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Jesus Follows the Socratic Method

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What would happen if a truly virtuous man were to walk the Earth? How would he be judged in the eyes of his fellow citizens? How would he be treated by the justice system? In the year 380 B.C. Plato describes the “just” man in his book The Republic.

This would be a man of true simplicity of character who wants to be and not seem good. He will be stripped of everything except his justice. Although he has done no wrong, this man will have the worst of reputations for wrong doing. This, Plato says, will test his justice in the face of unpopularity; however, this just man will stick to his chosen course until death.¹

What result? “They will say that the just man, as we have pictured him, will be scourged, tortured, and imprisoned, his eyes will be put out, and after enduring every humiliation he will be crucified, and learn at last that one should want not to be, but to seem just.”² These words are ironically spoken by a character named Glaucon to a character named ‘Socrates.’ Plato concludes that a better life is provided for the unjust man than for the just man by both gods and men.³ The timing of this passage is worthy of note. It comes some years after the trial and execution of the man Socrates and many years before the trial and execution of Jesus of Nazareth. Coincidentally, or, perhaps, predictably, the “just” man Jesus comes to this exact fate. He is scourged, tortured, imprisoned, humiliated and crucified some 400 years later.⁴ The philosopher Socrates and the visionary Jesus represent the two most virtuous men in recorded

² Id. (emphasis added)
³ Id. at 46.
⁴ Several other authors have compared the fate of Plato’s “just” man to the fate of Jesus. It is not that this is an unoriginal idea or comparison, but just that it is uncanny and precise. Some other sources include: JAMES MONTGOMERY BOICE & PHILIP GRAHAM RYKEN, JESUS ON TRIAL 21 (Crossway Books 2002) and PAUL W. GOOCH, REFLECTIONS ON JESUS AND SOCRATES: WORD AND SILENCE 277 (Yale University Press 1996) and JAMES V. SCHALL, AT THE LIMITS OF POLITICAL PHILOSOPHY 129 (The Catholic University of America Press 1998) (1996).
history, and as such, their trials are worthy of analysis and linger as two of the most famous in Western History.\(^5\)

While these are two of the most infamous trials ever documented, when most people think of these great men, their trials are usually not the first images that come to mind. For most men these guilty verdicts might have left a negative mark on their lives, but for these two, their day in court was only one event in a lifetime of remarkable events. Although they were both found guilty by their respective legal systems; history has rendered them a different verdict. In fact, the obvious injustice of these death sentences may have enhanced their popularity, propelling their ideals to the front of the minds of their contemporaries and every subsequent generation.

Of course, it is also a possibility that neither Socrates nor Jesus ever walk the Earth at all. The only record we have of these men is dubious in nature and comes not from their own writings, but the writings of their followers.\(^6\) In Socrates’ case, his history is primarily told through the writings of Plato.\(^7\) The problem presented here is that it is often difficult to separate the philosophical ideas of Socrates from those of Plato.\(^8\) Much of Plato’s work is in the form of dialogues in which the main character is named Socrates. Confusing? Whatever is going on here, they seem to be ahead of their time, anticipating the “death of the author,” a postmodern philosophical concept.\(^9\) In the case of Jesus, his biography is told through the writings of his

\(^6\) Gooch, supra note 4, at 4.
\(^7\) Socrates trial is also retold by another of his students, Xenophon in a dialogue titled Socrates’ Defense to the Jury. However, this text is not as widely read as Plato’s version. The primary difference between the two is that Xenophon emphasizes Socrates’ old age for the reason his is complacent with death. C.D.C. Reeve, The Trial of Socrates: Six Classic Texts vii (C.D.C. Reeve ed., C.D.C. Reeve, Peter Meineck, & James Doyle trans., Hackett Publishing Company, Inc. 2002).
\(^9\) “…writing is the destruction of every voice, of every point of origin. Writing is that neutral, composite, oblique space where our subject slips away, the negative where all identity is lost, starting with the very identity of the body
disciples, Matthew, Mark, Luke and John, the four gospels found in the New Testament of the Bible. Once again, authenticity problems arise. Paula Fredriksen, the author of *From Jesus to Christ*, describes the gospels as:

> Composite documents, the final products of long and creative traditions in which old material was reworked and new material interpolated. Only at a distance do they relate to the people and the period they purport to describe. Forty to seventy years come between the public career and death of Jesus and the probable dates of the drafting of the gospels. Fundamentally, the gospels are theological proclamation, not historical biography.

With this said, any suspicion whether or not they were true-to-life historical figures has not interrupted the broad appeal and influence of Socrates or Jesus.

This is not an attempt to retrace the factual biography of the historical Socrates or Jesus. Scholars, archeologists, and historians have been trying to validate these facts and time-lines for centuries. Quarreling over plots of geography, exact dates, and precise wording is to miss the greater significance of the life and death of these men. This paper will attempt to discover and reflect upon where these two historic lives, trials, and executions parallel and diverge. An analysis of the aforementioned celebrated literature will reveal truths about human nature, the justice systems of these two ancient societies, and the power and danger of the spoken word to a vocal critical thinker in his own society.

