

Can Flogging Make Us Less Ignorant? Socrates on Bodily Punishment

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In ancient Athens, bodily punishments like flogging and whipping were deemed inappropriate for free Athenian men and were thus mainly reserved for slaves and foreigners.¹ Plato, while drafting laws for a hypothetical city, upholds this restriction. In the *Laws*, slaves and foreigners are flogged, while free citizens receive different, non-corporal kinds of punishment for the same crimes.² One of the few ancient Greek texts that speaks to bodily punishment for adults other than slaves and foreigners comes from Demosthenes. According to Demosthenes, women who committed adultery were considered impure and could be subjected to bodily punishment if they tried to attend sacred rituals: ‘any person whatsoever may at will inflict upon them any sort of punishment, save only death’.³

Justifying bodily punishment is difficult, but it becomes even more difficult when we consider who is more likely to be affected by it. It may thus be surprising or even disappointing to read in the *Gorgias* that Socrates seems to approve of painful bodily punishment. How could Socrates, one of the main founders of Western (moral!) philosophy, approve of intentionally inflicting bodily pain on someone?

¹ Hunter 1992, 280ff. The flogging of free Athenian men was ‘almost unheard of in classical Greece’ (Kiesling 2006, 233). Two exceptions are sports competitions, where flogging served as an effective deterrent from cheating, and the military, where on very rare occasions men seem to have been physically disciplined for not following orders (Kiesling 2006).

² A slave or foreigner who commits a market offense (such as damaging temples or fountains) should be whipped, while citizens should pay a fine (*Laws* 764b). If a slave strikes a free man, the victim may put the culprit in chains and whip him for as long as he pleases (*Laws* 882a). But if the culprit is a citizen, he ought not to be punished unless the victim is a senior (*Laws* 879c-880a). For failing to help an assaulted parent, a citizen should be cursed, a foreigner should be exiled, and a slave should be whipped (*Laws* 881b-d). For a helpful summary of the class-specific punishments, see Saunders 1991, 336-337.

³ Demosthenes 59.86. See Carey 1995 and Phillips 2014 for helpful discussions of the severity of adultery and its consequences within ancient Greek law. Outside of the context of legal punishment, we encounter flogging in three other areas of Athenian life: parenting, worship, and, possibly, medicine. On parents flogging or whipping their children, see, e.g., *Prot.*325d-e, *Hip.Maj.*292a-b, and *Lys.*208e1. For a particularly vivid passage outside of the Platonic corpus, see Herodas’ *The Schoolmaster*, *Mimiamb* 3. Flogging was also part of the religious practice of the worshippers of Dionysus (Levaniouk 2007). Lastly, flogging may also have been one of the violent treatments prescribed by some ancient physicians to treat mental illnesses, as Aulus Cornelius Celsus attests: to restrain some patients’ recklessness, ‘even floggings are used’ (*plagae quoque adhibentur*, *De Medicina* iii 18).

Hoping to present a Socratic penology that is ‘revisionary’ and ‘worthy of consideration’ today, interpreters have argued that Socrates does not endorse flogging (Shaw 2015, 95) or in fact any form of legal punishment (Penner 2018). These interpreters present a Socrates who would make us reflect ‘with chagrin’ on our current penal practices (Penner 2018, 96).

Further, interpreters have pointed to textual evidence for Socrates’ disapproval of flogging. Flogging, it has been argued, is incompatible with Socrates’ intellectualist account of motivation and action (Penner 2000, 2018; Rowe 2007): since all wrongdoing is due to ignorance, and since ignorance is best corrected via philosophical conversations, there is no room for bodily punishment within Socrates’ account of correction.

In contrast, I argue that, in the *Gorgias*, Socrates does approve of painful bodily punishment and, further, that this interpretation is consistent with Socrates’ intellectualist explanation of action. I propose that Socrates approves of painful bodily punishments such as flogging for paternalistic reasons: like a father (Latin *pater*), a judge who orders flogging has the wrongdoer’s best interest in mind. For some wrongdoers, in Socrates’ view, bodily punishment is in their own best interest because it can make them less ignorant and thus less miserable.

Socrates’ approval of bodily punishment might seem ‘heartless’ to us (Penner 2011, 289n57); however, if we consider the historical reality of punishment in his time, his penology could still be considered ‘revisionary’ because, in contrast to Plato’s *Laws* and ancient Greek legal practice, Socrates does not restrict bodily punishment to certain marginalized groups. His approach, as we will see, is more egalitarian: whoever exhibits the kind of ignorance that requires flogging ought to be flogged.

Let me stress that my claims are interpretive and not evaluative. I aim to show that Socrates approves of painful bodily punishment because he believes it can improve certain

wrongdoers. But I do not suggest that he (or anyone) should approve of bodily punishment. Instead of discussing the legitimacy of the institution of punishment, I will focus on whether and how, within the *Socratic* explanation of human actions, painful punishment can be understood to improve certain wrongdoers.

I. Socratic Motivational Intellectualism and Bodily Punishment

In *Protagoras* 358b7-8, Socrates claims that we always do what we believe is the best thing we can do for ourselves, given all available options. This passage is the main textual evidence for Socrates' so-called motivational intellectualism—the idea that all intentional actions follow a belief about what is in one's own best interest.

According to Socrates' motivational intellectualism, wrongdoers act as they do because they believe that they benefit from their actions. But Socrates believes that moral wrongdoing or injustice is never beneficial. Wrongdoing is always harmful to the wrongdoer (*Crit.* 49a-b, *Apol.* 30d, *Gorg.* 469b) because it harms the soul and thereby makes us miserable (*Crit.* 47d–48a, *Gorg.* 478c–e). Wrongdoers, thus, act on a false belief about what is best for them (*Prot.* 357c–358d, *Gorg.* 466d–468e).

