

SOCRATIC LAWFULNESS (GORGIAS 504D)

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1. Introduction

In Plato's Gorgias,¹ Callicles upbraids Socrates for confusing nature (phusis) and law or convention (nomos) to refute Polus. According to Callicles, when Polus acknowledged that doing injustice is more shameful than suffering it, "he meant that it is conventionally more shameful," but Socrates "pursued the argument as though he meant naturally, since everything that is also worse, such as suffering injustice, is more shameful naturally, whereas doing injustice is more shameful conventionally" (483a6-8). Callicles then links conventional shame to a conventional idea of justice, and insists that there is an alternative notion of justice that rests not on conventions (nomoi) but on a law (nomos) of nature (483c9-e4).

This is well known as perhaps the first explicit use of the phrase 'law of nature'.² Socrates' response concerning law has received much less press. He continues to insist that it really is more shameful and worse to do injustice than suffer it (cf. 508d-e), and he supports his position as Callicles does, by appeal to some regularities of human behavior. But Socrates does not assume that regular behavior of just any humans indicates any truths about value. Instead, he

¹ For the Gorgias, I cite Dodds 1959; for other Platonic texts, I cite the latest OCT editions of Platonis Opera. Translations are mine, though I have not been shy about borrowing from the renderings in Cooper 1997.

² So Dodds 1959, ad 483e3: "Callicles is coining a new and paradoxical phrase, as $\nu\alpha\lambda\ \mu\grave{\alpha}\ \Delta\acute{\iota}\alpha$ ['by god'] indicates." Earlier surviving intimations of natural law, including Thucydides V 105, do not conjoin nomos and phusis so closely in a single phrase.

considers the regular work of craftsmen. He first observes that "each one places what he does into a certain organization, and compels one thing to be suited for another and to harmonize with it until the whole thing is put together in an organized and orderly way" (503e7-504a2). This applies, he notes, to the craftsmen who concern themselves with the human body, doctors and trainers: they seek to put the human body into a certain organization and order (504a3-5). So it should, he suggests, also apply to craftsmen who concern themselves with the human soul. But if experts aim to produce organization and order in the objects of their expertise, it must be good for these objects to be organized and orderly (504a8-b1). So a good human body (504b2-3) and a good human soul (504b4-5) have "a certain organization and order." Socrates now draws his anti-Calliclean conclusion: "<And I think that the names> for the soul's states of organization and order <are> 'lawfulness' (nomimon) and 'law' (nomos), from which people become both lawful (nomimoi) and orderly (kosmioi), and these are justice and moderation" (504d1-3).³

What does Socrates mean by characterizing the orderly states of the soul as "lawfulness" and "law?" The commentators are silent on this question. Dodds, as often, is the exception, but he's the exception that proves the rule. He first merely paraphrases Socrates' point: "In the moral sphere the qualities of τάξις [organization] and κόσμος [order] which are common to all true τέχναι [crafts] respectively take the form of τὸ νόμιμον [lawfulness], which gives rise to the virtue of δικαιοσύνη [justice], and τὸ κόσμιον [orderliness], which gives rise to σωφροσύνη [moderation or self-control]." But I want to know why moral order takes the form of lawfulness, and how lawfulness gives rise to the virtue of justice. Dodds then says, "The thought would be more clearly expressed if (with Kratz) we substituted κόσμος ['order'] or κόσμιον ['orderliness']

³ ταῖς δὲ γε τῆς ψυχῆς τάξεσι καὶ κοσμήσεσιν <έμοι δοκεῖ ὀνόματα εἶναι [504c7-8]> νόμιμόν τε καὶ νόμος, ὅθεν καὶ νόμιμοι γίνονται καὶ κόσμιοι: ταῦτα δ' ἔστιν δικαιοσύνη τε καὶ σωφροσύνη.

for νόμος ['law'] in d2." It is true that the parallelism would be more perfect with the substitution. But as Dodds saw, this is not sufficient reason to emend the text. The word νόμος ('law'), even if it intrudes inelegantly, is in all the manuscripts and does not render the text unreadable. Besides, even if we were to excise this word, we should still want to know what Socrates means by saying that psychological order is lawful (νόμιμον). Dodds does not answer this question, and none of the other scholars known to me does, either.⁴

I will develop three explanations of why Socrates characterizes psychological order and harmony, the good-making characteristic of the soul, as "lawfulness" and "law." These are not necessarily competing explanations, and I maintain, in fact, that all three are correct.

