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The Interpretation of Plato's Crito

DAVID BOSTOCK

Socrates gives as his leading premise in the *Crito* that one should do nothing wrong (οὐδαμῶς δεῖ ἀδικεῖν, 49b8). (He says, indeed, that he has lived his whole life in obedience to this premise, 49a-b.) He then proceeds to argue that it would be wrong for him to try to escape from gaol, thus evading the death penalty he had been sentenced to. But a central problem in interpreting the dialogue is that the arguments he offers for this conclusion appear to be designed to establish a very much stronger conclusion: it would *always* be wrong for *any* citizen of Athens to disobey *any* law of Athens. Such a conclusion is in itself distinctly unappealing, and apparently not consistent with the leading premise, for presumably a law might be an unjust law commanding the doing of what is wrong. Moreover, in the *Apology* Socrates apparently reports one such case and envisages another. At 32c-d he says that he did not obey an order from the Thirty Tyrants because what was ordered was wrong (ἀδικόν τι, 32d5); and at 29c-d he says that he would not obey a court order to cease philosophising, evidently on the same ground (though he does not here use the word ἀδικόν, or a synonym). Here, then, it seems to be admitted that a law, or anyway a legally authoritative order,¹ may command one to do wrong, and that if so it should not be obeyed. This sets our problem: is it possible so to interpret the *Crito* that it does *not* enjoin obedience to any and every law? I propose and criticise three lines of interpretation which attempt to avoid this 'authoritarian' reading of the dialogue. They differ from one another most notably

¹ It may of course be argued whether the orders of the Thirty Tyrants did have the appropriate legal authority, and it may be observed that the court could not legally make an order that Socrates should cease philosophising unless Socrates himself were to propose this as his alternative to the death penalty. But Socrates does not suggest that he did or would disobey these orders on ground of their illegality, but simply on ground of their wrongness.

over the question of *how many* distinct and separable arguments the dialogue contains. I then consider the merits of the authoritarian interpretation.

1. *The dialogue contains but one argument*

At 49c-d Socrates elaborates his leading premise to 'one should not wrong any person', adding to this 'not even if one has been wronged by him'. (ἀδικεῖν is used transitively from 49b10, and equated with κακουργεῖν and with κακῶς ποιεῖν at 49c.) At 49e5-7 he states a further premise 'one should do what one has agreed to do, provided that it is not wrong'. (δίκαια ὄντα evidently has the force of μὴ ἄδικα ὄντα.) He then proposes that it follows from these premises that it would be wrong for him to escape (49e9-50a3). Crito requests further elucidation, the personified Laws of Athens are brought upon the stage, and the argument proper begins.

Now it is clear that the *first* point that the Laws make is this: if Socrates tries to escape, he will be attempting, for his part, to destroy the Laws, and (thereby) the whole city; for a city could not survive if the verdicts reached by the courts were set aside and rendered powerless by individuals. They go on to add that much could be said on behalf of this *particular* law, that verdicts should be carried out (50a8-b8). This evidently suggests the following argument:

- (i) The law that verdicts should be carried out is fundamental to the whole system of laws.
- Hence (ii) Whoever attempts to disobey *this* law is attempting (for his part) to destroy the whole system of laws.
- But (iii) It would be wrong for Socrates to attempt (for his part) to destroy the whole system of laws.
- So (iv) It would be wrong for Socrates to attempt to disobey *this* law.
- Thus (v) It would be wrong for Socrates to attempt to escape.

I shall call this suggested argument argument A. If we may grant the (*very* dubious) step from (i) to (ii), which receives no further elaboration in the dialogue, it would seem to be a valid argument (at least if we add, as a further and uncontentious premise, that in the present context escaping would be disobeying this particular law). Moreover, it clearly does not generalise to the conclusion that Socrates should obey any and every law of

Athens, but confines attention to one law in particular, as specially fundamental.²

It is true that argument A does not entirely evade the problem we began with, since it is surely possible that obeying a verdict reached by a court would involve doing something wrong. Indeed one of our cases from the *Apology* was precisely a case of this sort: if the court had ordered Socrates to cease philosophising, Socrates could not have obeyed that order without doing something which was (in his eyes) wrong. (Or even if he would not quite have called it *wrong* (ἁδίκον) – as I observed, he does not quite say this in so many words³ – at any rate he does very clearly say that he would not have obeyed the order.) Now one might try to distinguish the cases in this way. In this particular example, Socrates imagines the court saying ‘We will let you go, but on this condition, that you no longer . . . philosophise. But if you are caught still doing this, you will die’ (29c7-d1). Perhaps we can see this as a kind of *disjunctive* order ‘either cease philosophising and live, or continue to philosophise and die’. Then Socrates’ proposed response is to *obey* this order by obeying the *second* disjunct, for he clearly does envisage that he would indeed be put to death (30c1). By the same reasoning, the order ‘Do not litter; penalty £10’ would count as being ‘obeyed’ by one who both littered and paid £10, and similarly with any law to which some definite penalty for infringement was attached. But in the case under consideration in the *Crito* the court will not have attached any penalty for failing to obey its order. The verdict evidently was not put in this way: ‘Socrates is to be executed; and if he escapes this he will be banished’. So in this case we do not have a disjunctive order, and there is only one way of obeying it.

Clearly this is very special pleading, and wholly unconvincing. Moreover, it does not really attempt to meet the general issue, but merely to sidestep it, by making use of incidental features of the two cases in the *Apology* and the *Crito*. A *more plausible* reconciliation of the two dialogues would be to weaken the *Crito*’s argument A by qualifying step (ii) – and hence the remainder of the argument – by adding a *ceteris paribus* condition.⁴ Then it

² The point is not always noticed. For example it is ignored by both sides in the debate between R. Martin, ‘Socrates on Disobedience to Law’, *Review of Metaphysics* 24 (1970/1), pp. 21-38 and F. C. Wade, ‘In Defense of Socrates’, *Review of Metaphysics* 25 (1971/2), pp. 311-25.

