

Rhetoric and Reason: Structures of Argument in Plato's *Crito*

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It has been recently stated, 'Rhetorical appeals designed to arouse passion are inherently coercive; they inhibit the ability to think' (Weiss 1998, 147). Although the details of Weiss's position represent a significant departure from traditional interpretations, her dismissal of rhetoric is nevertheless shared by many readers of the *Crito*, who tend to view the rhetorical form of the Laws' speech in the dialogue as unphilosophical and as an impediment to solving the speech's inherent difficulties. This attitude appears to stem from the assumption of an underlying reason/rhetoric opposition, which leads to either an implicit or explicit distinction between the unphilosophical 'rhetoric' of the Laws and Socrates' 'reasoning', both earlier in the dialogue and in other Platonic works. The aim of this article is to show that, far from being an unnecessary hindrance to philosophy, the rhetorical structures of argument used within the Laws' speech are in fact essential to their construction of a model of reasoning and justice.

The speech of the Laws of Athens has presented a notorious difficulty to readers of the *Crito*: how can the Laws' demands for unconditional obedience be reconciled with the views expressed by Plato's Socrates, both in the *Crito* and elsewhere? If Socrates were to accept their demands, his individual actions would be subject not to moral reasoning, but to blind obedience, and he would be compelled to commit even unjust actions, if ordered to do so by the Laws.¹ This dictate therefore seems incompatible with Socrates' prohibition of injustice (49b7) and his advocacy of rational deliberation earlier in the *Crito* (46b4-6). In a wider Platonic context, the most serious difficulty is perhaps the apparent inconsistency with the *Apology*'s Socrates, who says that he contravened public orders, both during the democracy and the rule of the Thirty, and claims to be prepared to do so again, if ordered to desist from philosophy.² These difficulties are generally approached, either by proposing a modified interpretation and paraphrase of the Laws' arguments,³ or by suggesting that their views differ from

¹ Unless of course the Laws' demands were infallibly moral. However, the text does not appear to allow for this possibility (see below).

² *Apology* 32a4-e1 and 29c1-30c2 respectively. Much of the literature on the *Crito* focuses on this question, often proposing interpretations of the Laws' speech which render it compatible with the *Apology*. For a formulation of the question see, e.g., Vlastos 1995, 30-31 or Bostock 1990, 1; for a summary of the debate see, e.g., Brickhouse and Smith 1989, 138; and, for a list of attempts to reconcile the *Crito* and *Apology* see Colson 1989, 27n1.

³ See, e.g., Kraut 1984, 6 on the *Crito* as 'more moderate than its readers have realized'; Kahn 1989, 31-32; Allen 1980; Woozley 1979.

those held by Socrates or Plato.⁴

Instead of attempting to sweep aside the Laws' rhetoric, I argue that a way of understanding the problematic relationship between the views of Socrates as the Laws and Socrates *in propria persona* emerges from a close analysis of this feature of their speech. I aim to disclose that rather than representing an absolute departure from or a straightforward application of the principles suggested by Socrates earlier in the dialogue, the Laws' speech, through its rhetoric, is committed to a consistency model of justice that is itself an expansion and development of the earlier ideas.

Of course, if I am to show that the Laws' reasoning resides in their rhetoric, it will first be necessary to challenge the view, so prominent in scholarship on this dialogue, that rhetoric is in some way antithetical to reason. Thus, the first two sections focus on dismantling this opposition by demonstrating, initially, that Socrates' earlier *in propria persona* points, normally viewed as representative of reasoning, are nevertheless full of rhetorical structures of argumentation. Having established a lack of easy separation between the two 'poles' of this so-called opposition, it is then possible to move on to consider the effects of rhetoric in the Laws' speech and its contribution to the reasoning process.

I. Socrates *in propria persona*: the voice of 'pure' reason?

The presence of an underlying 'reason/rhetoric' opposition can be felt in many of the works on Plato's *Crito*: as Allen 1980, 82 says, 'because the speech of the Laws is rhetoric, it has been discounted as argument' (see Kraut 1984, 6 for a list of those sharing this view). Even for those who are sympathetic to the Laws' positions, the actual words in which these are expressed seem to be regarded as an impediment to philosophy. Gallop 1998, 254, for example, claims that there is some 'perfectly defensible' truth within the speech, but only 'if disentangled from the *fanatical rhetoric* that surrounds it' (emphasis mine).⁵ Rather than seeing the rhetoric of the Laws as integral to their philosophy, readers attempt either to dismiss the Laws as non-philosophical or, to 'salvage' the philosophical content from the apparently non-philosophical form in which it is here conveyed.

In general, Socrates *in propria persona* is associated with terms such as 'philosophy', 'dialectic', 'reason', and 'argument', while the Laws' speech is

⁴ Cf. Gallop 1998, 253-254: Given the unacceptability of the 'authoritarian interpretation of the *Crito*...there are, broadly, two strategies for solving its puzzle. One is to dissociate Socrates and Plato from the discussion of the Laws. The other is to render the argument of the Laws more palatable'. The view that the opinions of the Laws differ from those held by Socrates or Plato is becoming increasingly popular. See, e.g., Weiss 1998, Lane 1998, Harte 1999, Orwin 1988, and West 1989. Various reasons have been proposed for such a strategy, but in answer to the suggestion of Weiss 1998, West 1989, and Young 1974, 5-6 that Socrates uses deliberately un-Socratic arguments because *Crito* cannot cope with Socratic arguments, we may contend that the persuasion of an interlocutor with false arguments would itself be a fundamentally un-Socratic move. Cf. McLaughlin 1976, 188 *contra* Young and also Vlastos 1994, 90.

⁵ Cf., e.g., Blyth 1996, 17 and Allen 1980, 82. Kraut 1984, 93 says about the city/parent analogy argument, 'amidst the rhetoric and emotion there is a perfectly coherent argument'.

described as 'rhetoric', 'coercion', 'passion', or 'claims'.⁶ Weiss 1998, 147 says that Socrates gives the Laws' speech because he is forced to exchange his own 'teaching persuasion' and 'reasoned argument' for the Laws' 'coercion persuasion'. Vlastos 1995, 32 quotes Grote, calling the speech a regrettable 'harangue', and finally, goes so far as to rewrite it, salvaging a little and 'taking out of the impassioned homilectics just what will go over into cool argumentative prose'.⁷ Conversely, the arguments used by Socrates earlier in the dialogue are either tacitly accepted or explicitly presented as examples of good reasoning in comparison to the rhetoric of the Laws (e.g., Vlastos 1995, 32, Weiss 1998, West 1989, 76-77, and Blyth 1996, 12).

Such interpretations of the *Crito* appear to assume an understanding of reason as a paradigm of clear and explicit argumentation, free from the emotional manipulation and indeterminacies foisted on it by discourse such as rhetoric. Rhetoric, however, appears to be understood in terms of classical rhetoric, in which argument is not formalisable, but is based upon verbal devices, irony, motifs, and appeals to the emotions (although 'rhetoric' has a variety of meanings, it will be used here in a narrow sense to denote the art defined in classical literary theory and exemplified by fifth and fourth century Attic oratory).⁸ Debate over the validity of these conceptions of reasoning and rhetoric, and of the so-called opposition between them, is of course pertinent to central questions in contemporary philosophy and literary theory, concerning the status of philosophical

⁶ See, e.g., Bostock 1990, 11-12 on the argument based on the city/parent analogy: 'though really it does not deserve to be called an *argument*, but is simply a claim'; Blyth 1996, 13: 'finally they [the Laws] give commands and warnings, revealing fully their true non-philosophical character, which they have hardly managed to conceal throughout with a veneer of dialectic'; Gallop 1998, 254-255, on 51a-c: 'the Laws insist, in an odious burst of patriotic rhetoric'; White 1996, 98, on the Laws' speech as 'a series of conclusory declarations, with very little argument to support them, and that mostly, though not entirely, of low quality'; Santas 1979, 55 describes the Laws' speech as 'passionate pleading, emotional overwriting, overstating and over-arguing'. Even McNeal 1992, 76, who states the necessity of resisting an 'antithetical separation of dialectic and rhetoric', still accepts an 'analytic philosophy'/'rhetoric' distinction; and Kahn 1989, 35 ponders 'as a work of philosophical rhetoric it is surely very successful. But how good is it as an argument?'; West 1989, 77 observes: 'well aware of Crito's inability to attend to the sweet voice of reason, Socrates turns from philosophical argument to philosophical rhetoric'.