The philosophy and teachings of Socrates and Jesus have carved the path for the intellectual traditions of the West. The two are separated in time by approximately 400 years and in location by approximately 100 miles. Socrates was a philosopher who lived in Greece writing... the voice loses its origin, the author enters into his own death, writing begins.” RONALD BARTHES, *Death of the Author*, in *IMAGE-MUSIC-TEXT* 142 (Stephen Heath trans., Twenty-First Printing 1999) (1977).

10 Gooch, supra note 4, at 4-5.
12 These were the best states of their respective times. Schall, supra note 4, at 124.
from 470/69 – 399 B.C.E. and Jesus appeared in Palestine from approximately 4 B.C.E. – 30 C.E.

Socrates’ was so influential on thinking that Western philosophers who came before Socrates are referred to as the “pre-Socratics.” Socrates declared himself a philosopher and as such, he placed the philosopher’s life-long quest for virtue and true wisdom above all else. He saw this as a personal mission handed to him from God. Chaerephon, a friend of Socrates, asked the oracle of Delphi if there was anyone wiser than Socrates. The oracle answered that there was no man wiser. When Socrates heard the oracle’s proclamation he was surprised, because he knew that he possessed no wisdom small or great. Interpreting this as a riddle, he set out to find a man wiser than himself in order to refute the oracle’s claim. Socrates traveled around Athens seeking out men who had a reputation for wisdom, starting with the politicians then moving to the poets. Socrates reports, “The result of my mission was just this: I found that the men most in repute were all but the most foolish; and that some inferior men were really wiser and better.” Socrates tried to explain to these men that they thought themselves wise, but, in fact, they were not really wise. He concludes:

Well, although I do not suppose that either of us knows anything really beautiful and good, I am better off than he is, – for he knows nothing, and thinks that he knows. I neither know nor think that I know. In this latter particular, then, I seem to have slightly the advantage of him.
This pursuit left Socrates in a state of poverty and made him many enemies.\textsuperscript{26} He had been irritating people with his questions since about 440 B.C.E.\textsuperscript{27}

One of Socrates’ most famous quotes is, “the life which is unexamined is not worth living.”\textsuperscript{28} Most Athenian citizens did not take the time to examine their own lives, so Socrates took it upon himself to do this for them. In his defense speech at his trial, he even goes so far as to call himself a kind of “gadfly” that was given to the state by God.\textsuperscript{29} He extends this analogy to Athens and describes the state as a “great and noble steed who is tardy in his motions owing to his very size, and requires to be stirred into life.”\textsuperscript{30} Socrates achieves this “all day long and in all places, by arousing, persuading and reproaching” the citizens of Athens.\textsuperscript{31}

In many ways Jesus of Nazareth was also a gadfly given to his state by God. Of course a central premise in the gospel narratives is that Jesus is the actual Son of God.\textsuperscript{32} The truth of that assertion is not relevant in this analysis. What is relevant is that Jesus was human\textsuperscript{33} and went around spreading his ideas to all who would listen. Much like Socrates, this left him with many enemies.\textsuperscript{34} The majority of this examination will focus on the historical portrait of Jesus and his trial as described by the four gospels, told by Matthew, Mark, Luke and John, with an occasional cross-reference to outside sources to fill in the picture. While these four gospel narratives do not agree on every detail of his life, there is enough overlap to get at least a stained-glass image of his biography. Moreover, these texts have been the primary source of information about Jesus.

\textsuperscript{26} Id. at 24.
\textsuperscript{28} Plato, supra note 16 at 37-38.
\textsuperscript{29} Id. at 31.
\textsuperscript{30} Id.
\textsuperscript{31} Id. at 31-32.
\textsuperscript{32} John 1:49 (New American Bible).
\textsuperscript{33} “Orthodox Christology affirmed a paradox: Christ was both fully God and fully man.” Fredriksen, supra note 11, at 214.
\textsuperscript{34} John, supra note 32, at 8:37.
over the centuries and have been a steady influence on Western thought. The gospel of John should be dated late after the other three, thus making the chronological order of the gospels: Mark, Matthew, Luke then John. \(^{35}\) Throughout the four gospels, and prominently in the trial, there is an emphasis on truth, the power of spoken words and the pitfalls of human nature. \(^{36}\) These themes are strikingly similar to those found in the four dialogues \(^{37}\) that give Plato’s account of the trial and death of Socrates.

