

SOCRATES AND THE LAWS OF ATHENS

In Plato's *Apology* Socrates answers the charges of corrupting the youth and of not acknowledging the gods of the state in front of the jury (24b9-c1), rejecting these as a misrepresentation of his philosophic activities, which he is not prepared to abandon: 'I shall obey God rather than you' (29d3-4). This is a straightforward challenge to the Athenian legal system. In the *Crito*, less than a month after the trial, Socrates gives voice to the Laws of Athens to crown his arguments against escaping from prison, fully accepting and endorsing their authority. All attempts to account for this discrepancy between these two dialogues have failed. I shall explore these failed attempts in their diversity, and point out that they all have one thing in common: they are all constructed on the basis of the currently accepted dating of Plato's dialogues. I shall argue that the discrepancy can be properly comprehended only on the basis of the ancient tradition according to which Plato began to write his dialogues during Socrates' lifetime, and I assign the composition of the *Apology* to the days of Socrates' imprisonment. I shall then demonstrate that the rejection of the ancient tradition has been based on a misrepresentation of Plato's autobiographic remarks in the *Seventh Letter*. I shall end by viewing the *Crito* as the first dialogue written after the death of Socrates and explore the significance of this dating for our understanding of the pre-*Republic* Plato.

I shall begin by briefly pointing to those who fail to see the discrepancy between the *Apology* and the *Crito*, secondly I shall discuss those who explain it away, followed by those who are so acutely aware of it that they reject Plato's authorship of the *Crito*, or mitigate it by placing the *Crito* among Plato's later dialogues, and then I shall examine Roslyn Weiss' attempt to solve the problem by separating the views of Socrates in the *Crito*, which she finds to be in full accord with his views in the *Apology*, from those of the Laws, which in her view are alien to Socrates' views in both these two dialogues.

Wilamowitz says laconically: 'Philosophy, as we call it, is not present in the *Crito*.'¹ According to him, the only problem with which the dialogue presents us is to explain Plato's motive for writing it, and this he resolves promptly: 'About this dialogue it is hardly necessary to say anything, so clear is it, that his [Plato's] only intention is to

justify Socrates' conduct.'ⁱⁱ Prior to Wilamowitz, J. Socherⁱⁱⁱ maintained that the dialogue is an apology for Socrates' friends, and E. Zeller^{iv} viewed it as a defence both of Socrates and his friends.

František Novotný^v presents the two dialogues as two sides of Plato's philosophic thought that has very little in common with the historical Socrates,^{vi} Plato's eyes being directed beyond the historical event of the trial of the year 399 BC to a realm that surpasses both personality and time.^{vii} In Novotný's view, in the *Apology* Plato presents the philosopher as an autonomous and completely free critic of mankind, whereas in the *Crito* he argues that as a citizen he must obey the laws: 'the latter is thus a necessary complement of the former'.^{viii} In Friedländer's view, in the *Crito* "Plato seized the moment when the temptation of life itself threatened to destroy the work of Socrates" in order to show that "the philosopher dies voluntarily", that "Socrates' death was an act of free choice".^{ix} Having elevated the *Crito* into the lofty sphere of highly philosophical intentions, Friedländer does not even hint that there might be anything problematic in the relationship between the *Apology* and the *Crito*.^x

T. C. Brickhouse and N. D. Smith in *Socrates on Trial* devote an entire chapter to 'The "contradiction" between the *Apology* and the *Crito*', which they view as 'a creature of modern scholarship'.^{xi} They argue that the imaginary court's ordering Socrates to give up philosophy 'would have been illegal and the jury lacked any relevant authority to make it' [p. 143], so that 'in vowing to disobey any such directive he is not vowing disobedience to the law or legal authority, and his vow therefore creates no conflict with the arguments in the *Crito*' [p. 148]. They maintain that 'given the ways in which he construes his duties to the law and to the god, Socrates could not conceive of a situation in which they would come into conflict' [p. 149]. And indeed, their claim that 'there is at least some evidence that Socrates believed that unjust laws would not really be laws at all' [p.151] is an understatement, for in the *Hippias Major* he maintains that 'the legislators make the law on the assumption that it is good for the state', so that 'if they miss the good, they have missed law and legality (284d4-7)', and in the *Minos* he says that one must think of the law as something beautiful and noble, look for it as good (314d6-8), and that wrong decrees of the state cannot be regarded as laws (314e5-6).^{xii} But it is precisely when we review the evidence to which Brickhouse and Smith refer, see that Socrates

believed that unjust laws are not really laws, and realize that it was this belief that underpinned his defence in the *Apology*, that the contradiction between the *Apology* and the *Crito* becomes most apparent. For in the *Crito* Socrates maintains that the laws are to be obeyed unconditionally, irrespective of whether they are right or wrong, just or unjust. The Laws in the dialogue argue that if Socrates or any other citizen thought that a law was unjust, he should persuade the city of what is truly just (*Cr.* 51c1-2), but if he failed to do so, he must obey the law as it stood: ‘he must either persuade us or do what we command’ (*Cr.* 52a1-3).

Brickhouse and Smith maintain that in the *Apology* there is ‘nothing in Socrates’ remarks at 29d3-6 that requires that he be seen as engaged in arrogant defiance of the jury’s special status to be judges according to the laws.’ [p. 153] A closer look at the passage proves them to be wrong:

‘Men of Athens, I hold you in high regard and I love you, but I will obey the god more than you, and just as long as I breathe and am able, I will never cease from philosophizing or from exhorting you and from declaring my views to any of you I should ever happen upon.’

Socrates addresses the members of the jury as ‘men of Athens’ in stark contrast to his accuser Meletus, who addressed them as ‘judges’ (26d4). In fact, Socrates addresses them as ‘men of Athens’ (e.g. 17a1, 18a7, e5, 20e4) or simply as ‘men’ (e.g. 19e4, 23a5) throughout the whole of his defence speech,^{xiii} and then in the speech he gives after the guilty verdict. Finally, after having been sentenced to death, he addresses ‘those who voted against the sentence’ (39e1), and explains:

‘O my judges – for when I call you “judges” I use the word correctly (40a2-3) ... O my judges’ (41c8).

By refraining from calling the members of the jury ‘judges’ both when it was still unclear whether they would pronounce the right verdict, and after they judged wrongly, Socrates acted in harmony with the views he had expressed in the *Hippias Major* and in the *Minos*.^{xiv} For by attributing the title of judges only to those who voted against the verdict he rejected the verdict as unlawful, thereby putting in question the central plank of the Athenian legal system.

Brickhouse and Smith’s attempt to resolve the discrepancy between the *Apology* and the *Crito* brings it into sharper focus. Needless to say it cannot be eliminated by pretending that it does not exist, be it on the grounds of viewing the *Crito* as un-

philosophical, or by elevating both the *Apology* and the *Crito* to the heights of Platonic philosophic speculation.

In the twentieth century, the unconditional obedience to the laws of the country advocated by Socrates in the *Crito* began to cause unease. M. Croiset says that the speech of the Laws in the dialogue ‘leaves doubts in the mind of a modern reader,’ and D. A. Russell notes that the *Crito* ‘is uncomfortable for the individualist’.^{xv} H. Thesleff rejects Plato’s authorship of the *Crito*, arguing that the *Crito* ‘belongs to a period when Plato had turned his back on Athens or was, at least, strongly critical of its institutions’, and this is why he suggests Speusippus, Plato’s nephew and successor, as the author. H. Tarrant has much sympathy with this radical solution, and although he does not commit himself to it, he accepts Thesleff’s argument for making the dialogue late. He argues that at *Crito* 53b “there appears to be an allusion to Polycrates’ *Accusation of Socrates*, in which he had called Socrates ‘a destroyer of the laws’”.^{xvi} But what is the evidence? Thesleff says:

‘*Crito* is partly a reply to Polykrates who accused Socrates of despising the laws of Athens and who seems to have used the curious word διαφθορεύς [*diaphthoreus*], *Crito* 53b, cf. Themistius Or. 23, 296bc.’^{xvii}

And indeed, in *Oration 23*, 296bc, to which thus Thesleff refers, Themistius mistakenly mentions Polycrates as the author of the speech that Meletus presented at the trial:

‘When Lycon and Anytus calumniated Socrates, and Meletus attacked him by indicting him (*grapsamenos*)^{xviii} as a sophist and a corruptor of the young (*diaphthorea tôn neôn*), at that point he [i.e. Socrates] was compelled to bring in front of the judges the god as the witness, but the judges because of their want of sense were momentarily misled and bewitched by the speech written by Polycrates.’^{xix}

