SOCRATES AND THE LAWS OF ATHENS

In Plato’s *Apology* we find Socrates in front of the Athenian jury, answering the charges of corrupting the youth and of not acknowledging the gods of the state but believing in other new divinities (24b9-c1). Socrates rejects these charges as a misrepresentation of his philosophic activities, which he is not prepared to abandon. If the jury offered him an acquittal on the condition that he would give up on philosophy, he would say

‘Men of Athens, I honour and love you; but I shall obey God rather than you, and as long as I can breathe and have the strength to practice philosophy, I shall never cease to do so.’ (29d1-5)

This sounds like a straightforward challenge to the Athenian legal system, of which the courts were an essential part: if the jury decreed that he ought to do something that contravened what he believed to be God’s command, he would disobey.

Less than a month after the trial, in the *Crito*, Socrates accepts and endorses the authority of the Laws of Athens to crown his arguments against escaping from prison.

The discrepancy between these two dialogues has been noted by many interpreters. D. A. Russell says in his introductory note on the *Crito*:

‘There is obviously much that could be discussed; but this is not a dialogue of discussion. We are left to wonder what precisely are the assumptions behind the laws’ address – the tacit contract, the doctrine that it is right to obey even a wrong decision of the courts. The *Apology* makes it difficult for an ordinary prudent man to throw in his lot with Socrates; this dialogue on the other hand is uncomfortable for the individualist.’ (1)

Everything that is ‘uncomfortable for the individualist’ is branded not only as alien to Socrates, but as standing ‘in stark opposition to the Socratic point of view’, in Roslyn Weiss’ analysis of Plato’s Crito. In her view, the speech of the Laws is created for the benefit of Crito, ‘a fool’, who is ‘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.’ (2)

Her interpretation of the *Crito* is based on Crito’s words ‘I have no answer to what you ask, Socrates. For I do not understand’ (Ouk echô, ò Sôkrates, apokrinasthai pros ho erôtaios; ou gar ennoô, 50a4-5) She believes that these words refer to all Socrates’
preceding questions, and invalidate all Crito’s previous affirmative answers to those questions:

‘He neither holds in esteem nor even comprehends Socrates’ moral commitments’ [p.4]. ‘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. ... 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.’ [pp. 82-3]

Roslyn Weiss’ interpretation of the Crito will not do. Crito’s ‘for I do not understand’ refers to the preceding ‘I have no answer to what you ask’; Crito does not understand what Socrates had in mind when he asked:

‘Leaving this place without persuading the city, do we not wrong any (poteron kakôs tinas poioumen), and that those whom we ought least to wrong (kai tauta hous hêkista dei), and do we abide by our just agreements (kai emmenomen hois hômologêsamen dikaiôs ousin) or do we abandon them?’ (49e8-50a3)

This question follows the whole preceding discussion in the course of which Socrates recapitulated the principles of justice, which he had previously many times discussed with Crito and others, and which remained unaffected by his trial and imprisonment, as he insists (46b6-7), and Crito agrees (47a6):

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’ (ou to zên peri pleistou poiêteon, alla to eu zên, 48b5-6); ‘the good, just, and honourable life (to eu kai kalôs kai dikaiôs [zhên]) is one and the same (tauton estin)’ (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).

Socrates reiterates the last point forcefully at 49c10-d9, and asks Crito whether he has abandoned this principle, or whether he still shares it so that their further deliberation can proceed on its basis. Referring to all that has been discussed and agreed upon previously, he asks: ‘If you abide by the aforesaid principles (ei d’ emmeneis tois
prosthe), listen to that, which follows’ (to meta touto akoue, 49e2-3). Crito replies emphatically: ‘I do abide by them and I share your opinion concerning them (All’ emmenô te kai sundokei moi, 49e4).’

Assured by Crito that he is fully with him, Socrates brings in a new principle, that of honouring agreements; he asks whether one ought to do things which one agrees with someone that one would do (ha an tis homologêsêi tôi), these things being just (dikaia onta), or ought one to resort to deception (poiêteon ê exapatêteon, 49e5-7)? Crito answers: ‘One ought to do them’ (Poiêteon, 49e8). Having received this answer, Socrates asks the question quoted above, to which Crito has no answer. Crito’s inability to see what Socrates aims at is understandable, for Socrates speaks as if he has in mind some persons with whom one has some agreements, who would be harmed by one’s not fulfilling them, yet at the beginning of their discussion he set aside the prospect of injuring his friends and followers by escaping from prison (44e-45a), and rejected as irrelevant Crito’s argument that by refusing to escape he would abandon his parental duties, and thus harm his children (45c8-d8). After Socrates has thus excluded from consideration not only his friends but even his own children, insisting that the only question that ultimately mattered was whether escape from prison was a just or an unjust thing to do (48c-d), whom could he possibly have in mind? Having thus kept Crito momentarily in suspense, Socrates prompts Crito ‘to look at it in this way’ (All’ hôde skopeï):

‘If we were to run away from here, or whatever you may call it, imagine that the Laws and the state would come and interrogate me.’ (50a6-8)

The ‘any’ (tînas), whom Socrates presents as the injured party, if he were to escape, are the personified Laws and the state, which are harmed if the decrees of the courts are disregarded and trampled upon by individuals (50a8-b5). Furthermore, by escaping from prison without persuading the city Socrates would violate his implicit agreement to abide by the laws of the city, to which he had bound himself by the very fact of his remaining in the city all his life (50c4-6).

