

How Breaking Laws Can Better Society

In Plato's *Crito*, Socrates puts forth the idea that laws should never be ignored, regardless of the situation. As the story goes, Socrates refused to escape the prison he was held in, despite the fact that he was imprisoned unjustly. His reasoning? Socrates believed that just laws were the only thing that could hold society together, and that by breaking a just law, he would set a precedent which would inevitably result in the dissolution of the state. Despite how reasonable his explanation may sound, it is faulty because he assumes that laws are innately just.

While in prison, Socrates introduces the idea of a social contract, an agreement between the citizens of a city and the city itself. By living within the city, the citizens agree to follow all of the laws and rulings set by the city. To break any of the laws would, in his eyes, be the same as breaking all of them, and would result in the nullifying of the social contract. Furthermore, breaking a law would give the impression to the citizens that laws have little power, encouraging delinquent behavior and would, in a sense, harm the society by further propagating its probable collapse.

While making his argument about the social contracts, Socrates makes the assumption that laws are inherently just. This however, is not the case, rather, it is the effect that the laws have on the populace that determines whether a law is just. If a law is discriminatory, even if it is not meant to be so, then it is not a just law. If a law is oppressive, then it is not a just law. The Fugitive Slave Act of 1850 serves as a great example for this. In 1850, the United States congress had passed a law requiring all people who encountered an escaped slave to return the slave to their owner. However, many juries in the northern states refused to comply with the law

How Breaking Laws Can Better Society

and would refuse to convict slaves and return them. This was most definitely breaking the law, yet the juries continued to do this because they understood that the Fugitive Slave Act was not a just law.

To some, it might quickly become apparent that what Socrates stated seems to still be true. After all, the U.S. faced a civil war after the northern juries decided to disregard the law¹. According to Socrates, it might have been possible to remove these unjust laws by appealing to the lawmakers. However, this is where it can be argued that in order to remove these unjust laws, there must be a threat to the stability of a society. If the people in power who make these unjust laws receive no backlash, no threat to their position of power, then what is to stop them from implementing harsher and more unjust laws? Even direct democracies are not exempt from this because the majority can still act tyrannical. It is here is where another failing in Socrates's reasoning lies. Socrates's believed that people would always do good, and that those who did not do good did so because they could not tell the difference from good or bad. By implementing this idea into his reasoning, he creates an overly optimistic view of the government where should any of the laws be unjust, then they could simply be changed by explaining to the lawmakers how what they have done wrong. As mentioned before, this is not case when dealing with humans. Many do know the difference between right and wrong, yet they still choose to do wrong as it is the most beneficial choice for them. If people do wrong regardless of their knowledge between good and bad, then nothing will motivate them to remove unjust laws except for the threat of instability for two reasons. The first is that the threat of instability signifies a possible loss of power, which no lawmaker would want. Second, if

¹ Although far from the only cause, this event most definitely played a role in the destabilization of American society at the time.

How Breaking Laws Can Better Society

there were no threat of instability as a result of an unjust law, then it would be in the best interest of a lawmaker to maintain unjust laws as it would be the most beneficial option and would make it much easier for them to continue to consolidate power.

Now this explanation is not meant to encourage anyone to break the laws for any and all reasons. It is merely meant to show how it is in fact beneficial to break the law in certain situations. Contrary to Socrates's ideas, laws are not always just. To follow an unjust law would result in unjust actions. Even if breaking the law might bring about instability to the society, it is still preferable to letting unjust laws remain unchanged and allowing unjust lawmakers to continue subjugating citizens under unjust laws.