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Abstract

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Keywords

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Introduction

Scholars surprisingly neglect the opening pages of Plato's *Laws*. Except in some studies about the problem of the unity of virtue, they are only mentioned in order to indicate Plato's hostility to war and are merely considered as a kind of prelude to the prelude.¹ However, it seems reasonable to think that these pages deserve more attention: first because they present a major argument of political philosophy concerning the role of war for a city, and, secondly, because their position, at the very beginning of the dialogue, could be a mark of the relevance of this argument for the development of Plato's position. Actually, in these first lines, Plato rejects the hypothesis that war is the principle of the *polis*. This hypothesis is not quite usual for this period²: even if it is endorsed like obvious in the dialogue by Clinias the Spartan and by

¹ For instance, Michael John O'Brien, *The Socratic Paradoxes and the Greek Mind* (Chapel Hill University of North Carolina Press, 1967), 180–185. On the political issue of war in Plato see in particular Angela Hobbs, "Plato on War," in *Maiensis*, ed. Dominic Scott (Oxford University Press, 2007), 176–93; Arlene W. Saxonhouse, "An Unspoken Theme in Plato's Gorgias: War," *Interpretation* 11/2 (1983): 139–69; Jean-Marie Bertrand, "De la *stasis* dans les cités platoniciennes," *Cahiers du Centre Gustave Glotz* 10/1 (1999): 209–24; Jill Frank, "Wages of War: On Judgment in Plato's 'Republic,'" *Political Theory* 35/4 (August 2007): 443–67. Note that in the latter article, the issue is also the parallelism between soul and city. On this topic, see also Trevor J. Saunders, "The Structure of the Soul and the State in Plato's *Laws*," *Eranos* 60 (1962): 37–55. The main exception is Aldo Brancacci, "Giustizia, guerra e guerra civile nelle *Leggi* di Platone," in *Studi in ricordo di Antonio Filippo Panzera*, vol. 3 (Bari: Caccucci Editore, 1995), 1073–89.

² Contrary to a commonly acknowledged idea, Peter T. Manicas, "War, Stasis, and Greek Political Thought," *Comparative Studies in Society and History* 24/4 (October 1982): 673–88, has shown that the

Megillos the Cretan, it is an idea that had been the object of deep theoretical elaborations that Plato seems to know and to refer to quite precisely, although, as it is usually the case for prose writers in the *Laws*, he does not explicitly mention their authors.³

Let us briefly summarize the content of these neglected pages: after a brief introduction concerning the divine origin of the Cretan and Spartan constitutions, the Athenian Stranger proposes to search “the object which the lawgiver had in view when he ordained” his laws (καὶ πάνθ' ὁ νομοθέτης πρὸς τοῦτο βλέπων συνετάττετο, 625e). According to Clinias and Megillos this object is war, and Clinias, in a speech that exposes the main thesis of what is now generally called “political realism,”⁴ explains why war should be regarded as such a principle of legislation. Then, the Athenian Stranger “brings back the thesis to its principle” (τὸν γὰρ λόγον ἐπ' ἀρχὴν ἀναγαγὼν, 626d): “all men are both publicly and privately the enemies of all, and individually also each man is his own enemy” (τὸ πολεμίους εἶναι πάντας πᾶσιν δημοσίᾳ τε, καὶ ἰδίᾳ ἑκάστους αὐτοὺς σφίσιν αὐτοῖς, 626e). At this point the Athenian Stranger develops his refutation through two main arguments: a political one based on the distinction between *stasis* (civil war) and *polemos* (external war) (626e-628e); and an ethical one based on an analysis of complete virtue (629a-631b) that I will not examine here.

In this paper, I would like to show: (1) that this passage is directed against a specific political tradition: Plato implicitly refers to two important thinkers, Thucydides and Heraclitus; (2) that these two thinkers will be a polemical target recurrently in the *Laws*, specifically when war is at stake; (3) that Plato's answer to Thucydides and Heraclitus is mainly on a political level, but also provides significant metaphysical insights attacking the very foundations of political realism. In order to demonstrate these points, I will identify the polemical features against Thucydides; then I will look at the Heraclitean traces and lastly I will consider Clinias' political refutation.

I. Plato against Thucydides

Plato never mentions the name of Thucydides in his whole work. But there are several clues indicating that he very likely read him and sometimes discussed his main thesis, at least starting

conception of a permanent state of war is not frequent in the ancient world (see *ibid.*, 677–678). In *Protagoras* 322b, the origin of the *polis* is the threat of wild beasts, not war; in *Republic* II 369b, it is the pressure of needs. But it is necessary to distinguish between empirical origin of the *polis* and the purpose of the legislation: the former is the set of external conditions that lead men to associate in a *polis*; the latter is what the lawgiver has in view when he ordains his constitutional laws.

³ The problem also exists for the materialists of Book 10. Is Plato referring to Democritus or to another thinker, as Antiphon. See Ada Neschke-Hentschke, *Platonisme politique et théorie du droit naturel : contribution à une archéologie de la culture politique européenne. Volume I. Le Platonisme politique dans l'antiquité* (Paris: Éditions Peeters, 1995), 140-152. This anonymity could be the result of a synthesis made by Plato: no one is mentioned because the theory mixes several features from different origins. In our case, it merges the militarist views of oligarchic Sparta with Thucydidean and Heraclitean features.

⁴ The term is a modern one, even if it is often applied to Thucydides. See Gregory Crane, *Thucydides and the Ancient Simplicity: the Limits of Political Realism* (Berkeley: University of California Press, 1998), 28–71; Neville Morley, “Contextualism and Universalism in Thucydidean Thought,” in *Thucydides and Political Order: Concepts of Order and the History of the Peloponnesian War*, ed. Christian R. Thauer and Christian Wendt (New York: Palgrave MacMillan, 2016), 23–40. See also the definition of Peter J. Ahrensdorf and Thomas Pangle, *Justice Among Nations: On the Moral Basis of Power and Peace* (Lawrence: University Press of Kansas, 1999): “Indeed, insofar as ‘realism’ means the attempt to understand political life by focusing on the actual behavior of political communities rather than on how they ought to behave, Thucydides would seem to be the classic of realism” (13). The existence of a state of war between States or cities and the rule of the strongest as the very basis of political relationships are two of the major theses of political realism.

from the time he wrote the *Menexenus*.⁵ In the *Laws*, however, the lack of any explicit reference is less surprising, because, except for poets such as Theognis or Tyrtaeus, or very ancient lawgivers such as Solon or Lycurgus, he never mentions any thinker⁶. Thucydides, nevertheless, be he implicitly present or not, allows us to better understand the argument of Clinias' speech.

A. The Principles of Ancient "Political Realism"

Many Thucydidean features are identifiable in the speech of Clinias:

And herein, as I think, he condemned the stupidity of the mass of men in failing to perceive that all are involved ceaselessly in a lifelong war against all States. [...] For (as he would say) "peace," as the term is commonly employed, is nothing more than a name, the truth being that every State is, by a law of nature, engaged perpetually in an informal war with every other State.⁷

Now, even if the claim that the legislation of a city is established on the consideration of war is not, as it stands, a Thucydidean one,⁸ it is based on two main points clearly outlined in Thucydides: (1) it comes from the initial situation in which each city finds itself—a state of permanent war, that is a war that never ends in time, nor in space⁹; (2) this universal war is said to be natural (*κατὰ φύσιν*). I would like to argue that both of these statements are major claims of ancient political realism, traditionally connected to Thucydides.

