

# Plato's Crito and the Contradictions of Modern Citizenship

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**Abstract:** Citizenship, with its presumptive rights, privileges and obligations, has been a fundamental challenge confronting the state since the classical Greek era and the transformation and reorganization of the centralized medieval Holy Roman Empire after the Thirty Years War. With the changing patterns of state formation from the large and unwieldy empires organized into absolutist states to the more nationalistic/linguistic formations a recurring issue has been the constitutional or legal guarantees of the rights of the citizen as well as his/her obligations to the state. This paper engaged in a nuanced study of Plato's Crito as it relates the contradictions of citizenship as social membership and as participation in the modern state. The primary objective was to adapt Socrates' experience to discuss the citizenship challenge in the modern state and driven by the research question on the implications of the emergence of new challenges to the contradictions of citizenship. Social contract theory by Thomas Hobbes served as the theoretical framework. Data collection was mainly from secondary sources such as academic journals, books, newspapers and internet sources, and data analysis based on the content and textual analysis of extant and relevant literature on the subject matter. Conclusively, the study realized that citizenship in the modern state is determined largely by the protection, in various ramifications, given to the citizen by the state, but that given a change in the circumstances many would decline to die for the state. Accordingly, it recommended a mutualism in the relationship and responsibilities between that state and the citizen of the modern state, particularly the underdeveloped states of the Third World.

**Keywords:** Citizenship, Obedience, Law, Obligation, Justice, Honour

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## 1. Introduction

Citizenship, both as identity and social participation, has been subjected to shifting definitions among scholars in line with the changing nature and form of the modern state from the Athenian city-state of the Socratic era, as it evolves along different trajectories and being confronted with persistent demands for new rights that challenge the ethical values of its religious foundation [8]. The Thirty-Years War (1618-1648), ended by the Peace of Westphalia, is vastly acknowledged to form the background for the modern state system [28]. By implication reaching from the collapse of the centralized Holy Roman Empire a new world of state formation and citizenship identities emerged across Europe and would eventually, through the persistent pressure of colonization, eventually spread to the rest of the world [39]. Immediately succeeding the Holy Roman Empire was a system of empires, such as the Austro-Hungarian, Habsburg, Ottoman, British, French, German, Russian, etc. ruled over by absolutist kings

that wielded enormous political and economic powers at the expense of the citizenship rights. Throughout the conflict, the Catholic Hapsburgs fought Protestant princes of Germany who were supported by France, Sweden, and Denmark [28]. Rather than address individual or citizen rights the war was essentially about the right of princes, hitherto within the Holy Roman Empire, to sovereign territories and rule.

The Congress of Westphalia began in 1642 and lasted until 1648 through diplomatic representatives from 96 different entities meeting in two cities - Osnabruck and Munster. The Catholic estates - Spain, France, the Dutch, the Holy Roman Empire, and a papal mediator met in Munster while the Protestant estates met under the leadership of Sweden and an imperial representative at Osnabruck. Perhaps the most significant and lasting outcome of the Peace of 1648 is the idea of state sovereignty, establishing "territorial superiority in all matters ecclesiastical as well as political" of princes in the Empire [28].

Citizenship did not easily or neatly coalesce into the distinctions of statehood after the Peace of Westphalia.

Religious solidarities played a major role in the identification of citizenship in Europe. A broadening of citizenship beyond religion was a gradual process. From the late fifteenth century to the Peace of Westphalia (1648), mass expulsions and forced conversions of Jews and Muslims in Protestant movements and religious wars in Western and Central Europe, and attacks on the papacy's secular power in Italy disrupted the previous accommodation of multiple faiths with the public dominance of weak national Catholic churches [42]. From 1648 to 1789, states and churches identified with each other more strongly than before. But with the French Revolution and its declaration of the rights of man and the citizen there was an expansion of citizenship rights, the incompatibility between inclusive definitions of political rights and religious barriers to political participation having been bridged or moderated [41].

The dissolution of religious barriers to citizenship did not, of course, eliminate popular or official bigotry. Nor did it eliminate religious differences in political rights and participation within property qualification regimes where wealth and religious affiliation correlated. What became rare was the official incorporation of religious, ethnic and racial distinctions into definitions of citizenship [41]. In the modern state citizenship rights are being hotly challenged by mass movements and migrations of people clamouring for absorption into the citizenship of host nations. Ethnic identities in complicated citizenship configurations have resulted in wars in Bosnia, Azerbaijan, liberalization of citizenship in Canada and Australia, racism resulting in the extermination of black population in Argentina and racial attacks and killings in the United States and Europe, all of which pose persistent challenges to modern definitions of citizenship. Furthermore, this complex relationship between war and nationalism is mediated by the state as it wages wars and also utilizes nationalism for its political legitimacy [21].

Contemporary developments in Eastern Europe and in the former Soviet Union have, however, raised once more the complicated relations between nationalism, political identity and citizenship participation. There is also a global refugee problem which has created a new crisis of stateless persons in the contemporary political system. Less dramatically, the institutional growth of the European Community has also raised important questions about citizenship status, not only for minorities but also for all forms of transient and migrant labour. Of course, these problems of nationalism and political identity are hardly nascent. In many respects, the contemporary issue of citizenship and nationality mirrors the earlier problems of both the Habsburg and the Ottoman Empires [43]. However, citizenship as an issue has become increasingly prominent because the traditional boundaries of the modern nation-state across the world have been profoundly challenged by global developments [42].