⁷ Cf. Kahn, 1989, 40: 'I conclude, with much hesitation, that Plato has here allowed the Laws to be carried too far along by the force of their own rhetoric, and that there is from the philosophical point of view, no hope of salvaging this passage'.

⁸ The reason/rhetoric opposition is, of course, nothing new. Rhetoric has been at odds with philosophy since its inception (see, e.g., Vickers 1989, 83) and, although the debate has gone through many revisions, according to the shifting identity and roles of both philosophy and rhetoric, there still exists a prominent view that philosophy is in some way opposed to rhetoric (see, e.g., Ijsseling 1976, 5-6). Wardy 1996, 56 says, 'Nowadays the term "rhetoric" tend[s] to suggest, in ordinary parlance, no more than the dissembling, manipulative abuse of linguistic resources for self-serving ends; outside certain antiquarian and literary critical coteries, the word is unfailingly pejorative'. Although it is the features of classical rhetoric within the Laws' speech which lead to its categorisation as rhetoric, the broader modern understanding of the term 'rhetoric' also seems to have influenced many critiques of the Laws' speech.

discourse as a whole.⁹ While these more general questions exceed the scope of this article, I show that in the case of the *Crito* such an opposition is neither a fair nor a useful framework on which to base an understanding of Socrates' arguments.

My first step towards dismantling this opposition is to reveal that the use of 'rhetorical' methods of argument is not exclusive to Socrates when speaking as the Laws, but is also to be found in the earlier part of the dialogue. The arguments that Socrates voices here, *in propria persona*, are usually considered to represent the genuine Socratic or Platonic/Socratic position.

Early on Socrates argues that a change in circumstances should not lead him to abandon his principles and be swayed by the opinion of the many (οἱ πολλοί). He asks,

Is it always correct to say this or not: that it is necessary to pay attention to some opinions, but not to others? Or were we right (καλῶς ἐλέγετο) before I was condemned to death, whereas it has now been made clear that we were talking merely for the sake of argument (ἔνεκα λόγου) and, in truth, [our words] were really play and nonsense? (46c8-d5; cf. 46b6ff. and 49a7ff.)

The implication of the irony in Socrates' words is that it is in fact preposterous to suppose that an ethical principle such as this can change because of external circumstances. Using strategies familiar from Greek oratory, he exploits the difference between words and actions (for parallels in Greek oratory, see n24). Furthermore, this type of argument, which suggests that rules of behaviour should not change because the passage of time brings altered circumstances, is categorised by Aristotle *Rhetoric* ii 23 as a 'rhetorical proof' (ἐνθύμημα) based on 'consideration of time' (ἐκ τοῦ χρόνον σκοπεῖν).

As we can see from this example, Socrates is not averse to the use of irony. His comment that, since Crito is not to die tomorrow, 'the present misfortune (συμφορά) would not lead you [Crito] astray' provides a particularly sharp example (47a1).¹⁰ The heavy irony of this remark lies in the fact that, quite contrary to its literal implications, Crito's emotions have actually led him far astray from rational enquiry, while Socrates' own powers of ethical deliberation remain unaffected.¹¹ Moreover, Socrates also seems to employ word-play, exploiting the ambiguity of the term συμφορά ('misfortune'), which can have a neutral or positive sense, in addition to its more normal negative one. If Crito construes it as negative, as seems likely, this in itself indicates an attitude to the present circum-

⁹ Thoughts on the limitations of analytic philosophical logic are by no means restricted to philosophers such as Derrida or Rorty. On the unhelpfulness of logic in ethics in particular see, e.g., Nagel 1986, 154, who nevertheless does not accept relativist scepticism.

¹⁰ Weiss 1998, 131 sees 'sarcasm and bitter scorn and mockery' as distinguishing features of the Laws' speech. Yet, in these two examples surely such terms could equally be applied to Socrates' ironic mockery of both himself and Crito.

¹¹ For the pejorative sense of συμφορά see, e.g., Aeschylus *Sept.* 4-5.

stances that Socrates would view as irrational.

In the same passage, Socrates' point is underscored by the suggestion that the so-called 'misfortunes' that face him at the hands of the people are not worthy of serious consideration. He gives no evidence or explanation for the irrelevance of the physical and material punishments, that can be inflicted through their power, but instead compares the fear that they induce to a child's fear of goblins:

I shall not give way to you, not even if, just as children are terrified by goblins (ὡςπερ παίδας ἡμᾶς μορμολύττηται), the power of the people (ἢ τῶν πολλῶν δύναμις) should confront us with even more terrors, threatening us with imprisonments and deaths and confiscations of property. (46c3-6)

This comparison implies that the power of the people and their punishments are illusory, and that to fear them displays a lack of insight.¹² A similar implication lies in Socrates' later suggestion that if he and Crito renege on their former agreements, they will behave like children rather than with the integrity and tenacity appropriate to men of their age: 'Or have all those former agreements of ours dissolved in these few days, and all this time have we failed to see that, although we are such old men, when we talked things over in earnest, we were really no different from children?' (49a7-b1). Rhetoric often employs varying types of comparison. Isocrates *Panegyricus* 121, for example, laments the Athenians' subjugation to the Persian King, asking: 'Do we not sail off to him, as to a master (ὡςπερ πρὸς δεσπότην), when we have complaints against each other? Do we not address him as "the Great King", as though we were his captives (ὡςπερ αἰχμάλωτοι)?' Likewise Aristotle *Rhetoric* ii 20.1393a30-31 and 1393b4-8 categorises comparison (παραβολή) as one of two types of invented examples used in rhetorical proofs.

Even extended pieces of argumentation in the *Crito* exhibit rhetorical features. Socrates begins his argument against Crito (47a2-48a10) by claiming the necessity of considering only the opinion of the 'sole person who knows about justice and injustice and the opinion of truth herself' (ὁ ἐπαίων περὶ τῶν δικαίων καὶ ἀδίκων, ὁ εἷς, καὶ αὐτὴ ἡ ἀλήθεια, 48a6).¹³ His first step is to establish that the opinions of wise men alone should be esteemed and, accordingly, an athlete's sole concern should be the opinions of the trainer, who knows how to benefit the body, unlike the the many, whose ignorance might lead to harmful advice. He then reaches his conclusion in the following way:

Socrates: So is our life worth living if the body is worthless and destroyed?

¹² For a similar example see *Phd.* 77e4ff., where Cebes asks Socrates to persuade the 'child within him', so that he will not fear death like goblins (μὴ δεδιέναι τὸν θάνατον ὡςπερ τὰ μορμολύκεια).

¹³ Although τὸ δίκαιον and τὸ ἄδικον as are conventionally translated as 'right' and 'wrong' here, I translate these terms and their cognates as 'justice' and 'injustice' because 'justice' is a central concept within the dialogue and a consistent translation may capture the nuances of the Greek more successfully.

Crito: In no way.

Socrates: But is our life worth living when that which injustice maims, but justice benefits, is destroyed? Or do we think that the part of us, whatever it is, which is concerned with justice and injustice, is less important than the body?

Crito: In no way.