³ Putting 29b6-7 together with 29d2-4 we can infer that obeying the supposed order, *like* doing wrong (ἁδικεῖν), would be bad and disgraceful (κακὸν καὶ αἰσχρὸν). But we cannot directly infer that it would *be* doing wrong.

⁴ This is, in effect, the solution adopted by G. X. Santas, *Socrates* (Routledge & Kegan Paul, London, 1979), pp. 48-51.

may be said that in the situation envisaged in the *Apology* other things were not equal, since (a) the court order was countermanded by a divine order, and (b) Socrates' claim was that in continuing to philosophise he was attempting not to destroy the city (or its laws) but to do it good (30a5-6). But neither of these considerations would apply to the situation in the *Crito*. However, it cannot be maintained that any such *ceteris paribus* condition is in fact stated in the *Crito*, and so one has to admit that on a natural reading the two passages are simply in conflict. Looking a little more deeply, the place where a *ceteris paribus* condition would be even more welcome is as a condition on the *Crito's* leading premise that one should never wrong anyone. For it may be that all the available courses of action do involve wronging someone (e.g. either the Laws, if Socrates disobeys the court order, or the God, if he obeys it), and then the proper course is to choose the lesser wrong. But again it cannot be said that the *Crito* shows any awareness of this complication; its argument has a naïve simplicity that allows no place for a conflict of obligations.

Despite all this, an important point remains. Our argument A does focus on one law in particular, that verdicts should be carried out, and it claims only that *that* law ought always to be obeyed (– at least, by one placed as Socrates is placed, on which we have more to come). This is a long way from the fully 'authoritarian' reading of the dialogue, and in fact the claim is not wholly implausible. Many of those who wish to preserve a place for the modern phenomenon of 'civil disobedience' would not feel that they were bound to deny it. Perhaps even the Socrates of the *Apology* might have been led to reconsider his position: it is not obvious that what someone sees as a command of God *ought* to be accepted as overriding *this particular* law of humans. This brings me, then, to the point of my first suggested interpretation.

The first interpretation is that argument A is the *only* argument to be found in the *Crito*. At 50a7-b8 the Laws state premise (i) and proceed to infer (ii). They do *not*, however, assert the remaining premise (iii), that it is *wrong* for Socrates, in his position, to seek to destroy the whole system of laws, and certainly they have not yet made any attempt to argue for it. On the first interpretation, the *whole* of the rest of their argument (down to 53a) is designed to provide support for this premise. They offer two subarguments for it: one I shall call the parent-city analogy, and this occupies 50c-51c; the other is the argument from agreement, occupying 51d-53a. But both of these are *subarguments* to the main argument, and both are designed to show that it is wrong for Socrates to attempt to subvert *the whole system* of laws. (He might, however, be right to disobey this or that

particular law, so long as that disobedience does not threaten the whole system.⁵) In support of this interpretation I note three points.

(a) The ensuing discussion begins by raising an objection to the argument just suggested: Socrates might reply ‘the city has wronged us, and the verdict was not correct’ (50c1-2). This reply is best seen as an objection to the suggested premise (iii): if Socrates does attempt to destroy the laws as a whole, i.e. the city (50b1-2), then this is doing no wrong; it is rather a just retaliation for a wrong done.⁶ A good part of the parent-city analogy is clearly designed as a counter to this reply: it claims that Socrates and the city (or the country, *πατρίς*) are not on an equal footing; rather, they are so related that it is wrong for Socrates to retaliate in this way (50e4 ff). Thus the argument concludes ‘It is impious to offer violence to one’s mother or father, and still more to one’s country . . . Consider then, Socrates, whether we are right in saying that you are trying to do us wrong (οὐ δίκαια) in trying to do what you are now trying to do’ (51c2-8). Assuming that we may identify the country, the city, and the system of laws as a whole, and that ‘destruction’ is the extreme case of ‘offering violence to’, this conclusion to the parent-city analogy is exactly the required affirmation of premise (iii).

(b) Before the parent-city analogy gets under way (at 50c9), and immediately after it has been suggested that ‘the city has wronged us, and the verdict was not correct’ (50c1-2), the Laws make this remark: ‘Was this too agreed between you and us, Socrates, or to abide by whatever verdicts the city should declare?’. Clearly this introduces the idea behind the argument from agreement, which is to be more fully given later. Here at its first introduction the specific agreement that the Laws insist upon is an agreement to abide by whatever verdicts are declared (and this is contrasted – somewhat elliptically – with a suggested agreement to abide by such verdicts only when they are correct; the Laws claim that this latter is *not* what was agreed). Now it has been claimed that destruction of the law that verdicts be carried out is tantamount to destruction of the whole system of laws. Conversely, then, an agreement to abide by the law on verdicts should

⁵ This first interpretation is to be found in Santas (op.cit.), p. 18: ‘Socrates’ argument, in all its versions, is an argument to the conclusion that he must not escape, on the grounds that he would be disobeying *this* law [that the verdicts reached by the courts shall be supreme] . . . We do not know whether Socrates would make the same argument against disobeying *any* law’. (Santas does admit, however, that the arguments I distinguish as B and C below purport to establish much stronger claims. On this he remarks ‘this over-arguing is puzzling, and we are unable to resolve the puzzle’, pp. 26-8.)

