

OUTLINE

The Trial of Socrates

This is an outline of a tutorial that I gave at Concordia College, Bronxville, NY, in late 2007, to an Honors Seminar on Great Trials. George C. McKinnis

I. Introduction

1. Who was Socrates?

- Biography: born in and around 471 BC of a midwife and a stone worker and sculptor. Received a traditional education in geometry, astronomy, gymnastics and music. Became a stone sculptor but abandoned it due to a divine voice compelling him to promote educational and moral improvement by proving that all men are ignorant without philosophical inquiry.
- Claim to 2,300 years of Fame: Plato's Dialogues
- Relationship with Plato
- Socratic Method – still used in Law School and higher education: he destroyed the illusion that we understand the world perfectly and honestly by convincing others that they are totally ignorant of the true nature of things. Accepting one's ignorance, Socrates thought, was the first step in discovering universal definitions of the key concepts that govern human life and happiness. (Similar to AA's principle that an addicted alcoholic must admit to being helpless and without hope before accepting help in reforming.) Socrates' constant push for universal definitions led Plato to the Doctrine of Ideals that exist in the abstract.
- Diogenes Laertius wrote in the Third Century AD in Lives of Eminent Philosophers that Socrates' unpopular views provoked his audiences in the Agora to anger and "men set upon him with their fists or tore his hair out."
- Example: Euthyphro (Platonic Dialogue) – Socrates questions an aristocratic young man in Athens when Socrates is waiting for a Magistrate to question him and his accusers to determine if the complaint against him should be tried. Similar to a Grand Jury in our legal system.

There was a young man waiting to go before the Magistrate to defend his complaint against his father for murdering a servant. The young man said that he was unhappy to prosecute his father but felt a moral duty to the gods to do so (a form of piety). Socrates questioned the young man as to the true meaning of piety and moral duty. Socrates refutes the common definition of "piety" as activity that pleases the gods. Any reference to an external authority founders in a logical dilemma about the origin of the good. Socrates also states that logically, if normal humans can wildly differ as to what behavior is "good" so the gods will debate and differ as to what is good.

Socrates asks the young man, "Is a good action pious because the gods find it pious or is

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it pious because the gods find it good. Is my action as a Concordia student bad because it is wrong or is it bad because the faculty and management of the College think it wrong?

Problem: If moral action is right because God loves it, then the moral quality of action depends on the whim of God. If God loves right and pious action because it is already pious, then there is a non-divine source of values that is independent of God's values.

Having broken the young man down to admit that he could not define pious behavior, Socrates stated to the young man that before you worry about pleasing the gods, you have to worry about what kind of behavior is good and the definition of the good is relative and not absolute – it changes with one's community, experience and disposition.

However, the young man went on to prosecute his father for the murder of a servant.

At no point in this dialogue did Socrates show pity for the slain servant or the father being prosecuted by his son. The dialogue was cold, hard logic.

- Example: Meno (Platonic Dialogue) – Socrates questions an Athenian as to whether virtue can be taught. This leads to an attempt to define “virtue”. The Athenian concludes from Socrates' questions that he does not know the meaning of “virtue” and that whatever it is cannot be taught. In this dialogue, Socrates states that knowledge and virtue are closely connected – that virtue to one person means something based on his or her experience and knowledge and that therefore it will mean something entirely different to another person with different knowledge and experience.
- Socrates was convinced that he had a special pipeline to the gods. He heard a Muse who told him that he should work with Athenians as a philosopher as his life's work. He was convinced that there was a god that did not behave as the Greeks believed that the traditional gods and goddesses behaved and that each man had an eternal soul that survived death. He was quite unique among the philosophers of his generation in taking those positions.

2. Period of History Socrates Experienced:

- Athens - World's only democracy in which all who vote and can hold office by popular election are enfranchised by their assets and not by birth. No advantage to traditional aristocracy. If your assets fell below a statutory minimum, you were not a full citizen and could not vote – virtually a servant's class.

Greatest navy of the Greek-speaking world may have been the best navy of the known world at that time.

Defeated the Persians at land and at sea due to the tremendous power that free men could wield over a slave empire of populations forced to join in what to them was a meaningless battle for Greece.

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Socrates grew up in a period in which democracy had expanded in Athens under Pericles.

