

WHY SOCRATES CAN'T ESCAPE

(For the shades of Lucian and Epicharmus the Sicilian)

The story is familiar. In 399BCE Socrates was brought to trial in Athens, charged by Meletus, Anytus, and Lycon with impiety and corrupting the youth; after speaking in his own defense he was found guilty. Athenian law required the prosecution and the defense to propose alternative sentences, then voted on by the jury. Anytus and Meletus suggested the death penalty, approved by a greater majority than found Socrates guilty of the legal charges. Socrates was then taken to prison to await execution. The date of the execution, though, was postponed, in keeping with legal and religious custom, until the ship sent by the Athenians to Delos returned safely. We do not know the length of the delay, but tradition follows Xenophon¹ in fixing it as one month—certainly enough time for Socrates's friends to arrange an escape. Socrates remained in prison, though, and upon the return of the Delian ship the death-sentence was carried out: Socrates drank a cup of hemlock, provided by the Athenian State, and passed out of life into legend.

These facts are attested by a wide variety of sources. The most familiar version of the story, of course, comes to us from Plato's dialogues: the *Apology*, the *Crito*, and the *Phaedo*. Recent archaeological excavations have unearthed what appears to be an ancient tape recorder, lodged between the stone blocks of a prison wall. The name of the craftsman inscribed on the machine is only partially legible, but was probably Panasonicos, a member of the Athenian Bureau of Investigation, who appears to have bugged Socrates's cell. The tape is not complete—there is an inexplicable eighteen-minute gap—but the remaining parts record a hitherto unknown conversation between Socrates and the young Plato, resolving a textual and philosophical controversy centered on the *Apology* and the *Crito*. A translation of the extant part follows.

SOCRATES: For Dog's sake, Plato, it's barely dawn! Can't a condemned man get any sleep? You'd never know this was a prison. It's more like Grand Central. Yesterday Crito woke me up at early dawn, and this afternoon he's coming back with Simmias and Cebes and Phaedo to watch me drink the hemlock. It isn't my idea of a good time, but then again, Crito never was too bright. Cute, though.

YOUNG PLATO: Listen, I saw Crito last night, and he told me everything that happened yesterday, and—

¹ *Memorabilia* 4.8.2.

SOCRATES: Everything?

YOUNG PLATO: Absolutely.

SOCRATES: Did he mention the quickie?

YOUNG PLATO: The what?

SOCRATES: Never mind. Go on. You saw him last night, and you talked, and one thing lead to another, am I right? So now you want to know if this is the real thing or just physical.

YOUNG PLATO: That isn't it at all, Socrates. Although that's an interesting distinction... Hmm, I wonder if something could be done with it... Anyway. Why I woke you up is, we sent Crito over here to tell you that we've got the escape all planned, and he comes back without you, telling us that you won't leave. What sort of sage are you, not getting out of prison when you get the chance? How will it look to my readers? "Socrates was the wisest man who ever lived, so wise that he was too stupid to walk out of jail." So let's go—there's still time to get across the city-state line.

SOCRATES: That is enough, Plato. I told Crito why I can't escape, and you have said that he has told you.

YOUNG PLATO: You expect me to swallow all that right-wing reactionary garbage about obedience to the laws? [Expletives deleted]!!! And even if I did, you certainly don't. That "Athens—love it or leave it" argument you gave is absurd.² Some gadfly you are.³

SOCRATES: I have been known to express such sentiments about the law.⁴ When you get to be my age you'll see.⁵ But your ridicule is not the proper tool of dialectic. You must show me where my arguments have failed.

YOUNG PLATO: Easily done. You contradict yourself.

SOCRATES: Nonsense.

YOUNG PLATO: But you do. Look, at the trial you said that if the court were to release you on the condition that you stop doing philosophy,⁶ you would do no such thing, but continue to practice philosophy.⁷ You even repeat yourself on that point,⁸ beating us over the head with it. And

² *Crito* 52E.

³ *Apology* 30E.

⁴ Xenophon, *Memorabilia* 4.4.

⁵ See *Laws* 853B.

⁶ *Apology* 29C.

⁷ *Apology* 29D.

