

Nomos and Nous.
Which Are Plato's Criteria for the Definition of a Just City?

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Abstract

In Plato, two different visions of politics coexist: care of the soul and care of the *polis*. A second point is Plato's systemic and holistic view. Every reality is a whole made up of parts that depend on the whole. Finally, the whole is a principle of order that has a rational foundation in the Ideas. Consequently, the action of the human being is and must be rational. The link between intelligence and law, underlined by the similarity of the two words, nous and nomos, is posed in various ways.

The centrality of intelligent intervention clashes with the lack of credit that Plato gives to human action. The polis is marked by diversity and conflict.

Human constitutions must use the laws, a rigid tool that, if imitate the paradigm, can counteract the prevalence of disorder. In Plato's political philosophy the concept of imitation is fundamental. The ideal paradigm is useful for guiding the true politician in his rational effort to propose laws.

Keywords: Laws, Paradigm, Multifocal approach, Plato, *Polis*

Resumen

En Platón coexisten dos visiones muy diferentes de la política: el cuidado del alma y el cuidado de la *polis*. Un segundo dato es la visión sistémica y holística de Platón. Toda realidad es un todo formado por partes que dependen del todo. Finalmente, el todo es un principio de orden que tiene un fundamento racional en las Ideas. En consecuencia, la acción del ser humano es y debe ser racional. Este vínculo entre inteligencia y ley, subrayado por la similitud de los dos términos, *nous* y *nomos*, se plantea de formas diversas.

La centralidad de la intervención inteligente choca con la falta de crédito que Platón otorga a la acción humana. De hecho, la *polis* está marcada por la diversidad y por el conflicto.

Las constituciones humanas deben utilizar las leyes, una herramienta rígida que, si imita el paradigma, puede contrarrestar la prevalencia del desorden. En la filosofía política de Platón es fundamental el concepto de imitación. El paradigma ideal es útil porque guía al verdadero político en su esfuerzo racional de proponer leyes.

Palabras clave: Leyes, Paradigma, Enfoque múltiple, Platón, *Polis*

*Premise*¹

The question about the criteria for defining a just city may seem so obvious as to be almost provocative. What makes a courageous gesture courageous? What makes a right thing right? What makes that animal a horse? The platonic answer is always the same on the formal level: the Idea of courage, the Idea of justice, the idea of horse. The question becomes subtler if we shift the attention to the “criteria” with which “we” define and consequently act.

If we think of criteria, we encounter a first element that makes Plato’s political vision 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 can grasp in being a citizen of the *polis* the figure that best expresses the identity of a Greek man, of course 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.

This explains the presence of two very different definitions of politics in Plato: care of the soul and care of the *polis*. A good policy can and must achieve both results. This ambivalence is structural and is maintained 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 (θεραπεύειν) them; and this, I would argue, is precisely the task of politics (*Laws*, 650b 6-9).

This conception is the basis of some important elements 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. So, we also understand how the philosopher can also use the classical ethical conflict between pleasure and knowledge on a political level in the *Gorgias*, 500e-501a. The flattery (κολακεία) uses the pleasure to obtain political effects: the sophistic technique replaces the legislative activity; the rhetoric replaces the judicial one. Right politics indicates with the laws

¹ Since many elements of my interpretation of Plato are different from the statements of traditional manuals, for the textual demonstration see MIGLIORI (2013). There is then a shorter text (an exposition of Plato’s thought), MIGLIORI (2017a).

what is right and takes care of errors with penalties², while false politics damages the soul by not giving it adequate indications and preventing correction. Plato also establishes a vertical relationship: the first term (the legislation), which indicates the rules for feeling good, is superior and normative for the second (judicial art), which proposes the remedy to recover lost health³.

All this is confirmed and strengthened by a second datum that must be remembered to understand Plato's political philosophy: his systemic and holistic view of dialectics and metaphysics. Although traditional readings often ignore it the fundamental pair is whole-parts, which involves a series of data:

- every reality is an whole, endowed with its own order;
- a whole is necessarily made up of parts;
- the parts depend on the whole;
- the part can in turn be considered as a whole in that it has its own order;
- each whole can be considered in relation to other wholes and therefore part of a higher whole.

