

Emigration and Identity in Plato's *Crito*: A Consideration of the Consistency of the Laws' Arguments¹

Plato's *Crito*² begins with the titular character visiting Socrates in jail. Upset, Crito is trying to convince his lifelong friend to flee his unjust death sentence, which is now imminent. In order to do so, he invokes (like Glaucon in the *Republic* before him) a definition of justice according to which one must 'help one's friends and harm one's enemies (Miler, 123, 1996).' If Socrates refuses to escape, as per Crito, he would be both a bad friend (since the other citizens would surmise Crito *et al* not to have offered help and money for his escape like they were expected to) (44b) and a bad parent for making his kids orphans (45c). Part of Crito's argument hinges on the fact that it would sway the Athenian majority's opinion further against Socrates and his friends, something they can no longer afford to treat lightly since that same popular distaste for Socrates' philosophical habits just landed him in jail with a death sentence (44d). Not only does Crito genuinely want to save his friend's life, he seems to have lost a little philosophical courage following the events of the *Apology*, and now seeks to appease the Athenian masses on account of their power.

Socrates is unfazed. In order to appease Crito, he imagines a conversation with the city's Laws about the justness of his flight from punishment. Knowing that Socrates had already openly defied the law by refusing to stop engaging in philosophy (see *Apology*), this seems odd: could Socrates be selective in which of the laws he chooses to

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obey? Leaving aside the question of the appropriateness of Socrates' punishment (which Crito clearly thinks is unjust, and which Socrates is not clear about), one defining question of the *Crito*, as many scholars have noted already (Rosano, 2000; Miller, 1996; Strauss, 1983), is whether or not the philosopher has a duty to obey unjust laws if they know them to be unjust. Or, in Michael Rosano's (better) words, the problem of political obligation created by the tension between Socratic philosophy and civic virtue (Rosano, 454, 2000).

The aim of this paper is actually to discuss a corollary of that question, one that has hitherto been unaddressed in the literature: the normative implications of the *Crito* for emigration and refugee theory. Channeling the recent interpretive strides made by Demetra Kasimis (2013) with regards to the interplay between migration politics and Ancient Greek Thought, I contend that the *Crito* demands of its readers (at least in part) to consider if the relationship between the state and its citizens entail that emigration is unjust. I argue that a Platonic theory of emigration derived from the *Crito* is closer to implying a continuous right to leave (so the free movement of citizens across borders regardless of their motivation to exit) than isolationism or hermetic nationalism, contra what is suggested by two of Plato's other dialogues, the *Republic* and the *Laws*. I will argue that despite the different views those dialogues have on the topic of movement across borders, they are actually consistent with each other.

The *Crito* as a Commentary on Emigration

On the surface, the *Crito* doesn't seem to be about emigration at all. Socrates isn't thinking of moving to a different country; he's trying to convince Crito that he's wrong about the moral status of flight from punishment. Why, then, write about emigration? Because the Laws' arguments are generally about emigration. The points against flight raised by Socrates' imagined interlocutor are not strictly cast in terms of deference to the judicial process or acceptance of personal responsibility in the face of deserved (or undeserved) punishment for transgressions. They are made within the framework of the normative value of one's departure from one's homeland. In short, the Laws' arguments (as imagined by Socrates) pose the dialogue's political conflict as one of emigration, at least in part. As such the specific context of the dialog is Socrates' decision to accept his punishment (just or unjust) and stay, but the general theme of his conversation with the Laws is the normative value of a citizen's choice to leave his homeland when he disagrees with its laws. Therefore, if the Laws' arguments contribute to what makes Socrates' decision just, then we must conclude that emigration is, by association, unjust.

The Laws seem to successfully argue that it is wrong for Socrates to flee, and the dialog ends on Crito, convinced and at peace with his friend's impending death. From this it is reasonable to assume that that the *Crito* implies an anti-emigration message as opposed to a critique of the individual's moral indebtedness to the state. This conclusion however rests on the assumption that the Laws speak *for* Socrates as well as speaking *to* Socrates.

