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Gadfly on Trial: Socrates as Citizen and Social Critic

INTRODUCTION

This article was originally written for the online discussion series “Athenian Law in its Democratic Context,” organized by Adriaan Lanni and sponsored by Harvard University’s Center for Hellenic Studies. (Suggested Reading: Plato, *Apology*; Plato, *Crito*.)

Socrates of Athens is an enduring presence in the western imagination, in part because he presents us with a mass of contradictions: Most eloquent of men, yet he never wrote a word; ugliest yet most profoundly attractive; ignorant yet wise; wrongfully convicted, yet unwilling to avoid his unjust execution. Behind these conundrums is a contradiction less often explored: Socrates is at once the most Athenian, most “local,” citizenly, patriotic, and other-regarding of philosophers – and yet the most cosmopolitan, critical, and self-regarding of Athenians. Exploring that contradiction, between “Socrates the loyal Athenian

citizen” and “Socrates the philosophical critic of Athenian society,” will help to situate Plato’s Socrates in an Athenian legal and historical context; it allows us to reunite Socrates the literary character and Athens the democratic city that tried and executed him. And this will in turn go a ways in helping us to understand Plato’s presentation of the strange legal and ethical drama of “the last days of Socrates” – and thus Socrates’ remarkable impact on subsequent generations, in antiquity and modernity alike.

SETTING, CONVENTIONS, & EXPECTATIONS

The setting of Plato’s *Apology* of Socrates is the public trial of 399 BCE, in which Meletus (supported by other prominent Athenians), serving as a voluntary prosecutor, charged Socrates with impiety (including corruption of the youth). A jury of 500 citizens heard the case, presented as a timed speech of accusation by the prosecutor, followed by a defense speech of equal length by the accused. The jurors then voted by secret ballot and the votes were counted. Because a majority (280 to 220) judged Socrates guilty, each side delivered another speech, advocating a punishment. In these particulars, the trial followed established Athenian legal procedure. Plato’s *Apology* purports to be Socrates’ initial speech of defense, his second speech responding to the prosecutor’s call for his execution, and an informal post-sentencing address to those jurors who had voted in his favor. Socrates’ first speech conforms

quite closely in form and style to other surviving examples of Athenian courtroom oratory, but its content is distinctive. While it is not possible to determine how accurate the *Apology* is as record of how the historical Socrates actually defended himself on that day in 399 BCE; it is, I think, safe to claim that Plato's text is an accurate record of Plato's own first take on the problem of "Socrates and Athens": Plato's Socrates, the literary character, sketches out the case against himself and identifies his own bad reputation among the Athenian citizenry as the real issue in the case. He locates the ultimate source of this widespread and ultimately deadly resentment and distrust of himself in deeply ingrained Athenian assumptions and practices.

The 500 jurors who heard Socrates' case were ordinary Athenian men, over age 30, who represented a reasonable cross section of citizen society. Most would have had to work for a living, a few might be genuinely destitute, a few others perhaps were of the leisure class. None was a legal "professional," but most of them were very experienced "consumers" of public rhetoric, they were knowledgeable in the ways that Athenian public speakers attempted to persuade mass audiences through speech in courtroom and Assembly. When he entered the courtroom, the typical Athenian juror already knew the elaborate unwritten rules of the game and expected the litigants to play by those rules.

There were well established rhetorical conventions to be observed; many jurors must have settled more comfortably

into their seats when Socrates opened his defense with the standard gambit of claiming to be just a quiet private citizen, one who was unfamiliar with the courts, innocent of rhetorical training, and who now found himself confronted with skilled and experienced opponents (17a–d). This commonplace (*topos*), like others employed by Athenian litigants, served to establish the speaker's loyal adherence to a generally accepted and specifically democratic code of belief and behavior. Along with explicit claims to having performed services for the *polis* appropriate to one's social station, rhetorical *topoi* sought to integrate the interests of the litigant-speaker and the audience of jurors.

The establishment of the speaker's credentials as a useful citizen who conformed to standard democratic norms of belief and behavior would be interwoven with the substantive case establishing a defendant's technical innocence. What the Athenian jury expected, then, was for the defendant, Socrates, to try to show through his rhetoric that the specific charges were without factual basis, and furthermore that they were incredible given his standing as a loyal citizen of the democratic polity. He should, moreover, explain how the baseless charges came to be lodged against him, in the process exposing his accusers as scoundrels who were corruptly willing, even viciously eager, to undermine democratic practices. Finally, he might try to show that his own behavior consistently conformed to a model of citizen dignity, while his opponents threatened

the security of each citizen by brazenly violating public standards.

PLATO'S *APOLOGY*

Plato's *Apology* presents a Socrates who is very well aware of these rhetorical conventions and audience expectations (he had "often" been present at trials of others: 35a) and more than willing to confound them. Socrates' speech is a rhetorical masterpiece. But by its end he has not aligned himself with the democratic norms embraced by his fellow citizens. Instead, he has proved that his own political convictions are drastically at odds with popular views, and that his irritating, idiosyncratic everyday practice of examining his fellow Athenians (and finding them painfully wanting in wisdom), followed necessarily from his convictions. He has demonstrated that he is, by his own lights, a patriotic citizen who cares deeply about the good of his *polis* and one who consistently acts in what he sees as his city's best interests; but he has also shown also that, in light of his own definition of patriotism, Socrates must be regarded as a uniquely patriotic Athenian. Moreover, given the problematic current condition of the *polis*, for Socrates "doing good" means acting as a social critic: questioning fundamental Athenian beliefs in conversations held in public and private spaces of the city.

