

A PHILOSOPHICAL EXAMINATION OF SOCRATES' ARGUMENT AGAINST CIVIL DISOBEDIENCE

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ABSTRACT

This study is an examination of Socrates' argument against civil disobedience. Socrates opine that an individual is bound to obey the laws of the state at all time and in every condition he or she finds himself. An individual is obliged to always maintain a proper relationship with the state. Socrates, in his political theory, maintains a conservative position towards the laws of the state. The state is sacrosanct so as its laws. Any attempt to disobey the state would pose a destructive danger to the state. The substance of his argument is that when the laws are unjust, we should either try to persuade the legislators to change the laws, or we can register our dissent by lawfully leaving the country and revoking our citizenship. This study examines Socrates' position on civil disobedience. In doing this, we employed analytic method to examine the morality as well as the legitimacy of Socrates argument against civil disobedience. The significance of this research is informed by the necessity to employ appropriate means in expressing disagreement with perceived injustice in the formation and the implementation of the laws of the state without necessarily destroying the state. In this regard, Socrates' view of civil disobedience serves as a guide in examining the concept of civil disobedience. However, civil disobedience has been instrumental to advancing human rights and promoting just order.

Keywords: Civil disobedience, unjust laws, social order, uncivil obedience, moral responsibility

INTRODUCTION

Socrates conceived a healthy state to be one of such that has a proper relationship with the individual members of the state. The state is sacrosanct so as its laws. As such, the state expresses itself through its laws. For Socrates, the citizens owe their very existence to the state. Socrates discourse on state brought to fore the question and nature of justice and injustice in the laws of the state. "If we could watch a city coming to be in theory, wouldn't we also its justice coming to be and its injustice as well" (Plato, 2002, p.369). In engaging in this form of discourse, Socrates intention was to construct a good and an ideal state. The need to construct a healthy state is for the good and benefit of the individual. This led Socrates to classify political justice into two; the justice of a state and the justice of an individual. Because the state is bigger, argues Socrates, it is easier to define the justice of the state than that of the individual. In this regard, it is easier to formulate political justice for the state and to determine its impact on the citizens of the state. Even if the laws of the state were to be manifestly unjust, it is Socrates' argument that they must be obeyed. It is this position this paper seeks to examine.

The existence of injustice in the society cannot be overemphasized. This is probably what Henry David Thoreau had in mind when he exclaims that “Unjust laws exist; shall we be content to obey them, or shall we have succeeded, or shall we transgress them at once”? (Thoreau, 2002, p.289). In the present society, it is continuously observed that the administration and management of the law is a conscious and unconscious subversion of justice, to serve the benefit or interest of the exploiter. Unjust laws are designed to subvert the liberty and rights of the citizens. Consequently, King Jr. defines a just law as a man-made code that square with the moral law or the law of God. An unjust law, according to him, is a code that is out of harmony with the moral law... Any law that degrades human personality is unjust (King, 1958, p.193). It is Gandhi’s contention that the greatest undoing of any citizen in the face of unjust system and institutions is to develop affection for them. He further argues that if one has no affection for a system or a person, one should not hesitate but be free to give the maximum expression to such disaffection, so long as he does not consider, advocate, encourage, or stir up violence (Gandhi, 1960, p.18).

The prevalence of unjust laws in the society gave raise to conscious search for appropriate methods to addressing them. Among others, civil disobedience was fashioned to be an appropriate and effective method in drawing the authority’s attention to the injustice in the laws of the state. While philosophers and theorists such as Henry David Thoreau, Mahatma Gandhi, Martin Luther King Jr., John Rawls, Gene Sharp, among others, believe in the morality and legitimacy of civil disobedience, Socrates nevertheless took an extreme position against the appropriateness of civil disobedience. It is this Socrates position this paper is set to examine.

BRIEF BIOGRAPHY OF SOCRATES

Socrates was born in 470 or 469 BC to Sophoniscus and Phaenarete, a stoneworker and a midwife respectively, in the Athenian deme of Alopece; therefore, he was an Athenian citizens, having been born to relatively affluent Athenians (Plato, 1999, p.41). He lived close to his father’s relative and inherited, as was customary, part of his father’s estate, securing a life reasonably free of financial concerns (Plato, 1999, p.42). His education followed the laws and customs of Athens. He learned the basic skills of reading and writing and, like most wealthy Athenians, received extra lessons in various other fields such as gymnastics, poetry and music (Plato, 1999, p.43). Plato reports that Socrates was married twice to Xanthippe and the daughter of Aristides, an Athenian statesman. While he had three sons for Xanthippe, it is not clearly specified the number of children he had for the other woman.

