This paper examines a passage in the *Theaetetus* (201a–c) where Plato distinguishes knowledge from true belief by appealing to the example of a jury hearing a case. While the jurors may have true belief, Socrates puts forward two reasons why they cannot achieve knowledge. The reasons for this nescience have typically been taken to be in tension with each other (most notably by Myles Burnyeat). This paper proposes a solution to the putative difficulty by arguing that what links the two cases of nescience is that in neither case do the jurors act from an epistemic virtue and that doing so is a necessary condition of knowledge. Appreciating that it is a necessary condition of knowledge that it be the result of an epistemic agent’s agency in a distinctive way provides a satisfying solution to the difficulty Burnyeat detected and also does justice to an otherwise neglected aspect of Plato’s epistemology: his talk of cognitive capacities and virtues and his focus on what it is that is active and passive in epistemic processes.

**Keywords:** Plato; epistemology; *Theaetetus*; knowledge; true belief; jury; perception

### 1. INTRODUCTION

At *Theaetetus* 201a–c, Socrates distinguishes knowledge from mere true belief by appealing to the example of an Athenian jury who, he thinks, may possess the latter, but not the former. Burnyeat (‘Socrates and the Jury’), in a seminal article, drew attention to several paradoxes in the distinction(s) drawn there between true belief and knowledge and argued that Plato’s conception of ἐπιστήμη differed from modern notions of knowledge insofar as Plato was primarily concerned with *understanding* rather than *justification*. In contrast with the so-called ‘traditional’ account of knowledge as justified true belief or some variant, Burnyeat’s view was that, for Plato, *understanding* is a necessary condition of knowledge: if S knows something, S must understand that thing (which includes having access to a suitable explanation). According to Burnyeat, the centrality of understanding to

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1 I say ‘something’ because there are worries over taking single propositions to be the objects of understanding.

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Plato’s notion of ἐπιστήμη revealed why, in the Meno, it was ‘by reasoning about the cause’ (αἰτίας λογισμῷ Meno 98a3–4)²: by explanation and understanding that knowledge was distinguished from mere true belief and also why the third part of the Theaetetus attempted to develop an appropriate account of λόγος (an explanatory account).³

In this paper, I will revisit the passage examined by Burnyeat and further investigate the distinction drawn between knowledge and true belief at Theaetetus 201a–c. Where Burnyeat detected a paradox, I will offer a resolution and argue that, properly understood, the invocation of the jury casts further light on Plato’s conception of knowledge. In particular, I will argue that Plato thinks it a necessary condition of knowledge that it be the result of a cognitive capacity or virtue in the epistemic agent: that if it is to be knowledge, then it has to be something the agent has achieved for themselves and as a result of their own agency (and not the agency of another). This provides a satisfying explanation of an outstanding puzzle: why Socrates thinks that the jurors, being persuaded by means of the rhetoric of the litigants, cannot attain knowledge (for Plato, emphasizes that those undergoing rhetoric are like marionettes in the hands of a puppeteer) while those who perceive something for themselves or who learn (rather than being rhetorically persuaded) can attain knowledge; as we shall see, Plato emphasizes the active role of the epistemic agent in perception and learning. Such an approach also does justice to an otherwise neglected aspect of Plato’s epistemology: his talk of cognitive capacities and virtues and his focus on what it is that is active and passive in epistemic processes. It also further develops an insight that Burnyeat elsewhere drew attention to (though only in passing): that for Plato, knowledge is something that we must achieve for ourselves (Burnyeat, ‘Socrates and the Jury’, 187; ‘Wittgenstein and Augustine De Magistro’, 7–8, 19, 22–3; The Theaetetus of Plato, 126).

2. THE JURY: BURNYEAT’S PARADOX AND ITS RESOLUTION

The most direct argument against Theaetetus’ thesis that knowledge is simply true belief (ἀλήθης δόξα 187b5–6, 200e4) comes at the end of the second section of the Theaetetus: 200d5–201c7. There, Socrates invokes the example of an Athenian jury and discusses why, even when they get things right, the jurors cannot be said to possess knowledge. The passage is well known, but

²For a helpful compendium of several translations of this phrase, see Fine (‘Knowledge and True Belief’, 61n56).
³Cf. Moravcsik, ‘Understanding and Knowledge’. Almost all Anglophone literature has followed the trend of stressing that Plato’s epistemology focuses on understanding. It is often further claimed that Plato is interested in explanation and understanding at the expense of justification (Burnyeat, ‘Socrates and the Jury’, 187–8) and sometimes that ἐπιστήμη should not be translated as ‘knowledge’ at all, but rather as ‘understanding’ (Moline, Plato’s Theory of Understanding, 3; Nehamas, ‘Meno’s Paradox and Socrates’, 25; cf. the invocation of naturalized epistemology by Everson, Epistemology, 5–6).
rarely forms a focal point in discussions of the *Theaetetus*: typically monographs on the *Theaetetus* tend to lend it no great weight, dedicating no more than a page or two to it.\textsuperscript{4} Even articles which discuss the passage in detail often think it contains a gross inconsistency and is the result of over-hasty composition or careless writing (Burnyeat, ‘Socrates and the Jury’, 179; Bostock, *Plato’s Theaetetus*, 201).\textsuperscript{5} However, the passage offers one of Plato’s more detailed distinctions of knowledge from mere true belief and against the dominant view of this passage, I will first show that it in fact rewards careful reading and does not offer an inconsistency.

Just before Socrates’s appeal to the example of the jury, Theaetetus articulates the thought that true belief might be equated with knowledge for it too is ‘free of mistakes, and everything that results from it is admirable and good’ (Τὴν ἀλήθη δοξαν ἐπιστήμην εἶναι. Ἀναμάρτητον γε πού ἔστιν τὸ δοξάζειν ἀληθῆ, καὶ τὰ ὑπ’ αὐτοῦ γιγνόμενα πάντα καλὰ καὶ ἀγαθὰ γίνεται 200e4–6 cf. *Meno* 96d5–96d3).\textsuperscript{6} In response, Socrates claims that perhaps if they continue to search after what knowledge is, they will come upon it (200e7–201a2) and it is at this point that Socrates invokes the example of litigants persuading a jury in court. Socrates claims that if the jurors judge correctly they are said to have true belief(s) but not knowledge and thus any attempt to define knowledge as true belief fails. Socrates declares that there is a certain art (τέχνη 201a4), namely persuasion, which shows that knowledge cannot be mere true belief:

Soc: [Consider] the art of those who are greatest of all in point of wisdom: people call them speech-makers and litigators. Because those people, you see, persuade others by means of their art, not teaching them, but making them believe whatever they want them to believe. Or do you think there are people who are so clever as teachers that, in the short time allowed by the clock, they can [adequately]\textsuperscript{7} teach the truth, about what happened, to people who weren’t there when some others were being robbed of money or otherwise violently treated?\textsuperscript{8}

\textsuperscript{4}Thus, McDowell (*Plato: Theaetetus*, 227–8); Bostock (*Plato’s Theaetetus*, 200–1); Sedley (*The Midwife of Platonism*, 149–51); Chappell (*Reading Plato’s Theaetetus*, 194–6).

