

# **Neither Rule of Man nor Rule of Law**

## **—A Rationalist Reading of Plato’s Legal Philosophy**

Kun-Lung Hsieh

Doctoral student, College of Law  
National Chengchi University, Taiwan  
[michaelhsieh1975@hotmail.com](mailto:michaelhsieh1975@hotmail.com)

### **Abstract**

Numerous previous studies argue that Plato’s legal philosophy is equivocal, since he seemed to either advocate the rule of man in the *Republic*, or defend the rule of law in the *Laws*. In this paper, I label these readings as “traditional” and will show that the textual evidence provided by studies based on these readings remains insufficient to support their arguments. Based on the sketching of main arguments in the *Republic*, the *Statesman*, and the *Laws*, I argue that Plato develops a dialectic criticism to both the rule of man and the rule of law and that he furthermore proposes a rule of rationality. I demonstrate that a rationalist reading suggests that the ruler shall not be legitimate without rationality, and that it consequently helps to avoid the traditional readings’ bias by incorporating the *Republic*, the *Statesman* and the *Laws* into one whole for an improved understanding Plato’s legal philosophy.

KEYWORDS: the *Republic*, the *Laws*, the *Statesman*, Plato’s legal philosophy

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## ***Foreword***

Plato's legal philosophy was considered as equivocal. In the *Republic*, for example, he states that most cities were led by a ruler elected from philosopher guardians. The latter grasped all knowledge, lead guardians to defend any invasion and implemented good and external laws.<sup>1</sup> In the *Laws*, however, he contends that a true ruler either does not exist or necessarily be corrupt, and that people thereby need the law to self-govern.<sup>2</sup>

Scholars resort to various textual evidence to support their interpretations on Plato's legal philosophy, while they nonetheless often compete with one another, Thomas Thorson, for instance, compiled a book with six papers, in which two of them categorize Plato as a pre-totalitarian, another two as an ancestor of democracy, with the remaining papers contending the merits of Plato's philosophy in a more general sense.<sup>3</sup>

In the following sections, I introduce three readings on Plato's legal philosophy and respectively criticize each of them. By doing so, the purpose will be to clarify the picture that Plato draws in his legal philosophy, i.e. Plato develops a rational legal philosophy, which is coherent throughout his various works.

## **I. Traditional Readings on Plato's Legal Philosophy**

### **A. Totalitarian Reading**

Some scholars contended that totalitarianism underlies Plato's works. While Plato proposes different institutions in the *Republic* and the *Laws* respectively, both are nothing but absolute suppressions of freedom.

Karl Popper might be the most renowned philosopher to hold such view. He insists that both institutions proposed in the *Republic* and the *Laws* attempt to separately force citizens to live in an unchanged and strictly organized order and to resist any change, in accordance with a dictator's will or a certain ideology.<sup>4</sup>

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<sup>1</sup> Plato, *Republic* (Paul Shorey trans.), in *The Collected Dialogues of PLATO* (Edith Hamilton and Huntington Cairns eds.) 412a-414ba (1961).

<sup>2</sup> Plato, *Laws* (Trevor J. Saunders trans.), 875a-b (2004).

<sup>3</sup> Thomas Landon Thorson, *Plato: Totalitarian or Democrat?* (1963).

<sup>4</sup> Karl Popper, *The Open Society and Its Enemies, Volume 1: The Spell of Plato*, 86-8 (1966).

According to the totalitarian reading, people living in the ideal city in the *Republic* have no freedom. Alternatively, who they are, the lives they should lead, as well as the way they should be treated are entirely based on the autocratic ruler's recognition of perfect ideas. While the ruler in the ideal city in the *Laws* is the law rather than a tyrant, people do not enjoy freedom, since they have to absolutely obey the laws, or be exposed to the most severe punishments. Complying with a ruler or obeying certain laws, does, after all, not involve a personal choice. Rather, it is a confirmation of a ruler's adherence to certain ideas and laws that aim to fulfill the ruler in question, which, in turn, constitutes the sole difference between the *Republic* and the *Laws*.