⁸ *Apology* 37E–38A.

then you drag in that old story about how brave you were to disobey the law under the Thirty, and how Leon of Salamis should be so grateful.⁹ Maybe he would be if you didn't keep talking about it.

SOCRATES: What do you conclude from these matters?

YOUNG PLATO: That this law-and-order line you took with Crito is just a cover for something else. Simmias thinks you're trying to square your reputation with posterity, to show that you really aren't such a scofflaw as you seemed at your trial. Free meals in the Prytaneum, no less. But it won't work.

SOCRATES: You must be explicit, Plato. Why won't it work?

YOUNG PLATO: Because of your Leon-is-lucky-Socrates-was-around story! You were willing to disobey the legal order to bring him in for execution. And at your trial you expressed your intention to disobey the legal verdict of the court if it were to release you on the condition you stop practicing philosophy! So where do you get off telling Crito that we have to obey the laws? That's a contradiction, plain and simple.

SOCRATES: Yes, I begin to see the problem.

YOUNG PLATO: You begin to see the problem? Great. Maybe you'll figure it out when they show up with the hemlock. But this dodge won't help your reputation any. I can't tell people what you told Crito.

SOCRATES: And why not?

YOUNG PLATO: Are you kidding? They'd spot the contradiction right off, and decide that I was lying—trying to make you look good or something.¹⁰

SOCRATES: But what grounds would anyone have to disbelieve you, Plato? Did I say anything to suggest that I am now trying to rationalize the inevitable?

YOUNG PLATO: No. But you know how people are.

SOCRATES: Not even Xenophon is stupid enough to think that you would make me look good by having me contradict myself. And given what I said at my trial, I'd think this would be a pretty idiotic way to try and make me look good at all.

YOUNG PLATO: So Simmias is wrong?

SOCRATES: You have to ask? You have plenty of evidence to warn you that

⁹ Plato, *Apology* 32C–D; Xenophon, *Memorabilia* 4.4.3.

¹⁰ This is the view adopted by George Grote, *Plato and Other Companions of Socrates*, London 1888, Vol. 1, namely that the contradiction is due to Plato, who consciously set out to remedy the negative impression Socrates made at his trial by the views ascribed to him in the *Crito*—which is thus a rhetorical fantasy, an aggravated case of special pleading.

this view cannot be correct. Remember what I said to Crito—that I have not changed my principles throughout my life, and that I would subject the proposition that I escape to the same rules which have governed my conduct heretofore?¹¹ That means a strict logical investigation. No contradictions, please.

YOUNG PLATO: Maybe. But you're famous for being ironic.

SOCRATES: There's a limit.

YOUNG PLATO: No man of sense would dispute that.

SOCRATES: Besides, your initial supposition is wrong. There is no contradiction.

YOUNG PLATO: Would you like to elaborate on that?

SOCRATES: You're my star pupil. You shouldn't need a hint.

YOUNG PLATO: Well, how about this. Maybe we can distinguish between not accepting an offer of a conditional discharge [29C], and having to accept the legal verdict of the court. After all, you couldn't accept such an offer, but the judicial sentence wasn't an offer, but a prescription.¹² So you were entitled to tell the court to [Expletive deleted], but you aren't allowed to escape. Is that the reason?

SOCRATES: Not bad. But not good either. What is the distinction between an offer and a prescription?

YOUNG PLATO: There is an element of choice involved in an offer, but none in a prescription.

SOCRATES: Then your distinction misses the point at issue, Plato; the question is what I should choose to do now. A prescription may not include choice, but I have a choice now, namely whether to escape with you, or abide by the court's prescription. If I could dissent from the court's offer then I can equally dissent from the court's sentence—and by 'dissent' here, I mean escape.

YOUNG PLATO: Great! I'll get the rope!

SOCRATES: Not so fast! All I've done is show why your distinction isn't relevant.

YOUNG PLATO: Couldn't you act like it worked long enough to get out of here? My friend Dionysius has this great beachhouse in Syracuse.

SOCRATES: I'm afraid not. Besides, such a distinction cannot plausibly be

¹¹ *Crito* 46B–D.

