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Socrates on Persuasion, Truth, and Courtroom Argumentation in Plato's Apology

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Title: Socrates on Persuasion, Truth, and Courtroom Argumentation in Plato's *Apology*
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1. Socrates' Trial

On trial for his life, as portrayed in Plato's *Apology*, Socrates appears to sharply divide philosophy from rhetoric. He articulates a preference for philosophy as the pursuit of truth over and above the sophistry of rhetorical devices that can be used to persuade an audience without regard for the truth. Closer examination, however, reveals that Socrates' juridical arguments, including his efforts to justify the philosophical quest for truth, can be understood as constituting a complex polemical strategy.

The conflict between philosophy and rhetoric remains as pertinent today as in Socrates' time, and has particular significance for contemporary argumentation theory. We should ask, even as we hear echoes of the same problem in the Athenian courtroom where Socrates defended the practice of philosophy, how best to define the concept of a good argument. The problem posed by Socrates back in 350 BCE can be described in these terms: Is a good argument one that effectively persuades an audience regardless of its truth, or one that logically entails true conclusions, regardless of its persuasiveness or lack thereof? Truth and persuasion need not always conflict, and the force of truth is often a key element in persuading an audience. The question nevertheless remains, since truth and persuasion also sometimes stand at odds, whether the primary purpose of argument is persuasion or truth. What makes for a good argument when truth and persuasion do not happily go hand in hand?

Socrates, in the end, does not persuade enough of the jurors at his trial to save himself from the fatal cup of hemlock. Let us leave aside the possibility that a significant number of the jurors were cynically prepared to condemn Socrates regardless of the evidence and argument they were presented, and assume that all made up their open minds on the basis of what they heard from the prosecution and defense. Most impartial readers of Plato's dialogue and Xenophon's independently confirming reportage maintain that his arguments were brilliant, powerful rebuttals of the charges raised against him, elegant, incisive, and penetrating. Nor does it matter with respect to the truth-persuasion dichotomy in argumentation theory that we today are more persuaded by Socrates' *apologia* than were his fellow Athenians who voted for his death. Socrates was undoubtedly speaking not only to the members of the jury but to future generations including ourselves who are witness to the injustice to which he was subjected. The immediate audience for which Socrates' reasoning was intended was not swayed by his dialectic, when, so to speak, it would have made a difference. Are proponents of the definition of a good argument as persuasive regardless of its truth prepared to say that the very same argument is both good and not good depending on its reception by different audiences at different times and under different circumstances? If we are tallying up advantages and disadvantages of alternative ways of

characterizing a good argument, we might observe that no such relativization of an argument's quality is necessary on the interpretation of a good argument as the logically valid derivation of truth, although opinions about whether an argument is sound can obviously differ.

There nevertheless remain subtleties in this ongoing dispute that are dramatized by Socrates' legal predicament many centuries ago, and there is much to learn from his trial that is relevant to the study of argumentation and the concept of a good argument. For this, we shall need to reacquaint ourselves with some of the most important details of the trial, its political, cultural and philosophical context, as well as the substance of Socrates' arguments. Then we will be in a better position to assess the longstanding conflict between truth and rhetoric, philosophy and sophism, and the definition of a good argument as one that persuades regardless of its truth versus one that upholds truth regardless of its persuasiveness.

2. Background to the Charges

Why was Socrates brought to trial? The official indictment filed by Meletus, Anytus, and Lycon stated that Socrates was guilty of corrupting the youth of Athens and of failing to honor the city's gods. The accusations are so outlandish even on their face that we are driven to search for a subtext and hidden plot against Socrates.

The youth of Athens certainly did not need Socrates to corrupt them. Rather, the idle sons of wealthy Greeks who had the leisure to associate with Socrates were probably no strangers to at least whatever kinds of vice Socrates might have known, and if anything were more likely to have been positively influenced by Socrates' tireless pursuit of virtue and what he calls 'the care of the soul' than the opposite. The objection of Socrates' irreligion is equally peculiar. Under *elenchus*-style questioning by Socrates during the course of the trial, Meletus refines the objection to one of outright atheism, which seems altogether insupportable. Socrates says:

Nonetheless tell us, Meletus, how you say that I corrupt the young; or is it obvious from your deposition that it is by teaching them not to believe in the gods in whom the city believes but in other new divinities? Is this not what you say I teach and so corrupt them? — That is most certainly what I do say. Then by those very gods about whom we are talking, Meletus, make this clearer to me and to the jury: I cannot be sure whether you mean that I teach the belief that there are some gods — and therefore I myself believe that there are gods and am not altogether an atheist, nor am I guilty of that — not, however, the gods in whom the city believes, but others, and that this is the charge against me, that they are others. Or whether you mean that I do not believe in gods at all, and that this is what I teach to others. — This is what I mean, that you do not believe in gods at all (26b1-c7).¹

The objection that Socrates is an atheist should seem implausible to any reader of Plato's dialogues. There Socrates is described, for example, in the *Meno*, as concluding that persons are virtuous not by teaching or nature, but as a gift of the gods. At his execution, moreover, Plato in the *Phaedo* recounts Socrates' last words as requesting his friends to sacrifice a cock to the god Asclepius. The *Republic* opens with Socrates and his friends returning to Athens from the Piraeus, where they had gone to observe the festivities connected with the inauguration of a new

goddess.

References to Socrates' invocation of the gods, including the standard Greek pantheon, featuring Zeus, Hera, and others, are replete in Plato's dialogues. Nor is there any evidence in these sources that Socrates had invented new gods to lead astray the impressionable Athenian youth. The ancient Greeks were pantheists, in any case, and admitted the gods of many different cultures. Even Socrates sometimes swears 'by the dog,' an apparent reference to the Egyptian god Anubis. It is therefore hard to imagine that the Athenians could have taken seriously the objection that Socrates might have wanted to consider new gods in addition to those already recognized. We should not discount the possibility that Plato, writing all of his dialogues after Socrates' death, might have indulged in a revisionary history of his philosophical hero, with one eye always on the accusations that were raised against him and that led to his execution. Yet there is also no positive evidence of any such distortion of Socrates' beliefs, and the dialogues were circulated and read even in Plato's own time by his contemporaries, who would have recognized any effort to deceive, which they probably would have reported. It is likely, then, though obviously not necessary, that some trace of Socrates' atheism would have been transmitted to posterity and we would have some idea of it today.

Socrates' rebuttal of the extreme charge of atheism in any event ought to have convinced any unpredisposed juror. He deftly turns the tables on Meletus after consolidating the two accusations into one. He first gets Meletus to admit that the charge of corrupting the youth of Athens amounts to his spreading atheism. What is remarkable is that such a criticism should have been leveled against Socrates by the citizens of Athens in the first place. Even if Socrates were an atheist, he would hardly have been the first the city had tolerated. Free and open inquiry into every idea was a hallmark of the ancient Greeks, something for which they were famous throughout the world of antiquity. Socrates in a low-key way reminds his audience at the trial of this fact when he asks whether Meletus has not confused him with Anaxagoras, who had explicitly advocated such a view. Plato writes, as Socrates' exchange with Meletus continues:

You are a strange fellow, Meletus. Why do you say this? Do I not believe, as other men do, that the sun and the moon are gods? — No, by Zeus, jurymen, for he says that the sun is a stone, and the moon earth.

My dear Meletus, do you think you are prosecuting Anaxagoras? Are you so contemptuous of the jury and think them so ignorant of letters as not to know that the books of Anaxagoras of Clazomenae are full of those theories, and further, that the young men learn from me what they can buy from time to time for a drachma, at most, in the bookshops, and ridicule Socrates if he pretends that these theories are his own, especially as they are so absurd? Is that, by Zeus, what you think of me, Meletus, that I do not believe that there are any gods? — That is what I say, that you do not believe in the gods at all (26d1-e5).

It is implied that if Meletus were truly concerned about the youth of Athens being corrupted by the spread of atheism, he would have prosecuted the booksellers, copyists, and distributors of Anaxagoras' writings. Socrates had previously begun his defense by questioning Meletus concerning the sincerity of his accusation about corrupting the youth. He asks Meletus who among their fellow citizens in Athens improves rather than corrupts the morals of its young people, and Meletus offers no satisfactory reply. Meletus says that any person other than Socrates improves their character, an answer too absurd to deserve refutation. When Socrates presses him to name names and be specific about who improves rather than corrupts the city's

youth, Meletus reveals that he has no definite idea of whom to recommend in this capacity. Socrates first adjures him:

Come then, tell the jury who improves them. You obviously know, in view of your concern. You say you have discovered the one who corrupts them, namely me, and you bring me here and accuse me to the jury. Come, inform the jury and tell them who it is. You see, Meletus, that you are silent and know not what to say. Does this not seem shameful to you and a sufficient proof of what I say, that you have not been concerned with any of this? Tell me, my good sir, who improves our young men? — The laws.

