



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.M 2Year

Semester: IInd

GROUP: 1. Constitutional and Administrative Law

2. Corporate and Business Law

3. Criminal and Security Law

SUBJECT: : LAW AND JUSTICE IN A

GLOBALISING WORLD

SUBJECT CODE: LLM 202

NAME OF FACULTY: Ms. Anjali Dixit, Assistant Professor

Lecture- 19



LECTURE 19: Plato's Concept of Justice

In Philadelphia some 2,000 years after Plato and Aristotle's time, a group of men was trying to write a constitution. George Washington, James Madison, and the other framers of the Constitution were dedicated to constructing a just government. Americans had overthrown what they considered a tyrannous British government. The framers wanted to create a national government free of tyranny, governed by the rule of law.

The new American nation was quite different from the ancient Greek city-states. Still, many of the framers at Philadelphia had studied and understood Plato's and Aristotle's political philosophies. And they were grappling with many of the same political questions.

Tyranny and the Rule of Law

Plato and Aristotle both developed important ideas about government and politics. Two of the many political subjects that these men wrote about were tyranny and the rule of law. Tyranny occurs when absolute power is granted to a ruler. In a tyrannical government, the ruler becomes corrupt and uses his power to further his own interests instead of working for the common good.

The rule of law is the principle that no one is exempt from the law, even those who are in a position of power. The rule of law can serve as a safeguard against tyranny, because just laws ensure that rulers do not become corrupt.

Athenian Democracy

Both Plato and Aristotle lived in the democratic Greek city-state of Athens. In Athenian democracy, all male citizens directly participated in making laws and deciding jury trials. Yearly elections decided who would fill important government positions. Citizens drew lots to see who would staff the remaining posts.

Athens had reached its height in political power before Plato was born. Its decline began with a long war with Sparta, a rival city-state. The war ended in 404 B.C. with Athens' defeat. Athens regained its democracy, but shortly after Plato's death, the city-state fell under the control of Macedon, a kingdom north of Greece. The city remained, however, a cultural center.

Plato (c. 428–347 B.C.)

Plato was a student of Socrates. Socrates taught by asking questions about a subject and getting his students to think critically about it. Today, this is known as the Socratic method, used by many professors in law schools.

Socrates' questioning often led to criticism of Athenian democracy and its politicians. An increasing number of Athenians viewed Socrates as a threat to their city-state.

A few years after losing the war with Sparta, Athens put the 70-year-old Socrates on trial for not accepting the gods of Athens and for corrupting the young. Socrates denied the accusations, but he was found guilty and sentenced to death.

When Socrates died, Plato concluded that democracy was a corrupt and unjust form of government. He left Athens for a decade. Returning in 387 B.C., he established a school of higher learning called the Academy.

Plato's *Republic*

Plato's most important work on politics is his *Republic*, published around 380 B.C. Written as a dialogue among characters and set in a private home, the book describes a small group of Athenians discussing political philosophy. The main character is Socrates, who voiced Plato's ideas. (The real Socrates never wrote down his ideas.)

The Republic examines the meaning of justice, looks at different types of government, and outlines the ideal state. It touches on many subjects, including law and tyranny.

Plato looked at four existing forms of government and found them unstable. The best, in his view, is timocracy, a military state, like Sparta, based on honor. But such a state will fall apart:

The accumulation of gold in the treasury of private individuals is the ruin of timocracy; they invent illegal modes of expenditure; for what do they or their wives care about the law? . . . And then one, seeing another grow rich, seeks to rival him, and thus the great mass of the citizens become lovers of money. . . . And so at

last, instead of loving contention and glory, men become lovers of trade and money; they honor and look up to the rich man, and make a ruler of him, and dishonor the poor man.

An oligarchy, the rule of a few (the rich), leads to

a city of the rich and a city of the poor, dwelling together, and always plotting against one another. . . . [The government] will not be able to wage war, because of the necessity of either arming and employing the multitude, and fearing them more than the enemy, or else, if they do not make use of them, of finding themselves on the field of battle . . . And to this must be added their reluctance to contribute money, because they are lovers of money.

The poor will overthrow the oligarchy and set up a democracy, the rule of the people (the poor). Plato thought that democratic “life has neither law nor order.” An unquenchable desire for limitless liberty causes disorder, because the citizens begin to

chafe impatiently at the least touch of authority and at length, . . . they cease to care even for the laws, written or unwritten; they will have no one over them.

