Between Authority and Care: Plato's *Crito* as Defense of the Philosophical Life

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Abstract: *This paper addresses the question as to why Socrates stays to die in prison through a novel reading of the* Crito *oriented by the Foucaultian notion of care (*epimeleia*). It argues that the Laws do not speak for Socrates (the reasons they offer for staying in prison are not reasons he could have accepted). It then reconstructs the logos that did compel Socrates to stay, through a close reading attentive to the principles of philosophical judgment suggested but never fully elaborated in the* Crito. *Crito's ethical and philosophical laxity prevent Socrates from fully converting him to the philosophical life via argument, so he adopts the authoritarian voice of the Laws to prevent Crito from making a dangerous judgement. This is a compromise but nonetheless an act of care: preserving his own commitment to philosophy despite pending death, Socrates also leaves intact for Crito a model of an intrinsically good life.*

Keywords: *Crito*, Socrates, Law, Care, *Ethos*, Foucault

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I. INTRODUCTION: THE *CRITO'S* TWO *LOGOI*

There is an apparent contradiction between the Socrates of the *Apology* and the Socrates of the *Crito*. While the former evinces a propensity for politically subversive behavior, we find the latter defending authoritarian obedience as a direct mouthpiece of Law itself. The question thus arises: is Socrates' commitment to the *law* or to his *philosophical mission* primary? This paper will argue that the latter is the case, and indeed that there is no contradiction between the Socrates of the *Apology* and the *Crito*: for in the *Crito* Socrates stays in prison for the sake of the philosophical life, not out of strict obedience to the law. The *Crito*, like the *Apology* itself, is a trial in which Socrates is able to preserve his own virtue in the face of impending death and punishment. If in the *Apology*, as Paul Woodruff has argued, for Socrates 'winning his case is secondary to his mission of setting an example', here I apply this notion to the *Crito* as a second *apologia* whose real stake is to set an example for Crito.[1] To see this requires that we distinguish Socrates from the personified Laws which seem to be his own alter-ego: there are, I will argue, 'two *logoi*' in the *Crito*, namely, Socrates' *logos* and the *logos* of the Laws from which it is distinct. But why would Socrates not present Crito with his true reasons for staying behind in prison? And *what are these reasons*, if not the ones given to Crito by the Laws? This article addresses these questions, in order to demonstrate that for Socrates, to flee prison would be to demonstrate cowardice before death, to belittle his testimony of his own lack of fear, and therefore to renounce his commitment to the intrinsic worth of the philosophical life on which this fearlessness is founded. Thus Socrates, an old man, would die having been caught by the

1 P. Woodruff, 'Socrates' Mission,' in *Readings of Plato's Apology of Socrates*, ed. Haraldsen et al. (London: Lexington Books, 2018), p. 191.

'swifter pursuer,' injustice, after all;[2] he would die 'sick,' having harmed his own soul. He would moreover no longer be able to offer his own life as an exemplar for future philosophers; he would no longer have demonstrated in *deed* the superiority of this way of life so valuable that even impending death must not stand as a limit to its pursuit.

This paper has two central aims. Negatively, it demonstrates why the Laws do not represent Socrates' own views on the question of obedience. The Laws' *logos* is meant to be convincing *for Crito* and not for Socrates, who *could not* endorse the Laws' arguments based on his own philosophical commitments. Positively, it offers a reconstruction of Socrates' own reasons for staying in prison based on the passages from *Crito* 46b-50a. This approach will allow us to see that while Crito is ultimately convinced that Socrates should not flee prison because of trivial (from Socrates' perspective) reasons of money, reputation, punishment, and obligation,[3] Socrates himself is convinced only by arguments suggested but never explicitly followed to their conclusion in the *Crito*. In a word, remaining in prison is an act of care (of self and other) by which Socrates demonstrates the worthiness of this way of life that is a preparation to die with courage and nobility. He thereby leaves for his friends a great gift: a model for an intrinsically valuable mode of living.

In making this argument, I proceed as follows. Part II will detail some relevant and recent scholarly approaches to the dialogue, and will show how an engagement with the *Crito* informed by the Foucaultian notion of 'care' (*epimeleia*) can open new directions in understanding the dialogue outside of the famous 'authoritarian question.' Part III and IV then

2 Cf. Plato, *Apology*, in *Five Dialogues*, trans. G.M.A. Grube (Indianapolis: Hackett Publishing, 1981), 39b. Unless otherwise noted, all citations of the *Apology* and *Crito* are from this translation. All Stephanus page numbers refer to the *Crito* unless otherwise noted.

3 On Crito as 'unphilosophical,' see F. Rosen, 'Obligation and Friendship in Plato's *Crito*,' *Political Theory*, 1 (1973), pp. 307-16 and R. Weiss, 'Running the Risk for Friendship,' in *Socrates Dissatisfied: An Analysis of Plato's Crito* (New York: Oxford University Press, 1998).

proceed with a reading of the dialogue in two parts. Part III details Socrates' relationship to Crito and makes the claim that the *Crito* offers a kind of *mise-en-scène* of a genuine concern for the well-being of Crito's soul. Accordingly, Part IV re-interprets the Laws' speeches as philosophical compromises designed to prevent Crito from holding false opinions and acting badly (and thereby from damaging his soul). Finally, Part V concludes the essay by showing how this compromise is nevertheless an act of care, one that allows Socrates to preserve the well-being of his own soul to the end, and thereby to provide, in the sequel, a direct demonstration to his disciples of the power of the philosophical life—which, in spite of appearances, is as much the subject of the *Crito* as are the laws.

II. INTERPRETING THE *CRITO*: SOME CONTEMPORARY APPROACHES

The existing literature on the *Crito* is immense. For the sake of simplicity, I begin by positioning my argument amongst four exegetical frameworks, under each of which I discuss what I take to be emblematic approaches.

Plato's *Crito* is overwhelmingly read as a political text about themes of authority, obedience, and obligation and, to a large extent, it is.[4] But in my reading it is also in the first

4 For some examples of recent treatments of this theme, see: P. Diduch, 'Reason and the Rhetoric of Legal Obligation in Plato's Crito', *Polis*, 31 (2014), pp. 1-27; E. Garver, 'Plato's Crito on the Nature of Persuasion and Obedience', *Polis*, 29 (2012), pp. 1-20; A. Hatzistavrou, 'The Authority of Law in Plato's *Crito*', Canadian Journal of Law and Jurisprudence, 32 (2019), pp. 365-387; M. Lott, 'Because I Said So: Practical Authority in Plato's *Crito*', *Polis*, 32 (2015), pp. 3-31; K. Scott, 'Lessons from the *Crito*', *Polis*, 26 (2009), pp. 31-51. For a treatment of the specific obedience owed to Athens qua homeland, see J. Kirkpatrick, 'Exit out of Athens? Migration and Obligation in Plato's Crito,' *Political Theory*, 43 (2015), pp. 356-79. While

instance an ethical treatise about the philosophical way of life and its virtues, and a demonstration of what Foucault calls 'the care for oneself and others'. Foucault argues that the goal of Socratic philosophy is the *souci de soi*, that is, a philosophical attention to the goodness of one's soul which comports within it the mission to criticize the conduct of others and lead them, too, towards the conclusion that they must care for themselves. Foucault refers to a 'cycle of care' in Socrates' relation to the god and the city: the god cared for Socrates by enjoining him to care for his soul; Socrates cared for the god by pursuing philosophy and caring for others; he cared for others by seeing to it that he kept himself as good as possible. [5] For Foucault the *Crito* is central to this reading of the Socratic mission as *epimeleia*, since it is a dialogue about the therapy of Crito's soul. Yet this Foucaultian reading has left the literature on the *Crito* relatively untouched.[6] Meanwhile, readers of Foucault

