

BECAUSE I SAID SO:

PRACTICAL AUTHORITY IN PLATO'S *CRITO*

We are free and tolerant in our private lives, but in public affairs we keep to the law. This is because the law commands our deep respect.

Pericles "Funeral Oration"
Thucydides *History of the Peloponnesian War*

[Simonides] perceived that a good man, an honorable man, often forces himself to love and praise someone utterly different from himself, one's alienated father perhaps, or mother, or country...good men conceal the trouble and force themselves to give praise, and if they are angry because their parents or country wronged them, they calm themselves down and reconcile themselves to it, and they force themselves to love and praise their own people.

Socrates
Plato *Protagoras*

Abstract: This essay is an analysis of the central arguments in Plato's *Crito*. I begin by showing how the dialogue presents a variety of ways that the opinion of another person can have practical relevance in one's deliberations about what to do – e.g. as an argument, as a piece of expert advice, as a threat. Especially important among these forms of practical relevance is the relevance of *authoritative commands*. In the dialogue, the Laws of Athens argue that Socrates must accept his sentence of death, because he must regard the court's verdict as a command from a practical authority – the city. I show how the Laws' arguments rely on special features of authority-reasons that many commentators have overlooked. I also explain why the Law's arguments are unsuccessful. Finally, I argue that Socrates' description of "the many" suggests that the city lacks the deliberative capacity necessary for possessing practical authority.

1. Introduction: Practical Deliberation and Practical Authority

In *Crito* we encounter Socrates awaiting execution in prison, having been condemned to death by the Athenian jurors. Socrates' friend Crito has come to persuade him to escape, and the discussion between them concerns whether or not Socrates should do so.¹ At the heart of their

deliberation is the question of what practical relevance Socrates (and in a secondary sense, Crito) should give to the jury's decision. The city has spoken in the form of a verdict: it has said that Socrates is guilty and is to be executed. What, then, is the deliberative significance of what the city has said? In particular, does the verdict provide Socrates with a conclusive reason to accept his sentence and stay?

In the second half of the dialogue, Socrates gives a speech in the voice of the Laws of the city, and the Laws argue that the verdict does indeed give Socrates conclusive reason to stay.² According to the Laws, the verdict amounts to an *order*, an authoritative command, issued to Socrates by the city. And the Laws argue that the city possesses practical authority over its citizens, similar to the authority possessed by parents over children or military leaders over subordinates. Since the city is a practical authority over Socrates, its command has a special kind of practical relevance: it is an authority reason, or a reason to *obey*. Thus the specific question of whether Socrates should escape leads to the central philosophical issue in *Crito*, which is the nature of the city's practical authority over its citizens, including the city's capacity to provide citizens with reasons of authority through its laws and decisions.

To obey the speech of another person as an authoritative command requires that one accord that speech a special kind of practical relevance in one's deliberations. When obeying a command, the *fact* of the command serves as a conclusive reason for acting. A command provides a distinctive sort of practical reason that pre-empts other reasons, and obedience to authoritative commands requires one to surrender, to some extent, one's own judgment about what to do. In this respect, treating what someone says *as* an authoritative command differs from treating it as counsel or argument. In *Crito*, the arguments of the Laws depend upon this special kind of deliberative relevance that belongs to authoritative commands. However, the distinctive

features of authority reasons are largely left implicit in the Laws' speech. Thus many commentators have failed to appreciate the significance of these features for the Laws' arguments, and therefore have failed to characterize and critique those arguments correctly.³ In this essay, I examine some of the distinctive features of practical authority and authoritative commands, and I consider the Laws' central arguments in light of those features.⁴ In so doing, I hope to provide two things: 1) a more accurate and compelling presentation of the arguments of the Laws, including a better sense on what is *true* in the Laws' speech, and 2) a clearer understanding of why, ultimately, the Laws' arguments *fail* to establish that the court's judgment gives Socrates a decisive reason to stay and accept his punishment.

Moreover, while the nature of authoritative commands is of central importance in *Crito*, the dialogue is also sensitive to other ways that the speech of another person might have practical relevance, and in particular, to ways the speech of *the many* might be relevant. In fact, the issue of *how* we might pay attention to the views of others is a thread that runs through the dialogue – from the opening interchange (44b-d), to Socrates' programmatic statements about his own way of deliberating (46b-e), to the discussion of the soul expert (47a-48b), and finally the speech of the Laws (esp 50c-53e). In the second (next) section of this essay, I consider the dialogue's treatment of four distinct ways that one might regard the views of another as having significance for one's own practical deliberations. In recent years there have been interesting philosophical reassessments of *Crito*, but to my knowledge no one has spelled out the *types* of practical relevance as I do here. Looking at *Crito* through this lens reveals a thematic unity among the dialogue's different sections.⁵ Furthermore, it brings into sharper relief what is distinctive about the Laws' claim that the city-citizen relation is one of practical authority.

In the third section, I examine the Laws' argument that it would be wrong for Socrates to disobey the city's command by escaping. I argue that even if the city possesses practical authority over its citizens, the Laws fail to demonstrate that the verdict provides Socrates a decisive reason to stay and accept his sentence. The Laws' argument appeals to the special pre-emptive nature of authority reasons, and connects this feature to the idea of violence against this city. This argument fails, however, because it wrongly conflates a true feature of authority reasons – their pre-emptive character – with the false idea that all practical authority is *absolute*. From the fact that (a) when I act in obedience to an authoritative command, it serves to pre-empt my other reasons, it does not follow that (b) I *should* obey every well-formed command from a legitimate authority and allow it to pre-empt my other reasons in determining what I shall do.

In the final section, I return to *Crito*'s initial discussion of "the many" to highlight one of the central puzzles of the dialogue: how can Socrates be so disparaging of the deliberative capacities of the many, while simultaneously argue (in the voice of the Laws) that the verdict of the court which is *populated by the many* has practical authority? I argue that Socrates' description of the Athenian people at the beginning of the dialogue gives further grounds for doubting the city's claim that its verdict possesses practical authority. Socrates characterizes the many (οἱ πολλοί) as lacking practical understanding and acting at random (44d, 47e-48a). However, a necessary condition for possessing practical authority is the capacity to deliberate well in practical matters. Thus there is reason to think that the city – guided by the reasoning of the many – does not have the deliberative capacity necessary to possess the practical authority that it claims for itself, if Socrates' earlier description of the many is true. This illustrates an important point about democratic constitutions: if the people are to rule with authority, we must

suppose that the people have the deliberative capacity necessary to carry out the duties of authoritative offices and legal roles (e.g., legislators, jurors, voters).

One of the major questions for interpreters *Crito* is whether the speech of the Laws is meant to reflect Socrates' own outlook. While that issue is not my focus here, what I have to say is relevant to it. For the upshot of my interpretation is that the Laws' key argument rests on a mistake about practical authority (section 3.2), that Socrates could not consistently enter into the agreement the Laws describe (section 3.3), and that there is a serious tension between Socrates' description of the many and the Laws' notion that the city of Athens has practical authority over its citizens (section 4). Each of these points suggests, I believe, that Socrates own outlook should not be equated with the view of the Laws.