2. A Jab at Callicles

The first and safest thing to say about Socrates' use of 'law' and 'lawfulness' is that he is sticking his finger in Callicles' ribs. Callicles had stolen the word 'law' for his unusual law of nature, which flouts moderation and justice as they are ordinarily understood, and now Socrates

⁴ I cannot pretend to have searched exhaustively. But Irwin's (1979) commentary gives no help, and the important essays by Cooper (1999) and Kahn (1983) ignore the question. Excellent general studies of Socrates (Brickhouse and Smith 1994 and 2000, Irwin 1977 and 1995, Kahn 1996, Rudebusch 2009, Santas 1979, Vlastos 1991 and 1994) and of Socrates' or Plato's political thought (Klosko 2006, Kraut 1984, Pradeau 1997/2002, Schofield 2006) say nothing of 'law' and 'lawfulness' in *Gorgias* 504d. Nor is there an answer in the companionable, handy guides concerning Socratic ethics and politics (Bickford 2009, Devereux 2008, Kamtekar 2006/2009, Penner 2000) and Plato's politics (Bobonich 2008, Keyt 2006). When the companionable, handy guides treat Plato on law, the silence is broken, but unfortunately, only to report that *Gorgias* 504d "associates" law with order, virtue, or reason (Hitz 2009, 379; Meyer 2006, 385; cf. Allen 1980, 69). There is work to be done to characterize this law and its associations. Here I start that work by extending and supplementing a few points I briefly suggest elsewhere (Brown 2009, 345).

steals it back to reunite it with moderation and justice. Surely Socrates' choice of the word 'law' here responds pointedly to Callicles.⁵

One might suppose that this is all that Socrates' peculiar choice of words is doing. Imagine that someone in your presence had, you thought, misused a word. Perhaps she had said, "I'm sorry you missed the New Year's Party; it was epic." In lieu of rolling your eyes or pretending to be hip, you might say, "You know what's really epic? Staying in on New Year's, playing hearts on the computer until the ball drops in Times Square." Bystanding anthropologists might take you to have a special sense of what is epic. Fellow natives, however, would hear you mocking your friend's initial use of the word, by emptying it further of meaning. On either interpretation, you are making a claim, because you have challenged your friend's standards for what is epic. But only on the anthropologists' hearing have you asserted your own account of what is epic. According to the natives, you have merely rejected your friend's account. Perhaps in this way Socrates is merely rejecting Callicles' use of 'law'.

I have no argument to rule this possibility out. It seems to me that the jab at Callicles is more forceful and provocative if Socrates also means to assert his own conception of 'law'. It also seems to me that Socrates' words are more interesting if he means to assert his own conception. So I prefer to think that he does mean some positive account. But this preference would be worth very little if there were not some hints in the Gorgias that Socrates does mean to advance his own account of 'law'. But there are only the barest hints, and I would like more support. I shall take it, then, that if Socrates' words can needle Callicles and express philosophical ideas that Plato plainly takes seriously, then we should conclude that Socrates is joking in a philosophically

⁵ The jab would be considerably weakened by Schatz's proposed emendations, which gives some additional reason, if any were needed, to reject them.

suggestive way and not merely joking, and I shall try to show that Plato does take seriously the ideas that Socrates' words here suggest.

What ideas are these? Well, Callicles distinguishes between natural and conventional law, and I shall argue that Socrates means to insist that virtue is a natural law, in that it is an unconstructed standard for right and wrong, and that it is also, properly understood, conventional lawfulness, in that its order reflects the orderly prescriptions and proscriptions of conventional law.

3. Natural Lawfulness

According to Callicles, it is naturally just for the superior to have a greater share than the lesser (483c9-d2). As evidence of nature's norms, he offers interactions unconstrained by human convention (483d). Nonhuman animals interact in such a way that the superior get a greater share, and when whole cities interact, in the absence of "international" laws constraining their interactions, the superior get a greater share. Thus, as far as nature is concerned, the superior get a greater share. This is the norm or law of nature.

