

Obedience to the State in the *Crito* and the *Apology*

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A great trouble for lovers of Socrates is the fact that one of the central claims espoused in the *Crito*—the requirement that one must, failing successful persuasion, obey the orders of the state—seems to directly conflict with a passage from the *Apology* in which Socrates threatens to disobey a court order to cease philosophizing. Though other philosophers in the past have attempted to reconcile the *Crito* and the *Apology*, the strength of the principles in the *Crito* doom such an endeavor to failure from the start.

Nowhere is the Socratic devotion to the state more obvious than in the combination of two principles that Socrates puts forth during the course of the *Crito*:

(P1) When one has come to a just agreement with another,
one should fulfill it.

(P2) When one has freely lived their whole life in the city
of Athens, one implicitly [and *justly*] agrees to either
(A) persuade the state to adopt one's own point of view
or (B) obey the orders of the state.

Together, these two principles lay the foundation for a stronger principle concerning obedience to the state for anyone in Socrates' position. By showing that one, Socrates accepts both of the principles above and that two, Socrates considers his agreement with the state

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just, I show why Socrates believes he must either persuade or obey the state. Thus, for the first half of this paper, my intention is primarily to demonstrate that Socrates supports both of the principles above and that he considers his agreement with the state just. After that, I intend to demonstrate that these two principles combine to form a principle requiring either obedience or successful persuasion from anyone in Socrates' position. Finally, I'll spend some time looking at a passage from the *Apology* that seems to best express the conflict with the principles of the *Crito*. Specifically, I'll advance an interpretation of the *Apology* called the *Strong Promise of Defiance* (SPD) that states:

(SPD) Socrates will disobey an order by the Athenian jury,
 legal or illegal, if that order would prevent him from
 philosophizing.

However, this paper is primarily a paper about the *Crito*, and I'll spend most of my time looking at that dialogue instead of the *Apology*.

While it's true that, in the *Crito*, Socrates gives arguments for obeying the state in addition to the ones I discuss, these other arguments tend to have ambiguities that decrease their usefulness in examining Socrates' position in relation to the *Apology*. Furthermore, in this paper I intend to avoid a qualitative assessment of Socrates' position, relegating myself to a description of Socrates' position as seen in the text. Because one goal of this paper is to draw what I believe to be a textually supported contradiction between the *Crito* and the *Apology*, attempting to determine Socrates' position on the basis of what *would* be the best argument, as others have done, does little good. The existence of any contradiction necessitates a false premise, so to determine the actual premises in Socrates' argument by looking at the reasonability of each one is to rule out a contradiction from the start, regardless of the textual evidence.

Review of the *Crito*

Regarded as a whole, the dialogue between Socrates and Crito breaks down into three main sections. The first of these, in which

Crito presents his reasons for escape, is characterized by a number of small, unrelated arguments that, for the most part, Socrates dismisses as irrelevant. Crito argues that Socrates' failure to escape will be taken as a sign of cheapness on the part of his friends, that his failure to escape will leave his children with no one to raise them, and that, if Socrates escapes, he will have a place to stay in Thebes.¹ However, Socrates dismisses each of these arguments for escape on the grounds that they appeal to the wrong things. Rather than worry about the opinion of the majority or the fate of one's children, Socrates claims, one should be concerned with acting justly. So important to Socrates is living the "just life," that it supersedes any other concern, and its absence makes life not worth living.² Thus, if escaping would be unjust, then Socrates should not escape—regardless of any other factors that may seem relevant.

This ultimate importance of right action lays the foundation for the second section of the dialogue. Here, Socrates states one of the essential premises of his argument: because right action is so important, "one must *never* do wrong."³ Furthermore, Socrates claims, because to injure someone is always to do wrong (even when one injures someone in retaliation), and because one must never do wrong, then, "one should never do wrong in retaliation, nor mistreat any man, no matter how one has been mistreated by him."⁴ In addition to this principle, Socrates uses the second section of the *Crito* to make the claim that "when one has come to an agreement that is just with someone," one should fulfill it (P1).⁵

After establishing these two points, Socrates moves into the third section of the dialogue. Here, Socrates ceases to speak as himself and instead begins to speak on behalf of the Laws of Athens. In addition to creating confusion, this rhetorical device is used by Socrates to make

¹ *Crito* 45a–46b.

