

PLETHON'S CONCEPTION OF JUSTICE AND LAW

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George Gemistos, usually called Plethon, a philosopher and scholar of the fifteenth century, is not only known as polymath and polyhistor, but also as a distinguished judge and political advisor to Byzantine local and imperial rulers. His works on politics and government indicate a very wide range of original social and political thought that was never advocated before him, either in the East or in the West.

For Plethon, man is by nature a social and political animal and his birth places him within a rationally organised community and an unavoidable relationship with other human beings; his self-realisation and happiness depend largely on his internal ability to act freely and in communion with the divine, on the one hand, and on the institutionalised society and his relation to his fellow men, on the other hand. The organised structure of the city-state, above all, determines, his social and political nature, character and behaviour. For this reason, Plethon placed particular emphasis upon the organised city-state to which, using Plato's ideal state of the *Republic* as a model, wished to return.

Following the system of "double causality" Plethon states that, although man is subject to the relation of things, as a part of the world, and is placed in a universe where everything is determined in a "irrevocable and immutable" way¹ he is, nevertheless, in a position to be the master of himself and guide his behavior through his logical part, his soul. Although the human soul is part of the hierarchical structure of beings, it constitutes the immediate source of freedom and guidance. Consequently, man is a master of himself, not in the sense that he is exempt of any control whatsoever, but in the sense that within himself there is a principle which allows him to preserve his control over his actions.² Thus, man is conscious of his own activities in the light of his abilities for self-determination, and in a co-determinative way, through his logical principle which directs and is being directed. Because of this mutual dependence of freedom and determination, man is free in one sense, but in another sense he is the subject of determinations.³

Man's achievement of happiness (*eudaimonia*) also depends on the imitation of the divine and on the communion with it. Since the divine is necessarily good, either in itself or as a cause of man's logical principle, the good life has its source in the first principle of beings, the absolute Being.⁴ This substantial relation between man and the divine, which becomes possible through man's immortal part, is of particular significance for the supposed hierarchical structure of deities, on the one hand, and for the opinions that men hold for the deities, on the other hand. Plethon believed that the opinions men have for the gods are possible to determine decisively their actions and behaviour, because of the previous implantation of these opinions in themselves by the gods. These opinions, according to the philosopher, could not have existed without God's assistance. The same opinions enable man to assimilate with the God by performing good acts and living a happy life.⁵ This means a mutual interdependence between man's communion with the divine and his virtuous life. Only when man participates in a common and similar life with those of higher beings can he become a good (*agathos*) citizen, virtuous and happy. In other words, from the degree of assimilation with and participation to the higher beings depends the degree of virtuous life and happiness. On account of this man ought to strive by any means to imitate the higher beings and assimilate himself with them "in every possible way". In view of this ontological connection between man's thought - actions and the divine, Plethon's conception of justice and law is primarily directed toward this effect.

Plethon conceived justice (*δικαιοσύνη*) as virtue which, like prudence (*φρόνησις*), fortitude (*ανδρεία*) and temperance (*σωφροσύνη*), is a habit (*έξις*) by which man becomes good, when he follows God and his will.⁶ Prudence is man's relation to his rational part; fortitude in relation to his involuntary feelings; temperance in relation to his irrational desires and justice in relation to other men.

In particular, justice is a habit of the soul (*έξις ψυχής*) which "saves man's proper part" and which regulates his relations with what is external to man.⁷ That is, the philosopher of Mistra conceived justice as a rule of good behavior and of doing the duty of each person towards his fellow men, to divinity and to the city-state. As a general virtue or "part (*μόριον*) of virtue"⁸ justice is further subdivided into holiness (*οσιότης*), civic virtue (*πολιτεία*) and honesty (*χρηστότης*).⁹ Holiness is related to "one's right attitude and activity in relation to God".¹⁰ Negatively stated, it helps man to avoid "atheism" and "superstition". Positively stated, holiness can be achieved through man's activities of prayers, worship and hymns all of which are corrective of his life. Thus, although Plethon holds that the gods are unchangeable, unalterable

and of no need whatsoever, he maintains that prayer and worship in general are of practical importance and have a religious value. Besides, likeness to God was, in Plethon's opinion, effected by intellectual activity in recognising that God is the "cause of what is good for us", the foundation of our being and of our moral life.

The civic virtue (πολιτεία), the second division of justice, stresses the political bond, which is found in reason and is extended to all that has life. It is the virtue of sociability *par excellence* and, as a common characteristic of all organisms, it develops in analogy to their ontological level. While plants, Plethon holds, have little to join them, and animals are bound together by their common possession of perception and feeling, man, as a conscious and higher being and as result of his rational sociability, is able to strive to be a good citizen, by stressing his political bond. As a good citizen man knows that when the common interest is assured, he is safest, while, if it fails, his own private interests are ruined as well.¹¹ Consequently, good citizens do not only live a better life in accordance with nature, but also in assimilating themselves to the higher beings in every possible way. Thus, a higher form of sociability is achieved, a "society of higher beings", along with an immediate and intimate bond between them. By this kind of society Plethon hoped to restrain most of his compatriots from their downfall into selfishness and individualism.