Socrates' conclusion that the orderly psychological states of moderation and justice should be called "law" and "lawfulness" depends upon similarly careful attempts to appeal to what happens naturally. Socrates, too, thinks that many human interactions are corrupted by convention, and he, too, looks only to special interactions for indications of how things naturally are. He counters Callicles' appeal to nonhuman animal behavior (483d) by suggesting that excellence comes to be in the body or soul of any animal through organization (506d5-8). He

also develops his own evidence of natural standards from human behavior, by highlighting craftsmen. At first blush, it might seem odd to point to the production of artifacts to highlight what is natural. But Socrates is not suggesting that ships are natural, only that there are natural facts that a shipbuilder must know. And this is plainly true. There are natural facts about what structures would be seaworthy vessels and what would not, and the expertise of shipbuilders in grasping these facts will be readily apparent to anyone who watches their products sail or sink. Socrates even piles on additional support for the natural identity of goodness and order when he appeals to cosmology and geometry (507e-508a).

Just as Callicles purports to find the superior taking more in many circumstances unconstrained by human convention, so Socrates purports to find the same attention to the orderly disposition of parts in how things are, especially as revealed by those expert in how things are. So just as Callicles infers that it is a natural law that the superior take more, so too Socrates might infer that it is a natural law that for kind of thing, a good thing of that kind is harmoniously ordered. Callicles' natural norm is difficult to work out in detail, because it is difficult to know who should count as superior. So too is Socrates', because it is difficult to know what counts as being ordered.

The way that Socrates carefully matches the reasoning that Callicles offers suggests that he is prepared to match the conclusion. If Callicles is prepared to conclude that he has located a natural law, why should Socrates not be prepared to do so?

So understood, the well-ordered soul is "law" and "lawfulness" metaphorically, but it serves as the standard for right and wrong, just as law is supposed to do. Whether this or that action is right can be referred to the virtuous soul, to see whether he or she approves the action or

not. In the absence of such a soul, we can reason more tentatively about the relation between the motives to this or that action and other motives, to see whether they seem to be in some harmonious order. We will at times have to examine carefully to see whether this action fits more coherently with our commitments than that one. But in doing this, we are finding a natural source for norms.

This thought is familiar from the later Stoic tradition, according to which law is right reason to be found in the cosmic order and the virtuous mind (e.g., Cicero, Leg. I 18). But the thought is not entirely alien to Plato's dialogues. In the Statesman, the Visitor explains how rule by wisdom would be superior to the strict rule of law, by likening the constitution under a wise ruler to the way "a steersman, always watching out for what is to the benefit of the ship and the sailors, preserves his fellow sailors not by putting things down in writing but by offering his expertise as law (τὴν τεχνὴν νόμον παρεχόμενος)" (296e4-297a2). This is exactly how Socrates can be construed as taking the virtuous person's virtue as law, and so construing Socrates' words satisfies the Athenian's desire (in the Laws) for a natural (phusei) correctness for laws (627d).

One might object, though, that the virtuous person at Gorgias 504d does not have expertise and wisdom but only has moderation and justice. According to Terence Irwin (1979, ad 503de) and Daniel Devereux (2008, 159), the expert statesman of the Gorgias does not impart wisdom and the political art to citizens any more than the shepherd teaches the art of shepherding to his flock, or the carpenter instills the art of carpentry into wood, or the doctor makes his patients experts in medicine. On this interpretation, the Gorgias rejects the view of the Euthydemus, according to which wisdom is a political art that produces itself in others, and

moves toward the view of the Republic, according to which wisdom uses laws to produce what is usually a mere imitation of itself in others. So, since "law" and "lawfulness" are in the soul as the products of the political craftsman, they do not necessarily include wisdom and expertise but are a second-grade virtue that is unfit to be natural law.

But Irwin and Devereux might be overgeneralizing from the other crafts. Socrates notes that there is nothing shameful about taking money for one's work as a carpenter, but he does not infer that one should take money for working to make others better (520d-e). So we should be cautious about assuming that he would make all possible inferences by comparing citizens to sheep or lumber. We need evidence that he makes the inference Irwin and Devereux make.

