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Plato's Crito: When should we break the law?

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Plato's *Crito* describes a conversation that takes place in 399 B.C.E. in an Athens prison, where Socrates awaits execution.

Not long before, an assembly of more than 500 Athenian citizens convicted Socrates of corrupting the youth and *impiety*, essentially failing to respect the gods of the city. Socrates denied these charges. Moreover, he insisted that his public philosophizing, far from being subversive, was for the benefit of Athens and in the service of the god Apollo.

The jury wasn't convinced, however, and found him guilty. They were further incensed when, during the sentencing stage of the trial, Socrates suggested that his "punishment" should be a lifetime supply of free meals at the *prytaneum*, or central hearth, an honor typically reserved for Olympic champions and the like. These antics did not play well and Socrates received the death penalty. A religious observance delayed the execution for a few weeks, but it now appears imminent.

Enter Crito, a friend with deep pockets and deeper affection for Socrates. Early one morning, Crito shows up at Socrates' cell with an escape plan. He bribed the jailer and, with the help of other friends, has arranged for Socrates to be whisked away to Thessaly, another Greek city-state. There Socrates can live out his remaining years in exile with his family, who will also leave Athens. Everything has been taken care of except for the hardest part: convincing Socrates to agree with the plan (43a-44b, 45c).

Anyone who knows Socrates knows that this isn't going to be easy. Crito is determined to save his

friend's life, however, and so he comes armed with a battery of arguments. Crito knows that Socrates isn't afraid of death, and so he wisely appeals to considerations that are the most likely to resonate with Socrates: his sense of honor and his obligations to others.

1. Crito's Arguments

Crito begins personally: if Socrates is executed, then he and others will lose an irreplaceable friend. Moreover, people will wonder why Socrates' friends didn't do more to save his life when they had the means to do so. They'll ask: Is Crito such a cheapskate that he refused to part with a little money to save his friend's life? (44c)

Socrates also has obligations to raise and educate his sons, who will be fatherless if Socrates is executed (45d).

Finally, in passively accepting his unjust fate, Socrates will be giving his enemies what they want, allowing evil to triumph. Death is the easy, *cowardly* way out. To continue living is more difficult and courageous. Escaping would deny evil a victory (45e-46a).

2. Socrates' Replies

Socrates listens patiently, then carefully dismantles Crito's reasoning. Appeals to reputation are misguided, he argues. After all, we should care about what is actually just, not what *seems* just to most people. Appeals to personal relationships are no better. Socrates can't educate his children by setting an example of unjust behavior for them to follow. Nor could he be a good friend. As for aiding his enemies—what they want is to harm him. If Socrates were to behave unjustly, he'd be giving them what they want by harming his own soul.

With these arguments, Socrates is able to convince Crito that justice is the only issue that really matters. If Socrates can show that escaping would be unjust, then none of Crito's points would carry any weight (46b-48d).

3. Socrates' Arguments for Obedience

Having neutralized Crito's arguments for fleeing, Socrates presses his case for remaining in Athens and accepting his fate. Since two wrongs don't make a right, the injustice of his conviction and sentence shouldn't affect how we think about this decision. Being treated unjustly doesn't license Socrates to do something unjust himself, in other words. Crito

agrees and so Socrates presses his case that escaping would be unjust to Athens.

There are three interrelated argumentative threads here. First, escaping would set a precedent for others, leading to more lawless behavior. Second, Athens' laws and institutions made his flourishing for 70 years possible; to disobey now would be ungrateful, like slapping a parent. Finally, Socrates didn't have to spend his entire adult life in Athens. He could have relocated if he didn't like the rules there. His decision to stay and participate in Athens' military and civic institutions amounts to a tacit agreement to respect Athenian laws (49a-54e).

Socrates was given a fair chance to persuade his fellow citizens during his trial. Since he failed to do so, he is now compelled to abide by their decision even though he and Crito agree that it was the wrong one.

4. Discussion

Crito is apparently convinced by Socrates' reasoning, but that doesn't mean that we have to be. We might resist Socrates at several points.

First, we might reasonably doubt the assumption that Socrates' obligations to Athens outweigh, and perhaps even define, his obligations to his friends and family. Maybe Socrates has this backward and he should prioritize these other obligations instead. Maybe Socrates can't be a good citizen unless he is first a good friend and father. Arguably, that requires fleeing in these circumstances.

We might also think that the state, like a negligent or abusive parent, can behave so badly as to absolve Socrates of reciprocal obligations. If anything could do this, then it seems like an unjust death sentence could. If that's right, then the social contract would already be broken and Socrates would owe Athens nothing by the time he's contemplating escape.

Finally, even if the social contract remains intact, it might be that breaking the law is the least bad thing Socrates can do under the circumstances. Allowing an unjust sentence to be carried out might be more harmful to Athens than breaking the law. Obedience to bad verdicts also sets a precedent that Socrates should be worried about. Granted, disobedience comes with risks of its own. But the moral considerations don't all stack up on the side of obedience, as Socrates suggests.

So Socrates' intriguing arguments remain debatable. As for Crito, we can surmise that the jailer probably didn't give him his money back.

Reference

Plato. *Crito*, in *Socrates of Athens: Euthyphro, Socrates' Defense, Crito and the Death Scene from Phaedo*, translated by Cathal Woods and Ryan Pack. Creative Commons, 2007.

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