

Virtue as Mental Health:
A Platonic Defence of the Medical Model in Ethics

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I argue that Plato holds a medical model of virtue as health which does not have the morally unacceptable implications which have led some to describe it as authoritarian. This model, which draws on the educational virtues of the *elenchos*, lacks any implication that all criminals are mad or all mad people criminals – this implication being at the source of many criticisms of Plato’s analogy of virtue and health. After setting up the analogy and the model, I defend my argument against two objections. The first claims that Plato’s picture of virtue as health is unacceptable because it entails that vice is a defect and therefore that criminals are all mad. The second resists Kenny’s interpretation but does so by attacking its first premise, i.e. that Plato believes virtue is some kind of health. I reply that both objections are misguided.

A common worry of virtue ethicists who would like to make use of ancient Greek theories and arguments in developing their own is whether they can avoid excessive paternalism in defending the view that virtue leads to happiness. In this paper I address this worry, and argue that Plato can help answer it to some extent by developing a concept of flourishing which is couched in terms of psychic health. The equation of virtue with psychic health raises some very legitimate worries: does Plato think that if we are not virtuous, then we are all mad? Do his views entail that criminals should be subjected to psychiatric treatment? I will show that if we take the analogy Plato draws between virtue and health as seriously as he intended, we will be able to provide a good account of what the good life consists in and how to achieve it, and that we need not worry that if we fail to be virtuous we will be treated as mentally ill, because that is not what Plato’s model entails.

I argue that Plato holds a medical model of virtue as health which does not have the morally unacceptable implications which have led some to describe it as authoritarian. This model, which draws on the educational virtues of the elenchus, lacks any implication that all criminals are mad or all mad people criminals – this implication being at the source of many criticisms of Plato’s analogy of virtue and health. After setting up the analogy and the model, I defend my argument against two objections. The first (Anthony Kenny) claims that Plato's picture of virtue as health is unacceptable because it entails that vice is a defect and therefore that criminals are all mad. The second (Howard S. Rutenber¹) resists Kenny's interpretation but does so by attacking its first premise, i.e. that Plato believes virtue is some kind of health. I reply that both objections are misguided. In Section Four I strengthen my argument by showing how in the *Laws* Plato puts forward a progressive penology based on his analogy of virtue and health. He makes it very clear that penal law, when it is thought of as an elenctic cure, has little in common with retributive or even deterrent theories of punishment, and nothing in common with the view that criminals should be forced to receive psychiatric care. Finally, in order to substantiate further my claim that the Platonic model of virtue as health is viable and useful, I suggest a way in which it could be applied in practice as a way of justifying the widespread use of community service in criminal sentencing.

1. The significance of the health analogy

In this section I will try to establish that Plato does indeed claim that virtue or justice is some kind of healthy state of the soul.² However, this is subsidiary to my main

¹ H. S. Rutenber (1986) ‘Plato's use of the Analogy between Justice and Health’, *Journal of Value Inquiry*, 20. See also Richard Stalley (1981) ‘Mental Health and Individual Responsibility in Plato's Republic’, *Journal of Value Inquiry*, 15.

² Julius Moravcsik (2000) ‘Health, Healing, and Plato's Ethics’, *Journal of Value Inquiry*, 34, also argues that Plato takes the medical analogy seriously. His purpose in discussing the analogy, however, is to show that Plato uses it to support an understanding of ethics as *techné*. Thus, Moravcsik's discussion is not entirely relevant to mine.

claim which I shall defend in the following section, that the model does indeed deserve to be taken seriously and that the attractive feature of Plato's conception of health is that it does not rely on a narrow medical model of cure and disease, but appeals to a generally more satisfactory model in which development and prevention are central.

The key claim I wish to defend in this section is that Plato intended the analogy of virtue health to be taken seriously. This does not necessarily mean that it should be taken literally, but that there should be a significantly large number of points of comparison between health and virtue so that we could be justified in using the term mental health to refer to virtue. The difference between taking the analogy literally and merely taking it very seriously is cashed out in the following problematic. Do we have a concept of health which is the same in bodily health and mental health, or do we have a concept of bodily health from which we derive a concept of mental health because there are many and obvious points of comparison between the good functioning of the mind and that of the body? Whatever the answer, we still end up, it seems, with a pretty solid concept of mental health, one which legitimises the psychiatric classification and treatment of mental illness. For this reason, I propose that we consider only the question whether Plato meant us to take the analogy seriously, without asking further whether he meant us to take it literally.

