

PLATO'S SOCRATES ON OBEYING THE LAWS OF DEMOCRATIC ATHENS*

The following pages seek to preserve Plato's Socrates from a contradiction often posited between the end of *Crito* and other Platonic texts, on obeying Athens' laws. While this conclusion may comfort the many admirers of these two very different intellectuals, *Crito* and *Apology* will continue to reflect Plato's strategies to defend his teacher¹.

The Greeks invented written law and down to 458 BC they praised law without qualification. Democratic Athens' support for written law was especially strong, not least because, as Euripides' Theseus says, «when laws are written down, the weak and the wealthy have equal justice» (*Suppl.*, 429-434). To quote only a few texts among many², Athens' *epheboi* swore «to obey the officials and the laws. If anyone seeks to destroy the laws I will oppose him as far as I am able, and with the help of all» (cf. *e.g.*, LYKOURG., 1, 77). The dikastic oath began, «I shall vote according to the laws and the decrees of the Athenian people» (cf. *e.g.*, DEM., 24, 150). Thucydides' Perikles says that the Athenians «do not transgress the law, but obey the officials and the laws» (THUC., 2, 37). In Plato's *Apology*, when Socrates asks Meletos what improves the youth, the first thing Meletos says is, the laws (24 d).

By contrast, for some 100 years from 458 BC, conservative Athenians advanced eight different arguments against the law. I shall summarize these arguments, as I shall soon need them³. First, old laws are good but new laws are bad, a point heard first in Athena's foundation speech for the Areopagos in Aeschylus' *Eumenides*: «may the citizens not pervert the laws by evil influxes; for by polluting clear water with mud you will never find good

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1. A shorter version of the following text was delivered at the Academy of Athens on October 18, 2010, at the kind invitation of Maria Protopapas-Marneli. Many thanks to her, E. Moutsopoulos, Chloe Balla, and the many friends and colleagues who enlivened our discussion.

2. See further my essay, *Nomos/phusis: the anti-democratic context*, in *Φύσις and Νόμος. Power, Justice and the Agonistical Ideal of Life in High Classicism*, ed. A. L. PIERRIS, Patras 2007, pp. 27-42. C. CAREY, *Nomos in Attic rhetoric and oratory*, *JHS* 116, 1996, pp. 33-46, documents the respect for *nomos* in Athens' courts.

3. For details, see WALLACE (n. 2).



drinking» (lines 690-695). Whatever the politics of Aeschylus' trilogy, Athena's celebration of the Areopagos will have pleased conservative Athenians. *Prometheus Bound*, probably not by Aeschylus but written ca. 445-435⁴, also disparages Zeus's new laws (lines 150-151, 404). Second, the unwritten laws of the gods are superior to the written laws of the city, first attested in Sophocles' *Antigone* in 442 (lines 453-457)⁵. Third, law, *nomos*, conflicts with nature, *physis*, first attested in the 420s in Antiphon (DK 87 fr. 44 a), whom the democracy executed in 411 for treason (THUC., 8, 68, 1). Fourth, laws are too weak to be effective, as Thucydides' Diodotos says in his debate with Athens' democratic leader and champion of law Kleon (3, 45). Fifth, laws are no good since the men who pass them often change them (see e.g., Xenophon's «Hippias» at *Mem.* 4, 4, 14). Anti-democratic Thucydides enjoys making Cleon say that bad laws that remain fixed are superior to good laws that lack authority (3, 37). Sixth, the democracy often ignores its own laws, most famously in the Arginousai trial of 406 when the Athenians illegally tried eight generals as a group (XEN., *Hell.* 1, 7, 12; see also PL., *Rep.* 563 d). Seventh, virtue is advanced not by laws but by the habits of daily life, attested for example in Isocrates' *Areopagitikos* (7, 39-41). Finally, eighth, wise rulers need no laws, which are blunt instruments, a key theme in Plato's *Republic* (see e.g., 425 b ff.; also *Statesman* 294 ff.). The reason for conservatives' opposition to Athens' laws is that, as the «Old Oligarch» (1, 8-9), Xenophon (*Hell.*, 1, 7, 12), Plato (*Rep.*, 563 d, 557 e), and Aristotle (*Pol.*, IV 4, 25-31) say, they thought the democracy was passing laws in its own interest⁶.

