

Socrates' Understanding of his Trial: The Political Presentation of Philosophy

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SOCRATES' UNDERSTANDING OF HIS TRIAL:
THE POLITICAL PRESENTATION OF PHILOSOPHY

a dissertation

by

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Abstract

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This dissertation investigates how Socrates understands his trial. It is a well-known fact that Socrates is accused of impiety and corruption of the young and is subsequently executed. Unlike an ordinary defendant who is supposed to make every effort to be acquitted, Socrates, behaving provocatively, seems even to induce the death penalty. By reading Plato's and Xenophon's works, this dissertation clarifies his thoughts on the trial that must be the basis of his conduct and explains how he achieves his aim.

To deal with Socrates' view of the trial as a whole, this study examines three questions. First, does he believe in his own innocence? I argue that before and even at the trial, Socrates does not intend to prove his innocence effectively. He does not reveal his belief clearly, but at least it is clear that to be acquitted is not his primary purpose. Second, what does Socrates want to achieve at the trial? Socrates' primary purpose is to demonstrate his virtue in public. His speech that provocatively emphasizes his excellence as a benefactor of the city enables him to be convicted as a wise and noble man rather than as an impious corrupter of the young. Third, why does he refuse to escape from jail? I argue that by introducing the speech that defends the laws of the city, Socrates makes himself appear to be a supremely law-abiding citizen who is executed even when escape is possible.

This study maintains that Socrates vindicates his philosophy before the ordinary people of Athens by making a strong impression of his moral excellence and utility to others. His presentation of philosophy makes it possible that being convicted and executed are compatible with appearing virtuous and being respected. Socrates promotes his posthumous reputation as a great philosopher, and thus secures the life of philosophy after his death by mitigating the popular hostility against him and philosophy as such.

Socrates' understanding of his trial leads us to his idea of the nature of philosophy and the city, and of their ideal relationship. This dissertation is therefore an introduction to Socratic political philosophy.

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Introduction

The central question of this dissertation is this: How does Socrates understand his trial? With this guiding question, this study analyzes Socrates' conduct based on his view of the trial, and its purpose is to explain his elusive behavior there.

The riddle of the trial that our investigation should focus on arises from Socrates' choice of his conduct. It is a well-known fact that Socrates ends his life as the result of capital punishment. He is accused of corrupting the young and disbelieving in the gods of the city. At the trial he is found guilty, and then in jail he accepts the execution even though he has a chance to escape. This is the way in which he ends his life. Furthermore, it is also a fact that at the trial Socrates does not behave like an ordinary defendant who is supposed to be eager for being acquitted and to proclaim his innocence as persuasively as possible. Indeed, Socrates' conduct at the trial that leads to the end of his life makes the trial extremely confusing; he seems to fail to prove his innocence, and, moreover, by presenting himself provocatively he even seems to be found guilty intentionally. The trial of Socrates is then not simply an incident in which Socrates is convicted by his fellow citizens, but also a stage on which he intentionally offers a public demonstration of himself in a strange manner. The issue is what Socrates thinks and does. These thoughts and actions cause the result of the trial, conviction and execution. What does he, given his view of the trial, achieve, and what is his true purpose? Answering these questions is the object of our study.

This is a study of Socrates' conduct and understanding as a figure in literature. First,

it is a study of the literary Socrates, not of the historical Socrates, since the incidents concerning the trial that we know about are primarily described in the literary works on Socrates written by Plato and Xenophon. As Thomas West says, it is not the historical Socrates, but Socrates in literature who has made history.¹ We then refrain from speculating about what actually happened at the trial as a historical event. Although it is possible that things in Plato and Xenophon actually happened historically, we have no way of confirming it. Second, this is a study of Socrates' conduct and his reasoning. We then refrain from making our own judgment on whether or not Socrates was rightly executed by the jury in terms of the Athenian laws. For example, we do not vindicate Socrates as an innocent man killed due to the prejudice of the Athenians, nor criticize Socrates as an anti-democrat who deserves the death penalty. For the correctness or incorrectness of the verdict does not explain why Socrates behaves in a certain way. Instead, it is more important that his conduct must be based on his understanding of the incident: his view of the indictment, verdict, the relationship between philosopher and the city, and his duty in the city. One's conduct is led by thought, and Socrates' thought can be analyzed by interpreting the writings that have immortalized Socrates. This dissertation, then, focuses on Socrates' own understanding as the basis of his conduct as described in the works of Plato and Xenophon. This is an appropriate way to approach Socrates at the trial, and to explain his puzzling behavior depicted in selected literature.

The final goal of this study is to demonstrate that Socrates does not regard the trial as

¹ "I have not entered into the question of what happened at the trial of the 'historical' Socrates because that question is unanswerable and, I believe, not very important. What matters for us is Plato's portrayal of the event, for it is Plato's Socrates who has truly made history. The *Apology of Socrates* is above all a philosophic document. Writing with extreme care, Plato supplies us through his words alone with most of the information needed to understand the work." West [1979], p. 9.

an occasion to prove his innocence, but rather, paradoxically, he sees to it that he is found guilty so that he will gain a good reputation among the people. Socrates is reputed to be wise, noble, and a law-abiding man as a result of the trial and execution. Socrates thus leaves philosophy with a good public image to the city. In other words, on the stage on which he speaks about his own life in public, he does more than simply convey the bare facts of philosophy without any garments to the people. The speech and conduct of Socrates concerning the trial show in what way he wants to present his philosophy in public.

With a view to achieving this final goal, we divide the question about his understanding of the trial into three particular questions: his belief in his innocence, his achievement at the trial, and his refusal to escape. Socrates' conduct must be based on his view of the accusation, and his consideration in jail must come after the trial. By answering the three questions, we try to clarify his understanding of the trial as a whole.

Corresponding to the three questions indicated, the dissertation is divided into three parts. Part 1 deals with Socrates' view of the indictment. As a guiding question we investigate whether Socrates thinks he is guilty or not. In the trial of Socrates, the accusers' claim and the jury's final judgment are clear: Socrates is guilty and deserves capital punishment. But it is difficult to know Socrates' understanding of this matter. We then consider three texts to examine his understanding of the indictment. Chapter 1 analyzes Plato's *Gorgias*. In this dialogue, Socrates seems confident in his innocence against an imaginary indictment. This chapter shows that even though his argument is hypothetical, it is useful as a foil to consider his attitude to the actual indictment: about

what indictment and in what situation does he think he is innocent? Chapter 2, dealing with Plato's *Euthyphro*, argues that although Socrates has a chance to explain the official indictment to his acquaintance, he fails to offer a substantive defense of himself and thus to declare his innocence. Chapter 3 focuses on the interrogation of Meletus in Plato's *Apology of Socrates*. This chapter argues that Socrates fails to prove his innocence effectively at the actual trial. The aim of Part 1 as a whole is to show that Socrates is very ambiguous about his belief in his innocence, and that he does not prove his innocence substantially against the official indictment. Even if he has strong and plain belief in his innocence, he does not understand the trial to be the place where he should prove it effectively and clearly.

Part 2 raises a question: What does Socrates attempt to achieve at the trial? If Socrates does not try to prove his innocence at the trial and if he does not even believe in his innocence, what does he want to do at the trial? In Chapter 4, we read Xenophon's *Apology of Socrates to the Jury*. This chapter shows that in this work Xenophon reveals Socrates' true purpose at the trial: not to prove his innocence, but to demonstrate his virtue in public. Using Xenophon's argument as a foil, Chapter 5 discusses Plato's *Apology of Socrates* as a whole. It argues that, like Xenophon's Socrates, Plato's Socrates aims at improving his reputation as a great philosopher rather than proving his innocence. Part 2 shows that Socrates attempts at the trial to demonstrate his superiority in terms of human virtue.

In Part 3 we consider Socrates' decision after the trial: Why does he refuse to escape? In Chapter 6, our analysis of Plato's *Crito* reveals that Socrates induces his companion

and those like him, “the many,” to recognize him as a law-abiding man by providing the speech of the personified Laws.

This study has three features. First, by focusing on Socrates’ understanding of the trial, it argues that Socrates’ primary aim is to improve his public image as a philosopher. This view of Socrates distinguishes the present study from previous accounts of Socrates and his trial. On the one hand, Thomas Brickhouse and Nicholas Smith, presupposing the innocence of Socrates and his belief in it, argue that Socrates makes a great effort to be acquitted by telling the truth at the trial. According to them, Socrates’ moral commitments to uphold just laws and to obey the divine mission oblige him to do so. From their perspective, his acceptance of the execution is natural, because the execution is held in accordance with a legitimate process of the just Athenian law.² On the other hand, James Colaiaco contends that the trial of Socrates represents the fundamental conflict between philosophy and politics. For Colaiaco, Socrates is guilty in terms of the laws of the city, but he is morally superior. Thus, Socrates’ conduct reveals a Hegelian tragic conflict between a philosopher and the city: both sides are right in terms of their own cause, but the collision is essentially irresolvable. From Colaiaco’s perspective, Socrates’ acceptance of the death penalty is his last defiance against the city, since he dies for his own cause, philosophy as the divine mission, by rejecting the cause of the city, the laws enacted by the citizens.³ This dissertation offers a third way to interpret the trial. Unlike Brickhouse and Smith, we demonstrate that Socrates’ primary aim is not to prove his innocence; his belief in his innocence remains unclear. Also, unlike Colaiaco, we show that his behavior

² Brickhouse & Smith [1989], pp. 37-47. Cf. Reeve [1989], p. xiii.

³ Colaiaco [2001], pp, 1-11, 212-213.

is not so much a clarification of a tragic conflict between philosopher and the city as an attempt to reconcile them. Socrates is found guilty, but at the same time he tries to be regarded as a great man who is venerable among the people. His demonstration of his virtue at the trial and in jail is a public presentation of his philosophy based on his understanding of the relationship between political community and philosophy.

The second feature of the study is the order in which we analyze the texts. It arranges Plato's writings according to the dramatic date, not according to the supposed date of composition; and Xenophon's writing, his *Apology*, is referred to as a guide for reading Plato in this order. We deal with Plato's writings concerning the trial according to the order of the incidents mentioned: before the trial (the *Gorgias*), just before the preliminary hearing (the *Euthyphro*), the trial (the *Apology*), and in jail (the *Crito*). In the dialogues concerning the trial, Plato particularly indicates the date clearly in each dialogue. Since these dialogues are linked by Plato as a drama concerning the trial, this artifice shows his literary intention, regardless of when he composed these works. Therefore, this study does not describe any supposed transition of Plato's thought by following the order of the composition. Instead, it reviews Socrates' thought and behavior at each phase of the trial by following the time depicted in the literature. This method enables us to analyze the Socratic attitude concerning the trial as depicted in the literature. This is a way of reading of Plato's dialogue which Plato himself induces us to follow.⁴

⁴ For the defense for this approach, see Zuckert [2009], pp. 1-48. "Reading the dialogues as discrete incidents in an ongoing story allows us to preserve the integrity of the individual works of art. By stringing them out in the order of their dramatic dates, we not only get a 'through line' that helps us see the shape of Plato's corpus as a whole; we also follow Plato's own indications about the relations of the conversations to one another. In contrast to the chronology of composition, we are not led to present inferences based on interpretations of the content of the dialogues as if they were based on

The third and last feature of this study comes from our treatment of Xenophon. Commonly, Xenophon is dismissed as a Socratic writer, since he is believed to be a shallow gentleman-farmer who does not understand the depth of Socratic philosophy and thus mars it by describing Socrates with his average level of thought. In contrast with this common view, this dissertation shows that Xenophon has profound thoughts about Socrates. Xenophon is not only a supplement for reading Plato, but also an independent thinker whose writing deserves serious study.

Socrates is said to be the founder of political philosophy. He investigates not only natural things but also human things, especially virtue, as an object of philosophy; he is said to bring down philosophy from the heavens and begins philosophical inquiries about morals and things concerning good and bad.⁵ The trial makes the figure of Socrates itself, i.e., the life of a philosopher, a problem of political philosophy. This incident reveals to us a conflict between philosophy and the citizens, between pursuing the best way of life and the life bound by the laws of the city. At the trial, Socrates as a philosopher is involved in this problem and has a chance to reveal his understanding of it in public. Just as Socrates himself is a focus of the problem, his conduct and speech are his answer, produced by his serious thought. This dissertation concludes that Socrates attempts to reconcile philosophy and the city by presenting himself as a heroic citizen-philosopher, and that his attempt succeeds. This study will clarify what the problem of Socrates is or the problem Socrates himself raises, and thus could be an introduction to Socratic political philosophy.

externally determined historical ‘facts’ about the time at which the dialogues were written—facts, to repeat, that we do not know” (p. 17).

⁵ Cicero, *Tusculan Disputations* 5. 10.

PART 1: SOCRATES' UNDERSTANDING OF THE INDICTMENT

Chapter 1: Plato's *Gorgias* (521a-522e)

In Part One (Chapters 1-3), we will discuss whether or not Socrates thinks he is guilty.

For our analysis, which deals with Socrates' understanding of his own trial, especially concerning his guilt or innocence, the best starting point is the *Gorgias*. It is the earliest Platonic dialogue (according to the order of the dramatic date) in which Socrates himself indicates a certain legal danger in Athens and concretely predicts what would happen to him if he were to be accused.¹ He even foresees that he might be condemned to death, even though he is innocent. In this chapter, we will then investigate exactly what prediction Socrates makes: based on what understanding of the trial and accusation can Socrates claim his innocence and predict the death penalty?

The aim of this chapter is to show that, even though in his hypothetical argument Socrates seems to be confident of his innocence because of the wickedness of the accusers and immaturity of the judges, there are some significant differences between his prediction and the actual accusation brought about some years later.² This chapter is then

¹ Before the *Gorgias*, some of Plato's dialogues whose dramatic dates are before the trial indicate that Socrates already had a certain conflict with his fellow citizens, and some interlocutors prompt him to see his danger in the city without explicitly referring to the trial; for readers of the Platonic dialogues, the trial of Socrates is not a sudden accident arising out of the blue. For example, in the *Meno* Anytus, one of the accusers of Socrates, warns Socrates about a prospective danger in the city. *Meno* 94e-95a.

² It is difficult to fix the dramatic date of the dialogue. According to Dodds and Irwin, the conversation in the *Gorgias* took place from around 429 to 405 B.C. Dodds [1959], pp. 17-18; Irwin [1979], pp. 109-110. It seems that the dialogue tries to cover almost entire period of the Peloponnesian War (431 -404 B.C.) as background. It begins with a suggestive phrase: "War and battle." Cf. Saxonhouse [1983], pp.144-145; Arieti & Barrus [2007], pp. 13-14, 174. At any rate, the dramatic date of the *Gorgias* is obviously set before the trial of Socrates (399 B.C.).

a preparatory work to the study of the actual trial. By comparing a hypothetical argument to the actual defense speech, we understand the peculiarity of the reality well.

Socrates reveals his expectation near the end of the dialogue in replying to Callicles' warning against him. Socrates has a long conversation with Callicles, who is a follower and host of Gorgias, a rhetorician from Leontini (481b-527e). The most important issue in their conversation is how one should live: what sort of man one ought to be and what he ought to practice (487e-488a, 492d, 500b-c). According to Socrates, there are two alternatives for them. The first is the life aiming at what is the best for oneself and others, with art and knowledge; this is the life of philosophy which Socrates endorses. The second is the life riotously and endlessly seeking pleasure for oneself and others with a certain knack—experience without knowledge—instead of pursuing what is best for oneself; this is the life that Callicles has enjoyed by learning and practicing rhetoric. These two positions, aiming at what is best with art and aiming at pleasure with a mere knack, make a sharp contrast, and in the course of the conversation Socrates keeps trying to show that his way of life is superior. At the end of the conversation, Socrates asks Callicles again which care of the city (or people in the city) Socrates should adopt: the one that makes the Athenians as good as possible, or the one that, like a servant, associates with them for their gratification. (In the context, this is a question not only of how to deal with the people, but also about the fundamental choice concerning the way of life based on what is good for himself and others.) Socrates induces Callicles to tell his opinion frankly after listening to Socrates' argument. Has Callicles been persuaded by Socrates?

Contrary to Socrates' position, Callicles still recommends that Socrates live like a servant, even though Socrates calls this "pandering" or "flattery" (κολακεία)³. Preferring the life of pleasure and believing in the power of rhetoric, Callicles, at least in appearance, has not changed his basic conviction. One reason Callicles does not change his mind is that flattery is useful for defending oneself; the power of rhetoric or persuasion depends on the skill of flattery, which aims at producing pleasure. Therefore, it seems natural that Callicles is now going to warn Socrates, who does not flatter people with rhetoric and thus cannot defend himself, about the danger again, just as he did before starting their conversation (485e-486d) and has kept doing in the course of the conversation (511a; cf. 508c-e): Callicles has warned Socrates that, without rhetoric, he would be killed easily if someone should accuse him and propose the death penalty. Callicles notices that if the Socratic way of life causes trouble in the city, Socrates' fate is hopeless without rhetoric or flattery. The life of pleasure and pandering is useful and safe, but the life of philosophy is useless and dangerous.

However, this time Socrates, being already familiar with Callicles' warning, interrupts him and juxtaposes their opinions. While Callicles would say that someone, if he wishes, could kill Socrates and take things away from him, Socrates replies that this sort of man would be worthless (πονηρός) and that doing injustice is harmful to the doer himself.

Socrates can say these things while keeping his countenance, in Callicles' opinion, because Socrates believes that he is an outsider and never would be brought to court. Callicles implies that when Socrates faces the real danger, he will change his mind and

³ 463b. Cf. Thompson [1871], p. 162; Arieti [1993], p. 225.

follow Callicles.⁴ But, contrary to Callicles' assumption, Socrates has already recognized his legal danger. Socrates is not too "thoughtless (*ἀνόητος*)" to perceive that, given the general situation of the city of Athens, anything might happen to anyone. He anticipates in particular two things concerning his legal danger. First, if he is brought into court, the accuser will be a worthless man because a decent man never accuses the one doing nothing unjust. Second, it is not strange that he would be put to death. Here, Socrates gives the impression that he would be condemned to death by a wicked man even though he is innocent. But why would he be accused? And why would he be condemned to death? He elaborates his expectation on his own initiative for Callicles, who has been gradually losing his willingness to talk with Socrates (495a, 497b-c, 499b, 501c, 505c-506c, 507a, 510a, 513e, 515b, 516b, 516c, 519e).

Socrates explains the source of the danger he faces. The danger comes from the fact that he, with a few Athenians, attempts the true political art and that he is the only one among his contemporaries who practices political affairs. This does not mean that Socrates engages in politics as a statesman or general. Instead, as he previously argued, the art of politics is the art of improving the human soul (464b-c). In this sense, even in private conversation, Socrates attempts the political art by improving people's souls through philosophical conversation; he has conversations with people not for the sake of their pleasure, but for the sake of what is best for them. In other words, he practices politics in private (cf. 514d-515c). Now, Socrates contends that from this activity he

⁴ From his attitude we may infer the reason why Callicles follows Gorgias to learn rhetoric: averting danger is so important to him. Olympiodorus observes that death is the greatest evil for Callicles and fear of death disturbs him. Olympiodorus [1998], p. 286. It seems that Callicles' way of gaining pleasure and clinging to life are closely connected. Cf. 492e, 511b-c; Saxonhouse [1983], pp. 155, 168.

would incur danger and could not defend himself at court. People, who only enjoy pleasant things and dismiss what is best for them, would kill him who tries to make them better. According to Socrates, this paradox will be understood if we imagine the situation in which he would be judged like a doctor being accused by a cook before children as the jury.

Before we proceed to Socrates' equation of himself with a doctor, it is important to consider Terence Irwin's remark on the true political art. As Irwin notes, "Socrates does not say that he has this craft, but that he 'undertakes' (or 'attempts,' *epicheirein*) it."⁵ Socrates keeps some distance from the art. Although Irwin seems to be interested in whether Socrates' statement here is compatible with his disavowal of knowledge (and it is compatible for Irwin), it is also possible to ask the question of the extent to which the analogy of Socrates to a doctor is appropriate. What does he actually have and practice? Does he make people better without an art? (We have two good examples appearing or mentioned in this dialogue: Callicles and Alcibiades. Does Socrates make them better? Or does he make his listeners better instead?) Or is philosophy truly art or knowledge? We cannot answer this question here because his statement is so brief and ambiguous, but we should keep this problem in mind when we read this Socratic analogy, and when we compare the *Gorgias* with the *Apology* later. This problem suggests that there might be some discrepancy between his prediction based on this analogy and the real trial.

Socrates goes on to describe the situation of the doctor in detail. The cook would say that this doctor has done many bad things to the jury (children) such as "corrupting"

⁵ Irwin [1979], p. 240.

(διαφθείρειν) them by painful medical treatments, and plunging them into *aporia* by bitter potions and other cures.⁶ Moreover, the cook could demonstrate, by means of flattery, that, contrary to the doctor who gives them pains, he has given them all sorts of pleasure. In this situation, in which the accuser is wicked and the jury immature, it is difficult for the doctor to tell the truth, namely that he does such things for their health, since children would clamor loudly. The doctor himself then would be plunged into *aporia*.

Then Socrates compares himself to the doctor. According to Socrates, he would suffer such an experience at the court, for, like a doctor, he cannot mention any pleasure with which he has provided the people. Therefore, if someone says that Socrates “corrupts” the youth by plunging them into *aporia* and “slanders” (κακηγορεῖν) the adult by saying bitter words, he could not tell the truth that he justly says and practices these things for their benefit. One may point out that Socrates’ predicament is greater than the doctor’s, because he is believed to be harmful to both the young and adults (it seems that in the case of the doctor the adult can endure bitterness for the health of the body), and his predicament is caused by both his speech and deeds (education and corruption of the human soul are more related to speech than deed).⁷ Be that as it may, due to this predicament, Socrates would not be able to tell the truth. But this does not actually happen at the court: in Plato’s *Apology*, he claims that he tells “the whole truth.”⁸

⁶ Expressions such as “corrupting” and “being at a loss” (ἀπορεῖν) are appropriate to describe medical work. Dodds [1959], p. 370; Irwin [1979], p. 241.

⁷ This might explain the small difference that Socrates seems to put more emphasis on the impossibility of telling the truth in his case than in the analogy of the doctor. Compare 522a4-7 with 522b9-c2.

⁸ Plato, *Apology of Socrates* 17b6-7, 20d5-6. In the *Apology*, Socrates also demonstrates boldly that

Socrates' equation of the doctor and himself is not sufficient for Callicles, since it only describes what would happen to Socrates; Socrates only predicts his fate without indicating that he tries to do something to avoid this danger. Callicles then asks Socrates whether it is fine (καλός) for a man to fall into that situation and not be able to help himself. Callicles still prefers to flatter or pander to the people because that is safer. But for Socrates, getting into such a predicament is fine if he is not unjust, since not doing injustice to human beings and the gods is the strongest help for himself. Socrates "knows well" that Callicles would see that he, having this help for himself and others, endures death easily. Socrates argues that going to Hades with an unjust soul is the worst of all—having an unjust soul is the most fearful and dangerous thing. Accordingly, he starts to tell a story to Callicles about the afterlife, who seems to be concerned only with the danger of this life. In Hades the just soul is rewarded, the unjust one punished. Socrates claims that he can endure the death penalty as if he has sufficient knowledge of the afterlife.⁹

This is Socrates' prediction about what would happen to him at court. Although Paul Friedländer argues that Socrates is completely clear about his fate and predicts the charges almost exactly,¹⁰ it is important to see the difference between his predictions and the reality. For example, as we mentioned, Socrates cannot tell the truth at the imaginary trial but tells the whole truth at the real trial. This difference indicates that the prediction

his philosophical activity commanded by the god is most beneficial to the people. See 29d2-31c3. This is another example of the difference between his prediction and his actual conduct.

⁹ In Plato's *Apology*, Socrates' official attitude toward death is that he does not know about it. See *Apology* 29a1-b6, 42a2-5. One can also ask whether knowledge about Hades is the sole condition for enduring death. Cf. Xenophon, *Apology of Socrates to the Jury* 5-9; Plato, *Apology of Socrates* 41d3-5.

¹⁰ Friedländer [1964], p. 271.

in the *Gorgias* does not exactly match what Socrates does at the actual trial, and that his understanding of the actual trial differs from that of the imaginary one.

More importantly, Socrates does not mention the impiety charge in the *Gorgias*.¹¹ Instead, here he is accused mainly of corrupting the young and slandering the adults. It may be true that the impiety charge is not appropriate to this context, in which Socrates compares himself to a doctor, since impiety is not a proper charge against a doctor.¹² But it is also true that this equation is suggested by Socrates himself. One may say that the omission of the impiety charge contributes to the strong impression that he is innocent: Socrates seems innocent since he does not even refer to the serious accusation against him. His prediction of his actions at the trial and of the charges brought are both imperfect.¹³ We cannot apply his prediction directly to the actual trial.

To conclude, on the one hand, Socrates' prediction of the trial in the *Gorgias* is concrete; he is accused, but condemned to death even though he is innocent. Socrates explains that since, like a doctor, he aims at what is good for the people, he cannot be understood by the people because they prefer pleasure to the best things for them. On the other hand, even at a glance, there are obvious and significant differences between his prediction and the subsequent reality. We then have to examine the difference between his

¹¹ Ronasinghe suggests that when Socrates describes himself as not “thoughtless (ἀνόητος)” (521c7), he alludes to Anaxagoras who was accused of impiety. The theory of Anaxagoras is characterized by the place of Mind (*Nous*) “amid a chaotic mixture of everything in everything.” Ronasinghe [2009], p. 146. However, even if Ronasinghe's observation is correct, Socrates still never mentions the impiety charge clearly.

¹² Cf. Irwin [1979], p. 241.

¹³ Another important difference is that Socrates does not mention his age as a reason for accepting the death penalty. To what extent is advanced age important to him? In the *Gorgias* is he not old enough to realize that getting old causes problems? (Socrates died aged seventy or seventy-one in 399 B.C. See Brickhouse & Smith [1989], pp. 13-14; cf. *Republic* 328d-e.) We have to see in what context he raises the issue of age. This issue will be discussed in Part 2, especially in Chapter 5.

prediction and his attitude to the actual indictment more closely by reading the texts concerning the actual trial. This comparative study enables us to investigate the peculiarity of his attitude at the actual trial. Using Socrates' statements in the *Gorgias* as a foil, we will now see how Socrates deals with the actual accusation. What is the specific difference between his prediction and the reality? To what extent will Socrates have a different understanding of the accusation and behave differently? Does Socrates still behave as if he believes in his innocence when he is actually accused?

Chapter 2: Plato's *Euthyphro* (2a-3e)

While in the *Gorgias* Socrates demonstrated his innocence at the imaginary court, in the *Euthyphro* we will see his first substantial reaction to the actual accusation against him. The place of the *Euthyphro* in the dramatic context of the Platonic dialogues is suggested in the *Theaetetus*. At the end of the *Theaetetus*, Socrates abruptly stops his conversation with Theaetetus and Theodorus on knowledge and leaves, saying that now he has to go to the Porch of the King in order to meet the indictment brought by Meletus against him (*Theaetetus* 210d). We then find Socrates in front of the Porch of the King at the beginning of the *Euthyphro*.¹ The *Euthyphro* gives us the only occasion in the Platonic works to observe how Socrates himself explains the indictment against him to someone before he appears in the court. In what situation, in what way, and to what kind of person does Socrates talk about his case? More importantly, does he still demonstrate his innocence as in the *Gorgias*?

The aim of this chapter is to show that, unlike in the *Gorgias*, Socrates in the *Euthyphro* does not indicate his belief in his innocence, even though he is actually accused now. He only reluctantly explains about the accuser and accusations to his companion who is eager to know about them. Without claiming his innocence or blaming the accuser, Socrates even praises the accuser.

Socrates and Euthyphro meet by chance at the Porch of the King. The King is one of

¹ There is no strong reason for the reader to doubt the direct connection between the two dialogues, since, as far as I understand, for Plato there is also no good reason to disconnect them. Cf. Burnet [1977], p. 82.

the chief magistracies (nine Archons) and deals with religious crime and homicide.² On the one hand, Socrates is coming to or waiting at the Porch for the preliminary hearing of his case on a religious matter.³ On the other hand, Euthyphro, whose name means “straight-thinker,”⁴ also appears at the Porch, either because he has already finished his legal business,⁵ or because he has just arrived for it.⁶ As the dialogue shows later, he is trying to accuse his father of murder (3e-5a). Although his case is complicated and his family objects to his conduct, the young Euthyphro, as a diviner (3d), confidently believes that his legal action is pious.⁷ This is the setting in which Plato chooses to show how Socrates describes his own case.

Euthyphro’s wonder gives him a chance to start off the conversation with Socrates. Euthyphro is surprised to find that, contrary to his normal custom, Socrates is spending time at the Porch of the King. His first phrases show that Euthyphro is an acquaintance of Socrates, and that he knows something about his acquaintance: Socrates prefers spending time at the Lyceum, and he is not the sort of man to bring a lawsuit (δίκη) before the King. However, his surprise also shows his ignorance about Socrates. Euthyphro does not

² The King (Βασιλεύς) administers religious matters. He deals with both impiety (public offence against religion) and homicide (private wrong), because homicide is believed to cause pollution in the community. The Athenians have no professional prosecutor; private citizens bring prosecution. Burnet [1977], pp. 82-83; Lewis [1984], p. 233. Cf. Aristotle, *The Constitution of the Athenians* 57.

³ Lewis [1984], p. 232; Bruell [1999], p. 121.

⁴ Allen [1970], p. 23; Bailly [2003], p. 19.

⁵ Burnet [1977], p. 82; Lewis [1984], p. 232.

⁶ Diogenes Laertius, *Lives and Opinions of Eminent Philosophers* 2. 29 ; Allen [1970], p. 64; Bruell [1999], p. 133. If it is true that Euthyphro has just arrived here, the end of the dialogue may indicate that Euthyphro, after having a conversation with Socrates, changes his mind and drops his prosecution (15e), for he leaves the Porch at the end of the dialogue. However, Plato is not so clear about it. He induces the reader to think about it.

⁷ A hired laborer of Euthyphro’s father was drunk and killed a slave in anger at a farm in Naxos. The father punished the laborer by putting him in a ditch in bondage. While the father sent a messenger to an interpreter on divine things in Athens in order to ask what he should do, the murderer died due to the lack of care of the father (4c-d).

know that Socrates has been accused; he has general knowledge about Socrates, but does not know what has happened to him recently. Euthyphro is not a close friend of Socrates.⁸ (Socrates also does not know Euthyphro's case.) Moreover, his ignorance about Socrates' case may indicate that Euthyphro is not a well-informed citizen or is detached from society, since it could be heard about at the assembly or other public places (cf. 3b9-c4).⁹ Therefore, it would not be misleading to say that when Socrates, correcting Euthyphro, replies that the Athenians call his case not a private lawsuit (δίκη), but a public indictment (γραφή), he deals with Euthyphro as if he were a foreigner or outsider who is not familiar with Athenian law.¹⁰ At any rate, thanks to Euthyphro's ignorance, we will observe how Socrates gives information about his case to a man without any knowledge of it.

However, Socrates' explanation is not perfectly objective or revealing.¹¹ The manner of explanation is determined by the situation and the character of the interlocutor. Knowing well that Socrates never brings an accusation, Euthyphro is sure that some other man has accused Socrates. Although Euthyphro mentions this logical necessity and shows

⁸ Even if the "Euthyphro" who is said to have told Socrates the etymology on divine things in the *Cratylus* (396d-e) is the same Euthyphro in the *Euthyphro*, it does not mean that they are close friends. Rather, as Rosen says, Euthyphro is not the sort of young Athenian whom Socrates chases, and also not his enemy. Although Euthyphro takes the side of Socrates, he offers no help to him; he is not a passionate follower of Socrates. Rosen [1968], p. 107. Some close friends of Socrates seem to know about the trial before Socrates is actually accused and they try to save him. *Crito* 45d8-46a2.

⁹ Rosen [1968], p. 107; Blits [1980], p. 19. Strauss argues that "[b]eing versed in the divine things, he despises the human things; hence he knows next to nothing of human things." Strauss [1996], p. 11. Cf. Strauss [1996], p. 6.

¹⁰ Lewis [1984], p. 232. Friedländer argues that Socrates "speaks about this event . . . from a strangely remote distance." Friedländer [1964], p. 83. For Friedländer, it is Socrates who looks like an outsider. However, the two interpretations are not incompatible. Socrates is very calm as a defendant and deals with Euthyphro as if he is a foreigner.

¹¹ Compare Socrates' manner of explanation with Euthyphro's openness and confidence concerning his prosecution (3e-5a). Cf. Bruell [1999], p. 120. Euthyphro seems to want to talk about his case and have Socrates ask him about it (2a1, 3e5-6).

his curiosity about the accuser, Socrates seems to hesitate to tell him about the accuser or his case.¹² (Even though Socrates is unwilling to talk about it, he cannot escape from this situation since he has an official appointment exactly at this place; the Athenian law indirectly compels him to continue his conversation with Euthyphro.¹³) This hesitation or unwillingness makes a striking contrast with his attitude in the *Gorgias*, in which Socrates willingly explains his hypothetical trial to Callicles, who has already lost his interest in the conversation with Socrates. Does Socrates become less confident after being accused? Or more precisely, does he still think that his accuser is wicked and he is innocent of the accusation? To understand the reason for his unwillingness here, we have to investigate what he says and what he does not say.

Only when Euthyphro directly asks Socrates who the accuser is does Socrates disclose his identity, but not satisfactorily. Socrates does not know the accuser well. His description of the accuser is then limited to very basic information such as his name (Meletus), age (young), deme (Pitheus), and physical appearance (straight-haired, not-well-bearded, and hook-nosed).¹⁴ In the *Gorgias* Socrates claimed his innocence. It was then natural that the accuser was a wicked man. His innocence and the wickedness of the accuser were logically connected; only a wicked man accuses an innocent man. Here, in the *Euthyphro*, Socrates does not say that Meletus is a wicked man or has a bad

¹² I suppose that it would not sound strange conversationally if Socrates starts his explanation about the indictment as a whole just after Euthyphro mentions the possibility that Socrates is accused (2b1-2). Euthyphro has to ask two more questions, which gradually become more specific or direct, to get an answer from Socrates concerning the accuser.

¹³ Cf. Plato, *Apology of Socrates* 19a5-7.

¹⁴ According to Lewis, Socrates implies in this portrait of Meletus that he is not a well-born citizen. Lewis [1984], p. 234. However, his negative opinion against the accuser is much less clear than that in the *Gorgias*.

motivation. Is Meletus not truly vicious from the Socratic perspective? Or has Socrates not formed a judgment on him yet? Can Socrates still claim his innocence of Meletus' accusation?

It is not Socrates, but Euthyphro, still curious about Socrates' case, who disposes of the unpromising topic of the identity of the accuser and introduces a new topic: Euthyphro asks, "What indictment has he brought against you?"

Socrates suddenly becomes eloquent, but his answer is still not straightforward. To answer Euthyphro's question, it would be natural for Socrates simply to mention the corruption charge and the impiety charge.¹⁵ Instead, Socrates praises Meletus for his accusation, focusing especially on his knowledge and his ability as a statesman and referring only to the corruption charge. According to Socrates, this indictment is not ignoble, since it shows that the accuser knows in what way the young are corrupted and who their corrupters are. Meletus as a wise man goes before the city, as if before his mother, in order to accuse the ignorant Socrates who corrupts the young. His legal action indicates, Socrates contends, that Meletus appears to begin his political career correctly, since, like a good farmer, he cares for the young first and then the older. After cleaning out the corrupters, Meletus will be responsible for the most and greatest good things to the city. Socrates' first evaluation of his accuser, however sarcastic it may be, is not that he is wicked, but that he is a promising statesman.

After reading the *Gorgias*, we can point out that roughly the position which Socrates has in the *Gorgias* is taken by Meletus here. In the *Gorgias*, Socrates, attempting the

¹⁵ Cf. Lewis [1984], p. 236.

political art and caring for the good of the people, was accused by a wicked man. But in the *Euthyphro*, the accuser is no longer a chef providing pleasure, but a possessor of political knowledge and a benefactor of the city. Socrates comes close to saying that the one who is wicked is Socrates himself. At any rate, in accordance with the context in which the defendant praises the accuser, Socrates does not openly deny that he is guilty of the charge. We should not forget that Socrates' statement is mainly responsible for the creation of this context; he could have answered Euthyphro in a different way.

Although Socrates' praise of Meletus must draw the reader's attention, it is difficult to understand why he speaks in this way to Euthyphro, who has heard about the case for the first time. It may be only ironic and suggest a very different view of Meletus than the literal meaning—it could be a criticism of Meletus. Or when he praises the accuser and thus implies his own offense, Socrates may be too straightforward to be taken as truthful and honest by many readers; he might simply be expressing his political principles or admitting his guilt.¹⁶ At any rate, in this context, the man facing Socrates as an interlocutor, without sensing any ironic tone or strangeness in Socrates' admiration, responds quite seriously: "I would wish so" (3a6). (Euthyphro's "wish" that Meletus should be actually a promising statesman necessarily implies that Socrates is actually a corrupter of the young, even though he does not wish the latter.) Taking Socrates' praise at face value, Euthyphro is afraid that the opposite of what Socrates ostensibly says would happen; by doing injustice to Socrates, Meletus seems to harm the city from the hearth, the religious core of the city. (Without knowing the case in detail, Euthyphro

¹⁶ "Socrates can dissemble his thoughts by saying what he does not mean, and even more by saying exactly what he does mean. His truthful admission of guilt seems so incredible at first, that we are apt to dismiss it as not seriously intended, that is, as ironic." Lewis [1984], p. 238.

already believes that Socrates is innocent.¹⁷) Probably due to his lack of humor or his earnestness, Euthyphro can keep asking questions about the accusation without making a witty comment on Socrates' irony at length. Now Euthyphro asks the alleged cause of the corruption. This question compels Socrates to mention the impiety charge, which he omitted in his previous statement on Meletus. Socrates' eloquent and political praise of Meletus, regardless of its true intention, fails to conceal the religious ground of the accusation from Euthyphro's earnest inquiry. In the *Gorgias*, in which he claimed his innocence, Socrates did not even mention an impiety charge. How does he deal with it in the *Euthyphro*?

Only after making the listener suspicious of the charges in advance by saying that they are strange (ἄτοπα) at first hearing (3b1),¹⁸ Socrates reveals very concisely that the ground of the corruption charge is his impiety.¹⁹ According to the accuser, Socrates is a maker of gods, and because he makes new gods and does not believe in (νομίζειν) the ancient gods, Meletus accuses Socrates for the sake of them.²⁰ Euthyphro is finally

¹⁷ Even though Euthyphro regards Socrates as the pivot of the city, it does not necessarily mean that he highly respects Socrates as a philosopher. Cf. Burnet [1977], pp. 85, 95. As we will see, Euthyphro believes that Socrates is his fellow diviner (3c3-4); his compliment to Socrates can apply to himself. His favorable or ready-made opinion of Socrates' innocence then could be explained by his self-esteem.

¹⁸ Socrates may imply that the impiety charge is reasonable after thinking about it sufficiently. Lewis [1984], p. 239.

¹⁹ Compare the length of his praise of Meletus on the corruption charge (2c2-3a5) with his explanation of the impiety charge (3b1-3b4). The former is about four times as long as the latter.

²⁰ This is not exactly the same wording as what Socrates uses in Plato's *Apology*, and, probably, as the actual indictment. In the *Apology*, Socrates says that the indictment is something like this (he does not quote it exactly): "Socrates does injustice . . . by not believing in the gods whom the city believes in, but in other daimonic things that are new" (24b8-c1). Cf. Xenophon, *Apology of Socrates to the Jury* 10; Xenophon, *Memorabilia* 1. 1. 1; Diogenes Laertius, *Lives and Opinions of Eminent Philosophers* 2. 40. In other works Socrates (or the authors on Socrates) does not explain that his accuser believes that he is the "maker" of the gods. Cf. Burnet [1977], pp. 94-95. The "strangeness" of the impiety charge here can be understood when one notices that the accuser claims that new gods can be made by humans even though the ancient gods still exist. Blits [1980], p. 20; Lewis [1984], pp.

informed of the whole picture of the indictment. But although it sounds strange to Socrates, he does not provide further explanation of or objection to it; it is still unclear. Also, this time he does not praise Meletus concerning the impiety charge, nor does he defend himself. It is not the defendant but Euthyphro who interprets the meaning of the impiety charge, the basis of the indictment.

While the impiety charge sounds strange to Socrates, Euthyphro, as a diviner, solves the religious puzzle for Socrates at first hearing. Since Socrates says that the *daimonion* comes to him from time to time, Meletus accuses Socrates as an innovator concerning the divine.²¹ But according to Euthyphro, it is only a disguise. Euthyphro maintains that Meletus merely slanders Socrates, because Meletus knows that this sort of thing is easily misunderstood by the many. Euthyphro can assume Meletus' true reason since at the assembly the many have laughed at him, even though he always says the truth as a diviner. They treat him as mad and laugh, for they envy all of "us" (including Socrates). Thus, in the Platonic works the first defender of Socrates against the actual charge is Euthyphro, not Socrates. Like Socrates in the *Gorgias*, Euthyphro here, having taken Socrates' innocence for granted, reveals the wicked intention of the accuser and blames the attitude of the many (they become the jury in the court). But we should also note that his defense of Socrates is based on his conjecture.

As a fellow diviner Euthyphro even encourages Socrates to confront the people. However, Socrates is silent about Euthyphro's conjecture on the impiety charge. We do

239-240. Heidel argues that this is a caricature of the poet Meletus, which "heightens the effect of the absurdity [*atopa*] of the charge and makes it appear more spiteful." Heidel [1976], p. 35.

²¹ Euthyphro changes "the maker" slightly into "the innovator." Socrates seems to adopt this change later (5a).

not have a chance to hear Socrates' opinion about it directly. Instead, Socrates corrects only Euthyphro's comparison of Socrates and himself.²² Being laughed at is not serious, but becoming the object of anger is.²³ The Athenians (Socrates is no longer talking about his accuser and the impiety charge, but about the many) get angry, not when they find a wise man, but when they find him making others similar to him by teaching his wisdom.²⁴ Whereas Euthyphro does not teach his wisdom to others, Socrates is afraid that, due to his philanthropy,²⁵ he is believed to tell anyone whatever he knows. He completes his illustration of their difference by saying that if the many become serious (get angry), it is not clear what would happen except to "you" (Euthyphro) diviners.

Whereas Socrates is silent on the impiety charge as such, through his correction of Euthyphro Socrates suggests his understanding of the accusation. Although he does not mention the *daimonion* here, he implies that he is believed to make other people similar to him, probably in the sense that he is a teacher of the new divinity or of the disbelief in the ancient gods.²⁶ By denying that the many would react to him with laughter, and by anticipating that they would get angry with him, he shows his seriousness about his accusation. We then understand that Socrates is reserved and dodges this serious issue.

Contrary to Socrates who takes the Athenians seriously, Euthyphro predicts that it

²² Cf. Bruell [1999], p. 119. Even though Euthyphro defends Socrates, Socrates is remonstrative or oppositional. Heidel [1976], p. 37; Burnet [1977], p. 99; Bailly [2003], p. 34.

²³ Interestingly, Socrates seems to intentionally make the Athenians get angry with him at the trial. We will discuss it in Chapter 4 and 5.

²⁴ Socrates distinguishes the accuser from the many in terms of their evaluation of Socrates. While Meletus regards him as ignorant (2c5-8), the many would think that Socrates has wisdom (3c7-d2). Blits [1980], p. 21.

²⁵ Even if he is philanthropic, it does not mean that Socrates speaks everything to everyone. Blits [1980], p. 21. His style of conversation here is a good example.

²⁶ Cf. Bruell [1999], p. 119.

will not be a matter (πρῶγμα) for Socrates. This prediction makes his prophetic ability questionable and, at the same time, his defense of Socrates unreliable.²⁷ But this is the only man in the Platonic dialogues who defends Socrates before the trial takes place. In the *Gorgias*, Socrates confidently believed in his innocence and the viciousness of his imagined accuser, but this was in a hypothetical argument. In the *Euthyphro*, he does not defend himself against the actual charge, nor does he criticize the intention of the accuser. Rather, he praises the accuser on political grounds: Meletus would be a great statesman since he cares for the education of the young. Moreover, the defender of Socrates here is Euthyphro, who does not know the indictment of Socrates well. Although the accusation is real in the *Euthyphro*, the defense of Socrates is again hypothetical. It is difficult to say that Socrates still believes in his innocence or behaves as a defendant having such a conviction. Now we are ready for investigating Plato's *Apology*, in which Socrates has to confront the indictment and the accuser directly. In what way does he defend himself? Does he speak and behave as one who believes in his innocence?

²⁷ In the course of the dialogue, it also becomes clear that Euthyphro's knowledge of piety or of the divine is questionable. Strauss [1996], p. 6.

Chapter 3: Plato's *Apology of Socrates* (24b-28b)

As the title suggests, Plato's *Apology of Socrates* is not a full record or report of the trial of Socrates, for it completely omits the speeches of the accusers and focuses only on the conduct and speeches of the defendant. Moreover, not all speeches of the defendant address the formal indictment. Socrates' interrogation of Meletus is the only section in which he addresses it directly. Even though this is a very short section, it gives Socrates the only chance to refute the formal indictment by directly examining the accuser before the jury. Since the interrogation is conducted in a real court, unlike in the *Gorgias*, and since it is Socrates who has to defend himself, unlike in the *Euthyphro*, it is reasonable to expect to hear Socrates' substantive and serious opinion concerning the indictment. Does Socrates prove his innocence successfully? Does he even sincerely try to refute the indictment as a believer in his innocence?

The aim of this chapter is to show that Socrates does not regard the interrogation as an occasion to prove his innocence; instead, he proves the defect of the accuser, Meletus.

The Altered Indictment (24b-c)

After making a defense speech against the "first accusers,"¹ who have been prejudiced against Socrates for a long time (18a7-e4), Socrates confronts the later accusers—especially Meletus, who is allegedly a good man and a lover of the city (24b5).

¹ The first accusers are those who circulate the rumor about Socrates for a long time. The rumor says that "there is a Socrates, a wise man, a thinker of the things aloft, the one who has investigated the all things under the earth, and who makes the weaker speech the stronger" (18b6-c1). They are distinguished from the official accusers, but Socrates regards them as more fearsome than the official ones (18b1-c1). We will discuss the first accusers closely in Chapter 5.

To begin with, Socrates takes up the formal indictment again. According to Socrates, it is “something like this” (24b8):

It asserts that Socrates does injustice by corrupting the young and by not believing in the gods whom the city believes in, but the other new daimonic things. (Σωκράτη φησὶν ἀδικεῖν τούς τε νέους διαφθείροντα καὶ θεοὺς οὐκ ἢ πόλις νομίζει οὐ νομίζοντα, ἕτερα δὲ δαιμόνια καινά.) (24b8-c1)

For him, the accusation is “such a sort of thing” (24c1-2). Before and after the citation, then, Socrates casually indicates that it is not exact.² It is helpful to see how Socrates changes the original indictment in order to understand more clearly the course of the interrogation, which Socrates bases on the indictment as he states it rather than the official one. According to Diogenes Laertius, Phavorinus reported that the official indictment was preserved at the archives of Athens in his time (around the 2nd century).³

It says this:

Socrates does injustice by not believing in the gods whom the city believes in, but introducing other new daimonic things. He also does injustice by corrupting the young. (ἀδικεῖ Σωκράτης οὐκ μὲν ἢ πόλις νομίζει θεοὺς οὐ νομίζων, ἕτερα δὲ καινὰ δαιμόνια εἰσφέρων. ἀδικεῖ δὲ καὶ τοὺς νέους διαφθείρων.)⁴

In the *Apology*, Socrates reverses the order of the impiety charge and the corruption

² It was possible for Socrates to order the clerk to read the official indictment, if he needed. Burnet [1977], p. 182.

³ Diogenes Laertius, *The Lives and Opinions of the Eminent Philosophers* 2. 40.

⁴ The fidelity of this wording is confirmed by Xenophon. In the *Memorabilia* (1. 1. 1), he cites the exact same indictment except for changing only one word (from εἰσηγούμενος to εἰσφέρων). Burnet [1977], p. 182; Brickhouse & Smith [1989], p. 30. Xenophon also admits that this is not literal.

charge, and at the same time makes the two charges less independent by putting them together in one sentence; besides, he omits “introducing,” so, as a result, the verb (or participle) “believing in” applies to both the city’s gods and the new daimonic things. He examines this indictment thus altered.⁵

The Corruption Charge (24c-26b)

Following the order fixed by him, Socrates deals with the corruption charge before the impiety charge. First, Socrates contrasts Meletus’ assertion with his own: while Meletus asserts that Socrates does injustice by corrupting the young, Socrates asserts that Meletus does injustice. He is not going to defend himself directly, but to attack the accuser. The purpose of the examination of Meletus is clear: it is to prove that Meletus jests in a serious matter, and that he pretends to care for something which he does not care for. In the *Gorgias*, the imaginary accuser was wicked, because he accuses an innocent man, not because he is less serious or does not care; in the *Apology*, Socrates does not clearly say that he is innocent. Also, unlike in the *Euthyphro*, Socrates does not suppose that bringing the charge is itself a proof of serious care and of a promising future as a statesman.⁶ In the *Apology*, Meletus is not simply wicked, but he lacks the care which he claims to have. The picture of Meletus in the *Apology* that Socrates tries to exhibit seems to be placed in the middle between the *Gorgias* and the *Euthyphro*. One must wonder whether or not Socrates is able to establish his innocence by proving these things successfully; even an unjust man could prove that his accuser is also unjust.