Plato's early and middle dialogues are ripe with evidence that he took the health analogy very seriously indeed. In the *Republic*, for example, he writes that justice and injustice

are in the soul what the healthful and the diseaseful are in the body; there is no difference. [...] Virtue then would be a kind of health and beauty and good condition of the soul, and vice would be disease, ugliness and weakness.³

There are also many such references to it in earlier dialogues. In the *Crito* (47e-49a) it is central to the argument for the conclusion that Socrates should not escape: if unjust actions harm the soul as unhealthy ones harm the body, then Socrates must avoid injustice at all costs, even that of his life. According to the *Protagoras* (313a-c) going to

³ 444c-e.

consult a sophist is to expose one's soul to a treatment or cure which may turn out to be harmful. At *Gorgias* 464a, Socrates explicitly says that there is a healthy condition (*euexia*) for the soul as for the body, as well as an apparent but false health for both. At 480a-b, he recommends that one who does wrong go to a judge as to a doctor in order to prevent the sickness of injustice from festering under the soul and becoming incurable.

In the *Republic* Plato elaborates on what psychic health actually consists in. In Book IV he tells us that for someone to be psychically healthy, he must have attained to self-mastery and beautiful order within himself, and [...] harmonised these three principles [the three parts of the soul: reason, the emotions or high spirit, and the appetites], the notes or intervals of these three terms quite literally the lowest, the highest, and the mean, and all the others there may be between them, and [...] linked and bound all three together and made himself a unit, one man instead of many, self-controlled and in unison.⁴

This harmony is attained when each part fulfils its proper role, which means that the rational part of the soul, aided by the emotional part (*thumos*), must rule over the entire soul 'being wise and exercising forethought in behalf' of it. (441d-e). That this is what psychic health consists in is deduced by Plato from a consideration that health in general depends on the establishment in something of 'natural relations' amongst its parts. Just as a body becomes diseased if its parts behave 'contrary to nature', the soul will not be healthy if the rational part does not rule over the appetites and the *thumos*. Because of this we should understand the analysis of the soul as tripartite in Book IV as an attempt to describe the mechanics of psychic health in the same way that a treatise on anatomy can serve to explain what it is to have a healthy body. Only by understanding how the parts relate to each other can we hope to understand how the whole functions.

From the picture of justice as psychic health, it follows that we can apply a medical model to our understanding of vice and virtue.⁵ A soul which is dominated by

⁴ *Republic*, 443d-e.

⁵ For an argument that healthiness can serve as a model for understanding goodness, because moral goodness and physical healthiness have the same ontological and epistemic status, see Paul Bloomfield, 1997, 'Of Goodness and Healthiness: a Viable Moral Ontology', *Philosophical Studies*, 87.

either the appetites or the *thumos* is, according to Plato, diseased or in some way not functioning as its full strength. In Books VIII and IX Plato explains the different ways in which a soul may be diseased. For example, the type Plato refers to as tyrannical, which applies to those who are ruled by their appetites, will inevitably 'always be needy and suffer from unfulfilled desire', 'be full of terrors and alarms', and be 'maddened by [...]desires and passions' (578a). These descriptions leave open the possibility that failures of psychic health manifest themselves over a wide range of disorders, from mere neediness to actual madness. We must bear this in mind when replying to critics who argue that Plato believes all non-virtuous agents are mad.

2. How the model works: elenchos as therapy

In this section I will show that the conception of health Plato worked with is not the narrow one his critiques have in mind, i.e. something that can go wrong only with sickness and be redressed by cures only. On the contrary for Plato, health is something that must be attained, and maintained, and things can go wrong at any time in the process without requiring medical intervention in the form of cure. It follows from this wider conception that only in very few cases does failure of mental health equate with madness.