As can be seen, Tarrant in his argument for the late dating of the *Crito* mistakenly renders the word διαφθορεύς [*diaphthoreus*] as ‘a destroyer of the laws,’ presuming that it was found by Thesleff in Themistius with this meaning, for it is as such that it stands in *Crito* 53b and c (*diaphthorea nomôn*, 53b7, *nomôn diaphthoreus*, 53c1). But in the Themistius’ passage it stands as ‘a corruptor of the young’ (*diaphthorea tôn neôn*).^{xx} Moreover, it does not stand there as part of Polycrates’ speech against Socrates, but as part of the indictment (*graphê*, *Euthyphro* 2a6) with which Meletus charged Socrates, and on which the trial was based. Explaining the indictment in the *Euthyphro*, before the trial, Socrates says that Meletus has accused him of ‘corrupting

the men of his age' (*diaphtheirontos tous hêlikîôtas autou*, *Euyh.* 2c6-7), that is the young (*hoi neoi*, *Euth.* 24), and in the *Apology* he quotes it as follows: 'Socrates commits injustice by corrupting the youth (*tous neous diaftheironta*)'. The Laws in the *Crito* echo the indictment when they say that if Socrates escaped from prison, he would confirm the judgment of the court, for a 'corruptor of laws (*nomôn diafthoreus*) is more than likely a corruptor of the young (*neôn diafthoreus*)' (53c1-2). Thesleff and Tarrant are acutely aware of the discrepancy between the *Apology* and the *Crito*, but their attempt to resolve it by dating the *Crito* after Polycrates' *Accusation of Socrates* is based on mistaken evidence.

Roslyn Weiss argues that the 'moral perspective' of the Laws in the *Crito* 'stands in stark opposition to the Socratic point of view',^{xxi} and therefore disassociates Socrates' arguments in the *Crito* from the Laws' arguments. The speech of the Laws she views as created for the benefit of Crito, 'a fool',^{xxii} who 'remains unresponsive to Socrates' arguments':

'A despairing Socrates, no longer harbouring even the faintest hope that his own preferred method of enquiry will succeed with Crito, steps aside and entrusts the discussion to someone else, to the personified Laws. It is up to them now to persuade Crito that escape would be wrong – because Socrates himself could not. But the Laws succeed where Socrates fails because the Laws offer arguments that Socrates could never offer.' [p. 4]

Her interpretation is based on Crito's words 'I have no answer to what you ask, Socrates, for I do not understand' (50a4-5), which she views as referring to the whole preceding discussion, invalidating all Crito's previous affirmative answers to Socrates' questions, and as such motivating the intervention of the Laws

'It is not until *Cr.* 50a4-5, where Crito finally confesses that he cannot answer because he does not understand, that Socrates faces squarely the reality that he cannot fruitfully conduct with Crito a philosophic investigation into the question of escape [p. 82] ... He accepts now, for the first time, that Crito will not be persuaded through rational argument. It is at this point that Socrates makes the greatest sacrifice for his friend: he steps aside, transferring the argument to the Laws. The Laws will speak to Crito in a way that Crito understands.' [p. 83]

If we are to see whether Weiss is right, we must review the preceding discussion. Referring to all that has been discussed and agreed upon previously, Socrates asks Crito: 'If you abide by the aforesaid principles, listen to that which follows' (49e2-3). Crito replies emphatically: 'I do abide by them and I share your opinion concerning

them (49e4).’ What are the principles with which Crito thus expressed his full agreement?

1. Life is not worth living ‘if that part of us is corrupted, which injustice deforms, but justice benefits’ (47d6-7).
2. ‘Not life as such, but a good life is to be valued most of all’ (48b5-6); ‘the good, just, and honourable life is one and the same’ (48b8).
3. ‘We must never commit injustice intentionally in any way’ (49a4), for ‘committing injustice can never be good and honourable, as we have many times previously agreed’ (49a5-7). ‘Contrary to the opinion of the many, we must not commit injustice in return for injustice inflicted upon us’ (49b10-11).

Assured that Crito is fully with him, Socrates asks whether one ought to do things which one had agreed on with someone (49e5-7)? Crito answers: ‘One ought to do them’ (49e8). Having received this answer, Socrates asks:

‘Leaving this place without persuading the city, do we wrong any (*tinas*)^{xxiii}, to wit those whom (*hous*)^{xxiv} we ought least to wrong, and do we abide by our just agreements, or do we abandon them?’ (49e8-50a3).

It is this question to which Crito replies: ‘I have no answer *to what you ask (pros ho erōtas*, 50a4)’. The very wording of Crito’s inability to understand suggests that it refers merely to the preceding question; he does not understand what Socrates’ question is all about. His lack of understanding is easy to understand, for Socrates asks whether by his escaping from prison and Crito’s helping him they ‘would wrong any’ as if he had in mind some persons who as a consequence of his escape would be harmed. Socrates could hardly mean those involved in the preparation for the escape and those who would be involved in carrying it out, for when Crito at the beginning of their discussion asked the unwilling Socrates whether he was not afraid that his friends and followers might suffer because of his escaping from prison (44e-45a), Socrates insisted that the only question that really mattered was whether it was a just or an unjust thing (48c-d). Furthermore, Socrates’ question implied that in his view both he and Crito had a prior agreement with those who would be adversely affected by the escape, the agreement which would be reneged on because of it. Socrates must explain:

‘But look at it in this way. If the Laws and the state would come and interrogate me ...’ (50a6-8).

The ‘any’ (50a1) who would be wronged by the escape are the Laws and the state. Personified by Socrates, they in their following intervention explain what agreement Socrates had in mind. The intervention of the Laws is thus part and parcel of Socrates’ own thought process.

How could Weiss fail to see this? She argues that when Socrates asks Crito whether he agrees that ‘one ought to do the things one has agreed on with someone’ (49e6), he does not thus prepare the forthcoming intervention of the Laws, but refers to what he had said in the *Apology*:

‘There is in fact something – something of which Crito is well aware – that perfectly fits this description: the thing that Socrates has agreed upon with the Athenians is that he will “abide by my penalty,” *kai egô te tôi timêmati emmenô* (*Ap.* 39b6) ‘. [p. 74]

But with these words in the *Apology* Socrates does not enter into any agreement with anybody. He merely reflects on the situation in which the death sentence has left him in contrast to that in which it has left his accusers, for what he says is the following:

‘And I depart from here condemned by you to death, my accusers depart condemned to villainy and injustice by the truth. *And I abide by my penalty and they by theirs*’ (39b6).

Roslyn Weiss insists that readers of the *Crito* should ‘resist sentimentalizing the Laws’ conception of the relationship between city and citizen’ [p. 102], for ‘the Laws regard the citizen as their slave’ [p. 112], while ‘Socrates does not use the word “slave” to characterize even his relationship to the god [p. 114, n. 70]’. She is wrong, for in the *Phaedo* Socrates views himself as ‘a fellow-slave of the swans, consecrated to the same god’, that is Apollo (*Ph.* 85b4-5). If we want to see the master-slave analogy within the framework of Plato’s thought, we must take recourse to the *Laws*, in which he refers to it repeatedly. In *Laws* III he praises the ancient constitution under which the Athenians ‘willingly served the laws as slaves’ (698b5-6), and that this constitution deteriorated because of the unwillingness of the citizens ‘to serve the authorities as slaves’, which ‘is then followed by freedom which results in escaping the slavery and the admonitions imposed by their father and mother and elders, and towards the end they try to escape the authority of the laws’ (701b5-8). In *Laws* VI he writes:

‘Everybody should realize that a man who has not served as a slave will never be a commendable master, and that one should derive a greater pride from serving well as a slave than from ruling well, in the first place to the laws, for this is the slave-service to the gods (762e1-5).

For Socrates and Plato the word *doulos*, apart from its negative meaning and usage, had positive connotations, which the English word ‘slave’ does not have.

Weiss’ belief that ‘the *Apology* and the *Crito* are in complete accord as long as the Laws are seen to be on the same side as the judges, and Socrates to be opposed to both’ [p. 105, n. 32] results in a curious mistake. Discussing Socrates’ reference to Achilles in the *Apology* as a man ‘determined to risk his life rather than “to live as a bad man and not to avenge his friends” (*Ap.* 28d1)’, she insists that Socrates’ approval of Achilles ‘is merely apparent’ [p. 9], for

‘Whatever it is that motivates Achilles, it is not justice. As becomes clear in the *Crito*, vengeance, for Socrates, has no part in justice [p. 9, n. 5].’ She is wrong, for according to Socrates in the *Apology* Achilles is pre-eminently motivated by his concern for justice. Socrates quotes him as saying ‘Let me die forthwith, having exercised justice (*dikên epitheis*) against the perpetrator of injustice (*tôî adikounti*, 28d2).’