According to the interpretation of Socratic motivational intellectualism proposed by Penner, Rowe, and Reshotko, Socrates believes that actions are generated by a belief-desire pair.⁴ This action-generating desire is a particularization of our general desire for the real good—a standing, inborn teleological orientation towards our true happiness. Once we form the belief that a certain action is best, our standing desire for the good becomes a particular 'desire to do something' (or an 'executive desire', Penner 1991, 153). Socrates is taken to be an intellectualist about actions *and* desires: our actions and our desires are generated by beliefs

⁴ Penner has defended this interpretation in various articles (see, e.g., Penner 2011), sometimes in collaboration with Rowe (see, e.g., Penner and Rowe 2005). Penner's interpretation was further defended and developed by Reshotko 2006. Their view has been challenged by Brickhouse and Smith 2010 and 2015.

about what is best (Jones 2012). All ‘desires to do something’ are thus rational—they arise out of reasoning and follow a belief about what is best (Penner 1990, 39).

Adherents of this interpretation explain wrongdoing as follows: the agent reasons incorrectly and erroneously concludes that a certain action, such as stealing, is in his best interest. The false belief—stealing money right now is the best thing for me to do—brings about a desire to steal, so the agent steals. According to this explanation, wrongdoing is *strictly* and *exclusively* the result of ignorance. I will therefore refer to this interpretation as ‘strict’ Socratic intellectualism.

The strict intellectualist account contrasts Socrates’ explanation of wrongdoing in the early dialogues with Plato’s explanation in his middle and late dialogues. Because Platonic psychology includes non-rational desires, that is, desires that are not generated by beliefs about what is best, some instances of wrongdoing result not from an epistemic failure but from a conative one. For Plato, then, targeting a wrongdoer’s false beliefs to bring about an epistemic improvement might be insufficient to prevent further wrongdoing. As Rowe 2007, 28 explains, in the *Republic* iv psychology, ‘it is not just the state of our beliefs that determines the way we behave, as on the Socratic model, but the state of our beliefs *and* of our desires; because our desires, so to speak, can cause as much trouble as our beliefs.’ For strict intellectualists, Plato’s different psychology leads to a different response to wrongdoing: for Plato, ‘our *desires as well as our reason needs persuasion, education, direction*. That is where punishment comes in, as a suitably irrational way of dealing with irrational drives’ (Rowe 2007, 29). This Platonic response, these intellectualists argue, contrasts with Socrates’, according to which ‘nothing apart from talking and reasoning with us will be necessary, because there is nothing apart from what we think and believe that is even in principle capable of causing us to go wrong’ (Rowe

2006, 166). In the Socratic dialogues, strict intellectualists have concluded, wrongdoers only need talk, not punishment.⁵

The strict interpretation faces a challenge in the *Gorgias*, where Socrates seems to approve of punishments—imprisonment, paying a fine, exile, flogging, and even death—because they benefit the wrongdoer. While different interpretations have been proposed to harmonize these passages with strict Socratic intellectualism, they all agree on one point: Socrates cannot approve of painful *bodily* punishment such as flogging, since bodily punishment presumably can only improve one’s non-rational desires.⁶ For Socrates, strict intellectualists argue, (i) the only kind of benefit wrongdoers can experience is epistemic, that is, belief-improvement,⁷ and (ii) flogging cannot bring about an epistemic benefit. For Socrates in Plato’s early dialogues, ‘*only philosophical dialogue* can improve one’s fellow citizen’ (Penner 2000, 164; see also Penner 2018, Rowe 2007, Reshotko 2006, 72, and Shaw 2015). Thus, (iii) Socrates cannot approve of flogging.⁸ Strict intellectualists have, therefore, tried to explain away the passages in the *Gorgias* in which Socrates seems to approve of painful punishment in general and flogging in particular.

On the other hand, Brickhouse and Smith, as opponents of strict intellectualism, have argued that we should take Socrates’ approval of painful punishment seriously. But since his approval ‘cannot be adequately understood in standard intellectualist terms’ (Brickhouse and

⁵ Penner 2000, 165: “If only we could *discuss* things for long enough, if only we could *understand* what is best”, Socrates seems to say, “all would be well, and all conduct would be virtuous!”. See also Penner 2018, 85, 98, 116).

⁶ While some have argued that Socrates cannot and in fact does not endorse any conventional form of legal punishment (Rowe 2007, 36), Shaw 2015 has argued that Socrates endorses the death penalty, exile, and confiscation because such punishments deprive the wrongdoer of means that facilitate his wrongdoing. For example, paying a fine deprives of money, exile deprives of friends, and the death penalty deprives of life; money, friends, and being alive enable an agent to do wrong. Bodily punishment, however, cannot be justified in this way: flogging does not ‘make it harder to do injustice in the future’ (Shaw 2015, 92). Nor can flogging be justified as a means for improvement, Shaw argues, because the physical pain from flogging does not remove injustice from the soul. Thus, Shaw concludes that Socrates cannot approve of bodily punishment.

⁷ See Penner 2011, 289: ‘for Socrates, the only factor that is ever relevant to changing someone’s conduct...is changing his beliefs’.

⁸ I also discuss this argument in my ‘*Socratic Motivational Intellectualism*’ (forthcoming).

Smith 2010, 135), his approval supports an interpretation of Socratic motivational intellectualism that includes non-rational desires. So, while they disagree with Penner, Rowe, and Reshotko on whether Socrates' account of motivation includes non-rational desires, Brickhouse and Smith agree that painful bodily punishment is only effective against such desires. In response to my reconstruction of the strict intellectualists' argument above, Brickhouse and Smith would reject the first premise, (i) that the only kind of benefit wrongdoers can experience is epistemic, that is, belief-improvement. Instead, Brickhouse and Smith 2018, 2015, 2010 argue that some wrongdoers benefit from flogging because it can weaken their appetites and thus lead to a conative improvement.

Against both interpretations—Penner, Rowe, and Reshotko's, on the one hand, and Brickhouse and Smith's on the other—I argue that strict Socratic intellectualism is in fact compatible with the idea that bodily punishment can improve certain wrongdoers. To show that strict Socratic intellectualism is compatible with bodily punishment, I reject the second premise above, (ii) that flogging cannot bring about an epistemic benefit, and argue instead that flogging can epistemically improve certain wrongdoers. I thus reject the assumption that bodily punishment is only effective against non-rational desires. Instead, I propose that bodily punishment can benefit wrongdoers even if there are no non-rational desires.

