

The Role of the Digression on the Man of the Law Courts and the Philosopher (172b-177c) in the Argument of *Theaetetus*

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Near the end of his examination of whether perception can be knowledge, Socrates gives a long digression about the ‘man of the law courts’ and the ‘philosopher’.¹ Interpreters have mostly judged that this digression plays no role in the dialogue’s main argument.²

1 *Tht.* 172b-177c.

2 A few interpreters write the digression off as completely irrelevant to the dialogue’s argument: Ryle (1966, 158), McDowell (1973, 174). Those who do try to find some purpose see it as a sort of tangent to the main argument. Some see it as a piece of philosophical nostalgia for Socrates’ theoretical ideal: Burnet (1928, 244-45), Taylor (1956, 336). Others see it as a more or less direct invocation of the philosophical life as described, for example, in *Republic*: Cornford (1935, 81-89), Bostock (1988, 98-99), Cooper (1990, 84-85), Sedley (2004, 76-77), Chappell (2005, 126-27), McPherran (2010), Ambuel (2015, 94). For Burnyeat and Levett (1990, 36) it simply makes us think about what is worth knowing. Stern finds in it a political doctrine about the diversity of conceptions of the human good, Stern (2002, 288), and thinks it shows that a Socratic assessment of how to live is possible, Stern (2008, 182). Of the few who try to connect it to the main argument, Rue (1993) thinks it is an attempt to win Theodorus over to a philosophical practice that lies between the practical skill of the orator and a caricature of the other-worldly philosopher, but her contention that this is the whole point of the first part of the dialogue is not convincing. Bradshaw (1998) reads it as an argument against relativism in the moral and religious affairs of the city, meant to convince the practical man that the philosophical life is superior, and hence that its objective account of morality is true. But he shares the opinion that this philosopher is that of *Republic*, which I think is false, and he makes no attempt to explain how such a comparison would convince the man of the law courts, for whom everything the philosopher says is unintelligible. Giannopoulou also thinks this philosopher is the same as in *Republic*, and thinks the digression shows that Socrates lives a ‘godlike’ life between the rhetorician and the true philosopher, Giannopoulou (2011) and Giannopoulou (2013, 92). Labriola (2012) also makes an attempt, by saying that Socrates has now turned to a position distinct from that of Protagoras, but his reading of the text is not persuasive. Moreover, he doesn’t clarify how this new position fits into the dialogue’s wider argument, why its treatment in the digression is dramatic rather than philosophical, or why immediately after the digression Socrates says that he

I will argue that, on the contrary, it supplies an important step in the refutation of Protagoras' thesis of the relativism of opinions.

The digression comes near the end of Socrates' discussion of Protagoras' thesis that all opinions are true, even if some are better than others.³ Just before the digression, Socrates says most people agree with Protagoras that things are 'for each person as they seem to them' for what belongs to subjective experience, such as qualities like hot and cold and opinions about "the noble and the base, the just and the unjust, the pious and the impious", because they think that these things have no being of their own.⁴ But people generally disagree with Protagoras about the good to be obtained in the future. A person who is ill recognises that some opinions about what will lower their fever are false. The same goes for what will be to the city's advantage. Most people would not "have the audacity to affirm that when a city decides that a certain thing is to its own interest, that thing will undoubtedly turn out to be to its interest".⁵ Although this latter point actually refutes the thesis that all opinions are true, it leaves a lot of ground to subjective opinion. After the digression, Socrates gives a final refutation of this version of Protagoreanism that takes this ground back, showing that even political opinions and our sensations are not as subjective as Protagoras contends.⁶ The job of the digression is to prepare the reader for this refutation.

The main scholarly disagreement about the digression is why Socrates steps outside of his argument about Protagoras to launch into an encomium of philosophy. I contend that he doesn't do

has just refuted Protagoras rather than some new position.

3 Gail Fine calls this 'Broad Protagoreanism' to contrast it with the truth of sensations, which she calls 'Narrow Protagoreanism', Fine (1996, 107). She is followed in this by David Sedley (2004, 50). The examination of the relativism of opinions (166d-179b) interrupts the examination of the truth of immediate sensation (152a-183c).

4 171d-172a.

5 172b.

