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### Socratic Persuasion in the Crito

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## ARTICLE

# SOCRATIC PERSUASION IN THE *CRITO*

Christopher Moore

Socrates does not use the Laws' Speech in the *Crito* principally to persuade Crito to accept his coming execution. It is used instead to persuade Crito to examine and work on his inadequate view of justice. Crito's view of justice fails to coordinate one's duties to friends and those to the law. The Laws' Speech accomplishes this persuasive goal by accompanying Crito's earlier speech. Both start from the same view of justice, one that Crito accepts, but reach opposing conclusions. Crito cannot judge between the two appealing speeches. His understanding of justice is too confused for him to decide well how to help Socrates. His need to explain what happened the morning he visited Socrates will prompt him and others to examine this indeterminate view of justice. Socrates foregoes direct refutation because Crito will not abide that usual way of interrogation. Engaging in short question-and-answer conversation is not the only way to bring a person to aporia and the intention to examine oneself. Socrates does not here undermine his assertions in the *Apology* about his ignorance, lack of interest in teaching, constant philosophizing, and his belief that what he does is question, examine, and test those he talks to.

**KEYWORDS:** Socrates; method; persuasion; justice

It is the worst evil of too yielding and indecisive a character, that no influence over it can be depended on. – Every body may sway it; let those who would be happy be firm.

(Jane Austen)

## 1. INTRODUCTION

The Laws' Speech in the *Crito* appears meant to persuade Crito to accept Socrates' execution. I argue against this appearance. I show that the Speech is used instead to persuade Crito to examine and work on his inadequate view of justice. His view of justice fails to coordinate one's duties to friends and those to the law. The Laws' Speech accomplishes this persuasive goal by

accompanying Crito's earlier speech. Both start from the same view of justice, one that Crito accepts, but reach opposing conclusions. Crito cannot judge between the two appealing speeches. His understanding of justice is too confused for him to decide well how to help Socrates. His need to explain what happened the morning he visited Socrates will prompt him and others to examine this indeterminate view of justice. Socrates foregoes direct refutation because Crito will not abide that usual way of interrogation. Engaging in short question-and-answer conversation is not the only way to bring a person to *aporia* and the intention to examine oneself. Socrates does not here undermine his assertions the previous month about his ignorance (*Apol.* 21d), lack of interest in teaching (19e1), constant philosophizing (29d5), and belief that what he does is question, examine, and test those he talks to (29e8).

The goal of this article is to make sense of the dialogue by making sense of what Socrates does in it. While every claim the Laws make – as well as those Crito and Socrates make – deserve reconstruction and assessment, I forego most of this in order more directly to support my thesis. My thesis is about Socrates' conversational intentions, which is to say his philosophical ones, more than it is about his reasons for obeying the laws of his city. I do not know which is more important to know about, but I think Socrates supposes one must think about philosophy, and do it, in order to make headway in thinking about obedience to one's city.

## 2. OUTLINE OF THE EVIDENCE FOR MY THESIS

The first section of my argument establishes the friendship between Crito and Socrates; the second speaks about Crito's long persuasive speech and his characteristics it displays. The relationship between the two men determines the obligations and affections each feels toward the other. An analysis of that relationship along with the verbal effort it prompts in Crito will help identify Crito's (possibly confused) commitments as well as what Socrates will need to respond to and work with. Since Socrates does not need successfully to persuade Crito in order to stay in jail, we need to seek an explanation for Socrates' conversation. The third section relates Socrates' diagnosis of his friend and why Socrates must change the way he talks from question-and-answer examination of views to something else. Crito does not suffer from too much emotionality, but from its wrong direction: his motivation to save his friend takes the wrong path. This misdirected eagerness requires Socrates to change to the mostly-monological Speech of the Laws, as I describe in the fourth section, but not to teach, coerce, or console: the point is to get Crito to listen in a certain way. Though I will already have given reasons for thinking that Socrates speaks as the Laws in order to prompt Crito to a certain postmortem – namely, to present an opposing speech of equivalent force – in the fifth section I enumerate how

the ways in which Socrates speaks and situates the Speech of the Laws show him not to endorse it. The sixth and concluding sections bring together some final disparate evidence for my thesis.

## 2.1. Friendship

The *Crito* establishes Crito's great friendship for Socrates. This is despite the appearance that Crito really just cares for his own reputation. It is the strength of Crito's affection for Socrates that both preempts his thinking about justice and will, with Socrates' help, encourage him to come to think more thoroughly about justice. Socrates can only get people to reflect by having them realize that what they already care about requires that reflection; harnessing existing motivations solves the problem of getting someone excited about something he doesn't yet value.

Crito's actions and words depicted in the dialogue prove his friendship for Socrates. He visits Socrates in jail frequently, even paying for the opportunity (43a). He admits he's depressed with the thought of Socrates' demise (43b). Marvelling at the sleeping Socrates, hoping that Socrates sleeps as well as possible, he reflects on the fond thoughts he's had for Socrates all his life (43c; on the length of that companionship, 49b). Crito calls Socrates 'a friend whom I can never possibly replace,' the loss of which will be a 'calamity' (44b). His relationship with Socrates makes it 'surely right for us to run that risk [sc. to have to forfeit property, pay a fine, or incur some other punishment] in saving you, and even worse, if necessary' (45a1). These sentiments and the constancy of Crito's attendance on Socrates gain support from the *Phaedo* and the *Euthydemus*. That Crito twice uses a less morally-laden word for friendship, ἐπιτηδείος (44b8, e2), the form pointing to the pleasure and satisfaction of companionship, and only once uses φίλος, the form better indicating the obligations bound up in friendship (44c3), does not lessen the seriousness with which he admits his affection and commitment. His use of these near-synonyms simply reflects the claims he's making: that Socrates' death will be highly unpleasant to him, and that there will be moral implications in not saving Socrates. (He gives other reasons concerned with Socrates' own good later on, but in those cases he doesn't need to use the vocabulary of friendship.)

Crito's friendship for Socrates motivates his dangerous, expensive, and effortful proposals. Crito likes Socrates and so wants him to stay alive. He feels attached to Socrates and so feels a duty to help him stay alive. And he thinks that for Socrates' own good Socrates should stay alive, and so, taking Socrates' good as his own, he wants to keep him alive. More evidence for these three parts of Crito's motivation to save his friend shows up in the next section, when we talk about his speech. For now it suffices to appreciate the ways friendship gives Crito reasons to act.

I emphasize all this because devotion may appear not to be Crito's sole motivation. He may appear to be concerned mainly for his reputation. His forecast about what people would think exceeds in length his report of the private cost of Socrates' death:

...and besides, many persons who do not know you and me well will think I could have saved you if I had been willing to spend money, but that I would not take the trouble. And yet what reputation could be more shameful than that of considering one's money of more importance than one's friends? For most people will not believe that we were eager to help you to go away from here, but you refused... But you see it's necessary, Socrates, to care for the opinion of the public, for this very trouble we are in now shows that the public is able to accomplish not by any means the least, but almost the greatest of evils, if one has a bad reputation with it.

(44b5-c6, d1-5, tr. Fowler)

Here Crito appeals to Socrates' worry that his friend Crito could get a bad reputation, hoping that the desire to prevent Crito from getting this bad reputation would motivate Socrates to escape. It may appear that Crito is quite selfishly asking Socrates to undermine whatever principles he has for staying in jail so that Crito might look less bad in the aftermath.<sup>1</sup> That Socrates takes Crito as very worried about popular opinion is clear from the amount of time he spends addressing its value (44c7-10, d6-10, 46d1-48a10). Crito's fear of public opinion, given his belief that such opinion sentenced his most irreplaceable friend to death, is also clear. Ought we to think that Crito's preeminent vice is an unhealthy, or at least unsocratic, concern for what others think?

