THE EDUCATION OF THE IRRATIONAL IN PLATO’S LAWS

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Through the argument and action of the \textit{Laws}, Plato teaches his readers that political life will never reach a state of rational perfection, but progress is possible through incremental reforms introduced through gentle persuasion. These reforms should strengthen the leadership of reason, but also educate the irrational to support this rule willingly, thereby establishing harmony between them. The Athenian Stranger encourages his interlocutors to aspire toward this goal by demonstrating new approaches to lawgiving and to education based on his double vision. This entails envisioning the perfectly ordered city and soul as his \textit{telos}, while also acknowledging the ways in which his actual city and citizens fall short of this ideal. Finally, the Athenian advocates using gentle persuasion to move the latter towards the former. Persuasion incorporates argument, but also addresses the passions through pleasure, poetry, habituation, appeals to the divine, honor, and shame. The Athenian also demonstrates that while gentle persuasion may be successful in private education, it has limitations when applied to the city by lawgivers. Specifically, although the Athenian does persuade his interlocutors to follow the leadership of intelligence, he is less successful in creating an effective public \textit{paideia} for his city in speech. However, unlike Socrates who refrains from direct
involvement in politics because he prefers private education, the Athenian continues to aspire to improve the city, despite his awareness that perfect, lasting resolution between the rational and irrational is not possible in political life. Ultimately, Magnesia is not a blueprint for future cities because the dialogue remains unresolved on the proper way to reconcile the tensions between the rule of law and living intelligence, between philosophy and politics, between individual freedom and the common good, between positive and negative freedom, between the many and the few, between the possibility of education and the limits imposed by human nature. Yet by encouraging readers to recognize these tensions, the Laws allows them to appreciate the flaws and limitations in themselves and in their political communities, to moderate their expectations, but also to remain engaged in political life and to continue to aspire to bring positive change.
For Audrey
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1.1 Thesis and Overview

In the *Laws*, Plato offers his readers a less than fully rational conversation with non-philosophical interlocutors about a second-best city inhabited by citizens who struggle and often fail to abide by the law. The cause of all this imperfection is the presence of the irrational in the human soul, in political life, and in the universe as a whole. As Dodds defines it, the irrational is “the element both in man and in the *kosmos* which is incompletely mastered by a rational will” (21). In the universe, the irrational takes the form of natural forces of disorderly motion that engage in a cosmic battle against the forces of goodness and order (906a). In political life, the city is battered by the forces of bad fortune and undesirable change; foreign and civil wars; floods, plagues, and other natural disasters; corrupt leaders and self-interested citizens. In the individual human soul, the irrational desires, passions, and appetites create internal conflict as they “pull against one another in opposite directions toward opposing deeds” (644e).
How should the philosopher respond to the pervasive presence of the irrational, especially in the political community? Should he simply mind his own business by following these words of Socrates as he describes the life of the worthy philosopher: “He keeps quiet and minds his own business—as a man in a storm, when dust and rain are blown about by the wind, stands aside under a little wall. Seeing others filled full of lawlessness, he is content if he himself can live his life here pure of injustice and unholy deeds, and take his leave from it graciously and cheerfully with fair hope” (Republic 496d-e)? Or perhaps he should work for change through private education, giving his primary attention to potential philosophers, encouraging them to focus on caring for their own souls and contemplating the perfect and unchanging ideas?

The protagonist of the Laws, the Athenian Stranger, chooses a different option. He engages with the non-philosophical and participates in political activity. In this dialogue, the Athenian Stranger begins a conversation with two older statesmen from cities not well known for embracing philosophy. Kleinias is an elderly Cretan, clever and skilled enough in the realm of politics to have been chosen by the leaders of Knossos to help found a new colony. Despite being trusted to serve his city in this position of authority, he has a tendency towards tyranny (Zuckert 71). He seeks to fulfill his own self-interest as a result of an incomplete education that neglected to teach him to control his private desires for improper pleasures. On the other hand, Megillus is not a potential lawgiver, but a patriotic Spartan citizen, quick to praise his city or rush to its defense. Neither man is philosophical, and both have souls dominated by the irrational. They struggle to converse with the Athenian, sometimes due to lack of intellectual capacity,
other times due to spirited reactions to his new and strange proposals. And yet the very fact that the Athenian chooses to engage with these men—and even continues his conversation with them beyond the closing scene of the dialogue—implies that they are worthy of the philosopher’s attention. Although most would consider such elderly foreigners to be unfit and undesirable as students, the Athenian seeks to become their teacher. He gently persuades them to accept his teachings, thereby offering them some hope of improvement by bringing greater harmony to their souls. He also offers them a new vision of political life that aspires to embody the order of reason to a greater degree. In both cases, the education of the irrational is of central importance. The *Laws* examines the nature of this education, both in the Athenian’s private conversations with his interlocutors and in the larger context of his plan for the political community of Magnesia. It invites the reader to witness one philosopher’s attempt to teach non-philosophers and to consider the possibilities and limitations of such a project.

