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Socrates's Great Escape: Philosophy and Politics in the *Crito*

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Many contemporary students of Plato hold that the arguments Socrates gives the personified Laws in the *Crito* do not represent Socrates's own views, but rather work on assumptions to which Crito adheres, but Socrates does not. But if the Laws' arguments are not Socrates's own, then we seem to be left with a bewildering problem: why would Plato provide us with arguments that Socrates does not believe in, for a conclusion which Socrates evidently does believe in? After all, Socrates does remain in prison to face his execution; evidently, he believes that that is what he ought to do. This problem has been posed by Leo Strauss, and the solution Strauss proposes has gained some currency, namely, that Crito is not sufficiently sophisticated to understand why Socrates really thinks he should accept his execution.[1] But still, even if that explains why Socrates can't tell Crito what he really thinks, why doesn't Plato have his Socrates tell *us* what he really thinks? And just what *does* Plato's Socrates really think, anyway?

I propose that Plato *does* tell us what his Socrates really thinks, but implicitly,[2] through what is shown up in certain inconsistencies between what the Laws argue and certain elements elsewhere in the *Crito* and other dialogues.[3] In what follows, I will discuss four such inconsistencies, each of which is both a reason not to believe that the Laws' arguments represent Socrates's own view and an indication of what Socrates's own view actually is.[4]

1. Just before introducing the personified Laws, Socrates puts the following question to Crito: "ought a man to do what he has agreed to do, provided it is just, or may he violate his agreements?" (49e).[5] After the Laws open their arguments by demanding of Socrates why he thinks it permissible for him to

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[1] This is the problem posed at the end of Leo Strauss's "On Plato's *Apology of Socrates* and *Crito*", in Strauss, *Studies in Platonic Political Philosophy* (Chicago: University of Chicago Press, 1983). The conclusion of the following essay in that book, "On the *Euthydemus*", hints at a solution which I will discuss below, namely, that Socrates's reason for accepting his execution is that doing so will show up the incompatibility of philosophy and politics.

[2] The question why Plato does not tell us explicitly what his Socrates, or he himself, really thinks, is much bigger than the particular question concerning the *Crito*: I do not believe that Plato *ever* tells us *explicitly* what he, or his Socrates, or the historical Socrates, really thinks or thought. Whether this is because, as some have suggested, Plato worries that some of us, like Crito, would not be able to handle what he really thinks, or because Plato wants us to exercise our intellects by solving his puzzles, or because it would be less artful for Plato to tell us explicitly what he really thinks, or some other reason, is a question far beyond the scope of the present paper.

[3] I don't believe that anything hangs on the dating of the dialogues for my purposes here; whether or not the dialogues concerning Socrates's trial and death were written around the same time, we can certainly suppose that Plato expected them to be read together.

[4] Other important inconsistencies have been cited by other commentators. The most notable of these, in my view, has been pointed out by Mitchell Miller (see Miller, "The Arguments I Seem to Hear: Argument and Irony in the *Crito*", *Phronesis* 41, no. 2 (1996): 121-137, 130-131) with regard to the Laws' so-called "persuade or obey" injunction, and it is as follows. Crito and Socrates agree that it is always wrong to require wrong with wrong and otherwise ever to do anything bad to anyone. Socrates then says that, firstly, very few people take this view, and secondly, those who take it and those who don't "have no common ground of discussion, but they must necessarily, in view of their opinions, despise one another" (49c-d). The implication here is clear: the view that one must never do anything bad to anyone is held by those who pursue philosophy; the view that doing harm to others is sometimes right is held by the political multitude. There is, then, no common ground between philosophers and the political multitude. Someone like Socrates is therefore unable to convince the political multitude that it is wrong. The Laws will come to say that Socrates must obey the Athenians if he cannot persuade them to change their legal order, but the possibility of Socrates's persuading them is already ruled out. While this might be thought an exaggeration (since, after all, the vote for Socrates's conviction was fairly close), as Socrates suggests, how the multitude will treat one is a matter of fortune: "*poiousi de touto ho ti an tuchosi*" (44d). Rather than nearly *persuading* a majority of the jurymen, Socrates was nearly *fortunate* enough to have been favoured by the *whims* of a majority.

