

# Plato's Socrates and the Law Code of Athens

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## Summary

The paper claims that Socrates' disavowal of wisdom in the *Apology* is not to be taken too seriously since it belongs to the rhetorical strategy of the sovereign philosopher who speaks in front of the crowd. In the political arena, the philosopher admits his obligation to become a philosopher-king, but only under a condition: only if his fellow-citizens would freely recognize his legitimacy to rule. As a potential ruler, he has to take into consideration the existing law code which is to be respected if his intended political reform should take place and succeed. The paper stresses that despite Plato's condemnation of the democratic way of life current in Athens, he never criticizes Athenian law code as such; Solonian legal reform forms a starting point for his own political project. As a brief glance at the proposed law code of Magnesia in Plato's *Laws* makes clear, the Platonic philosopher is full of respect to the Athenian legislative tradition.

## Introduction

For the modern age, the Socrates of Plato's *Apology* is the personification of a central political idea – the idea of the autonomy of the individual who questions the legitimacy of the government or even supports revolutionary ideas.<sup>1</sup> Although this picture of Socrates has faded somewhat in more recent times, probably also in connection with growing skepticism about the possibility that the *Apology* could be a source of knowledge about the historical Socrates,<sup>2</sup> the interpretation itself has notable successors. Its vari-

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1 Voltaire, *Socrate in: Oeuvres complètes de Voltaire*, ed. A. Wedding, Paris 1835, pp. 710, 714: „Dans ma maison, dans Athènes, dans les cachots, je suis également libre.“ (II. act, 10. scene) „... j'ai obéi à la loi, tout injuste qu'elle est, parce qu'elle n'opprime que moi. Si cette injustice eût été commise envers un autre, j'aurais combattu.“ (III. act, 4. scene). G. W. F. Hegel, *Vorlesungen über die Philosophie der Geschichte*, ed. G. Irritz, Leipzig 1971, II,2,3 (p. 329): „Sokrates ... hat das Subjekt als entscheidend gegen Vaterland und Sitte gesetzt ... Das Prinzip des Sokrates erweist sich als revolutionär gegen den athenischen Staat.“

2 On the question of the historicity of the *Apology* in general, see T. Meyer, *Platons Apologie*, Stuttgart 1962, p. 5 (see also p. 175); E. de Strycker – S. R. Slings, *Plato's Apology of Socrates*, Lei-

ant is the understanding of the Socrates of the *Apology* as someone who articulates the conditions of civil disobedience<sup>3</sup> or represents a fundamental conflict between politics and the philosophical mission.<sup>4</sup> But to this line of interpretation we can also assign those contemporary positions, considered standard today, which see in Socrates “a portrait of unwavering devotion to the value of the philosophical life”.<sup>5</sup> The use of the phrase “philosophical life”, which does not appear in the *Apology* or any other passage in Plato,<sup>6</sup> suggest that in the background is the “Aristotelian” notion of choice between various *bioi*, ways of life, especially the tension between the political and the philosophical life, with the obvious preference for the latter.<sup>7</sup> Even this last interpretation is thus in fact a late (and, of course, considerably moderated) variation on the idea of “Socrates as an autonomous individual”, whose “politics” consists primarily in opposition to, or at least in detachment from, the existing political regime.

In this article, I would like to correct this interpretive tradition and to show that the *Apology* actually presents an image of the true philosopher as a political agent who does not reject the existing regime and its laws, but on the contrary confirms their legitimacy to a large extent, insofar their validity is a prerequisite for developing his potential political action. The basic political contradiction that Plato presents in the *Apology* is not the opposition between politics and philosophy (these, on the contrary, form a unity) but that between the rule of many and the rule of law; the law here also means (though not exclusively) the positive Athenian law. Socrates acts on the side

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den – New York – Köln 1994, pp. 1–8; D. Morrison, *On the Alleged Historical Reliability of Plato's Apology*, in: R. Kamtekar (ed.), *Plato's Euthyphro, Apology, and Crito. Critical Essays*, Lanham (Md) 2005, pp. 97–126.

- 3 E. Barker, *Greek Political Theory*, London 1957, p. 112; G. Young, *Socrates and Obedience*, in: *Phronesis*, 19, 1974, p. 1; R. J. McLaughlin, *Socrates on Political Disobedience*, in: *Phronesis*, 21, 1976, p. 185; R. Kraut, *Plato's Apology and Crito: Two Recent Studies*, in: *Ethics*, 91, 1981, p. 651.
- 4 H. Arendt, *Philosophy and Politics*, in: *Social Research*, 71, 2003, pp. 427–454.
- 5 T. C. Brickhouse – N. D. Smith, *Plato and The Trial of Socrates*, New York – London 2004, p. 70; almost identical wording: P. A. Miller, *Plato's Apology of Socrates. A Commentary*, Norman (Okla.) 2010, p. 7; similarly also: V. V. Haraldsen, *Introduction*, in: V. Haraldsen – O. Pettersson – O. E. W. Tvedt (vyd.), *Readings of Plato's Apology of Socrates: Defending the Philosophical Life*, Lanham – Boulder – New York – London 2018, p. 3.
- 6 The passages of the *Apology* that speak of βίος in a sense other than purely biological, that is, of a certain content of life (33a1, 37d4, 38a5, 39c7, 40d7, 41a5), do not relate to philosophy, but always, on the contrary, to the practical-ethical formation of life. This is also true of passage 38a5, which is often evoked in connection with “the philosophical life”, but in fact speaks of *elenchus* which, in addition to *logoi* about virtue that represent the theoretical aspect of life, corresponds to the practical side of Socrates' activity.
- 7 The opposition to „political life“ is stated explicitly: T. C. Brickhouse – N. D. Smith, *Plato and The Trial of Socrates*, p. 129; cf. pp. 140–144; P. A. Miller, *Plato's Apology of Socrates. A Commentary*, pp. 174 f. Cf. V. V. Haraldsen, *Introduction*, pp. 2–3; and K. Ågotnes, *Plato's Socrates in the Apology. Speaking in Two Voices*, p. 71 in the same volume.

of the law and in opposition to the multitude (which, as we shall see, does not constitute a complete contrast to the rule of the people); this opposition also corresponds to his situation in court.

In this paper, I will thus concentrate on Plato's Socrates as a *type* of the sovereign thinker, who hides behind the events of Socrates' life presented during his judicial defense. The starting point of the first part will be the assumption that the main issue of the *Apology* is not "Who has committed something?" but rather "Who is the accused person?" and the main attention will be given not to the prospects of the defense,<sup>8</sup> but to the figure of the sage and his relationship to the city and its citizens, represented by the prosecutors and jurors.<sup>9</sup> I will exclude not only the question of Socrates' historicity,<sup>10</sup> but also the whole suggestive dramaturgy of the judicial defense and focus only on the basic constellation of persons or parties to the litigation. This will result in the understanding of the basic constellation of relevant political players in the city: the philosophical expert, his supporters, his opponents, the people and God.

