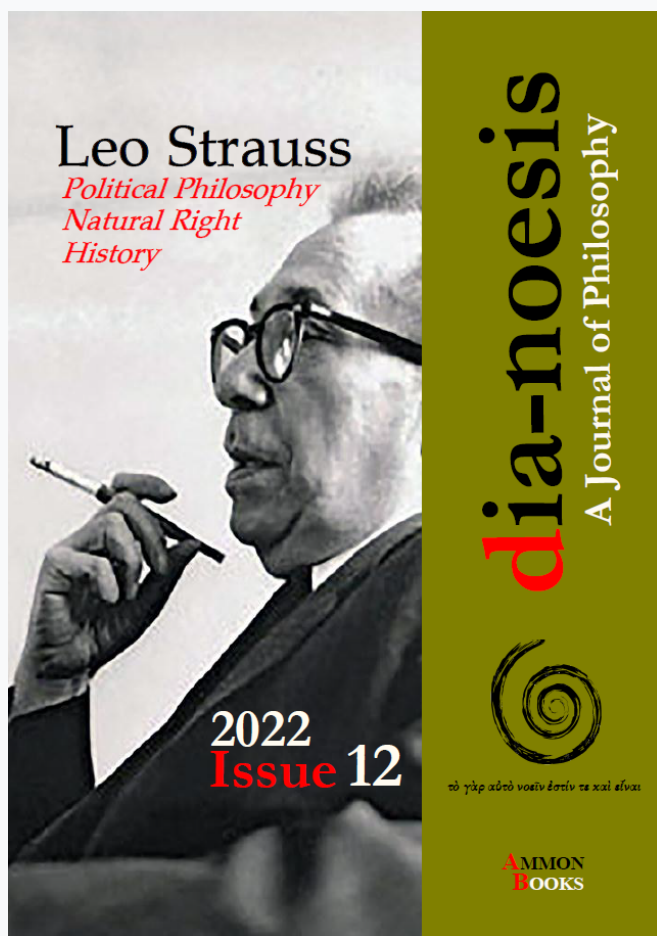


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Leo Strauss' "The Argument and the Action of Plato's Laws": A critique on Plato, legislation and the problem of political authority

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Abstract: The presence of Leo Strauss in the 20th century in the field of political philosophy is one of the most crucial as far as important philosophical findings go, which drastically changed the principles and aspirations of political practice and philosophical process. Through his philosophy, Strauss connected antiquity with the present, theory with practice and criticized the evils of his time. One aspect of his work, his involvement with Plato's Laws and especially the book "The Argument and the Action of Plato's Laws", which may shed more light on his views, has not been sufficiently researched, at least in terms of its connection with his overall work. The aim of the present paper is to highlight the relevant research of the philosopher, to find out the reasons why Strauss chose Plato as a thinker and the Laws as a dialogue and finally to evaluate what that choice means for his philosophy.

Keywords: Leo Strauss, political philosophy, Plato, Laws, legislation, political authority

1. Introduction

Leo Strauss acquired a significant presence in the renaissance of political philosophy of the 20th century. He acrobated between antiquity and modern times, balanced between presenting a history of philosophy and political commentary and, when appropriate, disagreed and debated on critical issues with other major philosophical figures of his time. If one were to try to summarize Leo Strauss' political philosophy, for the sake of brevity one would certainly begin by overstating his suspicion of any idea that claims to bring solution to a previous political or philosophical problem¹. This belief stems from the fact that in his time he experienced a degradation of philosophy due to - as he believed - a climate of social nihilism, but also to the dysfunction of university circles themselves. Thus, the thinker undertook the task of discovering the erroneous philosophical bases that created the problem as a beginning². The return to the classical era was the starting point for Strauss as far as the formation of his view of political action went. This starting point also shaped his rejection of Nazism, as well as communist regimes. He taught that the misconception of modern liberalism, with the premise of universal freedom, as opposed to ancient liberalism, which aimed at human perfection, led to this flawed nihilistic regimes³. Both Nazism and Communism replace morality with violence, which ends up subjugating humans. However, even Western liberal democracies have some form of violence under the guise of indifference, the so-called "tolerant equality". For all these

¹ Strauss, *The Argument and the Action of Plato's Laws*, pp. 11-12.

² Smith S. B. (ed.), *The Cambridge Companion to Leo Strauss*, Cambridge University Press, 2009, p. 65.