⁶ Note that Socrates’ remarks at 49b-d do not claim that retaliation is always wrong. Rather, they claim that retaliation is wrong *when* it involves *wronging* the person retaliated against.

equally be implied by an agreement to abide by the system of laws as a whole. That, then, should be what the longer argument from agreement at 51d-53a is arguing for, and we should interpret it in that light if at all possible. This makes it a *part* of the argument given initially: as Socrates has agreed to abide by the system as a whole, it is wrong for him to try to destroy it.

(c) On this interpretation, the basic charge against Socrates is always that he is aiming (for his part) to destroy the laws, and that this is doing wrong, because in fact it is doing *them* wrong. In the concluding passage (53a8-54d1) the Laws are arguing that escape will bring none of the advantages that Crito apparently sees in it (44e-46a), and in the course of this they twice recur to this charge. Any well-governed city that Socrates may fly to will reject him as a destroyer of the laws (53b6-c1), and for the same reason he will not be welcomed by the laws of Hades (54c6-8). They refer also to the two bases for this charge, that Socrates will not have kept his agreements, and that he will have done harm to those whom he least ought to harm, in retaliation (54c2-5). But they treat the two coordinately, and as the second clearly is part of an argument to show that he is wrong to try to destroy the laws, we should see the first in the same way.

2. The dialogue contains two distinct arguments

The obvious weakness in the first interpretation is that there really is no connection between argument A and the argument from agreement at 51d-53a. The considerations advanced in (b) and (c) above are wholly programmatic: they enjoin us to see the argument from agreement as part of argument A *if we can*, since there are some (not very strong) pointers to suggest this. But there is an equally strong pointer in the opposite direction, namely that before the Laws are brought upon the scene at all Socrates has introduced two clearly distinct premises. One is the premise that one ought not to wrong another, not even in requital for a wrong done to oneself, and this premise clearly is put to use in argument A. The other is the premise that one should keep one's agreements, provided that what is agreed is not wrong, and this premise is of course employed in the argument from agreement. These being two quite distinct premises, is it not natural to suppose that each will be the main premise of two quite distinct arguments? Indeed Socrates himself seems to imply this, as soon as he has introduced his two premises, for he then says: 'If we go away from here, without having persuaded the city, shall we or shall we not be wronging certain people, and indeed those whom we least ought to? And shall we or shall we not be

abiding by what we have agreed, it not being wrong?' (49e9-50a3). This passage very clearly suggests that two distinct arguments are to come. The first of them is (perhaps) argument A, as outlined earlier, and the second is evidently the argument from agreement.

Moreover, when we do look in detail at the argument from agreement, we see that it cannot be brought under the wing of argument A. Its main claim is simply that Socrates *has* agreed to obey the laws, and therefore (in accordance with the premise on agreements) it would be wrong of him not to do so. There is no hint that he has agreed only to obey 'the system as a whole', thus leaving room for disobedience to one or another particular member of that system. On the contrary the Laws claim that any full citizen who remains in the city 'has agreed with us, in so doing, to do *whatever* we command' (51e3-4, cf. 52a1-2). Nor do they suggest in this passage (i.e. 51d-53a) that a failure to obey would amount to an attempt at destruction, and in fact the destruction of the laws is mentioned only once in this passage, where it seems to me clear that it is a reference back to the previous argument and not a part of the present one. (At 52c3 the Laws digress to a special *ad hominem* argument: at his trial Socrates could have proposed exile as an alternative to the death penalty, and so achieved with the consent of the city what he is now proposing to effect without it. But he had then said that he would prefer death to exile. Then they continue 'But as it is you do not respect what you said then, nor do you show regard for us, the laws, whom you are trying to destroy, and you are behaving like the most worthless slave, trying to run away in contravention of the compacts and agreements by which you have promised us that you will live as a citizen' (52c8-d3). Here the *first* point (not respecting what you said then) sums up the newly introduced *ad hominem* charge, the *second* point (trying to destroy us) refers back to the accusation of argument A, and the *third* point reverts once more to the theme of agreement, which is then continued to 53a7. It is not being suggested that breaking agreements and running away is *itself* an attempt to destroy.) I conclude that the attempt to see this argument from agreement as merely part of argument A will not do, and there are (at least) two distinct and separate arguments in the *Crito*.⁷

This, then, introduces the second interpretation. On this view, *one* of the arguments is argument A, construed as before, and this is not fully authoritarian because it only claims of one particular law that it ought always to be obeyed. But we now construe argument A as running from the beginning

⁷ So, for example, G. Vlastos, 'Socrates on Political Obedience and Disobedience', *Yale Review* 63 (1974), pp. 517-34, and J. Dybikowski, 'Socrates, Obedience, and the Law: Plato's *Crito*', *Dialogue* 13 (1974), pp. 519-35.

(50a8) only to 51c8. The new sentence beginning on that line begins with a recapitulation of the salient points of argument A, but then moves on (at δπως in 51d1) to introduce a new line of argument, which we may now call argument B. This, however, is equally not a fully authoritarian argument. Though it may indeed seem so, from its main exposition in 51d-53a, we should remember that its leading premise is introduced at 49e5-7 with an important proviso: one should keep one's agreements, *provided* that what is agreed is *not wrong*. Thus even if Socrates has, by remaining in the city, agreed to obey each and every one of its laws, it does not follow that he is obliged to do so. On the contrary, if obedience to a law would involve doing something wrong, then by the proviso he is not obliged to obey it, and by the premise stated right at the beginning he is obliged not to obey it. Plainly, if this proviso is regarded as governing every claim made in argument B, then this argument cannot conflict with the major injunction 'do no wrong'.

