



BRILL

"The Arguments I Seem to Hear": Argument and Irony in the "Crito"

Author(s): Mitchell Miller

Source: *Phronesis*, Vol. 41, No. 2 (1996), pp. 121-137

Published by: BRILL

Stable URL: <http://www.jstor.org/stable/4182523>

Accessed: 01/01/2010 10:32

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=bap>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



BRILL is collaborating with JSTOR to digitize, preserve and extend access to *Phronesis*.

<http://www.jstor.org>

“The Arguments I Seem To Hear”: Argument and Irony in the Crito

MITCHELL MILLER

“I do have these things in mind, Crito,
and also many others.” (*Crito* 45a)

Socrates ends his conversation with Crito on such a note of certainty and closure that my inquiry may seem, at least at first, almost perverse. I am interested in testing the Laws’ speech for irony. Does the Laws’ speech express Socrates’ deepest convictions, as he seems to say, or is there something still deeper that he suppresses, another line of thought that, were he to express it, would put the Laws’ speech in a new and different light? Let me try to motivate this inquiry by pointing to three framing remarks that Socrates makes. Consider first one of his closing remarks, in which, strangely, he compares himself to those possessed by ritual frenzy.

Crito, my dear friend, be assured that these [that is, the arguments of the Laws’ speech] are the arguments I seem to hear, as the Corybants seem to hear the music of their flutes, and the echo of these arguments resounds in me and makes it impossible for me to hear the others (τῶν ἄλλων [λόγων]) (54d).¹

What are these “others,” that is, οἱ ἄλλοι λόγοι, these “other arguments,” to which Socrates, even as he claims to be unable to hear them, at the same time refers? Perhaps he means only that the Laws’ speech has defeated Crito’s arguments for escape so soundly that he can no longer attend to them, that is, to Crito’s arguments. But, too, perhaps not. He has certainly been able to attend to Crito’s arguments right up to this moment, for the Laws’ speech, as we shall see, has taken their measure and responded to them very clearly. Is it possible, then, that Socrates, even as he closes the conversation, alludes to a *third* set of λόγοι, neither Crito’s nor the Laws’, which the Laws’ speech leaves unvoiced?

Pondering this, consider two other framing remarks Socrates makes, one

¹ I have followed G. M. A. Grube’s translation in *Five Dialogues*, Indianapolis: Hackett, 1981, except where otherwise noted. Here I have translated λόγοι as “arguments” and τῶν ἄλλων [λόγων] as “the others,” that is, the other arguments.

of which introduces the Laws' speech, the other of which introduces the whole of his response to Crito's appeal. "There are many things that could be said," says Socrates at 50b-c, introducing the Laws' speech, "*especially by an orator*, on behalf of this law we are destroying, which orders that the judgments of the court shall be carried out."² And at 46c, opening his reply to Crito's passionate appeal for him to escape, Socrates says, "How should we examine this matter most reasonably?" Socrates' word "most reasonably" is, interestingly, μετρίωτατα. This is interesting because μέτριον means "moderate, in due measure, according to the mean." Is it right to find in this word an indication that Socrates moderates his own thoughts, measuring them out, so to speak, so as to give to Crito what is in some sense due or fitting *to him*? Does Socrates' allusion to the mean suggest that there are in fact three perspectives, not just two, in play? To tie this suggestion together with those of Socrates' other two framing remarks, these three perspectives would be, at the extremes, Crito's and Socrates' and, as the mean that Socrates measures out between them, the "oratory" of the Laws. On this reading, "the other arguments" (οἱ ἄλλοι λόγοι) to which Socrates alludes at 54d would express his own perspective, and – as he indicates in that ambiguous passage – by producing the "resounding" oratory of the Laws he deliberately makes them "impossible to hear."

What might these "other arguments" be? And in what new light does the disclosure of this suppressed perspective put the Laws' speech? These are my central questions in the reflections to come. To develop them in a way that lets us keep the dialogue as a whole in mind, I will begin with three preparatory reflections. First, we will consider who Crito is as an interlocutor for Socrates. Second, we will bring to focus why Socrates finds it timely and useful to introduce the *quasi*-person of the Laws in order to respond to Crito. And third, I will offer summary accounts of each of the three main sets of arguments I find in the Laws' speech. This will put us in position to examine those arguments for evidence of a suppressed Socratic perspective.

1. Crito as an Interlocutor for Socrates

In the figure of Crito, Plato puts before his Greek readers a kind of Athenian Everyman. Thoroughly decent, capable of unselfish attachment to the person of Socrates, Crito in one way rises to the challenge of the imminent death of his friend, and in another way he fails. On the one hand, he is clearly willing to risk everything – not only his wealth but his social stand-

² My stress.

ing and even his own liberty – for the sake of saving Socrates. “If you have any fear,” he tells Socrates,

... that we should be compelled to lose all our property or pay heavy fines and suffer other punishment besides, ... forget it. We would be justified in running this risk to save you, and worse, if necessary. (44e-45a)