³ Strauss, *Plato's Laws*, p. 245.

reasons, Strauss presented the dangers of totalitarianism within both the government and science⁴.

The philosopher wrote the book "The Argument and the Action of Plato's Laws" later in his life and it is in fact his first book that is completely devoted to a dialogue of Plato⁵. The premise of the title itself withholds the writer's intention to create a practical philosophy rather than simply present some philosophical arguments from the past. The word "Argument" represents the theoretical side of the discussion while the word "Action" emphasizes on the practical philosophy in which Strauss believed in. After all, theory alone cannot survive without action. Why he chose the Laws in relation to any other dialogue is not clear at first glance. In fact, it is a text, which is dense and composed both from the presentation of the dialogue and the views of Strauss himself. It takes a very careful reading for the reader to understand where Plato stops and where Strauss begins. However, regarding this particular connection with Plato's Laws, it does not exist only in the context of the book, but begins with his relevant study as a professor and presentation of Plato's dialogue in a university course. On the one hand, then, his lectures are his research, while the book is his commentary.

2. Beyond Plato

Why chooses Plato? If one has to consider this question, the first thing one will realize is that Plato is in fact from antiquity to the present day one of the most important, if not the most important, philosophers of history with a special significance for political philosophy. However, such an insight is not enough to answer the question to begin with. It goes far than that in the reason why he chose Plato's work, when in truth Strauss was a specialist enough to know and choose

⁴ Smith S. B. (ed.), *The Cambridge Companion to Leo Strauss*, Cambridge University Press, 2009, p. 188.

⁵ Burns W. T. (ed.), *Brill's Companion to Leo Strauss' Writings on Classical Political Thought*, Brill, 2015, p. 424.

any philosophical work he wished. The basis of Strauss' thought is in antiquity, in the Classical Era. For him this period gives birth to the field of ethics in the sense of practical philosophy. In addition, the concept of violence has still not taken the form of violent experiments on human beings in the sense of the Holocaust, as we know it today, and that is a truly anthropocentric era⁶. Again, this is not reason enough. There are plenty of great ancient thinkers to choose from and Plato seems like a pretty obvious choice, especially for an academic. In truth, there are two main reasons why he made that choice. Initially, it was preceded by an, according to Strauss, erroneous philosophical use of Plato's work by scientists of his time, and in particular by Karl Popper, whose work he considered inaccurate, extemporaneous and totally dangerous. Popper's critique of Plato in his book "The Open Society and Its Enemies" is illogical to Strauss, as his entire work is. The second reason that he chose Plato had to do with his philosophical immersion⁷. Although Plato is indeed a world-renowned philosopher, the dialogue of Laws has not been adequately analyzed and this is a fact even today. In short, Strauss tries to highlight both the poor and superficial research by his contemporaries and that Plato's vast work has more aspects than it seems.

A major connection between the personalities of both Plato and Strauss is the fact that their philosophy begins with a critique on the status quo of the state. Both of them do believe that the basis of the problem stems from the erroneous ways of humans and especially the ones who hold the authority in a society⁸. The only difference is the fact that Plato's society is the Athenian democracy, while Strauss' society are both the political system of Western democracy, which allowed the Nazism to flourish and the university circles, which stood passive in front of the terror. The definition of concepts, and in fact the concepts that are

⁶ Smith S. B. (ed.), *The Cambridge Companion to Leo Strauss*, Cambridge University Press, 2009, p. 205.

⁷ Ibid., p. 248.

⁸ Plato, *The Laws*, 776d, 778a.

universal, is for Plato a basic element of governance, guided by justice⁹. From the search for the latter begins the search for the definition and separation of political concepts. Plato is interested in discovering the nature of justice by accepting that such concepts go beyond any attempt at definition¹⁰. Moreover, what other good could lead to happiness, if not justice itself, if that is the inner good that prevents people from becoming unjust? Plato thought of the ideal government as a state with narrow borders and a small area¹¹. Those who did not approve of the government could relocate to another state that they considered less unacceptable. However, the mental game of a political utopia, such as the “perfect city”, would not philosophically allow critics to exist, as the very concept of “perfection” implies the impossibility of realization by an ontologically imperfect being, the human. Nevertheless, without stating it directly, he poses a certainty about the realistic nature of his proposals, since he even closes the text of the *Laws* with the opinion that one has to work hard to succeed in creating the so proposed city. Plato’s idea of a perfect society is radically communal, where each individual works for the society as a whole¹². This view is one that Strauss also emphatically embraces. Private families do not exist separately from public life and people’s social mobility increases significantly because they are no longer expected to simply play a social role. Laws combine political philosophy with applicable law, analyzing in detail the laws and procedures that must be applied in a city.

