The Statesman explains adequately the role of laws in Plato

1. Some preliminary remarks

The interest for politics is a structural feature of Platonic philosophy; important works, such as the Republic, Statesman and Laws, but also other dialogues like the Gorgias, prove it.¹ But, first of all, Plato's political vision is completely different from ours. There is no separation between social and political ambit in classical thought. There is no theoretical figure of the state separated from civil society, that "God on earth" (Hobbes) who has the task of building order to prevent the inevitable social conflict from having destructive effects. Consequently, classical thought holds together elements that for us are irreducibly detached and grasps in the citizen of the polis the figure that best expresses the identity of a Greek man, male and free. Thus politics constitutes a philosophy of the human being. The different aspects are distinguished on the basis of the relationship that the subject establishes with specific areas: the politics operates in the agora, the economy in the administration of the house, the ethics in personal choices.

All this explains the presence of two very different definitions of politics in Plato: care of the soul and care of the polis.² A good policy can and must achieve both results. This ambivalence is structural and is maintain in the dialogues to the end:

knowing the nature and conditions of men's souls, then, is one of the most useful things for that art designed to treat them; and this, I would argue, is precisely the task of politics (Laws 650b6–9).

¹ For a systematic reconstruction of Plato's political philosophy, see Migliori 2013, vol. II, pp. 1018–1142; on the Statesman, see Migliori 1996; for a reflection in parallel with the one developed here, see Migliori 2018.
² This conception is the basis of some junctures of Plato's political reflection. For example, the parallel between the soul and the polis in the Republic without this would only be a game of rhetorical parallels.
Secondly we must not overestimate the Platonic proposal. Plato has no illusions about the human capacity for action on the real, because for him

the deity directs all human affairs, and, besides God, the fate and the favourable occasion (τύχη και καυρός). Mitigating the judgment, it must be admitted that these are followed by a third factor closer to us, namely the technique. For I believe that having the help of an expert captain in a storm is more advantageous than not having it (Laws 709B7-C3).

In short, the Author emphasizes both the advantages of human action and its radical limit.

Thirdly the polis is always in danger. Mindful of the terrible events of the Peloponnesian War, Plato is extremely worried, most of all by the lack of unity. No city is worthy of its name, since it is not one but many. In particular, there are always two cities at war with one another: the city of the rich and that of the poor. The greatest ill is that which divides the city and makes it manifold instead of one; the greatest good is that which binds the city together and makes it one (Republic 462A-B). Nevertheless, social fragmentation is something inevitable. The state springs from the multiplicity of needs (Statesman 274B-C), the complexity is intrinsic to the social dimension (Statesman 287B-289C), a far more complex picture than the one that is usually attributed to Plato on the basis of the Republic.³ Indeed, in Book VIII of Republic Plato describes the degenerative process of a good polis to a bad form such as tyranny as almost natural and/or inevitable; the justification is “metaphysical”, linked to the contingent nature of the object:

³ Really Plato presents the triadic parallel between the soul and the city as a simplified picture (Republic 368C-E; 545B). A scholar should make an effort to pick up all the clues which Plato leaves behind to suggest that the question is a more complex one. For example, the list of the five kinds of state presented in Book 8 – aristocracy, timocracy, oligarchy, democracy, and tyranny – does not directly fit within a triadic system. Moreover, when discussing the processes of degeneration, Plato brings into play a range of different factors that show just how complex socio-political reality is.
because everything that comes into being must decay, not even a constitution such as this will last forever, but it will dissolve (Republic VIII, 546A2–3).

On this basis it is not clear why Plato has committed herself on this issue.

2. The politeia in the Republic

A central problem in Plato's political philosophy is the "utopian" paradigm. In this regard the opinion of many scholars is that Plato proposes a utopian "model" in the Republic, and a different model in the Laws. But, as we will see, my opinion is very different.

From a certain point of view it is impossible to deny that the model presented in the Republic has some typical characteristics of a utopia: the nature of the state model, created only rationally, the division of the citizens into three classes, based on a natural fact connected to the nature of the soul; the state management by the philosophers; the educational proposal that includes an articulation of complex experiences; the same opportunities for males and females with regard to the activities in which sexual difference has no direct effect; the sharing of wealth; the destruction of the family and, consequently, complex mechanisms to determine the mating and selection of births. However, there are a number of facts that can not be underestimated and that lead to the opposite judgment, which implies the need to seek another point of view. 4 Above all there is a fact: the text of the Republic presents evident ambiguities about the existence of this "politeia". Of these ambiguities the author is certainly aware. In fact Plato affirms that we must not define this city as impossible

if it were so, we would be justly ridiculed for building castles in the air (499C3–5).

