

CRITO'S SOCIAL CIRCLES IN PLATO'S CRITO

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Summary: In this paper I identify and discuss three different circles concerning Crito's social relations: the internal circle of those who know him well; the external circle of those who are Crito's fellow citizens but who do not know him well; and the third circle which is the *polis* with its laws. Crito uses – both consciously and unconsciously – different stratagems in dealing with these different circles. The speech of the Laws is Socrates' attempt to allow Crito to see his actual behavior, as if reflected in a mirror. In fact Crito harms his friends, cheats his fellow citizens and destroys the *polis*.

Introduction

I shall open this paper with three questions.

1. The *Crito* is usually divided by scholars into two main parts, the first being Socrates' attempt to prevent Crito from persuading him to escape from jail (from the beginning to 50a5), and the second being a long speech by Socrates who imagines the Laws speaking to him and reproaching him for considering the escape (50a6 to the end). In what can be taken as an introductory passage to the Laws' speech (49c10-e8), Socrates obtains Crito's assent concerning two assertions which seem to be necessary for the Laws who make use of them later in their speech. The first claim is: ὡς οὐδέποτε ὀρθῶς ἔχοντος οὔτε τοῦ ἀδικεῖν οὔτε τοῦ ἀνταδικεῖν οὔτε κακῶς πάσχοντα ἀμύνεσθαι ἀντιδρῶντα κακῶς (“that it's never right to act unjustly, nor to retaliate (lit. “do wrong in return”), nor should anyone who's being maltreated defend himself by retaliation” – 49d7-9). I shall call this the Non-Retaliatio Argument (NRA). The second point is to be understood from the question πότερον ἂ ἢ τις ὁμολογήσῃ τῷ δίκαια ὄντα ποιητέον ἢ ἐξαπατητέον; (“whether one should do whatever one

agrees with someone to do, if it's just, or deceive" – 49e6-7).¹ I shall call this the Agreement Argument (AA). Indeed, the Laws' speech seems to be structurally divided according to these two points. Up to 51c5 the Laws seem to concentrate and base their arguments on the first assumption that by escaping jail Socrates actually retaliates with injustice, and from 51c6 to 53a8 the Laws seem to concentrate on the fact that Socrates breaks his agreement with the *polis* and its laws.² Logically speaking, however, in order to refute Socrates' attempt to escape from jail, the Laws could have contented themselves with using the NRA alone, or the AA alone. Why, then, do the Laws (and Socrates who gives voice to the Laws as a response to Crito) need these two lines of refutation?³

2. The NRA and the AA appear not to have the same weight. While the theme of retaliation can be detected long before the Laws actually start speaking and using it (giving the impression that the NRA has been something planned in advance),⁴ the theme of agreement appears for the first time, quite suddenly, at 49e5-7. Moreover, the AA seems to be inserted by Socrates as an afterthought. Having received Crito's assent that one should not wrong anyone even in retaliation (49e4), Socrates proceeds (49e5): λέγω δὴ αὖ τὸ μετὰ τοῦτο, μᾶλλον δ' ἐρωτῶ ("Then I shall tell you what follows, or rather I'll ask you a question"). Here we are faced with two problems. First, the words τὸ μετὰ τοῦτο could be translated either as "what comes from this": (sc.

* The Greek text is taken from the OCT of Duke et al. (1995). All English translations, unless otherwise mentioned, are taken from Vol. 1 of Plato's works in the LCL (36), translated by Chris Emlyn-Jones & William Preddy (2017) with some necessary modifications.

- 1 That these are *the* two assumptions which the Laws' speech is based on is clearly shown at 49e9-50a3, especially by the word τοῦτων. Pace Weinrib 1982: 94: "first, one should have regard for what the expert thinks and not what the many think, and secondly, one should not do wrong to any person, even if one is requiting wrong for wrong."
- 2 From 53a9 to the end of the speech the Laws concentrate on the apparent benefit Socrates might or might not achieve from running away, and from 54d3 to the end we have the concluding passage of the whole dialogue; see pp. 71-77 below.
- 3 On this question see also Kraut 1984: 94 n. 4; Irwin 1986: 404. On Kraut's view see further n. 69 below.
- 4 In fact it is a logical extension of doing no harm, the primary argument.

the first assumption), namely *propter hoc*, or “what simply comes after this,” namely *post hoc*. Second, μάλλον δ' ἐρωτῶ: Socrates apparently changes his mind but here we are at a loss about what he had in mind in the first place. Does Socrates change only the form of what he intended to say (from a statement to a question) or the content too, to the AA? Whatever the answer is (on which more later) the insertion of this AA is strange and needs to be explained.⁵

3. Socrates' use of the NRA is puzzling. Having received Crito's assent that harming someone, even in retaliation, is totally forbidden (49e4), all Socrates has to do in presenting the Laws' speech is to use this assent and make the Laws say that even if they have harmed Socrates, Socrates still has no right to harm them in return. The Laws, however, emphasize rather the inequality between themselves and Socrates:

Well then, since you were born, brought up and trained, could you say in the first place that you were not both our offspring and slave: yourself as well as your ancestors? And if this is the case, do you think what is just applies equally to you and us, and whatever we try to do to you, do you think it's just for you to do back to us as well? (50e1-7)

This means that had Socrates and the Laws been equal Socrates would have had the right to retaliate. But this conclusion would run counter to the NRA.

A hint of an answer to at least the third question might be found in an apparently innocent clause at 44b9-c2: ἔτι δὲ καὶ πολλοῖς δόξω, οἳ ἐμὲ καὶ σὲ μὴ σαφῶς ἴσασιν, ὡς οἷός τ' ὄν σε σώζειν εἰ ἤθελον ἀναλίσκειν χρήματα, ἀμελήσαι. (“... in addition, many people *who don't know me and you well*⁶ will think that, as I would be in a position to save you if I were willing to spend money, I have deserted you”) (emphasis mine). This is

5 For a detailed discussion of this issue see Stokes 2005: 116-19.

6 While these words are translated as they should be, they seem to be overlooked in commentaries and analyses. See Brickhouse & Smith 2004: 199: “Not only will he himself be losing an irreplaceable friend, but also most people, who will think that Crito could have saved Socrates ...”.

part of Crito's second speech⁷ where he specifies his two reasons for urging Socrates to run away. His second reason concerns his bad reputation among the Many. These Many are those "who do not know you and me well." Thus, I argue, we are faced with at least two social circles in Crito's life. The first is his close friends (and enemies alike) who can justly be characterized as 'those who know each other well'. The second circle are those "who do not know me and you well." These I shall call the internal and external circles respectively. My distinction between these two groups may be proved by the text, with Socrates' response at 44c6-9: Ἄλλὰ τί ἡμῖν, ὦ μακάριε Κρίτων, οὕτω τῆς τῶν πολλῶν δόξης μέλει; οἱ γὰρ ἐπιεικέστατοι, ὧν μᾶλλον ἄξιον φροντίζειν, ἠγήσονται αὐτὰ οὕτω πεπραῆχθαι ὥσπερ ἂν πραχθῆ. ("But my dear Crito, why is our reputation among the Many (*hoi polloi*) of any concern to us? You see the most sensible people (*hoi epieikestatoi*) who are much more worthy of our attention, will think matters have been carried out in this way just as they have been"). The distinction Socrates makes between *hoi polloi* and *hoi epieikestatoi* relates to Crito's emphasis on "those who do not know me and you well", and in fact completes it by adding what we can paraphrase as 'those who do know you and me well', namely the *epieikestatoi*. Both circles are of interest to Crito and he cares about them both. But the way he treats each group should be carefully distinguished.

Before I start my discussion I should make an important clarification. By analyzing Crito's social circles in order to solve problems in the Laws' speech which *prima facie* seem to be concerned rather with Socrates' problem, I argue that the Laws' speech is actually Socrates' answer to Crito's problem whatever his problem may be (on which more later). The view that the Laws' speech is Socrates' own *credo* seems no longer to be held.⁸ While this is to be applauded I see this as only a part of a larger

7 During the first part of the conversation (up to 46a9) Crito delivers three speeches (43b3-9; 44b6-c5; 44e1-46a9).

8 The list of scholars who no longer see the Laws' speech as reflecting Socrates' stand, but sees rather Crito as its object and towards whom it is directed, is too long. I shall mention here only a few: Hyland 1968; Young 1974; Brown 1992; Miller 1996; White 1996; Weiss 1998; Colaiaco 2001; Moore 2011. It may be worth mentioning Weiss' note (1998: 5): "A minority of interpreters of the *Crito* have resisted the impulse to assume that the Laws are ... spokesmen for Socrates ... But their view is summarily dismissed

picture whereby Crito is the 'hero' of the dialogue whose problem (and that Crito does have a problem – whatever it may be – is clearly stated by him at 44b7-c3) is treated by Socrates.⁹ Although the *Crito* presents Socrates' 'problem' as the vehicle of the conversation, what is really discussed is Crito's 'problem'. While Crito tries to save Socrates from his upcoming execution, it is rather Socrates who tries to save Crito from falling into self-refutation regarding the way in which he deals with Socrates' problem, and hence the way he leads his life in general.¹⁰ An indication of this role reversal can be detected already in the way each problem is presented. Crito compares Socrates' calamity (συμφορά) with his own. While Socrates has only one (43b8-9), Crito has two (44b6-44c3). While Socrates is grappling with his calamity and even succeeds in sleeping, Crito cannot sleep (43b3-b9). Yet the main proof of my claim is in the analysis of what is happening in the conversation.

Crito's first circle

The first circle is Crito's internal group which consists of those whom Crito knows and who know him well. They might be his friends or his enemies since familiarity is a prerequisite for either friendship or hostility. With this group Crito applies a concept of justice based on the conventional and popular view of justice, namely "helping friends and

by most other scholars." I hope that this minority of scholars has increased since 1998.

9 In medical terminology we can speak of Crito the 'patient' whose illness (error) needs to be diagnosed and treated, and this is done by Socrates who may decide to make use of a speech delivered by personalized Laws.

10 See also Weinrib 1982: 101; Weiss 1998: 134-40; and Harte 1999: 229-31.

harming enemies.”¹¹ That this view of justice is present in our conversation has long been recognized in scholarly literature.¹² I may even argue that it serves in our dialogue as a central axis and this will be proved in what follows.¹³ Indeed Crito appears in our conversation as applying both parts of this conventional view of justice,¹⁴ but at this stage I would like to dwell on ‘helping friends’. Crito will do whatever is needed in order to help his friend escape from jail. In Crito’s view this is nothing if not justice and hence Crito is a good man.