Against this intervention of the Laws, Roslyn Weiss sets the words with which Socrates begins the discussion: ‘I, not only now but always, am such as to obey nothing else of what is my own than that principle (ê tôi logôi) that appears best to me upon reasoning (hos an moi logizomenôi beltistos phainêtai, 46b4-6)’ (p. 58). Yet
Socrates’ term *logos*, which Roslyn Weiss translates as ‘principle’, to which Socrates refers in this preamble, refers to the discussion that follows in its entirety, of which the Laws’ stepping in is a necessary part, being its culmination. The intervention of the Laws follows the re-emphasized principle of not harming anyone, and the newly introduced principle of binding agreements, and it is signalled by the repeated ‘that which follows’ (*to meta touto*, 49e3, 49e5), which announces a necessary sequence of thought.

Roslyn Weiss argues 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] but in her effort to bring these two works into harmony on this basis she makes an interesting oversight. 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 only apparent [p. 4-5], 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]

But on Socrates’ own account in the *Apology* Achilles is pre-eminently motivated by his concern for justice: ‘Let me die forthwith, having exercised justice against the perpetrator of injustice (*dikēn epitheis tôi adikounti*).’ (*Ap*. 28d2) It is Homer’s Achilles who is simply motivated by the imperative of avenging the death of Patrocles, without any reference to justice (cf. Homer, *Il*. XVIII, 98 and 104), not that of Socrates. Roslyn Weiss’ claim is in harmony with Jowett’s translation of the *Apology*, not with the text in the original.(3)

To prove that the speech of the Laws in the *Crito* is alien to Socrates’ moral standards and commitments, Roslyn Weiss concentrates on the passage in which the Laws insist that Socrates should obey them as their child and slave (*hēmēteros kai ekgonos kai doulo*, *Cr*. 50e3-4):

> ‘Readers of the *Crito* would do well to take their cue from the Laws’ use of the master-slave analogy and resist sentimentalizing the Laws’ conception of the relationship between city and citizen [p. 102] ... The Laws regard the citizen as their slave; Socrates will do nothing unsuitable to a free man [p. 112] ... Socrates does not use the word “slave” to characterize even his relationship to the god [p. 114, n. 70]’
This is just another oversight, for in the *Phaedo* Socrates views himself as ‘a fellow-slave (*homodoulos*) 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 his *Laws*, in which he refers to it repeatedly. In *Laws* VI he writes:

‘Everybody should realize that a man who has not served as a slave (*ho mē douleusas*) will never be a commendable master (*oud’ an despotēs genoito axios epainou*), and that one should derive a greater pride from serving well as a slave (*tōi kalōs douleusai*) ... in the first place to the laws (*prōton men tois nomois*), for this is the slave-service to the gods (*hōs tautēn tois theois ousan douleian*, 762e1-5).

In *Laws* III Plato praises the Athenian constitution under which earlier generations of the Athenians lived, those who led the victorious battles against the might of the Persian empire:

‘Under the ancient constitution Reverence was the mistress (*despotis enēn tis aidōs*) that made us live so as to serve the laws willingly as slaves (*douleuontes tois tote nomois zēn ēthelomen*, 698b5-6).

This passage is particularly relevant if we view it through the prism of the *Seventh Letter*, which indicates that Plato held hopes of becoming engaged in politics not only before the death of Socrates, but even after his death, giving it up only when ‘public affairs in our city were no longer carried on in accordance with the customs and practices of our fathers’ (*ou gar eti en tois tôn paterôn êthesin kai epītēdeumasin hē polis hêmôn diōikeito*, SL 325d3-4).

It might be argued that Plato’s views concerning the relationship between citizens and the laws may have changed radically in the course of more than forty years that separates the composition of the *Laws* from the *Crito*. This may be true, and the speech of the Laws in the *Crito* can be seen as an integral part of Socrates’ own argument against his escape from prison without reference to the *Laws*, but it is important to realize that Plato had the *Crito* in mind when he wrote the *Laws*, and that he wanted his readers to see the former in the light of the latter.

Let me refer to one more passage which shows that Plato in the *Laws* fully endorses the parent-child, master-slave analogy. Depicting the deterioration that the Athenian
constitution has undergone in his time because of the ‘overbold emphasis on some kind of freedom’ (dia dé tinos eleutherias lian apotetolmêmenês, 701b2-3), he says:

‘In the wake of this freedom comes that which consists in unwillingness to serve as slaves to the authorities (hê tou mê ethelein tois archousi douleuein), this is then followed by that which results in escaping the slavery and the admonitions (pheugein douleian kai nouthêtêsin) imposed by their father and mother and elders, and towards the end they try to escape the authority of the laws (nomôn zêtein mé hupêkoois einai) (701b5-8).

If the lovers of Plato fail to pay attention to his positive use of the terms ‘slave’ (doulos) and ‘serving as a slave’ (douleuein) in the passages in which he establishes the relationship between the citizens and the Laws, and thus ‘armed’ discard as alien to his Socrates the speech of the Laws in the Crito, they end up with a distorted picture of Plato’s thinking.