Globalization has been identified to have problematized the relationship between citizens as individuals and as social members [42]. Michael Foucault [12] introduced the dimension of the citizenship question generally described as the politics of the body, i.e. the right to free use of the

individual's body, while Marxism [22] focuses on the problem of effective distribution of scarce resources, equality, justice, fairness, and the problem of minorities. Feminism and feminist movements and agitations for rights of women, a phenomenon unheard of in the days of Aristotle, are now on the front burner, both for social membership and social participation.

Citizenship has been defined as "the set of social practices which define social membership in a society which is highly differentiated both in its culture and social institutions, and where social solidarity can only be based upon general and universalistic standards" [42]. Hegel's [14] discomfort with the concept of inalienable rights, which he considers divisive, but advanced by Locke, has also introduced a new vista to citizenship theorization. Hegel had associated "individualism with Jacobinism, the violence, fanaticism, terrorism, and atheism of the French revolution" [36]. This is just a historical sketch on the evolution and contradictions of citizenship identification, definition and claims. However, this paper's focus is on Socrates' quintessential legacy as a citizen of the Athenian State depicted in Plato's dialogue, *Crito*.

## 2. The Problem

Plato's *Crito* is one in a series of events from Socrates' accusation of crimes committed against the Athenian state, his trial before the jury, the testimonies of his accusers, his defence, the jury's verdict, the period of his incarceration, efforts by his friends to help him escape and avoid punishment, his refusal and final culmination in his demise. What this implies is that a proper grasp of this particular dialogue would be difficult without a good knowledge of the antecedents. In the *Apology* (apologia; defense), Socrates had committed intense historical and intellectual energy, eloquently expressed, to provide an insight into the apparently obvious reasons why he should be hated. His effort was to reveal the underlying and prior events that polluted the minds of many against him, particularly the poets. He distinguished between two sets of accusers; those who had made strenuous efforts for a long time to disparage him and the current accusers. The former he considered far more dangerous than the latter and among them was Aristophanes, who in, the *Clouds*, characterized Socrates as an atheist who in a dialogue demystified the gods [5].

Socrates had argued against the pre-eminent popular belief that the god, Zeus, was the cause of the clouds, rain and thunder. In the *Apology* he narrated the story of how his friend, Chaerephon inquired at the oracle at Delphi (the shrine of Apollo), whether Socrates was indeed the wisest man and the oracle's affirmation, whereupon Socrates carried out an investigative research to disprove the oracle but rather ended up confirming the oracle's declaration. This pitted the wise men against him culminating in the accusation as a plot to take him off the scene. The charges against Socrates were presented by Meletus, a little-known poet. It is believed that some powerful men such as Anytus had actually sponsored

Meletus against Socrates being suspicious of his attitude toward the democracy. On his part Meletus, being a poet had his own grouse against Socrates for challenging some depictions of the gods by the poets as morally wrong and in several dialogues made uncomplimentary statements about them. For instance, in the Republic he admitted that: “if a poet says this sort of thing about the gods we shall be angry and refuse to let him produce his play; nor shall we allow it to be used to educate our children – that is if our children are to grow up godfearing and holy, so far as that is humanly possible” [31].

What Socrates did in one was to give a scientific explanation, which was possible for that particular phenomenon leaving those spiritual and metaphysical aspects to the gods. Socrates had been found guilty and condemned to death by the jury. His plea and argument having been rejected he resigned himself to his fate, though convinced that the jury had been unfair to him and may have acted on extraneous considerations than the law.

Socrates’ experience poses several questions and problems for citizenship in the modern state, such as the conditions under which the citizen should obey the laws and demonstrate his unalloyed loyalty to the state. That a failed or weak or underdeveloped state, unable to protect and provide for the citizen but rather exposes him/her to constant fear of death, deprivation, poverty, destitution, and frustration, such as the Third World states still expect loyalty and obedience poses a serious challenge to the theory of citizenship. Insecurity, class distinctions, migration, racism and gay rights that are prevalent in the advanced capitalist states of the West have also made the presumptions of citizenship in the Socratic era contestable or disputable. An impoverished and voiceless man would have difficulty claiming to be the proud citizen of his state. On their part, citizens in the modern state now make bogus, abnormal and irrational demands for the state’s endorsement and protection, calling to question the role of the state in the determination of the criteria for citizenship.

This paper offers a veritable explanatory source and possible solutions to the crisis of citizenship in the modern state, particularly the underdeveloped and crises-ridden states of the Third World, by effectively utilizing the experience of Socrates in the ‘Crito’. The intellectual world still struggles to unravel the working of the mind of Socrates who never ceased to confound his contemporaries by laying bare the limitations and weaknesses of the human mind, particularly of those who claimed to be wise. The central objective is to draw some specific lessons as they relate to the challenge of citizenship in the modern state by focusing on the Athenian democratic tradition with particular reference to Socrates.