This dissertation accepts this invitation. Its central thesis is that although political life will never reach a state of rational perfection, improvement is possible through incremental reforms that seek to strengthen the leadership of reason in the city and the souls of its citizens, and to educate the irrational to support this rule willingly through a carefully designed *paideia* that appreciates the importance of pleasure, poetry, habituation, religion, honor, shame, and punishment. Although the dialogue embraces an image of the virtuous soul and city characterized by consonance between the rational and irrational, it also recognizes that perfect resolution between the two is not possible. However, gradual, positive change can take place if intelligent men like the Athenian
remain engaged in political life and the non-philosophical are given adequate educational opportunities. The former must temper their idealism, care for their fellow citizens with the kind of gentle regard that a doctor displays for his patients, and recognize their own limitations. The latter must strive to moderate their passions and appetites as much as possible in order to find a balance between their own self-interests and the common good of the whole community, to develop their capacity for reason as much as possible, and to learn to appreciate their own limitations and shortcomings as well.

1.2 Interpreting the Text

In order to support this interpretation of the central teachings of the *Laws*, this dissertation offers an in-depth analysis of the text that considers the arguments presented by the Athenian, paying special attention to the way in which they develop throughout the course of his conversation with his Dorian interlocutors. In addition to analyzing these arguments, it gives equal consideration to the action of the dialogue and the other dramatic elements, such as the setting and characters, that help to convey its overall meaning. As Zuckert explains, “Because Plato himself does not speak in the dialogues, we discover what Plato thinks—or at least what he wants to show his readers—in his selection of the characters, the setting, and the topic to be discussed by these individuals at that time and place, as well as the outcome of the conversation” (5). She continues, “Readers are encouraged to understand the status and character of the arguments not simply in themselves or in the abstract, but as presented by this particular philosopher.”
with his distinctive background and approach to a specific person or persons at the time and place indicated, with a discernible (sometimes lack of) effect” (6).

The justification for this approach to the text is based upon the form of the dialogue itself. The Laws is not a treatise, and it should not be read as such. When an author chooses to write in dialogue form, it is incumbent upon the reader to pay attention to the plot, characters, and setting. If one reads Hamlet, she notes that the protagonist is a contemplative young prince who lives in Denmark at a time of political upheaval, whose father was recently murdered, and who speaks mainly to other characters that he does not trust. His speeches are understood in this context. Furthermore, the reader never assumes that Hamlet speaks directly for Shakespeare. The same principles of interpretation should applied by readers of the Laws and the other Platonic dialogues, which share Hamlet’s dramatic form. To forget the poetic elements of Plato’s work causes the reader to overlook a great deal of meaning in the text, or to mistakenly assume that Plato’s characters speak on his behalf. Both errors may lead to serious misunderstandings of the dialogue’s central teachings (for example, see the reviews of Popper’s The Open Society and Its Enemies and Bobonich’s Plato’s Utopia Recast below).

There is a reason that Plato chose to write dialogues that combine arguments and poetry rather than offering arguments alone. Of course, one must be very careful in speculating about Plato’s motivations since he never offers an explanation in his own voice. However, since the Athenian Stranger endorses a similar combination of logos
and mythos in order to educate his interlocutors, perhaps reading the Laws may provide some insights concerning the power of poetry. But one must always remember that the Athenian Stranger is not Plato, and his words on the subject are not a reflection of Plato’s own thoughts. Just as the dialogues often leave the reader with more questions than answers concerning their particular subjects, Plato chose to remain silent in a certain sense, never speaking directly to his readers or offering them simple and straightforward answers.