The third part of the virtue of justice is honesty (χρηστότης). This virtue is evident when the moral rule is realised, that is, when the one who is χρηστός will benefit others and suffer harm without retaliation. For Plethon, as for Socrates,¹² it is better to suffer than inflict pain to others. But Plethon goes beyond this in considering it as a virtue which leads one to harmony with the universe and to fair relationship with the others,¹³ thus differentiating the one who knows well from the other who does not know, the one who behaves with reason (ξύν λόγῳ" from the one who behaves without reason (άνευ λόγου").¹⁴ As a practical, rather than an intellectual virtue, honesty helps man to become more efficient in the social virtues of fair sociability ("ευκοινωνησία") and of fair transactions ("ευσυναλλαξία"). To be effective in their function, however, the virtue of justice and its parts presuppose a well organized city-state and a just system of jurisprudence.

The city-state (πολιτεία) which Plethon proposed, is the "most important one" (σπουδαιότατη) in that it presents right and important laws and also the choice of the best and skillful rulers and advisors; it is indispensable for the complete development of man's nature into a social and biological self and, as we have seen, the virtue which makes him citizen.¹⁵ However, man's achievement of citizenship is a result of his rational faculty which is a metaphysical gift. This means that the political order of which the nation-state is a manifestation, is rooted in the intellectual world of the nature of being. For

this reason, Plethon suggested that man should look into and search for the establishment of the best πολιτεία. Basic for the establishment of the best body-polity is the virtue of justice, as it is manifested in the city-state and in the jurisprudence.

Plethon conceived the city-state justice in relation to its harmonious administration, as it is evident in the tripartite division of the city-state's population and its assigned duties to each division. The city-state, according to Plethon, should be able to assign a definite and special function to the individual in accordance with the geometrical equality, that is, his rational and intellectual capabilities; the individuals, accordingly, should not perform other professions than those assigned.¹⁶ Men, consequently, are not equal. Every human being is endowed with particular capabilities and qualities by the divine being according to which he should be placed in the socio-political hierarchy. "We do not use the donkeys", Plethon says, "to perform the function of the brave horses, nor the brave horses to perform the function of the donkeys, but we use the horses for the purpose of war and the donkeys for transportation."¹⁷ The successful choice of the proper individuals and their placement in their proper function will be definitely conducive both to the improvement of the state and to the attainment of its member's happiness. From this follows the importance of the specialized classes and the division of the population according to the philosopher's scheme of sociopolitical structure: the ruling class (αρχικόν φύλον), the class of servants (διακονικόν) and the class in charge of agricultural production (αυτουργικόν φύλον).

These classes are expected to function and perform their assigned duties always in conformity to the existing laws. "Good laws are those which assign each class, part of the city and the state, their proper function."¹⁸ There should be laws prohibiting those in charge of trade, manufacturing, commerce and agricultural production from interfering with the objectives of the ruling class. The monarch himself, together with the advisory body, should be guided by good laws¹⁹ on behalf of the common interest. Citizens can be virtuous and achieve their common goal only by acting in accordance with these laws. Public laws, in turn, in order to be effective and conducive to the common interest, must be free from confusion and contradiction; they must be true and honest in order to be enforceable, valid and just.²⁰ Otherwise they are useless. Good public laws, however, are formed only by the ruling class, by those who are responsible for the public affairs. They know the weakness of the uneducated people and also what is conducive to the social good and are, therefore, qualified to offer proper guidance.

For Plethon, public laws are ultimately founded in divinity, their first principle, which is the final determination of everything and, consequently, of

the nation and its laws.²¹ The essential relation between laws and divinity is particularly evident in man's opinions, whether as an individual or social being, about the existence of the divinity, its providence for mankind and about its right and just judgment in governing all things²² From this follows that public laws should be deduced from, and sanctioned by the first principle and that obedience to the laws would mean obedience to divinity.

