

THE APOLOGY

Socrates

THE APOLOGY

S O C R A T E S

As Related by Plato

Edited and Modernized by
JEFF HOOD

THE ABOLITION CLASSICS
V. 1

The texts that built the case against the death penalty

C O M P L I C I T P R E S S

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Original text: Plato, Apology, c. 399–387 BCE.

This edition newly set and modernized from the Jowett translation.

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Printed in the United States of America

First edition

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FOREWORD

Socrates was tried for his life in 399 BCE. The charges were impiety and corrupting the youth. He was convicted by a jury of five hundred Athenian citizens. He was executed by hemlock. He was seventy years old. He had not, as far as anyone could tell, committed any crime.

I keep coming back to the simplicity of those facts. Socrates was killed by a democratically administered legal process for the crime of asking too many questions and making powerful people uncomfortable. The mechanism that killed him was not a tyrant's decree or a military execution. It was a vote. Five hundred people looked at a seventy-year-old man who had spent his life serving his city and decided he should die. That is not an aberration in the history of capital punishment. It is one of its clearest illustrations.

What makes the *Apology* unique in the literature of this series is that it is the condemned person's own voice — or as close to it as we can get. Socrates did not write the *Apology*. Plato wrote it, probably within a decade of the trial, drawing on what he witnessed. But the voice is Socrates's voice: arguing, questioning, refusing to beg, declining to compromise his position to save his life. Every other text in this series is written by someone looking at capital punishment from the outside. The *Apology* is written from the inside, by the person about to be put to death, addressed to the people who are about to do it.

I have spent years accompanying people in exactly this position. The condemned person who maintains their dignity in the face of the state's power to kill them is not an unusual phenomenon. I have seen it. The person who insists, even on the day of execution, that the truth matters more than their survival — that is a real thing that happens. Socrates did not invent this. He exemplified it with unusual clarity, and Plato recorded it with unusual skill, and together they have given us something that remains, twenty-four centuries later, the most powerful single document in the literature of resistance to the state's claim to take a life.

The *Apology* belongs in this series because it is the founding document of the tradition that every other book in the series belongs to. Lactantius knew Socrates. Beccaria knew Socrates. Rush knew Socrates. Nearly every philosopher and legal reformer who has argued against capital punishment has argued in a tradition that begins here, with a man standing before a court and saying: you can kill me, but you cannot make me wrong.

Socrates's final words in the *Apology* are these: the hour of departure has arrived, and we go our ways — I to die, and you to live. Which is better, God only knows. He did not know whether death was a good or an evil. What he knew was that injustice was certainly an evil, and that submitting to it to preserve his life would have required him to become something other than what he was. He chose not to. I find that choice worth understanding in 2026, when the courts of the United States continue to sentence people to death, and when the question of who those people are — and whether the process that kills them is just — remains as urgent as it was in Athens in 399 BCE.

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2026

A NOTE ON THIS EDITION

Socrates (470–399 BCE)

Socrates was an Athenian philosopher who wrote nothing. Everything we know about him comes from others — primarily from the dialogues of Plato, from the writings of Xenophon, and from the comic caricature in Aristophanes's *Clouds*. He was the son of a stonemason and a midwife; he was ugly, by ancient accounts, with a flat nose and protruding eyes; he went barefoot, neglected his family's finances, and spent his days in the marketplace of Athens questioning anyone who claimed to possess knowledge or wisdom. He was a veteran of the Athenian army, having distinguished himself at three battles. He served once as a senator. He refused a command from the Thirty Tyrants that would have made him complicit in a murder. He had three sons and a wife named Xanthippe, who appears briefly in the *Phaedo* on the day of his death.

His method was conversation. He did not lecture or write treatises. He walked around Athens and asked questions — specifically, questions designed to reveal that people who thought they possessed knowledge did not. This method made him famous and made him enemies. The famous and the powerful found it intolerable to be shown, in public, that they did not know what they thought they knew. By the time of his trial he was seventy years old and had accumulated enemies across every class

of Athenian society: politicians, poets, and craftsmen had all felt the sting of his questioning.

The trial took place in 399 BCE, during a period of political instability following Athens's defeat in the Peloponnesian War and the brief and brutal rule of the Thirty Tyrants. The charges — impiety and corrupting the youth — were broad enough to be shaped by political resentment. Three accusers brought the indictment: Meletus, a poet; Anytus, a politician and businessman; and Lycon, a rhetorician. Socrates was convicted by a vote of 280 to 220. He was then sentenced to death after refusing to propose a serious alternative penalty — by a wider margin than the conviction, according to Diogenes Laertius, though Plato gives no figure. He was executed by being required to drink hemlock.

The Apology

The Apology is divided into three parts. The first is the defense proper — Socrates's response to the charges, including his famous account of the Delphic oracle, his cross-examination of his accuser Meletus, and his refusal to abandon his philosophical mission even to save his life. The second part is his address to the jury after the guilty verdict, in which he proposes a counter-penalty with characteristic irony. The third is his final address, divided between those who voted to condemn him and those who would have spared him, ending with the meditation on death that concludes the text.

Whether the Apology reproduces what Socrates actually said at the trial is a question that cannot be answered. Plato was present. He almost certainly remembered the substance of what was said and the spirit in which it was said. But the Apology is also a literary composition of great skill, and Plato was a literary artist of the first rank. The text we have is Plato's Socrates, not simply

Socrates — which is to say, it is probably as close to Socrates as we are ever going to get.

The translation used as the basis for this modernization is Benjamin Jowett's, first published in 1871. Jowett's Plato defined the English reception of the dialogues for generations and remains one of the most readable versions available. The present edition updates Jowett's Victorian prose into contemporary language, reorganizes the text into titled sections for clarity, and provides editorial context for the historical and philosophical background that the original audience would have possessed.

