

Socrates, Crime, and Punishment

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Abstract

Among the most memorable moments in the *Apology* is Socrates' bold claim that no one does evil knowingly, and, therefore, no punishment is ever necessary. The so-called Socratic Paradox, at its core, is the idea that knowledge of virtue is all that takes to lead a virtuous life, something that modern readers would generally find rather implausible. In this paper, I shall first articulate apparent difficulties with Socratic Paradox and then put up a defence accordingly. By proving that the argument for Socratic Paradox is, in fact, sound, this paper will also explain exactly why the claim that 'no one does evil knowingly' appears counterintuitive to many at first glance. Namely, philosophy in the ancient world was not merely an intellectual pursuit but a way of life. Finally, I will consider this radically different approach to philosophy's impact on our understanding of punishment.

As the common English phrase 'know better than (to do something)' implies, knowledge is clearly a necessary condition for ethical conduct, but is it sufficient? And what about unethical conduct, is the lack of knowledge, or ignorance, the sole cause of evil-doings? Socrates would have answered 'yes' to both questions. Recurring throughout dialogues, the so-called Socratic Paradox 'virtue is knowledge' and 'vice is ignorance' lies at the heart of Socrates' moral and political philosophy. Fallacious at first glance for a modern reader, Socrates' highly idiosyncratic claim highlights the difference between Socratic and conventional

understandings of the relation between virtue, knowledge, and volition, and provides valuable insights into how one ought to structure education versus punishment in the contemporary society.

The difficulty in understanding the Socratic Paradox starts with terminology. Scholars cannot even agree on whether the plural ‘the Socratic Paradoxes’ or the singular ‘the Socratic Paradox’ should be adopted, since the positive formulation, ‘virtue is knowledge’, and the negative formulation, ‘no one does wrong knowingly’, are not necessarily logically equivalent statements (Mulhern 1968). To thicken the plot, further disputes exist with regard to the exact wording of the negative formulation. Scholars argue at length to distinguish ‘no one errs knowingly’ versus ‘no one errs willingly’. The discussion is not a trivial one and its significance goes beyond mere disagreement in translation. The latter formulation makes a stronger claim for it not only implicitly entails the former formulation (i.e. all actions done unknowingly are done unwillingly but not all actions done unwillingly are done unknowingly) but also introduces a theory of will, which some scholars contend did not exist at Socrates’ time (O’Brien 1958). With the aim to shed light on practices of punishment and instruction, I propose to focus primarily on the stronger claim of the negative formulation, as it is generally agreed in contemporary theories that unintentional omissions deserve different treatments than intentional crimes.

During his cross-examination with Meletus, Socrates argues that since harm onto others ultimately leads to harm for oneself and no one chooses to be harmed willingly, it must be true that no one wishes to be harmed (*Apology* 25c5-26b2). This simple syllogism seems rather problematic. For one thing, the major premise that harm onto others ultimately leads to harm for oneself does not fit particularly well with contemporary experience. It is an unfortunate fact of human society that people commit crimes without getting punished from time to time, and in cases where they do get caught, the harm comes from state sanctions rather than from some intrinsic characteristic of their evil-doings. Even if, for the moment, one falls back from the general claim that ‘no one errs knowingly’, and consider only the particular offence Socrates is indicted with, namely, corrupting the youth, ‘is it even true that people are invariably bad to those who have corrupted them’ (Pangle 2014)? Consider religious extremists, for example, who corrupt their recruits with problematic dogmas and violent

intentions. Do these extremists not further their interests by having corrupted recruits to serve their ends? More importantly, the second premise that ‘no one wishes to be harmed’ apparently ignores two important aspects in human psyche. Firstly, even if some risk of punishment exists, people might still rationally choose to act unethically after a cost and benefit analysis, proving how untenable the jump from ‘not wishing to be harmed’ to ‘avoiding all harms’ is. Next, the second premise also seems to ‘omit [giving] proper attention to the emotional and volitional’ (Grote 1865). People are overcome by their passions and act against their better judgments all the time.

Why did Socrates provide such a flawed argument? Clearly, his defence that ‘he could not have voluntarily corrupted the youth is logically incomplete even on its own terms’ (Pangle 2014). Nor can the argument provide an adequate justification for the larger claim ‘no one errs willingly.’ However, as Hadot points out in *The Figure of Socrates*, the essential feature of the Socratic Method is that ‘it appeals to the individual’ (Hadot 1995). In this mini-dialogue with Meletus, made amidst the trial, Socrates adopts the common language and understanding familiar to Meletus, as well as the jurors present in the courtroom, and asks them to reflect upon the punitive nature of the law. By making such an apparently outrageous claim, Socrates alerts the audience that there is perhaps something deeply wrong with the conventional legal system. If the Socratic Paradox stands, even in its rudimentary form as presented in the *Apology*, law would be a perverse instrument which inflicts double suffering on those who are already harming themselves due to their ignorance.

In the *Protagoras* and the *Gorgias*, Socrates elaborates on his moral outlook and addresses many problems in the watered-down version of the Socratic Paradox in the *Apology*. To start with the weaker claim, Socrates argues that since it is within human nature to pursue what is good only, any moral failure must be a result of intellectual deficiency, that is, ‘no one errs knowingly’ (*Protagoras* 352c-358d). In other words, when people act immorally, it is never the case that they want evil in itself. Rather, individuals are simply deceived by false beliefs, failing to distinguish what is good and what is bad for them. By here drawing an analogy to the reasons why people look for doctors and sailors go on voyage, Socrates appeals to the teleological feature of human actions, arguing ‘it is in pursuit of the good that we walk, when we walk, conceiving it to be better; or

on the contrary, stand, when we stand, for the sake of the same thing, the good' (*Gorgias* 467-468). While exceptions might exist to this generalization about human nature, the fact that it is almost impossible to think of a counter-example indicates the strength of this statement. Even religious extremists never arrange terrorist plots for the sake of pure evil: they kill innocent people only because they believe killing is justified on theological grounds and good for their causes. Of course, some provisos might be needed in order for the argument to apply universally. The person, for example, must have the capacity to do what he or she purportedly thinks is good at the time of action (Luckhardt 1975). Despite room for additional provisos, Socrates' main idea stands firm.

