

A Critique of the Crito and an Argument for Philosophical Anarchism

by Forrest Cameranesi

In this essay I will present a summary and critique of Plato's dialogue *Crito*, focusing especially on Socrates' arguments in favor of his obligatory obedience to the Athenian state's death sentence. In response I will argue the position that no one naturally holds any obligation to obey the arbitrary commands of another (or any body of others such as a state), and further that no one can come to hold such obligations even by contract; although people may still be obligated to obey commands issued to them, when what is commanded is obligatory independent of it being commanded by anyone. Thus I will argue that that if, as both Socrates and Crito presume, the command that Socrates be executed is contrary to true justice (that is, contrary to any natural moral obligations, independent of its legality), then Socrates has no obligation to obey it; and in fact those tasked to carry out the order are morally obligated to disobey it, and by their obedience become conspirators to a moral crime.

The dialogue begins with Socrates in prison, awakening to Crito's presence in his cell, Crito having bribed the guards to gain entry. After brief pleasantries and some talk of when the day of Socrates' execution will fall, Crito admits to Socrates that his purpose there is to free him from prison and take him abroad to Thessaly, which he assures him can be successfully done thanks to the aid of a number of foreign benefactors. But Socrates is hesitant to leave, believing himself obliged to remain and allow his punishment to be completed, even though his sentence, they both concede, is unjust. Still, Socrates is eager to be convinced otherwise, if Crito can do so by means of reason, and so Crito plies Socrates with many arguments in favor of his escape, arguing not only that it is possible and desirable to escape, and that Socrates could live well outside of Athens, but that it is the just thing to do: for the sake of the welfare of his children, who will suffer without his care; for the sake of standing fast against his enemies in the state of

Athens, who are attempting to wrong him by this sentence; and for the sake of his friends' reputations, which will be besmirched by those who know neither Socrates nor his friends, and will think that Socrates died only because his friends could not or would not buy his freedom.

But Socrates dismisses these arguments, especially the last, arguing at length that the opinions of the many are not a relevant consideration in any such decision; a very important argument, to which I will return later in this essay. For now the relevant point is that Socrates' only concern, in the question of whether or not to escape, is whether or not escaping is just; not what people at large may think of their decision or what other consequences may follow from it. On the topic of justice, and counter to Crito's argument that Socrates is obliged to fight back against wrongs committed against him, Socrates suggests (and Crito accepts) the principle that to return harm for harm is harmful, to return evil for evil is evil, to return injustice for injustice is unjust, etc.; and thus that such vengeance ought not be perpetrated, for it is just as harmful, evil and unjust as the act being avenged, and one must never do such wrongs. Socrates considers it harmful and unjust to the state to disobey its laws, and feels thus obligated to obey them instead, for to do otherwise would be harmful, unjust, and wrong; and here I disagree with Socrates. Though I accept his principle of justice, that one must not return wrongs in kind for to do so is merely to do more wrong, I do not believe that merely resisting attempted harm to oneself necessarily harms the attacker; and even if the attacker does suffer harm from the resistance it is as a result of his own wrongdoing, not any wrongdoing on the part of the defendant.

If someone attempts to strike at me, I step out of his way, and he falls on his face as a consequence, I have not harmed him, although he has come to harm. If he attempts to strike at me, I hold up a shield, and he injures his fist upon it, I have not harmed him, although he has come to harm. Somewhat more analogously to the case at hand, "harm" may come to a street gang initiate whose initiation task is to mug me, inasmuch as he loses his status within the gang (and perhaps the gang itself loses status in the community), should I evade him and escape; but

certainly I did not do that harm, though it was a consequence of my actions. Likewise, "harm" may come to the state as a consequence of successful disobedience against it, inasmuch as its power and thus its authority will be less respected, but this is not the same as the disobedient one directly harming the state, say in the way a foreign conqueror would. None of these situations involve doing anything directly to harm the aggressor, but rather only the consequences of the aggressor's own actions failing. Thus, such resistance is not prohibited by the principle that one ought never do harm, for one is not doing harm merely by evading harm, even if harm indirectly results as a consequence of such evasion. Certainly we would not say that it is obligatory to allow oneself to be assaulted or robbed, even if we say that to retaliate in kind is forbidden. In all these circumstances, the aggressors are being harmed as a consequence of their own actions; and in the latter two cases, of the mugger and the unjust state, they suffer only in their reputation, losing the respect or fear and subsequent power they might have otherwise enjoyed, yet which, for their failure, they do not deserve.