This conception, which is at the base of the diairetic procedures that Plato proposes, concerns the Ideas themselves and therefore all levels of reality⁴, including the political sphere. In fact in the *Republic* the wisdom that the rulers need is not a generic science (*episteme*), but that one

² The parallel between disease-medicine and guilt-punishment recurs in many Platonic texts. For example, REALE (2000), 131-135 connects these texts to *Crito* (48b, 49ac, 51a-52a), in which Plato reverses the common way of thinking, proposing a sort of "message of the non-violent revolution". Therefore, it is no reason to consider these texts paradoxical or even comic (as many scholars believe).

³ Socrates states (465b 6-7) that for brevity (ἵν' οὖν μὴ μακρολογῶ) he intends to speak as the geometers (ἔθέλω σοι εἰπεῖν ὥσπερ οἱ γεωμέτραι), and in fact the argument is adherent to the model of a geometric proportion.

⁴ An adequate discussion of this topic requires referencing the entirety of Platonic dialectics as a premise, and its onto-cosmology as proof. Basically, this constitutes the bulk of MIGLIORI (2013, I). I therefore limit myself to mentioning only one step, which seems to me to be decisive: «YOUNG SOCRATES - Very true. But, in relation to this point, Stranger: how can we get a clearer knowledge of the fact that Idea and part are not the same, but different realities? STRANGER - Socrates, my excellent fellow, it is no small task you impose upon me. ... Only take very good care not to imagine that you ever heard me [1] clarify this distinction ... that Idea and part are different from one another ... [2] The fact is that, when there is an Idea, it must necessarily be a part of the thing of which it is said to be the Idea; but [3] there is no need for that a part to be also an Idea. So, you must say that I always uphold this rather than the other as my doctrine» (*Statesman*, 263a 2-263b 10). Therefore, the topic has not adequately been developed, when there is an Idea it is *necessary* for it to be also part of the thing of which it is said to be the Idea, whereas there is no need for a part to be an Idea, since it can be a "piece" that lacks unity and a logic of its own. In fact, *every Idea is made up of other Ideas and is part of an Idea* (cf. MIGLIORI, 2013, 344-347).

which decides not on any particular activity of the city but on the whole, to establish the better way in which it can relate to itself and to other cities (428c 12-d 3).

We therefore have one connection of the whole (the *polis*) with its parts and another connection with other wholes (the other *poleis*), which are at this point parts of a higher whole.

The important fact is that the whole, which manifests the Idea⁵, is a principle of order that has a rational foundation. Consequently, the action of the human being, endowed with reason, is and must be rational. As the divine craftsman (*demiurgos*) looks at the ideal paradigm to realize the cosmos⁶ and the human craftsman (*demiurgos*) looks at the Idea of the bed to make it⁷, so the politician must grasp the ideal rational principle for his city.

Among all the knowledge, the most efficacious in improving those who learn them are those relating to laws, provided, however, that they are established correctly, otherwise the name of the law [*nomos*] (νόμος), divine for us and extraordinary, it would be in vain connected to that of intelligence [*nous*] (νοῦς) (*Laws*, 957c 4-7).

This link between intelligence and law, underlined by the similarity of the two words, *nous* and *nomos*, is posed again in various ways. For example, each of us has couples of counsellors who are without rationality: pleasure and pain, fear and hope; above these there is a reasoning (λογισμός) which must establish what is better and what is worse.

This, having become a common decision for the city, takes the name of law [*nomos*] (νόμος) (*Laws*, 644d 2-3).

Therefore, the human being must follow only

the sacred golden guide of reasoning (λογισμοῦ) called the common law (νόμον) of the city (*Laws*, 645a 1-2)⁸.

⁵ On this complex connection I can only recall some difficult passages of the *Parmenides*: «But the whole (τό γε ὅλον) must be one composed of many and of this the parts are parts (μόρια τὰ μόρια): for each of the parts must be a part, not of many (πολλῶν), but of a whole (ὅλου)» (157c 5-8). «Then the part is a part, not of the many nor of all, but of a single Idea (οὐκ ἄρα τῶν πολλῶν οὐδὲ πάντων τὸ μόριον μόριον, ἀλλὰ μιᾶς τινὸς ιδέας) and a single concept which we call a whole (ὅλον), that achieves perfection when it unifies all parts; the part is a part of this» (157d 8-e 2). Cf. MIGLIORI (2013), 414-421.

⁶ Cf. *Timaeus* 28ab.

⁷ Cf. *Republic* X 596b.

