those who have fallen in battle?' This Athens might be so radically different from the real one that what appears to us as historical revisionism in the history section of Aspasia's funeral oration might be the actual history of the Athens in Aspasia's imaginary world. Although I find this possibility intriguing, ultimately, I do not think it is the only one that is at play in the *Menexenus*. I think Plato is imbricating more levels or masks. There are two marks which speak against this reading. One is that Socrates seems to be repeating verbatim what Aspasia said. In fact, Socrates almost got a beating from Aspasia whenever he forgot something (ὀλίγου πληγὰς ἔλαβον ὅτ' ἐπελανθανόμεν, 236b8-c1); so, it seems that Socrates is strictly and faithfully recounting her speech exactly as she said it—no deviations. So, we might assume that it was Aspasia herself who used the masculine pronouns and participles when she taught it to Socrates. If that is the case, then we should ask ourselves why she did this. Furthermore, at the end of the funeral oration, the speaker recalls a message from those who later died in battle. It is implied that the speaker is part of a 'we,' a group that the war-dead enjoined 'us' to report (ἡμῶν ἐπέσκηπτον ἀπαγγέλλειν, 246c3). This makes it seem like the speaker was there at the battle, most likely as a fellow soldier, and was one of the survivors. This would make Aspasia as the speaker highly unlikely. Again, the whole world would have to be completely different; it would have to look more like Socrates' *kallipolis* from the *Republic* in

which men and women would fight together in common cause in a single coed army (V. 466d-467a).

The other possible reading is that Aspasia was speaking in the voice of an imagined, indefinite, Athenian orator, some speaker or other. I will call this position, ‘An Athenian Orator.’⁴ The *epitaphios* was a common enough literary genre that other foreigners (e.g. Gorgias and Lysias) composed speeches that they themselves could never have performed, and they composed them from the perspective of some generic Athenian citizen worthy of being selected as a speaker. These two readings are not mutually exclusive. Aspasia could be speaking as ‘An Athenian Orator’ *and* (even though she is *not* speaking in her own voice, and so we are not hearing Aspasia’s own words *directly*) this persona is saying what she personally and truly believes and would assent to herself. I actually think this is the most likely interpretation. Aspasia creates ‘An Athenian Oration’ *initially* as an indeterminate position, but the role she constructs gradually reveals its own particular individual ethical character the more he speaks throughout the oration. Aspasia would, thus, be speaking in disguise, as ‘an Athenian Orator.’ But then we might ask: what kind of deception is Aspasia practicing?

Is her disguise like some flimsy, absurdly comical ones found in Old Greek comedy? As, for example, when Mnesilochus goes disguised as a woman to the women’s assembly in *Thesmophoriazusae* (279 ff.) or when Praxagora and the other women disguise themselves as men with a false beards to sneak into the assembly in *Ecclesiazusae* (124 ff.)?⁵ The exaggerated,

⁴ In *Lessons from the Past*, Pownall (2007), 49, writes, “I shall refer to the speaker of the *epitaphios* contained in the *Menexenus* as ‘The Speaker’ for reasons of simplicity.” She does not, however, see ‘The Speaker’ as Aspasia’s narrative innovation and part of her inventiveness, as I do. The position of ‘An Athenian Orator’ is similar to what Nehamas (1987), “Writer, Text, Work, Author” calls this position the ‘constructed author.’ (274, 281, 286). See also Nehamas (1981), “The Postulated Author: Critical Monism as a Regulative Ideal” *Critical Inquiry* 8(1), 133-149.

⁵ Although Euripides’ *Bacchae* is a work of tragedy, it investigates and plays with both of these kinds of disguises. Dionysus disguises himself as a mortal, a foreign priest, and Pentheus disguises himself as a Maenad to infiltrate the raving and ravenous women on Mount Cithaeron. The case of representing women dressed as men on the Ancient Greek stage is further complicated by the fact that all the roles are played by men! See Inkret (2003) “*Ecclesiazusae*

contemporary counterpart is the Groucho-Marx-glasses-fake-nose-and-moustache “disguise.” Or on the contrary, is her disguise the kind of metamorphosis one finds the Olympian gods occasionally practicing? As, for example, when Athena appears in various guises (as Mentos *Ody.* 1.105; as Mentor 2.267, 3.13, 22.205, 24,445; as a young shepherd boy 13.221, etc.)? This is the kind of disguise where the deception is perfect. In either case we are dealing with some kind of literary cover, some kind of masquerade. Furthermore, I believe that if we see Aspasia as weaving an assumed comic role, then her disguise as ‘An Athenian Orator’ is quite similar to the stock-characters of New Comedy.⁶ This is a performance where the role is meant to be generic and stereotypical; it is often a form of social criticism aimed at *types* of people. I think the first kind of disguise, the comic and absurdly comical disguise, best fits the interpretation that ascribes the speech to ‘An Athenian Orator’ and the second kind of disguise, the divine disguise, best fits the interpretation that would ascribe the dramatic, almost tragic, speech, directly to Aspasia.

One possibility is Aspasia-herself-as-Orator in a reimagined Athens, another possibility is Aspasia the author carefully crafting the character of ‘An Athenian Orator.’ But this is not a forced dilemma. Perhaps the proper interpretation is “something in-between” (*ti metaxu Symposium* 202b4-5), something in-between the comic and tragic, perhaps something more critical and philosophical than either the comic or the tragic reading alone (*Symposium* 223d2-12). The comic possibility would multiply the mediation between Plato and us (Plato’s audience). It would intensify the already representational ‘depth’ or ‘nesting’ of voices occurring in the dialogue. In fact, at one point, ‘An Athenian Orator’ hands over his own voice to give a

And The Problem Of Male Actors Playing Women Disguised As Men.”

⁶ For stock characters in New Comedy see chapter 3, “Plots and Motifs: the Stereotyping of Comedy,” in R. L. Hunter (1985, 59-82) *The New Comedy of Greece and Rome*; C. T. Murphy (1972) “Popular Comedy in Aristophanes”; and P. G. McC. Brown (1987) “Masks, Names and Characters in New Comedy.”

message from those who have recently fallen in battle, from what I will call ‘the War-dead.’ So, the levels of distance are as follows:

(1) Plato → (2) ‘Socrates’ → (3) ‘Aspasia’ → (4) ‘An Orator’ → (5) ‘the War-dead’ → (6) Audience

This multiplication of nested characterizations *could* (but not necessarily) weaken claims made about Socrates assigning responsibility to Aspasia. It *could* be that it is *not* Aspasia herself speaking, but instead she would elude culpability, by foisting it on her own invented personage, ‘An Athenian Orator.’ I think, however, that for Plato, Aspasia or least Plato’s character of ‘Aspasia’ in the *Menexenus* is meant to refer not only to the historical personage of Aspasia the woman who was the wife and confidant of Pericles and mother to his child, but to a whole nexus of what Aspasia *represents*. She also represents: Pericles, politics, and statecraft; the Periclean age of democracy and the rise of the common people and the Athenian navy; the Periclean intellectual circle or salon (which included Protagoras, Anaxagoras, Phidias, Pythocles, Sophocles, Damon, etc.);⁷ the ascendancy of Athenian imperialism; the first part of the Peloponnesian War when Athens hid defensively behind its walls and raided the Peloponnesian coast with its navy; the time of the plague; etc. So, I think that *if* Plato is critical of this network of associations, *then* we should think it very plausible and likely that he would also be critical of Aspasia in the *Menexenus*, as she is its representative. Thus, even though I do think that Aspasia constructs the persona of ‘An Athenian Orator,’ Plato’s Aspasia more than likely believes in and endorses what that constructed position says. On the one hand, committing *only* to the comic possibility might falsely absolve Aspasia of responsibility for the content of the funeral speech, pinning it on the persona of ‘An Athenian Orator.’ On the other hand, the ‘straight,’ tragic reading might be too on the nose. It might not account for the fact that a younger Aspasia,

⁷ Stadter (1991) “Pericles Among the Intellectuals” *Illinois Classical Studies* 16 (1), 111-124.

married-to-Pericles, at the height of her powers, might be very different from an older Aspasia, who has suffered many hardships and heartbreaks. She loses her husband Pericles to the plague and her son Pericles the Younger to an angry mob of Athenians who wanted to try the generals of Arginusae collectively—which Socrates attempted to prevent (*Apology* 32a9-c3). (The deaths of both Pericles could be seen as sacrificial victims to Athen's overweening imperial ambitions).

One thing I will acknowledge is that if one decides for the comic possibility that posits the further creation of 'An Athenian Orator,' then this would leave the character of Socrates in a much more diminished capacity or role in the *Menexenus*. Socrates becomes just the medium, the actor, for Aspasia the author's message. This would still count as an instance of Socratic *mimēsis*, however, because the object of my study is Socrates' *mimēsis* not his *poiēsis*. I'm not primarily concerned with whether or not Plato has Socrates craft these characters himself. In the case of the *Crito* it seems like he has Socrates come up with what 'the Laws' say extemporaneously, but in the case of the *Theaetetus* it seems like Plato might be more constrained. Even though Plato does have Socrates create the character of 'Protagoras,' Plato's Socrates must respect certain well-known doctrines and ideas of Protagoras. The case most similar to that of 'Aspasia' in the *Menexenus* is 'Diotima' in the *Symposium*. We, the listeners and readers of the *Symposium*, are not sure if Diotima is real or Socrates' creation. Likewise, we are not sure in the *Menexenus*—even though Socrates attributes the speech to her—if Socrates' ascription to Aspasia is meant genuinely or in jest. The primary aim of analyzing Socratic *mimēsis* is about figuring out what is happening when Socrates role-plays, when he speaks in other voice, when he imitates or acts as another. Sometimes he might be creating a persona, sometimes he might not be. In the *Menexenus* it's not clear.

Looking at what Socrates himself says about how he came to hear Aspasia’s speech is instructive but not conclusive for deciding between the two possibilities. Socrates says that yesterday [χθὲς] he heard Aspasia complete a funeral oration about those very ones (those who recently died in battle); and she had heard the same thing that Menexenus had (that the Athenians were about to choose someone to speak) (236b1-3). Whereupon, she recounted a speech, some offhandedly off the top of her head and some she had considered earlier, of the sorts of things that one ought to say [οἷα δεῖοι λέγειν] (236b4). It’s not clear if Aspasia herself said that “these are the sorts of things that one ought to say” or if this is Socrates’ own judgment and commentary about what she said, after listening to her speech. I like the reading that Aspasia is revealing that she will speak as she thinks An Athenian Orator should speak. This similar to the methodology that Thucydides, early on in his *History*, advises his readers he practices:

It was difficult to record with exactitude itself the things said [χαλεπὸν τὴν ἀκρίβειαν αὐτὴν τῶν λεχθέντων διαμνημονεῦσαι ἦν], both those which I myself heard and those reported to me from elsewhere. <The speeches> have been written, as each <speaker> would seem to me to have said *the things most demanded* [τὰ δέοντα μάλιστ’]—always in regards to his present circumstances [περὶ τῶν αἰεὶ παρόντων]—while keeping as closely as I could to the overall intent of what was truly said [ἐχομένῳ ὅτι ἐγγύτατα τῆς ζυμπάσης γνώμης τῶν ἀληθῶς λεχθέντων]. (1.22.1, emphasis added)⁸

Both Thucydides (τὰ δέοντα) and Plato (οἷα δεῖοι) speak about the sorts of the things that ought to be said. What Socrates does tell us *explicitly* as his own judgment is

That it seemed to me [ὅτε μοι δοκεῖ] put together [συνετίθει] from the funeral oration [τὸν ἐπιτάφιον λόγον], the one which Pericles gave [ὃν Περικλῆς εἶπεν], the remaining fragments of which she glued together [περιλείμματ’ ἅττα ἐξ ἐκείνου συγκολλῶσα.]. (236b4-6)

This is flagged as Socrates’ own commentary on Aspasia’s speech. Socrates is already signaling for Menexenus (and Plato for his listeners and readers), the fact that we should be thinking of

⁸ My translation from Thucydides (1942) *Historiae*, Volume I and II. Edited by Henry Stuart Jones and Johannes Enoch Powell. All translations mine unless otherwise noted.

Pericles' speech when we hear Aspasia's. Often times, this line is interpreted as Socrates merely dismissing Pericles and as setting up the confrontation between the two speeches. But Socrates is also already multiplying the characters, the voices who are speaking in, through, with, and against the speech we are about to hear.

Thus, another figure lurking in the background of all these voices is Pericles, and to further complicate things, it is not Pericles' own voice, but the portrait of Pericles given to us by Thucydides, specifically his funeral oration (2.35-46). Using the 'logic' articulated in the speech of the *Menexenus*, Aspasia herself is the common ground for *both* Pericles' funeral oration *and* the one in the *Menexenus*. According to Socrates, Aspasia's speech and Pericles' speech both sprung from the mind of Aspasia, from the same soil. Aspasia is the Earth that gives birth to both Pericles' funeral speech and the one she imparts to Socrates. Both speeches are related; they are brothers. They literally have a shared, common cause. Even this image is too figurative; according to Socrates, Aspasia has intentionally given a serviceable funeral speech to be said for those assembled for the dead—twice. Those interpretations that see a sharp contrast between the funeral speech in the *Menexenus* and Pericles,' forget this and miss that they are more alike than is often acknowledged. Although Pericles may have selected the worst parts or fragments from Aspasia, still Socrates' own judgment 'indicts' her as responsible for conceiving *both* speeches.⁹

Who is Menexenus?

To understand why Socrates would perform a funeral oration as 'An Athenian Orator' from 'Aspasia' it is important to look at the audience for this speech: Menexenus. I want to look at the character of Menexenus in other Platonic dialogues. As I did with Crito in the chapter on the *Crito* and Protagoras on the chapter in the *Theaetetus*, I want to briefly place Menexenus in

⁹ Christopher Long (2003) "Dancing Naked: Pericles, Aspasia, and Socrates at Play with Politics, Rhetoric, and Philosophy" is an exception to this generalization (50-51). In fact, he sees both speeches as involved in a dialectic, in a "complex dialogical relationship" (58).

the Platonic corpus. Although there is some debate as to who this Menexenus in the *Menexenus* is: is it the Menexenus that also appears in the *Lysis* and the *Phaedo* or could it even be Socrates' own young child named Menexenus?¹⁰ The majority opinion is that it is the former.

LYSIS

In the *Lysis*, Socrates speaks to a young Menexenus and Lysis, who are in their early teens.¹¹ The principal question of the *Lysis* is understanding the nature of friendship; Socrates first proposes the subject at 211e-212b. Also, behind Socrates' discussion with Menexenus and Lysis is Socrates' intention to teach Hippothales the right way to attract a beloved. Hippothales is in love with Lysis and he tries to woo him by singing songs about Lysis' family, wealth, noble lineage, etc. Sounding like Carly Simon, Socrates says 'these songs are really about you' (205e1). In a line that it is relevant to the *Menexenus*, Socrates says at 206a "And besides these good looking <boys>, if someone praises [ἐπαίνῃ] them then they swell [αὔξη], both their heads and their pride [φρονήματος ἐμπίμπλονται καὶ μεγαλαυχίας]" (206a3-4). Here is the danger of praise, especially to those who are beautiful—as can happen even to the fair-faced 'great-hearted people of Erechtheus' [Athenians] (*Alcibiades I* 132a5-7)¹²—the praise can go to their heads and their self-conceit. Socrates thus takes another tack to attract Lysis and Menexenus. Instead of trying to praise them he engages them in dialectic, he questions them and then refutes them.

In fact, there is another revealing line from the *Lysis* on just this point. The *Lysis* is one of a handful of dialogues where Socrates narrates directly to "us," the listeners and readers of the dialogues.¹³ There is an exceptional moment in the *Lysis* where Socrates almost says something

¹⁰ Rosenstock (1994) "Socrates as Revenant: A Reading of the *Menexenus*," 339 and Dean-Jones (1995), 51-57. See Diogenes Laertius 2.26.

¹¹ Nails (2002) *The People of Plato: A Prosopography of Plato and Other Socratics*, 203.

¹² See the epigraph to this chapter.

¹³ The others are the *Republic*, *Rival Lovers*, and *Charmides*. See Ferrari (2010) "Socrates in the *Republic*," 11-31, and A.M. Schultz (2013) *Plato's Socrates as Narrator: A Philosophical Muse* for comment on Socrates' mimetic monologue form of "the internal narrator" and how to read it.

to his interlocutors at the time, but he holds back from communicating it. He says he almost made a mistake in saying it. Instead he tells “us” *now* about what he was thinking *then* but stopped himself:

And after hearing from him [sc. Lysis] I glanced down toward Hippothales, and I nearly made a mistake [ἐξήμαρτον]. For it came to me to say that, ‘this is how one ought [χρή] to converse [διαλέγεσθαι] with a beloved, making them smaller and humbling them [ταπεινοῦντα καὶ συστέλλοντα], but not like you, puffing them up and pampering them [ἀλλὰ μὴ ὥσπερ σὺ χαινοῦντα καὶ διαθρύπτοντα].’ Looking down at him [sc. Hippothales] agonizing and perturbed by the things said, I remembered that he had stood nearby wishing to hide himself from Lysis. So, I reined myself in [ἀνέλαβον οὖν ἑμαυτὸν] and shut up (210e1-211a1).

Here is a secret confession and lesson from Socrates, which none of the interlocutors present heard—not Hippothales, not Lysis, and, importantly, *not* Menexenus. But it is one that Socrates shares with “us,” the listeners and readers of the dialogue. He tells us that the way one ought to talk to a beloved (and perhaps that beloved could even be one’s own beloved city or country) is not by puffing them up and pampering them, but by making them smaller and humbling them. The funeral speech of the *Menexenus* is a pampering speech meant to puff up the beloved Athens and her Athenians. But the proper speech for a loved one is one which will make them smaller and humble them. My contention is that this is the shadow speech we must search for within the funeral speech presented in the *Menexenus*. Beneath the overblown praise, there is a critical love letter to Athens. Lastly, in the *Lysis* there is also a pertinent line about teachers, Socrates says, “Thus, if you require a teacher [σὺ διδασκάλου δέη], you are not yet wise [οὔπω φρονεῖς]” (210d). This detail is worth noting, considering that Socrates in the *Menexenus* says his two teachers are Aspasia in rhetoric and Conus in music (235e-6a). The discussion of friendship and its contrast case, enmity, continue in the *Lysis* and *Menexenus* shows himself not to understand the difference between friend and enemy as a young man. Part of what we should ask ourselves in the sequel, the *Menexenus*, is whether or not Menexenus has learned this lesson and completed

his education. Could he have learned the lesson that Socrates taught only to “us” in the *Lysis*?

PHAEDO

Menexenus is also one of the fourteen named by Phaedo who are present for Socrates’ execution (*Phaedo* 59b). He would be maybe about 23 or 24 years old.¹⁴ Even though Menexenus never speaks, according to Phaedo, his presence at the moment of Socrates’ death evokes a contrast between the ‘funeral oration’ told by Phaedo (to Echecrates and by extension to us, the listeners and readers of the dialogue), and the funeral oration told by Socrates (which he says he learned from Aspasia). The open, public enthusiasm and eagerness Phaedo expresses in recounting the tale of Socrates’ death (“the most pleasurable of all things for me [ἔμοιγε ἀεὶ πάντων ἥδιστον] is to remember Socrates either by talking about him or listening to someone else” 58d5-6) contrasts with the reticence Socrates evinces for sharing his speech in secret (against his teacher’s wishes) with Menexenus (“but perhaps my teacher will be angry [χαλεπανεῖ] at me, if were to deliver [ἐξενέγκω] her speech” 236c3-4; and “but don’t speak out against me [μου μὴ κατερεῖς], so that I can again relate many fine political speeches from her” 249e3-5).

The *Phaedo* is the proper Platonic funeral oration that commemorates, as Phaedo says at the end of his account, a Socrates who “was of all those we have ‘tried’ [ἐπειράθημεν] the best and the wisest and most just man [ἀρίστου καὶ ἄλλως φρονιμωτάτου καὶ δικαιοτάτου]” (118a16-17). The *Phaedo* shows the best, wisest, and most just of us in his final scene, a semi-private affair with his friends and followers. When all his friends are almost inconsolably grief-stricken because of his impending death, Socrates in the face of his imminent death practices philosophy by engaging in discussion and caring and attending to his friends’ fears and anxieties. The story of the *Phaedo*—like the funeral speech in the *Menexenus*—is a tale that is told (by Phaedo, who

¹⁴ Going by Nails’s (2002), 202-3, estimate that Menexenus was born in 422 BCE.

was there) and retold to others (e.g. to Echecrates, who was not). This is the same kind of transmission of message that happens at the end of the *Menexenus*. Those that have fallen in battle send a message to those that are left behind. It is only by way of someone else saying and re-saying the words of those that have died that they and their message live on. Another telling detail about the *Phaedo*, as it relates to the *Menexenus*, is the image of who is gathered together to witness Socrates' death. There are obviously a fair number of Athenians (besides Menexenus, who is the last named person mentioned followed by "some [unnamed] others") there are: Apollodorus; Crito and his son, Critobulus; Hermogenes; Epigenes; Aeschines; and Antisthenes (59b). There are also a fair number of foreigners (*xenoi*) present: Cebes and Simmias (Socrates' principal interlocutors from Thebes); Phaedondas (also from Thebes); and Euclides and Terpison (from Megara and who are the listeners to the recorded dialogue in the opening frame of the *Theaetetus*). There are, thus, eight named Athenians and six foreigners, including the narrator, Phaedo, who is from Elis.¹⁵ This is a Panhellenic gathering. Socrates' intimate companions who are called to witness his death are *not* composed solely of Athenian countrymen nor of his old war-buddies. Socrates is surrounded by those who care about him (as a philosopher, a lover of wisdom and conversation) and many of those are non-native. These foreigners have traveled significant distances solely to be a student of Socrates'. In the dialogue, their "foreignness" is often highlighted, as for example when Phaedo tell us that, "Κebes, laughing gently, [ἠρέμα ἐπιγέλασας] said 'Lawd knows,' [Ἴττω Ζεύς] speaking in his own tongue [τῆ αὐτοῦ φωνῆ εἰπὼν]" (62a8-9). This xenophilia is related to the detail that Socrates tells us in the *Menexenus* at 235b3 that it often happens that he goes to funeral orations with "some guest-friends [ξένοι

¹⁵ For the persons in the dialogue see Nails (2002): on Aeschines (pp. 5-6); on Antisthenes (pp. 35-6); on Apollodorus (pp. 39-40); on Crito (pp. 114-6); on Critobulus (pp. 116-9); on Cebes (pp. 82-3); on Epigenes (p. 140); on Euclides (pp. 144-5); on Hermogenes (pp. 162-4); on Menexenus (pp. 202-3); on Phaedo (p. 231); on Phaedondas (p. 232); on Simmias (pp. 260-2); on Terpsion (p. 274). The fact that there are *fourteen* named people present at Socrates' death, like the fourteen adolescents saved by Theseus, is one of the several references to the myth of Theseus.

τινὲς] they follow me, and they listen with me [ἔπονται καὶ συνακροῶνται].” Perhaps these *xenoi* that accompany Socrates to the funeral orations are the very ones who will be with him at his death. Regardless, in these two details Socrates is revealed *not* to be a xenophobic chauvinist, as the speaker of the funeral oration, ‘An Athenian Orator’ (and perhaps what Aspasia herself represents) seems to be.