Plato’s endorsement of the Crito in the Laws is not unqualified, for in the latter we find the agreement between the citizens and the laws radically rethought. At the centre of the speech of the Laws in the former dialogue lies the tacit agreement or contract between Socrates and the Laws (hômologêto hêmin te kai soi, 50c5) that by virtue of his very staying in the city Socrates must refrain from escaping from prison. In the Laws we have an explicit agreement of the originators of the laws (homologoumen, 770c3; hèmeis sunechôrêsamen allêlois, 770c5-7) that if the constitution of the state with all its laws fails to promote virtue, the city should be destroyed (anastaton gignesthai) rather than live under the yoke of slavery imposed by men unworthy of ruling it (prin ethelein douleion hupomeinasa zugon archesthai hupo cheironôn), or those who want to pursue virtue must escape from the city (leipein phugêi tên polin) (770c-771a).

Yet even this dissonance between the Laws invoked by Socrates in the Crito and the Laws of Plato does not necessarily signify dissonance between the early and the late Plato, for we know from the Apology that Plato did not want Socrates to die: he joined Crito, or rather Crito with two other friends of Socrates joined Plato in their last minute attempt to prevent the death sentence against Socrates by offering to vouch for thirty minae as the proposed penalty (Ap. 38b6-9). Furthermore, we know from the Crito that Socrates’ escape from prison was well prepared not only by Crito, but by a number of Socrates’ closest friends and associates, of which Plato was presumably one; Crito names only Simmias and Cebe (Cr. 45b4-5), who were not endangered by
Crito’s disclosure, for they were from Thebes; these two then became Socrates’ main interlocutors on his last day, in the *Phaedo*. Finally, we know on the authority of Plato’s disciple Hermodorus that after the death of Socrates Plato with other Socratics retired to Megara, driven by the fear that all those who were associated with Socrates would be prosecuted (Diog. Laert. ii. 106, iii. 6). But if this is so, if Plato was one of those who not only wanted Socrates to escape from prison but was actively engaged in the preparation for the escape, why did he write the *Crito* in which he gave his pen into the service of the Laws of Athens to argue against it? To answer this question, we must take a closer look at the *Apology*.

Throughout his defence speech Socrates addressed the members of the jury either as ‘men of Athens’ (*ô andres Athênaioi*, e.g. 17a1, 18a7, e5, 20e4), or simply as ‘men’ (*ô andres*, e.g. 19e4, 23a5), in stark contrast to his accuser Meletus, who addressed them as ‘judges’ (*dikastai*, 26d4). In the end, addressing ‘those who voted against the sentence’ (*tois apopsêphisamenois*, 39e1), Socrates explained: ‘O my judges (*ô andres dikastai* – for you I may truly call judges’ (*humas gar dikastas kalôn orthôs an kaloiên*, 40a2-3). By attributing the title of judges only to those who voted against the verdict Socrates rejected the verdict as an unlawful act, and since the jury was selected according to the existing laws, Socrates thereby rejected a central plank of the Athenian legal system. This flagrant disrespect for the Athenian judiciary on its own would have been enough to drive Plato and Socrates’ other friends and followers into exile. Add to it Socrates’ words after the verdict, in which he prophesies to those, who sentenced him to death, that the young would examine their life even more severely than he himself had ever done (39c-d); was there anything left for his friends and followers but to flee into exile? Plato’s accentuation of these points in the *Apology* clearly indicates that he wrote the piece during the days of Socrates’ imprisonment, prior to the execution of the death sentence, preparing himself for life in exile.(4)

The impression thus left by Socrates on the members of the jury and on all those who attended the trial in the audience, as well as the impression left by Plato on all those who read the *Apology*, had to be radically modified: by personifying the Laws in the *Crito* and endowing them with Socrates’ voice, by fully endorsing their view that whoever destroys the laws appears to be corrupting the youth (53c1-3), and by
declaring his total allegiance to the Laws, Plato opened the prospect of returning to Athens from Megara without fear of prosecution both for himself and for Socrates’ other friends.

The speech of the Laws is not the only passage in the Crito that plays the role of a necessary corrective to Socrates’ Defence speech in the Apology; the dialogue is designed to do so in its entirety. In the Apology Socrates accuses Meletus of bringing against him the charge of corrupting the youth of Athens without ever giving thought to the problem of educating the young. When under the pressure of his questioning Meletus maintains that all men, those present in the court room, the Members of the City Council, and the members of the Assembly, in short, all men in Athens improve the young while Socrates is the only one who corrupts them, Socrates asks how about horses, do all men improve them, and only one person corrupts them? Is not the very opposite the case: one person is capable of improving them, or very few, the experts in the art of horsemanship, but the many (hoi polloi) corrupt them if they have to do with them and use them? Is not the same true concerning all living beings? (Apology 24c4-25b6). Socrates concludes:

‘Most assuredly it is, Meletus, whether you and Anytus say yes or no. Happy indeed would be the condition of youth if they had one corruptor only, and all the rest of the world were their benefactors.’ (Apology 25b6-c1, tr. B. Jowett)

By viewing the majority of the Athenians as the corruptors of the young, did not Socrates seriously undermine parental authority, and thus the very possibility of educating the young properly? was he not acting as a corruptor of the young?