¹² This suggestion is made (and rejected) by A. D. Woozely, "Socrates on Disobeying the Law" in *Socrates: A Collection of Critical Essays*, edited by Gregory Vlastos, Anchor Books, Doubleday & Co.: New York 1971, 303. Woozely does not explain the difference by the notions of 'offer' and 'prescription', but something of the sort is required.

the solution, for there was no such offer made.

YOUNG PLATO: There wasn't? What were you talking about at your trial?

SOCRATES: I said how I would react if the court were to sentence me in a certain fashion. You've confused being offered a conditional discharge with being discharged conditionally. All I ever talked about was the latter. What is more, your suggestion won't explain how I was justified in saving Leon of Salamis. When the Thirty were in power—

YOUNG PLATO: Don't start on that story again. I get the point.

SOCRATES: Do you? Consider what the cases have in common.

YOUNG PLATO: Let's see, you threatened to keep doing philosophy if the court discharged you on the condition that you stop. And you did disobey the legal order from the Thirty to arrest old Leon, who is sick of hearing about it. But you won't escape from this prison, even though we have it all planned...hmm...I've got it!

SOCRATES: Yes?

YOUNG PLATO: You're nuts.

SOCRATES: Keep trying.

YOUNG PLATO: Well, the only thing that saved you from being executed in the case of whatzisname from Salamis was that the government fell. Of course, the Thirty were evil tyrants... I think I've got it. The Thirty were exceeding their legal power in commanding you to arrest Leon. And this also explains why you would continue to practice philosophy if the court were to discharge you on the condition that you stop: the court had no legal right to make such a demand. On the other hand, you were tried and condemned in a perfectly legal fashion.¹³

SOCRATES: No good. If that was all there was to it, I could have said so easily. But the order of the Thirty was perfectly legal. That's why we had to pass a general amnesty, remember? And it is perfectly within the power of the Athenian court to prohibit me from practicing philosophy. Even the Thirty tried to do that,¹⁴ and do it legally.

YOUNG PLATO: But the Thirty were evil!

SOCRATES: True enough. But you didn't listen to what I said to Crito. While we can, if we like, distinguish the laws and the men who implement them,¹⁵ we are still obliged to obey the laws. No matter how unjust a

¹³ This seems to be the common wisdom on how to resolve the contradiction. It is briefly discussed by Woozely 304–305.

¹⁴ Xenophon, *Memorabilia* 1.2.31–37.

¹⁵ *Crito* 54C.

court verdict may be, we have to obey it;¹⁶ that itself is a matter of law.¹⁷ And if I could disobey the Thirty, and threaten to disobey the court were it to discharge me on the condition I not practice philosophy, for the reason you suggest, then why shouldn't I escape? I made it obvious enough at my trial that the legal charges were a farce and that it was nothing but a kangaroo court. Try again, Plato.

YOUNG PLATO: [Expletive deleted]! All that, and you still say there isn't a contradiction?

SOCRATES: That is correct. Come on, even Glaucon could do better.

YOUNG PLATO: How about this? There is a distinction in kind among the cases. Your threat to disobey the hypothetical court order, and your refusing to pick up Leon for the Thirty, are all instances where you were willing to take the punishment involved. But you can't escape from jail, because that just *is* the punishment involved.¹⁸

SOCRATES: It is true, civil disobedience has a different character from the subversion of the laws involved in escape. But that isn't it either.

YOUNG PLATO: Why not? You just admitted that it is a difference in kind.

SOCRATES: Civil disobedience is a very un-Greek notion; how could I have had it in mind? If you have to obey the laws, then civil disobedience is just as wrong as attempting to avoid punishment altogether. You think Athens is some sort of modern liberal democracy, placing a high value on toleration and peaceful dissent? Didn't you ever study history? If you disagree with the law, you have to try to change it by the accepted legal procedures.¹⁹ You can't just disobey it. The law is the law.

YOUNG PLATO: But doesn't it fit the cases, even if it is un-Greek? And unless that's the answer, then you just are contradicting yourself, and there's no reason for you to stay in this crummy prison.

SOCRATES: Nonsense. Look, I grant you it is a difference among the cases,

¹⁶ *Crito* 50B.

