Socrates on the Moral Authority of the State

In the Crito, Socrates makes some surprisingly strong claims about the moral authority of the state, which might even seem to be inconsistent both with another fundamental claim he makes in the Crito and with certain claims he makes in the Apology. I shall argue that although these claims seem to be in some tension with each other, the crucial claims about the authority of the state in the Crito can plausibly be interpreted in such a way as to remove any real inconsistency with the other claims.

The first, rather striking claim about the moral authority of the state occurs at 51b of the Crito. Socrates argues that, because of the state's role as a provider of security, education, and various important social institutions (such as marriage), the citizens of the state are its "offspring and servants"; and from this he concludes that citizens are subordinate to the state and its laws to such an extent that if a citizen ever disagrees with the state's laws or orders, he "must either persuade it or obey its orders," even if the latter amounts to suffering death. The implication for his own case is clear: Socrates had tried to persuade the court of his innocence and of the injustice of his execution (as detailed in the Apology), but he had failed; therefore, he argues, he must now obey the court and accept his death sentence--even though he still thinks that he is in the right on this matter.

The second, closely related claim, comes only a few paragraphs later, in 51e and 52. Socrates there argues that by virtue of remaining in the state, a citizen enters into an implied contract with it to obey its commands. More precisely, the claim is again that a citizen who has a disagreement with the state must either persuade it that it is wrong, or else obey it. In the voice of the personified laws: "either persuade us or do what we say" (52a). The implication, again, is that if one fails to persuade the state to change its mind, for whatever reason, then one must obey its orders. A citizen has no moral right to continue to resist the state, even if he is convinced that he is in the right and the state is in the wrong.

Now as mentioned above, these claims seem directly opposed to certain other claims Socrates makes. Most importantly, earlier in the Crito itself, Socrates had stressed that "one must never do wrong" (49b). Indeed, this serves as the driving principle behind the rest of his argument in the Crito. But is this really consistent with maintaining that one must always obey the state, if one fails to persuade it that something it orders is wrong? The obvious objection is that the state might well order one to do something wrong--e.g. because one of its laws is an unjust one, as Jim Crow laws were. In that case, Socrates' claim that one should never do anything wrong would entail refusing to do what the state orders--even if one is unsuccessful in persuading the state that it is wrong. Thus, Socrates' claim that one should never do wrong seems inconsistent with his claim that one must always obey the final orders of the state.

Secondly, it might be objected that Socrates' view of the moral authority of the state is inconsistent both with what he did when ordered by the Thirty to capture Leon of Salamis for execution, and with what he says he'd do if ordered by the state to cease practicing philosophy (both from the Apology). When the Thirty ordered him to capture Leon, he refused, on the grounds that this would have been wrong (unjust and impious). (Apology, 32c-d) This seems to be a recognition that one is morally obligated or at least permitted to disobey the state when what it commands is wrong--even if one fails to persuade it of its wrongness. And similarly, Socrates makes clear that he would disobey the state and continue philosophizing if it were to order him to stop--again, on the grounds that it would be wrong for him to stop philosophizing (recall that he saw philosophy as his life's mission, given him by the god). (Apology, 29c-d) Again, this seems to contradict what he says in the Crito about the supreme moral authority of the state and its laws and orders.

I believe, however, that it is possible to read the crucial passages about the authority of the state in the Crito in such a way as to render them consistent with Socrates' exhortation never to do wrong, and with his remarks about disobedience in the Apology. To see this, it is necessary to distinguish first of all between two issues: (a) what the law might require you to do, and (b) what the law might require you to endure. With this distinction in mind, consider the following possible interpretations of Socrates' claim about the moral authority of the state in the Crito:

(i) Citizens must obey any law or order of the state, whatever it asks them to do or to endure;

(ii) Citizens must endure whatever any law or order of the state says they must--including the law that verdicts arrived at through proper procedures shall be carried out--but citizens need not and morally should not do what is prescribed by an unjust law.

Now which of these positions is it most plausible to attribute to Socrates in the Crito?

There are passages that might seem to suggest i (e.g. 51e, 52a), but again, the obvious problem is that it seems inconsistent with his fundamental principle that one should never do wrong (49a)--at least on the assumption, which Socrates clearly accepts in the Apology, that the state is not infallible as regards judgments of right and wrong. Thus, a more charitable reading would interpret the passages about the moral authority of the state as referring implicitly to cases where the state does not require one to do anything unjust, but merely to endure something (or perhaps to do something that is not itself unjust, such as rendering some political service).

If the passages are read in this way, we can interpret Socrates' claim as ii above. When he says that one must obey the state's final laws and orders, what he means is that one must do anything it tells one to do within the bounds of justice, and that one must endure anything it tells one to endure. Thus, Socrates was not obligated to capture Leon of Salamis, and would not be obligated to cease philosophizing if ordered to, since that would be doing something wrong (i.e. something that is not within the bounds of justice); but he is obligated to accept and endure his punishment, as long as it was arrived at through proper judicial procedures. The latter is true, according to Socrates, even though the punishment is wrong; for by suffering it, he is not himself doing anything wrong, but only enduring something wrong. This is perfectly consistent with Socrates' exhortation never to do anything wrong.

Thus, what at first appears to be a blatant contradiction among Socrates' various claims is fairly easily remedied if we interpret the relevant passages in the Crito as making the claim in ii rather than the claim in i above. This interpretation is supported not only by the fact that it helps to reconcile Socrates' seemingly contradictory claims, but also by the fact that Socrates' examples of obedience to the state over one's own objections all involve having to endure something, rather than having to do something. He speaks in Crito 51b, for example, of having to "endure in silence whatever it instructs you to endure, whether blows or bonds, and if it leads you into war to be wounded or killed, you must obey." Though he does not explicitly formulate his claim as in ii above, his focus is clearly on the issue of having to endure something prescribed by the state, over one's own objections. Therefore, it is consistent with the text to interpret him as making only the claim in ii, which is fully compatible with his claim that one must never do wrong, and with his claim that under certain conditions one should refuse to do something the state orders (such as refusing to capture someone for an unjust execution, or refusing to cease carrying out your divine mission as long as you live).

As for the plausibility of Socrates' view, I believe that it is still overly demanding, even when qualified as in ii above. It's unclear why any of the factors Socrates mentioned should give the state such overriding moral authority that one should be morally obliged to endure execution without resistance even in cases where the state is genuinely in the wrong. It seems more plausible to hold that if one stands to be unjustly executed, one can rightly resist this punishment (even if it would equally be permissible not to resist). One could do this, I think, without showing any contempt for the laws, or challenging their authority, since one still grants the state's authority to do its best to carry out the punishment, and simply asserts a moral right to do one's best in turn to avoid such wrongful punishment. But that's a topic for another paper.

Work Cited

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