



# *Athens Journal of Philosophy*

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# Athens Journal of Philosophy

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- **Dr. William O'Meara**, Head, Philosophy Unit, ATINER & Professor, Department of Philosophy and Religion, James Madison University, USA.

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# Athens Journal of Philology

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## How Crito Might Have Rejoined

By Thomas Jovanovski\*

SOCRATES: I warn you that, as my opinion stands at present, it will be useless to urge a different view. However, if you think that you will do any good by it, say what you like.

CRITO: No, Socrates. I have nothing to say.

SOCRATES: Then give it up, Crito, and let us follow this course, since God points out the way.

— Plato, *Crito* 54d

Plato's overarching and seemingly unabashedly explicit purpose of his entire Socrates-featured — not to say -dominated — dialogue-form corpus is to put forth Socrates' side of any argument in a singularly positive light. While, granted, this asymmetry is at times disrupted by the rather strong appearances of such then-leading erudite and social lights as Parmenides, Thrasymachus, and Glaucon, Plato inclines toward portraying Socrates' interlocutors as virtually reflexively assenting to what the latter maintains, or proposing toothless, undeveloped, in a word, *pro forma* differing opinions. Conversely, Socrates is (literally) unfailingly rendered as more composed and amiable than, and as intellectually superior to, everyone else; it is he who normally determines the direction of, leads, and wins nearly every debate; and he either adroitly converts his counterparts to his side or even reduces them to silence. Not surprisingly, therefore, after perusing any of Plato's dialogues wherein the participants arrive at no clear understanding of the subject under discussion, the reader is left with the distinct sense that this is, fundamentally, Socrates' personal, but nevertheless sublime, failure. As Plato quotes Socrates intimating about as much in the concluding paragraphs of the *Charmides*: “I have been utterly defeated, and have failed to discover what that is to which the lawgiver gave this name of temperance or wisdom” (175b) (italics mine).

Aside from extending and expanding his effort to promote Socrates' philosophical thought, Plato might be said to have had a parallel aim for bringing at least some of his texts into being. In the *Crito*, for example, we detect his resolute attempt to secure in us an enduringly favorable impression of the historical Socrates as a man of post-standard values, a man who not only generously dispensed advice on how we ought to conduct ourselves, but also lived and died in accordance with it. Here he is described as so noble that despite the unjust verdict and sentence against him, he rejects an almost guaranteed escape from jail and permanent relocation. A more scrupulous analysis of the recorded discussion than we are likely to encounter in the secondary literature, however, should reveal Socrates' decision to stay put as at once too tenuous and insufficiently challenged to pass for a fertile enough soil whereupon that sort of impression might flourish. On the contrary, Crito's relatively obliging response to Socrates' decision than,

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considering the consequential circumstances, perhaps most of us would have expected, gives rise to the suspicion that Plato might have intentionally left the dialogue less than complete.

Plato further attenuates Socrates' explanation of his decision to fully submit to the sentence against him by resorting to what would in (mainly Western) courts of law pass for a case of leading-the-witness. This technique is hardly as striking in the *Crito* as it is in, say, the *Meno*, where Socrates is *merely assisting* an uneducated slave into *recalling* the solution to a geometrical puzzle by implicitly inviting him to reply in the affirmative to questions that invariably point to the correct answer. Still, in the *Crito* we once again observe Socrates setting the course of the discussion, and treating his visitor as basically a sounding board. Though we might accept such an exchange in texts whose object is to instruct instead of inquire, we must reject it in the *Meno*, where we are underwhelmed by Plato's illustration of the veracity of a cardinal element in Socrates' model. We ought to just as promptly reject the same sort of exchange in the *Crito*, which in the eyes of many stands as close to an intimate look into Socrates' character as we might get.

Viewed from another vantage point, my appraisal of Socrates' dialectical method and of Crito's function in the original dialogue might seem misguided. Bearing in mind Plato's outline of interlocutors in other works of his, it is true that one could accurately predict Crito's status as a foil before so much as laying eyes on a single word of the text by the same name. Yet, it seems equally true that one might well espy something else at play here, Plato's stylistic inclination notwithstanding. After all, it is plausible to regard Crito's weak proposal and even weaker rejoinder to Socrates' declination as the best we ought to expect from a hardly philosophically minded, a practical man of the world who has found himself very near the nucleus of a quickly unfolding cluster of events. In the absence of evidence that would have favored or negated either one of these alternatives, we might take a middle path by treating the original work as a narrative in dire need of more conceptual balance between the two speakers.

A glance, therefore, at the probable origins of Plato's dialogue might provide us with some justification for deciding to undergird Crito's side of the debate. Should we regard the *Crito* as, ultimately, an historical document; as an imagined but nevertheless ethically illuminating work of philosophy; as part of Plato's focused attempt to enframe the historical Socrates within a martyr's halo; or as an amalgam of some or all of these? The alternatives, it seems, are three: (i) That the discussion Plato recounts occurred just about precisely as he has recorded it; (ii) that while such a meeting did indeed take place, he permitted himself creative license to modify, to add, or to subtract from what either or both of the speakers said; and (iii) that such a meeting is entirely Plato's invention, that is, his means of turning Crito into a synthetic representative of Socrates' supporters, and therefore the most credible voice for their consensus to rescue him. Insofar as the *Crito* was made available in Athens at a time when perhaps most of its citizens' memories of Socrates and of his better known interlocutors were still relatively fresh, and insofar as we might identify no *Crito*-contemporary literature which exposes the conceptions Plato attributes to Socrates as factitious or unreliably embellished;

insofar, moreover, as the dialogue-provided evidence indicates that none besides the two speakers witnessed the exchange, and insofar as Plato might be said to have made it his mission to characterize Socrates as a champion and exemplar of moral and civil obligation and commitment, we would be right to select the last alternative as the one closest to the truth.

However, insofar as we could not be certain that his account faithfully reproduces what he either witnessed or heard about whether from primary or secondary sources, we might maintain that Plato ought to have felt obligated to present Crito as a more cogent speaker. Nor am I necessarily intimating that he should have done so in order to preempt the possible notion that with the same text he set out to depict Socrates as a martyr, or in order to allay the subterranean suspicion that Socrates latently wished to commit what is nowadays widely referred to as suicide by proxy. Besides making for a more engrossing read, Plato should have reinforced Crito's side because philosophical *integrity* demands that one be careful not to effectively condemn one's own counterargument by garnering praise and approval for having overpowered a much weaker argument.

In the succeeding pages, then, I attempt to raise Crito's philosophical acumen and proficiency by recasting his initial proposal and by injecting, as it were, a liberal dose of intellectual testosterone into the possible rejoinders he, I imagine, might have offered to Socrates' merely ostensibly persuasive reasons for unreservedly submitting to the laws' admonishment of him. Hence, first, and for no more than referential purposes, I present a faithful discussion-style sketch of Plato's original text, and following that I reconceive the same meeting entirely within its original course and perimeters.

1. Plato's *Crito* is a conversation that concerns Socrates' multi-pronged explanation for his refusal to escape from jail in the wake of an unjust verdict and sentence against him. The meeting starts with Socrates waking up in his jail cell and expressing surprise to see Crito sitting by him so early in the morning, with Crito, in turn, expressing admiration at how calmly Socrates is able to sleep in the face of his imminent execution. By this time, Socrates had been imprisoned for about a month; he would have been executed earlier, had the ship from the island of Delos — sent there on an annual religious mission — not been absent for that period, during which no prisoner executions were permitted. A day earlier, the returning ship had been spotted from the Greek mainland, so Crito expects it to arrive in Athens the next day, with Socrates' execution taking place shortly thereafter. However, recalling a prophecy he saw in a dream the night before, Socrates is convinced he will live at least one day longer than that.

Crito urges Socrates to escape as soon as possible, before such a venture becomes nearly impossible later on. In addition to losing an old friend, Crito is perturbed that he will likely be rebuked by most of those who know him — unaware of his covert attempts to the contrary — for not buying that friend's freedom. Nor must Socrates worry either about life on the outside, as all that has already been arranged by Socrates' sympathizers and admirers, or about those involved in the plot, for even if somehow discovered, none of them would suffer more than the slightest of punishments. Most importantly, Crito adds, Socrates has a duty to his family, and especially to his young children, to remain alive as long

as possible. If, on the contrary, he refuses to escape, he would be selecting the easier, indeed, the *cowardly* road instead of the manlier one.

Unimpressed by such a blatantly emotional appeal, Socrates replies to Crito's offer thus: We agree that it would be wiser to value and praise the opinions of some, say, good men, while discounting those of bad men. If so, would it, similarly, not be better for one training in, for example, gymnastics to esteem and adhere to the counsel regarding food, drink, and practice provided by a professional trainer in gymnastics, while avoiding the beliefs offered on the same subject by the non-professional majority? Crito concurs. In that case, Socrates continues, to the extent that questions relating to justice are of much greater weight than those relating to the body, we would do well to dismiss the views of the many concerning questions of what is good and evil, or honorable and dishonorable, and to cleave to the advice given us by those few who have a clear grasp of what is right and fair. Neither ought we to be overly anxious about the views of the many when there arise issues of life and death; for while it is true that the many have the power to kill us, we should be less concerned with mere life than with the good and principled life.

Most inexcusably, Socrates insists, by escaping, he would be flouting the Athenian constitution and laws, and would therefore be turning himself into an enemy of the state. Not necessarily, Crito retorts, for any and all responsibility Socrates is convinced he has to the latter's legal system would have been rendered void by the unjust verdict and even worse sentence it returned against him. Perhaps so, Socrates concedes; irrespective of the circumstances, however, he has always refused to meet evil with evil, and he is not about to undermine that personal standard now. Besides, has not his entire life effectively been one long affirmation of the rightness and validity of the letter and spirit of Athens' laws? By freely consenting to live and work in Athens, did he not, simply put, implicitly strike up a covenant with it to unconditionally obey every one of its laws and regulations? In fact, he had a decades-long opportunity to remove to any other city that would have had him, and yet at no time did he betray the remotest interest to live apart from Athens.

But even if Socrates did decide to escape, how much better could he fare anywhere else when most of the citizens of any city would likely cast suspicious glances at him as at once a potential subverter of their laws and corrupter of their youth? No less likely, he would be mercilessly ridiculed for running away like a coward while praising justice and counseling virtue. On the other hand, by bravely facing death in Athens, he would leave this world as a victim of unjust individuals, and not of laws.

Crito (reluctantly) yields to these remarks, and the dialogue closes.

2. We might gain a more comprehensive survey of the direction, the force, perimeters, and, not unimportantly, the *flavor* of both sides of the conversation if we present them in a conscientiously summarized dialogue form, as I have done just below. In what follows, however, I have dispensed with the morning greetings and rather small talk between the two friends, insofar as that exchange adds basically nothing to their respective positions.

Actually, my summary comprises only a trace of that sort of language; and properly so, I think, insofar as my aim here is to provide not much more than a reference background, a set of signposts that would illuminate the way for, and clearly identify the boundaries of, my reconceived dialogue:

CRITO: I entreat you to escape before it becomes too late, Socrates; for if you refuse, not only will I have lost a dear friend, but also perhaps most of those who know us in and out of Athens will think that I could have rather easily saved you, had I only been willing to part with my money.

Nor should you worry about your property or about your upkeep, since there are many I know who will be only too glad to assist you wherever you decide to resettle. Please, then, weigh my offer carefully, Socrates, and bear in mind that if you choose not to escape, you will be — besides bringing a great loss to all of us, your friends and admirers — condemning your children to live as orphans, which means that you will be taking the easier and, indeed, the less manly way.

SOCRATES: I'm touched by your appeal, Crito. Nevertheless, you know that I've always been a man guided by reason; so, unless you offer more telling grounds for what you wish me to do, I shall have to decline. For I will not have my actions repudiate my words and principles whereby I have lived for so long.

As for the many, I urge you not to take their views to heart. You and I agree that it is better to accept the opinion of some, and not that of others — better to appraise the opinion of the wise as good, while rejecting that held by the unwise as misleading and even potentially harmful. For example, he who would devote himself to training with the aim of becoming a competitor in gymnastics would surely do better to abide by the advice, praise, and analysis of an acknowledged trainer in gymnastics, while paying practically no attention to the advice, praise, and analysis of the ordinary populace. Would you not concur, Crito, that had our aspiring gymnast decided to do otherwise, he would risk ruining his body?

CRITO: Indeed, I could hardly concur more.

SOCRATES: We would be prudent, then, to apply the same norm to issues regarding justice and injustice, or good and evil; that is, adhere not to the view held by the many, but to that offered by the man of understanding. Actually, the counsel on these and thematically similar matters advanced by the majority could well turn out to be even more deleterious than their advice on gymnastics, insofar as in the former they would be effectively assisting us in corrupting something incalculably more important and honorable than the body.

CRITO: Yes, Socrates, that sounds clearly true.

SOCRATES: If so, Crito, instead of feeling anxious about the collective opinion of the many concerning our behavior, we ought to worry about what the man of understanding might say on the same subject. Let us, accordingly, see whether I would or would not be behaving justly if I were to leave my jail cell without an official permission:

Would you not agree with me that it is never right and proper to return wrong for a wrong, an injury for an injury, or an evil for an evil?

CRITO: I should more than merely agree with that, Socrates. You know me well enough to be aware that this is a standard whereby I've consistently attempted to live my life.

SOCRATES: Yes, I only wished to make certain that nothing has recently occurred in your life that might have changed your attitude toward that standard.

Yet, this is an idea held and practiced by a small host of individuals, and hardly a principle whereby the majority of any people either of us knows tends to behave.

CRITO: Granted, Socrates, but what exactly is your point here?

SOCRATES: What I mean, Crito, is that if I were to run away from here, I would surely be injuring those whom I ought never to wrong in the slightest. To illustrate, let us imagine the laws and the state coming to inquire the justness of my escape, since I am convinced that I have been wronged by an unjust verdict:

Would your escape, Socrates, they might ask, not be breaking your contract with us? After all, did we not make possible all the social antecedents that led to your birth, nurture, education, and training for life?

Yes, I would have to answer.

In that case, Socrates, could you properly deny that you are in effect our child, and that, accordingly, you ought to think of our country as being higher, and that you ought to value it as holier, than any of your ancestors, including either of your biological parents? Can you cogently deny that when she deems it right to punish us, we really must endure it in silence, even when we disagree with her verdict? Likewise, they might continue, when she leads us into battle, ought we not to follow unquestioningly even at the pain of death?

Answer me, Crito, would the laws be speaking rightly, or would they not?

CRITO: I must concede that they would be speaking rightly.

SOCRATES: Then the laws might add:

Think of the grave injury your running away would be causing us, Socrates. Any citizen of adult age may, after having become fully familiar with us, and after considering his condition within the city's social and legal framework, voluntarily decide to leave us and, together with all his possessions, emigrate to wherever he pleases without the least amount of objection from us laws. He, on the other hand, who has come to know us well, and who has lived within the city's boundaries, he has, in a most important sense, entered into an implicit contract with us that he will abide by whatever we might command him. Accordingly, he who disobeys us must be declared unjust for no less than three reasons: First, because he is disobeying his parents; second, because we are the ones who sponsored his education; and third, because he is neither obeying us nor attempting to convince us in what sense our commands should be seen as unjust.

If at this point, Crito, I were to ask why the laws and the state had decided to put me through such questioning, I imagine them retorting thus:

As a most consistent resident of Athens, Socrates — indeed, as one who has not only hardly ever traveled beyond its walls, but also chosen to conceive and raise his children there — you have, undoubtedly, recognized and accepted that agreement. Finally, note that in accordance with your rights as a citizen, at your trial you were invited to fix your own penalty at banishment, but you refused to do so. Yet, now, disregarding these and related considerations, Socrates, now, as only a miserable slave would do, you are about to run away from the compact you, as a free citizen, implicitly drew up with us.

How, then, would we respond to such a charge by the laws and the state, Crito? Would we not have to pronounce their questioning of me as true and correct?

CRITO: Indeed, Socrates, the laws would be right to confront us in the way you just sketched.

SOCRATES: In fact, the laws might easily add more along the same lines:

Socrates, they might say, you had at least seven decades within which to decide whether to remain in Athens or move to any Hellenic or foreign republic, and yet

suddenly, now, when the verdict in the wake of the legal charges brought against you did not go according to your liking — now you are making ready to break the covenant you made with us at your leisure, under no compulsion or haste. Come, take our advice, Socrates; face your punishment as you really ought to, and make not yourself ridiculous by running away.

Nor, the laws could add still further, would your escape help your friends any more than it would help you. Besides the fact that your accomplices would likely be banished and their property confiscated, the legal authorities of whichever city you might resettle will, most assuredly, look upon you as an enemy or at least a potential subverter of *their* laws as well. As for Crito's connections in Thessaly, even if you managed to be accepted there by regaling its citizenry with stories of how cleverly you escaped from jail, would there be no one to remind you of your shamelessness in breaking the most sacred of laws for a few more years of life? Perhaps not, presuming you could maintain them in good humor; that is, by being a mere flatterer and servant of all sorts of people.

As, moreover, for Crito's idea that you ought to stay alive for your children's education, might you be so deluded as to think that they would be better educated as foreigners in Thessaly, if you were to take them with you, than they would be here, in Athens? Wouldn't your friends, presuming they're really your friends, look after them whether you're in Thessaly or in the next world?

In a word, Socrates, think not of life nor of your children first, and of justice as an afterthought, but of justice first. Depart with a clear conscience as a sufferer and a victim of men, and not of laws. If, on the other hand, you run away, and so return evil for evil, breaking your contract with us, the ones who deserve least of all to be wronged, then we shall be angry with you for as long as you will live. Moreover, our brethren, the laws in the underworld, will at some inevitable point, receive you as an enemy, since they will know that you attempted to destroy us.

It is voices much like these, Crito, that keep murmuring in my ears, and prevent me from heeding any counsel to the contrary. Nevertheless, do feel free to speak if you, have anything more to say on the matter.

CRITO: No, Socrates, I have nothing to say.

3. While punctiliously formulating the *Crito* into a veritable celebration of Socrates as a man of extraordinary scruple and civic probity, Plato virtually, if unwittingly, attenuates its promising influence by turning it into an unnecessarily and unconvincingly one-sided conversation. To somewhat counterbalance this endeavor at early image-making, in the dialogue I reconceive below I reinforce Crito's initial proposal and rejoinder in each of the following principal themes: (i) Socrates' conception that any counsel offered by the man of reason ought to be appraised as superior to any other advanced by the ordinary majority, since, after all, the man of reason is invariably more prudent than the populace at large; (ii) the laws' insistence that by merely continually residing in Athens, Socrates, whether he was conscious of it or not, effectively entered into an implicit contract with the city's constitution; and (iii) the laws' added claim that if he escapes from jail, they would have no alternative but to condemn and eternally persecute him for violating that contract as, aside from an act of personal irresponsibility, a calculated venture to weaken Athens' established legal and cultural order.

(i) Socrates' reliance upon, and security he perceives in, the advice he is certain he would have received from the man of reason might be said to precipitate

more confusion than insight in several respects: First, a close examination of the section where Socrates exhorts Crito to, with rare and cautious exceptions, expose a chronically suspicious ear toward any majority-harbored opinion should reveal that he does so not because there is anything intrinsically faulty about any such consensus, but largely because it originates with, or mirrors the values and standards of, the majority. Nor might we infer otherwise when — whether we are reading his counsel for the first time or reflecting upon it for no less than the ninth time — Socrates strains credulity when he, on the one hand, attempts to persuade us to regard the majority as misguided *because* it would counsel one to run away from the punishment decreed by an unjust court verdict; while, on the other, holds that we ought to heed the man of reason precisely *because* he would likely counsel the same individual to unreservedly (or servilely) submit to the punishment required by that verdict. Unsurprisingly, in the dun light of his severe — nay, axiomatically incongruous — recommendation, likely most of us would feel hard pressed to decide whether to look upon the man of reason as the source of some ineffable, perhaps even divinely inspired wisdom, or indeed . . . a fool.

Second, Socrates effectively intensifies our suspicious, squinted side-glances at anyone who would counsel thus. Aside from indicating that the typical man of reason would have to be unquestionably wise, he appears to think it unnecessary to explain any of the other important characteristics and intellectual qualifications surely every man of reason would have to have before we declare his kind capable of playing such a socially consequential role. More than this, Socrates should have, by his own account, seen it as an exercise in futility to attempt to identify even a single individual, let alone an entire class, of that caliber. After all, as he had testified at his trial, not only did his resolute, Diogenes-like search to lay eyes upon the countenance of anyone wiser than himself produce none such, but the same process fortuitously unmasked the ones he had earlier regarded as wise to be woefully incognizant of their ignorance even in the very subjects they were widely thought of as experts.

Third, if — despite his publicly repeated concession that he is neither wiser than anyone nor, aside from stone carving, trained in any profession — Socrates turns out to be correct about the course of action any man of reason would have advised him to take, then we should infer that at the time of his meeting with Crito he must have been a man of reason himself. How else might he have acquired so clear and panoramic a survey of the collective mind of such an intellectually and morally superior cohort? As implied by the oracle's answer to Chaerephon's fateful question and by Socrates' search, Socrates might, in fact, have been the *only* man of reason around. In either case, what matters is that he seems to have reached his decision to remain in jail in keeping with nothing but his own counsel. This produces a curious quandary: If, as he insists, he makes no claim upon wisdom, and yet seems to be on a par with the man of wisdom; if, that is, Socrates, a member of the populace might actually pass for a man of reason, should we not, then, allow for the possibility, and perhaps likelihood, that other, just as ordinary (though, for good measure, let us say mature and established) citizens, like wrestlers, raiment makers, or blacksmiths, could equally successfully climb up to the same social and moral rung? And if we allow for this possibility, then why



characterize the man of reason as standing apart from, instead of together with, the majority? Would we not be closer to the truth to dismiss any such distinction as arbitrary and imaginary? Simply put, would we really be off target to regard the man of reason as, essentially, an unimportant, and perhaps even intentionally misleading, notion in the *Crito*?

Fourth, Plato appears indifferent to the discrepancy he creates between the *man of reason* and conceptual analogues we find in some of his other texts. As we learn from, say, the *Republic*, it is not the just man who could most competently assist friends while injuring enemies when it comes to, for instance, treating illnesses and preserving health, but the physician; and, likewise, the architect who would be clearly better at designing, while the mason better at erecting, buildings than the just man (332d-333e). We note the same vein of reasoning in the *Ion*, wherein Socrates sarcastically holds that only he who has detailed knowledge of a specific profession could rightly critique anyone's analysis of that profession's products or practitioners (539e-540d).

But what if — in contrast to the just man in the *Republic* and the rhapsode in the *Ion* — the man of reason in the *Crito* happens to be genuinely different? What if, let us suppose, we had noticed that the advice he offers on all manner of legal issues tends to closely and frequently overlap that given by any working jurist? Ought we not, then, to hold the man of reason in no lower esteem than we tend to do the jurist? The answer to these questions is twofold: (a) If the overlap between their respective counsels markedly exceeds what might be reasonably taken for sheer chance, then we might infer that the two must have had the same sort of training, or that the man of reason must have made the law his avocation. In either case, the two would be virtually indistinguishable from each other. If so conflated, however, we would have to aim an equally jaundiced eye at both — at the jurist for returning or for supporting an invidious verdict against Socrates, and at the man of reason for not only concurring with that verdict, but even reinforcing the jurist's insistence that Socrates suffer the full punishment required by that verdict. Conversely, (b) unless the man of reason could effectively pass for a jurist in disguise, that is, for someone capable of explaining all the inherent nuances and implications of any existing law and advising accordingly, Socrates could identify no really compelling motive for sooner accepting advice offered him by any man of reason than advice whose origins might be squarely traced to the ranks of the majority.

(ii) Plato makes us aware of no explicitly adduced objections by Crito to Socrates' appointment of the man of reason to the status of a guarantor of fairness and sapience, and hence to a seal of approval of Socrates' decision to remain in jail. Nevertheless, it seems as though Plato himself might have harbored some reservations concerning the amount of influence the man of reason could exercise upon the readers' acceptance of Socrates' decision as being the right one. For though his view on the subject coincides with that held by the legal class at large, the man of reason is no jurist; indeed, to the extent that he is playing only an intermediate role, around him we might still detect the aroma of his common origins. It is, therefore, in an effort to undergird not only Socrates' supra-plebian decision, but also the man of reason's presumed approval of it, that Plato appeals

to what he thought would pass for the most widely respected chorus of voices in Attica, Athens' laws. And the resultant irony could have been no more striking than had Socrates been quoted as having declared thus: It is correct and proper that I fully honor the counsel given me by the very laws on whose basis — and with whose (involuntary) complicity — I was unjustly convicted and sentenced to die.

