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Law, Philosophy, and Civil Disobedience: The Laws' Speech in Plato's *Crito*

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Plato's Crito is an examination of the tension between political science, a life devoted to the rational discourse and critique of politics, and the demands of allegiance and service to the city. The argument Socrates makes in the name of the laws is not just meant to persuade Crito. Rather, it is a philosophic defense of the city itself, the philosophic response to Socrates' own speech in the Apology defending philosophy. This speech reveals the dangers and problems of a life devoted to philosophy when reason is directed to politics and calls into question the values and way of life of the city.

Introduction

The United States has a long history of civil disobedience being, as it were, a nation founded on the overthrow of unjust laws, e.g. "no taxation without representation." There seems to be an unbroken tradition in this spirit from Henry David Thoreau's *On the Duty of Civil Disobedience* to Martin Luther King's *Letter from a Birmingham Jail* down to present day controversial figures like Noam Chomsky and the late Howard Zinn. Dr. King cites Augustine and Aquinas as well as the American Founders and Socrates to justify breaking unjust laws, thereby making it seem like this is not just an American tradition, but one that spans the history of Western political thought.¹

However this may be, it is only part of the story. The Southern clergy to whom King was responding, although not opposed to integration (some, in fact, had integrated their churches) were opposed to civil disobedience. They remarked on King's methods, "We also point out that such actions as incite to hatred and violence, however technically peaceful those actions may be, have not contributed to the resolution of our local problems."² The Southern clergy proved wrong in as much as the attention King drew to the situation did eventually result in ameliorating racial inequality and violation of civil rights. Nonetheless, the type of argument they made, that as Christians they

¹ King 1997, 209, 214-215.

² "Statement by Alabama Clergy (<http://www.stanford.edu/group/King/frequentdocs/clergy.htm>. April 12, 1963): 1."

were in support of remedying injustice, but opposed to extra-legal means that disturbed the peace and incited unlawful activity, was not unprecedented. Abraham Lincoln in his “Lyceum Address” made a similar argument that it is wrong to exhort the public to break unjust laws, because that undermines authority for all law, which is the basis of civil society. He remarked, “Although bad laws, if they exist, should be repealed as soon as possible, still while they continue in force, for the sake of example, they should be religiously observed.”³

Arguably, the most famous argument against civil disobedience in the Western tradition along these lines is Plato’s *Crito*. *Crito* attempts to persuade Socrates to flee Athens unlawfully to escape a death sentence. Instead Socrates makes an elegant defense speech in the name of the law, which shows why it is unjust to break laws even when the law itself may not be just or those who make it or enforce it just.

Socrates’ defense of the law shows that ultimately the problem of civil disobedience points to a problem or tension between political science and society itself. That is to say, the very enterprise of rational discourse and critique of politics is potentially disruptive of society in as much as such discourse and criticism uncovers failings of the current political system and implicitly, and sometimes explicitly, incites rebellion and civil, and sometimes not so civil, disobedience. This deeper theme underlying the question of civil disobedience has largely been overlooked by scholars. Yet, it is worth consideration not only by political theorists who study the history of political thought but by all political scientists who attempt to objectively examine and critique politics.

The Circumstances of Socrates’ Trial

To uncover and understand this deeper theme of the *Crito*, we must first consider the circumstances of Socrates’ conviction and the *Apology of Socrates*. Scholars both past and present generally agree that Socrates was unjustly convicted.⁴ Consequently, they have read the *Apology* as a more or less sincere, albeit subtle and sophisticated, defense of his philosophic way of life. Voegelin, for example, argues that Socrates was in no way responsible for his conviction. Rather, it was a symptom of the political decay and “rottenness of the polis”, and thereby more a condemnation of Athens than

³ Lincoln 1992, 18.

⁴ There are a few exceptions, e.g. I.F. Stone’s *The Trial of Socrates*. However, Stone’s argument, and others like it, are not supported with sound scholarship and consequently largely discounted by political theorists and scholars of Plato in general.

Socrates (1957, 8). Similar arguments were made by Friedlander (1964, 157-160), Shorey (1933, 81-83), and Grote (1865, 281-283).