In the second part I will focus on Socrates' (intentionally obscured)<sup>11</sup> wisdom and show that the true intention behind the narrative scenes is to

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- 8 One may ask whether we have to do with a defence at all. The notorious ineffectiveness of Socrates' judicial rhetoric led to the interpretation that Socrates' speech is intentionally designed to fail. It was Xenophon who, in his *Apology*, came up with the thesis that the hidden goal of Socrates' speech was to be condemned (Xenophon, *Apol.* 1,5 ff.); an influential treatment of this motif was presented by Nietzsche, according to which Socrates committed judicial suicide (F. Nietzsche, *Menschliches, Allzumenschliches*, Chemnitz 1879, II,1,94). A somewhat different direction is taken by another traditional interpretation, the origin of which lies with the rector Maximus of Tyre (2nd century A. D.) and his question whether Socrates acted correctly when he did not defend himself (Maximus of Tyre, *Diss.* XXXIX, ed. J. Davisius, Cambridge 1703, pp. 405–414.). Socrates' behavior in court not only isn't determined by the desire to be acquitted, but ultimately relativizes the entire trial and brings other, more fundamental issues to the fore. From this perspective, the fact that the plot takes place in court should be considered secondary, as a mere framework comparable with the external context of other Socrates' debates held e.g. in the gymnasium, in a private house, on the street or on a path outside the city walls.
- 9 In this sense, Plato's *Apology* depends, more than on the historical event of Socrates' trial, upon works of the traditional Greek genre depicting the fate of a righteous poet before the court of an unjust city, the aim of which was primarily to present a celebratory image of an author representing God. See T. Compton, *The Trial of the Satirist: Poetic Vitae (Aesop, Archilochus, Homer) as Background for Plato's Apology*, in: *The American Journal of Philology*, 111, 1990, pp. 330–347.
- 10 Including those interpretations according to which Plato imprints at least some historical features on that work, whether in an effort to positively shape Socrates' image (Ch. H. Kahn, *Plato and the Socratic Dialogue*, Cambridge 1996, pp. 52–53), or to gain a leading role in the interpretation of Socrates' heritage (D. Leibowitz, *The Ironic Apology of Socrates. Plato's Apology*, Cambridge 2010, p. 7; G. Danzig, *Apologizing for Socrates: Plato and Xenophon on Socrates' Behavior in Court*, in: *Transactions of the American Philological Association*, 133, 2003, pp. 281–321).
- 11 To this, see S. J. Senn, *Ignorance or Irony in Plato's Socrates: A Look Beyond Avowals and Disavowals of Knowledge*, in: *International Plato Journal*, 3, 2013, pp. 77–108; see already R. Musil,

present, by a series of substantial hints, the standard type of a sovereign thinker, which remains basically stable in Plato's dialogues.<sup>12</sup> If we speak of the *philosophical type*, however, it should be added that it is not an *ideal type* that only approximates reality, in Max Weber's sense, but rather a *paradeigma* by which reality is directly represented and which might remind us of the figure of the philosopher-king known from the *Republic*.

The *Apology* examines the relationship of a potential philosophical king to the rule of law and the rule of many against the background of the validity of a specific code, namely the Athenian. In the third part I will show that Socrates does not reject, but rather presupposes the laws of Athens. With the parallel glimpse at the project of Magnesia in Plato's *Laws*, one can understand that the thinker, who aspires to the leading role in politics, naturally accepts the major part of the law-code of his own city, and that his legislation project consists rather in reviewing some of its particular problematic parts.

### Parties to the litigation

The focus of Socrates' speech on depicting the philosopher's relationship with the city is evident from its introductory sentences, which describe a complex constellation of divisions among a variety of agents. Already in the first sentence of the defense, Socrates sets himself against the jurors (ἐγὼ – ὑμεῖς, ὃ ἄνδρες Ἀθηναῖοι), in such a way that "I" and "you" get into opposition by the action of a third type of agent, namely the plaintiffs ("they"; αὐτῶν, 17a1). These are not, at least initially, perceived as a separate party to the dispute, but rather as an external circumstance that doesn't deserve serious concern (17b, 35d); the direct confrontation of Socrates with the plaintiff party occurs only during the interrogation of Meletus (24c ff), who, however, cannot even formulate a consistent position. The actual drama thus unfolds between "I" and "you", but always with exposure of both parties to God,<sup>13</sup> who is involved by Socrates as, as it were, the fourth actor in the trial. In court, then, it is about who this Socrates is and who the jurors, as the representatives of the Athenians, consider him to be. Based on their assessment, reflected in a court decision at the end of the trial, their initially united "you"

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Aus einem Rapial und anderen Aphorismen: Tagebücher, Aphorismen, Essays und Reden, Hamburg 1958, p. 553: „Sokratisch ist: sich unwissend stellen. Modern: unwissend sein.“

12 This will also help neutralize the widespread view of the *Apology's* allegedly exceptional position vis-à-vis Platonic dialogues. See e.g. Ch. H. Kahn, *Plato and the Socratic Dialogue*, p. 97.

13 We are either witnessing a direct conflict, where the "I" seeks from God a shield against "you" (29d, 31c, 31e; cf. 32b–c), or the confrontation of both "I" and "you" with God's command (35c), or the complicated constellation of current agreement and difference, where the fate of "I" is decided jointly by God and "you", but the resulting decision has an impact on both "I" and "you" (35d).

splits – again in confrontation with Socrates' "I" and under divine sanction (38c) – into two opposing groups: those who wanted to acquit Socrates and to whom the title of "real jurors" belongs, and the remaining ones who do not even deserve the title of "juror".<sup>14</sup>

However, not only are the jurors divided, but also the other agents in the dialogue. This is explicitly the case for the plaintiffs (18b ff.), among whom Socrates distinguishes the "earlier" ones, who influenced the general public opinion in Athens and who also initiated Meletus' lawsuit (see 19b1), from the "current" ones, led by Meletus himself (24b ff.). The former are more dangerous than the latter (who, as mentioned, seem rather ridiculous), due to the length of their activity, their number and, in particular, their anonymity. That is why they must be represented in court, paradoxically by Socrates himself, who is to deliver, or literally – and certainly not without a comic touch – to read<sup>15</sup> their accusation as if they were real plaintiffs on the court: "Socrates is guilty and commits crimes investigating the things beneath the earth and in the heavens and making the weaker argument stronger, and teaching others these same things" (19b4–c1).<sup>16</sup> It is difficult for Socrates to defend himself against this assignment to "wise men," (18b) not because of the force of the indictment or because he would not be able to,<sup>17</sup> but rather because the plaintiffs are not present. They cannot be brought here (i.e. to court) and must be refuted *in absentia*, "as shadows", in a situation where no one answers (μηδενός ἀποκρινομένου, 18d7). In the background, there is certainly the critique of writing known from the *Phaedrus* (274b–278b): a written indictment without the "help" of a living plaintiff is not sufficient even to articulate the accusation, nor does it allow a valid defense.

The most interesting division, however, usually escapes the attention of interpreters; it is the subdivision of the figure of Socrates himself. The split of the title character is prepared by the remark in the very introduction that Socrates' "I" (ἐγώ) has almost forgotten "myself" (ἐμαυτοῦ, 17a2–3). A little later, Socrates asks the jurors for benevolence toward his unprepared and linguistically imperfect speech.<sup>18</sup> Because he is facing the court for the first time in his life and is unfamiliar with the manner of speech here, they should

14 At the very end of the *Apology*, this double "you" is reunited as opposed to the "I" that goes to death, while the "you" goes to life, and it is again God who guarantees this difference (42a).

15 It is a *graphḗ*, a pre-written indictment. It should be noted that the verb ἀναγιγνώσκω in the sense of reading is used in classical drama exclusively in comedy, never in tragedy. See H. G. Lidell – R. Scott et al., *A Greek-English Lexicon*, Oxford 1996, s. v. V., II.

