

Plato and Natural Law

Wise men tell us...that heaven and earth and gods and men are held together by communion and friendship, by orderliness, temperance, and justice; and that is the reason...why they call the whole of this world by the name of order, not of disorder or dissoluteness.¹

In the surviving texts that we have from Plato, a teaching about the being and nature of natural law is not explicitly given in terms of words and concepts although, in two texts, for the first time in Plato's words, Plato's Greek refers to "natural law" in words which work with the designation of it which is given as *nomos tēs phuseōs*.² In the *Gorgias*, Callicles, a Sophist philosopher, refers to "natural law." In the context that is given, Callicles speaks about men who only pursue their own desires and self-interest where, here, Plato has Callicles say that, in doing so, such men "follow nature – the nature of right – in acting thus; yes, on my soul, and follow the law of nature."³

However, in Plato's rendering of these words, a particle is introduced in a way which points to the newness and the strangeness of this expression: a new concept which exists for us as a complex concept because, for the first time, it combines the formerly disparate, simple concepts of *nomos* and *phusis* (law and nature). In a kind of paradox which is constructed, Plato brings together two contraries into a new union of the two which points to a species of contradictory meaning which suggests that, perhaps also within the human order of things, in conjunction or beyond the regularities which exist within the order of physical nature, there could also exist regularities within the human order of things.⁴ Physical and human regularities both exist in a way which can be known by us if we should engage in inquiries that are best suited to our proper discovery of them. In the context of the discussion which exists within the *Gorgias*, Gorgias, as a Sophist philosopher, has been distinguishing between events which occur "by the decrees of necessity" and other events which occur either "by the plans of chance" or "by the plans of the gods."⁵ If the gods were seen to intervene in human affairs in an essentially arbitrary happenstance fashion, then the plans of chance and the plans of the gods would not differ from each other. In the contrast which accordingly exists between necessity and chance, necessity is to be associated with the workings of nature in a manner which should point to how, in some way, recurrent normative patterns exist within a world which is not subject to our conscious human control (the greater, naturally existing world of external nature) but, as we have been noting in Plato's understanding of ethics and the necessity of adequate metaphysical foundations if we are to avoid relativism and to have an adequate understanding of human obligations and ethics, we cannot live wisely and well as human beings if we ignore how, at a higher level, normative patterns serve as a basis for directives or precepts about how, as human beings, we can live in a better, proper way: indicating in some way what would be good for us to do or to avoid and what would also be not good for us to do or

1Plato, *Gorgias* 507e6-508a4, as cited by Brague, *Wisdom of the World*, p. 29.

2Plato, *Gorgias* 483e, as cited by V. Bradley Lewis, "Platonic Philosophy and Natural Law," <http://www.nlprac.org/classical/plato> (accessed October 4, 2016), p. 1, n. 4. Other sources also refer to the *Timaeus* 83e although, in the context of the *Timaeus*, *nomos tēs phuseōs* refers to the normal and the natural functioning of the human body. Cf. Koester, "Concept of Natural Law," *Religions in Antiquity*, p. 523; https://en.wikipedia.org/wiki/Natural_law#Plato (accessed October 4, 2016).

3Plato, *Gorgias* 482c-483e, as cited by Burns, *Aristotle and Natural Law*, p. 146.

4Burns, *Aristotle and Natural Law*, p. 141.

5Plato, *Gorgias* 483e, as cited by Grant, *Miracle and Natural Law*, p. 20.

to avoid.