Socrates: More important then?

Crito: Much more.

Socrates: Then, my dear man, we must not worry at all about what the many will say of us, but rather about what the one man who knows about justice and injustice and truth herself will say. (47e3-48a7)

According to Socrates here, given that it is right to listen only to the expert in matters concerning the body, the same must follow for matters of the soul, this being far more important than the body.¹⁴ This *a fortiori* reasoning (cf. Blyth 1996, 3) uses a type of argument familiar from rhetoric and, once again, classified by Aristotle *Rhetoric* ii 23.1397a23-27 as a type of 'rhetorical proof', namely, the 'more or the less', whereby if a lesser case admits of something the same will also hold for the greater and vice versa.

The argument rests on a number of unjustified assumptions, such as the existence of a part of us, presumably the soul, that is 'injured by injustice and benefited by justice'. Likewise it is further assumed that the effects of justice and injustice on the soul are analogous to those of health and disease on the body and that the soul has a far greater worth (cf. Allen 1980, 70 and Young 1997, 18). As with Socrates' dismissal of the physical or material consequences of punishment, the relative inconsequentiality of the body is simply implied through comparison. Finally, whereas athletics provides empirical evidence that an expert exists, who can be trained to understand what is good and bad for the body, there is no such evidence to support the positing of such an expert for the soul. The Laws' speech has been criticised both for its general reliance on unsubstantiated assumptions and for its analogy of the city as parent or master, which is felt to be unsatisfactory in various respects.¹⁵ Yet it seems that Socrates' earlier argumentation is also reliant on assumptions and analogies, that are themselves open to question (Young 1997, 14ff.).

While another reason the Laws' speech is seen as rhetoric is their use of appeals to the emotions,¹⁶ emotive manipulation of subject matter is also to be

¹⁴ I have taken 'that part of us, whatever it is, which is concerned with justice and injustice' to refer to the soul, the generally accepted interpretation. See below, however, on the possible significance of the use of this phrase.

¹⁵ E.g., Bostock 1990, 11, Kraut 1984, 107, and esp. West 1989, 77, who sees Socrates' use here of 'an uncharacteristic figure of speech' and un-Socratic analogy as a reason not to take the speech as a direct statement of Socrates' own 'political theory'.

¹⁶ E.g., Allen 1980, 82, Blyth 1996, 17, Kraut 1984, 93, and Santas 1979, 55. For general comments on persuasion through emotion as part of rhetoric, see, e.g., *Phdr.* 267c7ff. and Aristotle *Rhet.*

found within Socrates' *in propria persona* arguments. So, the argument for listening to the 'moral expert' establishes its main point within the unemotive and mundane context of athletics.

Socrates: So must [the athlete] practise, train, eat and drink, in the way which the one man who knows and is an expert thinks is right, rather than the way which everybody else thinks is right.

Crito: That is so. (47b9-12)

However, once this first example has proved the importance of listening exclusively to the expert in physical matters, Socrates goes on to consider ethical cases (47c8ff.). The principle itself, that one should only heed the expert, would have been established sufficiently, simply by showing that an alternative course of action leads to some degree of harm. Yet, Socrates picks up on Crito's διόλλυσι (47c7), and slips unquestioningly to a discussion of extreme cases, in which the body or soul is so corrupt that it is unfit to live (47c8-48a1; cf. Young 1997, 21-22). In this way the point becomes neatly *ad hominem*. For Socrates, it is of course his life that is at stake, if he chooses to abide by this principle and disregard the opinion of 'the many'. Thus the suggestion that contravention of the principle is not only incorrect, but would render life unlivable, frames the argument within a context far more pertinent to Socrates' situation than the earlier more general point. This stage of the argument now plays on Crito's emotions, since its principle appears to be of central importance to the future of Socrates' life, the very subject which is the cause of Crito's considerable distress.

With respect to the dynamics of argument some readers have suggested that, as an interlocutor, Crito makes an active contribution to the discussion in this part of the dialogue, in contrast to his minimal and passive role later, during the Laws' speech. Blyth 1996, 12-13 contrasts Crito's 'substantial' contributions here with his remarks during the Laws' speech, where Crito is 'reduced to a minimum of assent', claiming that this mirrors the 'dialectic'/'rhetoric' opposition that separates the earlier and later parts.¹⁷ However, although Crito does make numerically more responses in Socrates' earlier argument, these are merely the same short statements of unquestioning assent as those he gives during the Laws' speech. For example, in the short passage discussed above (47e4ff.), Crito's replies actually consist of 'in no way' (οὐδαμῶς), 'in no way' (οὐδαμῶς), and 'much more' (πολύ γε): hardly the so-called 'substantial contributions' to the reasoning process, that could be felt to distinguish this passage as non-rhetorical dialectic.

As a final and more general point, another reason given as to why the Laws should be seen as rhetoric is their reliance on unsubstantiated claims as opposed to reasoning.¹⁸ Yet the founding principles of the earlier discussion, such as

ii 1-17.

¹⁷ Cf. West 1989, 77 on the Laws' 'philosophical rhetoric': 'Crito will no longer be required to ask or answer questions'.

¹⁸ E.g., Bostock 1990, 11, White 1996, 98. Weiss 1998, 133: 'The Laws jump from unfounded

injustice being invariably bad for its agent (49b4) and the necessity of keeping to just agreements (49e6), are also ostensibly unproven and could therefore be seen as claims, even though their initial assertion is couched in the form of rhetorical questions (cf. Young 1974, 10). Of course, the harmfulness of injustice and the benefits of justice for its agent are argued for extensively in dialogues such as the *Gorgias* and *Republic*, while Socrates himself suggests in the *Crito* that he and Crito have already reached agreement on these points at some other time (49d5-e4).¹⁹ Yet, this does not detract from the fact that, in the context of the *Crito* itself, no explicit proof for such principles is presented.

Thus it appears that the earlier part of the dialogue, which has been taken as representative of ‘philosophical argument’ or ‘reasoning’, is also dependent on the claims, assumptions, analogies, and appeals to the emotion associated with rhetoric (cf. West 1989, 77). Moreover, such features appear integral to the reasoning process. This is not to suggest that the presence of these features renders this passage in any way less philosophical, but instead to propose the need for a more inclusive conception of philosophical argumentation, that incorporates a wider range of argumentative structures. Arguments must be considered in individual terms rather than rejected generally because of their use of rhetoric. Such analysis surely presents problems for the reason/rhetoric opposition view of Socrates’ two *personae* in the *Crito*, problems that will be compounded when it appears that the Laws’ speech itself, usually seen as steeped in rhetoric, cannot actually be dismissed as irrational or non-philosophical.

II. Rhetoric as reason in the Laws’ speech

Socrates says, ‘For one might say many things, especially if one were an orator (ἄλλως τε καὶ ῥήτωρ), about the destruction of this law’ (50b6-8). The classification of the speech of the Laws of Athens as rhetoric, thus suggested by Socrates *in propria persona*, certainly seems justifiable.²⁰ In its use of appeals to emotion, its motifs, and verbal devices, it is extremely dependent on the techniques associated with oratory.²¹ For example, the Laws use Socrates’ past actions as evidence (τεκμήρια)²² and rely on mockery, antithesis, rhetorical

premises to wild conclusions’.

¹⁹ This may be felt to provide the missing justification for the *Crito*’s prohibition of injustice. On the idea that the *Crito* is protreptic for the notion of justice in the *Republic*, see, e.g., Harte 1999, 145 and Kahn 1989, 41.

²⁰ I oppose Weiss 1998, 86-87, who claims that Socrates’ explicit linking of the Laws and the words of an orator ‘decisively dissociates himself from the speech of the Laws’. Lane 1998, 323 holds similarly to Weiss: ‘the crucial shift comes when Socrates begins to speak, not immediately for the laws, but for Crito, and for an unnamed orator “on behalf of this law”’.