¹⁷ *Crito* 50C.

¹⁸ This is the solution proposed by Woozely 307–308, by A. E. Taylor in his *Socrates*, Anchor Books 1953: 124, and by Gerasimos Santas, *Socrates*, Routledge & Kegan Paul 1979: 53. I also take Norman Gulley (*The Philosophy of Socrates*, Macmillan 1968) to endorse it when he says, "Socrates also claims the right of 'conscientious objection' to what the laws prescribe..." (175). Santas insists that his solution is different from and superior to Woozely's (43–45), and has a long abusive footnote to that effect (44n9 on 307–309), calling Woozely's solution "contradictory and also textually inaccurate." But his solution, given on 53–54, is exactly the same as that proposed by Woozely; Santas adds a great deal of logic-chopping, but nothing new. It's enough to make one into a misologue (*Phaedo* 89A–91C).

¹⁹ *Crito* 51C.

but how could it be a relevant difference? If it were relevant I could have carefully talked about public dissent and extralegal means of bringing a law into question, or the moral value attached to disobeying a certain law, or the nature and merit of the penalties involved. I didn't say anything like that. Besides, wouldn't the moral justification for dissenting from a law also justify my escaping from prison? Think about it.

YOUNG PLATO: Maybe we could build it in: if we detach law from sanction, then you could argue that one may have a duty to accept a sanction for breaking a law that you had a moral duty to break.²⁰

SOCRATES: Don't be silly. You get all the same problems over again, in spades. I never said anything about the relevant difference between 'law' and 'sanction', and I'm not inclined to, either. You keep missing the obvious, Plato. Can you still not think of a way to resolve the supposed contradiction?

YOUNG PLATO: Words of one syllable would help.

SOCRATES: This maieutic method is a real pain. Well, let's do it this way. What did I actually argue for when I was talking to Crito?

YOUNG PLATO: That the laws must be obeyed.

SOCRATES: All of them, or only some of them?

YOUNG PLATO: All of them, of course... Wait! Maybe you were arguing that the obligation is properly to the legal order as a whole, not to any particular law or laws.²¹

SOCRATES: Oh my Dog. That's ridiculous. That's why I talk about the obligation to obey particular laws, even if they are unjust? This is why I told Crito that the distinction between the men who implement the laws and the laws themselves is not relevant? and why I insisted that you have to change a law by recognized procedures, and that it was too late in my particular case? Give me a break. That's just silly. What is it to have an obligation to the "legal order as a whole," anyway?

YOUNG PLATO: Okay, okay, it was just a thought. So the question was, do you have to obey all the laws or only some of them? You're telling me all of them?

SOCRATES: Think about it. What was the structure of the argument I gave to Crito?

YOUNG PLATO: Well, let's see. You had to go through a lot of elementary

²⁰ This separation of law and sanction is proposed by Reginald Allen, *Socrates and Legal Obligation*, University of Minnesota Press 1980: 110.

²¹ This distinction is how Allen (108) proposes to resolve the *Crito* and the *Apology*: Socrates is committed to underlying principles and legal procedures, not to individual laws themselves.

stuff with him, showing that most of his attempts to convince you to escape were off-base.²² You finally got him to see that the only question was whether it would be just to escape. I thought he'd never figure it out.

SOCRATES: Very well. What then?

YOUNG PLATO: You gave an argument showing that we should never act unjustly, even if unjust acts have been done to us.²³ At least, I take it that was the point of saying that we must not repay a wrong by a retaliatory wrong²⁴ or return ill-treatment for ill-treatment.²⁵

SOCRATES: That's the point exactly, although you should notice I didn't give an argument for that—we've covered that ground so many times I thought I could skip it. I asked Crito to carefully consider the matter, and he agreed that we should never act unjustly.²⁶ So far so good.

YOUNG PLATO: Then you threw in the idea that we always ought to keep our agreements.

SOCRATES: Not quite. I said that a man ought to do what he has agreed to do, provided it is just.²⁷

YOUNG PLATO: That's the same thing. The "provided it is just" clause only rules out agreements to do what is impermissible *in se*, so that a promise to do what is illicit is null and void. Sicilians aren't obligated to kill someone even if they agreed to do so.²⁸

SOCRATES: You sound like a lawyer. It does rule that out, but I actually meant something a little deeper than that. Push the claim a little harder. What do you think makes an agreement just or unjust?

