PLATO'S RESOLUTION OF THE

NOMOS-PHYSIS ANTITHESIS

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Abstract

This thesis examines Plato's resolution of the nomos (law)-physis (nature) antithesis. In Athens, in the fifth and fourth centuries B.C., many thinkers regarded nomos and physis to be diametrically opposed to one another. An attempt is made to follow Plato's refutation of this idea, throughout his career. Law is natural because: it preserves justice, the natural condition of the soul; it may be founded on the idea or the 'forms', the highest principles of nature; and lastly because it is one of the spiritual order of things, and spirit or soul is pre-eminently natural.

This thesis portrays Plato's concern with this problem as a natural outgrowth from the ethical teachings of Socrates, which, in trying to conceive of the moral reform of society at large, Plato was compelled to emendate and to transcend.

Résumé

Cette thèse examine les réflexions de Platon concernant l'opposition entre le nomos (loi) et le physis (nature). Tandis qu'à Athènes, au 4e et 5e siècle avant J.C., beaucoup de penseur considéraient ces deux concepts directement contradictoires. Platon prit une position tout à fait différente. Il entreprit toute sa vie de réfuter de la séparation entre le nomos et le physis. La loi est naturelle car elle préserve la justice, la condition normale de l'âme, il se peut bien que la loi est fondé sur les principes les plus nobles de la nature, les formes. Enfin, la loi est une de l'ordre spirituel des choses, et l'esprit et l'âme sont iminement naturels.

Cette thèse brosse le portrait de Platon aux prises avec ces problèmes, conséquence directe de l'enseignement de Socrates. En essayant d'appliquer ses connaissances à la réforme morale de la société, Platon s'est vu constraint de modifier et meme de déroger a les précepts éthiques de Socrates.

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I would like to express my thanks to Professor John Trentman whose valuable assistance and supervision have made the completion of this thesis possible. I would also like to thank Professor M. Silverthorne, who originally introduced me to this subject and who pointed out two papers to which this thesis is greatly indebted: G.R. Morrow's "Plato and the Law of Nature" (in Essays in Political Theory presented to G.H. Sabine. Edited by M. Konvitz and A.E. Murphy. Ithaca, New York: Cornell University Press, 1948), and Martin Ostwald's "Plato on Law and Nature" (in Interpretation of Plato: A Swarthmore Symposium. Edited by Helen F. North. The Netherlands: Lugduni Batavorum, E.J. Brill, 1977).

Any value inherent in this thesis is due in large measure to all of the above. Any errors or misapprehensions, however, are solely my own.

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INTRODUCTION

John Gould, in The Development of Plato's Ethics, describes the growth of Plato's ethical theory as a movement from the highly personal concerns of the Socratic period, to a larger concern for the ethical development of society as a whole.[1] If this is an accurate account, then it is reasonably clear that the Socratic demand that virtue be based on personal knowledge would have to be modified in order to allow for the guidance of the entire community; Plato entertained no illusions about the ability of the masses to obtain true moral knowledge. Thus the few enlightened individuals in society would require an instrument of mass reform and, for Plato, this instrument is clearly to be nomos, or law, whereby the whole society could be guided in harmony with the philosopher's perception of the good.

However, in the fourth and fifth centuries B.C., in Athens, a controversy raged as to the validity of nomos. Many thinkers regarded nomos as a man-made hindrance to the life lived according to nature (kata physin), and could thus be disregarded by the man with sufficient courage and strength to do so. If indeed Plato sought to manage the moral development of society through nomos, then this is a view that he would be anxious to refute, and, in fact, this is the case. We might almost say that the nomos-physis problem is the quitessential Platonic problem, his answer displaying the ethical concerns which Plato inherited from Socrates seen in a light of Plato's own mature philosophical ideas. While this problem's presence is not much noticed in the early Socratic or aporetic dialogues, from the first definite signs of Plato's own thought in the Gorgias and Meno, before

the complete development of the theory of forms, through the Republic, and finally, at the end of Plato's career, in the Laws, Plato goes lengths to refute the idea that nomos and physis are antithetical. Plainly, therefore, to gain an understanding of Plato's resolution of the nomos-physis antithesis, is to gain a greater understanding of Plato's philosophy as a whole.

The Nomos-Physis Antithesis

Due to the limitations of space and because I discuss Plato's treatment of the nomos-physis antithesis throughout this thesis, I give here no more than a thumbnail sketch of this complex problem. W.K.C. Guthrie claims that the expressions nomos and physis became key-words in the Greek philosophy of the fourth and fifth centuries B.C.[2] Nomos, usually translated as 'law' or 'convention' has the wider sense of "anything determined and regarded as valid by men; it includes human customs and beliefs as well as the political institutions under which men live."[3] Physis, on the other hand, normally translated as 'nature', has as its meaning the reality underlying all things, eternal and unvariable, the subject studied by the early Greek philosophers.[4] Whereas nomos might vary from country to country, physis was considered to be absolutely unchangeable. So long, however, as nomos could be safely attributed to the gods or to divine inspiration, nomos and physis were not necessarily considered to be antithetical terms. But in the fifth century, with the belief in the gods on the wane, the expressions came to be regarded as being diametrically opposed to one another. Things began to be described as existing kata physin, or, as existing kata nomos. Each of the types of existence had its champions; some thinkers (e.g., Protagoras, Critias) hailed nomos for liberating men from their

origins,[5] while others (e.g., Antiphon) cursed nomos as the man-made hindrance to the life lived in accordance to nature, a life which dictates the unscrupulous domination of one's inferior fellow citizens.[6] In either case, however, nomos was portrayed as having no part in the eternal nature of things, or in any transcendental sense, as having any real value.

The nomos-physis antithesis was discussed in all fields of endeavour, and it moved quickly from the area of scientific investigation (witness Democritus' claim that sensible qualities exist by law; only atoms and the void exist by nature),[7] to the field of ethics and politics where its chief proponents became the Sophists, who, Guthrie claims, without exception, upheld the antithetical character of these concepts.[8] And it is probably this trait that Plato found most distasteful about these men. For, as we shall see, Plato upheld to the end of his life that nomos and physis are not antithetical, and that to regard them as such would spell the inevitable ruination of youth and ultimately of society itself.

In this thesis, I follow Plato's resolution of the nomos-physis antithesis from its first explicit introduction in the Gorgias, to Plato's final response in the Laws.[9] In Chapter 1, I discuss the ethical theory ascribed to Socrates. This discussion revolves around the idea that virtue is knowledge and describes the justification for this notion given in the Protagoras. This justification takes the form of a hedonic calculus which maintains that pleasure is always good insofar as it is pleasure, and that evil is the result of an intellectual myopia, so to speak. With knowledge the necessary and sufficient condition of virtue, nomos can play but a limited role in a man's moral development; while it may be incumbent on

the good man to obey the law, that law cannot be the source of his goodness. These considerations are important to the present thesis in the respect that they form the starting point from which, as nomos came to fulfill a more central role in Plato's philosophy, he deviated subtly, but never completely abandoned.

Chapter 2 describes the introduction of the nomos-physis problem into the Platonic corpus in the Gorgias, in the mouth of Callicles of Acharnae, and in the first book of the Republic, in the mouths of Thrasymachus, Glaucon and Adeimantus, and discusses Plato's emerging response in the Gorgias and the Meno. Socrates' discussion with Callicles, about whom little is known historically, is one of the most impassioned arguments in all of the Platonic dialogues, indicating how seriously Plato regarded the threat of the nomos-physis antithesis. Plato's response in the Gorgias and the Meno is that there is a condition proper to the soul, justice, which is preserved by law and lawfulness, and he hints at the possibility of a special kind of knowledge upon which the statesman can form his laws truly in harmony with nature. I conclude this chapter by discussing the manner in which Plato's increasing concern with the nomos-physis antithesis leads him away -- but never far away -- from the teachings of his master, for Plato, I argue, abandoned the idea that personal knowledge is the necessary condition of the virtuous life.

Chapter 3 follows the development of the ideas initiated in the Gorgias and the Meno in the most famous of Plato's works, the Republic. Here we find that the natural condition of man consists in the domination of the

intelligence over the spirited and licentious elements of the soul, and that the best intention of the law is to preserve this natural condition in those people who lack sufficient intelligence to control themselves. Moreover, the Republic specifies the manner in which the lawmaker is to be trained in order to create his laws in accordance with intelligible reality. We have here, therefore, a mature exposition of the theory of forms or ideas. In basing his laws on his perception of the forms, the lawmaker truly reunites the concepts of nomos and physis, for the forms are the highest principles of nature.

Finally, in my last chapter, I consider Plato's resolution of the nomos-physis antithesis in the Laws. This is a very different dialogue from any of those previously discussed; Plato, now an old man, writes almost a monologue, bereft of dramatic interest. And yet, as Taylor comments, the Laws "contains his [Plato's] latest and ripest thought on the subjects he had all through his life most at heart -- ethics, education, and jurisprudence."[10] Certainly his response to the nomos-physis antithesis is Plato's most explicit and perhaps his most significant. In Book X of the Laws, Plato argues against the idea that the gods exist merely by law and not by nature. This involves him in an examination of the basis of the idea that nomos and physis are antithetical. This basis is revealed to be a misapprehension about physis: those thinkers who claim that nomos and physis are opposed to one another erroneously believe that nature, identified with the primary, consists in material substance or processes. Plato shows against this that soul and its attributes (e.g., nomos) are logically prior to physical matter and are therefore, truly natural. Plato carries

out his argument in the Laws without the theory of the forms, and I argue in this chapter that Plato is employing a different sense of the expression physis in the Laws, from that which he employs in other earlier dialogues, and, in effect, implicitly recognizes that physis can have more than one meaning.

Plato's resolution of the nomos-physis antithesis will thus be seen to embody and to arise from that which most inspired him and which he kept nearest to his heart -- the ethical preoccupation of Socrates. In responding to the nomos-physis problem, however, Plato defended this ethical preoccupation with philosophical notions which at once deviated from and went far beyond anything Socrates may reasonably be supposed to have conceived of.[11]

Chapter 1

THE SOCRATIC ETHICAL THEORY

The central ethical position ascribed to Socrates and which runs, more or less, throughout the early Platonic dialogues, is what is often referred to as the 'Socratic paradox'. Loosely speaking, this consists in the view that virtue (arete) is knowledge (episteme) and that immoral behaviour is the result of ignorance. The immediate result of this position is that no one willingly does wrong; to do wrong is necessarily a mistake and is thus involuntary. The good man, therefore, is seen as the wise man or expert. In this section I will attempt to show that this position arises out of a kind of hedonism which in turn is based on an observation about human nature.

At first glance, the early dialogues seemed determined to portray mankind's ignorance concerning the nature of virtue. The Socratic inquiry typically commences by examining commonplace opinions about justice, courage, piety and so forth. Socrates extracts a definition from one of the interlocutors of the dialogues and proceeds to demonstrate that the said definition is inadequate. For example, in the Laches, Socrates asks Laches to explain what courage is. Laches answers without hesitation that a man of courage is one "who does not run away, but remains at his post and fights against the enemy."[1] Or in the Republic Polemarchus posits as a definition of justice "that it is just to render each his due."[2]

While the first of these suggestions may characterize a particular instance of courage, and the second may describe a wide variety of just

actions, it is clear that neither will serve as definitions and Socrates is quick to produce counter-examples. The interlocutors soon discover that Socrates will not be satisfied by particular instances of any virtue, nor with broad generalizations; he is rather searching for the essential nature of that virtue. He admits without hesitation that the man who does not flee from his post might be courageous. But what of the man who fights on horseback, or, for that matter, what of people courageous in walks of life other than military?[3]

Thus Socrates slowly and methodically leads the victim of his cross-examination or 'elenchos' from a state of premature confidence in regard to some virtue, to a state of confusion and anxiety. One of the clearest and most defined displays of the 'Socratic method' is in the Lysis. Socrates is discussing friendship with two boys, Lysis and Menexenus. The construction of the dialogue is such that while Plato was doubtedly attempting to depict his teacher's method, he was clearly doing so from a humourous point of view. In this dialogue, Socrates posits, on behalf of the interlocutors, several possibilities as being the requirements of friendship and subsequently rejects them, one by one. Lysis and Menexenus serve as ideal head-nodders. Finally, Socrates draws the conclusion, characteristic of many early Platonic dialogues, that he is puzzled in regard to the subject at hand.