In the Crito Socrates begins by arguing similarly: good opinions are to be regarded, bad discarded; good are the opinions of the wise men (tôn phronimôn), bad of the unwise (tôn aphronôn) (47a7-11). He asks Crito whether a man who does gymnastics attends to the opinion of any and every man (pantos andros), or one man only, the one who happens to be a doctor or a trainer. Crito answers: ‘Those of the one man only.’ (47a13-b4) Socrates then asks whether the same argument does not apply to all human activities, and in particular to those concerned with questions of just and unjust, fair and foul, good and evil (peri tôn dikaiôn kai adikôn kai aischrôn kai kalôn kai agathôn kai kakôn), which, as he emphasizes, ‘are the subjects of our present deliberation’ (peri hôn nun hê boulê hêmin estin):
‘ought we to follow the opinion of the many (tēi tôn pollôn doxēi hepesthai) and to be afraid of it, or that of the one man (ē tēi tou henos), if there is a man who has understanding (ei tis estin epaiôn)? ought we not to fear him more than all the rest of people taken together, afraid to do anything that would be shameful? and if we don’t follow him, won’t we corrupt and deform that which is made better by justice and destroyed by injustice, as we used to say? (ho tōi men dikaiōi beltion egigneto tōi de adikōi apōlluto’(5)

Socrates goes out of his way to emphasize that the present argument was discussed by him and by his friends many times before. The argument that the one man who knows ought to have the appropriate authority, ought to be the epistatēs (Crito 47b10), and ought to be followed in every sphere of human activity, but especially wherever the questions of just and unjust, fair and foul, good and evil are concerned, formed the basis of Socrates’ criticism of the negative aspects of the Athenian democracy, and it became the corner-stone of Plato’s political thought. If Plato were to return to Athens with any hope of rekindling his political ambitions, he had to find a way of making this argument palatable to the broader Athenian public. This is what he achieves in the Crito, where instead of using the argument to accentuate the negative aspects of the Athenian democracy and to present himself as an implacable critic of the Athenian state education, as he had done in the Apology, Socrtates ends up with a severe self-criticism by giving his voice to the Laws of Athens, and fully accepting their authority.

Crito was not the only friend of Socrates who attempted to persuade him that he should escape from prison. 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’ (einai Aischinou, 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 his 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’ (dia tên pros touton dusmeneian, III. 36) merely suggests that Aeschines begrudged the fame that Plato had 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 underminers of the laws into their champions.

Outlining the gap that separates Socrates of the Apology from the Laws in the Crito, Roslyn Weiss says that the latter insist that ‘the fatherland, when angry, ought to be soothed’ (dei thôpeuein patrida chalepainousan, 51b2-3), whereas Socrates in the Apology ‘makes quite clear his dissatisfaction with ... the way the judges dispense justice as a favour rather than judge according to the law’ [p.115]. Is she right when she says in the accompanying note that ‘in approving of “fawning” and then of “persuasion,”’ the Laws show themselves to favour just such behaviour with respect to an angry fatherland’? Can the Laws’ approval of ‘fawning’ and then of ‘persuasion’ be interpreted as their approval of dispensing justice as a favour rather than judging according to the law?

The approval of ‘fawning’, ‘soothing’, ‘flattering’, ‘caressing’, or whatever term we choose to render the Greek thôpeuein, in addressing the ‘angry fatherland’ is a one off in the entire Platonic corpus, and it is again in the late Laws that Plato sheds light on it, insisting that judges who deliver unjust verdicts (ean dikas adikòs dianemòsi), giving in to flattery (tais thôpeiais hupeikontes) must be publicly disgraced (oneidê pheresthòsan en pasêi têi polei, 762a2-4). This requirement concerning flattery is part of the passage in which the relationship between citizens and the laws is modelled on the analogy of the master-slave relationship, as put forth by the Laws in the Crito. We may presume therefore that Plato intends here to instruct us how to take, or rather how not to take his endorsement of thôpeuein in that earlier dialogue: taking recourse to thôpeuein in order to pervert the course of justice is out of the question.

In the Crito we can observe the recourse to ‘flattery’ recommended by the Laws within the framework of Socrates’ interaction with the personalized Laws, and judge it accordingly. The ‘flattery’ comes to the fore in Socrates’ approval of the education
that he had received (\textit{paideian en hèi kai su epaideuthês, 50d6-7}) in the care of the Athenian laws; he says that he was educated splendidly (\textit{Kalôs, 50e1}). Contrast this approval with Socrates’ contempt for the inability of the Athenians to educate their young ones expressed in the Apology, to which I have referred, and with the \textit{Clitopho}, which, like the Apology, I consider to have been written before Socrates died.(6) In the \textit{Clitopho} Socrates asks the Athenians how can they refrain from despising established education (\textit{pòs ou kataphroneite tês nun paideuseôs}), when they can themselves see that it does not help their children to properly care for the wealth they hand down to them (\textit{Cl. 407b-c}), let alone for their souls (\textit{Cl. 407e-408c}). Furthermore, the ‘flattery’ can be discerned in Socrates’ acceptance of the unequal position between himself and the Laws: ‘And if we undertake destroying you because we think it to be just (\textit{dikaion hêgoumenoi einai}), will you in return undertake destroying us as far as in you lies?’ (51a3-5).

