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PLATO'S *CRITO*: A DEONTOLOGICAL READING

by

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ABSTRACT

Plato's *Crito* depicts Socrates in prison awaiting his execution and arguing that despite the injustice of his sentence, he is morally obligated to remain there so that it can be carried out. The early Socratic dialogues were concerned with the nature of the virtues which formed the foundation of Athenian morals. This "primacy of virtue" has developed into the modern theory of virtue ethics. In this thesis, I argue that in the *Crito*, Socrates sets aside his typical virtue ethics approach, and instead utilizes a deontological framework for his arguments. I apply the deontological theories of Immanuel Kant and W. D. Ross to the *Crito* in an attempt to demonstrate that it has a distinctly duty-based focus that is consistent with the work of Kant and Ross. Finally, I raise the question of whether Ross' theory can be viewed as a bridge between virtue ethics and deontological ethics.

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INTRODUCTION

As a person, our knowledge of Socrates is limited. As an historical figure, we have the biographical facts of his life, but these do not tell us about the character, disposition, or motivations of Socrates the man. For that, we must rely on the writings of his contemporaries. Plato offers us a complimentary portrayal of a man he revered, the playwright Aristophanes ridiculed him in *The Clouds*,¹ and Xenophon depicted a Socrates who was as much concerned with physical matters as he was philosophical ones.²

For my thesis, I chose to work with Plato's Socrates, and as others before me, immediately encountered what is called the "Socratic Problem." Plato wrote what are thought to be relatively accurate accounts of Socrates' encounters, conversations, and views. Plato also, especially as he got older, wrote dialogues that feature Socrates as the main character, but espoused what were clearly Plato's own views. Thus, the Socratic Problem: Of Plato's body of work, which texts can we safely assume represent Socrates' own views?

This is a particularly relevant issue for this project, as I am attempting to characterize Socrates' position in the *Crito* as significantly different from his typical position. If I include the dialogues that present Plato's philosophy, I am no longer able to contrast Socrates with Socrates.

¹ At the start of the play *The Clouds*, Socrates is sitting in a basket suspended in the air because he believes that he could not understand "the things of heaven" if he had remained on the ground, "for the earth by its force attracts the sap of the mind to itself. It's just the same with the watercress." During the play, he worships the clouds as if they are deities, denies the existence of the Zeus and the other Olympian gods, and accepts payment for teaching the "art of false reasoning."

² In Xenophon's *Socrates' Defense Before the Jury*, Socrates' motivation for not preparing a defense for his trial is that he would be pleading for "in place of death, a much worse life." This life would hold the indignities of old age, leading to a "miserable death in sickness or old age, where every kind of cheerless suffering is concentrated" (8-9).

Socratic scholars, the most prominent among them Gregory Vlastos, have approached the Socratic Problem by categorizing the dialogues according to at what point in Plato's life they were written, generally noted as the early, middle, and late periods. The early dialogues can be safely assumed to represent accurately Socrates' views. The late dialogues are distinctly Platonic and these are judged to hold Plato's own views. The middle dialogues share characteristics of both the early and late dialogues, and cannot be definitively categorized as one or the other. In an effort to ensure that it is solely Socrates' views that I am comparing, I rely only on the early dialogues. The early dialogues are the *Apology*, *Charmides*, *Crito*, *Euthyphro*, *Gorgias*, *Hippias Minor*, *Ion*, *Laches*, *Protagoras*, and *Republic I*.³

My primary focus is on the *Crito*, which takes place after Socrates has been sentenced to death and while he is in prison awaiting his execution, which is going to occur in the next few days. The trial itself is depicted in the *Apology*, and it is there that we see Socrates attempt (and ultimately fail) to defend himself from the charges of "corrupting the young and of not believing in the gods in whom the city believes, but other new spiritual things" (*Ap.* 24b). In the *Crito*, Socrates' friend Crito comes to visit and brings news that several of Socrates' friends, Crito included, have a plan to bribe the guards, smuggle Socrates out of prison, and resettle him in another country (*Cr.* 44e-45c). Socrates objects to this plan on moral grounds, and the remainder of the dialogue consists of Socrates trying to convince Crito that escaping would be the wrong thing to do. In the end, Crito is forced to agree.

³ Vlastos, *Socrates, Ironist and Moral Philosopher*, 46.

In this paper I argue that Socrates, whose typical philosophical approach is a precursor of contemporary virtue ethics, in the *Crito* adopts and relies on arguments consistent with deontological ethics. In chapter 1, I provide a brief overview of contemporary virtue ethics and its relationship to ancient conceptions of virtue. I detail Socrates' approach to virtue, specifically focusing on the relationship of virtue to happiness and the Socratic concept of the Unity of the Virtues. I conclude by discussing the common interpretation of the *Crito*, which is a virtue-based one.

In chapter 2 I propose that, in the *Crito*, Socrates' three main arguments are consistent with deontological theory, not virtue ethics. I discuss Kant's ethical theory, the best known version of deontological ethics. This discussion centers on the four formulations of Kant's Categorical Imperative. I note that there are deontologists who object to some of the implications of Kant's theory, among them W. D. Ross. Ross developed a form of deontology based on the concept of *prima facie* duties. I provide an overview of Ross' theory and summarize the differences between Ross and Kant. Finally, I outline specific instances in the *Crito* where Socrates' language reflects a mixture of Kant's ethics and Ross' theory of *prima facie* duties.

In chapter 3, I offer an in-depth analysis of three of Socrates' arguments in the *Crito*. They are the Arguments from Injury, Piety, and Agreement, each of which takes the form of a universalizable maxim. For each argument, I identify the ways it reflects deontological ethics, and through which particular form of deontology it can best be understood. I propose that the Argument from Injury is based on a form of universalization similar to the Categorical Imperative, the Argument from Piety consists of an absolutist rule, and the Argument from

Agreement features a precursor of pure procedural justice. I ultimately argue that without their deontological frameworks, these arguments would fail.

My project is not to solve a problem of ethics or present a theory that can be applied, but to offer an alternative view of Socrates' arguments in the *Crito*. It is not my intention to endorse any of Socrates' arguments or decision-making processes. In fact, based on Socrates' views in the other early dialogues, I do not believe that he himself would have endorsed absolutist principles that do not and cannot allow for considering the consequences of an action. Like contemporary critics of pure procedural justice, I suspect that Socrates would have found a system of justice that grants the right supremacy over the good to be deficient at best, and more likely completely devoid of virtue. When Michael Oakeshott decries the overwhelming influence of Rationalism in politics and daily life, it is this type of a system against which he is railing. It is a system that values reason over all else, and completely discounts "the traditional knowledge of ... society."⁴ Oakeshott argues that this allows individuals without any experience or learned wisdom (what Oakeshott calls "practical knowledge") to believe themselves fully capable of engaging in any pursuit, as long as they can follow the specified procedures. Given that, for Socrates, "practical wisdom is really the *only* virtue,"⁵ any system that denies or minimizes its relevance would have been unacceptable.

⁴ Oakeshott, 3.

⁵ Devettere, 65. I discuss the relationship between virtue and knowledge in chapter 1.

CHAPTER 1: SOCRATES, VIRTUE, AND THE PURSUIT OF HAPPINESS

Socrates is generally accepted to be a foundational force behind the development of what we have come to call "virtue ethics." However, as Pence points out, "it is impossible to understand modern virtue theory" without understanding its ancient foundations in Socrates, Plato, and Aristotle.⁶ I do not intend to dispute that Socrates' positions⁷ are on the whole grounded in notions of virtue. However, in Plato's *Crito*, Socrates' arguments have little, if anything, to do with virtue. Instead, Socrates' arguments are based on absolutist claims, which have far more in common with deontology than with virtue ethics. I will argue that in the *Crito*, Socrates utilizes a type of deontology as the framework for his arguments, and that his conclusions rest entirely on the rules that he asserts as immutable. The very nature of his arguments and that he does assert rules is in itself an indication that Socrates was not relying on virtue ethics in the *Crito*, as virtue ethics is not a rule-based theory.

In what follows, when I refer to Socrates' positions, I am referring to Socrates' arguments and actions as found in Plato's early dialogues. Although we cannot ignore the Socratic problem, I am following Gregory Vlastos, among others, in the view that many of Plato's earlier dialogues were accurate accounts of Socrates' own positions. I am particularly swayed by Vlastos' argument regarding the *Apology*, that "hundreds of those who might read the speech he put into the mouth of Socrates had heard the historic original. And since his purpose in writing it was to

⁶ Pence, 251-2. See also Gardiner, 1.

⁷ I refer to Socrates' "positions" throughout because, as I will argue, I believe that Socrates had more than one unified system of thought. In particular, his arguments and theories in the *Crito* are noticeably different in form and function from the majority of his other work.

clear his master's name and to indict his judges, it would have been most inept to make Socrates talk out of character."⁸

Socrates was invested in the idea that being a person of virtue is necessary to having a good life. This perspective was adopted by Plato, and more fully developed by Aristotle. Despite its ancient roots, until the 1950s, virtue ethics was primarily ignored or discounted in contemporary philosophy.⁹ Since that time, virtue ethics has become a subject of serious study, and has emerged as a third major branch of normative ethics, along with deontology and utilitarianism.¹⁰ In addition, its emergence has led to a re-examination of the role of virtues in deontology and utilitarianism.¹¹

The primary principle behind virtue ethics is that virtuous actions will result from one's character, so one must be a good, virtuous person. As Statman put it, virtue ethics is an approach in which "the basic judgments in ethics are judgments about character."¹² Virtue ethics holds itself in opposition to deontology and utilitarianism in one fundamental way. Both deontology and utilitarianism, which Statman groups together under the term "duty ethics," are concerned with "right action" and are based on formulating rules that allow people to determine what the right action would be when faced with any given moral dilemma. In contrast, some formulations of virtue ethics make "right" and "wrong" unintelligible notions. In her 1958 article, "Modern

⁸ Vlastos, "The Paradox of Socrates, 3.

⁹ Statman, 2-3.

¹⁰ Hursthouse, *On Virtue Ethics*, 3.

¹¹ Hursthouse, "Virtue Ethics."

¹² Statman, 7.

Moral Philosophy,"¹³ Anscombe proposed eliminating the concepts of "*morally* right and wrong, and of the *moral* sense of ought,"¹⁴ and instead returning to an Aristotelian understanding of ethics based on character, personal excellence, and *eudaimonia*.¹⁵ Within that framework, individuals are understood to make decisions about moral dilemmas on the basis of their natural intuitions, which arise from the type of persons they are. There is a reciprocal relationship between virtue and character. If one acts in virtuous ways, one is understood to have a good character. Likewise, those with good character are expected to act in virtuous ways. As a result, one facet of virtue ethics is the notion of a "paradigmatic character," a moral exemplar to whom individuals might look for examples of good actions.¹⁶

Socrates is considered one of the original proponents of virtue ethics, though there are significant differences between ancient and modern conceptions of virtue ethics.¹⁷ This is not to imply that the ancient virtue theorists held one distinct position; though they shared a general "framework" the theoretical details differed as much among the ancients as they do among contemporary theorists.¹⁸ In the Socratic dialogues, we see Socrates not only striving to understand the nature of virtues but also pushing his fellow citizens to do the same, on the

¹³ This article is widely credited with the contemporary revival of virtue ethics. Hursthouse, "Virtue Ethics"; Statman, 3.