The idea that they do is perfectly sensible. Crito seems to think so (Ober, 1998, 183; Rosano, 453, 2000) and so do a number of scholars. Scholars such as Allen (1980, 96) and Ober (1979, 10-19) take the Laws view to represent Socrates.' They imagine

them nice and calm in their demeanor, not unlike the image of Socrates himself when he tries to persuade. They also seem to think the Laws speak for Socrates and that their point are persuasive to both Crito and his jailed philosopher friend. Although both Ober and Allen dissect and analyze the Laws' arguments, both end their treatments on a note suggesting they take the Laws' arguments to be potent and believable, although they are more rhetoric than logical persuasion (Allen, 1980, 82). Writing shortly after them, Richard Kraut has a slightly different view. To Kraut, the Laws' most weighty point is that the citizen must persuade or obey. Kraut clearly thinks the Laws' are sincere when they assert that citizen-to-state persuasion is a real possibility (Kraut, 1984, 86). Kraut comes to the conclusion that Socrates fails to persuade the Laws, and thus has to stay and suffer his punishment (Kraut, 1984, 88). He does so without really paying attention to the fact that Socrates never even engages in a superficial exchange with the Laws (meaning that, breaking with his typical behavior, Socrates never cross-examines their argument, even in a minimal fashion) and that the Laws mostly overwhelm both Socrates and the reader with their points and attitude. Kraut writes that we must take at face value the Laws' injunction to persuade or obey, the logical conclusion to come to as we witness Socrates' refusal to leave, is that by association he has failed to persuade.

The idea that the Laws *don't* represent Socrates' or Plato's view isn't new in the literature either. Strauss argues that Socrates' only goal is to convince and appease Crito while keeping his actual motives to stay hidden from his friend (Strauss, 1983, 54-66; Rosano, 453, 2000; Mahoney, 1998, 4). While arguments' such as Strauss' and Mahoney are in my view correct, they rely mostly on what the Laws do not say. To both scholars the Laws' omission of philosophy in their discussion is conclusive proof that they are

detached from Socrates. This because the Platonic Socrates we know as readers would never fail to include philosophical education as an essential part of child-rearing.

My argument, while it draws on theirs, belongs in a sense on a more superficial level of analysis. In other words, one doesn't need to go as deep as Strauss *et al* into the Laws' argument to see why it doesn't hold water. I simply content that, on top of their suspicious silences on important topics, the Laws' argument is full of obvious, glaring flaws and that therefore they do not stand to logical scrutiny. To my knowledge such an analysis is (surprisingly) absent from the literature on the *Crito*. The first part of this paper is dedicated to a thorough analysis of the arguments presented by the Laws, followed by an exposition of their flaws. The second part of this paper will discuss how the 'Platonic Theory of Emigration' that emerges from part one contributes to the existing political theory literature on migration.

While most scholars agree that the Laws' argument is tripartite, few agree about where to draw the line between them. For example, scholars like M. Dyson argue that the three parts of the Laws' argument are (1) disobedience is harmful to them; (2) the relationship between citizen and state is alike to that of parents to their children; (3) the citizens makes a tacit compact to obey the laws. (Dyson, 1978, p.427). This rendering of the Laws' tri-partite argument problematically ignores the original impetus of the speeches. The Laws are not simply concerned with why they should be obeyed as much as why breaking the law is not the proper way to act when one disagrees with the laws.

Scholars like Brill argue that the three parts are (1) against the destruction of authority, (2) against breaking the compact and (3) against the disgrace of flight (Brill, 1996, 127-129). My reading is closest to Brill's, and along with him I think that the

faithful reconstruction of the arguments matter more than their compartmentalization. Still, the ‘destruction of authority’ argument is built on the allegory of the state as a family unit, while the ‘disgrace’ argument is framed within a discussion of tacit consent. What’s important is not how to label the different part of the Laws’ argument as much as carefully rendering every point they make.

Instead of compartmentalizing the Laws’ argument, I will attempt to address one by one what I take to be the Laws’ main points in order, since they flow from one to the other. In doing so I expect to better highlight the inconsistency of their argument as a whole by underlining the lack of logical cohesion between their various points. The Laws’ overarching thesis is that Socrates is attempting to destroy or kill them entirely. In support of said thesis, the Laws bring up the following points: (1) laws are to citizens what parents are to children or masters to slaves; therefore it is unjust to destroy them (50e); (2) since citizens have the option to leave the polis once they reach majority, staying is reasonably interpreted as a tacit consent to obey the laws and their judgements regardless of how favourably or unfavourably the citizen is impacted by them (51d); (3) citizens always have the option to persuade the laws otherwise if they disagree with policy, so disobedience is always unjust (52a); (4) flight in the face of physical danger caused by the laws is impractical since every other polity receives (or refuses to) the refugee as someone who has already shown himself to be selfish breaker of laws (53d).