Socrates spent his life in the famously democratic Greek society of Athens. While most believed this to be a free city, Socrates saw it as a “herd.” \(^{38}\) This may have been a free society but it was not free from conflict. Another prominent Greek society at that time was that of Sparta. The government of Sparta was an oligarchy, in direct opposition to Athenian democracy. \(^{39}\) “Athens and Sparta had been rivals almost since the end of the Persian Wars in 479 B.C.E.” \(^{40}\) The Peloponnesian War, a war in which Athens and Sparta were on opposite ends, began in 431 B.C.E. \(^{41}\) “In 406 B.C.E. almost the entire Athenian fleet was captured or destroyed, and the Spartans took three thousand prisoners; this was the end of the war.” \(^{42}\) “In 404 B.C.E. an oligarchy of thirty men was imposed on the Athenians.” \(^{43}\) This group was known as the Thirty Tyrants because of their reign of terror. \(^{44}\) Author Robin Waterfield explains:

The Thirty were not mindlessly savage tyrants, but were motivated by a genuine concern to do good as they saw it. To them, Athens had been corrupted by years of democracy with its lack of structure and its resolute defiance of the aristocrats’ god-given

\(^{35}\) Fredriksen, supra note 11, at 19.

\(^{36}\) While I grew up in a moderately Catholic household, I reviewed these gospels de novo for this project. I was surprised to discover how the context of these narratives changed outside the theatrics of the church. When these stories are approached as literature and not as a book of magic, it is difficult to understand what all the violence has been for. Jesus, whether God or man, makes his message pretty clear: love one another.

\(^{37}\) Euthyphro, Apology, Crito, and Phaedo

\(^{38}\) Stone, supra note 5, at 9.

\(^{39}\) Waterfield, supra note 27, at 70.

\(^{40}\) Id. at 68.

\(^{41}\) Id. at 22.

\(^{42}\) Id. at 118.

\(^{43}\) Id. at 123.

\(^{44}\) Id at 125.
right to rule. After the takeover, the Thirty published a definitive list of three thousand wealthy Athenians who were to count as full citizens and members of the Assembly. Only they were subject to the laws while anyone else could be put to death at the whim of the Thirty. The remaining citizens were to be resettled. Many of those who had the means to do so chose exile over resettlement, however, a few chose to stay in Athens and form the backbone of the resistance movement. All those who remained in the city during the rule of the Thirty were regarded as sympathizers.45

In 403 B.C.E., four years before the trial of Socrates, the Thirty were overthrown and democracy was restored in Athens.46

It is important that Socrates stayed in Athens during the rule of the Thirty (and not as a member of the resistance movement)47 for those who remained in the city at that time were regarded as sympathizers.48 Unfortunately for Socrates, one of his disciples, Plato’s uncle, Charmides became the chief lieutenant under one of the rulers of the Thirty.49 “Socrates must have known that his remaining in Athens, with his friends and associates in power, would look like approval. His staying in Athens at this time was either approval, or stupidity, or inappropriate indifference.”50 As a result, Socrates became tainted by his association with the Thirty.51 Plato gives this little significance in his portrayal of the trial.52

An additional subtext to his trial may have been the Greek philosopher’s known contempt for democracy. “Socrates believed that democratic government put power into the hands of the ignorant masses – that the ‘mass wisdom’ on which democratic procedure was predicated was an oxymoronic fiction.”53 He further described democracy as a case of the “morally bankrupt

45 Id. at 126, 128, 183.
46 Id. at xx.
47 Id. at 182.
48 Id. at 183.
49 STONE, supra note 5, at 117.
50 WATERFIELD, supra note 27, at 183.
51 Id. at 184.
52 Id. at 182.
53 Id. at 179.
leading the intellectually incompetent.”

Despite these beliefs, Socrates felt obligated to respect the democracy’s laws; as someone who was born and raised in Athens he was committed to the rule of law.

“In the spring of 399 B.C.E., the elderly philosopher Socrates, sixty-nine or seventy years old, stood trial in his native Athens.”

During Socrates’ trial, the Athenian legal system was in transition between the kind of primitive justice where settlement is reached by flexible agreement among the interested parties, and the more rigid, developed system where settlement is reached by reference to the terms of a standing legal code. The Athenians retained a higher degree of flexibility or vagueness than we would nowadays feel comfortable with, and relied more or less entirely on concerned citizens rather than legal professionals.

“There was no public prosecutor; any citizen could take any other citizen to court. If no individual chose to prosecute a case, it would not come to court, no matter how severe the crime.”

The Athenian jurors were called dikasts. However, the role of the dikasts was quite different from our modern-day jury. One difference was the size. During Socrates’ trial there were approximately five hundred dikasts present; this was the normal minimum amount at the time.

The size of the jury served two functions, it was partly to hedge against bribery in addition to ensuring that the will of the people be done in the democracy. The dikasts were occasionally addressed even as law-makers, rather than as law-interpreters. The Athenian court procedure was as follows: the indictment was read out by one of King Archon’s assistant, the prosecution speech or speeches followed, then those of the defendant, and if time allowed one or two supporting speakers. The dikasts then voted – immediately, with no further time for deliberation – on the defendant’s guilt or innocence. Once all the dikasts had voted, the votes were counted. If found guilty, the

54 Id. at 180.
55 Id. at 180.
56 Id. at 3.
57 Id. at 27.
58 Id. at 28.
59 Id. at 3.
60 Id.
61 Id. at 4.
defendant would propose a lesser penalty than the prosecution had proposed and there was a second round of voting by the dikasts to determine which penalty to enforce. For both rounds of voting, a simple majority was all that was required; a tied vote counted in favor of the defendant. No trial lasted longer than a day and many lasted considerably less. Socrates’ trial lasted a full day, but he still complained about the time restriction.  