The Modernization

This edition presents the full argument of the *Apology* in condensed modern English. No argument has been omitted and no position softened. Socrates's irony, his refusal to conciliate, his absolute insistence on the priority of virtue over survival, and his final meditations on the nature of death are all preserved. What has been condensed is repetition and local detail: where Plato's Socrates names a dozen men in the courtroom or circles an argument three times, this edition names fewer and circles once. Nothing that carries weight has been left out. The chapter divisions are editorial, intended to make the argument's structure visible to a contemporary reader who may not already know the text. The dialogic exchange with Meletus is set out as dialogue rather than continuous prose, to make the cross-examination easier to follow.

The relevance of the *Apology* to this series is not merely historical. Socrates articulates, in the course of his defense, several arguments that recur in every subsequent abolitionist text: that killing a person does not eliminate the truth they represent; that the state's claim to administer justice is subject to moral limits it does not set; that the fear of death is not a reason to abandon

what is right; and that the harm done to the condemned by an unjust execution is less than the harm done to those who carry it out. These arguments are here for the first time. They will recur in Lactantius, in Beccaria, in Rush, in Romilly, and in every other voice in this series.

The Series

The Abolition Classics is published by Complicit Press to make the texts that built the case against the death penalty available in contemporary language. *The Apology* stands at the beginning of that tradition.

*“The difficulty, my friends, is not to avoid death, but to avoid
unrighteousness; for that runs faster than death.”*

— Socrates, The Apology, 399 BCE

THE APOLOGY OF
SOCRATES

I. In My Own Words

How you, men of Athens, have been affected by my accusers I cannot tell. But I know that they almost made me forget who I was — so persuasively did they speak. And yet they have hardly uttered a word of truth. Among all their falsehoods, one in particular amazed me: when they warned you to be on your guard against the force of my eloquence. To say this, when they were certain to be found out the moment I opened my mouth, appeared to me most brazen — unless by eloquence they mean the force of truth. If that is what they mean, I will admit to it. But they have scarcely spoken the truth at all. From me you will hear the whole truth — though not delivered in the polished manner of a trained advocate, with words carefully arranged for effect. You will hear the words that occur to me as I speak, because I am confident in the justice of my cause. At my age, I ought not to be appearing before you as a juvenile orator. Let no one expect that of me.

I ask only this: if I speak in the way I have always spoken — in the marketplace, at the tables of the money-changers, in the streets of this city — do not be surprised and do not interrupt me on that account. I am more than seventy years old, and this is the first time I have appeared in a court of law. I am a stranger to the language of this place. Consider me, then, as a foreigner speaking in his native tongue. Never mind the manner of it; attend only to whether what I say is true. That is the single obligation of the speaker and the judge alike: to speak truly, and to decide justly.

II. The Old Accusers

I must address two sets of accusers. There are my recent accusers — Meletus, Anytus, and Lycon, who have brought this formal charge. But there are also older accusers, far more dangerous, who began working against me when you were children. They took possession of your minds with their falsehoods: that there is a man named Socrates, a wise man, who speculates about the heavens, searches into the earth, and makes the worse argument appear the better. Those who heard this when young came to believe it, and the belief hardened before there was any opportunity to challenge it. These accusers are the most dangerous of all, because I cannot name them, I cannot cross-examine them, and I must fight shadows.

The old charge can be summarized from the comedy of Aristophanes, who put a man called Socrates on stage, walking through the air and talking nonsense about natural philosophy. That is not me. I have nothing to do with physical speculation — not because I despise it, but because I know nothing about it. You can ask anyone here who has ever heard me speak. They will tell you I never hold forth on such matters.

Nor am I a paid teacher. Though, I will say, if a man were genuinely able to instruct people in virtue, he would deserve to be paid very well indeed. I once put the question to Callias, who has spent more money on teachers than any man in Athens. Callias, I said, if your two sons were foals or calves, we would have no trouble finding someone to take charge of them — a horse-trainer

or a farmer, someone who could bring out the excellence proper to the animal. But they are men. Who is it that understands the excellence proper to a man and a citizen? There is such a person, he said: Evenus of Paros, and his charge is five minas. Happy Evenus, I thought, if he really possesses such wisdom and parts with it so cheaply. I would be very proud if I could say the same. But I cannot. I have no such knowledge to offer.

III. What the Oracle Meant

You may wonder, then, where all this suspicion and hostility comes from. I will tell you. It comes from a mission that was laid upon me by the god himself. The story begins with my friend Chaerephon, who went to Delphi and asked the oracle whether anyone in the world was wiser than Socrates. The oracle answered: no one.

When I heard this, I was baffled. What can the god mean? I know that I have no wisdom, small or great. And yet a god cannot lie. After long consideration, I decided to test the answer. I would go and find someone who was genuinely wiser than I was, and bring him as a living refutation to the oracle. I would say: here is someone wiser than Socrates; you were wrong.

So I went to a politician who had a great reputation for wisdom. I talked with him. When I examined him, I found that he was not wise, though he thought himself wise and was thought wise by many others. I tried to show him this. He hated me for it, and so did several who were present. I left thinking: well, neither of us knows anything genuinely beautiful and good, but I am better off than he is, because he knows nothing and thinks he does, while I know nothing and know it.

Then I went to the poets. I expected them to be wiser. But when I asked them to explain what they had written, I found that almost anyone in the room could have spoken about their poetry more intelligently than they could themselves. They compose not from wisdom but from inspiration — like oracles, who say many

fine things without understanding what they mean. And on the strength of their inspiration they imagined themselves wise about everything else as well. I left them too.