However, at the same time scholars both past and present have noticed the obtuseness and hubris of the *Apology*. Grote remarks that Socrates “puts himself above the law (1865, 310)”, and in both the *Apology* and *Gorgias* Plato presents Socrates as “an isolated and eccentric individual, a dissenter, not only departing altogether from the character and purposes general among his fellow-citizens, but also certain to incur dangerous antipathy (1865, 303).” Bruell comments that Socrates “shows himself from the outset ambivalent about the desirability of acquittal, and, once he has been convicted, rather unconcerned with avoiding a sentence of death (1999, 135).”

To make sense of this “ambivalence” and “eccentricity” it is worth considering that Socrates instigated his conviction. There is evidence for this. For example, Socrates’ other student Xenophon wrote his own version of the trial, not unlike Plato’s. At the start of his *Apology of Socrates* he says explicitly that Socrates had already believed death to be preferable to life and therefore spoke “so that his boasting appeared to be very impudent (1).”⁵ Xenophon subsequently gives evidence of this “boasting (*megalegoria*)” that resulted in his condemnation (Pangle 1996, 35-38).⁶

It is not only plausible but probable that had Socrates wished to be more diplomatic, he might have refuted the charges against him, if not avoided them altogether. In fact, in the *Crito* Crito himself remarks that it was possible for the case not to have even come to trial (45e-5).⁷ Xenophon remarks, “In arguments he dealt as he wished with all who conversed with him (*Memorabilia* 1.2.14).” Socrates seems to have chosen to be convicted and have himself sentenced to death, because it was a noble way to die. It was noble because philosophy, or the philosophic life, became immortalized in

⁵ All translations from the Greek are my own.

⁶ While Plato does not directly call attention to Socrates’ impudence the way Xenophon does, he does give evidence of it (consider Grote 1865, 301-302). For example, after the jury has deliberated and found him guilty he recommends for his punishment the reward that Olympic victors receive (*Apology* 36d8-9, also consider 38a7-9). Further, there are subtle allusions to Achilles in both the *Crito* and *Apology of Socrates* whereby he tacitly compares his death with that of Achilles, implying that like Achilles he makes a conscious choice for a noble, conspicuous death (see *Apology of Socrates* 28b5-d8, *Crito* 44a8-b3).

⁷ Grote 1865, 297.

the person of Socrates.⁸ Also, he avoided the pains and inconveniences as well as possible declining mental faculties that come with very old age.⁹ Despite being Socrates' life long friend, Crito has not considered, or recognized, this possibility. Unlike Socrates, Crito is not a philosopher or at any rate does not fully subscribe to the philosophic way of life. Socrates argues in the *Phaedo* (67d3-4) that philosophy is learning how to die, i.e. it is the cultivation of a certain detachment from worldly things that make life so valuable and worth saving for Crito. From Socrates' perspective, or the perspective of philosophy, this is the problem of the *Crito*. How does Socrates deal justly with Crito? He cannot simply tell him the truth, because Crito is not interested in or perhaps even capable of understanding Socrates' *raison d'être*. To attempt to explain it could do more harm than good by undermining the basis of their life long friendship just before Socrates is about to die. The basis of that friendship is not philosophy, but gentlemanship (*kalokagathia*),¹⁰ which Socrates seems to exhibit by his continual examination of what it means to be just, good, noble, virtuous, etc., particularly in light of leading citizens of Athens and those who are reputed to be wise, the sophists.

A gentleman, for an Ancient Greek, is first and foremost one who serves the city and obeys the law. More broadly, gentlemen are citizens who are chiefly motivated by a concern for nobility, which is the reputation for service to the city and law-abidingness given by the city. There has been a considerable debate among scholars through the centuries on whether Socrates met these criteria. It is precisely this problem that lies at the heart of the *Crito*: the tension between unmitigated rational discourse and the demands of politics and the city. This tension becomes most evident when philosophy or science turns its attention to politics and critiques and thereby tacitly, and sometimes openly, calls into question the way of life of the city.

It is in this sense that the *Crito* is really the second part of the *Apology* as many scholars have suggested. It is the city's response to Socrates' speech in

⁸ Bruell argues that Socrates' defense speech in the *Apology of Socrates* is not concerned "solely" with establishing "a reputation for justice", but rather for "going beyond justice" and establishing his "nobility" (1999, 138, also see 149).

⁹ It used to be thought that death by taking hemlock would have been a painful way to die, but recent studies have shown it would have been rather painless and actually the way Plato depicts it in the *Phaedo* (Robin 2009, 7).

