

Marek Piechowiak

# Plato's Conception of Justice and the Question of Human Dignity

Second Edition, Revised and Extended



**PETER LANG**

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‘There will always be metaphysics in the world,  
and what is more in everyone, especially in every  
thinking man.’

Immanuel Kant, *Prolegomena to any Future Metaphysics that  
can Present itself as a Science*, 367, trans. Peter G. Lucas.

‘The whole point of our legislation was to allow  
the citizens to live supremely happy lives in the  
greatest possible mutual friendship.’

Plato, *Laws*, 743c, trans. Trevor J. Saunders.



## Foreword to the second edition

Since the book has proved to be a success, Peter Lang Publishers have proposed preparing a second, revised and extended edition. I am grateful for this opportunity.

Some minor corrections of an editorial nature have been introduced. As far as substantive issues are concerned, I have added some arguments in Section 7.3, in support of my claim that the story about the sharing of wives is a part of a test of virtue given to the audience of Plato's Socrates (and also to readers of the *Republic*). I would like to thank Professor Wojciech Żelaniec, who mentioned in his review that he would appreciate seeing more elaborate argumentation on this point. I am aware of the far-reaching consequences of my claims, for instance that Plato's story of philosophers as kings should be read as a kind of seduction which aims to test the virtue of the reader, and not as a part of a political project.

I will provide more in-depth argumentation in a new book, on which I am currently working. I have also added a short comment in Section 2.5 on Thomas Aquinas' approach to the connection between something's being immortal and being willed for its own sake. I find this comment important, because it demonstrates that reasoning analogous to that provided by Plato in the Demiurge's speech in the *Timaeus* is present also in mediaeval thought on dignity.

I owe my gratitude to the Institute of Law of the SWPS University for its financial support for this edition. I would like to thank John Catlow for his linguistic expertise, Wojciech Wrotkowski for his fascinating stories about the intricacies of the Greek language, and my wife Celina, who checked the whole manuscript, for everything.

## Preface

This book is the result of many years of research. I would like to thank Jacek Sobczak, who supported me in writing an early outline of this project; Dorota Zygmuntowicz for her helpful critiques of the early draft of this book; Wojciech Żelaniec and Krzysztof Wroczyński for their helpful comments; and Jerzy Czarnowski for his suggestions and encouragement during my work on this book. Last but not least, I extend my thanks to the students who attended my seminars at Zielona Góra University and Adam Mickiewicz University for helping me to deepen my understanding of Plato.

Since I am not a native speaker of English, I needed help in the preparation of the manuscript. I wish to thank my wife Celina, Jerzy Czarnowski, and—most of all—Thomas Anessi and John Catlow, who reviewed the final version, for sharing their linguistic expertise. I am also grateful to Emilia Przylepa for her help in reviewing the Greek expressions introduced in the text. I would also like to thank Marek Moszyk for his ideas on the choice of cover photo.

I have decided to leave some references to the scholarship written in Polish, although it is not accessible to many readers of this book. I feel obliged to pay tribute at least to some of the works written in Polish which shape my thinking about Plato.

Last but not least my thanks go to the Polish National Science Centre—without its generous financial support this book could not have appeared.

Earlier versions of some sections of this book have been previously published as follows:

Parts of the Introduction and Chapter II are based on ‘Plato and the Universality of Dignity’ (2015), and ‘Przemowa Demiurga w Platońskim „Timajosie” a współczesne pojęcie godności’ [Demiurge’s Speech in Plato’s ‘Timaeus’ and the Contemporary Notion of Dignity] (2013).

Parts of Chapter III, Section 7 were published as ‘Platońskie widziadło sprawiedliwości’ [Plato’s Phantom of Justice] (2013).

Chapter IV is based on ‘Sokrates sam ze sobą rozmawia o sprawiedliwości’ [Socrates in a Dialogue with Himself on Justice] (2009).

The analysis of I. Berlin’s argument contained in Chapter V, Section 2 was presented in ‘Tomasza z Akwinu koncepcja prawa naturalnego. Czy Akwinata jest myślicielem liberalnym?’ [Thomas Aquinas’ Conception of Natural Law: Is Aquinas a Liberal Thinker?] (2013).

Chapter V, Section 3 was published (with minor changes) as ‘Plato’s Conception of Punitive Justice’ (2015).

Parts of Chapter VI, Section 3 were published as ‘Kallikles i geometria. Przyczynek do Platońskiej koncepcji sprawiedliwości’ [Callicles and Geometry: On Plato’s Conception of Justice] (2013).

# 1 Introduction

## 1.1 What this book is about

Plato's thought is a cornerstone of European philosophy and European culture. As Alfred N. Whitehead once wrote, 'The safest general characterization of the European philosophical tradition is that it consists of a series of footnotes to Plato'.<sup>1</sup> In philosophical reflection about law and the state it is impossible to ignore the notions and issues introduced by Plato into philosophical debate and into culture in general. As Martin Heidegger noted, one has to accept that we are talking the language of Plato even if one does not share his views.<sup>2</sup>

This book is chiefly about Plato's account of justice. Nevertheless, certain substantially modern questions underlie this effort—questions that are vital for understanding the foundations of modern-day legal orders. Plato is therefore read here from the perspective of the legal orders functioning today rather than from the perspective of the philosophy of law.

In the book, I focus on human dignity, which is broadly recognised as the source of all human rights, the axiological basis of law, and a criterion of justice. Did Plato have any idea about human dignity, so critical to modern legal orders? If so—and this is what I argue for in this book—then dignity should play a crucial role in Plato's understanding of justice. Since the concept of justice stands at the centre of his philosophy, it also seems to be essential to understanding the overall Platonic project. Is it the case that Plato provides the foundations for modern-day human rights protection rather than for modern-day totalitarianism?

## 1.2 Dignity as a fundamental value in law

Dignity is generally regarded today as a fundamental value across legal systems at both the international and national levels. It is considered inviolable,<sup>3</sup> and therefore

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1 Whitehead, *Process and Reality* (1929), p. 39.

2 Heidegger, *The End of Philosophy*, p. 386: 'All metaphysics, including its opponent, positivism, speaks the language of Plato'.