6 177c-179b.

anything of the sort. The digression stays within the argument's assumptions, which, means that its encomium is not what it seems. Although the argument has temporarily left immediate sensation behind, it is still examining the worldview of Protagoras, according to which opinions are about individual material things, because that is all that exists. Protagoras does not pretend, for example, that when he educates the city his superior opinions are about the nature of justice itself, akin to Socrates' account in *Republic*. All he does is direct the city's opinions away from worse individual things towards better individual things.⁷ In Protagoras' materialist world, there cannot be transcendent, universal Forms that are related to material things as their paradigms. Rather, any talk of 'Forms' would have to be about some set of 'other' individual things, unrelated to the things of the city. This is exactly how the philosopher's knowledge is portrayed in the digression's encomium.

From within the dialogue's argument, therefore, the philosopher cannot appear as Plato actually thinks he is. Instead, he is described from two complementary perspectives. From the point of view of the 'man of the law courts', who thinks of himself as clever and successful, the philosopher is a useless dreamer. But from the perspective of Theodorus, the geometer who is serving as Socrates' current interlocutor, the philosopher is wise and blessed and it is the man of the law courts who is base and unhappy.⁸ These two perspectives are complementary because they share an overly physical and spatial way of conceiving of philosophy and

7 167c.

8 See Socrates' hesitation in giving an account of the philosopher (173b) and his quasi-dismissal of it as a digression, compared with Theodorus' enthusiastic reception of the account (177c). Tschemplik (2008, 142 ff.) agrees with my judgement that this philosopher describes Theodorus better than anyone else, but her reading is embedded in an attempt to see the whole of *Theaetetus* as an argument against mathematics as a paradigm for philosophy, which I do not share. Rue (1993, 92-99) also thinks that it is partly from the perspective of Theodorus, but she thinks the point of the digression as a whole is to win Theodorus over to philosophy, which I think is mistaken. Doull (1977, 24) also recognises that this is not a Platonic philosopher, but his account is too Hegelian to be an accurate reading of the dialogue.

its objects, one that stays within the bounds of this discussion of Protagoras. For the man of the law courts, the philosopher claims to know a set of things that are different from and unrelated to the important things of the city. For Theodorus, philosophy knows only 'divine' geometric figures. He is sympathetic to Socrates' advocacy of the philosophical life, but he doesn't understand, any more than does the man of the law courts, how the real philosopher's knowledge informs his understanding of the city's business.⁹ It is Theodorus, in other words, who is the 'useless dreamer'.

The point of the digression is to show why, in fact, some men actually do 'have the audacity' to affirm what they know is false. Moreover, it shows how to speak, if not to such men themselves, at least to those who would be inclined to share their relativism. One cannot appeal to philosophy. The philosopher's knowledge of justice and piety is completely inaccessible to such people and would seem like the useless otherworldliness of a Theodorus. Instead, in order to refute their relativism one has to appeal to the knowledge possessed by the craftsmen. It is the doctor, vintner, musician, or cook whose knowledge can speak to the practical man in a way that the philosopher cannot, which is why these are the examples that Socrates uses in his refutation of Protagoras immediately following the digression.

The man of the law courts would have the audacity to affirm something like Protagoras' relativistic thesis, even in the face of Socrates' evidence to the contrary, because he aims at victory rather than truth. This is forced upon him by the conditions under which he argues. Unlike the philosopher, who has leisure and who can turn his mind to whatever he wishes, the man of the law courts is not free in his choice of subject and his speech is constrained

9 That this separation of the human and the divine is not a true account is indicated by the many references to masters and slaves throughout the digression. These direct the reader to the fifth problem of participation in *Parmenides* and its problematic separation of worlds (*Parm.* 133d-e) and to the initial separation of human beings from the true gods in *Phaedo* (62b-63c).

by imposed time limits.¹⁰ Criminal prosecutions in Athens had to be brought by one citizen against another, a practice that was abused by Athenian politicians as a way of attacking their enemies, hauling them into court on trumped-up charges, with the aim of having them exiled, disenfranchised, or even killed. There were no lawyers in Athens, so a man who ‘frequented’ the law courts was either prosecuting someone on his own behalf or being prosecuted. The man of the law courts aims at victory rather than truth as a means of securing his own good, which could run the gamut from mere survival to political domination. Skill in this arena is what makes him think he is a “man of ability and wisdom”, even if he seems bent and crooked to Theodorus.¹¹

It is to such a man that the philosopher’s ‘wisdom’ seems like an ignorance, and one that is a political liability. Because he doesn’t know “the way to the market-place, or the whereabouts of the law courts or the council chambers or any other place of public assembly”, he is politically helpless.¹² The reason for his ignorance is that he never takes any interest in the things of the city:

It is in reality only his body that lives and sleeps in the city. His mind, having come to the conclusion that all these things are of little or no account, spurns them and pursues its wingéd way, as Pindar says, throughout the universe, ‘in the deeps below the earth’, or measuring the earth’s surface, or studying the stars ‘in the heights above heaven’, tracking down by every path the entire nature of each whole among the things that are, and never condescending to what lies near at hand.¹³

How could the philosopher be anything but helpless, if what he knows has nothing to do with the city? Socrates illustrates the philosopher’s helplessness with the story of Thales falling into a well while gazing at the stars.¹⁴ And he emphasises the

10 172e.