Even so, for the sake of analytic wholeness we might cast our critical gaze beyond these considerations to examine the substance of the dialogue's succeeding theme. Once we focus upon Socrates' imagined insistence by the laws, that by continually residing in Athens he effectively affirmed and accepted a clearly implied, albeit unwritten, contract between himself and the city's constitution, our effort should ultimately reveal that their position is, essentially, as unpersuasive as the following analogy: Let us suppose that X and Y reside on an island, that they have been close neighbors since they were children, and that there exists over them no law higher than their consistently friendly disposition toward each other. Let us further suppose that one day X decides to presently move from the island after a few members of Y's family — maliciously misinformed by some other islanders that X was having a potentially socially destructive influence on the children of the whole island — began to knowingly, willfully, and ceaselessly produce and release poisonous gases directly toward X's house.

Curiously, according to a professional assayer commissioned by X, the chemical structure of these gases is such that they become quite harmless, and even undetectable, anywhere beyond X's property. And while most of the islanders concur that X would be wise to promptly move away, Y insists that X is obligated to remain precisely where he is, and tolerate whatever might emanate from Y's house. After all, insofar as he was free to permanently leave the island at any time prior to the release of the gases in question, but never did, X effectively entered into an implicit agreement with Y to remain on the island; and this irrespective of the fact that no discussion about any such contract ever took place between them, and though had he known about it, X would probably have rejected any such categorically binding arrangement.

Let us, still further, suppose that touched by the sheer wickedness of the situation, we encourage X to move away as soon as possible, and attempt to convince him that he and his family could comfortably reside for the rest of their lives with friends of ours on any nearby island. How, then, would we reply when — certain as he is that he would be rejected as less than a good neighbor in his new surroundings — X dismisses our offer, and rather half-heartedly asks us for our interpretation of Y's contract claim? Would we not say that, insofar as Y attempts neither to restrain nor even to pro forma condemn his relatives' actions, X is left with no choice but to leave the island? Worse, would we not be perplexed and disappointed once we heard X insisting that Y is, ultimately, correct about what he says, and that, still worse, X has already decided to stay put, though the situation is likely to culminate with his death? For reasons too obvious to explain here, one could, surely, no sooner identify any clearer moral sway in the laws' unilaterally known and accepted contract with Socrates, than one could in Y's imagined relationship with X in our preceding illustration.

(iii) When juxtaposed with the character we thought we had distilled from Plato's other dialogues, perhaps the Socrates of the *Crito* ought to, in a sense, surprise us less with his decision to stay in jail than with his unwillingness to, for at least philosophical purposes, mount even a perfunctory argument against the consensus he is certain exists between the man of reason and the laws of Athens. His positive bias toward the man of reason notwithstanding, had Plato been somewhat more consistent in speaking through Socrates' mouth, he would have undoubtedly downgraded the man of reason to sheer superfluity — presuming he would have had Socrates refer to the latter at all.

Socrates' yawning silence in response to their admonishment of him might be said to grant the laws practically full discretionary power to misrepresent their own (whether intentional or not) complicity in his case; and, of course, when they aver that he ought to think of himself as, ultimately, a victim of men, they could most cogently be interpreted as doing precisely that. Upon closer inspection, however, we observe that he could well have objected not only to this, but also to one more crucial consideration:

(a) The laws' contention that Socrates ought to hold men, and not the legal system of Athens, responsible for the injustice against him is, at best, scarcely true, and at worst, fundamentally misleading — with the truth residing much closer to the latter. For insofar as these same men achieved their aim not in a kangaroo court but through legal channels and in a public forum, we would have to attach most of the culpability to the organs and elements which conferred legitimacy and power upon that injustice, the laws themselves. If so, the laws' ominous advice to Socrates that he remain in jail might be taken as being either irrelevant to the case, or as reflecting a misunderstanding of his accusers' role, or, still, as having been inspired by basically self-serving motives. If violation of any given law might indeed be rightly thought of as a strike against the whole of the legal system, then surely any goal-driven, conscientiously undertaken legal malpractice would have to be perceived from the same angle. Had the laws and their appointed guardians been a bit more vigilant, they could not but have noticed that while the concerned prosecutors *qua* prosecutors were acting within the letter of the law, they were clearly violating its spirit. Instead, therefore, of vilifying him, the laws ought to have urged Socrates to escape, and thus strike against those who, in their recognized capacity, had decided to abuse the very constitution they swore to serve and protect.

To cast the preceding observations in a somewhat stronger language, much of the success of Socrates' accusers rests with the Athenian jurists who found it superfluous to make provisions for precluding the sort of court-approved miscarriage of justice that the laws now think socially necessary to defend. Since, undoubtedly, Socrates' case was not the first but merely a part of a string of such abuses, these jurists and, by extension, the laws must have been already familiarized with the problem. Insofar, then, as they could have no less easily appeared to, and rebuked, their practitioners, but chose not to do so, Socrates might have voiced his indignation in terms similar to the following: Laws, had you behaved with the fairness we, the Athenian people, have vested in, and expect from, you — by, for example, ensuring that your officers found the body of

evidence against me as tenuous as you know it to be — today I would have been at home or mingling in the agora, instead of languishing here, weighing all the reasons in support of and against running away. Ironically, and most tragically, laws, when you threaten me with eternal persecution while defending the injustice perpetrated against me, what you are, in effect, intimating is that you have *become* the mouth and instruments of precisely the injustice we appointed you to defend us all against.

(b) Socrates might have also expressed surprise at the laws' apparent ignorance of elementary human psychology, or, more specifically, the motivational factors of human conduct. In fact, he might have pointed to their ignorance as an implicit impetus to jurists to foment or at least allow still more legal mischief. Nor, as functional constituents of a culture wherein the method of training animals was routinely employed, did Socrates or the laws need to study Thorndike's Law of Effect so as to grasp the parental parallel of shaping one's behavior: How curious, laws, he might have announced with a long face and raised eyebrows, that you seem unaware of this fundamental child-rearing criterion, namely, once a child goes unpunished for any unacceptable action, he will likely repeat that action in similar situations. Correspondingly, you would henceforth preclude much legal impropriety in your name if you presented yourselves to the overseeing officials in my trial, and sternly threatened each of them with punishment in an ascending order of severity for any future unfair verdicts in their court. And then, laws, as if to underscore your displeasure with the verdict against me, you might inform them that, immediately thereafter, you will be visiting me in my jail cell for the purpose of urging me to escape as soon as possible . . . and with the clearest of conscience.

Intensifying Socrates' lack of any such retort is Plato's evident reluctance to either permit Crito to pose, or have Socrates say absolutely anything that could be construed as an answer to, the following pressing question: If, Socrates, the laws were to rebuke you for no more than contemplating an escape, then instead of unconvincingly asking for my help in formulating a reply to them, why not tell me how *you* think you might have gone about answering them? What? You might, you say, have uttered nothing in response, as their words would sound true to you? How peculiar, my dear friend that you, a tenacious stone turner, an indefatigable questioner of men, and a seasoned midwife of ideas, would suddenly fall silent, and this in the face of so jarring a paradox — the laws attempting to compel a just man into submitting to the full extent of an unjust verdict!

While these and thematically related questions will remain unaddressed by Plato's Socrates, Crito's objections and replies in my reconceived dialogue (just below) should make for a more absorbing read. In contrast to Plato's dull Crito — actually, *obsequious* might be a more apt adjective — here I introduce a more vibrant, a flesh and blood, as it were, perspicacious, and redoubtable, yet respectful, interlocutor. Nor, I dare say, would it be an exaggeration to observe that following the opening few pages in the original text Crito's participation becomes practically superfluous, such that Plato might have deleted him thereafter, with the resultant monologue by Socrates sustaining no conceptual loss at all. My Crito puts in no similarly minimal-returns, low-profile appearance, but promptly establishes himself as an intellectual force of the first order. Moreover, unlike

Plato's version of him, he is hardly carried by the discussion's inertia, but exhibits the kind of refreshing rigor and precision that are indispensable for keeping Socrates' back against his jail cell's wall.

4. My conception of Crito's likely retorts and rejoinders to each of the seminal reasons Socrates adduces for remaining in jail conforms to the original dialogue's progression. Nor, of course, have I altered the discussion's final resolution; on the contrary, to reflect the informal sense of the relationship between the two old friends, I have taken care to retain not only much of their small talk, but also some of their expressions of surprise:

SOCRATES: My goodness, Crito, you're here already? What time is it?

CRITO: Indeed, I am, Socrates; and it's just before dawn.

SOCRATES: Have you been here for a while? By the way, how is it that the jailer didn't block your entry?

CRITO: Yes, I've been here for a while. As for the jailer, not only does he know me as a regular visitor by now, but he also owes me a favor.

SOCRATES: I see. So, tell me, why didn't you awaken me as soon as you came in instead of quietly sitting by my bed?

CRITO: Oh, I could do nothing of the sort, Socrates, and certainly not after seeing you sleep there so placidly. I wanted you to remain comfortable for as long as possible, especially now, in the face of the calamity approaching not only you, but also your family and all the rest of us, your friends and admirers. Yet, I must say, how wonderful it is to see you calmly putting up with your . . . misfortune.

SOCRATES: On the other hand, Crito, how unseemly it would be for me or for anyone of my age to be filled with anxiety about having to die.

CRITO: Not necessarily, Socrates. Actually, I've heard of other people no less old than you who, finding themselves in circumstances similar to yours, have very much resented being put to death.

SOCRATES: This is true. At any rate, why have you come so early?

CRITO: The reason for my coming at such an early hour, old friend, and I shudder as I'm about to utter it, is to bring you tidings of the most unpleasant sort. I've come to inform you that the ship from Delos — the day after whose return you're to be executed — has been sighted not far from Athens, and will probably be docking in later on today.

SOCRATES: Well, if it pleases you, Crito, the ship, it seems to me, will not get here today, but at some point tomorrow. You see, just last night, I had a dream in which a beautiful, graceful woman, dressed in white, appeared to me and said: It is on the third day hence, Socrates, that you will arrive in fertile Phthia.

CRITO: Hmmm . . . what a strange dream, Socrates; ultimately, however, whether the ship comes in today or tomorrow, unless you attend to my plea that you escape from here (and I mean today), the horrid sentence hanging over your head will surely be carried out. I beg you, therefore, to look with favor upon what I'm about to propose; otherwise, aside from losing an irreplaceable friend, most of those who don't know either of us well will, from what I've been able to glean thus far, believe that I could very well have saved you, had I only been willing to part with my money. Once they hear the truth, many more, I believe, will think it incredible that while some of us attempted our best to persuade you to escape, you steadfastly refused to be swayed.

SOCRATES: Perhaps so, Crito, but, really, why should we worry about what the many, or even the majority, might think? What matters is that the decent few, or those worthier of our respect and attention, will likely decide that all the legal proceedings regarding my case were correctly handled in the way they were handled, and that, accordingly, justice prevailed as it ought to have.

CRITO: I, Socrates, would not be so dismissive of the majority, as your current circumstance reveals the iridescence of evils and injury it is, collectively speaking, capable of wreaking.

SOCRATES: While what you observe, Crito, clearly does *appear* so, I still maintain that the ordinary majority lacks the power to do either harm or good. I'm convinced that, considered as an aggregate, the majority would prove itself quite impotent had it, let us say, undertaken to make anyone wise or stupid.

CRITO: Think of the majority as you will, Socrates; at the moment, I can only hope that your critical appraisal of its opinions and abilities is not intended to mask your worry about any repercussions I and some others might face, assuming we're ever discovered to have assisted you in your escape. For if so, not only are we morally entitled to run any risk we wish, but the likelihood of us being caught is patently low. There are many I know personally, including foreigners currently staying in Athens, who are ready and willing to help you relocate to any city of your choice. Simmias of Thebes, to mention at least one, has brought money with him specifically for this purpose. Moreover, I have friends abroad, as for example in Thessaly, who will provide you with complete safety and security for the rest of your natural life.

SOCRATES: Indeed.

CRITO: Think of it carefully, Socrates, since if you decline my offer, you would be in no wise treating yourself differently from the way you have been, or would be, treated by your enemies. Besides, you would be condemning your sons to live as orphans, instead of looking after their upbringing and education through to the end, and would thus be taking the easier and . . . well, the less manly course of action. There is simply no alternative, Socrates — you must escape today, so I implore you to do as I'm suggesting before it gets to be too late.

SOCRATES: Your enthusiasm and concern for me, dear friend, are most stirring. As you're undoubtedly aware, though, I've always been a man guided by reason, and one who has made it a personal policy not to take advice from friends, unless, of course, upon reflection, their advice turns out to be the best direction to follow. Accordingly, providing you can identify no more compelling motives and justifications for what you're exhorting me to do as soon as possible, I would have to reject your offer, for I will not permit my actions to repudiate the principles by which I've lived so long. At the same time, insofar as I'd much rather secure your assent to my decision than act against your wishes, perhaps we would do well to inquire into your proposal after all.

CRITO: I wish we would, Socrates, but we really should start now. Dawn, as you can see, is about to break upon us, and unless we hurry, the new day could make it more difficult to attempt an escape, presuming we decided to do so.

SOCRATES: Fine, Crito; let us commence by addressing your unease about the majority's circulating consensus surrounding my case: Serious thinkers have, typically, counseled that whereas some views are deserving of respect, other views ought to be held in lower esteem, and still other ones entirely ignored. I have long thought of this as a sound advice, and regard it as prudent today as I did decades ago. What is your impression of it?

CRITO: Yes, Socrates, I agree that it is a sound advice.

SOCRATES: Would we not, in that sense, do well to appraise the opinions offered by the wise as good, while those offered by the foolish as bad, and as even potentially dangerous?

CRITO: Clearly so.

SOCRATES: Analogously, Crito, would you not also agree that he who has decided to train in gymnastics would be prudent to accept the recommendations, praise, and criticism of a recognized trainer in gymnastics, while honoring not at all the advice, praise, and criticism he hears from the general public?

CRITO: He certainly would, Socrates.

SOCRATES: A gymnast in training would thus shape not only his exercise plan and pattern, but also his eating, drinking, and even sleeping schedules so that they would correspond to the advice of the expert, and by no means to the advice of the populace, would he not?

CRITO: It would surely be foolish for him to do the opposite.

SOCRATES: For were he to do the opposite, our gymnast would, evidently, face the risk of ruining his body.

CRITO: Evidently.

SOCRATES: In that case, Crito, we might go a long way toward resolving debates on such issues as good and bad or just and unjust if, instead of proceeding from one example to another, we expressed the principle intimated by our gymnast illustration in the form of a question whose answer could be hardly plainer: Should we heed and be guided by the opinion of the general public, or should we heed and be guided by the advice of the one with expert knowledge of the subject?

CRITO: As you said, Socrates, the answer to that question could be hardly more transparent. In a word, we would be wise to value, and to conduct ourselves in conformity with, the expert's advice.

SOCRATES: With reference to our gymnast in training analogy, therefore, our bodies would tend to improve with healthy actions, while they would likely be injured by unhealthy ones. Would you confirm or deny such an inference?

CRITO: I would confirm it.

SOCRATES: You say this, and please correct me if I'm misunderstanding you, Crito, because life is obviously better with a healthy body than with a body whose health has been exhausted and wrecked.

CRITO: Obviously.

SOCRATES: But if our lives are made miserable by having to put up with a sickly body, would we not be infinitely more miserable if had we to put up with the moral part of our being damaged, that is, the part of us which is made better by right actions and ruined by unjust behavior? Or are you of the opinion that this part of us is less important than the body?

CRITO: Not at all less important, Socrates; on the contrary, it's much more precious than the body.

SOCRATES: This is fine and good, my dear fellow; however, by agreeing with me you're also, please remember, implicitly conceding the opposite of your earlier claim. What you're now conceding is that we'd be better off to act not on the basis of the opinion advanced by the populace, but on the basis of that offered by an acknowledged expert in right and wrong, just and unjust, the one authority who understands and represents the truth, namely, the *man of reason*.

As for your point that the majority could easily harm or kill us at will, yes, it surely could; but this neither changes the crux of our current inquiry, nor negates what I'm

hoping you would readily agree with — that what matters is not merely to live, but to live well, or, more precisely, to live rightly and honorably.

CRITO: I agree that we could do no better than to live our lives justly and honorably, Socrates. This is the reason I have come to persuade you to run away from here, and there with at least partly *balance*, if not quite rectify, this injustice wrought against you.

SOCRATES: My decision on what you're inviting me to do, Crito, will rest on the answer we must, next, provide to the question of whether it would be right for me to leave here without official permission. If reason leads us to decide that escape is indeed the best course to follow, I promise you we shall do so without delay. If, on the other hand, reason reveals that it would be more appropriate for me to stay put, I beg you to stop all further attempts at persuading me otherwise.

CRITO: I understand.

SOCRATES: The motives you have proposed to me, such as raising money for my rescue, accommodations for me abroad, and bringing up children — those, Crito, are ideas and values held by the majority of the general public, the ones who would kill or, had it been possible, bring people back into existence with the same equanimity and indifference to reason. At the moment, I am much less concerned with the opinion I would hear from thinkers of that ilk than I am with the question to which our discussion points, namely, Shall we be behaving correctly by paying money and by being grateful to those who have raised those funds, or shall we be behaving wrongly? I am preoccupied with that question, for the possibility that I shall have suffered a great wrong by remaining in jail would, ultimately, amount to very little in contrast to the risk of having acted wrongly by escaping.

CRITO: Oh, how admirably you phrased your concern, Socrates. Even so, I'm certain it would be entirely in order for you to also address the question of what, as your current circumstance demands, we *ought to do* here from.

SOCRATES: That is, Crito, assuming my current circumstance demands that we pursue a different course from the one you already know I have in mind. Let us, now that we have started, further inquire into what you're proposing, and if you decide to challenge any of my claims and inferences, I'll listen carefully to your ideas and attempt to respond accordingly. After all, as I said a moment ago, I would rather secure your approval of my plan than act in contradiction to your convictions. This, then, is what I propose that we lay down as the starting point of our inquiry; so, answer my questions as best you know.

CRITO: But . . . before we proceed with your point, Socrates, might we not briefly revisit our discussion of the uselessness, and even potential danger, of heeding the majority's opinion concerning questions of fairness and justice?

SOCRATES: If you so wish, Crito, though I was under the impression we had settled that part of your proposal, as you yourself seemed to imply with your affirmative answers to my questions.

CRITO: That's undoubtedly the impression I did convey, Socrates, I agree.

Having conceded as much, I must insist that you elicited my affirmative answers to your questions only insofar as we examined the subject from your vantage point. Let us now, I suggest, take another look at the subject, this one from my angle, and then decide which one of us is closer to the mark.

SOCRATES: So be it, Crito, let us see what you have in mind.

CRITO: To return to your insistence that you would not have your actions repudiate the standards whereby you have always lived your life, every one of us, your friends and admirers, is aware of your rectitude and personal honor. At least some of us,



however, are also of the opinion that you have nurtured and developed these personal traits to a fault.

SOCRATES: Really, Crito, how could this be? One, as I see it, might be no more rightly faulted for being *too* honorable or *too* conscientious than for being *too* just or *too* fair or *too* honest, or do you disagree?

CRITO: One might certainly be rightly faulted for being too honorable and too honest, Socrates, especially if he knowingly and willfully puts these traits in the service of any campaign which aims to (unjustly) achieve his utter ruin. This is, essentially, what you're doing here and now: Excepting your enemies and detractors, practically everyone familiar with your case is persuaded that both the laws and all the involved jurists let you down at your trial in a host of ways. It is from that perspective that, as I said moments ago, following your execution, the majority — not knowing any better — will likely first blame me for not attempting to secure your freedom, and then, after hearing the truth, find it unbelievable that it was you who refused to escape even when freedom was eminently attainable. Had they been privy to our present discussion, I believe that most Athenians would have entirely approved of my advice to you.

SOCRATES: Your point, Crito, intimates to me that perhaps we ought to retrace our steps, so we can determine the reason my gymnast in training analogy has failed to allay your anxiety regarding the majority's possible criticism of you:

Tell me, did we not agree that our budding gymnast would be wise to accept the advice, the praise, and criticism of a recognized professional trainer in gymnastics, while resolutely rejecting the advice, the praise, and criticism of the majority of the ordinary public?

CRITO: We did.

SOCRATES: Did we not, on the basis of this parallel, decide that instead of worrying about what the majority might appraise as just or unjust, it would be better to be anxious about what the man of reason, the man who has grasped the nature of justice and injustice, might say on the matter?

CRITO: Yes, Socrates, we agreed on that as well. Nor, in principle, could I disagree with your notion that, if anyone, it is the man of reason, the expert in right and wrong, whom we ought to consult on questions of justice and injustice, and honor and dishonor. At the same time — and to the extent that I'm hoping it might influence your decision to escape from here — I must point to what seems to me to be an inconspicuous, yet fundamental, discrepancy in your argument.

SOCRATES: A discrepancy of fundamental significance, Crito?

CRITO: I think so, Socrates, though if it turns out that I'm right in having espied such an inadvertence in what you've said, I'm certain it could be ascribed to nothing other than your having been imprisoned here for nearly a month now, a distress that would try any man's patience and mental acuity.

SOCRATES: Whether that or something else, my excellent friend, is quite irrelevant, since the truth demands its own. Speak, therefore, and if we decide that within the bosom of my argument there does, in fact, reside a telling discrepancy, then I'll not only be grateful to you for having revealed it to me, but will also ask you to assist me in rectifying it.

CRITO: Very good. Perhaps I might begin by inviting you to cast your mind back to a lengthy discussion I've heard you had some time ago at a feast hosted by Polemarchus and his father, Cephalus, with some of the other guests, most notably Thrasymachus of Chalcedon and Ariston's two elder sons, Glaucon and Adeimantus. Do you recall the event?

SOCRATES: I should say I do, Crito. Incidentally, while you're right to characterize it as *lengthy*, that discussion, now that you've reminded me of it, turned out to be philosophically fruitful on a variety of themes.

CRITO: And what a treat, Socrates, it must have been to hear how, much like a seasoned wrestler, you skillfully addressed all the objections and challenges from those around you. At any rate, was I also informed correctly that of all the topics under consideration at that event, it was the notion of justice that attracted most of the participants' attention?

SOCRATES: It was.

CRITO: In that case, you'll probably further recall what, in an attempt to put it into focus, Polemarchus said on that subject?

SOCRATES: Here, Crito, you must be a bit more specific, since, if I'm not mistaken, aside from reaffirming his father's rather casually stated idea of the nature of justice, Polemarchus added a few other, related conceptions of his own.

CRITO: If I'm rightly recalling my second-hand information, he urged that justice means to benefit friends while harming enemies. To this, you responded by saying that, if so, justice could be rather easily, albeit inadvertently, perverted. For insofar as we might misread one's traits and tendencies, and thus simultaneously become friends with individuals who are bad and enemies with individuals who are good, we would be in effect benefiting persons who ought to be harmed while harming persons who ought to be benefited.

SOCRATES: Yes, and would you not concur that such a mistake regarding people has been rather frequently made by many of us, Crito?

CRITO: Undoubtedly so, Socrates. But, you see, if we could be so mistaken about our friends, some of whom we have known for years, what guarantee do we have that we would be any better at deciding whom to rely upon as men of reason?

Is it not, more specifically, possible to identify someone as a man of reason on the basis of his training, yet be really mistaken about his ability and effectiveness as a practitioner of that training?

SOCRATES: It is possible.

CRITO: So, you do allow for exceptions in the reliability and soundness of the advice provided by the men of reason, do you not?

SOCRATES: Of course I do, Crito, as even men of reason are only human, not divine.

CRITO: Ahhh, what you just said reminds me of another discussion of yours I've heard about, this one with Euthyphro, the theologian, who was at the time pressing murder charges against his father. Did you not then observe that — if Hesiod, Homer, and a whole assortment of theologians have correctly informed us — no lesser beings than the gods themselves frequently differ on the question of whether certain acts are right or wrong?

SOCRATES: I did.

CRITO: Within our own realm, even professionals such as physicians — whose training is grounded in empirical research and established standards — disagree amongst themselves not only about diagnoses, but also about the course of treatment for the same illness. Equivalently, instead of insisting that the legal man of reason would approve of your decision not to escape, you would, I think, have spoken more accurately had you said that while some of his kind would approve of your decision, others might disapprove of it.

SOCRATES: That sounds reasonable enough.

CRITO: Hence, if the ones we have decided to heed as men of reason turn out to be less than what they appeared to us initially, then, clearly, accepting and acting on

their advice would be just about as misleading and potentially injurious as taking the advice of the majority of the populace.

SOCRATES: In isolated cases of that sort, yes — nevertheless, in contrast to the many, the men of reason tend to be superior in character and in education.