\textsuperscript{5}One distinguished scholar even suggests that: ‘If our only interest were to understand the arguments of the *Theaetetus*, suppression [of these lines] would be the best policy’ (Barnes, ‘Socrates and the Jury’, 193). The exceptions to this trend are Lewis (‘Knowledge and the Eyewitness’) and Stramel (‘A New Verdict on the ‘Jury Passage’’).

\textsuperscript{6}This was the first paradox Burnyeat detected (‘Socrates and the Jury’, 173–6); I will not discuss it here.

\textsuperscript{7}As Burnyeat (‘Socrates and the Jury’, 177n6) notices, this word (‘adequately’) is omitted in McDowell’s translation.

\textsuperscript{8}The OCT, McDowell’s translation, and the Burnyeat/Levett translation all assume τούτους at 201b2. Burnyeat (‘Socrates and the Jury’, 177n6) remarks upon the difficulty and Fowler (*Plato: Theaetetus, Sophist*), in the Loeb, relying upon a different manuscript has τούτοις. Regardless, it is the litigant–orators who are unable to teach the jurors and the jurors who are unable to learn due to a lack of time.
Tht: No, I don’t think so at all. What they can do is persuade.

Soc: And you say persuading is making someone believe something?

Tht: Of course.

Soc: So when jurymen have been persuaded, in accordance with justice, about things which it’s possible to know only if one has seen them and not otherwise, then, in deciding those matters by hearsay, and getting hold of a true belief, they have decided without knowledge; though what they have been persuaded of is correct, given that they have reached a good verdict. Is that right?

Tht: Absolutely.

Soc: But if true belief and knowledge were the same thing, then even the best of jurymen would never have correct beliefs without knowledge; and, as things are, it seems that the two are different.

(201a7–c6, trans. McDowell, slightly adapted)

According to Burnyeat

the jury cannot be expected to attain knowledge first because what they experience is persuasion rather than teaching, and second because they are not eyewitnesses but dependent on testimony. Either contrast would be sufficient on its own to recommend the counter-example. Put them together in the way Socrates does, and the result is a paradox.


Burnyeat thus identifies the two stipulations that lead to inconsistency as follows:

i On the one hand, the jury lacks knowledge because they have been persuaded, in a limited time, rather than taught: the point being that there is not sufficient time for learning or teaching to take place, but only for persuasion (201a7–b3). It is implied that if more time were available, then the jurors could obtain knowledge.

ii On the other hand, the jury are said to lack knowledge because they did not witness the event themselves; the point (seemingly) being that direct perceptual acquaintance is necessary for knowledge (201b7–8).

I have rendered δόξα as ‘belief’ rather than ‘judgement’.

The oft-cited parallel is with the discussion of the road to Larissa in the Meno (97a9ff), where it is the person who has actually travelled down the road, as opposed to the person who has merely received directions, that knows the way to Larissa. Older literature sometimes
An inconsistency is taken to obtain insofar as according to (ii), direct perceptual acquaintance is a necessary condition for knowledge; however, (i) implies that knowledge is possible in the absence of this necessary condition. By claiming that the (or perhaps a) problem is a lack of time, (i) implies that, given more time, the jury could obtain knowledge of certain things (e.g. events in the past) with which direct perceptual acquaintance is no longer possible.

However, a simple way to resolve or indeed dissolve the difficulty is available. Burnyeat understands (ii) to generalize in such a way as to claim that for any case of knowledge, perceptual acquaintance is necessary. However, we do not have to suppose that Plato is being careless here: notice that what Socrates actually says is: ‘the jurors are persuaded concerning things which one can know only by having seen them’ (πεισθῶσιν δικασταὶ περὶ ὧν ιδόντι μόνον ἔστιν εἰδέναι 201b7–8). Such a statement actually implies the negation of what Burnyeat supposed. Suppose I say something like: ‘some illnesses are cured only by seeing a doctor’, what this implies is that not all illnesses require doctoral intervention to be cured only some do. Similarly, saying ‘one can know certain things only by having seen them’ implies that it is only for a restricted domain of facts that perception is a necessary condition of knowledge; in other instances, knowledge can be attained by means other than perception. Taking (i) and (ii) to range over different sets of facts dissolves the paradox. To know certain things, S must be an eyewitness; for other

took acquaintance to be, on Plato’s view, a necessary condition of knowledge. For discussion, see White (Plato on Knowledge and Reality, 54–5n8, 57–8n29, 112–3n50); Chappell (Reading Plato’s Theaetetus, 31–2).

I follow most of the literature in taking Socrates at his word in ascribing knowledge to the eyewitness. One might think that the eyewitness having knowledge is problematic because it casts doubt on the refutation of knowledge as perception in the first part of the dialogue and thus be tempted to treat the claim that the eyewitness has knowledge as exaggerated or dialectical. However, this would be unwarranted; as Bostock (who raises this worry) notices (Plato’s Theaetetus, 200), this is not so: the claim that there is perceptual knowledge or even that perception is a necessary condition for (some or all) knowledge is consistent with the denial that knowledge is identical to perception.

Contrast Chappell (Reading Plato’s Theaetetus, 196) who takes the passage to be about the difference between reliable and unreliable witnesses.

The third paradox that Burnyeat detected (‘Socrates and the Jury’, 1980–6) concerned the problem of making perception a necessary condition of knowledge for all items of knowledge; however, once we appreciate that this is not done in the passage, the difficulty evaporates. Notice that older scholarship was concerned with reconciling perception yielding any knowledge at all with certain remarks where the senses are denigrated as a source of knowledge. Concerns of this type no longer prey so heavily on contemporary scholarship and I do not discuss them here in any detail. For discussion of the notion of acquaintance at issue in the scholarship, see White (Plato on Knowledge and Reality, 54–5n8, 57–8n29, 112–3n50); Chappell (Reading Plato’s Theaetetus, 31–2).