[5] Plato, *Crito*, in Plato, *Euthyphro – Apology – Crito – Phaedo – Phaedrus*, tr. Harold North Fowler with Greek, Loeb Classical Library ed. (Cambridge MA: Harvard University Press, 1914). Quotations from Plato will follow this edition, with a few amendments.

undermine the authority of the laws by defying their enforcement, Socrates asks, "shall we say to them, 'The polis was unjust to me and did not judge the case rightly'?" (50b-c). To make this response seems to be in keeping with the condition applied to the proposition that one ought to do what one has agreed to do, namely, "provided it is just". But the Laws, in their rejoinder, elide this condition: "Socrates, is this the agreement you made with us [i.e., to abide by legal decisions as long as the case is judged rightly], or did you agree to abide by the verdicts pronounced by the state?" (50c). Socrates continues: "Now if I were surprised by what they said, perhaps they would continue, 'Don't be surprised at what we say, Socrates, but answer, since you are in the habit of employing the method of question and answer.'" Of course, the reason that Socrates would be surprised is that the Laws have elided his condition. And while the Laws tell him to answer, such that he could reassert the condition, they do not give him a chance to do so, because they immediately change the question, as they continue, "Come, what fault do you find with us and the state, that you are trying to destroy us?" (50d).

Spiro Panagiotou and Michael C. Stokes have both argued that by escaping, Socrates would be breaking the rule on which the entire system of law is founded, namely, that the decisions of the courts are binding. Panagiotou invokes the particulars of the Athenian system of law to suggest that Socrates, in escaping, would actually be repealing the law that "court decisions are binding" and replacing it with the law that "all but only 'correct' court decisions are binding"[6]—which, given the difficulties in determining which decisions are correct, would dissolve the system. Stokes points out further that, in light of the fragility of the Athenian democracy, the apparent histrionics of the Laws, in repeatedly asking why Socrates is trying to destroy them, actually represent a serious concern: it really might be possible for the whole system to be brought down by a single act of defiance.[7]

Of course, there is a missing premise in the argument, "If I undermine the rule that court decisions are binding, then I will bring down the whole legal system; therefore, I should not undermine the rule that court decisions are binding." That premise is that I should not bring down the whole legal system, and I suggest that Socrates may not subscribe to this proposition. We have a hint of what Socrates thinks about the democratic legal system when we consider this question he has the Laws ask—"do you think that state can exist and not be overturned, in which the decisions reached by the courts have no force but are made invalid and annulled by private persons?" (50b)—together with his earlier statement that the multitude "lightly put men to death, and would bring them to life again, if they could, without any sense" (48c). In a populist democracy, there is no distinction between the multitude of private citizens and the state, and though the multitude is not capable of bringing people back to life, it *is* capable of reversing a death sentence if it chooses.[8]

2. As we have seen, the Laws don't give Socrates the chance to answer when they ask whether he has agreed to abide by all the decisions of the state. In fact, in his imaginary dialogue with the Laws, Socrates provides answers of his own only twice.[9] Both of these answers occur shortly after the Laws close off Socrates's opportunity to reassert his condition for obeying, and ask why he is trying to destroy them. They immediately go on to ask, "Is it not through us that your father married your mother and begat you?

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[6] Spiro Panagiotou, "Justified Disobedience in the *Crito*?", in Panagiotou, ed., *Justice, Law and Method in Plato and Aristotle* (Edmonton: Academic Printing and Publishing, 1987), 38-41.

[7] Michael C. Stokes, *Dialectic in Action: An Examination of Plato's* Crito (Swansea: Classical Press of Wales, 2005), 166-168. Stokes argues that what the argument of the Laws forbids is not civil disobedience, but rather the violation of the principle on which civil disobedience (as opposed to outright rebellion) can be said to be founded, i.e., that the disobedient do not oppose the legal order in general, and that they submit to the legal consequences of their breaking the law they wish to overturn in particular. (For a statement of this view of civil disobedience, see, for instance, John Rawls, "The Justification of Civil Disobedience", in Hugo A. Bedau, ed., *Civil Disobedience: Theory and Practice* (New York: Pegasus Books, 1969).) It appears, however, that the position of the Laws is stronger than that: when they tell Socrates that "whoever of you stays here, seeing how we administer justice and how we govern the state in other respects, has thereby entered into an agreement with us to do what we command" (51e), they appear to rule out civil disobedience as well as rebellion. They also, once again, elide Socrates's condition that an agreement is only binding if it is just, and surely Socrates could not regard an agreement to do whatever a state commands—let alone a state ruled by the multitude—as just.