Often the people confused are the very ones who should know about the virtue being discussed: Euthyphro, a religious official, can't explain piety; Laches, a general, can's explain courage; Lysis, Menexenus and Socrates, all friends, can't explain friendship. That this is not solely a device to

vindicate the Oracle at Delph's pronouncement that Socrates was the wisest man in Athens will be seen.[4] It is, in fact, a result of the Socratic notion that virtue is knowledge and therefore that particular virtues can't be understood in isolation.

We have thus far briefly discussed the negative conclusions arrived at in the early dialogues. It should not be thought, however, that Socrates was a skeptic in regard to virtue. In the dialogues can be discerned a positive doctrine of moral virtue. What first must be noted is that in the elenchos, certain presumptions are made by both Socrates and the interlocutors. For example, in the Laches, Laches has just defined courage as "endurance of the soul". Socrates and Laches both agree that courage is always noble and good whereas, upon occasion. endurance can be foolish and evil. Therefore courage can't be endurance.[5] This clearly demonstrates that certain attributes are being imported into the consideration of the virtue before the inquiry has begun. Socrates rejects any account of virtue which depicts that virtue as not being good, beneficial and noble.[6] This, of course, is almost analytical; Arete to the Greeks had the sense of excellence. It is equally clear that the denial of this position would render the possibility of any further discussion extremely tenuous.

But there is more to Socrates' positive moral doctrine than certain primitive assumptions. In the dialogue the Protagoras, Socrates puts forth the view, a view discernible in other dialogues as well, that virtue is knowledge.[7] This view leads him to conclude that there is no real plurality of virtues but that virtue is fundamentally a unity because virtue,

in essentia, is identical to one thing, i.e., knowledge.

Socrates has asked Protagoras to reveal his opinion about knowledge, and they both agree that knowledge is a noble entity, capable of ruling men and is in fact "the highest of human things".[8] Socrates then begins to consider what 'the many' could possibly mean when they say that someone has been 'overcome by pleasure'.[9] What they mean, of course, is that someone, knowing that a certain action is wrong, engages in that action due to the pleasure that that action affords them. Socrates, however, wishes to establish that the person overcome by pleasure is in fact overcome by ignorance. This conclusion is drawn, rather surprisingly, by using a reasonably familiar hedonistic argument wherein good is equated to pleasure and evil is equated to pain. Thus, in considering a man who allows himself to engage in a licentious or wanton act, whereas the many would say that he was overcome by pleasure, Socrates would say that it is not the momentary pleasure which overcomes the man and is therefore evil. Pleasure is always good. What is evil, however, is the overall eventual pain that certain acts will incur. Since "it is not in human nature"[10] for a man to choose the greater of two evils, if the man knew that the overall pain caused by any act outweighed that act's momentary pleasure, he would simply not do it. He is, therefore, not overcome by pleasure, which on the Socratic view is tantamount to saying that he is overcome by good; his transgression stems rather from ignorance of this hedonistic calculus. To behave virtuously is to act in full cognizance of the sum consequences of pain and pleasure.

> All actions aimed at this end, namely a pleasant and painless life, must be fine actions, that is good and beneficial.[11]

The Socratic ethical position may therefore be summarized as follows:

1) virtue is knowledge;
2) virtue being knowledge, it is impossible to be knowingly unvirtuous;
3) virtue is one thing, i.e., knowledge and not many things, e.g., courage, piety, etc.;
4) evil is the result of ignorance.

With this in mind, the rationale behind the seemingly skeptical approach in the consideration of particular virtues becomes discernible. The philosophical ground had to be well prepared before such paradoxical notions could be introduced. We get a feeling for Plato's reluctance to introduce novel ideas without adequate preparation in the Protagoras where Socrates is once again discussing the meaning of the expression 'overcome by pleasure'. Men err in their choice of good and evil through defect in knowledge but "you [the many] if we had answered immediately and at the time that ignorance [was the meaning of being overcome by pleasure] would have laughed at us."[12]

On this view, the early dialogues are seen as a purging of common-sense notions about virtue in order to make way for the somewhat counter-intuitive Socratic paradoxes. That virtue is knowledge is not a notion

which would be readily accepted by an audience which identified with definitions of virtue such as those put forth by the interlocutors. Once having shown that these commonplace opinions are inconsistent, Plato can introduce the idea that virtue is knowledge of how to obtain the greatest overall pleasure.

This hedonistic interpretation of Socratic ethics, however, is controversial. Many have found it difficult to accept that Socrates can ever, in earnest, have maintained such a position. A.E. Taylor suggests that in the Protagoras, Socrates is trying to demonstrate that even on the vulgar assumptions of the many, goodness can be shown to be knowledge, but that Socrates himself is not committed to the identification of goodness and pleasure.[13] Another view is that if the dialogue is read carefully, we can observe certain signs, for example the reversal of Socrates' and Protagoras' positions toward the end of the dialogue, which let us know that this hedonism is not to be taken at face value.[14] Others have gone so far as to maintain that in a dialogue already as full of humorous quirks as is the Protagoras, Plato felt compelled to add one more rather perverse jest in the form of putting a view, repugnant to himself, into the mouth of Socrates.

The difficulty arises because no trace of hedonism can be found in dialogues ostensibly prior to the Protagoras, and in subsequent dialogues, the view seems to be rejected as it is in the Gorgias and the Phaedo. To accept a Socratic hedonism, therefore, seems to compel us to accept a complete anomaly in Plato's thought. I think, however, that a case can be

made for the earnestness of the Protagoras position.

First, it would seem peculiar that were Socrates holding the hedonistic argument at arms length, so to speak, Plato should not have made the fact more clear. It has, after all been maintained that Plato had an aversion to the word hedone.[15] The argument explains, more completely than any other from the early dialogues, the idea that virtue is knowledge and is not inconsistent with these dialogues. It seems to me to be most odd that Plato should represent Socrates as giving the most complete and strongest defence of his central ethical position, using an argument which Plato himself held in disdain, had Socrates never thought any such thing. At least we might expect clear indications of the non-hedonistic nature of Socratic ethics, indications which we don't seem to get. And while Socrates never comes out and states that the good equals the pleasurable, there are passages which suggest that he regarded this identification in earnest. For example: "then you agree, I said, that 'the pleasant is the good, and the painful evil."[16] And later: "are not all actions honorable and useful of which the tendency is to make life painless and pleasant?"[17] Socrates, it must be remembered, was not in the habit of making dogmatic assertions. We should not therefore expect an explicit statement of his belief in hedonism.

Further, Xenophon often speaks of Socrates as if this position were the case. Discussing the reasons behind Socrates' avoidance of excessive food, drink and sex, Xenophon writes:

> he Socrates considered that in this way he would obtain no less satisfaction and would suffer much less discomfort than those who devoted a large part of their energy to those objects.[18]

And later:

> what better reason for it can you imagine [i.e., for his temperance] than I have other more pleasant occupations?[19]

Here again Socrates is portrayed as explaining his ethical behaviour as being the result of seeing beyond the fleeting pleasures of the moment, to an expectation of greater pleasure in the remote future.

Lastly, we may consider a piece of external evidence. Aristippus of Cyrene, founder of the Cyrenaic school, probably derived his hedonistic outlook from his association with Socrates.[20] Aristippus was, of course, the precursor of the most famous of ancient hedonists, Epicurus.

While none of this evidence is conclusive, it is, I think, suggestive of the view that hedonism played an important role in Socrates' ethical considerations. Plato himself, while rejecting hedonism as a major foundation for his moral theory, could never quite escape the web of hedonistic logic and we find him even in the Laws according a place to hedonic considerations.[21]

The Socratic hedonism makes as its final end that in which pleasure will ultimately outweigh pain, and though this end is not identified in the Protagoras, in other dialogues it is made clear that "we all desire to be happy",[22] and thus eudaimonia is presumably the pleasure which we all seek. It is important to note, however, the divergence in meaning of the

English 'happiness' and the Greek 'eudaimonia'. The former may, upon occasion, be employed as a transitory predicate. For example, we might say 'John is happy today', or even, I was happy this morning, but I'm miserable this afternoon'. This is not the case with eudaimonia, and it is likely that Socrates, like Aristotle, regarded eudaimonia as being the judgement of a lifetime. As such, eudaimonia is the obvious end of the Socratic variety of hedonism.

I have thus far maintained that the Socratic ethical position is best understood as it is explained in the Protagoras, in light of a kind of hedonism. However, a further consideration is necessary in order to make sense of the notion of virtue being knowledge. This concerns Socrates' use of the Greek word 'episteme'.

Traditionally, the view that virtue is knowledge has been interpreted as meaning that a knowledge of moral principles would lead to moral behaviour. John Gould calls this view into question.[23] Making use of Gilbert Ryle's distinction between knowledge as 'knowing how' and knowledge as 'knowing that', Gould considers whether Socrates' use of the word 'episteme' approximates the former or the latter. Carefully examining passages from early Greek writers, he concludes that episteme, more often than not, signifies the ability to carry out some action, and thus he maintains that Socrates was not suggesting that arete is the result of theoretical understanding; it is rather the result of moral ability, indeed we might say moral know-how.

On the other hand, it seems to me that the line between 'knowing how'

and 'knowing that' can be too finely drawn and that perhaps Gould is guilty of overcompensating. The Greek episteme, as used by Socrates, is probably a mixture of the English 'knowing how' and 'knowing that', and undue emphasis on either might be misleading. The craftsmen whom Socrates continually holds up as examples were not only skilled, but they also had a variety of theoretical knowledge or lore.[24] Furthermore, Socrates, at times, seems to be seeking an objective standard of virtue by which particular actions can be evaluated as in the Euthyphro.[25] In Protagoras virtue becomes the art of measuring,[26] again implying the need for an objective standard. This seems to suggest that not having differentiated between 'knowing how' and 'knowing that', the Socratic episteme may consist in elements of both. Bearing this in mind, I think Gould's position serves as an excellent corrective for centuries of over-intellectualizing Socrates' ethical position.

This is important to the present consideration in that it leaves us with a stronger 'virtue is knowledge' position. In fact, it is difficult to imagine how we could make sense of the notion of virtue being knowledge if Socrates' episteme were strictly theoretical. If I know that a certain action is morally right I would appear to be obliged to engaged in that action, regardless of the act's consequences, regardless of the sum total of pleasure or pain entailed by that act. Surely I may believe that the only way to be ultimately happy is to live according to moral principles, but this, in a sense, is irrelevant; if something is right, I must do it.

In Socratic ethics, this is a case of putting the carriage before the horse; virtuous behaviour is a means to an end. On this view, a man will do whatever is necessary to obtain the good as he perceives it. But this would seem to be a matter for practical knowledge and not solely an objective perception of moral facts.

Socrates' denial of the possibility of incontinence becomes clearer in light of the above. Our largest problem in coming to grips with the Socratic position has always been the counter-intuitive notion that no one knowingly does wrong. Indeed, Aristotle was profoundly bothered by this question.[27] The problem is that we see many cases wherein someone seems to know that something is wrong, and he does that something regardless. In light, however, of Gould's treatment of Socrates' episteme and the hedonistic character of his position, the problem tends to fade away. The incontinence problem arises from a wedge driven between the theoretical and the actual. Thus, a man may know theoretically that something is wrong and still, in practice, carry that action out. But when we consider that Socrates' episteme is practical, it is knowing how to live in order to incur pain-free consequences, it does indeed seem peculiar that an expert in such a craft would do anything other than that which would lead to happiness.

We still might feel compelled, after all this, to claim that someone, fully aware that a certain manner of behaviour would entail painful consequences, might rather perversely engage in that manner of behaviour. To this Socrates would reply, and this must, I think, be seen as the ultimate

basis for his moral theory (at least as I have formulated it), that such an act is not in human nature (ouk estin, eoiken, en anthropou physei).[28] The doer of such an act must have a distorted view of the results of that act; just as a building looks tiny in the distance, so the evil consequences of misbehaviour seem insignificant when compared to the pleasure, and therefore the good, of the act at hand. Such a doer thus acts in ignorance.