3 *Charter of Fundamental Rights of the European Union* (2000), Article 1: 'Human dignity is inviolable. It must be respected and protected'. In relation to the international protection of human rights at UN level, point two of the *Proclamation of Teheran* (1968) recognises directly the inviolability of these rights and indirectly the inviolability of dignity as the source of these rights: 'The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community'. Cf. *Basic Law for the Federal Republic of Germany* (1949), Article 1: '(1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority. (2) The

should never be sacrificed for the sake of other values—the possessor of dignity is an end in itself, an autotelic end, and can never be treated purely instrumentally. A very important consequence of recognition of the inviolability of dignity is its impact on how we understand the relationship between an individual, the law, and the state. The aim of laws founded upon the recognition of dignity and human rights, and the aim of a state based on such laws, is the goodness of the individual; thus, individuals are not meant to serve the state and the law, but rather, the state and the law are meant to serve the individual.

As something inherent to, and thus inseparable from, human beings, dignity is considered to be universal. As Article 1 of the *Universal Declaration of Human Rights* (1948) states: ‘all human beings are born free and equal in dignity and rights’, regardless of culture, time, level of development, physical or mental ability, or any other mutable human qualities. This universality of dignity provides the basis for the universality of the human rights which derive from it.<sup>4</sup>

The dignity which is at stake here, and which can be called the ‘dignity of a person’, should be distinguished from dignity as moral excellence or as honour,<sup>5</sup> or dignity of other types.<sup>6</sup> The dignity of a person—as the source of all human rights—is a fundamental value found across legal systems. And only dignity of this kind is recognised as equal in all human beings and as an inherent quality which is present independently of any action by its holder or other persons, or of one’s life circumstances.

It is something of a paradox that the recognition in law of the inherent nature of the dignity of a person and of its universality is accompanied in contemporary culture by the widespread acceptance of cultural relativism—the belief that values are a ‘product’ of a given culture rather than something which exists objectively, independently of human activity. If such a point of view is adopted, it ought to be acknowledged that dignity, as an axiological foundation of a legal system, is also a product of the culture of a given time and place, and thus giving it certain characteristics is not based on cognition (knowledge of reality); dignity cannot therefore be considered as existing objectively. The assumption that dignity is

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German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world’; *The Constitution of the Republic of Poland* (1997), Article 30: ‘The inherent and inalienable dignity of the person shall constitute a source of freedoms and rights of persons and citizens. It shall be inviolable. The respect and protection thereof shall be the obligation of public authorities’.

- 4 *Vienna Declaration and Programme of Action* (1993), I, 1: ‘The universal nature of these rights and freedoms is beyond question’. Cf. *Convention on the Rights of Persons with Disabilities* (2006), Preamble, (c).
- 5 On these kinds of dignity as viewed by Plato see Galewicz, ‘Leontios i trupy’, *passim*.
- 6 See Piechowiak, ‘Auf der Suche’, pp. 290–291, where twelve principal types of dignity are distinguished.

conditioned by culture inevitably leads to its conceptual ‘disenchantment’. When viewed from such a perspective, an inherent dignity simply does not exist. At best, the inherence and universality of dignity, its being innate (inborn) to all human beings, might be regarded as a legal fiction, a convenient tool for constructing legal systems which are expected to produce certain outcomes. However, one consequence of this would be a repudiation of the universality of human rights, meaning that the promotion of their protection could justifiably be considered a manifestation of cultural imperialism.

If the concept of dignity as it is used in modern law expresses something inherent (innate, inborn, intrinsic) which is not created by culture, then it is to be expected that the reality encompassed within the concept of dignity should also have been considered as such in the past. An important argument in favour of recognising the cultural relativism and fictional nature of the legal concept of dignity is the claim that dignity was recognised only in modernity and that the concept was a product of the philosophical thought specific to this period—particularly that of Immanuel Kant, who is generally considered the father of the concept of dignity as it is used today in the language of law and jurisprudence. Yet, it is relatively common knowledge that reflections on dignity were present during the Renaissance in the treatises of such authors as Gianozzo Manetti and Giovanni Pico della Mirandola. It is less often observed that a well-developed concept of human dignity (including its recognition as the basis for personhood and for the normative status of its holder) had already been developed in the Middle Ages.<sup>7</sup> However, it should be noted here that even a radical historicity of the notion of dignity cannot be considered a sufficient reason for rejecting the existence of inherent dignity, since one could argue that the development of culture leads to the creation of better intellectual tools, like concepts or ideas, for understanding reality, and that we should not suppose that things corresponding to certain concepts did not exist in the past merely because the concepts themselves had not yet been invented.

### 1.3 Why Plato?

It would be momentous for establishing the universality of dignity if reflections on the concept of dignity, or—more likely—on what today is understood and expressed through this concept, could be found in ancient philosophy. Nonetheless, deliberations on how Plato’s work provides insights into the dignity of a person, rather than giving a basis for a totalitarian framework contrasting with the dignitarian approach,

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7 For a comparison of the philosophical conceptions of dignity proposed by Kant and Aquinas, see Piechowiak, ‘Auf der Suche’, *passim*. In the context of the problem of universality of human rights, P. Leuprecht in his book *Reason, Justice and Dignity* explores the sources of human rights, analysing the thoughts of Confucius and Mencius (pp. 7–30); Avicenna, Averroes and Ibn Khaldun (pp. 31–74); and Bartolomé de las Casas and Francisco de Vitoria (pp. 75–99).

seem to be absent in contemporary academic discussions about the universality of human rights and their foundation in universal dignity. One of the reasons for this is that Plato is nowadays often seen—due largely to Karl Popper’s book *The Open Society and Its Enemies*<sup>8</sup>—as someone who laid down the theoretical foundations of totalitarianism, as someone who provided justifications for the view that an individual is meant to serve the state rather than the state to serve the individual. Plato is seen as one who rejects the fundamental thesis upon which the recognition of universal human dignity is founded. In the *Republic*, in developing his model of a hypothetical state, Plato writes that

it isn’t the law’s concern to make any one class in the city outstandingly happy but to contrive to spread happiness throughout the city by bringing the citizens into harmony with each other through persuasion or compulsion and by making them share with each other the benefits that each class can confer on the community. The law produces such people in the city, not in order to allow them to turn in whatever direction they want, but to make use of them to bind the city together.<sup>9</sup>

In accordance with the absolute subordination of the good of an individual to the good of the state, the state sets aims for particular individuals to specialise in. Every citizen

must be brought to that which naturally suits him—one man, one job—so that each man, practicing his own, which is one, will not become many but one; and thus, you see, the whole city will naturally grow to be one and not many.<sup>10</sup>

The ultimate aim of the laws and organisation of a state seems to be the very existence of the state as a supreme good: ‘Is there any greater evil we can mention for a city than that which tears it apart and makes it many instead of one? Or any greater good than that which binds it together and makes it one?’<sup>11</sup>

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8 Popper, *The Open Society and Its Enemies*, vol. 1: *The Spell of Plato*.