The exact wording of the charges leveled against Socrates was: “This indictment and affidavit is sworn by Meletus Meletou of Pitthus, against Socrates Sophroniscou of Alopece. Socrates is guilty of not acknowledging the gods the city acknowledges, and of introducing other new divinities. He is also guilty of subverting the young men of the city. The penalty demanded is death.” In sum, his charges were impiety and corruption of the youth. “The Athenian law about impiety read somewhat as follows: If a man is guilty of impiety, he is to be tried in the court of the King Archon and made liable to death or confiscation of property. Any citizen who so wishes may bring the prosecution.”

Scholars speak of ancient Athenian law as being ‘procedural’ rather than ‘substantive.’ Here the emphasis is procedural, because the focus is on the legal action to be taken, and ‘impiety’ is not substantively defined. Crimes such as impiety were left vague precisely because it was up to the community itself to bring the prosecution, and to interpret and apply its moral code in reaching a verdict and choosing a penalty. With broad parameters, then, the understanding of a particular offence could change from case to case, depending on how the dikasts themselves judged it. This varied interpretation would be scorned by our modern jurisprudence, but was a powerful tool of their democracy.

Socrates prosecutors were Meletus Meletou, Anytus of Euonymon and Lycon of Thoricus. These men represented the poets, the craftsmen, and rhetoricians respectively.

“The most ominous of the accusers was Anytus, who was one of the leaders of the resistance

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62 Id. at 4.
63 Id. at 5.
64 Death was achieved by drinking a poison called hemlock. Hemlock was self-administered and bloodless. Id. at 7.
65 Id. at 27.
66 Id. at 27-28.
67 Id. at 6.
68 PLATO, supra note 16, at 25.
when the Thirty were in power."  

Plato’s *Apology*, a recounting of Socrates’ oral defense, begins with Socrates addressing the dikasts after they have heard the prosecution’s speech. 

Socrates informs the dikasts that he did not work on his defense speech beforehand, but would use the words and arguments which occur to him at the moment. 

Socrates divides his accusers into two categories; one recent, the other ancient. He describes the older accusers as having a lifetime of prejudice built up against him, while his new accusers are “full of a pretend zeal and interest about matters which they really never had the smallest interest.” 

Socrates declares, “Let the event be as God wills: in obedience to the law I make my defense.”

When it comes to the charge of impiety, Socrates seeks to understand if he is accused of believing in different gods than the city recognizes or if they mean to say that he is a complete atheist. Meletus accuses him of being a complete atheist. In defense, Socrates reveals this contradiction: in the affidavit his accusers claim that he believes in “spiritual agencies” and that if he believes in spiritual agencies as they attest then he must also believes in spirits and demigods. It stands to reason, that a man cannot at the same time believe in the existence of human things, and not human beings. Socrates concludes that this was put into the indictment because they had nothing real of which to accuse him. In defense of the charge of his corrupting the youth, Socrates seeks to find out, if he is their corruptor, who is their improver.

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69 WATERFIELD, *supra* note 27, at 194.
70 *Apology* is the translation of the Greek word for ‘defense speech.’ *Id.* at 9.
72 *Id.*
73 *Id.* at 20.
74 *Id.*
75 *Id.* at 25.
76 *Id.* at 20.
77 *Id.* at 27.
78 *Id.*
79 *Id.* at 28.
80 *Id.*
81 *Id.* at 29.
82 *Id.* at 25.
To this, he is told the laws are the improvers of the youth and Socrates alone is their corruptor.\textsuperscript{83} To this Socrates quips, “Happy indeed would be the condition of youth if they had one corruptor only, and all the rest of the world were their improvers.”\textsuperscript{84} He further argues that if it is admitted that the good do their neighbors good, and the evil do them evil, it would not be logical for Socrates to intentionally corrupt the youth when he lives among them and would be very likely to be harmed by them.\textsuperscript{85} This accusation, he deems, cannot be true. After disproving his accusations, Socrates says,

I certainly have many enemies, and this is what will be my destruction if I am destroyed; of that I am certain; – not Meletus, nor yet Anytus, but the envy and detraction of the world, which has been the death of many good men, and will probably be the death of many more; there is no danger of my being the last of them.\textsuperscript{86}

This statement is profound because it cuts to the core of Socrates understanding of human nature and will prove to strike again in the trial of Jesus.