By the end of the *Apology*, Socrates has shown (to his own satisfaction at least) that his accusers are fools, but

fools appropriate to business as usual in the democratic state. He has established that he himself is a dignified private citizen rather than a pandering politician. But in the process he has also revealed that an active political life, one that included speaking out in the citizen Assembly, is impossible for a just man. Finally he has shown that true dignity was not a social matter at all, but rather an affair of the individual soul.

In sum, Socrates' position initially appears quite analogous to the position claimed by the standard Athenian politician: both Socrates and politicians claimed to be civic-minded activists who sought to improve the *polis*. Yet "Socratic politics" rejects trying to persuade mass audiences and Socratic ethics is a matter of private conscience rather than social control. These points will have been securely established for a sympathetic reader; but they would be regarded as arrogant and potentially subversive assertions by unsympathetic jurors who regarded persuasive public speeches and social control as essential bulwarks of the democratic order.

The defense speech centers on Socrates' distinction between "new" and "old" accusers. This structuring technique can be read as a variation on the standard Athenian legal tactic of dealing with both the facts of the matter (the new) and with the defendant's reputation among the citizens (the old). The standard approach was to show that the current charges against me are at variance with my reputation: The prosecutor says I have done something wrong,

but my fellow citizens' knowledge about me renders it impossible to believe that I did what he says. Thus you jurors must weigh my opponent's lying words against my reputation and you should judge me accordingly. If there are nasty rumors about me floating around, these are the product of my opponent's slanders. Now Socrates at first seems to be playing by the usual rules. When responding to the "old charges" that he investigated things beneath the earth and in the sky, made the weaker argument defeat the stronger, and taught others to do likewise, Socrates' denies them and appeals to general public knowledge regarding his activities:

"I offer the majority (*hoi polloi*) of you as witnesses, and I ask you to teach and advise (*didaskēin kai phrazein*) one another; those among you who have heard me in conversation – there are many (*polloi*) of you – inform each other, please, whether any of you ever heard me discussing anything of that sort" (19d).

This call upon the jurymen-citizens to act as character witnesses for a defendant sounds pretty standard, but Socrates immediately introduces a strange note: "From that [asking each other] you will come to know the status of the other things that the multitude (*hoi polloi*) says about me" (19d). Rather than taking the expected line (by consulting public opinion you will learn that my current accusers are speaking falsely), Socrates asks the jurors to learn by individual investigation that the general opinion of the mass of citi-

zens (*hoi polloi*) was false. He seeks, in effect, to establish a conversational, dialectical relationship among the jurors which privileges individual knowledge and rejects the general knowledge of the many en masse. The key shift is in the status of the highly charged term *hoi polloi*: “many of you” have heard Socrates and should inform your fellow citizens of what you know of him in order to falsify the slanderous claims of “the many” generally. In this short passage Socrates brings the positive, democratic marking of the term *hoi polloi* into competition with a negative, critical marking of the same term.

Socrates explicitly accepts the priority in time and in importance to his case of deep-set public opinion (old accusers over new: 18a–c), but he turns the standard rhetorical tactic on its head by pointing out the general congruity between the current charges and the opinion of himself that the citizenry has formed over time: he points out that the old accusation that “Socrates is an atheistic scientific investigator and a sophistical teacher” is the basis of the current charges of impiety and corruption of the youth. The new accusers (the prosecutor and his associates) form the tip of a much larger iceberg: the prejudice that had been building against Socrates for a very long time.

Socrates professes to believe that he is not seriously endangered by the visible new accusers, who, despite their rhetorical skill (17b, 18b), could be refuted by simple logic. Through cross examination Socrates shows, for example, that the lead prosecutor, Meletus, believes that the Athe-

nian Assemblymen, Councilmen, and jurors all educate and improve the youth, while only Socrates corrupts them. This is shown to be illogical by an analogy with horse training: it is “of course” true that only one or a few men know how to improve horses through training while “*hoi polloi*, when they try to train horses, actually corrupt them and the same is true of all other animals” (25a–b). The fact that Meletus will not acknowledge the force of this argument for the “training” of the Athenian youth is taken to show that he has never given any thought to the subject of education (24e–25c). The problem with this line of reasoning, from the point of view of persuading the jury, is that most Athenian jurymen would be likely to agree with Meletus that the Assemblymen and so on did educate the youth through their decisions. Thus, according to Socrates’ implied horses=youths analogy, most Athenians are convicted along with Meletus of giving no care to the education of the youth. Rather than isolating his opponent, Socrates reveals that his opponent’s views are indeed in harmony with those of most Athenians. The juror who is persuaded by Socrates will also set himself against the ordinary wisdom of the mass of citizens.

Socrates has thus set himself a staggering rhetorical challenge: in order to be acquitted he must bring at least 250 individual jurors over to his side, after having reminded them in no uncertain terms that it is his opponent whose position is in conformity with popular opinion. Socrates must, in a very short time, persuade each juror to acknowledge

that what he has learned since childhood about Socrates is fundamentally in error. This acknowledgment carries the burden of accepting that the way the citizens currently gain their knowledge about the affairs of the *polis* is faulty. Moreover, because of faulty knowledge, it is the citizens en masse who corrupt the youth of the *polis* and only a truly knowledgeable man might be able to improve them.