² *Ibid.* 47e–48a.

³ *Ibid.* 49b.

⁴ *Ibid.* 49b–c.

⁵ *Ibid.* 49e.

his three primary arguments against escape. On their own, each of the three arguments stands as an independent, though weak, reason for Socrates to stay in prison. However, I believe that, when taken in unison, the three arguments present a substantial case for absolute obedience to the state.

First among these arguments is the claim, made of course by the Laws of Athens, that by escaping Socrates is doing injury to (and even destroying) the Laws. Because, the Laws reason, a city is destroyed when the verdicts of its courts are reversed and nullified by private individuals, Socrates would be destroying the Laws of Athens were he to escape.⁶ Because Socrates should never mistreat another and because, by escaping, Socrates would be mistreating the Laws, the Laws claim that Socrates should not escape. The second argument given in the third section of the dialogue claims that Socrates owes fealty to the state above all others. The Laws claim that Socrates owes a duty of obedience to the state because it was through the state that his father married his mother, through the state that Socrates was born, and through the state that Socrates was raised. Thus, the duty of Socrates to the state resembles the duty of a son to his father, only stronger.⁷ So strong is this duty to the state, that Socrates has no right to retaliate against the state, no matter what the state does to him.⁸

The third and final argument given by the Laws of Athens is an appeal to a social contract between Socrates and the state. According to the Athenian law, a citizen could, at any time after reaching the voting age and after observing the city and the ways of its government,

⁶ Ibid. 50a-c. A popular thing for philosophers looking at this argument to do is to consider how much damage Socrates would really be doing by escaping from prison. However, the question of how much damage Socrates would be doing is really quite irrelevant to the question of whether or not Socrates has a contradiction in his views. Even if it is true that no harm would actually result from Socrates' escape, the fact that Socrates believes harm would result is enough to determine the position that Socrates takes on the issue.

⁷ Ibid. 50d-51c.

⁸ Ibid. 50e-51b.

freely leave the city with all of his possessions.⁹ Because of this, citizens who remain in the city tacitly agree to “either persuade [the state] or obey its orders, and endure in silence whatever it instructs [them] to endure,” just as (P2) states.¹⁰ Because, by escaping, Socrates would be failing in his duty to persuade or obey, Socrates would be breaking his agreement with the state. Because Socrates should never break his just agreements (P1), Socrates should not try to escape.

Two Principles

Having reviewed the basic structure of Socrates’ arguments, I now intend to look at both (P1) and (P2) individually in order to demonstrate Socrates’ acceptance of them. Compared to the second principle, Socrates spends relatively little time arguing for the acceptance of (P1), treating it instead as if it were obvious. However, the first principle is vitally important to Socrates’ argument as a whole because it gives the argument its prescriptive force—at least insofar as the argument appeals to the moral significance of agreements. One recent interpretation of the first principle by R. E. Allen,¹¹ however, seeks to limit the prescriptive force of the first principle to the point of redundancy by overemphasizing the qualifier which requires the agreement to be “just.”¹²

Allen makes the claim that Socratic conceptions of the moral duties surrounding promises differ considerably from modern conceptions of the same thing.¹³ While to a modern philosopher like Kant, a promise creates an absolute obligation to see the promise fulfilled, to Socrates,

⁹ Ibid. 51d.

¹⁰ Ibid. 52b. See also 51–52 for more discussion of this topic.

¹¹ Allen 1980.

¹² Allen uses a different translation of the *Crito* than I do, and thus gets a slightly different version of (P1) than I get from Grube’s translation. In Allen’s translation, the qualifier concerning the status of an agreement as just is much more prominent than in Grube’s translation, though I don’t think that this difference should create any problems for my interpretation.