On the other hand, under the tremendous pressure of the moment, pressure that, as we can see from the lack of any logical sequence in his arguments, costs him his emotional composure and clarity of mind, Crito lapses into deeply unSocratic habits of thought. Though he has spent years in Socrates’ company, he now bases his appeal for escape on an indiscriminate mix of considerations that reveal him as one of the many. As Socrates points out to him, “... those questions you raise about money, reputation, [and] the upbringing of children ... in truth belong ... to the many³,” and he therefore sets them all aside. (48c) Moreover, on the issue of the justice of escaping or remaining – “the only valid consideration,” according to Socrates (48c) –, Crito takes a deeply conventional and unSocratic stance. He has no question but that the indictment, the trial, and the verdict are the work of Socrates’ “enemies,” who are out to destroy him. His indignation at the injustice done to Socrates⁴ is compounded by his perception that Socrates himself collaborates in it. “It is not just⁵,” he complains to Socrates,

to give up your life when you can save it, and to hasten your fate as your enemies would hasten it, and indeed have hastened it in their wish to destroy you. (45c)

In this objection, Crito tacitly invokes the conventional notion of justice, which requires that one help one’s friends and harm one’s enemies,⁶ for his point is that Socrates turns this on its head in every way possible. On the one hand, he not only refuses help from his friends, who stand ready to save his life, but also, in this refusal, he fails to help them, leaving his children with no one to educate them and allowing his companions to suffer the shameful reputation of being cowards who prefer saving their money to saving a friend. On the other hand, Socrates not only fails to stand up and reply in kind to his enemies’ campaign to do him the ultimate harm – he even collaborates in it, “hastening” his own destruction. In effect, he seems to reverse the conventional notion of justice, harming his *friends* and helping his *enemies*.

³ τούτων τῶν πολλῶν. Grube: “the majority of men.”

⁴ Hunter Brown also stresses Crito’s indignation at injustice in his “The Structure of Plato’s *Crito*,” *Apeiron* 25, 1 (March 92), pp. 67-82.

⁵ δίκαιον. Grube: “right.”

⁶ Ann Congleton also points this out in her “Two Kinds of Lawlessness” (*Political Theory* vol. 2, no. 4, Nov. 1974, pp. 432-446).

2. The Introduction of the Laws

In the series of arguments Socrates makes from 46b to 50a – that is, in the passages that lead up to the introduction of the Laws –, Socrates responds to Crito's lapse to the perspective of the many. By recalling fundamental agreements they have come to in their years of companionship and dialogue, Socrates attempts to revive, then build on, the philosophical perspective in Crito. Thus he reminds Crito that they have always agreed to listen not to the many but to the expert, that is, to reasoned argument, and he reconfirms with Crito that the guiding principle in practical matters should not be "life" *simpliciter*, but, rather, "the good life," that is, life governed by the good, the noble, and the just (48b). It is on account of this second agreement, Socrates argues, that the concerns of "money, reputation, [and] the upbringing of children" should be set aside; "the only valid consideration," he asserts, "is whether [in escaping] we should be acting justly ... or doing injustice ..." (48c-d). Brought back, so to speak, to his Socratic self, Crito accepts each of these claims, and this permits Socrates to formulate the two principles on the basis of which the question of whether to escape must be decided.

First, "one should *never* do injustice" or – since this is a specification of injustice – "injury,"⁷ not even in retaliation for an injury one has suffered at the hands of another. (49b-c) Second, "one should do the things one has agreed to, provided they are just."⁸ (49e)

⁷ The Greek for "do injury" or, as it is also often translated, "harm" is κακουργεῖν or κακῶς ποιεῖν.

⁸ ... ἂν τις ὁμολογήσῃ τῷ δίκαια ὄντα ποιητέον Grube: "when one has come to an agreement that is just with someone, should one fulfill it ...?" Grube, as does Tredennick, blurs the distinction between *the things agreed to* being just (this is what, literally rendered, the Greek says) and *the agreement* being just. Is this a mistake or, rather, a good translation of the real force of the Greek? On the one hand, it has been argued by, e.g., R. E. Allen that these "imply each other," for "an agreement cannot be just if, in a given situation, to act according to it is not to act justly" (*Socrates and Legal Obligation*, Minneapolis: University of Minnesota Press, 1980, p. 72). Grube's translation appear to accept this. On the other hand, Richard Kraut points out that "an agreement can be unjust (i.e. unfairly made) even when the agreed upon is just" (*Socrates and the State*, Princeton: Princeton University Press, 1984), and he rightly observes that the Laws will take pains to argue that the compact is "fairly made" with Socrates, that is, that he has entered into it freely and without duress. Kraut's point is well-taken, and I have accordingly resisted Grube's (and Tredennick's) blurring of the distinction and translated Socrates' words more literally, taking "just" to modify "the things we agreed to." But I would note the (perhaps obvious) point that the justice of an agreement, though it does depend on the agreement's being "fairly made," *also* depends on the justice of the things agreed to, and this is not entailed by the agreement's being "fairly made." This will become important later.