I think the answer is basically no. No doubt Socrates wants Crito to revisit his esteem for or anxiety about what others think about him. Part of Crito's work will involve him thinking about the importance of rightly helping one's friends without being deflected from that purpose by ignorant or unsympathetic outsiders. But the pressure Crito feels from the public does not conflict with what he thinks already he should do on account of his actual friendship. He knows he would get a bad reputation, and may suspect

<sup>1</sup>An alternative explanation is that Crito is trying selfishly to prolong the pleasure of remaining in Socrates' company. But that Crito could be happy with Socrates in far-away Thessaly and even to incur great penalties in exchange for Socrates' survival hints that Crito's concern for Socrates is not so simply hedonistic. It is also hard to picture Socrates remaining friends for so many decades with someone who merely harvests pleasures from him (though plenty of people did get pleasure from watching Socrates go about his day). Indeed, the sheer fact that Socrates keeps talking to Crito after Crito makes his proposal makes me believe that Socrates understands Crito's care for Socrates as serious and comprehensive; otherwise why waste the time? People sometimes spend time together out of mutual concern rather than just mutual pleasure: the former almost always includes the latter, but the former also outlives the latter, enduring even when one's friend for a time is bewildering or frustrating or boring.

that reputation almost warranted, just because he *is* such a deep friend of Socrates'. The publicity of his genuine affection for Socrates makes him liable to this reputation-damage. If he didn't actually care about Socrates, he could make this better known to the public, and relieve himself of any burden to help. Nor does Crito vaunt his reputational concern by saying he prefers the harsh penalties to which he's liable if Socrates *does* escape (45a1) to a bad name. Crito does not say that he would prefer to lose his household and his citizenship over losing strangers' estimation of his dedication to his friends. So Crito's worries about reputation seem a direct consequence of his friendship – and probably the more he seems and is a friend of Socrates, the more the reputational consequences – and his willingness to undergo deprivations seems just as well explained by an earnest commitment to Socrates.

As it is, we do not need to accept a pure motivation to make sense of Crito's behaviours and Socrates' response to them. What matters is the principal motivation, whether Crito feels eagerness enough about Socrates' wellbeing that Socrates could show how that eagerness must be redirected, and that such eagerness deserves Socrates' reciprocation – a genuine friendship for Crito, too. For while Socrates' attentions seem indiscriminate, willing as he is to talk to young and old, citizen or foreigner, they seem, as well, motivated by an acute ability to care for others and not a desire simply to overtake all those competing with him for popularity.

## 2.2. Crito's Speech

In talking about Crito's friendship for Socrates, I have already drawn some from Crito's speech. It is a piece of deliberative oratory, concerned with a specific future action, Socrates' decision to help his rescuers liberate him from jail. Crito's presentation reveals two sorts of things about him: his mood and character on the one hand, and what he thinks are good reasons for escaping on the other. Both sorts of revelation help Socrates decide how to respond.

Crito gives Socrates six reasons to flee and three not to worry about fleeing:

- (1) If Socrates doesn't escape, Crito will be deprived of a unique friend (44b)
- (2) If Socrates doesn't escape, Crito will get the worst reputation (44c)
- (3) It is unjust to give up a salvageable life (45c)
- (4) Socrates is betraying his sons (45c)
- (5) Socrates is acting in a way inconsistent with his lifelong claims to virtue (45d)
- (6) It is shameful to seem cowardly and unmanly (45e–46a)
- (7) Crito and others should run the risks of aiding and abetting (45a)

- (8) Informants are cheap and money plentiful (45a)  
 (9) Thessaly will accept Socrates (45c).

These reasons are not mutually inconsistent in the simple form Crito gives them. Reconstructing the set of deeper commitments the simple forms assume, seeing what set of more fundamental principles account for all of them, and discerning whether they remain consistent, is a valuable project but not one I can undertake here. So for now we must simply take these reasons Crito gives as evidence for the kinds of reasons that seem plausible to him and he thinks could be persuasive to a person like Socrates. They may not be perspicuous reasons, or the most relevant ones, or even valid ones, but they do not strike me as absurd.

Taking Crito's speech as evidence for his commitments, however, may seem a flawed endeavour: what if he *doesn't* accept what he says, but means only to be speaking tactically, appealing to the words he knows hold such weight for Socrates? The references to injustice, betrayal, hypocrisy, virtue, shame, and courage suggest a certain tailoring of the argument to Socrates' predilections. Such strategic behaviour is of course possible – after all, I assume Socrates deploys it in his Laws' Speech – but I doubt it's occurring here. I do not see evidence elsewhere in the dialogue that Crito does *not* believe what he sets out in these nine reasons, or that he's even ambivalent about them. Nor does Socrates have a monopoly on talking about morality. Indeed, Socrates spends much time assessing the moral claims made by others.

So let's take Crito's speech as an index of Crito's approximate surface beliefs, analyse them no further right now, and proceed to investigate the way Crito speaks. Three things become clear. Crito does not provide a unified picture of justice, one that relates Socrates' obligations to his friends and to the law and explains why on balance he has sufficient reason to escape. Crito does not want to teach Socrates anything or make him more thoughtful and less silly; he just wants Socrates to obey him and thus escape. And finally Crito, somewhat bizarrely, practically recognizes his inability even to persuade in the simple, non-teaching way: he appears to realize that his reasons aren't very sturdy, even if they do seem obvious. He relies on a mere wish that Socrates already wants to leave and just needs to know how to do so, or a little reassurance that doing so won't be bad or difficult or dangerous. I will explain these three things in turn.

First, the speech lacks a unified picture. It's formally disjointed, rambling and paratactic.<sup>2</sup> The selection of reasons seems governed by a desire to cover a lot of ground, rather than by an attempt to respond to the most likely or powerful reasons Socrates has for staying in jail. He does not provide a

<sup>2</sup>In this it is like Lysias' in the *Phaedrus* (though Lysias' may not be problematic for that reason). Crito's suffers from inelegant transitions and conjunctions: καὶ γὰρ (45a6); ἔπειτα (a9); ἔπειτα καὶ (b1); δέ καὶ (b3); ἔτι δὲ (c5); καὶ (c7); πρὸς δὲ τούτοις καὶ (c9); etc.



schedule to order the considerations he suggests. He does not even admit the possibility of genuine conflict. This is not to say that the only valuable speeches will be those that give perfect outlines, or that argue from the highest good rather than a diverse set of incommensurable goods. But a persuasive speech about whether to break the law must consider one's impact on many other people and the city, and he does not. Paying attention to what the masses of people think of one's reputation, but not of the obedience to their laws and judicial decrees; to bribing officials, but not to the point of official duties; to the cowardice of staying in jail but not to that of facing death – this selectivity of vision points to Crito's slapdash assembly of sundry and incomplete reasons.

Second, the speech aims for Socrates' obedience. Crito asks no questions, not even to get momentary agreement or to ask whether Socrates needs clarification. Crito does once say, 'Are you worried about . . . costing us too much money, ruining us?' (44e), but before Socrates can answer, Crito preempts him, saying it's right for him to risk this. Crito cannot use whatever superior insight into the question of escape he might have, because he cannot see where Socrates might actually be confused. Surely, he thinks, Socrates' perverse attitude toward the trial, his irresponsible view about childrearing, and his general obstinacy can be analysed in detail, once Socrates is free of the most immanent danger. The conversation happening in jail rather than in freedom may contribute to Crito's thought that they aren't in leisured conversation like free citizens, and so can't elaborate or speak perfectly.<sup>3</sup> But Crito's lack of pedagogical activity might hint at his failure to ensure he himself has adequately considered that about which he speaks here. And it may be the wrong attitude toward a closest friend. A loyal friend does not follow blindly; he listens with care. So Socrates' loyalty to Crito should not be used to force action but to gain his attention.

Third, while the speech means to yield obedience ('obey me'='be persuaded by me': *πείθου*: 45a9), in a certain respect it doesn't even take itself to *be* persuasive or deliberative. Crito appears to prefer not to be giving the speech. He seems to take no relish in it. The clearest evidence that Crito thinks setting out the arguments straight is inappropriate to the situation, despite being the right procedure of persuasion between friends, comes from his closing remarks:

Then decide [*ἀλλὰ βουλεύου*]—; rather, it is time not *to* decide, but to *have* decided. Anyway, there's only one decision [*βουλή*] to make: all these things

<sup>3</sup>In the *Apology* Socrates described the incompatibility of a short capital trial with proper jury deliberation (37c); while telling the myth in the *Phaedo*, he says that 'the span of life left to me seems insufficient for the lengthy argument required' (109d, tr. Hackforth); he there skips proof and just purports to report what he believes. Ironically, Crito says near the very end of the *Phaedo*, 'Do not hurry; for there is still time' (116e, tr. Fowler).



have to be done this coming night. If we wait around this will no longer be possible. On all these bases, Socrates, obey [πεῖθου] me, and do nothing else.  
(46a5-9)

Crito is expressing a vain hope that his reasons were *already* self-evident. It is possible Crito had already tried earlier that month to persuade Socrates to flee, but the point is the same.<sup>4</sup> Crito believes that his concerns should have force here, and that he needs to save his friend, but doesn't know what to say to do this.