The implications of the analogy for the medical understanding and treatment of vice, however, are clearest, not in the *Republic*, but in earlier dialogues, especially the *Gorgias*. There Plato presents an argument which pertains to the ways and means in which mental health can be achieved, and its conclusion is that in order to be mentally healthy, we must practice the *elenchos*, i.e. the Socratic method of inquiry.

Without suggesting that criminals should be forced to enrol in PHIL101 courses, Plato's linking of philosophy and health is useful because it shows both how his model of mental health corresponds to a medical model we are familiar with (one in which health is pursued as well as rescued) and at the same time different from a medical model we would find objectionable were it to be applied to the mental domain (i.e. that which is concerned only with cure).

A medical model which most of us would be comfortable with would regard cure as a last resort only. It would emphasise preventive actions, negative (do not smoke, do not eat too much fat or sugar) and positive (exercise regularly, eat plenty of fruit and vegetable). And rather than listing the things we can and can't do, it would aim to develop 'health consciousness', i.e. a disposition to think about what may or may not be good for one's health, an acquired disposition to prefer healthy foods and activities to unhealthy ones, and a certain familiarity with our body's reactions leading to a knowledge of what is in fact harmful or beneficial for our us. This would take care of development: people who are health conscious, or whose carers are health conscious, are more likely to grow strong and healthy, and less likely to contract diseases.

Health consciousness, however, is unfortunately not sufficient to ward off all ills. Luck and genes play a part in how long we can stay healthy, or even whether we are able to become healthy at all (congenital diseases may have nothing to do with how healthy the parents of the sick baby are). So cure, it seems, will be the most important part of any medical model after all. Whatever we do, we may become ill, and we will have to see a doctor for a cure. But this does not quite follow. A disease may be detected before it has properly developed, and actions can be taken to prevent it from developing without requiring a major intervention on the patient's body. For instance, a wound will be disinfected, so as to prevent gangrene, and the necessity of amputation; a mole will be removed, to stop cancer from developing, thus preventing future invasive treatment. This, however, the dealing with a minute symptom in order to prevent grave illness from developing, requires early detection of symptoms which may be invisible to all but a medical doctor. So what it requires is that we submit ourselves to regular check-ups so that anything unusual may be detected and dealt with before it becomes a problem. If that works, then we put one more step between us and serious medical intervention or cure.

Of course, this system of development and prevention may fail, the symptoms may be too minute even for a doctor to detect, or they may develop in between two check-ups (although not if the check-ups are close enough together), or worse, there may be no known way of stopping them from developing. In this case, we need to turn to

medicine for the purpose of curing illness, or if that is not possible, for palliative purposes. This, however, comes last in our expectations of what medicine should do for us. First we expect that it should help us grow strong and healthy, second that it should detect anything which is likely to develop into a disease or illness before it does. Cure should be, as far as most of us are concerned, a last resort only. In what follows I will argue that the medical model Plato uses when drawing the virtue/ health analogy is similar to the one I have just described, i.e. that in order to be psychically healthy one must follow the same three steps: first developing a healthy soul, second, checking regularly for symptoms of diseases, and third, cure as a last resort.

To become 'health conscious' means becoming aware of what will benefit or harm the body and acquiring a set of healthy habits, including diet and exercise. If the body/soul analogy is to hold, then the same must be true of psychic health. In order to acquire a healthy soul, we must first become aware of what contributes to its health, and actively seek it. In the case of bodily health, a doctor will tell us what it is we need to do in order to become healthy, and - if we're lucky - a trainer or maybe some health institution will help us stick to it. According to Plato, there is a mental equivalent to this kind of preventive therapy in the *elenchos*. The philosopher, like the physician, and the trainer, pursues citizens and urges them to 'set their thoughts on goodness', to stop worrying about secondary goods, such as wealth and get their souls into shape. Thus, Socrates sees his role in Athens in this way: he has to engage the Athenians into philosophical debate about the nature of virtue, the dialectical nature of the *elenchos* meaning that it will encourage debate and make the citizens take an active part in the well being of their souls⁶

By discussing philosophical questions about virtue, the Athenians become virtue conscious, i.e. not only do they come closer to understanding what virtue is, but they become habituated to thinking that virtue and virtuous behaviour matter, and thus are more likely to behave virtuously themselves. This mechanism of habituation, of course, is

⁶ *Apology* 30a-b.

better described by Aristotle than by Plato, and we will come back to it briefly in the last part of this paper.