¹⁴ Anscombe, and Richard Taylor following her, argue that by definition the morally right is required, and the morally wrong is forbidden, as if by law. However, the notion of moral law as passed down from the divine is a remnant of earlier, religious-based, forms of ethics. When it is removed, there is no reference or origin for the required or forbidden, and no grounds for understanding moral right and wrong.

¹⁵ While *eudaimonia* is typically translated as "happiness," most commentators agree that "happiness" doesn't sufficiently express the meaning of the term. The terms "human flourishing" and "the good life" are commonly put forth as more accurately reflecting the true meaning of *eudaimonia*.

¹⁶ Statman, 10. Statman points out that while individuals are admirable because they have virtuous traits, it is not the case that traits are virtuous because certain individuals have them.

¹⁷ Crisp, 3; Devettere, 4-5.

¹⁸ Prior, 2; Devettere 151-154; Rowe 9-15.

premise that doing so will allow them to live the best possible lives. The very purpose of the Socratic method was "to discover the nature of virtue."¹⁹ Socrates' strategy of examining individuals on fundamental moral questions – the nature of justice, courage, piety, and the soul, for instance – was directed toward discerning what makes one a person of good character, and how one may live the best possible life.

Although I identify Socrates as a virtue ethicist, it is not clear that he himself would have accepted the label.²⁰ The value of virtues was unquestioned in Greek life²¹ to the point that the notion of a "virtue ethicist" would have been unintelligible. The concepts that contemporary authors identify with virtue ethics – the concern with character, virtue, excellence, and being a good person – were simply a part of Greek philosophical life.²² However, there is no question that Socrates self-identified as a philosopher deeply devoted to examining and promoting those philosophical issues. In the *Apology*, he tells the jury, "As long as I draw breath and am able, I shall not cease to practice philosophy" (29d). He goes on to talk about his mission to "exhort" others to do philosophy, stating that as long as he lives in Athens, he will ask anyone he encounters, "Are you not ashamed of your eagerness to possess as much wealth, reputation, and honors as possible, while you do not care for nor give thought to wisdom or truth, or the best possible state of your soul?" (29e).

¹⁹ Rowe, 32.

²⁰ It is possible that Socrates would have been equally unwilling to accept any label. Gomez-Lobo notes that Socrates' claims of ignorance led to the contradiction that "we attribute to him a decisive influence on the development of Greek thought, whereas he would perhaps be ready to deny it" (11).

²¹ Brickhouse and Smith, *The Philosophy of Socrates*, 123.

²² Taylor, R., *Virtue Ethics*, 28-32; Brickhouse and Smith, *The Philosophy of Socrates*, 123.

Socrates' related wisdom to the state of the soul because he claimed that virtue is knowledge. In the *Protagoras*, while discussing the nature of virtue, Socrates argues that "everything is knowledge – justice, temperance, courage," and that virtue is "wholly knowledge." This argument is made more explicit in the *Meno*.²³ At 89c-d, Socrates and Meno agree that

all that the soul undertakes and endures, if directed by wisdom, ends in happiness, but if directed by ignorance, it ends in the opposite.... If then virtue is something in the soul and it must be beneficial, it must be knowledge, since all the qualities of the soul are in themselves neither beneficial nor harmful, but accompanied by wisdom or folly they become harmful or beneficial.

The belief that virtue is knowledge allowed Socrates to argue that as long as one knows the correct thing to do, one will do it.²⁴ In this view, it is knowledge that allows us to be virtuous, and so the pursuit of knowledge is crucial to living a virtuous life. In light of this belief, Socrates' attempts both to understand fundamental issues and to persuade others to engage in the same examination are evidence that Socrates aimed for the pursuit of knowledge (and hence achievement of virtue) for himself and for the people of Athens. In the *Apology*, Socrates addresses this directly when he recounts his attempts to persuade the people of Athens "not to care for any of his belongings before caring that he himself should be as good and as wise as possible" (36c).

As was the common thinking at the time, Socrates believed that there were five cardinal moral virtues. These were courage (*andreia*), temperance (*sōphrosynē*), justice (*dikaiosynē*),

²³ Vlastos classifies the *Meno* as a transitional dialogue falling between the early and middle periods. (*Socrates, Ironist and Moral Philosopher*, 46-47.) I utilize quotes from the *Meno* here and elsewhere when they serve to clearly illustrate points made in the early dialogues.

²⁴ Taylor, A. E., 154-156. Taylor points out that Socrates is specifically speaking of moral knowledge, and that Socrates did not provide a clear explanation for how that knowledge is achieved.

piety (*hositēs*), and wisdom (*sophia*).²⁵ For Socrates, these virtues were connected and interdependent, a concept referred to as the Unity of the Virtues. As Brickhouse and Smith explain, "Socrates seems to think that it is conceptually necessary that anyone who has any one of these virtues will have *all* of the others."²⁶ There are two primary theories, the Equivalence Thesis and the Identity Thesis, which attempt to explain what Socrates meant when he made claims like that in the *Protagoras* that wisdom, temperance, courage, justice, and piety are "five names for the same thing" (349bc).

The Equivalence Thesis, first advanced by Vlastos,²⁷ argues that the virtues exist in a biconditional relationship, such that one who has any of the virtues must necessarily have all of them. Each of the virtues enables one to act in the manner of that virtue (e.g., courage enables courageous action), but Vlastos disagrees that the virtues all refer to the same thing. He writes that "to homogenize the virtues would be to wipe out those very marks which make up their distinctive physiognomies and enable us to classify particular actions as instances of this or that virtue."²⁸ While he does not believe that all of the virtues are one and the same, he does maintain that wisdom is a necessary and sufficient condition to have the other virtues.

The Identity Thesis, most influentially promoted by Penner in "The Unity of Virtue,"²⁹ has become the standard view of the Unity of the Virtues.³⁰ Penner argues that "when Socrates

²⁵ Brickhouse and Smith, *The Philosophy of Socrates*, 157. These are the subject of discussion in many of the dialogues, and Socrates identifies them by name as the five virtues in *Protagoras* 349b.

²⁶ Brickhouse and Smith, *The Philosophy of Socrates*, 157.

²⁷ In "The Unity of the Virtues in the *Protagoras*."

²⁸ Vlastos, *Platonic Studies*, 230.

²⁹ Brickhouse and Smith, *The Philosophy of Socrates*, 182n1.

³⁰ Devereux, 139n4.

said, 'Virtue is one,' he meant it quite literally!"³¹ The individual virtues, while distinguishable, all have as their referent the same thing, "the knowledge of good and evil."³² Penner explains that Socrates' question in the *Protagoras*, "What is courage?" is not meant to be a theoretical question about the essence of courage, but "rather the *general's* question," asked in order to determine how to improve his soldiers and make them brave. The question is about "the psychological state which makes men brave," which Penner argues is the same psychological state which makes one wise, just, temperate, and pious.³³ That psychological state is having the possession of knowledge of good and evil. Although we understand how each virtue is a part of, or an expression of, moral knowledge, whenever one is speaking of any of the virtues, one is in fact speaking of moral knowledge, and whenever one can be said to be acting from a virtue, one is in fact acting from moral knowledge.

The fundamental principle on which Socrates' belief in virtue rests is that of Eudaimonism. Vlastos credits Socrates as being "the first to establish the eudaemonist foundation of ethical theory," as well as the first to express a non-instrumentalist version of eudaimonism,³⁴ which was adopted by almost all of the Greek moral philosophers who came after him.³⁵ Simply stated, eudaimonism is the principle that the ultimate end of all of our actions

³¹ Penner, 83

³² Penner, 98.

³³ Penner, 86.

³⁴ This position is derived from Socrates' view, discussed below, that virtue is sufficient for happiness. Vlastos' full account of the "Eudaemonist Axiom" can be found in Vlastos, *Socrates, Ironist and Moral Philosopher*, 200-232.

³⁵ Vlastos, *Socrates, Ironist and Moral Philosopher*, 10. This non-instrumental form of eudaimonism was "held in common by Platonists, Aristotelians, Cynics, and Stoics, i.e. all of Greek moral philosophers *except* the Epicureans."

is happiness.³⁶ Brickhouse and Smith express this as "Happiness is everyone's ultimate goal, and anything that is good is good only insofar as it contributes to this goal."³⁷

There are several theories that attempt to explain Socrates' view on the relationship of virtue to happiness. These include Irwin's view that virtue is purely instrumental in the pursuit of happiness, the view of Brickhouse and Smith that the cause of happiness is right action (which is a product of virtue), and Vlastos' view of the Sovereignty of Virtue.

Irwin describes Socrates' position such that "we all want happiness, and virtue produces what contributes to happiness."³⁸ In an effort to discern in what way virtue contributes to happiness, he offers two versions of this position, which he calls technical and non-technical conceptions of virtue. The technical conception of virtue is that "happiness is a determinate end to which virtue prescribes instrumental means . . . or components already chosen under another description."³⁹ According to this conception, happiness is an identifiable thing⁴⁰ and virtue is an integral part of reaching that thing. The nontechnical conception is that "happiness is an indeterminate end for which virtue prescribes components not already chosen under another description,"⁴¹ which means that we do not necessarily know what happiness is nor do we know how to achieve it. Irwin ultimately argues that the texts do not support happiness as an

³⁶ As noted about (see note 9), it would perhaps be more correct to say that the ultimate end of all our actions is a good life. However, I will continue to use "happiness" as the translation for *eudaimonia* because that is the word used by all the commentators referenced below.

³⁷ Brickhouse and Smith, *The Philosophy of Socrates*, 128.

³⁸ Irwin, *Plato's Moral Theory*, 82.

³⁹ Irwin, *Plato's Moral Theory*, 84.

⁴⁰ Irwin clarifies the difference between a determinate and indeterminate end. If two people are pursuing an end *x*, for a determinate end *x*, "they agree on the components of *x*, and on examples of achieving *x*." For an indeterminate end *x*, "they both call the end they pursue '*x*', and agree on some of its properties, but not far enough to specify the same components, or to agree on examples of achieving *x*." *Plato's Moral Theory*, 83.