⁵ On this topic see Raymond Weil, "L'Archéologie" de Platon (Paris: Klincksieck, 1959). Regarding the third book of the *Laws*, see Cynthia Farrar, "Putting History in Its Place: Plato, Thucydides, and the Athenian Politeia," in *Politeia in Greek and Roman Philosophy*, ed. Melissa Lane and Verity Harte (Cambridge: Cambridge University Press, 2013), 32–56. Regarding the myth of the Atlantis as a rewriting of Thucydides, see Jean-François Pradeau, *Le monde de la politique : sur le récit atlante de Platon, Timée (17–27) et Critias*, (Sankt Augustin: Academia Verlag, 1997), 185 ff. On the *Menexenus*, see Nicole Loraux, *L'Invention d'Athènes : histoire de l'oraison funèbre dans la 'cité classique'*, (Paris: Payot Rivages, 1993). Gerald M. Mara, *The Civic Conversations of Thucydides and Plato: Classical Political Philosophy and the Limits of Democracy* (Albany, NY: SUNY Press, 2008) outlines many proximities, in particular with the *Gorgias* and the *Republic*. For a more skeptical position, see Terence H. Irwin, "Plato: The Intellectual Background," in *The Cambridge Companion to Plato*, ed. Richard Kraut (Cambridge University Press, 1992), 51–89; 58–63 and especially note 37, 82.

⁶ The main reference here is the famous passage of *Laws*, X, 889b-e. According to the arguments of Catherine H. Zuckert, "Plato's *Laws*: Postlude or Prelude to Socratic Political Philosophy?," *The Journal of Politics* 66/2 (May 2004): 374–95, this absence is all the more comprehensible since Plato would try to avoid every explicit reference to something occurring after the Persian Wars, for the sake of the dramatic situation of the dialogue.

⁷ Plato, *Laws*, I. 625e-626a: ἀνοίαν δὴ μοι δοκεῖ καταγνῶναι τῶν πολλῶν ὡς οὐ μανθάνοντων ὅτι πόλεμος ἀεὶ πᾶσι διὰ βίου ξυνεχῆς ἐστὶ πρὸς ἀπάσας τὰς πόλεις. [...] ἦν γὰρ καλοῦσιν οἱ πλεῖστοι τῶν ἀνθρώπων εἰρήνην, τοῦτ' εἶναι μόνον ὄνομα, τῷ δ' ἔργῳ πάσας πρὸς πάσας τὰς πόλεις ἀεὶ πόλεμον ἀνήρκετον κατὰ φύσιν εἶναι. All translations of the *Laws* in this paper are from Plato, *Laws*, trans. Robert Gregg Bury (Cambridge: Harvard University Press, 1984).

⁸ One can imagine that it is a sophistic proposition. But we do not have any testimony of it in the extant corpus of the sophists. Thrasymachus, for instance, who develops in *Republic* I, 338c-ff a realistic argumentation on power, never mentions the question of international relationships in his arguments on the nature of the different kinds of constitutions. As it is, this proposition of the relevance of war in the legislation is peculiar to Plato's *Laws*. But it borrows many features of its argumentation to Thucydides and Heraclitus, as I will try to show.

⁹ It is a kind of war of all against all, among cities. On the influence of Thucydides on Hobbes, see, in particular, Gabriella Slomp, "Hobbes, Thucydides and the Three Greatest Things," *History of Political Thought* 11 (1990): 565–86; Manicas, "War, Stasis, and Greek Political Thought," 676–678.

Thucydides is the one who insists on the extension of the Peloponnesian war both in time and in space. At the very beginning of his book, he insists that this war “was the greatest movement that had ever stirred the Hellenes, extending also to some of the Barbarians, one might say even to a very large part of mankind” (*κίνησις γὰρ αὕτη μεγίστη δὴ τοῖς Ἕλλησιν ἐγένετο καὶ μέρει τινὶ τῶν βαρβάρων, ὡς δὲ εἰπεῖν καὶ ἐπὶ πλεῖστον ἀνθρώπων*, I, 1.1). The spatial universality of this war comes with universality in time that includes the so-called peace period. In the second preface, in the fifth book, he writes:

But at last they were forced to break the treaty which had been concluded after the first ten years, and again engaged in open war. [...] If anyone shall not deem it proper to include the intervening truce in the war, he will not judge aright. For [...] he will find that that can not fitly be judged a state of peace in which neither party restored or received all that had been agreed upon [...].¹⁰

The opposition between open war (*ἐς πόλεμον φανερόν*) and informal war (*ἀκήρυκτος πόλεμος*) is how Thucydides, unlike his contemporaries, explains the continuity of the Peloponnesian war.¹¹ As for Clinias, this opposition allows Thucydides to think about a real continuity of war behind alternating periods of peace and war, and offers him the way to explain the usual belief in peace. This idea of a silent war, invisible for the many, is clearly the way Thucydides understands the so-called “peace of Nicias.”

One might object that there is a difference between a thirty-year war between two great coalitions and Clinias’ theory of a continual war among all states, and that Clinias appears to be more radical than Thucydides. However, war plays a great role in the whole *History of the Peloponnesian War*. It is in fact omnipresent in the fifty years during which Athens builds its Empire (I, 89–118), but it also seems to be at work during the entire prehistory (the passage known as the “archaeology”, I, 2–18, where war is the way by which civilizations grow, for instance the Crete of Minos, or the coalition around Mycenae before the Trojan War), so that it seems to be, if not the only reality, at least the first and principal one for human societies.¹² In a sense, here too, peace is just a specious name and a mere appearance.

Not only does Thucydides conceive war as universal, but he also considers it as the very structure of political reality. By and large, according to Thucydides, the necessities of an actual or ongoing war inform how political leaders envision (and make decisions about) the future of their city. Peace never appears as a horizon for them, but at best as a temporary truce. They thus deliberate as if war were present or about to happen, even in times of peace.¹³ Moreover,

¹⁰ Thucydides, V.25.3-26.2: ἔπειτα μέντοι καὶ ἀναγκασθέντες λῦσαι τὰς μετὰ τὰ δέκα ἔτη σπονδὰς αὐτοῖς ἐς πόλεμον φανερόν κατέστησαν. καὶ τὴν διὰ μέσου ζύμβασιν εἴ τις μὴ ἀξιώσει πόλεμον νομίζειν, οὐκ ὀρθῶς δικαιοῦσι. τοῖς τε γὰρ ἐργοῖς ὡς διήρηται ἀθροίτῃ καὶ εὐρήσει οὐκ εἰκόδες ὄν εἰρήνην αὐτὴν κριθῆναι, ἐν ἧ οὔτε ἀπέδοσαν πάντα οὔτ’ ἀπεδέξαντο ἃ ζυνέθεντο. Translation by Charles Foster Smith, in Thucydides, *History of the Peloponnesian War*, ed. Charles Forster Smith (Cambridge: Harvard University Press, 1962).

¹¹ The word *ἀκήρυκτος* (“without heralds”), which Thucydides uses as a criterion in I, 146 to distinguish open warfare from the moment that precedes it, is the very term Plato uses for “informal warfare” in Clinias’ speech.

¹² Christian Meier, *The Greek Discovery of Politics* (Cambridge: Harvard University Press, 1990), 179 and note 112. Meier explains that “war” in Thucydides is probably the only example of “subjectivation” of a political concept at that time, which is a sign of its relevance. For a different view of the importance of war at this time, see Manicas, “War, Stasis, and Greek Political Thought,” 675.