YOUNG PLATO: Whether it was entered into sincerely or not?

SOCRATES: Perhaps that is relevant to whether a person who enters into an agreement is acting justly or unjustly, but do the intentions of the parties to a contract determine the moral worth of the contract itself?

YOUNG PLATO: What else is the moral worth of a contract?

SOCRATES: You are acting like that idiot Xenophon again. A treaty between Sparta and Athens would be a fine thing, even if it were broken, and even

²² *Crito* 44B–48D.

²³ *Crito* 49A–E.

²⁴ *Crito* 49B.

²⁵ *Crito* 49C.

²⁶ *Crito* 49D–E.

²⁷ *Crito* 49E.

²⁸ This is the standard interpretation of the clause "provided it is just"; see, for example, A. E. Taylor, *Plato: The Man and His Work*, Humanities Press 1952: 171, who gives this formulation.

if it were entered into deceitfully, do you not think?

YOUNG PLATO: Say, that reminds me of a good one. How many Spartans does it take to screw in a lightbulb?

SOCRATES: I've heard that one. Now, what is the—

YOUNG PLATO: What's the difference between Alcibiades and a river that runs uphill?

SOCRATES: As I was saying, What is the moral value of a contract, leaving to one side the intentions of the parties involved?

YOUNG PLATO: Well, I suppose it would have to do with what the agreement was about. You know, whether the acts it commits the people involved to perform are just or not.

SOCRATES: Finally. So what was the principle I had Crito agree to?

YOUNG PLATO: We should keep our agreements so long as they enjoin only just actions.

SOCRATES: Give the man a cigar. Actually, I was carried away while trying to keep things simple for Crito. It's enough to say that we ought to keep our agreements provided they do not enjoin any unjust action. I forgot myself and thought I was explaining it to Aeschines.²⁹

YOUNG PLATO: So how is this different from what I said before?

SOCRATES: It spells out explicitly the connection between obligation and just or unjust action as enjoined by any particular agreement. The distinction is now clearly seen to be a moral distinction, rather than the legal distinction you originally proposed. What did I then say to Crito?

YOUNG PLATO: You asked him if you should escape or not.

SOCRATES: That's right. The two principles we have discussed are sufficient to answer that question.

YOUNG PLATO: What about that Speech of the Laws stuff?

SOCRATES: That was just to make things clear to Crito. Remember how the conversation went? I suggested that he apply these two principles to my present case, hoping that he'd figure it out and see how they imply that my refusal to escape is rational, and all he could say is "I don't understand."³⁰ I wonder how he manages to tie his sandals in the morning.

YOUNG PLATO: I see. So the rest of the argument was just spelling it all out for Crito in detail.³¹ The arguments there were just meant to illustrate the central principles you already stated.

²⁹ Diogenes Laertius 2.9.

³⁰ *Crito* 50A.

³¹ *Crito* 50B–54E.

SOCRATES: That is correct. For instance, the discussion of what a citizen owes the laws,³² and the love-Athens-or-leave-it speech³³ that you objected to, were meant to establish the fact of an agreement between myself and the laws, so that the second principle would apply. But from the principles alone, plus a little common sense—which Crito is short on—the conclusion follows. The Speech of the Laws was just to dramatize the issues to Crito.

YOUNG PLATO: I figured you had a reason for putting on the blindfold and robe, parading around with a balance-scale and clearing your throat. And it didn't affect the basic argument?

SOCRATES: Not at all.

YOUNG PLATO: So if I have this, then you say the contradiction magically vanishes if I concentrate on the following principles: (1) We ought not to act unjustly, even if injustice has been done to us; (2) We ought to fulfill our agreements, provided that they do not enjoin any unjust action.

SOCRATES: Right. They're a pair. They go together.

YOUNG PLATO: We'll see. So it is as though you had made an agreement with the Laws of Athens, to obey its legal decisions and so on. That's the first thing the Laws say to you.³⁴

SOCRATES: So what can you conclude from that and (2)?