Another reported incident that reflects Socrates respect for the law is the arrest of Leon the Salaminian. As Plato describes in his *Apology*, Socrates and four others were summoned to the Tholos and told by representatives of the Thirty Tyrants to arrest Leon for execution. Again, Socrates was the sole abstainer, choosing to risk the tyrants’ wrath and retribution rather than to participate in what he considered to be a crime (Plato, 1999, p.47). Socrates died in Athens in 399 BC after a trial for impiety and the corruption of the young that lasted for only a day.

He spent his last day in prison among friends and followers who offered him a route to escape, which he refused. Instead, in accordance with the sentence, he chose to drink hemlock (Plato, 1999, p.57).

CONCEPTUAL MEANING OF CIVIL DISOBEDIENCE

The term “civil” has a clear cut definition only as it relates to man and his society. As defined by *Advanced English Dictionary*, civil means occurring within the state or between or among citizens of the state. In this sense, civil refers to the affairs of the state as related to the co-operate co-existence among the individuals, social groups, various associations, unions, government, etc. Within this context, it makes sense for us to refer to civil disobedience, civil strife or civil co-operation.

Again, civil means “not rude”. This refers to the utmost adherence to social order and maximum respect or consideration for others. The relevance of this can be seen from the social contract theories of the pre-civil society which was characterised by unruly behaviour of man towards his fellow man. It was characterised by war, strife and conflicts. According to Hobbes, it is the formation of an organised society that ushers in order, respect and value for human life (Hobbes, 1991, p.221).

Civil is also defined as relating to or benefiting citizens as individuals: In this perspective, civil refers to rights, liberty, duties and moral obligations as it applied to the citizens. It also means, as it applied to ordinary citizens, civil laws and civil authorities which creates social order in the society.

On the other hand, disobedience, as opposed to obedience, means the trait of being unwilling to obey or the failure to comply. Disobedience as used in socio-political philosophy refers to an act of non-compliance to laws or policies made by the government. Generally, what usually leads to disobedience to a larger extent is the prevalence of unjust laws, anti-people and immoral policies made by the government. In this regard, the only way to express displeasure and non-compliance to immoral laws is through civil disobedience in the form of non-violent resistance.

Civil disobedience means a pragmatic and direct action taken by a group of people in refusing to obey anti-people’s policies passed by the government. It is a social action that is directed towards addressing the immoral laws and anti-people policies of the government. Hence, *The Oxford Companion to Philosophy* defines civil disobedience as unlawful public conduct designed to appeal to the sense of justice of the majority, in order to change the law without rejecting the rule of law. Thus non-violence and non-revolutionary intent, as well as a willingness to accept lawful punishment, are often treated as defining conditions of civil disobedience (1994, p.136).

Thoreau was convinced that all men recognize the right of revolution; that is, the right to refuse allegiance to and to resist the government, when its tyranny or its inefficiency are great and

unending (Thoreau, 2002, p.285). Therefore, he sought to provide a means through which people can through a nonviolent process bring about the desired change. Hence, Thoreau asserts that if a law is clearly unjust and the law-making process is not designed to quickly obliterate such unjust laws, then the law deserves no respect and should be broken. He maintained that refusal to give support to an unjust government is a powerful force that can compel them to review their policies, laws and even attitude.

On his part, Gandhi made civil disobedience the primary moral force behind his leadership of the Indian Nationalist Movement. Gandhi conceived civil disobedience as a civil breach of immoral statutory enactments. He argues further that civil disobedience presupposes the habit of willing obedience to laws without fear of their sanctions. It can therefore be practiced only as a last resort and by a selected few in the first instance at any rate. Gandhi explained that it is only on the condition of complete obedience to the law that man is justified in the quest to protest against immoral laws (Gandhi, 1952, p.245). He was persuaded that civil disobedience is the inherent right of all citizens, that whenever he gives it up, he ceases to be a man.

