

**OATHS AND THE PURSUIT OF JUSTICE: SOCRATES, THE STATESMAN,
THROUGH HIS TRIAL AND EXECUTION**

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Introduction

When one considers the list of true statesmen throughout history, eyes are easily drawn to the towering giants of statesmanship—Washington, Lincoln, Churchill, More¹—for their overt, yet also subtly brilliant, defining actions. Actions that seemed to cut through impossible situations with so much integrity and power that it seems normal men and women would be incapable of such perfectly-necessary daring and bravado, instead buckling under the immense weight of the situations before them. One such figure who may not often meet the public standard for “true” statesmanship² is Socrates, the great philosopher of classical Greece whose life and teachings are captured in the writings of friends, followers, students, and peers; however, this paper argues that Socrates is, indeed, a true statesman, and that his status as such is drawn out through the actions he took during his trial and the time leading up to his execution. This paper will examine evidence found in the primary sources available regarding these events, as well as attempt to synthesize scholarship engaged with Socrates’ actions and intentions with the questions of what makes a statesman, and what defines a statesmanship-type situation. In doing so, this paper finds that Socrates, above all else, intended to and remained faithful to his commitment—to his oath, his covenant—to justice, virtue, and wisdom; in other words, Socrates is a true statesman for holding fast to what he believed was right.

What makes a statesmanship-type situation?

¹ To discuss them all is beyond the scope of this paper; it is sufficient to limit ourselves to a brief comparison of the subject with Sir Thomas More, given that these examples are not the primary focus of the paper.

² Anecdotal evidence from conversations with those close to the author reveal that a number of his close network, several with college-level education and above, possessed no knowledge of Socrates’ trial and execution; this could be taken to imply that average individuals (as of writing) may not have any knowledge that Socrates was tried and executed, let alone that he could be considered a statesman akin to the likes of Washington, Lincoln, or Churchill.

It is first necessary to begin by laying some groundwork: we must appropriately consider time, place, civic duty, ethics, loyalty, and the very concept of justice itself in order to avoid presentist biases. The trial and execution of Socrates was a defining moment in the relationship between democracy and philosophy in Athens. Because of recent civil unrest, the closure of a war, and changing of government, the Athenian people needed security and stability; surely, the everyday citizen still felt the impacts of their world's larger circumstances. As a democracy, civic duty was at the heart of daily life—especially for the men, who took turns participating in the democratic government fulfilling various political responsibilities on top of the grueling task that was everyday survival in the end of the Iron Age. The people needed each other to survive, especially if they hoped to thrive, and ostracism laws existed anciently that would allow Greeks to exile those who were a hindrance to the community. Ancient cultural emphasis on reciprocity, especially in the mediterranean, ensured at least an outward, fairness-focused sense of justice in all people.

So, to best answer how a statesmanship-type situation might occur in this ancient Greek cultural context, we must consider what a statesman is. Where Machiavelli (Machiavelli, 1908) has largely informed the modern view of statesmanship as a state leader who is morally ambiguous (and others have carried that notion forward, adapting it for everyday use in the lives of ordinary people (Pfeffer, 2010)), we find it more useful to engage with ancient, pre-Machiavellian definitions and notions of statesmanship—those provided by Plato and those illustrated well by Robert Bolt in his retelling of the story of Sir Thomas More.

Plato, "The Republic"

Plato (Bloom & Kirsch, 2016) presents in *The Republic of Plato* a view of statesmanship that we may largely be unfamiliar with. National news headlines as of late have certainly not emphasized such a view of our political leaders as Plato portrays Socrates espousing. This view is largely

concerned with harmony, with fulfillment, and with the raising of an *entire polis* from their present condition to a higher, more moral way of being—a stark contrast to the current American condition of pursuing wealth at all costs, liberty from any semblance of encumbrance, and happiness as defined by the expressive individual, with any and all corrective input from others to be shunned as an unrighteous imposition. The true statesman is not one who plays the game to ensure gaining power for power's sake, or who uses power to take what they want, but is the exact opposite: the true statesman of *The Republic* is one who pursues philosophy, seeking wisdom (knowledge of the good) and engaging in the enlightenment of the whole polis over which they rule. Statesmen should be as philosophers, or philosophers should be statesmen. Though iterated on in later work, Plato's *The Republic* presents true statesmen as those possessed of the four virtues—Wisdom, Courage, Temperance, and Justice—and who have well-ordered souls—that is, they are governed by Reason (*logos*), driven to do what they know is right by a proper measure of Spiritedness (*thumos*), and whose Desires (*eros*) are kept in check, so that they do not pursue what is unjust in an unending search for satiety.