By contrast, Plato's *Crito* and *Apology* have been understood to affirm that one well known anti-democrat, Socrates, agreed to obey even the unjust laws of Athens' democracy, if he could not persuade the city to change them. What do we make of this?

First, was Socrates anti-democratic? Although this idea makes some contemporary scholars unhappy, Richard Kraut and others have pointed out

4. On the date, cf. M. GRIFFITH, *Aeschylus, Prometheus Bound*, Cambridge, Cambridge U.P., 1983, p. 33 and reff. (Griffith himself is cautious). Against Aeschylean authorship, see M. GRIFFITH, *The Authenticity of Prometheus Bound*, Cambridge, Cambridge U.P., 1977 [on the date, see pp. 8-13], ID., *The vocabulary of Prometheus Bound*, *CQ* 34, 1984, pp. 282-285, and M. L. WEST, *Studies in Aeschylus*, Stuttgart, Teubner, 1990, ch. 3.

5. I hope to argue elsewhere that Sophocles was politically conservative. For the moment see my essay, Tecmessa's legacy: valuing outsiders in Athens' democracy, in *Valuing Others in Classical Athens*, (eds.) I. SLUITER and R. ROSEN, Leiden 2010, pp. 137-54.

6. Athens' democracy came to respond to some of these criticisms. Orators acknowledge the gods' unwritten laws as also important (although the city legislated that officials could not use unwritten laws: ANDOC., 1, 87). Athens instituted the *graphê paranomôn* to eliminate confusion between laws and between laws and decrees. It instituted *nomothetai* to draft new laws. From 410 it codified its laws.

that all our sources say he was, including his students Plato and Xenophon, and their statements are supported by much outside evidence and contradicted by nothing⁷. In all of Plato's dialogues including the early «Socratic» dialogues (which many think aim to represent the historical Socrates), Socrates condemns democracy. In *Crito* itself Socrates asks Crito, «Why should we consider what most people think», as opposed to «intelligent people»? Crito answers that «the capacity of ordinary people to cause trouble... has hardly any limits» (44 c-d). Socrates notes that the masses act at random, «the power of the people conjures up fresh hoards of bogeymen to terrify us, by chains and executions and confiscations» (46 c). We must listen to «the expert in right and wrong, the one authority who represents the actual truth» and not «the general public», «the many» (47 a-48 a). Later in *Crito*, the «laws and commonwealth» say that Socrates' favorite models of good government are Sparta and Crete (52 e), Thebes and Megara (53 b), all of them oligarchies and Megara an extreme oligarchy (THUC., 4, 74, 3-4).

In Plato's *Apology* Socrates also condemns democratic courts and democratic government. The speech in part parodies democratic court speeches⁸. Socrates apologizes for not weeping or bringing into court his family to sway the dikasts; he says he lacks the boldness and shamelessness needed to prevail (38 d). His dialogue with Meletos confirms the importance for him of expert leaders and teachers, just as horses should be trained by horse trainers (25 a-c). He also declares that he is removed from politics and takes no part in the Assembly, or else he would have been killed long ago. «No man will survive who opposes you or any other crowd and prevents the occurrence of many unjust and illegal happenings in the city» (31 c-e).

Finally, Xenophon mentions the charge that Socrates «taught his followers to despise the established laws» (*Mem.*, 1, 2, 9). As Kraut observes (*op. cit.*, n. 7: 195, n. 2), «In the *Memorabilia*, Socrates' hostility towards democracy is unmitigated: 2, 6, 26; 3, 1, 4; 3, 7, 5-9 [the Assembly is filled with 'dunces and weaklings, cleaners, shoemakers, carpenters, smiths, peasants, traders, and stallholders in the Agora whose minds are set on buying cheap and selling dear, ... men who have never given a thought to public affairs'], and esp. 3, 9, 10», against the popular election and allotment of officials.