We can now summarize the findings so far. Crito is deeply attached as a friend to Socrates. This friendship gives him several reasons to want Socrates to let him help him escape from jail. But Crito's speech is disorganized and desperate in its direction toward Socrates' escape. Why this is so is taken up in the next section.

### 2.3. Socrates' Diagnosis of His Interlocutor

Since Socrates does not decide at the conclusion of Crito's speech to agree to escape, we cannot say he has been persuaded. This does not mean he rejects all of Crito's arguments as unsound. It only means he doesn't take them together as compelling. Socrates says that he follows nothing 'but the argument that seems best on reflection' (46b). I assume Socrates has indeed reflected a lot on the reasons he has for staying in jail; these reasons presumably seem to him so far as better than those Crito proposed. Despite not being persuaded, however, Socrates neither sends Crito away nor changes the subject. Yet he could do either, for Socrates need neither make any new decision nor persuade Crito of anything. Socrates can simply refuse to engage in the preparations for an evening escape and Crito will have to acquiesce. Because he does keep Crito around and because he keeps talking to him about issues relevant to escape from jail, we need to figure out what exactly Socrates is doing, and why.

Here is a question to organize this inquiry: Why doesn't Crito share Socrates' view about the wrongness of escaping from jail? Socrates says, and the way Socrates' friendships seem to work out implies, that they have talked often over the decades. Why wouldn't they have settled on this sort of issue already? Has the pair never talked about justice in a way Crito could connect to the present situation? Has Crito forgotten the previous conversations? Did he never assimilate the lessons of their previous conversations enough for them to play a role during such an anxious time? Do we see Crito's simpler desires – for an unending friendship, to lash out at the stupid democracy, to be a hero – overwhelming his more nuanced ones?

<sup>4</sup>Crito's εἴ τι καὶ ὄν 44b6-7 may imply it, though not certainly; 43a5 makes a previous serious attempt seem improbable. Perhaps Crito had made hints previously but, having gotten little uptake by Socrates, thinks he now needs to be much more direct and explicit.

Are the considerations this case demands taking into account simply too complex for Crito to think through?

Socrates appears to diagnose the problem immediately. He seems to claim that Crito is too agitated: ‘Your eagerness [*προθυμία*] is worth much if it should have some correctness to it; if not, then the greater your keenness the more difficult it is to deal with’ (46b1-3). Does Socrates mean Crito just can’t think straight, as full as he is of emotion, perhaps love and grief?<sup>5</sup> Perhaps while Crito has gotten an adequate sense for balancing moral demands in ordinary situations, he doesn’t have a precise or steady enough one for intense, high-stakes occasions.

The problem Socrates finds, however, is not exactly like this. Crito’s fault is not that he risks having too much eagerness in general. Socrates worries instead that he is eager for the wrong thing. The object, not the existence, of the disposition is in question. Socrates says that his eagerness could be worthy. And nowhere else in the dialogue is the intensity of passion a topic of discussion. What’s at issue here is whether it has the right form [*ὀρθότητος*], perhaps what we would call its aim, or direction, or intentional object. Accordingly, Socrates has diagnosed the possibility that Crito’s aim is incorrect, and that this could be the cause of Crito’s problems (and perhaps the reason he doesn’t share convictions with Socrates about what to do). What *is* the object of Crito’s *prothumia*?

Plato’s accumulating hints prepare the reader to see the answer: it’s Socrates’ staying alive that Crito so desires. Crito has already done much to prepare for Socrates’ escape from imminent execution: arrived early, bought off the jailer, discussed financial matters with friends, braced himself for his own sacrifice, considered places for exile. Crito wants Socrates to remain alive: perhaps to give Crito the chance to see him again, or at least hear of his exploits; for Socrates to maintain his great reputation as a most just and humane and rational man; for Socrates’ children to have the right upbringing; and for all the other advantages life showers on one and one’s friends. So Crito’s zealous efforts reach toward keeping Socrates alive. This is an admirable goal, to be sure, but perhaps not the only, or the most, admirable one.

For Socrates to name the object of Crito’s eagerness would be, perhaps, a bit indelicate. But what Socrates goes on to say in the next paragraph makes pretty clear that Socrates distinguishes between objects of eagerness. He does this by saying for what he himself is eager, presumably implying it’d be better if Crito shared it. Using similar emotional terminology, Socrates says he has an eagerness [*ἐπιθυμῶ*] to *investigate*: ‘I am eager to *look into* this, Crito, in common with you whether this argument will appear in any way

<sup>5</sup>Cf. *Rep.* 604c: ‘grief prevents the very thing we most need in such circumstances from coming into play as quickly as possible[.]. . . [d]eliberation. We must accept what has happened as we would the fall of the dice, and then arrange our affairs in whatever way reason determines best’ (tr. Grube/Reeve).

different to me in my present circumstances, or whether it remains the same, whether we are to abandon it or be persuaded by it' (46d5-8).<sup>6</sup> Having this eagerness does not prevent caring about other things as well. It instead has priority in motivating Socrates' actions, subordinating whatever else he's eager for to it. The implication might be that Crito should not give up his concern for Socrates, but if he were concerned about inquiry at this moment, he might see better *how* to be concerned for Socrates.

It's right, then, to ask about the consequence of being eager for investigation. What I will argue is that eagerness for investigation helps determine how one ought to act. It is not always easy to know what to do. Sometimes one can intuit it, relying on experience or memory or good advice. But sometimes resources besides familiarity with the case at hand are needed. Crito does not know, in this once-in-a-lifetime case, how to act as a friend, how to promote Socrates' actual wellbeing, or how to discharge his duties as a citizen of Athens. The desire to look more rigorously into matters doesn't demand one forego one's other desires, such as for being a good friend; it simply must precede it to some reasonable extent. But this doesn't mean, either, that one cannot justifiably act until one has determined that one's actions are correct. It does mean that one is reprehensible to the extent that one doesn't think at all, or very much, or during leisure-time, about one's principles of action.

This encouragement to think ahead appears as a theme in Plato's other depictions of Socrates. The theme is made amply clear in the present text. I will survey some evidence supporting the claim that Socrates believes caring for examination and self-consistency to be what Crito ought to be doing as his way to care for Socrates. The action of mutual inquiry and examination just *is* part of the action of being a good friend. After that quick survey I will go on to show why Socrates must change his conversational method with Crito to promote that same care, given Crito's presently misdirected eagerness.

The clearest evidence for the connection between examination and friendship is that Socrates in fact examines Crito and helps him see his inconsistent beliefs. Socrates shows Crito that Crito still believes that one should trust experts rather than the masses (47a3-c5), and that damage to that which is harmed by injustice is worse than damage to the body (47c6-48a10). This brings Crito to see that his belief in the importance of the mass' opinions was inconsistent with what Socrates had long found him to be in

<sup>6</sup>Allen's translation in *Plato: I* (Yale, 1984), 120, 'I'd like to join with you in common inquiry,' obscures this parallel. I do not think there is any meaningful difference between prothumia and epithumia. Melissa Lane, 'Virtue as the Love of Knowledge,' *Maieusis: Essays on Ancient Philosophy in Honour of Myles Burnyeat*, edited by Dominic Scott (Oxford, 2007), pp. 44-67, works to give an account of this eagerness to investigate: 'natural virtues originate with a primitive version of temperance, which arises from a psychological, and even physiological, drive to learn. This drive is in fact a form of love, and it is so powerful as to exert what I call (following an image in Republic VI) a hydraulic effect: psychic energy flows into this love, depriving other desires of the energy to oppose or distract one from the desire to learn' (45).

agreement with. Another thing Crito must have earlier agreed to, that living well is more important than simply living, and living well equals living justly, means that some of the considerations he had brought up must have been beside the point (48b3-d7). So again Socrates shows Crito some his inconsistency; Crito accepts it, but is not sure then what follows (d8-9). Socrates accordingly reminds Crito of yet more things they apparently once agreed upon, and thus what Crito once claimed to be committed to, presumably in the interest of showing those older beliefs inconsistent with the more recently expressed ones (49a3-e8).