If, as I argue, strict intellectualism is compatible with bodily punishment, we need to revise the standard interpretation of Socratic correction. Moreover, if strict intellectualism is compatible with bodily punishment, Socrates' endorsement of bodily punishment does not serve as evidence against the strict intellectualist interpretation or as evidence for Brickhouse and Smith's alternative interpretation. In other words, Socrates' stance on bodily punishment

is not decisive for the debate between the two leading interpretations of Socratic motivational intellectualism.⁹

My argument will proceed as follows: I will first propose a strict intellectualist reading of the passages in the *Gorgias* in which Socrates approves of painful bodily punishment (section II). I will then explain how flogging can make wrongdoers less ignorant (section III) and, finally, will respond to the objection that flogging would make wrongdoers worse, not better (section IV).

II. Punishment in the *Gorgias*

In *Gorgias* 476a3-8, Socrates tries to convince Polus that committing crimes without being punished is worse than being caught and punished. To accomplish this, Socrates first establishes that, since justice is a good thing, wrongdoers who are punished justly must experience something good:¹⁰

(T1) Socrates: The one being punished (ὁ δίκην διδούς), therefore, experiences good things? Polus: It looks like it. S: Hence, he benefits (ὠφελεῖται)? P: Yes. S: Is the benefit the one I take it to be? Does his soul become better (βελτίων) if he is punished justly (δικαίως κολάζεται)? P: It looks like it at least. S: Hence, the one who gets punished gets rid of something bad in his soul (κακίας ψυχῆς ἀπαλλάττεται)? P: Yes. S: Now, is the bad thing he gets rid of the most serious one? ...don't you call this injustice,

⁹ This paper does not take a stance on whether or not the strict interpretation of Socratic motivational intellectualism is correct or, indeed, on whether Socrates or Plato are intellectualists at all. Rather, its goal is to show that it is possible to interpret Socrates' approval of bodily punishment as compatible with the strict intellectualist interpretation of human action and motivation

¹⁰ Translations of text T1 to T5 are mine, though I consulted Zeyl's translation in Cooper ed. 1997. The Greek terms for 'punishment' are τιμωρία (*Gorg.* 525b1, 472d7-8, e5-6), κόλασις (*Euthyph.* 8b2; *Prot.* 323d2, 324a4, a6; *Gorg.* 476a7, e1, 477a6, 479a1), and δίκην δίδοναι (*Euthyph.* 8c2, c7; *Gorg.* 476a7-8, 477a7-8, 479a1, a7, b5, d2). The term κόλασις can also be translated as 'disciplining'; δίκην δίδοναι means, most literally, 'to pay what is due'. Socrates uses τιμωρία, κόλασις, and δίκην δίδοναι to refer to actions we would commonly consider punishments. 'Paying what is due', for instance, might involve flogging, imprisonment, paying fines, exile, or execution (see T3 below).

ignorance, cowardice, (ἀδικίαν, ἀμαθίαν, δειλίαν) and the like? P: Yes, certainly.

(*Gorg.* 477a2-b8)

In this passage, Socrates argues that punishment benefits the wrongdoer by improving his soul. Socrates does not explicitly say that punishment is painful, nor does he mention specific forms of punishment like imprisonment or flogging. Thus, strict intellectualists have argued that the ‘punishment’ Socrates has in mind here is teaching.¹¹ In this reading, teaching as punishment benefits the wrongdoer because it rids his soul of ignorance as well as injustice and cowardice (which, for the intellectualist, are simply different instances of ignorance, *Rep.* i 351a; *Lach.* 194d-195a). But if we keep following Socrates’ argument, it becomes clear that the punishment Socrates has in mind is in fact painful to the *body* and is thus unlikely to be teaching:

(T2) Socrates: Those who flee punishment do the same thing [as those who avoid surgery and cauterization]: they look to its painfulness (τὸ ἀλγεινόν) but are blind to its benefit (τὸ ὠφέλιμον), and they are ignorant (ἀγνοεῖν) of how much more miserable it is to live with a soul that is not healthy, but unsound, unjust, and impious (σαθρᾶ καὶ ἀδίκῃ καὶ ἀνοσίῳ), than with an unhealthy body. That is why they do everything to not get punished. (*Gorg.* 479b5-c1)

In T1, Socrates explains that punishment is beneficial—it can rid the soul of injustice, ignorance, and cowardice—while in T2, he adds that punishment is painful, which is why wrongdoers generally try to avoid it. This passage then suggests that the punishment Socrates has in mind in T1 is in fact painful.

¹¹ Penner 2000 and 2011 and Rowe 2007 have argued that teaching is the only kind of ‘punishment’ that Socrates endorses. In support of Penner and Rowe’s view, Edwards 2016, 18 has argued that Socrates considers teaching a form of punishment in the *Euthyphro*. This ‘might encourage us to approach Socrates’s statements about punishment in other dialogues, such as the *Gorgias* and *Protagoras*, with caution, as Penner and Rowe themselves suggest, as what Socrates means when he talks about punishment may not be what it, at first, seems’. Brickhouse and Smith 2017 have responded to Edwards, arguing that Socrates does not regard teaching as a form of punishment.

This creates a problem for strict intellectualists: if Socrates uses ‘punishment’ to refer simply to ‘teaching’, why would he go on to claim that this punishment is painful? Some interpreters have proposed that the pain Socrates has in mind is simply the pain of refutation (Shaw 2015). While it is true that for many of Socrates’ interlocutors, being refuted is painful or, at the very least, uncomfortable, I believe that T2 in fact suggests that Socrates is thinking of *bodily* pain rather than the psychological pain of refutation. Socrates’ wrongdoer in T2 seems to believe that painful punishment diminishes his bodily health and that bodily health is more important than psychological health; he flees to avoid damage to his bodily well-being. In doing so, Socrates claims, the wrongdoer makes an intellectual error: the fleeing wrongdoer is ignorant of how much worse it is to live with an unhealthy soul than with an unhealthy body. This focus on bodily well-being contradicts the strict intellectualist proposal that the wrongdoer flees only the psychological pain of refutation.

