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## An Introduction for Judges and Lawyers to Plato's *Apology of Socrates*

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# Essay

## An Introduction for Judges and Lawyers to Plato's *Apology of Socrates*

William T. Braithwaite\*

Hermogenes, the son of Hipponicus, . . . said: "Socrates, ought you not to be giving some thought to what defence you are going to make?" . . . Socrates had at first replied, "Why, do I not seem to you to have spent my whole life in preparing to defend myself?" Then when he asked, "How so?" he had said, "Because all my life I have been guiltless of wrong-doing; and that I consider the finest preparation for a defence.

—Xenophon, *Socrates' Defence to the Jury*, p. 643 (Todd tr., 1979).

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This Essay was developed from the author's lecture on Plato's *Apology of Socrates*. In order to retain the character of that presentation, the editors have complied with the author's stylistic preferences.—Ed.

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A bibliography listing all of the books and other sources referred to is provided in the Appendix.

## I. INTRODUCTION

### A. *Why read the Apology?*

That the courtroom is one of our favorite locales for drama is shown by the number of famous trials in our history and by the stories about them woven into our popular culture. In the history of Western civilization, two trials in particular share an undisputed position of co-primacy, by reason of their drama, their instructiveness, and the oceanic influence that the defendants' lives and words have had on all later generations, including our own. These are the trials of Socrates and Jesus.

It was nearly twenty centuries ago, about the year 30 of our era, that Jesus appeared before the Jewish authorities on a charge of blasphemy (Matt. 26:63-66) and then before the Roman governor Pontius Pilate on a charge of treason (Luke 23:2). This was more than four centuries after Socrates appeared, also *pro se*, before an Athenian jury. In the order of time, then, if on no other ground, Socrates' trial has precedence. Plato's *Apology* tells the most important part of the story.

Most law students, if they have not had any opportunity to find out who Socrates is before the first year of law school, eventually hear (or should) of the so-called "Socratic" method of classroom instruction, or they see someone subjected to it. Law school might be somewhat less tedious than many students today seem to find it, especially in their last year, if more of their teachers who try to use this method could find the opportunity to study a few models of its practice by the Greek philosopher after whom it is named. Reading Plato's *Apology* is a good way to begin puzzling out what Socrates was really up to with his peculiar questioning.

Since Socrates is certainly one of the greatest cross-examiners of all time, law students who want to become trial lawyers, as well as trial lawyers themselves, indeed anyone who has an interest in trials, should find it instructive to study Socrates' method of asking questions. His cross-examination, in the *Apology*, of Meletus, one of his accusers, is a good beginning to this study. He shows us how to ask good questions about serious matters, no mean skill for men and women in the law.

Socrates is the first man we know of in the history of the West, or the most famous, to be put to death, by law, not for something he did or something he failed to do when he should have, but only for his words, for what he said, and so indirectly for what he thought. Thus, his life marks the beginning of the history of freedom of speech and

also, as we might say today, of freedom of thought, or conscience. His trial and execution are the original seeds, although remote, of the First Amendment.

A serious reading of Plato's *Apology of Socrates* can help us begin to learn what freedom of speech properly means. (It does not, for Socrates, mean what most of us today think it means). We might begin to see, as well, its limitations, the risks in having it, and the sources of the danger that it can be lost. The *Apology* can also show us why it is often unwise, even harmful, to do or say something for no other reason than that one has a "right" to. Freedom of speech can be abused, that is, by those who do not appreciate both its purposes and its fragility.

It is good that American judges and lawyers, especially, to whose work freedom of speech is so essential, should bear always in mind that this is a freedom comparatively few people have ever had. Most people alive in the world today do not have it, certainly not in the form Americans take mostly for granted. Recent political events in the non-Western parts of the world are not re-assuring about the prospects for extending the right to freedom of speech and thought any time in the foreseeable future.

This freedom seems to be unique to the West, to the civilization that originated in the confluence of traditions identified with two famous ancient cities, Athens and Jerusalem (and later, Rome). The origin of freedom of speech can be found in the West, and its development there followed historically. These facts mean it could disappear if the conditions for its nurture, preservation, and proper practice are not maintained.

### *B. Who was Socrates?*

Socrates was born in Athens in the year 469 of the fifth century before the Christian or common era. Except when military service took him away, he stayed in or near the city of his birth throughout his whole life. These absences were during the long conflict between Athens and Sparta, 431-404 B.C., that historians call the Peloponnesian War (Sparta is in the southern peninsula of Greece, called the Peloponnesus). Socrates served during his forties, and as an infantryman, he distinguished himself by unusual courage and fortitude.

He is said to have been trained as a stone-cutter, or sculptor, the occupation of his father Sophroniscus. His mother, Phaenarete, was a midwife. History presents him as a man never much busy at gainful work, and so at leisure to spend a good portion of his time engaged in

conversations that seem, oddly, at once both familiar and alien when we read accounts of them. It is mainly through the accounts of these conversations, with all manner of men and, perhaps, a few women, that we can get to know whatever of this remarkable man it may still be possible to know after the passing of twenty-four centuries.

Socrates did his civic duties as an Athenian citizen but otherwise sought no part in public affairs except as an observer and commentator. Yet he somehow made enough enemies to get himself indicted in 399, when he was seventy, for corrupting the young and impiety. These charges were related, as we will see. He was convicted, evidently on both counts, and sentenced to death.

In the company of friends who had come to be with him for a last conversation, Socrates died in his prison cell by drinking poison prepared for him by the jail authorities. A friend who was present, Phaedo, ends his report of the occasion with the observation that Socrates was "of all those of his time whom we have known, the best and wisest and most just" (Plato, *Phaedo* 113a, Fowler tr.) He was survived by his wife Xanthippe and three sons.

### C. *What is Plato's Apology of Socrates?*

Plato's *Apology* is the chief account of Socrates' trial. Nowadays, "apology" brings first to mind a saying we're sorry. But in the title of Plato's work, the word has its original meaning, a formal written or spoken defense. The word's roots, in Greek, are a preposition meaning "from" and a noun meaning, most commonly, "speech" or "reason." An apology is a reasoning in which the apologist tries to speak away from himself the blame or consequences that would usually follow something he has done, or, in Socrates' case, things he had said. The arguments lawyers make in trials and on appeal are a species of apology in this original, technical sense.

### D. *What is our evidence about Socrates?*

Socrates said much but wrote nothing, as far as we know. The record of his life and words, such as we have it, was made by others. Our four main sources are Aristophanes, Plato, Xenophon, and Diogenes Laertius. The first three of these were Socrates' contemporaries, men alive when he was and who were closely associated with him. Diogenes lived over six centuries later.