²¹ Cf. Harte 1999, 137: ‘Many parallels can be found in the rhetoric of the day for the argumentative strategy of the Laws’. She cites a number of contemporary rhetorical parallels for the analogy of city as family or household.

²² On τεκμήρια as an integral part of rhetoric, see *Phdr.* 266e3. For examples of appeals to τεκμήρια in rhetoric, see, e.g., Lys. 4.12; Thuc. ii 39.2.

questions, and impassioned commands and appeals,²³ as well as many other features of oratory. They appeal to the conventional *logos/ergon* opposition, claiming that Socrates agreed to be ruled by them in deed and not in word (ἔργῳ ἀλλ' οὐ λόγῳ, 52d6).²⁴ In addition, parallels can be found for some of the Laws' themes. Similarly to the Laws' point that Socrates claimed to choose 'death before exile' (52c7), in *On the Mysteries* 1-5, Andocides also claims that he would rather face laws than exile. He later adds that those who did flee thereby condemned themselves (οἱ δὲ οἴχονται φεύγοντες, σφῶν αὐτῶν καταγόντες ἀδικεῖν, *On the Mysteries* 49-50; cf. Lys. 20.21) just like the Laws' point (53b8) that, by fleeing, Socrates confirms for the judges that their guilty verdict was correct.²⁵

The use of rhetorical techniques therefore appears both indisputable and prevalent. At the same time, the implications of the speech's verbal form are rarely considered in any detail. Discussions of the Laws' speech mainly revolve around their initial claims that it is the citizen's duty either to 'persuade or obey' the Laws (51b4) and that the relationship of citizen to state is analogous to that of the child to their parents or the slave to his master (50e1ff.). These ideas are then sometimes used as the basis for a more general theoretical debate about political philosophy and obligation (see, e.g., Wozzley 1979, ch. 4 and Kraut 1984, chs. 3-5). The remainder of the speech often receives less attention and, as a whole, it is treated with paraphrase or perfunctory summary (e.g., Vlastos 1995, 32-33, Kahn 1989, 33, Wozzley 1979, 79, Kraut 1984, 177, Miller 1996, 126-127), and extra-textual examples (e.g., Vlastos 1995, 35, Kraut 1984, 152-154, Gallop 1998, 251-252).

If rather than attempting to minimise the implications of the style of discourse, we closely analyse this rhetoric itself, interesting ideas and themes are pushed into prominence. It is possible to see how the rhetoric of the Laws' speech is an important aspect of their philosophical methodology.

I focus on the language of the section of the Laws' speech including the so-called 'argument from agreement' that has received little detailed critical attention (52b1-53a8). Here the Laws try to prove that, by remaining in Athens, Socrates has implicitly agreed to obey their orders. They begin by stressing the 'great evidence' (μεγάλα τεκμήρια) that they and the city have been pleasing to Socrates: ὅτι σοι καὶ ἡμεῖς ἡρέσκομεν καὶ ἡ πόλις (52b2), recalling 51d4 and

²³ Countless examples could be given of all these features. For mockery see, e.g., Antipho *Invective Against Alcibiades*, Athenaeus 12.525b; Lys. 12.34. For antithesis see, e.g., Gorgias DK B11.1, Thrasymachus DK B1, and Kennedy 1963, 64ff. For rhetorical questions see Gorgias B11.20; Antipho *On the Chorus-boy* 49; Isoc. *Panegyricus* 162; Demosthenes *Ol.* 3.16-17. For impassioned commands and appeals, see And. *On the Mysteries* 149 and Lys. 9.22.

²⁴ See, e.g., Lys. 12.33. This distinction is, of course, not restricted to oratory and also appears in earlier examples of historiography and tragedy: e.g. Hdt. vi 38, Thuc. i 128.3, Soph. *OT* 517, Aesc. *PV* 336. I explain below why the Laws' appeal to Socrates' ἔργα is of especial significance.

²⁵ Another parallel is Gorg. B.11a.21 where he argues that, even in exile, the barbarians would know of his crimes and would not trust him (cf. *Crito* 53b5ff.).

d7, in which the Laws stated that departure from the city was permissible, if they and the city were displeasing. This statement is pivotal to the passage and is echoed in various contexts throughout, producing a fuller picture of what the agreement involves.

52b6 contains a similar phrase, while 52c3 presents having children in the city as evidence that the city is pleasing: ὡς ἀρεσκούσης σοι τῆς πόλεως. In 52e4 the idea of the Laws as pleasing is associated with the agreement to abide by them: there were seventy years in which Socrates could have left, the Laws say, ‘if we had not pleased you (εἰ μὴ ἠρέσκομεν ἡμεῖς) or if the agreements had not seemed just’. In the conclusion to this τεκμήρια section, ring composition recalls the opening phrase: ‘so it is clear that the city and we Laws pleased you exceptionally amongst Athenians—after all, who could find any city pleasing unless it had Laws?’ (53a3-5). While this intensifies the Laws’ point, the rhetorical question ‘who could find any city pleasing unless it had Laws?’ also evokes once again the close association of city and laws suggested both explicitly and implicitly throughout the passage, and provides a reason why remaining in the city is to be construed as showing allegiance to the Laws. The repetitive nature of this passage emphasises the central significance of the Laws’ having pleased Socrates, as well as adding the proofs and implications of this point.

The Laws’ being pleasing (ἀρέσκειν) provides a clear principle that can be inferred from the language of this passage. The foundations of this principle emerge in 51dff. where it is claimed that although no citizen is forced to remain in Athens, if he does so, it will be seen as evidence that the city is pleasing to him (ἀρέσκειν) and, accordingly, he will obey its Laws’ dictates. ἀρέσκειν is generally used in contexts where it implies pragmatic satisfaction (e.g., *Soph. Ant.* 211, *Thuc.* ii 68.3, *Hdt.* viii 19). Evidence that this condition is applicable is inferred from behaviour such as remaining in the city or bearing children in the city. In this way the agreement involved in the ἀρέσκειν principle hinges on the tight association of Laws and *polis*, so that residence is taken to denote ethical commitment (*contra* Kraut 1984, 189). At 52c ‘to be sufficient’ (ικανὸς εἶναι) is substituted for ‘to be pleasing’ ἀρέσκειν and this notion of pragmatic sufficiency appears to be at the heart of the Laws’ principle.²⁶ Socrates sees the Laws as providing not a faultless system of justice but rather a body of authority that is generally satisfactory. Even though they demand absolute obedience, the Laws do not appear to assert their own faultlessness.

The conditions of this ἀρέσκειν principle may well seem debatable. The very idea that pragmatic sufficiency deserves absolute obedience appears to involve a fundamental asymmetry between the comparatively weak basis for the commitment and the level of obedience that this requires (cf. Young 1974, 21). In response to this objection, this asymmetry could perhaps be seen as an important

²⁶ Weiss 1998, 119 claims, however, that the Laws misrepresent Socrates’ real reasons for remaining in Athens: ‘he chose death over exile not because of his great love for Athens and its Laws’.

indication of the imbalances involved in the relationship of citizen to state (cf. Harte 1999, 123 and Kraut 1984, 107), rather than a methodological weakness. But beyond this, the use here of the terms 'assymetry' or 'imbalance' could themselves be questioned. For 'imbalance' suggests that the potential results of absolute obedience to the Laws outweigh the benefits the citizen receives from living under a satisfactory legal system. However, given that the dictates of the Laws only appear to be capable of affecting men on a material basis, this surely attributes undue significance to the type of material consequences that Socrates has already suggested are relatively unimportant.²⁷ So it is unclear, at least for Socrates, that the consequences of absolute obedience to the Laws conclusively outweigh the benefits of living within a society with satisfactory Laws,²⁸ and accordingly, this apparent inbalance does not necessarily constitute ethical asymmetry.