9 Plato, *Republic*, 519e–520a, trans. Grube; cf. *ibid.*, 420b–421c.

10 Plato, *Republic*, 423d, trans. Shorey. I base my analysis on the Greek texts (*Platonis Opera*, ed. Burnet. Oxford: E. Typographeo Clarendoniano, 1903 ff.; *The Perseus Project*, ed. Crane, <http://www.perseus.tufts.edu>). English translations have been selected on the basis of their accuracy in a given context, and thus, excerpts of the same dialogue are sometimes rendered through different translations, although the quotations are mostly after Plato, *Complete Works*, ed. Cooper (Indianapolis—Cambridge: Hackett Publishing Company, 1997). I decided not to propose my own English translations of the relevant passages. When looking for an adequate rendering of the original in different translations of the same text I realised that I can almost always find a satisfactory solution, and therefore trying to be original would be artificial and time-consuming. There were also pragmatic reasons behind leaving mostly Lamb’s translations of the *Gorgias* in Section 5.3, an earlier English version of which was prepared independently of the other chapters.

11 Plato, *Republic*, 462a–b, trans. Grube.



Plato is considered by some to have created the theoretical foundations for, and to have been an adherent of, two basic types of totalitarianism.<sup>12</sup> The totalitarianism of the first type takes the view that the good of a member of a political community is entirely subordinated to the good of the community, and that if there is a conflict in the realisation of these goods, then the well-being and continued existence of the community prevails, and thus an individual can be rightly sacrificed for the benefit of the whole. Totalitarianism of the second type postulates that the authorities (the laws, the state) should exercise full control over all aspects of the life of all members of the political community. Neither of these two types necessarily implies the other. It is possible to propose full control over the life of citizens for their own benefit and not for the benefit of the state or community. It is also possible to recognise the well-being of the state as the highest value and nevertheless not demand full control over individuals.

Whenever Plato's conception of justice is examined here, the question of totalitarianism of both types is always present somewhere in the background. Was he really blind to dignity as the reason for the non-instrumental treatment of each human being? Was he blind to the importance of individuality and autonomy for personal development? And when thinking about the place occupied by Plato's philosophy in European culture, some other intriguing general questions have to be posed. Is an essentially totalitarian philosophy the cornerstone of European culture? Was Plato's work so attractive through the centuries because he advocated a state in which every citizen was bound only to one occupation, and the life of each individual was completely subordinated to the benefit of the state as a whole? One could suggest that other issues than the problem of totalitarianism were important for his readers. But this seems an insufficient explanation. The issue of justice, which is inevitably engaged in the problem of totalitarianism, is central to Plato's thought, which is systemic in character. Fundamental flaws in his theory of justice would be an important indication of the fundamentally defective nature of Plato's philosophy as a whole.

Plato is still held to be a totalitarian, though not such an extreme one as Karl Popper alleged, and his philosophy is considered to be paternalistic and, like totalitarian approaches, to take little or no account of the autonomy of an individual. As Christopher Taylor writes, Plato's theory

in common with other varieties of paternalism conceals a crucial evaluative gap. He needs to show that an adequate conception of a good life need not include any

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12 A slightly different approach is that of C. C. W. Taylor, who speaks of two features that characterise totalitarianism—authoritarianism and ideology; authoritarianism is 'a system in which the ordinary citizen has no significant share (...) in the making of political decisions'; an ideology is 'a pervasive scheme of values, intentionally promulgated by some person or persons and promoted by institutional means in order to direct all or the most significant aspects of public and private life towards the attainment of the goals dictated by those values'; Taylor, 'Plato's Totalitarianism', p. 280. These two features do not have to appear together, *ibid.*, p. 281.

substantial measure of autonomy, but he makes no attempt to do so. Indeed he shows no sign of awareness of the problem.<sup>13</sup>

I wish to challenge this kind of view in a radical way, arguing not only that Plato was aware of the need for individual autonomy, but also that his philosophy provides strong arguments for striving for the participation of all citizens in making political decisions and, moreover, that there is room for free determination of the goals to be pursued.

The fact that Plato is suspected of helping to develop totalitarian views makes his philosophy—seemingly paradoxically—all the more attractive for research on human dignity. For the recognition of the universality of the inherent dignity, it is much more significant if reflections on such a dignity are found in a theory which is supposed to challenge such recognition than in theories which are known to support it.

There is at least one more reason to include Plato in the contemporary debate on dignity. Although observable human features (like our genome) can be accepted as criteria, as ‘diagnostic’ traits, for identifying a holder of dignity, if dignity is universal, inherent, and equal, it seems to be metaphysical, independent of any observable, changeable human traits (such as thinking, choosing, acting, or behaving in a particular way). Plato is certainly someone who has something to say about such a kind of reality and about how to learn something about it.

## 1.4 Objectives

This study aims to give a comprehensive exposition of Plato’s conception of justice as seen from the perspective of human dignity. For us, just like for Plato, the issue of justice is crucial for understanding the relationship between an individual and the state and the law, and also for understanding the aims of laws and how and why a political community should be built. It also turns out that the reflection on human dignity contained in Plato’s philosophy provides a perspective from which these issues can and should be viewed today.

The present study is not directly aimed at identifying flaws and weaknesses in interpretations of Plato’s writings that advocate or accept the thesis that he developed a totalitarian project. Nevertheless, an approach is proposed here that very strongly opposes such interpretations. This approach rests on identifying in Plato’s works reflections on that which is today called ‘dignity’. Such an approach makes apparent his recognition in human beings of ‘something’ which is inherent, equal, and positively distinguishes them in such a way that they should be treated as aims in themselves. Moreover, these reflections play a fundamental role in the construction of Plato’s overall conception of justice and, essentially, of Plato’s philosophy as a whole. Plato’s project turns out to be a far cry from any form of totalitarian

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<sup>13</sup> Taylor, ‘Plato’s Totalitarianism’, p. 295.

thinking. He emerges much less 'idealistic' and much more appreciative of the earthly condition of human existence than is usually assumed.