### 3. Aim and Objectives of Study

It is the aim of this paper to relate the experience of Socrates as a citizen of the Athenian state as presented by Plato in his book, Crito, to the rights and obligations, as well as the contradictions of citizenship introduced by the

evolution of new social phenomena in the modern state, including the global dimension. Specifically the objectives that shape this study are to:

- 1) Discuss the theory of citizenship as presented in the Crito in the context of normative political theory.
- 2) Examine the intricacies of the correlation between Socrates’ experience and the citizen of the modern nation state.
- 3) Study the implications of the emergence of new social phenomena on citizenship in the modern state.

### 4. Research Questions

- 1) How relevant is the theory of citizenship as presented in the Crito to normative political theory?
- 2) What are the intricacies of the correlation between Socrates’ experience and the citizen of the modern state?
- 3) What are the implications of the emergence of new social phenomena on citizenship in the modern state?

### 5. Theoretical Framework

Social Contract theory, which provides the framework for this study, starts on a premise that prior to the modern state man had lived in a state of nature in which, according to Hobbes [15], there was no state (or common power), government, rule or authority to keep citizens all in awe, in which life was “solitary, poor, brutish, nasty and short”. It was a condition of war of every man against every man, where there was no place for industry, no culture of the earth, no navigation, no importation by sea, no commodious living, no logistical trucking, no knowledge of the face of the earth, no science, no letters, no arts, but rather fear and the danger of violent death [15]. In summary the theory stems from a hypothetical assumption of man living in a state of nature characterized by general insecurity of lives and property, a condition of absolute lawlessness. To exit such a situation men entered into a contract by surrendering the power to rule themselves to one man, the Leviathan, to whom they would all look up with awe or fear [36]. His primary responsibility is to maintain law and order and a conducive atmosphere where everyone would pursue his individual economic interests freely. In this conceptualization citizenship is a contract guided by rights and obligations to which each party is entitled. Hobbes also theorized that where the state failed to provide security, which is its primary responsibility, it is thereby dissolved and each citizen is at liberty to withdraw his/her obligation to the state. Where to establish the nexus between the citizen’s loyalty to the state and the latter’s responsibility to secure and provide a conducive environment for the former to realize his full human potentials becomes the real issue this paper is designed to address. Socrates’ exemplary conduct presents a series of challenges to the citizen of a modern state, particularly a dependent and underdeveloped one with a reduced capacity to function as a rational state [13].

## 6. Methodology

The method of data collection adopted for this study was mainly secondary, from sources such as historical and archival records, internet materials, academic journals, newspaper reports, news magazines, etc. Content analysis, historical method and logical explanation of the data gathered provided the method of data analysis. The historical approach *"focuses attention on the unity of the old and the new, often accounting for the emergence of the new from the old"* [25]. It is therefore essentially a qualitative study.

## 7. Discussion

The discussion in this paper contains a variety of elements that effectively capture and operationalise the concept of citizenship, such as the definition of the citizen, the universal criteria for citizenship, the moral qualities of a good citizen, the effects of historical evolution of the state on citizenship criteria, the specificities of citizenship requirements in each historical epoch, and contemporary trends in the changing patterns of citizenship in the modern state.

No standard definition of citizenship has yet gained scholarly consensus. It has been defined as an enforceable mutual relation between an individual and the state. Horizontally, it includes all of an individual's relations to others and vertically between him and a particular state. It is identified as a set of rights, i.e. relating a state to various categories of persons, both as individuals and identifiable groups, and all demanding some rights that require protection. Seymour Martin Lipset [41] offers a categorical definition of citizenship as those people who are included in a given state's circle of full political participation. From another perspective, citizenship is the set of social practices which define social membership in a society which is highly differentiated both in its culture and social institutions, and where social solidarity can only be based upon general and universalistic standards [42].

Aristotlean [6] citizenship criteria are quite limited, restrictive and selective, excluding slaves and women and in some states even mechanics and artisans. These categories, to him, lack the capacity for exercising political power or sitting on juries and in assemblies, in other words, holding political office. The abiding fear and guiding principle was the necessary avoidance of the ruination of the state, hence the emphasis on the moral training of the citizen. Thus, the citizens are men who are equal, or nearly so, in wealth, in birth, in moral and intellectual excellence, trained to perform necessary service to the state [6]. He concedes that since there are many forms of government there must be many varieties of citizens. Below is a discourse on the specific issues raised.

### 7.1. The Crito

The circumstances surrounding Socrates' condemnation and his personal choice to face execution all appear so unnatural that they raise so many issues open to debate. He

had the option to go on exile even before the trial or propose it as a penalty after the verdict of the jury. To him it was more honourable to die in obedience to the law than bring the law into disrepute by going on exile. Death in the hands of the law was much more gratifying to him than going on exile to live longer, even considering his age. In the *Apology* he taunted that if they had acquitted him it would not be long before he died by the law or by a natural course and following the opportunity offered him by the trial it was more gratifying to die by the law. He bemoaned that being already far advanced in years if they had waited a little while their desire would have been fulfilled in the course of nature as he was not far from death [29]. Socrates' execution had to be delayed by one month because of a religious tradition of sending a ship to Delos during which period coincidentally no execution could be carried out. This provided his friend, Crito the opportunity to visit him in detention and the dialogue ensued. He had met Socrates sleeping peacefully. Though he had always known Socrates to be calm and non-temperamental he could not understand how his friend bore such a grief. Socrates said at his age he should not be afraid of death, to which Crito replied that others of his age do fear death. He thoughtfully agreed that it could be true but quickly changed the discussion, sensing that something else must have actually prompted that particular visit of Crito's. It was then his friend opened up with what he considered to be the saddest message that the ship would arrive from Delos that day, meaning that Socrates would die the following day. Socrates replied that he was already aware through a dream that the ship would not arrive till the following day.