Socrates’ taking recourse to ‘soothing’ and ‘flattery’ is needed to humour the Laws and the country so that they become open to persuasion by him as to what is truly just. The Laws insist that a citizen ‘must do what his city and his fatherland order him (\textit{poiêteon ha an keleuêi hè polis kai hè patris}), or he must persuade them what is truly just’ (\textit{ê peithein autên hèi to dikaion pephuke, 51b9-c1}). The interplay between the ‘flattery’ manifested in Socrates’ acceptance of the recriminations of the Laws as just (\textit{isòs an mou dikaiôs kathaptointo, 52a6}), and his ‘persuading’ Laws of what is just, takes place in the course of their interchange. As a result of Socrates’ ‘flattering’ acceptance of the Laws’ authority, the Laws change their initial hostile attitude to him and become concerned with the ultimate vindication of his cause. Far from persisting in their initial viewing of Socrates’ death sentence as just (\textit{Cr. 51a3-4}), the Laws argue that if Socrates escapes prison, he will be viewed as a subverter of laws and will confirm the view of the judges (\textit{kai bebaiôseis tois dikastais tên doxan}) that their verdict was just (\textit{hôste dokein orthôs tên dikên dikasai, 53b7-c1}), which clearly implies, that by not escaping he will demonstrate that their verdict was unjust. At the close of their intervention the Laws say plainly that if in obedience to them Socrates chooses death he will depart from life unjustly treated (\textit{êdikêmenos): ‘not by us, the laws (ouch huph’ hèmôn tôn nomôn), but by men (alla hup’ anthrôpôn, 54b8-c1). The substitution of the Laws’ ‘men’ in 54c1 for ‘judges’ in 53b8 is hardly accidental, considering Socrates’ insistence in the Apology that only those members of the jury
deserved to be called judges who found him innocent (Ap. 40a2-3). With the Crito Plato prepared not only the safe return to Athens for himself and all the other friends and followers of Socrates; he made it possible for the Apology to be read and appreciated by his readers as part of their ‘care for the city itself’ (epimeleisthai autês tês poleôs, Ap. 36c6-8).

Roslyn Weiss argues that Socrates’ argument against escape is complete before the Laws enter the discussion [p. 57]. To secure her claim, she maintains that when Socrates moots the principle of binding agreements, asking Crito whether he agrees that ‘one ought to do what one has agreed to someone to do’ (ha an tis homologêsêi tôi, 49e6), he does not thus prepare the forthcoming argument of the Laws concerning the tacit agreement between them and Socrates, but refers to what he had said in the Apology ‘I will abide by my penalty’ (Ap. 39b6)’ [p. 74]. In order to do so, she takes Socrates’ words out of context. For after the verdict had been pronounced, Socrates tells the jury:

‘And I depart from here condemned by you to the death sentence, my accusers depart condemned to villainy and injustice by the truth. And I abide by my penalty and they by theirs’ (kai egô te tôi timêmati emmenô kai houtoi, Ap. 39b6).

With these words Socrates does not enter into any agreement with anybody, but reflects on the situation in which the death sentence has left him and contrasts it with that in which it has left his accusers. Weiss’ reference to the Apology is nevertheless relevant to our understanding of the Crito, for Socrates in the former clearly expressed his satisfaction with the outcome of the trial, and the question is on what basis Socrates’ friends became engaged in preparations for Socrates’ escape; how could they think that Socrates would agree to their plan. What light can the Apology shine on this problem?

Having been found guilty, Socrates declared that the right reward for him as a poor man 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. When he made this proposal, he could not and did not think that it would be taken seriously by the jury (36d4-7). So why did he propose 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 in Megara, Thebes, or wherever else he would agree to go, a situation that
would allow him to devote himself fully to philosophy? And when, to justify his proposal, he declared that with his philosophic examinations he was bringing true happiness to men ([poiô humas] eudaimonas einaí, 36d9-e1), did not his friends have the right to expect, and to demand of him, that he would escape from prison and resume bringing true happiness to himself and to them in exile, which they were prepared to share with him? And when, after all this, he proposed to pay one mina as a penalty, that is as much money as he could afford, and then amended it by accepting Plato’s, Crito’s, Critoboulus’ and Apollodorus’ suggestion that he should propose thirty minae (38b3-9), did he not thereby express his desire to escape the death penalty?

In his final speech in the Apology Socrates prophesied to those, who had condemned him to death, that immediately after his death they would face a very heavy revenge:

‘You have put me to death in the belief that by doing so you would escape the examination of your life (oiomenoi men apallaxesthai tou didonai elegchon tou biou, 39c6-7), but I say to you that the very opposite will be the case. There will be more men examining you, whom hitherto I have restrained without your being aware of it. The younger they are, the more severe they will be with you, and you will be more offended at them. If you think that by killing men you stop them censuring you for your not living right, you are wrong.’ (39c6-d5)

