

A CLOSED SOCIETY?: PLATO AND ATTITUDES TOWARD LAW

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Introduction

In Plato's dialogues, we see an ambiguous attitude held towards law, and the state. On the one hand, we frequently see Plato lambast human laws as the crowd-scale equivalent to unphilosophical opinions. For instance, in the *Statesman* we see Plato proclaim the ideal regime as one with no laws at all, being ruled directly by one perfect ruler. This Plato is often associated with the early dialogues. On the other hand, we see in dialogues like the *Crito*, *Republic*, and *Laws* a respect for law which rivals that as for divinity. Often, the conflict is ascribed to some kind of development in Plato; however, this is inconsistent with almost any accepted chronological arrangement of the dialogues. This project seeks to find an interpretative framework which resolves this ambiguity, and resolve Plato's attitude towards the state into consistency.

'Upward' and 'downward' thinking: The cosmological centrality of the Good

A common paradigm in Plato is the scheme of 'higher'/'upward' ways of being and 'lower'/'downward' ways of being. It is roughly identified with the universal (the 'common', ἡ κοινὴ) and the particular (the 'private', τὸν ἴδιον). It has a broad range of application, applied to everything from the structure of souls and their operations, to reality itself (both the political or natural spheres). Each of these applications relate to one another (e.g. the higher portions of the soul deal with the higher realities). 'Looking up' is associated with the philosopher. Their soul is ordered to emphasize the activity of the naturally highest part (reason), which, as concerned with explanation, seeks that which encompasses all the particulars, i.e. is valid to all situations and peoples. When confronted with the phenomena, they seek the correspondingly higher things, atemporal principles and explanations to which those phenomena are posterior in both an explanatory and ontological sense. Politically, this means a search for that which represents the good of the entire community. Contrarily, 'looking down' is understood as taking the phenomena as the true reality, treating particulars (subjective sense data and desires) as truth. This mode of thinking is considered to be 'private'-minded, conforming one's disposition to the magnification of individual-oriented desire and undependable sense-faculties, which exist structurally as lower in the soul. Politically, this means striving to make oneself and one's own predilections the center of society. It is productive of factionalism, as by definition private feelings of the good are not common.

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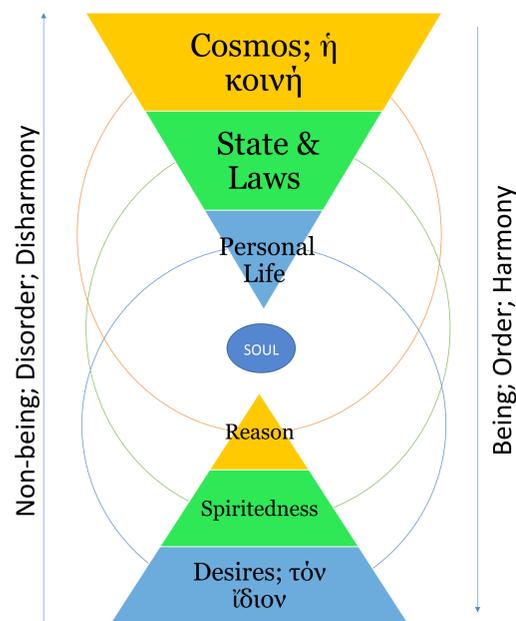


Fig. 1: Upward and Downward Formations

Dialectic as a path to first principles

Dialectic in Plato is the primary tool for 'upward' thinking. It is said to operate by seeking similarity and dissimilarity between premises, which helps distinguish spheres of commonality, and what exists objectively and what exists subjectively (Phaedrus 266b). *A key part of dialectic, which distinguishes it from rhetoric, is the concern for the Good, not mere semblance of truth for victory-purposes; the philosopher will do or say only that which will truly help find a solution, or improve the interlocutor.* Anything which harms is not good; so the one who wishes to good will not do harm (Crito 48d). By drawing out dissimilarity in two held premises, dialectic also forces an appeal to higher principles to resolve the conflict. For instance, it feels pleasant to eat candy, but indiscipline makes my character worse. It is not pleasant to diet, but it makes my character better. Therefore, based on this example we might say that "pleasure is not always akin to the good". In this way, dialectic helps clarify definitions of ambiguously used terms like 'good', 'just', or 'virtue', and assists in grasping the universals and first principles common to phenomena.