Crito then proceeded to persuade Socrates to accept his earlier plan for escape. He said enough money had already been raised by friends for the purpose and all necessary arrangements concluded. Besides, he argued that those who knew the relationship between them and the fact that with money he could save his friend's life would accuse him of insensitivity to the imminent death of a friend by refusing to spend it for that purpose. But Socrates rather engaged him in a philosophical dialogue essentially to convince him that an escape would be dishonourable to him and the state. He argued that the opinion of many did not matter and that good men would always tell the truth. Crito sustained the argument by making a veiled reference to the opinion of the jury of about 500 members to emphasize that the opinion of many could be dangerous and harmful. Socrates replied that that could be the case only if they had the chance but that they could not change a man from who he is.

Crito argued that Socrates would be betraying his own life if he decided to lose it while he could save it. By choosing to die he would only be playing into the hands of his enemies and get destroyed. He would by that action be betraying his children to whom he owed the responsibility for proper upbringing and education. It was wrong, Crito argued, for a man to bring children into this world only to abandon them to their fate rather than being a father till the end. He argued that Socrates' chosen line of action was not consistent with his professed principles of virtue, courage and justice in all

situations. Indeed, he was ashamed that Socrates had prolonged the issue to that point of absurdity while he could have ended it much earlier and was still insisting on bringing all of them into disrepute as cowards, vile and base men. He concluded that it would be disgraceful if Socrates continued to show impudence while he had the chance to save his life. That night would be the last chance for escape. Socrates should make up his mind.

In his reply Socrates appreciated the zeal shown by Crito, but argued that his decision was consistent with his avowed principles and guided by reason. He said Crito's argument was weak and not enough to persuade him unless he could forward a stronger argument which he would still subject to philosophical examination. In order to debunk Crito's argument Socrates returned to the issue of whether to obey the opinion of the many or one just to convince him that he, being well informed about the circumstances surrounding his fate would have a better and more justifiable opinion that should override whatever was held by many who were ignorant. He cited the example of an athlete and his trainer (coach) and raised the question whether the athlete should follow the instructions of his trainer or the opinion of many just because they are in the majority even though they were not intimately informed about the athlete. Obviously, such an athlete would injure himself by following public opinion rather than the trainer.

Relating it to himself he drew the conclusion that a good or just man should not injure himself or do to himself what he knows to be wrong just to satisfy the opinion of the many. Since he knows himself better than any other and since not just life but a good life should be valued or preferred a man should thrive to live the good life, but under the prevailing circumstances his continuity in life would not offer him the good life and then living would no longer be just or honourable. This is because the just and honourable life is also the good life. What Socrates meant to capture by this argument was the fact that if he should choose to live by escaping and living in exile, yes, he would continue to live but such a life would not be the good life. Exile in a strange city, where he would be denied the rights and privileges of citizenship, would not offer him the good life, which is the only life that should be justifiably or honourably lived. Following this principle he meant to draw the conclusion that it would be more just and honourable to die in Athens as demanded by the Athenian law than go to exile and live as a second class citizen and a stranger in a foreign city. It would be more honourable to die in the city where he had enjoyed all the rights and privileges of citizenship. This is one of the major challenges of citizenship in Nigeria.

## 7.2. *The Voice of the Laws*

Socrates then took the argument to another level. He stated the principle which they held that injury should not be returned for injury and evil should not be returned for evil. It is like the principle that two wrongs do not add up to a right. His principle is that one ought always to do right even when wronged. Since what people consider to be right could vary

from each other, one ought to do what he considers to be right, and that because he knows better the circumstances surrounding that decision which others may not be privy to. Crito accepted this to be correct, whereupon Socrates added that by the application of this principle would he not have wronged the Athenian State by escaping from prison? Crito replied that he did not understand and Socrates had to reformulate the argument by giving voice to the laws or by addressing the issue as though the laws were actually speaking.

The laws asked Socrates if the Athenian State and the laws would not collapse should their decisions be rendered powerless and be set aside or overthrown by individuals. If he replied that the State had wronged him by giving him an unjust sentence or verdict the laws could retort whether his agreement with them was to obey them when it was convenient for or pleasing to him and disobey when otherwise or to obey them always. The laws would ask him to justify his attempt to destroy them and the state by opening the floodgate for the citizens to disobey them. If all other citizens followed his example certainly there would be no basis for the continued existence of the State. The laws would ask him further why he did not object when they presided and sealed the marriage of his parents and under which he was born, nurtured and educated. They had provided the stable and organized atmosphere that ensured his proper upbringing by his parents without his objection. Furthermore, the laws would ask him if he would not be acting against his own principles and virtues if he chose to wrong them by escaping because they wronged him by giving an unjust sentence or judgment. Would he be justified to pay or return evil for evil?

