

Why Socrates' legs didn't run off to Megara: Moral deliberation in Plato's Crito

In giving us a detailed picture of how Socrates deliberates and decides what to do, the *Crito* provides us with a unique and valuable case study of Socratic agency. It offers us a less traditional angle from which to study Socratic ethics, looking not at what Socrates *says* about virtue and ethics, but at how he decides what to do.¹ Importantly, the *Crito* shows us how Socrates decides what to do without relying on definitional knowledge of justice, the kind of knowledge which he elsewhere seems to present as a requirement for knowing what actions are just (*Meno* 71a5-b7, *Euthyphro* 4a11-b2). I will argue that the *Crito* gives us Socrates' own reasons for why he should stay in prison and that even the arguments presented in Socrates' dialogue with the personified 'Laws of Athens' are arguments that Socrates endorses and relies upon when making his decision to remain in prison.² This goes against a now common line of interpretation advocated by Melissa Lane 1998, Roslyn Weiss 2001 and Verity Harte 2005, according to which the Laws' arguments are opposed to or out of tune with those of Socrates and ones which neither Socrates nor Plato endorses.³

I am not alone in taking the *Crito* to reflect Socrates' commitments.⁴ But my reading differs from other readings by taking the *Crito* to present an argument specifically tailored to and applicable to Socrates rather than a general theory about legal authority or the legitimacy of civil disobedience.⁵ Rather than advocating blind obedience to every court verdict, the Laws offer an argument that is sufficient to resolve Socrates' specific dilemma, without, however, providing necessary and sufficient conditions for resolving every dilemma of political disobedience. Indeed, in the absence of definitional knowledge of justice, we should not expect Socrates to be able to offer us any such thing.

This helps make the Laws' arguments more plausible since they are not arguing that undermining the rule of Law can never be justified, and it offers us a ready way to dissolve the apparent contradiction between Socrates' positions in the *Apology* and in the *Crito* since several features of Socrates' envisaged disobedience in the *Apology* are absent in the case under discussion in the *Crito*. Finally, I show how the arguments of the Laws are not detached from the rest of Socrates' arguments, but rather address a serious gap in Socrates' response prior to their entry. Socrates' discussion with Crito prior to the entry of the Laws left a crucial question unresolved, namely the question why breaking the agreement Socrates has with the laws and state of Athens would be unjust. I argue that the discussion with the Laws answers just this question, so that throughout the *Crito*, Socrates develops only one answer in response to Crito's challenge.

¹ In contrast with some earlier scholarship (e.g. Woozley 1971 and Allen 1980), I make no claims about the position of the historical Socrates and refer merely to the character in Plato's dialogues.

² I will use 'the Laws' to refer to 'the laws and the commonwealth' (οἱ νόμοι καὶ τὸ κοινὸν τῆς πόλεως) who enter the discussion in 50a7-8.

³ Forerunners of this view include Rosen 1973, Congleton 1974, Young 1974, Calvert 1987, 21-24. Recent proponents include Diduch 2014 and Lott 2015. See Brickhouse and Smith 2005, 172n4 and Weiss 2001, 5 for more comprehensive lists.

⁴ Indeed, historically, this has been the majority view (see Harte 2005, 229 and 252n1 and Weiss 2001, 5). Prominent and recent proponents include Kraut 1984 and Brickhouse and Smith 2006. See Weiss 2001, 3n6 for further references.

⁵ In particular, the *Crito* has been taken to present a general theory about legal obligations, with the question of whether it allows any violation of the law having received particularly much attention (see e.g. Woozley 1971, Panagiotou 1987, Irwin 1977, Bostock 2005).

1. *Setting the stage: Preliminary arguments and principles*

Before the entry of the Laws, Socrates gives us three practical principles that will guide his deliberation. At 46b1, as Crito has just finished his cascade of arguments for why Socrates should flee prison, Socrates tells us that he will, as always, follow only the argument (λόγος) that seems best to him upon rational consideration (λογιζόμενος). Let us call this ‘the *logos* principle’. Socrates then goes on, in 49a4-50a5, to offer two further deliberative principles; first the principle that one ought never to do ill (κακῶς ποιεῖν) or commit injustices (ἀδικεῖν) willingly (ἐκόν), not even in return for wrongs suffered; and second, the principle that one should honour one’s agreements provided this is just (τῷ δίκαια ὄντα). I will call the first of these ‘the justice principle’ and the second ‘the principle from agreements’.

Readers of the *Crito* differ both in how they interpret these principles and how they take them to be related. Discussion has centred in particular on 1) whether Socrates rules out all retaliation or allows that some retaliations are not themselves unjust; 2) what the proviso ‘τῷ δίκαια ὄντα’ means (49e6-7) and so when, if ever, breaking agreements can be sanctioned, and 3) how the three principles are related. Contrary to e.g. Woozley 1971 and Bostock 2005, who both take the principle from agreements and the justice principle to introduce two separate arguments, I will argue that the three principles are all used in the same overall argument and that it makes sense to see them as operating at different levels of generality. To see how, it is worth turning first to look at Crito’s arguments.

Proceeding mindlessly: where Crito failed

At the beginning of the dialogue, Crito makes a whole cascade of arguments for why Socrates should flee prison. They can be summarised as follows:

- a) By remaining, Socrates would be harming Crito – and presumably his other friends as well – by depriving them of a valuable and irreplaceable friendship (44b7-9).⁶
- b) By remaining, Socrates would be landing both his friends and himself with a bad reputation (44b9-c5, 45d9-46a4).
- c) By remaining, Socrates would be treating himself as his own enemy, giving up his life when he could save it, just as his enemies would have wanted (45c6-9).⁷
- d) By remaining, Socrates would be abandoning his own children, failing in his duties as a father (45c8-d4).

⁶ ‘Crito: But, dear Socrates, let me yet now persuade you to save yourself. Since, if you die, I will not merely suffer *one* misfortune, but shall be deprived of such a friend, the like of which I will never find again (...)’ (44b6-9). Translations are my own unless otherwise stated.

⁷ ‘Crito: ... Besides, Socrates, I do not think that what you are doing is just, to give up your life when you can save it, and to hasten your fate as your enemies would hasten it, and indeed have hastened it in their wish to destroy you’ (45c6-9, trans. Grube.) Crito’s argument here is interesting but it is unclear how exactly we should interpret it, e.g. whether what is seen as problematic is not saving one’s own life, helping one’s enemies or treating oneself as one’s own enemy. I find the latter the philosophically more interesting option, and it is worth noting that Crito’s emphasis is on how Socrates would be *treating himself*. Some, like Miller 1996, 123 and Weiss 2001, 45, 72 take Crito’s claim here as a sign that he sees justice as helping one’s friends and harming one’s enemies, but I do not think this is necessary. Weiss certainly seems to read too much into these lines when she uses them to attribute the following rules to Crito: ‘(1) to help one’s enemies advance their cause is in no way good and noble; (2) to help one’s enemies is in every way bad and shameful; (3) one must in no way help one’s enemies intentionally’ (Weiss 2001, 72). However, since I will not return to this part of Crito’s argument in what follows, I am happy to allow for alternative interpretations.

The argument Socrates addresses most explicitly is argument b), which has two components. First, Crito argues that Socrates ought to escape on pains of landing his friends and himself a bad reputation. Second, he argues that we have good reason to care about our reputation (i.e. what the many think about us) because the many have the power to harm us:

Crito: But you see that it is necessary, Socrates, to care for the opinion of the many as well. For as our present situation itself makes clear, the many can do not the smallest but pretty much (σχεδόν) the greatest harm, if one is slandered among them. (44d1-5)

Socrates responds to this argument by arguing that, as they have maintained in previous arguments, they should listen to the ‘expert on justice and injustice, and truth herself’ (48a6-7) rather than the many. They agree that just as the body will be ruined if one acts on the advice of the many rather than the experts on health, the soul will be ruined if one acts on the advice of the many rather than truth or the expert on justice. With this argument from analogy, Socrates disarms the argument that they should care about their reputation; after all, a reputation is nothing more than the opinion of the many. But note that Socrates has also disarmed Crito’s claim that they should care about the opinion of the many at least *so as to avoid being killed*, i.e. when their lives are at stake (44d1-5). For if one’s soul is *ruined* by injustice, and it is not worth living with a ruined soul, it surely does not make sense to commit an injustice merely in order to stay alive.

This part of Socrates’ answer directly motivates and leads to his later introduction of the justice principle. Socrates’ argument does not, however, imply that one should never care about one’s reputation or one’s own survival. His claim is merely that one should not value reputation and survival above being just (since being unjust renders survival worthless), and this is fully compatible with thinking that sometimes something is the right thing to do *simply because it helps keep you alive*. Indeed, in the *Apology* 31c4-32a3 Socrates says he believes the divine sign held him back from public politics on the basis that, if Socrates had entered it, he would probably have been killed long ago and thus been unable to benefit the city: ‘For someone who really fights for justice, it is necessary to lead a private and not a public life, if he is to survive even for a short time’ (32a1-3). The divine sign paid attention to the opinion of the many here exactly because getting on the wrong side of them would likely have led to Socrates’ death. In some cases, then, and perhaps even with the vexed proviso ‘all things being equal’, the question of whether a course of action will cut short one’s life is a legitimate thing to consider when deciding what it is right, or just, to do.

Thus, I propose that we take Socrates’ answer to Crito to be that although one should never value one’s reputation or life *above* justice, considering the consequences for one’s reputation or chances of survival can sometimes help us determine what the right, or just, thing to do is. And this interpretation finds support, I think, in Socrates’ overall response to Crito’s cascade of arguments. He rebukes Crito as follows:

These reflections (σκέψεις) you mention, about spending money and reputation and bringing up children, these are in truth, Crito, the considerations (σκέμματα) of those who put people to death lightly (ῥαδίως) and would restore them to life again, if they could, without any sense (οὐδενὶ ζῆν νῶ), namely the many. (48c2-6)

What is wrong with those who lightly put men to death and then change their minds, ‘without any sense’? Socrates’ statement is flanked on both sides by commands that they must consider only whether escaping would be just or unjust (48b10-c2; 48c6-d6). This could

easily lead to the assumption that Socrates reproaches Crito and the multitude simply for caring, or caring too much, about money, reputation and the upbringing of their sons, or for caring more about these things than about doing what is just.⁸

Such a reproach would certainly be in Socrates' spirit. But it fit less well with its being intended as a criticism of Crito since Crito, throughout the passage, has displayed a great preoccupation with doing – and with having Socrates do – what is virtuous and just.⁹ In 45c6 he explicitly frames his argument as one about what it will be just to do and his claims about what it will be right or wrong for Socrates to do in 45d6-8 and 46a3-4 bring this out even further. Crito also makes it clear that although he takes death to be 'pretty much (σχεδόν) the greatest harm' (44d4), he also values virtue very highly: he rightly takes cowardice to be shameful (45e2) and says that being thought to value money higher than one's friends would be the worst kind of reputation (44c2-3). Most crucially, at 44e2-45a3, Crito displays a willingness to take 'even greater risks' than losing all his belongings and suffering other punishments provided he does what he thinks is just, namely save Socrates.