Collapsing Political, Despotic and Patriarchal Power: the State as the Citizen’s Guardian

The Laws' first argument is that they created the setting in which citizens are begotten and educated. Therefore the state is, in a sense, the citizen's parent, and/or his master. As such, said citizens are (a) morally indebted to the state for their identity and (50d) (b) have no business telling the state what to do or to react to its aggression in kind (51a). The Laws' conflation of the roles of parent and master of the citizen works uncomfortably at best. These roles in no way entail the same responsibilities nor imply the same goals for their respective wards. The Laws gloss over the fact that although it can be said to educate, the goal of parent-provided education is independence. Given the fact that they are chiding seventy-year-old Socrates over his potential disagreement with them, it is unlikely they think that bondage ever ends (as it could with majority). The slave-master, one the other hand, does not seek to make his slave independent or self-sufficient (quite the contrary); one can hardly say that the master's goal is to 'educate' his property.

The Laws illustrate their relationship to citizens as both one of identity formation and one of investment. The individual has a debt to them since they furnished the preconditions for his existence, and educated him into the person he now is. The individual, in many ways, is indebted to the laws because they created the setting for his birth and provided the framework in which his identity developed. Since education is an essential part of that framework, there is an epistemological link going back from the individual to the laws since every desire, thought or idea can be traced back to one's intellectual, familial or social upbringing. Strauss ponders whether it would be accurate to say that from the Laws point of view: "every citizen belongs to the Laws body and

soul [...]”(Strauss, 1983, 60) To criticize the laws and push that criticism to the point of emigration is tantamount to profound self-abnegation. This argument is even more potent in the context of modern liberal democracies with public school systems and state-funded family support: the citizen’s debt to the state is for public goods both metaphysical and material.

How biding can Socrates believe that bond to be? According to what we know of him from the rest of the Platonic corpus: not very. The Laws do not mention the most important kind of education, the education of the soul: “they are understandably silent on the branches of education higher than music and gymnastic.” (Strauss, 1983, 61) This “silence” is understandable because to admit that the Laws are not involved in the most important kind of education significantly weakens their most binding point. If anything, the ‘Allegory of the Cave’ (514a) (*Republic* VII) suggests that the laws of a given community may be more inimical to education than anything else. Strauss is not the only scholar of this opinion. According to Timothy Mahoney, while gymnastics and music are goods, “they pale in significance compared to the good of the soul (Mahoney, 1998, 4).” The most important aspect of one’s self cannot be impounded to the laws. Socrates the philosopher cannot realistically think that the citizen does not belong to the state body and soul. Self-realization, or at least its most crucial aspect (philosophical education, self-examination), happens almost exclusively in an a-territorial fashion. The Laws’ argument does not hold in the face of who Socrates is.

Staying in the City as Tacit Consent

The Laws' second argument is that staying in the *polis* while one has the possibility to leave at any time amounts to tacit consent to respect all rules made by the system. This argument is repeated twice, the second time with a slight alteration. The first time (51d), in line with the parental argument, they say that the individual has one opportunity to leave once he reaches voting age. Failing to do so amounts to tacit consent forever more. The second time (52e), the Laws' say that one's continued stay over time signifies consent, as long as the possibility to leave remains open.

In the case of Socrates, this argument is circular: it would be wrong to leave now because he hasn't left before; but this is precisely what's at stake in this conversation. But even if we disregard this, the Laws almost immediately contradict themselves. Scholars of American state and local politics have long known that migration is only really open to the relatively well off even when it is within borders, to say nothing of international relocation. This was also true (if not *truer*) of Ancient Greece. The Laws themselves say so: even if Socrates were to leave he would be in danger everywhere he went, for every polity would receive him as a destroyer of the laws (53d). As Kasimis writes, Even that isn't precisely the case, Ancient Greek migrants face "costs from which no wealth can insulate," such as "censure, powerlessness, danger" and "experience exclusions which that laws cannot capture" (Kasimis, 2013).