By contrast, in Plato's *Crito* and *Apology* Socrates has often been understood to support the laws of democratic Athens. In *Crito* he refuses Crito's

7. R. KRAUT, *Socrates and the State*, Princeton, Princeton U.P., 1984, pp. 194-99. Contrast, e.g., T. IRWIN, Was Socrates against democracy?, in *Plato's Euthyphro, Apology, and Crito. Critical Essays*, ed. R. KAMTEKAR, Lanham MD, Rowman and Littlefield, 2005, pp. 127-49.

8. See among others, D. D. FEAVER and J. E. HARE, The *Apology* as an inverted parody of rhetoric, *Arethusa*, 14, 1981, pp. 205-216, and K. SEESKIN, Is the *Apology* of Socrates a parody?, *Philosophy and Literature*, 6, 1982, pp. 94-105.

urging to disobey those laws by escaping from jail, and in an imaginary conversation with the «laws and the commonwealth» of Athens (τὸ κοινὸν τῆς πόλεως) at the end of the dialogue, they point out to him,

Do you think that a city can subsist and not be overthrown, in which the decisions of law have no power, but are set aside and overthrown by individuals? What will be our answer, Crito, to these and similar words? ... We might reply, Yes; but the city was unjust to us, and gave an unjust sentence. And was that our agreement with you?, the laws and commonwealth would say; or were you to abide by the sentences (δίκαις) which the city ἂν δικάζη? (50 c) ... Are you too wise to realize that your fatherland is more to be honored . . . than your mother, father, and other ancestors? ... You must persuade your fatherland or do what it commands, and endure in silence what it orders you to endure, whether you are beaten or bound, whether you are led into war to be wounded or killed, these things must be done, and this is justice (τὸ δίκαιον). (51 a-c)

In *Apology*, 32 a-c Socrates mentions that the only city office he ever held was *βουλευτής*, and his tribe was serving as *πρυτάνεις* when the Athenians debated the fate of the Arginousai generals. «I was the only *πρύτανις* to oppose your acting against the laws, and voted in opposition; and while the orators were ready to inform against me and arrest me, with you ordering and clamoring for them to do so, I thought I ought to run the risk on the side of law and justice rather than support you in your unjust decision through fear of prison or death». In *Hellenica*, 1, 7, 6 Xenophon tells a similar tale.

Finally, a third argument that the historical Socrates was law-abiding is that he did not escape from jail.

Did Plato's Socrates believe that he and all Athenians must obey the laws of democratic Athens, even if unjust? In *Crito*, Socrates has Athens' «laws and commonwealth» state that unless one can convince the city otherwise, one must do what it orders even if unjust, a profoundly authoritarian position inconsistent with Socrates' defiant statements in *Apology*, for example that if the court orders him to stop philosophizing, he will not obey but will follow god's command (29 c-d: compare Antigone on following divine ordinances over city laws). «I shall not change my conduct, even if I am to die many times. Don't make an outburst, gentlemen!» (30 b-c). Here we may contrast what the «laws and commonwealth» ask in *Crito*, «Did you undertake to abide by whatever judgments the city pronounces?» Doing what is unjust, following unjust orders, is also inconsistent with Socrates' repeated claim that one must never do what is unjust, ἄδικον, including in *Crito* (οὐδενὶ τρόπῳ ἀδικητέον 49 a, οὐδαμῶς ἀδικεῖν 49 b, 49 d). In *Crito*, 49 e he says «a person must do what he has agreed to do, provided it is just», πότερον ἢ ἂν τις ὁμολογήσῃ τῷ δίκαια ὄντα ποιητέον.

Although many scholars have tried to resolve the apparent contradiction between the final pages of *Crito* and other passages (including from *Crito*), no hypothesis has captured the citadel of scholarly consensus⁹. In particular, the phrase «you must persuade your fatherland or do what it commands» (*Cr.*, 50 a) rules out the solution adopted by a number of my colleagues, that while Socrates believed one must never commit an injustice, one might nonetheless have to suffer one. Virtually all scholars write as if Socrates' conversation is only with Athens' «laws». In fact, the «laws and commonwealth» state that by living in Athens, he has agreed to do whatever they command and to be governed by them.

