A *APOLOGIA* DE PLATÃO COMO ORATÓRIA FORENSE

Plato's *Apology* as Forensic Oratory

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Resumo: *Este artigo reinterpreta a Apologia de Sócrates de Platão como uma peça de oratória forense. Examinando os topoi retóricos utilizados por Platão, procuro demonstrar como Platão impulsiona os limites do gênero forense da oratória rumo à criação de uma nova prática discursiva: a filosofia.*

Inicialmente, o artigo examina o conceito de "gênero" em conexão com a oratória forense. Esboçado a partir do trabalho de Mikhail Bakhtin, Tzvetan Todorov e Andrea Nightingale, o artigo estabelece uma consonância entre as concepções de "gênero" destes eruditos e aquilo que outros especialistas definiram como "gênero oratório forense".

Em seguida, o artigo levanta a questão da razão de a Apologia de Platão tradicionalmente ter sido excluída deste gênero. Argumento que certas visões concernentes à presumida historicidade de discursos consignados à "oratória forense" precisam ser reexaminadas, já que não há evidência clara de que os atenienses requeressem acurácia histórica de discursos que ora classificamos como "oratória forense". Ao remover a exigência de historicidade, obtemos um quadro mais preciso do que constitui a oratória forense e da razão de a Apologia de Platão merecer inclusão neste gênero.

Por conseguinte, o artigo examina detalhadamente vários topoi retóricos da Apologia. Argumento que, mediante a manipulação e remodelação de tais topoi, Platão expande e redefine o gênero da oratória forense para incluir a nova prática discursiva da filosofia. O artigo revela como a redefinição platônica dos limites da oratória forense transformaram um discurso de defesa

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I. Introduction

Plato's *Apology of Socrates* occupies an uneasy position in world literature. While widely recognized as a canonical work in the history of Western philosophy, both the form and content of the *Apology* hardly conform to the conventional definition of a philosophical work: the piece is in fact a criminal defense speech, delivered in a court of law, containing many rhetorical commonplaces and hewing to the basic structure of forensic oratory. And yet, as the successive centuries since its publication have borne witness, the *Apology* has so exceeded the traditional boundaries of the forensic genre that it is now viewed as a founding stone in the construction of philosophic thought.

This article seeks to show how Plato, in the *Apology*, utilized the genre of forensic oratory as a vehicle to create a living portrait of Socrates and, further, to push the boundaries of fourth century Attic oratory toward the creation of an entirely new manner of discourse – philosophy. In doing this, Plato – whether intending to or not – employed forensic oratory both to draw from the rhetorical devices of the logographers and simultaneously to alter such *topoi* to expand the existing methods of fourth century discourse to include the new

criminal em tribunal jurídico na condição sine qua non do filósofo e da vida filosófica.

***Palavras-chave**: oratória forense; Platão; Apologia de Sócrates; gênero*

***Abstract**: This article recasts Plato's Apology of Socrates as a piece of forensic oratory. By examining the rhetorical topoi utilized by Plato, I intend to demonstrate how Plato pushes the boundaries of the genre of forensic oratory toward the creation of a new discursive practice: philosophy.*

The article first examines the concept of "genre" in connection with forensic oratory. Drawing upon the work of Mikhail Bakhtin, Tzvetan Todorov, and Andrea Nightingale, the article establishes a consonance between these scholars' conceptions of genre and what other scholars have defined as the "genre" of forensic oratory.

The article then takes up the question of why Plato's Apology traditionally has been excluded from this genre. I argue that certain views concerning the presumed historicity of speeches awarded the label of "forensic oratory" need to be reexamined, as there is no clear evidence that the Athenians required historical accuracy of the speeches we now classify as forensic oratory. By removing the requirement of historicity, we gain a more accurate picture of what constitutes forensic oratory and why Plato's Apology deserves membership in this genre.

The article then examines in detail various rhetorical topoi in the Apology. I argue that by manipulating and reworking such topoi, Plato expands and redefines the genre of forensic oratory to include the new discursive practice of philosophy. The article reveals how Plato's redefinition of the boundaries of forensic oratory transformed a criminal defendant's speech in a court of law into the sine qua non of the philosopher and the philosophic life.

***Keywords**: forensic oratory; Plato; Apology of Socrates; genre.*

discursive practice of philosophy. With this achievement, Plato's rhetorical triumph far surpassed anything even remotely imagined by his rivals: utilizing forensic oratory as his literary vehicle, Plato succeeded ultimately in justifying Socrates' seemingly strange way of life not only to Athenian society but to future generations – whose very conception of philosophy originates in Plato's portrait of his master. A criminal defendant's speech to a jury in a court of law became the *sine qua non* of the philosopher and the philosophic life.

II. The "Genre" of Attic Forensic Oratory

A first order of business is to clarify what I mean by "genre," then explain how that term applies to fourth century Attic oratory, and, lastly, detail how Plato's *Apology* has traditionally been excluded from that genre, before moving on to recast the *Apology* as in fact belonging to – at least initially – such genre.

In defining genre, I look primarily to Andrea Nightingale's ground-breaking work on the subject, particularly with regard to the writings of Plato, along with Nightingale's citation of Mikhail Bakhtin and others, especially Tzvetan Todorov. (NIGHTINGALE, 1995, p. 3). Todorov starts with Bakhtin's initial formulation of the conception of genre and offers the following theory: "In a given society, the recurrence of certain discursive properties is institutionalized, and individual texts are produced and perceived in relation to the norm constituted by the codification. Any genre, whether literary or not, is nothing other than a codification of discursive properties." (TODOROV, 1978/1990, pp. 17-18, quoted in NIGHTINGALE, 1995, p. 3, n. 6).