It is one thing, however, to get Crito to reaffirm his earlier philosophical or Socratic views in their general form, quite another to have them prevail over the perspective of the many when it comes to deciding the urgent, life-and-death case at hand. When Socrates asks Crito to “see what follows” from his Socratic commitments, asking him whether,

if we leave here without having persuaded the city, we are doing injury to anyone – and indeed to those to whom we ought to do injury least of all –

and whether, secondly,

we are abiding by the things we agreed to, these being just, or not (49a-50a),⁹

Crito finds himself in *aporia*, unable to see his way. “I cannot answer your question, Socrates. I do not know.” (50a)

Socrates, surely, is not surprised that Crito is confused and at odds with himself. He knows that the summoning up, in his own personal presence, of the philosopher in Crito is not sufficient to banish the perspective of the many. The textual evidence for this is two-fold. On the one hand, in the middle of the passage just cited in which he argues categorically against ever doing injustice or injury, he pauses and takes pains to warn Crito that this position stands in basic opposition to the views of the many. His words will be important later, so let me quote them here.

Crito, see that you do not agree to this contrary to your belief. For I know that only a few people hold this view or will hold it, and there is no common ground¹⁰ between those who hold this view and those who do not, but they inevitably despise¹¹ each other’s views. (49c-d)

On the other hand, Socrates is immediately ready to introduce the *quasi*-person of the Laws. As a rhetorical gesture, this is responsive to Crito’s needs in at least three obvious ways. First, by letting the Laws take up the position that he has been defending, Socrates frees himself to take up and give voice to Crito’s; this, in turn, frees Crito to sit back, released from the pressure of having to speak, and watch the unfolding of the argument. Insofar as the Laws and Socrates now put on stage before Crito the two perspectives that are opposed within him, the perspectives of the philosopher and the many, respectively, Crito can be a spectator to the playing out of his own internal conflict. Thus, it would seem, Crito is given an ideal occasion for coming to understand and overcome his *aporia*. Second, by constructing a *quasi*-person, the Laws, to take up the philosophical perspec-

⁹ ἐμμένομεν οἷς ὡμολογήσαμεν δίκαιοις οὖσιν ἢ οὐ; Grube: “are we sticking to a just agreement or not?” On the translation issue which this line poses, see n. 8 above.

¹⁰ κοινὴ βουλὴ.

¹¹ ἀνάγκη ... καταφρονεῖν.

tive, Socrates undercuts the abstractness of his preceding series of arguments; since the division within Crito has taken the form of his general commitment to the Socratic ideal of the good life and his anxiety, in face of the urgent case at hand, for Socrates' survival, it is important for Crito that the philosopher in him be given concrete form. The personification of the Laws provides this. So, thirdly, does a particular feature of their speech, their development of the idea of "agreements" into the fuller and more concrete idea of a "compact" or formal "covenant."¹² Crito, a paradigm of the decent and upstanding businessman, surely has an acute appreciation of contracts and the importance of standing by them, and Socrates plays on this in the Laws' speech in order to make the demands of justice more intelligible.

Or so, as I have said, it *seems*. For in these three remarks I have begged the first of the central questions I posed earlier. We can now reformulate that question as follows: is the Laws' speech, in the very appropriateness of its rhetoric to Crito's needs, fully expressive of the Socratic perspective? Again, are there *two* perspectives in play here, Crito's, now taken up by Socrates, and Socrates', now taken up by the Laws, or are there *three*, Crito's, the Laws', and Socrates'?

3. A Review of the Laws' Three Sets of Arguments

To pursue this question, it will be useful first to review the Laws' major arguments. (I realize the near impossibility of finding a single reformulation that will satisfy every reader of the *Crito*. In the rich scholarly literature there is controversy at every turn. For present purposes, however, we do not require a full reconstruction of each argument. It will suffice, instead, to offer restatements that are at once faithful to the text and that will permit us to consider, in the next section, some surprising features of the Laws' way of making the case that Socrates should not attempt escape.)

There are three major lines¹³ of argument to consider.

¹² At 49e and 50a Socrates twice uses finite forms of the verb *ὁμολογεῖν*, meaning "to agree." So do the Laws initially, at 50a, but in the lengthy section of their speech devoted to the implicit agreement between the individual citizen and the city, they develop this into the notion of a *συνθήκη*, a "compact" or "covenant" or "treaty." Thus they speak of *συνθῆναι τε καὶ ὁμολογεῖν* at 52 d (twice).

¹³ The first two are distinct but interwoven. In the first phase of the argument, 50a-51c, even while the focus is the unjustifiability of destructive action against the rule of law, the Laws also say that the right to undertake such action is not included in the citizen's – that is, Socrates' – "agreement" to "respect the city's judgments" (50c), and they oppose it to the right course, namely, "either to persuade [the city to change its "orders"] or to obey [these orders]" (51b). In turn, in the second phase of the argument, 51c-53a, even

[i] *The argument against destruction of the authority of the rule of law (50a-51c).* In the first, the Laws argue that by attempting to escape, Socrates “would intend to destroy both the laws and the city as a whole, as far as it is in [his] power to do so.”¹⁴ This is so because the refusal by “private individuals” to abide by judicial verdicts implies a lack of respect for the authority of the rule of law, and this authority depends on such respect.¹⁵ (50a-b) Nor, continue the Laws, can Socrates justify destructive action by claiming, as Crito does, that the city’s verdict has done him an injustice. One has no right to take such action against one’s *parents*, not even in retaliation; yet the Laws, because they first authorize marriage and the nurture and education of children, are thereby even more responsible for the benefits of one’s birth and upbringing than one’s parents; it is therefore “even less” (51c)¹⁶ justified to do violence against one’s country and its laws than against one’s parents.

