

BOOK REVIEWS

Roslyn Weiss, *The Socratic Paradox and its Enemies*, Chicago and London: University of Chicago Press, 2006. 240 pp. ISBN 0-226-89172-0.

Who is Plato's Socrates? This is a notoriously difficult question to answer, even for his interlocutors. Thrasymachus regarded him as a lover of honor who prizes victory in argument. Callicles thought that he was a childish fool. Alcibiades initially supposed that he was just another infatuated lover, and later accused him of being a cruel ironist. The Athenian jury found him guilty of criminal impiety and corruption, while Phaedo considered him the best and most just of men. Plato's readers have also formed wildly varied opinions about Socrates. Nietzsche characterized him as a monster of logical thought, and, later, as a decadent and resentful plebeian. Kierkegaard came to see him as the philosopher *par excellence*, an exemplar of intellectual passion and spiritual inwardness and integrity. Contemporary academics, seeking safer ground, have tended to treat Socrates as an earnest moralist with rather odd views.

In *The Socratic Paradox and Its Enemies*, Roslyn Weiss (hence W.) reopens the problem of Socrates' identity by challenging — and to my mind, successfully refuting — 'the old and familiar account' of what is currently the "standard" view among Plato scholars. With notable clarity, precision, and grace, W. establishes that the standard account rests to a great degree on flat-footed interpretations of various Socratic paradoxes including 'virtue is knowledge', 'all the virtues are one', and 'no one does wrong willingly' — flat-footed, because they consistently fail to consider the dialogic and pedagogical contexts in which these paradoxes appear. What is at stake here is of much more than theoretical interest, because the conventional understanding of Socrates seriously distorts his moral teaching. In showing how Socrates wields his paradoxes as flexible argumentative weapons against certain pernicious "enemies" of justice, W. proves to be a most able philosophical ally. By carefully attending to the drama as well as to the argument of Plato's writings, she unearths a moral message that has lost none of the freshness and urgency that it had in ancient Athens. *The Socratic Paradox and Its Enemies* thus admirably demonstrates what it might mean for a Plato scholar to defend justice with skill and courage, as Socrates did.

On the old understanding, Socrates intellectualizes virtue in a most implausible way, because he refuses to acknowledge the all-too-familiar phenomenon of weakness of the will (*akrasia*): 'virtue is knowledge' means that 'no one who knows what is right does wrong; no one who does wrong knows what is right' (208). On the usual account, Socrates regards virtue as a kind of craft (*technē*) — one that is moreover necessarily, and properly, employed to maximize the achievement of what its possessor considers to be his or her self-interest. On the standard view, Plato ultimately abandons certain key elements of this "early", "Socratic" understanding of virtue.

W.'s new account, which she bases on succinct analyses of the functions of various versions of the paradox 'no one does wrong willingly' in the *Protagoras*, *Gorgias*, *Hippias Minor*, *Meno*, *Republic*, and *Laws*, reveals a Socrates who is morally more serious, philosophically more appealing, and rhetorically more adept than the old one. This new Socrates understands what we all more or less do: that our passions and appetites can — and frequently do — overcome our best judgment, that the fact of being desired does not make something desirable (hence the need for reason's critical work in sorting out what we truly want), and that virtue is not a technical capability, but a state of character. For W.'s Socrates, virtue consists in the wish to harm no one; 'virtue is knowledge' means that 'those who choose justice choose wisely, as do those who choose temperance' (208). Because this new Socrates does not intellectualize virtue, Plato does not need to revise his views in order to acknowledge *akrasia* (as the standard view holds that he does, in *Republic* 4). The new Socrates is neither a psychological nor an ethical egoist, nor is he a eudaemonist; he is, rather, a "*dikaiosunist*," in that 'his first and perhaps only consideration in acting is justice' (7). Above all, W.'s Socrates is "a fighter" — an exceptionally skilled debater, who employs a variety of argumentative tricks 'to eradicate the false beliefs and puncture the

bloated self-image of others' (2; 4). In 'serv[ing] the sacred purposes of seeking truth, promoting justice, and improving the lives of people', he takes special aim at sophists and rhetoricians — men who 'lure young men away from traditional moral instruction but do nothing to mold their characters', and thus 'effectively foil any possibility of their students' becoming better' (4; 26).