I talk here of knowledge as being directed towards facts rather than propositions so as to simplify the perceptual acquaintance requirement.
things, S may achieve knowledge by other means (presumably without perception). The subsequent appeal to persuasion is designed to show that even if knowledge of what is under consideration by the jury did not require first-hand perceptual acquaintance, then the means open to the jurors: being rhetorically persuaded in a limited time, would not allow them to attain knowledge. Investigating this feature shows what it is that all knowledge has in common: it is a necessary condition of (all) knowledge that it be the result of the agency of the knower.

3. SUPPORTING THE RESOLUTION

Determining what it is that perceiving and learning have in common and that being persuaded lacks, and hence why learning and perceiving can result in knowledge but being persuaded cannot, has been a central difficulty for previous interpretations. Just before our passage, Socrates asks Theaetetus to attend to the art of persuasion: ‘there’s a whole art which shows you that that [i.e. true belief] isn’t what knowledge is’ (ἐγχειρία γάρ σοι ἀληθινής σημαίνει μη ἔσται ἐπιστήμην αὐτό. Tht. 201a4–5). I propose we take Socrates at his word here by focusing our attention on the art indicated: the sort of rhetoric that is employed in persuasion. Careful consideration of the nature of

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15 Such a means of dissolving the paradox has a precedent (though one rarely followed). Barnes (‘Socrates and the Jury’), in his reply to Burnyeat (‘Socrates and the Jury’), offered a similar solution appealing to what he called ‘epistemic categories’: classes of true propositions that stipulate how they are to be known. For instance, if \( p \) is a member of the epistemic category of perceptually known truths, then ‘if S knows that \( p \), S must have seen that \( p \)’ (Barnes, ‘Socrates and the Jury’, 194 [modified]). However, while Barnes’s approach avoids the inconsistency thought to obtain by Burnyeat, it does not tell us what these different epistemic categories have in common or what should motivate such talk. Thus, while the solution Barnes offers grants consistency, left in its current state, it seems like little more than an arbitrary requirement (and Barnes in fact seems to regard it as such).

16 Making perception a necessary condition of knowledge for some facts is not entirely unproblematic. Stramel (‘A New Verdict on the ‘Jury Passage’’) offers an alternative suggestion: (i) and (ii) do not (as per Burnyeat) impose jointly (i.e. conjunctively) necessary conditions, nor do they (as I suggest) range over different facts; rather they offer disjunctively necessary conditions (for all knowledge). While 201b7–8 precludes this, Stramel urges (‘A New Verdict on the ‘Jury Passage’’, 8) us to overlook this on account of charity. I am sympathetic to the difficulty but do not follow this path. However, notice that if one were inclined to follow Stramel, then the central point I make in this paper: that it is a necessary condition of knowledge that it be the result of a cognitive virtue in the epistemic agent, would stand unharmed and even bolstered, for it would tell us what the disjunctively necessary conditions share in common (and this gives it an advantage over Stramel).

17 This is especially noticeable in the most recent treatment: Stramel (‘A New Verdict on the ‘Jury Passage’’).

18 Of previous treatments, Stramel (‘A New Verdict on the ‘Jury Passage’’) is noteworthy in appreciating the importance of persuasion; however, he seems to take the problem of this sort of testimony to be its unreliability (‘A New Verdict on the ‘Jury Passage’’, 5). In contrast, I emphasize responsibility.
persuasion reveals that there is a significant commonality in learning and perception: one which being persuaded lacks (and which commentators have neglected). Persuasion, a process which is produced by means of rhetoric, cannot (on Plato’s account) yield knowledge; furthermore, it is emphasized by Plato’s Socrates to be a process in which the person persuaded is passive. When $S$ is persuaded by $S^*$, the content of $S$’s resulting mental state is not the result of a cognitive capacity in $S$, but of a persuading capacity in $S^*$: $S$ is thus not responsible for $S$’s mental state. By contrast, we find that when discussing perceiving and learning (processes which can yield knowledge), Socrates emphasizes that these are processes wherein the epistemic agent is active and responsible for their ensuing mental states. Thus, we find that when $S$ is taught by $S^*$, $S^*$ is not responsible for $S$’s learning, but rather $S$ (who learns ‘all by himself’) is. Similarly, in discussing perception (a process which can produce knowledge), Plato’s Socrates stresses that when $S$ perceives $x$, the content of $S$’s mental state is the result of a cognitive capacity or virtue in $S$.

As a hypothesis to explain the attribution of knowledge to the perceiver and the learner (but not to the person persuaded), I propose that what is motivating Plato’s Socrates here is a virtue intuition which we might formulate, somewhat roughly, as follows:

**(Virtue Intuition)** if $S$ knows something, $S$ gets things right as the result of a cognitive capacity or virtue in $S$.\(^{19}\)

While contemporary virtue epistemologists sometimes claim to draw inspiration from the ancients,\(^{20}\) it is noteworthy that, as far as I am aware, no scholarship of ancient philosophy has yet attempted to see whether the virtue intuition might be helpful for understanding the ancients’ own discussions. Here, I argue that it does and in what follows the details of this proposal are substantiated.

### 3.1 Learning and Persuasion

In order to elucidate the distinction between knowledge and true belief, Socrates appeals (at *Theaetetus* 201a8–10) to a distinction between persuasion and teaching/learning; while teaching/learning can result in knowledge, persuasion cannot. The point is brief, but alludes to a distinction to which Plato frequently appeals (e.g. *Pol.* 304c10–d2; *Tim.* 52e2–3). To understand its import, we have to go

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\(^{19}\)Notice that I say ‘gets things right’ as opposed to (e.g.) ‘if $S$ knows that $p$, $S$’s belief that $p$ is the result of a cognitive virtue or capacity in $S$’ so as to avoid the question of whether, for Plato, knowing that $p$ entails believing that $p$. Whether Plato thinks that knowledge is belief-entailing is beyond the scope of this paper and does not affect the claims that I wish to make here.