Later, this possibility is reaffirmed (502C); also sometimes the text manifests a "suspect" emphasis; for example, at the end of the discussion on the role of women, Plato defines the proposal "not only possible but ex-
cellent” (457A3); later, he says that this proposal is “possible and useful” (457C2). Even more emphatically he states that this city is real and possible:

If, then, in the infinite past time, or even today in some unknown barbarian country, or in the future some need has forced, forces or will force outstanding figures in philosophy to take care of the polis, we are ready to support with reasoning (τῷ λόγῳ) that the constitution which we talked about was, is and will be only when this philosophical muse controls the city. It is not impossible that this exists and we are not speaking of impossibilities. That it is difficult for it to happen, however, we agree ourselves (499C7-D6).

This is a very strange assertion because of 1) the reference to the barbarian country which could have a government of philosophers; 2) the application to all forms of time, 3) a logos that seems to want to justify (or affirm) the existence of a fact. This logos, really, identifies only the necessary and sufficient condition that made, makes or will make possible this realization. It seems that Plato wants to do precisely and only this: to give plausibility to the whole proposal and to avoid confining it within the (utopian) dreams.

Secondly, in many ways the Author suggests the idea that the real issue is not the concrete realization of this model. As when to defend justice it is not necessary to find an absolutely just man, but only one who participates fully of the justice (472B-C), as when the value of a painter does not depend on the existence of the beautiful man who he painted (472D), so for the polis it is necessary only to find something that is very close (ἐγγύτατα, 472C1) to the paradigm (παράδειγμα, 472C4). The paradigm is taken as a reference point to determine what is most similar to it (ὁμοιότατος, 472D1), «not in order to show that these things are achievable» (472D2).

From this perspective, says Plato, we rationally (λόγῳ) create the paradigm (παράδειγμα) of the good city (472D9-E1). The proposed reasoning holds in itself and does not lose value if we can’t prove that it is possible to direct a state like this (472E). Therefore, it is necessary to create a useful paradigm to realize a government as similar as possible to the model. Also, it is important to remember that the practice is not the same as theory:
Then, you must not force me to show that what we have expounded in the argument (τὸ λόγῳ) is realised exactly in reality. Instead, if we can discover how a city could be governed in a way very close (ἐγγύτατα) to what has been argued, you must say that we have discovered that possibility of realisation which you demanded (473A5-B1).

The situation is very strange: we propose a paradigm that must be possible, but it is not necessary to show that it can be realized, though it is useful to realize a city similar to the model.

3. The help of the Laws

The Laws can help us to understand this with three data.

1. Plato makes clear the human impracticability of an ideal perfection. The Athenian recalls the principle that is the basis of the model, the need for stronger unity among the citizens, but says it must concern not only wives and children, but also the eyes, the hands, the thinking, as if they were a single being (739C-D). Plato asserts that the laws that lead to this goal are the best, but this form of unity is excessive and not credible, and Plato seems almost to mock it. He claims that if gods or sons of gods occupied such a state, they would find their authentic happiness (739D). This is a “superfluous” emphasis that makes us think that this city is not human. Furthermore, in terms of feasibility, it is reiterated the problem of the relationship between practice and theory:

   It seems difficult, my friends, to find undeniably valid constitutions both in practice and in theory (ἐργῷ καὶ λόγῳ» (636A4–5).

In fact, the complexity of human reality implies the prevalence of differences: what is good for one person is bad for another. This explains the impossibility to realize all the conditions required for full implementation of the model:

   We have to think in any case that the arrangements described now will never find such favourable conditions that it all turns out precisely according to theory (745E7–746A1).

Plato even says that a moderate and fair power is unlikely (711D-E). We must almost hope for a miracle: if the city has a virtuous tyrant and an
appropriate legislator, we must say that «God has done all that he does when he wants to treat a state with particular favour» (710D1–3).

2. Plato makes it clear that we have not only one political model, only one paradigm, but we have several. The Athenian declares that he is going to make an unusual move that will surprise:

It will be clear to those who think and have experience that we are founding a state that is second compared to what is the best. Maybe someone will reject it because he is not used to a legislator who has not tyrannical powers. However, the most correct procedure is to propose the best constitution and then the second and the third, and finally leave it to those who have the power to build the city to make a choice (739A3-B1).