16 Σωκράτης ἀδικεῖ καὶ περιεργάζεται ζητῶν τὰ τε ὑπὸ γῆς καὶ οὐράνια καὶ τὸν ἥττω λόγον κρείττωποιῶν καὶ ἄλλους ταῦτα ταῦτα διδάσκων.

17 Cf. "It's not hidden from me at all what its [i.e. the defense] nature is" (19a5).

18 εἰκῆ λεγόμενα τοῖς ἐπιτυχοῦσιν ὀνόμασιν (17c3). For an interpretation of this phrase, which includes both the weakness of the argument (εἰκῆ) and the imperfection of the lan-

treat him as if he were a foreigner in Athens, and instead of the manner of his speech pay attention merely to what he says (17d f). In addition to the current spokesman – Socrates, who is a foreigner here (i.e. in court) but is at home in Athens<sup>19</sup> – another Socrates thus comes into play, who is a foreigner in Athens and is brought up in language and manner elsewhere, literally “there” (ἐκεῖνη, 17d5). The reference to the place from which this other Socrates comes, which would be superfluous if the only point of reference for his speech (λέξις) were the current “here” (ἐνθάδε),<sup>20</sup> suggests a possible transgression of the present situation.

Socrates’ plea for benevolence presupposes that being a foreigner in Athens is a disadvantage for the accused; nevertheless, the “manner of speech there” seems, on the contrary, to bring advantages in rebutting the accusation. If we consider two different modes of speech, “here” and “there”, and two Socrates’ defenses in the *Apology*, first the one against the fictitious (19a–20c) and then the other against the current plaintiffs (24b–28a), we see that the text indicates a chiasmic relationship between two groups of plaintiffs and two Socrateses: the Athenian Socrates – the foreigner in court – fights against fictitious prosecutors, while Socrates – the foreigner in Athens – opposes real prosecutors led by Meletus. In the first case, Socrates is indeed somewhat clumsy, as is consistent with his earlier request for benevolence. His only argument will be the testimony of those present about himself, to which everyone can testify, that he did not deal with the doctrines with which he is associated by a fictitious indictment (19d). Socrates’ colloquial language also corresponds to this clumsiness, as well as the frequent emphasis that Socrates, unlike his opponents, is telling the truth<sup>21</sup> – all of which is supposed to correspond to the usual conduct of the defendant in the Athenian court.

In refuting the second, current accusation, Socrates acts incomparably more confidently and expertly. Colloquial language, *ad hominem* arguments and unfounded declarations of truth have disappeared, and the defendant sovereignly cuts his accuser Meletus down to size with a series of philosophical arguments, or – literally, with a piece of sufficient evidence (see *ικανὸν τεκμήριον*, 24d8–9; *ικανά*, 28a4). Despite being “from elsewhere”, this way of speaking brings about a significant, albeit temporary, success in the defense, in which we recognize the signature of the sovereign philosopher leading the debate.

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guage used (λεγόμενα τοῖς ἐπιτυχούσιν ὀνόμασιν), see already T. D. Seymour, *Notes on Plato’s Apology*, 17b, 20b, in: *The Classical Review*, 15, 1901, pp. 27–28.

19 The same statement, together with the mention of Socrates’ age of 70, is made by the Athenian Laws in the *Crito* (52e).

20 Then it would be enough to say “in a foreign language and manner”.

21 Plato, *Apol.* 17a4, b5, 7, 8, 18a6, b2, 6, 19e1.

But what is the exact relation of this sovereign thinker to Socrates the Athenian? Let us look again at the three alleged accusations that the Athenian is defending himself against. It seems that the second and third, namely the Sophistic “making the weaker reasons stronger and teaching others these same things” (19b–c), might be seen as sufficiently refuted by Socrates’ characteristic self-opposition to other sophists who teach these things for money, while Socrates remains poor (23c1; cf. 36d5). A much more ambiguous situation occurs in the case of the first accusation, “investigating the things beneath the earth and in the heavens” (ζητῶν τὰ τε ὑπὸ γῆς καὶ οὐράνια, 19b5), i.e. in the case of the question of eschatology<sup>22</sup> and natural science. Not only is this accusation not refuted in any way by the narrative about the Oracle in Delphi; but Socrates in other dialogues really deals with these fields of research, also in the dramaturgically closely related *Phaedo*. Does this other figure correspond to Socrates the foreigner? Some interpreters have inferred that the *Apology* and the *Phaedo* consciously represent two different images of Socrates, one historical and the other Platonic.<sup>23</sup> Such an interpretation, which attributes to Plato the motives of the modern historian of philosophy, is hermeneutically difficult to defend. It is therefore better to stick to the text, namely to what Socrates the Athenian says at court. He calls those present, i.e. the jurors, as witnesses against the absent plaintiffs, and encourages them to share their abundant experiences with his conversations and confront these experiences with the accusation, confident that none of the jurors has ever heard him talk about “such things” (19d5) of which the indictment talks. Now this can be said by someone who has never really said anything about these things, as well as someone who has never said anything *publicly* about them, and at the same time made sure that those who have heard him *privately* will keep silent about it – in other words, someone who can distinguish between the *exoteric* and *esoteric* aspects of the doctrine and is also able to apply this distinction in practice.

It is precisely this double context that corresponds to the difference between the two Socrateses, who then clearly do not stand in any contradiction, or even in tension, but represent only different ways in which the same figure is perceived by different viewers. To one who knows both contexts, the two Socrateses merge in such a way that the Foreigner includes his Athenian namesake as his mask, i.e. rhetorical instrument. However, for those who know only the external context, the Foreigner must remain hidden be-

22 I take it – on the background of the *Phaedrus* (249a6–7: εἰς τὰ ὑπὸ γῆς δικαιοτήρια ἐλθοῦσαι δίκην ἐκτινοῦσιν) – that the phrase τὰ ὑπὸ γῆς – refers to Hades and thus to the destiny of souls after death. Cf. Hesiod, *Op.* 153–155.

23 A. Patzer, *Platons Apologie als philosophisches Meisterwerk*, in: *id.*, *Studia Socratica. Zwölf Abhandlungen über den historischen Sokrates*, Tübingen 2012, p. 120.



hind the familiar Socrates the Athenian, whose “weapons” of exploration and conversation are mitigated and diminished by awovals of ignorance and Athenian courtesy.

It is from this difference between the real Socrates and Socrates “for the people” that Socrates’ crucial distinction between “himself” and his “name” (20d, 23a–b and 34e), i.e. his reputation among the Athenians, is based; at least once Plato situates both against each other (23a).<sup>24</sup> We will deal with this passage in the next section.

On the basis of these clarifications, the structure of the whole defence can be summed up as shown in the table on the next page.

If we look at this complex configuration of actors and characters, it strongly reminds us of ancient Greek drama, to which Plato’s writing is close in genre, and its strong tendency to various forms of mirroring and duplication of identities. The *Apology* in this sense fully corresponds to Plato’s general conception of a literary work which is created only in play (*Phaedr.* 276d). It would therefore be foolish to look in this composed work for a reflection of real events in court or a picture of the historical Socrates (we have to do with at least two Socrateses!). Nevertheless, it would be also a mistake to assume that the consequence of this understanding of a literary work would be the ambiguity of the message. Ambiguity is something undesirable for Plato in his written work, as the critique of Meletus shows in our text (*Apol.* 27a).<sup>25</sup>

So what does the constellation which we have brought to light tell us? First of all, it shows us the central position and at the same time the complexity of the character of Socrates. His two identities are not in conflict or tension with each other; Plato passes freely between them and it is clear that their difference is merely a matter of literary stylization. Socrates’ approach to the plaintiffs can be described as completely sovereign. The actual plaintiffs represented by Meletus are only an opportunity for him to demonstrate his absolute superiority; the fictitious plaintiffs are entirely his construction, and the claim of their alleged dangerousness only reveals the picture of Socrates as an exceptional figure in the narrative of the Oracle and finally also the systematically central distinction between the exoteric and esoteric

24 If we accept at 238a the conjecture of τοῦτ’ οὐ λέγειν τὸν Σωκράτη (see below, end of note 32) – the opposition would then be: προσκεχρησθαι δὲ τῷ ἐμῷ ὀνόματι.