According to the medical model we described, the second function of the *elenchos* has to be to test the soul in the same way that a doctor will carry out routine checks on the body to detect any illness. This will enable the person whose soul or body it is to prevent defects from developing, and to acquire peace of mind if she is healthy. This must be what Socrates has in mind when at 487d, he compares Callicles to a touchstone, one which will tell him of the state of his soul, if he engages in an elenctic dialogue with him.

Although this passage is obscured by poetic licence and rather strong irony⁷, it none the less sheds some light on one of the purposes of the *elenchos*. If it turned out that an ideal interlocutor agreed with what Socrates believes about virtue, then not only would Socrates' beliefs be true, but his soul would be cared for and in good condition. Conversely, if the interlocutors disagree, then the beliefs held by them have to be further examined, for they might be false, and the soul which hosts these beliefs is unhealthy.

It is in this spirit that Socrates enjoins Polus at 475d to submit himself to the *elenchos*:

Don't shrink from answering, Polus - you won't be harmed at all; but present yourself nobly to the argument (logos) as to a doctor; answer, and say either yes or no to what I'm asking you.

In this passage (473a-475d) the argument is presented as a doctor, and the *elenchos* as the cure. This confirms our hypothesis as to the second function of the *elenchos*: to test the patient's soul as a doctor would carry out a check on a patient's body. If the test shows that the soul is sound, 'well cared for', then there is nothing to worry about. If it does not, then the *elenchos* must perform its third function, i.e. cure the soul.

Just how the *elenchos* achieves this is probably what Socrates is alluding to at 458ab when he remarks to Gorgias:

⁷ Socrates claims that Callicles has three things which make him a good 'touchstone': knowledge, goodwill and free speaking - but it is obvious that Callicles has none of these.

For I think that being refuted (*elenchesthai*) is a greater good, insofar as it is a greater good for a man to get rid of the greatest evil himself than to rid someone else of it - for I think there is no evil for a man as great as a false belief about the things which our discussion is about now.

Plato's view of how the *elenchos* affects mental health forces us to question the model of medical care as cure only, and its implication that the only way in which one can fail to be healthy is by being ill or diseased. Plato forces us to focus on what we know already, namely that physical development and maturation are necessary before we can stop worrying about bodily health, and that diet and exercise need attention in order for health not to deteriorate. Thus it would be a mistake to assume that the only way in which someone may fail to be mentally healthy is by being mentally ill - questions must be asked about the maturation and development of the subject's mind. This implies that it would also be a mistake to believe that any failure of mental health must be 'cured'. We do not 'cure' a child who is not growing enough, we control her diet and make sure she gets all the right nutrients, and we do not 'cure' an adult who is unhealthy due to being overweight until he has tried to modify his exercise regime.

Plato's model of mental health, therefore, does not imply that all criminals should be cured. It implies, however that everyone should pay greater attention to their psychic development so as to mature in such a way that we will not be likely to develop vicious character traits. So far, we are able to draw the following conclusion. Plato's use of the medical model does not imply that all who are not virtuous are mad and should be subjected to psychiatric treatment,⁸ or give up their autonomy to those who are not mad. What it does imply is that psychic health is not a given, but something which must be developed through careful maturation, and which must be watched over throughout one's life - as it is true of physical health. Absence of virtue is thus more likely to mean

⁸ Note that according to Plato, the best cure for vice is, at least some times, litigation: if one does wrong one should pay for it. (see *Gorgias* 480a-b). He believes that the process of being punished for what one has done can sometime correct the tendency which led us to do wrong in the first place. It is interesting that he believes in the curative power of punishment in the light of his critics' interpretation that all the non-virtuous are simply mad and must be restrained.

incomplete development than disease, and thus the adequate response is education rather than psychiatric treatment or confinement.⁹