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less recent, Richard Kraut's is a foundational study in this vein. Kraut, *Socrates and the State* (New Jersey: Princeton UP, 1984) offers a most extensive examination of the 'political theory' of the *Crito* and tempers previous scholarly accounts that saw in this work a pamphlet on authoritarian lawfulness. I cannot engage with Kraut here in detail; I will merely point out that whether or not the argument of the *Laws* is authoritarian, it is a separate question as to whether their purpose is to espouse a political philosophy at all. I am interested here less in reconstructing this political philosophy than in revealing a lived, inter-personal 'philosophy as a way of life' and 'care of self and other' in this unexpected place which is the *Crito*. Note that this difference in emphasis and interest also makes less important whether the argument of the *Laws* is 'careful' (in the sense of rigorous)—they are in any case 'careful' of *Crito*. Thus the political theory I wish to isolate in the *Crito* – insofar as I am interested in revealing its political theory – is the one that Foucault has suggested: a philosophical care for the soul is an ethical principle that opens necessarily onto a care for others; as such it binds the members of a city in a practice of mutual pursuit of self-transformation, and hence in quite another way than via the prohibitions of the legal system or the 'moral authoritarianism' (Kraut, Socrates, p. 10) of a Philosopher King.

5 See especially the lecture of 15 February in M. Foucault, *Le Courage de la verité* (France: Seuil/Gallimard, 2009). This care is a synonym for cultivation of the soul, and hence not to be confused with the type of 'care for himself and his own' discussed in Diduch, 'Reason and Rhetoric,' p. 26, that is, the typical Athenian Gentleman's care for family, honour, reputation, etc.

6 This is not to say that the theme of 'care' is absent. Already in 1973 Frederick Rosen read the dialogue as a thematization of friendship between Socrates and Crito; and it is within this framework that he understands the

have been attentive to his use of the *Crito* but tend to follow it as given, and as a means of approaching Foucault's thought rather than the dialogue as such.[7]

In this essay, I confront this Foucaultian theory with a detailed reading of the *Crito* itself, re-contextualizing the notion of the care of self in the thematic of obligation and law. Conversely, I shall inflect current arguments surrounding the *Crito* – above all concerning the question of obedience – with this Foucaultian theory. I argue that the question of authority, friendship, and care are inextricably bound in the *Crito*. That is, it is an ethical treatise with two goals: first, to defend the philosophical life; second, to offer a 'live' demonstration, as it were, of how philosophy – which is an *ethos* of care for oneself – can double as care for another. But in order to see this, we also need to engage with the *Crito* as a text about authority – if only to get behind this first text to the second one.

As such, the first major group of interpretations to consider is concerned with the question of whether and how the *Crito* might present an authoritarian understanding of law. This is the approach, for example, of Brickhouse and Smith, as well as Bostock, who each, with various qualifications, assert that the *Crito* indeed demonstrates Socrates' commitment to total obedience to the law.[8] Both of these authors take the central

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concept of obligation in the dialogue. In a sense, my goal here is to revise this reading, inflecting it heavily with a Foucaultian vocabulary and a concern for the concept of the improvement of the self. For a more recent reading of the Crito in terms of friendship, see Weiss, *Socrates Dissatisfied*. Though note that Weiss does not make reference to Foucault in this discussion. For a consideration of the obedience question which explicitly rejects the theme of friendship, see J. Shklar, '*Crito*,' in *On Political Obligation*, ed. S. Ashenden and A. Hess (New Haven: Yale University Press, 2019), p. 43.

7 See, e.g., A. Nehamas, 'A Fate for Socrates' Reason: Foucault on the Care of the Self', in *The Art of Living* (Berkeley: University of California Press, 1998) and E. McGushin 'The Socratic Moment', in *Foucault's Askesis* (Evanston: Northwestern University Press, 2007).

8 D. Bostock, 'The Interpretation of Plato's Crito', and T. Brickhouse and N. Smith, 'Socrates and Obedience to the Law', both in *Plato's Euthyphro, Apology, and Crito: Critical Essays*, ed. Rachana Kamtekar (Maryland: Rowman & Littlefield, 2005), pp. 210-228 and pp. 163-174, respectively.

problem of the dialogue to be this: the *Crito* clearly states that one must never disobey the law, and yet in *Apology* 29c-30c Socrates seems to suggest that he would disobey a law were it to prohibit philosophizing. Brickhouse and Smith's approach is to remove this apparent contradiction by demonstrating, through a historical analysis of Athenian law, that the type of proviso the jurymen of Athens might pronounce against philosophizing could never be *legally* binding, and therefore that Socrates' statement in the *Apology* need not contradict his apparent authoritarian commitments in the *Crito*.[9] Bostock, while recognizing the same apparent contradiction, does not dissolve it but rather claims that it stems from a disjunct in Plato's own thinking on the matter: 'the moral supremacy that [the arguments of the *Crito*] claim for the laws is not endorsed by any other early dialogue'.[10] The *Crito*, failing to distinguish between moral and legal wrongdoing, is indeed authoritarian, even if the *Apology* is not.

These approaches have in common that they assume that the Laws must represent Socrates' own opinions about obedience and law,[11] and disregard the dramatic details of the dialogue. These two errors are related, since it is only by noticing that the Laws are introduced by Socrates out of frustration with and care for his interlocutor that one can begin to distinguish them from the very distinct (attempted) arguments of Socrates himself. Thus the contradiction between the *Apology* and the *Crito* is only apparent: if read as a *dramatic dialogue*, the *Crito* echoes precisely the types of

9 I follow Kraut in finding this argument unpersuasive: 'Socrates' commitment to philosophy is [...] so strong that it has to take precedence over any civil command, whether legal or illegal' (*Socrates and the State*, p. 15). In other words, one could easily grant that in this specific instance the proposed ban would be illegal, without this affecting our perception of the clear and absolute commitment to philosophy contained in Socrates' ethical attitude.

10 Bostock, 'Interpretation,' p. 227.

11 While Bostock allows that the Laws are an external source of wisdom (i.e., they do not simply *come from* Socrates himself), they are nonetheless a source that Socrates has consulted and internalized, and that address his own concerns ('Interpretation', p. 226).

arguments given by Socrates in the *Apology*,[12] the same commitment to philosophy and justice as *prior* to the claims of law. As we will see, if the Laws' speech contradicts *Apology* 29c-30c, it is precisely because the Laws in fact contradict *Socrates'* beliefs on obedience: they are not his arguments but are, rather, Crito's—made for him and, in a sense, by him.

My argument is therefore closer to the interpretations of the *Crito* offered by Harte and Strauss, both of whom argue that we should not conflate the *logos* presented by Socrates with the *logos* of the Laws. I endorse the general thesis of Harte's analysis: the Laws' *logos* cannot be the same as Socrates',[13] and this means that Socrates nowhere explicitly spells out his own reasons for staying in prison in the *Crito*.[14] However, while for Harte the *Crito* is a kind of *mise-en-scène* of three conflicting 'value systems' of ancient Athens – justice as filial obligation (Crito) vs. justice as philosophical *eudaimonism* (Socrates) vs. justice as civic obligation (the Laws) – I would argue that this view, though compelling, abstracts from the concrete mechanics of the dialogue itself. That is, it mistakenly imagines that the 'value system' of the Laws is a kind of free-floating *logos* added by Plato in order to round out the criteria of just actions cast in his staged conflict. This interpretation misses the dramatic or 'logographic' necessity[15] of the character of the Laws' speech: it is not

12 Scott argues that it is better to read the *Crito* as an isolated dialogue, since nowhere does it explicitly ask us to look to other dialogues to supply missing principles ('Lessons,' p. 32). While I agree that the *Crito* can be read independently – and indeed try to tease out Socrates' *logoi* from a close reading of the dialogue itself – I argue that it is the *literary character* and clear *intertextuality* of the dialogues surrounding Socrates' death that push us to connect them in our thinking. In this I follow Foucault and Dumézil in finding crucial that Plato chooses Crito as a privileged character in the 'death cycle' (cf. Foucault, *Courage*, 15 February).

