

Plato's Crito

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1. Introduction: issues raised.

Plato's *Crito* is one of the "jailhouse dialogues," coming in dramatic sequence after the *Apology* and before the *Phaedo*. Reading the *Apology* and *Crito* prompts considering a number of issues in political philosophy: law and order, crime and punishment, implied consent and civil disobedience, the relation of individual and society, even the relation of gods and men (if we recall the fact that Socrates is on trial for impiety, and that part of his defense is that doing philosophy is his duty to the god as revealed in the oracle).

2. Genre, context, structure.

We have seen these issues treated in tragedy as well, in the *Oresteia*, the *Antigone*, and *Oedipus the King*. We should be on the lookout for the **genre** differences between tragedy and philosophy, even as, as always, we pay attention to the dramatic context of *Crito* as a dialogue. That **context** is as follows: the Athenians are delaying the execution order of Socrates, about which we learn in the *Apology*, for civic religious purposes. Crito, an affluent friend of Socrates, comes to the jail to try to convince Socrates to accept his offer of help in escaping. He states his case, then agrees to listen to Socrates examine his arguments. The **structure** of the dialogue can be reconstructed as follows:

43a-44b: Introduction

44b-46a: Crito's proposal

44b-44d: reputation in the eyes of the many

44e-46a: probability of success and rightness of action

46b-54e: Socrates' response

46b-48b: whose opinions should one value?

48c-49e: the principle of the argument: never willingly do injustice

49e-54d: keeping one's oaths: the speech of the laws/customs and the community

50a-c: resistance to the courts "destroys" the laws/customs

50c-51c: inequality of citizen and laws/customs forbids "retaliation"

51c-52a: citizens who remain in the city have given implied consent

- 52a-53a: Socrates is exceptionally a case of implied consent
- 53a-54b: bad consequences of escape to his friends, to Soc, and to his children
- 54b-c: summation of the speech of the laws/customs
- 54d-e: Socrates' conclusion to Crito

3. The arguments of the laws/customs.

The *Crito* has received a lot of attention in America since the 60s in terms of civil disobedience. Let's stick with that trend and examine "the speech of the laws."

A. *Nomos*. First we must note that *nomos* = "law," and also "custom," as in "unwritten laws." Second, that *physis v nomos*, or nature v convention, was a fundamental arguing point in cosmopolitan Greece after 6th C. (Contact w/ others brings the realization of different laws/customs. If they are not *prima facie* dismissed as "wrong" or "sinful," then foreign laws/customs destroy the appearance of the naturality of home laws/customs.) Third, the full phrase at 50b is "hoi nomoi kai to koinon ts poleōs," often rendered as "the laws and the commonwealth," or more literally, "the laws/customs and what the city has in common." If we can recall the root of "community," then we can say that Socrates summons as his interlocutor (while he plays the role of Crito--all this little scene intended as edification for Crito and us readers), "the laws/customs and the community."

B. Historical differences. We must recall here the difference between the Athenian *polis* and contemporary liberal societies. Now I admit that collapsing an entire course on political philosophy into one sentence is pretty silly, but here goes: in general, the ancients aimed at the good of the citizens as a whole, while contemporary liberals aim at the rights of the individual. Or in more detail: the ancients thought that, the *telos* of the *polis* being the good life of the citizens as a whole, that individual citizens could be called upon to suffer for the good of the *polis*; while liberals, conceding that different views of the good life sometimes cause conflict, hold that individual rights should trump the good of the whole so that individuals should not suffer for the good of the whole, but can only be punished for violating the rights of others.

C. Cultural homogeneity. Of primary importance in this comparison is the issue of cultural homogeneity and its material determinants. Greek warfare was a matter of the solidarity of the *phalanx*: it only held together due to the solidarity of the hoplites, who must all agree to the justice of their cause (or at least must be willing to fight to save their buddies). Now this solidarity is bodily. Plato and Aristotle are perfectly explicit that cultural politics is focused on the body: the proper regime of pleasures and pains given to the young results in an emotional tuning, so that the taste of the citizen is properly constituted: disgust at the sight of the unjust, pleasure at prospect of honor. This training is the installation of bodily triggers. The hoplite must be trained to have a body that will stand its ground, that will not panic and run away. (This is what panic is: the body overwhelms the "mind"--or to put it in a consistent materialism, the calm body that we call the "mind" is defeated by the turbulent body we call the "emotions.")

