

compos mentis

The Death of a Gadfly: Civil Disobedience and the Trial of Socrates

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ABSTRACT

Drawing on examples from the last days of Socrates, this essay reevaluates justice and civil disobedience as they relate to ethics. Even though Socrates was innocent, he accepted the death penalty in order to uphold the justice of Athens. However, Athens was not practicing justice during the trial of Socrates, and therefore there was nothing of value for Socrates to uphold. I argue for his escape for prison, and against his idea of upholding the sentence against him as outlined in the Crito.

KEYWORDS

Socrates, Justice, Civil disobedience, Crito, History of Philosophy

In a prison in Athens in 399 BC, the great philosopher Socrates was facing death. He was found guilty, despite his efforts to refute his accusations, of corrupting the youth, denying the gods, and making the weaker argument the stronger. However, these accusations were not valid and served only to deprive the world of one of its greatest philosophers. Despite what the formal causes were, the focus of his trial was his role as a political nuisance. Socrates became a political prisoner following the trial for his civil disobedience, and a few days after he was found guilty, he was executed.

During his brief stay in prison, Crito, one of his students, visited him to help him escape. He refused however, claiming that it was more important that he stand by his values and uphold his social contract with Athens. He had committed a crime, and therefore had to accept the punishment. If civil disobedience was the underlying reason he was imprisoned, Socrates should have escaped with Crito. Civil disobedience in the face of morally unjust laws is not only acceptable, but often the best course of action. Socrates practiced a very benign role as a gadfly, stirring the city of Athens to deeper thought and actions. Socrates was innocent of the crimes he was accused of, and therefore should not have been imprisoned. When Crito offered him an escape free of consequences, it would've been morally acceptable to escape.

It's first important to note that the charges against Socrates were completely fabricated. He was accused of at least three crimes: devil worship or denying the gods, corrupting the youth, and making weak arguments the stronger. The first accusation was completely unfounded, and he refuted it easily. In Greek theology, the demons are children of the gods, so in order to believe in demons, he would first have had to believe in the gods. As for corrupting the youth, if all it takes to be guilty of this is to teach, then every schoolteacher in Athens should have been force-fed hemlock. As for making weak arguments stronger, he was technically guilty of that. Socrates used a method of discussion known as *elenchos*. This method involves proving something false by making the person who originally proposed the idea admit that they believe the opposite. This is demonstrated in the *Republic* when Socrates and Thrasymachus discuss justice. However, just because Socrates did in fact make weaker arguments stronger, it was not a crime for which he should've been put to death. Meletus, as he tried to prove that Socrates was guilty, also made arguments that were weak, and by supplying evidence, made them stronger. Socrates was not guilty of any of the crimes he

was accused of, and that which he was guilty of was not a malicious enough crime to be worthy of death.

If there was anything Socrates was guilty of, it was civil disobedience. He admitted to being guilty in the Apology when he said, "For, even if it seems ridiculous to say so, I've literally been attached to the city, as if to a large thoroughbred horse that was somewhat sluggish because of its size and needed to be awakened by some sort of gadfly... one that awakens, cajoles, and reproaches each and every one of you and never stops alighting everywhere on you the whole day" (Apology 30e).

But then is anyone ever guilty of civil disobedience? Is civil disobedience a crime, or is it merely a clash occurring from a lack of overlap in legal morality and objective morality? I have no doubt that there is a difference between what is legal and what is ethical. If there wasn't, ethics wouldn't be such a profound branch of philosophy. St. Thomas Aquinas specified the difference, saying "an unjust law is a human law that is not rooted in eternal and natural law" (qtd. King 1963, 12). John Locke too wrote about the purpose government has in deciding what is moral, and how it can sometimes differ from what common opinion might believe is moral. "For though men uniting in politic societies, have resigned up to the public the disposing of all their force... yet they retain still the power of thinking well or ill, approving or disapproving of the actions of those whom they live amongst and converse with: and this approbation and dislike they establish amongst themselves, what they will call virtue and vice" (Locke 1996, 152). Here Locke said that although government has its purpose in deciding what is legal, what is virtue and vice is not decided by governments, but by society. He claimed that those who are outside the government, interacting with the common man daily, are the ones who decide what is virtuous.