It is worth noting that Weiss’ misrepresentation of Socrates’ Achilles in the *Apology* is in harmony with Jowett’s translation of his words in the *Apology*: ‘Let me die forthwith and be avenged of my enemy.’ It is equally in accord with Novotný’s Czech translation, which says, translated into English: ‘Let me die forthwith after taking revenge against the evil-doer.’^{xxv} How can it be explained that Weiss, Novotný, and Jowett are in agreement in rendering Achilles’ words contrary to the original? Our modern consciousness, formed by Plato’s *Crito* on the one hand, and by the *New Testament* on the other, cannot view the death to which Achilles submitted Hector in revenge for Hector’s killing of Patrocles as an exercise of justice; what Achilles did with Hector’s body after killing him was too much even for the Olympian gods (*Il.* 24. 1-140). Homer’s Achilles is motivated by the imperative of avenging the death of Patrocles, without any reference to justice: ‘Let me die forthwith since I have failed to save my friend from death’ (*Il.* 18. 97-8).

Socrates' view of Achilles as a man determined to exercise just punishment on a man who committed injustice invites us to appreciate the divide that separates the *Apology* from the *Crito*. In the nineteenth century, G. Grote perceived the contrast between the two most acutely; he says about the *Apology*:

‘In defending himself before the Dikasts [the judges, the men of the jury], Sokrates had exalted himself into a position which would undoubtedly be construed by his auditors as disobedience and defiance to the city and its institutions ... In the judgment of the Athenian Dikasts, Sokrates ... had put himself above the laws; thus confirming the charge which the accusers advanced.’^{xxvi}

Concerning the *Crito* he says:

‘This striking discourse appears intended by Plato as far as I can pretend to guess at his purpose – to set forth the personal character and dispositions of Sokrates in a light different from that which they present in the *Apology* ... This dialogue puts into the mouth of Sokrates a rhetorical harangue forcible and impressive, which he supposes himself to hear from the personified Nomos [Law] of Athens, claiming for herself and her laws plenary and unmeasured obedience from all her citizens, as a covenant due to her from each. He declares his own heartfelt adhesion to the claim. Sokrates is thus made to express the feelings and repeat the language of a devoted democratical patriot ... Hence it is all the better fitted for Plato's purpose of restoring Sokrates to harmony with his fellow citizens. It serves as his protestation of allegiance to Athens, in reply to the adverse impressions prevalent against him.’ [pp. 300-3]

Grote's suggestion that Plato in the *Crito* intends to set forth the personal character and dispositions of Socrates in a light different from that which they present in the *Apology* will not do as far as the ‘rhetorical harangue’ of the Laws is concerned, for what the Laws in the *Crito* have to say is in some respects completely out of character with Socrates as we know him from Aristophanes, from every other work of Plato, and from Xenophon. In the *Crito* Socrates responds to a situation that is completely new to him, his defeat at the trial, for which he himself is responsible because of the way he defended himself. The intervention of the Laws, which he brings in, is his answer to the unique challenge with which he is thus confronted.^{xxvii}

To appreciate the unique situation in which Socrates stands in the *Crito*, we must view it against the background of his friends' attempt to smuggle him out of prison. Although Weiss is wrong in taking Socrates' words ‘*I abide by my penalty*’ as his agreement with the Athenians that he would not escape from prison, they imply that Socrates was prepared to face death. Indeed, earlier on in the *Apology* he declared that he preferred death to exile (*Ap.* 37b-e). The *Crito*, prior to the intervention of the

Laws, is all about Socrates' grounding his decision not to escape from prison on principles at which he arrived in his debates with Crito and his other friends throughout his life; even the Laws appeal to 'those discussions on justice and the other virtues', arguing that his escape would annihilate them (*Cr.* 53e6-54a1). In the face of all this, how was it possible that Socrates' followers and friends became engaged in arranging for him an escape from prison? How was it possible that Socrates for so many days of his imprisonment allowed his friends to believe that his escaping from prison was an option?

Socrates in the *Phaedo*, on his last day, may help us find an answer to these questions. At the beginning of the dialogue Cebes asks Socrates why he began to compose poetry in prison, never having done so before (*Phd.* 60c-61a). This must have interested many people, for Cebes says that he was asked so by Euenus, a well known philosopher and poet, and by other people. Socrates answers that in his previous life he had a recurrent dream, in which he was commanded to make *mousikê*, which he took as an exhortation to do philosophy. However, after his imprisonment it occurred to him that the dream might have meant *mousikê* as it is normally understood, that is poetry, and so it appeared to him necessary not to disobey 'as it was safer not to go off before I'd fulfilled a sacred duty, by making verses and thus obeying the dream' (*Phd.* 60e-61b). This means that Socrates after his imprisonment gave up on his proclamation that he will engage in philosophy as long as he can breathe, which he had made at the trial (*Ap.* 29d), for he cast in doubt the very foundation of that proclamation, that is his conviction that the god had commanded him to do so by oracles and in dreams (*Ap.* 33c5). Is it any wonder that Socrates' friends and followers did not view Socrates' '*I abide by my penalty*', which was grounded in his philosophy, as sacrosanct, when they saw that his conviction that philosophy was his god given vocation was so profoundly shaken as a consequence of his imprisonment?

Additional reasons for the engagement of Socrates' friends in preparations for his escape may be found in the *Apology*. For having been found guilty and expected to tell the court what punishment he would consider as appropriate, Socrates declared that the right reward for him^{xxviii} would be free meals in the Prytaneum, the Town Hall of Athens, so that he could devote all his time to his philosophic activities, freed from

all material concerns (*Ap.* 36d). The proposal could not be taken seriously, so why did he make it? Were not his friends entitled to take it as a challenge, directed at them, to help him escape from prison and arrange for him a situation free from material concerns, which would allow him to devote himself fully to philosophy, be it in Megara, where his followers Euclides and Terpsion lived, or in Thebes where lived Cebes and Simmias, or perhaps in Thessaly where Crito had rich and influential friends? And when, to justify his proposal, Socrates declared that with his philosophic examinations he was bringing true happiness to men, unlike the victors in the Olympic games who were honoured with free meals in the Prytaneum although they were bringing them only an appearance of happiness (*Ap.* 36d), did not his friends have the right to expect, and to demand of him, that he should resume bringing true happiness to them? And when in the end he had proposed to pay as a penalty as much money as he could afford, that is one mina, and then amended the proposal to thirty minae after an intervention of Plato, Crito, Critoboulus and Apollodorus (*Ap.* 38b), was it not clear that in fact he wished to avoid the death penalty?

The *Apology* enables us to see just as well why after the trial the imprisoned Socrates began to doubt that philosophy was his god given task. For in his Defence he on the one hand identified philosophy with ‘examining myself and others’, proclaimed that ‘the unexamined life is not worth living’ (38a), and on the other declared that these examinations led to his having many enemies of the worst and most dangerous kind (22e-23a), and ultimately resulted in his indictment (21b) and in his death sentence (39c-d). His announcement ‘I shall never act differently, not even if I have to die many times’ (30b) must have caused a great uproar, for his next words were: ‘Stop shouting, men of Athens’ (30c). What future did he thus open for his disciples, if the only life worth living, life lived in accordance with philosophy, was to bring them enmity, trials, and death?

Socrates went on to say in the *Apology* that the only reason he could survive in the city for so long was that he avoided political activity and limited his exhortations to private discussions ‘for no man who sets himself firmly against you or any other multitude, honestly striving to keep the state from many lawless and unrighteous deeds, will save his life’ (31e, tr. B. Jowett). He must have been well aware that Plato aspired to a political career, and had he in his defence devoted to him and to his future

life in the city at least some consideration, he would have spoken so as to win the trial. Instead, he let himself be carried away by his accustomed way of philosophizing, which he simply transferred from private discussions to the court room, aiming his irony and scorn not only at his accuser Meletus, but equally at the members of the jury, and all those who were present in the court room (24e-25a). Even so, Socrates was not very far from winning the case, as can be seen from his surprise at the small difference between the number of votes by which he was found guilty and the number of votes absolving him from guilt (35e-36a).

What prospects did Socrates open for his friends and followers with the vengeful prophecy addressed to those members of the jury who sentenced him to death?