Having started off on this risky course, Socrates might be expected to show that the old accusations should properly be discounted because they were circulated by tendentious enemies and are incongruent with the core beliefs of democratic ideology. But Socrates makes exactly the opposite point: he admits that he cannot name his “old accusers” or identify the source of the long-circulating rumors which accuse him (18c–d). Thus the jury is left to suppose that the rumors had arisen spontaneously among the citizens as a result of his public behavior. This is the sort of spontaneous popular rumor that the public orator Aeschines (2.145), for example, would later claim had an almost divine status and completely legitimate role to play in the democratic city. Far from attempting to refute that sort of assumption, Socrates embraces the fact that in the opinion of most citizens he was an enemy to the ideals of the democracy and he states forthrightly that those who fell into popular suspicion were likely to be dealt with harshly: “But as I said before, a great deal of enmity has risen against me among many people (*pros pollous*), and you know very well that this is true. And that is what will convict me, if I

am convicted – not Meletus, not Anytus, but the grudging slander and envy of *hoi polloi*. It has convicted many other good and decent men (*pollous kai allous kai agathous*); I think it will convict me; nor will it be surprising if it fails to stop with me” (28a–b).

The Athenian litigant, especially one accused of a crime against the public (like impiety), was expected to demonstrate his record of public duty and, preferably, to show that he not only performed the officially mandated services to the state but that he was an avid and voluntary public benefactor. Once again, Socrates seems at first glance to be playing along. He refers with obvious pride to his record of military service and underlines that it was service to the democracy: “When the commanders that you (*humeis*) elected to command me stationed me at Potidaea and Amphipolis and Delion, I remained there like anyone else, and ran the risk of death” (28e). This appeal to one’s sterling military record is a familiar rhetorical topos (cf. Aeschines 2.168–70). But Socrates’ statement is embedded not in a standard list of state services, but in an explanation of why Socrates would refuse to obey a hypothetical legal order forbidding him to pursue philosophy.

Like other Athenian litigants, Socrates claims to be a selfless benefactor of the *polis* in that he had exhausted his private resources in the pursuit of the public good (23b–c, 30a, 31a–c). Because he does what is good for his fellow citizens (*astoi*) for whom he feels regard, friendship (*humas... aspazomai men kai philo*: 29d) and a special closeness due

to kinship (*mou engutero este genei*: 30a) despite the danger to which this exposes him, Socrates claims to be a benefactor of the Athenians. But the standard rhetorical claim was based on the transfer of material goods from the private estate of the litigant to the *polis*. By contrast, Socrates claims that he should be rewarded for inflicting therapeutic pain upon his fellows. He famously explains his benefaction to the *polis* as analogous to the good done by a gadfly to “a large and well bred horse, a horse grown sluggish because of its size and in need of being roused... I rouse you. I persuade you. I upbraid you. I never stop lighting on each one of you, everywhere, all day long. Such a one will not easily come to you again, gentlemen... Perhaps you will swat me, persuaded by Anytus that you may lightly kill. Then you will continue to sleep out your lives, unless the god sends someone else to look after you.” (30e–31a)

Socrates’ equine metaphor is tongue-in-cheek (*geloioteron eipein*: 30e), but recalls the point of his earlier horse-training analogy when refuting Meletus: the mass of Athenian citizens, like their children, can best be regarded as a lazy beast in need of being disciplined by the rare individual who understands what is in fact good for them. On this reading, popular ideology is no better than a state of sleep, popular opinions are mere dreams. The people only come awake, and then momentarily, when stung by Socrates. Left to their own devices, dreamers have no hope of properly running the affairs of the *polis*, much less of

improving it. Once again, this is a hard pill for many jurors to swallow.

The peroration of his first speech gave Socrates one last chance to confound the expectations of his judges. An Athenian defendant would often wind up his plea to the jury with a family tableau; the display in court of young sons, relatives, and friends was an expression of solidarity with the citizenry as a kinship group and reminded the jury of the consequences to the *polis* of removing the head of a family. Socrates pointedly refuses to engage in this touching ritual (34c–e). Moreover, instead of simply saying “I won’t be bringing on my three sons,” Socrates pointedly reminds the members of the jury that they themselves, as litigants, may have used the tableau tactic (34c). He then claims that such behavior in his case would be shameful (*aischron*) and offensive to his personal reputation (*doxa*) and that of the *polis*. Why? Because he is regarded as a superior sort of person and distinct from *hoi polloi* (34e–35a). Furthermore, it would be impious, since attempting to invoke pity might seem to be a way of urging the jurors to foreswear their oath to judge according to the evidence (35b–d). Here, Socrates overtly sets himself up as morally superior to *hoi polloi*, the ordinary men who made up the jury: cowardly behavior in which you indulge is shameful for a distinguished man like me. He establishes a separate standard of dignified behavior for himself that is far removed from the democratic notion of citizen dignity as

protection against verbal or physical insult by the powerful.

Democratic dignity was regarded by the Athenians as a collective possession of the citizenry, guaranteed by the collective political will of the people – as expressed especially in judicial decisions. It is the will of the many exercised in defense of the honor of the individual citizen who might be incapable of holding his own against a powerful and arrogant man. Socratic dignity by contrast is adherence to a personal standard of virtue: the self-willed determination of the one good man to avoid shaming himself and, by extension, his *polis* by refusing to “stage these pathetic dramas” (35b). Moreover, Socrates denies the central, if unofficial, role of the court as an agent of social control. Socrates claims that the only legitimate approach for a juror who would not impiously foreswear himself was to judge the matter at hand against a fixed standard of justice. While most jurors no doubt regarded justice as a paramount concern, they defined justice as the good of the democratic *polis*. That good demanded that judges take into account a litigant’s standing as a citizen. And that standing was demonstrated, in part, by his integration into a network of kin and friends.

