SOCRATES ON CIVIL DISOBEEDIENCE: 
THE APOLOGY AND THE CRITO

Peter S. Wenz
University of Wisconsin—
Stevens Point

In the Crito (50a–52b) Plato represents Socrates as defending what at least appears to be the view that one ought never disobey either a law or a lawful command of the state. But in the Apology Socrates is represented as condoning disobedience. First (29d) he states that he would “never stop practicing philosophy” even if so ordered by the jury at his trial. Second (32c-d), Socrates proudly tells of his disobedience to the Thirty Commissioners when they ordered him to go to Salamis to get Leon. Thus, there is at least an apparent inconsistency between the Apology and the Crito on the question of disobeying the law.

There are two general approaches to this apparent inconsistency. One is to admit that there really is such an inconsistency and then to explain why or how it arose. The second is to offer an interpretation of either or both of the two dialogues in question according to which the inconsistency is merely apparent and never really arises. In this paper I shall critically review various attempts along these two lines (sections I and II, respectively), and then present my own analysis, an attempt of the second type, an interpretation of the Crito according to which it is perfectly consistent with the Apology.

I

First, it might be maintained that the two dialogues really are inconsistent and are so due to Plato’s inability to detect the inconsistency. This, however, is incredible, since the inconsistency is, if anything, quite apparent. It is difficult to believe that anyone with the ability to write the Apology and the Crito would simultaneously have the inability to detect the apparent inconsistency between them.

1 All references to the dialogues will be noted in the text. All quotes are drawn from Plato: Collected Dialogues, eds. Hamilton and Cairns, Random House (1963).

2 A third incident, recounted at 32b, is Socrates’ refusal to allow a group of naval officers to be tried en bloc, but here it is made clear that Socrates was upholding, not disobeying the law. So this case does not constitute an instance of Socrates’ disobeying either a law or a lawful command of the state.

3 For sections I and II, I am indebted to A. D. Wooton’s “Socrates on Disobeying the Law” in The Philosophy of Socrates, ed. G. Vlastos, Doubleday (1971).
A second explanation for the (supposed) inconsistency is that Plato was conscientiously reporting an inconsistency he had found in Socrates' philosophical position. But this is of little help because it merely trades the unlikely view that Plato was unable to detect the contradiction, for the equally unlikely view that Socrates lacked the intellectual ability to detect it.

Then it might be suggested that Socrates did not hold these inconsistent positions simultaneously; he changed his mind between his trial and the appointed time for his execution. But this, too, seems very unlikely, both because the time involved was quite short (about a month), and because Socrates insists in the Crito that the position he is there taking on the question of disobeying the law is the only one consistent with his earlier philosophical teaching.

Finally, Grote considered the two dialogues to be really inconsistent but attributed this inconsistency to deliberate falsification on Plato's part. He maintained that the view expressed by Socrates in the Crito (that one ought never disobey the law) was neither genuinely Socratic nor believed by Plato to be genuinely Socratic. It was included by Plato to protect the memory of his teacher as a patriot from those who, according to Xenophon (and justly, according to Grote), accused Socrates at his trial of "inducing his associates to disregard the established laws. ..." Thus, the inconsistency is due to the fact that the Apology is genuinely Socratic and the Crito is not.

There are, however, at least three difficulties which make it seem improbable that this view is correct. First, there is no evidence (aside from its inconsistency with the Apology) to support the view that the Crito is not genuinely Socratic. Second, it is difficult to believe that Plato could have thought he would get away with the publication of such a falsification, when Socrates had been dead only a relatively few years. And finally, we have no reason to believe that Plato was given to such intellectual dishonesty; quite the contrary, the Parmenides seems to be evidence of Plato's extraordinary philosophical candor.

In sum, whereas none of the above explanations for the inconsistency between the Apology and the Crito can be conclusively refuted, the accuracy of each seems quite implausible. So let us see if a more plausible account can be given by those who try to show that there really is no inconsistency to be explained.