¹³ Ibid. 72.

one's duty to fulfill any agreement is always contingent on the fact that the actions involved in fulfilling the agreement are just.¹⁴ Consequently, according to Allen, the prescriptive force provided by (P1) is voided if the agreement between Socrates and the state is in any way unjust. Because Allen views any agreement that requires one to submit oneself to death as unjust, he rejects the idea that the agreement could require Socrates to remain in jail.

However, Allen's analysis unjustifiably rejects two things. First, he rejects the claim that some actions are justified not on their own merit, but purely by their status in an agreement. Second, Allen rejects the possibility that the risk of wrongful conviction is itself part of the agreement with the state, and thus acceptable to Socrates. Additionally, Allen's reason for rejecting the prescriptive force of (P1) as it applies to Socrates in the prison cell—that the principle requires Socrates to submit himself to an unjust conviction—is dependant on the assumption that because Socrates does not *deserve* to be executed on the basis of wrongdoing, it is *unjustifiable altogether* for the state to execute him. Such reasoning presupposes the idea that the state can justifiably execute Socrates *only* when Socrates deserves the execution on his own merit. However, this view is nowhere to be found in the text. Instead, the Laws *repeatedly* claim for themselves the right to do as they will to Socrates (even to the point of destruction), both on the grounds of the social agreement and through their parental status towards him.¹⁵ Such reasoning by the Laws, based on the grounds of the agreement, is not at all favorable to Allen's claim concerning the contingent status of the agreement. Much to the opposite effect, such reasoning seems to hint that Socrates views the actions of the state as justifiable because of the agreement.

Furthermore, parts of the text indicate that the possibility of wrongful conviction is itself a part of the agreement between Socrates and the state.¹⁶ In response to the objection by Crito that Socrates has

¹⁴ Ibid. 73.

¹⁵ *Crito* 51a–c.

¹⁶ To his credit Allen anticipates this objection, however his arguments against it are simply a rephrasing of his original arguments. See Allen 94.

been convicted wrongly, the Laws rhetorically ask “was that the agreement between us Socrates, or was it to respect the judgments the city came to?”¹⁷ Though, admittedly, the fact that this is expressed as a question raises some doubts, it remains clear that the Laws (and thereby Socrates also) view the agreement between themselves and Socrates as encompassing mistakes of the court. In addition to this, Socrates mentions in the *Apology* other instances where the state was mistaken, as when it attempted to try the ten generals as a body.¹⁸ It is only reasonable to suspect that Socrates knew that implicit in the citizenship agreement was the risk of wrongful conviction, yet he stayed in the city and accepted the agreement with the Laws.¹⁹

The objection made by Allen covers one of two ways in which Socrates’ agreement with the state could be considered unjust—the way in which the terms or requirements of the agreement itself are unjust. That said, it is still at least possible that Socrates could consider his agreement with the state unjust on the grounds that the means of coming to such an agreement were unjust. However, there seems to be no real reason to suspect this. Socrates mentions that not only was he free to leave at any time with all of his possessions, but that he also had seventy years to do so, and it is hard to imagine a more legitimate way of coming to an agreement.²⁰

The establishment of the second principle occupies a large part of the later sections of the *Crito*. Two different justifications for the persuade-or-obey dilemma are given—one of them being the supremacy of the state to Socrates and the other being the citizen contract. However, while there is little doubt that Socrates accepts the doctrine

¹⁷ *Crito* 50c.

¹⁸ *Apology* 32b.

¹⁹ A point to note here is that Socrates can and does draw a distinction between objecting to a particular decision of the court and rejecting the duty to submit to that decision (*Crito* 50c). The opposition of Socrates to the mass trial of the generals, then, needn’t necessarily indicate that Socrates wouldn’t expect the generals to submit to the final decision of the court.

²⁰ *Crito* 52d–e.

of persuade-or-obey, ambiguities in the formulations of the doctrine have created problems in the past and some philosophers have been tempted to use these ambiguities to weaken the demands placed on Socrates.

