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RECONTEXTUALIZING *PHILIA*: TWO VERBAL ECHOES OF CRITO'S ARGUMENT IN THE SPEECH OF THE LAWS IN PLATO'S *CRITO*

Abstract

The purpose of this paper is to analyze the recontextualization in the 'speech of the personified Laws' of two phrases in the argument of Socrates' interlocutor Crito. We will see that through this recontextualization, these two phrases are (1) invested with a new meaning, and (2) through acquiring this new meaning, disarm the original force of Crito's words. Since both of these phrases are part and parcel of the ancient Greek ideology of *philia*, the relation to one's kin and the obligations and loyalties this entails, this paper will first highlight how Crito's argument is indebted to *philia*-ideology, and proceed to show that, whilst upholding the overall importance of *philia* as loyalty *per se*, the same phrases become part of a different *philia*-relation in the Laws' speech: not between biological parent and son, but between the laws as parents and citizens as offspring.

Keywords: ancient Greek philosophy, Plato, Plato's *Crito*, 'minor Socratics', historiography of philosophy, Greek popular morality, *philia*-ideology, rhetoric, legal obligation

1. Introduction

In his biography of Socrates, the 3rd century AD intellectual historian Diogenes Laertius relates the report of another source, Demetrius of Byzantium, to the effect that it was Crito who took Socrates out of the workshop (Socrates' father was a sculptor) and 'educated' him (παιδεῦσαι, *paideusai*), being attracted by the grace of his soul.[1] Diogenes Laertius wrote biographies of the most reputable philosophers of antiquity; although it should be kept in mind that he wrote some six centuries after Socrates and Plato lived. Crito, who was of roughly the same age as Socrates, is

one of the closest companions; he is present at Socrates' deathbed in the *Phaedo* and Socrates refers to him in Plato's *Apology* as one of the friends who have promised to stand surety and cover the penalty of thirty *minae* that Socrates proposes.

The Platonic dialogue named after Crito, the *Crito*, is part of a Platonic tetralogy set against the backdrop of the historical events of the accusation, conviction, and death of Socrates. In the order of absolute chronology, these texts are: *Euthyphro*, *Apology of Socrates*, *Crito*, and *Phaedo*. Each of these four texts links the philosophical topic under discussion with the fate that befell Socrates and led to a premature death – the just individual in an unjust society, Athens. In the *Euthyphro*, the topic discussed is the nature of the virtue of piety (ὁσιότης, *hosiotēs*), and the conversation takes place in the portico (or *stoa*) – that is, not inside but in front of the entrance – of the building of the *archōn basileus*, the 'king magistrate' who presided over the preliminary hearings of possible trials. The dialogue ends with Socrates having to cut the conversation short because he has to go inside for hearing the formal charge of impiety which has been brought against him: this is a good example of how the setting of a Platonic dialogue is often "rich in significance" for the topic discussed.[2] Plato's *Apology of Socrates* purports to be Socrates' defence speech before the court of Athenian (lay) judges, in which he defends himself, in typically Socratic manner, against the charges of impiety (introducing new gods into the city) and against corruption of the youth. In the *Crito*, the convicted Socrates who awaits his death in his prison cell is confronted with the opportunity to save himself, but sees himself compelled to abide by the verdict and undergo his death sentence. Finally, in the *Phaedo*, Socrates and his followers discuss Socrates' topic of the immortality of the soul against the background of Socrates impending death by the drinking of hemlock. All of these texts in one way or another demonstrate the futility of practical, human concerns in the light of the pursuit of philosophy.

2. The Socratic Authors, Crito, and Plato's *Crito*

The provocative and unconventional intellectual attitude of the 5th century B.C. Greek philosopher Socrates inspired an entire new genre among those who were part of his circle. The 'Socratic discourse' (Σωκρατικὸς λόγος, *Sōkratikos logos*), referred to by Aristotle in his *Poetics* as if it was well-known and established, is now commonly referred to as 'Socratic literature'

or the 'Socratic dialogue'. Besides Plato, writers such as Antisthenes, Phaedo, Xenophon, Aeschines, Eucleides began to write philosophical dialogues in the aftermath of Socrates' trial and execution, modelled on Socrates' habitual conversation practice. In these dialogues, Socrates engages with one and sometimes two interlocutors in a conversation about a particular moral question, such as the definition of virtue or of a specific virtue (such as courage, moderation, or justice). These authors are now commonly known as the 'minor Socratics'; that they are called 'minor' is the corollary of the fact that their works are preserved in a very fragmentary form: in contrast to Plato, whose entire oeuvre was (by way of exception for an ancient author) preserved, of the works of the other Socratic authors the remains are rather scanty.[3]