It is difficult to give an accurate formulation of argument B, so I shall not try to set one out. For one thing, it is not quite clear *when* Socrates is supposed to have agreed to obey the laws of Athens. At 51d3, it appears that he made the agreement – presumably an agreement to obey the laws for so long as he was a resident of Athens – at the time when he was admitted to full citizenship. On the other hand one might take 52e3 as indicating that the agreement was continually being remade each day that he remained in Athens as a free man, and hence that he had agreed, at the start of the trial, to abide by its verdict. Thus he was bound, not just by a promise made long ago, when this particular outcome could not have been foreseen, but by a very recent promise, made in full knowledge of the dangers inherent in it. Another doubt is over just which of Socrates' 'deeds' (rather than 'words') constitute the agreement. Up to 52a4 it appears to be simply his choosing to remain in Athens as a citizen of that city, but thereafter the Laws increasingly stress his *satisfaction* with the city (and its institutions), as if this were highly relevant. Clearly there could be citizens of Athens who remain in the city while exhibiting considerable dissatisfaction with its institutions, and there could be non-citizens who remain because they are well-satisfied. Would either of these types of people be held to have agreed to obey its laws? A much more serious difficulty is over just *what* Socrates has agreed to do. For most of the passage, it is natural to suppose that what he has agreed to do is simply to obey the laws, but at 51e4-52a3 it is said that there is another alternative open to him: he must either obey *or persuade*. I shall consider how this is to be interpreted in the next section.

But a genuine problem for the present interpretation is this. According to this interpretation, the proviso on keeping agreements, that what is agreed should not be wrong, is to be taken as applying to this whole argument. But in that case the Laws must show, somewhere during this argument, that it is not wrong for Socrates to do what the laws now require of him (namely to remain in prison until he is executed). It is clear that they make no attempt to show any such thing – the topic is simply never mentioned – and their argument therefore contains a very notable gap. Nor are we permitted, on this interpretation, to repair the gap by referring back to argument A (e.g. by claiming that argument A has already shown that escaping would be wrong, and inferring from this that not escaping would not be wrong, and hence inferring once more, by argument B, that Socrates is obliged not to escape).⁸ For the present interpretation is that arguments A and B are wholly independent arguments. *Instead* of the claim that what is agreed is not wrong, what we find in argument B are several indications that the agreement was fairly entered into. Thus Socrates was free to agree or not, and was not in any way forced to agree, for he could instead have decided to live elsewhere, with no financial penalty (51d4-e5, 52e1). Again, there was no kind of trickery involved, since Socrates knew what he was agreeing to, and had plenty of time to observe how the Laws of Athens did operate (51e1-2, 52e2-3). These, one might say, are considerations tending to show that the agreement was not wrongly made (was made *δικαίως*), but this by no means ensures that *what* was agreed was not wrong (was *δίκαιον*). Thus it appears that argument B, as developed by the Laws themselves, does *not* satisfy the proviso on keeping agreements introduced at 49e5-7.

There is only one passage in argument B which one might take to contain a reference to the proviso, and that is at 52e4-5. The Laws have been summing up their claim that the agreement was fairly entered into, and that Socrates could at any time have chosen to emigrate, and to this they add ‘if we did not please you, and if the agreements seemed to you to be wrong’ (εἰ μὴ . . . δίκαιαι ἐφαίνοντό σοι αἱ ὁμολογαί εἶναι). Now the implied claim that the agreement was not wrong *could* be taken as claiming that *what* was agreed was not wrong, though it also, of course, could be taken as claiming that the agreement was fairly struck. It may be that the Laws are suggesting, in this ambiguous phrase, that the first (relevant) interpretation follows from the second. But in that case one can only say that they are mistaken: a perfectly fair agreement may yet be an agreement

⁸ This, if I understand him rightly, is how Santas proposes to fill the apparent gap (op.cit., pp. 21-5).

to do what is wrong. However it *may* be that we should see them as arguing in this way: the fact that Socrates has remained in the city shows that he has agreed to obey its laws, and the further fact that he is especially satisfied with the city – that its laws ‘please him’ – shows further that in his opinion what he has agreed to do is not wrong. So this is an *argumentum ad hominem*: Socrates, at any rate, is bound to accept that the proviso is satisfied because the Laws do in fact please him, and if he had agreed to do something wrong he would not be pleased. On this account, then, the crucial proviso is mentioned, and it is argued, not exactly that it *is* satisfied, but that Socrates must *think* that it is.

Now this *may* be how Plato intended his argument to be taken, though if so one can only say that the reasoning is wholly specious. For the sake of argument, let us suppose that until the time of his trial Socrates was indeed very satisfied with the laws of Athens, and with the decisions reached in the courts, applying those laws. It evidently cannot *follow* that he was also pleased with the verdict that convicted him of impiety and corrupting the young, and presumably he was not at all pleased with this verdict. Equally, it cannot *follow* that he is now pleased to submit to the death penalty, and he is in no way bound to think that what the agreement has led to *in this case* is not wrong. More generally, the initial agreement is no doubt to be conceived of as a *general* agreement, to do *whatever* the laws command. But the proviso, that one should keep this agreement only where what is commanded is not wrong, must be shown to be satisfied *in each particular case*. It is clear that the Laws make no attempt to show that it *is* satisfied in *this* case, and thus argument B, as stated, pays no attention to the relevant form of the proviso.⁹ In fact, I think it is more natural to say that it ignores this proviso altogether, in effect replacing it with the different proviso that the agreement be fairly made. It thus appears to be of a fully authoritarian bent, requiring obedience to any and every law from every citizen who chooses to remain in the city, knowing what its laws are. Unless, perhaps, we can save the situation by requiring *either* obedience *or* persuasion?