Besides by demonstrating his commitment to it, Socrates talks explicitly about the importance of examination. His methodological remarks, at, for example, 46b1–47a2 and 49d1–6, deserve more attention than I can give them here. But several points are instantly clear. One is the importance of relying on oft-tested arguments rather than the most presently appealing ones. The points made early in Socrates' response to Crito (46b5-d8 and e2-47a2) are repeated, more briefly, near the end of that response (49a5-b7):

Or is doing injustice never either good or fine, as we frequently agreed in earlier times? Or are all our agreements voided by these few days, and have we old men, carrying on with one another in serious conversation, forgotten that we differ in no respect from children? Or is all this definitely the case...? Do we claim it or not? —We claim it.

Another point Socrates makes clear, repeatedly, is the importance of shared inquiry and understanding (48d9, 49d1-2, e2). Divergent opinions seem a result not of constitutional differences between the interlocutors but of confusion by each interlocutor about what he himself believes. Clarity within a person precedes agreement between persons.

The final piece of evidence gathered here comes from Socrates' last remark before the longest part of Crito's speech. In response to Crito's question about whether Socrates has been worrying about the cost or risk to his friends of escape, Socrates says,

And I am fore-thinking [*προμηθοῦμαι*] about that, Crito, and about much else.

(45a5)

Socrates makes here a key remark about his own practice of dealing with this novel situation. He engages in reflection before the act. Being cautious, or worrying, as this verb is often translated, suggests the same thing: considering all the considerations before they're called into play, remembering what one had tentatively decided in the past, taking into account what thoughts come upon in a cooler moment would say. We can appreciate that for Socrates, this morning is not the time to be deciding what to do; it is the course of a life of reflection on how to live well, on what justice demands, that is the right time. The reason is partially the slowness with which

humans think – there’s not enough time to work through the details in compressed circumstances. But the reason is also that intense circumstances can prompt thoughtless intentions or ideas, ones inconsistent with the results of a longer-term, broader-scoped meditation. Working through one’s potential inconsistencies takes putting one’s most recent thoughts in a context of one’s more rigorously assayed principles.

Socrates recommends examination and engages in it with Crito. To that extent, Socrates’ practice seems similar to what it is as depicted in other dialogues. But obviously this dialogue differs from many others. In this one, Socrates ends that mutual examination, even after advocating it. He never engages in definitional inquiry, never asks, ‘What is justice?’ or ‘What is civic friendship?’ or ‘What is law?’ My paper has been curious about this fact from the beginning: what explains Socrates’ use of the Laws’ Speech as the bulk of his response to Crito?

My suggestion is that Socrates increasingly realizes that mutual examination would not bring Crito to recognize the real extent of his inconsistent beliefs about justice, friendship, and their relevance to obeying the law. Repeating the importance of mutual inquiry, examination, and reliance on past well-tested arguments, Socrates indicates that he worried Crito was not taking this importance seriously. I take it he saw Crito’s attention slipping. Crito was not disagreeing with what Socrates was saying, but he may not have been appreciating or reasoning about it – thus Crito’s repeated and passive rejoinder, ‘Then what are we to do?’ (48d7, 49e5).

Yet Crito’s inattention was not to Socrates, but to the arguments and their claim on him; there was no risk of Crito wandering off. What Socrates needed to do was get Crito to focus on the seriousness of his confusion, while taking advantage of Crito’s overwhelming concern for Socrates. The way Socrates could do this, I think, is by having Crito consider an opposing argument *about Socrates himself* rather than either about some impersonal universal claims or about Crito himself (cf. *La.* 188c1). The Laws are taken to address Socrates himself at Socrates’ imagined moment of decision, and continue to address Socrates explicitly (50a6, 52a5-d1, 52e8-53a4, c1, c5, 54a1). Crito obviously wanted Socrates to listen to his long speech; besides being interested in hearing what the Laws would say about *Socrates*, Crito should feel it’s only fair for him to listen to someone else give a long speech in return about the same topic.

Socrates’ shift in speaking style comes when he finally asks whether all of what they had agreed to determines that Socrates should stay in jail. But of course he asks it in a way that Crito will be unable to answer, for Socrates introduces some new considerations (50a1-4). It is not unreasonable for Crito to admit an inability to respond here. Plenty of Socrates’ interlocutors do. What is unusual, though, is for Socrates not to re-ask the question in a simpler way. Rather than reformulating at an obvious point of reformulation, Socrates changes voice. This change of voice I think is to be explained as I have said.

Before looking at the Speech of the Laws itself, and how it can achieve the function I suggest it does, I make one more point. Socrates seemed to say that he wants to persuade Crito:

For I intend to act concerning these things with you being persuaded [πεισας],  
not being unwilling [ἄκοντος].

(48e5)

Is the goal of the Laws' Speech to persuade? Surely it is – but perhaps not to persuade Crito of the truth of what the Laws believe, or even of the rightness of Socrates' execution. Socrates may want Crito to decide (i.e., be persuaded) that Crito's pleadings are misplaced, and that until he has reflected more thoroughly on justice and law and so forth, he has no business trying to get Socrates to do something potentially unjust.

#### 2.4. The Speech of the Laws

Caring too little for self-consistency, Crito cannot determine what justice demands. His ideas about justice are too indeterminate. Evidence for Crito's poor understanding of justice is his accepting, even for a moment, a speech that argues, on the basis of justice, that Socrates should *not* escape. This is evidence because he has also accepted the reasons justifying Socrates' *escape* he adduces in his own speech, also on the basis of justice. Persuasion works by showing that on the basis of a subset of beliefs the listener has of which the persuader reminds him, it follows that he should act in the way the persuader recommends. A person can be persuaded in opposite directions about some matter if persuaders can remind him, serially, of different and potentially inconsistent subsets of his beliefs. The Speech of the Laws' concluding remark balances Crito's concluding remark and makes this pairing obvious: 'Do not let Crito persuade you to do what he says, but take our advice' (54d1). The bluntness of this conclusion shows that in a certain respect, the Laws cannot be confident that their arguments are absolutely compelling, that Crito has good reasons for accepting their speech rather than his own. Crito cannot establish which reasons are stronger. (He can also be confused about why the Laws didn't address his concerns about friendship or reputation.) Crito, pulled in two ways, must later decide which was the right way: but determining this will take work on himself and on his understanding of justice, not on identifying how he *felt* toward these speeches about Socrates.

Was the Laws' Speech meant to be persuasive? I accept that the Laws' Speech was supposed to remind Crito of a lot of his commitments and to treat him to what listening to a persuasive speech would be like. But we cannot ultimately decide any question about the Speech's persuasiveness. The reason is that it was addressed to a hypothetical Socrates. Socrates says he only accepts claims after putting them to a test. He is not seen to

put them to a test here. So we cannot know what he would think. The Speech given by the Laws was not addressed to Crito (though Socrates did address the hypothetical conversation to Crito); even if it were, however, since Crito didn't need to make any decision, the speech would have been irrelevant to his actions. If we are to say Crito has been brought to decide anything, it is that he must confront some opposing reasons, and that he would need to do some investigation to determine those reasons' quality.

The Laws make, in their rhetorically-charged, vivid way, six demands or claims:

- (1) You would destroy us by disregarding our verdicts (50b1)
- (2) Honor us especially for our marriage and education laws (50d6, 12)
- (3) Either persuade us about the nature of justice, or obey our commands (51b5)
- (4) You could have left, yet you didn't; and you preferred death to exile (52c8)
- (5) Fleeing will vindicate the jurors, prevent discussion, and be shameful (53)
- (6) It would be imprudent to raise your children in, e.g., Thessaly (54a4)

I will not discuss the quality of these claims here, though I think the chance to is one of the best reasons to read the *Crito*. My interest has instead been in why Socrates attributes them to the Laws, and more generally why he brings them up in the first place. After all, Socrates could've responded to Crito's speech in many ways. I think Socrates attributes certain arguments to the Laws because Crito would and does find them acceptable. To show that Crito accepts the Laws' speech it'd be nice to have independent evidence that Crito accepts each of the things the Laws say. But we mostly lack it; what we could get would have to come from reconstructing likely premises for the reasons he adduces in his own speech, and from the two other dialogues in which we find Crito. (There could be much more background Plato assumes his fourth-century audience would have.) Getting this would take nearly as much space as this essay already takes. I think it is fair to assume, in its stead, that Socrates' long-time friendship with Crito would make Socrates entirely familiar with Crito's beliefs, and that Socrates would therefore appeal to those beliefs in making a speech to give to Crito. The structure of the Speech – as persuasion, warning, and exhortation – makes one expect Socrates would want to make the speech as appealing to Crito at the moment he's giving it as possible. It is harder to assume that Socrates doesn't know his friend well, or that he doesn't realize that he would have to mold the argument to his audience. So I think this speech reveals Socrates' likely-correct beliefs about Crito's beliefs. In the next section I show that Crito has reasons for taking this Speech as not revealing Socrates' beliefs.



