

THE ROLE OF INCONSISTENCY IN THE DEATH OF SOCRATES: AN ANALYSIS OF SOCRATES' VIEWS ON CIVIL DISOBEDIENCE AND ITS IMPLICATIONS

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Throughout the paper, I focus on the apparent incongruity of Socrates' views in the Apology and the Crito. In the former, Socrates claims that if acquitted on the condition that he gives up philosophizing, he will nevertheless continue to philosophize. Yet, in the latter, Socrates argues that disobeying a city ordinance is wrong because it harms the city and its laws. The inconsistency is evaluated by focusing on the purpose of each argument, i.e. the intentions (other than persuasion) for advancing the arguments. In the Crito, he argues against civil disobedience to convince Crito that escaping the death penalty is morally wrong and, therefore, an unacceptable course of action. In the Apology, he argues for civil disobedience in claiming that divine directives take precedence over civil commandments. In the latter, the underlying motive is unclear. I contend that the argument in the Crito aims to prevent civil disobedience on Socrates' part; it serves the purpose of facilitating his death, thereby preventing disobedience in the case of acquittal and maintaining adherence to the divine injunction.

I

It is my purpose to expound Socrates' views in the *Apology* and the *Crito* regarding civil disobedience, his motives for presenting them, and the consistency thereof. First, I present the views and their supporting arguments to later distill the principles that lend these force. I then compare the principles by applying them to one of the views and thereon search for inconsistencies. During the investigation, I interpret the following statement, "I do know [. . .] that it is wicked and shameful to do wrong, to disobey one's superior, be he god or man," (29b) in order to establish whether some such inconsistency exists. I argue for an interpretation of the statement that suggests Socrates contrived the argument in the *Apology*, not to persuade his jurors, but to prevent his soul from being irreparably damaged.

II

Socrates expressed in the *Apology* that, even if acquitted on the condition that he stop philosophizing, he would not comply. However, this seems at odds with Socrates' argument in the *Crito* against civil disobedience, i.e. against escaping the death penalty by leaving Athens.

In the *Apology*, Socrates argues for civil disobedience with the following

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premises:

- (1) when a civilian is ordered to take a position by a superior, that person must assume the position “without a thought for death or anything else, rather than disgrace” (28d);
- (2) the god’s authority is superior to the authority of elected officials (28e), and
- (3) the greater the authority, the greater the disgrace that results from disobeying them (28d-29a).

It follows from the premises that, when faced with conflicting orders (one divine, the other civil), the one to follow is the divine, since, when thinking only of disgrace [(1)], the correct action is to follow the divine order, for the god’s authority is greater [(2)] and disobeying such an authority would bring further disgrace than disobeying the elected official [(3)]. This belief is apparent in the following:

It would have been a dreadful way to behave [. . .], if [. . .] I had [. . .] remained at my post where those you had elected to command had ordered me, and then, when the god ordered me, as I thought and believed, to live the life of a philosopher, to examine myself and others, I had abandoned my post for fear of death or anything else (28e).

Socrates clearly considers the god’s order superior to (of greater authority)—that is, more disgraceful to disobey—than that of the official’s because he thought it “dreadful” to follow the latter, whereby he would violate the god’s injunction.

In the *Crito*, Socrates, using *reductio ad absurdum*, argues against civil disobedience with the following:

- (4) “one must never do wrong” (49b);
- (5) one should fulfill a just agreement (49e);
- (6) cheating a just agreement wrongs the other party (50b) and
- (7) the agreement between Socrates and the state —“to respect the judgments that the city came to”^[50c] — is just (48c-51e).

where the *reductio* assumption is *fleeing the city to avoid the death penalty is the right course of action*, namely that civil disobedience is justified in such a case. It follows from (5), (6) and (7) that by leaving the city, Socrates cheats a just agreement [(5) and (7)] and, thereby wrongs the city [(6)]. It follows from this conjunction and (4), that if Socrates flees the city he would do a wrong, which contradicts (4); therefore, either (4) is false or the *reductio* assumption is false. Since (4) had been previously agreed on by Socrates and Crito; the assumption must be false. So, Socrates should not flee the city; that is, civil disobedience is not the right course of action.