While corporal punishment such as flogging is obviously painful to the body, non-corporal punishments can be as well: imprisonment, fines, and exile may all be perceived by the wrongdoer as bodily painful or at least unpleasant, either in themselves or in their effects. I am thus not proposing that T2 specifically refers to corporal punishment such as flogging. But the text does suggest that when the wrongdoer flees punishment, he flees bodily pain and not (only or primarily) psychological pain.

Having claimed that wrongdoers make a mistake when they flee punishment and try to avoid bodily pain, Socrates then explains why avoiding punishment is unwise. Socrates claims that ordinary forms of punishment—imprisonment, fines, exile, flogging, and even capital punishment—can all benefit the wrongdoer and that it is thus in the wrongdoer’s own best interest to turn himself in:

(T3) Socrates: Wrongdoing should not be kept hidden but brought into the open, so that [the wrongdoer] gets punished (δῶ δίκην) and gets healthy (ὕγιής γένηται); he should

force himself...and present himself courageously as to a doctor for cauterization and surgery, pursuing the good and admirable thing without taking into account the pain (τὸ ἀλγεινόν). And if he is so unjust that he deserves flogging (πληγῶν), he should present himself to be beaten (τύπτειν); if he deserves imprisonment (δεσμοῦ), to be imprisoned; if a fine (ζημίας), to pay it; if exile (φυγῆς), to be exiled; and if death (θανάτου), to die. (Gorg. 480c3-d3)

Notably, this list of punishments does not include teaching, making it even more unlikely that the painful punishment in T1 and T2 referred simply to the pain of refutation.

This list has posed a challenge for strict intellectualists like Rowe 2007, 28: ‘if it [i.e., wrongdoing] is all supposed to be a matter of intellectual error, what use is it to *punish* anyone? ... How can making people suffer—fining, imprisoning, flogging, exiling, executing them—how can any of *that* make them *think* better?’ In response to this question, and in contrast to my reading of T3, Shaw has argued that this passage does not provide sufficient grounds for concluding that Socrates endorses these ordinary forms of punishment. For Shaw, Socrates’ approval in T3 is conditional: a wrongdoer should be flogged (or imprisoned, fined, exiled, sentenced to death) *if* he is so unjust that he deserves to be flogged (or imprisoned, fined, exiled, sentenced to death). But these conditions, Shaw 2015 79 argues, might never be met.

But Socrates does in fact claim that certain wrongdoers meet these conditions: some wrongdoers, Socrates argues, ought to be exiled or fined (their property should be confiscated), and others should even be put to death:

(T4) Socrates: Do we agree that sometimes it’s better to do the things that we just now talked about, putting people to death and exiling them and confiscating their property, but at other times it’s not? Polus: Yes. Socrates: This point, it seems, is agreed upon by both you and me? Polus: Yes. (Gorg. 470b-c)

Since Socrates argues that there are some wrongdoers who ought to be exiled, fined, or put to death, it is likely that he also supposes that some wrongdoers ought to be flogged. Otherwise, why would he include flogging on a list of punishments, several of which he specifically endorses? Socrates may plausibly believe that cases in which flogging is appropriate are rare, but given text T3, it would be rather odd for Socrates to disapprove of flogging *in principle*. Text T4 makes such an absolute disapproval even more unlikely.

The *Gorgias* suggests that Socrates approves of painful bodily punishment like flogging because it benefits certain wrongdoers epistemically: the wrongdoers become less ignorant. But how can painful bodily punishment make anyone less ignorant? I propose an explanation that is consistent with strict intellectualism.

III. How Flogging Can Make Wrongdoers Less Ignorant

In the *Apology*, Socrates argues that legal punishments—imprisonment, paying fines, exile, and flogging—should be reserved for willing (ἐκούσιος) wrongdoers, who exhibit a more serious kind of ignorance than unwilling (ἄκούσιος) wrongdoers. Unwilling wrongdoers—in which group Socrates includes himself, if indeed he has harmed anyone—understand that wrongdoing is not in their own best interest (*Apol.* 25e). But they fail to identify a certain action as wrong, and such application failure, Socrates claims, does not require legal punishment in court but rather instruction and admonishment in private (*Apol.* 26a1-4). Willing wrongdoers, by contrast, do not believe that wrongdoing is not in their own best interest. These wrongdoers, Socrates claims, should be punished in court.¹²

Among the willing wrongdoers, Socrates further distinguishes between curable and incurable wrongdoers. Incurable wrongdoers—such as Archelaus and other tyrants (*Gorg.*

¹² Elsewhere, Socrates claims that no one does wrong willingly (*Prot.* 345e; *Gorg.* 509e5-7). But if (i) only willing wrongdoing should be legally punished (*Apol.* 26a1-6), and (ii) no one does wrong willingly, then we might conclude that (iii) no one should be legally punished. For recent arguments for and against this conclusion, see Penner 2018, 132-133 and Brickhouse and Smith 2018, respectively. For a detailed discussion of what Socrates means when he says that no one does wrong willingly, see Kamtekar 2017, 69-128.

525d)—should be sentenced to death, Socrates explains, because they no longer benefit from other forms of punishment (*Gorg.* 525c). Incurable wrongdoers have damaged their souls beyond repair. They cannot be convinced—not even through flogging—that wrongdoing is bad for them.

The recipients of flogging and other forms of legal punishment are thus willing wrongdoers whose actions are symptoms of a very serious intellectual disease—they do not believe that wrongdoing is bad for them—but who are still responsive to treatment (i.e., ‘curable’).¹³ But how could flogging help wrongdoers understand that wrongdoing is bad for them?

We generally accept that experiences and perceptions can erase old beliefs and give rise to new ones. For example, presumably no one would wonder, ‘how could my experience of painful drilling at the dentist give rise to the belief that not brushing my teeth is bad for me?’ Such new true beliefs can prompt me to act better. After experiencing painful drilling, for example, I might brush my teeth more often. I will suggest that painful punishment—just like a painful dental procedure—is an experience that can erase old false beliefs and give rise to new true beliefs, which in turn motivate better actions.