Stressing moderation, Plato warned that “the excessive increase of anything often causes a reaction in the opposite direction,” such that the “excess of liberty, whether in states or individuals, seems only to pass into excess of slavery.”

Like an oligarchy, a democracy pits the poor against the rich. The poor see the rich plotting, and they seek protection:

The people have always some champion whom they set over them and nurse into greatness. . . . This and no other is the root from which a tyrant springs; when he first appears above ground he is a protector. . . . having a mob entirely at his disposal, he is not restrained from shedding the blood of kinsmen; . . . he brings them into court and murders them . . . at the same time hinting at the abolition of debts and partition of lands. . . . After a while he is driven out, but comes back, in spite of his enemies, a tyrant full grown.

Plato deemed tyranny the “fourth and worst disorder of a state.” Tyrants lack “the very faculty that is the instrument of judgment”—reason. The tyrannical man is enslaved because the best part of him (reason) is enslaved, and likewise, the tyrannical state is enslaved, because it too lacks reason and order.

| Plato's Ideal State | | | | | | |
|---------------------|-------------------------------|----------|---------------|-----------|----------|--------|
| Class | Composed of . . . | Soul | Interest | Education | Property | Family |
| Lower | farmers, craftsmen, commoners | appetite | pleasure | NO | YES | YES |
| Warrior | soldiers & police | spirit | honor & glory | YES | NO | NO |
| Ruling | philosophers | reason | wisdom | YES | NO | NO |

In a tyranny, no outside governing power controls the tyrant’s selfish behavior. To Plato, the law can guard against tyranny. In the *Republic*, he called the law an “external authority” that functions as the “ally of the whole city.”

Plato stressed the importance of law in his other works. In the *Crito*, a dialogue between Socrates and his friend Crito, Crito offers Socrates a way to escape his impending execution. Socrates refuses, explaining that when a citizen chooses to live in a state, he “has entered into an implied contract that he will do as . . . [the laws] command him.” In Plato’s *Laws*, his last book, he summarizes his stance on the rule of law:

Where the law is subject to some other authority and has none of its own, the collapse of the state, in my view, is not far off; but if law is the master of the government and the government is its slave, then the situation is full of promise and men enjoy all the blessings that the gods shower on a state.

Plato’s ideal and just state is an aristocracy, the rule of the best. He believed leaders needed to be wise and trained in how to run a state, just as captains of ships are trained in how to run a ship.

He divided his ideal state into three classes. The lowest and largest class is the producers: the farmers, craftsmen, traders, and others involved in commerce. The next class is the warriors, those who defend the state. They are educated in sports, combat, and philosophy and tested by both terrifying and tempting situations. From the best of warrior class, the ruling class is drawn. Its members will study philosophy and be given government and military positions until age 50, when the best of them become philosopher kings.

Plato believed every human’s soul is divided into three parts: appetite, spirit, and reason. Each of his three classes matches one aspect of a person’s soul. The lower class is linked to appetite, and it owns all the land and

controls all the wealth. The warrior class is spirited and lives by a code of honor. The ruling class is linked to reason and lives to gain wisdom.

The philosopher kings will prefer seeking truth to ruling, but a law will compel them to rule. They will obey the law and take their turns as rulers.

[T]he truth is that the State in which the rulers are most reluctant to govern is always the best and most quietly governed, and the State in which they are most eager, the worst.

The warrior and ruling classes live in barracks, eat together, and share possessions. None has families. All children of these classes are brought up without knowing their parents. In this way, Plato tries to keep these classes from gaining wealth or producing family dynasties.

Plato concluded:

Until philosophers are kings, or the kings and princes of this world have the spirit and power of philosophy, and political greatness and wisdom meet in one, . . . cities will never have rest from their evils

SELF-TEST QUESTIONS

| S.NO | Question | Option (a) | Option (b) |
|------|--|------------|------------|
| 1. | Plato and Aristotle both developed important ideas about government and politics. | True | False |
| 2. | The rule of law is the principle that no one is exempt from the law, even those who are in a position of power. | True | False |
| 3. | Both Plato and Aristotle lived in the democratic Greek city-state of Athens. | True | False |
| 4. | Plato was a student of Socrates. | True | False |
| 5. | Plato's most important work on politics is his Republic, published around 380 B.C. Written as a dialogue among characters and set in a private home, the book describes a small group of Athenians discussing political philosophy | True | False |

Answers: 1-(a),2-(a), 3-(a),4-(a),5-(a)