I address here six concerns one might have with my view that Socrates encourages Crito's examination by bringing to his attention a pair of opposed speeches.

(1) Plausibility of conversation

Is it really conceivable that someone, Socrates included, would talk to another person like this? Wouldn't it be crass to console a friend with a long, brilliant, but blustering speech you didn't endorse and then conclude by saying you were done with the conversation?

First, Socrates, though depicted realistically throughout the dialogues, talks in unusual ways. He gives the long speeches of *Menexenus* and *Phaedrus* right in the middle of his conversation; he tells the mythic stories in *Gorgias*, *Republic*, and *Phaedo*; he does a good job leaving everyone confused at the end of what he says. Second, Crito, repeating the same things over and over (48e2), apparently needs some strong way to get through to him. Crito must have at least some esteem for long speeches, even if not much for his own, so perhaps Crito is a more likely candidate than other people are for a long-speech treatment. Also, we don't always want, in that long talk, to say what we think about something—such divulgences may be completely irrelevant to the person listening. We may have enough faith in our interlocutors that they will think back over what we said and understand why, at the crucial moment, we spoke as we did.

(2) The Laws' Speech as mere elaboration

The Laws' Speech looks like an elaboration of what Socrates and Crito had already agreed upon, and thus might serve rather as a rhetorically-elaborated instantiation of their general principles for the present case.<sup>7</sup> If so, then Socrates won't need to be seen as teaching or disavowing his ignorance; he's simply pointing out what follows from what they earlier said. Thus the Speech is not meant specifically to lead to further inquiry (though it's not supposed to foreclose it); it's supposed to show the value of the prior inquiry (perhaps to encouraging it?).

Some of what the Laws say appears to make concrete the early agreements. That all of what they say does is not so apparent. It is a

<sup>7</sup>A view like this is found in Matthew R. Dasti, 'The Crito's Integrity', *Apeiron*, (2007): 123–40. The thesis of this provocative paper – that 'the two halves of the *Crito* reflexively depend on each other' (126) – depends on some unargued assumptions. First is that 'the Socratic principles require the Laws to fill in some of their ellipses' (126), but the nature of that requirement is not clear; I do not know what hangs on Socrates' failure to fill in these ellipses. I accept that the agreements Socrates appeals to may not determine whether or not it'd be unjust for him to flee from jail, but I don't see that he's required to make those agreements determinate for that issue. Second is that 'the Laws must import the Socratic principles for their arguments to succeed': since I think Crito needs find only temporarily plausibility in the Laws' Speech, then the Laws' arguments don't need to be valid or comprehensively explained. Third is that Socrates changes speaking styles because Crito and Socrates 'face a live, forced, and momentous choice' (137); Socrates seems in fact to face no such choice.

different question whether all of what they say is consistent with what Socrates said they agreed on earlier. The conversation does not show it to be the case, though it doesn't show the opposite, either. Someone would have to analyse both the Laws' arguments and the earlier arguments to find out. Such analysis is what I claim Crito is called on to give. He may find that some of the principles that are so hard to accept (49d3) do entail all these things – about Hades, Thessaly, being in exile, education, and so forth. But he might not find that. Because the Laws' Speech does not obviously instantiate the earlier agreements, and because in many ways it seems not to, and because the Laws speak with an attitude quite opposed to the attitudes recommended by Socrates, we should not assume that the Laws are meant simply to be more specific. Anyway, it'd be good to find that at least much of what the Laws say is consistent with what Crito had already agreed to – so much more reason for thinking Socrates says what Crito will find appealing. (Why does Socrates use the voice of the Laws rather than his own voice? He does not want Crito merely to accept whatever he says about himself; Crito should be free to criticize the reasons opposed to his own without feeling he has to criticize his very closest friend.)

(3) Philosophers do often assert

Doesn't my argument seem to work with *any* speech in any disputatious circumstance? Mightn't one simply say, 'As long as this speech opposes some other, then there's no reason to take this one as being asserted, and the goal is simply to get more philosophizing?' Doesn't then the argument fail to explain what's special about *this* case, and doesn't it fail to make much sense of most reasons people have for arguing – which is to assert what they believe and get others to accept what they assert as true? And aren't I supposing too much apparatus to encourage philosophizing? Why wouldn't Socrates give his actual reasons for staying in jail and then say to Crito, to understand this well you will need to philosophize a lot more on them?

I do not deny that plenty of philosophical texts include assertions of their authors' or their main characters' beliefs, and that we have reason to take them as asserting them. When Locke responds to Filmer in the *First Treatise*, Locke does not expect us to take the two positions as equipollent and maintain some *epoché* toward each view until we work out the details ourselves. My point is very particular to the way Socrates talks to people, and the context of the discussion depicted in the *Crito*. Socrates, 30 days before the action of the *Crito*, denied having knowledge, denied teaching, and emphasized that for him philosophizing – which he will never stop, not even under threat of death – involves questioning, examining, and testing. But he does not say that he only speaks in the quick question-and-answer exchanges as we see in the second half of the *Euthyphro* or by testing definitions as we see in the *Laches*. So we want to know what kind of

Socratic-philosophical activities Socrates could be engaged in with Crito here. It seems he could be *examining* Crito, finding out (for Crito) what Crito believes. This process is prior to – and may take more time than – testing those beliefs for consistency. It appears Crito is not up for testing for consistency right now. But in the future he may be. At that future moment he will have material on which to work. Other people have reason to assert (for example, Crito). But Socrates does not have reason to assert his own views at this moment, a moment where he will soon leave Crito to his own philosophical or non-philosophical devices. I assume Socrates' supreme gesture of friendship is challenging Crito to keep being philosophical, as they've always been, even after he's gone.

(4) Distinct but consistent views

Just because two speeches follow from a view of justice a person accepts doesn't mean that the view of justice is confused; the difference could be from different weighing of probabilities.

This is true. Of course part of judgment is thinking about how to deal with a range of possible probabilities, and so even if a person's principles are not exactly inconsistent, since much of justice (and living well) is deciding how to balance competing desires and expectations, the inability to balance them could diagnose the need for more work. But as it turns out in this case, the Laws and Crito don't appeal simply to more or less likely outcomes from the same action, as though they were both consequentialists with different scores coming out of the same calculus, but instead to different duties and considerations.<sup>8</sup>

(5) Socratic secrecy

Why isn't Socrates more explicit about this tricky method I claim him to be using?

Throughout the dialogues Socrates makes some methodological claims explicit but leaves much else implicit. I assume he does not want to be offensive in every way possible, and so tries, in avoidable cases, to forego condescension. It is true that leaving his goals implicit may make Crito's return to the two cases in exactly the right way less certain, but Socrates can probably assume that the momentousness of this event will ensure that Crito, perhaps with help from friends, will analyse what happened in every possible way.

(6) Socrates' Platonic audience

Maybe this process of opposed speeches works for the reader, who has time to work through the arguments, but why think it's to work on Crito, too? Mightn't Socrates be, as it's called, talking over the head of his interlocutor?

<sup>8</sup>This issue is obviously more complex, especially when we consider *eikos* (plausibility) reasoning. See further Paul Woodruff, 'Euboulia: How Might Good Judgment Be Taught?' *Lamprass*, 41 (2008) No. 3: 252–62, esp. 258–61.