As a general rule, whenever we correctly refer to one as a man of reason, we are normally referring to someone whose advice is virtually invariably useful, reliable, and good; that is, a man of discernment, insight, and the ability to judge what is right and lasting. The majority of the populace, on the other hand, neither behaves nor reasons on the basis of reflection and calculation, but on the basis of, mostly, emotion and caprice. Surely, both of us, men of advanced age as we are, Crito, have witnessed numerous examples of precisely this sort.

CRITO: We have.

SOCRATES: When, then, I say that we ought to worry about how the man of reason might evaluate our decision to leave here without official approval, I'm really referring to the *composite profile* of the men of reason. The parallel of this point, I believe, is what you yourself are implying when you speak of the opinion held by the general public. If so, I should be no less correct to say that the *typical* man of reason would approve of my decision to stay put where I am, than you would be to think that the *ordinary* citizen, the one who has no special or vested interest in my case, would either blame you for not attempting harder to secure my freedom, or find it incredible that it was I who decided not to escape when I relatively easily could have.

CRITO: Your description, Socrates, sounds right and fair when we apply it to actors taken as collective units, or as statistical averages. Since neither you nor Euthyphro injected such a point in your discussion, I can only presume that the gods, being so remarkably different from one another, could not be properly thought of as such an average.

SOCRATES: No, the gods could not be thought of as such an average.

CRITO: Having concurred that not quite every man of reason is of equal usefulness, or equally worthy of our respect and attention, let us next take a look at the sort of knowledge the typical man of reason would have to possess. Insofar as in your earlier analogy you point to the gymnastics trainer as at once a man of reason and an *expert*, I'm presuming that besides being wise, any man of reason would have to have graduated from a professional school or to have completed a special series of tutorial sessions.

SOCRATES: To be certain, Crito; after all, any wise but professionally untrained man might be abler than the ordinary citizen to, for example, explain why no society could long exist without a legal system in place, or explain in what respects any society could improve its quality of life if it established for itself a medical or an educational system. Unless, however, that same man were trained in the law codes, he could speak with no more competence on any legal proceedings than he could on what treatment to prescribe for specific illnesses, or clearly explain what the laws of grammar or of mathematics are, providing he was trained neither in medicine nor in linguistics.

CRITO: Besides having detailed knowledge of the scope of each law, the man of reason would have to be able to espy each law's various susceptibilities, latent implications, and also potential improvements and amends.

SOCRATES: What do you mean, Crito?

CRITO: Well, aside from being able to explain why no convicted prisoner ought to escape from jail, he should be able to quickly distinguish between a fair and an unfair verdict. He should, moreover, know how to effect all the necessary changes so as to

preclude any future unfair verdicts, and, still more, be capable of promptly stopping or reducing the severity of all unfair or excessive punishments. Otherwise, our man of reason would surely be as useless and potentially injurious as would, say, any physician who could hardly distinguish between one illness and another, yet prescribed the same treatment irrespective of the different symptoms, and urged each patient to adhere to that treatment regardless of whether it helped him or even made him worse. Any legal man of reason, then, who would counsel us to fully abide by a verdict regardless of whether we've been convicted fairly or unfairly, would be not only giving us the wrong advice, but in certain cases even reinforcing a miscarriage of justice.

SOCRATES: Whom, then, or what class of professionals would you put forth as proper representatives of the *legal* men of reason?

CRITO: None but legislators and politicians, Socrates, or those whose job it is to formulate, to pass, and to interpret the laws of the land. Insofar as some of them have spent years and others even decades weighing the advantages and disadvantages of each law they pass, it is reasonable to infer that they should be the most qualified to provide the ultimate word on such matters?

SOCRATES: Nor could it be otherwise, Crito.

CRITO: You can see how closely my example parallels your claim that only a professional trainer in gymnastics could supply the best advice to those who have decided to dedicate themselves to that sort of a career, can you not?

SOCRATES: I can.

CRITO: Now, if I might draw your attention, Socrates, to the main factor that first began the attack upon your reputation: In an effort, as you stated at your trial, to substantiate for yourself the truth of the oracle's revelation to Chaerephon, namely, her claim that there was no one wiser than you — did you not for a while go about questioning and cross-examining those, amongst them legislators and politicians, whom you had previously looked upon as wiser than you?

SOCRATES: I did.

CRITO: And was it not you who eventually discovered, and told everyone who would listen, that following your questioning process, those same legislators and politicians turned out to be not only not wiser than anyone else, but that they were, in fact, even less wise than you?

SOCRATES: Yes, Crito, what you say is true.

CRITO: Was it not you who also said that though neither the legislators and politicians, on the one hand, nor you, on the other, had any wisdom to boast about, you were at least conscious of your own ignorance, while they were quite unaware of theirs? Did you, Socrates, so testify at your trial or did you not?

SOCRATES: I did, indeed.

CRITO: Our remarks and concessions, then, Socrates, could have hardly rendered more conspicuous the fundamental discrepancy I referred to earlier, the discrepancy upon which your decision to stay put rests. Specifically, while before your trial you dismissed legislators and politicians as unwise, and thus implicitly depicted their views and judgments concerning questions of justice and fairness as less than reliable, today you turn about and praise them as men worthy of the highest esteem. Nor did you, until several days following your trial, ever signal such a striking change in your appraisal of them.

SOCRATES: My dear man, when at my trial I said I had found legislators and politicians to be less deserving of their wide reputation for wisdom, I meant that their *practical intelligence* has tended to be generally overestimated — not that they are devoid of the knowledge they are required to have in order to fulfill their professional

obligations. Granted, my depiction of my discovery might have sounded a bit more severe than I intended it. Still, I would no sooner advise that they be undervalued as men of reason in their own professions than I would urge that mathematicians and trainers in gymnastics be undervalued in *their* respective disciplines. Nor, of course, would it make sense to advocate any such notion; for if we saw the authors and administrators of these standards and social controls as less than qualified to determine what should pass for justice and fairness, then to whom would we appeal as arbitrators in legal disputes?

CRITO: Right . . . which prompts me to inquire: When you decided against escaping from jail, would I be correct to presume that you arrived at that decision by yourself, without assistance from even a single legal man of reason?

SOCRATES: You would be correct to presume so, yes.

CRITO: Then, Socrates, your argument in support of that decision has just become significantly more perplexing and tenuous than I thought it seemed at first glance. In opposition to your publicly and repeatedly declared insistence that you have no claim to wisdom, whether great or small, now we must, on questions of law, justice, and fairness, point to *you* as the embodiment of the man of reason. In fact, you might as well have said that your decision not to escape is right because you are a man of reason, and that you are a man of reason because you arrived at the correct decision on the matter.

SOCRATES: Honestly, Crito, how merciless you are toward an old man, and at such an early hour of the day. I am presuming that you will at some point let me know what has instigated this line of questioning; nevertheless, I remain certain that you have hardly exposed me as a latent legal expert.

CRITO: My more immediate aim, Socrates, is by no means to, as you put it, *expose* you as any sort of legal expert, but to draw to your attention something whereof you yourself appear unaware: When, as you observe, the man of reason would likely pronounce correct your disagreement with the majority's opinion on

the question of whether you ought or ought not to escape, what you are, in effect, intimating is that you are on a par with the man of reason; for if you were not, you could not have been so clear about his positive assessment of your decision to stay put. And yet, unlike those who have been educated in the scope and function of our city's laws, you are but a part of the same non-legally trained majority whose consensus you seemingly perfunctorily dismiss. In keeping, then, with your own analogy and resultant principle, if you, as neither a gymnast nor a trainer thereof, would forbear from offering advice to any budding gymnast, why would you, as neither a legislator nor a politician, deem yourself any more capable of deducing precisely how the legal man of reason might interpret any court proceeding and resolution, let alone what he would assert about your trial, fraught as it was with arguably the most questionable sorts of accusations? With these considerations in mind, Socrates, we could not but select one of two likelihoods: First, by virtue of your lack of legal training, your claim that the man of reason would nod approvingly at your decision not to escape stands as no better than an unqualified conjecture. And, second, if you, as a rather typical member of the non-legally trained majority, really *are* competent to predict and appraise the soundness of the legal pronouncements of any man of reason, then, by extension, we ought to look upon the majority's opinion and advice regarding your verdict as not an iota less reasonable and legitimate than either your opinion or that advanced by any legal expert. If so, I dare say, Socrates, you would be hard put to identify even a single genuinely compelling reason for

preferring to follow the advice you imagine you would receive from your composite man of reason over the one you are already hearing from the majority.

SOCRATES: By Zeus, Crito, I must say that until just a moment ago you had me virtually persuaded that I really ought to moderate my disposition toward the majority. And I might have gone about doing precisely that had I not noticed the shadow your twofold inference casts over this important distinction: Whereas my being consistently led by reason does not necessarily mark me as an expert on Athens' constitution and laws, it does nevertheless decisively separate me from the great multitude of my fellow citizens, or those who incline to live under the robust influence of passion and caprice.

CRITO: That *is* undeniably so, Socrates.

SOCRATES: Then, Crito, you, if anyone, should understand that though I stand between the majority and the legal men of reason, I stand closer to the latter than the former. In that respect, my prediction of how they might view my present circumstance could not be properly characterized as . . . an *unqualified conjecture*. Insofar as, correspondingly, you have misidentified the existence of a conceptual continuum between me and the majority, I must also reject your inference that one might heed the majority's collective opinion as no less sound than either mine or that advanced by the legal experts.

CRITO: Conversely, Socrates, there are seemingly ordinary individuals, as say, horse trainers and bridle makers — persons not too remarkably different from you, a stone cutter — who are equally guided by reason, and thus stand no further away from the legal experts than do you; and yet they and the majority share the same attitude toward the court's judgment against you. So, bearing in mind these intellectually sober men's contribution to, and reinforcement of, the majority's consensus, should you not be at least somewhat more hesitant and restrained in your rejection of what the majority thinks about your current situation?

SOCRATES: Not necessarily, Crito, for with respect to their interpretation of my situation, you're mistaken to think that these *sober individuals*, as you call them, stand close to the legal men of wisdom. To illustrate: Would you not agree with me that, collectively speaking, the primary object of legislators and political leaders is to preserve the state and the social order?

CRITO: I would.

SOCRATES: Which is why, as we agreed a few minutes ago, had any of these advocates and guardians of the law been with us at the moment, they would have undoubtedly counseled me to remain right where I am. To the extent, on the other hand, that your sober individuals consciously and willfully contradict these experts — and thus necessarily, if implicitly, encourage lawlessness — we could not rightly claim that they possess much legal acumen, our acknowledgement of, and respect for, their practical wisdom notwithstanding. I have already pointed out that, on the whole, the wise man's opinion tends to be more reliable than that of the common man, but not necessarily more reliable than that of the expert — and especially not when addressing matters on which the expert is an expert whereas the wise man is not. Awareness of his limitations, and therefore the tendency to abstain from offering opinions, regarding technical issues must be a natural component of the wise man's character. So, while, let us say, we might sooner accept the wise man's opinion on how to design and build a temple than we would that offered us by any common and untrained individual, the wise man would prove himself a fool were he not to defer to a professional architect, providing one were part of the decision-making process. Simply put, Crito, as reflective as I've consistently been in reaching my important decisions, I'm certain the majority opinion you have faced me with this morning

deserves no further consideration, for reasons that, again, my gymnast in training analogy has already demonstrated.

CRITO: Forgive me, dear friend, for being so bold and direct, but this is a time that I think requires nothing less. You see, what I fear is that irrespective of whether we locate you somewhere between the untrained majority and the legal men of reason, or even counted you as one of the latter, we really ought to train a suspicious eye toward your gymnast analogy. For from where I stand, it seems to have from practically the start of our current discussion introduced more confusion than clarification.

SOCRATES: Pray, Crito, how so?

CRITO: I know you've always resorted to the use of analogies in order to illustrate your side of any argument, Socrates; and while most of these have been on target, this particular one, from what I can see, appears to be falling obviously short of it. To put it into perspective, and you will of course correct me if I have misunderstood its meaning, the crux of your analogy is this: It seems axiomatically true that one would be gravely mistaken to abide by the advice and guidance of the majority regarding his training in gymnastics, instead of abiding by the advice and guidance of a recognized trainer. If so, we would be just as mistaken to accept and act on the basis of the majority's opinion regarding the fairness and implications of specific court judgments, instead of accepting and acting on the opinion regarding those same judgments offered by a recognized legal expert. Is this not, basically, what you have in mind, Socrates?

SOCRATES: Basically, yes. So, what sort of a defect do you think you've detected in this parallel?

CRITO: In a word, Socrates, we might point to, at best, the most superficial of parallels between the two halves of your analogy: One would, unquestionably, do well to solicit and closely follow the advice of a recognized gymnastics trainer while preparing to become a gymnast, just as one should, say, solicit and follow the advice of a horse trainer when preparing horses for a show competition. But do you really believe that we might treat questions concerning the nature and consequences of justice and injustice the same way we might treat questions regarding men training in gymnastics, or questions regarding the training of show horses? What I mean is that while there tends to be relatively little disagreement among trainers in either of the latter two disciplines about dietary and exercise regimens, and while we can fairly easily measure whether gymnasts or horses in training are or are not physically progressing, we would find it difficult to point to similarly clear standards or measurements concerning justice or the medium through which justice is served, the laws.

SOCRATES: Well, I, for one, have always thought that few, if any, are the analogies whose two halves perfectly reflect each other. To the extent, however, that any analogy has revealed the essence of the point which has inspired it, would we not have to say that it has, as it were, done its job?

CRITO: I suppose so, Socrates; insofar, however, as your gymnast analogy points to an incidental instead of an essential parallel between the two halves, it, I'm convinced, is rendering your explanation more confusing than revealing.

SOCRATES: Hmmm . . . upon second thought, I suppose I can understand your objection to my analogy. Fair enough, Crito; still, your serious opposition to my claim that when facing legal questions and issues we ought to give precedence to the analyses of legal experts, sounds not only odd, but even — counterintuitive. After all, if, as you are holding, we could indeed rely upon the majority's opinion concerning

such matters, then why has, to my knowledge, every existing republic thought it quite practical and expedient to create and fully maintain an entire class of legislators, judges, and a variety of legal practitioners? Why not, if what you're claiming is correct, settle every legal disagreement on no more than the majority's consensus? Or to synthesize all my conceptual reservations into a single question:

What is the ultimate basis for your belief that we would find it useful to accept the majority's understanding of the nature of justice, fairness, and honor?

CRITO: My ultimate basis, Socrates, is an historical fact, indeed, a truism, namely, that justice, fairness, and honor are all social constructs, and that, hence, none of them would exist without the majority's adoption and preservation of the collection of values, customs, and standards to which each refers. In this respect, Protagoras, it seems to me, was right when he declared that, "Man is the measure of all things." Granted, it is wise men that in most cities have authored laws, and similarly wise leaders who endeavor to maintain the resultant climate of justice.

Yet, might any laws remain in effect had the majority not given its quiet consent by not raising a revolution either against them or against their creators? Since the answer to this question could not be clearer, instead of ignoring or rejecting the opinion of the many, you would do better to appeal to them as the highest arbiters of what is widely recognized as right and wrong, or just and unjust.

SOCRATES: And with that, Crito — unless I've misunderstood something — you just came full circle to at once exonerate and reinforce my decision to stay put. Here you are, urging me to escape when you ought to be commending me for adhering to the very laws which, by your own hypothesis, most Athenians have adopted and are actively maintaining even as we speak. In fact, to the extent that my decision honors the technical side of the laws prized by the legal experts, and the social control side championed by all political leaders, you would do better to point me out as an exemplar of good citizenship, instead of attempting to talk me into breaking the law.

CRITO: Ironically, Socrates, it is this sort of adherence, or, as some might call it, inflexibility, which pits you against the majority's opinion. Whenever any law, as, for example, the one on whose basis you were convicted, has so clearly failed the accused, and there is simply no time within which the majority could legally either nullify the verdict or somehow mitigate the requisite punishment, the most effective alternative would be to appeal to the majority's consensus on how to more immediately respond to the injustice in question.

SOCRATES: I see.

CRITO: Even a relatively muted but large-scale opposition to injustice, as the one we're witnessing in your case, can play a legally corrective and culturally revivifying role as can any actively destructive one. Worry not, therefore, Socrates, that your escape might precipitate uncertainty and unrest where stability and order ought to prevail, for it might very well turn out to be the sort of catalyst that tends to energize our legal system's continuing process of self-correction.

SOCRATES: Er . . . I remain unconvinced by your argument, Crito. To the extent that, as I have already said, the populace is largely guided by emotion and whim, its majority could be hardly relied upon to bring forth even comparatively minor but helpful adjustments, let alone radical but justifiable changes, in existing laws. I agree that when left to its devices, the majority invariably desires the good; its judgment, however, of what is genuinely good for it is not quite as enlightened. So, what is right and acceptable for the majority today could easily become awful and offensive tomorrow, and I'm sure I need not tell you that much of what most of us regarded as vile and loathsome yesterday is all the rage today.



CRITO: This is precisely why only a moment ago I referred to Protagoras' idea of humankind as the ultimate setter of all legal and social standards.

SOCRATES: And, at least in that sense, you were right to do so, Crito. My larger point, however, remains unaltered; that is, precisely because the majority's opinions are so capricious and thus unpredictable, we ought to abide by that which tends to be much longer lasting and thus reliable. Tell me, would you within such a mercurial social context expect the majority's view of what sorts of behavior are right, honorable, and just to be more stable than its views of what is or ought to be trendy and fashionable?

CRITO: No . . . I don't think I would; in fact, it appears that the two views would rather closely parallel each other in their magnitude of social change.

SOCRATES: This is why, old friend, every citizen must know that, as a society, we might either maintain peace and potentially prosper with the laws, or be caught in a vortex of unrest and quite possibly perish without them. Whatever shortcomings you think you have espied in my gymnast analogy notwithstanding then, the essence of my original assertion remains intact, namely, that the majority is no wiser at resolving legal dilemmas than it tends to be at correctly addressing difficulties native to any discipline wherein the majority is not an expert.

CRITO: How curious, Socrates; it's just become apparent to me that neither you nor I have been speaking in circles as much as we've been speaking past each other. I should, accordingly, never forgive myself if I did not make one final effort to convince you that the populace is in at least one important respect *intrinsically* qualified to not only judge the fairness of any verdict, but also competently speak on most sorts of non-technical legal tensions and imbalances.

SOCRATES: A fresh approach, Crito? All right . . . I'm listening.

CRITO: Yes, and let me put it this way: While the majority of the populace and experts in any discipline you care to mention would likely differ on questions of methods and procedures, both sides nevertheless agree on the ultimate results which that discipline aims to attain. While, therefore, the majority and physicians might disagree on how to treat, let us say, a serious intestinal disorder, both sides insist that they have the same object in sight, health. Likewise, while the majority and legislators might disagree on how to interpret the evidence presented in court, they nevertheless agree on the need for, and on the main goal of, the legal system and of each law, namely, the attainment of justice and fairness.

Though in this respect we would be correct to see each discipline as being of roughly equal significance to human activity at large, there are at least two factors which implicitly depict the legal profession as fundamentally different from any of its sistren. What I am referring to is the character and origins of the interpretive disagreement between its practitioners and the populace. First, virtually everyone is convinced that he harbors an instinctive sense of right and wrong, and of justice and fairness, a type of extraordinary sense we cannot detect in such disciplines as medicine, mathematics, or . . . gymnastics. This explains why, as we might infer from their corresponding responses, children as well as adults have a good grasp both of having been wronged and of having perpetrated a wrong. Second, each of the two camps seems to have a rather proprietary feel for the laws, the sort of feel that is clearly absent in any other discipline.

SOCRATES: A *proprietary feel* for the law? Why . . . what exactly might you have in mind, my dear fellow?

CRITO: What I mean is that within the realm of legal interpretation, each camp has staked out a territory of its own, such that while the experts concentrate largely on the

letter and implications of any given law, the majority tends to train its attention on the moral and ethical variations and possibilities of that same law. Hence, the difference between opposing camps regarding legal issues and camps debating issues in any other profession could be hardly more stark: The majority in the former — conscious of its collective power to not only determine cultural morality, but also change any law or do away with any legal system at will — is convinced of its correctness even when its consensus entirely contradicts existing laws. Nor is this lost on legislators at large, which explains their nearly constant anxiety about the prevailing general mood and attitude. There is, Socrates, I think, another, let us call it an ancillary consideration that points to the majority's opinion of your case as being worthy of our approval: To the extent that our republic — surely better than any other Greek city or province — has been flourishing within the total social context approved of, and preserved by, most of our citizens, it seems reasonable to think of the latter as possessing a special understanding of perhaps the entire spectrum of social and ethical matters. If so, instead of ignoring their consensus in question, we might heed it as perhaps the highest (non-divine) standard of right and wrong available to us.

SOCRATES: I must congratulate you, Crito, for presenting so solid a reply to my decision to stay put. But even if I were to change my long-standing regard of the majority, there is, you see, another, a more telling reason, revealed to me by a chorus of voices I've heard many times speaking in unison, against any attempt by me to leave here without official permission.

CRITO: A *chorus* of voices, Socrates? At your trial, you mentioned a voice you've been hearing since childhood, a voice that frequently steers you away from certain actions, yet one that never commands you to do anything specific. Yet now you're referring to a whole host of such voices.

SOCRATES: Yes, a chorus whose message, which I've been hearing since the conclusion of my trial, sounds clear and, so far as I can make out, irrefutable.

CRITO: Might you share this message with me, or would you rather not?

SOCRATES: I should like that very much, Crito; for, again, I'd rather convince you of the rightness of my decision than act against your will.

CRITO: Wonderful; but I must again ask, Socrates, that as we proceed, you take into consideration just what we ought to do presently.

SOCRATES: In that case, dear friend, we would do better to examine the problem together. Lend me your attention, and if you successfully challenge my arguments, I promise to reconsider your offer; if, on the other hand, your challenge falls short, then be a good fellow, and stop trying to deflect me from the course I've decided to follow.

Attend, therefore, to what I say, and answer my questions as best you know.

CRITO: I'll attempt to do exactly that, Socrates.

SOCRATES: Let us, then, approach our inquiry with the following as our foundational premise: Do you or do you not agree that one ought never willingly to do wrong, or would you say that wrongdoing and acts of injustice are contingent upon circumstances? Do you, as I've known you to have all these years, Crito, still believe that regardless of prevailing popular opinion and available options, willful injustice is never honorable, and that doing wrong is invariably bad for the actor?

CRITO: Yes, I still believe that.

SOCRATES: To put it more strongly, Crito, we ought to refrain from doing wrong or cause injury as a retaliation even against the man at whose hands we have suffered severe or evil treatment. I have always believed this; but think well before responding as to whether you share this belief with me.

CRITO: I am in no disagreement with you, Socrates.

SOCRATES: And you say this, Crito, do you, because you perceive no clear distinction between retaliating against someone and intentionally wronging him?

CRITO: Precisely.

SOCRATES: Surely you would promptly let me know if you in any sense disagree with me on this point, Crito, would you not?

CRITO: Yes, Socrates, of course I would; on this point, however, I, again, concede my full agreement with what you say; so, please proceed.

SOCRATES: Answer me, then, this question: Ought one invariably to keep his promises and honor his covenants, assuming they are right and good, or would one do better to infringe and violate them?

CRITO: One ought always to keep and honor his promises and covenants.

SOCRATES: By your own admission, therefore, if I leave here without official permission, I would have to be thought of as not only causing injury by not honoring my agreement with the rest of society, but also of causing injury to an institution against which bringing injury is least justifiable.

CRITO: Would you be a bit more specific, Socrates?

SOCRATES: Perhaps I could illustrate my point as follows: Let us suppose that just as we were about to leave here, the laws and the constitution of Athens confronted us and asked: Have you really examined the repercussions of what you're about to do, Socrates? Surely you understand that by running away you are not only robbing us, the laws, of our vested authority, but also upsetting and subverting the republic's sovereignty, do you not? After all, could any city exist long if its jurisdiction were disregarded and nullified by private citizens?

How might we answer such questions, Crito, and many similar ones? Would I be correct to say, Yes, laws, my intention is precisely that, to destroy you, for it was none but you who made it possible that I be unfairly convicted? Is that what you would advise me to say, Crito?

CRITO: Upon my word, Socrates, you and I seem to have misunderstood each other. When a moment ago I concurred with you that we would be wrong to act in vengeance even against those who have done us harm, I thought you were speaking of real human individuals, not human-created phenomena personified.

Let us not, I beg you, confuse people with any of their creations, irrespective of the fact that the latter frequently emphasize and echo elements and inclinations in the former's character. If you would forgive me for pointing out the obvious whereas human beings are clearly conscious, willful, and operative, none of their products might be properly described with any such adjectives. Simply phrased, when one says that a law *demand*s or *proscribes*, what we normally take him to mean is that the law *behaves* so through the intentions and actions of its creators or enforcers, and even its detractors and abusers. Knowing now what you had in mind when you turned our discussion in this direction, I disagree that you would be harming the laws of Athens by running away. On the contrary, when your enemies twisted the evidence against you, and thereby succeeded in having you convicted of crimes you did not commit, it was they who willfully acted in clear contradiction to fairness and justice; it was they who first struck against the laws. If, then, the laws did indeed decide to appear in order to scold you at all, they would, it seems to me, have to scold you for still languishing here instead of breathing the air of freedom.