II

It might be suggested first that the doctrine in the Crito is merely that one ought not to disobey the law, leaving one the option to disobey particular commands or judicial decisions which,
one feels, do not accurately reflect the law. Thus, Socrates can disobey the command of the Thirty Commissioners to get Leon and the judicial decision to cease philosophizing, because these are, in Socrates’ opinion, inaccurate reflections of the law. But this will not do. Socrates mentions in the Crito no such distinction between the law and a judicial or executive interpretation of it. Instead, he makes it quite clear that, since the rule of law would be destroyed were individuals to substitute their own opinions for those of the court, the duty to obey the law entails the duty to obey the judgment of a court (50b and 51b-c). And this appears inconsistent with the passage in which Socrates declares his unwillingness to abide by a judicial decision ordering him to cease philosophizing. So the appearance of inconsistency remains.

One might, of course, adopt a natural law position and say that according to Socrates, no statute, executive command or judicial decision which prescribes what is immoral is to be considered a law (or to have the force of law). Thus, Socrates can disobey the command of the Thirty Commissioners to get Leon and the judicial decision to cease philosophizing without thereby disobeying the law because each of these orders, in Socrates’ opinion, prescribes an immoral action, the former because it involves the execution of an innocent man, the latter because it constitutes disobedience to the gods (and we know from the Euthyphro that Socrates thought the gods commanded only what was morally obligatory).

This approach contains an important element of truth. For it certainly does seem to be the case that Socrates’ reason for refusing both to get Leon from Salamis and to cease philosophizing was that he considered compliance in these cases to be immoral. But that does not mean that Socrates was a natural law philosopher who felt that immoral statutes, executive commands and judicial decisions lack the force of law. Indeed, in neither the Apology nor the Crito does Socrates distinguish between moral and immoral statutes, executive commands and judicial decisions in such a way as to state or imply that the former have, whereas the latter lack the force of law. In the Crito, in fact, just the contrary is the case. Socrates there argues (51d-e) that living in a state constitutes an implicit agreement to abide by its laws. Thus, when political power changes hands in the state, the individual should, according to Socrates, find out how the new regime does things and then either resolve to obey its laws, or move to a different state. In this way, Socrates acknowledges at least the legal legitimacy of even an immoral, de facto government, and so doing acknowledges that so long as the Thirty are in power, their way of doing things (rule by decree) is the law and is legally binding, just as the Democ-
racy's way of doing things is the law and is legally binding when it is in power.

Socrates does not, then, question the legality of the order given to him by the Thirty to get Leon from Salamis, nor would he question the legality of a court order enjoining his further philosophical activity. The point is, rather, that because of the immorality involved in compliance, Socrates refused to obey these orders despite the fact that he considered them to be legal. This is what makes him a civil disobedient.

Finally, Professor A. D. Woozley in a recent article, "Socrates on Disobeying the Law," claims that the doctrine in the Crito that "a man must either do whatever his city orders him to do or must persuade her where the rightness of the matter lies (51c)" enables one to reconcile Socrates' injunction in the Crito against disobeying the law with his declaration in the Apology that he is prepared to disobey a judgment banning him from further philosophizing in Athens. Woozley argues that the doctrine (contained in the Crito) that one must either persuade the state or obey its orders, presupposes that one always has the right at least to attempt moral persuasion of the state. Thus, it is perfectly consistent with the Crito for Socrates, in the Apology, to refuse a court order to cease philosophizing, since such an order is equivalent to an order to cease his attempted moral persuasion of the state and Socrates' position in the Crito (on Woozley's reading of 51c) is that men always have the right to such attempts at moral persuasion. As Professor Woozley puts it,

The disobedience to a lawful command which he (Socrates) is not prepared to countenance in the Crito is of a kind which would do violence and injury to the law. . . . And all disobedience to lawful command is of this kind, with the single exception of attempting to convince the state that it is wrong in the law or command concerned.

But this permitted exception to the rule of obedience is precisely what he had proposed to follow in the Apology when he declared his willingness to disobey a judicial order to cease philosophizing. Thus, Socrates' willingness to disobey such an order is perfectly consistent with everything in the Crito.