More specifically, in the particular context of the *Gorgias*, in a manner which recalls or which points to the similar teaching and beliefs of Thucydides as this comes to us in the context of another dialogue (from the text of Plato's *Republic*), in a technical manner, through the mouth of Callicles, as we have already noticed to some extent in the language which is used by Callicles, Plato speaks about "natural law" in a way which joins it to an alleged right which we supposedly have as willing human beings: a right which exists as the "right of the stronger," a right which says that "might is right." It would seem thus, given how this thesis is presented, that the legitimacy of this right is grounded in the meaning and the being of a "natural law" (a necessity which exists within nature itself since, within the being of the physical world which surrounds us, it would seem to be the case that stronger creatures always prevail over weaker creatures: "mice are eaten by hawks"). Appositely however (according to another interpretation): the appeal that is made to nature "demonstrates that 'it is *right* that the better man should prevail over the worse and the stronger over the weaker,'"⁶ although, as we attend to other texts and dialogues, in other dialogues and on the basis of his own point of view, as we find this for instance in the *Protagoras*, Plato derives this right of the stronger not from the purported existence of any necessities which exist within the natural world of existing things but from the import and the legislation of some of our conventional human laws since, in his judgment, this type of right cannot be derived from the kind of being or the kind of necessity which is to be properly found within the order of external nature (from anything which exists in a manner which is allegedly "according to nature" as something which is beyond or which is outside of the reach of our human control).⁷ Good human laws in terms of right or propriety can come from the depths of our understanding if we could be referring to insights which exist for us as good acts of understanding. Bad laws can be devised by us through a kind of understanding which is a bit shallow or which exists as some kind of perversion but also, on the other hand, good laws if they come from acts of understanding which are not lacking in depth and consistency.

In an explanation which points to a differentiation in meaning with respect to the significance to what exists "according to nature": according to the kind of understanding which we can find in Plato and according to the kind of language which we can use to speak about this understanding, it is to be admitted, firstly, about biological urges and imperatives that they exert an influence on us in the conduct of our human affairs. No one can deny this. Plato does not deny this. However, this influence differs from the kind of imperative and the kind of influence that is also cast for us by our acts of understanding and judgment when our apprehensions are directed toward an awareness of realities which exist as manifestations of truth, goodness, justice, and beauty. Apprehensions of beauty, in having a sensible base, by appealing to our acts of sense perception, can suggest or they can point us toward apprehensions of truth, goodness, and justice which exist at a higher level. While some natural laws exist as laws which resemble the kind of law which exists with respect to the being of material or mechanical processes, other natural laws also exist (they can also be found) if, with Plato, through our self-reflection and the time that we take to engage in our acts of self-reflection, we should begin to attend to the being of immaterial realities and to the order of constitution which belongs to the being of these higher realities. To attend to a critical understanding and a knowledge of our human behavior and how we are to live and to understand as human beings, another kind of inquiry is needed if we are to know about the being of precepts, norms, and laws that are also natural (in their own way, they exist

⁶Burns, *Aristotle and Natural Law*, p. 147, citing Plato, *Gorgias* 483b-e.

⁷Plato, *Gorgias* 483e, as cited by Grant, *Miracle and Natural Law*, p. 20.

as nature)⁸ since, as *nature* or as *natural*, we cannot change them in a manner that would be essentially arbitrary (as we would want them to be according to our own wishes). We cannot change them in a manner which would suit the orientation and objectives which we could each have in pursuing our personal desires and interests although, admittedly, in his language, in the use of his words, Plato does not explicitly refer to “natural laws” or “laws of nature” which would refer to the being of immaterial realities. It is only by a kind of inference thus, within the context of our understanding, that we can suppose that this type of language is possibly applicable and suited to the kind of meaning that Plato is attempting to understand and express in the larger context of his analysis.

To give some illustration of this (although in the context of Plato's understanding of physics as this applies to the greater world of material nature and the benefit or value which accrues to our understanding of physics), in the *Timaeus*, in Plato's language, “natural law” exists within a context of meaning which only refers to the difference which exists between health and disease. Disease or lack of health is said to be “contrary to the laws of nature.”⁹ In Plato's reference to “natural law” or the “way of nature,” a contradiction is alluded to since good health, as the absence of disease, is given to us (it would be given to us) if nothing disrupts the proper functioning of our bodily processes.¹⁰ What should be in terms of the laws of nature, in fact, already is (it is actualized) within the context of our currently having good health which is spoken about here and defined in terms which refer to the proper functioning of our bodily processes.