MENEXENUS

There is not a lot of characterization of the character of Menexenus in the frame narrative of the *Menexenus*, but what little there is highly revealing. Here are four textual details that give an insight into Menexenus’ character. First, one of the main themes of the dialogue is actually embedded in its title and the name of Socrates’ interlocutor, Μενέξενος (Menexenus). The *Menexenus* is about Athens and its citizens’ relationship to the ξένος (*xenos*). Ξένος is a notoriously difficult Greek word to translate; it is often translated as ‘foreigner,’ or ‘stranger.’ For example, the main speaker in the *Statesman*, and the *Sophist* is only called ξένος—we are never told his name—and this is most often rendered and referred to in English as ‘the Stranger.’ I contend that the *Menexenus* is a meditation on ‘the Other,’ the strange(r) and the foreign(er), and how one relates to it. The etymology of the name Μενέξενος already gives us a clue into Plato’s thinking. The name is similar to Menelaus (Μενέ-λαῶς) or Menoetius (Μεν-οίτιος). For example, Menelaus (Μενέ-λαῶς) is formed from μενῶ ‘to last,’ ‘to withstand’ ‘to remain’ + λαός ‘the people’; So Menelaus means ‘to stand with the people.’¹⁶ So Μενέξενος can mean ‘to remain with the *xenos*’ to remain steadfast with the Other.¹⁷ Taking this as one of the principal themes of the *Menexenus* explains one of its early obscure references to one of the possible speakers the assembly considers for the funeral oration, “Archinus” (234b10). Archinus was

¹⁶ “Μενῶ” in *Dictionnaire Étymologique* (Ed. Chantraine 1968), 686.

¹⁷ Lemoine (2017), 16.

what we might call anachronistically a ‘nationalist’ who wanted to protect Athens from enemies, both foreign and domestic. In fact, “he prosecuted his former comrade, Thrasybulus, for unconstitutional legislation (*graphē paranomōn*) when Thrasybulus proposed to grant Athenian citizenship to metics, foreigners, and slaves who had been among those who fought for the restoration of the democracy (Aes. orat. 3.195; [Aristot.] Ath. Pol. 40.2).”¹⁸ Already at the beginning of the dialogue with this brief reference to Archinus, Plato is signaling that he wants us to keep Athens’ sometimes harsh and exploitive treatment of foreigners, and Others, in mind.

Second, Socrates’ first line in the dialogue is the question, “From the agora or from where <is> Menexenus <coming>?” (234a1) “Although generally translated as a vocative, Menexenus is in the nominative. He is not addressed as a person, but rather named as though he were an object. Socrates wants to know whether Menexenus is out of (*ek*) the *agora*, or from where.”¹⁹ From the first line of the dialogue, Socrates’ question to Menexenus, Socrates makes Menexenus an object of inquiry, a kind of object of investigation, both to himself and to us, the listeners and readers of the dialogue. “Where is Menexenus coming from? —from a place of politics and business, the agora, or from some other place, perhaps a place of true self-inquiry and self-scrutiny (like philosophy)?” Third, since Menexenus is coming from the council chambers, Socrates accuses Menexenus of thinking that he has outgrown and moved beyond philosophy and into the realm of politics. Although Menexenus will walk back from Socrates’ accusation, saying “Socrates, with your permission and approval I’ll gladly hold public office; otherwise I won’t” (234b3-4), this view is reminiscent of Callicles’ opinion of the role of philosophy as a pastime for children as opposed to grown-up pursuits, like politics (482c-486d).

¹⁸ Nails (2002), 44.

¹⁹ M. Davis (2016) “Speaking of the Dead: Plato’s Menexenus,” recording of lecture available: <http://digitalarchives.sjc.edu/items/show/1375>. (manuscript, 10). There is only one other instance of this that I am aware of: the beginning of the *Hippias Major*, (281a1), Socrates says, “Ἰππίας ὁ καλὸς τε καὶ σοφός [Hippias the beautiful and the wise]” and “Hippias” is in the nominative not the vocative case.

Lastly, the line Socrates says before he tells Menexenus the speech he learned from is:

But, indeed, it is necessary to gratify *you* [Ἀλλὰ μέντοι σοί γε δεῖ χαρίζεσθαι], so that I would almost gratify <you> [χαρισαίμην ἅν], if you ordered me to dance naked [εἴ με κελεύοις ἀποδύντα ὀρχήσασθαι], since, in fact, we are alone [μόνῳ] (236c11-237d2).

This is a strange line for many reasons. I will put aside the idea of gratifying, and even Socrates' naked dancing, in order to focus on the last word. “[B]ecause he and Menexenus are *monō*. It is a curious word. The verb from which it derives means to make single or one. Here, however, the single is in the dual number. So the two of them, Socrates and Menexenus, are one, and this oneness overcomes shame.”²⁰ Michael Davis calls attention to this unusual dual form of being-one [*monō*]. Socrates says that Menexenus and he have come together as one, and yet “we,” the listeners and readers, are there as well, as a silent third. Furthermore, as I mentioned previously there is a whole cast of characters in the background of this scene of a seemingly ‘all alone’ couple: ‘Aspasia,’ ‘An Athenian Orator,’ (the soon-to-come) ‘the War-dead,’ (Thucydides’) ‘Pericles,’ even Plato the Author.

Other Platonic dialogues: *Phaedrus*, *Gorgias*, and the *Alcibiades I and II*

As mentioned by other interpreters, there are quite a few resemblances between Menexenus in the *Menexenus* and Phaedrus in the *Phaedrus*.²¹ They are both much younger than Socrates and quite brash. Menexenus and Phaedrus both worry that Socrates is joking about speeches and rhetoric (*Phaedrus* 234e7-8). They also don't seem to particularly care *from whom* Socrates say his speeches come, but they merely want to hear *more* speeches; Phaedrus says this to Socrates, “Don't you <tell> me in whichever way or from whomever you heard <this>—not even if I urge you—but do the very thing you said <you were going to do>, you promised to give

²⁰ M. Davis (2016), 24.

²¹ Pappas And Zelcer (2015) *Politics And Philosophy In Plato's Menexenus Education And Rhetoric, Myth And History*, 91.

another speech, better and not any less than the one from <my> book” (235d4-6). Both Phaedrus and Menexenus seem to be obsessed with speeches. But they seem to only care about hearing *more* speeches (quantity) and don’t pay particular attention to whether what they hear is good or bad or even whether it is said well or badly (quality—either moral or rhetorical). At the end of the *Menexenus* (249e) Socrates promises to tell Menexenus more political speeches (supposedly also from Aspasia) as long as Menexenus doesn’t give him up. Similarly, in the *Phaedrus*, Phaedrus says he will make Lysias write a speech urging him to write from the perspective of the lover not the non-lover as he previously did (243d-e). At *Phaedrus* 242a7-b5, Socrates says this to Phaedrus:

You are divine about speeches, Phaedrus, and simply a wonder. For I think no one of those in your lifetime has brought into being more speeches than you have caused to come into being, whether speaking yourself or compelling someone else in this manner. I leave out Simmias of Thebes, but you best all others in every way. Even now you seem to be the cause of engendering me to give a speech (242a7-b5).

The *Menexenus* is structurally similar to the *Phaedrus*. I believe Aspasia’s funeral oration is like Lysias’ speech. Lysias writes a speech mainly trying to show off his rhetorical skills in which he takes the role of a non-lover trying to seduce and convince a young boy to be his lover. Lysias does not really believe in the content of the speech, and he merely takes on this assumed role of the older non-lover to demonstrate his powers of rhetoric. Likewise, one is not sure if Aspasia really believes the content of her speech. One does not know for certain if she merely creates the role of ‘An Athenian Orator’ (what some indefinite Athenian ought to say in a funeral speech) in order to display her own oratorical prowess. A big difference between the *Menexenus* and the *Phaedrus*, is that whereas in the second half of the *Phaedrus* Socrates and Phaedrus examine and interrogate the speeches said in the first half, no such investigation takes place in the *Menexenus*. This chapter represents and recreates that missing examination of a part of the funeral speech.

Some other Platonic dialogues to keep in the background are the *Gorgias* and *Alcibiades I* and *II*.²² I will not elaborate much on the connection between the *Gorgias* and the *Menexenus*, but I am in agreement with E.R. Dodds's assessment,

Both [the *Gorgias* and the *Menexenus*] deal with rhetoric and with the use of rhetoric by Athenian politicians; but while the *Gorgias* examines its theoretic basis, the *Menexenus* illustrates its practice by means of an imaginary funeral oration which parodies the stylistic tricks and historical falsifications of patriotic oratory. The two of them are complementary, unequal though they are in length and importance; and both of them convey the same criticisms of Athenian democracy and Athenian foreign policy, though the expression is direct in one case, ironical in the other.²³

I also cannot expand upon this idea here, but I think that both *Alcibiades I* and *II* are critical for an understanding of the *Menexenus*. There Socrates is trying to persuade a young Alcibiades that is about to enter politics that he is not yet ready to lead others because he has not finished his own education and he cannot even control himself, so how can he expect to command others. In these two dialogues, Socrates forces Alcibiades to 'know himself' better via *elenchos*—a procedure not undergone in the *Menexenus*, but which is badly needed. I believe Plato invites the listener or reader of the dialogue to perform the missing dialectic. Although Aspasia's only mention in the Platonic corpus is in the *Menexenus*, and even though I believe Aspasia does not speak in her own voice, to get a better understanding of who Aspasia is, I want to look at two ancient sources that are not often read in conjunction with the *Menexenus*.

²² Nickolas Pappas (communication) objected that "the *Menexenus* cannot be like the anti-rhetoric *Gorg.* and like the pro-rhetoric *Phaedrus*." First, I compare the two *characters*, Menexenus and Phaedrus, in their eponymous dialogues. Second, I think it's too simplistic to call the *Phaedrus* "pro-rhetoric." I do think that in the *Phaedrus* Plato is trying to rehabilitate a kind of *philosophical* rhetoric, but Socrates is very critical of the existing practice of rhetoric in the second part of the dialogue, and he has many criticisms of orators and rhetoricians in that section, including the speech of Lysias from the first part. Again, this second elenctic, *philosophical* part of the *Phaedrus*, of examining and criticizing the rhetoric of the previous speeches, is conspicuously absent in the *Menexenus* (and also in the *Crito*, and the *Symposium*). But even the presence of a consequent, internal debate and discussion about a position does not guarantee that Plato closes off all external criticism and dialogue about that position (see my chapter on the *Theaetetus*).

²³ Dodds (1959), *Gorgias*, 23-4. See also R.E. Allen (1984) "Comment [on the *Menexenus*]" in *Euthyphro, Apology, Crito, Meno, Gorgias, Menexenus: The Dialogues of Plato Volume I*, 319-327; Kerch (2008) "Plato's *Menexenus*: A Paradigm of Rhetorical Flattery," 94-114.

Who is Aspasia?

Xenophon's *Memorabilia* II.6

In Xenophon's *Memorabilia* II.6 Socrates references Aspasia in a conversation between himself and Critobulus, Crito's son.²⁴ Socrates and Critobulus are talking about friendship, and about how to test the quality of a friendship worthy of acquiring. There is an exchange between the two that is quite illuminating for the *Menexenus* since it talks about rhetoric, the power of speeches to bewitch, Pericles, and Aspasia.

Critobulus asks Socrates (II.6.9) how friends come to be, and Socrates says "There are spells [ἐπωδάς], they say, which those who know them can use to bewitch [ἐπάδοντες] whomever they want and make them friends, and there are drugs [φίλτρα] that those who know about them can give to whomever they want and win their love." (II.6.10)²⁵ Critobulus asks Socrates where he can learn these spells and Socrates gives the example of the Sirens from the *Odyssey* (12.184) (II.6.11). Critobulus, learning a lesson from Socrates, says "You mean, I take it, that the spell must be fitted to the listener, so that he won't take the praise for mockery [μὴ νομιεῖ ἀκούων τὸν ἐπαινοῦντα καταγελῶντα λέγειν]." Socrates replies, "for to praise for beauty, stature and strength [ἐπαινοίη λέγων ὅτι καλὸς τε καὶ μέγας καὶ ἰσχυρὸς ἐστίν] one who is aware that he is short, ugly, and puny [εἰ τὸν εἰδότα ὅτι μικρὸς τε καὶ αἰσχροὺς καὶ ἀσθενὴς ἐστίν], is the way to repel him and make him dislike you more." (II.6.12). Here the issue of knowledge and especially self-knowledge is crucial. A speaker aiming to properly praise someone must know what kind of self-conception his/her target of praise has in mind. For to praise someone 'for what someone *is not*,' or 'for what someone does *not* possess' can make the praise seem like mockery

²⁴ See also Xenophon's only other reference to Aspasia: Socrates' mention of Aspasia in *Oeconomicus* 3.14, when Socrates recommends Aspasia for her knowledge of household management and of the relations between husbands and wives.

²⁵ This line and the following are from a translation from E. C. Marchant (1923).

and offend the one being praised. Here, Xenophon's Socrates says insincere personal praise of an individual can be detected by the other person and be perceived as jest. Could this also be the case for groups or collectives, like a city? Perhaps Plato's *Menexenus* is testing out this claim. Later, Critobulus asks Socrates, "Do you know any other spells?" and he responds "No, but I have heard that Pericles knew many and cast them on the city, and so made her love him." (II.6.12-13). This dig at Pericles is identical to the other things the Platonic Socrates says about him in the dialogues.²⁶ Critobulus says that he has always wanted to learn how to charm and pursue boys, and for them to reciprocate his love, especially if he were to happen upon one with a good soul and beautiful body [τοὺς ἀγαθοὺς τὰς ψυχὰς καὶ ἐπὶ τοὺς καλοὺς τὰ σώματα]. And Socrates rebukes him, saying

No, no, Critobulus... it's not part of my skill to lay hands on the handsome ones and force them to submit. I am convinced that the reason why men fled from Scylla was that she laid hands on them; but the Sirens laid hands on no man; from far away they sang to all, and therefore, we are told, all submitted, and hearing were enchanted (II.6.30-31).

Here we see the importance of the beauty of the invisible, internal soul for Socrates, and his comparative disinterest in the external beauty of the body. Socrates is trying to convince Critobulus to engage in his version of a chaste pedagogical relationship with boys, and to concern himself more with their souls than their bodies. At II.6.35 there is an echo of *Menexenus* 247a-c: "a man's excellence consists in outdoing his friends in kindness and his enemies in mischief [ἀνδρὸς ἀρετὴν εἶναι νικᾶν τοὺς μὲν φίλους εὖ ποιοῦντα, τοὺς δ' ἐχθροὺς κακῶς]." It is interesting that here in Xenophon the rivalry is between friends, whereas in Plato it is an intergenerational one between parents and children. Also, this advice seems like the kind of

²⁶ I think the reference to Pericles in *Phaedrus* 269e-270a is sarcastic. I think we are supposed to take Pericles' mastery of mind, mindlessness, and ethereal natural speculation as appropriate to the art of rhetoric as a joke. See the other references to Pericles in Plato: *Alcibiades I* 118d-119a, 124c; *Protagoras* 319e-320a, 329a; *Gorgias* 515c-519d; *Meno* 94a-b; Also see the spurious Dialogue *On Virtue* 376c-378a which echoes the reference in the *Meno*.

common ‘help friends and harm enemy’ morality that Polemarchus argues for in the *Republic*. Toward the end of this vignette, Critobulus, feeling hurt about something Socrates said about him, says, “Now why do you say this to me? As if you were not free to say what you like about me” Socrates responds

But that’s not so, as I once heard from Aspasia. She explained that good matchmakers are successful in making marriages only when the good reports that they circulate are true; false reports she would not recommend, for the victims of deception hate one another and the matchmaker too. I am convinced that this is sound, and so I think it is not open to me to say anything in your praise that I can’t say truthfully. (2.6.36)

This detail about Aspasia is important. Here we see a portrait of Aspasia as detesting falsity, especially as it pertains to matchmaking and the praising of others. If the funeral oration is a speech of praise that contains several falsehoods, then the comic ascription of the speech not to her but to her literary character, ‘An Athenian Orator,’ is reinforced by Xenophon’s depiction of her and her character. Finally, when Socrates is wrapping up this exchange, he asks Critobulus a leading, rhetorical question, “How do you think I will help you best, Critobulus, by false praise or by urging you to try to be a good man? [σε τὰ ψευδῆ ἐπαινῶν ἢ πείθων πειρᾶσθαι σε ἀγαθὸν ἄνδρα γενέσθαι]” (2.6.37). I agree with Xenophon’s Socrates that we must be on the lookout for false praise. But I would disagree with his forced dichotomy, and I would go further and say that we ought to be especially careful if this false praise comes in the form of an exhortation to be better, like it does in the *Menexenus*.

Cicero on Aeschines’ Aspasia in *De Inventione* (I.51-2)

There is one ancient reference to Aspasia that has not been discussed much in relation to the *Menexenus*.²⁷ Cicero quotes a lost dialogue by Aeschines to demonstrate Aspasia’s logic and

²⁷ M. Henry (1995), 40-5, “Chapter 3 Aspasia and the Socratic Tradition” in *Prisoner of History: Aspasia of Miletus and her Biographical Tradition* discusses it, but not in relation to Plato’s *Menexenus*. Pappas and Zelcer (2005), 34-7, discuss the fact that “the themes of *teaching* and *praise*” link Aeschines’ and Plato’s depiction of Aspasia; they

rhetoric skills. In it she is counseling Xenophon and his wife. Aspasia says neither will be happy as long as they desire an ideal spouse, instead, each must work at being the best spouse each can be, if their partner's wish of having the best possible spouse is to be fulfilled. Cicero writes,

All argumentation, then, is to be carried on either by induction or by deduction. Induction is a form of argument which leads the person with whom one is arguing to give assent to certain undisputed facts; through this assent it wins his approval of a doubtful proposition because this resembles the facts to which he has assented.

For instance, in a dialogue by Aeschines Socraticus Socrates reveals that Aspasia reasoned thus with Xenophon's wife and with Xenophon himself: "Please tell me, madam, if your neighbour had a better gold ornament than you have, would you prefer that one or your own?" "That one," she replied. "Now, if she had dresses and other feminine finery more expensive than you have, would you prefer yours or hers?" "Hers, of course," she replied. "Well now, if she had a better husband than you have, would you prefer your husband or hers?" At this the woman blushed. But Aspasia then began to speak to Xenophon. "I wish you would tell me, Xenophon," she said, "if your neighbour had a better horse than yours, would you prefer your horse or his?" "His" was his answer. "And if he had a better farm than you have, which farm would you prefer to have?" The better farm, naturally," he said. "Now if he had a better wife than you have, would you prefer yours or his?" And at this Xenophon, too, himself was silent. Then Aspasia: "Since both of you have failed to tell me the only thing I wished to hear, I myself will tell you what you both are thinking. That is, you, madam, wish to have the best husband, and you, Xenophon, desire above all things to have the finest wife. Therefore, unless you can contrive that there be no better man or finer woman on earth you will certainly always be in dire want of what you consider best, namely, that you be the husband of the very best of wives, and that she be wedded to the very best of men."²⁸

As we've seen with both Xenophon and now Cicero's allusion to Aeschines, I wish to draw parallels between the personal, therapeutic, "psychological" advice advocated by Aspasia as a kind of marriage or couples counselor and the kind of political advice which I think the Platonic (Socratic) Aspasia is offering in the *Menexenus*. In the *Menexenus*, the funeral oration speaks of a kind of idealized Athens. I think Aeschines' Aspasia's quaint relationship advice is applicable

also argue *against* Henry to show that Plato paints a positive portrait of her.

²⁸ Translation by H. M. Hubbell (Loeb Classical Library).

Accessed from http://penelope.uchicago.edu/~grout/encyclopaedia_romana/greece/hetairai/aspasia.html

to city-states as well. Similar to how we should *not* desire an unattainable spouse, we should not desire an unattainable polity—of the kind we see represented in the *Menexenus*; instead, we should contrive to make our own, real, spouses and polities better. This is all more important in relation to the past, which cannot be changed. As Vlastos so eloquently writes, “why should Plato want to state the truth about the ideal Athens in the form of falsehoods about the actual one?”²⁹ There is a limit to idealization. In political theory it may be illuminating and helpful (as in imagining the ideal state as Plato’s Socrates does in the *Republic*), but in political *history* it is deceptive, harmful, and self-deluding. Pappas and Zelcer make a good point that by adopting pre-existing, common *muthoi* (mythological stories), writers—even someone like Plato—must relinquish complete control over what is said; “they cannot control what a *muthos* says and means”³⁰ If that is the case with *muthoi* then all the more so with the past, with *istoria*. One would be dealing with events that some people lived through and experienced, so an attempt to idealize or falsify the past would be to go against their memories, their life-stories, and their conception of who they were and are.

Lastly, Aeschines credits Aspasia with teaching Socrates an essential argumentative method, we should not dismiss this claim lightly.³¹ In fact, I think Aspasia is teaching Socrates a pedagogical technique in the *Menexenus*. Socrates tells us that Aspasia taught him the speech the day before, but he doesn’t tell us what they said *about* the speech. He remains silent on the discussion surrounding the speech—if there was one. It seems unlikely that Socrates would not have questioned Aspasia about the speech. I believe that Aspasia was teaching Socrates, through not only recounting the speech and getting him to remember it word for word, but the full lesson

²⁹ Vlastos (1973) “ἘΠΙΣΤΗΜΟΝΟΜΙΑ ΠΟΛΙΤΙΚΗ,” 192n103.

³⁰ Pappas and Zelcer (2015), 156.

³¹ See Pappas and Zelcer (2005), 54n53: “According to Cicero’s Aeschines, Aspasia invented induction, the form of cross-examination in which an interlocutor responds to several uncontroversial examples and the questioner finds a general principle fitting all the responses... Aspasia’s method is the strongest crowbar in Socrates’ elenctic toolbox. If he learned this from her then she was his teacher in the full sense of that word.”

of the speech can only come out from actively interrogating it, not from passively listening to it, like Menexenus does. Aspasia recites a speech for Socrates and taught it to him; but I believe that it is highly likely that they discussed it or that Socrates thought deeply about it himself, perhaps cross-examining his own beliefs on the speech in his mind (as described in the *Theaetetus* 190a ff.). Socrates wants to teach Menexenus a similar lesson, so he reports the speech, but Menexenus makes no effort to question it in any way, and we are given no indication that Menexenus will think more on the matter.

The object of criticism in Socrates' *mimēsis*: The Cloak of Patriotism

What is the critical target of Socrates' *mimēsis*? What does he seek to refute or undermine? Socrates is criticizing the easy self-assurance that comes from what I will call the "Cloak of Patriotism," which is a collective, political form of *self*-delusion. "The Cloak of Patriotism" is inspired by J.M Dent's (1910) translation of Thucydides (2.42.3):

there is justice [δίκαιον] in the claim that steadfastness [ἀνδραγαθίαν] in his country's battles [ἐς τοὺς πολέμους ὑπὲρ τῆς πατρίδος] should be as a cloak to cover [προτίθεσθαι] a man's other imperfections [τοῖς τᾶλλα χείροσι]. Since the good action [ἀγαθῶ] has blotted out the bad [κακὸν ἀφανίσαντες], and his merit as a citizen [κοινῶς μᾶλλον ὠφέλησαν] more than outweighed his demerits as an individual [ἐκ τῶν ἰδίων ἔβλαψαν].³²

I imagine Plato reading, or listening to, Thucydides' account of Pericles' funeral oration and his eyes go wide at that line, which suggests that it is *just* to die in battle for the sake of one's fatherland and that this public collective action could somehow *cover up* one's individual misdeeds, like a cloak. That's not how virtue works! Furthermore, I am in agreement with several commentators that note that although the *Menexenus* mentions the Delphic maxim μηδὲν

³² One could take issue with Dent's translation. There is no 'cloak' [ἱμάτιον] in Thucydides' Greek. In fact, LSJ cite this line from Thucydides in their definition of προτίθημι A.IV as "put before or first" or "put in front." The idea being that steadfastness [ἀνδραγαθίαν] is put before, first, or in front of their other [τοῖς τᾶλλα χείροσι] inferior <qualities>. Dent poetically elaborates this as a "cloak to cover." Regardless of fidelity to the Greek, the "Cloak of Patriotism" describes well the idea that fighting and dying in war in service to one's polity somehow indemnifies one's individual's ethical transgressions.

