Roy Voragen

AS IF WE ALL ARE FREE
Socrates and Nietzsche on Moral Freedom

ABSTRAK


Key Words:
Democracy • rule of law • freedom of speech • (moral) individualism • self-mastery • ethics of authenticity • social horizons of moral significance • civil society

We democrats all value freedom of speech, freedom of expression, freedom of the press and the like; or, at the very least, we say we do. But are we all free to speak out loud what we value? Are we allowed to question...
values, our own and others? Of course there are restraints. The legal-political order lays down restraints, even if we agree with that order, because we know we need it. And it is morality that can give a legal-political order its legitimation. No matter how much freedom is valued from within a moral system, individual moral actors are not free to act as they like. A morality gives us the needed horizons, from within a morality these limitations are not wrong, but it is changing the moral order that is seen as wrong, as immoral. Below I will give two examples before I discuss Socrates and Nietzsche on the search of values.

Indonesia is a country in transition, so the more it is likely that conflicting old and new rules and values take place when it comes to defining what public space is and ought to be. So reported Human Rights Watch of "old measures" used by the Megawati government. The Megawati's administration uses laws from the colonial era to clamp down critics. Articles 134, 135 and 136 from the KUHP criminalize offending the President and Vice-President; and the articles the so-called 'haatzai' articles 154, 155 and 156 criminalize the public expression of hate and disapproval of the government. But democracy ought to be an institutional arrangement which deals with conflicting claims on public space. Articles mentioned above, though, can be used to (re-)colonize public space: one is not allowed to show disapproval with and criticize the government or its members, that is as offending and is felt as if it could harm the integrity of either the state or its representations. The implicit message by Megawati c.s. is that it is only pro-democratic to agree with government policy, and to criticize the government is unpatriotic.

A second example is what is generally known as the Tomy-Tempo case. I am not going to spell out all details here, because I take it for granted every one reads newspaper. Many criticized the taken legal procedures, because the press law was not used. The strangest thing, though, is that the Attorney General's office is mainly doing the dirty work. Tomy Winata got himself cheap lawyers, most cases against Tempo are criminal suits. The charges are defamation and libel. Thus the charges are not just about false information, but also that due to false information Tomy's name could have been damaged. Bambang Harymurti, chief editor of Tempo Magazine, gives a lengthy defense note at court, titled 'A reporter accuses'. He connects freedom of press with a higher ideal: democratization. He argues that earlier criminalizations of the press introduced a general decline of freedom. In doing so he connects this case with a wider decline in the attitude towards democratization of the Megawati government. It is the duty of the press to safeguard democracy, and at the same time the prosecutors picture him as a criminal dangerous to the public. Bambang attacks in return the prosecutor's office and the police by stating that they are (probably) guilty of misuse and abuse of and disobedience to the law, in doing so he turns around the whole case. The conclusion of Bambang is that this trial does not intend to do justice, the trial is still an instance of ruler's law and that a more mature Indonesia hopefully 'God willing' as Bambang said will be more democratic.

But enough for now, let us turn to the biggest case study in the history of philosophy: Socrates' trial.

In the year 399 B.C. Meletus, Anytus, and Lycon started a trial against Socrates, because he was perceived as a threat to society; and these three functioned as the prosecutors and wanted the death penalty. The charge was twofold. First part of the charge was heresy or immorality as we will see below when we discuss Nietzsche because Socrates criticized the existing moral order. The second charge was that Socrates corrupted the minds of the young. The prosecutors relied heavily on Socrates' image, and that wasn't a good one. Socrates criticized everyone of being ignorant, so a lot of egos were hurt. The charges do not specify a certain action, the charges, though, point at Socrates' character. Socrates is charged for who he is and not for what he did.

Socrates starts his defense by saying that most of what the prosecutors said was untrue. Nevertheless Socrates is confident that justice will find its way. He asks the members of the jury to concentrate on the question of justice. But Socrates is aware that he needs to defend himself not just against the prosecution, but also against general opinion. People see him as a Sophist, who turns the world upside down, who lives up in the air, as we can read in 'Clouds' by Aristophanes. Socrates realizes how difficult it is to defend oneself against rumors and prejudices, but he wants to obey the law and therefore defends himself in court.