25 A systematic support for the rejection of ambiguous speech can be found in the philosopher’s debate with the poet in the *Laws* (IV,719c–e; VII,817b–c), in which the former rejects the latter’s right to speak ambiguously and to remain in contradiction to himself. For a general rejection of the opinion that Plato leaves some key questions intentionally ambiguous, see T. A. Szlezák, *Reading Plato*, London – New York 1999, ch. 9–10. Plato’s playfulness in his texts, which sometimes allows to develop seemingly contradictory ideas, is therefore always moderate and must be distinguished from the works of modern literature such as Shakespeare’s *Hamlet*, in which the ambiguity of the hero’s situation can be seen as its own message.



<i>Plaintiffs</i>	<i>Main point of indictment</i>	<i>Injured</i>	<i>Defender</i>	<i>Witness</i>	<i>Author of the objection</i>	<i>Objection</i>	<i>Second witness</i>	<i>Convinced by the indictment</i>
Fictional	Socrates is a wise man (18b)	The city	Socrates—Athenian	Jurors (19d)	Someone of the Jurors (20c4)	"So what are you actually doing?"	God (20e ff)	True Jurors*
Real	Socrates spoils the youth and does not believe in city's gods (26c)	The city and the gods the city believes in	Socrates—Foreigner	Meletus (24d, 27c..)	Someone (28b3)	"Are you not ashamed of being put to death as a result?"	Semigods (28b)	False Jurors

\* It seems that Socrates was not condemned in the matter of the corruption of the youth, and thus the damage to the city, precisely by those who were convinced of his "guilt" in the other matter, i.e. that he was a wise man. For seeing the apparent corruption of young people as a manifestation of a certain higher "education" presupposes that behind it one sees wisdom and philosophical knowledge. Those who could not be persuaded by the fictitious indictment composed by Socrates himself see in him a sage whose attitudes and activities are most beneficial to the city.

form of teaching. Socrates even calls the plaintiffs as witnesses to his defense, which can undoubtedly be considered a summit of Platonic stylisation of Socrates' process.

However, unlike the plaintiffs, Socrates' sovereignty does not apply to the jurors. Despite his rhetoric and argumentative superiority, the outcome of the trial is not in Socrates' hands – and while he easily controlled the plaintiffs, he failed to convince the majority of his jurors. The division, which is crucial not only for the outcome of the trial, but especially for the image of the philosopher's relationship with the city, is not the initial division between the two types of plaintiffs (nor the temporary divisions of the person of Socrates, because they ultimately fall into one), but the final division between two groups of jurors, i.e. those who voted for his release and those who condemned him.

The philosopher who, by his supremacy, can obtain the consent of his opponents and unite with God, is finally handed over to the court of “you” of the city. The possible benefit he can give to the city thus ultimately depends on their consent, especially on whether they would be willing to see him as an agent beneficial to them. This is the basic political constellation of Platonic politics on the side of its presuppositions.

### Socrates' wisdom

Let us now return to the question of the “place” or source from which the foreigner Socrates draws his wisdom. In the text we find twice explicitly discussed “there” (ἐκεῖ), each time in connection with a different transformation of Socrates. One is “some Socrates” of Aristophanes' comedy (probably the *Clouds*), who “*there* talked a lot of other gossip about things that I don't quite understand”.<sup>26</sup> From this “Socrates there”, i.e. in Aristophanes, the “I” of Socrates-Athenian (ἐγώ, 19c4), who, as we know, is only the mask of real Socrates, is now expressly distancing himself. Whether this means that Plato attributes the knowledge of the true Socrates, that is, the Socrates dealing with eschatology and natural philosophy, also to Aristophanes and his – albeit deliberately comical – presentation of Socrates cannot be examined here. However, if the answer were yes, it would certainly help to remove the controversy over why Aristophanes, who seems to have been Plato's personal friend, is becoming the subject of Plato's apparent criticism in the *Apology*; in fact, Aristophanes would be one of those who, unlike others, is able to reveal

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26 Σωκράτη τινά ἐκεῖ ... ἄλλην πολλήν φλυαρίαν φλυαροῦντα, ὧν ἐγώ οὐδὲν οὔτε μέγα οὔτε μικρὸν πέρι ἐπαῖω (19c3–5).

the stylization of Socrates-Athenian and proceed beyond the mask to the figure of a true philosopher.

Another “there” discussed in the text is Hades, that is presented at the end of Socrates’ last speech as a possible place of Socrates’ stay after his death. Hades is by Socrates characterized by a series of four *there* (ἐκεῖ): (a) the dead live *there* (40e6); (b) Minos, Rhadamanthus, Aeacus, Triptolemus and all the other demigods serve as jurors *there* (41a3; cf. b4); (c) Socrates may continue exploring and examining of the local population *there* (41b5); these are – as many examples suggest – also demigods. (d) Socrates can talk to them *there*, spend time with them and examine them (41c2). Thus, both in the case of the jurors and in the case of his new “fellow citizens”, Socrates can expect a much better audience than the one before which he speaks now; in this sense, “there” of Hades, linguistically so strongly emphasized, represents the opposite of the situation “here” in court with a clear difference in evaluation. But the fact that the foreigner Socrates was able to assert himself against Meletus “here” with the tools he intends to use in Hades as well, i.e. with the tools of conversation and examination, these tools being “here” non-original and foreign, suggests that these tools which, of course, are nothing but instruments of true philosophy, could have originated “there”.

It has already been suggested that the link between all the different characters and their contexts is the figure of Socrates, who, after the initial split into two and stylization into an unconscious person, increasingly reveals a unity based on his true nature as a wise man.

This revelation first occurs in shifts between different statements in two different Socrates’ speeches interrupted by the interrogation of Meletus. Socrates later masters a number of things that he initially denies. While he allegedly has no idea at the outset whether the jurors are convinced by the prosecution (17a), after the rebuttal of Meletus he states the reason why he will be convicted (28a), and after the verdict he is surprised by the low number of convicting votes (36a). Although at first he is not able to neatly compose ὀνόματα and ῥήματα (17c1) or to form speech (πλάττων λόγους, 17c5), in the end he declares precisely this ability – and expresses it with the usual Platonic technical terms (λόγους ποιῆσθαι, 38a3–4; ср. διαλεγόμενος, ἐξετάζων, a4–5); he even explicitly denies that he did not defend himself for lack of words (38d). Finally, his repeated assurances that he does not teach anyone anything are ultimately overturned in the confession that he lectures (see ἀκροάσονται, 37d7) to the youth.