ἄγαν [‘nothing in excess’], the other famous Delphic dictum, γνῶθι σεαυτόν [‘know thyself’] and its lesson are conspicuously absent from within the dialogue.³³ “The orators [and their funeral orations] erect barriers to the Athenians capacity for honest self-appraisal and self-criticism. They shut down critical questioning and exploration.”³⁴ The self-knowledge in play in the *Menexenus* is not just of the individual self (the level at which Pericles says that a death in war can conceal) but of the collective self. It is knowledge of the first-person plural, the ‘we’ of the Athens discussed in the funeral oration. This ‘we’ is defined in contrast to an ‘Other.’ Who are these others? They are those that are excluded from the public space of Athenian politics: *xenoi*, metics, boys and women. These are all figures that are in the shadows of the dialogue. And yet it is a *xenē*, a foreign woman, who creates the stock figure of ‘An Athenian Orator’!

In fact, another place where γνῶθι σεαυτόν [‘know thyself’] is discussed is in the *Philebus* 48c-49a where they are also discussing the nature of the ridiculous [τὸ γελοῖον ἦντινα φύσιν].³⁵ There Socrates says the ridiculous is the *opposite* of the injunction by the Delphic Oracle: to *not* know one’s self. There are three ways of not knowing one’s self: (i) as regards wealth, one can believe one is richer than one really is; (ii) as regards physical qualities, one can believe one is taller or more beautiful than one really is; lastly (iii) as regards qualities of the soul (psychological attributes), one can believe one excels in virtue when one does not. To tip off *Menexenus* (and also for Plato to alert the readers and listeners), Socrates mentions in the *Menexenus* that when he listens to funeral speeches, he “believes himself on the spot to have become taller [μείζων], more noble [γενναιότερος], and more beautiful [καλλίων]” than he really is (235b1-2). Socrates exemplifies the ridiculous forgetting-of-the-self he discusses in the *Philebus*, and it is a clue for us (perhaps also to *Menexenus*) not to lose one’s self in the speech

³³ O’ Mahoney (2010) “The Origin of the Olive: On the Dynamics of Plato’s *Menexenus*,” 12; Helmer (2006), 4-7.

³⁴ Balot (2019), 3.

³⁵ I owe this reference to Capra (1998) “Il *Menesseno* di Platone e la commedia antica,” 187.

that follows from Aspasia—especially as it regards (iii) believing that Athens and Athenians excel in virtue when they do not.

What the funeral oration does is create out of words a collective first-person plural, ‘we,’ we Athenians. This is already a strange phenomenon. What does it mean to talk about a ‘we’ when some of ‘us’ are dead, and when we are commemorating those who have died, but they died for something larger than themselves, they died for the city? The *Menexenus* adds another turn of the screw; that is, it is not just those who we are commemorating who are dead, but even the speakers themselves who speak for the dead are dead. It is strongly implied that because the history section contains events down to the Corinthian War in 386 BCE, then both Socrates and Aspasia, who are our sources for the speech, are dead. This is mirrored in the Exhortation for the War-dead, when ‘An Athenian Orator’ speaks in the voice of those who have died with a message for the living. In addition, the figures of ‘An Athenian Orator’ and even ‘the War-dead,’ might not even be real, identifiable, individuals but literary fictions. What happens when a fictitious character talks about, and to, its intended Athenian audience? Should the audience let themselves go and identify as Athenian with this make-believe character from a foreign woman? At one point ‘An Athenian Orator’ says, “we, the living, are ourselves witnesses of these things” (244b1-2) as evidence that the we, Athenians, “did not lay hands on each other through wickedness or enmity, but through misfortune.” The intention behind this line is completely in tension with itself. If the dialogue takes place in 386 BCE, then Socrates and Aspasia are dead, and ‘An Athenian Orator’ is a fiction. So, no one speaking could be the subject of “we, the living.” However, *if* we follow the logic of the narrative and grant that Aspasia and Socrates are alive, both of them are terrible examples for the speaker to point to. From the perspective of 386 BCE, both have suffered greatly at the hands of the Athenian populace. In fact, both Socrates and

Pericles the Younger were sentenced to death and executed by Athens. Aspasia lost the life of her son, Pericles the Younger, after the Athenians, angry with the generals' conduct at the battle Arginusae, condemned and executed them en masse. Socrates tried to prevent the execution but was unable (*Apology* 32a9-c3).

Individually, we are often swept up by others' praise of us. All the more, then, are we drawn in and enchanted by others' praise of our collective and social selves ('The Cloak of Patriotism'). In the *Protagoras*, Prodicus demonstrates his ability at making fine distinctions; his third subtle distinction is the difference between having a good opinion of (εὐδοκιμεῖν) someone and praising (ἐπαινέσθαι) someone (337b3-5):

And in this way our association [ἡμῶν ἢ συνουσία] might become most noble [καλλίστη]: since all of you, the ones speaking, might thus most earn the good opinion [εὐδοκιμοῖτε]—and not the praise [ἐπαινοῖσθε]—from us, the listeners. For 'to hold in good repute' [εὐδοκιμεῖν] exists inside the souls of the listeners without deception [ἔστιν παρὰ ταῖς ψυχαῖς τῶν ἀκουόντων ἄνευ ἀπάτης], but 'to praise in words' [ἐπαινέσθαι δὲ ἐν λόγῳ] often <exists> inside the opinions of liars [πολλάκις παρὰ δόξαν ψευδομένων].

“This alludes to Socrates' distinction between real and false praise during his interpretation of the poem of Simonides (345e-46b).”³⁶ Again, here we see how important the soul and lying is to Plato. Praise can often take the form of deceptive beliefs from liars, but a good reputation exists inside the soul without deception. We must be careful of praise and subject it to examination.³⁷ One might also hear the contrast between “in words” vs. “inside souls” as a hint of Plato's playful skepticism concerning the written or uttered word as opposed to the text inscribed in the soul.³⁸

³⁶ Gagarin (1969) “The Purpose of Plato's *Protagoras*,” 150n35. I'm also indebted to Gagarin for noting this detail in the *Protagoras*. Nick Pappas (communication) objected to this piece of evidence, by pointing out “the mocking place of Prodicus in this and other works.” I would reply, however, that a character in a Platonic dialogue can be ridiculous (even mocked) and still say true and insight things (e.g. Alcibiades in the *Symposium*).

³⁷ Coventry (1989) 12, mentions that εὐδοκιμεῖν is used twice in the *Menexenus* about the orator of a speech (who I call ‘An Athenian Orator’) not of the object of his speech (235d5, 236a6). See also 235d6.

³⁸ *Phaedrus* 276a-278b; *Rep.* II 382a-383a. See also Derrida “Plato's Pharmacy” in *Dissemination* (1981 [1972]),

I think another object of Plato's criticism in the *Menexenus* is those "speechwriters" (*logographoi*) who wrote speeches for others; that is *ghostwriters*, who opportunistically write funeral oration that they could not give themselves but write them as a way of advertising their services. Two of the funeral orations (*epitaphios logoi*) that come down to us are from these foreign "ghostwriters": Gorgias (we have fragments of his) and Lysias. Like Aspasia, both Gorgias and Lysias were foreigners, so they could not be elected to speak for the fallen. But that did not stop them from writing set-pieces of what a typical Athenian orator might say on such an occasion. They compose funeral orations, or better a *mimēsis* of them—they mimic or imitate real funeral orations, heartfelt communal rites, for the purpose of displaying their own rhetorical prowess. These kinds of speeches are the height of exploitation. They write about the most dramatic and emotional ritual for personal boasting and potential gain. These ghostwriters used the genre of the funeral oration as a calling card, a rhetorical display-piece, exhibiting their ability and as an advertisement for their services.

While I do think Plato is criticizing the ritual of the funeral oration, I also think that part of what he finds objectionable in the cases of the ghostwriters—Gorgias, Lysias, and what he represents Socrates as retelling from Aspasia in the *Menexenus*—is the saying of these speeches *out of context*. "[W]ords without their proper context can lack potency."³⁹ The words Socrates says are *not* said in front of the grave of fallen soldiers in front of all the grieving family members, and citizens. It is a speech said out of context, out of its proper place. It lacks a sense of propriety. A funeral is already a highly emotionally charged situation; it seems terribly crass to recount one outside of its proper place and time. The setting of where and when these kinds of

148-155. I'm in agreement Altman (2016), *Guardians in Action: Plato the Teacher and the Post-Republic Dialogues from Timaeus to Theaetetus*, 112, that Plato was well aware of this "performative contradiction" of writing against writing—that was part of the very joke of the *Phaedrus*.

³⁹ See Wickkiser (1999) "Speech in Context: Plato's *Menexenus* and the Ritual of Athenian Public Burial," 66.

words are can be said is highly important.⁴⁰

Both Pericles' funeral oration in Thucydides (2.35) and Aspasia's funeral oration in the *Menexenus* (236d-e) begin with an examination of the difference between *logos* (speech) and *erga* (deeds). What goes *unexplored* in the content of speech, but I think Plato is hinting at in the *form* of the speech, is the *ergon of logos*, that is the function, or purpose, of a speech itself. We should think about performatives: what do we *do* with words?⁴¹ The words said at a funeral are not just words, they are also actions; they are part of larger rite or ritual or social performance. What would it mean to say them without the proper authority (like Socrates via Aspasia does)? Or to say them under imaginary circumstances? The words would immediately lose their power and authority and makes us wonder why we are emulating such a sacred rite in such profane conditions.

At least three times in the funeral oration the speaker alludes to the need to place oneself in thought or in words in the action described. This captivating power of words is not only enacted by the *Menexenus*, the speaker commands us to imagine ourselves in certain situations to better understand what he is expressing. At 239d4-5, to help us try to understand the greatness of those who fought at Marathon, 'An Athenian Orator' says, "In fact, if someone intends to praise beautifully [εἰ μέλλει τις καλῶς ἐπαινεῖν] one must see it [δεῖ δὴ αὐτὴν ἰδεῖν] [sc. their virtue τὴν ἀρετὴν] in that time in the past in thought [ἐν ἐκείνῳ τῷ χρόνῳ γινόμενον λόγῳ], when [ὅτε]..." We must picture the time and the circumstances surrounding the battle if we are to properly 'see' or 'know' the soldiers' valor. At 240d1-2, the speaker repeats this idea again, "By being transported into that situation [ἐν τούτῳ... γινόμενος], I say, someone might realize [τις... γνοίη]

⁴⁰ Although I tried looking for some ancient evidence that Athenian audiences took offense to sophists' and orators' exploitation of funeral oratory for their own possible financial benefit, I could not find any. I do want to argue, however, that this is a possible and very plausible object of Plato's criticism.

⁴¹ See J.L Austin (1975) *How to Do Things with Words*. See also Pappas and Zelcer (2015), 133.

just how great the valor really was of those men who withstood the might of the barbarians at Marathon.” The last mention is right before ‘An Athenian Orator’ gives his voice over to ‘the War-dead,’ he says to the family of fallen, “But one should [χρῆ] imagine [νομίζειν] hearing these things from those very men themselves.” (246c6-7).”

The Positive Position of the Socratic *mimēsis* in the *Menexenus*

But the aim of Socratic *mimēsis* in the *Menexenus* is not merely negative, it also argues for the sake of a positive position. Socrates’ mimetic performance promotes a proper self-understanding, especially an awareness of one’s own self as distinct from the collective political self of Athens, and to find a just relation toward it. This is not easy. In fact, part of the reason why Socrates lost his life was because he refuted and criticized his fellow Athenians, the ruling elite (like Pericles), and by extension Athens itself (*Apology* 19c-24b). Socrates loves Athens. But part of loving one’s *polis* sometimes involves telling it painful and critical truths. Also, knowing a collective self, like Athens—involves thinking and working through those parts of ourselves, ‘the others’ that are foreign and different from ‘us.’ To counter the cover-up and falsifications of patriotic rhetoric means to try to see things naked, as they really are; it means, following Anthony Long, “to shed the clothes of ideology and become genuine philosopher-citizens, seeking the self-reflective path between spellbound patriotism and deaf disengagement.”⁴²

The (Prehistory and) History Section of the *Menexenus*

Although my focus in this chapter is on the Exhortation from ‘the War-dead,’ I want to mention four details from the so-called (‘prehistory’ and) ‘history’ section of the funeral oration that should make us skeptical that Plato intended the *Menexenus* be read ‘on-the-face-of-it’

⁴² Long (2003) “Dancing Naked with Socrates: Pericles, Aspasia, and Socrates at Play with Politics, Rhetoric, and Philosophy,” 68.

without any kind of counter engagement with it and which should push us closer to a critical reading of the *Menexenus*.

First, in a speech which is meant to praise and glorify Athens it is highly suspect that her patron goddess, Athena, should be treated so badly. ‘An Athenian Orator’ snubs Athena twice. The speaker does *not* give her credit for: (a) gifting olive trees to Athens and the Athenians; nor for (b) giving them knowledge of crafts (*technē*).⁴³ Instead he assigns this role to the *Gē*, the Earth. It makes the Earth the mother and Athena the stepmother of Athens! In other Platonic dialogues, the characters are more respectful of Athena. In the *Timaeus*, Critias thanks Socrates and presents a story about Solon as a hymn to the Goddess Athena (21a1-2) and at 23d6-7 he recounts the Egyptian priest dedicating the narrative told to Solon to Athena, “especially in honor of our patron goddess who has founded, nurtured and educated our cities.”⁴⁴ The stories and myths attesting to Athena as winning the patronage of Athens by giving them olive trees and to Athena teaching arts to the Athenians are well documented.⁴⁵ It seems highly suspect when ‘An Athenian Orator’ rewrites these most originary and primordial of myths concerning Athens

⁴³ See O’Mahoney (2010), 6-7. See also Pappas and Zelcer (2005), 147, who explain away the mistreatment by suggesting: “It may be that a taboo prohibited Athenians from calling upon the heavenly gods on an occasion of death.” They draw on, but do not quote, from Loraux (1993 [1984]), 67; she references “Pl. *Menex.* 238b2-3 and Dem. *Epitaph.* 30-1” (67n160), but she also explicitly says the reason is “circumstantial.” Even if there is a prohibition on directly naming gods, it does not therefore mean that Athena the patron goddess of Athens should be *so* sidelined in the speech. She is alluded to, without being named, several times. Pappas (communication) writes “there are other explanations for the turn to γῆ, including the fact that funeral speeches make more of chthonic forces.” But why should these chthonic forces compel ‘An Athenian Orator,’ in this speech, to so diminish Athen’s namesake when Athena was perennially worshipped and exalted in Athens, (e.g. at the greater and the lesser Panathenaia)?

⁴⁴ See Loraux (1986 [1981]) *The Invention of Athens*, 300.

⁴⁵ On Athena as giving certain arts: “Athena Chalinitis (‘Bridling’): Pind. *Ol.* 13.65, Paus. 2.4.1; N. Yalouris, ‘Athena als Herrin der Pferde’, *MH* 7 (1950) 19–101. The Argo: Apollod. 1.110, Apoll. Rh. 1.19, cf. *Il.* 15.412. The Wooden Horse: Od. 8.493.” (Burkert *Greek Religion* (1985 [1977]), 131n24. On Athena and olives: “Hdt. 8.55; Philochoros *FGrHist* 328 F 67; M. Détiene, ‘L’olivier, un mythe politico-religieux’, *RHR* 178 (1970) 5–23.” (Burkert 1985 [1977], 115n18). On Athena and Hephaestus named as gods of craft: “*Od.* 6.233; 23.160; then Solon 13.49 (West); Plat., *Prot.* 321 d; *Crit.* 109 c; *Leg.* 920 d.” (Burkert 1985 [1977]), 153n31. See also Gantz (1993) *Early Greek Myth*, 85. From the Homeric Hymn to Hephaestus: “Sing, clear-voiced Muse, about Hephaestus, renowned for his intelligence, who, with bright-eyed Athena, taught splendid arts to human beings on earth” (line 20). On the necessity of learning crafts from both Hephaestus and Athena: Hesiod *Works and Days* 60-66; *Symposium* 197b; *Laws* XI 920d-e.

and Athena.

Second, some commentators look to the *Republic* and specifically to the so-called devolution of regimes in Books VIII and IX for help in interpreting the history that is retold in the *Menexenus*.⁴⁶ Although a fascinating suggestion, this makes a very selective use of the *Republic*. The *Republic* discusses warfare briefly in Book V 469 ff. In talking with Glaucon, Socrates discusses how Greeks should treat other Greeks. Socrates says that Greeks should not enslave other Greeks, as a precaution for ending up being enslaved by barbarians. At *Rep.* V 470, Socrates recommends not ravaging the lands and burning the houses of other Greeks. If only Athens had acted in this way in its dealings with other Greeks in the war. A similar injunction is repeated in *Laws* 627e ff.: about how a Greek city should act against another Greek city. However, Athens' conduct in the war was horrendous; it committed base and unholy acts; one need only recount the names of the Greek cities left in her wake: Scione, Mende, Melos, and (almost) Mytilene.⁴⁷ During the war, Athens several times killed the entire male population of a

⁴⁶ Pappas and Zelcer (2015). I don't think Pappas and Zelcer take Plato's own innovative historical periodization in the *Menexenus* seriously enough. Before drawing on the *Republic*'s devolution of five political regimes for seeing in the history portion of the funeral oration in the *Menexenus* a narrative of decline in five acts, we should appreciate Plato's own radical historical categorization of the wars in ancient Greece in the *Menexenus*. See C. Eucken (2008) "Thukydides und Antiphon im platonischen Menexenos" *Göttinger Forum für Altertumswissenschaft* 11, 30-31: "Three wars are grouped into one series before the separately treated 'Corinthian' war of the 4th century: according to what is known today as the 'First Peloponnesian War'—with the battles of Tanagra and Oinophyta—then the 'Archdean' and the 'Sicilian-Decelean,' both of which we now regard together, according to Thucydides' view, as part of the great 'Peloponnesian War.' Plato's division can today seem simply traditional, insofar as he does not take over the unification of the last two wars carried out by Thucydides. [Plato], however, posits his own periodization against that of the historian. He calls the Sicilian-Decelic war, referred to as 'third,' twice emphatically as 'unexpected and terrible,' and explains this by saying that the other Greeks in their quest for victory (φιλονικία) went so far that they joined an alliance with the Great King and 'gathered all the Greeks and barbarians' against the city' (243b1-7). Thus in this way, he distinguishes the 'third' war more clearly from the archaic, and from that of the first Peloponnesian war. From a pan-Hellenic point of view, this periodization is consistent: the crucial epochal division is at the beginning of the intra-Greek struggles and the participation of the Persian Empire in them means a new intensification. The emphasized argument is that the war in which the Greeks had led the barbarians was ἀνέλπιστος [sc. unhoped for], in striking contrast to Thucydides' explanation at the beginning of his work on the outbreak of war in 431 that he had expected (ἐλπίσας) a great war, which then also passed to the barbarian world. The combination of the three Peloponnesian wars into one series in their own way extends the unification of the last two." (my translation from the German, with help from Federico Di Pasqua).

⁴⁷ For Scione see Thucydides 5.32; For Mende see Thucy. 4.130; For Melos see Thucy. 5.84-116; For Mytilene see Thucy. 3.36-49. See also Law "Atrocities in Greek Warfare" (1919).

Greek city and then would put the women and children into slavery. As Pownall makes clear, the claim by ‘An Athenian Orator’ to not “have fought to the death against their fellow Greeks is certainly awkward with reference to the year 421, in view of the fact that the Athenians had six years earlier almost put the entire male population of Mytilene to death and had recently voted to do the same to Scione (Thucydides 3.36–50; 4.122.6)”⁴⁸ If these Athenian atrocities are silently in the background of the history, but never mentioned, they sit uncomfortably with the laws of proper warfare that Socrates advocates in the *Republic*. This salient silence about Athens’ terrible actions in the war has a similar effect to the anecdote Herodotus tells us of a poet who reminded the Athenians, and so moved them to tears, about their abandonment and betrayal of Miletus (VI.21).

Third, within the funeral oration, ‘An Athenian Orator’ will use the questionable logical categories and distinctions of Greek vs. Barbarians and Athenian vs. Other Greeks. The speaker will propose that only Athenians are really Greek. What the speaker is doing is committing the same mistake that the Stranger in the *Statesman* points out to Young Socrates, when Young Socrates distinguishes between humans and all other animals:

it’s as if someone tried to divide the human race into two and made the cut in the way that most people here carve things up, taking the Greek race away as one, separate from all the rest, and to all the other races together, which are unlimited in number, which don’t mix with one another, and don’t share the same language—calling this collection by the single appellation ‘barbarian’. Because of this single appellation, they expect it to be a single family or class too. (262c10-d6).

This is the identical mistake that the crafty crane makes; he opposes cranes to all other creatures, including humans, giving itself pride of place among all other living beings (263d3-8).⁴⁹ While

⁴⁸ Pownall (2007), 53.

⁴⁹ Miller (1980) *The Philosopher in Plato’s Statesman*, 25: “the relatedness of the methodological problem of lopsidedness and the political-cultural one of partisanship”; Loraux (1993 [1984]), 320. For a counter view to this see Rowe (1995) “Introduction” in *Reading the Statesman: Proceedings of the III Symposium Platonicum*, 16. I

this Aesopian image of the proud crane may be humorous, it hides a dangerous self-estimation and hatred of the other that ‘An Athenian Orator’ depicts in the *Menexenus*. The Stranger even says in the *Statesman*, “Let’s try to watch out for this sort of thing” (263e1).

Lastly, in the history section of the *Menexenus*, ‘An Athenian Orator’ treats collective polities (e.g. Athens, Sparta, and the Persian Empire) as single individual persons with particular personalities and preferences. The speaker attributes intentions, desires, and emotions to cities.⁵⁰

At 242a, the speaker says,

But when peace came to be and civic honor came upon her; in fact, that which is wont to happen—at the hands of others—to those those who do well, befell <her> [ὁ δὴ φιλεῖ ἐκ τῶν ἀνθρώπων τοῖς εὖ πράττουσι προσπίπτειν], first jealousy [πρῶτον μὲν ζήλος], and then from jealousy, envy [ζήλου δὲ φθόνος], from which the city was unwillingly set down <a path> to war with the Greeks.

‘An Athenian Orator’ psychologizes the reasons and causes of Athens’ war with other Greek cities in the same way one would diagnosis an interpersonal conflict between individuals at work or at home.⁵¹ Even if this true psychologically (that is, that it is a psychological fact about individuals)—and that is a big *if*—can this law hold at the level of polities, as sociological or political analysis? It seems unlikely. It seems like the speaker is treating collectives in the same way as one would treat an individual human agent, but that is not a fully valid analogue in a

think X. Márquez (2005), 150n50, is correct when he writes, “[Rowe] misses the point in thinking of the import of the Greeks/barbarians ‘pun’ merely in methodological terms.”

⁵⁰ Someone could object and reply, ‘But doesn’t Plato himself treat a city as a soul writ large in the *Republic*?’ I would answer that the relation is never one of identity as it is here in the *Menexenus* and one must always keep in mind this crucial passage in Socrates’ use of the city-soul *analogy*: “let’s apply what has come to light in the city to an individual, and if it is accepted there, all will be well. But if something different is found in the individual, then we must go back and test that on the city. And if we do this, and compare them side by side, we might well make justice light up as if we were rubbing fire-sticks together. And, when it has come to light, we can get a secure grip on it for ourselves.” (*Rep.* IV 434e-435a Grube Reeve translation in Cooper 1997).

There are no hedges here in the psychologization of polities by ‘An Athenian Orator.’