2. Varieties of Practical Relevance: Argument, Reputation, Force, and Expert Advice

Early in the dialogue, Socrates and Crito have a disagreement over whether or not one should pay attention to the opinion of the many (τῆς τῶν πολλῶν δόξης πέλει). Crito points out that if Socrates does not escape, the many will think he failed to do so because Crito and others were not willing to spend the money to bribe the Athenian officials. In this way Crito will acquire a bad reputation among the many if Socrates remains to be executed. Crito offers this as a reason for Socrates to escape, but Socrates resists the idea that avoiding a bad reputation among the many provides such a reason: "Good Crito, why should we care so much about the opinion of the many?" (44c)⁶ In response, Crito counters: "You see that it is necessary, Socrates, to care about the opinion of the many. The things now coming to pass make clear that the many can inflict not the least of evils but nearly the greatest if one has been slandered among them." (44c-d) But Socrates rejects this point as well: "Would that the many could inflict the greatest evils,

Crito, so that they could also work the greatest goods, and that would be well. But now they cannot do either. They are unable to make a man either wise or foolish, but they act haphazardly.” (44d)

As Verity Harte points out, this disagreement over the ability of the many to inflict evil is based on a difference between Socrates’ and Crito’s respective conceptions of harm. Crito is thinking of the many’s ability to inflict *physical* harm, as seen in their ability to sentence Socrates to death. Socrates, in contrast, is thinking of harm as the *internal* harm that comes to a soul through its own foolishness and wrongdoing. And this difference over harm is part of a more general disagreement over value: Whereas Crito is concerned about external goods, such as reputation, Socrates cares about internal goods, such as justice and wisdom.⁷

However, in addition to this disagreement over value, it becomes clear that Socrates and Crito also have in mind different *ways* in which one might care about the opinion of another person.⁸ A little later in the dialogue, Socrates describes his own approach to practical deliberation: “We must therefore examine whether we should act in this way or not, as not only now but at all times I am the kind of man who listens to nothing within me but the argument ($\lambda\omicron\gamma\omega$) that on reflection seems best to me.” (46b, Grube)⁹ Now, the idea of an argument directing one toward an action suggests one way that the opinion of others can be relevant to practical deliberation – other people can provide us with such arguments, or *counsel*, as to how we should proceed. In attending to the opinions of others as arguments, we look to the content of their opinions as indicating something that would justify us in acting one way or another. The other person suggests to us something good or valuable about acting a certain way, some consideration that we should attend to, and which would provide us with *grounds* for acting one way or another. And we can attend to another person’s opinions in this way even if she is not

advising us directly. For instance, in listening to two people deliberate about what to do, we can treat the considerations they put forth as potential reasons for us in similar situations. Or if we are trying to learn a craft, we may ask a craftsperson why she acts as she does, and the explanation she gives will be relevant for figuring out what we should do.

But in treating the opinion of others as counsel, we attend to their opinions in a different way than Crito has in mind in his opening arguments with Socrates. In fact, Crito appeals to two different ways in which the opinions of others can be practically significant for us. The first of these is reputation as such. Here, the views of others *about us* are relevant to our deliberations as external goods or evils to be pursued or avoided. If others think well of us (= if we have a good reputation among them), then their opinion is a good *for* us. If others think badly of us (= if we have a bad reputation among them), then their opinion is an evil *for* us. Moreover, the opinion of others about us can be a good or evil for us *regardless* of whether or not their opinion is well-informed or based in knowledge of our actions and character. It is clear that this is how Crito conceives the value of reputation, for the misfortune Crito imagines includes a bad reputation among people who don't know him or Socrates very well and who won't believe the truth about Socrates' execution, should he accept his sentence.

Whereas Crito initially appeals to reputation as such, his point about the many inflicting the greatest evils shifts to a different way in which the opinion of others can be practically relevant. Crito here regards the many as a *force* to be reckoned with, and the opinion of the many is relevant as an aspect of that force. When we attend to the opinions of others this way, we are not looking to the content of the opinion as a guide to what is actually good to do. Nor are we thinking of their opinions about us as goods or evils in themselves. Rather we are interested in the opinion as a guide for *predicting* what the other person is likely to do, so that we may then

adjust our actions accordingly. In such cases, the relevance of the other's opinion does not rest in the merit of the considerations on which he acts, but simply the fact that he accepts those considerations (even if he should not) – a fact that we must deal with if his views will lead him to act in ways that impact us. For example, I may be concerned to know what a bully thinks of me, not because the content of his opinions provide an accurate appraisal of my character, but because if he doesn't like me he'll try to beat me up.

Being concerned about the opinion of others as force is a limit case of interacting with others as rational agents, since in this case I am regarding the other person as something similar to a non-rational force of nature. For example, suppose that I see a celebrity in a restaurant.¹⁰ I want to take his picture, but I know that he holds the view that anyone who tries to take his picture should be punched in the face. I may care about his view *merely* for predicting what he will do, and my concern might cause me to refrain from taking his picture. In that case, my interaction with the celebrity is like my “interaction” with a mousetrap. I don't put my finger in the trap, because I predict that doing so will cause something painful to happen and I want to avoid pain. The celebrity's opinion, like the physical features of the mousetrap, is relevant to my deliberation simply because of its place in a causal chain that I want to anticipate.

After describing his approach to decision-making, Socrates returns to the relevance that the opinion of the many should have in their deliberation: “How should we examine the matter most reasonably? Would it be by taking up first your argument about the opinions of men, whether it is sound in every case that one should pay attention to some opinions, but not to others?” (46c-d, Grube) Socrates goes on to offer an argument for the conclusion that they ought not be concerned about the opinion of the many, but instead the opinion of the person who understands justice and truth. (48a) And what matters about the opinion of this person is that he

has *knowledge* of things relating to the just and unjust, shameful and beautiful, good and bad. It is clear, then, that Socrates is thinking of being concerned about the opinion of another person *as* a source of knowledge about how to act well. This, however, is not the sense of being concerned Crito evidently had in mind at when he suggested at 44d that they should care about the opinion of the many. Crito did not suppose that the many should be *listened to* on the merits of what they were saying, as if the content of their advice would lead one to the truth of how to act well. Instead he was conceiving of their opinion as a force whose consequences must be considered.

However, there is an additional twist to Socrates' argument that runs from 47a to 48a. For Socrates imagines following the opinion of a person in matters of justice and goodness as one would follow the opinion of a physical trainer in matters of physical health. The idea is of a trainer who knows what diet and activity are required for physical excellence, and who, on the basis of this knowledge, gives directions to the person in athletic training. The person in training does not know what the trainer knows, which is why he turns to the trainer for advice. And here we encounter a fourth way that we might attend to the opinions of another – as expert advice.

In attending to an opinion as expert advice, we are not concerned about what the expert says merely as a way to predict what the expert will do. The expert is not just a force with which we must reckon. Nor are we interested in the expert's opinion of us *as such*, regardless of how well-informed it is. To the extent that we care about the expert's opinion of us (*qua* expert), we do so because we think that opinion is a reliable guide for how we are doing. In following an athletic trainer's advice, we are interested in the content of his directions and we believe those directions will lead us to do the right thing, where "right" is determined by what is required for excellence in the athletic activity. A trainer (or other such expert) need not explain the grounds for his specific directions to the person in training (or other such advice-recipient). Of course the

trainer has knowledge of what is required for physical excellence, and this knowledge is the source of his directions. So he does not advise at random. Rather he has grounds for the advice he dispenses, and he could, in principle, offer those grounds to a person in training. But in his role *as* a trainer, it is not necessary for him to do this. And for the person to accept the advice of the trainer, he does not need to know the trainer's own reasons for his directions. This is a difference between attending to the opinion of another as expert advice as opposed to argument. In giving an argument, a person gives us considerations that can serve as the grounds for acting one way or another. We turn to an expert, in contrast, because we take the expert to have knowledge of the grounds in a way that we do not, and in treating his speech *as* expert advice, we need not ask for his grounds. The trainee can say to the trainer: "I'll take your word for it."¹¹

Thus before the Laws make an appearance, the dialogue presents us with: (a) a specific practical decision to be made, (b) practical deliberation as a topic for philosophical reflection, and (c) four distinct ways that the opinions of others can be relevant to our deliberations. These are: 1) as argument 2) as reputation 3) as force 4) as expert advice. In the arguments of the Laws, we encounter a fifth distinctive form of practical relevance – authoritative commands.

Before turning to authoritative commands, I want to note briefly an additional way in which the views of others might have practical relevance for us. We might be concerned about the views of another for the sake of *that* person's good. In their discussion, Socrates and Crito agree that the most valuable part of the person (i.e. the soul) is benefited by being just, and corrupted by injustice. (47d). And whether or not one lives justly depends on one's *views* about the importance of justice and what justice requires. If one has the view that justice does not matter, or wrong opinions about which actions are just, then one will not live a just life. So one's opinions about matters of justice (and virtue in general) are crucial for one's own good. Thus, a

person might well be concerned about another's views for the sake of the other person – you want them to have correct views about justice and virtue because you want them to act and live well, to have an uncorrupted soul, to have a life worth living.