In my third example, as in the case before Socrates and Crito, the only loss suffered is a loss of reputation and the power that reputation often entails. This connection between reputation and power is an important facet of my argument, for it is self-evident to me that the only significant power the state itself has is its reputation, the respect and obedience that people give to it; with no obedient subjects to enforce its laws over those who are not so obedient, or with insufficient portions of the populace willing to tolerate such enforcement, the state would have no power. In fact I argue that in such a case the state would not exist; and really, that no states ever truly exist, in any strict sense. There are merely masses of people, with an assortment of opinions on what is good, bad, morally neutral, permissible, impermissible, and obligatory; all of whom exert whatever influence they can manage, by whatever means they find best, to see that their opinions on such matters are enforced — that justice, as they understand it, prevails. And when some person or block of people manages to secure sufficiently unchallenged influence

over the behavior of the other people in an area (that is, when sufficient people act to enforce one code of behavior and a sufficient portion of the remainder tolerate them), we falsely attribute the existence of some sort of social entity above and beyond the collection of individual people, and call that entity the "state". But even a monarch only has his power because enough people believe in and support the monarchy, and enough of the remainder tolerate it; as has been demonstrated wherever a monarchy was overthrown from within by a democratic revolution. It is important to note, however, that this does not mean that democracy entails legitimacy; it only means that all states are on some deep level democratic, differing only in the degree that the people delegate their power to other people, in effect casting their vote as "whatever he says." The prevailing opinions may still be entirely wrong; I merely claim that it will nearly always be the majority opinion which prevails. (I say "nearly" because this phenomenon is dependent upon the relatively small differences in true personal power between most individuals, which are quickly diluted in larger groups, but still present in sufficiently small groups. A knight may be stronger and more skilled than any peasant, but it does not take many fed-up peasants working together to counter the power of that knight, so as the size of the group the knight is a part of grows, his relative power over the whole group decreases rapidly, unless it is bolstered by the support or at least tolerance of other members of the group. Thus for groups of any significant size, the differences in personal power between individuals can be safely ignored, and so the determining factor is not who supports a position but how many support it).

The opinions of the people who encompass the legislature of this "state" — be it one person as in an absolute monarchy, some minority in an oligarchy, or the majority in a direct democracy — then become "the law". Those things judged by such people as obligatory become required by law; those things judged as forbidden become prohibited by law; and those things judged as permissible are allowed by the law. But in any form of government, especially in a direct democracy such as ancient Athens, the laws of men are nothing but the opinions of men

backed by power, that power resting ultimately in the will of the majority; the only differences between government thus being the degree and structure of power delegation, and what the opinions of those delegates are. With it thus established that states are no more than masses of people and their laws no more than the opinions of said people backed by power, not only do I object to Socrates' insistence that he must be obedient to the state's death sentence, but it is plainly obvious to me that Socrates himself ought to conclude this, if he was to be consistent with his own earlier position that the opinions of men, as such, are irrelevant, no matter what power they may be backed by.

"But why, my dear Crito, should we care about the opinion of the many?" says Socrates. "Good men ... are the only persons who are worth considering". Crito eventually concedes this point, agreeing that the opinions of the many are irrelevant; only the opinions of good men matter. But what is it that makes a man good? Is that not part of what is at question here: which sorts of acts are right and which are wrong, which are just or unjust? (A good man, I take it, being one who acts rightly or justly). Certainly being good cannot be merely being seen as good in the eyes of the many, or supporting the commands of the many, for then the opinions of the many and the opinions of good men could never conflict, as good men by definition would always be of the opinion that the majority is right; and Socrates' statements differentiating their opinions would make no sense. So Socrates must agree that goodness is something objective, independent of the opinions of the many. Yet in the dialogue, after Socrates and Crito discuss at some length their agreement to disregard the opinions of the many in considering what ought or ought not be done, and to consider only what is or is not just, Socrates proclaims "From these premises I proceed to argue the question whether I ought or ought not to try to escape without the consent of the Athenians". But from where does this concern for the consent of the Athenians come, when we have just disregarded the opinions of the many (in this case the many of Athens); for what is consent if not simply the opinion that something ought to be permitted?