From the Laws' point of view, open borders (freedom to leave) is a necessary aspect of the citizen's tacit consent. If there is no freedom to go elsewhere, the citizen can hardly be said to have decided to stay. Yet they ignore that the real possibility of being accepted into another country is the essential counterpart of freedom to leave. The latter does not really exist if one's origin plays against one's immigration plans.

And it will be the case if one's country of origin is so destitute (e.g. crippled by overreaching poverty) that its would-be emigrants are effectively "trapped" inside because they tend to be systematically poor and badly educated, i.e. if they are unable to compete with migrants from better-off countries. The *Crito* does not advance that it is wrong to migrate, or even that it is wrong to migrate if the state has given you the possibility to do so if you stayed. It only states that deciding to leave solely in order to escape punishment one has brought upon oneself is normatively reprehensible. This is a point about personal and civic responsibility, and not one about emigration. Yet even this – one's ability to recognize if the punishment is indeed one's responsibility – will soon be cast into doubt, since it appears the state is not a rational entity we can realistically aspire to persuade.

Persuasion and Discourse in State-Citizen Relationships

The Laws' third argument (51e-52a) is that leaving the state is unjust if its rules can be amended. Thus, if there is a real possibility to 'persuade' the laws or change the system by political activism and/or discourse, then there is no good justification to leave. Several elements of the *Crito*, as well as the *Apology*, suggest however that philosopher-to-state persuasion is in fact impossible.

Let us remember that the Laws allegedly view themselves as the citizens' parents or masters. They are clear that they expect absolute obedience:

"[...] do you think that we are on equal footing as regards the right, and that whatever we do to you it is right for you to do to us?" You were not on an equal footing with with your father as regards the right, nor with your master if you had one, so as to retaliate for anything they did to you [...]. You must either persuade [your country] or obey its orders [...]." (50d-51b)

The Laws are the hierarchical superiors of the individual. It is not only that to disobey the law is to somehow perpetrate a wrong on one's fellow citizens (Dyson, 1978, 427), but that the state and the individual are not equals; it can act towards the citizen in ways the citizens cannot towards it (Dyson, 1978, 429). If by some misfortune it acts harmfully towards citizens, then anyone can have recourse to argument in order to correct its views. But if Socrates' life is any indication, we have good reason to doubt that even the smartest citizens can actually persuade the state at any given time (see *Apology of Socrates*). Furthermore, the father/master metaphor cohabits uncomfortably with the new insistence on persuasion the Laws exhibit. Slaves should not argue with their master anymore than sons with their fathers, by virtue of the very nature of those relationships (said the Laws earlier). The Laws' initial stance sheds doubt on the possibility of persuasion; Strauss voices one of the many possible iterations of the obvious objection against the Laws' stance:

As for the Laws' argument that one must unqualifiedly obey the laws even more than the son must obey his father, it is sufficient to think of the case of an insane father against whom one may use deception and even force in his own interest and to wonder whether cities are incapable of passing insane laws. (Strauss, 1983, 62)

The difficulty raised by the case of the 'insane father' is that if persuasion was, in spite of our doubts, an earlier option, it is now outright impossible. The picture is now bleak; the Laws have been straightforward: persuasion or death. And so in a case where the laws are insane, then there may be an obligation to follow the laws while the laws' claim is contrary to what is just. Contra previous scholarship, the Laws are nowhere near gentle, familiar or tender towards Socrates; their tone isn't 'majestic and authoritative' (Allen, 82, 1908). In fact, they sound alarmist and angry; their rhetoric

quite clearly implies that they are beyond persuasion at least in this instance persuasion or death becomes forced agreement or death.

According to the Laws themselves, one of the conditions rendering emigration or flight unjust is the constant possibility of changing the Laws themselves by engaging in politics: “[...] if [the Laws] do something wrong, does [one who disobeys] try to persuade us to do better. Yet we only propose things, we do not issue savage commands to do whatever we order; we give two alternatives, either to persuade us or to do what we say.” (51e-52a) In a tyrannical state where “savage commands” are issued and persuasion is impossible, flight is a just option. The same holds for a state where there may be little oppression but political change cannot be effected because power is concentrated in the hands of one or many corrupt or politically unwavering individuals. One of the conditions rendering emigration morally ambiguous is the possibility of legal change brought about by unsatisfied citizens. Either the laws can be changed for the better and the desire/need for emigration is nullified, or they cannot and the dissenter is under no obligation to obey them (by staying) anymore. By virtue of the importance of the citizens being able to amend the laws, the argument of filial possession initially brought forward by the Laws is invalidated. In this sense, the Laws are clearly being self-contradictory.