⁵ Burnet [1977], pp. 182-183; West [1979], pp. 57-58, 145-147; Leibowitz [2010], pp. 116-117.

⁶ Cf. Bruell [1999], p. 142.

Socrates' question concerning the corruption charge sounds tricky, because it deals not with the corruption of the young as such, but with who makes the young better. Meletus must have an answer to the latter, since he can accuse Socrates of corrupting the youth. Socrates' question presupposes that knowledge of the object must accompany serious care about it, and that knowledge of corruption of the young is of the same kind as that of improvement; the standard of having serious care for the young is very high. This slight change of topic or unusual way of questioning—focusing on the very opposite of what the indictment is about—may embarrass Meletus and silence him for a while.⁷ Or Meletus, who already knew its danger, becomes warier of Socratic rhetoric (17a4-7).

Despite Socrates' unsettling questioning and pressure, Meletus' answer, "the laws" (24d11), has some relevance. In the *Gorgias*, Socrates says that the art of lawmaking belongs to the political art, which cares for the goodness of the human soul (*Gorgias* 467b-e). However, to the particular question Socrates raises here, this answer is not appropriate: Socrates points out that he is not asking about "what" makes the young better, but "who" makes them better (24e1-2). (The laws must be practiced or enacted by human beings; the educator of human beings must be human beings.) Receiving a revised answer from Meletus that the judges improve the young, Socrates, through cross-examination, gradually extends (or leads Meletus to extend) the range of the improvers of the young, from judges to the audience at court, to members of the council, and finally to members of the assembly. This extension is natural, since judges are chosen from Athenian citizens, who volunteer for the jury, by lot.⁸ If all judges have sufficient

⁷ Cf. Steinberger [1997], pp. 21-22.

⁸ Brickhouse & Smith [1989], p. 26.

ability to improve the young, all Athenians in democratic Athens must have it; Meletus' first answer already implies his final answer. Also, Meletus' final answer is not a strange idea. John Burnet explains that "that [the laws] is the answer every Athenian democrat would naturally give, and he would naturally go on to say that goodness of the man and the citizen was to be learnt from one's fellow citizens."⁹ In addition, in the *Meno*, Anytus, being asked the same sort of question by Socrates, says that one does not need to name the educator, since any Athenian gentleman (the noble and good) can make the young better (*Meno* 92e).¹⁰ The democratic principle that all citizens can share political office or have a political voice is based on the idea that all or many citizens equally have the necessary political ability. While the young by nature have the ability to become citizens, all citizens have the ability to educate them to become citizens.¹¹ Given the democratic idea and Meletus' charge, it follows that only Socrates in the city corrupts the young.

Socrates replies to this surprising conclusion by taking horses and all other animals as an example (25a13-b6). He maintains that not all human beings can improve horses, but only a few of them, the horsemen, can improve them; thus the many, not a few, would corrupt them. The truth is precisely contrary to Meletus' democratic idea, namely that there are one or a few corrupters among many improvers. One may point out that this Socratic analogy is appropriate only if a concept of human education corresponds to that of all other animals. One may wonder to what extent Socrates regards the laws and the

⁹ Burnet [1977], p. 187. Cf. West [1979], p. 137; Brickhouse & Smith [1989], p. 117; de Strycker [1994], pp. 107-112; Colaiaco [2001], pp. 116-118; Leibowitz [2010], p. 118.

¹⁰ Anytus, the leader of the democrats, has a more definite answer than Meletus. For Anytus, not all Athenians, but only distinguished men (the noble and good) can make the young better.

¹¹ In the *Protagoras*, Protagoras argues that political virtues are shared by all men, and that they are also educable. *Protagoras* 322b-d.

gods of the city as important for education. In particular, he is talking here about the education of human beings as such, not about the education of citizens. Meletus, the lover of the city, does not seem to distinguish human being from citizen; Socrates seems to distinguish between them (cf. 20b4-5). Does Socrates not accept the basic idea of democracy? Is he the sole corrupter in the democratic city?

Meletus' lack of knowledge of this matter, according to Socrates' assertion, shows his lack of care for the young. It is important to note that although this conclusion would contribute to the purpose of the interrogation that he sets down at the beginning, it does not prove the innocence of Socrates. For even if the analogy of horses is correct, he is silent about whether or not he is an expert in such education.¹² So far the course of the interrogation is not directed to the effective defense of Socrates. Needless to say, Meletus is not responsible for the course of the interrogation.

After confirming the correctness of his reasoning by himself (Meletus is not given a chance to voice any opinion on it), Socrates moves on to the next issue. He asked whether it is better to live among good (χρηστοί) citizens or with worthless (πονηροί) ones. Indeed, as Socrates says, he is not asking about something difficult. But it is also true that his intention in asking this question is unclear, and it even looks irrelevant to the particular charge.¹³ In this respect, it is understandable that Meletus hesitates to give a quick answer to this simple question (25c6-7; cf. 25d2). However, being urged by Socrates, who continues to ask questions and uses the authority of the law, Meletus reluctantly admits both that worthless men do something bad to ones who are close to

¹² Leibowitz [2010], p. 118.

¹³ Cf. De Strycker [1994], p. 113.

them and good men do something good, and that no one wants to be harmed by his associates. Only when Socrates clearly mentions the corruption charge by asking whether in Meletus' opinion Socrates corrupts the young willingly or unwillingly, does Meletus answer confidently and choose the more punishable one: Socrates corrupts the young willingly.

Having induced Meletus' affirmations about two general inclinations of men and the particular assertion about Socrates' willingness, Socrates contends that Meletus' claim or charge is unconvincing. Since, as Meletus affirms, worthless people do bad things to their associates, Socrates will, according to Socrates, run the risk of being harmed in return by them if he does a wretched thing (*μοχθηρόν*) to them or makes them wretched. Because, as Meletus agrees, no one wants to be harmed by his associates, he either does not corrupt or corrupts unwillingly. As a result, there would be no willing corruption and then no punishment for corruption. While Socrates applied the very high standard of care for the young to Meletus, now he applies the very low standard of crime to himself. If Socrates corrupts the young due to his ignorance, Meletus should teach or advise Socrates without bringing him into court for punishment. It is Meletus, not Socrates, who is really blameworthy. Again, Meletus has no chance to make an objection.

Is this argument convincing to prove Socrates' innocence or sufficient to dispel suspicions of him? Certainly, it creates an impression that Meletus' charge is absurd, because Socrates appears to refute Meletus so provocatively and confidently. But from Meletus' utterances or affirmations, however exaggerated,¹⁴ it is difficult to conclude that

¹⁴ For example, Meletus affirms Socrates' saying that "the worthless men do something bad to the ones who are *always* (*ἀεὶ*) closest to them" (25c7-8, emphasis added). When Socrates criticizes

it is completely impossible for Socrates to corrupt the young willingly. For Meletus does not say anything about the connection between corruption and harming or being harmed. Socrates, not Meletus, presupposes that the corrupted, becoming worthless, always harm the corrupter; Meletus affirms only that the worthless man is harmful to the people close to him and that no one wants to be harmed. Thus it is Socrates who connects corruption and harming, but the connection is not without reservation—as Socrates carefully chooses the expression, if he corrupts someone, he will only “run the risk of” being harmed by them (25e3).¹⁵ In fact, it may be possible by corrupting the young to make them his helpers or get some greater return even with being harmed. Socrates himself admits this possibility later. He says hypothetically that “the corrupted ones themselves would perhaps have a reason to come to aid me” (34b1-2)—it is possible that the corrupted shares the moral opinion of the corrupter.¹⁶ Therefore, in order to prove his innocence sufficiently, he has to demonstrate that he has never taken the risk of being harmed in order to get his helpers, who share his ideas, by corrupting them. But he does not address this point. It is still open that he might take the risk willingly.¹⁷ The logic of his argument is problematic.

Meletus, Socrates paraphrases it: “the bad men *always* (ἀεὶ) do something bad to the ones who are nearest to them” (25d9-e1, emphasis added). The latter emphasizes the wickedness of the wrongdoer more.

¹⁵ Literally speaking, Socrates does not say “corrupt (διαφθείρειν),” but “do a wretched thing (μοχθηρόν).”

¹⁶ Leibowitz [2010], p. 121.

¹⁷ Reeve argues that Socrates’ poverty is a strong proof of the absence of the motivation for taking the risk or corrupting the young. For Reeve, “the most likely motive” is desire for money. According to him, this is a well-known fact parodied in Aristophanes’ *Clouds*. Reeve [1989], p. 92. However, Socrates’ poverty only suggests that he may have a different motive than money. The issue is not whether he takes money or gifts; taking the *Clouds* as an example, the issue is rather what makes the bond within the Socratic circle possible. All the members look poor, but have a close relationship.

Furthermore, as Peter Steinberger points out, the willingness of the corruption itself is irrelevant to establish his innocence. Many people know and Socrates himself admits in court that he willingly associates with people for certain reasons, which must have some influence on the young, even though he is hated by some people due to this activity. He could willingly do something which he believes is good for the young, but looks, or is, harmful or unlawful to others. “The dispute is not whether Socrates acted willfully or not; it is, rather, whether or not his principles are sound.”¹⁸ The question whether Socrates shares Meletus’ concept of corruption is not discussed, because he does not even try to define or ask the meaning of corruption.¹⁹ His choice of topic, exaggerated argument, provocative manner, and surprising reasoning would contribute to keeping the danger or unhealthiness of his thought out of the examination. Or one may say that he does not bring the conflict between his thought and the general opinion of the city into the open.

From such arguments, Socrates concludes again that Meletus lacks the care which he ought to have. This conclusion is not about his own innocence, but about the defect of the accuser. We notice that Socrates is still talking about the first of his purposes (Meletus’ lack of care) that he set at the beginning of the inquiry of the corruption charge (24c4-9).²⁰

The Impiety Charge (26b-28a)

After proving Meletus’ lack of care about educating the young regarding the corruption

¹⁸ Steinberger [1997], p. 26.

¹⁹ Cf. Brickhouse & Smith [1989], p. 117.

²⁰ The original order of the two points, jesting and lack of care, that is mentioned at the introduction to the interrogation (24c4-8) is reversed when the interrogation starts. West [1979], p. 136.

charge, Socrates continues to ask about the cause of the corruption and at the same time prepares the answer for Meletus: “Is it clear that according to the indictment (γροφή) you brought, it is by teaching not to believe in the gods in whom the city believes, but in other new daimonic things?” (26b3-5). Socrates introduces the new concept of “teaching,” which did not appear either in the original indictment or in the indictment with his alteration. It was perhaps implied in them, because it is difficult for someone who has only a personal, inner belief in the gods without teaching it to corrupt the young, which necessitates significant influence on them. But by asking in this way, Socrates closely connects the corruption charge with the impiety charge. (This connection is suggested by his alteration that describes the two charges in one sentence.) At the beginning of the interrogation, Socrates mentioned only the corruption charge and asserted that he was going to prove Meletus’ injustice in two things: Meletus’ jesting in a serious matter and his lack of care (24c4-9). Now it turns out that Socrates applies his proof of the lack of care to the corruption charge (25c1-4, 26a4-b2) and that of jesting to the impiety charge (27a6-7, 27d4-7), discussed as if it is a continuation or part of the corruption charge. As a result, on the one hand, the impiety charge becomes the core of the indictment, since without impiety or teaching impiety, corruption is impossible. On the other hand, because the impiety charge becomes less independent, the wickedness of the impiety comes mainly from the corruption of the young; the indictment comes to mean that Socrates does injustice only against particular human beings, not against the gods. (The original indictment can be read in this way: “Socrates does injustice against the gods whom the

city believes in . . .”)²¹ Socrates’ question seems to mitigate or limit the impact of the impiety charge.

Receiving Meletus’ strong affirmation of the ready-made answer, Socrates asks him to speak more clearly. Socrates says:

I cannot understand whether you are saying that I teach them to believe that there are some gods—and I myself then believe that there are gods, and I am not entirely an atheist (ἄθεος) and do not do injustice in this way—yet I do not believe in the gods whom the city believes in but believe in others, and this is what you charge me with, that I believe in others, or you assert that I myself do not believe in the gods altogether and teach this to others (26c1-7).²²

One may wonder not only whether the meaning of the impiety charge is less clear than the meaning of the corruption charge about which, as we saw, Socrates did not ask any questions to Meletus, but also whether the two alternatives, heterodoxy and atheism, can naturally arise from the alleged obscurity of the indictment. Socrates could have asked Meletus which gods in particular he does not believe in, or by doing or failing to do what he does not believe in the gods. Socrates avoids these possible questions. Socrates’ question here then may urge caution. Why does he focus only on atheism? However,

²¹ Bruell [1999], p. 140.

²² Brickhouse & Smith seem to presuppose that this question is to “clarify the phrase, ‘does not recognize the gods the state recognizes.’” Brickhouse & Smith [1989], p. 119. For them, Socrates’ question is only about the first part of the impiety charge. But Socrates also mentions his belief in the other gods, which appears in the second part of the charge; it is difficult to judge whether his question covers only the first part of the impiety charge or all of it. In this respect, Meletus might have the impiety charge as a whole in his mind when he gives the answer. Later, Socrates regards this question and answer as covering only the first part of the impiety charge. There might be a misunderstanding about the meaning of the question between Socrates and Meletus, or Socrates’ question might be intentionally ambiguous.

without any hesitation Meletus chooses atheism as his own claim.

As we will see, Socrates will point out the contradiction between this answer and the indictment (with his alteration) that presupposes belief in some kind of divinity on Socrates' part. Although it is almost impossible to know perfectly why Meletus chooses an answer that at first glance seems to contradict the indictment, and which will be easily refuted, one needs to pay attention to the context in which he makes the choice in order to understand the course of the interrogation led by Socrates. In what context, in what way does Socrates ask the question to Meletus? Focusing on the Socratic way of interrogation, Steinberger says that this interrogation is not "simple, innocent, straightforward."²³ In this interrogation, Socrates is offensive rather than defensive: from the beginning he tries to prove Meletus' injustice (24c4-9), and has allegedly proved Meletus' lack of care concerning the corruption charge (26a8-b2). Steinberger argues that Meletus is said to commit injustice by disregarding the state's greatest interest, the integrity of the judicial process, which is in a certain sense to be "guilty of the crime of impiety."²⁴ Meletus is somehow driven into a corner.²⁵ Also, Socrates repeatedly makes fun of Meletus by punning on his name (24c8, 24d4, 24d9, 25c3, 26b2).²⁶ Socrates' method of interrogation is provocative. In addition, the two alternatives, heterodoxy and atheism, Socrates proposes are not equally emphasized; when he mentions heterodoxy, he emphasizes his belief in some kind of gods and suggests that in this respect his injustice is limited. For Meletus, who is in danger of losing the trial he himself brought and is irritated by the

²³ Steinberger [1997], p. 21. Cf. De Strycker [1994], pp. 119-120.

²⁴ Steinberger [1997], p. 20.

²⁵ If the accuser cannot get a certain number of votes, he has to pay a penalty. 36a7-b2; Steinberger [1997], p. 20.

²⁶ The name of Meletus implies "care" in Greek.

questioner, atheism looks more attractive since it is simply unjust and more punishable.²⁷ One cannot say that Meletus is totally free from the influence of Socrates' rhetoric or "manipulation."²⁸

However, one cannot go so far as to say that Meletus is induced to provide an answer that has never been in his mind. He seems very confident in his answer (26c7; cf. 26d4-5, 26e5). Meletus may think that any new gods or daimonic things, which are not recognized by the city, are not really gods at all. Therefore, any believer in them is an atheist. In this case, Meletus' answer is not unreasonable.²⁹ Or Meletus may suppose that Socrates does not believe in any gods at all. This supposition does not necessarily contradict the original (written) indictment, since it is possible to "introduce" new gods without believing in them. It contradicts only the indictment with Socrates' alteration, since in this new indictment one must "believe in" the new gods whom he introduces.³⁰ Whereas in the original form the indictment says that "Socrates does injustice by not believing in the gods whom the city believes in, but introducing the other new daimonic things,"³¹ with the Socratic alteration it says that "Socrates does injustice . . . by not believing in the gods whom the city believes in, but the other new daimonic things" (24b8-c1). As a result of the omission of "introducing," the latter presupposes that

²⁷ Cf. Lynette [1995], p. 387.

²⁸ Steinberger [1997], p. 20.

²⁹ Anastaplo [1975], p. 11; Gontar [1978], pp. 98-99; West [1979], p. 144; Brickhouse & Smith [1989], pp. 34-35; de Strycker [1994], p. 99; Lynette [1995], p. 387. Reeve criticizes this line of thought, since, as he contends, Meletus does not deny that heterodoxy and atheism are genuine alternatives or does not assert that there is no real god beyond the gods of the city. Reeve [1989], pp. 78-79. However, we do not know whether Meletus accepts the two alternatives as genuine or he simply and quickly chooses the option suitable to his belief without thinking carefully.

³⁰ Cf. Bruell [1999], p. 140.

³¹ Diogenes Laertius, *The Lives and Opinions of the Eminent Philosophers* 2. 40.

Socrates believes in the new daimonic things.³² One must keep in mind the possibility that Meletus' answer may not be foolish—it might be Socrates who makes it appear foolish.

Finding out Meletus' true reason for choosing atheism cannot go beyond conjecture. But the result of the radicalization of his charge is clear: Socrates does not answer the written indictment directly. Following the direction made by Meletus' claim of atheism, Socrates can disregard the issue of his belief concerning the gods of the city of which he was accused originally.³³ Socrates' next question shows this course of the argument. He asks whether in Meletus' opinion he believes that the Sun and Moon are gods just as other human beings do. His question is so broad that it is related neither to the gods of the city nor to the Athenians. Moreover, Socrates claims that it is Anaxagoras who regards the Sun as stone and the Moon as earth, and that it is easy for the young to read his theory in his book and recognize that it is not Socrates' own. He is silent not only about whether he disagrees with Anaxagoras, but also about the fact that he has studied the theory of Anaxagoras eagerly (cf. *Phaedo* 97c-98e), even though he says that Anaxagoras' ideas are strange (ἄτοπα). Therefore, at this point, it is unclear whether he believes in the gods of the city, because the question is not about the gods of the city. It is also unclear whether he shares some belief with other human beings, because he does not say that he

³² West [1979], pp. 145-147; Leibowitz [2010], pp. 131-132.

³³ Leibowitz [2010], p. 132. According to Brickhouse & Smith and Reeve, Socrates does not need to answer the question of heterodoxy, since in the Athenian law only the accuser has authority to interpret the meaning of the indictment. Brickhouse & Smith [1989], pp. 124-125; Reeve [1989], pp. 84-87. But Steinberger argues that since it is the jury who has such an authority and there is a good reason for them to regard heterodoxy as an important issue due to their prejudice against Socrates, Socrates' method of interrogation is not successful to prove his innocence. Steinberger [1997], pp. 15-19.

regards the Sun and Moon as the gods just like other human beings. Without dispelling these suspicions, Socrates is going to point out Meletus' contradiction. But is it an appropriate way to prove his innocence? Can a defendant prove his innocence by proving an accuser's contradiction?

According to Socrates, Meletus, who has brought the indictment with a certain hubris, intemperance, and youthful rashness, tests Socrates and the judges to see if they notice his contradiction. By saying that "Socrates does injustice by not believing in gods, but by believing in gods" (27a5-6), Meletus appears to contradict himself and is playing in a serious matter. Socrates, with the audience, begins to examine Meletus. But before the examination, he reminds them of his previous request that they should not make noise if he makes speeches in his customary way. Socrates not only has prepared for his speech, but also understands well how the audience would react to his speech. One may wonder if he can persuade them with such a provocative speech.

Socrates begins the examination with a very general question, which is, at first glance, irrelevant to the current issue: "Is there any human being who believes that there are human matters, but does not believe in human beings?" (27b3-4). (The audience seems to make noise at this scene dealing with the core of the indictment. The reaction of the audience reminds us of the fact that the Socratic way of questioning causes trouble among Athenians [22e-23a, 23c-24a]. Socrates seems to be intentionally provocative here.) He continues to ask similar questions such as about horses and horse matters, and flute players and flute matters. On behalf of Meletus, who, as Socrates says, does not want to answer (he may be cautious again because Socrates' intention is unclear),

Socrates answers that there are no such human beings who have such a strange belief. After setting up the right answer to the general questions, Socrates finally asks Meletus about the current issue: “Is there any human being who believes that there are daimonic matters, but does not believe in daimons (δαίμοναζ)?” (27c1-2).

Based on Meletus’ reluctant and short answer that “there is not” (27c3), Socrates establishes his belief in the daimon. Previously, in his speech and in the altered version of the indictment Meletus asserts that Socrates believes in and teaches daimonic things (δαιμόνια), whether new or ancient. Now Meletus admits that a human being who believes that there are daimonic matters must believe in daimons. Therefore, putting these arguments together, it is necessary that Socrates believes in daimons.³⁴ However, two points should be noted here. First, Socrates’ belief in the daimon depends only on Meletus’ claims: Meletus’ opinion about the relationship between daimonic matters and daimons, and his indictment. The accuser and the accusation testify to Socrates’ piety, but Socrates’ own opinion is not stated, even though he gives his opinion openly regarding humans, animals, and art. Second, the issue of the belief in the gods of the city disappears from the argument. Actually, he says that “whether *new or ancient*, I believe in daimonic things” (27c6-7, emphasis added). After atheism becomes the central issue, the problem of the public or official deities is no longer even mentioned.

From the belief in the daimon, Socrates makes one more step to establish his belief in the gods. Meletus affirms that “we believe” (ἡγούμεθα) that daimons are gods or

³⁴ Socrates equates the daimonic things (δαιμόνια) with the daimonic matters (δαιμόνια πράγματα). Riddell [1867], p. 63; Burnet [1977], p. 194.

children of gods (27c10-d3).³⁵ If the daimons are gods, it follows that Meletus is jesting, as Socrates says, for Meletus has already admitted that Socrates believes in daimons, which have now turned out to be identical with gods. Again, Socrates does not reveal his own view. In the process of proving his belief in the gods, he says that “*if* I believe in daimons, as *you* say, and *if* daimons are some gods . . .” (27d4-5, emphasis added). Socrates’ proof consists of the conditional clauses and Meletus’ opinion. Also, if daimons are bastard children between the gods and nymphs or others as people say, it is natural that one who believes in the existence of certain children, recognizes the existence of the parents (27d8-e3). This inference is also based on the conditional thinking and other people’s opinion. Socrates’ proof of his belief is not based on his own view, but on the use of other people’s views—Socrates’ own belief is not stated.³⁶ Socrates would believe in the gods only if he agrees with Meletus and other people. But this point is not discussed.

The conclusion Socrates draws from this part of the interrogation on piety is Meletus’ contradiction and jesting: it is impossible for a man to believe in the gods or daimons and not to believe in them at the same time. One who claims this must be jesting. However, even if Meletus really contradicts himself, it does not mean that Socrates proves his innocence sufficiently on this matter. First of all, as we discussed, the issue raised in the original indictment, the gods of the city, is not examined. Socrates might believe in some gods, but he never tells which gods he is talking about. Moreover, concerning atheism,

³⁵ That Socrates uses first person plural here, “we,” does not necessarily mean that he shares some belief with other people. For it appears only in the question. It is Meletus who affirms it.

³⁶ “The Argument is a parody of Socratic dialectic, which proceeds by showing the interlocutor that one of his beliefs contradicts another that he holds more deeply . . . In refutations of this sort, the examiner need not reveal any beliefs of his own.” Leibowitz [2010], p. 131.

Socrates only points out that if Meletus does not admit Socrates holds some sort of belief, he contradicts the indictment. The focus of the interrogation is entirely on Meletus' opinion about Socrates. In the end, Socrates may appear to be pious, for Socrates calls Meletus' assertion on Socrates' atheism (not the indictment) absurd. Although Socrates gives a strong impression that Meletus is absurd, and, by making use of this absurdity, attributes piety to himself, he leaves this interrogation without saying anything about his own view concerning the gods or daimons. The suspicion still remains.³⁷ Which gods does he believe in? What is his *daimonion*?

Conclusion

In this chapter, we have argued that Socrates does not prove his innocence concerning both the corruption charge and the impiety charge in the interrogation of Meletus, in which Socrates is supposed to refute the indictment. In the *Gorgias* and the *Euthyphro*, we observed that Socrates did not offer substantive proof of his innocence. After reading this part of the *Apology*, we find that Socrates does not provide any substantive defense of himself in his own words at the actual court. Moreover, considering the fact that the purpose and course of the interrogation are set by Socrates himself, one must reasonably suppose that Socrates not only does not prove his innocence, but also does not intend to prove it.³⁸ If Socrates, believing in his innocence, aims only at acquittal, this strategy has

³⁷ Gontar suggests that this is “a classic *ignoratio elenchi*.” Gontar [1978], p. 98.

³⁸ Reeve thinks that at the end of the interrogation “Socrates explicitly claims to have proved that he is not guilty of his charges,” since Socrates says: “But, in fact, men of Athens, that I am not unjust after the fashion of Meletus’ *graphē* does not seem to me to need much defense; these things are sufficient” (28a2-4, Reeve’s translation). Reeve [1989], pp. 96-97. Our analysis in this chapter shows, however, that what he has done in the interrogation contradicts his concluding remark for it. This remark is not a simple conclusion of the plain argument, but rather indicates the difference between

shortcomings, because even if the present accusers are less serious than the old accusers (18b1-c1), it would be better for him to clearly dispel the suspicions raised by the official indictment with his own words in order to ensure a favorable decision, acquittal.³⁹ Does he not prove his innocence because he cannot? The Socratic way of interrogation, then, makes his supposition of his own innocence questionable. Also, the fact that he does not prove his innocence raises a question about his purpose at the court. Even though he does not prove his innocence, or even if he does not believe in it, he is still defending himself or demonstrating something. Does he want to be acquitted without showing his innocence? Or does he have another or higher purpose? We cannot fully understand what Socrates is doing at the court without knowing his true purpose: what does he want to achieve?

what he has done and how he wants to appear.

³⁹ Reeve argues that the Socratic strategy can be explained in an unproblematic way, since to demonstrate directly his innocence would accord the seriousness to the charge which he is trying to show to be frivolous. Reeve [1989], pp. 105-106. However, showing that the charge lacks seriousness is not necessarily incompatible with showing his innocence of the charge; one can prove that the charge is frivolous by showing with strong evidences that he is obviously innocent, and do so briefly to show that the charge is not serious enough to spend an extended amount of time on. Why does he not say simply that “I do not corrupt the young” and “I believe in the gods of the city”? Socrates chooses to show the frivolousness of the charge without showing clearly his innocence.

PART 2: SOCRATES' ACHIEVEMENT AT THE TRIAL

Chapter 4: Xenophon's *Apology of Socrates to the Jury*

In Part 2 (Chapters 4-5), we deal with this question: What does Socrates intend to achieve at the trial?

In the previous chapters, we suggested that Socrates does not make any substantive or adequate defense of himself against the official indictment before and at the trial; proving his innocence or getting acquitted seems not to be his primary object. This observation of his intention leads to a question about the true purpose of Socrates. In order to answer this question, an examination of Xenophon's *Apology of Socrates to the Jury* is an appropriate starting point, not only because it deals with this issue as its central topic, but also because it is simpler and more concise than Plato's works. Xenophon's presentation of Socrates is not only worthy to be investigated in its own right, but also sheds light on Plato's presentation. A comparative study is useful to clarify the characteristics of Socrates as he is presented by both authors.

The aim of this chapter is to show that Xenophon finds that Socrates' primary purpose at the trial is to demonstrate his virtue, and that Xenophon's description of Socrates' conduct clarifies how Socrates achieves this purpose.

The Purpose of Xenophon's Work (1)

From the first sentence of the *Apology to the Jury*, Xenophon clearly addresses the issue

of Socrates' true purpose underlying his conduct at the court. Xenophon says, "It seems to me to be also worthy of recollecting about Socrates how, when he was summoned to the court, he deliberated concerning his defense speech and the end of his life" (1).¹ Xenophon's project in this work is to remember Socrates' inner thought that resulted in his conduct at the court and his death. More precisely, Xenophon's project is not to remember Socrates' deliberation concerning his whole conduct in relation to the trial. It is much more limited: Xenophon's work intends to correct the accounts of Socrates provided by previous writers concerning a feature of Socrates' conduct at the court. According to Xenophon, they all mentioned the *megalegoria* (μεγαληγορία, "big talk" or boasting) of Socrates, and Socrates truly talked in this way because there is a unanimous agreement in this respect. However, Xenophon is not satisfied with their writings. Since they did not make clear that Socrates believed that death was already preferable to life for him, his *megalegoria* appears rather imprudent (ἀφρονεστέρα). Xenophon's aim in the *Apology to the Jury* is to demonstrate Socrates' prudence or purposefulness in his *megalegoria* and to counteract the impression made by other authors. Xenophon does this by showing Socrates' deliberation or inner thought. From the beginning, Xenophon is concerned with the appearance (not nature or being as such) of Socrates to the reader. To put it differently, Xenophon's primary object is not to defend Socrates directly or to prove his innocence.² However, this way of describing Socrates' conduct might amount to a defense of Socrates. For it is hard to imagine that a man who intentionally induces

¹ The most comprehensive Socratic work of Xenophon is the *Memorabilia*. The other three Socratic works are classified according to the three peculiar activities of human beings for Xenophon (*Memorabilia* 1. 1. 19): The *Oeconomicus* deals with Socratic speeches (1. 1), the *Symposium* Socratic deeds (1. 1), and the *Apology to the Jury* Socratic deliberations (1). Strauss [1998a], p. 86.

² *Memorabilia* 1. 1-2.

punishment is truly guilty, since a truly unjust man need not be boastful to be punished (rather, honesty would suffice). Only a just man may need a special method to incur punishment. Xenophon does not directly discuss the indictment and verdict. Instead, he reveals Socrates' intention to be found guilty and to die. Xenophon seems to deal with the issue of Socrates' innocence as if it is not even an issue or is already settled or indisputable.³

However, Xenophon does not say that death is Socrates' sole purpose, or that only the preference for death gives a full account of Socrates' use of *megalegoria*. For after reporting Socrates' behavior and utterances at the court, Xenophon reveals that Socrates had a purpose other than inducing the death penalty:

It was sufficient for me to make clear that Socrates considered it important *above all things* (περὶ παντὸς ἐποιεῖτο) to appear neither impious regarding the gods nor unjust regarding human beings; he did not think that he should beg not to die, but he believed that it was time for him to die (22-23, emphasis added).⁴

For Xenophon, Socrates' primary aim is to foster a good (or at least not bad) reputation

³ Xenophon does not tell even whether the previous writers were defenders or accusers of Socrates. Consider Strauss' appreciation of Xenophon's manner of writing in the *Anabasis*: "Xenophon is not compelled to speak in many cases expressly of defects or . . . his general tone is less harsh, more gentle than it otherwise would be; he enables or compels himself to speak as much as possible in terms of praise rather than in terms of blame." Strauss [1983], p. 107; cf. Strauss [1996], p. 160. Strauss also quotes from the *Anabasis*: "It is noble as well as just and pious and more pleasant to remember the good things rather than the bad ones" (*Anabasis* 5. 8. 26). Strauss [1983], p. 127. Xenophon seems to choose to depict Socrates' excellence rather than to refute the charge directly and thereby to remind the reader conspicuously of the defects or problematic character of Socrates.

⁴ Only the sections 22 and 23 break the sequence of the incidents in the *Apology to the Jury*. In these sections, Xenophon appears to revise his statement regarding the purpose of Socrates and the aim of the work. This would be a guiding sign to rethink the first impression about Socrates' and Xenophon's intention given at the beginning of this work. With this new light, the reader must consider the work as a whole again. Cf. Strauss [1939], pp. 521-525.

for virtue among people. His concern for his reputation shows his concern for his relationship with the community or his fellow citizens; he is doing something more than simply dying. Socrates deliberates about what kind of opinion others should have about him or he wants them to have. He is concerned with his connection with people after his death.

The fact that Socrates has a higher purpose than death is complementarily confirmed by referring to the last chapter of the *Memorabilia* (4. 8), in which Xenophon repeats almost the same subject as the *Apology to the Jury* from a different perspective. A comparison between the *Apology* and the *Memorabilia* suggests that the main subject of the *Apology*, *megalegoria*, is closely connected with a demonstration of Socratic virtue rather than with the reasonableness of his death in his old age. In the last chapter of the *Memorabilia*, Xenophon claims the reasonableness of the death of Socrates in order to support Socrates' claim about his *daimonion*. "Someone" might think that Socrates is lying about his *daimonion* because it is supposed to save his life by indicating the future to him, but it fails to save him (*Memorabilia* 4. 8. 1). This criticism presupposes that death should be avoided. Xenophon argues against this presupposition by saying that for Socrates, being old, death is already good, and thus the *daimonion* does not prevent him from attaining his good. Remarkably, when Xenophon in the *Memorabilia* insists on the preferability of death for Socrates, he does not describe what Socrates says at the court and therefore his *megalegoria*; he mentions only the goodness of death and the burdens of old age. Thomas Pangle points out that "Xenophon can explain that Socrates had decided to accept the death penalty without making any reference to his decision to

indulge in big talk.”⁵ The preference for death is not necessarily connected with *megalegoria*, or can be somehow independent of it. That Socrates died reasonably can be explained only by referring to his old age and prospective decline of his life. This consideration does not deny that old age or the goodness of death can explain Socrates’ boastfulness in some respect, since his boastfulness might induce the death penalty, which is preferable to Socrates. But the preference for death does not always lead to death as punishment, or even if the trial is unavoidable, *megalegoria* is not the only means Socrates can choose to die.⁶ Rather, *megalegoria* comes together with his appearance of virtue in the *Apology*.⁷ For virtue is an appropriate answer to the question: Exactly what does Socrates boast of at the trial? The project of the *Apology*, the rationalization or explanation of Socrates’ *megalegoria*, necessitates the description of his demonstration of virtue. Xenophon mentions Socrates’ wishing to appear virtuous as his primary purpose in the *Apology* because *megalegoria* is its main topic, and the reason why he does not mention Socrates’ conduct at the court in the *Memorabilia* is that *megalegoria* is not even a topic (compare *Apology* 1 with *Memorabilia* 4. 8. 1). Xenophon’s omission and mention of *megalegoria* are very suggestive.⁸

To sum up, the *Apology* clearly says, and an interpretation of the *Memorabilia*

⁵ Pangle [1996], p. 21.

⁶ Pangle suggests that if Socrates aims only to die, he could offer a weak defense or simply refuse to say anything in order to bring about a conviction. But he did not behave in that way. Pangle [1996], p. 22. Also, according to Pangle, his preference for death is explained in the first 8 or 9 sections; if he does not have another purpose, the rest of the work would be unnecessary. Pangle [1996], p. 21; cf. Vander Waerdt [1993], p. 21.

⁷ Cf. Strauss [1998b], p. 139.

⁸ Xenophon does not completely omit the issue of a reputation concerning Socratic virtue in the *Memorabilia*. However, there Socrates mentions his concern with reputation or opinion in the conversation with Hermogenes or some other man before the trial, and it is less boastful than that in the *Apology*. Compare *Memorabilia* 4. 8. 10 with *Apology* 5-7, 26.

suggests, that Xenophon's Socrates has two purposes at the court, namely to present his virtue in public and to die before his life becomes miserable. His *megalegoria* can be explained by both of them, because *megalegoria* is a means to achieve them. However, these two purposes are not simply related. Why does a man, who wants to die, need the appearance of virtue? Or how can a man who intentionally allows himself to be found guilty of a capital crime establish a good reputation? Therefore, in order to understand Xenophon's *Apology to the Jury*, we should consider not only the question of how Socrates achieves death by *megalegoria*, but also how he achieves two different purposes at the same time, or in what way these two purposes are related.⁹ However simple and concise Xenophon's writing appears, it requires careful study to perceive his true message.

Conversation with Hermogenes before the Trial (2-9)

Unlike Plato, Xenophon presents a conversation of Socrates before the trial in order to clarify his purpose at the trial; his conduct at the trial matches his intention as revealed before the trial. In this section, we confirm that, before the trial, Socrates himself explains his two purposes to his companion: he explains that death is already preferable for him and indicates that demonstrating his excellence is more important even than to end his life.

Xenophon clarifies Socrates' intention by using a reporter who heard it directly from

⁹ Dorion laments that the aim of Xenophon's Socrates is commonly believed to be legal suicide. Dorion [2005], pp. 133-135. As for the examples of this sort of interpretations, see Burnet [1977], pp. 145-146; Allen [1980], pp. 13, 35; Navia [1984], pp. 56-58; Tejera [1984], p. 153; Vlastos [1991], pp. 291-293.

Socrates. Socrates' inner thought or deliberation must be revealed to someone in order for Xenophon to record it. According to Xenophon, Hermogenes, the son of Hipponicus, gives a report about Socrates which makes it clear that his *megalegoria* matches his intention. The rest of the work largely consists of his report. Unlike Plato, Xenophon does not confront Socrates directly with the jury and Athenians, but represents Socrates through the mouth of his associate who has his own viewpoint, interest, and, probably, interpretation.¹⁰ This presentation is more indirect and would be more defensive, because the picture of Socrates is conveyed by his defender.

Here it is helpful to look at the character of Hermogenes briefly in order to know to what kind of person Socrates reveals his deliberation. This is important because doing so may indicate in what way or how much Socrates reveals. Although Xenophon does not explain why he chooses Hermogenes, we can see Xenophon's understanding of him in two other writings, the *Memorabilia* and the *Symposium*. Generally speaking, there are three important features of Hermogenes. First, he is the most morally reliable among Socrates' associates. In the *Memorabilia* Xenophon mentions his name in the context of defending Socrates against the corruption charge. To refute the claim that Socrates has a bad influence on the young or on the people around him, Xenophon names seven associates of Socrates who have a good reputation, and Hermogenes is placed at the center of them (1. 2. 48). According to Xenophon, they associate with Socrates to become

¹⁰ Xenophon does not affirm the historical accuracy of Hermogenes' report, even though he could compare it with other resources. Cf. Cooper [1999], p. 12. Strauss explains the writing device of Xenophon adopted in the *Anabasis*: "Through the quoted 'he is said' sentence Xenophon is enabled to present things—all things, 'the world'—as grander and better than they are (cf. Thucydides I. 21. 1) while indicating at the same time the difference between the naked truth and the adornment." Strauss [1983], p. 109. As for the fictional or literary character of Xenophon's (and Plato's) Socratic works and their philosophical importance, see Vander Waerdt [1993], pp. 6-9; Pangle [1996], pp. 18-19.

gentlemen (noble and good), and they are noble in relation to family, friends, city, and citizens. Unlike Critias and Alcibiades, these associates are safe to use as evidence of the harmlessness of associating with Socrates. Among them, Hermogenes is especially distinguished by his great seriousness. This quality would enhance his moral reliability, even though it may make him a less interesting person at a party (*Memorabilia* 2. 10; *Symposium* 4. 49, 6. 1-4). Second, Hermogenes is seriously pious. When all participants at the party depicted in the *Symposium* demonstrate what they are most proud of, Hermogenes in the last place says that he is proud of the virtue and power of his friends who are concerned with him (*Symposium* 3. 14). Later it turns out that these friends are the gods (*Symposium* 4. 47). Hermogenes is proud of his relationship with them. However, it should be noted that when he explains the power of the gods and the benefits they give to him, Hermogenes begins with a general remark on the worship of Greeks and barbarians, and then never draws any distinction between their gods (4. 47-49). He is undoubtedly and seriously pious, but it is not clear what sort of gods he believes in. More precisely, it is not clear whether Hermogenes shares his fellow citizens' view of the gods or the worship of them.¹¹ Third, Hermogenes is extremely poor. In the *Memorabilia* this serious and moral Hermogenes is introduced by Socrates to Diodorus as a good friend and reliable manager of the household. Socrates becomes a matchmaker because of the poverty of Hermogenes (*Memorabilia* 2. 10). Hermogenes is so poor that he needs other

¹¹ Hermogenes seems to accept Socrates' *daimonion* as a genuine divinity, even though it looks unorthodox to some people like the accusers of Socrates. See *Apology to the Jury* 4-5; *Euthyphro* 3b5-9. However, this does not mean that Hermogenes has trouble with his fellow citizens. Unlike Euthyphro, he is not the sort of person who accuses his own father in order to demonstrate his superiority as pious man. Also, unlike Socrates, he does not teach anything to people so that they become similar to him. Hermogenes has modesty, even if he has unorthodox ideas.

people's help, because for some reason he could not inherit his father's property. All of the fortune went to his elder brother, Callias, who is now famous for his great richness.¹² Pangle regards Hermogenes' personality, characterized by his serious morality accompanied with longing for gentlemanliness, as a reaction to conventional morality.¹³ He was so close to becoming enormously rich and a great gentleman in a conventional sense of the term, but everything passed to his immediate family. His virtue and pride justify or console him for this situation. His pious virtue replaces the wealth and social status he did not receive.

Pangle observes that there is a kinship between Hermogenes and Socrates in such matters as poverty and unconventional self-respect.¹⁴ It may explain his sympathy with

¹² Plato, *Cratylus* 391b-c. Callias is enormously rich and belongs to a famously noble family. See Herodotus, *History* 6. 121-122; Pangle [1996], pp. 25-26. He spends a lot of money for learning from sophists. When Socrates asks him whether he knows a good educator for his children, Callias replies that it is Evenus, a sophist, and tells Socrates the price for the education (Plato, *Apology* 20a6-b9). Callias clearly believes that virtue can be purchased by money. Socrates says that Callias has paid more to sophists than all others taken together (20a4-5). It is natural that his house is chosen as a stage for Plato's *Protagoras*; Callias, being zealous in associating with sophists, can invite many sophists and upper-class people to his house at once and feast them (*Protagoras* 314e-316a; cf. Xenophon, *Symposium* 4-5). Moreover, in Xenophon's *Symposium*, Callias demonstrates that he can make others just by giving money, since people never commit injustice when they are economically satisfied (4. 1-4). For Callias, the source of human virtue is the power of money.

¹³ Reacting against something does not mean being liberated from the concern for it. It is interesting to see on what occasion reticent Hermogenes speaks up in Xenophon's *Symposium*. When Antisthenes says that he is proud of his wealth, Hermogenes asks him whether he has a lot of money or land; Hermogenes does not share with Antisthenes the idea that true wealth is in the soul (4. 34-44). Hermogenes is concerned with material goods. It is remarkable that Hermogenes characterizes his way of serving the gods as cheap (4. 49). Also, Hermogenes reproaches Socrates when he does not check the erotic nature or habit of Critoboulus (4. 23), and praises Socrates when in Hermogenes' opinion he teaches Callias what sort of person Callias must be with respect to the erotic (8. 12). Hermogenes is concerned with continence and Socrates should be its defender. Generally speaking, money and eros are his matters of concern. We must pay attention to the fact that in the *Symposium* Callias is enjoying his richness and erotic relationship with a beautiful boy before Hermogenes.

¹⁴ As a summary of Hermogenes' character, Pangle's remark deserves to be cited. The picture of Hermogenes in Xenophon's works is that "of an unphilosophic nobleman of the greatest high-mindedness, who has had many of the benefits of an aristocratic upbringing, but whose circumstances have induced him to take his proud distance from, and even to hold in some contempt, much of what is held to be conventionally respectable in terms of family, politics, and religion."

Socrates. However, his ambivalent relationship to the common morality and practice of the people does not mean that Hermogenes is a rebel against the city, for “no one could possibly suspect him of indecency, sedition, or impiety.”¹⁵ He is regarded as a moralist and at the same time takes the side of Socrates. Therefore Hermogenes is a good defender of Socrates and a safe, respectable reporter of his conduct.

Hermogenes’ report begins with a conversation with Socrates held before the trial. When Hermogenes, seeing Socrates conversing about all things other than the trial, induces him to consider what he will say in his defense speech, Socrates replies that he has lived practicing or caring for his apology; according to Socrates, doing nothing unjust is the noblest care of one’s defense.¹⁶ Socrates seems to believe that his way of life or demonstration of it is sufficient for his purpose. In other words, he does not intend to answer or refute the particular charges. (His speech as a whole at the court might be a demonstration of his life or justice.) However, Hermogenes is not satisfied with Socrates’ answer. He knows well that the Athenian judges often execute men who never commit injustices due to their annoying speech, and acquit men who commit injustices due to their pitiful and pleasant speech. Hermogenes seems to believe that Socrates is innocent and that he should persuade judges in the proper and ordinary way because a speech is essential for acquittal. Even though Hermogenes finds the legal system of the city defective, his concern or advice does not go beyond the perspective and practice of ordinary people. Hermogenes just wants his friend to defend himself and to ensure his

Pangle [1996], p. 27.

¹⁵ Pangle [1996], p. 27.

¹⁶ It is not clear what sort of injustice Socrates is talking about. Cf. Strauss [1998b], p. 125. As for the complexity of the Socratic view of justice in Xenophon, see Buzzetti [2001], p. 9.

acquittal by making use of common legal techniques. At least, Hermogenes' question and recommendation show that he does not share Socrates' view of the trial.¹⁷ How does Socrates defend his position to Hermogenes?

To Hermogenes, who urges him to think about an effective defense, Socrates introduces his *daimonion*. Socrates says that he tried to consider his defense twice, but his *daimonion* opposed him. This method of persuasion is appropriate and effective to a seriously pious man. The last word of Hermogenes in Xenophon's *Apology* is his reaction to Socrates' statement about his *daimonion*: "A surprising thing you are saying" (5). Socrates' treatment of Hermogenes suggests what Hermogenes is surprised by. Socrates asks whether Hermogenes wonders that it seems good to the god too that Socrates should die now. Hermogenes was then surprised, not because Socrates received the divine sign, which shows that he is blessed, nor because Socrates piously follows this sign, but because the *daimonion* opposed his attempt to think about the defense speech; Hermogenes is already familiar with the Socratic *daimonion* and has accepted its authority. But Hermogenes believes that being acquitted is good for Socrates and the god or *daimonion* must protect Socrates in this respect. (We remember that Hermogenes is proud of his friends, the gods, who, giving a sign to him, are beneficial; the essential element of his piety is some benefit to himself.¹⁸ *Symposium* 48.) One may point out that his surprise shows the similarity of Hermogenes to "someone" whom Xenophon tries to refute in the last chapter of the *Memorabilia*. While "someone" in the *Memorabilia* does not believe in the Socratic *daimonion* because it does not protect his life, Hermogenes, a

¹⁷ *Apology to the Jury* 23; Plato's *Apology* 38d-39b.

¹⁸ Kremer [2006], p. 54.

believer in the *daimonion*, is surprised because it does not protect him: they agree about the goodness of life and acquittal. Socrates is then trying to show his difference from the kind of people who presuppose the badness of death, and to provide a persuasive account to them at the same time.

Socrates' statement that to the god "too" death seems good for Socrates implicitly shows the difference between Socrates and Hermogenes, because for Socrates the god only agrees with him or the god is not the sole authority for Socrates' decision (5). Socrates himself takes the goodness of death for granted. Furthermore, Socrates explicitly shows their difference by maintaining that death is better for him than life, which he elaborates upon to persuade Hermogenes. For Socrates, abstaining from planning his defense speech means accepting the death penalty. It does not mean exile or a fine, or acquittal, even though he believes that he has lived his entire life without doing anything unjust. Therefore, his defense of abstaining from planning the speech is a defense of accepting death.

Socrates' case for death begins with the case for his life. Socrates contends that it is pleasant for him to know that he has lived his whole life piously and justly, and in this respect no one has had a better life than he. Moreover, it is not only Socrates himself but also his associates who admire him. Socrates already has a good reputation among people close to him. (Socrates is already boastful about his reputation as a virtuous man before the trial.) However, he knows that, as his age advances, his sight, hearing, learning ability, and memory will decline. Here he asks Hermogenes how he can live pleasantly if he perceives that he is getting worse. Socrates is speaking as if he has sufficient knowledge

about old age or is sure about his future.¹⁹ He now prefers death, because this life, that used to be pleasant, is surely going to become unworthy to live. Because he poses a rhetorical question to Hermogenes about this point, it is difficult to judge whether this is his final opinion concerning life and death.²⁰ Emphasizing the burdens of old age might be rhetoric to persuade those people whose major concern is preserving life that death is good.²¹ At any rate, this much is clear: his demonstration of the goodness of death is also a demonstration of the general goodness of his life. The preference for death is then conditional. When he was young, life was still pleasant and good. Even now, his life seems to be pleasant, since Socrates talks about the problem of old age as a matter of the future.