Both Aquinas and Locke, among other moral philosophers, have distinguished a difference between what is legal and what is moral. Whether ethics are determined by God or by society, it is clear that the legality of an action tells you nothing about its morality. Civil disobedience is a way to contest the difference and try to bring the two definitions closer together. This has been a common theme for political and social movements throughout history and continues to be today.

One philosopher and political activist who encouraged civil disobedience was Henry David Thoreau. He was so much an advocate of civil disobedience that his

1849 essay on the unethical practice of slavery is titled Civil Disobedience. He had strong opinions about the devices of governments and the standards to which they should be held. He said, "If injustice is part of the necessary friction of the machine of government, let it go, let it go..." (Thoreau 2016, 45). The friction of his time was slavery, an issue which was becoming increasingly harder to ignore. If men remained complacent to the diabolical, but completely legal practice of slavery, then there was no road by which it would ever be abolished. It is by this logic that Thoreau argued we must speak out and act out against unjust practices of government. He proposed this rhetorical question, for which he clearly believed there is an answer: "Unjust laws exist: shall we be content to obey them, or shall we endeavor to amend them, and obey them until we have succeeded, or shall we transgress them at once?" (Thoreau 2016, 44).

One modern philosopher who was very familiar with civil disobedience is Martin Luther King Jr. In his famous Letter from the Birmingham Jail, King compared his condition to that of Socrates. He paid tribute to him saying, "To a degree, academic freedom is a reality today because Socrates practiced civil disobedience" (King 1963, 15). This letter, as the name suggests, was written while King was imprisoned for parading without a permit in protest of the laws which kept the South segregated. It was written for people who were largely complacent, or passively rejected the civil rights movement. Many preachers in Birmingham disagreed with King, prompting him to write this letter to them. The letter is very bold, politically profound, and even poetic at times. King wrote in a time when the law said it was okay to discriminate based on the color of a person's skin. He and others practiced many acts of civil disobedience. These acts ranged from sit-ins to boycotts and marches. This is because they were being affected by a law that was clearly unethical. Discrimination is horrible on principle, and it leads to hate crimes including murder. So wherever you draw the line, discrimination was a law that was unethical by all accounts.

This era of American history was ended (legally, at least) after King and his peers were civilly disobedient to the point that they couldn't be ignored. King did this because he believed "Injustice anywhere is a threat to justice everywhere" (King 1963, 2). Contemporaries of King told him that if they waited long enough, then they would be given equal rights. King, refusing to wait, responded by saying "We must come to see that human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men willing to be co-

workers with God, and without the hard work, time itself becomes an ally of the forces of social stagnation" (King 1963, 18-19).

Similar to Thoreau, King believed unjust laws must be let go. If you wait for change, it won't come. Time will serve to help the oppressor. Change only comes when provoked by an outside force persistently. Abolitionists knew this, as did participants in the civil rights movement. These standards should be timeless. Ethics can sometimes be subjective, but some things are always true. It is true to Antebellum America, contemporary society, and ancient Athens. If an institution exists as a means of propagating injustice, then it should be disbanded swiftly and relentlessly. The political system in Athens was ahead of its time, but in the trial of Socrates, it actively worked to take the life of one of the greatest philosophers in the Western tradition.

The crimes Socrates was accused of amounted to little more than the fact that he was a nuisance. Those in power, like Anytus and Meletus, were irritated by Socrates's philosophies and by the way he was always trying to agitate the sleeping thoroughbred horse that was Athens. As summarized in the Apology, "Socrates commits injustice and is a busybody, in that he investigates the things beneath the earth and in the heavens, makes the weaker argument the stronger, and teaches these things to others" (Apology 19b). This charge, along with the others, is the fabrication of men who were fed up with Socrates sticking his nose where it didn't belong. The charges against Socrates simply do not hold up. Callias, who according to Socrates "spent more money on Sophists than everyone else put together" was not on trial for educating his children, nor was their teacher, Evenus (Apology 20a). Clearly education was not the problem, and clearly there was something special about Socrates.