Everything suggests that his original claims about his own ignorance are highly stylized. As a supposedly weak orator, he wants to speak simply and as he is accustomed to speak, but the use of a number of colloquial expressions reveals a deliberate choice rather than a virtue made out of necessity – after

all, the literary Socrates does not use such a lexicon in other dialogues.<sup>27</sup> Behind the alleged unlearned simplicity is therefore a rhetorical intention. Socrates wants to refute what the plaintiffs said, when they drew attention to his rhetorical power (δεινὸς λέγειν), by the evidence of deed (ἔργον), i.e. by showing his true weakness in speech (17b2). Rather, by deed, he proves the exact opposite, that is, he is strong in speech. Since he claimed (a) that he always speaks only the truth to the jurors and (b) that the plaintiffs only lie, but neither, as we have just seen, applies. In fact, this is a comic inversion of the liar's paradox. The declaration of ignorance is in further tension with the fact that Socrates knows very precisely what to do if he is to come to an understanding of the Oracle's statement (and it is far from being generally shared knowledge). In examining his interlocutors, Socrates proceeds methodically: he examines politicians, poets, craftsmen in turn; he uses the methods of hypothesis (21b–c, 22a–b).<sup>28</sup> It seems that we have many reasons to believe that the original ignorance of the Athenian Socrates is only a mask of a literary figure.

Special attention must be paid to the reference point of Socrates' ignorance – the Delphic Oracle. Let us now set aside that narration of him is quite unlikely,<sup>29</sup> and let us focus instead on Socrates' interpretation of the Oracle's intention, which gave the negative answer to the question, “Whether anyone is wiser than I am.”<sup>30</sup> According to Socrates, the God wants to show by the prophecy the insignificance of human wisdom (23a7), the measure of which is the wisest among men – Socrates himself. However, according to

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27 If the author's intention in this section were to show how the historical Socrates actually spoke (see above, note 23), it would condemn the Socrateses of others, including “Socratic” dialogues, to be non-historical; moreover, it would not be understandable why Socrates left this vocabulary in later parts of the *Apology*.

28 Moreover, he characterizes this activity with an obvious allusion to the figure of Heracles as a set of difficult tasks associated with travel, which is, however, a position that contradicts the life of the self-styled Athenian Socrates, at least as described by the Athenian Laws in the *Crito*.

29 Socrates' defence suggests that it was first after Chairephon's inquiry in Delphi that he started to act in his typical Socratic way that brought him the indictment. One may however ask why Chairephon would go to Delphi to ask whether anyone was wiser than Socrates if Socrates were not well-known for precisely that activity at the time. Moreover, after the Oracle's statement, Socrates, according to his words, tormented himself for a long time and spoke publicly only with great reluctance (21b) – even that would delay his public activity, which, in reality, Socrates associates with his whole life. All this shows that the goal of narration is not history and its main purpose is to draw attention to several modes of indirection in the oral presentation and testimony, which is both appropriate to the divine instance in question and contrasts with the written indictment of Meleuts.

30 εἰ τις ἐμοῦ εἴη σοφώτερος (21a6). At this point, Plato's playing with the duality of Socrates' name or reputation and his ἐγὼ reaches a point of culmination. Indeed, God did not answer the question “whether anyone is wiser than I am,” but “whether anyone is wiser than Socrates.” However, it is precisely (Socrates') ἐγὼ, and not (his) name or reputation, that can be identified as the central subject of the message of the Oracle.

his further speech, the name “wise” is wrongly applied to him, because it is God who is truly wise. Earlier, Socrates admitted that he possessed “a kind of wisdom”, which is “perhaps human wisdom” (ἴσως ἀνθρωπίνη σοφία, 20d8), against which he ironically opposed the “more than the human wisdom” of the Sophists. This is then, in the overall picture, a negative image of the wisdom of God, and Socrates’ human wisdom would therefore occupy a middle position between God’s wisdom and sophistic ignorance as a kind of limited and at the same time merely reflected ability. According to Socrates’ interpretation, the Oracle wants to show that in Socrates’ person, wisdom and ignorance come together, that Socrates, or “the wisest” (which is Socrates’ name according to the Oracle, i.e. God), is a measure of human wisdom precisely by reflecting his own ignorance.

However, this construction stems only from Socrates’ interpretation. God did not say that Socrates is ignorant, it is only Socrates himself who makes that claim, and therefore it is he, and not God, who generally attributes imperfection to the wisdom of men. But that’s not all. Socrates himself relativizes in a special reinterpretation the very core of God’s statement, namely the appellation of Socrates as the wisest:

And it appears that he does not really say this of Socrates himself, but merely uses my name, and makes me an example, as if he were to say: “This one of you, O human beings, is wisest, who, like Socrates, recognized that he is in truth of no account in respect to wisdom.”<sup>31</sup> (Plato, *Apol.* 23a7–b4; Fowler’s translation slightly altered)

With this interpretation of God’s intention, Socrates extends the title of “wisest” bestowed upon him by God, potentially to everyone. Even more remarkable is the distinction that Socrates makes between his own self (“Socrates himself”) and his “name” (or reputation; see above). He willingly shares the name with others, since everyone can also become the wisest in the human sense. But what is then left for “Socrates himself”? What does God attribute to him if he does not speak of him in this statement? The possibility of lowering him somewhere to the level of the clumsy Athenian Socrates cannot be taken seriously in the light of what has been said above. Since the quoted passage immediately follows Socrates’ statement that “human wisdom has

31 και φαίνεται τοῦτ’ οὐ λέγειν τὸν Σωκράτη, προσκεχρησθαι δὲ τῷ ἐμῷ ὀνόματι, ἐμὲ παράδειγμα ποιούμενος, ὥσπερ ἂν <εἰ> εἶποι ὅτι “Οὗτος ὑμῶν, ὦ ἄνθρωποι, σοφώτατός ἐστιν, ὅστις ὥσπερ Σωκράτης ἐγνώκεν ὅτι οὐδενὸς ἄξιός ἐστι τῆ ἀληθείᾳ πρὸς σοφίαν”. In the first sentence, I accept F. A. Wolf’s (*Platonis dialogorum delectus*, I, Berlin 1812, *ad loc.*) conjecture τοῦτ’ οὐ λέγειν τὸν Σωκράτη instead of Burnet’s τοῦτον λέγειν τὸν Σωκράτη.

little or no value” (23a7), it can be understood that precisely *this* (that human wisdom has little or no value) *is not said by God about Socrates himself*. God does not say about Socrates that which applies to human wisdom (which may belong to anyone who reflects on his ignorance). What he would say *positively* about Socrates himself is not stated in the text. However, given that “God is truly wise” (23a5–7), the separation of “Socrates himself” from human wisdom seems to mean rather that the border between Socrates and divine wisdom is opened up.

“Socrates himself” is obviously Socrates the Foreigner whose sovereign person is also shown in his relationship to the divine. He is the one who “puts the cause of God above all things” (21d), giving himself the title of one who “helps God” (τῷ θεῷ βοηθῶν, 23b7) by showing the foolishness of others. In doing so, Socrates is accompanied and imitated by young people who do this on their own (αὐτόματοι, 23c3). This situation strongly reminds us of Plato’s *Symposium* and Socrates’ reversal of the traditional erotic relationship between lover and beloved there;<sup>32</sup> also here, Socrates eventually emerges as a daemonic character (*Symp.* 219c).