1.3 Justification

Why is a dissertation studying the Laws a worthwhile endeavor, especially when so many of its proposals seem so hopelessly antiquated and even morally reprehensible in contemporary American political life? Once again, the text itself directs the reader to an answer: there is value in considering something strange. Just as the Athenian highlights the importance (and the danger) of exposure to foreign practices, reading the Laws invites us to question that which we assume to be true.

For example, contemporary Americans and members of most developed nations currently profess an unshakable belief in the rule of law as one of the central components of a just form of government. In their respective campaign speeches preceding the most recent presidential election, Barack Obama and John McCain praised the rule of law and
promised to uphold it in their domestic and foreign policies. At the international level, former United Nations Secretary General Kofi Annan declared that “the rule of law is a concept at the very heart of the Organization’s mission,” while current Secretary General Ban Ki-moon has repeatedly echoed similar statements. Representatives of post-conflict nations, such as Bosnia-Herzegovina, have identified it as the key to establishing peace and stability: “In hindsight, we should have put the establishment of the rule of law first, for everything else depends on it: a functioning economy, a free and fair political system, the development of civil society, public confidence in the police and the courts.” As Sir Emyr Jones Parry, the U.K. Permanent Representative to the UN explained, “This view of the critical importance of the justice and the rule of law…is not one held only by a few western democratic governments….The [U.N.] Secretariat, NGOs and academics are all agreed.” The preeminence of the rule of law has become an almost universally accepted dogma.

However, in the Laws, the Athenian Stranger explains that the rule of law is merely a second-best form of governance. Suddenly, the panacea for the world’s

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political problems is called into question. As a result, a new opportunity for dialogue opens. What are the problems inherent in this form of rule such that one of the world’s greatest thinkers allows his protagonist to describe it as second best? What difficulties does the Athenian encounter as he attempts to establish a plan for a city governed in this way? What problems do rule of law regimes suffer from? What remedies does the Athenian propose? What kinds of political, economic, and religious institutions are required for the success of Magnesia? What attributes must citizens and rulers of this polis possess in order to prevent its deterioration? What kind of plan for education does the Athenian develop in order to support the rule of law? Finally, how do the Athenian’s answers to these questions differ from our contemporary answers and why?

Although some readers may disregard the Laws because the Athenian’s proposals for establishing and safeguarding a rule of law regime are so radically different from contemporary practices, it is precisely this strangeness that allows this dialogue to become a catalyst for further conversation and debate. For as the Athenian demonstrates in his speeches and interactions with his Dorian interlocutors, prudence depends in part upon exposure to the practices of foreign cities, as well as an appreciation of their successes and failures. Political communities that wish to continue improving over time must examine governments, laws, and customs that are different from their own, and they must seek out those individuals who can teach them something strange and foreign. As the Athenian explains:

For a city without experience of bad as well as good human beings would never be able, because of its isolation, to be sufficiently tame and perfect; nor again, would it be able to guard its laws, unless it accepts them by knowledge and not solely by habits. The fact is, there are always among the many certain divine
human beings—not many—whose intercourse is altogether worthwhile... These the inhabitants of cities with good laws... must always seek and track down, by going out over sea and land, in order to place on a firmer footing those legal customs that are nobly laid down, and correct others, if they are lacking something. (951b-c)

Fortunately for the reader, she need not cross any oceans or travel abroad to find a teacher who will challenge her preconceived notions about the rule of law and who will show her something strange; she may begin by reading the *Laws*.

Perhaps one of the strangest elements of the Athenian’s proposals for Magnesia is his plan for education, especially the education of the irrational. It is certainly one aspect of the dialogue that has drawn some of the harshest criticisms, even from scholars otherwise inclined to read the *Laws* sympathetically.\(^5\) It is condemned because it is so contrary to the principles of liberal education embraced today, but this is all the more reason it deserves attention. It challenges some of our society’s most dearly held principles concerning the freedom of thought and expression that we are likely to defend most vehemently. One should not simply condemn the Athenian’s educational proposals without careful examination or attempt to whitewash them to make them more palatable for contemporary readers. But one should seek to understand what the Athenian proposes and why, and one must pay attention to the way in which the Athenian contradicts his own proposals, thereby highlighting the problems he recognizes in his own plan. This kind of honest appraisal allows readers to better reflect upon our own conception of education and educational practices, which come to light in contrast. For example, when