In his second speech in the conversation (part of which is cited above) Crito notes as his first motive the loss of a good friend. He also notes his care for his good reputation among the Many and what really motivates

- 11 Scholars seem to characterize Crito’s reasoning in contrast to Socrates’ reasoning as popular rather than rational (mainly Weiss 1998, but also Woozley 1979 and Allen 1980). By ‘rational’ they seem to emphasize that Socrates’ only concern is whether escaping jail would be just or not, while for Crito what matters is his good reputation and the like (e.g. Allen 1980: 71). I suggest that the difference between Crito and Socrates is not that one uses justice as a criterion for making a decision and the other does not, but rather their application of two different criteria of justice. For Crito, in the present circumstances where he is in danger of losing a friend and his good reputation among the Many, justice means “helping friends and harming enemies.”
- 12 Congleton 1974: 432-46; Weinrib 1982: 103; Weiss 1998: 4; Emllyn-Jones 1999: 7. It may be noted that in addition to its appearance in our dialogue this code appears in other dialogues of Plato as well. See *Republic* 332a9-336d4 and *Meno* 71e4. This popular code, as was clearly shown by D.S. Allen 2000, remained deeply held by the Athenians even after the democratic regime attempted to transfer the application of justice from the hands of the individual to the hands of the *polis* (Dover 1974: 180-84). The fullest account of this code, its origin and derivation is still that of Blundell 1989: 26-49.
- 13 There are a number of references to this popular view that one’s social circle is an arena where friends and enemies fight. At 45c6-9 Crito reproaches Socrates because he wishes for himself what his enemies wish to do to him. All this instead of taking care of himself. See also 49c7: *κακῶς ποιεῖν ἀνθρώπους* which is a clear reminiscence of one of our formulas of this ancient popular code of justice as it appears, for example, in the *Meno* 71e4: *τοὺς μὲν φίλους εὖ ποιεῖν, τοὺς δ’ ἐχθροὺς κακῶς*. But the strongest proof is the central place the retaliation decree (*lex talionis*) holds in our dialogue (on which later).
- 14 It is the dramaturge’s genius to compose a story where one applies both parts of this popular code of justice in one and the same act. Who exactly are Crito’s enemies is not clear, though. In referring to Socrates’ enemies at 45c6-9 (see previous note) Crito probably intends Socrates’ prosecutors or those behind them, but he might be referring, though not consciously (on which later), to the *polis* with its laws.

him is still unclear,¹⁵ but at least in his consciousness Crito does not lie; he even does not seem to be manipulative. Crito feels obliged to help his friend, and this for him is justice. By helping Socrates Crito considers himself a just man and by practicing this kind of justice he considers himself a good man. Yet by what means does Crito help his friend? The answer is by almost any means. Crito is willing to take any risk needed (44e1-45a3). Indeed, as we learn from the conversation, Crito uses money, connections with the authorities, relations with other *poleis*, speeches,¹⁶ and eventually even breaking the law.¹⁷ Crito has his limits, but it is a question where they lie. Will Crito, for example, harm someone else in order to help his friend? Here we come to the second part of Crito's view of justice – 'harming enemies'. As long as the other man is not an enemy¹⁸ Crito will not harm him, even if this could assist him in helping his friend. Crito is a good man who practices justice.¹⁹ Indeed, in helping his friend, no one – no human being – seems to be harmed.²⁰ At

15 On this issue see West 1989.

16 Speech is not another tool alongside the others. As the consent of Socrates in running away is well emphasized in our dialogue (48e4), all the other tools become useless without Socrates' being persuaded to escape. Speech, therefore, is the main tool. Indeed most of the dialogue consists of speeches (three by Crito, one by Socrates and eventually the Laws' speech). On the place of speeches, persuasion, and rhetoric in general in the *Crito* see Moore 2011 and Garver 2012. See also my discussion on pp. 75-77 below.

17 What is interesting is the fact that breaking the law does not seem to be an issue for Crito; see p. 51 below.

18 If an enemy, Crito would probably harm him regardless of his desire to help Socrates. It should be noted, though, that this whole discussion about Crito's attitude towards 'harming enemies' is in a sense hypothetical since there is no reason to think Crito consciously grasps the harm he will inflict or sees the Many or the laws as enemies. The discussion is brought here only for clarifying Crito's concept of justice in its entirety. But see also n. 14 above.

19 Perhaps this is what Crito thinks of when he agrees to Socrates' statement that one should never harm anyone else (49b7). His answer is οὐ δῆτα (49b8) which indicates full agreement and internalization.

20 One could argue that Socrates' escape would harm the guard, either professionally because of getting him into trouble for failing to prevent the escape or morally because of his taking a bribe. I should make two clarifications here. First, I mean that the very act of running away does not harm any human directly by, for example, causing them to be killed or injured during the escape. Second, any professional or

48c7-d3 Socrates counts some of Crito's actions required in order to help him escape from jail, and these include bribing the authorities and being grateful to those who helped him. Harming people does not appear. Indeed, nowhere is it stated that Crito would help Socrates escape by harming anyone else.

Let us sum up our conclusion concerning Crito in the internal circle. As a private man Crito considers himself good. He is good since he is just. He is just by performing justice. He performs justice by applying the popular view of justice: 'helping friends and harming enemies'. Crito will do whatever is needed to help his friend, including breaking the law. The only restriction is that he should not harm others.

Crito's second circle

This is Crito's external circle which consists of those "who do not know me and you well." We may call them Crito's fellow citizens, or as they appear in our dialogue, the Many (first mentioned at 44b10). Unlike the first circle where we met Crito the private man, here, in the external circle we meet Crito the member of a *polis* who lives with other members who do not necessarily know him well. While in his internal circle justice in its narrow and traditional meaning plays the central role, Crito's attitude towards his fellow citizens (the Many) is a bit more complicated. Crito does not know them well and they do not know him well, but they are all still fellow citizens.

What we know about this group from our dialogue is that Crito is afraid of having a bad name among the Many, and would spare no effort to please them. It is beyond the scope of this paper to discuss the exact place of the Many in the *Crito*, but for our purpose it is sufficient to notice that while Crito may be afraid of the Many, there must also be something positive which connects him to them. It is because he cares that he is concerned about their opinion of him. They are also his fellow citizens, living in the same place and being active under the same constitution and laws.

moral fall-out pertaining to the guard, by no means an automatic outcome, would be an incidental side effect not inherent in the escape itself.

I argue that Crito holds two kinds of justice, a strict concept of justice and a more relaxed one. Towards his internal circle he uses the old traditional code of “helping friends and harming enemies.” Towards his external circle, however, Crito uses a less strict concept of justice based on agreement²¹ regarding *dikaia*, which in our context means maintaining a decent level of behavior which is considered right and just in the most civic-social sense of the word.²² The most important element in this agreement seems to be the avoidance of harm. A decent fellow in a Greek *polis* is indeed expected not to harm anyone else even if such an action might benefit him. In this second group there are no personal friends or enemies, but technically allies, all being fellow-citizens. As such, Crito will not go out of his way either to help or to harm them, but will cooperate with them for mutual benefit. Crito the good man of the internal circle is now Crito the decent fellow mainly intent on maintaining his good name with the general public.

Yet, what about retaliation for harm done to us by one of these fellow-citizens “who do not know me and you well”? In a famous section in our dialogue (49c10-e4) Socrates seems to succeed in making Crito agree that one should not do harm to anyone even in retaliation. Yet, does Crito really understand what he has affirmed with all its implications? Could Crito really adopt such an extreme conclusion?²³

I argue that Crito's consent is only formal and wholly within the logic of the discussion with Socrates.²⁴ Crito still thinks that retaliation is justified and wishes to behave accordingly. This can be proved in the dialogue itself by analyzing both the way in which Crito agrees to Socrates'

21 It is a kind of a non-written practical (ἔργω) agreement (ὁμολογία which will be fully discussed later). The tension between ἔργω and λόγω is well attested in our dialogue. Cf. 50b1, 51e4, 52d6.

22 The only two instances of δίκαια without an action verb in our dialogue such as πράττειν (48c8-9, 51a6-7) or δρᾶν (51c7-8) pertain to a kind of agreement between fellow citizens (49e6, 52e5).

23 Vlastos 1991: 179-99 believes that Crito indeed adopts such a view. Vlastos who believes that even Socrates himself (probably the historic Socrates too) accepts this view (ibid. pp. 196-97), calls it “Socrates' non-retaliation decree.” On this issue see my paper Liebersohn 2011.

24 I claim that Socrates understands this as well and conducts the rest of the conversation accordingly.

suggestion that one should not retaliate, and by analyzing the first argument used by the Laws.

The whole passage 49a4-49e4 is dedicated by Socrates to making Crito agree to the statement which appears first at 49b9: Οὐδὲ ἀδικούμενον ἄρα ἀνταδικεῖν (“And we mustn’t retaliate if we are treated unjustly”). Yet, I argue that Crito did not really agree to this statement and this could be proved by looking carefully at how Socrates manipulates the conversation.²⁵ The first thing to note is Crito’s answers to the first two questions he is asked.

SOC. Then we mustn’t act unjustly (*adikein*) in any way. CR. Certainly not. SOC. And we mustn’t retaliate (*antadikein*) if we are treated unjustly as the Many think, since we must in no circumstances act unjustly (*adikein*). CR. It seems we mustn’t.

Crito appears not to think that retaliation (*antadikein*) is acting unjustly (*adikein*). Indeed, this is perhaps the reason why now Socrates inserts into the conversation the verbs *kakourgein* and *antikakourgein* (49c2-c6).²⁶ It is clear that these terms are inserted in order to help Crito swallow the equivocation between *antadikein* and *adikein*²⁷ both of which should be forbidden. Having received Crito’s assent that not only *kakourgein* but even *antikakourgein* is forbidden (49c6), all Socrates has to do now is to identify *antikakourgein* with *antadikein*. Yet Socrates does not do it directly. Instead of identifying *antikakourgein* with *antadikein* he chooses to return to the verbs without the prefix *anti*. He starts again with *adikein*, and now equates it with *kakōs poiein* instead of *kakourgein*. On the basis of the equation between *adikein* and *kakōs poiein*, and Crito’s earlier agreement that *antikakourgein* is forbidden, Socrates deduces that *antadikein* is

25 For a somewhat similar view see Brown 1992: 77: “If one examines Crito’s response ... it becomes reasonably clear that Crito has not really agreed fully with Socrates on the matter of nonretaliation.” Yet what Brown concludes from this view is sharply at odds with my conclusions.

26 Interestingly enough, ἀντικακουργεῖν seems to have been invented by Plato, perhaps, for this dialogue alone. It does not appear in our sources before Plato nor in his own time.

27 The way in which he uses sleight of hand to succeed with this equivocation is beyond the scope of this paper; but see Stokes 2005: 95-105.

also forbidden. Why the circular questioning? And why does Socrates not at least equate *antikakourgein* with *antadikein*?