Socrates makes one final defense, although no one has accused him of it – why he is not doing everything in his power to save his own life.\textsuperscript{87} He feels this additional defense is necessary for he recognizes that he has done none of the things that men who are on trial for death typically do, such as: resort to prayers and supplications with many tears while bringing their children into court together with a posse of family and friends in attempt to make a moving spectacle.\textsuperscript{88} Socrates explains that while he is a man, a creature of flesh and blood, he feels that such conduct would be discreditable to both himself and the whole state and, furthermore, would be demeaning.\textsuperscript{89} In closing, Socrates tells the deciders of his fate, “To you and to God I commit

\begin{footnotes}
\item[83] Id. 25-26.
\item[84] Id. at 26.
\item[85] Id. at 27.
\item[86] Id.
\item[87] Id. at 35.
\item[88] Id. at 34-35.
\item[89] Id. at 35.
\end{footnotes}
my cause, to be determined by you as is best for you and me.” Once again, Socrates leaves his fate to God, who knows best. Interestingly, the word God is capitalized in this passage and in several others over the course of these dialogues; as if he is turning his attention to one God.

The Apology is resumed after the votes of the dikasts have been cast in favor of the death of Socrates. The philosopher admits, cynically, that he “expected this, and is only surprised that the votes are so nearly equal.” Out of five hundred dikasts, 280 voted in favor of his guilt. Thus, if thirty votes would have gone the other way, he would have been acquitted. Now came time for Socrates to propose a sentence for himself as an alternative to death. True to form, Socrates recommends, not a penalty, but a reward. Because he has lived as a poor man who was a benefactor to all, a man who desired leisure so he may instruct his fellow citizens, he deserves “maintenance in the Prytaneum.” This translates to being fed at public expense for the rest of his life. This is a reward usually reserved for Athenians who have won the prize at Olympia. He has no money to pay a fine and if his own citizens cannot endure his discourses and words, wherever he goes will likely not endure him. Further clarifying that he cannot simply “hold his tongue” for two reasons – first this would be disobedience to a divine command and second, the greatest good of man is to converse about virtue and examine his life and the life of others daily. Eventually, he suggests a fine in proportion with his means, one mina (the Athenian currency). He amends this extraordinarily small amount upon the urging of his

90 Id. at 36.
91 Id.
92 Id.
93 Id.
94 Id.
95 Waterfield, supra note 27, at 16.
96 Plato, supra note 16, at 36.
97 Id. at 37.
98 Id.
99 Id. at 38.
friends and with their help he offers to pay a fine of thirty minae. This penalty, of course, is still laughable when compared to the prospect of death.

The boldness of Socrates’ proposed alternative sentences offended the senses of the dikasts and he is sentenced to death by way of drinking hemlock. “A late biographer says that eighty dikasts changed their vote because they were angry at Socrates for his arrogance: that would make it 360 against 140; this is the figure most scholars accept.” In other words, he received more votes for his death than he received for his guilt. After the sentence is handed down Socrates continues to philosophize. He points out a paradox, “Detractors of the city will say that you killed Socrates, a wise man; for they will call me wise even though I am not wise.” He further defends his behavior and his words by claiming, “I would rather die having spoken after my manner, than speak in your manner and live. For neither in war nor yet at law ought any man to use every way of escaping death. The difficulty is not in avoiding death, but in avoiding unrighteousness; for that runs faster than death.”

Giving his estimation of the afterlife, he determines that Athenians are to “be of good cheer about death, and know this truth – that no evil can happen to a good man, either in life or after death.” Ending the address to his fellow citizens, accusers, friends, judges, and jurors, “The hour of departure has arrived, and we go our ways – I to die, and you to live. Which is better God only knows.”

“The trial of Socrates was a prosecution of ideas. He was the first martyr of free speech and free thought.” His trial and death leave the reader with this question: “Why take the
elderly philosopher to court just then?”\textsuperscript{108} After all, he was approximately seventy years of age. On the surface, this trial seemed to be about an out-spoken free thinker who challenged his fellow citizens to look inward and question everything, the kind of person that should be welcomed in a democracy. Author Robin Waterfield explains, “Like other intellectuals, Socrates became a target only once he was perceived as a threat to public order. His links to the Thirty changed his status from harmless eccentric to undesirable. He had been living on borrowed time ever since the defeat of the Thirty in 403 B.C.E.”\textsuperscript{109} In addition to the public distain for Socrates behavior and political beliefs, the Athenian legal system was easy to manipulate and worked against him. Waterfield describes some flaws in the Athenian legal system:

There was little concern in the courts with what we might recognize as valid or relevant evidence. Gathering evidence was up to the litigants themselves, and even they were not always obliged to produce it in court. Evidence was presented chiefly by an exchange of speeches by two sides, and usually consisted of circumstantial evidence, backed up by arguments from plausibility. The conduct of Athenian courts are in direct contrast with the relative isolation of modern democratic courts, where (ideally) only the case at hand is to be judged, whatever the litigants’ behavior in the past; for us, the fact that the defendant needs a shave and a haircut should be entirely irrelevant to the question whether or not he committed the crime for which he finds himself in court, but to Athenian dikasts it was precisely relevant.\textsuperscript{110}

Moreover, this legal system often became an arena for personal vendettas.\textsuperscript{111} Again, this worked against Socrates, a man who told the truth relentlessly; a man who would rather be just than seem just. The decision of the dikasts was final and there was no right of appeal. Because the dikasts were already such a large group of Athenian citizens, there was no one else to appeal to.\textsuperscript{112} Waterfield further opines, “The Athenians should not be condemned for their treatment of

\textsuperscript{108} WATERFIELD, supra note 27, at 192.
\textsuperscript{109} Id. at 192-193.
\textsuperscript{110} Id. at 29.
\textsuperscript{111} Id. at 28.
\textsuperscript{112} Id.
Socrates – he himself acknowledges, even if with a wink, that he was tried and found guilty in accordance with the due process of law.”