However, at the same time, within the *Timaeus*, earlier within the text of the *Timaeus*, Plato refers to regularities which can be seen to exist within the order of physical nature and that the regularity which

⁸Spaemann, *Essays in Anthropology*, p. 82. In comparing Plato's notion of nature with an earlier notion of nature which refers to the origin or source of a thing, Spaemann argues that Plato introduces a shift or that he introduces a clarification into what is meant if we should speak about the nature of a thing. If, in some way, the nature or the *arche* of a thing refers to a species of first principle that is used to organize consequent variables into a large, ordered whole, this notion of nature as an organizing first principle points to how it also exists as a species of informative, directive norm. Consequently however, if our object is less an understanding of external, physical nature and more an understanding of our human nature in terms of how we exist as human beings and how best we should live with one another as human beings, then a study of human nature turns away from the kind of focus that exists in the speculations of physical science toward a new kind of focus which thinks about nature in terms of reason and having judgments about what is reasonable and rational in the context of our lives as human beings. To live or to exist “by nature” or to live or to exist “according to nature” is to live by nature of our reason or according to our reason in its activities and deliberations. Through our self-reflection and our understanding of self and others, we can move toward a normative understanding about how we exist or how we should exist as human beings if, as living beings, we are human and not something else; a normative understanding that can indicate how best we should understand ourselves and how best we should live with each other in the context of constructing a social order that would be the building of a human society in a way which points to how it exists as a species of human good. The good which exists in physical nature is transcended by the kind of good which exists in our human nature when this nature is grasped by us through an understanding which is able to point to the truth or the reality of the kind of nature which properly belongs to us as human beings.

⁹Plato, *Timaeus*, 83e, as cited by Grant, *Miracle and Natural Law*, p. 20.

¹⁰Plato, *Timaeus*, 83e.

belongs to these regularities is of help to us if we should try and bring regularity into the conduct of our own lives if we are to live an ethical moral life. In Plato's own words, according to one possible translation that is given:

God invented sight and gave it to us so that we might observe the orbits of intelligence in the universe and apply them to the revolutions of our own understanding. For there is a kinship between them, even though our revolutions are disturbed, whereas the universal orbits are undisturbed. So once we have come to know them and to share in the ability to make correct calculations according to nature, we should stabilize the straying revolutions within ourselves by imitating the completely unstraying revolutions of the god.¹¹

Later, within the *Timaeus*, Plato reiterates his teaching to the effect that, by understanding the patterns or the regularities which exist within physical nature, we will better understand and know how we should live as human beings:

The motions akin to the divine part in us are the thoughts and revolutions of the universe; these, therefore, every man should follow, and correcting those circuits in the head that were deranged at birth, by learning to know the harmonies and revolutions of the world, he should bring the intelligent part, according to its pristine nature, into the likeness of that which intelligence discerns, and thereby win the fulfillment of the best life set by the gods before mankind both for this present time and for the time to come.¹²

Summing up: if the human soul or, in other words, if as human beings we are to grow in goodness and wisdom, then this can only occur if, through our own form of self-movement as this exists within our cognitive and moral life, our individual souls “imitate the regularity of the movements of the soul of the world.”¹³ The emphasis that is given to imitation suggests that the regularity which exists within the greater world of nature exists as a kind of standard and that the emphasis which is given to the necessity of imitation at the same time points to a form of inquiry that is initially grounded in the necessity of contemplation as our best and most apt point of departure (if there is to be imitation). Hence, if we should grow in understanding and wisdom, we will be inspired by what we can understand about the being of physical nature. We will move from the kind of apprehension which first exists within sense toward the kind of apprehension which exists later within our understanding. Initially, through our observance of things in the external world, we notice and we attend to the regularities within physical nature which present themselves to us and which, by their being, would immediately point toward the being of laws which would be demonstrative of physical nature (although Plato's language does not explicitly refer *per se* to the being of laws). If, then, these regularities are more fully understood through the recondite kind of inquiry which exists within the science and practice of astronomy and mathematics, the conceptualizations which emerge can then be conceptualized in terms which would have to refer, in some way, to the being and the presence of **natural laws**: the laws, the inner principles, which exist within nature. This growth of understanding in science and

¹¹Plato, *Timaeus*, 47b6-c4, as translated by Donald J. Zeyl, *Plato Complete Works*, ed. John M. Cooper (Indianapolis/Cambridge: Hackett Publishing Company, 1997), p. 1250. Brage cites the same text in his *Wisdom of the World*, p. 33, although with a different translation.