‘I prophesy to you who are my murderers, that immediately after my departure punishment far heavier than you have inflicted on me surely awaits you. Me you have killed because you wanted to escape the accuser, and not to give an account of your lives. But that will not be as you suppose: far otherwise. For I say that there will be more accusers of you than there are now; accusers whom hitherto I have restrained: and as they are younger they will be more severe with you, and you will be more offended at them. If you think that by killing men you will stop all censure of your lives, you are mistaken.’ (39c-d, tr. B. Jowett)

Socrates changed all this with his refusal to escape from prison, deciding to face death in obedience to the laws, as Plato immortalized it in the *Crito*. If we are to appreciate fully the change to which Socrates subjected his views by his obedience to the laws expressed in the *Crito*, we must compare the discussion on education that the Laws and Socrates hold in the *Crito* with his views on the subject as he expressed them prior to his trial and imprisonment, in the *Clitopho*,^{xxix} and in the *Apology*. In the *Clitopho* Socrates asks the Athenians how can they refrain from despising their education in reading and writing, in art (*mousikê*), and in gymnastics, when they themselves can see that it does not help their children to properly care for the wealth they hand down to them (*Cl.* 407b-c), let alone for their souls (*Cl.* 407e-408c). In the *Apology* he treats with biting irony not only his accuser Meletus as an expert on the education of the young, but goes on to paint with the same brush the members of the jury, all men in the audience, all members of the City Council, all members of the Assembly, and finally all Athenians (*Ap.* 24c-25c). No wonder such criticism was perceived as undermining of parental authority; Xenophon says that Socrates was accused of teaching the young to treat their fathers like dirt (*Mem.* I.ii.49). If Socrates

were to reopen for his friends and followers the possibility of living in Athens and pursuing philosophy, he had to withdraw this criticism, and so the Laws in the *Crito* ask him whether he finds any fault with the education which he had received as a citizen of Athens: ‘Were not the laws, which have the charge of education, right in commanding your father to train you in music and gymnastic?’ Socrates answers unequivocally: ‘They were right, I should reply’ (*Cr.* 50d8-e).

When we thus contrast the *Apology* with the *Crito*, the significance of Socrates’ prophecy in the former for the dating of its composition comes to the fore. For had Plato written the *Apology* after the death of Socrates, as is generally believed, he would have knowingly put into the mouth of Socrates a false prophecy; after their return to Athens from Megara Plato and the other leading disciples of Socrates became engaged in philosophic activities that were very different from the antagonistic encounters of which Socrates speaks in his prophecy. They became teachers of virtue, which they identified with knowledge that brought about the attainment of happiness.^{xxx} Only during the time of Socrates’ imprisonment could Plato include the prophecy in the *Apology* in the belief that it would be fulfilled. In fact, on this dating, Plato began himself to fulfil the prophecy by writing the *Apology*.

Why has the question of the relevance of the prophecy for the dating of the *Apology* never been raised by scholars? Why was it not raised by Grote who was most acutely aware of the need to view Plato’s dialogues in their social, political, and historical context?^{xxxii} It could not be raised because of the belief that Plato began to write his dialogues only after the death of Socrates. This belief was established under the influence of Grote, who wrote in the first volume of his monumental work on Plato:

‘At the very outset of the enquiry, we have to ask, At what period of life did Plato begin to publish his dialogues? Did he publish any of them during the lifetime of Sokrates? Or does the earliest of them date from a time after the death of Sokrates?’ [p. 196]

At the time when Grote wrote these questions it was still generally accepted that Plato began to write dialogues during Socrates’ lifetime, as the ancient tradition suggested.^{xxxiii} Against this consensus, Grote won the day. His arguments concern both the historical Socrates and Plato. He argued that Socrates

‘was the most constant, public, and indiscriminate of all talkers: always in some frequent place, and desiring nothing so much as a respondent with an audience. Every one who chose to hear him, might do so without payment and with the

utmost facility. Why then should any one wish to read written reports of his conversations? ... Again, as to fictitious dialogues (like the Platonic) employing the name of Sokrates as spokesman – such might doubtless be published during his lifetime by derisory dramatists for the purpose of raising a laugh, but not surely by a respectable disciple and admirer for the purpose of giving utterance to doctrines of his own. ... Still less credible is it that Plato during the lifetime of Sokrates, should have published such a dialogue as the *Phaedrus*,^{xxxiii} wherein we find ascribed to Sokrates, poetical and dithyrambic effusions utterly at variance with the real manifestations which Athenians might hear every day from Sokrates in the market-place.’ [pp. 199-200]

These arguments are based on a very one-sided view of Socrates. Grote does not take into account Aristophanes’ caricature of Socrates and his followers in the *Frogs*, a comedy staged in 405 BC, six years before the death of Socrates. In the *Frogs* Aeschylus, the great writer of tragedies, defeats another great writer of tragedies, Euripides, in the underworld, and thanks to his victory he returns to Athens to save the city. Praising Aeschylus’ sharp intellect (1482-3) and his wisdom (1490) the chorus is delighted that the return of Aeschylus liberates it from sitting around Socrates in idle talk, from throwing away *mousikê* (‘the art’) and neglecting that which is the greatest in it, the art of tragedy (1491-5). In order to realize and appreciate the profound effect that the comic song of the chorus must have had on Plato, we must consult the ancient biographic tradition concerning him: ‘When he was about to compete for the prize with a tragedy, he listened to Socrates in front of the theatre of Dionysus, and then consigned his poems to the flames’.^{xxxiv} In the light of this testimony it was undoubtedly Plato alongside Socrates against whom the chorus in the *Frogs* directed its wit, and it was in response to this that Plato wrote the *Phaedrus*, in which he wanted to demonstrate that philosophy, to which Socrates was turning his followers, was the greatest *mousikê*. Aristophanes’ *Frogs* was presented on stage to thousands of Athenians, and it was so popular and so much admired that it was produced twice in Athens.^{xxxv} Being undoubtedly distributed in manuscripts and widely read, the only proper response to it had to be in writing.

Concerning Plato, Grote derives his most important argument from Plato’s *Seventh Letter*:^{xxxvi}

‘He tells us himself, that as a young man he was exceedingly eager, like others of the same age, to meddle and distinguish himself in active politics ... Plato further tells us that when (after the final capitulation of Athens) the democracy was put down and *the government of the Thirty established, he embarked in it*

actively under the auspices of his relatives (Kritias, Charmides, & c., then in the ascendant), with the ardent hopes of youth that he should witness and promote the accomplishment of valuable reforms. Experience showed him that he was mistaken. He became disgusted with the enormities of the Thirty, especially with their treatment of Sokrates; and he then ceased to co-operate with them. Again after the year called Anarchy, the democracy was restored, and Plato's political aspirations revived along with it. He again put himself forward for public life, though with less ardent hopes. But he became dissatisfied with the march of affairs, and his relationship with the deceased Kritias was now a formidable obstacle to popularity. At length, four years after the restoration of democracy, came the trial and condemnation of Sokrates. It was that event which finally shocked and disgusted Plato, converting his previous dissatisfaction into an utter despair of obtaining any good results from existing governments. From thenceforward, he turned away from practice and threw himself into speculation ... The death of Sokrates left that venerated name open to be employed as spokesman in his dialogues ... I believe, on these grounds, that Plato did not publish any dialogues during the life of Sokrates. An interval of fifty-one years separates the death of Sokrates from that of Plato. Such an interval is more than sufficient for all the existing dialogues of Plato, without the necessity of going back to a more youthful period of his age.' [pp. 202-5]

I have italicized the words in which Grote's interpretation of the *Seventh Letter* is blatantly wrong. Firstly, Plato does not say that he embarked actively in the government of the Thirty, he says that his relatives among them immediately invited him to share in their activities as something to which he had a claim, that because of his youth he expected them to turn the city away from its bad ways and install justice, and that he therefore 'watched very closely what they would do'. Secondly, and more importantly, Plato does not refer to the trial and condemnation of Socrates as the reason for his abandoning of political aspirations; these he abandoned when he was approaching his forties, some twelve years after the death of Socrates. He says that after the death of Socrates he 'did not stop looking to see if there was any likelihood of improvement' and 'postponed action till a suitable opportunity should arise' (*SL* 325e7-326a2). Plato's dissatisfaction with the state of affairs turned '*into an utter despair of obtaining any good results from existing governments*', as Grote puts it, only some twelve years after the death of Socrates, for Plato connects his final disillusionment with politics with his conception of the ideal state. It was when he conceived of the ideal state in which the philosophers would rule or the rulers became philosophers that he finally gave up on politics in Athens: 'With these thoughts in my mind I came to Italy and Sicily on my first visit.' (*SL* 326b5-6). Plato helps us to date this event, for he says he was forty when he went on his first visit to Sicily (*SL* 324a6;

he was twenty eight when Socrates died, and so left Athens for Italy and Sicily twelve years after his death).^{xxxvii}