We may be tempted to ask if such a view of statesmanship is realistic, given modern cultural standards and expectations. While it is beyond the scope of this work to examine whether true statesmen in an ancient, Platonic sense of the term may emerge in our current cultural context, this view of statesmanship is entirely relevant to our consideration of Socrates in his context for at least two reasons. First, though penned by Plato, this dialogue is portrayed through the voice of Socrates; Socrates is the one giving voice to the rightness of living in the way our true statesman is described by *The Republic*. Second, Socrates is an ancient figure, and ancient figures should be examined in the ancient context which they lived within; to judge Socrates by a purely modern, highly utilitarian standard of statesmanship would be to ignore the very premise which the ancient philosopher lived

and taught, which same premise (that of becoming morally *excellent*) was explicitly rejected by the proponents of the modern statesman (Machiavelli, 1908; Pfeffer, 2010).

Plato, “Statesman”

Bolstering his previous work, Plato in *Statesman* (Plato, 2012) presents a more refined view of the nature of a true statesman than he did in *The Republic*. Where the initial statesman of his earlier work aligns primarily with the first definition of statesmanship that he presents in *Statesman*, that of “the king as shepherd” or “statesmanship as the art of pasturing”, Plato provides a second definition that is more complete: that of the statesman as one mastered in the art of weaving. As a weaver carefully crafts textiles from differing and diverse material, so too should a true statesman be able to carefully weave the citizens of the polis to create a unified whole that embraces, rather than muddles, the diverse nature of its individual components. The statesman-weaver must be in possession of the four virtues discussed in *The Republic* and have a well-ordered soul; should he be any less, then the true statesman could not hope to develop the additional expertise required for navigating politics and the law to bring the citizens of his polis together, and in so doing achieve the desired aim of elevating the whole polis to a higher, greater state of moral excellence.

Robert Bolt, “A Man for All Seasons”

Bolt (Bolt, 1990) presents statesmanship to his audience through the story of Sir Thomas More, an English statesman who lived from 1478 – 1535 CE. More was a devout Catholic and loyal subject of the British crown, who demonstrated his statesmanship primarily by the making and keeping of oaths—in order of priority, to God and to the crown. As a result of personal decisions and emboldened by the recently begun Protestant Reformation, King Henry VIII and his English supporters among the clergy and aristocracy broke from the Catholic Church to form the Church of England. Such a decision was one that directly tested More’s commitments to his oaths, and in

this moral dilemma his oath to God was held supreme over his oath to the crown. To Bolt, the statesman is one who makes and keeps their oath to something greater.

We know More's conviction; Bolt contrasts it nicely with characters of similar backgrounds to More to illustrate More's unwavering fealty as the others regularly fail their oaths, or as they make none at all, to show that in the end, though mortality ends for all, those who remain true to their oaths save themselves from the more perilous death: the death of one's true self in the pursuit of self-preservation. There is an almost identical parallel here to the New Testament teaching of Jesus Christ: "For those who want to save their life will lose it, and those who lose their life for my sake will find it" (Matthew 16:25, NRSVUE). For Bolt, a true statesman is one willing to forfeit his own life for the sake of his commitment to that which lies beyond himself.

In this conception of statesmanship, several considerations arise that will be important when examining the case of Socrates. More lived fully in the pursuit of fulfilling his oaths by cultivating his character to the highest good, requiring a serious faith commitment to the Church for his oath to God, and by cultivating his intellect so that he could pursue and carry out civil justice as best he could, causing him to diligently and fully understand the law in service to his oath to the crown. In More's story, we see these two oaths conflict quite violently as the crown strays from what More believes is God's law, and he therefore chooses the higher pursuit of the divine and ultimately loses his life for it, despite an expert ability to navigate the law to survive as a forester in a dense thicket. In Socrates' story, though the philosopher professes to be no expert of the law, his proficiency with philosophy and rhetoric are sufficient for him to navigate his own situation in a way that preserves his commitment to the god he obeys when that oath conflicts with his alternate commitment to upholding the civil laws of his homeland.