¹³ A good example is the decision of Themistocles to rebuild the walls of Athens, despite the proposition of Sparta (I.90). Themistocles, the most far-sighted of the leaders (I, 138, 3), shows that he doesn’t believe in justice and peace, but waits for war.

their decisions rest upon a general principle the Athenians in Thucydides express repeatedly.¹⁴ For instance, before the outbreak of war, the Athenian ambassadors in Sparta explain the constitution of their empire, claiming:

Thus there is nothing remarkable or inconsistent with human nature in what we also have done [...] but it has ever been an established rule that the weaker is kept down by the stronger.¹⁵

The Athenians put forward a kind of natural law whose consequence is the war of all against all, for the stronger has to prove his strength by war.¹⁶ An anthropological feature can then explain the universality of war: the rule of the stronger over the weaker. I argue that this explains the “law of nature (κατὰ φύσιν)” Clinias talks about in the passage of the *Laws* quoted earlier. In another passage, the famous Melian debate, the Athenians also refer to the rule of the strongest as a “necessity of nature” (ὑπὸ φύσεως ἀναγκαιᾶς, V, 105, 2). Here, the term of “nature” refers, it seems, not only to human nature but to a more general principle also applying to gods (V, 105), so that it concerns all beings.¹⁷

B. Human Nature and War

However, Thucydides focuses on human nature and he proceeds to establish a specific link between *polemos* (external war) and *stasis* (civil war). This is a well-known topic of the *History of the Peloponnesian war*. In the excursus following the description of the civil war at Corcyra, Thucydides notes that *stasis* and *polemos* are connected (III, 82, 1). He emphasizes three main points: the savagery of *stasis*, its universal diffusion during the conflict, and its link with war (*polemos*). Such a link can be traced to human nature itself:

but war, which robs men of the easy supply of their daily wants, is a rough schoolmaster and creates in most people a temper that matches their condition.¹⁸

For him war is undoubtedly not only the principle of *stasis* (meaning the starting point of *stasis* and of the inflation of *stasis* in the whole Hellenic world), but also a principle of human nature, because it molds the temper of people on itself.

¹⁴ The question of whether Thucydides endorsed the positions of political realism or condemned it is difficult and highly controversial. He always put it in the mouth of a speaker and never explicitly endorsed it. Nevertheless, the principles of political realism also appear to be a major key to his interpretation of the facts (see the true cause of the war, in I.23.6).

¹⁵ Thucydides, I, 76, 2: οὕτως οὐδ' ἡμεῖς θαυμαστὸν οὐδὲν πεποιήκαμεν οὐδ' ἀπὸ τοῦ ἀνθρωπείου τρόπου [...] ἀλλ' αἰεὶ καθεστῶτος τὸν ἥσσω ὑπὸ τοῦ δυνατωτέρου κατείργεσθαι.

¹⁶ See also V, 105 and V, 89. These crude and frank expressions of the principle of political realism have to be seen in relation to the state of the debate: the many are absent and the few can speak openly. As in Clinias' speech (625e), this is a principle unknown to the “stupid mass.” Peace is then a specious name and a mere appearance that deceives the many but less wise, whereas the few but more enlightened understand that by nature city-states try to rule each other through war.

¹⁷ Leo Strauss, *The Argument and the action of Plato's Laws* (Chicago: University of Chicago Press, 1975), p. 4, noted the proximity with “what the Athenian ambassadors on Melos assert.” In the *Gorgias*, Callicles speaks explicitly to a law of nature (κατὰ νόμον γε τὸν τῆς φύσεως, 483e), but : (1) he does not make the link between this law and universal war; (2) in this dialogue too, there are implicit references to Thucydides (e.g., 519a), so that this law of nature may be reminiscent of Thucydides' conception.

¹⁸ Thucydides, III, 82, 2 : ὁ δὲ πόλεμος ὑφελὼν τὴν εὐπορίαν τοῦ καθ' ἡμέραν βίαιος διδάσκαλος καὶ πρὸς τὰ παρόντα τὰς ὀργὰς τῶν πολλῶν ὁμοιοῖ.

Actually, the proximity and the difference between *polemos* and *stasis* play an important role in the refutation of war as a principle by Plato in the beginning of the *Laws*. The Athenian Stranger establishes two points: first, the continuity between *polemos* and *stasis*, so that *stasis* is the *archè* of *polemos* (and primarily *stasis* inside ourselves)¹⁹; and second, a difference of moral value between the two, so that *stasis* is both more violent and more condemned. The second point is commonplace in Ancient Greece, even if the way Plato exploits it is quite original. The first point, however, is not as common, and, as I have just argued, can be traced to a Thucydidean origin.

Moreover, this implicit—and often critical—reference to a Thucydidean conception of war will be developed in other parts of the *Laws*.²⁰ Thucydides is, for instance, an important target in the third book, where Plato gives an account of the beginning of humanity, and rewrites with a touch of irony and of parody the “archaeology of Thucydides,”²¹ showing how, contrary to the results of the historian’s inquiry, war and conflict were impossible in the early stages of humanity, because of the oblivion of metallurgy and the absence of enmity between men.²²

II. Plato against Heraclitus

Several explicit occurrences of Heraclitus can be found in Plato’s works, but none of them in the *Laws*, because, as explained before, Plato did not name any philosophers in this dialogue. But the relevance of Heraclitus for Plato is clearly established. Heraclitus, being a major tenant of the role of war,²³ we can find allusions to his conception of war in the very passage under consideration.

A. War as a Political Principle

Heraclitus states that war is a political principle, by which the human world has been ordered.²⁴ This is the content of the famous fragment 53:

¹⁹ See *Laws* I, 626c-d, the progressive reduction of war to *stasis*. Applying the strife to the city, the village, the man, and the soul of the man, the Athenian is said to “have made the argument more clear by taking it back again to its principle” (τὸν γὰρ λόγον ἐπ’ ἀρχὴν ὁρθῶς ἀναγαγὼν σαφέστερον ἐποίησας).

²⁰ See Farrar, “Putting History in Its Place,” who shows that in *Laws* 3 and 4, Plato “uses Thucydides as a foil to tease out his own very different notion of an interpretive continuity informed by the *paradeigmata* of history” (35) in order to prove against him that “all extant politics is like war : the will to power at the expense of other” (52), making war a touchstone for political analysis.

²¹ The expression is used for the passage in which Thucydides rebuilds the beginning of Greek societies (Thucydides, I, 2–19).

²² See, *Laws* 3, 678e2-7 (oblivion of metallurgy), 678e9-679e4 (absence of enmity); and Weil, “L’Archéologie” de Platon.

²³ Miroslav Marcovich, *Heraclitus : Greek Text with a Short Commentary*, (Sankt Augustin: Academia Verlag, 2001), 130–157; G. S. Kirk, *Heraclitus. The Cosmic Fragments* (Cambridge University Press, 1954), 237-262.

²⁴ For a recent survey on politics in the fragments of Heraclitus, see Jan Maximilan Robitzsch, “Heraclitus’ Political Thought,” *Apeiron* 4/51 (2018): 405–26. Robitzsch states that “there is some direct evidence that Heraclitus accorded a high value to political thought” (406). See also Kurt Raaflaub, “Shared Responsibility for the Common Good : Heraclitus, Early Philosophy, and Political Thought,” in *Heraclit Im Kontext*, ed. Enrica Fantino, Charlotte Schubert, and Kurt Sier (Berlin: De Gruyter, 2017), 103–28; Konstantine Boudouris, “Heraclitus and the Dialectical Conception of Politics,” in *Ionian Philosophy*, ed. Konstantine Boudouris (Athens: Kardamitsa, 1989), 58–79; and Antonio Capizzi, *La Repubblica cosmica: appunti per una storia non peripatetica della nascita della filosofia in Grecia* (Rome: Edizione dell’ Ateneo, 1982), 312-333. All these scholars highlight the role of law and of B114 in the political thought of the Ephesian, but they underrate the place of war and of B53, even if its cosmological role

War is father of all (beings) and king of all, and so he renders some gods, others men, he makes some slaves, others free.²⁵

The image of the father combined with that of the king refers to the two constitutive dimensions of the *archè*, “principle”: the father is not only an origin, but also a cause; the king is the one who gives orders, the ruler, the term thus refers to a hierarchical order, to what guides the development of something. The fragment proposes an image of the organization of the social world by war. War divides beings into two categories: the gods and the humans, the second group is in turn divided into two categories: free men and slaves. This second division is a common one and it is easy to understand its relation to war. For it is by war that the relationship between free men and slaves comes to be: the winner keeps his freedom, and the vanquished becomes his slave, so that power determines who belongs to which category. War and the power relationships it establishes thus structure the political world.