According to Socrates, “the god too,” having good will, arranges death for him not only at the right time but also in the easiest manner. Taking poison is recognized as the easiest way of dying. In addition to that, it is least troublesome to his friends and produces the most regret about him among them (7). Indeed we know that the death of Socrates or his manner of death causes trouble for his associates: some people grieve deeply, others try to save him by preparing for escape.²² It is also said that Plato and his

¹⁹ This is another example of his *megalegoria*. In *Memorabilia*, Socrates says: “If I should live longer, *perhaps* it will be necessary to pay the price of old age” (4. 8. 8, emphasis added).

One may wonder how much the source of the pleasant life is damaged by the misery of old age. Probably, for the Socratic pursuit of virtue, memory and reasoning are required to have rational conversation with people (*Memorabilia* 1. 1. 16). But he does not develop this issue here. Cf. *Memorabilia* 4. 8. 8; Strauss [1998b], pp. 137-138.

²⁰ Gera points out that in other works such as the *Agesilaus* (11. 14-15) and the *Education of Cyrus* (8. 7. 1-28) Xenophon is not against old age. Gera [2007], pp. 38-39.

²¹ Socrates’ explanation of death never refers to the vision of the afterlife. He or his interlocutor looks very worldly-minded.

²² *Apology to the Jury* 23, 28. See also Plato’s *Crito* and *Phaedo*.

friends go into exile for a while after the condemnation of Socrates.²³ At this point in the conversation, Socrates seems to underestimate their feelings and the actions they voluntarily take because of his conviction and subsequent death. But it is also true that Socrates is concerned with his reputation after his death. We have noted that, in his opinion, Socrates already has a good reputation about his virtue or pleasant life among his associates. By dying in a certain way, he believes that he can keep or enhance his good reputation in their memory even after his death. His manner of death would contribute to his purpose to fostering a good reputation.

Based on these considerations, Socrates says that the gods rightly opposed them when it seemed that they must try to seek the means for acquittal (8).²⁴ Socrates judges the rightness of the gods. According to Socrates, the gods are right since, as he has demonstrated, old age is a cause of disease and grief, from which all hardships flow without cheerfulness. His defense of the goodness of death apparently depends on the exaggeration of the badness of old age. Socrates defends failing to prepare for his speech at the trial by persuading Hermogenes that the misery of old age should be avoided. This persuasion is effective, since it counters Hermogenes' presupposition that death is bad with a divine authority that he strongly endorses.

However, his persuasion of Hermogenes ends with qualifying the priority of death. Socrates casually indicates that inducing the death penalty is not his sole purpose. Socrates says, "as many beautiful things as I believe to have received from gods and

²³ Diogenes Laertius, *The Lives and Opinions of the Eminent Philosophers* 2. 106, 3. 6.

²⁴ Socrates or his *daimonion* disagrees not only with Hermogenes but also with other associates. He seems to have passionate followers, who do not share Socrates' view of the trial . Cf. *Apology to the Jury* 27.

human beings, and the opinion which I have concerning myself, if by displaying these things I vex the judges, then I will choose to die rather than to live longer in a slavish manner by begging to gain a much worse life instead of death” (9). In the end of the conversation with Hermogenes, Socrates’ acceptance of or preference for death is qualified. Obviously, this sentence is conditional: his priority is clearly to demonstrate his excellence rather than to die. He accepts the death penalty only as a result of the demonstration of his life.²⁵ It turns out that he is not satisfied with having a good reputation among his companions, but he feels that he needs to demonstrate his excellence in public—even if he would vex them by doing so. Therefore, contrary to the apparent impression created by a simple and strong expression of the hardships of old age, the image of Socrates that he only seeks death as his own good should be mitigated.

This conclusion of the conversation with Hermogenes confirms our previous view of Socrates’ double purposes at the trial. The demonstration of the character of his life would promote his reputation, and as a result of his demonstration he will accept the death penalty. In this section, his preference for death comes to the fore even though making a good reputation is Socrates’ priority, probably because the former could be a direct answer to Hermogenes’ first question concerning Socrates’ failing to plan his speech, or because it could be more persuasive to Hermogenes or to people like him. Being killed by people due to boastfulness appears unreasonable if his life is still good. For this kind of people, acceptance of the badness of death may be a basis for acceptance

²⁵ “Socrates speaks so powerfully of the misery of old age and illness that he feels compelled to add that he will accept his condemnation as the unintended effect of his stating his opinion about himself and that he refuses to beg meanly for his life: he will not deliberately bring about his condemnation.” Strauss [1998b], p. 138.

of the reasonableness of his demonstration of virtue, i.e., *megalegoria*. At any rate, it is important to see that the issue of guilt or innocence is not the main topic in this conversation, or that it is tacitly settled. Thus, the behavior of Socrates at court will be reported as if this issue is not even a concern for Socrates. Naturally, in the following report of the trial, the main topic will be his virtue and death.

Socrates' Conduct at the Trial (10-23)

After reporting the conversation with Socrates which reveals the thought underlying his behavior at the trial, Hermogenes (or Xenophon) proceeds to report what actually happens at the court. The narration begins with the interrogation of Meletus, which occupies a considerable part of the narration of the trial.²⁶ In the interrogation, a defendant is supposed to refute the indictment and try to be acquitted. However, in this section, we will show that instead of proving his innocence effectively, Xenophon's Socrates provocatively demonstrates his virtue. He will be sentenced to death not because he is believed to be guilty of the charges, rather because he becomes an object of envy.

Xenophon's Socrates does not change the order of the indictment as Plato's Socrates does, but starts to discuss the first part of the impiety charge²⁷: Socrates does not believe

²⁶ Like Plato, Xenophon omits the speeches of the accusers which are undoubtedly disadvantageous to Socrates; but unlike Plato, Xenophon does not mention "the first accusers," with whom Plato's Socrates deals at some length. For Plato's Socrates, the first accusers are much more dreadful and their prejudice is hard to eliminate in a short time (18a7-e4). Dropping the first accusers and thus focusing on the interrogation, Xenophon seems to adopt a strategy that avoids the difficult issue, which raises suspicion about Socrates' commitment to natural philosophy and his impiety.

²⁷ There are small differences from the original. As we mentioned, Xenophon replaces "introduce" with "bring in." Also, the corruption charge seems to be less clearly separated from the impiety charge than in the original indictment. See Patch's note in Bartlett [1996], p. 11; cf. Strauss [1998b], pp. 129-130.

in the gods in whom the city believes. Interestingly, Socrates' first reaction to this part of the indictment is surprise or wonder, which does not necessarily mean denial or objection.²⁸ His surprise is caused by the fact that everyone was able to see Socrates sacrificing at the common festivals and at the public altars. The validity of the impiety charge is questionable, because his pious activity regarding the gods of the city is a fact known to the public. However, as Strauss points out, Socrates is silent on his private sacrifices.²⁹ We are not told about his private activity at home or with his close friends. Socrates' explanation does not cover all of his activity. One may think that Socrates "performed this particular kind of act of piety only when he could be seen by everybody."³⁰ Also, a public act of piety does not establish his belief in the gods, since one can perform sacrifice without having faith.³¹ Socrates' defense of his belief or, rather, explanation of his wonder or surprise does not effectively dispel the suspicion that Socrates does not believe in the orthodox gods of the city in the same manner as his fellow citizens.

Following the original order, Socrates next addresses the second part of the impiety charge: Socrates brings in other new daimonic things. Xenophon's Socrates does not induce Meletus to change the topic to atheism (cf. Plato, *Apology of Socrates* 26b8-c7), but confesses that he has some kind of god or *daimonion*. Socrates reduces his daimon to some sort of sound he receives, and then points out its similarities to other divine sounds or voices which are commonly accepted by all people; the cry of birds, the sound of

²⁸ Xenophon starts his own defense of Socrates with a similar expression (*Memorabilia* 1. 1. 1).

²⁹ Strauss [1998b], p. 130. In the *Memorabilia*, Xenophon mentions Socrates' sacrifice at home (1. 1. 2).

³⁰ Strauss [1998b], p. 130.

³¹ Cf. Strauss [1998b], pp. 4-5.

thunder,³² and the voice of the priestess at Delphi are believed to be messengers of the gods.³³ In addition to the fact that his piety is similar to the common view, he is more pious than other people. While people name the messenger of the gods birds, sayings, voices, and prophets, he calls it a *daimonion*, i.e., something divine.³⁴ Finally, he brings proof of the truthfulness of his argument—he conveys counsels of the god to his friends, which never turn out to be false. Socrates is not only more pious but also more blessed than other people. However, he asserts the similarity of his piety only with “all,” not particularly with his fellow citizens. His piety seems to be the highest common denominator among Greeks or human beings.³⁵ Moreover, by boasting that he is more pious and blessed than they are or by implying that people’s view of the gods is wrong, Socrates himself points to the question of the extent to which he shares the view of divine signs or divine things with others. At least, like Plato’s Socrates, Xenophon’s Socrates fails to establish his piety concerning the gods of the city. He might be more pious than ordinary people, but has a nonconformist view of the gods. To put it differently, without refuting the impiety charge effectively, Socrates demonstrates his extraordinary piety or his divinity.

³² Socrates here asks a rhetorical question: “[W]ill anyone dispute with thunders either that they make sounds or that they are a very great omen?” (12). Strauss [1998b], p. 130. In Aristophanes’ *Clouds*, Socrates denies Zeus’ authority concerning thunder (367-411). It is possible to doubt the divinity of thunder especially from the perspective of natural philosophy. Xenophon’s Socrates does not bring out this issue.

³³ In Plato’s *Apology*, the daimonic sign is a support for the non-political life for Socrates (31c4-32a3). By contrast, Xenophon emphasizes the common character between the daimonic sign and other popular signs. Xenophon’s Socrates appears to be more conventional.

³⁴ In this respect too, Socrates differs from Hermogenes, who calls the messengers voices, dreams, and birds (*Symposium* 4. 48).

³⁵ In the *Symposium*, Hermogenes argues that both Greeks and barbarians believe the gods know everything, what is and what will be. *Symposium* 4. 47.

Hermogenes (or Xenophon) inserts a very important comment here. According to him, having heard Socrates' statement, the judges or jurors make noise (14). Some of them clamor, since they are envious that Socrates receives greater things from the gods. Even others who do not believe what Socrates said clamor, because they do not believe the same things as what the envious ones believe, i.e., that Socrates is more blessed than they are.³⁶ Socrates has switched the issue from his impiety to his blessedness. Socrates' attitude makes the judges furious or annoyed. His boastful speech then not only demonstrates his piety, but also enhances the possibility of the death penalty by making the judges envious and angry (cf. 32). Even if he is condemned to death, the reason is not that he is guilty of the charge, but rather that he is so pious or blessed as to make people envious. The death penalty would be the result of his great virtue.

Replying to the clamor of the jury, Socrates will talk about "other things" (14). In his opinion, his story would make those of the jury who wish disbelieve more that Socrates has been honored by the *daimonion*. The central issue is no longer the indictment or his belief in the gods of the city. According to Socrates, when Chaerephon asked about Socrates before the many, Apollo answered that no human being was more liberal (ἐλευθεριώτερος), more just (δικαιότερος), and more moderate (σωφρονέστερος) than Socrates (14).³⁷ Unlike in Plato, we do not know exactly what question Chaerephon asked the god, or what he wanted to know about Socrates—in Plato's *Apology* (21a5-6), Chaerephon asked whether there was anyone wiser than Socrates. But at least it is certain that, in this oracle, three virtues of Socrates are approved by the god Apollo. Socrates

³⁶ See Socrates' reply to the clamor (14).

³⁷ This story does not establish his belief in the god at Delphi, for it is not said that Socrates sent Chaerephon there. Apollo is also silent about piety as a Socratic virtue. Strauss [1998b], pp. 131-132.

now becomes more boastful: he increases the number of his virtues by making use of direct divine authority. Although originally Socrates is supposed to prove his piety, here he enumerates three other virtues: liberality, justice, and moderation. Considering that Socrates addresses this story of the oracle to a specific type of people, those who do not wish to believe in Socrates' blessedness, one may think that it is necessary or useful for him to be more boastful to them. Since boastfulness is connected with the demonstration of his virtue, and since he does not need to be more boastful to the ones who, believing in his blessedness, are already envious, Socrates tries to make more people envious of his excellence.

This reply to the clamor of the jury causes still more clamor. Because the clamor is caused by being envious or at least by reacting against Socrates' statement on his excellence, Socrates now succeeds in directing the jury's attention to his virtue instead of the accusation against him. Confronting the agitated jury, Socrates tries to appease them by saying that the god at Delphi said greater things to Lycurgus, the lawgiver of the Lacedaemonians, who were the enemy of Athens in the recent war. (Lycurgus is a source of the strength of Sparta, and would be a part of reason for the defeat of Athens.) It is said that when Lycurgus went into the temple, the god addressed him: "I'm considering whether I should call you a god or a human being" (15).³⁸ Without being asked anything by Lycurgus, the god himself directly spoke to him and compared him to a god. Socrates admits that he cannot compete with Lycurgus, the founder of the hostile city, since the god did not compare him to a god. The jury should calm down, Socrates continues,

³⁸ Cf. Herodotus, *History* 1. 65. Socrates omits the end of the anecdote that the god finally decided to call Lycurgus a god. Does Socrates not believe in the divinity of Lycurgus or the divine origin of the constitution of Sparta?

because Socrates is not a god, but only excels human beings by far. In the oracle, the god did not say clearly that Socrates is superior to other human beings, but only that no one else exceeds him in the virtues mentioned (the oracle may even mean that Socrates and others are equally virtuous—at least, the oracle does not say that Socrates “excels others by far”); Socrates interprets it in the most boastful way. While appealing the jury, he is still boastful and provocative.

One may say that even though Socrates is boastful, he remains within the limits of human beings. The god or oracle seems to be still his supreme authority. However, this supposition becomes questionable, once Socrates declares that they (the jury) should not believe in what the god says before examining his statements one by one.³⁹ Who is the real authority: a human being (Socrates) or a god? More precisely, one may wonder whether Socrates is virtuous because the god approves, or the god should be believed because human beings (or Socrates) prove that Socrates is virtuous (cf. 5, 8).

The discrepancy between Socrates and the oracle becomes visible when he starts his examination of it. Socrates is going to offer evidence for his virtues by putting questions to the jury. He says the following: he is continent (he does not name this virtue⁴⁰), because he is not enslaved to pleasures of the body; he is liberal, because he does not

³⁹ In Plato's *Apology*, after receiving the oracle, Socrates tries to refute it. This is the origin of Socrates' well-known activity as a citizen-philosopher, which creates a conflict with his fellow citizens (20d1-23a5). In Xenophon, the oracle does not induce Socrates to engage in the new philosophical activity; the Socratic life does not seem to change after the oracle. Therefore, Xenophon's Socrates looks more pious without refuting the oracle, and does not appear to have the pre-oracle philosophy (natural philosophy). Vander Waerdt [1993], pp. 33-38. However, in a different or less radical way Xenophon's Socrates examines the oracle. He does not criticize it as his new activity, but he examines it in a short remark at the trial. His examination is much softer and does not emphasize the conflict with the god or the city.

⁴⁰ Strauss [1998b], p. 131.

receive any gifts and wages from others; he is just, because he is satisfied with his present possessions and does not need the possessions of others; he is wise, because he never ceases seeking and learning whatever good thing he can learn since the very time when he began to understand what is said (16). In the oracle, the god approved three virtues of Socrates: liberality, justice, and moderation. Now he enumerates four virtues: continence, liberality, justice, and wisdom. Probably moderation is replaced by continence, and wisdom is added. Does Socrates really examine what the god said? Does the god's oracle validate Socrates' virtues sufficiently as Socrates understands them? At the least, it is clear that Socrates extends the range of his virtue. Boastful Socrates seems to think that he is more virtuous in a different or greater way than the god thinks he is.

The implication of the Socratic virtues demands attention. On the one hand, it is difficult to know why Socrates mentions only basic and private kinds of virtue. Socrates here describes virtues in relation to self-control of physical appetite, indifference about receiving goods, and self-sufficiency of possessions.⁴¹ In the *Memorabilia*, Socrates says that continence or self-control concerning corporeal and material pleasure is a condition for the pursuit of virtue (*Memorabilia* 1. 5. 4-6). Whereas Xenophon's Socrates is boastful of his superiority, he does not seem to present the complete picture of his virtue because he fails to explain what exactly this condition then leads to. On the other hand, we can recognize the implications of the Socratic virtues by looking at his additional

⁴¹ Even wisdom is described as something which he has had since he was a young boy. Cf. *Memorabilia* 3. 9. 4; *Constitution of the Lacedaemonians* 2. 1; Strauss [1939], pp. 507, 514; Vander Waerdt [1993], p. 48. According to Buzzetti, Socrates in the *Memorabilia* has definitions of justice other than satisfaction with one's own possessions, such as "wisdom," "helping friends and harming one's enemies," "law," "to know what is lawful concerning human beings," "to harm no one, not even a little, but to benefit human beings to the greatest extent." Buzzetti [2001], p. 9.

proof for having them. First, according to Socrates, not only the Athenians but also foreigners who are looking after virtue want to associate with him rather than anyone else. Moreover, many people who associate with him because of his virtue feel that they owe him thanks and give him presents (17). Due to his virtue, Socrates has a good and widespread reputation among people, both citizens and foreigners, who want to be virtuous. Second, when the city of Athens was besieged by Sparta at the end of the Peloponnesian war, Socrates had no greater difficulties than when the city was in prosperity (18). His life is independent of politics or economics. Even when the city is engaging in a great war and about to be defeated, Socrates enjoys his pleasant life (cf. 5), for he derives his pleasure not from the marketplace as others do, but from his own soul without cost. Now we can say not only that Socrates mentions only basic and private virtues, but also that it does not have to do with politics and public affairs of Athens. Socratic virtue as defined here does not contribute to the common good of the city.⁴² Rather it is about the independence of an individual. This may explain why courage is omitted from the list of Socratic virtues; it is difficult to be courageous or a good fighter in private. He is surely respected as a virtuous man by some people, but it is also suggested that his virtues seem problematic in terms of the morality of the community.

Based on this argument concerning his virtue and the evidence for it, Socrates concludes that he is rightly praised by both gods and human beings. He began the interrogation with the impiety charge, but his conclusion concerns his great honor stemming from his virtue. Even though his virtue is problematic in terms of public

⁴² Pangle [1996], pp. 36-37. Pangle focuses especially on the meaning of justice. Cf. *Apology to the Jury* 3; *Memorabilia* 4. 8. 4.

matters, his demonstration of his virtue is cloaked in the authority of the god—his boastful presentation of himself is only an extension of the Delphic oracle. Socrates boasts as if the divine authority supports his description. He looks annoyingly virtuous from the people's perspective. We should not forget that Socrates, being virtuous, is an object of envy for the people, or that he is speaking provocatively so that they become envious (14, 32).

Next, Socrates moves on to the corruption charge. Socrates continues to demonstrate his superiority while dealing with this charge. First, Socrates asserts, it seems strange that Meletus accuses Socrates, who practices the virtues that have been described, of corrupting the youth. The first proof that he does not corrupt the young is that he is virtuous.

Furthermore, he demonstrates his superiority as an educator. The course of the interrogation introduces the topic of education. Unlike Plato's Socrates, Xenophon's Socrates asserts that they (he says "we") know the meaning of corruption: turning from a pious man into an impious man, from a moderate man into a hybristic man, from a man living a temperate life into a man living an extravagant life, from a moderate drinker into a drunkard, and from a lover of toil into a soft person, or yielding to some other base pleasure (19). Based on this understanding, Socrates asks Meletus whom he has corrupted in these senses of the term. Without naming a particular person corrupted by Socrates, Meletus raises a different issue: Socrates persuades the young to obey him rather than their parents (20). Meletus, having a different opinion about the meaning of the corruption, cherishes parental authority, the traditional way of education, or, generally,

the *nomos* of the city.⁴³ For Meletus, Socrates is a menace to the ordinary life of the citizen.

Socrates does not oppose Meletus; instead he admits Meletus' statement only with respect to education (20).⁴⁴ According to Socrates, it is commonly accepted that one should obey experts rather than his relatives. For example, in matters of health, people should obey doctors; in the assembly, those who speak most sensibly; and in war, generals are elected due to their good sense about military matters. Socrates appeals to convention, and Meletus agrees by saying that this is "advantageous and customary" (20). From this, Socrates asks whether it is surprising that he, who is held to be best concerning the greatest good for human beings, namely education, is prosecuted by Meletus on a capital charge (21). He seems to establish his excellence as an educator.

However, two things should be noted. First, whereas the purposes or goals for the doctor (health), good speaker (the public good), and general (victory) are clear enough, those of a Socratic education are not clear. What kind of education does Socrates provide to the young? Does he make good citizens? As Aristophanes' *Clouds* suggests, a problem of the Socratic education of the young is that he does not always make them better. Even if they become intelligent from the philosophers' perspective, they are regarded as corrupted from citizens' or parents' perspective. He actually says that education is the greatest good for "human beings" (21). Considering the fact that Socrates' virtue is not related to the public good, one may assume that the direction of his education is

⁴³ Strauss [1965], Chap. 3.

⁴⁴ As for whether or not Socrates teaches people, see Buzzetti [2001], pp. 9-10.

questionable especially in terms of the health of politics or the common good.⁴⁵ Second, leaving aside the issue of the substance of the education, the point that Socrates excels other people and other experts is strongly demonstrated. As with his treatment of the impiety charge, his interrogation regarding the corruption charge proves that it is a “surprising” charge because of his superiority (21; cf. 11). The interrogation again does not so much refute the charge as demonstrate his excellence.

Socrates has finished his interrogation. Concerning both the impiety and corruption charges, he attempts to demonstrate his excellence, while he fails to offer an effective defense against them. However, this does not mean that Socrates looks guilty. His piety appears to be supported by the Delphic god, and he looks like a good educator of the young. It is true that the genuine picture of Socratic virtue is problematic even in Xenophon’s *Apology to the Jury*. But it is important to see that he never appears wicked or vicious. Xenophon and his Socrates never emphasize the problematic realm of Socrates’ character. From this we understand why Xenophon describes the primary purpose of Socrates with this modest expression: Socrates *appears neither impious nor unjust* (22). Socrates’ primary purpose is not only to demonstrate his virtue, but also to show that his excellence is not incompatible with the common understanding of virtue by appealing to the authority of gods and common practices of the people. This sort of virtue will become an object of envy at the trial and create a good reputation among people after his death.

As for the defense speech of Socrates, Xenophon reports only the interrogation with

⁴⁵ Vander Waerdt [1993], pp. 44-45; Pangle [1996], pp. 36-37.

Meletus. Before he moves on to Socrates' remark after the final judgment, Xenophon confirms Socrates' intentions underlying his conduct at the court: creating a good appearance and never begging to live longer. Xenophon briefly mentions two incidents after the conviction, the source of which is not clear, that make Socrates' view more manifest. First, when Socrates was ordered to propose a counter-penalty, he neither proposed it nor allowed his friends (φίλοι) to propose it, since proposing a counter-penalty equals admitting guilt. This refusal befits his intention; he does not appear guilty and is not begging to live longer. In Plato's *Apology*, Socrates at first demands free meals at the Prytaeneum as "punishment" because he deserves great honor in the city, and then, having withdrawn it, proposes a fine to be paid with the help of his associates (36b3-38b9). This attitude must provoke the jury and increase the possibility of their imposing the death penalty. In this respect, Xenophon's Socrates seems less boastful than Plato's Socrates. Or does Xenophon believe that pretending to be innocent is still boastful enough? At any rate, Xenophon's Socrates is more cautious or restrained, since Plato's Socrates, proposing a punishment, appears to admit his guilt even though paying a fine with the money of others does not harm him (38b1-2). Here, one may protest that Xenophon's Socrates does not obey the legal order regarding the counter-proposal, but refuses it. But Xenophon cautiously presents the second story. When Socrates' companions (ἑταῖροι) wanted to steal him away, he did not follow them, and seemed to make fun of them by asking whether they knew some places inaccessible to death.⁴⁶ Xenophon presents a picture of Socrates bravely enduring the prospect of

⁴⁶ Xenophon seems to distinguish friends (φίλοι), who are cautious about being severely punished, from companions (ἑταῖροι), who are less cautious about breaking the law.

death lightheartedly in jail. As a result, he appears to be law-abiding.

Socrates' Remarks after the Judgment (24-26)

After the legal procedure officially finishes, Socrates makes some remarks retrospectively about what happened at the trial. In this section Socrates tries to give an impression that his guilt is not proven, and he reveals what kind of reputation he acquires through his defense speech.

Socrates compares the wickedness or viciousness of the people whose conduct contributed to the condemnation of Socrates with his own situation. On the one hand, Socrates points out that people who instructed the witnesses to talk falsely against Socrates by swearing falsely and those who followed them must be ashamed of their great impiety and injustice (24). On the other hand, Socrates should not be humbler than before the condemnation, since the offences of which he was accused were not proven. As for the impiety charge, Socrates “has not been shown (*ἀναπέφηνα*) either to sacrifice to new daimons instead of Zeus, Hera, and the gods associated with them or to swear by and believe in (*νομίζων*) other gods” (24).⁴⁷

Is Socrates' statement sufficient to show that the charge against him is not proven? Are daimons divine things to which one must sacrifice in order to believe in them? Also, when he denies performing unorthodox sacrifices, he mentions the new daimons explicitly. But when he denies his unorthodox belief, he mentions only “other gods.” Are other gods are the same as his daimon? Socrates has not proven that it is not possible for

⁴⁷ It is also possible to read “name” instead of “believe in,” like Ollier in the Budé edition. Marchant, in the Oxford edition, reads “believe in.”

him to believe in some new daimon without sacrificing to it.

As for the corruption charge, Socrates asks the audience how he can corrupt the young by accustoming them to endurance and frugality. Compared to his previous statements (19), he omits impiety and *hybris* from the list of corruptions here, about which Meletus was asked and did not reply well. Socrates focuses here only on the physical or non-religious aspects of corruption; he does not touch the issue of moral corruption, which would lead to doubt, denial, or contempt of what the community esteems, such as democracy and the law.⁴⁸ Socrates only makes the young continent. This is a part of the reason why at the trial he emphasizes the physical and material aspects of his virtues: he appears to have a good influence on the young regarding them.

Based on this view of the trial that the charges are not proven, Socrates “wonders” or “is surprised” how it was shown to the jury that he had done a deed deserving the death penalty. He says that the laws name the deeds which should be punished by death, such as temple-robbery, burglary, enslavement, and treason (25). Even his accusers did not prosecute him for these offences. One may object that, to impose the death penalty, legal procedure does not always require accusers to charge someone for the specific offences mentioned by the law in advance.⁴⁹ Although Socrates seems to mitigate the significance of the two charges of which he was accused by enumerating other great crimes, it is a fact that his accusers regard the two charges as deserving death, and the jury agrees. Socrates appeals to the law, but not comprehensively. Also, Strauss acutely points out that Socrates

⁴⁸ *Memorabilia*, 1. 2 (esp. 1. 2. 9-11).

⁴⁹ Brickhouse & Smith [1989], pp. 24-26.

is silent about sedition.⁵⁰ Sedition is closely connected with corruption and impiety in the moral sense of the term.

Thus, it seems that Socrates' assertion that his guilt is not proven is insufficient. Concerning both the impiety and corruption charges, although Socrates enumerates the points which were not proven, they are not necessarily essential; these things are safe to mention here. Surely, he appears not to be guilty. At any rate, it is clear that Socrates wants the people to believe that he is not guilty. Whereas death is preferable for Socrates and he seems to induce it, he does not want to die as a criminal. By reproaching witnesses and claiming that the charges are not proven (he does not say that they are wrong), he gives an impression that he is going to die as a virtuous man who is a victim of a wrong verdict. Simply to die is not what he chooses. He needs a good reputation.

This is what Socrates wants the people to think about the verdict. Furthermore, his reason not to be humble shows what sort of reputation he acquires through the defense speech.

Socrates claims that he should not be humble, not only because his guilt is not proven, but also because he dies (or is killed) unjustly. This is shameful not to Socrates, but to those who condemned him. Here, Socrates mentions Palamedes as his consolation. Palamedes was killed unjustly by Odysseus who was envious of his wisdom.⁵¹ In Plato's *Apology*, Palamedes is named in the list of the great people with whom Socrates would enjoy conversations in the next life (41b2). In Xenophon's *Apology*, Socrates, talking in a more this-worldly manner, mentions Palamedes because he is a subject of much nobler

⁵⁰ Strauss [1998b], p. 134; *Memorabilia* 1. 2. 62-63.

⁵¹ *Memorabilia* 4. 2. 33.

songs than Odysseus is. Palamedes left a great reputation among people in this world after his death. It is a consolation for Socrates to have a good posthumous reputation like Palamedes has (26). After finishing the whole speech at court, Socrates declares that he knows the following: it is testified to by the future and the past that he never committed injustice, nor made anyone more wicked (πονηρότερον), but that he benefited those conversing with him by teaching whatever good thing he could (26). After he spoke in public at the trial, Socrates no longer limits the range of his reputation to those who, sharing their lifetime with him, are close to him or want to be virtuous. His reputation will spread to many human beings in the future. This is not the highest praise that Socrates will acquire, since the future will not testify that his life was most pleasant or most virtuous, yet he seems to be satisfied with having a wide but thinner reputation among most of the people in the future (compare 26 with 5, 7, 17). It is this sort of reputation that Socrates tries to establish at the trial. We do not need to dispute how it is possible for Socrates, being guilty, to acquire a good reputation among people, especially among those who convicted him. As Xenophon says, Socrates is convicted because the jury envied him (14-15, 32), rather than because they judge him guilty; he is killed as a great man (cf. Plato, *Apology* 41d5-e1). Also, a deed done in anger will be regretted later.⁵² The Athenians will regret that they killed Socrates because of their envy and anger, and then the cause of their envy and anger, his virtue, would remain in their memory.

⁵² *On the Art of Horsemanship* 6. 13.

Incidents after the Trial (27-31)

After reporting the speeches of Socrates in court, Xenophon additionally reports three more utterances of Socrates, whose source is not indicated. They confirm the meaning of what he said and did before and at the court, just as his beaming attitude upon leaving the court does. From his attitude and utterances, we understand that death is preferable for Socrates, that Socrates appears not guilty, and that he dies as a great man.

First, when he saw those following him crying, he said that he had been sentenced to death since he was born, and that if good things were flowing in, he and his followers must feel pain, but if difficult things were expected in life, they must be cheerful since he fared well (27). Just as he did for Hermogenes, Socrates consoles his followers, who presuppose the badness of death, by demonstrating that death is now good for himself. Socrates induces them to think that the trial is not a failure for him, but beneficial.

Second, when Apollodorus, a passionate but simple-minded follower of Socrates, said that it was most difficult for him to bear seeing Socrates put to death unjustly, Socrates replied: “Would you prefer to see me put to death justly rather than unjustly?” (28). Saying this, he is said to laugh. We do not know in what way Socrates understands the verdict to be unjust. However, this is clear: through this incident, Xenophon’s Socrates indicates that he is killed unjustly.

Third, seeing Anytus passing, Socrates said that Anytus is proud, because he has accomplished something great and noble by killing Socrates, who had said to Anytus that he should not educate his son to be a tanner (29). According to Socrates, Anytus does not know which of the two is the victor, having accomplished more useful and noble things

for all time; Socrates seems to understand that he has achieved these things. What he did at the trial was successful. Then Socrates prophesies that the son of Anytus, even though his soul is not weak, would fall into shameless desire and advance further into wretchedness (μοχθηρία) because he is without a supervisor (30-31). Xenophon adds that the prediction of Socrates was correct, and that Anytus acquired a bad reputation regarding his education for his son (31). This story tells us that Socrates can make a prophesy without appealing to the power of the divine or of the gods of the city, which suggest that his piety or his relationship with the gods of the city is still problematic (cf. 13).⁵³ But this incident surely confirms that Socrates is an expert in education who achieves great things. It also satisfies the desire for vengeance of the people who take the side of Socrates.

In accordance with the previous narratives, these three utterances of Socrates create an appearance of his noble acceptance of death, his justice, and his expertise. By being killed unjustly, he achieves great things; he acquires a great reputation that lasts long into the future (cf. 26).

Conclusion (32-34)

Xenophon concludes the work with praise of Socrates. In Xenophon's opinion, Socrates met with a fate dear to the gods, since he, leaving behind the most difficult things in life, obtained the easiest death. Also, Socrates showed strength of soul, since he accepted death once it became preferable to life (33). Finally, Xenophon indicates his true reason

⁵³ Cf. Strauss [1998b], p. 140.

for remembering Socrates: Xenophon praises Socrates, not because of his “piety” and “justice,” but because of his “wisdom” and “nobility” (compare 34 with 1 and 22). Xenophon, counting wisdom as the Socratic virtue, also seems to disagree with the oracle or god (14, 16). Because Socrates has something more than piety and justice, the appearance of piety and justice is not a complete picture of Socratic virtue; they are not the qualities of Socrates that deserve Xenophon’s applause, but it is enough for Xenophon to demonstrate them primarily in this work (22). What Socrates achieves at the court is not the highest thing he has achieved in his life, but this limitation makes Socrates’ conduct at the court more serious, since it must be based on considerable deliberation, as Xenophon says at the beginning of the work.

As we have discussed in this chapter, Socrates acquires a great reputation for virtue by being boastful, even though he is sentenced to death. This conduct is not imprudent, since death is already preferable for him. This is Socrates’ intention at the trial and what he achieves. Yet, one must raise a question: Why does Socrates make a great effort to leave a good reputation concerning his life and philosophy? The partial answer is that, as Socrates says, it is consolation for him, who is going to die (26). Moreover, his conduct may not be only for himself, but also for others. As for justice, Xenophon says at the very end of the *Memorabilia* that Socrates was just because he harmed no one and benefited those who used him (4. 8. 11). If Socratic justice is not legal, but the providing of benefits, who receives the greatest benefit from Socrates—in other words, who, being able to use Socrates the most, is the true friend of Socrates? The reputation of Socrates may make it possible for his philosophical friends to keep philosophizing by making the people less

hostile to philosophers.

Now we are going to turn to Plato's *Apology* in order to examine the purpose of Socrates. What are the differences and similarities between Xenophon and Plato?

Chapter 5: Plato's *Apology of Socrates*

In the last chapter, we concluded that in Xenophon's *Apology of Socrates to the Jury* Socrates primarily aims at establishing a good reputation for virtue (especially for justice and piety), and, somewhat less importantly, accepts the death penalty as a result of achieving his primary purpose by making a boastful speech. Now, using this argument as a foil, we return to Plato's *Apology of Socrates*. What does Plato's Socrates intend to achieve at the trial? And how much does he agree with Xenophon's Socrates? Particularly, does Plato's Socrates, like Xenophon's, have more important purpose(s) than securing acquittal?

The final goal of this chapter is to demonstrate that, like Xenophon's Socrates, the primary purpose of Plato's Socrates in the *Apology* is not to secure his acquittal, but to vindicate his philosophy or promote his reputation before the popular audience. His speech at the trial is a theatrical performance meant to show his greatness as a philosopher. We will argue that Socrates is convicted not as an impious corrupter of the young, but as a heroic benefactor of the city who engages in philosophy as a command of the god. In order to achieve this goal, we read Plato's *Apology* as a whole, dividing it according to its structure.¹

¹ The speech of Socrates can be divided into three sections: the First Speech or defense proper (17a-28b), the Second Speech or counter-proposal (35e-38b), the Third Speech or address to the jury (38c-42a). The First Speech has the following sub-sections: Prooemium (17a-18a), Prothesis (18a-19a), Defense against the First Accusers (19a-24b), Defense against the Later Accusers (24b-28b), Digression (28b-34b), and Epilogue (34b-35d). Leibowitz [2010], pp. vii-viii; de Strycker [1975], pp. 21-25.

The First Speech (17a-28b)

Prooemium (17a-18a)

Without mentioning any administrative process, recording any speeches of the accusers, providing any introduction by the author, or having any reporter like Hermogenes, Plato's *Apology of Socrates* abruptly begins with Socrates' defense speech. The reader is then confronted only and directly with Socrates and his speech (including the interrogation of Meletus). In other words, Plato decides that the important core of the trial would be sufficiently conveyed by depicting only the defendant, Socrates. In this respect, Plato is more demanding of the reader than Xenophon, who gives us many guides to grasp Socrates' motivation for his conduct and his audience's reaction to it. Accordingly, we have to understand the meaning of the trial or his purpose only through his own speeches. This fact increases the importance of the Prooemium, in which he is supposed to clarify his purpose and the means to achieve it. However, his introduction to his defense speech indicates how elusive Socrates' purpose and manner of speech are, especially to one who expects that Socrates is going to make every effort to persuade the jury of his innocence by refuting the accusers straightforwardly. In this section, we clarify Socrates' manner of speech and argue that his purpose at the trial is not to prove his innocence straightforwardly.

Addressing the Athenians,² Socrates comments on how persuasively the accusers spoke: even Socrates himself almost (ὀλίγου) forgot himself. But Socrates states that

² Although this is not "an unusual way of addressing" the judge (Burnet [1977], p. 148), Socrates does not necessarily disregard the presence of the other audience who come to see the trial. 24e10, 33c8-34a6; Bruell [1999], pp. 135-137. It is possible for him to address all the people at the court sometimes. Also, he may imagine that someone not at the court would hear about the trial from the audience. 38c1-6.

they have said, so to speak, nothing true. If one takes Socrates' remark, "so to speak," literally, one sees that Socrates does not entirely deny the truthfulness of the accusers; there might be a little truth in their speech. Actually, he qualifies his denial of their truthfulness twice in the Prooemium (17a4, 17b7). Does this qualification explain that Socrates only "almost" forgot himself? As a defendant, Socrates properly focuses on their lie and tries to argue against it. The lie that surprised him the most is that people must be careful not to be deceived by him because he is clever in speaking. This lie shows the shamelessness of the accusers, since when he appears not to be a clever speaker in any way, they will be immediately refuted. This could explain why it is the most surprising for Socrates. As David Leibowitz points out, we are surprised by what he is surprised by.³ For Socrates, after listening to the long speeches against him, the lie he has to deny is not about his guilt, which deserves capital punishment, but about his ability to make a speech. Does this attitude cast some doubt on his seriousness about refuting the official indictment?

This way of setting the issue on the art of speaking may not be unreasonable, since before starting his defense, Socrates, against the warning of the accusers, needs to make the audience listen to him as someone worthy to be heard.⁴ Naturally, then, he contrasts the accusers who lied persuasively with himself, from whom the audience will hear the truth, "the whole truth," spoken plainly. But the whole truth of what? The phrase is a neutral expression; telling the truth does not immediately mean proving his innocence.

³ Leibowitz [2010], p. 8.

⁴ Cf. Strauss [1983a], p. 39; Colaiaco [2001], pp. 29-30.

Then, Socrates adds, he trusts that the things he says are just. Again, just in what sense?⁵ Does he say that what he has done is not illegal? Does he help his friends by his speech? Or does he show that his soul is well-ordered? Although he promotes a good image of himself as a speaker, we have been informed only of very general and external characteristics of his speech. We need more information about exactly what he is going to say. Therefore, even when he says to the judge that the virtue of the judge is to consider whether the things Socrates says are just and the virtue of an orator is to speak the truth (18a3-6), we are still uncertain whether Socrates intends only to prove his innocence or has some more important or different purpose than being acquitted. We do not know to what extent the whole truth is identical with the alleged just things he is going to say.

While Socrates does not specify the contents of his speech fully, he elaborates his manner of speech, i.e., speaking plainly. His manner of speech must define the manner of listening or reading. However, his explanation itself is problematic. In particular, his manner of saying that he does not have some sort of art of speaking undermines the reliability of his explanation. James Riddell observes that the Prooemium “may be completely paralleled, piece by piece, from the Orators.”⁶ Socrates seems to know and use the rhetorical art when he apparently denies his artfulness of speaking.

Moreover, Socrates’ statements on this issue, concerning almost all points he makes, trigger a special alert. First, Socrates insists that he speaks at random in the words that happen to him. If this means that his speech, which can be reasonably divided into

⁵ Cf. Leibowitz [2010], p. 9.

⁶ Riddell [1867], p. xiii. Cf. Burnet [1977], pp. 146-148; West [1979], pp. 74-75; de Strycker [1994], pp. 32-36; Colaiaco [2001], pp. 30-31. As for the criticisms against the interpretations of Brickhouse & Smith and Reeve, that Socrates is sincere and straightforward, see Leibowitz [2010], pp. 21-25. Cf. Brickhouse & Smith [1989], pp. 48-59; Reeve [1989], pp. 4-9.

sections according to its meaning, does not have any order or plan, is his assertion on random talking convincing? If not, what does his random way of speaking mean? Second, he says that it is not becoming for some old man to make stories like a boy; he does not deny his ability to make stories.⁷ What does guarantee the truthfulness of the whole speech? How do we know that he does not lie when he denies lying?⁸ Also, if he tells only the truth, the denial of lying does not mean the denial of using an art. Does he use a different art of speech from the accusers' for speaking the truth? Third, he makes the excuse that he, like a foreigner, is not familiar with the way of speaking at the court, because this is the first time he has come there. But it is easy to point out that Socrates is familiar with the customary way at the Athenian court. He knows what people commonly speak at trial (32a8). Also, he has seen many reputable men begging for acquittal shamefully (34b7-c7).⁹ Even in the short introduction, his statements contain many problems that require close examination. As we will see in this chapter, this is the most general feature of Socrates' speech. As Christopher Bruell says, "Socrates makes scarcely an assertion of any importance in the *Apology of Socrates* that is not contradicted by him either at once or later on in the same work." He characterizes this as "the way of contradictions."¹⁰ To notice and resolve the complications is the key to understanding Socrates' speech. Therefore, whether he seems to us to be sincere or tricky, we must often qualify the implication of his particular statement by looking at the context, and consider the meaning of the contradictions by comparing the contexts. For when he suggests the

⁷ Strauss [1983a], p. 39.

⁸ Cf. Leibowitz [2010], pp. 11-21.

⁹ Cf. De Strycker [1994], p. 39.

¹⁰ Bruell [1999], p. 136.

possibility that his peculiar manner of speech, which is similar to his ordinary way in the marketplace or elsewhere and hence different from the ordinary oratory, would be superior (cf. 17b6),¹¹ we notice the possibility that he may not be merely careless or misleading, but by the self-contradictions, qualifications, or, more generally, saying something that cannot be taken straightforwardly, he wishes to convey something important about the whole truth.¹² His way of speaking, however elusive, is a guide to the listener or reader.

In this section, Socrates creates or tries to create a good image of himself as a simple speaker who is attacked by artful liars. But, contrary to our expectation, the specific purpose of his speech is still unclear, and his manner of speech is far from being plain. In other words, Socrates does not intend to prove his innocence in a usual and straightforward way.

Prothesis (18a-19a)

Socrates sets the topic, specifying against what charges he is going to defend himself, and, before starting the substantive defense, predicts the consequence of his defense.¹³ But again in this short section, his behavior is hard to understand from the perspective of the most reasonable and anticipated purpose for a defendant: a refutation of the formal charge. Surprisingly, he does not turn immediately to the formal accusations and accusers, but adds new ones himself against which he has to defend himself.¹⁴ Analysis of this section

¹¹ Burnet [1977], p. 149.

¹² Cf. Bruell [1999], pp. 136-137; Leibowitz [2010], pp. 17-19.

¹³ On the basic concept of prothesis or proposition, see de Strycker [1994], pp. 41-46.

¹⁴ Sallis [1996], pp. 31-32; Colaiaco [2001], pp. 37-38; Leibowitz [2010], p. 39.

shows that the first accusations contain praise for Socrates as a wise man, and that it is not clear whether he tries to quash the rumor spread by the first accusers. We suggest that Socrates will elevate himself while dealing with the first accusations. At least, his attitude is not like that of a normal defendant, whose aim is to refute the formal indictment effectively in order to be acquitted.

On the one hand, Socrates' procedure, dealing with the first accusations before the official ones, is not recommended for a defendant, since he puts off, if only temporarily, the official charges that ought to be the most serious topic in the trial, and since dealing with two distinct charges would seem to make his defense more difficult. On the other hand, later (in the next section) he claims that the first accusations are the basis of the later accusations because Meletus, having trusted in them, accused Socrates (19a8-b2); adding new charges, in this case, may not be so unreasonable.¹⁵ We then have to examine how reasonably Socrates explains the first accusations and accusers, with a view to the refutation of the official ones. To put it simply, what are the first accusations? And what is it about them that makes Socrates deal with them at such length?

Socrates explains briefly who the first accusers are and why their accusations are serious. According to him, the first accusers accuse Socrates by saying nothing truer than the formal accusations,¹⁶ to the effect that "there is a Socrates, a wise man, a thinker of the things aloft, the one who has investigated all things under the earth, and who makes the weaker speech the stronger" (18b6-c1). Socrates has been accused because he is

¹⁵ West [1979], pp. 81-82; Reeve [1989], pp. 9-10; Sallis [1996], pp. 33-34.

¹⁶ It is not clear how strongly Socrates denies the truthfulness of the first accusations. Compare 18b2 with 18b6. Here, he seems to compare the first accusers and the later ones in terms of truthfulness. But as we noted, Socrates does not completely deny the truthfulness of the later accusers. 17a4, 17b7; Bruell [1999], p. 139. As for the problem of the manuscript, see Burnet [1977], p. 155.

notorious for engaging in natural philosophy and rhetoric. The first accusers, having spread this rumor or report (φήμη), are more fearsome than those around Anytus. For this rumor has deeply taken root among people, not only because the numerous first accusers have influenced people for many years, but also because the accusation has been made in the absence of anyone to defend Socrates (Socrates has not probably defended himself until now). More importantly, the one who hears it thinks that the investigators of those things do not believe in the gods.¹⁷ The investigators of natural philosophy attempt to explain things in the world by referring to rational causes, not to divine providence. They are believed to deny the commonly worshipped divinity that is the moral basis of the community. Later, Meletus blames Socrates on the ground that Socrates regards the Sun as a stone and the Moon as earth, hence denying their divinity (26d4-5).¹⁸

But his way of portraying the first accusers triggers our alert again, especially about his purpose for dealing with it. It should be noted that the most dangerous accusation against Socrates, which would incur capital punishment, arises from the inference drawn by the listener to the first accusers; we do not know to what extent the original spreaders of the rumor truly have a negative opinion of Socrates.¹⁹ (We know of the accusers only through the mouth of Socrates.) In particular, we should not overlook the fact that the

¹⁷ This argument seems to concern atheism and may prepare for the argument on the formal charge. Reeve [1989], p. 10. But atheism as such does not appear in the formal indictment. Even if it is implied, the topic of atheism becomes manifest only by Socrates' response to the interrogation. See. Chapter 3. In this respect, the first and the later charges are connected by Socrates. If the argument here means atheism, it prepares for the course of his interrogation.

¹⁸ In the *Clouds*, Socrates explains natural phenomena (such as rain, clouds, and thunder) rationally without referring to divine causes. Importantly, in his explanation thunder is not a punishment by Zeus, but happens only through a natural process. *Clouds* 367-411.

¹⁹ Cf. Leibowitz [2010], p. 110.

rumor contains a high evaluation of Socrates,²⁰ however pejorative and detractive the connotation of the phrase “a wise man.”²¹ The foundation of all accusations against him, Socrates claims, is a rumor that he is a wise man of some sort.

In addition to the fact that the content of the rumor is not completely disadvantageous to him, it is possible that his treatment of the rumor is advantageous to him. For Socrates, the accusers are nameless, except for the comic poet Aristophanes. Socrates cannot summon to the court those who, having ill will and a strong belief in the rumor, are difficult to deal with, and examine them directly. (Socrates seems to distinguish Aristophanes from the other accusers who, persuading themselves through envy and slander, persuade others.²² See 18c8-18d4.) He has to defend himself then as if he is fighting against shadows. But on the other hand, this situation enables him to exercise more discretion in describing the accusations without any response from the accusers.²³ Now, we have noticed that the rumor about Socrates does not necessarily consist of pure blame. Rather, it contains the seed of praise. The description of the first accusers, moreover, is totally under his control. Does he introduce the first accusers only to refute them as the basis for the later accusers? We must be careful about whether he depicts them only for undermining the basis of the official accusers or has some different purpose. He might elevate himself through defending himself against the first accusations.

This supposition is confirmed by his last remark in this section. After setting the order of his speech (dealing with the first accusers, and then the later ones), he predicts the

²⁰ Leibowitz [2010], p. 40.

²¹ Burnet [1977], p. 155.

²² Strauss [1983a], p. 39.

²³ Strauss [1983a], p. 39; Bruell [1999], p. 143.

consequence of his defense. He looks very much without hope, since it is difficult for him to remove the slander from the people (or the judges) in a short time. This fact may explain why Socrates is starting the defense as if he is compelled by the law and why he leaves the consequence to the god (18e5-19a2, 19a5-6).²⁴ But it is also remarkable that Socrates is going to defend himself dealing mainly with the first accusations; he mentions only the rumor to be removed without referring to the official indictment.²⁵ Therefore, it is uncertain how important the later or official accusations are for his defense. Is it more important for Socrates to reveal the truth about himself by expanding the issue beyond the official indictment than to prove his justice and innocence only against the official indictment? Moreover, even with respect to the first accusations, Socrates' attitude is very ambiguous. He says: "I would wish that it may happen in this way [removing the slander], if it is better for you and me, and that I may succeed [or accomplish something] by making the defense (19a2-4)." His wish for success in his defense (mainly against the first accusers) is conditional.²⁶ Is it better for the jury (or the people) and him not to remove the slander? Is this the reason why he introduces the first accusations while knowing that it is very difficult to remove them once he mentions them? Especially since the first accusations contain some sort of praise of Socrates, this is not an unreasonable interpretation.