3. *Replies to Objections: why we are not all mad*

In this section I will briefly address some well known objections to Plato's model of virtue as psychic health and argue that they are misguided in that they imply a wrong understanding of the model. I will show that if we take the model to be what I suggested it was in the previous sections, then the objections fail. First, I will look at Kenny's¹⁰ objection that Plato's model is morally unacceptable because authoritarian. Then I will turn to Ruttenberg's¹¹ reply to Kenny which argues that Kenny is taking Plato's model too

⁹ My argument is derived from interpretations both of the *Republic's* concept of psychic health and the emphasis on earlier dialogues, mainly the *Gorgias*, on the use of *elenchos* to promote psychic health. But nowhere in the *Republic* does Plato recommend that we should all practice the *elenchos* on a regular basis. I suggest that this is due to the fact that in the *Republic* every citizen is supposedly living the kind of life that is best for him or her, and hence the conditions necessary for flourishing are already attained. Of course, Plato's idea of what the best lives are like is not one we should accept. Nonetheless, this answer leaves open the possibility that Plato both holds that Psychic health is important, and that in a non ideal world, the best way to achieve it is by practicing the *elenchos* regularly, by the time he is writing the *Republic*. The *Sophist* (230b-d) also draws an analogy between the *elenchos* and medical purging.

¹⁰ A. Kenny (1973). See also A. Flew (1973), for similar arguments.

¹¹ Ruttenberg (1986). See also Stalley (1981) who argues in part for the same conclusion as Ruttenberg, i.e. that the health analogy should not be taken literally. He gives three arguments for that conclusion. First, Plato believes there is a gap between psychic and social justice, and hence there is no evidence that he wants to link social justice and madness. Secondly, Plato had a well-known dislike for doctors in medicine, and therefore he would not look upon them as a model for teaching virtue. Thirdly, he does not inspire himself from contemporary medicine. For a refutation of Stalley's third argument, see J.W.Lidz (1994) 'Medicine as Metaphor in Plato', *Journal of Medicine and Philosophy*, vol.19. The second argument is unconvincing, as a dislike for doctors may not entail a distrust of medicine itself - one need only think that medicine should be performed differently, and Plato does have strong views as to what is entailed in seeking and preserving psychic health. The first argument takes a well known objection to Plato and reverses it: it is not the case that Plato fails to show successfully that justice in the city and justice in the individual are one and the same thing, but he believes there is a necessary gap between the two and those of us who understand the *Republic* differently are simply misinterpreting him. Again, I find this argument unconvincing and see no textual evidence for it.

seriously, and that Plato does not in fact believe that virtue and mental health are the same thing.

Kenny's objection could be summarised thus. If we say that virtue is health, then vice is sickness, mental illness. But the mentally ill are very vulnerable to the control of psychiatric doctors. They often have no choice as to whether and how they should be treated. Also, Kenny claims that according to Plato the mentally ill have no property rights and no right to the truth. Moreover, as Plato appears to believe that only the philosopher kings are virtuous, it follows that he must believe most of us are insane. He can therefore recommend a totalitarian regime in which we are all under the control of philosophers / psychiatrists.¹²

To understand Plato as Kenny does, we need to make two disputable assumptions. First we have to believe that all failures or insufficiencies in psychic health equate to madness, which is tantamount to believing that a head cold or a stomach upset is some form of cancer. I made it clear in the previous section that Plato does not make this assumption, but that he believes that one can fail to be perfectly healthy in many ways without justifying medical intervention in the form of treatment - not all mental insufficiencies are diseases. Secondly, in order to agree with Kenny, we also need to believe that psychiatric medicine is necessarily a coercive practice, i.e. that doctors do not recommend treatments, diets, exercise etc. but force them upon patients.

Neither of these two assumptions are assumptions that one would readily make, and there is certainly no evidence that Plato made them. Thus, *prima facie*, we have no reason to take Kenny's reading of Plato seriously. His interpretation relies on claims about the nature of mental health and medicine that we have no reason to believe Plato shared. Neither of these two assumptions are assumptions that one would readily make, and there is certainly no evidence that Plato made them. Thus, *prima facie*, we have no reason to take Kenny's reading of Plato seriously. His interpretation relies on claims

¹² See Kenny's synopsis of what is wrong with Plato's health analogy in Kenny p.23-4. Ruttenberg (1986) offers a successful systematic refutation of Kenny's interpretation, claiming that most of his references are radically misinterpreted.

about the nature of mental health and medicine that we have no reason to believe Plato shared.