Despite this "codification," genres are not static. As Gary Morson and Caryl Emerson explain in elaborating Bakhtin's theory of genre, "[e]ach author who contributes to the genre learns to experience the world in the genre's way, and if the work is significant and original, to enrich the genre's capacity for future visualization. . . . Genres are neither lifeless collections of formal features nor abstract combinations of philosophical premises..." (MORSON; EMERSON, 1990, pp. 282-3). To put it succinctly, genres – in Bakhtin's view – "are really forms of thinking." (MORSON; EMERSON, 1990, p. 280).[1] With this conception of genre in mind, we can better understand what it is to speak of a "genre" of forensic oratory.[2]

We know that the corpus of Attic forensic oratory consists of more than a hundred surviving speeches, dating approximately from 430 to 320,

1. See also (NIGHTINGALE, 1995, p. 3): "[G]enres are not merely artistic forms but *forms of thought* . . . ." (emphasis in original).
2. To speak of a "genre" of forensic oratory is not without controversy. See discussion *infra*, p.6.

that appear to have been written for delivery in the law courts or Assembly. (GAGARIN, 1997, p. 1). Further, insofar as the rule was that a litigant had to argue his own case, logographers wrote many of the speeches. In the third century, scholars began to study and collect these speeches and went so far as to establish a "canon" of ten orators, producing "grammatical and lexicographic notes" about the corpus of speeches. (GAGARIN, 1997, p. 1).

From this "canon," thus, one can make certain observations about similarities in prose style, rhetorical commonplaces, and other topoi which, taken together, can be seen to comprise a genre in the sense contemplated by Bakhtin and Todorov. Indeed, even a cursory reading of several of the speeches together reveals, to use Todorov's phrase, "the recurrence of certain discursive properties."

Further, a general structure of the forensic speech becomes evident: prologue (προοίμιον), narrative (διήγησις), argument or proof (πίστις), and epilogue (ἐπίλογος).[3] And, of course, there are the early rhetorical handbooks such as Aristotle's *Rhetoric* and Anaximenes' *Manual of Rhetoric* that sought to define the rules and standards to which all forms of oratory need conform. Thus, a scholarly discipline developed,focusing on the study of ancient rhetoric as a genre. Such studies have of course evolved considerably, ranging, for example from the nineteenth century's "preoccupation," in the words of Edwin Carawan, with formal features[4] to the modern appreciation of rhetoric as having both shaped and having in turn been shaped by Athenian culture, with its societal norms and realities. As Carawan makes clear, "Much depends upon the speechmaker's skill in constructing an 'imagined community,' articulating the shared morals and motivations that bound the citizen body together." (CARAWAN, 2007, p. xii.) This sounds remarkably consonant both with Todorov's claim that in any given genre "individual texts are produced and perceived in relation to the norm constituted by the codification" and with Bakhtin's theory that authors learn "to experience the world in the genre's way," and if they have sufficient imagination, "to enrich the genre's capacity for future visualization . . ."

3. See (GAGARIN, 1997, p. 18): "The traditional four-part division of a speech . . . was said to have been devised by Tisias a generation earlier [than] Antiphon . . ."

4. Carawan describes as examples of such nineteenth-century "preoccupation with formal features" Blass's *Beredsamkeit*, Jebb's *Orators*, and Navarre's *Essai*. (CARAWAN, 2007, p. xi.)

5. See argument *infra*, pp. 8-9.

6. For examples of commentators who lean toward the "historicist" side of the spectrum, see (BURNET, 1924),(GUTHRIE, 1971), (VLASTOS, 1971), and (BRICKHOUSE; SMITH, 1989).

7. For examples of commentators who view the *Apology* primarily as Plato's own literary creation, see (CROUST, 1957), (STOKES, 1992), (MORRISON, 2000), and (PRIOR, 2001).

III. The Traditional Exclusion of Plato's *Apology* from Forensic Oratory

With the *Apology*, the question immediately arises as to what precisely one is reading: a Platonic dialogue? A defense speech? Both? Moreover, since we have enough accounts and historical evidence of the trial and execution of Socrates that we can reasonably conclude that such an event happened – a conclusion, it should be emphasized, that cannot be made with respect to the majority of forensic oratory[5] – may we then regard the *Apology* as an historical document?

Sifting through and expounding upon the vast body of divergent views on the historical accuracy of the *Apology* is beyond the scope of this paper. However, the sheer volume of effort expended in attempting to deduce whether Plato's work constitutes a more-or-less faithful representation of what Socrates in fact said during his trial or, conversely, reflects Plato's own philosophic views and literary virtuosity, illustrates just how difficult it is to place the *Apology* in any particular genre, including that of forensic oratory. Indeed, the debate over the historicity of Plato's *Apology* subsumes the few clear attempts that have been made to describe the work as belonging to any certain genre. For example, E. de Stryker maintains that for many scholars, "the interpretation of the *Apology* is ancillary to the reconstruction of the historical Socrates." (DE STRYKER; SLINGS, 1994, p. 1).[6] And for those who regard the *Apology* primarily as fiction, the question of genre becomes almost irrelevant. Donald Morrison, in challenging the historical reliability of the *Apology*, questions "whether and to what extent the notion of 'genre' can validly be applied to the literary productions of classical Greece." (MORRISON, 2000, p. 235).[7]

What remains indisputable is that historically Plato's *Apology* has not been included in the canon of Attic oratory. Plato's name certainly does not fall within the list of ten orators compiled in the third century, nor has the *Apology* traditionally been viewed as a work of oratory, owing not least to Plato's fame for inveighing consistently against the very practice of oratory.