Thus, Socrates' attitude in the Prothesis is confusing, if one presupposes that he aims

²⁴ Cf. Xenophon, *Memorabilia* 1. 1. 6-9.

²⁵ Cf. Leibowitz [2010], p. 47.

²⁶ West [1979], p. 83; Strauss [1983a], p. 39; Leibowitz [2010], pp. 47-48. Brickhouse & Smith omit "if" when they consider Socrates' intention here. Based on this interpretation, they think that Socrates makes effort mainly to succeed in his defense, i.e., to be acquitted by refuting all charges, official and unofficial, against him. Brickhouse & Smith [1989], pp. 37-47, 60-61. Cf. Burnet [1977], p. 160.

only at acquitting himself, for it is not clear why he introduces the first accusers and how much he wants to refute them. Because he discusses the first accusers before the later ones, we must examine what points of the first accusations Socrates tries to remove and what points, if any, he tries to keep. Considering the characteristics of the slander, we must pay attention especially to the way Socrates deals with or develops the very basic and deep-rooted reputation that he is a wise man in the course of the speech (cf. 18a7-e4, 19b4-c1, 20d6-21a8, 22e3-23c1, 34d8-35a1, 38c1-6).

Defense against the First Accusers (19a-24b)

Having set up the specific topics (the two sets of accusers) and arranged the order of the discussion (the older comes first), Socrates enters into his defense against the first and unofficial accusations. The treatment of them looks less unreasonable than the previous section, because this time he makes it explicit that Meletus, as a believer in them, officially accused Socrates. The official and unofficial accusers and accusations are more clearly connected here than before. Does he then make the defense speech against the first ones only in order to undermine the ground of the official accusations?

In this section, we will argue that, by dealing with the first accusations, Socrates emphasizes his wisdom. Whereas at first the accusers are supposed to say that Socrates is a suspicious natural philosopher and rhetorician, in the end Socrates appears to be a great wise man when it comes to human virtue who is vindicated by the god. His speech is not so much an effective refutation of the charges as a demonstration of his virtue.

Taking up the slander again “from the beginning,” Socrates on his own transforms it

into a formal (sworn) indictment. Although he might make the slander more serious in order to make it deserve serious refutation, we can assume that the slander is restated so that it becomes more advantageous to Socrates' defense speech, since it is Socrates or the accused who makes it formal without any admission or confirmation of the accusers. Actually, compared to the previous descriptions (18b6-c3), we find some changes in the official form of the first accusations. According to Socrates, the official form reads: "Socrates does injustice and is meddling, by investigating the things under the earth and the heavenly things, by making the weaker speech the stronger, and by teaching others the same things" (19b4-c1).²⁷ As for the significant change of wording in the indictment, first, the phrase "wise man" disappears and "does injustice and is meddling" takes its place; second, the charge of teaching is added. These changes may be appropriate to a formal indictment, since the first change gives it a stronger tone of reproach (we realize now that the previous one was less harsh),²⁸ and the second one may be required for accusing someone because philosophical investigation as such is less conspicuous in public (considerable influence on other people is required).²⁹ However, these inferences do not explain sufficiently all the changes we find in the restated charge. In particular, how can we explain the other significant difference beyond the wording, namely that the inference of atheism is mentioned neither in the indictment nor after it?

²⁷ It is also important to compare this with the official indictment of the new accusers. The first accusations do not mention any religious charge or corruption, even though they may be implied. Are the first accusations really more fearsome than the later ones?

²⁸ The formal version of the first accusations is harsher, but it is less radical. It appears that Socrates has not investigated "all" things under the earth; he just investigates the things under the earth. Cf. Strauss [1983a], p. 40.

²⁹ See Chapter 3. The official accusation seems to be more concerned with the inner thought of Socrates.

Socrates' restatement is more complicated than it appears. One may wonder why Socrates is going to refute this indictment with these changes, not the previous one. To put it more emphatically, without denying directly that he is a wise man, by raising a new issue of teaching and by putting the suspicion of atheism aside, what does he try to achieve?

According to Socrates, the validity of “such sort of things” (19c1) or of the indictment is supported by the comedy of Aristophanes. (Aristophanes is not the worst type of the first accusers with malicious intent, even if he is very influential.) In his comedy, a Socrates is carried around, claiming to walk on air and talking nonsense. As we discussed, the investigation of nature would make one disbelieve in divine causes, since he tries to explain phenomena by referring to natural or rational causes. Also, teaching rhetoric is morally dangerous, since the learner of rhetoric can defend immoral action very persuasively; in the *Clouds*, the young student of Socrates defends to his father the righteousness of beating his parents (*Clouds*, 1321-1453). Because these things are absurd for ordinary people, they can be a subject of comedy. It is somewhat ambiguous here whether Socrates directly addresses the investigation of natural phenomena and the practice of rhetoric, although it is not unreasonably assumed from the context³⁰—since he does not mention the exact scene in which he or his companions study or talk about natural phenomena or rhetoric, we have to assume what the “nonsense” means. However, Socrates only denies that he “understands” natural phenomena and rhetoric or “shares” the knowledge,³¹ even though this charge is about

³⁰ Cf. Brickhouse & Smith [1989], pp. 67-68.

³¹ Cf. Bruell [1999], p. 145. Socrates' statement is slightly ambiguous about exactly what he denies: engagement in acquiring or possession of knowledge. At least, he does not clearly deny the engagement in the investigation of nature. Cf. West [1979], p. 92.

investigation (or practice), not about having the knowledge of them (compare 19b5-c1 with 19c5-8). The insufficiency of his denial becomes more visible when he summons the audience themselves as witness—he asks them to teach each other whether or not they have heard Socrates conversing about this issue. Even if they have not, this proves only the fact that Socrates may not investigate these things in public: his private activity is still unknown.³² Moreover, without dispelling the suspicion effectively, Socrates goes so far as to admit the greatness of such knowledge. Socrates surely appears to claim that he is innocent, but, as Leibowitz says, he is regrettably so.³³ We may understand why he does not include wisdom in the indictment and omits atheism in this context. Socrates is trying to create an impression that he is not guilty. But even if he cannot eliminate entirely the rumor or slander against him, he could reform the reputation arising from it. He does not directly attack wisdom or knowledge as such, but replaces the common opinion regarding them with a new and favorable one without mentioning an unfavorable feature, atheism. Even though the charge concerns the investigation of natural philosophy and the practice of rhetoric, here he answers that having knowledge or being wise should no longer be regarded so negatively.³⁴

Not having denied sufficiently his engagement in natural philosophy and rhetoric, Socrates moves on to the charge of teaching (19d8-e1). But again, he does not deny his art of teaching directly; rather, at first he denies that he receives money for teaching like sophists. About that fact the audience may have heard. In addition to the fact that not

³² Cf. Xenophon, *Memorabilia* 1. 6. 14; Burnet [1977], p. 163; West [1979], pp. 92-92; Strauss [1983a], p. 40.

³³ Leibowitz [2010], p. 59.

³⁴ Cf. West [1979], pp. 92, 96.

receiving money is not sufficient evidence of not teaching, we note that the issue is gradually shifting, since making money like sophists, on which Socrates puts strong emphasis (19d8-20a2), does not even appear in the indictment. The story of the conversation with Callias shows this shift more clearly. According to Socrates, one day he asked Callias about the education of Callias' two sons: who, having knowledge of the virtue of human beings and citizens, makes them noble and good? Callias answers: Evenus, from Paros, for five minae. Now Socrates is talking about the education to virtue, which does not appear in either the indictment or the slander of the first accusers. Therefore, when Socrates denies, at the end of the treatment of the restated accusations, that he has the art of teaching, he does not deny that he teaches natural philosophy or immoral rhetoric. He appears instead to deny the art or knowledge of teaching virtue (20b-c3). Teaching for money and the art of the sophist, then, function as a bridge to connect the two different topics: natural philosophy and rhetoric that appear in the indictment, and virtue that does not. Since virtue is commonly more praiseworthy and less suspicious than natural philosophy, Socrates naturally denies, with regret, that he has the art or knowledge of teaching (compare 19c2-8 with 20b5-c3). Beginning with the restatement of the slander, his speech against it ends with the praise of the art of teaching virtue and his denial that he possesses it.³⁵ Yet, Socrates has not denied his teaching of natural philosophy and rhetoric sufficiently.

Thus, instead of dispelling sufficiently the suspicion raised by the indictment, he is doing more than, or something other than, defending himself directly against the charge.

³⁵ Even though Socrates is talking about virtue, his understanding of it seems to be different from that of ordinary citizens. For, unlike Meletus, Socrates never thinks that the laws are the good educator to virtue. Even here, he keeps a distance from such thinking.

By changing the wording and shifting the topics, he tries to affect the meaning or implication of the slander. The result of his argument against the first accusations is that, even if he is guilty of the charge, it no longer means that he is a suspicious wise man who acquires knowledge that leads him to atheism and immoral rhetoric, but, at least according to his assertion, that he is a wise man who has great knowledge of and is an educator to virtue. Following his argument, one could conclude that the slander could be true, but the view of the slander is softened and the hostility against it mitigated.

However, having argued against the first accusations in this way, Socrates himself points out the insufficiency of his argument by introducing the retort of a hypothetical man, “some of you,” whose statement seems to him to be just. This man would request that Socrates make clear his peculiar practice, since it is impossible for such slander or rumor to arise if he does not engage in something extraordinary or different from what is characteristic of the many. This retort is not a strong objection, for this hypothetical man not only presupposes that Socrates has defended himself against the charges successfully (the defense is too successful to explain the origin of the charge), but he also is careful not to judge hastily—he is favorable to Socrates. In addition, by introducing a hypothetical and favorable question, or by using as a mouthpiece a man who appears to represent the audience, Socrates prepares to develop the argument in the direction he desires, while giving an impression that he is doing well in his defense.³⁶

Taking advantage of the opportunity he thus provides, Socrates tries to explain the origin of the “name” he has gained or the slander about him. After a preliminary remark

³⁶ Cf. Bruell [1999], p. 145.

that he is going to tell the whole truth even though he seems to be joking, Socrates finally admits that the origin of the “name” is his possession of wisdom. He is talking as if the slander converges only on his wisdom or the name of “wise man.” We realize that his mitigation of the negative image concerning wisdom or knowledge and the posing of the question by the hypothetical listener, which is favorable to his argument, seem to be required to allow him to claim that he is wise. However, his wisdom is only “human wisdom,” which is different from what is greater than that or from the sophists’ (alleged) wisdom concerning virtue.³⁷ According to Socrates, if someone claims that Socrates has greater-than-human wisdom, he says that to slander Socrates; but, as we have seen, this slander is almost praise.³⁸ Therefore, if the slander is right, Socrates is wiser than the human, and if Socrates is right, he is wise as a human. Hence the negative connotation of “wise man” in the first accusations becomes much less noticeable here (compare 20d9-e3 with 18b6-c3; cf. 19c5-8, 19e1-4, and 20b9-c3). A very advantageous basis for accepting his name as wise man has been set up. Thus, the current of argument introduced by the retort flows into Socratic wisdom.

Socrates is sufficiently aware that claiming his superiority looks like boasting that he asks the audience not to make noise (20e3-5). He will now adduce the existence of his wisdom not by his own words, but by offering a more reliable witness: the god in Delphi, Apollo. However, this itself seems an extremely boastful way to claim that he is wise. Like Xenophon’s Socrates, he seems to be intentionally boastful or provocative, and this

³⁷ Socrates may not exclude natural philosophers here. However, since he has not named any of them and has mentioned four names of the sophists (he says, “those men whom I just spoke of”), Socrates induces us to focus more on the latter.

³⁸ Leibowitz [2010], p. 63.

attitude is closely connected with his claim of virtue. This similarity would help us understand what Socrates is trying to achieve here.

According to Socrates, it was Chaerephon, an old comrade of his,³⁹ who, because of his impetuosity, went to Delphi and dared to ask a question: whether there is anyone wiser than Socrates. The Pythia answered that no one is wiser. It is important to note that the one who testifies to his wisdom or the authenticity of the oracle is after all not the god, or the Pythia, or even Chaerephon (he is dead), but Chaerephon's brother.⁴⁰ Since he does not summon the brother to court, Socrates alone is the source of this story for us. Regarding the origin of the name of wise man, then, we must rely solely on Socrates' (human) assertion at the trial rather than the divine testimony. Moreover, the fact that Socrates did not go to Delphi to ask the oracle, and probably did not send Chaerephon to ask this question, makes us wonder how strongly he commits himself to the god and the oracle at first⁴¹; only the impetuous behavior of the other man motivates Socrates to engage in divine things. He never voluntarily committed himself to the Delphic oracle. Although it is true that he appeals to this divine authority when he establishes his wisdom, we must be careful to note how he keeps his distance from the divine. As we discussed at the beginning, this way of speaking dictates the way we must listen to or read the famous

³⁹ Chaerephon is also a comrade of "many of you." He is a democrat and shared the fate (exile) with his fellow democrats during the reign of the thirty tyrants. His political conduct and pious action would evoke public sympathy in this context. (However, Strauss points out that his question to the god is not necessarily pious. Chaerephon's question is not limited to human beings; he may presuppose that Socrates is wiser than the gods. See Strauss [1983a], p. 41.) On the other hand, his impetuous action connects Socrates with the city or something with which it is concerned. For after receiving the oracle Socrates starts his investigation of the oracle by questioning people about virtue, which arouses hostility against him. As for the role of Chaerephon for Socrates' life in the city, consider *Gorgias* 447a-449a.

⁴⁰ There was a quarrel between Chaerephon and his brother Chairecrates. *Memorabilia* 2. 3.

⁴¹ It seems that Socrates neither goes to Delphi to ask the god a question for himself, nor sends someone to ask a question about him. *Memorabilia* 1. 1. 6-9; Strauss [1998b], pp. 5-6, 130-132.

Delphic oracle story.

This peculiar distance from the god is reflected in his first reaction to the oracle; his attitude is so ambivalent that it seems to be both pious and impious. His first reaction to the oracle is neither excitement nor acceptance, but wonder: “Whatever is the god saying, and whatever is he speaking in riddle?” (21b3-4). The cause of wonder is his confidence that he is not wise, of which fact Socrates has been previously aware. On the one hand, Socrates seems to believe that telling a lie is not sanctioned for the god⁴²; on the other hand, he is certain about the result of his intellectual activity (probably, philosophical activity).⁴³ In other words, at first the god and Socrates are in conflict, because Socrates tacitly refuses to withdraw his opinion about himself before the divine authority. This conflict would be strengthened by the very boastful interpretation of the oracle: the god, Socrates claims, affirms that “he is the wisest.”⁴⁴ Or it may be better to say that the boastful interpretation enables him to maximize his greatness once the grave conflict is dramatically dissolved by his examination that he is going to narrate.

After being at a loss for a long time, he started his investigation into the meaning of the oracle.⁴⁵ Socrates went to “someone reputed (or seeming to) be wise” (τινα τῶν δοκούντων σοφῶν εἶναι) so that he could refute the oracle, since he could show that this

⁴² Cf. *Euthyphro* 6a-c; *Republic* 377b-383c; Vlastos [2005], pp. 53-55.

⁴³ In the *Phaedo*, Socrates confesses that he passionately engaged in natural philosophy when he was young. *Phaedo* 95e-102a.

⁴⁴ It is also possible to interpret the oracle that Socrates and the rest of human beings are equally wise or unwise. Cf. Colaiaco [2001], pp. 58, 70-71; Leibowitz [2010], pp. 64-65, 80. Reeve argues that the oracle and Socrates’ first interpretation “differs only verbally,” because Socrates does not exclude the possibility that “anyone as wise as himself would also be wisest of men.” Reeve [1989], p. 22. But the issue is not whether the other men can be the wisest, but which, the original oracle or Socrates’ interpretation of it, makes Socrates appear to be wiser. The superlative is a more emphatic expression that Socrates exceeds the others.

⁴⁵ Cf. Xenophon, *Apology of Socrates to the Jury* 15.

man is wiser than he (21b9-c2). Although Socrates was confident about his own ignorance, he was not sure about his comparative status to other people.⁴⁶ Socrates is so serious about the oracle or the divine that he started an apparently impious activity, namely refutation of the oracle.⁴⁷ Chaerephon's impetuous question and the divine answer to it, then, connect Socrates with reputable men and those who admire them, with whom Socrates had not conversed seriously and, probably, had not been interested in for his previous activity. His new investigation brings with it a new encounter with the people or the city. With whom is Socrates going to talk and what kind of conversation will he have? Does he actually refute the god? And how does the encounter explain his possession of wisdom and the origin of the slander?

First, Socrates conversed with a politician reputed to be wise. Politicians generally may have had the best reputation for wisdom. While Socrates examined him, this man seemed to be wise both to the many and to himself, but not to Socrates. Then, Socrates tried to show him that he supposed he was wise but actually was not. As a result, Socrates was hated by him and many of those present.⁴⁸ As Socrates went away, he considered to himself that he was wiser than that man. Neither of them knows anything about the noble

⁴⁶ Bruell [1999], pp. 146-147.

⁴⁷ Against the interpretation that Socrates only interprets the oracle, Gonzalez argues that "there are passages where Socrates clearly describes himself as challenging rather than simply interpreting the god" (21b9-c2, 22a6-8, 22a8-b2). Gonzalez [2009], p. 125. For Gonzalez, Socrates neither accepts nor obeys the god. There is a discrepancy between his confidence in his ignorance and his belief in the sincerity of the god. This discrepancy leads him to his peculiar way of piety: the questioning. Gonzalez [2009], pp. 124-129.

⁴⁸ Socrates does not say that he was hated by all people there. Leibowitz [2010], p. 75. Leibowitz infers that one important purpose of Socrates in refuting the influential people in public is to attract the young. Leibowitz [2010], pp. 106-108. It is a keen observation (especially, see 23c2-5, 33b9-c4, 37d6-e2, and 39c1-d2), but to confirm his statement, the thorough study of Plato and Xenophon is required. Here, I only suggest that it seems useful to consider Xenophon's *Memorabilia* 4. 2. 1-8. There, Socrates has a conversation with a man in order to seduce a young man who listens to them.

and good,⁴⁹ but the politician supposes he knows even though he does not, and Socrates, as he does not know, so he does not suppose that he knows. Only in this way is Socrates wiser. His awareness of his ignorance turns out to be his superiority. The oracle seems right in relation to the politician. Here, Socrates distinguishes between what he did in public and what he thought in private (21d2-6). Only Socrates is aware that he does not have knowledge and only he realizes that he is wiser solely because of this awareness. Therefore, the politician is refuted in public without being informed about what Socrates discovered about his own ignorance in the course of his investigation of the divine—objectively speaking, Socrates just humiliates him. It is not surprising that Socrates is hated by him and the people around him.

Having had this sort of experience with politicians, Socrates further intended to examine all the people reputed to know something, in order to investigate what the oracle says. He asserts that he must consider the affair of the god as great in importance, even though he felt pain from being hated. Somewhat surprisingly, though he noticed that he was and was going to be hated as a result of the examination, he also continued to examine people in the exact same way. Socrates never tried to mitigate their hatred by showing the divine and presumably acceptable reason for the examination, or by teaching that, according to the god, the awareness of ignorance is the highest wisdom for humans.⁵⁰ The Socratic action is motivated by the oracle, but we should not overlook the

⁴⁹ We assume that the topic of the conversation or the most important issue to discuss with the politician is not about details of finances, military affairs, economics, or lawmaking, but about human virtue. Cf. 20a6-b6; Aristotle, *Rhetoric* 1359b19-1360b1. Socrates may suppose that the politician should have knowledge about human virtue. Or he had already supposed that the oracle is about this kind of knowledge.

⁵⁰ The story of the oracle seems to be new information to the audience at the trial. Strauss [1983a], p. 41; Leibowitz [2010], p. 101.

fact that the manner of investigation is under his control. And it is only in this way, which arouses anger and hatred, that Socrates continues his investigation in accordance with the god.⁵¹

After the politicians, Socrates turned to the poets, more precisely, to the poets of tragedies, dithyrambs, and the others.⁵² Taking up their poems which seem best to him, Socrates asked what they meant. His aim was to prove his ignorance compared to the poets, and to learn something from them. (Socrates supposed that they had some knowledge he wanted to learn; the poets seemed to be wiser than the politicians to him. At the same time, he thus casually alludes to the fact that he had an additional purpose than that of investigating the oracle when he examined people. This becomes important when Socrates reveals that the motivation of his examination is other than the oracle. See 33b9-c8, 41b5-c4.) However, the result of this public examination was disappointing. In a short time, Socrates realized that the poets say many beautiful or noble things by nature or by divine inspiration, not by wisdom. And not only do they have no knowledge, they also have the same fault as the politicians: in making poetry or saying beautiful things, they wrongly suppose that they are the wisest among human beings even with respect to other things. Again, he “went away,” “supposing” that he excels them just as he excels politicians.

Lastly, Socrates went to the manual artisans to confirm that they knew many beautiful

⁵¹ Socrates may dissemble his wisdom or be ironic in the examination as usual. But it may not be convincing enough, since many people finally believe that Socrates has knowledge (22c9-d4).

⁵² Even though the story of the poets is a chance to tell that he refuted Aristophanes, Socrates does not mention comic poets here. He may include them with the ones who are refuted by him. Or he excludes them or particularly Aristophanes from the ones who do not have human wisdom. Cf. Leibowitz [2010], pp. 85-86.

things. Although in this respect Socrates was not disappointed,⁵³ they seemed to commit the same fault as the poets: because they accomplish their art beautifully, they wrongly think that they are the wisest even with respect to other things, i.e., the greatest things. Having realized this, Socrates, “on behalf of the oracle,” asked himself whether he would choose to be as he is, to be not wise in terms of their wisdom or art but be aware of his ignorance of the greatest things, or, like the artisans, to have the art without this sort of awareness. Then he answered himself and the oracle that he prefers to be as he is.

The result of the examination of the three kinds of people is that the oracle finally becomes irrefutable, so that the conflict between Socrates and the oracle appears to be dissolved. However, even though Socrates does not refute the oracle, it does not follow that the oracle refutes Socrates. Rather, the conflict is dissolved because Socrates’ first awareness of ignorance is confirmed and enlarged by his examination. Therefore, both sides are right: Socrates is ignorant and wisest. Accordingly, the expressions in his self-questioning on behalf of the god are then very ambiguous as to who has the higher authority, Socrates or the god.⁵⁴ Actually, because the meaning of wisdom in the oracle is not clear, it is Socrates’ own judgment that to be wiser than others is to be wiser with respect to the noble and good things or the greatest things.⁵⁵ Therefore, even though Socrates finds that the oracle is right, the implication of this finding must be qualified: the final authority is ambiguous. So it is safer to say that Socrates’ interpretation of the oracle turns out to be compatible with his first awareness of ignorance and also that he is not

⁵³ Although the artisans have knowledge, Socrates does not say that he learned something from them; their art is not what he wanted to learn.

⁵⁴ Cf. West [1979], pp. 107, 118; Vlastos [2005], p. 57.

⁵⁵ Cf. Sallis [1996], p. 52.

totally ignorant, since his awareness of that ignorance presupposes his great knowledge or confidence about what the greatest things are. We do not know how and when he acquired that knowledge. The story of the oracle is more ambiguous and more limited than it appears, especially concerning the status of divine things for Socrates and the exact meaning of his wisdom or ignorance.

On the other hand, the impact of this examination on the people is clear. From the examination, many hatreds, the most difficult and severe, have arisen against Socrates as well as many slanders in turn. As a result Socrates was called by the name “wise,” for the people present at his examination supposed that Socrates was wise with respect to the things concerning which he refuted the others.⁵⁶ This activity that provokes people, intentionally or not, contributes to his reputation of being wise about virtue. Indeed, as Socrates said (20d6-9), the oracle and the ensuing activity show that the origin of the slander or name of “wise man” is actually his possession of a certain kind of wisdom, “human wisdom.” (More precisely, the origin is not the possession as such, but rather his activity attempting to clarify the meaning of the oracle; the true reason for his “name” is his way of examining others, as motivated by the god.) But Socrates’ choice of expressions indicates that he carefully selects what he demonstrates here again (cf. 20c4-d7). Although there are many serious hatreds and slanders against him concerning natural philosophy, rhetoric, and atheism, he elaborates only on the name of being wise, especially concerning human virtue. Through the story of the oracle, the slander comes to

⁵⁶ If Socrates’ divine mission aims at making people realize that the wisest of human beings is the one who, like Socrates, is aware of his own ignorance, his mission clearly fails. For people still believe that having knowledge is possible and great, and they seem to be envious of Socrates as a knower.

concern solely the wisdom of Socrates about virtue, which is guaranteed by the god.⁵⁷

This is certainly mere slander or rumor. So Socrates immediately denies that he is wise, as the slander says, in the sense that he has knowledge. He claims that the god is wise and that the oracle says that human wisdom is worth little or nothing. Therefore, like Socrates, the one who realizes this limitation of human wisdom may be the wisest among human beings. Reaching this interpretation of the oracle, Socrates corrects the slander and reveals the true picture of himself regarding wisdom: he is not wise in the sense that he has knowledge about virtue as the slander says, but instead he is the wisest among human beings because of his awareness of ignorance, as the god says. Either by reputation or in truth, he is a great wise man. Even when he denies the possession of knowledge, then, he is very boastful. No doubt he also provokes the audience in this context and makes them pay attention exclusively to this provocative topic of Socratic wisdom rather than to the accusations as such.

His activity does not stop here, however, since the god, using Socrates as a paradigm, tells the true condition of human wisdom. Socrates' interpretation then transforms the oracle into a universal testimony about the condition of human beings beyond Socrates in particular. Socrates, in accordance with the god, keeps examining or refuting people, townsmen and foreigners, who seem to him to be wise. For Socrates, exposing someone's ignorance is to aid the god (23b6-7). Being bound to the people by the oracle, he is so busy that he has no time for politics, his household, and money-making. From the

⁵⁷ This story of the oracle is so selective that the motivation of Chaerephon to ask the oracle is not even paid attention to. Socrates explains only the origin of his reputation for wisdom among ordinary people, not the origin of that reputation among his close companions. For Chaerephon, Socrates already looked wise before starting the divine examination. The most probable candidate for Chaerephon's judgment is Socrates' investigation of nature. See *Phaedo* 95e-99d.

viewpoint of the reputation for wisdom, on the other hand, by engaging in his provocative activity, Socrates keeps expanding the hatred against him so that his reputation as a wise man keeps increasing among the people. Following the god, he has produced the wrong, but lofty, reputation for himself.

The source of the name or the slander has thus been explained. In addition, Socrates continues to explain the different types of slander such as “the heavenly things and things under the earth,” “not believing the god,” and “to make the weaker argument the stronger.” We realize that, despite the impressiveness of story of the oracle, that story does not explain the origin of the slander: the original slander is not concerning wisdom about human virtue, but about natural philosophy and rhetoric. The insufficiency of the story of the oracle probably makes Socrates feel that he needs to offer an additional explanation. Or the fact that he has finished the impressive story concerning his excellence enables Socrates to deal with the other slanders more lightly. Whatever he says after the story of the oracle, he is a wise man supported by the god.

According to Socrates, the direct source of the slanders is the young, who, being the sons of the rich, have leisure. They enjoyed hearing people refuted by Socrates and imitated his examination. To some listeners of Socrates’ examination, he is very attractive. His examination produces not only slander or hatred, but also young companions.⁵⁸ The people refuted by those young men got angry with Socrates and claimed that he corrupted them. Since they did not have any idea of Socrates’ true activity, they say by guesswork the common slanders against all philosophers. But this slander, based only on an

⁵⁸ Colaiaco argues that this is the admission of the corruption charge. Colaiaco [2001], p. 72.

assumption, turns out to be very serious; the slanderers seem “ambitious, violent, and many,” and by eagerly and persuasively speaking the slander they have filled up people’s ears for a long time. The slanders prompted by the young imitators, even though they are mentioned additionally, match and explain the first accusations much better than the story of the oracle in terms of contents and seriousness—not the examination as such, but the influence on the young perceived by the elders is the more direct reason for the slander (compare 18b4-c3 with 22e6-23a5 and 23d2-7). But this is mentioned only additionally. From here, what Socrates wants to emphasize is understood: the story of the oracle about his wisdom in human virtue.

As he mentioned briefly the connection between the first and later accusations at the beginning of this section (19a8-b2), Socrates connects these additional slanders with the later accusers at the end of this section. (The sudden appearance of “corruption” [23d1-2], which is not mentioned in the first accusations, but in the later ones, prepares this topic.) According to Socrates, in this situation created by the young imitators, the later accusers were vexed on behalf of the elders annoyed by the young: Meletus attacked him on behalf of the poets, Anytus on behalf of the craftsmen and politicians, and Lycon on behalf of the orators. As the first accusations are melting into the later ones,⁵⁹ the distinction between them disappears or becomes invisible (compare 18a7-b4, 18d7-e4 with 19a8-b2, 23c7-24a1).⁶⁰ Socrates’ examination, then, has produced both accusations.

⁵⁹ West [1979], p. 128.

⁶⁰ However, this assimilation is problematic. There are two major differences between the first and the later accusations. First, Socrates assimilates the first accusations to the later ones without mentioning the charge of “the new daimonic things.” Second, only the first ones mention natural science and rhetoric, which are gradually disappearing even in the treatment of the first ones. We should consider then why he wants to create the impression of their similarity even though there is a clear disparity. See the conclusion of this section.

The argument against the first accusers is actually against the later ones. He ends his discussion of the first accusers by pointing out the fact that the later ones are not persuasive for the same reason as the first accusations which he has discussed; since his wisdom is only human wisdom, as the god admits, the other slanders about his intellectual activity or ability should be false.

In this section, Socrates argues and achieves the following things. First, he addresses the first accusers and accusations. While refuting them, he gradually shifts the topic from natural philosophy and rhetoric to greatness of wisdom about virtue. Yet the refutation as such remains insufficient. Second, taking advantage of the retort by a hypothetical man, Socrates explains the origin of the reputation for wisdom as a slander by introducing the story of the Delphic oracle. As a result, Socrates turns out to be the wisest concerning virtue without having knowledge but with awareness of his ignorance. Third, probably by additionally mentioning his influence on the young, Socrates provides a more persuasive account of the first accusers than the story of the oracle, and at the same time he connects the first ones and the later ones. In the end, all accusations have the same root: the examination of people prompted by the divine oracle.

Obviously, in this section Socrates emphasizes his wisdom (both the reputation for it and its true meaning) rather than the refutation of the first accusations. Whether or not his defense against the first accusations is defective, it is true that he gives a strong impression that he is a wise man. Actually, as he says, he does not hide anything here (24a4-6). The evidence for his openness is that the exact activity he has described is the cause of the hatred against him; he is so open that he reveals something disadvantageous

to himself. (However, Socrates does not explain why Chaerephon believed in Socrates' wisdom in the first place and decided to ask the oracle; his open account of his activity after the oracle conceals his activity before the oracle. See n. 57.) But we have already noticed that the cause of the hatred is closely connected with his reputation for being wise based on the divine authority. The first accusations are almost blended with a divine praise of Socrates, and the divine praise, he alleges, is also the root of the later accusations. Therefore, now the divine authority and Socratic wisdom penetrate all the accusations as the true origin. This is what he has done in this section. This is the truth, but the "truth for you," which should be investigated now and later in retrospect (24a4-6). Socrates' way of telling the truth controls people's way of understanding and remembering him.

Defense against the Later Accusers (24b-28b)

Letting his speech thus far suffice as a defense against the first accusers, Socrates starts his defense against the later accusers, especially Meletus. According to Socrates, the indictment of the later accusers is "roughly" the following:

Socrates does injustice by corrupting the young and by not believing in the gods whom the city believes in, but other new daimonic things (24b8-c1).

He will examine each part of the indictment by interrogating Meletus. Since Socrates' way of asking questions and framing the discussion is very elusive and evasive, it is difficult to regard his interrogation solely as his attempt to secure his acquittal. We

concluded in Chapter 3 that this characteristic of his interrogation, for which only Socrates is responsible, suggests that he might have another purpose than acquittal. Therefore, we investigate here what he achieves or tries to achieve other than being acquitted, with the expectation that this achievement or attempt will explain what proves to be the strange course of the interrogation.

In this section, we will show that, by refuting Meletus, Socrates still demonstrates his superiority. As Socrates said in the last section, people believe that Socrates is wise when they see him refute his interlocutors. The interrogation is a good example of this practice. Through revealing Meletus' moral defects, Socrates makes an impression that, contrary to Meletus, he himself is virtuous.

Exactly how should we understand his purpose? As we saw in the end of the last section, Socrates closely connects the first and the later accusers. Accordingly, at the beginning of this section he does not deal with the later ones as independent or disconnected from the first ones. This is clear from his word choice; he says “as if” (ὡσπερ, 24b7) the later charges are different from the first ones, which means that they are similar or the same in reality but should be distinguished for convenience. On the one hand, as West says, “the charge of the first accusers melts into the present charge.”⁶¹ On the other, the argument against the later accusers melts into the context of the argument of the first accusers. Considering the fact that Socrates deals with the later ones in the form of an interrogation, one could say that the point of connection between the first and the later ones is the examination of people. As Emile de Strycker and John Sallis observe, the

⁶¹ West [1979], p. 128.

interrogation of Meletus is an example of Socrates' public activity, prompted by the Delphic oracle, just explained in the last section.⁶² Previously, Socrates says that he examines the people who seem to be wise and, if the person examined is not wise, Socrates shows him this fact. As a result, he is hated and regarded as wise by the man he examined and the people around him. Does he attempt the same thing here? In particular, in what sense does Meletus seem to Socrates to be wise? And does Socrates refute Meletus in a way that makes him appear to be wise?

Socrates takes up the corruption charge first. But he does not argue against the charge directly. Instead he asserts that Meletus does injustice by jesting about a serious matter and by pretending to be serious about things for which he does not care.⁶³ Since we have already noticed that the interrogation would be an example of Socrates' peculiar type of examination, we are no longer surprised by the fact that the issue set by him is not devoted to proving the innocence of the defendant, but is rather mainly devoted to proving the accuser's defects. Moreover, when Socrates supposes that Meletus, who claims that he cares for the education of the young, knows who makes them better, and examines Meletus on primarily this issue of his knowledge, we realize more clearly that the interrogation is an extension of the issue from the last section concerning wisdom or knowledge. Accordingly, Socrates is trying to show Meletus' lack of care by using as a

⁶² Sallis [1996], pp. 56-57; de Strycker [1994], p. 103.

⁶³ Socrates applies the charge of the lack of care to the corruption charge, and the charge of jesting to the impiety charge. Since Socrates deals with two defects of Meletus (lack of care and jesting) in the context of arguing against the corruption charge, the impiety charge becomes as if a part of the corruption charge. This treatment is prepared in the end of the last section when Socrates connects the first and the later accusers by putting the corruption charge that is based on their observation before the impiety charge that is based on their assertion (23c7-d7).

proof his ignorance of who the educator of the young is.⁶⁴ Socrates clearly refutes Meletus as a man supposed to be wise, and tries to show that Meletus is ignorant in reality. The interrogation is an example of Socratic examination. Also, we have to pay attention to the topic concerning which Socrates refutes Meletus—to what Socrates looks wise about. The topic is no longer the corruption charge that appears in the original indictment. Socrates here reverses the negative topic (corruption of the young) to the positive one (improvement of them) and refutes Meletus on the latter point. We have come far from the refutation of the indictment; the topic is neither Socrates' innocence of the corruption charge, nor Meletus' knowledge of the charge (the corruption), but Meletus' knowledge of the good educator. One may also point out that since Socrates already knows the result or the course of his examination in advance (24c8-9), this is not even an examination of whether Meletus is truly wise, but rather a demonstration of Meletus' ignorance and, as a result, Socrates' appearance of wisdom (cf. 23a3-5) to Meletus and the audience. Setting or shifting of the topic, which contributes to making Socrates appear wise in a positive matter (education of the young), indicates what

⁶⁴ The connection between care and knowledge is not well established here. Previously, Socrates supposes that because Callias has two sons, he “has examined” who has knowledge of education (20b5-6); Callias seems to care for this thing without having the right knowledge. Does Socrates also not care for it when he asks the question to Callias? Having knowledge is better, but it seems possible to care for the education of the young without having precise knowledge about the educator. Reeve tries to avoid the problem that Socrates badly connects care and knowledge by disconnecting them. He translates 24d4 in this way: “For it is clear that you know, or that you at least care.” Reeve [1989], p. 88. I do not follow Reeve. It is true, as Reeve says, that it is difficult to establish strict connection between care and knowledge, but this strangeness shows the peculiarity of Socrates' way of interrogation and how important the topic of knowledge is for Socrates to demonstrate in this context even though there are some defects; we should interpret the text based on the strangeness without disregarding or dispelling it. Besides, Reeve's translation has a problem: in the Greek text, “or that” does not appear. Rather, this sentence can be translated in this way: “For it is clear that you know, since you care at least.” Even if Reeve's translation is correct, it is true that Socrates emphasizes knowledge and wisdom in this section much more than in the conversation with Callias.

Socrates wants to demonstrate.

As we discussed in Chapter 3, Meletus' answer to Socrates' question as to the educator of the young, "the laws," is not necessarily bad since it seems to be a common belief among democratic people. Democracy presupposes that all citizens share the ability for managing politics, and the laws are the products of their practical judgment.⁶⁵ However, Socrates immediately points out that Meletus' answer is beside the point: Socrates is asking not what makes the young better, but who has knowledge about the laws. Socrates then gives the impression that Meletus does not have the ability to answer the question well concerning the things he claims to know. Also, by guiding Meletus to state his opinion that there are many improvers of the young but Socrates is the only corrupter in Athens, Socrates makes Meletus look absurd.⁶⁶

Meletus' answer also, according to Socrates, is factually inaccurate. Just as in the education of horses, concerning human education only a few experts make people better and the rest make them worse—just the opposite of Meletus' claim that there are many improvers but only one corrupter, Socrates. This ignorance is a proof that Meletus does not care for the education of the young.

But we must note that Socrates does not claim that he has knowledge of who makes the young better. Although Socrates provides the example of the education of horses, this

⁶⁵ Chapter 3, pp. 30-31.

⁶⁶ Meletus only looks absurd, for his conclusion that all Athenians, except for Socrates, know the laws and improve the young is not refuted. In order to refute it, Socrates has to doubt the authority of the law in education or the knowledge of the people who make the law. We remember that only Socrates, following the god, examines the people and doubts the common or authoritative opinions among the people. At least, Socrates does not say that Meletus' answer is absurd. There might be truth in Meletus' answer. We must consider the possibility that Meletus is talking about the education for good citizens and Socrates about good human beings. In this case, both would be right. But the trial is held from the perspective of the laws or city.

only illustrates a conviction he already has that a few experts who have knowledge of virtue would make the young better (20a6-b6)⁶⁷; “few or many” is not an answer to the question “who.” He knows something, but it is neither the greatest things nor even an answer to his own question. But this example of horses has a strong effect: although both Meletus and Socrates are ignorant of the same subject, Socrates looks wiser. By pointing out that Meletus does not know a basic fact of human education,⁶⁸ Socrates can show his ignorance; Meletus supposes that he knows something important which he does not know. At the same time Socrates shows his superiority about this matter even though he apparently does not know the exact answer to his own question. Socrates only knows a very general criterion concerning the educator, but we do not know how he knows this criterion or from where he gets it. Socrates shows Meletus’ ignorance by refuting him in public without revealing his own ignorance or while making it less conspicuous. It is not improbable that Socrates appears to be wise about the very topic about which Socrates asks Meletus, i.e., “who makes the young better,” or more generally about human education, or perhaps about human virtue simply. Through his own argument about the improvement of the young, Socrates succeeds in showing Meletus’ ignorance and, as a result, his own appearance of wisdom. This is not a sufficient proof of his innocence,⁶⁹ but rather a demonstration of his superiority as a wise man.

⁶⁷ But Socrates seems to be uncertain whether there is actually such an expert.

⁶⁸ As we noted, it is unclear whether a good human being is a good citizen. The example of horses does not completely refute Meletus, if Meletus means that the laws or almost all Athenians make the young better citizens in terms of common sense shared by all people in the city. We cannot deny that members of a community share some common view of morality.

⁶⁹ Socrates does not say that he is such an expert of education. Also, even if he is an expert, it might be possible to corrupt the young by using his knowledge or skill. The topic itself is not aimed at proving his innocence.

The next topic concerning the corruption charge is whether Socrates corrupts the young willingly or not (25c5-26a7). After confirming that a wicked man is harmful to the people around him and that no one wants to be harmed, Socrates leads Meletus to answer that Socrates corrupts the young willingly. According to Socrates, since Meletus claims that no one wants to be harmed by a wicked man who harms the people around him, it is undesirable for someone to make the people around him worse; to make the other corrupted is dangerous, because the corrupted would harm the corrupter. But looking at the argument closely, we see that this logic is defective. Socrates presupposes that the corrupted always harms the corrupter, which Meletus does not say. If this is an argument for proving Socrates' innocence, it is a failure.⁷⁰ However, if one takes this argument as an exhibition of Meletus' ignorance and Socrates' wisdom, it is effective. For Socrates interprets Meletus' answer to mean that Meletus claims his superiority in wisdom to Socrates (25d8-e4).⁷¹ Necessarily, Socrates' refutation of Meletus includes this point; Socrates refutes, at least partially, any supposition that Meletus is wiser than Socrates. Through asserting that Socrates does not corrupt the young willingly and that if he does so unwillingly, he needs to be educated and admonished to stop the unintentional deed, Socrates gives the impression that Meletus' answer, which presupposes that he is wiser than Socrates, is wrong. Socrates does not say it clearly, but the truth appears to be the other way around: Socrates is wiser.

⁷⁰ As for the detail, see Chapter 3, pp. 32-35.

⁷¹ Socrates says, "What then Meletus, are you at your age so much *wiser* than I at my age, that you have known that the bad (οἱ κακοί) always do something bad to those who are closest to them, and the good do something good, but I come to so much ignorance that I do not know that if I do a wretched thing (μοχθηρόν) to some of my associates I will run the risk of taking some bad from them, so that I do so much bad willingly as you assert?" (25d8-e4, emphasis added)

Having claimed that Meletus does not care about the education of the young by showing his ignorance of important facts regarding such education, Socrates moves on to the impiety charge (26a8-b6). In Chapter 3, we have seen that Socrates' argument is so dodgy that it is hardly a direct refutation of the impiety charge, especially concerning the gods of the city. Based on our previous analysis, we are now going to examine what Socrates achieves through this sort of argument, which seems to be intentionally defective as a proof of his innocence. More specifically, will Socrates, as when he deals with the corruption charge, reveal Meletus' ignorance and thus elevate his own reputation as a wise man? As we noted, Socrates links the impiety charge to the corruption charge. Actually, by asking Meletus how Socrates corrupts the young, and by preparing the answer that he does so by teaching them not to believe in the gods, Socrates thus builds the causal relationship between the two charges (26b2-6). Therefore, one may assume that Socrates connects the impiety charge with the problem of wisdom as he connects the corruption charge with the problem of wisdom. It is then possible that Socrates maintains the same purpose in the discussion of the impiety charge as in the discussion of the corruption charge: he refutes Meletus by focusing on wisdom.

However, one may wonder how Socrates can relate his interrogation on the impiety charge to the topic of wisdom. On the one hand, it was easy to recognize that the refutation of the corruption charge was an example of the examination of wisdom or knowledge, because in refuting that corruption charge Socrates connected Meletus' lack of care with knowledge: Meletus lacks care because he does not know about the education of the young. On the other hand, as for the impiety charge Socrates tries to

prove that Meletus is jesting about a serious matter, which is not necessarily related to knowledge or wisdom. Is it possible to say that Meletus is jesting because he does not know about divine things? It then seems difficult to show Meletus' ignorance and to demonstrate Socrates' wisdom only by proving that he is jesting, since the connection between jesting and knowledge is unclear. Is the refutation of the impiety charge not an example of the examination of people's wisdom?⁷²

Fortunately, it immediately becomes manifest that this sort of concern is groundless. Socrates does take the issue of jesting as an issue of wisdom. Proving that Meletus is jesting is equal to proving that Meletus is ignorant and Socrates is wise. How is this claim possible?

Drawing from Meletus the opinion that Socrates is an atheist and unjust because he teaches others to become like him, Socrates points out the contradiction between Meletus' opinion and the actual indictment brought by Meletus; Meletus says that Socrates is godless, but the indictment says that he believes in the daimonic things.⁷³ In this sense, according to Socrates, Meletus is jesting. Hence Socrates interprets Meletus' attitude as a challenge to Socrates as a wise man. Socrates asserts that Meletus makes a trial of Socrates by saying a riddle like the following: "Will Socrates, *the wise man*, recognize that I'm jesting and contradicting myself, or will I deceive him and the rest of the

⁷² The indictment implies that Meletus has some knowledge of the gods, for someone without knowledge of divine things cannot accuse the other of impiety. Refutation of Meletus may mean that Socrates denies Meletus' possession of wisdom about divine things. As we will discuss, however, Socrates deals with the issue of wisdom in a different manner.

⁷³ As for the problem of this argument, see Chapter 3. To repeat briefly, Socrates does not quote the indictment literally. Meletus' answer (atheism) does not necessarily contradict the original one, which does not necessarily presuppose that Socrates believes in the daimonic things he introduced. It is also possible that Socrates believes in some gods, but they are not real gods of the city for Meletus. In this sense, Socrates is an atheist according to Meletus.

audience?” (27a1-4, emphasis added).⁷⁴ Socrates asserts that the trial of Socrates on the impiety charge brought by a good and city-loving man (24b4-5) is transformed into the trial of Socratic wisdom brought by a hubristic, unrestrained, and rash man (26e7-9).⁷⁵ Therefore, by recognizing Meletus’ apparent jesting and explaining well how ridiculous it is, Socrates can meet the standard of wisdom set by Meletus’ challenge. The trial becomes the challenge against a wise man in terms of his wisdom. The issue of whether or not Socrates is guilty in terms of the official indictment is not the main issue.

In what way, then, does Socrates point out Meletus’ contradiction, and on what points precisely does Socrates look wise? We are going to take a look at the issue briefly, but we should not forget that he predicts in particular that he will provoke the audience in this context (27a9-b2). If anger or noise is a reaction to Socrates’ superiority or his claim of it, his particular remark shows that he may try to give a stronger impression of his wisdom to the people by being intentionally provocative. The divine would be a very important topic about which to impress people with his wisdom.

In order to prove that Meletus is jesting by contradicting himself, first, based on Meletus’ answer, Socrates establishes that one must believe in (or acknowledge) the daimons if he believes in the daimonic things. Second, Socrates makes Meletus confirm that the daimons are the gods or children of the gods; either way, one who believes in the daimons must believe in the gods. Therefore, according to Meletus, once one believes in the daimonic things, as the indictment says that Socrates does (24b9-c1), he automatically

⁷⁴ In the *Euthyphro* Socrates says that Meletus accused him because of Socrates’ ignorance (2c5-8). It is rather ordinary people who believe that he is wise (3c7-d2). According to Socrates’ interpretation, it is possible that Meletus challenges Socrates because Meletus does not trust in the rumor of Socrates.

⁷⁵ The expressions of “teaching,” “learn,” or “know” used by Socrates in this context may provide a basis for the topic of wisdom or knowledge.

believes in the existence of the gods. Thus Meletus contradicts the indictment brought by him, since it is impossible for someone to be an atheist and to believe in the daimonic things at the same time.

This proof is amazing because Socrates establishes his piety by making use of only the accuser and the indictment without revealing his own opinion or referring to the names of the gods. Yet it is insufficient as a proof of his innocence; he needs to establish pious belief specifically in the gods of the city. However, through this argument Socrates can show that Meletus is jesting and contradicting himself. Socrates is then wise enough to beat Meletus on this challenge concerning wisdom, and as a result he probably appears to be wise on the issue they are talking about, i.e., about the daimonic things, the daimon, and even the gods.