His death is something that was advantageous for the politically stronger. What did Socrates have to say about this kind of justice? In book one of Plato's Republic, he and a man named Thrasymachus debate the meaning of justice. It also happens to be one of the finest instances of Socrates practicing elenchos. Initially, he asks Thrasymachus to define justice. The definition he settles on is a cynical one: whatever is best for those in power. They have the following exchange:

"Socrates: 'And a law is correct if it prescribes what is advantageous for the rulers themselves, and incorrect if it prescribes what is disadvantageous for them? Is that what you mean?'

Thrasymachus: 'It is'" (Republic 339c).

In true Socratic form, Socrates later had Thrasymachus admit that just the opposite is true. Though they never definitively come to a conclusion on the definition of justice, they both agree that what he originally said is not it.

The trial was a case of a stronger political force squashing a weaker one. Because Socrates had to be such a nuisance, people such as Anytus and Meletus found it advantageous to kill him. There is even evidence of a personal conflict between Anytus and Socrates which is described in the *Meno*, in which Socrates belittled Anytus while insulting his profession and his son. I'm sure this was not forgotten during the trial.

This leads me to believe that the trial of Socrates was much more about political and societal anxieties than any particular crime, and perhaps was influenced by the accusers' own intensions. "If many had followed his critical example, questioning the traditional values and behavior of their fathers and challenging their wisdom, one can understand why Socrates would be perceived as a threat to the established order. The future of the city depended upon its youth" (Colaiaco 2001, 107).

To be fair, this is an understandable concern. Maybe Socrates didn't always have a right to teach the young. Maybe that was a role better left for Athenian teachers and parents. However, Socrates wasn't teaching anything immoral, as his accusers might have thought. With the benefit of hindsight, we would consider it a privilege to be taught by Socrates. From the records we have, it seems that Socrates's students were moral and intellectual people. To be taught by Socrates would put you in the company of Crito, Xenophon, and of course, Plato. These men are revered as some of the greatest thinkers not just of the ancient world, but of all time. Beyond philosophy, they show great devotion and generosity. If the teachings of Socrates were so corrosive, it seems odd that they would offer to pay a bail of thirty minas to save their teacher.

So once again, there seems to be no justification for the punishment Socrates received. And yet, when given the chance, Socrates defends the decisions of Athens and his accusers. When Crito visits Socrates with a plan to help him escape, Socrates denies him.

Crito evidently went to Socrates's prison prepared. He had three arguments for why Socrates should escape. The first was that it would shame his friends if he did not. It would make the Athenians believe that his followers valued money

more than their friend, when in reality, money wouldn't have helped Socrates escape. In response, Socrates tells Crito "But my dear Crito, why should we care so much about what the majority think?" (Crito 44c.) This was a very admirable and bold stance for Socrates to take. Perhaps his life had been put into perspective somewhat by his impending death. Truly he remained profoundly dedicated to his philosophies to the end. Unfortunately, that's exactly what killed him.

Crito next decided to use a very human argument, reminding Socrates of his family. He reminded Socrates of his children, and angrily told him "Either one shouldn't have children at all, or one ought to see their upbringing and education through to the end" (Crito 45d). This argument seems much more emotionally based, as Crito's words are much angrier now than they were during his first argument. He accused Socrates of "choosing the easiest way out," saying he should instead have chosen "whatever a good and brave man would choose—particularly when one claims to have cared about virtue throughout one's life" (Crito 45d). These arguments verge on ad hominem fallacies, but the heart of the argument was sincere. By accepting his fate, Socrates did in a sense abandon his family. However even if he escaped with Crito, it was unlikely he would've been able to see his family in exile.

Finally, Crito appeals to Socrates' sense of duty. Socrates and many of his followers believed that they had a responsibility to teach philosophy. Much of this responsibility comes from the Oracle of Delphi, who when asked by Chaerephon said that "'no one is wiser' than Socrates!" (Colaico 2001, 58). This could have been seen as a divine assignment and continuing this assignment would have been very important to Socrates. The other duty is less divine, but just as important. Simply the responsibility Socrates had to teach philosophy would've been an attractive argument as well.