Socrates got the reputation of a wise person because of Apollo, the god at Delphi. The oracle of Delphi claimed that Socrates was the wisest of all in Athens. And Socrates did not understand why, so he went around Athens to question people he thought who had knowledge. But he found out that people at best had knowledge only in their own profession, but even they were ignorant in many other fields, in which they claim to be good as well. At last Socrates acknowledged that his wisdom is acknowledging his own not-knowing. But because he revealed other people's lack of knowledge, and their ignorance of it, he incurred resentment.
Socrates says that he who accuses him of corrupting the young knows better what it takes to make them good and thus knowledge of the good is needed. The accusation that Socrates corrupts the young only makes sense when Socrates would have done it intentionally, because as Socrates reasons, if it was unintentional he should not have brought to court, he should be taught to do otherwise, because the court is the place of punishment, not of education. Socrates accuses Meletus (he is the leader of the prosecution) of contempt for the law and of the court, because he did not make a consistent charge against Socrates.\[7\]

Socrates realizes that his way of doing things causes hostility and resentment. Socrates wants to stand for his position, you can call that stubborn, but you can also judge that as steadfast and principled, a man with integrity; in other words: he mastered himself. And he sees it as his duty to lead the philosophical life; he would not stop doing that, even if it would have prevented him from being sentenced to death. And fear to death is another sign of ignorance according to Socrates, because you simply cannot know what happens after that. Death might be a bad thing, but, according to Socrates, sentencing an innocent man to death is worse. It is not him who we should pity but the ones who sentence him to death. Because it goes against the wish of the gods, Socrates believed that he is appointed by them as a 'stinging fly'. The function of the 'stinging fly' refers to the function of a philosopher: to inquire and criticize, and in so doing one makes people aware of their ignorance and prejudices. Socrates claims that answering to his divine inner voice makes his actions compatible with justice. We can see that Socrates divides justice in two: from the gods and from his fellow citizens. The members of the jury should try to judge the case from the perspective of both kinds of justice, even though the former is of a higher order.

Socrates sees himself as innocent. He sees himself as having done a good job in favour of the city, so he should be rewarded and not be punished. Socrates is convinced that he did not do any wrong to anyone intentionally; therefore he thinks that he does not deserve something bad.

Socrates claims that this sentence is given no: because he gave too little or wrong arguments, but because he did not please the members of the jury, but Socrates regards that kind of behavior as cowardice: "the difficulty is not so much to escape death; the real difficulty is to escape from doing wrong." He accuses the ones who sent him to death not only of injustice, but also of sinning, they sinned against the will of the gods - the true judges, that is the truth according to Socrates.

In ancient Athens it was custom that the penalty would be executed right after the verdict, thus there was no right to appeal. But in Socrates' case the execution was delayed for a month. Just before the execution Socrates met his friend Crito, who visited him in prison. And they discussed the possibilities of escape.

Crito is not only worried about loosing a friend, he is also worried about general opinion that he did not help a friend whom he could help. But Socrates answers that they should not be worried about general opinion, they should be worried about justice, and therefore they should be worried about the opinion of wise men.\[20\] Socrates says again: "that the really important thing is not to live, but to live well."\[21\] And to live well means to live honourable and rightly.\[22\] To live honourable is to live like the wise men. To live rightly means that one is not allowed to do wrong willingly. Socrates adds a further step: "one must not even do wrong when one is wronged."\[23\] It is never right to do wrong and one is not allowed to do wrong to take revenge. When one is wrongly, it does not become right to return the wrong wrongly.