Furthermore he would not escape if his parents punished or wronged him and yet the state ought to be regarded higher than his parents. He would not be justified to break the rank and retreat in the face of death while fighting in defense of the State if not ordered to do so. Whether in battle or in a court of law he ought to act as his City ordered him even though he considered it unjust since the State knew better what it considered just. The State like the individual has the right to do what it considered right and he should therefore die if it considered that just and right. He then turned to Crito and asked if issues raised by the laws were right and justifiable. Crito agreed that they were.

Having extracted Crito's consent by speaking through the laws he then proceeded to ask what would be his answer if the laws asked him why he did not take the decision to abandon that City and go elsewhere when he came of age and noticed that it operated unjust laws. He was always at liberty to leave the City when he discovered that its justice system and administration of the state were objectionable to him. But by refusing to leave he had entered into a contract to obey its commands. Here, one finds elements of Locke's [18] theory of tacit and express consent. He also had the chance to present an argument that the laws governing the City were unjust and try to have them changed because the laws in that democratic setting were not imposed but rather made through

the generally acknowledged and accepted institutions and processes. Moreover Socrates of all men, who was always in the habit of rigorously questioning everything in line with his long-held principle that an unexamined life is not worth living, was at complete liberty to show that laws governing Athens were unjust and having participated in various democratic institutions could have moved for their change. Therefore could not escape from their punishment now that they had caught up with him.

### ***7.3. Socrates' Experience and the Citizen of the Modern State***

The implication here is that those who observe unjust laws should act, through the established channels to have them changed. Failing to do so, they would not have the excuse to disobey when they are caught up with the (unjust) laws.

You, Socrates, are breaking the covenants and agreements which you made with us at your leisure, not in any haste or under any compulsion or deception, but having had seventy years to think of them, during which time you were at liberty to leave the city, if we were not to your mind, or if our covenants appeared to you to be unfair. You had your choice, and might have gone either to Lacedaemon or Crete, which you often praise for their good government, or to some other Hellenic or foreign state [11].

The concept of social contract is noticeable here, a contract between the State and the citizen for the extension of rights and the obligations of the citizen to it. The laws even had to ridicule Socrates how he used to be fond of them and the State. They also reminded him that the cripple, blind, dumb, maimed, etc, most probably suffered in the process of defending the City, all had been living happily under the protection of the laws, and now he was planning to ridicule himself by escaping; an act of cowardice and not of courage for who would like a State that has no laws? This was to inform Socrates that even if he escaped he would still be subjected under the laws of another state. Moreover he would not be trusted by the citizens of that state. By making himself a subverter and corrupter of Athenian laws everybody wherever he went would look at him with suspicion that he would repeat what he did in Athens.

Certainly he would not go to a lawless place. As a great polemist, when interacting with the youth of that state, what would he say to them? Would he continue with his usual lessons on the virtuous life, courage, justice, etc? At his old age would he suffer such misery for a little prolonged life? Would a few more years to live be worthwhile the mental agony? About his children the laws contended with Socrates whether he would flee with them in order to give them good education and up bringing or leave them behind and expect the same state and laws that he had subverted to take care of them for him.

The laws had even threatened to haunt Socrates in the foreign land should he decide to heed Crito's advice, reminding him that they have friends there that would still put him under surveillance and even execute their judgment. Of course, Crito had no answer to such an apparently

unassailable argument. Plato's Crito which captures the moral qualities of Socrates both as a man and as a citizen of the Athenian State is particularly challenging to the citizen of the modern nation-state. The dialogue raises several critical issues which we intend to examine here.

### ***7.4. Socrates and the Moral Citizen***

One implication of the dialogue is that the citizen's personal moral principles have to be subsumed under the law based on the social contract which obliges him to obey its commands. Socrates had sought justice which he could not obtain convincingly from the jury. The laws themselves, having realized this had to console him that he was actually a victim, not of the laws, but of mischievous men. Other questions that need be addressed include the following;

Were the views expressed by the laws those of Socrates or the laws?

One wonders why Socrates would put such stunningly strong argument in the mouth of the laws against himself. He may have done so to convince his friend that escape would not be a better or safer option ultimately. Crito obviously had limited himself and his argument to the immediate act of escaping execution without considering the concomitants and the future implications which Socrates examined holistically and exhaustively. Consequently, the view may be expressed that the laws had spoken for themselves whereas Socrates still remained convinced within him that he was innocent. His final expression that he would follow the will of God was an indictment on the laws. What Socrates sought to do was to judge the laws and the polity in the court of morality. Laws that failed on that count would not pass the test of justice.

Why did Socrates subject himself to blind obedience?

This position appears obvious but on closer examination one would discover that having put up a strenuous argument in his defense it would not be correct to argue that it was blind obedience. He had expected that his defense would convince the jury, but for a bloated jury of 500 to reject it and condemn him showed that he would have no choice than respect the will of the people which coincided with the position of the law, thus rendering him helpless. Though unconvinced he still found himself bound by a moral obligation to obey. This could be the reason Socrates' political philosophy did not favour democracy.

Should a citizen obey written laws whether agreeable to him or not?

