In Praise of Callicles†

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Originally a legend was a *legendum*, something to be read. It must be read because of the truth it told, particularly regarding the life and sainthood of a saint. So too at its origins a myth was a *muthos*, something said, a saying, said because of its truth. In this respect *muthos* and *logos* were alike, and like *rhêma* too, the speech of the orator, *rhêtor*, and thus the matter with which the art of rhetoric, *rhetorikê technê* is concerned. It is therefore fitting, although out of character, for Socrates to end a *logos* about speech with the telling of a *muthos*. Myth does not have in Greek the modern pejorative denotation of illusion and deception. For the same reason it is fitting also that our thinking today should be guided by the question that Professor Weinrib asks: How does the myth at the end of the *Gorgias* help to tell the essential teaching of the dialogue as a whole?1

Why did the judges judge badly before Zeus intervened? Zeus himself explains: the judgments were bad because both the judges and the judged were alive. Their souls were still clothed and thus hidden in their bodies. “The eyes and ears and the whole body hung like a veil before the soul.”2 In other words, since the eyes of the body deceive, only the unencumbered soul has access to the truth. This indeed is what the *Gorgias* aims to teach: being, *to einai*, is obscured by the veil of appearance, *to dokein*. The senses are the enemies of knowledge. Again and again the dialogue returns to the opposition of being and appearance: knowledge (of what is), *to eidenai*, differs from belief (in what appears to be), *pistis*;3 art, *techne*, which rests upon knowledge of forms, *eîdê*, is distinguished from mere experience, *empeiria*, of the false images of things, *eidôla*;4 justice and legislation pertain to what is just and good, whereas rhetoric and sophistry fabricate the appearance of justice;5 what one wills, *hon boulîntai*, i.e., what truly is good, is not what seems best, *hon dokî*;6 the good, *to agathon*, is beneficial, *ôphelîmos*, but the pleasant, *to hêdu*, only appears to be so;7 the Socratic refutation in dialogue, *elegchos*, teaches the truth, while rhetoric only flatters the senses;8 both truth and justice require one to have the power to impose

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2. Plato, Gorgias 523d2 [hereinafter Gorgias].
3. Id. at 454e.
4. Id. at 462b-c, 463e4.
5. Id. at 464, 465.
6. Id. at 466c.
7. Id. at 474, 496e, 506c.
8. Id. at 471e, 472.
order, kosmos, and corrections, kolazein, upon oneself, in order not to fall prey to the illusions of pain and pleasure.\textsuperscript{9}

In the counterposition of being and appearance, Plato laid the foundations of Western metaphysics. The \textit{Republic} restates the same thought in the form of the distinction between two realms: that of the \textit{nous}, accessible to reason, and of which knowledge, \textit{noesis}, is possible; and that of the \textit{horaton}, visible to the eyes, and about which there can be only \textit{doxa}, what seems, mere opinion.\textsuperscript{10} The first is the realm of being, \textit{ousia}; the second, the realm of becoming, \textit{genesis}.\textsuperscript{11} The distinction inspires the imagery of light and shadow in the myth of the cave. Centuries later it will determine the way Christian theology conceives the difference between this sensible or temporal world and the supersensible world of spirit, the beyond.

In some, not all, Christian interpretations of Platonic thought, particularly the Augustinian, which inspired the main themes of the Reformation, the supersensible realm is thought almost inaccessible to man in this world. To Augustine, “our justice, although true, is nevertheless in this life only such as consists in the remission of sins [by God's grace] rather than in the perfection of virtues.”\textsuperscript{12} Not so in Plato. The thought that human law is necessarily futile,\textsuperscript{13} \textit{i.e.}, that there can be no salvation by good works, is utterly alien to Plato. On this point the myth of judgment speaks quite clearly: some men, and at least one temporal prince, Aristides the Just, reach the Islands of the Blessed, and do so on account of their just life on earth, unaided by the grace of a Redeemer. The good is hard to reach, but not impossible, on this earth. Only if justice is attainable in this life can there be, at least in principle, such things as a just and true rhetoric and a truthful philosophic refutation.