This appeal to human nature is tantalizing and it would be a simple matter to blow it completely out of proportion. We might, for example, claim on its basis that Socrates foreshadowed later developments in natural law theory. This seems excessive, however, and what is truly important to note is the view expressed that there is something inherent in men which leads them, if they obtain a sufficient degree of self-knowledge, to behave morally. This would seem to indicate that Socrates would claim that virtue has its origin in human nature, and, consequently does not stand in contrast to that nature. Plato clearly adhered to this doctrine throughout his life. It is equally clear, however, that Socrates' arguments would not suffice to quell the growing ethical relativism in the Athens of his day. The Socratic ethical theory is, all things being considered, remarkably uninformative. We learn that true virtue is knowledge, but the precise nature of that knowledge and more importantly, how to obtain that knowledge, is left obscure. Plato came to believe that in order to solve such problems, the good has to have an objective reference and not solely a subjective identification, as is necessarily the case with pleasure. He also realizes that before we can have such an objective good, before we can say that something is right not in regard to mere custom, but that it is morally proper according to nature, a theory of nature is required

which allows for such universal standards.

Moreover, as far as Plato was concerned, the problem had widened. No longer was the moral development of the individual of primary importance; the moral health of society as a whole became Plato's central concern. The reasons for this shift in emphasis are complex and need not detain us here. Suffice to say that Plato needed to find a way to manage society and, at the same time, not to stray from Socrates' demand that virtue be based on knowledge. Plato's answer to this problem, briefly stated, is that society should be ruled by philosophers, who could formulate laws which could lead the unenlightened masses to live good lives. Plato could thereby install the Socratic episteme in society as a whole. We will discuss later the difference between the philosophies of Socrates and Plato engendered by this move.

For now, it is sufficient to note that if, for Socrates, virtue is indeed characterized as personal knowledge, then it seems reasonably clear that nomos can play but a limited role in the Socratic ethical theory. While it might be proper for the good man to obey the law, that law cannot be the source of the good man'a virtue; virtue must be founded on intelligence. This attitude towards nomos is exemplified in the Crito. Here the act of living in any given city is viewed as a tacit agreement to obey the laws of that city, an agreement that Socrates would be breaking if he chose to escape from prison.[29] The virtuous man, fully aware that all agreements should be kept, will therefore not break the law. There is no question here of regarding nomos as a part of the eternal nature of things or as a source of morality. The source of morality here, as elsewhere, is

intelligence, which leads Socrates and Crito to agree that law-breaking amounts to breaking an agreement and is thus morally wrong. Thus for Socrates, with the conception of morality as a personal endeavour, there is no need to pay extensive attention to the nomos-physis antithesis because nomos does not warrant such attention. The early dialogues, consequently, devote little space to this problem. As Gould states

> Socrates could conceive of a man achieving his own moral aim unaided (if unoppressed) by society, but this was possible for him only because social support, to some degree at least, could be taken for granted.[30]

It was therefore not Socrates' problem to worry about the creation of laws; a man's own moral welfare was worry enough.

But for Plato, who could from his youth see the unmistakable signs of social decay, the moral reform of society was the problem: not only was it incumbent on the philosopher to become good himself, but he somehow had to reach back and assist his fellow citizens. As I mentioned before, this amounts to the guidance of the masses by law founded in accordance with philosophical wisdom. Thus Plato found it necessary to provide a refutation to those critics who claimed that law had no ultimate validity and was contrary to nature. The rest of this thesis will be devoted to following Plato's resolution of this nomos-physis antithesis.

Chapter II

THE INTRODUCTION OF THE NOMOS-PHYSIS PROBLEM

We have seen that for Socrates, or perhaps for the Plato of the early dialogues, knowledge is the necessary and sufficient condition of the virtuous life. As such, this definition is tautological; virtue is described as knowing how to live virtuously. The dialogue the Protagoras offers a hedonistic explanation of this doctrine which, while avoiding the trap of circularity, nevertheless remains uninformative as to what variety of actions the virtuous life will consist in. It is with this uninformative character of the doctrine that Plato perceived the greatest difficulty.[1] While never abandoning the 'virtue is knowledge' position entirely, Plato likely became aware that this position was incapable of instilling the absolute values required to combat the relativistic views being maintained in the Athens of the fifth and fourth centuries B.C. G.C. Field claims that the whole of Plato's moral and political philosophy takes its rise from the effort to provide an adequate refutation of these views.[2] This relativism and moral skepticism finds its greatest expression in the Platonic corpus in the persons of Callicles and Thrasymachus. These interlocutors share the same basic idea concerning the antithetical character of nomos and physis, held from slightly different perspectives. For the sake of economy, therefore, I will treat their opinions as one. Plato's resolution of these difficulties, however, must be examined separately, as his response to Thrasymachus involves concepts only available in embryonic form in Gorgias. In this section I will thus confine my consideration to the problem's introduction in the Gorgias and in the first book of the Republic; its solution in the Gorgias with reference to other

roughly contemporaneous dialogues, principally the Meno, and to the way in in which these answers develop Plato's ethical theory.

The notion that nature (physis) and law or convention (nomos) are antagonistic concepts is first introduced by Callicles in the Gorgias and is later echoed by Thrasymachus in the Republic. Nature and convention, we are told, are generally inconsistent with one another and that Socrates, in trying to prove his dictum that it is better to suffer than to commit wrong, is making dishonest use of the antithetical nature of these concepts.[3] Socrates takes a purely conventional meaning of just and fine (e.g., that it is base to kill, pillage, etc.) and then acts as if it is naturally wrong to engage in such acts. He is thereby enabled to browbeat his opponents into admitting to notions which, were they true, would turn human life upside down.[4] In point of fact, that which we normally regard as moral or just is mere convention, manifested, according to Thrasymachus, as the interest of the ruling party, i.e., those who have the political wisdom and manliness to impose their will on the many.[5] It is wrong, therefore, solely by convention that a man should attempt to seize power. By nature it is proper that the stronger should dominate the weaker; it is merely in light of possible negative consequences of such domination that a 'trade-off' is made in the form of the mutual agreements called laws or mores. On view, the actions of such men as Xerxes invading Greece were in accord with nature (kata physin); indeed they were in accordance with the law of nature (kata nomon tes physeos).[6] It is naturally just, therefore, according to the Callicles-Thrasymachus position, that a man should give free reign to his desires and simply an issue of common sense that conventional injustice

is desirable provided that the person engaging in such injustice can "seize political power and their wrongdoing have full scope,"[7] Callicles expounds a definition of virtue in harmony with this line of thought: "luxury, licentiousness and liberty are virtue and happiness" (truphe kai akolasia kai eleutheria ... touto estin arete kai eudaimonia).[9] The laws and morals, then, imposed by the many, are either mutual agreements (for Thrasymachus), or are mere embellishments on what is actually virtuous (for Callicles),[9] — and, in either case, are contrary to nature (para physin). Traditional law and morality thus have no basis in the underlying reality or physis of things.

We see here the explicit introduction of the nomos-physis controversy into the Platonic corpus. Plato's project becomes the reuniting of these two concepts, a synthesis which is only completed in the Laws. We may interpret attempted extraction of ethical definitions in the Socratic dialogues as an effort to uncover stable notions of virtue in the face of ever-changing particular examples of virtuous behaviour. As such, this must be viewed as an attempt to treat positively the difficulties which the Sophists dealt with in a negative fashion. Starting with the Gorgias, however, there is evidence of a new urgency in Plato's treatment. This dialogue, along with the Meno, clearly foreshadow the fuller theory espoused in the middle dialogues.

In the Gorgias Plato does not specifically criticizes the idea that nature and convention are diametrically opposed notions; he instead focuses his invective on the type of life recommended by Callicles. The latter, as

we have seen, develops a portrait of the virtuous man as one who is able to cultivate great desires and has the strength and manliness to insure their gratification. The end of human life therefore, i.e., the good, is pleasure. Plato wishes to show against this that the good life consists in "being moderate and in control of oneself and master of one's own appetite."[10] He is already, in this period, under the sway of the idea that the body and soul are two distinct entities and that the health of the soul is of paramount importance to ethical concerns.[11] The identification of pleasure and the good is therefore quickly discounted. Socrates gains Callicles' agreement to the proposition that any pair of things that a man loses and gains together cannot be equated to good and evil; good and evil, as in disease passing away to health, tend to follow upon one another. So long, therefore, as desire is regarded as painful and gratification of desire as pleasurable, pleasure cannot equal the good because both the pleasure of the fulfillment of desire and the pain of non-fulfillment are vanquished simultaneously.[12] Moreover, it is agreed, good people become such owing to the presence of good things. Cowards and fools, however, experience pleasure and good and rational men suffer pain. Are we not reluctant to refer to the former as good and to the latter as evil? If so, some pleasures must be good and some evil: the identification of the good and the pleasurable falls apart.[13] Pleasure cannot, therefore, properly serve as the telos of human activity.

The identification of the good and the pleasurable, accepted, I have argued, in the Protagoras, is thus rejected. And at first glance it is difficult to understand why this rejection has occurred. Socrates'

arguments against this identification are far from convincing; the hedonic calculus could perhaps have been employed with greater success against the Calliclean argument. Plato is plainly reluctant at this point to make use of the Protagoras position, i.e., that pleasure is always good insofar as it is pleasure. Irwin points out that the Calliclean hedonism does not allow for such considerations.[14] Callicles advocates giving free reign to desire and regards the temperate man as being foolish. In order to obtain the maximum overall pleasure discussed in the Protagoras, however, some restraint will be necessary, for example, the brave man's curbing his desire to flee at the approach of the enemy. Plato not only rejects an unrestrained hedonism, though, he denies the identification of the good and the pleasurable entirely. Pleasure becomes something in the Gorgias which can serve solely as a means to the good; for pleasure to assume a greater role in a man's life would be to upset the order which is proper to his soul and "the excellence of anything ... springs from a certain order and rightness and art appropriate in every case."[15] This point is established through analogical arguments: painters, shipwrights and architects all achieve their goal by taking the different elements of their work and fitting them into a harmonious whole. On these grounds, in fact, the universe is called a cosmos, as opposed to a state of disorder and license. So too must the excellence of the soul stem from an order proper to that soul. Here we have the implicit answer to Callicles' separation of nomos and physis: there is an order appropriate or conformable (oikeio)[16] to the nature of the human soul, the cultivation of which leads to the excellent or virtuous life. The licentious lifestyle advocated by Callicles actually disrupts this natural order and is therefore

contrary to nature; it is clearly, on this view, the disciplined, moderate life which stands in accordance with the proper order of the soul. Moreover, this natural propensity is not opposed to nomos. The regular state of the soul is called lawfulness (nomimon) and law (nomos) through which men obtain the desired orderliness of their behaviour.[17] Therefore physis and nomos, far from being opposed to each other, actually stand in harmony, the latter guaranteeing that the former is preserved. Only thus is true happiness obtainable.

Is it not possible, after this, to maintain that pleasure is the good? Socrates indeed seems to have advocated the temperate life on the grounds that such a life would be more pleasant than any other. Our problem here is not to decide whether pleasure can serve the same function in ethical concerns as happiness or whether eudaimonism is open to the same criticism as hedonism. It is true, of course that Plato seems implicitly in the Gorgias and explicitly in later dialogues to equate the good with happiness and that his argument against Callicles is intended to demonstrate that the moderate life is in the greatest interest of the moral agent. For now, however, we need only consider more specifically Plato's rejection of the identification of the good and the pleasurable.