¹²Plato, *Timaeus*, 90c7-d7, as quoted by Brague, *Wisdom of the World*, p. 34.

¹³Brague, *Wisdom of the World*, p. 33.

mathematics – all these, together, help us in encouraging and indicating where similar laws exist within our human world within the conduct of our moral, human lives. Within the human order of things, regularities can also be seen to exist even if, initially, these regularities might not be too well understood. However, by a kind of imitation that can occur as we move from the order of the physical sciences to the order of the moral sciences (the order of moral philosophy), through a kind of promotion that can occur for us within our understanding, as we move from the laws of physical nature which exist as the context of our human world to the more specific laws which apply to our understanding of human nature and the order of our human world, in some way, in a similar way, we can discover a set of laws which is demonstrative of the kind of normativity that also belongs to us in our human life if we are to live rational, stable, moral, human lives. The kind of objectivity which exists within the sciences of physical nature encourages a kind of objectivity which exists or which can emerge for us more fully within the context of our current moral living. The laws which exist within our human world exist before they are discovered and known by us with respect to the kind of rationality which exists within them, a rationality that can be more fully grasped because of the species of the methodology that we are using in the context of our inquiries. An imitation of nature, as a methodological precept, ceases to be viewed as an essentially unthinking notion, as something which we would not want to consider, propose, adopt, and employ.¹⁴

More explicitly, in cognitional terms: if, within the order of our human cognition, a prior understanding and knowledge of things conditions us in our later understanding and knowledge of things or if we say that this prior knowledge encourages us to move toward a newer and a later understanding and knowledge of things that we have yet to grasp and understand, from the rationality that exists within the world of physical nature which gives an order and a meaning to the mass of this nature, we can move from the apprehension of this rationality toward an added, complementary form of rationality which, in turn, points to the special kind of rationality that, in its own way, is distinctive for us as human beings. It imparts an order and meaning to the manner and the conduct of our human lives, shaping and constructing a human world in a way which can often differ from how other forms of cooperation exist among other human beings in ways that point to alternative forms of human living, qualities of life differing as we move from one human order of things to other orders of things. The degree or the extent of the reasonableness which is present functions as a criterion to measure or to determine the worth or the value or the kind of civilization which is said allegedly to exist within a given human order of things.

As regards more fully the meaning of *natural* as this applies to Plato's understanding of human affairs, elsewhere, in other texts, according to the more traditional form of usage which Plato has inherited from others in the context of his philosophical reflection, as we have been noting, Plato refers to things that are simply “natural” (*phusei*) or to things that are simply “according to nature” (*kata phusin*), these references accordingly suggesting to us that Plato was not unfamiliar with the earlier Sophist notion of the relation which exists between nature and convention. Certain things exist *by nature*. Other things exist *by convention* (according to their invention). According to the kind of choice which exists within the conventional human order of things, things do not have to be in the way they happen to be (according to the way that they have been made for us as willing human agents). In the kind of criticism that Plato gives through the mediation of his Socratic dialogues, the enacted laws of city states should not be seen to be necessarily just or, in some sense, to be ultimately final.¹⁵ They can be

¹⁴Brague, *Legend of the Middle Ages*, p. 84.