That is not what I am asking, but what person who has knowledge of the laws to begin with? — These jurymen, Socrates.

How do you mean, Meletus? Are these able to educate the young and improve them? — Certainly.

All of them, or some but not others? — All of them.

Very good, by Hera. You mention a great abundance of benefactors. But what about the audience? Do they improve the young or not? — They do, too.

What about the members of the Council? — The Councilors, also.

But, Meletus, what about the assembly? Do members of the assembly corrupt the young, or do they all improve them? — They improve them.

All the Athenians, it seems, make the young into fine good men, except me, and I alone corrupt them. Is that what you mean? — That is most definitely what I mean (24d3-25a8).

Socrates then poses a dilemma. If he corrupts young people, then he either does so willingly or unwillingly. He could not have done so willingly, invoking a characteristic Socratic thesis that no one ever knowingly harms him or herself, since he knows that by corrupting the youth he would harm himself by making them dangerous persons with whom to associate. If, on the contrary, Socrates has unwillingly corrupted the young, then he should not be brought before a jury on trial, but Meletus or some of the others should have at least first approached him privately and advised him like a friend that he was going wrong and tried to reform him. The fact that Meletus and his cohorts made no such gesture is interpreted by Socrates as further proof that his accusers are not sincere in their show of apparent concern for the welfare of the city's youth. Socrates accordingly admonishes Meletus: "You, however, have avoided my company and were unwilling to instruct me, but you bring me here, where the law requires one to bring those who are in need of punishment, not of instruction" (26a5-8).

Having thrown serious doubt on his accusers' motives in the trial, Socrates now effects a similar reversal with respect to the central complaint raised against his alleged atheism. He argues that the accusation contains an implicit contradiction. Having exposed it, one might assume it would have the result of throwing the allegation out of court. Socrates is accused of corrupting the youth by discussing divine things while denying the existence of divinities. Socrates skillfully builds his case in his usual fashion by mundane comparisons. We cannot believe in human affairs without believing in the existence of human beings, and we similarly cannot believe in divine affairs without believing in the existence of divinities. Meletus reluctantly admits as implied by his accusation that Socrates believes in divine affairs, from which it appears to follow, contrary to the charge of outright atheism, that Socrates therefore must also believe in the existence of divinities.

True to his famous sense of irony, Socrates puts the counter-objection by suggesting that Meletus had formulated the accusation as a test of the jury's reasoning, or because he was at a loss to find any more legitimate charge to make. The denouement is worth repeating at length, representing the precise moment in the trial at which most members of Socrates' extended audience agree that Socrates has fully exonerated himself:

Now you say that I believe in divine activities and teach about them, whether new or old, but at any rate divine activities according to what you say, and to this you have sworn in your deposition. But if I believe in divine activities I must quite inevitably believe in divine beings. Is that not so? It is indeed. I shall assume that you agree, as you do not answer. Do we not believe divine beings to be either gods or the children of gods? Yes or no? — Of course.

Then since I do believe in divine beings, as you admit, if divine beings are gods, this is what I mean when I say you speak in riddles and in jest, as you state that I do not believe in gods and then again that I do, since I believe in divine things. If on the other hand the divine beings are children of the gods, bastard children of the gods by nymphs or some other monsters, as they are said to be, what man would believe children of the gods to exist, but not gods? That would be just as absurd as to believe the young of horses and asses, namely mules, to exist, but not to believe in the existence of horses and asses. You must have made this deposition, Meletus, either to test us or because you were at a loss to find any true wrongdoing of which to accuse me. There is no way in which you could persuade anyone of even small intelligence that it is not the part of one and the same man to believe in the activities of divine beings and gods, and then again the part of one and the same man not to believe in the existence and gods and heroes (27c5-28a2).

Socrates provides the following powerful summation of his rebuttal of the form to which he has reduced the original two-part objection:

I do not think, gentlemen of the jury, that it requires a prolonged defense to prove that I am not guilty of the charges in Meletus' deposition, but this is sufficient. On the other hand, you know that what I said earlier is true, that I am very unpopular with many people. This will be my undoing, if I am undone, not Meletus or Anytus but the slanders and envy of many people. This has destroyed many other good men and will, I think, continue to do so. There is no danger that it will stop me (28a3-b1).