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a contemporary reader appreciates the importance that the Athenian places upon the education of the irrational and the efforts he makes to safeguard it, she cannot help but realize the lack of concern in our political community for the proper training of the desires, especially among the young. One is left wondering what has been sacrificed for the sake of individual freedom and the pursuit of pleasure. One also wonders if the various entities in the private realm that currently oversee the education of the irrational are adequate for this important task, or whether they introduce greater conflict into the political community since they may be at odds with one another or with the law. Such questions are taboo today, but the Laws encourages the reader to revisit them and to reexamine the foundational principles of limited government.

For example, one rarely considers the educational aspects of music and literature (as well as film, television, and the internet in contemporary life), let alone their impact upon us as citizens, since they are regarded primarily as forms of entertainment. But the Athenian Stranger leads the reader to wonder about these forces that affect her moral character and influence that which she values. How do they affect her relationships with her fellow citizens? How do they shape her attitudes towards the government and laws? Although most readers ultimately reject the Athenian’s extreme proposals for governmental regulation of these educational influences, taking the time to understand them offers a new opportunity to consider the implications—both positive and negative—of leaving such things to be overseen by the private realm.
1.4 The Laws in the Secondary Literature

For all of the reasons above, reading and studying the Laws is a worthwhile endeavor. But before proceeding with this task, it is necessary to examine the ways in which other scholars have interpreted this dialogue, assessing their strengths and weaknesses, as well as highlighting their differences from the focus and conclusions of this dissertation in an effort to underscore the contributions of this project. This literature review is limited in scope in that it examines the work of a few of the most influential Plato scholars whose writings are most relevant to the central concerns of this dissertation. Additional scholarship is referenced throughout the following chapters, but even this falls far short of being comprehensive. Proceeding in chronological order, this literature review begins by examining the arguments of Karl Popper in The Open Society and Its Enemies, then analyzes Glen Morrow’s Plato’s Cretan City, Leo Strauss’s The Argument and Action of Plato’s Laws, Trevor J. Saunders’s “Plato’s Later Political Thought,” and his Introduction to his translation of the Laws, as well as Christopher Bobonich’s Plato’s Utopia Recast. It concludes with a review of Catherine H. Zuckert’s “Plato’s Laws: Postlude or Prelude to Socratic Political Philosophy?” and her chapter, “Using Pre-Socratic Philosophy to Support Political Reform” from Plato’s Philosophers.

1.4.1 Popper

In his Open Society and Its Enemies, Karl Popper offers a scathing critique of Plato’s political philosophy, accusing him of betraying the teachings of Socrates,
advocating totalitarianism, and attempting to gain political power for himself through his writings. Popper’s goal is to “destroy” that which is “mischievous in this philosophy” and to disabuse contemporary scholars of their mistaken opinions regarding Plato (34).

He rejects the glorification of Plato as a humanitarian and as an advocate of true goodness and justice. He condemns those who look to Plato as a guiding light for understanding political life (87-88). By exposing Plato’s corrupt teachings and malicious intentions, Popper seeks to make a clean break from Plato’s “irrational” approach to politics, and he hopes to persuade his readers to embrace a new approach that incorporates true reason based on the scientific method (168). Although Popper’s primary focus is the Republic rather than the Laws, he condemns both dialogues, describing them as being very much in agreement, with only minor differences separating their otherwise complementary teachings (39). Since many of the main themes of the Laws directly contradict Popper’s understanding of Plato, it is worthwhile to review his arguments as a foil to the interpretation presented in this dissertation.

Popper begins his critique by rejecting Plato’s attitude toward history, as well as the way in which he formulates his vision of an ideal political community. Popper labels this attitude “historicism,” and explains that its central doctrine entails the following belief: “history is controlled by specific historical or evolutionary laws whose discovery would enable us to prophesy the destiny of man” (8). Popper claims that Plato, like other historicists, seeks to understand the laws that govern human history in order to offer practical advice concerning which political projects will succeed or fail (8). One such cosmic law involves the idea that all created or becoming things are destined to decay
over time, including human beings, for whom all social change is corruption and
degeneration (19). Arguing that Plato feared the changes taking place in Athens during
his lifetime, Popper asserts that Plato viewed the trends towards greater democracy,
individualism, and egalitarianism as a movement away from an earlier golden age when
Greek life was characterized by ancient tribalism (24-25).