This type of concern with the opinions of others contrasts in an interesting way with concern for reputation. In the case of reputation, I care about your views because they are good or bad for me. In the other case, I care about your views because they are good or bad for you. In the *Apology*, Socrates appeals to this second type of concern to explain why he questions his fellow Athenians about virtue, acting as gadfly to the city of Athens (*Ap* 29-31). So even though it is not said explicitly, it is plausible to suppose that this same sort of concern motivates Socrates to engage Crito in their discussion about what is just to do.

3. The Authority of the City

3.1. The City and its Commands

At 48a Socrates considers the fact that the many are able to put others to death. Here Socrates finally addresses the kind of practical relevance Crito evidently had in mind all along in his concern for the opinion of the many – a force to be reckoned with. Socrates, however, rejects the notion that their decision should be guided by this sort of concern with the opinion of the many. He argues that what matters is not mere life but the good life, and that one could never have reason, all things considered, to do what is unjust (47d-48c). Thus the thing he and Crito must consider is whether or not escaping from prison would be *just* (*δικαιοσυν*), and hence the power of the many to inflict death is irrelevant to their practical deliberation. If upon reflection they conclude that it would be just for Socrates to escape, then they will try to do so. But if they conclude that it would be unjust to attempt such a thing, then no other considerations will matter:

“If it appears that we shall be acting unjustly, then we have no need at all to take into account whether we shall have to die if we stay here and keep quiet, or suffer in another way, rather than do wrong.” (48d, Grube)

Socrates then goes on to argue that one must never return a wrong (*ἀνταδικεῖν*) for a wrong, nor treat another badly in return (*ἀντικακουργεῖν*) for being badly treated.¹² He notes that in rejecting retaliation he holds a position that puts him at odds with most people. He also characterizes this rejection of retaliation as the basis of his current deliberation with Crito (49d). Socrates next lays down the principle that if one has made a just agreement with someone, then one should keep the agreement and not break it. Thus Socrates establishes two points that spell out what justice will require in the present situation: 1) that they not wrong others, even in return for being wronged and 2) that they not break just agreements. And since he and Crito have already agreed that they must do whatever is just, the question of what they should do is now focused on these two requirements. As Socrates says: “if we leave here without the city’s permission, are we mistreating people whom we should least mistreat? And are we sticking to a just agreement, or not?” (49e-50a, Grube)

After focusing the deliberative question in this way, Socrates offers a long speech on behalf of the Laws of the city. The Laws claim that Socrates would be mistreating them – indeed, attempting to destroy the laws and the city – if he were to flaunt the verdict and attempt to escape. They also claim that he would be breaking a just agreement. The Laws hold that by choosing to remain in Athens, Socrates has thereby agreed to obey whatever the city and country commands (*ἂ ἄν κελεύῃ ἡ πόλις καὶ ἡ πατρίς*) (51b10). According to the Laws, the citizen has two options for acting well with respect to the city: he must either persuade it or obey its commands. Since Socrates has failed to persuade the city to acquit him, he must obey its

command that he be sentenced to death. In this respect, Socrates is like a citizen-soldier. The citizen may attempt to persuade the city not to fight a war. But once ordered into battle by the city, the citizen must obey: “You must either persuade it or do what it commands, and suffer quietly whatever it instructs you to suffer, whether blows or bonds, whether you are led to war to be wounded or killed, these things must be done. This is right (τὸ δίκαιον), never to give way nor retreat nor abandon one’s post, but in war and in law courts and everywhere, one must do what one’s city and country commands, or persuade it as to the nature of justice.”¹³ (51b4-c1)

In holding that the citizen must “persuade or obey,” the Laws claim that a command of the city amounts to a *conclusive reason* for the citizen to do what is commanded. A command fixes what must be done (ποιητέον) and thus in order to act well, the citizen must pay attention to the city’s commands – the commands of the city have inescapable practical relevance for the citizen’s deliberation. However, to pay attention to something *as a command* is to accord it a distinct type of practical relevance. In the case of obedience to a command, I have reason to do something *because* the authority figure tells me to do so, and my grounds for acting are not independent of the command itself. Rather, the command itself is what is practically relevant. To obey something as a command is to recognize the *fact* that I have been commanded as a decisive reason to act. In this respect, obeying a command is different from following counsel or argument. Counsel presents me with some good-making feature of a course of action. And I cannot pay attention to someone’s counsel without trying to understand the good-making feature – without trying to grasp the reason they are calling to my attention. In contrast, a command need not point to some good-making feature of a course of action. If I am a soldier, my commanding officer need not explain to me why crossing a particular mountain is a good idea; he can simply

order me to do so. And in obeying the command I treat the fact of the command as itself sufficient to make the action good to do.¹⁴

Acting out of obedience to a command shares something with following expert advice. In each case I can take a course of action simply because I have been told to do so, without knowing *why* the commander or expert has issued the command or instruction. However, I grant a piece of advice practical importance only insofar as I trust that this advice is based on good grounds. I assume that, if pressed, the expert could offer some adequate justification for his advice, and it is the assumed goodness of the expert's own grounds that is the basis of my following his advice. If on a particular occasion I have good reason to believe that an expert's advice is not justified, then I lose my reason for following that advice. For example, suppose that my doctor directs me to take penicillin for an infection. But when I come home, I remember that I am highly allergic to penicillin and that I forgot to mention this to the doctor. In this case, the *fact* that the doctor told me to take penicillin does not give me reason to do so. I have reason to follow the doctor's advice only insofar as I have reason to think it *good* advice – something justified with all the relevant information.¹⁵

In contrast, I can have reason to obey a command even when I disagree with the justification or content of the command – even when I think that the best course of action, considered independently from the command, would be to do something *other* than what is commanded. Suppose I am a soldier and my commanding officer directs me to take a certain path. I am convinced (correctly) that another path would be better, because less risky and more comfortable. Even so, I can still have decisive reason to take the path I am commanded to take. The fact that I have been commanded is my reason for action; I take the path *because* my officer has directed me to. In so doing, I do not “take his word for it” that this really is the best path. I

might do that in the case of a trail-expert, whose reasoning I couldn't fully grasp at the time of the advice. But with the commander, I do it "because he said so."¹⁶

The distinction between following advice and obeying orders shows what is wrong with David Bostock's suggestion that the Laws are to be identified with the moral expert discussed earlier in the dialogue. Bostock suggests that the Laws are a repository of wisdom in moral matters, and hence "their advice must always be treated with the greatest respect."¹⁷ However, if the Laws are to be listened to *as* an expert, then the citizen is only required to follow their instructions as one follows expert advice, and doing this is *not* the same as doing what the Laws explicitly demand: obeying their directives *as commands*. And the difference is highly relevant to Socrates' situation. For clearly Socrates does not think that the city has come to the right decision on *this particular occasion*. He says nothing to suggest that the city is following the best argument in condemning him to death, or that the city sentences him on the basis of good grounds.¹⁸ So if the city's instruction had relevance only as expert advice, then Socrates would in this case have reason to act against the advice, since he is convinced that the city is not acting for good reasons in condemning him. Socrates would be like the person who has good reason to believe that the doctor has given bad advice on a particular occasion, though perhaps the doctor is knowledgeable of the craft of medicine. In fact, however, the Laws argue that the situation is different. Socrates is required to obey the city's commands, regardless of whether or not the course of action could be judged best by grounds independent from the command itself.

3.2. *Public Authority and Private Judgment*

At 51b, the Laws claim that citizens must do what the city commands in war and in law courts and everywhere (ἐν πολέμῳ καὶ ἐν δικαστηρίῳ καὶ πανταχοῦ ποιητέον ἃ ἂν κελεύῃ ἡ

πόλις καὶ ἡ πατρίς). At 50b-c, Socrates speaks as if there is a particular law that he would be breaking by leaving – the law that “judgments rendered judicially be authoritative” (Allen)¹⁹. (τούτου τοῦ νόμου ἀπολλυμένου ὃς τὰς δίκας τὰς δικασθείσας προστάττει κυρίας εἶναι). Now, there is something odd about the idea of a *specific* law to establish that official judgments are authoritative. For it is part of their status *as* official verdicts that they have authority over the individuals in the case. If that were not so, there would be no point in law courts. And thus there is no need for a *further* law to grant authority to official judgments. So perhaps the point of saying this is simply to emphasize that these courts issue official judgments, and not merely the advice of a third-party councilor.