The earliest source is mentioned in the *Apology* itself, "the comedy of Aristophanes" (19c; *see also* 18d).<sup>\*</sup> The play referred to, *Clouds*, is

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\* These numbers and letters are the conventional way of referring to specific places

a burlesque of Socrates; it was first performed in 423 B.C., twenty-four years before the trial. Some of the older jurors would certainly have seen it; most if not all of them had very likely heard about it. The parody this play presents is treated by Socrates at his trial as a well-known fact of popular culture: "you yourselves also used to see these things in the comedy of Aristophanes" (19c).

Aristophanes was the greatest ancient Greek writer of stage comedy. He was younger than Socrates by fifteen to twenty years (the exact year of his birth is not known). Since he outlived Socrates by more than a decade, it is possible that he was present at the trial.

Scholars believe Aristophanes wrote about forty plays; the texts of eleven survive. They use fantasy, invective, and licentious humor to satirize contemporary Athenian society, its political and literary personalities, and its foreign policy (in the Peloponnesian War, e.g.).

In another work of Plato, *Symposium*, Socrates and Aristophanes are among the guests at a drinking party where the after-dinner entertainment is a contest to see who can make the best speech about love. Socrates out-speaks and out-drinks everyone, leaving at dawn after all the other guests, including Aristophanes, have drunk themselves into stupor.

Our single most important source for Socrates' life and thought, the largest in bulk, and next in order of time after Aristophanes' *Clouds*, is the writings of Socrates' friend and much younger contemporary, Plato. Born forty years later, Plato knew the older philosopher from childhood, most likely through Critias and Charmides, a cousin and brother of Plato's mother, who were friends of Socrates.

Since Plato came from a distinguished and politically connected family, it was natural that his first ambition be toward public life. In the half-century before his birth, ancient Athens was at the peak of her glory, influence, and power. But during the first twenty-five years of his life, the city was engaged in its repeatedly mismanaged war with Sparta that marked the beginning of a decline from which it never fully recovered. The Peloponnesian War finally ended when Athens capitulated in April 404, after nearly three decades of intermittent conflict.

The violent political changes of the immediate post-war period contributed directly to Socrates' trial and execution five years later. These events helped turn Plato, who was just thirty when Socrates died, away from politics to philosophy as a vocation. (Plato records himself as present at Socrates' trial (38b), but because of illness, he

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in Plato's texts. In the West and West translation, drawn on in this essay, these references are found, as is standard, in the margins.

was not present when Socrates died).

Plato's written work, which scholars believe we have the entire body of, consists of thirty-five dialogues and thirteen letters. Some of these works, including the *Apology*, are certainly genuine, but as to others, there have been disputes about their authenticity. Most of the dialogues, both the genuine and the disputed, are in the form of conversations between a protagonist, usually Socrates, and one or more interlocutors. Usually, too, there are some listeners present who take part only a little, or not at all, in the conversation. Plato's dialogues present the fullest picture we can get of Socrates' thought and of his peculiar questioning.

Our third source of evidence about Socrates is the writings of Xenophon, a comparatively wealthy Athenian aristocrat one or two years younger than Plato. Among Xenophon's best-known works are *Cyropaedia* and *Anabasis*. *Cyropaedia* ("the education of Cyrus") is a kind of historical novel about the education of a Persian prince. It draws on Xenophon's observations in Asia Minor as an officer in a contingent of Greek mercenaries undertaking to help Cyrus the Younger wrest the Persian throne from his elder brother, Artaxerxes II. *Anabasis* ("going up"), which may be more familiar as *The Persian Expedition*, the descriptive title given it by one translator, tells the adventures of the Greek mercenaries in Persia and of their retreat, under Xenophon's command, after Cyrus was killed at the Battle of Cunaxa, north of Babylon, in 401 B.C., two years before Socrates' trial.

Three works of Xenophon deal directly with Socrates:

- *Memorabilia* is his familiar recollections of the older man. The first two of its four books, supposed to have been written about eighteen years after Socrates' trial, include a defense of him against the charges made in 399.
- *Apology*, titled in one translation *Socrates' Defence to the Jury* (p. 507, above), is a short account of Socrates' attitude about the charges against him, professing to be based on the first-hand observations of Hermogenes, a friend of Socrates with him during his last days (Xenophon himself was not then in Athens).
- *Oeconomicus* includes dialogues between Socrates and Critobulus on household and property management.

The last of our four principal sources of information about Socrates, and the latest in time, is *Lives and Opinions of Eminent Philosophers*, a collection of biographical sketches by Diogenes Laertius, whom

scholars believe lived in the first half of the third century A.D., about 600 years after Socrates' death. His sketch of Socrates is familiar, not formal, in tone and content. It includes a number of sayings and epigrams attributed to Socrates, repeats some of the biographical facts found in the *Apology* and other dialogues of Plato, and also gives information not found in any other extant sources.

*E. Is Plato a reliable witness?*

First-time readers sometimes wonder whether Plato, the student and friend of Socrates, is a reliable witness.

About Plato's disinterestedness, we can say much the same things as trial lawyers say about witnesses. If the witness was called by the opposing party and testifies adversely to your side, you can say his credibility is affected by a predisposition in favor of the party calling him. If your own witness is attacked in this way, you can reply that an interest in the outcome does not necessarily impel falsehood, or prevent the witness from telling the truth. Both arguments are general truths, of course, and their weight in any particular case will depend on the circumstances.

Plato is not an uninvolved third party who just happened to observe the trial, nor was he like a professional journalist reporting events for an audience unable to see them first-hand. Neither was he an historian claiming a neutral and detached concern for documentable facts. He knew Socrates from the time he was quite young, and was closely associated with him from his youth until Socrates' death, being the most gifted student of an extraordinarily gifted teacher. He certainly had a heart-felt interest in the outcome of the trial as well as a definite opinion about the way Socrates should be remembered by history.

Socrates plays a prominent part in most of the 35 dialogues that ancient sources say Plato wrote. Two of the dialogues, the *Republic*, in which Socrates is the leading speaker, and the *Laws*, in which a Socrates-like character appears ("the Athenian Stranger"), are quite lengthy, each of them making a book of several hundred pages in modern editions. These facts alone tell us that Plato cared very much about how Socrates was to be presented to whatever audience Plato supposed might read the dialogues, whether Greeks then alive, foreigners in other cities, or unknown and yet unborn peoples in far-away places and far-off times.

We cannot say Plato is disinterested, if by that we mean he has no interest in his subject. Plato's interest in writing about Socrates was at least as great as Carl Sandberg's was in writing about Lincoln, or Churchill's in writing about the history of the English-speaking



peoples. But who would want to read a book written by someone with no genuine interest in its subject, or with no opinions about what was true and not true regarding its subject?