III

The conceptual underpinnings of the premises used in the arguments above need to be made explicit in order to search for inconsistencies. Therefore, in what follows I list the premises, and reduce them to the simplest and most general of principles where possible.

To reiterate, the premises are:

- (1) when a civilian is ordered to take a position by a superior, that person must assume the position “without a thought for death or anything else, rather than disgrace” (28d),
- (2) the god’s authority is superior to the authority of elected officials (28e),
- (3) the greater the authority, the greater the disgrace that results from disobeying them (28d-29a),
- (4) “one must never do wrong” (49b),
- (5) one should fulfill a just agreement (49e),
- (6) cheating a just agreement wrongs the other party (50b) and
- (7) the agreement between Socrates and the state —“to respect the judgments that the city came to” ^[50c] — is just (48c-51e).

(7) is the example of the just agreement pertinent to the argument of which it is a constituent (that is, the argument in the *Crito*), and therefore not a principle (since principles are abstract [i.e., multiply realizable] objects and examples are concrete). (5) is a lemma of (4) and as such need not be distinguished from it. (6) is an instance of wrongdoing; it is not a principle but the violation of a principle such as (4). (2) and (3) can and, given considerations of economy, should, be condensed into the principle that the disgrace of disobeying a greater authority, e.g. a god, is greater than the disgrace of disobeying a lesser authority, e.g. a man. The remaining premises are thus the principles appealed to in the arguments. Hereafter, (4) is P1, (1) P2, and (2)/(3) P3 (‘P’ for principle). That is:

P1: One should never do wrong.

P2: One should follow a superior’s order without thinking of death or anything else but disgrace.

P3: The disgrace of disobeying a greater authority is greater than the disgrace of disobeying a lesser authority.

IV

Now I shall apply these principles to Socrates’ view in the *Apology*. If Socrates is acquitted on the condition that he cease to philosophize, but nevertheless continues to do so, he will follow the order of the god as indicated by P2 and P3. However, P1 seems to be neglected because he will wrong the city through civil disobedience. This Socrates acknowledges when, in the *Apology*, he proclaims “I do know [. . .] that it is wicked and

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shameful to do wrong, to disobey one's superior, be he god or man" [29b]. The statement may be interpreted in one of two ways¹: either he considers 'one's superior' the commander with the greater authority of the two (e.g., the god), in which case, when they issue conflicting orders, the only superior that need be followed is the one with the greater authority, for a superior authority nullifies that of the lesser (and therefore the lesser no longer has any legitimate power over the subject); or 'one's superior' is a god (or any man with greater authority than oneself)—in which case, if two conflicting orders are given only one of the two superiors can be obeyed, but at the expense of the other, unfortunately. Thus, on the second interpretation, a "shameful and wicked" act is indeed being committed by disobeying the lesser authority, but with lesser disgrace attendant upon the agent. On both interpretations, Socrates would serve only the divine commandment because, when sure disgrace would result otherwise [P2], one should obey the order from the greater authority. On the second interpretation alone, though, lesser disgrace will result from disobeying the lesser authority [P3]; one would be selecting the lesser of two evils. So, both interpretations require the divine order be exercised, which is the action Socrates supports. The first interpretation, on the one hand, entails the observance of P1 because the city's authority is nullified (and, as such, is not Socrates' superior); therefore, no civil disobedience has taken place and no harm is done. On the other hand, the second interpretation entails the violation of principle 1 because the lesser authority is wronged.

V

Nonetheless, I believe that Socrates had the second interpretation in mind for three reasons. One, the first interpretation would need to postulate a fourth principle, namely that a greater authority invalidates the authority of a lesser authority (something Socrates never says), thereby making P2 obsolete, which ordains that only the amount of disgrace—not level of authority—can be used to *decide* which authority is to be obeyed (which Socrates does say); therefore textual evidence supports the second interpretation².

Two, in what way would the higher authority invalidate the authority of the lesser, given that in relation to Socrates both authorities are superiors and, as such, according to Socrates, have the right to command him (29b)?; it seems exceedingly

¹ In the following, the authority attributed to a superior has been characterized as moral and civic by Kraut (1984), pp. 23-90, and Brickhouse and Smith (1994), 141-155, respectively. I agree with Brickhouse and Smith (1994) that Socrates means civic authority, for in previous references to superiors he clearly connotes civic authority.