In the concluding remark of the interrogation concerning the corruption and impiety charges, Socrates, returning to the first accusers, says that the slander and envy of the many would convict him, if he should be convicted (28a6-8). He almost admits that the refutation of Meletus does not affect the result of the trial. One may wonder how important this section concerning the later accusers is. If securing acquittal is the only criterion for judging his success at the trial, this section and even the defense against the first accusers are failures. But we already have another criterion, namely the promotion of Socrates' image as a wise man. In this respect, it is interesting to see that Socrates mentions the slander and envy of the many here again. Do they have the same meaning as when he previously mentioned them (cf. 18d2-4)? In the last section we noted that through the story of the Delphic oracle the slander and envy are no longer about natural

philosophy and rhetoric; rather, they become about Socrates' wisdom concerning human virtue. Also, in this section, we have argued that, through refuting Meletus, Socrates provocatively impresses the audience as having a certain kind of wisdom or as being superior in the education to virtue and piety toward the gods, even though he actually does not have knowledge of human virtue. By refuting Meletus, Socrates proves that he is a wise man. The interrogation is the practical testimony of his wisdom that is asserted in the last section. After providing this testimony, the slander and envy have different connotations than before: his method of interrogation overwrites the original slander and envy with his new image as a wise man about virtue. In this sense, like Xenophon's Socrates in his *Apology* (32), Plato's Socrates makes people envious of his wisdom. He would be convicted, not because he is guilty of the charge, but because he is a wise man, and thus he successfully shifts the reason for his conviction. This achievement would enable him to regard this interrogation as sufficient while being aware of its insufficiency for securing his acquittal.⁷⁶ His achievement is not in the proof of his innocence, but rather in making people so envious of his wisdom that they would convict him angrily, if they should convict him. Therefore, it is not unreasonable that Socrates seems to include himself among many other good men who were convicted, if "good" is related to wisdom or superiority. But we have to note that while Meletus is "a good man" and "a lover of the city," Socrates is only a good man. Socrates omits love of the city or good citizenship, which he does not claim in this section. We conclude, then, that Socrates appears to be wise or good, but might not be a good citizen in the sense that he loves the city or does

⁷⁶ This argument also can be applied to the defense against the first accusers. See 24b3-4.

not break its laws. This is both his achievement and limitation in this section.

Digression (28b-34b)⁷⁷

Before starting the substantive defense, Socrates stated that there were two kinds of accusations against him (the first and the later), and he indicated that he was going to deal with each of them (18a7-b1, 18d7-e4). Now he has completed the tasks indicated, claiming at the end of each defense that it is sufficient (24b3-4, 282-4), even though there is still doubt whether he really could establish or even intended to establish his innocence completely. If the most important task for a defendant at trial is to defend himself against the indictment, it seems that Socrates has nothing important to say. Therefore, it is surprising to see not only that Socrates continues his speech, but also that he has finished only a little more than half of the first speech (17a-38b). After the two indictments, unofficial and official, what important thing is there left for Socrates to say? As we discussed, Socrates has demonstrated his apparent wisdom or clarified the meaning of his wisdom through refuting the accusations. Is he going to add something to these previous issues by spending such a long a time, i.e., longer than his defenses against the two accusations, or is he going to introduce a new topic which is not predicted in advance and less related to the accusations?

We will argue that, in this section, Socrates' purpose is to show his nobility in

⁷⁷ According to de Strycker, "[i]n ancient rhetorical literature, the part of forensic speech which follows the refutation and precedes the peroration is called digression." De Strycker [1994], p. 127. Usually, in a digression the topic is something related to the previous argument. But it cannot be applied to Plato's *Apology* since "[t]he general content of the Digression is quite new." De Strycker [1994], p. 128. Therefore, this section is called a digression for convenience because of place. The title of the section does not mean that it is less important in terms of the purpose of Socrates' speech.

addition to the great image that he created in the previous sections. Through his speech, he becomes a selfless benefactor of the city who, contributing his life to philosophy as commanded by the god, never fears death. The point of this section is that Socrates impressively demonstrates his nobility so that he appears to be a heroic philosopher from the perspective of ordinary people. At the same time, by referring to the daimonion, he indicates the private goodness of his philosophy. This inconspicuous indication clarifies the fact that Socrates exaggerates his nobility when he explains his selfless contribution to the city. The analysis of this section shows that, when Socrates presents his philosophy in public, he puts a considerable emphasis on his public utility.

To start off the new section, Socrates brings up a possible retort from someone again (cf. 20c4-d1). “Someone” might say, “Then are you not ashamed, Socrates, of engaging in the sort of pursuit from which you run the risk of dying now?” (28b3-5).⁷⁸ Previously, the retort in the section of the refutation against the first accusers presupposed that Socrates’ defense had been successful, and, making use of it, Socrates arbitrarily developed the discussion toward his favorable direction: the story of the Delphic oracle (20c4-21a8). Here, the retort tacitly presupposes that Socrates has successfully refuted Meletus and the later accusers,⁷⁹ and at the same time introduces a new issue, shame, which has not been discussed substantially.⁸⁰ The “someone” seems to admit that Socrates is persuasive concerning his innocence and probably concerning his claim of

⁷⁸ Previously, he brought up “some of you” as the man who would retort (20c4), but now he says only “someone” (28b3). “Someone” may not represent the opinion of the jury or the audience. The new topic introduced here would not be something which they reasonably expect to arise at the trial.

⁷⁹ Bruell [1999], p. 149.

⁸⁰ Shame was mentioned at the very beginning of the speech, when Socrates described the official accusers as shameless (17b1-5). But he did not apply this concept to himself. Also, there he did not develop this issue into the opposite idea, nobility. See the next paragraph.

wisdom accompanying the claim of innocence, but it is not sufficient for him. Considering the fact that the “someone” is introduced by Socrates himself, we can say that he is going to discuss something more than justice (or innocence) and wisdom.⁸¹

Furthermore, Socrates’ reply to the retort tells us that the new issue is not only shame as such but also its opposite: nobility (καλός). He says:

you are speaking not nobly (καλῶς), human (ὁ ἄνθρωπε), if you suppose that a man (ἄνδρα) who is even of a little use must take into account the danger of living or dying, but not consider only this when he acts (πράττει): whether he practices just things or unjust things, and deeds of a good man or a bad man (28b5-9).

Here, being just and good seems to be a condition for being noble. By replying to the retort brought up by himself, Socrates then tries to establish his nobility. No wonder that the retort now is harsher and more reproachful than the previous one, and that Socrates’ reply is a sort of counter-attack and “just.”⁸² By confidently facing up to the wrong and ignoble statement, Socrates can positively establish his nobility in the appropriate way for a noble man. Therefore, the retort is a device Socrates uses to promote his nobility. The discussion is no longer about the indictment or his innocence. One must conclude, then, that his previous discussion concerning his innocence or image as a wise man is not sufficient for his overarching purpose. We remember that his indictment and even his name of being wise come from the slander and hatred against him. By establishing his nobility, Socrates seems to overcome this negativity which necessarily accompanies him

⁸¹ Cf. Bruell [1999], p. 149.

⁸² Previously, the man who would retort only asked a question to Socrates. The question was called just. Now the “someone” presupposes that Socrates should be ashamed.

when he talks about his justice and wisdom. In what way, then, does he establish his nobility, and in what sense is he noble? Indeed, what does it mean to be noble?

To illustrate that the retort is wrong, Socrates refers to the half-gods (ἡμίθεοι) or heroes who died at Troy.⁸³ If, as the “someone” says, it is shameful to engage in an activity which involves a risk of dying, they would be paltry (φαῦροι). Using Achilles, the greatest and most famous hero among the Greeks, to refute this view, Socrates roughly quotes the *Iliad* without mentioning his name. According to Socrates, when Achilles’ mother, the goddess Thetis, told him that he will die immediately after killing Hector as revenge for the murder of his comrade Patroclus, Achilles, disregarding death and danger, said that he will die soon after he imposes justice on the doer of injustice, so that he does not stay there, ridiculous, beside the curved ships. Clearly, Socrates’ strategy is that, by likening himself to the greatest and most well-known Greek hero, and by embellishing his speech with a dramatic story, he elevates his own nobility. He is trying to praise himself as a noble man according to the common opinion or along the common image of the noble hero.⁸⁴

However, referring to the story of Achilles is not enough, since Socrates is not exactly the same as Achilles. Obviously, Socrates is not a beautiful young warrior avenging his close companion who is killed by the enemy. Accordingly, while referring to Achilles, Socrates changes the portrait of Achilles and shifts the meaning of nobility; he rather

⁸³ The topic of heroes or more generally nobility was probably prepared at the end of the last section, when Socrates abruptly mentioned “heroes” (28a1).

⁸⁴ Aristotle advises that one should consider what sort of thing people praise when one makes a speech praising something. *Rhetoric* 1367b7-12. Also, according to Colaiaco, shame is a public matter depending on what people say or what they praise and blame. Colaiaco [2001], pp. 93-94. As for the connection between public opinion and shame, see *Crito* 44b6-c5. Socrates cannot disregard public opinion, at least at first, when praising himself in terms of shame and nobility.

compares Achilles and Achilles' nobility to his own. First, Socrates consciously misquotes the *Iliad*.⁸⁵ As Thomas West observes acutely, in the *Iliad*, Thetis does not describe the death of Patroclus as "murder," and Achilles does not so much justly punish Hector as an unjust man as exact private revenge in grief or anger.⁸⁶ Although Achilles is still a military hero, in Socrates' speech he becomes more legal or civilized. The model for Socrates wears the garb of legal justice and becomes an innocuous figure for the community. It seems that even though nobility is something more than justice, it should not be or appear to be against justice here.

Second, according to Socrates, the truth is that "wherever someone stations himself, holding that it is best, or where he is stationed by a ruler, there he must run risks while staying put, and not take into account death or anything else compared to the shameful" (28d6-10).⁸⁷ This is the principle Socrates shares with Achilles. Based on this principle, Socrates stayed at the place where the ruler stationed him and ran the risk of death in wars (at Potidaea, Amphipolis, and Delium). He did not flee the station he was ordered to occupy by human commanders, much less disobey the order of the god that he philosophize⁸⁸ and examine himself and others, because he feared death or something else. Keeping the principle that one should not fear death shamefully, Socrates gradually leaves the examples of the heroes and ends up reaching philosophy: the focus has shifted

⁸⁵ Socrates begins the quotation by saying that "his mother spoke to him . . . *something like this, as I suppose*" (28c4-5, emphasis added).

⁸⁶ West [1984], pp. 59-60, 155-156.

⁸⁷ In the *Laches*, Laches, a general, defines courage in a similar way, but Socrates points out that this definition is insufficient. *Laches* 190e-191e. In the *Apology*, Socrates here makes his argument on the level of the authoritative opinion that is not necessarily wrong but not logically well established.

⁸⁸ In the context of the promotion of his nobility, Socrates mentions philosophy positively. When he mentioned "philosophers" last time, they were the object of the common slander of the people (23d2-7). The image of philosopher is changing in the course of the argument in the *Apology*.

from great warriors who died in the great war, to a more civilized version of Achilles, to Socrates' own example at war,⁸⁹ and then to his philosophy. Socrates replaces Achilles and his activity with himself and his peculiar activity. This is perhaps a reason why Socrates refers to Achilles, but mentions neither his name nor his peculiar virtue, courage.⁹⁰

Socrates elaborates why it would be terrible to leave the place where he has been stationed by the god and, in that case, it would be just to bring him to court. According to Socrates, to leave his station means that he does not believe in the god, since he would be disobeying the order of the oracle, and, against the god's word, he would be supposing that he is wise when he is not. For Socrates, to fear death is to suppose to know what one does not know. No one knows death, and it is possible that death is the greatest good for a human being; fearing death should be reproached as ignorance. Socrates' fearlessness concerning death is then based on his view of knowledge. Specifically, he does not courageously face and overcome the worst thing, death, for the great cause involved in battle. Instead, he does not fear death because the nature of death is altogether uncertain to human beings, whose knowledge is essentially limited. His philosophical activity prompted by the oracle, which makes Socrates realize the human limitation of knowledge, becomes the basis of his nobility. Not fighting but philosophizing makes a man noble.

⁸⁹ The example of war can show Socrates' nobility, but nobility at war is not so distinguished; Socrates regards this nobility is something common to other people.

⁹⁰ Socrates also does not mention the name of the god, Apollo. Burnyeat [2005], p. 153. Does he replace the authority of the god with himself? At least, in this context it is very ambiguous whether the god stationed him or he stationed himself. He says that "when the god stationed me, as I supposed and assumed" (28e4-5). Therefore, it is ambiguous whether he engages in philosophy because he thinks it is good or because the god commands Socrates to do it. Even if the latter is the case, a question still arises: does the god order philosophy because it is good, or is philosophy good because the god orders it? Cf. *Euthyphro* 10a2-3.

Since his awareness of ignorance was said to be his superiority to many other people in the story of the Delphic oracle (23b2-4), it is not surprising to see that Socrates again claims this superiority in the present context. He does not know about the things in Hades, so he does not suppose that he knows them. In this respect, he is wiser than the people who suppose that death is something bad. Since nobility is based on the fearlessness of death, this awareness of ignorance that makes him fearless is a basis of his nobility: he is noble because he consciously does not know about death. He then comes close to saying that he is noblest, or nobler than many people, including the heroes in Homer, because of the awareness of his ignorance. As Homer depicts them, the heroes believe they know what would happen to them after they die and go to Hades.⁹¹ Socrates uses the famous story of the heroes to introduce the issue of nobility and to catch people's attention, but after giving an impression that he is similar to them and illustrating the meaning of his philosophical nobility, he tacitly denies the story about them in Homer's works. For his works presuppose some knowledge of the afterlife, about which Socrates is uncertain. As a result, only Socrates as a philosopher with human wisdom seems to be noble.

One may point out here that although Socrates looks noblest because he does not fear death, his fearlessness is not absolute. The claim of his nobility must be mitigated. Actually Socrates says, "Compared to [or before] the bad things which I know are bad [doing injustice and disobeying one's better], I will neither fear nor flee the things which I do not know whether they even happen to be good" (29b7-9). His fearlessness comes from the comparison between bad aspects of life and the uncertainty of death: death is

⁹¹ See *Odyssey* 11 and 24.

better than the bad things in this life. We then do not know clearly whether Socrates accepts death in exchange for the good of his life. Is death better than the good things in this life? To illustrate this point, it would be helpful to pay attention to the fact that he omits the possibility of death being the greatest evil.⁹² If death were the greatest evil, and if he enjoys the good of this life, does he fear death or avoid it just in case? It leaves open whether he would avoid death for some reason. His fearlessness, or the basis of his nobility, is not well established. However, it is also true that in this context he never appears to regard life as most important, which probably would look cowardly or ignoble. This limited picture of death, focusing only on the possibility that it is good, makes him appear to be a man who endures death easily. The possibility he omits here, that death is something evil, indicates that even if his nobility is not perfect or is questionable, he wants to appear to be the noblest human being. His theory of death is incomplete, probably in order to make himself look nobler.

Having demonstrated that he is noble as a philosopher, in order to illustrate his nobility or to impress the audience deeply, Socrates now imagines a hypothetical situation, in which philosophizing as such immediately means death. The hypothetical situation is the following. Anytus claims that if Socrates is acquitted, the young would be corrupted by following Socrates' teaching. But the jury decides to release Socrates on the condition that he should no longer engage in investigation and philosophizing. The condition also prescribes that if Socrates is caught doing these things, he would be killed. At first glance, this hypothetical situation looks strange. On the one hand, if the jury

⁹² Cf. Zuckert [1984], pp. 291-292.

believes Anytus, who claims that the Socratic activity is dangerous, they should not release Socrates but punish him right now, because he has engaged in this dangerous activity for a long time. On the other hand, if the jury, not following Anytus, thinks that Socrates is neither unjust nor dangerous, they should release Socrates without condition. In the hypothetical situation, the jury seems to judge that Socrates' previous activity does not deserve punishment because they would release him; but they also judge that Socrates' future philosophical action, even if performed only once, would deserve death. For the jury, Socrates' past action is not so harmful, but his future action is quite harmful. They may think that Socrates is somewhat harmful, but even in this case the condition that prescribes the death penalty is too harsh. Therefore, it is not clear whether their apparent ambivalence is favorable to Anytus or Socrates, since, for the jury, Socrates deserves both acquittal and the death penalty.⁹³ Be that as it may, it is more important for Socrates to create a situation in which he runs the risk of dying solely because of the philosophy, whose nobility he is now promoting. The strange situation does not describe a possible future for Socrates, but offers a glorious stage for him as a noble man. Here, in philosophizing, Socrates is simply and clearly confronted with death. Needless to say, in this extreme situation, choosing philosophy makes one look noble.

Taking advantage of this hypothetical argument introduced by himself, Socrates grandly declares:

⁹³ This hypothetical verdict may not be as strange as it looks. Brickhouse & Smith [1989], pp. 143-147. But it is helpful to see their argument that this verdict is legally impossible in Athens. It follows that Socrates wants to sketch this artificial situation, which is logically strange or at least legally impossible, in order to promote his nobility.

Men of Athens, I welcome and love you, but I will obey the god rather than you, and as long as I breathe and am able to, I will certainly not stop philosophizing, and exhorting you and demonstrating to whomever of you I always happen to meet, saying the sorts of things I am accustomed to: best of men, being an Athenian, from the city that is the greatest and most renowned for wisdom and strength, are you not ashamed that you care how money will belong to you as much as possible, and reputation (δόξῆσ) and honor (τιμῆς), but that you neither care for nor think about prudence, truth, and the soul, and how the soul will be the best possible (29d1-e3)?

Although he was not, is not, and will not be placed in this sort of hard situation, by this hypothetical confrontation Socrates becomes more vividly noble. In this way he gives the impression that even if he is condemned to death at this trial, he will die nobly for the cause of philosophy. Socrates' self-dramatization makes the actual indictment and the slander less apparent. He would die not because he is guilty, but because he is a noble philosopher.

This part of the *Apology* may be the peak of Socrates' description of himself as a philosopher. Certainly, Socrates very movingly establishes the image of himself as a great figure pursuing philosophy in spite of the threat of death. He also seems to reveal the true picture of his philosophy: as a philosopher he is against the things people usually cherish, such as money, reputation, and honor, and instead he exhorts others to virtue and the care of the soul. Remembering that this section about his nobility begins with the story of heroes in Homer and the nobility they pursue on the battlefield, we realize that Socrates reaches a point very far from them. The non-military concept of virtue and the importance of the soul here seem to be the essence of Socratic philosophy. This picture of

philosophy provides the basis of his nobility.⁹⁴ At first glance, Socrates may even appear to be a high-minded and lofty philosopher who alienates himself from what is popular.

However, even though he looks very noble and lofty, this does not mean that he is unconcerned with the city like an outsider, or that he is directly against the city as such.⁹⁵ As Strauss points out, Socrates “does not say that he would obey his own judgment rather than the laws.”⁹⁶ He only chooses the command of the gods rather than the hypothetical verdict of the erroneous jury. We already know that the god or piety is an important basis of justice in the city—this is clear from the fact that Socrates is accused of impiety. His options are not “his independent judgment or the city,” but rather “the god or the city,” both of which are common bases of justice for the people. Socrates then never gives up the image, which he makes great effort to create, of his philosophical activity as being backed up by the authority of the god in whom the city believes. Socrates is so careful in this respect that he never opposes the city as such directly or denies its *nomos*; he does not forget to show his affection for the audience before choosing the god (29d2-3). In short, Socrates is not a lofty philosopher who simply denies all the opinions of the people in the city. Instead, he reproaches only the ignoble or shameful habits of the people. He is still on the level of the city or even looks like a good citizen who cares for the

⁹⁴ According to Burnet, “Socrates appears to be the first Greek to speak of the human soul as the seat of knowledge and ignorance, goodness and badness.” Burnet [1977], p. 203. Also, Colaiaco says, “With this reorientation in Greek thought, from the external world of science to the inner world of the soul, Socrates accomplished a revolution.” Colaiaco [2001], p. 139.

⁹⁵ For Colaiaco, this section shows the tragic collision between philosophy (individual) and the city (politics) in the Hegelian sense of the term. In this collision, both sides are right, but it is irreconcilable. Indeed, Socrates contributes to the city, but his teaching focuses on the individual soul which is not compatible with the morality of politics. Colaiaco [2001], pp. 139-147. However, Socrates seems to be more moderate in terms of the morality of the city. See the discussion of the following paragraphs.

⁹⁶ Strauss [1983a], p. 45.

improvement of the city.

Therefore, since Socrates reproaches the bad habits of the city and thus looks like a good citizen in terms of morality, it would be understandable that Socrates develops his contribution to the city in this context. Here Socratic philosophy becomes beneficial to the city. Previously, the Socratic activity basically consisted of refuting the people who are reputed as wise (23b4-7); through examination Socrates shows them that they actually do not have knowledge about the greatest things. From this activity, Socrates realizes the limitation of human wisdom and his superiority due to his awareness of his own ignorance.⁹⁷ Now, however, his philosophy entails that he always says to everyone the same things about prudence, truth, and the soul. Although he is still refuting the people who claim that they care for virtue, the core of his philosophical activity now seems to become the exhortation to virtue, rather than refutations (29d2-30b4).⁹⁸ Based on this new interpretation or presentation of his philosophy, Socrates amazingly “supposes” that his philosophical activity, which was ordered by the god and was originally a cause of slander and hatred, is the greatest good for the city.⁹⁹

In this context his teaching is philosophical to the extent that he is acceptable and admirable to the ordinary people. Indeed, Socrates reproaches the things people cherish

⁹⁷ More precisely, Socrates' explanation of his activity prompted by the oracle changes in the course of the argument as following. At first, he examines people to find someone who is wiser than he; the original purpose is to refute the oracle. Second, to serve the god, he refutes people to make them realize that they do not have knowledge even though they suppose they do. Now, according to Reeve, Socrates is talking about his “third stage” of his activity. Reeve [1989], pp. 121-122.

⁹⁸ Reeve [1989], p. 122; Leibowitz [2010], pp. 142-144.

⁹⁹ This benefit is not limited to the Athenians. Socrates also speaks to foreigners. He seems to claim that he is more beneficial to Athenians, because they are closer to him in kin. Is he more beneficial to them because nationality is important for him or only because he happens to be closer to them? At least, his teaching and its benefit are universal. It makes a good contrast with Meletus who says that the laws (the Athenian laws) make the young better.

and tries to exhort others to a virtue that sounds philosophical. But he also offers a mitigated version of his teaching, to the effect that they should not care for their bodies and money before, nor as vehemently as, how their soul will be the best possible, since “not from money does virtue come, but from virtue comes money and all of the other good things for human beings both in private and in public.”¹⁰⁰ Socrates does not here deny the importance of money and material things.¹⁰¹ They are even good for a virtuous man. Socrates then reproaches the people’s ordinary practice and replaces it with his philosophical teaching about virtue in terms of the city’s language or within its horizon. Because Socrates opposes the bad practices of the city and proposes his philosophy as their negation, Socratic philosophy would look noble especially from the city’s point of view. The nobility of his philosophy is understandable and accessible to everyone.

Here, as some scholars maintain, one may say that Socrates does not manipulate the appearance of his philosophy, since exhorting to virtue and making fellow citizens more philosophical are the core of Socratic philosophy.¹⁰² It is very difficult to deny that these

¹⁰⁰ West [1979], p. 172. Burnyeat argues that 30b2-4 does not mean “virtue makes you rich,” but “virtue makes money and everything else good for you.” Burnyeat [2003], p. 1. I accept that his interpretation matches the philosophical view of Plato or Socrates concerning money or material goods, and that it is philologically possible. However, although Burnyeat inquires into the philosophical and philological meaning of the text deeply, he disregards how Socrates’ statement sounds to the audience. Is it possible that to them his statement sounds like this: “Virtue does not come from money, but from virtue money and all other good things come to human beings in both private and public life” (Burnyeat [2003], p. 1)? In this case, they would believe that philosophy is good because it is profitable. The point is that when Socrates vindicates virtue or philosophy, he is still talking about money. In the context in which Socrates demonstrates utility or nobility of his philosophy to the ordinary people or non-philosophers, he does not or cannot say that virtue is good because it will make even “*lack of money and everything else that happens in your life or after death, good rather than bad for you*” (Burnyeat [2003], p. 4). Socrates seems to choose the example in order to appeal to their common view of money. Even if they misunderstand Socrates, he still looks useful for them.

¹⁰¹ Leibowitz [2010], pp. 175-176.

¹⁰² Brickhouse & Smith [1989], p. 45. According to them, “The heart of his defense is that, far from being impious, he has spent his life in pursuing the expressed will of the god, speaking virtue, and

are the effects of his philosophy in the people, for he normally has conversations with or before the people about human virtue. But we should note that Socrates' arguments that show his contribution to the city depend on omission and exaggeration: by omitting the impossibility of acquiring the knowledge of virtue, Socrates exaggerates the utility of his philosophical teaching to the people. Socrates neither knows who the educator of virtue is, nor has knowledge of virtue, and he is sure that the wisest man is the one who is aware of his ignorance. But here, he is exhorting others to virtue as if it is possible for everyone to acquire virtue as the condition for the good life.¹⁰³ Therefore, when he says that “not from money does virtue come, but from virtue comes money and all of the other good things for human beings both privately and publicly” (30b2-4), one cannot take it as the full account of his understanding of virtue. In order to complete it, one must add some extra phrase like “but we do not know what virtue is or how to acquire it.” Due to this omission and exaggeration, Socratic philosophy becomes less radical (being virtuous appears easier) and less limited (everyone becomes the object of his exhortation).¹⁰⁴ And

encouraging others to do the same.” See Reeve [1989], pp. 121-124. Reeve says, “What Socrates would not abandon at any cost is *third-stage* examining—the stage in which, confident now of the command Apollo had sent him through Delphi, he took up his ‘service to the god’ (23c1) and extended his elenctic examination to ‘anyone, citizen or stranger’ (23b5-6; 30a2-4, 30a8), with the aim of getting them to care for virtue more than for anything else and releasing them from the hubris of the ‘most blameworthy ignorance’” (p. 121). Also see, Colaiaco [2001], pp. 135-150. Colaiaco says, “[Socrates] was prepared to sacrifice everything the Athenians found valuable—material wealth, power, family, even life itself—engaging in a philosophic mission designed to induce his fellow citizens to pursue virtue and the welfare of their souls” (p. 150).

¹⁰³ Leibowitz [2010], pp. 142-143.

¹⁰⁴ This discussion does not mean that Socrates presents a new concept of philosophy here. Actually, he does not suppose here that he has knowledge of virtue or can teach it. He only exhorts everyone to care for virtue. (But does caring not require knowledge? 24d4.) However, as Leibowitz says, at the same time it is true that “[i]n the Delphic oracle story he comes across as a debunker of morality; here he comes across as a *super-moralist*” without saying any more that “no one knows what virtue is.” Leibowitz [2010], p. 142. Socrates does not introduce a totally different concept of his philosophy, but he only changes the appearance of it. This is the reason why it is appropriate to describe his way of presentation of philosophy as “exaggeration” and “omission.”

thanks to it, Socrates appears nobler and beneficial to the ordinary people.

In this context, Socrates in passing denies the corruption charge again. He says that if he corrupts the young by saying these things (the exhortation to virtue), these things would be harmful (30b5-6).¹⁰⁵ Socrates does not deny straightforwardly that his activity is harmful; rather, he only makes us assume that his activity is not harmful by putting this denial into the context, which he dramatically emphasizes, of his utility to the city. Does this argument establish his innocence well? Or do his rhetorical devices that make him a selfless benefactor enable him to pretend to be innocent? His casual denial of the corruption charge does not dispel our suspicion completely. However, even if his denial of corruption is suspicious, and even if this denial depends on a rhetorical device, the direction of his speech is clear; he becomes heroically noble again when he says now that he would not do anything other than philosophy even if he were to die many times as a result. The audience answers Socrates' statement on his nobility by making noise

¹⁰⁵ For West, this statement suggests the possibility of the corruption. West [1979], p. 172; cf. Colaiaco [2001], p. 145. Reeve criticizes this sort of argument. Reeve [1989], pp. 123-124. It seems that Reeve does not distinguish the good citizen from the good man, which enables him to regard Socratic philosophy as the greatest good for the city without any reservation. This distinction is very important for West and Colaiaco. Reeve seems to notice this problem when he cites Plato's *Republic*. The passage he cites is the following: "We hold from childhood certain convictions about what is just and fine, we grow up with them as with our parents; we follow them and honour them. . . . However, there are other ways of living opposite to those, which give pleasure, which pander to the psyche and attract it to themselves, but which do not convince decent men who continue to honour and follow the ways of their fathers. . . . And, then, I said, a questioner comes along and asks a man of this kind, "What is the fine?" And when he answers what he has heard from the traditional lawgiver, the argument refutes him and by refuting him often and in many places shakes his conviction and makes him believe that these things are no more fine than shameful, and the same with just and good things and the things he honoured most. What do you think his attitude will be then to honouring and following his earlier convictions? —Of necessity, he [Glaucón] said, he will not honour and follow them in the same way. —Then, I said, when he no longer honours and follows those convictions and cannot discover the true ones, will he be likely to adopt any other way of life than that which panders to his desires? . . . And so from being a man of conviction he becomes lawless and unprincipled" (*Republic* 538c6-539a3, translated by Reeve). However, Reeve does not develop this issue.

(30c2-3). This is not necessarily a disadvantage for Socrates, if they make noise because they believe that Socrates is noble and are envious of him, or if they start paying attention to the greatness of philosophy rather than to the official indictment.¹⁰⁶

Next, Socrates elaborates further the benefits of his philosophy to the people. According to Socrates, even though they will make noise again, it is helpful for them to listen to him (30c4-5). But why is doing so helpful? For Socrates, it is not harmful to be killed because it is impossible for the better to be harmed by the worse; but for the people it is harmful to kill Socrates unjustly. Therefore, Socrates makes a speech, not for avoiding a supposedly harmful punishment, but for preventing them from doing wrong against the gift of the god. Socrates thus asserts that he is doing good things selflessly for the people, even at his trial. Moreover, Socrates asserts that killing him is harmful for them because he is so precious that it will be very difficult to find his replacement.¹⁰⁷ To use a “more ridiculous” example, he is like a gadfly set upon a well-born horse by the god. Due to its size, the horse is so sluggish that it needs to be awakened by the gadfly. Socrates is very annoying but beneficial to the city. So, if he is removed by the condemnation, as he expects, that will be a great loss for the city.

Probably because this statement is very provocative and boastful, Socrates feels that he needs to provide evidence for the fact that he is a beneficial gadfly to the city:

¹⁰⁶ Cf. Xenophon, *Apology of Socrates to the Jury* 14.

¹⁰⁷ This is another example of his exaggeration. Later he admits that many young men will take over his activity and annoy the people after his death (39c3-d3). Reeve argues that this is not a contradiction because Socrates here says only that it is difficult to find someone like Socrates who is sent by the god; men who are not sent by the god could imitate what Socrates does. Reeve [1989], pp. 154-155. Reeve seems right, but we need more explanation. Why does Socrates speak here as if only he can contribute to the city as a philosopher? Aristotle says that “many kinds of exaggeration need to be useful, as in a case when someone has been the only one . . . to do something . . . since these are all beautiful [or noble] things.” *Rhetoric* 1368a10-13 (translated by Sachs); cf. 1367a26-29.

disregarding his own things and his familial concerns, he has devoted himself to each of the people privately, as a father or brother, persuading them to care for virtue. This selfless activity does not seem even human. Furthermore, if he receives something from this or takes money, it would be reasonable. But even his accusers do not assert that Socrates takes money. His poverty is then the greatest evidence for the fact that he is a selfless benefactor to the city.¹⁰⁸

As usual in his speech, Socrates “leaves a loophole” in the argument, which suggests that the ostensible meaning of the public speech is not the whole story.¹⁰⁹ First, the example of the gadfly would make his selflessness questionable.¹¹⁰ It is true that the gadfly stings the horse, and may awaken it. But it does not sting in order to wake the horse up. A gadfly is a parasite in the first place: it bites the horse for its own benefit, and as a necessary consequence gives pain to the horse. Does Socratic philosophy have a different, private, purpose than being beneficial to the city? In particular, does he gain benefit from his philosophical activity?¹¹¹ Second, he denies that he receives money, even though receiving money would make his activity more reasonable or human. But he does not deny that he “receives something.”¹¹² His argument at first mentions “something” and money, and then drops the former (31b5-c2). It is persuasive only for

¹⁰⁸ According to Aristotle, the noble or beautiful things are “those choices upon which someone acts not for his own sake, and things that are good simply, all the things someone does for his country in disregard of his own interest, and things like that are good by their nature and not good for oneself.” (*Rhetoric* 1366b36-1367a1, translated by Sachs).

¹⁰⁹ Leibowitz [2010], p. 146.

¹¹⁰ West [1979], pp. 177-178; Leibowitz [2010], p. 146.

¹¹¹ In some places Socrates indicates that to benefit himself is important. For example, he wants to learn from the poets through examination (22b5); death is not necessarily good, but life is good for him in some occasions because it is beneficial (31d6-e1; cf. 41c4-7).

¹¹² Leibowitz [2010], p. 146.

the people who reduce to money the benefit a man can receive from people as a reward. These loopholes may suggest a deeper image of the Socratic activity, but at the same time they suggest what he wants to emphasize here in the context, which becomes manifest when we see how he looks now.¹¹³ At first, Socrates was a suspicious wise man who was an object of slander and hatred. Now, Socrates becomes the noblest philosopher, having been a selfless benefactor to the city sent by the god, who heroically disregards the danger of death for the sake of this philosophical activity, i.e., the exhortation of everyone to virtue. It may be true that it is helpful to listen to Socrates. But while making a helpful speech, he is boastfully elevating himself and his philosophy. No wonder he expected that the audience would make noise.

However, Socrates immediately admits that this august picture of his philosophical activity does not fit his actual activity well. The fact that his philosophy is the greatest benefit to the city does not explain why his activity is strictly private. Why does a man of the greatest nobility and beneficence not contribute to the city through political activity or exhort his fellow citizens to virtue at the assembly, when he could be more influential? Previously he offered a reason why he could not engage in politics: he said that he had no leisure to do the things of the city and family because he, serving the god, refuted the men who were supposed to be wise (23b7-10). But now this sort of explanation is insufficient, since he has already transformed his philosophy from involving the mere refutation of people (or making them realize that they are ignorant) into a selfless contribution to the city by exhorting everyone to virtue.¹¹⁴ In other words, he has so

¹¹³ Cf. Aristotle, *Rhetoric* 1367a33-1367b7.

¹¹⁴ Strauss [1983a], p. 45.

emphasized the benefit of his philosophy to the city here that it becomes impossible for him to explain in the previous way his exclusively private activity. The story of the Delphic oracle is no longer sufficient to depict the whole picture of Socrates' philosophical activity, which is essentially private. Socrates then gives himself a chance to provide a new explanation about this limitation. Unlike the story of the Delphic oracle and the promotion of his nobility based on it, this explanation is not urged by the hypothetical objection or question of others (compare 20c4-d1 and 28b3-5 with 31c4-7).¹¹⁵ The defense of his private activity looks more spontaneous, without referring to the opinion of others or the testimony of the god of the city.¹¹⁶

In order to defend his private activity, Socrates now brings up “something divine and daimonic” (or the *daimonion*) which has come to him as a voice since childhood—it is a private divinity exclusively for Socrates. The *daimonion*, according to Socrates, only turns him away from what he is about to do, but never turns him forward. This *daimonion* opposes his involvement in politics. Although people are familiar with it and Meletus playfully mentions it in the indictment,¹¹⁷ this is the first time that Socrates has revealed his view of the *daimonion* in his defense speech.¹¹⁸ When Socrates mentioned the daimonic in the interrogation of Meletus, he dealt only with Meletus' opinion about it or

¹¹⁵ Socrates introduced the oracle story by the objection of “some of you.” Then, he introduced the story of his nobility by the objection of “someone,” which is more neutral. Now he does not refer to anyone to introduce his excuse for avoiding politics. Does he gradually guide us to access to his own opinion? See also the next note.

¹¹⁶ De Strycker argues that the beginning words of his explanation about politics grammatically indicate “a quotation or paraphrase of someone else’s words.” De Strycker [1994], p. 152. However, Socrates does not clearly cite someone’s objection. Also, it may not be even an objection. Cf. West [1979], p. 181; Bruell [1999], p. 151. Compare 28b3-5 with 31c4-7.

¹¹⁷ Meletus mentions the Socratic *daimonion* in the indictment, according to Socrates’ interpretation, but not in the interrogation. 31c7-d2.

¹¹⁸ Burnet [1977], pp. 207-208.

rather about the general theory concerning piety toward the gods and the daimonic things or matters. He never revealed his own opinion about his *daimonion* in particular with his own words (27d4-7). For Socrates, the *daimonion* must now be mentioned in order to revise the strong image of himself as a selfless public benefactor. By referring to the *daimonion*, he attempts to give a sufficient excuse for avoiding politics; his *daimonion* does not defend his innocence, but instead excuses his private activity.¹¹⁹ Why does the *daimonion* oppose politics, and what is the difference between the reasons based on the Delphic oracle and on the *daimonion*?

Yet Socrates does not provide the reason why the *daimonion* opposes political actions, but rather the reason why that opposition seems to him to be “altogether noble” (πανκάλως, 31d6). He indicates the divine support for his avoidance only once, and then replaces it with his own judgment about the appropriateness of the divine opposition (31c4-32a3).¹²⁰ At a minimum, the opposition of the *daimonion* is perfectly compatible with his own view of politics, which marks a difference between his attitude toward the oracle and toward the *daimonion*: at first, Socrates could not understand the meaning of the oracle, and tried to refute it (compare 21b3-c2 with 31c7-d6). Socrates regards its opposition to politics as appropriate; if he had engaged in it, he would have died long ago without benefiting the people and himself.¹²¹ The basis of this judgment is his more general view of politics:

¹¹⁹ Cf. Strauss [1983a], p. 46.

¹²⁰ Cf. Burnet [1977], p. 210; West [1979], p.183.

¹²¹ Socrates denies “his own things,” but admits some benefit to “himself.” Compare 31b1-2 with 31d8-e1. As for the difference between “his own things” and “himself,” see Bruell [1999], pp. 151, 154.

There is no human being who will be spared if he genuinely opposes either you or any other multitude and prevents many unjust and unlawful things from happening in the city, but it is necessary for someone who really fights for the just, if he intends to be spared even for a short time, to lead a private life, not a public life (31e-32a3).

Socrates, who has his own reasoning about politics, understands the validity of the signal offered by the *daimonion*.

Now, he admits that his activity is also beneficial to himself: if he had perished long ago, he could not have benefited himself (31d8-e1). It turns out that Socrates has been benefited not by receiving money, but by getting something else. Since the basis of his nobility is his selfless contribution to the city, it becomes questionable whether Socrates is entirely noble. Furthermore, in order to establish his nobility, he has emphasized that he does not fear death because he does not know about Hades. Here, he casually admits that it has been better for him to avoid death by not engaging in politics. Socrates judges that life is better than death at some stage of his life. (We confirm our previous analysis that Socrates' public demonstration of his nobility is not well established. We see exactly why he previously omitted the possibility that death is bad and life is good: in order to promote his nobility, he needed to omit it. When he promoted his nobility, he emphasized the possibility that death might be good; when he defends his private good, Socrates avoids death as if it is bad. Compare 29a6-b1 and 29b7-9 with 31d6-32a3; cf. 41b7-c7.) Unlike the Delphic oracle, which enables Socrates to emphasize his public contribution to the city, the *daimonion* excuses his concern with his private good in this life. More emphatically, the activity prompted by the oracle causes both the risk of death and

nobility in the city, but the *daimonion* protects his own life and benefit.¹²² The image of Socrates as the great philosopher is then revised or loosened by the excuse supplied by the *daimonion*. But this revision is very short and less conspicuous, since it comes only after his longer and more conspicuous demonstration of his nobility.

When he requests that the audience not make noise in this context, Socrates notices that his view of politics does not accord with common sense.¹²³ Accordingly, to make the new excuse for his private activity more persuasive, he provides “great proofs” (32a4). They will prove that Socrates does not yield to anyone contrary to the just due to fear of death, but instead he faces the risk of death due to not yielding. The examples of his defending his private good are chosen carefully; not speeches, but deeds that are more honorable in the eyes of the people. Now he has to defend his private activity, which is against the common view of a good citizen. To achieve this task, Socrates chooses the examples that match their sense of honor, namely great deeds in politics. His choice of the examples is very sophisticated.

The examples are two political actions or actions: one is in democracy, and the other is in oligarchy. First, Socrates once held the office of councilman. Just when the people wanted to judge the ten generals as a group who failed to pick up soldiers from a naval battle, his tribe, Antiochus, constituted the prytany.¹²⁴ This treatment of the generals

¹²² Cf. Strauss [1983a], p. 46; Bruell [1999], pp. 153-154.

¹²³ A good example of the common view concerning politics or what political attitude is praiseworthy for the people can be found Pericles’ funeral oration in Thucydides. He says, “Our public men have, besides politics, their private affairs to attend to, and our ordinary citizens, though occupied with the pursuits of industry, are still fair judges of public matters; for, unlike any other nation, we regard the citizen who takes no part in these duties not as unambitious but as useless, and we are able to judge proposals even if we cannot originate them” (2. 40. translated by Richard Crawley).

¹²⁴ The prytany is the commission that arranges the business for the council and assembly. Burnet [1977], p. 211; West & West [1998], p. 83.

seemed to be against the law to Socrates, and later even to the people themselves. At that time, only Socrates among the prytanes opposed them, even though the orators were ready to indict him and the people were shouting. He supposed that he should run a risk for the sake of the law and the just, disregarding the danger of imprisonment or death. Second, when the oligarchy was established, the Thirty summoned him with four other men and ordered them to arrest Leon from Salamis in order to kill him. At that time, only Socrates among the five did not obey the Thirty and simply went home instead. Socrates does not care about the danger of death, but about not committing unjust and impious deeds.¹²⁵

These examples, which show that Socrates never yields to injustice even though he thereby runs the risk of death, are the reason he avoids politics: he is too just. In order to prove that his or his *daimonion*'s judgment to avoid politics is appropriate, or in order to defend his decision to pursue his own good and hence to protect his life, Socrates raises examples in which he is still politically heroic. He proves that his private activity is acceptable by referring to his great action in politics. He should act in private, oddly enough, because he actually had experiences about the danger of politics in which he was heroically noble and just. Even though he here limits his image as a great public philosopher, he is careful not to undermine the image excessively. He defends his non-political activity by politically honorable examples (32a4-5). His decision to avoid politics still looks "altogether noble" (31d6).¹²⁶

¹²⁵ As for the historical details about the first example, see Xenophon, *Hellenica* 1. 7. 1-35; Brickhouse & Smith [1989], pp. 174-179. As for the second, see *Hellenica* 2. 3-4; Brickhouse & Smith [1989], pp. 179-184.

¹²⁶ When Socrates says that he does not "yield" (ὑπεκάρθουμι, 32a6), it has a poetic or Homeric tone

Although in both examples of his political participation Socrates faced the danger of death because he refused to commit injustice, this does not mean that he runs the risk in order to accomplish justice. In the first example about the assembly in the democracy, the opposition of Socrates was ignored and the generals were killed by being judged as a group. In the second example of the oligarchy, Socrates just went back home and Leon was later killed.¹²⁷ Judging only from the results, one can conclude that his actions were useless.¹²⁸ Indeed it is conceivable that even if he had stood up against injustice more forcefully, the results would have been the same, but it is also true that he did not even try to change the political result. His actions are good only for himself, because he keeps himself morally pure. It is probable that Socrates unwillingly engages in politics only when doing so is unavoidable—and when it is, he does his best to avoid any direct involvement in illegality or injustice.¹²⁹ Socrates is neither a public-spirited man nor a promoter of the public good in the political sense of the term. In fact, there is no example of Socrates running the risk of death to realize some public good in politics. Socratic justice in the political field amounts then to refraining from doing unjust things.¹³⁰ Therefore, it is understandable that in this context Socrates does not include himself in the category of a good man: “Do you suppose then that I would have survived so many

with the additional theta. Smyth [1956], §490.

¹²⁷ *Hellenica* 1. 7. 34, 2. 3. 39. Interestingly, Socrates in the *Apology* does not state that both the generals and Leon were finally killed. Intentionally or not, Socrates hides the uselessness of his political actions.

¹²⁸ Cf. West [1979], p. 211.

¹²⁹ Socrates does not say that in these incidents that his *daimonion* prevents him. There is a possibility that Socrates might not be in real mortal danger. West [1979], p. 189; Leibowitz [2010], p. 149. Strauss infers that “more simply, the two actions could not have been avoided by him.” Strauss [1983a], p. 47. The excuse of the *daimonion* was useless in these occasions.

¹³⁰ Leibowitz [2010], p. 148.

years, if I had acted in public business, acting in a way of worthy of a good man, aiding the just things and, as one ought, considering it as most important” (32e2-4). He is only not a bad man in the legal or political sense.

To sum up, Socrates’ argument with concrete examples is supposed to be a supplementary explanation: it explains that his contribution to the city is limited to the private realm. Socrates has shown that in politics he has never yielded anything to anyone contrary to justice. The danger inherent in politics makes it unavoidable for a just man to act in private, if he wants to live. But this explanation, which is much shorter than the account of his nobility and utility to the city, reveals something more than the limitation of his activity in terms of politics. In fact, Socrates admits the goodness of life in confrontation with death and the benefit he acquires from his activity, which he appeared to deny when he established his nobility to the city. Unlike the Delphic oracle, Socrates’ private divinity, the *daimonion*, enables him to pursue his own benefit while living and to excuse this activity in public, even though this excuse is very brief and illustrated with politically heroic examples.

After this discussion, Socrates then moves on to the topic of the corruption charge. At first glance, this movement seems abrupt and difficult to follow. But the link between the previous discussion of political justice (or his private activity explained by it) and the corruption charge is his so-called pupils, such as Alcibiades and Critias, although he does not mention their names.¹³¹ Socrates claims that he has never yielded to anyone contrary

¹³¹ Strauss [1983a], p. 47; Leibowitz [2010], p. 151. Brickhouse & Smith argue that Alcibiades and Critias should not be singled out here. But they do not exclude the possibility that Socrates may allude to them or that the audience imagines them. They say, “The most probable reading of 33ba1-5 is that Socrates never gave in to anyone at all, including *anyone* whom prejudice might hold as having been

to justice in private as well as in politics. Having explained that his activity must be private because he never commits injustice in politics, Socrates is going to explain additionally that his private activity is not a cause of any political disasters and does not produce corrupted politicians—his private activity has nothing to do with political injustice.

Socrates' evidence for not yielding to anyone contrary to justice in private is that he has not been a teacher of anyone. Instead of teaching, he openly offers himself to anyone who wants to listen to him or to respond to what he says, without receiving money. In this private but open conversation, he would not justly bear responsibility for whether any of them becomes a useful man (*χρηστός*) or not, since he neither promised nor taught any instruction. Precisely speaking, since he does not know what virtue is and does not promise that the listener or the one examined by him would acquire virtue with its required knowledge, he does not teach while exhorting to virtue in the strict sense of the term.

Socrates' denial of teaching excuses him from the results of his conversations, but this denial of culpability makes his activity look irresponsible. Did he not say that, as the benefactor of the city, he is concerned with the well-being of the people (29d2-30b4)? In fact, he is supposed to exhort all to virtue, which seems to make their lives better. Socrates here tarnishes his image as the greatest benefactor of the city. It seems as if he exhorts others to virtue without teaching it to them, and without even intending to make them virtuous. In the context of defending his private activity starting with the *daimonion*,

one of Socrates' students" (p. 197). Also see Brickhouse & Smith [1989], pp. 194-197.

Socrates undermines the image of a public philosopher that he had sketched based on the Delphic oracle, a philosopher who is supremely beneficial to the city.

Socrates obviously notices that the denial of teaching is not sufficient to deny the corruption charge, for that denial is not the denial of any influence his conversation has on the listeners, such as learning¹³² and becoming a useful or useless man. Actually, it is plain that he has followers; he is very attractive to some people, especially among the young. According to Socrates, people follow him because they enjoy hearing men examined who suppose they are wise but turn out to be ignorant. Indeed it is not unpleasant, as Socrates concedes (33c4). But even if such refutations are pleasant and entertain the listeners, this activity is defensible, for Socrates is commanded by the gods or divine things to engage in this activity. He says, “As I say, this has been ordered to me to practice by the god from divinations and from dreams, and in every way that any other divine decree ever ordered a human being to practice anything at all” (33c4-7).

One may wonder whether this is an effective denial of corruption. In fact, the young, who pleasantly hear the reputable men refuted, may condemn the authoritative opinion about virtue shared by the people. Also, as Socrates admits, he does not teach them virtue, and he is not responsible for what kind of men they will be. In this case, can we call the effect of the refutation “corruption” from the ordinary people’s perspective?¹³³ This sort of doubt is inhibited from arising by the presence of the divine authorities to whom

¹³² Socrates says, “If someone says that he ever learned from me or heard anything privately that anyone else did not, know well that he does not speak the truth” (33b6-8). He denies only secret learning or hearing; Socrates does not deny the possibility of learning from his ordinary and open conversation. He does not claim to be a teacher, but someone could learn from him. Cf. Leibowitz [2010], pp. 151-152.

¹³³ *Republic* 538c-539a; cf. Reeve [1989], pp. 168-169. See n. 105.