⁵¹ Consider C. Eucken (2008) 32-33, who points out: “Even if [the funeral oration’s] praises are praised, it does not correspond to the facts. This is what Plato makes clear in the following: ‘Thereafter, when the war broke out, they met with the Lacedaemonians in Tanagra fighting for the freedom of the Boeotians’ (242a6-b1). This further praise of Athens is factually incompatible with the previous accusation of the opponents. Either the Athenians ‘involuntarily’ went to war through the envy of the other Greeks, or they fought for the freedom of Boeotia of their own accord. The contradiction is, as also the *Epainos* later affirms, purposely established. It serves the ironic problematization of an encomium, which nevertheless does not lose a serious meaning” (my translation from the German, with help from Federico Di Pasqua).

historical account. ‘An Athenian Orator’ treats politics anthropologically or psychologically. At 243b, the speaker says,

As for my saying that the war was terrible and defied all expectations, what I mean is that the other Greeks arrived at such a pitch of jealous rivalry [φιλονικίας] against our city that they brought themselves to send an embassy to their worst enemy, the king, whom they had as our allies expelled in a common effort, to bring him back on their own, a barbarian against Greeks, and to muster everyone, Greeks and barbarians, against our city.⁵²

Is jealousy the best or only way to conceive of the intentions of other cities? If we are going to use the language of psychology, why not attribute fear or anxiety of Athens to the other Greek cities? Not only is ‘An Athenian Orator’ questionably attributing intentions to political groups, he is assigning to others the worst of all possible intentions and to Athens the best possible ones.⁵³ Another example, occurs at 244e-245a, when the speaker says,

In fact, if one should wish to lay a just charge [κατηγορήσαι δικάως] against our city, one would rightly blame her only by saying that she is always too compassionate [λίαν φιλοκτίρμων] and solicitous of the underdog [καὶ τοῦ ἥττονος θεραπείς]. And during this time in particular, she was not able to persevere [καρτερῆσαι] and stick to the policy she had decided on—namely, to aid against enslavement none of the cities that had treated her people unfairly. On the contrary, she relented, came to the rescue, and released the Greeks from slavery by coming to their aid herself, with the result that they remained free until they once more enslaved themselves.⁵⁴

It seems simplistic to reduce all the wrongdoing that Athens did to a single characteristic most appropriate to an individual. The more likely explanation was that Athens was ruled democratically by conflicting and contradictory desires, aims, and intentions, as Plato describes in the *Republic*.

At 245c-d, the speaker says,

We alone could not bring ourselves to betray them [the other Greeks] nor swear

⁵² Paul Ryan translation in Cooper (1997).

⁵³ Lendon J. (2010) *Song of Wrath: The Peloponnesian War Begins*, 52-4, discusses and criticizes Thucydides’ diagnosis of the origin of the Peloponnesian War and compares it against other likely reasons.

⁵⁴ *Ibid.*

the oath. That is how firm and sound [βέβαιόν τε καὶ ὑγιές] the high-mindedness and liberality [γενναῖον καὶ ἐλεύθερον] of our city are, how much we are naturally inclined to hate the barbarians [φύσει μισοβάρβαρον], through being purely Greek with no barbarian taint [ἀμιγεῖς βαρβάρων].

Can we talk about entire city, a whole polity, as hating barbarians? Is that applicable? Surely, Socrates does not hate other Greeks, who are classified here as somewhat ‘barbarian.’ Many of them are his friends. Furthermore, a single person may have an irrational hatred for whole groups of people (what we may call prejudice or discrimination) but isn’t it more of a category mistake to ascribe these kinds of mental states to collectives. And finally, at 245d, he says,

For people who are barbarians by birth but Greeks by law—offspring of Pelops, Cadmus, Aegyptus, Danaus and many others—do not dwell among us. We dwell apart—Greeks, not semibarbarians. Consequently, our city is imbued with undiluted hatred of foreignness. [ὄθεν καθαρὸν τὸ μῖσος ἐντέτηκε τῇ πόλει τῆς ἀλλοτρίας φύσεως].

Socrates does not really dwell apart from other Greeks. And Athens herself was one of the most open, cosmopolitan, ‘multicultural’ and inviting of all the Greeks city states. This was one of the things that Pericles bragged about in his funeral oration (2.39). Could ‘An Athenian Orator’ be merely reacting to Pericles’ boast and turning them in the complete opposite direction? What is the target of Plato’s attack, who is he parodying in representing ‘An Athenian Orator’ as a psychologizer of polities? I want to suggest that it may be some of the historical explanations that we see in ancient historians who are alluded to in the *Menexenus* (Herodotus, Thucydides, and Xenophon). Often times these historians’ analysis can be quite perceptive and insightful, but other times it swerves into the psychologizing we see on display here. They treat entire polities as if they were individuals and they mis-attribute single intentions to the actions of entire political entities.

Explication du Texte: The Exhortation from ‘the War-dead’ (246d1-249c8)

Previous Interpretations of the Exhortation

It is intriguing that just as there exists interpretative controversy about the *Crito*, there is also one about the *Menexenus*. Similar to the *Crito* debate, there are two main camps of interpretation. There are those who want to read the funeral oration seriously, that is, that what Socrates says is what he really believes. And then there are those who want to read the funeral oration parodically, that is, that Socrates does not really hold to things he says he learned from Aspasia, but instead it is a cleverly concealed form of criticism. I hold to an ironic reading of the *Menexenus*.⁵⁵ Part of my reason for focusing on the Exhortation from ‘the War-dead’ is that many serious interpreters of the *Menexenus* point to this very section of the speech as the most Socratic and/or Platonic portion of the dialogue and then they go back to other sections of the speech, including the history section, and try to find other Socratic/Platonic lessons and themes. Even those who read the *Menexenus* ironically hesitate to assert that the whole dialogue is meant in jest in large part because of the Exhortation. So, I want to examine the Exhortation in detail and ‘sift’ out what might be considered Platonic or Socratic lessons from what might better be classified as Platonic or Socratic criticisms. I think this is the very method of “sifting” that Plato hoped the listeners and readers of the *Menexenus* would do, but which he represents the character of Menexenus as *not* engaging in. Before turning to the text itself, I want to canvas previous interpretations of the Exhortation.

In the contemporary English-speaking debate on the *Menexenus*, one of the first to come out firmly for a serious reading of the dialogue was Charles Khan; talking about the Exhortation

⁵⁵ Although I agree with Pappas (communication) that “when people use this word they seem to mean ‘sarcastic’”; I also agree with him that “Irony describes—in Plato and elsewhere—an unstable condition of a statement (regardless of Wayne Booth’s analysis.” The statements in the *Menexenus* are unstable. We don’t know who exactly to attribute them to, and we don’t know for sure if they are meant in earnest or not.

he says, “Here we have a truly Platonic funeral oration, complete with an allusion to the Socratic unity of the virtues (246e), an appeal to live as nobly as possible (εἶναι ὡς ἀρίστους 246c), an interpretation of μηδὲν ἄγαν which identifies happiness with virtue, restraint, and self-sufficiency (247e-248a), and a final insistence that the speaker is communicating the message of the dead as earnestly as he can (ἐγὼ ὡς δύναμαι προθυμότετα ἀπαγγέλλω 248e).”⁵⁶ Turner seems to echo Kahn when he writes, “But here, in the prosopopoeia, ‘our fathers’ speak about ἀρετή in a much more ‘Socratic’ fashion... they offer something very close to the theses of the unity and sovereignty of virtue.”⁵⁷ Likewise, Salkever writing about ‘the prosopopoeia’ of the War-dead says, “the living are urged to do better than the dead and to do so in a truly extraordinary but *thoroughly Platonic way*”⁵⁸ However, Collins and Stauffer argue contra Salkever, “that there are important differences between the two addresses Socrates delivers and that it would be especially difficult to interpret the advice to the children as Platonic.”⁵⁹

A big point of contention has been whether or not commentators think there is a shift in tone in the dialogue for the Exhortation. Monoson believes there is a difference; she writes, “Socrates brings about the change of tone that characterizes this section.”⁶⁰ Petrucci, Coventry, and Henderson all confirm this judgment.⁶¹ In terms of the question of ‘tone,’ I think Kerch is correct when he writes, “while the *paramuthia* is somewhat more serious in tone than the rest of the funeral oration, I believe it is implausible to suggest that we have ‘a truly Platonic funeral

⁵⁶ Kahn (1963) “Plato’s Funeral Oration,” 226.

⁵⁷ Turner (2018) “On the Structure of Plato’s Menexenus” in *Speeches for the Dead: Essays on Plato’s Menexenus* H. Parker and J. M. Robitzsch (eds), 61.

⁵⁸ Salkever (1993) “Socrates’ Aspasian Oration: The Play of Philosophy and Politics in Plato’s *Menexenus*,” 140.

⁵⁹ Collins and Stauffer (1999) “The Challenge of Plato’s *Menexenus*,” 104n41.

⁶⁰ Monoson (1998) “Remembering Pericles: The Political and Theoretical Import of Plato’s *Menexenus*,” 502.

⁶¹ Petrucci (2017) “Plato on Virtue in the *Menexenus*,” 9: “However, nearly all scholars acknowledge a change in style: here Plato’s style appears less similar to that of Gorgias’ rhetoric and lacks the same extensive use of rhetorical devices (such as the one made, for instance, in the historical section)”; Coventry (1989), 14 : “In this section, with its increased solemnity of tone and its exhortation to ἀρετή, has been seen as Plato’s address to Athens. Its message seems, however, less straightforward”; Henderson (1975), “Plato’s *Menexenus* And The Distortion Of History,” 45: “Though it may in part be a pastiche of the traditional ‘consolation’ at the end of an epitaphios, it seems more truly to reflect genuine Socratic and Platonic ideas... The tone changes noticeably at 246b.”

oration'. Rather, the more solemn tone of the *paramuthia* is appropriate for this part of an epitaphios... we should not equate seriousness with an articulation of Platonic philosophy on how to live well; the greater degree of seriousness in this section rather should be taken as one further reminder that without the proper philosophical content, seriousness by itself is but yet another form of base rhetoric."⁶²

Firmly in the ironic camp is Clavaud; he writes "Plato utilized the *prosopopoeia* in the *Menexenus* for Socrates to parody himself. The *prosopopoeia* acts in the expression of ideas that an orator would make: it amplifies the banality as well as strengthens the truth. A latent humor is hidden behind those phrases that a distracted reader might take for excerpts from other dialogues."⁶³ Seeming to confirm Clavaud, Monoson writes, "the language at times seems a mix of famous lines from the *Apology* and *Republic*."⁶⁴ Although she takes a critical (skeptical stance) overall on the *Menexenus*, she does contend that the exhortation has strong similarities to some of what Socrates says in his defense speech in the *Apology* and parts of the *Republic* ("a Socratic view of political obligation and citizenship").⁶⁵ I thoroughly agree with Trivigno's defense of the ironic reading when he says, "Plato exploits the superficial similarity between Socratic exhortation and funeral oratory's in order to expose the latter as a poor version of the former. Though the ideas in the exhortation are not themselves genuinely Socratic, the parody points toward a Socratic conception of virtue."⁶⁶ And he makes a good point about interpretations that want to treat the Exhortation in isolation from the rest of the speech and the

⁶² Kerch (2008), 109-10.

⁶³ Clavaud (1980) *Le Ménexène De Platon et la Rhétorique de son Temps* [my translation], 221.

⁶⁴ Monoson (1998), 502.

⁶⁵ *Ibid.*

⁶⁶ Trivigno (2009) "The Rhetoric of Parody in Plato's *Menexenus*," 43. Pappas (communication) criticizes this quote from Trivigno because he thinks Trivigno's "points towards" sounds "empty." But I take it that Trivigno means something similar to what I am suggesting that one must 'sift' through the speech in the *Menexenus* and in so doing one will arrive at conception of virtue that is "fuller," more "Socratic" than if one just accepts the speech as-is and did not investigate it and criticize those parts of it which are not in line with things the character Socrates has said both in the dialogue and elsewhere in his own voice.

dialogue as a whole: “[the] epitaphios halfheartedly attempts to inculcate an already given war-oriented demotic virtue. The force of this point is perhaps clouded by taking the passage in isolation from the rest of the speech. Notice that everything preceding the exhortation encourages the audience to think that they already are virtuous, and so the attempt to convince them to pursue virtue at this point in the epitaphios could hardly be expected to succeed. By contrast, genuinely Socratic protreptic operates via criticism, not praise.”⁶⁷ Someone who might not describe himself as firmly being in the ironic camp, but is definitely a skeptic of the *Menexenus* is Marrin; he writes, “Thus, while the dialogue began with a declaration of the necessary fact of Athenian virtue based on birth (cf. 237a) [it] ends with an imagined exhortation from the ancestors that the Athenians of today not fall short of their example (246d-247c), which itself begins with the admission that ‘it was possible for us to live ignobly’ (ζῆν μὴ καλῶς, 246d2). That is, *khōra* and *politeia* are not sufficient guarantee of the virtue of Athenian citizens, but rather embody the ideals which they must strive to emulate.”⁶⁸ Marrin’s point is important and insightful: the first part of the funeral speech made it seem that all Athenians that died in battle were virtuous or valorous regardless of their previous behavior, but the Exhortation calls that necessary naturalness of valor for every Athenian into question. The exhortation emphasizes the caring and tending needed for the cultivation of virtue, as well as its precariousness, the possibility that education and acculturation can err and go wrong. There is no guaranteed goodness.

While most interpreters believe that the Exhortation is Socratic or Platonic there is a minority of who see it otherwise. According to Long, “To the children, Aspasia—speaking in the voice of the fallen fathers—begins in a strikingly un-Socratic, but deeply Periclean vein: ‘Sons,

⁶⁷ Trivigno (2009), 43-44.

⁶⁸ Marrin (2018) “The Rhetoric of Natural Law in Plato’s *Menexenus*” in *Speeches for the Dead*, 110.

that you are of good fathers, this event now informs the public, for although it was possible for us to live ignobly, we chose rather to die nobly' (246d2-3). Such words further advance Pericles' insistence that the glory of the action of dying in battle rightly nullifies an entire life of ignobility (ii 42.4). However, they directly contradict Socrates' ironic critique of funeral orations in which he falsely praises dying in battle as a noble thing precisely because the dead are lauded even if, in their previous lives, they had been good for nothing (234cl-4)."⁶⁹ But Long does acknowledge the difficulty in this 'sifting' through the Exhortation as I talked about: "Yet what makes the *prosopopeia* difficult to interpret is that Aspasia does say a number of things that seem to sound genuinely Socratic."⁷⁰ As much as any interpreter can try to 'split' the difference between the serious and ironic camps, perhaps Adamson comes the closest: "It is hard to believe that all of this is meant as a sarcastic critique of Athenian oration or politics, or a mere parody of Pericles, Gorgias, or Aspasia herself. Especially the aforementioned resonances with the *Republic* are problematic for a wholly ironic reading of the *Menexenus*. On the other hand, those parallels do not show that Aspasia speaks straightforwardly for Plato, much less that the *Menexenus* reveals him to be a closet democrat. Rather, it suggests a more complex picture. Aspasia puts forth a political ideology with which Plato himself has sympathy, without necessarily drawing valid consequences from that ideology"⁷¹ Another third-way of reading the dialogue is offered by Ryan Balot who argues against Loraux and others who see "Plato's aim to discredit the speech, or to 'exorcize' it... [instead he] sees Socrates' activity as primarily deconstructive. He raised critical questions about the democracy's own understanding of the virtues and left unresolved

⁶⁹ Long (2003), 63. Long is referring back to Socrates' comment earlier in the dialogue at 234e6-235a1 that those wise men who give funeral orations praise beautifully "saying what is and what is *not* about each one [ὥστε καὶ τὰ προσόντα καὶ τὰ μὴ περὶ ἐκάστου λέγοντες]." To say "what-is-not" in Plato is to lie or to say a falsehood. We know that the praise that 'An Athenian Orator' heaps on *all* the war-dead is not fully merited.

⁷⁰ *Ibid.*

⁷¹ Adamson (2018) "Why is Aspasia a Woman? Reflections on Plato's *Menexenus*," 6-7.

puzzles for the reader.”⁷²

My own interpretative moves

The speech of the War-dead has a “timeless” or “out-of-time” quality to it. There are no explicit or implicit allusions to anything that could date that part of the speech. There are no references to Athenian history (not even oblique or implicit), nor are there any personal names of people or places—not even the name ‘Athens’ is used; ‘the War-dead’ only refer to “the city.” In a sense, this speech could take place at any time, and at any place. Although Plato wrote it 4th century ancient Athens, it could work even now in 21st century United States of America to the relatives of dead veterans from the wars in the Middle East.⁷³

It is not rare for an exhortation to ask the listeners to emulate the dead, but it is rare that the exhortation itself be an emulation of the dead, that is that the dead themselves speak to the living, asking them to emulate them. But Socrates’ imitation (*mimēisthai*) of ‘Aspasia’ and ‘Aspasia’s’ imitation of ‘An Athenian Orator’ and ‘An Athenian Orator’s’ imitation of ‘the War-dead’ bring up the question of the character (*ēthos*) of the person who is doing the imitating and the persona being imitated. I hope to initiate a reevaluation of ‘the War-dead’ as Platonic and/or Socratic and that I have already cast some doubt on ‘An Athenian Orator.’

‘The War-dead,’ as I have been calling them, are a collective subject. All speakers who refer to this group are indiscriminately gathering together everyone who died during a war—not *in* a war, but *during* it. Yes, there are those who died valiantly in battle, perhaps even sacrificing themselves for the sake of others. But there are also: cowards who died, perhaps running away;

⁷² Balot (2019) “Corrupting the Youth in Plato’s *Menexenus*,” p. 1 (unpublished manuscript).

⁷³ I know that Huby (1957), 104-114, believes that in the Exhortation Plato is making a political appeal to his contemporary Athenians about the Athenian laws concerning war orphans, but, honestly, I think any nation or polity that engages in war should have a sense of responsibility to the orphans of those who died fighting for it. For a counterexample, indicating the lasting “Athenian-ness” of the entire funeral speech see Cicero *Orator ad M. Brutum 151* (discussed by Pappas and Zelcer 2005, 6-7, 11n19). He says that the funeral oration in the *Menexenus* was read annually in Athens under Roman rule.

those who died from common diseases, like dysentery; those who died not in battle but accidentally in training or en route in a march; there are any number of ways to have died *during* a war. An issue that the *Menexenus* raises is how, then, does one speak about the War-dead intelligibly *as* a group. It is difficult to truly attribute properties and characteristics to *all* the War-dead without ‘fudging’ it a bit. The war dead end up being a synecdoche for the accomplishments of the whole army. It is literally a figure of speech to say that the ‘war dead’ won for us (e.g. 243dl-2). The speaker is using a part of something to represent the whole. I concur with Yoshitake, who writes:

We can thus understand the war dead as a legitimate metonymy of the whole troop that fought resolutely, so that if a funeral orator said that the dead soldiers brought about some military gain, the claim could be seen as equivalent to saying that the whole troop had attained such and such a military success through its vigorous efforts expending the lives of its members. The achievements of the war dead are spoken of metaphorically, not deceptively, the dead are reasonably awarded the honour of representing the whole troop... The soldiers’ deaths would go to show how bravely the whole troop fought. The occasion of dead soldiers could, in a sense, be taken as a measure of the *aretē* of a troop as a whole.⁷⁴

As a literary work of art, the Exhortation is a masterpiece because it also solves one of the major problems with talking about those who fall in battle. A discursive technique that ‘An Athenian Orator’ utilizes in the oration that is an innovation is making the ‘War-dead’ speak directly to their relatives. It makes the War-dead, an often voiceless and mindlessly evoked collective entity into a particular person in the minds of those who have lost a relative and the person fallen in war ‘speaks’ *individually* to each and every family member. Another difficulty with Greek funeral speeches were that they were not meant to commemorate specifically named individuals—like, say, the grave markers do in Arlington National Cemetery. This was a rite

⁷⁴ Yoshitake (2010) “*Aretē* and the achievements of the war dead: the logic of praise in the Athenian funeral oration,” 376.

where those celebrated were anonymous as a collective.⁷⁵ So ‘An Athenian Orator’ still maintains the restriction of anonymity, but he is able to communicate in such a way that each family and everyone one of its members feels like they are receiving an individualized message to them from their dead family member.

Close reading: Exhortation from ‘the War-dead’ (246d1-249c8) and surrounding text

While an examination of the entire funeral oration is outside the scope of this dissertation, I do want to focus on one part of it, what I am calling “The Exhortation from ‘the War-dead’” (246d1-249c8).⁷⁶ In this part of the speech, ‘An Athenian Orator’ gives over his voice to deliver a message from those who have died in battle, and he encourages his listeners to hear the words as if coming directly from the War-dead themselves (246c6-7). One thing I would like to prove is that even though there is a change in the person speaking, the style of both these voices is eerily similar. There is no marked change in the level of diction, in the frequency and/or use of rhetorical devices, etc. Plato was a master mimic. He could change the style of speech, the rhetorical manner, of the person speaking, their ‘characterization,’ depending on which character he wanted to represent and in what situation. Moreover, Plato could copy other writers’ styles and he could write in other genres.⁷⁷ Witness the fact that there are still commentators who wonder if Lysias’ speech in the *Phaedrus* (230e5-234c5) or if Aristophanes’ speech in the *Symposium* (289c1-193d5) are not brilliant impersonations but actually Plato plagiarizing and inserting their actual words into his dialogue. So, the absence of a change in the style of speech—besides ‘An Athenian Orator’ declaring that one must consider the following section as if spoken from the point-view of ‘the War-dead’—is rather conspicuous for someone with the

⁷⁵ For the Athenian democratic taboo against mentioning individuals by name in a funeral speech as a collective eulogy see Loraux (1986 [1981]), 41-76. For the exception to this, Hyperides’ praise of Leosthenes in his funeral oration, see Loraux (1986 [1981]), 49-52.

⁷⁶ See Clavaud (1980), 203-243. His is an extremely helpful explication du texte and aided in writing of this one.

⁷⁷ Nightingale (1995) *Genres in Dialogue: Plato and the Construct of Philosophy*.

literary talents of Plato. This lack of a shift in style should, thus then, be ascribed to a conscious intention on the part of Plato. ‘The War-dead’ speak with many of the same rhetorical and oratorical tricks and methods that ‘An Athenian Orator’ used in the earlier speech.

There are three part to the exhortation—even if most commentators only count the first two. ‘The War-dead’ address in turn: their children (246d1-247c4), their parents (247c5-248d2), and, lastly, the city (248d2-d6).⁷⁸ To the city, ‘the War-dead’ scarcely say anything except to entrust the care of his parents and his children to her. I will treat each section in order, along with examining an introductory section that segues from ‘An Athenian Orator’ to the exhortation by ‘the War-dead’ proper and a concluding section to the whole funeral oration also by ‘An Athenian Orator.’ I have tended to avoid summary, except where necessary, the reader is asked to follow along with his/her own copy of Plato.⁷⁹

1. Introductory Paragraph, transition from ‘An Athenian Orator’ to the ‘War-dead’

In order to help prove that even though there is a supposed change in the point of view from ‘An Athenian Orator’ to the ‘War-dead,’ both their styles, their modes of expressions, sound a lot alike, I will look at the paragraph in which ‘An Athenian Orator’ transitions from his own voice to that of the ‘War-dead’ (246a5-c8). First, I want to highlight several rhetorical and oratorical figures that ‘An Athenian Orator’ uses, in order to later compare them to the ones used by ‘the War-dead.’ [1] There are repeated diphthong endings of **-αι** 246b1: “πολλ**αι** γὰρ ἄν

⁷⁸ “ὧ παῖδες [children]” (246d1); “Πατέρας δὲ ἡμῶν... καὶ μητέρας [Our mothers and father]” (247c5); “τῇ δὲ πόλει [to the city]” (247d2). All translations are my own in consultation with Paul Ryan in Cooper (1997) *Plato Complete Works* and C.E. Graves M.A. (1897) *The Euthyphro and Menexenus of Plato. Platonis Opera: Tomvs III “Menexenus”* (1903) 234-249.