This, one would think, should have been the end of the matter. We know, unfortunately, that it was not. Socrates is sentenced to death and accepts his tragic fate after rejecting the efforts of his friends to avert the punishment by orchestrating his escape from prison. We are nevertheless left with the same question with which Socrates confounds Meletus. Why has he been accused of these two offenses, corrupting the youth of Athens and failing to honor the city's gods?

3. Subtext to Socrates' Trial

The weakness of Meletus' indictment suggests a hidden motive underlying the official accusations. Socrates himself hints at this, and must have known only too well that he was being railroaded. Remarkably, he does not emphasize the point, but is satisfied to answer the accusations with counter-argument and to let the issue be resolved by the jury exclusively on the basis of what they deem to be the best arguments.

Socrates opens his defense by recalling that he had for many years become a misunderstood figure of fun in the Greek capital. His method of questioning authority on the part of his fellow citizens, buttonholing them in the marketplace and on the steps of the lawcourt and demanding from them an analysis of the necessary and sufficient conditions for concepts in which they were supposed to be experts, created substantial ill-feeling. The putative authorities are exposed as not knowing that which they profess and are supposed to know. Socrates, by contrast, acknowledges the Delphic pronouncement of his wisdom only in the sense of knowing that he does not know. When the *elenchus* ends in *aporia* or puzzlement, it is the first step toward Socratic *maieutic*, a program leading to the soul's moral self-improvement. Socrates undertakes such philosophical efforts and justifies the philosophical life as a benefit to his countrymen and, contrary again to the charge of atheism, in the service of the god Apollo. In the *Apology* he argues, during sentencing, that he should be feted at the city's expense like victors in the Olympic games, for providing the invaluable benefit of being for many years a gadfly to awaken others from their careless slumbering to the problems of virtue, proper civic conduct, and the good of their souls.

In the course of this activity, questioning the credentials of respected citizens, Socrates remarks that he has sometimes incurred their anger and that the idle young delight to see their elders bested in argument. We see a good example of this again in Plato's *Meno*, where Anytus, later one of the three accusers, leaves in a huff when Socrates asks him, as he also does Meletus at the trial, whether he knows of anyone who is capable of improving others by teaching them to be virtuous. Anytus departs with angry words warning Socrates of potential repercussions after Socrates has argued that some of the most virtuous fathers who also wanted their sons to be virtuous and were successful in finding instructors for other useful skills were evidently unable to find effective instructors to teach them virtue as a *techne*. If we multiply that type of angry reaction by all the years Socrates has spent refuting the ideas of persons with power and influence in the city, we get a sense of the animosity that may have arise against him. But is this an adequate explanation of why Socrates was brought to trial and eventually put to death?

The death penalty was not infrequently imposed in ancient Athens. Land-owning enfranchised citizens of Athens faced the death penalty if they failed to vote in an election for which they were called. Married women who were discovered contrary to law attending the Olympic games in disguise, where male athletes performed in the nude, were equally subject to the death penalty — though, oddly, unmarried girls were permitted to attend as an accepted part of their physical education, and married women, who could own property, could technically be winners of certain Olympic events, such as chariot races, in which the olive wreath was awarded not to the athletes handling the cart and horses, but to the owners of the chariots who had entered them in the race.

Nevertheless, it seems extreme to say that the Athenians would have imposed the city's most severe punishment because of annoying people in the street, or, still worse, for practicing the free inquiry of philosophy. This, after all, was something not only tolerated but encouraged in the city, something for which it was highly regarded throughout the ancient world. Why

should Socrates' particular manner of practicing philosophy have proved so obnoxious to people in Athens? How did he manage to arouse so much anger that the debate-loving citizens of Athens were prepared at last to bring him to trial and sentence him to death? That the trial was a pretext for humiliating Socrates and perhaps causing him to be banished from the city is widely recognized, but what has remained elusive are the exact reasons why Socrates became a target for this acute form of attack.