I think a similar view may be found in the *Laws* at the end of Clinias’ speech:

And if you look at the matter from this point of view, you will find it practically true that our Cretan lawgiver ordained all our legal usages, both public and private, with an eye to war, and that he therefore charged us with the task of guarding our laws safely, in the conviction that without victory in war nothing else, whether possession or institution, is of the least value, but all the goods of the vanquished fall into the hands of the victors.²⁶

War is the guiding principle the lawgiver follows, because it is the process by which victors and vanquished are distinguished. Victors, as free men, dispose of the vanquished who become their slaves, hence, the necessity for a city to be victorious in war in order to establish its dominion over the others, to benefit from their properties (*ἀγαθὰ*), and to avoid enslavement.

The difficulty arises with the first division, the one between gods and humans. Two major hypotheses have been made: first, Heraclitus refers here to the process of becoming a hero in war. Kirk notes the proximity with fragment 24, 25 and 136 about the destiny of the souls slain in war. In this perspective, Heraclitus would have given a physical explanation of the difference between two kinds of souls, as Kirk wrote: “souls of those slain in battle are ‘purer’ than those who are wasted away by illness. The reason must be that the former are fiery, the latter watery.”²⁷

is recognized. Such a political reading of Heraclitus seems to have existed since Antiquity (see Diogene Laerce, IX, 5 and IX, 15). Nevertheless, most modern interpreters consider these fragments to be more “metaphysical” or cosmological than political. See Edward Hussey, “Epistemology and Meaning in Heraclitus,” in *Language and Logos: Studies in Ancient Greek Philosophy Presented to G. E. L. Owen*, by Malcolm Schofield and Martha Craven Nussbaum (Cambridge: Cambridge University Press, 1982), 33–59, note 14, 47. To Hussey, “the extension [of political ideas found in some fragments] to a geopolitical theory is unsupported by direct evidence.”

²⁵ Heraclitus, D.K.B53; M29: Πόλεμος πάντων μὲν πατήρ ἐστι, πάντων δὲ βασιλεύς, καὶ τοὺς μὲν θεοὺς ἔδειξε τοὺς δὲ ἀνθρώπους, τοὺς μὲν δούλους ἐποίησε τοὺς δὲ ἐλευθέρους. All texts and translations of Heraclitus, unless otherwise indicated, are by Miroslav Marchovich, in Marchovich, *Heraclitus: Greek Text with a Short Commentary*.

²⁶ Plato, *Laws* I, 626a-b: καὶ σχεδὸν ἀνευρήσεις οὕτω σκοπῶν τὸν Κρητῶν νομοθέτην, ὡς εἰς τὸν πόλεμον ἅπαντα δημοσίᾳ καὶ ἰδίᾳ τὰ νόμιμα ἡμῖν ἀποβλέπων συνετάξατο, καὶ κατὰ ταῦτα οὕτω φυλάττειν παρέδωκε τοὺς νόμους, ὡς τῶν ἄλλων οὐδενὸς οὐδὲν ὄφελος ὄν, οὔτε κτημάτων οὔτ’ ἐπιτηδευμάτων, ἂν μὴ τῷ πολέμῳ ἄρα κρατῆ τις πάντα δὲ τὰ τῶν νικωμένων ἀγαθὰ τῶν νικῶντων γίνεσθαι.

²⁷ Kirk, *Heraclitus. The Cosmic Fragments*, 247.

But it is not very clear, why the gods must be the dead. Moreover, I think this explanation misses the central point of the argument, which is not to give a physical description of two kinds of souls, but a political explanation of the world order, or even, at the very least, a cosmological one.

Therefore, I prefer the second hypothesis, which can be linked to another fragment (B114). According to it, we must think that the principle of differentiation between gods and humans is the same as the one between free men and slaves, which is might. If war or conflict reveals the gods, it is because it reveals the differences of power:

Those who will speak with sense must rely on what is common to all, as a city relies on its law, and much more firmly: for all human laws are nourished by one law, the divine law; for it extends its power as far as it will and is sufficient for all [human laws] and still left over.²⁸

We know by fragment 80 that war is one of the few things, with the *logos*, which is said to be common (ζυόν).²⁹ The difference between human and divine *nomoi*, a term which can be translated as laws or customs, is here expressed in terms of κρατος (power), as it happens in war. So, it seems to me very likely that the divine law we are dealing with here is not only *logos*, but also War as a principle of *kratos*, so that this fragment is a reference to the political world ordering of B.53. Accordingly, the whole fragment B53 presents the hierarchical structure of the political world, human as divine, in a light that evokes the Athenians of the Thucydides' Melian dialogue:

For in no respect are we departing from men's observances regarding that which pertains to the divine or from their desires regarding that which pertains to themselves, in aught that we demand or do. For of the gods we hold the belief, and of men we know, that by a necessity of their nature wherever they have power they always rule. And so in our case since we neither enacted this law nor when it was enacted were the first to use it, but found it in existence and expect to leave it in existence for all time.³⁰

I do not mean that Thucydides is influenced by Heraclitus³¹. The question is very difficult, and probably no definitive proof can be given. But we find here a similar way to put war as a principle of a political order both human and divine. Here, too, the issue is a *nomos* which applies both to men and gods, and that *nomos* is the rule of the mighty, established in the first place by war.³²

²⁸ Heraclitus, D.K.B.114 (M23): ζῶν νόμοι λέγοντας ἰσχυρίζεσθαι χρῆ τῶι ζυῶνι πάντων, ὄκωσπερ νόμοι πόλις καὶ πολλὸ ἰσχυροτέρως τρέφονται γὰρ πάντες οἱ ἀνθρώπειοι νόμοι ὑπὸ ἑνὸς, τοῦ θείου· κρατεῖ γὰρ τοσοῦτον ὀκόςσον ἐθέλει καὶ ἐξαρκεῖ πᾶσι καὶ περιγίνεται.

²⁹ ζυόν is said about *logos* (B2), war (B80), thought (τὸ φρονεῖν, B113), and point on a circle (B103).

³⁰ Thuc., V, 105 : οὐδὲν γὰρ ἔξω τῆς ἀνθρωπείας τῶν μὲν ἐς τὸ θεῖον νομισσεως τῶν δ' ἐς σφᾶς αὐτοὺς βουλήσεως δικαιοῦμεν ἢ πράσσομεν. ἠγούμεθα γὰρ τὸ τε θεῖον δόξῃ, τὸ ἀνθρώπειόν τε σαφῶς διὰ παντὸς ὑπὸ φύσεως ἀναγκαίας, οὐ ἂν κρατῆ, ἄρχειν. καὶ ἡμεῖς οὔτε θέντες τὸν νόμον οὔτε κειμένῳ πρῶτοι χρῆσάμενοι, ὄντα δὲ παραλαβόντες καὶ ἐσόμενον ἐς αἰεὶ καταλείψοντες χρώμεθα αὐτῶ.

³¹ On this issue, see my paper "Thucydide, Héraclite et l'archéologie du réalisme politique," *Dialogues d'histoire ancienne* 45/2, no. 2 (2019): 113–45.