Thus, it would seem misguided to criticise Crito for caring *more* about money and reputation than for justice. Moreover, it is not clear that caring too much about the wrong things would translate into making choices lightly or being prone to changing one's mind, and it is these latter features Socrates emphasises. If we look again at Socrates' rebuke in 48c2-6, we see that what he reproaches Crito and the multitude for is being (or being like) those who put men to death *rhadiōs* – lightly, readily or easily – and who would restore them to life again, if they could, without sense (οὐδενὶ ζῆν νῶ, 48c4-6).¹⁰ Socrates here puts a spotlight on Crito's attitude towards making his choice: he's making it lightly and without sufficient thought. According to this interpretation, what Crito is criticised for is not that he cares about money, reputation or the upbringing of Socrates' children as such, but rather that he has not carried out his consideration *thoroughly* enough.¹¹

This conclusion would not seem unreasonable or out of line with Socrates' commitments elsewhere. Though one should never care *more* for these things than for justice, and though he rarely advocates caring for money, we have already seen an example where caring for one's continued life seemed legitimate, and the Platonic corpus repeatedly stresses

⁸ In this vein, Weiss 2001, 44-45 takes the reproach to be that Crito cares too much about the wrong things.

⁹ Harte 2005 recognises this and argues that Crito, Socrates and the Laws specify justice differently because they operate with different value systems.

¹⁰ The phrase 'ζῆν νῶ' also occurs in *Republic X*, when it is made clear that even those choosing their lives the last in the myth of Er, would have a chance of a good enough life as long as they chose ζῆν νῶ (619b3), and in Aristophanes' *Clouds* 579-580, where the leader of the chorus says: 'ἦν γὰρ ἢ τις ἔξοδος μηδενὶ ζῆν νῶ, τότε ἢ βροντῶμεν ἢ ψακάζομεν.' Although the contrast could be between someone making a choice based on knowledge and someone who chooses ignorantly, it seems to me more likely that to choose ζῆν νῶ is to choose carefully, thoughtfully, wisely or sensibly. Indeed, *Republic X* 618b7-619b1 actually describes how one should choose, emphasising the importance of considering each soul in its particularity, looking at all the different factors that might contribute and act together to influence different souls differently, and doing so without being dazzled by prospects of wealth or other evils. We find this attention to the particular as well as similar demands not to be blinded by fear or flattery also in the *Crito*. I thank Elena Cagnoli for making me look more closely at this phrase.

¹¹ In line with this, Lane 1998, 317 notes, when analysing Crito's initial address to Socrates, that 'Crito wishes to get the benefit of deliberation — decision — without its rigours.' My interpretation here differs from Penner 1997, 153-155 who argues that Socrates blames the many for intentionally wanting to cause harm but causing random results due to a lack of knowledge. Again, this does not fit well as a criticism of Crito, who cannot be charged with intending to harm Socrates.

the importance of caring about the upbringing of one's children.¹² The reproach we find of neglectful parents in the *Laches* and Socrates' last request in the *Apology* are examples that show that in normal circumstances caring about the upbringing of one's children is the right thing to do.¹³

Moreover, Socrates himself gives us some reason, within the *Crito*, for taking Crito's considerations seriously. In 44e1-6 Crito asks whether Socrates worries about the possibility that his friends would be punished if he escaped – that they would lose all their property, be fined or punished in other ways. Socrates replies that he is 'considering (προμηθεόμαι) this and many other things (ἄλλα πολλά)' (45a4-5). Socrates, that is, is considering arguments like those offered by Crito, showing that he at least takes into account the consequences of his actions for his friends, making it likely that he would also consider the consequences for his children.¹⁴

On this reading, Socrates reproaches Crito neither for refraining from considering at all nor for considering the consequences for Socrates' children and friends, but for not being *thorough* enough in his consideration. I suggest we interpret the reproach to be that Crito and the many rely too carelessly on broad principles like 'you should educate your children', 'maximize profit' or 'make sure to maintain a good reputation' when deliberating and deciding what to do. In this, they would be like many of Socrates' interlocutors who do not recognise the limitations of their principles or opinions about justice and virtue. They typically start out by saying things like 'to return borrowed items is just' or 'remaining in the battlefield is brave' before Socrates makes them realise that this is not *always* the case. Acting as if these principles are absolute or more general than they in fact are would be, I propose, what Socrates here means by acting lightly (ῥαδίως) and without sense (οὐδενὶ ξὺν νῶ).¹⁵

But this introduces problems faced in the rest of the *Crito* since, as we will see, not even the principle Socrates says that he will rely on when deciding to stay in prison – the principle from agreement – is absolute and can be relied on in every case. We ought to keep our agreements, Socrates maintains, but only when it is just to do so. Our problem, then, becomes one of finding out when we can use these principles and when not: when is it *just* to stick with one's children or keep one's agreements? We cannot rely on the principles 'stick with your children' and 'keep your agreements' to determine their range, so what principles can we rely on then? As we proceed further into the *Crito*, we will see how Socrates deals with this problem and how, I think, the Laws enter the discussion to help him do so.

Socrates' practical principles

¹² The fact that Socrates moves from the usually reproachable regard for money to a highly relevant regard for one's children might be a way for Plato to make us note that concerns that might (legitimately) feature in our deliberations form a *hierarchy*.

¹³ Contrast Weiss 2001, 42-45 who dismisses Crito's concern for Socrates' children by stressing that 'Socrates is not unwilling to neglect his family for the sake of a higher end' (42) and calls 'staying alive, caring for children, and not helping one's enemies' 'very conventional and unsocratic goals' (55).

¹⁴ This, of course, does not mean that these concerns actually constitute Socrates' reasons for remaining in prison. He might have considered them only to conclude that they are trumped by other concerns in this present case.

¹⁵ Another facet of this mindlessness might be that they rely on one principle one day and another the next, without realising that neither holds absolutely or that they in fact conflict. I am grateful to James Warren for raising this point. The Athenian regret after executing Socrates (DL 2.5.43) and the Mytilenian Debate (Thucyd. 35-49) might loom in the background here.

At this point, let us return to look briefly at the three principles Socrates himself introduces when he embarks on his answer to Crito. He starts by saying:

we must look into (σκοπεῖσθαι χρή ἡμᾶς) whether this is to be done or not; for I am not just as of now, but always such that I'm never persuaded (πείθεσθαι) by anything of mine but that argument (λόγος) that seems best to me upon consideration (λογιζόμενος). (46b1-6)

Socrates does not here say that he will act according to his persuasion simpliciter. After all, there are many ways of being persuaded. Money-lovers, for instance, are persuaded by gifts (*Republic* 390d7-e1), and orators and lawyers can persuade (πείθουσιν) people of whatever they like, regardless of justice or truth (*Theaetetus* 201a9-10). Socrates specifies what kind of persuasion is required by saying that we should only let ourselves be persuaded by λόγοι (and thus not, for instance, by money), and only by those that seem best upon rational consideration (λογιζόμενος).

Although this practical principle leaves many questions unanswered, Socrates offers us some further specification of what kind of *logoi* and reasoning he has in mind. He makes it clear that he has rational considerations in mind, where the only thing that should sway us is the strength of the argument, not the convenience or otherwise of its conclusion. He seems particularly aware of the way personal circumstances (in this case, facing execution) might make people biased (46e2-47a5) and stresses that they should not let Socrates' own situation influence their reasoning but must stick to their earlier agreements – i.e. the ones they made before facing their present predicament – unless provided with better arguments against them. In short, the arguments should be free of any kind of special pleading:

unless we have better ones [i.e. better *logoi*] to advance at present, know well that I will not yield to you at all, not even if the power of the many scare us more than at present, with threats of imprisonments, executions and confiscations of property as if we were children. (46c2-6)

Having stated that they should follow the best argument, Socrates goes on to specify the subject matter of their deliberation, stressing that in deliberating about what to do, what they will be deliberating about is what it will be *just* to do. In 49d3-5, Socrates makes the striking claims that

between those who think this [i.e. agree with the justice principle] and those who don't there is no common council (κοινή βουλή), but, seeing each other's designs, they must necessarily despise one another. (49d3-5)

We can interpret Socrates' claim here as follows: that each practical deliberation, in so far as deliberation is a normative enterprise, must have a criterion for what counts as the *right* action. There are several candidates for such criteria; the right thing to do might be to maximise pleasure, pursue order and harmony, follow the commands of 'a superior', maximise shareholder profits, or do what is just. But if people operate with different fundamental criteria for what counts as the right action, they will be arguing at cross-purposes and it makes sense to say that they cannot deliberate together about what to do. Agreeing on the criterion for what counts as a right action is a prerequisite for deliberating together.¹⁶ But

¹⁶ I have here listed possible candidates for the most fundamental practical criterion for the rightness of actions, but it is of course possible to agree on these and disagree on less fundamental ones. It is also

Socrates' point goes further than this, stating that those who disagree about the justice principle are not merely unable to deliberate together, their mutual rejection of each other's aims leads them necessarily to despise each other.¹⁷ It is not difficult to see how someone committed always to do what is just and someone committed to e.g. maximising their physical pleasure would mutually resent each other, but to fully appreciate the conflict, we have to look at just how demanding the justice principle is.

