

UTJECAJ ARTIKULACIJE PRIRODNOG PRAVA U FILOZOFIJI SOFISTA NA KONCEPT PRAVNO UREĐENOOG DRUŠTVA U PLATONOVIM 'ZAKONIMA'

SAŽETAK

Ovaj rad će predočiti stavove antičke grčke filozofije koji se bave poimanjem prirodnog u odnosu na čovjeka u pravnom smislu, obnoviti zanimanje za temeljne kategorije pravne znanosti i dovesti u vezu antitezu fizis-nomos s poimanjem prirode i društva u staroj Grčkoj u vrijeme nastanka značajnog Platonovog djela *Zakoni*. Ujedno će pokazati kako elementi prirodnog i društvenog, pojedinačnog i općeg nisu toliko suprotstavljeni jedan drugome kako se to u filozofskim i pravnim tumačenjima nakon sofista, Sokrata i Platona često znalo govoriti.

Veličina autoriteta antičkih ljudi se crpila iz porijekla, iz davne veze s bogovima, iz pripadnosti plemstvu i aristokraciji, a od sofista i Platona iz svijesti i razuma. Slijed razvoja ljudske svijesti iskazan je u napretku logičkog razmišljanja ljudskog roda evidentiranog kroz nastanak i razvoj državnosti društvenih grupa. Iznijet će se i obrazloženje o potrebi raspolađanja silom kao neprevladanom ostatku fizisa, bez kojeg država nije u stanju ostvariti nomos na apsolutan način.

Platon je uložio veliki trud da pridonese boljoj državi ne očekujući ništa zauzvrat (danас то не чине ни они који су управо за то plaćeni), i jasno је да је njegovo zanimanje за pravo inspirirano stvarnim iskustvom rodне Atene.

Antički Grci su uspješno svladali znatne prirodne prepreke, od kojih je najznačajnija vodena, ali nisu uspjeli prevazići zid vlastitog polisa. Ipak, shvatili su da njihov vladar ne treba biti nikakav bog, već samo čovjek, ali nešto bolji čovjek od ostalih ljudi. Ovim je Platon posredno potvrdio ideju sofista o utemeljenju društvene zajednice i društvenih odnosa u prirodi.

U praktičnom smislu, kada treba ujednačiti običajne zakone raznih zajednica u jednu cjelinu, to nije moguće na način zadržavanja prethodne forme čuvanja pravila u pamćenju. Kako bi se ujednačavanje moglo provesti nužno je norme i pravila zapisati, što prema zakonu općenito određuje jednu novu dimenziju i predstavlja raskid s tradicijom. Budući da pravo proizlazi iz života, to je opisivanje i pristup životu sofista i Platona temeljni uvjet da bi se uopće govorilo o pravu.

Priroda kao takva i priroda čovjeka se moraju odvojeno promatrati, jer se one jedino u čovjeku sukobljavaju, odnosno čovjek je sukobljen sam u sebi. Platon u *Zakonima* nastoji nadići ovu sukobljenost i daje do znanja da ljudi čine državu, kao i da ona ovisi o njima. Time je nastojao pomiriti suprotnost između bivanja i postajanja.

Grci tog doba vjeruju da sve ima svoju dušu, i pojedinci, i zajednice kao što je polis, odnosno država, čija je duša izražena u zakonima. Ovakva postavka nužno veže prirodu ljudskog življenja s njegovim organiziranim oblikom, gdje sofisti tu organiziranost nastoje iskoristiti na jedan, a Platon na nešto drugačiji način. Tako prvi smatraju da je ljudsko tijelo u konačnici nagrađeno dušom, a Platon je stava da je duša zarobljena u ljudskom tijelu. Dolazimo do toga da društveno okruženje konačno postane prirodno okruženje, ne u smislu da se vraćamo prirodi već u smislu da ono što je dobro više ne tražimo u prirodi nego u društvu. Opći ili zajednički interes uključuje elemente pojedinačnog interesa.

Ključne riječi: Platon, država, zakon, prirodno pravo, filozofija sofista, Platonovi *Zakoni*, politika, ideja dobra, pravednost i jednakost.

AN INFLUENCE OF ARTICULATION BY NATURAL LAW FROM THE SOPHISTS PHILOSOPHY ON THE CONCEPT OF LEGALLY COMPOSED SOCIETY IN PLATO'S 'LAW'

SUMMARY

This paper will present the views of ancient Greek philosophy that deal with perception of natural compared to a man in a legal sense, renewed interest in the fundamental categories of Jurisprudence and correlated antithesis *fizis-nomos* with the concept of nature and society in ancient Greece at the time of significant works of Plato Laws. Also, it will show how the elements of the natural and social, individual and overall not as opposed to each other as in the philosophical and legal interpretations after the Sophists, Socrates and Plato are often known to speak.

Authority size of ancient people is drawn from the origin, from ancient ties with the gods, from the affiliation nobility and aristocracy, but from sophists and Plato to now from consciousness and reason. Sequence of development of the human consciousness is expressed in logical thinking progress of mankind recorded through the emergence and development of the statehood of social groups. It will be presented and explained about the need to dispose of the rest of the force as the unsurpassable *fizis*, without which the state is not able to make *nomos* in an absolute way.

Plato has made great efforts to contribute to a better country without expecting anything in return (now that does not make even those who have just paid for it), and it is clear that Plato's writing about legislation were inspired by really experience in his bornplace Athena.

The ancient Greeks were successfully overcome significant natural barriers, most notably water, but failed to overcome a wall of his own polis. However, they realized that their ruler need not to be any god, just only a man, but a better man than others people. This is indirectly confirmed Sophist idea of establishing community and social relations in the countryside by Plato.

In practical terms, when it have to standardize customary laws of different communities into one entity, it is not possible to keep the previous rules in the form of storage memory. It is necessary that rules and standards be written to equalization could be spent, which toward the law generally defines a new dimension and represents a break with

tradition. Being right stems from life, describing the sophist's and Plato's life is underlying condition that would ever talked about right.

Nature as such and the nature of man must be considered separately, as they clashes the only in a man, and the man was battling within himself. Plato in the Laws tries to transcend this conflict. Thereby he tried to reconcile the contradiction between being and becoming.

Greeks of that time believe that everything has a soul, and individuals, and communities such as the polis, or state, whose soul is expressed in the codes. This setting is necessarily bound nature of human life with its organized form, where the sophists in this way of organization trying to take advantage of one, and Plato in a slightly different way. So first consider that the human body was ultimately awarded a soul, but Plato believes that the soul trapped in the human body. We come that the social environment finally become a natural environment, not in the sense that it is back to nature, but in the sense that what is good we do not look in a nature, but in a society. Public or community interest include elements of individual interest.

Key words: Plato, state, code, natural law, sophistes philosophy, Plato's *Laws*, politics, ideas of good, justice and equity.