Devereux (2008, 159n27) is struck by the fact that Socrates focuses so obsessively on moderation and justice, without mentioning wisdom.⁶ But Socrates focuses on moderation and justice not because he thinks that they make a person good all by themselves, without wisdom, but because Callicles rejects them. Once Callicles has surrendered his unqualified hedonism (499b), Socrates generally ignores the virtues Callicles accepts, wisdom and courage. But he has not retracted his claim that we do what we want when we do what seems best to us with intelligence (nous) (466e). He has not stopped arguing for his beloved philosophy over Callicles' beloved, the dēmos (481c-482c). Indeed, he prompted Callicles to surrender unqualified hedonism by appealing to assumptions about the virtues courage and wisdom (494e-499b), and

⁶ Devereux (2008, 159n27): "At 507a5-c5, Socrates enumerates the virtues that make one a good person: temperance, justice, piety, and courage; the striking absence of wisdom may be explained by the fact that Socrates here has in view the virtue that a good political leader works to instill in the populace at large (504d5-e4, 515b8-c3, 517b2-c2)." But Socrates is not so much enumerating at 507a-c as he is emphatically underscoring that the two virtues Callicles scorns—moderation and justice—are required for goodness. There is no need to discuss wisdom here, as Callicles concedes its importance, and courage is introduced only in a guise that Callicles rejects, namely the feminine guise in which it serves as the handmaiden to moderation. Note especially the sequel (507c-508b). The same focus is in place for 504d5-e4, 515b8-c3, and 517b2-c2, and for the same reasons.

as he proceeds, he urges Callicles not to neglect geometry (508a). Finally, he will insist in his myth that the philosopher devoted to truth goes to the Isles of the Blessed (526c). Socrates has not radically revised his conception of virtue, either to accommodate unwise moderation and justice or to distinguish between the wisdom required for virtue and the wisdom that knows how to make others good. Such radical revision would call for some explicit reckoning, and there is none. Instead, after concluding that the good and skilled orator will look to instill moderation and justice in others, Socrates adds, quietly, that the orator will also consider how "the rest of virtue [ἡ ἄλλη ἀρετὴ] would come to be in their souls and vice depart" (504e3). I conclude, then, that "law" and "lawfulness" instilled by the political art include wisdom and thus can be a full standard for right and wrong.

4. Conventional Lawfulness

Plato's dialogues elsewhere link virtue not to natural law but to lawfully abiding conventional laws. In the Crito, the Laws draw the connection when they taunt Socrates with the prospect of exile: "And what will you say? The same as you did here, that virtue and justice are worth the most to human beings, and customs (nomima) and laws (nomoi)?" (53c) In the Apology, Socrates says, "I thought I should run any risk on the side of law and justice rather than to be with you, for fear of prison or death, when you were planning unjust things [in prosecuting the generals who abandoned the survivors at Arginusae]" (32b-c).⁷ Plato underscores this connection in the Republic, Statesman, and Laws, as well. In those dialogues, to be ruled by law,

⁷ If I were confident that Plato's portrayal of Socrates in the Gorgias is constrained by historical facts about Socrates that also constrain Xenophon's portrayal, I would cite Xenophon, Mem. IV 4, esp. 4.4. I have my doubts, though, and would prefer to stick with what Plato might have thought about Gorgias 504d.

to be lawful and to abide by law, is, at least appromixately, to be ruled by reason and thus to be virtuous (Rep. 590c-591a with 587a-c, 604a, 607a; Leg. 857e with 714a and Pol. 300b-301a).

Socrates' claim at Gorgias 504d that the orderly states of the soul are "law" and "lawfulness" can easily be taken to express this connection between virtue and conventional law-abidingness. He has prepared us to recognize the connection by discussing legislation earlier in the dialogue. At Polus' behest, Socrates defines Gorgianic oratory by classifying it among various knacks (empeiriai) of flattery (kolakeia)—that is, of gratifying others—and he contrasts each of these knacks with some genuine art that cultivates some genuine good (462b-466a). So fashion (kommōtikē) is contrasted with gymnastics; cuisine (opsopoiike) with medicine; sophistry with legislation; and Gorgianic oratory with justice. Each of these knacks makes a body or soul seem good by aiming for what is pleasant and gratifying, whereas each of the contrasting arts fosters what is good for a body or soul. For my purposes, the important point concerns legislation, which is one of the two political arts, alongside justice, that concern the good of the soul. Socrates does not make his analogies fully explicit, but it is tempting to relate legislation and justice to each other as gymnastic and medicine are apparently related. So just as gymnastic makes a body healthy—health being the good state (euexia, 464a2) of the body—and medicine maintains this health by correcting any threats to it, so too legislation makes a soul virtuous—virtue being the good state (euexia) of the soul—and justice maintains this virtue by correcting any threats to it.⁸ But even if this reads a bit too much into Socrates' schematic comparisons, he plainly counts legislation as an art that fosters virtue, the good state of the soul. (In fact, he later insists that legislation is nobler than the art of judging—he shifts without