Understanding the *Crito*

In sum, the argument of the Laws, because of its flaws, ends up suggesting that flight from punishment or emigration is not normatively reprehensible. The Laws argue that the individual has a debt to the state for contributing to the formation of his identity

ad his education; but we know they do not contribute to the most important aspect of Platonic/Socratic education, philosophy. Then they argue that a citizen's choice to stay in spite of the continuous possibility to leave amounts to a contractual obligation to stay when the citizen is at odds with the laws. Yet it is unclear if that compact is made at voting age or continually renewed by way of the citizen's presence; furthermore, the Laws' appearance to dissuade flight in this instance sheds doubt on their commitment to keep their borders porous. Regardless, geographical relocation, as we know, is not really accessible to all: the Laws' argument doesn't hold in the face of poverty and war, in Ancient Greece or in the modern world. Finally, the Laws argue that flight isn't right when persuasion is an option. But persuasion doesn't really ever seem to be an option. As per Book VIII of the *Republic's* psychological account of regime changes (544b) we already know that states that pass good laws don't need to be persuaded otherwise and states that don't can't be made to change by way of reason alone. The Laws' very attitude, in all its dramatic exaggeration, suggest in any case that their conversation with Socrates isn't a dialog. They are telling (yelling) him something, not discoursing with him over the normative value of a choice.

Why would Socrates be inventing an argument to have with himself instead of straightforwardly making his strongest case? My answer aligns with Strauss' although it differs slightly. Socrates has already shown in the *Apology* that he doesn't care about breaking some laws if he knows better – e.g. when he refuses to stop engaging in philosophy privately and with others. From the point of view of the narrative, he needs to convince Crito (not us) that this *isn't* about eschewing the unjust punishment of a misled jury but about the fact that leaving one's homeland is generally wrong. Socrates

makes up a flawed anti-emigration argument to appease Crito. (Unfortunately some interpreters of the *Crito* have taken that argument seriously.) Within the narrative, that argument suffices to win Crito over. From outside the narrative, the clear flaw is the argument signal to the attentive reader that it is in fact the position contrary to that of the Laws that is correct. So while we may think the dialog's message about migration to be found in the Laws' anti-emigration stance we are intimated that it isn't via Socrates' (intentionally) weak rendition of said stance. This also doubles as a condemnation of the popular opinion on which Crito put renewed emphasis on at the beginning of the dialog and that both Plato's Socrates repeatedly condemns. By making the Laws say what they say, Socrates also discredits *δόξα*.

The *Crito*'s Place in the Migration Theory Literature

Plato's *Crito* casts doubt on the idea that individuals have a moral debt to the states that contribute to the formation of their identities and skills. But the Laws do raise tough questions regarding the normative value of emigration and flight. First, they make us wonder if identity is intrinsically valuable in its uniqueness, and as such if it implies normative indebtedness between the state and the individual whose identity has been in part moulded by his environment. Additionally, emigration may eventually threaten the very survival of the state, and as such, it may be morally wrong. After all, if emigration reaches a certain critical point, there could cease to be a state. The Laws, despite their exaggeration in the particular circumstances of the *Crito*, are not entirely wrong. Finally, the Laws invite an investigation of the normative difference between the status of refugees and economic migrants. Refugees' case for flight is compelling on the

surface, but according to the Laws their case is not so strong. In fact the Laws make refugees seem ungrateful and disloyal – citizens willing to stand by the state during good times but not bad ones. They also suggest that their flight is indicative of a flaw in character, which other states should recognize and perhaps guard themselves against by refusing the migrants citizenship or legal standing (Kasimis, 251). As far as economic migrants are concerned, the situation seems even worse: having derived a benefit so great from the state’s apparatus that they are now internationally desirable workers or citizens, they now leave their home in the pursuit of gain, rendering the resources spent on them wasted from the perspective of the state. This is known in migration theory literature and in public discourse as the ‘brain drain’ problem.