### **B. Turning Reading**

Some academics advocate another version of reading, proposing that the ideal city in the *Republic* is not a dictatorial program, but an overly naïve proposal that misinterprets human nature. Plato thus replaces the rule-of-philosopher with the rule-of-law, turning his position from rule-of-man to rule-of-law. For example, David Cohen clearly points at the gap between the *Republic* and the *Laws*, since Plato subsequently finds that all humans - including a philosopher king - cannot avoid corruption.<sup>5</sup> Glenn Morrow furthermore contends that Plato tries to keep away from related difficulties in the *Republic* until he starts to write *Laws*.<sup>6</sup>

Unlike the supporters of totalitarian reading, the advocates of turning the premise position do not consider the *Republic* as a prototype of a totalitarian agenda. Instead, they perceived that Plato in the *Republic* tries to draw an ideal status of society. In the latter, the ruler possessing knowledge of ideas can identify everyone's and everything's features, thus being able to properly arrange different jobs for different citizens prior to cultivating the city and citizens' virtues. In addition, those advocates indicate that in the *Laws*, Plato clearly states that even if a philosopher king exists, he cannot guard himself from corruption, a feature inherent to a human's nature, and that, consequently, an ideal city needs laws to govern itself.<sup>7</sup> For turning reading, Plato experienced a change in thinking regarding human nature after the *Republic*, which resulted in his writing of the *Laws* as well as replacing the rule-of-man with the rule-of-law.

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<sup>5</sup> David Cohen, Law, Autonomy, and Political Community in Plato's *Laws*, *Classical Philology* 88(4): 301-2 (1993).

<sup>6</sup> Glenn R. Morrow, Plato and the Rule of Law, *The Philosophical Review* 50(2): 106-7 (1941).

<sup>7</sup> *Id.* note 2, at 875a-d (2004).

### C. Compromised Reading

Much like the advocates of turning the reading, other scholars deny the perspective that both the *Republic* and the *Laws* constitute totalitarianism. However, they disagree with the idea of turning the reading, i.e. that a gap or turning occurs between the *Republic* and the *Laws*. They propose a distinction that separates theoretical thinking from practical consideration. They also indicate that the institution Plato draws in the *Republic* is a theoretical reference meant to evaluate the elements of an ideal city, and that the polity built in the *Laws* is a measure that is practically available.

Bradley Lewis, for one, maintains that Plato has clearly expressed in the *Republic* that the ideal city he has just discussed is impossible to achieve and that he has no intention to build such a city.<sup>8</sup> The text clearly illustrates that the purpose of the discussion in the *Republic* is to find a pattern in words for an ideal city and for models meant for people to cultivate themselves. According to Huntington Cairns, Plato found that, even if an all-wise ruler can enact a series of perfect rules in specific circumstances, the philosopher king is unable to deal with problems that stem from subsequent changed situations in the same way. Therefore, in writing the *Laws*, Plato realized that he could better propose a solution which had “a possibility of realization”.<sup>9</sup>

## II. Main Arguments of Plato’s Legal Philosophy

Due to the equivocality of Plato’s legal philosophy and prior to examining prevalent readings, the structures and purposes of main arguments used in Plato’s works need to be explicitly displayed, so as to clarify the relation between the various relevant works.

### A. Republic and Rule-of-Man

The *Republic* begins with a dialogue on what makes people attain happiness and on whether justice does bring happiness to people. Socrates suggests that, because there is an analogy between a city and an individual having justice, the inquiry should extend to the larger object first, so that the examination of happiness and justice will be much

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<sup>8</sup> V. Bradley Lewis, Higher Law and the Rule of Law: The Platonic Origin of an Ideal, *Pepperdine Law Review*, 36 (5): 635-636, 655-6 (2009). Plato, Republic (Paul Shorey trans.), in *The Collected Dialogues of PLATO* (Edith Hamilton and Huntington Cairns eds.), 472c-e, 592a-b (1991).