Why does Plato's Socrates quote Athens' «laws and commonwealth» that he must obey Athens' laws even if unjust and do whatever the «laws and the commonwealth» command, in apparent contradiction to other passages in Plato and elsewhere?

To answer this question, we must first consider why Plato's *Apology* only defends Socrates against the religious charge of disbelieving in the city's gods, not against his long-standing involvement with various oligarchs¹⁰ including Charmides, son of Glaucon and Plato's uncle, whom Socrates urged to enter politics (*XEN., Mem.*, 3, 7) and whom the Thirty tyrants put in charge of the Ten at Peiraieus in 404, and Kritias, philolaconian sophist, Plato's great uncle, and leader of the Thirty who brutalized Athens in 404, killing some 1500 persons to steal their money¹¹. Xenophon's *Memorabilia*

9. For example, R. WEISS, *Socrates Dissatisfied. An Analysis of Plato's Crito*, Oxford 1997, contends that, after first propounding good arguments to an uncomprehending Crito, Socrates must turn to bad arguments (obeying even bad laws) for Crito and an unphilosophical audience. Against this notion, see the reviews of WEISS, e.g. by V. HARTE, *CP* 95, 2000, pp. 362-366 and R. KRAUT, *Mind* 110 no. 437, 2001, pp. 293-296. In *Socrates and the State* (n. 7 above), Kraut argues that Socrates means that we must obey the city *only* if it is just, and we must persuade—or even merely try to persuade—the city in court that disobedience is justified. All reviewers of this book remain sympathetic but unpersuaded: see e.g., G. KLOSKO, *The Review of Politics* 46, 1984, pp. 619-622, H. SARF, *The American Political Science Review*, 78, 1984, pp. 1190-1191, J. DYBIKOWSKI, *The Philosophical Review*, 95, 1986, pp. 292-294, and also J. OBER, Living freely as a slave of the law. Notes on why Socrates lives in Athens, in *Polis & Politics. Studies in Ancient Greek History Presented to M. H. Hansen*, ed. P. FLENSTED-JENSEN et al., Copenhagen, Museum Tusculanum, Forlag, 2000, p. 542 («[Kraut's] argument is hard to square with the actual text of the dialogue»).

10. See M. H. HANSEN, The trial of Socrates—from the Athenian point of view, in M. SAKELLARIOU (ed.), *Démocratie athénienne et culture*, Athènes, Académie d'Athènes, 1996, pp. 162-163.

11. For Plato's and others' many references to Charmides, see KIRCHNER, *PA* 15512. More than 1500 victims: AESCHIN. 3, 235; not fewer than 1500: [ARIST.] *Ath. Pol.*, 35, 4; 1500 «without trial»: ISOCR., 7, 67; 20, 11; 1400: DIOG. LAERT., 7, 5; 1300: SEN., *De tranq. animi* 5, 1; according to SCHOL. Aeschin. 1, 39, «some said 1500» but Lysias said 2500. Greed as the motivation for the Thirty's murders: LYS. 12, 6 ff., *XEN. Mem.*, 2, 3, 21-22; 4, 21; DIOD. S., 14, 2, 1; 4, 4; 5, 5-6; *Ath. Pol.*, 35, 4 (also mentioning a second motivation, fear). In addition to their wealth, some of those killed will certainly have been enemies of the Thirty.



does address this issue (e.g., 1, 2, 9-12: thus, «his accuser argued that among the associates of Socrates were Critias and Alcibiades, who did the most evil things to the city»). Aeschines (1, 173) said the Athenians executed «Socrates the sophist because he was shown to have taught Critias». Polycrates' accusation against Socrates in 393 or 392, put in the mouth of the prosecutor Anytos, also took this line: cf. LIBANIOS, *Apol. Soc.*, 157, responding to Polycrates, that Socrates «is charged by his enemies with destroying the democracy». Notwithstanding the amnesty of 403, many later speeches address people's conduct at the time of the Thirty¹². Plato's silence has led a few scholars to suppose that the Thirty's criminal violence was not a factor in Socrates' prosecution. However, most scholars agree that it was a principal factor. Why does Plato's *Apology* not address it? Among different possible answers (for example, that Socrates' *συνήγοροι* did so), history confirms that Plato's speech offered Socrates the best defense of all: silence. Had Plato addressed it, it would stand as an issue. Silence helps it go away. It is a standard lawyer's trick. «There is no truth to the rumor that my client is sleeping with his sister» will make people think about incest.