³² It is then one of the "rights or claims in the matter of ruling and being ruled" the Athenian Stranger describes in *Laws* 3, 690c, referring it to Pindar, as it often happens in Plato (e.g., *Gorgias*, 484b, 488b). On this passage, see *infra*.

Thus, Clinias supports the view we found in both Thucydides and Heraclitus, who similarly consider war as a principle of political order. Both of them refer to a *nomos*,³³ valid for men and gods, that consists in the rule of the mighty and is first and foremost established by war.

B. War as a Cosmological Principle

Furthermore, the range of the principle overcomes the political dimension and attains a more fundamental level. Heraclitus, in fact, considers war and conflict as the principles of the entire reality. He states that war is common to all things (ζυόν), and is the origin of what comes to be, specifically in fragment 80:

One must know that war is common and strife is justice and that all things come to pass by strife and necessity.³⁴

This fragment is more general than B53, because πάντα is obviously a neutral, which means “all the things,” whereas πάντων in B53 is rather a masculine, which applies mainly to living beings. Moreover, the meaning of ζυόν is clearly “universal,” that is “what must be applied to all.” Heraclitus uses the same word for the universality of the *logos* (B2) and of the divine law (B114). Therefore, we must think that B53 is simply an exemplification (even if one of great importance) of the universality of war as a principle. Just as on a cosmological level all the natural beings and the world order (the *cosmos*) are generated by war and strife, on a political level too, all the social beings, including the gods, and the political order are established by the same principles.³⁵ War is an external principle between things, whereas strife is an internal principle of things, that is to say, according to the usual chiasmus structure of Heraclitean fragments, war acts as a necessity which comes from outside, while strife is something like justice, namely a principle of internal structuring of the opposites that constitute each thing. *Polemos* and *eris* (strife)³⁶ are therefore appropriate concepts for conceiving the world as the unity of opposites as a whole and in each of its parts. All things are then the result of the double action of an internal structuring through strife and of an external opposition called war. Two main points can be drawn from this.

Firstly, war and strife produce all things (γινόμενα) and everything that happens, because the tension of the opposites, which constitutes the whole world and each thing, results from them. Hence, Heraclitus condemns Homer because he wished the death of war in the world,

³³ That for Heraclitus *polemos* is a kind of law can be inferred from B114, where the divine law described in the fragment is not only the *logos*, but also war as a principle of *kratos*, so that this fragment can be a reference to the ordering of the political world in B.53.

³⁴ Heraclitus, D.K.80; M28: εἰδέναι χρῆ τὸν πόλεμον ἔοντα ζυόν καὶ δικτην ἔριν καὶ γινόμενα πάντα κατ' ἔριν καὶ χρεών.

³⁵ Robitzsch explains that “it is a mistake to separate Heraclitus’ political thought from his cosmological thought insofar as a neat separation of these two areas of philosophy is anachronistic” (“Heraclitus Political Thought,” 406).

³⁶ Heraclitus prefers the word *eris* and does not use *stasis* in this latter sense. The word appears in B6, with its meaning of rest. In DKB125, Heraclitus explains that Kykeon (a drink made of water, barley, and other substances), is set apart (δίσταται) if it is not stirred, which probably means that movement is necessary for a thing to become *one*. For another construction and lecture of this particular fragment, see Sergueï Nikititch Mouraviev, ed., *Héraclite d'Ephèse, les vestiges. 3 B i. Les fragments du livre d'Héraclite* Troisième partie Recensio 3 Fragmenta Heraclitea B.1 (Sankt Augustin: Academia Verlag, 2006), F125, 316. It is nevertheless interesting to note 1—that a kind of strife is at stake in the very unity of the kykeon but it should be seen in *κινούμενος* rather than in *δίσταται*; and 2—that for Heraclitus the term *stasis* and its derivatives mean exclusively rest and separation, and not strife or unity of opposites.

which to the Ephesian would mean the death of all things (A22).³⁷ Secondly, according to B80, justice itself is strife, which probably means that it is the result of a conflict, of some kind of conflicting negotiations. Justice supposes an effective opposition between two entities, but, just like war in B53, it is also a principle of order. Yet I think these are precisely two points Plato is trying to avoid. For him, justice should not be linked to strife, because, as I will demonstrate, this contains the risk of *stasis*, civil war. That is why war is singled out at the beginning of the *Laws*: justice is a matter of friendship and peace (628a)—Heraclitus' point of view has to be inverted.

But, before going into a detailed examination of Plato's argument, I would like to stress another passage of the *Laws* in which Heraclitus' views on war seem to be at stake at a cosmological level. The Athenian argues that another kind of conflict can be considered as the origin of *kosmos*. Indeed, in the tenth book of the *Laws*, the question reappears in an important passage. The Athenian Stranger endeavors to fight against different kinds of atheism. During the refutation of its third type, the corruptibility of gods by the means of prayers and gifts, he emphasizes a point already made:

For seeing that we have agreed among ourselves that the heaven is full of many things that are good, and of the opposite kind also, and that those not good are the more numerous, such a battle (μάχη), we affirm, is undying, and needs a wondrous watchfulness.³⁸

A kind of eternal war seems to be taking place in the cosmos.³⁹ This war between good and evil takes the form of a battle, that is of a conflict ever “in act” and *athanatos*, which means that it will never cease. The mentioned agreement refers to an earlier passage: between the refutation of the second and of the third form of atheism, the Athenian stranger presents a kind of mythical account (μύθων ἔτι τινῶν, 903b) which aims to persuade the atheists that the gods do care for humans. As Trevor Saunders⁴⁰ has proven, this short passage is full of allusions to elements of Heraclitus' doctrine. In particular, we can read:

³⁷ See Mouraviev, who suggests the following reconstruction from Aristotle, *EE* H 1, 1235a25; Plut. *De Isid.* 370d, Numen. fr 52 des P.; Simpl. *In categ.* p. 412, 22 K: Ἐξηπάτηται καὶ ποιήσας· ὥς <ἔρις> ἔκ τε θεῶν καὶ ἀνθρώπων ἀπόλοιτο [Σ 107]· ὥς γὰρ οἶχοιτο πάντα εὐχεται. οὐ γὰρ Ἄρμονίην ἂν γένοιτο... “He (Homer) also errs when he writes: ‘May strife disappear from among gods and men!’ For he prays for the destruction of all: Harmonia would not have been born... War is the principle of genesis.” (F 9A = D.K. A22 = Marcovich 28c2-6, 37). *Contra*: according to Marcovich, *Heraclitus: Greek Text with a Short Commentary*, 131, war is only “one among many others conditions of the unity of opposites, and is not the cogent reason of that unity.”

³⁸ Plato, *Laws* X, 906a : ἐπειδὴ γὰρ συγκεχωρήκαμεν ἡμῖν αὐτοῖς εἶναι μὲν τὸν οὐρανὸν πολλῶν μεστὸν ἀγαθῶν, εἶναι δὲ καὶ τῶν ἐναντιῶν, πλειόνων δὲ τῶν μὴ, μάχη δὴ, φαμέν, ἀθάνατός ἐστιν ἢ τοιαύτη καὶ φυλακῆς θαυμαστῆς δεομένη

³⁹ On this very controversial passage, see Gabriela Roxana Carone, “Teleology and Evil in Laws 10,” *The Review of Metaphysics* 48, no. 2 (1994): 275–298; John Dillon, *The Roots of Platonism. The Origins and Chief Features of a Philosophical Tradition* (Cambridge: Cambridge University Press, 2019), chapter 2 “Monist and Dualist Tendencies in Platonism before Plotinus,” 24–34. Since Antiquity, there have been two main interpretations. According to the first, supported mainly by Plutarchus (*De Iside et Oriside*, 370b-d and 370f-371a), who in the same passage also mentions Heraclitus B53, Plato establishes a kind of dualism. According to the second one, supported since Speusippus by a large majority of ancient Platonists and by most of the moderns following Cherniss, Plato recognizes only one principle. I think that this question is not a very important one for my purpose, if Plato only refutes Heraclitus' thesis of the struggle of opposites. He is simply trying to show that the ordering of world is not the result of war as such, but the effect of the causal power of good.