The best explanation of Socrates' prosecution may be I.F. Stone's book, *The Trial of Socrates*.² Stone argues that Socrates was brought to trial as a perceived threat to the unstable and only recently reinstated democracy in Athens, which was particularly vulnerable and defensive of its political platform in the fragile days after the toppling of the Thirty Tyrants. Socrates, from what we know of his philosophy in ancient sources, was a confirmed opponent of democracy as the rule of the opinionated and emotionally governed many rather than the one who knows, the aristocrat gifted by nature and trained for rule in the ideal city-state described in Plato's *Republic*. To recall one of the Socrates' homespun analogies, we should no more entrust the governance of the city to popular rule than we should make medical decisions on the basis of what the many might vote to have us do, seek treatment by surgery or medication or in some other way, instead of appealing to the knowledgeable judgment of the one who knows, the trained and skillful physician with experience of diseases and their successful cure.

The dialectic of the one and many has numerous ramifications throughout Socrates' philosophy. We see it again most notably and ironically in the situation Socrates finds himself in as a plaintiff in the trial, the one with genuine wisdom being judged by the many, specifically 501, jurors, who must decide his fate, but who have no special philosophical qualifications for doing so. At the end, when their verdict is announced, Socrates remarks:

There are many other reasons for my not being angry with you for convicting me, gentlemen of the jury, and what happened was not unexpected. I am much more surprised at the number of votes cast on each side, for I did not think the decision would be by so few votes but by a great many (35e1-36a3).

Socrates, lacking faith in the many, is surprised that he has managed to persuade as many as he did. He generally takes a dim view of their judgment, and assumes as a rule that the many are incapable of reaching a correct verdict. The final Socratic irony is that it is democracy in the form of the many jury members that defeats Socrates as the one who knows and stands opposed to the democratic rule of the many.

How does Socrates' opposition to democracy translate into the charge that he failed to honor the city's gods? Why is he accused of this type of atheism when he appears to observe all of the expected religious rites and rituals of any other Greek? For Stone, the answer consists in the fact that one of Athen's principal gods was the personification of Democracy as a female deity, a goddess whom Socrates might well have been understood as dishonoring by his philosophical objections to the democratic rule of the many. It is easy then to see how Socrates' widely recognized contempt for democracy might have led to the indictment of his failing to honor the city's gods, in particular, the goddess Democracy. Nor is it difficult to appreciate how Socrates in the same stroke might have been accused of corrupting the youth, when many of the sons of the aristocracy in the period between Athens' fragile democratic governments were involved in street fighting and other forms of violence against representatives of the democracy, as Stone explains, and who undoubtedly made no secret of taking Socrates as their anti-democratic philosophical figurehead. Why Meletus allows Socrates to browbeat him into

modifying the complaint to one of outright atheism, which Socrates has such an uncomplicated time refuting, nevertheless remains a mystery.

4. Truth and Rhetoric, Philosophy and Sophism

The impressive defense Socrates mounts at his trial represents a principled decision to answer the indictments raised against him only by reason, and not by appeal to emotion. Socrates is not interested in saving himself from the tribunal by any and all means, but only by the kind of strategy that is consistent with his personal dignity and sense of honor, and in keeping with his life as a philosopher. When this fails in the opinion of the many, as he expects it will, Socrates accepts the verdict, treats the opportunity to propose a sentence alternative to death defiantly, but makes no further appeal to persuade the jury that he should not be put to death.

It has sometimes been proposed that Socrates wanted to die, and that he was using the judicial proceedings indirectly as an instrument of suicide. Personally, I find this suggestion preposterous. Socrates was only seventy years old, in vigorous health, had young children, and from all accounts was enjoying life in the company of his philosophical friends. What he would not do is accept life under any conditions if it could only be preserved in violation of his moral principles. We know also that Socrates regarded the soul as imprisoned in the body, and dedicates a cock to Asclepius, the god of healing, as his final act to indicate his gratitude for being released from the soul's illness of human embodiment. But there is no evidence that he wanted to hasten his death by deliberately offending the jury at his trial or refusing on flimsy grounds the opportunity to escape as proposed by his friend Crito. On the contrary, Socrates evinces at every step along the way his commitment to definite rational ideals according to which he chooses to follow the ethical course regardless of its consequences for his physical well-being. He shows the courage of a hoplite, his rank in the Athenian army during his military career, and says that he will no more abandon his post serving the god Apollo in his capacity as philosopher than he would have when still marching with a spear or standing guard duty against an even more formidable foe than his accusers.