¹⁰ The Greek term for gentleman, *kalokagathos*, translates literally as "good and noble". It is a somewhat ironic concept, because to be noble meant to be or do good for others, whereas to be good implies being of benefit to oneself. While these traits are not mutually exclusive, it is difficult to reconcile them fully, which is reflected in the difference between Socratic and civic virtue.

the *Apology* defending the philosophic way of life as the best, a response made on behalf of the city, but that could not be made by the city. Instead, it is made by Socrates the philosopher who understands the city better than it understands itself and is thereby the only one capable of making its true defense speech. This is his famous speech of the personified Laws.

The most accepted reading of the Laws' speech championed by Richard Kraut, among others, is that the Laws' speech are Socrates' true reasons for not fleeing.¹¹ The fact that he makes the argument in the name of the Laws' is not of philosophic or dramatic significance according to this line of thinking.¹² In contrast, I will argue the Laws' speech is not Socrates' true reason, but rather an argument meant to persuade Crito and call into question Socrates' dedication to philosophy that places philosophy above allegiance to the city and civic duty.

A minority, but respected, view among scholars is that the arguments made in the Laws' speech are purely or mostly rhetorical and not of philosophic significance.¹³ Weiss' *Socrates Dissatisfied* offers the only book length examination of this reading. She argues that Socrates offers the speech of the Laws because Crito does not understand Socrates' initial arguments and that the Laws' speech is intended solely to persuade Crito and is actually antithetical to Socrates' own understanding of justice, law and obedience. While I concur that the Laws' speech is intended to persuade Crito, I disagree that it lacks philosophic significance and that it does not reflect, in part at least, Socrates' own understanding of justice.

Finally, a few commentators have explored other avenues of understanding the Laws' Speech. The most recent book length commentary, Michael Stokes' *Dialectic in Action: An Examination of Plato's Crito*, attempts to take a middle ground of sorts. Referring to the Laws' speech, he argues, "We do not know whether Socrates would accept the argument or not. We do not have to know, so long as the respondent [Crito] is at the end confuted. (2005, 198)"¹⁴ Taking into consideration, as I have argued above, that Socrates instigated his conviction, I think we can know that he, as philosopher, rejects

¹¹ *Socrates and the State* 1984.

¹² Others who argue along these lines are Woozely (1979); Allen (1980); Stephens (1985); Bostock (1990); DeFilippo (1991); Vlastos (1994); and Brickhouse and Smith (1994). Woozley, Allen, and Kraut are all book length commentaries on the *Crito*.

¹³ For examples see Grote (1865), Friedlander (1964); Anastaplo (1975); Brown (1992); Bentley (1996); Miller (1996); White (1996); Lane (1998); West (1998); Harte (1999); and Young (2006).

¹⁴ For a similar argument along these lines, see Rosano (2000). Stokes' book includes a lengthy reply to Weiss' argument.

the city's argument and prefers philosophy to the city. Nonetheless, that does not discount the merit of the argument, which Stokes does not sufficiently explore.

Steadman argues that the argument made in the Laws' speech can be accounted for by Socrates' use of an Athenian legal procedure called *graphē paranomōn* (2006, 361). Consequently, questions of to what extent the argument is rhetorical or reflect Socrates' true thoughts are to some extent moot. I do not disagree with Steadman's thesis, but I do not think it discounts the possibility of a serious philosophic argument on behalf of the city that challenges Socrates' philosophic way of life or the enterprise of political philosophy, which I will explore.

The Dialogue

The *Crito* begins with Crito having come early in the morning before sunrise to visit Socrates with the plan of persuading him to flee prison. Socrates is still asleep, but Crito does not wake him. Therefore, Crito is not hysterical or so anxious as to be irrational. His attempted jailbreak is planned and premeditated.

He marvels that Socrates sleeps so soundly despite his impending death, evidence that he is unaware that Socrates instigated his condemnation and has already resigned himself to death. Socrates awakes and says, "Why have you come at this time? Isn't it still early (43a1)?" It is too early for Crito to be visiting, because visitors were not allowed until after sunrise. The subsequent conversation must take place in the dark or at least in the shadows: Crito both literally and figuratively never really sees Socrates, i.e. understands him.¹⁵ To get into the prison at such an early hour Crito must have bribed the guard (43a6). Socrates' question to his old friend is, therefore, a question of concern. It amounts to, "Why have you felt compelled to break the law to come see me?" Underlying this question is Socrates' awareness of the deep-seated incongruity between the way Crito feels about Socrates' condemnation and Socrates' own thoughts and judgment on the affair.