When viewed through the historical prism of an Athenian juror’s expectations, Socrates’ speech (as reported by Plato) is revealed as a real shocker and Socrates’ professed amazement at the relatively high number of positive votes (some 220, as against some 280 for conviction: 36a)

seems warranted. The *Apology* is a demonstration of an “alternative” and openly critical use of the ordinarily democratic genre of courtroom rhetoric. Rather than employing speech to demonstrate conformity with and submission to a democratic ethos that emphasized equality among citizens and their collective wisdom, Plato’s Socrates employs it as a form of provocation and cultural criticism:

“Perhaps you think, Athenians, that I have been convicted for lack of words (*aporia logon*) to persuade you, that I thought it right to do and say anything to be acquitted. Not so. It is true I have been convicted for a lack; not a lack of words, but lack of bold shamelessness, unwillingness to say the things that you would find it most pleasant (*hedista*) to hear – lamenting and wailing, saying and doing many things I claim to be unworthy of me, but things of the sort you are accustomed to hear from others. I did not then think it necessary to do anything unworthy of a free man (*aneleutheron*) because of danger; I do not now regret so having conducted my defense; and I would far rather die with that defense than live with the other.” (38d–e)

Socrates follows this overt rejection of conformity with a prophesy: The Athenians are killing him in a vain attempt to free themselves from his stubborn insistence that they examine their own beliefs, but following Socrates’ death they will be pursued by younger, fiercer, more numerous critics. Thus, he suggests, the prudent response to Socratic criticism is not to kill the one gentle critic they now have, but to take care to make themselves into better people

(39c–d). That is, each Athenian must abandon his illogical, ideological, democratic convictions and seek to find better, more logically consistent alternatives.

This section, and the text as a whole, make it clear that Socrates saw his own fierce, biting criticism of the status quo, both before and during the trial, as “doing good”: being a social critic is his duty to his god, himself, and his *polis*. Socrates believed himself assigned to the country of his birth as a beneficial gadfly and the speech in his “defense” can be regarded as his last, best sting. Socrates, as depicted in Plato’s *Apology*, never sought out a mass audience but he chose to employ his trial in a final attempt to educate his fellow citizens. Although Socrates doubted his own ability to persuade his judges, we must suppose that because he did address the jury (rather than keeping a dignified silence) he kept open the possibility that he might succeed in educating some or all of them. Socrates’ use of the trial as an educational opportunity is in line with his self-description as a good citizen and public benefactor. If Socrates had been convinced that his fellow citizens were ineducable, if he had been concerned only with improving his own soul, he would have had nothing to say at a public trial. The fact that Socrates did offer a defense proves that he sought to improve his *polis*: proves that Socrates was, in short, both a philosophical social critic and a citizen.

The *Apology* presents Socrates as a highly patriotic citizen who attempted to improve his fellows through beneficial provocation and criticism of popular ideas. Socrates

avoided addressing the Assembly, but he carried out his critical obligations in public places as well as in private houses. The trial speech itself represents a sincere attempt to employ public rhetoric for the purposes of mass education. Socrates' speech also projected the likely outcome of openly engaging in social criticism: the death of the dissident at the hands of those he attempted to improve. Plato's dialogue *Crito*, which continues the story of the last days of Socrates, reiterates the central themes that "democratic knowledge" was tantamount to ignorance, that it was a philosopher-citizen's duty to criticize ignorance, and that fatal consequences could attend the public practice of dissent. The setting of the *Crito* is the public prison of Athens; Socrates is awaiting his execution and *Crito* is attempting to persuade him to cooperate in a prison escape that has been planned by Socrates' friends. But, in stark contrast to what we moderns have come to accept as the standard prison-escape plot, Socrates refuses to move unless *Crito* can prove that escaping prison would be a just thing to do.

PLATO'S *CRITO*

The *Crito* opens with an elaboration of the "expert" argument that Socrates had used to demonstrate that Meletus had no concern for the education of the young. Crito has urged Socrates to escape from prison, on the grounds that if Socrates were executed "*hoi polloi*, who don't really know

you or me will think” (44b) that Crito had failed in his duty to save Socrates, given that saving him was within his power. Socrates’ notes that surely “we” should not be concerned with what *hoi polloi* think of us, and that “reasonable men” (*hoi epieikestatoi*) the only ones worth considering – would understand the course of events (44c). But Crito replies that the outcome of the trial had made all too clear “how necessary it really is to care about what *hoi polloi* think,” since they can accomplish nearly the greatest of evils when a man has been slandered among them (44d). Socrates demolishes Crito’s position by the analogical argument for technical expertise: just as in the case of physical training, he who hopes for self-improvement must pay attention to the knowledgeable few and ignore the advice of the ignorant many (46b–48b). Socrates scornfully comments that the considerations Crito has raised – Socrates’ supporters’ financial loss, the fate of Socrates’ own children, what people think – “are really fit topics for people who kill lightly and would raise to life again without a thought if they could: *hoi polloi* themselves.” In contrast, for “us” the choice of how to act is determined by justice, and justice is to be discovered only through logical argument (48c–d).