Let us take the example of a wrongdoer who experiences the painful punishment of flogging. In the best-case scenario—I discuss sub-optimal scenarios below—the wrongdoer engages in a deliberation process that can be formalized as follows:

- (i) This pain from flogging is bad.
- (ii) Wrongdoing leads to flogging.
- (iii) So, wrongdoing leads to pain.

¹³ One exception to this rule is the bodily punishment of some incurable wrongdoers in the afterlife, which is supposed to deter passersby from future crimes (*Gorg.* 525c). I will say more about the role of deterrence within Socratic penology below. Aristotle in the *Eudemian Ethics* 1214b29-33 also endorses the flogging of the intellectually diseased or ‘morally deranged’ (παραφρονοῦσι), as he calls them. Their intellectual madness cannot be treated with arguments, Aristotle claims, but instead requires medical or political correction; ‘for medicine, no less than flogging (πληγῶν), is correction (κόλασις)’.

(iv) So, wrongdoing is bad for me.

The wrongdoer's belief changed from 'wrongdoing is good for me' to 'wrongdoing is bad for me' through perception, belief, and reasoning: our wrongdoer perceives the flogging and feels pain; he believes that pain is bad; and since the punisher tells him that the flogging is a response to his wrongdoing, he reasons that wrongdoing is bad for him. This new belief makes him more likely to refrain from future wrongdoing.

In the best-case scenario, our wrongdoer may have gained a true belief, but he did not (yet) acquire the correct explanation for why wrongdoing is bad, nor can he consistently identify particular instances of wrongdoing. For now, he probably believes 'wrongdoing is bad for me because it leads to pain'. Painful bodily punishment cannot communicate the correct Socratic explanation: that wrongdoing is bad for me because it harms my soul. To achieve this more comprehensive understanding, extended philosophical conversations will be necessary. Nevertheless, painful punishment can accomplish an important first step: the wrongdoer associates wrongdoing with it being bad for him. Some wrongdoers may not be capable of taking even this first step. As we saw in T3 above, Socrates believes that such incurable wrongdoers should be executed for their own good.

But why not instill the belief 'wrongdoing is bad for me' through teaching and instruction? Why would we need bodily punishment? A Socratic could respond that some wrongdoers need a more persuasive argument than the one communicated through verbal teaching and instruction. These wrongdoers do not only need to hear that wrongdoing is bad; they also need to *feel* it. When wrongdoers experience bodily punishment, they experience aversive pain. By 'aversive', I mean that pain has some negative motivational flavor—most of us do not want to be in pain; pain feels bad. When wrongdoers experience painful bodily punishment, they thus *feel badness*. Making wrongdoers feel badness through pain and

explaining to them that they feel pain because of their wrongdoing aims to communicate the message that wrongdoing is bad and thus to create an aversion to wrongdoing.¹⁴

In my explanation of how painful bodily punishment can improve and benefit the wrongdoer, pain is not incidental; it is doing significant epistemological work. The punishing judge uses the phenomenology of pain—that pain is aversive and feels bad—to improve certain wrongdoers epistemically (specifically, those wrongdoers who would not be convinced by mere verbal arguments). By assigning explanatory power to painful experiences, my interpretation allows us to make sense of Socrates' claim that

(T5) the benefit comes to them [i.e., the curable wrongdoers], both here and in Hades, *through* pain and suffering (δι' ἀλγηδόνων καὶ ὀδυνῶν). (*Gorg.* 525b4-5)

Pain is not a mere byproduct of punishment; it is how the treatment works.¹⁵ If, as I proposed, certain wrongdoers need to feel badness in order to understand that wrongdoing is bad for them, then the benefit of punishment indeed comes to them 'through' pain.

Socrates even seems to believe that experiencing pain and discomfort can be educationally beneficial outside of the context of legal punishment. During philosophical conversations, Socrates himself intentionally prompts some of his interlocutors to feel discomfort or pain by shaming them.¹⁶ It seems that some wrong-talkers, just like some wrongdoers, need to feel pain to improve epistemically. Socrates even claims that sometimes it is right to physically pain a student. In *Hippias Major* 292a-b, Socrates admits that one of his and Hippias' answers was so misguided that their hypothetical opponent would rightly laugh at them and hit (τύπτεσθαι) Socrates with a stick (βακτηρία, 292a6-7). Socrates' approval of pain in the classroom further supports that he may approve of pain in court.

¹⁴ For punishment as a communicative act, see also Morris 1981, 264.

¹⁵ I here disagree with Shaw 2015, 85. Boeri 2007, 55 also argues that the suffering from punishment is the condition for the criminal's improvement ('su sufrimiento es la condición para regresar su alma a un estado correcto o sano'), but it remains open how exactly painful punishment improves the wrongdoer's soul.

¹⁶ For examples of Socrates' use of shame, see *Euthyph.* 15d; *Apol.* 17b, 24d, 29d-30b, 35b; *Crit.* 52c-d, 53c; *Gorg.* 494e. Shame is painful (*Gorg.* 475a).

At this point, the reader might worry that my explanation has departed from a strict intellectualist account of Socratic motivational intellectualism. It might appear that strict intellectualists would not buy into an explanation that assigns such an important role to pain, which is, after all, a non-rational affection. I must spell out why my explanation is in line with strict intellectualism.