Laws, though they have general applicability, may not be acceptable to all. This means that citizens have an obligation to obey extant laws, though they need to exploit every available avenue to fight for the amendment or repeal of disagreeable laws. But allowed to remain must be obeyed whether or not agreeable to the entangled citizen. Socrates has demonstrated that it is an obligation to obey laws as without it the State could not survive for long. Just as the laws are not selective but apply uniformly in a properly governed state so also should obligation to obey the laws not be selective but generally apply to all laws of the state.

Do the laws have a moral right to demand obedience

knowing that they are unjust?

It should be noted that Socrates' disappointment was more for the fact that his conviction was not based on the law than the unjust nature of the laws. He did not condemn the laws per se, but rather the fact that they had been unjustly manipulated against him. However, whether manipulated or not, once the citizen was convicted the laws would naturally demand obedience. It is possible to argue that Socrates' decision to face the execution was, in a way, a powerful instrument against his accusers and the jury which convicted him and could have a cleansing effect on national morality.

Is a commitment to justice the same as obeying the laws?

It is a difficult task to divorce justice from the laws but obeying the laws and justice in law may not be the same. Indeed there could be unjust laws which would still demand obedience all the same. Commitment to justice appears to be the search for an ideal, what could be described as justice in 'form', i.e. the perfection of justice which shapes the laws. In other words, there should be harmony between the higher ideal of justice and the laws. It is when laws are just that obedience to them becomes a matter of philosophical obligation rather than blind obedience. Consequently, a citizen should obey the laws without being satisfied that he has obtained justice. Socrates poses the question thus; 'And will life be worth living if that higher part of man be depraved, which is improved by and deteriorated by injustice?' [30] there is a higher ideal in man which justice improves. When the laws satisfy this standard obligation to obey is made easier.

Can a citizen hurt the laws?

The law had argued that disobedience to them is synonymous with destroying them. This is a very crucial statement because in a situation where the laws could be disregarded with impunity both the laws and the state are systematically destroyed. They told Socrates that in planning to escape he was actually attempting to destroy us and the State [30] and when the laws are destroyed the citizens would be living in a lawless state and 'who would like a state that has no laws?' [30]. It would be a return to Hobbes' state of nature.

Are the laws right in demanding death from a citizen they know is innocent?

It would appear that the laws were not actually contesting Socrates' innocence on moral or legal grounds but that only the jury had the authority to state the position of the law. The jury was the oracle of the laws and once a declaration has been made, whether favourable to the accused or not must be obeyed. This is a matter of contractual obligation between the citizen and the State. Conversely, the State could not proceed to execute an accused person whom the jury had pronounced innocent. The State is also guided by the rule of law. This appears to be the reason that Aristotle [6] insists that no matter the training and moral purity of the philosopher rule of law is always preferable. Human judgment has its limitations and cannot be perfect. Only the laws could remain impersonal and disinterested and therefore apply with uniformity.

### ***7.5. Emerging Social Phenomena and Citizenship in the Modern State***

From the Peace of Westphalia out of which womb emerged the modern state system there have been historical and systematic social transformations in the structure of the state system, both domestically and internationally, that have, in various ways, influenced citizenship configurations in contemporary social formations [32, 4], in terms of class, ethnicity, race, sex, etc. The dissolution of religious barriers to citizenship was a serious challenge after the Peace of Westphalia, as it could not immediately eliminate popular or official bigotry. Nor did it eliminate religious differences in political rights and participation within property qualification regimes where wealth and religious affiliation correlated. What became particularly challenging was the official incorporation of religious, ethnic and racial distinctions into definitions of citizenship [41].

A whole new barrage of rights are emerging and requiring protection called "republican rights", i.e. the right every citizen has that the public patrimony be effectively and publicly distributed based on a democratized formula of everybody and for everybody. Citizenship is challenged in some democracies where the state does not generate political equality, and even fails to provide even a modicum of social order or security for the citizens [34]. In several communities, at the interstices of civilized areas, even in developed societies the state simply disappears and lawlessness reigns. Examples are the Favelas of Brazil, rural areas of Colombia, Ghettos of the United States, Shanty towns of South Africa, waterfronts in Nigeria, etc. where there is widespread private violence, separated by walls, physical not only economic, from the "gated communities" inhabited by the rich. The state often just patrols around the walls to show its presence [34].

Citizenship is usually limited by time and space because it is a temporary status that can be acquired, changed or revoked and citizenship is spatially limited by territory because the citizen's guaranteed rights exist almost exclusively in the home country [9]. Citizenship draws strength from a strong attachment to a certain territory. However, citizenship and rights claims are transitory in time and space and get complicated with reference to naturalization, registration and dual citizenship [16].

In the modern state citizenship rights are being hotly challenged by mass movements and migrations triggered by crises such as wars, hunger, poverty, natural disasters like climate change, flooding, desertification, harsh weather, environmental pollution, agitating for absorption into the citizenship structure of the host countries. Most migrants clamour for rights from both the home and host states as dual citizens, thus raising serious moral and theoretical issues on the proper identification and protection of their rights.

Ethnic identities in complicated national citizenship configurations have resulted in wars in Bosnia, Croatia, Rwanda, Burundi, Angola, Sudan, Turkey, Azerbaijan, Georgia, Chechnya, Tajikistan, Kashmir, Myanmar, and Sri

Lanka [17], instigating mass movements across borders. Various mechanisms, both legal and illegal, are adopted to obtain the citizenship of the host countries, further complicating citizenship rights and expectations [26].