Socrates here appeals, for doubting the validity of divine commands is prohibited: the divine commands make the Socratic activity blameless. However, this argument does not work well for dispelling doubts about Socrates. While demonstrating that his activity is authorized by many divine things, he surprisingly undermines the authority of the Delphic oracle which has functioned as the source of his divine mission (the examination of the people and his contributions to the city). It turns out that Socrates has some divinities other than the Delphic oracle that prompt him to practice philosophy. What are these divinations, dreams, and other ways of ordering? Do they give him the order in exactly the same way or words as does the Delphic oracle? More importantly, does he not bring in a new divinity, just as he is alleged to do? These points are uncertain in this context. The divine authority as the question-stopper itself raises questions without dispelling suspicion. The defense of Socrates' private activity then reveals that his activity, which is motivated by some indefinite divine things, is not painful to him, but it may be pleasant and not clearly motivated by the Delphic god or the gods of the city. This activity is also without responsibility for the public result of the conversation.¹³⁴ This argument is not an effective defense against the corruption charge, although he still looks religious. Rather, it is an indication that Socrates has multiple motivations for philosophy: pleasure and other divinities.

Of course, Socrates never admits the corruption charge officially and plainly. Rather, he asserts, "these things," or the fact that he does not corrupt the young, are easy to test

¹³⁴ The philosophical activity might be pleasant to Socrates himself. West [1979], pp. 193-194; Leibowitz [2010], p. 152. Leibowitz argues that in the story of the Delphic oracle Socrates mentions the enjoyment of the young imitators and his "pain and fear arising from his awareness that he was becoming hated (21e3-4)" (p. 152). When Socrates says "it is not unpleasant" (33c4) here, he does not limit the pleasure only to the young followers.

(εὐέλεγκτος). However, his assertion is again not without problems. First, if someone is corrupted when he is young and realizes the corruption later, he would testify at court to exact revenge on Socrates. But this is a weak inference, as Socrates himself admits. In the case of corruption, which is different from a physical harm, the corrupted could be a companion of the corrupter: “The corrupted themselves would perhaps have a reason to come to my aid” (34b1-2). When Socrates refuted Meletus about the corruption charge, he presupposed that the corrupted would harm the corrupter (25d8-26a1). Now he seems to withdraw the presupposition; he makes it more difficult to refute the corruption charge by himself. Second, even if the corrupted do not testify, his relatives, being non-corrupted, would speak against Socrates. Socrates claims that their silence shows that Meletus is lying and that Socrates is telling the truth. But is it easy to admit that one’s relatives have been corrupted by a man who is about to be punished? Socrates seems to disregard “the shame” of the people.¹³⁵ The fact that no one dares to testify against Socrates is not necessarily a sign that Socrates is not a corrupter. Socrates may ignore the peculiarity of the corruption that makes victims and their relatives hesitate to complain of their sufferings in public.¹³⁶ As Leibowitz points out, in Greek “easy to test” also means “easy to refute.” Socrates’ argument against the corruption charge then appears to be defective, but through it Socrates invites some of the audience or the reader to refute the ostensible meaning of his statement in order to guide them to the true picture of his philosophy.¹³⁷

In this section, Socrates brilliantly establishes his noble image as a philosopher that would be admirable to ordinary people, while he induces the reader or the audience to

¹³⁵ West [1979], pp. 196-198; Brickhouse & Smith [1989], p. 201; Leibowitz [2010], pp. 152-153.

¹³⁶ Cf. Aristotle, *Rhetoric* 1373a34-35.

¹³⁷ Leibowitz [2010], pp. 152-153.

consider the extent which this public image is true. We realize that the account of his nobility and public benefactions is based on exaggerations, once we are aware of his indications that the private goodness of his activity is also true. Both of these aspects of his philosophy may be true, but putting emphasis on the image of the public benefactor is his way of telling the whole truth about himself in public.

Epilogue (34b-35d)

At this point, Socrates concludes that these things are pretty much what he is able to say in his defense. The long and complicated first speech (including the Prooemium, Prothesis, the defense against the First Accusers, the defense against the Later Accusers, and the Digression) is now coming to a close at the Epilogue. What sort of argument does Socrates provide right before the vote of the jury, and what sort of impression does he want to give them through the final remark? Does he try to secure his acquittal at the end of the defense speech or, as we have discussed, does he still have different things to achieve?

As we will see, Socrates refuses to secure his acquittal. Rather, by refusing to beg the jury to acquit him in a base manner, he secures or promotes his reputation as a noble and wise man. We will conclude that his behavior in his last speech is compatible with his achievement concerning his greatness or reputation.

It is clear that Socrates does not demand acquittal. He presumes to alert the audience to the fact that he refuses to beg for acquittal by crying or bringing family and friends

before the jury.¹³⁸ This would make the people feel bad, since begging is so common that they must have experience of it. As he says, it is likely that his attitude would make them vote against him in anger. Even though he faces mortal danger, he does not follow the legal custom to secure his acquittal. He intentionally takes action that is contrary to the jury's expectations, and dares to mention it. There is something more important than prolonging his life. Citing Homer again, Socrates explains that he does not beg not because he does not have a family to bring in.¹³⁹ (He does not mention his friends here; the true family is easy to recognize, but he does not tell us who the true friends of Socrates are. Compare 34b7-c7 with 34d3-8.) Why then does he refuse to beg? More to the point, why does he take up this topic of his refusal to beg, even though it is possible for him to refuse it without mentioning it, and even though by mentioning it he might anger the jury or make them realize that they should get angry with him? Or is he trying to appease them by providing a good reason for his refusal in order to secure an acquittal?

According to Socrates, he does not beg and arouse pity mainly for the sake of his reputation (δόξα). He speaks as follows:

[R]egarding reputation (πρὸς δ' οὖν δόξαν), mine and yours and the whole city's, to me it does not seem to be noble for me to do any of these things, because I am old and have this name, whether it is true or false, but it has been reputed (δεδογμένον) at least that Socrates excels the many human beings in some way (34e2-35a1).

¹³⁸ Aristophanes, *Wasps* 568-572, 976; Xenophon, *Apology of Socrates to the Jury* 4. Cf. Burnet [1977], p. 225; Brickhouse & Smith [1989], p. 202.

¹³⁹ By saying that he refuses to bring his family in physically to the court, Socrates brings them into his defense. Does he arouse pity while denying that he is doing so?

At the beginning Socrates had some sort of name as a wise man, but it was not distinguishable from slander and hatred (18b4-c3, 20d1-9, 21a4-b2, 22e6-23a5). After the long speech, Socrates is no longer a shady wise man. He even insists that his reputation is good not only in the city but also for the city. In the Epilogue, he seems to confirm what he has achieved in the first speech with respect to his reputation. Due to his high reputation, then, begging shamefully would damage the reputation of himself, the citizens, and the city.¹⁴⁰ Even if it is false or partially false for some people, Socrates does not tarnish his reputation by an ignoble deed.¹⁴¹ He wants to enhance or keep intact his good reputation, which he has made use of or developed in his speech so far.

Probably because his statement that the reputation of the city depends on his behavior sounds strange at first hearing—it is not unnatural to think that an ignoble deed is shameful only to the doer—Socrates explains the relationship between the attitude of an individual at the court and the reputation of the city. (He does not explain why he has such a high reputation; it seems that for him it has been established so well that he does not need to explain it.) Socrates has often seen that “those who are reputed to excel (οἱ δοκοῦντες διαφέρειν), whether in wisdom, courage, or any other virtue whatsoever,” (35a2-3) do shameful deeds to avoid the death penalty when they are judged. They make foreigners believe that the reputable men in Athens “do not excel women” (35b3); they

¹⁴⁰ Socrates reproached the people seeking reputation in his previous argument (29d7-e3). From the fact that he is not unconcerned with reputation now, we realize that his previous criticism is not absolute and should be qualified. Previously he reproached the Athenians who do not care for the soul and prudence while pursuing money, reputation, and honor; he did not criticize the pursuit of reputation as such.

¹⁴¹ Even if Socrates tells the truth, people may misunderstand him because of their prejudice or lack of reasoning. Cf. Bruell [1999], p. 136. Socrates seems to say that if they believe in his superiority in some way at least, they should keep the belief. Both the truth and the reputation coming from the narrative of the truth are important to him.

attach shame to the city.¹⁴² Therefore, the jury should convict the men who invoke pity, not the ones who are quiet. However, it should be noted that even though his attitude is noble or not shameful, Socrates still opposes the common custom of the Athenians. He almost says that those who did such shameful deeds, those who welcome or enjoyed them, and the city as such that allows such practices, are shameful. All Athenian citizens are the object of his criticism here. Socrates is then not appeasing the audience. He probably makes them angrier by explaining the reason for his conduct that itself might arouse their anger. It is highly possible, as he expected, that the jury would vote against him in anger, since Socrates provokes them right before the voting. He even seems to make sure that they get angry. But at the same time, one cannot deny that Socrates still looks noble because he refuses the deeds that are common but shameful (cf. 34e3).¹⁴³ We now understand that being convicted is perfectly compatible with being noble or well-reputed.

“Apart from reputation” (35b9), begging for acquittal does not seem just to Socrates. Hence reputation is a different issue from that of justice. It is just for Socrates or a defendant in general to teach and persuade the jury, since the jury swore not to gratify the people who seem to gratify the jury, but to give a judgment according to the law. If a defendant begs for acquittal or makes the jury judge according to pity, it follows that the defendant makes the jury break their oath. (Socrates does not mention his own oath. He admits that the oath is important to the jury. But is it important to him?) For Socrates,

¹⁴² Socrates likens himself to the people who already have a good reputation in the city, probably of a different kind from Socrates. The point is that they only seem to be virtuous from the city’s perspective; once one is reputed as virtuous, he should not violate this reputation, not only for himself but also for the city. Even a false reputation is important to the city, and a reputable man is responsible for securing the honor of the city even based on the false reputation about him. Socrates seems to say that he has this sort of responsibility without clarifying whether his reputation is true or false.

¹⁴³ As for the relationship between shame and nobility, see n. 84.

begging is then not noble, just, or pious. It is especially impious, because he is now accused of impiety; begging means that he denies the existence of the god, since he ignores the sacredness of the oath. However, although he emphasizes his concern for his justice and piety in addition to nobility, neither justice nor piety, as described here, are directly connected with the official indictment. Now, justice means not begging, and his statement about the gods never clarifies which gods he is talking about and in what way he believes in them (35b9-d8).¹⁴⁴ Here Socrates intends to demonstrate his virtue, but fails to defend himself against the official charges.

As we have seen, in the Epilogue Socrates does not try to secure his acquittal. Rather, while provoking the jury to anger, he secures his nobility by refusing to beg shamefully. Also, he does not forget to insist on his justice and piety, even though they are mentioned in such a way that they are not related to the official indictment. As a result, he is a noble man in the political or legal sense of the term, appearing neither unjust nor impious.¹⁴⁵ With this impression, and the aroused anger, the jury is going to vote.

This attitude of the jury is understandable, since a provocative or boastful manner is also the general tone of his speech. However, this way of speaking could be very sophisticated when we think about the object of their anger. As Aristotle says, although anger accompanies the desire for revenge (which would mean a conviction in this case), time would cure the anger. What kind of impression will they have once the anger disappears?¹⁴⁶ At the beginning of his speech, Socrates is said to be a suspicious wise man, who is the object of slander and hatred; at the end of the first speech, Socrates

¹⁴⁴ Burnyeat [2003], p. 155.

¹⁴⁵ Cf. Xenophon, *Apology of Socrates to the Jury* 22.

¹⁴⁶ Aristotle, *Rhetoric* 1380b5-15, 1382a3-4. Cf. Leibowitz [2010], pp. 155-160.

becomes a noble wise man whose greatness or claim to greatness arouses envy and anger among the audience. Aristotle also says that hatred is an incurable feeling but anger is curable by time, especially after carrying out revenge.¹⁴⁷ Psychologically speaking, Socrates' rhetorical strategy is to replace the original envy and hatred of a natural philosopher with envy and temporary anger against a beneficial philosopher, by boastfully exalting the name of a wise man. Obtaining a conviction could be the defense of Socrates, not against the indictment as such, but for securing his high reputation among the people in the future. When in the very end he entrusts the jury and the god with the judgment in whatever way it is best for him and the jury (or the audience), the best judgment does not necessarily mean an acquittal (cf. 19a2-4).

The Second Speech (35e-38b)

From the historical evidence and the context (35e-36a6), it is obvious that Socrates is found guilty by the majority vote of the jury, although Plato never mentions the administrative process of the trial. Probably, two hundred eighty of the jury vote for

¹⁴⁷ Aristotle's observation about the difference between hatred (or hostility) and anger is remarkable. "Anger comes from things done against oneself, but hostility arises even without anything directed at oneself, for when we take the notion that someone is a certain kind of person, we hate him. And anger is always directed at particular people, such as Callias or Socrates, but hatred also applies to classes of people, for everyone hates a thief or informer. And anger is curable by time, while hatred is incurable; the former is a desire for pain, the latter for evil. For someone who is angry wants to see the other person suffer, but in the other case that makes no difference, and while all painful things are observable, the greatest evils are the least observable, namely injustice and bad judgment, since the presence of vice is not painful. The former feeling is also accompanied by pain, while the latter is not, since someone who is angry is pained and someone who feels hatred is not. The former may feel pity under many circumstances, but the latter pities no one, since the former wants the person he is angry at to suffer in return, while the latter wants the person he hates not to exist.

It is evident from these things, then, that it is possible to demonstrate that people are enemies or friends and make them be so when they are not, to refute those who claim they are, and, when people are in dispute because of anger and hostility, to bring them over to whichever side one chooses." *Rhetoric* 1382a3-19.

conviction, and two hundred twenty for acquittal.¹⁴⁸ In Socrates' type of case, called "*agōn timētos*" (ἀγὼν τιμητός), the punishment is not prescribed by law. The accuser demands the penalty at the end of the indictment, and the defendant makes a counterproposal after the conviction is decided. The jury then has to choose between the two alternatives by voting again. They cannot inflict a penalty other than the two alternatives.¹⁴⁹ Accusers have already proposed capital punishment for Socrates; although their proposal is not recorded in the text, it is clear in the context. Now, according to the law, it is Socrates' turn to propose a penalty. It is reasonable to expect that Socrates would propose something less harsh than the death penalty, but harsh enough to be acceptable to the jury.¹⁵⁰ But this should be expected only if suffering less is Socrates' main concern. Does Socrates simply want to be punished lightly, or does he have something else to achieve while proposing a punishment?

In this speech, Socrates behaves so provocatively that he even seems to induce the death penalty. We will argue that his conduct is suitable to his greatness as the high-minded philosopher that he has demonstrated himself to be in the previous speeches. We will conclude that, through his speech, being virtuous becomes compatible with his conviction. His purpose is not to persuade the jury to punish him lightly, but to promote his image as a great philosopher by behaving properly.

Socrates confesses that he is not indignant (ἀγανακτεῖν) with the decision,¹⁵¹ since it

¹⁴⁸ Diogenes Laertius 2. 41; Burnet [1977], pp. 230-231.

¹⁴⁹ Burnet [1977], pp. 229-230; Brickhouse & Smith [1989], pp. 24-26, 146.

¹⁵⁰ Burnet [1977], p. 230; West [1979], p. 208.

¹⁵¹ Even though there are "many other things" to explain Socrates' lack of indignation, he only mentions only one of them: the conviction is not unexpected (35e1-36a). Socrates implies the other reasons, but he does not make them manifest.

is not unexpected (ἀνέλπιστον) to him.¹⁵² Instead, he is surprised by the closeness of the vote; he expected that he would be convicted by a large majority. Probably based on this, he insists that “as it seems” to him, he is acquitted of Meletus’ indictment: if Anytus and Lycon did not help him, Meletus could not even get one fifth of the vote.¹⁵³ This statement is hard to understand, since he has just been convicted. However, it seems that Socrates does not want people to think that he is convicted due to the official indictment—the other reason for the conviction could be the first accusations. Actually, right after the interrogation of Meletus, Socrates said that he would be convicted due to the envy and slander of people, not due to Meletus’ indictment (28a4-8). Also, considering the fact that he is envied or hated as a wise man and that he made a great effort to add nobility to the name of a wise man, we assume that he induces the audience to imagine that he is convicted as a noble wise man. He is not guilty of being a philosopher who is impious and corrupts the young, whereas he is “guilty” as a philosopher who is noble and wise.

The correctness of this inference is immediately confirmed, since Socrates emphasizes his merit to the city before he makes a proposal; he should be treated as a great man, since he should receive what he deserves. He summarizes what he has done for the city very briefly. According to him, he never engaged in political (or economic) activities since he believed that he was too decent. He did not engage in activity which is

¹⁵² Why is he not indignant because he expects the result? The predictability is not necessarily enough to appease the indignation. West [1979], p. 208. We will discuss the reason for Socrates’ lack of indignation later.

¹⁵³ If the prosecutor cannot get the one fifth of the vote, he must pay a large amount of money as a fine. See 36a9-b2. Here, Socrates supposes that each of the accusers is responsible for one third of the vote they get. West [1979], pp. 64, 209; de Strycker [1994], p. 185.

not beneficial to both people and himself. Instead, he went to each one privately to perform the greatest service, attempting to persuade him not to care for any of his own things and the things of the city until he cares for himself and the city itself. Although there is some difference between this and his previous statements, Socrates keeps insisting on his utility to all people in the city in terms of virtue.¹⁵⁴

Having reminded the audience of his great contribution to the city, Socrates claims that since he should receive a penalty according to his worth, something good is appropriate. As a poor benefactor, who needs leisure to keep exhorting the people, he proposes free meals in the Prytaneum. The Prytaneum contains “the sacred hearth of Hestia that symbolized the life of the polis,”¹⁵⁵ and it functions as a public dining room, where distinguished guests, such as foreign ambassadors, great generals, victors at the Olympic Games, and the representatives of certain families, are invited with great honor.¹⁵⁶ Socrates boastfully declares that he deserves this treatment more than the victor at the Olympic Games, for he needs nourishment due to his poverty. Furthermore, whereas the victors make Athenians seem to be happy, Socrates makes them truly happy. (Virtue is required to be happy. Cf. 30b2-4.) As the greatest but a poor benefactor, Socrates most deserves free meals at the Prytaneum.

¹⁵⁴ The most important difference is that Socrates never refers to anything divine in the summary of his beneficial activity through philosophy. Without the *daimonion*, he seems to hold independently that he is too decent to survive in politics. Also, he never mentions the Delphic oracle or the god as a motivation for his activity. Does he not mention these divine things because they are too obvious? It is important to remember that Socrates could explain the same action in different ways: he could philosophize because he thinks that it is best for him, or because it is ordered by a superior such as the god (28d6-10). We should not disregard the possibility of the former here. Cf. Anastaplo [1975], pp. 19-20; West [1979], pp. 210-211; de Strycker [1994], p. 186; Weiss [2005], pp. 85, 92.

The other difference is that his persuasion includes not only the virtue of the individual but also the things of the city or the city itself. Cf. West [2005], p. 211.

¹⁵⁵ Colaiaco [2001], p. 174.

¹⁵⁶ Burnet [1977], pp. 235-236; Colaiaco [2001], p. 174.

It should be noted that the ground of his counterproposal is not without exaggeration. Socrates claims to make people actually happy or presupposes that “his activity is entirely successful.”¹⁵⁷ As he says, he only “attempts” to “persuade” people to “care for” virtue. Conversely, he does not “succeed” in “making” people “become” virtuous. We do not even know how many Athenians have been persuaded by Socrates to care for virtue and thus become happy. Perhaps the fact that he is in danger of being executed and the existence of the first accusers as such are ample disproof against his boastful statement. Or, as Leibowitz playfully says, does he make “the Athenians so happy that they want to kill him”?¹⁵⁸

How does this exaggeration work in this context? The proposal based on this exaggeration of his merit must shock and vex the jury, not only because it is not even a proposal of a punishment but a hubristic proposal of reward, but also because free meals at the Prytaneum are the last thing a man convicted of the impiety charge can be permitted to have. The proposal itself can be taken as blasphemy. As West points out, when Socrates says that the conviction is “not unexpected,” it also means “not un hoped for.”¹⁵⁹ By making a provocative proposal, does he even hope for execution? It seems that he wants to die as the greatest benefactor to the city, or that he could accept the death penalty as a result of his successful great portrayal of himself as a philosopher.¹⁶⁰ Indeed, it is possible that this proposal is not a real one, since it is legally impossible and he

¹⁵⁷ Strauss [1983a], p. 49.

¹⁵⁸ Leibowitz [2010], p. 161.

¹⁵⁹ West [1979], p. 208; Leibowitz [2010], p. 161. If Socrates hoped for the conviction, does it mean that he induced the conviction? He might make a defense speech knowing it cannot prevent the conviction or feeling that acquittal would ruin his purpose.

¹⁶⁰ Cf. Xenophon, *Apology of Socrates to the Jury* 9.

makes it conditionally.¹⁶¹ He says, “If I must propose what I deserve in accordance with the just, I propose this” (36e1-37a1). As we will see, in the end he will propose a fine as the real punishment. But he still provides the provocative proposal before the real one. One may wonder whether the moderate and reasonable proposal, which comes later, could eradicate this strong negative impression. Even if Socrates’ real proposal is sincere and he finally obeys the law to propose an acceptable punishment, it is highly possible that he is going to be executed.¹⁶² Or at least, after he has made such a pseudo-proposal, it seems to be very difficult to make the jury, who voted for the conviction, more favorable to him than before.

Socrates admits that he seems arrogant (*ἀπαυθαδίζεσθαι*) to the audience, just as when he refused to beg. Hence we realize that he consciously presented and presents himself in such a way that they regard him as arrogant. He has a reason to behave arrogantly. According to Socrates, he is convinced that he does not do unjust things willingly to any human beings, so he does not deserve anything bad as punishment. Therefore, it is impossible for him to inflict anything bad on himself, since that is tantamount to doing injustice to himself.¹⁶³ However, even though Socrates seems to be

¹⁶¹ Brickhouse & Smith [1989], pp. 220-221; Reeve [1989], pp. 171-172. According to de Strycker, “the jury was not authorized to accept the proposal,” since “[l]ife-long maintenance could only be granted by the Assembly.” De Strycker [1994], p. 189.

¹⁶² Colaiaco [2010], p. 175.

¹⁶³ According to Aristotle, there are two ways to distinguish just and unjust things: in relation to laws (particular law or common law) or in relation to people (community or individual). Aristotle, *Rhetoric* 1373b1-24. Socrates seems to deny only one (injustice to individual) of the latter. Can he deny the other kinds of injustice in relation to law and community, especially the official indictment? What Socrates denies is very ambiguous here. One should not take his statement as his declaration of his innocence against the official indictment. It may be helpful to consider Aristotle’s advice: “it is clear that, if the written law is opposed to the fact, use needs to be made of the common law and of what is more decent and more just” (1375a27-29).

As for the problem of the unwillingness to commit injustice, see Chapter 3.

convinced of his worth so strongly, as he says, this is what Socrates cannot persuade the people of due to the lack of time (37a5-7). Probably the difficulty of such persuasion explains why Socrates looks arrogant to them; people do not understand his true worth as a great philosopher or the inappropriateness of punishment for a man who is not unjust. Socrates supposes that if the Athenians had a law that they should deliberate about a death penalty case over several days, he could persuade them.¹⁶⁴ His alleged contribution to the city or the long-lasting conversation with the citizens at public places fails to convince them of his worth and even his innocence.¹⁶⁵ In this respect, his mission is totally unsuccessful. Now, it turns out that even where persuasion is impossible due to the limitation of time, Socrates still proposes free meals at the Prytaneum as his punishment (or reward). Thanks to his comment, we understand that he just looks arrogant without the power of persuasion. It is not so hard to imagine how the jury reacts to his attitude. He consciously makes the jury's impression of him worse.

Since, as Socrates claims, he does not deserve anything bad or punishment, he should not make a counterproposal to harm himself. In fact, the punishment that Meletus proposes is not necessarily bad. Death could be good, so the proposal of the accusers, capital punishment, is not unacceptable to Socrates. (Socrates seems to mitigate the weight of the death penalty. Even if he is punished by death, it does not mean that he deserves a bad thing. Rather, he would receive it because it might be good.) Furthermore, he should not make a counterproposal, not only because death is not unwelcome, but also

¹⁶⁴ Would Socrates speak on the exact same topic in the same manner if he had sufficient time to persuade the people? He can still choose his topic and manner in the face of the limitation. In other words, making himself appear to be arrogant may be the best strategy to tell the truth to the people within the limitation.

¹⁶⁵ Cf. Strauss [1983a], pp. 49-50.

because the other alternatives are clearly bad for him.¹⁶⁶ He considers three alternatives briefly and refuses all of them.

First, he discusses imprisonment. It is bad for him, since he has to be enslaved to the eleven, the magistrates who are chosen by lot annually to administer the jail.¹⁶⁷ Socrates needs freedom to converse outside.¹⁶⁸ Second, he discusses a fine. A fine here means that he remain in jail until he pays. It should be rejected for the same reason as imprisonment. Third, he gives more substantial thought to exile than to the other two alternatives, for the jury would grant it if he proposes it. Socrates knows what the majority of the jury would prefer (37c4-5). He feels then that he needs to explain why he does not propose what they want. According to Socrates, exile is also bad for him. The Athenians, the fellow citizens of Socrates, cannot endure his philosophical activity, as is shown by the first and later accusations; much less would foreigners have a reason to endure it. Even in other cities, Socrates' conversation would attract the young. If he drives them off, they would persuade the elders to drive him off. If he does not drive the young off, their fathers and relatives would drive him off. Either way, Socrates would be wandering from city to city.¹⁶⁹ The punishment that the jury would vote for, then, should be refused, because it is

¹⁶⁶ Socrates considered some harmful things the accusers would inflict on him (30d1-5): death, exile, and deprivation of citizenship (literally, "dishonor"). They are not great evils, but still evils. Cf. Strauss [1983a], p. 50. Socrates omits the deprivation of citizenship and adds the fine here. As for the deprivation and the possible reason for Socrates to reject it, see Colaïaco [2001], pp. 175-176.

¹⁶⁷ Aristotle, *The Constitution of the Athenians* 52. 1.

¹⁶⁸ West expands the scope of this statement to the rejection of enslavement to the Athenians in general. West [1979], p. 213. Socrates seems to regard the magistrates as inferior to him, at least not superior to him (cf. 28b6-10, 29b6-7). Since the magistrates are chosen from the citizens by lot, their status would be equal to the Athenians in general. As for the similar logic, see 24e1-25a11.

¹⁶⁹ As Leibowitz observes, Socrates admits that the cause of the troubles in the city is chiefly his effect on the young rather than his refutation of the reputable men. Leibowitz [2010], p. 162.

harmful for Socrates, who would still philosophize in other cities.¹⁷⁰

At this moment, the third and last hypothetical objector comes in.¹⁷¹ Perhaps, someone would say, “being silent and keeping quiet, Socrates, won’t you be able to live in exile for us” (37e3-4)? This is the hardest of all for Socrates to persuade some of the jury (or the audience) of.¹⁷² This time, the objector presupposes that Socrates should be punished, but the death penalty is too harsh.¹⁷³ Also, the objector disregards the importance of philosophy for Socrates; for the objector, philosophy is easy to give up in order to avoid the death penalty. Since the jury is said to prefer exile, the objector may represent the majority of the jury. Socrates addresses probably the hardest issue for the sake of them. But he does not try to persuade them. Rather, he explains why it is difficult to persuade them that he cannot stop philosophizing.

According to Socrates, he has two alternative ways of persuasion. First, he can say that to stop philosophizing is to disobey the god, so it is impossible to keep quiet. In this case, people will not be persuaded by him on the ground that he is ironic. Second, he can explain that the greatest good for a human being is to make speeches every day about virtue and other things about which they hear Socrates conversing and examining both

¹⁷⁰ Socrates never laments that he has to leave his city, friends, and family, and even that he cannot contribute to the city or fellow citizens any more. The undesirability of the exile seems to come only from his wandering. Does he stay in Athens for seventy years because he can stably continue his philosophical activity without having any affection for the city? Cf. 30a2-4.

¹⁷¹ The first objector introduced the story of the Delphic oracle (20c4-d1). The second one introduced the issue of nobility (28b3-5). There are some passages similar to them. See 29c5-d1, 31c4-7. Cf. Colaiaco [2001], p. 177.

¹⁷² As he said, Socrates could persuade them that he has not committed injustice willingly if the time is not limited. Now it seems to be much harder to persuade some of the audience of the worth of philosophy. Compare 37a5-7 with 37e1-38a8. Is it possible to persuade them if the time is not limited? Or is there an essential cleavage between philosopher and some kind of people?

¹⁷³ Cf. De Strycker [1994], p. 199.

himself and others, and that an unexamined life is not worth living for a human being.¹⁷⁴ They will be persuaded by the second one still less. But this is the way it is, as he affirms (38a7).¹⁷⁵ The fact that Socrates mentions the two alternatives, both of which explain the motivation for philosophy, has great importance. For the former appeals to the authority of the god, but the latter depends only on Socrates' own judgment. Socrates may not need divine things to comprehend the goodness of philosophy for his life and to engage in philosophy. We now understand why Socrates mentions the god or the Delphic god: doing so is more persuasive, even though some people might take it ironically.¹⁷⁶ Be that as it may, even if the two explanations cannot be sufficiently persuasive, they are the reasons why he cannot stop philosophizing, and why he would wander if exile were inflicted on him.

Thus, Socrates has rejected the three alternatives to the death penalty. But surprisingly, in the end Socrates casually proposes a fine, which he had rejected a few minutes ago. According to him, the fine is acceptable to him, since paying money is harmless. He does not have much money, but if the jury wishes him to propose as much money as he can afford, he would propose the fine. Although there is no indication that the jury wishes it, Socrates dares to propose one mina. (Since he can pay one mina, he does not need to be imprisoned until he pays it; this makes a difference between the fine with imprisonment

¹⁷⁴ Socrates enjoys the benefit of philosophy, since he is an object of examination in his conversation. Also, it appears that the goodness of philosophy is limited to particular people. He does not examine all others, but only "others." Cf. 23b4-6, 30a2-4, 38a1-6. Strauss [1983a], p. 50; Leibowitz [2010], pp. 163-164. On the other hand, the goodness is not limited to the conversation on virtue; it includes "other things." West [1979], p. 217. Therefore, the receiver of the goodness may be limited but the scope of philosophy is expanded here.

¹⁷⁵ According to Leibowitz, Socrates considers the latter of the alternatives to be true. He interprets "τὸ" at 38a7 as referring to "ταῦτα" at 38a6. Leibowitz [2010], pp. 163-164.

¹⁷⁶ Strauss [1983a], p. 50.

he rejected before and the fine he is proposing now. Compare 37c2-4 with 38b1-5.) However, since one mina is a very small amount to counter the death penalty, four of Socrates' followers, Plato, Crito, Critobulus, and Apollodorus, command him to increase the amount of the fine, while they become the guarantors of the payment. His final proposal is, then, to pay thirty mina as a fine.

Let us conclude the second speech. At last, Socrates obeys the law by proposing a fine that is a legally acceptable punishment.¹⁷⁷ If one focuses only on the final proposal, the fine itself may be acceptable as a counter-penalty. But before reaching the final and real proposal, Socrates seems to reduce the possibility of its being accepted. First, he demonstrates that, like victor at the Olympic Games, he deserves public support at the Prytaneum. Then, he rejects the alternative punishments, including a fine, because they are bad or harmful to him who has not committed injustice. Next, he proposes a fine by saying that it is not even harmful to him. It sounds as though the fine is not a punishment for him. He proposes the penalty while denying that it is a penalty. In the end he increases the amount of money by the help of his companions, but it is not even his money; the jury cannot punish him by inflicting the thirty mina fine on him. More importantly, as he claims now and had demonstrated movingly before (29d7-e3), he never stops philosophizing in this life. If the jury fines him, he would continue the exact activity that is judged to be a crime at this trial.¹⁷⁸ Following Socrates' argument, one cannot regard the fine as even a punishment—rather, it almost equals acquittal. Socrates could avoid the

¹⁷⁷ Refusing to make a legally acceptable proposal may be illegal or at least not look good. Brickhouse & Smith [1989], pp. 217-219; Reeve [1989], p. 172. According to de Strycker, Socrates does not “question the legality of the proceedings against him,” De Strycker [1994], p. 200.

¹⁷⁸ Brickhouse & Smith [1989], p. 232; Leibowitz [2010], p. 161.

death penalty, if he would persuade only thirty of the jury who voted for conviction. It would not be difficult, since the majority of the jury, including the ones who voted for conviction, is said to prefer exile to the death penalty (37c5). (The acquitters are less important for avoiding the death penalty: since the jurors who voted for the acquittal believed that Socrates does not deserve any punishment, they would prefer Socrates' lighter proposal, whatever it is.¹⁷⁹) However, his manner of proposing a penalty makes it difficult for the jury who voted for conviction to vote for the fine, which almost nullifies their previous judgment. Therefore, Socrates legally proposes the fine in such a way that his act of legality cannot be taken seriously. His manner of proposing ruins the sincerity of his final proposal. No wonder he is sentenced to death.

At the same time, however, while speaking in this manner, Socrates presents himself as high-minded, just, and a philosopher engaging in the greatest good. Even if the jury votes for capital punishment, Socrates is going to die as this sort of man. And he will die, not because the indictment is valid, but because his manner at the trial suits his greatness. He may not be able to persuade the people rationally because the time is limited, but he could engrave his greatness on the people by irritating them even in a short time.¹⁸⁰

¹⁷⁹ There is a discussion concerning how many of the acquitters voted for the death penalty after listening to Socrates' boastful proposal. Diogenes Laertius reports that eighty more jurors voted for the death penalty (2. 42.): probably, the accusers got three hundred sixty votes, while Socrates got one hundred forty. Brickhouse & Smith and Reeve doubt this report. They think that almost the same number of the acquitters voted for the fine. Brickhouse & Smith [1989], pp. 230-232; Reeve [1989], p. 175.

Actually, it is impossible to know the exact number of the final voters, since Plato does not report it. However, for our discussion, it is enough to confirm the fact that Socrates fails to persuade the jurors who voted for the conviction to vote for the fine. Even this fact shows the great effect of Socrates' manner of speech.

¹⁸⁰ Cf. Xenophon, *Apology of Socrates to the Jury* 14, 32.

The Third Speech (38c-42a)

The majority of the jury voted for the death penalty.¹⁸¹ Socrates' philosophical activity is thus publicly judged by the Athenians to have violated the law. Although the officials have to do some work, the main part of the trial for determining the judgment has been finished.¹⁸² Accordingly, the speeches of Socrates, on which the jury makes its judgment, are over: he defended himself but he is convicted, and he proposed a fine but is sentenced to death. If Socrates comes to the court and makes speeches only in order to affect the court decision, his task has been completed, whether it is successful or not. However, in Plato's *Apology* Socrates' speech continues even after the decision has been made. The purpose of this work or of Socrates in this work, then, cannot be fully understood by focusing only on his effort to determine the decision. Socrates is concerned with something more than the court decision, especially in the third speech.

In the third speech, Socrates does the following: he classifies the jury according to their voting behavior (the condemners and the acquitters) and speaks to each of them concerning the result of the trial and what will happen to him and his philosophy after his death.¹⁸³ Socrates is concerned with their interpretation of the trial. Socrates knows that different people tend to understand him differently, so he addresses different types of

¹⁸¹ Diogenes Laertius, 2. 42; 38c1-7.

¹⁸² Cf. 39e1-3. The officials may need to record "the judgment and the death warrant, before escorting him to prison." Colaiaco [2001], p. 180. Burnet notes that Crito may offer the jury to be surety for Socrates after the sentence. Burnet [1977], pp. 241-242. See *Phaedo* 115d-e.

¹⁸³ Brickhouse & Smith criticize the opinion that the third speech is a fiction because it is legally impossible to make it. According to them, "there is nothing to prevent our supposing that Socrates' speech was informally undertaken, without official provision, but without the impediment of legal prohibition either." Brickhouse & Smith [1989], p. 235. Our knowledge is too limited to know the legal status of the third speech. It might be legally mandated or just voluntarily made. Also, we do not know whether the audience listens carefully to the speech.

people by speaking differently to each. Socrates reproaches the condemners and consoles the acquitters. We will argue that, by addressing the interest or concern of each type of people, Socrates demonstrates his greatness from their own perspective. For each of them, Socrates appears to die as a great man.

To begin with, Socrates addresses the jurors who voted for the death penalty (38c7-d3). By reproaching them, Socrates tries to show that the death penalty is a bad decision. Socrates insists that the decision is harmful to themselves, but not to him. Those who want to reproach Athens would blame the Athenians for killing Socrates, the wise man. As a result, the jury will receive a bad name. From this way of criticizing the jury, we see how Socrates understands the character of the jury who voted for the death penalty. They probably are or claim to be good citizens who are proud of Athens and want to protect the fame of their own city. Preserving the city's fame is vital to them. Remarkably, Socrates says that they are blamed or will lose their fame, not because they are killing an innocent man, but because they are killing a reputedly wise man, whether or not the name is true. Socrates established his name as a wise man through his speech so well that, by using this name, he can reproach the jury who originally slandered him because of his wisdom (cf. 18b4-c4, 20d6-8, 22e6-23a5); he becomes daring enough to say that to kill him as a wise man is to damage the reputation of the city. This is the great achievement of his earlier speech. Making use of it, he now condemns his condemners.

Moreover, the decision is not only blameworthy but also unnecessary. If they wait a short time, the same thing would happen—Socrates, being very old, would die soon. Socrates equates the death penalty with natural death. This equation is possible only

when he disregards the difference between them: the death penalty is imposed on a criminal as punishment, whereas natural death comes eventually to everyone. By pointing out its blameworthy and unnecessary character, Socrates makes inflicting the death penalty harmful and then worthless without mentioning the question of his guilt or while ignoring it. At the same time, he elevates himself by demonstrating again that he is wise or reputed wise.

Socrates' devaluation of the death penalty and his attempt to elevate himself become more manifest when he moves on to the reason for his conviction. Socrates tries to undermine not only the meaning of the punishment itself but also the reason for it. The jury might think that Socrates is convicted because he lacks the sort of speech that could persuade them to escape the penalty. In reality, as Socrates asserts, he is convicted because he lacks shamelessness: he does not practice such shameful things as begging and weeping that would please them. According to Socrates, the jury voted for the conviction and the death penalty because they are irritated by or angry with Socrates' boastful behavior, which Socrates says is appropriate to a wise and noble man, without judging rationally about the legality of Socrates' philosophical activities (38d3-e5; cf. 34d8-35b8). Instead of the common and base way, he chooses an approach that must inevitably provoke the jury and enhance the possibility of receiving death penalty. Therefore, it is safe to say that the decision is the result not only of the choice of the jury but also of the choice of Socrates. In this sense, his conviction and punishment are intentional.¹⁸⁴

¹⁸⁴ Of course, this is not a full account of the reason for the conviction and capital punishment. A little later Socrates also says that the jury chooses to get rid of him since they want to avoid his examination

Socrates declares that he refused shameful actions since they are not suitable to a free man. Being a free man is more important than avoiding death. Indeed, it is not even difficult to avoid death. Even in war, if someone, throwing away his weapon, begs the enemy, he can save his life. But the true difficulty is in avoiding wickedness (πονηρία). Being a free man and using war as an example, Socrates not only addresses the common sense of the citizen, but also seems to say that he is a better citizen than the jury in terms of it. Socrates adds greatness as a citizen to his qualities.

To establish his moral superiority, he criticizes the wicked man. According to Socrates, death runs slowly, while wickedness runs fast. Now Socrates, being slow and old, is caught by death, while the accusers, being clever and sharp, are caught by vice (or evil, κακία). Therefore, Socrates is going to die by the jury's judgment, while the accusers are convicted by the truth of wretchedness (μοχθηρία) and injustice.¹⁸⁵ (Socrates has two standards: law and truth. He seems to be innocent in terms of the truth. But is he truly innocent in terms of the law?) Strangely, although the tone of this section is the harshest in his speech,¹⁸⁶ his criticism is not against the jury, but against the accusers. He does not say that the jurors, who voted for his conviction, are evil or unjust. He says even the following:

(39c6-8). To sum up, the reason for the death penalty is, according to Socrates' interpretation, that Socrates has annoyed the Athenians for a long time in the city and annoys the jury at the court. It is important to see that these reasons are not directly related to the official charge.

¹⁸⁵ At first glance, this image looks very strange. If Socrates is a slow runner, he would be caught by both the slower chaser (death) and the faster one (vice or evil). De Strycker resolves this problem in the following way. Socrates uses two kinds of images: at first the image is that one runner is chased by two chasers, the faster one and slower one. Then he changes the image at 39b1. The new image is that each of a faster and a slower runner is chased by one chaser. In this case, Socrates is chased only by a slower one (death), and the accusers are chased only by the faster one (vice or evil). De Strycker [1994], pp. 378-379.

¹⁸⁶ Brickhouse & Smith [1989], p. 236; de Strycker [1994], pp. 211-213.

And I abide by the penalty, and so do they. These things perhaps even must be in this way, and I suppose there is just measure in them (39b6-8).

Does he think that the judgment is fair, even though it is wrong? We will come back to this issue at the very end of the third speech.

Still addressing the jurors who voted for the conviction, he next gives them a prophecy,¹⁸⁷ for human beings who are about to die can deliver an oracle.¹⁸⁸ Socrates foresees the vengeance that will come upon them after his death. Their conviction, which is supposed to get rid of an annoying examiner, will backfire. The many young men, who have been held back by Socrates, will refute them.¹⁸⁹ Since they are young and much harsher than Socrates, they will be more indignant.¹⁹⁰ To avoid Socratic examination is not only impossible but also not noble—rather, the noblest thing is to equip themselves to be the best possible. In his prophecy, then, Socrates tells them that conviction will work against their intention, while telling them what nobility is. The noblest thing is not the

¹⁸⁷ As Reeve says, Socrates provides two separate speeches to those who voted for the death penalty and those who found him guilty. Reeve [1989], pp. 175, 180. See 38c7-d2, 39c1-2. However, this distinction is not very clear. According to de Strycker, Socrates “neglects the difference between those who found him guilty and those who voted for the death-penalty.” De Strycker [1994], p. 204. De Strycker suggests that we should compare 38d1-2 with 39c1-2 and 39d8-9. In addition to this, it is useful to see that Socrates addresses those who found him guilty (39c1-2) and then immediately he addresses those who would kill him as if these two are same (39c3-8).

¹⁸⁸ Cf. *Iliad* 16. 852-61, 22. 358-60; Xenophon, *Apology of Socrates to the Jury* 30; Xenophon, *Education of Cyrus* 8. 7. 21; Burnet [1977], pp. 243-244.

¹⁸⁹ Previously, Socrates did not mention these followers and made an impression that after getting rid of him the Athenians would have a peaceful life (30d5-31a7). As we discussed, there may be no contradiction, but only the point of emphasis differs. However, this difference has a great effect, since the jury might believe that if they succeed in removing him, they would no longer be annoyed by any philosopher. Strauss [1983a], p. 51; Leibowitz [2010], pp. 166-167.

¹⁹⁰ Why has Socrates held the young back? Does he not want to show the corrupted men to the people?

people's ordinary activity; rather, philosophy is noblest. Previously, Socrates mentions freedom or war while talking about noble deeds (38e2-39a6). But he finally replaces them with philosophy as the examination of life or as being examined by Socrates and his followers. Hence we realize that the vengeance upon the jurors is Socratic examination, which is actually beneficial to them. Socratic vengeance is not harm, but annoying benefit. Do they not deserve anything bad?

Let us summarize the address to the condemners. Socrates makes their decision harmful to them and worthless by pointing out that the conviction is blameworthy, unnecessary, and ineffective. Through this process, he elevates himself as a wise, free, and noble man. Remarkably, he elevates himself in terms of things valued by ordinary citizens, basing his elevation on freedom and illustrating it through bravery in war; he makes his greatness acceptable to them by mentioning something which is suitable to their taste. But he not only demonstrates that he appears to be a great citizen, but also replaces such civic greatness with nobility connected to philosophy. Philosophy then looks noble again from the citizens' perspective. In the future, the condemners, who cherish citizenship, or the future generations of the Athenians, might imagine that Socrates is a high-minded and great citizen because he is a philosopher.¹⁹¹ Socrates does not even deny his guilt here. Instead, he tries to control his posthumous image.

After the condemners, Socrates addresses the acquitters to show the meaning of what happens to him (39e1-40a2).¹⁹² What sort of men are the acquitters? What is he going to

¹⁹¹ Socrates may prepare the safer way for prospective philosophers by insisting that philosophical examination is noblest.

¹⁹² We do not know the reason why Socrates does not address the jury who voted for the fine. The acquitters and the jury who voted for the fine may overlap. Or voting for acquittal may show their

tell them? And, more importantly, what does Socrates want to achieve through this short address?

Compared to the previous address, Socrates' demeanor to the acquitters and the tone of his speech are gentler. He treats them as "friends" (40a1). He even calls them "judges" (40a2), though he has avoided using this title since the beginning of his speech. In the Prooemium, Socrates said that the virtue of the judge is to consider whether or not Socrates speaks just things (18a3-5). The acquitters probably made their judgment by considering justice rather than being moved by anger, hatred, and envy. (This does not necessarily mean that they made the right decision or that they are completely free from those passions.¹⁹³) Socrates seems to suggest that the acquitters, because they considered justice, were favorable to Socrates, so that they tried to allow him to keep philosophizing or to prevent him from suffering capital punishment. Only to these men does Socrates show his friendliness. Only to them is he pleased to explain the meaning of the event. He treats well the people on his side.

To explain the meaning of what happened to Socrates, he refers to the *daimonion* again. Usually the *daimonion* keeps him from doing even small things wrongly. However, at the day of the trial it never stopped him from doing anything, even though his actions lead to the death penalty. Hence, he assumes that the result of the trial is good for him.¹⁹⁴ Even concerning death, Socrates presupposes that the *daimonion* protects his private

goodwill toward philosophy more than voting for the fine.

¹⁹³ Cf. Leibowitz [2010], p. 168.

¹⁹⁴ This inference has a logical problem. For the absence of the sign only warrants that the thing Socrates is going to do is not bad. Cf. Brickhouse & Smith [1989], pp. 256-257. However, Socrates is not so definite about the inference. He seems to talk about only likelihood or probability, whether it is strong or not (40b7).

good. Also, his choice of explanation shows how Socrates understands the character of the acquitters. He thinks that they would take the sign of the *daimonion* and its absence seriously. It is possible that when Socrates told about divine things such as the Delphic oracle and his *daimonion*, they simply believed in these stories without regarding them as irony (cf. 37e3-38a1), whereas the condemners would presumably regard them as irony. To put it simply, they are characterized as believers more than as patriots. Perhaps the reason for them to vote for acquittal is their belief in or religious fear of the divine. For Socrates, it is then appropriate to use the *daimonion* to make them believe that the death inflicted by the court decision is good.

For this sort of man, Socrates goes so far as to generalize the meaning of what happens to him. Beyond his private good, he is going to tell of his great hope that death in general is good. The meaning of Socrates' own death, testified to by his private divinity, can apply to everyone. His address to the acquitters concerning the meaning of the death penalty develops into the hopes for death in general for all believers.

According to Socrates, death is one of two things: the dead man has no perception, or death is a migration of the soul from this place to another place. First, if dead people are without sense perception, death would be a great gain, for it is like a dreamless sleep. If someone compares the night in which he slept well without having a dream with the days and nights in his entire life, he would find only few days and nights more pleasant than the night with dreamless sleep. In this case, death is like a great pleasure for human beings.¹⁹⁵ But we should not forget that this is only a "hope" (40c4). Actually, he does

¹⁹⁵ One may point out that dreamless sleep is not the same as loss of the senses. For a sleeping man will wake up and feel that such a sleep was pleasant only after waking up. A man without sense

not stand by this idea. He talks about this hope by using conditional clauses: “*if* there is no perception . . . *if* someone had to select the night . . . *if* death is something like this, I at least say it is a gain” (40c9-e3, emphasis added). This view of death is sketched conditionally without any concrete basis.¹⁹⁶

The second hope for death is the migration of the soul to Hades. In this case, death is good because it is said that all the dead men are there; in particular, one could see true judges, famous poets, and the men who died by unjust judgment. It is not unpleasant for Socrates to compare his fate with that of men who died unjustly. Above all, the greatest thing is to examine great people in Hades as to whether or not they are wise. Socrates presupposes that his life would not basically change in Hades.¹⁹⁷ But there are two important features concerning life in Hades.

First, in Hades Socrates does not engage in exhorting to virtue at the command of the god. At any rate, he does not mention his exhortation in this context. It seems possible that he will examine people, not because it is the command of the god, but willingly because it brings him pleasure or happiness (41b7-c4).¹⁹⁸ In accordance with this, Socrates is not a benefactor of the city there. There is probably no *polis* in Hades. Where there is no city or divine duty, Socrates pursues his own benefit. It is possible that contribution to the city or the demonstration of it is not the essence of his philosophy.

perception never feels pleasure. As for the discussion on this issue, see Brickhouse & Smith [1989], pp. 258-259.

¹⁹⁶ Both of the two hopes, losing the senses and migration, are groundless. While the latter hope is ascribed to someone, it is unclear who has the former hope (40c5-9). Is it possible that Socrates' idea is closer to the former?

¹⁹⁷ Interestingly, living in Hades seems to be pleasant only for Socrates. It is questionable whether this is a hope for everyone.

¹⁹⁸ Leibowitz, p. 170.

This sort of activity may be necessary when he lives in the city and has to demonstrate his utility to his fellow citizens.