Popper explains that during this earlier period of history, humans lived in a
“closed society,” which involved a “magical or irrational attitude” towards its traditional
and customary practices, as well as a lack of critical consideration of behavior on the part
of the individual members of that society (172). Popper explains that such a “closed
society” resembled a “semi-organic unit” whose members were held together by “semi-
biological ties,” and “concrete physical relationships” (173). Most importantly, in a
closed, tribal society supreme importance was placed upon the group or collective, while
the individual was regarded as being of little importance (9). This collective was ruled
by the naturally superior and wise few over the ignorant many (86). Furthermore, there
was no class struggle within such a society nor any attempts to foment change because its
institutions were believed to be “sacrosanct” or “taboo” (174). This is due to the failure
to distinguish between “natural” and “normative” laws (59). According to Popper, the
former refer to the regularities of nature that are unalterable and cannot be broken or
enforced (such as the movements of the planets), while the latter refer to man-made rules
that direct human behavior, including prohibitions and commandments, which are
alterable and must be enforced (57-58). Because the members of tribal societies believe
that both natural and normative laws are a product of divine beings, they do not admit change (60).

Despite his historicist attitude that the cosmos is governed by the historical trend towards decay, Popper argues that Plato believed it was possible for human beings to end this period of degeneration by arresting all change, and to return to this earlier state, which is more stable because it is based on human nature (20, 86, 171). However, this could only be achieved by a god-like lawgiver with superior powers of reason and moral will who could create a state that is free from corruption and decay because it embodies the perfect and unchanging Form of the political community, which embodies the closed, tribal society described above (20-21). According to Popper, Plato identifies himself as this supreme lawgiver, and he puts forth his plan to establish this perfectly stable and unchanging city in the Republic and Laws.6

As he examines Plato’s ideal city in the Republic, Popper argues that it is a totalitarian state characterized by a rigid class structure in which the upper class of philosophers exercises complete authority over the “human cattle” that make up the rest of the city (86). Although Plato calls these rulers “philosopher-kings,” Popper accuses Plato of corrupting the true meaning of philosophy, which involves the humble pursuit of

6 According to Popper, Plato presents his vision of the best city in the Republic, and to a lesser degree in the Laws, although he argues that the latter was written after Plato had abandoned his hope of bringing his ideal city to life in its complete and most glorious form (103). However, he does think that the Laws still upholds the Republic as the best form of political community, with only “minor differences” separating them (103, 39). In a footnote, Popper explains that Plato’s general tone is less hostile in the Laws, but he also adds: “in fact, Plato in the Laws is, if anything, more hostile to the spirit of democracy, i.e., towards the idea of the freedom of the individual, than he is in the Republic…” (219, footnote six).
truth and the awareness of one’s own limitations achieved through self-criticism (145, 128-132). In contrast, he describes Plato’s philosopher-kings as pompous sophists, who are the “proud possessors of knowledge” and seers of the divine realm of unchanging Forms, including the idea of the best city and the best man (144-145, 150). These rulers, who are themselves victims of propaganda and intellectual censorship, rely upon lies (which Plato describes as “persuasion”) and eugenic breeding to purify the races in Kallipolis and to ensure their complete and perpetual dominance over the rest of the city (86, 140). Popper argues that the philosopher-kings are based on the idea of a “tribal priest-king,” and that they are educated to apply the “Platonic Number” in order to end racial degeneration and arrest all change in the city (148, 151). Popper adds that the model for this vision of the philosopher king is Plato himself (155). Thus, the Republic is a piece of propaganda representing Plato’s own bid for political power, since he envisions himself as the superior, rational being who can bring an end to the historical trend toward degeneration and re-establish the golden age of a closed, tribal society through his philosophical project (155).