In any case, it is clear that the city claims to have the capacity to provide citizens – in its laws and judgments and official directions – with a distinctive sort of practical reason: a reason of *authority*. So why does the city possess this practical authority? What is the nature of the city-citizen relation such that the city’s judgments must be obeyed *as* commands, and not merely listened to as arguments or expert advice, nor regarded merely as force or reputation? And what, if anything, are the limits to this authority?

In their speech, the Laws make multiple arguments for the city’s authority over its citizens. The first of these arguments is quite compressed. At the beginning of their speech, the Laws say: “Tell us, Socrates, what you have in mind to do. Are you not, by this deed you are attempting, intending to destroy us the Laws, and the whole city, as far as you are concerned? Or do you think it is possible for a city to continue to *be* a city and not be destroyed, in which legal judgments are without force, but instead are made unauthoritative and corrupted by private individuals?” These rhetorical questions by the Laws build on the point just noted – that authority belongs to the *form* of official judgments, and is constitutive of them *as* official

judgments. Because of this, the Laws claim, the whole system of official judgments will be destroyed if those who are subject to the judgments do not regard them as providing reasons of authority. If every time a verdict was rendered the subject parties regarded it as an open question what they should do – or if they regarded the verdict as merely one more reason among others in deciding what to do – then they would not be regarding the verdict *as* practically authoritative. However, legal institutions are constitutive of a city. If a city is to exist at all, it must have authoritative officials and courts. Thus, the Laws claim, for Socrates to refuse to give authority to the city’s verdict is to attempt to destroy the city, or to destroy the city as far as he is concerned.

This line of thought, developed from the Laws’ rhetorical questions, does not yet amount to an argument that Socrates must obey the court’s verdict as an authoritative command. For why must Socrates always avoid actions that are destructive of the city? Especially in his present circumstances, this question requires an answer, since someone might argue that the city is unfairly attempting to destroy *him* through its verdict. So even if disobeying the verdict would be destructive of the city, such disobedience might seem either justified retaliation for the city’s aggression against him, or justified self-defense.²⁰

As we have seen, Socrates holds that it is never proper to retaliate. This is the very basis for his deliberation with Crito (49d), so we can be sure that he will not accept disobedience to the city’s verdict on grounds of justified retaliation. Furthermore, the Laws go on to argue that it is impious and wrong *ever* to attempt violence against one’s city, or to do anything that would destroy it. (50e-51c) To support this claim, the Laws offer an analogy between the city-citizen relationship and the parent-child relationship.²¹ A child stands in an asymmetrical relationship to his parents, owing them reverence and submission to their authority. A child does not have a right to retaliate against his parents, and it is impious (οὐχ ὀσιον, 51c1) to use violence against

them. In just the same way, a citizen must revere and obey his city, and a citizen has no right of retaliation against his city. (50c-51a) The analogy is apt, the Laws argue, because the city does things for the citizen that a parent does for a child, and even more: it gives birth to him, nurtures him and educates him. In fact, a city is even more holy and worthy of reverence than one's parents and ancestors. (51b1-2)

Combining the parent-child analogy with the earlier points about a city's legal institutions, we can see the Laws as making the following argument to Socrates:

- 1) If there is to be a city at all, then people like you (= its citizens) must respect its judgments in official matters *as* authoritative commands.
- 2) To respect a judgment as authoritative requires that you regard the fact of the verdict as conclusive reason to act and that you do not exercise further private judgment about what to do.
- 3) Thus, to fail to regard the fact of a verdict as conclusive reason is to undermine the very possibility of a city – i.e., to contribute to the city's destruction and attempt violence against it.
- 4) It is wrong and impious to contribute to the city's destruction, or to attempt violence against the city, no matter what it has done to you.
- 5) Therefore, it is wrong to fail to regard the fact of a verdict as conclusive reason, and you must respect the city's verdicts as authoritative rather than proceeding by private judgment in official matters.

In its second premise, this argument draws on a feature of commands discussed in the last section – that obeying something *as* a command means regarding the *fact* of the command as a conclusive reason for acting. Thus obedience to authoritative commands requires one to

surrender, to some extent, one's own judgment on the matter at hand. In obeying a command, I allow the command to serve as a reason for action that pre-empts or "silences" other reasons I may have. If I go over a particular mountain *because* my officer orders me, then it does not matter if I think that, considered independently of the command, this is all-things-considered the best thing for me to do. Likewise, it does not matter if I have additional reasons for doing this – e.g. this will be good exercise for me.

The Laws' argument combines this point about the pre-emptive nature of authority reasons (premise 2) with the idea, expressed in the Laws' rhetorical questions, that a city's institutions can only exist if citizens regard official verdicts *as* authoritative commands (premise 1). Putting these two ideas together, the Laws claim that any exercise of private judgment in official matters amounts to an act of destruction against the city (premise 3). Since an act of disobedience to an official verdict is, *ipso facto*, an exercise of private judgment that denies authority to the verdict, for Socrates to disobey the court's decision and escape would be an act of violence against the city, which is impious and wrong.²²

Perhaps the most obvious objection to the Laws' argument is as follows: "The city is not, as a matter of fact, going to be destroyed by Socrates' disobedience. If Socrates were to disregard the verdict and escape, surely Athens and its legal institutions would not disintegrate. Whereas a father might be killed by a single strike from his son, the city will certainly survive this 'attack' by Socrates. So it is not plausible to construe Socrates' disobedience as an act of 'violence' against the city, analogous to physical violence against one's parents. The first premise of the Laws' argument is false, because while citizens must *in general* regard official judgments as authoritative for the city to exist, it is not true that they must *always* do so. A city can absorb a

certain amount of disobedience to its commands without being harmed, and thus an isolated act of disobedience does not amount to a real attack on the city.”

A defender of the Laws’ argument can reply to this objection by insisting that while individual acts of disobedience to legal authority need not obliterate the city’s institutions, they are *as such* corrosive of those institutions. Consider an analogous case in which we are playing baseball. Of course, our game can go on with a certain amount of rule-breaking, even rule-breaking which is not noticed by the umpire. But if in the middle of the game, everyone decided to disregard the rules, then we would no longer be playing baseball at all. We would have destroyed our game of baseball, or destroyed baseball “so far as we are concerned.” This is because our game of baseball is constituted by actions performed in recognition of the authority of the rules of the game. So to the extent that *I* choose to break a rule on any particular occasion, I reject the authority of the rule and set myself against it. Thus *insofar as* I disregard the rules, I am to that extent bringing about the end of our baseball game. Put another way: *qua* baseball-player, I am someone who recognizes the rules of the game as authoritative for determining which actions are legitimate options for me. And because the game is constituted by the activity of players who respect the rules, *qua* rule-breaker I am not a player of baseball but a destroyer of baseball. In the same way, the city’s institutions are constituted by the citizens’ actions in recognition of the authority of official verdicts. So *insofar as* I disregard that authority, I am to that extent bringing about the end of those civic institutions. *Qua* person who exercises private judgment in such matters, I am not a citizen but a destroyer of the city. And that is something piety forbids me to be.