The source of this incongruity subsequently begins to come to light. We learn that Crito is concerned about the opinion of the many, but Socrates is not. Crito says the many will think Socrates' friends did him a disservice by

¹⁵ To my knowledge, aside from the possible exception of the *Republic*, which definitely takes place at night, the *Crito* is the only dialogue that takes place in the dark.

not helping him escape (44b1-c5), and also that Socrates cannot help being concerned with their opinion since they have the power to harm him (44d4-5). Yet, Socrates argues that he and Crito should not regard the opinion of the many, but only of the most fair-minded (*epiekestatoi*) (44c8). The many convicted Socrates, yet only a few understood the rationale behind the argument Socrates made at his trial: his desire to martyr himself to preserve and promote philosophy as a way of life (44c6-9).

Socrates tries to persuade Crito that his death is not bad. While the many can harm his body, they cannot make him prudent or imprudent (44d8). Being a philosopher, the body and the goods connected with it are somewhat incidental to him. "But Crito is unwilling or unable to acknowledge this sort of argument, to recognize goods not connected with the body. This is due to his attachment and similarity to the many. For example, the main issue he raises, which he thinks might be preventing Socrates from accepting his assistance, is that it will cost a great deal of money to escape" (44e7-8). Crito assures him that it will not cost much money, and besides other friends will contribute to the expense (45b1-5).

Crito's attachment to bodily concerns is also indicated by the well known fact that the *Crito* is the only Platonic dialogue that does not mention the word soul (*psychē*): the good of the soul, which is philosophy for Socrates, has little importance and carries little weight with Crito. More importantly, the argument that Socrates subsequently makes on behalf of the city does not address the soul and what may be the most important thing for it, which is not obedience to the law, but philosophy.

Majority opinion is the ruling principle of Athens, since it is a democracy. Therefore, Crito's attachment to the many is symptomatic of his more fundamental attachment to the regime. It is his attachment to the regime and its community that prevents him from recognizing goods that transcend the opinion and judgment of the community. It is this that makes it impossible for him to understand the meaning of Socrates' death. Ironically, because he cannot see beyond the opinions of the many, he becomes an enemy of the community, willing to break its laws.

As the dialogue progresses it becomes clear that Socrates' attempt to make a reasonable argument showing the limitations of the opinions of the many, what they value and hold dearest and most important, is not very successful. That is to say, his attempt to make a strictly reasonable argument in his own name, an argument by a philosopher that points beyond the city to the good of the philosophic life, fails. This was probably just one final attempt of many similar ones Socrates had made in the past, given that they

were lifelong friends. Although Crito is not irrational or hysterical, nonetheless he is not sufficiently free from his passions and prejudice and his personal stake in the issue to consider the matter in a detached, philosophic way.

Therefore, Socrates turns to a different argument. He in effect co-opts the voice of the community, since Crito cannot see beyond it, and speaks on behalf of the many or the community, which becomes the basis or principle of the argument. In so doing, he identifies the many with the laws of Athens. The most authoritative opinion of the community is its laws. Since Athens is a democracy, its laws even more than other types of regimes (e.g. monarchies, oligarchies) represent the opinion of the many. In one sense the law becomes a sort of substitute for philosophy. Crito is only, or at least primarily, concerned with the opinion of the majority. Further, he is also part of that majority to the extent that, like the many who convicted Socrates, he does not understand the real meaning of Socrates' trial.

This non-philosophic majority consists of two factions. One is a group that was against Socrates. The other is a group, of which Crito is a part, which supported Socrates. Nonetheless, these two groups are still united to the extent that they are not philosophers and did not understand the most important aspect of the argument Socrates made at his trial. The law becomes a substitute for philosophy for this majority in the sense that it is a substitute for wisdom or the pursuit of wisdom. It makes these citizens just in the sense of law abiding, albeit not just as the philosopher understands it, e.g. the argument about justice Socrates makes in Plato's *Republic* (consider 430a1-b5) a dialogue in which Crito is not present.¹⁶