The escape urged by Crito is then shown to be unjust on the basis of Socrates’ remarkable premise that, contrary to popular belief, it is never right to commit injustice (*adikein*)/do harm (*kakon poiein*), even in response to injury (49a–50a). Since escape would constitute a harm, it is

unjust, and so the substantive question has been settled just a few minutes into the dialogue. But Socrates then sets out to show, by an imaginary conversation with the reified Laws (*nomoi*) of Athens that *a fortiori* it is wrong to harm one's own *polis* which had done one not harm but good.

The Laws as imagined by Socrates initially posit that escape constitutes injury because it meant breaking the law and the *polis* cannot continue to exist if the laws are without force (50a–b). Socrates asks Crito: how we are to answer that one? and he points out that “a good deal might be said, especially by a political orator on behalf of that law (*nomos*), now to be broken [by the proposed escape], which requires judgments judicially rendered (*dikai*) to be authoritative” (*kuriai*: 50b). The mention of the political orator is interesting. It signals that while Socrates and democratic politicians both believe that laws and judgments must be authoritative, they approach the matter quite differently. What then might an Athenian orator have said in favor of the democratic approach? In his speech *Against Meidias*, written in 346 BCE, a half-century after the trial of Socrates, Demosthenes presents a detailed brief for why the laws must remain authoritative if the dignity of ordinary citizens is to be protected from attacks by powerful, wealthy, clever men. Demosthenes assumes that powerful men will always desire to demonstrate their power by harming the weak, and he does not consider the possibility that they would be restrained by any internal concern for abstract justice. Nor are the laws themselves,

mere inscribed letters, capable of guaranteeing compliance. Rather, the appropriate insurance of legal authority is the collective action of the citizenry: the legal judgment and its consequences. Vigorous public punishment of outrageous behavior will serve to intimidate the powerful and will force them into compliance with the will of the many. In Demosthenes' argument, it is thus the mass of citizens, acting as jurors on the initiative of a voluntary prosecutor, that is the collective agent that ensures the authority of law. It is only when the people are unwilling to use their collective power to restrain the powerful that the law will lose its authority. Although Demosthenes was not yet born in 399 BCE, Socrates seems to be pointing to this sort of claim in his reference to the many things that an orator might say about the authority of law and judgment.

Socrates' position on the basis of legal authority is radically different from Demosthenes' in that it bases the survival of legal authority on the individual's private decision to behave ethically, rather than on the public exertion of power by the people acting collectively, as a citizenry. Thus, maintaining the rule of law is (for Socrates) an issue of ethics not politics, and it depends upon the behavior of the individual not upon that of the collectivity. The basis of the Socratic legal order is a just contract between the Laws and the individual citizen. According to the terms of that contract, Socrates had agreed to abide by the procedural forms of Athenian law and to obey the legal judgments rendered according to the procedural rules, even though those judg-

ments might be substantively incorrect. His obedience was given in exchange for having received from the Laws specific goods: his birth (because of the laws regarding marriage), his nurture (*trophe*), and his education (*paideia*). Moreover, the Laws claim that because Socrates is the “son and slave” of the Laws, the parties to the contract are not on an equal footing, “We bore you, reared you, and educated you (*egenou te kai exetraphes kai epaideuthes*). Can you then say, first of all, that you are not our offspring and our slave – you and your ancestors before you? And if that’s true, do you think that justice is on an equal basis between you and us that it is right for you to do in return what we may undertake to do to you?” (50e).

Socrates has already explained that he cannot ethically do anything substantively harmful to any entity. In this passage the Laws demonstrate that for any citizen to break the law is manifestly to do harm to an entity that deserves special respect and gratitude. Therefore harming the Laws (even in response to an injury) is seen to be unjust even from the perspective of a traditional Greek help-your-friends/harm-your-enemies ethics. And thus, by escaping, Socrates who, in the *Apology*, had publicly announced his moral superiority, would sink beneath the ethical standard demanded of *hoi polloi*.

The demonstration that it is unjust for any citizen to disobey legal judgments that were procedurally correct whether or not they are substantially correct is now complete, but the Laws go on to make an *a fortiori* argument

regarding Socrates himself, which slides into an overtly rhetorical appeal. Socrates, say the Laws, affirmed the contract more than anyone else, since he absented himself from the *polis* less than anyone, and thus he should feel particular shame (*aischune*) in breaking it. He did not even desire to gain first-hand knowledge of other *poleis* and their laws (52b), although he often asserted that Sparta and Crete were well governed (52e). Moreover Socrates will be an object of mockery (*katagelastos*) if he escapes (53a) and the whole “Socrates affair” will “appear utterly indecent” (53c). He will degrade himself by sneaking out of town dressed like a runaway slave and will live a slavish existence in foreign parts where he will amuse his audiences with the absurd tale of his clandestine flight in peasant costume. Moreover, if he ever offends his new hosts, Socrates can expect to “hear many a contemptuous thing said of you” (53d–e). If he brings his children with him, they will be raised and educated as non-Athenians (54a). The Laws’ peroration returns to the nurture theme: “be persuaded by us, for we nurtured you” (54b). They assure him that if he obeys the Laws, Socrates will die the victim of injustice at the hands of fallible men (i.e. the jurors who were misled into defining Socrates’ behavior as constituting impiety), not at the hands of the law (which prescribed only the procedure for prosecution of impiety, not its definition). Finally, they threaten him with posthumous punishment by their “brothers, the Laws in the Place of the Dead” if he disobeys (54b–c). The dialogue concludes

with Socrates' statement that "I seem to hear these things as the Corybants seem to hear the pipes, and the droning murmur of the words sounds within me and makes me incapable of hearing anything else. Be assured that if you speak against the things that now seem to me to be so (*ta nun emoi dokounta*), you will speak in vain. Still, if you suppose you can accomplish anything, please do speak" (54d).