\(^{20}\)See especially Zagzebski (*Virtues of the Mind*).
Thus, in the brief passage of the *Theaetetus*. First let us look at teaching/learning. That learning is something which is saliently down to the student is a characteristic and familiar Platonic notion. To rehearse the point briefly, we might notice that in the *Meno* or the *Phaedo*, this notion is developed by suggesting that learning occurs by recollection (e.g. *Phd*. 72c5–6, 73b4–5) where it is necessary that the viewer call to mind the Form himself by noticing whether (e.g.) equal things ‘fall short’ (ἐνδείκτω, *Phd*. 74d8, e1; cf. ἐλλειπέτειν 74a6) of the Equal itself (*Phd*. 74a5–7, d9–4). In this sort of case of learning/recollection, no teacher seems to be present. However, Plato’s Socrates emphasizes that learning is no less the result of the student’s agency when there is a teacher.\(^{21}\) Thus, in the *Meno*, whatever else we might make of the exchange between Socrates and the slave, Socrates at least wishes to show that teaching is not a case of transmitting knowledge and that he is not passing on either geometrical knowledge or even the relevant geometric answers. Rather, the slave is meant to have come to the answers by himself and thus it is emphasized that the slave answers ‘for himself’ (85b8–9) and as the result of his own ability: ‘and is not this recovery of knowledge, in himself and by himself, recollection?’ (Τὸ δὲ ἀνολογίαν λέγειν αὐτὸν ἐν αὐτῷ ἐπιστήμην οὐκ ἀνομιμηνόσκεπθαι ἐστιν; 85d5–6); ‘[isn’t it the case that] without anyone having taught him, and only through questions put to him, he will understand, recovering the knowledge out of himself?’ (85b8–9, cf. c4, d3–4).\(^{22}\)

In the *Theaetetus* passage, knowledge, we are told, is not within the grasp of the jurors. Why this should be so is indicated by the appeal to the limited time the jurors have and the fact that they are persuaded not taught. Of these, I take the fact that the jurors are persuaded to be central (and this is why Socrates says that a certain art, rhetoric, will reveal that knowledge and true belief are distinct). In *Tht*. 201a–c, the litigant–orators persuade (πείθειν) by means of an art (τέχνη 201a4, 8) they possess: rhetoric. We are told that the litigant–orators ‘persuade by means of their art, but they do not teach, instead they make [the jury] believe whatever they want them to believe’ (τῇ ἑκατον τέχνῃ πείθουσιν οὐ διδάσκοντες ἄλλα δοξάζειν πιστοντες ἢ ἄν βουλόμεθα). 201a9–10). This latter point is important and is immediately repeated: ‘are you saying persuading is making

\(^{21}\)In the case of teaching by *elenchus*, this is often plausible enough. By means of the *elenchus*, Socrates leads his interlocutors to *aporia*, prompting them to realize that what they thought they knew, they did not (and thus hopefully to begin their own inquiry).

\(^{22}\)Nor is this line of thought restricted to those dialogues which make explicit mention of recollection. Thus, for instance, in the *Republic* it is similarly emphasized that education (παιδεία) is not a case of putting sight into the soul; rather, it ‘takes it for granted that sight is there but that it is not turned the right way of looking where it ought to look, and it tries to redirect it appropriately’ (518d5–7). Again, here it is emphasized that learning is something that the student must do for him or herself. If, as a result of teaching/learning, *S* comes to get something right, then the responsibility for getting it right is *S*’s because in what is called ‘teaching’ and ‘learning’, the student gets things right as the result of some capacity or virtue in themselves. For further discussion, see Nehamas (‘Meno’s Paradox and Socrates as a Teacher’); Burnyeat (‘Wittgenstein and Augustine *De Magistro*’).
someone believe something?’ (Τὸ πείσαι δ’ οὐχὶ δοξάσαι λέγεις ποιῆσαι; 201b5), a question to which Theaetetus replies in the affirmative.

It is a characteristically Platonic thought that being persuaded (a process which occurs by means of rhetoric), by contrast with teaching or learning, is not a good way of arriving at the truth and cannot in fact lead to knowledge.23 Even if the rhetorician persuades his listeners of something true, the outcome of rhetoric can only (at best) be mere true belief, never knowledge. It is also a characteristically Platonic thought (though this is less often recognized) that it is the persuader that is responsible for the ensuing beliefs of the person persuaded. In persuasion, as Plato’s Socrates conceives it, the person who persuade does not typically appeal to good reasons nor does the person he persuades have the opportunity to exercise any cognitive capacities.24 Rather, persuasion is often construed similarly to how we might construe brainwashing, hypnosis, or other methods of belief inculcation.

Consider: S believes that there are eight planets in the solar system, but then S* hypnotizes S into believing that there are fifteen. Now, in order for S to be hypnotized, S must have certain capacities (e.g. hearing, susceptibility to hypnosis, etc.), but if we were to explain how S came by their belief, we would point not to S’s abilities or capacities, but to those of S*. We would not say that S came to believe that there were fifteen planets as a result of S’s own agency, but rather due to that of S*; it is S* and S*’s actions that are the salient cause of S’s new belief(s). Now, we find that Plato gives considerable attention to the passivity of the listener in the process of persuasion. It is commonly emphasized that the skill or capacity (δύναμις Grg. 447c2 cf. 449e5)25 of rhetoric (which is the art being used by the litigator–orators on the jurors)26 is able to bypass the deliberative powers of the listener, playing