SOCRATES: I could, as you say, Crito, walk out of here in order to satisfy my conscience. Still, knowing that I was unjustly convicted hardly alleviates my underlying anxiety that by escaping I would be, aside from repaying a wrong with a

wrong, harming those whom I ought never to harm in the slightest. And did we not just concur that it is never right to repay evil with evil?

CRITO: We did indeed, Socrates; but let us not, I beg you, misunderstand our agreement on that question as implying that we must also concur on even such merely ostensibly similar scenarios as the one you just described. From my angle, leaving here without official permission would rightly constitute neither an act of vengeance against anyone — including those who had you unjustly convicted — nor a repudiation of any of the laws of Athens. On the contrary, by escaping, you would be evading the ultimate consequence of a wrong that was done you *in the name of the law*, and therewith releasing the laws — yes, releasing them — from having to further compromise their nature and integrity. To continue with your personification of them, we all take it as a given that the laws invariably wish to act *as laws*, fairly giving protection or meting out punishment within their assigned perimeters, following a properly reached verdict. If, irrespective of the majority's opinion of your verdict, you insist on facing your executioner in a few days hence, you would be effectively *compelling* the laws to carry out the same punishment they should, in accordance with their nature, wish to avoid. Moreover, whether intentionally or not, your decision seems to be only abetting the same group of individuals who brought you to this state.

SOCRATES: Your charge, dear friend, has not infrequently crossed my mind; and while it is true that, as you say, my decision to decline your offer might be interpreted as unwittingly assisting my enemies, I am more concerned with the social and moral circumstances which dictate that I accept the punishment I've been given. After all, is it not true that the jury reached the verdict against me in conformity with established legal procedures? More than that, could we cogently deny that to violate those standards would amount to a repudiation of our nation itself? Don't you think that if everyone had behaved in such a manner, civilized existence as we know it would ultimately become impossible?

CRITO: I agree, Socrates, that we must respect the procedures not an iota less than we ought to respect each law's letter and spirit, insofar as neither would be of any practical consequence or even so much as make sense without the other. But you, I'm afraid, are thinking of something other than this. Insofar as I do not hear you say that it would be better to correct or somehow balance even a clearly unfair verdict, what you appear to be intimating is that you and all those unjustly pronounced guilty and punished accordingly, might be seen as an understandable and *acceptable loss* — not to say a sacrifice — toward a greater good. Don't you see that your decision leaves the objective observer no choice but to see you as no more a preserver than a corrupter and even destroyer of Athens' laws?

SOCRATES: By Zeus, Crito, how you speak.

CRITO: Forgive me, old friend, for my rather indelicate tone with which I have addressed you this morning. Yet, as I observed a minute ago, we are now at a juncture that requires both a candid and urgent voice. Moreover, as you yourself have frequently said, we ought to follow the road to the truth regardless of how or whom it might discomfit. As to your point, I think I instinctively understand and appreciate this larger, social concern of yours; at the same time, I must concede that I am in no sense persuaded that we might rightly characterize as civilized any society whose citizens would accept and abide by unjust verdicts as well as they would accept and abide by just ones. If any such society deserves to be referred to as *civilized* in the true sense of that term, then, I ask you, precisely how different, for those unjustly tried and convicted, would an uncivilized society be?

SOCRATES: For virtually everyone of those (comparatively few) unjustly convicted individuals, even the most orderly and civilized society would, I could hardly deny it, appear chaotic and uncivilized. From the state's angle, on the other hand, I must reemphasize what seems to me to be a truism: If a large enough host of its citizenry were to brazenly dishonor the laws — and, yes, within these ranks I also count all the unjustly convicted ones who would at the earliest opportunity attempt to flee from jail — social existence would be infinitely less pleasant. Actually, I might fortify my response by addressing your preceding objection from a parallel vantage point: Unless you tell me otherwise, I'll presume that the person who related to you my sketch at Polemarchus' banquet of what I thought, and still think, might pass for an ideal polity, did so in fair detail. If so, might you also recall being told a related point and important qualification I made following Glaucon's repeated and rather insistent invitation that I say whether the kind of society I sketched could be translated into reality?

CRITO: Perhaps for the sake of accuracy and coherence you would remind me, Socrates.

SOCRATES: What I answered, Crito, is that, insofar as virtually anything in practice is less perfect than its ideal, even the best structured city could not but — and in spite of its founders' most conscientious efforts — turn out to be inferior in contrast to its corresponding blueprint. In fact, as I showed in the latter half of that discussion, the highest ideal city we might conjure up would itself invariably comprise at least some, whether latent or foreseen, faults and weaknesses. But if the society composed of the most disciplined sort of citizens we might imagine would itself be threatened by various problems, think how much more vulnerable to dissolution would be any real society we might produce with the ordinary sort of citizens we meet daily — Hellenes though most of them would be. Just think, then, in relation to what you're now inviting me to do, how quickly and deeply our own society would suffer if, as I said, a large enough aggregate of its citizenry were to brazenly dishonor its established laws.

CRITO: Of course there can be no question, Socrates, that if a significant part of the citizenry showed disregard for the laws, social existence could not but become an unpleasant experience. Yet honoring unjust verdicts as well as just ones for no purpose other than that of maintaining large-scale order could no less likely eventually lead to widespread disrespect for the laws on whose basis those verdicts were derived. If so, the disorder of which you're so apprehensive could be hardly precluded when the laws' authority is misapplied or abused.

SOCRATES: Not necessarily, Crito, and especially not when one is raised with the notion that nobody stands above the law. The result of such an upbringing would be not only preservation of the social order and respect for the laws and the constitution, but also a reaffirmation of the contract that implicitly exists between the laws and the citizens.

CRITO: Er . . . what? A *contract*, you say? Suddenly, dear friend, I'm not at all sure I'm following your course of reasoning.

SOCRATES: To illustrate, let us imagine that, as we were getting ready to leave here, the laws and constitution of Athens confronted us, and said: Well, well, Socrates, has it not occurred to you that you are, in an important sense, destroying us, the laws and the state, by not honoring the court's verdict against you? To such a question, I suppose, I could well respond, Yes, in fact I should hardly mind it if my running away from here destroyed you all, insofar as it was you that permitted the jury to bring a faulty judgment against me. But, really, did such a provision ever exist

in the agreement between you and us, Socrates? Did you not until just now abide by any and all judgments the state brought forth? More to the point, was it not through our authority that your parents were married and begot you? Yes. Did you ever have any complaints concerning the laws relating to marriage and to children's upbringing, including education, or are you grateful for what they ensured for you? For that I am, indeed, most grateful, I should have to answer. Insofar, then, as it was our measures and provisions which no less than ensured your existence, Socrates, the laws might retort, you could in no wise rightly regard yourself as our equal; on the contrary, you would have to see yourself as our child and servant. Hence, you would be hardly more justified to retaliate against us now than you would have been at any time in the past; that is, had you as a youth ever thought of rebelling against your parents, or as a worker against your employer. To the extent that you were never allowed to answer back to your parents or to your employer, why would you expect to have such a right against your country and its laws — yes, even when we have decided to execute you in the belief that it is just and right to do so? Or have you forgotten that your country is much more precious and worthy of honor than either your parents or your employer? I have not at all forgotten that, I would have to answer. Then, Socrates, unless you could persuade us, the laws, otherwise, you have no alternative but to do precisely as we demand of you, and to submit to whatever punishment we dictate. Insofar as it is a sin to demonstrate violence against your parents, it is, by extension, a far greater sin to inflict violence upon your country. Likewise, unless you can persuade your country otherwise, you have no alternative but to submit to whatever it orders, whether it be flogging or imprisonment or sending you to war wherein you might well be wounded or even killed. If faced with such questions and objections, Crito, might we cogently deny that what the laws say is true?

CRITO: Its compelling message notwithstanding, Socrates, I must admit to having the same sort of misgivings about this allegory of yours as I did about your gymnast analogy. I agree that the laws' main function could be seen as paralleling the natural function of parents, since both aim toward our good — parents toward our individual good, laws toward our collective good. But that, from my angle, is just about the full extent of your parallel; for though both of them not infrequently make mistakes, parents can correct their blunders — and I've known some who have apologized for their defective judgments and thus repaired their relationship with their children — while laws are essentially incapable of, and, in the light of your description, ought to be unwilling to attempt any such reconciliation. Incidentally, if my memory is not failing me, you yourself might have voiced a similar point. As I recall, several years ago, Hippocrates, the son of Apollodorus and the brother of Phason, somewhat excitedly related to a group of us a meeting you had recently had with none other than Protagoras. At that meeting — and see if this squares with your memory of the event, Socrates — you, reportedly, said (in passing) that books are capable neither of asking nor of answering questions, but of no more than incessantly repeating the same claims. Is that, basically, how you recall this part of your conversation?

SOCRATES: Yes . . . I think it is.

CRITO: Correspondingly, then, while parents can (and all good ones do) learn how to be better parents from their mistakes, laws merely keep making the same mistakes, without having learned much, if anything, from them. As for the laws' claim that it is a sin for one to rebel against his parents, and a far greater sin to strike against the state, surely that could not be invariably true. After all, who would seriously disagree that it would be most acceptable to rebel against, for example, an abusive father, and no less acceptable to strike against a tyrannical government. And rightly so, Socrates,

as obedience to any recognized wrong could be best and most promptly rectified by us, the citizens. Hence, by leaving here, you just might awaken enough of the Athenian population to take another, perhaps a longer look at the same laws that made it possible for you to be convicted on such relatively tenuous charges.

SOCRATES: That might be exactly as you say, Crito, but perhaps we ought to hear what else the laws could say to us as we're making ready to leave my cell without official approval: Let us see, I imagine them continuing with their objection, whether we are right in insisting that your leaving here has the potency to harm us. Consider, Socrates, the following standard that applies to every free citizen of Athens, including you: Irrespective of the fact that we have brought you into the world and permitted you access to everything good we have to offer, once you reached adulthood and fully understood your city's political and legal structure, you could well have gathered your property and moved to any other country that would have accepted you. To the extent that, despite your knowledge of how we administer justice, you decided to stay precisely where you were born and raised, we feel vindicated in presuming that you have effectively decided to do whatever we tell you to do. Hence, anyone who disobeys us, the laws and the Athenian constitution, would have to be pronounced guilty not simply because we are his parents and guardians, but also because he makes no clear attempt to persuade us to modify our decision, presuming we are actually at fault. These, Socrates, are the charges on which you would have to be judged, if you continue with your plan to escape here, and would likely be found and declared one of the guiltiest amongst your fellow citizens. And they would be right to speak in this way, Crito, since none I can think of might be said to have struck a more binding contract with the laws than did I. As I imagine them continuing, The fact that, except for a military campaign or two, Socrates, you never crossed Athens' borders — indeed, not only did you never travel outside it to, say, attend a festival or visit anyone, but you never showed the slightest interest in becoming acquainted with any other country or constitution — indicates that you must have been exceedingly satisfied with us and with our city. Perhaps decisive proof of your satisfaction with our city is the fact that you chose to beget and raise children therein. Still more, after being pronounced guilty a few weeks ago, you could have proposed banishment as a counter-penalty, and would have with the city's permission done precisely what you're now preparing to do without it. At that time, you claimed to prefer death to banishment, and yet at the moment, by running away from your contract to live and function as a law-abiding citizen, you're behaving no better than the most servile of servile persons. Answer us, Socrates, are we or are we not speaking the truth when we insist that at least in deed, if not quite in word, you did, quite consciously and willingly, undertake to reside in our city as a citizen wholly obedient to our dictates? So, what say you, Crito? How do you think I might respond to the laws, were they to confront me with questions of this sort?

CRITO: Well, insofar as you've resisted every rationale I've offered this morning, Socrates, it appears likely that you would equally promptly dismiss any response I might suggest to the laws' remonstrance you just sketched. Even so, in the light of your zest and appetite for this sort of exchange, and in a still further attempt to buttress the rightness and propriety of my position with respect to your case, perhaps I ought to suggest a possible response after all.

SOCRATES: Very good, Crito; I should very much like to hear what you have in mind.

CRITO: What I have in mind, Socrates, is this: I concede that, at first blush, the laws' objection to your escape would in probably most people's eyes appear as an

argument of the decisive sort. Upon some reflection, however, I suspect that at least some of these same people might infer that, by remaining silent while being rebuked by the laws, you would have missed an opportunity to draw to the laws' attention a self-misperception or two of theirs: Laws, you might have said confidently, I'm surprised that despite your wisdom and experience with all sorts of injustice you have thought it important to reproach *me* instead of confronting and shaming those who unfairly brought charges against me *in your name*. Might it be true, laws, that you really do deem it proper and acceptable for innocent people to suffer the consequences of unjust verdicts, and this simply because they were found guilty in accordance with established court proceedings? If anything, you yourselves should protest against, and even call for the removal from your ranks of, every one of your kin that would allow unfairness of any sort.

SOCRATES: But, Crito, what about the contract between the laws and me? Surely the citizens' obedience to the laws demanded by an agreement of that sort would necessarily overwhelm any actual or implicit discrepancies and imbalances between the two parties.

CRITO: I think not, Socrates, for you might have answered that claim thus: If, laws, my decision to hardly ever leave Athens might, in fact, pass for a contract between you and me, then bear in mind that I entered into such an agreement with the expectation that *as laws*, you would be acting in accordance with your essence, which is to arrive at a fair judgment in every disputation brought to the archon's docket. Nor might my expectation be appraised as excessive, since, by definition any contract between two parties remains binding for only as long as both parties maintain their moral obligations. To the extent, however, that in my case you quite knowingly failed to preclude the miscarriage of justice — and hence behaved as something other than laws — you failed to honor your responsibilities indicated in our agreement, and therefore rendered its letter and spirit null and void. As for your claim, laws, that by being disobedient, any citizen must be declared guilty of not only striking against his ultimate parents and guardians, but also of not attempting to persuade you otherwise, I must disagree on both counts. First, at no point have you, laws, given me any indication that you could or would change the verdict against me; on the contrary, even now you merely insist that whether I do or do not agree with the verdict, I would prove myself a good citizen only by going along with it. Yet, any person who has been truly unjustly found guilty in a court of law, has, I am convinced, the natural right to attempt in some respect to balance the score against those who have so mistreated him. We have no choice but to recognize this as nothing less than a natural right; after all, except for the most timid and fearful amongst them, even animals tend to strike against abusive keepers. Not surprisingly, children, also, tend to struggle against, and even strike or bite, their parents if these tend to act as abusers. With respect to your charge, laws, that I never before questioned your integrity, yes, what you say is true; but that, you see, is because I never before had to appear in court, and therefore had no good reason to suspect you might not carry out the very task which made you possible in the first place. Had such an occasion arisen before, and had the same or a similar verdict been returned against me, it is likely that I would have attempted to escape from jail as I mean to do now. So far as I can see, Socrates, the rejoinder I'm suggesting closely conforms to a notion that, again, if I correctly recall hearing it, you yourself advanced during the same event to which both of us have referred, the discussion during and after the banquet at Polemarchus' house.

SOCRATES: Could you be a bit more specific, Crito?



CRITO: I'll try, Socrates. From what I remember, and you will of course correct me if the facts are at all different, at that gathering you had an exchange on the concept of justice with Thrasymachus, just as you did with Cephalus and Polemarchus right before. Is that not right?

SOCRATES: That's right.

CRITO: When then Thrasymachus pointed out that none but the tyrant — or the most unjust individual that could without accountability extract the greatest advantage from the citizenry — the tyrant who would have a happier life than the wholly just man, you countered with the following analogies: If the basic function of, for example, the eye is to see, that of the ear to hear, and that of the pruning dirk to trim vine branches, then each organ's or instrument's correct and effective discharge of its proper function must be understood as its virtue or excellence. To the extent, therefore, that no organ or instrument could function well without its corresponding virtue, the tyrant's soul could perform hardly any better at management and deliberation or live well and happily when deprived of any soul's proper virtue, namely, justice. Is this a fair sketch of your exchange with Thrasymachus, Socrates?

SOCRATES: Yes, Crito, I think you've pretty much captured the essence of what Thrasymachus and I said on the subject at the time.

CRITO: And is your notion of virtue still a principle you would apply to the functionality of man-made creations?

SOCRATES: It is.

CRITO: Then, Socrates, I'm perplexed by your inadvertence or choice to quietly exclude Athens' constitution and laws from your principle's scope.

SOCRATES: How do you mean this, Crito?

CRITO: If you would apply your virtue principle to social and political constructs, as you claim we might apply it to everything from inanimate objects such as appliances to nothing less consequential than the soul itself, then, my old friend, you could still further address your imaginary critics and objectors as no more than poor reflections of what they've so long professed to be: Laws, you might point out, insofar as you have, at least in my case, revealed yourselves incapable of invariably performing your intended and most important function, that is, reaching a fair and impartial, evidence-based verdict, I simply could not in good conscience show you any more respect than I would show any implement bereft of its virtue. On the contrary, insofar as you're exhorting me to accept the punishment prescribed by an unjust verdict, I'm afraid I will henceforth have to regard some, if not all, of you as easily worse than, say, a dysfunctional sense organ, or perhaps a defective implement which I could easily discard. In that manner, Socrates, and in none other, it seems to me, is how you might have best addressed Athens' constitution and laws.

SOCRATES: Even if I were to so answer, Crito, the laws might easily add something like the following to their continuing objection: Socrates, I can imagine hearing them, you are about to break the covenant you made with us under neither compulsion nor haste. You've had no less than seven full decades within which to decide whether to remain in Athens or move to any Hellenic or foreign state, yet you never so much as contemplated the possibility of doing so; in fact, we repeat, you have left the city no more frequently than any lame or blind individual tends to do. Accept, therefore, our advice, Socrates, face your punishment as you ought to, and do not make yourself ridiculous by escaping. Nor, I imagine the laws adding still further, would this breach of faith in any sense benefit your friends any more than it would help you; for once discovered and caught, they will likely lose their citizenship or at least have their property confiscated. As for you, Socrates, undoubtedly most of the patriotic citizens

of, for example, Thebes or Megara, or, indeed, any well governed city you might remove to, will look upon you as no less a possible subverter of *their* laws than of us, the laws of your city. Moreover, by escaping, you will have unwittingly (and perhaps entirely) allayed at least some of your jurors' persistent suspicion that the verdict they returned against you might have been unfair. As a destroyer of the social order, they would now likely infer, you must have been correctly charged with exercising a deleterious influence upon the young. Speak, Socrates, the laws would surely demand, what would you do following your escape from here? If you decided to avoid well-governed republics, and run away to any less well-governed cities, do you really think that your quality of life would be as good as it has been here? And have you thought of how you would communicate with the citizens of these places? Would you still maintain, as you consistently did as a free man in Athens, that goodness and integrity and laws and institutions are the highest and most valuable expressions of the human race? And if you did indeed have the temerity and impudence to do this, have you no fear that your words would sound hollow and utterly unconvincing in the face of what you did here by running away? How would I answer the laws, Crito, if they were to confront me in this way?

CRITO: Er . . . well . . . what your question intimates to me, Socrates, is that clearly nothing I've said this morning has inspired you at all to view my offer with an approving eye. So, please don't be irritated with me when I tell you that, as our discussion has progressed, I've gradually formed the impression that thus far I've been simultaneously addressing two similarly minded opponents, with you implicitly taking the side of the laws.

SOCRATES: Indeed, Crito; and on what grounds, pray tell, are you basing this impression of yours?

CRITO: On two considerations, Socrates, namely, (a) that you — without any evident doubts about the cogency of the possible objections you imagine the laws could raise against your escape — have from their angle, and with a rather sympathetic tone, battled every one of my suggestions of how you might have retorted; and (b) that you have hinted at no wish to merge our efforts, yours and mine, toward answering those same objections.

SOCRATES: What a strange twist, Crito; after all, asking you to suggest how I might address and perhaps refute the laws' various objections is precisely what I thought I was doing. At any rate, be good about it, and tell me how you think I might proceed toward answering their last objection.

CRITO: Insofar as I have, in an important sense, already pre-suggested a whole host of such retorts, let me, basically, reaffirm the principal points I put to you a short while ago. You could well say this: Please, laws, attempt not to distress me with the possibility that my friends and supporters might face any hard financial or legal consequences. You see, I have it on good authority that, aside from the likelihood that they would not be discovered, each of them has already weighed that potential danger, and yet no one has been deterred from wishing to be an accessory to my escape. Moreover, laws, I am hardly persuaded by your notion that the majority of the patriotic citizens of any city to which I might remove would likely look upon me as a potential subverter of *their* laws. While it is true that, at worst, some of these might label me a *coward* — a characterization that, I dare say, hardly anyone who is aware of my participation in some of Athens' military campaigns would believe, and thus a label that could not but quickly wither in use — it is more probable that I would be viewed there in much the same way I am nowadays seen here by most of the Athenian people, namely, a just man attempting to save his life from a miscarriage of justice. To expect otherwise, laws, you might continue, would

intimate that if any of these citizens ever found themselves in anything resembling my current situation, they would virtually reflexively accept the verdict and sentence against them, and meekly, without the slightest of objections face their (undeserved) punishment. I ought to add, Socrates, that while, as I have already conceded, nations filled with citizens of that sort are *in theory* possible, I have yet to hear of any *existing* Hellenic cities peopled with more than a few, exceptional citizens of that caliber. Or, more to the point, surely the overwhelming majority of the citizens of any of the cities I've mentioned as places to which you might relocate could be hardly described as at all approaching that ideal.

SOCRATES: From what I can make out, Crito, the laws' aim in referring to the populations of these other cities would not be to imply that they tend to be any more morally upright than is our population in Athens; in fact, they are not. Rather, it would be to show that the quality of my life among them would suffer in the face of their censure of my attempt to prolong my old age at the expense of diminishing the laws' vested authority. As for your idea that by escaping I'd be to some degree balancing the wrong my false accusers have committed, this is what I hear the laws saying to me in response: Of course, Socrates, you might decide to live with Crito's friends in Thessaly. If so, you would do well to bear in mind that this is a land of incivility and laxity. In the light of that fact, while you might succeed in regaling some of its citizens with stories of how, in disguise, you easily slipped away from prison, be prepared for those many others who would frequently humiliate you in public for greedily clinging to life at the expense of violating the most stringent of laws. As for the claim that you ought to remain alive so that you might raise and educate your children, answer us, Socrates, do you sincerely believe they would be better off as foreigners in Thessaly, providing you were to take them there? Alternatively, ask yourself, why exactly would your friends educate them better with you alive in Thessaly, but not so well with you in the next world? Shouldn't your friends, presuming they really are your friends, do an equally good job in either case? What about that and a legion of similar questions the laws might pose, Crito? Ought not my friends, if indeed they are friends of mine, raise and educate my children whether I'm alive or dead?

CRITO: And they, including me, would surely be only too glad to do so, Socrates, irrespective of whether you're dead in Athens or alive anywhere else. When I first mentioned the care and education of your sons, what I had in mind was more than to adduce still another factor that might persuade you to merely go on living. My goal in bringing it up was to urge you to reflect more than once before ultimately deciding to leave such a consequential responsibility to anyone when you yourself could discharge it better and much closer to your liking. The laws' aim, on the other hand, is to, I'm convinced, mislead you — yes, mislead you — into thinking now that that responsibility would be assumed by some of your friends, you might depart for the next world with a clear conscience. You see, to your friends and supporters, Socrates, your continued (physical) existence would in and of itself represent something irreplaceably valuable: The sheer knowledge that you're breathing the same air, seeing the same sun, and hearing much the same news as do we, would keep providing us with the moral strength and confidence it does even now; for though you would not be amongst us, you would still be *with us*. For us, you would stand as the same symbol and anchor as any country's aged leader whose mere existence continues to define his people's historical identity and collective consciousness.