Fast forward 400 years to the life, trial and death of Jesus of Nazareth. The earth had completed approximately 146,000 rotations between the lives of Socrates and Jesus; however, human nature did not seem to move much. These men would come to see very similar ends. Before detailing the trial, it is important to understand the political and legal climate in Palestine during the life of Jesus. It was a slightly more complicated social system than that of Athens because at this time Palestine was under Roman control. Rome appointed Pontius Pilate, an atheist, as Procurator of the province as well as Governor of the Jewish people. However, local authority remained in the hands of the Jewish high priest named Caiaphas and a board of elders called the Sanhedrin. Their authority was limited when it came to certain matters, for example, enforcing a death sentence. The Governor’s primary concern was maintaining order in the province. One additional layer to this political onion is the authority of Herod Antipas who was the tetrarch of Galilee and Perea (Roman provinces). As a tetrarch, Herod had authority subordinate to Caesar, but superior to Pilate – if the matter fell into his jurisdiction. This separation of power translates into two trials for those up for capital punishment. Once found guilty by the Jewish authorities, the death sentence was brought to Pilate for affirmation. If the death sentence was confirmed, the prisoner was often forced to undergo the Roman form of execution which was crucifixion.

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113 Id. at xv.
114 Id. at 53.
115 Id. at 48-53.
116 Id. at 55.
117 Id. at 64.
118 Id.
With that puzzle of authority put together, analysis will now turn to the charges, trial, and execution of Jesus. Note that the Nazarene faced two entirely different charges in the two trials – blasphemy and treason. His accusers tailored their allegations to fit their audience. Unfortunately for Jesus, his accusers were the makers and enforcers of Jewish law. This was a bias Jesus was keenly aware of. The charge of blasphemy was punishable by death under Jewish law. The conduct of Jesus, including forgiving sins by his own authority and promising to resume life after being put to death, was viewed as usurping God’s power and thus blasphemous.

Jesus was arrested at night by a “band of soldiers, the tribune, and Jewish guards.” The arrest was coordinated and executed in secrecy by the high priests, scribes and elders because they feared public disturbance. Once seized, he was brought to Caiaphas’ house and tried before the Sanhedrin, elders and scribes. There, his accusers attempted to obtain testimony against Jesus. “No case could be moved to trial without witnesses because Jewish law was based on the testimony other than that of the defendant.” To the dismay of the Jewish authorities, the testimony of the witnesses did not agree and was, therefore, useless. When this effort failed, his accusers asked him, “Are you the Son of God?” Jesus responded, “You say that I am.” This ambiguous answer was enough for the high priests and Sanhedrin to

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119 Id. at 58.
120 Id. at 64-65.
121 JOHN, supra note 32, at 18:12.
122 FREDRIKSEN, supra note 11, at 116.
123 Mark 14:53 (New American Bible).
124 Id. at 14:55.
125 JIM BISHOP, THE DAY CHRIST DIED 64 (Harper & Brothers 1957).
126 MARK, supra note 121, at 14:55.
128 Id.
convict Jesus, asserting, “What further need have we for testimony? We have heard it (blasphemy) from his own mouth.”

Author Paula Fredriksen points out, “The trial as it is reported violates the traditions of Jewish legal procedure as set out in the late second-century text mistnah Sanhedrin. The court could not have convened at night, nor on a major feast day. Contradictory evidence would have disqualified the charge. And what Jesus says, or what his examiners take him to imply, does not constitute blasphemy. Had some capital charge been sustained against Jesus, no trace of it remains in our documents.” Rules of procedure are of little concern when the individuals who make the rules are seeking a guilty verdict.