⁹ No doubt the proviso *is*, in Socrates’ own opinion, satisfied in this case. In his view, submitting to the death penalty will no doubt be *suffering* a wrong, but not *doing* wrong. (The suggestion that it is doing wrong to his friends, his children, or – we may add – his wife, is one to which he pays no serious attention. Similarly with other suggestions that one might make, e.g. that it will harm the reputation of Athenian democracy if such a miscarriage of justice is not prevented, and the people given no opportunity to repent.) But although Socrates may indeed think that accepting death would not be wrong, still this point is not argued, or even mentioned, during argument B. And argument B would apparently have applied even if Socrates had taken a quite different view of his obligations to other people (and to himself).

3. *The dialogue contains three distinct arguments*

Since the alternative of either obeying or persuading also occurs within what we are at present calling argument A, let us first reconsider this argument a little more thoroughly. Again, there are too many difficulties over the details for it to be sensible to attempt a precise formulation.

At 50c9 the Laws ask Socrates 'What accusation do you bring against us and the city, that you should attempt our destruction?'. They then get him to admit that he has no fault to find with the laws on marriage, and on the care and education of children. Moreover, since these matters are regulated by laws, they the Laws claim to *be* his parents, and to have been responsible for his care and education as a child; he is their offspring, and their slave (50d1-e4). From this they infer that they and Socrates are not on an equal footing. Just as a slave would be wrong to retaliate in kind against his master, and just as Socrates would have been wrong to retaliate against his father, so equally Socrates would be wrong to retaliate against the Laws; they are indeed trying to destroy him, but it is nevertheless wrong for him to try to destroy them in turn (50e4-51a7). So far, the discussion can easily be seen to be focused towards argument A as set out: what is at issue is whether Socrates has the right to (try, for his part, to) *destroy* the Laws, in his own self-defence, and the Laws claim that he has no such right.

Again, it is not quite clear what exactly is the basis of this claim. It may be suggested that, on orthodox Greek morality, a son is wrong to try to kill his biological parents, even in self-defence. Thus Oedipus should not have killed Laius when he met him at the crossroads, even if it was in self-defence, and even though Oedipus owed nothing to Laius for his upbringing and education (and did not know who he was). Of course, when the matter is put in this way, then the claim of the Laws to be Socrates' parents looks very thin indeed: they cannot reasonably say that their blood runs in his veins, or that without them he literally *could* not have existed. Besides, this makes it irrelevant that Socrates has no fault to find with the laws on marriage, upbringing, and education. Perhaps it is better, then, to suppose that the Laws are claiming much the same status as a foster-parent or guardian, to whom the child owes some debt of gratitude for benefits received. But in that case, of course, the analogy looks him thin in a different way. If your guardian is murderously attacking you, surely you may kill in self-defence, if there is no other way of surviving? But I leave these issues unsettled, since my concern is not so much to criticise the argument as to determine what it is supposed to be.

Up to the present point (51a7), we can quite easily see the argument as

concerned with the specific point of *destroying* the Laws, as argument A requires. We can also see the concluding lines (51c2-8, quoted above p. 5) as equally concerned with this point. But already a different theme has crept in. At 50e9-51a2, leading up to their claim that Socrates has no right to retaliate in kind on this question of destruction, the Laws have *also* mentioned that children and slaves ought not to answer back, or to hit back. This apparently leads them into making much greater claims for the rights of parents, and still more of the state. They claim that in *all* matters one should reverence, soothe, and yield to the state even more than to one's parents, and in fact one should do or submit to *whatever* it commands, no matter what the consequences to oneself (51a7-c1). This goes far beyond the previous claim that no one who has been born, brought up, and educated in Athens should seek to *destroy* its laws, and it really cannot be counted as part of our original argument A at all. It apparently claims for *all* laws the unquestioning obedience that argument A claims only for one particular law. Let us dignify this passage with the name 'argument C' (though really it does not deserve to be called an *argument*, but is simply a claim). We may regard argument C as slotted into the middle of argument A, or – perhaps better – we may regard argument C as following A, and developed out of it by pressing the parent-city analogy to further and stronger conclusions. In that case the concluding passage 51c2-8, which we previously took as the conclusion to A alone, may be seen rather as the conclusion to A and C together; it is elliptical enough to be taken in this way.

My third interpretation, then, recognises *three* distinct arguments in the *Crito*:- A, C, and B.¹⁰ As before, A is not fully authoritarian, because it only claims obedience for one particular law, the law that verdicts should be carried out. (And it claims this obedience either from all who have been born in Athens, under its laws, or from all who have been born, brought up, and educated in Athens, and have no fault to find with its laws on these matters. Perhaps we ought to add here, in view of 51c9-d1, that it is not only these laws that are relevant, but also any further laws conferring benefits on the citizens. But it may be better to suppose that this mention of further benefits that the laws confer is more relevant to argument C (enjoining

¹⁰ I think this is now the most common interpretation. See e.g. the debate between Martin and Wade (opp.citt., n. 2), and between G. Young, 'Socrates and Obedience', *Phronesis* 19 (1974), pp. 1-29, and R. J. McLaughlin, 'Socrates on Disobedience; a reply to G. Young', *Phronesis* 21 (1976), pp. 185-97. Also R. Kraut, *Socrates and the State*, Princeton 1984.

obedience to all laws) than to argument A (forbidding destruction of the laws).) Both C and B appear at first sight to be fully authoritarian, requiring obedience to any and every law. But, as this interpretation has it, they are not, for *both* are protected by including the alternative 'either obey or persuade'. We have already noted that this alternative is explicit in argument B; we now note that it is also present in argument C (at 51b3-4, and at 51c1). How, then, is this alternative to be interpreted?