SOCRATES: Hmmmm . . . I always knew you to be a wise man and a most reliable friend, Crito, but, I must admit, I cannot recall you ever having mounted so telling an

argument on any topic as you have today. Having conceded as much, I still cannot say that you've succeeded either in overturning or in attenuating the laws' objections to my leaving here without first securing the proper permission to do so. In fact, I can still hear them addressing me with the voice of authority, yet a voice intermingled with urgency and alarm: Listen to us, your guardians, Socrates, I hear them exhorting me, and think not more of your children or of life or of anything other than of what is right. Only so might you enter the next world with a clean list of accomplishments, and face the authorities there with confidence while pleading with them to rule in your favor. Remember that if you escape, neither you nor any of your helpful friends would be better for it in this or in the next world. If, conversely, you heed our counsel, and act accordingly, you will proceed herefrom not as a victim of us, the laws, but of actions taken against you by your fellow men. In a word, Socrates, if you dishonor yourself by running away, and thus return evil for evil by violating your implicit contract with us, the ones whom you ought never to injure, then know that you will not only be the target of our anger for as long as you are alive, but that you will also at some point have to face the grave displeasure of the laws in that other world, as they will know that you attempted your best to destroy us, their brethren and sistren. Follow, therefore, not Crito's advice, Socrates, but ours. This, Crito, is what I'm hearing the laws emphatically speaking in my ear. So powerfully does their unified voice resound in my head that I can no longer hear the other side. Most importantly, they have so convinced me of the correctness of their position that it would be entirely futile to attempt to change my decision — though, again, if you think you might succeed, say what you will.

CRITO: In that case, Socrates, instead of besetting you any further with my contradictory if, from my angle, well-intentioned pleas, perhaps I ought to leave you to your thoughts and reflections, now that the day when we shall have to say our final good-byes is drawing nigh. I thank you profusely, old friend, for putting up with me at such an infelicitous time, though, insofar as you're allowing me an opportunity to say still more, I must — and I promise this to be a rather brief and concluding aside — I must point out something surprising and disappointing about what you just told me you heard the laws say to you.

SOCRATES: *Surprising and disappointing*, you say, Crito? In that case, please . . . go on, tell me what that might be.

CRITO: What is surprising, disappointing, and *ironic*, Socrates, is that the laws, the very ones which, until now, have insisted that it is never right to return evil for evil, would themselves threaten you with an uninterrupted succession of ill-treatment at their hands for having disobeyed them; worse yet, they promise that the same treatment would continue unmitigated in the next world as it did in this one. If so, I, for one, can discern no alternative but to infer that the laws have somehow misperceived, or perhaps consciously inverted, the order and unequal partnership in the implicit contract between them and us, the citizens. More to the point, if either of our parties ought to yield and show deference to the other, it would have to be the opposite of what they are urging. Hence, dear friend, you would have been fully justified to retort thus: Laws, you warn that you and your otherworldly relatives would collectively answer my disobedience to your authority with eternal persecution of me. Speaking, as you well know me, with the voice of one who has never shrunk from the truth, laws, your threat suggests that you have somehow forgotten your own nature, namely, that your assigned authority and even existence are both of the most precarious sort. For insofar as, whether directly or through their chosen officials, it is none but the citizens who determine the perimeters and power of each law they pass and establish, it is none but the citizens who could do away with any or all of you . . .

and *at will*, too. Instead, therefore, of threatening me, or anyone who decides to actively oppose the sting of injustice done him in your name; instead of reflexively favoring even unfair legal verdicts — and thus flouting an indispensable moral principle you've been invested with by the citizenry — verdicts that have already met with obvious disfavor in the public's eye, take care not to raise the majority's ire, for if you did, you would be only sowing the seeds of your own destruction. That, Socrates, I think is how you might have most appropriately addressed the laws immediately following their threat to you with eternal punishment.

SOCRATES: Are you, then, changing your mind from what you said a bit earlier, Crito? Are you now suggesting that you find it allowable for one to return evil for evil, or, in my case, allowable to run away from an unfair, but nevertheless *legally* reached, verdict? Did you not, moreover, earlier concede that any society would be likely to suffer devastation once most of its citizens decided to disobey the established laws?

CRITO: My view, Socrates, regarding the impropriety of returning evil for evil, and my fear of the grave social effects that normally arise when the majority of any city's population decides to keep ignoring its government's laws, remain as firm as ever. You know, before setting out to see you this morning, I felt rather confident that I would at some point manage to convince you not to misinterpret my offer to spring you from jail either as an appeal to return evil for evil, or as a popular declaration of war against the laws of Athens. Since, evidently, I have failed to do so, perhaps I can put a closure to my offer with this observation: While both of us have always had a close relationship with the free men of our city, would you not agree that within the preceding month, or so, I've been on closer terms with them than have you?

SOCRATES: Yes.

CRITO: Would you not further agree that while you, as well as anyone, have had a good grasp of their overall mental and moral inclinations, or as these existed before your trial, I have a better understanding of their general consensus regarding your trial and verdict than do you?

SOCRATES: Of course I would.

CRITO: In that case, Socrates, please believe me when I tell you that, as I have already said more than once, other than your accusers and their supporters, few, if any, Athenians would look upon your escape as anything but an attempt to at least somewhat counterbalance a wrong. Besides, who knows how many tens of thousands of convicted individuals have by now escaped throughout the world, and yet you'd be hard pressed to point to the collapse of even one society's legal system specifically as a result of such behavior. Why, then — and I only ask this rhetorically — have you permitted the laws to so easily convince you that your escape would *by itself* be powerful enough to cause their wholesale collapse? Why, indeed, when you know well enough that they are speaking from a fully gratuitous perspective? No, Socrates, instead of thinking that it could significantly weaken our system of laws, you'd be more correct to believe that your escape would provide the Athenian people with some emotional release and comfort that at least the consequences of an unjust court verdict would have been denied expression. Nor, finally, when contemplated from an objectively moral perspective, might your escape be properly characterized as a wrong, let alone an evil. To the extent that their respective intentions separate them from each other, no well-measured reaction to a wrong action carries the same (if it indeed carries any) culpability as the action itself. In fact, the only condition we might attach to the reaction is that it be neither an over-reaction nor a misguided reaction. Thus, for example, while our society's most appropriate reaction to a

correctly convicted murderer — that is, one pronounced guilty in the light of incontrovertible evidence and following a lengthy process of deliberation by the jury — would be to execute him with the greatest of readiness, the reaction becomes unacceptable, and even evil, once we over-react by also executing his family, or by eradicating his home village. Correspondingly, dear friend, insofar as it would neither precipitate the end of our city nor of its established laws; insofar, that is, as it would seem to be the most measured reaction to such a gross miscarriage of justice, your running away from here would likely be condemned neither by the majority nor by the man of reason. And I've already said enough on the laws' objections and threats.

SOCRATES: Well . . . well . . . I've always known you to be no less a man of reason than a faithful friend, Crito; and I've already expressed my admiration for your eloquence and inspired endeavor to deflect me from my decision to stay put. Nevertheless, I could not but also concede that the collective voice of Athens' constitution and laws sounds louder and simply more persuasive than anything you've said thus far. Even so, speak if you think you have anything more to add on the matter.

CRITO: I'm not sure there is much of anything more I *could* add, Socrates. Your decision to abide by the verdict against you appears to be firmly made up, such that any further discussion would be simply futile. So, no . . . no, Socrates, I have nothing more to say.

SOCRATES: In that case, Crito, let us follow the course I am already on, the course brightly illuminated not only by the laws, but by God himself.

Having arrived at the end of our reconceived dialogue, we are now in position to note how and in what respects Plato might have, had he so desired, portrayed his Crito livelier in temperament and much sharper in intellectual acuity. Not surprisingly, when juxtaposed to each other, the dissimilarity between my version of Crito and Plato's is so impressive that had, I dare say, the historical Socrates spoken with my Crito and by the conclusion of their conversation still insisted on presently meeting his executioner, then we could not but have turned a more sympathetic ear to those who continue to advance the suicide by proxy hypothesis. Accordingly, the best and perhaps the only persuasive explanation or excuse Socrates might have offered for abiding by his sentence is either that Crito was indeed as passive as he is depicted to have been or that the dialogue is an unadulterated fabrication by Plato.

Whether entirely invented or closely conforming to the narrated meeting, Plato's dialogue appears to fly in the face of one of Socrates' intellectually energizing tenets. In sharp relief to Socrates' self-characterization as a *midwife* of ideas and "many admirable truths," in the *Theaetetus* (150b-e), in the *Crito*, Plato describes his teacher as confused about, or as either shirking or even consciously contradicting, his self-imposed maieutic duty. Specifically, instead of attempting to assist Crito into, say, refining his reasons for proposing that Socrates escape from jail, or assist him in crafting a formidable answer to the Athenian constitution and laws' personified condemnation of escape as an option to which he might resort, Socrates undermines — indeed, virtually derisively dismisses — every one of Crito's justifications for his initial offer.

I have already pointed out that any criticism of Plato would have to be pronounced unfair if with the *Crito* he had in mind to no more than relate a

discussion that occurred nearly precisely as he committed it to text. Yet, even with the *Apology* at the head of his corpus notwithstanding, how many students of philosophy have tended, or still tend, to look upon Plato as an (incidental) historian or as Socrates' amanuensis? Insofar as in his *Memorabilia* Xenophon describes some of the same conversations and interlocutors we find in Plato's dialogues, there can be hardly any doubt that both authors refer to actual events. Insofar, however, as Xenophon's Socrates sounds positively prosaic and far less intellectually agile in contrast to Plato's, we would have to infer either that Xenophon, an historian and a military general, is less informative of a writer, or that, as it appears more likely, Plato must have meticulously crafted every one of his dialogues before making them publicly available. So, in the process of aiming a brighter and more favorable light upon Socrates' side of most of his recorded arguments, Plato would have not only more than occasionally buttressed Socrates' notions against effective critical analysis, but also, and probably just as frequently, reinforced or even invented some of his interlocutors' widely interspersed insights and critical objections.

As to why, in that case, Plato did not see fit to similarly undergird Crito's original proposal and rejoinders to Socrates' declination, we would probably never know. In the absence of any such evidence, my earlier claim, namely, that the dialogue by the same title might have been brought into being in order to produce in us an abidingly favorable image of the historical Socrates as a man of post-standard values, sounds most plausible. Actually, there might very well be another, unintended factor for whose sake we might conveniently excuse the *Crito's* extra-philosophical *raison d'être*: Henceforth, we might repeatedly look behind Plato's corpus for an alternative library of dialogues we could distill into existence. As students of his philosophical legacy, it is, as it ought to be, our duty to examine his conceptions from various vantage platforms so as to see what novel conceptions they might yield — and this, again, within the original perimeters of each text. In a word, henceforth we might likewise consider Plato's work from the margins, *from the side*, from the perspective of the other, largely ignored *dramatis personae* who comprise his philosophical world. If it is true that, as Nietzsche, with a nod to Socrates, observes sententiously, "One seeks a midwife for his thoughts, another someone to whom he can be a midwife; thus originates a good conversation" (*BGE* Part Four 136), then we could stand as no worthier successors to Plato than by continuing the task which even he at times did not entirely realize. Then again . . . might he have consciously left that task incomplete, that is, with the very aim which inspired the preceding pages?

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## Conceptualising Discourse: The Ancient and Modern Greek Word of συζητώ - συζητέω (συ+ζητώ) in Modern Philosophy Law

By Emmanuel K Nartey\*

*This article undertakes to explain the importance of discourse in the modern philosophy of law. It conceptualises discourse as a step to the comprehensive truth of a phenomenon, which does not exist in most forms of modern methods. Therefore, modern philosophy of law must be sought through a vigorous application of the method of discourse in deducing the diversity of truth-seeking in modern legal doctrine and the application of law in contemporary society. In this article, the author endeavours to systemise that discourse is capable of comprehending a single absolute fact in legal doctrine and law, which is necessary to produce the exact procedures in society. Thus, discourse unfolds the relationship between the known and the unknown into a philosophical principle. It is then conceivable that discourse by its deduction creates societal forms and substances for the investigator to understand the true form and nature of law in society.*

**Keywords:** *discourse, philosophy of law, law, ethics, and integrity*

### Introduction

It is equally important to dive into the structure of knowledge in conception and practice to demystify the idea of the composition of Socrates, Plato, and Aristotle's discourse as the beginning of the constitution of ethics and integrity. Knowledge is derived from thoughts, and language is a composition of thought and knowledge (Harman 2015). Therefore, in the building blocks of knowledge, the composition and construction of the sentence are important to transcend the boundaries of theory and practice (Howarth 2000). Methodologically, the composition of knowledge is based on the construction of sentences, extending beyond normal daily life patterns. Therefore, through knowledge and languages, the concept of discourse came about (Bakker 1993). Through the concept of discourse, we can investigate the nature, process, scope and application of ethics and integrity in Socrates, Plato, and Aristotle's writings (Dover 1994). Does this leads to the question what is discourse? And why was discourse an important line of inquiry in ancient Greece? Can discourse unfold the relationship between the known and the unknown into a philosophical principle of modern law? In this conceptual questioning we may assume that, in order to examine the philosophical principle of law, we must endeavour to explain the unexamined aspect of law and society. Therefore, in order for society to comprehend the law, we must first seek to understand the true substance of law and society, and how it affects individual

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action, intelligence and ignorance. Discourse allows the investigator to develop and conceptualise the law as a social phenomenon, rather than a rigid object. Hence, through the process of discourse, we may be able to understand the difference between good and bad law. This unique methodology makes prospective knowledge of law apparent in modern legal philosophy.

The concept of discourse can be traced back to the 19<sup>th</sup> century. The word came from the Latin word 'discursus', which means 'conversation' (McArthur et al. 2018). However, the meaning of the word discourse as a conversation could be seen as a simple interpretation of the symbolic word. Nevertheless, discourse could be related not only to the idea of dialogue but to the ancient and modern Greek word of συζητώ - συζητέω (συζητώ) meaning 'conversation'. Discourse in modern Greek might also mean the method of revealing the truth about phenomena through questioning the substance and the formal state of a subjective object. However, it must also be noted that a simple argument by a philosopher through discourse may not provide a valid explanation of the sound judgement of the law. Therefore, I will conceive that modern discourse should be deduced from rules that direct the intelligence of the person. For the true substance of the legal doctrine and principles of philosophy to become apparent, it must be directed by the light of reasoning and contemplation of thought. From this point of view, we may assume the process of discourse should be confided as a component of authority in seeking to understand the truth but not a complete method of reasoning. Therefore, the magnificence and magnanimity of legal philosophy should be the theoretical implication of the dialectical method of reasoning and discourse. In this conceptual understanding, it is possible to assume that legal philosophy may have other theoretical value without having magnificence or magnanimity. This is to say that the modern legal theory lacks the composition of magnificent yet may have legal value but not moral and ethics, thus, not magnanimous.

In this method of reasoning, we may assume that modern legal philosophy is not connected to the substantive method of dialectical reasoning and discourse. This lack of indivisible and interdependent is a fundamental problem of modern legal philosophy and legal reasoning. Hence, by taking note of the dialectical method of reasoning and discourse we can provide an adequate meaning of modern legal philosophy. Now, legal philosophy may have been developed by a single act of wisdom, but we cannot acquire perfect knowledge of legal philosophy in a singular manner, except through the experience of the dialectical method of reasoning and discourse (Lieberman 2007). Therefore, it seems to me that through the evolution of law and philosophy, the magnificence and magnanimity of legal philosophy can be achieved by the method of dialectical reasoning and discourse. This is partly because the dialectical method of reasoning and discourse presents the investigator with an opportunity to formulate their argument. This argument becomes the beginning of the creation of a compound element of legal principles or in other words from the principle of reasoning. The word legal principle here simply means the starting point of modern legal philosophy. Hence, discourse concerning modern legal philosophy may mean all that is prior to everything.

Hence, whatever was there before may only be found and formed by the process of intellectual argument, which is discourse.

However, Plato and Aristotle expand the word discourse to include abstract ideas of intellectual priority. Though, Greek philosophers before Plato were of the view that the starting point of everything is also the perfect beginning of discourse about that phenomenon. In contrast, Plato and Aristotle pointed out that there are two levels of argument, the first is the opposite of the natural order of all things, and the second is following the natural order of all things (Menn 2002). This might mean that before theory or philosophy is developed, there must be the first course, the argument, and the second course, the formulation of the concept. These two compound approaches deduce the principle of the dialectical method of reasoning and discourse. According to Plato, when we start a debate, we may not be in the immediate position to make sense of the phenomenon, however, the result may be deduced and formulated back to the former as per the evidence. This also correlates with Aristotle's statement that 'the things that are better known to us' are examined against 'the things that are better known by nature' and prior by nature. From this point of view, we may assume that Plato and Aristotle's objective composition of discourse is to reveal the true nature of the substance that is known by nature and also better known to the average person. I will, therefore, conceive that there cannot be a valid legal philosophy without a dialectical method of reasoning and discourse, because both are the starting point of argument to gain both theoretical and practical knowledge of the things that are derived from nature. In this understanding, the process of discourse is to reveal the uncommon to the common, the speculative reasoning of knowledge to the objective reason of knowledge, and the objective reason of knowledge to the subjective reason of knowledge. It is therefore evident here that, as regards the general principle of philosophical investigation, whether speculative or of theoretical or practical reasoning, discourse reveals the truth about all of them.

Therefore, the word discourse goes beyond a simple translation to the word conversation but its relevance cannot be disputed. In ancient Greece, the word discourse carried a number of significant meanings. We can deduce from the ancient Greek approach that the word discourse meant a method of investigation, or an enquiry into the philosophical meaning of a phenomenon or an objective form of existence, but could also mean a conversation or discussion (Nightingale 2000). However, it is not a simple conversation, it is an intellectual dialogue that is derived from a composition of specific thought processes. Accordingly, the word discourse or conversation became the requisite of the perfect quest for knowledge and the development of philosophy in ancient Greece. Another possible way we could conceptualise the word discourse is to see it as a definite process of finding the truth. Hence, to turn a concept into knowledge, we must enlighten the faculty of the mind by reflecting on the process of engagement and the analysis of the various parts of a phenomenon. Therefore, it seems that it does not make much difference if we seek to define discourse as an intellectual exercise or conversation as per Plato, what is fundamentally important is the requisite of the quest for knowledge in the conversation. Accordingly, if the conversation is simply the result of a concept or a revelation about a phenomenon, then there is no reason not

to believe that this conversation is based on a specific thought process. Therefore, a conversation does not have to be a philosophical reasoning but yet can be rational in its process of truth-seeking. So, discourse must not simply be from intellectual processes of questioning and discussion.

However, in common with the principle of discourse in ancient Greece, inquiry distorts the normal formation of thoughts and concepts. Therefore, dialectical ingenuity is achieved by questioning and explaining the normal forms of existence and societal conduct. Applying the method of discourse, simplicity is achieved by revealing the true meaning of a substance, while eliminating unnecessary or false precisions (Roochnik 1987). We can assume that discourse as a method of investigation places much emphasis on the real meaning of substances by disregarding the superficial elements that obscure the real development of knowledge. In this respect, discourse verges toward the development and advancement of knowledge; thus, through this dialectical ingenuity, processes are made evident. In this conceptual understanding, discourse becomes the process of stripping the outer layers of a substance to reveal the accurate truth about its form and expression. An adequate conclusion can be reached in this conception, partly because discourse is concerned with the primary principles which are the basis of philosophical diversity and inclusion. Therefore, philosophy is found in discourse not only in a language singularly deduced to explain the foundation of all premises. I shall attempt to complete this point by conceptualising that this method gives a universal process of communicating ideas without passing through the sphere of difficult particularities (Pater 1902).

All legal philosophies must come from a perfected discourse, therefore legal philosophy is moulded from discourse. Based on this analogy, it can be said that every legal philosophy is to be found a mediating principle which is capable of instructing the law in theory and in practice. Although discourse may be still in essence but not a vibration of thought process, it is still a concept. Increasing realisation in legal philosophy may awaken the faculties of the investigator to glimpse the immeasurable that lies beyond the average imagination and thought process. In this contemplation, discourse has the unquestionable advantage of the realisation of thought processes and legal philosophy. Therefore, when we realise discourse to be the whole thought process or the beginning of all philosophies, we can better comprehend why they are core aspects of theory and are not subject to the dissolution of a modern method of reasoning. This article explains the importance of discourse in the modern philosophy of law. It conceptualises discourse as a step to the comprehensive truth of a phenomenon, which does not exist in most forms of modern methods of reasoning. The article also attempts to pursue the reader to conceptualise the ancient method of reasoning to the contemporary approach to knowledge development. The conclusion opens the reader to the summary of the compound analysis of the patterns of knowledge creation (discourse), through thought processes and validation of one own method of self-questioning and analysis in relation to modern legal philosophy.

## **A Critical Analysis of Ancient Greek Discourse**

Carter (1993), for example, observed one of the many meanings of the word discourse. The author divided the meaning of discourse into two parts. The first related to the themes or the method of language used to contemplate contexts. In this instance, therefore, the method can be related to philosophy, politics, religion or any other form of substance that gives meaning to a thing said or done. The second part of the word discourse was attributed to the word 'spoken'. Though the text is used to illustrate what is written, it does not affect the conceptual explanation of the context of the word discourse in this instance (Carter 1993). Nonetheless, Carter did not provide a detailed account of the different meanings of words 'text' and 'discourse'. However, this point is not apparent in most of the literature that discusses this philosophical context. I will attempt to further the discussion here by saying that distinguishing does not affect the substance of the concept of discourse. This is because discourse allows us to discover the true meaning of a phenomenon and its interaction with society. Therefore, discourse reveals what must be known and is known to the individual. Within these parameters, in the effort to understand what a phenomenon may conceal or hide, the resource of discourse stimulates the mind to reveal the pattern of truth in all probability.

Furthermore, Nunan (1993) observed that the two concepts are not distinct from each other. This is partly because they are used interchangeably and in many instances are treated separately. This seems to follow Carter's point on the correlation between the words text and discourse. Respectively, when one observes the point of analysis in these two authors' claims, there is a correlation between the composition of the process and the substance being investigated if this method is used. A point to note here, is that this method of investigation is used to establish the important distinction between the traditional concept of a sentence and the critical analytical patterns of language used in the examination of a phenomenon. It is possible to assume that discourse is the natural pattern of language used in philosophical investigation. Therefore, the emblematic method of discourse and its process is drawn out from the individual examining the form and substance of his own understanding of the phenomenon and its interaction in society. Through discourse we learn about the phenomenon, we are able to read into a substance, and we build a universal concept that helps to explain the order of things.

In connection with this point, Trask (1999) explained the distinctiveness of the discourse method. The author concluded that this method was not connected to the speaker or the writer. However, the word discourse was associated with oral or written debates developed by two or more people. When we conceptualise the notion of discourse according to Trask, we arrive at the conclusion that this method is solely for investigation and the analysis of a substance. This is true to some degree, as discourse explains the diversity of the phenomenon which all interactions of society are conceptualised. Therefore, discourse allows us to give an interpretation of a substance according to our conviction and understanding of the diversity of all things. As we look at the process and context of discourse, we

see a diverse concept that, whether we know it or not, simplifies our understanding of things and how these are reflected in societal conduct.

Therefore, it is possible to assume that the notion of discourse contemplates two approaches: the first is the language used and the second is the method of discourse. These two approaches, thus, produce the formal approach and the functional approach to the investigation of a phenomenon. Schiffrin (1998), in particular, uses these two approaches in producing her examination of 'the study of language use above and beyond the sentence'. The author goes further to explain that the formal or structural trend is the first step in attempting to demystify the approaches to discourse. In this understanding, the notion of discourse is an attempt to explore the various patterns of language in an analysis by focusing on the substantive part rather than the whole sentence. This may also follow Schiffrin's findings on this point. According to Schiffrin, discourse is just a form of a higher level of language in the hierarchy of sentences. This hierarchy of sentences seems to follow Harris's work on the theory of discourse. Harris seems to point to the internal composition of discourse. She observes that the utilisation of discourse in the depiction of language is a process of creating internal structural associations with the levels of discourse in an investigation. This association explains the formal links within the discourse (Harris 1952). Likewise, there is what the author refers to as the functional perspective. This functional perspective is associated with intrasentential connections, as well as language use. These two points are valid in theory and practice, partly because discourse in these settings may cause a person to develop what may be defined as philosophic knowledge.

Brown and Yule's (1983) theory seems to follow Schiffrin's and Harris's explanations of discourse in this setting. It is possible to hypothesise that the notion of discourse helps the thinker to deduce the high part of a substance. Therefore, to achieve a meaningful dialogue in philosophy the method of discourse helps to produce the meaning of the known and the unknown. Van Els et al.'s (1984) view contribute to this point and contest that 'the study of language in context will offer a deeper insight into how meaning is attached to utterances than the study of language in isolated sentences.' I am, therefore, of the view that discourse does not allow us to accept an explanation of a phenomenon at the face value. It allows us to search for the hidden agendas and motives which are invisible to the observer but are capable of altering the substantive meaning of what is known and unknown. If we are able to use the concept of discourse instinctively to regard all phenomena as the outer space of hidden truth, we will make great strides towards rationalising the entire nature of a substance. Discourse provides a process for the observer to begin to know the diversities and the inclusivities of all substances in the process of thinking.