What the reader really wants to know is whether Plato's interest materially affected what we would call today his "objectivity." This is natural enough: the reader who approaches a serious book seriously must always ask what the relation is between the truth and the author's opinions. Yet such a question can get in the way of understanding what Plato says about Socrates, because it assumes a way of writing and reading which are not proper to Plato's project.

Those of us who are trained in the law tend to be historicist in our perspective. For us, "facts" mean what the witnesses and documents say; "objectivity" in a brief on appeal is judged by the extent to which the argument is supported by facts in "the record." And when judges or lawyers speak, as some of them occasionally do, of the trial as "a search for the truth," they mean the historical truth of the events out of which the litigation arose. In all these ways, we show our underlying assumption that there is some truth to be found out, that it is historical in character, and that it can be ascertained, sufficiently for the law's practical purposes, by collecting and weighing the "evidence," which we take to consist essentially in reports of what people said and did.

Plato is not writing as a lawyer or historian, however. Neither is he writing fiction, in the sense of made-up events. Still, although the *Apology* is a special form of writing, it is a form not unfamiliar to us. The form is literature about history. Examples of this genre are Truman Capote's non-fiction novel, *In Cold Blood* (1965), the true story of the murder of a Kansas farm family by two drifters and Michael Shaara's *The Killer Angels* (1974), on which the movie "Gettysburg" is based.

Capote and Shaara were literary artists trying to tell the essential truth of certain events. Neither of them regarded this "poetic" truth as being one and the same with historical truth. Historical truth is the ascertainable facts, the names, the dates, the people, times, and places, their thoughts, feelings, and actions. But the historical record we may happen to have about an event often depends on chance. Not every important thing is written down or otherwise preserved, not everything preserved is reliable, and some evidence that is important and reliable does not survive to posterity.

As distant in time as we are today from the Battle of Gettysburg or the trial of Socrates, we cannot use the "realism" of the photograph and the microscope as the only standard of reliability by which to judge accounts of these events. Something more than mere facts is

needed in order to tell the whole story, for as trial lawyers and trial judges well know, mere facts never "speak for themselves." They have to be given voice by an art. In the law, that art is argument, or rhetoric; in literature, it is poetry (from a Greek root, *poiein*, meaning "to make"), which, broadly understood, is the art of making images in order to tell stories that convey "poetic truth," the truth one feels in the bones.

*F. Is the Apology a reliable trial record?*

Concerning the reliability of Plato's account of Socrates' trial, there is another problem as well, besides the difficulties implicit in the difference between history ("the facts") and literature (in which the imagination of the author, as distinguished from the intellect, plays a decisive part in discerning what the story is and how it should be told). This other problem is that Socrates did not, as far as we know, himself write anything down.

Why did Socrates limit his disclosure to conversation, to questions and answers? Plato knew, of course, that after Socrates died, his spoken words could not be preserved for future generations except in written form. This may sufficiently explain why Plato chose to write; it does not explain why Socrates choose not to.

The differences between writing and speaking are not unfamiliar to those trained in the law, especially to judges in our common law system, which relies so heavily on oral testimony in trials. My definite impression is that trial lawyers, when they have a choice, usually prefer presenting a witness live rather than through an affidavit or deposition transcript. Certainly this was my preference during the decade and 30-odd military and civil trials of my practice.

Does this preference for spoken testimony reflect a judgment, or perhaps an intuitive sense, that some things are better said face to face, or can only be understood properly if spoken to the intended audience rather than read by it? Is it better, for example, to make a proposal of marriage in a letter or face-to-face?

Of course, it might also be the case that some other things are better said in writing, or can only be understood properly if put on paper, so that the audience can read and re-read, weigh, discriminate, and judge what is said. Are offers of settlement in litigation, for example, better written or spoken? A good man's word may be his bond, but lawyers do seem to prefer, in most cases, to "get it in writing."

Both the written word and the spoken word seem to have their advantages and their limitations. Do not our practices in presenting and deciding appeals reflect this supposition? We provide by law for

both a written argument, the brief, and an oral argument. The panel of reviewing judges deliberates orally in private, then one of them is assigned to render their conclusion and reasons into a writing, which eventually becomes the published opinion. Sometimes, the decision “doesn’t write,” as I have heard one judge express it: the effort to put the argument on paper reveals gaps or flaws in a line of reasoning that had seemed persuasive when it was spoken aloud.

In published opinions, appellate judges sometimes refer to the written report of what happened in the trial court as a “cold record.” This short-hand judicial colloquialism means that some opinions formed by the judge and jury who decided the case in the first instance, since they saw the witnesses face to face, had ordinarily better not be second-guessed. What was seen and heard is given precedence over what the court reporter wrote down.

In these and other ways, our legal system, and we who are its agents and operators, recognize that the written word is not simply a permanent-record counterpart of the spoken word, and that the spoken word is not simply a fleeting instance of what could equally well be written down. The question of whether it is better to write or to speak aloud in a given situation can, and properly, be answered differently, depending on what is to be said, who is going to say it and to whom, the aims of the communication, the capacities of the audience, and the particular circumstances in which the words will be uttered. What, then, do these considerations tell us about why Socrates choose not to write books but to ask questions face-to-face, one-on-one?

Are there some truths that can only be spoken, or which when written are inevitably distorted? For example, does not something more, or at least something different, get communicated in ordinary conversation, in direct and cross-examination, and in oral argument than in a letter, contract, or deposition transcript?

Plato could not see the audience for his dialogues, except in his mind’s eye, which we call the imagination. And, too, he knew that what he wrote would inevitably come into the hands of readers not intended to be among his primary audience, whoever this might have been. Some of these readers, he must have known, might not be qualified to understand fully everything he had written. Journalists, for example, do not seem to be uniformly reliable readers and interpreters of judicial opinions (but, of course, neither are lawyers for that matter).

Plato wrote an account not necessarily of the exact words Socrates spoke at his trial, but of what he imagined Socrates’ words should sound like, in the mind’s ear, to those who were not actually present at

the trial, if they were to understand the essential truth of that event, that is, the poetic truth, of what happened to Socrates and why. Plato writes to his intended readers the words he chooses to represent Socrates as having spoken to the jury, and we then read this written account of that speech in order to re-create as fully as possible the tenor and import of the words spoken and things done at the trial. To effect this re-creating, we must ask ourselves, what is the meaning of what Plato says Socrates said?

Such an inquiry into the meaning of a book is best carried forward by means of conversation, the same mode of discourse Socrates himself chose. Ideally, the conversants should be a small group (say, about 15). They should sit so arranged that everyone can see one another's faces, and each person should try hard to be attentive and to listen open-mindedly when someone else speaks. It is probably better not to bother trying to take notes, so that full attention can be given to the turns and movements of the conversation. Plato's dialogues present Socrates' conversations as typically occurring in conditions somewhat like these (only in the *Apology* does Socrates speak to a large group).