One thing that is clear is that the 'persuasion' alternative concerns persuasion as to the rightness or wrongness of the command in question ('or to persuade (the city) where τὸ δίκαιον lies' (51c1), 'or to persuade us (the Laws) if there is something we do μὴ καλῶς' (51e7)). The traditional interpretation has been this. In the case of a law which a citizen regards as unjust, he is at liberty to persuade the assembly that it is unjust, and thus obtain its repeal. Similarly with a parental command regarded as unreasonable: the parent may be persuaded to rescind that command. It has recently been objected¹¹ that this account in effect never does allow disobedience, since it does not envisage one disobeying *first* and persuading *afterwards*. But we can readily extend the traditional account to allow for this, if we wish. In a Greek court of law (though not, of course, in an English one) it was permissible to plead that though one *had* broken the existing law, still one ought not to be condemned, because the law in question was a bad one. And such a plea is of course equally in order with a parental command. So we may certainly allow this much: one has done no wrong if one disobeys an existing law (or parental command), but afterwards succeeds in persuading the city (or the parent) that the disobedience was in this case justified. But, according to the traditional account, one *has* done wrong if one both disobeys and also does not *succeed* in persuading the city or parent – either before or after the event – that disobedience was or would be justified. In this case one has neither obeyed nor persuaded, and is therefore at fault.

However, my third suggested interpretation (which is in effect Kraut's interpretation)¹² will not rest content with this, for it clearly allows for the possibility of there being a command which it would be wrong to obey and yet one which the relevant authority could not be persuaded to see as wrong. That is, the authority could not be persuaded beforehand to withdraw it or afterwards to pardon infringements of it. So, according to this interpretation, the alternative should be construed in this way: one must

¹¹ E.g. Kraut, *op.cit.*, ch. 3 (*passim*).

¹² *Op.cit.*, n. 10.

either obey or *try to persuade*.¹³ If one disobeys, but does *try to persuade* – either before or after the event – then one is not at fault, even though the attempt at persuasion may not be successful. No doubt, if what is commanded is not wrong, then one should obey the command, whether it comes from the state or from a parent. But where what is commanded is wrong, then one should not obey it, but try to persuade. In the case of a parental command addressed to an adult son or daughter, if the persuasion does not succeed then that, presumably, is the end of the matter. In the case of a law, if the persuasion does not succeed, then no doubt the appropriate penalty will be suffered. But in each case one has committed no wrong. That, at any rate, is what this third interpretation proposes. In its favour is the fact that it removes the authoritarian sting from arguments B and C. But what else may be said for it?

Kraut argues (pp. 91-103) that the analogy between parents and cities must be taken as drawing a parallel between on the one hand cities and their citizens and on the other hand parents and their *adult* offspring. If this is so, then indeed his interpretation of ‘persuade or obey’ seems preferable, since Greek society would hardly suppose that a fully adult man should obey his ageing father on *all* matters on which he did not succeed in persuading him otherwise. The consequence is no doubt fairly drawn, but the premise upon which it rests is insecure. The text nowhere *says* that the relationship it is concerned with is specifically that between parents and *adult* offspring, and there is a strong indication that it is not, since this same relation is held to obtain between masters and *slaves* (50e4, e8). It clearly cannot be said of slaves that they do no wrong by disobeying their master’s command, so long as they have at least *tried* (but failed) to dissuade him from it. Kraut replies, if I understand him rightly, that the master-slave relationship is relevant only to argument A (concerning the *destruction* of the superior party), and not to argument C (concerning obedience to it) (pp. 105-8). But the two arguments cannot be so clearly separated, since it is undeniable that argument C grows out of, and develops, the consideration deployed in argument A. It is certainly open to us to hold that the thought in argument C, as in argument A, is that the relationship of a citizen to his city is comparable to the relationship of a *young* child to its parents, or a slave to his master: thus if persuasion fails, obedience is *required*.

Moreover this reading is very strongly supported by a point in the text that Kraut appears to overlook. At 51b2-3 it is said that one should rever-

¹³ It is well known that *πειθεῖν* can *mean* ‘try to persuade’. Success is not automatically implied (as it is with the English verb).

ence (σέβεσθαι) and yield to (ὑπέκχειν) the state even more than to one's parents. On Kraut's account of 'persuading' – i.e. trying, but perhaps failing, to persuade – this may possibly be viewed as a way of 'reverencing' one's parents or one's state, but it can hardly be described as a way of *yielding* to them. As he himself explains, a father who has not been obeyed by his adult son, and who has not been convinced by the persuasion offered (either before or after), will generally do nothing further and expect nothing further. There is no penalty he can impose (save the extreme penalty of disinheritance, which anyway he can only impose once), and the son has entirely fulfilled his obligations. But a father in such a situation will hardly think 'he has *yielded* to me'. I conclude that Kraut's positive argument in favour of his interpretation is unconvincing: it is much more probable that the relationship between the citizen and the city is being compared (in argument C) to the relationship between a *young* child and its parents, which is in fact similar to the relationship between a slave and his master. In their case, obedience is expected, and disobedience is set down as *wrong*, unless it is justified by a *successful* attempt at persuasion.

There are two further arguments against Kraut's interpretation. One is that it is of course the personified Laws themselves who propound the alternative 'either obey or persuade', meaning presumably that they the Laws will be *satisfied* if either disjunct is fulfilled. But very clearly *the law* is not satisfied by an unsuccessful attempt at persuasion,¹⁴ and what Kraut means to suggest is that the demands of morality are satisfied by this, at least when it would be wrong to obey, but not the demands of the law. Thus, as he sees it, the personified Laws have a double role: they both represent the actual laws of the city, and yet can keep a distance from them and represent morality instead (as when they admit that the verdict against Socrates was *not* a correct verdict, 54b8). However, where the 'obey or persuade' alternative occurs in argument B (at 51e7-52a3), it is surely as part of an account of what the actual laws of the city require, as is the permission to emigrate with no financial penalty, just above (51d5-e1). So there seems to me to be no escape from the objection this way: the actual laws evidently would not be satisfied by unsuccessful attempts at persuasion.