23Thus see, for instance, Pol. 304c10–d2. In the Timaeus, the distinction is between νοῦς (‘understanding’) and δοξά ἀληθῆς (‘true belief’); we are told that ‘One comes about through teaching, while the other comes about through persuasion’ (τὸ μὲν γὰρ αὐτῶν διὰ δοξαχῆς, τὸ δ’ ὑπὸ πειθοῦς ἥμιν ἐγκαταστάσα). In the Gorgias, persuasion, which is practised by means of rhetoric, can produce, at most, true belief (Grg. 454b4–455a7 cf. Phaedrus 259e4ff).
24One might suppose that beliefs produced by rhetorical persuasion are characterized by not having sufficient evidence (rather than, as I emphasized, not being the result of a cognitive capacity in the listener); however, Plato’s discussion of anything that might be appropriately regarded as ‘justification’ in his epistemology is very thin (cf. Stramel, ‘A New Verdict on the ‘Jury Passage’, 4) as even those who emphasize, against the orthodox view, that Plato is concerned with justification in his epistemology recognize (Fine, ‘Knowledge and True Belief in the Meno’, 61–2). By contrast, Plato’s attention to capacities (δυνάμεις) and what is active and passive in epistemic processes is prominent.
25Notice that in the Gorgias, Socrates does not see rhetoric as a genuine skill but as a ‘knack’ (ἐμπειρία, 462c3ff).
26Socrates accepts that persuasion is in fact the sole business of rhetoric (Grg. 452e9–453a5). In the Gorgias, we find further that persuasion is particularly strongly associated with speeches practised in court, in particular with ‘the power to persuade by speech jurymen in the jury-court’ (Τὸ πειθεῖν ἔγγαυ’ οἶον τ’ εἶναι τοῖς λόγοις καὶ ἐν δικαστηρίῳ δικαστάς, Grg. 452e1–2 cf. Phaedrus 261a–b).
directly upon his or her emotions and that the listener is passive in the
process. In the *Euthydemus*, the art (τέχνη 289d9) of speech-writers is com-
pared with that of magicians: ‘the sorcerer’s art is the charming of snakes and
tarantulas and scorpions and other beasts and diseases, while the other
[rhetoric] is just the charming and soothing of juries, assemblies, mobs,
and so forth’ (290a1–4).

Similarly, in the *Gorgias*, we are told that ‘with this power you will hold
the doctor as your slave, the trainer as your slave’ (καίτοι ἐν ταύτῃ τῇ δυνάμει
doύλον μὲν ἔξεις τὸν ἰατρὸν, δούλον δὲ τὸν παιδοτρίβην-Grg. 452e4–6). The power of rhetoric thus allows
its user to make instruments of his listeners. This same characterization of
persuasion and the power of rhetoric are present in the jury passage of the
*Theaetetus* for there too, as we have seen, the jurors believe whatever the liti-
gants make them believe (201a9–10, 201b5).

Appreciating the passivity of the listener when he is being persuaded by
rhetoric and that this should be why he cannot possess knowledge provides,
I think, the missing piece to the puzzle. While, by our lights, a juror weighing
the evidence for and against a defendant would seem to arrive at a verdict by
using their cognitive capacities and as a result of their (the juror’s) own
agency, in the account of rhetoric and of jury practices that we are presented
with in many of the dialogues, things are very different. Juries are character-
ized in a manner similar to mobs; the jury as a whole is not the sum of its
intelligences, and which litigant will triumph will depend not upon the evi-
dence at hand, or how good the jury is at getting at the truth, but primarily
upon which litigant is better at rhetoric and which of them is better able to
mould the jury by this power. The jurors do not arrive at the verdict by care-
fully weighing the evidence, exercising any significant epistemic virtues
(e.g. judiciousness and critical thinking), or even through their own
agency. Instead, they passively undergo the rhetoric of the litigants

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27 ἡ μὲν γὰρ τῶν ἐποδῶν ἔχειν τε καὶ φαλαγγίων καὶ σκορπίων καὶ τῶν ἄλλων θηρίων τε καὶ νόσων κήλησις ἐστίν, ἢ δὲ δικαστῶν τε καὶ ἐκκλησιαστῶν καὶ τῶν ἄλλων ὀχλῶν κήλησις τε καὶ παραμυθία τυγχάνεις οὖσα.

28 These lines are uttered by Gorgias, but Socrates agrees with them and such an account
accords well with what we are told concerning persuasion and rhetoric in the other dialogues
(notably the *Republic*). Admittedly, later on in the *Gorgias* (Grg. 517a5) and in the *Phaedrus*,
Socrates does seem to envisage a better kind of rhetoric; however, this is not rhetoric as is it is
ordinarily practised. Similarly, the *Gorgias* seems to envision a better sort of persuasion: one
associated with teaching and learning capable of producing knowledge (454e3ff). However,
the same point applies: this is not a sort of persuasion which is currently practised.

29 In the *Gorgias* (454e5–8, 455a2–6), juries are explicitly said by Socrates to be a mob (ὀχλὸς
454e6, 455a4, cf. *Euthydemus* 290a3–4). Notice that the number of jurors tended to be in the
hundreds; see Harrison (*The Law of Athens*, 47, 239–41); with regard to Socrates’s trial, see
Burnet (*Plato’s Euthyphro*, 150–1).

30 Aristotle presents a markedly different picture in the *Politics* where he offers perhaps the
earliest vignette of social epistemology and argues that a great number of heads (even not
especially good ones) may be better than a few good heads, for some understand one part,
others another, and together they may grasp the whole (1281a42–1281b10, cf. Plato *Laws*
700d–701b).
and seem like marionettes in their hands: the verdict they reach is not down to them.

Finally, as is indicated by the remark concerning the lack of time; even if the objectionable sort of rhetoric that Plato associates with the law courts were not used, then the format of the Athenian justice system also acts as an obstacle to the jurors obtaining knowledge. In contrast with trials nowadays, in Athens the litigants spoke in the format so disliked by Socrates: in long speeches without opportunity for the continuous back and forth required by dialectic. Unlike philosophers, who do not work to the clock (Thet. 172d4–e4) and have as much time as they need to get things right, the jurors invoked in the Theaetetus reach a verdict in a very limited amount of time (cf. Grg. 455a2–6, Prot. 455a5–6). There was no opportunity for submitting the litigants to detailed questioning, critically considering the competing accounts, or shared deliberation: no opportunity for the jurors to exercise any cognitive virtues. Thus, even if the jurors were a perspicuous, judicious, and discerning bunch, it seems that they would not have the opportunity to bring such cognitive virtues to bear on the case at hand. As a result, the verdict would depend not so much upon any cognitive virtue or capacity in the jurors, but upon the speech-making abilities of the litigants. In sum, it is emphasized that teaching/learning can result in knowledge (because of the learner’s own activity in the process), while persuasion, in which the passivity of the listener is emphasized, cannot.