13 V. Harte, 'Conflicting Values in Plato's *Crito*,' in *Plato's Euthyphro, Apology, and Crito: Critical Essays*, pp. 229-260; see especially p. 239.

14 Harte, 'Conflicting Values', p. 229.

15 On this concept, see L. Strauss, 'On Plato's *Republic*,' in *City and Man* (Chicago: University of Chicago Press, 1964), p. 53. The notion that Plato was a very careful *dramatist* has informed much of this paper's general attitude towards the dialogue and its details.

coincidental that their *logos* is a sort of mirror of Crito's 'value-system',[16] since their speech is after all made by Socrates in order to *convince Crito* that they must stay in Athens after his own reasoning has failed to do so. Thus from a premise that Harte herself analyses – the similarity of the Laws' speech to Crito's[17] – I am inclined rather to agree with Strauss that there are in fact two *logoi* presented in the *Crito*,[18] rather than three.[19]

While these issues are important, however, if we remain too fixated on the question of obligation and authority or on the question of contradiction between the *Apology* and the *Crito*, we risk missing what I follow Foucault in considering the central issue not only of the *Crito* but of the entire 'trial and death cycle': the relationship between Socrates, his death, his philosophy, and his city. Catherine Zuckert offers a largely compelling rectification of this frequent oversight.[20]

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16 For another account of how Socrates tailors his arguments specifically to Crito, see Diduch, 'Reason and Rhetoric.' Note that Diduch reads all of Socrates' arguments as rhetorically aimed at Crito, whereas I see those arguments he gives before voicing the Laws as – in conjunction with those of his *apologia* – representing his philosophical ethos in a straightforward way.

17 Cf. Harte, 'Conflicting Values,' p. 238.

18 See Leo Strauss, 'On Plato's *Apology of Socrates* and *Crito*,' in *Studies in Platonic Political Philosophy* (Chicago: University of Chicago Press, 1983), p. 66: 'Socrates did stay in prison, he chose to stay, he had a *logos* telling him to stay. But is this *logos* identical with the *logos* by which he persuades Kriton? […] [T]his is not likely. There are then two different *logoi* leading to the same conclusion. The *logos* which convinces Socrates would not convince Kriton and vice-versa'.

19 For another account of the distinction between the Laws and Socrates, see Garver, 'Persuasion and Obedience,' for whom the *Crito* represents a schematization of philosophy and politics as forms of rhetoric. Unlike Garver, I do *not consider* the Laws as a universal normative force but precisely a particularistic response to *Crito* as an individual. In this sense, if philosophy means care of the soul, then the Laws are philosophy by other means; and philosophy in this sense is not 'impersonal' (p. 10) but, precisely, personal and ethical.

20 Her thesis is that if 'Socrates had tried to evade suffering the death penalty, he would have made a mockery of his speeches [and] […] he would have appeared to have valued his own life, that is, merely living, more than his philosophy, that is, living well. […] Socrates used the opportunity [of his trial and execution] to demonstrate both in speech and in deed that the kind of philosophy he practiced *did not threaten to undermine the rule of law*' (C.

Zuckert's argument consists of three basic claims: (1) that Socrates successfully preserved his philosophic integrity by remaining to die in prison; (2) that Socrates demonstrated in deed the compatibility of his mode of philosophy with lawfulness; and (3) that in doing so Socrates sought to preserve his mode of philosophy for posterity.[21] But in response it should be emphasized that in a situation in which the claims of justice and law (or philosophy and law) conflict, Socrates indeed opts to follow justice at the *expense* of the law. If Socrates' choice in the *Crito* is law-abiding, this is merely incidental; and he certainly does not demonstrate that his philosophy actively helps to *preserve* the law:[22] it just so happens that in this particular case the very distinct *logoi* of the Laws and Socrates point to the same conclusion. So while I agree that at stake in the *Crito* is the problem of the posterity of philosophy, I argue that we need to understand Socrates' relation to this posterity otherwise than as a promise of philosophy's harmlessness to good civic order.

Philosophy is the greatest good for Socrates, and the 'reason for' all of Socrates' actions in both senses of the phrase: it is that for the sake of which he acts, and conversely that which teaches him how he ought to act. Socratic philosophy has two major ends, namely, to care for oneself and to care for others, and *these* are the two keys to his *logos*. Socrates' primary concern in the *Crito* is not to persuade of the lawfulness of philosophy, but to demonstrate, in deed, the intrinsic worth of the philosophical life.

Zuckert, *Plato's Philosophers* (Chicago: University of Chicago Press, 2009), p. 765, my emphasis). See also G. Danzig, 'Building a Community under Fire', in *Apologizing for Socrates* (Maryland: Lexington Books, 2010). Unlike Danzig, my concern is not in reading the *Crito* 'outwards,' as it were, as a political pamphlet of sorts, but rather 'internally,' as a real *mise-en-scène* of the activity of philosophical care for self and other.

21 Zuckert, *Plato's Philosophers*, pp.764-6; cf. p. 745 and 753. Zuckert, in emphasizing Socrates' concern for the posterity of philosophy, tends to neglect that Socrates was as much – if not more – concerned with the health of his own soul as he was with the souls of others (cf. p. 736, 750, 752).

22 Zuckert, *Plato's Philosophers*, p. 764.

III. SOCRATES EXAMINES CRITO'S *LOGOS* (43A-50B)

CRITO'S TROUBLING LOGOS

As the *Crito* begins, Crito offers a long, haphazard, and unexamined *logos* in an attempt to compel Socrates to escape prison; its four major concerns are the obligation owed to friends, the loss of honour and reputation, the loss of money, and the obligation owed to family.[23] By allowing himself to die, Socrates would be guilty of abandoning his friend (44b-c; 45e-46a); of allowing both Crito and himself to incur a poor reputation with the many (44b-c; 45e-46a); of overestimating the financial cost and the risk involved in his escape (44e-45b); and of failing to properly oversee his children's upbringing (45d-e). Now, Plato makes clear in no less than three places, that Crito was present at Socrates' trial (*Apology*, 33d and 38b; *Crito*, 45b), and that they have had 'serious discussions' on previous occasions (49a-b). And this is why the beginning of the Crito is a kind of comedy of errors: time and again, Crito demonstrates that he has not understood the Socratic *ethos* (or worse, that he cannot maintain this *ethos* in difficult circumstances). At 44b, Crito equates Socrates' salvation ('listen to me even now and be saved') not with the cultivation of virtue, but with *escaping death*. Moreover, Crito insists to the man for whom the unexamined life is not worth living that he must simply listen passively and accept his argument without examination.[24] If the philosopher is one who strives to live – bravely and in *every* situation – according to what examination reveals to be right and to harm no one,

23 For a more detailed discussion of the character of Crito's concerns, see Diduch, 'Reason and Rhetoric.'

24 'Listen to me' (44b); 'Do follow my advice, and do not act differently' (45a); 'take counsel with yourself, or rather the time for counsel is past and the decision should have been taken and there is no further opportunity' (46a).

then it should be clear that Crito's speech is strikingly 'un-philosophical' (and not just for its lack of scientific rigor).