Another dimension to the contemporary citizenship contradictions is racism or racial intolerance resulting in either the extermination of black populations, as in Argentina, the Middle-East or incessant racial attacks and killings in the United States and Europe, posing persistent challenges to the definition of citizenship. The social contract would mean little or nothing to a citizen whose life could be terminated with weak protection from the state.

Furthermore, ethnic groups and nationalities unable to accommodate each other and forge an integrated society have often resorted to warfare to settle their differences. In more complex formations indigeneship and settler conflicts between migrant and sedentary cultures have also complicated the definition of citizenship. Contemporary developments in Eastern Europe and in the former Soviet Union have, however, raised once more the complicated relations between nationalism, political identity and citizenship participation. This complex relationship between war and nationalism is often mediated by the state, but which also wages wars and also utilizes nationalism for its political legitimacy [21]. In some extreme instances the state is viewed as an instrument of a majority ethnic group constantly making efforts to suppress others considered to be minorities and frustrate their national aspirations such as Biafra in Nigeria and the Catalans in Spain, the PKK in Turkey. Inter-ethnic tensions influenced and sustained by nationalism, practicing exclusivism based on ethnicity had resulted in the breakup of Yugoslavia and Czechoslovakia [40].

The global refugee crisis, a mass movement of people described as stateless persons has created a new vista to the crisis of citizenship in the contemporary political system. Less dramatically, the institutional growth of the European Community has also raised important problems about citizenship status, not only for minorities but also for all forms of transient and migrant labour. Problems of nationalism and political identity have largely remained unresolved, problems arising from the disintegration of the universal Holy Roman Empire, then the larger German, Russian, Austro-Hungarian, Habsburg and the Ottoman Empires into smaller nation-states with interwoven ethnic identities [43]. However, citizenship as an issue has become increasingly prominent, because the traditional boundaries of the modern nation-state across the world have been profoundly challenged by global developments in the organization of modern societies [42].

Xenophobic attacks resulting from frustrated nationalism in South Africa, where indigenous Africans have failed to utilize their political independence to economically transform the society to their advantage tend to vent their anger on other migrant African and Asian populations in citizenship contestations. Such tendencies are closely related to globalization, which has also introduced contested

citizenship in many hitherto closed societies. It has also been identified to have problematized the relationship between citizens as individuals and as social members [42]. Having been transformed into a global rather than a national citizen modern man's identity and citizenship are becoming less and less fixed into territorial boundaries, on the basis of which citizenship rights could be claimed through residency, marriage, registration, and generally recognized inalienable human or natural rights. Globalization is said to have broken down "artificial barriers to the flows of goods, services, capital, knowledge, and people across borders [38], a global agglomeration of citizenship.

The concept of inalienable rights from Locke [18] has expanded and spread in different dimensions, some in contradistinction to the western Christian heritage of ethical values, such equality-seeking groups as members of ethnic and national groups, colonized people, Lesbian/Gay/Bisexual/Transgendered/Transsexual/Queer people - LGBTQ-rights, or the sexual revolution [44]. Michael Foucault [12], following J. S. Mill [23] introduced the dimension of the citizenship question generally described as the politics of the body, i.e. the right to free use of the individual's body [12], while Marxism focuses on the problem of effective distribution of scarce resources, equality, justice, fairness, and the problem of minorities [32, 22, 10]. To them citizenship is meaningless without access to guaranteed economic goods, a healthy environment, effective participation and peaceful life. This is a very serious challenge to citizenship in capitalist states segregated by class cleavages, inequality and private violence. The essence of the Social Democratic State combining centralized planning with citizen participation is to address this challenge of social inequality though ethnic problems still persist [37].

Against the backdrop of Aristotle's exclusion of women from Athenian citizenship the upsurge of feminist movements, theorization and agitation poses a serious challenge to the Socratic theory of citizenship as reflected in Plato's *Crito*. Feminism and feminist movements and agitations for rights of women, a phenomenon unheard of in the days of Aristotle, are now on the front burner, for social membership, recognition and participation. Feminism and the feminist movement have further reconstructed the various paradigms of citizenship and enforced change in the traditional social gender values and orientation [24, 7, 19].

Hegel's [14] discomfort with the concept of inalienable rights, which he considers divisive, but advanced by Locke, has also introduced a new trend in citizenship theorization. Hegel had associated "individualism with Jacobinism, the violence, fanaticism, terrorism, and atheism of the French revolution" [36].

Among contemporary developed societies there is a common tendency toward the eclipse of citizenship [33] triggered by equality and rights seeking groups. On the side of obligations the phenomenon of mass society and mass culture is resonating in the abdication of certain fundamental obligations of citizens. In the US, Europe, and Japan mass society and mass culture have resulted in mass apathy, such



as spending half of leisure time watching television, growing distrust in existing organizations such as the political party and the pressure group [35], rather than a participatory or active orientation as demonstrated by Socrates.