<sup>9</sup> Huntington Cairns, Plato’s Theory of Law, *Harvard Law Review*, 56 (3): 361-62 (1942).

easier.<sup>10</sup> The dialogue, therefore, starts to extend itself to basic features of the city.

The subsequent discussions suggest that a city needs guardians to protect it from a struggle over resources with other cities in order to survive.<sup>11</sup> To make sure that a relevant defense will be always successive, guardians should be well-educated, improving all aspects that they need to possess.<sup>12</sup> In contrast to perils from outside, there is also a danger inside a city that carries the risk of destructing the institutions underlying the city. To prevent this, a city needs a qualified ruler who oversees and preserves its constitution. Socrates believed that such ruler should be elected from guardians, since they represent the most educated among all citizens.<sup>13</sup> Noticeably, Socrates also emphasized that education forms the foundation of safeguarding a city because it not only fosters guardians, but it also guarantees that all guardians willingly and spontaneously defend a city by means of their knowledge.<sup>14</sup>

Apart from the basic conditions of a city discussed in volume 2 and 3, the dialogue in volume 4 starts to derive the definition of justice from the basic conditions inherent to a good city. According to their discussion, if a city is capable of preserving itself well, then it must have four qualities - and so should any individual living in that city.<sup>15</sup> These four qualities are wisdom, bravery, sobriety, and justice.<sup>16</sup> Wisdom is a knowledge to improve a city and its citizens in all aspects, which can be found in guardians. Bravery forms a tenacity in laws or things that people have learnt through education.<sup>17</sup> Sobriety is self-disciplined or self-mastered, knowing and controlling all advantages and weaknesses.<sup>18</sup> Justice stands for having one's own judgment and doing what one ought to do, which belongs to oneself.<sup>19</sup> Since justice keeps other qualities functional and harmonious,<sup>20</sup> lacking or violating justice through ignorance will undermine and destroy a good city or a good individual.<sup>21</sup> While the dialogue seems to achieve its goal, Socrates soon admits that such a city does not exist.<sup>22</sup>

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<sup>10</sup> *Id.* note 1, at 368c-369a.

<sup>11</sup> *Id.* at 373b-374e.

<sup>12</sup> *Id.* at 376c-e.

<sup>13</sup> *Id.* at 412a-414b.

<sup>14</sup> *Id.* at 416b-c.

<sup>15</sup> *Id.* at 427e, 434d-435b.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* at 429c-430c.

<sup>18</sup> *Id.* at 430e-432a.

<sup>19</sup> *Id.* at 434a.

<sup>20</sup> *Id.* at 433b-c, 443d-e.

<sup>21</sup> *Id.* at 434b-c, 443c-444a

<sup>22</sup> *Id.* at 472d, 592a-b.

Although, according to Socrates, an ideal city is merely a “pattern in words” and does not exist, the true value of the previous discussion pertains: it does not ask any city or individual to duplicate the same justice, but instead provides patterns or models for people to approach it as close as possible.<sup>23</sup> Moreover, the relevant discussion reveals precious clues as to the question concerning governing.<sup>24</sup> That is, the knowledge of a good city and the knowledge to understand the institution in a real city can be modified to improve its governing.<sup>25</sup> However, only philosopher kings or rulers who “seriously and adequately pursuit philosophy and combine political powers with philosophical intelligence” can hold and practice such knowledge.<sup>26</sup>

The main arguments in the *Republic* appear to be clear. First of all, the ideal city in the dialogue does not occur and is even impossible to occur.<sup>27</sup> Second, philosophical knowledge of politics can identify the basic features of a real polity, as well as the institutions within it that need to be improved. The third argument, derived from the previous idea, proposes that it is preferred for a polity to combine political powers or laws with a knowledge of governing, which is not just any opinion but a systematic science. Finally, the good in or betterment of a polity implies improvement in all aspects and to all individuals and classes. This is the reason for which the dialogue at the end of the book starts to examine and to estimate different kinds of polities or institutions.<sup>28</sup> After all, the dialogue, based on the previous philosophical discussion, needs to point out that what is good or betterment in the real world.<sup>29</sup>