One of the most prominent of these philosophers is A. D. Woozley,²¹ who forwards an interpretation of the persuade-or-obey doctrine that allows for civil disobedience as long as the disobedience is intended to persuade the state to adopt one's own point of view. According to Woozley, the persuade-or-obey doctrine requires one to either obey the orders of the state or take steps attempting to change the state's mind. In Woozley's reading of the text, the success or failure of an attempt at convincing the state is irrelevant to the justifiability of the disobedience employed in making the attempt to persuade the state. However, though it is justifiable for the citizen to disobey in Woozley's reading, the citizen is not guaranteed any safety from repercussions.

Woozley justifies his interpretation on the grounds that it avoids a contradiction with Socrates' other dialogues, namely the *Apology*. Furthermore, Woozley claims to hold the more moderate position between two opposing extremes—one requiring the disobedient to succeed in his attempt and the other requiring the state to allow all persuasive disobedience, regardless of whether it succeeds. Because, Woozley reasons, the language of the *Crito* seems to allow for a non-contradictory interpretation, any contradictory interpretations should be ruled out.

However, the Woozley interpretation hinges on the reading of the word "persuade" in the persuade-or-obey doctrine as something other than a "success-verb." If the applicability of the word "persuade" is taken to be dependant on the success of the attempt at persuasion in the same way that the applicability of "fly" and "win" are dependant on success, then it is obvious that the Woozley interpretation will not work. Unfortunately for Woozley, at least one formulation of the doctrine hints strongly that a success-verb reading is appropriate.

²¹ Woozley 29–33.

The speech of the Laws between 51e and 52a gives one of the more revealing formulations of the doctrine:

We say that *the one who disobeys* does wrong in three ways . . . he neither obeys us nor, if we do something wrong, does he try to persuade us to do better. Yet we only propose things, we do not issue savage commands to do whatever we order; *we give two alternatives, either to persuade us or to do what we say. He does neither.*²²

The subject of the entire quote, from 51e4 to 52a3, is “the one who disobeys.” That said, it’s obvious that by “the one who disobeys,” the Laws are referring to anyone who chooses to do anything other than obey the orders of the state. The interesting and important thing to note about the formulation is that at the end it makes the claim that the one who disobeys neither obeys nor persuades. This means that anyone who disobeys orders in an attempt to persuade becomes “the one who disobeys” and, at the same time, does not persuade.

This rather counterintuitive claim can only be understood in one of two ways. One, choosing to persuade might be seen as some sort of legitimate alternative to obeying, such that one who chooses to persuade instead of obeying isn’t really “disobeying.” Both Woozley and I reject this possibility. The problem with it is that the laws of fourth century BC Athens simply lacked this kind of written in exemption.²³ Two, it can be presumed that, if a citizen were ever to successfully persuade the state, then the state would rescind its order, and the citizen would be obeying the state at that point. Thus, when persuasion happens successfully, there is no disobedience, while any attempt at persuasion that ends in failure is not persuasion. This interpretation of 51e4 to 52a3 demands the use of a success-verb reading of “persuade.”

That there is only one viable solution to the problem above forces us to adopt a success-verb reading of the word “persuade.” This use of a success-verb reading has rather significant ramifications when

²² *Crito* 51e–52a, my emphasis.

²³ Woozley 31.

applied the whole of (P2). What it says is that any disobedience to the state will always be a violation of the citizen agreement, which demands that one either persuade or obey. This is because the *only* acts of disobedience that are permissible (those in which persuasion succeeds), are impossible (because they cease to be acts of disobedience).

This, of course, holds only if we ignore temporal complications of the issue. What are we to say, for example, of the one who disobeys for a time and only after disobeying for some time succeeds in his persuasion? Is his disobedience before the persuasion still unjustified, or does his success retroactively pardon his persuasion? The passage quoted points to neither of these.