Socrates is thus worried about Crito and the dangers that his unexamined opinion may pose: 'My dear Crito, your eagerness is worth much if it should have some proper aim; if not, then the greater your keenness the more difficult it is to deal with' (*Crito*, 46b). Let us keep in mind that for Socrates the soul is corrupted by an improperly examined opinion (47d); and if he is so preeminently concerned with the care of the soul, he will clearly need to tend to his friend.[25] In his concern for Crito, Socrates will thus prepare him for conversation by reminding him of several things of which he should already be well aware, in order to try to enlist Crito once more to join in his commitment to the philosophical life.

SOCRATES' PRINCIPLES OF JUDGMENT (46B-49E)

After Crito's speech and before the Laws' speech, Socrates attempts to demonstrate for Crito – and interestingly, here he asserts his beliefs in his own voice – the real, the only factors that must be taken into account when acting. Thus we are given a recounting of Socrates' philosophical mission and its

25 Note that the objects of care in Socratic *care of the self and other* are specific individuals in all of their particularity. It is this feature of Socratic care that makes the surprising conjunction of a Straussian and Foucaultian approach here tenable: a Socratic dialogue might be a dialogue about the universal, but always with and for some individual(s). Of course, the Laws make similar arguments about an indebtedness to *this* city, but from a Kantian perspective even such a duty – although to a 'larger' entity – is partial or imperfect rather than perfect or universal. This raises two broader philosophical questions that are beyond the scope of this paper: (1) Could one ever meaningfully designate a commitment to the universal as 'care'; and (2) Insofar as Socrates does 'care' for the god – and understands this care to entail an absolute commitment to justice – are there circumstances in which 'absolute' care and 'particular' care could conflict? Interestingly, in the case of Socrates the latter question is nearly identical to asking whether Socrates' care of the self (or his *daimon*) is prior to his care for others.

peculiar characteristics precisely as they were put forward in the *Apology*:[26]

> We must […] examine whether we should act in this way or not, as not only now but at all times I am the kind of man who *listens only to the argument that on reflection seems best to me. I cannot, now that this fate has come upon me, discard the arguments I used*; they seem to me much the same. *I value and respect the same principles as before*, and if we have no better arguments to bring up at this moment, be sure that I shall not agree with you, *not even if the power of the majority were to frighten us with more bogeys*, as if we were children, with threats of incarcerations and executions and confiscation of property (*Crito*, 46b-c, my italics).

This warning to Crito is crucial; here Socrates sets the terms of the ensuing cross-examination. He implies that he has already made a decision to stay and die, and he even suggests why: because of the 'same principles' he heeded before. Thus, starting from this passage, Socrates will attempt to show Crito once again what these principles are, namely what we can call *Socrates' principles of judgment and action*: four formal principles, a virtue, and an ethical principle which determine his conduct, and which, together, constitute the specificity of his mode of being.

These 'same principles as before' – initially laid out in the *Apology* – can be summarized as follows: *examine;*[27] *listen to the wise;*[28] *do what is right;*[29] *never do harm.*[30] The first

26 I will not be able analyze the *Apology* itself in detail in this article. It will have to suffice to simply indicate relevant passages from the *Apology* in which these principles are suggested in passing and in footnotes during the exposition.

27 '[It] is the greatest good for a man to discuss virtue every day and those other things about which you hear me conversing and testing myself and others, for the unexamined life is not worth living for man' (*Apology*, 38a).

28 'One individual is able to improve them […] [Is] that not the case, Meletus, with horses and all other animals?' (*Apology*, 25b).

29 A good man must [come] to the help of justice and [consider] this *the most important thing*' (*Apology*, 32e, my italics; see also. 18a, 28b, 32a, and 32d).

principle is suggested right away, in the passage quoted above, as a corrective to Crito's over-eager manner of rhetorical delivery. Socrates and Crito must *examine* the arguments by which they will make their decision. Socrates chooses to begin by examining Crito's premise that they should fear the reputation they may incur from the many if they fail to escape (46c). Crito is reminded that 'it was said on every occasion by those *who thought they were speaking sensibly*' (46d-e, my italics) that one should only value the opinion of those who know (47a). Thus the principle of examination in ethical decisions opens onto a closely related second principle: if we should examine ourselves, it is with those who know that we should converse as judges in our case. By analogy with the trainer-trainee relationship (in which it is the trainer who knows that must be heeded), the one who is to act properly in terms of the just, the beautiful, and the good must listen only to the one who has knowledge of these things. If he does not, he will not only harm and corrupt 'that part of us that is improved by just actions', but will in fact destroy it, because this part is destroyed by injustice (47d). Since life is not worth living if this happens, as it is not life itself but the good life that is the most important thing (48b), one must make all considerations with this in mind. Thus if we are to examine our beliefs with reference to what 'the one who knows' might say in our predicament, this is ultimately done so that we may act and live in the right way. The '*only* valid consideration is whether we should be acting rightly' in escaping (48d, my italics), since only living justly makes life worth living. As such, *all other considerations,* whether one might die or lose money or be punished in any other way, will be peripheral to this one genuine consideration. This leads us to the final and most explicit of the Socratic principles (though the one most difficult to accept for Crito). If one must always act justly, it is so one will preserve the goodness of the soul and so develop a good and worthy *ethos*. The principle *act justly* should also be unequivocally true when stated negatively: one must never

30 'I *do know*, however, that it is wicked and shameful to do wrong' (*Apology*, 29b, my italics); see also *Apology* 37a and 30c-e.

do wrong, regardless of the circumstances, because it will be unjust and therefore harmful to the soul in any case (49b).

Thus Socrates has reminded Crito of his four long-standing beliefs: that one must examine opinions; that in doing so one must listen only to the one who knows; that the only valid consideration in determining one's actions is whether that action is right; and finally, that there are no conditions under which doing wrong is acceptable.[31] These are the principles of judgement annexed to a concern with the training of the self towards a good *ethos*.[32]

In addition, two other crucial factors of the Socratic way of life are intimated in the quotation from *Crito* 46b-c above: namely, the virtue of courage and the speech-deed consonance that underpins it (and underpins Socratic virtue as a whole). Anyone may state that they are committed to the just in spite of any consequences, be they death or imprisonment; but to *actually* maintain these convictions, despite any risk, requires

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31 Here I ought to deal with a possible objection to my characterization of Socratic judgement: how could Socrates ever know what is just, right, and harmless, since he knows only that he knows nothing? Bostock concludes from this premise that 'the one' whom Crito and Socrates must consult (cf. 47b, 48a) must be the Laws ('Interpretation', pp. 225-6). Compare Zuckert: 'In prison with a day remaining before his death, he and Crito are unlikely to find the 'expert' they have been presumably seeking for some time' (Zuckert, *Plato's Philosophers*, p. 757); though Zuckert does note that cross-examination can serve as a concession in the absence of an expert (Ibid., p. 765). As I will argue, the Laws *cannot* be the 'one who knows', but we do have reason to think that Socrates is in a sense this expert. See on this point Foucault, *Courage*, especially '22 February'. Through an analysis of the *Laches*, Foucault argues that Socrates is recognized as the competent teacher of ethical matters, the *technikos peri psuchēs therapeian* (*Laches* 85e as cited in Foucault, *Courage*, p. 126), both because of his constant commitment to self-examination and because of the consonance between his discourse on virtue and his virtuous character—the *elenchus* in conjunction with consonance as ethical guarantor of truthfulness fill the place of the missing 'one.'

