

Analysis of the Idea of "Nomocracy" in Plato's "The Laws"

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Abstract: This paper analyses the discussion between the Athenian stranger, the Cretan legislator Crenus, and the Spartan legislator Mercilus in "The Laws", It explains "Nomocracy", the purpose of legislation, the cultivation of Justice, the Virtue of Courage and Temperance, and the relationship between drinking and the education of Virtue, respectively, in order to show that "Nomocracy" is the best political system that can be achieved in reality.

Keywords: "Nomocracy", Virtue, Justice, "The Laws".

1. What is "Nomocracy"?

The term "Nomocracy" has evolved throughout history, and its connotations and extensions have varied from country to country and from era to era. Plato had a deeper understanding of the word "Nomocracy" from its origin and its semantic expansion. From the first to the third book, especially the political and legal states of the past countries are sorted out and talked about, and the positive side is combined to depict his ideal of "Nomocracy". According to Plato, "Nomocracy" is a kind of "political system", which means that the governance of the state is given to the rational law, and the law has detailed and precise regulations on all aspects of the state. Law is the imitation of reason, and "Nomocracy" is the intermediary, the process, and the result of this imitation. It has the effect of restraining and even domesticating and suppressing power. The modern meaning of "Nomocracy" includes the making of laws by law, procedural justice, the obeying of laws, and the limitation of power.

2. Legislative Purpose - The Whole of Virtue

The section In "The Laws", Plato states that neither extreme obedience nor extreme freedom is satisfactory, and that only the middle ground between the two is the greatest happiness. And law is the cornerstone of balancing and finding the middle way. Firstly, the rule of law is a fundamental criterion that distinguishes man from beast because it leads him to reason; Secondly, everyone in the city-state "conscientiously executes these laws to ensure the happiness and goodness of society"; Thirdly, a polity, Fourthly, the legitimacy of the ruler, and indeed the survival or destruction of society, rests primarily on the ability of power to act as a servant. In his view, power is the "ambassador of the law".

Thus, "The Laws" begins with a debate about the purpose of legislation, the purpose of state legislation and political service being the victory of war, and even the ordering of the various Virtues according to the needs of war. Plato attributed the creation of laws and customs to God, which on the one hand ensured their sanctity, but on the other hand made their interpretation necessary because of the distance between God

and man and the difficulty of communication between God and man, which could only be understood through the interpretation of divine law.

According to Plato, "the purpose of the legislator in making every law is to obtain the greatest good. And "the greatest good is neither foreign war nor civil war, but peace and good will among men." [1] A true legislator should treat "The Laws" he makes concerning war as instruments of peace, not laws concerning peace as instruments of war. "A legislator has three things in view in making a law: the liberty, the unity, and the wisdom of the city-state for which he legislates." [2]

He pointed out that the legislation has three purposes. Firstly, to adapt to real needs. the system of communal meals, sports training and special weapons was developed for the purpose of preparing for war. These systems reflect two aspects of the customs, on the one hand, their customs have a certain nature, for example, the Cretans are good at running but not at riding, because the Cretan terrain is rugged and inconvenient for riding, but only for running, and the weapons that fit such sports are naturally light weapons; on the other hand, their customs show their views and pursuits of politics, they believe that there is only permanent war between city-states, and the purpose of war is to obtain all the "good things" in victory. Those who followed the custom considered "good things" to be property. Next, it is pointed out that peace is actually a "fiction" of most people, but in reality it is a war between city-states according to their nature. Then it is pointed out that the state - the village - and each individual, even among themselves, are based on the same rule: to overcome themselves and to be overcome by themselves. Secondly, the law - in essence - determines right and wrong. Thirdly, the purpose of legislation is pointed out: to achieve the greatest good - peace and goodwill among men. The purpose of legislation is for the best. He argues that neither external nor internal war is best for the city-state, though it is necessary, and that even the city-state's own victory over itself is not best; rather, the best thing is peace and good will among men.