Grote is surprised at the assertion of Schleiermacher and Steinhart that Plato composed the *Charmides* during the reign of the Thirty [p. 201]. I am surprised that anyone can consider any other dating of the *Charmides* as possible, for at that time Critias was the leader of the Thirty and Charmides a member of the government, and had Plato written the dialogue after Socrates' death, he would have wilfully implicated Socrates in abetting Critias' and Charmides' tyrannical proclivities. For in the closing scene of the dialogue, which is set in the days of Charmides' youth, Critias admonishes Charmides: 'Don't disappoint Socrates in anything either great or small'. Charmides replies: 'You may depend on my following and not deserting him. I'd be behaving terribly if I didn't obey you, my guardian, and didn't do what you tell me.' At this point Critias says 'And I do command you to do so'. Socrates protests: 'Will you then force me, without even allowing me to examine this matter?' 'Yes,' replies Charmides, 'consider yourself forced by me, for he [i.e. Critias] commands it; and you had better consider it well.' Socrates observes: 'Once you are intent on doing something and resort to force, no man alive will be able to resist you.' Charmides replies: 'Well then, don't resist me either.' In response, Socrates concludes the dialogue with a pledge: 'I won't resist you then' (176b7-d5). Socrates' pledge of not resisting Charmides and Critias would be in total disharmony with his refusal to obey the Thirty, to which Socrates himself refers in his Defence, as Plato records it in *Apology* 32c, and of which Plato speaks again in *Seventh Letter* 324d6-325a5.^{xxxviii} Written in the days of the Thirty, the *Charmides* is an attempt to bring the Thirty and Socrates together: Plato wanted the Thirty to accept Socrates as an authority in education, so that on that basis Socrates would bow to their authority as rulers.

The *Seventh Letter* can help us date the composition of the *Charmides* to the early days of the Thirty and the *Apology* into the days of Socrates' imprisonment. Can it be instrumental in the dating of the *Crito*?

After the death of Socrates, Plato and other Socratics went into exile in Megara.^{xxxix} They stayed in the home of Euclides, one of Socrates' disciples, and undoubtedly discussed Crito's failed attempt to persuade Socrates to escape from prison. Plato

must have appreciated the ethical and political significance of Socrates' refusal to save his life by breaking the law. He powerfully enacted in the *Crito* Socrates' readiness rather to die than break the law, based as it was on the principles that Socrates had discussed and agreed on with his friends and followers, hoping that he thus could not only counteract the expected prosecution of Socrates' followers, the fear of which drove him and the other Socratics to Megara, but turn Socrates' death into an event that called for political renewal in accordance with principles advocated in the dialogue. This is why I believe that Plato wrote the *Crito* during his short stay in Megara, before returning to Athens, and that Plato's hope of a positive political transformation which he kept alive for the following ten or twelve years was kindled in him as he wrote the dialogue. A closer look at the dialogue against the background of the *Seventh Letter* will bear this out.

It is conspicuous that although a number of Socrates' friends and followers took part in preparations for Socrates' escape (45b5), Crito is the only one from Athens who is named. For Simmias and Cebes, who are also named, were from Thebes and faced no danger of being prosecuted in Athens. We may presume that the elderly Crito stayed in Athens and freely talked about Socrates' decision rather to die than violate the laws of Athens by escaping, for he speaks of his fear that people would blame him if he failed to secure Socrates' escape. This fear overrode all his concern for personal safety (*Cr.* 44b5-c5); he was prepared to lose his property and even his life rather than face that ignominy (44e2-45a3). Written in Megara, the dialogue celebrates Crito's courage and his dedication to Socrates and at the same time tests and prepares the ground for Plato's safe return to Athens.

On this dating, the *Crito* can elucidate the *Seventh Letter* and be elucidated by it in its turn. The letter is written to the friends of Dion who had appealed to Plato to join forces with them, assuring him that their political thinking and aims were the same as those of Dion. Plato begins the letter by restating Dion's political thinking and his aims – 'Dion thought that the Syracusans ought to be free and governed by the best laws' (*SL* 324b1-2) – and then goes on to explain how Dion's political views had been formed. The explanation consists in Plato's autobiographic description of the way in which he himself came to the view that only the true philosophy enables a man to see justice both in public life and in the lives of individuals, which means that the evils

that beset human affairs can be removed only if true philosophers become rulers or rulers true philosophers (*SL* 326a-b), for it was this view that he imparted to Dion (*SL* 327a/b). Plato begins by describing how in his youth he was driven by the desire to embark on a political career, and in describing the following road, which took more than twenty years, there appears to be a strange imbalance in the way Socrates' fate twice interfered with Plato's political aspirations, on which the *Crito* sheds light.

The first interference happened during the aristocratic revolution known as the reign of the Thirty:

‘they tried to send a friend of mine, the aged Socrates, whom I should scarcely scruple to describe as the most upright man of that day, with some other persons to carry off one of the citizens by force to execution, in order that, whether he wished it, or not, he might share the guilt of their conduct.’ (324d8-325a1, tr. J. Harward)

The second interference happened after the restoration of democracy:

‘once more it happened that some of those in power brought my friend Socrates ... to trial before a court of law ... condemned and executed.’ (325b5-c2, tr. J. Harward)

The imbalance lies in Plato's reaction to these two incidents. In the first case he says that he was disgusted ‘and withdrew from any connection with the evils of those days’ (325a4-5), which means that as a consequence he ceased thinking of politics as his career, for it was only after the restoration of democracy that he ‘again began to be moved by the desire to take part in public and political affairs’ (325a7-b1). We might expect that Plato reacted to the second incident similarly, especially since it had much more severe consequences, for although we may agree with Socrates that his refusal to obey the Thirty might have led to his execution, had they not been overturned soon after that (*Apology* c-d), the democrats did execute him. Such expectations may indeed be the reason why Grote's ‘improvement’ of Plato's autobiographic reminiscences remained unchallenged for so long. In fact, Plato's reaction to the second incident was very different. There is no ‘shock and disgust’ which Grote mistakenly projects into Plato's words, there cannot be, for on his last day Socrates radiated happiness (*Phaedo* 58e3) and regarded the approaching death as a very positive event (*Phaedo* 61b-c).

After describing the unjust charges raised against Socrates by the democrats, and after pointing out that in trying and executing Socrates the leaders of democrats acted particularly despicably, for when they themselves were in exile during the reign of the

Thirty, Socrates refused to take part in apprehending and imprisoning of one of their friends (*SL* 325b-c), Plato says

‘As I observed these things (*tauta*) and the men engaged in political activities, and the laws and the customs, the more I investigated them and advanced in life, the more difficult it appeared to me to exercise political authority in the right way’ (325c5-d1).

With the words ‘as I observed these things (*tauta*)’ he refers to the execution of Socrates (*apekteinan*, 325c2) as one incident among others that became a subject for his observation and investigation, side by side with his thinking of current politicians, of laws and customs. These observations progressively, as he advanced in life, led to his realization that doing politics in the right way was so difficult ‘that, although I was at first strongly driven towards engagement in politics, as I looked at these things and saw them driven in all directions, I ended up being dizzy’ (*SL* 325d6-e3). But even then he did not give up on the Athenian politics: ‘I did not stop looking whether these very things and the whole political constitution might not improve, waiting again for opportunities for political action’ (*SL* 325e3-326a2).

The question is, why after the death of Socrates Plato did not give up on Athenian politics straight away, as he did after the Thirty had interfered with Socrates, and this time for good, for the democratic regime became entrenched and went from bad to worse, as he himself says. Why did he persist for so long in looking for opportunities for his involvement within the framework of the Athenian democracy? To find the answer, we must view the two incidents described in the *Seventh Letter* in the light of the *Apology* and the *Crito*. Concerning the first incident, Socrates says in the *Apology*:

‘When the oligarchy of the Thirty was in power, they sent for me and four others into the rotunda, and bade us bring Leon the Salaminian from Salamis, as they wanted to put him to death. This was a specimen of the sort of commands which they were always giving with the view of implicating as many as possible in their crimes ... the strong arm of that oppressive power did not frighten me into doing wrong; and when we came out of rotunda the other four went to Salamis and fetched Leon, but I went quietly home. For which I might have lost my life, had not the power of the Thirty shortly afterwards come to an end.’ (*Apology* 32c4-d8, tr. B. Jowett)

Socrates’ response to the accusations brought against him at the trial by the leading democrats is on a par with his response to the oligarchs. In fact, Socrates refers to the incident with the oligarchs after recalling an incident of his opposing grave injustice in the democracy that preceded the reign of the Thirty, recalling all that as proof that no man can save his life if he genuinely fights for justice (*Apology* 31d-32a).