32 Such ideas, especially in conjunction with the trainer metaphor, make clear that these Socratic principles are not merely intellectual criteria for decision-making, but ethical principles the adherence to which constitutes a kind of spiritual exercise of the type analysed in P. Hadot, *Qu'est-ce que la philosophie antique?* (Paris: Gallimard, 1995).

courage. And to Socrates, courage is nothing more nor less than the ability to endlessly maintain his principles of conduct *despite* the closeness to hand of any deterrents or stimulants, that is, regardless of the pain or pleasure, reward or punishment with which he is presented. If Socrates is like Achilles, it is because his decisions – if they are based on reason and examination, and if they are just – are unperturbed by the most seemingly harmful consequences to his own person (cf. *Apology* 28b-c). Were Socrates to act in accordance with any motivating force – no matter how extreme – exterior to the rationally examined principles by which he legislates his own activity (such as Crito's initial arguments), he too would consider himself a 'laughingstock', 'a burden upon the earth' (*Apology* 28d). If Socratic courage is the courage not to abandon one's post, then this post that one must not abandon is the philosophical life with all its commitments.

Socratic courage thus entails that one remain consonant in speech and action, that one be in reality as one represents oneself in discourse. To be virtuous it is not enough to offer one's testimony in the matter; one must actually act as he declares best.[33] Socrates' *apologia* is itself a point of pride precisely because in his manner of delivering this speech he actually acts in accordance with what he deems right (in this case, truthfulness) despite the looming threat of death, and despite knowing that had he revoked his standards of virtue he may have been able to persuade his judges by shameful means.[34] It *is necessary in itself*, for Socrates, that he act in a manner befitting his superiority in virtue. To shame himself by begging in court would throw his virtue into contradiction with itself and call it into question. Thus Socrates cannot, especially now, in his old age, act in a manner that contradicts

33 'I shall give you great proofs of this [that I never yield from the right course of action from fear of death], not words but what you esteem, deeds' (*Apology*, 32a; cf. 32e-33a).

34 *Apology*, 38d; cf. *Strauss, Platonic Political Philosophy*, p. 39.

his ethical excellence.[35] This is also apparent in the *Crito*: the results of their examination will be binding on Socrates' action, regardless of any external fears or other stimuli, precisely because Socrates translates truth into deed as a matter of principle (46b).

CRITO'S FAILURE TO FOLLOW SOCRATES

The discussion of these principles in the *Crito* marks Socrates' renewed attempt to demonstrate to Crito the specificity of his mode of life, and therefore to show him why he must remain in prison. But Crito cannot follow these arguments: perhaps Socrates' singular philosophical heroism is too extreme. Let us return to the text at 49a, where Socrates reminds Crito, 'as we have agreed in the past', that 'to do wrong is never good or admirable' (49b). Recall, too, that the health of Crito's soul, his ethical well-being, is at stake in this discussion. We are reminded of this here when Socrates asks Crito whether 'wrongdoing is in every way *harmful* and shameful *to the wrongdoer*' (49b). In recalling the principle that one must never do wrong, Socrates is also reactivating for Crito and for us the *raison d'être* of the whole Socratic enterprise: the care of the soul. And it is because Socrates cares for Crito that he cannot simply assume that he will deduce the last principle here (no wrongdoing) from the previous three (examine, listen to the one, act justly)—especially since Crito's *logos* has allowed that present circumstances may offer special allowances against their previously agreed-upon principles. Socrates must ensure that Crito genuinely holds that wrongdoing is never justified; he

35 Cf. *Apology*, 34e-35a. There can be no question that Socrates does consider himself superior to the majority of men, but his point is not just about reputation: it is, more importantly, that anybody who is superior must continually *act* as such, or they will *cease* to be superior.

must be sure that he does not harbor a dangerous opinion that risks corrupting his soul.[36]

Indeed, Crito does agree right away that one must never do wrong, apparently having accepted the premise that 'to do wrong is never good', and, therefore, the premise on which this rests, that one must only do what is good. We see Crito's first hiccup in following this argument when Socrates asserts that one may not even *return* a wrong if he has been wronged first. Crito is hesitant: 'that seems to be the case' (49c). Socrates reacts strongly: 'Come now, should one injure anyone or not, Crito?' (49c). Once again, he is worried for Crito, since it is becoming increasingly clear that he may be harboring a potentially harmful opinion, namely that there is at least one circumstance in which the principle of non-harm does not hold (i.e., when one has been wronged first and only thereafter returns a wrong). Socrates hereafter becomes rather more circumspect. He tells us and Crito that, ultimately, very few people share his opinion that one must *never* do harm, even if one has been wronged and is simply harming a malefactor in return (49d). He does not want to proceed without knowing whether he and Crito share this opinion, and is very aware that Crito might hide his true opinions from him to be conciliatory. So he issues several warnings: 'Crito, see that you do not agree to this, contrary to your belief', '[C]onsider very carefully whether we have this view in common', '[I]f you think otherwise, tell me now' (49c-e).

If Crito does think otherwise, he does not make it known, but rather says he sticks to the premise that one must not return a wrong for a wrong and asks Socrates to continue. By now suspicious both of Crito's real opinions and of his ability

36 To return to the question of universal and particular duties: It is interesting to note here that while Socrates is here clearly concerned for the universally binding, his concern is also and even primarily that Crito not harm himself by failing to following this universal law. This means that Socrates' primary object of care is Crito, not the Universal, but this does not mean in turn that Socratic care puts a particularistic 'care' in opposition to a universal 'respect.' Respect for the just entails training others into the capacity to follow the exigencies entailed by this respect.

to follow the argument, Socrates offers a kind of test. He ceases to speak in his own voice and begins for the first time to speak through the Laws. The question they pose is as follows: 'Do you not by this action you are attempting intend to destroy us, the laws, and indeed the whole city, as far as you are concerned? Or do you think it possible for a city not to be destroyed if the verdicts of its courts have no force but are nullified and set at naught by private individuals?' (50a-b). After putting forth these questions in the voice of the Laws, Socrates asks Crito: 'Shall we say in answer, "The city wronged me, and its decision was not right[?]"' (50c). And before allowing him to answer, he hesitates once again, prompting Crito truly to think about it: 'Shall we say that, or what?'. This is Socrates' test, the moment at which he will decide whether to continue or abandon his present method of argument. If Crito had truly been following, if he truly held or at least understood Socrates' conviction that the *only* valid consideration is whether an action is right and therefore whether it threatens one's soul with destruction, he could only answer, 'it is irrelevant to our decision whether the city has wronged us'.[37]

But Crito not only agrees that they should respond as suggested, but answers with an emphatic oath: 'Yes, by Zeus, that is our answer' (50c). It seems that Crito has either misunderstood Socrates' argument up until now, or else he is deliberately allowing the argument to slide since he now thinks he sees another opportunity to save Socrates from death: we are back to where the dialogue started.

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37 Note too that the response, 'the city wronged us' absolutely avoids the thrust of the Laws' questions, which concerned *whether or not* the action of *escaping* would destroy them and the city (and therefore, presumably, be a wrong), a question that is not yet settled. The Laws will only ever *assert* that the city would be destroyed by Socrates' escape. Bostock notes that the Laws' claim here is 'a very dubious step' in the argument ('Interpretation,' p. 211). Zuckert goes even further: 'Socrates' escape would surely not overturn the laws of Athens or destroy the city itself' (*Plato's Philosophers*, p. 759). See also Shklar *Political Obligation*, p. 44. I agree that it is unlikely that Socrates would destroy the city, and therefore that *the city* is the one he would be injuring by escaping (50a).