### 3.2 Perception

We have seen then that it is emphasized that the results of persuasion are fixed by some capacity in the persuader and not in the person persuaded while, by contrast, the results of learning/teaching are fixed by a capacity in the person learning/taught. It was argued that this is why the jurors, being persuaded not taught, lack knowledge. It remains to be explained why eyewitnesses have knowledge, and it will be argued here that when one perceives something, the results are fixed by some capacity in the person who perceives. In the case where \( S \) perceives \( x \) as \( F \), it might seem plausible enough to see the resulting mental state as the result of a capacity in \( S \); however, it does seem that an objection might be raised here:

31 For Socrates, dialogical conversing (διαλέγεσθαι) is more than just the etymological root of dialectic (διάλεκτική); it is a crucial part of the Socratic philosophical method that will be carried out through the kind of conversation conducted through back and forth among the interlocutors over the practice of long speeches (e.g. Prot. 334c7ff).

32 For further discussion of the procedures, see Harrison (The Law of Athens, 43ff); a significant problem for Plato was no doubt that the jurors were paid to perform their duty (cf. Grg. 515e4ff).

33 Cf. Protagoras 337aff where we are offered a brief sketch by Prodicus of critical listening.
(OBJ) when \( S \) perceives \( x \) as \( F \), this is not due to a capacity or virtue in \( S \), but to a capacity or virtue of \( x \).

This objection would propose that we are passive in perception: that the salient cause of \( S \)'s belief that \( x \) is \( F \) is in fact \( x \) (or \( x \)-being-\( F \)) and that \( S \)'s cognitive capacities are not salient causes. Such an objection directly threatens the account offered here as it denies that in cases of perception one’s resulting beliefs are due to a capacity or virtue in the epistemic agent thus depriving the epistemic agent of knowledge in one of the cases where, in line with the Theaetetus passage, I would wish to attribute to them knowledge.\(^{34}\) A proponent of (OBJ) could offer an argument mirroring that which I offered as regards persuasion (where it was argued that, when \( S \) is persuaded by \( S^* \) the salient cause of \( S \)'s mental state is not \( S \) or a capacity in \( S \), but rather \( S^* \) or a capacity in \( S^* \)). In the case of \( S \) perceiving \( x \), \( S \) employs certain capacities (e.g. the capacity to hear, etc.), yet the resulting mental state is not caused by these capacities but caused by a capacity of \( x \). Identifying the perceived active agent with the cause, the objector might stress that when \( S \) perceives, \( S \) is passive in the process. Thus, the basic thrust of such an objection would be that when \( S \) sees (e.g.) a black cat and thinks that the cat is black, it is the cat or the cat’s blackness that causes \( S \) to think that the cat is black. This sort of objection represents a difficulty and seems to require a careful distinction between perception and persuasion; it might also require one to say something more about how phrases like ‘the result of’ (employed in articulating the virtue intuition) and other causally loaded phrases are to be understood in relation to capacities.\(^{35}\) I cannot offer a detailed treatment of the latter here,\(^{36}\) but I can show that Plato sees mental states acquired through perception as being the result(s) of a capacity or virtue in the epistemic agent. For Plato’s Socrates, when \( S \) sees (e.g.) a black cat and thinks that the cat is black, it is something in \( S \) that causes \( S \) to represent the cat as black and to mentally grasp the object as it is: that it is to say, it is something in \( S \) that causes \( S \) to get things right.

In the Theaetetus, Plato’s Socrates draws attention to the soul’s active role in the forming of mental states that come about through perception;\(^{37}\) it is

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\(^{34}\)To avoid unnecessary complication, I have not here discussed joint-causes (where \( A \) and \( B \) cause \( C \)); if such cases are a worry, then recast my talk of ‘the salient cause’, etc. into talk of ‘a salient cause’, etc.

\(^{35}\)For instance, in what sense is salt’s solubility, i.e. its capacity to dissolve, the cause of its dissolving in water? Notice that the ancients in general and Plato in particular were happy to admit various things (not just, e.g. events) as causes, and capacities or dispositions would seem to figure quite happily as causes. See Sedley (‘Platonic Causes’).

\(^{36}\)By way of defence, a remark by Davidson (‘The Folly of Trying to Define Truth’, 264) seems apt here: ‘you worry about the concept of truth when it is the focus of your attention, but you pretend you understand it when trying to cope with knowledge (or belief, memory, perception, and the like)’.

\(^{37}\)As an alternative to what follows, one might argue that \( S \) is not passive in perception by appealing to the extramissive theory of vision offered in the Timaeus (45b2–46c6, 67c4–
stressed that, strictly speaking, the cause of the mental state that results from S perceiving x is a psychological capacity in S. At *Tht.* 184b3–186e12, as part of the argument that knowledge cannot be perception (αἰσθήματα), Socrates proposes that perception cannot be knowledge as it is not able to reach οὐσία (‘being’).\(^{38}\) Socrates begins by asking here (184c5–7) whether we see *with* or *by means of* (using a dative construction) the eyes or whether we see *through* (διά) the eyes. What we perceive *with/by means of*, Plato thinks, is what is doing the perceiving (and so, is active) (see Burnyeat, ‘Plato on the Grammar of Perceiving’).\(^{39}\) In what follows, he stresses that we see *through* the eyes, not *with* them. It becomes clear that it is the soul or mind that we see *with* and thus the soul or mind that is responsible for mental states arrived at on the basis of perception. Thus, Socrates says:

I want to know if there’s something in us with which we get at not only white and black things, by means of the eyes, but also other things, by means of the other sense organs doing it with the same thing in each case.

(184d7–e1)

Socrates then raises the question of how: *through* what capacity or power (δύναμις 185c4), an epistemic agent cognizes ‘that which is common to everything, including these things: that to which you apply the words “is”, “is not” […]’ (ἡ δὲ δὴ διὰ τίνος δύναμις τὸ ἐπὶ πᾶσι κοινόν κοινὸν τὸ ἐπὶ τούτοις δηλοῖ σοι, ὃ τὸ ἔστιν ἐπονομάζεις καὶ τὸ ὀὐκ ἔστι 185c4–6).\(^{40}\) Having

68d7). There perception is not caused by (e.g.) light reflected from x bringing about a change in S’s eyes, but by the emission of ‘effluences’ from S’s eyes (see Taylor, *A Commentary on Plato’s Timaeus*, 277–82). In such a framework, (OBJ) seems less plausible. However, such an account is not in sight in the *Theaetetus*; rather, Socrates here offers the so-called ‘twin-off-spring’ theory of perception (*Th.* 156a2–157c3) in order to dialectically support the Heraclitean theory of flux and/or Protagorean relativism/infallibilism. The details of this theory and of Socrates’s own relation to it are not entirely perspicuous. Accordingly, the argument is not, I think, strong (I thank an anonymous reviewer for indicating why this line of argument was even weaker than I took it to be).