D. The philosopher's body. To understand this, we should refer to the physical, bodily description of the philosopher, as one whose "passions flow toward knowledge" (*Rep* 485d). The commonplace about the philosopher as one who "tries to leave the body behind to concentrate on mental things" is somewhat misleading. Plato knows perfectly well, even though he sounds like he regrets the fact at times, that while living the philosopher will always be embodied: the key is to have a certain kind of body, one whose passions and pleasures come from knowing. We can explain the philosophic attitude to the body through reference to the Greek male aristocratic disdain of the biological realm as one of unfreedom and necessity. The daily bodily needs of the citizen are to be met by the labor of others so that the citizen is free for politics, war, and for Plato highest of all, philosophy. When the system of meeting bodily needs is in place and working well, it **fades into the background**, hidden behind the important things. Similarly, when the body is fit, trained into harmony, well-fed and rested, then bodily actions and states become **transparent**, fading into a background so one can

concentrate on the object. (This is thought defined as contemplation: other, creative, states of "mind" might be prompted by various intoxicants, as artists and poets often attest.) Just as you don't feel your hand while taking notes, in the same way you don't feel your well-fed and rested body while thinking. But that doesn't mean you've literally left your body, only that it's faded into the background, just as the labor of women and slaves fade into the background of the *polis*. Thus the body, and women and slaves, can never be sources of knowledge: all they can do is get in the way. Since you can't live with 'em (think or act freely and clearly when they have your attention) or w/o 'em (you do have to eat, sleep, etc., everyday), the next best thing is to have them do their work and then shut up and fade away: out of sight, out of "mind." Allowing this fade of the body into the background to allow thinking is the reason for Plato's emphasis on arts and PT (music and gymnastics: *Crito* 50e) and his worries about the poets: they might rile up the body with their saucy stories, and his insistence on political control of the economy: merchants might rile up the body with their sauces!

E. The individual arguments.

1. The argument from destruction (50a-c). The argument here is that individual nullification of court verdicts would "destroy" the laws/customs. Socrates does **not** tackle this issue. At bottom, it seems to be that the Laws are arguing that individual nullification of court verdicts is an instance of a maxim that if universalized would destroy respect for the laws. Socrates does not address this issue, but asks Crito to follow him in proposing a different response. This non-response might be due to several reasons. A) Socrates might think that destruction of this particular Athenian regime would be a good thing, but a bad precedent (distinguishing between "the city" as ongoing project, and "the city" as the present regime). B) Socrates might not believe that the universalizability of a maxim is a useful way of considering moral/political philosophy (Socrates doesn't even think Kantianism is worthy of reply).

2. The argument from inequality (50c-51c): Were Socrates (as Crito) to say that the city has wronged me, the laws/customs would reply: you have no right of retaliation against us, because we are not your equals, but are what made you what you are.

a. Plato's equivocation on *nomos*. Here Plato is equivocating on *nomos*, the two senses of "law" and "custom." The judgment of a court is what wronged Socrates, so if he escaped punishment, he would be "retaliating" against that judgment, that particular **law** (assuming that Socrates in refusing to engage the universalizability argument is indicating his retaliation would not be against some generalized "respect" for law and order, but against the court that sentenced him unjustly). But the laws/customs act as if Socrates would be retaliating against the **customs** of Athens in matters of marriage and education (customs that were, to be sure, after the fact codified into positive laws, but that draw their force from their status as custom). It's doubly important to keep the distinction of law and custom in mind regarding the marriage laws of Athens, which changed several times in the 5th C in order to restrict or enlarge the citizenry.

b. The priority of custom. Now it is undeniably the case that an individual is always posterior to the customs of his/her society. This group dependency extends beyond even the obvious case of parents, the beginning of life, and child rearing, to day by day adult survival. This is an extremely important point: it takes an elaborate network of social support to allow people to have the fantasy (in the strong sense of that word: compare the fantasy of "the mind" which is just the leisured body rendered transparent in favor of the object of intellection) that they are real individuals! -- besides the obvious case of an urban support system (supermarkets, plumbing, housing for rent, tax support that keeps tuition and student loan interest low, etc) which enable people today to "live alone," even mountain men or hermits benefit from their years of training in living off the land: someone taught them what to look for to eat and drink: a huge social investment spanning many generations. (NB: this real dependency doesn't mean a social system cannot or should not safeguard "individual rights" in a political/legal sense). But surely this priority of custom is i) not to be confused with a priority of positive law; ii) not to be taken to confer a privilege of never being examined (such custom is precisely the target of Socratic investigation); iii) *a fortiori*, not to be taken to confer a privilege on positive law of never being challenged.