An assumption exists that discourse assembles the thinker's mind on the variables of the attribution and deduction of the meaning of a substance. However, it is also adequate to question the validity of this approach in the 21<sup>st</sup> century of knowledge-seeking. Partly, this is because in the traditional sense, discourse is a linguistic formal or functional language used in the exploration of a phenomenon. Therefore, this concept is associated with a process of truth-seeking in ancient times. Hence, if we are to arrive at a method that conforms to the 21<sup>st</sup> century of

truth-seeking, how can we determine the use and effect of this method in producing modern outcomes? The answer to this question can be found in the knowledge of the language being used. It can be assumed that rationalisation and the deduction of truth are not exempt from the scientific method of knowledge development in the 21<sup>st</sup> century. Perhaps a scientific method of truth-seeking might be derived from the principle of discourse. Thus, discourse in modern terms is a step to the comprehensive truth of a phenomenon, which does not exist in most forms of modern methods. It must be sought for through a vigorous application of the method of discourse in deducing the diversity of truth-seeking. I shall endeavour to systemise that discourse is capable of comprehending a single absolute fact, which is necessary to produce the exact procedures in society. Thus, discourse unfolds the relationship between the known and the unknown into a philosophical principle. It is then conceivable that discourse by its deduction creates societal forms and substances for the investigator.

For instance, Socrates, Plato, and Aristotle used discourse as a method of dialogue in the process of truth-seeking (Graham 1992). When close attention is paid to the interactions between Socrates, Plato and Aristotle, it becomes apparent that the method of discourse was a process used by these philosophers to respond to philosophical challenges and reasoning. For instance, Socrates used short questions and answers to address the issue of virtue. The method of discourse allowed Socrates to deduce an alternative and better course of action in his approach to truth-seeking (Srinivasan 2000). Socrates was able to provide a new explanation of virtue within his process of short questions and answers. A new reference to Socrates' quest to understand the meaning of virtue was established by simply asking what virtue is. Even though Socrates and Protagoras in the previous interactions attempted to address the issue of virtue, the short question and answer method led to a renewed investigation into this concept and its importance in society (Vlastos 1972). It is possible to assume, therefore, that, the previous interaction not only failed to provide an adequate account of what virtue is, but it also failed to include the composition of virtue in the discussion. Hence the interaction resulted in a vague explanation of the concept of virtue (Pettersson 2017). Discourse in this understanding can be devised to deduce almost any desired phase of reason or philosophy. Through the use of the emblematic method of discourse alone, the abnormality can be ratified and subnormality raised to a normal state of knowledge. Socrates, therefore, was able to discover the true meaning of virtue through questioning the true substance of the state of character, and the evidence produced by the source (Woodruff 1976).

Nevertheless, Socrates' discourse did not provide everything we need to know about virtue. It paved the way for Plato to elaborate on the underlying differences in his discourse on the issue of virtue (Price 2011). What is important to conceptualise here is that Socrates and Protagoras' discourse led to the notion of quality of virtue. They arrived at this point by examining the physical evidence of virtue and, for example, whether it could be taught or not. If it could be taught, how could it be taught in society? The answer to this question is rather difficult for them to contemplate in the substance of their discourse. Therefore, they were not able to provide an accurate distinction between the features that make virtue an

important principle of society or human beings *per se*. The issue with this lack of distinction, however, is not associated with the discourse but is rather the result of a lack of crucial information on the concept of virtue. Likewise, this lack of information distracted from the quest to find from it the proper course. A possible way this issue should have been resolved was by first investigating the composition of virtue, and what was the true form and substance of virtue, before seeking to discover whether it was indeed possible to teach virtue or contemplate it. Socrates and Protagoras' discussion took the middle ground approach to this problem. As a consequence, the investigation took a wrong turn from the start of the discourse, which led to their misconstruction of the philosophical meaning of virtue. Therefore, as far as the dialogue is concerned, Socrates' view on virtue is problematic in its form and substance. It can also be assumed here that discourse does not only provide meaning to a phenomenon but it also exposes the irregularities associated with the interpretation of philosophical concepts.

In terms of our present analysis, the deficiency in Protagoras's inquiry into virtue is not the discourse or the process of questioning the substance itself. The doubt is in the underlying view of whether virtue can be taught in society. Accordingly, a reasonable proposition here is to understand the aim of the discourse in different conceptual settings. Likewise, Socrates' presentation in the discussion with Hippocrates is not compelling (Schofield 2018). It is possible to deduce from Socrates's conversation with Hippocrates that there is an element of naivety in Protagoras's skills and ability to stimulate the mind to arrive at philosophical reasoning. This point holds true: if one applies his/her point of discourse with the sophist, they will arrive at the conclusion that there is an element of disparity in the approaches. In other words, without the proper knowledge and skills, Protagoras' teaching may have affected the way we approach philosophical phenomena, just as bad theory affects policy and societal formation. Therefore, discourse allows an emblematic method to express the true fact, and from the realisation of this fact new explanations for the creativeness of a substance emerge. Discourse is a peculiar response and the process of understanding a phenomenon through the borders of language for the expression and explanation of thoughts through the power of questioning. Thus, the dialectical method of reasoning and legal philosophy can both be understood under the common concept of discourse, in so far as they are processes that need to reveal the conservation in the existing pattern of the known and the unknown knowledge. However, it is possible to also conceive that knowledge or legal philosophy cannot be known initially from a mere conversation, because on its own, does not reveal substantive knowledge about a phenomenon. Though, we must recognise it contributes to the foundation of knowledge or legal philosophy, by using the common notion that is not attributed to the substance of the known and the unknown. Hence, the fact that we can recognise the presence of thought processes in a conversation might be the main reason why the ancient Greeks saw it as part of the discourse. From this point of view, we may conclude that some existing truth or substance can be found in the ancient Greek notion of conversation, which can be attributed to the necessary requirements of discourse.



I will complete this part by illustrating that discourse set the reaction in which the philosophy of forms or patterns that are not yet known can be scrutinised. Take, for instance, Zeno, who was of the view that reality could only be quantified as a wholeness, which was changing constantly and in permanent flux (Cooper 2015). What is interesting in this dialogue is that it is always been assumed that Parmenides' and Zeno's concepts are associated with reality as one thing. Therefore, when we view the philosophical path of Parmenides and Zeno, we are contemplating all reality as one thing. The point of the discourse here is that Parmenides and Zeno accepted all reality as inseparable. Plato on the other hand addressed Protagoras in his discourse on the measure of all things. Protagoras saw reality as a compound process that led to relativism (Adams 2013). From this discourse, the true meaning of reality is fanciful and likened to a cleverly drawn picture. It is, thus, established by these philosophers that reality may but slightly resemble the unity of all things. The physical appearance is still part of the non-physical appearance if one conceptualises this point in modern language. The discourse method helps with the discerning of philosophical ideas into simple physical explanations of life and societal formation. So, discourse is employed throughout the process of philosophical challenge, for by it two definite ends are achieved (Nightingale 2000). As regards the concept of discourse, there is no doubt that they can be perceived clearly and distinctively in the ancient Greek notion of truth-seeking. Otherwise, they will not have been a common method of intellectual reasoning, although some methods of discourse may not be equally quantified as intellectual, because they may not be perceived equally as truth-seeking. I am of the view that it is not, however, because a person's faculty of knowing what derives from their thought process is limited but maybe because their common skills and concept of reasoning are opposed to the prejudiced opinions of their environment. Consequently, one cannot easily grasp the truth or knowledge, even though other people who have maybe liberated from those prejudices perceive them very clearly. Therefore, it is unlikely for me to conceive discourse as problematic or lacking intellectual rigour.

Moving on, Plato addressed the Sophists, who saw physicality as the sole existing reality. The concept of reality was very difficult for these philosophers to contemplate in an extraordinary sense. Thus, their ideas about reality were conceptualised in knowledge and the belief that to move away from this world, one only required an act of persuasion (Ambuel 2007). Plato's addressing the Sophists in this discourse was his attempt to give meaning to what was permanent in the world in terms of its specification, in a constructive manner, and the impermanent appearance of the world. Plato's quest was to explain and understand the world of appearance, either in consideration or in the insertion of what constituted truth or a belief. The Theaetetus, on the other hand, sought to find truth or the meaning of knowledge. The point of discussion here is imperative. We are not attempting to explain what reality or the composition of reality is here. What we are concerned with is the method used to deduce the truth of the compound components of reality in this philosophical interaction and whether it can be applied to modern legal philosophy. We can therefore reach these conclusions from the methods used in demystifying reality: first, discourse instinctively

allowed these philosophers to reveal the constitution of their reasoning by interpreting the true meaning of reality as they believed it to be; secondly, discourse allowed these philosophers to stimulate their minds to deduce the originality in the concept of reality, thereby saving a peculiar method of their own rational thinking process. Therefore, by rendering the death of original thoughts, new thoughts are developed through truth-seeking. An assumption, though, can arise here that discourse encourages originality in thinking, and hence is a product of the philosophical interaction.

Aristotle's rhetoric is another example of discourse as a method of truth-seeking. In this conceptual approach, Aristotle's way of structuring rhetoric and reasoning has its foundation in the principles of discourse. Through rhetoric, Aristotle is able to create *technê*, which is the basis of conceptualising reasoning in the theory of language (Angier 2010). However, Aristotle's rhetoric is not exempt from scrutiny; for example, some critics accused him of following the sophistry method of persuasion within a philosophical discussion. In an attempt to review this criticism, the inconsistency in Aristotle's approach does not illustrate a fundamental gap in his method of reasoning. However, it should be assumed that his approach correlates with the UnPlatonic explanation of the language developed by Aristotle regardless of his support for the Platonic paradigm of *alêtheia* (Zerba 1990). However, it is possible to conceive that the things we perceive as either concept, philosophy or science of the known and the unknown have their foundation in the first course of discourse. Therefore, it is worth the effort to attempt to consider each of the points separately, as a form of substance. By the term substance, we can reveal the truth about a concept that exists in such a way that it needs nothing else in order to permeate our thought process. In relation to modern legal philosophy, the method of discourse reduces obscurity in explaining the relationship between the diverse social phenomenon and law.

Meaning discourse quantifies the law to be a substance, something that needs absolutely nothing else, except it can be understood and explained through its relationship with society. Based on this evidence, we may reach the assumption that the Ancient Greek approach to discourse should be exactly the same way contemporary scholars attribute or quantify law in action. The same can be said about Aristotle's approach to discourse in his own conceptual understanding, which can be said to be attributed to a conversation triggered by thought processes or reasoning. Similarly, if we attempt to separate time from the notion of duration, we find that the latter is normally explained, and represented as a measure of motion, therefore, it is only a pattern of thought process, for we are not able to conceptualise the real duration of time in motion to the absence of the compound elements that are not in motion. This evident from the fact suggests that if two theories are interrelated, we do not acknowledge one more than the other because both provide an explanation of the same phenomena or enhance it. However, it is possible to conceive that to measure the duration of any phenomenon we must compare it with the during of the greater part and the most consistent motions from which we say to be years and day as the foundation, and we conceive all as the completeness of time. Hence, the difference in concepts can only be illustrated by the mode of thinking about the phenomenon being understood.

It is possible to conceptualise that Aristotle's emphasis was not on Plato's forms, but on the concept of truth-seeking as a method that is an examination that enhances the Greek philosophical way of thinking about a substance and its link to society and conducts. Therefore, Aristotle's rhetoric is an endorsement of his approach to truth-seeking. This is evident in his introductory chapters of *Rhetoric*, where he stresses that the aim of rhetoric is to illustrate the facts, 'what is or is not, what has or has not happened' (Cope 1867). By this method, Aristotle is able to construct a discourse through the mode of question and answer in order to arrive at the core of the issue. Rhetoric, therefore, is a secondary method of association in philosophical discourse by which the mind is able to conceptualise and deduce a phenomenon into an objective analysis. Therefore, the nature of Aristotle's rhetoric is to assume the nature and expression of reasoning to a ceaseless establishment of societal structures and forms (Rorty 1996).

However, it is possible to also see that according to the principle of language as a mode of expression, rhetoric undermines the validity of this thought. Likewise, Aristotle's contention and analyses on the particular aspect of rhetoric may also undermine the language of expression. On a conceptual level, the construction of the traditional opinions demonstrates language to be a composition of, and not solely a secondary course of, the subject or a substantive fact. On this theoretical point, Aristotle did not advance his position on this point nor explicitly address the course of its permeation in reasoning (Cope 1867). This gap may lead one to question this approach as a substantive method of philosophical reasoning. Thus, Aristotle's rhetoric may have the tendency to turn philosophical reasoning from a consideration of truth-seeking to cherishing the baseless notions of needless questions and divisions. While discourse enables endless philosophical reasoning and construction, its significance is in its ability to deduce vibrant knowledge and develop the principles humanity concerns itself with. In Aristotle's rhetoric, the question becomes how to choose the proper fork or frock for a formal banquet. In this respect, it is important to rest the mind upon the pettiness of accomplishment of thoughts and representation, until the natural state of the substance is achieved in its conceptual form. However, one should not be very excited by the insignificant and bewildering point in Aristotle's rhetoric, which is oblivious to the deficiency and gap created by its lack of tangibility and mediocrity.

In addition, Aristotle's programmatic end to his reasoning may have hindered him from either viewing or understanding the problematic aspects of his rhetoric. However, *Rhetoric* invites us to examine the argument in a way that discloses the significant patterns of power in language. The power of language, therefore, through validation and experiment produces the reality that we sort to represent in our discussion (Nussbaum 1982). Also, while we recognise this method of language construction as a modern form of reason, it is deeply ingrained in the former conception of language in the West. However, its diminishing is partly due to the strong legacy of Platonism. This legacy impacted Aristotle and his work throughout his lifetime. To contribute to Aristotle's legacy, I will conceive his rhetoric to create two kinds of theoretical distinction. One is between the language used, in the strict sense, and the substance of which it is a discourse, the other is between the two methods of investigation, which is the philosophical method of

reasoning and discourse. The first type of distinction can be separated from the act he perceives as a particular substance clearly in his thought process without resulting in discourse, which can be said to be distinctive from discourse without the substantive form of methodology language of thought. Thus, this may have shaped and distinguished his method of reasoning from others. However, Aristotle's concept is just an extension of discourse and can also be taken as a substance without any hostility. This is partly because if we seek to view his discourse as a distinctive substance, then we would need to look at other discourse as subsisting concepts and, in this way, we may confuse the idea of discourse as utopia.

For truth-seeking, we may acknowledge that something is called a tree; this may be because we conceptualise it to be a tree by ourselves. Therefore, the meaning of a substance is subject to the application of the appropriate language to describe its meaning and form. When attempting to examine a substance via Aristotle's rhetoric, the philosopher's mind is confronted with nothing but the limitation of languages and the constant strangling of a combination of terms. As the philosopher passes through the different aspects of discourse, he/she must come to terms with all the relatively inconsequential views concerning the substance investigated. In this instance, it is possible to assume that through further investigation of the substance the philosopher will begin to reveal the inner constitution, and with constant inquiry, he/she may be able to discriminate the false from the real. The truth is revealed not by the language but by the method of inquiry and reasoning. Yet, the mystery of the false and real which expands throughout the discourse is what must be discovered and developed.

## **Conclusion**

This article has undertaken to explain the importance of discourse in antiquity and ancient Greek. Drawing on the classic understanding of Socrates, Plato, and Aristotle a comparison was drawn between the phenomenon of discourse in ancient Greek and modern legal philosophy. Here I argued that discourse reveals the substantive truth about modern legal philosophy. Modern legal philosophy must move rhythmically and majestically upon the themes of discourse. Therefore, a possibility arises in the harmony between discourse to be a sum in a single thought of the principle of modern philosophy. This means that our conception of modern legal philosophy deserves consideration in the ancient Greek methodological principle of discourse. To contemplate, the universal principle of law is the beginning of understanding what informs law and behaviours in society. Discourse reveals the discipline whereby a person is rendered capable of appreciating the principle of law.

I will conclude by stating the following conceptual principles, discourse allows the investigator to comprehend and appreciate the growth and recognition process whereby society is reconciled to the law. If we are able to incorporate discourse into modern legal philosophy, the mystery of obedience to the law becomes evident in our conceptual analysis. Therefore, the path to obedience to

the law becomes clear, and we are on the road to the concept of absolute legal philosophy. This means we must incline to neither side nor depart from the true nature of knowledge. If we are able to attain this point in modern legal philosophy, we shall find absoluteness in the consummation of discourse in understanding the obedience of law in society which is conceived at the development of morality. The current modern legal philosophy fails because departing from the true nature of discourse would assume law belongs to another realm of conduct rather than society itself. In this understanding, the article has attempted to allot an end peculiar to modern legal philosophy, and though uncounted millenniums depart inevitably toward that archetypal concept patterned for discourse, which is prior to the move away from an adequate understanding of the various compounds of obedience to the law. Therefore, legal philosophy is of a similar kind and shares a common origin and path with discourse.

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## Bertrand Russell's Philosophical Logic and its Logical Forms

By Nikolay Milkov\*

*From 1901 to 1919, Russell persistently maintained that there were two kinds of logic and distinguished between one and the other as mathematical logic and philosophical logic. In this paper, we discuss the concept of philosophical logic, as used by Russell. This was only a tentative program that Russell did not clarify in detail; therefore, our task will be to make it explicit. We shall show that there are three (-and-a-half) kinds of Russellian philosophical logic: (i) “pure logic”; (ii) philosophical logic investigating the logical forms of propositions; (iii) philosophical logic exploring the logical forms of facts: in epistemology and in the external world. In particular, Russell’s program or philosophical logic of the facts of the external world remained less than sketchily outlined.*

**Keywords:** *Russell, mathematical logic, philosophical logic, Wittgenstein*

### Symbolic/Mathematical Logic vs. Philosophical Logic

Russell was engaged in setting up perfect logic on the pattern of which not only philosophy but also mathematics and science could be built up from the time of his Neo-Hegelian project for “Logic of the Sciences” (1896–8). With this idea in mind, he worked on logic and the foundations of mathematics for years. At the same time, however, from 1901 to at least 1919, Russell persistently maintained that there were two kinds of logic and he sharply distinguished them as mathematical logic and philosophical logic (1901b, p. 74, 1914b, p. 67). He insisted here that philosophical logic was clearly different from mathematical logic:

What is now required is to give the greatest possible development to mathematical logic, to allow to the full the importance of relations, and then to found upon this secure basis a new *philosophical logic* (1901a, p. 379; italics added).

In this paper, we shall discuss the concept of “philosophical logic” as used by Russell, not as it is used today—as formal logic that goes beyond the classical propositional and predicate logic (Goble 2001, Jacquette 2002).<sup>1</sup> Our first step in this direction will be to outline the tasks of Russell’s mathematical logic.

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<sup>1</sup>In late 20th century Britain, some efforts were made to continue Russell’s project for philosophical logic (Strawson 1967, Grayling 1984, Wolfram 1989). Unfortunately, this topic has been neglected for decades now.

### Mathematical Logic—Science or Instrument?

Russell's understanding of the role of mathematical logic in philosophy was twofold. On the one hand, he maintained that it could replace philosophy; on the other, he averred that it was only an instrument for achieving better results in philosophy:

(i) As if opposing his vision of two kinds of logic, in some places, Russell firmly maintained that “Mathematical logic has resolved the problems of infinity and continuity” (1911b, p. 294).<sup>2</sup> Apparently, this was a positivistic program for solving philosophical problems with the help of mathematical logic. In this sense, Gregory Landini maintains that for Russell, mathematical logic is “an *informative science* capable of studying all relational structures” (2019, p. 208; italics added). Landini further holds that exactly in this sense, “logic, that is, cp-logic,<sup>3</sup> was the essence of philosophy” for Russell (*ibid.*).

In order to make this project better known, Russell drew up a program for bringing philosophically important sides of the new discoveries in pure mathematics and in symbolic/mathematical logic to the general public. The first clear statement of this program is to be found in the 1901 paper, “Recent Works in the Principles of Mathematics”, quoted above. However, Russell started thinking to realize this project only after Whitehead and he had finished *Principia Mathematica* in March 1911. In the upcoming months, Russell included in his literary plans a book on “Advanced Logic”.<sup>4</sup> It was designed as something like a textbook of logic/mathematics for philosophers, in which the ideas of *Principia* would be presented, “together with some new ideas” in an abridged, non-technical form (p. 183). Because of the outbreak of the First World War, however, this project was only realized in 1919, when *An Introduction to Mathematical Philosophy* was published.

(ii) At the same time, Russell contended that the mathematical logic only “enable[s] us to see quickly what is the smallest store of materials with which a given logical or scientific edifice can be constructed” (1914b, p. 51; italics added). In other words, the mathematical logic only provides an improved quasi-optical instrument that can help us by treating philosophical problems. It is a kind of “a mental telescope” (1903, p. xv) and, therefore, only an “instrument for research” (1910, p. vii). It cannot automatically solve philosophical problems and thus delivers no information. To be sure, Russell underlined that mathematical logic only “gives the method of research in philosophy, just as mathematics gives the method in physics” (1914b, p. 243). Russell was even clearer on this point in the “Preface” to *Principia Mathematica*, where he wrote: “Without its [of the mathematical logic] help we shall have been unable to perform the requisite reasoning” (1910, p. vii). In this way, philosophy is an autonomous discipline and

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<sup>2</sup>Significantly, these problems were central in Hegel's philosophy of mathematics. After his 1898 turn against Hegel, Russell pursued further their exploration but tried to solve them in a new, “correct” way.

<sup>3</sup>Landini's cp-logic, or “comprehensive principle logic”, signifies Russell's mathematical logic exclusively.

<sup>4</sup>Russell also called this project “Logic”, “Philosophy of Mathematics” (1992, p. 442), or “Popular Logic” (p. 458). The content of these plans is set out in (1984, p. 183); see also (1984, p. xxiii).



cannot be replaced by this instrument, that is, by mathematical logic exactly as physics cannot be replaced by its research instrument—mathematics.

Significantly, Russell spoke about (i), that is about the replacement of philosophy with new achievements of mathematical logic, mainly before 1903. Afterward, he rather saw mathematical logic as (ii), as a useful instrument for doing philosophy.

### What did Russell Mean by “Philosophical Logic”?

In the *Principles of Mathematics*, Russell held that the realm of study of the “philosophical logician” was a few simple, foundational topics of mathematics and mathematical logic. To be more explicit, philosophical logic is concerned with “the discussion of indefinables” of mathematical logic, or of “the fundamental concepts which mathematics accepts as undefinable”: judgment, class, implication, logical constants (1903, p. xv). This is a philosophical task since the indefinables of mathematics and mathematical logic are obtained in it in a process of regressive analysis, which means that “we seek to pass from the complex to the simple, from the demonstrable to its indemonstrable principles” (1903, p. 3), from the clear body of the available mathematics to its foundations.<sup>5</sup> Russell’s philosophical logic, as clearly different from mathematical logic, was also mentioned in *Principia Mathematica*, wherein Russell claimed that it discussed intensions, while mathematical logic discussed extensions (1910, p.72).

The conception of philosophical logic was also discussed in *Our Knowledge* (1914b, pp. 50–51) despite the fact that at that point in time, Russell’s philosophical work also had other objectives. What was new in Russell’s philosophical writings of the early 1910s was his explicit insistence that the “philosophical logical forms” were to be discovered in a philosophical effort—they could not be a product of mathematical logic alone. It brings us to an important aspect of Russell’s philosophical logic. It proceeded in philosophical contemplations, deliberations and, as we already know, in discussions. It also explains why Russell contended that:

When everything has been done that can be done by method [i.e. by mathematical logic], a stage is reached where only direct philosophical vision can carry matters further. Here, only genius will avail. What is wanted, as a rule, is some new effort of *logical* imagination, some glimpse of a possibility never conceived before (1914b, p. 245; italics added).

It is a very difficult task indeed—which is why Russell used to say “Logic is Hell”—which is to be accomplished in “direct contemplation of facts” discarding language (1921, p. 212) and mathematical logic. *Pace* Landini, the structures

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<sup>5</sup>Russell explored the importance of the method of regressive analysis in mathematics in detail in his paper “The Regressive Method of Discovering the Premises of Mathematics” (1907). The distinction between regressive and progressive analysis, however, was not new in philosophy. Among others, it was discussed by Pappus of Alexandria and in Kant’s *Jäsche Logic* (1800, § 105).

brought to light by mathematical logic cannot help in this region at all, despite the fact that the discoveries made by the philosophical logicians are to be articulable in accordance with the rules of mathematical logic.

### **Russell's Philosophical Logic**

In the lines above, we have shortly outlined Russell's program for philosophical logic, following his own words. Apparently, this was only a tentative program that Russell did not clarify in great detail. That is why it needs an explication; in fact, this will be our task in the lines below. To be more specific, we shall see that there are three (-and-a-half) kinds of Russellian philosophical logic: (i) "pure logic"; (ii) philosophical logic investigating the logical forms of propositions; (iii) philosophical logic exploring the logical forms of facts: ( $\alpha$ ) in epistemology; ( $\beta$ ) in the external world. We are going to discuss them in this order as follows.

