

“Persuade or Obey: Richard Kraut: Socrates and the State”

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"Persuade or Obey" or "Try to Persuade or Obey." In the Crito, Socrates states that, "Do you not realize that you are even more bound to respect and placate the anger of your country than your father's anger? That if you cannot persuade your country you must do whatever it orders, and patiently submit to any punishment that it imposes, whether it be flogging or imprisonment? And if it leads you out to war, to be wounded or killed, you must comply, and it is right that you should do so." (51b). What does it mean to persuade or obey? When is one given this opportunity to persuade? Can one disobey and then persuade? And, is it enough that one tries to persuade, even if one fails in this task? This paper will examine Richard Kraut's well argued, if flawed, arguments in the book Socrates and the State, in favor of trying to persuade or obey. First, this paper will examine the issue of law breaking or disobedience by the individual. Second, the discussion will turn to the issue of persuasion and failure to persuade. Third, it will examine Kraut's arguments on the issue of accepting one's punishment. Lastly, it will discuss the issue of Socrates not persuading or obeying. As this paper will demonstrate, Kraut's views are both controversial and provocative, but also arguably flawed.

This paper will reach several conclusions about Richard Kraut's flawed interpretation of the Crito's argument on Persuade or Obey. The first conclusion is that Kraut is wrong when he finds that an individual is not bound to obey the laws of the state. Clearly, it is wrong for individuals to intentionally disobey the state. Second, Athenian citizens had two opportunities to persuade or obey, not just one opportunity, as Kraut argues. They could either persuade the Athenian Assembly

before a law was enacted or persuade the Athenian Court if charged with wrong doing. Third, if an individual fails to follow the law, then they are subject to a trial. If the individual is unable to persuade the court, then they are subject to obeying the punishment that the court imposes. Contrary to Kraut's belief, it is not enough that defendants "try" to persuade the court. An individual either must persuade the Athenian Assembly before a law is enacted or persuade a court and jury during a trial as to their obeying the law, or their disobeying the law involuntarily, or be punished accordingly.

The Crito represents the only time in which Socrates addresses the issue of why the individual must obey the state. In the Crito, Socrates addresses the issue of right and wrong from the perspective of the state. We are given the argument that to destroy the state is wrong. If everyone violates the laws of the state, then the state is destroyed. If Socrates breaks the laws of the state, then the state will be destroyed. Therefore, Socrates concludes that he should not break the laws of the state. Socrates does not wish to disobey the state because to do so would be disgraceful to the state. If he were to disregard the law, it might make other people more likely to disregard the law. The flaw with this argument is that Socrates is not "everyone." The argument makes a utilitarian generalization when it jumps from the individual defying the state to everyone defying the state. Socrates does not explain this jump. Clearly the state would not be destroyed if he were to defy the state by escaping.

In the Crito, the laws of Athens are presented as acting in an authoritarian manner. Socrates must either persuade or obey the laws of the state. Having failed to persuade the court, he is, in the absence of a better argument favoring escape, resolved to his sentence of death. It is this issue of persuade or obey that Richard Kraut addresses.

Kraut examines the issue of law breaking and disobedience by looking at the parent-city analogy. Kraut states two reasons for the need to persuade or obey. First, he states that, "the citizen must persuade or obey his city because he has benefited from it as offspring's benefit from their parents."¹ Second, he states, "... the citizen who makes an agreement with his city is thereby obliged to persuade or obey."² Kraut does not believe in the absolute submission of the individual to the laws of the state. He cites Grote's opposing view that, "[t]he laws allow to every citizen full liberty of trying to persuade the assembled public: but the citizen who fails in persuading must obey the public when they enact a law adverse to his views."³ Grote believes that every citizen in Athenian society is given the opportunity to have his impact on the making of the laws in the Athenian Assembly. In the absence of the adoption of one's specific views by the Athenian Assembly, then one must still submit to that law until such time, if any, that the law is repealed. In essence, Grote is arguing for absolute submission by the individual to the laws of the state. Kraut challenges Grote's views on the basis that Grote reads into the text arguments that are not stated. Kraut finds that the Crito does not state who is to be persuaded or that the persuasion is designed to prevent a law from being enacted or to cause a law to be repealed.⁴ Grote, however, is not alone in holding his view that persuasion is intended to occur before a law is enacted. Kraut also cites Guthrie, Woozley, and Allen as sharing Grote's view. Unfortunately, Kraut disagrees with all of these political

¹Richard Kraut, Socrates and the State, p. 55.

²Richard Kraut, Socrates and the State, p. 55.