The Laws' inference of agreement from action might also seem to raise questions, concerning the nature of the relationship between reasoning and action as well as how the specific motivation behind an action can be inferred correctly. Lane 1998, 326, while allowing the interrelation of deeds and words for Socrates, nevertheless claims a distinction between 'agreements-in-action' and 'agreements-in-argument': 'his argumentative commitments about what to do and what not to do must be translated through deliberation into action'. She continues that, even though both types of agreement incidentally lead towards the same conclusion concerning whether escape is unjust, ultimately 'the path of argument' has priority for Socrates, whereas 'the path appealing to actions... is not the right kind of path to determine action for the reflective person' (Lane 1998, 329-330). However, such a disjunction between words and actions seems doubtful in the *Crito*, Plato's only dialogue of explicit practical deliberation, in which the integral connection of reasoning and action is stressed throughout (see, e.g., 46b3-4, 48b5, 48b10-c2). For Socrates, it seems rather, that deeds should be understood as a direct product of reasoning, so that they could then be seen as just as valid an indication of commitment as λόγοι themselves.²⁹ As for the question of how

²⁷ The Laws suggest that Socrates' obedience may even lead, e.g., to death by execution (51a3); injury or death in war (51b7); imprisonment (51b6). Nevertheless, Socrates has already suggested that death and imprisonment are as inconsequential as childrens' imaginary objects of fear (46c4) and that the prolonging of life *per se* is of no great value (48a10-b5).

²⁸ On possible benefits of obedience to the Laws, see Vlastos 1995, 38.

²⁹ This question has also been considered in terms of the relative status of λόγοι and ἔργα. Weiss 1998, 115 claims that it is clear from *Ap.* 32a8-9 'that Socrates holds "proofs in deed" generally in low esteem, viewing them as "vulgar things, typical of the law courts"', a point she reiterates on p. 123. However, while Socrates does say ἐρῶ δὲ ὑμῖν φορτικὰ μὲν καὶ δικανικά, it is firstly not clear that this description is unequivocally pejorative; and, more importantly, he then concludes the sentence with ἀληθῆ δέ, showing that he clearly considers 'proofs in deed' to be legitimate. Lane 1998, 325-326 also discusses this question. Although she accepts that both λόγοι and ἔργα may have positive and negative values for Plato, she maintains that 'deeds, not words, seem to be what matter to the jurors and to the Laws', and ultimately suggests that this is contrary to Socrates who is more concerned with words (330). I am not suggesting (as Lane says in n30) that λόγοι and ἔργα should be harmonized, but rather that their respective values for Socrates and Plato must be assessed in individ-

beliefs can be inferred from actions with certainty,³⁰ a possible response might lie in the identity of the speaker. Since it is Socrates himself who is speaking through the persona of the Laws, it seems probable that the Laws would give an accurate representation of Socrates' true motivations.³¹

A general strategy of the Laws is also to stress the contrast between Socrates' avowed intentions and the hypothetical escape, with devices such as the 'now/then' (νῦν/τότε) antithesis in 52c5-6: '[it was possible] *then* to do with the state's assent what you are *now* setting out to do without it'.³² Similarly, there is a 'then/but now' (τότε μὲν/νῦν δέ) antithesis at 52c6-8, that ironically compares Socrates' boasts that he would prefer death to exile with a decision to flee instead of face death.³³ In the next main section, that envisages the consequences of Socrates' escape, the Laws speculate about the contents of his future discussions, asking 'which words (λόγους), Socrates? Those which you use here—about how virtue and justice are the most important things for men, and legality and the laws?' (53c6ff.). They contrast Socrates' customary *logoi* with the projected escape that would betray them, a point repeated by implication in a very similar rhetorical question at 53e6ff. Elements of word play also suggest Socrates' inconsistency. Having called escape 'indecent' (ἄσχημον), the Laws then imagine Socrates' escape in disguise, 'even changing your own appearance' (καὶ τὸ σχῆμα τὸ σαυτοῦ μεταλλάξας, 53d7). The earlier use of *aschêmon* (53c9) to mean 'indecent' suggests that *schêma* need not simply denote physical appearance. Thus the external change that Socrates must adopt in order to escape could also be seen to have an internal aspect, especially in light of the emphasis on Socrates' inconsistency.

The Laws' objections revolve around the idea that Socrates' escape would be inconsistent with the ethical principles that he has revealed both implicitly in his actions and explicitly in his words. From this it is possible to see the Laws' speech as relevant to the theoretical questions of what constitutes the foundation or sources of ethical principles and how the consistency of a particular action with such principles can then be assessed. Furthermore, these concerns are pivotal not only to this passage, but to the issues of the dialogue as a whole.

The importance of self-consistency is introduced when Crito suggests that

ual contexts and cannot be taken as objectively determinate. As further counter-examples to Lane see, e.g., *Ap.* 32a8-9; Socrates' disparaging use of ἔνεκα λόγου (*Crito* 46d4): ἔνεκα λόγου ἐλέγετο, ἦν δὲ παιδιὰ καὶ φλυαρία ὡς ἀληθῶς; and Socrates' point at *Ap.* 17b2 that the lies that his accusers have *spoken*, will be proved untrue *in deed* (ἔργῳ).

³⁰ See, e.g., the objections raised by Vlastos 1995, 36-37 and Weiss 1998, 114. Cf. also Kraut 1984, 179-180 and 171-172, on the problems of making agreements based on 'inner satisfaction' as opposed to 'observable behaviour'.

³¹ Cf. Vlastos 1994, 90: 'since [the Laws] are Socrates' mouthpiece—what they say is what he makes them say—the sentiments they impute to him must be his own'. Unless one believes that Socrates has reasons for concealing these from Crito. See, e.g., Weiss 1998; West 1989; Miller 1996; Young 1974; and my n4.

³² The ἀκούσης/ἐκούσης opposition also gives further verbal emphasis to this contrast.

³³ Note also the echoing of *nun* at 53a6.

Socrates' non-escape would be unjust and would actually contradict his lifelong concern for virtue (45c6-d9). While Socrates then challenges the view that non-escape is wrong, he still uses the same type of argument in the *in propria persona* passages discussed above. Here, answering Crito and prefiguring the Laws, he stresses the importance of maintaining principles, in spite of difficult circumstances (see 46bff. and 49a7).

The structures of argument used by the Laws to demonstrate the inconsistency of Socrates' escape reveal strong connections with these earlier parts. In a tone of irony and even contempt, the Laws exploit the difference between his words and actions and criticise the change of principles, resulting from a change in circumstances (e.g., 52c5 and 53c6), recalling Socrates' earlier *in propria persona* attempts to persuade Crito that former commitments must remain firm.

Both Socrates' *in propria persona* principles and those of the Laws appeal to *logos* and *homologia*, although it may appear that the former are based on justice whereas the latter rely on blind obedience. Nevertheless, the Laws do claim that their agreement is based on Socrates' belief that it is just (52e4ff.).³⁴ Moreover, as seen, in both voices Socrates assumes the moral rectitude of his principles without giving explicit substantiation. Principles such as the prohibition of wrongdoing or even the necessity of keeping to just agreements are merely agreed to by Socrates and Crito, without ostensible justification. Thus, the lack of explicit moral foundation for the claims of the Laws highlights a gap already existing in the earlier part of the dialogue.