⁴¹ Irwin, *Plato's Moral Theory*, 84.

indeterminate end, because if that were the case there would be no way to know whether virtue was prescribing the right components to achieve that end.⁴² He also concludes that because virtue is an "instrumental means," it is "entirely distinct" from the end of happiness.⁴³ In Irwin's view, Socrates "cannot value virtue for itself, but only as an instrumental means to the final good."⁴⁴ The other implication of concluding that happiness is a determinate end is that, under this view, everyone shares an identical version of happiness or a good life, regardless of the differences in the individual. As Vlastos points out, this would mean that all people, "the noblest and the most depraved, have the same 'determinate' final end; they differ only in their choice of means."⁴⁵ I am unable to accept Irwin's view. While I understand his reasoning, Socrates' continual emphasis on wisdom, justice, and virtue is not compatible with the idea that virtue has no value in itself. This is made clear in the *Apology*, when Socrates states that he has neglected his own affairs over the years, allowing him to spend his time "approaching each one of you like a father or an elder brother to persuade you to care for virtue" (31b). In fact, virtue is so important that "it is the greatest good for a man to discuss virtue every day," and Socrates will not stop doing so, even if it means his death (*Ap.* 38a).

While Irwin argues that virtue is necessary for happiness, Brickhouse and Smith contest the idea that virtue is necessary or sufficient for happiness. They present the distinction between necessary and sufficient goods. A thing is a necessary good "if and only if there can be no happiness without it," while a thing is a sufficient good "if and only if its possession alone

⁴² Irwin, *Plato's Moral Theory*, 84.

⁴³ Irwin, *Plato's Moral Theory*, 300n53. Irwin defines an "instrumental means" as one that "depends on its causal properties for its value, and the end it contributes to is entirely distinct from it."

⁴⁴ Irwin, *Plato's Moral Theory*, 92.

⁴⁵ Vlastos, *Socrates, Ironist and Moral Philosopher*, 8.

ensures happiness."⁴⁶ For Brickhouse and Smith, Socrates could not believe virtue to be necessary for happiness without also believing that no one is ever happy. As they explain, Socrates "thinks that virtue is a kind of moral wisdom. But we have also seen that he thinks that neither he nor anyone he has ever encountered has actually attained this wisdom."⁴⁷ Because they do not believe that Socrates held the view that no one is ever happy, they reject the necessity of virtue. They also reject the idea that virtue could be sufficient for happiness, because it does not account for the fact that harm can and does come to the virtuous person.⁴⁸ Brickhouse and Smith offer Priam from Aristotle's *Nicomachean Ethics* (1100b33-1101a13) as an example of a virtuous person suffering from misfortunes. Another could be the biblical Job, whose virtue and misery are both clear throughout the story. If virtue alone ensured happiness, then these cases would not be possible.⁴⁹

In place of virtue being part of happiness, Brickhouse and Smith argue that a good person engages in good action, and it is good action that makes one "blessed and happy."⁵⁰ It is good action, especially good action guided by virtue, which is necessary and sufficient for happiness.⁵¹ Vlastos criticizes this theory as "textually groundless," as a distinction between virtue and virtuous action "has no foundation in our Socratic texts: such a distinction is never mentioned in any of Plato's earlier dialogues nor could it be expressed in their vocabulary."⁵² I follow Vlastos in this, and have an additional reason for discounting Brickhouse and Smith's argument. In order

⁴⁶ Brickhouse and Smith, *Plato's Socrates*, 103.

⁴⁷ Brickhouse and Smith, *The Philosophy of Socrates*, 147.

⁴⁸ Brickhouse and Smith, *Plato's Socrates*, 112.

⁴⁹ Brickhouse and Smith, *Plato's Socrates*, 112.

⁵⁰ Brickhouse and Smith, *Plato's Socrates*, 114.

⁵¹ Brickhouse and Smith, *Plato's Socrates*, 135.

⁵² Vlastos, *Socrates, Ironist and Moral Philosopher*, 223 n103.

to support their argument they are required to dismiss the cases in the text where Socrates' expresses virtue as necessary or sufficient. A clear example of this revolves around a statement in the *Apology*. Socrates states, "No evil comes to a good person either in life or death" (41d). This is generally accepted to express that virtue alone is sufficient for *eudaimonia*, and external factors do not interfere with that.⁵³ Brickhouse and Smith argue that if Socrates truly does not know what happens after death (as he claims in *Apology* 40c-e), he cannot claim that no evil comes to a good person in death without being hypocritical.⁵⁴

Vlastos also examines whether virtue is necessary or sufficient for happiness. He discusses two possible ways of understanding Socrates' statement at 48b in the *Crito*, which he translates as "to live well is the same as to live honorably and justly."⁵⁵ He calls these the Identity Thesis⁵⁶ and the Sufficiency Thesis. He ultimately rejects the Identity Thesis, which states that "virtue is the only component of happiness, the only good,"⁵⁷ on the grounds that it offers no explanation for why non-moral goods contribute to happiness. He instead proposes the Sufficiency Thesis, in which virtue is sufficient for happiness, but also allows for non-moral goods (which Vlastos calls "mini-goods") to contribute to happiness. In this view, virtue is a component of happiness, the sovereign component, but not the only component.

Regardless of which theory we accept, it remains uncontested that, for Socrates, one cannot have happiness without virtue, and the greatest virtue will lead to the greatest happiness.

⁵³ Brickhouse and Smith, *Plato's Socrates*, 120.

⁵⁴ Brickhouse and Smith, *Plato's Socrates*, 120.

⁵⁵ Vlastos, *Socrates, Ironist and Moral Philosopher*, 214.

⁵⁶ This thesis is entirely separate from the thesis of the same name discussed above in relation to the Unity of the Virtues.

⁵⁷ Vlastos, *Socrates, Ironist and Moral Philosopher*, 217 n65.

If one accepts this belief, one will always do what one believes to be the right or virtuous action. Doing otherwise would lead away from happiness, and so would harm the individual and his or her pursuit of the ultimate goal. Socrates believes that because people cannot knowingly take action that would reduce their potential for happiness,⁵⁸ our actions are always based on what we believe will be best for us. Those who engage in actions that are not virtuous do so because they fail to understand that engaging in those actions are actually harming them. As Brickhouse and Smith explain, "thieves know that they are stealing... [but] do not see that they are also harming themselves, something they would never do if they understood that fact."⁵⁹ Socrates states this explicitly in the *Meno*, in an exchange with Meno on whether "anyone, knowing that bad things are bad nevertheless desires them" (77c):

SOCRATES: Well then, those who you say desire bad things, believing that bad things harm their possessor, know that they will be harmed by them? – Necessarily.

SOCRATES: And do they not think that those who are harmed are miserable to the extent that they are harmed? – That too is inevitable.

SOCRATES: And that those who are miserable are unhappy? – I think so.

SOCRATES: Does anyone wish to be miserable and unhappy? - I do not think so, Socrates.

SOCRATES: No one then wants what is bad, Meno, unless he wants to be such. For what else is being miserable but to desire bad things and secure them? (77e-78a)

Tied to the pursuit of knowledge and virtue is Socrates' conception of the soul.

According to Rowe, for Socrates, "happiness lies in caring for one's soul, and caring for one's soul involves simply living virtuously."⁶⁰ This explanation, while straightforward, is a simplistic one that does not express the complexities of Socrates' philosophies. A. E. Taylor's account

⁵⁸ I am extrapolating from Socrates' belief that "no one can knowingly act against his best interest," with the understanding that achieving the ultimate end of happiness is an individual's best interest. Rowe, 34.

⁵⁹ Brickhouse and Smith, *The Philosophy of Socrates*, 158.

⁶⁰ Rowe, 38.

more clearly conveys the role of the virtues in the soul.⁶¹ He clarifies Socrates' position that attempting to promote excellence in one's soul requires "the cultivation of rational thinking and rational conduct."⁶² In this view, all virtues can and must be acquired through rational thinking. It is therefore the intellectual virtues that contribute to the excellence of the soul.⁶³

Using Socrates' pursuit of knowledge through his method of elenchus⁶⁴ and his concept of the soul, we are able to create a picture of his virtue ethics. In order to be virtuous, one must have good character, moral knowledge, and take virtuous actions. In order to have good character, one must have a well-developed soul. In order to have a well-developed soul, one must be able to rationally examine the world and overcome our instincts and desires. In order to overcome our instincts and desires, one must cultivate logical thinking. Because Socrates promoted rational thinking in slaves and citizens, young and old, he seems to have believed that virtue is attainable by anyone willing to examine their positions.⁶⁵

Although there has been a great deal of writing on Socrates and the virtues, the scholarship addressing the role of virtue in the *Crito* specifically is comparatively limited. The common interpretation of the *Crito* applies the Unity of the Virtues and the Principle of Eudaimonism to Socrates' statements at 49b-e, including "one must never do wrong," and "one

⁶¹In Taylor's discussion he follows Burnet and claims that Socrates "created" the modern concept of the soul (139). This claim that Socrates created the concept of the soul has been greatly contested (see Solmsen, Lorenz), but the debate will not affect the present discussion.

⁶² Taylor, 146.

⁶³ Devettere, 87.

⁶⁴ *Elenchus* literally means "examination," "test," or "trial." Socratic *elenchus* is "the examination of a claim made by an interlocutor, aimed at refutation" (Prior, 75). In the *Laches*, Nicias offers a description of Socrates' conversational habits that summarizes the *elenchus*. "When [a man] does submit to this questioning, you don't realize that Socrates will not let him go before he has well and truly tested every last detail" (188a).

⁶⁵ In contrast, Aristotle held that logical thinking is only able to be achieved by a small group, and therefore virtue (moral excellence) is reserved for a very few. Statman, 12.

should never do wrong in return, nor injure any man." In this interpretation, doing wrong, causing harm, and causing injury are all instances of non-virtuous action. As Vlastos points out, when Socrates says at 49a, "...to do a wrong is never either *good* or noble," the Greek word used for "noble" (*kalon*) is "normally used to express what is morally right as such."⁶⁶ Thus what Socrates is claiming is that one must always act according to virtue.⁶⁷ This is not simply because it is theoretically the correct thing to do but also because, through the Principle of Eudaimonism, if Socrates does the morally wrong thing it would be antithetical to the ultimate goal of happiness.⁶⁸ As 49 is the basis of the three primary arguments that follow (the arguments from injury, agreement, and piety, to be discussed below), the conclusion is that all of the arguments in the *Crito* have as their ultimate end the aim of ensuring that Socrates acts according to virtue.

In *Virtue Ethics: Insights of the Ancient Greeks*, Raymond Devettere uses the *Crito* to illustrate virtue ethics in practice. He claims that Socrates' primary reason for his actions in the *Crito* is that "escaping is immoral because it will not bring him a good life and living well – not merely living – is the whole point of virtue ethics."⁶⁹ He bases this explanation on 47e-48b,⁷⁰ in which Socrates and Crito do in fact agree that "the most important thing is not life, but the good life" (48b). However, Devettere then ignores the remainder of the text, including the three primary arguments that are often considered the core of the *Crito*. These arguments, which Rex

⁶⁶ Vlastos, *Socrates, Ironist and Moral Philosopher*, 198.

⁶⁷ Forms of this argument can be found in Vlastos, *Socrates, Ironist and Moral Philosopher*, 194-199; Young; Gomez-Lobo, 67-70; and Brickhouse and Smith, *Plato's Socrates*, 112-113, among others.

⁶⁸ Gomez-Lobo, 69.

⁶⁹ Devettere, 91.

⁷⁰ Devettere identifies the passages in question as 48c.