⁷⁹ An exercise I highly recommend is not only to read the *Menexenus*, but to read it out loud! Much of the ‘magic’ of its oratory does not come out if one is silently reading. One must speak it audibly—like an orator—and think about how one would ‘perform’ it oneself: to try to find the pauses, the places of emphasis, the moments of gravitas, the moments where one would slow down or speeds up, to think of lines when it would be appropriate to raise one’s voice or when to lower it. In working through the rhetoric of the *Menexenus*, another aspect of its message reveals itself. I want to thank William Altman for recommending this exercise, and Noah Davies-Mason for actually reading parts of the *Menexenus* out loud with me. Davies-Mason helped me in thinking of many of the following insights, but I am responsible for any mistakes or errors.

ἡμέραι καὶ νύκτες οὐχ ἱκαναὶ [many days and nights are not sufficient].” [2] There are repeated long-O (ω) endings at 246b6-c1: “νῦν τε παρακελεύομαι καὶ ἐν τῷ λοιπῷ χρόνῳ, ὅπου ἂν τῷ ἐντυγχάνω ὑμῶν, καὶ ἀναμνήσω [now I exhort you in the future (literally, in the remaining time), wherever I will encounter one of you, and I will remind <you>]”; [3] There are repeated -αι sounds: “παρακελεύομαι [I exhort]” (246b3); “διακελεύσομαι προθυμεῖσθαι εἶναι ὡς ἀρίστους [I really exhort <you> to be eager to be the best] (246c1-2). I am firmly in agreement with Coventry’s observation about 246b3 that while this line may sound a lot like Socrates in the *Apology* it is best to compare them side-by-side: “Compare also the introductory εἶναι ὡς ἀρίστους, 246c1-2, with the more specific ὡς τῆς ψυχῆς ὅπως ὡς ἀρίστη ἔσται in *Apology* (30b2)”⁸⁰ We see something similar in both the *Crito* and the *Menexenus* in their reluctance to talk about the soul. There is only one use of ψυχή in the *Menexenus* and it is in the frame discussion between Socrates and Menexenus. Speaking about orators, Socrates says to Menexenus, “how with their beautiful and varied phrases, they enchant our souls [γοητεύουσιν ἡμῶν τὰς ψυχάς]” (235a1-2). Even though the health of the soul is paramount to Socrates in other dialogues, here the only mention is to warn us of the power that rhetors have in bewitching our souls with their words. The exhortation never once mentions the soul, and, in fact ‘the War-dead’ seem to have an outward, external conception of manifesting one’s morality. [4] Toward the end of the transition, at both 246c6, “ἐξ ὧν τότε ἔλεγον [from those things which they said then],” and at 246c7-8, ἔλεγον δὲ τάδε [and they said the following things],” the speaker uses ἔλεγον which is grammatically ambiguous between first-person singular, ‘I was saying,’ and third-person plural, ‘they were saying.’ While it obvious from the context, that the speaker intends the third-person plural, ‘they were saying,’ it is an interesting lexical choice to select a verb with a tense which is indeterminate between first-person singular (I) and third-person plural

⁸⁰ Coventry (1989), 15, emphasis in the original.

(they), and the person and number can only be gleaned from the rest of text.

The speaker repeats a key phrase at both 246c4-5, “φράσω δὲ ὑμῖν ἅ τε αὐτῶν ἤκουσα ἐκείνων [I will say to you the things which I myself heard from those very men themselves]” and at 246c6-7, “νομίζειν χρῆ αὐτῶν ἀκούειν ἐκείνων ἅ [one should imagine hearing these things from those very men themselves].” In both cases the verb of the one listening is sandwiched in between αὐτῶν and ἐκείνων, which together mean ‘those men themselves.’ Even just grammatically the speaker has, first, placed himself as the listener in between ‘those men [ἐκείνων]’—demonstrative pronoun—and ‘themselves [αὐτῶν]’—reflexive pronoun. Then, he urges the listeners to do the same: to hear the words of ‘the War-dead,’ between αὐτῶν and ἐκείνων as if they were there among ‘those very men themselves.’ This rhetorical stratagem blurs the line between me as a listener and the words of those men themselves; the speaker is asking us to ignore the messenger (‘An Athenian Orator’) and to hear ‘the War-Dead’ themselves as if I were hearing them myself, as I would hear my own thoughts in my mind. An auditor’s experience of Socrates’ performance of ‘An Athenian Orator’ speaking for ‘the War-dead’ brings them to life. Each listener is invited to form part of a first-person plural, ‘us.’ Furthermore, ἐκείνων acknowledges the *distance* (‘those men’ over there) while αὐτῶν emphasizes their *presence* (‘those men themselves’ before us).⁸¹

This is the crucial line in understanding the relation between ‘An Athenian Orator’ to ‘the War-dead’:

I will say to you [φράσω δὲ ὑμῖν] what I heard from them themselves [ἅ τε αὐτῶν ἤκουσα ἐκείνων] and what sorts of things they would gladly say if they were able [καὶ οἷα νῦν ἠδέως ἂν εἶποιεν ὑμῖν λαβόντες δύναμιν], judging from what they said then [τεκμαιρόμενος ἐξ ὧν τότε ἔλεγον]. But one should [χρῆ] imagine [νομίζειν] hearing these things from those very men themselves [αὐτῶν ἀκούειν ἐκείνων ἅ] those which I report [ἂν ἀπαγγέλλω]: they said these things [ἔλεγον δὲ τάδε] (246c4-6).

⁸¹ I owe this point to Noah Davies-Mason (communication).

‘An Athenian Orator’ is at the mercy of two conflicting aims. On the one hand, he wants to faithfully convey the message *of* and *from* the War-dead; on the other hand, he has a responsibility as an orator to speak movingly and eloquently, to exhort. So, according to one aim the speaker will say “the sorts of things they *would* gladly say if they were able to.” Often this is interpreted merely to mean that the speaker will speak for them because they are dead. But this could also mean that the speaker has ‘punched up’ and ‘jazzed up’ what the War-dead said because they did not have his rhetorical ability (‘if they were able’). ‘An Athenian Orator’ heard what the War-dead said *then* at that time, then he judges [τεκμαιρόμενος] what he thinks its core message is, and now he is trying to convey that to his audience in his own way. But according to the other aim, the speaker will say “what [he] heard from them themselves.” And in fact, he vitiates some of his previous qualifications when right before he speaks as the War-dead, he says, “They said these things...” Well did the War-dead say these things *or* things *like* them—things that you are ‘improving’ for their benefit? This is similar to the problem encountered earlier of determining how much of a hand Socrates has had in recounting Aspasia’s speech. Is he recounting it word-for-word or has he altered it in some way? *If* the War-dead really did send along a message for their relatives in case they died, *then* it most likely would have been a hurried, more plain-spoken, simpler and more of a matter-of-fact type message. ‘The War-dead’ are supposed to represent ordinary, everyman type soldiers, not brilliant speakers. Instead we get a moving piece of rhetoric, full of clever rhetorical ploys. It is very likely that ‘An Athenian Orator’ has had a strong hand in altering at least the style of the message of the War-dead (its letter), while trying to maintain its substance (its spirit). This distinction comes up in Thucydides’ early methodological advisement to his readers:

My method in this book has been to make each speaker say broadly what I

supposed would have been needed on any given occasion, while keeping as closely as I could to the overall intent of what was actually said. In recording the events of the war my principle has been not to rely on casual information or my own suppositions, but to apply the greatest possible rigour in pursuing every detail both of what I saw myself and of what I heard from others. (I.22)⁸²

That is why I, again, continue my custom of placing the moniker ‘the War-dead’ in single quotes to highlight that it is not the actual War-dead themselves (no quotes) but a creation by ‘An Athenian Orator’ (who is in turn a creation of ‘Aspasia,’ who might be a creation of ‘Socrates,’ and ultimately it is Plato’s hand and mind that has created them all). Can the speaker assimilate the words of the War-dead for himself without doing violence to their main ideas? Can ‘An Athenian Orator’ make the likely prosaic message from the War-dead more poetic without compromising its core? The speaker enjoins the listeners, especially those who lost relatives, to hear his message as if it were coming directly from them, unmediated by him. The speaker wants to hide himself, to let those for whom he is speaking and representing come to the fore of the listeners’ hearts and minds. But *simultaneously* he wants to inspire, affect, and exhort his listeners. In order to do this, he calls upon the tools of his trade: high-flying rhetoric (as I will show). To make the War-dead come alive, the speaker must speak well and in doing so he makes himself visible and conspicuous. This is structurally similar to Plato the author, who wishes to hide himself and his own views and instead he wishes to present his characters’ thoughts, ideas, and actions. But the more Plato succeeds in receding and bringing his characters and their conversations to life, the more he becomes visible as an inimitable writer and thinker.⁸³

2. The Exhortation to the Children (246d1-247c4)

Now beginning at 246d1 ‘the War-dead’ address Menexenus (and us the listeners and reader of the dialogue) directly; they open by speaking to their children, “ὦ παῖδες, [Children].”

⁸² Although not identical this might closely related to the distinction between *muthos* vs. *logos* in *Phaedo* 59c-61c.

⁸³ Contra J. Turner (2018) “On the Structure of Plato's *Menexenus*” in *Speeches for the Dead*, 60, 64.

In this section, ‘the War-dead:’ (i) claim that their children are sprung from noble fathers (themselves); (ii) they exhort their children to virtue; and (iii) exhort them to surpass them and not rest on the laurels of ‘the War-dead.’ I will, again, present some rhetorical details first.

[1] At 246d2-3, the speaker uses the Gorgianic figure of syncrisis—we will see Gorgianic figures often in the Exhortation. This is a construction where opposites will be placed side by side. Often a clause will end with one word, and (immediately right after) at the beginning of a new clause, the next word will be the syncrisis of the previous word. This is the line from the beginning of the Exhortation to the children: “ἡμῖν δὲ ἐξὸν ζῆν μὴ καλῶς, καλῶς αἰρούμεθα μᾶλλον τελευτᾶν [I translate more literally to preserve the word order “we were able to live ignobly, nobly we chose rather to die”].” ‘The War-dead’ use μὴ καλῶς and then right after a pause, the very next word is καλῶς. It helps that both words are moments of emphasis after the speaker waits a beat. [2] At 264d6, there is a series of negative verbs that all end in the sound **-αι** (this is another Gorgianic figure known as *homoioteleuton*): “ὀνειδίη καταστῆσαι [set down blame]” (246d4); “αἰσχῦναι [dishonor]” (246d5); “ἀβίωτον εἶναι [is unlivable]” (246d6). One can imagine the speaker stressing each of the **αι** sounds. [3] In the next line there are two sets of balanced pairs of οὔτε/οὔτε (neither/nor) clauses: “οὔτε τινὰ ἀνθρώπων οὔτε θεῶν [neither someone of the humans nor of the gods]” (246d6-7); “οὔτ’ ἐπὶ γῆς οὔθ’ ὑπὸ γῆς [neither upon the earth nor below the earth]” (246d7). Although the speaker could just easily say “absolutely no one,” he chooses to poetically and pleonastically expresses this with a series of negative disjuncts. This is the Gorgianic figure known as *isocolon*. [4] At 246d8-e1, we see another Gorgianic figure of polyptoton (repeating and using the same word, but in a different cognate form): “ἐάν τι καὶ ἄλλο ἀσκήτε, ἀσκεῖν μετ’ ἀρετῆς [If you practice anything (second person

subjunctive), <one ought> to practice (present infinitive) with virtue].”⁸⁴ [5] At 246e1-2, there is the repetition of the ending sound -α: “λειπόμενα πάντα καὶ κτήματα καὶ ἐπιτηδεύματα αἰσχρὰ καὶ κακά [All remaining possessions and customs are shameful and bad].” In that very line, we have the ending sound -ατα repeated: κτήματα καὶ ἐπιτηδεύματα (246e2). The last trio of words, “αἰσχρὰ καὶ κακά [shameful and bad]” (246e2) are emphatic, with a staccato set of four hard k sounds one right after the other, and they violently taint the list of things that speaker was enumerating. [6] There is a parallelism in the sounds and in the ideas expressed: “οὔτε γὰρ πλοῦτος κάλλος φέρει [for neither wealth brings nobility] τῷ κεκτημένῳ μετ’ ἀνανδρίας [to someone with cowardice]” (246e3) and at 246e4-5, “οὔτε σώματος κάλλος καὶ ἰσχύς... φαίνεται [nor does a body appear beautiful and strong] δειλῶ καὶ κακῶ συνοικοῦντα [when they live together in bad and cowardly man].” See, also, the repetition of -ος endings. Furthermore, in the last nor-clause there are three words related to appearance in quick succession: “φαίνεται [to appear]” (246e6) and “ἐπιφανέστερον [more manifest]” (*Ibid.*) and “ἐκφαίνει [exhibits]” (246e7). For ‘the War-dead,’ the appearance of *apparent* moral qualities is more important than those that may not be immediately manifest but that dwell, truly, hidden in the soul.⁸⁵ This is part of the point of the layers of *mimēsis*, are we able to see beneath to the face behind the mask, even when the masks keep changing.⁸⁶ [7] There is a key phrase talking about “the reputation of forefathers,” which ‘the War-dead’ repeat but with a nice chiasmus of word order: “προγόνων δόξη ... δόξαν προγόνων” (247b1-4). Again, ‘the War-dead’ throughout their exhortation will harp on the concepts of reputation, fame, and opinion (δόξα), which go contrary to the Platonic ideas of really and truly being something or someone as opposed to merely seeming to be

⁸⁴ See Clavaud (1980), 212. Clavaud is invaluable for many of his insights.

⁸⁵ See Trivigno (2009), 43: “Further, Socrates talks as though moderation amounts to its public face: ‘If [the fathers] give in to grief, they will elicit the suspicion that either they are not really the fathers [of the dead] or the people who praise [the dead] are wrong’ (247e1-2). The emphasis here is on how one appears and not, as one would expect from a genuinely Socratic account, on the state of one’s soul”

⁸⁶ I owe this point to Noah Davies-Mason (communication).

something or someone.⁸⁷

Perhaps *the* most important line of the entire exhortation speech of ‘the War-dead’ is the following, and the height of rhetoric matches the occasion—witness the proliferation of *p*-sounds (we call it alliteration, it is also known as the Gorgianic figure of *parechesis*):

ὄν ἔνεκα καὶ πρῶτον καὶ ὕστατον [For the sake of which, from the first to the last] παντὸς πᾶσαν πάντως προθυμίαν πειρᾶσθε (247a2-3) [always, in every way, and with the utmost zeal, endeavor]

ἔχειν ὅπως μάλιστα μὲν ὑπερβαλεῖσθε καὶ ἡμᾶς καὶ τοὺς πρόσθεν εὐκλεία [to be able, in whatever way, as much as possible, to surpass both us and those who came before us in good repute]” (247a3-4).

I break up my translation because I believe that Socrates and Plato would agree with the first part, but not with the second. I think they would endorse endeavoring with the utmost eagerness in all things, in every way, and at all times. They would even endorse trying to surpass previous generations. What they most likely would *not* advocate is the ‘in good repute’ [εὐκλεία] part.⁸⁸ A good reputation is dependent on the opinions and (often erroneous) judgments of others. Good repute is not a necessary feature of virtue. Part of the project of the *Republic* is to describe the virtue of justice without (its, sometimes, accompanying) positive reputation. Can one be just even if others don’t know about it? A good reputation today does not guarantee that that judgment of that time will hold up in the future. Good repute becomes much more like fame. And as our modern, contemporary times so beautifully illustrate, fame is often just something that happens to you; it is not given with regard to merit, but often by chance; and although it is something that many strive for, it is not something that is in our power to really control. Εὐκλεία

⁸⁷ See C. Robinson (2018) “‘Since we are two alone:’ Socratic Paideia in the *Menexenus*” in *Speeches for the Dead*, 192: “This is nowhere more apparent than at 247b3, where the young are encouraged to contend with their fathers and their fathers’ fathers for the highest prize: reputation (δόξα). One cannot imagine Socrates endorsing in his own voice this contest for the sake of reputation”

⁸⁸ Nickolas Pappas (communication) warns that in translating εὐκλεία as ‘good repute,’ or even ‘fame,’ I might prejudicing my interpretation. He recommends ‘glory,’ and its possible connection with virtue.

is a strange word for Socrates to use.⁸⁹ It is used twice in the *Menexenus*: once in the exhortation to the children (mentioned above) and again in the exhortation to the parents (247d5). It is related to κλέος ‘reputation’ or ‘renown’; which used only six times in the Platonic corpus.⁹⁰ There is only one other use of εὐκλεία in the entire Platonic corpus. It is said by Diotima in the *Symposium*. At 208d7-8, she says: “But I believe that for immortal virtue [ἀρετῆς ἀθανάτου] and for such a famous reputation [τοιαύτης δόξης εὐκλεοῦς] everyone does everything [πάντες πάντα ποιοῦσιν].” I think this is one moment where Diotima seems to be mixing up two different things, she seems to keep separate.

The first part [of her speech] is descriptive, it is the so-called ‘lower mysteries’ (201d-209e). There she describes how *philotimia*, love of honor, drives humans in all their life-projects. Every mortal human is actually aiming for eternal honor, for immortality. Thus, the first part of her ascent applies to everyone, to all humans. The second part is prescriptive, the so-called “higher mysteries” (209e-212a). It advocates for a *philosophia*, a love of wisdom. And the young Socrates might not even be ready for the full ascent up to the higher mysteries!⁹¹

I think immortal virtue, especially as Diotima describes it in the ‘higher mysteries’ at the top of the ascent, is done for its own sake, not for the sake of a famous reputation. I do not think that Plato would hold out fame and reputation as an ultimate aim to strive for—or as even necessary

⁸⁹ See Long (2003), 63: “Pericles also appeals to the *eukleia* of their children in comforting the parents (ii 44.4.)” and in the footnote to this sentences he says “Interestingly, this is the only place in all of Thucydides’ *History* where the term ‘*eukleia*’ appears. Perhaps it is possible to speculate that this was one of the words actually uttered by Pericles himself. If so, perhaps the concern with *eukleia* was genuinely Periclean rather than Thucydidean” (63-64n31). See also Henry (1995), 40, “In her speech within a speech, Aspasia reports the exhortations of the dead ancestors, particularly stressing the importance of *eukleia* and *doxa*, together with that of *arete* (247a4-b7); it is unmitigated sophistry to ally virtue with its mere reputation. And, in a supremely anti-Socratic move, the war dead, speaking through Aspasia, declare that the life of one who has shamed his forebears—not the unexamined life—is *abioton* (“not worth living,” 246d6).”

⁹⁰ It used by Socrates’ ‘Diotima’ in the *Symposium* at 208c5 and at 209d3. The instance at 208c5-6 “καὶ κλέος ἐς τὸν αἰὲν χρόνον ἀθάνατον καταθέσθαι [‘to lay up glory immortal forever’ (as Woodruff and Nehamas translate it)]” is a reference to an unknown line of poetry (see Dover (1980), 152, “the source of this hexameter is not known.”). At 209d3-4, Diotima says “ἃ ἐκεῖνοις ἀθάνατον κλέος καὶ μνήμην παρέχεται αὐτὰ τοιαῦτα ὄντα [because they are immortal themselves, provide their parents with immortal glory and remembrance (Woodruff and Nehamas translation)].” It is telling that Socrates never says either ‘κλέος’ or ‘εὐκλεία’ in his own voice, it is only always in the voice of another, either as ‘Diotima’ or as ‘Aspasia’ doing ‘An Athenian Orator’ doing ‘the War-dead.’ See my “Acting Out Philosophy: Socratic *Mimēsis* in the *Symposium*” (manuscript). I cannot discuss the four instances of κλέος in the *Laws*: I.625a4; II.663a3; IX.855a3; XII.969a6.

⁹¹ Duque (2019) “Two Passions in Plato’s *Symposium*: Diotima’s *To Kalon* as a Reorientation of Imperialistic *Erōs*” in *Looking at Beauty to Kalon in Western Greece*, 103.

concomitants of pursuing virtue.⁹² “[R]eputation as such, all by itself, cannot qualify as a final object of human striving. Reputation has to be reputation for something—and that ‘something’ must, logically, be worth having for itself”⁹³ Even though we may aim at virtue and achieve it, we might *not* get the famous reputation for being virtuous that often comes along with being it; our virtue may go unnoticed by others.

In this section of the Exhortation from ‘the War-dead’ to the Children, there are a lot of military metaphors and war language: ὑπερβαλεῖσθε (247a4); νικῶμεν ὑμᾶς (247a5); ἡ νίκη... ἡ δὲ ἦττα, ἐὰν ἠττώμεθα (247a5-6); μάλιστα δ’ ἂν νικῶμεθα καὶ ὑμεῖς νικῆτε (247a6-7); παρασκευάσαισθε (247a7); θησαυρὸς... θησαυρῶ (247b5-6).⁹⁴ Here it seems like ‘An Athenian Orator’ is taking the ordinary soldier’s position, mentality, and language in mind when he speaks as ‘the War-dead.’ The effect can be a bit over the top. And there is also a bit of sophistry—even if it is elegant—in the idea that if ‘the War-dead’ are ‘defeated’ by their children in valor, then they still ‘win.’ This is a kind of sophistic reversal. It shows the deep difference between an activity like war, which is a zero-sum game where there are definite winners and losers, and an activity like seeking virtue or knowledge, which is not a zero-sum game but a co-operative one where ‘the spoils’ can easily be shared without having to ‘vanquish’ anyone else.⁹⁵

One of themes of the exhortation is the idea of self-sufficiency, which is somewhat in tension with another of the themes emphasized by the exhortation, the family.⁹⁶ The idea of self-sufficiency was earlier echoed in the history section of the speech by ‘An Athenian Orator’ when

⁹² Thus, my position is in deep disagreement with Avgousti’s (2015) *Politeiai and Reputation in Plato’s Thought*.

⁹³ Balot (2019), 7.

⁹⁴ Avgousti (2015), 165.

⁹⁵ Parker, H. (2018) “A Strange Migration from the Menexenus to the Laws” in *Speeches for the Dead*, 126: “Likewise, Athens itself is shown – via the prosopopoeia – as possessing an ‘emulous’ tradition of fame-seeking according to which later generations are instructed by their posteriors ‘to do your absolute utmost always in every way to surpass us and our ancestors in glory’ and ‘valor’ (247a-c). This ‘competition’ is at the same time ‘noncompetitive’ while oriented around ἀρετή as a fundamental good whose possession is good for all.”

⁹⁶ Stauffer and Collins (1999), 111. cf. Balot (2019, 9).

he talked about Athens' self-sufficiency and independence from other cities. In the exhortation to the children the 'War-dead' repeat in close succession 'oneself': "ἑαυτὸν... ἑαυτὸν (247b3), hammering the idea of trying to depend only on one's self. This theme will be expanded upon much more in the exhortation to the parents.

Socrates is famous for causing an *aporia* (difficulties, problems, to be at a loss) in his interlocutors.⁹⁷ So much so that dialogues that end inconclusively are known as aporetic. Socrates uses the word *aporia* three times in the *Menexenus*. Twice as 'An Athenian Orator' in the history section of the speech and once in the Exhortation to the Children as 'the War-dead.' At 243a3-4 talking about the Sicilian expedition, 'An Athenian Orator' says "because of the lengthy voyage, our city was at an impasse [ἀπορίαν], and could not reinforce them. They gave up and they were unlucky [ἔδυστύχησαν]." At 244d5-7, the speaker says, "and this is most marvelous of all things, that even the King came to this point of perplexity [ἀπορίας], so that coming full circle his salvation came from nowhere else than our city." Both of these moments are highly dubious, and it is a telling choice in diction to use such a charged Socratic word out of its ordinary Socratic context. The third instance of *aporia* is at 247b7, 'the War-dead,' speaking about those who squander the inheritance of forefathers, say "it is shameful and unmanly [αἰσχρὸν καὶ ἄνανδρον]: to use up the treasure of either material things or honors, and not to hand down to one's descendants from a lack [ἀπορία] of one's own possessions and good repute [ιδίων αὐτοῦ κτημάτων τε καὶ εὐδοξιών]." This talk of 'possessing' good repute, like one would inherit material objects of wealth, is quite foreign to Socrates. Typically, Socrates uses the word *aporia* to mean 'to be at loss', 'to puzzled,' or 'confused.' Instead the meaning of *aporia* in the *Menexenus* is more 'without means,' 'from a lack of.' This sense, though, misses the regular

⁹⁷ See A. Nightingale (2010) "Plato on *aporia* and self-knowledge." In A. Nightingale & D. Sedley (Eds.), *Ancient Models of Mind: Studies in Human and Divine Rationality* (pp. 8-26). See also the collection G. E. Karamanolis & Vasilis Politis (ed. 2018), *The Aporetic Tradition in Ancient Philosophy*.