The problem of justice leads to the core of Plato's philosophy. It is regarded by Plato as one of the most important issues or—from some points of view—the single most important. It is argued that the first, most significant question that Plato aims to answer concerns how to be a good man, how to lead a good life. The simplest answers he supplies to these questions are that to be good means to be just; to lead a good life means to act justly. It seems that the whole of Plato's philosophy is developed with a view to giving rational consideration to these questions. Both ontological and epistemological issues are subordinated to reflection on practical ones.<sup>14</sup> As the ordering of the questions indicates, practical philosophy is Plato's first philosophy. An illustration of this is the myth of the cave, which is a standard point of reference in epistemology and ontology, but is nevertheless placed by Plato in Book VII of the *Republic*—the dialogue about justice. Plato's philosophy is of a systemic kind—his teaching on being and cognition is essential for understanding moral issues. It is not the case that the practical philosophy is 'attached' to ontology or epistemology—rather the exact opposite. The problem of justice turns out to be central to the whole of Plato's philosophy because it leads straight to the most fundamental ontological questions concerning the foundations of existence and to epistemological issues concerning the acquisition of knowledge about what justice is and what the content of just actions is.

Although Plato does not speak a language which directly expresses existential aspects of reality by using the verb 'be' ('εἶναι') in its existential meaning,<sup>15</sup> nevertheless the question remains whether in using other words he is still talking about what is nowadays signified by 'existential aspect'. Does Plato consider the question of the foundations of being (existence) as an issue distinct from the problem of the 'content' of a being? I am arguing that the problems both of justice and of dignity (of what nowadays is called 'dignity'), which come together in the issue of the inner unity of the human being, are crucial for Plato. A special unity turns out to underlie the immortality of the soul, and acquiring or losing justice can be understood as acquiring or losing the inner unity. Unity is central to Plato's understanding of the Good as the source of existence and being.<sup>16</sup> Therefore, in the framework of Plato's conception of justice, when read as a contribution to contemporary

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14 Gajda, *Platońska droga do idei*, p. 76: 'The philosophical conception of forms (ideas) as entities which are transcendent [to the visible world] was born on the basis of reflection on values in the world where—as it seemed—all moral values failed', my translation.

15 C. Kahn argues that in Greek philosophy there is not a distinct concept of existence and existence is apprehended in predicative form: 'X is Y'; 'X exists' means for Plato 'X is something' (εἶναι τι); see Kahn, 'Why Existence Does Not Emerge', pp. 72–73; extensively on this issue, see Kahn, *The Verb 'be'*.

16 Plato, *Republic*, 509b; see Krämer, 'Epekeina tēs ousias', *passim*.

debates, I believe it is justifiable to talk of the existential aspect of beings as the aspect pertaining to inner unity.

Plato's practical philosophy is often considered to be focused on legal or political issues. Some claim that the Academy was a kind of 'school of law' where legal and political issues dominated;<sup>17</sup> Leo Strauss advocates the view that all of Plato's dialogues deal more or less directly with political matters.<sup>18</sup> Nevertheless, the analyses that follow suggest that the goodness of individuals and their actions comes first not only in the construction of a theory of a good society, but also that they are unquestionable goals for the state and the law. Plato's deliberations about justice in the state are often entirely subordinated to understanding of the justice of an individual and his actions. Although some teaching contained in the *Republic* applies both to an individual and to the state (the city), there are still cases where the theses are relevant only to an individual and not to the state; for instance, this is evidently the case when courage is considered. The analyses show that the overall narrative introduced by Plato in the *Republic* clearly indicates that his deliberations about the state are directed first of all at understanding of an individual's striving for fulfilment. Discrepancies in the possibilities for applying certain claims to both an individual and the community should therefore be resolved in favour of the individual. Plato provides his reader with advice on how to proceed in this way. One example, which is extensively analysed below, can be found in Book IV of the *Republic*, where Plato's Socrates not only clearly indicates that his statements are about an individual when he starts with the words 'and in truth justice is',<sup>19</sup> but also asks his audience to treat with caution some crucial conclusions about justice that are reached in considerations about the hypothetical state, saying explicitly that justice 'isn't concerned with someone's doing his own externally'.<sup>20</sup> Eric A. Havelock notices that this clear statement 'seems to imply a repudiation of a great deal of what Plato has previously said',<sup>21</sup> and 'previously' the model of the hypothetical state was developed. Havelock continues—'if justice does not apply to outward action, it becomes an inner and private condition, a morality of the self but not of society'.<sup>22</sup> The model of the hypothetical state cannot be treated as

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17 Dembiński, *Późny Platon*, pp. 15, 18–19; see e.g. Plato, *Republic*, 473d.

18 Strauss, 'Plato', p. 33.

19 Plato, *Republic*, 443c–e, trans. Grube.

20 Plato, *Republic*, 443c–e, trans. Grube.

21 Havelock, *The Greek Concept of Justice*, p. 322.

22 Havelock, *The Greek Concept of Justice*, p. 322. Havelock affirms that 'Plato's moral philosophy cannot shake off paradox nor need we require that it should', *ibid.* Plato certainly uses paradox as a means to boost thinking on specific issues; however, I am convinced that Plato wants his reader to develop a coherent approach to the problem of justice; in this study I aim to present such an approach, consistently rejecting the view that Plato's considerations about the hypothetical state in the *Republic* are part of a political project, and consistently favouring the perspective

a paradigm for a political project and there is no isomorphism between justice for the city and justice for the individual.<sup>23</sup>

This does not mean that Plato is not interested at all in the justice of laws or of the state. Nevertheless, before these problems are considered, the issues concerning the individual have to be solved—and these solutions should be applied to questions about the justice of laws and the state. Moreover, if an individual and not the state is an aim in itself, the question of how to be a good person becomes paramount. Justice of an individual turns out to be key to understanding the aims of law and the state and the justice of them.

If the dignitarian approach is the right one, then the benefits to an individual should be recognised as the aim of laws. In Book V of the *Laws*, Plato's Athenian takes this position univocally and without reservations: 'The whole point of our legislation was to allow the citizens to live supremely happy lives in the greatest possible mutual friendship'.<sup>24</sup> This statement will serve as a kind of a leitmotif throughout this book. In many elaborations of Plato's philosophy it is considered only in passing<sup>25</sup> or is interpreted as stating something about the happiness of the state rather than of individuals.<sup>26</sup> This is surprising because in classical philosophy, an aim, which is the *causa finalis*, is the most important among all causes (it is the cause of all causes—*causa causarum*) which help us to understand the given reality (in this case, the laws and the state).