Martin named the arguments from Injury, Agreement, and Piety,⁷¹ arise later in the dialogue, and as I will argue in chapter 3, are not representative of virtue ethics. Devettere's disregard of these arguments cannot be accounted for by the separation thesis (the argument that Socrates did not necessarily agree with the statements he expressed in the voice of the Laws),⁷² as the Argument from Injury is spoken in Socrates' own voice, and not that of the Laws.

Gerson also attempts to explain Socrates' absolutist statements in the *Crito* within the context of a virtue ethics framework. He follows the classic argument that in the *Crito*, Socrates' "absolutist prohibition of wrongdoing" is based on the idea that doing wrong harms the soul, but he offers an alternative understanding of "wrongdoing." Gerson raises the issue that Socrates frequently asserts in other dialogues that it is impossible for an individual voluntarily to do wrong. This is clearly stated in the *Gorgias* when Socrates argues that "no one does what's unjust because he wants to, but that all who do so do it unwillingly," (509e).⁷³ However, in the *Crito* Socrates prohibits voluntary wrongdoing. Gerson tries to resolve the question: "What is the point of prohibiting that which is impossible?"⁷⁴

⁷¹ Martin, 22. There are many variations on the names given to these arguments. Kostman for example, names them the arguments from 'quasi-filial duty', 'agreement', and 'destruction.' I am adopting Martin's terms because they are succinct and widely recognized.

⁷² There are two distinct perspectives on the position of the Laws and the role of the Law's speech in the *Crito*. Traditionally and most common is the notion that the Laws represent Socrates' thoughts, and that he is using their speech to voice his own arguments. (See Dasti, Brickhouse and Smith, among others.) A contemporary view, the Separation Thesis, has arisen and argues that Socrates utilized the Laws as a means to separate himself from the values they express, and that Socrates did not necessarily agree with all (or any) of the statements he has the Laws espouse. (See Young and Harte for examples.) In this paper, I am following the traditional understanding of the Laws as Socrates' own point of view, as I find the other interpretation compelling but not convincing.

⁷³ Gerson also offers *Meno* 78b, *Timaeus* 86d-e, and *Laws* 731c as other instances where Socrates expresses this concept.

⁷⁴ Gerson, 8.

Gerson suggests that when Socrates discusses "voluntary wrongdoing" at 49a, what he really means by "wrongdoing" is "the abdication or subordination of reason" in pursuit of one's desires.⁷⁵ He argues that what Socrates called impossible is acting against one's own best interests, but what he prohibits in the *Crito* is doing what one knows to be objectively wrong, even if will benefit oneself. In this way, he attempts to differentiate between good action and action that may appear to benefit the individual on some level, and explains that it is the subordination of reason that allows one to convince oneself that doing what is wrong can be right for the individual.⁷⁶ As applied to the *Crito*, this means that if Socrates believes that escaping is wrong, "for him still to try to escape could only mean that he has subordinated his self or rational soul to his bodily desires."⁷⁷

I am unable to accept Gerson's explanation for two reasons. Gerson sets up a false dichotomy when he contrasts doing right (or, not voluntarily doing wrong) with acting in one's own best interests. Gerson believes what is prohibited in the *Crito* is "doing what is in fact wrong and known to be so by the agent, but which is, from his point of view, in his own interests."⁷⁸ Socrates would not have accepted that there can be a difference between the two. According to the principle of eudaimonism, if one knows that something is wrong, then one also knows that doing it cannot be in one's best interests, because acting in a way that is not virtuous will interfere with the ultimate goal of happiness. No matter what the other benefit may be, it can never outweigh the pursuit of happiness. In addition, for Socrates there would be little or no

⁷⁵ Gerson, 8.

⁷⁶ Gerson, 8-9.

⁷⁷ Gerson, 9.

⁷⁸ Gerson, 8.

temptation to take an action that is not virtuous but provides physical or material benefits. As Irwin notes, in Socrates' view a virtuous person would be expected to "not only choose a virtuous course of action but also to choose it without regret or reluctance."⁷⁹

In the *Crito*, Socrates does choose the virtuous course of action (or at least what he believes to be the virtuous course) without regret or reluctance. In that way, Socrates is actively living out the philosophy he spent his life trying to persuade others to follow, as he did when he questioned his countrymen, hoping to inspire them to rational thought and to valuing the moral good above material goods. Socrates lived in pursuit of the virtues, and the language of the dialogues generally reflects this. However, as I will argue, the *Crito* is noticeably different in that Socrates talks far more about moral rules than he does about virtue. In the chapter that follows, I will discuss rule-based moral theory, specifically deontology. I will review two very different types of deontology and attempt to apply them to Socrates in the *Crito*.

⁷⁹ Irwin, *Plato's Ethics*, 60.

CHAPTER 2: KANTIAN AND ROSSIAN DEONTOLOGY IN THE *CRITO*

According to Gomez-Lobo, "in the privacy of his cell, Socrates can remind Crito of past conversations and resulting agreements. He can gently inquire whether Crito wants to revise them or not."⁸⁰ He cannot do so during his trial, and this, Gomez-Lobo says, is what accounts for the "dogmatic tone" Socrates adopts during the *Apology*.⁸¹ If Gomez-Lobo is correct, then we would expect Socrates' arguments and tone in the *Crito* to be less dogmatic than in the *Apology*. Instead, in the *Crito* we encounter Socrates presenting absolutist statements, on his own behalf and on behalf of the laws. Far from reflecting a virtue ethics perspective, these statements instead portray a Socrates whose views are far better explained by deontological theory.⁸²

Unlike virtue ethics, deontology centers on the duty to follow moral principles as the basis for action. While virtue ethicists do not distinguish between the right and the good, deontologists always give precedence to the right. Although the different deontological theories

⁸⁰ Gomez-Lobo, 30.

⁸¹ Gomez-Lobo, 30.

⁸² Virtue ethicists are divided on the role and significance of duty in virtue ethics, although they agree that it is neither foundational nor fundamental. Michael Slote argues that as virtue ethics can be characterized as "acting rightly for the right reasons," it can similarly be understood as "doing one's duty for the right reasons" (Slote, "Agent Based Virtue Ethics," 206). Watson notes that "duties and obligations are simply factors to which certain values... are responsive. They do not compete with virtue for moral attention" (Watson, 58). Richard Taylor argues that the rise of an ethics of obligation was "*the replacement of the ethics of aspiration with the ethics of duty*" (Taylor, R., *Virtue Ethics*, 78). He does acknowledge Socrates' duty in the *Crito*, but considers it a crucial difference that "Socrates describes his ultimate obligation...not as a duty to the gods or to any abstract principle, but as a duty to *the law*," and by extension, a duty to the citizens of Athens (Taylor, R., *Virtue Ethics*, 76). DeVettere rejects any significant role of duties. "When virtue ethics is understood the way the early Greeks understood it, moralities of virtue and moralities of obligation are ultimately incompatible...It makes no sense to think we are obliged to pursue the good because that is what we desire anyway" (10).

give different weights to the good, they all establish the right as a binding duty. Some deontologists believe that there is no clear relationship between the right and the good.⁸³

For deontologists, the first step in engaging in right action is restraining from doing those things that are known to be wrong. The wrongness of actions is not determined on the basis of the potential consequence of those actions. Different theories of deontology provide different means for determining what makes something wrong. These include relying on moral intuition, or on a rule or fundamental principle.⁸⁴

The best known version of deontology is Kant's ethical theory, which has come to epitomize what we now call rule deontology. For rule deontologists, the "standards of right and wrong consist of one or more rules"⁸⁵ that allow us to determine the right action in any given circumstance. These rules are valid regardless of the probable outcome(s) of following them. It is a basic tenet of deontology that moral values are not, and cannot, be determined by the possible consequences of the agent's action.

In Kant's ethics, there is one foundational rule that determines our moral duty in every circumstance. Kant introduces this rule, called the Categorical Imperative, in the *Groundwork of the Metaphysics of Morals*. As Korsgaard notes, in the *Groundwork* Kant presents several concepts that have become entrenched in our understanding of ethical theory and morality:

Some of its central themes – that every human being is an end in himself or herself, not to be used as a mere means by others; that respect for one's own humanity finds its fullest expression in respect for that of others; and that morality is freedom, and evil a form of

⁸³ Davis, 206. Davis explains that "deontologists believe that the right is not to be defined in terms of the good, and they reject the idea that the good is prior to the right. In fact, they believe that there is no clear specifiable relation between doing right and doing good (in the consequentialists' sense, i.e. producing a good outcome.)"

⁸⁴ Davis, 211.

⁸⁵ Frankena, 15.

enslavement – have become not only well-established themes in moral philosophy, but also part of our moral culture.⁸⁶

Kant believed that the categorical imperative offered the "necessary and sufficient criterion for determining what more concrete maxims or rules we should live by."⁸⁷

Kant viewed the categorical imperative as a law in the same way that rules of mathematics are law. He believed it to be an immutable fact, and although one may deny it in the same way that one might deny that $2 + 2 = 4$, it does not cease to be true.⁸⁸ Kant specifies that "the categorical imperative would be that which represented an action as objectively necessary of itself, without reference to another end" (*Gr.* 4:414). As a law, it is unconditional and universal, not depending on external conditions in order to be true.⁸⁹ Like the basis of mathematical laws, Kant tried to discover "a foundation for morality in reason alone."⁹⁰ Because "no *experience* could give occasion to infer even the possibility"⁹¹ of universal law, the categorical imperative must be based purely on rational thought, without any appeal to emotion or experience (*Gr.* 4:408). Kant argues that "all moral concepts have their seat and origin completely a priori in reason" (*Gr.* 4:411), and as a result, one is moral if and only if one is rational.⁹² It is rationality that allows us to apply the categorical imperative in order to identify and understand our duties.

⁸⁶ Korsgaard, viii.

⁸⁷ Frankena, 25.

⁸⁸ Waller, 21.

⁸⁹ Korsgaard, xvii

⁹⁰ Benn, 92.

⁹¹ Emphasis mine.

⁹² Messerly, 62.

Kant presents four ways of formulating the categorical imperative, all of which he claims express the same idea. The Formula of Universal Law reads: "*Act only on that maxim through which you can at the same time will that it should become a universal law.*"⁹³ This formulation requires us to ask whether a maxim could coherently hold true if it was universalized.⁹⁴ If universalization would "annul the maxim" or interfere with its ability to be applied, then we cannot accept or act on it.⁹⁵ The use of the word "will" in this formulation is critical. Kant defines the will as "a capacity to choose *only that* which reason independently of inclination cognizes as practically necessary, that is, as good" (*Gr.* 4:412) and argues that

We must *be able to will* that a maxim of our action become a universal law: this is the canon of moral appraisal of action in general. Some actions are so constituted that their maxim cannot even be *thought* without contradiction as a universal law of nature, far less could one *will* that it *should* become such. In the case of others that inner impossibility is indeed not to be found, but it is still impossible to *will* that their maxim be raised to the universality of a law of nature because such a will would contradict itself. (*Gr.* 4:424)

Because one must "will" that a maxim become law, a maxim must be evaluated not only for its feasibility and logical coherence, but also for whether or not it would serve the best aims of a rational individual if the maxim were to become universal law. Kant believes that "the moral law holds for every rational agent," and when a law is universalized, all agents must act according to it.⁹⁶ The laws cannot be applied differently on the basis of circumstances or preferences.