Popper argues that the conception of justice upon which this ideal city is based represents a complete corruption of the true notion of justice that was commonly accepted in Athens and upheld by the historical Socrates (89). According to Popper, the true, “humanitarian” notion of justice is egalitarian in nature, meaning that it establishes an equal distribution of both the burdens and advantages of citizenship to all persons and treats all citizens as equals before the law (89, 90, 93). It also involves respect for the freedom of each individual, seeks to weigh impartially the competing claims of
individual citizens, and attempts to protect the freedom of each member of the community (89, 94). In contrast, the Platonic vision of justice gives priority to the community over the freedom of its individual citizens by reducing the latter to complete insignificance (89, 106). It involves a totalitarian approach to establishing a form of radical collectivism by strictly dividing citizens into unequal classes and advocating the unchallenged rule of the highest class (90-91). It promotes the use of racial breeding in order to achieve stability (89-90). It approves of the use of censorship, propaganda, and the corruption of education in order to prevent all intellectual innovation and to arrest change (86-87).

Furthermore, Popper accuses Plato of purposefully manipulating his readers into accepting his corrupt definition of justice by attributing it to his character Socrates, and by misrepresenting or ignoring any contending definitions, including the true definition described above (105, 119). Popper recognizes that Plato was a student of Socrates, whom he describes as a humanitarian, “the champion of the open society,” a “friend of democracy,” and a supporter of both individualism and “the equalitarian theory of human reason” according to which every person is capable of learning to free themselves from prejudice through self-criticism (190-191, 128-129). However, Popper argues that Plato, like many of the other members of the wealthy, aristocratic class in Athens, was unsettled by the political events he experienced in his city. More specifically, Plato was threatened by the rise of the democratic spirit, the faith in reason, and the love of freedom and individualism that Socrates represented. In order to fight against these ideas and to reaffirm the older, tribal values, Plato betrayed his teacher (195). Popper accuses Plato of
opposing the historical Socrates by purposefully misrepresenting his teachings throughout the dialogues (with the exception of the earliest dialogues, which were written soon after Socrates’ death while Plato was still under his influence) (194-196). Using Socrates as his mouthpiece, Popper claims that Plato proposes doctrines that are profoundly un-Socratic, thereby manipulating the memory of his teacher to serve his own ends. As a result, Popper describes Plato as a pioneer propagandist, explaining that he developed the technique of “appealing to moral, humanitarian sentiments, for anti-humanitarian, immoral purposes” (199). Popper concludes that Plato is the enemy of rational thought, as well as the pursuit of truth. He is the ultimate misanthropist and misologist (199-200).

In addition to rejecting Plato’s ideal city and his definition of justice, Popper also critiques Plato’s approach to achieving his political vision. Popper describes this approach as “utopian engineering” (157). Utopian engineering involves first determining one’s ultimate end or goal (in the case of politics, this means conceiving of a blueprint for the ideal state), and then drawing up a plan for achieving this end before taking any action (157). According to Popper, the utopian approach demands the centralized, authoritarian rule of a few; it ignores opportunities to relieve the suffering of many and to oppose existing evils in favor of the pursuit of an ideal goal through the use of violence; it discourages compromise in favor of dogmatic attachment to the ideal; it requires the suppression of dissent; it introduces the problem of finding successors who can carry out the founder’s original vision of the ideal state; and it ignores the development of human thought over time, by blindly adhering to a distant vision of political life while failing to
recognize that a society’s aim may change during the process of its realization (158-160). According to Popper, utopian engineering ignores the importance of practical experience in understanding political life. As a result of the irrationality of this kind of radicalism, utopians advocate large-scale social experiments that often lead to massive human suffering (162-163). Popper claims that utopian engineers such as Plato attempt to recast completely the structure of society and to eradicate fully the previous social system, which requires a comprehensive level of knowledge no human being possesses (162-163). According to Popper, this approach to political change is fundamentally irrational and must be rejected, for it “must lead us to jettison reason, and to replace it by a desperate hope for political miracles” (168).

Popper argues that Plato’s motivation for his life’s work was his awareness that his contemporaries were suffering due to the social revolution caused by the rise of democracy and individualism (171). He suggests that Plato was sincere in his attempt to win back happiness for his fellow citizens by analyzing and fighting against both social change and social dissension (171). Although he correctly understood the cause of strain in his society, Popper argues that Plato’s desire to arrest all political change and to return to an ancient form of “tribalism” was simply “hopelessly wrong” (171). He argues that this must be abandoned in favor of a new approach to politics, which Popper describes as truly rational and humanitarian. Rather than accepting Plato’s historicism, Popper argues that human beings should adopt “the attitude of social engineering” (22). According to this attitude, human beings are the “masters of their own destiny,” in that they create their own goals for themselves and then influence the course of history in order to achieve
these ends (22). Calling this a “scientific basis for politics,” the social engineer does not
look to the origins of social and political institutions or a theoretical conception of human
nature in order to understand their “true role” in the course of human history (23, 24).
Popper argues that the social engineer approaches politics rationally (24). He judges
institutions according to whether or not they serve the aims human beings have freely
established for themselves, and he seeks factual information that enables him to construct
or change these institutions so that they can achieve their goals more effectively (22-23).