Thus, it seems, as several scholars have suggested, that when Socrates ceases to make an argument in his own name and begins to make an argument in the name of the laws, he is now making a rhetorical rather than a philosophic argument. He proceeds to make an argument that relies, or plays upon, passion, rather than an argument that would appeal strictly to reason. More precisely, we would expect him to make an argument that appeals particularly to Crito's passions and prejudices that have prevented him from considering a strictly reasonable argument about Socrates' death. That prejudice would be his attachment to the community of Athens and all that entails, or more generally his attachment to his own things, the

¹⁶ In the *Republic* the idea of justice as a relationship between or among citizens is ultimately supplanted by an idea of justice as the order of the soul. In a sense, a civic or political concept of justice is supplanted by a philosophic concept.

community ultimately being an extension of himself. In the sense that Crito is attached to and part of the many or community, the Laws' speech becomes paradigmatic of the type of rhetoric needed to defend the laws in the eyes of the generally law-abiding majority, at least, or especially, when they are tempted to break the law by thoughts that it is unjust.

However, this line of reasoning does not uncover the full importance and meaning of the Laws' speech. The reason why Socrates goes to such lengths to separate himself so completely from the argument he makes by making it in the name of the literally personified laws – something he does in no other dialogue – is because it is truly the city's response to his own speech in defense of the philosophic life, which he made in the *Apology*. That is to say, it is an argument that actually critiques his defense speech: a critique of the philosophic life as he led it from the standpoint of the city and politics. Albeit, it is a speech made by a philosopher, which the city qua city cannot make, because the city does not allow for philosophy in the sense of *political* philosophy, i.e. philosophy directed at critiquing and calling into question the city itself, its view of justice and *raison d'être*.¹⁷

The Laws' Speech

The Laws' speech has three parts. First, they argue that they are like parents who have nurtured and educated the citizens (50a1-52a1). Second, they argue that any citizen who stays in the city tacitly agrees to abide by the laws (52a1-53b1). Finally, they argue that if Socrates flees, he vindicates the charges against him and undermines a life dedicated to virtue and exhorting others to virtue (53a1-54c5).

The Laws begin by conflating the distinction between particular laws and law in general, arguing that disregard for a particular law is disregard for law as such (50a8-b2). This makes sense to the extent that the Laws subsequently argue that law is the basis and the condition for the goods the city provides. Without law most of the goods the citizens, of which Socrates is one, receive would not be possible. This type of argument aims at discouraging most citizens from questioning the law. Since the basis of allegiance to the law resides in habituation more so than the rational understanding and conscious choice of its good or benefit, encouraging or even allowing all citizens to indiscriminately question the law does

¹⁷ According to Cicero (*Tuscan Disputations* v.10), Socrates was the first political philosopher, or the first philosopher "to bring philosophy down from the heavens," i.e. to turn his attention away from the whole and ultimate causes of all things to the contemplation of the human good, justice, virtue, nobility, and politics in general.

potentially undermine the authority of the law as such (Plato *Laws* 729c, Aristotle *Politics* 1269a20). For those not inclined or capable of grasping a concept of justice that transcends the law in some respects, which entails much more than just recognizing a particular injustice or misapplication of the law, this is a just argument: it is an argument that safeguards the integrity of the rule of law.¹⁸

However, on a deeper level, the argument is problematic. First, to argue that law is a condition necessary for the goods of the city is not to prove that it is directly responsible for any particular good, to say nothing of the highest good. For example, the Laws say that they are responsible for Socrates' begetting and nurture due to laws about education and marriage (50d2-3). Yet these laws only define the conditions under which procreation and education occur. It is still individual citizens, in this case Socrates' mother and father, who are ultimately responsible for his begetting and education. Further, it is not necessarily true that disobeying a particular law means one would lose respect for all law. In fact, since laws cannot take into account particulars, it may be necessary to disobey a particular law in a particular circumstance in the service of justice or the spirit or intent of the law (*Statesmen* 297a2-8). This, of course, would require a degree of discretion arguably best not left to everyone, but only a thoughtful, educated few (*Laws* 951d). Thus, in a certain sense the laws tacitly suppress extra-legal reasoning, as is seen in our own legal system based on precedent. One argues from within the law itself, as though it were not even possible that the law could be unjust. It implies that there is no justice outside the law and thereby discourages citizens from even raising the question of the justice of the law.