Interestingly, one scholar's attempt to place the *Apology* within the framework of forensic oratory has met stiff resistance. Charles Kahn argues that the *Apology* "belongs to a traditional genre, the courtroom speech revised for publication . . ." while Plato's other "dialogues all belong to the new genre of 'Conversations with Socrates.'" (KAHN, 1996, p. 88). W.J. Prior disagrees profoundly, claiming that "the *Apology* is in fact a dialogue between Socrates and the jury, and by extension, the people of Athens." (PRIOR, 2001, p. 48, n. 16). So too, Morrison retorts that Kahn is mistaken in placing Plato's *Apology* in "the genre of courtroom speeches revised for publication." Morrison's position is worth quoting in full:

> *[T]his traditional genre is one in which the author writes a speech which he either delivers himself, or gives to another to deliver, before a court, and then revises later for publication. Unless one believes that Plato actually ghostwrote Socrates' speech for him — which so far as I am aware no scholar has claimed — then Plato's defense speech is of a different type. The gap between a speech that is actually delivered in a courtroom, and the revised version which a proud and creative author might eventually publish, can of course be great. The published version may contain arguments and appeals which the author did not include at the time, but later comes to think he should have. But there is a natural and organic relation between the original speech and the published version in such a case, which there is not between a literary version written by one person of a speech which was originally composed and delivered by someone else. (MORRISON, 2000, p. 240).*

It is fair to say that Morrison's refusal to apply the term "courtroom speech" to the *Apology* – insofar as that term is synonymous with forensic oratory – represents the majority view. But such a view necessarily makes three assumptions: (1) that "courtroom speeches" were written by a single "author"; (2) that the "author" either delivered the speech himself or gave it to another to deliver in court; and (3) that Plato's *Apology of Socrates* fails to meet the criteria of the second assumption.

It is my contention that none of these assumptions may be presumed and, further, that at a certain point they become almost irrelevant to the task of better understanding the fourth century discursive practice of forensic oratory and the place that Plato's *Apology* holds within the evolution of that practice. Limiting the definition of the genre of forensic oratory to the first two assumptions is an impoverished approach to reading and interpreting the texts we possess. In addition, such method relies on "facts not in evidence," to use a modern legal turn of phrase. Put differently, both the available historical evidence and the textual evidence contained in the "courtroom speeches" themselves may not support the assumptions underlying a definition of forensic oratory restricted to a genre that excludes Plato's *Apology*.

Just as the scope of this paper cannot possibly encompass a thorough review of the evidence on the historical reliability of the *Apology*, so too an exhaustive analysis of the authenticity of the extant forensic orations is beyond reach. Nonetheless, a few points about authorship and delivery in court can be made.

As early as the start of the last century, theorists have argued that forensic orations are not authentic courtroom speeches. A.C. Darkow posited (1917, p. 4) that the "speeches were written as literature, or at least as "*rhetorische Musterstücke*" [rhetorical exercises]." In more recent years, K.J. Dover's work, *Lysias and the Corpus Lysiacum*, suggests "composite authorship," thereby calling into question the authority of Lysias' speeches to such a degree that Steven Usher, in a widely respected response to Dover, worries that Dover's thesis "casts doubt upon the authenticity of all Attic oratory . . . ." (USHER, 1976, p. 36). Carawan (2007, p. xiii) acknowledges that "Usher's answer to Dover . . . has convinced many of us, but, it is fair to say, Dover's thesis remains viable and instructive." Moreover, John Porter (1997, p. 82) makes a compelling case that Lysias 1, *On the Murder of Eratosthenes*, is quite probably a "fictional speech based on a fictional case, designed not only to instruct and to delight but, quite probably to advertise the logographer's skill."

Here, Porter's observation that Lysias' use of stock characters and events seemingly taken straight from the "conventions of comic adultery narratives" (PORTER, 1997, p. 82) brings us back full circle to the *Apology*. The majority of those who refuse to place the *Apology* within the genre of forensic oratory do so largely on the ground that there exists a separate genre of Socratic apologies, with its own set of literary conventions, which belonged to the larger genre of "Socratic literature."[8] Morrison (2000, p. 239), for example takes this position, claiming that "there was a 'genre' of defenses and accusations of Socrates in antiquity, and we have one other example, Xenophon's *Apology of Socrates*." After conceding that Plato's piece is a direct speech unlike Xenophon's *Apology,* Morrison argues that "we do not have good grounds for thinking that fourth-century Athenian authors and readers would have regarded Socratic 'apologies' as belonging to a genre distinct from Socratic 'dialogues.'"

But Porter's study of Lysias 1 demonstrates just how arbitrary and artificial genre boundaries can be. Drawing upon Dover's argument that Athenian audiences were "habituated" to a "dramatization of events" in published forensic speeches that never purported to be a "verbatim record" but rather "represented an artistically sophisticated version of what could or should have been said in court," Porter (1997, p. 73) asks the following question: to what degree might "this habituation [have] permitted or even encouraged the stylization of forensic narratives to incorporate character-types and patterns of action familiar from various literary genres"?

Seen from this perspective, Plato's *Apology* suddenly seems not dissimilar to Lysias's *On the Murder of Eratoshenes*. Indeed, with respect to the former, there is certainly plentiful evidence that an actual trial of someone named Socrates took place. And yet by conventional standards, Lysias 1 is "forensic oratory" but Plato's *Apology* is not. Something is clearly amiss with our demarcation of genres when a work that may very well be "an elaborate fiction" based on the "typical comic adultery tale," (PORTER, 1997, p. 88) assumes the status of a genuine forensic oration while another author's published version of a defense speech in a trial we can be reasonably certain occurred, is regarded largely as the product of literary license.[9]

Indeed, the demarcation appears to rest upon the assumed historicity of those speeches awarded the "forensic oratory" label. But it is by no means evident that the Athenians required historical accuracy of the speeches we now think of as forensic oratory. On the contrary, Gorgias' *Apology of Palamedes*, a work of pure fiction – with its defense of a mythological character – so approximates a "real" defense speech that its structure and essential line of argument became, in the words of Kenneth Seeskin (1982, p. 95), "so widespread that it is possible to view it as a paradigm of sophistical oratory," a veritable "set speech which students were asked to memorize and imitate." Other examples of fictional pieces that read like forensic orations are the *Ajax* and *Odysseus* of Antisthenes and the *Odysseus* of Pseudo-Alcidamas. (PORTER, 1997, p. 82).