Finally I went to the craftsmen. Here at least I found genuine knowledge: they knew things I did not know, and that much I was ready to grant them. But they made the same mistake as the poets. Because they were skilled at their craft, they thought themselves wise about great matters too. And that one defect outweighed their genuine knowledge.

This is the conclusion I drew from my investigation: God only is wise, and by the oracle's answer he means to say that human wisdom is worth little or nothing. He is not speaking of Socrates in particular; he is using my name as an example: as if to say, the wisest among you is the one who, like Socrates, knows that his wisdom amounts to nothing. This is my mission. I go about the world in obedience to this oracle, examining anyone who appears to be wise. When I find he is not wise, I show him that he is not. This occupation has consumed my life. It has left me in poverty. And it has made me enemies in every quarter.

IV. The Cross-Examination of Meletus

Now I turn to the formal accusers. Meletus, who is present, has charged me with corrupting the youth and not believing in the gods of the city. Since he is here and can be questioned, I will question him.

He steps forward. I ask him:

Meletus, you care a great deal about the improvement of the young? Yes? Then tell me: who improves them? You have taken the trouble to discover who corrupts them, and have brought that person into court. Who, then, is their improver?

Silence. He has no ready answer.

Speak up, Meletus. Is it the laws? But that's not what I asked. I want to know the person. Who is it?

The judges, says Meletus. They improve the youth.

What, all of them? And the audience here — do they improve the youth?

Yes, says Meletus. All of them.

And the senators? And the members of the assembly?

Yes, yes. They all improve them.

So everyone in Athens improves the young — everyone except me, and I alone corrupt them? Is that what you are saying?

That is exactly what I am saying.

What extraordinary good fortune for the young people of Athens. Consider: with horses, the opposite is true. Only a few people — the trained horse-handlers — do them good. Everyone else does them harm. Are you really suggesting that with human beings, every single Athenian citizen improves the young, and only I corrupt them? You have just shown this court that you never gave the young a moment's thought in your life. You do not care about the very thing you have hauled me here to answer for.

Now let me ask you something else.

Is it better to live among good citizens or bad ones? Answer me. Do the good not benefit the people around them, and the bad harm them?

Of course.

And is there anyone alive who would rather be harmed by the people he lives among than helped by them?

No one.

Then when you say I corrupt the young, do you say I do it deliberately, or without meaning to?

Deliberately.

Look at what you have just claimed. You say the bad harm those closest to them. You say no one prefers to be harmed. And you say I deliberately make the people I have to live among worse — knowing that they will then be in a position to harm me. Nobody will ever believe that. So either I do not corrupt them at all, or I corrupt them without meaning to, and on either reading your charge fails. If the harm is unintentional, the law does not bring a man to court for it. You should have taken me aside and told me. Had I understood, I would have stopped. Instead you never

spoke a word to me in private, and you have brought me to a place that exists to punish rather than to instruct.

Now the second part of the charge: that I do not believe in the gods of the city, but introduce new divine beings.

What do you mean exactly, Meletus? That I believe in some gods but different ones? Or none at all?

None at all. You are a complete atheist.

What an extraordinary claim. Do you mean that I deny even the existence of the sun and moon, as other men acknowledge them?

He says the sun is stone and the moon is earth.

Meletus, you are confusing me with Anaxagoras. Those doctrines fill his books. They turn up on the stage often enough as well, and the price of admission is a drachma at most. The young men of Athens can pay their money and laugh at me if I pretend such ideas are my own. Surely you do not think this court so illiterate as not to know where they come from.

Here is the contradiction I want the court to see. Meletus has charged me with atheism. But his own indictment says I introduce new divine beings. So let me put it plainly. Did any man ever believe in horsemanship without believing in horses? Or in flute-playing without flute-players? No one ever has. The activity presupposes the practitioner. Then can a man believe in divine activities and not believe in divinities — in spirits, in demigods? He cannot. And what are demigods? They are either gods themselves or the children of gods. You might as well grant the existence of mules while denying that there are horses and asses. So by Meletus's own indictment I believe in divine beings; divine beings are gods or the children of gods; therefore I believe in gods. He has constructed a riddle, and not a very good one. He wrote it because he had nothing real to accuse me of.

V. Why I Will Not Leave My Post

I have said enough about Meletus. The greater danger to me is not him but the accumulated resentment of the many people whose pretended wisdom I have exposed over the years. That is what will destroy me if I am destroyed — not any specific charge, but the envy and hostility of a world that does not like to be examined.

Someone will say: Are you not ashamed, Socrates, of a way of life that is about to get you killed? To that I answer: a good man does not calculate whether he will live or die. He asks only whether what he is doing is right or wrong. Consider Achilles, who knew that if he killed Hector he would die, and killed him anyway, because he thought it dishonorable to do otherwise. The question was not survival but integrity.

I have been placed at my post by God. I remained at my post at Potidaea and Amphipolis and Delium when the generals placed me there. Shall I now abandon my post because I am afraid to die? That would be the worst kind of hypocrisy. The fear of death is itself a kind of ignorance — a pretense of knowing what is unknown. No one knows whether death is a good or an evil. I do know that injustice and disobedience to a higher authority is an evil. I will not avoid a possible good to escape a certain wrong.

If you were to say to me: Socrates, we will let you go, but only if you stop this philosophical questioning — I would answer: I honor and love you, men of Athens, but I will obey God rather

than you. While I have life and strength I will not cease from the practice of philosophy. I will continue to examine you and everyone I meet, asking: are you not ashamed of piling up wealth and reputation while giving so little thought to wisdom, truth, and the state of your soul? And if anyone claims to care about virtue but cannot show it under examination, I will say so. This is the command of God. I believe no greater good has ever been done to this city than this service.