For this same reason, Plato's *Apology* presents the legal charge of «corrupting the young» purely as religious not political corruption, on which it is silent. Plato's Socrates says, «Surely the terms of your indictment make clear that you accuse me of teaching [the young] to believe in new deities» (26 b), and he goes on to discuss religion. In the passages cited, Xenophon, Aeschines and Libanios state directly that the charge against Socrates was political corruption.

And just so, Plato's claim in *Apology* that Socrates' bad reputation was due to Aristophanes' *Clouds*, an unpopular comedy (cf. *Cl.*, 520-26) performed twenty four years earlier, is a red herring, drawing our attention away from the real reasons for Socrates' reputation, not as a prattling sophist but as a pro-Spartan anti-democrat who professed to teach virtue (cf. e.g., *Cr.*, 45 d) but whose students, friends and associates twice helped overthrow Athens' democracy and murder some 1500 persons. In *Apology* Socrates mentions first the *Clouds* (19 c), then his cross-questioning various Athenians who professed to be wise (20 a-23 b), and then his students who copied his technique of cross-questioning (23 c), concluding,

There you have the causes that led to the attack upon me... There, gentlemen, you have the true facts, which I present to you without any concealment or suppression, great or small. I am fairly certain that this plain

12. See LYS., 16, 25, 26, 31, with S. C. TODD, The journalist, the academic and the trial of Socrates, *Polis*, 8, 1989, pp. 28-48 (a review of STONE'S, *The Trial of Socrates*), and ID., *The Shape of Athenian Law*, Oxford, Clarendon Press, 1993, pp. 232-236.

speaking of mine is the cause of my unpopularity; and this really goes to prove that my statements are true, and that I have described correctly the nature and the grounds of the calumny that has been brought against me. Whether you inquire into them now or later, you will find the facts as I have just described them (23 e-24 b).

But Plato's Socrates has suppressed, he has concealed, he has not described correctly. The elephant in the courtroom was the spectre of the Thirty, including Charmides and Critias, their leaders and Socrates' students. The Thirty remain unmentioned until the end of Plato's speech, as it were outside the argument, when Socrates recounts only how they tried to implicate him in one of their murders (32 c-d). According to Plato he said nothing but just went home: οὐ λόγῳ ἀλλ' ἔργῳ ἐνεδειξάμην: «I showed not by word but by deed ... that I would do nothing unjust». Plato's speech conceals the real worry of Athens' dicasts, that because the anti-democratic, pro-Spartan Socrates had taught Critias and other pro-Spartan anti-democrats, he helped provoke and thus shared responsibility for the violent overthrow of Athens' democracy (as Aeschines, Xenophon and Polycrates indicate), and remained a dangerous threat to the city's safety. As I have noted, even Plato's Socrates says that even if he is condemned, he will continue to act as before. «Don't make an outburst, gentlemen!»

But secondly, without directly mentioning the terror of 404, the end of *Crito* does address the issue of lawlessness central to the Thirty's violence. Here, so far from not protesting tyrants or oligarchic death squads, Socrates seems to swear that he is an absolutely law-abiding citizen, so much so that he will obey even the democracy's unjust laws and refuse to escape from jail. *Crito* is thus a second apology, reflecting the principal issue of shared responsibility for the Thirty's lawlessness which many think was the driving charge against Socrates but on which Plato's first defense speech was almost silent. In *Crito* the «laws and commonwealth» point out to Socrates (50 b): «Do you think that a city can subsist and not be overthrown, in which the decisions of law have no power, but are set aside and overthrown by individuals?». That happened in Athens in 404, and Plato's Socrates here seems to disavow responsibility. The «laws and commonwealth» say to him, «a destroyer of laws might well be supposed to have a destructive influence on young and foolish human beings» (53 c), and so Plato defends him right here against that charge. As a supporter of laws, he therefore did not corrupt the lawless young.