3. Legislation: A divine gift crafted by humans

At the heart of the debate over the importance of legislation is located a theologico-political problem for Strauss, which raises the question of whether a society should

⁹ Recco G. and Sanday E., *Plato's Laws. Force and Truth in Politics*, Indiana University Press, 2013, p. 135.

¹⁰ Plato, *The Laws*, 967c–d.

¹¹ Ibid., 681c–d, 708b–d, 738d–e, 949e.

¹² Strauss, *Plato's Laws*, p. 220.

be based on theological faith or law or whether it should be based purely in philosophical logic and experience. With this in mind, it begins to seem more and more obvious why he was involved with the Laws. In “The Argument and the Action in Plato’s Laws”, instead of discussing this theologico-political problem, he begins his reflection with the presence of Minos. He notes that Minos’ presence, as a character, is distinct since the Socratic question posed in the dialogue is “What is law?”¹³. Strauss also emphasizes that the presence of Minos, the son and student of Zeus, leads to the best laws. That is why the Athenian makes this journey to Crete, to learn the laws from the gods themselves¹⁴. The Athenian stranger visits Crete in a quest for the best laws. As for the dialogue itself, Strauss emphasizes that it is Plato’s most political work and perhaps the only political work in itself¹⁵. This is connected with the fact that in the Republic Socrates creates a city through hypothesis, whilst in the Laws there is presented the practical creation of a city. According to Strauss, the hypothetical construction of Socrates in the Republic shows the limits of the nature of politics. One might conclude that the Laws are simply called a political work because they lead to advice on real politics and do not reveal, at least at first glance, fundamental truths¹⁶. However, the same idea can explain the apparent absence of Socrates as a character of this dialogue. In the reader’s mind Socrates could be somewhere else busy studying the nature of things. In Plato’s work, after all, the presence of characters and ideas is followed by abstraction, in order to emphasize all those elements that he considers important. If Strauss believed that one is the main goal of the dialogue, then this is the decisive approach to prevent a blind belief in pseudo-prophecies¹⁷. Thus, one could draw conclusions about how the divine law

¹³ Strauss, *The Argument and the Action of Plato’s Laws*, p. 17.

¹⁴ Ibid., pp. 28-30.

¹⁵ Burns W. T. (ed.), *Brill’s Companion to Leo Strauss’ Writings on Classical Political Thought*, Brill, 2015, p. 425.

¹⁶ Stalley R.F., *An Introduction to Plato’s Laws*, Basil Blackwell Publisher Limited, 1983, p. 29.

¹⁷ Burns W. T. (ed.), *Brill’s Companion to Leo Strauss’ Writings on Classical Political Thought*, Brill, 2015, p. 425.

can be used in the right way, if one can shed light on what one seeks. Pointing out that the Laws obscure the difference between an idea and a utopia, he concludes that this difference between the Laws and the Republic corresponds to the difference between the debaters, the obvious difference between Kleinias-Megillos and Glaukon-Adeimantus, that is, the difference between the obvious absence and the obvious presence of philosophy¹⁸. This suggests that the dialogue is emphatically political.

Strauss suggests how parrhesia ("free speech") can contribute to the issue. In this sense, the Laws would be the most political dialogue because it handles human affairs with the utmost seriousness and ignores what concerns the philosopher has as a philosopher¹⁹. In other words, Laws is a deeply humane work, because it dictates all these problems a society can deal with and in the same time provides solutions to them. Strauss does not discuss why the Athenian chooses to converse with such men about the divine law from the start²⁰. He also emphasizes that Plato's silence on philosophy is a "law that he imposes on himself". Ultimately, the conclusion is that the rule of law is a divine rule. Politicians believe in divine law, which leads them to reject some personal beliefs and adopt others in their place. The Athenian stranger's achievement in the Laws complements what Socrates achieves in other dialogues. While Socrates leads his interlocutors to acknowledge, as concisely and vaguely as possible, that they have no genuine knowledge of the gods²¹, the Athenian urges morally serious, pious people to understand that he has helped them learn what a god is and what he demands of humans²². Overall, the Laws seem to express more optimism than the Republic regarding the ability of the average citizen to be virtuous. The dialogue of the Laws makes the general assumption that the legislation

¹⁸ Strauss, *The Argument and the Action of Plato's Laws*, pp. 31-32.

