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Commentary on: D. Jacquette's "Socrates on Rhetoric, Truth, and Courtroom Argumentation in Plato's *Apology*"

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In Athens at the time of Socrates' trial, guilt by association ruled the day. Ignominious defeat in the Peloponnesian war by their arch rival Sparta was made more difficult for the Athenians to bear by the betrayal of their brilliant general Alcibiades and his role in the defeat. The subsequent tyranny of the government put in place by the Spartans was made that much more difficult to bear by its being composed of men from their own ranks, like Critias. Alcibiades, Critias, and other equally deplored individuals were close associates of Socrates. In many people's minds, they had learned at his feet. However, so many Athenians had been implicated in the crimes of the tyrants (as Socrates himself alludes to in his trial, *Apology* 32c-e) that after the restoration of democracy a general amnesty had to be issued. No one could be explicitly charged and tried for crimes related to this unfortunate piece of the past. Still, the hurt would have been festering beneath the surface, and Socrates must have known he was vulnerable to being charged for the smallest pretense. At his trial he faced a formidable task: to persuade an embittered audience that he was not responsible for corrupting the youth of Athens in the ways his associations would have suggested; that he was not a teacher of anyone; and that the philosophy he practiced was beneficial rather than malevolent.

Professor Jacquette does a strong job of presenting Socrates as a champion of reason, keen that the truth should prevail and be seen to prevail. There is much in the *Apology* and related dialogues to confirm this portrait; but there is also much to challenge it. Socrates is after all a shadowy figure, straddling the worlds of superstition and reason, on his way to becoming the "Platonic" Socrates¹ of the middle and late dialogues, perhaps, but still given to trust in dreams and voices. Consider, for example, how the companion dialogue, the *Crito*, begins with Socrates' conviction that he will not die that day because he has seen in a dream that the ship whose return is to trigger his execution will be delayed (*Crito*, 44a). And consider how the status of the nay-saying voice that directs him through the *Apology* is still contentious among scholars. What is this voice's relationship with reason? Can it undermine Socrates' autonomy? In fact, in spite of the efforts made by Plato to distance Socrates from the practices of the Sophists, there are features of the *Apology* that should at least make us pause before readily accepting the Platonic line. After all, there is reason to believe the Socrates of the *Apology* is a bit of a reclamation project, marshaled to Plato's corner as a fitting antecedent and opponent to all that Plato opposes. Because there is little about Socrates that Plato the philosopher really accepts. Platonic theory and practice is a rejection of Socratic theory and practice (a rejection of the Socratic method which goes only so far and ends in *aporia*, stopping short of acquiring truth; a rejection of the refusal to write; the refusal to teach; the refusal to engage willingly in politics; the refusal to travel beyond Athens; etc.). In fact, there is really only one aspect of Socrates that Plato adopts, and this aspect shines like a gem in the centre of the *Apology*. This is the powerful portrait of a man of moral courage and conviction, which is to serve as the model for the just

person of the *Republic*. This, Plato must preserve at all costs and cannot allow to be tarnished by association with the Sophists, among whose company he might readily belong. And yet, Plato is constrained by the historical record; he cannot stray too far from the "truth," but he can fashion this truth as he would have others accept it, have them persuaded by it. On such a reading, there should still be something of a different tradition caught between the lines of this text, hard to identify because we have been encouraged to read through Platonic lenses. It bears directly on the questions of persuasion and truth, argument and rhetoric.

Confronted by the formidable task that I noted earlier, of persuading an audience already disposed against him, Socrates must draw on all the resources available to him. These resources will include many of the skills in argument that Professor Jacquette describes, but such skills will be quite consistent with those drawn from the most obvious sources for such a trial—the courts of the day. These public venues were the province of the Sophists, presenting evidence in terms of likelihoods and probabilities so as to strengthen weak cases and defeat strong cases. While Plato has Socrates shun this practice (*Apology*, 19b), he follows it nonetheless—he is doing his best to make the weak case strong,² using argument in the process.