For his second trial, Jesus is taken from the high priest to Pontius Pilate and the crime of blasphemy is exchanged for a charge of high treason against the Roman state and emperor. Specifically, the Jewish authorities tell Pilate, “We found this man misleading our people; he opposes the payment of taxes to Caesar and maintains that he is the Messiah, a king.” In response Pilate asked Jesus, “Are you the king of the Jews?” Again, Jesus uses ambiguity in his reply, saying, “You say so.” Pilate addressed the chief priest and the crowds with his verdict, “I find this man not guilty.” The crowd was not satisfied. When Pilate discovered that Jesus is from Galilee and under Herod’s jurisdiction, he handed the matter over. Herod

129 Id. at 71.
130 The trial was conducted during Passover, a Jewish holiday. JOHN, supra note 32, at 18:39.
131 FREDRIKSEN, supra note 11, at 117.
133 LUKE, supra note 125, at 23:2.
134 Id. at 23:3.
135 Id.
136 Id. at 23:4.
137 Id. at 23:7.
questioned Jesus at length, but Jesus remained silent\textsuperscript{138} and was returned to Pilate.\textsuperscript{139} Once again, Pilate addressed the high priest and the crowd with his verdict:

\begin{quote}
You brought this man to me and accused him of inciting the people to revolt. I have conducted my investigation in your presence and have not found this man guilty of the charges you have brought against him, nor did Herod, for he sent him back to us. So no capital crime has been committed by him.\textsuperscript{140}
\end{quote}

There was a tradition in Jerusalem that on Passover, one prisoner would be released, upon the request of the crowd.\textsuperscript{141} This was Pilate’s last attempt to acquit Jesus, a man he found to be innocent. When asked, “Do you want me to release to you the king of the Jews?”\textsuperscript{142} The crowd instead demanded the release of Barabbas, a known rebel who had committed murder.\textsuperscript{143} When Pilate asked what he should do with Jesus, the crowd stirred up by the high priest, shouted louder, “Crucify him.”\textsuperscript{144} In order to subdue the hostile crowd, Pilate had Jesus scourged and hands him over to be crucified\textsuperscript{145} – thus bringing a conclusion to this legendary and bazaar trial.

The gospel of John adds some interesting detail. It seems to emphasize Pilate’s convictions by revealing that once Jesus is scourged and given the famous crown of thorns, Pilate twice declares, “I find no guilt in him”\textsuperscript{146} and later tries to release him.\textsuperscript{147} John also recounts the Jewish people warning Pilate that because Jesus is the so called king of the Jews, he is some how rivaling Caesar’s kingdom and authority.\textsuperscript{148} This threat seems to finally persuade Pilate to hand over of Jesus.

\textsuperscript{138} Id. at 23:9.
\textsuperscript{139} Id. at 23:11.
\textsuperscript{140} Id. at 23:14-15.
\textsuperscript{141} MARK, supra note 121, at 15:6.
\textsuperscript{142} Id. at 15:9.
\textsuperscript{143} Id. at 15:10.
\textsuperscript{144} Id. at 15:14.
\textsuperscript{145} Id. at 15:15.
\textsuperscript{146} JOHN, supra note 32, at 19:6.
\textsuperscript{147} Id. at 19:12.
\textsuperscript{148} Id. at 19:12.
At the close of the trial, Jesus is forced to carry his own cross to its destination and is crucified there.\textsuperscript{149} Pilate had an inscription written and put on the cross reading, “Jesus the Nazarene, the King of The Jews.”\textsuperscript{150} The gospel of John makes a point to mention that this inscription was written in Hebrew, Latin, and Greek and was read by many Jewish people.\textsuperscript{151} When the high priest asks Pilate to alter the inscription, he replies, “What I have written, I have written.”\textsuperscript{152} Once crucified, Jesus says, “Father, forgive them, they know not what they do.”\textsuperscript{153} As Plato predicted in \textit{The Republic}, the just man holds to his convictions to the end regardless of circumstances. Jesus was specifically condemned for forgiving sins under his own authority – and does not stop even in dying.

This second trial of Jesus, as described in the gospels, displays the same level of impropriety as the first. Once accused of treason before Pilate no further mention was made to the previous charge of blasphemy.\textsuperscript{154} The Jewish authorities knew that Pilate had no respect or concern for their religion and knew there was no way Jesus would be condemned to death merely for blasphemy. They, therefore, upgraded the crime to treason, something the Roman Procurator would care about. What is striking is how the person with authority, Pontius Pilate, does everything in his power to free Jesus, but has no success. Almost immediately, Pilate concludes, “I find no guilt in him.”\textsuperscript{155} He then tries to dodge responsibility by handing the matter over to Herod.\textsuperscript{156} When that attempt fails, the Roman Governor tries to release a prisoner to the crowd, thinking the crowd would not choose to free Barabbas, a known murderer, over Jesus, a man whose crime Pilate cannot even name. Once again, Pilate’s attempt is stymied. After continuing

\textsuperscript{149} \textit{Id.} at 19:17.  
\textsuperscript{150} \textit{Id.} at 19:19.  
\textsuperscript{151} \textit{Id.} at 19:20.  
\textsuperscript{152} \textit{Id.} at 19:21-22.  
\textsuperscript{153} \textit{LUKE, supra} note 125, at 23:34.  
\textsuperscript{154} \textit{GREENLEAF, supra} note 130, at 69.  
\textsuperscript{155} \textit{JOHN, supra} note 32, at 19:38.  
\textsuperscript{156} \textit{LUKE, supra} note 125, at 23:7.
to pronounce the innocence of Jesus, Pilate finally gives into the crowd’s demands to “crucify him.”157 Possibly he feared an uncontrollable mob; after all, it his primary task as Governor was keeping the population tranquil. Maybe it was the fear of offending Caesar and losing his position as Governor. Perhaps he just did not care enough about the religious matters of the Jewish people to get involved in their politics – whether it was just or unjust. Whatever the reason, based on the scene described, Pilate never seems to have the authority to carry out his verdict. The behavior of this court is what might be called a reverse judgment notwithstanding the verdict;158 if there were such a thing. Given Pilate’s impotence, it is understandable that Jesus remains silent when questioned by Pilate. When Pilate says, “Do you not speak to me? Do you not know that I have power to release you and I have the power to crucify you?”159 These words seem all but empty, given the circumstances.