In addition, it is likely that even with respect to those speeches that, to a reasonable certainty, concerned actual court cases, such texts were either altered by their respective authors after delivery and before publication or even published without ever having been delivered in court, with no complaint by the Athenian public on historical pedigree. de Stryker points out as an example Desmosthenes' *In Midiam* – a text which the orator first wrote and then, after accepting a settlement out of court, later published, "having larded it with new material. The public asked no questions, as it was interested in the lively arguments, not in painstaking conformity with what had actually been said at the time by either party." (DE STRYKER; SLINGS, 1994, p. 3).

The question of historical truth, as concerns both the forensic orations and Plato's *Apology*, is one I must ultimately leave to others. My aim, rather, is to show that any close reading of the *Apology* as text cannot ignore the striking similarities between that work and the body of literature we have come to denominate forensic oratory – regardless of the validity of the reasons for the denomination. There is simply no good reason for wholesale exclusion of Plato's *Apology* from forensic oratory. By including the work in the ranks of courtroom speeches, we are able to discern Plato's remarkable capacity to

8. See, e.g., (BRICKHOUSE; SMITH, 1989, p. 5): "The 'fiction theory' holds that the 'Socratic literature' sparked by the trial attempted no accurate representation of Socrates words or opinions . . . [but] use[d] the moment of the trial only as a way of enhancing their characters' words . . . ."

9. Porter even draws a direct parallel between Lysias 1 and the "various Apologies of Socrates (one attributed to Lysias himself), all of which are cloaked in the guise of historical orations." *Id.*, 83. (emphasis mine).

"enrich" the genre – "enrich" in the sense contemplated by Bakhtin – at the same time Plato begins to establish the new discursive practice of philosophy, as envisioned by Nightingale.

IV. The Prooimion of Plato's *Apology of Socrates*

From the very first line of what Morrison, Prior and others claim to be a "dialogue," Plato affords the reader the unmistakable impression that the text is in fact a defense speech: "What you may have experienced, oh Athenian men, because of my accusers, I do not know . . . so convincingly did they speak. Yet not a word of what they have said is true (ὅτι μὲν ὑμεῖς, ὦ ἄνδρες Ἀθηναῖοι, πεπόνθατε ὑπὸ τῶν ἐμῶν κατηγόρων, οὐκ οἶδα . . . οὕτω πιθανῶς ἔλεγον. καίτοι ἀληθές γε ὡς ἔπος εἰπεῖν οὐδὲν εἰρήκασιν, 17a1-4)."[10]

The speaker, Socrates, makes use of a formal address to the jurors – literally, "oh Athenian men (ὦ ἄνδρες Ἀθηναῖοι)" – perhaps the most commonplace of forensic rhetorical devices. Indeed, in Lysias 1, the speaker Euphiletos uses a formal epithet, ὦ ἄνδρες ("oh men"), in addition to the perfect tense of the verb πάσκω ("experience"), a combination which Plato also employs, apparent in his use of πεπόνθατε ("you all have experienced"). Here is Euphiletos' opening line: "I would consider it to be of great importance, oh men, that you should be such jurors to me concerning this matter, the very sort you would be to yourselves if you had experienced the same things (Περὶ πολλοῦ ἂν ποιησαίμην, ὦ ἄνδρες, τὸ τοιούτους ὑμᾶς ἐμοὶ δικαστὰς περὶ τούτου τοῦ πράγματος γενέσθαι, οἷοίπερ ἂν ὑμῖν αὐτοῖς εἴητε τοιαῦτα πεπονθότες, 1.1-3)."

Thus, we see a commonality between Lysias and Plato: a formal address coupled with a shared experience. Socrates forges a link with the jurors by referencing a jointly-lived moment – hearing the accusers speak "persuasively" against Socrates. Similarly, Euphiletos calls upon the jurors to imagine themselves having endured his own misfortunes before judging him.

Yet Plato, using the character of Socrates, pushes the boundaries of the genre even further, to accomplish something truly radical: in the very first line of a courtroom speech, the speaker claims ignorance: "I don't know (οὐκ οἶδα)." Despite frequent disclaimers in the *proioimia* to any special skill at speaking, conventional orators sought at all costs to avoid the perception of ignorance. As Michael Stokes (1997, p. 99) explains, the orators wanted "to give an initial impression of an assured grasp, not (however inexperienced they claim[ed] to be) of hesitant ignorance." We, of course, can recognize through hindsight the brilliance of Plato's move: Socrates presents in his opening a theme absolutely crucial to Socratic philosophy – ignorance, not knowing. Henceforth, admission of ignorance will become the hallmark of true wisdom. But our modern recognition of Plato's sleight-of-hand achievement should not blind us to the magnitude and daring in his own time of this new approach. As Nightingale (1995, p. 11) explains, "[B]ecause history has conferred upon the discipline of philosophy the legitimacy and high status that Plato claimed for it, we moderns tend to overlook the effort it took to bring this about." Indeed, the irony of Plato's attempt to establish ignorance (as a founding stone to philosophy) within the framework of a genre itself contemptuous of ignorance is matched only by the fact that his lead character's claim not to know (οὐκ οἶδα) will make Socrates a household word for generations to come.

Similarly, Socrates' use of "oh Athenian men" (ὦ ἄνδρες Ἀθηναῖοι) – in contrast to the usual and more respectful "oh men [who are] jurors" (ὦ ἄνδρες δικασταί) – in his opening address to the jury is virtually unheard of in Attic oratory.[11] Plato reserves Socrates' use of "oh men [who are] jurors" until the very end of the *Apology*, when Socrates addresses only those jurors who voted to acquit him, claiming that, by "calling you jurors I rightly name you (ὑμᾶς γὰρ δικαστὰς καλῶν ὀρθῶς ἂν καλοίην, 40a2)."[12] In this way, Plato sets up a contrast between the descriptive title, "Athenian men," in Socrates' opening address to the jury and Socrates' normative application of the title "men [who are] jurors" only to those men who voted to acquit him.[13]

10. All translations are mine unless otherwise noted.

11. Stokes points out that even "oh Athenians" as an opening address "is absent from the extant Andocides, Antiphon and Isaeus, occurs only twice in Lysias, and is relatively unusual even in Demosthenes." (STOKES, 1997, p. 98).