In the place of Plato’s advocacy of totalitarianism, class privilege, and oppression
of the individual as constituting the political ideal and the essence of justice, Popper
promotes a democratic vision of political life in which the protection of human freedom,
the equality of all individuals, and the impartial application of the law are paramount
(124). Popper advocates an “open society” in which individuals are empowered to make
personal decisions and there is the opportunity for social mobility and competition (173).
In addition, relationships in an open society are not determined on the basis of biological
or physical bonds, but they are freely entered into as a result of individual choices,
including exchange and co-operation (173-175). Popper explains that an open society
embraces “critical dualism,” which distinguishes between natural and normative laws,
and recognizes that the latter are man-made conventions for which human beings are
morally responsible. Such conventions can and should be changed and improved if we
decide for ourselves that they are objectionable (61). The standards for human behavior
are not to be found in nature, for it is human beings who impose morals upon the natural
world (61). According to Popper, Plato’s glorification of the closed society is pernicious, and prevents us from recognizing the superiority of the open society.

Furthermore, Popper argues that those who seek to understand politics must stop mimicking Plato’s attempt to gain perfect and complete knowledge of a world of Forms that doesn’t change (28). Popper rejects Plato’s “methodological essentialism,” which seeks to define the true nature of things by turning away from the sensible world of change (31). He proposes that “methodological nominalism,” which is practiced in the natural sciences, is far superior in that it relies upon human experience and observation to describe and explain the universe. This approach rejects the attempt to answer “what is” questions in favor of understanding how things behave in various circumstances (32). Because the social sciences continue to follow Plato’s essentialist approach, Popper regards them as “backward” (33). Related to this is Popper’s rejection of Plato’s “utopian engineering” in favor of “piecemeal engineering” (157). This latter approach entails searching for and fighting against the most urgent problems in society rather than attempting to achieve an ideal, ultimate good (158). Popper prefers this piecemeal approach, which utilizes small-scale reforms and implements a variety of more minor improvements over time, because it allows political practitioners to subject their hypotheses to rational criticism, to learn from their mistakes, and to adjust their approach in the future (163). Piecemeal reformers have a modest appreciation for their own limited knowledge, coupled with an awareness that “hardly any social action ever produces precisely the result expected” (164). Unlike Plato who attempts to eliminate all imperfection from the world through his “aesthetic impulse” to realize his vision of
beauty, Popper argues that it is preferable to recognize human limitations, to uphold the freedom and of all persons and their right to model their lives for themselves, and to respect the moral equality of every individual (165). For Popper, political change must be carried out through “a long and laborious process of small adjustments” that embodies the true scientific method, rather than Plato’s “radical canvas-cleaning” which has disastrous results for human beings. Overall, Popper advocates the complete rejection of Plato’s political philosophy, which he describes as irrational, in favor of accepting Popper’s more rational, scientific approach that embraces the equality and freedom of the open society.

Popper’s critique of Plato suffers from a number of problems, many of which have been adequately addressed by other scholars. But for the purposes of this dissertation, there are two that require further examination. The first is Popper’s problematic approach to interpreting Plato’s dialogues. The second pertains to his treatment of the Laws as a dialogue of secondary importance that merely echoes the ideal vision of the Republic. If Popper had appreciated the importance of the Laws and read this dialogue more carefully, perhaps he would see that it contradicts many of his arguments concerning Plato’s view of political life. Popper’s failure to give adequate consideration to the Laws demonstrates the kind of misunderstandings that are possible if readers focus almost exclusively on the Republic.