#### *"Pure Logic"*

The first question we shall try to answer in this section is: How did Russell ever get the idea that there was something like philosophical logic?

Our tentative answer is that this was a result of his "idealist apprenticeship". It occurred through reading the works of F. H. Bradley and through discussions with his tutor in Cambridge, James Ward, and his elderly friend and Cambridge Apostle, J. E. M. McTaggart. Also important in this respect was Russell's study of the works of Hermann Lotze (Milkov 2008).<sup>6</sup> These lessons persuaded Russell to see "pure logic" as the discipline that tried to set out the transcendental question: What makes a subject of human knowledge intelligible or thinkable at all?—in his case, which makes mathematics understandable.<sup>7</sup>

We are going to start our analysis of this influence with the historical remark that in 1898–1901, Russell was involved in extensive talks with his fellow student, fellow Cambridge Apostle and friend G. E. Moore. These conversations reassured him how important philosophical exploration of the foundations of logic and mathematics was. Among other things, they found expression in Russell's letter to Couturat from July 1900 where he stated: "My friend G. E. Moore is, in my opinion, the most subtle in pure logic" (Prete 2019, p. 190). Moore, however, had no idea about mathematical logic. In what sense, then, did Russell mean that Moore was his teacher in "pure logic"? In fact, in the "Preface" to *The Principles* Russell is quite informative on this count. Russell maintains that he

have accepted from him [G. E. Moore ...] the pluralism which regards the world, both that of existents and that of entities, as composed of an infinite number of mutually independent entities, with relations which are ultimate, and not reducible to adjectives of their terms or of the whole which these compose (1903, p. xviii).

<sup>6</sup>In fact, the British idealists were considerably influenced by Lotze as well (Milkov 2023).

<sup>7</sup>Bradley, for example, maintained to the contrary (1893, Chapter 3) that the very idea of a plurality of objects standing in relations was unintelligible.

Apparently, Russell meant here Moore's atomistic metaphysics.<sup>8</sup> In fact, this was the kernel of his doctrine of logical atomism that assumed that there were entities that were relations and entities which were not relations ("non-relations"), the latter being universals and particulars (1911a, p. 107); or, that "there are 'things' which have properties and have, also, relations to other 'things'" (1959, p. 117). For decades, Russell was convinced that " $x$  is something different from the sum of all its properties" (ibid, p. 119). Here it is also clear that in these years, but also later, Russell closely connected mathematics and mathematical logic with the world and, therefore, with metaphysics.

This explains why Russell's atomistic metaphysics could also be articulated in logical terms: It corresponded to the atomistic logic that was based on logical atoms—the smallest elements necessary for any logical operation and for thinking in general. In fact, Russell merged metaphysical and logical problems in the very beginning. For example, he discussed the logical properties of the spatio-temporal relations, meaning with logical properties "properties such as can be expressed in logical terms, not only such as can be proved by logic"<sup>9</sup> (1959, p. 75). This explains why Russell's "pure logic" explored both the foundations of mathematical logic and the logical properties of the world. Significantly, this kind of logic grounds all logico-philosophical ideas of Russell and, in this sense, has priority over them.

Russell's main argument for adopting non-reducible entities in metaphysics was closely connected with the acceptance of the numerical diversity in arithmetic. To be more explicit, Russell found place for entities in his metaphysics only because he believed that counting was theoretically sound only if we accepted the identity of indiscernibles, assuming the numerical diversity of every item or term. Russell's argument was that "if  $a$  and  $b$  have all their properties in common, you can never mention  $a$  without mentioning  $b$  or count  $a$  without at the same time counting  $b$ " (1959, p. 115); in such a case, we cannot distinguish  $a$  from  $b$ . Much earlier, in his "Preface" to *The Principles of Mathematics*, Russell wrote:

Before learning these views from him [Moore], I found myself completely unable to construct any philosophy of arithmetic, whereas their acceptance brought about an immediate liberation from a large number of difficulties which I believe to be otherwise insuperable (1903, p. xviii).

This was clearly a transcendental argument.

It was not a surprise, therefore, that it was challenged in the *Tractatus* 5.5302–3, where Wittgenstein rejected the identity of indiscernibles. To be sure, Wittgenstein's theoretical intuitions were different—he lacked Russell's "idealistic apprenticeship". In particular, Wittgenstein had no interest in the real world and in metaphysics at all, but in language and thinking. The "objects" and the "world" in the *Tractatus* only signify the ontological (not metaphysical) commitment of language that is connected with its intrinsically depictive character (Milkov 2022).

<sup>8</sup>See, in particular, Moore's paper "Identity" (1901).

<sup>9</sup>Following Russell, in the *Tractatus*, Wittgenstein spoke about "formal properties of objects and atomic facts" (4.122, 4.124, and 4.126).

*Propositional Philosophical Logic*What Is It?

Russell's "pure logic" is not to be confused with the exploration of the logical forms of propositions, or of their "grammatical form" (1903, p. 48), which he later called "philosophical logic" as well. Russell introduced the concept of logical forms of propositions in connection with his increased interest in philosophy of language evident in *The Principles of Mathematics*. To be more explicit, Russell understood the importance of the propositional logical forms only after he had fully realized the implications of his 1900 turn from mereology to mathematical logic (Milkov 2016). One consequence of this turn was the introduction of the conception of "denoting phrases" (1903, pp. 53 ff.). It holds that "denoting phrases" have contextually determined meaning, that is, meaning defined through their "grammatical form". Two years later, in "On Denoting", Russell specified that the denoting phrase "is denoting solely in virtue of its form" (1905, p. 41). This was a new conception of form different from the logical form generally understood in logic.

By way of historical remark, it should be noted that Russell's new linguistic turn went hand-in-hand with the introduction of the method of quantification in logic by Frege in 1879. Russell adopted it after August 1900 when he met Peano at the International Congress of Philosophy in Paris. However, despite the fact that the analytic philosophy of language was first advanced by Frege, the latter was neither as explicit nor as programmatic about the propositional philosophical logic as Russell was. In particular, Russell clearly insisted that it was a new kind of logic—philosophical logic—that had its specific logical forms.

Now Russell suggested a new discrimination between philosophical and mathematical logic.

[Logic] consists of two parts. The first part [philosophical logic] investigates what propositions are and what forms they may have; this part enumerates the different kinds of atomic propositions, of molecular propositions, of general propositions, and so on. The second part [mathematical logic] consists of certain supremely general propositions, which assert the truth of all propositions of certain form. This second part merges into pure mathematics (1914b, p. 67).

It also deserves notice that in spite of the fact that the conception of propositional logical forms was first introduced in 's logic in 1903–5, Russell's interest in it significantly increased after he had started to teach Wittgenstein and then to work together with him on problems of logic, on their joint "theory of symbolism" (Wittgenstein 1979a, p. 121). As a matter of fact, Russell realized its real importance only after the series of "discoveries" of new logical forms made in 1913,<sup>10</sup> for example, that in a logically perfect language facts cannot be named, as Frege maintained. This is the case since to every fact two propositions—true and

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<sup>10</sup>Wittgenstein realized that these remarks were not "discoveries" only in the process of composing the *Tractatus* (Milkov 2020c).

false—correspond, while to every object corresponds only one name (1913, p. 97). Propositions and names have two completely different logical forms.

Impressed with this and also with other “discoveries” (insights) presented in “Notes on Logic”, Russell declared that philosophy “is concerned with the analysis and enumeration of logical forms” in this sense (1914a, p. 85). Encouraged by Russell, in his *Notebooks* and in the *Tractatus*, Wittgenstein continued recording new logical forms. In fact, however, in this exploration, Wittgenstein only clarified and further developed what Russell now understood to be the “philosophical logic”.<sup>11</sup> This is supported by the fact that when Wittgenstein finished what was later called *Tractatus logico-philosophicus*, Russell initially suggested as its title *Philosophical Logic* (Monk 1990, p. 206). Neither G. E. Moore nor Wittgenstein considered this title appropriate. However, in the *Tractatus*, Wittgenstein did not maintain that he explored logical forms. The book remained a program for clarifying language (thinking) through a newly suggested form of logical symbolism, which, however, disappeared at the end (“the general propositional form is a variable” 1922, 4.53); and thus became dispensable—in the same way a ladder becomes superfluous after we have reached with its help a new level (Milkov 2017).

#### More on Russell’s Propositional Philosophical Logic

In general, Russell’s propositional philosophical logic maintains that human knowledge is an amalgam of ordered “knots” of known particulars, universals, and logical forms (Milkov 2003, p. 61). In human discourse, different individuals—particulars and universals—and terms are *combined* in particular *forms*, thereby producing the specific variants of human understanding and language. One can conceive of human knowledge as a stock of *information* that can also be *communicated* through language. Here is this understanding expressed in Russell’s own words:

In order to understand a sentence, it is necessary to have *knowledge* both of the constituents and of the particular instance of the form. It is in this way that a sentence conveys *information*, since it tells us that certain known objects are related according to a certain known *form*. Thus some kind of knowledge of *logical forms*, though with most people it is not explicit, is involved in all understanding of discourse. It is the business of *philosophical logic* to extract this knowledge from its concrete integuments, and to render it explicit and pure (1914b, p. 53; italics added).

This conception of Russell’s brought him close to elements of Frege’s philosophy of language which were also adopted by Wittgenstein (he took them up directly from Frege). Recall, however, that Frege calls the form in which the constituents of the proposition are connected together the sense (*Sinn*) of the proposition, as different from its truth-value (*Bedeutung*). Wittgenstein also

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<sup>11</sup>This gave rise to the belief that “had Wittgenstein never existed, there would be nothing inexplicable about Russell’s work being much as it in fact was” (Sainsbury 1979, p. 12). Unfortunately, this statement is scarcely true. It is not likely that without Wittgenstein’s nudge, Russell would have seen this dimension of his own conception in full.

maintains that “what is grasped of a thought is its sense” (1979b, p. 235). To this he adds, in Russell’s sense, that

[the language] uses signs that go proxy for the elements of a situation and represents the situation itself by means of a combination of the signs in question. Thus it reconstructs the structure of a situation by combining signs in the appropriate way. A proposition—like a model—shows us *how* the elements of a situation are connected (ibid, pp. 235 f.; italics added).

Similar to Russell, for the early Wittgenstein, the form, that is the way the words are knotted in the proposition, presents its sense (Milkov 2020b). It conveys *information* since it shows *how* (the way in which) the objects are connected to one another in a state of affairs. Russell, on his side, maintains that the logical form is something like “the way [in which] the constituents [of the proposition or inference] are put together” (1914b, p. 52).

The intimate connection between Russell’s philosophical logic by way of “pure logic” and his propositional philosophical logic was that both were engaged with the ultimate problem of intelligibility. But whereas the former discussed the intelligibility of mathematics, the latter explored the intelligibility of language and thinking.

It should also be observed that one of Russell’s motives for embracing the theory of propositional logical forms was his desire to decrease the role that logical objects (in the first place, the logical constants (1919, p. 201) and also numbers, classes, propositions, relations, etc.) played in *The Principles* (and partly also in *Principia*), where it was assumed that these were all subsisting entities. This was an ambitious program for “economy of thought”<sup>12</sup> that was also the kernel of the project for analytic philosophy—at least, as Russell understood it (Milkov 2013). To be sure, Russell’s objective was to eliminate all superfluous theoretical entities and terms. Among other things, it motivated him to formulate his own form of Ockham’s razor (1924, p. 326).

Wittgenstein developed this understanding further. His well-known criticism of the logical objects began in 1912, and was explicated in full in the *Tractatus* with the words, “At that point it becomes manifest that there are no ‘logical objects’ or ‘logical constants’ (in Frege’s and Russell’s sense)” (5.4). In fact, this was nothing but adopting and further developing Russell’s conception of “propositional logical forms” to its fullest. Its ultimate result is Wittgenstein’s claim that “the general form of a proposition is: This is how things stand” (4.5). It perfectly harmonizes with his claim, that the logical symbolism of the *Tractatus* at the end disappears. In the final reckoning, also the lead objective of Wittgenstein’s *Tractatus*, to eliminate any “body of doctrine” in philosophy and to turn it into a practice of elucidating our language and thinking (4.112), follows Russell’s pursuit of “economy of thought” but in most radical form.

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<sup>12</sup>Russell’s program for economy of thought was clearly related (but not necessarily *influenced* by) the development for economy of thought in philosophy supported not only by Ernst Mach but also by Edmund Husserl. Apparently, it was *idée fixe* in Western philosophy at the *fin de siècle*.

*Logical Forms of Facts*

With regard to the metaphysical status of the forms of propositions, Russell's position was somewhat ambiguous. While in his manuscript, *Theory of Knowledge* (1913), he did not consider logical forms to be autonomous constituents of propositions, after Wittgenstein's criticism of Russell's MS in June 1913, Russell accepted them as such. A few months later, however, after receiving Wittgenstein's "Notes on Logic" (Sept. 1913), Russell turned back to the view that logical forms were not constituents of propositions; and he also adopted this position in *Our Knowledge* and in "The Philosophy of Logical Atomism". In the latter work, Russell made the additional remark that while the propositional logical form was not a constituent of the proposition itself, "it may possibly be a constituent of general statements about propositions that have that form, so I think it is *possible that* logical propositions might be interpreted as being about forms"<sup>13</sup> (1918, p. 239).

Russell could also not conclusively decide exactly which elements the logical forms put together. Sometimes he maintained that they kept together propositions, sometimes that they kept together facts. Correspondingly, he gave different definitions of philosophical logic. In *Our Knowledge*, for example, he claimed that philosophical logic "investigates what propositions are and what forms they may have" (1914b, p. 67). However, in "The Philosophy of Logical Atomism", he wrote: "I think one might describe philosophical logic...as an inventory, or if you like a more humble word, a 'zoo' containing all the different forms that *facts* may have" (1918, p. 216; italics added). Apparently, Russell understood the "philosophical logical forms" as constitutive elements not only of propositions, but of facts as well. One of the advantages of this clearly rationalistic equipollence of facts and propositions in logic adopted by Russell was that it made it possible to make conclusions as to the forms of propositions from the forms of facts which they asserted—not only from the forms of propositions to the forms of facts, which is what the thesis of logical atomism is usually assumed to be (Urmson 1956, p. 6).

As a result, Russell developed an original philosophical logic of facts in two variants: (i) as an exploration of the logical forms in epistemology—to be sure, in *Our Knowledge* he clearly stated: "The problem of the nature of judgment or belief may be taken as an example of a problem whose solution depends upon an adequate inventory of logical forms" (1914b, p. 67); and (ii) as an investigation of the logical form of the facts of the external world. Russell thus came back to his metaphysical project that he had before 1903 of exploring logical forms of the real world,<sup>14</sup> but it was now developed in a somewhat different form.

Logical Forms in Epistemology

The best example of the Russellian logical forms in epistemology are the propositional attitudes that are nothing but epistemological facts. The description

<sup>13</sup>We are going to return to this problem below.

<sup>14</sup>Mutual penetration of logic and the world was also adopted in *The Principles of Mathematics* (1903).

of their forms advances further knowledge of the possible forms of the propositions that can be made on their basis. Russell developed this position in the clearest form in his *Theory of Knowledge* (1913) where he postulated three propositional attitudes: understanding, desiring, and willing. In a *logical classification*, subclasses of understanding are believing, disbelieving, doubting, analyzing, and synthesizing propositions. These are different cognitive relations (attitudes), every one of which has a specific logical form. Thus, “*sensation* (including the apprehension of present mental facts by introspection) is a certain relation of subject and object” (1913, p. 64); “*immediate memory* is a certain relation of subject and object” (p. 65). Russell explained the difference between, for example, present mental experience and memory as entirely based on the difference in the cognitive relation. Here is another example of sharp discrimination of logical forms of this type:

The *logical form* of perception will be different from the *logical form* of believing . . . [and] volition differs from desire *logically*, in a way strictly analogous to that in which perception differs from belief (1918, p. 228; italics added).

In fact, this was the practice of conceptual analysis, conducted by the academic rationalistic philosophers for centuries, which was also practiced by Frege and Wittgenstein (Milkov 2012, 2020a, pp. 195 ff.). The later Wittgenstein repeatedly maintained that “philosophical investigations are conceptual investigations” (1984, i, § 949). It is not difficult to notice that one of the tasks of Wittgenstein’s *Philosophical Investigations* was the exploration and criticism of epistemological forms, as a study of philosophical psychology, that were somehow similar to that of Russell from 1913–18.<sup>15</sup> It is a pity that so far, only a few interpreters (Engelmann 2012) have followed Saul Kripke’s remark on Russell’s influence on Wittgenstein’s *Philosophical Investigations*. To be more explicit, Kripke maintained that “Wittgenstein’s philosophical development was influenced” considerably by Russell’s *The Analysis of Mind* (1982, p. 25 n. 19). The influence of Russell’s philosophy of psychology on Wittgenstein has much older roots, though. It is to be traced back at least to *Theory of Knowledge* and *Our Knowledge of the External World*. This is evident from the fact that already in the *Notebooks 1914–1916*, especially in the months between June 1916 and January 1917, Wittgenstein intensively explored epistemological logical forms: “Is belief a kind of experience? Is thought a kind of experience?” (1979a, p. 89).

It deserves notice, however, that the objective of Wittgenstein’s analyses in philosophical psychology—avoiding the traps into which language lures the naïve philosophical psychologist—was markedly different from that of Russell. Be that as it may, both had as an objective the description of the logical (grammatical) forms.

### Logical Form of Facts of the External World

In the mid-1910s, Russell advanced two more programs for philosophical logic. They explore the logical form of the facts of the external world: the program

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<sup>15</sup>An account of these analyses is to be found, for example, in Budd (1989, pp. 10–15).



for logical constructions, and the somewhat obscure program for logical analysis of the data of the external world—in particular, the data of science.

(i) *Logical Constructions*

In his unfinished paper “On Matter” (May 1912), Russell started a program for “logical construction” of matter.<sup>16</sup> This was a program for explicating how a scientific picture of the world could be constructed in an epistemologically aseptic way. It was closely followed by the logical positivists, in particular, by Carnap in his *Logical Construction of the World* (1928) and partly also by Russell himself in (1921, 1927, 1948).

Russell’s theory of logical constructions eliminated the physical objects and events, in a way similar to that in which he tried to eliminate the logical objects in mathematical logic.<sup>17</sup> Instead, he held that one could describe the world only in terms of sense-data. Furthermore, with the help of the new logic developed in *Principia Mathematica*, the sense-data can be put in different constructions. The language that refers to physical objects and events can be translated in terms of sense-data *salva veritate*.

Significantly, Russell’s project for logical constructions of the external world was not a program for examination of the data of scientific observation. Thus, it had little to do with the problems science was confronted with in his time but more with its epistemological interpretations. Even in *The Analysis of Matter* (1927), where Russell replaced the phenomenalism of “On Matter” with a kind of structuralism, “the philosophical problems of modern physics with which Russell deals seem remote from the perspective of post-positivist philosophy of physics” (Demopoulos and Friedman 1985, p. 622).

(ii) *Analyzing the Facts of the World I*

Perhaps for this reason, Russell was not fully satisfied with his program for logical construction of the external world and looked for a new approach. Indeed, a few months after he had advanced the program for logical constructions, in October 1912, Russell produced an obscure manuscript of only two pages on “What is Logic?”, in which he saw logic as

the study of the form of complexes. ... Logic is not concerned with *judgments*, which are psychological. ... Logic is not concerned with [language, with] forms of words ... with propositions. ... *True* and *False* are extra-logical (1912, p. 55).

Unfortunately, a few days later, he wrote in a letter to Ottoline Morrel: “I can’t get on with ‘what is logic?’, the subject is hopelessly difficult, and for the present I am stuck. I feel very much inclined to leave it to Wittgenstein” (p. 54). As a matter of fact, “Wittgenstein had developed a keen interest in the themes [of

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<sup>16</sup>Importantly enough, Russell elaborated this program working together with his student Wittgenstein. The latter, however, abandoned it after he had visited Frege in December 1912 (Milkov 2013). See, on this, this section, (iii).

<sup>17</sup>Practically at the same time, in November 1912, Wittgenstein discovered that there was only one logical constant (Milkov 2013). In the *Tractatus* (5.4) also, this sole logical constant is eliminated.

Russell's "What is Logic?" ...] and one suspects it would have been a frequent subject of discussion between them" (Klement 2015, p. 218).

Our guess is that this was a program to bring back logic together with the world (with metaphysics) in the way Russell did it between 1896 and 1903 but in a new form. Apparently, what Russell had in mind with "complexes" in this program were the phenomena, events, and facts of the external world, the facts of science included; they all were to be explored by a new variant of his philosophical logic that Russell later defined as a classification, an "inventory of the logical forms of facts" (1914b, p. 61). One is reminded here that the program for exploring the logical forms of the facts and events that science investigated was already set out in *The Principles of Mathematics*,<sup>18</sup> where Russell maintained that philosophical logic investigated fundamental objects such as "the nature of ... space, time and motion", but also of causality, dynamics, etc. (1903, § 2, p. 3). Such objects lie on the borderline between science and philosophy.

To be more specific, in "What is Logic?", Russell's philosophical-logical exploration concentrated itself on the mode of combination of the constituents of the complexes. Russell wrote: The logical form is "the way the constituents are put together" (1912, p. 55). By the way, a little bit later, this idea was repeated in *Our Knowledge* in connection with the propositional logical form.

What was unique in this short paper, however, was his insistence that "logic [is] the class of logical complexes [and that] a complex is logical if it remains a complex whatever substitutions may be effected in it" (pp. 55 f.). Moreover, Russell believed that logical forms of this type were *entities* (Klement 2015, p. 217), despite the fact that in 1912, he did not accept that they were constituents of the propositions in which they occurred. Apparently, Russell's logical forms of 1912 were somehow related to the Platonic Forms.

### (iii) *Analyzing the Facts of Science II*

The guess we are going to substantiate in this section of the paper is that Russell did not abandon this program altogether. But it underwent substantial changes. In June 1913, Wittgenstein's critique of Russellian complexes dealt it a big blow. Wittgenstein's argument followed Frege's remark made in December 1912 in a discussion in Jena. Frege criticized Russell's, and—at that point in time—also Wittgenstein's move to identify complexes with facts, pointing out that a "complex is not like a fact. For I can, for example, say of a complex that it moves from one place to another, but not of a fact" (Wittgenstein 1974, p. 199). Frege also questioned Wittgenstein about whether if an object were a part of a fact about it, the fact would be larger than the object. Frege obviously held that whereas "a complex is a spatial object, composed of spatial objects" (p. 200),<sup>19</sup> a fact is not.

What especially struck Frege as mistaken was the idea that when people understood propositions, they grasped spatial complexes. Instead, he argues that in such cases, we understand *one* thing that is not spatial, namely the sense of the

<sup>18</sup>Russell repeats this position in "Philosophical Implications of the Mathematical Logic" (1911b, p. 294).

<sup>19</sup>We find an echo of this critical remark of Frege in Wittgenstein's "Notes on Logic": "the idea of a complex is taken from space" (Wittgenstein 1913, p. 93).

proposition that we grasp, which can be either true or false. It really differs from the spatial complex, which is segmented.

It seems that Russell finally understood and adopted Wittgenstein's argument when he edited Wittgenstein's "Notes on Logic" in October 1913. The implications of these theoretical changes are clearly discernible in his Lowell Lectures he wrote from September till November 1913, which he delivered in April 1914 in Harvard, and which were published later that year as *Our Knowledge of the External World*. In it, he stopped to speak of complexes and, instead, discussed facts.

This change in Russell's philosophy brought with itself the idea of philosophical logic that explored logical possibilities. The possibilities discovered by the philosophical logic are *philosophical-logical forms* of facts including the facts of science. They are not identical with the *symbolical logical forms*, for which language is of prime importance, but can be expressed with its help.

This was a program for advancing "logical alternatives" by looking for solution of any cognitive—including scientific—problems. Exactly in this key, Russell claims that whereas the old logic was normative, suggesting unique valid logical forms, modern logic is liberal and heuristic. It

has the effect of enlarging our abstract imagination, and providing an infinite number of possible hypotheses to be applied in the analysis of any complex fact. In this respect it is the exact opposite of the logic practiced by the classical tradition (1914b, p. 68).

The new logic assumes that there can be many possible solutions of the problems under analysis. Its task is not simply to criticize some of them but also to advance new possible theories. In other words, the task of the new logic is not to serve as a Procrustean paradigm, in the mold of which all available theories are to be rectified, but to provide a better orientation and new directions in them.