The initial objection challenges the notion that a single act of disobedience counts as “violence” against the city, on the grounds that, as a matter of fact, the city will continue

unharmful. The reply insists that a single act of disobedience is indeed violence, because *qua* act of disobedience it does harm to the city. As a counter-reply, the objector might then reject the Laws' claim that all acts of violence against the city are prohibited on grounds of impiety (premise 4). This claim about violence (the objector argues) sounded plausible when we were thinking of serious damage done to the city's institutions. But now that "violence" has been construed so broadly as to include *any* act of disobedience to the city's commands, no matter how serious its effects, we have no reason to accept a prohibition on all such acts. Consider an analogous case between parent and child. Suppose I am walking on the road with my father and a reckless chariot is racing toward me. My father does not realize what is happening and so refuses to move over. The only way for me to avoid being crushed by the chariot is to push my father off the road. Pushing my father might be called "violence," but given how little he is harmed and how serious the risk to myself, is such "violence" really to be ruled out on grounds of impiety? Likewise, given the comparatively little harm that will come the city through Socrates' disobedience, and the high cost to Socrates of obeying, whatever small damage his leaving will inflict on the city does not amount to objectionable impiety.

This counter-reply concedes that an act of disobedience to the court's verdict will be a form of violence against the city, but argues that not all forms of violence against a superior are impious and wrong. Whatever the merits of this counter-reply, I want to pursue an even deeper problem with the Laws' argument. The Laws claim that the judgments of the city's courts have the practical relevance of authoritative commands, like the commands of a parent, master, or military leader. However, the Laws' argument wrongly assimilates a true feature of authority reasons – that they are pre-emptive and content-neutral – with the false notion that all practical authority is *absolute*. When we properly distinguish these two points, we can see that not every

instance of refusing to obey an authoritative command amounts to an attack upon the authority of the commander. And thus the Laws are unjustified in claiming that an act of disobedience by Socrates would be an assault on the city.

In saying that a practical authority is absolute, I do not mean that its commands have unlimited scope. I mean rather that the authority's commands should *always* be obeyed if they have been properly formed. To see the distinction between absolute authority and the preemptive nature of authority reasons, consider the following situation: I am a student in a college class. I recognize that the teacher is a practical authority in this class. Her authority is not unlimited in the scope of things she may command – e.g. she does not have the authority to order her students to marry one another. But for a certain range of potential activities, she is the authority, and her commands preempt other reasons for action I might have. If she orders me not to chew gum in class, then I have conclusive reason not to chew gum, independent of whether I enjoy gum-chewing or agree with her gum-chewing policy. Now, suppose that one day she passes out a test and directs us to take out pencils and begin answering the questions. But I happen to know that someone has poisoned the pencils in this class, and if students begin to write with them a deadly gas will be released. So I refuse to write and instruct others not to. The teacher thinks this is tomfoolery and commands me to be quiet and write. What should I do?

I think it is clear that I should disobey the teacher's command. I should *not* regard the fact of her command as a conclusive reason to do as she instructs me. I should not allow it to preempt my other reasons for acting. (Remember: I *know* that the pencils are poisoned.) In this way, I should refuse to acknowledge her authority as absolute. However, it is consistent with this refusal, and with disobedience to her particular command, that I continue to regard her as having *practical authority* in the classroom. I do not disobey her command on the grounds that she lacks

the capacity to provide her students with conclusive reasons for acting through her directives. Moreover, I need not think that her specific act of commanding was malformed in any way. She is not commanding while drunk, or blind with rage. And the object of her command (=our writing with pencils) is within the range of her legitimate authority. My exercising private judgment in a given case – indeed, disobeying an command – is *consistent* with my recognizing the commander as a legitimate practical authority whose exercise of her authority is not malformed in this case. My disobedience does not alter my relation to her practical authority, as if I formerly recognized her authority but not reject it. Rather the authority she possesses has never been *absolute*.

When we reflect on the pre-emptive nature of authority reasons, what I have just said might seem impossible. For isn't the essence of an authority reason that the subordinate does *not* exercise private judgment? And if in a single case the fact of an authority's command doesn't settle the matter of what you must do, how can you suppose that the authority's commands will settle the matter for you on any other occasion? To disobey a command on a given occasion thus seems to amount to denying practical authority to the commander.

What this overlooks, however, is that the acceptance of authority structures takes place against a background understanding that standardly includes: a) a conception of the goods served by the authority, and b) a conception of the persons within the authority structure. Likewise, a particular choice to obey – to regard a particular command as authoritative – takes place against a background understanding of the commander, the act of the commanding, and the situation. This background understanding includes, for example, the belief that it is the actual commander, and not an imposter, who is issuing the command. It also includes the understanding that this command is well-formed along a number of dimensions – e.g. not given in a state of mind

clouded by narcotics or brain-washing. *And* it includes a general grasp of the situation and the likely effects of acting in various ways. To see this last point, consider another example. Suppose I am a soldier and my commanding officer orders me to lead my platoon on a certain route around a mountain. I learn that taking this route will have disastrous consequences, resulting in the pointless destruction of the whole army and the loss of the city. My officer, however, is unable to grasp this because he doesn't have access to the relevant information. Even though I try to explain matters to him, he repeats his command and insists I take the disastrous path. But I *know* that following his command will destroy the army and the city. So I decide to disobey, and the army and city are saved.

Here again, disobedience is justified. For the *point* of authority-relations in the army is to enable the army's success in fighting, and the point of fighting is to protect the city, so it would be self-defeating to obey my officer when I *know* that doing so will lead to the destruction of the city. Moreover, my act of disobedience need not involve my rejection of the standing authority of my commander. Disobeying a particular order is consistent with recognizing military authority as legitimate. It is also consistent with recognizing that *this* particular officer, whom I disobey here and now, has the standing authority to issue authoritative commands. Thus in disobeying a particular order, I do not challenge the military's authority structure or attempt to overthrow it "so far as I am concerned."

It is true is that insofar as one acts in obedience to an authoritative command, one foregoes private judgment; one regards the fact of the command as a conclusive reason to act that pre-empts other reasons one has independent of the command itself. It is also true that disobedience to commands could not be the standard case, for then there would be no point in having the authority structure, and indeed the authority structure would dissolve. What this

reveals is that the kind of extraordinary cases I have imagined could not be the standard case. However, it does not show that to recognize a practical authority is to recognize its authority as absolute, in the sense that every well-formed command from a legitimate authority should be obeyed. Thus the refusal to obey a given command by a standing practical authority need not be a rejection of the commander's practical authority. And hence disobedience as such need not amount to an act of violence against the authority, or as something that is harmful and corrosive to the authority *qua* authority.

Since respect for a practical authority does not require obedience to all of the authority's well-formed commands, further argument is required to show that Socrates' disobedience to the verdict of the court amounts to a rejection of the city's authority and an act of violence against the city's institutions. (Put in terms of the Laws' argument sketched above, while premises 1 and 2 are true, premise 3 does not follow from them). Of course, the Laws might claim that the city's authority is absolute and citizens are never justified in disobeying a command of the city. It might then be an act of violence were a citizen ever to disobey. But to claim that the city's authority is absolute would just be a new *assertion* by the Laws, not an argument based on the special character of authority reasons and the city's institutions.

3.3. *The Agreement between City and Citizen*

We saw earlier that Socrates and Crito agree that justice requires a) that they not mistreat anyone whom they should not mistreat, and b) that they stick to just agreements. (49e-50a). In the last section, I considered an argument by the Laws that corresponds to the first of these requirements of justice, which attempted to show (unsuccessfully) that for Socrates to leave would be mistreating the city and perpetuating violence against it. The Laws also make an

argument for their authority that corresponds to the second requirement. The Laws argue that Socrates has *agreed* to stand in an authority-relation to the city. The city does not prevent a citizen from leaving, and anyone who sees how the city is run and chooses to remain “has in fact come to an agreement with us to obey our instructions.” (51e) To disobey a command of the city, then, is to break a just agreement.²³

How convincing is the Laws’ appeal to an agreement between city and citizen? To begin, it is far from clear that Socrates has in fact made the specific agreement that the Laws claim he has made. Even if we grant that by staying in Athens, Socrates has agreed to give the city *some* authority, why suppose that he has given the city the kind of far-reaching authority implied by the “persuade or obey” formulation? It seems just as reasonable to claim that he has agreed to only a more qualified form of authority, such as: “persuade or obey, except in cases when obedience would require injustice or result in unnecessary, undeserved, and grievous harm to oneself or others.” This sort of agreement would give the city considerable authority over the actions of the citizens. For example, it could justify sending them into harm’s way for a necessary war. However, it would limit the city’s authority in other cases, including perhaps cases like Socrates’ conviction and sentencing. I am not saying that the city and its citizens *have* reached an agreement of this limited sort. Rather my point is just that the Laws’ speech says nothing to close off this possibility or show what is wrong with alternative understandings of the agreement between city and citizen.²⁴