YOUNG PLATO: No sweat: We ought to obey the laws in all cases, provided they don't enjoin unjust actions. [Expletive deleted]! If that's all you had in mind, why didn't you just say so?

SOCRATES: How often could I say that at my trial? I insisted that the only relevant question was to act justly and never unjustly, even if death is involved.³⁵ I have to shout it in your ear all the time?

YOUNG PLATO: I see. So it's always wrong to do wrong, whether in retaliation for an injury or an unjust action,³⁶ to preserve life or avert death,³⁷ or even in the name of justice.³⁸ So obedience to the laws is still no justification for doing what is wrong.

SOCRATES: Good. So now I'm off the hook. Apply the conclusion to the cases.

³² *Crito* 50D–E.

³³ *Crito* 52B–D.

³⁴ *Crito* 50C.

³⁵ *Apology* 28B, 28D, 32A, 32D.

³⁶ *Crito* 49A–D.

³⁷ *Apology* 28B, 28D, 32A, 32D.

³⁸ *Apology* 32B–E.

YOUNG PLATO: We'll get Leon of Salamis out of the way first. Let's see, a legal order was issued by the proper authorities, the Thirty, blah blah blah, so the law required you to arrest him.

SOCRATES: That seems correct to me.

YOUNG PLATO: But you didn't arrest him.

SOCRATES: No, for bringing him to the Thirty would have simply been bringing him to his death, without a trial, or indeed, any guilt on his part. Do we not agree that it is unjust and unholy³⁹ to kill an innocent person? Especially for no better reason than to implicate others in such an undertaking?

YOUNG PLATO: No man of sense. . .

SOCRATES: Right, it's wrong.

YOUNG PLATO: But Socrates, what about your threat to continue practicing philosophy, if the court were to discharge you on the condition that you stop? A lot of people would have been happy if you'd stop. Especially the shoemakers and the craftsmen. They're getting pretty tired of being used as examples.⁴⁰ I don't see how the principles cover this. It doesn't seem unjust not to practice philosophy.

SOCRATES: My star pupil is an idiot. How often do I have to repeat that I'm a special case?

YOUNG PLATO: You can say that again.

SOCRATES: No, I mean that I am special because I'm doing the god's business by practicing philosophy!⁴¹ Face it, that's what he commanded me to do, it's not like I have a choice.⁴² I'm a gift from the god.⁴³

YOUNG PLATO: Humble too. A real paragon.

SOCRATES: I am convinced I never wronged anyone.⁴⁴

YOUNG PLATO: Xanthippe?

SOCRATES: Never mind. The point is that my would-be disobedience to the laws in the case of the hypothetical discharge is because they would require me to act unjustly.⁴⁵

³⁹ *Apology* 32D.

⁴⁰ Xenophon, *Memorabilia* 1.2.37.

⁴¹ *Apology* 21E, 22A, 23B; 33A by implication.

⁴² *Apology* 28E–29A, 30A, 30E, 33C; 29D, 31A, 37E by implication.

⁴³ *Apology* 31B.

⁴⁴ *Apology* 37A–B.

⁴⁵ This disposes of Santas's claim (49) that "the main arguments of the *Crito*, when applied to the hypothetical case of the *Apology*, yield the conclusion that Socrates must obey the court order to cease philosophizing." In particular Santas finds the "argument from just agreements" remains "completely intact." Hardly.

YOUNG PLATO: Okay. Now, about your escape. Killing yourself isn't acting unjustly?

SOCRATES: Were you asleep at the trial? For the love of Dog, I explained over and over again how the fear of death is an error!⁴⁶ We don't know that it is an evil.

YOUNG PLATO: It's hard to get any information. Dead people just lie there when you try to do some dialectic with them. Considering that we don't know what death is like, wouldn't it be smart to wait as long as possible to find out?

SOCRATES: You know a place outside Attica where death does not walk?⁴⁷

YOUNG PLATO: Very funny. You know what I mean: plan for the worst, right? So put your death off for a while by getting out of Attica.