Socrates was not especially impressed with any of these arguments. He employed his elenchos on Crito from the prison and deconstructed each of Crito's arguments. The opinions of others shouldn't matter, especially when his true followers know just how hard they had tried to release Socrates. He wouldn't see his family again regardless of his escape, so that was not a reasonable argument. And finally, his duty to the city that had condemned him was such that he decided he had to stay and face his consequences.

The most important thing to Socrates was that he maintained the morality he had lived by his entire life even when faced with death. He returned to this idea

multiple times while talking with Crito. This was the center of his argument. From this stance, he then argued that he had a duty to stay and face his punishment. He argued in response to Crito that "one should never do injustice in return for injustice" (Crito 49b). Although an injustice had been done to him, Socrates thought it more important that he remained ethical and did not practice injustice in return. He believed that to do so would be unfair to the city. He personified the city in much of the Crito, calling it the fatherland several times. He believed that because he had been raised in the city and spent his adult life in the city, that he had entered into a social contract with Athens. In return for a place to live, Socrates promised to obey its laws, and if he violated the laws, he would accept their punishment. Speaking on behalf of the city and its laws, Socrates said:

"Do you intend anything else by this act you're attempting than to destroy us Laws, and the city as a whole, to the extent that you can? Or do you think that a city can continue to exist and not be overthrown if the legal judgments rendered in it have no force, but are deprived of authority and undermined by the actions of private individuals?" (Crito, 50a)

This passage outlines Socrates's position well. By proposing an escape, Crito was proposing to offset justice, threatening the very society they were raised in. Socrates saw not his imprisonment as betrayal, but his escape. If he was allowed to escape, clearly that meant justice had no authority, and crimes could go unpunished. He thought Athens would then be a lawless city. "So if the destruction of the city is a foreseeable result of escape, then the destruction is intentional also" (Brickhouse & Smith 2004, 213).

In a perfectly just society, Socrates's argument is noble and selfless. He would rather die than damage the justice of the city. He promised to keep the laws of his fatherland, and when he broke them, it was appropriate he should be punished. That is true, but only if Athens were a perfectly just society. But clearly, the trial of Socrates was not justice, but murder. Anytus, Meletus, and the jurors condemned an innocent man to death shortly before he would have died naturally. Even though punishments such as retribution and exile were arguably more viable, the sentence Socrates was given was death.

This is not a justice system that is worth upholding. This is a justice system that operates under Thrasymachus's first definition of justice: that which is advantageous for the stronger. Socrates was no threat, but he was put to death anyway. He had committed no crime from an ethical standing. He was certainly

annoying, but not a real villain. This is the kind of justice that Socrates defended with his life.

Just like Thoreau and King, Socrates was a practitioner of civil disobedience, except he gave up on his criticism of the law in his final days. When given an escape, he chose to believe the very definition of justice that he opposed in the Apology. The only people who benefited from Socrates's decision were the same people who condemned him and the same people who thought executing Socrates qualified as justice. By accepting this, no matter the reason, Socrates too accepted this definition.

At the end of his arguments, Crito says: "Besides Socrates, I think that what you're doing isn't just: throwing away your life, when you could save it, and hastening the very sort of fate for yourself that your enemies would hasten—and indeed have hastened—in their wish to destroy you" (Crito 45c). Socrates hastened the mission of his enemies by accepting his sentence. Any institution that could execute an innocent man like Socrates does not understand justice. And if that institution pretends to distribute justice but fails, then that institution must be disbanded. Socrates remained true to his values until the end, except for one: he betrayed his definition of justice. Crito offered Socrates an escape and a way to defy an unjust system, but he refused. He did what he thought was best, but as a lifelong philosopher and defender of civil disobedience, he should've known that justice was not the primary force in his trial, but malignance. He meant to defend Athens, but instead defended injustice.

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compos mentis

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