Do not interrupt me. Hear me to the end, because what I have left to say may be the most useful thing you hear today. If you kill a man like me, you will injure yourselves far more than you will injure me. Meletus cannot harm me. Neither can Anytus. Neither of them has the power, because I do not believe a worse man is permitted to harm a better one. Anytus may kill me, or drive me into exile, or strip me of my rights as a citizen, and he may well believe he is doing me a great injury. Many of you may believe it too. I do not. The far greater evil is the one he is doing now — taking a life unjustly. That evil stays with the man who does it.

VI. The Gadfly and the City

I am not arguing for my own sake now but for yours. If you kill me, you will not easily find a successor. I am, to use a somewhat absurd image, a gadfly given to the state by God. The state is like a large and noble horse — thoroughbred, proud, powerful, but slow to stir because of its very size. I am the gadfly that keeps it moving: fastening on you, arousing you, persuading you, reproaching you, all day and in every place. You will not easily find another like me. And if you kill me, you may sleep undisturbed for the rest of your lives, unless God in his care for you sends another gadfly.

You may wonder why, if I have this mission from God, I have never entered public life. The answer is the divine sign — the inward voice that has guided me since childhood. This sign always dissuades and never commands. It has kept me out of politics, and rightly so. If I had tried to fight for justice in public life, against the many unjust things that are done in the governance of any city, I would have been killed long ago and done no good to anyone. A man who is seriously committed to justice must work in private, not in public, if he wants to survive even briefly.

Let me give you evidence in the form of action, not words. I served once as a senator. When you wished to try the generals who had failed to recover the bodies of the slain after the battle of Arginusae — a trial I believed to be illegal — I was the only member of the presiding committee who voted against it. The orators threatened to impeach me. The crowd shouted at me. I held

my position anyway, preferring to stand with the law rather than assist in an injustice out of fear of imprisonment or death.

And under the Thirty Tyrants, when they sent for me and four others and ordered us to go to Salamis and bring back Leon so that he could be executed, I simply went home. The others went to Salamis. I went home. If the tyranny had not soon come to an end, that refusal might have cost me my life. But there was nothing else to do. I was not going to be made complicit in murder by the mere force of a government's arm.

VII. On Not Begging

I have said nearly all I have to say. Let me add this: I will not do what you are accustomed to see from defendants in capital cases. I will not weep. I will not bring my children before you to move you to pity. I will not produce a parade of relations and friends to vouch for my good character. I am not made of wood or stone, as Homer says, and I have a family — three sons, one nearly grown — but I will not use them as instruments to secure your mercy.

Why not? Not from arrogance. Not because I lack respect for you. But because such scenes bring discredit on the city and on the man who performs them. A man who has reached my years, and who has any reputation for wisdom or virtue, ought not to behave as though death were some unspeakable horror that must be escaped at any cost. I have seen men of great reputation in this city, when convicted, behave as though they were about to suffer the worst conceivable fate — weeping and wailing as if they could make themselves immortal by it. That is dishonor to them and to us.

There is also a matter of principle. You have sworn an oath to decide justly. If I persuade you by weeping and begging rather than by giving you the truth, I am asking you to break that oath. I cannot do that. I am on trial for impiety. It would be a strange kind of defense to commit an act of impiety in the course of making it. And to you and to God I commit my cause, to be determined as is best for you and for me.

ON NOT BEGGING

He is convicted.

VIII. After the Verdict: On Penalty

There are many reasons why I am not particularly distressed by this verdict. I expected it. What surprises me is how close the vote was. If thirty votes had gone the other way, I would have been acquitted. And I believe I have escaped Meletus entirely: without Anytus and Lycon behind him, he would not have received a fifth part of the votes, and would have incurred a fine of a thousand drachmae under the law.

Now Meletus proposes death as the penalty. What shall I propose? What is my due? I am a man who has never had the wit to be idle, who has ignored wealth and family interests and political ambition, and has spent his life going about privately exhorting every citizen he met to put virtue and wisdom before money and reputation. What is the fitting return for such a person?

I will tell you what I think is fitting: maintenance at public expense in the Prytaneum. That is the honor given to Olympic victors — men who give you the appearance of success and happiness. I have tried to give you the reality of it. The Olympic victor needs nothing; I need support. If I am to estimate what I honestly deserve, that is my answer.

I understand this sounds like provocation. It is not meant as such. I am convinced that I have never intentionally wronged anyone. I cannot convince you of it in the time I have been given — but if Athens had the law that other cities have, that a capital case may not be decided in a single day, I believe I could have. Great

slanders are not refuted in an afternoon. And since I am convinced I have never wronged another, I will not now wrong myself by proposing a penalty as though I had. Should I propose imprisonment? Why should I live as the slave of whichever magistrates hold office that year? Exile? I would be driven out of every city I went to, as the young men would flock to me and their fathers would object. Should I hold my tongue in exchange for release? But the unexamined life is not worth living, and daily discourse about virtue is the greatest good available to a human being. I cannot propose that I give it up.

What I can propose is a fine. I have very little money — perhaps a mina is within my means. But my friends Plato, Crito, Critobulus, and Apollodorus urge me to propose thirty minas, and they will stand surety for it. Very well: thirty minas. They will be adequate security.

He is condemned to death.

IX. To Those Who Voted to Kill Me

I speak now only to those who have voted for my death. You will gain nothing of substance from killing me. You will gain a reputation, and not a good one: other people will say that you killed Socrates, the wise man — and they will call me wise even if I am not, simply to reproach you. If you had waited, nature would have done the work for you soon enough. I am old. Death was not far.