The writer and reader have none of these advantages. They cannot see one another's faces; they are, in fact, strangers. Neither of them can be sure that what has been written will not fall, or has not already fallen, into the hands of "outsiders," persons not intended to be privy to what is said. Since they are strangers to one another, neither the writer nor the reader can be sure of the other's motives. Is the writer moved by frankness, generosity, and friendship towards the truth? Is the reader capable of patience, tolerance, and open-mindedness in trying to discern what the writer really meant? Or does either of them have somewhat different motives?

Is Plato, the student and friend, a reliable witness to report what was said by his teacher and friend, Socrates? If we say no, what standard of judgment are we using? Plato's *Apology* is the only eye-witness account we have of Socrates' trial. For all practical purposes, there are no other witnesses, no other evidence. This situation is familiar, of course, to every trial judge and trial lawyer. How often has each of us wondered, in a particular case, about the facts not discovered or not even discoverable, the facts we do not know because they are not knowable. We have to discern as much as we can from whatever evidence we have.

Conversations, Socrates' preferred mode of discourse, are not in principle subject to this limitation. Today's readers of the *Apology*, for example, can seek out other readers and talk with them about the

trial of Socrates for as long as any of them may wish. We need only adjourn, and need not conclude, such conversations. We can meet again tomorrow, next week, next year, to talk further about the same book. The conversation is always open to being picked up again, wherever it left off before or striking out in a new direction entirely.

The writer does not have this luxury. When the book is finished, it is finished. He has said all he can say, at least in that book. The case is rested, the record is closed.

Yet is this really quite true? The trial of Socrates is over and done with; the man himself is dead and gone. Plato's *Apology*, our only text about the trial, was written twenty-five centuries ago. But Plato's conversation with us is not finished. We can recess that conversation by putting down the book, but we can resume it by reading the book again.

The production of a book is finished when the writer has rendered it into whatever final whole he was aiming at, just as a brief is finished when the lawyer has written the prayer for relief which concludes it. But is the work of the writer the same thing as the work of his book?

The writer's work is complete when the book is complete, but the book's work is complete only when the reader has come to understand the book as fully as the author himself understood it. This means that Plato's *Apology of Socrates* will not have completed its work until its intended readers come to understand Socrates' arguments at trial the same way he understood them.

But is this not obviously impossible? Even if we knew, or could know, all of what Socrates knew, he lived in another time, another place. The crimes he was indicted, tried, and executed for do not even exist under our laws. Does it make any sense, in such circumstances, to try to plumb Socrates' thoughts, or to divine Plato's intentions?

On the other hand, is not this problem, the problem of trying to understand Plato's text as he himself understood it, very much like a problem already long familiar to us? I mean the problem of determining the intentions of the Founding Fathers as expressed in the Constitution. Indeed, in a general way, do not lawyers and judges routinely face a similar problem whenever they are called upon to interpret a document whose author is not available to explain what he or she meant?

For Socrates' trial, we have only a "cold record," Plato's text. What did Plato intend us to understand, from this one source, about the trial, and about the words and thoughts of Socrates?

One way for law-trained readers to pursue this inquiry is to begin with what seems most familiar. I propose to show how this could be

done, by examining several topics in the *Apology* which are common to the everyday work of lawyers and judges. These topics are (1) the morally problematic character of legal arguments, (2) the influence of public opinion on court proceedings, and (3) the art of cross-examination, as demonstrated in Socrates' questioning of Meletus, one of his accusers.

## II. THE PROBLEM OF FALSE YET PERSUASIVE SPEECH

Socrates begins, "How you, men of Athens, have been affected by my accusers, I do not know. For my part, even I nearly forgot myself because of them, so persuasively did they speak. And yet they have said, so to speak, nothing true" (17a).

The accusers' speech is false but persuasive. If their arguments, though false, can still persuade, might Socrates' arguments, even if true, nevertheless fail to persuade? He implies that an audience can be moved by a false argument, or can fail to be moved by a true one. True arguments are not necessarily effective, and effective arguments not necessarily true.

This means that simply to tell the truth may not lead to justice being done. Like "the facts," the truth does not "speak for itself." If we want the truth that is told in court to lead to just judgment, we have to add something to it. Why is the truth alone insufficient, truth "naked" or "unvarnished"? And what has to be added to make it effectual in practice?

If an argument in court can be false yet at the same time persuasive, we have to wonder about the prospects for a defendant, such as Socrates, whether or not guilty, to get justice in Athens. Does he, perhaps, suppose the same problem is to be found in any city? If this is what Socrates means to imply, then should we not be shocked at his suggestion that judges and juries can be moved to decide as they do by arguments that are partly or even mostly false?

On the other hand, does not every experienced trial judge and trial lawyer know that things like this do happen sometimes? This is one of the reasons, is it not, that our procedural law provides for appeals, new trials, and motions for judgment notwithstanding the verdict. Judges and juries make mistakes, and it is sometimes a persuasive but false argument that has led them to do so.

Socrates, on trial for his life many centuries ago, begins his defense by calling attention to a problem that proves on examination to be quite familiar—the relation between truth and justice. We know from our own experience that simply telling the truth does not mean you will always be judged fairly. We have observed, too, that lying—e.g.,

perjury or “poker-bluffing” in negotiation—does not always accomplish its object. Both truth and lies can be presented either artfully or inartfully.

The art of persuasive speech is the art of argument, and persuasive speech in court is the special art of the trial lawyer. Argument, speech intended to move people to action, seems to those of us who work in the law, to be an instrument, a tool that can be used for help or harm. If a smooth lie can succeed and a clumsy truth fail, then truth needs the help of the art of argument. The good lawyer’s weapon against an artful lie is an even more artful truth. Argument, then, is the art of speech that in practical affairs mediates between truth and justice.

Socrates says his accusers spoke “many falsehoods” in “beautifully spoken speeches,” “adorned with phrases and words” (17a, b). They spoke artful lies. An effective defense would seem to require that Socrates speak the truth even more artfully than his accusers spoke their persuasive falsehoods. Yet he announces right away that this is just what he will not do.

I am not “a clever speaker,” he tells the jury, and you will see this as soon as I have talked for a few minutes—unless my accusers “call a clever speaker the one who speaks the truth.” If I am an “orator,” I am not “one of their sort.” (17b).

Socrates promises to tell the truth without art or guile: “at random in the words I happen upon,” “in the dialect and way in which I was raised,” the same common, ordinary, everyday speech he has been accustomed to use “in the marketplace . . . and elsewhere” (17 b-d). Just plain old Socrates. In short, he will not talk like a lawyer.