## **B. Statesman and Rule-of-Knowledge**

The *Statesman*, written between the *Republic* and the *Laws*, inquires into what constitutes a statesman and government, as well as to what extent laws are necessary in governing a state.<sup>30</sup> According to the dialogue, a statesman who has scientific understanding of a government is a ‘true’ statesman.<sup>31</sup> A true statesman understands his people’s every single quality and can properly arrange their jobs and lives.<sup>32</sup> A state

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<sup>23</sup> *Id.* at 472b-c.

<sup>24</sup> *Id.* at 473a-b.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at 473c-e

<sup>27</sup> *Id.* at 592a-b.

<sup>28</sup> *Id.* at 544a-588c.

<sup>29</sup> *Id.* at 592b.

<sup>30</sup> Plato, *Statesman* (J.B. Skemp trans.), in *The Collected Dialogues of PLATO* (Edith Hamilton and Huntington Cairns eds.), 258b, 275a, 294 (1961).

<sup>31</sup> *Id.* at 293b-c.

<sup>32</sup> *Id.* at 294a-b.

governed by a true statesman is, therefore, a true state.<sup>33</sup> True statesmen, however, are very scarce,<sup>34</sup> so that states need laws to effectively preserve themselves.<sup>35</sup> Consequently, states that use codes or laws have “the second-best governing”.<sup>36</sup>

The dialogue does not end the discussion with the necessity of laws. Instead, it starts an inquiry into the sense whether a legal system can become a real second-best governing.<sup>37</sup> The method they used was to compare a good law with a true statesman, while trying to preserve the advantages that a true statesman has.<sup>38</sup> The dialogue finds three propositions. Firstly, a good law is to be enacted by a particular knowledge, this in order to promote or preserve a certain welfare in a given circumstance. In other words, a good law is based on knowledge, seeking people’s welfare and preservation.<sup>39</sup> Both the purpose of promoting people’s welfare and the inherent effective knowledge are the foundations of a good law.

Secondly, if people forget or prove to be willing to diminish the purpose and knowledge underlying a law, then both the law and the idea of governing will eventually become unworkable. For example, in the case that a vicious doctor lies to his patients and poisons them, the assembly might enact a law to add strict requirements on the procedure and content of the profession of doctors.<sup>40</sup> Once people would be accustomed to have laws enacted for safeguarding not only themselves, but to also constantly suppress various professions, then no one would respect professions and their knowledge. The consequence would be that the purpose of preservation and welfare promotion within laws turns to be annihilated.<sup>41</sup>

Finally, a law is presumably enacted by purposive and professional considerations aiming to promote related welfare. Accordingly, either intentionally violating the law or arbitrarily implementing the law will result in the worst of consequences. It would jeopardize the law’s universal application and, hence, the polity which uses laws to govern itself and its people.<sup>42</sup>

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<sup>33</sup> *Id.* at 293d-e.

<sup>34</sup> *Id.* at 293a,297b-c.

<sup>35</sup> *Id.* at 297d.

<sup>36</sup> *Id.* at 297e.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 295c-e, 297a-b.

<sup>40</sup> *Id.* a 298a-e.

<sup>41</sup> *Id.* at 299b-e.

<sup>42</sup> *Id.* at 300a.

The third proposition seems to be in relative conflict with the first and the second one. The latter demands readers to respect the law's purpose and knowledge in the first place, while the former requires them to uphold the stability of laws. The question remains whether modifying a law in changed circumstances can more effectively realize its purpose or, possibly, prevent it from hurting people in such changed circumstances, in which case it would contradict the third proposition.