IV. THE LAWS' SPEECH: BETWEEN AUTHORITY AND CARE

At this moment, then, it becomes clear both that Crito still holds the conviction that Socrates ought to flee his death and that the methods Socrates is using in the argument are not effective in persuading him otherwise. Socrates now sees that Crito's soul is at risk insofar as it is harboring faulty opinions, namely that it is sometimes right to inflict harm and that one need not maintain true convictions in the face of death. If, as we have seen, such faulty opinions destroy the soul, then Socrates has a duty to his friend.[38]

There ensues a shift in the problematic of the dialogue and hence of methodology. It is no longer the decision as to whether Socrates will escape, but Crito's soul that is at stake, and so Socrates will try another tactic: redeploy the form (long, rhetorical speech) and content (questions of obligation, risk, money, punishment, etc.) of Crito's own *logos* and thus offer arguments that Crito, at least, can find compelling.[39] And perhaps Crito needs something more than just arguments: his inconstancy in maintaining his opinions (especially that the goodness of acting rightly outweighs the evils of death) suggests that he needs precisely the authoritative voice of the Law to *help him* guard his opinions.

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38 For a different account of how Socrates acts as therapist for Crito's soul, see also D. Hyland, 'Why Plato Wrote Dialogues,' *Philosophy and Rhetoric*, 1 (1968), pp. 38-50 and Foucault, *Courage*. For Foucault, Crito is at risk because he heeds the unexamined opinion of the many: but given the authoritative character of the Laws, pace Foucault, Crito precisely does not in the end '*se décider par une opinion vraie fondée sur le rapport de soi-même à la vérité*' (Foucault, *Courage*, p. 96-7). Yet this does not mean that Socrates fails Crito, as I shall argue.

39 For a detailed account of the suitability of the Laws' logos to Crito in his particularity, see Rosen, 'Obligation and Friendship,' pp. 307-316; and see also Hyland, 'Why Dialogues,' especially pp. 44-47.

So at 50c Socrates once more silences himself and conjures the Laws to carry on the remainder of the argument. He thereby substitutes for the Socratic mode of question and answer a series of three increasingly lengthy speeches in which Socrates and Crito are increasingly reduced to silent and passive listeners. It is suspicious both that the Laws leave no room for examination and that although Socrates and Crito have both agreed to listen only to the one who knows, we have no reason to think that this is the Laws in this case. Indeed, we have reason *not* to think this, since Socrates suggests in the *Apology* that only one who has *knowledge* of the laws should be listened to in matters of education, i.e., in matters of teaching human excellence.[40] Thus right away we see that two principles of Socratic philosophy are violated by the Laws' *mode* of argument. I now analyze the *content* of this *logos* as an argument in three stages.

FIRST ARGUMENT: 'HONOUR YOUR FATHER IN OBEDIENT SILENCE' (50C – 51C)

The Laws' first speech relies on the premise of the debt owed by a son to his father for having raised him (a compelling idea for Crito the father, who demanded that Socrates consider his familial obligations as primary in making his decision).[41] Socrates agrees with the Laws that through them his parents were married and begat him, and his basic education in arts and athletics was provided (50d). Socrates may be able to agree with these fairly innocuous claims, but this is the extent of his explicit agreement in this first speech. In other words, Socrates is silent on the *consequences* that the Laws draw from these first premises. For them, because they were ultimately responsible for his birth and education, he stands in relation to them as a servant

40 Cf. Zuckert, *Plato's Philosophers*, p. 742.

41 On this point, see Rosen, 'Obligation and Friendship,' pp. 307-316, 308.

to a master or a son to a father. Two further consequences follow.

First Consequence. Apparently, the Laws have a monopoly on the right that puts them on a 'higher footing' than Socrates. He and all citizens owe a debt to the laws that amounts to an inequality in their right to retaliate (50e-51a). There are several reasons as to why Socrates could not accept this claim (and in fact he does not accept it in the *Crito*). Most clearly, it eschews the principle that one must simply never do wrong, endorsing rather the limited claim that only an inferior may not inflict an injury on his superior.[42] While Socrates would not allow that anyone may inflict harm – and indeed precisely that a superior in the *true* sense *cannot* be harmed by his inferior (*Apology*, 30c, 41d) – he also would not allow that retaliation should be forbidden if it does not indeed constitute a wrong (for example by retaliating against ignorance with criticism). To the Laws' question at 51a, then, ('Do you think you have this right to retaliation against your country and its laws?') Socrates could only answer, 'I do not have the right to return a wrong, if the retaliation in question is truly a wrong; but, in any case, the question of civil status is not relevant to this consideration'. For certainly Socrates refused to follow the rulers of his city when they commanded him *unjustly*. One's master or father or laws *may* happen to be right, but that they are *de facto* on a higher footing regarding the right is unfounded.

Second consequence. The Laws also draw from their first argument the related conclusion that each citizen must honour their laws in obedient silence, always remaining in a position of deference to these authorities to whom they owe a debt. One must 'worship it [their country], yield to it, and placate its anger', and furthermore '*endure in silence whatever it instructs [them] to endure*' (51b-c, my italics). To endure in silence what one is instructed to do by an authority is entirely

42 Cf. Harte, 'Conflicting Values,' p. 233: 'Socrates' principle of non-retaliation makes no issue of the relative status of the persons involved. The Laws' principle makes unequal status the central issue.'

antithetical to the Socratic *ethos*.[43] Socrates did not accept in silence the Delphic prophecy, but rather tested it; and neither did he deferentially endure the commands to arrest Leon of Salamis or to try the ten generals as a body. To do so would have been to deny the primacy given by Socrates to judgement and the *investigation* of the right (*Apology* 18a).

Socrates is silent regarding these consequences of the Laws' speech, and poses the question as to their truthfulness to Crito, who agrees that for the reasons outlined above it is wrong to do violence to one's country.

SECOND ARGUMENT: 'LOVE IT OR LEAVE IT…' (51C – 52D)

The Laws' second speech introduces a new reason as to why Socrates would be guilty should he flee from prison. While anyone who remains in the city must either obey or persuade the laws, it is not necessary that anyone born in the city stay there. In other words, if one wants neither to obey nor to persuade, one can also relocate to another city whose laws are more pleasing. The Laws deduce from this that if Socrates were to disobey the decree of the court he would be the most guilty of all citizens, since he 'would not have dwelt here most consistently of all the Athenians if the city had not been exceedingly pleasing to [him]' (52b). By remaining present, Socrates has assented to Athens' laws, and he would be acting inconsistently if he were now to retract his 'support' in an unlawful way when all along he has had the option of leaving lawfully.

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43 It may appear that the Laws recognize this problem by adding the proviso that one may also 'persuade us as to the nature of justice' (51b-c). But, according to the Laws, if at once one fails to do this, then they must be silent and obey. This is a dangerous misunderstanding of truth and rhetoric, for it implies that if one fails to be persuasive, they are necessarily wrong (cf. Harte, 'Conflicting Values,' p. 237 and Bostock, 'Interpretation,' p. 222).

This argument fundamentally misunderstands Socrates' relation to Athens. By conflating remaining in Athens with finding the city exceedingly pleasing – that is, faultless – the Laws construe his citizenship as tacit support of the city in its entirety. Yet as Foucault has argued,[44] it was precisely because Socrates cared for the city but *did not* find it 'exceedingly pleasing' in its present state that he stayed in Athens. In fact, Socrates thought the city exceedingly *corrupt*, but he nonetheless believed himself divinely attached to it and so was indelibly concerned for its well-being, which could only be effected through a rehabilitation of its compromised ethical life. He thus precisely *did* spend his life trying to correct it and persuade it; but for the reasons offered in *Apology* 31c-32a – namely, that his criticisms would have been absolutely ineffectual in the public forum, where he would be killed before conferring any real benefit – Socrates did not try to persuade the city as a political unit to alter its laws, but rather tried to persuade individual citizens to care for virtue.