- Sparta – Military society – ruled by an Oligarchy. Authoritarian - Close to anti-intellectual - greatest and most feared military forces of the Greek World – probably best military forces in the known world at that time. Hyper conservative. Feared Athens' expansion into an empire under Pericles.
- War between Athens and Sparta – raged for ten years with Athens losing land engagements and learning to avoid land conflict with the Spartan army and with Athens winning sea engagements.
- Defeat of Athens - Sparta eventually beat Athens when Athens lost the majority of its navy and navy forces in Syracuse and was ravaged by the plague in Athens.
- Dark Days for the Home of Democracy: Sparta forced an oligarchy on Athens: rule of 400 then Rule of the Thirty Tyrants, all of whom had consistently opposed democracy, as they were from the class that lost the most in democracy – the aristocrats. Democrats went into voluntary exile and opposed the Oligarchs.
- One of the bad boys of the war with Sparta was one of Socrates' top followers, Alcibiades – who was an aristocratic and handsome party boy with a good brain and a top education and the equivalent of a trust fund to play with. He partied and dissipated without end. Later, on the eve of the great armada against Syracuse, Alcibiades and his aristocratic friends had a symposium after which Alcibiades led a group of drunken aristocrats through the city mutilating the statues of Hermes that were outside many homes and buildings – a terrible sacrilege and a terrible way to begin a military expedition. He went into exile and proposed to Sparta that he help them defeat Athens, and later ended up aiding the Persians, whom Athens fought in two huge wars. He was well known to favor oligarchy over democracy.
- Under the Thirty Tyrants, one of Socrates' best pupils and followers, Critias, was the leader of the Thirty Tyrants, sponsored by Sparta.

Under Critias' leadership, the Oligarchy confiscated the estates of Athenian democrats, banished 5,000 women, children and their slaves, and summarily executed without trial 1,500 of Athens most well-known and respected democrats. Critias became the Robespierre of Athens.

During this period, Socrates stayed in Athens and kept quiet – no protest. This horror caused Athenian citizens to regard Socrates in a new light – not a harmless provoker.

- After independence from Sparta – great bitterness regarding Oligarchs and the anti-democratic Aristocracy

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- Before, during and after the defeat of Athens, there were anti-democracy forces in Athens - Socrates and many of his “students” and followers, including Plato, opposed democracy and preferred a king or philosopher ruler. There were secret societies of the aristocracy all of which were in favor of an oligarchy rather than what they considered a mob.
- Fear and bitterness prevailed against those who stayed in Athens and cooperated with the Oligarchs sponsored and enforced by Spartan military forces
- After successfully revolting against the Oligarchs, democratic Athens passed very forgiving laws exculpating those who worked against democracy and favored oligarchical and Spartan rule. No executions. No traitor trials. No requirement that property confiscated from democrats be returned to them and their families. Live and let live – similar to South Africa under Nelson Mandela.
- But, genuine and real fear that those who oppose democracy could again turn young people away from democracy toward another Oligarchy run by aristocrats.
- Worse, there was another anti-democratic attempted revolution in 401 that failed; this made the pro-democracy majority very nervous and worried that it could happen again.

3. Socrates as Plato Presented Him

- Plato’s Dialogues used Socrates as a foil for Plato’s philosophy and great respect, even love for his teacher, Socrates.
- The Dialogues are world literature, good for another 2,500 years of reading and studying. Beautifully and movingly written in a manner that makes complex philosophical issues understandable – each one a short play with dialogue between people who meet to discuss a point or just have a good time together.
- Did Plato candy coat Socrates?

4. Socrates, as others presented him:

- Irritating gadfly
- Outspoken critic of democracy who associated mostly with those who would gain from an oligarchy, aristocrats and their young sons who had the leisure to hang out in the Agora and listen to Socrates all day.
- Unattractive - did not work a day in his life - henpecked by his long suffering wife who wanted him to shut up and make a decent wage to support her and his children.

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- Cold – did not care about the troubles that others may have. No empathy or sympathy – cold and hard logic.
- Some then and now say that his trial and death was a form of suicide.
- Would Socrates have been an obscure character of Athens without Plato?

II.

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1. Criminal Procedure in 400 BC Athens

- No public prosecutor – any citizen may prosecute.
- A citizen files a complaint against another. That complaint is given a date that the accuser and the accused go before a government official – a Magistrate, to make a preliminary case for prosecution sufficient for the Magistrate to send the case to trial. The Magistrate would dismiss any case that was not sufficient. If the case was sufficient as a matter of law, the Magistrate would draw up formal charges and set a date for trial.
- Citizens would volunteer for jury duty and 500 jurors would be chosen by lot. They had to be male, over 30 years of age and swore an oath to Zeus, Apollo and Demeter.
- Jurors received small cash fee, just as today. They sat on wooden benches separated by a barrier from spectators.
- The trial would begin by the reading of the charges. The citizen or citizens who pressed the charges would give their case for condemnation. The prosecution had three hours, as measured by a water clock. At the end of their three hours the accused had three hours in his defense.
- There were no lawyers who pleaded for either party, but there were specialists in trials and the law of Athens who for a fee would prepare your case for you.
- Since the jury was largely made up of farmers and people without great resources, it was traditional to play to their human sympathies and to trot out your wife and children who will cry and plead for mercy for the head of the family.
- If the jury held for conviction, there was a final hearing and vote on the sentence. The party that brought the charges could propose a sentence and the defendant could counter with his suggested sentence. The jury would again vote as to whether to grant the sentence of the prosecution or the defendant.