The next feature of his story of Hades is that happiness there comes not only from examination,¹⁹⁹ but also from the fact that the dead never die again (41c4-7). The goodness of death here is based on the absence of death. Socrates seems to admit that death is not always good and that life is better.²⁰⁰ While talking about the hope for death, his story tacitly questions the goodness of it. We should be careful about whether he truly commits to this hope. His ambiguous commitment to it is more manifest when we see that the hope is conditional again: “*if* death is like a journey from here to another place and *if* the things that are said are true . . .” (40e4-7, emphasis added), and “*if* those there are happier than those here . . . *if* the things that are said are true” (41c4-7, emphasis added). It is doubtful even that Socrates himself believes in the hope, since he clearly denied having knowledge about death (29a6-b2).

Thus, Socrates does not commit to the two hopes. However, he not only tries to make the acquitters hope for the goodness of death, but also induces them to think the following as truth: nothing is bad for a good man both in this life and the afterlife, and the gods are not without care for his troubles (41c9-d2). Socrates provides for the believer the belief that being good would be rewarded even in the afterlife. It is a good consolation for them, who may originally have believed that death is bad (40a7-8), and who thought that Socrates was not wicked enough to be killed; looking at a good (or not

¹⁹⁹ For Socrates happiness does not come from the possession of knowledge, but from examining people or from pursuing knowledge.

²⁰⁰ When he says that he could die many times for the sake of philosophy as the order of the god, he held death to be more desirable. Probably, the exaggeration of the desirability makes it easier for him to accept death in the previous context. Compare 30b7-c1 with 41c4-7.

so bad) man suffering would be painful for them. At the same time, through this story Socrates enhances his good image. If a good man cannot suffer evil because of the gods' care, and if Socrates will not suffer harm by dying, it follows that Socrates is a good man who is supported by something divine.²⁰¹ Socrates induces them to classify him as a good man with divine support. In the eyes of the acquitters or believers, Socrates appears like a good man.

However, just as he talks about his hopes for death in conditional terms, he keeps some distance from the belief he just expressed to the acquitters. For Socrates, death is better, not because a good man can never suffer, but because he is released from troubles (41d3-5). His judgment is independent of the picture of the afterlife and of divine support for a good man.²⁰² Socrates judges by himself that death is good for him now.²⁰³ Death is neither good nor bad in general, but it becomes known to be good in a particular circumstance for a particular person. Not hope or belief concerning death, but consideration of this life makes death better for Socrates. Socrates seems to want the acquitters, who tend to be believers, to believe that Socrates as a good man benefits from divine support, but he indicates that he does not rely on this belief.

After addressing the acquitters and before closing the speech, Socrates turns to the condemners and the accusers again. He says that he is not at all angry at them (41d6-7), probably because death is not bad for him. But they are blameworthy, because they accused and condemned him in order to harm him. Then, surprisingly, Socrates asks them

²⁰¹ The "truth" presupposes that only a good man does not suffer evil. The previous hopes for death allow the possibility that death is good even for a wicked man.

²⁰² Cf. Brickhouse & Smith [1989], pp. 255-256, 263.

²⁰³ Socrates' judgment explains the reason why the *daimonion* does not oppose him. The reason for the goodness of death does not come from the *daimonion*. It is only his independent inference.

a favor.²⁰⁴ He asks them to do similar things to his children, once they grow up, as he has done to them: if his children care for money before virtue, and if they are reputed to be something when they are not, the condemners and accusers should reproach and give pains to his sons. Contrary to his previous opinion that there are few educators of the young (24d3-25c1), he now trusts in the ability of ordinary people to educate the young. But are they not the enemies of Socrates? Why does he not entrust the education of his sons to friends or his followers? Are the accusers and condemners not the true enemy? Did they really make a wrong judgment about the education of the young in the trial? His last request seems to overturn his previous reproach of them. Moreover, if the exhortation to virtue is possible for ordinary men, what is the essence of Socratic philosophy?

While confusing readers or listeners by trusting the condemners and accusers, Socrates prepares to leave. He does so with a few words:

It is time to go away, I to die and you to live. But which of us goes to a better thing is unclear to all except to the god” (42a2-5).

These parting words do not solve anything, but provoke more questions. Is he really not sure that death is good now? Which god does he mention? More generally, what does Socrates really know? The parting words of Socrates make us realize that we do not know sufficiently about Socrates and his philosophy. The conclusion of his speech opens the door to a new investigation about Socratic philosophy.

²⁰⁴ De Strycker argues that after he says that he is not mad at them, he addresses the whole jury and the accusers; his request for his sons' education is not limited to the condemners and accusers. De Strycker [1994], pp. 395-396. However, even if his argument is correct, Socrates' request is still shocking because it includes those who opposed him in order to harm him.

Conclusion

Let us conclude the discussion in this chapter by summarizing the main points. What does Socrates achieve by providing the speeches at the trial?

In the first speech, Socrates tries to create a good image of himself. He begins with the first accusations against him. The accusation says that Socrates is a suspicious wise man who engages in natural philosophy and rhetoric. In the course of the refutation of this accusation, Socrates gradually shifts the point of the discussion from natural philosophy and rhetoric to the wisdom of human virtue. The story of the Delphic oracle confirms the shift. Focusing on the origin of the slander that Socrates is wise, he shows that he is the “wisest” among human beings since he is aware of his ignorance concerning the greatest things—human virtue, which did not even appear in the first accusations. Despite the need to defend himself against specific charges brought against him in court, Socrates introduces the first, unofficial accusations, which contain a small seed of praise for Socrates. By skillfully controlling the topic, Socrates grows the seed and in the end demonstrates that he is a wise man in the positive sense of the term, concerning virtue. He is no longer blameworthy as a wise man, but should be respectable to the people. The speech becomes praise for him in the form of an apology.

The interrogation of Meletus can be understood in this context. As Socrates says, he appears wise about the things concerning which he refutes the men supposed to be wise. Now he deals with Meletus as a man who claims to possess wisdom and who challenges Socrates’ wisdom. Therefore, when Socrates refutes Meletus and his indictment cleverly, Socrates must look wiser than Meletus concerning the topic of the interrogation: the

official charge concerning education of the young and piety toward the gods of the city.

After establishing his wisdom or the appearance of wisdom, Socrates makes himself look noble. By showing that he endures death easily for the cause of philosophy, he tries to become a hero from the people's perspective. The fact that he emphasizes his contribution to the city would promote his nobility, since Socrates, as he insists, is the only philosopher who exhorts everyone to virtue while disregarding his own affairs. As this sort of noble man, he refuses to beg for mercy in order to be acquitted. Protecting his name and his pride in being a wise and noble man is more important to him than saving his life. Thus, he makes it clear that being noble and wise is compatible with being condemned. He is going to be convicted, not as a suspicious wrongdoer, but as a noble and wise philosopher. He succeeds in controlling the reason for his condemnation, at least in his speech. Thus, the official charge is turned upside-down.

In the second speech, Socrates makes a counterproposal against the death penalty. One may expect that Socrates is going to propose a punishment harsh enough to be acceptable to the jury. However, at first he claims that he deserves free meals at the Prytaneum. This is not even a punishment, of course, but an honor or prize for great men such as victors at the Olympiad. After demonstrating his true worth as a philosopher and refusing all other options that are not suitable to his worth, Socrates finally proposes a fine, with the help of his friends. This proposal is, again, not even a punishment. The large amount of money will be paid by his friends, not by Socrates. Also, as he admits, after being released, Socrates will engage in the same activity which is now judged to be a crime. Socrates never says that he induces the death penalty. But he seems to put the

demonstration of his worth and acting appropriate to his image as a great man before making an effort to be released—death is acceptable to him if he is successful in the former task. (In this respect, Plato’s Socrates agrees with Xenophon’s.²⁰⁵) In the face of Socrates’ proposed penalty, it is difficult for the jury, especially for anyone who voted to convict, to choose the fine. It is not surprising to see that Socrates is sentenced to death.

In the third speech, Socrates speaks to the jury about the result of the trial. He tries to affect their understanding of himself and his philosophy after the trial. The existence of the third speech itself shows that Socrates is concerned with his posthumous reputation among the people and that Plato regards this speech as important to understanding Socrates’ intention at the trial. First, Socrates reproaches the condemners: their decision is blameworthy, useless, and ineffective. While reproaching them, he does not forget to insist that he is a wise man. Also, by saying that for him there is something more important than being saved, he makes himself appear to be noble. In the eyes of the condemners, Socrates is going to die as a great man. Next, he consoles the acquitters by saying that death is not bad for him because the *daimonion* was silent during his defense. From this he generalizes about the goodness of death by telling of hopes for the goodness of death. Also, he tells them the “truth”: a good man, being cared for by the gods, never suffers evil. Of course he is aware that he is talking about mere hopes. Furthermore, he detached himself from the “truth” by judging independently that death is good for him now—it is good because of his present circumstances. However, it is also true that for the acquitters there may be hope for death in general, and, based on this hope, Socrates’

²⁰⁵ *Apology of Socrates to the Jury* 9.

particular death seems good; Socrates is going to die as a good man supported by something divine. Therefore, through short remarks, Socrates makes himself appear a man who is going to die as a distinguished man both to the condemners and acquitters, although in the different ways.

Generally speaking, Socrates makes an effort to establish a good reputation by exaggerating some features of philosophy rather than to prove his innocence by refuting the indictment. He exaggerates some features of philosophy that are praiseworthy in the opinion of people: philosophy is a divine task to selflessly exhort everyone to virtue, which deserves risking life. The fact that this is an exaggeration can be understood from its opposite side: philosophy is not only a painful mission to benefit the city commanded by the god, but also a pleasant activity to which Socrates voluntarily devotes himself. Socrates also indicates that death would not always necessarily be good for him, even though sacrificing his life is a condition for the claim of his nobility. Socrates seems to reveal the whole truth about himself, although the indication of his private pleasure is much less conspicuous.

The exaggerated picture of philosophy is conveyed not only by the logic of his arguments. Socrates also appeals to the emotions of the listeners. He frames his way of speaking so that they are angry at his greatness and his claim to be great—they are so angry with Socrates that his greatness as a philosopher is well engraved in people's minds. This is not a rational persuasion, but one based on the use of human emotions and sophisticated analysis of character. Actually, the biggest proof of his greatness is not rational. Socrates knows that his audience prefers deed to speech (32a4-5). He then

presents himself as a noble man who heroically accepts death for the cause of philosophy. He is going to die because he is great. In other words, a heroic death is the most tangible proof for his greatness.

In this respect, Socrates does not strengthen the hostility between philosophy and the city, but rather he mitigates the hostility and thus enhances the possibility that philosophers, thanks to the fame of Socrates, can stay in the city as philosophers. Socrates fails to save his life, but succeeds in saving philosophy in the city. It shows that Socrates cares for the future of philosophy, understands the character of the people, and uses political rhetoric very well.²⁰⁶

²⁰⁶ Zuckert [1984], pp. 294-297.

PART 3: SOCRATES' REFUSAL TO ESCAPE

Chapter 6: Plato's *Crito*

In the previous chapters, we examined Socrates' understanding of the indictment and his trial. We argued that Socrates emphasizes his excellence, or his nobility and wisdom, and so provokes the jury without effectively proving his innocence. In this chapter, as the final part of our study, we study his conduct after the trial. As we will see, instead of escaping, Socrates obeys the verdict. His action must be based on his understanding of the trial and its result.

After the sentence of death is passed, Socrates is thrown into jail until the execution. Meanwhile, some of Socrates' companions visit him in order to induce him to escape.¹ Although the escape seems well-prepared by them, Socrates refuses their offer.² In other words, the verdict is not only imperatively inflicted on Socrates, but also voluntarily accepted by him. Socrates, after the trial, is not helplessly killed by the city; partially it is his choice to be executed inasmuch as he chooses to remain when flight is possible. The execution is then based on the exercise of his reason.

Why does Socrates refuse to escape and instead accept the death penalty? There might be legal reasons: Socrates may accept the penalty because he is a law-abiding man who obeys any verdict whatever it is, or because he admits his guilt. Also, it is possible that, regardless of legal matters or political obligation, escape is not attractive to Socrates

¹ Xenophon, *Apology of Socrates to the Jury* 23.

² *Crito* 45a6-46a8.

because of his old age, friends and family, justice, and so on.

Plato's *Crito* deals entirely with this issue. Just as other Platonic dialogues, the *Crito* does not dissect Socrates' reasoning; we have to read his reasoning through the conversation between him and his interlocutor, which occurs in a certain setting. Therefore, our task is to grasp his reason by reading the drama of the dialogue. To what kind of person, in what situation, in what way, and to what extent, does Socrates reveal his reason to refuse to escape?

The final goal of this chapter is to show that even though Socrates indicates the principles of justice that seem to prevent him from escaping, they are not clear enough. Rather, through persuading Crito to accept the death penalty by introducing the speech of the personified Laws, Socrates demonstrates that his decision to be executed is compatible with the command of the Laws. As a result, to Crito and people like him (the many), Socrates appears to be executed because of his supreme law-abidingness.

The *Crito* is divided into five sections.³ We will analyze each section in order.

Opening Scene (43a-44b)

The opening scene of the dialogue establishes the setting of the conversation very well. Although the brief conversation in the opening scene is complicated and fragmented, from it we understand specifically the background of the dialogue, the characters, and their intentions. Most importantly, the two interlocutors have opposite understandings and motivations in the face of a serious situation: in contrast to Crito who is confused at the

³ Opening Scene (43a-44b), Crito's Persuasion (44b-46a), Socrates' Principles (46b-50a), The Speech of the Laws (50a-54d), and Conclusion (54d-e).

impending execution, Socrates, who has already accepted it, looks very calm. This difference facilitates the conversation and gradually accelerates it.

Before starting the analysis of the dialogue, we have to know its general background. In another dialogue, the *Phaedo*, Plato himself explains it. It is said that when Theseus, the founder of Athens, went to Crete in order to save the young Athenians sacrificed to the Minotaur, the Athenians made a vow to Apollo that if he succeeded in saving them, they would send a mission to Delos every year. Based on the story, each year the Athenians traditionally send a mission to the festival in Delos. During the period between the departure and the arrival of the sacred ship, the law prohibits public executions in order to purify the city. As it happened, the dispatch started on the day before Socrates' trial. He is thus put into jail for about thirty days until the ship comes back.⁴ The dialogue of the *Crito* is therefore set around thirty days after Socrates' trial, which means that the day of the execution is impending. It opens when, in the very early morning, Crito, one of Socrates' closest companions, visits Socrates alone in the jail.⁵

The conversation between Socrates and Crito begins when Socrates wakes up from his apparently pleasant sleep. Socrates is surprised at seeing Crito who is already at his side in the very early morning. (Socrates is surprised, not because Crito is there, but because Crito is there so early; Crito often visits the jail, probably in order to care for Socrates and persuade him to escape.⁶) Being surprised, Socrates asks two questions: why

⁴ *Phaedo* 58a-c. Cf. *Crito* 43c2-44a4; Xenophon, *Memorabilia* 4. 8. 2; Adam [1888], pp. 24-25; Burnet [1977], p. 245.

⁵ In the *Phaedo*, Crito does not engage in the philosophical discussion on the soul. He is not a philosophical friend of Socrates, but he takes care of Socrates concerning physical and practical matters. Concerning these matters, Socrates deals with Crito as if he is a family member. *Phaedo* 115b-118a; cf. 60a-b.

⁶ *Crito* 44b5-6. Usually, visitors have to wait until the guardian opens the gate. It does not open so

does Crito come at this time, or is it not so early (43a1)? Crito answers only the latter: it is before dawn. It is important to note here that the short conversation in the *Crito* is held entirely in darkness between only two people.⁷ The darkness and secrecy are necessary and appropriate for conspiracy. The *Crito* does not consist of pure philosophical discussion, but rather revolves about practical persuasion for Socrates to commit a crime at the suggestion of his close companion, however noble and respectable the motivation may be. In this context, it is understandable that Crito, who is ready to commit a crime, indicates that he got into the jail by bribing the guardian (43a7-8).⁸ Crito's early visit and the way of his visiting show his eagerness and the urgency of the situation.

Yet the dialogue starts moderately. Crito does not rashly wake Socrates up. He silently waited for Socrates to wake up, since he is amazed at Socrates' pleasant sleep in the difficult circumstances and decides to let him pass time as pleasantly as possible without interruption. Crito feels that Socrates needs all the peaceful rest he can get

early. *Phaedo* 59d.

⁷ Strauss [1983a], pp. 54-55.

⁸ That Crito is ready to commit a crime does not mean that he is a wicked, lawless man. Xenophon mentions Crito in the context that he defends Socrates; Crito is safe to be mentioned in public. According to Xenophon, Crito is one of Socrates' associates who are gentlemen and do not receive any blame. *Memorabilia* 1. 2. 48. Generally speaking, Crito is a rich and decent man. (As for his richness, see *Memorabilia* 2. 9.) As we will see, the problem of Crito is that his friendship is incompatible with lawfulness. He is so decent and kind as a friend that he is going to commit a crime, and his richness makes it possible. See Rosano [2000], pp. 454-455.

As for the bribe, it is true that Crito's expression is ambiguous; he only says that the guardian has been done a certain benefaction by him (43a8). Burnet argues that it does not mean a bribe, but shows Crito's kindness. Burnet [1987], p. 255; cf. Rosen [1973], pp. 308-309. However, we do not have strong evidence to exclude the possibility of the bribery. Rather, the bribery fits the context well, in which Crito makes great effort to violate a law based on his good will. Crito seems to be ready to pay a lot of money for his plan for breaking jail—for example, he plans to corrupt informers. *Crito* 45a6-45c4. Also, his ambiguity is understandable, not only because bribery is not something to be proud of, but also because Crito knows the difference between Socrates and himself: Socrates would not think that bribery is a good thing to do. Cf. Adam [1888], pp. 22-23; Congleton [1974], p. 434; Weiss [2001], pp. 51-54.

because of his own sense of the situation's urgency—the opening scene looks peaceful only on the surface. The wonder of Crito and the calmness of Socrates make a clear contrast.⁹ Crito views Socrates waiting for death inflicted by the jury as a calamity so painful that it makes him sleepless. Even though Crito is familiar with Socrates' character, Socrates' ease in dealing with this great calamity now amazes Crito. On the other hand, Socrates says that it is discordant for someone of his age to be vexed by the end of life.

Their opinions do not mesh with each other, but they are not totally incompatible. Although death itself is natural for the old, the cause of it could be a calamity. Socrates does not deny that the cause of his death is a calamity or appears to be so. It is possible that Socrates tries to show Crito only a general feature of the incident that is easier to endure. The difference of understanding of the situation between them prompts Crito to make an objection: old age is not sufficient to release someone from being vexed at a calamity—a very important point, since it suggests that Socrates has another reason to endure death and makes us expect that he will reveal it.

Socrates admits Crito's opinion concerning death in old age very casually. But he does not develop this issue.¹⁰ Instead, Socrates goes back to his original question which Crito has not answered: Why has Crito come so early? Now Crito has to mention the news that makes him come so early. According to Crito, the news is very hard for Crito and all the companions of Socrates, although it may not be so hard for Socrates himself. Whereas we realize that Crito well understands the difference between Socrates and

⁹ Cf. Bruell [1999], p. 212.

¹⁰ The reason why Socrates is not vexed will be explained partially in the third and fourth sections.

himself,¹¹ we have not been told what the news is. Crito only explains how unbearable it is.

The difficulty of the news may be why Crito did not reply to Socrates' first question at the beginning (43a1-4) and is ambiguous now (43c6-9). It is, then, Socrates who dares to mention the possibility that the sacred ship has already arrived, and thus his last day is coming. Based on an independent source of information, which he seems to make an effort to get,¹² Crito corrects Socrates by saying that it will arrive today. Since Socrates is supposed to be executed on the day after its arrival, Socrates will close his life tomorrow.

Contrary to Crito, Socrates is still calm and shows his casual acceptance of death by appealing to the gods: "May it be for the best; if such is dear to the gods, such let it be" (43d7-8). Moreover, Socrates corrects Crito's information again, even though he is not supposed to have any news source: the ship arrives tomorrow, not today. The sole ground of his prediction is a dream that he had just before he woke up. The dream is this: a beautiful woman dressed in white approaches Socrates and says, "Socrates, on the third day you would arrive in fertile Phthia" (44b1-2). While Crito says that it is strange, Socrates asserts that the meaning is clear.

Socrates does not explain fully his interpretation of the dream, but we can infer his interpretation on reasonable grounds. In the *Iliad*, Achilles, who refuses Odysseus' attempt to reconcile him with Agamemnon, says that "on the third day I would arrive in fertile Phthia" (*Iliad* 9. 363); Achilles, refusing to go back to the battlefield, declares that

¹¹ White [1996], p. 102. In this dialogue, Crito has to face and persuade a man whose way of thinking, which is very opposite to his, is well-known to him. Crito takes Socrates' high-mindedness into account from the beginning.

¹² Crito heard the news from the messengers who got off the ship at Sunium and returned to Athens by land. Crito must have some connection with them.

he will return to his home, Phthia. Therefore, it is possible to interpret “Phthia” in Socrates’ dream as the home of Achilles. Also, taking into account the fact that Phthia is an area in Thessaly where Crito urges Socrates to go, Socrates’ dream could suggest that he should escape as soon as possible and would succeed in doing so. However, Socrates does not take this possible interpretation. Instead, he seems to interpret “Phthia” as his home in Hades.¹³ This interpretation is inferred from the fact that he uses the dream only for the prediction of the date of his death, and that, as we will see, Socrates refuses to go to Thessaly. It is very important to emphasize that the dream works only for the prediction of the date and does not make him decide to remain. As we know, Socrates has been in jail for quite some time; Socrates has already decided to die before having the dream. The dream then has no influence on his decision.¹⁴ Moreover, we do not know to what extent Socrates really relies on the prediction of the dream. Later Socrates presupposes that Crito’s report is right (46e2-47a2); Socrates says that, unlike himself, Crito is not about to die the next day.¹⁵ On the one hand, Socrates’ purpose in mentioning the dream is unclear. Through this story, he may show his peaceful acceptance of death. On the other, it is certain that the prediction of the beautiful woman in the dream of his pleasant sleep does not match what Crito really wants to talk about: the urgency of the situation and a plan for escape. Now, probably irritated, Crito moves on to the issue of escape. Each man speaks in a very different manner. In this urgent and difficult situation, Crito has to persuade Socrates to escape.

¹³ Adam [1888], p. 27; Burnet [1977], pp. 257-258; Strauss [1983a], p. 55.

¹⁴ Cf. Coby [1992], pp. 86-88; Harte [2005], pp. 250-251.

¹⁵ Bruell [1999], p. 213.

Crito's Persuasion (44b-46a)

Compared to Socrates, who looks calm and religious, Crito is in haste and must be practical. He dismisses the story of the dream by casually accepting Socrates' assertion. The story of the dream is irrelevant to Crito, since even if Socrates' prediction is right, it does not change the fact that Socrates is going to be executed. Immediately, then, Crito moves on to his final exhortation to escape—now, he takes the initiative. Knowing the news of the arrival of the ship, we understand how urgent the situation is and why he becomes impatient.

The aim of this section is to understand Crito's character revealed in his attempt to persuade Socrates to escape. This persuasion shows that he is concerned with money and reputation. Later, Socrates tries to make Crito accept the execution with a view to his character and concerns. Crito's persuasion creates a basis for Socrates' counter-persuasion.

Crito's exhortation is twofold. First, Socrates should be saved, since Crito will be deprived of an irreplaceable companion. It is a calamity not only for Socrates, but also for Crito. Second, the many will regard Crito with contempt: those who do not know about his plan will believe that he did not save Socrates because of his stinginess. It is shameful for Crito to be reputed to regard money as more important than friends. Even if Crito tells them the true story about Socrates' refusal to escape, they will not believe it.¹⁶ Although the Athenian jury inflicted the death penalty on Socrates based on the slander against him,

¹⁶ Crito intends to tell people about what happens between Socrates and him. The conversation is closed, but there is a possibility that it is disclosed to the people through Crito. Strauss [1983a], p. 56; Coby [1992], pp. 84-85. Socrates may take into account this possibility when he persuades Crito to accept the execution. In other words, Socrates may try to influence people's understanding of him by telling a favorable story to them through Crito.

Crito presupposes that the many among the Athenians will speak badly about his companions if they do not save the convicted criminal by helping him break from jail.¹⁷ Socrates only replies to the second point Crito makes.¹⁸ Instead of the opinion of the many, Socrates asserts, they should give thought to the most decent men who think that these things have been done properly.

Against Socrates, Crito emphasizes the considerable power of the many: the situation in which Socrates is now placed is itself a proof of the fact that the many can produce the greatest evil if someone is slandered by them. For Socrates, by contrast, the many do not have the power to produce the greatest evil or greatest good—they cannot make people prudent or imprudent.¹⁹ Again, we see the difference between Crito and Socrates. Now this difference between them becomes the obstacle for Crito to persuade Socrates. However, their positions are not completely incompatible. Socrates has not denied that the many have the power to produce some evils. He denies only that the many can produce the greatest evil.²⁰ Socrates looks evasive. Or, by emphasizing something that he

¹⁷ Strauss [1983a], p. 56. Crito's concern reflects the popular morality of the Greeks. Crito belongs to the "shame culture," in which people seek public esteem and are afraid of losing it. Public fame can be acquired by a successful deed; usually it means "helping friends and harming enemies." In this sense, "success" does not necessarily contain legality; more essentially, it means an achievement done with manliness and bravery. Athenian gentlemen sometimes regard their family and friends as more important than the city and its laws. Even helping friends by breaking laws could be praised. Therefore, to get a good reputation by helping Socrates escape, and not to lose it by preventing the enemy from succeeding, is not against popular morality of the Athenians. Adkins [1960], pp. 230, 279; Dover [1974], pp. 180-184, 273-278; Allen [1980], pp. 67-70; Olsen [1984], pp. 938-941; Bentley [1996], pp. 5-6; Rosano [2000], pp. 454-455; Colaiaco [2001], pp. 193-195; Weiss [2001], pp. 44-45, 50, 53-54; Harte [2005], p. 243.

¹⁸ Strauss assumes that Socrates does not comfort Crito about the loss of his companion, since even if Socrates succeeds to escape, Crito would still lose him. Strauss [1983a], p. 56. But there is a huge difference between losing someone because of death and losing him because of his moving to some remote place. It might be possible that Socrates focuses on the point about which he can mitigate Crito's worry more easily, since he has already decided to die.

¹⁹ Cf. Harte [2005], pp. 240-241.

²⁰ Cf. Strauss [1983a], p. 56; Beversluis [2000], p. 67.

can deny concerning the power of the many, Socrates tries to mitigate Crito's worry. Crito tries to persuade Socrates, but Socrates may try to comfort Crito. However, Crito, being so urgent, seems frustrated.

Since Socrates tries to refute Crito's concern about the many, based on which Crito induces Socrates to escape, Crito drops the topic of the many and instead brings up other topics.²¹ They would appear to Crito to be more effective than the previous ones or equally so. Roughly speaking, there are three topics Crito brings up.

Crito's first topic is the risk of escape for both Socrates' companions and Socrates himself. Socrates may worry that Crito and the other companions, if they help Socrates escape, would run a serious risk: losing a lot of money or suffering something else. However, Crito claims, Socrates should not fear this, because it is just for them to run such a risk. Also, the cost of escape is not high; people are willing to help save him with a small amount of money, the informers are bought cheaply, and companions from other cities are ready to pay for this plan.²² In addition to the fact that the risk for the helpers is not serious, the risk for Socrates is low. If he goes to Thessaly, where Crito has guest-friends, people would offer him safety and never give pain (45c2-4).²³ In short, the plan of escape is not so risky for both the helper and the one helped, in terms of money or

²¹ Crito does not engage in discussion, since he thinks that the seriousness of situation does not allow them to have discussion. 46a4-8. Weiss argues that Crito in effect ignores Socrates' point concerning the many in order to "proceed to make his case for escape." Weiss [2001], pp. 54-55.

²² Crito does not mention the name of any Athenians here. Rosen argues that Crito may minimize the risk to his Athenian friends; foreigners are out of reach of the legal authority of Athens. Rosen [1973], p. 308. Also, one may also pay attention to the fact that Plato is not mentioned here. Does Plato, who offers to be a guarantor for thirty mina, not help Socrates to escape? If he does not help this time even though he was willing to pay money, Plato may think that Socrates should be less lawless. Cf. Plato, *Apology of Socrates* 38b6-9; Xenophon, *Apology of Socrates to the Jury* 23.

²³ Thessaly is known for its "disorder and license." Weiss [2001], pp. 41-42, 53; cf. 53d3-4.

safety.

After reading Plato's *Apology*, one may notice that Crito here does not follow Socrates' argument in his defense speech. In the *Apology*, Socrates refused to go to other cities, saying that if he were sent into exile, he would not be accepted by the people in the other cities because he, still being philosophical, would be annoying to them (*Apology* 37c4-38a8). Socrates as a philosopher would then be forced to wander from city to city. Now Crito says to Socrates, "Do not let it be hard to manage for you, as you said in the court, because you wouldn't know what to do with yourself if you went away" (45b7-8). Socrates' speech did not convince Crito.²⁴ This fact, and his berating Socrates now, reflect his character well: money and physical safety are his priorities. The possibility of philosophy, which seems essential to Socrates, is far less important to Crito. This difference between them is shown by the fact that whereas in this context of the *Crito* Socrates replies that he is concerned with both "these things" (risk of money) and "other things," Crito only develops the former (45a4-8). Crito does not pay attention to "other things."²⁵ Money is naturally very important to him.

Crito's second point concerns justice. Crito charges that Socrates' attempt to refuse to escape is unjust. Socrates abandons himself even though it is possible to save himself, and thus he helps the enemy achieve what they wanted to do against him. Also, Socrates is doing injustice, since he abandons his sons by refusing to raise and educate them. Crito's justice consists then in defending oneself and one's own against the enemy. Interestingly, in Crito's opinion, Socrates' refusal to escape is unjust; conversely, illegal

²⁴ Rosano [2000], p. 459.

²⁵ Weiss [2001], pp. 41, 66-67.

conduct, breaking from jail, can be just. For Crito, then, justice is not necessarily a matter of obedience to the laws of a city, but is sometimes even incompatible with the norm of the community.²⁶

Crito's claim of justice leads to his third point: manliness or shame (the lack of manliness). For Crito, justice in the sense of protecting oneself is closely related to manliness. Those who cannot protect themselves, when doing so is possible, are unmanly, i.e., shameful.²⁷ From this viewpoint, all incidents concerning the trial are shameful both for Socrates and his companions: the trial itself, the verdict, and the execution could be avoidable, if Socrates and his companions are "of even slight benefit" (45d8-46a2). Since shame is a feeling that depends on people's opinion, it is not too exaggerated to say that Crito's sense of virtue or concept of manliness is based on what it seems to be, rather than what it is. One feels shame not only because he lacks manliness, but because he fails to show his manliness to people. Actually, Crito says he is ashamed because all the things concerning Socrates "will *seem* to have been done with lack of manliness" on their part (45c8-e3, emphasis added). Crito asks Socrates to be manly in order to look manly.

In quick succession, Crito flings these three points (risk, justice, and shame) at Socrates. Meanwhile, as we saw, Socrates has only one chance to give a short answer, which Crito does not consider well at all (45a4-5). Finally, after speaking of these three things, Crito begs Socrates to obey him without any counsel. Crito does not give him a chance to make a deliberation, but almost forces him to escape. This is the man whom Socrates is facing, and these are the contentions that Socrates must deal with. Through

²⁶ Rosano [2000], pp. 457-458.

²⁷ Cf. Strauss [1983a], p. 56.

objecting to Crito's exhortation, Socrates will reveal his reason to remain in jail. Only in this way can we grasp his reason. Thus, Crito's persuasion creates a basis for Socrates' argument.

Socrates' Principles (46b-50a)

Now we address the central question of this chapter: Why does Socrates not escape, or what is the basis of his decision? After Crito's strong and serious exhortation, Socrates will persuade Crito to accept his decision. Socrates' counter-persuasion, as long as it is a persuasion, must benefit Crito's character, concerns, and feelings, which are affected by the situation he is facing now. Within this limitation, Socrates has to persuade Crito. How and by saying what does Socrates try to convince Crito?

As we will see, while trying to mitigate Crito's fear of the many, Socrates sets the principles of justice as the starting points for persuading Crito. But at the moment when he moves on to the examination of the validity of escape, Socrates finds that Crito does not follow his discussion. We will conclude that Socrates' persuasion in his own name fails, because his principles of justice are too far from Crito's moral understanding. Since Socrates cannot develop his principles, we cannot have a full account of his reason for not escaping. Rather, this section shows that in order to persuade Crito, Socrates needs a different rhetorical device, the speech of the Laws.

To begin with, Socrates has to deal with Crito's eagerness and calm him down.²⁸ By addressing his eagerness, Socrates tries to lead him to a common consideration.

²⁸ Cf. Congleton [1974], p. 441.

According to Socrates, if his eagerness is not accompanied by some correctness, the greater it is, the more difficult it will be to deal with; eagerness itself does not prove that the conduct prompted by it is correct. Instead of having eagerness, Socrates says, it is more important for both of them to consider whether these things are to be done or not. Only through a common consideration will the correctness of the conduct become clear.

Moreover, Socrates claims that he only obeys the best argument or reason (λόγος).

Not only now but always, I am the sort of man who obeys nothing else of what is mine than that argument (λόγῳ) which appears best to me upon reasoning. The arguments (λόγους) that I spoke in the past I am not able to throw out now, because this fortune has befallen me. But, they appear nearly alike to me, and I respect and honor the same ones I did before. If we are not able to have a better argument to say at present, know well that I will not yield to you (46b4-c3).²⁹

Now, Crito, who still wants to persuade Socrates, has to engage in a common consideration, because it is the sole way to make persuasion possible.

Although Socrates reveals the general principle that he obeys the best “argument,” he does not explain the contents of that argument; we do not know correctly or entirely what the best argument is for him in this situation. Also, as we will see, he is going to reexamine the “arguments” that he stated in the past. More precisely, we must keep in mind the possibility that the “argument” that now appears best to him upon reasoning is not exactly the same as the “arguments” that he stated in the past and that he honors. Even if the best “argument” is a part of those “arguments,” Socrates can still choose

²⁹ It is remarkable that Socrates does not mention divine things and law. He seems to obey only his reasoning. Strauss [1983a], p. 57; Coby [1992], pp. 87-89, 98. Cf. *Phaedo* 98e-99a; Gallop [1998], pp. 256-257.

topics or ways of speaking according to the situation he is now facing, i.e., for Crito. Even the best argument, if it is spoken with a view to persuasion, must be conveyed according to a certain situation to a particular audience.³⁰

Here Socrates addresses the core of Crito's concern or fear, and tries to persuade Crito by mitigating his fear of the many. To counter Crito's proposal, Socrates does not reveal his reason directly, whatever it is. Instead, he begins their common consideration with the examination of the opinion of the many, about which Crito showed his fears and worries. The fact that Crito has not directly mentioned his worry about the many after Socrates' objection (44b6-e1) does not mean that this is not his main concern, or that Crito is convinced that the many are not fearsome.³¹ The mere fact that Socrates picks up the topic in particular by looking back to the conversation shows its importance for Crito.³² Crito's other claims thus far relate to his concern for the many. For example, taking the risk is the right thing to do, and for Crito doing so is a basis for having a good reputation (44b7-c5, 44e1-45a3); also, abandoning oneself and one's children is unjust because it is unmanly, that is, it looks shameful to people (45c5-46a4). Socrates asks Crito by recalling their past argument: "Was it said nobly on each occasion or not, that one must pay mind to some opinions, but not others?" (46c8-d2). His way of persuasion is ingenious. By referring to their past argument, which Crito endorsed before the trial, Socrates can introduce a useful argument to persuade Crito while asserting that it is already Crito's opinion—because it was his opinion, Crito cannot easily deny it. What Socrates has to do, then, is to remind Crito of his past argument and to check whether Crito has changed his

³⁰ Miller [1995], p. 122. Cf. Bruell [1999], 216.

³¹ Bruell [1999], pp. 214-215. Cf. Yaffe [1977], p. 127; Weiss [2001], pp. 54-55.

³² Coby [1992], p. 84.

mind in this serious situation. (This is why Socrates emphasizes the fact that Crito does not face the danger of death now and that the present calamity would not lead him astray; Socrates asserts that Crito does not have a reason to change his mind. 46e3-47a2.) In this respect, this argument is not simply what appears best to Socrates upon reasoning, but what both Crito and Socrates agreed to. We must understand Socrates' reason for not escaping within this limitation.

Thus induced by Socrates, Crito affirms that “one should not honor all the opinions of human beings, but should honor some opinions and not others, and that one should not honor the opinions of all, but should honor the opinions of some and not of others (47a2-4).”³³ Also, he agrees that one must honor upright (χρηστοί) opinions, and upright opinions are those of the prudent. As a result of this confirmation, as Strauss points out, the possibility that the many as such happen to have upright opinions that one has to obey, a possibility that Crito might support, is dismissed in this context. It seems that the ones who have upright opinions are always the prudent, i.e., a few (44d6-10).³⁴ This argument, which Crito endorsed in the past and affirms now, indicates that Crito's worry about the opinion of the many is groundless.³⁵

In accordance with this course of the argument, Socrates gives an example of a trainer. In gymnastics, one must follow only a single expert concerning training, drinking, and

³³ Adam deletes the second half of this sentence. According to him, this point will be stated in 47a10-11, but it is “premature” to state it here. Adam [1888], p. 45. In contrast, Burnet contends that the omission of these words in manuscript is accidental. For him, they anticipate the following argument. Burnet [1977], pp. 271-272. Also, see n. 35.

³⁴ Strauss [1983a], p. 57.

³⁵ At first, Socrates focuses only on the quality of the opinion, which Crito is said to have discussed with Socrates. Then, he gradually expands the scope of his discussion from the quality of the opinion to the quality of the holder of the opinion. Did Crito really agree to the latter point? Compare 46c7-d2 and 46d9-e1 with 47a2-4.

eating. If people do not obey the expert, and if they obey the many instead, their bodies will suffer. Therefore, one should obey only the one or the expert, but not all others or the many.

From this easy example of the expert of the body, Socrates shifts the topic to the soul. Just as disobeying the expert of the body ruins one's body, so disobeying the opinion of the expert concerning "the just and unjust things, the shameful and noble things, and the good and bad things, about which we take counsel now (47c9-11)"—"if there is such an expert (47d1-2)"—would ruin "the thing which becomes better by the just and is destroyed by the unjust (47d4-5)," i.e., the soul.³⁶ If the soul is corrupted by disobeying the expert, life would be not worth living, as Crito affirms. The thing that one must really fear is then the opinion of the expert, not the many, and the corruption of the soul, not that of body.³⁷ Therefore, contrary to Crito's claim that they should give thought to the opinion of the many, the most important thing to consider is, as Socrates induces Crito to agree, what the expert in justice, or the truth, would say.³⁸ Starting from the past argument with Crito held before the trial, Socrates, while receiving Crito's approval, leads Crito to the position which opposes Crito's concern with the many expressed in the dialogue. Eliminating the fear of the many is a necessary condition for Socrates' persuasion of Crito; only by being rid of it can Crito accept an opinion other than that of the many, such as Socrates'. However, it is not so clear whether Crito completely agrees with Socrates' assertion that one should obey only the expert, not the many. When

³⁶ Socrates does not mention the name of the soul. This may show Crito's inability in philosophy from Socrates' perspective. Strauss [1983a], p. 58; Rosano [2000], p. 463.

³⁷ Cf. Bentley [1996], p. 7.

³⁸ According to Beversluis, Socrates misrepresents Crito's statement here. Beversluis [2000], p. 69; cf. Woozley [1979], p. 17.

Socrates mentions a possible objection that the many can kill them, Crito does not oppose this opinion and even seems attracted to it (48a10-b2).³⁹

In addition to the issue of the expert, or in order to support more firmly the importance of justice for consideration, Socrates induces Crito to agree that not living but living well is important, and that living well equals living nobly and justly. Therefore, the thing that Socrates and Crito must consider is whether or not it is just to escape while the Athenians are not willing to let Socrates go. They must also consider whether it is just to pay money and gratitude to those who help them escape.⁴⁰ If these things turn out to be just, they should do them; if not, they should not. Dying or prolonging life is not to be considered now. From this perspective, which cherishes living nobly and justly most, Crito's considerations strongly expressed in the dialogue concerning money, reputation, and children are irrelevant. Rather, they are considerations of the many, which are the opposite of those of the expert in justice. Socrates then reveals that Crito is not only concerned with the many, but also that he himself is part of the many. (Although Socrates mentions this fact only after removing Crito's concern with the many, it is still not clear whether Crito totally abandons that concern.) Thus, Socrates establishes the two grounds for a common consideration with Crito: one must obey the expert, not the many, and the expert one must obey is the one about justice.⁴¹ But at the same time, Socrates indicates that Crito may not accept these grounds.

Socrates then asks Crito to undertake a common consideration of the case based on

³⁹ Cf. Bruell [1999], p. 218; Weiss [2001], pp. 62-63; Harte [2005], p. 242.

⁴⁰ Weiss argues that these are "other things" with which Socrates is concerned. Previously, Crito ignored Socrates about them. 45a4-8.

⁴¹ Cf. Rosano [2000], p. 464.

this guide. We should note here that Socrates never refers to the opinion of the expert in justice concerning his escape. Socrates may not know the opinion of the expert about his case, or may be simply skeptical about its existence. Previously he mentioned the expert in justice with the condition “if there is such an expert” (47d1-2).⁴² As Strauss points out, the common consideration and its result take place on the authority of the expert’s opinion.⁴³ In this respect, Socrates does not dismiss Crito. Socrates says about escape, “I regard it as important to act after persuading you, not while you are unwilling (48e3-5)” On the one hand, for Socrates, who already has decided to remain, it is unnecessary and no longer possible to persuade the Athenians to release him, and he needs only to persuade Crito. Socrates’ task is to reconcile Socrates and the Athenians with Crito, at least in terms of what Socrates must do. On the other hand, Socrates seems to perceive the difficulty of the persuasion. As we saw, Socrates realizes that Crito belongs to the many whose opinion should not be obeyed. Now Socrates also asks Crito to be honest in answering—Socrates anticipates that Crito would do otherwise. Socrates, having this task in this difficult situation, examines the starting point for the common consideration with Crito more closely. Perhaps the fact that Socrates still tries to receive confirmation from Crito on this starting point indicates that Socrates suspects that Crito has not wholeheartedly accepted the priority of the expert of justice.⁴⁴

Having established that only justice is relevant for the question of escape, Socrates

⁴² Strauss [1983a], p. 58; Rosano [2000], p. 462; Weiss [2001], pp. 60-62. Cf. Gergel [2000], pp. 294-295. According to Benitez, in the *Crito*, Socrates is not depicted as the expert. Benitez [1996], pp. 40-43. Cf. Weiss [2001], p. 61.

⁴³ Strauss [1983a], p. 58.

⁴⁴ Weiss points out that Crito “readily agrees to everything he [Socrates] says” without being aware of the implication what Socrates says. Crito is too submissive in discussion. Weiss [2001], p. 42.

further checks whether this “starting point” is stated adequately for Crito; Socrates has not started the substantive investigation based on this starting point yet. Socrates is going to clarify the principles of justice by questioning Crito, the principles Socrates and Crito discussed often in past. Generally speaking, the major principles are the following (49a4-c9). First, one must never do injustice intentionally, because it is bad and shameful to the doer himself.⁴⁵ Second, even if one suffers injustice at the hands of someone, he should not do injustice in return, for one must not do injustice. Third, since doing bad things is the same as doing injustice, one must neither do bad things nor do bad things in return for suffering bad things.⁴⁶ As Harte points out, these principles are revolutionary for Greek morality: their implication is that the popular morality among people like Crito, helping friends and harming enemies, is no longer valid, for, according to these principles, one must not do injustice even to his enemy.⁴⁷ In this context of the *Crito*, these principles mean that committing unjust deeds, such as bribery, to help Socrates is

⁴⁵ This principle seems to contradict Socrates’ famous paradox: injustice is never committed intentionally. Woozley argues that “a man *can* choose to act unjustly.” He says, someone “might perform one which he believed (even correctly) to be unjust; lacking the knowledge of justice he might not believe that performing the act would be bad for himself, and so he would lack the inhibiting belief.” Woozley [1979], pp. 21-22. Rosano contends that this moral imperative in the *Crito* is not Socrates’ own. Rather Socrates’ formulation of the principle shows his understanding of Crito’s problem; Crito believes that bad things should be done, especially in the case of Socrates’ escape. Rosano [2000], pp. 464-466.

⁴⁶ The meaning of “doing bad things” is not explained in the *Crito*. Kraut says that it does not mean physical harm, but it is much closer to “doing wrong.” Kraut [1984], pp. 26-28. For Kraut, “doing injustice,” “doing wrong,” and other synonyms are interchangeable in the *Crito*. However, there may be some differences. Strauss and Rosano suggest that prohibition of “doing bad things” matches Crito’s sentiment well more than the prohibition of “doing injustice” does; Crito has different reactions to these two prohibitions, and seems to approve the former more emphatically or without hesitation. Compare 49c1 with 49c6. Strauss [1983a], p. 59; Rosano [2000], p. 465; cf. Harte [2005], p. 233. For the discussion of the meaning of “doing bad things,” see also Woozley [1979], pp. 19-21; Allen [1980], pp. 76-81; Coby [1992], pp. 89-93; Weiss [2001], pp. 68-70; Danzig [2010], pp. 107-110.

⁴⁷ Harte [2005], pp. 232-235. He argues that the word for “doing injustice or wrong in return” (*ἀνταδικεῖν*) is a new term used first in the *Crito*.

prohibited (43a7-8, 44b7-c2, 45a6-b5, 48c6-d5). The focus is only on the justice of the conduct itself. Following Socrates' guidance too submissively, Crito now approves the principles that undermine his case for escape.⁴⁸ Perhaps Crito approves them without knowing their implications.

Socrates is clearly aware of Crito's problem: Socrates repeatedly warns Crito not to endorse these principles contrary to his opinion. According to Socrates, only a few people hold these principles, and between those who hold them and those who do not there cannot be a common counsel, but instead they have contempt for each other (49c11-49d5).⁴⁹ In the process of attaining Crito's approval, Socrates was careful to point out that the principles of justice were against the opinion of the many, or in other words that they could be against Crito's opinion (44b3, 49b10-11, 49c4-5). Socrates still doubts that Crito genuinely approves of the principles. To Socrates, Crito belongs to the many. Then, Socrates asks Crito to consider again whether Crito, sharing the principles with Socrates, can begin to take common counsel from them. Socrates even gives Crito a chance to state his opinion frankly if he believes something contrary to these principles (49d4-e2). The wordiness of Socrates in this matter shows his strong suspicion. Crito, however, easily admits that he abides by these principles and even induces Socrates to proceed.

Socrates brings up an additional principle: he asks, "Ought one to do the things he

⁴⁸ Weiss argues that for Crito, who accepts the popular morality of the many, retaliation is permitted, because "being a victim is bad and shameful." Weiss [2001], p. 72.

⁴⁹ This is a very important remark, since it suggests that the conversation between Socrates and Crito aims at a different path. The *Crito* shows that contrary to this statement, Socrates can have (or tries to have) a conversation concerning morality with someone who has the taste of the many. Although it may also suggest the limitation of their conversation, it is still true that Socrates and Crito do not hold contempt for each other.

agrees upon with someone, as long as they are just?" (49e6-7).⁵⁰ Again, Crito agrees. Theoretically speaking, this additional principle appears superfluous. Regardless of the agreement, the question of justice or injustice still has priority in judging the validity of one's conduct.⁵¹ However, it is also true that agreement is more visible than justice, and thus it is easier to follow a ready-made agreement than what is just in a particular situation.⁵² Remarkably, Socrates here does not warn that the principle of agreement is against the opinion of the many (49e5-7). Probably, compared to the prohibition of retaliation, keeping an agreement or promise could be a part of common morality. Since the principle of agreement is still restricted by justice (one ought to keep the agreement only as long as it is just), it seems to combine the principles of justice in the Socratic sense with popular morality. In this sense, Socrates approaches Crito's position or the many without breaking the core of the principle of justice.

From these principles (justice and agreement), Socrates finally asks Crito:

If we go away from here without persuading the city,⁵³ do we do bad things to someone, even to those whom we must least do so, or not?⁵⁴ And do we abide by the

⁵⁰ As for the translation of "δίκαια ὄντα" (49e6), see Weiss [2001], p. 74. According to Weiss, this phrase refers to the substance of agreement, not to its procedure. Cf. Woозley [1979], pp. 24-27; Kraut [1984], pp. 29-33.

⁵¹ Cf. Bruell [1999], p. 219; Harte [2005], p. 235.

⁵² It is also possible that the agreement determines one's new duty. As we will see, the Laws use this rhetoric. But in their speech the principles of justice disappear. Rather, justice is defined by the Laws. Cf. Harte [2005], p. 237.

⁵³ Strauss points out that "the many" is replaced by "the city" here. Strauss [1983a], p. 60. They are interchangeable. Compare 48b11-c1, 48e1-3 with 49e9-50a3.