⁸ In the conclusions again, after having said that the laws must consider the virtue as a single thing that has four forms, Plato emphasizes «that the guide of all these is intelligence (νοῦν), to which also all the other factors and the three virtues must look» (*Laws*, 963a 8-9).

1. *The limits of human action*

This centrality of intelligent intervention clashes with the lack of credit that Plato gives to human action. Not the political capacities but the fortune in life determines the events: wars, famines, pestilences and natural disasters cause effects that last for years and show the limits of any law and/or political operator (*Laws*, 709a). Therefore, we must recognize that

the deity directs all human affairs, and besides God the fate (τύχη) and favourable occasion (καιρός). Mitigating the judgment, it must be admitted that these are followed by a third factor, the technique. For I believe that having the help of an expert captain in a storm is more advantageous than not having it (*Laws*, 709b 7-c3).

Therefore, conscious action is not enough to avoid a depressing view of human affairs. In fact, in the *Republic* an initially well-ordered city degrades continuously and vicious forms of government are gradually affirmed. The most important thing is that Plato states in an exceptionally insistent way that these forms are a direct derivation from one another, a degenerative process in which eventual conflicts are always resolved negatively⁹. This degeneration is constantly presented as an increase in conflict, in disorder and in disharmony, and is always accompanied by a fall of the cognitive-rational dimension. Of course, order and disorder are, in this descent, relative terms. In summary: on the one hand we have such a precarious order not to hold, on the other the text underlines that at each step there is a (new and inferior) order system. This is why the last step, tyranny, is proposed in excessive tones, with the tyrant described as a completely unreliable psychopath. The aim is to make it clear that the maximum level of disorder that can be tolerated by a state system has been reached¹⁰.

The “history of decadence” shows the strength of the disorder principle, the *Apeiron* of *Philebus*, in the field of politics. Every order, cosmic or human, is precarious: this is a fundamental conviction of Plato. Left to themselves, things can only get worse, as explicitly stated in the myth of the *Statesman*. To confirm it, the so-called royal number comes into play, which «refers to the cosmic period spoken of in the myth of the *Statesman* and the perfect year of the *Timaeus* (39d)»¹¹. Therefore, human life is so conditioned by

⁹ In fact, the process has a theoretical/metaphysical foundation: «since for every thing generated there is corruption, not even a similar conformation will resist all the time but will be destroyed» (*Republic*, 546a 2-3).

¹⁰ FREDE (1997) carries out a reading of this process in an anti-historicism key, in controversy with the thesis that the history of humanity follows a predictable evolutionary pattern (116). Obviously, nothing of the kind can be attributed to Plato, who does not care to identify a necessary historical path, as the scholar herself recognizes (124).

¹¹ CENTRONE (2001), 787 n. 8.

the cosmic cycle that the model almost inevitably degenerates, despite the wisdom of the guardians.

However, Plato, as always, does not assume a renouncing attitude. Despite all this, rational intervention is absolutely necessary:

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 kings and rulers take to the pursuit of philosophy seriously and adequately, or there is a conjunction of these two things, political power and philosophy, in the same person (*Republic*, 473c 11-d 6).

Because of this, that we had foreseen and feared, we said, compelled by the truth, that neither city nor constitution and not even a human being¹² would ever be implemented until either the *fate* compels (1) those few philosophers who aren't evil, now judged useless, to care (ἐπιμεληθῆναι) for the city, whether they want to or not, and (2) the city to obey them, or before a true love for the true philosophy does not arise, *for some divine inspiration* (ἐκ τινος θείας ἐπιπνοίας), in the sons of the present lords and kings, or in those themselves (*Republic*, 499a 11-c 2).

“Some divine inspiration”: this “solution” constitutes a sort of miracle.

Therefore, 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 favor (710d 1-3).

This is repeated in substantially identical terms in the *Seventh Letter*:

Therefore, the evils will not leave the human race until either a generation of true and authentic philosophers does not take political power or those who dominate in the cities, *for some divine gift*, do not devote themselves to philosophy (326a 7-b 4).

In this case too, the “solution” is a sort of miracle.

This conception of Plato is the ethical-political verification of his ontological and cosmological philosophy. The best exposure of it is that of the *Philebus* (in direct connection with the *Timaeus*)¹³. In these dialogues¹⁴ Plato repeatedly stresses the nature of reality as one-and-many¹⁵ even at the level of the Ideas:

¹² This list confirms that individual destiny is strictly connected to the political sphere (cf. VEGETTI, 2003, 67 n. 78).