Apparently Socrates (Plato?) does assert the possibility of a true rhetoric. The true statesman “makes”—the Greek word is \textit{poiein}—his people just by means of “persuasion or force.”\textsuperscript{14} The same position is reasserted in the \textit{Republic} in almost the same words: having seen the light, the philosopher must return to the cave and fashion a true city “by persuasion or necessity.”\textsuperscript{15} At bottom, Socrates turns out to be a utilitarian, although perhaps a utilitarian of virtue. His motto might have been: “Always act in such a way as will effect greater virtue.” He will, therefore, employ the lure of pleasure and pain in Hades to induce the reform of such men as Callicles, who might otherwise seek the life of pleasure instead of virtue. Of course, as Professor Weinrib indicates, Socrates himself need not believe in the truth of that myth, since he proposes it only to cause Calicles to accept the demands of justice. But precisely such readiness to speak untruth for the sake of a desirable end would show him committed to act upon a utilitarian maxim. One should in any event expect no less from a

\begin{footnotes}
9. Id. at 506-08.
12. \textsc{Augustine, }\textit{De Civitate Dei} book XIX, at 27.
13. Weinrib, \textit{supra} note 1, at 801 (“. . . soulcraft is futile . . . ”).
14. \textit{Gorgias, supra} note 2, at 517b5.
\end{footnotes}
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man who professes that one wills not what one does, but the end for the sake of which one does it, and that the noble or beautiful, to kalon, is such by virtue of its usefulness or pleasantness, kata têr chreian è kata hêdonên. Nevertheless, these positions, including the praise of true rhetoric, do not square well with other positions Socrates takes in the same dialogues. Justice, he says, is an art, technê, by which the soul is formed on the model, eidos, of what truly is just. It rests upon knowledge of the cause, aitia, of what one does, upon reason, logos. How, then, can one be persuaded to act justly, if persuasion produces no knowledge, but only belief, and thus reaches never what is, but only what seems just? If Callicles were persuaded by the myth of judgment in Hades, he would perhaps attain a superficial conformity to law, but his actions would in fact be governed by appearance, doxa, by the image, eidoilon, of pleasure, not by the truth, the eidos of the just. Rhetoric cannot make man just. As Aristotle will teach, for a deed to be noble it must be performed for the sake of its nobility, tou kalou heneka. And Socrates himself is heard in the Republic to say: “All beliefs (doxa) without knowledge (epistêmê) are worthless (aischrai); even the best are blind. Those who form true beliefs (alethês doxazontes) without reason (nous) are like the blind who stumble upon the right way.”

Socrates thinks also that in order to please people and thus have the power to persuade them, one must have the same character they have, for men can be pleased only by the likes of themselves. Hence, either Socrates can persuade unjust men to change, and he himself is unjust and ignorant of true justice, or he has knowledge of the just, and he must then remain unable to appeal to the unjust. In neither case can there be such a thing as true rhetoric. Here again, Socrates holds contradictory positions on the basis of which he could clearly and quite easily be “refuted,” shown to be in discord with himself. Why then does Callicles never rise to attempt such a refutation?

In this question lies a clue to another much neglected teaching of the Gorgias. The dialogue discusses the art of rhetoric. In and by this discussion it teaches the difference between what seems and what is. Is it perhaps also the case that the matter of the dialogue is not what it appears to discuss? Socrates counterposes two modes of speech: rhetoric and philosophic refutation. The first, the manipulative inducement of belief by oratory, is expressly discredited. The dialogue itself, however, is an exercise of the second. What does it reveal on this matter? What the Gorgias teaches is that the Socratic elegchos is unworthy of a truly noble man. The noble man here is Callicles.

Callicles is not at all the crass hedonist whose part Socrates would like him to play. He is a gentleman. He embodies the aristocratic ethos of magnanimity, megalopsuchia, that Aristotle celebrates in the fourth book of

16. Gorgias, supra note 2, at 467c5.
17. Id. at 474d5-9.
18. Id. at 501a.
20. Id. book VI, at 506c5-10.
21. Gorgias, supra note 2, at 513a-b.
the Nichomachean Ethics.\textsuperscript{22} He will not descend to the level at which Socrates speaks. What are his objections? Here they are, in the order in which they arise in the dialogue: Socrates wins concessions by shaming his opponents and, thus, by tricking them into self contradiction;\textsuperscript{23} he deals in crowd-pleasing vulgarities while pretending to pursue the truth;\textsuperscript{24} he argues like a child and looks ridiculous and unmanly;\textsuperscript{25} he quarrels about petty matters;\textsuperscript{26} he never stops talking nonsense;\textsuperscript{27} he picks on words;\textsuperscript{28} he takes it as a godsend that someone makes a verbal mistake;\textsuperscript{29} he dissembles;\textsuperscript{30} he keeps repeating the same things;\textsuperscript{31} he drags the discussion down to the coarsest topics;\textsuperscript{32} he uses sophistry;\textsuperscript{33} he holds on to concessions like a child;\textsuperscript{34} he does violence to the person with whom he argues;\textsuperscript{35} he keeps twisting the other's words;\textsuperscript{36} he is contentious.\textsuperscript{37} The lesson rings loud and clear already at the very end of the long speech with which Callicles begins: "Cease refuting,"\textsuperscript{38} a phrase in which the original signification of the Greek elegchein should also be heard: "Quit putting to shame."