12. *Id.*, 98: "Postponement of 'gentlemen' judges until fairly late in a speech is rare."

13. Having signaled this distinction, I am mindful of Stokes's twofold warning that "scribal confusion of these formulae does occur" and that "ancient scholarship may havetidied the orators' practice." *Id.*, 98. Nonetheless, when taken together with the staggering amount of Plato's appropriation and incorporation of other forensic commonplaces, the conclusion is difficult to resist.

The reason behind Socrates' act of redefining – re-"naming," in essence (καλοίην) – the appellation of juror (δικαστής) is explained in the *prooimion*. Socrates proffers what he believes is a juror's sole ἀρετή: to decide whether a litigant's case is just. Thus, Socrates beseeches the jurors during the *prooimion* to excuse the manner and style with which he speaks and to judge him based solely upon whether what he says is just, for such action on their part constitutes justice itself:

> *[a]nd in particular now I need this of you, which is just, as it seems to me, to disregard my manner of speaking – perhaps it might be better, perhaps worse – but to examine and pay attention to this alone, whether what I say is just or not. For that is the virtue of a juror . . . .*
>
> καὶ δὴ καὶ νῦν τοῦτο ὑμῶν δέομαι δίκαιον, ὥς γέ μοι δοκῶ, τὸν μὲν τρόπον τῆς λέξεως ἐᾶν – ἴσως μὲν γὰρ χείρων, ἴσως δὲ βελτίων ἂν εἴη – αὐτὸ δὲ τοῦτο σκοπεῖν καὶ τούτῳ τὸν νοῦν προσέχειν, εἰ δίκαια λέγω ἢ μή· δικαστοῦ μὲν γὰρ αὕτη ἀρετή εἰ δίκαια λέγω ἢ μὴ. δικαστοῦ μὲν γὰρ αὕτη ἀρετή . . . .*(18a1-5)*.

Henceforth, justice is to be the sole criterion by which a juror is to perform his duty – not, as Socrates will argue toward the close of his speech "to grant favors . . . but to render justice according to the laws (οὐ χαρεῖσθαι . . . ἀλλὰ δικάσειν κατὰ τοὺς νόμους, 35c4-5)." Moreover, the divorce of justice from the orator's presentation – the "manner of speech (τὸν μὲν τρόπον τῆς λέξεως)" – without regard to whether it "might be better or worse (ἴσως μὲν γὰρ χείρων, ἴσως δὲ βελτίων ἂν εἴη)" for the litigant, connects directly with what Plato accomplishes in reworking several other, standard forensic *topoi*: (1) a litigant's customary expression of disbelief and astonishment (θαυμάζω) at his opponent's position, (2) the usual disclaimer of rhetorical ability, and (3) the oft-repeated promise to tell the jurors the truth. The following lines are worth examining at length:

> *But of the many lies they[, my accusers,] made, I was most amazed when they said that it was necessary for you to be on your guard so as not to be deceived by me as I am a clever speaker. . . . [T]his seemed to be the most shameful thing on their part, unless what they call clever speaking is telling the truth. If they mean this, I would agree that I am a rhetor, but not in the way that they are. Whereas these men, as I say, have said little or nothing truthful, from me you will hear the entire truth.*
>
> μάλιστα δὲ αὐτῶν ἓν ἐθαύμασα τῶν πολλῶν ὧν ἐψεύσαντο, τοῦτο ἐν ᾧ ἔλεγον ὡς χρῆν ὑμᾶς εὐλαβεῖσθαι μὴ ὑπ' ἐμοῦ ἐξαπατηθῆτε ὡς δεινοῦ ὄντος λέγειν. . . . τοῦτό μοι ἔδοξεν αὐτῶν ἀναισχυντότατον εἶναι, εἰ μὴ ἄρα δεινὸν καλοῦσιν οὗτοι λέγειν τὸν τἀληθῆ λέγοντα· εἰ μὲν γὰρ τοῦτο λέγουσιν, ὁμολογοίην ἂν ἔγωγε οὐ κατὰ τούτους εἶναι ῥήτωρ. οὗτοι μὲν οὖν, ὥσπερ ἐγὼ λέγω, ἤ τι ἢ οὐδὲν ἀληθὲς εἰρήκασιν, ὑμεῖς δέ μου ἀκούσεσθε πᾶσαν τὴν ἀλήθειαν. *(17a4-b8)*.

The expression of amazement (ἐθαύμασα) at just how low an opposing litigant has stooped – or more accurately, is portrayed by the speaker as having stooped – is a hallmark of forensic *prooimoia*, dating back to the earliest legal narrative in Greek literature, the *Homeric Hymn to Hermes*.[14] So too is the disclaimer of rhetorical skill; as Stokes (1997, p. 100) points out, such a disclaimer "is itself a rhetorical convention." But nowhere in all of Attic oratory is the attempt made, as Plato does, to redefine – and rehabilitate – oratorical virtuosity by claiming that it is nothing more than telling the truth.[15] Speaking truthfully (τὸν τἀληθῆ λέγοντα) is, or should be, the sole criterion for judging how accomplished a rhetor is.

To be sure, Plato does not have Socrates claim that he speaks the truth whereas other orators do not. Rather, Socrates' vow to speak "the entire truth (πᾶσαν τὴν ἀλήθειαν)" expands exponentially the scope of the promise: no longer can the account presented to the jurors concern only those events which the litigant experienced and which favor the litigant's case. The contrast between Socrates' unconditioned vow to speak the truth and the highly conditioned version of the same delivered by Euphiletos in Lysias 1 is striking. Here is Euphile-

14. *See Homeric Hymn to Hermes*, 219-20.