11 173a-b.

12 173d.

13 173e-174.

14 174a.

separation between the heavenly things of the philosopher and earthly things of the city with the astonishing statement that the philosopher “scarcely knows whether [his neighbour] is a man,” even though he investigates the question, “What is Man, and what actions and passions properly belong to human nature”?¹⁵

This helplessness in civic affairs, however, reflects the prejudice of the man of the law courts and does not accurately depict how Plato thinks of real philosophers. This can be seen most obviously when Socrates goes off to answer his preliminary indictment, at the end of the dialogue.¹⁶ Socrates certainly knows where the law courts are and what goes on there. Moreover, the contention that the philosopher “does not know that he does not know” is a clear contradiction of the manner in which Socrates claims superiority to others.¹⁷ More significantly, the idea that knowledge of Man tells the philosopher nothing about men contradicts everything that Plato says elsewhere about philosophical knowledge and would render Socrates’ search for definitions useless. On the contrary, Plato is clear that the philosopher would be better at navigating the affairs of the city, if he chose to do so, than the man of the law courts. In *Phaedrus*, the philosopher’s knowledge would make him better at persuasion than a normal rhetorician. In *Republic*, the philosophers will understand the affairs of the city in the Cave much better than its inhabitants.¹⁸ The bottom line is that, although the true philosopher might become the victim of a bad regime, this is not because he is ignorant and helpless in the manner described here.¹⁹

15 174b.

16 201d.

17 173e. See *Apol.* 21d.

18 *Phaedr.* 27d-e. *Rep.* 517d, 520c.

19 David Sedley fails to make this distinction and interprets the philosopher in the digression as exemplifying the Platonic ideal of contemplation, as opposed to Socrates’ involvement in the city. But he never explains why Plato elsewhere portrays the philosopher as able to comprehend the affairs of the city, even if he might prudently keep away from them, Sedley (2004, 67-68). See, e.g. *Rep.* 496a-d, *Gorg.* 521d-522b. Jenkins (2016, 332) similarly fails to distinguish between a philosopher who refuses to take part in the politics of a bad city and the philosopher

That this account of philosophy is adapted to Protagoras' materialism is indicated by the very physical and spatial manner in which the separation between human and divine things is described. The man of the law courts has no inkling of Platonic participation, so insofar as he has heard about what philosophers investigate, he thinks of them as a different set of things that exist somewhere outside the city in some mysterious way. This is signalled by the picture of the philosopher investigating things below the earth and in the heavens, which echoes the 'older accusers' in the *Apology*, who assimilate Socrates to their confused idea of a Presocratic nature philosopher.²⁰ To the practical man, the philosopher appears like the caricature painted by Aristophanes of a Socrates suspended high in the air in order to study the heavens, with his students bent over studying things under the earth while their bottoms study the stars.²¹ The slapstick story about Thales likely also echoes the *Clouds*. Only a crude materialist would hold that in order to investigate the heavens and the earth you must fly upwards or dig down, rather than just thinking about these things. But this is the point of view of the man of the law courts, one of the "hard men" Socrates warned Theaetetus about earlier, who believes that "nothing exists but what they can grasp with both hands".²²

On the other hand, this description likely appeals to Theodorus, not for the physical metaphor, but for the strong distinction between the mundane affairs of the city and the noble cosmic objects of the philosopher, because he probably distinguishes what he does from practical geometry in the manner that Socrates describes in *Republic*.²³ Moreover, Theodorus would recognise himself in this description, because this

in *Theaetetus* who is incapable of engaging in politics. Presumably, the prudential judgement of the first kind of philosopher would require some of the knowledge denied of the second.

20 *Apol.* 19b-c.

21 See *Clouds* 227-234 and 187-194.

22 155e.