Kenny's supporting arguments are based, for the most part, on clear misreadings of the *Republic*.¹³ More importantly, his thesis, and the underlying belief that Plato's moral philosophy is motivated by totalitarian ambitions, rests on a misunderstanding of how the health analogy works, and of the kind of medical model it implies. Kenny believes that if virtue is a matter of health, then all vice must be madness, and that the proper treatment of madness is coercive. However, this medical model is a very poor one compared with the ones Plato would have been familiar with.¹⁴ In the previous section I

¹³ In order to read all that Kenny does in Plato's health analogy, it seems that we need to misinterpret radically several passages from the *Republic*. The one reference Kenny gives to support his claim that Plato equates vice with madness 329d is in fact a reading of Sophocles by Cephalus on sex and youth. But there is no reason to think that Cephalus is speaking for Plato, nor does his reading of Sophocles obviously suggest an equation of vice and madness, merely that some of the impulses of youth are hard to master with reason. The second reference Kenny offers is the passage in which Socrates claims that it would be wrong to return a weapon one has borrowed to a friend gone mad (331c). From this he infers that Plato believes that the mentally ill have no property rights. But there are two obvious replies here. First, it is clear that there is nothing legalistic about Plato's claim: Socrates is talking about friendship, not rights. The leap from how one should behave towards a friend and legal rights is a big one: in many cases, what I owe to a friend and what they have a right to expect from me legally are very different, and nowhere does Plato talk of the legal treatment of madmen. Secondly, surely the type of property referred to in the example is relevant. Even if Plato was making a point about rights and mental illness, the relevant right is not property right, but the right to own weapons. It is unclear whether there should be such a right in the first place, but if there was such a right, it would not be especially controversial to suggest that it should not apply to the insane.

Kenny's interpretation of 382c is also inaccurate. Falsehood as a drug is referred to again, in the context of friendship (we may lie to a friend who has gone mad) in order to illustrate a point about literary censorship, i.e. whether it is acceptable to represent the gods as lying (no, because apparently they don't make friends with mad people). This passage isn't obviously linked with the myth of the creation of the three classes at 414d-415a which is what Kenny seems to have in mind when he refers to the Guardians lying to their subjects. But even if it were, it is far from clear that it would provide any support for Kenny's argument. Plato does not say that the Guardians may lie to the subjects, but that he himself would tell a lie to all the inhabitants of the city, including the guardian, so as to preserve its stability ('I shall try to persuade first the rulers, then the soldiers'). So if there is a suggestion that lying is legitimised by the madness of those who are lied to, then Plato thinks that the philosopher rulers are as mad as the rest! Ruttenberg (1986) offers a successful systematic refutation of Kenny's interpretation, however, his emphasis is slightly different from mine.

¹⁴ See Lidz.

argued that Plato's own development of the health analogy implied a much richer, and thereby not morally objectionable, medical model.

Ruttenberg's thesis is that Kenny and other critics such as Flew 'misunderstand Plato by taking his analogy literally at critical points where he is reasoning analogically'.¹⁵ Ruttenberg, it seems, thinks that the best way to resist Kenny's conclusion that Plato's treatment of virtue as health is authoritarian is to claim that Plato does not believe that virtue is mental health. At least, this is how I understand his comment that the analogy should not be taken as literal - but, as I explained in section two, I do not believe that what is in question is the literal status of an analogy, but the extent to which that analogy should be taken seriously, i.e. what its limits are in terms of actual points of comparison. In any case, the analogy is not between virtue and mental health, but virtue and (physical) health. Whether Plato thinks there is such a thing as mental health at all depends at least in part on how seriously he takes the analogy. I have argued that he does think there is such a thing as mental health, that which he refers to as psychic harmony or psychic health. This is evidence enough that Plato meant the analogy seriously (if not literally) and therefore that line of criticism against Kenny is closed.

