

# Socrates & The Laws – Incoherence or Integrity?

By

Marc Helfer

Professor Mills

PHIL 300

9/28/00

In 'Crito', Socrates specifies that laws need to be followed or changed. In the 'Apology', he favors resenting his punishment. These two positions seem to be in violation of each other. To clarify this issue, I will first explain his view on obeying the laws before attempting to defend his resistance to comply.

Socrates view on obeying the laws is quite easy. First, by living in a certain jurisdiction you automatically agree to comply with its laws. For example, a man living in Texas agrees to comply with the laws of Texas. If he decides to kill someone, he knows that he will receive the death penalty. If he is unhappy about that sentence, he has the freedom to move to another state. The same applies to all levels of laws. From condominium association rules to federal laws, you can always choose to live somewhere else. "...if we do not please him, he can take his possessions and go wherever he pleases" (51d). But by staying within your present jurisdiction, you have accepted those laws. And "when one has come to an agreement... should one fulfill it or cheat on it?" Socrates asks Crito (49e). The answer is of course to fulfill it. To ignore or break a law would be the same as inflicting injury upon that jurisdiction. For then "courts have no force but are nullified and set naught by private individuals" (50b). However, an individual does have the ability to change the laws. "We only propose things," the laws say, "we give two alternatives, either to persuade us or to do as we say" (52a). To sum up Socrates view for this discussion, we will call it the "obey or persuade" doctrine.

So, how can we justify Socrates' refusal to obey the laws during his apology? After all he forcefully states that even if his verdict were to never be allowed to philosophize again, he would always remain a philosopher. My first argument in favor of his resistance arises from the high value he places on philosophy in his life. As he explains in 'The Apology', he started philosophizing because the Oracle said that no man was wiser than Socrates (21a) and that he "attach[ed] the greatest importance to the god's oracle" (21e). In the process of his speech, he even states that "the god ordered [him] ... to live the life of a philosopher, to examine [himself] and others ... " (28e). If Socrates has been called to philosophy by the gods, then I think it is not

only justified, but required that he stands up for his right to practice it. Socrates himself argues with the same words: “Gentleman of the jury ... I will obey the god rather than you ... “ (29d). Still, one might say, this does not reconcile his doctrine with his law-breaking actions. After all, a thief might argue that a god has decreed stealing to him and therefore he must do it. True, but whereas a thief breaks an existing law, Socrates was merely talking about a hypothetical punishment.

This difference between breaking an existing and a potential law actually leads me to my second argument. Socrates has not broken any laws yet. In fact, I believe he is perfectly in tune with his ‘obey or persuade’ doctrine. According to his doctrine, a thief who lives in the city has entered an agreement to accept its laws. Therefore, when he is light-fingered he injures an existing law. However, this does not apply to Socrates. If there had been an established law against philosophy, Socrates would have spent his entire life in disharmony. So, just as you assent to existing laws by living in that jurisdiction, you accept a new law by not speaking up against it. But by saying “... I shall not cease to practice philosophy...” (29d) he is essentially speaking up against an eventual law. By making his argument, he takes a first step towards persuasion.

As we have seen in the *Crito*, the laws themselves say “we only propose things... we give two alternatives, either to persuade us or to do what we say” (52a). In this commandment, I find my third and most important argument for Socrates’ position. If the laws demand persuasion then it is inevitable that they allow freedom of examining thought. In order to persuade, one has to examine his own and the opposite position. It requires thinking, associating, reasoning, and bringing forth evidence. If philosophy can be considered a school of thought, then more and better philosophers would accelerate improvements of the laws because they are able to make better persuasions. Therefore Socrates’ call for philosophy and the interest of the laws are actively combined.

One objection that comes to mind is Socrates’ trial and his sentencing. Can his death sentence not be seen as the final fate for all philosophers? I think not. In Xenophon’s account of

the Apology, we find out that Socrates “[has] tried twice already to meditate on [his] defense, but [his] divine sign interposes” (Xenophon 1). By reading Xenophon, it becomes quite clear that Socrates looked at death as something favorable. Signs of old age show. His vision becomes less, his hearing worse, and his learning slower. “If I perceive my decay ... how could I any longer take pleasure in life?” (Xenophon 2). It seems as if Socrates did not lack persuasion powers, but motivation. He even addresses this issue in court by saying that he could have chosen “to arouse as much pity as he could” and to “[beg] and [implore] the injury with many tears”. (34b). This, according to Socrates, would have most likely resulted in his acquittal. We can conclude that it is not the laws who lack persuasiveness, but Socrates’ wish to not be persuasive enough.

Coming to an end, I feel that this exploration reconciles Socrates’ first-mentioned problem well enough. The “obey or persuade” doctrine grants the freedom to examine and question the world. By standing up for his right to think, he ensures that the persuasion side of his doctrine remains well functioning and intact.