This prophecy is generally, though tacitly, regarded by scholars as unfulfilled, for after their return to Athens from Megara, Plato and the other leading disciples of Socrates resumed their philosophic activities, which consisted of something entirely different from the elenctic investigations of their fellow citizens, which Socrates had described in his prophecy. They became teachers of virtue, which they identified with knowledge that was to bring about the attainment of true happiness. (7) But if this was the case, why did Plato insert the prophecy into the Apology? If he wrote the Apology in Athens after the death of Socrates, as is generally believed, he must have known that the prophecy would remain unfulfilled, for neither he himself nor the other followers of Socrates were going to risk their lives in this manner. This problem can be solved only if we take into account the unexpected postponement of Socrates’ execution, which offered Plato an opportunity to write the Apology, and thus begin immediately to fulfil the prophecy; note that within the framework of his prophecy Socrates speaks about himself as already dead: ‘you have killed me’ (eme apektonate, 39c6).
As for Socrates, what was the situation in which he left his friends and followers with the threat contained in his prophecy? If they did not want to be killed, what else could they do but go into exile? But this was a penalty to which he himself found the death sentence preferable:

‘I must indeed be blinded by the love of life, if I am so irrational as to expect that when you who are my own citizens, cannot endure my discourses and arguments, and have found them so grievous and odious that you will have no more of them, others are likely to endure them.’ (Ap. 37c5-d3, tr. B. Jowett)

Could he think that his followers would fare better in exile, if they remained true to philosophy as he understood it: ‘examining myself and others’ (emauton kai allous exetazontos)? In what situation did he leave them with his solemn proclamation that ‘the unexamined life is not worth living’ (ho de anexetastos bios ou biôtos anthrôpôi, Ap. 38a5-6)? He himself had managed to survive in Athens for seventy years, and in spite of all his admiration for the Laws of Sparta and Crete, to which the Laws refer in the Crito (52e5-6), he must have been aware that if any city could endure his friends’ following in his footsteps, it was the city of Athens. It was therefore his duty to do his utmost to enable them to live in Athens, and the only way to do so, which was in his power, was to transform his death from the symbol of civic defiance into an act of supreme obedience to the laws of Athens, obedience deeply rooted in and connected with the moral principles that he and his friends arrived at and agreed upon in all their previous discussions. He had not only to refuse escape, but he had to persuade his followers that refusing it was the only right thing to do, and make sure that the Athenians would see them as being thus persuaded. In this respect Socrates could count first on Crito’s relating his refusal to escape from prison, and the arguments on which he based his refusal, to as many willing listeners as possible, and secondly on Plato’s pen, with the power of which he was well acquainted.(8)

Weiss dismisses the intervention of the Laws in the Crito as a vicious and strident denunciation of Socrates [p.119]:

‘The Laws are oratorical bullies. Their declamations, their exaggerations, their disrespect for Socrates, and their ominous threats make them unfit for the pedestal upon which many of the scholars who regard the Laws as Socrates’ spokesmen seek to place them.’ [p. 133]

In fact, the Laws’ sharp criticism of Socrates is in harmony with the profound self-criticism which was an integral part of Socrates’ self-examination and his examination of others, and Plato’s readers were well prepared for viewing it as such.
In the *Phaedrus*, his first dialogue, Socrates says that he is totally preoccupied with and committed to examining ‘whether I am a more complex beast (*thêrion*) than Typho [a hundred-headed monster], or a tamer and simpler being’ (230a4-5). In the *Charmides*, Plato’s second dialogue, Critias complains about Socrates’ probing questioning and Socrates replies that if he tries his hardest to refute him (*ei hoti malista se elenchô*), he does so for his own sake (*emautou heneka*, 166d3-4).(9) The ‘vicious and strident denunciation of Socrates’ by the Laws can best be compared to the denunciations of Socrates by his own critical self in the *Hippias Major*, Plato’s third dialogue.(10) Discussing the concept of beauty with Hippias, Socrates tells him of a critic, who asked, after having heard Socrates condemning some things as contemptible and praising other things as beautiful (*ta men psegonta hôs aischra, ta d’ epainounta hôs kala*, 286c6-7): ‘How do you know which things are beautiful and contemptible? For can you tell me, what beauty is (*ti esti to kalon*, 286c8-d2)?’. Asking Hippias to help him answer and silence his importune interrogator, Socrates confesses: ‘I was angry with myself and told myself off (*emautôi te ôrgizomên kai ôneidizon*) because of my ineptitude, perplexed as I was because of my inability to answer the question properly’ (286d2-4). Each attempted answer of Hippias is then scrutinized from the point of view of Socrates’ critic, with whose views and criticisms Socrates is well acquainted, as he maintains. Each time Socrates contemplates presenting him with Hippias’ answer as his own, it results in his being rebutted ever more severely, in the end being threatened by him with a stick (292a6-7). Only at a later stage of the dialogue Socrates lets it transpire that the critic is the son of Sophroniscus (298b11), that is Socrates himself, or rather his critical self, who does not allow him to leave the notion of beauty and its opposite unexamined (*anereunêta onta*, 298c1). Constantly refuting all notions of beauty which Socrates can think of, he does not allow him to give up the search. Towards the end of the dialogue Socrates addresses himself through the mouth of his personified critical self:

‘When you are in this state (*kai hopote houtô diakeisai*, do you think that it is better for you to be alive rather than dead (*oiei soi kreitton einai zên mallon è tethnanai*)?’ (*Hip. Maj*. 304e2-3).