And we can go further than this. For there are also reasons for thinking that Socrates *could not* consistently enter into the specific agreement that the Laws describe, since it conflicts with his core practical principles. There are two potential sources of this conflict, and the second is more serious than the first. The first concerns Socrates’ commitment to directing his life by

reasoned deliberation. Some have claimed that this commitment to reason conflicts with any agreement that turns over the control for one's decisions to an outside authority. This supposed conflict has been emphasized by Roslyn Weiss.²⁵ Socrates, Weiss stresses, conducts his life according to his own convictions about what is best to do. As we have seen, Socrates emphasizes earlier in the *Crito* that his policy is to do whatever the *arguments* seem to say – arguments, of course, that he and his interlocutor are able to work out for themselves. Weiss emphasizes that Socrates conducts himself as someone “ultimately free to determine for himself what he ought to do.”²⁶ For Weiss, this seems to mean that Socrates could never *obey* the Laws, or any other practical authority: “In the absence of a moral expert, Socrates may obey nothing but his own carefully considered judgment; for him to sign on in advance to ‘whatever judgments the city reaches in trials’ is for him to relinquish his ultimate authority – and duty – to judge.”²⁷ To agree to persuade or obey, then, would be agreeing to live in a manner unworthy of Socratic principles: “The Laws regard the citizen as their slave; Socrates will do nothing unsuitable to a free man.”²⁸

The force of Weiss's argument, however, is substantially reduced when we recognize that: 1) it is *Socrates himself* who is giving the speech of the Laws, and 2) that the speech gives an *argument* to justify the authority of the Laws and the city. The speech of the Laws aims to convince Socrates that he ought to accept the commands of the city. The speech itself, however, is an argument and not a command. When the Laws speak, they do not simply *order* Socrates: “Obey!” Rather, they offer him considerations to show why he would be correct to accept the city as having practical authority, and hence correct to obey its commands in his own case. In this speech, then, we have Socrates (in the voice of the Laws) laying out *grounds* for accepting the city's authority.²⁹ And the fact that Socrates and Crito are able to understand these grounds significantly transforms their relation to that authority. For it is now open to Socrates to submit

to the authority of the city *in light of his own acceptance* of the reasons given for the legitimacy of that authority. Thus if Socrates now accepts these arguments and submits to the city's authority, he obeys in a way that is different from how a young child obeying its parents. For a young child does not give or accept a reasoned justification of parental authority.³⁰ But a reasoned justification for their authority is precisely what the speech of the Laws aims to provide. So the dialogue itself suggests the way that Socrates could submit to the authority of the Laws without thereby compromising his commitment to reason and conscience – by investigating and understanding the grounds of the authority to which he submits. Weiss' contrast between the life of reason and submission to authority seems to overlook the possibility of a critical acceptance of authority, as if all submission was slavish or unthinking.

However, there is a second, stronger reason for thinking that Socrates' principles are inconsistent with the "persuade or obey" agreement: Such an agreement would require Socrates to do an injustice if the city were to command an unjust act, whereas Socrates is committed to *never* doing an injustice. Thus Socrates could not consistently agree to give the city the sort of unlimited authority the Laws claim for it. This point has also been stressed by Weiss, as well as Harte and Bostock.³¹ However, Brickhouse and Smith have defended the consistency of Socrates' commitment to the "persuade or obey" agreement, on the grounds that *if* the city possesses genuine authority, then a citizen *cannot* act unjustly in obeying its commands or laws, whether or not those commands or laws are just.³² As they say:

[F]or when the Laws announce the "persuade or obey" doctrine, the Laws insist that their requirements are justly imposed upon citizens. Moreover, the analogies the Laws provide – in which the authority of the state over the citizen is likened to that of masters over slaves and parents over children – seem to depict a kind of authority in which the

responsibility for what is commanded by the authority is wholly the authority's own. By this analogy, then, it would be just for a citizen to obey an unjust law, and the problem that has so exercised scholars would simply vanish.³³

Thus Socrates' agreement with the city is not inconsistent with his commitment to justice, because acting in *obedience* absolves him from acting unjustly.

Contrary to this suggestion by Brickhouse and Smith, it is highly implausible to hold that a person *always* acts justly in obeying an unjust command or law, just so long as the political authority issuing the law possesses general authority for commands and laws. While it might be possible for obedience to absolve a person from injustice in certain instances, it is not true that obedience guarantees one to be free of injustice. Suppose that the city possesses practical authority, but then commands Socrates to participate in the massacre of an innocent town. Ought we to say that in such a case Socrates would be acting justly, simply because he acts in obedience to a command from a legitimate authority? Rather, the case shows the opposite – one may act in obedience to a command from a generally legitimate authority but still act unjustly.³⁴

In fact, the *Apology* provides an example of Socrates disobeying a command of the city's authorities, precisely because the act was commanded was unjust. Socrates says that, during the rule of the Thirty, he was ordered to bring in Leon of Salamis to be put to death. Socrates refused, however, on the grounds that doing so would have been unjust and impious. (*Ap* 32d). Brickhouse and Smith claim that this example does not actually show Socrates' willingness to violate a directive from a legal authority, since the rule of the Thirty is not an instance of valid legal authority.³⁵ However, in the *Apology* Socrates does *not* claim that the rule of the Thirty was illegitimate, and he does not give that as the grounds of his disobedience to their order. If that was the decisive factor for his disobedience, we would have expected him to mention this.

Instead the *reason* he gives for disobeying the command is that the action he was commanded to do was unjust and impious. Moreover, suppose that the legitimate authorities in Athens *had* commanded Socrates to commit some atrocity, such as putting many innocent people to death. It is hard to accept that Socrates would have been free from injustice in obeying, or that he would have seen himself as obligated to obey in such a case.³⁶

So the problem remains: If the citizen's agreement is to "persuade or obey" *whatever* is commanded, then the agreement could require an unjust action, contingent upon the direction the City takes in a given situation. And thus the agreement is inconsistent with the Socratic commitment to act justly in every situation, in which case there is reason to think Socrates did not – or at least should not – make such an agreement.

4. Reason, Authority, and Democracy

The Laws never claim that Socrates' conviction and sentencing was based on good grounds, or on proper considerations of truth and justice. They point out that if Socrates escapes, those who convicted him will take this as confirmation that they were correct to think he corrupted the young and ignorant. But the Laws do not say that those who convicted him *were* correct. In fact, the Laws suggest the opposite when they say to Socrates, "As it is, you depart, if you depart, after being wronged not by us, the laws, but by men" (54b, Grube). Presumably those who have wronged Socrates are his accusers and those jurors who voted against him. In allowing that Socrates is being wronged by these men, the Laws suggest that the arguments brought forth against him were *bad* arguments, and that his conviction was not based on proper considerations. For if it was based on good grounds and the proper decision was reached, how

could Socrates claim to have gotten something other than what he deserved? And if those who convicted him gave him what he deserved, how could Socrates claim to have been wronged?³⁷

In fact, the Laws' admission that the correct decision was not reached in Socrates' case is precisely what leads to the city's appeal to its own practical authority. For the Laws recognize that the natural protest by someone in Socrates' position is to say: "The City wronged us, and it did not make the correct judgment." (50c, Grube) The discussion of authority, including the parent analogy and the persuade or obey agreement, comes in response to this protest. The Laws' argumentative strategy is to separate the question of the city's practical authority from the question of the merits of the case against Socrates. Their claim is that *even if* Socrates is correct to think that the wrong decision was reached in his own case, he should nevertheless submit to the decision *as* a command of the city.