⁹³ Paton, 129. I am using the translations of the formulae from Paton, though I am not adopting Paton's use of a fifth formula, the Formula of the Law of Nature, which he presents as an offshoot of Universal Law.

⁹⁴ Korsgaard, xvii-xviii.

⁹⁵ Benn, 94.

⁹⁶ Paton, 135.

The Formula of the End in Itself⁹⁷ states: *"So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means."* This is based on Kant's assertion that "rational nature exists as an end in itself" (*Gr.* 4:429). All rational beings, therefore, must be respected as worthwhile for their own sakes, and never only for what they can do for others. Objects and "beings without reason" only have a "relative worth, as means," while human beings have an "absolute worth" which exists independently of all other factors (*Gr.* 4:428). In addition to all rational beings existing as ends in themselves, humanity as a whole exists as an end in itself (*Gr.* 4:430). Humanity can only function as an end in itself if "everyone tries, as far as he can, to further the ends of others. For the ends of a subject who is an end in itself must as far as possible be also *my* ends, if that representation is to have its *full* effect in me" (*Gr.* 4:430). Therefore, to act in accordance with this formulation, one must "treat others as embodiments of the moral law, themselves able to formulate and follow the categorical imperative."⁹⁸ To treat individuals solely as a means is to deny them the right and ability to make informed, reasoned choices.⁹⁹

The Formula of Autonomy states: *"So act that your will can regard itself at the same time as making universal law through its maxim."* As Kant explains, "the will is not merely subject to the law but subject to in such a way that it must be viewed as also giving the law to itself" (*Gr.* 4:431). It is not simply that the law must be followed; the law must be followed because it is the will that creates it.¹⁰⁰ Despite their apparent similarities, this formulation differs

⁹⁷ This is also called the Formula of Humanity.

⁹⁸ Benn, 95.

⁹⁹ Korsgaard, xxiii.

¹⁰⁰ Korsgaard, xxiv.

in important ways from the Formula of Universal Law. Paton points out that one can be forced to act in accordance with certain maxims, as is required by the Formula of Universal Law. However, one can never be forced to have a specific end in mind when acting. One follows the Formula of Autonomy out of free will.¹⁰¹ In addition, this formulation makes it explicit that the categorical imperative is free of external conditions and interests. Kant argues that when the will legislates universal law, "only then is the practical principle, and the imperative that the will obeys, unconditional, since it can have no interest as its basis" (*Gr.* 4:432). As Paton explains, "to say that a moral will is autonomous, that it makes its own law, is to say that it is not determined by any interest."¹⁰²

The Formula of the Kingdom of Ends reads: "*So act as if you were always through your maxims a law-making member in a universal kingdom of ends.*" The kingdom of ends¹⁰³ would come into existence if maxims prescribed by the categorical imperative were universally followed.¹⁰⁴ This principle demands that we both follow all maxims prescribed by the categorical imperative and only create maxims that are in accordance with the categorical imperative. To be a law-making member of the kingdom of ends, the laws one creates must not be influenced by our personal desires or ends. "The kingdom of ends is concerned with private ends only so far as they are compatible with universal law."¹⁰⁵

¹⁰¹ Paton, 181.

¹⁰² Paton, 182.

¹⁰³ Kant notes that the kingdom of ends is "admittedly only an ideal," (*Gr.* 4:433). Even if one consistently acted in accordance with this maxim, "he cannot...count upon every other to be faithful to the same maxim," (*Gr.* 4:438).

¹⁰⁴ *Gr.* 4:438

¹⁰⁵ Paton, 187.

In his accounting of the Formulae of Universal Law and the Kingdom of Ends, Kant discusses (although he never precisely defines) perfect and imperfect duties. Perfect duties are specifically required or prohibited by the categorical imperative, while imperfect duties are required to further certain goals.¹⁰⁶ A perfect duty forbids or requires us to perform a specific act and "admits no exception in favor of inclination," (*Gr.* 4:421n). An imperfect duty requires that we follow a general maxim, and although Kant does not explicitly say so, his examples allow us to assume that imperfect duties can be influenced by desires.¹⁰⁷ Kant offers as examples of perfect duties that one is forbidden from committing murder (of oneself or others), lying, and other acts that treat agents solely as means; imperfect duties require us to develop our talents, treat others with kindness and compassion, and in all ways treat others as ends in themselves.¹⁰⁸ When trying to determine right action, perfect duties take precedence over imperfect ones.¹⁰⁹ However, in the absence of duties, we are free to pursue our own ends and our own happiness. As Paton explains, "where actions are not prohibited, we have every right to go forward as we please in accordance with our inclinations."¹¹⁰

Kant's ethics do not allow for exceptions for any reason. One cannot do a wrong even if the consequence will lead to more good. In practice, a strict interpretation of Kant's ethics means that one cannot tell a lie even if it will save five (or ten, or one hundred) innocent lives. This is a situation that some deontologists found untenable, and sought to resolve.

¹⁰⁶ Messerly, 65.

¹⁰⁷ Paton, 147-8.

¹⁰⁸ *Gr.* 4:429-30.

¹⁰⁹ Messerly, 69.

¹¹⁰ Paton, 142.

Among them is W. D. Ross, who offers a version of rule deontology that is based on the Intuitionist belief that we have an innate understanding of what are right and wrong actions. Ross argued that "Kant's basic principle is incoherent."¹¹¹ His interpretation of Kant is that we are required to act from a motive of duty. Ross contends that we do not determine our own motives, so it is incoherent to require that we act from a specific motive.¹¹² Ross rejects the notion of a single understanding of right and wrong, and instead proposes that there are many principles which we instinctively¹¹³ recognize as being morally right.¹¹⁴ Ross offers keeping a promise and relieving distress as examples of things that one does "because he thinks he ought to,"¹¹⁵ without considering the consequences. We follow these principles because we know without thinking about it that they are the right things to do.¹¹⁶ Because we know that the principles must be followed, we have a duty to follow them, and so it can be said that we have a duty to keep promises and a duty to relieve distress.

Ross identifies two kinds of duties, *prima facie* duties and actual duties. *Prima facie* duties are those for which we have "a kind of moral reason for action."¹¹⁷ They are the duties that we intuitively imbue with a moral weight and recognize as things that "ought to be done."¹¹⁸

¹¹¹ Dancy, 219.

¹¹² Dancy, 219-220.

¹¹³ Ross, 29. Ross does not mean to imply that these principles are known to us from birth, but that they are self-evident "in the sense that when we have reached sufficient mental maturity and have given sufficient attention to the proposition it is evident without any need of proof, or of evidence beyond itself."

¹¹⁴ Waller, 38.

¹¹⁵ Ross, 17.

¹¹⁶ Ross 17-18

¹¹⁷ Audi, 22.

¹¹⁸ Ross, 3.

Ross identifies seven categories of *prima facie* duties,¹¹⁹ although he notes that it is not a complete or final list. These are:

- 1) Duties of fidelity, which include keeping a promise or implicit promise.
- 2) Duties of reparation, which arise from one's own prior wrongdoings and may involve trying to right these wrongs or offer reparations for them.
- 3) Duties of gratitude, which are based on the past service of others. Ross clarifies that the term gratitude refers to "the returning of services, irrespective of motive."¹²⁰
- 4) Duties of justice, which involve ensuring that "pleasure or happiness" (and the means to acquire them) are fairly and impartially distributed.
- 5) Duties of beneficence, which involve making others' lives better.
- 6) Duties of self-improvement, which arise from the ability to make oneself more knowledgeable or virtuous.
- 7) Duties of non-maleficence, which involve not harming others. Ross notes that the duties of maleficence are distinct from those of beneficence, and come into play prior to beneficence.¹²¹

Ross emphasizes that these are duties of action, not duties of motive. "It is not our duty to have certain motives, but to do certain acts."¹²² Although in some cases we may be motivated to fulfill a duty, at other times we may fulfill the duty in spite of our driving forces. It may be

¹¹⁹ Ross, 20-22.

¹²⁰ Ross, 23.

¹²¹ Ross, 21-22.

¹²² Ross, 22.

easier not to fulfill a promise or offer an apology or return borrowed funds, but we still recognize that we need to do so, and know that we have violated moral principles if we do not.

Although the focus of Ross' theory is duties, he does provide a basis for moral principles. However, in direct contrast to Kant, moral principles are not developed from reason but through experience. We can generalize moral principles from our *prima facie* duties in specific situations. For example, my intuition might dictate that I return the twenty dollars my friend just dropped. Using intuitive induction, I can generalize the moral principle that I should not keep money that doesn't belong to me.¹²³

Prima facie duties can and do come into conflict with each other. To use Ross' example, one may have the duty to keep a promise to meet someone and have that come into conflict with the duty to help the victims of an accident that they pass on the way to the meeting.¹²⁴ Because there cannot be a general ranking of *prima facie* duties, deciding among them is "inescapably a matter for judgement... theory cannot help at all."¹²⁵ Although general principles cannot be used to determine what action an agent should take when *prima facie* duties come into conflict, Ross believes that principles are important because they are used to allow for consistency in our moral decisions.¹²⁶

Ross notes that though we are frequently required to choose among our principles, and that the decisions are not necessarily easy, the fact that the principles come into conflict does not make them any less valid. If one breaks a promise in order to help an injured person, one still

¹²³ Dancy, 224.

¹²⁴ Ross, 18.

¹²⁵ Dancy, 221.

¹²⁶ Dancy, 226.

feels bad about having broken that promise and still feels the need to fulfill it. In this way, principles can survive intact when conflicts arise between them. While choosing among principles is a question of prioritization, the priorities are set for that specific circumstance only. The agent may make entirely different choices in a different set of conditions. The act of choosing among the principles does not require abandoning any of them.¹²⁷

The outcome of our deliberations about our *prima facie* duties results in our actual duties (also called obligatory duties and duties proper.) The actual duty is "what we actually ought to do in a particular situation,"¹²⁸ and is the choice that would allow us to meet our *prima facie* duties to the greatest possible extent.¹²⁹ Ross points out that because every act has far-flung effects, trivial or significant, it is highly probable that good acts will do some harm and wrong acts will do some good. "Every act therefore, viewed in some aspects, will be *prima facie* right, and viewed in others, *prima facie* wrong, and right acts can be distinguished from wrong acts only as being those which, of all those possible for the agent in the circumstances, have the greatest balance of *prima facie* rightness...over their *prima facie* wrongness."¹³⁰ As a result of these calculations, we can never know for certain what our actual duty is. Our moral principles can never give us complete certainty about how we ought to act in any given situation. While we may *know* our *prima facie* duties, we can at best have a very strong feeling about our actual duties.