It is not my aim here to fully analyze these changes. It should suffice to point them out in order to show that Socrates is very careful in his attempt to convince Crito that *antadikein* is the same as *adikein* and both need to be rejected. The impression is that after Crito's answer at 49c1 – οὐ φαίνεται (“It seems we mustn't”) – Socrates avoids confronting Crito again with a direct question concerning *antadikein* such as he does concerning *adikein* (οὐδαμῶς ἄρα δεῖ ἀδικεῖν, “Then we mustn't *adikein* in any way,” 49b7), and the reason is obvious. Crito is sure that someone harmed is entitled and has justification to retaliate. Moreover, having received Crito's assent that *kakōs poiein* is the same as *adikein* (49c7-8), Socrates concludes that *antadikein* is also not allowed: Οὔτε ἄρα ἀνταδικεῖν δεῖ οὔτε κακῶς ποιεῖν οὐδένα ἀνθρώπων, οὐδ' ἂν ὅτιοῦν πάσχη ὑπ' αὐτῶν. καὶ ὅρα, ὦ Κρίτων, ταῦτα καθομολογῶν, ὅπως μὴ παρὰ δόξαν ὁμολογῆς (“Then we shouldn't act unjustly in retaliation (*antadikein*) or do harm (*kakōs poiein*) to any human being at all, no matter how we're being maltreated by them. And if you accept these arguments, Crito, make sure you're not agreeing contrary to your own belief”). Socrates starts with *antadikein* but does not ask Crito immediately if he agrees. Instead he continues with *kakōs poiein*, followed by a long *protreptikos logos* the aim of which is to encourage Crito, so it seems, to swallow the bait. Why does Socrates not wait to hear Crito's answer? Why all the persuasion, rather than following the rules of dialectic? Perhaps Socrates knows Crito might have some difficulty in agreeing to the statement that one is forbidden to retaliate against someone (“any human being”). Indeed, regarding *antadikein* there seem to be three stages. So long as Socrates speaks of *antadikein* in general, Crito can agree, albeit not easily (49c1); The moment *antadikein* refers explicitly to human beings (49c10-11), Socrates does not wait for Crito's assent but immediately enters a long passage of *protreptikos logos* (49c11-d7) to encourage Crito to accept this statement. Towards the end of the passage when Socrates repeats what apparently he said at the beginning, we unsurprisingly do not find people being mentioned (49d7-9). Moreover *antadikein* now appears between *adikein* and *antidrōnta kakōs*. All this, I argue, aims at getting Crito to agree that retaliation is forbidden. Moreover, Socrates now turns to

another *protreptikos logos*, though much shorter than the first (49d9-e2), and ends with εἰ δ' ἐμμένεις τοῖς πρόσθε, τὸ μετὰ τοῦτο ἄκουε (“But if you stand by what you said before, then listen to what follows”) which evidently tries to seduce Crito to agree to everything said already if only in order to hear what comes next. All this could, or even should, cause the reader to suspect that Crito does not really believe, nor has ever really been convinced, that one should not retaliate, and that Socrates suspects this as well.²⁸

The same conclusion may be reached through an analysis of the Laws’ speech which is obviously Socrates’ answer to Crito, or more precisely his treatment of Crito’s double calamity (συμφορά).²⁹ Had Crito really adopted this formal-logical conclusion, the Laws might not have used their inequality argument in their first argument. They would simply have asserted that even if Socrates was treated by them unjustly he would not be allowed to retaliate with injustice. The very fact that the Laws use the criterion of inequality teaches us that Crito would not apply in fact what he admitted formally. This means that in regular circumstance where people are equal Crito would not harm anyone, but being harmed he feels justified in retaliating. As for the laws, they use an argument based on inequality because they cannot use the NRA, precisely because Crito might still believe that being harmed by an equal (his fellow citizens) justifies harming in return.

Returning to Crito’s second circle, we may describe it as consisting of those who are not Crito’s friends but nevertheless are not his enemies either. They are his fellow citizens. They are not close to him as Socrates is, but neither are they alien to him. In Crito’s own words “they do not know me and you well”. Crito’s attitude towards them is that he will not harm them if unprovoked, but being harmed by one of them would entitle him to retaliate.³⁰ Thus Crito in the internal circle is a good man by

28 Thrasymachus in *Republic* I is a notable example of an interlocutor who is clearly forced to agree verbally with a position about which he is far from convinced.

29 See p. 41 on what I called the ‘role reversal’.

30 A distinction should be made between an enemy who belongs to the internal circle, and a fellow citizen who harms Crito. Strictly speaking, an enemy needs the sort of close relation which characterizes members in the internal circle, and such a person remains an enemy regardless of specific actions (see n. 18 above). A fellow citizen belonging to the external circle who harms someone does not thereby become an

keeping to the popular code of justice of “helping friends and harming enemies”, while Crito in the external circle is a decent fellow by retaliating only when harmed.

These two circles of Crito are already presented in the opening two scenes of the dialogue.³¹ Socrates' apparently two innocent questions at 43a1 and 43a9 hint at Crito's two circles. Socrates' first question – Τί τηνικάδε ἀφίξαι, ὦ Κρίτων; ἢ οὐ πρῶ ἔτι ἐστίν; (“Why have you come here at this hour, Crito? It's still quite early isn't it?”) refers to Crito the fellow citizen who entered jail very early, probably against the rules of the jail.³² This is reminiscent of democracy which is the backdrop to our conversation.³³ It is in a democracy that every law or rule is related to one's fellow citizens who are the sovereign of the *polis*. Socrates' second question at 43a9 – Ἄρτι δὲ ἦκεις ἢ πάλαι; (“Have you just got here, or have you been here long?”) – treats Crito as the good private man who ought to take care of his friend but forgets himself. This duality continues in Crito's second speech where he presents his two reasons for getting Socrates out of jail (44b6-c5). His first reason pertains to Crito the good private man, eager to save his friend as befits a good and just man; the second reason pertains to Crito who is concerned with his good reputation among the Many as befits a decent fellow in a democratic *polis*. But what about the laws? What if helping one's friends involves breaking the laws? This brings us to Crito's third circle – the *polis* and its laws.³⁴

enemy, but remains a fellow citizen regardless of these specific harmful actions and even after due retaliation he would still remain a fellow citizen of the person previously wronged.

31 A detailed analysis of these two opening scenes appeared in my paper, Liebersohn 2016.

32 Pace Burnet 1924: 255 and Stokes 2005: 24-25. That Crito's entering is probably against the rules of jail is proved by Socrates' immediate question at 43a5-6: Θαυμάζω ὅπως ἠθέλησέ σοι ὁ τοῦ δεσμωτηρίου φύλαξ ὑπακοῦσαι (“I'm surprised the prison guard was willing to answer the door to you”).

33 For a discussion on the place of democracy in our dialogue see pp. 56-59 below.

34 The relation between the laws and the *polis* within the Laws' speech is very interesting and by no means a matter of diversity. It is the claim that the *polis* harmed Socrates (50c1-3) that serves as an excuse for Socrates to destroy the Laws and the *polis* by running away (50b1-2). Even at this early stage we see a kind of identity between the Laws and the *polis*. But when the speech itself starts (50c5) it is only the Laws who speak (50b5, 51c6-7, 52d9) although the theme of both the *polis* (sometimes referred

Crito's third circle

Up to this point we have identified two groups distinguished by Crito, different from each other but still sharing two important phenomena: both are composed of human beings, and both are consciously related to justice in one way or another. These phenomena seem to be missing in the third circle.

A *polis* consists mainly of its citizens,³⁵ and as such, the two groups already considered are all that comprise it. Logically, the *polis* itself should not be regarded as a third group. Yet in Crito's consciousness the *polis* is a third group which stands in its own right parallel to the other two groups. This already indicates the complicated nature of Crito's relationship with the *polis* and its laws. Indeed, while Crito is well aware of his attitude towards the first two circles, he is not fully aware as to what motivates him with regard to the third.

Although Crito breaks the law he still has a positive attitude towards the *polis* and its laws.³⁶ Crito is only breaking the law now because of his concern for saving his friend, and by extension his reputation among the Many. I shall argue that Crito's attitude towards the *polis* is based on the notion of *to are skein* ("to please")³⁷ in the broad sense of being nice and

to as *patris*) and the Laws being harmed recurs throughout the speech (51a1-3, 51a4-5, 53a4-5). In refuting Socrates' apparent excuse of retaliation, the Laws defend the *polis* but at the same time defend themselves. This calls for a comparison with Crito who tries to help Socrates his good friend but no less tries to save himself from acquiring a bad reputation. The Laws manage to save the *polis* and themselves, but Crito fails both to save his good friend's life and his good reputation.

35 Cf. Thuc. 7.77.7: ἄνδρες γὰρ πόλις, καὶ οὐ τεῖχη οὐδὲ νῆες ἀνδρῶν κεναί ("for it is men that make a *polis*, not walls nor ships devoid of men"). See also Arist. *Pol.* 3.1, 1275b39-42.

36 See West 1989: 77: "For, in general, Crito is a most responsible man, the first to fulfil his civic obligations." Stokes 2005: 25: "Crito's character ... of a normal law-abiding Athenian gentleman".

37 This term dominates the Laws' speech in its remarks on Socrates' attitude towards the *polis* which had given him such benefits. See 51d4, 51d8, 52b2, 52b5, 52c3, 52e4, 53a5.

beneficial.³⁸ It is nice, good and beneficial to live in a *polis*; things are orderly and well managed. On such an elastic basis Crito feels connected to the *polis* but not obliged, though he is not fully conscious of this lack of commitment. And indeed when the *polis* does not behave as he sees fit – when, for example, it is trying to destroy Crito's friend and his own good name among the Many – Crito simply breaks the law. As we shall see later the *polis* and the Laws have broken their unwritten agreement with its citizen.

This is not to say that whenever Crito breaks the law, Crito tells himself what we have just said in his name as if he is aware of his attitude toward the *polis*. Crito is well aware of his law-breaking but nowhere do we find him trying to excuse or explain this act. Crito does not even mention, not even once, that he is breaking the law. He is just trying to get Socrates out of jail, and in doing so he has to overcome various obstacles, one of which is the law. What we find here is very interesting. Logically speaking, if the *polis* is the sum of Crito's internal and external circles of acquaintances and fellow citizens, Crito should behave towards the *polis* at least neutrally, if not beneficially. Yet the only circle which Crito harms³⁹ is the *polis* and this is done by breaking its laws.

An even more interesting question, however, is whether Crito considers such law-breaking to be committing injustice or even breaking an agreement. Does breaking the laws impinge on Crito's view that he is a good man or decent fellow? We may understand that Crito regards committing injustice, harming, or breaking agreements, as having only human beings as objects. As the *polis* and its laws are not yet, before the personification of the Laws, human beings, Crito does not regard law-breaking as an act of injustice or breaking agreements. Injustice can be done only to human beings and the same is true concerning the breaking or keeping of agreements. Evidence for this is easily found in the dialogue.

38 See also Gergel 2000 and what she calls “the ἀρέσκειν argument.” She writes (2000: 298): “ἀρέσκειν is generally used in contexts where it implies pragmatic satisfaction (e.g. *Soph. Ant.* 211, *Thuc.* 2.68.3, *Hdt.* 8.19)”.

39 Note the dominant place of the verbs διαφθείρω and ἄλλυμι in connection with the *polis* and its laws. For the verb διαφθείρω, see 50b5, 52c9-d1, 53b7, 53c1-2. For the verb ἄλλυμι see 50b1, 50b7-8, 50d1, 51a4.

First, the term which denotes committing injustice in our dialogue is the verb *adikeō*, and doing justice is *dikaia prattein*. All appearances of these terms – before the Laws’ speech, of course – refer to human beings alone.⁴⁰ Second, at 49e9-50a3, Socrates, having received Crito’s assent that it is never allowed to commit injustice even in retaliation, asks a question which Crito cannot answer simply because he does not understand it (49e9-50a5): Ἐκ τούτων δὴ ἄθρει. ἀπιόντες ἐνθένδε ἡμεῖς μὴ πείσαντες τὴν πόλιν πότερον κακῶς τινὰς ποιοῦμεν, καὶ ταῦτα οὐς ἥκιστα δεῖ, ἢ οὐ; καὶ ἐμμένομεν οἷς ὠμολογήσαμεν δίκαιους οὔσιν ἢ οὐ; ΚΡ. Οὐκ ἔχω, ὦ Σώκρατες, ἀποκρίνασθαι πρὸς ὃ ἐρωτᾷς· οὐ γὰρ ἐννοῶ. (“Then consider what follows: if we leave this place without first persuading the *polis*, are we harming *certain [people]* and *those* whom we should do least harm to, or not? And do we stand by what we agree to be just, or not? CR. I can’t answer your question, Socrates, because I don’t understand it”) (emphasis mine).