Strict intellectualists agree that pain is aversive. Pain aversions belong to the class of hankerings, itches, and drives (Penner 1991, 201n45), or longings, urges, and raw desires (Reshotko 2006, 76-77, 84-88). Penner and Reshotko distinguish pain ‘itches’ from full-fledged desires: ‘desires’ motivate concrete actions; they are generated when our belief that a particular action is best for us to do transforms our inherent general desire for the real good into a particular (‘executive’) desire to perform a concrete action (Penner 1992, 128). In contrast to ‘desires’, appetitive ‘itches’ and ‘urges’ cannot generate actions because ‘itches’ do not *‘pull towards a specific instance of a thing’* (Reshotko 2013, 171).¹⁷ However, ‘itches’ can influence our deliberation about what to do, as Penner and Reshotko repeatedly emphasize: ‘I hold that urges and drives *do influence* our rational assessment of different courses of action. ... My craving for chocolate makes my calculation of the good, and my consequent actions based on my desire for the good, come out differently than they would, had I not been craving chocolate’ (Reshotko 2006, 87); ‘intellectualism need only claim that these non-intellectualized factors never cause behavior in an unmediated fashion: they cause it by affecting our beliefs. These changed beliefs influence our deliberation concerning which action is the best means to the best end available to us in our situation, so we come to different conclusions about which action is most beneficial’ (Reshotko 2006, 84).¹⁸ Strict intellectualists

¹⁷ The difference between ‘desires’ and ‘itches’ in this interpretation is important but often overlooked. For a further discussion, see Möbus (forthcoming).

¹⁸ See also Reshotko 2006, 16; and Penner 2011, 263-264; and Penner and Rowe 2005, 230.

thus can allow that bodily pain feels bad and that this experience can influence the wrongdoer's deliberation and beliefs about what to do.

I have argued that the idea that pain is aversive—that it feels bad—allows us to explain the efficacy of painful bodily punishment without having to introduce non-rational desires. Socrates' endorsement of painful bodily punishment, therefore, does not count as evidence against the strict intellectualist interpretation of Socrates' account of motivation.¹⁹ Strict intellectualists can explain the role of bodily punishment in terms of belief: like other experiences, painful bodily punishment can influence our deliberation and beliefs; it can convince us to abandon old false beliefs and to adopt new true beliefs.²⁰

¹⁹ Contra Brickhouse and Smith 2010, 135.

²⁰ For two alternative explanations of the efficacy of painful punishment, see Brickhouse and Smith 2018; 2015; 2010, ch. 4; and Vigo 2002. Brickhouse and Smith 2015, 11; 19 argue that appetites are non-rational desires; they can present particular objects as good and worth pursuing and thereby drive us towards or away from specific things. For some agents, appetites become so strong that they regularly cause the agents to believe falsely that certain actions are best for them. For such wrongdoers, Brickhouse and Smith argue, flogging may weaken their appetites by giving them a convincing reason to avoid future wrongdoing; and when these agents avoid wrongdoing and do not act on their appetites, their appetites become 'weaker' (2010: 123–124; 2018: 51). In this interpretation, painful punishment brings about a *conative* improvement by weakening the wrongdoer's strong appetites. This conative improvement, in turn, may bring about an epistemic improvement: the weakened appetites are less likely to lead the agent astray, and so he does not erroneously conclude that a certain act of wrongdoing is best for him to do. This interpretation is not open to strict intellectualists because strict intellectualists deny that Socrates' account of motivation includes non-rational desires (i.e., they deny that appetites drive us towards or away from specific things, cause false beliefs about what is the best thing to do, and make us act in certain ways; see Reshotko 2006, 85–6; Rowe 2012, 314; Penner 2011, 263–4). For the strict intellectualist, appetites can inform but not hijack our deliberation about what is best; they can never cause so much trouble that they would require correction. I thus propose that, in the strict intellectualist account, flogging does not bring about a conative improvement; instead, it may lead to an immediate epistemic improvement by changing the wrongdoer's beliefs. Vigo 2002, on the other hand, proposes that the wrongdoer experiences self-deception ('autoengaño') when he commits a crime. Punishment allows him to experience self-distance ('autodistanciamiento'), to see his error as an error and, thus, to escape self-deception. Vigo further argues that the experience of self-distancing is necessary for moral progress (82) and that refutation has the same effect (77). In my strict intellectualist interpretation of painful punishment, however, the wrongdoer does not undergo any such existential experience. Rather, I propose that experiencing painful bodily punishment can merely inform the wrongdoer and lead to belief change.

IV. Response to Objection

But wouldn't bodily punishment make wrongdoers worse rather than better? Interpreters have objected that flogging will not actually generate a new true belief but instead will

- (a) enforce what Socrates holds to be a false belief, namely that 'pain is bad' (Kamtekar 2016, 6n13); or even
- (b) create a new false belief, namely, that 'getting caught is bad' (Shaw 2015, 76).

In both cases, bodily punishment would make the wrongdoer worse and more ignorant, rather than better and less ignorant.²¹ Let us first look at (a). According to a common reading of *Euthydemus* 281b-d, the only thing that Socrates considers to be bad in itself is ignorance. Thus, pain can be bad only derivatively, that is, if it stands in the way of one becoming more knowledgeable; in itself, however, pain is indifferent. When the wrongdoer is flogged, one could argue, the pain is neither bad in itself nor derivatively bad; in fact, the pain of flogging is *good*, as it helps the wrongdoer become less ignorant. Therefore, when our wrongdoer believes 'pain is bad', meaning either that 'pain is bad in itself' or 'this pain from flogging is derivatively bad', he holds a false belief.

In response to this objection, I propose that even if the belief that 'pain is bad' is false, a wrongdoer nevertheless epistemically improves overall when he gives up the false belief 'wrongdoing is good for me' and adopts the true belief 'wrongdoing is bad for me'. This new

²¹ Jouët-Pastré 2012, 65 has argued that bodily punishment makes wrongdoers worse because pain disturbs the soul, and a disturbed soul cannot think and is disharmonious and unjust. The only way in which bodily punishment could have a positive effect is not by virtue of being painful but by virtue of being shameful. Shame can make us 'see what is ugly' ('Le châtement physique fait voir à l'homme ce qui est laid, c'est peut-être sa seule justification "éducative"', 68). In all other cases, the disorder that pain causes is problematic (2012, 68-69). I agree with Jouët-Pastré that bodily punishment may make the wrongdoer feel ashamed, especially if it is executed publicly and on bare skin. It was likely for this very reason that flogging was mainly reserved for slaves in ancient Athens (Hunter 1992). However, Jouët-Pastré's argument that shame can make the soul better, but not physical pain, because physical pain disturbs the soul, is problematic for two reasons: first, shame, that is, the fear of bad reputation (*Euthyph.* 12b-c), also disturbs the soul (at least in *Phil.* 50b-c). Second, it seems that we can improve the soul permanently by temporarily disturbing it. Socrates himself uses shame and refutation as means of education, both of which temporarily disturb the soul.