The most likely reason for this rejection is that Plato recognized the inevitable subjectivity of pleasure; in the Gorgias he explicitly brings this problem to bear on Callicles' argument. There are two closely related problems brought out in the Gorgias: 1) pleasure is not restricted to good men;[18] and 2) the difficulty or impossibility of quantifying

pleasure.[19] We have discussed the first point previously: cowards, heroes, Callicles, Socrates, Hitler and Churchill all feel pleasure. They are not, however, all good men. We may assume that the pleasure experienced by, for example, Socrates is different from that experienced by Hitler. This negates the value of pleasure in securing agreement about the virtuous life. The second point seems to be a direct attack on the science of measuring pleasure or the hedonic calculus offered in the Protagoras. Socrates asks Callicles whether wise men or fools feel the greatest degree of pleasure and pain. Callicles is puzzled by the question and answers that there doesn't seem to be much difference; the pleasure felt by the coward and the hero at the retreat of the enemy, for example, is virtually indistinguishable in degree.[20] This is all Socrates requires to show that good and pleasure are not identical, given that good people owe their goodness to the presence of good things. But an underlying point here is that the measurement of pleasure in any given life is a difficult if not impossible task and that the unvirtuous life may well have greater sum pleasure than the virtuous life. A tyrant may or may not, through his wanton lifestyle, experience more pleasure than would the ascetic. If a man is to plan a virtuous life on the basis of the overall pleasure without regard to the quality of that pleasure, he may be forgiven if he chooses the life of the former to that of the latter. Socrates would presumably claim that such a choice would have arisen out of ignorance and that the life so chosen would actually be the less pleasant of the two. But this is simply not, and I think Plato realizes this fact, demonstrably true. (Plato's beliefs were likely in harmony with Socrates', but the vindication of these beliefs require recourse to the hereafter wherein the tyrant is either subjected

to an eternity of torment in Hades or destined for a wretched incarnation. These alternatives are unpleasant in the extreme. The afterworld, however, remains an issue of faith and Plato requires consensus that the good life is desirable apart from its beneficial consequences.)

Socrates, of course, was not a subjectivist. If he regarded pleasure as the good it was because he felt certain that the conventionally good life would be regarded as the most pleasant life. Plato simply realized that, in point of fact, to regard pleasure as the end of life could in no way guarantee agreement as to what the good life would consist in, and that the hope of obtaining such agreement through a hedonic calculus was a futile one. The equation of the good and the pleasurable, in reality, opens the doors, as it were, to any number of notions of virtue and the good. Callicles is an extreme consequence of the idea that men by nature seek pleasure. So long as law or convention hinders this pleasure-seeking it must be opposed to nature. In making pleasure the main issue of contention between Socrates and Callicles, Plato is enabled to discount Callicles' underlying assumption that nomos and physis are antagonistic concepts.

Involved with this is another seminal notion in the development of Plato's thought. In considering Plato's response to Callicles, we can't help but wonder whether all nomos is fit to produce the natural cosmos of the soul.[21] Plato plainly didn't think that this was the case. In the Gorgias, he decries politicians and military leaders such as Pericles and Themistocles as being leaders who failed to foster true virtue in the Athenians.[22] The engendering of virtue or of psychic harmony in the

members of any state will require the services of someone skilled in a special art:

> the good man who is intent on the best when he speaks ... will surely not speak at random ... but with the purpose of giving a certain form to whatever he is working upon.[23]

The implication seems to be that nomos must be conceived with intelligence directed towards the betterment of those under the aegis of those customs, laws and regulations. This doctrine is not worked out in any detail until later in Plato's career. The early dialogues stand as an example of the difficulty of obtaining satisfactory knowledge concerning virtue. How then is the statesman to avoid 'speaking at random', or, more precisely, what is his knowledge to consist in? The Sophists were moral skeptics, asking how there could be absolute moral facts in light of differing moral traditions, all of seemingly equal plausibility. The Meno carries such difficulties even further. How is it possible, Meno asks Socrates, to seek a definition of virtue when, seeing as we haven't the least idea what that definition would look like, we couldn't recognize such a definition if we found it?[24] Plato's answer is designed to show how far morality can be based on knowledge rather than opinion,[25] and it is presumably such knowledge that the true statesman will be in possession of.

We are told in the Gorgias that a man is composed of two separate entities, body and soul, and that death is the separation of these two entities.[26] Carrying this line of thought further, Plato maintains in the Meno that the soul is immortal, passing through many different bodies during its cycle

of incarnations.[27] Being immortal, the soul has seen all things in this world and in the next and therefore has knowledge of everything.[28] Attempting to discover the nature of virtue or of anything else, therefore, is not to search for that which is completely unknown. Learning is nothing other than recollection, and once a man learns one thing he may, if he persists in his inquiry, obtain the "knowledge of virtue or anything else", because "all nature is akin".[29] For this he offers the rather dubious argument of drawing certain mathematical facts out of an ignorant slave. A more satisfying argument for the same doctrine is propounded in the Phaedo, wherein it is maintained that our conceptual knowledge of absolute standards, perfect equality, for example, cannot be derived from the imperfect particular instances of those standards and therefore must have been learned prior to our earthly existence.[30] Plato has already, at this point, moved the source of our moral knowledge out of the world as we know it into an invisible realm wherein absolute standards can exist. Not expressed here, but most likely presumed, is the theory of ideas or forms, elaborated at length in the middle and late dialogues. As such, this constitutes the introduction of Plato's theory of nature -- a view of physis already far different from Plato's predecessors.

In describing the natural virtue of the soul as consisting in the harmonious relations of its constituent parts and given the possibility of moral knowledge based on a special theory of nature, Plato has set the stage for a more complete realignment of nomos and physis. We may, for now, examine the consequences of these developments on the 'virtue is knowledge' position.

There is some confusion among scholars whether Plato adhered to the Socratic identification of virtue and knowledge. Zeller, for example, claims that the theory is discarded in the Gorgias where "evil is no longer error, but a disease of the soul ..."[31] Conversely, Copleston maintains that "in general we may say that Plato accepted the Socratic identification of virtue with knowledge."[32] Both of these points of view are, I think, partly true. It is likely that Plato himself found the doctrine to be problematic and perhaps came to no final conclusion on this subject. This uncertainty is reflected in, for instance, the Lesser Hippias, a dialogue probably prior in composition to the Gorgias.[33] In this dialogue the conclusion is drawn that the man who does wrong voluntarily is superior to the man who does wrong accidentally. Is not, Socrates asks, the mathematician, astronomer, or athlete who errs on purpose better than he that does so by mistake? Of course.[34] Proceeding with the usual analogy between moral science and other sciences and crafts, therefore, this paradox must also hold true for the moral agent. The conclusion here is clearly ironical. Plato can't have thought, for example, that murder in the first degree is better in any sense than involuntary manslaughter. Taylor claims that there is great force in the clause "if there be such a man" (i.e., a voluntary wrongdoer), and that Plato's intention was to demonstrate that the paradoxical conclusion does not arise because such a man does not, and indeed under the Socratic assumption of the impossibility of incontinence, cannot exist.[35] Guthrie, developing this line of thought further, postulates that the dialogue is a reductio ad absurdum:[36] 'assuming the existence of voluntary wrongdoing, the agent of such actions must be superior to the accidental wrongdoer'. While these interpretations

are probably accurate -- the dialogue is likely a defense of continence -- the Lesser Hippias nevertheless points out that the craft analogy is fundamentally flawed. I will argue here that with the introduction of the nomos-physis problem Plato moves beyond this initial uncertainty and that while he certainly still regards knowledge as being a sufficient and even preeminent condition for virtue, he denies the necessity of knowledge for the virtuous life. This change in point of view on Plato's part allows for a legalistic element to occupy an ever-increasing role in Plato's ethical thought.

If, as is suggested in the Gorgias, men are to become just through law and lawfullness, then there would seem to be the implication that there is a kind of virtue to be obtained not through knowledge, but through adherence to the law. Thus evil, characterized as ignorance in the Protagoras,[37] is described in the Gorgias as a sickness of the soul.[38] The cure in the former case would be instruction. In the Gorgias, however, the sick person must present himself before a judge and redress the imbalance in his psychic nature through punishment.[39] These two alternatives need not be mutually exclusive,[40] but they nevertheless represent an important shift of emphasis for Plato -- a shift of emphasis which lends itself easily to the doctrines of the Republic and much later to those of the Laws.

The point is that the care of the soul described in the early dialogues seems to be a highly personal endeavour; each man's ethical development depends on his understanding of the good:

> I went, and sought to persuade every man among you that he must look to himself, and seek virtue and wisdom before he looks to his private interests.[41]

Neither was the possibility of such knowledge limited to a specific class or profession:

> He Socrates made the improvement of the soul as mandatory and as possible for the manual worker as for the gentleman of leisure.[42]

Thus, for Socrates, the responsibility for the virtuous life is placed squarely on the shoulders of the individual; the unexamined life, when viewed in relation to the virtue is knowledge-evil is ignorance position, is clearly not worth living.

From the moment Plato claims, however, that the naturally ordered state of the soul called justice is to be obtained through lawfullness, which in effect serves as his resolution to the nomos-physis antithesis, there is a polarity suggested between those who know, and construct laws on the basis of that knowledge, and those who don't know, and can only attain some degree of virtue through adherence to the laws and customs founded on true moral understanding. This constitutes the genesis of the distinction between philosophical virtue and demotic or political virtue.

In the Meno, therefore, the notion that that knowledge is the only guide to good conduct is discounted. It is hypothetically agreed that if

virtue is knowledge, then it must be taught and have teachers. There don't appear to be any teachers, therefore the hypothesis must be false.[43] This conclusion leads to a subsidiary issue relevant to the present discussion. If knowledge were the only guide to good and right action it would be difficult to comprehend the existence of any good men. It is plain, however, that in other issues, right opinion is as good a guide as is knowledge; the man who has the right opinion how to travel to a certain destination is as useful as he who knows the way. Similarly, concerning virtuous action, right opinion is as useful as knowledge.[44] The two differ in the respect that true opinion is unreliable until like knowledge it is "fastened by the tie of the cause."[45] In other words, while both aim at the good it is only the philosopher who has persisted in the process of recollection who knows the good and can thus become the true statesman responsible for the creation of other statesmen. In the Meno, Plato anticipates his allegory of the cave: "the true statesman and his virtue ... will be as a reality among shadows."[46]

It is presumably on a basis of true opinion that virtue other than philosophical virtue will be based. The extent to which Plato regarded virtue so based as being genuinely virtuous requires examination. There is a significant passage in the Phaedo in reference to this problem.[47] Here it is argued that men who face death bravely, not through intelligence but through a calculation of the quantity of fear involved, or who are temperate by reason of the hope of obtaining greater overall pleasure are in possession of an illusory façade of virtue, or a slavish virtue. Such virtue, based on the exchanging of lesser pleasures for greater pleasures,

lesser fears for greater fears and so forth is devoid "of all substance and truth";[48] real virtue must be founded on intelligence. Irwin claims that this passage might reveal the true significance of Plato's apparently positive treatment of right opinion, linking it with the Meno 78c3-79a2, which seems to indicate that virtue may require more than engaging in virtuous acts.[49] This slavish virtue, based on true opinion, is a mere sham of true virtue; the latter leads the phiosopher to be rid of the pseudo-desires and fears upon which the former is based.

Archer-Hind, however, in an appendix to his edition of the Phaedo, demonstrates that there is more than one kind of demotic virtue identified in the Platonic corpus.[50] Among others (virtue based on divine inspiration, virtue gained through habit), there is the already mentioned slavish virtue which has its parallel in the virtue of the oligarchic man described in the Republic 554c. Most relevant to the present discussion, however, is the demotic virtue described at Rep. 500d. This virtue is formulated for the masses by the philosopher in harmony with his vision of the ideal, and while its appeal to the masses is still utilitarian it is based in a vicarious way on the knowledge of the good. This latter sort of virtue does not receive the same scorn that the slavish virtue of the Phaedo or the oligarchic man's virtue receives, indeed, as Archer-Hind claims, such virtue is recognized by Plato as the best to which the great majority of mankind can achieve.[51] This interpretation is in harmony with the line of thought developing in response to the nomos-physis antithesis in the Gorgias and in the Meno, in at least two respects: 1) that the natural order of the soul should be preserved by nomos requires a notion of demotic virtue;

and, 2) a special kind of knowledge is required for the naturalization of nomos, i.e., knowledge of the good. Such knowledge is restricted to the philosopher.

Virtue, therefore, cannot solely be personal knowledge, for the majority of mankind cannot aspire to obtain knowledge of the good. And yet Plato wishes to claim that nomos is, or at least can be natural, and that men can thus become virtuous through adherence to such laws. It is no surprise then that in the Gorgias the care of the soul is called politics, one branch consisting in the creation of laws (nomothetike), and the other consisting in justice (dikaiosyne).[52] This clearly represents a divergence from the care of the soul discussed in the Apology and in other early dialogues.[53] In order to mend the rift between nomos and physis Plato had to consider not only virtue as knowledge, but virtue as it is manifested in society at large through obedience to law based on the philosopher's vision of the ideal. If virtue consisted solely in knowledge, nomos would become a redundant notion, devoid of moral force, because the philosopher would have no need of it, and the ignorant masses would have no use for it. The alignment of nomos and physis thus depends on the possibility of a variety of virtue other than philosophical, i.e., a virtue founded on obedience to the laws and customs formulated by the true statesman.