¹²⁷ Dancy, 222.

¹²⁸ Frankena, 24.

¹²⁹ Denise, White, & Peterfreund, 260.

¹³⁰ Ross, 41.

The most significant difference between Ross and Kant is the nature of a duty or duties and how we come to know them. For Kant there is one absolute duty which we derive through pure reason. There is no reason ever to act other than according to that duty, and we have no doubts about how we ought to act when moral questions arise. For Ross, there are many duties, and we arrive at them through intuition based on experiences. We often have duties that conflict with each other, and the individual must decide which duty should take precedence in each situation. Another significant difference lies in the fact that Ross believes that the same actions can be judged right or wrong depending on the perspective from which it is viewed. For Kant, it is impossible (in the same way that humans taking flight unassisted is impossible) for a right action to ever be anything other than entirely right.

It is not uncommon for those who are not deliberately thinking in terms of virtue ethics to tend offhandedly to refer to Socrates in the *Crito* in deontological terms. Frankena, for example, remarks that Socrates' decision-making process in the *Crito* "is that of a rule-deontologist, since he simply appeals to certain rules,"¹³¹ and Ross offers Socrates in the *Crito* as an example of one dealing with complex *prima facie* duties.¹³² In his short essay, "Plato on Moral Principles," Demos attempts to reconcile Plato's consequentialist statements with his deontological ones. He concludes that this can be done using the view Plato expresses in *Republic II*, "that some things have worth both in themselves, *and* through their consequences."¹³³ Though Demos is speaking of Plato's body of work as a whole, more than half of the examples he uses to illustrate Plato's deontological leanings are taken from the *Crito* alone. He cites the *Euthyphro*: "Wrongdoing

¹³¹ Frankena, 16.

¹³² Ross, 27.

¹³³ Demos, 126.

should always be punished" (8b-d) and two instances that specifically focus on duties: the obligation of gratitude in the *Theaetetus* (176b) and the obligation of piety in the *Laws* (716b). The remainder of his examples, "we ought not to requite wrong with wrong" (49b), "one must never do wrong" (49b), "It is wrong whenever we suffer evil to inflict evil in return" (49d), and "It is wrong to break agreements and contracts when they are just and have been undertaken without compulsion or fraud" (49e) are taken from the *Crito*.

Socrates' statements in the *Crito* reflect a mixture of Kant's ethics and Ross' theory of *prima facie* duties. Socrates' typical reliance on virtue ethics would likely have made him uncomfortable accepting Kant's form of deontology, as it does not allow for re-evaluating an action on the basis of circumstances. In the *Crito*, Socrates expresses a clear willingness to do so. He says, "I value and respect the same principles as before, and if we have no better arguments to bring up at the moment, be sure that I shall not agree with you" (46c). Kant would not even contemplate that the principles could have reason to change. The reevaluation of one's principles based on the circumstance is a familiar concept in Ross' theory and, with few exceptions, it is Ross' theory that offers a deontological approach that can be applied to Socrates' statements in the *Crito*, as I argue below.

Socrates' discusses several rules throughout the dialogue that are phrased so as to be immutable and absolute. These include never willingly doing wrong (49b), never engaging in retaliation (49b), keeping one's agreements (49e), and honoring one's country (51a-b). These statements are similar in form and function to Ross' moral principles, and due to the nature of the elenchus, they are developed in similar ways. Ross' moral principles are developed through experience. One encounters a situation that requires a moral decision and makes that decision through intuition and reason. As one encounters similar moral quandaries and continues to

resolve them in the same way, a moral principle develops. This principle can then be applied to other moral problems that share the same characteristics. Similarly, when Socrates engages people in dialogue in order to determine the right action, he generalizes from specific examples. One example of this is in the *Crito* at 47b-e. Socrates asks, "Should a man professionally engaged in physical training pay attention to the praise and blame and opinion of any man, or to those of one man only, namely a doctor or trainer?" When Crito agrees that it is the opinion of the one that matters in that case, Socrates next asks, "He should therefore fear the blame and welcome the praise of that one man, and not those of the many?" This exchange continues until Socrates finally asks, "So with other matters, not to enumerate them all... should we follow the opinion of the many...or that of the one...?" Like Ross, Socrates' practice is to generalize a guiding principle from specific instances.

Socrates' application of these principles is consistent with Ross' view. He believes that he must obey the laws, but in the *Apology* he gives examples of times when he did not do so. When Socrates' refused the order to bring Leon from Salamis (*Ap.* 32d), he had resolved the conflicting principles of obeying the laws and not doing wrong. Although he chose to give primacy to not doing wrong, it did not lessen his duty to obey the law. Socrates' decision to give precedence to not doing wrong is one way in which Socrates' statements are more reflective of Kantian deontology, for in both the *Apology* and the *Crito* he makes statements to the extent that avoiding wrongdoing is more important than anything else. In the *Apology*, he says his actions showed that "death is something I couldn't care less about, but that my whole concern is not to do anything unjust or impious" (32d). Similarly, in the *Crito* he says, "If it appears that we shall be acting unjustly, then we have no need at all to take into account whether we shall have to die if we stay here and keep quiet, or suffer in another way, rather than do wrong" (48d).

Vlastos argues that Socrates' prohibition against wrongdoing is based on the notion that doing wrong harms the soul.¹³⁴ Kant would categorize this as a conditional imperative, one that is dependent upon external factors in order to be true. As a conditional imperative, it would take the form, "If doing X harms the soul, then we should not do X." As a result, the prohibition against wrongdoing ceases to be a relevant principle, except as one of the many means to preserve or harm the soul. The force and repetition of Socrates' prohibition against wrongdoing does not allow for that principle to be irrelevant or incidental, as it would be if Vlastos was correct. Instead, we see the prohibition against wrongdoing as a duty that is not based on any external factors.

Farrell also applies deontological principles to the *Crito*. He examines the results of analyzing the *Crito* through a Kantian lens when he attempts to frame Socrates' arguments as universal maxims. It is his aim to develop a maxim that would "apply to [Socrates'] predicament in the *Crito* and justify escape, on the one hand, but would not portend grave injury or civil discord if it were accepted and acted on by people generally, on the other."¹³⁵ Farrell is ultimately unable to do so, because such a maxim would require Socrates to agree that (1) in receiving unjust punishment, the harm done to him is greater than the harm to the state, and (2) that the state would suffer minimal harm if everyone wrongly found guilty tried to evade punishment. Farrell concludes that Socrates would never agree to such a maxim.

Socrates would have likely supported Farrell's conclusion, as his argument on this very topic is based on the dangers of universalization (*Cr.* 50a-b). Socrates, in the voice of the Laws,

¹³⁴ Vlastos, "The Paradox of Socrates," 5-6; Gerson, 2.

¹³⁵ Farrell, 181.

is arguing that escaping from prison would be an attempt to destroy the laws. Although the issue at hand is Socrates' escape, he asks, "Do you think it possible for a city not to be destroyed if the verdicts of its courts have no force but are nullified and set as naught by private individuals?" (*Cr.* 50b). It is clear that, like Kant's categorical imperative demands, he would only act if he could will the action to become universal law.

As I argue above, Socrates' position in the *Crito* is consistent with deontological theory, both Kantian and Rossian. In the chapter that follows, I will conduct a careful examination of Socrates' three primary arguments in the *Crito* in order to fully develop this argument.

CHAPTER 3: SOCRATES' DEONTOLOGICAL ARGUMENTS

Traditional (Kantian) deontology and virtue ethics appear to provide diametrical methods for determining the correct action when faced with a moral dilemma. In what follows, I will be examining three of the primary arguments in the *Crito*, specifically focusing on their ethical underpinnings. I will argue that Socrates' arguments rest on deontological principles, and without them his arguments would fail.

Three of Socrates' primary arguments in the *Crito* are the arguments from Injury, Agreement, and Piety.¹³⁶ These arguments are offered by Socrates, giving voice to what he postulates would be the arguments of the laws of Athens. He asks Crito to imagine a scenario in which, as they attempted to escape, "the laws and the state came and confronted us" (50a). He then articulates those arguments as part of his discussion with Crito. As Martin explains, these arguments are "developed in an imaginary dialogue between the personified Laws of Athens and Socrates."¹³⁷ As discussed in chapter 2, I assume that the views of the Laws are Socrates' own views.

The Argument from Injury begins after Socrates and Crito have agreed that "one should never do wrong in return, nor injure any man, whatever injury one has suffered at his hands"¹³⁸

¹³⁶ Rex Martin explains that, of all the arguments in the *Crito*, these "bear directly on the justice of obeying the law" (22). Among those who disagree, Farrell accepts only two of these, while Young proposes a fourth argument. David Bostock provides a comprehensive overview of the debate in the literature on the number of arguments in the *Crito* and their makeups. He notes that the three argument form similar to the one I have adopted here "is now the most common interpretation" (12n10).

¹³⁷ Martin, 23.

¹³⁸ Socrates and Crito have "agreed in the past" that this is true (49a). In the *Apology*, Socrates explains the reasoning behind his belief that one should never do wrong. He believes that a good person should not "take into

(49cd). Socrates then asks if defying his verdict would lead him to "injuring people whom we should least injure" (50a). Crito's reply, "I cannot answer your question, Socrates. I do not know," suggests that he cannot agree, either because he does not know whether this is true or because he does not understand the question.¹³⁹ In elaborating, Socrates comes to the heart of the Argument from Injury: In the voice of the Laws, he asks, "Do you not by this action you are attempting intend to destroy us, the laws, and indeed the whole city, as far as you are concerned? Or do you think it possible for a city not to be destroyed if the verdicts of the courts have no force but are nullified and set at naught by private individuals?" (50a).

Socrates' argument here is as follows: If people can set aside the verdicts of the courts at will, then the verdicts of the courts, and the courts themselves, have no force. If the courts have no force, then the laws have no force, because without the enforcement of the courts the laws are powerless. If the laws are powerless, they have lost all purpose and function and are effectively destroyed. If the laws are destroyed, then the city will be destroyed. Therefore, setting aside the verdicts of the courts is an attempt to destroy the laws and the city.

If this argument were to focus solely on Socrates' actions as an individual, it would hold very little weight. One person defying a verdict and avoiding punishment cannot cause the destruction of the state. If that were the case, Crito and his compatriots would not have been

account the risk of life or death; he should look to this only in his actions, whether what he does is right or wrong, whether he is acting like a good or bad man" (28bc). There are dangers to doing wrong and becoming a bad man, Socrates argues, because "the wicked do some harm to those who are closest to them" (25c), and "if I make one of my one of my associates wicked I run the risk of being harmed by him" (25c).