The specifics of Socrates’ predicament obviously suggest that the *Crito*’s import on the migration debate concerns people fleeing from persecution. Socrates is facing the death penalty, and the circumstances of his sentencing shed some doubt on the justice of the jury’s decision. Even if Socrates is indeed guilty of the charges levelled against him in the *Apology*, it is unclear if death is a penalty commensurable with his offense. *Crito* and Socrates’ other friends seem to think Socrates’ arrogance in suggesting his penalty be state recognition in the form of public upkeep played a part in the outcome of the trial. After all, the jury was split on the question of Socrates’ guilt but largely in favour of capital punishment following Socrates unorthodox ‘counter-proposal (*Apology*, 38b).’

Therefore one may question the relevance of even suggesting the *Crito*’s relevance to migration theory. On the one hand, Socrates’ situation as a persecuted citizen is not very compelling if we take him to have provoked the Athenian jury into

executing him. Taunting any particular or institution into retaliation makes a poor case for persecution post-facto. On the other hand, if we assume Socrates to have been unjustly sentenced or at the very least too severely punished, the *Crito's* import on migration theory might limit itself to refugee migration. However this is not the case.

In order to realize this we need only imagine the Laws making the exact same points but to a figure that isn't Socrates and see if they apply outside the specific context of the *Crito*. And they do, save for their initial accusation, i.e. that Socrates is retaliating violently and threatening destruction of the social order by disobeying a punishment that may or may not be unjust. All the Laws' other points apply outside of this context. An economic migrant, for example, would be just as indebted to the Laws for creating the setting in which he grew and flourished. He would be no less normatively indebted to the state than a persecuted prisoner if the Laws are correct and their relationship is indeed a paternal or proprietary one. Our imaginary migrant would be equally beholden to the Laws' argument that a decision to stay up until the moment when the grass started looking greener on the other side (being on account of impending death, sudden poverty, or simply a economic improvement elsewhere).

Similarly, the 'persuasion or obedience' clause might take a different form but still apply. Unless our imaginary economic migrant is a civil servant, it may not be possible to engage the state in a conversation in order to obtain a better salary. Still, one can always negotiate with one's employer and, failing that, a given polity offers on average a multiplicity of avenues for remuneration and gainful employment for each given set of skills. Furthermore, economic well-being is more than salary. Citizens continually advocate for or against policies that impact their incomes and finances in

way indirectly related to their pay (the US' ACA or the Canadian marijuana legalization cases are obvious examples). If anything then, the persuasion clause holds even more strongly in this situation.

Finally, the character flaw the Laws think is indicated by jumping the state's ship during harder times may be even worse in this case: Socrates waited for the real threat of an irreversible and permanent punishment. The economic migrant's threshold is in a sense much lower: in this case relative economic discomfort may suffice to spark a desire to move. Since the Laws' anti-flight arguments can be easily generalized into anti-migration arguments beyond the narrow context of the *Crito*, let's consider their import on the broader migration theory literature.

Before we do, it is important to note that the Laws cannot and should not be expected to abide by the principles of classical liberalism. It is clear that the Laws (and to some extent Plato and Socrates as well) are illiberal; they do not purport to be otherwise. Therefore the survey of the literature will need to be limited to those arguments that remain potent outside of the framework of liberalism, for two main reasons. The argument that the Laws are illiberal is in this case both evident and unhelpful given the context of Plato's work. Secondly, a satisfying examination of how arguments strictly made within the context of liberalism interact with this papers' would necessitate an in-depth discussion of Socrates' and/or Plato's relationship to it. And while the question of the relationship between Platonic philosophy and classical liberalism is definitely a worthwhile one, the obvious complexity of any good answer demands it extend far beyond the scope of this paper.

Do we have a stronger moral duty towards refugees or economic migrants, or do

refugees have a stronger moral claim for migration than other would-be emigrants? In order to answer this, let us examine normative claims to for the right to exit in the contemporary scholarship. According to Lea Ypi (2009), every restriction on immigration should be met with an equal and concomitant restriction on emigration. Ypi observes that much of the emigration literature tends to see moral complexity in the regulation of migrants' entry, but none in emigrants' right to exit. It is not so clear to Ypi that there is always justice (or at least absence of negative moral implications) in emigration. That there should always be a right to exit is not evident if there is not always a right to enter matching it. From the perspective of public health and general well being, Ypi argues that "for as long as individuals enjoy the benefits of citizenship, discharge its obligations and contribute to shape the rules of life in common, the rights of exit and entry cannot be unconditionally allocated but have to take into account the claims of justice of everyone else (Ypi, 405, 2009)." Given the representation, any state that functions according to loosely democratic or republican principles also has a right to object to an unconditional right of exit for its citizens. Here Ypi seems to make an argument not too far from that of the Laws. They consider themselves to be at least partly democratic, which is why they tout the option of persuasion as a major reason against Socrates' implied case for legal disobedience. Judging from her article "*Justice in Migration: A Closed Borders Utopia?*" Ypi, who see herself aligning with what she calls the classical contractualists' opposition to an unconditional right to leave, doesn't care very much that tacit consent is a concept problematic to isolate in time since modern citizens participate in the authorship of the laws under which they live and partake of the public goods and political transformations predicated on that consent (Ypi, 405, 2009) – a