Chapter III

NOMOS AND PHYSIS IN THE REPUBLIC

The Republic may be interpreted as an implicit effort to resolve the nomos-physis antithesis. The answer developed in the Republic is closely connected with the theory discussed in the last section of this thesis: there is a natural condition of the soul, called justice, which is preserved, for the majority of the people, by laws founded on philosophical understanding.

Generally speaking, the first part of the Republic is devoted to justice, as the natural condition of man and of society, while the second part discusses the manner in which the philosopher is to be educated to be enabled to create laws which are useful for the preservation of justice. In this chapter, I will start by trying to show that nomos is indeed important for morality, both of the individual and of society. I will then examine the developments of the theory initiated in the Gorgias, discounting the idea that nomos is unnatural.

To begin with, we may examine the role which nomos is to play in the Republic. Ostwald claims that "there is little room for nomos in the Republic", because "the implementation of the state in accordance with nature' ... will be left to the living rule of the philosopher."[1] Similarly, Morrow states that "law plays ... a minor role in the argument and construction of the ideal state";[2] Plato's concern is with justice itself, the traditional measure and norm of the law.

These points of view, however, underestimate the purpose nomos is to fulfill in the Republic. It is true that the stated purpose of the Republic is to discover the nature and usefulness of justice. But if we recall the Gorgias (504d), where it is maintained that the orderly state of the soul called justice is preserved by law, we may anticipate that law will play an important role in the ideal state as the guarantor of justice. Plato does display a distrust concerning petty legislations, to dikai such as business deals and lawsuits, as opposed to nomos: "the true lawgiver (ton alithinon nomotheten) ought not to bother about such matters."[3] This should not distract us from the fact that insofar as the Republic is devoted to founding "the state in accordance with nature,"[4] this founding is to be carried out through the development of a nomos harmonious to physis, broadly construed. The language employed by Socrates and his interlocutors reveals that nomos is to fulfill an important function in the imaginary state. For example:

> I entirely agree with your principles, he said, and we can treat them as law[5] ... We must go on to legislate ...[6] Guardians shall be forced by law[7] ... Our laws will mean ...[8]

These and many similar passages indicate that law is intended to play an important role in the Republic.

Moreover, Ostwald claims that the only lawgivers are Socrates and his companions and that nomos refers almost exclusively to the rules and institutions which they lay down.[9] This, however, would appear to be a consequence of the nature of the work, and within the Republic allowance is

made for the passing of authority to the philosopher in an actual society.[10] The training undertaken by the philosopher leads him to become the true law-giver.[11] As such the role that law will play in the ideal state, far from being insignificant, will, in fact, be of central importance.

At 456c, Plato, discussing a law which stipulates that women should be trained as guardians, suggest what seems to be a criterion for a good law: Our legislation, then, was not impracticable or utopian since the law we proposed accorded to nature (kata physin etithemen ton nomon)."[12] The suggestion seems to be that, for Plato, a law will have to be natural for it to enjoy any force. We can see here that Plato saw the force of the underlying criticism of Callicles and Thrasymachus; law, if separated from nature, lacked any binding quality or reality and would thus be solely a matter of convention. Or, as Morrow writes, "Plato saw, as clearly as the thinkers whom he combatted, the provincialism, the capriciousness, and the tyranny of nomos."[13] Plato, however, rather than despising and despairing of law, thought that it would be possible to create laws harmonious to nature. This project is to be carried out along the general lines discussed in the last section of this thesis. There is both a natural condition of man and, by extension, of society which is preserved by laws based on natural principles knowable to the philosophical statesman. In the Republic, however, these ideas are developed considerably.

In the Gorgias we are told that the natural, orderly state of the soul is called justice. And it is, in the main, justice that the Republic concerns itself with. The search for justice is facilitated, according to

Socrates, by examining justice as it manifests in the community at large, and subsequently to consider whether this justice 'writ large' has its parallel in the individual citizen.[14] There are two things we need to note about this analogy. Firstly, it is intended to give justification and substance to the claim of the Gorgias (504d), and secondly although the stratified society is an analogy, it would be a mistake to regard it solely as such. There is a great deal written about Plato's stratified society as a phenomenon in its own right apart from its implications for the human soul, particularly by those who would depict Plato as the prototypical totalitarian. How seriously we should treat these accounts is open to question, but apropos of the present subject, we must examine a certain aspect of this doctrine, insofar as the latter contains a kind of unification of nomos and physis.

Plato makes the point that men are by their natures suited to different functions in society.[15] Thus the ideal society is founded on the idea that men should carry out the tasks to which they are naturally suited. Ultimately, this gives birth to three classes: rulers, soldiers, and the productive class, consisting in farmers and merchants and so forth. The most significant nature in the ideal society is that of the philosopher, recognized in those men or women who are courageous, quick to learn, and love the knowledge that reveals eternal reality.[16] These philosophers, along with the natural soldiers form the class known as the guardians. The guardians are pictured as guardians of the law and constitution[17] of the state, that is the state founded according to nature. It is therefore the task of the guardians, and more specifically the philosophical

branch thereof, to develop and preserve natural laws. Laws which enforce and regulate this stratification, since this stratification is based on the physis of the members of each class, are laws which accord to nature.

Ostwald sees in this a tacit challenge of "the view of physis presupposed by Glaucon" in the respect that it is based on "a broader and less one-sided view of human nature".[18] If, however, Plato did so intend this doctrine, then he was plainly mistaken. To claim that someone is, for example, a natural soldier seems to refer to a capacity, whereas to maintain that men are unjust by nature seems to refer to a disposition. The point is that to state that our natural instinct is to inflict wrong or injury, and that law 'x' impedes that natural instinct and is consequently unnatural, is quite different than saying a man is naturally suited to being a guardian, and that law 'y' favours this notion and is therefore a law in accordance with nature. If Plato sought to resolve the nomos-physis antithesis through the regulation of society in accordance to natural talents, then he was guilty of trading on the ambiguous character of the expression physis which, as Gould points out, "may equally be used of natural technical aptitudes and innate moral tendencies."[19] The Gorgias (460b-c) seems to embody a similar confusion between capacity and disposition. There it is stated that just as the man who has learned a craft, e.g., building, is a builder, so too the man who has learned justice is just.

Nevertheless, I think that it is likely that Plato was not, in the Republic, confused by the ambiguity of physis and that this particular

solution to the nomos-physis problem is rhetorical in intention. Plato probably did think that society would best be served by each man carrying out that task to which he was best suited. He must also have realized that not everyone would be pleased with their lot in life, and might cause dissent in society by questioning the rationale behind laws which enjoined such a class system. Plato, displaying an aspect of his philosophy further developed in the Laws, wishes to persuade and condition, rather than to coerce the citizens to to accept the laws enjoining his class system. To this end, he fabricates a mythological explanation in the form of the 'noble lie' or 'story of the metals', which Plato hopes to instill in the consciousness of the entire ideal society. This story maintains that the god who created the populace mixed gold into the nature of the guardians, silver into the nature of the auxiliaries, and iron and bronze into the constitution of the members of the productive class.[20] Presumably, after some generations, this would breed an innate acceptance of one's station in life.

Similarly, Plato's argument that laws concerning the stratification of society are in accordance with nature, may be interpreted as an attempt to gain acceptance of his notion of the ideal city. This is made particularly clear when Plato is arguing for the acceptance of women as guardians. The point is made that men and women have the same natural capacity for guardianship. The law will stipulate that certain women will be trained as guardians and that this law, therefore, will be in accordance with nature.[21] This whole passage, however, is designed to persuade a reluctant audience to accept a notion which would be regarded as novel. We

may perhaps conclude that Plato, while taking this stratification seriously, and recognizing its import to the just society, was, in saying its laws were in accordance with physis, i.e., physis as natural skill, attempting to gain acceptance of his laws.

This interpretation is all the more likely considering the nature of Plato's main resolution of nomos and physis and his manifest mistrust of the ability of the masses to understand his idea of higher education and its object wherein lies the knowledge whereby nomos and physis can truly be brought into harmony.

The implications of the stratified society for the individual are fairly straightforward. Just as the city is just when its three natural constituents are each carrying out their proper functions, so too is the individual man just when the reasoning element of his soul, supported by the spirited element, is in firm command of the appetitive element.[22] Herein is the key to the function of nomos. As health is manifested in the body through the maintenance of a natural order, psychic health is established through the natural relationship of control of one element over the others. In this case, this natural relationship consists in the domination over the spirited and appetitive elements of the soul, perhaps because it is reason that essentially distinguishes man from animals. In book IX, further explanation is given to this doctrine in the form of an allegory. Here the soul is likened to a composite creature, consisting in a many-headed monster, representing the appetite; a lion, representing the spirited element; and a man, representing the reasoning element.[23] It is made clear that those engaging in injustice are, in fact, pandering to our

'monster' or animal nature to the eventual exclusion of what should rule by nature, that which is human or even divine in our character -- the reasoning faculty.[24] Thus it is regarded as an obvious conclusion that he who possesses psychic health, will be happy, and that he who does not will be wretched. Those people who display a weakness in their human nature and are thus unable to control their animalistic element, must be subjected to the highest type of character in order to regain a natural order of their soul. Ideally, this control should come from within, but "failing that, it must be imposed from without in order that being subject to some guidance, we may all be brothers and equals ...," and this "is plainly the intention of the law."[25]

Thus, for Plato, the purpose of law in the Republic, as in the Gorgias, is to instill the natural order of man's psychic nature and, by extension the natural order of society. Law, at this stage in Plato's career, is only useful to those who lack the inner strength and knowledge to bring discipline to bear on themselves. In practice, this will mean that the great majority of society will depend on the law for their moral development; the philosophers constitute the smallest class in the community.

We see then, up to this point, a solution to the nomos-physis problem complete unto itself. Justice, the orderly state of the soul, is the natural condition of man, the possession of which engenders happiness.[26] Law, far from disrupting or interfering with this natural state preserves the proper condition of the soul. We still need to know, however, how the lawmaker is to create laws which are useful for the preservation of justice.

The philosopher, as lawmaker, will clearly require a more profound account of justice than has already been given. At 437c-d Socrates is made to say "we shall never find an exact answer by the method of argument we are using now." At 276, he refers to the former account as "an approximate idea ... which fell short of precision." What follows is what Gould calls "a continuation of the same subject but in a higher key."[27] In many ways, the account is obscure and only hints at Plato's meaning.