Socrates makes it clear at the very beginning of his trial that he will not resort to rhetorical tricks to escape even the most unpleasant outcome. The contrast between the methods Socrates allows himself to use in his own defense and the tactics of his accusers, the conflict between persuasion and truth, is highlighted in the very first sentence of Plato's dialogue. Socrates begins by saying:

I do not know, men of Athens, how my accusers affected you; as for me, I was almost carried away in spite of myself, so persuasively did they speak. And yet, hardly anything of what they said is true (17a1-3).

He distances himself from eloquent speech, of which he claims to be incapable, and once again promises to deliver instead the unvarnished truth as something more valuable, when he continues:

Of the many lies they told, one in particular surprised me, namely that you should be careful not to be deceived by an accomplished speaker like me. That they were not ashamed to be immediately proved wrong by the facts, when I show myself not to be an accomplished speaker at all, that I thought was most shameless on

their part — unless indeed they call an accomplished speaker the man who speaks the truth. If they mean that, I would agree that I am an orator, but not after their manner, for indeed, as I say, practically nothing they said was true. From me you will hear the whole truth, though not, by Zeus, gentlemen, expressed in embroidered and stylized phrases like theirs, but things spoken at random and expressed in the first words that come to mind, for I put my trust in the justice of what I say, and let none of you expect anything else. It would not be fitting at my age, as it might be for a young man, to toy with words when I appear before you (17a3-c6).

It is both true and a rhetorical ploy which Socrates exploits at several junctures in his defense, to remind his audience of his advanced age. They are prosecuting and persecuting an old man, someone whose age and wisdom ought to offer some protection against malicious indictment. He soon declares, by way of justification for following his own manner of discourse rather than the usual judicial protocol:

[T]his is my first appearance in a lawcourt, at the age of seventy; I am therefore simply a stranger to the manner of speaking here. Just as if I were really a stranger, you would certainly excuse me if I spoke in that dialect and manner in which I had been brought up, so too my present request seems a just one, for you to pay no attention to my manner of speech — be it better or worse — but to concentrate your attention on whether what I say is just or not, for the excellence of a judge lies in this, as that of a speaker lies in telling the truth (17d1-18a5).

These are eloquent persuasive forms of speech. The sophists as itinerant teachers of rhetoric in ancient Greece offered to instruct pupils in these arts for a fee. Plato as a wealthy aristocrat and Socrates as a person of Spartan needs living on a modest inheritance and earning a living as a stonemason could afford to disdain the idea of practicing dialectic in exchange for money. Like a bar-room or shopfront philosopher, he discussed philosophical problems with anyone who cared to listen, and supposedly never accepted payment for whatever knowledge he imparted. Plato, especially in the *Republic* and *Gorgias*, unequivocally repudiates all forms of sophism as a mercenary corruption of disinterested pursuit of truth in philosophy.

The objection, on more careful consideration, appears not to depend essentially on the exchange of money for teaching — in which case we would all fall under Socrates' censure, as perhaps we should — but rather on the misapplication of the same dialectical techniques employed by philosophers as a method of inquiry as a method of advocacy without regard for the truth. A clear sign of the basis for this objection is the well-known sophistic exercise of arguing for both sides of any issue, purely for the sake of showing that any position can be adequately defended by a sufficiently skilled rhetorician, regardless of its truth or falsity. Indeed, many of the most famous sophistic arguments that have come down to us under the title of sophisms or sophistries had as their aim to prove that no proposition is simply true or false, or that we can never come to know whether or not a given proposition is true or false. It is this cynical disregard for the truth that Socrates and Plato seem to find most objectionable.

It is appropriate at his trial, in which the full resources of courtroom rhetoric have been brought to bear against him, that Socrates should from the very beginning emphasize the contrast between philosophy and sophism, between respect for truth and the use of dialectic in the search for and discovery of truth on the part of the one who knows and its application for the sake of

persuading the many in order to manipulate opinion without regard for the truth. We should nevertheless not overlook Socrates' own rhetorical stance. He poses as a plain man called before a jury for the first time as an old man, who will speak only the truth without fancy phrases. As a citizen of Athens, however, he is well enough acquainted with its judicial proceedings, and he is capable himself, as all ancient authorities attest, despite his homespun rustic exterior, of the highest flights of rhetoric. For evidence of this we need look no further than the internal content of the speech he makes in his own defense. He is anything but disorganized, his remarks are not offered at random, as he warns, but follow a well-structured plan of attack directed toward systematically refuting the offenses with which he is baselessly charged. He makes subtle almost subliminal use of the same kinds of rhetorical devices that he supposedly renounces. Without ringing his hands or bringing in his wife and children to weep before the jury and plead indecorously for clemency, Socrates nevertheless makes it understood that he is married with young children, that despite his vigor he is an old man who ought to command respect rather than suffer humiliation, that he has had a distinguished military career in the service of the city, that far from being an atheist he has acted always in obedience to Apollo and has followed the expected religious observances, and finally that he has benefited rather than harmed his fellow citizens.