[ii] *The argument against breaking the compact (51c-53a).* In their second line of argument, the Laws hold that to refuse to abide by judicial verdicts is unjust for another reason as well: it is a breach of the citizen’s basic “agreement”¹⁷ or “compact”¹⁸ with Athens. Any citizen who has come of age has the freedom, should he be dissatisfied with the city, to take his property and live elsewhere. If, however, he chooses to remain, then, “by [this] deed,”¹⁹ he has entered into a “compact” with the city. The terms of the “compact” commit him, “if [the Laws] do something wrong” (51e),²⁰ either to persuade the city to change this or to obey. Socrates, argue the Laws, has entered this “compact” more definitively than any other citizen. “[W]ithout compulsion or deceit, and under no pressure of time for delib-

while the focus is on Socrates’ “agreement” or “compact” with the city to persuade or obey, the Laws claim that to disobey them is to do injustice on three counts, and breaking the “compact” is but the third. The first two – that “in [disobeying the Laws] he disobeys his parents, [and he] also [disobeys] those who brought him up” (51e) – refer back to the argument in the first phase that one is even “less” justified in doing violence against the city than against one’s parents.

¹⁴ τὸ σὸν μέρος. Grube: “as far as you concerned.” Burnet suggests “so far as in you lies” in his Plato’s *Euthyphro*, *Apology of Socrates*, *Crito*, Oxford, 1924 [1982], p. 280.

¹⁵ For different ways of formulating this point, see Allen, op. cit., pp. 83ff.; Kraut, op. cit., ch. V, section 4; and Charles Kahn, “Problems in the Argument of the *Crito*” (*Apeiron* 22, 4 (Dec 89), pp. 29-43), pp. 36-38.

¹⁶ ἔτι ἥττον. Grube, turning the comparison around, has “much more so.” The Laws’ ἔτι ἥττον, 51c3, picks up and explicates Socrates’ ἥκιστα, “least,” at 50a2. They reiterate the point in their summary sentences at 54b-c – note ἥκιστα, 54c4.

¹⁷ ὁμολογία.

¹⁸ συνθήκη.

¹⁹ ἐργῶ. Grube: “in fact.”

²⁰ εἰ μὴ καλῶς τι ποιοῦμεν.

eration,” Socrates has remained in Athens for the whole of his seventy years (52e), going outside its borders only for military service (52b); moreover, he has shown his liking for the city by raising his children in it, and at his trial he claimed to prefer death to exile (52c).

[iii] *The arguments against the “disgrace” of flight, against jeopardizing his friends’ citizenship and property, and against the claim that his execution would jeopardize his children’s education (53a-54b).* Finally, the Laws launch into a host of arguments that respond, point by point, to various of the concerns that Crito raised in his opening plea to Socrates at 44b-46a. The details of these arguments are less important for our inquiry than is the very fact of them. To focus on several key motifs: the Laws argue that by escaping, Socrates will make himself a “laughingstock” and put himself under suspicion as an “enemy” of good government and a “corrupter”²¹ of the rule of law (53a-e); moreover, he “will strengthen the conviction of the jury that they passed the right sentence” (53b). Secondly, he will put those of his friends who have aided his escape in jeopardy of “exile, disenfranchisement, and loss of property” (53a-b). Thirdly, his execution will not harm his sons’ education; for – to focus on the Laws’ basic point – those of his friends who would look after the boys, should Socrates flee the city, will of course do the same, should he stay and die.

4. Limitations in the Reach of the Arguments of the Laws

Our two central questions, let us recall, are whether there is, drowned out by the oratory of the Laws, an unheard Socratic perspective on the question of his possible flight from execution and, if there is, in what new light its disclosure puts the Laws’ speech. We are now in position to pursue these questions by asking whether, if we examine the Laws’ speech from the point of view that Socrates has developed in the conversation leading up to it, we find significant limitations.

[i] *The Laws’ third set of arguments (53a-54b), revisited.* The very fact that the Laws turn – and, note, turn seamlessly, without any signal of transition – to the issues of the “disgrace” that Socrates would bring upon himself by fleeing, of the loss of property his friends might suffer, and of the potential damage to his sons’ education is striking. For these are precisely the concerns about “money, reputation, [and] the upbringing of children” that Socrates earlier explicitly set aside, declaring them “to belong...to the many” (48c). For the Laws now to take them up is for them, therefore, to turn from what Socrates established as “the only valid consideration,” the consideration of justice, to address the perspective of the many.

²¹ δῖ’ αἰσχρογέα, 53b7. Grube: “destroyer”.

My point is not that these final arguments are untrue²² or unhelpful. On the contrary, by answering the various quite unSocratic arguments that Crito first raised, they serve to reconcile the two perspectives that are at odds within him, bringing the perspective of the many within him into agreement with the new insight into the justice of the matter that the Laws' first two arguments have now given him.²³ This very helpfulness, however, together with the seamlessness of the Laws' turn to the third set of arguments, raises a question about the first two sets of arguments. That the Laws turn without any signal or acknowledgment that they are descending from the Socratic perspective to the concerns of the many should lead us to wonder whether, in fact, there really is such a descent. Might it be the case, we should wonder, that the earlier arguments *also* express not the Socratic perspective so much as the views of the many?