Rawls conceptualized civil disobedience on the concept of duty. Rawls was determined to search out the point in which the duty to comply with laws enacted by a legislative majority become binding in view of the right to define ones liberty and the duty to oppose injustice. Rawls pointed out that civil disobedience is addressed to the majority by the minority that in their considered opinion the principles of justice should be adequately adhered to. He consequently defines civil disobedience “as a public nonviolent, conscientious and yet a political act contrary to law usually done with the aim of bringing about a change in the law or policies of the government” (Rawls, 1971, p.365).

SOCRATES’ ARGUMENT AGAINST CIVIL DISOBEDIENCE

Socrates presented a different conception of civil disobedience and he expressed this conception when he was in prison via his discussion with *Crito*. In his books entitled *Apology and Crito*, Plato presented Socrates defense and argument against civil disobedience. Socrates defended himself against the charge of impiety the state has levelled against him. He was also charged of educating and corrupting the youths. Despite his self-defense, Socrates was convicted of the charge and was consequently sentenced to death. While preparing for the sentence, Socrates explained in the final section of *Crito* why, even though he felt he had done no wrong, he will not try to evade his punishment. While in prison his friend *Crito* visited him. During this visitation, *Crito* presented Socrates the opportunity of escape to another country with his family, Socrates turned down this offer and argued that it is never right to disobey the state. Udoidem identified two basic premises upon which Socrates predicated his argument against civil disobedience. Thus, Udoidem stated that:

Socrates argues that there is a natural paternal contractual relationship between the state and the citizen. It was the laws of the state that allowed for the marriage between Socrates father

and his mother and by this fact the state fathered Socrates from birth... Socrates advanced another kind of argument, which could be described as the “tacit consent” argument. He argues that since he (Socrates) had accepted the protection of the state from childhood and all the other good things that the state provided, he did not complain about them and did not choose to leave for another country, it means that he had agreed with the state laws and therefore there is no justification for seeking to destroy the state (2000, p.100).

Socrates had a deep conviction that to escape or disobey the decision of the state would amount to breaching the agreements above as a citizen. Socrates kicked against civil disobedience of whatever form it assume and urged citizens to always obey the laws made by the state not minding whether they are just or unjust. As reasoned by Socrates, because of the tacit agreement the citizen made with the state, it is never good to disobey any law of the state.

Socrates demonstrates his conviction of civil obedience through his argument against returning wrong for wrong. According to him, unjust actions harm and just actions benefit, and so, one must never do wrong nor must one, when wrong, inflict wrong in return, as the majority believed, since one must never do wrong (Plato, 1999, p.50-52). In other words, when one performs an action that is unjust or wrong, they are doing damage to themselves on a non-physical analogous to physical self-injury, and in the same way one intuitively avoids physical injury, they should avoid injury to themselves incurred to their spirits by wrongdoing in all cases, even in revenge for Socrates, breaking the law, even if the law is unjust, represents an unjust action in the sense that it undermines the agreements that he has entered into with the city’s inhabitants.

Arguing further, Socrates considered exile to be a direct act of revenge, a doing wrong in response to being wronged, Socrates does not want to violate the laws of the City by escaping into exile on the basis that those laws have created undesirable outcomes for him. It is clear, then, that Socrates never intended to break any laws, and certainly not with any political objectives that King Jr. might have envisioned. Therefore, since civil disobedience requires the intentional breaking of law to show the injustice of a law, Socrates, through his actions, disapprove of civil disobedience.

CHARTING THE TERRAIN OF CIVIL DISOBEDIENCE: THE SOCRATIC STAND POINT

The concept of civil disobedience presupposes that something virtuous (obedience) is being negated. The term ‘disobedience’ connotes negative action. Even if it comes into play in our contemporary society, it is conceptually wrong and negatively viewed. Disobedience, as opposed to obedience, means the trait of being unwilling to comply, or the failure to obey generally accepted policies or laws of government. Disobedience as the term implies, is a vice,

while obedience is a virtue. Virtue, according to Aristotle: “Is the result of a habit; it is an internal disposition, a permanent state of mind inclined towards good actions which spring spontaneously from it” (Omeregbe, 1993, p.160).

By implication, vice is evil and it offends the moral standards of the community, and it also presupposes the moral weakness of anybody who engages in it. Virtue is the state of mind which spontaneously gives rise to good actions as a matter of habit. Consequently, from Socrates stand point, no matter the perceived goodness of the end-product of civil disobedience, the concept itself has invalidated the act, simply because the concept is negative, and negativity should not be used to challenge or fight negativity.