² To those who think that considering the level of authority in determining disgracefulness is an objection, I reply that, while the level of authority is needed to determine the orders' "shamefulness" (the amount of shame or disgrace one may endure for the achievement of the goal indicated), the deciding factor is the resulting shame or disgrace, i.e., when *considering* the consequences of following one superior as opposed to the other, the level of authority determines the shamefulness; but in deciding which superior to follow, disgrace is the one parameter. Consequently, the decisive role of shamefulness is undermined by the postulate because it entails that level of authority is conceptually prior to shamefulness, for which there is no textual evidence.

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unlikely that this right vanishes in cases where the commanded, the inferior, *thinks and believes* two superiors with differing levels of authority give conflicting orders, even more so when communication between the superiors has not occurred and may never occur. (Much more unlikely, if not impossible [assuming he is rational], is that Socrates would believe so, especially given the statement interpreted above.) Socrates is making the normative claim that one should obey a superior, “be he god or man”^[29b], because it is wrong to do otherwise. Furthermore, the principles he uses throughout the *Crito* and the *Apology* support this claim. For instance, in the *Crito*, Socrates argues that disrespecting the judgment the city came to—in this case his own death penalty—by escaping the city is wrong because he would cheat a just agreement with the city and its laws and would thereby harm them. This same agreement is still effective if the judgment the city arrived at were acquittal on the condition that he stops philosophizing instead of the death penalty; both the conditional release and the death penalty would be judgments the city came to. Therefore, if he continues to philosophize when commanded to do otherwise he would nevertheless cheat the just agreement he has with the city and its laws, and so wrong them.

However, Socrates could not be legally directed by the jurors to give up philosophizing since, under Greek law at the time, the jurors only had the choice between the penalty proposed by the prosecutors and that proposed by the defendant (Kraut, 1984, pp. 14-15). Furthermore, the prosecutors had already recommended the death penalty when Socrates assured them that he would not renounce the practice of philosophy. As will be seen, the interpretation endorsed explains why Socrates threatened to violate a penalty that could not be enforced.

And, three, Socrates said, “[T]he god ordered me [. . .] to live the life of a philosopher, to examine myself and others;”^[28e] he was ordered, among other things, to examine *himself*, to turn onto himself the Elenchus, the Socratic Method. Through the Elenchus, Socrates rigorously analyzes the beliefs of others in order to clear away inconsistencies. He believes that through the Elenchus one’s soul is improved because it reveals ignorance “[a]nd surely, it is the most blameworthy ignorance to believe that one knows what one does not know” (29b). Perhaps, this belief motivated the following statement: “[i]f you put me to death [. . .] you won’t harm me more than you harm yourselves” (30c-d); he believes he benefits others through examining them. Following a natural train of thought, it is reasonable to believe that Socrates was cognizant of the place his uncompromising principles could lead (and eventually would lead him to). I propose that the purpose for advancing the paradoxical view in the *Apology* is to prevent what he treasures most, his soul, from being damaged through disobedience to any superior, be he god or man.

VI

Recall that Socrates’ claim in the *Apology*, viz. that he would continue his philosophical mission even if acquitted on the condition that he do otherwise, is an indicative conditional. Socrates has not committed civil disobedience; he is simply threatening to do so. And, like every threat, his must have a goal in that only a clash of interests prompts

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threats. This is even more credible given that the threat was manifestly misguided because the threat could not have been meant to prevent conditional release (since such an injunction would be illegal because the prosecutors did not recommend such a penalty). For this reason, alternative grounds are needed to justify the threat. I argue that the empty threat must have been intended to secure the death penalty. For, if not, he would be forced to disobey any future ordinance that makes the practice of philosophy illegal (a possibility Socrates imagines could be realized if acquitted [29c-d]), such as a law “prohibiting all persons from challenging conventional beliefs in public places” as Kraut (1984, pp. 15) puts it, or to suggest that the expectation of some jurors, namely that the threat of death will suffice to prevent him from continuing to philosophize, will be met. This belief can be confidently attributed to Socrates, given that he thought “men feared [death] as if they knew that it is the greatest of all evils” (29a-b) and asserted the fear of death will not deter *his* philosophical enterprise (29a-d).