[ii] *The argument against breaking the compact (51c-53a), reconsidered.* If we begin with Socrates' second argument, we will find two fundamental limitations to its reach. First, though the Laws claim that Socrates would "do injustice"²⁴ (51c) in breaking his "compact" with the city, they never actually argue for the point that this depends on, namely, that the "compact" is just. What they argue for instead is that Socrates' decision to remain in Athens, made "without compulsion or deceit, and under no pressure of time for deliberation" (52e), shows that the compact "has seemed to [him] to be just"²⁵ (52e). But in Socrates' case above all, this is a *non sequitur*. As the "gadfly" of Athens (*Apology* 30eff.) or, again, "one of the very few Athenians, not to say the only one, engaged in the true political art" (*Gorgias* 521d), Socrates remains in the city to criticize its injustice. It may well be that Socrates loves Athens or, to put this more temperately, finds it the most "congenial" (53a) of all existing cities;²⁶ but it does not follow from the fact that he remains in it that he finds it just.

But what, specifically, of the "compact"? Does not Socrates, even while he criticizes the political practices of the Athenians, affirm the justice of his

²² But see Drew Hyland, "Why Plato Wrote Dialogues" (*Philosophy and Rhetoric* 1, 1968, pp. 38-59), for some thought-provoking challenges to them.

²³ I owe thanks to Mark McPherran for this point.

²⁴ ἀδικεῖν, 51e5. Grube: "do wrong."

²⁵ μηδὲ δίκαιαι ἐφαίνοντό σοι αἱ δμολογίαι εἶναι, 52e4-5. Grube: "if you thought our agreements unjust."

²⁶ Two compelling cases for such "congeniality" are offered by Kraut, op. cit., ch. VII, section 6, and Charles Griswold, "Politike Episteme in Plato's *Statesman*" (*Essays in Ancient Greek Philosophy* III, edited by John Anton and Anthony Preus, SUNY Press, 1989, pp. 141-167), especially sections V-VI. The convergence of their accounts is all the more striking, given that Griswold writes with reference not to the *Crito* but rather to the *Statesman*.

citizen's agreement with the Laws? Here we come to the second limitation. The "compact," recall, commits the citizen, "if [the Laws] do something wrong," either to persuade the city to change this or to obey. At 51c the Laws put this very strongly: "one must obey the commands of one's city and country, or persuade it as to the nature of justice."²⁷ By his own account, however, *for Socrates in particular* to "persuade [Athens] as to the nature of justice" is an impossibility and, so, not a genuine option. *In his case*, therefore, the "compact" is not just but fraudulent. Such persuasion is impossible because in Athens the laws empower the many; it is they whom, whether in the Assembly or before a jury of 501 in court, Socrates must persuade "as to the nature of justice." But as Socrates has taken pains to stress with Crito, his own perspective on justice stands in fundamental opposition to the views of the many. Whereas popular consensus holds that it is just to harm one's enemies, indeed, that – to draw on Crito's revealing language in his initial appeal to Socrates – it is "cowardice and unmanliness"²⁸ not to respond in kind to one's enemies' efforts to do one harm, Socrates holds that justice requires that one "never ... injure any man, whatever injury one has suffered at his hands" (49c). And as we earlier heard Socrates tell Crito, between these two views "there is no common ground"; "those who hold [Socrates'] view and those who do not ... inevitably despise each other's views" (49d). *For Socrates*, therefore, the option "to persuade" is unreal.²⁹ Or, more generally, *for one who takes the Socratic perspective on the nature of justice*, the "compact," in contradiction to the

²⁷ ἢ πείθειν αὐτὴν ἢ τὸ δίκαιον πέφυκε.

²⁸ ἀνανδρία τινι, 45e2; κακία τινι καὶ ἀνανδρία, 45e7.

²⁹ It is tempting to reply that on the contrary, Socrates above all others devotes his life to persuasion. How could he really hold the view he asserts here – or, less self-servingly put, the view that I am taking him to assert – without basic inconsistency? In fact, the question should not be meant rhetorically. It is a real problem to understand how the public, state-related work of persuasion, the work of legislation, on the one hand, and judicial argument, on the other, relates to the kind of persuasion Socrates attempts in the dialogues. On the Platonic level, the dialogues constitute a political activity different in kind from the public political practice of the Assembly and the courts. To risk a remark I cannot defend here, the Socrates portrayed in the dialogues – and Plato through this very portrayal – do not seek to persuade the many so much as they test to disclose who among the many is capable of responding to elenchus with self-recognition and insight; they do not try to move the many to adopt the views of the few so much as they seek to awaken those among the many capable of heeding and taking up for themselves the seminal insights at the core of these views. (For accounts of the dialogues as "persuasion" in this latter sense, see the prefaces to my *The Philosopher in Plato's Statesman* (Martinus Nijhoff, 1980) and *Plato's Parmenides: The Conversion of the Soul* (Princeton, 1986, and Pennsylvania State University Press [pbk], 1991).)

alternatives it claims to offer, reduces to the unqualified requirement to obey the judgments of the many concerning justice.