The last point Socrates makes is that it is unjustified to escape because it violates the rule that one should convince and persuade 'the State' by using arguments, by using reason. If one leaves prison one breaks the law, because, according to Socrates, one should persuade 'the State' that it passed a wrong judgment. Socrates makes again a division of justice: first of all one has to do what the law orders you to do, and second if you do not want to do that you have to persuade 'the State' that universal justice dictates differently, but anyhow, violence is a crime, a sin. And, Socrates continues, if you would not have agreed with the constitution in the first place you could have left the city long time ago, because one made an implicit contract with society by living in this particular society, and violates its rulings when one disobey this contract.\[24\]

It is here not the place to discuss Nietzsche's morality critics in depth, I will discuss Nietzsche here only in so far as it relates to above arguments.\[25\]

Philosophy for Nietzsche is "seeking out everything strange and questionable in existence, everything so far placed under a ban by morality." Knowledge follows from courage,\[27\] courage is needed to leave the known behind, to go beyond the known, it follows from self-overcoming, and that is why Nietzsche admires "The Apology": Socrates took his philosophy of life up to the end of his life uncompromising and courageous. Socrates is the wisest because the rest of Athens is stupid, Nietzsche has no talent whatsoever for political correctness.\[28\]
This stupidity of the people of Athens brings us directly to their resentment against Socrates that brought him to face trial and death, while, today, he is generally seen as a moral hero. Nietzsche calls resentment *resentment*; he used this French word simply because in the German language there is no equivalent. Besides, he loves to use foreign words to show that he is European (he disliked Germany because of its Wagnerian nationalism, it's anti-Semitism).21 Socrates wandered around Athens and he questioned his fellow citizens in public. Not only did Socrates show the ignorance of many, he even demonstrated it to more.

In so doing many citizens lost two things in public: their self-pride and their knowledge. They lost their self-pride because everyone could see now how ignorant they had been and they lost their knowledge because they could not show any reasons for the knowledge they thought they possessed. And it is here where *resentment* comes into play. The *resentment* psychology is a mode of bad conscience. Socrates' questions led to a void, one becomes aware that one does not know what one thought one knew and valued. This void is a loss of agency, the world becomes meaningless. Those who experience *resentment* direct this bad feeling at that what caused it, thus Socrates was blamed for pointing at their ignorance, and they deny their own responsibility. The ones who experience *resentment* will try to cling to what they know and try to get rid of the 'stinging fly' that made them all too aware. *Resentment* is shown in a bitter revenge: the death of Socrates. What is called justice is the creative force of *resentment*.22 The worthless existence is given meaning again. *Resentment* involves nihilism: the lost meaning is given meaning anyhow to have the illusion of power as agency. "[S]hame is inventive,23" as Nietzsche shows, because shame must be hidden.

Nietzsche defines man as "the creature that measures values, evaluates and measures, as the 'valuating animal as such'.24 But what is the value of morality?, asks Nietzsche. And he demands: "we need a critique of moral values, the value of these values themselves must first be called into question [...]."25 In so doing we will find the "origin of our moral prejudices."26 This history of morality is a genealogy of moral prejudices, and tracing back prejudices is criticizing what is generally valued. This will be seen as immoral; Socrates was sentenced to death for his immorality. According to Nietzsche it is exactly this immorality that is a necessary part of freedom to come to the creation of (new) values.

Socrates introduced a way of thinking that justifies actions by appealing to reasons. Virtue is knowledge, as he said often; man only sins from ignorance; and he who is virtuous will be happy. From these maxims follow three conclusions. First, we can only act good if we know consciously what it is to act good. Second, we can act good only if we have an identifiable reason to act; it is the reason that justifies the act. Third, we can be happy only if we know the reason of our actions. Nietzsche criticizes this for two reasons. First of all the need to give for anything reasons, the need to do everything deliberately is a lack of self-mastery, of agency: "it is this lesson that Hamlet teaches [...] from too much reflection, from a surplus of possibilities, never arrives at action at all."27 And second, "[I]t is immoral to say: 'What is good for one is good for another',28 what might be a good reason for me might be a bad reason for you. Reasons have no universal validity. According to Nietzsche it is immoral to decide for everyone unconditionally what is good and right. Nietzsche treats morality not in a Kantian manner. Kantian morality creates principles that count unconditional for everyone in the exact same way.