[8] Whether or not formal legal mechanisms exist for doing is irrelevant. The people, as I will emphasize later, *are* the law; for instance, as Socrates complains, the charges against him are not, according to the positive law, supposed to be capital ones.

[9] He solicits answers from Crito on two other occasions; for the most part, however, the Laws' questions go unanswered.

Now tell us, have you any fault to find with those of us who are the laws of marriage?" Socrates replies: "I find no fault" (50d). Next, the Laws ask whether Socrates finds fault with the laws that have to do with the upbringing and education of children: "did those of us who are assigned to these matters not give good directions when we told your father to educate you in music and gymnastics?" they ask, and Socrates replies: "You did" (50d-e).

It should be noted that Socrates does not reply to the question whether it was not through the laws that his parents were married and he was born. Even assuming that marriage is necessarily a *legal* institution, there need have been no laws of marriage for Socrates to have been born. Similarly, when Socrates agrees that the laws did well to instruct his father to educate him in music and gymnastics, he agrees to less than what the Laws need. The laws requiring Socrates's father to educate him may have helped to ensure that Socrates would be educated, but they are hardly necessary.[10] Moreover, as is evident throughout the dialogues, Plato's Socrates does not approve of many, if any, of the particulars of Athenian education. Perhaps most tellingly, Socrates says to Crito that the multitude is incapable of either the greatest evils or the greatest goods, because it "is not able to make a man wise or foolish" (44d-e). The anxiety evident throughout the *Crito* about the upbringing of Socrates's children may be another hint that Socrates does not trust the democratic regime to properly rear and educate children. In fact, the dialogue leaves us with the implication that Socrates can only accept death without running too great a risk on his children's futures because he has trustworthy friends who will take care of them.[11]

If we call to mind the *Euthyphro*, another reason becomes apparent not to identify the Laws' argument here as representing Socrates's own views. The Laws argue that they are responsible for Socrates being what he is, *even more than his parents*, and that it is therefore "much more impious" to do harm to the polis than to his parents (51a-c).[12] Being more pious toward the laws of the polis than toward his father is precisely what Euthyphro is lampooned for.[13]

3. Mitchell Miller suggests that, when the Laws tell Socrates that, if he flees, the jurymen who voted to convict him will be reinforced in their belief that Socrates is unjust and that his death sentence was justified, the Laws can be seen to imply that, conversely, "by speaking in behalf of the rule of law and staying to accept the sentence, Socrates may *undermine* the conviction of the jury."[14] Miller's reasoning is that Socrates's martyrdom will prick the consciences of the jurymen. This may well be the case—after all, Socrates's martyring himself seems like just the sort of thing that might appeal to the emotionally susceptible multitude. But, given the multitude's whimsical nature (44d-e), it might well not (Crito, after all, says it will only earn the multitude's scorn), and even if it does, the multitude's whims will likely carry it away elsewhere again.

I want to suggest that the people who are meant to be moved by Socrates's martyrdom are not the jurymen who convicted him but philosophically inclined onlookers, and, particularly, philosophically inclined onlookers who also harbour political inclinations[15]—people, that is, not unlike most of *us*. I think it is safe to venture that, in our eyes, Socrates's execution is an indictment of the populist style of democracy that ruled Athens. The indictment might, however, be meant to be broader: it might be meant to be an indictment of politics in general.

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[10] Indeed, Diogenes Laertius reports (though the report is now universally regarded as spurious) that *Crito* was responsible for Socrates's education. Diogenes Laertius, *Live of Eminent Philosophers*, II.20.

[11] This is brought home by this ironic juxtaposition near the end of the Laws' argument: "Will [your friends] care for [your children] if you go away to Thessaly and not if you go away to the dwellings of the dead? If those who say they are your friends are of any use, we must believe they will care for them in both cases alike. Ah, Socrates, be guided by us who tended your infancy" (54a-b).