However, at the same time, with masterful irony undercutting his apparent message, Plato has Socrates utter the same absurdist argument that Thucydides put in the mouth of Cleon: that even bad laws must be obeyed. Thus we see that even Plato's Socrates condemned Athens' laws as bad. Furthermore, at 52 d 5 the «laws and commonwealth» pick up their statement

at 51 e 3-4 that everyone who stays on in Athens has ἔργῳ agreed to do what they command, but at 52 d 5, using the same expression as Socrates in *Apology*, Plato has the «laws and commonwealth» ask the question whether by remaining in Athens Socrates agreed to obey Athens' laws and be governed by Athens «in practice but not in word», ἔργῳ ἀλλ' οὐ λόγῳ: εἰ ἀληθῆ λέγομεν φάσκοντές σε ὁμολογηκέναι πολιτεύσεσθαι καθ' ἡμᾶς ἔργῳ ἀλλ' οὐ λόγῳ, ἢ οὐκ ἀληθῆ: «do we say the truth, φάσκοντες, asserting [«often with a notion of alleging or pretending»: LSJ s.v.] that you have agreed to be governed by us in practice but not in word, or is this not the truth?» (52 d). The unexpectedly emphatic phrase ἔργῳ ἀλλ' οὐ λόγῳ, «in practice but not in word»¹³, has been mistranslated by most Plato scholars. Jowett has «in deed and not in word only», Grube the same, «you agreed, not only in words but by your deeds». Better but still dodgy is Hugh Tredennick: «in deed if not in word» and Reginald Allen basically the same, «if» seeming to imply that maybe he said it, maybe he did not, an ambiguity which is not in the Greek. John Burnet comments: «some would bracket ἀλλ' οὐ λόγῳ, but the phrase ἔργῳ ἀλλ' οὐ λόγῳ is a standing formula, and must not be too closely analysed»¹⁴.

However, the point of ἀλλ' οὐ λόγῳ is straightforward: Plato here directly states that Socrates *never said* he would obey Athens' laws. And precisely so, again with masterful subtlety, in *Crito* only Athens' «laws» say he must obey them, only Crito concludes that Socrates must obey: Socrates himself never says this, but only asks Crito what conclusions they must draw. Our philosophy colleagues have tied themselves in knots to show that what the «laws» say is inconsistent with Socrates' beliefs¹⁵. All to the good: but the simple fact is that nowhere in the dialogue does Socrates say he ever agreed to obey unjust laws, and so there is no contradiction.

Finally, at the end of the dialogue as Weiss and Verity Harte have shown, one last time Plato undercuts the whole, when Socrates claims that he heard the laws «just as a mystic Corybant seems to hear the strains of music» (54 d).

13. By contrast, οὐ λόγῳ ἀλλ' ἔργῳ would emphasize the fact. I owe this point on emphases to Umberto Laffi.

14. J. BURNET, *Plato's Euthyphro, Apology of Socrates and Crito*, Oxford, Clarendon Press, 1924, *ad loc.* In *Argument and agreement in Plato's Crito*, *History of Political Thought* 19, 1998, pp. 313-330, Melissa LANE contends that the laws here distinguish between «agreements-in-action», ἔργα, and «agreements-in-argument», λόγοι. Socrates argues against escape in the first part of *Crito*. Subsequently, «the rejection of escape which Socrates has determined by agreement-in-argument, is established by the Laws on the basis of agreement-by-action» (p. 324), «deeds can also be the test of words» (p. 326). I would ask, why would the «laws» say that Socrates did not agree to escape «in argument», when in the first part of the dialogue he had?

15. See e.g., A. D. WOZLEY's in many ways admirable *Law and Obedience: The Arguments of Plato's Crito*, London, Duckworth, 1979.