Instead of attempting to define morality, Nietzsche sought to understand what is happening when one feels morally, the moral experience. Nietzsche concludes that when the essence of a moral act is disinterestedness (doing good to or not harming others) then it is impossible to act morally, simply because disinterestedness is impossible, one simply cannot act without oneself, from without one's perspective, as if one can take a view from no where.29 This disinterestedness is connected to utility.30 The men of *resentment* have a morality of utility, Socrates as "the 'bad' man is judged contemptible,"31 because he criticized values that were of no use to them. He made the illusion apparent. Nietzsche goes further: Socrates was just a symptom of a disintegrating world, the Athenians were becoming aware of this and blamed Socrates for it. And indeed after Socrates' death many continued Socrates' legacy and were in a way very different from the pre-Socrates: Plato, Aristotle, Epicurus, the Stoics, the Cynics, and the Sceptics.

A law does not mirror the eternal law according to Nietzsche. In Greek convention and law share the same root: *nomos* 40. A law is nothing more than a formalized custom. The Platonic Ideas are just a way to double the world. And Kant's *Sittlichkeit der Sitte* is a contradiction in terminis. It is not possible to make mores (*Sitte*) categorical into morality (*Sittlichkeit*).32 Man-made law is all we have, and law finds its justification in morality and therefore it is immoral to break the law, or, as Nietzsche puts it: "Just' and 'unjust' exist, accordingly, only after the institution of law [...]."33 And he continues: "Being moral or ethical means obeying ancient established law or custom. [...] 'Good' is what one calls those who do what is moral as if they did it by
nature [...] [...] Being evil is being 'not moral' (immoral), practicing immorality, resisting tradition, however reasonable or stupid tradition may be." For Nietzsche "whatever exists, having somehow come into being, is again and again reinterpreted to new ends, taken over, transformed and redirected [...] It is for him no argument to refer to divine justice, as Socrates does, even if it exists we cannot have knowledge of it. Therefore we should "eliminate the concept of sin," and create new values and revalue existing values despite the ban morality puts on this activity.

Nietzsche praised Socrates for his integrity and irony, but Nietzsche wondered why he died, not because of his 'truth' of course, Socrates admitted he knew that he did not know. Socrates died, though, "for the right to have our opinions and to change them." 127

Nietzsche gets never tired putting his finger on the flaws of our moral arguments. Unfortunately Nietzsche does not give us a valuable alternative and if we follow his line of reasoning we are left empty handed. Morality could also be the form of what we value collectively at a certain time and place. 48 Thus we are still in need of moral and political tools to deal with change, so we can all live in freedom. But the tension between individual freedom and what we can value collectively cannot be resolved once and for all. Taylor defined the tension within such a valuable ethics: "[A]uthenticity (A) involves (i) creation and construction as well as discovery, (ii) originality, and frequently (iii) opposition to the rules of society and even potentially to what we recognize as morality. But it is also true [...] that it (B) requires (i) openness to horizons of significance [otherwise creation loses the background that can save it from insignificance] and (ii) a self-definition in dialogue." A tension exists between 'A' and 'B', and most likely it is a tension which cannot be resolved. 49

---

Roy Voragen

Attained masters in Philosophy and Political Science from the University of Amsterdam, the Netherlands, and specializing in Moral Philosophy and Political Theory. He lives in Indonesia since 2003, and can be contacted at royvoragen@hotmail.com.

---

End Notes:

1. This text has earlier been spoken out as a general lecture at Universitas Parahyangan, Bandung, West Java. I thank Ignatius Bambang Sugiharto for giving me the opportunity to teach at the university's Faculty of Philosophy. I also want to thank all my students of 'Greek Philosophy' for all their questions and critiques.