[12] Miller points out that the Laws here set up a continuum on which doing harm is wrong to greater and lesser degrees, and that this is an idea that Socrates has ruled out: doing harm is always simply wrong. Miller, 131.

[13] There is actually a more obvious reason (though it seems to have gone unremarked upon in the literature) to be suspicious of the Laws' line of argument here: the current Athenian regime is not the one under which Socrates was born and raised. Socrates's early upbringing took place under the oligarchic proto-democracy led by Cimon; for the bulk of Socrates's life, Athens was ruled by the populist democracy of Pericles, but this too was displaced by the short-lived regime of the Thirty Tyrants, before the restoration of a populist democracy. Thus, even if the current regime could take credit for anyone's proper upbringing and education, it could not take credit for that of Socrates.

[14] Miller, 135.

[15] Some philosophically inclined people, to be sure, would likely have been on the jury, but it is doubtful that they would have voted to convict Socrates.

This is suggested by what the Laws say about Socrates's prospects if he escapes. If he goes to a well-governed place, the Laws say: "you will go as an enemy, Socrates, to its government, and all who care for their own cities will look askance at you, and will consider you a destroyer of the laws" (53b-c). Meanwhile, if Socrates escapes to a poorly governed place, such as Thessaly, the Laws say, he might be all right if he does not offend anyone—but, Socrates being Socrates, he *will* offend someone, and then, the Laws say: "you will have to listen to many things that would be a disgrace to you. So you will live as an inferior and a slave to everyone" (53e).

Of course, being disgraced and living as an inferior is nothing new to Socrates; but let us suppose that the Thessalians, having become sufficiently fed up with Socrates, might even be moved to put him to death. In that case, Socrates's situation would be as dire *as it already is in Athens*. The Laws' argument is that Socrates shouldn't bother escaping to a well governed place, or to a poorly governed place, because he won't be allowed to practice philosophy in either kind of place. The consequence is that Socrates is not allowed to practice philosophy *anywhere*. The Laws claimed at the outset that they made it possible for Socrates to be what he is. But now we see that the laws of the polis—whether well governed, poorly governed, or whatever Athens is supposed to be—seem to make it *impossible* for Socrates to be what he is, namely, a philosopher.

A way out may seem to be revealed by an error in the reasons given by the Laws for Socrates's supposedly being unable to practice philosophy in a well governed place. The Laws say that Socrates will be a hypocrite if, being an outlaw himself, he attempts to carry on "the same kind [of conversations he] carried on [in Athens], saying that virtue and justice and lawful things and the laws are the most precious to men" (53c-d). But Plato's Socrates never anywhere counts the laws among the most precious things. This seems to suggest the possibility that Socrates actually believes that he could carry on his philosophical activity in a well governed place.

But if Socrates really believes this, and if my general reading here is correct, then it is difficult to explain why Socrates does not actually escape to a well governed place. I think, however, that Socrates's real concern is not that it would be evidently hypocritical of him, as an outlaw, to philosophize as he always has, but that he would be unwelcome because he is *essentially*, not merely contingently, an outlaw—he is not just someone who happens to have broken this or that law, but someone whose basic allegiance to the just puts him at odds with those whose basic allegiance is to the law. After all, what the Laws mean by "well governed" is, simply, *lawful*, upholding the law above all else—and so someone like Socrates would be *most* unwelcome in a well governed place. He would be unwelcome for the same reasons that he was, ultimately, unwelcome in Athens, but more so.

Notice, however, that if Socrates would be less welcome in a well governed place than he is in Athens, this seems to entail that Socrates would be *more* welcome in a poorly governed place, i.e., a lawless one, such as Thessaly is said to be. As we have seen, the worst the Laws actually say would happen to Socrates in Thessaly is that he would be mocked and scorned. I think that we ought to seriously consider the possibility that Socrates actually holds fleeing to Thessaly to be a close second-best option—and perhaps that he would hold it to be the best option were he a younger man and not, as he says repeatedly, near the end of his life anyway. After all, in Thessaly, Socrates would be able to carry on his philosophical practice, conversing at least with Crito and his friends, and presumably also with the itinerant intellectuals who appear throughout Plato's dialogues. And this philosophical practice is the only thing that matters to him; that he would be scorned for it is just the sort of thing that he has said does not concern him. Moreover, in a relatively lawless place philosophy might have the greatest chance of avoiding conflict with the political, because in such a place the political has not seized complete control over human affairs through law.