If Plato's account of his turning his back on politics after Socrates' confrontation with the Thirty in the *Seventh Letter* makes us expect an analogous reaction to the death of Socrates at the hands of the democrats, the *Apology* strongly enhances such expectations. What is more, when Plato wrote the *Apology*, he himself undoubtedly believed that this was the end of any attempts on his part to get involved in politics in Athens. What changed Plato's mind was the profound transformation that Socrates had undergone during his imprisonment, which came to fruition in his discussion with Crito. When the Laws in the *Crito* insist that they leave it open to every citizen to persuade them, if they do something wrongly (*Crito* 52a2-3), this has nothing to do with Socrates' own situation, for in his case the time for persuasion has gone. In this way Socrates appeals to his friends and disciples, and in particular to Plato who devoted his first dialogue, the *Phaedrus*, to the art of persuasion. When the Laws argue that if Socrates escaped from prison, he would thereby annihilate all his discussions on justice and human excellence that he had held prior to his imprisonment, they make them into their own: 'where shall we have (ποῦ ἡμῖν ἔσονται) those discussions' (*Crito* 54a1). In the *Apology* Socrates says that had he been engaged in politics he would have been destroyed a long time ago 'for no man who honestly strives to keep the state from many lawless and unjust deeds, will save his life', so that anybody who wants to truly fight for justice must abstain from politics (*Ap.* 31d-32a). In contrast, in his discussion with Crito Socrates used all his powers of persuasion to turn his genuine followers towards politics, towards the task of positively influencing life in Athens on the basis of all their previous discussions on justice and on virtue. As the *Seventh Letter* testifies, Plato responded to Socrates' call and was true to it as long as he possibly could.

ⁱ 'Philosophie, was wir so nennen, steckt im Kriton nicht.' U. v. Wilamowitz-Moellendorf, *Platon*, 2nd ed. vol. ii, Weidmannsche Buchhandlung, Berlin 1920, p. 56.

ⁱⁱ 'Ueber den Kriton ist kaum etwas zu sagen, so deutlich ist, dass er gar keine andere Absicht hat, als die Handlungsweise des Sokrates zu rechtfertigen.' Wilamowitz, *op.cit.* p. 55.

ⁱⁱⁱ J. Socher, *Ueber Platons Schriften*, Munich 1820, p. 66. See P. Friedländer, *Plato*, vol. ii, Kegan Paul, London 1964, p. 333, n. 2 on the *Crito*.

^{iv} E. Zeller, *Die Philosophie der Griechen*, Pt. ii, vol. I, 4th ed., Leipzig 1889, p. 529, n. 2. See Friedländer, *l.c.*

^v An eminent Czech interpreter and translator of Plato.

^{vi} R. E. Allen in his introductory 'Comment' on the *Apology* vindicates its historicity: 'The strongest external evidence for the accuracy of Plato's account is Isocrates' *Antidosis*. Isocrates knew Socrates and admired him, as the *Antidosis* shows. There is an ancient tradition that he was deeply grieved at Socrates' death and put on mourning for him; in the circumstances, that would be no light thing to do. There is no reason to suppose that Isocrates was not thoroughly familiar with the circumstances of the

trial: born in 436 B.C., he was at the time of the trial a grown man. The *Antidosis* was written in around 354 B.C., and it is surely no accident that Isocrates, in construing a defense of his own life and career by imagining himself as a defendant on trial for corrupting the youth and making the worse argument the better, should echo the *Apology* of Plato, and constantly so. But Isocrates surely meant to compare himself to Socrates, not to Plato's portrait of Socrates. It follows that Isocrates, who was in a position to know, must have supposed Plato's *Apology* essentially accurate to the speech which Socrates gave. There is no good evidence that the *Apology* is inaccurate. There is good evidence that the *Apology* is accurate. Therefore, as a matter of best evidence, we must accept the *Apology* as accurate.' R. E. Allen, *The Dialogues of Plato*, vol. i., Yale University Press, New Haven and London 1984, pp. 77-8.

^{vii} František Novotný, 'Úvod' k *Obraně v: Platón, Euthyfrón, Obrana Sókrata, Kritón*, ed.

OIKOYMENH, Praha, 1994, p. 38.

^{viii} František Novotný, 'Úvod' ke *Kritónu*, *op. cit.* p. 75-6.

Xenophon and Aeschines can be referred to in support of the claim that the sentiments which Plato in the *Crito* puts into the mouth of Socrates, express the sentiments with which the historical Socrates on the occasion endeavoured to imbue his friends and followers.

Xenophon in his *Cyropaedia* presents us with a picture of a teacher of an Armenian noble Tigranes in whom 'no one can fail to recognize Socrates himself' (Walter Miller, 'Introduction', Xenophon, *Cyropaedia*, The Loeb Classical Library edition, Harvard University Press, Cambridge 2001, first printed 1914, p. ix.) . The father of this noble was jealous of his son's attachment to his teacher, accused him of corrupting his son (διαφθείρειν αὐτὸν ἔφη ἐμέ) and put him to death. Tigranes says that when his teacher was about to be put to death, he told him: 'Be not angry with your father, Tigranes, for putting me to death; for he does it, not from any spirit of malice, but from ignorance (ἀγνοία), and whatever wrong men do from ignorance (ὅποσα δὲ ἀγνοία ἄνθρωποι ἐξαμαρτάνουσι), I believe they do it quite against their will (ἀκούσια ταῦτ' ἔγωγε νομίζω)' Xenophon, *Cyropaedia* III. i. 38.

Diogenes Laertius says that Idomeneus, who wrote a book about the disciples of Socrates in the third century BC, asserted 'that the arguments used by Crito, when in the prison he urges Socrates to escape, are really those of Aeschines' (εἶναι Αἰσχίνου, III. 36). There is little doubt that Aeschines, a close associate of Socrates, was among the philosophers who retired to Megara together with Plato after the death of Socrates, whereas Crito stayed at home. We may presume that at the time when Crito and Aeschines tried to persuade Socrates to escape Plato was preoccupied with the *Apology*, and with preparations for Socrates' escape and for their joint forthcoming exile. It was thus only in Megara that he could properly listen to Aeschines' account of Socrates' reasons for choosing death rather than doing anything illegal, and realize their significance. The reasons for his putting the arguments into the mouth of Crito rather than Aeschines were obvious: Crito was prepared to risk anything rather than be viewed as a man who did not do his utmost to save Socrates, his life-long friend, from death (*Cr.* 44e-45a). Idomeneus' assertion that Plato put the arguments into the mouth of Crito 'because of his enmity to Aeschines' (διὰ τὴν πρὸς τοῦτον δυσμένειαν, III. 36) merely suggests that Aeschines begrudged the fame that Plato in the dialogue bestowed on Crito instead of himself, finding it safe to do so; thanks to the *Crito* Socrates' friends and followers were in the eyes of the Athenians transformed from men undermining the laws into their champions.

^{ix} Friedländer, *op. cit.* p. 173.

^x Friedländer dismisses the relationship between the two with one sentence: 'Unique as this work [the *Crito*] seems to be, it is related to other dialogues, even if we disregard its natural affinities with the *Apology*.' (*Op. cit.* p. 173-174) He then goes on to explore the relationship between the *Crito* and the *Protagoras*, the I. book of the *Republic*, *Euthyphro*, *Hippias Major*, and the *Gorgias* (*op. cit.* p. 173-178).

^{xi} T. C. Brickhouse and N. D. Smith, *Socrates on Trial*, Clarendon Press, Oxford 1989, p. 138.