³Richard Kraut, Socrates and the State, p. 55.

⁴Richard Kraut, Socrates and the State, p. 56.

theorists because he believes that they also read too much into the text, a fault Kraut, too, is guilty of committing.

Nowhere in the Crito does the text state that disobedience is acceptable. The text seems clear that individuals are expected to act according to the laws of the state. It seems that there are two places where individuals can attempt persuasion: before the Athenian Assembly when a law is being considered for enactment or for repeal; or before a Court and jury. I do not find that Grote is reading too much into the text when he argues that persuasion should occur before the Athenian Assembly. I would go further, however, as was demonstrated by the trial of Socrates in the Apology, and state that persuasion also occurs in the Courts. It seems that perhaps it should be persuade or obey and failing that persuade or be punished. Clearly, individuals are supposed to be completely submissive to the laws of the state, but in practice this does not appear to have worked in Athenian society. Why would one need a court if all individuals in Athenian society were submissive to the laws of the state? Therefore, while individuals are supposed to be submissive to the laws of the state, charges of voluntary and involuntary disobedience still occur.

Kraut, however, goes further in his argument by concluding that it is appropriate for individuals to purposely disobey the state. He states, "[a]ccording to my proposal, it means that one can justifiably disobey, so long as one persuades. He [Grote] suggests that the Assembly is the appropriate forum for persuasion, and that the object of persuasion is legislative change; my idea, by contrast, is that the law courts are the appropriate forum. If someone has disobeyed a law then he must, when summoned, appear before the court to persuade his fellow citizens that disobedience was justified...Persuasion is required of the disobedient citizen because he owes the parent-city with which he has made an agreement some

explanation for his behavior."⁵ Even Kraut concedes that one can not change a law by making an argument before a court. I question, however, his belief that citizens appear before the court just to explain their actions. In truth, the court sits in judgment over the individual because that individual has committed an offense against the society. The individual may persuade the court that what they did was not disobedient, but this again is more than just explaining why one did a certain action. Persuasion is required before the court because one must convince the court that their actions were not disobedient to the state or that the state is, in fact, in error, or that their accused actions were involuntary. Clearly, this is more than merely explaining one's actions. Kraut is mistaken because he reads persuade or obey as meaning that one may, "disobey, as long as one persuades."⁶ Kraut is guilty of twisting the text. He states that, "according to my interpretation, the Laws are telling Socrates that they will tolerate disobedience when the city has made a mistake about justice and the citizen so persuades a court."⁷ I disagree. I believe that the laws of the state are to be obeyed. Kraut seems to be discounting the authoritarian nature of Athenian society. If the individual and the state disagree over the way an individual is following these laws, then the individual is brought before a court and allowed to defend themselves. The individual must persuade the court that they were obeying the laws of the state or to ask for the mercy of the court because their actions were involuntary. After all, Socrates says, "...one must never willingly do wrong, or does it depend upon the circumstances? Is it true, as we have often agreed before, that there is no sense in which wrong doing is good or honorable?" (49a) He continues, "[t]hen in no

⁵Richard Kraut, Socrates and the State, p. 60.

⁶Richard Kraut, Socrates and the State, p. 60.

⁷Richard Kraut, Socrates and the State, p. 65.

circumstances must one do wrong." (49b). Clearly, if Socrates does not view any exception to doing that which is good and honorable, why should Kraut?

Another point in which Kraut is in error involves persuasion and the paying of one's debt. Kraut states that, "[t]he point of persuasion is to pay a debt..."⁸ Kraut misses the point. The persuasion is required because one has committed an offense and must explain one's actions. The punishment is what the jury decides based upon the recommendations by the defense and prosecution. That is the true debt paid to society, not the attempt at persuasion.

The discussion now turns to the issue of persuasion and the failure to persuade. In the preceding discussion we examined the need for Athenian citizens to persuade the Athenian Assembly as to the worth of a law or persuade the Athenian Court as to their obeying the law. This section rests upon Kraut's view that an individual is free to disobey the state, if they can then persuade the state that their actions were just. That individual will attempt to persuade the jury that their actions were not wrong in order to gain the mercy of the court. If a majority of the jury find that the individual is not persuasive, then that individual will be punished. This is a point that Kraut concedes. His argument is, however, that the individual has not broken a moral law if they have done that which they believe is morally just. Kraut is confusing the laws of morality with the laws of the state. The two are not always identical. Kraut seems to believe that an individual is justified in acting against the laws of the state if that individual deems the laws morally unjust. Kraut states, "[t]he citizen who disobeys his city must, when summoned, persuade a jury that he was right to disobey. But if he was right yet fails in his efforts to show this to the jury, he has done no wrong."⁹

⁸Richard Kraut, Socrates and the State, p. 60.