After the trial Socrates must have been overwhelmed with self-doubt, for in the *Phaedo* he that during his imprisonment he began to doubt whether God had commanded him to devote his life to philosophy. He became uncertain whether the command ‘make and practice art’ (*mousikên poiei kai ergazou*), which he often
received in his dream (to auto enupnion, Phd. 60e4-7), really meant that he should practice philosophy, believing it to be the highest art (hôs philosophias men ousês megistês mousikês, Phd. 61a3-4). What if the dream in fact meant that he should write poetry? And so he began to write poetry ‘putting the tales of Aesop into verse and writing a prelude to the hymn on Apollo’ (Phd. 60d1-2):

‘I thought that in case it was art in the popular sense that the dream was commanding me to make, I ought not to disobey it, but should make it; as it was safer not to go off before I’d fulfilled a sacred duty, by making verses and thus obeying the dream.’ (Phd. 61a5-b1, tr. D. Gallop).

To fully realize the significance of this admission, we must confront it with the Apology, in which Socrates repeatedly insisted that he was engaged in philosophy because God commanded him to do so (tou theou tattontos, 28e4) ‘by oracles, dreams (ex enupniôn), and in every way in which the will of divine power was ever giving orders to anyone’ (33c5-7).

The temporary withdrawal from philosophy, of which Socrates speaks in the Phaedo, sheds light on important aspects of the Crito, which have so far escaped the attention of interpreters of Plato. The discussion about the escape is not presented as something rehashed, as something attempted many times before during Socrates’ imprisonment, and attempted for the last time when the execution of Socrates’ death sentence appears to be imminent. Yet Crito evidently had tried to persuade Socrates previously that he should escape, as becomes clear from his words Sôkrates, eti kai nun emoi pithou kai sóthêti (44b5-6), which Jowett translates ‘Socrates, let me entreat you once more to take my advice and escape’. That Socrates was previously unwilling to enter into discussion on this subject is further indicated by the interplay between the present imperative ‘deliberate’ or ‘make up your mind’ as Jowett translates Crito’s bouleuou, and the perfect ‘it is time to have made up your mind’ (hora bebouleusthai):

‘Make up your mind then (alla bouleuou), or rather have your mind already made up, for the time of deliberation is over (mallon de oude bouleuesthai eti hora alla bebouleusqai), and there is only one thing to be done (mia de boulê), which must be done this very night.’ (46a4-6, tr. Jowett).

What prompted Socrates to return to philosophy? Just before waking he had a dream in which a beautiful woman dressed in white (11) called him and said: ‘The third day hence to fertile Phthia shalt thou come’ (44a10-b2) (12). These words recall Achilles’ words from Homer’s Ilias ix, 363 concerning his home-coming. The dream marks
Socrates’ return to philosophy. His first task is determined by the challenge Crito’s proposal presents him with, and he responds to it by reviewing and reaffirming the principles of justice, as discussed by him on many occasions prior to his imprisonment. To go further, to think through, what this home-coming means, will become the task to which the discussion with his friends on his last day will be devoted.

Proposing to discuss with Crito the question whether to escape from prison, Socrates insists that they should follow what would be said ‘by the one man who has understanding of just and unjust (ho epaiôn peri tôn dikaiôn kai adikôn, ho eis), and by the truth (kai autê hê alêtheia).’ (48a5-7). To whom does Socrates refer? If not to Crito, does he refer to himself? But in the Crito, as in the Apology, Socrates does not claim to be in possession of the truth, although his eyes are constantly directed towards it. Do the Laws represent the truth when they intervene in the end? Like Socrates, the Laws do not claim to be in possession of the truth, they repeatedly declare that both they themselves and the fatherland they represent are open to persuasion of ‘what is the nature of justice’ (peithein autên hêi to dikaion pephuke, 51c1, cf. 51b3, 51b7). Furthermore, the Laws end up declaring that if Socrates refuses to escape, his innocence will be vindicated, which brings Socrates’ life-long search for justice and truth sharply into focus. The step from ‘what the one man will say’ to ‘what the truth will say’ is essential, for Socrates, from the depths of his ignorance, was all along fixing his eye on the truth. But what truth is he speaking about, and how can he expect the truth to speak to him?

There is no answer to these questions on the current dating of Plato’s dialogues according to which Plato began to write his dialogues only after the death of Socrates, but it is at hand and for all to see the moment we open our eyes to the ancient tradition that Plato began to write dialogues before Socrates died, and that his first dialogue was the Phaedrus. (13) For in the Phaedrus Plato’s Socrates introduces the Forms, to which he refers simply as the truth (alêtheia, 248b6, c3-4), and among these Justice (250b1) is prominent. As if to clarify this point, Plato in the Laws says that ‘truth is the guiding principle of everything good both for gods and for men’ (alêtheia dê pantôn men agathôn theois hègeitai, pantôn de anthrôpois, 730c1-2), and that ‘the
man who partakes of the truth straight at the beginning (ex archês euthus metochos, 730c3) is to be trusted’ (pistos gar, 730c4).