We now find ourselves puzzled. We know from our own experience, and we have noticed that Socrates knew too, that the simply unadorned truth does not invariably prevail in court; it needs that help which it is the trial lawyer’s special aim, with his art of forensic rhetoric, to give. But Socrates, appearing as his own lawyer, says he will not use the lawyer’s art.

Is he slickering? Is it part of his art that he persuade the jury to believe he is not using any art? Is it indeed intrinsic to the art of rhetoric that the advocate try to make the audience forget that the speaker is artful? We are reminded of the campaign speeches of certain candidates for national (and other) political offices.

Or is Socrates’ defense going to be a deliberate failure? His defense *is* a failure in the ordinary sense: he is convicted. If he indeed told the truth, as he promised to do, the fact of conviction implies that he was guilty, or not wholly innocent, assuming that the truth he told brought about the conviction. But if he was guilty, why would he deliberately

present an ineffective defense? Is the answer that a man who is guilty and also truthful has no other choice, because he knows he deserves to be convicted?

Must the honest but guilty defendant not use the art of argument because to do so might succeed in getting him acquitted? Acquittal would be an injustice—an injustice to himself, because of his honesty (it is unjust to yourself to be less than your best), an injustice to the city because of his guilt. Must we conclude that for Socrates, telling the plain unadorned truth is the only way to do justice both to himself and to the city?

This possibility implies that Socrates is guilty. We now notice that he does not say his accusers are liars, or that their accusation is unqualifiedly false: “they have said, *so to speak*, nothing true” (17a3-4) (emphasis added). Another translation of the weasel words could be, “in a manner of speaking.” What the accusers said is in some way, or in some part, not false. Socrates quietly or back-handedly concedes that something in the charges is true.

Is the accusers' speech persuasive because it is somehow akin to the truth? Or is it persuasive in spite of being mostly false? Was Socrates convicted because his defense argument, even though true, was weak? Or because the prosecution's argument, though not in all respects true, was nevertheless persuasive? Or because Socrates deliberately decided not to try to refute convincingly whatever was both true and persuasive in the accusers' speech?

Suppose, on the other hand, that Socrates is not guilty. Then he has an obvious practical difficulty, one that every trial lawyer faces in preparing for trial, every trial judge faces in preparing jury instructions, every appellate judge faces in writing an opinion for publication. Can a truthful speech or argument (or explanation) persuade an audience that is not capable of understanding the truth?

Everyone knows that parents must sometimes require children of a certain age to do things the reasons for which the children cannot fully grasp. Do we not also recognize that there are adults who sometimes act like children, in the willfulness of their desires or the irrationality of their appetites and passions? We all know, or have heard about, people who regularly do harmful things to themselves in respect of the pleasures of food and sex, for example. We know, too, do we not, that just as we are not all alike in dealing with bodily pleasures, neither are we alike in mental faculties.

To be effective, an argument must persuade the audience to whom it is addressed, but not all audiences are equally capable of understanding the subject at hand. Neither are all members of a given audience



equally able to understand a particular argument. The group of students in one classroom, the jury in a particular courtroom, the several members of a panel of judges hearing the oral arguments on an appeal—each of these audiences has its capacities and limitations. Different arguments will be made, for example, about, say, homosexuals in the military services, to members of Congress, on one hand, and to the courts, on the other, and even to different judges on the same court.

But if the truth is persuasive only when the audience can understand it, and if some audiences cannot fully understand the truth or can understand it only if it is presented in a certain way, then the speaker who knows the truth will find it necessary, by means of something other than the truth, to guide his audience to take whatever action the truth (and therefore justice?) requires.

In the same way, the painter who wants the viewer to see a road going off into the distance will draw the boundaries of the road wide apart in the lower or “front” part of the picture and closer together in the higher or “back” part, so that when we look at it, we will see the same thing we would see if we looked at a real road that went off into the distance. But we know all along that Interstate 80 is the same width in Des Moines as in Chicago.

The advocate must be an artist with speech, just as the painter must be an artist with color and perspective. Is argument, then, inherently deceptive? Must the good trial lawyer know how to distort, how, in effect, to lie?

Must the good judge, in writing an opinion announcing, explaining, and justifying what the court has decided, sometimes omit or distort some of the real reasons for the decision? What worker in the law has not had the experience of finding a rather different statement of facts in a dissenting opinion than appears in the majority opinion?

We are led into deep waters by this hypothesis that because individuals and groups differ in their capacity to grasp the truth, it is therefore sometimes necessary to distort the truth for the sake of justice. Let us consider where it leads.

Most college graduates have heard of Einstein's formula,  $E=mc^2$ . It says that the energy of a body in motion is equal to its mass multiplied by the square of the speed of light. How many of us who are not physicists can make a just claim to genuine understanding of what this formula really means?

In everyday life, we use telephones, automobiles, copying machines, and other devices whose principles of operation most of us have only the scantiest knowledge of. Most of us, rely, too on our

doctor's knowledge of medical science, which is largely mysterious to us, to help preserve our health. Modern technology has surrounded us with machines, processes, and operations we are very likely never going to understand fully (nor, as to most of them, do we really need to).

In Socrates' trial, both the accusers and the defendant speak to a jury of several hundred adult male citizens. The charges are corrupting the young and impiety. Is there a truth about these things, a truth about what is the best education for the young and about what one should believe about the gods? If there is, is it a truth accessible to everyone, like the wetness of water and the heat of the sun? Or is it a truth like Einstein's formula, fully intelligible only to a few people of great natural intelligence and after long study?

Our own contemporary opinions about the proper education for the young often seem to be divided between those who believe parents know best and those who believe professional "educators" know best. Who is likely to know more about the best education for the young in Athens, the democratically selected jurymen or Socrates? Are either Socrates or his accusers capable of knowing the truth about how to bring up the young, about what we should believe about the gods? Is the jury capable of understanding the truth about these things?

In the literature of the law, especially in the writings of decent and conscientious judges, we often read that a trial is a "search for the truth." In what sense is this correct? What truth is a jury in our legal system supposed to search for? What truth do we assume—if we do indeed assume it—Socrates' jury was supposed to search for? By what means do we search for whatever truth there is about education and the gods?

### III. THE "FIRST FALSE CHARGES"

Socrates says the "first false charges" were made by accusers who are anonymous: "it is not even possible to know and to say their names" (18a,d). Then he qualifies this assertion: "unless a certain one happens to be a comic poet." (18d). Virtually everyone listening would have understood he meant Aristophanes, whom he identifies by name a couple minutes later (19c). By singling out Aristophanes in this way, Socrates makes him stand for the so-called "first" or "long ago" accusers (18a, e).

The old accusations about Socrates have their origin in the things said about him by a comic poet. Poetry, in the form of Aristophanes' *Clouds*, by poking fun at Socrates, has shaped the popular opinion about who and what Socrates is, about what philosophy and philoso-

phizing involve, and about why the activity of philosophers, men capable of genuine and independent thought, is dangerous to the city.