Crito is unable to express assent or dissent, since the question itself is unintelligible to him since to him there is no reason why breaking out of prison should harm people. It is my contention that Crito cannot think of committing injustice⁴¹ in contexts other than pertaining to human beings. The same goes for keeping agreements. Crito is able to agree to a previous question that one should keep one’s agreement with *someone* (49e6-7).⁴²

40 Or does not refer to any object whatsoever. Cf. 48c8-d6, 49c7, 49c10-11. A close examination of all derivatives of δικ- in the *Crito* appears in my paper Liebersohn 2023 (forthcoming).

41 Socrates chooses here at 50a1 κακῶς ποιεῖν rather than ἀδικεῖν since his aim is to make Crito understand that he commits injustice – ἀδικεῖν – to the πόλις. This will happen at 50c1-3. Thus ἀδικεῖν is kept for 50c1-3 and κακῶς ποιεῖν serves here as a mild and gradual transition to ἀδικεῖν. These two terms – ἀδικεῖν and κακῶς ποιεῖν are identified at 49c7-8: Τὸ γὰρ που κακῶς ποιεῖν ἀνθρώπους τοῦ ἀδικεῖν οὐδὲν διαφέρει. ΚΡ. Ἀληθῆ λέγεις. (“So I suppose that harming people (*kakōs poiein*) is no different from behaving unjustly (*to adikein*) toward them. CR. You’re right”). Note the explicit reference to ‘people’ (ἀνθρώπους) here.

42 Other translations into English I have checked (Fowler 1914; Tredenick 1961; Woozley 1979; Jowett 1953), overlooked the τῷ which is crucial to understanding what Socrates does, and especially why.

By getting Socrates out of jail, Crito would indeed break the law but would nevertheless remain in his own mind both a good man and a decent fellow simply because he would neither harm anyone or break any agreement with a human.⁴³ On the contrary; he does justice by helping his friend. As the *polis* is not a human being it has nothing to do with either committing injustice or breaking agreements.⁴⁴ In attempting to smuggle Socrates out of jail Crito must overcome various obstacles, one of which is the laws and the *polis*. There is no real difference between bribing the sycophants, preparing a refuge for Socrates and breaking the law. From Crito's point of view there are always only two circles of justice. The first comprises friends and enemies; the second, less intimate acquaintances. Helping friends and harming enemies is the strong form of justice in the first internal circle, while keeping agreements is the weaker form of justice in the second external circle. Neither form of justice is applicable to the non-human-*polis* at this stage, and Crito feels that he may break the law and remain a good man and a decent fellow.

Yet surely Crito cannot escape being a law-breaking citizen? I argue that Crito actually considers himself a law-abiding citizen as well. Crito nowhere condemns the laws, or regards them as irrelevant, but he will do whatever is needed to help his friends, and breaking the law happens to be necessary in this case. Moreover, Socrates would not have made the Laws' speech unless Crito had a positive attitude towards them. Thus, Crito considers himself a law-abiding citizen even when he breaks the law. Here, I think, is one of Plato's great achievements in the *Crito*. Plato,

43 One could hypothetically wonder whether Crito would have any difficulty breaking an agreement with a god, say his oath as juror (had he taken it) or a promise to make a sacrifice if such and such took place. I think he would have some difficulty, but this should be taken as an integral component of the agreement with his fellow citizens, since part of this human agreement includes the gods and keeping good relations with them. I would like to thank an anonymous reader of a previous draft of the paper for raising this thought-provoking issue.

44 This point seems to be overlooked by scholars who have attempted to see Crito understand in advance what Socrates wanted him to understand, namely that he is about to harm the *polis*: "The first notable aspect is that Crito claims not to understand the question about whether *the state* would be harmed by Socrates' escape, and he says that he cannot answer." (Brown 1992: 69; the emphasis is mine.)

I argue, has uncovered the latent mechanism enabling a citizen in a democratic regime⁴⁵ to break the law whenever it suits him and his own personal interests and still remain loyal to the *polis* with its laws (not to mention his being a good man and a decent fellow). This mechanism I call the ‘measure for measure’ argument (henceforth referred to as the MFM argument).⁴⁶ I shall first describe this argument and then prove it from the text.

Unlike his two previous circles, Crito’s third circle involves Crito’s conscious and unconscious behavior. As we have already mentioned, Crito’s relations with the *polis* are consciously based on *to areskein*, but such a relationship is essentially non-binding. When things work well for Crito he is a great patriot, but when things do not go well he becomes a less-enthusiastic citizen and is even willing to break the law. Crito may not be aware of it, but there is a world-view providing him with justification for his actions, and Socrates understands this.

Whenever Crito breaks the laws it is because he unconsciously retaliates with injustice for injustice done to him by the *polis*. He regards the *polis* as outside justice, while retaliation (*antadikein*) has to do with justice; thus, his retaliation against the *polis* is unconscious. As a decent fellow in his external circle, Crito is not allowed to harm anyone, but when harmed he is allowed to retaliate; and since retaliation in his mind is not harming, he does not cease to be a decent fellow. The same, I argue, is the case with the laws whenever Crito’s interests intervene. When Crito breaks the law he treats the *polis* (unconsciously, of course) as his external circle and himself as a decent fellow. As long as breaking the law is due to retaliation, Crito remains a law-abiding citizen.

At 44e1-46a9 Crito gives a long speech advancing every possible argument he can find to convince Socrates to accept his offer to escape: Socrates should think of his children; the shame which will befall his friends; the fact that he – Socrates – has *aretē* (virtue) and *andreia* (courage); the

45 The emphasis on democracy is important. As I shall later show (pp. 56-59) it is only in democracy that such a mechanism can work.

46 If Crito had stated explicitly and consciously that the laws did not interest him at all and that they had no validity in his eyes, he would at least have been coherent and consistent with his behavior. He would also have been less philosophically interesting.

fact that he will be welcomed in every other *polis*, and the like. What is interesting is what does not appear here but should have. Indeed, it should have appeared at the top of the list: Socrates (so Crito should have argued) is simply not guilty. The *polis* did him an injustice by judging his case wrongly, and Socrates would therefore have the right to run away. In other words, Crito uses many arguments, but not the most obvious one, 'the measure for measure' argument. Yet, what makes things more complicated is the fact that the MFM argument does appear in our conversation, at quite a late stage of the conversation, and it is raised by Socrates as a possible reply to the Laws who might complain that Socrates' escape would destroy them and the *polis*: ... ἢ ἐροῦμεν πρὸς αὐτοὺς {sc. νόμους} ὅτι "Ἡδίκηει γὰρ ἡμᾶς ἡ πόλις καὶ οὐκ ὀρθῶς τὴν δίκην ἔκρινεν;" ταῦτα ἢ τί ἐροῦμεν; ΚΡ. Ταῦτα νῆ Δία, ὧ Σώκράτης ("or shall we say in response to them that "yes, the *polis* has behaved unjustly toward us because it has not given the right verdict in this case." Shall we say this, or what? CR. We shall, by Zeus, Socrates") (50c1-4).⁴⁷

The enthusiasm with which Crito embraces this argument when presented by Socrates should be contrasted with the total absence of this argument in Crito's original attempts to persuade Socrates to run away at 44e1-46a9. If Crito is so enthusiastic about this excuse, we should ask ourselves why he did not offer it on his own initiative, and why he is so happy with it now that it is offered by Socrates.⁴⁸ Indeed the fact that Socrates is the one who later raises this argument suggests, in this philosophical drama, that Crito could not have raised it on his own initiative.

It is, therefore, my contention that the MFM argument is in an intermediate position so far as Crito's consciousness is concerned. The MFM argument motivates Crito, but he is not aware of it. In fact, it is Crito's

47 Treddenick 1961 translates: "Shall we say, Yes, I do intend to destroy the laws, because the state wronged me by passing a faulty judgment at my trial? Is this to be our answer, or what?" But in the original Greek Crito's statement "I do intend to destroy the laws, because" does not appear. Socrates is careful not to add the retaliation itself but only the cause for the retaliation.

48 The content of what the characters in Plato's dialogues say is of course important, but also the way they say what they say should be taken into account. Crito not only accepts Socrates' suggestion, but he accepts it enthusiastically.

unconscious justification for his behavior; it activates him but unconsciously;⁴⁹ but what is more important is the next point: the MFM argument is what enables him to break the law while continuing to consider himself a law-abiding citizen. Whenever his interests require breaking the law, Crito has an excuse: ‘the *polis* also did me an injustice’. Had Crito been aware of this argument he would have had to decide whether he was a law-abiding citizen or not. But this argument is used unconsciously. Crito who is ready to save his friend even by breaking the law does not rule out the laws nor does he assert that the laws are none of his business. Had this been the case Socrates would not have made the Laws’ speech. Precisely because the laws have validity in Crito, Socrates uses the Laws’ speech. But all this is only in Crito’s consciousness. In fact, they have no validity.

Thus, we find in the *Crito* a regime which lives in a vicious circle where people like Crito consider themselves law-abiding citizens but in fact take care of their own interests regardless of the laws. This situation becomes possible, I argue, due to the MFM argument, but the infrastructure enabling the ‘use’ of the MFM is democracy.

The word ‘democracy’ has hardly been mentioned so far in this paper. It is missing altogether in the *Crito* as well. Yet I argue that democracy is one of Plato’s targets in composing the *Crito*.⁵⁰ Socrates was active, sentenced and executed in democratic Athens. This fact was known to everyone who read this dialogue in Plato’s times and should not be overlooked by readers today.⁵¹ Indeed, the MFM argument has its legitimacy

49 Strictly speaking what motivates Crito is his personal interest which now happens to be to save his good friend and his good reputation. The MFM argument serves as Crito’s justification to remain a law-abiding citizen. See immediately below.

50 In a way, the *Crito*, in my view, is one of the most profound criticisms against democracy. It is Plato’s attempt to decipher its mechanism which enables it to appear as functioning correctly, despite its baseless structure. Plato was witness to the fall of Athens in the Peloponnesian war. It would not be unreasonable to assume that he regarded democracy as one of the main causes.

51 Some scholars seem to take the *Crito* as dealing in the abstract (in any *polis*, at any time, and with whatever regime) with themes such as the state and the citizen, obeying or disobeying an unjust verdict, the nature of justice and the like. The best example is Adam 1988: v: “because in both {sc. the *Crito* and the *Phaedo*} we are introduced to problems of more universal interest, in the *Crito* to the relation between

only in a democratic regime.⁵² It is only in democracy that laws are being enacted by the Many,⁵³ by the majority of votes and by extensive use of rhetoric.⁵⁴ These three elements – Many, majority and rhetoric – are at the heart of the MFM argument and Crito's ability – as well as every citizen in a democratic regime – to break the law whenever it suits him and still remain a law-abiding citizen in his consciousness.

In a democratic regime, where laws are approved by a majority of votes held by non-experts, the opinion of the minority is never deleted, but only dismissed. In such a case the MFM argument is always ready for use. Any citizen in a democratic regime whose views have not been passed over in any final judgement may consider himself harmed by the *polis*. Moreover, it is not the case that whenever he 'needs' to break the law Crito recruits the MFM argument or goes out to look for a specific case where the *polis* did him injustice. The MFM argument is rather a sweeping justification enabling one to break the law 'here and there'

the individual and the state..." And a bit later: "... but what really stands arraigned before him is the principle that alone renders possible the existence of any kind of State, aristocracy, no less than democracy, the *nomos* ..." (xi). See also Wozzley 1979: 5 and Weinrib 1982: 89. In other cases Athens and even democracy are mentioned but do not affect the analysis of the dialogue. See Kahn 1989: 35-36; Brown 1992: 80-81; Miller 1996: 133 n. 37; Ober 2011: 148. I push this point even further and contend that democracy is the *Crito's* main subject and Crito in the *Crito* is presented as its typical representative. Finally, I should add that democracy not being mentioned in the text does not necessarily indicate that democracy is not at issue. Quite the opposite, in fact. Sometimes in Platonic dialogues it is the deafening silence of an absent term which emphasizes the centrality of the term more than any explicit appearance of the term would have achieved.