Crito, who was about the same age as Socrates and one of his closest friends, also wrote dialogues. Such, at least, we are told in the short biography of Crito written by Diogenes Laertius.[4] In the brief chapter about Crito, we furthermore read that Crito was a citizen of Athens, from the same deme as Socrates; that he had a great affection for Socrates; and that he displayed so much care for him that nothing of his needs were left unmet (he was a wealthy man, who wished his wealth to help Socrates, as we hear in the *Apology*, 38b).[5] Moreover, Diogenes reports that Crito's own sons (Critobulus, Hermogenes, Epigenes and Ctesippus) were themselves pupils of Socrates. What is most interesting is that Crito himself is also reported to have written dialogues (διάλογους γέγραφεν, *dialogous gegraphen*),[6] as many of Socrates' pupils, including Plato, did: seventeen in sum, dealing with topics that were part of the standard repertoire in the Socratic circle as well as in Athenian intellectual circles more broadly: for example, 'That those who are good are not so from learning' (ὅτι οὐκ ἐκ τοῦ μαθεῖν οἱ ἀγαθοί), 'About amassing things' (περὶ τοῦ πλέον ἔχειν), 'About the good / beautiful' (Περὶ τοῦ καλοῦ), 'About doing ill' (Περὶ τοῦ κακουργεῖν) and, interestingly in view of the plot of the *Crito*, a dialogue entitled 'About the law' (Περὶ τοῦ νόμου).[7] Since none of these dialogues survives, we can unfortunately only speculate as to their erstwhile contents.

In Plato's eponymous dialogue, Crito visits Socrates in his prison cell only days before his death, in a final and desperate attempt to persuade Socrates to accept the offer of his friends to escape from prison (and Athens) and thereby save himself. Socrates' wealthy friends are willing and ready to bribe the prison guards to let Socrates out, as, at an earlier stage of the trial, his wealthy friends were ready to pay a fine of thirty *minae* if that would have been Socrates' punishment.[8] It is obvious from Crito's plea

that any Greek in Socrates' situation would have jumped at this chance: Crito insists that no one who hears about Socrates' death will understand why Socrates would have refused such an opportunity if he were offered one, and that, therefore, the common assumption will be that his friends have not taken any effort to save Socrates – and have thus failed to act as loyal friends (*philoi*) ought to have acted. They would incur the reputation of being the sort of people who value money over friends, *Crito* 44b6-c5:

> ὡς ἐμοί, ἐὰν σὺ ἀποθάνῃς, οὐ μία συμφορά ἐστιν, ἀλλὰ χωρὶς μὲν τοῦ ἐστερῆσθαι τοιούτου ἐπιτηδείου οἷον ἐγὼ οὐδένα μή ποτε εὑρήσω, ἔτι δὲ καὶ πολλοῖς δόξω, οἳ ἐμὲ καὶ σὲ μὴ σαφῶς ἴσασιν, ὡς οἷός τ› ὢν σε σῴζειν εἰ ἤθελον ἀναλίσκειν χρήματα, ἀμελῆσαι. καίτοι τίς ἂν αἰσχίων εἴη ταύτης δόξα ἢ δοκεῖν χρήματα περὶ πλείονος ποιεῖσθαι ἢ φίλους; οὐ γὰρ πείσονται οἱ πολλοὶ ὡς σὺ αὐτὸς οὐκ ἠθέλησας ἀπιέναι ἐνθένδε ἡμῶν προθυμουμένων.
>
> "… since, if you die, for myself it isn't just a single disaster but, apart from being deprived of such a companion, the like of whom I shall never find again, in addition many people who don't know me and you well will think that, as I would be in a position to save you if I were willing to spend my money, I have deserted you. And what more shameful reputation could there be than appearing to value money more than one's friends? For the majority of people won't believe that you yourself were unwilling to get out of here despite our insistence." (Transl. C. Emlyn-Jones, slightly modified)

In order to make this point even clearer, Crito proceeds by affirming that money is really not more important to him and their friends than Socrates' life, as they would be prepared to run the risk of losing huge sums of money, or even their entire livelihood. If Socrates is deterred from escaping by worries about the trouble so-called informers (*sukophantai*) might cause for his friends, by starting a legal case against them for smuggling Socrates out,[9] which, if they would lose such a trial, might result in losing all their property or at least a large sum of money, he should forfeit all such worries. It is just for them to run this risk, and even a greater risk, if such actions can save Socrates.[10]

Besides the values of *philia* ('friendship'[11]) and considerations that centre around the obligations one has to friends (*philoi*), there is a second major strand or argument in Crito's plea: justice. Knowing Socrates' lifelong attachment to justice, Crito argues that it is not just to betray himself by forfeiting the possibility to save himself. He is thereby not advancing his own interests, but the cause of his adversaries who wish to get rid of

him. Moreover, Socrates is not only betraying himself, but also his sons; for while he is offered the chance to save his life and contribute to his children's upbringing and education, he surrenders them to whatever chance may befall them, *Crito* 45c8-d6:

> πρὸς δὲ τούτοις καὶ τοὺς ὑεῖς τοὺς σαυτοῦ ἔμοιγε δοκεῖς προδιδόναι, οὓς σοι ἐξὸν καὶ ἐκθρέψαι καὶ ἐκπαιδεῦσαι οἰχήσῃ καταλιπών, καὶ τὸ σὸν μέρος ὅτι ἂν τύχωσι τοῦτο πράξουσιν· τεύξονται δέ, ὡς τὸ εἰκός, τοιούτων οἷάπερ εἴωθεν γίγνεσθαι ἐν ταῖς ὀρφανίαις περὶ τοὺς ὀρφανούς. ἢ γὰρ οὐ χρὴ ποιεῖσθαι παῖδας ἢ συνδιαταλαιπωρεῖν καὶ τρέφοντα καὶ παιδεύοντα, σὺ δέ μοι δοκεῖς τὰ ῥᾳθυμότατα αἱρεῖσθαι.
>
> In addition to this I think you're letting down your sons whom you're deserting, and when you could bring them up and educate them you're leaving them in the lurch, and as far as you're concerned their fortune will be whatever comes their way. It's likely that they'll experience the sorts of things that usually happen to orphans when they lose their parents. Why, either one shouldn't have children, or one should get involved in the troublesome task of rearing and educating them as long as it takes; but you seem to me to be choosing the easiest way out. (Transl. C. Emlyn-Jones)