Cooperation with God is symbolized by Socrates’ comparison with Achilles and other demigods (28c). Socrates stations himself (ἐαυτόν) in the place he considers best to be there, or where he is placed by the ruler, God (28d–e).<sup>33</sup> Instead of a religiously intimate effort to testify to the truth of God’s word (21d ff), there is now a claim of God’s collaborator who openly opposes the jurors: If you set me free on the condition of no longer philosophizing and researching, I will disobey (29c), for “I will obey God more than you, O men of Athens.”<sup>34</sup> Since this contrast between God and the citizens of Athens immediately follows the contrast between “I” and “you” (ἐγώ – ὑμᾶς), it is hardly a mere repetition of the formula of traditional piety,<sup>35</sup> but again a rather confident self-positioning of God’s close collaborator who has a divine and daemonic element in himself (31c7). Since what God commands is now independently interpreted by Socrates ἐγώ, the principle of κελεύει ὁ θεός is transformed into a claim on his pedagogical authority being exercised over others (30a–b).

It is because of Socrates being such as this (τοιούτος) that his condemnation will have serious consequences for the city (30c). Focusing on the *quality* of his person as being “sent from God” leads to a definitive confirmation of the crucial *political* importance of the question of “Who is Socrates.” Every

32 And which is then used in Aristotle’s philosophical theology, cf. Aristotle, *Met.* XII,7,1072b3.

33 See esp. 28e4; cf. κελεύει ὁ θεός, 30a5.

34 ὦ ἄνδρες Ἀθηναῖοι, ... πείσομαι δὲ μάλλον τῷ θεῷ ἢ ὑμῖν (29d3–4).

35 See e.g. Sophocles, *Ant.* 450 nn.

Athenian, represented by the jurors, must now ask this question for the sake of himself and his city.

So what answer is expected from the Athenians – and also from the contemporary reader? Given the role of Socrates as a sovereign thinker on the one hand and the authority that stems from his divine and daemonic character on the other, I think the answer is not far from that given in the *Republic* which similarly puts forth the picture of the philosopher whose exceptional intellectual and moral character includes – this time explicitly – a claim to take the leading position in the city. The characterization of Socrates in the *Apology* as a daemonic figure appointed by the Delphic Oracle resembles strikingly the revelation of the philosopher-kings in the *Republic* “as daemons, if the Pythian priestess permits – or if not, as men close to daemons and gods” (540b–c).

Socrates' description in the *Apology* of his *daimonion* that discourages him to engage in politics (32b–d) does not contradict this interpretation, since this response of the *daimonion* corresponds to the situation of the city's lack of readiness to grant Socrates his appropriate political role. One has to remember the conditionality of the philosophical rule – the philosopher has no duty to aspire to ruling position against the will of his fellow-citizens (*Resp.* 489b–c; cf. 499b–500a). The discouraging *daimonion* in the *Apology* reveals this systematic conditionality of the philosophical rule which, however, as such is not invalidated only by its current impossibility in Athens.

That the *daimonion* can play precisely this role in considering the given conditions for the philosophical rule can be also supported by the second formulation of the *daimonion*'s unwillingness that Socrates engage in politics. The *daimonion* prevents Socrates, literally, from “going up before the people and counseling the city” (31c–d). Going upwards here means going to Pnyx Hill, the seat of the Assembly (ἑκκλησία), the highest body of the city. The indication of a precise place corrects the apparent contradiction of Socrates' non-political politics. Socrates walks around the city, exercising his specific political authority over his fellow-citizens, but is unwilling to go up to the Assembly, the embodiment of the current problems of democratic politics. However, he would be happy to go up to another hill, namely the Acropolis, where he is to be fed by the city in the Prytaneum according to his bold proposal of “punishment” (36d). It can be recalled that the Prytaneum is a place where the most revered guests – foreigners – are fed by the city. In his foreign, and therefore, as we already know, philosophical identity, Socrates is willing to ascend to this sovereign position. And it is precisely the Acropolis where, according to the *Republic* and the *Laws*, the real rulers of the city live, namely the philosopher-kings (*Resp.* IX,592b3; *Leg.* XII,946e–947e, 969c1–2). The proper accommodation and honors that Socrates lacks



in Athens for the status of king are therefore a legitimate demand, and the reluctance to acknowledge them is a sign of an unwillingness to establish a philosopher on the throne, and thus a sign of the impossibility of the best constitution.<sup>36</sup>

Socrates' provocative joke about the Prytaneum, which would of course be completely meaningless in a real judicial defense, shows once again that the aim of our text is not to portray Socrates' prospect as a party to litigation, but rather the position of a philosopher in the city – a philosopher who is unwilling to participate in the declining politics of the fallen democracy of the time, but who would be – with the consent of his fellow citizens – willing to take on the best, i.e. aristocratic government.<sup>37</sup>

Finally, Socrates' position as a potential philosopher-king can be confirmed by another passage of the *Apology* that describes his role among young people. These follow their favorite in his seemingly unpolitic action as “many helpers” (33b ff.), who are expected to bring about a fundamental change in the city (39d). This wording not only strongly resembles the governmental structure envisaged in the *Republic*, where the rule of a few philosopher-kings also requires the assistance of a larger number of helpers, but also raises the issue of Socrates' succession. This question is, as I have tried to show in a series of works on the first tetralogy and on the *Laws*,<sup>38</sup> systematically connected with the question of the feasibility of the best constitution. Socrates' non-political politics, by its philosophical content, points to Plato's own political project presented in his two largest works. This brings us to our last topic, the question of Plato' depiction of his teacher's relationship to

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36 In the *Apology* we also find an allusion to the activity typical of the ruling philosophers. Socrates walks around the city and does many works (πολυπραγμονῶ, 31c5). In his case, this does not mean – as the superficial reading of the introductory books of the *Republic* would suggest – injustice, because Socrates “is doing his own” (33a6–7), and this is what he teaches his students. In the *Apology*, as well as in the *Republic*, the philosopher's doing is an exception to the general command of specialization, which binds ordinary citizens. The philosopher-king, as the only one, can do many works, dealing with both philosophy and ruling at the same time, which in his case is, in the end, one and the same activity.

37 It is important, as I will further point out below, to distinguish between the philosopher's critique of a declining democratic government and his limited acceptance of the democratic principle of civic consent as a complement to his own aristocratic government. Exactly such a mixture is the essence of the constitution presented in Plato's *Laws*.

38 J. Jinek, *Zum Problem des Gehorsams gegenüber dem Gesetz bei Platon*, in: A. Havlíček (+) – Ch. Horn – J. Jinek (eds.), *Nous, Polis, Nomos. Festschrift Francisco Lisi*, Academia-Verlag, St. Augustin 2016, pp. 163–179; id., *Politische Theologie des Alleinherrschers bei Platon und Aristoteles*, in: A. Maffi (ed.), *Princeps legibus solutus* (Collana del Dipartimento Giurisprudenza dell'Università di Milano-Bicocca), Torino 2016, pp. 17–34; J. Jinek, *duše a vědění v Platónových Zákonech* (Virtue, Soul and Knowledge in Plato's *Laws*), in: K. Thein – J. Jirsa – J. Jinek, *Obec a duše. K Platónově praktické filosofii* (City and Soul. On Plato's Practical Philosophy), Praha 2014, pp. 253–313.

the Athenian Law-Code and its reception in Plato's own proposal for the best constitution.

### Athenian laws

The actual impossibility of Socrates' ruling in Athens emphasizes the topicality of his foreignness. However, as we have already indicated, this foreignness does not contradict the rooting of Socrates in the legislation of his own city, which is especially emphasized by the Athenian laws in the *Crito*. Socrates' dominance, which at the same time makes his actual foreignness a potential political dominance, does not mean disobedience to Athenian laws, for example by the – rather modern – invocation of freedom of conscience. Socrates is a man who “first knows” and therefore respects the laws (24e). Let us now examine how the figure of the philosopher-king relates to the laws of his city of origin.