¹³ Plato provides many signals to encourage the reader to intertwine the content of these two dialogues; cf. MIGLIORI (2013), chapter III, «Il legame tra *Filebo* e *Timeo*» («The link between *Philebus* and *Timaeus*»), 443-491.

¹⁴ Cf. MIGLIORI (2013), 442-713.

¹⁵ Plato presents the one-many connection through a radical formulation: «We say that *the identity* (ταυτόν) between the one and the many which manifests itself in reasonings always circulates in every statement that is uttered, today as much as in the past. This neither will never cease nor begins now, but

the realities which are said to always exist are constituted by one and many, and hence have inherent in themselves the Limit (*Peras*) and the Unlimited (*Apeiron*) (*Philebus*, 16c 9-10).

Plato later explains at length (a topic I cannot go into here) that every reality is a mixture, stemming from the action of an ordering principle, a limit (*peras*), which operates on something unlimited, an indeterminate reality with no limit (*apeiron*). Plato then goes on to explain:

the three genera have provided a frame of reference for the things that come into being and for those from which everything derives (27a 11-12).

We thus have 1) two elements from which everything derives and 2) a mixed reality that comes into being and which is at the same time one and many, because it bears the mark of the action of the ordering principle upon an intrinsically disorderly reality¹⁶.

It is important to grasp the complexity of the connections and the inevitable conclusion:

then it is better to say, as we have often said, that there is in the universe a plentiful infinite [*apeiron*] and a sufficient limit [*peras*] (ἄπειρόν τε ἐν τῷ παντὶ πολὺ, καὶ πέρας ἱκανόν) and above these a by no means feeble Cause which orders and arranges years and seasons and months, and may most justly be called Wisdom [*Sophia*] and Intelligence [*Nous*] (σοφία καὶ νοῦς λεγόμενη δικαιοτάτ' ἄν) (*Philebus*, 30c 3-7)¹⁷.

it is, in my opinion, an everlasting and incorruptible quality which belongs to our discourses as such» (*Philebus*, 15d 4-8). It is necessary to focus on the meaning of this identity. Plato is well aware of the principle of non-contradiction and knows that opposite terms rule out each other. However, an exception is to be accepted: the affirmation of “identity” does not mean that what is one becomes many, but that it is possible to speak of a complex single reality as both one and many. Reality is neither just one nor just many, but is a one-and-many (one-many). In fact, Plato upholds (14c 8-10) that it is easy to object to the both one-sided positions, the one that is in favour of the one (for the many is one) and the one that is in favour of the many (for the one has parts and is multiple), since both these claims are true if reality is one-many.

¹⁶ To these Plato adds a fourth genus, the Cause, a divine principle that acts as an “efficient cause”: what he elsewhere terms the Demiurge.

¹⁷ Given this complexity of connections, it is better to avoid unilateral interpretations and affirmations (for example concepts such as “aristocratic vision”, “conservative conception”, “political utopia”), because the risk is to simplify an always polyvalent discourse.

2. *The polis*

Apeiron is manifested above all in the extreme division of the *polis*, which constitutes the greatest concern for Plato. Three factors weigh on this emphasis:

- the situation of the time, the state of civil war that had devastated Hellas and led to completely negative behaviour;
- the theoretical structure of the system: given the couple whole-parts the first term imposes a strong unity;
- the complex social analysis that Plato proposes in the *Statesman* (287b-291c): seven different blocks of socio-productive activities; to these are added the activities that relate to animate beings (the breeding and possession of slaves), then the intermediary subjects (merchants, bankers etc.), and the opponents of the politician, as sophist and tyrant; ultimately, in the final part of the dialogue (304b-305c) the direct collaborators of the true politician are cited, the educator, the strategist, the judge, the rhetorician.

Plato therefore has a realistic view of the richness of social activities¹⁸ that is confirmed by the third book of *Laws*, with the story of the periodic destruction of human societies. We have a sort of Robinson Crusoe model, starting with the survivors of the flood, mountain people who know nothing. In the evolution of that world the State modifications appear as answers to a progressive increase in social complexity.