Surely there will be some effect on the reader distinct from that on Crito. Crito is actually feeling emotions, is actually friends with Socrates, isn't reading a book, is known very well by Socrates, and so forth. But we need to explain why Socrates is acting as he does. That is the item of interpretation. I don't think we can make sense of Plato's work, know what he's saying, if we don't look at what he's given us: a story of Socrates talking to his friend in this peculiar way. My leading reason for thinking my interpretation is on track is that the speech is not examined. Other speeches in Plato aren't examined, of course, either; but this evidence goes both directions: those other speeches might not be asserted either.

I proceed now to give seven reasons why Socrates can expect Crito not to take the speech as asserting Socrates' own beliefs.

### 2.5. Non-endorsement of the Laws' Speech

#### (1) Socrates' silence

In the story Socrates imagines, the Laws address him when he's thinking to escape. So the story begins with the assumption that Socrates does not yet accept what the Laws will come to say. The question then is whether in the story Socrates comes to accept what the Laws say. Through the course of the speech there is little reason to think he does. Socrates in fact assents only twice to what the Laws say, and this occurs within the first 15% of the Speech. The questions he responds to, in the negative, are: 'Those of us who are the Laws of Marriage, do you find some fault in us for being incorrect?' and 'Did we who are the Laws established for that purpose [sc. of rearing children] prescribe incorrectly when we directed your father to educate you in music and gymnastics?' (50c4-e2). Socrates responds no more. Crito himself assents to three questions, all in the first half of the Speech: that 'the City did us an injustice and didn't decide the case correctly' (50c1), that 'it is far more unholy to use force against your Country [than against a mother or father]' (51c2-3), and that 'we speak the truth when we say that by your [sc. Socrates'] actions, if not by your words, you have agreed to live as a citizen under us' (52d8). Neither man responds verbally to anything following (up through 54d1). Socrates, therefore, cannot be said to have expressed any verdict about the vast majority of the Speech, and cannot be said to have verified a commitment by Crito to much of the Speech either.

#### (2) Oratory

Socrates implies that the Laws' Speech may just as well come from an orator, when Socrates says that 'one might say many things, especially if one were an orator, about this' (50b7). The remark could mean that

there are many arguments against escaping jail easily discoverable by those concerned with representing the law's sovereignty.<sup>9</sup> Or it could mean that the situation under discussion, and the arguments about it, are not abstruse, abstract philosophical matters, but issues that people in political settings could talk about; their relevance to the present case – whether Socrates should in fact flee or not – should not, therefore, be discounted. But there are stronger reasons for thinking that Socrates' reference to orators serves to distance himself from the oration,<sup>10</sup> to signal the importance of judging the speech very carefully before accepting it. There is the general awareness that Socrates doubts the veracity of orations.<sup>11</sup> Crito will plainly know of Socrates' doubt. Besides all the absurd verbal games – where victory has no relation to truth – he heard about from Socrates as depicted in the *Euthydemus*, Crito heard (*Apol.* 33d10) Socrates' criticism of the accusers for being so persuasive but speaking almost wholly falsehoods (17a4). A moment later into the beginning of his defense speech Socrates uses the word 'orator' and says that the usual use of the term applies to one who speaks cleverly, without regard for the truth (17b6-7). When Crito refers to the whole episode of Socrates' trial, conviction, and sentencing, he calls it absurd (*Cr.* 45e); judging it absurd seems to mean he found falsehood, not truth, to have reigned.

Claiming the Laws' Speech to be at least something like what an orator would give ought to generate suspicion about Socrates' commitment even if one were not completely cynical about orators. When orators speak in contested settings, as in a courtroom or an assembly meeting concerned with passing a controversial law or decree, an orator's goal is to have his position persuade rather than the opposing speaker's. The auditor's goal is not to serve as a passive instrument to register which speech is more persuasive, as a sheet of litmus paper registers whether the solution is acidic. The goal is to think about each speech and decide which course of action to take on

<sup>9</sup>John Burnet Plato, *Euthyphro, Apology of Socrates, Crito* (Oxford, 1924), 201, claims that 'this refers to the practice of appointing public advocates. . . to defend laws which it was proposed to abrogate.'

<sup>10</sup>Roslyn Weiss, *Socrates Dissatisfied: An Analysis of Plato's Crito* (Oxford, 1998), 86-7, besides taking the phrase 'especially an orator' as reason for 'the reader [to] best be on guard; there is danger ahead,' emphasizes that the Laws must be 'the oratorical champions of the law that legitimates all judgments rendered by the city'; this latter point seems reasonable but is not a premise I am drawing on for my argument. I will mention here my basic disagreement with Weiss' thesis. She believes that because 'Crito proves himself to be thoroughly unphilosophical,' 'there are two things [Socrates] can now do: (1) he can simply assert his refusal to escape, or (2) he can try to persuade Crito in some nonphilosophical way of the rightness of his decision not to escape' (146). I disagree with the assessment of Crito's character (I refer instead to his present overwhelming zeal), and take Weiss' dichotomy as false: since Socrates doesn't need to do anything, he can do many more than these two things.

<sup>11</sup>Cf. *Mnx.* 235c6, about Socrates: 'You're always poking fun at orators.'

the basis of the quality of the arguments presented by each speech (*Apol.* 35c3-6). So the fact that an orator is speaking does not mean that one should accept the speech unreflectively, but quite the opposite: one has the duty to assess that speech and its opposing ones in the interest of deciding on the best action. An orator is exactly not an expert whose advice one takes on authority, or a teacher whose lessons one is to absorb through repeated listening and exercises. An orator is a person who speaks in contexts of adult judgment, where voting is the result of reasoning about what has been heard. Accordingly, Socrates seems to be explaining that the Laws are not experts (more on which in (4) below), are not teachers, are not authorities, but are instead capable proponents of one view among several possible.

The *Crito* makes the context of contested lawmaking present besides in its dramatic linkage to the *Apology* and Socrates' remark about the orator. The Laws' Speech itself three times refers to a certain 'obey-or-persuade' doctrine (51b5, c2, e5). This doctrine appeals to the fact that the assembly (and in a certain respect the jury as well) was constituted to promulgate authoritative rules following an open exchange of arguments and to reconsider such rules upon future arguments about their ongoing value. Reminding Crito of this fact ought to remind him about the role of speakers in legal settings. (The consequences of this doctrine for the justice of Socrates' escape I leave aside.) One may have to confront antagonistic arguments that sound good, or even for the time being posit rules, but the confrontation does not mean that the arguments *are* good, or that the momentary plausibility of some rule entails never revisiting its plausibility.

(3) A clamorous speech

When he finishes speaking as the Laws, Socrates reflects on the Speech in his own voice. That reflection does not sound like an endorsement, for reasons (i)–(v).

- (i) Socrates' reflection excludes any agreement with or affirmation of the speech.
- (ii) Socrates talks only about how the speech *seemed* [δοκῶ, δοκοῦσιν, δοκοῦντα: 54d3, 4, 7], drawing attention perhaps to the surface features in opposition to the reality.
- (iii) Socrates says that the Laws' arguments *buzz* [βομβεῖ: 54d5] with the sound of bees in his head.<sup>12</sup> In the *Republic*, the speakers agree that a democracy's 'fiercest members do all the talking and acting, while the rest settle near the speaker's platform and *buzz* and refuse to tolerate the opposition of another speaker' (564d, cf. 573a). Noise trumps reasoned argument. Crito would find sympathy with this sentiment, given his lack of respect for the jury's decision in Socrates' trial. He would agree that some demagogues can speak so

<sup>12</sup>Verity Harte, 'Conflicting Values in Plato's *Crito*', *Archiv für Geschichte der Philosophie*, 81 (1999): 117–47, 118.

loudly, so effectively, and even so libelously, that even well-reasoned opposition, such as Socrates', may go unheard. Socrates' use of politically-charged terminology here ought to remind Crito of his distaste for such demagoguery, and wonder whether the Laws speak in just that despicable way: possibly with strands of truth, but inaccessible to tempering or testing.