There are, however, some grave difficulties with this approach. First, consider the passage at 51c in which Socrates says that "a man must either do whatever his city orders him to do or must persuade her where the rightness of the matter lies." It is not at all clear that this passage implies Socrates' adherence to the principle that one always has the right to attempt moral persuasion of the state. For the passage is part of an analogical argument
(50e–51c) in which the laws are compared to one’s parents. Socrates, speaking for the laws, argues that just as one ought to show respect for one’s parents, even more so ought one to show respect for one’s country and its laws, because “compared with your mother and father and all the rest of your ancestors, your country is far more precious, more venerable (and) more sacred” (51b). The point is that an individual should take no liberty with his country that he would not take with his own parents. But earlier (51a) one of the liberties denied the individual relating to his parents was that of answering back when scolded. This would seem to mean that an individual can speak only if his parents give him permission. So if he disagrees with one of his parents’ commands, it is only if his parents give him permission to speak and if, upon speaking, he convinces them that he is right, that he may do as he had originally thought correct.

Continuing the analogy, then, between one’s country and one’s parents, when the laws say, “If you cannot persuade your country, you must do whatever it orders,” they are properly understood as meaning if your country grants you the right to speak, and if, upon speaking, you persuade your country, then, and only then, may you do as you had originally thought correct. But if your country refuses to let you answer back, then it is not your right to do so, any more than it would be your right to answer back your parents when scolded. So the passage at 51c will not support Prof. Woozley’s interpretation; it is not evidence of Socrates’ belief that an individual always has a right to attempt moral persuasion of his country on any and all matters.

Indeed, Socrates next quotes the Athenian laws as saying, “We give (the individual) the choice of either persuading us or doing what we say.” (52a) The option, then, of attempting moral persuasion of the state is given by the laws and presumably, therefore, did not exist before it was so given. Thus, it is not, according to Socrates in the Crito, an “inalienable right.”

Nor is it an inalienable right according to Socrates in the Apology. For he there notes (37b) that some cities require several days for the completion of a trial for a capital offense, and predicts that if such were the practice in Athens, his chances of acquittal would be considerably enhanced. But, he says, he will nevertheless abide by the Athenian rule which leaves him only one day to persuade the jury of his innocence, thus, again acknowledging, this time in the Apology, that the state has a right to limit and control the extent of his attempts to persuade it.

So one cannot account for Socrates’ refusal to obey a court order enjoining his philosophical activities by any such appeal as Prof. Woozley’s to a Socratic belief that an individual always has the
right to attempt moral persuasion of the state on any and all matters. For there appears to be no such Socratic belief in either the Crito or the Apology.

Another difficulty with Woolley’s approach is that even if one were to permit his reading of 51c, the Crito and the Apology would still be unreconciled on the issue of disobeying the law. This is the case because Socrates’ disobedience to the command of the Thirty Commissioners to get Leon still cannot be justified on the grounds that “a man must do whatever his city orders him to do or must persuade her where the righteousness of the matter lies.” In the first place, Socrates states, “When we came out of the Round Chamber, the other four went off to Salamis and arrested Leon, and I went home” (32d). There is no indication in the passage that he even so much as tried to convince the Thirty Commissioners that it was wrong to execute Leon of Salamis. Instead, he simply listened to what they had to say and then went home. In the second place, and this is the really important point, even if he had tried to convince them where the righteousness of the matter lay, the fact remains that he did not succeed in so convincing them, and should, therefore, according to the rule stated in the Crito, have obeyed the order. Thus, unless we are to suppose that Socrates considered the order to be illegal (which, I have already argued, is quite unlikely), we must conclude that his disobedience to the command of the Thirty still appears inconsistent with the Crito.

III

How, then, can one reconcile the Apology and the Crito on the question of disobeying the law? I will begin by explicating Socrates’ views on this matter as they appear in the Apology. Then I will offer an interpretation of the Crito according to which it is completely consistent with the views explicated from the Apology.