However Plato does not renounce the first model; this is proposed again as necessary to achieve an imitation of it:

One should not look elsewhere for a city model (παράδειγμα) but, by keeping this, try to create a constitution that is like to it at the highest possible level. What we have made now, is in some way the most similar (ἐγγύτατα) to the immortal model, and therefore is one at the second level. Later, we will describe a third, if God wants it. But, for the present, let's talk about this second (739E1–6).

This second model, however, it is also an ideal paradigm. This is confirmed by the fact that also in this case many people will argue that the legislator appears to operate «speaking as almost in a dream or shaping the city and the citizens like wax» (746A7–8). The legislator, in turn, will rely on the right to create the model (παράδειγμα, 746B7) based on what is really beautiful and true. If there is a second model, it is less beautiful and less true then the first model; however, the second is certainly, compared to the third, more similar to the first; therefore the paradigms are created not as an absolute and utopian reality, but as something useful.

The model proposed in the Laws 1) reduces the theme of philosophical leadership, but reiterates that the policy must be rational (not in the superior form of the philosopher-king, but in weaker form of the nocturnal Council); 2) it reaffirms the principle of the maximum possible unity, stressing the importance of the sharing of women, children and wealth (739C-D), but saying that it necessary to try to achieve it not only for a specific class, but for the whole city and as much as possible (ὅτι μᾶλιστα, 746C2–D1).
739C2), that is not absolutely. In fact this "second" model, unlike the first, must take into account the limits of human nature because

we are not like the ancient legislators who, according to the stories told nowadays, issued laws for heroes and sons of gods. They themselves were sons of gods, and legislated for others who had the same origins. Instead, we are human beings and the laws we issue now are for the seed of men (853C3–7).

Therefore we must remember the natural weakness of the human race in all its aspects (853E10–854A1).

3. Furthermore in the *Laws* the ideal model is related to the divine sphere. Cronus, knowing that humans can not govern themselves, acted as a pastor. He dominated human beings, like we exercise power over the animals, since we have a better nature (γένος, 713D5). These are two cases of ontological superiority, which involve a form of perfect control over all the aspects of life of the dominated. Cronus entrusted the human beings to demons; under their rule the human beings avoided evil. The result was positive and therefore we must take this perfect model «of which the better governments are *an imitation* (μίμημα)» (713B3–4).

A fundamental concept, that of imitation, emerges here. Plato immediately emphasizes the limits of it, explicitly and emphatically:

Even now this logos teaches us, saying the truth (ἀλθείᾳ), that cities can not escape from evil and suffering when the ruler of a state is not a god but a mortal. However, we should make every effort to imitate (μιμέσθαι) the life attributed to the age of Cronus and, by obeying in our public and private activity to that part of us that is immortal, govern the houses and the cities. We give the name of “the law” to this guiding action of intelligence (νοῦ) (713E3–714A2).

So, it is stated emphatically that we have to 1) imitate the divine model; 2) follow the instructions of the *nous*, the immortal (i.e. divine) part of the human soul, that is the pure rationality; 3) this allows the identification of reason and law, that is, we have to follow rational rules 4) both in the individual and in the social sphere.

The *logos* itself forces us to recognize the condition of human beings: they know a perfect and divine model that they will never realize because of their limits, but that they must imitate with the help of reason.
4. The Statesman

The context of Plato’s political philosophy is finally clarified explicitly in the Statesman. This separates explicitly the ideal paradigm and the six classic human constitutions that must be considered apart from the seventh [divine]: that, in fact, must be separated from all other forms of government, as a god by men (Statesman 303B3–5).

There is an ideal model, but it is “divine”, so it must be separated from human constitutions so it is not one of those that we can realize in practice. This divine model is the only true form of government; human constitutions are just imitations, more or less valid (i.e. more or less rational), of that:

of all of them the other of which we speak, we must affirm that they are not legitimate, non-true forms of government, but imitations of the right constitution, and those that we say have good laws imitate it better, the others worse (293E2–5).

In fact, it is impossible to manage the state "scientifically" (Statesman 295A-B). The indications of a science, such as medicine, are adaptable and vary from case to case; instead the law is rigid: it is impossible to give a rule which applies to all human beings and for all the various moments of their lives. The politician can not stand close to each person in order to continuously vary their instructions. He will have to give general rules, indicating what is best in most cases; one will have to use laws, that are not adaptable instruments.