It can be shown that Socrates' defense or, more precisely, the defense of both Socrateses, that is, both the original and the one that is gradually turning into an accusation of the Athenians, presupposes the framework of Athenian legislation. Socrates is directly appealing to a number of Athenian laws: His repeated requests to the jurors not to shout during his speech are based on a law that protected the speaker from interruption. This seems absolutely crucial for the success of the defense, as its time was – also legally – limited. Socrates' calls on Meletus to obey the law and answer his questions (25d2) are again based on the existence of a law that allowed both parties to the dispute to interrogate the opposing party. Socrates further appeals to jurors not to violate their oath to judge not on the basis of personal impressions, and thus, for example, on aroused emotions, but merely on the basis of laws (35b–d).<sup>39</sup> He can also find support in the law, according to which the parties had to speak exclusively to the matter, which in fact forbade the appeal of compassion.<sup>40</sup> Both the above mentioned law and the oath of the jurors are related to Socrates' introductory remark that the juror should pay attention only to the content, not to the form of his speech (18a). The final argument against Meletus is also legalistic – Socrates states that it is not lawful to bring someone who sins unintentionally to court, but only those who require punishment and not instruction (26a3, 6).

39 The oath of the jurors of the popular court, called Ἡλιαία (οἱ ἡλιαστικὸς ὄρκος) after the god Apollo, to whom the jurors had sworn, was probably introduced by Solon: “I will vote according to the law ... neither out of favor nor out of hatred, and I will listen to both the plaintiff and the defendant.” See M. H. Hansen, *The Athenian Democracy in the Age of Demosthenes: Structure, Principles, and Ideology*, Oklahoma 1991, pp. 170, 182.

40 L. Dyer, *Plato's Apology of Socrates and Crito*, Boston et al. 1908, p. 34.

In still other passages, the presence of positive Athenian laws is not explicit, but the contemporary reader certainly cannot overlook it: Socrates' repeated complaints of lack of time (19a, 24a, 37a) refer to the procedural law on limiting the length of court speeches by water clock (κλέψιδρα, or simply: ὕδωρ). We also mentioned above that the indictment was read aloud, because in the case of public disputes, and therefore also in the case of an indictment of impiety, it had to be submitted in written form. Against the background of Athenian legislation, the whole conclusion of the work can be read, when Socrates proposes punishment for himself (36b ff.) – it was not the task of the court, but the matter of the disputing parties.

It is essential that Socrates himself is committed to obey the law. He explains his willingness to defend himself in court with a pun connecting obedience to the law and to God (19a).<sup>41</sup> At the same time, however, he apparently has in mind a very specific Athenian law, which required the personal active participation of both parties in court. On the opposite side of the process, it is Socrates' willingness, which seems almost inconsistent with his previous "defense", to propose the relevant punishment as an alternative to the death penalty proposed by the other party. Although at first it seems that Socrates will want to ridicule this procedural law by an ironic proposal of reward (in the form of a lifelong meal in the Prytaneum; see above) instead of punishment, in the end his seriousness and his respect for Athenian law prevail.

However, Socrates' obedience also applies to other Athenian laws, as the account of his deeds shows us further (32a ff.). During his two brief political engagements, he opposed both democratic and oligarchic governments, precisely because of their illegality (παράνομως, 32b2), and in both cases he nearly lost his life.<sup>42</sup> Finally, in connection with the *daimonion*, he states that he is always willing to prevent illegalities. In a sense, Socrates can even be considered the only Athenian who follows the law consistently, due to his perfectly unique practice of not persuading his jurors with emotion.

According to reports from the 4th century, it was Solon who established the popular courts and their respective procedures.<sup>43</sup> On the contrary, what later legislators such as Pericles have added to the Athenian judiciary – espe-

41 For a systematic connection between the two terms, see Plato, *Leg.* IV, 713e–716a; cf. I, 645b; IV, 711d–712a; XII, 951b; *Resp.* VI, 499a–c.

42 The condemnation of the *stratēgoi* from Arginusae was – as was later acknowledged – illegal because it was made (a) by a decision of the people-assembly, (b) en masse, (c) without the defendants being able to prepare for defense (F. Rösiger, *Platons Apologie und Kriton*, p. 85).

43 M. H. Hansen, *The Athenian Democracy in the Age of Demosthenes*, pp. 182, 298–299, points out that in the 4th century, everything about the popular courts was uncritically attributed to Solon. Whether this was the case, that is, whether Solon was the originator of all these procedures, is a secondary question for us; we are primarily concerned with Plato's reception of Solon.

cially the payment for participation in court – is not mentioned at all in the *Apology*.<sup>44</sup> At the same time, we know from the same sources that the 4th century considered Solon's laws on the judiciary to be the origin and focal point of a democratic constitution.<sup>45</sup> "When the people are the master of the vote in court, they are the master of the constitution," Aristotle comments.<sup>46</sup> It is remarkable that Socrates, in both the *Apology* and the *Crito*, although dramatically opposed to *hoi polloi* in both dialogues, fully identifies with the democratic heart of the Athenian constitution.

Plato himself identifies with it too, although the scholarship constantly reminds us of his alleged anti-democratic sentiments.<sup>47</sup> The surprise is all the greater because in the case of other authors considered critics of the Athenian democratic system, it is the popular courts that are the subject of the harshest criticism.<sup>48</sup> It is Plato's *Laws*, which provides evidence for Plato's acceptance of this institution, since these courts are held as an essential part of the second best constitution there (*Leg.* VI,768a ff.). It is possible that they will also operate in the very best constitution, because the exclusion of litigation here applies only to the class of guardians (see *Resp.* V,464d). The rule of philosophers, and thus the aristocratic constitution, is by no means precluded by the existence of democratic laws.

However, Plato's following of Solon also has clear limits. There are three main critical points in Socrates' approach to the existing laws of Athens. These critical points correspond in principle to the content of Plato's revision of the Athenian legislation presented in his constitutional project in the *Laws*. A parallel examination of both the critique (in the *Apology*) and the alteration (in the *Laws*) of the Athenian Code can be very instructive for understanding the unity of Plato's political thought.

First, Socrates complains about the lack of time in his defense, and therefore also about the specific Athenian law, according to which capital trials were to be decided in a single day. This law was also from Solon's pen, and part of it was the rule to divide the trial day into three parts in the case of capital crimes – these roughly correspond to the three distinct parts of

44 Cf. Aristotle, *Ath. pol.* 27,3–5; 28,3.

45 *Ibid.*, 9,1; 9,2; 41,2; Aristotle, *Pol.* II,12,1273b35–1274a5; Isocrates, *Or.* VII,16–17; Demosthenes, *Pro cor.* 6.

46 Aristotle, *Ath. pol.* 9,1.

47 E.g. R. H. S. Crossmann, *Plato Today*, London 1937, pp. 71–75; J. Ober, *Mass and Elite in Democratic Athens: Rhetoric, Ideology, and the Power of the People*, Princeton 1991, p. 334, note 58; L. Brisson, *Ethics and Politics in Plato's Laws*, in: *Oxford Studies in Ancient Philosophy*, 28, 2005, pp. 106–109; L. Bertelli, *Democracy and Dissent: the Case of Comedy*, in: J. P. Arnason – K. A. Raaf-laub – P. Wagner (eds.), *The Greek Polis and the Invention of Democracy: A Politico-cultural Transformation and Its Interpretations*, Oxford 2013, p. 101. See also above, note 37.

