

A Critique of the Crito and an Argument for Philosophical Anarchism

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In this essay I will present a summary and critique of Plato's dialogue *Crito*, focusing especially on Socrates' arguments in favor of obligatory obedience to the state. In response I will formulate an argument for philosophical anarchism, the position that no special obligation is owed to any state just in virtue of it being a state, although people maybe obligated to obey the commands of states when the state commands things that are independently obligatory. In short, I will argue that people are obligated to obedience only when what is commanded is already obliged by the demands of true justice, which is independent of the commands of the state, and thus that if the command that Socrates be executed is contrary to justice as both Socrates and Crito presume, that Socrates has no obligation to obey it; and in fact those tasked to carry out the order are 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 appeal to his better judgment, 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 his children's welfare, 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 consequence 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 that guy says." The prevailing opinions may still be entirely wrong; I merely claim that it will nearly always be the majority opinion which prevails.

(I qualify this with the word "nearly" because the described phenomenon is dependent upon the relatively small difference 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. For groups the size of any state worth discussing, even a small city-state, the differences in personal power between individuals can be safely ignored, and thus the determining factor is not who supports a position but how many support it. However, I concede that in sufficiently small groups — or in hypothetical cases of superhuman individuals with vastly greater personal power than any average human — minority opinions may still prevail despite the opposition of the majority).

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 good or obligatory

become required by law; those things judged as bad or forbidden become prohibited by law; and those things judged as permissible or morally neutral are allowed by the law. (Though it is important to note the difference between deontological sentiments and straightforward moral sentiments here, as the deontological sentiments — permission, obligation, and prohibition — are the basis of the laws of men, though the very same people may differ in their purely moral sentiments. For example, one may believe sloth or gluttony to be bad, but also believe that they are permissible, that is, ought not to be prohibited; and if the majority believe thus, sloth and gluttony will be permitted by law, though extralegally discouraged. It seems to me uncommon, however, for many people to make such distinctions, so here I pair the moral and deontological terms together for simplicity). But in any form of government, the laws of men are nothing but the opinions of men backed by power, the only differences between governments being the degree and structure of power delegation and what their opinions are; the latter making the largest difference in the relative justness of the state, and the former being relevant only via its implications on the latter (i.e. it might be that some structures of legislative power may tend to result in more just laws than others, even if we accept that the laws are not made just or unjust merely by the structure of the legislature which enacts them).

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 one must be obedient to the state, 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 consenting to the demands 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?

It seems instead that Socrates should seek an answer to the question at hand in some theory of justice not so subject to the whims of the public, and reason as best he can about moral principles, ignoring the opinions of the many, until he reaches the best justified conclusion he can. This still will not guarantee that his choice is correct, but it is a better epistemological method than a popular vote. 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, constitution, 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 with regard to the truth or the good, 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 fit. In the end, the prevailing opinion, and thus that which is acted upon most forcefully, will be that of the majority; but that does not entail that those who disagree are somehow wrong, and that all must submit to the arbitrary will of the majority, or to those to whom they have delegated their power. If the opinion of the majority is correct, then of course it ought to be heeded, and when the majority correctly says that it is one's duty to do or not do something, then one is obligated to do or not do it; but not because the majority commands it, rather, because it is in fact one's duty to do or not to it, as the majority has correctly asserted. Thus when the majority is wrong, the mere fact that some act is commanded by the majority does not entail any obligation at all, and one's true obligations may even be counter to the commands of the majority, entailing that obedience in such a case would be a great evil. In the dialogue, Socrates says "Dear Crito, your zeal is invaluable, if a right one; but if wrong, the greater the zeal the greater the evil". I say likewise of obedience; to a just command, it is invaluable; but to unjust commands, the greater the obedience the greater the evil.

Of course the obvious question now is that of who is to determine whether the majority is right or wrong. To that I can only answer that every man must determine that himself; for if we were to allow any entity that particular power, it would be no different than allowing it the sort of authority we have just now denied it. So I can only implore all men to pursue justice, according to their best understandings of it, at all times; to fight injustice, according to their best understandings of it, at all times; and to remain always open-minded and critical of both themselves and of others, so that their understandings may continually improve. For as the laws of a society are nothing but the opinions of its people, only when sufficient people are truly just in their hearts, and not merely obedient to "the state", will that society see true justice prevail.