⁹Richard Kraut, Socrates and the State, p. 69.

Perhaps in the "moral" eyes of some the individual has done no wrong, but in the eyes of the state, that individual has done wrong and will be punished accordingly. Again, Kraut seems to view that "moral" and societal wrongs are one and the same, but, again, he is in error.

Kraut makes two arguments regarding "try" to persuade or obey. He argues that failures might be tolerated if one were to fail to succeed in persuading. It is true that failure to persuade the Assembly as to one's view of a law might be tolerated, but Kraut does not agree with Grote's view of persuasion occurring in the Athenian Assembly. Rather, Kraut views persuasion as occurring in the Athenian Court and that failures to persuade will be tolerated. I find it hard to believe that the court is going to find one not guilty if they fail to persuade the court. This can be seen with the fate of Socrates. He addresses the court, but, depending on one's definition of persuasion, either fails to persuade the jury or does not attempt persuasion at all. As a result, Socrates is punished. The fact that Socrates is punished rebuts Kraut's argument that failure to persuade or one's not trying to persuade will be tolerated by the court. Further, it also rebuts his argument that when an individual fails to convince a jury, then that individual has done no wrong.

For his second argument on "try" to persuade or obey, Kraut resorts to grammar. He argues that the Greek text covering persuade or obey and try to persuade or obey can mean the same thing depending on the context in which they are employed. He states, "Greek verbs can have what is called a 'conative' force; that is, a word that means 'to do X' can in the right context mean 'to try to do X.'"¹⁰ Not being a linguistic scholar, I do not know what to make of this point. If one takes Kraut at his word that the text can be interpreted as having either meaning, then Kraut is

¹⁰Richard Kraut, Socrates and the State, p. 72.

correct when he states that, "this means that whichever interpretation makes the Crito consistent with the Apology should be chosen."¹¹ Kraut, of course, has his one interpretation, while Grote and other scholars seem to interpret the meaning in the opposite fashion. Where Kraut accused Grote and others of reading into the text above, he now stands accused of the same. By reading "try" to persuade or obey into the text he is attempting to find other reasons on which to justify his belief that the individual can disobey the state.

I also find that Kraut's conclusion that one needs to read "try" into the text in order to make the Apology and Crito consistent is wrong. It is true that reconciling the Apology and Crito is not easily accomplished. It is not impossible, however. If that which is just for the state in the Crito is also morally just for the soul in the Apology, then the Crito and Apology are not inconsistent. It would not be harmful for the perfection of the soul if one follows morally just laws imposed by a state. Additionally, if one discounts the possibility that Socrates was not defying a just law issued by a just government with regard to Leon of Salamis, as Burnet argues, then it becomes easier to reconcile the two dialogues.¹² It is true that the conclusions of the Crito are fairly sweeping, but that does not mean that the Crito and Apology only can be reconciled based upon Kraut's argument of reading "try" into the text.

Kraut also addresses the issue of failure to persuade. Kraut states, "we have to admit that the Laws do not tell the citizen what to do if he tries to persuade but the jury proves unpersuadable... They must mean that if the citizen has violated an unjust order, and if he has failed to persuade the jury only because it is unpersuadable, then

¹¹Richard Kraut, Socrates and the State, p. 72.

¹²Richard Kraut, Socrates and the State, p. 18.

he has already done enough; he need not turn to the alternative, and obey the law."¹³ In truth, however, the state will seek to punish an individual who violates the laws of the state and fails to persuade the jury. It will not matter to the state that the individual has not disobeyed a moral "Law," if the jury is not persuaded. The result is that the individual will be punished. Kraut is wrong when he says that having failed to persuade, then the individual has done enough. They must now be punished according to the laws of society. Furthermore, if the individual fails to submit to the punishment, then they will again be brought before the court and, most likely, be given another, perhaps tougher, sentence. People can not simply disobey the laws of society and go unpunished.

Kraut also presents two opposing views held by Woozley and Santas. Both argue that it is not enough to "try" to persuade. According to Woozley and Santas, one must succeed in their persuasion or obey the laws. The basis of their arguments are that allowing people to "try" to persuade would make for very lenient laws that had little effect. All an individual would have to do was disobey the law and then "try" to persuade the court. It would not matter, as with Kraut's argument in the previous discussion, whether an individual succeeded in persuading the court. This demonstrates the fallacy in both Kraut's arguments for reading "try" to persuade into the text and that an individual has done enough if they try, but fail to persuade.