In W.'s reading of the *Protagoras* and the *Hippias Minor*, Socrates shows off one of his most powerful argumentative strategies — the verbal takedown of *reductio ad absurdum*. In the *Protagoras*, Socrates maneuvers the great sophist into agreeing — shamefully and unwillingly — that the virtue he teaches is no more than a method for maximizing personal utility by calculating pleasure and pain. He is able to do so for two main reasons. First, 'as a risk-averse calculator of his own self-interest ... [who] panders to Athenian democratic sensibilities' (37), Protagoras can be expected to endorse the hedonism of the many. Second, as a professional teacher, Protagoras can be counted on to claim that he possesses special technical knowledge that distinguishes him from the many. W. shows in detail how Socrates, with great finesse, goads Protagoras into offering an interpretation of the paradox that 'no one does wrong willingly', according to which 'doing wrong' means erring in the calculation of relative quantities of pleasure and pain. Even the noble virtue of courage is debased on this crudely hedonistic account: 'the courageous man is simply a coward who is adept at measuring pleasure and pain' (67). According to W., Socrates' intention in the *Protagoras* — apart from embarrassing the sophists and discrediting their teaching — is 'to show that *only* on hedonistic premises is virtue knowledge' (48 n. 32). What is more, W. points out that Socrates' alleged denial of *akrasia* is both 'unique to the *Protagoras*' and is 'tied ... to hedonistic premises' (60). It is therefore surprising that even though the hedonistic calculus directly conflicts with the moral positions Socrates expounds in dialogues like the *Gorgias*, *Apology*, and *Republic* — for example, that 'courage is doing what justice requires ... in spite of pain, in spite, even, of death' — many scholars take it to be 'a nonironic expression of Socrates' point of view' (65; 48 n. 32) and refuse to see that the hedonistic arguments of the *Protagoras* may be meant ironically. As is so often the case with Plato, there is no generally acknowledged interpretative criterion that could effectively settle this issue. But is it not perverse to attribute to Socrates a view that not only ignores his speeches and deeds in other dialogues, but also 'contorts and impoverishes the human personality' (67)?

In the *Hippias Minor*, Socrates performs a similar *reductio* in order to establish that the sophist Hippias, who supposes that he is an expert on the matter of human goodness, does not actually know what virtue is. As with the *Protagoras*, W. shows that 'what charts the course of the arguments in the *Hippias Minor* is something amiss in the views of its protagonist' (142). In particular, Socrates reaches the conclusion that the good man does shameful and wrong things voluntarily — a conclusion that both upsets Hippias and 'violates ... [Socrates'] own most deeply held conviction that it is precisely the man who does wrong *unintentionally*, that is, only unintentionally' (141) — only because he accepts Hippias's premise that justice is a *technē*. That Socrates does not share this premise has been well-argued elsewhere (one thinks especially of David Roochnik's *Of Art and Wisdom: Plato's Understanding of Technē* [1996, University Park, PA] which W. unfortunately does not cite), but even W.'s illuminating analysis of the *Hippias Minor* is unlikely to change the minds of the not inconsiderable group of Plato scholars that persist in concluding that Socrates agreed with Hippias that justice is a *technē*.

I have focused on W.'s chapters on the *Protagoras* and the *Hippias Minor* because it seems to me that her discussion of these dialogues allows one to formulate the question at the heart of her book — 'Who is Socrates?' — in the sharpest possible terms. These dialogues leave us with a choice. We can, on the one hand, saddle Socrates with philosophical positions that, at best, fly in the face of ordinary experience, contradict views that he elsewhere explicitly endorses, and (although W. does not mention it) depend, at least in part, on a dubious reconstruction of Plato's authorial chronology. Or, on the other hand, we must attribute to Socrates a willingness to speak ironically, to employ various cunning devices, and (in brief) to lie, in order to humble his

opponents in argument. W.'s Socrates is perhaps more Odyssean — more shifting and shiftily in speech, more prone to disguise, more combative — than many of Plato's readers are willing to accept. But he is also a philosopher for all seasons, a powerful champion of humble decency and honest intellectual effort against the moral cyclopism that, even today — especially today! — worships power and wealth, scoffs at the longing for wisdom, and regards justice, temperance, and piety as nothing more than the foolish preoccupations of sheep ready for shearing. This is a Socrates well worth cheering for, and W. deserves our heartfelt thanks for presenting him in such a lively and convincing way.