Nietzsche first brought attention to this darker side of the figure of Socrates:

With Socrates Greek taste turns in favor of dialectics: what happens there proper? Above all a nobler taste is defeated; with dialectics the rabble comes on top.\textsuperscript{39}

Is Socrates' irony an expression of revolt? of the resentiment of the rabble? does he as one of the oppressed enjoy his own ferocity in the knife-thrust of the syllogism? does he revenge himself on the noblemen he fascinates?—As a dialectician one has a merciless instrument in the hand; with it one can play the tyrant; in winning one exposes one's victim. The dialectician lets his opponent show he is no idiot, thus enraging him and making him helpless at the same time. The dialectician renders his adversary's intellect impotent.\textsuperscript{40}

All who have ever practiced the art—and above all, teachers and students of the law—know the essential meanness of word-fencing. All know also the thorough falseness of its pretense in respect of rigor, precision, truthful-

\textsuperscript{22} Nichomachean Ethics, supra note 19, at 1123b-25a.
\textsuperscript{23} Gorgias, supra note 2, at 482d.
\textsuperscript{24} Id. at 482e, 494d, 519e.
\textsuperscript{25} Id. at 485c.
\textsuperscript{26} Id. at 486c, 497b.
\textsuperscript{27} Id. at 489b, 490e.
\textsuperscript{28} Id. at 489b.
\textsuperscript{29} Id. at 489c.
\textsuperscript{30} Id. at 489e, 495b.
\textsuperscript{31} Id. at 490e.
\textsuperscript{32} Id. at 494e.
\textsuperscript{33} Id. at 497a.
\textsuperscript{34} Id. at 498b.
\textsuperscript{35} Id. at 505d.
\textsuperscript{36} Id. at 511a.
\textsuperscript{37} Id. at 515b.
\textsuperscript{38} Id. at 486c4.
\textsuperscript{39} F. Nietzsche, \textit{Das Problem Sokrates} §5, in Götzen-Dämmerung (1889).
\textsuperscript{40} Id. § 7.
ness, and other such intellectual virtues. A nobleman, Plato could not stay with it. The *Gorgias* marks his turn away from this dubious mode of philosophizing. After it, Socratic refutation vanishes from the work of Plato. “Dialectic” remains there, at least in name, but comes to signify the inner struggle by which the soul ascends from common sense empiricism to the philosophic contemplation of being. Then the Platonic muthos rises to prominence.

The question put before us on this occasion is: “What does *Gorgias* have to say to us about living a worthy life in the law?” Like the philosopher and the orator, the lawyer lives by the word. The *Gorgias* concerns life in the law because it speaks, both philosophically and rhetorically, to the two main ways of wielding the power of words: the argumentative way of philosophy and the persuasive way of rhetoric. Every lawyer, like every philosopher and every orator, employs both ways, appealing sometimes mainly to reason, at other times mainly to feeling. In the *Gorgias* Socrates raises devastating questions regarding the art of persuasion, and through Callicles Plato makes no less devastating objections to the argumentative mode of speech, though quite rightly he never lets them be expressly discussed. Thou shalt not refute even refutation itself. Thus, neither of the two modes of speech to which the *Gorgias* points opens the way to a truly good life. Must the Islands of the Blessed remain closed to masters of the word? They must indeed, unless there is yet another mode of speech compatible with the pursuit of the good.