Crito goes on to insist that Socrates, who has all his life professed to care about nothing but virtue (*aretē*), might now be deemed a coward by those who hear of this inexplicable turn of affairs; if not because of his friends' greed, people might still assume that Socrates' failure to escape is to be blamed on cowardice. Crito warns Socrates that he should be careful that this failure to escape will not reflect negatively on them all, and have some harmful consequences.[12]

Crito's argumentation reflects Greek cultural preoccupations revolving around a nexus of concerns grounded in responsibility, loyalty, and reputation, that in the scholarship has become known as Greek 'popular morality' (that is, popular, in the sense of conventional, used in contrast to our philosophical sources). This notion of popular morality was first discussed in Dover's seminal book (1974) *Greek Popular Morality in the Time of Plato and Aristotle*: it is the morality that we find in Greek tragedy, in Greek comedy, in ancient biographies, as an initial point of departure in Aristotle's ethical treatises, and as an *in*sufficient understanding of justice in Plato. Greek popular morality is usually summed up with the adage that moral excellence (*aretē*) consists in 'helping one's friends, harming one's enemies'. This ideology requires that one assists one's friends and

defends one's own and their interests whenever that is possible or called for; conversely, one has the obligation to hinder one's adversaries, or those who promote a different course than oneself or one's friends, from achieving their purposes.[13]

The arguments Crito is made to bring forward have often been considered selfish, betraying that Crito is only concerned with his own reputation. Moreover, some interpreters have held that they are in any case not very philosophical, and that Crito's worries about what others will *think* (in *Crito* 44b9-c5 44d1-5, 45d9-46a4) show that Crito has after all not learned much from his decade-long friendship with Socrates. His fear of losing face in the eyes of others is taken to demonstrate that he has failed to take to heart one of the most fundamental tenets of Socratic philosophy, namely that the opinion of the mass (and whether one is thought to be shameful in the yes of others) is completely irrelevant. The only thing that matters are the demands and exigencies of philosophy: from the perspective of 'the largest concerns' (τὰ μέγιστα, *ta megista*) of philosophy, what others may think are mere trivia.

Other interpreters, however, have justly pointed out that this is an unfair portrait of Crito. In addition, it might be remarked that the image of Crito as unphilosophical may be somewhat biased in favour of Plato, if we take into account the fact, mentioned above, that sheer fact that Crito himself was highly engaged in philosophy and wrote (at least) seventeen dialogues himself.[14] And as far as Crito's arguments are concerned, which revolve around *philia* and popular morality that may be summed up in the axiom 'help one's friend, harm one's enemies', we may refer to another Socratic author, Xenophon. Xenophon has often been dismissed as a dry and unphilosophical author; but it is striking that the utterances of Xenophon's Socrates (in Xenophon's *Apology* and in his *Memorabilia*, 'memoirs' of Socrates) are much closer to Greek popular morality briefly sketched above than those of Plato's Socrates. Instead of dismissing Crito's argumentation as unphilosophical because it is not in line with what we hear *Plato*'s Socrates state, it seems preferable to assume either of two things: either Plato was the only one of Socrates' circle (as far as we have the means to ascertain, at least) who *truly* understood what Socrates meant and who truly realised the extent to which this was at odds with contemporary Greek norms and values; or the portrait of Socrates offered in Xenophon (and Crito (?)) came closer to the historical Socrates than Plato's, and Plato has used the controversial reputation of Socrates and to advance some views that, rather than a representation of the views of the

historical Socrates, were supposed to advance a particular philosophical agenda – after all, the only work by a contemporary of Socrates with the express purpose of being biographical is Xenophon's *Memorabilia*. Plato's works are (with the exception of the *Apology* of Socrates) all set up as dialogues and written in the 4th century, that is, after Socrates' death; their historicity and the extent to which they present a more or less faithful portrait of some conversations Plato happened to witness is highly debatable, and powerfully called into question by, first and foremost, a number of blatant anachronisms.[15] The issue of the extent to which it is possible to reconstruct the person and the convictions of the historical Socrates on the basis of the sources that mostly post-date him, and which of the Socratic authors might be the most authoritative source for his life and thought, is known in classical scholarship as the 'Socratic problem'.[16] Charles Kahn has called attention to the "optical illusion" of the Platonic dialogues: Plato's accomplishment as a writer of philosophical dialogues is so immense, that it is all too easy to be misled and to take him for an historian.[17] In the history of philosophy, this optical illusion has led to presenting Socrates' philosophy on the authority of Plato rather than of other Socratic authors, such as Xenophon. The predominant assumption is that Socrates is more or less faithfully preserved in Plato's portrayal of him.