We saw in the Gorgias that the statesman, one branch of whose art consists in lawmaking, was, like other artists, not to speak at random but to keep his attention fixed on his goal. In the Republic, we are given some details whereby the philosopher becomes aware of the absolute principles upon which he is to found his laws. The philosopher, by reason of his philosophical nature, is educated in a special way. After the standard rigorous physical and moral training, the gifted student studies mathematics which "draws the mind upwards and forces it to argue about pure numbers."[28] This study is useful for the conversion of the soul from the world of becoming to the world of reality and truth; mathematics, according to the allegory of the divided line, occupies the first stage of the intelligible realm,[29] and thus represents an important step in the philosopher's education. Mathematics, however, serves solely as a propaedeutic to the highest study of all, that dialectic, for, as Plato points out, many demands are made on the mind which is to be of any use in the role of lawgiver.[30] The mathematician is not necessarily the philosopher; after the student has studied pure mathematics, his attention is turned towards dialectic, that activity which systematically attempts to discover the

essential nature of things. This dialectic is the only science which challenges its own first assumptions so that it may rest firmly on first principles, for no science can result in knowledge if it starts from a premise which is not known to be true.[31]

What is clear from this account is that this training is expressly designed to uncover the underlying physis of things and to enable the student, in becoming the philosopher king or true lawgiver, to carry out the regulation of society in harmony with his perception of this physis.[32] This process of education is paralleled in allegorical terms by the passing of the prisoner from the darkness of the cave into the light of day. Only through such studies can the philosopher obtain the highest form of knowledge -- knowledge of the good. Without such knowledge, "our society will not be properly regulated."[33]

There are two things to be noted in this account. Firstly, once again there is the implicit recognition of the need to harmonize laws with nature, again showing that Plato saw the validity of Callicles' criticism, and secondly, that this description is the first instance wherein the manner in which laws are to be aligned with nature is hinted at. Unfortunately, since knowledge of the good requires the elaborate training discussed above, and also presumably because of Plato's doubts concerning the efficacy of the written word to relate his ideas, Socrates is unable to give more than a figure to convey his meaning. First of all, he reiterates "something we have said earlier in our discussion, and indeed on many other

occasions,"[34] that is to say the theory of forms. The passage runs as follows:

> we distinguish between many particular things we call beautiful or good, and absolute beauty and goodness. Similarly, with all other collections of things, we say there is corresponding to each set a single unique form which we call an 'absolute' reality.[35]

Thus far, Plato's meaning is fairly clear; there exists a form for each predicate which can be affirmed of a variety of subjects. For example, there is a form of equality which all particular things deemed equal somehow share or partake in. What follows is not so clear. It seems that there exists a form of the good which serves the same function in the intelligible realm as does the sun in the physical world. The particulars, Plato points out, are perceived by sight while the forms are perceived by intelligence. For the proper functioning of the former, a third element is required, light from the sun. Likewise, in the intelligible realm the form of the good gives the forms their truth and the mind its power of knowing.[36] It is also the cause of the reality of these objects and yet itself remains beyond being.[37] Apart from this, there is little to be said about the form of the good. The analogy of the divided line makes the division between the intelligible and the physical worlds clearer and thus clarifies the analogy of the sun, while the analogy of the cave adds substance to Plato's account. There have, of course, been many attempts to spell out Plato's hidden meaning in these passages. The safest course, however, seems to be to take Plato at his word and to accept that the discussion of the Republic is limited to the offspring of the good. As

Gould claims,

> All that Plato himself is committed to, is the belief that the good in the realm of thought and reality, has a position akin to that of the sun in the world of sensation; he cannot be taken any further.[38]

Thus this highest task of philosophy is depicted not as a fait accompli but rather as a project to be undertaken in the form of the educational process, the result of which must be lived rather than communicated.

In this way then, the philosopher obtains his vision of the forms and the good. But it is not sufficient that he should obtain this knowledge. Since "the object of our legislation is not the welfare of any particular class but of the whole community,"[39] the philosopher must be compelled by law to 'return to the cave'. After roughly five years involved in the intensive and continuous study of philosophy, the philosopher will be compelled to occupy some bureaucratic post, by which he learns to resist temptation and undergoes various practical and intellectual tests. Then, after fifteen years so occupied, at approximately age 50, he is finally made "to lift his mind's eye ... and see the Good itself which they can take as a pattern for ordering their own life as well as that of society and the individual."[40] Thus, at age 50, the philosopher is in position to become the true lawgiver.

In this regard his first chore is to make a fresh start, he must "take human society and human habits and wipe them clean out", for the

philosopher is unwilling to "draw out laws, until he is given ... a clean canvas."[41] Nevertheless, if the philosopher is compelled to impose the divine pattern he has witnessed, i.e., the fixed and immutable realities, a realm where there is no injustice but all is reason and order, he will not lack the ability, after his training and apprenticeship, to produce discipline and justice and all the other ordinary virtues. He will

> look frequently at his models, justice, beauty and the other ideals and attempt to instill them in human nature, until he has made the latter as acceptable to God as may be.[42]

The true statesman, therefore, bases his ordering of society through laws on his perception of the immutable realm of forms, and in so doing it is likely that Plato regarded the concepts of nomos and physis to be fused, because, as Raven points out, the theory of forms is essentially a metaphysical or ontological theory of nature."[43] There are many passages which indicate that for Plato, the order of intelligible realities is identical to the order of nature. At Rep. 596b, reminiscent of the Gorgias 503d-e, Plato is discussing the production of artifacts by a craftsman and states that the artist "fixes his eyes on the idea or form and so makes in the one case, for example the couches and tables that we use and similarly of other things." The couch, which the carpenter creates is based on the form 'couch', that is "the couch in nature, which god produces." In the Parmenides, Socrates states that the forms are established in nature,[44] and in the Seventh Letter, presumably referring to his ideal theory, Plato refers to the forms as the first and highest principles of nature.[45] The

city founded according to nature is clearly so founded on account of its being formed in accordance with the philosopher's perception of the forms of justice and order. This seems to indicate clearly that nature, in the highest sense is identified with the realm of forms. As Morrow points out, Plato's rerum natura is not constituted of visible or material objects, and that Plato's identification of nature with the intelligible world is in line with the accepted sense of physis as standing for the permanent reality underlying the veil of phenomenal appearance.[46]

In the Republic, therefore, Plato completes the resolution of nomos and physis initiated in the Gorgias and the Meno. There we saw that the natural order of the soul called justice was preserved by nomos, and the introduction of the possibility of a nomos based on a special theory of nature. The Republic develops these ideas considerably: it spells out more clearly what the natural order of the soul consists in, gives a full exposition of the theory of forms, and, perhaps most significantly, indicates the manner in which the statesman is to be educated and thus become the true lawgiver or philosopher king. Law therefore, in its best sense, is the instrument employed by the enlightened philosopher to engender virtue in society. As such, it does not stand contrary to nature. Justice is the natural and most advantageous state of soul and lacking the personal understanding to maintain this state, law is that which preserves the natural order of men's souls.

Chapter IV

NOMOS AND PHYSIS IN THE LAWS

Nomos in the Laws, as in the Republic, is intended to carry out the moral reform of society at large: "in laying down his laws every legislator who is any use at all ... will never have anything in view except the highest virtue."[1] Here, however, the emphasis is even greater on nomos. While throughout his career Plato seems to have maintained that, as a source of morality, nomos is inferior to reason, he became as he grew older less hopeful that 'rule by intelligence' could in fact be the norm. I have argued that nomos is important in the ideal city of the Republic,[2] but this is only true insofar as nomos is conceived as the instrument of the living philosopher. The Statesman maintains that the scientific ruler should not be bound by laws, and yet, in a curious 'about-face', maintains that such a ruler will be difficult, if not impossible, to produce. This in effect is the raison d'etre of the Laws; here Plato's pessimistic view of the possibility of developing the true statesman reaches its apex. Authority in the Laws is engraved in stone, as it were; law, once perfected (this process of perfection should take about ten years, according to the Athenian Stranger[3]), must have no master: "where law is subject to some other authority and has none of its own the collapse of the state is not far off, but if law is the master of the government and the government its slave, then the situation is full of promise."[4]

As with earlier dialogues, Plato is thus faced with the task of demonstrating that nomos is not the arbitrary pronouncement of any particular

ruling party. Indeed, this task is even more incumbent on Plato, considering the centrality of nomos to the Laws. Plato meets this challenge with his most incisive account of the nomos-physis antithesis, and with his most explicit reply. In Book X, he carefully analyses the genesis of the philosophical division of nomos and physis and attempts to show where this point of view has gone astray. Ultimately, the error of those who uphold the nomos-physis antithesis is recognized to be a misapprehension concerning physis, a misapprehension which has been present from the beginning of Greek philosophy. Plato's argument here then is an indictment against many of his predecessors, insofar as their doctrines contained the seeds of the morally pernicious ideas against which Plato argued.

As Ostwald points out, the arguments contained in Book X have frequently been regarded as a metaphysical preamble to the entire theme of the Laws.[5] Such a preamble is absolutely necessitated by the philosophical mood of Athens where many thinkers regarded nomos as a man-made hindrance to the true, natural life. Plato's argument is largely conservative in this regard; the measure of all things, including nomos, is not man, as Protagoras would have it, but God. This hearkens back to an age before Plato's in which it was believed that nomos, although formulated by man, was nevertheless inspired by divinity. Therefore, it is not surprising that Plato's refutation of the nomos-physis antithesis is argued as a proof for the existence of the gods.

In the Republic, Plato's argument is fundamentally based on the notion that insofar as nomos is based on, or preserves, justice itself,

i.e., the form 'justice', then that nomos is in accordance with nature, because the forms are the highest principles of nature. In the Laws, however, the resolution of the nomos-physis antithesis is carried out without the theory of forms, and, in Book X, the Athenian Stranger is made to say on three occasions that the line of reasoning he is to employ is novel. The reason for Plato's non-employment of the theory of forms are doubtlessly complex. At present, we need only note two possible explanations for his restraint: 1) convinced by arguments of the type propounded in the Parmenides, Plato no longer believed in the theory, insofar as the theory consists in the two-levelled metaphysical ontology depicted, for example, in the Phaedo and in the Republic; 2) still believing in the theory, Plato wishes nevertheless to offer an argument independent of the theory, perhaps wishing to meet "the modern men of science" on their own ground, with an alternative cosmological account.

The truth probably lies somewhere between these two possibilities. Scattered passages throughout the Laws seem to allude to the theory of forms,[6] but it is reasonable to suppose that these would be references to a theory emendated by the considerations discussed in the Parmenides and in the Sophist. The second possibility, in my opinion, is important to the proper understanding of Plato's resolution of the nomos-physis antithesis in the Laws. It seems that Plato intends to carry out this resolution employing a different sense of the term 'natural' from that which he employs, for example, in the Republic. I will discuss this further after I have outlined Plato's argument.

Plato's discussion of the nomos-physis antithesis in the Laws is chiefly contained in the preamble to the law against heresy. According to Morrow, this preamble, the longest in the Laws, is different from any other in that it attempts to demonstrate as well as to persuade.[7] Closely related to the argument in Book X, however, are those found in Book IV. The Athenian Stranger describes a point of view which reminds us at once of Thrasymachus:

> You realize that some people maintain that there are as many different kinds of laws as there are political systems, these people take the line that legislation should be directed not to waging war or obtaining complete virtue, but to safeguarding the interests of the established political system.[8]

This, of course, is not Plato's view. As a model, Plato looks back to the "Age of Cronos" in which there existed a government of divine beings, the result of which was "peace, respect for others, good laws, justice in full measure, and a state of happiness."[9] So too must men of the present age rule according to what is divine in them, reason (nous) and dignify the distribution (dianome) of reason with the name 'law' (nomos).[10] The play on the Greek words nous, dianome, and nomos is presumably intended to strengthen the connection between these concepts. However, there is probably no real etymological connection.

This, in essence, is the same doctrine that is enunciated in the Republic.[11] The man or society who wishes to be happy must obey divine law (theios nomos), for it is God and not man who is the measure of all

things.[12] Plato is here rooting nomos in divinity and, in effect, reverting to an earlier conception of nomos. This point of view is anticipated at the beginning of the Laws, where the Cretan and Spartan laws are respectively attributed to Zeus and Apollo.[13] Laws which are founded by intelligence are thus divine, for the reasoning faculty is the divine remnant within men.

And yet, Plato does not take up the obvious problem suggested by this account until Book X. Plato cannot, in the age in which he is writing, consider the belief in the existence of the gods to be a given. There are three types of heresies that Plato claims contain the seeds of moral perdition: 1) the gods do not exist; 2) they exist but take no notice of the human race; 3) that the gods may be influenced by sacrifices and supplications.[14] The credibility of the divine law will obviously be diminished if any of these heresies becomes commonplace. Plato reduces the problem to a consideration of the nomos-physis antithesis; evidently the most common philosophical grounds for atheism were that the gods exist not by nature, but by mere legal convention.

The Athenian Stranger points out that some people believe that everything that was, is, or will be, can be accounted for by nature (physis), chance (tuche) or art (techne).[15] Here we see that the nomos-physis antithesis has been widened into a clash between physis and tuke on the one hand, and techne on the other, techne here embracing law, opinion, diligence, reason, and art -- in short, we might say, all man-dependent things.

There are, it seems, certain modern men of science who claim that the greatest things in the world are products of nature and chance, in comparison to which technai are trivial and secondary. On this view, the gods are mere legal fictions "corresponding to nothing in nature, and that goodness according to nature and goodness according to the law are two different things, and there is no natural justice at all."[16] Thus there are attempts to convert people to the "true natural life", a life in which 'might makes right'.