The problem we and Plato face at the end of the *Gorgias* is this: If being differs from appearance and is accessible only to an intelligence unencumbered by deceptive senses, how can a soul still united with its body come to know what is truly just, and thus earn the favor of the gods in Hades? The myth of judgment tells us that it can, but Plato cannot (will not?) explain how: rhetoric persuades, but imparts no knowledge of justice; refutation purports to teach, but shows itself at once powerless and false; something like true rhetoric would do the work, but Plato cannot (will not?) give a coherent account of its possibility. There lacks a bridge to cross the gap between the sensible and supersensible realms. Without such a bridge, Socrates borders on denying the possibility of any greatness for man on earth. If happiness requires freedom from need or desire, then, as Callicles points out, “stones and dead bodies would be the happiest of all.” Socrates has no answer. In fact he appears to look forward to his own death, and he damns the souls of almost all the greats of the earth. The themes of death and the beyond dominate the whole end of the dialogue. The name for such a denial of the worth of this world is nihilism.

The problem of Socrates is not his alone. The counterposition of reason and feeling, argument and persuasion, remains current orthodoxy. Packed in it are the same metaphysics of being and appearance by which Socrates fell to nihilism. Plato returned to the problem in later dialogues, particularly the *Meno* and the *Phaedrus*. The latter speaks directly to our

41. For an explicit account of the corruption of lawyerly argument, the *locus classicus* remains Pascal's *Provinciales*.
42. *Gorgias*, supra note 2, at 492e5.
43. Id. at 511, 512.
44. Id. at 525d.
concerns. There Plato conceives of beauty-nobility, to kalon, as the sensible appearance of the supersensible; beauty arouses love, thus moving man to seek what is truly worthy of desire.\textsuperscript{45} More important perhaps for our purposes, Plato introduces a new account of the relation between thought and feeling, on the basis of which Aristotle would later build the second book of his treatise on rhetoric. By this account, to every thought, logos, there corresponds a feeling, pathēma, capable of moving man to belief.\textsuperscript{46} Knowledge of this accordance of thought and feeling constitutes the core of the art of rhetoric, without which no man is able to speak "either to teach [i.e., to give knowledge of being] or to persuade [i.e., to make believe in appearances]."\textsuperscript{47}

If thought and feeling are so intimately bound to one another that every understanding rests in a certain attunement to the world and every feeling rests in a certain understanding, then the gap between being and appearance is bridged. There opens the possibility of a true and truthful speech—"true rhetoric," said in English—of which both argument and persuasion are derivative and perverted forms. This possibility is what Aristotle conceived as apophantic speech, logos apophantikos\textsuperscript{48}—speech that says what something is by letting the thing itself appear of itself in its being.

Speech 'lets see' apo . . . : from that itself of which the speaking speaks. In speech, [apophansis], insofar as the speaking is genuine, what is said must be drawn out of that about which one speaks, so that the spoken sharing-with another (Mitteilung), in what it says, makes that about which it speaks manifest and accessible to the other.\textsuperscript{49}

In that possibility also lies the only possibility of a good life in the law.

In argument and persuasion alike, speech is employed to reach and change, or somehow affect, the mind or soul of another. In one case, the effect is sought by a purportedly "unmediated" or pure dialogue of soul to soul;\textsuperscript{50} in the other, the effect is mediated by the power of bodily senses. In both cases, however, speech is from the outset understood as a means of communication, an instrumentality for the transfer of ideas—meanings, representations, contents of consciousness—from mind to mind. In this understanding already language is violated, torn out of its relation to truth. The word is then said not for what it tells, but for what its being said may do to the mind of the other. The word is thus rooted out of its original reference to the things it points out and calls to appearance. And so thinking itself degenerates, drawn away from the relation to being-appearing that constitutes its essence.

True speech does not convey ideas, but lets a matter of concern reveal itself in its truth. Accordingly, true listening consists not in seeking to grasp what the speaker has in mind, but in attending to the matter of which the spoken word speaks. True dialogue is not found in communication, pure or

\textsuperscript{45} Plato, Phaedrus 244-57.
\textsuperscript{46} Id. at 271.
\textsuperscript{47} Id. at 277c5.
\textsuperscript{48} Aristotle, De Interpretatione 17a.
\textsuperscript{49} M. Heidegger, Sein und Zeit 32 (1927).
\textsuperscript{50} Weinrib, supra note 1, at 806.
impure, mediated or unmediated. Its essence rather lies in shared openness to being, in “a thinking-together through the self-manifestation of the thing of concern” (ein Mitdenken durch das Zeigen der Sache selbst). Is life in the law compatible with renouncing the abuse of language?