position very much on par with that of the Laws, who are in many ways social contractualists before their time (Cooper, 38, 1997). If authorship of the laws (or their ‘persuasion,’ as the *Crito*’s Laws would say) is an option, then, “The point is to figure out how to think about the relationship between citizens and political authority such that it allows for the freedom of each to be exercised in a way that takes into account that of every other (Ypi, 407,2009).” Unlike the Laws, however, Ypi immediately acknowledges and abides by the necessary corollary implication of that argument: “When a country is occupied by foreign forces, or subject to colonial rule, or prey to civil disorder and social unrest, or when power is exercised by a dictatorial authority which has ceased to act in the name of the people, citizens should be entitled to leave (Ypi, 408, 2009).”

According to scholars like Pogge, it would have morally permissible for Socrates to escape although it would have been less morally binding for another state to take him in than another migrant fleeing abject poverty. From Pogges’ criteria as they are exposed in *Migration and Poverty*, Socrates qualifies as a political dissident. Although poor, Socrates has the option to seek financial help from his friends constantly, as is repeatedly made evident through the Platonic corpus. As a prisoner who might be facing an unjust sentence (or simply and unjustly harsh sentence), Socrates is in a situation of disagreement with the state. As such, according to Pogge, we can assume he is more resourceful than a migrant fleeing abject poverty. Dissenting intellectuals and political agitators are generally more resourceful and better educated than their economically motivated migrant counterparts, and thus our moral indebtedness to them is diminished (Pogge, 14, 1997). Dissidents in a sense choose - or at the very least expect to land into -

the trouble they are in, and this is certainly true of Socrates. An analysis informed by Pogge's argument would therefore err on the side of Socrates' flight, against the Laws, though not very strongly so.

The Laws do however make a strong case that Socrates owes them, and that leaving would amount to a symbolic default of payment. In his article "Can Brain Drain Justify Immigration Restrictions?," Kieran Oberman addresses such a situation as he enumerates a series of restrictions on immigration and the right to leave. Oberman works from the assumption that every act of immigration implies one of emigration, and therefore seems to conflate the terms. Amongst other things, Oberman argues that restrictions can be applied if the worker has not fulfilled a duty of "assistance to her poor compatriots" or defaulted on repaying monetary state assistance provide for his development (Oberman, 453, 2013). While the Laws do not think Socrates owes them money (he probably could have been fined for his transgression but decided to provoke the jury instead), they do seem to think that they are responsible for Socrates' development, and therefore his identity. So while they do not cast Socrates' indebtedness to them in terms of financial obligations, they clearly think that Socrates' debt to them demands he stay. While this may seem a stretch of Oberman's argument, Socrates clearly values his philosophizing self so much that he refuses any compromise of it, as both his refusal to stop and his plea that the polis treat his sons as Socrates treated others' (by philosophizing with them) testify. One could argue that Socrates views his identity as an intrinsic good so valuable it surpasses any amount of money. Indeed contemporary scholars of pluralism, migration and multiculturalism hold the similar view that identity is an intrinsic good (Levy, 12, 2000; Kymlicka 1989; Etzioni, 104, 2009). Concomitant

with the idea of identity as an invaluable good is the idea that support in identity development is a commensurable service, and in that sense the Laws may correct.

Untangling the *Crito's* Contribution to Emigration Theory

As experienced readers of Plato won't have failed to notice, the thesis defended in this article so far clashes strongly with other seminal texts of the Platonic corpus. In Plato's *Laws*, the Athenian stranger and his two travel companions imagine a city and craft its policy according to what seems Good. When it comes to discussing the porosity of their imagined city's borders, they readily agree it would be better should said borders remain closed. Strangers and metics have different morals than the inhabitants of the city, and as such their incorporation in its society risks causing social unrest and corruption the good and noble upbringing of the native citizens (741a).