Not surprisingly, Crito has no reply and so the Laws carry the day.

PLATOS'S *APOLOGY* AND *CRITO*: SUMMATION

The *Apology* and *Crito*, taken together, may be read as establishing an "ethics of social criticism." The Socratic code reflects Socrates' own way of life, which had been lived according to unrefuted principles established in uncoerced conversations. These principles were hypothetical, but the aspiring philosopher would be expected to follow them unless and until he refuted them by logical argument. As we have seen, Socrates' life was spent in attempting to improve his fellows by philosophical conversations held in public and private places. Socrates attempts to do good for his fellow citizens because he believes that has both a duty and a capacity to do so. His duty is implied both by his interpretation of the Delphic oracle's comment regarding his unsurpassed wisdom as having the force of an order. It is further demonstrated by the contractual argument of

the Laws in the *Crito*. While Socrates' duty is not put in terms of a traditional obligation to return a favor for favors received, that is what every Athenian reader would understand the Laws of the *Crito* as driving at. The establishment of a duty to seek to do good (as well as to avoid doing harm) is the deafening "music" that Socrates hears as he listens avidly to the rhetorical arguments of the Laws, long after the assertion of the no-harm doctrine has made his choice clear. Socrates' capacity to do good for his fellows is implied by the extended gadfly metaphor. He imagines that his critical sting really can awaken at least some Athenians and he refuses to regard anyone as ineducable. His conviction that he had a duty and a capacity to improve others was (or at least Plato supposed it was) why the real, historical Socrates chose to defend himself before the mass audience of Athenian jurors in 399.

Plato, however, did not imitate Socrates' own manner of life. He did not allow his private estate to fall into ruin in the philanthropic pursuit of the betterment of Athens, nor did he haunt the public square seeking philosophical conversations with passers-by. Instead, he withdrew to his private think-tank, the Academy, where he conversed with a few carefully chosen students, most of them non-citizens. He was not perceived as a public figure, as Socrates had been, and never had trouble with Athenian law. By choosing a quietist path and avoiding the opportunities for philosophical conversation in public places that had typified Socrates' life, Plato seemingly disobeyed certain aspects

of Socrates' ethical code as sketched out in *Apology* and *Crito*. Assuming that Plato remained true to the injunction that we should live our lives on the basis of unrefuted philosophical arguments, we must ask: did he find a way to refute Socrates' ethics of criticism?

I would suggest that he did, and that the refutation is to be found in the great dialogues *Gorgias* and the *Republic*. Of course I do not have the space here to work through the argument of those two massive texts, but by way of conclusion, let me pick out just a couple of passages that bear on the matter of Socrates' role as a social critic.

PLATO'S *GORGIAS*

The *Gorgias* centers on matters of ethics, political justice, and the problematic role of persuasion in the political life of the *polis*. The bulk of the dialogue consists of a long interchange between Socrates and Calicles – a politically ambitious Athenian citizen who is studying with the rhetoric-teacher Gorgias. Calicles believes that mastery of rhetoric will make him a powerful man and assure him personal security against any threats to his person or his standing. Calicles scorns Socrates for failing to avail himself of the powerful weapons afforded by the art of public speaking. He claims that Socrates would be incapable of protecting himself if someone sought to do him harm. In response, Socrates seeks to show Calicles that the power and security associated with rhetorical skill is illusory, and

that in fact rhetorical skill ends in nothing other than the enslavement of the speaker to the whims of his audience: For Socrates, anyone who seeks to persuade a mob ends up being nothing more than the unwitting tool of the passions of the mob. By contrast, Socrates claims that his own, philosophical “craft of politics” is aimed specifically at the improvement of the citizens – he, Socrates, is like a doctor, although the therapy he offers is described in metaphors of military combat. Socrates at one point defines his own approach to “doing good in the polis” as “going to battle with the Athenians” (*diamachesthai Ath enaiois*: 521a–c).

Those who willingly engage in battle, rather than spending their time in preparing the means of personal security, risk their lives. Callicles warns Socrates that he is overconfident about his chances of survival. But Socrates responds that he knows perfectly well that in “this *polis*” anything can happen and he fully expects that if he is accused by some evil man he will in fact be killed. His fate is assured precisely because he is one of the few Athenians, if not the only one “truly to undertake the political craft and to practice politics” (*prattein ta politika*: 521c–e), that is to say, the only one who tries to improve his fellow citizens through critical struggle, rather than seeking to gratify them. Because he will not address his fellows in the flattering way they desire, Socrates’ position in court will, he says, be equivalent to that of a doctor being prosecuted by a pastrycook before a jury of children. If the doctor claims that his nasty-tasting medicine is really good for the igno-

rant brats, won't they just make a great fuss (521e–522a)? The doctor in such a trial would be at an utter dead end (*en pas ei aporiai*: 522a–b) regarding what to say – and so will Socrates when accused of corrupting the youth and slandering their elders by saying harsh words “in private or public.” He will “be able to say neither the truth, that ‘Justly I say all those things and I do so acting in your interest (*to humeteron d etouto*), jurymen,’ nor anything else” (*oute allo ouden*). And so he will suffer whatever comes his way (522b–c). Yet if he is convicted due to a lack of flattering rhetoric, he won't mind; it is only conviction on a true charge of having done injustice that Socrates fears.