Furthermore, since the Laws themselves mention that Socrates 'could have assessed [his] penalty at exile […] and [he is] now attempting to do against the city's wishes what [he] could then have done with her consent' (52c), it is worth re-examining why Socrates chose not to set his penalty at exile at *Apology* 37c-e. In addition to arguing that he would harm himself by setting himself in exile, Socrates argues that he would be met with hostile parents wherever he fled and regardless of whether he *allows* the youth to hear his subversive philosophizing or *denies* them his wisdom. He would be unable to philosophize: exile would simply amount to the continual struggle of philosophy against the city until the general attitude of citizens towards the philosophical activity was transformed. This, and not Athens' fundamental congeniality, is Socrates' primary reason for rejecting the prospect of exile. In Athens, Socrates could at least remain in

44 Foucault, *Courage*, '15 February.'

conversation until the end with disciples sympathetic to his *ethos* and for whom he cares.

Socrates does not assent to any part of the Laws' second speech, interjecting only one question (why would I be the guiltiest of citizens?) without examining, correcting, or specifying the claim that the city was especially congenial to Socrates. Again, it is Crito who ultimately agrees with the Laws' conclusions (52d).

THIRD ARGUMENT: A REVERSAL OF CRITO'S LOGOS (52D – 54D)

The Laws then move on to their third and final speech, which is not only their longest, but also the only one in which Socrates is entirely silent, offering not so much as a question in his own voice. The first two speeches operated primarily in reference to filial debt and the reverence due to authority. The third speech, however, is less unified in theme. Its function is to reverse, point-by-point, Crito's initial arguments in favour of escaping prison.[45] While Socrates had attempted earlier to demonstrate that the arguments raised by Crito are inconsequential, the Laws here simply accept Crito's premises and the scope of his arguments; they refute his initial position point by point, while yielding to their underlying mode of reasoning. Crito had said that it would be shameful for Socrates to stay in prison (45e), that he and his friends would not lose much money or run much risk in helping him (53a), and that Socrates would be neglecting his friends (44b) as well as his children by dying (45c-d). The Laws, in turn, threaten that it is *by escaping* that Socrates will suffer a poor reputation (53e, cf. 53a), unfairly treat his friends (specifically because they will be in danger of exile and loss of property) (53a-b), and improperly raise his children (by making exiles of them) (54a). When the Laws finish, Crito, unsurprisingly, has

45 Cf. Harte, 'Conflicting Values,' p. 238.

nothing more to say (54d): all of his concerns have been dealt with.

V. SOCRATES' *LOGOS* OR, PHILOSOPHY AS CARE OF SELF AND OTHER

Socrates himself could not have stayed in prison because of the reasons presented by the Laws: but then why did he choose to do so? I have referred several times to Socrates' principles of judgment, which, we can infer, guided his choice. Even if Socrates has been unable to move past the *criteria* by which he will determine whether to stay, we should by now be able to discern the *result* to which these criteria of judgment point.

'*We are not by this action intending to destroy the whole city, nor would we, in all likelihood, do so; but in fact we* would *be harming someone whom we should least harm by escaping, for we would be harming ourselves – by compromising our soul and our way of life.'* This, I submit, would be Socrates' own answer to the questions posed at 50a-b. Socrates could only have remained to die in prison in order to care for his own soul and those of his fellow citizens. While we have seen that various principles guide his judgment in ethical matters, the care of the soul is the horizon in which these principles are given meaning. Life is not worth living if the soul is corrupted; and the way in which one prevents this corruption and cultivates the soul is by philosophically examining and acting in accordance with the results of this examination (47e-48b). If one must examine the right, act as is just, and avoid wrongdoing, it is because these are the

pathways to virtuous life, to the soul well cared for.[46] This is the Socratic mission outlined in the *Apology*. To care for oneself and to care for others by exhorting them to do the same: this is what it means to practice philosophy.[47]

CARE OF SELF

Socrates could have prevented himself from being in the dire circumstances depicted in the *Crito*: he could have begged to be found innocent; moreover, he could have set a counter-penalty to the death sentence that may have been accepted, rather than his seemingly arrogant suggestion of meals in the Prytaneum. But his reasoning was clear:[48] to do either of these things would be to harm himself, to do an injustice by not recognizing the justice of his own way of life, to negate his entire hard-won *ethos* by finally acting out of sync with his profession for nobility and justice; it would be an admission of the culpability of the philosophical life. After the death sentence was passed, Socrates asserted that this was no evil thing: for unlike ignoble conduct, death cannot harm his soul (*Apology* 38e). Death cannot make Socrates less good—unless, of course, the fear of death were to scare him into renouncing the pursuit of philosophy. His evaluation of the death penalty relies on his argument that death is *in itself* no evil, since life itself is only a subordinate good, a necessary but not sufficient condition for the *good* life. Thus he accepts the penalty without hostility: as long as he has the courage to remain consonant with his own virtues despite the threat of death, then death itself is an 'indifferent', to use a Stoic term.

Socrates could only revoke this conclusion if the *logos* – as opposed to his *contingent circumstances* – were to lead him

46 To be clear, these principles of judgment are not separable from the care of the soul, as means are to ends; they are themselves part of the care owed to one's soul.

47 Cf. Woodruff, 'Socrates' Mission,' 187.

48 Cf. *Apology* 34e-35a, 37a-c, 38d

away from it. But as we have seen, nothing in the *Crito* suggests that death has now become inimical to virtue; consequently Socrates could change his opinion only 'like a child' (49b), that is, by allowing the close proximity of a stimulus to override his previous commitments. To allow this to happen would in itself be a renunciation of courage and consonance, as well as a violation of his fundamental principles of sound judgment; it would, in short, be a surrender of the project of the care of the soul.

CARE FOR OTHERS

But what is gained by this acceptance of death? Granted, a great self-overcoming is accomplished: but if Socrates is a philanthropist, if his philosophy is equally a care for others, is his death not a loss to those whom he has exhorted to goodness? The question is slightly off point. For if Socrates were to continue his mission of philanthropy by escaping, this could only be done by sacrificing the very principles on which this philanthropy is based and which grants it its ethical legitimacy. He would become a practitioner of care who was overcome by fear to abandon the true *logos*; he would, *ipso facto, cease to be* the master of virtue and care. But there was another reason for Socrates to stay in prison: only thus could he die an exemplar of his own mode of life.[49] Socrates was eminently aware of his anomalous and novel place at the beginning of a new mode of (philosophical) life. This novelty

49 Cf. Zuckert, who argues that 'Socrates had to show them [his accusers] the effect his philosophy had in a visible, external, and generally observable fashion' (*Plato's Philosophers*, p. 750). While I agree that Socrates sought to be an exemplar of his mode of life, and that he would not debase himself in order to avoid death, this does not necessarily mean, as Zuckert asserts, that Socrates deliberately had the city kill him in order to have a chance to be exemplary (*Plato's Philosophers*, p. 752). His death was simply the inevitable consequence of his unbending love of philosophy and the city's unbending disdain for his way of life.

caused a scandal, but also created a large following; and even if he disavowed the role of teacher, Socrates did know that there were many young philosophers 'whom [he] now held back' (*Apology* 39d) and who would come forward after his death. Socrates cares for philosophy because he cares for Athens (and vice-versa), and knows that he has created a legacy of care in this city (he is even pleasantly surprised by the slim margin by which he was condemned).[50] In a word, philosophy as Socrates understands it has a future. And this philosophy has claimed above all to be a preparation for death, that is, for ending life as a good person: having lived a virtuous life, one will have nothing to fear in death, not because one will be rewarded rather than punished in the afterlife, but because through philosophy death becomes unable – just like all other stimuli, of which it is only an extreme case – to turn one to vice and corruption, and therefore to true unhappiness. To the philosopher, death becomes nothing more than a temporal barrier to the pursuit of virtue. Socrates would betray this vision he had so painstakingly created by succumbing to cowardice in his final days; but by remaining constant in the face of death, he offers the most powerful emblem of the worth of the philosophical life.