Two historic men, two historic trials, one sentence: death. Were these men condemned by their own virtue? Early in the gospel of John, there is an allusion to human nature:

While he was in Jerusalem for the feast of Passover, many began to believe in his name when they saw the signs he was doing. But Jesus would not trust himself to them because he knew them all, and did not need anyone to testify about human nature. He himself understood it well.160

When contemplating whether Plato should be considered a prophet for his seeming prediction of the death of Jesus, author James Schall concludes: no. “Plato was possessed of such an acute insight into abiding human nature that he could understand what it might do in extreme circumstances. Evidently Plato knew already that the response of men to the good, to a good man

158 Judgment notwithstanding the verdict – A judgment entered for one party even though a jury verdict has been rendered for the opposing party. BLACK’S LAW DICTIONARY 919 (9th ed. 2009).
159 JOHN, supra note 32, at 19:10.
160 Id. at 2:23-25. (emphasis added)
or to good acts, would not necessarily be good.”¹⁶¹ Why would he not make that forecast after witnessing the life and death of Socrates? Consequently, in a later dialogue, Plato has Socrates say, “My trial will be the equivalent to a doctor being prosecuted by a pastry-cook before a jury of children.”¹⁶²

It is only natural that these legendary moral tales should involve the law. The law is that ineffable nexus of time and space where philosophical theory and real-life application converge. However, the law itself is powerless. It is only as virtuous or corrupt as the people making and enforcing it. In both of these trials, the law makers were the people bringing suit and rendering judgment. In the case of Socrates it is the dikasts, a large body of Athenian citizens involved in making the law, who are rendering judgment. While only three citizens bring charges against Socrates, the charges are so tangential that they could have been brought by anyone. One can intuit that these three accusers were merely expressing what most citizens were thinking, “Socrates is no longer welcome in Athens.” It is quite possible that death was not preferable to the dikasts. If Socrates would have suggested exile, there is no indication it would not have been granted. Mob thinking is what Socrates feared about Athenian democracy, and in the end, it succeeded in ridding Athens of Socrates.

The bias of Jesus’ judgment is more blatant. The Jewish authorities, Caiaphas and the Sanhedrin, unilaterally made law and made judgment. Only to enforce the severe penalty of death, did they need to get the consent of the Roman Governor, Pontius Pilate. This would seem to be a legal stipulation out of the control of the Jewish law makers – perhaps an independent third party. However, if the rendering of Jesus’ trial is at all accurate, other factors were at work aside from the strict adherence to the letter of the law. Caiaphas and the Sanhedrin had popular

¹⁶¹ SCHALL, supra note 4, at 130.
opinion and the fear of social disorder working for them. Even in the face of a firm verdict from Pilate, “I find no guilt in him,” the voice of the mob prevailed, “Crucify him.”

Neither Socrates nor Jesus had professional representation. Luckily, they both spent their lives speaking in public – though this may not have helped much. All this public speaking was the reason they were on trial. Strategically they could not be more different. Socrates, using a melee of words, chose to apply logic to the charges facing him and he succeeds in logically disarming the arguments. However, the charges he logically defends, were likely not the charges in the mind of the five hundred dikasts. The offense on their mind might well have been treason, the accusation levied on Jesus in his trial before Pilate. Jesus chose, for much of his defense, to remain silent. He knew that words lose their power when people are not listening. Even when asked direct questions, his answers were either ambiguous or nonexistent. His silence proved enough to persuade Pilate to his side, but did little to earn him acquittal.

As the analysis moves away and these two unique points in human history begin to bleed, one onto the other, some details are indistinguishable. The charge of impiety and the charge of blasphemy are two fruits off the same tree. Both just men continued their forbidden activities until death; one to philosophize, the other to forgive. Both were reportedly put on earth by God to fulfill a mission. Neither feared the afterlife, but believed it to be better than this life and welcomed it. Both comfortably left their fate in the hands of God and did not fight tooth and nail to stay alive. Socrates summarizes the principal trait of the just man: “A man who is good for anything ought not to calculate the chance of living or dying; he ought only to consider whether in doing anything he is doing right or wrong – acting the part of a good man or of a bad.” If a “just” man were to present himself on Earth again, would winds of law and human nature blow for or against him?

163 PLATO, supra note 16, at 29.