You think I was convicted because I lacked the right words. That is not the reason. I was convicted because I lacked the boldness — the impudence — to address you in the way you have come to expect: weeping and wailing and saying things unworthy of me. I chose to die having spoken as I am rather than to live having spoken as you would have preferred. In battle, a man can often save his life by throwing down his weapons and falling on his knees before the enemy. He survives. But I was not willing to do the equivalent of that here. The difficulty is not to avoid death but to avoid unrighteousness. Unrighteousness runs faster than death. You, who are younger and quicker, have been overtaken by it. I, who am old and slow, have only been overtaken by death.

I prophesy to you who have condemned me: immediately after my departure, you will face consequences far heavier than you have inflicted on me. You killed me to avoid being examined. But that is not how it will work. There will be more examiners after I am gone, not fewer — and they will be younger than I was, and less restrained. If you think that killing people is a way of avoid-

ing the necessity of giving an account of your lives, you are mistaken. That is neither possible nor honorable. The only way of escape that works is not to disable others but to improve yourself.

X. To Those Who Would Have Spared Me

And now I speak to those of you who voted to acquit me. I want to tell you something remarkable. Throughout this trial, from the moment I left my house this morning until this very moment, the divine sign — the inward voice that has guided my life — never once opposed me. It has often stopped me in mid-sentence before now, over trifles. Today, in the most serious moment of my life, it was silent. What do I make of that?

I take it as a sign that what has happened to me is good — and that those who think death is an evil are mistaken. For consider: death is one of two things. Either it is a state of complete unconsciousness, like a dreamless sleep — in which case, who would not prefer it to most of the nights and days of an ordinary life? If death is that kind of sleep, eternity is nothing but a single night, and it would be a genuine gain. Or death is a journey to another place, where the dead are gathered together.

If that second possibility is true, think of what it means. I would arrive in a world where there are judges who actually judge justly — unlike some we have seen today. I could speak with Orpheus and Musaeus, with Hesiod and Homer. I could sit down with Palamedes and with Ajax the son of Telamon, and with every other man who died under an unjust judgment, and set what was done to them beside what has been done to me. What a conversation that would be. Best of all, I could go on doing there exactly what I have done here: examining people, finding out who is wise and who only pretends to be. And in that other world,

at least, they do not put a man to death for asking questions. They are immortal there, and cannot.

No evil can happen to a good man, either in life or after death. I am not angry with those who condemned me or with my accusers. They have done me no harm, though they intended none of the good they might have done. For that I will gently reproach them, and no more.

I have one last request. When my sons are grown, trouble them as I have troubled you, if they seem to care about money more than virtue, or if they pretend to be something when they are nothing. Reproach them as I have reproached you, for not caring about what they ought to care about, and thinking themselves something when they are really nothing. If you do this, I will have received justice from you, and so will they.

*
**

The hour of departure has arrived, and we go our ways — I to die, and you to live. Which is better, God only knows.

SOCRATES AND THE MODERN SOCRATES ON DEATH ROW

Between the verdict and the execution of Socrates there were thirty days, because the annual sacred ship to Delos was at sea and executions were suspended for the duration of the voyage. He spent those thirty days in a cell near the Agora. He could have escaped — his friends arranged it. He refused. He did not refuse because he thought the verdict was just; he says plainly in the *Apology* that it was not. He refused because he would not answer injustice with injustice, and because he would not break the agreement he had made with the laws of Athens by living under them his whole life. What he was also sure of was that the life he could have lived as a fugitive — old, poor, driven from city to city, unable to do the work that had given his life its meaning — was not a life he wanted. He drank the hemlock at sunset, talking to his friends about the soul.

The men and women on death row in the United States today did not choose to be there. They were placed there by a legal process that functions, in many of its most important respects, the way the Athenian process that placed Socrates there functioned. The similarities are not decorative. They are structural, and they are worth examining with care, because the examination reveals something important about what capital punishment is and what it does to the people it touches.

The Charges

Socrates was charged with two things: impiety and corrupting the youth. Both charges were true in the sense that he had done the things they described, and false in the sense that those things were not crimes. He had challenged the gods of the city — not by denying that gods existed but by refusing to subordinate his pursuit of truth to the requirements of official religion. He had influenced the young men of Athens — not by teaching them anything in particular but by modeling a way of living that made them skeptical of authority and uncomfortable with received wisdom. These are not crimes. They are the consequences of taking philosophy seriously. But they had made powerful people angry, and in Athens in 399 BCE, powerful people could channel their anger into a legal process that ended with hemlock.

The charges against people on death row in the United States today are, on their face, more straightforward: murder. But the legal category of capital murder is not simply a description of what someone did. It is a determination, made by prosecutors with enormous discretionary power, that this killing — among all the killings in this county, in this year, by this category of person — is the one that deserves death. That determination is shaped by factors that have nothing to do with the gravity of the offense: the race of the victim, the county where the crime occurred, the quality of the defense attorney, the political climate of the moment. Studies have consistently shown that the single most powerful predictor of whether a capital charge is sought and obtained is the race of the victim — killings of white victims are far more likely to result in death sentences than equivalent killings of Black victims. The charge of capital murder, like the charge of impiety in Athens, reflects the distribution of power in the society that brings it as much as it reflects the nature of the act.

The Process

Socrates was given a single day to defend himself before five hundred jurors. He had no lawyer. He could not call witnesses in the modern sense. The verdict came at the end of the day, by majority vote. The penalty phase followed immediately: each side proposed a penalty, and the jury chose. There was no appeal. There was no mechanism for reviewing the verdict after the fact, no procedure for presenting new evidence if it came to light, no institution whose function was to catch errors before they became irreversible. Socrates was convicted, sentenced, and dead within a month. The machine was efficient.