Another notable feature in the Laws' speech is the varied modes of repetition, such as the series of similarly formulated phrases that emphasise the extraordinary extent to which Socrates has remained in the city. These reiterate the fact that he would *never* have acted throughout life as he has, if his commitment to Athens was not exceptionally strong. The phrases, that run from 52b3, are structured around οὐ γὰρ ἄν ποτε...; οὔτε...πώποτε; οὔτε ἄλλοσε οὐδαμώσε; οὔτε...πώποτε, and their cumulative effect is to foreground the extreme degree of Socrates' commitment, a point restated at 53a2, where Socrates is said to have left Athens even less than those prevented by physical disability. The exceptional degree of his commitment is further highlighted by the repeated use of διαφερόντως (exceptionally) twice in 52b4 and again in 53a4, where we learn that he, *exceptionally* among all Athenians has found the Laws pleasing.

Yet, as well as acting as a criticism of the potential inconsistency implicit in Socrates' imagined escape, the Laws' emphasis on the extraordinary extent to which Socrates has remained in the city and is therefore understood to have agreed to their principles also implies that the Laws measure consistency with ethical principles in terms of degree and not absolute adherence or contravention.³⁵ The implication is, since Socrates is exceptional in his remaining, he is

³⁴ See Harte 1999, 129: 'What is less often noted is that Crito and the Laws, no less than Socrates himself, argue in terms of what it is just for Socrates to do'.

³⁵ Cf. Kraut 1984, 167, who objects that the 'authoritarian reading' of the *Crito*, would render these matters of degree irrelevant.

also exceptionally obligated to obedience to the Laws. This suggests that ethical principles might not in fact be absolutes, but more or less applicable according to circumstances, an idea already present in some of the *Crito*'s earlier points. For example, Socrates claimed *in propria persona* that since life is not worth living if the body is ruined, it will certainly not be worth living if the soul, which is more important, is ruined (47e ff.); an argument that also appears to depend upon a principle with different degrees of applicability.

III. What constitutes injustice in the *Crito*?

The methodological similarities between the arguments of Socrates *in propria persona* and Socrates as the Laws serve to draw attention to certain issues of ethical methodology, as well as showing the difficulties of assessing the philosophical status of an argument on the basis of form or style. However, a closer examination of the significant differences that also exist between these two parts will show that the Laws can be seen not simply to reiterate the earlier points, but also to provide a substantial development of them.

The focal point of Socrates' earlier arguments appears to be the prohibition of injustice. Socrates establishes that to do injustice is bad and shameful (κακὸν καὶ αἰσχρόν: 49b4) and that therefore, one must never do injustice (ἀδικεῖν) or do injustice in return (ἀνταδικεῖν). His two other main points are the importance of listening to the moral expert (48a5 ff.) and the necessity of fulfilling agreements if the task agreed to is just (49e5 ff.); both of which also depend upon the normative value of the terms 'justice' and 'injustice' and their cognates. The former hinges on the importance of what readers generally understand to be the soul, but is actually called 'that part of us, whatever it is, which is concerned with justice and injustice' (περὶ ὃ ἢ τε ἀδικία καὶ ἢ δικαιοσύνη ἐστίν: 48a1),³⁶ while the latter depends upon the things which were agreed being just (δίκαια ὄντα: 49e6).

Yet, these points are themselves too general to be of application, with no given indication of how justice or injustice are to be identified and used as criteria in practical deliberation.³⁷ Immediately before the introduction of the Laws, Crito is unable to answer Socrates' question whether escape without persuading the city will harm 'those it is most wrong to harm' and will keep to just agreements. As well as a possible indication of Crito's ideological differences or lack of philosophical ability,³⁸ Crito's puzzlement can also be seen to reveal the need for further explanation.³⁹ It then remains for the Laws' elaboration and development of

³⁶ The moral expert is described as 'the one who understands justice and injustice (ὁ ἐπαίτιον περὶ τῶν δικαίων καὶ τῶν ἀδίκων: 48a7).

³⁷ Cf. Harte 1999, 131, who comments on 'how incredibly general are the agreements that he [Crito] and Socrates have made. Two people could...quite readily agree that one should live rightly and justly, but have entirely different conceptions of what living rightly and justly consists in'.

³⁸ As suggested by, e.g., Weiss 1998, 80 and Lane 1998, 322.

³⁹ Cf. Young 1974, 11, who says that Socrates' principles here 'tell us nothing about what counts as *dikaion* and therefore seem to be of no help in answering the questions Socrates has posed'; 'Crito dropped out of the conversation because he could not see how those principles applied to Socrates'

the earlier principles to show how they might be applied in these particular circumstances.

These problems of generality even extend to the principle of non-retaliation that immediately precedes the Laws' speech and seems central to it. For, it seems that the argument as stated can be characterised in two ways: either as simply recasting the prohibition of injustice or, as a ban on retaliation that is far too general to be applicable to the questions under consideration.⁴⁰

On the first reading, the prohibition of ἀνταδικεῖν (to do injustice in return) might well be seen to contribute no new information to the text, even though it is usually considered as a radical departure from the norms of contemporary Greek morality (see Vlastos 1991, 194ff.; cf. Kahn 1989, 41). Socrates' claim that 'even the victim of injustice must not do injustice in return, as the majority believe, since injustice is entirely forbidden' (49b9ff.) is normally understood to prohibit the retaliation considered as acceptable by the many (49c10-d2). Yet, since it has been established that ἀδικεῖν (to do injustice) is wrong, this term retains its pejorative force when used in the compound ἀνταδικεῖν. Thus the prohibition of ἀνταδικεῖν only bans retaliation that involves doing injustice (i.e., if it is an instance of ἀδικεῖν), a fact self-evident from the prohibition of ἀδικεῖν (see Bostock 1990, 5n6, Vlastos 1991, 197, Young 1997, 13). This neither provides a criterion for distinguishing unjust acts of retaliation nor shows that acts of retaliation that the many would consider justified are in fact illegitimate retaliation acts of ἀνταδικεῖν. Even though Socrates might intend ἀνταδικεῖν to refer to the very acts that the many consider to be legitimate retaliation, they could surely argue that the very fact that the retaliatory nature of such acts changes their moral status, so that they no longer constitute instances of ἀδικεῖν and, accordingly, cannot be classified and condemned as ἀνταδικεῖν. If we are to understand the prohibition of ἀνταδικεῖν as a departure from the morals of the many, it must be seen implicitly to comprise acts that they would not consider to be unjust, because committed in retaliation. Nevertheless, ἀνταδικεῖν itself does nothing of this kind, and as such its prohibition is simply a tautologous development of the prohibition of ἀδικεῖν.⁴¹

In order to avoid such difficulties, Harte 1999, 121-122 suggests: 'the α-privative in ἀνταδικεῖν is interpretative, not descriptive. Socrates refers generally to acts of retaliation in response to being wronged, and analyses them as acts of wrongdoing in themselves. Only thus is Socrates' position one which the majority would reject'. It certainly seems true that this type of understanding of ἀνταδικεῖν is needed to make sense of the majority dissension. Moreover, if as

questions'.

⁴⁰ Cf. Lane 1998, 319: 'the *Crito*'s ban on retaliation has been criticized for its breadth and unspecificity'.

⁴¹ It might be objected that, even if this applies to ἀνταδικεῖν, the prohibition of ἀντικακουργεῖν (49c4) really says something novel, since itself is not so obviously pejorative, especially when done in retaliation. Yet, if this is the case, the controversy surely lies with the previous ban of κακουργεῖν itself (49c2), that then entails the prohibition of ἀντικακουργεῖν.

she claims, ἀνταδικεῖν is a neologism, we might also see it as a word-play that subtly attaches a notion of injustice to the traditional concept of justified retaliation (ἀντιδικεῖν). However, although such an interpretation appears to make room for a ban of retaliation itself, this leads to another set of problems, namely, that the prohibition is too general to be applicable. For there is still an absence of information as to where boundaries are drawn between just and unjust responses and how this fits this particular situation.