Since it is the foundational, guiding principle for their whole deliberation, the justice principle would trump all other concerns, something Socrates makes clear by stressing that their *only* concern is to find out what course of action is *just* (in addition to 49a-e, see 48c7-d6). Although Socrates does not provide an explicit argument for why we should take *justice* to be the yard stick with which to measure the rightness of actions, he offers familiar ingredients for one by obtaining Crito's agreement that it is not living but living *well* that is important (48b4-9), and that it is not worth living if we ruin that part of our soul which is ruined by injustice (47e7-48a3). We could look towards other dialogues, like the *Gorgias* and *Republic* for further developments of these points.

Socrates also makes it clear that the justice principle is both fundamental and absolute: one ought *never* to commit injustice (ἀδικεῖν) willingly (ἑκόν). In 49a4-e4 Socrates elaborates upon the justice principle. He shows Crito that it implies that one ought not even to return an injustice with an injustice (ἀνταδικεῖν), since one must commit no injustices at all (49b9-10). In arguing this point, he also seems to extend the notion of doing injustice to doing ill (κακουργεῖν or κακῶς ποιεῖν), arguing that since 'ill-treating people (κακῶς ποιεῖν ἄνθρώπους) is no different from doing injustice' (49c7-8), one ought never to requite ill-treatment with ill-treatment (ἀντικακουργεῖν κακῶς πάσχοντα, 49c4-6). Hence one ought neither to ill-treat anyone or commit an injustice, no matter what one might have suffered from them in turn.

This passage has received much attention. There is disagreement both about what Socrates means by ill-treating people and what he really claims about retaliation: are all acts of retaliation wrong or are some of them justified? Harte argues for the former, concluding that the exchange between the Laws and Socrates cannot be a common deliberation because the Laws do not agree with Socrates' principle that returning a wrong is always wrong.¹⁸ My interpretation follows Bostock's in analysing Socrates' claim as stating instead that retaliation is wrong only 'when it involves *wronging* the person retaliated against' (Bostock 2005, 214n6).¹⁹ It is only if read this way that Socrates' argument is both valid and plausible.

possible to deliberate about which fundamental criteria should apply, and sometimes such discussions will happen alongside and at the same time as one's joint practical deliberations. It is of course also possible to agree on the fundamental principle (that one should do what is just, for example) but disagree about what counts as justice, either generally or in a particular case, and it is this latter situation that I think Socrates and Crito find themselves in in the *Crito*. Finally, a joint deliberation might be different from striking a deal or making a compromise. I thank Daniel Vazquez for alerting me to this difference.

¹⁷ I thank the anonymous referee for pointing this out.

¹⁸ One could turn the argument around and argue instead that since the Laws and Socrates engage in a common deliberation the Laws must agree with the justice principle.

¹⁹ *Antadikein* seems to be a Platonic neologism, and so the Greek itself does not imply that '*antadikein* is unjust' is a tautology. But nor does it imply that the word refers to all retaliation as Harte 2005, 232 claims. As Lane 1998, 6n16 writes: 'The neologism Plato coins here, "antadikein" would eventually become the standard Greek word for retaliation; here, however, as Raphael Woolf persuades me, the meaning of "doing wrong" must be taken as very much alive within it. The ban is then on "doing wrong back", resting on a prior notion of what "doing wrong" is but not on any prior notion of what "antadikein" must mean.' Harte 2005, 234 has to gloss over the difference between saying '*antipoiein*

Harte's argument against this reading is that only with a blanket ban on any act of retaliation 'is Socrates' position one which the majority would reject' (Harte 2005, 232), but, as we will see below, this is not necessarily the case. Moreover, it is unclear whether a blanket ban on retaliation even makes sense. To see this, consider that a blanket ban on retaliation cannot mean a blanket ban on *any response* to being wronged since it is impossible not to respond at all: even doing nothing or not punishing the wrongdoer is a response to their wrong – and one, moreover, which harms the perpetrator more than punishing them according to the Socrates of the *Gorgias* (476a-479a).²⁰ Some differentiation, then, between just responses to wrongdoing and unjust responses is necessary in order to make sense of the principle, and the suggestion that readily lends itself is that an unjust retaliation is one that does ill to the original perpetrator. We know that these would be unjust since it is always unjust to do ill (κακῶς ποιεῖν) and ill-treat anyone.

This leads, of course, to the question of what Socrates means by 'to do ill' and to 'ill-treat' someone (κακουργεῖν and κακῶς ποιεῖν). Referring back to Socrates' claims about 'the greatest ills' and 'the greatest goods' in 44d6-10 or to his remark that life would not be worth living if our soul is harmed by injustice (47e7-48a1), one could argue that ill-treating someone amounts to making their soul worse off, i.e. less virtuous. This line is most fully developed by Allen 1980, who provides a thorough discussion of the notions of injury and harm and concludes that:

The apparently tautological principle that one ought never do injustice is equivalent to the principle that one ought never so act as to diminish human excellence in oneself or in another—and that is not tautology, but honest paradox. (Allen 1980, 80)

This line of argument would, of course, be familiarly Socratic, and it seems plausible to me that Plato would expect readers familiar with Socratic ethics to recognise in 44d6-10 and 47e7-48a1 the underlying claim that lack of virtue and knowledge are the greatest evils or ills. I am less convinced, however, that the principle is fleshed out in this way for the purposes of Socrates' argument. In our present passage, Socrates uses the detour around 'doing ill' mainly to help Crito understand that one should never return an injustice with an injustice, relying on the less controversial claim that one should never do ill (κακουργεῖν) and explaining merely that 'ill-treating someone (κακῶς ποιεῖν ἀνθρώπους) is no different from doing them an injustice' (49c7-8). We can understand this to mean that ill-treating someone and doing them an injustice are the same thing or that all acts of ill-treatment are also acts of injustice. The latter would open up for acts of injustice that are not cases of ill-treatment and be in line with Allen's interpretation. But I am not convinced that ill-treatment should be understood as restricted to the kinds of injustices that damage the soul. After all, Socrates merely says that the many are unable to affect the *greatest* goods and evils, not that they cannot inflict any (44d6-10), and he does not only claim that life would not be worth living if one's soul was ruined, but also if one's body was ruined (47e4-5). But if we accept that cases of damaging someone's body, bodily integrity or property (e.g. burning down their house) can constitute cases of ill-treatment even if their souls are not made worse, we see that instead of giving further content to the justice principle, we have to rely on the notion of justice to determine when damaging someone constitutes ill-treatment (in some cases, burning down a house might be the just thing to do). Even the claim that we ought never to damage anyone's soul stands in need of further elucidation in order to be practically useful, since all we know so far

is unjust' and 'antidikein is unjust', but in the *Crito* the two words are used in a way consistent with *antidikein* being an unjust act of *antipoiēsis* (see 50e).

²⁰ Those acts of punishments that make the perpetrator more *virtuous* and thus benefits them would, using the distinctions now at our disposal, be *just* forms of *antipoiēsis*.

is that committing injustices and lacking knowledge makes our souls worse. Thus, the demand never to ill-treat someone seems to me to be underdetermined and best understood as the claim that we should never do anyone else an injustice.

Yet even thus understood, the justice principle is as contentious as Socrates says it is when he asks Crito to consider very carefully whether he agrees to it or not, pointing out that very few in fact do (49c11-d2). The Lex Talionis goes against the justice principle, but strikes many as intuitive and just,²¹ and it is not uncommon to encounter the argument ‘N did me an injustice and has therefore forfeited any right to be treated justly by me’. In the *Republic*, Polemarchus even suggests that it is just to harm one’s enemies (332b6-8), and this view is serious enough for Socrates (and Plato) to spend time refuting it.²² Socrates is not being unreasonable, then, when he says that very few people actually agree with the principle never to commit injustice or ill-treat someone, not even in return for injustices and harm suffered.

However, as we have seen, the justice principle merely tells us that we must never commit injustices, it does not help us settle whether a course of action is just or unjust, or whether we have done someone ill.²³ And seeing that both Socrates and Crito lack definitional knowledge of justice, their deliberation now seems at a dead end. Socrates’ second principle – the principle from agreements – offers the discussion a direction, but like the principles we saw Crito rely on mindlessly, it comes with the same tricky proviso, in this case, made explicit when Socrates asks Crito whether he thinks that ‘someone who has made an agreement which is just (τῷ δίκαια ὄντα) should keep it or break it?’ (49e6-7).

Agreements can provide the origin, or reason, for why a certain action is right. To drive on the left side of the road is not inherently right but is rendered so by the community’s agreement that we will all do so. Agreements can give rise to some actions being just or unjust, but Socrates warns us against thinking that they *always* do so, and in any situation, it will always be an open question whether keeping one’s agreements is the right thing to do. From this we see that keeping one’s agreements is not a safe test for justice either. Just like Crito could not argue lightly (ῥαδίως) from the fact that Socrates’ children would be fatherless to the conclusion that Socrates ought to flee, Socrates cannot simply argue that since he has agreed to follow the law, he must do so now. He must also argue that his agreement is just, whatever that might involve.

At this point, the failure throughout the Socratic dialogues to find a definition of justice seems like an urgent problem, for without definitional knowledge of justice we seem to have reached a dead end. All the practical principles we have so far looked at (with the exception the justice principle itself) – to take care of your children, to preserve your own life, to keep your agreements – come with a proviso: do x ‘*provided it is just*’. Not even the fact that I agreed to do something, that I will be killed if I do not or that someone just did the same thing to me constitute sufficient proof that doing it would be just.

Socrates has set the stage perfectly for the entry of the Laws who, I contend, argue exactly what we need them to argue, namely that in Socrates’ case his agreement with the state is just and binding so that breaking it by escaping would indeed be a case of doing the state ill and committing an injustice. By doing so they show us that we can in fact settle on a conclusion concerning what to do even in the absence of definitional knowledge of justice.

Taking the Laws seriously

²¹ Indeed, Socrates himself says most people think injustices should be returned in kind (49b9-10).

²² See also *Meno* 71e.

²³ Lane 1998, 321 argues that the agreement about justice ‘gains content from its proscription of acts (such as harming one’s enemy, or seeking revenge) which would be counted as just by most other Greeks.’ But this seems like a problematic way of fleshing out the justice principle given that it is common beliefs like these Socrates challenges and rejects.