Kallipolis, the imagined city of Plato's *Republic*, is similarly insulated. As Kasimis has rightly noted, the myth of the metals reinforces the idea that true citizenship is dependent on autochthony and thus reinforces exclusionary politics (Kasimis, 2016). While Kallipolis doesn't have closed borders *per se*, the myth of the metals also implies an ethnographic origin story that justifies each citizen's place within the harmonious hierarchy of the ideal city, each in his rightful place according to his nature. As such, any immigrant who does not believe his origin can be traced back to Kallipolis' foundational myth risks being a proverbial grain of sand in the harmonious gears of the city. Similarly, any emigrant from Kallipolis will struggle to find his place in a society that does not possess a similar hierarchical structure. We can easily imagine that the citizen of Kallipolis would be at best lost and at worst miserable in an

egalitarian society. It would seem then that Plato's actual emigration and emigration policy positions directly contradict what I take to be the *Crito's* message about emigration.

In order to solve this problem it suffices to pay attention to the narrative. Both the *Laws*' and the *Republic* cities are polities imagined by philosophers and for philosophers in the sense that they are made with a view to the Good, which we know it is the business of the philosopher to know and harmonize with. One of the most transparent lessons of the Platonic corpus, especially the *Republic's* 'Allegory of the Cave' as well as the *Apology* and *Crito*, is that there will inevitably be antagonism between the state and the philosopher. Because that antagonism is specifically caused by the philosopher's desire to philosophize, and therefore examine critically the mechanism and actions of the state, it is preposterous to think the state has the ability or the desire to create more philosophers. Yet the love of knowledge and its associated propensity for critical thinking is the most valuable aspect of the philosopher's identity. It is therefore impossible to say the philosopher holds a debt of identity formation to his state.

That antagonism between state and philosopher is not only perennial but also sometimes fatal. It is an enmity that, in the eyes of Plato, must eventually conclude in the death of one or the other. As such the philosopher is never in a situation of freedom and safety vis-à-vis the state. However soft it may be, the state-philosopher relationship is always one of oppression. In the *Crito* we are privy to an attempt from the Laws to manipulate Socrates, the quintessential philosopher, into a false sense of moral indebtedness that would cause him to decide to stay and die. The dramatic tone of the

Laws and their suggestion that flight from punishment is indicative of a fundamental character flaw is reminiscent of the most unsettling, toxic and tragic arguments of the best and most hurtful emotional manipulators: “if you leave I will literally die.” The philosopher leaving the state is a perpetual dissenter/refugee.

Given the Laws’ view of citizen-state relations, so too the non-philosopher economic migrant is persecuted. The only economic relationship between citizen and state that the Laws mention is that of master and slave. Insofar as the Laws of the *Crito* are concerned, the worker is always as a slave. They see themselves as the proprietor of the citizen, and by association the proprietor of his labour. Like the slave-master, the Laws see the citizens’ labour as belonging to them and made to benefit them and not the workers. The Laws’ attitude towards their citizens gives everyone grounds to exit; it blurs the distinction Pogge sees between political dissenters and economic migrants. Their attitude reveals that under a thin veneer of democratic commitment they are truly dictatorial in a manner reminiscent of Ypi’s characterization cited above.

It is true that the pro-emigration I take to be esoterically present in the *Crito* clashes with the clearly isolationist provisions of the *Laws* and the *Republic*. I readily concede that Plato honestly intended the best city to be autarchic and hermetic vis-à-vis immigration and emigration. But both the regimes of the *Republic* and the *Laws* are imagined by Socrates and his friends (or a proxy of them). They are regimes designed by philosophers for philosophers. The *Crito*, by contrast, is set in the real world where the philosophers are put to death by states for the crime of being who they are. No surprise that its message about immigration is as different as is this reality is from that of Kallipolis.’ Regimes in which they can realistically live and thrive, regimes governed

with a view to the Good. Of course such a place would discourage philosophers from leaving as much as it would try to prevent anti-philosopher types from entering. But with the entire world being hostile to the love of knowledge, we have good reason believe there would scarcely be a need to enshrine this into policy.

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