¹⁹ Burns W. T. (ed.), *Brill's Companion to Leo Strauss' Writings on Classical Political Thought*, Brill, 2015, p. 428.

²⁰ Strauss, *The Argument and the Action of Plato's Laws*, p. 53.

²¹ Ibid., p. 183.

²² Ibid., p. 114.

belongs to the political art and that the ideal politician rules “according to the laws”. Eventually the legislation takes the form of the road leading to justice, which has the same character inside an individual as inside the city. In other words, the just city is the example of the just man. The harmonization of the whole (city) with the part (the individual) is a precondition in the search for a satisfactory, that is, a fair political system²³. Consequently, Plato tries to imagine ideal leaders, analogous to the city. Psychological harmony, virtue and prosperity are interrelated elements. As a result, the completely vicious who cannot be cured will always be in a state of psychological disharmony and will never develop. This is Strauss’ own view of the dangers of politics. No human being should invoke a higher power or a higher idea to oppress its fellow human beings, to violate any notion of justice, and to sow totalitarianism and violence within a political society²⁴. The best, rational and just political order leads to the harmonious unity of a society and allows all parts of the city to pursue happiness through the common interest and not to the detriment of others. The liberation of the soul from evil is for Plato the absolute duty of people. No one can be evil and happy at the same time. Only a spiritually liberated person, whose soul is beautiful and well organized, can experience true happiness. Only a country governed by the principles of virtue can claim to have the best system of government²⁵.

4. The problem of political authority

The Laws use a city’s descriptions to offer an ideal of law according to which citizens will obey the law freely and rationally²⁶. However, due to the psychological limitations of people, real legal texts will never meet this ideal. There is a

²³ Plato, *The Laws*, 628b-e, 645b.

²⁴ Strauss, *The Argument and the Action of Plato’s Laws*, p. 8-11.

²⁵ Plato, *The Laws*, 950c.

²⁶ Bobonich C. (ed.), *Plato’s Laws. A critical guide*, Cambridge University Press, 2010, p. 68.

more realistic argument, however. The Athenian stranger wants to motivate citizens to obey the law. He recognizes the fact that citizens will be different in both their interests and intellectual abilities. Because of this, the legislator will have to resort to different methods to motivate them. Some are rational, while others are irrational. Two further innovations deserve attention. Laws warn of preventing a single uncontrollable power within the city. At the same time, a complex system of checks and balances is being set up to ensure that all officials abide by the law²⁷. In other words, there is a special committee in charge of conducting evaluations of the performance of civil servants, if there are indications of abuse of their position. Through another mechanism, the examiners themselves are tested. In addition, power is distributed amongst several executive offices, to balance each other, in order to prevent anyone of them from gaining too much power. A second innovation has to do with the revision of the legal code. In previous works, Plato appreciates the stability in laws, but at the same time recognizes the need for revision in the light of new circumstances. In *Laws*, he establishes a special institution for the revision of laws, when necessary or desirable.

The Platonic dialogue establishes the necessary elements needed to shape a city politically, raising side problems and threats that may arise. Who, for example, is capable, experienced, great and who is give this answer in the first place, are some questions to begin with. Another issue is the question why someone is more worthy to rule than others²⁸. All these questions change the argumentation into a rich reflection, which is connected with the difference in the level of perceptions and actions, which has prevailed in the modern philosophical debate. The problem of authority is a constant question of political philosophy and one that, in fact, majorly concerned Leo Strauss in the time that he lived and wrote. When justice becomes arbitrary, belief in laws and rules cannot be sustained²⁹. The decision-making conditions

²⁷ Strauss, *The Argument and the Action of Plato's Laws*, pp. 21-22.

²⁸ Annas J., *Plato. A brief insight*, Sterling Publishing, 2003, p. 63.