Plato's *Crito* which captures the moral qualities of Socrates both as a man and as a citizen of the Athenian State is particularly challenging to the citizen of the modern nation-state. It presents him as the quintessential citizen, the impeccable model for all generations of citizens in all nation-states. Ekeh [27] developed a theory of two publics which aptly captures the nature of citizenship in Africa that has resulted in two separate publics in political life - an amoral civil public from which one expects benefits but which is not important in one's definition of duties; and a moral primordial public, defined in terms of one's ethnic group, to which one's relationships were predominantly phrased in terms of duties.

This bifurcation of the public realm is most important in understanding African public life. Many Africans have deep sacred feelings for their ethnic groups that are not replicated in the modern public realm. Many could and do sacrifice their lives and their life savings in the service of perpetuating these primordial groupings while stealing from public institutions and killing rival groups [27].

Their expectations of rights from the government are not matched with a willingness to perform duties to it. One could make a distinction between the legal citizen and the moral citizen. Legal citizenship in many modern nation-states has its challenges as discussed above. It is usually clearly defined. "National citizenship may be defined as basic membership in a nation-state a status which gives the occupants freedom in the sense that they are full members with special rights and duties denied others" [33].

Several examples could be cited to prove that Africans actually enjoy very limited rights from the state. For instance, citizens' expectations for access to social services like education, health, roads, electricity, etc. are a tall order in Third World countries. Consequently, having been denied these rights and facilities the state loses the moral authority to expect duties and obligations from the citizens, such as obedience to the law, payment of taxes, respect for constituted authority, respect for national ideals and institutions, respect for the national symbols, etc. Furthermore, citizens are daily assaulted with news of massive corruption involving their political leaders without sanctions, making them renege on their obligations to pay taxes and disdain the law that is unable to apprehend corrupt leaders.

Even the obligation to participate actively in national affairs has been denied them. Africans and the citizens of less developed societies no longer participate actively in public affairs as their opinion and even votes no longer determine the outcome of elections, creating a deep feeling of political frustration leading to apathy. It is a tactical withdrawal from any political engagement, as the moral citizen is thus frustrated into silence and inactivity.

It should be noted that for the emergence and development

of the moral citizen there should be a healthy balance between rights and duties/obligations. Where this balance is distorted or tilted in one direction the system is negatively affected. The more the citizens' rights are denied them the more they withdraw their duties and obligations from the state.

Rights and duties/obligations should match, balance, support and reinforce each other. The legal citizen is then transformed into a moral citizen. The laws in Plato's *Crito* were able to put forward an argument so strong that Socrates was convicted if not on legal but on moral grounds to comply with its final verdict. The laws of underdeveloped countries can hardly assume such high moral ground to confront and convince a dissatisfied citizen.

## 8. Conclusion

From the foregoing, it is obvious that the concept of citizenship has been transformed tremendously as the state evolves endogenously and as it is forced to respond to global challenges thrown up by contemporary dynamics over which it has little or no control. Tremendous changes have been effected from the size of the state, the large populations that constitute the citizens of a state, the role of international organizations in weakening the territorial sovereignty of the state, to the emergence of new social groups that also claim equal rights.

However, Plato's *Crito* which presents Socrates as the quintessential citizen is very germane to the modern state, particularly the Third World variant with its pathologies of underdevelopment, unable to provide the basic needs of the citizen and has apparently lost the moral citizen. What builds a nation is not the legal but moral citizen. To regain the moral citizen the law has to reassert itself and its moral authority. Indeed, citizens appear not to have any choice than to reaffirm their loyalty and commitment to the nation-state. The notion that there can be no other better than one's own nation-state is increasingly losing validity. So many Third World countries now depend largely on diaspora remittances, and consequently encourage interstate migrations. For instance, Filipino migrant workers are the Philippines' largest source of foreign exchange [1].

It is also noteworthy, however, that citizens who abandoned their states in search of a better life outside are being chased, harassed, humiliated, frustrated and even branded in their host nations all over the world. Except to escape from war or work or sports, etc. as justification, it should be appreciated that the citizens endured and built those nations migrants consider better and are escaping to. This is one moral lesson Socrates has taught citizens of the modern state and it leaves a deep hole in their hearts. A new political culture of participation is needed very urgently to resuscitate the interest of citizens in political affairs in place of the present culture of apathy. Political culture directs the citizen's attention toward certain preferred political features and goals with a positive orientation and away from others considered harmful to the system. Some of the veritable

means employed for directing attention involve political socialization and participation [3, 2]. Thus, the challenge of citizenship is consistently getting more complex and deserves more attention and also greater liberalization in response to global trends.

## 9. Recommendations

From the discussion above this paper recommends that:

- 1) Greater liberalization of citizenship acquisition requirements should be put in place to avoid or limit some of the negative outcomes of migration such as drowning on the sea, cross-border insecurity, hunger and poverty.
- 2) States, particularly those of the Third World, should seriously and comprehensively address pressing issues of poverty, unemployment, hunger, disease and general underdevelopment, which fuel migrations across the globe.
- 3) Socrates' example of the moral citizen still remains relevant to the modern state and citizenship rights and obligations both when convenient and otherwise.
- 4) Academically conceptualizations of citizenship should be re-engineered in line with changing trends in contemporary reality.
- 5) The world also needs to be made safer to reduce threats to human life which is one of the most urgent triggers of interstate migrations and redefinition of citizenship.

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