This contradictory relation between the relevant propositions reveals what the dialogue in the *Statesman* tries to emphasize, i.e. is a dialectic correlation over knowledge of true governing and the common demands of the law. The scarcity of true statesmen constitutes a compelling reason to enforce a legal system in states, since only the legal system can realize true governing by its purposive professions and reliable stability. Yet, the question on how can we properly cope with the need of modifying a law remains. Due to what occasion and to what extent does modification not diminish but preserve the law? The dialogue clearly responds to this question, i.e. that normally a law should unexceptionally apply, while at other occasions, it should be adjusted. Furthermore, only true statesmen or people who have knowledge of true governing can grasp the timing and content of adjusting.<sup>43</sup> In sum, the second-best institution dialectically connects with the best one.

### **C. *Laws* and Rule-of-Law**

The *Laws* constitutes Plato's last work and forms an inquiry into the best legal system or the preferred second-best organization or constitution.<sup>44</sup> The dialogue of designing a legal system has four principles as base. Firstly, all officers who implement laws must be qualified and able to faithfully enforce laws.<sup>45</sup> Secondly, the most basic and important task of a state is to preserve itself, protecting itself from outside and inside perils.<sup>46</sup> Moreover, any customs helping people to gain experience and wisdom, as well as the recognition of the state, shall be maintained.<sup>47</sup> Finally, equality is the main goal of a state, and realizing equality is to mix substantial with formal equality.<sup>48</sup>

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<sup>43</sup> *Id.* at 300c-301a.

<sup>44</sup> *Id.* note 2, at 739a-e.

<sup>45</sup> *Id.* at 751b-c, 752c-e.

<sup>46</sup> *Id.* at 752c, 757a, 758a, 760a, 760a, 761a.

<sup>47</sup> *Id.* at 752e, 753c, 754b-c, 755e, 759b-c.

<sup>48</sup> *Id.* at 757a-e, 759b.



According to these premises, the dialogue begins to design the ideal second-best institution. Basically, it discusses a law before all laws: a constitution, measures to organize agencies, the election of qualified officers, the design of their competences, mechanisms to provide political duty and attendance, and the correlation between different branches. All of these institutions have to meet the demand of the premises.<sup>49</sup>

After inquiring into these basic institutions and prior to a very long and detailed discussion of legislation concerning the different aspects of lives, the dialogue emphasizes the supplementary rules of relevant legislation. Firstly, amending a law at a certain occasion implies preserving it, since the changed circumstance causes the law to have some deficiencies that the lawgiver would like his successors to modify.<sup>50</sup> Secondly, the chosen people to fill occurring gaps in the laws are not just lawgivers, but also “guardians of law”, because they preserve laws by understanding a law’s purpose, criticize a law by discovering its outdated validity, and preserve it by amending it.<sup>51</sup> Finally, for achieving the task of safeguarding law, law-guardians must possess good qualities and study strenuously during their entire lives.<sup>52</sup>

All legislations, not surprisingly, aim to improve citizens’ physical and mental status and to ensure the stability of laws. However, a must-read message concerning the relation between rule-of-man and rule-of-law is hidden behind a discussion of criminal legislation. The *Laws* names it “a preliminary address”, implicating its importance.<sup>53</sup> The address explains the reasons on why a legal system - or an institution for self-regulation - is necessary for humans. At the outset, no one has the capability of knowing what benefits people in a society, while at the same time being able to practice this knowledge.<sup>54</sup> Furthermore, even if a man possessing this knowledge were to exist, his irrational human nature, which prefers both pursuit of pleasure and avoidance of pain, would dominate him, causing his personal interests to control the public good.<sup>55</sup> Consequently, such a knowledge of governing does not exist, forcing people to choose the second alternative, law, to embody the general principles they are familiar with. Noticeably, in the end of the dialogue, a council is designed, named “the nocturnal council” and it labels its members “guardians of law”.<sup>56</sup> Since these people are the

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<sup>49</sup> *Id.* at 754d-768c.