Socrates says the first accusers are “more dangerous” to him than the present accusers (18b). But there seems to be a relation between the two groups. All three of the present accusers are named by Socrates at one point (and only one point); they are Meletus, Anytus, and Lycon (23e, 24a). Each is said to represent a different political constituency. Men in each of these interest groups are the persons Socrates says he questioned in order to find out, “in accordance with the god” (22a), whether they were wise in the matters they claimed to be. This questioning, because it exposed the ignorance and pretense of those questioned, made them angry. And their anger is what motivated this “political” prosecution of Socrates (28a-b).

Meletus “attacked” Socrates on behalf of the poets, Anytus on behalf of the craftsmen and politicians, and Lycon on behalf of the orators (23e-24a) (it is the orators who practice the lawyer’s art, rhetoric). Since it is Meletus whom Socrates chooses to cross-examine, we may infer Socrates regarded him as in some sense the principal accuser (*see also* Plato’s *Euthyphro* (2b-d)). And since Meletus is identified as a representative of the poets, in fact was himself a poet, though certainly of minor accomplishment, we see that the opinions, or opposition, of the poets seem to be a prime element in the present charges against Socrates as well as in the “first” or “long ago” charges.

Socrates calls attention to this connection by observing that in bringing the indictment, Meletus “trusted in” the “slander” (19b) that had originally arisen, according to Socrates, at least in part from Aristophanes’ play. The older poet and “accuser,” a man of considerable intelligence, is relied on by the present accuser, a younger poet who is greatly the inferior in both gifts and accomplishments.

Yet under the surface of both the old, popular charges and the present, legal charges is a unifying theme: Socrates seems to believe that his real enemies are poets and poetry. Beneath the legal argument between Athens and Socrates lies a deeper contest, represented by its then leading spokesmen, Socrates and Aristophanes. This deeper argument is between philosophy and poetry.

Because of our popular notions about what “poetry” means and what a poem is, we modern readers have to stretch our imaginations in order to get an inkling of what it means to speak of an argument, or quarrel, between poetry and philosophy.

The root of “poem,” “poet,” and “poetry,” is a Greek verb that means “to make.” Poetry is something made, not something that occurs in nature. And at least since Aristotle (384-322 B.C.) wrote his

treatise, *Poetics*, poetry has meant a literary product of the human imagination. The idea of poetry as verse that rhymes, or unrhymed expressions of feeling or sentiment, is a stunted and constricted sense of the word's full original meaning.

For Socrates' audience at his trial, poetry meant, at least, the long narrative epic poems of Homer (the *Iliad* and the *Odyssey*) and of Hesiod (*Theogony*, *Works and Days*), the Greek tragedies of Aeschylus, Sophocles, and Euripides, and the comedies of Aristophanes. Most scholars believe that Homer lived before Hesiod, but both are generally dated around 700 B.C. The three playwrights were all alive in the sixth century B.C. The eldest, Aeschylus, died thirteen years before Socrates was born; the other two, Sophocles and Euripides, both died in 406, seven years before Socrates' trial.

Perhaps most important for our purposes, the poems of Homer and Hesiod, and the plays by the three great tragedians, were the texts by which the Greeks transmitted their beliefs about the gods, the ordering of divine and human affairs, and their moral teachings about how men should live. This literature served them as drama, theology, and moral philosophy combined. It provided, in fact, an important part of the education for Athenian youth. Homer was the chief author studied in Athens for moral training at the elementary school level, for example.

Why does Socrates regard as his most dangerous enemies the authors of those works which later generations have come to regard as among the greatest literature ever produced in the West?

According to Socrates, he is the target of a long-standing popular prejudice, which Aristophanes had relied on when he wrote *Clouds* almost twenty-five years previously. The playwright could expect the audience to laugh at his play's burlesque of Socrates because he knew that most of them would recognize who, and what, was being parodied. Socrates' first line of defense is therefore to try to uproot or at least undermine this long-standing popular prejudice.

He refers to its originators as his "first accusers" (18a). These accusers are many, and they began slandering Socrates a long time ago, when many of the jurors were young and trusting, but nothing of what they have been saying for so many years is true (18b). Yet they are more dangerous than the present accusers, because the things they said about Socrates prompted their listeners to believe that he did not believe in gods (18c). We thus learn that church and state are not separate in Athens. Religion is a public, or political, concern. It makes a difference what religion you have, or profess—what you do and what you say about the gods. It is dangerous to be suspected of being a non-believer.

Evidently, though, these first accusers did not directly charge Socrates with atheism; rather, they accused him of things that caused their listeners to suppose he was an atheist. These “first false charges” are that Socrates is “a thinker on the things aloft, who has investigated all things under the earth, and who makes the weaker speech the stronger.” (18b-c).

The most obvious meaning of “things aloft” is the sun, moon, and stars. Socrates was accused of being a student of astronomy. Is this, perhaps, the origin of the title of Aristophanes’ play? A serious, that is, scientific, interest in the heavenly bodies and their motions, i.e., in astronomy and physics, can be parodied by representing it as an interest in clouds, something “aloft” that is airy and insubstantial, hence trivial and of no real account.

The first words Aristophanes’ has Socrates speak in *Clouds* are instructive: “I tread on air and contemplate the sun” (line 225). In the play, Socrates is suspended aloft in a basket when he says this. In his defense speech, at trial, Socrates himself refers specifically to this line in the play (19c). We can understand Socrates’ argument in the *Apology* better if we try to get some sense of the meaning this line in *Clouds* would have had for its original audience.

The general attitude toward the sun, moon, stars, and other heavenly bodies was that they were gods. In his cross-examination of Meletus, Socrates makes specific mention of this popular belief (26d). According to Diogenes Laertius, *Lives and Opinions of Eminent Philosophers* (II.12), the philosopher Anaxagoras, who died when Socrates was in his early forties, was indicted for impiety on the ground of having said the sun was a mass of red-hot metal, that is, for saying indirectly in the name of Science that the sun was not divine.

Scholars fix the probable date of Anaxagoras’ trial as 450 B.C., just half a century before the trial of Socrates. With the help of political friends, Anaxagoras escaped from Athens and settled in another city. But Socrates, though certainly thus aware that leaving town was a politically available option, will refuse to consider this way of responding to the charges against him, charges similar in part to those against Anaxagoras (37c; see also Plato’s *Crito* (44b-c)).

Twenty-five years after the trial of Anaxagoras, some in the audience for *Clouds* (423 B.C.), especially among those of middle age, would almost certainly have been reminded of him when the character Socrates says, “I tread on air and contemplate the sun.” Contemplating the sun was what got Anaxagoras in trouble.