The happiness of an individual results from not simply safety and the preservation of life, which are goods apprehended easily on the basis of sensual experience,

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of an individual as paramount in Plato's conception of justice. Cf. Santas, *Goodness and Justice*, pp. 150–153.

- 23 Cf. Santas, *Understanding Plato's Republic*, e.g. pp. 57–58, 104–105, 119; Santas does not examine at all what Plato's Socrates states about what in truth justice is, in opposition to the phantom of justice in the state which concerns external actions (Plato, *Republic*, 443c), which I find to be crucial for understanding Plato's *Republic*. Santas is not an exception; the issue seems to be usually left unconsidered; see e.g. collections: Ferrari (ed.), *The Cambridge Companion to Plato's Republic*; Kraut (ed.), *The Cambridge Companion to Plato*; McPherran (ed.), *Plato's Republic: A Critical Guide*; or monographs: Schofield, *Plato: Political Philosophy*; Bobonich, *Plato's Utopia Recast*. Cf. Vasilioiu, *Aiming at Virtue in Plato*, pp. 248–249; Vasilioiu examines the above-mentioned passage from the *Republic* (443c) but he concentrates on the virtue of an individual and does not consider the consequences for understanding political justice.
- 24 Plato, *Laws*, 743c, trans. Saunders; cf. *ibid.*, 631b–c (Book I): 'it is no accident that the laws of the Cretans have such a high reputation in the entire Greek world. They are sound laws, and achieve the happiness of those who observe them'.
- 25 M. Schofield in his book *Plato: Political Philosophy* invokes this passage only in one footnote (p. 191, note 89). T. Irwin in *Plato's Ethics* mentions it only once, while considering happiness in general; Irwin (1995), p. 347 (231).
- 26 Bobonich, *Plato's Utopia Recast*, p. 421; cf. Plato, *Laws*, 697a–b.

but also from individual's own goodness.<sup>27</sup> Being happy goes beyond that which is visible and concerns acquiring and practising virtues,<sup>28</sup> most of all justice. Hence, the conception of justice turns out to be crucial for understanding the aims of laws. It can be stated simply that the proper and primary aim of laws and of any state is to ensure that each member of the political community acts justly.

It should be observed that in Book III of the *Laws* one can already find a different enumeration of the aims of the state: 'One should always remember that a state ought to be free and wise and enjoy internal harmony, and that this is what the lawgiver should concentrate on in his legislation'.<sup>29</sup> And this is not the only place where the aims of laws (of legislation) are considered. This last enumeration is accompanied by a remark of a methodological nature:

When we say that the legislator should keep self-control or good judgement or friendship in view, we must bear in mind that all these aims are the same, not different. Nor should we be disconcerted if we find a lot of other expressions of which the same is true.<sup>30</sup>

Although in Plato's writing there are a few formulas describing the aims of law, the formula from Book V of the *Laws*: 'The whole point of our legislation was to allow the citizens to live supremely happy lives in the greatest possible mutual friendship'<sup>31</sup> seems to be particularly convenient for deliberations on justice. On the one hand, this formula leads to deliberations about the subjective aspects of justice—justice as virtue (which presupposes good judgement, self-control, and courage), and about acting justly (which presupposes justice as virtue). Moreover, happiness will be accepted to be a common good and an unquestionable goal of laws and the state for centuries to come after Plato. On the other hand, maximising friendship turns out to be both a necessary condition for maximising justice and happiness, and—at the same time—a direct effect of practising justice.

It is surprising that although the issue of justice stands at the centre of Plato's philosophy, a comprehensive, monographic study concerned directly with Plato's conception of justice is scarcely to be found.<sup>32</sup> If the interpretation presented here

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27 Plato, *Laws*, 707c: 'we differ from most people in not regarding mere safety and existence as the most precious thing men can possess, but rather the gaining of all possible goodness and the keeping of it throughout life', trans. Bury. Cf. Aristotle, *Politics*, 1252b: the city-state 'comes into existence for the sake of life, it exists for the good life', trans. Rackham.

28 Plato, *Laws*, 770c–e.

29 Plato, *Laws*, 693b, trans. Saunders.

30 Plato, *Laws*, 693c, trans. Saunders.

31 Plato, *Laws*, 743c, trans. Saunders.

32 There are, however, monographs on Plato's political and moral philosophy which do not organise their arguments around the issue of justice (e.g. Bobonich, *Plato's Utopia Recast*; Schofield, *Plato: Political Philosophy*; Rosen, *Plato's Republic*). The most comprehensive approaches to the problem of justice can be found in Vasilinou, *Aiming at Virtue in Plato*, and in Santas, *Understanding Plato's Republic*, though

is—essentially—a correct one, then the conclusion should be drawn that without taking due account of Plato's reflections on dignity, it is hardly possible to build a comprehensive and consistent reconstruction of Plato's conception of justice.

The objectives of this study are not limited to historical issues. Indeed, historical questions are not of primary importance to the author. The book is written from the perspective of the 'user' of Plato's philosophy and is not a purely historical inquiry. Plato is treated as a partner in the contemporary debate on dignity and justice. I hope that the presented reconstruction of Plato's conception of justice will contribute not only to a better understanding of the European philosophical tradition of thought about the individual in law and state, but also to a better understanding of the human being in the contemporary world. To evoke Augustine of Hippo—one does not go to school merely to learn what one's teachers are thinking.

The adoption of the 'user's' standpoint was a reason for the decision to use the word 'state' and not 'city' as the equivalent of the Greek 'πολιτεία'. Cities corresponding to the political entities of ancient times are rarely encountered nowadays, and the issues Plato's work bears on are relevant to contemporary thinking about the state.