^{xii} To this can be added Xenophon who adduces young Alcibiades' questioning of Pericles on 'what a law is' as a proof that Socrates' influence on the former was positive. In answer to Alcibiades, Pericles defines laws as 'the rules approved and enacted by the majority in assembly, whereby they declare what ought and what ought not to be done', Alcibiades asks: 'Do they suppose it is right to do good or evil?' Pericles answers: 'Good, of course, young man, - not evil.' Alcibiades then asks whether the enactments of oligarchy are laws and Pericles answers that 'whatsoever the sovereign power in the State, after deliberation, enacts and directs to be done is known as a law'. Alcibiades then asks whether the enactments of a despot are to be regarded as laws, and Pericles answers 'whatever a despot as ruler enacts is also known as law'. Alcibiades then asks: 'But force and the negation of law, what is that?' (Βία δὲ καὶ ἀνομία τί ἐστίν). Pressed by Alcibiades, Pericles cannot but agree that 'whatever a despot by enactment constrains the citizens to do without persuasion is the negation of law', that the same

applies to the enactments of oligarchy, and finally that ‘everything that men constrain others to do without persuasion, whether by enactment or not, is not law, but force’. Alcibiades concludes: ‘It follows then, that whatever the assembled majority, through using its power over the owners of property, enacts without persuasion is not law, but force’. (Xenophon, *Memorabilia* I. ii. 41-5, tr. O. J. Todd in the Loeb Classical Library edition of Xenophon.)

^{xiii} This is particularly striking during Socrates’ interrogation of Meletus. For when he asks Meletus who in his view is capable of improving young men and ‘who knows this very thing, the laws’ (καὶ αὐτὸ τοῦτο οἶδε, τοὺς νόμους), Meletus answers ‘These men, the judges’ (Οὔτοι, οἱ δικασταί), but Socrates in his response refrains from calling them thus: ‘What do you say, Meletus? These men can educate the young and make them better?’ (24d6-e5).

^{xiv} I consider both these dialogues as written prior to the death of Socrates. On *Hippias Major* see Julius Tomin, *The Lost Plato*, Ch. 6, on line www.juliustomin.org.

^{xv} *The dialogues of Plato*, vol. 1, tr. B. Jowett, edited by R. M. Hare & D.A. Russell, Sphere Books Ltd, 1970, p. 86.

^{xvi} H. Tarrant, ‘Introduction to the *Crito* in: Plato, *The Last Days of Socrates*, Penguin Books Ltd., London 1993, pp. 71-2.

^{xvii} H. Thesleff, ‘Platonic Chronology’, *Phronesis* 34 (1989), p. 21, n. 76. Polycrates in his rhetorical piece mentioned the rebuilding of the walls of Athens by Conon, which took place six years after the death of Socrates (see Diog. Laert. ii. 39). Themistius, a 4th century A. D. philosopher and rhetorician, mistakenly believes that Polycrates wrote his *Accusation of Socrates* for Meletus. The mistake goes presumably back to Hermippus, a 3rd century B. C. biographer (see Diog. Laert. ii. 38).

^{xviii} The term γραψόμενος is a technical term for an indictment. Themistius has presumably in mind Plato’s *Euthyphro* where Socrates informs Euthyphro that he is standing in the Porch of King Archon because of the indictment (γραφῆν, 2a6) he faces. Euthyphro then asks ‘So it appears that someone indicted you (σε γέγραπται) with an indictment (γραφῆν, 1b1)?’ Socrates informs him that it was Meletus (2b9). Euthyphro asks ‘What indictment (τίνα γραφήν) did he indict you with (σε γέγραπται, 2b12-c1)?’ Socrates answers with an ironical praise on Meletus as an expert, who knows ‘how the young are corrupted and who are those who corrupt them’ (τίνα τρόπον οἱ νέοι διαφθείρονται καὶ τίνες οἱ διαφθείροντες αὐτούς, 2c4-5). Euthyphro then asks ‘In what does he say that you corrupt the young (διαφθεῖρουν τοὺς νέους, 3a9)?’ In the actual indictment Socrates is accused of ‘corrupting the young’ (τοὺς νέους διαφθείροντα, *Apology*. 24b9).

^{xix} Themistius, *Or.* 23, 296b,17-24: Σωκράτης ἐκείνος πρὸ μὲν τοῦ οὐκ ἐξέβαινε τοῦ Πυθίου τὴν μαρτυρίαν, ἐπεὶ δὲ αὐτὸν Λύκων τε καὶ Ἄνυτος διεβαλλέτην καὶ Μέλητος ἐφειστήκει γραψάμενος ὡς σοφιστὴν καὶ διαφθορέα τῶν νέων, τότε δὴ συνηναγκάσθη τοῖς δικασταῖς ἀναβιβάσασθαι μάρτυρα τὸν θεόν. ἀλλ’ ἐκείνοι μὲν οἱ δικασταί ὑπ’ ἀγνωμοσύνης τὸ παραυτικά ἐξηπατήθησαν καὶ ἐγοητεύτησαν ὑπὸ τοῦ λόγου ὃν ξυνέγραψε Πολυκράτης.

^{xx} There is nothing ‘curious’ about the word *diaphthoreus*; Phaedra uses it in Euripides’ *Hippolytus* 682, which was staged in 428, almost thirty years before the trial and death of Socrates.

^{xxi} Roslyn Weiss, *Socrates Dissatisfied*, An Analysis of Plato’s *Crito*, New York, Oxford, Oxford University Press, 1998, p. 3.

^{xxii} See Weiss, Ch. 8: ‘A Fool Satisfied’, *op. cit.* pp. 146-160.

^{xxiii} *Tinas* is the accusative plural of the indefinite pronoun *tis*, that is ‘any one’, ‘some one’.

^{xxiv} *Hous* is the accusative plural of the relative pronoun *hos*, that is ‘who’.

^{xxv} ‘Na mǐstě at’ jsem mrtev vykonaje pomstu na škůdci.’ Novotný, *op.cit.* p. 56. H. N. Fowler translates: ‘Straightway,’ said he, ‘may I die, after doing vengeance upon the wrongdoer.’ (In The Loeb Classical Library edition of Plato). H. Tredennick translates: ‘Let me die forthwith,’ said he, ‘when I have requited the villain.’ (In *The Collected Dialogues of Plato*, ed. E. Hamilton and H. Cairns, Princeton University Press, 1963, 7th printing 1973). M. Croiset translates: ‘que je meure sur-le-champ, pourvue que je punisse le meurtrier.’ (In Guillaum Budé ed, of Plato, Paris 1953). The nearest to the original is R. E. Allen: ‘Straightway let me die,’ he said, ‘exacting right from him who did wrong.’

^{xxvi} George Grote, *Plato and the other companions of Sokrates*, vol. i. 2nd ed., London, John Murray, 1867, p. 301.

^{xxvii} The Laws insist that ‘the fatherland ought to be soothed when angry’ (θωπεύειν πατρίδα χαλεπαίνουσαν, *Cr.* 51b3). In every other dialogue where Plato uses the word θωπεύειν, ‘to soothe’ or ‘flatter’, he uses it pejoratively. In the *Theaetetus*, where Plato presents us with Socrates on his way to the office of the King Basileus to face the charges raised against him by Meletus, he lets us know what he and Socrates think of ‘soothing’ (θωπεύσαι, 173a2) the Dikasts, that is the Members of the jury: it makes the souls of the litigants and the rhetoricians small and crooked, deprived of uprightness and freedom, it makes them slavish (173a-b). In the *Laws* Plato says that whoever delivers unjust

verdicts ‘under the influence of soothing’ (ταῖς θωπεύαις ὑπέικοντες) must be publicly disgraced (762a3-4).

To be accurate, the Laws in the *Crito* do not advocate ‘soothing’ of judges, but only that of the fatherland, and Plato in the *Protagoras* does his best to put this kind of ‘soothing’ in an acceptable light, for Socrates says there that good men, whose parents or fatherland happen to behave in an absurd way (συμβῆναι μητέρα ἢ πατέρα ἀλλόκοτον ἢ πατρίδα, *Prot.* 346a1-2), disguise their feelings (ἐπικρύπτεσθαι) and constrain themselves to praise them (καὶ ἐπαινεῖν ἀναγκάζεσθαι), pacify them, and love them (*Prot.* 346b1-5). Since in the *Crito* the ‘soothing’ of the fatherland is compared to ‘soothing’ of one’s father, J. Adam and A.M. Adam are right when they note that in writing this passage ‘Plato is probably thinking of Socrates after his trial as he depicts him in the *Crito*’. (J. Adam and A. M. Adam, *Platonis Protagoras*, Cambridge University Press, Cambridge 1971, first edition 1893, p. 181, n. 36.) But it is significant that in doing so Plato avoids using the word θωπεύειν in any of its forms.

^{xxviii} The word τιμᾶσθαι in the words of Socrates’ accuser, and generally in the context of a court trial means ‘to estimate the penalty’, but its basic meaning is ‘to estimate what is proper’, and it is this meaning in which Socrates takes it.