The American capital process is, on paper, the opposite: elaborate, extended, multiply reviewed. A person sentenced to death can spend a decade or two decades on death row while their case moves through state courts, federal courts, habeas corpus petitions, and clemency proceedings. The average time between sentence and execution in the United States now runs past twenty years, and the people executed in 2025 had spent an average of twenty-four years under sentence of death. This is not a sign of the system's thoroughness so much as a sign of its awareness that it makes mistakes. The appeals process is long because experience has demonstrated, repeatedly, that the original verdict is not always right.

Since 1973, more than two hundred people have been exonerated from death row in the United States — people who were convicted of capital offenses by procedures the system considered adequate, sentenced to death by juries the system considered competent, and later found, by DNA evidence or witness recantation or newly discovered facts, to have been wrongly condemned. We know these names because they were exonerated before the execution took place. We do not know how many

names belong to the other category: those who were executed before the error was found, or before anyone thought to look. Socrates was not wrong. He was only the first.

The Waiting

The thirty days that Socrates spent in his cell after the verdict are what the *Crito* is about: his friends coming to visit, urging him to escape, arguing about justice and the law, and finally sitting with him on the last day while he talked and drank the hemlock and died. Plato renders the waiting period as philosophically productive — Socrates uses it to work out his thoughts about law, about the soul, about what death might be. He is calm. He is present. He is more himself in those thirty days than most people manage to be in a lifetime.

The waiting period on American death row now runs past twenty years on average, and it is not philosophically productive in the way Plato describes. It is one of the most psychologically brutal forms of punishment that any government inflicts on anyone anywhere. The condemned person knows they have been scheduled to die. They do not know when. The date may be set and then stayed by a court at the last hour. The date may be set, not stayed, and then another date set when a method-of-execution challenge delays the process. The execution may be scheduled, begun, and then stopped when a vein cannot be found. The condemned person lives inside this machinery for years, sometimes decades, with no reliable knowledge of when the end will come or whether any given appeal will succeed. This is not an accidental feature of the system. It is the system. And its psychological effects have been documented extensively. Clinicians and courts have given the pattern a name — death row syndrome — for the severe anxiety, depression, cognitive deterioration and, in some cases, psychosis that extended confinement under these

conditions produces. It is not a formal diagnosis, and no one has established how many of the condemned it reaches. What has been established is that these conditions produce it.

Socrates had thirty days. He had his friends with him. He had his mind. He had the ability to move about, to converse, to write nothing but think everything. What he shares with the men and women on death row today is not the external conditions of his confinement but the fundamental existential situation: the knowledge that the state has decided you will die, and the question of what to do with yourself between now and when that happens.

The Dignity

The most striking thing about Socrates in the Apology is not his arguments. It is his refusal to perform. He will not weep. He will not bring his children to the court to move the jury. He will not propose a serious counter-penalty because he does not believe he deserves punishment at all. He maintains, from the first word to the last, an absolute consistency between what he believes and how he behaves. The verdict does not change him. The sentence does not change him. He is, at the end of the trial, exactly what he was at the beginning: a man who thinks that the examined life is the only life worth living and who intends to keep living it for as long as he is alive.

I have met that person on death row. Not often, but I have met them. The man who has been there long enough to have stopped pretending, who has worked out what he actually believes and is no longer performing anything for anyone. The woman who has found, in the narrow confines of a cell and a visitation schedule and a limited library, something she would call understanding — not peace exactly, but a kind of clarity about what matters and what does not. The person who has been so thoroughly stripped

of everything that the social world uses to tell you who you are that they have had to find out for themselves. There is a specific quality to conversations with such people that I cannot quite describe except to say that it resembles, in its directness and its absence of pretense, what I imagine a conversation with Socrates must have felt like.

Socrates says that the unexamined life is not worth living. He says this specifically in the context of the trial — it is the reason he cannot propose silence as a counter-penalty. If he cannot examine his life and the lives of those around him, the thing that remains is not worth preserving. This is a philosophical claim, but it is also a claim about the conditions of human dignity: that dignity requires the capacity for self-reflection, for the kind of honest examination of one's own life that he has been practicing and encouraging for a lifetime.

The conditions of death row are designed, whether intentionally or by structural necessity, to make this examination as difficult as possible. Solitary or near-solitary confinement, limited access to education and reading materials, restricted movement, the constant surveillance that makes genuine privacy nearly impossible, the psychological pressure of the waiting: all of these work against the Socratic project of the examined life. And yet the examination happens anyway, in some people, under these conditions. I have witnessed it. Plato bore witness to it in Athens in 399 BCE. The human capacity for self-examination is more durable than the conditions designed to suppress it.

The Accusers

Socrates identifies two categories of accusers: the formal accusers who have brought the specific charges, and the older, more dangerous accusers — the accumulated public opinion, the ambient hostility, the slander that has circulated for decades before

any specific charge was ever filed. The formal accusers, he says, are almost manageable: he can cross-examine Meletus, expose his contradictions, make him look foolish. What he cannot fight is the prejudice that has settled into the minds of the jurors over a lifetime, before he ever had a chance to respond.

The person accused of a capital crime in America today faces the same two categories. There is the formal accusation: the indictment, the witnesses, the forensic evidence, the prosecutor's theory of the case. These can be challenged in court, by a defense attorney who has the time and resources to challenge them. But there is also the older, more dangerous accusation: the accumulated weight of a society's beliefs about who commits violence, who is dangerous, who is capable of the worst things. In the United States in 2026, that weight falls with particular force on Black men, on the poor, on those who have already had contact with the criminal justice system, on those whose neighborhoods and circumstances have made them legible to juries as the kind of person who does this kind of thing. Socrates could not refute the preexisting image of him that Aristophanes had put in people's minds before the trial began. The defendant at a capital trial cannot refute the preexisting image that a lifetime of racial and class prejudice has placed in the minds of the jurors who will decide whether they live or die.