c. "Persuade or obey." The next part of the argument from inequality has provoked lots of attention. Here the laws/customs try to channel the forms of challenge to positive law: "persuade or obey" (51b). Why only persuade? Why not revolution? How long would the colonies have had to try to persuade the King before Socrates would say we can drop persuasion and take up force? Admittedly there's a difference between individual and group resistance, but there doesn't seem, to modern liberals, any difference there regarding rights, which are not dependent on number.

d. Activity and passivity. The next part concerns the difference between doing injustice and suffering it. The laws say they can command individuals to go to battle and "be wounded or killed" (51b). The reference to the stable, trained, hoplite body is clear: "one must not give way or retreat or leave one's post" (51b). Socrates will never accept doing injustice, as he has made clear at *Apology* 32a-e (the cases of the ten generals and of Leon of Salamis), but he says one must accept injustice that is done to one by the state. This is perhaps the most slavish part of any philosophy text in the history of Western philosophy; "slavish" is no exaggeration, for the laws/customs not only take on the role of father, but of master (51a). It is extremely revelatory of Plato. He is trying to convince the aristocrat Crito that the laws can be trusted to control the *polloi* he fears and despises, can be trusted to turn them into good little slaves who accept any punishment, even if it is unjust. Here we see Plato's overall commitment to the One (identity, stability). Obedience to an unjust city privileges the stability of the city over justice to the individual. This is of course just another way of saying Plato is not a modern liberal: he identifies the justice of the whole, the good of the whole, with the stable identity of the city (cf. the city as one in the *Republic*.) Now it's not that I object to stability, but to the *a priori* privilege of stability over change, without experimentation. An *a priori* commitment to flux would be equally wrong. The point is to experiment, cautiously, with ratios of stability and change and evaluate *ex post facto*.

e. Objections to slavish acceptance of punishment. But this is surely not acceptable, on several grounds. i) The distinction between acting and suffering is notoriously slippery. Doesn't Socrates **act** by staying in jail? And isn't this action a doing of injustice to himself? In fact, doesn't Socrates at the end of the *Phaedo* collaborate by drinking the hemlock willingly and ahead of schedule? Even if suicide is not an injustice, carrying out the execution of a man unjustly convicted is unjust, as the case of Leon of Salamis proves. ii) Socrates' reasons for not doing injustice is that it harms the soul of the actor. (This is behind his "moral revolution" in discarding the common conception of justice as "help your friends and harm your enemies.") But what about the souls of the jury: doesn't Socrates' collaboration in their injustice condemn them to disordered souls? iii) Even if the preceding is too Christian a conception of duty to others, doesn't Socrates do an injustice to his friends by making them accomplices to an injustice? Note that this is **not** the same as Crito's concern about his reputation should he be seen as not helping Socrates escape.

3. The argument from implied consent (51c-53a). This mainstay of later social contract theory is seriously flawed as it relies on the formal liberty of the citizen, with no regard either for the real freedom of poor citizens or the real unfreedom of women and slave non-citizens. (Formal liberty is the freedom from formal legal constraints: there is no law against a citizen leaving Athens; real freedom is the ability to accomplish a project: there is no real freedom for poor citizens to leave Athens if they cannot afford the ship fare, have no contacts in foreign cities, have no valuable skills, etc.) The same problems, of course, obtain as well for the practicality of "persuade or obey," (how does a poor and badly educated citizen persuade the Council or Assembly or law court?) and even more so for the priority of custom to individual. It's one thing for the customs of the city to claim Socrates the citizen owes them his existence as well-educated citizen, but what possible claim could they have on women and slave non-citizens? (Barring of course some sort of argument that they benefit from being directed by their natural betters: but this is also the aristocratic argument against democracy.)

4. The argument from bad consequences of escape (53a-54b). An interesting article by Darrel Colson, *Crito 51A-C: to what does Socrates owe obedience?* (*Phronesis* 34.1 [1989]) argues that this last argument is the convincing one for Socrates, as it points out that he will not be able to do philosophy outside Athens as an escapee. Thus he is caught between two acts of injustice: do injustice to himself by collaborating in his own unjust execution or do injustice to himself escaping and thereby preventing himself from doing philosophy.

That he chooses suicide as the lesser of two evils is intended as edifying not so much regarding obedience to the state but regarding the superiority of the philosophical life over mere survival. This is the true test, in practice, of whether " the unexamined life" is worth living, and Socrates' drinking the hemlock is a resounding NO!