- (iv) The cultic imagery of Socrates' reflection reinforces the political imagery: Socrates compares his intoxication from the Laws' claims to a mystic's from music.<sup>13</sup> Socrates implies he's unable to compare the quality of these arguments with others because they make it impossible [ $\mu\eta\ \delta\acute{\upsilon}\nu\alpha\sigma\theta\alpha\iota$ ] to hear any others (54d5). He would be prevented from establishing which argument 'seems best on reflection' (46b). Throughout the Platonic and Aristotelian corpus *aulos*-music is taken to be non-educational. It is taken to be purifying; perhaps Socrates is modeling for Crito the right response to the second speech, an appreciation of the way it can purify one's pretense to certainty about the opposing view. Socrates has made no other indications that he himself needs to be purified. In Aristophanes' *Wasps*, Philocleon is said to have been brought to the Bacchic frenzy to try to relieve him of his love for attending trials, but it didn't work: he 'just escaped... drum in hand' (120). Perhaps Crito's experience of the Bacchic frenzy will work, relieving him of his overzealous love of trying to save Socrates' life.
- (v) As opposed to what Socrates says about his other arguments, namely that he will always accept new and better arguments, he says that in this case no new words could change his mind (54d). Socrates is acting as though he is prevented from thinking about them in a rational way. If one's beliefs have become calcified, not dissolvable by opposing and better beliefs, then action from them will be, as it were, coerced.

(4) A disagreement between the Laws and Socrates

What the Laws say disagrees with what Crito hears Socrates say elsewhere. I will focus just on the discussion of expertise.<sup>14</sup> Socrates

<sup>13</sup>For details on the Corybantic metaphor, see Weiss (1998), 134–40.

<sup>14</sup>Harte (1999), 120–28, focuses on a different distinction between what Socrates says and what the Laws say. Socrates claims that one may never retaliate, and invents two words,  $\acute{\alpha}\nu\tau\alpha\delta\iota\kappa\epsilon\acute{\iota}\nu$  (49b11) and  $\acute{\alpha}\nu\tau\iota\kappa\alpha\kappa\omicron\upsilon\pi\omicron\gamma\epsilon\acute{\iota}\nu$  (49c4), to describe retaliation. His principle is novel. He assimilates retaliation to wrongdoing. The Laws, however, do not speak of an absolute principle against injustice. They say only that a subordinate may not retaliate against a superior. They do not specify what to do in non-asymmetric relationships; they seem to leave those cases open. Socrates says that people should follow their agreements, if they agreed to do just things. The Laws say that agreements bind their subjects irrespective of what actions they command, as long as they've been freely and fairly made. Because the only alternative to following the Laws' command is to persuade them that they've commanded unjustly, the Laws are made arbiter of



says that a person should regard and follow the ‘expert knowledge’ only of the wise, not the flawed opinion of the many (47ab). Yet the Laws do not call themselves experts: or rather, Socrates does not have them call themselves experts. They compare themselves to parents and masters; neither of these are always experts, and they’re surely not always wise. The Laws say they enforced an education requirement, of gymnastics and music (not of investigation, critical thinking, or philosophy), but they do not claim to have made anybody’s soul better.<sup>15</sup> The people in general, and so presumably the laws created by them, Socrates says, ‘cannot make a man thoughtful [φρόνιμον] or thoughtless [ἄφρονον]’ (44d). In the *Apology* Crito would have heard Socrates reducing Meletus to absurdity by having him claim that the laws are responsible for the wellbeing of the populace (25a). Even Crito implies that the laws themselves can’t bring up Socrates’ children when he claims that Socrates must educate them himself (45d).<sup>16</sup>

(5) Ethical and rhetorical differences

Besides the content differences, there are ethical and rhetorical differences between the Laws’ Speech and Socrates’ side of the conversation elsewhere. After the first half of the speech, the Laws stop asking for any assent and resort instead to rhetorical questions, repetition, exaggeration, threats, and admonitions. The Speech seeks in the end neither understanding nor considered agreement (48d).

justice, rather than the individual after due reflection. Outside of the Laws’ speech, Socrates never claims that the Laws are the arbiters of justice. Harte’s differentiation makes sense. But it does not prove her thesis. Harte claims that Plato wrote the *Crito* to exhibit three opposing views of justice. The first problem with this claim is that Crito’s beliefs or the Laws’ (hypothetical, hypostasized) beliefs might be too inchoate to count as ‘views.’ The second, bigger problem is her thesis makes understanding Socrates’ motivations difficult. The Laws apparently exist just to express a third set of views; why Socrates needs to tell them to Crito, in just the way he does, is not made clear.

<sup>15</sup>Timothy A. Mahoney, ‘Socrates’ Loyalty to Athens and his Radical Critique of the Athenians’, *History of Philosophy Quarterly*, 15 (1998) No. 1: 1–22, alternatively, argues that Socrates endorses the Laws’ speech because he believes in part that the education the laws order is an important precondition for his good life, even though education is not itself intrinsically valuable. This article leaves unexplored why only Socrates, of all Athenians, has used Athenian education to his advantage.

<sup>16</sup>Eugenio Benitez, ‘Deliberation and Moral Expertise in Plato’s *Crito*’, *Apeiron*, 29 (1996) No. 4: 21–47, agrees that the Laws are not experts (42–3). The point made by Martin J. Plax in his ‘The Roots of Socratic Philanthropy and the Rule of Law: Plato’s *Crito*’, *Polis*, 18 (2001) No. 1–2: 59–89, that ‘the Laws are silent about their failure to provide an education in philosophy’ (81) is important if philosophic self-examination is the most reliable or stable way to become just. For an opposing view, see Sandrine Berges, ‘Wisdom and the Laws, The Parent Analogy in Plato’s *Crito*’, *Yeditepe’de Felsefe*, 1 (2004) No. 3: 271–87, who, from a self-ascribed virtue-ethics perspective, asserts that Socrates must believe what the Laws tell him to do, since ‘the development of a virtuous character requires habituation, and... habits are acquired through the authority of law,’ but not does say how the laws themselves are solely responsible for habituation (284). This view ignores the work of people and of public and private social practices.

## (6) Question and answer

Despite these rhetorical differences there is one important formal similarity that helps Socrates suggest that Crito should not take what merely looks like an assertion as an assertion. The Laws say they will speak with Socrates' method of questioning and answering (50c). This may seem to show Socrates' voice coming ineluctably through, and thus draw closer the distance between the Laws and Socrates I'm showing is expansive. But there's a better interpretation. Socrates says elsewhere that when he asks questions, the answers are owned by the respondent, not by himself (e.g., *Alc. I* 112d8-113b6, 114e4, 127d6). His questions diagnose his answerers' commitments, even if those interlocutors wouldn't have thought to formulate something in the way Socrates formulates it in his question. The Laws' remark that they also use questions should tip Crito off to thinking that he is to be in the position of the answerer—and to the extent that he affirms what they say aloud, or silently to himself, he should take what they say not as a teaching but as a formulation of his present commitments. The Laws' Speech begins by asking a tough question, whether one obeys only 'right' decisions or *any* decisions the city makes. Finding that its interlocutors should 'wonder' [θαυμάζοιμεν: 50c7] at its words—not having any immediate intuitions, as Crito had no immediate intuitions about Socrates' last tough question—the speech goes on to demand answers to more specific questions. About these questions a person *will* have immediate intuitions.<sup>17</sup> The Laws illuminate the contours of Crito's beliefs.

## (7) God vs. Laws

Socrates concludes the dialogue by saying that they should follow whither the god leads. Nowhere does Socrates give reason to think the *god* obeys what and only what the *laws* say.

These seven features of the dialogue separate Socrates' explicit commitments from the Laws' claims.<sup>18</sup> It is important for Socrates to create this

<sup>17</sup>Many readers notice the paired mention of θαυμάζω at the start of the dialogue (43a5, b5). I speculate that Socrates purposely has the Laws recapitulate this theme of ignorance at 50a7 – we marvel at that about which we're unsure, or confused, or surprised – to emphasize the conditions of ignorance in which the Laws speak (cf. *Phdr.* 260). The Laws' Speech then goes on to draw conclusions from those few answers (50c–51c).