We have already seen in the Apology that Socrates is not willing to do evil. It is for this reason, after all, that he disobeys those laws, executive commands and judicial decisions which require him to do what he considers to be immoral; it is for this reason that he refuses to participate in the unjust execution of Leon and would refuse to cease philosophizing even if so ordered by the court at his trial. This is the grain of truth in the attribution to Socrates of the natural law position considered above, namely, that the Apology represents Socrates as refusing to do evil under any circumstances, whether that evil be a requirement of law, a requirement of a legally sanctioned executive tribunal, or a requirement of a legally constituted court of law.

So Socrates in the Apology is not willing to do evil under any circumstances. But he is willing to suffer evil; he is willing to put
the location and duration of both his body and his material possessions at the disposal of the state. This is evident in his behavior upon receiving a guilty verdict at his trial. He refuses to cease philosophizing (for this he considers immoral). Otherwise, however, despite the fact that he is innocent of the charges for which he was convicted, he is willing to suffer a great range of personal inconveniences. He is willing to pay a fine, and will even put all his material possessions at the disposal of the state. He is willing to go to prison (he did so for a month). He is willing to accept the penalty of exile. But he will also accept, and even prefers to accept the penalty of death. Thus Socrates demonstrates his willingness to put the location and duration of both his body and his material possessions at the disposal of the state.

His encounter with the Thirty Commissioners reveals the same willingness. Socrates tells us that after receiving the order of the Thirty to go to Salamis and get Leon, he went home thinking it not unlikely that he would be punished by death for disobeying. The clear implication is that Socrates would not have attempted to evade such a punishment; he would have allowed the state to dispose of him, even though it was under the immoral rule of the Thirty. Thus, again, Socrates demonstrates in the Apology his willingness under any circumstances to put the location and duration of his body at the disposal of the state (material possessions not being in question in this case.)

Socrates’ position in the Apology, then, is this: He will do with his body only what is moral; he will not use it for such immoral purposes as going to Salamis to get Leon, and he will not cease to employ it in the practice of philosophy. But the location and duration of his bodily existence, as well as that of his material possessions, he leaves at the disposal of the state. He will allow the state to dispossess him, imprison him, exile him and put him to death. And he will allow the state to do these things at any time they wish, for any reason they wish; Socrates imposes no conditions on the state, least of all that it should so inconvenience him only when it has just cause.

If this position sounds strange to our modern ears, it is because it follows from a belief we no longer share:—Socratic dualism, the belief that the soul is all-important, the body and material possessions, unimportant. Thus, Socrates says to his accusers at his trial that they are not harming him because they are only affecting him bodily and materially and these are unimportant. But, he says, they are harming themselves because their intentions are evil, unjust, and this evil harms their souls, which is important. Other statements of this dualism can be found throughout the Socratic dialogues, most notably in the Gorgias (477a) and the
Crito (54b). But the important point here is that it appears in the Apology and is manifested in Socrates’ combined unwillingness to do evil, since that would harm is soul, and willingness to suffer evil, to put the location and duration of his body and his material possessions at the disposal of the state.

I shall now attempt to show that the text of the Crito is such as to render quite plausible an interpretation of that dialogue according to which it is perfectly consistent with the Socratic position just uncovered in the Apology. Toward this end, the first thing I would note is that the form of reasoning in the Crito is very much like that employed in a judicial opinion of a modern appellate court. In such a judicial opinion one usually finds that there is: 1) A specific decision to be made, 2) that that decision is made by appeal to a general principle from which it (the specific decision) follows deductively, and 3) that the general principle is itself supported by a) appeals to the consequences of certain acts, in conjunction with b) some (often implicit) ethical maxims which entail that it is immoral that such consequences be so brought about. Consider, for example, a case (Case I) arising from a girl’s broken engagement. She broke the engagement due to the persuasion of her father. Now her former fiance wishes to sue the father for damages due to the alienation of affection (on the part of the girl towards her former fiance) resulting from the father’s persuasion of the girl to break the engagement. The question before the court is 1) whether or not such a suit is to be allowed. The decision is made that such a suit will not be allowed, this specific decision being based on 2) the explicitly stated general rule that the court should not interfere with the parent-child relationship. 3) The general rule is itself supported by a) the belief that such judicial interference would have the consequence of weakening the parent-child relationship and that the performance of certain filial duties would thereby be put in general jeopardy, in conjunction with b) the ethical maxim that such filial duties ought to be performed.