Both Harte 2005 and Weiss 2001 have argued that the Laws do not further Socrates' argument or present his opinions but rather offer a different argument for remaining in prison, an argument Socrates himself does not endorse. Yet, it makes perfect sense to see the Laws' arguments as a continuation of Socrates' argument. Before their entry, Socrates has given us no reason why we should consider his agreement with the state *just*, or why breaking it would be a case of committing an injustice or ill-treating the state. And yet, as I have argued, the dialogue has brought out the dire need for just such an argument. Since the Laws enter explicitly to help Crito settle whether, in fleeing, they would 'ill-treat those whom we should least treat ill, and abide by agreements that are just, or not?' (50a1-3), and since they go on to make several points that address just these questions, it is at least *prima facie* plausible that they are introduced for this purpose.²⁴

As Harte admits, rejecting the Laws' arguments as not also Socrates' 'has the consequence that no-one in the *Crito* spells out Socrates' own reasons for refusing Crito's urgent appeal that he escape from prison' (Harte 2005, 229).²⁵ Some take Plato to have left it to his readers to fill in the gaps, while others, like Lane 1998 and Weiss 2001, argue that Socrates' reasons are hidden in the earlier part of the dialogue.²⁶ I think both of these approaches are unsatisfactory, and both leave us with the question of why Plato should include Socrates' discussion with the Laws if Socrates himself finds them flawed. A common reply (e.g. Miller 1996, Lane 1998, Weiss 2001, 80) is that Socrates presents the flawed arguments through the personified Laws because Crito does not have the moral or intellectual capacity to understand the arguments that Socrates himself *really* relies on.²⁷ Socrates, on this interpretation, would be employing rhetorically persuasive but flawed arguments that appeal to Crito to persuade him of the conclusion Socrates wants him to reach. This behaviour strikes me as both un-Socratic and out of tune with the dialectic setting of the dialogue. It would imply that Socrates makes his closest friend endorse a series of bad arguments, going against his usual practice of seeking to rid people of their false commitments.²⁸ Moreover, the stakes are particularly high in the *Crito* since the arguments here concern *justice*. Not only would Socrates' method burden Crito with false opinions about justice (e.g. the belief, that an 'agreement, once made, is absolutely binding', Harte 2005, 236), they might also lead him astray if he relies on them in future deliberations. If the *Crito* had ended in *aporia*, things might have been different – Crito would merely have been forced back to the dialectical drawing-board – but as it is, the *Crito* ends with an uncommonly confident Socrates merely encouraging Crito to speak up if can find anything else to say (54d8).²⁹

²⁴ Brown 2002, 18-19 similarly takes the Laws to supply 'the minor premise' in the argument Socrates has started.

²⁵ This is a challenge also for Lane 1998, 321-322.

²⁶ Note, however, that both Weiss 2001, 74-81 and Lane 1998, 323 turn to the *Apology* to flesh out the premises of Socrates' argument.

²⁷ These arguments rely on the assumption that it would be easy for Crito to answer Socrates' questions at 49e9-50a3 (see e.g. Weiss 2001 42n8, 73-74 and 80 and Lane 1998, 321-322). Lane takes Crito's failure to be a failure of moral *perception*, with Socrates explicitly inviting him 'to perceive "leaving here without the city's permission" as "harming those whom we should least harm."' But seeing this and answering Socrates' questions do not seem to me to be straightforward tasks, something to which the secondary literature on the *Crito* attests. For further criticism of Weiss' assessment of Crito's character as 'unphilosophical', see Libersohn 2015 and Brickhouse and Smith 2006, 567. Hatzistavrou 2013 adopts a middle position, arguing that although Crito understands and previously endorsed Socrates' values, he has lost sight of them now due to fear of Socrates' death.

²⁸ See *Crito* 44d6-10 and *Gorgias* 458a5-458b1.

²⁹ Here I disagree with Libersohn 2015, 116 who takes the dialogue to end with Crito in *aporia*. I also disagree with those who find in the references to Corybantic rites and in Socrates' claim that he is led

Moreover, the Laws are presented neither as *experts* on justice whom Socrates blindly obeys,³⁰ nor as authorities *forcing* Socrates to obey them against his better judgement. Instead, the Laws proceed, from their first entry, by question and answer, and they even explicitly refer to the Socratic method by asking Socrates to answer them ‘since you are used to employing questions and answers’ (50c8-9). This should warn us against asking *for whom* the Laws speak since they at least purport to speak *with* Socrates. Throughout the discussion, Socrates has every opportunity to challenge the Laws’ arguments or disagree with their premises, and in the absence of evidence to the contrary, we should see the fact that he does not as evidence that these premises are ones that Socrates himself is committed to.

2. The Laws’ arguments

In this section, I argue that the Laws offer us a multitude of points and arguments which without being presented as part of one single argument, nevertheless offer us sufficient rebuttal against the arguments and objections Socrates and Crito are able to offer in favour of escape.³¹ The Laws are presented as entering in order to show how 1) fleeing would involve ill-treating those Socrates should least ill-treat and 2) involve breaking a just agreement (49e9-50a3). It might puzzle us that the Laws make two claims here, suggesting that they have two separate lines of argument rather than just one. Indeed, the twofold conclusion is repeated by the Laws throughout the conversation, at 51e-52a³² and 54c2-6:

If you leave like this, after shamefully returning injustice with injustice and ill-treatment with ill-treatment, and after breaking your agreements and compacts with us and ill-treating those you should least ill-treat – yourself, your friends, your country and us – we shall be angry with you for as long as you live. (54c2-6)

by the God (‘ἐπειδὴ ταύτη ὁ θεὸς ὑφηγεῖται’, 54e2) signs that Socrates distances himself from the arguments of the Laws. Socrates is not here saying that he is led by the God *as opposed to* rational arguments. Indeed, doing so would be in tension with his claim in 46b1-6 to follow the *logos* principle and it is possible to take Socrates to mean simply that 1) acting on the argument they have just gone through is in line with what his dream proclaimed (44a5-b5), and so in a sense where the God leads, or 2) that being led by the best arguments just *is* what being led by the God amounts to. See Wasmuth 2015 for arguments against reading the reference to the Corybantic rites as derogatory.

³⁰ See Bostock 2005, 225-226, who takes the *Crito* to be unique in ‘implying that there is such a thing as the moral expert.’ However, Bostock does not discuss the fact that Socrates explicitly raises the possibility that there is no expert on justice, saying we must follow their advice only ‘εἴ τίς ἐστιν ἐπαῖων’ (47d2).

³¹ If this is the Laws’ approach, we might ask why they do not explicitly say so. It is indeed a somewhat confusing approach, but it is one that might be suitable to a situation which is both ethically complex and particular to Socrates.

³² ‘[W]hoever of you stays here, seeing how we administer justice and how we govern the state in other respects, has thereby entered into an agreement with us to do what we command; and we say that he who does not obey does threefold wrong, because he disobeys us who are his parents, because he disobeys us who nurtured him, and because after agreeing to obey us he neither obeys us nor convinces us that we are wrong (...)’ (51e2-8, trans. Fowler). Despite being presented as three wrongs, they fall along the two lines mentioned in the other summaries. One of the points concerns not wronging those one ought not to wrong while the other concerns breaking agreements (without persuading the other party why they ought to be broken).

But the Laws do not clearly distinguish between the two lines of argument in their dialogue with Socrates, indicating that the two conclusions are arrived at simultaneously and that their arguments are closely intertwined.³³

Most of my attention will focus on the reasons for considering the agreement between the Laws and Socrates to be just. This is mainly because the dialectical progression so far has presented the principle from agreement as the most substantive one underlying the argument; after all, we found the justice principle largely formal, with the ban on doing ill (κακῶς ποιεῖν) largely underdetermined. Further, as Allen 1980, 85 notes, '[the] claim that Socrates will injure the Laws if he escapes implies that he stands within the scope of their authority, and this is true because of his agreement to live as a citizen.' It is only because Socrates agreed to obey the laws that his refusal to do so now would undermine their authority and threaten to destroy them. Still, such a destruction could be justified depending on whether or not the agreement Socrates has with the Laws is just and binding. Thus, what the Laws need to show is that the agreement between them and Socrates is just and binding, and in so far as the 'injury' line of argument is made independently of the 'agreement' line, it seems to be in order to stress just how damaging disobedience would be to the rule of law and how much Athens would be harmed if Socrates undermined it.³⁴

The Laws start by stressing this point, presenting a premise and raising a line of argument that they do not immediately pursue further (with Socrates hinting that 'an orator' might have much to say on the subject, 50b6-c1),³⁵ namely that it is not 'possible for a city not to be destroyed if the verdicts of its courts are nullified and set at naught by private individuals' (50b2-5, trans. Grube). Thus by fleeing, Socrates would in fact be acting so as to destroy Athens.³⁶ The Laws then envisage a possible response, namely that undermining the

³³ Here I agree with Allen 1980, 85, who writes, '[the] premises of injury and agreement are intimately connected. (...) The *Crito* does not, as has often been thought, present a series of independent arguments for the conclusion that it is wrong to escape. It presents one argument with two interlocking premises.' This goes against e.g. Woozley 1971, Bostock 2005 and Gowder 2015. Bostock seeks clear demarcations between the different arguments in the *Crito*. Meyer 2006 similarly takes the reason why Socrates should not harm the Laws to be both that 1) they 'begat' and 'raised' him and that 2) he agreed to obey them. Dyson 1978 takes the strategy to be to argue that fleeing would cause harm to actual persons, in violation of Socrates' ban on ill-treating anyone.

³⁴ While I am in broad agreement with Allen's analysis of the Laws' arguments, I disagree with his assessment of its overall structure. He writes that the 'brunt of the charge against Socrates is not that, if he escapes, he will break a promise, but that he will to the degree that he is able destroy the laws and the City' (Allen 1980, 85). I take it instead that breaking a just promise would be sufficient reason regardless of the actual damage to the laws and the city, but this depends on extending the analysis of what makes the argument just.

³⁵ Weiss 2001, Ch. 5 argues that Socrates' claim that an orator might have much to say indicates that we should not take the principle or the Laws' subsequent speech seriously. See Allen 1980, 82 for a helpful discussion and answer to Weiss' worry, although I agree that this detail of the text does not fit neatly into my interpretation. It seems to me, however, that any interpretation of the *Crito* will leave some puzzling features less well resolved. Moreover, even orators can get things right occasionally and the principle that the rule of law depends on adherence to the laws should be a ready topic for any civically minded orator and Panagiotou 1987, 44 refers helpfully to Demosthenes 24: 'the plaintiff in Dm. 24.152 expresses typical Athenian sentiment when he declares, "I take it that everybody will agree that to invalidate judicial decisions is monstrous, impious and subversive of popular government."' See also Panagiotou 1987, 38.