To jump from 'no one errs knowingly' to 'no one errs willingly,' the greatest hurdle is to prove why one cannot possibly act against one's knowledge of the good, that is, why *akrasia*, the weakness of will, does not exist. In fact, since ancient times, the most common line of criticism against the Socratic Paradox is 'the thought that the desiderative, the emotional and the volitional are not given their due by Socrates' (Segvic 2009). Aristotle, for example, in his discussion on voluntary and involuntary actions comments:

'Since an action is involuntary when it is performed under constraint or through ignorance, a voluntary action would seem to be one in which the initiative lies with the agent who knows the particular circumstances in which the action is performed. For it is perhaps wrong to call involuntary those acts which are due to passion and appetite ... Or do we perform noble acts voluntarily and base acts involuntarily? The latter alternative is ridiculous, since the cause in both cases is one and the same. (*Nicomachean Ethics* 111a)'

Interestingly, Socrates does not appear to deny the 'experience of akratic episodes'; instead, he appeals to a rather nuanced distinction between *doxa*, mere belief or opinion, and *episteme*, knowledge, which 'on Socratic view is the secure grasp of truth' (Segvic 2009). People are inclined to believe in the existence of *akrasia*, because they experience *akrasia* in the first-person perspective. Typically, a person who undergoes *akrasia* would believe that he or she acts against his knowledge of what is good, which importantly, is itself a *doxa*, a belief. Additionally, Socrates notices that just like belief, fear must also have an object (i.e. belief about something and fear about something). He then proceeds to

characterize fear as an ‘expectation of evil’ (*Protagoras* 358d), which is essentially a certain belief about the feared object. Presumably, he could similarly characterize other kinds of passions, such as anger or affection, as different kinds of beliefs. Since genuine akrasia is defined as acting against knowledge but not belief, one must conclude that there is no akrasia. When people believe they are overcome by passion, they are really overcome by ignorance. In particular, Socrates would consider this type of ignorance especially problematic, as it is ‘one’s ignorance of one’s own ignorance’ (Segvic 2009) - the exact opposite of the Socratic claim ‘I know that I know nothing’.

The move to rule out the possibility of akrasia, thus proving the thesis ‘no one errs willingly’, however, comes at a great cost. The distinction between belief and knowledge relies on some sort of transcendent notion of truth and justice, which poses significant challenges for attempts to incorporate Socratic moral philosophy in modern practice. The knowledge Socrates talks about is a very specific kind of knowledge. It is an aspiration to a good life. It is the force to see through what appears to be and acquire insight into what really is, something that Socrates agrees cannot be taught through traditional teaching. Traditional teachers who lecture to communicate ‘knowledge’ are at best ‘manufacturers of beliefs’ (*Gorgias* 455), for they cannot penetrate the right and the wrong. As for what kind of education would be sufficient to eradicate ignorance, Socrates refuses to give a simple answer. To invoke the commonly used medical analogy in Socratic dialogues, the best education should be one that cures individuals in the same way as doctors cure a deathly sick patient, with an added nuance, though, that individuals must take the responsibility and actively seek improvement rather than waiting to be cured. For one thing, Socratic dialectics should be part of this education, as interlocutors are active participants in the discovery of truth and meaning of good life. Socrates’ famous claim ‘I know that I know nothing’ could well mean that Socrates knows that he has no communicable knowledge to impart (Segvic 2009). Law may be another component of the education, but definitely not the kind of retributive laws we have in contemporary society. For Socrates, the entire notion of punishment is misplaced: ‘at the bottom of its harshness is the premise that criminals are getting away with something good and that punishment is needed to even the score’ (Pangle 2014). The current criminal justice system seems to have an unhealthy obsession with the

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collective, whereas for Socrates, laws are meant to cure the individual. Since the liberation from ignorance is a gradual process, what Foucault considers the vicious modern disciplinary power, ironically, is the most promising route to delivering on Socrates' vision. However, the crucial difference is that instead of living under the constant fear of being watched by others, one must now subject one's self to regular self-scrutiny and introspection. Since ignorance is the sole cause of wrong-doings, vigilant self-guardianship alone is the cure to human evil.

References

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About the author:

My name is Yucheng Lu. I am a second-year Philosophy and Economics student at LSE. If truth be told, I don't particularly enjoy philosophical argumentations any more. I'd rather sit back and see other people argue. I do not have an opinion if there is no need for one. Especially for abstruse fields of philosophy such as metaphysics and epistemology, I'd be quite happy to accept my deficiency

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as a human being and that maybe my mental faculty simply isn't enough to give answers or even to ask the right questions. I'd rather shut up and live my life. But how then I should live my life? It seems without some philosophy, my life would descend into the world of the mundane, of the unsophisticated, unreflective mass. So long, Socrates, but again, who cares?

A good teacher of mine used to tell me relativism is intellectual suicide. He may well be right. Maybe I have committed suicide. Or maybe silence is the greatest virtue of all.

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