⁸ This is even more tempting in light of the fact that Socrates later (520b) joins the art of legislation not to justice (dikaiousunē) but to the art of judging (dikastikē).

comment from "justice" (dikaiosunē) to "the art of judging" (dikastikē)⁹—just as gymnastics is nobler than medicine (520b2-3.) But if fostering virtue is the end of legislation, its ways and means are laws. So Socrates here announces that laws, produced by the art of legislation, foster virtue in the soul.

Before we connect this to Gorgias 504d, it is worth pausing over what might seem to be a surprising claim. One might object that following the laws can only foster what Aristotle would call virtue of character and not what he would call intellectual virtue. After all, one might think, the laws foster habituation into certain patterns of behavior, but they do not teach what is good and bad or the reasons why this is right, that wrong. One might then conclude that Socrates does not mean to be talking about fully unified virtue but only about a second-grade virtue that does not presuppose wisdom. In this way, the thought that legislation fosters virtue breathes life back into Irwin's (1979) and Devereux's (2008) proposal.

But while this is a more powerful reason for entertaining their proposal than any that they give, it should still be resisted. Socrates does not say that legislation suffices to promote virtue. Justice is another part of the political art that aims at the good of the soul, and one might well think that the virtue of justice implicates wisdom.

But, one might object, Socrates might not have a broad conception of justice in mind; perhaps he is thinking only of the art of judging (cf. 520b). Then, if the political art is exhausted by legislation and justice (perhaps implied at 464b-c) and if justice is understood as the art of judging, how can Irwin's and Devereux's interpretation be resisted?

⁹ Perhaps he had the judging work of dikaiosunē in mind all along, as would be natural if dikaiosunē were supposed to be corrective in the way that medicine is, and perhaps he shifts from the word dikaiosunē to the word dikastikē at 520b because he does not want to mislead anyone into thinking that the full virtue of justice is subordinate to legislation.

We need to think more generously about legislation. Socrates neither says nor implies that legislation merely fosters habituation into certain patterns of behavior. (Much less does he say that habituation is mere habituation into certain patterns of behavior, without cognitive training.) First, legislation also sets out the terms and procedures for education. In the Republic, Socrates insists that most of the laws in the city are easily settled, so long as the laws pertaining to education are preserved (425e). Nor is this kind of legislation a special feature of utopian cities. In the Hippias Major, Hippias reports that Sparta outlaws paying outsiders such as him for teaching (284c). Additionally, Socrates' willingness to slide back and forth between laws (nomoi) and customs (nomima) (in, e.g., 488d-489b, discussed below) encourage the thought that the political art of legislation uses not merely written laws but also customs, and this should make it clear that it reaches far more than mere habituation toward some thin character-virtue. A rich set of laws and customs reflects a way of understanding the world, and not simply a bare set of favored and disfavored behaviors.

But surely, one might object, on Socrates' view, the cultivation of wisdom requires philosophical examination, and where in legislation and justice is there provision for that? Without such philosophical examination, surely legislation fosters only second-grade virtue.

We are still missing something important. Socrates himself claims to try the political art (521d),¹⁰ and it is plain that he locates this attempt in his philosophical examinations and exhortations. So on his view, either philosophical examination is part of legislation or justice, or legislation and justice do not exhaust the political art. Either way, Socrates is not embracing the thought that the political art cultivates second-grade virtue. When he suggests that legislation

¹⁰ See Shaw forthcoming.

fosters virtue, he should not be construed as thinking that legislation suffices to bring about second-grade virtue. Legislation fosters virtue entire, without any narrow conception of legislation sufficing to bring virtue entire about.