23 *Rep.* 526c-527c.

philosopher is essentially a mathematician, “geometrising upon the earth and astronomising above the heaven”.²⁴

The lack of any relation between the things that this philosopher knows and the realities of the city explains why, when drawn into each other’s worlds, the philosopher is completely at a loss on earth and the man of the law courts is at a loss in the heavens.²⁵ It also explains the peculiar way in which Socrates describes happiness as a flight to another world:

But it is impossible that evils should cease to exist, Theodorus, for there must always be something contrary to the good; and evil things cannot have their seat among the gods, but must necessarily wander about mortal nature and this earth. Therefore we ought to try to escape from here to there, to the dwelling of the gods, as quickly as we can; and this flight (*phugê*) is to become like god (*homoiōsis theōi*), so far as this is possible; and to become like god is to become just and holy, with knowledge.²⁶

Throughout the conclusion of the digression Socrates praises the life of the philosopher in a way that corresponds in general terms to what Plato says elsewhere, which is probably why interpreters take the digression at face value. But his praise continues to use explicitly spatial language, adapted to the man of the law courts and to Theodorus at the same time. Moreover, in order to express the truth about virtue and the good life within this constraint, he has recourse to the kind of myth that we find at the end of *Republic*, *Gorgias*, or *Phaedo*, where he also expresses metaphysical truths in physical language. So while it is fairly standard in the dialogues for Socrates to identify the good life with the life of virtue and to characterise this as a divine rather than a human life, here he describes these lives in terms of physical places. Evil things exist down here, in the mortal place, while the good things that we wish to enjoy exist up there, among the gods. Because what this

24 173e: τὰ ἐπίπεδα γεωμετροῦσα, “οὐρανοῦ θ’ ὕπερ” ἀστρονομοῦσα. Cf. Sedley (2004, 70).

25 175b-176a.

26 176a-b.

philosopher knows has nothing to do with the city, his virtue cannot transform his dealings with other men in the city, and must instead be a “flight” from the mortal to the divine realm. Becoming like god, essentially, consists in going up to live with the gods.

This physical and mythological language reflects how the philosopher looks to the man of the law courts, which is that his account of the human good is incomprehensible. Nothing that the practical man is familiar with ‘down here’ could inform him about the life ‘up there’. And Socrates hasn’t really told him anything about it either, except to characterise it in mythological terms as ‘divine’. In light of this, it is not surprising that Socrates says it is “not at all easy” to persuade such a man that he should pursue virtue for more than a good reputation because the true aim of virtue is to become divine.²⁷ Why would this man give up a good he can understand, one which he has struggled greatly for, to seek something he doesn’t yet understand and that he is told isn’t even human? What follows, unsurprisingly, is an emphatic juxtaposition of these two ways of thinking. On the one hand, the practical man thinks his own skill is cleverness and the only path to success and would scoff at the story Socrates is spinning out. On the other hand, the philosopher claims this man’s ignorance is what keeps him from seeking a divine good. In Socrates’ final peroration, it is not enough to say that such a man will be punished by simply continuing to lead his ‘bad’ life, a life he is fairly pleased with. He has to add a mythical and spatial element, that “unless they are delivered from this ‘ability’ of theirs, when they die that place that is pure of all evil will not receive them.”²⁸ But because the entire digression posits no relation between the earthly place and the heavenly place, the man of the law courts will not understand this threat, because he won’t understand what is meant by a place that is pure of all evil.²⁹

27 176b.

28 177a.

29 Rue (1993, 84) says much the same thing about this conclusion.

The general trend in scholarship is to read this ‘assimilation to god’ and ‘flight to the divine’ as an inspiring encomium of philosophy. However, in order to do this interpreters have to claim that Socrates intends his audience to hear what he says about philosophy elsewhere but does not say about it here. Cornford is typical, saying that this passage is meant “to recall the whole argument of *Republic*, with its doctrine of the divine, intelligible region of Forms, the true objects of knowledge”, but all of which is to be “excluded, so far as possible, from this conversation”.³⁰ However, if you strip away the mythological and spatial language from the digression’s praise of philosophy, almost nothing is left except an assertion that the philosopher is virtuous and knows important things. How could either of Socrates’ interlocutors hear the digression in the manner Cornford suggests? Theaetetus, in spite of his philosophical nature, is only a boy. He has only begun his mathematical studies and has not yet embarked on dialectic. Theodorus, although he is a mathematician, is not practised in dialectic and would have to be a lot more philosophically sophisticated than his other comments indicate in order to have a private ‘chat’ with Socrates about the true nature of philosophy. Platonic myths normally express the content of a dialogue’s argument in symbolic form, as for example when the cycle of reincarnation in the Myth of Er displays the constancy of happiness that belongs to the philosophical life. In *Theaetetus* we are not given an argument about the real content of philosophy, so this cannot be what this myth of the flight to the divine expresses. On the contrary, the entire dialogue stays within a world of individual, material things. So while Cornford might be able to invoke his understanding of *Republic* to understand what Socrates means by an assimilation to god, the man of the law courts certainly