3. Rachland Nashidik, Program Director Imperialis, called the use of these articles by the Megawati administration political, and he sees these trials as the first political trials since the New Order, p6 idem. Rufriadi, head of LBH Aceh, states that "the law is still taking sides with the authorities and not with the people," p. 11 idem, thus the transition from ruler's law to rule of law is not seen as finished. Pancasila and SARA (= Suku, Agama, Ras, dan Antargolongan Ethnicity, Religion, Race, and Inter-Group Relations) make many topics off limits as well. Another instance of such is the anti-pornography law that is in the making, 'dangdut' (a student at Universitas Padjadjaran/FISIP sees 'dangdut' as a human rights violation, because it violates the values of the Ummah) and a kiss between spouses could be criminalized. With the anti-pornography law two questions have to be raised: first, is the government allowed to lay down a specific conception of the good on society or is this a violation of its neutrality? And the second question is one of practical implementation: the costs of upholding a certain set of values could damage the freedom of all.


5. Because, as the argument goes, the press law (Law No. 40/1999) is 'lex specialis' and should therefore be given priority.

6. The magazine, the newspaper, editors, columnists, and journalists.


8. See pp. I-XVI, Tempo, September 6; and spoken out at Central Jakarta District Court August 16, 2004, case no. 1426/PID.B/2003/PNJ)KT.PST.

9. The connection between freedom of press and democracy is widely valued, but non-democracies need reliable information as well, as George Orwell shows in '1984', in which an epistemological crisis preludes an existential crisis.

10. For these and other reasons by example the embedded journalism in Aceh (patriotic journalism, sic), the kidnapping and killing of a reporter in Aceh, censorship in Aceh is Indonesia ranked only 117th out of 167 on a list.
established to prevent people to use the court for a whim.

18. Nietzsche called him the gadfly, someone who breaks the rules from the perspective of the existing moral order.


20. The men with phronesis (prudence, or practical wisdom), as Aristotle says in book VI, Nicomachean Ethics. This is a point Nietzsche overlooks, he interprets Socrates’ morality in a Kantian manner, even though Socrates was looking for moral truths, he did not find them, and he had to rely on practical wisdom.


22. Or kalos and dikaiosynē.


24. This kind of argument can be called a social contract argument, which is not a strong argument; people do not leave that easily. A similar contractual remark is made by John Locke in 'Two treatises of civil government'.

25. Moral philosophers have to deal with two interconnected questions: First of all, how to perfection oneself? And second, how to live together in a peaceful, just, and prosperous manner? A work that deals with Nietzsche’s answers to the first question is Nehemas, A., Nietzsche, Life as literature, Cambridge: Harvard University Press, 1985. A book that deals with the answers Nietzsche gives to the second is Warren, M., Nietzsche and Political Thought, Cambridge: MIT Press, 1988. But, regarding the second question, Nietzsche is more of a criticaster; his own morality is at best as conservative as Burke’s, an aristocratic nobility has to live their good lives in charge of society and its history and future.


27. See idem.


30. See section 11, second essay, Genealogy of Morals.

31. See section 40, Beyond Good and Evil.

32. See section 8, second essay, Genealogy of Morals.

33. See section 6, Nietzsche's preface, idem.

34. See section 1, idem.

35. See section 7, The Birth of Tragedy.
Agus Rachmat

LANDASAN ETIS KEGIATAN EKONOMI

ABSTRACT

This article investigates the deeper foundation for the rapidly emerging and widespread consciousness in the business world on the nature and demand of the corporate social responsibility. Ethical norms and values should no longer be considered as externalistics, annoying additional costs and burdens to business interprices, but the very inner motivation for doing business at all, namely, to bring betterment to the world-wide human condition. That enduring noble goal could only be accomplished if there is a comprehensive understanding on the kind of rationality that should permeate the so-called market society. In addition to the instrumental rationality that presently makes the market flourish, we should also interrogate what Max Weber called affective rationality and normative rationality.

Key Words:
Atomis social • Hermeneutika • Individualisme • Kapitalisme •
Komunitas global • Nilai moral • Neo-liberalisme • Rasionalisme
instrumental • Rasionalisme afektif • Utilitarianisme