²⁹ Plato, *The Laws*, 689e.

of the higher authority are perhaps one of the main issues that has occupied philosophers for centuries, in the context of the political societies in which man lives. Either directly in a regulatory way or in indirectly looking at the side issues related to the concept, philosophers have been intensely concerned with the distinction of power from society, to explain the phenomenon, and the simultaneous connection of the two concepts given that politics and society need each other in order to function efficiently and harmoniously³⁰. It benefits a distinction between philosophical discussion of issues and regularity. It is, after all, the dividing line between early and late platonic philosophy, as well as the dividing line between early and late political philosophy historically, which is of direct interest to Leo Strauss's work. The difference is that Plato's main philosophical pursuit was to reach firm conclusions in the course of his life, while philosophy itself operates in exactly the opposite way. Different levels of power, for example, suggest different relationships of sometimes-blind faith, even submission. Where Plato places justice next to power, modern logic does not comply with such idea, and sometimes identifies them as worthy adversaries. Thus, the current concept of governance is distinguished in different ways through the technologies of power, which transform the state into a "relational field of power". The techniques of power are historically related to the political body itself and to the passage of time with the discipline of the human body and the essence of its life as a living being, meaning the idea of violence. In other words, the path from individualization to massification touches on the differentiation of authoritarian management of the body by authoritarian regimes. Ultimately, the introduction of the modern term of "violence" is one that suggests the suspicion of arbitrariness in every government, in every council, and defines the philosophical conception not only of politics itself, but also of human nature. In the context of political philosophy, the historical treatment of violence and arbitrariness, as a given, is the condition that ultimately puts obstacles in the way of a reasonable process of obtaining

³⁰ Allen D. S., *Why Plato Wrote*, Wiley – Blackwell, 2010, p. 20.

regulatory data³¹. It is the moment that reveals the disposition of the power of "human over human" that is enough to understand the aforementioned rival position of power by justice, as nothing just can come from the repression and objectification of the acting subjects. This, after all, is what Plato himself believes. Thus, the mood of regularity, as it is set in his work, is in the gray zones between reality and possibility, necessary and contingent. Plato, in addition to narration, proceeds to a comparative political analysis, a political proposal for governance with clear rules and a practically feasible way. Ultimately, the platonic idea of justice as a whole refers to a distinction between rulers and those in power³², which leaves the question: Who rules?

5. Conclusion

In the *Laws*, the guardians of the city need to comprehend the idea of virtue and goodness. At the same time, they must know about the existence of the Gods and so their education must be based on the research and proof of the existence of the divine element³³. Meanwhile, they must translate these findings into the realm of rationality in the sense that it must be decided what are the best possible choices in law for human society. Based on this process, Leo Strauss, through analyzing this platonic dialogue, was concerned about the relationship between law and the needs of society. Moreover, there remains the original question of this paper about Strauss' research on Plato's *Laws*. Why Plato and why *Laws*?

Firstly, Leo Strauss' own philosophy is based on the connection between classical and modern times and between theory and practice, which he utilizes through the dialogue. Both Plato and Strauss deal with the subject of laws in their

³¹ Corlett J. A., *Interpreting Plato's Dialogues*, Parmenides Publishing, 2005, p. 13.

³² Ibid., p. 52.

³³ Strauss, *The Argument and the Action of Plato's Laws*, p. 57.

mature years³⁴. The fact that the philosophers' concerns are put aside, in order to advance human needs, highlights this maturity and the intention of the two thinkers to produce a philosophy "for all". This leads to the importance with which Strauss saw the law, dealt with it as a philosophical issue and the way he felt it affects people's lives. He criticized culture and the way the law is misinterpreted. Strauss found the opportunity to connect the theological with the political element and to highlight the fact that if the theological element is acknowledged correctly, then this finding can lead to a thoughtful and just political situation³⁵. On the contrary, through pseudo-prophecies and false messiahs, totalitarianism rebirths. In the same way that Plato criticized the regime that condemned Socrates³⁶, Strauss criticized the violence of his time and the whole of a culture that lead either to a violent totalitarianism (Holocaust) or to an indifferent capitalism (Western democracies). Strauss also criticized the academic circles, which treated Plato's work superficially and not to its entirety. He chose Laws as one of the least commented texts, wanting to highlight the devotion to the reproduction of commonplaces and the lack of authentic research.

The book "The Argument and the Action in Plato's Laws" is a painstaking and detailed commentary. Full of observations and findings can facilitate the understanding of many complex points of platonic reasoning, but also can lead the way to modern political philosophy in a timeless manner. The text is, however, rather dense and difficult, in which the summary of Plato's book from the commentary of Strauss can often not be easily distinguishable.

³⁴ Burns W. T. (ed.), *Brill's Companion to Leo Strauss' Writings on Classical Political Thought*, Brill, 2015, p. 426.

³⁵ Strauss, *The Argument and the Action of Plato's Laws*, p. 184.

³⁶ Ibid., p. 132.

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