But society is not only that of different workers, but also, and above all, that of different subjects. The reality is marked by diversity and, therefore, by the conflict. This contrast can be declined in an ethical key (best and worst, *Laws*, 627b 5-8), but it is above all that of sex, that of wealth (object of great attention) and that of functions. This explains certain judgments about cities:

Each of them is very many cities, but not one, as in the game. However, they are two, among them enemies, that of the poor and that of the rich. And in each there are many. If you treat them like one, you're completely wrong; if like many others, giving to some the goods and the powers of the others, or those themselves, you will always have many allies and few enemies. And as long as your city is administered with wise temperance, as we have established a while ago, it will be very great: I do not say by reputation, but very great indeed, even if it has only a thousand defenders. In fact, you will not easily find a single state so great among the Greeks or the barbarians, while you will find many, that are many times greater than this, which only have the appearance of being so (*Republic*, 422e 8-423b 2).

¹⁸ This is accentuated by his "criterion of efficiency", for which every human being must perform only one task, the one for which nature has made him more suitable.

The practical consequences are exposed when Socrates reflects on the maximum good and on the maximum bad for the city:

can we therefore have a greater evil for the city than the one that divides it and makes it multiple instead of one? Or a greater good than the one that binds it and makes it one? (*Republic* 462a 8-b 2)¹⁹.

In spite of everything, Plato continues to hope because he thinks in terms of the system: by changing a single element we can obtain the change of the whole:

I think I can prove that we would have a general modification with only one change, certainly not small or easy, but possible (*Republic*, 473C2-4)²⁰.

This possibility is the power of the thought: only the conscious action of the *nous*, from the cosmos to the *polis*, can counteract the prevalence of disorder in the light of the ideal paradigm. It is necessary to have a clear vision of the good to be realized and to use the tools available to carry it out. It is therefore necessary to work 1) on the ideal level to develop ideal paradigms such as those proposed in the *Republic* and in the *Laws* and 2) on the concrete level, with good laws. It is therefore necessary

- to understand well the nature and function of paradigms;
- to adequately articulate the nature and function of laws;
- to understand the relationship between these two data.

3. *The paradigm*

As is known, Plato proposes a perfect model of *polis* in the *Republic*. This paradigm belongs to the ideal sphere and therefore it cannot and above all it must not be realized. This is explicitly stated through separation between the paradigm and the six human constitutions. These must be considered

apart from the seventh, that, in fact, must be separated from all other forms of government, as a god by men (*Statesman*, 303b 3-5).

The ideal model, precisely because it is “divine”, must be kept separate from human constitutions, but it must be imitated (as always happens in the ontological relationship between ideal and empirical sphere).

¹⁹ This is the underlying conviction that animates Plato: the best state achieves unity in the efficient way, while in the imperfect state duality, splitting and multiplicity predominate (REALE, 1997, 29).

²⁰ This confirms that Plato's philosophy is systemic: by modifying an (important) part it is possible to modify the whole.

This explains and justifies the development of different models:

It will be clear to those who think and have experience that we are establishing a state that ranks second compared to the excellent one. Perhaps someone will reject it because he is not used to a legislator who does not have tyrannical powers. However, the most correct procedure is to propose the best constitution and then the second and the third, and finally then giving faculty of choice to those who have the power to establish the city (*Laws*, 739a 3-b 1).

This simultaneous presence of less and less perfect models explains the dual evaluation of the first model.

On the one hand this is almost mocked through a proposal that is paradoxical and not very credible: the unity it proposes must not only concern wives and children, but also eyes, hands, thought, as if they were one being (739cd); furthermore, this perfect *polis* will be inhabited by gods or sons of gods, who will find true happiness (739d), another emphasis that leads us to think of it as non-human²¹.

On the other hand, the first model is not denied, rather it is proposed again as it is necessary to realize a first imitation by the second model. Therefore, we have models that are not complementary, but graduated and articulated on the basis of an identical formal structure.

One should not look elsewhere for a model (*paradeigma*) but, by keeping this, try to create a constitution that is similar to it at the highest possible level. That which we have made now, is in some way the most similar to the immortal model, and therefore is one at the second level. After these, we will describe the third, if God so will. But, for the present, let us discuss about this second (*Laws*, 739e 1-6).

Then there is a second type of imitation: these models constitute the reality that the laws try to imitate. The paradigmatic model is the only true form of government,

of which the bests between present governments are an imitation (*mimema*) (*Laws*, 713b 3-4).