The view criticized here likely represents an amalgam of viewpoints rather than singles out any particular thinker. In earlier dialogues, similar doctrines are expressed by Callicles, Polus, Thrasymachus, Glaucon, and Adeimantus. Cleinias and the Athenian Stranger agree that this is a completely pernicious doctrine, which must be the ruin of the younger generation. Cleinias suggests that the legislator should argue "till the cows come home"[17] that the gods exist and "in particular he should defend law itself and art as either part of nature, or existing by reason of some no less powerful agency."[18]

To this end, Plato identifies what he considers to be the fatal flaw in these arguments. It is his view that physis has been misconstrued by the upholders of these doctrines; they have, in fact, reversed the natural order of things. What these thinkers refer to as 'natural' and 'primary', is actually secondary and derivative, and that to which they refer as 'unnatural' and 'secondary' is preeminently natural. Presumably basing their thought on Greek cosmological speculation, these modern wise men

use the term 'nature' to signify the chance processes by which the primary substances (on their view, fire, earth, air and water) were created.[19] Soul was derived from these at a later stage, along with those things related to the soul (ta psyches).[20] This, Plato claims, is the source of the "senseless opinions of all those who have ever undertaken investigations into nature."[21] In the Timaeus, Plato writes that "the lover of intellect and knowledge ought to explore causes of intelligent nature first of all ..." and the "only being who can have mind is the soul."[22] In the same dialogue we learn that the soul is in "origin and excellence prior to the body."[23] Plato feels that the thinkers he is criticizing have failed to carry out Timaeus' injunction, and in the Laws he sets out to prove that the soul is indeed prior to the body. If the soul can be demonstrated to be prior to matter, then the soul will deserve the appelation 'natural', as will those things closely related to soul (e.g., law, art and reason).[24]

Plato begins his argument by analyzing ten varieties of motion.[25] The two most significant types for the present discussion are: 1) that motion which is able to move other things, but not itself; 2) that motion capable of moving both itself and other things. That motion which can both move itself and move other things is logically prior to that which depends on some other agent for its motion. If the cosmos came to a standstill, the first motion to arise would obviously be auto-kinetic motion. The natural, therefore, so long as the natural is identified with the primary, must be capable of self-movement. It remains to be stated what in fact is capable of such self-movement. That which is capable of

self-movement is alive. That which is alive owes its life to the soul. The Athenian Stranger claims that everything consists in three elements: the object itself, its name, and its definition.[26] Both the name and the definition refer to the same entity or entities. For example, both the name 'even' and the definition 'a number divisible into two equal parts' refer to the same group of numbers. Similarly, on Plato's view, that entity named soul has as its definition 'that which is capable of self-generating motion.'[27] (The materialist would presumably deny this, insisting that matter is in some way capable of self-motion.)

Soul is thus, according to Plato, inevitably prior to matter, as are those things intimately connected to the soul, for example, law, custom, calculation, right opinion and memory.[28] And seeing that the soul is the cause of all movement, it must also be the cause of "good and evil, beauty and ugliness, justice and injustice and all the opposites."[29]

Therefore nomos, or more generally speaking, techne is not opposed to physis, techne is indigenous to the soul and as such is preeminently natural. Those who belittle techne in favour of physis have confused their priorities; techne is primary and thus natural, and the so-called natural substances or 'physical' matter are secondary and derivative. To consider material substance as primary cannot, on Plato's argument, account for the various phenomena in the world; in a static universe self-generating motion would necessarily be the first motion to occur. Such motion seems to be the special characteristic of ensouled entities.

Having established that the soul is the primary cause of all motion,

Plato can easily demonstrate that the gods exist as the propellors of the planets, and that the gods are good because they drive the planets in a perfectly intelligible manner. Being good, the gods must a) care for mankind, and b) be beyond bribery. It is agreed, then, that the three heresies have been adequately disproved.[30]

We need go no further, therefore, in order to appreciate Plato's resolution of the nomos-physis antithesis in the Laws. The nomos-physis antithesis is a faulty distinction engendered by the erroneous notion that physis is characterized by material substance and that soul and those things related to soul are derived from these materials substances at a later date. Plato demonstrates against this that soul and the things of the soul are logically prior to material substances and, consequently, are truly natural.

There is, however, a problem with this account. Plato is sometimes depicted as a prototypical natural law theorist. And, as Morrow claims, there is little doubt that Plato foreshadowed and influenced the Stoic conception of the 'law of nature', carrying out the philosophical footwork, so to speak, needed to reunite the concepts of nomos and physis.[31] In praising the role that intelligence is to play in legislation and in claiming that laws which fail to promote the good are not true laws, Plato was clearly formulating ideas developed by subsequent natural law theorists. If, however, we accept this interpretation, Plato's argument in Book X of the Laws seems to prove more than he should want to prove. The implication of this argument seems to be that all laws, irrespective of their

good or bad qualities, are natural. This appears to constitute a contradiction between Book X of the Laws and other earlier dialogues. I will argue here that this contradiction is apparent rather than real. Plato's argument may be summed up as follows: there are two orders of things; things of the soul (ta psyches), for example, law, habit, reason, good and evil; and things of the body (ton tou somatos), for example, length, breadth, depth and strength. Soul, being capable of self-motion, is necessarily prior to body and is therefore natural. So too are those things connected to soul. But there is no reason, on this argument, to assume that only good technai are natural. According to this account, techne is natural because it is prior in creation to matter. The soul, however, is the cause of all things "good and evil, beauty and ugliness, justice and injustice and all the opposites."[32] The soul must therefore be the cause of nomos both good and bad, and, as non-material creations, these laws must be equally natural. Nor is it enough, I think, to dismiss this by pointing out that Plato would regard bad laws as bogus laws. Even if this is the case, we would still have to admit that the pseudo-legal enactments referred to by most men as 'laws' were natural, in the same sense that false opinion is regarded as natural.

In discussing the soul that drives the planets, Plato claims that at least two souls must be in control of the heavens, one good and one evil.[37] The good soul is said to have laboured in harmony with reason and thus to have directed the cosmos to a satisfactory result. Conversely, the disorder in the universe is the result of the workings of the evil soul. Similarly, in the realm of lawmaking, the legislator who employs reason will

have order and good laws, whereas the unthinking ruler will have anarchy. It is thus rationality of a law which is the measure of its goodness and through which it manifests divinity. On the argument of Book X of the Laws, the naturalness of a law is indifferent in this regard; both good laws and bad laws are equally natural. And this, as I mentioned previously, seems to stand in contrast to doctrines enunciated in earlier dialogues.

The source of this confusion, I believe, is that Plato, in his different attempts at resolving the nomos-physis antithesis, employs at least two different senses of the expression 'physis'. We saw earlier that Plato wanted to carry out his argument with the modern wise men on their own terms: "When they use the term 'nature' they mean the process by which the primary substances were created."[34] The view he is criticizing is that all things are somehow produced from air, earth, fire, or water. As far as Plato is concerned, this constitutes a naive materialism; these substances haven't the ability to initiate movement, such a capacity being peculiar to ensouled entities. In the last chapter we saw that for Plato, the ultimate natural objects are the forms; intelligible reality is that which underlies the flux of perceptual phenomena. But in the Laws, Plato is not discussing physis in that sense. The discussion here is not of formal causality, but of efficient causality. There is a relevant passage in R.G. Collingwood's The Idea of Nature, which I quote at length. The discussion here concerns the Timaeus, so the emphasis is on God rather than the soul, but, for Plato, the two subjects are obviously closely connected:

> If we are to ask why there is a world of change, a perceptual or natural world at all, is it necessary

> to find the source of this world in a creative God? Cannot the unchanging source of change be identified with the forms? Clearly Timaeus thinks this impossible: there must be for him a God as well as the intelligible world of forms, but why? He has not told us; but, later, the answer was given by Aristotle. It is that the forms are not archai kineseos, not sources of change or efficient causes, but only formal and final causes: they do not originate change, they only regulate changes initiated elsewhere.[35]

Thus we have the distinction between physis as being characterized by formal and final causation, and physis as being characterized by efficient causation. Bearing this in mind, it is possible to appreciate how a law might simultaneously be natural, as one of the spiritual order of things, and at the same time be unnatural, in failing to participate in, or to resemble anything intelligible, having been formulated irrationally. We may consider, for example, the naturalness of a couch.[36] The carpenters conception of the couch may fall far below the ideal couch, and in that respect remain unnatural. And yet all conceptualization is indigenous to the soul and is therefore, on the argument of the Laws, Book X, natural. Similarly, a law might be ill-formed in the respect that it manifests no degree of justice and thus be contrary to nature. It is still natural, however, in the sense that it is engendered by one of the primary motions of the soul.

Thus there is no contradiction in Plato's resolution of the nomos-physis antithesis. In earlier dialogues, Plato's answer to the relativists was that reality had to be apprehended by intelligence in order to appreciate the objective principles upon which nomos had to be founded in order for

that nomos to be truly natural, for it is the intelligible world, visible only to the divine element within us, i.e., the intelligence, that embodies the highest principles of nature. Probably still embracing this theory, Plato, in the Laws, discusses physis in a different sense: physis as process, or the manner in which all things are produced. Law is shown to be natural in this sense as well; nomos, as a species of techne, is necessarily prior in production to material substance.

CONCLUSION

Plato's desire to resolve the nomos-physis antithesis may thus be viewed as having arisen out of his attempt to install the Socratic ideal of life lived in accordance with intelligence in society at large. For Plato, such a realization requires that nomos, as the instrument of the enlightened philosopher, be defended against those critics who claimed that nomos has no part in the eternal scheme of things and is contrary to nature.

In general terms, Plato's response to these critics seems to maintain that the mainstream of Greek philosophy has proceeded in the wrong direction and to advocate a complete shift of emphasis in natural investigations. He thus tacitly recommends a thorough reevaluation of physis, and of the relationship of nomos to physis. In the Laws, Book X, at 391c, Plato claims that the source of all erroneous opinion in regard to nature is the notion that matter, as we normally conceive of the expression, is prior in origin to spirit. In this final dialogue, as we have discussed, Plato demonstrates that spirit, and those things indigenous to it, is necessarily prior to matter and is consequently natural. In the Laws, therefore, Plato's resolution of the nomos-physis antithesis is predicated on the preeminence of spirit and things spiritual over physical substance. And, in fact, this is the essence of Plato's response to the nomos-physis problem throughout his career. In the Gorgias, we found that the most significant factor to man's well-being is not the incessant pursuit of pleasure, but the balanced state of his soul. Nomos is thus important for the maintenance of this

natural or proper condition in those individuals lacking sufficient intelligence to produce this order within themselves. Moreover, the Meno suggests that the statesman can develop his laws based on a special form of knowledge, a knowledge not of the physical world. The Republic develops both of these themes: the best intention of the law is to preserve the just state of the soul; and good laws must be formed in accordance with intelligible reality. Here again we see Plato's insistence that nature and natural be expressions identified with non-physical reality. Nomos thus obtains its validity from its spiritual origin, and the extent to which it is the embodiment of intelligible reality.

This thesis has attempted to follow Plato's resolution of the nomos-physis antithesis throughout his career. As I mentioned earlier, this resolution is ultimately grounded on the notion that those thinkers who would drive nomos and physis apart have not given these concepts close enough attention: nomos if it is to be of value, cannot be based on opinion, and the fleeting world of the senses can never give birth to anything more substantial than opinion. Physis is apprehended by intelligence which perceives the eternal realm of the forms and appreciates that the primary causes of the universe cannot inhere in physical substance. Nomos is thus separated from physis only by those who fail to understand the spiritual origin of nomos, or the manner in which nomos can be formed in accordance with intelligence.

As Friedlander suggests, the symbol for Plato's victory at the end of the final struggle in the Laws, Book X, is the reaffirmation of what Thales had said: "all things are full of gods."[1] But it is not so much a

reaffirmation as a call to return to that point in time (i.e., the beginning of Greek Philosophy) when cosmology embarked on the wrong course with the materialistic idea that all things were, in some fashion, produced from water, and to commence natural philosophy anew with the investigation of intelligible nature. Only in this way could the world be safe from morally pernicious and, at least on Plato's view, false ideas such as the notion that nomos, and all that it represents, is contrary to nature.

FOOTNOTES

INTRODUCTION

[1] John Gould, The Development of Plato's Ethics (Cambridge: Cambridge University Press, 1955), p. xi et seq.