The accusations raised against him, moreover, are confused, self-contradictory, and unfounded in fact. What, we must still ask after all these years, is he supposed to have done? Did he murder someone or cut their purse, or rape or break into a home or bear false testimony? Of course, he did none of these things. His only crime was to discuss philosophy freely, in both senses of the word, with persons who chose to hear him speak, in which he tried always to let the better argument prevail, and in which the pursuit of truth led him to conclude among other things that democracy was not the best form of government for the ideal city-state. In the end, he mounts a stunning defense not only of his own conduct but of the philosophical way of life. Yet, predictably, from his standpoint, the arguments he offers, as sound and irrefutable as they may appear to us today, are simply not good enough. If the fix was in from the beginning, as Stone suggests, then it is unclear that any of the courtroom theatrics in which Socrates refuses to engage would have made any difference anyway. In that case, he was doomed from before the moment he was summoned to the lawcourt.

As the jurors prepare to drop their *ostraka* or pottery shards with their names etched on them into the urns to be counted for or against the accused, Socrates indicates again that he will not resort to the usual methods of pleading for mercy:

This, and maybe other similar things, is what I have to say in my defense. Perhaps one of you might be angry as he recalls that when he himself stood trial on a less dangerous charge, he begged and implored the jury with many tears, that he brought his children and many of his friends and family into court to arouse as much pity as he could, but that I do none of these things, even though I may seem to be running the ultimate risk. Thinking of this, he might feel resentful toward me and, angry about this, cast his vote in anger. If there is such a one among you — I do not deem there is, but if there is — I think it would be right to say in reply: My good sir, I too have a household and, in Homer's phrase, I am not born "from oak or rock" but from men, so that I have a family, indeed three sons, gentlemen of the jury, of whom one is an adolescent while two are children. Nevertheless, I will not beg you to acquit me by bringing them here. Why do I do none of these things? Not through arrogance, gentlemen, nor through lack of respect for you.

Whether I am brave in the face of death is another matter, but with regard to my reputation and yours and that of the whole city, it does not seem right to me to do these things, especially at my age and with my reputation (34b6-e4).

If Stone is right, it would not have mattered no matter how logically sound, evidentially well-supported or rhetorically persuasive his defense had been. For the offenses with which he is charged, of corrupting the youth and dishonoring the city's gods, are in that case a mere smokescreen for the real danger that Socrates may have been thought to represent to the city's tenuous and only recently reinstated democracy. Socrates would need to have been punished, and, better, sent away, not as a rebuke to philosophy, but more particularly as a caution to those who found in his teaching an ideological foundation for their opposition to democratic institutions by which the city hoped to be governed.

5. What Defines a Good Argument?

The trial of Socrates offers an instructive window on Socrates' and Plato's understanding of argumentation and the requirements of philosophical argument. In light of Socratic opposition to sophism, it is easy, too easy, perhaps, to conclude that Plato and Socrates would reject contemporary efforts to define a good argument as one that persuades an audience or contributes in one way or another to that end. If we judge by Socrates' reported practice in Plato's *Apology*, however, we see that the picture is much more complicated. In addressing the audience after he has been found guilty of the charges but before he has been sentenced, Socrates explicitly declares his intention to persuade the jury of his innocence. Thus, he maintains:

Quite apart from the question of reputation, gentlemen, I do not think it right to supplicate the jury and to be acquitted because of this, but to teach and persuade them (35b9-10).

It is one thing to persuade an audience by logic, evidence, and appeal to facts, and quite another to seek to persuade by any means at one's disposal, playing on emotions, or using rhetorical tricks, as Socrates mentions he is sometimes accused of doing. Socrates must persuade the jury if he is to save his life. But the manner and means by which he is prepared to try to persuade them are limited by his concern above all for the truth and his desire to persuade only by convincing the jury of the relevant facts. Anything that obscures or degrades the truth on which the jury's judgment should alone depend is rejected by Socrates as a potential technique of persuasion of which he refuses to avail himself.