The divine legislator must look at the whole Virtue, not the partial Virtue, in making laws, and that what God seeks in making laws is different from what men seek in custom. He believed that there are two kinds of good things, human and divine, and that whoever can have divine good things will also have human good things, and if he does not have divine good

things, he will not have human good things either. The human good things are in the order of health, beauty, strength, and wealth, and the divine good things are in the order of reason, temperance, justice, and courage; the divine good things precede the human good things in rank, and in legislation they should be First. These divine good things are Virtue, and the whole of them is the whole of Virtue. Everything that is prescribed by law and custom in the city-state is aimed at the whole of Virtue.

From this, it is easy to see that the purpose of legislation is to achieve peace, freedom, and wisdom, and thus to establish an order in the whole of society that is infinitely close to reason, and to fill the world with reason as much as possible. In other words, the goal is the whole of Virtue.

3. Results and discussion Cultivating the Virtues of the Lawgiver - Justice, Courage and Moderation

The "doctrine of Justice" proposed by Plato in the ideal state is not based on a system of laws, but even rejects them and embraces the sacred philosophies. He is clearly on the side of ethics and rejects such human and descriptive laws. But when he returned to the real world, the chaos of Greek law he saw, especially the death of Socrates, strengthened the passion for high ethics in his heart. Although ideologically Plato still advocated "good government without "Nomocracy" and a return to existence and truth, in reality he needed to explain the reality of the use of law and the need for law in the Greek regions.

Plato wrote "The Laws" for four reasons: Firstly, it was difficult to find a philosopher-king; Secondly, even if he found one, as a "legislator-king" he had to consider the general situation of the people, and it was impossible and unreasonable to design laws in different categories. Thirdly, the philosopher-king is not necessarily a good king, in case the lord becomes evil, an unrestrained philosopher-king is likely to do bad things, although the law binds the space for a philosopher to play, but also to control the philosopher's heart for evil thoughts; Fourthly, although the law does not realize the abstract Justice, but the law is not useless. According to Plato, the law summarizes human experience, records the flicker of light of certain people, and has been tested by the civil assembly. Although it is not a complete reflection of abstract truth, it is a collection of many crystals of truth. Thus it appears that the law is an imitative expression of the true political system. The law imitates God - reason.

First of all, the Virtue of the legislator is Justice, for the end to be achieved by this Virtue is the pursuit of the good and happiness of the whole Nation. And regarding the specifics of Justice, Plato states, "The best policy is to govern the kingdom with new laws of one's own, laws which grant a certain equality to all men." [3] According to Plato, "The equality of laws is the Justice of laws, which is an important element in the theory of law. In this connection, on another occasion, Plato also believed that Justice is "the good". "This concept of goodness controls every man and affects his soul, even if he is a little wrong. If this is the case, and if every act done is in accordance with this good, and if every part of human nature is controlled by the good, then we must call it 'Justice,' which is the best of all human life." [4]

In "The Laws", Plato clearly sets out the criteria for distinguishing Justice from injustice from the concept of law. He argues that the common view that "Justice is the right of

the strong" is false. In essence, laws made for the benefit of special classes are illegitimate or unjust, and a state based on such laws is only a party, not a state. Governmental power should not be given to the strongest or the richest, but to those who obey the law. A Nation whose laws have no authority is easily destroyed, while a Nation whose laws are superior to its rulers receives God's blessing. In short, "Nomocracy" and equality are Justice; it is not Justice to legislate for the powerful without the law. "Without self-restraint, justice will never arise." [5]

The Responsibility of the Legislator. According to him, the legislator should First govern people of all ages and give them appropriate standards of honor and shame. The law-abiding person should be rewarded and the law-breaker should be punished. Secondly, they should distinguish and explain what is good or bad in response to citizens' anger, fear, etc. Thirdly, lawmakers should monitor the way citizens earn and spend their money. It is also pointed out that the organization is the highest stage of the life of the whole country and should decide to give honor to the deceased, etc. The legislator also appoints guardians until the statutes are combined into a rational whole. The reason it is a rational whole is because only justice and self-control are considered. And wealth, ambition, is not taken into consideration.