In this paper, I shall not be concerned with the historicity of the discussions portrayed in the Platonic corpus, or with the historicity of the event and conversation portrayed in Plato's *Crito*, nor with the 'Socratic problem'.[18] The Socrates we see portrayed in Plato's *Crito* is, for the purposes of this paper, taken to be *Plato*'s Socrates. What I shall be concerned with here is the rhetoric deployed by Crito and Socrates, and specifically with the question of how the argument of Socrates, who personifies the Athenian laws, engages with the arguments that Crito brings forward in favour of escape.

3. Two Verbal Echoes of Crito's Argument

After Crito's speech, which was briefly discussed above, Socrates does what he is usually portrayed as doing: by way of a question and answer method, commonly referred to as the 'Socratic method', Socrates confronts Crito with a number of questions which, as any reader familiar with the Platonic dialogues will know and expect, ultimately should lead Crito to affirm a proposition that is inconsistent with what he has claimed in his

own speech, thus being forced to admit that one of these two positions must be false – since the basic assumption underlying the Socratic method is that the truth is *consistent*.

Socrates (in his own person) challenges two aspects of Crito's plea: first, he criticizes the fact that Crito is so worried about what other people will think about him if Socrates does not accept their offer to escape: Crito had been worried that he might incur the reputation of being a worthless friend. Yet Socrates asserts that the opinion of those who do not know anything about what happened should not count what counts is only that which is just. The way in which he sets out to 'prove' this claim is by reference to a mode of argumentation that is typical for the Socrates as we see him portrayed in the Platonic dialogues: he resorts to the example of the expert, the one who possesses the *tekhnē* ('skill' or 'craft') in a certain field of specialization.[19] In this case, the specialization he refers to is that of physical training: to whose opinion does the professional athlete pay heed? To the recommendation, proscription, and opinion of every lay man, or to those of a single person only, namely the one who is a trainer and doctor?[20] To this, of course, Crito can only reply that the athlete will listen to the opinions of that one man only. From this it follows easily that the athlete ought to fear the criticism and welcome the praise of this one professional, and not that of the multitude. Contrariwise, if the athlete would pay heed to the multitude, and would pay regard to the words of the many who have no special knowledge, he would surely come to harm? Crito, again can only reply in the affirmative.[21]

Socrates then asks Crito what the nature is of the harm that befalls the athlete who listens to the opinions of the uninformed mass rather than to the opinion of the specialist trainer. Clearly, this is bodily harm: the mass may recommend all sorts of things that are unhealthy, and that may harm the body. Arrived at this point, Socrates makes a crucial argumentative step, which – again – is a procedure typical of the Platonic Socrates: he *assumes*, that is, without arguing for this point, that there exists an analogy between the body and the soul, and between the condition of the body, and the condition of the soul. As the body can be healthy or ill, a soul can be 'healthy' (that is, just, virtuous), or ill (unjust, with the stain of unjust acts committed). Therefore, when it is about moral matters, matters of right and wrong, and disgrace and nobility and good and bad (περὶ τῶν δικαίων καὶ ἀδίκων καὶ αἰσχρῶν καὶ καλῶν καὶ ἀγαθῶν καὶ κακῶν, *peri tōn dikaiōn kai adikōn kai aiskhrōn kai kalōn kai agathōn kai kakōn*, *Crito* 47c9-10), the

same holds true: only the view of the one person who is knowledgeable about such matters should be considered, not that of the multitude.[22]

By way of necessary brief clarification of the above, it may be noted that the notion of 'soul' is a moral notion: one's soul is a kind of 'balance sheet' of the quality (just or unjust) of the actions performed during one's life. That unjust actions harm the soul is one of the central tenets of the Platonic Socrates – hence it is that he can insist, as he does in Plato's *Gorgias*, that it is *in one's own interest* to undergo the just punishment for an action of injustice: only then can one's soul be purified from the stain of injustice. What is more, Socrates considers it to be the sign of a true friend if that friend does not help you to escape a criminal sentence, but ensures that you receive your just punishment. In his view, the friend who makes sure that his friend undergoes his deserved punishment shows a true concern for the quality of his friend's soul. Of course, this stands in a notable contrast to Crito's insistence in the *Crito* that it would be just to escape, and with his assumption that it is the sign of a good friend to keep one's friend from having to suffer any harm, humiliation or punishment.

The second line of argument that Socrates follows is equally based on the importance of not committing any act of injustice. This significantly includes committing an act of injustice *in return for* an injustice suffered. The return of harm for the suffering of injustice according to popular morality could be construed, and would be readily perceived as, an act of justice. By contrast, in Socrates' view, *any* act of harm is an act of injustice, including committing harm as a requital for an injustice suffered. This is important, because this is an essential component of why Socrates can maintain that it would be wrong to disobey the law in spite of the fact that the verdict that condemned him to death was unjust. In his view, no injustice suffered justifies committing an injustice oneself. Significantly, his view of not committing any wrongdoing includes observing just agreements: to break a just agreement is an example of wrongdoing (which is here being treated as standing on a par with injustice).