The difference is fine-grained but extremely important. In adopting his somewhat disingenuous stance as an ineloquent speaker fixed only on the truth, in making a point of refusing to adopt courtroom theatrics and playing on the jury's sympathy by emotional appeal, Socrates underscores his firm commitment to the position that he does not need to avail himself of such tactics in order to succeed. This approach powerfully reinforces the claim, toward which Socrates' entire plan of argument tends, that logic and the facts of the case imply his innocence and justify his acquittal as the only responsible decision for the jury. He would weaken his position, even from a purely polemical point of view, if he were to engage in emotional display. To do so would demonstrate a lack of confidence in the merits of his case on grounds of truth in

the application of the law. Does this not suggest that by refraining from such actions, given the strategy he has chosen, that Socrates is as much concerned with the rhetorical effectiveness of his argument from the standpoint of considerations that go beyond the plain and simple truth of the matter as would the opposite choice not to refrain from but to make a direct emotional appeal?

There is yet a vital difference. For Socrates it is not merely a strategic option in this situation and under these circumstances to follow a defense based on reason and truth rather than emotion or other polemical devices. We have every reason to believe that Socrates would in any case pursue what he believes to be the right course of argument regardless of its persuasive effectiveness or ineffectiveness, because we have the indisputable testimony of his own unflinching acceptance of the death sentence as the jury shifts from the guilt to the penalty phase of their proceedings, when he claims to know that he might have averted the outcome by compromising his principles. There is no contradiction in the concept of a good argument as inference dedicated to logically supporting the truth that also has rhetorical force if its primary purpose and the basis for judging its correctness is based entirely on criteria of logic and truth, deductive validity and soundness, regardless of an argument's persuasiveness or lack thereof. Such a definition of good argument, and of the proper purpose of argument, is the polar opposite of the concept of argument as meant to be judged in terms of its effectiveness in persuading an audience regardless of its contributions to the discovery or expression of the truth. Socrates, as an impassioned advocate of truth and of argument as an instrument of truth, regardless of its persuasive consequences, pays the ultimate price for making truth prevail over persuasion, and placing philosophy above sophism.

Finally, there is an epistemic consideration that erodes the distinction between reason and rhetoric. It is one thing to extol the virtues of truth over persuasion in the abstract. But how do we know when we are presented with the truth in an argument except when we are persuaded of its validity and the truth of its assumptions and conclusions. Socrates does not merely offer a handful of syllogisms, but spins his arguments from within a rhetorical framework and gives us reasons to believe that the arguments are correct and that we should accept their implications. Imagine that you are one of the jurors at Socrates' trial and that you have not yet made up your mind as to his guilt or innocence. The trial as an adversarial situation is a microcosm of the epistemic condition in its most general terms that we all find ourselves in as we try to decide what is true and what is false, which propositions we will accept and which we will reject or about which we must at least temporarily suspend judgment. We are presented with arguments and evidence in support of the assumptions of arguments or in independent corroboration of an argument's conclusions, and we must decide on the basis of what we are told by our own lights, weighing and evaluating every bit as completely and impartially as we can. In the end, what we come to understand as the truth is whatever we have been persuaded is true; persuasion is therefore not the enemy of truth, nor is rhetoric the enemy of philosophy, nor advocacy of discovery. These are rather two complementary poles of a seamless ongoing epistemic activity in which we try practically to acquire knowledge in the best and ultimately the only way we can. The philosophically objectionable opposition between truth and persuasion occurs only, as Socrates' trial timelessly illustrates, when persuasion is not a sincere adjunct to the discovery and dissemination of knowledge, but employed for other purposes that are indifferent or even hostile to knowledge and truth.

Notes

¹ All quotations from the *Apology* appear in *Plato, Five Dialogues: Euthyphro, Apology, Crito, Meno, Phaedo*, translated by G.M.A. Grube. Indianapolis: Hackett Publishing Company, Inc., 1981.

² I.F. Stone, *The Trial of Socrates*. New York: Doubleday, 1989. Another invaluable source for understanding the complications of Socrates' defense is Thomas C. Brickhouse and Nicholas D. Smith, *The Trial and Execution of Socrates: Sources and Controversies*. New York: Oxford University Press, 2002.