The Laws' argumentative strategy depends on an important feature of practical authority that we discussed earlier in contrasting commands with expert advice – namely, that a person under authority can have decisive reason to obey a command even if he recognizes that *apart* from the command he has best reason to do something *other* than what he has been commanded to do. If I am a soldier and I have been ordered to take a certain route, I may have decisive reason to take that route, even if I know that my commander has not chosen the best route and that, apart from the command, there is good reason for me to take a different route. A subordinate does not lose his obligation to obey – and conversely, an authority does not lose his right to be obeyed – simply because a command is incorrect in this way.³⁸ So it might be the case that even though Socrates' case was decided wrongly, the decision nevertheless has the status of an authoritative command of the city, and thus it gives Socrates a reason to accept his sentence.

As we have seen, the Laws' defense of the city's authority depends upon comparing the city to human authorities such as parents or military commanders. The "persuade or obey" requirement implies that citizens can persuade the city, and thus the city is represented as able to understand arguments that citizens bring forth. Parents or military commanders issue directives on the basis of their understanding of the situation. Likewise, the city commands its citizens in light of arguments, including arguments about the *justice* of a proposed action (51b-c).

Now, there are certain conditions that must be in place if a person (or entity) is able to possess the standing authority to issue authoritative commands. Prominent among these conditions is that the would-be-commander has the deliberate capacity to grasp the relevant reasons for and against various courses of action, and to command on the basis of them. Socrates' description of "the many," however, gives us reason to think that the city lacks such deliberative capacity, and hence cannot possess the authority it claims. So if Socrates' earlier description of the many is accurate, he has reason to reject the authority of the city's commands.

Before the speech of the Laws, Socrates claims that when the many act, as in the case of Socrates' trial, they act haphazardly, or at random (ποιοῦσι δὲ τοῦτο ὅτι ἄν τύχῳσι - 44d) It is clear that, in Socrates' view, the many do not possess a proper understanding of what is good or just or beautiful. That is why he and Crito should not listen to the opinions of the many in reasoning about what to do. The decisions of the many, then, are not likely to be based on proper considerations. Given their lack of understanding, there is no reason to think that they many will judge correctly and choose the best course in a situation. However – and this is the key point – what is true of the many is relevant to the city considered as an entity that gives authoritative directives to its citizens. For clearly the image of the city as deliberating and issuing commands is a way of talking about what happens when some or all of the citizens of Athens come to a

decision. And Athens is a democracy, so in cases such as Socrates' trial, this deliberation and decision-making is done by the many. The city can be represented as "persuadable", and as acting on the basis of argument, precisely because those who make the decision do so on the basis of debate and discussion prior to a collective decision. In Socrates own case, this debate and discussion was obviously the trial itself, including the speeches by the prosecution and by Socrates, and the votes of the jurors. It is the many, then, who determined the course of the city in Socrates' case.³⁹

So a command of the city is based on deliberation by the many. Since the many act without an understanding of the good, this means that the city acts without a proper understanding of the good – at least on occasions when the city's decisions are determined by the many, as in Socrates' trial. The city, then, issues commands haphazardly, and there is no reason to think that the city's decisions will be based on good grounds.⁴⁰

Thus it is doubtful that the city, guided as it is by the many, has the deliberative capacity necessary to possess the practical authority it claims to possess. Of course a parent or military leader might be fallible, but it would make no sense to recognize the authority of a person who did not standardly issue commands in light of good reasons. That is why if a parent loses this deliberative capacity – e.g. by going insane – he also loses his practical authority over his children. Likewise a military commander who is unable to issue commands on the good reasons has become "unfit for command." However, just such an inability to decide well is implied by Socrates' earlier description of the many as lacking understanding and acting at random.⁴¹

To see the problem for the authority of court's verdict, consider an analogy. Suppose Socrates' jury had been comprised of 4-year olds. Such jurors could not possess practical authority in a law court, and the decisions of such a jury could not be authoritative. This is

because 4-year olds do not possess the capacity to understand the relevant information and to deliberate toward a proper judgment. According to Socrates, however, the same is true of the many, at least in matters of justice.

The issue I am raising here is separate from the distinction between “procedural justice” and “substantive justice.” It might be suggested that even though substantive justice was not achieved in Socrates case (=he was declared guilty even though he was in fact innocent), nevertheless procedural justice was achieved, insofar as he was given a fair trial, with a chance to offer a defense, the jurors were not bribed, etc. And it might be further argued that Socrates should accept the verdict as the legitimate outcome of procedural justice. However, the problem of deliberative capacity is *prior* to such a point about procedural justice. For just procedures and institutions depend upon the ability of those who participate in them to reason well and arrive at correct decisions. Thus we would not care about the procedural justice of trials if judges and jurors did not standardly have the capacity to evaluate evidence properly, to apply the law, and to reach correct decisions about guilt and innocence.

More generally, the point is that if the institutions of a democracy are to have practical authority over citizens, then the citizens who make decisions within those institutions must have the capacity to deliberate well. For in a democracy, the authority of the city’s institutions is realized in the rule of citizens over one another. To the extent that the many lack capacity for good deliberation, one of the background conditions for legitimate democratic rule is eroded.

This raises serious interpretive questions. Does Plato intend for his readers to recognize the tension between Socrates’ description of the many and the idea that Athens has practical authority over its citizens? If so, are we meant to side with Socrates? Does *Crito* cast doubt on the idea that any democracy could have practical authority? I hope to have shown how these

questions arise from a careful reading of the dialogue. Addressing them, however, is beyond the scope of this essay.

¹ As Michael Stokes has emphasized, the *Crito* is the one case in Plato's dialogues where we find Socrates "deliberating jointly with his interlocutor whether or not to perform a particular specific single action." *Dialectic in Action: An Examination of Plato's Crito* (The Classical Press of Wales: 2005) 15.

² When referring to the Laws as a personified orator in the dialogue, I capitalize "Laws."

³ See, for example, the arguments of Bostock and Weiss discussed below. Another recent commentator who fails to appreciate the role of authoritative commands in the argument of the Laws, and hence misses much of what is *true* in the Laws speech, is Kyle Scott, "Lessons from the *Crito*", *Polis* Vol. 26, No. 1 (2009) 31-52.

⁴ I focus here on what I take to be the most important arguments in the Laws' speech. The Laws make other points that I will not address.

⁵ I am not aiming to give an exhaustive taxonomy of the ways that others' opinions can be practically relevant for us, or even to address all the forms of practical relevance in *Crito*.

⁶ I have relied on several English translations of *Crito*, along with the Greek text. If unattributed, the translations are mine.

⁷ Verity Harte "Conflicting Values in Plato's *Crito*" in *Plato's Euthyphro, Apology, and Crito: Critical Essays* ed. Rachana Kamtekar (Rowman and Littlefield: Oxford, 2005) 229-259. See esp. 240-241.

⁸ Here and elsewhere, I use the term "opinion" to mean simply a person's beliefs or views, regardless of whether or not those views are an expression of knowledge. By "opinion" I do not mean "mere opinion" where that contrasts with knowledge or understanding.

⁹ *Crito* translated by G.M.A. Grube, in *Plato: Complete Works* ed. John Cooper (Indiana: Hackett, 1997) pgs. 37-48.

¹⁰ I thank Agnes Callard for this example, along with helpful discussion of this point.

¹¹ The relationship to the trainer is similar to what Elizabeth Anscombe's describes as "believing someone" for the truth, which contrasts with seeing the truth for yourself on the basis of reasons. See "What Is It to Believe Someone?" in *Faith in Hard Ground* eds. Mary Geach and Luke Gormally (Exeter, UK: Imprint Academic, 2008) 1-10. Anscombe points out that the teacher of philosophy does not want her students to believe *her*, but to see for themselves. The point of philosophy is frustrated if the student says, "OK. You tell me Descartes' argument is flawed. I'll take your word for it. I believe its flawed." In contrast, a teacher of history might be happy to have the students accept a historical fact on the basis of her testimony – e.g. to believe that there was a race riot in Chicago in 1919 because she tells them so in her lecture. In that case, the students believe *her* for the truth.