Socratic epistemic meaning of *aporia*, which is a moment of confusion in which one has the opportunity to realize one's own ignorance (concerning moral or intellectual matters). The *Menexenus* treats *aporia* as lack of *material* resources, as if one was merely broke and with empty pockets. Also of note, in the middle of the quoted line above there is a nice balanced clause all by itself for emphasis: “αἰσχρὸν καὶ ἄνανδρον [shameful and unmanly]” (247b6-7).

3. The Exhortation to their Parents (247c5-248d2)

At 247c5, ‘the War-dead’ turn to address their parents (those that are still alive) [οἷς εἰσὶ].

I want to highlight two insights by Christopher Bruell, which have not been noticed or commented on by others:

[i] the address to the parents, which is given in *indirect speech*, conveys the thoughts or words of its authors in the face of the imminent prospect of death (247c6-d1, 248b2-4). The address to the sons, which is given in *direct speech*, purports to express also what their fathers would say to them if they could “now,” that is, when they are already dead (246c4-7).⁹⁸

[ii] The address to the parents distinguishes between what it wishes to say to the fathers alone (247d7-248b4) and what it says to the fathers together with the mothers (247c5 and following; 248b4 and following); and in what it says to the fathers alone about virtue or the virtues it differs, in turn, from what was said about this matter to the sons (246d8-247a2).⁹⁹

Thus, following Bruell, we can further divide the Exhortation to the Parents into:

- (a) first initial an address to both mothers and fathers (247c5-247d7);
- (b) an address to the fathers alone (247d7-248b4); and
- (c) an address to the fathers and mothers together (248b4-248d2).

It is worth remembering that ‘An Athenian Orator’ asked his audience to listen to his exhortation *as if* it were coming directly from ‘the War-dead’ themselves and not as mediated through him (246c4-6). But whereas the speaker chooses to stage the exhortation to the children from ‘the War-dead’ *as if* they were being spoken to directly in apostrophe, *as if* their children were actually present, he chooses to represent the exhortation to the parents *indirectly*. We will see

⁹⁸ Bruell (1999) *On the Socratic Education*, 208 emphasis added.

⁹⁹ Bruell (1999), 208-9.

that there is much more distancing happening in this exhortation to the parents than there was in the one to the children. In (a) their initial address, ‘the War-dead’ tell both their parents not mourn their sons’ death because their prayers have been answered: that is, to become good and famous. In (b) their address to the fathers, ‘the War-dead’ tell them to bear their sorrows lightly and to be brave like them; they also interpret the ancient saying μηδὲν ἄγαν (‘nothing in excess’) as encouraging self-sufficiency and urge their father to be like this. Lastly, ‘the War-dead’ (c) address *both* their mothers and fathers again and beg them to carry through the same intention through the rest of their lives and not to lament; in doing this they will gratify ‘the War-dead.’ First, I present the rhetorical details of note.

[1] The initial address to both the mothers and fathers is governed by a χρῆ [‘one should’ or ‘one ought’] and then what follows are a series of middle deponent infinitive verbs with -σθαι endings: “χρῆ παραμυθεῖσθαι ὡς ῥᾶστα φέρειν τὴν συμφορὰν, ἐὰν ἄρα συμβῆ γένεσθαι, καὶ μὴ συνοδύρεσθαι [one should always encourage <them> to bear most easily their misfortune—if it came to pass—and not to lament together” (247c5-7). The repetition of the middle voice (for one’s own self), here and elsewhere, reinforces in grammatical form a major theme of the exhortation from ‘the War-dead’: an urging of self-reliance, of not depending on others but just one’s own self. [2] ‘The War-dead’ use the Socratically-charged word, ἀναμνησκειν, ‘to recall’ or ‘recollect.’ This word recalls other moments in the dialogues when Socrates discusses ‘recollection’ (e.g. *Meno* 71c, *Phaedo* 72e-73, *Philebus* 34b-c, etc.). I will have more to say about this later when I discuss the other use of *anamnesis* in the *Menexenus*, “ἀναμνησκουσα” at 239a7-8. [3] Notice this sonorous repetition of -ων or -ον endings: “ὧν ἔτυχον, μεγίστων ἀγαθῶν ὄντων: πάντα δὲ οὐ ῥάδιον [they happened <upon it>, <it> being the greatest of goods. It is not easy for everything]” (247d5-6). [4] Just like we had earlier, we again see several words

with a military provenance: “ἐκβαίνειν [to deboard, dismount] (247d7); “ὑπείκοντες [retreating]” (247e1); “παρεσκευάσται [to equip, to arm]” (248a3). Perhaps these are the very words the War-dead themselves used and said to ‘An Athenian Orator’ or perhaps this is how ‘An Athenian Orator’ thinks a typical soldier speaks, using military language and metaphors. Perhaps ‘the War-dead’ are as much a stereotypical stock character as Aspasia’s ‘An Athenian Orator.’ ‘Aspasia’ must put herself in the position of an indefinite speaker assigned to give a funeral oration and to think of how he would speak—what are the sorts of things one ought to say in funeral oration. We, the receiver of the message, do not know if speaker is conveying the message exactly or if it is somehow being ‘interpreted.’ [5] The ‘War-dead’ end a sentence with a poetic tricolon of comparative adjectives: “**κάλλιον καὶ ὀρθότερον καὶ ἡμῖν προσφιλέστερον** [more nobly, more uprightly, and more dearly-beloved by us]” (248d1)

One very important recurring theme of the exhortation is the blurring of appearance and reality which is reflected in the curious semantic joining of words associated with seeming and appearing with those related to reality: “δόξουσι τῷ ὄντι [they seem in reality]” (247d8); “φαινομένους τῷ ὄντι [appearing in reality]” (247e4). The last example is also in the middle voice, “appearing (for themselves) in reality.” In other dialogues, Plato will often use τῷ ὄντι in a technical sense as meaning ‘in reality’ and ‘in truth,’ especially in contrast to what appears or seems. But here in the exhortation, ‘the War-dead’ are running them together. This is quite similar to the history section of the funeral oration where ‘An Athenian Orator’ is praising the political regime of Athens, and he says:

- (1) “One man calls her [sc. Athens] a democracy [δημοκρατίαν], another, whatever pleases him [ᾧ ἂν χαίρη], but in truth [τῇ ἀληθείᾳ] she is an aristocracy with the approval [μετ’ εὐδοξίας] of the many [πλήθους]” (238c7-d2)
- (2) “They give the kingships and the power to those they always believe [τοῖς ἀεὶ δόξασιν] to be the best [ἀρίστοις εἶναι]” (238d4-5)

- (3) “But there is a standard [ὄρος], the man believed [ὁ δόξας] to be wise and good [σοφὸς ἢ ἀγαθὸς εἶναι] holds office and rules [κρατεῖ καὶ ἄρχει] (238d7-8).

In many other dialogues Plato carefully and forcefully distinguishes between δόξα (opinion, judgment, or belief), which at best can only grasp what appears or seems to be the case, and what is really and truly the case [εἶναι], and which one can only grasp by knowledge. In the *Menexenus*, ‘An Athenian Orator’ and the message from ‘the War-dead’ mix together these two things which Socrates is at pains to keep separate in other dialogues.

At 247e5-6 talking about the ancient saying of *mēden agan*, ‘the War-dead’ say “πάλαί γὰρ δὴ τὸ μηδὲν ἄγαν λεγόμενον καλῶς δοκεῖ λέγεσθαι: τῷ γὰρ ὄντι εὖ λέγεται [Indeed, the ancient saying ‘nothing in excess’ seems to be said beautifully, for in reality it is well said.] They thrice repeat the ‘spoken’ nature of the saying. ‘The War-dead’ interpret the ancient saying of μηδὲν ἄγαν as entailing that a person needs to be self-sufficient and self-reliant. They say,

for the man who depends on himself [εἰς ἑαυτὸν ἀνήρτηται] in gaining all things in regards to happiness [πάντα τὰ πρὸς εὐδαιμονίαν], or the closest thing to this, and does not hang on other people [μὴ ἐν ἄλλοις ἀνθρώποις αἰωρεῖται]—the result of which will be to be forced to wander between their good or bad actions and they become his—that man will prepared to live the best <life> (247e6-248a3).

This idea of self-reliance, independence and freedom of the self from others, this strong individualism, slightly undercuts the previous message that emphasized the familial connections and bonds. In fact, after ‘the War-dead’ have finished speaking, ‘An Athenian Orator’ will come back and end the funeral oration by using the family as an analogy. The city stands as a son to the fallen, as a father to the sons of the fallen, and as a guardian to the parents of the fallen. Why harp on self-sufficiency now?¹⁰⁰ It is also ironic that this message of self-reliance requires and depends on a relay of several other people in order to convey and communicate it.

¹⁰⁰ It does seem to recall what Pericles says at the conclusion of his funeral oration: “In sum, I say that our city as a whole is a lesson for Greece [τῆς Ἑλλάδος παιδευσιν], and each of us presents himself as a *self-sufficient individual* [καὶ καθ’ ἕκαστον δοκεῖν ἄν μοι τὸν αὐτὸν ἄνδρα παρ’ ἡμῶν]” (2.41 Woodruff translation, emphasis added).

It depends on Plato → ‘Socrates’ → ‘Aspasia’ → ‘An Orator’ → ‘the War-dead’ → Audience.

The message depends on series of Others for its very expression and cannot exist independently!

Furthermore, some of these entities may be wholly fabricated and/or fictitious. There’s a bit of humor in how a created character can brag about his independence. Athenian political self-reliance and independence comes at the cost, and on the back of the unacknowledged voices of others—especially foreigners and women. This point is mirrored narratologically in the *Menexenus* by the fact that the voice of ‘the War-dead’ and ‘An Athenian Orator’ depends on Aspasia. This paradox of self-reliance and passivity is mirrored in the grammar. It can be difficult to tell the difference between the self-reliant middle voice (for one’s own self) and the suffering passivity of the passive voice (one is undergoing something). Usually the context will be sufficient to tell. In this exhortation to the parents, however, there are a series of verbs in which it is not always easy to tell whether they middle or passive: ἀνήρτηται (third person singular perfect middle/passive, 247e7); ἠνάγκασται (third person singular perfect middle/passive, 248a2-3); παρεσκεύασται (third person singular perfect middle/passive, 248a3); διαφθειρομένων (plural masculine perfect participle middle/passive 248a5). Some can be gleaned from the context, but others cannot. Also, it is worth repeating that this message of self-reliance is not possible because of some “middle-voice” act of ‘the War-dead.’ They cannot themselves speak for themselves for their own benefit; they are reliant and dependent on others; they are the passive patients of others who must care and tend to their memory and their message.

As one of the commentators that really understands how important the relation of the foreigner is to the *Menexenus*, Rebecca LeMoine, writes:

Aspasia’s foreign voice reveals dissonance in the dead’s address to their parents. Here, the dead counsel their parents to abide by the saying “nothing too much” for

“that man who has depended on himself for everything concerning his faring prosperously, or nearly so, and does not depend on other men ... has best prepared for life” (247e-248a). Aspasia’s authorship serves as a glaring reminder of how Athenians have departed from this advice. Rather than base their superiority on themselves alone, Athenians have depended on countless other cities to give them tribute and provide them military service. As a native of a city that fought the reaching grip of Athenian imperialism, Aspasia exposes the Athenians’ violation of the saying “nothing too much.”¹⁰¹

She believes, as I do, that one must always read the *Menexenus* as filtered through the person of Aspasia, that is one of the main reasons Socrates tells us he learned the speech from her. We should always have her in mind. She helps to recall that the exhortation to self-sufficiency is not one that Athens itself has followed historically politically.

At 248a4, ‘the War-dead’ list the virtues of the self-sufficient man: “οὐτός ἐστιν ὁ σώφρων καὶ οὗτος ὁ ἀνδρείος καὶ φρόνιμος [This man is moderate, and he is courageous and wise].” These are three out of the four cardinal virtues. But importantly missing is justice. In the exhortation to the children, the speaker did say,

All knowledge [πᾶσά τε ἐπιστήμη] separated from **justice** [χωριζομένη **δικαιοσύνης**] and all other virtues [καὶ τῆς ἄλλης ἀρετῆς] is trickery [πανουργία], and it does not appear to be wisdom [οὐ σοφία φαίνεται]” (246e7-247a1).

But here in the exhortation to the parents, his list of the virtues excludes justice and piety, another virtue often enumerated with the others.

As we saw in the *Crito*, it can sometimes be frustratingly difficult to tell in context whether the verb *πείθω/πείθειν* ‘to persuade’ is in the passive voice or in the middle voice, since in the majority of cases the two forms are morphologically the same. In the passive *πείθω/πείθειν* means ‘to obey’ and in the middle it means ‘to be persuaded—that is, according to one’s own interests.’ The *Menexenus* uses *πείθειν*-related verbs three times. Once, Socrates uses it in the frame narrative when he says that if one needs to speak well of Athenians in front of

¹⁰¹ Lemoine (2017) “Foreigners as Liberators: Education and Cultural Diversity in Plato’s *Menexenus*,” 478.

Peloponnesians (Spartans) or of Peloponnesians (Spartans) in front of Athenians, “there would be need of a good rhetor, someone who will be persuasive and who will win esteem [πείσοντος καὶ εὐδοκμήσοντος]” (235d3-5). The other two instances occur right next to each other in this section. As was mentioned in *Crito* chapter, *πείθειν* is the verbal form of the noun *πίστις*, which is the second step up on the divided line in *Republic*; it is only better than the lowest step, *εἰκασία* (likenesses).¹⁰² At 248a5-248a7, ‘the War-dead’ say:

For he, when material possessions and children come to be and pass away, will be most persuaded [πείσεται] by the proverb; neither will he appear [φανήσεται] rejoicing nor grieving in excess because he has trusted [πεποιθένα] himself.

Since *πείσεται* is future, this makes it absolutely clear that it is in the middle voice and not the passive. Here this person will be most persuaded—for his own benefit—of the Delphic saying ‘nothing in excess,’ and will not give into too much to rejoicing or grieving when he either gains or loses material possessions or children. The second use, *πεποιθένα*, is active and in the perfect means to ‘trust’ or to ‘rely on’ (see LSJ *πείθω* B.III). A recurrent theme in the Exhortation is appearance; It is worth noting that in the quote above what the War-dead care about is how someone “will *appear* [φανήσεται]” when rejoicing or grieving—not how they actually feel inside, but how they present themselves to others. It is also a middle/passive verb.

In the exhortation (both to the children and the parents) ‘the War-dead’ use and accentuate first person plurals (‘we,’ ‘our’ ‘us’) especially in this last part of the speech.¹⁰³ This

¹⁰² See *Republic* VI 509d-510b, and especially 511d-e. See also *Republic* VII 534a.

¹⁰³ Ten instances of first-person plurals in the exhortation to the children:

“We [ἡμῖν] were able to live ignobly, but we choose [αἰρούμεθα] rather to die nobly” (246d2-3); “our [ἡμετέρους] fathers” (246d4); “It is necessary therefore to remember our [ἡμετέρων] words” (246d8); “If we conquer [νικῶμεν]” (247a5); “If we are defeated [ἐὰν ἡττώμεθα]” (247a6); “We would be vanquished [νικώμεθα]” (*Ibid.*); “Exceed us [ἡμᾶς]” (247a4); “Know that we [ἴστε ὡς ἡμῖν]” (247a4); “You come to us [ἡμᾶς] as friends to friends” (247c1-2)

Twenty-four instances of first-person plurals in exhortation to the parents:

“They are not ours or our being praised has been false [μὴ ἡμέτεροι εἶναι ἢ ἡμῶν τοὺς ἐπαινοῦντας καταπεύδασθαι]” (247e1-2); “Father of ours [πατέρας δὲ ἡμῶν]” (247c5); “Praising us most [μάλιστα ἡμῶν ἐπαινέτας]” (247e3); “Those are the sort of men we expect our fathers to be, the sort we wish them to be, and the sort we say they are, and we conduct ourselves now as those sorts [τοιούτους δὲ ἡμεῖς γε ἀξιούμεν καὶ τοὺς

is illustrated nicely at 248b6 with an occurrence of two personal pronouns right after each other, both in the same number and person (first person plural) but in different cases, “οὐ θρηνοῦντες οὐδὲ ὀλοφυρόμενοι **ἡμᾶς ἡμῖν** μάλιστα χαριοῦνται [that not by singing dirges and wailing for us, will they please us much].” Here the speaker likely pauses in between each pronoun. This is the Gorgianic figure of *epanalepsis*. The repeated use of the first-person plural (‘we’) creates a collective subject consisting of all the citizens who would be present at the ceremony. So even though the speaker, ‘the War-dead’ has died, the unified plural subject of the city of Athens (‘we, Athenians’) is formed and sustained through their words. ‘The War-dead’ designate and identify a subject to which they are no longer an existing part of, but their words and memory keep them alive as a past element of it—and they helped to protect and maintain the whole city. There is a danger hidden in seductive funeral orations, though, it lies in forgetting ourselves, forgetting who we are—individually and collectively (γνώθι σεαυτόν).¹⁰⁴ Even though we may try to emulate them, we, the listeners of the speech, are *not* those who have given our lives for the preservation of the city. Thus, we should *not* give ourselves their laurels.

At 248a7-b2, ‘the War-dead’ begin and end a clause with “τοιούτους [of such a sort]”; they use a tricolon of first-person plural verbs: “τοιούτους δὲ ἡμεῖς γε **ἀξιοῦμεν** καὶ τοὺς ἡμετέρους εἶναι καὶ **βουλόμεθα** καὶ **φαμέν**” (248a7-b2); and also in the same passage at 248a7-

ἡμετέρους εἶναι καὶ **βουλόμεθα** καὶ **φαμέν**, καὶ **ἡμᾶς** αὐτοὺς νῦν **παρέχομεν** τοιούτους]” (248a7-b2); “We beg [**δεόμεθα**]” (248b4); “Not lamenting us that they will gratify us most [οὐδὲ ὀλοφυρόμενοι **ἡμᾶς ἡμῖν** μάλιστα χαριοῦνται]” (248b6-7); “what pertains to us” [τὰ μὲν γὰρ **ἡμέτερα**]” (248c3); “Our wives and children [τῶν **ἡμετέρων** καὶ παιδῶν]” (248c5-6); “That is sufficient to report to our <parents> from us [ταῦτα δὴ ἱκανὰ τοῖς **ἡμετέροις** παρ’ **ἡμῶν** ἀγγέλλειν,]” (248d1-2);

“To the city we exhort that it care for our parents and children [τῇ δὲ πόλει **παρακελευοίμεθ’** ἂν ὅπως **ἡμῖν** καὶ πατέρων καὶ υἱῶν ἐπιμελήσονται]” (248d2-4); “we know that she will care for them well enough with no exhortation from us [νῦν δὲ **ἴσμεν** ὅτι καὶ ἐὰν μὴ **ἡμεῖς παρακελευώμεθα**, ἱκανῶς ἐπιμελήσεται.]” (248d5-6)

Instances of first-person plural by ‘An Athenian Orator’ after the exhortation by ‘the War-dead’:

“They enjoined upon us to deliver [ἐκεῖνοί τε ἐπέσκηπτον **ἡμῖν** ἀπαγγέλλειν]” (248d7-e1); “As we both privately and publicly [ὡς **ἡμῶν** καὶ ἰδία καὶ δημοσία]” (248e3-4).

¹⁰⁴ “[B]ut Loraux reminds us that there was no Spartan funeral oration... the Athenians are the worst—not the best—among the Greeks because they not only fail to look at themselves honestly, but they also envelop themselves more deeply than others in a web of oratorical illusion” Ballot (2019), 3.

248b4, there is a series of repeated diphthong **ου** sounds:

τοιούτους δὲ ἡμεῖς γε ἀξιοῦμεν καὶ τοὺς ἡμετέρους εἶναι καὶ βουλόμεθα καὶ φαμέν, καὶ ἡμᾶς αὐτοὺς νῦν παρέχομεν τοιούτους, οὐκ ἀγανακτοῦντας οὐδὲ φοβουμένους ἄγαν εἰ δεῖ τελευτᾶν ἐν τῷ παρόντι.

[Those are the sort <of men> we expect our <fathers> to be, <the sort> we wish them to be, and <the sort> we say <they are>; and we conduct ourselves now as those sorts <of men>, neither vexed nor fearing excessively, if it is necessary to die in the present moment.]

In one long sentence, three χάρις (‘gratify,’ ‘please’)-related words are used in quick succession each time it paired with a μάλιστα (“most” or “much”) for added stress; the whole phrase ends with one of those words for emphasis:

And we beg both our fathers and our mothers to continue the remainder of their life holding onto this same thought, and to know that they will not please us much [μάλιστα χαριοῦνται] by singing dirges and wailing for us. On the contrary, if there is some perception of the living to the dead, that is how they would be most displeasing <to us> [οὕτως ἀχάριστοι εἶεν ἂν μάλιστα]—by doing themselves injuries and bearing their misfortunes heavily. By bearing them lightly and moderately, they would most please us [μάλιστ’ ἂν χαρίζοιντο]. (248b4-c3).

This use of χάρις harkens back to the bizarre line Socrates says to Menexenus right before he begins recounting Aspasia’s funeral speech,

But, indeed, it is necessary to gratify *you* [Ἀλλὰ μέντοι σοί γε δεῖ χαρίζεσθαι], so that I would almost gratify <you> [χαρισαίμην ἄν], if you ordered me to dance naked [εἴ με κελεύοις ἀποδύντα ὀρχήσασθαι], since, in fact, we are alone [μόνῳ] (236c11-237d2).

I would argue that the repeated and emphasized (μάλιστα) χάρις-related words recall the earlier challenging use of χάρις by Socrates and should make us question the very perplexing idea of somehow ‘pleasing’ the dead. Part of Plato’s veiled criticism of the funeral oration is that although it ‘brings back to life’ the memory of the dead, as a speech it cannot affect the dead in any way—and it is not meant to; it is only for the living and to *gratify them* that the speech is given.

