

Socratic Citizenship as Salve to the Antinomy of Rules and Values

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It is not inconceivable that Plato would view the enforcement of rigid laws as a “noble lie” (Rep112)—noble as a guarantor of order in a just city, but misleading in its pretense of infallibility. The *Crito*, the *Apology*, and the *Republic* capture the tension in Plato’s work between a commitment to substantive justice and to [formalist](#) legal justice. In a system of substantive justice, rules are flexible and act as “maxims of efficiency” (Unger 90), proxies of justice and virtue. The system of formalist legal justice secures order and stability with rigid rules while risking miscarriages of particularity. This paper, then, is about Plato’s noble lie.

[Roberto](#) Unger’s *Knowledge and Politics* provides an invaluable lens for examining Plato’s discussion of law and justice in the *Republic*, the *Apology* and the *Crito*. In the *Republic*, Plato sketches the outlines of a just, ordered city-state. The *Apology* presents Socrates’ defense against an unjust accusation before the court of law. The *Crito* sees Socrates accept his unjust sentencing to death and defend the rule of law. Unger’s work

helps distill from these Platonic works a coherent platform of substantive justice and a critique of a formalist theory of adjudication. Moreover, while Unger's arguments arrive in the context of a critique of liberal political theory, Plato nevertheless offers a response to Unger's main critique of substantive justice, the "antinomy of rules and [values](#)" (91). The idea of Socratic citizenship, gleaned from the Apology and the Crito, seeks to resolve this antinomy.

Roberto Unger examines substantive justice in Knowledge and Politics in the context of legislation and adjudication. Unger defines substantive justice as a mode of ordering human relations which determines goals and, independently of rules, decides "particular cases by a judgment of what decision is most likely to contribute to the predetermined goals, a judgment of instrumental rationality" (89). In the Republic, Socrates evokes the principles of substantive justice in his verbal creation of the ideal Greek city-state. In book IV, Socrates locates the ends of the ideal city-state in the four virtues: courage, temperance, wisdom and justice.

Books I and II of the Republic deliver a scathing indictment against a formalist theory of adjudication. Formalist legal justice assumes that it is "possible to deduce correct judgments from the laws by an automatic process" (92) without reference to the purpose or end of the law.

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