The Sentence

Socrates is convicted. He is asked to propose a counter-penalty. He suggests, with characteristic irony, that what he deserves is maintenance at public expense in the Prytaneum — the honor given to Olympic heroes. He knows the jury will not accept this. He eventually, under pressure from his friends, proposes a fine of thirty minas. The jury, given the choice between death and a nominal fine, votes for death — by a wider margin than the one

that convicted him, our later sources say. The leniency of his counter-proposal is read as contempt, and perhaps it is. He has been consistent to the end: he will not pretend to believe he deserves punishment.

The penalty phase of an American capital trial is often where the most consequential failures of justice occur. Jurors who have just convicted are asked to decide between life and death, often on the basis of evidence about the defendant's background, character, and circumstances that was not admissible at the guilt phase. The mitigating evidence that might argue for life — histories of abuse, intellectual disability, mental illness, trauma, poverty — is supposed to be presented by the defense. But capital defense attorneys in many jurisdictions are drastically underfunded, overworked, and undertrained. The mitigation investigation that could save a life requires time and money that many capital defenders simply do not have. The sentence of death is, in many cases, as much a verdict on the quality of the legal representation as it is a verdict on the nature of the crime.

After the death sentence is imposed, the question that Socrates asked himself in his cell becomes the question that every condemned person must answer for themselves: what do you do with the time between now and then? Socrates's answer was: exactly what I have always done. Talk. Think. Examine. Question. Be what I have been. For the people I have met on death row, the answers vary, but the question is the same, and the fact that they are asking it at all — that they are trying, under conditions of extreme duress and radical confinement, to figure out what it means to be a human being and how to be one — is itself a kind of Socratic activity.

The Final Words

Socrates addresses the jury in two groups at the end: those who voted to kill him, and those who would have spared him. To those who voted to kill him, he says: you have done this to avoid being examined. It will not work. There will be more examiners after me, younger and less restrained, and you will be more offended by them than you have been by me. To those who would have spared him, he says: do not be afraid. Death is either a dreamless sleep, which is a gain, or a journey to another place, which is an adventure. No evil can happen to a good man either in life or after death.

I have heard last words. Not many, but some. The last words of condemned people in the United States are recorded and often published, because the execution protocol in most states includes a moment for the condemned person to speak before the killing begins. Some people use this moment to assert their innocence. Some use it to express love for their families. Some use it to apologize to the victims' families, or to forgive their own. Some say nothing. A few say something unexpected and strange and precise, something that cuts through the bureaucratic horror of the occasion and reminds everyone present that a human being is dying here, a person with a history and a consciousness and an interior life that the state has decided to extinguish. Those moments are among the most Socratic things I have encountered: a person, facing death at the hands of the state, trying to say something true before the end.

Socrates's last words, in Plato's telling, come at the end of the *Phaedo*, spoken to his friend Crito rather than to the jury. He had been given the hemlock and was dying. His final recorded words were a reminder to make a sacrifice to Asclepius — the god of healing — because he owed one. He died paying a debt. He died, as he had lived, attending to what he actually owed and to nothing else.

The final words of the condemned in America today are not about debts to gods. They are about love and regret and the particular clarity that comes when there is nothing left to protect or perform. They are, sometimes, about innocence: I did not do this. They are, sometimes, about the system itself: I forgive the people who are doing this to me, but I do not believe this is right. They are, sometimes, simply a name — a child's name, a mother's name, repeated like a prayer at the moment the drugs enter the vein.

What We Owe Them

Socrates told the jury that if they killed him they would injure themselves more than they would injure him. He believed this. He believed it not because he thought he was especially important but because he thought that performing an injustice is worse for the one who performs it than for the one who suffers it. The moral harm of carrying out an execution falls, in his account, primarily on those who carry it out: the jurors who voted for death, the officials who administered it, the citizens who authorized the system and maintained it.

This claim is not self-evidently true, and many people reading the *Apology* have found it frustrating. What about the victims? What about the people who were killed by those on death row, whose families carry the weight of that loss for the rest of their lives? Socrates does not address this directly, because he was not a murderer and his trial was not about murder. But the tradition that follows from his trial — Lactantius, Beccaria, Rush, the entire line of abolitionist argument in this series — does address it. And the answer that tradition gives is not that the victims don't matter but that killing the person who killed them does not heal

the wound. It adds another death to the ledger. It gives the surviving families not closure but a state-sanctioned killing to carry alongside their grief.

What we owe the people on death row is not exoneration of their crimes. What we owe them is the recognition that Socrates insisted on in 399 BCE: that they are human beings, that the process that placed them where they are is not infallible, that killing them serves no purpose that could not be served by other means, and that the society that authorizes their deaths takes on a moral weight from that authorization that it cannot simply set aside. Socrates told the jurors who voted to kill him that they had not done him harm, but that they had condemned themselves. Twenty-four centuries of history have not improved on that formulation. The harm falls on those who do it. The question is whether we are willing to see it.

DEFINITIONS AND TERMS

The Apology. The Greek word *apologia* means a formal defense or speech in response to an accusation — not an expression of regret. The Apology of Socrates is his defense speech at his trial, not an acknowledgment of wrongdoing. The irony runs throughout the text: Socrates is called to apologize for his life, and his apology amounts to an assertion that his life was entirely right.

The Delphic oracle. The oracle at Delphi, sacred to the god Apollo, was the most prestigious religious authority in ancient Greece. Its pronouncements were famously ambiguous, requiring interpretation. The oracle's statement that no one was wiser than Socrates is the starting point of his philosophical mission: since he believed himself to have no wisdom, the statement must mean something else, and discovering what it meant became the work of his life.