But if Socrates has suggested that legislation fosters virtue, we should not be surprised when Socrates characterizes the order and organization of a soul (compare taxis and kosmēsis of 504d1 with euexia of 464a2) as "law" and "lawfulness." In 504d, he clarifies what the earlier passage leaves uncertain, that the inculcation of laws is required for an orderly soul. So understood, he denies that a person can develop a virtuous soul without internalizing conventional laws. There is, one imagines, some harmonious order in the laws that is imposed on the soul, and this is why it is appropriate to call the organization of the soul "law" and "lawfulness." This is not to say that "law" and "lawfulness" capture everything virtuous about an organized soul, but then, "moderation" and "justice" do not, either. They are nevertheless appropriate names for virtue.

This reading, at long last, shows how Socrates' conclusion at Gorgias 504d pertains to conventional laws, but not to just any conventional laws. Just as some would-be doctors are quacks, some would-be legislators are hacks. The valorization of artful legislation does not explicitly prepare the way for the thought that abiding by any and all conventional laws is essential to an orderly psyche.

One might point to another passage in the text, however, to claim that Socrates has prepared the way for the broader claim. After Callicles proposes his natural law that the superior get more, Socrates rehabilitates the conventional notion of justice as follows:

1. The superior (kreitton) = the better (beltion) = the stronger (ischuroteron). (488d1-4)

2. The many impose their laws or conventions (nomoi) on the one. (488d6-7)
3. So, the many are naturally superior to the one. (488d5-6,8; from 1,2)¹¹
4. So, the customs (nomima) of the many are the customs of the superior. (488d9-11, from 3)
5. So, the customs of the many are the customs of the better. (488e1-3, from 1,4)
6. So, the customs of the many are naturally noble (kata phusin kala). (488e4-6, from 4,5)¹²
7. According to the many's customs, to have an equal share is just and to do injustice is more shameful than to suffer it. (488e7-489a7)
8. So it is (not only by law or convention [nomoi] but also) by nature (phusei) that to have an equal is just and to do injustice is more shameful than to suffer it. (489a8-b1, apparently from 6,7)

This argument purports to show that the conventional norms are also natural, since nature sanctions whoever is strong enough to shape the conventional norms. That is why Socrates presents the conclusion as though it defended his practice of conflating nature and convention (489b2-6). Perhaps, then, this argument prepares the way for the conclusion that abiding by the conventional laws of one's community, whatever they are, is essential to one's psychological order.

¹¹ I assume that the identification of the strong as the superior in (1) helps get from (2) to (3). Notice how Callicles reacts to the whole argument (489b7-c7), discussed below.

¹² It would make more sense if Socrates took advantage of (5) and inferred (6) from it, but he actually repeats the point that the many are superior (kreittous) and not that they are better (beltious). I assume, though, that (5) is offered to remind Callicles of how he understands superiority, to help him move from the many being kreittous to their customs being naturally noble.

Callicles certainly responds to the argument as though it were valid. He angrily insists that the superior (kreittous) are better (beltious) and that the many—identified as "a rubbish heap of slaves and motley men" in Zeyl's evocative translation (συρφετὸς δούλων καὶ παντοδαπῶν ἀνθρώπων, 489c4-5)—are "worth nothing except perhaps in their bodily strength" (489c5-6). In effect, then, he retracts his acceptance of (1) and therefore (3).

But it is difficult to believe that Socrates is committed to this argument. First, its last inference is invalid. What follows from (6) and (7) is that it is naturally noble that having an equal share is just and that to do injustice is more shameful than to suffer it. If anything naturally noble exists by nature, then the inference to (8) is secure, but this assumes that kata phusin in (6) modifies the customs and not the adjective 'noble' (kala). There is room to resist (8).

More importantly, it is difficult to attribute to Socrates the belief that every custom and law is naturally noble and thus fit to be obeyed, just because those who instituted the custom or law were strong enough to do so. Such a thought either gives up on the importance of an art of legislation or assumes, as Protagoras' Great Speech does (Prot. 322b-323c), that everyone has a share of it. Neither possibility sits very well with Socrates. In the Gorgias, he consistently argues for the importance of political art and for its rarity. He would seem to be no more likely to accept that the many are superior to the one than Callicles is (see, e.g., 471e-472d). Socrates even seems to have rejected the conclusion of his argument with Callicles by implying, in talking with Polus, that not every law and practice is noble.¹³ These considerations make it far easier to suppose that