Ruttenberg does in fact believe that the purpose of the Socratic *Elenchosis* is to educate the character.¹⁶ However, he and I differ as to whether character development is a consideration of mental health. Ruttenberg fails to take into account Plato's rather plausible point that the mind is like the body in that it needs to develop properly and sometimes be redressed.¹⁷ Law and medical science when they are represented in the right way are able to perform these functions, as Plato believes. What this requires is a less narrow medical model, i.e. one which does not merely look to cure disease, but one

¹⁵ Ruttenberg p.145.

¹⁶ 'As a model it shows us that improvement in our lives depends less on litigation and medicine than education and change of character. This is the task that the dialogues portray Socrates engaging in'. Ruttenberg, p.154.

¹⁷ Lidz p4: 'Medicine proves to be an especially apt metaphor for Platonic ethics inasmuch as it serves to remind us that, as with our body, the condition of our character requires development and care'.

which interests itself with development as well, (and correspondingly, an appeal to law which looks more to legislation than litigation). These models, legal and medical are in fact provided by Plato. The following section will show how Plato sought to apply the model to a penology in the *Laws*, emphasizing the educational aspect of punishment. Then I will argue that the model can profitably be used to answer questions in contemporary penology – in this case, about the use of community service sentencing.

4. Is Platonic medical penology progressive?

The idea that mental (and physical) healthcare is about helping development and maturation rather than simply detecting deterioration and curing through medical intervention, one suspects, could lead to very progressive views on punishment.¹⁸ Given the focus on the proper development of the individual, and the commitment to preventing the growth of vice instead of intervening once it has already taken root in the character, a penology embracing these principles would probably reject retribution in favour of reform and maybe deterrence. This does seem to be the case in the penology Plato offers in the *Laws*, where he emphasizes that education of the offender and reparation for the victim must be the prime focus of punishment, and its aim, to make the offender a better person, to repair the harm he has caused, and the rift he has created between himself and a section of his community.¹⁹ A good legislator is compared to a good doctor. Rather than bully and threatening the patient into taking drugs he knows nothing about, the good doctor discusses with him the cause of his disease, and the possible cures for it, and at the same time attempts to educate the patient in physiology and the care of the body. A good legislator, similarly, educates citizens by taking the time to compile non-threatening legal

¹⁸ Indeed, it could be argued that penology cannot claim to be humanitarian unless it is backed by a fully developed moral psychology. Mackenzie makes this point in *Plato on Punishment*, p. 158, adding that Plato succeeds in doing this.

¹⁹ See in particular 862c. T. J. Saunders gives a detailed analysis of Plato's penology with emphasis on its medical aspect in *Plato's Penal Code*, Oxford University Press, 1991. See especially chapter 5.

advice.²⁰ In any case, the intent of the laws should never be to hurt the offender, not even as retribution, but to make him or her a better person:

Perhaps paying this penalty will teach him restraint and make him a better man: after all no penalty imposed by law has an evil purpose, but generally achieves one of two effects: it makes the person who pays the penalty either more virtuous or less wicked. (854C-855a)

The general intent of the penology in the *Laws* does seem progressive. However, it could merely be so in surface, a critique which Saunders makes of the theory of punishment presented by the fictional Protagoras in the dialogue of the same name. In a short speech (342a-b) Protagoras states that punishment must aim to better the offender, and not to retaliate against the crime. Vengeful punishment is ‘bestial’, and not the work of a rational being. What we must do instead is make sure that the offender does not offend again. Although this is generally regarded as a progressive and enlightened view,²¹ the lack of details provided means that it is in fact very superficial. As Saunders remarks: One can continue to ‘punish’ exactly as before, and explain to anyone who will listen that one is not doing it ‘for’ an offence, but simply regarding it as evidence for a lack of virtue which can be remedied by making the offender suffer so that he becomes a better man because he will be deterred from offending again. (162).