48 Aristophanes, *Eccl.* 655–672; pseudo-Xenophon, *Ath. pol.* 1,13, 16–18.

the *Apology*. Against this provision, Socrates – apparently the Socrates the Foreigner – invokes differing legislation in other cities (37a–b). If we look at the *Laws*, we see that this point is thoroughly discussed here. Instead of dividing the day, the trial itself is divided here, both in terms of time, when a sufficient period is reserved for the trial of capital crimes, and in terms of the possibility of appeal to higher courts (*Leg.* IX,855c–856a).

The second critical point can be seen in the already mentioned shift in the situation after Socrates' conviction, when Socrates first proposes a lifelong meal in the Prytaneum as his “punishment”, but then retreats and proposes a fine, at first – still with a touch of irony – very low and only later an actually significant one. Despite the obligatory respect for the law, behind this slow, almost reluctant recognition of the validity of the law, the writer's disagreement with this particular provision is evident. It was again part of Solon's code, which deliberately did not specify concrete punishments for certain offenses and left this issue to the initiative of the disputing parties and the subsequent court decision. This must have been regarded as a very arbitrary procedure by Plato and it is again the subject of rather a lengthy correction in Book IX of the *Laws*. It is interesting that, according to the then widespread interpretation quoted by Aristotle, this law of Solon's was guided by the intention of strengthening the power of the people, who ultimately decide upon punishment.<sup>49</sup> At this and the previous point, it would actually be an attempt on Plato's side to mitigate the extreme democracy while preserving its essential element.

Third, the whole *Apology* can be seen as a document of the instability of Athenian law. All the problems indicated in the text, i.e. frequent non-compliance with procedural requirements, interruptions, appeal to emotions, refusal to answer during interrogation, but also exceeding time limits, probably corresponded to the practice of the time and demonstrated the flexibility of Athenian law and the fact that everyone could *interpret* it in their own way. The opposite side of the same problem was the provision requiring certain acts to be carried out in writing, although it would be more natural to perform them orally, in particular the prosecution and the defense. Socrates' “reading” of the first indictment does not lack a hint of irony against this provision. According to Plato's Socrates, what should be a stabilizing element of the judicial system is a source of confusion, and the problem in both cases – in the case of arbitrary interpretation of positive laws and in the case of written accusations – lies in the deficient nature of writings, including written positive laws, which are not in position to provide help for themselves (*Phaedr.* 275e).

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49 Aristotle, *Ath. pol.* 9,2.

The fundamental shortcoming of the Athenian laws, addressed again in Plato's *Laws* (*Leg.* VI,752e ff., 759c ff.; XII,964b), is therefore the absence of a living instance that would interpret the laws and thus actually keep them in force. According to ancient testimonies, Solon fled to Egypt after being asked by his fellow-citizens to comment on the given laws.<sup>50</sup> Solon's error at this point is critical in Plato's eyes. His escape, which contrasts so strongly with Socrates' decision to stay in Athens even at the cost of physical death, can be considered the most serious mistake of the legislator. The Athenian guest subjects it to harsh criticism in the *Laws* (*Leg.* IX,861b6). We find a systematic justification for its opposite in *Phaedrus*: the legislator must be able to help the written law (*Phaedr.* 278c; with a direct mention of Solon). Solon's law code was written, more precisely engraved and exhibited at the Athenian Agora. This brought it stability on the one hand (its validity exceeded 200 years);<sup>51</sup> on the other hand, it gradually lost its authority. Plato's *Apology* is also written with an intention to testify to this gradual decline.

## Conclusion

The *Apology* is a fictitious work, which is entirely subordinated to the intentions of the author, whose literary abilities were well known to his contemporaries.<sup>52</sup> Socrates' typical avowal of his own ignorance is also fictitious. Against the background of his lawsuit and defense, it is perhaps even more pronounced than before the "private trial" of interlocutors in other dialogues.

As an expert, he could also aspire to the role of a potential ruler in the city, i.e. the role of a philosopher-king, but this is conditioned by two things: by his acceptance of existing laws and by the consent of his fellow citizens. This consent, that is, the willingness of the Athenians to recognize the philosopher's claim to rule in the city, is at stake in the situation in court. The traditional interpretation, according to which the *Apology* is in fact a trial not of Socrates but of the city,<sup>53</sup> holds precisely in this sense: the focus is on whether the city will allow the philosophical ruler to – in the words of the

50 Aristotle, *Ath. pol.* 11,1.

51 See E. Ruschenbusch, *ΣΟΛΩΝΟΣ ΝΟΜΟΙ. Die Fragmente des Solonischen Gesetzwerkes*, Wiesbaden 1966, Introduction.

52 See Isocrates, *Or.* II,240, 246, 250; Diogenes Laertios, *Vitae*, III,35, cf. 63. The fact that Isocrates' critique in his *Panathenaius* is addressed to Plato has been proved by P. Roth, *Der Panathenaios des Isokrates. Übersetzung und Kommentar*, München 2003; see also K. Schöpsdau, *Platon. Gesetze I–III*, Göttingen 1994, pp. 350–352.

53 It can be found already in the ancient anonymous treatise *Περὶ ἐσχηματισμένων* (*On Figured Speeches*), in: *Dionysii Halicarnasei opuscula*, eds. H. Usener – L. Rademacher, II, Leipzig 1929, 305.3–23 („The *Apology* of Socrates has as its primary purpose an apology, as its title makes

*Republic* (473c) – “relieve it of its evils”. The fact that the city rejects this possibility by a decision of the jurors is not an unexpected result of the trial or Socrates’ life story, but a message for the *reader* – and this must be stressed, because it is not primarily a message to the Athenian jurors but to the readers of Plato’s written work – relevant to the politics of the time: Both of the mentioned conditions and the potential of philosophical rule still apply, even after Socrates’ death. They represent the starting point for Plato’s own legislation.

Socrates, although potentially a philosopher-king sovereign over the law, voluntarily submits to the law of Athens. This connection to the Athenian city in its “most formal” aspect,<sup>54</sup> which is the law, is the counterpart to his divine nature, and together they form the unity of the character of Socrates depicted by Plato. It is not true that Socrates does not want to rule in a city with democratic laws; the demand for nourishment in the Prytaneum is not an impertinent ambition to become an honorary official without government duties. His position, including both respect for the existing laws and their critique (including a comparison with non-Athenian conditions), in which the knowledge of the way to correct them is voiced (and demonstrated elsewhere) and his readiness to be introduced to the Acropolis, is a philosopher’s declaration that he is willing to assume ruling responsibilities here and now. It is an important finding for the readers of the *Apology* to uncover the dual conditionality of the best constitution, consisting both in the willingness of the sovereign philosopher to rule under given legal conditions, and the favor of external circumstances, including the will of the governed.<sup>55</sup>

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clear, but it is also an accusation of the Athenians, seeing that they brought such a man to court.”)

54 For the interpretation of the *nomoi* as *eidê* in *Crito* viz H. Flashar, *Überlegungen zum platonischen Kriton*, in: H.-C. Günther – A. Rengakos (ed.), *Beiträge zur antiken Philosophie. Festschrift für Wolfgang Kullmann*, Stuttgart 1997, p. 58; J. Jinek, *Zum Problem des Gehorsams gegenüber dem Gesetz bei Platon*, pp. 174–175.

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