³⁶ It is sometimes observed (see e.g. Woozley 1971) that Socrates' one act of disobedience would not by itself destroy the rule of law, but this is, I think, beside the point. Socrates is seeking to find the argument that seems best upon consideration, and since we all ought to act on what seems best on consideration, his argument would be one that he thinks everyone in the same situation should follow.

city would be justified for Socrates since the city did him an injustice by not judging his case correctly (ὀρθῶς, 50c2). If the objection here was merely that the state did Socrates an injustice, this would be a weak objection since the justice principle has already established that being treated unjustly provides us with no grounds for treating others unjustly in return. The weightier objection would be that the city, in doing an injustice, is itself unjust and so actually merits – or would be benefited by – Socrates’ disobedience, and the Laws start by disarming exactly this line of argument.³⁷

To see how the Laws do this, let us start by looking at how they undermine the obvious line of argument Socrates could have pursued, namely that destroying the state would be legitimate because the state and its laws are themselves unjust. They raise this line of argument explicitly by asking Socrates:

What fault do you find with us and the state, that you are trying to destroy us? In the first place, did we not bring you forth? Is it not through us that your father married your mother and begat you? Now tell us, have you any fault to find with those of us who are the laws of marriage? ‘I find no fault,’ I should say. ‘Or with those that have to do with the nurture of the child after he is born and with his education which you, like others, received? Did those of us who are assigned to these matters not give good directions when we told your father to educate you in music and gymnastics?’ ‘You did,’ I should say. (50c9-e1, trans. Fowler)

Socrates chooses to offer no response to the general question of what laws, if any, he objects to, giving us leave to believe that whatever his objections to the state and laws of Athens, they are not such as to warrant undermining Athens’ rule of law. The Laws repeatedly bring out how pleased Socrates has been with the laws of Athens, claiming he has been among its most pleased citizens (52a6-c8; 52e5-a6, and implicitly in 52d4-e5). In sum, this serves to undermine the claim that Athens could legitimately be destroyed because its laws are themselves unjust.

In 50c5-7 the Laws sketched and countered a second possible line of defence, namely that the court case was not judged correctly (ὀρθῶς, 50c2) and that Socrates only agreed to obey *correct* court verdicts. But this line of argument fails as well, and the Laws’ arguments help clarify what exactly Socrates’ agreement with the Laws consists in. Note first that neither Socrates nor the Laws claim that the jury did not judge his case *justly* (δικαίως), which could have reopened the charge that the state itself was unjust and could be destroyed. Instead, the claim is that the case was not judged *correctly* (ὀρθῶς 50c2). Although the distinction is not spelled out, the use of ὀρθῶς in 53c1 – where the Laws say that if Socrates flees, he will ‘strengthen the conviction of the jury that they passed the correct (ὀρθῶς) sentence’ – suggests that judging a case ὀρθῶς amounts to getting the question of guilt and sentencing right whereas judging a case δικαίως could mean something like following the correct legal procedures and judging the case in a lawful way.

If this distinction is indeed in play, a court verdict could be *just* even if it were not *correct*, and if Socrates’ court case had not been judged justly – e.g. if Socrates had not been given time for a defence, if the number of jury members had been too low or the trial had been unlawful in other ways – the Laws might have had to argue their case differently. Socrates refers to one such (unlawful and therefore unjust) case in the *Apology*. The trial following the battle of Arginusae was unlawful in that it tried ten people together, and Socrates refused to support it for just this reason, siding instead with ‘law and justice’

I find Allen 1980, 84-85 and Panagiotou 1987, 38-41 convincing on this topic, but see Meyer 2006, 374 and Gowder 2015 for further discussion.

³⁷ Contrast Miller 1996, 132-133 who argues that the Laws never address this point.

(*Apology* 32b9).³⁸ Even the Laws of the *Crito* could agree that Socrates was under no obligation to support this trial and even, on my reading, that the ten generals would have been entitled to disregard the verdict of the judges. What we cannot argue is that court verdicts are only binding when *correct*, i.e. when they hit upon the true answers on the questions about guilt (and deserved punishment, if one thinks there is such a truth independently of the jury's verdict). Although the Laws do not argue this point explicitly, this would undermine the rule of law itself since there will necessarily always be a chance that juries get it wrong, meaning that any convict could flee on that pretext. As it is, then, Socrates' agreement with the Laws is to submit to any lawful verdict of the jury, even if it is not correct, and even if it threatens to destroy him.³⁹

Yet, even this is insufficient for showing that Socrates' escape would be wrong. Since the principle from agreement merely stated that *just* agreements be honoured, the Laws also need to show that their agreement with Socrates is just. Having already seen what the agreement with the Laws *is*, let us look at the reasons provided for why we should see the agreement as *just*. Scholars have discussed what the proviso 'provided it is just' (τῷ δίκαια ὄντα, 49e6-7) means in the context of an agreement. While some argue that it requires the agreement to be valid, i.e. *entered into* in a just manner and *kept* by the other party, others take the requirement to be that one does not agree to *perform something unjust*.⁴⁰ But why should Plato not have all these things in mind when he expresses the proviso so vaguely?⁴¹ Indeed, although they do so in a confusingly unsystematic manner, the Laws provide reasons for taking all these requirements to be fulfilled, rebutting the charges of injustice on all fronts – or at least on all the fronts Socrates and Crito are able to open.⁴²

First of all, the Laws make it clear that we have good reason to want to live in a lawful society, so that entering into an agreement to submit to the rule of law would not in itself be an unjust or objectionable action. They ask rhetorically 'which city can please without laws?'

³⁸ Panagiotou 1987, 49-50 and Brickhouse and Smith 2005 argue that also the second case of civil disobedience envisaged in the *Apology* – where Socrates says he would disobey the jury if they condemned him to stop philosophising (29d) – would involve an unlawful application of the law. Arguing along similar lines as Woozley 1971, 307-308, Panagiotou argues that the ban would undermine Socrates' right to try to persuade the Laws (see also Allen 105), although it is worth noting that the reason Socrates himself gives is that stopping philosophising would violate the command the God has given him (*Apology* 28d-29a, 30d). I return to the 'persuade or obey' clause below. As for Socrates' refusal to fetch Leon from Salamis (*Apology* 32c-e), Brickhouse and Smith 2006, 568 take the rule of the Thirty itself to lack legal authority (see Allen 106 for questions about this approach), while Socrates justifies himself by saying he would never do anything 'unjust or impious' (32d3). For further discussion of the cases of disobedience in the *Apology*, see Allen 1980, 109.

³⁹ Although they do not discuss the difference between ὀρθῶς and δίκαιως, Allen 1980, 94-96 and 109-110 and Panagiotou 1987, 41-42 adopt similar understandings of the agreement Socrates has with the Laws and Lott 2015, 28 makes a similar qualification concerning the Laws' authority to issue commands.

⁴⁰ For the former view, see Dyson 1978. For the latter view, which Brown 2002, 17 takes to be evidently right, see Miller 1996, Brown 2002, Bostock 2005, 217 and Harte 2005. Allen 1980, 71 and Panagiotou 1987, 47 take similar views to mine. Panagiotou argues that the agreement is both procedurally and substantively just and Allen that it has to be both because the two things mutually imply each other.

⁴¹ Although he ends up arguing that we should 'understand the 'justice' of the agreement as referring to the form and circumstances of the agreement', Dyson 1978, 433 acknowledges the ambiguity and shows how the formulations at 49e, 50a and 52e point in different directions.

⁴² Readers might of course be able to come up with further arguments. See fn. 64 for two suggestions.

(53a5-6)⁴³ and claim that ‘he who is destroyer of the laws might certainly be regarded as a destroyer of young and thoughtless men’ (53c1-3). They imply that Thessaly, where disorder (ἀταξία) and licentiousness (ἀκολασία) prevail, would be one of the few places where Socrates, as an enemy to the rule of law, could find refuge, but they also present Thessaly as a highly undesirable place to be. All of this gives force to the idea that living under the rule of law is a good thing, thus warranting the claim that it was right, or at least not unjust, for Socrates to agree to obey the Laws and submit to the rule of law.⁴⁴ This would counter the possible objection that the agreement was void from the start due to its being an agreement to do something that in itself is unjust.

Second, the Laws show that the particular laws of Athens give no cause for dissent either – or at least that Socrates cannot make a case for escape on the ground that they do, since *he* does not think them faulty.⁴⁵ As we saw above, Socrates offers no objection to the laws or the state in general, and in so far as we can rely on a standard image of Socrates, it seems implausible that he would object to laws condemning either piety or the ruination of the city’s youth. More specifically, the Laws had Socrates agree that he has no objection to the laws pertaining to marriage and nurture and it is probably no coincidence that the Laws single out these two laws in particular. They give force to the analogy subsequently drawn between the laws and Socrates’ parents and educators, who condition Socrates’ physical and rational life respectively.⁴⁶ This analogy between the laws, parents and educators allows the Laws to argue further that it is *right* that the relationship between the state and the individual citizens should be an unequal one, and so that Socrates is not justified in destroying them merely because they threaten to destroy him:

Laws: Well then, when you were born and nurtured and educated, could you say to begin with that you were not our offspring and our slave, you yourself and your ancestors? And if this is so, do you think right as between you and us rests on a basis of equality, so that whatever we undertake to do to you it is right for you to retaliate (ἀντιποιεῖν)? There was no such equality of right between you and your father or your master, if you had one, so that whatever treatment you received you might return it (ἀντιποιεῖν), answering them if you were reviled, or striking back if you were struck, and the like; and do you think that it will be proper for you to act so toward your country and the laws, so that if we undertake to destroy you, thinking it is right, you will undertake in return to destroy (ἀνταπολλύναι) us laws and your country, so far as you are able, and will say that in doing this you are doing right, you who really care for virtue? Or is your wisdom such that *you do not see that your country is more precious and more to be revered and is holier and in higher esteem among the gods and among men of understanding than your mother and your father and all your*

⁴³ The phrase could also be translated as ‘who can be pleased with a city without being pleased with its laws?’