¹⁵Beauchamp, *Philosophical Ethics*, pp. 206-207.

disregarded to the degree that they are lacking in the reasonableness and in the rationality which should belong to them and so, by means of this distinction, by a kind of application, to the degree that our human behavior is at times irrational and so “contrary to nature” while at other times it is rational and so “according to nature,” similarly, in the same way, our conventional man-made laws can be distinguished from laws which can be said to exist at a higher level, existing *by nature*. They are not entirely conventional because, in some way or to the degree that they are grounded in the being of truths or realities that no one can ever truly doubt or question. On the basis of an understanding and a knowledge of metaphysics, we can say that that which is essentially just and good and temperate is something which always exists *by nature* (the just as just, the good as good, the temperate as temperate).¹⁶ So substantive are the being of these realities that, as a consequence of this, they are bereft of the relativity which is always to be associated with the possibility of human caprice which can exist within the context of our human willing and judgment (the caprice which can exist within our human choice as human choice, given the nature of choice as choice when, in any given situation, as an act of will, option A can be chosen instead of option B even if no reason exists for why A should be selected instead of B).

Statutory laws, positive laws, or customary laws exist at a lower level and so, in agreement with Sophist objections and concerns, conventional laws can be subjected to criticism in a way that could lead to either their revision or, more radically, to their rejection and replacement. As Plato observes, for instance, in the *Laws*: “laws which are not established for the good of the whole state are [to be regarded as] bogus laws.”¹⁷ They can be altered and put aside on the basis of higher principles which are grounded in the being of transcendentally existing reasons which exist with a reality which refers to the being of transcendental ideas or the being of transcendental forms. As has been noted earlier, Plato speaks about ideas; Aristotle, forms. Laws are only truly laws if they can participate or belong to the nature, the Form, or the Idea of law as law: law as it exists as law or law as it exists as transcendent law, law in terms of what it is supposed to be as law and how it is supposed to exist as a truly binding norm that can never be denied.

Hence, instead of a sharp distinction which would continue to exist between the being of “nature” and the being of “law,” in the context of Plato's dialectical analysis, “nature” and “law” can be brought together in a way which points to a mutuality, to a form of interaction. They can be thought together as two principles of order, both serving to effect or to create a new, improved human order of things. If the nature of law and the nature of justice are both adequately understood (their meanings point to each other), if their ideality and reality is both grasped and understood (that which exists as reality comes from that which exists as ideality), then law, justice, and nature would exist together or we could say that they all exist together. In the subsequent making of any laws in our human societies, all the enacted laws should reflect the abiding nature of that which exists essentially as the meaning and being of law and justice. From the meaning and essence of law, from the meaning and essence of justice (natural justice as opposed to conventional justice points to the being of natural law and not to conventional law), from all this, we would have the being or the existence of laws which would truly exist as just or righteous laws (hence, apart from any alterations or changes that, at will, we could possibly want to introduce and to effect within the human order of things). These good, just laws would exist for the sake of the common good of all persons who would happen to live within a

¹⁶Plato, *Republic*, 501b, as cited by Grant, *Miracle and Natural Law*, p. 5.

¹⁷Plato, *Laws*, 4, 715.

particular society.¹⁸ Through the order which they would introduce, they would reflect an order of things which cannot change or pass away (the being of truth and the goodness of virtue within the order of right living) and, at the same time too, they would make for the good kind of government and administration which should exist for the life and the well being (the flourishing) of our various public institutions. Within the ups and downs which exist within the human order of things, recurrent patterns of behavior can be discovered in a way which should point to the being of realities that would transcend the matter and the business of our current human practice and so, from a knowledge of these realities, new recurrent patterns of behavior could be possibly known: patterns of activity which we could bring into the being of our personal and social operations in a way which would change the functioning of a given political order, creating an order which had not existed before, or changing a political order in a way which would add to its intelligibility, its goodness and its fruitfulness. The absence of convention points to the being of transcendent dimensions and, as a consequence, from this, an understanding of law and justice which would point to its cosmic aspects: a notion of **natural law** that is not subject to any kind of human change that we would want to make (it is natural and not artificial) and yet, at the same time, a notion of **natural law** which is germane to the human order of things, properly belonging to the human order of things. It applies to how we are to live within the human order of things without being something which exists as a function of this same order. If, by one kind of inquiry, we can know about the existence of **natural laws** that are physical, chemical, or biological, by another kind of inquiry, we can know about the existence of **natural laws** that are appropriately social and human.