In the analyses proposed below, it is accepted that culture, including philosophical works, theories, ideas, and concepts, sometimes functions as a tool for cultivating or taming nature—understood as something given which exists independently of culture, although an adequate comprehension of the 'content' of such reality is impossible; it is always only partial, aspectual. There is a rational hope, and it is presupposed here, that Plato—in the framework of his own culture, using his language, his concepts, theories, and myths—was talking about something which remains the same irrespective of the epoch, audience, interpretation, approach, and so on: something that is referred to when the terms 'human being' and 'dignity' are used nowadays. Studying Plato, therefore, provides an opportunity to better understand the prerequisites for being a human and for constructing laws and a state which can be considered just. One more benefit of studying Plato today derives from the fact that the modern concepts used in ethics, legal and political philosophy are inevitably rooted in tradition. Therefore, the better one understands the philosophical tradition, the better one understands contemporary reflection on the human being.<sup>33</sup>

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my interpretation not only addresses directly the issue of justice throughout the whole book but also is essentially different. Popper's *Open Society* is still counted as the most embracing elaboration of Plato's political and moral philosophy, and this might be one of the key reasons why his account remains so influential. As concerns my reading on an individual's justice, Irvin's *Plato's Ethics* should be mentioned, although it does not focus on the issue of justice (cf. Irvin, 'Questions about Justice'); see also Blackburn, *Plato's Republic*. In the Polish literature, the only book devoted directly to Plato's concept of the state is Jarra, *Idea państwa u Platona*, published in 1918. For a short introduction, see Dahl, 'Plato's Defence of Justice'.

33 See Gadamer, *Wahrheit und Methode*, pp. 279–281.



## 1.5 Interpreting Plato

When searching through Plato's writings for reflections on dignity, it is not necessary to look for particular words in Greek that seem to render the English 'dignity' or Latin 'dignitas'. There would be not much use in focusing, for example, on the word 'ἄξια'. It is much more important—and this path will be followed here—to look for something that possesses relevant characteristics, irrespective of what it is called. In the case of dignity, the search is for something inherent, inalienable, and common to all people, and which forms a foundation for one's being a goal in oneself and for the most basic moral principles, such as that which prohibits the purely instrumental treatment of others, as well as a foundation to wish good to someone for his own sake (to love an individual for himself) and not because a relationship with him is useful or pleasant.<sup>34</sup>

Since the terms, concepts, and theories used in a given time and place are considered to be intellectual tools for recognising and becoming familiar with something existing in reality, the universality of dignity and human rights would not be undermined by the acknowledgement that the use of specific terms and concepts to refer to them is relative to a particular culture or time, or to broader theoretical contexts in which they occur. In the works of Plato, elements which are included in the concept of dignity today (such as being inborn or being an aim in itself) should be sought, and the specific functions fulfilled by those elements should be considered—for instance, how they define the relationship between the individual and the state. Such elements can be considered an anticipation of the modern-day concept of dignity. However, what is crucial is whether reflections on what today is expressed by means of the concept of dignity can be found in the works of Plato, whether these works contain reflections on something objective (given) to which our modern terms or concepts refer.

In the course of this study, it will be shown that Plato's work does contain essential components of the modern concept of dignity, and that his work affords ample reflection on 'something' that possesses the properties ascribed to dignity nowadays. Therefore, although Plato did not have at his disposal a single term or concept (understood as a meaning of a term) which would correspond to the modern term or concept of dignity, it is justified to use the term 'dignity' as designating something considered by Plato. It is partly the 'user's perspective' that I am adopting, the attempt to include Plato in contemporary debates, that encourages me to use the term 'dignity' to denote this 'something' that Plato sees as an equal and inherent basis for one's being an aim in oneself, although in Plato's time the concept of dignity—as an intellectual invention comprising a whole bundle of intuitions which are ascribed to dignity today—had not yet been developed.

It can be noted that Plato also discusses what dignity is, an issue on which—despite the widespread recognition of many of dignity's features—it is difficult to

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34 See Aristotle, *Nicomachean Ethics*, 1156a–b; cf. Price, *Love and Friendship*, pp. 104–105.



reach consensus even today.<sup>35</sup> This issue is important for the future place of thinking about dignity and human rights in today's culture—unless we have an answer to the question of what dignity is, we are powerless against the charge that the modern legal concept of dignity is only a legal fiction, and that there is nothing in reality that is denoted by the term 'dignity'. I am arguing that Plato, while considering the basis of the special status and special treatment of human souls, reaches to ontological questions of inner unity as the foundation of immortality and of continuing existence.<sup>36</sup> To put it in the contemporary language of philosophy—that which is constitutive for dignity Plato sees in the existential aspect of beings and not in the qualities they are endowed with. This allows dignity to be recognised as being inherent, independent of the changeable characteristics of each human being.

Plato encourages his readers not to accept what he is saying merely because it is said by him. He encourages them to accept only that which they discern themselves. He is like a guide on an expedition—he uses this metaphor explicitly in the *Republic* when he sets the stage for drawing conclusions from his model of the hypothetical state.<sup>37</sup> Plato wants his reader to learn by himself; he leads to different 'places' from which it is possible to apprehend something true about reality itself and to find one's own answer to the questions 'what does it mean to be good?' and 'how to live a good life?' He also leads his readers to 'places' from which it is

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- 35 M. Rosen rhetorically asks if we need to be able to point to an objective feature which would be the foundation of the duty to respect humanity (Rosen, *Dignity: Its History and Meaning*, p. 157). He regards respect as the basic feature specific for addressing someone who possesses dignity; and this respect has its roots in our duties, which 'are so deep a part of us that we could not be the people we are without having them. In failing to respect the humanity of others we actually undermine humanity in ourselves' (p. 157). Finally, Rosen admits that 'dignity in the sense of being treated with respect for one's humanity is not the fundamental ground of human rights that the Kantian (or Catholic) use of the term would imply' (p. 157). One should add: not only the Kantian or Catholic, but also that of anyone who takes seriously the international and—in many countries—constitutional protection of human rights. In fact, Rosen fails even to consider dignity as a source of human rights which is inherent to a human being; he suggests rather that we are unable to explore this issue. A similar direction is taken by J. Waldron in his influential book *Dignity, Rank, and Rights*, seeing dignity as a temporarily conditioned 'invention' based on the 'sortal' status which 'represents a person's permanent situation and destiny so far as the law is concerned' (p. 59); a high status of this kind (nobility) has been extended over time to become universal and equally conferred upon every human being.
- 36 G. Kateb pays attention to the existential component in contemporary thinking on human dignity; the existence of any human being requires no justification, no reasons: 'The question: Of what value is a human life? is indecent. The question: Why do you want to stay alive? is a tyrant's question. It should not be asked; any answer will always be off the mark'; Kateb, *Human Dignity*, p. 40.
- 37 Plato, *Republic*, 432b. See Section 3.6.5.

possible to apprehend something true about dignity, although he does not refer to it in the way we do today.