The traditional approach to these questions seems to be to interpret Socrates' envisaged destruction of the Laws as the retaliatory injustice. Yet the Laws explicitly accuse Socrates of trying to overturn and destroy themselves and the city, actions that are not self-evidently unjust, but must be proved so by the Laws.⁴² The view that destruction of the Laws is necessarily an injustice seems to rest on the idea that words such as 'destruction', 'violence', or 'injury' are value-terms. However, the Laws' terms, ἀπολέσαι and ἀνετετράφθαι (50b1-5), are not self-evidently and unequivocally pejorative (see 51a3), and Socrates' intended actions remain to be proved unjust by the Laws. The question of whether the destruction of a legal system that may be at fault is legitimate or unjust surely remains at issue as the speech continues.

To a certain extent, the Laws echo the points about ἀνταδικεῖν in the first part of their speech, claiming that justice between them is not based on equality, and that Socrates is mistaken to think that it is just for him to reciprocate (ἀντιποιεῖν) their actions (50e4ff.). They compare the relationship between them to that of father and son or master and slave, in which the son or the slave must not speak back when rebuked (κακῶς ἀκούοντα ἀντιλέγειν) or hit back when hit (τυπτόμενον ἀντιτύπτειν). The Laws' prohibition of retaliation echoes the earlier ban on ἀνταδικεῖν, both thematically and verbally, in their repeated use of verbs with the ἀντί prefix that expresses reciprocity, and this has led readers to equate the scenario described by the Laws with the actions that are prohibited by the ban on ἀνταδικεῖν.⁴³ Yet the Laws only discuss retaliatory instances of actions such as ποιεῖν that are not in themselves unjust,⁴⁴ whereas in the earlier

⁴² Cf. Kraut 1984, 108: 'The Socratic prohibition of injustice is not a prohibition of violence. On the contrary, both Socrates and the Laws imply that violence can be justified, since they rule it out only in a limited range of cases: ...So the Laws have understood the Socratic prohibition of injustice rather well. They realize that it is not a point about destruction or violence. And they see that they cannot condemn Socrates simply on the grounds that escape is a destructive act'. Cf. Bostock 1990, 4 that at 50a7-b8 the Laws 'do *not* assert...that it is *wrong* for Socrates [emphasis his], in his position, to seek to destroy the whole system of laws, and certainly they have not yet made any attempt to argue for it'.

⁴³ E.g., Barker 1977, 18-19: 'Socrates' projected action is treated under one of those categories explicitly listed as varieties of ἀδικία in the earlier discussion (49B10ff.): it is ἀντιποιεῖν, ἀντιλέγειν, ἀντιτύπτειν, (50E9-51A1), and must therefore lie under the prior ban on ἀνταδικεῖν (49B10, C10, D8), ἀντικακουργεῖν (C4), ἀμύνεσθαι ἀντιδρῶντα κακῶς (D8-9). Just because it is intentionally inflicting harm for harm, however great the provocation and however slight the retaliatory effect, it is ἀδικία and must not be chosen'. Cf. also Harte 1999, 124-125.

⁴⁴ Cf. Vlastos 1994, 90n8: 'but what is permissible at 50e6 is ἀντιποιεῖν, *not* ἀνταδικεῖν and

passages, the prohibition concerned acts of mutual injustice. Far from claiming that it is unjust for Socrates to retaliate against their *unjust* treatment of him, the Laws' point depends upon the fact that their initial action was in fact *just*, and that Socrates' retaliation alone is unjust (e.g., 51a3: ἔάν σε ἐπιχειρῶμεν ἡμεῖς ἀπολλύναι δίκαιον ἡγούμενοι εἶναι).

Unlike Socrates' earlier point, the Laws are not talking here about responding to injustice in general terms, but specifically, about what constitutes justice and injustice in a certain case. They show how the prohibition of ἀδικεῖν applies in these particular circumstances and present a model of retaliation with very clear ideas about which side of the action is correct.⁴⁵

Thus, even if the ban on ἀνταδικεῖν is to be seen as a radical ban of retaliation, Socrates, *in propria persona*, does not provide an applicable account of what the notion of 'retaliation' entails. Furthermore, the Laws almost seem to trade upon the superficial similarities in order to emphasise the difference between their own case and the type of retaliatory injustice that this ban prohibits. It seems, therefore, that both the prohibition of ἀδικεῖν and the prohibition of ἀνταδικεῖν, even if not tautological, are too general to advance our understanding of what constitutes injustice itself. This remains for the Laws, who proceed to develop the prohibition of injustice within this context.

The earlier part of the dialogue makes justice a moral imperative, but gives no indication of what designates the just or unjust act, while the Laws give us themselves and their sentences as a model of what constitutes justice in this particular situation. In this context, injustice for Socrates is to disobey the sentence of the Laws, so that the Laws' dictates come to have a normative value. So the Laws provide a model for applying the imperative of justice and prohibition of injustice in this context. In fact, later in the speech, they claim that Socrates' former *logoi* have put them on a par with justice and virtue as the things that are most valuable for men (ἡ ἀρετὴ καὶ ἡ δικαιοσύνη πλείστου ἄξιον τοῖς ἀνθρώποις καὶ τὰ νόμιμα καὶ οἱ νόμοι: 53c7).

IV. Justice as self-consistency in the Laws' speech

Nevertheless, the question still remains of what basis the Laws have for claiming an integral connection between their dictates and justice. In order to answer this it is helpful to consider a further difference between Socrates *in propria persona* and Socrates as the Laws, namely, the difference in the significance of the

ἀντικακουργεῖν, which are clearly ruled out at 54c2-3'.

⁴⁵ The Laws do accuse Socrates of returning 'injustice for injustice' at the very end of their speech: ἐάν δὲ ἐξέλθῃς οὕτως αἰσχροῦς ἀνταδικήσας τε καὶ ἀντικακουργήσας (54c2-3). Yet, they have made it clear that Socrates has been treated unjustly by 'men' and not by themselves (54b9-c2). Clearly this is not a parallel situation to that described at the beginning of their speech, nor are they conceding that their own actions towards Socrates can be construed as acts of injustice. *Contra* Harte 1999, 125, who argues that the view that ἀντιποιεῖν here is an example of ἀνταδικεῖν is 'confirmed, when...the Laws refer back to this argument using Socrates' own terms (ἀνταδικεῖν and ἀντικακουργεῖν) at 54c2-3'.

self-consistency arguments that he uses.

As is argued above, in both personae Socrates uses arguments that revolve around the degree to which Crito's proposal will be inconsistent with Socrates' previous actions and beliefs. In the earlier arguments Socrates' principles are ostensibly independent of the actions or beliefs of the individual. Arguments such as, 'And I cannot, now that this has happened to us, discard the *logoi* I used to advance, but they seem to me much the same as ever, and I revere and honour the same ones as before' (46b), suggest that if Socrates escapes from prison, he will be contravening the *logoi* by which he has abided throughout his life. Nevertheless the fact that he has stood by these *logoi* is not itself the cause of their validity nor their applicability. A further implication of this is that the assessment of whether Socrates' proposed actions would be consistent with these *logoi* is independent of his prior adherence to them. Similarly, when Socrates tries to establish Crito's agreement for the principles of his argument at 48e3ff. and 49c11ff., the validity of these principles will be unaffected by Crito's agreement or disagreement.

The earlier principles such as the prohibition of injustice (49b7) are inherently linked to the good (τὸ καλόν), since 'living well' (καλῶς) and 'living justly' (δικαιῶς) are said to be identical (48b7ff.) and, conversely, it is always 'wrong' (κακόν) and 'shameful' (αἰσχρόν) to do injustice (49b4ff.). These principles are invariable and self-standing moral imperatives, whose moral value is affected neither by the contingencies of the circumstances (49a5), nor by personal commitment or agreement (cf. Woозley 1979, 21-22).