Historic Backdrop of the Trial

As with understanding statesmanship anciently, or as “morally excellent leadership”, we must understand the history surrounding Socrates’ final events in order to judge him within his proper context. Socrates’ days in Athens were marked by significant turmoil: brutal war, tyrannical government, regime changes, and the daily struggles of ancient life all factor into the particular statesmanship-type situation that was Socrates’ trial and execution.

Peloponnesian War, Reign of the Thirty Tyrants, Athenian Entertainment, and Socrates’ Charges

This case begins prior to the trial and execution themselves with the Peloponnesian War. The war was fought between Sparta and Athens, each alongside their respective networks of Greek city-states, for empirical control of the larger Greek world in the Mediterranean. The war is typically divided into three phases by historians, and spanned from 431-404 BC, when Lysandre, a Spartan military leader, defeated the Athenian naval force using ships that had built with the funds received through an alliance with Persia (who had lost to Athens during the Persian Wars, causing Athens to be the largest and most prosperous of the Greek city-states). Following this Spartan victory, Athens was completely subjugated, and their democratic government was replaced with an oligarchic rule friendly to Sparta’s own oligarchy.

Socrates, born in 470 BC, lived through this war and was connected to several of the men associated with Athen’s loss and the terrible reign of the Thirty Tyrants due to his role as an educator of the masses—several of his students had become traitors to Athens, namely Alcibiades, Critias, and Charmides. One ancient source notes that this connection was a primary reason for Socrates’ eventual conviction, stating that the Athenian people “put Socrates to death because he was shown to have educated Critias” (Aeschines, quoted in Drury, 2017). By the end of the reign

of the Thirty Tyrants in 403 BC, Athenian citizens reinstated Athenian democratic government after a violent uprising against the Thirty that saw the death of Critias and others of the Tyrants. With this reclamation of democratic rule came an amnesty decree, intended to stabilize the polis—only those chiefly responsible for the actions of the Thirty Tyrants could be brought to court and be held accountable for their actions (though they could be found innocent by the courts). Because the decree was generally effective for its purpose of protecting citizens against politically-motivated judicial action, it created some difficulty for those who wished to charge Socrates with crimes against Athens (Feng, 2020) because Socrates had not explicitly acted against Athens—once going so far as to disobey an order from the Thirty to arrest and bring to execution an innocent man (Ober, 2006) because he believed it to be unjust (Brickhouse & Smith, 2002). Xenophon, another personal friend of Socrates who, like Plato, wrote an *Apology* containing Socrates' legal defense at his trial, stated that Critias outright hated Socrates and instituted a special law barring Socrates from engaging in philosophical dialogue with anyone below the age of thirty, to prevent Socrates from triggering an uprising in the youth of Athens (Ober, 2006). Regardless of these events, however, the connection to three prominent Athenian traitors and murderous tyrants was too strong to overlook, and one of the charges against Socrates could be substantiated by the choices of his former students.

A look into Athenian culture at the time can help shed light on the possible validity and the definite significance of the second charge brought against Socrates during his trial. Anciently, Greeks believed in a pantheon of gods and goddesses, to whom respect was paid when favors were sought with regard to each deity's particular sphere of influence. Because of this essentially universal piety among the Greeks, an Athenian law existed to make "impiety" illegal. Socrates seems to have explicitly believed in and worshipped at the very least Apollo and Zeus, as demonstrated by

his belief that his philosophical mission and call to provoke Athens into pursuing wisdom was a direct commission from Apollo (Blyth, 2000; Brickhouse & Smith, 2002) and his civic engagement through oaths and sacrifices were used by Xenophon as a defense of Socrates' conventional piety (Brickhouse & Smith, 2002; Kondo, 2011). However, the public perception of Socrates' piety is likely less clear. Perhaps the best glimpse of this view is Aristophanes' comedy play, *The Clouds of Aristophanes*, first composed and performed in 423 BC before being circulated in manuscript form after 417 BC. Although a jab at the entire sophistic movement, Aristophanes caricatures Socrates and presents him as one who can teach other to argue any case and achieve any end, whether just or unjust, thanks to special gifts from the Clouds, a set of gods stated in the comedy to be above and better than the traditional Greek gods. Aristophanes depicts Socrates going so far as to deny Zeus' existence, with a fictional student of Socrates stating that "The Vortex is king. Zeus has been usurped" (Brickhouse & Smith, 2002). The deeply pious Athenians might have been significantly influenced by this portrayal of Socrates, and Socrates' own skepticism at traditional stories of the gods due to the gods acting immorally (Brickhouse & Smith, 2002) certainly would not have improved his public perception. He also claims to receive guidance from a new "daimonion", a highly moral, just god that directs him in all he does and that restrains him from acting unjustly.