However, in relation to the threatened disobedience of the *Apology*, the question may not even matter. We can sidestep all temporal complications of the issue simply by weakening (P2) to claim that *at some point in time*, if one is to hold to the citizen agreement, then one must have obeyed all of the non-rescinded orders of the state. According to this newly weakened (P2), one must fulfill every order of the state, at least by the time one dies, unless the order is successfully persuaded away, if one is to maintain the citizen agreement. Further, this weaker version of (P2) is logically implied by a version of (P2) that uses a success-verb reading of persuade.

Synthesis of the Principles and the *Apology*:

The now completed (P1) and (P2), while individually weak, together form a substantial foundation for a principle governing civil disobedience. By providing (P2) with prescriptive force, (P1) allows us to form the following statement:

- (P3) If one is in Socrates' position, one must never fail to fulfill one's non-rescinded orders from the state before death.

However, (P3) seems almost like a direct inversion of Socrates' statement in the *Apology* claiming that he would take death before following the orders of the court. At 29c–d in the *Apology*, Socrates says:

If you said to me in this regard, "Socrates, we do not believe Anytus now; we acquit you, but only on the condition that you spend no more time on this investigation and do not practice philosophy, and *if you are caught doing so you will die*"; if, as I say, you were to acquit me on those terms, I would say to you: "Men of Athens, I am grateful and I am your friend, *but I will obey the god rather than you, and as long as I draw breath and am able, I shall not cease to practice philosophy . . .*"²⁴

This moment of defiance against the state seems, from an initial reading, to conflict directly with (P3). Even if we assume that Socrates might somehow convince the state to rescind its order by continuing to practice philosophy, it seems obvious that Socrates' threatened disobedience in the *Apology* is not contingent on the success of this persuasion. Rather, Socrates seemingly intends to continue the practice of philosophy—even if the state will execute him for disobeying the court order. This is problematic for a reader who wants to avoid ascribing a contradiction to Socrates because obviously if Socrates allows the state to kill him while he's in the process of disobeying the state, he will be in a direct violation of (P3).

However, there are a number of potential escapes a reader might take if they were to accept my findings on the *Crito* but not the *Apology*. In particular, one argument has been made in the past that would seem to allow Socrates to hold a position of strong obedience to the state while at the same time making the statement he gives at 29c–d. A reader might argue that Socrates' threat to disobey the jury at 29c–d of the *Apology* is actually not a contradiction with the *Crito* because (P3) only demands that Socrates obey legitimate commands from the

²⁴ *Apology* 29c–d, my emphasis.

state.²⁵ The reader might then reason that because an Athenian jury would lack the legal authority needed to make the kind of order that Socrates considers in the *Apology*, Socrates wouldn't be obliged by (P3) to obey the command to cease philosophizing.

Such an argument hinges on the difference between two claims that Socrates might be making at 29c–d, claims of either a *Strong Promise of Defiance* (SPD) or a *Weak Promise of Defiance* (WPD):

(SPD) Socrates will disobey an order by the Athenian jury, legal or illegal, if that order would keep him from philosophizing.

(WPD) Socrates will disobey an order by the Athenian jury to cease philosophizing if and only if the order is illegal.

Proponents of the position outlined above are going to see Socrates as espousing the weaker of the two promises while others like myself will see Socrates as intending the stronger. Regardless of which promise one initially reads, however, the viability of either position is going to depend on two questions that I see as being at the center of the dispute:

²⁵ I never actually consider the qualifier requiring a law to be legitimate to be part of (P3) when I establish the principle. It's obvious (from the fact that he decides to stay in jail) that Socrates considers the law requiring him to stay in jail legitimate and, because Socrates never considers the issue in the *Crito*, it would be odd for me to claim that he intends the qualifier to be part of his position. It's true that Socrates gives hints that he feels no obligation to obey illegitimate orders—for example, he mentions in the *Apology* how he disobeyed the orders of The Thirty to bring them Leon (32c–d)—but these examples are examples from the *Apology* and (P3) is a principle of the *Crito*. Since I'm arguing that contradictions exist between the two dialogues, it shouldn't be assumed without cause that positions in one dialogue translate into positions in another. However, in regards to the argument at hand, this concern may come to nothing since I argue that even if (P3) contains the qualifier considered and even if such a command would be illegitimate, Socrates' threatened disobedience is in no way dependant on those conditions.