Secondly, the Virtue of the legislator is courage. The legislator created the system of communal meals, sports, hunting, and enduring pain for the purpose of war, and enduring pain means increasing "endurance. But if they have not experienced pleasure since childhood, when they grow up and encounter something pleasurable, they will soon be enslaved to pleasure and will not be able to resist it. Therefore, courage has to address all feelings, both fear and pain, but it also includes hope and joy. Therefore, in order to develop courageous Virtue, they must experience both pain, so that they can endure the misfortune of pain, and pleasure, so that they can resist the temptation of pleasure. And courage is embodied in the code of laws, which refers to the triumph of reason. According to Plato, the best law: forbids young men to inquire into the rights and wrongs associated with the law. This reflects the authority of the law. Moreover, courage should be guided by the lawmaker to refrain from pleasure. In particular, he points out that it is as dishonorable to delay pleasure as it is to yield to fear. Bravery is embodied in the spirit that citizens are partly slaves and partly free men, and can only be brave free men in a limited sense.

Finally, the Virtue of the lawgiver is self-restraint. As with communal meals and the sports system, which are useful in many ways, there are drawbacks. For example, it can create internal hatred within the city-state, the Cretan experience training can easily lead to homosexuality, but as far as nature is concerned, homosexuality is unnatural. It can also lead to revolution. And pain and pleasure affect the character of the community and the individual. Pleasure is a natural part of man and cannot be eliminated by man-made laws and customs. In addition to pleasure, pain is also a natural part of human nature and cannot be completely eliminated. He gives the example of the Spartan laws and customs prohibiting the people of the state from drinking wine to justify the exclusion of pleasure. The Athenian stranger uses this to begin a discussion of whether drinking should be present in the city-state, to argue that pleasure should not be rejected by the city-state. Thus, in "moderation," they make people happy. Conversely, they make people unhappy. Man's happiness lies in the proper management of pleasure and pain, so that they

are present at the right time and in the right amount. So should be the happiness of the city-state.

According to Plato, a valid law is one that causes those who obey it to obtain two kinds of happiness or benefits: the first is human benefit. It takes into account the latter divine interest, which consists in health, beauty, strength, wealth, that is, good judgment; the Second is the divine interest. It includes the former. The most important of these are good judgment, self-control, justice, and courage. These interests, in turn, point to supreme reason. And the law is really a rational whole. Plato illustrates the dialectical unity and mutual corroboration of morality, divinity, and reason in this question of legislation.

Plato also elaborates on the Virtues of the legislator. He states that every legislator cannot consider any other opinion than the highest Virtue. This highest Virtue is "loyalty at the moment of decision", which is also called "thorough justice". [6] Plato believed that a legislator with these Virtues is very important for a state: "When a city-state lives in happiness, a certain local character must appear, and when all these things happen at the same time, what the group needs most is to find a legislator who knows the right way to deal with things". [7] To the character of the legislator, "one would also add that, in order to be a satisfactory legislator, he must want to see the state as good and happy as possible". [8]

4. The Metaphor of "Drinking Wine" and the Education of Virtue

Plato likens wine to a drug. drinking wine intensifies emotions such as pleasure and pain, while dulling one's senses, memory, and vigilance. drinking wine serves to test one's attitude toward pleasure and pain, and to exercise the Virtues of courage and temperance. wine makes one temporarily weak, but afterwards brings benefits. Two kinds of fears are proposed: the first is the fear of the appearance of evil, that is, the fear of suffering evil for oneself. It enables the city-state to win in war, because courage against the enemy and shame for doing evil will bring victory. That is, it is fearlessness. Fearlessness is the fear of the enemy, which is the "training" of "fear" to fight, including enduring all kinds of suffering, and thus developing its underlying Virtue, i.e., bravery and fearlessness.