Moreover, Plato quite often uses different words to describe the same 'object', even when crucial issues are at stake; for example, when he refers to the parts of the hypothetical state. Plato's Socrates talks about the same part of the hypothetical state using such descriptions as 'rulers', 'the kind of judges and guardians', and 'the guardian class', and does so in passages which follow one another closely.<sup>38</sup> There is no doubt that he is describing the same model of the hypothetical state, using different words to refer to the same parts of the state. Similarly, it can be argued that he uses different words to refer to that which is beneficial.<sup>39</sup> One has to remember what the Visitor says to Young Socrates in the *Statesman*: 'if you persevere in not paying serious attention to names, you will be seen to be richer in wisdom as you advance to old age'.<sup>40</sup>

A similar way of guiding the reader is found when Plato recounts various stories or myths, for instance, those about the soul. Different words, different stories, and different narratives may lead to a concept (notion) which, in turn, directs towards what really counts, to something given which is independent of notions, words, or narratives and which should be discerned by the reader himself. I argue that Plato creates for the modern reader an opportunity to discern and to grasp intellectually that which is called 'dignity' today.

The way in which Plato philosophises—his clear prioritising of that which is given over linguistic expressions and their meanings—means that interpreting Plato is always difficult. Of course, every interpretation starts with language and also finds its expression in language, in certain words, stories, narratives, and in thoughts which are guided by them. Nevertheless, what is aimed for here is to reveal, together with Plato, a certain reality, something given which is of crucial importance for living 'supremely happy lives in the greatest possible mutual friendship'.<sup>41</sup> Therefore, the writing of this book is—ultimately—an endeavour of a systematic and not a historical kind. Nonetheless, since Plato should be the one who leads, every effort possible within the framework of this project has been made to convey what Plato, as the author of certain works, would wish us to discern.

In interpreting Plato's texts, special attention has been given to the formal 'frames' he provides. These 'frames' contain Plato's suggestions on how to read particular excerpts. There are often direct statements on what a given quotation is about, and what the primary concern of the author is. There are also statements (like the phrase 'but in truth justice was'<sup>42</sup>) saying to what extent the text should be read 'directly' and to what extent metaphorically. Similarly, there are signals

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38 Plato, *Republic*, 433c, 434b, 434c.

39 Plato, *Republic*, 336c–d.

40 Plato, *Statesman*, 261e, trans. Rowe.

41 Plato, *Laws*, 743c, trans. Saunders.

42 Plato, *Republic*, 443c, trans. Bloom.

as to whether something is said in full seriousness or serves rather as intellectual training or even entertainment (as when there is talk about a dolphin of Arion<sup>43</sup> or directly about jesting<sup>44</sup>). In this respect, the recommendations of the Tübingen School are followed. Due respect is also given to the unwritten teachings; however, the following analyses reach to the Tübingen school more for inspiration than a foundation.<sup>45</sup>

The interpretation proposed here is a unitarian one.<sup>46</sup> It is accepted that there is a continuity in Plato's views on the very foundations of justice (of being or becoming good). Continuity does not mean that there is no evolution or development. At least since Plato's recognition of the complexity of the soul, there are no contradictions in the way he perceives the basic issues related to justice. The main reading of Plato in this book starts with the *Timaeus*—a dialogue from the late period—in which an interpretative key for the whole of Plato's doctrine on justice is found. Since I argue that the model of the hypothetical state constructed in the *Republic* is not a model of a perfect (ideal) political organisation, a consistent conception of justice of the state is sought on the basis of not only the *Republic* and the *Laws*, but also in the context of the *Gorgias* and even the *Apology*.

## 1.6 The structure of this book

If understanding the dignity of an individual underlies the understanding of a human being, an attempt to understand Plato's doctrines of justice and the relationship of the individual to the state should not begin—as most such attempts do—with an analysis of works dealing directly with the state or the law. A better starting point, and the one that will be used in the present analysis (Chapter 2), is an early part of the speech of the Demiurge to the gods in the *Timaeus*, one of Plato's later dialogues. This text is analysed here to identify Plato's viewpoint on the question of what quality positively and radically distinguishes certain creatures from other beings, and simultaneously provides a reason for treating these creatures in a radically different way than other beings which do not possess

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43 Plato, *Republic*, 453d.

44 Plato, *Republic*, 536c.

45 See e.g. the collection *The Other Plato*, ed. Nikulin.

46 Cf. Kahn, *Plato and the Socratic Dialogue*, pp. 38–42; see Shorey, 'The Unity of Plato's Thought'. See also J. Annas' comments on ancient, unitarian, readings of Plato, Annas, *Platonic Ethics, Old and New*, pp. 27–30. The evolutionary character of Plato's writings is argued for (using hermeneutics developed by Umberto Eco) by Olejarczyk, *Dialogi Platona*; cf. Pacewicz, 'O ewolucyjnym charakterze'. Pacewicz proposes to distinguish the evolution of Plato's philosophical views, which took place between the early and the middle period, and their development, between the middle and the late period.

this quality. An analysis of the *Timaeus* indicates that Plato recognises important aspects of the autotelic nature of certain creatures, not only of gods but also of human beings. This is reflected not only in his recognition of human beings as being the essential end (purpose, aim) of the natural world but also in his clearly expressed recognition that the purpose of the law and the state is the benefit of the individual. Moreover, one of the principal objectives of law is to lead to the equality of all members of a community. I would like to make clear, however, that I do not regard the correctness of the conclusions drawn from my analyses of the Demiurge's speech in the *Timaeus* to be a precondition for the correctness of my other findings related to Plato's conception of justice. These conclusions play rather heuristic than justificatory functions; they provide directions in the process of interpretation of Plato's works. They are consistent with other parts of my investigation, and it would be possible to present Plato's conception starting with an exploration of justice of the soul and justice of actions, and then investigating the Demiurge's speech and showing that the conclusions reached therefrom are congruent with the earlier findings.