[iii] *The argument against destruction of the authority of the rule of law (50a-51c), reconsidered.* As with the Laws' second argument, so with the first, there are two important ways in which, closely examined, it falls short of the Socratic perspective that it appears to express. First, in applying to the particular case at hand Socrates' *categorical* prohibition against doing injury or harm, it actually replaces this prohibition with an argument for the *relative* unjustifiability of doing injury to the Laws.³⁰ The problem is not that to argue that it is "even less" justified to do violence against one's country than against one's parents opens the possibility that under some circumstances violence against one's country might be justifiable. This cannot be so, for one has no right, not even in retaliation (49e-51a), to "bring violence to bear against [one's] mother or father" (51c); hence one also has no right to do so against one's country. Rather, the problem is that in making violence against one's country "less" justified than against one's parents, the argument suggests a spectrum or continuum on which, at the opposite end, there might be some others against whom violence *would* be justified. The Laws argue that they are even more closely related to one than one's parents; hence they are even more responsible for the benefits of birth and nurture and education. At the opposite end of the spectrum, therefore, there would be those who have no ties of kinship with one and who are responsible not for benefits but for harm. That is, there would be one's enemies, and, the argument suggests, there might be circumstances in which it would be justifiable to do them violence. But this is precisely the view of the many that, as we have just recalled, Socrates opposed fundamentally with his categorical prohibition against doing injury or harm. The Laws, then, argue *for Socrates' conclusion* – he must not undertake a destructive action against the rule of law – *but on the basis of the many's view of justice!*

This first limitation of the argument leads, in turn, to a second, even more surprising one. Repeatedly, the Laws argue that Socrates' attempt to escape would "destroy"³¹ them. But they *never actually argue* that this destructive action would be a case of "violence"³² or "injury". That this equivalence is

³⁰ Hunter Brown, *op. cit.*, has also focused on this shift from the categorical to the relative.

³¹ ἀπολέσθαι, 50b1, and, in other forms, 50d1, 51a3, 51a5; also ἀνατετράφθαι, 50b3, and διαφθείρωνται, 50b5. With the latter, see the recurrent use of διαφθορεῦς in the Laws' third set of arguments, 53b7, 53c1, 53c2.

³² βιάζεσθαι, 51c2.

so obvious that it needn't be argued certainly seems true – above all to Crito, who shows no inclination to question it. But there are three examples of at least seeming violence in the Laws' speech where the equivalence is not at all obvious, and there is another example implied in Socrates' first reply to Crito's appeal where the equivalence positively breaks down. In their speech the Laws argue that one has no right, should one's "father" or, again, one's "master" "revile"³³ one or even "beat"³⁴ one, to "revile them in return" (ἀντιλέγειν) or "beat them in return" (ἀντιτύπτειν) (50e-51a). Nor does one have a right, should the Laws try to "destroy"³⁵ one, to try "to destroy [them] in return" (ἀνταπολλύναι) (51a). By its repetition of the preceding verb along with the ἀντι- prefix, the Laws' wording suggests that the second deed in each case – "reviling ... *in return*," "beating ... *in return*," "destroy[ing] ... *in return*" – is a reply in kind to the first. But in the normative cases, at least, the first of each of these pairs of deeds is *different* in kind from the second. The father's "reviling" speech and his "beating" of the child is intended to be instructive, to make the child a better person; likewise, the city's attempt to "destroy" a citizen is intended as a punishment that will make the body politic better by removing a bad member. Appropriately done, neither of these actions bears the intent to harm that, at least *prima facie*, the correlative *reactions* to them do. The further example that is implicit in Socrates' earlier argument is even more thought-provoking. In opposing the counsel of the wise few to the opinions of the ignorant many at 47a-b, Socrates cited as examples of the few the doctor and the gymnastic trainer. The doctor's tasks include – to take some striking examples – excising badly diseased tissue and amputating irreversibly infected limbs; the trainer is concerned, among other things, to purge excessive fat. These are clear cases of destructive action that is neither violent nor injurious. On the contrary, these are destructive actions that, well performed, restore health and fitness.

Once we recognize these several sorts of non-injurious destructive action, the Laws' assessment of a possible escape attempt by Socrates as an effort to "destroy" them takes on a deep and ironic ambiguity. Depending on the answers to several further questions, it is possible that the Laws are right *and* that such destructive action by Socrates is just. Might it be, first of all, that the Laws themselves, judged by the standard of "the nature of justice," are unjust? And if so, does their injustice run so deep that – as in the case of

³³ See κακῶς ἀκούοντα, 50e9-10; literally, "should one hear [oneself spoken] badly [to]."

³⁴ τυπτόμενον, 51a1.

³⁵ ἀπολλύναι.

badly diseased tissue – the good of the city requires their destruction? And again if so, are there actions available that would not only destroy the unjust Laws but would also – now to draw from the example of the father’s harsh treatment of his child – instruct and reform the city, making it just?