<sup>18</sup>These seven pieces of evidence, set out in some detail, only partially support my view about Socrates' non-endorsement; I argued in previous sections that Socrates has good reason to speak in a way from which he withholds endorsement here, as he does elsewhere. I emphasize this point to counter a standard opposition, that my kind of 'interpretation of a limited number of isolated phrases represents a rather slim support for so radical a thesis; ... Moreover this thesis leaves unargued the assumption (which may perhaps generate the need for such an interpretation in the first place) that Plato's Socrates must at all costs be philosophically consistent,' as Chris Emlyn-Jones, *Crito* (Bristol, 1999), pp. 23–24, has it. So the evidence is not from a 'limited number of isolated phrases,' nor does it merely assume Socrates' goal of consistency. Is the evidence that Socrates has good reason to assert without examining a rhetorically-brazen speech to Crito more systematic and more attentive to details?

separation because Crito is liable to accept without question what he hears from Socrates. Giving Crito a lesson about obeying the law would apparently be of little value, for all his contradictory impulses, expectations, and conceptions would remain to oppose anything new he would try to bring in. A speech will not stamp a new, crisp, and true imprint of the nature of justice into Crito's psyche. The only way for him to live better is to observe his diverse and divergent commitments and work them out.

## 2.6. Diagnosis, Persuasion, and Politics

Crito cares too much for Socrates to realize how best to exercise that care. He should care about examining his own care. But can Crito change what he cares about? Can he shift his eagerness? What confidence may we have in a man who, though perhaps he made great progress, spent a lifetime with Socrates and still could not commit himself to examination at the important times? A pessimistic view of the *Crito* and the other Platonic dialogues says that Socrates' failure points to the need for a much more systemic change in the Athenian polis' method of educating and socializing its citizenry. A less pessimistic view would accept the importance of education but withhold censure of Socrates' project of encouraging self-examination. Would Socrates have not seen its futility, were it actually futile? Mightn't he have seen its slow, long-term, but frequent benefit? I suspect Socrates trusted in the possibility of becoming eager about investigating. Why he did is a question for another place.

Why did Plato depict Socrates talking to Crito about these matters? I think Crito stood in for Athens (in a certain way – Crito didn't vote to convict Socrates), both in the beliefs they shared and in the commitment and love Socrates had to and for either.<sup>19</sup> Athenians seem to be of two minds about legal matters. They surely want Socrates to obey his conviction, yet are the source of the bad reputation Crito says he'll have if he doesn't try to help Socrates escape (44c). They found Socrates' behaviour reprehensible, yet are, as the foundation of Athens' social norms, responsible for the shame Crito says Socrates will experience should he put up with the recent absurd course of events. (The narrowly split jury in the *Apology* symbolizes this split in the masses.) They assign Socrates to the jail, yet bribes are evidently quite cheap (43a, 45a). The Athenians seem ambivalent about the value of law-abidingness.<sup>20</sup> They often value friendship commitments over legal commitments, and don't know how to incorporate them. This doesn't mean that the

<sup>19</sup>Cf. George Kateb, 'Socratic Integrity,' *Patriotism and Other Mistakes* (Yale, 2006), pp. 215–44.

<sup>20</sup>R. E. Allen, 'Law and Justice in Plato's *Crito*', *Journal of Philosophy*, (1973): 557–67: 'Men acting by the standards or popular morality condemned Socrates to death for impiety; another man acting by the same standards, urged him to escape. At the level of principle, popular morality was many things, not one' (566).

Athenians in general or Crito in particular have *no* concern for lawfulness, but that their commitments are left in conflict.<sup>21</sup> This inconsistency allows a person to appeal to one or the other value, if both apply, depending on what course of action he wishes to support. Socrates can be surprised that the jailer let Crito in only if Socrates believes the jailer has a strong commitment to the rules; Crito explains that this commitment was bested by friendly familiarity (and by a favour). Others besides Crito suffer his problem, thinking that caring for one's friends trumps caring for justice conceived in any other way, as, for example, following the law or acting for the common good. In Socrates' view, though, as I interpret it, one best serves one's friends not by keeping them alive but by acting justly, and bringing them to act justly. But having not reflected on justice and the nature of friendship-commitments before choosing Socrates' future, the Athenians, through their jurymen, have done themselves ill. The *Crito* does not present a comprehensive analysis of the 'benefit to friends, harm to enemies' theory of justice, or of a separate theory of friendship, but it surely points to their complications and what work must precede their respective elaborations.

The *Crito* gives evidence for Crito's inconsistency and shows how Socrates' speech could bring this inconsistency, endemic to the Athenian majority, to Crito's attention. Plato, with his character Socrates' persuasive help, diagnoses an important psychological, political, and intellectual problem the aftermath of Socrates' conviction shows plagues his countrymen. They have not sorted out their social and civic commitments. Having not done so is just one of the many things they have not sorted out. Socrates' life as well as his death are evidence for this, and a lesson against it. Crito is dear to Socrates, as are the Athenians (as the *Laws* say, 53a4): and friendship founded in justice requires helping both Crito and the others for whom Socrates cares come to justice. Socrates uses a practice those with inconsistent beliefs use—giving a persuasive long-speech—but he adapts it for a new, more morally valuable, end.

## 2.7. Concluding Remarks

The argument here explains from the internal perspective why the *Crito* is so short. The dialogue's brevity emphasizes Crito's time constraints, his hurry, the lack of the leisure we find, for example, in *Phaedrus* or the *Laws*. It preserves psychological realism by keeping the counter-speeches concise enough and near enough to one another for them to induce a sense of contradiction. Finally, by keeping the few arguments merely suggestive, Plato makes it clear that no argument in the dialogue is given

<sup>21</sup>There was no consensus on a hierarchy of norms in Athenian society,' so Adriaan Lanni, *Law And Justice In The Courts Of Classical Athens* (Cambridge, 2006), p. 130.

the attention it would need – years? a lifetime? – to be utterly compelling.<sup>22</sup>

The same argument also suggests why Plato writes a dialogue about the days before Socrates' death as mainly a refutation of the man Crito. Perhaps Crito is Socrates' closest friend, and vice versa. Crito may thus best represent the need to reconcile the obligations to one's friends and one's polis.

Understanding the *Crito*, I have tried to show, depends on understanding types of and reasons for persuasion. The dialogue, I think, points to that, in its very frequent usage of cognates of *πειθῶ* (Crito's three at 44b6, 45a4 and a10; Socrates' three at 46b4, d7, and 48e1; and others at 50a1, 51c1, 51e7 and 52a3, 52e2, 53a6, 54b4, b8, 54c10 and d1). Many of Plato's dialogues show how Plato appropriates a common mechanism of persuasion – the orator's mode of motivating action – for a new purpose: diagnosis and urging someone to become self-aware.

My interpretation of the *Crito* ignores the specific political-theoretical claims. But we are not to assume that neither Socrates nor Plato has any positive beliefs about what the law, or one's membership in a community, demands. That I think the dialogue does not tell us definitively why Socrates didn't escape, or why he thought escape would be unjust, or why Socrates didn't tell Crito either of these things, does not leave us with a text in which reflection on moral or political concepts is subordinated to drama. After all, Plato may not have known Socrates' real reason for being willing to die, or he may not have cared to instruct about Socrates' real reason. If he did know Socrates' real reason, Plato may have believed that making a tell-all text would discourage consideration of the issues the dialogue does raise, about friendship, tacit consent, obligations to one's city, the restraint with which one should exercise rhetorical persuasion, the limitations of elenctic discussion, the worth of examining oneself, and the ability we have to understand the motivations of others. Reading the text requires reconstruction, interpretation, and evaluation of the terms brought up; in its rather conspicuous failing to ask explicitly, 'What is justice?' (conspicuous when compared with the *Euthyphro*), or to delineate possible obligations of friendship (conspicuous when compared with the *Lysis*), the dialogue demonstrates the importance of general ethical analysis. I'm not sure that by reading the *Crito* we come fully to understand Socrates' implicit maxim, 'Don't do injustice,' or whether it's possible to avoid injustice in then-contemporary Athens, or in any democratic or non-democratic city, but I think the *Crito* succeeds at motivating reflection on those topics. After all, many of us readers are eager, too, about saving Socrates.

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<sup>22</sup>Plato does not depict the ultimate result of Socrates' actions, and so we cannot decide its success or confirm with certainty that Socrates even meant to act as we supposed. But we regularly identify, in literature and life, what someone's intentions are without fortune to see our identification vindicated; we must rely on reasonableness and plausibility. Plato's dialogues, as medium-length depictions of continuous action, rely on our capability to interpret and project, for he cannot write a dialogue that is as long as life. Plato is more like a reporter than a novelist.