Suppose now that a new case is before the court. A bank was robbed and the man performing the robbery did so with the advice and encouragement of his father. The question before the court is whether or not this father can be prosecuted as an accessory for his part in helping to plan the robbery. The defendant in this case (Case II) claims the decision in our prior case (Case I) as a precedent; he claims that the general rule in that case governs the present case as well. That general rule was explicitly stated to be that the court should not interfere with the parent-child relationship. The defendant argues that prosecution of the father in the present case would constitute such in-
terference and is, therefore, precluded by the decision in Case I.

The prosecution would, of course, argue that the meaning of
the general rule established by the judge in Case I cannot be de-
termined solely by reference to the literal meaning of the words
used by the judge in stating that rule. To determine what rule the
prior judge himself meant to establish in his opinion, we must
look also to 1) the particular decision made in the case in which
the rule was originally stated, and 3) the justification there
given for the rule. This is so because the regulation of human con-
duct by general rules is (as Aristotle noted) a very difficult matter.
It is very difficult to state a general rule, whether as parent, mor-
alist, judge or legislator, which covers all of those cases you wish
to be covered and none of those you wish to leave uncovered. And
this is why it is common practice when attempting to determine
exactly what a given general rule was originally meant by its author
to entail, to consult, besides the literal wording in which the rule is
stated, 1) the context in which that rule is stated and 3) the justifi-
cation given in that context for the rule.

In the case of our legal example, then, the prosecutor would
note that the justification offered by the judge for the general
rule in Case I was that the performance of certain filial duties
that ought to be performed would be jeopardized by judicial inter-
terference with the parent-child relationship. Thus, it would seem
that the judge in Case I originally meant the rule against such
judicial interference to apply only to those cases which involve
(or at least might reasonably be construed to involve) the jeopardy
of such filial duties. But helping to plan a robbery is not a filial
duty at all. So, the prosecutor could argue (and rightly as I think),
the general rule laid down in Case I cannot be used as a precedent
in the present case, despite its literal wording, because the justifi-
cation for that rule makes it clear that the judge in Case I origi-
nally meant it to apply only to cases which could at least be reason-
ably construed to involve filial duties.

Returning now to the Crito, notice that the form of reasoning
is very similar to that employed in Case I. As in a modern legal
case, 1) there is a specific decision to be made, namely, whether or
not Socrates ought to escape. 2) That decision is made by appeal
to a general principle from which it (the particular decision) fol-
lows deductively, the general principle in the Socratic case being
stated as the rule that one ought never to disobey the law. And
3) the general principle is itself supported by appeals to the conse-
quences of certain acts (acts of disobedience destroy the rule of
law in a society), in conjunction with some ethical principles
which entail that it is immoral for such consequences to be so
brought about. In the Socratic case the ethical principles are a)
“Never return evil for evil” which, given the view that destroying something is doing it evil, entails that one ought not disobey (and thereby destroy) even unjust laws, and b) "You have a duty and an obligation to uphold the laws which raised you (and to which you have since given your tacit consent by remaining in the state), from which it again follows that disobedience, because it destroys the laws, is morally wrong.

This form of reasoning is, I submit, itself sufficient to warrant at least the suspicion that the Socratic case is similar to Case 1 also in the respect that a better understanding of 2, the general rule, is forthcoming upon a consideration of 1, the specific decision deduced from that rule, and 3, the justification given for the rule.

What is more, however, this suspicion is enhanced by the fact that in the Crito, just as in Case I, the subject matter is such that the general rule is a rule for the regulation of human conduct. One can reasonably suppose that Socrates might, at least, experience the same difficulties as others (moralists, parents, judges and legislators) who attempt to regulate human conduct by general rules. He, like they, might find it difficult to frame rules which, when construed according to the literal meanings of the words used, cover all those cases he wished to cover and none of those he wished to leave uncovered. It is thus again plausible, at least, that we can here, as in Case I, obtain a more accurate understanding of the general rule Socrates meant to endorse in the Crito if we consider, in addition to the literal meaning of Socrates’ statement of the rule, those other elements in the total reasoning process which were so helpful in discovering the meaning of the general rule in Case I.