[2] W.K.C. Guthrie, A History of Greek Philosophy, III (Cambridge: Cambridge University Press, 1969), p. 55.

[3] Martin Ostwald, "Plato on Law and Nature," in Interpretations of Plato, ed. by Helen F. North (The Netherlands: Lugdini Bavatorum E.J. Brill, 1977), p. 41.

[4] Glenn R. Morrow, "Plato and the Law of Nature," in Studies in Political Theory Presented to G.H. Sabine, ed. by M. Konvitz and A.E. Murphy (Ithaca, N.Y., 1948), pp. 23-24.

[5] Guthrie, A History of Greek Philosophy, p. 68.

[6] Ibid., p. 100.

[7] Ibid., p. 188.

[8] Ibid., p. 48.

[9] The only order of the dialogues that is significant in relation to this thesis is that the Protagoras antedates the Gorgias and the Meno; these three dialogues antedate the Republic; and all of the above dialogues antedate the Laws. This ordering is, I think, generally accepted by scholars.

[10] A.E. Taylor, Plato: The Man and His Work (4th rev. ed.; London: Methuen and Company, 1960), p. 463.

[11] In this thesis I don't consider the 'Socratic Problem'. I have merely assumed, in accordance with nearly all current Platonic scholarship, that Plato's thought can, with greater or lesser accuracy, be distinguished in the dialogues from that of Socrates. It makes little difference to my thesis, however, if what I have called 'Socratic' is referred to as 'early-Platonic', or what I have referred to as 'Platonic' is referred to as 'late-Socratic'.

CHAPTER I

[1] Plato, Laches 191e (Jowett translation).

[2] Plato, Republic 331e (Shorey translation).

[3] Plato, Laches 191a-d.

[4] Plato, Apology 21a.

[5] Plato, Laches 191c-193e.

[6] Terence Irwin, Plato's Moral Theory: The Early and Middle Dialogues (Oxford: Oxford University Press, 1977), p. 39.

[7] Plato, Protagoras 361b-d (Jowett translation).

[8] Ibid., 352c-d.

[9] Ibid., 353c-d.

[10] Ibid., 358c-d.

[11] Ibid., 358b(Guthrie translation).

[12] Ibid., 357 (Jowett translation).

[13] A.E. Taylor, Plato, p. 260.

[14] J.P. Sullivan, "Hedonism in Plato's Protagoras," Phronesis, VI (1961), p. 26.

[15] Paul Shorey, "Plato's Ethics," in Plato: A Collection of Critical Essays, Vol. II: Ethics, Politics, Philosophy of Art and Religion, ed. by Gregory Vlastos (Garden City, New York: Doubleday and Company, Inc., 1971), p. 26.

[16] Plato, Protagoras 358a-b.

[17] Ibid., 358b-c.

[18] Xenophon, Memorabilia, i, 3, 11-15.

[19] Ibid., i, 6, 3-8.

[20] Frederick Copleston, S.J., A History of Philosophy, Vol. I: Greece and Rome (2nd rev. ed.; Garden City, New York: Image Books, 1962), p. 143.

[21] Plato, Laws 663b-d.

[22] Plato, Euthydemus 282a (Rouse translation).

[23] Gould, Plato's Ethics, p. 3, et seq.

[24] James J. Walsh, "The Socratic Denial of Akrasia," in The Philosophy

of Socrates: A Collection of Critical Essays, ed. by Gregory Vlastos (Garden City, New York: Doubleday and Company, Inc.), p. 243.

[25] Plato, Euthyphro 6d-e.

[26] Plato, Protagoras 356b-e.

[27] Aristotle, Nichomachean Ethics, VII passim.

[28] Plato, Protagoras 358c-d

[29] Plato, Crito 52d-e.

[30] Gould, Plato's Ethics, p. xii.

CHAPTER II

[1] Plato, Republic VI 505b-d.

[2] G.C. Field, Plato and His Contemporaries (London: Methuen, 1930), p. 87.

[3] Plato. Gorgias 482d-483a.

[4] Ibid., 481c.

[5] Plato, Republic I 338c.

[6] Plato, Gorgias 483e.

[7] Plato, Republic I 348d-e.

[8] Plato, Gorgias 492c.

[9] Ibid.

[10] Ibid., 491d-e.

[11] Ibid., 492s-493e, 524b-525b.

[12] Ibid., 497d.

[13] Ibid., 499b-500a.

[14] Irwin, Plato's Moral Theory, p. 121.

[15] Plato, Gorgias 506d-e.

[16] Ibid., 506e.

[17] Ibid., 504d.

[18] Ibid., 497e-498a.

[19] Ibid., 498a-c.

[20] Ibid., 498b-c.

[21] 504d seems to leave this possibility open.

[22] Ibid., 503c-d.

[23] Ibid., 503c-d.

[24] Plato, Meno 80d-e.

[25] Ostwald, "Plato on Law and Nature," p. 45.

[26] Plato, Gorgias 524b.

[27] Plato, Meno 81b-e.

[28] Ibid.

[29] Ibid.

[30] Plato, Phaedo 65d-66e.

[31] Eduard Zeller, Outlines of the History of Greek Philosophy, trans. by L.R. Palmer (13 Rev. ed.; New York: Dover Publications Inc., 1980), p. 137.

[32] Copleston, A History of Philosophy, Vol. I: Greece and Rome, p. 245.

[33] Copleston (Copleston, A History of Philosophy, Vol. I: Greece and Rome, p. 163-164) places the Lesser Hippias in a group of transitional dialogues along with, among others, the Gorgias and the Meno. Most scholars, however, date this dialogue well prior to the latter two.

[34] Plato, Lesser Hippias 367c-d, 368a-b, 373c-374b.

[35] A.E. Taylor, Plato, p. 37.

[36] W.K.C. Guthrie, A History of Greek Philosophy, Vol. IV (Cambridge: Cambridge University Press, 1975), p.

[37] Plato, Protagoras 357b-e.

[38] Plato, Gorgias 479b-d.

[39] Ibid., 480b-e.

[40] See the glib comment at Republic 337d.

[41] Plato, Apology 36c-d (Jowett translation).

[42] Gregory Vlastos, "The Paradox of Socrates," in The Philosophy of Socrates: A Collection of Critical Essays, ed. Gregory Vlastos (Garden City, New York: Doubleday and Company Inc., 1971), p. 19.

[43] Plato, Meno 876 et seq.

[44] Ibid., 97b-c.

[45] Ibid., 97e-98a.

[46] Ibid., 100a.

[47] Plato, Phaedo 68d-69a.

[48] Ibid., 69b.

[49] Irwin, Plato's Moral Theory, p. 162.

[50] Plato, Phaedo, ed. by R.D. Archer-Hind (London: Macmillan and Company, 1984), p. 151 et seq.

[51] Ibid., p. 151-152.

CHAPTER III

[1] Ostwald, "Plato on Law and Nature," p. 50.

[2] Morrow, "Plato and the Law of Nature," p. 29.

[3] Plato Republic IV, 427a.

[4] Ibid. IV 428e (Lee translation).

[5] Ibid. II 383c.

[6] Ibid. V 452c-d.

[7] Ibid. V 457c-d.

[8] Ibid. V 465b.

[9] Ostwald, "Plato on Law and Nature," p. 50.

[10] Plato, Republic V 471d et seq.

[11] Ibid. VII 530c-d.

[12] Ibid. V 456c (Shorey translation).

[13] Morrow, "Plato and the Law of Nature," p. 29.

[14] Plato Republic II 368e-369s.

[15] Ibid. II 370b.

[16] Ibid. VI 485a-b.

[17] Ibid. VI 504c-d.

[18] Ostwald, "Plato on Law and Nature," p. 48.

[19] Gould, Plato's Ethics, p. 48.

[20] Plato, Republic III 415a-b.

[21] Ibid. V 456c.

[22] Ibid. IV 442a-e.

[23] Ibid. IX 588c et seq.

[24] Ibid. IX 589c-d.

[25] Ibid. IX 589d-e.

[26] A problem with this account is the connection between Platonic justice and conventional justice. Why should the platonically just man, i.e., the man possessing an ordered soul, refrain from engaging in conventionally unjust actions? Plato asserts that such a man will behave in a conventionally just manner, but fails to argue for this proposition. See David Sachs "A Fallacy in Plato's Republic," in Plato: A Collection of Critical Essays, Vol. II: Ethics, Politics, Philosophy of Art and Religion, ed. by Gregory Vlastos (Garden City, New York: Doubleday and Company Inc., 1971), pp. 35-51.

[27] Gould, Plato's Ethics, p. 154.

[28] Plato, Republic, VII 525d-e (Lee translation).

[29] Ibid., VI 510c-e.

[30] Ibid. VII 530c-d.

[31] Ibid. VII 533c-d.

[32] The pseudo-Platonic Minos claims at 315a that law attempts to discover reality. (ho nomos ara bouletai tou ontos einai ekseuresis). This seems to be in harmony with Plato's actual thought.

[33] Plato, Republic VI 506a-b (Lee translation).

[34] Ibid. VI 507a-c.

[35] Ibid. VI 507b-c.

[36] Ibid. VI 509b-c.

[37] Ibid.

[38] Gould, Plato's Ethics, p. 170.

[39] Plato, Republic 519e (Lee translation).

[40] Ibid. VIII 540a-b.

[41] Ibid. VI 501a.

[42] Ibid. VI 501b-c.

[43] J.E. Raven, Plato's Thought in the Making (Cambridge: Cambridge University Press, 1965), p. 11.

[44] Plato Parmenides 130b.

[45] Plato Epistle VII 340d.

[46] Morrow "Plato and the Law of Nature" p. 39.

CHAPTER IV

[1] Plato, Laws I 630b-c (Saunders translation).

[2] See pp. 40-41, above.

[3] Plato, Laws VI 772b.

[4] Ibid. IV 715d (Saunders translation)

[5] Ostwald, "Plato on Law and Nature," p. 59.

[6] For a good discussion of these passages, see Guthrie, History of Greek Philosophy, Vol. V (Cambridge: Cambridge University Press, 1978), pp. 378-381.

[7] G.R. Morrow, Plato's Cretan City: An Historical Interpretation of the Laws (Princeton: Princeton University Press, 1960), p. 477.

[8] Plato, Laws IV 714b-d (Saunders translation).

[9] Ibid. IV 713d-e.

[10] Ibid. IV 713e-714a.

[11] Plato, Republic IX 589c-d.

[12] Plato, Laws IV 716c.

[13] Ibid. I 624a.

[14] Ibid. X 885b-c.

[15] Ibid. X 888e.

[16] Ibid. X 889d-e (Saunders translation).

[17] Saunders translation paraphrases the Greek passan ... phonēn hienai very well.

[18] Plato, Laws X 890d (Saunders translation).

[19] Ibid. X 891c.

[20] Ibid.

[21] Ibid. X 891c-d.

[22] Plato Timaeus 46d-e, 30b-c (Jowett translation).

[23] Ibid.

[24] Plato, Laws X 892a-c.

[25] See R.G. Bury's edition of Laws ad loc. for a listing of the ten varieties of motion.

[26] cf. Plato Epistle VII 342a-343a.

[27] Plato X. Laws 896a.

[28] Ibid. X. 896c-d.

[29] Ibid. X. 896d-e (Saunders translation).

[30] Ibid. X. 899d.

[31] Morrow, "Plato and the Law of Nature," p. 24.

[32] Plato, Laws X. 896d-e (Saunders translation). Taylor, Plato, pp. 491-492, makes the following important observation: "Evil, no less than good is expressly said to be due to 'soul', being identified with disorderly motion. Hence the doctrine of 'matter' as intrinsically evil, which figures in the popular Platonism of later times is wholly un-Platonic."

[33] Ibid. X. 896e.

[34] Ibid. X. 891c (Saunders Translation).

[35] R.G. Collingwood, The Idea of Nature (Oxford: Oxford University Press, 1965), p. 76.

[36] See Plato, Republic X. 597d-e.

CONCLUSION

[1] Paul Friedlander, Plato III: The Dialogues: Second and Third Periods, trans. Hans Mayerhoff (rev. London: Routledge and Kegan Paul Ltd. 1964), p. 436.

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