In the *Phaedrus* the theory of Forms is introduced against the background of Socrates’ radical not knowing. ‘I am not yet capable of knowing myself’ he confesses at the beginning of the dialogue (229e5-6), proclaiming that all his efforts are directed towards attaining self-knowledge. It is within this effort to know himself that he spends all his days in the city: ‘trees do not want to teach me anything, but people in the city do’ (230d4-5). It is in his daily elenctic encounters with the Athenians and with visiting strangers, in their discussing justice, temperance, courage, and wisdom, that his mind is directed to truth as something he does not have but towards which he strives. In the *Crito* we find him on the same road, determined to do his best to leave his friends in the possession of the truth, of firm knowledge, to attain which he all his life has aspired to. This end he reaches on his last day, in the *Phaedo*: ‘however trustworthy you may find these first principles (tas ge hupotheseis tas prôtas, kai ei pistai humin eisin), you should re-examine them, and if you analyse them thoroughly, you will follow the course of the arguments (akolouthêsete tôi logôi) as far as is humanly possible; and when this becomes clear, you will search no further (ouden zêtêsete peraiterô, 107b9).

We know from Aristotle that unlike Socrates, Plato in his initial encounter with Socrates realized that the entities on which Socrates fixed his mind were exempt from change – that is the change to which everything in our world of senses was in his view subjected, for when he met Socrates he was a Heraclitean – and he called them Forms.(14) Socrates’ journey towards the attainment of self-knowledge, delineated by Plato in the *Phaedrus* as the road to the Truth, that is Forms, the journey which because of Socrates’ relapse into ignorance became the road to the *Phaedo*, thus can be viewed as Socrates’ road towards Plato. Yet in one respect, concerning their view of the soul, this road can be seen as Plato’s major concession to Socrates, for in the *Phaedrus* Plato viewed the soul as a self-moving agent, and as such as the source of all motion in the universe, presented in the dialogue with apodictic certainty (*Phaedrus* 245c5-246a2), whereas in the discussion on the soul on his last day Socrates presented it as being fundamentally akin to the Forms, in its true nature exempt from change (*Phaedo* 79d1-7, 80a10-b10, 84a2-b8). I speak of a ‘concession’
on Plato’s part, for in his late years, in the *Timaeus* (37b, 46d-e, 89a) and in the *Laws* (894b-895b) Plato returned to his view of the soul as the self-moving mover, but with one major difference: in the *Phaedrus* the soul is the first principle, without beginning, un-created, whereas in the *Timaeus* and the *Laws* it is created.

In the *Crito*, after almost a month spent in doubts concerning philosophy as his vocation, we find Socrates reviewing and re-affirming his position as a philosopher. The fundamental question he asks is whether, if we desert the advice of the one man who knows what is just and fine and good and their opposites, we shall not be ‘ruining and mutilating that which gets better by just actions and becomes destroyed by injustice (diaphtheroumen ekeino kai lôbêsometha ho tòi men dikaiôi beltion egigneto tòi de adikôi apólluto, 47d4-5). Or is there no such thing (èouden esti touto)?’ The question is directed at Crito, who answers ‘I do think there is’ (oimai egôge, 47d6), but through him and over his head it is by extension directed at all those followers of Socrates who were actively engaged in the preparations for Socrates’ escape from prison, at all those who sentenced him to death as well as those who voted against it, at all citizens of Athens, whose well-being Socrates served all his life to the best of his abilities, and into whose midst Plato and the other followers of Socrates intended to return from their brief refuge in Megara. In asking the question Socrates avoids using the term ‘soul’, which we might expect him to use, especially after the *Apology*, in which Socrates lays emphasis on the proper care for one’s soul as the key to the good life (29c-30b). Why does Socrates in the *Crito* avoid the term ‘soul’? By focusing his attention on the truth as the source of knowledge about justice, beauty, and goodness, Socrates in the *Crito* evoked the *Phaedrus*, and had he spoken of the soul in that context, he would have brought to the fore the Phaedran concept of the soul, which he found unacceptable. His discussion with Crito was not the place for him to put forward and properly develop his own considered view on the subject; to this theme he devoted his last day, thus crowning his whole life devoted to philosophy.

There was undoubtedly one more reason for Socrates’ avoidance of the term ‘soul’ in the *Crito*. Although the Socratic notion of the soul as the most valuable part of ourselves (tòn hêmeterôn, *Cr.* 47e8–48a1), viewed as the seat of courage, justice, moral beauty and goodness, was widely accepted in Socrates’ life-time – as such we
can find it in Herodotus’ *Histories* (15), in Pericles’ ‘Funeral Speech’, staged in 431(16), when Socrates was in his late thirties, and in Aristophanes’ *Knights* (17), staged seven year later – there were undoubtedly a number of men, if not a majority, who viewed the soul in Homeric terms as a mere ghost, deprived of true life and of power of thought. The *Crito* opens with Socrates’ narrating his dream in which he recalls the Homeric Achilles, which in the given circumstances must have recalled Achilles’ view of the underworld from within, in Homer’s *Odyssey*, where he says that he would rather be a servant tilling the earth for a poor man in the real world, than rule over all the dead in the underworld (xi. 488-491). To all men, who either do not believe in the soul or view it as an unsubstantial ghost, Socrates directs his question whether there is something in us, which is improved by our just actions, and is damaged and mutilate by our unjust actions, which, if it becomes good, makes our life good, and if it becomes bad, makes our lives miserable. With this question Socrates addresses us, most of whom believe in no such thing as the soul, focusing our attention to the point at which ethical theory meets ontology. Determined as we are as ‘beings in the world’, do our thoughts and our actions determine our well-being? If we can agree with Socrates that they do, then it is in our own self-interest to do what is just, instead of merely appearing to do so.