However, this is not the case for the Laws. As they themselves admit, the rectitude of their individual decisions is not guaranteed and they do not claim that their dictates are invariably just *per se*.⁴⁶ At 51e8 they suggest that the individual is free to persuade them, if they have done wrong (εἰ μὴ καλῶς τι ποιῶμεν), so that it is clearly possible that their decisions might not be right. Moreover, the fact that their system incorporates persuasion suggests that the workings of the Laws are in some way mind-dependent, as opposed to the objectivity of Socrates' earlier principles. Yet, if this is the case, it seems puzzling that they can nevertheless claim their demands for Socrates' absolute obedience to be legitimate.

A possible solution to these difficulties lies in the passage in which the Laws try to show that Socrates is bound by their claim and which, as we have already seen, provides a clue to their ethical methodology. The Laws' claim that unconditional obedience to their dictates is a moral imperative for Socrates (50c6) can be understood in terms of the ἀπέσκειν principle (51e4) and the agreement in action (ἐργῶ, 52d6). Like Socrates *in propria persona*, Socrates as the Laws, also focuses on choice, putting much emphasis on the fact that the agreement to stay in Athens and abide by the Laws' pronouncements was not one made under com-

⁴⁶ Cf. Vlastos 1995, 38-39; Alternatively, Bostock 1990, 18, suggests that 54b9-c2 indicates that the 'possibility of injustice' enters the legal system through human error and not via the Laws themselves.

pulsion, but a voluntary agreement from which a person could withdraw at any time (51d2ff.). However, in the Laws' case the justice both of this agreement and the ἀρέσκειν principle depends upon the voluntariness of the agreement, and this is indicative of the difference in the reasoning being used in the earlier and later parts of the dialogue. The earlier principles are unaffected by individual actions or belief, whereas those within the Laws' speech are dependent upon those very things.

Just like Socrates *in propria persona*, the Laws also argue that defiance of their dictates would be inconsistent with Socrates' behaviour throughout his life. Yet, unlike the earlier points, where the applicability and validity of the principle was unaffected by a person's actions and beliefs, in the Laws' speech it is the actions and beliefs (as inferred from actions) that directly affect the applicability of the principles. Thus, if we take the *ad hominem* aspect of the argument seriously (see Vlastos 1995, 42; Weiss 1998, 163; West 1989, 78; Kahn 1989, 35; White 1996, 109), the proofs given and the debts claimed in this part of the dialogue actually point toward the method of ethical reasoning being employed here. My reading departs from those discussions of this passage that take the Laws' principles as a general imperative, exploring their political ramifications and whether these are consistent with the earlier prohibition of injustice.⁴⁷

The degree to which an individual is bound by the Laws of Athens varies according to their actions and the duration and degree of commitment that these imply, as is clear from the evidence (τεκμήρια) given by the Laws (52b1ff.). The principle of absolute obedience to the sentences of the Laws cannot be used as an independent means of assessing whether escape would be just, but must be taken as part of Socrates' belief system as a whole, as demonstrated by his actions. Escape is not unjust simply because it contravenes this principle alone. Rather, obedience to this principle is the course of action that is most consistent with the beliefs implied by Socrates' actions throughout his life, and it is this that makes the principle just for Socrates and the escape that would contravene it unjust.

The problem that is so often raised about the Laws' speech is the incompatibility of Socrates' absolute prohibition of injustice with the Laws' demands for absolute obedience to dictates that are not necessarily just. However, if we see the Laws' demands for obedience not in terms of individual dictates that are just *per se*, but in terms of an *ad hoc* and *ad hominem* notion of justice as self-consistency, this problem can perhaps be avoided. For self-consistency hinges not on the simple compatibility of an action in itself with an independent principle in isolation from the individual agent, but on achieving the highest degree of coherence within the entirety of an individual's beliefs, reflected in past and present actions as well as in actions envisaged for the future.⁴⁸ Since actions are not independently unjust, but only because inconsistent, it would therefore simply not be

⁴⁷ E.g., Kraut 1984, ch. 6 examines the 'argument from agreement' in general terms and says its 'devastating defect' might be due to the fact that Socrates 'generalizes from his own case' (190-191); Woolley 1979, 5; Allen 1984, 85ff.

⁴⁸ A consistency model of justice also makes room for the points in the latter part of the Laws'

open to the Laws to argue convincingly in such a case that obedience would be consistent and therefore just.

The questions of the *Crito* are not generalised, but a deliberation firmly grounded within the context and contingencies of a practical situation—albeit a fictional representation. As Vlastos 1995, 38 says, the Athenian state is not ‘a celestial society whose legal order could be counted on to be invariably just’, but a human one, in which ethical conflicts may arise. Such a conflict is present in the very nature of Socrates’ situation since he appears to accept as just the punishment for actions that he does not believe unjust. A consistency model of justice, without abstract and absolute ethical principles with which independent practical decisions simply conform or clash, provides a way of negotiating these difficulties. For, accordingly, both Socrates’ initial actions and his acceptance of the sentence are those decisions that render his actions most consistent and therefore most just.

Of course, there is still room for debate about how the Laws’ demands in this context are consistent with Socrates’ belief system,⁴⁹ and whether self-consistency itself is either necessary or sufficient for justice. The question of whether self-consistency *per se* is enough to confer moral or epistemic rectitude on a set of beliefs is much debated. For the *Crito* itself, the model of justice as self-consistency, even if controversial, appears to provide a useful way of understanding the Laws’ speech.

Conclusion

I have challenged the legitimacy of distinguishing between Socrates’ *in propria persona* arguments and the Laws’ speech in terms of a reason/rhetoric opposition. This distinction cannot be drawn between them and is unsatisfactory since rhetorical structures of argument pervade both parts. Taken in an expanded sense, however, ‘rhetoric’ might be seen as the distinguishing feature of the Laws’ speech. As an argumentative tool rhetoric aims at persuasion, a task attempted, as in the *Crito*, largely through showing the consistency of certain views with the beliefs of the individual. *In propria persona* Socrates uses just such tools to persuade Crito of principles whose morality is self-standing. And while in the Laws’ speech it is purely the fact that the views being proposed are consistent with Socrates’ actions and beliefs that makes them moral, the rhetori-

speech of the effect of escape on friends and family, reputation and future occupation (53a9-54b2). This would then give more significance to some of the Laws’ expressions such as τὸ σχῆμα τὸ σαυτοῦ μεταλλάξας (53d7) and πολλὰ καὶ ἀναξία σαυτοῦ (53e4), as well as providing a possible objection to the contention that the Laws’ concern with matters that Socrates appears to have dismissed as inconsequential (48c2-6) suggests a Socrates/Laws disjunction: see, e.g., Miller 1996, 128; Weiss 1998, 132 and 150; Harte 1999, 129.

⁴⁹ Pertinent to this issue is what constitutes the type of obedience that the Laws demand. Gallop 1998, 258 suggests that it is the sentences and not all orders of the court to which the Laws claim Socrates’ unconditional obedience. Another important point is the precise meaning of the distinction used by the Laws when they claim that Socrates will have been wronged ‘not by us, the Laws, but by men’ (54c1-2).

cal form is essential to the ethical content. We might then see the Laws' speech as essentially 'rhetorical' since it represents a mind-dependent and subjective ethics, dependent on individual beliefs, unlike the absolute ethical principles of the earlier *Crito*.

Yet to view the Laws as 'rhetorical' in this sense in no way precludes seeing them as reasoning. While it may be true to say that 'rhetoric' characterises both the argumentative structures and ethical system of the Laws' speech, this rhetoric is neither an inconsequential embellishment nor a hinderance to their reasoning. On the contrary, it could be said that the 'rhetoric' of the Laws' speech holds an essential key to its philosophy.⁵⁰

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