In contrast, the old logic was dogmatic inasmuch as it was believed that it dealt with the only one possible world. It was also seen as the only true logic, not as suggesting a variety of alternative logics. The new logic, in contrast, is interested mostly in finding out new "logical worlds", not in a recurrent investigation of a single, already discovered logical form.

Our claim is that when Russell spoke about "the old logic", and also about "the classical tradition" in logic, he also meant the mathematical logic of his time. To be sure, it alone, without the help of philosophical reflection, could not advance new *hypothesis* about *facts*: and that was what Russell considered as the object of the new philosophy that adopted scientific method.

Our suggestion is to read in this key Russell's instruction that contemporary

Physics, with its principle of relativity and its revolutionary investigation into the nature of matter, is feeling the need for that kind of novelty in fundamental hypotheses which scientific philosophy aims at facilitating (1914b, p. 246).

The task of the philosopher of physics is to process the data of science with his/her metaphysical expertise in order to suggest "fruitful hypotheses" in science.

That is why philosophy, by way of being philosophical logic, must be developed parallel to it. In this connection, Russell dreamed of

The creation of a school of men with scientific training and philosophical interest, unhampered by traditions of the past, and not misled by the literary methods of those who copy the ancients in all except their merits (ibid).

It can be argued here that for Russell, as a philosophical realist, the program for direct analysis of the data of science was far more appropriate than the project for investigating the propositional logical forms. It was appropriate to closely connect philosophy to science and not simply to cast philosophy in the mold of science. The real objective was to help science with truly philosophical explorations. Unfortunately, this project by Russell remained a “road less traveled”—both by Russell himself and by his interpreters.

To be more explicit, according to this short-lived and extremely truncated project of Russell, the philosophical logician advances *hypotheses* built up with the help of mathematical logic in regions of science which are still not susceptible to scientific exploration. Importantly enough, this idea was alive in Russell all the time. As late as in 1960, he defined philosophy as advancing conjectures in areas in which science still cannot go with its exact methods: “Philosophy consists of *speculations* about matters where exact knowledge is not yet possible” (p. 11; italics added).

(iv) *The Motivation of Russell's Program for Exploring the Logical Form of Facts*

Russell's new program for exploring the logical forms of facts can be better understood with reference to the dramatic change of his philosophy after he put *Principia Mathematica* in print. In short, this was a transition from looking for certainty in human knowledge that led Russell to the project of setting up a perfect, sound logic with the help of which human knowledge could be founded or justified, to search for creative uncertainty that advanced and critically examined alternative hypotheses. In the *Problems of Philosophy*, Russell openly declared that “the value of philosophy is, in fact, to be sought largely in its uncertainty” (1912, p. 242).

Arguably, this change was connected with Russell's new endeavor, which he made after March 1910, to connect philosophy with problems of *conditio humana*, with his belief that “the philosopher, by virtue of his more refined philosophical perspective, is able to detect errors that the ordinary citizen overlooks” (Schwerin 2019, p. 5). The new logic, in particular, must “assist *philosophers* in their attempts to clarify and more fundamentally grasp the issues endemic to the puzzles that bedevil ordinary citizens” (p. 15).

Russell's new approach in philosophy had two important implications. First of all, it brought him to maintain that there were *many languages* and also many worlds, whereas *Principia Mathematica* referred to only one world (van Heijenoort 1967). In his assumption, Russell was followed by Carnap again, but opposed by Frege and Wittgenstein from the *Tractatus*, who stuck to the dogma of one language (Milkov 2020a, p. 196). Secondly, it posed the epistemology at the

center of his interest (Milkov 2018) at the cost of analytic metaphysics. *The Problems of Philosophy* can be seen as a manifesto of this turn. The program for exploring the logical forms of the facts we outlined in (ii) and (iii) above in this section were developed in a rather rudimentary fashion.

## Epilogue

Some keen observers of the time saw this tendency in Russell's writings in a rather negative light. George Santayana, in particular, who closely followed Russell's work, observed: "The epistemological project that Russell's *Problems* epitomizes is diseased" (1922, p. 216). In another writing of his, Santayana exclaimed: "Mr. Russell's philosophy is a dire failure" (1913, pp. 93 f.). And further on:

Of all my friends, of all persons belonging at all to my world, Bertrand Russell was the most distinguished. He had birth, genius, learning, indefatigable zeal and energy, brilliant intelligence, and absolute honesty and courage. His love of justice was as keen as his sense of humor. He was at home in mathematics, in natural science, and in history. He knew well all the more important languages and was well informed about everything going on in the world of politics and literature. He ought to have been a leader, a man of universal reputation and influence. He was indeed recognized to be a distinguished man, having made his mark in mathematics and logic, and largely inspired the new philosophical sect of "logical realists". Yet on the whole, relatively to his capacities, he was a failure. He petered out (1944, p. 440).

Furthermore, Santayana commented that Russell's assignment was to renew Francis Bacon's project for an *instauratio magna* of all sciences. To be more explicit, his task was the study of the logical form of most obscure facts of the world, including the facts of science. Unfortunately, he was involved in abortive epistemological problems of science instead.<sup>20</sup>

This is a pity since, as we have already seen in the lines above, Russell also experimented with philosophical programs that were more closely connected with the real world, real science, and with facts. Unfortunately, they remained less than sketchily outlined. The task of this paper is also to make them explicit in the hope that they can start a new life.

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<sup>20</sup>The epistemological leaning of Russell's philosophical works on the facts of science is clearly seen in the compendium of his writings on the subject. They are, above all, epistemological discussions (Russell 1965).

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## **Philosophy of Law or Philosophy of Reason – The Idea of a Treaty Establishing a Constitution for the European Union**

*By Daniel Galily\**

*The main purpose of the study is to analyze the feasibility and necessity of an EU Constitution. Briefly, the history of the draft constitution is as follows: The draft treaty aims to codify the two main treaties of the European Union - the Treaty of Rome of 1957 and the Treaty of Maastricht of 1992, as amended by the Treaty of Amsterdam (1997) and the Treaty of Nice (2001). The debate on the future of Europe is believed to have begun with a speech by German Foreign Minister Joschka Fischer in Berlin in 2000. The process began after the Laeken Declaration, when the European Convention was set up, chaired by former French President Valerie Giscard d'Estaing, with the aim of drafting a constitution. The draft contract was published in July 2003. After lengthy discussions and debates over the proposal for qualified majority voting, the final text was approved in June 2004 and signed by representatives of the Member States on 29 October 2004. The failure of the treaty in France and the Netherlands is a serious blow to the European Union because these two countries are considered to be loyal supporters of the European project. The text of the treaty was subsequently rewritten by the Amato Group, officially the Active Committee on European Democracy (ACED), a group of high-ranking European politicians. During the German presidency of the Union, a new treaty was proposed - the Treaty of Lisbon - to replace the original draft of the Constitution. On 12 June 2008, the Lisbon Treaty was also rejected in a referendum in Ireland. But if we want to look beyond history, we can ask - Why does the EU need a Constitution and how can the Constitution be the roadmap to an advanced future for the EU? The answers to this question can be found by analyzing several directions (these are the main points of the article): historical reflexivity; socio-cultural analysis of the philosophical concepts of well-known political and social philosophers such as Immanuel Kant, John Locke; the modern constellation through the prism of Jürgen Habermas and the decision to make a text as a Constitution which its aim is to reach the starting point of an entire community like the EU.*

**Keywords:** *constitution, EU, philosophy, law, John Locke, Immanuel Kant, Jurgen Habermas*

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“Without man and his potential for moral progress, the whole of reality would be a mere wilderness, a thing in vain, and have no final purpose.”  
Immanuel Kant, *Perpetual Peace*

## **Introduction**

The article analyzes the feasibility and necessity of an EU Constitution. Briefly, the history of the draft constitution is as follows: The draft treaty aims to codify the two main treaties of the European Union - the Treaty of Rome of 1957 and the Treaty of Maastricht of 1992, as amended by the Treaty of Amsterdam (1997) and the Treaty of Nice (2001). The debate on the future of Europe is believed to have begun with a speech by German Foreign Minister Joschka Fischer in Berlin in 2000. The process began after the Laeken Declaration, when the European Convention was set up, chaired by former French President Valerie Giscard d’Estaing, with the aim of drafting a constitution. The draft contract was published in July 2003. After lengthy discussions and debates over the proposal for qualified majority voting, the final text was approved in June 2004 and signed by representatives of the Member States on 29 October 2004. The failure of the treaty in France and the Netherlands is a serious blow to the European Union because these two countries are considered to be loyal supporters of the European project. The text of the treaty was subsequently rewritten by the Amato Group, officially the Active Committee on European Democracy (ACED), a group of high-ranking European politicians. During the German presidency of the Union, a new treaty was proposed - the Treaty of Lisbon - to replace the original draft Constitution. On 12 June 2008, the Lisbon Treaty was also rejected in a referendum in Ireland. But let’s look beyond history. Why does the EU need a Constitution and how can the Constitution be the roadmap to a progressive future for the EU? The answers to this question can be found through analysis in several directions (these are the main points of the article): historical reflexivity; socio-cultural analysis of the philosophical concepts of philosophers such as Immanuel Kant, John Locke and Thomas Jefferson the modern constellation through the prism of Jürgen Habermas and the decision to make a text as a Constitution the starting point of an entire community like the EU.

## **John Locke**

In his book “Two treatises of Government” (see Locke 1823), John Locke introduced the concept of “political compact”, which he believed to be an agreement between the people, the monarch and the legislature, so that with the power given to them, rulers should take care for the protection of the legal and inalienable rights of citizens.

This power is not absolute and eternal, but only so far and so long as to achieve the given end (see Locke 1823). So, J. Locke laid out basic constitutional principles that were enthusiastically embraced by the workers of the American Revolution. Boris Manov, the Dean of the Political Science department in South-

West University of Bulgaria, wrote that “Locke is the first author in the history of European philosophical thinking, who specifically addresses the issue of the tolerance in human relations, and because the ideas he develops lie at the basis of all further theoretical interpretations and political documents related to the justification and practical implementation of the principles of tolerance in the life of society – between individuals and social groups, between different religious, political, cultural, ethnic and other organizations and institutions within countries and in relations between countries internationally, including to this day” (Manov 2010, p. 58).

### **Immanuel Kant**

Immanuel Kant published the article “Idea for a Universal History from a Cosmopolitan Point of View” –in November 1784. The article itself points to the nascent idea of forming a civil society that itself belongs to something larger - a community with values and identity. This issue appeared as an answer to a questions raised in the course of a conversation with “a scientist” (Teoharov and Koleva 2003, p. 3), during a Kantian journey. In the “Brief Notice” of the newspaper (Gothaische Gelehrte Zeitungen) in which Kant published this article of his in response, it was said: “The favorite idea of Mr. Prof. Kant is that the ultimate goal of the human race is the attainment of the most perfect polity, and he desires that a philosophical writer on matters of history should undertake to present to us in this respect a history of mankind, and to show us how far, in different ages, mankind has approached this ultimate goal, or distance themselves away from it, and what he will have to do to achieve it.” (Teoharov and Koleva 2003, p. 3).

In response to the note in the newspaper, as well as to the questions that arose during the conversation of Im. Kant with the “scientist”, Im. Kant presents his theses on the topic: “Idea for a Universal History from a Cosmopolitan Point of View”, in nine propositions.

In the desire to understand in what way Im. Kant tries to formulate his theses about the cosmopolitanism of history. How does he manage to present his ideas about the regular play of nature with history.

In the “Fifth thesis” Im. Kant writes: “The greatest problem for the human race, with the idea of solution that Nature drives man, is the achievement of a universal civic society which administers law among men. The highest purpose of Nature, which is the development of all the capacities which can be achieved by mankind, is attainable only in society, and specifically in the society with the greatest freedom. Such a society is one in which there is mutual opposition among the members, together with the most exact definition of freedom. Meaning, fixing its limits so that it may be consistent with the freedom of others. Nature demands that humankind should itself achieve this goal like all its other destined goals. Thus, a society in which freedom under external laws is associated in the highest degree with irresistible power, i.e., with a perfectly just civic constitution, is the highest problem Nature assigns to the human race; In Nature, need forces men, so

enamored otherwise of their boundless freedom, into this state of constraint. They are forced to it by the greatest of all needs, a need they themselves occasion in as much as their passions keep them from living long together in a wild freedom. Once in such a preservation of civic union, these same passions subsequently take humans to the best direction possible. It is just the same with trees in a forest: each need combines with the others. Since each tree in seeking to take the air and sunlight from the others must strive upward, each realizes the need to create a beautiful, straight stature. While those that live in isolated freedom put out branches at random and grow stunted, crooked, and twisted. In this context, Kant wrote: “All culture and art that adorn humanity, and the most beautiful social order, are fruits of unsociability, which is compelled by itself to discipline itself, and thus, by an art extorted from it, to develop completely the germs of nature” (see Kant 1784). These words of Kant could serve as prolegomena to a manifestation of man’s striving for universality, cosmopolitanism and globalism.

In the “Seventh”, “Eighth” and “Ninth thesis”, Kant wrote: “The problem of establishing a perfect civic constitution is dependent upon the problem of a lawful external relation among states and cannot be solved” (see Kant 1784). On the face of it, it is strange to wish to write a history in accordance with an Idea of how the course of the world must be if it leads to a certain rational ends. Nevertheless, if one may assume that Nature, even with the idea of human freedom, works not without a plan or a purpose, this Idea could still be of use. Why? Because even if we are too blind to see the secret mechanism that shows how the world works, this Idea may still serve as a guiding thread for presenting as a system, at least in the broad outlines, tries to show what otherwise a planless conglomeration of human actions would look like. For if one starts to examine Greek history, through which every older or contemporaneous history has been handed down or at least certified; if one follows the influence of Greek history on the construction and misconstruction of the Roman state which swallowed up the Greek, and the Roman influence on the barbarians who in turn destroyed it, and so on down to our times; if one adds episodes from the national histories of other peoples in so far as they are known from the history of the enlightened nations, one will discover a regular progressive process in the constitution of states on the European continent (which will probably give the laws, eventually, to all the others). Furthermore, it is important that one should examine the civic constitutions and their laws regarding the relations among the European states through the good purpose they served over long periods of time to elevate and adorn nations and their arts and sciences, while also examining the consequences of destroying them.

According to Kant, if only a germ of enlightenment were to remain for its further development, a guiding thread would be revealed. It can serve both to elucidate the confused play of human needs, and to the art of prophesying later political changes (a use already made in history even when viewed as the detached effect of lawless freedom). In addition it can also serve as a comforting glimpse of the future (which could not reasonably be hoped for without the premise of a natural plan) in which it will be shown how the human race finally achieves the state where all the seeds planted in it by nature can fully develop and where its destiny can be fulfilled. The race is here on earth.

In this regards, Kant wrote: “They will naturally value the history of earlier times, from which the documents may long since have disappeared, only from the point of view of what interests them, i.e., in answer to the question of what the various nations and governments have contributed to the goal of world citizenship, and what they have done to damage it. To consider this, so as to direct the ambitions of sovereigns and their agents to the only means by which their fame can be spread to later ages: this can be a minor motive for attempting such a philosophical history.” (see Kant 1784).

On the face of it, it does seem like a very complicated idea. Among other things because it is based on the scientific experience that existed in Kant’s time. Kant writes how the course of a historical world process will look, which will be subject and guided by nature, but at the same time subject to a priori probability that is implied by itself during its development. However, Kant believes that there is no doubt that man’s part in this world-historical process is: “to imply a cosmopolitan universality and to remind us of what “nations and governments” have conquered and achieved from a “world-civil point of view” (Im. Kant’s expression).

Im. Kant introduced another key concept that is relevant to this very day – “rule of law”, which means free access of all members of society to government, and limited power of the state to prevent its arbitrariness. Only after the establishment of this principle can one move to liberal democracy. Kant made these conclusions after examining the constitutions in the USA and France at the end of the eighteenth century.

Tatyana Petkova, a professor in the Political Science department in South-West University of Bulgaria, writes: “How to live with the Other without any problems or contradictions? How does someone accept the Other – its religion, customs, culture without problems, and conflicts? Of course, the most tolerant is living on either side of a clearly marked line. On its core, the idea of tolerance in both John Locke and Immanuel Kant is to be able to accept the Other as who he is. This process works for the idea of a globalizing world and all the challenges that arise from this process that lead to the demolition of many of the boundaries typical of traditional societies, but also lead to the destruction of borders to the dangers of compelling modern human, placing him in a situation, living in a society labeled with a global risk. It is fair to assume that the idea that people living in a European community (and/or the greater part of the world), today after two world wars and a gradual global liberal democracy, are reasonable enough to exit by any human logic. Today we are constantly talking about pluralistic social spaces, civil society and modern democracies. However, we often forget that in 1933 Adolf Hitler came to power, precisely through democratic elections. Today, we see factors, ideological waves and political factions, pushing for sharp manifestations of antisemitism, xenophobia, chauvinism, racism, sociopathism, etc. Tolerance – it is today one of the most problematic themes.” (Petkova 2019, pp. 23–24).

## **Jürgen Habermas**

Is the “European idea of unity” put to the test today? The war in Ukraine, the ongoing economic crisis - the unstable economies in the EU, the indifference of civil society and the often populist reactive political elites allow the failure of the European project to appear today as a real looming threat.

Habermas, in the spirit of the classical philosophical tradition, makes sense of the present by defending Europe from the rising wave of skepticism, opposing it with a new narrative about the history and future of the European Union. As well as for the horizons before all humanity.

Habermas proposes an approach/method for the transnationalization of democracy. He presents the process of European unification as an interaction of legalizing and civilizing state power.

Moreover, Habermas appeals to politicians to replace the type of “European project” distant from each of its citizens, which is currently managed by elites and behind “closed doors”, with the informal mode of a noisy argumentative battle of opinions in the general public.

As an alternative to this, Habermas proposes (RE) a constitution for Europe. An important element in this context of rights and duties in the spirit of a constitution is the concept of human dignity, as well as federal democracy and international law, which would be a way out of the crisis of political mentality.

The concept of “human dignity” and the realist utopia of human rights (considering all the conventions and declarations on this subject) can lead to the idea that this idea of human dignity is further strained. A topic that, for example, explodes thinking about “human dignity” is the topic of the “Holocaust” (Habermas 2011, p. 20), in this case, we have a complete disregard for human rights and human dignity. Habermas writes “It is only through this internal dependence between human dignity and human rights that explosive connection of morality with law arises, with the mediation of which the constitution of a just political order... guaranteeing legal freedoms can be undertaken” (Habermas 2011, pp. 52–53).

Habermas asks a rhetorical question “Why is Europe today more than ever a constitutional project?” (Habermas’s text is from 2011, but it is highly relevant today). His answer is: “Transnationalization of popular sovereignty is possible in the form of a democratic union of nation-states. On the one hand, nation-states are subject to supranational authority, on the other hand, a community of citizens of the Union shares constitutionally the constituent power with a limited number of ‘constitutional constituent’ states who have been mandated by their peoples to assist in the founding of a supra-national community. If we look at the development of the European Union from these two points of view, the path to a politically capable and democratically legitimate Europe (at the core) is by no means blocked. Precisely because the longest stretch of this road has already been crossed with the Treaty of Lisbon. The civilizing role of European unification acquires validity just now, in the light of a cosmopolitanism of a much larger scope.” (Habermas 2011, pp. 66–67).

The question arises: What path of further consolidation will the EU choose in view of its current status as a politico-economic union of states – a transnational community of democracies or a federal democracy?

The answer to such a question by Habermas is multi-layered, considering that the EU is a community of nation-states that bear their own sovereignty, and they would hardly lose it.

Europe as a continent is the birthplace of the nation-state, in most cases each of these states has its own national language. The expectation that such a sense of national belonging will evaporate against the background of global processes is exaggerated and unjustified. That is why we talk about elements of the local in the global glocalization, for example, languages.

The possibility, under the influence of the free market and the economic cooperation in the EU, the transnational economic and political parameters between the countries, to create a feeling of cosmopolitanism on a mental level in the people living in the European community is great.

However, the extent to which the EU is ready to transform itself from an international organization into a federation is a question with a complex answer.

The bet that was placed in the creation of the European Coal and Steel Community was this - that one day the peoples of Europe would be united in one state, but the path for many of the countries in Europe and in the EU to such a federated existence will be difficult, most - already in terms of purely economic indicators - the gap between the economies of “Western Europe” and the economies of the former socialist countries in the east is still very large.

The idea of an EU Constitution is the first and decisive step toward a federation. Unfortunately, the draft Constitution did not materialize, but it is important that the first attempts for its existence were made - the general constitution for a federation is the most important legal moment that legitimizes its existence

“The European Union will be able to stabilize itself in the long term if it takes the steps imposed by the compulsion of economic imperatives in the direction of coordinating the relevant policies not in the usual governor-bureaucratic style, but on the path of sufficiently democratic legalization. But as we take our next constitutional-political steps, we will be stuck in the mud if we continue to navigate the conceptual spectrum between confederation and federal state, or if we are content to deny that alternative in some vague way. Before we can recognize what European decisions currently lack in terms of legitimacy, we must appreciate the democratic quality of the form that the European Union has already adopted with the Treaty of Lisbon” (Habermas 2011, p. 78).

Habermas has in mind that the Treaty of Lisbon originates from a constitutional project from the end of 2001 (Declaration of the European Council on the future of the European Union, or Laeken Declaration) (see Laeken Declaration 2007), on which progress was made in 2002 and 2003 d. within the framework of the European Convention, which drew up the Treaty establishing a Constitution for Europe (see *The European Constitution* 2005).

The process leading to the Treaty of Lisbon was the result of negative results in two referendums on the Constitutional Treaty in May and June 2005, in response to which the European Council decided on a two-year “reflection period”.

Finally, on the basis of the Berlin Declaration of March 2007, the European Council held on 21-23 June 2007 adopted a detailed mandate for a follow-up intergovernmental conference during the Portuguese Presidency. The Intergovernmental Conference concluded its work in October 2007. The Treaty was signed during the Lisbon European Council on December 13, 2007, and ratified by all member states. The Treaty establishing the European Community has been renamed the “Treaty on the Functioning of the European Union” (see TFEU 1957), and the term “Community” throughout the text has been replaced by the term “Union”.

The Union takes the place of the Community and is its successor. The Treaty of Lisbon does not establish symbols of the Union that are specific to a country, for example, a flag or an anthem. Although the new text can therefore no longer be called a Constitutional Treaty, it retains most of its essential achievements.

The Treaty of Lisbon does not provide for the transfer of additional exclusive powers to the Union.

However, it changes the way the Union exercises its existing powers and some new (shared) powers, increasing citizens’ participation and protection, creating a new institutional order and changing decision-making processes to achieve more efficiency and transparency. This ensures a higher level of parliamentary control and democratic accountability. Unlike the Constitutional Treaty, the Lisbon Treaty does not contain an article that formally declares the supremacy of Union law over national legislation (see Treaty of Lisbon).

### **Discussion: Why Does the EU Present a Constitutional Project Today More than Ever?**

Today, in the EU, under the influence of all possible crises, the question “Why should we stick to the European Union at all” is often felt. This question could be answered in many ways depending on the perspective of the crisis situation. Habermas tries to give the following answer, from the point of view of a constitutionalization of international law. “Immanuel Kant goes far beyond the status quo and predicts a future cosmopolitan legal state. The European Union allows itself to be understood as a decisive step on the way to the political constitution of world society. It is true that on the torturous road to the Treaty of Lisbon, Europe-friendly ideas were ground down precisely by disputes over such constitutional-political issues, but leaving aside the constitutional-legal implications of the now-planned European economic government’, this perspective is advisable on the basis of two other reasons. On the one hand, the current debate about the immediate outcomes of the current situation of banking, currency and debt crisis has narrowed and thereby lost sight of the political dimension of the debates; on the other hand, wrong political concepts obstruct the view of the civilizing power of the democratic legalization - and with that to the promise, which from the very



beginning was connected with the European draft constitution.” (Habermas 2011, pp. 55–56).

## Conclusion

The subject of this article is “Philosophy of Law or Philosophy of Reason - The idea of a Treaty establishing a Constitution for the European Union”. The subject tries to point to the conclusion that it is difficult in the European Union and in Europe in general to continue the thinking trend of fragmentation.

According to the philosophical theories presented in the article, the attempts to split/separate/split societies are a sign of historical immaturity. One point of view today, from this point of view, to claim that there are no “European examples” in Europe, that did not create a single European society, is characteristic of 19th century thinking. Multiculturalism is a fact and those who oppose globalization or those who think that this process will stop are simply wrong. In the processes of multiculturalism, society is covered from the inside, through mixed families/marriages between members of different ethnicities, different cultures, religions. Against this background, words like “nation” and “people” sound too local. Precisely because the idea of a single European community, in the spirit of universal human aspirations for a dignified co-existence, through the current European Union, has shown that there is no need for people in society to be genetically linked, their aspiration for universal human values.

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