2. Accusers of Socrates

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- Meletus, a poet. Some said that he was a religious fanatic and a dedicated democrat who was angry with all who chose to stay in Athens during the Spartan sponsored Rule of the Thirty and collaborate with a Spartan oligopoly.
- Anytus, a powerful middle class politician who ran a successful tanning business. A former Athenian general in the war with Sparta. Played a leading role in the revolt in 430 BCE that overthrew the Thirty Tyrants and returned Athens to democracy. It was believed that Anytus believed that Socrates' criticism of Athenian institutions for which Anytus had twice fought was dangerous to the newly instituted democracy. Anytus' son had followed Socrates and reported to his father that Socrates advised him not to stay in his father's tanning business – allegedly Socrates called the tanning business a “servile occupation.”
- Lycon, a known orator, known as a rabid “democrat” and filled with resentment because of a homosexual relationship that a follower of Socrates had with Lycon's son, in which at a Symposium in Athens, Socrates had toasted the “higher love” that his follower had for the teenage boy who was the son of Lycon.
- Charges: Socrates could not be prosecuted for his anti-democratic activities when the Spartan oligarch ran Athens due to a general amnesty.

“Socrates is guilty of refusing to recognize the Gods recognized by the state and of introducing new divinities. Socrates is guilty of corrupting the youth of Athens.”

3. The Trial

- There are only two recorded histories that give details as to this trial: Plato and Xenophon, who agree in one conclusion: Socrates gave a defiant and unapologetic speech in his defense.
- The defense Socrates gave was to ridicule his accusers as not having an understanding of the things that they accused him of - that he had done only good for Athens by questioning their most basic beliefs and political system.
- Socrates told the jury that he should be regarded as a hero. He said that he would rather die than give up his practice and teaching of philosophy. The jury knew that the only way to stop Socrates from teaching the youth of Athens was to put him to death.
- Socrates did not make an emotional plea for mercy and he did not present his wife and children to beg the jury for mercy. Socrates did the opposite – it was a cold and haughty defense.
- 280 jurors voted for conviction and the balance of 220 for acquittal. A very close vote.

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- But, in the hearing to determine the sentence, the accusers asked for the death penalty. Socrates, arrogantly, argued that he should be treated as a hero and be given a free lunch in the Agora, an award that went to the highest regarded in the battles with the Persians and Spartans. He discussed the Muse of god that had advised him to do as he did, which shocked the jury and sounded sacrilegious. His proposed penalty was shocking to the jury. He was told to offer a genuine punishment and he then offered to pay one mina of silver, only one-fifth of his modest net worth. Some of his followers in the audience offered to up the fine to thirty Mina.
- Many who voted to acquit voted for death and the vote was 360 for death and 140 for the fine.

4. The Death of Socrates

- Socrates was imprisoned. Normally an execution by poison would occur quickly after sentence, but, there was a religious festival during which no execution could occur.
- His disciples arranged to bribe the jailor and to spirit him away into exile. Socrates refused saying that he was compelled to obey the laws of Athens.
- On the day of his death he held an audience with his closest followers who were grief stricken. Plato writes of his speech to his followers: Socrates told them that there was an eternal soul in all men and that he had a special relationship with his Muse and that he was going to a far better place – don't grieve for him. He is reported to have died with complete calm and confidence.

III.

Issues for Discussion After Ten-Minute Break

1. Given Athens bad history with anti-democratic forces allying with Sparta, was the jury justified in convicting Socrates?
2. Was the jury justified in giving Socrates the death penalty?
3. What does this trial say about freedom of speech?
4. What would happen in America if the following situation occurred?
 - A prominent and popular political figure converts to radical hard core Islam.

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- He starts up a number of Mosques that concentrate in preaching and teaching America's educated youth that our democratic government is against God's will and teachings.
- He teaches our youth that Christianity is contrary to God's latest messenger's truth and must be abandoned.
- He argues politics with our nation's youth in city streets and parks and places where youth meet and consistently turns them away from the basic principles of democracy and individual rights.
- He teaches our youth that the US Constitution is contrary to God's laws and will and should be abandoned. He teaches and argues with great charisma and cold and clear logic that the Bill of Rights is contrary to God's laws and will and should not be honored.
- Many of his followers have become criminal terrorists who have killed residents of US cities in cruel and heartless manners. One of his students was the leader of the assault on the Twin Towers in New York City.
- The US Attorney's office in Washington has placed him under the charge of Treason for which the US has as its ultimate penalty – death.

Would you prosecute or defend this person?

Assume that this person takes on his own defense and speaks to the Judge and Jury as Socrates spoke to his Athenian jury. How would you vote if you were on the jury? What would be the issues that would trouble you pro or con?

Does the state have a right to abrogate freedom of speech to protect itself against bad influences? Is there any circumstance in which freedom of speech can be set aside to protect America?

Is there anything about this story that is relevance to you? Does the life, philosophy and death of Socrates have relevance to America in the Twenty-first Century?

Would you consider reading Plato and studying for yourself the life and death of Socrates?