38 That there is perceptual knowledge such as that of the eyewitness or that perception should be a necessary condition of (some) knowledge does not, of course, conflict with the thesis that Socrates rejects: that perception is knowledge.

39 As Burnyeat rightly points out:

the working rule for the “with” idiom is this: to say that a man ϕs with x is to say that x is the part of him (in the thinnest possible sense of “part”) which ϕs when he does, that in him which does his ϕing or by ϕing makes it the case that he ϕs. (‘Plato on the Grammar of Perceiving’, 33)

Note also his further point: ‘it is only by coming to see that the “with” idiom expresses not the ideas of means, but rather that of subjeclhood or even agency, that we open up a genuine contrast between the two idioms’ (‘Plato on the Grammar of Perceiving’, 38).

40 We have just been told that ‘it is impossible to get hold of what they have in common either by means of hearing or by means of sight’ (οὖν γὰρ δὲ ὠρος οὖστε δὲ ὠρεῖς οὐν τε τὸ κοινὸν λαμβάνειν περὶ αὐτῶν. 185b7–9). Socrates argues that someone who cannot attain ‘being’ cannot attain truth (Οἷον τε οὖν ἀληθείας τυχεῖν, ὃ μηδὲ οὐσίας; 186c7) and thus
ruled out sight or the other perceptive faculties, it is concluded that the faculty responsible for getting at οὐσία (‘being’) must be in the mind/soul (ψυχή, 187d9–e2) even when the capacities of the body are employed (185e5–9). Thus, the salient cause of the mental state that results from S perceiving x (namely, the cognition that x is F) is not, Socrates thinks, x or a capacity in x; instead, it is S’s mind that is to be identified as that by means of which we perceive x as F. It is the mind of S (which seemingly employs some non-perceptive and ratiocinative or proto-ratiocinative faculty) that is to be identified as the active agent and cause of perceiving.⁴¹

In sum, Plato’s remarks on perception support the proposal advocated here: that both the eyewitness who gets things right and the person who learns/is taught rather than persuaded both have the opportunity to get things right as the result of exercising a capacity in themselves. Furthermore, the attention he gives to emphasizing what is active and passive in the respective processes mirrors what we find in the discussions of persuasion and teaching/learning. The virtue intuition hypothesis offers a simple yet powerful explanation for why this should be so. On the approach advocated here, that the epistemic agent is active in perception (and that Plato draws attention to this) explains in part why perceptual knowledge is possible: it does not violate the necessary condition of knowledge stipulated by the virtue intuition. For these reasons, then, the jurors, not being eyewitnesses, and being subjected to rhetoric while having to produce a verdict in a limited time, do not have an opportunity to get things right by exercising a cognitive capacity or virtue in themselves and thus do not attain knowledge.

4. COGNITIVE VIRTUE

Though neither the jury passage nor capacities, virtues, or questions concerning activity and passivity typically receive much in the way of scholarly attention in discussions of Plato’s epistemology, I hope to have shown that they warrant attention and that we can better understand the distinction Plato draws in Theaetetus 201a–c by attending to these features. The treatment offered here resolves an outstanding difficulty from the Theaetetus and provides a suitable explanation of the distinction drawn in the jury passage between knowledge and true belief. In addition, it is, I propose, superior to previous treatments in several respects. First, it correctly fixes the extension of knowledge. On a widely followed view (associated especially with Burnyeat, ‘Socrates and the Jury’), ἐπιστήμη requires understanding and it cannot have knowledge (186a9–10). There are difficulties over the sense(s) of ‘being’ here; Sedley (The Midwife of Platonism, 111–2) clearly lays out the options.

⁴¹Some have objected to Socrates here, holding that it is S (and not, as Socrates emphasizes) S’s mind, that is to be viewed as the agent. For discussion, see Burnyeat (‘Plato on the Grammar of Perceiving’).
is an agent’s awareness of causes and explanations that marks him out as a knower. Such an approach is, I think, largely right when it comes to explaining the elevated form of ἐπιστήμη of the philosopher and the account I propose here is entirely compatible with such a view (understanding, it is often claimed, cannot be given to us, we have to attain it for ourselves).\textsuperscript{42} However, such an approach requires modification. To see explanation and understanding as characteristic of all ἐπιστήμη faces a significant problem in that it does not seem correct of the ἐπιστήμη that Plato attributes to the eyewitness of a crime or to the person who has himself travelled the road to Larissa rather than merely been told how to get there (\textit{Meno} 97a9ff). It seems improbable that an eyewitness perceiving a crime should necessarily understand why it occurred, or more generally that $S$, merely in virtue of perceiving that $x$ is $F$, should understand why $x$ is $F$ (cf. Aristotle \textit{Metaphysics} 981b12–13; \textit{Post. An.} 87b28ff). This is pressing insofar as not only are figures such as the traveller to Larissa or the eyewitness of a crime explicitly attributed knowledge, but it is also precisely to these figures that Plato’s Socrates appeals when he is trying to make clear what he is after to his interlocutors. It seems slightly odd, to say the least, to suppose (as such approaches seemingly must) that Plato should conceive of knowledge in such a way that the paradigms of knowledge appealed to in the dialogues end up lacking knowledge. The approach offered here avoids this problem.

Second, \textit{why} we should allow knowledge to the eyewitness has not been appropriately explained in previous treatments. While some do allow (e.g.) the eyewitness knowledge, this has seemed like an arbitrary move. The proposal offered here explains what would otherwise be an ad hoc stipulation (namely, that eyewitnesses can have knowledge while those who received the information second-hand cannot) by specifying what it is that the person who attains knowledge by perceiving and the person who attains it through learning have in common (and what it is that the person who is persuaded lacks): they attain truth by means of their own agency.\textsuperscript{43} Furthermore, attributing the virtue intuition to Plato’s Socrates makes sense of an

\textsuperscript{42}Burnyeat himself often makes incidental remarks upon the point that I here make central: that, for Plato (or for that matter, other Platonists, like Augustine), ἐπιστήμη/understanding is something we must achieve for ourselves (‘Socrates and the Jury’, 187; ‘Wittgenstein and Augustine \textit{De Magistro}, 7–8, 19, 22–3; \textit{The Theaetetus of Plato}, 126).