- (1) Would an order like the one Socrates considers at 29c–d be a legitimate order under Athenian law or, more importantly, does Socrates see it as being a legitimate one?

- (2) Would Socrates disobey even if the order were legitimate?

An affirmative answer to either question is enough to logically imply the (SPD) instead of the (WPD), and so my efforts for the rest of this paper will primarily focus on why we have few good reasons to answer the second question in the negative.

In their valuable work on the subject, Thomas C. Brickhouse and Nicholas D. Smith advance a typical argument for the (WPD) reading.²⁶ According to Brickhouse and Smith, there are two ways in which the events of Socrates' hypothetical might actually come to pass: One, the jury could offer to acquit Socrates of all charges on the condition that he cease philosophizing under pain of death; or, two, the jury could find Socrates guilty of the charges and assess his punishment as a prohibition against philosophizing. However, as Brickhouse and Smith point out, the laws of Athens at the time simply didn't allow for such contingencies and thus 29c–d seems not to actually commit Socrates to any kind of defiance. However, such replies seem misguided for two reasons. The first is that Socrates makes no indication at all that he's giving a vacuous conditional when he vows defiance. If Socrates really intends for his hypothetical to hinge on the fact that the court would lack the legal authority to satisfy the antecedent conditions for his threat, then why doesn't he give any indication that that's what he's trying to do?

Secondly, even if the court-ordered proscription against philosophy would be illegal, there's still no reason to think that such a proscription couldn't come about by other, legitimate means. For instance, the Athenian assembly could pass a law requiring that Socrates cease philosophizing, in which case the limitations of the jury's power could be avoided. Such a law might, of course, contradict an earlier law passed by the assembly, but this would only matter if Socrates was able

²⁶ Brickhouse and Smith 143–45.

to demonstrate the contradiction to an Athenian court and if he failed, he would have no further recourse.²⁷

Brickhouse and Smith consider this possibility and come to the conclusion that even if Socrates failed at his attempt to get the law revoked, he would still have a way to avoid a contradiction because he would likely see the law as illegitimate and therefore lacking prescriptive force. Even if the Athenian legal system failed to find a contradiction, they reason, Socrates would still see the law proscribing philosophy as a perversion of due process and therefore not really a law at all. If Socrates was willing to simply declare any law he disagreed with “a corruption of due process,” however, it becomes hard to see how he would view himself as having an obligation to sit in jail since in the *Crito* he readily admits that his conviction was wrongful.

Of course, my arguments here for the (SPD) reading don’t cover all the possible interpretations, and it may very well be the case that another unconsidered reading is the correct one. However, I do believe that most will agree with me that an intuitive reading of the *Apology* yields my conclusions and that any alternative thesis will require extensive consideration before it can be accepted. Further, I hope it’s fairly obvious by this point that a reading of the *Apology* that ascribes the (SPD) to Socrates will undoubtedly conflict with any reading of the *Crito* which yields (P3).

Conclusion

In the late 1880s George Grote proposed an explanation to the inconsistencies between the two dialogues. The *Crito*, according to Grote, was tasked by Plato with combating a widespread negative image of Socrates that arose after Socrates’ speech at his trial.²⁸ Because

²⁷ The Athenian legal system allowed individuals to challenge a law passed by the assembly on the grounds that it conflicted with an earlier law. Brickhouse and Smith consider the possibility that Socrates might make such a challenge, but the consideration is almost irrelevant since the attempt would almost certainly fail. See Brickhouse and Smith 151.

²⁸ Grote 430–31.

the disobedient nature of Socrates' speech had cast him as an enemy of the state in the public's eyes, the *Crito* sought to portray Socrates as exceptionally patriotic and dutiful. While there is very little positive evidence for this theory other than the contradiction itself and the historical climate, the theory at the very least provides a possible explanation that is seemingly more palatable than the claim that Socrates could actually have such a gross inconsistency in his ideas.

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