Another argument put forth by Socrates reflect the perspective of the Social Contract theories. They argued that a man who has lived in a particular society all his life, being protected by the government and the law, and has benefited from the government services and social welfare schemes has, to a large extent, no moral justification to violate the laws of the society. The merit of this argument is that if at the point of birth till adulthood, one fails to emigrate from his state to another state, he has tacitly entered into an implied agreement with the state to be one of its citizen. Being a citizen of a state means there is a mutual consent between the state and the individual. On the part of the state, the agreement is that “you are subject to me, I will protect and safeguard you. I will provide a platform for you to realise your potentials and develop yourself materially, spiritually and mentally; and you in return, will obey me and be loyal to my dictates”. On the part of the individual, the contract is that “you will allow me the right of self-preservation; you will protect me and my property, and care for my well-being.” Then, an agreement is struck; the two parties are expected to keep to this agreement. The state on its part made it possible in the first place, for your parents to get married, live together and gives birth to you. At your birth, the state nurtures, protects and shelters you. You live under the protection of the laws, your conduct is regulated via the state’s laws, your mental development and character formation was guaranteed by the state. You have reaped the benefit of being a citizen of the state, you also have an obligation to the state to obey its laws, you cannot enjoy being a citizen when it is convenient, expecting the government to hold up to its end of the bargain, and then turn around and disobey it when it is convenient for you to do so. Therefore, they concluded that “civil disobedience is a violation of the social contract that every citizen has tacitly approved” (Lawhead, 2003, p.609-610).

ON THE FLIP-SIDE OF THE ARGUMENT

We hold Socrates in high esteem; admire his courage and his spirit of nonviolence even in the face of death. We nevertheless disagree with his conception of civil disobedience, because carefully looking at Socrates view of civil disobedience; one would discover that Socrates only emphasized the responsibility and obligation for one to obey the laws of the state. However, he fails to conceptualise the right or the duty of man (as derived from the same tacit agreement he has entered into with the state) to disobey immoral or unjust laws. Or, should a man conform

himself to that which degrade his personality and thus dehumanised him? The perspectives of the proponents of civil disobedience provide the necessary answers to the above question.

The arguments of Thoreau, Gandhi, King Jr and Rawls clearly show that civil disobedience is necessary for a healthy society. Thoreau considered civil disobedience to be the inalienable right of man. For Thoreau therefore, it is never justified to conform or cooperate with an oppressive system. Thoreau was able to establish the fact that it is incompatible with man's moral dignity to work for or cooperate with an institution which represents legalized murder and robbery. For him, nonviolent civil disobedience becomes imperative when the system is engrossed with oppression and injustice.

The strength and purity of civil disobedience requires that a civil resister never uses arms and violence against the state. The argument is that civil disobedience becomes a sacred duty when the state has become lawless and corrupt, and that for the citizens to barter with such state, they (the citizens) inadvertently share from that corruption and lawlessness. Civil disobedience for Gandhi involves disobedience against unjust laws or government in a civil manner that involves non-violent approach. By implication, it is the act or law that determines whether civil disobedience is questioned or not. The 'act' must be non-violent with the aim of winning over the opponent. This excludes wishing them harm and humiliation. What gives strength to civil disobedience is the perception of the unjustness of the law (Gandhi, 1952, p.22).

Rawls pointed out some silent issues in civil disobedience; first, he held that civil disobedience is a political act; this is because it is an act which is guided and justified by political principles of justice which regulate the constitution and social institution (Bedau, 1991, p.68). He therefore opines that one does not justify civil disobedience based on personal morality or on religious doctrine. Secondly, he held that civil disobedience is a public act such that, it is done in public and it is openly engaged in with fair notice. Also, civil disobedience is nonviolent because "it expresses disobedience to law within the limits of fidelity to law, although it is at the outer edge thereof" (1971, p.106).

Consequently, the limit of the state is clearly seen through its obligation to uphold and maintain fundamental justice and the rights of citizens. The assumption is that the authority of the state could diminish if the state enacts laws that violate these core principles. When laws are designed to violate inalienable rights, such as right to life, adherence to uphold such fundamental rights and to defend ones dignity may take precedence over state authority. At this point, citizens may be morally justified in refusing obedience to laws or ordinances that clearly and potentially threaten their dignity and moral worth.