The claim that one is punishing ‘for the good’ of the offender, when it is not backed up by a system of punishment which clearly benefits the offender more than it harms him or her, is not progressive but hypocritical. Can this critique be addressed to Plato’s own penology? Here two points can be raised. First, Plato states several times that those offenders who cannot be made better should be condemned to die.²² Secondly, he claims that although the offender should not take into account the painful element of punishment,²³ ‘we may use absolutely any means to make him hate injustice and make

²⁰ *Laws* 857b-859c. For a commentary on this passage see Saunders pp.140-141.

²¹ See Stalley ‘Punishment in Plato’s Protagoras’ in *Phronesis*, XL,1, 1995, p.7.

²² *Laws* 855a and 863a.

²³ *Gorgias* 480c.

him better'.²⁴ So in fact, the lawgiver and the executioners have complete discretion as to how they choose to exercise their power on the offender: they can judge that the offender is not rehabilitable and sentence him to death, or they can decide that intense physical pain and privation will be the most effective means of making the offender a better person.

The first issue – should the law sentence to death those it cannot rehabilitate – will come back in some form in all reformatory theories of punishment. When it becomes clear that somebody cannot be reformed, either because their character is too vicious, or because the methods we use for reforming are not well developed enough, something must be done with them. If to set them free is to present too great a risk to society, then they must either be killed, or else put into prison or a medical institution. Unfortunately no more humane alternatives have so far been offered for dealing with offenders who are perceived as both dangerous and beyond reform, within a reformatory theory of punishment. It may be that a retributive element should be added to a mostly reformatory theory in order to set limits to the punishments imposed, and in particular, to deal with those offenders that Plato would simply have killed. A sentence to 'match' their crime in a retributive way seems fairer than a decision to 'put them away', literally behind bars, or metaphorically by killing them. In practice, sentences for the kind of crimes that incurable criminals commit, e.g. multiple, horrible murders, tend to get sentences so long that the prisoner is effectively 'put away'.

Regarding the infliction of pain as a means of character reform, Saunders offers the following speculation. Plato favours changes of regimen over drugs in medical and mental cures. This is what we saw in Section 3 in relation to the *elenchos*. But a change in regimen is often painful. So the pain in punishment occurs mostly at the beginning, to announce the change in regimen.²⁵ But if Plato favours traditional methods of punishment – the Laws give us no reason to suppose otherwise – then the infliction of pain is not an

²⁴ *Laws*, 863a.

²⁵ Saunders 177, *Laws* 646d-648c.

effect of the change of regimen which is imposed for the betterment of the soul, but deliberate, and intended to hurt. Saunders replies to this that as the pain and the break up from an old regimen ‘march together’, the break up can be induced ‘simply by causing the pain’.²⁶ This claim is implausible, at least when the pain and the change involved are unusual and not repetitive. Giving up coffee often induces headaches in the habitual drinker. Those headaches are qualitatively very similar to those caused by changes in atmospheric pressure. However, it does not follow that a coffee drinker who has a headache because of stormy weather will feel compelled, or even will find it easier to give up coffee! The pain does not cause the change.

Why then does Plato insist that there must be pain for there to be reform? I believe the answer lies in the analogy. Medicine, as Plato knows it, inevitably entails pain. In fact, painless medicine is a Twentieth century notion, one that would have been spurred by the beginning of anaesthesia which previously was absent from even the most painful and invasive surgical interventions. This realization that medicine need not be horribly painful has spurred us on to conceive of more and more painless cures, so much so that now even diets are designed so as to cause minimum discomfort with changes introduced progressively, and vitamin supplements prescribed so that the body does not react violently and painfully to the change.²⁷

If the alliance of cure with pain is a historical one which has come undone with progress in medicine, then we have both an excuse for Plato’s over reliance on pain in punishment, and a good reason to believe that a modern application of Plato’s views need not be that way. One possible modern application of Plato’s medical penology, and in particular, of his conception of the elenctic cure, which does not involve the infliction of pain on the offender but still satisfies the requirements stated in the Laws that punishment should educate and constrain the offender, and at the same time repair the harm done.

²⁶ Saunders 174.

²⁷ This attitude is also present in Stoic writings. See Epictetus (III.24.30): ‘The philosopher’s lecture room is a hospital: you ought not to walk out of it in a state of pleasure, but in pain – for you are not in good condition when you arrive!’

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