The system of laws which Plethon proposed had not only a theoretical value, but also a practical application in positive justice, that is, the judicial procedure of the judges and the state courts. "The important laws", as Plethon calls them, do not only express their divine origin, but also the will of the legislator, whether he is appointed by the city-state or voluntarily proceeds to the formulation of laws which he presents to the ruler for application.²³ Thus, public laws could be enforced by punishing those who behaved contrary to the existing laws. Punishment is necessary for the preservation of the political order and social justice. In actual cases there were many rich and influential members of Plethon's society who broke the existing laws with impunity. But penalties were also exclusively severe for those who were punished. Mutilation was one of them.²⁴ Plethon protested against this social injustice and the prevailing practice. "Mutilation", he stated, "is barbarous punishment of non-hellenic origin, horrible to see and contrary to Greek customs."²⁵ Wrong-doers and criminals, however, should be punished for corrective purposes and for the benefit of the community, but mutilation should be abolished altogether. For this reason Plethon insisted on the judicial procedure of the state courts. In view of the common interest, state courts should sentence criminals to death for crimes such as forced adultery, incest, pederasty, rape, bestiality and other crimes. Death for those criminals would mean liberation of their soul from their sick body. For doubtful cases, the suspected criminal should not be condemned unless found guilty by the majority of the jury. Those who have been found guilty of incorrigible crimes should be employed in works of public interest, for example, building the wall of Isthmus.²⁶ The past record of the criminals should also be taken into account before the jury decides the case. If their past conduct had been good, then they should not be punished by the capital punishment, but sentenced only to a prison term.

The preceding brief analysis and presentation of Plethon's conception of justice and law, including his philosophy of man as an individual as well as social and political being, shows clearly enough his hierarchical conception of the cosmos. He conceived deities and beings, man and the sensible world, the city-state and the body-polity, as hierarchically arranged. He preserved the names of deities of ancient Greece on nationalistic grounds. Thus he

hoped to revive Hellenism and reinstate Plato by making his system of philosophy a living reality, a way of life.

Men, whether as individuals or social and political beings, strive to achieve a true and happy life. The achievement of a happy life presupposes and depends on their imitation of, and association with the divinities. This association is possible through their immortal part which is ultimately rooted in the supreme Being. The association enables men to assimilate themselves to divinities and model their lives in accordance with the ideas and principles. Only when men share a common life similar to that of higher beings do they become *agathoi* citizens, just, virtuous and happy.

Notes

1. Cf. PG 160,963D and *Treatise of the Laws*, Alexandre, p. 74.
2. Cf. PG 160, 963C; F. Masai, *Plethon et le platonisme de Mistra*, Paris, Societe d' Edition "Les Belles Lettres", 1956, pp. 206, 240, 243; G. Papacostas, *George Gemistos-Plethon. A Study of Philosophical Ideas and his Role as a Philosopher Teacher*, New York University, 1967, pp. 128-129.
3. Cf. *Treatise of the Laws*, p. 92.
4. Cf. PG 160,961C.
5. Cf. PG 160,967D.
6. Plethon, *On Virtues*, PG, 160, 865D.
7. *Ibid*, 868D-869A.
8. *Ibid*. Cf. L. C. Bargeliotes, *Hellenocentric Philosophy*, Athens 1993, pp. 75ff.
9. Cf. Plethon, *On Virtue*, PG, 160, 869C.
10. *Ibid*, 869C, 877CD; cf. J. W. Taylor, "Gemistos Pletho as a Moral Philosopher", *Transactions and Proceedings of the American Philosophical Association*, 51 (1920), p. 95.
11. Plethon, *On Virtues*, PG, 160, 877C. Cf. *Idem, Treatise on the Laws*, Alexandre, p. 150, and G. Papacosta, *George Gemistos-Plethon....op. cit.*, pp. 160-161.
12. *Ci.Apol.*, 30c-d; *Gorg.*, 508b-c, 521d.
13. Cf. Plethon, *On Virtues*, PG, 160, 876C-D.
14. Cf. *On Virtues* PG 160, 876 CD.
15. Cf. Th. Nikolaou, *G. Plethon-Gemistos's Concepts of Politeia and Right, Thessalonike 1974*, p. 52; W. Gass, *Gennadius und Plethon: Aristotelismous und Platonismus in der Griechischen Kirche*, Breslaw, A. Gosoborsky, 1844, vol. 1, p. 33. Cf. Plethon, *Advice to Despot Theodore on the Affairs of the Peloponnesus*, PG, 160, 849CD.
17. *Ibid.*, (*Palaialogia and Peloponnesiaca*, ed. Sp. Lamprou, vol. 4, pp. 113-114).
18. Cf. Plethon, *Advice to Despot Theodore*, PG, 160, 848BC.
19. Cf. *Ibid*, 848C.
20. Cf. *Ibid*, 853D, 855A, 857A.
21. F. Massai, *Plethon et le platonisme de Mistra*, pp. 49-50.
22. Cf. Plethon, *Advice to Despot Theodore*, PG, 160, 855D-856B.
23. Cf. *Treatise on the Laws*, A, 2, p. 30 and C, pp. 252 ff..
24. Cf. Plethon, *Advice to King Manuel Palaeologus on the Affairs of the Peloponnesus*, PG 160, 836C.
25. Cf. *Ibid.*: "Η ...των ακροτηρίων λώβη...βαρβαρικόν τε και ούχ ελληνικόν...".
26. Cf. *Ibid*, 836C-D.