⁴⁰ Trevor J. Saunders, “Penology and Eschatology in Plato's *Timaeus* and *Laws*,” *The Classical Quarterly* 23/2 (November 1973): 232–44; 241-ff.

Since our King saw that all actions involve soul, and contain much good and much evil, [...] He designed a location for each of the parts, wherein it might secure the victory of goodness in the Whole and the defeat of evil most completely, easily, and well.⁴¹

In this context of Heraclitean allusions, I suggest that the reference to “our king” could allude to B53, and therefore to *polemos*,⁴² since victory and defeat imply war. It is precisely the same eternal war between good and evil, we were just talking about.⁴³ But Plato here reverses the meaning of Heraclitus’ fragment: the true king, “our king,” is not *polemos*, but the one who ensures the victory of good over evil. The same structure can be found in the opening of book 1, where Plato writes that the “victory we mentioned of a State over itself is not one of the best things but one of those which are necessary” (τὸ νικᾶν, ὡς ἔοικεν, αὐτὴν αὐτὴν πόλιν οὐκ ἦν τῶν ἀριστων ἀλλὰ τῶν ἀναγκαίων, 628d). Here too, victory is necessary, not war. Even if the battle is “undying,” the king ensures the victory of the good, because only this victory can generate world order. Thus, the power of the good and not the action of war is the real organizing principle, and it has to be understood as a mixture of persuasion and violence.⁴⁴

Finally, it is important to note that the meaning of the term “necessity” is at stake here. In B80, war is said to be a “necessary process.” But, according to Plato, necessity, even conceived on the model of the constraint of war, is a real cosmological principle⁴⁵ neither of the natural world nor of the political order. From this perspective, the opposition discussed here between mere necessity and the best is essential. For Plato, the ordering of the world is the product of goodness, and not (*pace* Thucydides and Heraclitus) of war or strength, not even modeled after necessity.

III. The Political Refutation of Clinias’ Argument

Once some of the roots of Clinias’ speech are identified, it is then possible to better understand the implications of its refutation by the Athenian stranger. The main point is to question the value of political conflict in the process of becoming a city. It recovers two slightly different issues that are nevertheless articulated. On the one hand, it refers to the origins of cities: Is violence and political conflict the process by which a city comes to be structured?⁴⁶ This question is at stake in the third book of the *Laws* and Plato clearly answers

⁴¹ Plato, *Laws* X, 904a-b: ἐπειδὴ κατεῖδεν ἡμῶν ὁ βασιλεὺς ἐμφύχους οὐσας τὰς πράξεις ἀπάσας καὶ πολλὴν μὲν ἀρετὴν ἐν αὐταῖς οὖσαν, πολλὴν δὲ κακίαν, [...] ἔμμηχανήσατο ποῦ κείμενον ἕκαστον τῶν μερῶν νικῶσαν ἀρετὴν, ἠττωμένην δὲ κακίαν, ἐν τῷ παντὶ παρέχοι μάλιστα ἄν καὶ ῥᾶστα καὶ ἄριστα.

⁴² Even if Saunders, “Penology and Eschatology in Plato’s *Timaeus* and *Laws*”, p. 241 refers rather to B52 (and the child as a chess player).

⁴³ For other similarities between Plato’s *Laws* and Heraclitus, see Charles H. Kahn, “A New Look at Heraclitus”, *American Philosophical Quarterly*, 1964, 189–203., p. 198.

⁴⁴ On this topic, see André Laks, “Legislation and Demiurgy: On the Relationship between Plato’s ‘Republic’ and *Laws*”, *Classical Antiquity* 9, no. 2 (1990): 209–229, p. 226–229. The author shows that, besides the action by persuasion (*Timaeus*, 48a), compulsion or violence is needed in the action of the *Nous* on Necessity (*Timaeus*, 35a). Nevertheless, one can imagine that this compulsion ultimately relates, according to the picture of *Laws* 3 (690a-d), to the *archè* of the wise upon what is without understanding, see *infra*. Therefore, as a kind of *archè*, it is different from war, but insofar as some kind of violence or constraint is involved, it can be compared to war.

⁴⁵ See in *Phaedon*, 99b the opposition between the “cause” (*aitia*) and “the thing without which the cause could never be a cause”. In a similar way, mere necessity is only a condition, whereas the true necessity is the conditional necessity of the best.

⁴⁶ See the restatement of Thrasymachus’ argument in *Laws* 4, 714a-sqq, and *Laws* 8, 832c.

that it is not the case: only a certain kind of bad city is based on war.⁴⁷ On the other hand, it refers to the purpose the lawgivers must pursue. Are, as Heraclitus and Thucydides put it, war and conflict the very leading principles of the *polis*, and of political order? We have then the two major meanings of *archè*: the starting point and the purpose guiding a process.

In order to demonstrate that the real constitution of a city has to be conceived from peace and friendship, Plato puts forward a twofold argument.

A. *Polemos and Stasis*

First, he builds a new connection between war and civil strife. Using the regressive method, he shows that the same pattern is at stake in every stage of the human community, from psychological to international level, so that if war and enmity are the founding relationship between cities, the same hostility and conflict must be seen as principles inside cities, that is, between parts of the cities (village, house), as much as between families and inside families (between individuals) and even inside individuals.⁴⁸ Clinias summarizes this point as follows:

[...] you have made the argument clearer by taking it back again to its starting point; whereby you will the more easily discover the justice of our recent statement that, in the mass, all men are both publicly and privately the enemies of all, and individually also each man is his own enemy.⁴⁹

Therefore, there is continuity between cities and individuals: conflict and enmity are present at every stage. But this universal war of all against all involves changing the nature of the conflict, turning *polemos* into *stasis*. Indeed, this change is formalized later in the dialogue, namely for the sake of the ethical argument (629c), but is implicitly contained in the reversal of the political argument, beginning at 626e7. From this point, Plato displays parallelism between family and city, in which the first one is a paradigm for the second one. But the pattern of conflict inside a family is very different from the pattern of conflict between cities. Family is the place of *stasis*,⁵⁰ not of war, properly speaking, so that “taking the argument back in the reverse direction” involves understanding *polemos* from *stasis* and not *stasis* from *polemos*. Civil war becomes the model from which violence and conflict in political relationship must be understood. That is to say that *stasis* plays a more fundamental role in understanding the nature and function of conflict in the political process of setting up cities than war does. But it is only a negative role: *stasis* is what has to be avoided whereas war was what one had to prepare for. Friendship (*philia*) and peace (*eirènè*) must necessarily overcome the potential risk

⁴⁷ The main argument is that war is forgotten in the new beginning that follows the flood, due to material causes such as ignorance of metals and weapons and psycho-political causes such as the natural *philia* existing between scattered men (*Laws* 3, 678e-679c).

⁴⁸ If this conflicting multiplicity in an individual is not only, as it seems, the strife between soul and body, then it is implicitly suggested here that the soul can be divided and has real parts and not only states of mind. On this controversial issue, see Christopher Bobonich, *Plato's Utopia Recast: His Later Ethics and Politics* (Oxford: Clarendon press, 2002), 216–292. Bobonich argues that in the *Laws*, “the soul is neither bipartite, nor tripartite, but unitary” (259). See also the critical remarks of André Laks, *Médiation et coercition: pour une lecture des 'Lois' de Platon*, (Villeneuve d'Ascq: Presses universitaires du Septentrion, 2005), 85-92; Rachana Kamtekar, “Speaking with the Same Voice as Reason: Personification in Plato's Psychology,” *Oxford Studies in Ancient Philosophy* 31 (2006): 167–202.