To indicate the identity of these higher principles (some of these higher principles) by referring to points and details that can be derived from the general contours of Plato's philosophy (for purposes of information and illustration), the Idea or the Form of the Good is to be regarded, it exists as the highest principle within the order of existing things that comprises the whole of the universe. In Plato's words, it exists as "the brightest thing that is."¹⁹ It is the cause of all things within the world (whether we refer to physical events or moral events with respect to the moral life of our individual souls as this living touches on the constitution of a political order and as it is also conditioned by the kind of moral life which is already given to us within the context of a political order).²⁰ When it is seen and known by us through the kind of knowledge which can come to us through our self-reflection, to the degree that this knowledge is accordingly given to us, it will lead us to act more wisely, more prudently, and more excellently in the conduct of their lives and in any decisions that would determine the laws of our respective political states and how fully we would observe these same laws.²¹ In a manner, however, which points to the nature of this Good in terms of how it exists as a principle that is relevant to us in a conduct of our lives and, through a way of speaking which points to origins which come to us from the prior analysis of Anaxagoras, the Good is to be identified with *Nous* or Reason since, as Plato notes, this Reason has always been present from the very beginning of things with respect to the being and the origin of all things which exist within our world²² (although, as a second argument that can be added which implicitly exists within the contours of Plato's philosophy, it can be noted that a knowledge of the Good is to be approached through engaging in exercises of *Nous* or reason as these exercises exist

¹⁸Rommen, *Natural Law*, p. 13.

¹⁹Plato, *Republic*, 518c-d.

²⁰Brague, *Wisdom of the World*, p. 32.

²¹Plato, *Republic*, 517b-d; 540a.

²²Brague, *Wisdom of the World*, p. 32, citing Plato, *Laws*, 7.821c7ff., 10.892a ff., and 12.967e1.

in our acts of human reasoning: if we should accordingly begin to ask questions about ourselves and about the sufficiency of our apprehensions and how we can begin to distinguish between what is, in fact, the true good of things and what are goods which exist as illusions, as apparent goods). The rational nature or the intelligibility of the Good accounts for the rational nature or the intelligibility of the being of all good things which exist within our world, the rational nature of all good things participating in the intelligibility of reason as that which is itself the best and most supreme Good. What is intelligible and reasonable is that which exists as truly the good and that which is good is that which exists in a manner which is entirely reasonable and intelligible.

In this context thus: in the context of Plato's *Republic*, in the words that Plato uses: an ideal state is to be described in terms which would have us speak about "a whole city [that is] established according to *nature*."²³ (Italics mine) Within the ordering of a political philosophy, the nature that is proposed or the nature which is referenced is that which is said to be reason or that which is said to exist in an entirely reasonable and rational way as this condition refers to the necessary being of first principles which would belong to the life of a rational political philosophy where, within any given human context (whether explicitly within a political philosophy or outside of it), if we say that something is to truly and fully exist in the manner which should belong to it, we would have to say that it should exist in a manner which is to be determined by rational considerations which must always exist in an objectively unchanging, eternal way. They are removed, separate, or they are detached (they exist apart) from the doing of any kind of arbitrary human change or action that could possibly come from persons who are devoid of the kind of understanding and insight which they should have and which is needed if we are to move, firstly, toward a theoretical or a metaphysical understanding of Natures, Forms, or Ideas which exist in their own right as substantive realities and then, from there, secondly, toward an understanding which belongs to the practice of our human ethics and all the decisions which are needed in terms of concrete implementations if we are to move from the order of knowing which exists in our acts of cognition toward the order of doing and execution which would arise and exist in our external actions in the wake of our prior acts of understanding and cognition. In Plato, right knowledge always leads us toward right action and the good of right performance in the kind of performance which would always exist for us as the living of an ethically good, upright moral life.

²³Plato, *Republic*, 428e.