To make sure the jurors at *his* trial, fifty years after that of Anaxagoras, make the comparison, Socrates mentions Anaxagoras by name (26d).

When Aristophanes parodied Socrates by presenting him as a philosopher given to the scientific study of nature, he was appealing to the popular prejudice that science and religion could not mix, that philosophers, or scientists, in their too-much curiosity about nature and its workings, lacked sufficient respect for the forces and mysteries beyond their ken; were, in short, atheists.

We might recognize here an ancient parallel to the trial of John T. Scopes in 1925 for violating a Tennessee statute that prohibited teaching Darwin's theory of evolution. (Scopes was convicted and fined \$100, but the state supreme court reversed the conviction on the ground that the fine was excessive). The more recent debate over "creationism" is another instance of the public perception, evidently very deeply rooted, that religion and science must be in conflict.

We can now see why Socrates and the poets were on different sides of the fence. To contemplate the sun, as Aristophanes presents Socrates doing, means to study it intently with a view to finding out its nature. The religious beliefs of the times called, however, for an attitude not of curiosity but of reverence toward heavenly bodies. The deep issue in the trial is between those who transmit traditional religion, and thus shape conventional morality and public opinion (the poets), and those who in the name of science question the poetic accounts of the things aloft (philosophers, such as Socrates).

#### IV. THE CROSS-EXAMINATION OF MELETUS

When he has finished his argument against the old, popular "charges" (18a-24b), Socrates turns to the formal legal charges that he "does injustice by corrupting the young, and by not believing in the gods in whom the city believes, but in other *daimonia* that are novel" (24b-c). He undertakes to examine "each one of the parts of this charge," and, accordingly, some of the questions in his cross-examination of Meletus are directed to each of the charge's two specifications (18b-c).

"*Daimonia*" is the translator's spelling in English letters of the plural form of the Greek word that is the root of our word "demon" (from French *demon*, derived from Latin *daemon*, derived from Greek *daimon*). For us, "demon" means primarily an evil spirit, but the original meaning of *daimon* (plural, *daimonia*) carried no necessary connotation of malevolence; it meant only a secondary divinity, a being who was ranked between gods and men.

The cross-examination is in three parts. The first two relate to corrupting the young, the third and last to the impiety count. The two counts prove to be related: it is by teaching the young not to believe in the gods the city believes in that Socrates corrupts the young, according to Meletus (26b).

We can get some sense of Socrates as a cross-examiner from looking carefully at the series of about ten questions in the first part of the examination. The first question is to this effect: Meletus, you think it is most important for the young to be as good as possible, don't you (24d)?

Tactically, this is a good beginning. The question is so framed as to admit only of a yes answer (which helps the examiner establish control), is not openly threatening, and does not reveal the examiner's strategy or objective. Meletus gives the desired answer, "I do," apparently without hesitation. Nothing in the text suggests that he is troubled by the question or reluctant to answer it.

This incautiousness is our first hint of his lack of good judgment. Socrates was well-known in Athens as a wily questioner. Thus, a more savvy or astute witness, knowing Socrates' reputation and so put on guard by the very innocence of the opening question, would likely have given a more cagey answer than Meletus does. But his response is prompt and unsuspecting.

Who makes the young better? is the second question. Meletus does not answer immediately, but is silent. Does he sense trouble? He has said he thinks it most important for the youth to be good. If he answers, "I don't know," he might appear foolish. He would reveal himself as a man who believes a certain end to be of great importance, that the youth be good, but who has not, with respect to how that end is to be achieved, thought long enough or deeply enough to form any opinion about the best means to the end. Socrates needles him on just this point, commenting, "it is clear that you know [who makes the youth better], since you care [about their being made better]" (24d).

Meletus could answer by naming or describing the persons or groups whom he thinks make the youth better. But he would risk offending those members of the jury and audience who are not among the men designated. No member of the jury or audience would wish to suppose, or to admit, or to be reminded, that his own influence on the young is indifferent, or not good, or even bad. Meletus senses the trap and is silent.

We, the readers, begin to see Socrates' strategy. He prefaced his first question by saying that Meletus "jests in a serious matter . . . pretending to be serious and concerned about things for which he

never cared at all" (24c). We now find out that the "serious matter" Socrates has in mind is the education, in particular the moral education, of the young. Meletus accuses Socrates of corrupting the young, and Socrates defends himself by trying to show that Meletus is not truly concerned about the young and how they can best be educated.

If Meletus does not know and has not even thought very much about how the young are made better, then his accusation that Socrates makes them bad will lose credit, for how could Meletus know that Socrates corrupts the young when he is himself unable to say who makes them better, or how this is done?

Socrates goads Meletus, saying his silence is "proof" that he has never cared for the young at all. He pushes his advantage by repeating the question, "But tell, my good man, who makes them better?" (24d). Meletus answers, "The laws," in, we can imagine, a guarded, if not hostile, tone, indicating that he is wary of danger.

Socrates, sensing he has the upper hand, presses his attack with a third question: what human being is it who knows the laws? To which Meletus answers promptly, "These men, Socrates, the judges." (24e).

The question supposes what is self-evident: the laws do not make or enforce themselves. Human agency is called for. Socrates appears to accept Meletus' assertion that the city's laws do make the young better, but he is not deterred from his object. The question, "who knows the laws?," shows us that his object is to lead Meletus into making claims so improbable as to suggest by implication the implausibility of his accusations against Socrates.

After Meletus has said that it is the jurymen who know the laws, Socrates has to connect up two threads of his examination. Meletus asserts that the laws make the young better, and he asserts as well that the jurymen know the laws. To make his argument clear to the jury, Socrates, in his next question, now connects these two assertions with his theme, which is the corruption and improvement of the young. "Are these men here able to educate the young, and do they make them better?" (24e).

Meletus is cornered, though he seems not to know it. He can give only the affirmative answer Socrates wants. If the laws make the young better and the jurymen know the laws, it would seem to follow necessarily that the jurymen make the young better. The confident "Very much so" with which Meletus answers suggests, again, his obtuseness, for he is unable to see what we readers can see plainly, that Socrates is about to close the trap.

Socrates does this with several short, pointed questions. Do all the



jurymen make the young better, or only some? All of them. Do the members of the audience make the young better, too? Yes. The Councilmen? Yes. Assemblymen? Yes. You're really saying that everybody in Athens makes the young better except me, isn't that right? "I do say this, most vehemently." (24e-25a)

This last answer gives yet another clue to the character of Meletus. Imprudent and obtuse, he is also subject to his passions, especially the passion of anger. This impression is confirmed at various points in the rest of the examination. He is so obviously the inferior of Socrates that it is not unusual for some readers to feel that the examiner is bullying the witness.