⁴⁴ Allen 1980, 89 and Meyer 2006, 375 make similar points, the former referring us to Aristotle’s *Politics* (I.1253aff) and the latter finding the same sentiment expressed in Plato’s *Statesman* and *Laws*. See also *Laws* 634d-e.

⁴⁵ Bostock 2005, 217-18 finds no evidence in the *Crito* that the Laws argue that the *content* of their agreement with them just. He notes that the Laws point out that Socrates himself was pleased with the laws but takes this argument to be both *ad hominem* and specious (see also Miller 1996, 129). But the Laws do not here make the flawed argument that since Socrates *once* was pleased, he must *now* be pleased, nor do they rely on the problematic premise that people are bound only by the laws they think they are bound by. Rather they block Socrates from arguing for escape based on a criticism of the laws. They bring out that *he is still* pleased with them so that *he* cannot argue that they should be destroyed without engaging in special pleading.

⁴⁶ See Dyson 1978, 431, Panagiotou 1987, 44 and Gowder 2015, 365-366 for similar analyses.

ancestors, and that you ought to show to her more reverence and obedience and humility when she is angry than to your father. (50e1-51b4, trans. Fowler, my emphasis.)

Thus our agreement with the state *should* not be one of equality in which the laws (and thus the rule of law) could be undermined every time a the verdict is not ὀρθῶς (50e-51c; 54c). The interests of the state have priority, which undermines the objection that Socrates' escape would be justified because it would be done in self-defence. Since the state is 'to be honoured more than your mother, your father, and all you ancestors, [and] is more to be revered and more sacred, and (...) counts for more among the gods and sensible men' (51a8-b2, trans. Grube), it is right that in a situation where either Socrates or the state will be destroyed, Socrates' life should (all things being equal) count for less. As the Laws bring out, many people implicitly agree with this way of thinking in so far as they support or allow soldiers to risk their lives in war.

Since the Laws call Socrates their 'offspring and slave' (50e3-4) in the passage above and demand that he does what they command (51b4), this passage is the prime evidence for what Bostock 2005, 210 calls the 'authoritarian reading' of the *Crito*, which takes the Laws to demand absolute obedience from all citizens.⁴⁷ But the Laws make it clear that in one important way, Socrates is *not* like a slave: Socrates is not asked to obey blindly, but to obey *or persuade*. They stress this repeatedly, most emphatically in 51e8-52a3 where they say they 'only propose things, we do not issue savage commands to do whatever we order; we give two alternatives, either to persuade us or to do what we say.' This suggests that calling Socrates their slave is used primarily to show that their relationship is one of inequality, like that between a master and a slave, or a father and his children (50e7-51a2) so that Socrates would not be entitled to do against them whatever they threaten to do to him.⁴⁸ Note also that the Laws call Socrates both their offspring *and* their slave, which strengthens our case against taking the slave analogy too far – the elements of slavery the Laws have in mind must be ones that are compatible also with the offspring analogy.⁴⁹

We have now seen how the Laws show that 1) agreeing to submit to the rule of Law is not itself unjust and that 2) Socrates has no objection to the particular laws of Athens that could warrant his escape. But they also crucially show that 3) the agreement is *valid and binding*. They do so by arguing both that (i) the Laws have not broken their side of the agreement,⁵⁰ and that (ii) Socrates entered into in a way rendering it valid and binding.

This overall argument has several components. First the Laws stress that Socrates has not been wronged by them:

⁴⁷ Bostock 2005, 210 asks whether it is possible to avoid such an interpretation and read the *Crito* in a way that 'does not enjoin obedience to any and every law?', but he lands on a negative answer after considering three lines of interpretation. Weiss 2001, 3n2 also adopts an authoritarian reading of the Laws' argument, claiming it is the 'plain meaning of the Laws' demand that the citizens do "whatever we bid." Similarly, Woozley 1971, 301 and 305, Brickhouse and Smith 2006, Smith 2014 and Lott 2015, all take the Laws to argue for obedience to laws or decisions even if they are *unjust*. Allen 1980, 109 argues that although one is morally justified in disobeying the law if it asks one to *do* something unjust, one is not entitled to rebel if one merely *suffers* injustice. Panagiotou 1987 argues that the *Crito* only disallows disobedience in democratic states like Athens.

⁴⁸ See also Allen 1980, 88-89. As Lott 2015 shows, the Laws and juries also have the authority to issue *commands*, and the slave analogy might serve to bring this out too.

⁴⁹ For the view that Socrates takes the father-son relationship to be authoritarian too, see Smith 2014.

⁵⁰ On this point, see also Dyson 1978, 436n20.

Now, however, you will go away wronged, if you do go away, not by us, the Laws, but by men (...) (54b8-c1)⁵¹

Neither the *Crito*, the *Apology* or any of our other sources give us grounds for thinking that the court case was at fault procedurally. Socrates, was, for instance, allowed to try to persuade the jury, and the Laws explicitly refer to his opportunity to propose a different penalty when the guilty verdict was delivered (52c4-5). The Laws have thus not wronged Socrates by treating him unlawfully: he has been treated in accordance with the rules and laws he agreed to observe, and so the Laws have not broken their agreement with him.

Second, the Laws make several points to show that Socrates entered into the agreement in a way rendering it just and valid. He entered into it without compulsion or deceit and under no pressure of time:

Laws: you were not led into them by compulsion or fraud, and were not forced to make up your mind in a short time, but had seventy years, in which you could have gone away, if we did not please you and if you thought the agreements were unfair. (52e2-5, trans. Fowler)

Moreover, Socrates has been free to opt out of the agreement by moving away but he never did anything of the sort (see also 52a6-c8):

Laws: Yet we proclaim, by having offered the opportunity to any of the Athenians who wishes to avail himself of it, that anyone who is not pleased with us when he has become a man and has seen the administration of the city and us, the laws, may take his goods and go away wherever he likes. And none of us stands in the way or forbids any of you to take his goods and go away wherever he pleases, if we and the state do not please him (...). But we say that whoever of you stays here, seeing how we administer justice and how we govern the state in other respects, has thereby entered into an agreement with us to do what we command; and we say that he who does not obey does threefold wrong, because he disobeys us who are his parents, because he disobeys us who nurtured him, and because after agreeing to obey us he neither obeys us nor convinces us that we are wrong, though we give him the opportunity and do not roughly order him to do what we command, but when we allow him a choice of two things, either to convince us of error or to do our bidding, he does neither of these things. (51d2-52a3, trans. Fowler)

It might seem like the Laws here claim that anyone who ever stays in the state after his *dokimasia* have to submit unconditionally to all the state's laws. But this is not the case. What they do here is to block the possible objection Socrates could have made, that he was forced to stay in Athens and that his remaining there therefore shows neither approval of the laws or an agreement to submit to them. We could question, along e.g. Humean lines, the extent to

⁵¹ The question of how to understand the claim that Socrates has been wronged by men is an interesting one, and it might seem like it could undermine the argument that the court case was itself just, especially given the use of ἀνταδικεῖν and ἀντικακουργεῖν in 54c2-3, which seem to imply that Socrates has suffered an injustice and been ill-treated. However, it is important to note that Socrates' agreement is said to be with the Laws and the commonwealth, not with the men who wronged him either qua jury members or private citizens. Moreover, there are other ways of interpreting the claim apart from taking it to refer to the jury's faulty verdict – the Laws could be referring to the badmouthing Socrates suffered for years prior to his trial, and which the *Apology* claims helped lead to his condemnation.

which Socrates was *really* free to leave, but crucially, both Socrates and Crito explicitly agree with the Laws' claim that he 'agreed by actions if not by words to live in accordance with us' (52d4-8) and the rest of the dialogue (including Crito's opening gambit) makes clear that Socrates has both the means and the friends required both for fleeing and living abroad. It is also important to note that Socrates' choice to remain in Athens is not the only evidence given for his agreement to submit to the rule of law. Socrates' satisfaction with Athens and the laws of Athens is stressed throughout the passage, and it is implied (and Socrates does not object, 52a6-c8) that Socrates remained in Athens because he was satisfied with the laws that he knew he would be subjected to there.⁵²

Summing up this rather condensed presentation of the Laws' arguments, we have seen that Socrates should consider his agreement to be just and binding because (1) (2) it did not commit him to something that was in itself bad, unjust or undesirable and (3) it was a valid agreement since (i) the Laws kept their side of the agreement and (ii) Socrates was not forced into the agreement nor deceived as to its content but had plenty of time to consider, reconsider and withdraw his commitment had he wanted to.⁵³

I want to stress that according to this reading, Socrates and the Laws have argued that *Socrates* should submit to his *present* punishment, but they have not given us a complete set of principles for deciding the justice of all and any agreements, or of all and any dilemmas concerning civil disobedience. What if Socrates had disapproved greatly of the laws of Athens? What if he had always wanted to leave his native city but been unable to? What if he had been uneducated or deceived concerning its laws, or otherwise unable to understand them? Neither Plato nor the Laws discuss these scenarios in the *Crito*: arguing that an agreement is just and binding because certain conditions obtain is not the same as providing a full account of the necessary and sufficient conditions for just agreements. (1), (2) and (3) above are sufficient (but they might not all be necessary) in the present case, but in other situations and with other citizens the Laws might have had to argue further or differently. Faced e.g. with someone who thinks the laws used to try them are inherently unjust – someone, for instance, who is tried for their sexual orientation or who finds capital punishment inherently wrong – the Laws would have had to argue differently. Such a person would have been able to make a forceful answer to the Laws' initial question of 'what fault do you find with us and the state, that you are trying to destroy us?' (50c10-d1), forcing them all to have a closer look at whether, and if so *when*, disapproving of the laws could justify escape.