^{xxix} I consider the *Clitopho* to have been written before Socrates died. See Ch 9 of *The Lost Plato: ‘Plato’s shortest dialogue’, together with the ‘Interlude’: the Clitopho of Slings’, on line at www.juliustomin.org.*

^{xxx} See Isocrates, *Against the Sophist* 3-5, cf. my ‘Plato versus Isocrates: an ancient dispute on philosophy and rhetoric’, put on line as the second chapter of the second volume of *The Lost Plato*, www.juliustomin.org.

^{xxxi} Grote in his book on Plato introduced the testimony of the *Seventh Letter* with words that have lost nothing of their urgency: ‘The Platonic critics seem to regard Plato so entirely as a spiritual person (“like a blessed spirit, visiting earth for a short time,” to cite a poetical phrase applied to him by Goethe), that they disdain to take account of his relations with the material world, or with society around him.’ [Grote, p. 201].

^{xxxii} Grote knew only of two dissenting voices, those of German scholars Rose and Schoene, *op. cit.*, note on p. 196.

^{xxxiii} According to the ancient biographic tradition the *Phaedrus* was Plato’s first dialogue. I have defended the ancient dating of the *Phaedrus* in *The Lost Plato*, online at www.juliustomin.org. See especially Ch. 2 ‘A critical review of doctrinal arguments for and against the late dating of the *Phaedrus*’, Ch. 3 ‘Stylometric arguments for and against the late dating of the *Phaedrus*’, Ch. 4. ‘The dating of the *Phaedrus*, ancient sources’, and Ch. 5 ‘The Charmides and the *Phaedrus*’. See further my articles ‘Dating of the *Phaedrus* and interpretation of Plato’, *Antichthon* 22 (1988), 26-41; ‘A preliminary to the study of Plato’, *Symbolae Osloenses* 67 (1992) 80-8; ‘Plato’s first dialogue’, *Ancient Philosophy* 17 (1997), 31-45; ‘Joining the beginning to the end’, *The Republic and the Laws of Plato*, Proceedings of the first Symposium Platonicum Pragense, OIKOYMENH (1998), 201-16; ‘Plato’s disappointment with his Phaedran characters and its impact on his theory of psychology’, *The Classical Quarterly*, vol. 50, No 2, (2000).

^{xxxiv} Diog. Laert. III. 5, tr. R. D. Hicks.

^{xxxv} See Hypothesis I to Aristophanes’ *Frogs*, l. 6-7: οὕτω δὲ ἐθαυμάσθη τὸ δράμα διὰ τὴν ἐν αὐτῷ παράβασιν ὥστε καὶ ἀνεδιδάχθη, ὡς φησι Δικαίαρχος (‘The play was so admired because of its parabasis that it was staged again, as says Dicaearchus.’)

^{xxxvi} Grote mentions two more arguments: ‘1. The too early and too copious “productivity” which the received supposition would imply in Plato. 2. The improbability that the name of Sokrates would be employed in written dialogues, as spokesman, by any of his scholars during his lifetime.’ (Grote, note on p. 196.) Aristophanes’ attack on Socrates and his disciples in the *Frogs* provides an answer to both these arguments: 1. The *Frogs* were staged when Plato was in his early twenties, and Plato could not wait to get older to answer the provocation. 2. Socrates was attacked, he had to be defended.

^{xxxvii} According to Apollodorus Plato was born 427 BC (Diog. Laert. III. 2). According to the alternative date that Diogenes gives, Plato was born 429 BC (Diog. Laert. III.3), in which case he was thirty when Socrates died, and definitely abandoned his political ambitions ten years after the death of Socrates.

Because of the importance of Plato’s testimony, I quote the passage from the *Seventh Letter* to which Grote refers in its entirety, putting in italics Plato’s autobiographic remarks concerning his political aspirations in the years that followed the death of Socrates, for only thus Grote’s wrongful interpretation can be fully comprehended:

‘In my youth I went through the same experience as many other men. I fancied that if, early in life, I became my own master, I should at once embark on a political career. And I found myself confronted with the following occurrences in the public affairs of my own city. The existing constitution [that is democracy] being generally condemned, a revolution took place, and fifty one men came to the front as rulers of the revolutionary government, namely eleven in the city and ten in the Piraeus – each of these bodies being in charge of the market and municipal matters – while thirty were appointed rulers with full powers over public affairs as a whole. Some of these were relatives and acquaintances of mine, and they at once invited me to share in their doings, as something to which I had a claim. The effect on me was not surprising in the case of a young man. I considered that they would, of course, so manage the State as to bring men out of bad way of life into a good one. So I watched them very closely what they would do.

And seeing, as I did, that in quite a short time they made the former government seem by comparison something precious as gold – for among other things they tried to send a friend of mine, the aged Socrates, whom I should scarcely scruple to describe as the most upright man of that day, with some other persons to carry off one of the citizens by force to execution, in order that, whether he wished it, or not, he might share the guilt of their conduct; but he would not obey them, risking all consequences in preference to becoming a partner in their iniquitous deeds – seeing all these things and others of the same kind on a considerable scale, I disapproved of their proceedings, and withdrew from any connection with the abuses of the time.

Not long after that a revolution terminated the power of the Thirty and the form of government as it then was. And once more, though with more hesitation, I began to be moved by the desire to take part in public and political affairs. Well even in the new [democratic] government, unsettled as it was, events occurred which one would naturally view with disapproval; and it was not surprising that in a period of revolution excessive penalties were inflicted by some persons on political opponents, though those who had returned from exile [i.e. the victorious democrats] at that time showed very considerable forbearance. But once more it happened that some of those in power brought my friend Socrates, whom I have mentioned, to trial before a court of law, laying a most iniquitous charge against him and one most inappropriate in his case: for it was on a charge of impiety that some of them prosecuted and others condemned and executed the very man who would not participate in the iniquitous arrest of one of the friends of the [democratic] party then in exile, at the time when they themselves were in exile and misfortune.

As I observed these incidents and the men engaged in public affairs, the laws too and the customs, the more closely I examined them and the farther I advanced in life, the more difficult it seemed to me to handle public affairs aright. For it was not possible to be active in politics without friends and trustworthy supporters; and to find these ready to my hand was not an easy matter, since public affairs in Athens were not carried on in accordance with the manners and practices of our fathers; nor was there any ready method by which I could make new friends. The laws too, written and unwritten, were being altered for the worse, and the evil was growing with startling rapidity. The result was that, though at first I had been full of a strong impulse towards political life, as I looked at the course of affairs and saw them being swept in all directions by contending currents, my head began finally to swim; and though I did not stop looking to see if there was any likelihood of improvement in these symptoms and in the general course of public life, I postponed action till a suitable opportunity should arise. Finally, it became clear to me with regard to all existing communities, that they were one and all misgoverned. For their laws have got into a state that is almost incurable, except by some extraordinary reform with good luck to support it. And I was forced to say, when praising true philosophy, that it is by this that men are enabled to see what justice in public and private life really is. Therefore, I said, there will be no cessation of evils for the sons of men, till either those who are pursuing a right and true philosophy receive sovereign power in the States, or those in power in the States by some dispensation of providence become true philosophers.

With these thoughts in my mind I came to Italy and Sicily on my first visit.’ (324b-326b, tr. J. Harward)

In the italicized lines Plato testifies that he gave up on his desire to engage in Athenian politics only when he conceived the idea of the ideal society in which the philosophers become rulers or the rulers become philosophers, that is the idea that forms the basis of his *Republic*, which means that all the pre-*Republic* dialogues were written by him in the years during which he aspired to politics. This at the same time means that a number of his dialogues must have been written prior to the death of Socrates, as the ancient biographic tradition suggests, incompatible as they are with Plato’s endeavour to find a place in politics within the framework of Athenian democracy after Socrates’ death. These dialogues I

discuss in the first volume of *The Lost Plato*, which I have published on my website www.juliustomin.org.

^{xxxviii} More on the *Charmides* and its dating can be found in *The Lost Plato*, on line www.juliustomin.org.

^{xxxix} See Diog. Laert. ii. 106 and iii. 6. J. Burnet notes that Diogenes' statement 'that, just after the death of Socrates, Plato retired with other Socratics to Megara, the home of Euclides, rests on the authority of Hermodorus, who was a disciple of Plato and wrote a book about him.' J. Burnet 'Introduction', *Plato's Phaedo*, Clarendon Press, Oxford 1911, repr. 1977, p. ix, n. 1.