Meletus. The primary formal accuser of Socrates, described as a young man with little reputation and genuine animus toward Socrates on behalf of the poets whom Socrates had embarrassed. In the cross-examination that forms the center of the Apology, Socrates systematically demolishes the formal charges, showing their internal contradiction and demonstrating that Meletus had not thought carefully about any of them.

Anytus. The most politically significant of the three accusers. A successful businessman and politician associated with the restored democracy, Anytus appears to have been the driving force behind the prosecution. His motivation seems to have been a combination of genuine political concern about Socrates's influence and personal resentment — Socrates had apparently embarrassed him in a conversation about his son's career prospects.

The divine sign. Socrates describes throughout his life the presence of a daimonion — a divine something or divine voice — that periodically dissuades him from courses of action. It never tells him what to do; it only prevents him from doing certain things. This sign is one of the formal charges against him: introducing new divine beings. Socrates observes that the sign's silence — when he left his house that morning, on his way to the court, and at every point while he was speaking — is itself a form of confirmation that what is happening to him is, in some larger sense, good.

The Thirty Tyrants. An oligarchic government installed in Athens in 404 BCE following the city's defeat in the Peloponnesian War. The Thirty ruled by terror for approximately eight months, executing hundreds of citizens and driving thousands into exile. Socrates's refusal to assist in the execution of Leon of Salamis — mentioned in the *Apology* as evidence of his consistent commitment to justice regardless of who held power — is one of the most concrete examples of moral courage in the text.

The Prytaneum. The civic center of Athens, where the sacred fire of the city was maintained and where distinguished citizens and honored guests were fed at public expense. To propose maintenance in the Prytaneum as his counter-penalty is

Socrates's most provocative gesture in the entire trial. He is saying, in effect: if you want to know what I actually deserve for my service to this city, it is what you give to your greatest benefactors, not a fine or imprisonment or exile.

The unexamined life. Socrates's most famous claim, made in the context of explaining why he cannot propose silence as a counter-penalty: the unexamined life is not worth living. This is not a statement about the value of philosophical education in the abstract. It is a personal claim about what makes his own life worth living: the daily practice of questioning himself and others about virtue, wisdom, and the good. Without that practice, what would remain would not be his life.

Hemlock. The means of execution used in Athens for those condemned to death. Condemned persons were required to drink a preparation of poison hemlock, which produces paralysis starting from the extremities and moving upward toward the heart. The death of Socrates by hemlock is described in the *Phaedo*, Plato's account of his final hours. He died surrounded by friends, talking about the soul and immortality, and met his death with the equanimity he describes in the *Apology*.

FURTHER READING

On Socrates and Plato

Plato. *The Last Days of Socrates*. Translated by Hugh Tredennick and Harold Tarrant. Penguin Classics, 2003. Contains the *Euthyphro*, the *Apology*, the *Crito*, and the *Phaedo* — the four dialogues that frame the trial and death of Socrates. The essential companion reading to this volume.

Stone, I. F. *The Trial of Socrates*. Little, Brown, 1988. A journalist's investigation into the political context of the trial, arguing that Socrates was more complicit in Athens's aristocratic faction than the *Apology* suggests. Essential counterweight to an entirely sympathetic reading.

Brickhouse, Thomas C., and Nicholas D. Smith. *Socrates on Trial*. Princeton University Press, 1989. The most careful philosophical analysis of Socrates's defense strategy, examining each argument in detail and assessing its logical and rhetorical force.

Vlastos, Gregory. *Socrates: Ironist and Moral Philosopher*. Cornell University Press, 1991. The defining modern scholarly account of Socratic method and character, with detailed treatment of the *Apology*'s arguments.

On Capital Punishment in the Ancient World

Allen, Danielle S. *The World of Prometheus: The Politics of Punishing in Democratic Athens*. Princeton University Press, 2000. Examines how the Athenian democracy understood and administered punishment, providing essential context for understanding the trial and execution of Socrates within its legal and political framework.

Garnsey, Peter. *Social Status and Legal Privilege in the Roman Empire*. Oxford: Clarendon Press, 1970. Traces how capital punishment fell systematically on those without social protection in the ancient world — a pattern that the Socrates trial complicates but does not refute.

Related Volumes in This Series

Lactantius. *On the Sacred Animal: A Modern Engagement with Lactantius Against the Death Penalty*. Edited and modernized by Jeff Hood. Complicit Press, 2026. The first systematic Christian anti-execution argument, written three centuries after the death of Socrates by a man who had read him carefully. Lactantius's absolute prohibition on state killing is in direct continuity with the tradition the *Apology* begins.

Beccaria, Cesare. *An Essay on Crimes and Punishments*. 1764. Edited and modernized by Jeff Hood. Complicit Press, 2026. The Enlightenment successor to this tradition, written out of a legal culture steeped in Plato. The argument that the social contract does not authorize the state to take life echoes, in secular form, Socrates's claim that killing him does the killers more harm than it does him.

Rush, Benjamin. *Considerations on the Injustice and Impolicy of Punishing Murder by Death*. 1792. Edited and modernized by

FURTHER READING

Jeff Hood. Complicit Press, 2026. The American founding-era abolitionist argument, written by a man schooled in Plato, whose critique of the death penalty's claimed deterrent effect stands squarely in the tradition the Apology begins.

Darrow, Clarence. *An Eye for an Eye*. 1905. Edited and reset by Jeff Hood. Complicit Press, 2026. The companion fiction volume. Where the Apology is the condemned person's own voice maintaining its dignity before the court, Darrow's novella is the condemned person's voice from inside the cell — the same witness, a different register.