<sup>50</sup> *Id.* at 769a-e.

<sup>51</sup> *Id.* at 770a.

<sup>52</sup> *Id.* at 770b-e.

<sup>53</sup> *Id.* at 874e.

<sup>54</sup> *Id.* at 875a.

<sup>55</sup> *Id.* at 875b.

<sup>56</sup> *Id.* at 951e-952a, 961a-b.

wisest and most decent people in the state, the council basically holds a twofold function, namely using knowledge of governing to assess a law to establish whether it needs to be modified.<sup>57</sup>

### III. Evaluating Traditional Readings

#### A. Mistakes in Totalitarian Reading

While totalitarian reading has produced a significant influence on considering the collectivism and system of values that any autocrat employed to dominate subjects,<sup>58</sup> the name “autocrat” can hardly be assigned to any ruler in Plato’s work for a lack textual evidence.

First of all, as Plato clearly states, the institution in the *Republic* is a pattern in words.<sup>59</sup> The main reason for designing this polity is to encourage others to imitate its advantages that are closely related to preserving the city and its citizens in all aspects.<sup>60</sup> Even the true ruler in the *Statesman* equally forms a model and urges people to grasp corresponding knowledge as much as possible to improve the legal system.<sup>61</sup> In the *Laws*, Plato directly states that philosopher kings do not exist and that any strict law must have some sort of “falsifiability”, waiting for the guardians of law to perfect them.<sup>62</sup>

Moreover, the role of an autocrat might contradict or, at least, not correspond with the argument in the *Republic*.<sup>63</sup> Popper considers Plato’s legal philosophy as a kind of totalitarianism, because the latter’s institution removes people’s freedom and choices.<sup>64</sup> In strongly criticizing the tyrant, however, Plato emphasizes that one of the worst parts of tyranny is the slave-taking of people, as well as confiscating their freedom.<sup>65</sup> Besides, Plato points out that a tyrant has neither friends nor freedom.<sup>66</sup> In addition,

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<sup>57</sup> *Id.* at 951a-c, 951d-952d, 960d-969d.

<sup>58</sup> George Klosko, Popper’s Plato: An Assessment, *Philosophy of the Social Science*, 26(4): 518(1996).

<sup>59</sup> *Infra* notes 23, 27.

<sup>60</sup> *Infra* notes 11, 24-5.

<sup>61</sup> *Infra* note 43.

<sup>62</sup> *Infra* notes 50-2.

<sup>63</sup> David Cohen, Law, Autonomy, And Political Community in Plato’s *Laws*, *Classical Philology*, 88(4): 315-17 (1993).

<sup>64</sup> *Infra* note 4.

<sup>65</sup> *Id.* note 1, at 562a-569c.

<sup>66</sup> *Id.* at 573c-576b.

when people are enslaved, the tyrant and his subjects' souls remain deprived of freedom, driven by desires, while constantly retaining a status of poverty.<sup>67</sup>

At best, we can say that Plato does not try to truly improve personal freedom, but that he reiterates that people should both value personal and societal freedom. He thereby tries to simultaneously fulfill the ideal of freedom in the individual and in society, since unlimited freedom would result in corruption of the soul and also jeopardize others.

As for the *Laws*, it remains hard to fathom that a state aiming to preserve and improve people's freedom by means of education and laws is to be forced to comply with laws. Moreover, Plato clearly expresses that the power of fulfilling equality should be limited, so that a collision between different people and classes will not happen. Such a state, therefore, could hardly be expected to suppress people's freedom.<sup>68</sup>