Brickhouse and Smith 2006, 567 argue against readings that take any considerations of justice to be able to trump obedience to the law since 'they seem to leave the duty to obey the law essentially empty (...) [The] injunction, "Obey the law, when and only when it is just!"' reduces to "Always act justly, no matter what the law commands!"' Brickhouse and Smith 2006, 568 solve this problem by taking the *Crito* to argue that it is just to obey even an unjust

⁵² See Kraut 1984 for an in-depth discussion of the argument from agreement, focusing on the role of Athenian *dokimasia* and the Laws' demand to persuade or obey. On the role played by *dokimasia*, see also Panagiotou 1987, 47n10. On the difference between the agreement in play in the *Crito* and other social contracts, see Allen 1980, 91-93 and Panagiotou 1987, 46. For a criticism of the Laws' argument from agreement, see Brown 2002. I hope to have shown, against Brown, that the considerations of Socrates' satisfaction with and knowledge of the laws are not beside the point but play an integral role in showing that Socrates has made an agreement that is in fact binding in this the present case.

⁵³ The claim that (1), (2) and (3) can help settle whether an agreement is just is not defended in the *Crito*, thus it would either be amongst the opinions of great esteem that Socrates says he will proceed from or be arguments that Socrates takes as fairly evident or that he comes to recognise and adhere to during his deliberation.

law (see also fn. 47), but the problem dissolves if we grant, as I have argued, that what it is just to do is not something given independently of other considerations about lawfulness, harm, economic ruin etc. Thus, the upshot of the Laws' argument is that one should obey the law, all things being equal. In many and perhaps even most circumstances, the fact that something is the law provides sufficient reason for considering doing it the just thing to do. In this way, the duty to obey the law is far from empty – the law can give rise to just obligations, it is just that we should guard against thinking – lightly and mindlessly – that it *always* does so.

3. Persuasion and the logos principle

The *Crito*, then, does not give us a general theory of political justice or the ethics of agreements. And nor should we expect it to since Socrates nowhere claims to possess the knowledge of justice required in order to give such an account: he does not know what justice is.⁵⁴ Still, the arguments have put an end to the practical deliberation, showing us how Socrates is able to deliberate and act despite an ignorance which from the perspective of other Platonic dialogues might seem paralysing.

At this point, let us return to the Laws' vexed claim that citizens should 'persuade or obey' them. I argue that Socrates' process of deliberation and his discussion with the Laws offers us some crucial clues about how to interpret this 'persuade or obey doctrine'. First, although the Laws might have invoked the premises that (1) Socrates did not manage to persuade the jury and (2) that he agreed with the legal code of Athens to the extent that he did not even attempt to persuade anyone that they were wrong, these premises have not played the significant role we would expect them to play if they were all the option of persuading amounted to.

Like the proviso 'provided it is just' (τῷ δίκαια ὄντα) in 49e6-7, the so-called 'persuade or obey doctrine' has received much attention in the literature on the *Crito*.⁵⁵ I will not attempt to go through the whole debate but it seems evident to me that Socrates was offered the opportunity both to persuade the city to change the laws according to which he was later tried and to persuade the jury to judge him innocent.⁵⁶ It seems equally obvious that if he had managed to do either of these things, he would have avoided execution in a just manner. Most of the debate has concerned whether these two loopholes are sufficient to render the Laws' political theory palatable, with most people agreeing that they are not.⁵⁷ After all, there seems to be no one-to-one correlation between what a citizen body or jury is convinced of and what is in fact the just and virtuous thing to do.⁵⁸ We can easily imagine cases where Socrates fails to persuade the jury but his trial is unjust in other ways, for

⁵⁴ See Allen 1980, 134 for a similar point. I agree with Benitez' 1996 argument that the *Crito*'s Socrates is a deliberator, not a moral expert, and refer to him for an excellent discussion of the difference between them and the role of each in the *Crito*. Although I agree with Benitez that the Laws are not moral experts either, I disagree with some of his assessment of their role in section VI.

⁵⁵ See Brickhouse and Smith 2006 for a good overview of the debate. Most notable, perhaps, is Kraut 1984, Ch. 3, who argues that the doctrine allows disobedience not only when one successfully persuades but also when one *tries* to persuade or *plans* to try to persuade. I find Penner's 1997, 156-166 criticism of these two extensions persuasive and offer my own extension below. For a helpful outline of the Athenian context of the persuade or obey doctrine, see Panagiotou 1987. Brown 2002, 20-21 unusually takes the trial to be the only venue where a citizen can exercise their right to persuade.

⁵⁶ Against this, Miller 1996, 130, argues that for Socrates 'the option to "persuade" is unreal.'

⁵⁷ See e.g. Kraut 1984 and Bostock 2005, 221.

⁵⁸ A possible exception might be cases where justice is wholly determined by agreement, like which side of the road to drive on, though even here, there are cases where breaking the rule is just.

instance in the way the trial after the battle of Arginusae was unlawful, in trying ten people together, or in cases where the jury was bribed, or where they issued unjust punishments (like banning Socrates from doing philosophy).⁵⁹ We can also imagine cases where someone fails to persuade the assembly to change the legal code, but is subsequently prevented from leaving the country.

However, these two opportunities for persuasion do not exhaust the opportunities that the Laws offer Socrates. Socrates is also given (or rather, also gives himself) the opportunity to persuade the imaginary Laws in the conversation he and Crito has with them. The whole dialogue is premised on the fact that if Socrates and Crito offer better arguments for escape than the Laws offer against it, Socrates would flee. This is what Socrates promises Crito when he says he is still someone who only follows what seems to him to be the best argument upon consideration (i.e. the *logos* principle, 46b1-6) and when he leaves the door open for Crito to come up with further arguments at the end of the dialogue (54d8). Thus, I propose that the kind of persuasion that ultimately matters in the *Crito* is whether or not Socrates can persuade *himself* that he is justified in leaving.⁶⁰ There is no conflict, then, between Socrates' commitment to philosophy and the *logos* principle, and his commitment to obeying the laws.⁶¹

This, of course, does not mean that anyone can justly disobey the law whenever they can persuade themselves that they are so justified. The *Crito* shows us that there are several constraints on what counts as acceptable self-persuasion. As we have seen, one must be persuaded by *logoi* rather than fears or *ad hoc* reasoning, and no special pleading is allowed. Socrates stresses (46b6-c6 and 46d5-47a2) that he cannot change his views *simply* because he himself will be personally affected by the outcome: whatever principles they hold must also hold when they are not personally involved and he even appeals – albeit with a hint of irony – to Crito to help him stay impartial, since Crito's life is not on the line.⁶² Despite appearances, these are strict and demanding criteria that perhaps few of us would be able to fulfil.

Still, the end of the dialogue flags some of the unresolved problems with these cases where we must choose what to do without possessing knowledge of justice, most notably the question of when we can stop deliberating and actually act. This question is a thorny one since there are problems both with imposing too strict and too lax requirements.

At the end of the dialogue, Socrates appears exceedingly confident in his choice (a confidence which, as Vlastos 1971, 7 notes, Socrates seems to possess elsewhere too, e.g. in the *Apology*), and he is confident despite lacking definitional knowledge of justice. This is possible, I think, because both he and Crito are unable to conceive, at the end of the dialogue, of any counterarguments to the arguments brought out by the discussion with the Laws. At the very end of the dialogue Socrates encourages Crito to speak up if he has anything more to contribute, but Crito replies:

⁵⁹ See pp. 12-13 and fn. 38.

⁶⁰ Socrates presents this persuasion as a persuasion of the imaginary Laws, but these are, of course, interlocutors that Socrates himself is authoring. We can see Socrates' voice embedded in that of the Laws' in a second way, too. As a citizen of a democracy, Socrates is part of the citizen body that self-legislates. Gowder 2015, 367 argues that 'the laws speak for [Socrates] as a member of the citizen body.'

⁶¹ Contrast Weiss 1998, 93. My reading also contrasts with Kraut 1984, who sees trying to persuade *someone else* (whether a legislative, judicial or citizen, body) as a necessary condition for justified disobedience. Finally, contrary to Calvert 1987, I do not take *knowing* that one is justified in disobeying as a necessary condition for disobeying either.

⁶² Perhaps the fact that the persuasion must be carried out from an impartial and general standpoint goes some way in explaining the fact that Socrates introduces the imaginary Laws to argue for him. See also fn. 60.

But Socrates, I have nothing to say. (54d9)⁶³

If we can take this as a clue for when we can stop considering and take action, we should conclude that in order to act, or consider ourselves sufficiently persuaded, we have to be in a position where we cannot conceive of any promising objection to the argument that currently seems best to us, and where no-one else confronts us with one despite our willingness to listen.

This, of course, leads us to a central question, namely what it would mean *to be unable* to conceive of any promising objections. What would count as a legitimate inability? One extreme position would be to understand ‘unable’ as not having the cognitive capacity to think of any objection. This would be a weak sense of ‘unable’ and make action possible, but it would have the undesirable consequence that those least able to conceive of counterarguments to their own views – e.g. the most narrow-minded or self-conceited among us – would have greater license to break the law than those with greater abilities for self-scrutiny. The other extreme would be to say that someone is ‘unable’ only if there are no longer any logically possible objection they have yet to consider. In this case, however, we risk a situation where none of us, and certainly not Socrates in the *Crito*, would ever be able to stop deliberating and act.

I am not convinced that the *Crito* provides an answer to this conundrum, but even if we do not determine exactly what threshold of rational ability or scrutiny is required when following the *logos* principle or thinking of breaking the law, we can at least say that the self-persuasion required has to be genuine. We must genuinely be at a loss to come up with any promising or plausible counterarguments if we are to allow ourselves to act on our deliberation and break the law. Only then will we have avoided acting lightly (ῥαδίως) and mindlessly (οὐδενὶ ξὺν νόῳ).

Before concluding, let me offer some final remarks about the method of Socrates’ moral deliberation in the *Crito*. Committed to the justice principle but lacking definitional knowledge of justice, we have seen that Socrates was forced to rely on principles that always came with the proviso ‘...provided it is just’ when deliberating about what it would be just to do. These principles have to be balanced against each other on a case to case basis since none of them hold universally. Of course, this does not mean that we must start completely from scratch every time we face a new dilemma. As Socrates demonstrates in the *Crito*, we can build on our previous discussions and considerations, whether practical and theoretical. Thus, we might come to realise that (all things being equal) preserving the rule of law is more important than preserving an individual citizen’s life, or that we should care more for our children than our money. Still, Plato does not, in the *Crito*, offer us a general theory or a set of principles that would settle all dilemmas about civil disobedience. Moreover, both Plato and his character Socrates leave open the possibility that other arguments could have been brought in to overturn Socrates’ decision, and that Socrates’ choice was in fact the wrong one. Socrates’ deliberation has come to an end, but that of Plato’s readers does not have to.⁶⁴

⁶³ Both Fowler and Grube translate Socrates’ invitation to speak thus: ‘if you think you can accomplish anything, speak.’ Although Plato uses *πλέον ποιεῖν* to mean ‘achieve’ or ‘be successful’ in *Apology* (19a4) and *Phaedo* (115c1), the Greek could also, more literally, just mean ‘do more’, which would suggest a weaker requirement. Read this way, Plato encourages Crito to put forward any objection to the argument he can think of, to open up any new road of consideration, even if he does not already believe that it will be successful. As it is, however, Crito resigns; he has nothing to say, he can think of no way to challenge the argument which now seems best.