Either case would entail damage to his soul—what he thought most precious. In the former, the damage would result from disobeying the city ordinance; in the latter, it would result from disobeying the god’s command to examine others. Therefore, given that Socrates treasures his soul more than his body (30a-b), in order to protect his soul from damage, he endeavors to secure the death penalty. For why else would he make an empty threat and set as penalty a minute amount, both of which, as anyone would have predicted, anger the jury?

For instance, Socrates says “you cannot avoid executing me, for if I should be acquitted, your sons would practice the teachings of Socrates and all be thoroughly corrupted” (*Apol.* 29c). Further, Socrates calls the death penalty necessary, unavoidable (29c). It was indeed necessary because it follows from the principles that a conditional release conflicting with the god’s order (whether legal or illegal) would inevitably result in civil disobedience, whereby the city is wronged, or, if he does not examine the jurors so as to prevent blameworthy ignorance, then he will disobey the divine directive. So, Socrates’ soul is harmed either way. Given that Socrates explicitly sets out to avoid things he knows to be bad, e.g. doing wrong and disobeying his superiors, rather than things of which he does not know whether they are good, e.g. death (*Apol.* 29b-c), he recognizes (by turning the Elenchus on himself, as the god directed) that the death penalty is the only way his soul will avoid the harm that disobedience to either superior entails.

Moreover, in other parts of the *Apology* he angers his judges by saying he should get free meals in the Prytaneum (a privilege reserved for Olympic champions), and later sets what he thinks his penalty should be to a measly thirty minae and only this amount because Plato (a person known for his abundant wealth) had offered to help him with the fine (*Apol.* 36e-37a, 38b). These comments clearly angered the jury because, even though they had voted guilty by a narrow margin (*Apol.* 36a), when selecting a penalty, a significantly greater margin was seen. Socrates says that if only 30 more votes had been cast for acquittal, he would have been acquitted (35a-b). However, as a sign of the sentiments Socrates’ comments and suggestions brought about, when time came to select the penalty (either the death penalty or the 30 minae fine), according to Diogenes Laertius, 80 more voted in favor for the death penalty than had voted for Socrates’ guilt (Brickhouse & Smith, 2002, pp. 108-111). The claim that Socrates knew that, in order to avoid doing wrong to either of his superiors, death was the only way his soul would escape unblemished—and that he therefore acted accordingly—is given further credence

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by Socrates' actions in the *Apology*. Moreover, Socrates concludes that the death penalty may indeed be a good thing because his divine sign³ has not opposed him (*Apol.* 40a-d).

Indeed, by articulating his purpose to continue philosophizing regardless of any injunction, he insured adherence to P1. That is to say, Socrates devised the argument for civil disobedience in the *Apology* to convince the jurors of his determination to obey the divine order at the expense of *any* court order opposing it, which meant that he would adhere to the god's directive to examine others. This ensured further that the death sentence would be selected. His death would result in—and from—obeying both the god and the court. Consequently, there are no inconsistencies between his *actual* view in the *Apology* and his view in the *Crito*, as one would expect given the order to practice philosophy, i.e. examine everyone, and the order's origin, e.g. godly, which he took to be inferior to none.

To sum up: I contend that, in the *Apology*, Socrates' purpose in presenting the view that civil disobedience is justified is to bring about a conviction that would prevent the need for the observance of both orders, the civic and the divine; this conviction is the death penalty. One may object that assuming such foresight is unwarranted. However, given that Socrates believed a god ordered him to examine himself and disobeying a god harms the soul, the claim that he was lucid enough to foretell a possible inconsistency—let alone one which would entail his soul's harm, what he thought to be most important—seems very much justified. Socrates took measures to avoid disobedience because he knew that it would lead to the degradation of his soul, as he says it would in the *Crito*. Ultimately, Socrates devised the argument for civil disobedience in order to prevent his violation of the principles by which he lived his life.

Works Cited

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³ "The sign came as some kind of voice and Socrates claimed to have heard it since childhood. It was [apotropaic] rather than [exhortative], never commanding Socrates to act some way but only making sure he heard the discouraging word whenever he chanced to embark on a harmful action" (Pappas, 2005).