52 The MFM is not needed for breaking the law, but for remaining a law-abiding citizen while breaking the law. For breaking the law it is enough that Crito has the power to do it (Weinrib 1982: 106: "For Crito, opportunity is itself justification, and his notion of justice incorporates this standard"). Justice for Crito is doing whatever is in one's power in taking care of one's self interests. Its content in our dialogue happens to be "helping friends and harming enemies."

53 The Many in the *Crito* use three hats: the assembly who legislates the laws, the juries in the *dikastēria*, but also public opinion which expects Crito to smuggle Socrates out of prison. In other words, the Many expect Crito to break the law they themselves have enacted. This point, though relevant to our discussion, cannot be developed more in the framework of an article.

54 On the importance and centrality of rhetoric see also pp. 73-77 below.

without giving up loyalty to the *polis* and its laws. Moreover, ‘here and there’ should not necessarily indicate a small amount of cases. Habitual breaking of the law can still be felt as only occasional law-breaking ‘here and there’.

So far we have discussed the possibility of using the MFM argument. Our next question concerns its legitimacy. The extreme ease with which Crito can use the MFM argument can be better understood when the identity of the legislators in democracy is considered, namely the poor, the carpenters and shoemakers, and so on; but even more important to consider must be the means by which one opinion is accepted in democracy in preference to others, namely speeches and rhetoric in general. Thus when someone else’s opinion is accepted by virtue of a ‘nice’ speech and a ‘talented’ rhetor,⁵⁵ a man could understandably see himself as a victim of an unjust act done to him by the *polis*, and, consequently, according to the *lex talionis*, feel justified in repaying injustice with injustice.⁵⁶

Crito, an average citizen of a democratic regime,⁵⁷ is generally law-abiding, but whenever he needs to break the law he has an excuse ἡδίκηει

55 One is reminded of Socrates’ apparently innocent note at 50b6-7: πολλὰ γὰρ ἂν τις ἔχοι, ἄλλως τε καὶ ῥήτωρ, εἰπεῖν ... (“There is much that could be said, especially by a professional advocate”) (Tredennick’s 1961 translation). See Weiss 1988: 84-95 for a discussion of this point. See also Miller 1996: 122.

56 Two good speeches referring to the same facts but evaluating them in diametrically opposite ways is clearly evident in our conversation when Crito’s arguments for escaping are compared with the Laws who use in their speech the very same facts, such as Socrates’ children, but now for an argument against escaping. See Emlyn-Jones & Preddy 2017: 206: “The Laws then enlarge on the practical disadvantages of choosing exile, marshaling arguments that Crito used earlier in his exhortation, but here to support the other side of the case.” See also Miller 1996: 128: “Finally, the Laws launch into a host of arguments that respond, point by point, to various of the concerns that Crito raised in his opening plea to Socrates at 44b-46a.” Allen 1972: 562: “The speech also meets, point by point, the prudential considerations that Crito urged in favor of escape.”

57 See Miller 1996: 122: “In the figure of Crito, Plato puts before his Greek readers a kind of Athenian Everyman.” See also Weinrib 1982: 89: “Crito is not a philosopher but a decent and ordinary person, easily influenced by others and ready to follow their lead. Plato has economically and unobtrusively sketched a person who would both require and accept the arguments of the Laws.” I fully agree with Miller and Weinrib

γὰρ ἡμᾶς ἡ πόλις (“the *polis* has behaved unjustly toward us”). Yet he is not fully aware of this excuse. Had he been aware of it, he would have been forced to decide even in such cases between breaking the laws or abiding by them. Crito, who wants to help his friend and to take care of his good reputation even by breaking the law, does not consciously invalidate the laws. Had this been the case, bringing the Laws’ speech would have been futile and redundant. Indeed, Socrates develops the Laws’ speech exactly because it is valid for Crito. Yet the laws pertain only to his consciousness. In his behavior and *de facto* they have no absolute validity. As the *polis* with its laws are based mainly on *to areskein* the *polis* enjoys a double way. When things go well Crito can be an ardent citizen of democratic Athens and praise the laws and the duty to abide by them. But when it does not supply what it should, it loses its validity. But in breaking the law Crito simply removes another obstacle from helping his friend without taking the risk of finding himself a law-breaking citizen. In fact, Crito retaliates,⁵⁸ but as long as this retaliation is unconscious Crito remains a law-abiding citizen. In his consciousness he just occasionally fixes what needs to be fixed.

Let us sum up our findings concerning Crito’s third circle – the *polis*. Here Crito uses two strategies. By positing justice and agreement as applicable only to human beings, breaking the law still allows Crito to see himself as a good man and a decent fellow. By using the MFM argument he even remains a law-abiding citizen. His attitude towards the laws allows him to have his cake and eat it too. When things go well he can be

with two reservations. First, I would emphasize the regime in which this Everyman lived – Democracy. Second, the word ‘average’ should not be taken *simpliciter*. In another paper (Liebersohn 2015) I argued that Crito is presented in our dialogue as what I have called “a ‘then’ and ‘now’ personality.” In regular times (= ‘then’) he is Socrates’ follower who can adopt philosophical views and values, but when things go wrong (= ‘now’) – he is about to lose a good friend and his good reputation – he resorts to the views of the Many. Socrates’ task is, in a way, to bring Crito back home to his philosophical side, so to speak. The word ‘average’ refers, therefore, to the popular side of Crito.

58 When we turn to the Laws’ speech we shall find them admonishing Socrates and warning him not to retaliate even if he has been unjustly treated. The Laws – who are really speaking to Crito – set a mirror before him. Cf. Weinrib 1982: 104: “In the Laws the character of Crito is writ large.”

an enthusiastic supporter of the *polis*. As a loyal citizen he treats the laws as his intimate friends, as those who belong to his internal circle, and he will protect them against any threat. When things do not go well he regards the laws as if of the external circle, where Crito is allowed to retaliate. Being deprived of his good friend, for example, is taken by Crito – unconsciously, of course, – as people trying to harm him (although it is, in fact, the *polis*), and thus subject to retaliation. In his consciousness Crito regards the laws and the *polis* as something beneficial, and beneficence is their *raison d'être*. Socrates personifies the Laws and thereby obliges Crito to treat them as human beings.⁵⁹

Now we are in a position to sum up our findings concerning all of Crito's circles. Crito consciously considers himself good on all three levels. He is a good man by performing justice, in this case, by helping his friend. He is a good citizen as well; he keeps an [unwritten] agreement with his fellow citizens on the basis of *dikaia*. He is a decent fellow and would be careful not to harm anyone unless someone harmed him. He is also a law-abiding citizen, though he might break the law 'here and there'.

These three circles of Crito can be ordered according to the degree of sacrifice Crito is prepared to perform. In the first circle Crito will give up everything⁶⁰ for his friends as it is expected from him according to the popular code of justice. In the second circle Crito, as a decent and honorable fellow, might give up a few things as is expected by a fellow citizen, but not everything: being harmed by one of his fellow citizens, Crito will not hesitate to harm him in return. In the third circle Crito will give up nothing. Quite the opposite; consciously a law-abiding and loyal citizen, Crito will break the law whenever it may help him. In fact, in this third circle Crito will exploit and enslave the laws to his own interests.⁶¹

59 In a way Socrates does not do anything new. The ancient Greek language of the fifth-fourth century BCE is filled with personal images of the laws and the *polis* (for examples see Blundell 1989: 44). One is also reminded of the Athenian idiom ὁ νόμος διαλέγεται (Demosth. 43.59.3; Aesch. 1.18.3).

60 See especially 44c2-3, 45a1-3.

61 Cf. the slave and master theme at 50e1-51a2. Although treated unjustly, Crito is not allowed to retaliate against his parent and *master*. Crito who in fact behaves towards the *polis* like a δεσπότης (master), finds himself a δοῦλος (slave) of the *polis*.

Although in his consciousness there are three distinct circles, there are in fact only two circles – the first and the second. As the essence of the *polis* is the sum of all the citizens who make it up, and for Crito there are two groups of human beings – friends and enemies on the one hand, and fellow citizens on the other – the *polis* consists of these two groups alone. This is exactly why Socrates will personify the laws.⁶² Moreover, in his behavior Crito does treat the *polis* as a human being, since the MFM argument (“the *polis* has behaved unjustly toward us”) in fact applies concepts of justice to the *polis*.⁶³ Socrates does not do anything which Crito does not assent to or actually does himself. Socrates simply shows Crito what Crito himself does.

Crito, unconsciously of course, juggles his first two circles to remain consciously good. When things go well, Crito treats the laws and the *polis* as his friends, as if in his close and internal circle, allowing Crito to feel that he is a devoted law-abiding citizen, as befits a real democrat. When, however, things do not go well, being about to lose his good friend, for example, and his good reputation among the Many, Crito then has no problem breaking the law, as if the laws are his fellow citizens. In his external circle, as we know already, one is entitled to retaliate and for Crito every case of breaking the law is nothing but retaliation which does not affect his being a law-abiding citizen.

Concerning the correlation between Crito's attitude towards his fellow citizens and towards the *polis* in cases where he needs to break the law (=to retaliate), two points must be emphasized: 1. Returning an injustice for an injustice is not between enemies but between fellow citizens. The retaliation is expected. The same applies to the laws and the *polis*. Crito breaks the law only on specific occasions because the laws seem to him to have done him an injustice. But the frame of mind of Crito as a law-abiding citizen does not change. Breaking the law for the purposes of retaliation does not turn a citizen into an outlaw, just as fellow

62 Many views were offered through the history of scholarship to the question why Socrates does not answer Crito's arguments in his own voice, but rather uses the personified Laws. See for example Brown 1992: 79; Miller 1996: 125, Moore 2011: 1036.

63 In other words, the MFM argument has Crito treat the *polis* unconsciously as a human being and in this he reveals himself to be not a good man or decent fellow. This will be argued in the Laws' speech.

citizens involved in a case of injustice and retaliation do not become enemies 2. There is a fundamental difference between Crito who retaliates against a fellow citizen in the external circle and Crito who retaliates against the *polis*. The injustice of real human beings must be specified exactly for them to become an object of injustice. The *polis* and its laws, however, are *always* the object of retaliation without the need to specify their injustice. Through the MFM argument, which is deeply rooted in democratic citizens and democracy as a regime (at least in Plato's view according to the present analysis), the laws are always blamed for committing injustice to their citizens, allowing all lawbreakers to feel that they are merely retaliating with injustice. Thus, by juggling his two human circles Crito manages to remain a good man on all three levels. To cope with this complexity Socrates adduces the Laws with their speech. The speech, though formally aimed at Socrates, is, in fact, directed at Crito who is supposed to advise Socrates, but should think of himself and his behavior.