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Michael Gagarin, *Writing Greek Law*, Cambridge: Cambridge University Press, 2008. 282 pp. ISBN: 978-0521886611.

Michael Gagarin (G.) parte da una constatazione in sé semplice: sin dagli inizi gli Elleni fecero un ampio uso della scrittura al fine di rendere disponibile la legislazione a grandi comunità, ma allo stesso tempo l'uso della scrittura nel corso dei processi fu abbastanza raro. Ciò impedì che il diritto diventasse terreno esclusivo di giuristi, permettendo al contempo che “semplici persone” potessero muoversi all'interno di procedure legali.

Il primo capitolo ('Law before Writing', 13-38) si interroga su quanto noto a proposito delle leggi prima che la scrittura fosse introdotta. Per il mondo greco arcaico (fonti: Omero ed Esiodo) l'amministrazione della giustizia avveniva oralmente: non a caso il verbo δικάζειν viene messo in relazione con il *dico* latino; si potrebbe ipotizzare quindi, che sia per il mondo omerico che per quello esiodo, esistesse l'uso della cosiddetta “oral law”. G. fa tuttavia notare la difficoltà quasi insormontabile nello stabilire un insieme di regole per riconoscere le cosiddette leggi orali.

Per ragioni di spazio possiamo soltanto brevemente accennare al secondo capitolo ('Writing and Written Laws', 39-66). G. analizza qui le iscrizioni — quasi tutte private — databili tra il 750 ed il 650 a.C. La loro varietà suggerisce che la scrittura si diffuse già in questo lasso di tempo e che non rimase confinata alle sole elites. G. si volge poi alle iscrizioni di natura legale analizzando con particolare attenzione le caratteristiche “fisiche” dei testi iscritti i quali — proprio in virtù della loro alta leggibilità — dovevano essere destinati ad essere esposti in pubblico.

L'indagine si sviluppa poi attorno all'interrogativo perché i Greci avessero iniziato a scrivere leggi ('Why the Greeks Wrote Laws', 67-92). G. nota che alcune delle città provviste di leggi scritte ebbero una notevole crescita demografica tra l'VIII ed il VI sec. a.C.; ciò potrebbe aver fatto aumentare esponenzialmente non solo il numero delle cause, ma anche quello dei giudici. Contemporaneamente varie città estesero il proprio territorio inglobando all'interno altre comunità. Questo fatto, unito all'emergente importanza di “collective bodies” (86), può essere considerato uno dei motivi principali che indusse a scrivere ed esporre pubblicamente le leggi.

Il quarto capitolo ('Why Draco Wrote his Homicide Law', 93-109) approfondisce le questioni analizzate nel capitolo precedente basandosi su un esempio concreto. Una parte della ricerca ritiene che Dracone abbia scritto la sua 'homicide law' poichè 'he was trying to resolve a crisis that stemmed from an attempted coup by a certain Cylon in 636' (94). G., sulla base di quanto precedentemente esposto, ritiene che Dracone avesse in realtà il bisogno di chiarire le regole in una società caratterizzata da una forte crescita demografica.

Il quinto capitolo ('Oral and Written in Archaic Greek Law', 110-121) che *propter loci inopiam* può soltanto essere fugacemente ricordato, analizza ciò che è noto nell'ambito del diritto al di là della legislazione.

Il capitolo sesto ('Writing Laws in Fifth-Century Gortyn', 122-144) analizza una serie di iscrizioni della Gortina del V sec. a.C. (con esclusione del “codice”). G. mostra che alcune