At the end of this short dialogue between Socrates and Crito, Socrates asks Crito whether, by escaping from prison and running away from Athens without its consent, he would not be committing harm, to those whom they should harm least of all, and whether he would abide by his just agreements (*Crito* 49e9-503):

> ΣΩ. Ἐκ τούτων δὴ ἄθρει. ἀπιόντες ἐνθένδε ἡμεῖς μὴ πείσαντες τὴν πόλιν πότερον κακῶς τινας ποιοῦμεν, καὶ ταῦτα οὓς ἥκιστα δεῖ, ἢ οὔ; καὶ ἐμμένομεν οἷς ὡμολογήσαμεν δικαίοις οὖσιν ἢ οὔ;

> So. "Then consider what follows [from that]: if we leave this place without first persuading the state, 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?" (Transl. C. Emlyn-Jones)

Unsurprisingly, Crito is not able to answer ("I cannot answer your question, Socrates, for I do not understand", *Crito* 50a5-6). Naturally, since Crito has agreed that one should never commit harm and that one should keep one's just agreements, the answer that Socrates question requires would be affirmative – and therefore be the opposite of what Crito had argued for himself. Socrates has here, as so often, forced his interlocutor to assert to something that is the opposite of, or at least inconsistent with, the thesis which the interlocutor originally defended (in this case: that it was just for Socrates to escape). Since Crito's answers to Socrates' previous questions logically commit him to answering 'yes' (and therefore to agree with Socrates' point of view) to the present question, but since, at the same time, agreeing with Socrates here would be inconsistent with his own original position, the discussion here reaches a stalemate. It is at this point, when there is no way forward, that Socrates introduces a rhetorical device: that of impersonating the laws of Athens in order to represent their point of view (which, of course, coincides with his own position that it would be unjust to escape from prison). In the *persona* of the Athenian laws, Socrates gives a speech, that supposedly demonstrates why escaping from prison, and thus disobeying the law, would be unjust.

This 'speech of the Laws' has received a lot of discussion in the scholarship, especially in the period between the 1960s and 1990s. Apart from the fact that this speech of the Athenian laws contains a number of argumentative obscurities and seemingly debatable claims, which have raised questions about the philosophical seriousness of the speech, what appears to be the main claim of this speech, that the law of the state should *always* be obeyed, puts this speech in blatant contradiction with Socrates' other great speech, namely the speech in Plato's *Apology of Socrates*. For in his defence speech in front of the Athenian judges, Socrates claims that he would disobey an order from the court if it were to hinder him in what he there calls his 'divine mission': pursuing philosophy. This means that, if an order from the law or the court (both part of the state) would have imposed on him to stop philosophizing, he would have disobeyed the state. A number of ways to resolve this consistency has been proposed; most recently, a tendency to conceive of this speech as purely rhetorical

has emerged. According to such a reading, the speech cannot be credibly attributed to Socrates, but merely serves to *convince Crito*. Although the assumptions underlying a purely rhetorical interpretation of the speech of the Laws appear to be open to question, here I shall not be concerned with discussing these. Rather, my purpose for the remainder of this paper will be to chart and analyse a set of notable correspondences between Crito's arguments and the speech of the Laws. For, on closer inspection, it becomes clear that, in a number of cases, the Athenian laws / Socrates engage with Crito's arguments in a very direct way: they are made to use the exact same wording as Crito had done in his own speech. In the rhetorical context of the Laws' speech, however, these phrases acquire a distinctly new meaning. The Laws two times pick out a significant phrase from a part of Crito's speech and embed it in their own logic, by that very act investing it with increased significance and turning its original meaning upside down. In the remainder of this paper, I shall look closely at two key phrases that the Laws take from Crito's speech, and analyse the effect of these verbal echoes of Crito's speech by the Athenian laws. It will turn out that these phrases are of central importance for the argument of the speech of the Laws.

3.1. "Generation, nurture, education": The laws as parents

Let us start by looking at the first phrase. In his own speech,[23] Crito had accused Socrates of betraying his sons, who would run a severe risk of becoming orphans (also in the legal sense) without their father alive, if Socrates just 'took off' (to the life after death, that is) and would leave them behind without any male protector.[24] The poignant fact about Socrates' envisaged refusal to escape from prison and to save himself is that Socrates is thereby betraying his sons *while it would have been possible for him to oversee the full process of rearing and of educating them* (καὶ ἐκθρέψαι καὶ ἐκπαιδεῦσαι, *kai ekthrepsai kai ekpaideusai*). One could not beget children at all; but if one does, Crito argues, one should 'stick it out with them' (συνδιαταλαιπωρεῖν, *sundiatalaipōrein*) during everything that raising and educating them involves. In other words, Socrates, according to Crito, is hardly *forced* to give up his role as a father, and therefore in an important respect forsakes his main objective social role.

This argument, and Crito's particular choice of words, gains special significance by the very fact that the impersonated Laws / Socrates use the

exact same words in their own argument – but to argue for the opposite case. Let us therefore look closer at this part of the speech of the Laws.

Giving their view of the relation between them (or the state) and Socrates as its citizen, the Laws claim that Socrates has been begotten, nurtured and educated under the authority, and thanks to, the laws of Athens. The Laws claim that it was because of the laws that Socrates was born, raised, and educated. In an imaginary dialogue between Socrates and the Laws (performed by Socrates, of course), the Laws of Athens claim that it was the marriage laws that allowed his parents to marry and have children, thus making it possible that Socrates could be born at all, and then, that it was because of the laws about the rearing and education of children that Socrates could be educated, *Crito* 50c9-e1:

> τί ἐγκαλῶν ἡμῖν καὶ τῇ πόλει ἐπιχειρεῖς ἡμᾶς ἀπολλύναι; οὐ πρῶτον μέν σε ἐγεννήσαμεν ἡμεῖς, καὶ δι' ἡμῶν ἔλαβε τὴν μητέρα σου ὁ πατὴρ καὶ ἐφύτευσέν σε; φράσον οὖν, τούτοις ἡμῶν, τοῖς νόμοις τοῖς περὶ τοὺς γάμους, μέμφῃ τι ὡς οὐ καλῶς ἔχουσιν;" "Οὐ μέμφομαι," φαίην ἄν. "Ἀλλὰ τοῖς περὶ τὴν τοῦ γενομένου τροφήν τε καὶ παιδείαν ἐν ᾗ καὶ σὺ ἐπαιδεύθης; ἢ οὐ καλῶς προσέταττον ἡμῶν οἱ ἐπὶ τούτῳ τεταγμένοι νόμοι, παραγγέλλοντες τῷ πατρὶ τῷ σῷ σε ἐν μουσικῇ καὶ γυμναστικῇ παιδεύειν;" "Καλῶς," φαίην ἄν.
>
> "Come on then, what blame do you attach to us and the city, that you are attempting to destroy us? Wasn't it we who gave you birth in the first place, and your father married your mother through us and gave you life? So tell us: would you have some complaint against those of us here who are the laws of marriage because they're faulty?" "I have no complaint", I would say. "Well what about those related to the nurture and education of the child by which you too were brought up? Or did those of us Laws who are responsible for this not carry out our instructions properly when we exhorted your father to train you in the arts and physical exercise?" "You did it well", I'd say. (Transl. C. Emlyn-Jones)

As this passage shows, the argument of the laws hinges on the triplet of (1) generation (begetting: the Laws / being born: Socrates), (2) nurture (raising: the Laws / being raised: Socrates), and (3) education (educating: the Laws) / being educated: Socrates). The Laws claim that *they* are the ones who have begotten, raised and educated Socrates, and therefore, Socrates *owes* his existence, nurture and education to the Laws of Athens. In fact, the argument of the Laws especially seems to make much of the fact that by creating the possibility for all of these, they themselves are the ones who *accomplished* them.

The verbal correspondences between Crito's argument and the argument of the Laws (Socrates) are clear: to the nurturing (the verb *trephein*, the noun *trophē*) and education (the verb *paideuein*, the noun *paideia*) of citizens, the Laws themselves add the 'generating' of Socrates (*gennān*) and the 'being born' (*gignesthai*). The Laws now turn Crito's logic around. Whereas Crito had insisted that a father has the obligation to oversee the entire nurture and education of his sons until they are adults, the Laws now insisted that, since they have already begotten, nurtured and educated Socrates, and that they are now technically his parents and even more than his parents, because they made all of this possible in the first place. Therefore, the bonds of loyalty and obligation between parents and children that on the one hand oblige a parent to take care of his child also hold the other way: a child is also obliged to respect and take care of his parent – in fact, the indebtedness of children to parents because all of the sacrifices that parents have made for them, and the obligations this puts children under to respect and be grateful to parents is a very powerful and recurrent motive in Greek literature. It is important to note here that the bonds between parents and children were, like the bonds between friends, part of a network of *philia*-relations, which, as was already observed above, includes not only friends but also kin, especially parents (this is why 'friends' as a translation for the Greek term *philoi* only works in certain contexts, not in all). Indeed, parents could be seen as the best *philoi* one has, because, without knowing you and without knowing whether they would ever be repaid for all the benefits they gave you and all the toil it took to raise you, they have given you everything that you have. The Laws even go so far as to assert that, since Socrates came into existence, was nurtured and educated by the laws, he is not only their offspring, but their slave.[25]

The Laws therefore draw on the same cultural paradigm as did Crito, that of the bonds between parents and children. While the relationship between parents and children imposes obligations on either side, the Laws suggest that, since Socrates has enjoyed his entire upbringing and education under (and by the hands of) the Laws, whereas Socrates has not yet invested that much in his own sons, who have not reached the end of that process yet, they now have a stronger claim on him than his own sons, who have not been raised and educated completely yet. Moreover, incidentally (or perhaps less incidentally), from the argument of the Laws it also follows that the role of the biological parents is relatively limited, because in fact, the upbringing and education of children is the work of the

state and the laws. This means that Crito's incrimination that Socrates by departing (that is, death) would abandon his own sons, and the accusation of exposing them to the risk of becoming orphaned carries much less weight: the Laws claim that children are raised and educated by the laws themselves anyway. From that perspective, orphanage is not a relevant category anymore, and therefore, whether or not a living biological parent is still alive and present is far less relevant.

3.2. "For your part": Individual and state

The Laws appropriate another phrase from Crito's speech for their own argumentative purposes, thereby giving it a new meaning. This is the phrase 'for your part' (τὸ σὸν μέρος, *to son meros,* literally meaning 'for your part'), equally used in the excerpt from Crito's speech cited above. Let us first look in more detail at what this phrase means in its original context. Crito's argument here has already been recapitulated in the previous section, so a brief elucidation of the function of this phrase suffices. Crito states that Socrates is leaving his sons "in the lurch" (leaving one without assistance in a difficult situation) and "as far as you're concerned their fortune will be whatever comes their way", only to add "It's likely that they'll experience the sorts of things that usually happen to orphans when they lose their parents". Rather than making sure that they are protected and offered good schooling and the best opportunities on their way to adulthood, "as far as you're concerned their fortune will be whatever comes their way".