Consequently, it is also possible to make drastic judgments:

of all the other of which we speak [the six forms of human governments], we must affirm that they are neither legitimate, nor genuine forms of government, but imitations of the right constitution, and those that we say have good laws imitate it better, the others worse (*Statesman*, 293e 25).

²¹ Plato here is not criticizing the perfect model, but is emphasizing its ideal character, that is the impossibility of applying it directly in the human world (see CENTRONE, 2000, for the aporias in relation to the crematists, which are the vast majority of citizens).

In fact, the tool needed for this imitation is far from perfect. The “imitative constitution” must use the laws. This explains why in the *Republic*, which presents the first model, the perfect one, the laws are substantially absent while in the second model, that remains at a level of ideal formulation and principle²², the laws become so important as to determine the title of the dialogue.

But as with empirical realities compared to Ideas, imitation is marked by very strong limits. In this case the static and partial nature of the laws weighs²³, in contrasts with the variable nature of reality:

Is it not impossible, then, apply what always remains simple to what is never simple?
(*Statesman*, 294c 7-8).

However, it is impossible to govern the state “in a scientific manner” (295ab), since it is impossible to provide suitable indications to everyone at all times. We must do it with some general guidelines, as a gymnastics teacher might do with a large group of students. He must limit himself to furnishing general rules; in other words, the statesman must resort to the rather inflexible element of the law. The laws are schematic, they say only what is right in most cases. They should therefore be subject to a careful assessment so that they are similar to the ideal model for what is possible in the given situation.

Yet this is not enough: for it makes the law out to be a “lesser evil”, whereas Plato argues that it is a good. However, the laws sometimes appear to be described in a highly negative way.

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 that he has imposed (*Statesman*, 294b 8-c 4).

This text may seem to stand in glaring contrast to the *positive* role that the law is expected to play. Plato does not merely stress the fact that the human condition

²² The second model also is an ideal paradigm. In fact, 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» (*Laws*, 746a 7-8). The legislator, in turn, will rely on the right to create the model (746b 7) based on what is really beautiful and true. If there is a second model, it is less beautiful and less true than the first model; however, the second is certainly, compared to the third, more similar to the first. In short, the paradigms are created not as an absolute and utopian reality, but as something useful.

²³ This static quality is emphasised by the classic image of writing: “in order to save themselves, the others [i.e. the imitative polities] must make use of the laws of this [i.e. the science itself], fixing them in writing” (*Statesman*, 297d 5-6).

cannot adequately be dealt with through a static instrument and simple methodology, but presents the law as *an authoritarian and ignorant man*. In keeping with his usual mode of writing²⁴, the author does not solve the problem, but offers the attentive reader the means to come up with a solution on his own. In this case Plato *deliberately* complicates the exposition²⁵ by concealing the presence of two kinds of law. These are presented in clear terms: 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; the other sort of laws are haphazard, cannot be verified and act contrary to art and science. After describing these negative 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.

Therefore, in their particular areas these laws written by wise men will be *imitations of the truth* - as far as this is humanly possible (*Statesman*, 300c 5-7).

This explains the constant ambivalence that Plato manifests regarding the laws that on the one hand must be absolutely respected, on the other must certainly be changed for the better whenever it is possible and necessary:

there will never be a lawgiver so foolish as to ignore that very many things must necessarily be left so imperfect that his successor must put them right, in order that, in the city he has founded, the constitution and order may always grow better, not worse (*Laws*, 769d 4-e 2).

²⁴ I cannot deal here with the theme of “How Plato writes”. «Come scrive Platone» («How Plato writes») is the title of chapter 1 of MIGLIORI (2013), I, 25-190. See also MIGLIORI (2020). In short: Plato himself provides indications on his mode of writing in the *Phaedrus*. The philosopher notes the difficulty of communication, sets out the rules for constructing a good speech, and highlights the additional limits of writing. This requires a considerable degree of caution on the writer’s part: he must never write the most valuable things, to avoid possible misunderstandings. Finally, Plato speaks of writing in terms of “game” (παιδιάς, 276d 2), of very fine games that are often so important as to become one’s life pursuit. The written game thus becomes the hall-mark of the philosopher, who is «he who believes that in a written discourse on any subject there is bound to be the playing of a game (παιδιάς) and that no work in verse or prose, that deserves to be treated with much seriousness (σπουδῆς), has ever been written» (277e 5-8). This “game” aspect accounts for one distinguishing feature of the dialogues: the author himself often complicates issues that he could discuss in far more simple terms. In other words, Plato, Socrates’ pupil, seeks not so much to instruct his readers as to lead them to think, to philosophise, by stimulating them with increasingly complex games.