The middle part of this book contains considerations pertaining directly to the issue of justice in Plato's works (Chapters 3–6). Here I distinguish clearly, as Plato does himself, three primary contexts in which justice is considered: justice as a virtue, which comprises the question of justice addressed by Plato in the model of the hypothetical state (Chapter 3); the justice of actions (Chapter 4); and the justice of the state and laws, which also includes punitive justice (Chapter 5). The issues of equality and friendship, which are directly involved in Plato's understanding of justice, especially in the justice of laws and the state, are considered separately (Chapter 6).

In the considerations of justice as a virtue herein (Chapter 3), two topics are clearly distinguished: justice in the model of the hypothetical state and what justice in truth is. My analyses of these topics refer mostly to the *Republic*. First, Plato's argumentation on justice in the hypothetical state is reconstructed, and this leads to the statements—widely accepted as genuine Platonic views—that justice consists in 'doing one's own work',<sup>47</sup> that everyone should be occupied with only one job, and that a few wise persons should organise in great detail the life of all members of the political community for the benefit of the state. What follows is a comprehensive examination of the limitations—indicated by Plato himself—on applying the conclusions drawn from the construction of the hypothetical state to the issue of justice as such. Plato's teaching about discourses designed for the acquisition of knowledge are also analysed (the crucial arguments are drawn from the *Phaedrus*).

Full credit is given to the statements in Book IV of the *Republic*, which Plato preceded with the words 'but in truth [τὸ δέ γε ἀληθές] justice was'.<sup>48</sup> It is argued

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47 Plato, *Republic*, 433a, trans. Grube.

48 Plato, *Republic*, 443c–e, trans. Bloom.

that the postulate of devoting one's entire life to one occupation for the benefit of the state—which is often taken for the view of Plato himself—is held by him to be only a phantom of justice, and that the story about the model of the state is not to be read as a political project, as a project for an ideal state. Constructing a model of the state is entirely subordinated to answering the question of how to be good, how to be just. If there are incongruencies between how Plato applies this model of justice in relation to the state and to an individual, they should always be resolved by giving priority to the individual. It is argued that the justice of an individual, the virtue of justice, is the existential (and therefore the highest and the most fundamental) perfection of a human being, based on an inner unity established by means of harmony and order. Someone who has mastered justice practises all the cardinal virtues. He is a comprehensively developed person, and he is not occupied with only one type of work that is typical for the members of one of the parts of the hypothetical state. To the contrary, he engages in activities typical for the members of all classes in the model of the hypothetical state. Moreover, the just person is guided by himself and not by a small group of sages.

Being just is a necessary condition for acting justly (Chapter 4). The issue of how to determine the content of just actions is elaborated through an examination of the *Gorgias*, with special attention given to Socrates' dialogue with himself, which is an exceptional formal means used by Plato to point out the most important issues. The analysis of the argumentation presented in the *Gorgias* leads my deliberations to an interpretation of the myth of the cave in the *Republic*. Plato's teaching on education, understood as a process of directing the learning power towards the right objects, and his teaching on the Good (the Form of the Good) and on the invisible realm turn out to be indispensable for understanding his argumentation on acting justly. Plato provides systemic reasoning for the thesis that justice is the good of others—justice never harms anybody (including one's enemies), but justice does that which benefits another. It becomes evident that in determining the content of just actions, it is the relation of an action to a specific addressee, and not to an abstract form (idea), which is of primary importance.

Plato's conception of the justice of laws and the state (Chapter 5) is secondary to his understanding of an individual as a being endowed with dignity (being an aim in oneself). The good of individuals is the primary aim of laws and the state. Laws and the state serve to secure and to encourage just actions and justice as the virtue of an individual. The existence of the state is far from being the highest value—sometimes it may be better to destroy the state or to go into exile than to allow the rulers to make the lives of the ruled worse. Plato recognises the freedom to shape one's own life in both the short and long term. This recognition is deeply rooted in his conception of wisdom and courage—wisdom as a reason for a given action univocally provides only knowledge about what should be avoided, and not about what should be done here and now. Regarding Plato as an ideologist or even a champion of totalitarianism turns out to be fundamentally misguided.

Plato's conception of punitive justice (Chapter 5) very clearly exposes the priority of the individual over the state and laws. A punishment is a kind of medication

for the individual. Making human souls better, and not benefitting some state or legal order, is the primary end of punitive justice.

Other inquiries directly concerning Plato's conception of justice include those related to equality and friendship (Chapter 6). Using the language of mathematics—mostly the concept of geometric proportion—Plato points to unity as a fundamental ontological issue concerning justice. In Plato's deliberations on equality, the priority of the individual (and not of abstract forms) in determining the content of just actions is also apparent. The content of just actions is based on a proportion of a certain kind which binds together an acting subject, a just action, and the addressee of the action. However, the very formal structure of this proportion rests on knowledge of something general which belongs to an invisible realm.

Since the greatest possible friendship is one of the two primary aims of laws, and since genuine friendship requires equality, therefore equality between members of a political community also becomes one of the fundamental goals to be achieved, though it is a goal which is placed in the distant future. Moreover, since acting justly is a prerequisite for happiness and friendship, and since such acting has—in principle—other people as its addressees, the principle of subsidiarity finds a grounding in Plato's approach: the state's role is not to provide goods for its citizens but to create conditions for just interactions between members of the political community who are helping each other.

Considerations pertaining directly to the conception of justice in general are followed by an examination of particular issues relating to justice (Chapter 7). This examination aims to show how the presented conception of justice 'works'. It is also meant as a form of test of the proposed interpretation. Initially, it is briefly argued that in Plato's approach not the justice of the soul, but acting justly is the highest perfection of a human being. Then more extensive consideration is given to the best activities a human being can perform and to their objects (addressees). It is argued that the best thing a human being can do is to act justly (to do what is beneficial for others) and not engage in pure contemplation. The proper objects of just deeds (of love) are other people and not abstract forms.

The final chapter is devoted to considerations concerning the sharing of wives (community of wives), as presented by Plato in the *Republic*. Interpretation of these excerpts in a non-totalitarian framework seems to be a very difficult task. Yet, it turns out that such an interpretation is possible, if due attention is given to the remarks which precede the considerations. Plato clearly indicates that these are not based on knowledge but are like the song of a poet and a kind of an instructive jest where 'erotic necessities' are at stake, rather than the geometrical necessities which are appropriate to philosophical inquiry. There are indications that the story about the sharing of wives is meant not only as an exercise in gaining wisdom but also as a test of courage for the listener of Plato's Socrates and readers of the *Republic*.

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