This sense of human limits is essential to understanding why Plato in the Statesman asserts that it is not possible to realize a perfect model of a state even when the figure of a political scientist (as the philosopher-king of the Republic) emerges. The pure scientist is not only rare, but he himself, who is above the law, accepts the respect of nomos so as not to open the door to a much greater evil: the tyrant or the sophist who falsely represent themselves as scientists. We can tolerate good or less good laws, but one can not accept an imitator of the scientist, inexorably condemned to error or deception (Statesman 300B-E). Nevertheless, the limits of this weak instrument call for a careful evaluation:
Indeed the differences between human beings and between actions, and the fact that no human thing ever remains static, so to speak, prevent any art, whatever it may be, to establish in any sector something that is simple and valid in all cases and at all times... But we see that the law aims precisely at this, and that it is like an authoritarian and ignorant man, who does not allow anyone to act contrary to his will or to question things, even if this person has found some innovation that constitutes an improvement compared to the logic he has imposed... Is it not impossible, then, to apply what always remains simple to what is never simple? (294B2-C8).

This text may seem to stand in glaring contrast to the positive role that the law is expected to play. The whole operation is conceived in such a way as to bring out the following problem:

Why, then, is it necessary to pass laws, given that the law is not the most just thing? We must discover the reason for this (294C10-D1).

It is certainly impossible to govern the state “in a scientific manner”, but this answer is not enough: it makes the law out to be a “lesser evil”, whereas Plato argues that it is a good. The fact is that Plato's deliberately complicated exposition conceals the presence of two kinds of law: the “imitative” laws are laid down by an assembly, written by wise men, put to the test of experience, based on knowledge and studied in every detail. Therefore, in their particular areas these laws will be imitations of the truth, as far as this is humanly possible (300C5–7). The other laws are haphazard, cannot be verified and run contrary to art and science. After describing these laws, Plato concludes that their presence increases the irrationality of human choices, to the point of making life, which is already difficult in itself, quite unbearable (298A-299E). It is this system of norms that may be described as authoritarian and contrary to all improvement, characteristics that cannot be attributed to a legislation designed to imitate the ideal model.

In short, 1) while the “perfect” (ideal) politeia does not need laws (in fact there are not in the Republic), because it is based on science, the imitative constitutions, to save themselves, they must write laws. The law is to be commended because it proposes a structure of rules that imitate, for better or worse, the system of scientific norms that constitute the paradigm. This polarity of judgment can be understood as the distinction between very good (= divine) and adequate (= human): very good is the
ideal state and the application of science, adequate is the state that is
closest to that paradigm, that is able to trigger the virtuous process that
has as its “utopian” goal (but not utopian as guiding star) the model it-
self. 2) The ideal paradigm is necessary and useful in itself because it al-
 lows us 1) to rationally construct other models, which can be classified as
second or third, etc. according to their proximity to the paradigm itself;
2) to guide the behaviour of the true politician, in his rational effort to
develop laws; 3) to evaluate the system of laws in their relation to the
ideal paradigm. In every passage the fundamental concept is that of imi-
tation, which comes in two forms: the second model imitates the first,
with a number of modifications due to the renunciation of the absolute
freedom of the legislator; the concrete legislative choices imitate one of
the models. The ideal paradigm is necessary and useful as a model, with-
out which these imitations would be impossible. This is what Plato pro-
poses in the three examined dialogues. He places a first model, which
must 1) not be called impossible, because in this case it would be just a
useless dream; 2) not be mechanically applied; 3) be taken as a paradigm
for creating other models in order to offer to the politician a range of
possible choices.

5. Law and Politician

So in any case it is impossible to interpret Plato taking only one point of
view. In fact the city, to have good laws, must have a good politician for
a “systemic” reason: 5 while the individual is able to know and to act
from himself, the city knows and acts only when it receives the inputs of
knowledge from someone, that is, “by some deity or a person who has
knowledge” (Laws, 645B6). Unlike the individual who is self-conscious,
the city needs an intervention, external or internal, divine or human, even
if it is just to recognize itself in the laws that constitute it. But, of course,
divine intervention is rare: this is, for Plato, a job for human beings. That
is why Plato repeatedly emphasizes the presence of two eide:

5 On the "systemic" nature of Plato’s philosophy see Migliori 2018a.

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In fact, there are two constitutive forms of the city (δύο πολιτείας εἴδη): the attribution of political offices to people and the laws related to the public offices (Laws 735A5–6).