²⁵ I cannot analytically reconstruct this laboured exposition here: for a more in-depth treatment of the topic, see MIGLIORI (1996), 144-164, 276-282.

It is right to forbid young people from criticising them, while it must be proclaimed that the laws

are all beautiful because they have been given by the gods (*Laws*, 634e 2).

However, the elderly are allowed to critically examine the laws because

it is not dishonorable to recognize some of the things that are not beautiful (*Laws*, 635a 7-8).

Indeed, it is stated that future citizens and legislators must judge laws rigorously and consistently: they must censure those laws that fail to achieve their goals (*Laws*, 771a 1).

4. *The domain of reason*

This ambivalence shows that it is not at this level that the *polis* can be correctly judged. The only way to judge and classify the various constitutions is to refer rationally to the different ideal models that have been identified.

However, even in this case we must not lose the sense of limit. There is no room for great illusions, first of all for the difference between the theoretical model and practical realization:

It seems really difficult, my friends, to find undeniably valid constitutions both in practice and in theory (ἔργῳ καὶ λόγῳ, *Laws*, 636a 4-5).

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 (*Laws*, 745e 7-746a 1).

The ideal paradigm is therefore necessary and useful in itself because it allows 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 behavior of the true politician, in his rational effort to propose laws; 3) to evaluate the system of laws in their relation to the ideal paradigm.

In every passage the concept of imitation is fundamental, but its limits are always reaffirmed:

Even now this logos teaches us, saying the truth, that cities governed not by a deity but by a mortal can not avoid ills and suffering when the ruler of a state is not a god but a mortal. However, it is necessary to imitate by every means the life attributed to the age of Cronus²⁶ and govern the houses and the cities, by obeying in both our public and private activity to that part of us that is immortal. We give the name of “the law” (*nomon*) to this directive action of the reason (*nou*) (*Laws*, 713e 3-714a 2)²⁷.

The domain of reason is therefore a basic criterion for judging the *polis*. But as proof of the non-utopian nature of his political reflection, Plato shows how necessarily the *polis* must accept some mediations. A clear example is given by the treatment of equality. In the *Republic* where the first absolute model is presented, not by chance without giving any importance to the laws, an absolute equality is affirmed. But, as we have seen, Plato in the *Laws* is ironic about this proposal. Indeed, in this dialogue, therefore at the level of the second paradigm, Plato recognizes that absolute equality is impossible.

A criterion must therefore be found so that, receiving honours and powers, as equal as possible by virtue of an unequal symmetry, no quarrels arise (*Laws*, 744c 2-4).

This is not a simple job: to give equal things to unequal people maintains inequality. The ancient maxim that equality produces friendship remains true, but it needs to be clarified which equality it is able to produce it:

²⁶ Let's go back to Plato's pessimism that led him to hope for a sort of miracle and to think that a moderate and just power is unlikely (*Laws*, 711de). It is no coincidence that the model is placed under the divine aegis of Chronos, so to speak, whom we also find in the myth of the *Statesman*. Seeing that men are incapable of self-government, like a good shepherd the god entrusts them to daemons: human beings can therefore avoid all ills. We are to adopt that perfect model as an inspiring principle, a criterion. Imitation is the only possible path, since it would be an illusion to think that we can implement a divine model, «given that we are not like the ancient lawgivers who - it is now said - issued laws for heroes sons of gods, being themselves sons of gods, and legislated for others who had the same origins; rather, we are men and the laws we issue now are for the seed of men» (*Laws*, 853c 3-7).

²⁷ Here we find again the link between intelligence and law, based on the similarity of two words, *nous* and *nomos*.

There are two types of equality, they have the same name but in practice they often have opposite effects. In the assignment of honours every city and every legislator can easily introduce the equality of measure, of weight and of number, applied by lot in the distribution; the other, the truest and the best equality, not everyone can easily see it. It is in fact a judgment of Zeus and always comes to the aid of men in a minimal way, but what little is found in the cities or in the individuals arouses all the goods (*Laws*, 757b 1-c 1).