15. See Stokes, 1997, p. 101: "Eloquence and truth were not always incompatible, but I have found no passage in the orators defining a clever speaker as one who tells the truth." (emphasis in original).

tos: "Accordingly, I will demonstrate to you from the beginning the entirety of my affairs, omitting nothing, but speaking the truth; for I believe that this is my only salvation, if I am able to speak to you of all the things that happened (ἐγὼ τοίνυν ἐξ ἀρχῆς ὑμῖν ἅπαντα ἐπιδείξω τὰ ἐμαυτοῦ πράγματα, οὐδὲν παραλείπων, ἀλλὰ λέγων τἀληθῆ· ταύτην γὰρ ἐμαυτῷ μόνην ἡγοῦμαι σωτηρίαν, ἐὰν ὑμῖν εἰπεῖν ἅπαντα δυνηθῶ τὰ πεπραγμένα, 5.1-4)." Whereas Euphiletos' truth-telling is linked directly with his affairs (τὰ ἐμαυτοῦ πράγματα) and the events that have transpired (τὰ πεπραγμένα), particularly as concerns his own salvation (σωτηρίαν), Socrates' vow is wholly unfettered. Plato, thus, has seemingly raised the bar for the orators: when they promise to tell the truth, more is at stake than the events in question and personal fate.

"Speaking the whole truth" – a now familiar standard by which modern-day witnesses swear before testifying in court – is the foundation of Socrates' decision to embark on his famous quest to investigate the Delphic oracle's declaration that no one was wiser than Socrates, a quest that he sets as the model for the philosophic life and the greatest good for humankind (μέγιστον ἀγαθὸν ὂν ἀνθρώπῳ τοῦτο, 38a2-3). As Socrates makes clear in his *di g sis*: "Clearly he [the god at Delphi] is not lying; for that would not be right of him (οὐ γὰρ δήπου ψεύδεταί γε· οὐ γὰρ θέμις αὐτῷ, 21b6-7). Accordingly, a rhetor's standard promise to tell the truth to the jury now rises so as to be coequal with what is "right" or "just" in the true sense of the word, θέμις – in accordance with the law as laid down and established by custom, not fixed by statute. And this, in turn, may well require abandoning the normal conventions of Athenian society and living life in a wholly new fashion. As Nightingale (1995, p. 10) explains, "'philosophy' as Plato conceived it comprised not just an analytic inquiry into certain types of subjects but a unique set of ethical and metaphysical commitments that demanded a whole new way of living."

In other words, Plato has Socrates conjure an atmosphere for the jurors where speaking the truth becomes the "greatest good (μέγιστον ἀγαθόν)." But the genius of Plato lies most in the fact that in so conjuring, Plato recasts the genre in which this idea is presented to the jury – forensic oratory – to itself be synonymous with telling the "entire truth." Substance and form unite so as to "enrich" the genre in the sense contemplated by Bakhtin and to equip it as the vehicle for relaying to the Athenian community the new discursive practice of philosophy.

Thus, in less than one Stephanus page, Plato's *prooimion* for Socrates has already opened up a new "form of thinking" – to borrow Bakhtin's shorthand definition of genre – by use of several standard rhetorical devices that one can locate easily in any number of forensic orations. de Stryker (1994, p. 180) is correct in asserting that by utilizing *topoi* common to contemporary forensic oratory, "Plato gave the *Apology* from the very outset the outward appearance of a law-court speech, but he wanted the reader (or rather hearer) to be continually surprised and puzzled by ideas and intentions that did not seem to conform to the literary form chosen by him." In this way, I would argue, philosophy, as we have come to know it, was born.[16]

V. Socrates' Narrative (*Diegesis*)

Plato continues his vindication of Socrates via the medium of a forensic oration in Socrates' *diegesis*, the narration to the jury of the events of his case. As was the custom with forensic narratives, the character of the litigant assumes paramount importance.

In his *Rhetoric*, Aristotle advised that:

> *The narration ought to be indicative of character. This will be so if we know what makes for character. One way, certainly, is to make deliberate choice [proairesis] clear: what the character is on the basis of what sort of choice [has been made]. And choice is what it is because of the end aimed at. (iii,1417a16-19).*[17]

Given such advice, it is not surprising that the narratives of forensic oratory are replete with vivid portraits of their speakers, deliberately crafted to sway the jurors to identify and sympathize with the

16. *See, e.g.*, (NIGHTINGALE, 1995, pp. 10-11): "In order to create the specialized discipline of philosophy, Plato had to distinguish what he was doing from all other discursive practices that laid claim to wisdom. . . This was a bold and difficult enterprise whose success was by no means guaranteed . . . ."

17. Trans. Kennedy.

character of the speaker. Lysias was deemed to be a virtually unrivalled master of this craft. For example, Dionysius of Halicarnassus praised Lysias' skill in making each litigant portray himself as "trustworthy and honest."[18] As de Stryker (1994, p. 71) argues,

> *What ancient literary critics found so remarkable in such speeches as Lysias' On the Invalid and On the Murder of Eratosthenes was his ability to present litigants speaking in bold frankness and apparent naïveté about their intentions and their acts, even if these were in some respects blameworthy, because this would gain the spontaneous sympathy of the audience who recognized them as people like themselves.*

The narrative that Plato gives to Socrates finds its counterpart in the narratives of other forensic orations in that the character of "Socrates" who emerges becomes far more compelling than the formal legal arguments offered in support of his case. For instance, Lysias 1 offers less a precise legal argument as to why the speaker should be acquitted than a memorable and amusing portrait of a man one part naïve with respect to his wife's adulterous behavior and two parts headstrong and idealistic concerning domestic affairs and the laws of the city. As Porter (1997, p. 61) explains, Lysias has created so "forthright" a character in Euphiletos that "we are made to feel [he] could never have devised the calculating schemes of which [he] has been accused by the prosecution." This air of "levity" that Lysias injects into the narrative both lessens "the gravity of the husband's deed" and serves to "evoke from the jury a sympathetic understanding of the outraged husband's response."