true belief might make it less likely that, in the future, the wrongdoer erroneously concludes that a certain act of wrongdoing is best for him to do. It can thereby prevent further acts of wrongdoing, which in turn prevents the wrongdoer from becoming more miserable (*Gorg.* 472e; *Crit.* 47d, 49b). Hence, when the wrongdoer experiences painful punishment and adopts the belief that ‘wrongdoing is bad for me’, this results in an overall epistemic benefit: the wrongdoer gains a new belief that greatly affects how he acts and thereby how happy or miserable he is at the fairly low cost of reinforcing a false belief (‘pain is bad’) that he already held.²²

My point that the flogged wrongdoer might experience an overall epistemic improvement can also be illustrated by comparing the judge to a doctor and the wrongdoer to a patient. Just as a doctor may prescribe a treatment that remedies a specific bodily condition even though the treatment may have negative side effects, a judge may prescribe bodily punishment to treat a wrongdoer’s ‘psychic disease’ (i.e., the false belief ‘wrongdoing is good for me’), even though that bodily punishment may also have negative side effects (reinforcing the false belief that ‘pain is bad’). We do not expect one particular medical treatment to cure a patient of all bodily diseases; likewise, we should not expect one particular judicial treatment to cure a wrongdoer of all ignorance. If a treatment leaves patients or wrongdoers healthier overall, it is beneficial to them.

Let us now look at objection (b), that painful punishment does not make the wrongdoer better, but instead makes him worse, since he does not gain the belief that ‘wrongdoing is bad’ but rather that ‘punishment or getting caught is bad’. He will therefore become a sophisticated wrongdoer, someone who tries to avoid punishment at all costs. Such a wrongdoer has become worse because he has acquired a new false belief (‘getting caught is bad’).

²² Presumably, such a calculus is at play in those passages in the *Republic* in which Plato claims that falsehoods can be beneficial (*Rep.* 382c-d, 331c, 414c-416a).

To this second objection, I have three responses. First, we should notice that Socrates stresses that punishment done wisely, that is, correctly (*Gorg.* 476d8, 478a7, 525b1) and justly (*Gorg.* 476a8, e1, 477a6), can make wrongdoers better. In other words, the judge must be *skillful* in order to instill the true belief that wrongdoing is bad. The idea that punishment ought to be inflicted by an expert judge is crucial and cannot be taken for granted. In ancient Athens, judges were citizen-amateurs, and in ancient Greek literature, painful punishment lies in the hands of private, vengeful citizens. The heroes of Homer's *Iliad* and *Odyssey* seek violent revenge on their enemies, and the characters in Aeschylus' *Oresteia* 472-474 believe that justice 'cannot come from others outside, but from a member of the house [i.e., family] itself, through cruel, bloody Strife'. Against this do-it-yourself punishment for the sake of revenge, Socrates recommends expert punishment for the sake of bettering the wrongdoer. Considering the historical reality and literary depiction of punishment in ancient Athens, Socrates' view of punishment was very progressive.

My second response to the objection that bodily punishment could make wrongdoers worse is that, while this is indeed a problem, it is not a problem that is limited to bodily punishment. Philosophical instruction, too, can make people worse instead of better. We might think in particular of three types of former philosophy students: the argument haters or skeptics (μισόλογος, *Lach.* 188c6, *Phaed.* 89d-90d); those 'between' philosophy and statesmanship (μεθόρια, *Euthyd.* 305c7), who have come to believe that philosophy is just 'chattering and making a worthless fuss about matters of no consequence' (*Euthyd.* 304e); and sophisticated wrong-talkers, who try to hide their ignorance because they have come to believe that 'getting caught at contradicting myself is bad' after having been exposed as ignorant in the past. Here, we might think of Critias specifically, who is afraid of losing his reputation (*Charm.* 169c) and

puts the dialectical skills he learned from Socrates to evil ends when he joins the Thirty Tyrants.²³

These three kinds of students became worse through philosophical instruction. But despite the possibility of failure, Socrates himself continues to try to improve people through philosophical conversations. Likewise, we can conclude that the Athenian judges should continue to try to improve wrongdoers through bodily punishment, even though in some cases, this treatment may fail, and some wrongdoers may become worse. Bodily punishment can communicate a very important message, namely, that ‘wrongdoing is bad for oneself’. But ultimately, it is up to the wrongdoer to accept or reject this message.²⁴ We cannot force anyone—either through punishment or through instruction—to believe truths.

My third response is that even if some flogged wrongdoers acquire the false belief that ‘getting caught at wrongdoing is bad’, they become epistemically worse only momentarily. In the long run, they may still benefit from their newly acquired false belief because they will be deterred from future wrongdoing, at least sometimes. Agents who want to avoid punishment will overall hold fewer false beliefs about what is best for them to do; consequently, they will commit fewer acts of wrongdoing. Thus, even if painful punishment does not make all wrongdoers better (less ignorant), for some wrongdoers, it can at least limit how much worse (more ignorant) they become by deterring them from future wrongdoing.

By limiting future wrongdoing, deterrence is extremely beneficial to the agent. Remember that, for Socrates, wrongdoing ‘is the worst thing there is’ for the agent (*Gorg.* 469b8-9) because it corrupts the soul, and a corrupt soul is miserable (*Gorg.* 472e; *Crit.* 47d, 49b). Wrongdoing is so harmful to the agent that wrongdoers who have proven to be incurable

²³ Critias is part of philosophical conversations with Socrates in the *Protagoras* and *Charmides*. Nails 2002, 110 notes that Critias ‘appears to have been one of the extreme members [of the Thirty Tyrants] and personally to have plotted some of its most reprehensible measures: murders, confiscations, banishments, mass execution of the citizen population of Eleusis’. On Critias’ turning bad, see also Morrison 2010, 204-206.