⁵⁴ This is a very ambiguous question. To whom do they do bad things? What are bad things here? And what kind of agreement do they break? These questions are not answered, because, as we will see, Crito confesses that he cannot follow this argument; Socrates decides to adopt a different way of persuasion. As Weiss assumes, it is possible to interpret that "someone" is Socrates and his friends (or their souls), and that the principles they (Socrates and Crito) agreed in this conversation are violated.

things we agreed to—they are just—or not? (49e9-50a3).⁵⁵

By these questions, Socrates intends to apply their principles to the particular case. However, at this very point, Crito confesses that he cannot answer Socrates because he does not understand. Even though he accepted all the principles with no objection, Crito cannot apply them to the particular case. Crito, who strongly believes that Socrates should escape, may not accept or understand the possibility that escape is unjust.⁵⁶ At any rate, whatever Crito is thinking about the application of the principle, Socrates fails to persuade Crito. Now, Socrates, who still needs Crito's approval (48e3-5), needs a new way to persuade him.

This is Socrates' first counter-persuasion. How much can we understand Socrates' reason not to escape from this? Weiss argues that "Socrates' argument against escape is complete as of this point."⁵⁷ However, Socrates here does not reveal his reasons directly, but rather he undertakes the task to persuade Crito. Therefore, Socrates has to build a conversation according to Crito's case for escape, his emotions, and his character. Only within these limitations does Socrates allude to his own reasons. Whereas Socrates seems to agree with Crito about the principles (49e1), it is very unclear how to apply these

Weiss [2001], pp. 77-79. However, the ambiguity of the question allows one to interpret that they should not do bad things to the people because they agree with the city to abide by the verdict. In other words, the ambiguous question may expand the scope of the argument from the issue of the individual soul to the laws or the city as the victim of "doing bad things." The ambiguity of the question might link Socrates' principles with the speech of the Laws in which the Laws are said to be a victim of Socrates' wrong action.

⁵⁵ As for the translation of "δικαίους ὄσιν" (50a3), see Weiss [2001], pp. 74, 78. Since Socrates "implicitly accuses himself and Crito of doing something wrong," it is better that this phrase indicates the justice of the agreement.

⁵⁶ Weiss contends that Crito does not understand the argument at all that helping friends could be doing bad things, because Crito shares the moral perspective of the many. Weiss [2001], p. 80.

⁵⁷ Weiss [2001], p. 80.

principles to the case, and about the concrete contents of “justice” and even “agreement”; we know only those general principles, which Socrates seems to accept, without any detailed explanation. Also we do not know whether these are all the principles or reasons that led Socrates to make his decision. What we can know is that Socrates has already decided to accept the death penalty, and that for his decision his own reasoning (not the opinion of the many) and a consideration of justice (and just agreement) play an important role. His reasons seem not to be the popular ones. I agree with Weiss to the extent that we can infer his reasons from his counter-persuasion. But his full account has not been found in the *Crito*.⁵⁸ He reveals only the starting points of his reasons for us to consider.

The Speech of the Laws (50a6-59e2)

At the end of the last section, Crito confessed his inability to follow Socrates (50a4-5). Although Socrates may have anticipated this result somehow, Socrates’ method of persuasion comes to a deadlock. Socrates has tried to persuade Crito by considering together whether the escape should be done based on the principle of justice. Now it becomes clear to Crito himself by his own words that this way of persuasion is inappropriate for him. Crito’s confession directs Socrates’ persuasion in a different way. Instead of giving up on persuading Crito, Socrates introduces the speech of the personified Laws and the community of the city, who are strongly against his escape.⁵⁹

The purpose of this section is to show that, unlike the previous argument of Socrates,

⁵⁸ Cf. Rosen [1973], p. 314.

⁵⁹ The distinction between the Laws and the community is going to disappear. Strauss [1983a], pp. 60, 63.

the speech of the Laws matches the taste of Crito, and for that reason their speech is not compatible with Socrates' principles of justice, but do succeed in persuading Crito. As a result of the Laws' success, Socrates appears to accept the execution because he obeys the law. Also, the speech of the Laws benefits Crito. He originally tries to break the law for Socrates, but, thanks to the speech, he reconciles his friendship with citizenship.

Socrates' introduction of the Laws radically changes the tone of the conversation. First, so far the fundamental topic of the conversation between Socrates and Crito was justice; from now on it is the Laws. The Laws lead the conversation and admonish Socrates in order to prohibit their plan of escape. It is important to note that the Laws are closer to the opinion of the many than Socrates is, especially in Athens.⁶⁰ However, they are not the bare opinion of the many, but rather a refined and authoritative version of popular opinion, which should be respected and obeyed.⁶¹ Therefore, we can say that rational argument concerning justice is replaced by the sermon of the refined opinion of the many. For Socrates, who still tries to persuade Crito, this strategy is not unreasonable: the Laws are closer to Crito, who shares the opinions of the many, than the principles of justice are. For Crito, their speech proves to be more persuasive than Socrates' radical

⁶⁰ Anastaplo [1975], p. 208; Weinrib [1982], p. 95; Kraut [1984], pp. 81-82; Strauss [1983a], p. 63; Orwin [1988], p. 175. The Athenian democracy presupposes that all citizens know and practice the laws. See Plato, *Apology of Socrates* 24d9-25a11. However noble and ideal the Laws in the *Crito* are, it is impossible for them to exist without endorsement of the citizens. As for the argument that the personified Laws in the *Crito* are superior to actual Athenian laws, see Anastaplo [1975], p. 212; Kraut [1984], pp. 40-41, 66, 79-82; cf. Calvert [1987], pp. 18-19. Remarkably, Kraut argues that the Laws are "artful mixture of the real and the ideal: the dialogue's main speakers identify themselves with the laws that actually exist, but they also describe the jurisprudence that Athens ought to have." Kraut [1984], p. 82.

⁶¹ According to Meletus, all Athenian citizens, having knowledge of the laws, make the young better. *Apology of Socrates* 24d3-25a11.

principles against retaliation that are contrary to the many.⁶² In Crito's speech, the laws and community are not mentioned as his object of concern; clearly, Crito, who wants Socrates to break out of jail, lacks law-abidingness. Now the topic of lawfulness is introduced for Crito in order to persuade him to accept the apparent law-abidingness of Socrates.

Second, previously Socrates tried to persuade Crito through a common investigation; the Laws, even though they come to both of them, speak only to Socrates,⁶³ despite the fact that the plan of escape is Crito's.⁶⁴ Therefore, it is not correct to describe the new conversation as Crito being replaced as interlocutor by the Laws. Rather, Socrates' position as one who persuades is replaced by the Laws, and Crito's position as the one who is persuaded is replaced by Socrates.⁶⁵ In this way, in order to persuade Crito, Socrates personifies the Laws and is reproached by the Laws in the presence of Crito. Crito's role, from now on, is mainly to listen to them and to confirm the reasons of the Laws only when he is asked by Socrates. Thus, the shared consideration of justice is over, and is replaced by an impressive presentation of a ready-made conversation while Crito witnesses. Crito is supposed to accept the result of the argument passively.

The Laws' first reason against escape is that, by this deed, Socrates destroys the Laws and the whole city. It seems impossible for a city to exist if the judgments are rendered

⁶² Olsen [1984], pp. 449-450; Miller [1995], pp. 122, 133-134; Colaiaco [2001], pp. 199-202. For the alternative interpretation that equates the argument of the Laws with that of Socrates, see Kraut [1984], pp. 40-41.

⁶³ Weiss [2001], p. 85.

⁶⁴ The first words of the Laws are these: "Tell me, Socrates, what do *you* have in your mind to do?" (50a8-9, emphasis added). The Laws speaks as if Crito is not there. Although they mention Crito's name twice (50d3, 54d1), they do not address him. Only Socrates speaks to Crito.

⁶⁵ Young [1974], pp. 11-12.

ineffective by a private man (50a8-b5).⁶⁶ For the sake of Crito, Socrates prepares the answer to the Laws' reproach: "The city was doing us injustice and passed judgment not correctly" (50c1-2). Crito emphatically approved this answer, swearing by Zeus.⁶⁷ Two points should be noted. First, Socrates compares the Laws' argument to that of an orator (50b6-8). From this we assume that Socrates keeps a distance from the argument of the Laws.⁶⁸ In Plato's *Apology*, he criticizes the oratorical way of persuasion by contrasting it with his way of speaking (*Apology of Socrates* 17a1-18a6). In fact, when the Laws reproach the destructive action of Socrates, they do not mention justice. Is this action bad because it is bad for the doer or because it is harmful to the city? The issue of the soul of the evildoer, which is the basis of the principle against doing injustice, is not even considered.⁶⁹ The Laws seem uninterested in what is essential for Socrates. Perhaps

⁶⁶ Again, we find an ambiguous argument. There is then an issue: why can a private man destroy the city by a single act of breaking one verdict? According to Kraut, we do not need to generalize Socrates' action. For the Laws, even if his action does not have a huge impact on the city or influence on many people in reality, escape as such "would be a destructive act." Kraut [1984], pp. 42-45, 115-135. Similarly, Woozley argues that Socrates' intention to destroy the city by escaping is blameworthy; not the effect, but his character is the object of the Laws' criticism. Woozley [1979], pp. 111-135. For the discussion of this point, see Young [1974], pp. 13-14; Allen [1980], p. 84; Gallop [1998], p. 259; Rosano [2001], p. 468; Bostock [2005], pp. 211-214. In my opinion, this argument of destruction does not need to be logically perfect. Rather, it shows by what kind of logic or argument, in Socrates' view, Crito must be persuaded so that he accepts Socrates' decision. Socrates thinks that Crito needs to understand the importance of the laws or community before advocating breaking the law.

⁶⁷ Weiss argues that Socrates' answer represents his own opinion; Socrates believes that the verdict is unjust. Weiss [2001], p. 88-89. However, the fact that Socrates makes Crito answer this point, and that Socrates' statement is still in the form of question, makes me hesitate to accept Weiss' interpretation. This is a place for Socrates not to reveal his frank opinion but to confirm Crito's position concerning this issue. This is the reason why Socrates uses first person plural. In other words, it is Crito, not Socrates, who confirms that this is their answer to the Laws. Granted, as Weiss points out, the Laws reply as if only Socrates is responsible for this answer. But Weiss herself argues that Socrates does not make the Laws speak directly to Crito in order to shield Crito from the Law's attack. Weiss [2001], pp. 84-85. Crito should participate in the discussion without directly talking with the Laws. As for the similar exchange among Socrates, Crito, and the Laws, see 51c2-8 and 52d6-e5.

⁶⁸ Weiss [2001], p. 87.

⁶⁹ Bentley [1996], pp. 7-8. According to Weinrib, the Laws do not "expressly tie their argument to

self-preservation is essential for them. Second, it seems that Crito still belongs to the many.⁷⁰ He believes that the injustice he receives can be a reason to destroy the city—a justification of retaliation. (We do not know whether the destruction of the city is unjust or bad in the Socratic sense of the term, but Crito seems to think that even if it is unjust they should do it in return.⁷¹ At any rate, the answer Socrates prepares does not deny that escape is unjust.) Therefore, Crito does not readily accept the prohibition of retaliation.

After Crito's confident answer, which implies that suffering injustice at the hands of the city justifies the destruction of it in return, the Laws prohibit any action destructive of the city even if the city does injustice to Socrates and Crito. To begin with, the Laws remind Socrates of the agreement between them, the agreement that Socrates must abide by whatever judgments (*δίκαι*) the city makes in its trials; Socrates' attempt to destroy the city breaches this agreement. Socrates and Crito are supposed to be surprised by this statement, probably because the provision of the agreement is so severe. (Socrates, who is surprised by it, seems not to admit or not to have recognized that there is such an agreement.) The agreement insists that Socrates must obey all verdicts, even if they are unjust. The Laws drop the significant reservation which appears in Socrates' formulation: one must keep an agreement "as long as it is just" (49e6). As a result, the agreement appears to give unlimited authority to the city.⁷² Therefore, contrary to Crito's opinion,

either of these [Socratic] principles." Weinrib [1982], p. 94.

⁷⁰ Cf. Miller [1995], pp. 131-133.

⁷¹ Miller [1995], pp. 133-134; White [1996], p. 110.

⁷² Harte points out that the Laws mainly consider the fairness of the procedure for making agreement. Even when they mention justice, they mean "the justice of the *agreement*," not "the *actions* the agreement requires whose justice must be evaluated." Therefore, "the general nature of the agreement is such that the opportunity to consider the justice of the agreement itself does not give what Socrates' principle requires, namely opportunity to establish whether any individual action, required by the agreement, might be just." Harte [2005], p. 236. Cf. Panagiotou [1992], pp. 108-111; Miller [1995], p.

destroying the city is prohibited even if the city commits injustice, because Socrates must obey any verdict whatever. The Laws bring up a principle of argument similar to Socrates', but the different formulation of the principle indicates that the Laws are going to prove the prohibition of escape in a different spirit from that of Socrates.⁷³

The Laws develop the explanation of the general relationship with the city in which Socrates is placed, the relationship between the parties of the agreement. According to the Laws, it is thanks to the laws of marriage that Socrates was born, to the laws of nurture that Socrates was nurtured, and to the laws of education that Socrates was educated. Socrates owes what he is now to the Laws. The Laws confirm that Socrates has no objection to these laws.⁷⁴ From this, the Laws contend that Socrates, like his ancestors, is their offspring and slave. (Socrates may not necessarily approve this logic—he gives no comment on it.⁷⁵) If this is the case, justice between Socrates and the Laws cannot be equal. Against father and master, Socrates cannot do in return whatever he suffers, even if he is spoken of badly or beaten. Similarly, it is not just for Socrates to retaliate for mistreatment from the Laws. Therefore, even if they, believing it to be just, attempt to destroy Socrates, he cannot attempt to destroy the fatherland and the Laws in return. While the judgment the Laws believe to be just should be done, Socrates should neither protest against them nor avenge himself on them; justice is primarily defined by the

129; Bostock [2005], pp. 233-234.

⁷³ The “judgments” (δίκαι) in the statement of the Laws here is plural form of “justice” (δική) in Greek. Cf. West & West [1998], p. 108. The terminology of the Laws is similar to Socrates', but has a different meaning. Here justice is replaced by the judgment or decision of the city.

⁷⁴ One cannot say that Socrates praises all the laws in Athens. His approval of the laws is limited only to a few of them. As for the reservation in his acceptance of the laws, see Strauss [1983a], p. 61; Weiss [2001], p. 100.

⁷⁵ Weiss [2001], p. 103.

city.⁷⁶ Of course, in this relationship, Socrates ought not to escape in particular, whatever moral meaning the verdict has.

Here, the Laws emphasize the fact that Socrates cares for virtue. Because he cares for virtue, he must accept the unequal justice about which the Laws are speaking as virtue. However, there is a significant difference between the Laws and Socrates in regard to justice. In Socrates' formulation, as we saw, doing injustice or doing bad things as retaliation is absolutely prohibited. "One should not do injustice to any human beings in return or do bad things, no matter what he suffers from them" (49c10-11).⁷⁷ Also, for Socrates the problem of justice is the problem of the soul: doing injustice is bad for the soul of the doer (49b3-6). For the Laws, on the other hand, retaliation is prohibited primarily because there is no equal justice between the city and citizens, as there is not between father and son or master and slave. The statement of the Laws indicates that retaliation may not be prohibited between equals.⁷⁸ For the Laws, prohibition depends on a particular relationship between the parties—the prohibition is not absolute. Also, the Laws make the argument against retaliation in order to condemn the destruction of the city. Retaliation should be prohibited to protect the Laws or city from suffering. Accordingly, the Laws do not say that doing injustice is bad for the soul of the doer.⁷⁹ Besides, we remember that family and children are the typical concern of the many (48c2-6). The Laws' examples for establishing unequal justice, such as marriage,

⁷⁶ Weiss [2001], p. 100.

⁷⁷ As for the translation, see Weiss [2001], p. 68.

⁷⁸ Adam [1888], p. 65; Harte [2005], pp. 233-235.

⁷⁹ Bentley [1996], pp. 7-8; cf. Strauss [1983a], pp. 61-62.

child-rearing, and education, match popular morality well.⁸⁰ Compared with the Laws, Socrates' principles of justice disregard such special relationships as the family. The Socratic principle is bloodless or dry, applying to anyone ("human beings") anywhere. The Laws have a different principle of justice, but they are more concrete and closer to Crito than Socrates is.

This difference between the Laws and Socrates delineates the strategy of the Laws. Their word choice in particular makes it clear. In order to criticize Socrates, who allegedly attempts to destroy the city, they take examples from the family (master, slave, father, mother, offspring, and ancestors) and the laws about family (marriage, nurture, education). In particular, in this context they call the city "fatherland" for the first time and repeat this term often (51a2, 5, 9, 51b2, 51c1, 3). They further contend that the fatherland is more venerable and holy than one's real father. It is even highly esteemed among the gods and intelligent human beings. The Laws compare the city or themselves to the family. More precisely, the Laws elevate or even consecrate the city by appealing to a morality which is accessible to Crito, who emphasized familial duty (45c5-d6). The Laws' strategy is then to base civic duty or the strong authority of the city on the familial relationship; the city is a sort of father more than one's own father.⁸¹ "One must revere and yield to and flatter the fatherland more than a father when it is angry" (51b2-3). In their real families Socrates and Crito are fathers, but in the city, according to the Laws, they are children of the city who have duty to it.

⁸⁰ Weinrib [1982], pp. 98-100; Miller [1995], pp. 131-133; Harte [2005], p. 235.

⁸¹ Weiss [2001], pp. 101-102, 118; Harte [2005], pp. 244-247. Importantly, Crito never mentioned his concern for the law or the city when he persuaded Socrates to break from the jail. Instead, he talked about family and friends a great deal.

Since the authority of the city is so supreme, for the Laws “justice” means that one must do whatever the city commands or one must persuade it of what is the just by nature.⁸² In war, a courtroom, or anywhere else, one must suffer anything even if the command leads him to die.

Focusing on the possibility of persuasion in the Laws’ speech, Richard Kraut famously argues that the authority of the Laws is less absolute than it looks.⁸³ Kraut argues that the Laws here propose the choice, “persuade or obey.” This doctrine makes room for the citizen to disobey the command of the city; if he openly tries to persuade the city in a court, the Laws would admit or never blame his disobedience even if this attempt were unsuccessful. To put it more emphatically, since the “persuade or obey” doctrine defines the condition of disobedience, it provides the choice, “disobey or obey.” However, this “liberal reading”⁸⁴ is criticized by many scholars.⁸⁵ For example, according to Irwin, the Laws never offer alternatives to obedience. “Instead, they offer a choice between *doing* and *persuading*,” not persuading and obeying.⁸⁶ By persuading the city, one may influence its will, but this does not mean that he disobeys the city (he still

⁸² According to Rosano, the Laws do not say that “justice by nature is above the law and a standard for obedience.” Rosano [2000], p. 470. Justice by nature is within the authority of the Laws. Weiss presents a more challenging way of reading. By editing the text, she reads 51c1 not “or else persuade it *what* the just is by nature,” but “or else persuade it, *as* is just by nature.” Weiss [2001], pp. 106-107. The point is that the Laws or the city are not restricted by the citizens who criticize them with the natural justice that is higher than the laws of the city, but, according to the Laws, it is just by nature for the citizens to persuade the city. Persuasion is still a way of submission; there is no justice beyond the authority of the city.

⁸³ Kraut [1984], Chapter 3.

⁸⁴ Kraut [1984], p. 110.

⁸⁵ Wozzley [1979], p. 29; Orwin [1988], p. 173; Panagiotou [1992], pp. 97-104; Bentley [1996], p. 11; Penner [1997], pp. 159, 166-162; Colaiaco [2001], p. 205; Weiss [2001], p. 104; Bostock [2005], pp. 222-224; Harte [2005], p. 237.

⁸⁶ Irwin [1986], p. 402.

obeys the will of the city, even if he changes it⁸⁷). More important, if he fails to persuade it, he must obey the city.⁸⁸ Persuasion is a way of obeying. It is true that the authority of the Laws is not absolute and that the Laws accept the possibility of being persuaded. But the Laws are still authoritative. The authority of making the final decision, and the power and legitimacy to execute the decision, still belong to the Laws.

Going back to the argument of agreement, the Laws add one more reason against escape or destruction of the city.⁸⁹ In addition to the familial relationship between Socrates and the city, the Laws claim that they permit a citizen to flee the city. It is possible that a man, being an adult, finds that the laws of the city never satisfy him. In this case, he can go anywhere else with all his property. Because the Laws give the citizens permission to leave, they regard the men remaining in the city as the citizens who make an agreement by deed with the city that they will perform any command of the city whatever. Therefore, if Socrates escapes from the jail, he commits injustice in three ways: he does not obey the Laws who begat him, he does not obey those who nurtured him, and he does not obey although he agreed to obey them.⁹⁰

The Laws claim that Socrates is not only liable for these charges, but also liable more

⁸⁷ Panagiotou [1992], p. 109.

⁸⁸ “Only successful persuasion before the time for action will allow Socrates to act with the city’s consent. Disobedient action before or after an unsuccessful effort to persuade will violate the prohibition on using force against the city.” Irwin [1986], p. 403. Cf. Weiss [2001], pp. 106-107.

⁸⁹ There is an issue concerning the relationship between the parental analogy and the argument of agreement in the speech of the Laws. Rosano [2000], p. 469; Weiss [2001], pp. 97, 113, 117-118. In my view, the argument of parental analogy clarifies what kind of relationship the parties to the agreement (the citizen and the city) have. The provisions of agreement are not provided to the citizen as documents when they decide to make agreement. Rather, after they have seen affairs in the city and the laws, they tacitly make agreement by deed (not leaving). It seems that from birth, people already have the unequal relationship with the city, and then they approve it after becoming adult with their own will.

⁹⁰ Weiss [2001], p. 116.

than any other Athenians. “Perhaps” the Laws would accost Socrates justly by saying that he consents to such an agreement more than anyone among the Athenians (52a6-8). They would have great proofs for the fact that the Laws and the city satisfy Socrates. The Laws have three pieces of evidence. First, Socrates has spent almost his entire life in the city. (Going to the Isthmus to see a festival and leaving the city in military service are the only exceptions.) This way of life is inconceivable if he were not satisfied with the Laws and the city. Second, Socrates had children in the city. This shows that Socrates vehemently chooses the Laws and the city, and that he agrees to be governed by them. Third, although Socrates could have proposed exile and lived under different laws, he preferred dying in the city to exile.⁹¹ From these, the Laws contend, it is certain that Socrates has agreed satisfactorily with the city or the Laws by deed to live as a citizen.

Socrates’ liability is serious not only because he satisfactorily makes the agreement, but also because the procedure of making the agreement is fair. Socrates is neither forced to make the agreement nor deceived in doing so. Also he has had sufficient time (seventy years) to think about it. If the agreement appeared unjust to him, he was allowed to leave. But he remains, even though he on occasion says that Lacedaemon and Crete have good laws. In short, the evidence of the Laws shows that Socrates has been satisfied with the city and has made a fair agreement with it. The Laws conclude, “Whom would a city satisfy without laws?” (53a4-5).

The evidence provided by the Laws is insufficient to establish Socrates’ satisfaction with the Laws.⁹² Especially when we compare the three proofs with Socrates’ own

⁹¹ Interestingly, the Laws disregard Socrates’ proposal for a fine. For them, Socrates chose to die.

⁹² Weiss [2001], pp. 118-129. Cf. Woozley [1979], pp. 82-84; Coby [1992], p. 98.

statements, his satisfaction with the city becomes questionable. First, for the Laws, the important evidence for Socrates' satisfaction is that Socrates does not leave Athens. However, in Plato's *Apology*, Socrates explains that he is busy spending time with the Athenians in the city because of his philosophical mission commanded by the god. Not his satisfaction with the city and the Laws, but philosophy makes him stay in Athens (*Apology of Socrates* 23b4-c1, 29d2-30b4, 31a6-c3).⁹³ (Socrates examines the Athenians more often than foreigners, because the Athenians are closer to Socrates in kin, not because their laws are better. 30a2-4.) Second, as Weiss points out, Socrates had children in the city, because he lived in the city, not because he agreed with the city.⁹⁴ Third, the Laws use as evidence for Socrates' satisfaction the fact that he did not propose exile but chose the death penalty at the court.⁹⁵ However, in the *Apology*, Socrates did not say that he did not want to go away because he was satisfied with the Athenian laws. Rather, he did not propose exile because life in the other cities would prevent him from philosophizing (*Apology of Socrates* 37c4-38a8). Again, his reason does not concern the laws, but philosophy. (Socrates indicated that the Athenians are more tolerant than other citizens, because Socrates is their fellow citizen; he is silent about the goodness of the laws in this respect. 37c5-d4.) Socrates' choice of death, then, does not show his

⁹³ Based on the Laws' evidences, Kraut argues that "Socrates was greatly satisfied with the Athenian legal system, and preferred it to Sparta and Crete." Kraut [1984], pp. 10, 177-180. Weiss criticizes his interpretation; "the Laws greatly exaggerate Socrates' loyalty to Athens." Weiss [2001], p. 123.

⁹⁴ Weiss [2001], p. 119.

⁹⁵ Weiss argues that in the third point the Laws' evidence becomes a reproach against Socrates who was "pluming" himself by insolently choosing death. According to Weiss, the Laws are vexed, since Socrates is not afraid of death; "the city has ultimately no hold over him." Weiss [2001], pp. 119-120. In addition to Weiss' point, it is important to note that the Laws' reaction to Socrates' attitude at the trial is close to the Athenians' reaction, which Socrates expected: they regard Socrates as arrogant or stubborn, and would not believe that death is preferable to life without philosophy. *Apology of Socrates* 37a2-4, 37e3-38a8. The Laws' speech matches the sentiment of the many.

preference for the laws of the city. Despite the fact that Socrates has lived in Athens for a long time and chose to die in the city rather than to live in the other cities, the Laws' interpretation of this does not explain his true and deepest reasons—although it does not mean that he denies the importance of the laws as a condition for his philosophical activity. At any rate, in this context, Crito, not Socrates, admits that Socrates agreed to the Laws by deed: for Crito, “it is necessary” (52d7). Even though the Laws' argument is not compatible with Socrates' own presentation, it is useful for persuading Crito.⁹⁶

The Laws claim further that if he, by obeying the Laws, keeps his agreement, Socrates will avoid becoming ridiculous by leaving the city, for breaking jail does not produce any good or benefit to his friends or Socrates himself. Here, the Laws also mention his children, their rearing and education. Previously Crito mentioned all of these topics in his case for escape: Crito tried to persuade Socrates to escape by contending that Socrates should not care about the risk of his friends (44e1-45b5), that he should live safely in another city without harming himself (45b6-c8), and that he should not abandon his children by refusing to escape (45c8-d6). The Laws lead Crito to the opposite conclusion; by saying that escape would make Socrates look ridiculous, the Laws also appeal to Crito's concern for one's appearance before the many. The Laws reconcile the concern for legality with Crito's private concern, but at the same time they put his concern under the authority of the Laws.⁹⁷

First, contrary to Crito, who disregarded the risk of helping Socrates escape, the Laws emphasize the risk. According to Crito, Socrates should not worry about his friends, not

⁹⁶ Danzig [2010], pp. 96-98.

⁹⁷ Rosano [2000], p. 472; Weiss [2001], p. 127; Harte [2005], pp. 244-245.

only because as his friends they should take risks, especially that of losing money, but also because they do not need to pay a lot of money (44e1-45b5). It is remarkable that Crito did not deny that they would run a risk; a small risk must be taken by them, because they are friends of Socrates. Now the Laws emphasize that this risk is high: by escaping Socrates would cause them to be exiled or to lose their property. Therefore, for Socrates to escape is to harm his friends. This is against Crito's morality. Whereas from Crito's perspective escape helps his friend, from Socrates' perspective escape harms his friends. The Laws overturn Crito's logic.

Second, contrary to Crito, who contended that by escaping Socrates could save his life (45b6-c8), the Laws argue that escaping is not good even for Socrates himself. On the one hand, in the city with good laws, he would be regarded as the enemy of their regime and confirm that the jury judged correctly, for a corrupter of the laws surely seems to be a corrupter of the young.⁹⁸ If he flees the city with good laws and the most decorous men, the Laws suggest, life will not be worth living for Socrates. Or if he dares to converse with similar men in other cities just as he does in Athens, it will appear unseemly; having tacitly admitted that he is a corrupter of the laws and the young, Socrates still asserts that virtue and justice, and the customs and laws, are of the greatest worth to human beings (53c7-8). The Laws speak of the life of Socrates as if they understand his philosophic life well. However, they add one important feature to Socratic philosophy. The Laws include "custom and laws" in the topic of Socrates' daily conversation. They make Socratic philosophy legal (compare *Crito* 53c5-8 with *Apology of Socrates* 29d2-30b4,

⁹⁸ Miller suggests that according to this logic, by refusing to escape Socrates could prove that the verdict is wrong. Miller [1995], p. 135.

37e3-38a8).⁹⁹ Legality is required to refuse to escape, a form of breaking law.

On the other hand, what would happen to Socrates if he were to go to Thessaly as Crito suggests? The Laws predict that going to Thessaly, where there is disorder and license, would also not be beneficial to Socrates, for he cannot engage in his own practice as in Athens. People in such a city would be pleased to listen to the story about breaking out of jail, i.e., how laughable Socrates was. If Socrates causes pain to them, they would even speak ill of him: an old man greedily desires to live longer by breaking the greatest laws. In order to avoid hearing many unworthy things about him, Socrates would have to fawn over people and even be their slave. In Thessaly, then, he cannot engage in conversation concerning justice and the other virtues, but he can only feast well. According to the Laws, Socrates would look ridiculous in Thessaly because of what people would say and think about his breaking out of jail.¹⁰⁰ Because Socrates and his activity must depend on people's opinion, he is prevented from philosophizing. The Laws seem to believe that how he appears to people is essential for his life in the city. This belief is close to Crito's morality; Crito cares for his reputation among the many and its power. The Laws are then talking about the condition of Socrates' life of philosophy from Crito's perspective.¹⁰¹

The final examples of the Laws to show that escape would not benefit Socrates

⁹⁹ Weiss [2001], p. 125.

¹⁰⁰ Cf. Weinrib [1982], p. 95.

¹⁰¹ As Weiss argues, the Laws only maintain that "Socrates should not escape because there is no place where he will be able to do philosophy *without looking like a fool and a hypocrite*." Weiss [2001], p. 127 (emphasis added). How he looks is essential for the Laws. Contrary to the Laws, in Plato's *Apology* Socrates said that he continued to do philosophy even though he was aware of the fact that he was hated by the Athenians. See 21e3-5, 31a3-7. However, this does not mean that Socrates does not care for his reputation at all. Reputation may not be the most important thing for philosophical inquiry as such, but may important for philosophical life in the city.

concerns education and the rearing of his children. If he goes to Thessaly with his children (the Laws do not mention other places), they will be treated badly as foreigners. In Athens, however, Socrates' companions would take care of them even without their father. If the companions are of any benefit at all, they will help Socrates (54a9-b1). Whereas for Crito being "of a slight benefit" meant helping Socrates remain alive by preventing the trial and making him flee (45d8-46a2), for the Laws it means that the companions, accepting the death of Socrates, would care for his children and alleviate his worry. Although the Laws focus on the merit of Socrates' companions, just as Crito does, they presuppose the goodness of Socrates' death.

These three topics—companions, the fate of Socrates in other cities, and children—are exactly what Crito was concerned with when he tried to persuade Socrates to escape. The Laws' strategy of persuasion then appeals to Crito's concern and leads him to the opposite conclusion that Socrates should not escape. The Laws (or Socrates who makes them speak in this way) understand well how to persuade Crito. Especially when we remember that these concerns were dismissed by Socrates as the opinion of the many (48b11-d5), it is clear that this way of speaking is aimed only at persuasion. The Laws skillfully make use of the topics which Socrates had rejected. There is then a certain distance between the Laws and Socrates.

At the very end of the speech, the Laws assert that Socrates should not escape because one should not consider anything more important than justice. Such a man can defend himself well in Hades. If Socrates dies now, he will depart as a man who suffers injustice only by human beings; if he escapes—if he goes away shamefully doing

injustice and bad things in return, while transgressing his agreement with the Laws and doing bad deeds to those whom they should least be done (himself, friends, fatherland, and the Laws)—it follows not only that he, by making the Laws angry with him, appears unjust and impious, but also that the Laws in Hades would not welcome him (54c2-8). Prolonging his life by escape, without regarding justice as important, is worse than dying now.¹⁰² Justice seems to be essential for the Laws.

This last point of the Laws reminds us of the primacy of justice in Socrates' speech (48a5-7, 49c10-11, 49e9-50a3). Is their concept of justice the same as Socrates', which is mentioned in the first half of the dialogue? For Socrates, one must not do injustice to others mainly because it makes the soul of the doer worse. Living well is more important than mere living and living well is living justly or with a healthy soul. For the Laws here, doing injustice (escape or breaking the law) should not be done, because Socrates will not be treated well both in this life and in Hades. The Laws seem to disregard the quality of the soul of the unjust man. They even seem not to care about any injustice that is not harmful to themselves; injustice is bad because it destroys the city and makes the Laws angry with the doer. They never reproach the injustice done by human beings (the jury) to Socrates (54b8-c1). Injustice then can be done in the name of the Laws, regardless of its effect on the doer and victim. Therefore, the Laws' concept of justice is not compatible with Socrates'. With this concept of justice, the Laws close their speech by saying that Socrates should not be persuaded by Crito, but by them.

¹⁰² Cf. Weiss [2001], pp. 128-129.

Conclusion (54d-e)

In this chapter, we have analyzed the *Crito*, focusing on three distinct speeches: the speeches of Crito, of Socrates, and of the Laws. Given that the day of execution is coming, Crito urges Socrates to escape as soon as possible. Socrates, who has already decided to be executed, tries to make Crito accept his decision by examining the validity of escape in terms of justice. However, Crito does not follow Socrates' discussion. Socrates, then, introduces the speech of the Laws, whose argument is more accessible to Crito.

Since the opinions of Crito and Socrates are in conflict, the speech of the Laws is not so much a full account of the Socratic reason to accept the death penalty as Socrates' rhetorical device to persuade Crito. On the one hand, Socrates' principles of justice are basically different from the opinion of the many.¹⁰³ On the other hand, the Laws, referring to Crito's (or the many's) concerns as if they were their own, directly appeal to Crito's sentiment and thus instill in him a way of thinking (such as law-abidingness) compatible with accepting the execution of Socrates. To put it differently, the Laws draw a conclusion which formerly was hard to accept for Crito, by using a form of logic and choice of topic which are irresistible for Crito. In this respect, the speech of the Laws is a bridge between Socrates as a philosopher and Crito as an ordinary man. Because the speech functions as a bridge, it is natural that the Laws not only make some favorite arguments of Crito but also use some peculiar topics of Socrates, such as the principle of agreement, the supremacy of justice, and the priority of the philosophical life. If the Laws

¹⁰³ This does not mean that there is no exaggeration in Socrates' speech. Cf. Bruell [1999], pp. 220-221.

were not accessible to Crito, they would not be persuasive. Also, if the Laws had no topic similar to Socrates', they could not be recognized by Crito or the reader as a reason for Socrates not to escape.

As we pointed out, however, it is clear that Socrates does not entirely identify himself with the Laws. Rather, even when they adopt Socrates' argument, they state it in a spirit amenable to Crito. The distance Socrates takes from the Laws can be seen in his comments right after their speech. He says: "Know well, my dear companion Crito, that these things are what I seem to hear, just as the Corybantes seem to hear the flutes, and this echo of these speeches is buzzing within me and makes me unable to hear the others" (54d2-5). Corybantes are participants in a rite for curing nervousness and hysteria in which they dance with wild music.¹⁰⁴ As Weiss says, this analogy to the Corybantes suggests that the Laws' speech is a cure for someone, and that there is someone who needs a cure.¹⁰⁵ I have argued that it is Crito who is so worried about the execution that he has become sleepless (43b3-c9), and that it is Socrates who tries to make Crito accept it by presenting the speech of the personified Laws. In the end, Crito cannot oppose the Laws' argument, even though Socrates invites him to do so (54d8). Previously, Crito simply did not understand Socrates' argument (50a4-5), but now he only says that he has nothing to say (54d8); he seems to understand the Laws and cannot argue against them. Although we do not know to what extent Crito is convinced, it is certain that Crito recognizes that he has to accept the execution now.¹⁰⁶ Thanks to the speech of the Laws, Crito can reconcile his friendship with his citizenship—he was originally ready to break

¹⁰⁴ Adam [1888], p. 80; Burnet [1977], p. 291; Weiss [2001], pp. 134-140.

¹⁰⁵ Weiss [2001], p. 136.

¹⁰⁶ Cf. Beversluis [2000], p. 72; Danzig [2010], pp. 102-103.

the law in order to help his friend. In this respect, Crito is cured by the speech of the Laws as offered by Socrates. But for Socrates, that speech is a buzz, not the voice of reason.¹⁰⁷ The effect of the speech of the Laws is powerful, but it does not necessarily mean that Socrates endorses it: he neither clearly agrees with them nor applauds them.¹⁰⁸ Actually, Socrates had it in mind to persuade Crito when he created the imagined speech of the Laws. Socrates closes the dialogue by saying: “let us act in this way, since the god guides us in this way” (54e1-2). He refers to “the god,” not “the gods,” as the Laws do (51b1).¹⁰⁹ Socrates might believe in the divine differently than do the Laws, which represent the people’s morality.

Although the speech of the Laws is the longest and most impressive in the *Crito*, we must keep it in mind that the Laws cannot be identified with Socrates. What, then, can we know about Socrates from the *Crito*? There are limitations for us in knowing his own understanding of the trial and the verdict. It seems even that the dramatic process of his attempt to change Crito’s mind conceals Socrates’ true reason. We may have to assume his true and deepest reason from the principles he mentions in the first half of the dialogue.

However, it is very clear how, as a result of his decision, Socrates appears to Crito, to the people through Crito, and also to the reader of the dialogue: Socrates accepts the death penalty as a law-abiding man. If, as the Laws say, escape confirms the correctness of the judgment at the trial (53b7-c1), Socrates, by being executed, would demonstrate

¹⁰⁷ Anastaplo [1975], pp. 208, 314.

¹⁰⁸ Young [1974], pp. 28-29; Weinrib [1982], pp. 100-104; Harte [2005], pp. 230-231.

¹⁰⁹ Anastaplo [1975], p. 314; Burnet [1977], p. 291; Weiss [2001], p. 144. Cf. Adam [1888], p. 80. Also consider 43d7-8.

that he obeys the law despite its wrongness. As we discussed in the previous chapter, through the defense speech Socrates elevates himself as a philosophical hero who is an object of envy for the people. Through the discussion in the *Crito*, and by his conduct as a product of the discussion, Socrates could add a positive image as a law-abiding man to the image he created at the trial. He does not die passively. Instead, by accepting the execution, he dies of his own choice. Socrates gives an impression that he chooses to die because of his law-abidingness. Conversely, if he escaped, Socrates would have betrayed the great image of himself by becoming a man who is an enemy of the city (a lawbreaker) and who is afraid of death. In this sense, his decision and conduct in the jail are compatible with the spirit of his defense speech, whose basis is fearlessness in the face of death and whose aim is to create an image as a great man from the city's perspective.

But we should not believe that the law is the highest norm for Socrates to obey. Although his conduct is compatible with the Laws, he may have different reasons for it. In the *Crito* Socrates says that he only obeys the argument which appears best to him upon reasoning (46b4-6). He accepts the execution, not because the laws should be blindly obeyed, but because he thinks it is best for him.¹¹⁰ Therefore, the conduct of Socrates demonstrates his law-abidingness, and at the same time implies the supremacy of his reason. The difference between Socrates and the Laws indicates Socrates' intention: to show the appearance of his law-abidingness and to convey the problem of the philosopher in the city.

¹¹⁰ Cf. *Phaedo* 98b-99a.

Conclusion

The death of Socrates is perplexing. The reason is not limited to the fact that he, a great philosopher, was accused by his fellow citizens and condemned to death. The manner of his presentation of himself at the trial also confuses us. His defense is not straightforward; it even appears that he induces the jury to condemn him by making them angry with him. Thus we do not grasp to begin with even what he wants to achieve there. For someone hostile to philosophy, Socrates' defense is just irritating, since he, apparently not taking the trial seriously, disregards the practice of the Athenian democracy. For the defender of philosophy, Socrates' defense is disappointing, because he fails to save his life by defending his philosophical activity. Facing this problem, we have discussed this question by reading Plato and Xenophon: How does Socrates understand his trial? His strange behavior must be based on his peculiar view of the trial.

In Part 1 (Chapters 1-3), we examined whether Socrates believes that he is innocent of the charges contained in the official indictment. First, in two dialogues set before the trial, Socrates does not clearly tell us that he is innocent of the charges, even though he has a chance to do so. The *Gorgias* presents only a hypothetical accusation and trial. Although in the dialogue Socrates seems to be confident in his innocence and the wickedness of his accusers, we find that the imaginary court case is not exactly the same as the real one. In the *Euthyphro*, right before the preliminary hearing, Socrates explains the indictment against him to Euthyphro. Unlike in the *Gorgias*, Socrates here, who appears to be very reluctant to talk about it with Euthyphro, says nothing about his

innocence. Rather, it is Euthyphro, not Socrates, who confidently defends Socrates without having any grounds for doing so. Even though Socrates has by then been actually accused, the *Euthyphro* does not offer a scene in which he declares his innocence. Therefore, before the trial, the case for Socrates' innocence is either imaginary or made by another man.

Second, in Plato's *Apology* Socrates has a chance to refute the official indictment by interrogating Meletus at the trial. However, Socrates does not even attempt to refute either of the two charges, corruption and impiety. Instead of proving his innocence, he proves only that Meletus pretends to be concerned with things he does not care about (education of the young), and that he is jesting in a serious matter (belief in the gods). Even though as a result of his successful refutation of Meletus Socrates may appear to be innocent, the direction of the interrogation itself does not prove his innocence. That interrogation concerns what Meletus is doing, not what Socrates has done; it shows only that Meletus is foolish.

Therefore, both before the trial and during it, Socrates does not prove his innocence effectively, even though doing so would not be a difficult task; he could have declared his innocence by saying that he believes in the gods of the city and does not corrupt the young, and given some clear evidence. Socrates evidently does not understand the trial to be the place where he should straightforwardly prove his innocence based on his belief in it.

This understanding and attitude of Socrates lead to a question about his purpose at the trial. Even if he does not intend to prove his innocence, he still makes an argument. Does

he have any other purpose than proving his innocence? In Part 2 (Chapters 4-5), we read Xenophon's *Apology* first. According to Xenophon, Socrates' primary aim at the trial is not to prove his innocence, but to demonstrate his appearance of virtue. "It was sufficient for me [Xenophon] to make clear that Socrates considered it important above all things to appear neither impious regarding the gods nor unjust regarding human beings" (22). Socrates' provocative manner is a device to control the argument and to impress his virtue strongly on the people. Being found guilty or suffering the death penalty is not his primary concern, even though they also seem to be his concerns; death is good for Socrates now because of his old age. For Socrates, death, his secondary concern, is acceptable as a result of his success in demonstrating his greatness. Socrates aims at dying in such a way that he will be remembered as a great philosopher among the people.

Socrates in Plato's *Apology* attempts to achieve the same thing as Xenophon's Socrates. When he deals with the first accusers, he finds the foundation and origin of the slander against him in the fact that he is a wise man. Afterwards, he develops and improves the image as a wise man in the course of his defense. Even the interrogation of Meletus is an example of his wisdom or virtue. After the interrogation, he tries to make himself look noble from the people's perspective, beyond the image of a suspect wise man who is an object of slander; as a result, he becomes a heroic benefactor of the city who is not afraid of death. Socrates attempts to be found guilty or to be executed, not because he is guilty of the indictment as brought by Meletus, but because he is a wise man and behaves in a manner appropriate to a noble or virtuous man. His achievement in Plato's *Apology* is then that he is convicted because he is wise and noble as opposed to an

impious corrupter of the young.

In Part 3 (Chapter 6), we discussed the *Crito*, in which Socrates has a conversation with his close companion after the trial. This dialogue reveals how Socrates understands the verdict and how he behaves based on that understanding. On the one hand, Socrates makes the decision not to flee the jail according to his own reason and principles of justice. He judges the execution to be good and proper for him, but the details of his reasoning are not fully clear. On the other hand, the argument of the Laws, which is not entirely compatible with Socrates' argument, is more conspicuous than his own. Their argument that strongly requires all citizens to obey the Laws makes Crito accept the execution of Socrates. Although it is difficult to know the true reason for Socrates' decision, it is plausible that his decision to be executed, which results in conduct compatible with that commanded by the impressive argument of the Laws, would be taken as the conduct of a law-abiding man by Crito and by most of those who hear the story. In the *Crito*, then, Socrates prepares a way to be regarded as a supreme good citizen in the future. The discussion in the dialogue, especially the speech of the Laws, is not only meant to persuade Crito, but also contributes to a good posthumous reputation among people like Crito (the many). Socrates connects his execution with his own law-abidingness. As a result, he appears to be a great philosopher within the limits of the norms of the city. He becomes respectable from the citizens' perspective. He thinks that he should be remembered by this sort of people in this way.

Thus Socrates' presentation of himself and his philosophy establishes the image that he is a morally virtuous and venerable philosopher. He is wise because he is aware of his

ignorance. He is noble because, without fearing death, he devotes his life to his philosophical mission. He is a good citizen because, refusing to escape, he accepts the death penalty as determined by the laws. His way of dying improves his public image and secures his posthumous reputation. Through his manner of presenting himself (as depicted by Plato and Xenophon), Socrates becomes a heroic citizen-philosopher.

But is this the entire picture or the whole truth about Socrates? As we pointed out often, Socrates' presentation of himself, in a less clear manner than his heroic image, also implies a picture of his philosophy that contradicts the public image he creates. Even Xenophon, who is believed to be conservative and defensive, implies that the appearance Socrates establishes at the trial (justice and piety) is not what he himself praises about Socrates (wisdom and nobility). Plato's Socrates at the trial more clearly reveals the fact that Socratic philosophy is the private pursuit of a private good in this life, which presupposes the goodness of life and, all else being equal, the badness of death. This concept of the philosophical life undermines his claim that he is a simply selfless contributor to the city or public good who never fears death. In the *Crito*, the reason for Socrates' refusal to escape does not come entirely from the argument of the Laws. He might be executed, not because he is a simply law-abiding man, but because Socratic philosophy, being a private and independent activity, is an activity whose primary aim is not to benefit the city and is not compatible with a simple belief in or acceptance of the city's guiding opinion, i.e., the laws.

From this, one may conclude that the public image of Socrates is only a disguise to hide his true nature from the vulgar; Socrates may not truly belong to the city in terms of

the laws, but may be superior to the citizen in terms of true or philosophical virtue. However, Socrates does not simply disregard the city or the people. One must pay attention not only to the difference between the two images of Socrates, but also to the fact that Socrates believes he has to make a good public image. This recognition on Socrates' part should be included in the whole truth about his philosophy. To put it differently, the indication of the private image of philosophy, which contradicts his public image as a great philosopher for the sake of the city, not only shows the distance between his true figure and the public image, but also indicates the necessity of bringing them closer together. If philosophers must live in the city to secure their life and to have the objects of their activity (human things), the city is a necessary condition for their activity. If philosophy pursues the good for human beings, not for the citizen as such, philosophy would provide a model of virtue that improves the present norm of the city by questioning the validity of the common practice. (By reproaching the shameful practice of the Athenians at the trial, such as begging and weeping, and by presenting himself as a noble man, can Socrates improve them?) Given that the city and philosophy are in conflict, Socrates, who understands the nature of that conflict, attempts to show a way that they can coexist for the benefit of each other, even though the conflict between them never disappears. The creation of a good image of philosophy would contribute to this project. The trial of Socrates is his last and sole attempt at such reconciliation in public. It seems that the view of Socrates in human history testifies to his (or Plato's and Xenophon's) success in this regard. Although it is true that Socrates is sentenced to death, it is also true that Socrates is convicted as a great wise man and executed as a law-abiding

one. As a result of the death of Socrates, philosophers may live in the city more safely, and the citizens may regard them as venerable. Most people know, or are even attracted to, Socrates because of his noble death.

Furthermore, to realize the discrepancy between the two images of Socrates is a guide for us to Socratic philosophy. Precisely why does he want to present himself in this way? This question induces us to think about the relationship between philosophy and the city, between the philosopher and friends, and between reason and the laws. The political concerns surrounding the trial of Socrates are starting points of philosophy. His way of presenting himself, such as his provocative behavior, contradictory speech, and the shocking result of the trial are, then, an invitation to philosophy. The more one realizes the paradox of Socrates, the more one is led to philosophy. The strangeness or oddness itself could be an attraction. Through the trial, Socrates builds a bridge between philosophy and the city, and at the same time leaves riddles for future thinkers. Together with, or inside of, the safe public image of the philosopher, he leaves fundamental questions that should be struggled with in order to have a good life in the city. Socrates then not only becomes a venerable philosopher, but also presents himself as an enigma, as philosophy itself.

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