Something similar is at work in Plato's narrative on behalf of Socrates, who becomes the equivalent of a literary character. For example, there is certainly a touch of humor in Socrates' ostensible naïveté at his becoming more and more hated (ἀπηχθόμην) as he journeys to the politicians, poets and craftsmen demonstrating that those of them who seem wise are in fact not: "And then I was attempting to show him that while he might think himself to be wise, he was in fact not. As a result of this I became hateful to him and to the many others present. (κἄπειτα ἐπειρώμην αὐτῷ δεικνύναι ὅτι οἴοιτο μὲν εἶναι σοφός, εἴη δ' οὔ. ἐντεῦθεν οὖν τούτῳ τε ἀπηχθόμην καὶ πολλοῖς τῶν παρόντων, 21c7-d1)." Much as with Euphiletos' failure to recognize the clear signs of his wife's adultery, one is hard-pressed not to ask Socrates, "Did you really expect otherwise?"

And yet, the reader/listener takes away from the narratives memorable impressions of characters whose "forthrightness" attains – or at least seeks to attain – a higher level of moral rectitude. And so, Euphiletos attributes his murder of Eratosthenes to a civic command. He contends that as he slew his wife's lover, he proclaimed "It is not I who will slay you but the law of the city (οὐκ ἐγώ σε ἀποκτενῶ, ἀλλ' ὁ τῆς πόλεως νόμος, 26.2)" and reasons to the jury, "[a]ccordingly, for me, oh men, the laws not only have acquitted me from having done any wrong, but moreover have ordered [me] to exact the judgment (ἐμοῦ τοίνυν, ὦ ἄνδρες, οἱ μὲν νόμοι οὐ μόνον ἀπεγνωκότες εἰσὶ μὴ ἀδικεῖν, ἀλλὰ καὶ κεκελευκότες ταύτην τὴν δίκην λαμβάνειν, 34.1-3)."

This was a standard trope in forensic oratory. Indeed, in one of the most famous of all forensic speeches, *Against Neaira*, Demosthenes has the speaker, Apollodoros, attempt to substitute the laws in place of himself as the prosecuting litigant: "Think not of me, Apollodoros, to be the speaker, nor of the citizens to be making the defense and advocating, but rather of the laws and Neaira to be disputing with each other over the things she did (ἡγεῖσθε δὲ μήτ' ἐμὲ τὸν λέγοντα εἶναι Ἀπολλόδωρον μήτε τοὺς ἀπολογησομένους καὶ συνεροῦντας πολίτας, ἀλλὰ τοὺς νόμους καὶ Νέαιραν ταυτηνὶ περὶ τῶν πεπραγμένων αὐτῇ πρὸς ἀλλήλους δικάζεσθαι, 115.1-4)."

In a similar fashion, Socrates describes the incessant dialogues with and questioning of his fellow citizens as having been commanded by divine authority. The Socratic inquiry into the nature of wisdom and corresponding realization that wisdom reflects recognition of one's own ignorance – hearkening back to the οὐκ οἶδα of the speech's opening line – owes less to Socrates' own volition

18. Dionysius of Halicarnassus – Lysias, 19.17-18: "κατασκευάζ ειτὰπρόσωτατῷλόγῳπιστὰκα ὶχρηστά ..."

than to an order beyond his control:

> *That's why, then and now, I go around and investigate and inquire whether I believe that anyone of the townsmen or foreigners is wise, in accordance with the god['s command]. And then, if someone doesn't seem to be wise, I, rendering service to the god, demonstrate that they are not in fact wise.*
>
> ταῦτ' οὖν ἐγὼ μὲν ἔτι καὶ νῦν περιιὼν ζητῶ καὶ ἐρευνῶ κατὰ τὸν θεὸν καὶ τῶν ἀστῶν καὶ ξένων ἄν τινα οἴωμαι σοφὸν εἶναι· καὶ ἐπειδάν μοι μὴ δοκῇ, τῷ θεῷ βοηθῶν ἐνδείκνυμαι ὅτι οὐκ ἔστι σοφός. *(23b4-7)*.

While to some this argument may seem arrogant if not absurd, Plato's narrative portrayal of Socrates' quest as divinely ordained – akin to Euphiletos' and Apollodoros' claims that the laws commanded them to take their respective actions – ultimately resonated with Plato's wider audience to such a degree that, today, Socrates' definition of wisdom as recognizing one's own ignorance constitutes one of the leading popular conceptions of a philosopher (another being arguably the quintessential dogmatist who actually possesses – or claims to possess – knowledge). Plato's characterization of Socrates' challenges to the Athenian citizens, both before and during the trial itself, to recognize that they, like him, are lacking in wisdom, is unabashedly provocative and ultimately serves to place the jurors, as well as the entire Athenian legal system, on trial. Certainly no other *rhetor* did this, and the votes against Socrates provide ample evidence of why such a rhetorical strategy is highly unorthodox. And yet, Plato's employment of the standard rhetorical device of characterizing the offending action, for which the defendant is on trial, as a commandment from divine authority, links Plato's unorthodox approach in defending Socrates (so as to transform the underlying genre) with an "orthodox" practice of forensic oratory – here, "orthodox," both literally and figuratively. His success in this regard is undeniable: the sort of character that Plato painted in his depiction of Socrates proved irresistible in the long run, not just to Athenian society but to western thought as a whole.