¹² Considered as an argument against retaliation, Socrates' reasoning is inadequate. He argues that 1) one must never to do wrong, and 2) inflicting wrong in return for a wrong (=retaliation) is wrongdoing, and thus 3) one must never inflict wrong in return for wrong (=one must not retaliate). The defender of retaliation, however, can agree with #1 but reject premise #2, insisting that while retaliating might involving *harming* the offender, it does not involve *wronging* him, in the sense of treating him unfairly or failing to give him his due. Thus, as an argument for the conclusion that retaliation is wrongdoing in the sense of injustice, the argument assumes in premise #2 what needs to be proved.

¹³ I agree with Bostock, who argues that "persuade or obey" cannot be satisfied merely by *attempting* to persuade, even if one was unsuccessful. See David Bostock, "An Interpretation of Plato's *Crito*", *Phronesis* vol. XXXV no. 1 (1990), 1-20, esp. 14-16.

¹⁴ Cf. Joseph Raz who, following H.L.A. Hart, describes authoritative utterances as "content-independent" utterances: "A reason is content-independent if there is no direct connection between the reason and the action for which it is a reason. The reason is in the apparently 'extraneous' fact that someone in authority has said so, and within certain limits his saying so would be reason for any number of action, including (in typical cases) for contradictory ones. A certain authority may command me to

leave the room or to say in it. Either way, its command will be a reason.” *The Morality of Freedom* (Oxford: OUP, 1986) 35.

¹⁵ This reveals that the authority of expert opinion is really *theoretical* authority, rather than practical authority. The expert is better positioned to say what is the case, or what reason for belief there are, and thus he may have a legitimate claim to be believed for the truth.

¹⁶ In the way that it differs from following expert advice, treating something as a command shares something with treating it as force/threat. In both cases, it is the *fact* that the other person thinks or says something that gives me a reason to act in a certain way. In the case of a command, however, the relevance of the command is not simply as a means of *predicting* what the other person will do.

¹⁷ Bostock, “An Interpretation” 20.

¹⁸ The *Apology* also makes it clear that Socrates does *not* think there are good grounds for his conviction.

¹⁹ *Crito* translator R.E. Allen in *The Dialogues of Plato: Volume I* (New Haven, Yale: 1989).

²⁰ At 50c1-2, Socrates considers a reply to the Laws’ opening questions that prepares the way for such justifications of disobedience : “Shall we say in answer, ‘The city wronged me, and its decision was not right.’ Shall we say that, or what?” (Grube)

²¹ The Laws also appeal to the master-slave relationship (51a1), though this is less emphasized, presumably because Socrates does not have a master.

²² Charles Young rightly emphasizes that the Laws main argument depends on the idea that doing violence to the city is wrong. However, Young does not consider what I think is the key question: why suppose that Socrates’ disobedience would count as *violence* against the city? To understand the Laws’ answer to that question, we need to recognize the special nature of practical authority and authority reasons. See Charles Young, “Plato’s *Crito* On the Obligation to Obey the Law” *Philosophical Inquiry* Vol XXVIII, No 1-2 (2006) 79-89.

²³ There is a superficial tension between the agreement argument and the parent-child analogy. One does not *agree* to enter into an authority-relation with one’s parents. So the reverence and obedience owed to

parents, it seems, is not the result of agreement. A family is not an all-volunteer army. Thus if the city has its authority by agreement, it seems it must be a different kind of authority from a parent's authority. So probably the parent-child argument is meant only to give us a picture of a relationship with similar features to the relationship between city and citizen. The analogy presents the *possibility* of authority-relations and suggests some their features, beginning with a central and non-controversial case. It highlights the fact that we already understand and accept such a relation in the case of our parents. A citizen's relationship to one's city is not exactly like a relationship one's parents, since in the parent case there is no need for an agreement. Having been birthed, nurtured and educated by Athens, the citizen owes the city reverence. This reverence is consistent with choosing to *leave* Athens once one is grown. But if one chooses to remain, then one agrees to "persuade or obey" the city and its commands. The situation, then, is perhaps similar to an adult child choosing to live in his parent's home. The adult child owes reverence to the parents simply as his parents. And in addition, by choosing to stay in their home, the adult child agrees to "live by the rules" that his parents set down for their home.

²⁴ For an interesting discussion of the process of becoming a citizen in Athens, and the idea of an implicit agreement between city and citizens, see Richard Kraut "*Dokimasia, Satisfaction, and Agreement*" in *Plato's Euthyphro, Apology, and Crito: Critical Essays* ed. Rachana Kamtekar (Oxford, UK: Rowman & Littlefield, 2005) 175-209. Kraut's main focus in this essay is on the *manner* by which a citizen of Athens committed himself to the authority of the city. Nothing Kraut says, I think, satisfies the worry I am raising in this paragraph about the *content* of that commitment.

²⁵ Roslyn Weiss, *Socrates Dissatisfied: An Analysis of Plato's Crito* (Oxford: OUP, 1998).

²⁶ *Ibid.*, 93.

²⁷ *Ibid.*

²⁸ *Ibid.*, 112.

²⁹ In saying this, I am not claiming that the Laws are voicing Socrates own views.

³⁰ In discussing the Laws' parent-child analogy, it is worth noting that Socrates earlier says that he and Crito must not be frightened by the threats of the many in the way that *children* are frightened by bogey. The implication, I take it, is that the *physical* harms the many can inflict are not true harms to be feared, or at least not the sort of harms that should be of consequence to adult practical reasoners in Socrates' situation. Also, Socrates suggests that they would be like children if they did not take seriously their earlier discussions about justice (49b)

³¹ Weiss *Socrates*, 109; Harte "Conflicting Values" 235-238; Bostock, "An Interpretation" 20.

³² Thomas C. Brickhouse and Nicholas D. Smith *Philosophy Compass* 1/6 (2006): 564-570

³³ *Ibid.*, 568.

³⁴ I say "generally" legitimate authority to preserve the point that *in this case with this command*, the authority in question does not hold: the city does not provide decisive reason to do *this*. But this does not mean that the city does not have other, and perhaps far reaching, practical authority over its citizens.

³⁵ *Ibid.*

³⁶ For similar criticisms of Brickhouse and Smith, see Young "Plato's *Crito*" 82-84.

³⁷ It is possible, of course, for a trial to be fairly conducted, and for the judge and jury to do their jobs properly, and nevertheless for an innocent person to be wrongly convicted – e.g. if a man was cleverly framed by another person, but the judge and jury had no way of knowing this. In that case, the jurors might act on good grounds (= the best available evidence and reasoning) but still not reach the proper decision (= they declare someone guilty who is in fact innocent). In a case like this, perhaps we would say that the innocent person suffered a wrong as the result of the jury's decision, but the jurors did not wrong him. Or perhaps we would say that the jurors wronged him, but not culpably. In any event, I think the situation with Socrates jurors is clearly not of this type.

³⁸ Note that this point is consistent with the idea, argued for in 3.2, that a subordinate may sometimes have good reason to *disobey* a well-formed command from a legitimate practical authority.

³⁹ “In proportion to their population, the Athenians must have spent more man-hours in judging than any other people in history. Not for nothing did the juror become a symbol of Athens in comic cross-talk. In Aristophanes’s *Clouds*, for example: ‘Look, this is Athens.’ ‘What? I don’t believe it; I can’t see any jurors sitting’...All this made it easy to identify a jury with the whole population. An Athenian jury *was* the Athenian people. When a speaker addressing a jury wishes to refer to the Athenian state, his word for it is the pronoun ‘you.’ And since in democratic Athens the people was supreme, a decision by a jury was final. There could be no appeal.” Douglas M. MacDowell *The Law in Classical Athens* (Ithica, NY: Cornell University Press: 1978) 40.

⁴⁰ Although Scott (2009) does not discuss the concepts of deliberative capacity and practical authority, he pursues a related line of thought about democracy and the judgments of “the many.”

⁴¹ Of course a parent who was acting entirely haphazardly could not fulfill that distinctive *role* or perform its characteristic *activities* – raising, educating, protecting, etc. How, then, was the city able to act as a parent, given that the city is governed by the many and the many act at random? Socrates’ description of the many casts doubt, it seems, on the Laws’ claim that the city has done these things.