The Laws' speech (context)

The Laws' speech treats Crito's problem as it has been described in the previous pages, but in order to understand exactly how this is done, the speech should be seen in its context. Here we speak of two parts. In the first part (49a4-49e4), I argue, Socrates wishes Crito to understand, accept and especially internalize that οὐδὲ ἀδικούμενον ἄρα ἀνταδικεῖν ("and we mustn't retaliate if we are treated unjustly").⁶⁴ Had Crito accepted this statement (as early as at 49c1) all Socrates would have had to do then would be to personalize the laws. As we already noted Crito's problem is twofold. He does not see the *polis* as applicable to concepts of justice and agreement, and he can remain a law-abiding citizen even when he breaks the law. For the first he is aided by his conviction that justice is applicable only for human beings. For the second he is aided by

64 49b9. I chose this formulation, although there are other formulations much more detailed (49c10-11, 49d7-9), because this one focuses directly on Crito's problem, namely the MFM argument.

the MFM argument. Thus, by breaking the law he remains in his consciousness a good man, a decent fellow, and a law-abiding citizen. By accepting the statement “and we mustn’t retaliate if we are treated unjustly” together with the personification of the laws Crito would have come to the conclusion that breaking the law is nothing but committing injustice (*adikein*), and by committing injustice he is not good as he thought. As we have shown earlier,⁶⁵ Crito does not really accept this statement, and Socrates has to find another strategy.

Socrates’ attempt to change this conviction of Crito concerning retaliation fails totally at 49e4 with Crito’s answer ἄλλ’ ἐμμένω τε καὶ συνδοκεῖ μοι ἀλλὰ λέγε. (“Yes, I stand by it and agree with you. Go on”).⁶⁶ It is my contention that here at 49e4 Socrates finally understands that he cannot go the short way. The words “go on” make it clear to him. Crito’s acceptance “Yes, I stand by it and agree with you” is probably only to encourage Socrates to continue.⁶⁷

It is here – at this stage – that Socrates changes his strategy, and this is done on two points, both proceeding from retaliation for Crito being permitted. 1. Socrates will develop what we shall now call the ‘Non-Equal-Argument’ (NEA). 2. Socrates adds what we have called the Agreement Argument (AA).⁶⁸

Had Crito really accepted that he should not harm even in retaliation, we might have had a much shorter speech. Internalizing the notion that retaliation *simpliciter* is not justified removes any need to treat each of Crito’s circles separately. Crito, by accepting that retaliation is possible, forces Socrates to divide the speech into at least two parts, so that the Laws defeat Crito in both circles. Socrates’ first step (and here we are still at a stage of preparing the ground for the speech of the Laws) is to insert the AA at 49e5-7, which answers our first and second questions at the

65 Pp. 45-48 above.

66 Tredennick’s 1961 translation.

67 Had Crito’s assent been real and honest Socrates would not have to create an unequal relation between himself and the *polis* in the Laws’ speech. As Crito agrees that retaliation is forbidden for anyone in any place and at any time Socrates and the Laws could have stayed equal.

68 P. 38 above.

beginning of this paper.⁶⁹ The AA is inserted only when Socrates realizes that Crito still thinks that retaliation is permitted and there is no chance that Crito will change his mind. Accordingly, and concerning our third question above,⁷⁰ we may say that when Socrates seems to change his mind he does not change only the form of what he wanted to say to the form of a question; but he changes the content as well. One might even say that he changes his whole strategy. Let us now analyze Socrates' crucial transition at 49e5-7.

Λέγω δὴ αὖ τὸ μετὰ τοῦτο, μᾶλλον δ' ἐρωτῶ· πότερον ἂ ἄν τις ὁμολογήσῃ τῶν δίκαια ὄντα ποιητέον ἢ ἑξαπατητέον;

Then I shall tell you what follows, or rather I'll ask you a question: should one do whatever one agrees with another, if it's just, or should one mislead him?⁷¹

The first words Λέγω δὴ αὖ τὸ μετὰ τοῦτο ("Then I shall tell you what follows") are a repetition of what has been said at 49e3 almost word for word.⁷² This produces the impression of continuation, but what comes immediately after is not a continuation but a change. The words μᾶλλον δ' ἐρωτῶ ("or rather I'll ask you a question") are not only a change of form. It is not even a simple addition of content. It is a change of strategy.

69 See pp. 37-38 above. Kraut 1984: 29, 113-14, 190 provides an alternative explanation for the existence of the AA (n. 3 above). For Kraut breaking a just agreement would be a case of doing injustice. However, keeping one's agreements does not exemplify or provide content for responding to injustice. Furthermore, keeping one's just agreements would be a very small fraction of all acts of justice performed. The context in the speech of the Laws pertains to a prohibition to commit injustice involving parents and children, a type of justice hardly based on a just agreement between the two parties. Kraut essentially telescopes two clearly separate arguments into one. All this without even mentioning that Kraut totally ignores the dramatic context of the AA. I have explained why we should take into account the fact that the AA is added as an afterthought.

70 P. 39 above.

71 On the exact translation of this second point whether it focuses on the things agreed to be just (Allen 1980) or on the agreement itself to be just (Kraut 1984), see a useful and balanced discussion in Miller 1996: 124 n. 7.

72 εἰ δ' ἐμμένεις τοῖς πρόσθε, τὸ μετὰ τοῦτο ἄκουε.

It is at this point that Socrates has to divide the Laws' speech into two different arguments. Moreover, Socrates cannot now simply use Crito's 'agreement' that one should not retaliate since he knows that Crito actually thinks one *can* retaliate. Socrates needs a stronger argument which we shall immediately analyze.

Let us concentrate on the AA. Why does Socrates present his statement in the form of a question? Why not present it as a statement awaiting Crito's affirmation? Here, I argue, the form of a question serves two functions. It enables Socrates to give the impression of a continuation. It also serves to force Crito to answer *poiēteon* ("one should keep agreement") instead of just saying 'yes'. When Crito answers *poiēteon* he remembers *exapatēteon* (49e7) which is clearly criminal. Crito has to know that the agreement he keeps with his fellow citizens is serious. One who breaks it is nothing but a criminal.⁷³

Had Crito really agreed that retaliation is forbidden for anyone in any place and at any time, the AA would have been redundant. As justice concerns every human being (both of Crito's social circles), the Laws personified would require Crito to agree that he is doing something unjust. Yet now Socrates has to refer to each group separately and find two reasons why retaliation should not be used. Let us see how he does it.

Ἐκ τούτων δὴ ἄθρει. ἀπιόντες ἐνθένδε ἡμεῖς μὴ πείσαντες τὴν πόλιν πότερον κακῶς τινὰς ποιοῦμεν καὶ ταῦτα οὐκ ἤκιστα δεῖ, ἢ οὐ; καὶ ἐμμένομεν οἷς ὠμολογήσαμεν δικαίους οὖσιν ἢ οὐ; (49e9-50a3)

Then consider what follows: if we leave this place without first persuading the *polis*, are we harming certain people and those whom we should do least harm to, or not? And do we stand by what we agreed to be just, or not?⁷⁴

73 A reminiscence of this verb appears at 52e2 with the verb ἀπατηθείς. Socrates is reminded by the Laws that he was not led to the agreement with the laws by deception. Crito who is listening should be reminded as well.

74 On this passage concerning the use of the verb κακῶς ποιεῖν instead of ἀδικεῖν, as well as the emphasis on human beings as the object of committing injustice see my analysis on pp. 46-47 and n. 41 below.

According to the analysis I am presenting here the first question refers to Crito's first circle (the internal group) and the second question refers to his second circle (the external group). Both are composed of people. Crito simply cannot understand how he commits injustice or breaks an agreement in helping Socrates escape from jail. Doing justice and keeping agreements pertain only to human beings; and the *polis* – at least at this stage of the conversation – is not a human being.

As expected, Crito's response is an utter lack of understanding since he cannot identify any people being harmed by Socrates' escape. Socrates, we must assume, did not expect a different response. Now we reach a sort of introduction to the Laws' speech itself (50a6-50c3).⁷⁵ The aim of this introduction is the crucial step in this whole conversation. Crito has to expose – first and foremost to himself – his actual behavior, namely that his breaking the law is nothing but retaliating against the *polis* for an injustice it apparently committed to him. The end of this stage is, of course, at 50c4 when Crito enthusiastically accepts Socrates' suggestion – ἡ ἐροῦμεν πρὸς αὐτοὺς ὅτι “Ἡδίκηει γὰρ ἡμᾶς ἡ πόλις καὶ οὐκ ὀρθῶς τὴν δίκην ἔκρινεν;” ταῦτα ἢ τί ἐροῦμεν; (“yes, the *polis* has behaved unjustly toward us because it has not given the right verdict in this case”) – with the words: Ταῦτα νῆ Δία, ὧ Σώκρατες (“We shall, by Zeus, Socrates”). The way to bring Crito to this stage is very complicated and I shall not present here all of Socrates' manipulations in achieving it.⁷⁶ Suffice it to say that even here all Socrates can hope for is that Crito will accept his offer. He has no hope, so it seems, that Crito would have offered this on his own. This is the maximum. The Laws' speech itself starts at 50c5. Its basis is Crito who now consciously retaliates against the *polis* which committed an injustice against him. This last statement might seem to be just another step in the whole process where Socrates treats Crito's problem,

75 I detect three parts concerning the Laws' speech. 1. Preparation (48a5-50a5). 2. Introduction (50a6-c4). 3. The speech (50c5-end).

76 This has to do with the transition between κοινὸν τῆς πόλεως (50a8), σύμπασα ἡ πόλις (50b2), and πόλις. As the combination between πόλις and the verb ἀδικέω is still hard for Crito, Socrates leads Crito through two stages where the noun πόλις does not appear alone, but always comes with νόμοι; it always appears as attached to a noun such as τὸ κοινόν, or comes with an adjective such as σύμπασα; and the verb it comes with is ἀπόλλυμι. All this is a preparation for Crito to be able to hear the combination ἡδίκηει ἡμᾶς ἡ πόλις.

but this is the most crucial step. It is here that the MFM is consciously argued for by Crito, and this means that here for the first time Crito consciously attributes to the *polis* the concepts of justice and injustice. This, in turn, means that Crito now consciously treats the *polis* as a human being, since in Crito's world view the concepts of justice and injustice belong only to human beings.⁷⁷ From this point on, we no longer have three circles but only two. If the *polis* is a human being, it is either the internal circle or the external circle. By invalidating the MFM argument in both circles, Crito will find himself an unjust man, an indecent fellow and a law-breaking citizen.

Before we turn to the Law's arguments let us sum up our findings so far. In his attempt to smuggle Socrates out of jail, Crito adopts two strategies according to his two social groups. In helping his friend he uses the concept of justice of his internal social circle, and in breaking the law he adopts the concept of justice of his external social circle. According to the concept of justice used in his internal social circle he helps his friend. According to the concept of justice used in his external social circle he is entitled to retaliate.

The Laws' speech (arguments)

The Laws' speech tackles Crito's behavior on two levels. Crito helps his friend but he has the MFM argument as a further excuse why, by helping his friend, he does not commit the *polis* injustice in breaking its laws. The Laws' first two arguments refute Crito's excuse by showing him it does not work or rather actually works against him. The third argument addresses Crito's conviction that he is helping his friend: in fact, running away will harm Socrates. Accordingly, the Laws' speech is divided into three parts, clearly demarcated by Crito's requested affirmations to what the laws have just said (51c5 and 52d8). Let us start with the first two arguments.

77 By the very fact that he breaks the law by using the MFM argument Crito already treats the *polis* as a human being. All Socrates did at 50a6-50c4 was to transform Crito's unconscious behavior into a conscious behavior. In a way by personifying the laws Socrates does not do anything which Crito would not agree with.