### **B. Flaws in Turning Reading**

Textual evidence might not support turning reading either. First of all, the reading underlies a premise that Plato changed his thought on human nature. This premise seems to have its ground, since Plato does emphasize the nature of corruption rather than humans in the *Laws*. However, he explicitly points out that the ideal king in the *Republic* does not exist.<sup>69</sup> Most importantly, whether an uncorrupted king exists or not has never been an issue in the *Republic*, mainly because it is merely a pattern of words for people to cultivate their souls and to approach the idea of ideal city.<sup>70</sup> Moreover, turning reading not only presupposes a changed thought on human nature, but it also assumes that Plato in the *Republic* remained an optimist, which in fact, he was not – for not believing that such a philosopher king could possibly exist.<sup>71</sup>

### **C. Drawbacks in Compromised Reading**

Compromised reading might be of the most persuasive kind. Plato uses abundant arguments distinguishing the ideal and the practical.<sup>72</sup> Although this might make for

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<sup>67</sup> *Id.* at 577b-580a.

<sup>68</sup> *Id.* note 2, at 759b.

<sup>69</sup> *Id.* note 1, at 592a-b.

<sup>70</sup> *Id.*, at 472b-c.

<sup>71</sup> *Infra* notes 23, 27.

<sup>72</sup> Huntington Cairns, Plato's Theory of Law, *Harvard Law Review*, 56 (3): 362 (1942); Eric Robertson Dodds, The Greeks and the Irrational, 209-13 (1973); Gregory Vlastos, *Platonic Studies*, 210-17 (1981).

compelling reading, I also believe a crucial point to be overlooked when Plato tries to explicitly express seeming contradictions.

We might hardly be able to avoid using the distinction of the ideal and the practical, but it does not follow that they are different on every occasion. Heidegger and Gadamer are relevant examples in this regard. Their shared concept “fore-structures” implies that one cannot recall, recognize and understand a thing if knowing it does not appear in one’s thought beforehand.<sup>73</sup> Plato in the *Statesman* and the *Laws* makes a similar point.

While the *Statesman* inquires into the second-best available institution in practice, a dilemma of reconciling the waiting-to-amend proposition and the stability proposition persists.<sup>74</sup> Plato’s relevant response is that only a true statesman or people who have knowledge of true governing can grasp the timing and content of adjusting.<sup>75</sup> This response resorts to “the idea of philosopher king” by dealing deal with the problem that occurs constantly in practical tasks involved with amending laws.

The *Laws* sets forth an identical argument. The participants in the dialogue explicitly admit that it is impossible for laws to escape the fate of modifying, since it involves its basic feature, waiting for successors to fill and amend gaps. Those legislators were called “guardians of law”, as they preserved laws by their gap-filling and amending. Plato requires these guardians to pursue knowledge as keenly as possible and to cultivate their qualities until the end of their lives.<sup>76</sup> This is exactly the demand for the philosopher king in the *Republic*.

Since practical tasks need impractical tasks to become reality, it is unlikely that a compromised reading can make its case. One crucial idea is missing: while humans are vulnerable and require laws based on knowledge to regulate themselves, it does not mean that humans can successfully achieve their legislation without grasping the knowledge of true governing beforehand. In other words, they miss the dialectic and dynamic aspects in Plato’s works of legal philosophy.

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<sup>73</sup> Martin Heidegger, *Being and Time* (John Macquarrie & Edward Robinson trans.), 192-193 (1962).

<sup>74</sup> *Infra* notes 42-3.

<sup>75</sup> *Id.*

<sup>76</sup> *Infra* notes 50-1.

## **IV. Reconsidering Plato's Legal Philosophy**

Through the current discussion, we might be able to select a different kind of reading that proves more appropriate for an interpretation of Plato's legal philosophy. To this end, we should categorize what we have so far before choosing one version or organized version of reading.

### **A. The Rational Aims of Society and Individuals**

In the *Republic*, the *Statesman*, and the *Laws*, Plato coherently uses certain ideas to define the object's basic condition. These ideas are preservation, purposive, knowledge and perfection. In other words, preservation is the most basic and internal condition of states and individuals. To meet the demand of preservation, institutions and governments, laws should all be purposive, because such purposive measurements can lead statesmen and people to pursue and fulfill the relevant means. In order to identify the status or conditions that benefit states and people in all aspects, officers and citizens need knowledge to rightly fill, accurately review and properly amend the measures, constantly perfecting the latter, as well as states and individuals.