Socrates' method in this first part of the examination is a *reductio ad absurdum*. Meletus claims that everyone in Athens improves the young and makes them better except Socrates, but this claim seems confounded by ordinary experience. In everyday life, it is not the many who teach and improve the few, but the reverse. The few who are trained in each specific art or skill are those who can educate and improve others in it.

Socrates' argument to this effect (25b-c) concludes the first part of the cross-examination. This argument, admirable in its brevity, begins with four rhetorical questions. You say I alone corrupt the young; is this true also of horses? Does everyone make them better, while just one man corrupts them? Or is it that one man or a few men skilled in horsemanship improve them, while the many, who are not skilled, corrupt them? This is the case with horses and other animals, too, isn't it?

Meletus is silent, an acknowledgment of defeat. Having scored his first point, Socrates, like a good advocate, sums up before turning to the middle part of the cross-examination: What I say is true, whether you and Anytus deny it or affirm it. If only one man corrupted the young while everybody else improved them, the young would be indeed fortunate. That this is so improbable shows that you, Meletus, "never yet gave any thought to the young." (25c).

It would be odd, would it not, if in a fair-sized city, such as Athens was in 399, one man alone had the power to corrupt the young in some serious way. Might it not also be odd, though, that the power to improve the young should be in some men and the power to harm them in other men? Is not the power to do genuine good also the power to do real harm?

In the stories of both Agatha Christie and Arthur Conan Doyle, for example, the most clever killers are the hardest to catch. Real wickedness requires some intelligence; this is the reason con men, embez-

zlers, and forgers enjoy more prestige than muggers and rapists in the social hierarchy inside prisons (though killers may command more outward respect). The choice between good and evil as an object is made by the will, but the power to achieve the chosen end is in the intelligence.

Thus the more thoughtful jurors must have wondered whether Meletus is such a fool as Socrates makes him appear. Everyone present at the trial knew of Socrates' remarkable intelligence. They knew, too, some from direct observation, others from reports by witnesses, of Socrates' remarkable skill in asking unsettling questions. To those who knew these things, and who remembered them during this part of the cross-examination, it might not have seemed strange for Meletus to claim that a man with Socrates' unique gifts of intellect could be the most dangerous corrupter of the young in the entire city, particularly when his intelligence and rhetorical skill are put in the service of a deep curiosity about nature and a consequent skepticism about the basis of those conventional opinions upon which decent civic life always depends.

#### V. EPILOGUE: THE UNEXAMINED LIFE

Near the end of the second of his three speeches, after the jury has voted to convict, Socrates says:

And on the other hand, if I say that this even happens to be a very great good for a human being—to make speeches every day about virtue and the other things about which you hear me conversing and examining both myself and others—and that the unexamined life is not worth living for a human being, you will be persuaded by me still less when I say these things (38a).

Socrates urges us to examine ourselves, to weigh our lives in the balance, to think everyday about virtue. We recall that according to Xenophon's report (p. 507, above), Socrates thought that the "finest preparation" for his defense was never during his life to have done wrong to any man.

Socrates lived his whole life as if he would be called upon at the end to give an account of it. Is not Jesus' teaching essentially the same? "Lay not up for yourselves treasures on earth, where moth and rust doth corrupt, and thieves break through and steal; but lay up for yourselves treasures in heaven, where neither moth nor rust doth corrupt, and thieves do not break through and steal" (Matt. 6:19-20). "Not everyone that saith to me, Lord, Lord, shall enter the Kingdom of heaven, but he that doeth the will of my Father which is in heaven" (Matt. 7:21).

To be sure, Jesus seems to be more confident than Socrates of who it is that will render judgment on our lives when the time for judgment has come. It is God the Father, Maker of all things, Judge of all men. Socrates, by contrast, in his third and last speech, does not claim to know what death is like, nor whether the soul is immortal, nor whether, if it is, life in this world is better or worse than life in the hereafter. "But now it is time to go away, I to die and you to live. Which of us goes to a better thing is unclear to everyone except to the god." (42a).

These are questions that thoughtful men and women always wonder about. What is very striking about Socrates' consideration of them is that he does not suppose his uncertainty about the answers is an excuse or justification for failing or refusing to ask the questions. The unexamined life, he says, is not worth living (38a). But he does not promise that the examination will lead to clear and definitive answers or, indeed, to any "answers" at all, if by answers we mean rules, principles, and ideas which once they become settled convictions in our minds, can be safely tucked away and held protected from further scrutiny.

Quite the contrary. Even when he is on trial for his life, at the age of seventy, Socrates persists in examining his own life and the lives of his fellow citizens, including those who make up the jury that is charged with deciding whether he shall live or die. His actions seem to say that the work of examining one's life, of asking ourselves how we should live and why, is itself a noble task even if there are no demonstrably certain answers. If indeed this was Socrates' work, then Plato's work must have been to show his readers how this examination should be conducted. For men and women who are trained in the law, then, and who are occupied daily with its business, the work of Plato's *Apology of Socrates* is to show them how to conduct a serious inquiry into the meaning of what they are doing.

## APPENDIX

There are numerous translations available of Plato's dialogues, including the *Apology*. But for the serious reader, the best by far is that of Thomas G. West and Grace Starry West in a Cornell University Press paper-back (1984) titled *Four Texts on Socrates*. This translation is the most accurate, the volume is accessible and cheap, and it includes, in addition to the *Apology*, also Plato's *Euthyphro* and *Crito* and Aristophanes' *Clouds*.

*Euthyphro* is a conversation Socrates has outside the court house enroute to his trial. The other party to the conversation, Euthyphro, is a young man on his way to indict his father for murder. *Crito* takes place after Socrates' trial; it is a conversation between him and an old friend, Crito, with whom the philosopher grew up. Crito wants to help Socrates escape; in the dialogue, Socrates explains to Crito why he will not accept this offer.

Another useful dialogue for beginning students of the *Apology* is *Phaedo*, an account of Socrates' death. The edition published by Hackett Publishing Co., Indianapolis, is good (Grube tr., 1977).

The best translation of *Symposium* is Seth Benardete's; of the *Republic*, Allan Bloom's; of the *Laws*, Thomas Pangle's. All three are available in good, inexpensive paperback editions.

For the works of Xenophon and Diogenes Laertius, the editions in the Loeb Classical Library, published by Harvard University Press, are readily available and inexpensive.

The leading original source on the Peloponnesian War is Thucydides' *History of the Peloponnesian War*. The best translation is that of Thomas Hobbes (1588-1679). A reliable edition of this translation, edited by David Grene, with a useful introduction by him, has recently been published by the University of Chicago Press.

Biographical and other useful information about the persons and events mentioned in this essay can be found in the Oxford Classical Dictionary, which should be available in the reference room of any good college or university library.