⁴⁹ Plato, *Laws* 1, 626d: τὸν γὰρ λόγον ἐπ' ἀρχὴν ὀρθῶς ἀναγαγὼν σαφέστερον ἐποίησας, ὥστε ῥᾶον ἀνευρήσεις ὅτι νυνδὴ ὑφ' ἡμῶν ὀρθῶς ἐρρήθη τὸ πολεμίου εἶναι πάντας πᾶσιν δημοσίᾳ τε, καὶ ἰδίᾳ ἐκάστους αὐτοὺς σφίσιν αὐτοῖς.

⁵⁰ See Nicole Loraux, “La guerre dans la famille,” *Clio* 5 (1997): 21–62; Giorgio Agamben, *La Guerre civile: pour une théorie politique de la stasis*, trans. Joël Gayraud (Paris: Éditions du Seuil, 2015), 28-29.

of *stasis* and of “a war against the self within each of us” (626e). They thus become the guiding principles of the lawgiver.⁵¹ This change alters our understanding of the whole political process, because *stasis* is clearly a principle of dissociation, while war could be regarded as a process of unification, binding friends together against enemies, as in the case Clinias, or as a principle of ordering, as in the case of Heraclitus.⁵² Therefore, with *stasis*, the power of dissension is greater than the power of unity, which is not the case with war as a common aim.⁵³

B. Necessity and Good

With this distinction in mind, we can now turn to the second part of the argument: the withdrawal of conflict in the political structuring of state. The argument is based on an analogy between the unity of a family and that of a city. The Athenian stranger imagines a conflict inside a household between the worst and the best. Here the problem is not so much *who* the winners are, but rather *how* the winners capitalize on their victory (627b). The Athenian stranger distinguishes two different ways of emerging from the crisis: (1) by a war inside the household (627c-d), that is by pure violence or (2) by resorting to a judge, that is to say by instituting laws. In the passage, it is not clear whether this is an alternative or if the latter follows and achieves the former. The judge is, in any case, playing the role of a mediator and he has three means at his disposal: the destruction of the worst part of the family, its enslavement, or a kind of reconciliation under the authority of the law:

Athenian: Which of the two [*sc.* judges] would be the better—a judge who destroyed all the wicked among them and charged the good to govern themselves, or one who made the good members govern and, while allowing the bad to live, made them submit willingly to be governed? And there is a third judge we must mention (third and best in point of merit),—if indeed such a judge can be found,—who in dealing with a single divided family will destroy none of them but reconcile them and succeed, by enacting laws for them, in securing among them thenceforward permanent friendliness.

Clinias: A judge and lawgiver of that kind would be far the best.

Athenian: But mark this: his aim, in the laws he enacted for them, would be the opposite of war.⁵⁴

Note that the first two judges act according to the rules of war, as they are mentioned in Thucydides or Heraclitus: destruction or enslavement is the destiny of the defeated. In a sense, the judge is only legalizing what violence has established, so that the difference between

⁵¹ On this difference between Plato and Thucydides, see Mara, *The Civic Conversations of Thucydides and Plato*, p. 174–176 and 256–259.

⁵² See Brancacci, “Giustizia, guerra e guerra civile nelle *Leggi* di Platone,” 1079–1085; and Bertrand, “De la *stasis* dans les cités platoniciennes,” 217.

⁵³ The same use of the distinction between *polemos* and *stasis* is at stake in the argument of complete virtue in the following pages of Book 1. *Stasis* is the name of the greatest threat to a city, it is what complete virtue aims to avoid.

⁵⁴ Plato, *Laws*, 627e: {AΘ.} Πότερος οὖν ἀμείνων, ὅστις τοὺς μὲν ἀπολέσειεν αὐτῶν ὅσοι κακοί, τοὺς δὲ βελτίους ἄρχειν αὐτοὺς αὐτῶν προστάξειεν, ἢ ὅδε ὅς ἂν τοὺς μὲν χρηστοὺς ἄρχειν, τοὺς χείρους δ' ἐάσας ζῆν ἄρχεσθαι ἐκόντας ποιήσειεν; τρίτον δὲ που δικαστὴν πρὸς ἀρετὴν εἵπωμεν, εἴ τις εἴη τοιοῦτος ὅστις παραλαβὼν συγγένειαν μίαν διαφερομένην, μῆτε ἀπολέσειεν μηδένα, διαλλάξας δὲ εἰς τὸν ἐπιλοῖπον χρόνον, νόμους αὐτοῖς θεῖς, πρὸς ἀλλήλους παραφυλάττειν δύναιτο ὥστε εἶναι φίλους. {ΚΛ.} Μακροῦ ἀμείνων γίγνοιτ' ἂν ὁ τοιοῦτος δικαστὴς τε καὶ νομοθέτης. {ΑΘ.} Καὶ μὴν τοῦναντίον γε ἢ πρὸς πόλεμον ἂν βλέπων αὐτοῖς τοὺς νόμους διανομοθετοῖ.

the first two judges is after all very slight. The only real judge in the full sense of the term is the third one, and he acts more like a lawgiver than like a simple mediator. Moreover, he uses other principles that are not based on war, but “on the opposite of war,” that are “peace” and “friendly feelings.” And yet, in the case of the household, it is obvious that this third judge is far better, because between brothers neither destruction, nor hate, nor such an inequality as the one that exists in enslavement, should exist because of the natural ties that link them.

The analogy aims then to show that the same situation applies to cities too. The good lawgiver is the one whose laws allow the citizens to live in friendship and peace rather than under the control of the winning part of the city:

Athenian: And would anyone prefer that the citizens should be obliged to devote their attention to external enemies after internal concord had been secured by the destruction of one section and the victory of their opponents rather than after the establishment of friendship and peace by terms of conciliation?

Clinias: everyone would prefer the latter alternative for his own State rather than the former⁵⁵.

This particular passage shows (1) that civil war (*stasis*) is logically prior to external war (*polemos*) for a city; (2) that it represents a greater threat to its unity, because it is an internal one, so that the settlement of this question is a condition for the existence of the city that is logically prior to the victory in war; and (3) that external war, that is the coalition against an external threat, cannot be the cause of the unity of the state, but only, at best, a secondary means to enforce this unity.

Neither war, nor civil war is then what the lawgiver looks at when he ordains his laws. The former is only a secondary means, whereas the latter is what has to be banished if a city is to be made. The logic of war, that is the rule of the mighty, is then expelled from the setting up of cities. If, then, war is not the natural state of civic society, the basic political relationship between citizens cannot be enmity or hostility. It must be friendship and *philophrosunè* (628c). City is not the outcome of a conflict between factions in which the mighty rule the others, but the outcome of peace and law. Therefore, political philosophy is a matter of law more than a matter of power, that is, the removal of conflict rather than its expression.

The Athenian stranger will return to this topic later in the text.⁵⁶ But in this beginning, a last passage completes the explanation of the withdrawal of war from the political sphere strictly speaking. Comparing the judge to a doctor, the Athenian displays how the judge is to be considered only as a lesser evil:

Moreover, it would seem that the victory we mention of a State over itself is not one of the best things but one of those which are necessary. For imagine a man supposing that a human body was best off when it was sick and purged with physic, while never giving a thought to the case of the body that needs no physic at all! Similarly, with regard to the well-being of a State or an

⁵⁵ Plato, *Laws*, 628b: {AΘ.} Πότερα δὲ ἀπολομένων αὖ τῶν ἐτέρων εἰρήνην τῆς στάσεως γενέσθαι, νικησάντων δὲ ποτέρων, δέξαιτ' ἄν τις, μᾶλλον ἢ φιλίας τε καὶ εἰρήνης ὑπὸ διαλλαγῶν γενομένης, οὕτω τοῖς ἔξωθεν πολεμίοις προσέχειν ἀνάγκη εἶναι τὸν νοῦν; {ΚΛ.} Οὕτω πᾶς ἂν ἐθέλοι πρότερον ἢ κείνως περὶ τὴν αὐτοῦ γίγνεσθαι πόλιν. On the difficulty of this sentence, see Jean-Marie Bertrand, “De la *stasis* dans les cités platoniciennes”, p.218, note 80.