In other words, all is fantasy. Socrates says that his ears are ringing so loudly that he cannot hear the other side, Plato now adding one final ambiguity: ἀλλ' ἴσθι, ὅσα γε τὰ νῦν ἐμοὶ δοκοῦντα, ἐὰν λέγῃς παρὰ ταῦτα, μάτην ἐρεῖς: «but know», Socrates says to Crito, «however many are the things that seem to me now, if you speak against these, you will speak in vain», concluding that they should follow the god. What are these things that «seem» to Socrates? They will not be what the «laws» have said, because Crito agreed with the «laws». They are more likely his original intention, not to escape from jail.

The question then is raised: if Plato's Socrates does not believe what the «laws and commonwealth» say, why does Plato have him quote them? In *Crito* Plato wants simultaneously to defend Socrates against the charge of illegal conduct, *and* to impugn Athens' laws as unjust, *and* not actually to have Socrates state that one must obey the laws and commonwealth of Athens, something Socrates did not believe. Plato hoped that readers not attentive to his masterful irony and undercutting might think that Socrates believed that the commonwealth and its laws, even if unjust, must take precedence over any individual, which was in fact a widespread Greek belief. Unfortunately, even his most sophisticated readers have missed his more complex point, because they have approached *Crito* philosophically, not as a second defense speech. The whole rigmarole of bringing on «the laws and commonwealth» of Athens for a questioning session between Socrates and Crito was a brilliant strategy to shield Socrates from directly stating his opinions. Why does Socrates himself nowhere state, simply and directly, that he will obey the laws of democratic Athens, if he thought he should?

As I have noted, many scholars believe that Plato's early representations of Socrates reflect the historical person. On the other hand, Plato's dialogues are also fiction. Socrates always says what Plato wants him to say, Plato writes Socrates' speeches, he is not a historian but Socrates' defense lawyer, and we don't normally consider lawyers' speeches history. Charles Kahn rightly observes, «the Socratic conclusion not to escape from prison is argued here on the basis of a highly original theory of tacit contract or consent which we have no reason to ascribe to the historical Socrates»¹⁶. Paul Friedländer remarked, «it is Plato's artistic triumph that we take what he invented as historical reality»¹⁷. When Plato has Socrates claim that virtue

16. C. H. KAHN, Did Plato write Socratic dialogues?, *CQ*, 31, 1981, pp. 305-324 on p. 308, but contrast two other statements, «Plato surely does attempt to give a lifelike portrait of Socrates» (p. 305) and «it would be strange if [Plato] had used this freedom [to invent] to misrepresent Socrates' basic position of respect for law» (p. 308)—even though Plato does not hesitate to make Socrates pronounce (for example) Plato's theory of Forms. Kahn's article does not mention Athens' anti-democrats' aversion to democratic law, or *Crito* as a defense text.

17. P. FRIEDLÄNDER, *Plato I: an Introduction*, trs. H. Meyerhoff, Princeton, Princeton U.P., 1973, p. 158.

cannot be taught, of course it can be; in *Apology* 38 a, Socrates says «the greatest good is to discuss virtue every day», again and again Socrates says that virtue is philosophical knowledge. Plato's statement that virtue cannot be taught is his further defense of Socrates against the charge that «he taught Critias», which he did. In *Apology* 33 a, in the context of the Thirty, Socrates states, «I have never been anyone's teacher... If anyone says he has learned anything from me... he is not telling the truth». Nonsense, as Plato knew. Just a few lines later Plato's Socrates says he seeks to teach (διδάσκειν) the dikasts (35 c), and a few lines after that, he says his method was to approach individuals privately, trying to persuade them to be good and wise (36 c). Here Plato does self-contradict, because he wants to have his cake and eat it: at once to defend Socrates and reveal the truth.

According to Plato and Xenophon, Socrates also remonstrated with his fellow democratic βουλευταί not to break the law in the Arginousai prosecution. Even if we assume that this episode is historical (Plato and Xenophon are in part contradictory, and often invent), the main point is that Socrates here uses another standard anti-democratic argument against the democracy's laws, that the demos itself does not obey them. If this episode happened, it offered Socrates a delicious moment to convict the democracy of hypocrisy. Anti-democrats like Plato and Xenophon certainly told the story for that reason. Socrates' objection to the demos' behavior is consistent with conservatives' disdain for democratic law. It need not mean that Socrates supported that law.