The Laws then proceed to argue that they are like parents whom one must obey irrespective of whether they act rightly or not. This recalls the final part of the argument that Crito himself made for Socrates fleeing in the first part of the dialogue. Crito made a speech and gave three reasons why Socrates should flee. The Laws' speech is, in part, a sort of reflection by way of response to Crito's speech: each being composed of three arguments. First, Crito argued that Socrates is betraying himself, i.e. that he is not making as

¹⁸ It is easy to take such a thing for granted in the United States, which has a long history and tradition of rule of law. Consequently, it is difficult to even speak of tyranny in a positive light in English, which is not the case in Ancient Greek (e.g. *Oedipus Tyrannus*) or most other languages (Anastaplo 1989, 1-2). Tyranny, more precisely, rule by force, is arguably more common than rule by law, a fact Aristotle seems to recognize by devoting so much attention to tyranny in his *Politics* (e.g. 3.14-18, 4.10, 5.10-11). That is to say, since many regimes will be tyrannies – and all regimes will have certain tyrannical elements – it is necessary to speak of how they can be mitigated in the direction of good regimes and the rule of law.

serious an effort to escape as he could. Second, Crito argued that in allowing himself to be killed he gives in to his enemies. Finally, Crito charged Socrates with neglecting and abandoning his children and family (45c8-d1).

As mentioned, Crito's similarity to the many is reflected in his concern with bodily goods, one of which – if not the principal one – is one's family. Thus, Socrates has turned this prejudice around. Instead of supporting an argument why Socrates should flee, it now supports his staying by making obligation to the law an extension of the family: Socrates makes the laws an extension of familial piety. This is the only place in the dialogue that the holy (*hagios*) is mentioned.¹⁹ This sort of argument appeals to a sort of visceral prejudice that most people have for protecting and preserving their families, which can be used to the city's benefit.

The problem is that while protecting the integrity of the law, and thereby also the family, it excludes one from goods that transcend family life. We know from Xenophon that Socrates was not a model family man. Even though married, Xenophon goes so far as to list him among bachelors (*Symposium* Ch9.7), so little time did he spend at home. He spent more time with the promising young men of other families than he did with his own son. Thus, there seems to be a tension between the life devoted to one's family and the contemplative life. To the extent that the laws are designed to preserve families through education and marriage, and thereby the city, they must be in some sense deficient for the philosopher, if not at odds with the philosophic life.

In the second part of the Laws' speech they begin by arguing that Socrates received the good things he has, principally for him education, through the laws and thus he owes them respect and gratitude. In one sense this is true. Aristotle, for example, notes the importance of education for preserving regimes (*Politics* 1337a10-20). It is necessary that citizens more or less think and believe alike (*Nicomachean Ethics* 1167a1-10). Without common or public education, there can be little sense of a common good and therefore no city as the ancient Greeks understood it (*Politics* 1280b5-10, 25-30). Most citizens, the majority, must confine their education to what the city teaches. Foreign teachings may be subversive and undermine the laws and customs (*nomoi*) of the city. Hence, the suspicion against sophists that Athenian citizens like Anytus – who was one of Socrates' accusers – held and their outright prohibition in cities like Sparta (consider Plato *Meno* 91c, *Greater*

¹⁹ Arguably, one needs to invoke the holy when reason or other types of rational arguments are insufficient, i.e. recourse to a principle that is ultimately beyond question: religious faith

Hippias 283d-e). Socrates in the *Apology* addresses the tacit charge that he was a sophist (19d8-20a5).

However, Socrates, obviously being a philosopher, cannot have been wholly educated by Athens. Otherwise, why are not all the other citizens philosophers or as wise as Socrates? More precisely, why are the other citizens not as aware of their ignorance about the most important things as Socrates (Plato *Apology* 22e1-23b3)? In fact, it is this aspect of philosophy that indicates the problem for, not to say danger to, the city: the bulk of the citizens cannot be made aware of their ignorance about the most important things, justice in particular, lest it undermine respect for its laws and customs. Political philosophy, more generally the rational critique of politics, is potentially, if not inherently, subversive. The laws and customs (*nomoi*) of the city are vouchsafed by knowledge of the highest things, the sacred and the gods. All laws are holy laws to some extent in the ancient city.²⁰ At any rate, apparently Socrates has learned certain things the laws did not teach him.²¹ It is these things that distinguish him from the many and make the philosophic life possible.