These questions are both troubling and difficult, and they require radical reflection.³⁶ For the purposes of our present inquiry, it suffices to recognize three key points. First, that the Laws themselves may be diseased or unjust is a real, not merely an abstract, possibility. These are the Laws of Athens (see 51d, 52a, 52b, 53a together with 52e, and all of the third argument, 53a-54b)³⁷ – laws, therefore, that *empower the many*, giving them control in the Assembly and the courts. And from Socrates’ perspective, the many hold a view that, because it approves retaliatory action against one’s enemies and thereby violates the categorical prohibition against injuring others, is itself unjust. Second, though it is far from clear what conclusions the radical reflection on justice, the laws of Athens, and the possibility of therapeutic destructive action will lead to, nonetheless, from the Socratic perspective the questions must be raised and pursued. Just as the doctor cares for the good of the body, so the philosopher is concerned with the good of the soul, and this, Socrates has argued (48b), requires understanding and living in accord with justice. Third – now to state a point that I hope has already become striking – nowhere do the Laws acknowledge, much less raise, these questions. Quite the contrary, throughout their speech they take for granted the justice of the “compact” and the injustice of any action destructive to themselves, and they appeal without acknowledgment to the many’s – rather than to Socrates’ – view of what justice is. In these respects, the Laws proceed precisely as an “orator” (50b) would. Or, to step back a level, Socrates, in first constructing their oratory, does indeed suppress his own very different perspective.

5. *The Oratory of the Laws as a Mean*

Once we recognize Socrates’ self-suppression, we can begin to see how in giving Crito the Laws’ speech, he speaks μετρώτατα, that is, altogether in accord with the mean. Having witnessed in Crito’s aporia at 50a his friend’s inability to cross the divide between the perspective of the many and the philosophical perspective, Socrates in effect invokes the perspective of the

³⁶ In provoking this reflection, the *Crito* is proleptic to the *Republic* and, arguably, the *Statesman* and the *Laws*.

³⁷ On the point that the *Crito* focuses on the laws, in particular, of Athens – and, too, on Socrates’, not just anyone’s, relation to them, see Kahn, *op. cit.*, pp. 35ff.

many³⁸ to construct the most intelligible and effective defense possible of the philosopher's commitment to justice.

Still, if our analysis is right, the costs of this strategy seem impossibly high: Socrates both suppresses inquiry and sacrifices his own life. We will consider his personal sacrifice shortly. To focus on the first cost, can we really accept that Socrates, the lifelong champion of following the argument wherever it leads, would now suppress it? It may be, however, that this oversimplifies his course of action, that in fact he suppresses inquiry in the short term in order to preserve and even occasion it in the long term.

Consider, first, the likely negative consequences, had Socrates chosen to express his own perspective frankly and fully. Suppose that he had raised for Crito the objections that we have reconstructed in his behalf to the Laws' key claims that taking destructive action against the rule of Athenian law would be to do violence and that he is justly bound by the citizen's "compact". When Crito bursts forth at 44b-46a with his unordered and indiscriminate mix of reasons why Socrates should flee, he shows no awareness that, as Socrates gently but forcefully makes clear in replying,³⁹ he is contradicting commitments he has shared with Socrates in many earlier conversations. In triggering in him the various concerns and opinions of the many, the pressure of the moment exposes Crito's false presumption to have understood those commitments and the argument behind them. If Socrates were now to object to the rule of Athenian law, Crito would surely once again falsely presume himself to understand. And on the strength of this, he would feel encouraged, both in the present crisis and in the future, to act against Athenian law; counting himself among the wise few, he would likely consider his understanding of justice as warranting disregard for laws that empower the many. The tragicomic irony of this turn of events, however, would be that it is precisely the perspective of the many, ignorant both of justice and of this very ignorance of justice, that rules in him. Hence, in putting his judgment above the rule of law, he would in effect put the city in the hands of the self-ignorant perspective of the *now lawless* many. Such despotism,⁴⁰ untempered by either law or inquiry, would be a disaster both for Athens and for Crito.

³⁸ In a fascinating paper presented in the 1993 Matchette Foundation Lectures on Plato and Platonism at Catholic University of America, "The Significance of the Structural Features of the *Crito*," Kurt Pritzl distinguishes a many that is friendly with Socrates from a many that is hostile to him. In a way that converges, I think, with the interpretation I am developing, Pritzl's suggestion and subsequent interpretation breaks the binary opposition between the few and the many.

³⁹ See 46df., 48b, 49a-b, 49e.

⁴⁰ In this connection it is worth recalling that one of the examples in the Laws' speech of destructive action that, we argued, is not necessarily violent or injurious is harsh speech to and the striking of a slave by a "master" (δεσπότην, 50e8).