Now, I would like to turn the discussion to an examination of Kraut's arguments in favor of accepting one's punishment. Kraut offers Socrates' claim that he would disobey the court if it ordered him to stop philosophizing as evidence that one does not need to accept the punishment of the court. His point is that if Socrates was willing to knowingly disobey the law, then one could disobey the law. Kraut feels he

¹³Richard Kraut, Socrates and the State, p. 74.

is on solid ground even though Socrates was only posing a hypothetical situation. Kraut believes that one does not have to accept the punishment of the state. I am not as convinced as Kraut. I find that Socrates might have been informing the court so as to avoid having to make the decision to do wrong by disobeying the state. In the end, Socrates does not do wrong by disobeying the state when he is put to death. Had he disobeyed the state by not being put to death, then he would have been acting wrong by acting against the state. Therefore, for Socrates, being put to death was both morally good and good for the state because he did not have to disobey either.

It has been argued that Socrates did not persuade or obey Athenian law because he did not attempt to persuade the Athenian court. Kraut argues that Socrates did not really offer a defense at his trial. Kraut states, "[h]e passed up his chance to persuade at the time of his trial, and that means that he must now accept the other alternative; to obey. He did, of course, try to persuade the court of his innocence, and he halfheartedly proposed a counter-penalty, but in neither case was that the sort of persuasion or attempt at persuasion that would have satisfied the persuade-or-obey doctrine."¹⁴ Since Socrates has been charged with disobeying the law, he must now attempt to persuade the court. Unlike Kraut, I find that Socrates did attempt persuasion at his trial. Even if one does not conclude that Socrates forcefully attempted to persuade the court, he was still given the opportunity to persuade the court. Nowhere does the text state that one has to be persuasive when attempting to persuade. One either succeeds in persuading or one obeys. Having failed to persuade by thirty votes the majority of the jury, Socrates must now obey the judgment of the jury. By being put to death, Socrates obeys the court. I

¹⁴Richard Kraut, Socrates and the State, p. 90.

find nothing inconsistent with Socrates' attempt at persuasion. Furthermore, I am forced to question where Kraut finds his definition of what is and what is not an attempt at persuasion.

A number of conclusions can be reached as to Richard Kraut's arguments and interpretations of the Crito. Perhaps the most obvious error in Kraut's argument is that an individual can disobey the laws of the state. This point is in direct contradiction with what Socrates states in the Crito. Not even Socrates has disobeyed the laws for which he is charged. Furthermore, under the moral "Laws" individuals are not allowed to purposefully disobey the laws of the state because to do so would be to do wrong. Ignorance appears to be the only real reason for disobeying the laws of the state. Additionally, Kraut is incorrect in his conclusion that it is enough for one to attempt to persuade the court, even if one fails. In truth, if one fails to persuade the court, it is not enough to have tried to persuade, the individual is now subject to the punishment of the court. Next, I find that Grote, not Kraut, is most likely correct as to the targets of the persuasion. It seems reasonable that an individual is to persuade or obey the laws enacted by the Athenian Assembly; therefore, the Athenian Assembly is a proper venue for this persuasion. I, however, would go further than Grote in my finding that an individual who unknowing does wrong is entitled to try their persuasion before the court, but failing to persuade is subject to obeying the punishment of that court. Lastly, I find that Kraut's claims rest not only upon his reading additional words into the text, but also on his changing the order of the syntax. The word "try" may or may not be in the translation, but he tries to change the text so as to read obey or "try" to persuade. Kraut's changing of the order of the words and adding the conditional word "try" to them, creates an entire new meaning for the Crito, thus leading him to a new interpretation or misinterpretation, as the case may be.

While Kraut's book, Socrates and the State, reaches some controversial conclusions, it is none-the-less worth reading. It forces the reader to address the issue of one persuading or obeying the laws of society by flipping the words around and making them conditional in meaning. Kraut's problem is that he is arguing for disobeying and trying to persuade, not persuading or obeying. While Kraut is consistent and compelling in his argument, he reaches flawed conclusions. It is not enough to "try" to persuade or to "try" to obey the laws because laws must be obeyed or individuals are punished. Socrates did not disobey the law, but he obeyed the state's judgment against him. Socrates was found guilty and was punished for crimes that he did not commit. Unlike Kraut's view, Socrates did not simply "try" to persuade the court and walk away unpunished. Socrates died because it was both morally good and good for the state. To do otherwise would have meant doing wrong. To argue otherwise would mean being inconsistent with the text.