This passage presents a problem, because it seems to contradict the account of the *Apology*, in which Socrates has a good deal to say to the Athenians, and specifically on the subject of the benefits he has done them. Leaving aside the insoluble question of what the real Socrates really said on that day in 399 BCE, what sort of comment on the “Socratic ethics of criticism” is implied by Socrates' prediction here in Plato's *Gorgias* of his own courtroom silence? Plato's re-writing of his own earlier account of the trial in the *Apology* underlines the new ethical position Socrates has arrived at in the *Gorgias*. Socrates' speech, the reader now realizes, cannot have positive public effects for two reasons: First, because Socrates cannot and will not converse with a mob. But, more importantly, because even in an uncoerced one-on-one conversation with an intelligent fellow citizen like Callicles, Socrates' rhetoric is insuffi-

cient to reeducate an individual who has been thoroughly ideologized by the democratic political culture. Thus Plato has shown that Socrates actually has no real capacity to do good in his *polis* (he cannot “heal” either the political community as a group or the would-be political leader) by “rhetorical” means and so there is no purpose served in delivering a passionate and would-be pedagogical speech in his own defense. Realizing this, Plato’s character Socrates in the *Gorgias* prefers to defend his own dignity by keeping silent before the childlike jurymen.

The *Gorgias*, I would suggest, by showing that Socrates actually has no capacity to do good in the “real world” *polis* of democratic Athens, kicks out one of the two key props from under the Socratic code of critical ethics. In the *Republic* Plato goes after the second prop, by showing why it is that Socrates actually has no duty to try to do good either.

PLATO’S *REPUBLIC*

The Laws of *Crito*, we remember, had claimed that Socrates must either accept his own execution or break his just and voluntary contract with them. The terms of that contract had specified the exchange of obedience to the city’s Laws for Socrates’ having received and accepted specific goods: his birth, nurture (*trophe*), and education (*paideia*: *Crito* 50e). The *Republic* brings all of this (and therefore the fairness of the contract) into question. In Book 7, when reiter-

ating the absolute responsibility of the philosopher-king of the utopian state of *Kallipolis* to “return to the cave” and take part in ruling the *polis*, Socrates allows that the philosopher in “other *poleis*” has no responsibility to take part in public affairs:

“We’ll say that when such men [philosophers] come to be in the other *poleis* it is fitting for them not to participate (*metechousi*) in the miserable labors (*ponon*) [of those places], for they [the philosophers] grew themselves up of their own will, and against the will of the *politeia* in each case (*automatoi gar emphuontai akous es tes en hekast ei politeias*). So it is just that the nature which is self-made (*to autophues*) and owes its upbringing (*trophe*) to no one (*medeni troph en opheilon*) is less than eager to repay the price of its upbringing (*tropheia*) to anyone.” (*Republic* 520a–b)

By contrast, if a philosopher in *Kallipolis* shows reluctance to leave off the pleasures of pure contemplation and return to the cave, the other philosophers will say to him:

“But you we have caused to be born (*egenn esamen*) for your own sake and for the sake of the rest of the *polis* (*tei te all ei polei*), like the leaders and kings in beehives. You have been better and more fully educated (*pepaideumenos*) and are more able to participate (*metechein*) in both activities [ruling and contemplating].” (520b)

This is very close to the contractual argument that the Laws had pressed upon Socrates in *Crito*: because “we” are responsible for your birth, upbringing, and education “you”

owe us obedience in repayment for goods received, and because of the implied contract you must do that which may not initially seem to you most desirable.

After completing the *Republic's* long discussion of the special education required to make a philosopher-king, the reader knows what a genuinely beneficial upbringing and education for a person with Socrates' innate abilities and character would be like. The upbringing and education that Socrates actually received from the formal laws and informal customary practices of the democratic *polis* not at all similar to those prescribed for the future rulers of Plato's ideal state, Kallipolis. Socrates of the *Republic* has, in effect, explained that he owes nothing to Athens. The democratic *polis* had contributed nothing positive to his upbringing, and worse, had been "unwilling" to have him bring himself up as a philosopher. Moreover, Socrates of the *Republic* has explained that the education offered by the assembled masses consisted of raw indoctrination and he has stated bluntly that no private education could hope to stand up to the ideological bombardment of democratic education (492b–e).

If Socrates of the *Republic* is right about the absence of appropriate upbringing and education offered the philosopher in the real city and the crude indoctrination enforced by the mob, then the Laws of Athens in the *Crito* are shown to be liars. Their contractual argument is falsified when it is viewed from the rarified heights of Kallipolis. Indeed, the argument of the *Republic* leads us to suppose

that the Laws of Athens had sought to corrupt Socrates' soul by attempting to teach him to flatter and mimic the masses. When viewed from Kallipolis, the Laws' argument that Socrates was their "son" and "slave" appears not only false, but sinister. Had Socrates been educated as the Laws of Athens had wished, he (like the unhappy sophist described elsewhere in the *Republic*) would indeed have been trained to be a slave of the "great beast" – that is, of the democratic assembly. But somehow Socrates had educated himself (*automatos*) to be a true philosopher. What then becomes of the Laws' conclusion in the *Crito* that the fatherland, must always be revered and obeyed and to Socrates' claim in the *Apology* that he was duty-bound to try to improve his native *polis* because of the demands of friendship and kinship?