Finally, the Laws say that if Socrates escapes he will have both failed to obey and failed to persuade (52a3-4). Now quite a natural way of taking this charge would be to suppose that it claims that Socrates has not obeyed the

¹⁴ By contrast, the law *may* be satisfied by a sincere but unsuccessful attempt to *obey*, as Kraut urges on pp. 69-70.

law against impiety and corrupting the young, and also has not persuaded the jury that he should not be condemned on this account. If that is the correct way of taking it, then our proposed third interpretation must certainly be rejected, since Socrates evidently did *try* to persuade the jury that he should not be condemned. However, it may well be that this 'natural' way of taking the remark is mistaken, for after all our personified Laws do admit that the verdict was incorrect, and so apparently they should concede that Socrates *has* obeyed the Law against impiety and corrupting the young. So perhaps what they mean is this: having been found guilty on this charge, Socrates (if he escapes) will not be obeying the subsequent decision that he should therefore be executed, and equally will not have persuaded the jury that a different penalty would be more appropriate. But then again we can reply that he did *try* to persuade the jury to impose a different penalty. (It may well be said that he did not try very hard. Though the alternative that was *in the end* proposed may not have been too unreasonable,¹⁵ the main tenor of his second speech in the *Apology* can hardly be described as a *serious* plea for leniency; it is more naturally seen simply as defiance. But this does not alter the fact that he did make an *attempt* at persuasion.) In response to this objection, Kraut claims that in order to count as 'persuading' the jury on this issue, Socrates should have urged, in his second speech, that his escape from gaol would be justified (p. 89). But that is evidently quite unreasonable. It is surely enough that he should have tried to persuade the jury that the death penalty was not an appropriate penalty, and that indeed he did (37a-b).

I conclude that there are too many indications that, in the *Crito*, merely trying (but failing) to persuade does not count as fulfilling the command either to obey or to persuade, and that our third interpretation must also be rejected. Let us take stock.

On all interpretations, the dialogue contains argument A. This is not a *fully* authoritarian argument, since it claims only that there is one particular law that ought always to be obeyed. Nevertheless it is authoritarian enough to produce a potential conflict with the leading injunction to do no wrong. It is not plausible, however, to see argument A as the only argument in the dialogue; at least we must admit that argument B is presented as a different and independent argument.

¹⁵ This question is discussed in T. C. Brickhouse and N. D. Smith, 'Socrates' proposed penalty in Plato's *Apology*', *Archiv für Geschichte der Philosophie* 64 (1982), pp. 1-18.

Argument B *should* be prevented from reaching a fully authoritarian conclusion by the fact that, when its premise is first introduced, an important proviso is attached: one should keep agreements, *provided* that what is agreed is not wrong. However, when argument B is actually developed, this proviso does not appear. In its place, two *other* provisos are suggested – one (by implication) is that the agreement should be fairly made, with no duress, ignorance, or trickery; and the other is that persuading the other party to alter the agreement is an acceptable alternative to keeping it. Neither of these provisos prevent the argument from conflicting with the leading injunction to do no wrong. Concerning the first of them, this point is uncontroversial; and I have just been arguing that the same point should also be admitted concerning the second, since what is intended is that disobedience is permitted only when there is a *successful* attempt at persuasion. Argument B, then, may fairly be characterised as a fully authoritarian argument, for its concessions fall far short of what we actually require.

Finally, there is also argument C. This is no less authoritarian than argument B, and it seems in fact to be a further and separate argument. Although it evidently grows out of a consideration that is relevant to argument A, it builds upon and develops that consideration so as to lead to a much more authoritarian result than A does by itself.

As my final question, I ask: was this what Plato intended? Did he *mean* to be arguing for the authoritarian conclusion that one should always obey any and every law (failing persuasion)? Or was it a mistake on his part that he allowed himself to use arguments that do (purport to) establish this strong conclusion, when all that he actually wished to argue for was a much more limited result?

4. *The authoritarian interpretation*

There are three points which may suggest that Plato did indeed mean to argue for the strong conclusion that one should always obey any and every law. Of these the first two would carry little weight by themselves, but the third is – it seems to me – of some significance.

In the concluding section of the dialogue, when the Laws turn to consider the disadvantages of escaping, one of the pertinent questions that they ask is this: when you are living in exile, Socrates, what will you say? ‘Will you say the same as you said here, that virtue and justice, and customs and laws, are of most value to men?’ (53c6-8). We of course expect to be told that Socrates, while in Athens, had praised virtue and justice above all else (ἡ ἀρετὴ καὶ ἡ δικαιοσύνη). But is it not a little surprising to be told that he

had accorded *the same* praise also to customs and laws (τὰ νόμιμα καὶ of νόμοι)? The implication must be that Socrates had supposed that the demands of the law and the demands of morality never would conflict with one another.¹⁶ No doubt this is difficult to reconcile with *Apology* 32c-d, where Socrates appears explicitly to allow that morality may conflict with a legally authoritative order. But here we may turn to the second point.

Later in the same concluding passage the laws themselves are *distinguished* from their application by men. Socrates, admittedly, has been wronged, but he has been wronged 'not by us, the Laws, but by men' (54b8-c1).¹⁷ In a similar vein it may be urged that the command of the Thirty Tyrants, though (perhaps) legally authoritative, was not a command of the laws themselves, but should rather be regarded as a command of men wrongly applying the law. Clearly, anyone who wishes to maintain that the laws are never morally in the wrong will need just such a distinction between the laws themselves and their application by particular men at particular times. It may be no accident that the *Crito* does indeed insist upon it.