Finally, why Socrates refused to escape is a big question. There is much to be said for Xenophon's view that Socrates did not seek to avoid execution, although not for the reason he suggests, to avoid the pains of old age (*Mem.*, 4, 8, 6-10; *Ap.*, 1-10, 22, 33). Rather, the terror of 404 was a disaster for Socrates, after «saying your whole life that you cared for virtue» as Plato's Crito says to him (45 d), and for so long professing to teach virtue. Why does Plato's Socrates not offer a better defense speech? Even Plato's Crito calls his speech a farce (45 e). Why does Plato's Socrates say that his δαιμόνιον did not oppose his conduct in court (cf. also *XEN.*, *Ap.* 4), from which Socrates concludes that death may be a good thing (40 a-c)? He says, «It is better for me to die now and escape from trouble» (41 d). Quite. Why does Plato's Socrates say that if acquitted, he will go on doing what he has always done? And why did the historical Socrates not propose a serious alternative penalty to death which the prosecution demanded? In *Crito* Plato's Socrates says he does not object to dying (43 c-d). May we not see that Socrates wanted to avoid the pains not of old age but of conscience? He was not free of guilt for his students' outrageous actions—he taught them to hate democracy, he did not try to argue them out of their murderous conduct, he told Leon their victim nothing—and he knew it. There was no miscarriage of

justice, and therefore Socrates offered only a perverse defense in court. But Plato turned Socrates' refusal to escape to his advantage, as a golden opportunity to claim that Socrates was a law-abiding citizen. After a day-long court trial to which we are not privy, a small majority of the dicasts concluded that Socrates had broken the law, a judgment that we are in no position to question on the basis of texts written later by Socrates' admirers. Plato shows us that he did not support Athens' laws or commonwealth. In historical fact Socrates was anti-democratic and pro-Spartan, attitudes inconsistent with supporting the laws of Athens' democracy. His accuser's charge that «he taught his companions to scorn the established law ... the established constitution» (*Mem.*, 1, 2, 9) was justified. Our evidence permits the conclusion that even Socrates himself thought that Athens' democracy was right to condemn him.

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Ο ΠΛΑΤΩΝΙΚΟΣ ΣΩΚΡΑΤΗΣ ΓΙΑ ΤΗΝ ΥΠΑΚΟΗ ΣΤΟΥΣ ΝΟΜΟΥΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΚΗΣ ΑΘΗΝΑΣ

Π ε ρ ί λ η ψ η

Ὁ Πλάτων ἔχει πείσει πολλοὺς μελετητὲς ὅτι, στὸν *Κρίτωνα* καὶ στὴν *Ἀπολογία*, ὁ Σωκράτης ὑποστηρίζει πὼς πρέπει νὰ ὑπακούει τοὺς νόμους τῆς δημοκρατικῆς Ἀθήνας, ἔστω καὶ ἂν εἶναι ἀδικοί. Ἀντιθέτως, σὲ αὐτοὺς καὶ σὲ ἄλλους διαλόγους ὁ Σωκράτης ἐμφανίζεται ἐκδηλὰ ἀντιδημοκρατικός. Ἐχει ἐπίσης τὴν πεποίθηση ὅτι δὲν πρέπει κανεὶς ποτὲ νὰ διαπράττει ἀδικία. Στὴν πραγματικότητα, ὁ πλατωνικὸς Σωκράτης δὲν δηλώνει πούθεν ὅτι πρέπει νὰ ὑπακούει τοὺς ἀθηναϊκοὺς νόμους· λέει, μᾶλλον, πὼς δὲν τὸ ἔχει πεῖ. Οἱ ἐντυπώσεις γιὰ τὸ ἀντίθετο ἀποτυπώνουν τὴν ἀριστοτεχνικὴ στρατηγικὴ ὑπεράσπισης ποὺ ἐφαρμόζει ὁ Πλάτων στὴν δίωξη ἐναντίον τοῦ Σωκράτη.

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