The phrase *to son meros* is actually taken up by the Laws / Socrates. It occurs right at the beginning of the Laws' speech to Socrates. Imagining that he would be on the verge of escaping, Socrates imagines how the laws and the common interest of the city (οἱ νόμοι καὶ τὸ κοινὸν τῆς πόλεως) would come up to him and reprimand him, *Crito* 50a8-b5:

> Εἰπέ μοι, ὦ Σώκρατες, τί ἐν νῷ ἔχεις ποιεῖν; ἄλλο τι ἢ τούτῳ τῷ ἔργῳ ᾧ ἐπιχειρεῖς διανοῇ τούς τε νόμους ἡμᾶς ἀπολέσαι καὶ σύμπασαν τὴν πόλιν τὸ σὸν μέρος; ἢ δοκεῖ σοι οἷόν τε ἔτι ἐκείνην τὴν πόλιν εἶναι καὶ μὴ ἀνατετράφθαι, ἐν ᾗ ἂν αἱ γενόμεναι δίκαι μηδὲν ἰσχύωσιν ἀλλὰ ὑπὸ ἰδιωτῶν ἄκυροί τε γίγνωνται καὶ διαφθείρωνται;
>
> "Tell me, Socrates, what are you intending to do? By this action you're undertaking are you planning to do anything other than actually destroying us, the Laws, and the whole state in as far as it's in your power to do so?

> Or do you think that that state can continue to exist and not be overturned in which legal judgments have no force but are rendered invalid and destroyed by private individuals?" (Transl. C. Emlyn-Jones)

The Laws here claim that by escaping from Athens and hence ignoring the sentence to which the court of Athenian judges sentenced him, Socrates can have no other intention than 'destroying the laws and the entire city for his part'. This claim of the Laws has been the subject of some controversy: it may be considered exaggerated to state that the disobedience to a court sentence of one individual does not 'destroy' the laws and 'the entire city'; moreover, it might be considered somewhat hyperbolic of the Laws here to speak in the plural of a state which cannot continue to exist in which legal judgments have no force but are being destroyed by private individuals. The Laws claim that ignoring the sentence (and hence the law that states that court sentences are authoritative) is tantamount to denying the existence of the laws and the authority of the *polis*. This claim has been repeatedly criticized: the existence and the authority of the entire legal system of the *polis* does not depend upon the obedience or disobedience of a single individual.

Furthermore, it is important to realize that this is *the Laws' interpretation* of Socrates' supposedly planned act of escape: by having the Laws say this, Socrates is in effect saying that *from the perspective of the laws* and the legal order of the *polis* as a whole, his action can only be taken as a deliberate attempt to destroy the laws. Instead of the pragmatic perspective that the disobedience of a single individual will not mean the end of the existence of the legal order, the Laws make it seem as if there exists a direct relationship between each citizen and the laws of his city; from such a perspective, the disobedient act of one individual is a direct rebellion against the laws.

When Crito applies this phrase to Socrates, he construes Socrates' escape in a different way: according to Crito, Socrates' abandoning of his sons and departing his life means that, as far as he is concerned, he does not care about the fate of his sons. As the Laws see Socrates' escape, however, Socrates leaving his prison cell and ignoring the verdict is construed as an intention to compromise the legal order. There is an important difference between these two contexts: in the first, Socrates is the primary, or perhaps the only, person responsible; in the second case, it would seem that Socrates rather is part of a larger whole, and that his actions cannot possibly bear such consequences. Yet this should not

obscure from our view that there is a clear hierarchy: for, if Socrates were to depart to the afterlife and leave his sons behind, they would be entrusted to the state – the same state which is supposed to take care of them and which his escape would render invalid and powerless. Whereas Crito accuses Socrates of not caring about what will happen to his sons if he dies and cannot take care of them, the Laws accuse Socrates of not caring what will happen to them after he escapes. And whereas Crito accuses Socrates of abandoning those who need him most and whom Socrates is obliged to help due to his *philia*-bond between a parent and his child, the Laws here accuse Socrates of forsaking not his children, but a larger duty.

We have looked at the recontextualization of two phrases that Crito used in his argument, the cluster of nurturing and educating, and 'for your part'. We have seen that through the recontextualization in the speech of the Laws, these two phrases are invested with a new meaning, and in that way succeed in disarming the original force of Crito's words. In Crito's own argument, these phrases were elements in an argument for the obligations of *philia* that require Socrates as father to take care of his sons. While upholding the overall importance of *philia* as loyalty *per se*, in their new context, these phrases become part of a different *philia*-relation: not between biological parent and son, but between the laws as parents and citizens as offspring.

NOTES

1 D.L. 2.121.

2 See for an analysis of the significance of the setting of the *Euthyphro* in relation to the discussion on piety Klonoski (1985/6).

3 The minor Socratics are discussed in Kahn 1996, Chapter 1. Collections of the fragments of the Socratics are offered in Giannantoni 1990; Boys-Stones & Rowe 2013.

4 D.L. 2.121. The Greek text and the English translation can be consulted in the bilingual Loeb-edition (see under bibliography, sources).

5 D.L. 2.121. On Crito, Boys-Stones & Rowe (2013), 309. The Socratic author Euclides of Megara is also reported to have written a dialogue *Crito*: D.L. 2.108.