Two forms (δύο εἴδη) take place in the ordering of the city: first, the establishment of the offices and related magistrates, how many there should be and how to have the elections; then the connection of laws to each office, identifying the type and the number and the nature of laws that is suitable for each of them (Laws 751A4-B2).

Laws and politicians are the two factors that have to work in perfect harmony to trigger a process of constant improvement of the real city. But this is a complex relationship, as we see when the text proposes the figure of "servants of the laws" already established in the Crito (δοῦλος, 50E4).

Now, I have not called the "servants of the laws" (ὑπηρέτας τοῖς νόμοις) what are called “magistrates” to invent terms, but because I am convinced that especially in this resides both the salvation and the ruin of the city (Laws 715C6-D4).

If the salvation of the city depends on the close connection between politicians and the laws, it is up to the law, from one point of view, a kind of primacy, as the politician must obey the law. But Plato is well aware that, from a second point of view, the politician has the primacy because one of his primary functions is to be a legislator:

It is quite clear that, in some way, the art of the legislator belongs to that of the king. But the thing that is most valuable of all is not that the laws should have force, but rather that the man who is king possesses wisdom (Statesman 294A6–8).

The difficulty of the relationship between these two eide, different and mutually conditioning, makes difficult, not to say unlikely, the existence of a good city.
6. **Pessimism of the intelligence, optimism of the will**

All this explains the pessimism of Plato:

> *My dear Glaucon, there can be not cessation* of ills for cities or, I fancy, for mankind, unless the philosophers rule our cities or those whom we now call our kings and rulers take to the pursuit of philosophy seriously and adequately, and there is a conjunction of these two things, political power and philosophy, in the same person (Republic 473C11-D6).

For these reasons, which we had foreseen and feared, we declared, compelled by the truth, that neither city nor polity nor even a human being would ever be implemented until either the fate compels those few philosophers who aren’t evil, now judged useless, to care (ἐπιμεληθῆναι) for the city, whether they wish it or not, and the city to obey them, or before a true love for the true philosophy takes possession either of the sons of the men now in power and sovereignty or of themselves by some divine inspiration (ἐκ των θείων ἐπιπνοιῶν) (Republic 499A11-C2).

Once again, the “solution” is a sort of miracle. The same judgement is passed, in essentially the same terms, in the Seventh Letter:

> Mankind, then, will have no cessation from ills until either a generation of genuine philosophers attains political power, or else those who hold power in the cities, for some divine intervention (ἐκ των μοίρας θείως), do not devote themselves to philosophy (326A7-B4).

If a state is entrusted to suitable individuals who abide by good laws, the citizens too will become good. This, however, requires rational politicians, who are capable of enduring the pressure of the passions, and can be guided by difficult philosophical arguments. There is no “before” and “after” here, but only a virtuous circle starting from a situation which is positive enough to trigger the whole process.

But if these models are so difficult to implement, because Plato has committed herself on this issue? There is a first obvious answer: because the result of this change in the politeia would have a great effect on the whole life and the public and private morality of human beings (the policy is both city management and care of the soul). Such an attempt is so
justified, even because Plato hopes for “a revolution from above”: we need a change of those citizens that have the power.

There is a second less obvious reason, linked precisely to God's role. The *Euthyphro* is the dialogue that is interested in the human being’s relationship with the gods. The final question of the dialogue is: Since the pious man must co-operate to the gods project what is what God wants? What is this project? The dialogue does not give the answer, but all Plato's philosophy shows that God wants order. From this derives the pious man’s need to create order both in his soul and in his city. As the texts that we have quoted today have repeatedly affirmed.

Finally, the Plato's proposal is for happiness and it is based on three assumptions: 1) we are rational beings and only a continuous research gives meaning to our life; 2) we are social beings and only in the ordered city a human being, even the philosopher, can fully realize his potential; 3) the concrete analysis must concern not the part but the whole (cf. *Laws* 903C1-D3).

The ideal to which Plato tends, in a correct way from the point of view of a systems theory, is that of a happy whole with happy parts, as described in the conclusion of the *Statesman*:

Let us say, then, that this is the end of the finely woven web of political action: when the royal art, taking the behaviour of bold men and that of restrained men, leads them to a common life, in concord and friendship, and creating the most glorious and best of all textures, clothes with it all other men, both slave and free, who live in the states, holds them together by this fabric, and governs and directs them, without neglecting absolutely nothing of what is necessary for the city to be, as far as possible, happy (*Statesman* 311B7-C5).