Socrates answers, in the voice of the Laws of Athens (speaking to him): “You, Socrates, are breaking the covenants and agreements which you made with us at your leisure, not in any haste or under any compulsion or deception, but having had seventy years to think of them, during which time you were at liberty to leave the city, if we were not to your mind, or if our covenants appeared to you to be unfair.” In short, Socrates is concerned with his obedience to the people of Athens (or at least the government collectively representing them) because he feels he has implicitly agreed to be bound by the decisions of the Athenian government by remaining in the city. But in response I argue that no one can, by any contract implicit or explicit, alter the natural moral obligations which are binding on all men at all times. The most exemplary and broadly agreeable instantiation of this principle is that one cannot sell oneself into slavery, for all men have natural rights (which is to say, obligations naturally owed to them by others) which they cannot give up even if they so choose. For instance, if we grant that all are naturally obliged to refrain from striking me except in such instances as I consent to them doing so, then while I may vary whether or not I consent to be struck, and thus vary whether or not it is morally permissible to strike me at that moment, I cannot vary whether or not it is morally permissible to strike me contrary to my consent, for it is naturally obligatory that none do so. That is, I cannot, in a morally binding way, agree that “henceforth so-and-so may strike me as he pleases regardless of my consent at that moment”. Any such contract offering terms contrary to natural obligations is invalid; and thus contracts of slavery, whereby one waives all of ones natural rights (which is to say, all obligations naturally owed to oneself by others), are the epitome of invalid contracts.

This relates to the situation at hand with Socrates and Crito in that a contract to obey the arbitrary commands of some entity (e.g. the state of Athens), provided only that they are issued forth in prescribed proper manner (e.g. by the formal proceedings of the Athenian court) and otherwise irrespective of the contents of those commands, seems to me no different than a contract to slavery, with the entity in question (the state) as the slave master; for what is slavery

but complete subjugation to the arbitrary will of another? Socrates himself admits this similarity, saying (once again in the voice of the Laws, speaking to himself) “can you deny in the first place that you are our child and slave?” Yet Socrates has a reply here as well, already quoted above: he has had many years in which he was free to leave the city if he did not wish to be bound by its laws, and by remaining he has implicitly agreed to be bound by them. Certainly a man cannot be a slave if he is free to leave his bonds at any time. But I respond that even such “voluntary” bonds are contractually invalid, for remaining on the lands of another still does not make one subject to the arbitrary will of the landowner.

The only obligation owed to the owner of some property, as such, is to refrain from acting upon his property contrary to his consent. Likewise the only punishment the property owner may apply simply for disobeying his commands (but not violating any natural obligations, e.g. harming someone or their property, which may warrant further punishment) is to refuse him the use of his property; in the case of land, ejecting him from the premises. By voluntarily entering and remaining in my home, my guests do not become subject to my arbitrary authority, to be enforced as I see fit; at most I have the authority to eject them from my home, if I grow tired of their presence there. Nor by voluntarily entering a corporate office do I become subject to the authority of the corporation, beyond the revocability of my permission to remain therein. Likewise, even if we grant that the city of Athens is the property of the state of Athens (i.e. of its people collectively, rather than parcelled out into individually owned plots), the greatest punishment morally justified simply for behaving in ways the state dislikes (but not in any way which is truly unjust) is banishment from the city. Thus, while the state may have the moral authority to forbid and punish legitimate injustices (which I agree it does, though no more so than any individual), it does not have the moral authority to enforce its arbitrary will upon those who reside within its borders; it merely has the authority to eject them from its lands if it chooses to do so, for which it needs no cause at all, if it is indeed the legitimate owner of those lands. Thus if

Socrates truly believes that he has done nothing unjust, then he should not (if accepts my principle regarding contracts and natural obligations) feel subject to the punishment decreed for him, though he may concede the state's authority to banish him, if he holds the state to be the legitimate owner of the city. I would further question whether it is right to presume that a state is the legitimate owner of its territory (rather than each citizen owning their own portion in private, as well as some public portions in common), and thus whether it even has the authority to banish the disobedient; but that is another lengthy topic, for which I do not have room in this essay.

In conclusion, I see no reason for Socrates to consider the will of the people of Athens (as channeled via their government) binding upon him; and I believe he should seek an answer to the question at hand, whether or not to escape from his punishment, solely by asking whether he has done anything to warrant that punishment — and it appears that he believes he has not. There is no guarantee that his opinion on this matter is correct; the state of Athens may in fact be correct, and thus Socrates' punishment just. But to defer to the public opinion over one's best judgment is never epistemologically sound. Men of reason do not turn to authority, even democratic authority, to answer questions of biology or chemistry or physics, but instead we appeal to evidence and sound logical arguments to determine the answers; and I see no reason why questions of ethics should be subject to any less rigorous and independent methodologies. By denying that any person, text, or institution has any special epistemic or alethic authority (the ability to magically divine or reveal the truth, or to create it by fiat), we do not deny the existence of objective truth. Nor by denying that any king, law book, or legislature has any special deontic authority (the ability to magically divine or reveal our obligations, or to create them by fiat) do we deny that there are objective standards of justice. In both cases we merely concede that we are all in the same standing regarding truth or justice, respectively; and we leave it to each individual to seek it for themselves, to sway others with arguments where they can, and to act upon it as they deem necessary or appropriate, regardless of decrees or prior agreements to the contrary.