Socrates of the *Republic* answers obliquely at the end of *Republic* Book 9, in the course of a discussion about when it is right to take an active role in politics. The "kingly" man, he says, willingly undertakes political affairs (*ta... politika... prattein*) "in his own *polis*, but perhaps not in his native land except by divine providence" (592a). His friend Glaucon grasps his meaning: by "his own *polis*" you refer our ideal *polis* of Kallipolis. Socrates affirms this: the model (paradeigma) exists in heaven and by this model the philosopher-king establishes a "political regime" in his own soul. Thus it does not really matter if the ideal *polis* ever comes into being or not: a perfect individual soul is enough. With this argument, we may suppose that the

argument of the Laws of the *Crito* for the existence of a binding contract is overthrown; not only is the contract fundamentally unfair (in that it demands that substantial harms be repaid by benefits) but outside Kallipolis the philosopher's "true *polis*" (the entity he must seek to improve) is his own soul, not his native land and not even the souls of his fellow citizens.

CONCLUSION

Thus by the end of the *Republic* it is only by abandoning politics and history – the project of working to achieve justice in a real *polis* – that Plato manages to solve the challenge posed by Socrates' ethical demand that a true philosopher must "play the gadfly" with the lazy horse of his fellow citizens. Apparently, neither Plato nor any other philosopher-Athenian owes anything substantial to real-world Athens and thus he is in no way duty-bound to seek the improvement of the *polis* or its residents. To the extent that the reader (ancient or modern) is dismayed by Plato's willingness to sunder philosophy from history and politics, to separate private self-improvement from public responsibility for the general welfare, he or she must regret the invalidation of the contract urged by the Laws in the *Crito*. With the rejection of the contract that the historical Socrates had willingly died to uphold, the Platonic philosophical project gains the capacity to change its entire nature, and some of us may feel that the change will not

be for the better. In light of these regrets, we might ask: is here something missing from the *Republic's* argument for tossing the contract aside?

What seems notoriously left out of the contract that the Laws of the *Crito* press upon Socrates is the positive benefit he had received from the freedom of the democratic *polis* and its unprecedented tolerance (even celebration) of diversity among its citizens. Socrates of the *Apology* and *Crito* alludes to this only obliquely, by suggesting that he would not have much success practicing his philosophy on the relatively “well governed” Megarians or Thebans (*Crito* 53b–c, cf. *Apol.* 37c–d). The historical Socrates had been regarded by many of his fellow citizens as a loudmouth, know-it-all, and potential troublemaker for at least twenty-five years before the trial of 399 BCE – as Aristophanes’ comedy, *Clouds* makes clear. Thus, while Athenian democracy always had the capacity to kill Socrates, that capacity was ordinarily counter-balanced by the democratic commitment to freedom of action, to free speech, and to privacy, and above all by the diverse culture of the democratic *polis* itself. The multifaceted nature of the democracy ensured that the majoritarian tendency of popular opinion ordinarily remained fragmented and contingent. Athens was ordinarily tolerant of eccentric citizens like Socrates.

In conclusion, I think Plato’s implicit argument that Athens inevitably killed Socrates – and that Athens was inevitably hostile to the practice of philosophy – was wrong. Plato’s attempted refutation of the original Socratic “ethics

of social criticism,” on the grounds that philosophers had neither the capacity nor the duty to do public good, may have authorized Plato to leave the walled city and withdraw to his Academy. But it is worth remembering that the Academy was still within Athenian territory; and that Plato himself never chose to live for long in any *polis* other than Athens.

The figure of Socrates continued to haunt the Platonic Academy, as he continues to haunt the modern Academy today – like Plato, we (teachers and students alike) may find that the challenge of being both loyal citizens of our country and severe critics of its tendencies to self-satisfied complacency and self-serving injustice are overwhelming – and we may seek to find excuses to give up criticizing or to give up being citizens. But, like Plato, when modern day Academics are tempted to give up either commitment – to abandon social criticism or citizenship – we are stung anew by the example of the gadfly who died in 399 BCE, believing in his own duty and his capacity to do public good by living as a dissident citizen in a democratic state.



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FURTHER READING

The trial of Socrates, and Socrates' relationship to Athens, have occasioned a great deal of scholarship. The primary sources (in translation) and some major areas of controversy are presented in Brickhouse and Smith 2002. The story of the trial is well told by Colaiaco, who gives an even-handed assessment of the issues and full bibliography. My own understanding of the historical context of democratic Athens is laid out in Ober 1989 and 1996; my reading of Plato on Socrates is presented in more detail than is possible here in Ober 1998. Hall 1995 is a lively attempt to evoke the atmosphere of a typical Athenian trial, emphasizing the importance of performance and the analogy of drama. Hansen 1995 offers a careful analysis of the trial from the point of view of Athenian citizens. Reeve 1989 is a fine philosophical analysis of Plato's *Apology*; on the *Crito*, see Kraut 1984 and Weiss 1998. For a very thoughtful assessment of Socrates' and his importance, one that is very different from the one I present here, see Nehamas 1998.

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