The Second fear is shame. This is the fear of doing bad things by oneself. It has two types: the first is the fear of saying or doing dishonorable things, and the fear of getting a bad reputation. The Second is the refusal of pain or other fears, and also the refusal of extremely strong or frequent pleasures. Its remedy is fear. Fear is the fear of losing face among friends, and that is wine. For wine has the opposite effect. It makes people eliminate fear and stimulates them to do the wrong thing at the wrong time out of overconfidence. The Second type of fear can also be called humility. "Humility" is the opposite of "arrogance" or a feeling of overconfidence. It is a great affliction that no one can tolerate, whether in public or in private. In the process of drinking, on the one hand, one can test the drinker's ability to tolerate pleasure and pain by his behavior. For example, someone who chooses to drink alone in the wilderness and goes home in silence after drinking is a person who has awe, and someone who chooses to drink with everyone else but can keep his drinking to a certain level and stop drinking between drinks is a person who has moderation. On the other hand, since drinking makes one's feelings more intense, it is less costly to train people for pleasure and pain through drinking than to actually subject them to great pain

and pleasure. Temperance is knowing and following the city-state's rules about which pleasures are to be enjoyed and which are to be denied. This is the role of drinking wine in Virtue training.

Plato moved from the policy of "drinking wine" to the correct method of judging the relative value of "custom". He believed that the general method of evaluating the same thing is not to praise or criticize it until it is clear what the thing in question is. He also points out that the state benefits greatly from the "training" of its citizens. And education is that "training" and is the way to go. Education is undoubtedly good for the city-state, not only for winning wars, but also for making good people in the city-state. What is education? According to Plato, education is not skill education, but Virtue education, the purpose of which is to make the people of the city-state know how to rule and be ruled by justice, and thus become truly free people. In order to be well educated, the people of the state should be exposed to educational activities from an early age and learn the preparatory knowledge related to these activities. The essence of education is to properly cultivate the nature of the educated person so that he or she becomes a perfect person with Virtue. A good person with Virtue is a person who can govern himself.

Therefore, education in Virtues is necessary. The right way to educate or train a child is to use his playtime to fill his heart with the greatest possible love for a profession. He distinguishes two kinds of education: the first is Virtue education from childhood. It "trains" people to strive to be perfect citizens, to rule or be ruled according to the requirements of justice. The Second type is the "education" of "rudeness or uneducation," aimed at acquiring money or physical strength. The purpose of education is to cultivate Virtue, the balance between pleasure and pain.

He believes that anyone who can control himself is a good person. The opposite is true of bad people. Every human being, as an individual, has: Firstly, pleasure; Secondly, pain; Thirdly, fear, which is his opinion or expectation of the future as a premonition of pain; and Fourthly, confidence, which is his opinion or expectation of the future as a premonition of pleasure. The law is that people make calculations about these premonitions and determine what is good and what is bad, and the opinion formed in a city-state about the sum of these premonition calculations becomes the law of the city-state, judging the right and wrong of pleasure and pain. And it is taken as the public decision of a Nation. First of all, every human being is a puppet or a plaything of the gods. These emotions in them exert themselves in opposite directions and pull each other, thus making our actions opposite to each other. He distinguishes two cords that serve as the intersection of evil and Virtue. The first is the golden or divine cord, which is pliable and conducts the power of "reckoning. For a Nation, it is public law. That is, the calculation of pleasure and pain by reason should be made into a law, so that those who live in the city-state can live according to the law, and the city-state can conduct its relations with other city-states according to the law. For the individual, a good person is one who can live according to reason and knows what pains to experience and what pleasures to resist. The Second are the other cords, the various substances that are hard and unbendable. Law, as the noblest "calculation," exerts great power, is gentle, not violent, and everyone always cooperates with it. Therefore, the purpose of education is to cultivate Virtue in people, and the cultivation of Virtue is the balancing of pleasure and pain in people.