One may argue that because Socrates fails to convince Crito with arguments that he finds reasonable and hence turns to the voice of the Laws, he does not properly cure Crito's faulty opinion and hence improperly cares for his soul. I agree with this premise but not the conclusion. The Laws are indeed a compromise, but Socrates uses them cleverly to numerous beneficial ends. They force Crito to begin rethinking his own position; they compel him to accept that principles other than the fear of death can and should have determining force; finally and most importantly, they give Socrates the space to discuss with his friends until his final moment and, crucially, to *show* Crito in the sequel that philosophy allows one to die well and hence that the apparently radical Socratic *ethos* is not

50 *Apology* 36a; cf. Strauss, *Platonic Political Philosophy*, p. 48.

without its reasons. This in turn offers Crito the strongest of reasons for returning to arguments about the Socratic principles of judgement and the Socratic *ethos* with a greater deal of confidence.

Socrates stayed to die in prison for the same reason that he did everything: out of a belief in the intrinsic goodness of the philosophical life. His death is in itself a defense of that life. It is a second *apologia*, now 'not in words, but what you esteem: deeds'. Let us not forget the mini-drama by which the *Crito* is replayed in the *Phaedo*. Immediately before Socrates' death, Crito (still struggling to embody the Socratic *ethos*) begs Socrates to prolong his life a little, and is politely rebuked.[51] It does not matter how close to us in time our fears, our pains, or our pleasures may be: the Socratic *ethos* is the courage to disregard these in the interest of nobler concerns, and at the same time the possibility of the cultivation of happiness achieved in that space thereby opened for thinking virtue and acting virtuously. Socrates defends himself nobly in court, in accordance with his virtue (*Apology*); he remains in prison in accordance with his virtue (*Crito*); and he dies conversing, caring for, and exhorting others, in accordance with his virtue (*Phaedo*). Thus he achieves in death the signet of a good life, that beautiful memory which is the only immortality he could want or need. If Socrates thought to offer a cock to Asclepius before his death, this is because he had the good fortune of dying a good man, uncontaminated, right to the end, by that 'swiftest enemy', injustice.[52] The *Crito* stages a test—one of several—of Socrates' devotion to the philosophical life—and despite all appearances to the contrary, it speaks to us as much about that life as it does about the law.

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51 Plato, *Phaedo*, in *Five Dialogues*, 116e-117a.

52 This would mean that Nietzsche was wrong about Socrates' last words (Friedrich Nietzsche, *Twilight of the Idols*, ed. M. Tanner [New York: Penguin, 1990], 'The Problem of Socrates,' §1). Life is not a disease; what Socrates has been cured of in the *Phaedo* is the ever-present possibility of living viciously because of a fear of death (compare Foucault's slightly different reading in, *Courage*, '22 February').

BIBLIOGRAPHY

Bostock, David. (2005). "The Interpretation of Plato's Crito." In *Plato's Euthyphro, Apology, and Crito: Critical Essays*, edited by Rachana Kamtekar. Critical Essays on the Classics. Lanham, Md.: Rowman & Littlefield.

Danzig, Gabriel. (2010). *Apologizing for Socrates: How Plato and Xenophon Created Our Socrates*. Lanham, Md.: Lexington Books.

Diduch, Paul J. (2014). "Reason and the Rhetoric of Legal Obligation in Plato's Crito." *Polis, The Journal for Ancient Greek Political Thought* 31, no. 1, 1–27.

Foucault, Michel. (2008). *Le Courage de La Vérité: Cours Au Collège de France, 1983-1984*. Edited by Frédéric Gros, François Ewald, and Alessandro Fontana. Hautes Études. Paris: Seuil / Gallimard.

Garver, Eugene. (2012). "Plato's Crito On the Nature of Persuasion and Obedience." *Polis: The Journal for Ancient Greek Political Thought* 29, no. 1, 1–20.

Hadot, Pierre. (2007). *Qu'est-ce que la philosophie antique?* Collection folio Essais 280. Paris: Gallimard.

Harte, Verity. (2005). "Conflicting Values in Plato's Crito." In *Plato's Euthyphro, Apology, and Crito: Critical Essays*, edited by Rachana Kamtekar. Critical Essays on the Classics. Lanham, Md.: Rowman & Littlefield.

Hatzistavrou, Antony. (2019). "The Authority of Law in Plato's *Crito*." *Canadian Journal of Law & Jurisprudence* 32, no. 2, 365–87.

Hyland, Drew A. (1968). "Why Plato Wrote Dialogues." *Philosophy & Rhetoric* 1, no. 1, 38–50.

Kirkpatrick, Jennet. (2015). "Exit out of Athens? Migration and Obligation in Plato's *Crito*." *Political Theory* 43, no. 3, 356–79.

Kraut, Richard. (1984). *Socrates and the State*. Princeton, New Jersey: Princeton University Press.

Lott, Micah. (2015). "Because I Said So: Practical Authority in Plato's Crito." *POLIS, The Journal for Ancient Greek Political Thought* 32, no. 1, 3–31.

McGushin, Edward F. (2007). *Foucault's Askēsis: An Introduction to the Philosophical Life*. Topics in Historical Philosophy. Evanston, Ill: Northwestern University Press.

Nehamas, Alexander. (2000). *The Art of Living: Socratic Reflections from Plato to Foucault*. First paperback printing. Sather Classical Lectures 61. Berkeley Los Angeles London: University of California Press.

Nietzsche, Friedrich. (2003). *Twilight of the Idols and The Anti-Christ*. Translated by Reginald J. Hollingdale and Michael Tanner. Repr. with a new chronology. Penguin Classics. London: Penguin Books.

Plato. (2002). *Five Dialogues*. Edited by G. M. A. Grube. 2nd ed. Indianapolis, IN: Hackett Pub. Co.

Rosen, Frederick. (1973). "Obligation and Friendship in Plato's *Crito*." *Political Theory* 1, no. 3, 307–16.

Scott, Kyle. (2009). "Lessons from the Crito." *Polis: The Journal for Ancient Greek Political Thought* 26, no. 1, 31–51.

Shklar, Judith N. (2019). *On Political Obligation*. Edited by Samantha Ashenden and Andreas Hess. Yale Scholarship Online. New Haven, CT: Yale University Press.

Strauss, Leo. (1983). *Studies in Platonic Political Philosophy*. Chicago: University of Chicago Press.

Strauss, Leo. (1978). *The City and Man*. Phoenix ed. Chicago: University of Chicago Press.

Thomas, Brickhouse, and Smith Nicholas. (2005). "Socrates and Obedience to the Law." In *Plato's Euthyphro, Apology, and Crito: Critical Essays*, edited by Rachana

Kamtekar. Critical Essays on the Classics. Lanham, Md.: Rowman & Littlefield.

Weiss, Roslyn. (1998). "Running the Risk for Friendship." In *Socrates Dissatisfied: An Analysis of Plato's Crito*, edited by Roslyn Weiss, Oxford: Oxford University Press.

Woodruff, Paul. (2018). "Socrates' Mission." In *Readings of Plato's Apology of Socrates: Defending the Philosophical Life*, edited by Vivil Valvik Haraldsen, Olof Pettersson, and Oda E. Wiese Tvedt. Lanham: Lexington Books.

Zuckert, Catherine H. (2009). *Plato's Philosophers: The Coherence of the Dialogues*. Chicago: University of Chicago Press.