Mind and Final Cause

For Plato, one cannot explain almost anything causally without reference to a mind (Phil. 30aff). For only in a mind can there be intention and thus function, which for Plato is a metaphysically necessary feature of all existing things. This is a function of Plato's assumption that to exist is to be Good; there must be a reason why this exists, why it is Good that it wasn't otherwise. If it wasn't so, there wouldn't be an explanation, which is no explanation at all. Further, to be good is to accomplish some purpose, i.e. have some final cause. Even natural phenomena have their ultimate explanation in the demiurge's original design. Hence, for all existent things which are not Forms themselves, Plato seeks a mind or designer responsible for the order in those things

Looking at the big picture: Cosmology and authority

For Plato, all order, being, and goodness flow from a transcendent principle of the Good, as embodied in the Forms. The ruler is a protector of the laws, and a protector of justice; he is *not* their creator. The founder, on the other hand, is equipped with enough mind to be creator of laws, and a seeker of the good. The ruler cannot touch the laws; in Plato's designed regimes the rulers are educated to treat the laws as eternal and unchanging; philosophers must be kings, so that they 'look up' to the laws given by the founder.

The founders themselves ought to look up to the 'laws' established in nature by the creator of the kosmos. This presents a telescoping necessity; each 'level' seeks the Good by giving laws to the next level down, whose job is to behave according to that justice.

Because reality is one, all Goodness comes from one source. Hence, all Good relies on the connection to this source, which involves obedience to the laws given from a higher level of commonality. If no such laws exist, it is the job of the philosopher to seek after the Good, and for the founder to codify these findings into law, to be handed down to descendant rulers.

Problematizing dissent

The idea that the lower should always be understood as dependent on the higher, has not only dialectical significance, but political ones as well. In the *Crito*, Socrates refuses to harm the state by escaping his prison, even though the state is doing him wrong. His cited reason is that the state 'is more precious and more to be revered and is holier and in higher esteem among the gods and among men of understanding than your mother and your father and all your ancestors, and that you ought to show to her more reverence and obedience and humility when she is angry than to your father' (Crito, 51a-b); through its education, protection, and attraction to Socrates, the state is more the *cause* (i.e. source of intention) of Socrates' form than even his biological parents, who married as a matter of course, not mind. In other words, the state is a premise which justifies the 'conclusion' of Socrates as virtuous and law-abiding man; to reject the state as good and worthy of protection is to reject Socrates as good and worthy of emulation.

What is key is that Plato's *metaphysical* conviction, that all connection to the Forms and the Good flows from universal to particular, produces the *political* principle that the more particular individual must never overthrow the more universal organization or its representatives.

When dissent is Good

So why would Socrates feel comfortable threatening to break the law in the *Apology*, if law and the state is so important? As we have seen, law is most law-like when it is given through mind, as a tool for reaching the Good. It is not the place of the citizen to question it. However, it seems that Plato recognized democracy as a political situation of *lawlessness*. In a democracy, the laws conform themselves to the citizens, not vice versa; the chaotic 'desires' of the individual is not tamed by laws, but instead suborn the order which should have been received through the laws. The natural flow of order is reversed.

By communing with the Forms, Plato believes the philosopher-founder has taken on a higher position of mind, able to grasp the Good and implement it in the world. In the absence of laws which were not mere enthronements of the public's desires, Socrates moves through conscience, seeking the Good where he can find it. Because he is fallible, he will first do no harm; but if he honestly believes breaking the faux-law of the jury will help the city, he will not hesitate to do so. However, in the *Crito*, running away would not help the city; in fact, it would encourage the very 'magnifying' approach to law that made the democracy so unhealthy in the first place. He would be 'destroying the laws'. In sum, the varying attitudes toward law in Plato is a function of the various roles one can fill in relation to it.