\textsuperscript{43}It must be emphasized that when asking for definitions, Plato’s Socrates is concerned with that which \textit{all} instances of the definiendum share in common (e.g. \textit{Meno} 72a6–d1). Thus, Socrates in the \textit{Theaetetus} desires ‘to find one account by which to speak of the many kinds of knowledge’ (τὰς πολλὰς ἐπιστήμας ἐνὶ λόγῳ προσειπεῖν 148d6–7). This is a further reason why I would resist rather the account of Stramel (‘A New Verdict on the ‘Jury Passage’’) who finds here an attempt to offer \textit{disjunctively} necessary conditions for knowledge (see above). Notice further that, in its simplicity, the virtue intuition accords well with the desideratum stated at the outset of the \textit{Theaetetus} (namely, that the answer be simple; 147c3–6), but also explains further features of knowledge, for instance (as the passage in the \textit{Ion} reveals), why it should be worthy of credit in a way that mere true belief is not.
otherwise unexplained feature of Plato’s epistemic discussions: his repeated emphasis on what is active and passive in epistemic contexts, and also gives a role to features which Plato repeatedly mentions: capacities and virtues (features which, as mentioned, are typically neglected). While Plato does claim (as per Burnyeat’s account) that politicians, prophets and poets lack ἐπιστήμη because they lack understanding (Apol. 22b8–c3), it is equally true that Plato also emphasizes that they are not responsible for what they get right: rather, responsibility lies with the gods, who speak through them. Thus, in the Ion, Socrates tells Ion that he lacks knowledge (τέχνη 533d1) because it’s a divine power (δύναμις) that moves you, as a “Magnetic” stone moves iron rings [...] This stone not only pulls those rings, if they’re iron, it also puts power in the rings, so that they in turn can do just what the stone does – pull other rings – so that there’s sometimes a very long chain of iron pieces and rings hanging from one another. And the power in all of them depends on this stone. In the same way, the Muse makes some people inspired herself.

(Ion 533d1–e4)

Socrates emphasizes (533d1ff) that it is the gods that speak through the poets (and also prophets and seers, 534d1), and that it is not the poets who are responsible or who should receive credit for the poems, but the gods (534c7–535a2). This final point also explains why knowledge

44I have drawn attention, throughout the paper, to several instances. One might also consider the invocation of the aviary, where knowledge is likened to a capacity (197c1–d3), and the latter part of the Theaetetus (201c7–210d4) and the discussion of capacities we find there in regard to ‘account’ (λόγος). One could also draw links between the virtue intuition I have proposed and the earlier part of the dialogue, where Theaetetus recounts some of his mathematical learning with Theodorus and successfully offers a definition of mathematical ‘powers’ or squares (δυνάμεις 147c7–148c1); this is perhaps unsurprising given Plato’s frequent playfulness (notice the δύναμις pun, raised with regard to Theaetetus, at Pol. 266a1–b7). For discussion of the mathematical sense of δύναμις, see Burnyeat (‘The Philosophical Sense of Theaetetus’ Mathematics’).

45The point is more often made with regard to the poets and prophets than politicians (e.g. Ion below), but it applies also, I think, to the politicians who are also said to be divinely inspired (Meno 99c11–d5).

46Whereas Aristotle distinguishes between σοφία, γνώσις and τέχνη (e.g. EN 6.3 1139b15–17), Plato seems to use at least some of the relevant terms interchangeably (e.g. ἐπιστήμη and ‘σοφία’ at Tht. 145d7–e6; Euthydemus 273e6, 274a8; Meno 99b1–e1, ‘τέχνη’ and ἐπιστήμη’ at Rep. 342c4–d2, cf. Xenophon Mem. 4.6.7; ‘φρόνησις’ and ἐπιστήμη’ at Meno 97b10–d2, 98d10–12). Accordingly, it is common for scholars to take Plato’s use of epistemic vocabulary to be inexact and interchangeable (Lyons, Structural Semantics, 96; Benson, Socratic Wisdom, 10n27).

47Socrates tells us that the gods put the best poems in the mouths of the worst poets to show us that it is they (the gods) who are responsible and not the poets.
might be praiseworthy and worthy of credit in a distinctive way: it is natural to suppose that what we should be credited with are our own performances and activities: those things which, in some substantial way, are down to us (cf. Sosa, A Virtue Epistemology).

In sum, Plato’s Socrates emphasizes the active role played by the learner or the perceiver and the fact that the mental state attained in learning or perception is down to him. In contrast, persuasion fails to produce knowledge because when S is persuaded by S*, then S* forces S to believe what S* wants and S is not responsible for S’s mental state (rather, S* is). Just as virtuous action (as opposed to mere right action or action that accords with virtue) must be the result of a virtue in the agent (the action must proceed from a virtue), so too knowledge (as opposed to mere true belief) must be the result of a cognitive virtue or capacity in the agent. For Plato, this seems to mean that it must be the result of the activity rather than passivity of the agent. By directing our attention to the fact that those who are persuaded by rhetoric (and who are thereby, Plato thinks, passive) cannot attain knowledge, the Theaetetus passage reveals something important about the nature of knowledge: that if S knows, then S gets things right as the result of a cognitive capacity or virtue in S. This, of course, merely provides a necessary condition of knowledge, it does not tell us what knowledge is (something which Plato will go on to further consider in the third part of the dialogue). Even in the third and final part of the Theaetetus our enquiry into knowledge is not ended (the dialogue is, after all, seemingly aporetic); however, while we cannot be said to have concluded our enquiry, nonetheless, like Theaetetus at the end of the dialogue (210b9–c4), we have made progress.

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48It is sometimes supposed that those holding a virtue intuition cannot accommodate knowledge attained through testimony because when S gets things right by accepting S*’s testimony it seems (the thought goes) that S is not responsible for getting things right (Lackey, ‘Why We Don’t Deserve Credit’, ‘Knowledge and Credit’). Plato does not couch his discussion in such terms; however, one might conceive of the distinction between teaching/learning and persuasion as that between a sort of testimony in which the listener is active: teaching/learning (which can lead to knowledge) and a sort of testimony in which the listener is passive: persuasion. If it is to be knowledge, the Platonic thought goes, the listener has to make a distinctive contribution to the process and exercise his relevant epistemic capacities in a meaningful way.

49It also leaves much to be discussed about the nature of said cognitive capacities and virtues and how they bring about knowledge.

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