There is a purely quantitative equality and another superior that is qualitative, almost divine, difficult to apply but almost necessary: it alone operates according to the right measure in relation to the nature of the subject:

It gives more to those who are older and less to those who are younger, assigning to each the right measure according to the nature of each one and always attributes greater honours to those who are greater by virtue, and to those who are in opposed condition in relation to virtue and education rationally gives what is due to each person (*Laws*, 757c 1-6).

Obviously, all states are forced to compromise to avoid riots: it is not possible to apply justice in its perfection and it is also necessary to resort to the first form, so as not to arouse the opposition of the majority, hoping that, given the use of an imperfect instrument, divinity and good luck can lead to the right choice:

Thus, it is necessary to use both equalities, above all to leave very little space to the one that needs luck (*Laws*, 757e 6-758a 2).

Thus equality, like any kind of order and measure, depends on the *ousia*, the concrete determination of the real.

In conclusion, Plato's proposal is based on three assumptions:

- we are rational beings and only a continuous research gives meaning to our life;
- we are social beings and only in the ordered city a human being, even the philosopher, can fully realize his potential. Given the fundamental relation between the whole and its parts, each individual human being must recognize himself for what he is:

you too, wretched, being a part, always tend to the whole and aim at it, even though you are absolutely small. But you fail to comprehend that every generation occurs so as to truly ensure happiness for the life of the whole – which does not exist for you, whereas you exist for it. In fact every doctor and every skilled craftsman always does everything for the whole and, by tending towards the greatest common good, produces a part for the whole, and not a whole for the part. You complain because you ignore that what occurs is the greatest good for the whole and also for yourself, in accordance with the power of common generation (*Laws*, 903a 1-d 3).

This is the conscious assumption of a theoretical conception, which is not unilaterally holistic, since the maximum good is also valid for the individual, which is obvious given the whole-parts nexus. 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*, 311b 7-c 5).

A final comment

I fear that this contribution has been too complicated and that it has not been clear. But this was a risk that I consciously accepted. The Platonic solution is at the same time complex and extremely simple²⁸: the criterion is the *nomos* that is judged by the human nous in the light of ideal paradigms. It is a structure of dialectical connections that is completely analogous to the one we find in Plato's system, starting from ontology. But as in the other philosophical fields, his articulation and the concessions that Plato himself makes to the data of the empirical reality and to the limits of our human abilities cannot be underestimated or even forgotten.

²⁸ For years this topic has been a focus of research for the ancient philosophy work group at the University of Macerata. The job we have been conducting is based on analytical studies, on account of the need both to have a methodological rigour, and to discover some basic distinctions. One first result of our investigation highlights an element: «this is... a crucial difference, which makes it so difficult, at times, to understand the thought of Plato (and Aristotle). I express this difficulty through a formula: whereas modern thought, sprung from “clear and distinct ideas” (to quote Descartes), tends to think in terms of “*aut... aut*”, which is to say of the opposition between irreconcilable positions available as alternatives, Classical thought, and particularly Platonic-Aristotelian thought, thinks in terms of “*et... et*” (which obviously also includes the - rare - possibility of “*aut... aut*”); in other words, it tends to broaden the framework and structure of its analysis so as to include the highest possible number of elements. Classical philosophers do not seem interested in producing an intellectual system, a vision, a definition; instead they want to develop - within a well-defined conceptual horizon that is so strong at times as to constitute a paradigm - a range of schemes and models that cannot be juxtaposed and indeed often stand in contrast to one another, and yet are capable of explaining aspects of reality that would otherwise escape us. Ultimately, Classical thought is designed to understand the world, which is so complex as to require a range of different tools. From this perspective, some apparently contradictory positions may be found to actually be mutually consistent or at any rate compatible» (MIGLIORI, 2013, 163-164).

In summary, it is not possible to close Plato in an elementary and unilateral formula: his vision of human complexity, both personal and social, requires a structurally multifocal reading²⁹.

²⁹ For a first analysis of this topic see CATTANEI-FERMANI-MIGLIORI (2016). See also MIGLIORI (2017b). The issue of the review *Humanitas* 1-2 (2020) is dedicated to the Multifocal approach in the history of ancient philosophy and in many others scientific areas: there are as long theoretical introduction and a long conclusion, plus 20 articles, organized into three sections: 1) in ancient and modern texts (9 essays); 2) in the sociological-cultural dimension (7 essays); 3) in the scientific-productive dimension (4 essays).

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