Refuting the MFM argument in the internal group:

Section 50c5-51c4 consists of what we have called the ‘Non Equal Argument’ (NEA).⁷⁸ In this section the laws establish an unequal relationship between Socrates and the laws. The Laws actually justify retaliation *per se*. In regular relations where both sides are equal Socrates may justly retaliate,⁷⁹ but here he is not entitled to do so because there is a basic inequality between Socrates and the *polis*.⁸⁰ Taking this argument to refer to Crito (who is listening to this argument and is expected to advise Socrates) I argue that Crito is faced here with his first circle, but the criticism presented by the Laws is twofold. Formally the argument focuses on the axis of retaliation.⁸¹ Crito is not allowed to retaliate in this specific case since the object of retaliation is Crito’s parents.⁸² Parents and offsprings are not equal and retaliation is allowed only between equals. Now when the laws become human beings, Crito should realize that he is not as just as he thought, since in this specific case those who are being retaliated against are superior to him.

78 P. 63 above.

79 This statement is a necessary outcome of analyzing the text. First, we have seen that Crito is not entirely committed to the prohibition to retaliate. Secondly, and as a result of the first, his justification to break the law is grounded exactly by his conviction that he is entitled to retaliate. And last, the Laws’ speech, which is directed at Crito, tries to refute Crito’s action of breaking the law, arguing that one cannot retaliate against one’s superior.

80 This difference between the non-retaliation argument (NRA) developed in an earlier stage of the conversation and the NEA used by the laws was discerned by Farrell 1978: 185-7 and later by Weinrib 1982: 94, but while they see these two arguments as detached from each other, I see the Laws’ NEA as an expansion of the NRA.

81 See especially the use of the prefix *ἀντί* (*ἀντιποιεῖν* at 50e7, 50e9; *ἀντιλέγειν* and *ἀντιτύπτειν* at 51a1-2; and *ἀνταπολλύναι* at 51a6), although these verbs should not be identified with *ἀνταδικεῖν* but should be seen merely as evidence that the Laws’ first argument is directed against Crito and his internal group with the NEA.

82 The Laws mention both a father and a master, and one is reminded of the difference between a father and a master. Both are unequal to their subjects, yet the father aims at the benefit of his sons while the master aims at his own benefit. Perhaps this is what stands behind the Laws’ words about Socrates as their *ἔκγονος καὶ δοῦλος* (50e3-4). While Crito treats *de facto* the Laws as his slaves, the Laws treat (or should treat) him as a son. In both cases the relation is unequal but the aims are sharply different.

But the laws also criticize Crito on another point, focusing on the popular code of justice as Crito practices it with his internal circle. Crito thinks that by helping Socrates escape he is doing justice according to the criterion of helping a friend.⁸³ Now he has to realize that by helping a friend, he is harming his own parents. This is what stands behind Socrates' words: ἀπιόντες ἐνθένδε ἡμεῖς μὴ πείσαντες τὴν πόλιν πότερον κακῶς τινὰς ποιοῦμεν καὶ ταῦτα οὐς ἥκιστα δεῖ, ἢ οὐ; ("if we leave this place without first persuading the *polis*, are we harming certain people and those whom we should do least harm to, or not?") (49e9-50a2).⁸⁴ While Socrates is one whom friends should help, the laws and the *polis* are those which one should harm the least. Crito is not even helping a friend at the expense of another friend, but is actually harming, not an enemy, but his own parents. Moreover, instead of harming enemies he harms his parents.

Refuting the MFM argument in the external group:

The section 51c6-52d7 deals with what I called 'The Agreement Argument' (AA).⁸⁵ Unlike their first argument which focused on the inequality between Socrates and the *polis*, here Socrates' act of injustice concerns his breaking the agreement with the *polis*. As was the case with the NEA, what stands behind this argument is the Laws' apparent consent (and Crito's as well) that retaliation is acceptable and justified but in this specific case Socrates has no right to retaliate because he would be breaking

83 Cf. καὶ φήσεις ταῦτα ποιῶν δίκαια πράττειν (51a6-7).

84 At 54c2-6 we apparently find whom we should do least harm to: "But if you go, having retaliated (*antidikēsas*) and caused harm (*antikakourgēsas*) in such a disgraceful way, having broken (*parabas*) both your own agreements and covenants with us, and having done wrong (*kaka ergasamenos*) to those here who are the last people you should have done it to (*toutous hous hēkista edei*): yourself, your friends, your native city and us, then we shall be angry with you." The words τούτους οὐς ἥκιστα ἔδει are a copy of what appears at 50a2 (οὐς ἥκιστα δεῖ). Yet, this sentence is part of the concluding paragraph which sums up the whole speech and as such recaps all verbs and objects mentioned in Socrates' move (and does it in a very mixed and manipulative way) which began at 48a5 and ends with the Laws' speech. At 49e9-50a2 – an early stage – the object of οὐς ἥκιστα δεῖ are the laws as parents alone as it will appear in the speech immediately afterwards.

85 On a procedure in Athens which can justify an agreement *de facto* see Kraut 1984: 154-55. See also MacDowell 1978: 69.

an agreement. This argument of the Laws, I contend, refers to Crito's external group. In this group – the body of the citizens in a democratic *polis* – all members are equal. Here there are no parents or any other 'superiors'. Moreover, it is here that one can remain just while retaliating. Here another argument has to be provided. Two points should be emphasized concerning this argument. The facts used by this argument are almost the same as those used by the NEA. Even the terms are identical, such as the verbs *gennaō* (NEA-50d2, AA-51C8-9), and *paideuō* (NEA-50D6-7, AA-51c9). This means that one can relate to the same entity with the same characteristics – such as the Laws being what give birth to, and educate, the citizens – in different ways, either as a private man who owes respect to his parents, or as a citizen who is expected to keep a kind of an unwritten agreement (*homologia*) with his fellow citizens.

The laws have to make the agreement between Crito and the *polis* much stronger than the agreement between Crito and his fellow citizen. This, I argue, is done by turning the agreement into a contract. Note the transition from *homologia* to *sunthēkē*.⁸⁶ While the term *homologia* and derivatives dominate the AA since the beginning at 49e6 and through 50a2-3, 51e7, 52a8, 52c2, at 52d1-3, however, we read: πράττεις τε ἄπερ ἂν δοῦλος ὁ φαυλότατος πράξειεν, ἀποδιδράσκειν ἐπιχειρῶν παρὰ τὰς συνθήκας τε καὶ τὰς ὁμολογίας καθ' ἃς ἡμῖν συνέθου⁸⁷ πολιτεύεσθαι. ("In fact you're doing what the most cowardly slave would do in attempting to abscond contrary to *the contracts and agreements* according to which you *agreed* to conduct your life as a citizen"). Thus, as part of the summary of an argument which made use of *homologia* alone, the term *sunthēkē* is covertly inserted.⁸⁸

Just as the Laws in the NEA turned the *polis* into more than regular friends of Socrates, namely his parents or masters, so too in the case of the AA. The Laws turn the agreement between Socrates and his fellow citizens into a contract between Socrates and the Laws. The Laws are not

86 As far as I know it was Miller 1996: 128 n. 12 who first noticed this transition. He mentions it but does not develop it.

87 Note the closeness between this verb and συνθήκη.

88 This pair – contracts and agreements – appears again at the beginning of the next section at 52d9-e1 when Socrates sums up the argument, and once more in the concluding paragraph of the dialogue at 54c2-4.

simply Socrates' fellow citizen for whom an agreement is enough. The Laws are those with which a contract has been made. What is the difference between an agreement and a contract? I argue that an agreement may be conditioned while a contract is absolute. When Socrates receives from Crito the approval that agreements must be met (49e8), a condition appears – *dikaia onta* (“if it’s just”), whereas when the Laws use the same principle of agreement, this condition is missing.

The first argument of the Laws is directed at Crito the good private man, and the second argument is directed at Crito the good citizen.⁸⁹ If we had only the NEA, namely the first circle, Crito could have argued that concerning justice he is, indeed, not allowed to retaliate, because of the inequality between him and his parents; but in a state of equality (the second circle), he could still retaliate. The AA addresses this second point. If, on the other hand, we had only the AA, Crito might have argued that he might indeed be unable to retaliate among equals (the second circle), but in his specific case he was also helping a friend (the first circle).

The end of the Laws' speech and the conversation

Having discussed the first two arguments which are directed at Crito's excuse for breaking the laws (MFM argument), and given the scope of the argument of this paper, a few words should be said about the third – 53a9-54d2, and the concluding passage of the whole dialogue – 54d3 to the end.

In the third section of their speech the Laws concentrate on the positive side of Crito's behavior – helping his friend. While in the previous sections, justice was discussed but the benefit of Socrates was taken as self-evident, now the Laws show Socrates that even on the basis of sheer

89 Note the benefits the Laws enumerate in the AA, one of which is *μεταδόντες πάντων ὧν οἰοί τ' ἡμεν καλῶν σοὶ καὶ τοῖς ἄλλοις πᾶσιν πολίταις* (51c9-d1). No mention of citizens is to be found in the NEA. Note also the Laws who accuse Socrates *ὅτι οὐ δίκαια ἡμᾶς ἐπιχειρεῖς δρᾶν* (51c7-8). The term *δίκαια* belongs exclusively to Crito's external circle. It is not to be found in the Laws' first argument (50c5-51c4) which tackles Crito in his internal circle.

benefit, the escape is not worth it. Crito would not only harm his friend (and eventually himself as well), but he would also benefit his enemies.⁹⁰ It is here in this section that the laws raise all of Crito's arguments in favor of the escape mentioned in his third speech (44e1-46a9) and turn them on their head. The option of going to other *poleis*, such as Thessaly, after the escape, is considered a reason for running away in Crito's speech (45b7-c5), but now the Laws use it as a reason for not running away (53d1-54a2). While care for Socrates' children is a reason for running away in Crito's speech (45c10-d7), in the Laws' speech this should not be something to worry about (54a2-b2). The message is clear. Speeches and rhetorical manipulations are useless, as the other side can do the same. This theme will recur in Socrates' conclusion of the dialogue (54d3 to the end), but before we reach this last passage, I would like to dwell upon an interesting clause spelled out by the Laws in their conclusion (54b3-d2). Concluding passages are expected to sum up the main ideas and messages of what has been said, and our two concluding sections, that of the Laws and that of Socrates are no exception.

My main argument throughout this paper is twofold. First, I have argued that Socrates' main effort is to make Crito understand that by breaking the law (= by persuading Socrates to run away from jail) he commits injustice (*to adikein*), namely he is wrongly harming human beings. The second point was Socrates' attempt to make Crito realize the danger and uselessness of rhetoric. It is no surprise that exactly these two points are now summarized in our two conclusions – that of the Laws and that of Socrates respectively.