Fast forward, then, to the year 399 BC. The tyrannical oligarchy has been overthrown, the Athenian democracy has had a few years to stabilize, yet a deep-seated perception of Socrates remains in the public conscious. Socrates sits at trial, in what is his first time being a litigant in the Athenian court (Brickhouse & Smith, 2002), with three accusers—Meletus, who brought the formal charge; Lycon, a poet or orator about whom little is known; and Anytus, a politician and member of the upper class—levelling these official charges against him: "*They're saying that Socrates does*

wrong because he corrupts the youth and doesn't believe in the gods that the city believes in, but believes in other new divinities. Such is the charge" (Brickhouse & Smith, 2002). Socrates is faced with overcoming seemingly impossible charges, the impossibility arising from his direct connections to the fall of Athens, to the Thirty Tyrants, and from his apparent impiety with regard to the traditional gods and goddesses.

Navigating the Legal Issues

From a legal point of view, Socrates faced the charges of corrupting the youth and of impiety with the support of a history of commitment to Athenian law and obedience to a higher concept of justice. Socrates' core concept of justice, as described in the *Crito*, indicated a fundamental belief in not doing injustice intentionally, in not doing injustice in return for suffering injustice at the hands of others, and in not doing bad things either for one's own purposes or because one has had bad things done unto them, for doing bad is the same as doing injustice (Kondo, 2011). This explicit function of *not doing* injustice bears out in some recorded encounters from Socrates' life. There is the previously mentioned episode with the order from the Thirty Tyrants to arrest and bring to execution the innocent Leon of Salamis; another episode sees Socrates, while administering his duties as a member of the Athenian Council of 500 in 406 BC, refuse to bring to vote an illegal order that would lead to the execution of ten Athenian generals for dereliction of duty (Ober, 2006). In the *Apology*, however, Socrates states rather explicitly that he would defy an order from the jury to cease philosophizing, should such a decree be given in exchange for his acquittal (Brickhouse & Smith, 2002). This apparent contradiction between the *Apology* and the *Crito* have led scholars to consider several approaches to the issue; we will examine them as arguments for consistency and arguments for inconsistency.

Arguments for Consistency

Scholars in this camp have explored reconciliation between the sources. Based on one particular doctrine of Socrates' that can be extracted from *Crito*, the idea that one must either persuade the city or obey it, arguments are made that this "persuade or obey" doctrine is only applicable to *valid*, or just, laws, those issued by proper Athenian legal authority (Brickhouse & Smith, 2002). These scholars argue that the "persuade or obey" doctrine may even leave room for one to disobey an unjust order. Other scholars in this camp have argued that such disobedience is quiescent, where one may justly disobey so long as they willingly accept the consequences of their disobedience (Martin, 1970). The consistency view would rightly handle the charge that Socrates is corrupting the youth, but it may only be extended implicitly to the impiety charge.

Arguments for Inconsistency

This view of the situation reflects that Socrates' philosophy and actions may have been in tension or conflict with each other. At the very least, the inconsistency view is most damaging to Socrates' case against the charge of impiety. Some scholars have argued that, while Xenophon explicitly argues for Socrates' piety, Socrates' own, more rationalistic religious convictions and obedience to the daimonion were fundamentally at odds with Athenian religion, aligning better with the beliefs of the Pythagoreans (whose Orphic ideas would have been entirely foreign to the average Athenian) (Brickhouse & Smith, 2002; Drury, 2017; Feng, 2020). Some have also argued that the "persuade or obey" principle leads to a sort of blind obedience when considered in tandem with other principles espoused by Socrates, such as that individuals owe their life to the laws of a city and should obey them no matter what (Brickhouse & Smith, 2002; Drury, 2017; Iuga, 2014).