The vivid portrait of Socrates in his pilgrimage to determine whether the Delphic oracle was correct in deeming no one wiser than Socrates assumes a role of much larger importance than the wholly unconvincing *pisteis*, the "proofs," offered by Socrates after his *diegesis*. And this is entirely in keeping with the tradition of forensic oratory, where the *pisteis* often seemed of decidedly less importance than the character of the litigant as developed in the *diegesis*. Indeed, the tradition can be seen as reaching back to the first courtroom drama, Aeschylus' *Eumenides*, in which the arguments by both the prosecuting Furies and Orestes' defense advocate, Apollo, are wholly unconvincing.[19]

19. *See, e.g.*, (LEBECK, 1971, pp. 135-7).Lebeck calls the proofs, among other things, "quibbling and trivial." While it is certainly reasonable to expect less in the way of rigor from the pisteisof a courtroom speech contained in a tragedy than in a forensic oration proper, my point here is that the tradition of less-than-rigorous pisteis has deep antecedents.

VI. Post *Epilogos* – Rhetorical Soul-Searching

Perhaps the single most revelatory passage in the *Apology* comes when Plato draws back the curtain, as it were, to reveal the rhetorical options that had been available to his speaker. After he has been convicted, Socrates discloses the approaches he has weighed in pleading his case:

> *Perhaps someone might ask, "Socrates, is it not possible for you to go into exile, keeping quiet and living a quiet life?" This is the most difficult thing of all to prove to some of you. For if I say that this would be to disobey the god and because of this I am not able to keep quiet, you will not be persuaded by me but will think I am being ironic. But if I say that this happens to be the greatest good for humankind, to discuss every day virtue and the other things which you have heard me questioning and cross-examining both myself and others, and that the unexamined life is not worth living for a man, you will be convinced by my saying these things even less.*
>
> ἴσως οὖν ἄν τις εἴποι: 'σιγῶν δὲ καὶ ἡσυχίαν ἄγων, ὦ Σώκρατες, οὐχ οἷός τ᾽ ἔσῃ ἡμῖν ἐξελθὼν ζῆν;' τουτὶ δή ἐστι πάντων χαλεπώτατον πεῖσαί τινας ὑμῶν. ἐάντε γὰρ λέγω ὅτι τῷ θεῷ ἀπειθεῖν τοῦτ᾽ ἐστὶν καὶ διὰ τοῦτ᾽ ἀδύνατον ἡσυχίαν ἄγειν, οὐ πείσεσθέ μοι ὡς εἰρωνευομένῳ: ἐάντ᾽ αὖ λέγω ὅτι καὶ τυγχάνει μέγιστον ἀγαθὸν ὂν ἀνθρώπῳ τοῦτο, ἑκάστης ἡμέρας περὶ ἀρετῆς

τοὺς λόγους ποιεῖσθαι καὶ τῶν ἄλλων περὶ ὧν ὑμεῖς ἐμοῦ ἀκούετε διαλεγομένου καὶ ἐμαυτὸν καὶ ἄλλους ἐξετάζοντος, ὁ δὲ ἀνεξέταστος βίος οὐ βιωτὸς ἀνθρώπῳ, ταῦτα δ᾽ ἔτι ἧττον πείσεσθέ μοι λέγοντι. *(37e3-38a6).*

In a remarkable display of oratorical courage, Plato, in the person of Socrates, shows just what he had to work with in order to establish philosophy within the framework of forensic oratory; the limitations of the genre itself are revealed. While there are instances within the corpus of Attic oratory of such "rhetorical soul-searching,"[20] none comes close to what Plato does in the *Apology*. Plato openly admits that to have stated baldly to the jurors that Socrates' conduct of cross-examining his fellow citizens and himself on the meaning of ἀρετή amounts to "the greatest good for humankind (μέγιστον ἀγαθὸν ὂν ἀνθρώπῳ τοῦτο)" would have been to court ridicule.[21] There was no other choice but to portray Socrates' actions by utilizing the standard device, in the *diegesis*, of a command from on high – such as might have been delivered in the form of an injunction from the laws themselves (à la the approach of Lysias in *On the Murder of Erastothenes* and Demosthenes in *Against Neaira*) or from a god (such as Apollo's command in Aeschylus' *Oresteia* to Orestes to slay Clytemnestra). Such were the constraints within which Plato had to work in utilizing the genre of forensic oratory as the vehicle to legitimize the new discourse of philosophy. The first and most lasting incarnation of this new discursive practice was fated to occur in a defense speech by Plato's beloved master, as he fought not just for his own life but, even more profoundly, for the life of philosophy itself. It is ironic that by demonstrating to what heights forensic oratory might aspire – the potential vindication of philosophy as a way of life – Plato ultimately accomplished his (and Socrates') mission to such a degree that the speech is scarcely considered to be a piece of forensic oratory. In redefining the boundaries of the genre, Plato transcended the genre. But such a rhetorical triumph should not inhibit us from recognizing just how far Plato surpassed the oratorical masters of the day. The *Apology* is that rare work that so transforms the reader's understanding of the underlying genre as to almost discredit it entirely.

20. *See, e.g., Lysias*12.1-5: "It does not seem to me to be difficult, oh men [who are] jurors, to begin my prosecution but rather to conclude what I am saying. For so great and so many are the things committed by my opponent that not even by lying would I be able to accuse him of things more terrible than what happened, nor if I wanted to speak the truth would I be able to say everything . . . .(Οὐκἄρξασθαί μοιδοκεῖ ἄπορονεἶναι, ὦ ἄνδρεςδικασταί, τῆς κατηγορίας, ἀλλὰ παύσασθαι λέγοντι• τοιαῦτα αὐτοῖςτὸμέγεθος καὶ τοσαῦτα τὸ πλῆθοςεἴργασται, ὥστεμήτ' ἂνψευδόμενονδεινότερα τῶν ὑπαρχόντων κατηγορῆσαι, μήτετἀληθῆ βουλόμενονεἰπεῖν ἅπαντα δύνασθαι . . . .)." I am grateful to Scott Arcenas for his use of the term "rhetorical soul-searching" in describing this passage.

21. The thoughts presented here were inspired in part by R. Bartlett's, 2008,*Teaching Company* lectures, *Masters of Greek Thought.*

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