At 54b9-c2 we find the Laws, having finished their arguments, conclude and say: “ἀλλὰ νῦν μὲν ἡδίκημένος ἄπει, ἐὰν ἀπίης, οὐχ ὑφ' ἡμῶν τῶν νόμων ἀλλὰ ὑπ' ἀνθρώπων (“As it is now, you will leave here, if you do leave, having been treated unjustly, not under the auspices of us the Laws, but of men”). Here, for the first time – only after their speech – do the Laws make it clear that they are actually humans. As long as Crito thinks that the Laws and the *polis* are a non-human independent circle alongside his other two human circles he can feel justified in breaking the law. Unconsciously, of course, he does take them as human by considering himself being harmed (*adikēmenos*) by the *polis* and hence has

90 Cf. Crito's words to Socrates at 45c6-9.

the right to retaliate (*antadikein*). But as long as all this is unconscious, he can consciously consider breaking the law as just another obstacle he has to overcome, and stay in his consciousness a good, loyal and law-abiding citizen. The moment the laws expose that behind them there are human beings, this means that there are no longer three different circles – internal, external and the *polis* – but only two circles all of whom are human beings enacting laws and judging citizens according to the laws. Crito is actually retaliating against human beings for being harmed by them and this he is not allowed to do. Either he retaliates against his parents or he breaks an agreement.⁹¹

My second point, claiming that rhetoric is useless and dangerous, dominates Socrates' conclusion to the whole dialogue, and it starts at 54d3:

This, my dear friend Crito, be assured, is what I seem to hear, just as the Corybantes think they hear the flutes, and this sound of these words resonates within me and makes me unable to hear any others. Well, be assured that, as far as my current beliefs go, if you argue against those, you will argue in vain. All the same however, if you think you will accomplish anything more, speak (54d3-8)

This might seem a major stumbling block to any argument that claims that the Laws' speech are entirely for Crito. Here we should remind ourselves of the introduction to the Laws' speech at 50a6-c4. Socrates asks for Crito's advice as to the best answer to the Laws criticizing Socrates for destroying them and the *polis* by breaking the law. Formally Crito is about to advise Socrates who seems to be in great trouble, but, as we have argued, Crito should 'advise' himself as it is he – Crito – who is really in trouble. The Laws actually attack Crito for destroying the *polis* by trying to help Socrates escape from jail, motivated by his wish to save his good friend and his good reputation among the Many. The conclusion of the

91 It is no surprise that immediately after this clause the laws mention explicitly what it means to escape from jail: ἐὰν δὲ ἐξέλθῃς οὕτως αἰσχρῶς ἀνταδικήσας τε καὶ ἀντικακουργήσας, τὰς σαυτοῦ ὁμολογίας τε καὶ συνθήκας τὰς πρὸς ἡμᾶς παραβᾶς (But if you go having retaliated and caused harm in such a disgraceful way, having broken both your own agreements and covenants with us) (54c2-4).

dialogue corresponds with the Introduction. When Socrates says that the Laws' arguments "resonate within him and make him unable to hear any others," Crito should understand it as directed at him. The arguments raised by the Laws have defeated his own arguments for the escape presented in his third speech.

But there is much more in this Conclusion. Reading this last passage of the dialogue – 54d3-e2 – one is at a loss whether Socrates wishes Crito to answer the arguments raised by the Laws or not. If he is really interested in hearing Crito's response to the Laws' speech, why mention the Corybants?⁹² If he does not want to hear Crito's answer, he should not have ended with encouraging Crito to speak. Socrates seems strangely indecisive.⁹³

The answer to this puzzlement, I believe, is to see here a criticism against the method used by Crito. The heart of Crito's problem is rhetoric. It is rhetoric which allows the legitimation (though not necessarily a conscious one) of Crito, as well as any citizen in a democratic regime, to break the law whenever his interest is at risk, while still considering himself a good person, a loyal and even a law-abiding citizen. But rhetoric is dangerous in another aspect. Rhetoric is wrongly considered a legitimate tool which enables the making of good and rational decisions. Moreover, in democracy it is probably the most used instrument since it is regarded as the very opposite of the use of violence, and as such befits an open

92 The mention of the Corybants has raised an argument that Socrates does not agree with what the Laws have just said (Weiss 1998: 135-45; Harte 1999: 118-20). For a refutation of Harte's and Weiss' opinion see Stokes 2005: 189-92 and his conclusion: "There is no decisive evidence that Plato would have expected any set of readers to see in a bare mention of Corybants any signal whatever".

93 Stokes 2005: 187-88 tries to explain what he takes to be "contradictory requirements." Basing his explanation on the dramatic situation, Stokes sees here a compromise Socrates makes between the need for a quick practical decision and "the conveniences of the Platonic confutation or elenchus, including its generally provisional nature" which "must be observed." He later writes (2005: 193): "Plato and his Socrates must provide the discussion in the Crito with both finality and provisionality. The occasion is exceptional." But see Garver's remark 2014: 4: "The Laws have produced an argument that silences all others. This idea of a clinching or conclusive argument seems at odds with Socrates' own idea that he is always persuaded by the strongest argument."

liberal and cultured society.⁹⁴ Both Crito and the Laws use speeches, each for their own interest.

Beyond the refutation of specific arguments appearing in Crito's third speech and counterargued in the Laws' speech, this Conclusion goes a step further and attacks the very use of rhetoric as an instrument for making decisions and for conducting one's own life.⁹⁵ Rhetoric is both useless and dangerous. It is useless since any rhetorical argument can be met by an equal and opposite argument, rendering all rhetorical arguments worthless in the process of reaching a correct decision.⁹⁶ The very last words of the Laws draw attention to the persuasive, non-factual, nature of both sets of arguments (54d1-2): ἀλλὰ μή σε πείση Κρίτων ποιεῖν ἃ λέγει μᾶλλον ἢ ἡμεῖς. ("come now, don't let Crito persuade you to do what he says rather than what we say").

Socrates expresses the need for a criterion of truth immediately after Crito's third speech (46b1-3): ὦ φίλε Κρίτων, ἡ προθυμία σου πολλοῦ ἀξία εἰ μετὰ τινος ὀρθότητος εἴη· εἰ δὲ μή, ὅσῳ μείζων τοσοῦτῳ χαλεπωτέρα. ("my dear Crito, your eagerness would be worth a great deal if there were a measure of rightness about it. But if not, the greater it is, the harder that makes it"). Rightness would seem to be connected not only with content (Crito's arguments should aim at the truth), but with form and method as well. Socrates demonstrates this by not waiting for Crito to give yet another speech, but immediately beginning a conversation in the form of questions and answers.⁹⁷

94 The contrast between violence and persuasion is well documented in Greek literature.

95 Crito is using rhetoric as another instrument like his money and connections to achieve his goal. See also *Gorg.* 479c1-4: καὶ πᾶν ποιούσιν ὥστε δίκην μὴ διδόναι μηδ' ἀπαλλάττεσθαι τοῦ μεγίστου κακοῦ, καὶ χρήματα παρασκευαζόμενοι καὶ φίλους καὶ ὅπως ἂν ὧσιν ὡς πιθανώτατοι λέγειν ("And hence they do all that they can to avoid punishment and to avoid being released from the greatest of evils; they provide themselves with money and friends, and cultivate to the utmost their powers of persuasion") (emphasis mine). See also n. 16 above.

96 Pace Allen 1972: 560 who considers the Laws' speech as a "philosophical rhetoric aimed at persuasion based on truth ...".

97 The conversational form is also indicated by verbs such as σκοπέω (46b3, 46c7, 47a2, 48b4, 48b10, 48c3 etc.).

The worthlessness of rhetorical speeches is one thing, but Socrates also regards speeches as an application of violence and compulsion.⁹⁸ In fact, the uselessness of rhetoric stems from the essence of rhetoric which Plato thought to be simply ‘exerting violence’, since wherever violence is found, other violence, bigger than the first, could be found as well.

Fifth-fourth century Greek thought tended to the view that *logos* (‘speech’/‘reason’) could never be regarded as a violent compulsion,⁹⁹ especially the rationally established laws set up to counter violent compulsion. Law leads to a free and happy society contrasted with violence.¹⁰⁰ It is this perception, I argue, that Plato is trying to undermine in the *Crito*. Throughout the dialogue, and especially in the Laws’ speech, Socrates wishes Crito to understand that rhetoric-based-speeches are nothing but covert compulsion in order to achieve one’s own selfish interests, under the guise of a concept of justice pertaining to helping friends and harming enemies. For Socrates, verbal persuasion and violent compulsion are one and the same. The Laws in their speech agree that Socrates has been treated unjustly, but claim that he has no right to retaliate because he (like all other citizens) was brought up as a slave of the Laws.¹⁰¹ It is my contention that this explicitly counters Crito’s implicit treatment of them. We have seen how Crito actually takes care of his own interests (saving his friend and his good name) under the guise of justified retaliation.¹⁰² Socrates throws this back in Crito’s face by having the Laws say, in effect: “You, Crito, treat us as slaves; we, in return, treat you as a slave.¹⁰³ You are willing to go so far as to harm us in order to achieve your aims; we are willing to harm you as well to achieve ours. You attempt to compel through verbal persuasion; so do we.”

Turning again to 54d3-8 where Socrates, now speaking *propria persona*, after delivering the Laws’ speech, seems to be indecisive at the very least.

98 Moreover, rhetoric may be the most dangerous form of exerting violence since the persuasion in speech is usually covert.

99 Gorgias’ Encomium for Helen might be regarded as an exception, but the treatise is intended to praise rhetoric and persuasion.

100 See e.g. Xen. *Mem.* 1.2.9-10, 39-46.

101 50e2-7.

102 See our discussion on pp. 53-54 below.

103 Cf. 52c8-d2 where the Laws again compare Socrates to a slave, this time because of his base attempt to escape and thereby flout the law.

As we have seen, on the one hand Socrates does not wait to hear what Crito has to say in response to the Laws' speech but immediately declares his unwillingness to hear any response. But in the same breath he emphasizes that if Crito still thinks he has something new to say he may say it. By now it should be clear that Socrates is appealing to Crito to rather change his method. He is unwilling to hear another 'persuasive' speech like that of 44e1-46a9.¹⁰⁴ But if Crito is willing to enter a dialectic discussion, Socrates will probably be happy to hear what he has to say.

Socrates, then, is not being indecisive: he simply does not want another speech, but he does not want the conversation to come to an end either, as the verb *lege* (speak) indicates. Socrates has in mind the other *tou logou technē* – dialectic – whose end is rightness (*orthotēs*). Socrates, then, chooses to end his conversation with Crito by hinting at the need for dialectic to replace rhetoric as the means to arrive at correct decisions, based on free will rather than compulsion.

Crito, as the typical Athenian citizen, probably misunderstands Socrates' suggestion to speak. Instead of understanding it as a call to change the method from rhetoric into dialectic, he probably takes it as a request for another speech (which Socrates has already stated will be in vain). His answer at 54d9: ἄλλ' ὧ Σώκρατες, οὐκ ἔχω λέγειν (“But Socrates, I cannot speak” or “No, Socrates, I have nothing to say”) indicates that he is still thinking in rhetorical terms. This should come as no surprise. Plato wrote the dialogue not for the benefit of the characters in his dialogue but for the reader.

Conclusion

The Laws place before Crito a mirror image reflecting his own behavior towards the *polis*. Crito uses force against the Laws to achieve his personal goals, and the Laws do the same. Crito uses his connections, his money, his friends, and above all rhetoric. But rhetoric is a two-edged

104 It is worth mentioning a fact, so far as I can tell, overlooked by scholarship literature. Although Crito makes two attempts to persuade Socrates to escape from jail (45a3, 46a8), Socrates never tries to persuade Crito that he ought to stay. Socrates wishes only for Crito to stop trying to persuade him (48e1-3). See also 54d1-2.

sword. Furthermore, a *polis* run by rhetoric is doomed. For Socrates, rhetoric is nothing but another form of the use of power and violence for self interests.

Crito started his rescue attempt as a just man, a decent fellow, and a law-abiding citizen. By the end of the conversation he should be regarding himself as an unjust man, an indecent fellow, and a law-breaking citizen. We do not know if Crito did reach these conclusions. Drawing the final conclusion is the challenge for any citizen in a democratic regime, the target audience for whom, in my view, Plato composed the *Crito*.

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