¹³ 474e5-7: "And indeed the things in accord with laws and practices, the noble ones, are not, I suppose, outside of these things, outside of being beneficial or pleasant or both" (Καὶ μὴν τὰ γε κατὰ τοὺς νόμους καὶ τὰ ἐπιτηδεύματα οὐ δήπου ἔκτος τούτων ἐστίν, τὰ καλὰ, τοῦ ἢ ὠφέλιμα εἶναι ἢ ἡδέα ἢ ἀμφοτέρω). I believe, with Dodds (ad loc.), that "τὰ καλὰ is inserted as if by an afterthought, in limiting apposition to τὰ κατὰ κτλ. (not all laws and customs are admirable)." But it is not clear how much weight should be put on the passage, as one of the manuscripts (W) omits τὰ καλὰ entirely.

Socrates' argument is largely ad hominem. So understood, Socrates does not say that just any laws foster virtue.

Evidence from other dialogues supports this reading. In the Hippias Major and the possibly spurious Minos, Socrates goes so far as to maintain that would-be laws that fail to be beneficial also fail to be laws (Hp.Ma. 284d, Mi. 314e). (Indeed, in the Hippias Major, he goes still further, asserting that whatever is beneficial is lawful, whether anyone has decreed or apparently even recognized the law or not [284e-285b].)¹⁴ This line provides the easiest way of understanding how Socrates could consider virtue to be both natural law and the internalization of conventional law. If the only conventional law that deserves the name is perfectly artful, then it, internalized, would be natural law. Such a position anticipates the later tradition's assumption that laws earn their status as laws by being in accord with natural law (e.g., Cicero, Leg. II 11-13).

But Plato's dialogues do not always assume that any law, as such, must be beneficial.¹⁵ In the Laws, the Athenian allows that a law can fail to be beneficial to the whole city. He insists not that it will not be a law but only that it will not be a correct (orthos) law (715b, cf. 627d). It is correct law—law that we make in accordance with the immortality in us—that expresses reason (714a), and it is presumably correct law that approximates, and is rightly identified alongside, reason (Pol. 300b-301a; Rep. 587a-c, 604a-b, 607a).¹⁶

¹⁴ So it should not be surprising that Socrates in the Hippias Major insists that laws are noble (kala, 298b-d). It might be surprising that he says, "In cities with good laws, virtue is honored most" (emphasis added: 'Εν δὲ γε ταῖς εὐνόμοις πόλεσιν τιμιώτατον ἡ ἀρετή, 284a1-2). But perhaps he says this because he has not yet explained that all laws are good laws.

¹⁵ Nor does Pseudo-Plato. See Def. 415b.

¹⁶ With Pol. 300b-301a, compare Alexander 2007.

The imperfection of conventional laws raises questions about how they foster virtue and especially how virtue could be identified as lawfulness and (internalized) law. (Or, to put this point another way: the imperfection of laws makes it difficult to see how internalizing imperfect conventional laws could help to constitute natural law.) If Socrates in the Gorgias recognizes conventional laws that are not noble (kalon) (474e5-7, see n. 12), how can he assert that (conventional) "lawfulness" and "law" name virtue?

We are approaching, from an uncommon angle, the common question of Socrates' attitude toward obeying unjust laws. Often, this is seen as a question about political obligation. What grounds our obligations to obey the law, and how much obedience do these grounds deliver? Sometimes, it is seen as a question of character. What attitude toward the community and its expressed norms does a just person have? But the Gorgias asks us to reframe the question. Socrates here insists that virtue is lawfulness and law because legislation fosters virtue. So instead of thinking about how virtue causes lawfulness, we should think of how lawfulness causes virtue. Does lawfulness cause virtue in a way that is undermined or supported by obeying unjust laws? Presumably, lawfulness undermines virtue where the laws are wholly artless, and that is the point of insisting on an art of legislation. But does lawfully obeying some bad laws undermine virtue?