Lawmakers like to have a set of standards for bravery and cowardice. And training: Firstly, it is easy to do, both for the individual and for the group. Secondly, it allows for the powerful development of the two elements of the "soul". One element of the "soul" is that which makes me extremely self-confident and must be balanced by wine; the Second element of the "soul" is its opposite, which makes me extremely fearful and must be tempered. At the same time, wine is a cheap, safe, and quick test of a man's Virtue by observing his condition after drinking, and this insight into the nature and temperament of a man's soul would be considered one of the most helpful arts for developing good qualities - the art of statesmanship.

5. Conclusion

According to Plato, a state or city-state must be governed by laws that have great authority in the daily lives of the people: "The power exercised by the law is great, and every man should always cooperate with it." [9] In the context of the theory of "nomocracy," Plato emphasizes that such highly authoritative laws are those that must be made for all the people of the state as a whole, and that "laws that are not made for the good of the whole state are pseudo-laws. [10] Such laws, moreover, must be popular and accepted by the people: "The majority of the people only ask their legislators to make laws, and these laws are usually accepted by the people without opposition." [11]

Regarding the specific connotation of "nomocracy," Plato discusses two aspects, namely, the legality of government officials and the compliance of the people with the law. On the one hand, he points out that we can call government officials or rulers "servants of the law," "not because I want to invent a new word, but because I am convinced that the rise and fall of a state depends on this and nothing else. Where the law is subordinate to another authority and has nothing of its own, I see that the collapse of the Nation is not far off. But where the law is the master of the government, and the government is its slave, the situation is full of hope, and the people are able to enjoy all the benefits that the gods have given to the city". [12] Here Plato clearly states that the government and its officials must rule the country according to the law, which is perhaps the first claim of "nomocratic" government in Western history. On the other hand, Plato also emphasized the need to strengthen the law-abiding consciousness of the people. For "the state and the citizen, the best man, instead of winning the Olympic Games or any other contest of war and peace, would beat everyone by the honor he achieves by respecting the "laws" of his country. This honor is attained because he has done a better job of respecting the law for life than any other man." [13]

Plato believed that in a civilized, healthy city-state, every citizen should live according to the law: "If a man obeys, the law will not interfere with him; but if he disobeys, the guardians of the law and the clergy of both sexes must punish him." [14] "If a man obeys the law, he will avoid the punishment of the law, but if he disobeys it, he will bear a

double punishment: first from the hand of the gods, and Second from the law". [15]

Plato states that citizens who obey the law should be honored by society and praised by the people not only during their lifetime, but also after their death. "Deceased citizens who, during their lives, by physical strength or strength of character, have attained notable and glorious achievements and fame, and if his life was one of observance of the law, should be a suitable object of our praise." [16]

Some of Plato's classic words shine and are historically penetrating when it comes to promoting law-abiding citizens. For example, he states, "According to the ancient law, men are not controlled; on the contrary, they are voluntary slaves of the law" [17]. Again, for example, he emphasizes, "Men must make laws for themselves and obey them in their lives, otherwise they are nothing but the most savage of beasts." [18] To improve the "Nomocracy" of the city-state, Plato also introduced the idea of separation of powers. He emphasizes the rule of proportionality of power through two appropriate analogies. Giving too much authority to a person who is not good enough for such authority is like putting a very large sail on a small boat or giving too much food to a small person, which is bound to have disastrous consequences. Legislators should be aware of this situation and pay attention to the distribution of power when legislating. Plato advocated dividing the single royal power into two and limiting the power to a more reasonable proportion. Although this idea of division of power is still relatively primitive and simple, we can see that Plato, more than two thousand years ago, recognized the necessity of limiting the royal power, otherwise the law would not be enforced.

In summary, Plato treats "Nomocracy" as a political system that is highly progressive and more philosophical and rational than the Roman way of life summarized by law. Plato's view of "Nomocracy" provides a value argument for law, where law is not only the public will of society, but also the counterpart of the highest human rationality. Plato's quest for rationality has had a profound impact on the modern Western discussion of legal systems and the study of the rule of law. The basic development that law should pursue rationality, approach rationality, and be able to restrain power, achieve social order, and produce the highest good has guided Western jurists in their ongoing quest.

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