²⁴ As Hampton 1984, 230-231 points out.

should be executed because, Socrates explains, ‘for the corrupt person it is better not to be alive, for it is necessary that he lives badly’ (*Gorg.* 512a). So, a Socratic could argue that by limiting future wrongdoing, we limit further worsening of the wrongdoer’s soul and thereby limit the extent of his misery.

I have proposed two Socratic justifications for bodily punishment: in the best-case scenario, the wrongdoer epistemically improves by acquiring the true belief ‘wrongdoing is bad for me’; in a sub-optimal scenario, the wrongdoer acquires the false belief that ‘getting caught is bad’, which might at least sometimes deter him from future wrongdoing. Both justifications of bodily punishment—epistemic improvement and deterrence—share the premise that bodily punishment aims to benefit the wrongdoer. For Socrates, the goal of bodily punishment is to promote self-improvement and prevent further self-harm so that the wrongdoer may become less miserable. Socrates’ justification of bodily punishment is thus paternalistic.²⁵ Like a father, the judge has the wrongdoer’s own best interest in mind.²⁶ Outside of the courtroom, in the context of parenting and education, Socrates likewise approves of the use of a stick or whip for paternalistic reasons. In the *Lysis*, he agrees that Lysis’ mother may beat (τύπτω, 208e1) Lysis to prevent him from hurting himself by playing with sharp wool-working tools. Socrates even seems to believe that sometimes it is right for a teacher to hit his students with a stick in order to help them make progress (*Hip. Maj.* 292a6-7). In a

²⁵ Paternalism is close to and yet different from punishment for the sake of reformation or rehabilitation. Both the paternalist and the reformist punish in order to improve the wrongdoer. But while paternalists want to improve the wrongdoer for his own good, reformists might instead improve him for the good of society (Morris 1981, 264). Socrates’ paternalistic penology is in line with his disapproval of revenge (*Crit.* 49b-d; *Apol.* 41d) and his likely approval of deprivation or incapacitation. Depriving the wrongdoer of goods that facilitate wrongdoing can be in the wrongdoer’s own best interest (*Gorg.* 525d). For a more detailed discussion of different justifications of punishment in contemporary philosophy, see Berman 2012 and Feinberg 1990; for a detailed discussion of Platonic penology, see MacKenzie 1981.

²⁶ Socrates’ student Xenophon appeals to the same paternalistic justification of bodily punishment when he defends himself for having beaten several men serving under him in the army of the Ten Thousand. Xenophon argues that he beat these men for the same reason that parents, teachers, and doctors inflict pain on children, students, and patients, respectively: it was in the men’s own best interest (*Anabasis* v 8.13-19). Some Indian Buddhist philosophers, whom we also might not expect to approve of painful punishment, defend it, like Socrates, for paternalistic reasons (see, e.g., Nāgārjuna’s *The Precious Garland* 336). Punishment prevents the wrongdoer from ‘performing karmically destructive acts’ and is thus the compassionate thing to do (Goodman 2009, 175).

metaphorical sense, Socrates himself is the ‘whip’ (μύωψ, *Apol.* 30e5) that goads the Athenians into examining their lives so that they may become better and happier.²⁷

I have argued that the objection that painful punishment makes wrongdoers worse, not better, by reinforcing a false belief (‘pain is bad’) and potentially instilling a new false belief (‘getting caught is bad’) does not give sufficient justification for explaining away Socrates’ approval of painful bodily punishment. I do not argue that bodily punishment is Socrates’ preferred means of education, nor do I aim to show that bodily punishment can produce full virtue (if we understand virtue as knowledge of *what* is good and bad and *why* it is good and bad). Bodily punishment does not cure the wrongdoer of all ignorance. I intend only to show that there is room in Socratic philosophy—even if understood as strictly intellectualist—for pain as a means of education.

Conclusion

The *Gorgias* suggests that Socrates approves of flogging. But strict intellectualists have argued that Socrates cannot approve of flogging because experiencing bodily pain does not have any epistemic benefit. I propose that bodily punishment can benefit and improve certain wrongdoers, as Socrates says in *Gorgias* 477a2-b8, by communicating the belief that wrongdoing is bad for oneself. While some wrongdoers might reject the message that bodily punishment aims to communicate, I suggest that even in those cases, a Socratic could argue that bodily punishment is still beneficial because it deters some wrongdoers from further wrongdoing, at least sometimes. By deterring future wrongdoing, bodily punishment limits a further epistemic worsening of wrongdoers’ souls. Thus, we have no textual reason to believe that Socrates disapproves of flogging in principle.

²⁷ The Greek term μύωψ, which is usually translated as ‘gadfly’ in *Apol.* 30e5, can also mean ‘whip’, ‘goad’, or ‘spur’.

Still, one might think that bodily punishment is obviously inhumane, harmful, and ineffective and that, if textually possible, we should attribute a penology to Socrates that is more progressive and revisionary. However, we saw that Socrates approves of painful bodily punishment only under three conditions: bodily punishment should be inflicted (1) by a skillful, impartial judge (not by private, vengeful citizens); (2) upon wrongdoers who do not believe that wrongdoing is bad for them; and (3) for the paternalistic purpose of benefitting the wrongdoer. Notably, Socrates does not restrict bodily punishment to non-citizens. Considering the legal reality and literary depictions of punishment at the time, Socrates' penology could thus be regarded as revisionary and progressive despite his approval of bodily punishment.

I therefore conclude that the strict interpretation of Socratic intellectualism is compatible with Socrates' approval of painful bodily punishment in the *Gorgias* and that strict intellectualists can acknowledge that certain wrongdoers become better 'through' pain, as Socrates claims in *Gorgias* 525b4-5. When wrongdoers experience painful flogging, they feel badness. For wrongdoers whose practical belief system is deeply misguided, this experience is more persuasive than philosophical arguments, and for such wrongdoers, feeling badness may be necessary for understanding that wrongdoing is bad for them.²⁸

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