I doubt that Plato thinks it does, because he portrays Socrates obeying a bad law. In the Apology, Socrates deprecates the Athenian law that limits a capital trial to one day, since he thinks that with additional time, as other cities' laws provide, he could convince the jurors of his

innocence (37a-b).¹⁷ This accords with his more general belief that examination for a short time is less likely to reach the truth (Th. 158d, Gorg. 455a). But he abides by the law nonetheless. Of course, Socrates is aware that the bad law he is following is a bad law, and so his obedience does not inculcate in him any false beliefs (about, say, the way to get at the truth).¹⁸ This awareness might be a necessary condition of lawfulness' compatibility with virtue, and thus an indicator of how difficult it is for lawful obedience to bad laws to foster virtue. But the case nonetheless suggests that Gorgias 504d might identify virtue with even some imperfect, conventional lawfulness and law.

The Gorgias does not help us identify more precisely the kinds of conventional lawfulness and law that are compatible with virtue and natural law. The dialogue allows for a strict interpretation, according to which only perfectly artful conventional laws (deserving of the name, as the Hippias Major and Minos have it) foster virtue and thereby make it the case that virtue is conventional lawfulness and (internalized) law. But it also allows (and perhaps even encourages [474e5-7, n. 12]) a looser interpretation, according to which imperfect conventional laws foster virtue and thereby make it the case that virtue is conventional lawfulness and

¹⁷ Nails (2006/2009) draws attention to this case, which puts into high relief the disclaimer of responsibility that the Crito's Laws offer (54b-c). Most of the debate about law-abidingness has focused on the tension between Socrates' commitment to philosophize, regardless of what the jurors (or apparently anyone else) would declare and his apparent acceptance that he ought to obey the laws. Some debate also engages the more general question of how Socrates might think that he ought universally to obey the laws when he also thinks that he ought never to commit an injustice. Brickhouse and Smith (2000, 200-216) provide an excellent, opinionated survey of these issues. To the options they consider one might add the possibility that obedience to the law does not require doing what the law prescribes (or refraining from doing what it proscribes) but only requires either that or accepting the punishment. On this view—suggested independently by Meyer (2006, 377-378) and Adams (2010) and developed by Adams—real disobedience, the disobedience that harms the laws, is performed by those who place themselves above the law instead of submitting to punishment after they have acted other than as the law requires.

¹⁸ If one thought, with Devereux 2008 and Irwin 1979, that Gorgias 504d concerns a second-grade virtue that does not require wisdom, one might not be worried about keeping false beliefs out of its conception of virtue. But presumably even a second-grade virtue is only questionably compatible with lawfully obeying some conventional laws. So the interpretation that Devereux and Irwin offer does not evade the set of questions I am trying to engage.

(internalized) law. The first of these interpretations seems to fit more neatly the assumption that Socrates is also hinting at natural law in Gorgias 504d. But any difficulties we have fitting the second interpretation to the thought that Socrates is also hinting at natural law will beset the unavoidable project of explaining how lawfulness in relation to imperfect laws could name virtue. So the looser interpretation does not provide any special reason to resist the thought that Socrates is hinting at natural law. Thus, however we construe the conventional lawfulness implicated in Gorgias 504d, Socrates is toying with what Callicles has accused him of, the conflation of nature and convention (cf. 488d-489b).

Upshots

I have tried to take seriously the implications of Socrates' peculiar word choices in Gorgias 504d, and this had produced several upshots, in three different areas.

First, for the Gorgias, 504d provides unsurprising support for the claim that the art of legislation fosters the good of the soul, and perhaps surprising support for Callicles' claim that Socrates conflates nature and convention. The passage also raises questions about how Socrates in the Gorgias conceives of the virtue that the political art brings about in others, although I have argued, against Irwin (1979) and Devereux (2008), that Socrates has in mind full-blooded, virtue and not a second-grade virtue without wisdom.

Second, Gorgias 504d provides another intimation of natural law in Plato, which should surprise those scholars who ignore such intimations and those who confine them to the late dialogues the Statesman and Laws.¹⁹

Last, Gorgias 504d provides another angle from which to consider the questions about "legal obligation" in Plato's dialogues, and while I doubt that this angle helps to settle any of the debates, it might enrich our sense of what is at stake.

This is, I suppose, a lot to draw out of two words in one sentence. Perhaps I have attended too far into Gorgias 504d, but I hope to have shown at least that the passage deserves more attention than it has received.

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¹⁹ Among the more explicit treatments are Hall 1956, Lewis 2009, Maguire 1947, and Morrow 1948.

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