30 Cornford (1935, 89, 83). See also the discussion in Lännström (2011) of the views of Rue (1993) and Mahoney (2004). Lännström takes the *Theaetetus* passage as a mere jumping-off point for a discussion of Plato’s view in other dialogues, as does Mahoney, to a slightly lesser extent. For similar treatments that project positions from other dialogues onto *Theaetetus*, see McPherran (2010), Jenkins (2016).

will not.³¹ It is this enigmatic character of philosophy for the ‘common man’ that is the key to seeing that the digression is not a sort of break from the argument, an interlude in which Plato for some reason speaks in his own voice about philosophy.

Rather, what the digression does in the argument is show that one cannot talk in a philosophical manner to someone who is sympathetic to the relativism of Protagoras. Socrates has to somehow make them see that the being of things is independent of their experience, which at this point in the argument they are ready to admit when it comes to the goods that they desire. But they will not yet accept the objective reality of things like the warm or sweet, the just or the pious, which they think exist only in their experience of them. What the digression shows is that Socrates cannot, at this point, appeal to justice and piety as they actually are and are known by a real philosopher. In contrast to the clear goods of political power and continued survival, such a philosophical appeal would seem, to a practical man, like talking about air. This explains why Socrates’ final refutation appeals instead to the knowledge of the craftsmen.³²

It is by appealing to people who the practical man will admit have knowledge that Socrates shows that private sensations and justice are objective after all. He first shows that legislation is like medicine.³³ Just as the doctor aims at the health of the individual,

31 This means that any straightforward discussion of Socratic or Platonic ethics as a flight from the world and an assimilation to god (176b: φυγή δὲ ὁμοίως θεῶν κατὰ τὸ δυνατόν) misses the point. See, for example, Gerson’s contention that this passage is so atypical that it has been largely ignored by theorists of Socratic ethics (as opposed to Platonic ethics), Gerson (2004, 151-52). See also Julia Annas’ claim that within Platonic ethics, as opposed to a kind of religious life, it presents a serious dilemma. “There is a rift in Plato’s thought, as he is torn between conceptions of virtue as, on the one hand, an uncompromising but committed engagement with the world and, on the other, a flight from and rejection of it... The *Theaetetus* digression, striking as it is, thus contains a thought which takes ethical theory in a problematic direction. If virtue lies not in coping with the imperfect and messy world, but in rising above it, we run a risk of characterising virtue in a way which loses the point of it,” Annas (1999, 70-71).

32 177c-179b.

33 177e-178a.

the city aims at its own good in the future when it legislates. Therefore justice cannot be subjective, any more than medicine is, if by justice is meant whatever a city lays down in legislation.³⁴ Rather, civic justice has to be susceptible of truth and falsehood, no less than prescriptions for one's own health. Second, he points out that experts such as the doctor, vintner, musician, and cook make judgements about one's good to come in the future, which consists in the occurrence of certain sensations rather than others: the pleasant, the sweet, the harmonious, the delicious.³⁵ So while there is a trivial way in which I can never be wrong that I am experiencing certain sensations, there is a distinction between true and false opinion even about our sensory experience. And it is the expert, the person with knowledge of what lies behind and causes my sensations, whose opinions in this area are more likely to be true.

Interpretations of the *Theaetetus* digression fail to see how it functions in Plato's argument because they have taken its praise of the philosopher at face value. But this is not the philosopher from *Republic*. His otherworldliness reflects both Theodorus' mathematical understanding of philosophy as the study of 'divine' objects and the judgement of the man of the law courts that philosophy renders a man useless for the city's business.³⁶ In spite of how appealing interpreters have found it, Socrates' mythological language shows that the philosopher is an enigma to the practical man. That is why Socrates must appeal to the practical knowledge of the crafts to refute the relativism of opinion that he had to put forward in Protagoras' defence.³⁷ The rest of the examination of Protagoras reverts to the more extreme interpretation of his doctrine, which denied a persistent subject in order to save the truth of our immediate sensations.³⁸

34 172a.

35 178b-e.

36 *Gorg.* 485c-e.

37 166d-167d.

38 159e-160d;166b.

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