These two points are perhaps suggestive, but equally they could not unreasonably be discounted, as reading too great a significance into a couple of stray remarks which surely were not intended to reveal the overall strategy of the dialogue. But my third point evidently is of importance for the interpretation of the dialogue as a whole. It goes back to the introductory section, where Socrates is setting the terms for the debate to come.

When Crito first pleads that Socrates should accept his offer of an arranged escape, he several times refers to 'what most people will think' (44b9-c5, 44d1-5, 45d6-46a1). From the first, Socrates rejects this appeal to the majority opinion (44c6-7), and he begins his reply by arguing for its worthlessness (46c6-8). He proposes, as an alternative, that one should pay attention only to the opinions of the one man who knows about whatever is at issue, the expert (ὁ φρόνιμος, 47a10; ὁ ἐπιστάτης καὶ ἐπαίων, 47b10-11). This, he says, applies equally where morals are concerned (47c9-10), for here too we should pay attention only to 'he who understands about right and wrong, this one person and the truth itself' (ὁ ἐπαίων περὶ τῶν δικαίων καὶ ἀδίκων, ὁ εἷς καὶ αὐτὴ ἡ ἀλήθεια, 48a6-7).

¹⁶ Quite how we are to understand 'customs' in this context is unclear. But perhaps it would not be unreasonable to take the reference to be to written laws (νόμοι) and to unwritten laws (νόμιμα).

¹⁷ By contrast, at 51a3-4 it is apparently the Laws themselves who are seeking to destroy Socrates.

Thus the *method* that Socrates suggests, for the proper consideration of the question before us, is that we should *consult the moral expert*. Moreover, since it is nowhere suggested that the method cannot be followed in the present case, we should presumably see the dialogue as pursuing this method. But who, then, is the expert who is consulted?

Well, the obvious suggestion is that it is the Laws themselves: the personified Laws are taken to be those who *know* about right and wrong, and whose opinions therefore should be listened to. If this is not the implication of the introductory section, then who *else* might be suggested as the moral expert whose advice is sought? There seem to be just two alternatives. One is that it is *Socrates* who is the expert, since after all the argument that is rhetorically put into the mouth of the Laws is presumably to be understood as being in fact Socrates' own reasoning. But (a) it would be distinctly odd, to say the least, if we are supposed to take Socrates as here implying that he himself is the moral expert, since everywhere else in Plato's dialogues he is consistently portrayed as *disclaiming* this status. Besides, (b) there seems to me to be altogether too much 'irony' in Socrates *saying* 'we must consult the expert' and *meaning* 'I must work it out myself, for I am the expert'. And finally (c) as the dialogue ends Socrates tells us that he *hears* what the Laws have been saying, as if it is indeed not his voice but another's (54d2-5), so as to preserve the impression that he has been listening not to his own advice but to someone else's. On the other side, one must of course agree that the Laws are presented as arguing from premises that Socrates himself has introduced at 49a-e (even if they do misrepresent his premise on keeping agreements). Thus it *may* be that we should understand Socrates as here claiming to be himself the expert, however improbable that may seem in the light of the other dialogues. But it seems to me rather more probable that the presumed expert is the Laws, who clearly can be regarded as a further and different source, available for consultation.

The other alternative is that the 'expert' who is consulted during the dialogue is neither Socrates nor the Laws but simply 'the truth itself', as the wording of 48a6-7 (quoted above) may perhaps suggest. If this was indeed Plato's intention, then (a) one can only say that the 'method' being proposed is a sham, and not in any way parallel to the method of consulting experts over bodily health and fitness (47a13-b3, 47d7-e1). In moral questions, there is no practical way of setting out to 'consult the truth itself', unless one can first assume some genuine expert who does know this truth. Moreover (b) the wording of 48a6-7 ('the expert *and* the truth') is surely not best understood as implying that the only expert in this area simply *is* the truth; rather, if one does consult a proper expert, then one will *thereby* have

consulted the truth, because by hypothesis the expert knows the truth. More generally, the implication that there is an expert to be consulted is not satisfied merely by the supposition that there is a truth to be discovered, and I am unwilling to believe that Plato thought otherwise.

It must be admitted that the *Crito* is unique among Plato's early dialogues in implying that there is such a thing as the moral expert. Elsewhere it is explicitly claimed that there is no such thing (e.g. *Protagoras* 319b-320b, *Meno* 89e-96c). But at the same time the *Crito* is unique in attributing a serious moral argument not to Socrates nor to one of his interlocutors but to a personified abstraction, the Laws of Athens. It seems to me a very reasonable conjecture that these two features are related, and that the *Crito* does mean to imply that the laws are the experts – or, at any rate, that they are the best approximation to experts that is available to us. (The idea is perhaps this: the laws and customs of the city, though fallible – for they can sometimes be 'persuaded' that they are in the wrong – are nevertheless the only repository we have of 'the wisdom of the ages' in moral matters.) For that reason, their advice must always be treated with the greatest respect. No doubt the arguments of the *Crito* do push this line of thought too far, and the moral supremacy that they claim for the laws is not endorsed in any other early dialogue. Presumably Plato came to see that the implications, when strictly carried through, are unacceptable, and that there is a need to distinguish, much more firmly than the *Crito* does, between what is legally wrong and what is morally wrong.¹⁸ But I suspect that he did quite seriously mean, in the *Crito* itself, to argue that the good man will never intentionally disobey the law.

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¹⁸ For all we know, the *Crito* may have been his first dialogue, preceding even the *Apology*. (R. Hackforth, in his *The Composition of Plato's Apology* (Cambridge, 1933), argues that there is reason to believe that the *Apology* was not composed until six years after the speeches it purports to relate.)