4. This possibility is hinted at by the last inconsistency that I want to point out in the *Crito*, involving the dream Socrates relates to Crito at the beginning of the dialogue. Socrates says that he was told in his dream that he will arrive in "fertile Phthia" on the third day, and so, he infers, the ship which will arrive the day before his execution will not arrive today, as Crito says it will (44a-b). Crito tells Socrates this is a strange dream; Socrates replies that it is clear, whereupon Crito agrees that it is exceedingly clear. There seems to be universal agreement among translators as well as commentators[16] that "fertile Phthia"

[16] Strauss, as we will see, is an ambiguous exception.

refers to a happy afterlife,[17] and that Crito understands it as such.[18] But Phthia, as Strauss points out, just so happens to be a city in the region of Thessaly, which is just where Crito wants Socrates to go—and if Socrates leaves tonight, according to Crito's plan, he might just arrive in Phthia on the third day. Keeping in mind that Crito is portrayed, at the end of the *Phaedo*, as having failed to understand Socrates's teaching about the immortality of the soul (115c), being inappropriately concerned with what will happen to Socrates's body, rather than his soul, I think we ought to seriously consider the possibility that Crito takes Socrates's dream literally. What would be *strange* about the dream, in that case, is that it has anticipated exactly what Crito has come to urge Socrates to do. And when Crito agrees that the dream is exceedingly clear, what he would mean is that the dream exceedingly clearly has given its sanction to just the plan he has come to lay out.

Though Strauss points out that Socrates could, if he chose, "go to Thessaly on a more than human initiative and therefore by his action disobey only his human rulers," Strauss concludes that "fertile Phthia" as the afterlife is the "interpretation which [Socrates] tacitly chooses as a matter of course."[19] I think we ought to wonder, however, whether this really is a matter of course for Socrates.[20] When Socrates begins his rebuttal to Crito's argument for escape, says that Crito's judgment will not be led astray because he—unlike Socrates—is "not involved in the necessity of dying tomorrow [*aurion*]" (47a). It is easy to miss this, but it is startling to consider: Socrates now seems to be saying that his death will indeed occur tomorrow, if he does not escape before then. This, then, is Socrates's dilemma: Thessaly on the third day, or death tomorrow—and it is not so clear as it is made out to be at the end of the dialogue that Socrates is absolutely decided in favour of death, even if he is resolved that the balance of the argument tilts that way.

More straightforwardly, Socrates's dilemma seems to be: to escape, or not to escape. The Laws argue that Socrates will bring them and the polis down if he escapes. And yet, on the reading I have given here, Socrates will bring them down whether he goes to Thessaly or to his death: if his going to Thessaly undermines the shaky foundation of the rule of law in Athens, then he will bring them down in fact, but by staying to accept his execution, he will bring them down in the eyes of those torn between philosophical and political inclinations. At the end of the *Phaedo*, Socrates jokes with Crito that he can bury him however he pleases, "if you can catch me and I do not get away from you" (115c). But, of course, as Socrates goes on to explain, Crito will not bury Socrates; Socrates *will* escape—and I think we may suppose he hopes that in *this* escape he will be doing as much as is in his power to bring down the laws and the polis, just as the Laws said he would.

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[17] For instance, Grube says in a footnote to his translation that "the dream means, obviously, that on the third day Socrates' soul, after death, will find its home." Plato, *Crito*, in *Five Dialogues*, tr. G.M.A. Grube (Indianapolis: Hackett, 1981), 46.

[18] On the basis of this interpretation, when Crito replies "*lian ge, hos eoiken*" to Socrates's saying that the dream is clear, translators have always rendered Crito's "*lian*", the meaning of which can range from "very" to "excessively", as "too" or "only too": on the standard interpretation, the dream is only too clear in its meaning that Socrates will be in the afterlife on the third day.

[19] Strauss, 55.

[20] It may well be Strauss's purpose to cause us to wonder this.