¹³⁹ Some critics attribute Crito's uncertainty to a lack of intelligence. Young, for example, states that Crito "will not be able to understand, or at least to understand properly and fully, the Socratic principles" (6). However, Dasti argues that Crito's confusion is over "who it is that ought least to be harmed" and not the basic premise of the argument (135).

anxious to help Socrates avoid punishment, nor would they believe that failing to do so would harm their reputations (44d-46a). Many of those involved in the plot, including Crito, are friends of Socrates. Crito mentions these friendships in the dialogue, and Socrates not only does not dispute the nature of these relationships, but he in turn addresses Crito as "my dear friend" (54d). As Socrates argues in the *Apology*, people benefit from friendships¹⁴⁰ with good people and are harmed by such with wicked people, and no one "would rather be harmed than benefited by his associates" (25d). This leads to the conclusion that Socrates would consider his friends, including those involved in the plan for him to escape, to be good people and good citizens. If we take at face value Socrates' argument that defying the verdict would bring about the destruction of the city, it is nonsensical to believe that his friends would knowingly participate in bringing about the downfall of the city. It is when Socrates universalizes his argument that it becomes plausible. We can easily see how, if everyone ignored the verdicts of the courts, they would become useless. If the courts are useless at enforcing the laws and punishing those who break them, one result could be the destruction of "the laws, and indeed the whole city" (50ab).

Socrates does not explain how or why he moves from talking about one individual to all individuals, but the general principle he seems to be following is, "What if everybody did what I

¹⁴⁰ While Socrates does not explicitly mention friendship, he discusses the good or harm an individual can do "to those who are closest to them" (25e). I interpret this to include friendships. The *Lysis*, one of the middle period dialogues, addresses the question, "What is friendship?" The question of whether one desires a friend because "a thing desires what it is deficient in" (221e) is raised but not affirmed, and at the end of the dialogue Socrates is bemoaning the fact that "what a friend is we have not yet been able to find out" (223a).

do?" Here, Socrates is acting according to the principles that would come to be named by Kant the Formulae of Autonomy and Universal Law.¹⁴¹ If he did not do so, this argument would fail.

Allen argues that the type of universalization utilized by Socrates is significantly different from the categorical imperative. "Universalization is not offered as an independent test of right and wrong, but as a principle attaching to legal validity. Breach of *this* verdict is destructive to *all* law precisely because this verdict issued from a source legally empowered to render it."¹⁴² However, Socrates is very clear that he is discussing the danger to a city of disregarding "the verdicts of its courts" (50b). There is nothing in the text, implicitly or explicitly, to suggest that Socrates is speaking only of his own case. It is also the case that any verdict issued by a court is "legally empowered to render it." If a verdict came from some other agency, defying it would threaten the power of that agency and could similarly be said to be an attempt to destroy it.

The Argument from Piety presupposes that the relationship of a citizen to the city is analogous to that of a child to her parents or a servant to his master, as the city is responsible for nurturing and educating the citizens. The city also claims responsibility for the citizens' very existence, asking, "was it not through us that your father married your mother and begat you?" (50d-e). Once that relationship is established, the Laws assert that there is a fundamental power difference between parents and children, or masters and servants. These relationships are not "on an equal footing" (50e), and so it is not permissible or acceptable for a child to treat his parents in the same manner that the parents treat the child. For example, a child does not have

¹⁴¹ I recognize that if Socrates was truly acting according to either formulae his question would not be, "What if everyone did this?" but instead "Can I universalize this even if not everyone does it?" However, I am not attempting to argue that Socrates exhibited a prescient knowledge of Kant or Ross. Instead, my argument is that Socrates relies on a deontological framework that is in many ways very similar to the theories later introduced by Kant and Ross.

¹⁴² Allen, 85.

the right to punish a parent for bad behavior. Socrates argues that a child/servant does not have the right to retaliate in response to the actions of the parent/master. He then goes on to extend this argument to the state. "Do you think you have this right to retaliation against your country and its laws? That if we undertake to destroy you and think it right to do so, you can undertake to destroy us, as far as you can, in return?" (51a). The Laws conclude this argument by stating that "it is impious to bring violence to bear against your mother or father, it is much more so to use it against your country" (51c). This builds on the Argument from Injury, and is based on the idea that defying the court's verdict would be attempting to destroy the state, and thus do violence against it.

While speaking of the imperative to honor the city, Socrates says, "You must either persuade it or obey its orders, and endure in silence whatever it instructs you to endure, whether blows or bonds, and if it leads you into war to be wounded or killed, you must obey" (51b). As a guideline for action, this principle is clear, concise, and absolute. It does not allow for an individual to assess a situation and determine the virtuous action.¹⁴³ It compels the individual to obey, even when doing so would have negative consequences. Like deontology, it is not

¹⁴³ There is a body of literature that focuses on Socrates' "persuade or obey" doctrine and the question of civil disobedience, most of which was published in the 1960s and 1970s as an outgrowth of the political situation in the United States. (For examples, see Woozley, Young, Martin, Dixit, and Farrell.) The literature primarily centers around three questions: (1) Did Socrates genuinely mean that there is no room for disobedience in the face of injustice? (2) How can we resolve the conflict between Socrates' statements in the *Crito* and his assertions in the *Apology* that he will defy the court if commanded to give up philosophy? (3) How can the *Apology* and the *Crito* be interpreted to show that Socrates supported the concept of civil disobedience? The general trend shows authors resolving these questions in favor of disobedience. However, as Farrell notes, many of his contemporaries do not proceed with the presupposition that Socrates' arguments "were meant to be taken seriously and at face value" (173). Although outside the scope of this paper, it is worth asking to what degree the politics of the time influenced the positions established. Dr. Martin Luther King's 1963 "Letter from Birmingham Jail" invoked Socrates as an early practitioner of civil disobedience. The debate on Socrates' civil disobedience had implications that were far from purely academic.

concerned with outcomes or consequences. If Socrates was relying on virtue, he would be asking questions like, "Would it be good to obey these orders? Are the orders themselves just and worth obeying? What are the possible outcomes of obeying or disobeying?"¹⁴⁴ In doing so, he would have to abandon his "persuade or obey" argument. It is only as a deontic principle that this argument can succeed.

According to virtue ethics, an individual must rationally examine a situation in order to determine a correct course of action. The arguments from Injury and Piety are not dependent on the particular circumstances of a situation. They are offered as guidelines for action that can and should be followed by anyone encountering the same moral questions, regardless of the situation. The Argument from Piety is built on the Argument from Injury, and the two are meant to work together. In the *Crito*, Socrates does not acknowledge the possibility that the prohibition against causing injury could come into conflict with the mandate to obey the law, but it is not difficult to imagine a situation in which the result of obeying the law would be causing injury. Indeed, in the *Apology* Socrates discusses one such situation, which took place while the Thirty Tyrants were in power:

When the oligarchy was established, the Thirty summoned me to the Hall, along with four others, and ordered us to bring Leon from Salamis, that he might be executed. They gave many such orders to many people, in order to implicate as many as possible in their guilt...When we left the Hall, the other four went to Salamis and brought in Leon, but I went home. I might have been put to death for this, had not the government fallen shortly afterwards. (32c-d)

¹⁴⁴ As I discuss below, Socrates in general is not averse to asking these questions and acting as his conscience dictates.

Leon was innocent, and even though Socrates' life was at stake and he knew that the actions of the other four would result in Leon's death anyway, the execution was a wrongdoing to which Socrates could not be a party.

As I mention in chapter 2, this is one situation in which we see Socrates encounter what Ross would call conflicting *prima facie* duties. Socrates must choose between his duty to obey the law and his duty to avoid causing injury, and in this instance, he determines that his actual duty is to avoid causing injury. At first glance, it appears that Socrates also faces conflicting *prima facie* duties in the *Crito*. However, if we recall that Ross stipulates that giving precedence to one duty does not make the others less valid, it becomes clear that the situations are not parallel. In the *Crito*, Socrates does not appear to believe that he has any duties at all that might have the end result of his escape. His choice would be between fulfilling a duty and actively disregarding it, not giving one duty precedence over another. Because his position is that he has already fulfilled his duties, and because he was able to fulfill all of them without a conflict, his only choices would be actively to disobey the law, to injure the state, or to dishonor an agreement. His other duties would not gain priority as a result.

Like the other arguments, the Argument from Agreement takes the form of a universalizable maxim. It is grounded in the principle that Socrates and Crito agree on at 49e, "when one has come to an agreement that is just with someone, one should fulfill it." The argument is based on the premise that by living in Athens, raising children there and fulfilling the duties of a citizen, Socrates has implicitly agreed to abide by the laws. By disregarding the judgments of the courts, the Laws argue, "you are breaking the commitments and agreements that you made with us without compulsion or deceit, and under no pressure" (52de).

According to this argument, Socrates could have left Athens and in effect dissolved the agreement, but since he did not do so, he does not have the right now to break the agreement. This argument does not allow for breaking the agreement for any reason, no matter how much the surrounding circumstances change. Within a virtue ethics context, we would expect the specifics of the situation to be the basis for determining the action taken. As virtue ethics asks us to look at what a virtuous person would do in the situation, one could argue that Socrates' position is that a virtuous person should fulfill just agreements. However, a blanket statement that a virtuous person should always honor just agreements is functionally no different from a deontological principle that says the same.¹⁴⁵ John Rawls asserts such a principle as an integral part of his deontological theory of justice. He notes that "when we enter an agreement we must be able to honor it even should the worst possibilities prove to be the case."¹⁴⁶ Ross would characterize this as a principle based on the duty of fidelity, the duty to "fulfill promises and implicit promises because we have made them."¹⁴⁷

R.E. Allen points out an ambiguity in Socrates' assertion about agreements that arises from the phrase, "when one comes to an agreement that is just with someone" (49e). Allen asks, "Is it that one must do what he agreed if the agreement is just? Or that one must do what he agreed if to do so is just?"¹⁴⁸ The former focuses on the context in which the agreement was made (e.g., one was not coerced into making the agreement) while the latter requires an

¹⁴⁵ Philip Cafaro warns against the broader implications of continually conceiving the virtues in this way. "A 'virtue ethic' which defines virtues as stable dispositions to act according to duty is essentially deontological in content, if not form."

¹⁴⁶ Rawls, 176.

¹⁴⁷ Ross, 22.

¹⁴⁸ Allen, 72.

evaluation of the substance of the agreement. We would expect that Socrates' concern would be establishing whether the substance of the agreement – precisely what it is that is being agreed upon – is just. While he does offer in full the substance of the agreement, he does not offer any means for evaluating its justice or validity. In contrast, he provides specific criteria for evaluating the context of the agreement.¹⁴⁹

The three criteria presented to evaluate the validity of the context of an agreement are:

- 1) The agreement is made "without compulsion or deceit" (52e).
- 2) The agreement is made "under no pressure of time for deliberation" (52e).
- 3) There are alternatives to the agreement. The Laws say, "If we do not please him, he can take his possessions and go wherever he pleases" (51d).