SOCRATES: Look, I also explained why death may not be an evil at all.⁴⁸ In fact, I pointed out why it may be a good thing.⁴⁹ Therefore, I cannot argue that going to my death would be an unjust act; hence the relevant principles do not permit me to escape, and indeed enjoin me to do what the laws prescribe, namely hang around here and wait for the hemlock.

YOUNG PLATO: That's pretty counterintuitive.

SOCRATES: What do I know from intuition? You heard the arguments.

YOUNG PLATO: Look, you're the god's gift to Athens; he commanded you to philosophize. Dying cuts that short. Can't you extend the divine command, plausibly, to an injunction to continue philosophizing? And if so, then shouldn't you avoid death if at all possible, like right now when we have an escape route ready?

SOCRATES: It's already stretched pretty far—one ambiguous oracle. The only justifiable conclusion I can draw is that I've got a divine mandate to behave in a certain way, namely philosophizing. You can't get from there to any claims about how long I should live. While I live, I must practice philosophy, but that's as far as it goes.

YOUNG PLATO: I'll give it one last shot. It's obvious that the trial was a kangaroo court. And anyway, the death penalty is grossly out of proportion to the charges. The death penalty only goes for the extreme cases, the thieves, robbers, pickpockets, housebreakers, kidnappers, and temple-robbers.⁵⁰

⁴⁶ *Apology* 29B–C, 34E, 37B.

⁴⁷ Xenophon, *Defense* §23.

⁴⁸ *Apology* 40B–C.

⁴⁹ *Apology* 40C–41C.

⁵⁰ Xenophon, *Memorabilia* 1.2.62.

SOCRATES: Crito already tried that. I agreed to obey the laws, even if they produce an unjust verdict in court.⁵¹

YOUNG PLATO: That's ridiculous!

SOCRATES: No it isn't. It falls under Principle (1): we cannot act unjustly, even if we are the subject of unjust acts.

YOUNG PLATO: But you were unjustly condemned to die!

SOCRATES: You'd rather I was justly condemned to die?⁵²

YOUNG PLATO: Call it self-defense. Everyone agrees that you're entitled to protect yourself if attacked. How is this any different?

SOCRATES: Now you sound like Crito. I had to prove to him that the opinions of the many do not matter.⁵³ Intuition has got no business in ethics.

YOUNG PLATO: But self-defense is basic!

SOCRATES: Is it? I think not, Plato. The only thing that matters is whether the act is just or unjust. The aggressor/defender distinction may be a handy rule of thumb, but it is not a moral distinction. Defending oneself can be just or unjust, like any other act, depending on the circumstances.

YOUNG PLATO: How about saving your own skin?

SOCRATES: I told you, we do not know that death is an evil, and so it is no justification for an action to say that it was done to save one from death.

Other things must be involved. Living is not the issue: living well is the issue, and living well and living rightly are the same.⁵⁴

YOUNG PLATO: I see. So there's no getting you out of prison, is there?

SOCRATES: Not unless you can convince me that it is a just act. And I doubt that you can.

YOUNG PLATO: Okay, Socrates, you win, like always. I guess when I write up your talk with Crito I'll add some of these points you made to make it clear.

SOCRATES: Why bother?

YOUNG PLATO: What do you mean?

SOCRATES: Leave it as an exercise for the reader. After all, the solution isn't particularly difficult. You can always put the answer at the back of the papyrus roll.

YOUNG PLATO: Good idea. That's what I'll do.

SOCRATES: I hope you do a better job than you did with that conversation

⁵¹ *Crito* 50B.

⁵² Diogenes Laertius 2.35.

⁵³ *Crito* 46B–47C.

⁵⁴ *Crito* 48B.

I had with Lysis [Diogenes Laertius 3.35]. Oh, by the way, Plato, do you think that when the shoemaker exercises his craft, that he knows the Shoe as it is, and not the shoe that he makes, so that the Shoe Itself is involved? Shoes then partake of Shoeness, showing their shoeness through Shoeness, which is really real itself. What do you think?

YOUNG PLATO: What?

SOCRATES: Nothing. Just an Idea.

YOUNG PLATO: It needs work.

SOCRATES: I won't be around to do it, I'm afraid. But Plato, perhaps you...

[THE TAPE ENDS HERE]