6 See Beversluis 2000, 60, who also mentions Crito's authorship of 17 dialogues. "This is more than a little surprising. As portrayed by Plato, Crito is not the sort of man who writes philosophical dialogues". In D.L. *ibid.*, the report is followed by the remark that Socrates practiced ethical philosophy (τὰ ἠθικὰ φιλοσοφεῖν) 'in the workshops and the marketplace' (ἐπί τε τῶν ἐργαστηρίων καὶ ἐν τῇ ἀγορᾷ); for similar testimonia: Wycherley 1957, 628-631 ("tables"). Cf. D.L. 2.25: Often when he looked at the multitude of wares exposed for sale, he would say to himself 'How many things I can do without!'

7 Although Diogenes Laertius had access to a myriad of works that are now lost to us, it should be observed that Diogenes still wrote six centuries after Socrates and Plato lived.

8 Plato, *Apology* 38b7-8. Thirty *minae* was a considerable sum. One *mna* equaled 100 *drachmae*, and thirty *minae* was half a *talent*. In the Athenian legal system, the accused was allowed to suggest a punishment himself (as Socrates does in *Apology* 38b8-9), and Socrates therefore could have suggested to pay a fine rather than be sentenced to death. The jurors were offered the choice between voting for no punishment / not guilty, or voting for punishment.

9 'Informers' or sycophants (*sukophantai*, deriving from *sukos* (meaning 'fig') and *phantēs* (from *phainein*, meaning 'to make plain, show'), hence 'fig-revealers'). In classical Athens, for most offenses there were no public prosecutors, and therefore anyone who wished was allowed to prosecute in public action. Some people tried to exploit this for their own financial gain, and started making a habit of bringing prosecutions in order to try to harvest a financial reward: either a financial reward "given to successful prosecutors in certain actions (…), or to gain money by blackmailing a man who was willing to pay to avoid prosecution, or to earn payment from someone who had reasons for wanting a man to be prosecuted, or to make a political or oratorical reputation" (OCD, *s.v.* sycophants).

10 Plato, *Crito* 45a1-3.

11 Usually translated as 'friendship', *philia* is in fact a more complex Greek concept, including not only friends, but also kin (one's parents, for example, are one's *philoi par excellence*, because they have given one life, and invested so much in one's education and upbringing that we remain indebted to them for the rest of our lives). In general, one's *philoi* are those people to whom one is bound by ties of loyalty and obligation. For a brief discussion of the Greek notion of *philia*, see further Bartels (2017*a*).

12 Plato, *Crito* 45d8-46a4.

13 See Dover (1974), especially 177, 180-184, 273, 276-278, 283, 304-306 on popular morality and helping friends, harming enemies. On a possible conflict between private and public interests, see *ibid.* 301-309.

14 Beversluis 2000.

15 Socrates in Plato is for example portrayed as entering into conversations with individuals he could never have met, such as the philosopher Parmenides. See for considerations about the historicity of Plato, Kahn (1996), 3: "By this [*sc.* optical illusion] I mean Plato's extraordinary success in recreating the dramatic atmosphere of the previous age, the intellectual milieu of the late fifth century in which Socrates confronts the sophists and their pupils. It is difficult but necessary to bear in mind the gap between this art world, created by Plato, and the actual world in which Plato worked out his own philosophy. That was no longer the world of Protagoras and Gorgias, Hippias and Thrasymachus. With the exception of Gorgias (who was unusually long-lived), these men were probably all dead when Plato wrote. Protagoras, in particular, must have died when Plato was a child, and the dialogue named after him is situated before Plato's birth."

16 For a recent sketch of the Socratic problem and its history, see Dorion (2011).

17 Kahn (1996), especially 3-4. He also notes the "striking diversity" to be found in the portraits of Socrates given by such different writers as Aeschines, Phaedo and Xenophon.

18 The offer of escape made by his friends is also mentioned in Xenophon's *Apology*, 23. See also Dorion (2018), 488-489.

19 For a more detailed exposition of the conceptual framework of *tekhnē* in Plato and the indebtedness of this framework to the contemporary and pre-Platonic debate in intellectual circles of the 5th century B.C., see Bartels (2017*b*), 40-46, with further references.

20 Plato, *Crito* 47a13-b3.

21 Here, it may be noted that, whilst Socrates is simply drawing the natural and consistent inferences from the original position that the athlete would do well to pay more attention to the recommendations and opinions of the professional trainer than to those of the multitude, the conclusion that he would actually be harmed if he listened to the multitude already goes some

steps further than the original position that the opinions of the multitude can simply and safely be ignored.

22 It is left open who the person who is knowledgeable in moral matters is, what his qualifications are, or how he could be identified. A clear example of such a person is the philosopher-king in Plato's *Republic*.

23 See above.

24 For the status of orphans after the death of the father, see the study of Cudjoe (2010).

25 Plato, *Crito* 50e2-4: ἐπειδὴ δὲ ἐγένου τε καὶ ἐξετράφης καὶ ἐπαιδεύθης, ἔχοις ἂν εἰπεῖν ... ὡς οὐχὶ ἡμέτερος ἦσθα καὶ ἔκγονος καὶ δοῦλος …; "Well then, since you were born, brought up and trained, could you say (…) that you were not both our offspring and slave (…)?" (Transl. C. Emlyn-Jones).

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