We ignore Socrates' close affinities with the Sophists at our peril. Something, but not enough, has been made of the parallels between Socrates' speech in the *Apology* and Gorgias' *Defense of Palamedes*.³ The coincidence of topics and language is too great to dismiss, and while some struggle to reconcile this with Plato's attitude towards Gorgias in the dialogue devoted to the Sophist,⁴ we might alternatively consider whether these parallels are aspects of the *historical Socrates'* actual speech and not the literary choice of Plato. Consider one of Socrates' contemporaries, Antiphon the Sophist.⁵ In the courtroom speeches of his *Tetralogies* (designed to teach people how to defend themselves), Antiphon presents several cases where the facts are not in dispute, but their interpretation is. So the speeches delivered on both sides trade in what is *eikos*, likely or probable. Since the jury was not present when the events took place, what else can they do but draw on their experience of what they know is likely to have happened? Now consider part of Socrates' defense argument against the charge of corruption: if a person makes those around him bad through corruption, then he puts himself at risk, which no one would willingly do. How does his audience view this? Surely, they must consider whether it is likely to be the case (what does their experience tell them about bad men?), and they judge accordingly. Several plausible instances of this arise in the defense, although phrased, of course, in Plato's terms. Another strategy popular with Antiphon is the *peritrope*—the argument that reverses positions. In one of the tetralogies, dealing with the famous case of the boy accidentally killed in the javelin school, the victim himself is asserted to be the killer, and hence the killer has been punished. Consider the similar reversal that Socrates effects with Meletus, as Jacquette describes this (p.4), where the purported atheist is the one who turns out to believe in divinities, and hence cannot be guilty of the charge.

Perhaps the most compelling example of Sophistic strategy is seen in another example that Jacquette provides at length (p.10), but the true manner of which points to a conclusion opposite to the one he draws. Like Palamedes in Gorgias' speech (*Palamedes*, 33), Socrates addresses those in his audience who may be angry that he has *not* followed expected courtroom procedures in such cases and paraded his family before them in search of pity. As Jacquette notes on the page prior "Socrates...makes it understood that he is married with young children." He does much more, in fact, unlike Palamedes he makes the further move of doing the very thing he claims not to do. Through use of the rhetorical figure *prateritio*, Socrates makes the appeal to pity in the very act of claiming not to. For even greater rhetorical effect, he provides his

audience with the details of his family ("I have a family, indeed three sons, gentlemen of the jury, of whom one is adolescent while two are children."), so that they create the spectacle in their minds. This makes his family *present* in the courtroom in a far more effective way than if he had summoned them physically because it allows the audience to complete the argument. *At the same time*, his apparent refusal to use this appeal speaks to another portion of his audience. An audience will hear what it wants to hear, and a good orator is aware of this. In spite of his claims to the contrary, Socrates is a good orator. This part of his speech is designed for maximum persuasive effect by addressing diverse components of the audience at the same time.

I have had space and time for only a few examples in suggesting that Socrates' argumentation in the *Apology* is far more complex than Plato might have us believe and does not conform simply to the model of Platonic reason. In proposing a Sophistic influence to Socrates' argumentative background my intention is not to denigrate Socrates but to elevate the Sophists and urge that we take their argumentation more seriously than Plato's dismissal of it would warrant. Because, in the end, what Jacquette is arguing for is a good rhetoric that persuades "an audience by logic, evidence, and appeal to facts" (11). My contention is simply that a "good rhetoric" need not be limited to such a range, and that for the historical Socrates it probably was not.

Notes

¹ The distinction between a historical Socrates and the Platonic one (whose views seem at odds with the historical person) is strongly supported in the literature. See Vlastos (1991:45-80).

² Not *appear* strong, as some translations would tell us, adding a word that is not there in any of the three citations we have (Aristophanes, *Clouds* (880-889) Plato's *Apology* (19b) Aristotle's *Rhetoric* (Bk.II.24)).

³ Among other similarities, in both texts the principals argue for the contradictory nature of the charges they face (*Ap.* 27a1-7; *Pal.* 25-26); both see no advantage to themselves in having committed the alleged crime (*Ap.* 25d8-26a6; *Pal.* 13); and both prefer death to dishonour (*Ap.* 28b3-9; *Pal.* 35).

⁴ See James A. Coulter, "The Relations of the *Apology of Socrates* to Gorgias' *Defense of Palamedes* and Plato's Critique of Gorgianic Rhetoric," in Keith V. Erickson (ed.) *Plato: True and Sophistic Rhetoric*. Amsterdam: Editions Rodopi, (1979):31-69.

⁵ In Xenophon's *Memorabilia* (1.6), Socrates and Antiphon are rivals for students.

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