Thus run the negative consequences of Socrates' speaking his mind openly to Crito. Are there, in turn, any positive consequences of the course he chooses instead, the course of speaking μετριώτατα and presenting the speech of the Laws? The benefit to Crito, first of all, seems clear. He emerges from the conversation with his acceptance of the rule of law restored and, as the basis for this, the commitments he has long shared with Socrates to justice and to reason reaffirmed. But this is not all. There is also a possible long term consequence for some, at least, of those who initially condemned Socrates. At 53b the Laws warn Socrates that his flight from prison

would also strengthen the conviction of the jury that they passed the right sentence on you, for anyone who destroys the laws could easily be thought to corrupt the young and the ignorant. (53b)

Conversely, by speaking in behalf of the rule of law and staying to accept the sentence, Socrates may *undermine* the conviction of the jury. Accepting execution, Socrates requires those who have condemned him to live with their responsibility for his death. Some, at least, their consciences haunted by this, may come to feel acutely the contrast between Socrates' standing by the laws and, in their verdict against him, their own abuse of the power the laws have given them.⁴¹ But this is to say that by staying to die, Socrates has the best chance of helping Athens to move towards its own good. For those whose consciences are quickened will try to open up to and seek out Socrates' perspective. This search should bring them to the radical reflection on justice and the laws of Athens that we have come to. It should also lead them to appreciate the dangers of action destructive of the laws. If on this account they too, following Socrates, stand by the rule of law, they will also attempt to introduce the Socratic perspective within it. Urging reason in the Assembly and the court and arguing against harming one's enemies, that is, against injury and retaliation, their counsel may provide a fundamental alternative to the perspective of the many, thereby unsettling the presumptions about what is right and important that guide legislative and judicial deliberations. At the very best, this may reorient the city as a whole, giving it a new sense of

⁴¹ This is made all the more likely, we can assume Socrates thinks, by what he "prophe-sies" for the jurors who voted against him: "You have brought about my death," he says at *Apology* 39c-d, "in the belief that through it you will be delivered from submitting your conduct to criticism, but I say that the result will be just the opposite. You will have more critics, whom up till now I have restrained without your knowing it, and being younger they will be harsher to you and will cause you more annoyance. If you expect to stop denunciation of your wrong way of life by putting people to death, there is something amiss in your reasoning." (Tr. Hugh Tredennick.) Of course, the most penetrating of these younger critics is Plato himself, and his criticism takes the Socratic form of confronting the Athenians with their own deeds through the *mimesis* of the dialogues.

ethical-political reality; at the very least, it should temper the excesses of the many.

6. A Postscript: The Benefits to Socrates

Such, then, are the beneficial consequences of Socrates' mean-course for Crito and the city. What, however, of the benefits for Socrates himself? Here we begin to move beyond the reach of the *Crito*, so let me close with the beginnings of three thoughts.

(i) By haunting the conscience of some of the jurors, Socrates gains the heroic form of immortality – in Heraclitus' richly paradoxical phrase, “ever-lasting fame among mortals” (DK B 29).

(ii) Needless to say, by itself this would surely not satisfy Socrates. If being remembered has any importance, it can only be, from Socrates' perspective, because of the way what one is remembered for and the memory itself serve the cause of justice. This is important, in turn, because – now to name explicitly what Socrates leaves unnamed – the soul itself⁴² depends for its well-being on the justice of one's life; one must above all keep from “harming and corrupting that part of ourselves that is improved by just actions and destroyed by unjust actions” (47d). In offering the Laws' speech to Crito, then, and staying in prison to suffer his sentence, Socrates cares for the health of his soul.

(iii) This idea is, at the very least, profoundly paradoxical. How can the course which brings death also be the course which brings health? The *Crito* is one of several Platonic texts which seem to dissolve this paradox by projecting a life after death for the soul. There is, first, Socrates' haunting premonitory dream of spiritual homecoming:

... a beautiful and comely woman dressed in white approached me. She called me and said: “Socrates, may you arrive at fertile Phthia on the third day.” (44a-b)

And at the end of the Laws' speech Socrates has them anticipate his eventual arrival “in Hades” and the damning reception he will receive from “our brothers, the laws of the underworld,” if he should now flee prison (54b-c). Does Socrates, then, in his care for his soul in this world nurture a hope for its well-being in the next? And does he, in his poignant words to this effect, for once set irony aside and speak to Crito from the heart? On the other hand, it

⁴² Socrates does not name the soul explicitly – as Kahn notes, with understatement, “for reasons that are not entirely clear.” (*Op. cit.*, p. 40.) I wonder whether by this in-explicitness Socrates signals – or, better, Plato signals – the way the Socratic perspective itself will be eclipsed by the requirement of the moment, the need to speak in a way that is due and fitting to Crito and the perspective he represents.

is also possible that these words are the ultimate in his self-suppression, his measuring of his speech to Crito's needs. What could be more helpful to the potentially devastated Crito, uncertain in his commitment to the value of living virtuously rather than merely staying alive, than to learn of his wise friend's confidence in an otherworldly flourishing?⁴³

The question of how – or, indeed, whether – to try to decide between these alternatives would take us beyond the scope of the *Crito*.⁴⁴

Vassar College

⁴³ Is it relevant to recall that the “beautiful and comely woman dressed in white” borrows Achilles’ defiant words to Agamemnon’s ambassadors (*Iliad* IX, 363) – and that Achilles never does depart for his homeland but, staying to fight for the honor of his dearest friend, dies a hero’s death instead?

⁴⁴ Analogously as, in provoking inquiry into “the nature of justice” and Athenian law, the *Crito* is proleptic for the *Republic*, so here, in provoking inquiry into the relation of the immortality of the soul and living virtuously, it is proleptic for the *Phaedo*.