Then the laws argue that Socrates has tacitly agreed to abide by the laws by the fact that he has never left the city or shown much interest in wanting to be anywhere else besides Athens, which is the central and smallest section of the Laws' speech. They claim that had he wished, he was free to go live somewhere else. At first, this argument seems problematic and somewhat unjustified. West remarks, "There are many reasons why a man might choose to remain in a city with bad laws...Although he [Alexander Solzhenitsyn] hated the Soviet regime, he refused to emigrate voluntarily because he could not take with him the land, the buildings, or the old pre-Revolutionary Russian traditions, not to mention his fellow Russians. 'One's own things' are never completely portable (1984, 27)."

However, Solzhenitsyn was not a Socratic philosopher. The philosopher is not attached to particular things and people the way others are. As Socrates says in the *Theaetetus*, "In truth only his body is in the city and resides there, but his thought, convinced that these things are small and nothing, dishonors them in every way and flies...exploring everywhere every nature of each whole of the things which are and letting itself down to

²⁰ This is arguably true to some extent even in the United States. The *Declaration of Independence* states, "We are endowed by our Creator with certain inalienable rights..." We believe these rights are just, because they were given to us by a Creator. We must first believe in the Creator (i.e. that there is a Creator) before we believe we have rights and that they are just.

²¹ Strauss 1983, 61

not one of the things nearby (173e).” Further, as noted, Socrates was not a typical family man. He apparently had no trouble leaving his family in the sense that he chose death. In the *Phaedo* he sheds no tears for, nor even mentions that he will miss, his family or even his friends.

However, does this mean Socrates is really independent of the city (consider Aristotle *Politics* 1253a26-28)? He does have a certain independence that others do not in the sense of not being attached to particular family and friends. Yet, in another way he is radically dependent upon the city, perhaps even more dependent than others and that he himself realizes.²² Without Athens there is no Socrates, not as we have come to know him at any rate. Philosophy as Socrates lived it is the examination of the opinions (*logoi*) of others, which takes place through conversation. Without a city like Athens, which produced talented young men like Plato and Alcibiades, and allowed free discourse with them and sophists, Socrates could not have lived the life he did. Without cities, there is no philosophy, at least not Socratic philosophy.

Thus, even given the opportunity to move to cities with more just laws, which make better or more virtuous citizens, e.g. Crete or Sparta, Socrates would not have wanted to live there. He chose to live in Athens, which is more liberal, i.e. allows a greater choice and range of ways of life. Yet, he knows that given the freedom to choose, most citizens will not choose to be virtuous. Consequently, liberal Athens is not necessarily the most just Greek city, at least to the extent that justice entails virtue. Aristotle argues that Sparta, not Athens was the most well-ordered or just Greek city (*Politics* Bk2.9).

This brings to light the full tension between the philosophic life as Socrates led it, the life devoted to reason and rational discourse, and the demands of the political community, which is the ultimate teaching of the Laws’ speech. Since the philosopher chooses to live in a city that he knows has inferior laws with respect to justice and civic virtue, and he is not attached to the city as such, but only as providing conditions conducive to the contemplative life, what incentive does he have for being a good citizen and contributing to the common good? The city will justifiably view such individuals with suspicion. More precisely, the city will view them as individuals not as citizens. Individual in ancient Greek (*idiōtē*, from which we get the English word *idiot*) literally means one who stands apart from or outside of the city.

²² Cf. Lutz 1998, 70-81.

Further, the Laws even say that Socrates must persuade them if they do something ignoble (51e9). He has a duty as a citizen to try to improve the laws and customs (*nomoi*) if he thinks they are deficient. In a democracy especially the laws have opened a path to their own improvement. Yet, his private interest as a philosopher, which he considers a greater and more important good than his duty as a citizen, which he says explicitly in the *Apology* 29d2-5, conflicts with this duty. That is to say, as a philosopher he will not try to improve the laws even if he can to the extent that the improvement may inhibit his philosophizing (consider *Apology* 32e2-33a1).