I shall, then, offer an interpretation of the general rule in the Crito. Consider the justification given in the Crito for the general rule that one ought never disobey the law. The claim is a) that such disobedience destroys the law (thus doing it evil) and one ought never do evil even in return for evil, because doing so is wrong and one should never do what is wrong (49a–50a). It is then argued b) that the laws are analogous to one’s parents and, like one’s parents, deserve special respect. They are, therefore, the last things that one ought to disobey and thereby destroy. So again, because disobedience destroys the laws, one ought not to disobey. Lastly, it is claimed c) that one ought to keep one’s agreements and that remaining in a state upon attaining maturity constitutes an implicit agreement to uphold the laws of that state (51d–52d). So yet again, because disobedience destroys the state’s laws, one ought not to disobey.

Thus, just as the claim central to the judge’s justification for the general rule stated in Case I was, “Legal interference with
the parent-child relationship will jeopardize the performance of filial duties,” so in the Crito the claim central to Socrates’ justification for his general rule is, “Disobedience destroys the laws.” Accordingly, it seems at least plausible that just as the judge in Case I was taken to really mean, “The court ought not to interfere with the parent-child relationship, when such interference might reasonably be construed to jeopardize the performance of filial duties,” so in the Crito Socrates can be taken to really mean, “One ought never to disobey the law, when such disobedience might reasonably be construed to destroy the laws of the state.”

But if Socrates really meant in the Crito to disallow only such disobedience as might reasonably be construed to destroy the laws of the state, then it is not at all inconsistent with the Apology. For in the Apology Socrates leaves the location and duration of both his body and his material possessions at the disposal of the state. And clearly no individual threatens the laws with destruction who places the location and duration of his body and his material possessions at the disposal of the state. A state surely does not require, in addition, dominion over the individual’s soul. For order in the state, even if it is modelled upon order in the soul, as Plato would have it, is nevertheless order among human activities in the material world of sense perception. Therefore, a sufficient condition for a state to be capable of maintaining its order (be that order good or evil) is that it be able to order the activities of those individuals who come in contact with it. And this sufficient condition can be met in either of two ways. Either the individual can act in conformity with the state imposed order, or his contact with the state can be ended. Socrates chooses the latter course. He will not act in conformity with the state-imposed order, but he will leave the location and duration of both his body and his material possessions at the disposal of the state, allowing the state to control the extent of his contact with it, and giving the state, thereby, the ability to withstand whatever disruptive effects his disobedience might have.

So while Socrates, and others engaging in a similar practice of civil disobedience, may disturb the state temporarily, they pose no danger of destruction to that state or its laws. Thus, Socrates’ disobedience in the Apology is not the type disallowed in the Crito; it is not such disobedience as might reasonably be construed as destructive of the laws of the state because it reserves to the state control over the location and duration of both body and material possessions, and this is all the state needs to preserve its laws. The Crito and the Apology are, then, perfectly consistent on the question of disobeying the law.
CONCLUSION

Socrates’ position was, then, that of a moral man in an immoral society which required him, occasionally, to participate in its immorality; it required him, for example, to aid in the execution of Leon, and might have required him to cease philosophizing. There were, in addition, the following complications: 1) Socrates thought it immoral to destroy anything, including the immoral laws of the state in which he lived. 2) His were times of political unrest when the state, and its laws, were all too easily overturned and destroyed. And 3) he had a very exaggerated view of the disruptive effects of civil disobedience.

What could Socrates do under these circumstances to preserve his moral integrity? There seem to be only two alternatives, both of which were recognized by Socrates. One is that he could move to a different state, a state which is moral or which, if it is immoral, will at least not require of him participation in its immorality. Socrates clearly considered this alternative morally acceptable (51d and 37d). But he rejected it on other grounds, grounds of patriotism and sentiment.