In the *Crito*, these criteria are applied to the agreement of the citizens with the city, but because they are evaluating context and not substance, they can be applied to any agreement. In effect, Socrates has established a procedural method for evaluating agreements, one that can be applied universally.¹⁵⁰ In concert with a maxim that states "one must keep arguments if they were validly formed," it allows anyone in any situation to determine how she ought to act. This is a purely deontological method of determining the right action. It allows us to determine whether

¹⁴⁹ I am indebted to Gary Young for his analysis of the Argument from Agreement, which helped shape my understanding here. Young suggests that Socrates' argument "gains whatever plausibility it has from the conditions that the laws say must be satisfied before the citizen can be said to have agreed" to obey the laws (20). The three criteria that I identify are among the conditions that Young discusses, and they are the ones that Young notes are "necessary for there to be an agreement" (20). My conception of them as criteria for evaluating the validity of an argument and as the means for establishing a procedural method was inspired by his discussion.

¹⁵⁰ This is an antecedent to Rawls's concept of pure procedural justice, which is that there is a fair procedure that requires no independent standard to verify its fairness. Rawls explains that "there is a correct or fair procedure such that the outcome is likewise correct or fair, whatever it is, provided that the procedure has been properly followed" (86).

we are permitted to break an agreement, but it does so without giving any consideration to the merit or consequences of the action.

I do not mean to imply that the substance of the agreement is irrelevant; certainly, Socrates would never have held that stance. Presumably one considers the virtues and possible outcomes of an agreement when it is formed.¹⁵¹ In addition, one is not irrevocably bound. If necessary, agreements can be harmoniously dissolved. In the *Crito*, Socrates would have done so by leaving the city (52b-e), but harmonious dissolution could take many forms (e.g., mutual agreement, providing compensation, or renegotiating terms.)

While Socrates does not provide a basis for evaluating the substance of an agreement, Kostman offers an example of how such an evaluation might operate. "If one has agreed to do x, and in certain circumstances doing x involves doing y, and doing y is unjust, then one is not obligated to do keep one's agreement in those circumstances, but one is still obligated to do x in other circumstances."¹⁵² In contrast, an evaluation of the context might read, "If one has agreed to do x, and the agreement complied with procedural justice, one must do x." The former, requiring examination of the particulars of an agreement, is an approach consistent with virtue ethics. The latter, providing a rule to follow regardless of other factors, is consistent with deontological ethics. This is not an exception in the *Crito*, which provides other rules for action, including a prohibition against retaliation (49b-d) and a declaration that dying is always preferable to acting unjustly (48d). While Kostman argues that Socrates' statement refers to

¹⁵¹ When Rawls unequivocally states that we must honor our agreements, he does so with this strategy in mind. Rawls argues that the parties in an agreement "cannot enter into agreements that may have consequences they cannot accept. They will avoid those that they can adhere to only with great difficulty" (176).

¹⁵² Kostman, 110.

evaluating the substance of each individual agreement, there is no textual basis for the argument. Socrates offers three specific means for evaluating context, and none for assessing substance. If we acknowledge Socrates' deontological position in the *Crito*, it is easy to resolve this ambiguity in favor of the context of the agreement.

In addition, it is not clear that the substance of this particular agreement was just.

Socrates should have had the opportunity to attempt to "persuade" the city. Young argues that

at his trial, Socrates addressed the citizens; if by 'city' we mean the citizens of Athens, then Socrates had a chance to persuade the city... and he failed. Recalling that in the *Crito* the laws distinguish themselves from the citizens, we might ask: When did Socrates have a chance to persuade these laws? The answer seems to be that he never had such a chance; indeed, it is impossible even to imagine what such a chance would be like.¹⁵³

Socrates does not spend any time in the dialogue discussing whether he had sufficient opportunity to persuade the city of anything. He simply acknowledges his failure to persuade, and his subsequent duty to obey. Again, this reflects his position that the outcome of the agreement is irrelevant; he followed the procedure that would ensure that the outcome was just, and therefore must adhere to it. I wish to stress that it is not simply that Socrates agreed to abide by the outcome of the procedure; he agreed that the outcome, whatever it was, would be just because it came about as a result of following the procedure.

As with Injury and Piety, the Argument from Agreement is dependent upon deontological principles. Any attempt to introduce virtue into the question of whether an agreement is valid would require an examination of the substance of the agreement. If an agreement can be

¹⁵³ Young, 21.

declared invalid because of its substance, Socrates could not reply to the objection, "The city wronged me, and its decision was not right," simply by referring back to the validity of the agreement. Without its deontological base, the Argument from Agreement is not able to provide a definitive answer.

It is the nature of virtue ethics that the answers it provides are not absolute. They are based on character, virtue, and an assessment of consequences. Those things will differ depending on who is applying them, and while we can hope that people have a common conception of virtue, there can always be differences in moral judgments. Socrates' three arguments do not allow for such differences. We are instead presented with universalizable maxims: "One must never do wrong... Nor must one, when wronged, inflict wrong in return" (49b); "You must either persuade [the city] or obey its orders, and endure in silence whatever it instructs you to endure" (51b); "When one has come to an agreement that is just with someone... one should fulfill it" (49e). Whether Socrates could still convincingly argue against escaping from prison *without relying* on deontological principles is a question that remains to be answered. I believe, however, that I have successfully argued at least that his position *did in fact rely* on deontological principles in place of the virtues.

CONCLUSION

I have argued that in the *Crito*, Socrates adopts a mode of ethical reasoning that is very different from what is typical of him. Instead of relying on arguments from virtue – arguments that would entail asking, "What would the *virtuous person* do in *this very* situation?" – Socrates is instead relying on arguments from duty, arguments that entail asking, "What ought *any person* do in *this type* of situation?"

In chapter 1, I presented an overview of Socrates' conception of virtue and how an argument from virtue might be formulated. In chapter 2, I discussed two types of deontology and how the duties they present dictate what actions we must take when faced with a moral dilemma. In chapter 3, I analyzed Socrates' primary arguments in the *Crito* and argued that they rely on a deontological approach to ethics, and if that deontic framework was removed, the arguments would fail.

Socrates' actions, as portrayed in Plato's writings, have led to his characterization as a moral exemplar, a man whose "life, behavior, and personality constitute a model for living."¹⁵⁴ He has come down in history as a man of such extraordinary character that he has been classed with Jesus of Nazareth. A.E. Taylor called Socrates and Jesus the two "historical figures whose influence on the life of humanity has been profoundest,"¹⁵⁵ and Livingstone claimed that Socrates "has had a deeper influence on western civilization than anyone except Jesus."¹⁵⁶ Karl

¹⁵⁴ Calder et al, x.

¹⁵⁵ Taylor, A. E., 9.

¹⁵⁶ Livingstone, v.

Jaspers identified him as one of "the four paradigmatic individuals [who] have exerted a historical influence of incomparable scope and depth...They are so far above all others that they must be singled out if we are to form a clear view of the world's history."¹⁵⁷ This characterization of Socrates is due to his choice to die before doing what he believed to be wrong, a decision that has been attributed to his virtuous character.¹⁵⁸ He believed so deeply against acting wrongly that he refused to do so, even though it cost him his life.

How would this characterization change if we viewed his actions as driven by duty instead of virtue? When we act from duty, we take an action because we have to, not because we want to. A man who did the right thing because duty demanded it is not likely to be regarded as a paragon. He is not going to be held up as an excellent man, or a virtuous man, or a moral exemplar.¹⁵⁹ I suspect that the historical view of Socrates the dutiful would be quite different from that of Socrates the virtuous. Werner Jaeger claims that "it was not really his life or his doctrine (so far as he had any doctrine) which raised him to such eminence, so much as the death he suffered for the conviction on which his life was founded."¹⁶⁰ If my interpretation of Socrates' motives and actions in the *Crito* are correct, we must ask whether Socrates deserves the reputation that history has granted him. Perhaps more importantly, we must ask whether Socrates' reputation would still hold if we look at his life alone, without his martyr's death.

¹⁵⁷ Jaspers, 3. The other three individuals are Jesus, Buddha, and Confucius.

¹⁵⁸ This characterization has not been taken uncritically. In *The Reputation of Socrates: The Afterlife of a Gadfly*, James Hulse provides an excellent overview of the historical progression of Socrates' reputation, both positive and negative, dating from Socrates' time to the current day.

¹⁵⁹ Except, perhaps, by Kant. But Kant, for all his tremendous philosophical legacy, has not come to be revered as an excellent *person*.

¹⁶⁰ Jaeger, 13.

At this juncture I would like to pose a question which, while beyond the scope of this paper, developed out of my examination of the concepts I studied for this project. As I looked at the differences between deontological ethics and virtue ethics, I began to wonder if Ross' theory might have more in common with virtue ethics than Kantian deontology.

Ross presents a duty-based ethical theory, and for that reason it is easily classified as a deontological one. However, several features of his theory deviate from what we expect from traditional, and especially Kantian, deontology. Ross assumes that *prima facie* duties are universal, and that "we *know* them to be true" because they are the "main moral convictions of the plain man."¹⁶¹ Ross believes that these are convictions "of the nature of knowledge,"¹⁶² and does not seem to consider the possibility that the moral convictions of the average person are learned, and arise from one's culture, and so could change from culture to culture. If our moral convictions are learned and come out of our culture and our cultural ideas of right and wrong, then they must be conditional, not universal. If our moral convictions are conditional, then they cannot provide an absolute and universal basis for our duties. For a deontological theory, this is a significant problem. For virtue ethics, it makes perfect sense, as a common question in discussing virtues is "how different kinds of societies encourage different virtues and vices."¹⁶³

In addition, Ross believes that when we are in a position such that our *prima facie* duties have come into conflict with one another,¹⁶⁴ we must select among them based on which duty "is

¹⁶¹ Ross, 21n.

¹⁶² Ross, 23.

¹⁶³ Pence, 256.

¹⁶⁴ Ross suggests that this is "perhaps always" the case (19).

more incumbent than any other."¹⁶⁵ He does not explain precisely how we are to do that, and admits that "our judgements about our actual duty in concrete situations have none of the certainty that attaches to our recognition of the general principles of duty."¹⁶⁶ We cannot avoid the question of how such a decision is made. Ross stresses the point that it is not as a result of looking at which action produces more good, but instead "which is in the circumstances more of a duty."¹⁶⁷ While I personally do not understand how we can decide which is more of a duty without looking at the consequences of the action, in either case we are directed to look at the circumstances of the situation. It is the circumstances that ultimately lead us to determine our actual duty. Similarly, in virtue ethics it is the circumstances that lead us to determine the virtuous action. In contrast, Kant believes that we cannot make moral decisions contingent on circumstances, and any such "hypothetical imperative says only that the action is good for some *possible or actual* purpose."¹⁶⁸

For these reasons and others, including Ross' rejection of motive as a means for judging the moral worth of an action and Ross' acknowledgement that one can never be sure of the correct action to take in a situation,¹⁶⁹ I see Ross' theory as incorporating aspects of both deontology and virtue ethics. I suggest that it may be possible to utilize Ross as a bridge between deontology and virtue ethics, to allow people to act according to duties but also take consequences into consideration. I believe that this is a question worth further study.

¹⁶⁵ Ross, 19.

¹⁶⁶ Ross, 30.

¹⁶⁷ Ross, 18.

¹⁶⁸ Kant, 4:414-5.

¹⁶⁹ I discuss these points in chapter 2.

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