This conflict is brought tacitly, but fully, to light in the discussion of the cycle of regimes by Socrates in book eight of the *Republic*. Therein, the philosophic life only appears in two of the regimes mentioned: the best regime (*kallipolis*) and democracy. Yet, Socrates argues that democracy is the second worst type of regime because of the tension and conflict between freedom and virtue (557c-564a). Socrates concludes this argument with the remark, "Too much freedom seems to change into nothing but too much slavery, both for the individual (*idiōtēs*) and the community (*polis*) (564a2-3)."²³ Nonetheless, since the *kallipolis* only exists in speech, the philosopher will choose to live in a democracy despite the harm he sees it do to most of the citizens who cannot become philosophers. He is not inclined to encourage change to a regime that promotes virtue to the extent that such a change will impede philosophy as all such regimes do to a certain extent (i.e. to the extent that they take away freedom) except the *kallipolis*.

If philosophy as a way of life is truly the most just way of life, then this indifference toward the city is perhaps justified. But, is it? Socrates himself raises the question at the outset of the dialogue as to whether there is an expert of the just and unjust as there is for medicine and the other arts (47d1). Crito seems to take it for granted that there is, but it is nowhere demonstrated in the dialogue. In the *Republic* Socrates admits that he does not know what justice is, and was hasty in proceeding to defend it without first investigating it (*Republic* 354c1-2, compare *Crito* 506e2-8). In light of his ignorance, on what grounds can the philosopher neglect or disobey the laws, especially if they have, or at any rate claim, divine support (54c2-6, compare *Minos* 318e-320d, *Laws* 716c, 717a, 727b, 728b)?²⁴

²³ This seems to be the cadre of Socrates' critique of democracy in book eight of the *Republic*: the problem with making freedom the main principle of a regime is that it turns citizens into individuals.

²⁴ Cf. Strauss 1983, 64.

The final section of the Laws' speech argues that Socrates' fleeing would undermine the life he has led and prove that he does not really care about virtue and justice as he had claimed throughout much of his life (consider *Cleitophon* 407b-e). Again, Socrates has turned Crito's own argument around. Just as he turned the argument about abandoning his family around by making the laws an extension of familial piety, he now makes death the criterion for judging his dedication to virtue, as opposed to fleeing to prevent his enemies from having their way, as Crito had counseled. Posterity has vindicated this argument. By dying Socrates became a more influential model for virtue than he was while alive through the writings of students like Plato and Xenophon. Albeit, in so doing he dramatically redefined what it meant to be virtuous, i.e. ennobled the idea of the philosopher. In fact, he seemed to anticipate this sort of posthumous fame with his tacit comparisons of his own death to that of Achilles. Although Crito did not understand that Socrates was martyring himself to ennoble philosophy, posterity has understood.

Conclusion

At the heart of the *Crito* lies the tension between political science, a life devoted to the rational discourse and critique of politics as Socrates led it, and the demands of allegiance and service to the city. To understand the *Crito* we must consider that Socrates instigated his conviction. This was due to his desire to martyr himself to persevere and promote philosophy as a way of life, the life devoted to continual questioning and examination of the most important human concerns, chiefly the nature of justice and politics. Because Crito does not understand this, he is compelled to try to help Socrates escape. His failure to understand the real meaning of Socrates' trial is ultimately the result of his attachment to, and hidden partisanship with, the many who convicted Socrates. The *Crito* reveals that Crito is attached to bodily goods just like the many who convicted Socrates.

Crito's attachment to goods of the body is evidence of his attachment to the political community. Consequently, Socrates ceases to try and make a dialectical argument, an argument in his own name on his own behalf as a philosopher, and turns to a seemingly rhetorical argument that appeals to Crito's prejudice. He co-opts Crito's attachment to the many by making an argument in name of the Law, the laws being the authoritative opinion of the many: the Laws' speech. While it is not clear that this argument entirely convinces Crito that Socrates' death is just, it does at least silence Crito's objections and exhortations for Socrates to flee: it returns Crito to a state of law-abidingness and reconciles him with the city.

Careful consideration of the Laws' argument reveals that the speech is not just meant to persuade Crito. Ultimately, it is the philosophic defense of the city itself, or the philosophic response to Socrates' own speech in the *Apology* defending the philosophic life as the best. This speech reveals that there are potential dangers and problems to the city for those who lead a life devoted to reason, particularly as Socrates led it, i.e. as a political philosopher who examines and calls into question the way of life of the city, its laws, customs, and beliefs. As such, it is an important part of the history of Western political thought worthy of consideration not just by anyone contemplating civil disobedience but by all those whose profession rationally critiques politics.

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