### **B. Knowledge Underlies Political Decision**

Rule-of-man and rule-of-law cannot be legitimate on their own, because they need knowledge to identify, adjust, perfect and preserve themselves. The *Statesman* gives us compelling examples.<sup>77</sup> In discussing features of laws, Plato illuminates this position. When a doctor needs to change a prescription because he finds circumstances to have changed, he also adjusts the prescription according to his knowledge and thereby fulfills a doctor's job to improve the wellbeing of his patients. As people value their political autonomy, while at the same time disrespecting professions behind laws, knowledge brings out the problem for people to discover. In the period that people struggle with the whether, how, and when in amending a law, it is knowledge that guides them in identifying the problem and leading them to find the appropriate answers.

### **C. The Dialectic Thinking**

Dialectical and circular thinking in theoretically possible and practical available aspects has an exceptional advantage in coping with legal problems. Plato raises an

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<sup>77</sup> *Infra* notes 39-43.

explanation in the *Republic*. A priori, we need to know the basic and relevant features of our subject through theoretical thinking. We furthermore need to identify, analyze, and look for available objects, resources, and measurements that require improvement. Moreover, whether a permanent or perfect idea exists is of no importance. We might never fully approach ideal knowledge, but as an impossible mission, attempting to do so initiates us in trying our best in doing so. In that case, we do not only break the limitation of our given thought, but we furthermore gain more knowledge about what we did not understand before. Ideal knowledge motivates us to know and to become better.

#### **D. Rationalist Reading**

Purposiveness and rationality are the crucial elements of law as confirmed by a number of distinguished scholars. The founder of the legal process school, Henry Hart, for example, states that the law is purposive and deals with problems, aiming to preserve and maximize benefits of every member and group in a society. The purposiveness of law allows people to “come to see that it infuses the whole of law and all of its parts (...), come to see that every legal problem is a problem of purpose, of means to an end, and needs to be approached with awareness that this is so.”<sup>78</sup>

Lon Fuller, Hart’s colleague, describes the reason for exploring the question on what the law ought to be as “discovering the basic principles of justice underlying the relations of men”, “applying these principles to human relations”, and “discovering the just or the right law for promoting effective satisfactory life in common”.<sup>79</sup>

These descriptions are very similar to what Plato in his works urges his audiences: to rationally and dialectically understand and to continually pursue legal and political research. Purposiveness and Knowledge as the underlying element, as well as dialectic thinking, form coherent features in Plato’s works of legal philosophy, allowing us to name our interpretation of Plato’s legal philosophy as rationalist reading.

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<sup>78</sup> William N. Eskridge Jr. and Philip P. Frickey, An Historical and Critical Introduction to the Legal Process, in *The Legal Process: Basic Problems in the Making Law* (William N. Eskridge Jr. & Philip Frickey eds.), lxxxii (1995).

<sup>79</sup> Charles L. Palms, C.S.P., The Natural Law Philosophy of Lon L. Fuller, *The Catholic Lawyer*, 11(2): 106 (2016).

## **V. Conclusion**

The paper has reviewed different readings on Plato's legal philosophy by sketching out the skeletons of his works and thereby estimating various readings. What I tried to show is that certain relevant misunderstandings prevail. Moreover, by comparing the purposes of Plato's main arguments, a clearer picture of Plato's legal philosophy can indeed be found. Most importantly, by clarifying Plato's ideas, we seem to find inspiration. Through using a different perspective, a new door might open and lead us to reconsider the questions concerning governing. After all, knowledge, purpose, as well as welfare in all aspects might be the foundation of different kinds of debating questions, such as popular sovereignty, representative democracy and separation of powers.

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