Again, the assumption of democratic state is that its legitimacy is derived from the consent of the governed. It is argued that the shape of governance and the state power structure are determined by the peoples' willing obedience and participation in democratic activities of the state. The logic of this argument is drawn from the instrumental value of civil disobedience. Civil disobedience serves as a means of communication in highlighting a perceived possible

infraction by the state on the common shared conception of justice that underlies the political order.

The state has always repressed citizens who expressed open and willing disobedience to its laws. This is argued to be a violation of democratic spirit. The disproportionate repression through extreme state measures against seemingly nonviolent civilly disobedient actions clearly undermine democratic principles which inevitably threatens violence and possibly counter-violence. The legitimacy of the state could be in jeopardy with repeated cycle of violence. The state, within its democratic ambience, has a duty to provide protection for peaceful expression of dissenting views. This is because the actions of civil dissenters are non-evasive, i.e. they do not seek to escape punishment (Krahn, 2025, p.6). Similarly, in civilly expressing dissent to unjust laws, the citizens are demonstrating a willing obedience to and undaunted fidelity to the state. This is different from uncivil obedient actions (Kling, 2025, p.20).

Uncivil obedience, from Kling delineation, refers to blind following of orders, rules and ordinances without closely examining or questioning their morality and legitimacy. Such rigid or blind adherence to authority often conflict with the citizen's moral responsibility to question unjust and discriminatory laws. The conflict between uncivil obedience to authority and the moral duty to say no to tyranny and unjust laws benchmark the theory of civil disobedience.

CONCLUSION

Socrates' discourse on civil disobedience is most thought provoking. His discourse brought to fore the duty of the state to its citizens and the corresponding obligation of the citizens towards the state. Socrates drew our attention to the importance of critically examining the laws and authority of the state. His rejection of Crito's offer lays emphasis on the importance of citizen's moral responsibility, integrity and authenticity. Above all, Socrates refusal to escape from prison highlights the tension between state's authority and individual rights. It sparks debate about the limits of state power. At the end of the day, going against the state and its laws can be seen or viewed as treasonable by the government. However, blindly following every law, even the unjust ones, is out of place. Keeping mute in the face of injustice is never the right thing to do. Civil disobedience should be seen as a way to change public opinions and perceptions on issues that are morally wrong, but legal by civil law. Although, violent methods and wars have been used most often in history as ways to reach a supposed peaceful goal in order to establish dominance of freedom. However, the theories and examples of Thoreau, Gandhi, King Jr. and Rawls all proved civil disobedience as a peaceful and effective method of attaining peaceful and lasting goals. In promoting social change and challenging unjust laws, civil disobedience has been instrumental to advancing human rights and promoting just order.

REFERENCES

- Bedau, H. A. (1991). *Civil Disobedience in Focus*. London: Routledge.
- Gandhi, M. K. (1960). *All Men are Brothers*. Ahmedabad: Navajivan Publishing House.
- Gandhi, M. K. (1952). *My non-violence*. Ahmedabad: Navajivan Publishing House.
- Hobbes, T. (1991). "Leviathan". In *Great Political Thinkers Plato to the Present*. Eds. Ebenstein, William and Ebenstein, Alan. Chicago: Holt, Rinehart and Winston Inc.
- King Jr., M. L. (1958). *Stride Towards Freedom: The Montgomery Story*. New York: Harper & Row Publishers.
- Kling, J. (2025). The Nature, Ethics, and Politics of Uncivil Disobedience. *Journal of Pacifism and Nonviolence*, 3(1), 1-31.
- Krahn, Henry. (2025). Civil Disobedience: Seeking Justice by Breaking the Law. 1000WordPhilosophy.com
- Lawhead, W. (2003). *The Philosophical Journey: An Interactive Approach*. New York: Mcgraw-Hill Companies, Inc.
- Omoregbe, J. (1993). *A simplified history of western philosophy*. Vol.1. Lagos: Joja Educational Research and Publishers Ltd.
- Plato. *Five Dialogues*. (2002). Indianapolis: Hackett Publishing.
- Plato. *Crito*. (1999). Bristol: Bristol Classical Press.
- Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- Simon, Blackburn. (1994). *Oxford Dictionary of Philosophy*. New York: Oxford University Press.
- Thoreau, H. D. (2002). *On the Duty of Civil Disobedience*. U.S.A.: Project Gutenberg.
- Udoidem, S. I. (2000). *The dialectics of betrayal and revenge in Nigeria's political history: 1951 to present day*. Koinonia.