⁶⁴ Indeed, modern readers are likely to raise an objection that Plato’s ancient discussion does not touch on, namely that capital punishments are inherently unjust and might legitimately be resisted. Plato,

This is fully in line with the *logos* principle Socrates outlines at the beginning of the dialogue, saying he is the kind of man ‘who is persuaded by nothing of mine but the argument (λόγος) that seems best to me upon consideration (λογιζόμενος)’ (46b1-6). Socrates does not here claim to act on knowledge or on what is true, he does not even claim to do what is just. He is committed to both truth and justice but also aware of his own ignorance, and so he acknowledges that he can only act on what *seems* to him to be the best argument. Still, we might ask why Socrates deals with his ignorance in this way in the *Crito*, and in particular, why Socrates does not rather involve Crito in a search for *what justice is*, since this would enable him to *know* how to act in a just way.⁶⁵

This is a question for a much longer debate, so I will here merely make a few observations. The first is that the discussion in the *Crito* concerns whether a particular course of action is just or not. As such, it is analogous to other discussions of how to describe or classify particulars, or of whether a given particular participates in a certain form or not. Thus the method followed in the *Crito* is not necessarily restricted to practical deliberations. We could also envision using it to determine whether a certain piece of wood is a table or an art installation, even if we lack definitional knowledge of both tables and art installations. Conversely, we could imagine practical deliberations that use other methods than the one seen in the *Crito*, e.g. the method from hypothesis sketched in the *Meno*, though this too seems fully compatible with following the *logos* principle.⁶⁶

Second, I have suggested that at the end of the *Crito*, Socrates does not *know* that his action is just, and we might ask why he settles for a firm belief rather than knowledge at this point. Socrates elsewhere seems committed to what has been called ‘the priority of definitional knowledge’, the claim that in order to *know* that a certain particular is F, one must know what F itself is.⁶⁷ But if this is the case, a detour around the question of *what justice is* would be required in order for them to know whether fleeing would be just or not. Why does Socrates not adopt this approach? It might be a matter of time. Socrates might think that having failed to gain knowledge of justice over the last 70 years, he is unlikely to gain it now during the limited time he and Crito have for deliberation. But it is also possible that Socrates is genuinely content with acting on the arguments that *seem* best to him, and that when he e.g. pushes Euthyphro to examine the nature of piety in the *Euthyphro*, it is not because he thinks Euthyphro should have refrained from responding to the murder of his slave, but because he wants to check Euthyphro’s epistemic self-conceit, make him care about philosophy or virtue, or even because Socrates has some hope of learning about piety himself.

If this is right, it would solve one of the worries one might have after reading dialogues like the *Meno*, *Euthyphro* and *Alcibiades I*, namely that the ethical demands Socrates makes are so high that it inhibits action. If, before I act, I have to be able to justify my choice by

however, does not seem to have shared this view, prescribing capital punishment for a range of crimes in *Laws IX-XI*. Lott 2015, 6 opens up another possible line of argument when he argues that ‘if the people are to rule with authority, we must suppose that the people have the deliberative capacities necessary to carry out the duties of authoritative offices and legal roles (e.g., legislators, jurors, voters).’

⁶⁵ Because I take the *Crito* to be open-ended, I do not take Socrates to *know* whether the action he is pursuing is just. However, my reading would be compatible with arguing that Socrates knows that he acts justly at the end of the dialogue. There is also an interesting question to be asked about the extent to which an action can be commended, or even said to be just, merely by being in accordance with the *logos* principle. We might commend someone for making the most reasonable decision they could have made based on the evidence they had and could get, while still thinking they made the wrong decision. The question in these cases would be whether we should say they acted justly or not.

⁶⁶ I thank Margaret Hampson for making me think more closely about the *Meno* as a contrast case to the *Crito*.

⁶⁷ See *Meno* 71a5-b7 and 100b4-6 and *Hippias Major* 304d5-e2.

giving an account of the nature of justice or the good, I would be at a loss what to do not only faced with loose-running trolleys, but also with seemingly clear-cut cases like saving children from shallow ponds. And if all politicians must, like Alcibiades, be taken aside for Socratic examination before entering the speaker's podium, it is unlikely that anyone would ever make a political speech or propose new legislation again. If, however, the *Crito* licences us to act not only on knowledge, but also on the argument that seems best to us upon consideration, this would go some way in making Socratic ethics one that one could actually live by.

4. Conclusion

I have argued that the *Crito* shows us what Socrates' principle to act always on the argument that seems best upon rational consideration involves. In doing so, it shows us the strain of not being able to rely on a definition of justice when trying to act justly, while also providing us with a way of coping in this unfortunate, human, situation. I have argued that the Laws present sufficient reasons for taking Socrates' agreement with them to be just and binding, and that they do so to the point at which Socrates and Crito can conceive of no further objections. In doing so, they do not provide us with a general theory of legal obligation, but show instead that our obligation to obey the law ultimately depends, not on the power of the state to enforce our obedience, or on our contingent ability to persuade our fellow citizens, legislators or judges, but rather on our own, genuine deliberations about justice. Although Socrates places great value on the rule of law, in the end, his duty is to philosophy and the arguments that seem best.⁶⁸

Allen, R. E. (1980). *Socrates and Legal Obligation*. Minneapolis.

Benitez, E. (1996). Deliberation and Moral Expertise in Plato's *Crito*. *Apeiron* 29(4), pp. 21-47.

Bostock, D. (2005). The Interpretation of Plato's *Crito*. In: R. Kamtekar, ed., *Euthyphro, Apology, and Crito. Critical essays*, Lanham, pp. 210-228.

Brickhouse, T. C. and Smith, N. D. (2005). Socrates and obedience to the Law. In: R. Kamtekar, ed., *Euthyphro, Apology, and Crito. Critical essays*, Lanham, pp. 163-174.

Brickhouse, T. C. and Smith, N. D. (2006). Socrates and the Laws of Athens. *Philosophy Compass* 1/6, pp. 564-570.

Brown, L. (2002). Did Socrates agree to obey the Laws of Athens? In: G. Clark and T. Rajak, eds., *Philosophy and Power in the Graeco-Roman World: Essays in Honour of Miriam Griffin*, Oxford, pp. 13-30.

Calvert, B. (1987). Plato's *Crito* and Richard Kraut. In: S. Panagiotou, ed., *Justice, Law and Method in Plato and Aristotle*, Edmonton, pp. 17-33.

Congleton, A. (1974). Two kinds of Lawlessness: Plato's *Crito*. *Political Theory* II, pp. 432-66.

Diduch, P. J. (2014). Reason and the rhetoric of legal obligation in Plato's *Crito*. *Polis* 31, pp. 1-37.

Dyson, M. (1978). The Structure of the Laws' Speech in Plato's *Crito*. *The Classical Quarterly* 28(2), pp. 427-436.

Gowder, M. (2015). What the Laws Demand of Socrates—and of Us. *The Monist* 98(4), pp. 360-374.

⁶⁸ I would like to thank James Warren for enjoyable discussions and disagreements about the *Crito*, and the anonymous referee and the Footnotes writing group for helpful and thought-provoking questions to the final draft.

- Harte, V. (2005). Conflicting Values in Plato's *Crito*. In: R. Kamtekar, ed., *Euthyphro, Apology, and Crito. Critical essays*, Lanham, pp. 229-259.
- Hatzistavrou, A. (2013). Crito's failure to deliberate socratically. *Classical Quarterly* 63(2), pp. 580-594.
- Irwin, T. (1977). *Plato's Moral Theory*. Oxford.
- Kraut, R. (1984). *Socrates and the state*. Princeton.
- Lane, M. (1998). Argument and agreement in Plato's *Crito*. *History of Political Thought*, 19(3), pp. 313-330.
- Libersohn, Y. Z. (2015). Crito's character in Plato's *Crito*. *Harvard Studies in Classical Philology* 108, pp. 103-118.
- Lott, M. (2015). Because I Said So: Practical Authority in Plato's *Crito*. *Polis* 32, pp. 3-31.
- Meyer, S. S. (2006). Plato on the Law. In: H. Benson, ed., *A Companion to Plato*, Oxford, pp. 373-87.
- Miller, M. (1996). 'The Arguments I seem to hear': Argument and irony in the *Crito*. *Phronesis* 41(2), pp. 121-137.
- Panagiotou, S. (1987). Justified Disobedience in the *Crito*?. In: S. Panagiotou, ed., *Justice, Law and Method in Plato and Aristotle*, Edmonton, pp. 35-50.
- Penner, T. (1997). Two Notes on the *Crito*: The Impotence of the Many, and 'Persuade or Obey'. *The Classical Quarterly* 47(1), pp. 153-166.
- Rosen, F. (1973). Obligation and Friendship in Plato's *Crito*. *Political Theory* I, pp. 307-8.
- Smith, N. D. (2014). Sons and fathers in Plato's *Euthyphro* and *Crito*. *Ancient Philosophy* 34, pp. 1-13.
- Wasmuth, E. (2015). ὡς περ οἱ κορυβαντιῶντες: the Corybantic rites in Plato's dialogues. *Classical Quarterly* 65(1), pp. 69-84.
- Weiss, R. (2001). *Socrates dissatisfied. An analysis of Plato's Crito*. Lanham.
- Woozley, A. D. (1971). Socrates on Disobeying the Law. In: G. Vlastos, ed., *The Philosophy of Socrates: A Collection of Critical Essays*. New York.
- Young, G. (1974). Socrates and obedience. *Phronesis* 19, pp. 1-29.