Although ‘the War-dead’ have been using the first-person plural (“we”) profusely, there

is a strange and abrupt moment in the exhortation to the parents where they distance themselves from some other group, a ‘they.’ After ‘the War Dead’ having been talking about “we” for a while, they introduce a somber hypothetical, “but if there is some perception for the dead of the living” (248b7-c1). It is here that ‘the War Dead’ contrast “the dead,” those who have died (a third person plural ‘they’) from a “we,” who they were talking about just a moment ago. It is as if ‘the War Dead’ do not want to contemplate their own death. They must posit a “they,” those over there, the dead, who might have sensation of the still living, but ‘the War-dead’ do not want to prematurely include themselves in that group. As ‘An Athenian Orator’ described in his introduction and transition to ‘the War-dead,’ “the fathers enjoined ‘us’ to report [ἡμῖν ἐπέσκηπτον ἀπαγγέλλειν] ... if they might suffer something [εἴ τι πάσχοιεν]” (246c3-4). The ‘War-dead’ did not know yet whether or not they were going to be killed, but they knew it was a possibility. They continue to speak in this distancing way about the deceased, and their possible future scenario selves: “οὕτως ἀχάριστοι εἶεν ἂν μάλιστα... μάλιστ’ ἂν χαρίζοιντο [they would be most displeased...they would be most pleased]” (248c1-3). The ‘they’ in question are the earlier hypothesized dead who have some perception of the living. The idea is that ‘the War-dead’ are still referring to their possible future selves, but in a roundabout way. It is here that we notice their uncertainty about their own deaths in battle. Perhaps, they don’t want to “jinx” it. However, when ‘An Athenian Orator’ comes to tell their story, they have already become ‘the War-dead.’ But this elegant piece of writing keeps that moment “alive” in which they communicated their hopes and their reservations towards their own death in their message to the one who will eventually pass on and tell their story, ‘An Athenian Orator.’ It is interesting but understandable that ‘the War-dead’ exhibit a fear and anxiety toward death in distancing themselves from their very likely (and eventual outcome). This way of speaking should be

contrasted, however, with how Socrates' talks about his own certain death after the Athenian jury hands down his death sentence in the *Apology* 40c-41c. Socrates looks forward to his own death; it will either be like a dreamless sleep or he will continue his *elenctic* examination in the Underworld of famous wise people from the past (e.g. Orpheus, Homer, Hesiod, Odysseus, etc.). The sudden shift of 'the War-dead' to a third person plural "they" is all the more surprising given that previously in the exhortation they have been using the first-person plural "we" extensively. When 'the War-dead' switch back to talking about themselves there is a strange lexical moment when they utter a series of hiatuses: τὰ μὲν γὰρ ἡμέτερα τελευτήν ἤδη ἔξει ἥπερ καλλίστη γίγνεται ἀνθρώποις, (248c4). These hiatuses are especially prominent and difficult to say because ἔξει and ἥπερ have rough breathings, so the speaker has to aspirate to say them.¹⁰⁵

Lastly, at the end of the exhortation to the parents, 'the War-dead' use *kalos*-related words but pair them with *kosmos*-related words:

By that time what pertains to us will have come to an end, the <end> which is noblest [καλλίστη] for humans, so that it is more fitting to adorn [κοσμεῖν] than to lament them. But by caring [ἐπιμελούμενοι] for our wives and children and attending [τρέφοντες] to them, and by turning their minds to here and now [the concerns of the living], they would most readily forget their fate and live more nobly [κάλλιον], more uprightly [ὀρθότερον], and more dearly-beloved by us [προσφιλέστερον]. (248c3-d6)

The problem with *kalos* is how wide its semantic range can be; it is often translated as 'beautiful,' 'noble,' or 'fine.' However, I think the 'War-dead' tip their hand by coupling it with *kosmos* related words. *Kosmos* can mean 'order,' as in orderliness, or 'arrangement,' but it can also mean an ornament or decoration in outward appearance, as in cosmetics. Here the War-dead are stressing an external kind of beauty and nobility, not the internal psychic one that Socrates

¹⁰⁵ On "hiatuses" see Smyth (1984 [1920]), §46, 18. This is an exemplary case of what Cicero talked about concerning Plato in *Orator ad M. Brutum* 151: "But Thucydides did not avoid such hiatus [haud], nor did that much greater author, Plato, either in his dialogues, where it was to be introduced intentionally, or in that public oration [sc. The *Menexenus*] which it is customary to deliver at Athens in an assembly in honour of those fallen in battle" (Translated by G. L. Hendrickson, H. M. Hubbell. Loeb Classical Library 342 1939).

focuses on in dialogues like the *Republic*. This theme will continue into the next section of the speech, the exhortation to the City. One last thing to notice is the nice balanced set of infinitives at 248c5: “μᾶλλον κοσμεῖν ἢ θρηνεῖν [rather to adorn than to lament].”

4. Exhortation to the City (248d2-6)

The third and last part of the Exhortation of ‘the War-dead’ is their Exhortation to the City. It is one line, and in it they say,

To the city [τῇ δὲ πόλει], we would exhort [παρακελευοίμεθ’] that in whatever way, our parents and our children will be cared for [ἐπιμελήσονται], teaching the children order [κοσμίως], and caring for the elderly [γηροτροφοῦντες] as befits their stature [ἀξίως], but we know now that even without our exhorting [μὴ ἡμεῖς παρακελευώμεθα], they will be sufficiently cared for [ἰκανῶς ἐπιμελήσεται.] (248d2-d6).

There are three things to note. First, this exhortation is just one line and, as ‘the War-dead’ mention, it is, perhaps, superfluous, but they still say it out loud as if ‘the city’ could hear them. It seems like a message from the War-dead addressed to their children and their parents would exhaust all the possible recipients of their message in the *polis*. But this address is directed to a ‘higher power’ or synthesis of the citizens, to the city herself. The city will continue to be discussed by ‘An Athenian Orator’ after the exhortation of ‘the War-dead.’ The second thing to note is the repetition of the theme of apparent order and orderliness [κοσμίως] which again surfaces with respect to the education of the children. We saw how the exhortation of the parents ended with the ‘War-dead’ running together *kalos* and *kosmos* to get an external sense of beauty and order and not the more commonly Socratic one that is internal and psychological. Lastly, the final appeal to the city is bookended with a pair of verbs ἐπιμελεῖσθαι “to care for oneself” and παρακελεύειν “to exhort.” In fact, at the end of the first clause and at the end of the sentence, the orator pauses each time for dramatic effect in the single sentence addressed to the city with the same word: “ἐπιμελήσονται, [pause]... ἐπιμελήσεται. [full stop]” (248d4, d6). This emphasizes

ἐπιμελεῖσθαι and stresses the idea that the city *will* care for the families of ‘the War-dead’ (their children and their elderly parents) will be taken care of in the future.

5. Back to ‘An Athenian Orator,’ Conclusion of the Funeral Oration (248d7-249c8)

After ‘the War-dead’ finish, ‘An Athenian Orator’ returns and brings the funeral oration to a close. Here are eight details to consider. First, I have been arguing for a continuity in form, in the style of the persona of ‘An Athenian Orator’ with that of ‘the War-dead,’ but there is also in this moment of transition an explicit continuity in content. The last word and idea spoken by ‘the War-dead’ was ἐπιμελεῖσθαι, to care for, which was repeated for emphasis in that final address to the city. Now here, as ‘An Athenian Orator’ takes over, in the span of a few lines, he repeats this idea three times in his own voice:

“[1] γηροτροφησόντων ὑμᾶς καὶ ἐπιμελησομένων... [2] τῆς δὲ πόλεως... τὴν ἐπιμέλειαν... [3] ὅτι νόμους θεμένη περὶ τοὺς τῶν ἐν τῷ πολέμῳ τελευτησάντων παῖδας τε καὶ γεννήτορας ἐπιμελεῖται
[<we> will support and **care** for you in your old age... the **care**... from the city; that <the city> has set down laws concerning those who have died in war, to **care** for their children and for their elderly parents.] (248e4-5,6,7-8).

‘An Athenian Orator’ draws explicit parallels with the previous words spoken in the name of ‘the War-dead’ and continues their promise to care for the families of the fallen soldiers.¹⁰⁶ Second, ‘An Athenian Orator’ has tended to avoid mentioning the Athenian empire [ἡ ἀρχή]. Although Socrates in the introductory frame narrative does use the verb ἄρχειν (234a6) ‘to rule,’ (or it can sometimes even mean ‘to begin’) and Menexenus repeats it back to Socrates (234b4), the noun ἀρχή is only used twice in the history section of the funeral oration. Both times it describes the *Persian* Empire not the Athenian one. Once at 239e4, “the third king Darius with his land <forces> demarcated his empire [τὴν ἀρχὴν] as far as Scythia” and at 240a4, “enslaved to the Persian empire [ἡ Περσῶν ἀρχή].” So, it is revealing that ‘An Athenian Orator’ chooses the end

¹⁰⁶ It is here that one can most understand Huby’s (1957), 104-114, claim that in the Exhortation Plato is appealing to his contemporary Athenian citizens to change the laws concerning war orphans.

of the speech to talk about an ἀρχὴ, which is the greatest [μεγίστη]. Speaking about the children and parents of those who died in battle: “More so than all other citizens, it has been assigned to an office [ἀρχὴ] to guard <them>, the one which is the highest <authority> [ἥπερ μεγίστη ἐστίν]” (248e8-249a2). Although in context Socrates is talking about the archonship of Athens, the word ‘ἀρχὴ’ reminds one of empire and how it has been studiously avoided in connection with Athens in the funeral oration.¹⁰⁷ Taken out of context, ἀρχὴ ἥπερ μεγίστη ἐστίν could easily mean “by an empire, that one which is the greatest.”

Third, returning again to the theme of outward appearances, ‘An Athenian Orator’ says of the city that “she [sc. the city] appoints herself [καταστᾶσα... αὐτῇ] in the figure of the father [ἐν πατρὸς σχήματι] to them [αὐτοῖς].” (249a4-5). “ἐν πατρὸς σχήματι” means the scheme, the form, the shape, or the external ‘look’ of a father. The problem with σχήματι is that one can worry whether it is merely a superficial semblance, or whether there is something of actual substance beneath it. In this same phrase, we can see the speaker using a rhetorical trick; he places two pronouns next to each other, “αὐτοῖς αὐτῇ [she to them]” (239a5). Now, one might think, ‘So what? Isn’t it a common construction to have two pronouns right next to each other (each referring to two different subjects and, thus, they are *not* merely intensive [in the attributive position] *nor* adjectival [in the predicate position])?’ It is not common in Plato, and it seems that each time Plato uses it there is something dubious going on. To take just one example, at *Rep.* VII 520a3-4, Socrates is talking about one of the most controversial aspects of the *kallipolis* that the Guardians are not allowed freedom to do whatever they want, but instead must be compelled for the sake of the city: “but so that instead it <the law> makes use of them [ἀλλ’ ἵνα καταχρῆται

¹⁰⁷ Graves (1896), 121n11, says this about ἀρχὴ ἥπερ μεγίστη ἐστίν: “the chief Archon (ἐπόνομος) was entrusted with the care of the parents and orphans of those who fell in war, and with the education and guardianship of the children”

αὐτὸς αὐτοῖς], for the binding-together of city [ἐπὶ τὸν σύνδεσμον τῆς πόλεως].”¹⁰⁸ This is a problematic moment in the *Republic* because in a dialogue whose central topic is justice it seems strange to have to force the philosopher-kings to return back down into Cave.¹⁰⁹ At the very center of the *kallipolis*, a city established to investigate the virtue of justice, lies a critical *injustice* against a small group of individuals in order for the entire society to function.

Fourth, in this last part of the funeral oration, ‘An Athenian Orator’ uses words having to do with *kosmos*, which can refer to ‘order’ or ‘orderliness,’ but it also has connections with outward appearances, with mere cosmetics. The speaker uses “κοσμήσασα” and then again “κεκοσμημένον” (239a7, b2). Fifth, ‘An Athenian Orator’ uses the verb “αναμνησκουσα” at 239a7-8, he says that the city bids the children to ‘recall’ or ‘remember’ their fathers’ pursuits [ἐπιτήδευμα]. *Anamnesis* is a charged Socratic/Platonic word. It recalls other moments in the dialogues when Socrates discusses recollection, such as *Meno* (81a-82b) *Phaedo* (72e-78b), *Phaedrus* (249b-c), *Philebus* (34b-c). But we are not really sure if their fathers’ pursuits [ἐπιτήδευμα], or better habits, customs, or professions, were really good. Their fathers’ deaths were particular, momentary acts of bravery, but were all of the War-dead in the habit or custom of acting virtuously? It seems unlikely, and it recalls what Socrates said earlier to Menexenus: someone who dies in battle “chances on praise, even if he is meager man [φαῦλος]” from the speaker of a funeral oration. This ties into what I called “the Cloak of Patriotism,” the ideology

¹⁰⁸ The following list is not exhaustive but an extensive catalogue of Plato’s use of adjoining pronouns with different subjects (that is they are not reflexive or adjectival): *Protagoras* 321a1, Protagoras in the Great myth talking about gods producing animals: “**αὐτῷ αὐτὰ** ἔσφζεν”; *Meno* 85c4, Socrates questioning Meno’s slave: “ἐνήσαν δέ γε **αὐτῷ αὐται** αἱ δόξαι: ἢ οὐ;”; *Euthydemus* 285b6, Socrates ironically conceding “συγχωρήσωμεν οὖν **αὐτοῖν αὐτό**”; *Euthyphro* 6a4, Euthyphro accusing others of being inconsistent: “καὶ οὕτως **αὐτοὶ αὐτοῖς** τὰ ἐναντία λέγουσι”; *Laws* 659c2, the Athenian talks about standards in music: “ὥστε **αὐτοὶ αὐτοῦς** οἱ θεαταὶ παιδεύουσιν”; *Theaetetus* 183b6, Theodorus on the Heracliteans: “οἰκειοτάτη γούν διάλεκτος **αὐτῆ αὐτοῖς**.”; *Theaetetus* 205b, Socrates on earlier, now, erroneous assumption: “οὐκοῦν τοῦτο ἵνα μὴ γένηται, ἕτερον **αὐτῶν αὐτῆν** ἐθέμεθα;”; *Sophist* 238a3, the Stranger seeming to speak almost in riddles: “περὶ γὰρ **αὐτῆν αὐτοῦ** τὴν ἀρχὴν οὔσα τυγχάνει.”; *Sophist* 255e3, the Stranger talking about the nature of ‘the Other’: “καὶ διὰ πάντων γε **αὐτῆν αὐτῶν** φήσομεν εἶναι διεληλυθυῖαν”

¹⁰⁹ There is a voluminous secondary literature on this topic. For a classical defense of the Return as Just see Kraut (1999) “Return to the Cave: Republic 519-521” in *Plato 2: Ethics, Politics, Religion, and the Soul*, 235-254. For a nearly exhaustive analysis of the secondary literature on the Return see Altman (2012) *Plato the Teacher*, 204-36.

that a soldier's death in war can cover over any personal faults.

Sixth, the speaker says that the city “gives <the children> the instruments of paternal virtue [ὄργανα τῆς πατρῶας ἀρετῆς]” (249a8-b1). Supposedly this means that the city formally presents to the children their fathers' hoplite armour. But this highlights the difference between a Socratic—or even Platonic—conception of ἀρετή [virtue]. For Socrates, if there were any “instruments” for virtue they would be the unseen and insensible ones of the mind or soul, not any physical things that could be carried, stolen, or easily bequeathed. Seventh, in a line that reminds the listener or reader of the earlier alliterative series of *p*'s at 247a2, the speaker says “πᾶσαν πάντων παρὰ πάντα τὸν χρόνον ἐπιμέλειαν ποιουμένη [In every way, for all things, and for all time, she <the city> takes care].” Although the spirit of the sentiment is patriotic and uplifting, we could ask if she was taking care of Socrates when she unjustly condemned and executed him to death, or if she was taking care of Aspasia when Athens unjustly condemned and executed her only son. It's interesting to note that ποιουμένη is in the middle voice, thus implying that she (the city) takes care of all things, always, and in every way for *herself*. Is this in contrast to the individual citizens? Finally, eighth, in the last line of the funeral oration ‘An Athenian Orator’ sends away the grieving families after they have lamented. So, it is really the second to last line that completes the message of the speech. In it the speaker encourages all to bear their misfortune more moderately in order—and here he ends the line with the foreboding pair of balanced infinitives (Gorgianic in form)—“θεραπεύειν τε καὶ θεραπεύεσθαι [to heal and to be healed]” (249c5-6). If, as some speculate, Plato wrote the *Menexenus* to heal the wounds of the bloody civil war that ravaged Athens following the reign of what are called the Thirty Tyrants, then the ending oration gives credence to this view.¹¹⁰

¹¹⁰ See M. Davis (2016), 27-29.

When in time is the *Menexenus*?

The main problem in placing the *Menexenus* in some historical year is that the funeral oration told by Socrates, and given to him by Aspasia, is supposed to be for those who have fallen in the Corinthian War and it talks about events as late as the Peace of Antalcidas (known in antiquity as the King's Peace) in 386 BCE. Socrates, however, famously dies in 399 BCE and the consensus seems to be that Aspasia most likely died before Socrates. So, what is the dramatic date of the *Menexenus*? There are three main options:

1) The *Menexenus* takes place sometime *after* Socrates' death. In this case, then, Socrates and Aspasia, are apparitions, ghosts. The narrative brings them to life in a time in which they could not possibly have existed.

2) The *Menexenus* takes place sometime *before* Socrates' death. In this case, however, that would make Socrates and Aspasia into soothsayers or prophecy-mancers who can see and foretell events in the future.

3) The *Menexenus* takes place somehow outside of space and time. This is probably the least plausible of the options because nowhere else does Plato entertain so radical a narrative and dramatic temporal setting. All his other dialogues seem to take place in relation to actual history. There may be the occasional anachronisms in the dialogues, but they are the exceptions. Even dialogues that are difficult to give specific dramatic dates with certainty (e.g. *Republic*, *Timaeus-Critias*, *Gorgias*, the *Laws*, *Philebus*, *Theages*) do not so flagrantly flaunt the conventions of narrative historicity, like the *Menexenus* does.¹¹¹ In this case, the *Menexenus* becomes exceptional and is unprecedented when compared to the other dialogues. It is no wonder then that if Aristotle had not alluded to the *Menexenus* twice in his *Rhetoric*,¹¹² then commentators

¹¹¹ See Nails (2002), 324-329.

¹¹² *Rhetoric* 1.9 1267b8, 3.14 1415b30.

(particularly more modern ones, especially 18th and 19th century German scholars) would very likely have excised it from the Platonic corpus. Furthermore, the *Menexenus* is the one dialogue that most engages with and talks about Athenian history. There may be exaggerations and omissions in the history, but it still attempts to tell a chronological story of Athens. One could say there is a bit of historical revisionism in Aspasia's version of history, but it's radically different from the ideal political theory of the devolution of regimes in books VIII and IX of the *Republic*, which I think is much more divorced from actual history. To place the *Menexenus* outside of history is to go against much of the content it treats.

Interestingly, no matter which one of the three positions one finally decides on—or some combination thereof—the result is the same. It necessarily commits one to reading the *Menexenus* in a much more “magical-realist” way than any other dialogue. There are always elements of fictionality in all of Plato's dialogues, which can be characterized as historical fictions, but no other dialogue leans so heavily on its temporal fictionality like the *Menexenus*.¹¹³

I think that Arthur Danto's idea of “narrative sentences” can help us think further about the difficulties involved in placing the *Menexenus* historically.¹¹⁴ Danto calls “narrative sentences” those which give descriptions of events under which the events could not have been witnessed, since they make essential reference to events later in time than the events they are

¹¹³ A another, somewhat more radical, possibility is represented by Nails (2002), who believes that the one should excise “the the section of the internal speech running from 244b to 246a, carrying events beyond the death of Socrates and perhaps beyond the life of Aspasia (b. late 470s)” (319). She thinks this part of the dialogue is spurious and likely written by members of Plato's academy and not Plato himself. A possible criticism of this view comes from a detail that Michael Davis (2016, manuscript of address, 4 bold added) notices that: “In the 15 Stephanus pages of the *Menexenus* there are 58 instances of *men ... de*—six times the rate, for example, of Plato's *Ion*. Lest we suppose this frequency has something to do with the genre, funeral oration, in the *Menexenus* the rate of *men ... de*'s is well over three times that of Pericles' speech. And, to make things still more interesting, **the single *men solitarium* of the *Menexenus* occurs in the sentence “But why, on the one hand, is it necessary to prolong [or: go on at length—*mēkunein*] (244d 1-2). Can it be a coincidence that Socrates asks why he should go further at the very moment he begins to speak, per impossibile, of events that occur after his death?”** I think this placement of the single *men solitarium* in a sea of *men... de*'s right before the part of the history section of the oration that goes beyond Socrates' own lifetime points to a highly self-conscious and sophisticated writer like Plato.

¹¹⁴ Danto *Narration and Knowledge* (2007).

about, and hence cognitively inaccessible to observers of the event. Narrative sentences “refer to two distinct and time-separated events, E-1 and E-2... If we describe an event E-1 by making reference to a future event E-2 before E-2 occurs or is supposed to occur, we will have to withdraw the description, or reckon it false, if E-2 fails to happen”¹¹⁵ Here are two examples Danto gives of narrative sentences: ‘The Thirty Years War began in 1628’ and ‘The author of *Principia Mathematica* was born on Christmas Day, 1642.’¹¹⁶ As we can see from the structure of narrative sentences, they refer to an earlier event, E-1 (e.g. the beginning of a war in 1628; the birth of Isaac Newton in 1642) and also to a later event, E-2 (e.g. the war ending thirty years later; Isaac Newton writing *Principia*). In most of the standard cases Danto examines, the time in which the historian is writing is later than both of these events. I am not claiming that Plato’s *Menexenus* anticipates the idea of narrative sentences, but the dialogue does bring attention and calls into question the very structure of historical narratives, which Danto’s concept of narrative sentences is meant to analyze. The reason is that we, the listeners and readers of the dialogue, are not sure when in time the *Menexenus* is supposed to take place; we have difficulty with placing the position of the historian telling us the narrative and with placing later E-2 events (e.g. Corinthian War) in relation to known earlier E-1 events (e.g. Socrates’ and Aspasia’s deaths). We’re not certain if some of the events described in the *Menexenus* have not yet happened, or if they will happen.

Here are two suggestions for *when* The *Menexenus* takes place, but ultimately both of them are not satisfactory. One is offered by Michael Davis. He thinks that the *Menexenus* happens after Socrates’ death, but he does not want to make Socrates and Diotima revenants. He asks, “Is it unlikely that when *Menexenus* thinks things through he imagines himself in

¹¹⁵ Danto (2007, 152).

¹¹⁶ Danto (2007, xii).

conversation with Socrates? Might we resolve the puzzle of a conversation with the dead Socrates by placing the whole of the dialogue in the mind of Menexenus?"¹¹⁷ Davis imagines that Menexenus' "conversation" with Socrates is all in his head. That is, the 'Socrates' of the Menexenus is merely a memory, a mental image conjured up by Menexenus. He justifies this idea by adding,

Is this not simply the use Plato makes of Socrates all the time? In its way any Platonic dialogue raises the question: What might Socrates have said if placed in this situation? And, of course, the Socrates who is a character in Plato's dialogues is always dead. Plato seems to think about things by imagining him to be alive. Is all thinking to be understood in this way—as the animation of the dead?¹¹⁸

While I like Davis' suggestion, the fact that he has a hard time accounting for what role Aspasia could play in this mental conversation between the memory of Socrates and Menexenus' own thoughts make it disappointing as a dispositive interpretation.

Another suggestion is offered by Mitchell Miller.¹¹⁹ He says Plato has no reason to place the *Menexenus* in time because it is a fiction. And since it is a fiction, it has its own logic and we don't have to relate it to Athenian history. This answer seems too Postmodern for Plato and also highly unsatisfying. Yes, Plato sometimes bends the logic or rules of history in his dialogues with minor anachronisms, but he does not upend them. Almost all his other dialogues are placed in some sort of relation *to* history, even if they are hard to pinpoint exactly. For example, although a precise date is not possible, the *Republic* transpires sometime during the Peloponnesian War. So to hear an extended account of events that *will* happen in the future without a character saying or mentioning something about this incredible prophetic power seems too far-fetched for Plato; likewise to hear an extended account of events that *have* happened in the past from characters who are known to be dead at that later time without any kind of

¹¹⁷ Davis (2018), 24-25.

¹¹⁸ Davis (2018), 25.

¹¹⁹ In conversation.

explanation inside the text seems astonishing for Plato.