What, then was the moral alternative available to him if he did not wish to leave his country? “Political civil disobedience,” as that term is currently defined, will not do because such disobedience is purposefully disruptive. It constitutes an appeal, through disobedience, to the conscience of other members of the society in an attempt to effect the elimination of a given immoral law or policy. But in Socrates’ case the state, unlike our own but similar to some of the so-called “developing nations,” was in a very precarious political position and could easily have been destroyed. And Socrates considered it immoral to destroy the state. He could not, then, risk the purposefully disruptive tactic known as political civil disobedience because under such conditions of instability, there may be little, if any difference between disruption and sedition, each being as likely as the other to destroy the state. So political civil disobedience was not Socrates’ other moral alternative, and he never mentions it.

This is, by the way, one respect in which Socrates’ practice of civil disobedience differs from that of Martin Luther King. For whereas both King and Socrates were civil disobedients and gadflies on the state, King employed civil disobedience as a weapon in support of his activities as a gadfly, and Socrates did not. Instead, Socrates attempted to effect changes in the state’s moral behavior solely by verbally confronting its leaders and its citizens.

---

with their own immorality. He did not, like King, use civil disobedience as a method for promoting such confrontation. And the reason is clear. Socrates considered disobedience to be extremely disruptive, as he makes clear in the Crito. He considered it immoral to destroy the state, and he, unlike King, lived in a state that was on the brink of destruction. Thus, while Socrates was a political gadfly, which he did not consider to be overly disruptive, he was not, like Martin Luther King, a political civil disobedient.

Socrates was, then what is currently defined as a “moral civil disobedient.” To preserve his moral integrity while remaining in the state, he had to disobey when the state ordered him to participate in its immorality. But, realizing the potential for disruption of any civil disobedience, he did so in the least disruptive manner possible so as to insure avoiding the immorality of destroying the state. Thus, so far as we know at least, Socrates did not encourage imitation on part of the others who, like him, were ordered by the Thirty to get Leon from Salamis. He did not ask them to join him in his disobedience of the order because his disobedience was not political; it was not designed to effect a change in any law or policy. Socrates’ only political tactic was verbal confrontation; his civil disobedience was purely moral, designed only to maintain his own moral integrity.

But Socrates thought that even such disobedience might inspire imitation and thereby cause sufficient disruption to destroy the state. To insure that this would not occur, to insure that whatever imitators he might attract would not cause sufficient disruption to destroy the state, Socrates, consistent with his belief that the soul alone is of worth, put the location and duration of both his body and material possessions at the disposal of the state, insuring thereby that neither he, nor any others who imitated his practice, would jeopardize the state’s existence by their disobedience.

So far as an example for others is concerned, however, it is one thing to illustrate one’s commitment to putting one’s body and material possessions at the disposal of the state by paying a small fine, and quite another to do so by accepting the death penalty. The latter illustrates the commitment much more vividly and convincingly. So Socrates, when speaking of his past disobedience (to the command of the Thirty) made clear his willingness at that time to accept the death penalty for that disobedience. And then, to prove the sincerity of his commitment, he decided to sacrifice whatever philosophizing he might be able to pursue in other countries, and goaded the court at his trial into giving him the death penalty, and then refused the advice of his friends to escape that penalty.
Thus, his every action seems to indicate that Socrates was a civil disobedient living in times of political unrest who considered it immoral to destroy the state in which he lived, who had an exaggerated view of the disruptive effects of civil disobedience, and who therefore took every precaution to minimize the disruption his disobedience might cause. He never encouraged others to disobey the law; he never used disobedience as a tactic for effecting change in the state’s laws or policies; he had a willingness to put the location and duration of his body and his material possessions at the disposal of the state; and he chose the most dramatic method possible to illustrate that willingness for any who might want to imitate his disobedience. He was, in short, a perfectly consistent moral (as opposed to political) civil disobedient.

ACKNOWLEDGMENT

This paper owes much to the helpful advice of my colleagues in the Department of Philosophy at the University of Wisconsin–Stevens Point, and particularly of J. Baird Callicott. Its remaining deficiencies are, of course, my own.