Regardless of the arguments for consistency or inconsistency, the documented histories tell us that Socrates complies with the verdict passed to him by the jury at the end of his trial. Despite

being offered an escape prior to his execution, he complies with the legal order and remains (Brickhouse & Smith, 2002). In doing so, Socrates through his death embodies the ideal democratic citizen—one who complies with the will of the ruling majority, honoring liberty and order through his self-restraint and acceptance of the punishment for his conviction (Simpson, 2006). Socrates, like More, demonstrates a commitment to the earthly, institutional powers at be while unwaveringly maintaining his oath to obey a higher power's law and order. However, in accepting punishment (in each man's case, death), they also prove that their commitments to obey the civic system of government are firm.

Navigating the Political Issues

The political issue is perhaps the more interesting of the two, as it hinges largely on the interplay between the actual strength of the charges brought against Socrates as well as upon the public perception of Socrates, which undoubtedly would have been shared by those of the jury at his trial. The impiety charge is notably very vague, having been not well defined in Athenian statute (Hansen, 1991, referenced in Feng, 2020); in other words, the validity of this charge is heavily dependent upon the interpretation of the jurors. The matter is one of whether they will be more persuaded by Meletus and the other prosecutors or by Socrates, who worships a “new daimonion” over and above the traditional pantheon (Brickhouse & Smith, 2002).

Equally so, the charge of corrupting the youth is dependent largely on what happened with Alcibiades and Critias during the Peloponnesian War and the reign of the Thirty Tyrants. Though Socrates had a track record of non-compliance with the Tyrants and was even the target of legislation by that oligarchy, the memory of his former students and their impact on Athens is strong. Essentially, Socrates is (in the jurors' minds) undoubtedly “guilty by association” (Drury, 2017).

There is also the political matter of public perception. Aristophanes' *Clouds* had apparently done its damage, and done so to such great extent that, during the trial nearly a quarter of a century after the play's debut, Plato's *Apology* has Socrates responding to his depiction in the play for a portion of his defense (Brickhouse & Smith, 2002). Socrates remains consistent in fulfilling his philosophical mission, a divine commission, despite this perception; even during his defense, when normal court custom would have a defendant try any number of means to garner sympathy in the hopes of acquittal, Socrates purposely defies the norm to instead engage in dialectic. Some have argued that this is Socrates' response to an unjust trial (Bonner, 2014), some that this engagement with the court is instead a moral test of the jurors due to Socrates' being just (Blyth, 2000), and others maintain that Socrates' was merely committed to engaging with the democracy and critiques of its shortcomings, even to the bitter end, as an act of practicing "true art of statesmanship" (Plato's *Gorgias*, quoted in Colson, 1989). Regardless, Socrates' greatest political issue to overcome was perhaps that, although there was freedom of political speech in Athens, he would have to face the consequences of speech that was unpopular (Ober, 2006)—and it appears that, during the trial, Socrates deliberately engages in lines of argumentation and makes remarks that are purposely inflammatory; the initial vote for his conviction is 280 to convict, 220 to acquit, and the death penalty is then proposed by his prosecutors. After further remarks from Socrates and a provocative counter-penalty, there are a stunning 360 votes to sentence against a measly 110 votes to acquit.

Socrates, the Statesman

The primary aim for Socrates appears to have been to cement a legacy of justice and virtue, in fulfillment of his divine commission and philosophical mission (Smith, 1984). By maintaining his loyalty to the divine while fulfilling the requirements of civic law following his conviction,

Socrates essentially ensured that his legacy would live on so long as records of his fate existed. Some argue that Socrates may have deliberately provoked the jury in order to ensure such an outcome, with a carefully crafted image as a just man unjustly condemned to death; who perhaps could have even saved himself, whether through argumentation or the payment of a fine equal to his punishment, but who refused (Eisner, 1982; Kondo, 2011; Quarta, 2003). Socrates' unwavering commitment to the ideal, regardless of motivation, has certainly had the effect of cementing his legacy as both a legendary philosopher; a tragic, ideal hero of democracy; and as a statesman who possessed the four virtues, kept a well-ordered soul, and who maintained his oaths to higher morality and civil authority to his death. Ultimately, Socrates proves himself a statesman not for any rhetorical feat accomplished throughout his trial, but through his willingness to submit to the state for the consequences of pursuing what he believed to be right and good—the cultivation of wisdom, moral rightness, and the well-ordered soul. To flee as Crito implores would be a violation of his covenant to a higher, more just ideal of law, which he believed in until the end and probably thought could be realized through the pursuit of philosophy and its effects on future leaders of Athens.

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