Conclusion

In this chapter, I have shown that Plato, by having Socrates use various levels of *mimēsis* (Socrates imitates ‘Aspasia,’ ‘An Athenian Orator,’ ‘The War-dead’), wants to challenge his readers’ own self-identity, specifically their political, collective self-identity. Plato wants to combat what I called “the Cloak of Patriotism.” This is the idea that a glorious death in battle in service to one’s country can somehow cover-up or hide an individual soldier’s personal ethical wrong doings. I closely examined the section of Aspasia’s funeral oration in the *Menexenus* where Socrates imitates ‘the War-dead.’ Part of what I wanted to show was that in terms of voice and style the difference between the persona of ‘the War-dead’ and that of the speaker of the funeral oration (who I called ‘An Athenian Orator’) is not as great as most commentators have argued for. Many commentators want to separate out the Exhortation from the War-dead from the rest of the speech and to make it unique. Some even point to this section as ‘philosophical,’ ‘Socratic,’ or even ‘Platonic.’ I cast doubt on these claims. Although the War-dead enjoin their listeners to act virtuously (like Socrates), their conception of virtue is superficial and fits with the idea of the “Cloak of Patriotism.” It is not a substantial and ‘soulful’ practice of virtue, like the one Socrates engages in. A crucial point in my investigation of this section is to, once again, notice the “performative contradiction” of Socrates’ *mimēsis*. At one point ‘the War-dead’ encourage and urge the listeners of their speech to live independently and self-sufficiently. Besides the fact that this seems to be in tension with their earlier appeals to family and collective sense of unity, the very voice of ‘the War-dead’ depends and relies on a series of narrative and mimetic transmissions from Others. Their very words are not fully independent and self-sufficient but they require and depend on several other people to carry their message: ‘Aspasia’

(a foreigner and a woman); 'An Athenian Orator' (a political representative that will speak for them); Socrates (a student of Aspasia who learned and memorized the speech).

CONCLUSION to
In and Out of Character: Socratic Mimēsis

This dissertation investigated a feature common to many of the Platonic dialogues: Plato will often have Socrates, in the course of his conversations, imitate others. Socrates takes on the voice—the persona—of a named character, who is different from himself. I call this Socratic *Mimēsis*. I see Socratic *Mimēsis* as another kind of method practiced by Socrates. Thus, alongside the famous so-called ‘Socratic method’—and by this most people mean the one-sided rational method of dialectic, of asking questions and eliciting responses that most often lead to contradictions—one should also place Socrates’ mimetic method. This is Socrates’ imaginative, creative, and dramatic conjuring of personae. What is unusual about this method is that it seems to go against Socrates’ own injunctions against *mimēsis*, imitation. The most well-known criticisms of imitation come from *Republic* III and X, but one could also include Socrates’ exhortation of Protagoras in the *Protagoras* (347c-348a) to put away foreign voices (speaking about poets) and to instead speak in one’s own voice. In *Republic* III, Socrates warns against poets speaking not in their own voices but instead the poet “makes a speech as if he were someone else... he makes his own style as much like that of the indicated speaker as possible... to make oneself like someone else in voice or appearance is to imitate the person one makes oneself like” (393b-c).¹ This leads Socrates to eventually exclude imitative poets from the *kallipolis*, and to not allow the Guardians to participate in imitation, especially in imitating bad, wicked, or lowly characters. However, in other moments in the Platonic dialogues Socrates himself practices imitation, Socratic *Mimēsis*. And it’s often an open question whether the characters he imitates are good in the sense he urged in the *Republic*. To use just one example, Socrates imitates Protagoras in the *Theaetetus*. From the context of the rest of the conversation in

¹ Grube/Reeve translation from Cooper (1997).

the *Theaetetus*, however, it is evident that Socrates does not agree with Protagoras' views. Yet, Socrates does imitate Protagoras in order to defend him, even though Socrates, personally, most likely believes that one should not follow or imitate Protagoras and his relativistic theory.² Why is Socrates imitating someone he probably thinks should not be imitated?

Can anything be said in general about this method of Socratic *Mimēsis*? The comparison with the discussion about the other Socratic method of dialectic is instructive here. While there has been much debate about what can be said in general about 'the' Socratic method,³ one of the constructive conclusions from that discussion is an acknowledgement: of how varied and different are Socrates' methods of question-and-answer in the dialogues; that not all of Socrates' questioning leads explicitly to contradictions; and that each instance of Socratic dialectic can be studied closely for its distinctiveness. There has been a recognition of the diversity of the methods and the aims of Socrates' various uses of dialectic in Plato's dialogues.

Likewise, while each instance of Socratic *Mimēsis* should be studied closely and on its own individual, context-dependent terms (and that is the approach that I took in this dissertation), there are several things one can say about Socratic *Mimēsis* in general.

(1) Socratic *Mimēsis* can be another route to think about and understand Platonic *Mimēsis*. The moments where Socrates imitates another person are educational theater both for the interlocutor but also for Plato's own listeners and readers. Socrates will stage dramatic dialogues, or more often monologues (as we saw in all three instances of Socratic *Mimēsis*

² As I mentioned in the introduction, there are structural parallels here to when Glaucon and Adeimantus, at the beginning of Book II of the *Republic*, take on the character of Thrasymachus or someone like him, someone who would defend injustice against justice, in order to goad Socrates into making a stronger argument in defense of justice than the one he gave against Thrasymachus in Book I.

³ Scott, Gary Allen (2002) *Does Socrates Have a Method?*; Benson, Hugh (2006) "Plato's Method of Dialectic"; Tarrant, Harrold (2006) "Socratic Method and Socratic Truth"; Cain, R.B. *The Socratic Method: Plato's Use of Philosophical Drama* (2007); McPherran, M.L. (2007) "Socratic epagōgē and Socratic induction"; Benson, Hugh (2009) "Socratic Method"; Futter, D (2013) "Socrates' elenctic goals in Plato's early definitional dialogues"; Young, Charles M. (2014) "The Socratic *Elenchus*"; Rodriguez, E.G. (2016) *Exploring Both Sides: Plato's New Method for First Principles*.

examined in the dissertation; ‘the Laws’ speech is almost entirely monological, and the defense of ‘Protagoras’ and Aspasia’s funeral oration are entirely monological) within Plato’s dialogues themselves—a play within a play. By studying Socratic *Mimēsis* we might get a better insight into Plato’s own use of *mimēsis*, in his writing dialogues and speaking through the voices of various characters. If it can be shown that Socrates is not committed to what he has his characters say and do and that Socrates’ imitation is more of provocation aimed at his interlocutor, then, perhaps, in a like manner, Plato is not committed to everything his characters say and do (even Socrates!) and what is represented in the dialogues is more like a provocation to its listeners and readers.

(2) By imitating another person, Socrates creates a *distance* between himself and the role he plays. This allows for interpretations where the character that Socrates imitates is radically different from and perhaps disagrees with things said in his own voice. More important than distance, Socrates introduces an element of *depersonalization*. Whereas Socrates’ exhortation in the *Protagoras* to put away foreign voices and speak in one’s own voice is a call to return to a more personal mode of expression where one says what one means, Socratic *Mimēsis* can move a conversation away from the personal. Socratic *Mimēsis* is often a conversational intervention for when the two interlocutors are at a loss (they have reached *aporia*); the characters have arrived at an impasse. They are unable to talk to each other, to answer the other’s question, or to go beyond a puzzling problem. Therefore, a rhetorical gambit to lead the way around this blockage is for Socrates to perform the role of another person. Often the barrier between the two interlocutors occurs because a speaker (usually Socrates’ respondent) takes the things said throughout the conversation very personally. The interlocutor has, perhaps, interpreted Socrates’ criticisms and challenges to his views as a personal attack or affront. In order to assuage his interlocutor’s fears

and speak in a way that *depersonalizes* the interaction, Socrates' will role-play as another character. This allows the interlocutor to not feel personally attacked by Socrates. Instead there is 'plausible deniability' by Socrates; it is the character Socrates enacts that is being critical of the interlocutor's positions, not Socrates himself. I should caution, though, that it is very common for interpreters to explain away the phenomenon I call Socratic *Mimēsis* by making the claim that Socrates imitates someone else in a conversation in order *not* to insult an interlocutor, in order *not* to not cause further shame or suffering for his respondent. I don't find this reason fully convincing because Socrates consistently evinces little respect for propriety, and he will often speak openly and harshly to his interlocutors. I think there are other philosophical reasons for why Plato has Socrates imitate others. Depersonalization maybe as integral to Socratic *Mimēsis* as the elicitation of contradiction is to method of Socratic *elenchus*. To speak more generally the conjuring of personae can have potential positive effects both psychologically and philosophically for both the one taking on a role and for the audience as well. Depersonalization can function as a philosophical method for overcoming ego or intellectual vanity. Depersonalization is also closely related to contradiction, which will be discussed more in depth in the next section. But one thing Socrates is doing is projecting or representing one side of an intuition outside of himself so that he doesn't have to formally hold both an idea and its contrary.

While, on the one hand, *Socratic Mimēsis* does involve the centrifugal movement of *depersonalization*, in the sense that when Socrates is imitating or taking on the role of a persona completely different from his own, he is a different person. On the other hand, *Socratic Mimēsis* also involves the centripetal movement of argument by characterization or *ēthopoēsis*. Socrates' imitations remind us that one way of analyzing someone's argument is not just its content, but also its form, or the way in which a person expresses it. The form speaks to the character, the

style of the person or of the character being represented. This is a kind of intense *personalization* or *characterization* of an argument. The speech of ‘the Laws,’ of ‘Protagoras,’ and of ‘Aspasia’ must be read as coming from *these* specific characters, and what they say and how they say it follows from their character and personality as it is embodied in their styles of speaking.

(3) Part of what I wanted to reconsider with the concept of Socratic *Mimēsis* is the idea of performance in the Platonic dialogues. Plato addresses performance as a subject of Socrates’ thought, most especially in the content of the *Republic*. But Plato also addresses performance in the very form that the dialogues sometimes take when he has Socrates himself perform instances of Socratic *Mimēsis*. It is by recognizing these moments *as* a performance, *as mimēsis*, and *as* Socrates acting ‘in character,’ that we can begin to interpret Plato as trying to communicate and express a philosophical message in choosing to cast Socrates as a performer. Why does Plato have Socrates perform *as* ‘the Laws,’ why doesn’t he just tell Crito what ‘the Laws’ say in his own voice, and why does the justification for why Socrates remains in jail come from a created and performed character? Why does Plato have Socrates imitate Protagoras? Why doesn’t Plato have Socrates just investigate Protagoras’ thought at some remove, third-personally, and maintain a kind of “scientific or objective distance” from the famous Sophist? Why doesn’t he just have Socrates say things like ‘Protagoras believes the following...’ ‘Protagoras’ view entails...’ Instead, Plato has Socrates go inside the mind and mask of Protagoras and speak *as* Protagoras. Why? Why does Plato have Socrates give us a funeral oration that he attributes to Aspasia? Why not just have Socrates say the funeral oration in his voice? Is it only so that there can be some kind of thematic or “literary” connection to Pericles’ famous oration in Thucydides? It seems like there is more going on. My dissertation sought to answer these kinds of questions about Socrates’ performance of other voices *as* different from

his own voice.

Socratic *Mimēsis* often leads to performative contradiction. A performative contradiction is when there is an inconsistency between one's deeds and one's words. Some common, everyday examples of a performative contradiction are bragging about one's humility and shouting for silence in a library. Socratic *Mimēsis* leads to more involved and philosophically interesting cases of performative contradiction. Part of what was argued in the dissertation was that these dissonances, these performative contradictions, are put in intentionally by Plato for the reader or listener to catch and to unravel. Plato may even have Socrates put them into his performances in order to try to provoke Socrates' interlocutors into discovering and calling them out, but none of Socrates' interlocutor ever do. An example of the idea of performative contradiction is when Socrates creates and takes on the character of 'the Laws' and they argue for their importance and priority over human beings. But it is a single human, a poet-rhapsode (Socrates) who creates and acts as the character of 'the Laws' revealing that it is, ultimately, human beings who are the creators, true authors, and hold final responsibility for the things done in the name of the laws. Thus, it is not the laws of Athens that condemn Socrates to death, but the guilt lies with the plaintiffs who brought the charge (Anytus, Lycon, Meletus) and with the jurors who voted for the guilty verdict. Furthermore, Socrates makes 'the Laws' (plural) speak with a single voice, with a single mind, and with singular intentions, but the real laws of Athens are polyvocal not monolithic, and they require human interpretation and they, the laws (multiple), are often the expression of various often conflicting interests at different moments in time. In the *Theaetetus*, individualistic Protagorean relativism entails that (i) there is only one appearance at a time and that precludes the possibility of two simultaneous appearances conflicting with each other; (ii) all appearances are true and real and there can be no sensation of

things that are-not. These two entailments bar that there can be any kind of *mimēsis*, imitation, because a *mimēsis* relies on two seemings at the same time. For example, when Socrates performs as ‘Protagoras,’ Socrates simultaneously *is* Socrates and *is-not* Socrates; and Socrates *is* Protagoras and *is-not* Protagoras. This is a point that I borrow from the analysis described from the *Sophist* in which it is argued that a *mimēsis* is in-between being and not-being (234 ff.). That means that *mimēsis* is partly a sensation of what-is *and* what-is-not, which contradicts the first entailment of the Protagorean theory; and *mimēsis* is a sensation of what is false or unreal, which contradicts the second entailment. So *mimēsis* cannot occur according to the strictures of the Protagorean theory, and yet it is Socrates’ *mimēsis*, his imitation of Protagoras, wherein he gives life to this character and tries to defend Protagoras. But in defending Protagoras via *mimēsis*, Socrates brings one of the most subtle objections against the Protagorean view, the *Mimēsis* Objection; *mimēsis* is a counterexample to Protagoras’ theory. Socrates performatively contradicts Protagoras by imitating Protagoras. Lastly in the *Menexenus*, Socrates performs a funeral oration from Aspasia. I argued that there are sufficient details internal to the dialogue as a whole and to the funeral speech in particular, to come to the conclusion that Socrates (and perhaps Plato himself) would not endorse what was said. Even though Socrates is performing the speech, he would not, in his own voice, agree with and confirm what was said as ‘Aspasia.’ Socrates, by taking on the persona of Aspasia, is testing Menexenus, and Plato-as-Socrates-as-Aspasia (-as-‘The Athenian Orator’) is testing his audience to see whether they can catch the internal inconsistencies as well as external ones—moments in the *Menexenus* that strongly disagree with parts in other dialogues.

In this dissertation I looked at three instances of “Socratic *Mimēsis*,” when Socrates relinquishes speaking in his own voice and speaks as another persona: [1] when Socrates plays

‘the Laws’ in the *Crito* (50d-54c); [2] when Socrates acts as ‘Protagoras’ in the *Theaetetus* (166a-168c); and [3] when Socrates gives a funeral speech from ‘Aspasia’ in the *Menexenus* (236d-249c). In each case my intention was to show how analyzing the literary, aesthetic details of those sections of the dialogues have philosophical consequences and payouts. Those are not the only instances of Socratic *mimēsis* in the Platonic corpus, but I selected these for my dissertation in order to prove the viability and fruitfulness of the Socratic *mimēsis* research program. I am currently at work in extending the investigation into other dialogues. In a paper still in progress, entitled “Acting Philosophy: Socratic *Mimēsis* in the *Symposium*,” I examine [4] when Socrates recounts the teachings by ‘Diotima’ in the *Symposium* (201e-212c). The next moment I would like to work on is [5] when Socrates gives the famous palinode speech from ‘Stesichorus’ in the *Phaedrus* (244a-257b). Both pieces, the one on ‘Diotima’ in the *Symposium* and the one on ‘Stesichorus’ in the *Phaedrus*, I envision being longer chapters like the ones in this dissertation, but there are other shorter episodes of Socratic *mimēsis* that I would like to tackle as well. For example, I want to write about:

- [6] the character of the ‘annoying questioner’ in the *Hippias Major* (287d-304e);
- [7] the character of ‘the Many’ (353c-7e) and
- [8] of ‘the Argument’ (361a-c) in the *Protagoras*;
- [9] ‘the Muses’ in the *Republic* (545d-7b);
- [10] ‘the art of speaking’ in the *Phaedrus* (260d);
- [11] when Callicles refuses to continue conversing, so Socrates speaks as and for him in the *Gorgias* (506c-509c).

Interestingly, Socratic *mimēsis* might not be only Platonic. It also appears in Xenophon: for most of the *Oeconomicus*, Socrates takes on the role of and speaks as ‘Ischomachus.’ Thus, what I entitled Socratic *Mimēsis* might really be of Socratic origin. Although, I cannot argue for this here, and nothing else in my argument depends on this point. It is worth mentioning.

A Test Case of the General lessons of Socratic *mimēsis*:
Socrates' 'annoying questioner' in the *Hippias Major*

I think it would prove worthwhile to look at one of these instances of Socratic *mimēsis* not covered in the dissertation and to try to use it as a test case for some of my general lessons; i.e. (1) Socratic *mimēsis* as insight into Platonic *mimēsis*; (2) Depersonalization; (3) Performance and Performative contradiction. I will briefly sketch out the general implications of Socratic *mimēsis* enumerated in this conclusion, by looking at [6] the character of the 'annoying questioner' in the *Hippias Major* (286c-304e). The first appearance of this character comes at 286c5-7, Socrates says to Hippias "For, recently, someone really threw me into a confusion whenever I censured some words as ugly and I praised some as beautiful [ἐναγχος γάρ τις... εἰς ἀπορίαν με κατέβαλεν ἐν λόγοις τισὶ τὰ μὲν ψέγοντα ὡς αἰσχροῦ, τὰ δ' ἐπαινοῦντα ὡς καλά]"⁴ and not long after this line, Socrates adds, "Thus, he questioned <me> very *hubristically* [οὕτω πως ἐρόμενος καὶ μάλα ὑβριστικῶς]" (286c7-8). At 287a3, Socrates makes it clear that this is a case of Socratic *mimēsis* when he states to Hippias, "Then, lest I may hinder you, I'm going to imitate that man [ἀτὰρ μή τι κωλύω μιμούμενος ἐγὼ ἐκεῖνον]." And Socrates comments only a little later, "Come so that I become as much <as possible> that man and I try to ask you <questions> [φέρε ὅτι μάλιστα ἐκεῖνος γενόμενος πειρῶμαί σε ἐρωτᾶν]." (287b5). The man in question is the character I call the 'annoying questioner.'⁵

The 'annoying questioner' is characterized by Socrates at various turns by heaping scorn on him: "He is not clever but rubbish [οὐ κομψὸς ἀλλὰ συρφετός]" (288d4)⁶; "He is very annoying [μέρμερος πάνυ ἐστίν]" (290e4); "In order that the words that I say are not <directed>

⁴ All translations are my own, unless otherwise noted, in consultation with Woodruff in Cooper (1997) and W.R.M Lamb (1925).

⁵ Plato has Socrates reiterate that Socrates is imitating when Socrates repeats at 292c3-4 that he is "imitating that man [μιμούμενος ἐκεῖνον]."

⁶ Plato uses the superlative form this word "the most clever [κομψότατον]" to describe the self-refuting feature of Protagoras' view at *Theaetetus* 171a6.

to you, the sorts <of words> that he said toward me: harsh and of-another-order [ἵνα μὴ πρὸς σὲ λέγω ῥήματα, οἷα ἐκεῖνος εἰς ἐμὲ ἐρεῖ, χαλεπά τε καὶ ἀλλόκοτα]” (292c4-5). In a bit of an over-the-top comic ribaldry, Socrates also insinuates that the man may even beat Socrates: “I think if I answered in this way he would be justified in beating <me> [οἴομαι δικαίως ἂν τύπτεσθαι ταῦτα ἀποκρινόμενος]” (292b9-10).⁷

The two most common reasons given by other interpreters as to why Socrates takes on the persona of the ‘annoying questioner’ is (2) distance and depersonalization. By asking his questions in character, Socrates puts some distance between himself and the harsh and strange criticisms directed against Hippias’ replies. By having Socrates speak as ‘the annoying questioner’ Plato also makes the conversation less about a personal confrontation between Socrates and Hippias, and instead Socrates is able to recruit Hippias in a joint venture against this common antagonist. There is an episode in the dialogue, however, where the mask of the character seems to slip, and Socrates may be breaking character and going against the distance and depersonalization implied so far.

It is the moment in the dialogue when this ‘annoying questioner’ might actually be named and really revealed. Hippias at 298b5-6 implies that many of the things they’ve been saying might escape the notice of that man (the ‘annoying questioner’) and Socrates at 298b7-9, responds, “By the dog, Hippias, not to the one I would be most embarrassed to say foolish things and to pretend to say something while saying nothing [Μὰ τὸν κύνα, ὃ Ἰππία, οὐχ ὅν γ’ ἂν ἐγὼ μάλιστα αἰσχυνοίμην ληρῶν καὶ προσποιούμενός τι λέγειν μηδὲν λέγων].” Hippias asks who it is before whom Socrates would be most embarrassed and Socrates replies, “Sophroniscus’ son [Τὸν Σωφρονίσκου]” (298b11). Since Hippias is a foreigner from Elis, he might not know that

⁷ We saw in the *Menexenus* (236b8-c1) that supposedly Aspasia threatened to beat Socrates if he forgot any part of the funeral oration while he was in the process of memorizing it.

Socrates' father is Sophroniscus, so it is Socrates who is “Sophroniscus' son” and Socrates is actually talking about himself, and also, perhaps, admitting that the previous ‘annoying questioner’ was Socrates the entire time!⁸ This rejoinder would seem to complicate and eradicate the distance and depersonalization that Socrates has thus far carefully maintained. It is likely that Plato left it in as a signal to his audience and not one that Socrates expects his interlocutor to understand. Just a few lines later Socrates continues, “I hear every insult from that man (among others around here) who has always been refuting me. [ὑπό τε ἄλλων τινῶν τῶν ἐνθάδε καὶ ὑπὸ τούτου τοῦ ἀνθρώπου τοῦ ἀεί με ἐλέγχοντος πάντα κακὰ ἀκούω]” (304d1-3).⁹ And adding another turn of the screw to see if Hippias will comprehend, Socrates discloses that, “he happens to be a close relative of mine and he lives in the same house [καὶ γὰρ μοι τυγχάνει ἐγγύτατα γένους ὢν καὶ ἐν τῷ αὐτῷ οἰκῶν]” (304d3-4).

This dramatic moment also speaks to the lengths that Plato's pedagogical theatrics can go, and it is an example of (1) Socratic *mimēsis* as insight in Platonic *mimēsis*. Socrates is willing to let loose a detail that his interlocutor will not get. It seems that, likewise, Plato would be fine with introducing allusions and tests to his listeners and readers that they might not be able to pick up and/or resolve.

What does it mean that Socrates performs the role of the ‘annoying questioner’? What is Plato showing us about (3) performance and performative contradiction? Toward the end of their conversation, Socrates finds (301d-303c) something that can be attributed to both Hippias and him—namely that they are a duo—but cannot be attributed to each individually (without the other). This example is ironic because Socrates has been doubling his self this entire time

⁸ As Nickolas Pappas reminds me (correspondence): “the Sophroniscus reference could have a special bite given that one of Hippias's areas of expertise is genealogy.” Hippias bragging about his knowledge of the genealogies of heroes and men: *Hippias Major* 285d-e.

⁹ Paul Woodruff translation in Cooper (1997).

throughout their conversation. So, there's a sense in which Socrates *is* capable of being a double or a duo by himself. By performing the role of the 'annoying questioner,' Socrates has doubled himself, and thus undermines or contradicts what he asserts that 'being double' or 'being a duo' (ἀμφοτέρως) cannot be attributed to an individual. It can in cases of *mimēsis*, where the imitator is split between the actor and the person being represented. In this case, Socrates casts himself (to Hippias) as a kind of rhapsode, as a messenger, to the real poet and author, this annoying questioner that is a relative and lives with Socrates. However, when Socrates reveals that this man is "Sophroniscus' son," that is when the listener or reader of the dialogue should understand that it is Socrates who is really the author of these views, and he has been acting as a poet-rhapsode this entire time.

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