⁵⁶ See *Laws* 4, 714b-715b, where Plato recalls the theory of Thrasymachus in Book 1 of the *Republic*, establishing a link between the political realism of Clinias or Thucydides (the “state of war” between cities) and that of Thrasymachus (the conflict within cities). Both are based on the rule of the strongest (714c).

individual, that man will never make a genuine statesman who pays attention primarily and solely to the needs of foreign warfare, nor will he make a finished lawgiver unless he designs his war legislation for peace rather than his peace legislation for war.⁵⁷

By suggesting that the judge is a kind of doctor, the Athenian points out that the logic of war only reaches a city when it is ill, that is why ending a civil conflict is like curing a disease. This is then a second-rate action which assumes that the city has already had some sort of unity before splitting into factions. In this sense, a state could only exist if *stasis* (the necessity at stake here is a condition) is expelled, but the way to contain *stasis* can vary depending on the means used. The best state, then, is not one that is structured only in order to avoid civil unrest through force and violence (as the Spartans do with helots, who are arbitrarily kept in submission only by sheer violence), but one that allows the very threat of civil war to be expelled using law, justice and friendship. But laws and justice cannot be thought of as the outcome of a conflict (as they were for Heraclitus or Thucydides), instead they have to be modeled on the complete virtue as the following ethical argument will show. We now understand why the Athenian argues that war cannot be the principle of legislation for peace but the opposite is true. He thinks of the very logic of war, of the kind of order it can establish that is the rule of the strongest. This kind of order, of *archè*, is mentioned in the famous text on the “rights or claims in the matter of ruling and being ruled, alike in States, large or small, and in household” (ἀξιώματα δὲ δὴ τοῦ τε ἄρχεῖν καὶ ἄρχεσθαι [...] ἐν τε πόλεσιν μεγάλας καὶ σμικρῶν ἐν τε οἰκίαις ὡσαύτως, *Laws* 3, 690a), where the parallelism between state and household echoes our passage. The fifth of these rights is “that the stronger should rule and the weaker should be ruled” (τὸ κρείττονα μὲν ἄρχεῖν, τὸν ἥττω δὲ ἄρχεσθαι, 690b). It is the principle that structures the political world for both Thucydides and Heraclitus, but clearly not for Plato who reminds us that the true law is based on the sixth and most important right: the rule of the wise man over the man without understanding. Thus, conflict and violence cannot be what the lawgiver looks at when he enacts its laws, because the kind of structure they establish does not confer on the city the unity necessary for its maintenance. The rule of the strongest, which places hostility and violence as principles, is not what gives the city its unity, but what perpetuates its division, as has been shown with the image of the judge. Therefore, the victory of a city over itself is not a matter of good, but of mere necessity (628d): it occurs only once *stasis* appears and in the temporary absence of law. Violence and conflict are on the side of necessity as Clinias reminds us when calling the rule of the strongest “a truly compulsory (μᾶλα γε ἀναγκαστὸν) form of rule” (690b). Only science—or its second-best, namely law—is on the side of the good.⁵⁸ Violence has to be submitted to science and cannot be the source of law. Conflict, then, cannot be the principle of political order because (1) *stasis* is prior to war, that is, conflict is a process of dissociation and not of association; and (2) conflict is a matter of necessity and not of good and it is obvious that the true lawgiver designs his legislation according to the good.

⁵⁷ Plato, *Laws*, 628d: καὶ δὴ καὶ τὸ νικᾶν, ὡς ἔοικεν, αὐτὴν αὐτὴν πόλιν οὐκ ἦν τῶν ἀρίστων ἀλλὰ τῶν ἀναγκαστῶν· ὅμοιον ὡς εἰ κάμνον σῶμα ἰατρικῆς καθάρσεως τυχὸν ἡγοῖτο τις ἄριστα πράττειν τότε, τῷ δὲ μὴδὲ τὸ παράπαν δεηθέντι σώματι μὴδὲ προσέχοι τὸν νοῦν, ὡσαύτως δὲ καὶ πρὸς πόλεως εὐδαιμονίαν ἢ καὶ ἰδιώτου διανοοῦμενος οὕτω τις οὐτ' ἂν ποτε πολιτικός γένοιτο ὀρθῶς, πρὸς τὰ ἐξωθεν πολεμικὰ ἀποβλέπων μόνον καὶ πρῶτον, οὐτ' ἂν νομοθέτης ἀκριβῆς, εἰ μὴ χάριν εἰρήνης τὰ πολέμου νομοθετοῖ μᾶλλον ἢ τῶν πολεμικῶν ἕνεκα τὰ τῆς εἰρήνης.

⁵⁸ On the compulsory and sometimes coercive dimension of the law caught between science, violence and persuasion, see André Laks, “Legislation and Demiurgy: On the Relationship between Plato’s ‘Republic’ and ‘Laws,’” 228–230. On the inevitability of violence in laws, see Bertrand, “De la *stasis* dans les cités platoniciennes,” 223–224.

Conclusion

In this political dialogue, like in a metaphysical dialogue such as *Theaetetus* (152e), the inquiry can only begin once an initial (and in part Heraclitean) hypothesis has been rejected. In both cases, the argument proceeds as follows: a first radical hypothesis, which encounters the favor of both ancient philosophers and “modern” thinkers in the wake of the sophists, must be rationally discounted before the real *archè* can appear. The only difference is that the metaphysical dialogues focus on the flux theory, whereas the *Laws* are mainly concerned with war and the rule of the strongest.

The opening of the *Laws* is essential, not primarily as a theory of virtues, but as a political refutation of war as a principle. Plato makes a choice within a political alternative that entails the whole philosophical examination of legislation. In a sense, his polemical target is twofold because he wants not only to dismiss political realism but also (and perhaps more importantly) its metaphysical basis (namely its conception of human nature and of necessity); and this double critique is what later allows him to base his political philosophy on alternative principles. Therefore, in order to understand the foundation of Plato’s political thought in the *Laws*, it is important not to underestimate the role of this refutation in the general structure of the book. In other words, the issue of war is not a prelude to the prelude: it is the introduction of a topic that reappears periodically throughout the dialogue⁵⁹ and culminates in the cosmic war of good and evil.

The refutation of this kind of political realism and of its metaphysical roots relies on two arguments subtly connected in the beginning of the *Laws*: the reduction of war to *stasis* involving the denial of any form of associative power within it, and the distinction between necessity and good, which leads to the dismissal of conflict as a political principle. Political philosophy cannot be, as was the case for Thucydides and Heraclitus, the negotiation of conflicts implying violence, but has to be thought as the art of “making citizens better” (*Gorgias*, 515c, 521a), that is, as the study of what “is required for achieving, in part at least, the human good.”⁶⁰ This was a major turn in political philosophy, at least until Machiavelli.

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⁵⁹ See, *Laws*, III, 685-sqq. (and the whole book III); VII, 803 sqq; VIII, 829-sqq.; XII, 942-sqq.

⁶⁰ Dominic J. O’Meara, *Platonopolis: Platonic Political Philosophy in Late Antiquity* (Oxford: Clarendon Oxford University Press, 2003), 7.

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