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In terms of Popper’s problematic approach to interpreting Plato’s texts, one of his most fundamental errors is his failure to appreciate the action of the dialogues. In addition, Popper mistakenly assumes that Plato’s characters speak directly for him. As a result of these errors of interpretation, Popper often misses the ironic elements of the dialogues and misunderstands the teachings they contain. For example, Popper never recognizes that Kallipolis fails by the end of the *Republic*. As a result, he misses the way in which this dialogue teaches the reader to recognize the limits of politics and to temper the kind of political idealism that he accuses Plato of espousing. Popper assumes that Plato wholeheartedly advocates the unfettered rule of philosophy, even seeking such political authority for himself, but he overlooks Plato’s reflections upon the irreconcilable tensions that exist between the philosophical individual and his or her political community that make such an arrangement impossible and undesirable. Since Popper regards the *Laws* as reflecting many of the same principles found in his problematic reading of the *Republic*, he fails to appreciate the way in which this later dialogue also highlights the problems and tensions inherent in the attempt to reconcile philosophy and politics.

The second problem with Popper’s treatment of the *Laws* is that he views it as a dialogue of secondary importance in comparison to the *Republic*. As a result, his interpretation of the *Laws* consists of picking out isolated quotes that support his argument regarding the *Republic* and ignoring any differences between the two dialogues that might undermine his thesis. For example, he argues that Plato demands “the unchallenged domination of one class over the rest” in an uncompromising fashion (108),
but generally ignores the many ways in which the plan for Magnesia distributes power among the various classes and incorporates democratic elements such as the inclusion of all citizens in an assembly, as well as the use of elections and the lot in the selection of various magistrates. Similarly, Popper argues that Plato advocates unchecked political power in his ruling class, yet he ignores the use of scrutinies and audits in Magnesia, both of which serve as a check upon the exercise of unlimited power in this city (121). In terms of educational theory, Popper argues that Plato assumes the primary task of education is to “select future leaders and train them for leadership,” implying that only the philosophical few receive education (127). However, he ignores the inclusive nature of the education offered to all citizens in Magnesia (which surpasses the educational opportunities available in historical Athens), including the non-philosophical members of the city.

Because Popper fails to give adequate attention to the *Laws*, he doesn’t recognize that many of his central criticisms of Plato are contradicted by evidence found in the *Laws*. For example, according to Popper, Plato seeks to arrest all change in political life. However, as this dissertation argues, one of the central teachings of this dialogue is the recognition that political communities exist within the becoming world where the influence of change and chance can never be avoided. Rather than attempting to construct a perfectly closed society in which change is forbidden, the dialogue’s protagonist represents a reformer who encourages his interlocutors to embrace critical inquiry regarding their own laws and who seeks to create a city in which the laws can improve over time so that they can continue to move closer to their ultimate *telos*. At the
same time, he appreciates that such perfection can never be achieved. Although it is true that most of the citizens of Magnesia seem to be isolated from exposure to foreign practices that might motivate them to change their own laws, Popper ignores the way in which the Athenian makes room in Magnesia for the theoroi. These individuals are allowed to travel abroad specifically so that they can be exposed to new and foreign teachings, which they then share with the other members of the Nocturnal Council so that these men can make improvements to the original nomoi. Although one could argue that they represent a small group of elites, Popper also ignores the fact that all citizens in Magnesia will read the text of the Laws itself, where they will hear the Athenian encouraging his interlocutors to question the laws of their fatherlands, and learn of the foreign practices he discusses with the Dorians. Finally, he also ignores the Athenian’s proposal that a select group of foreign visitors will be allowed to “go uninvited to the doors of the rich and the wise” in Magnesia in order to engage in private conversations (953d).

Furthermore, Popper accuses Plato of a kind of radical, “utopian engineering” that single-mindedly pursues the establishment of an ideal vision of society through the use of violence, as well as by discouraging compromise and by ignoring the needs of the many. Through such accusations, Popper fails to appreciate the Athenian’s gentle approach to education and lawgiving, and he overlooks the kind of “double-vision” that the Athenian embodies as he advocates incremental change. As this dissertation argues, because the Athenian appreciates the irrational aspects of the human soul and city, he does not often engage in direct confrontations or espouse radical changes without first persuading his
interlocutors to consider his reforms. Using a combination of arguments and appeals to the irrational, the Athenian only proposes innovations that the DORIANS willingly accept. Furthermore, rather than proposing radical innovations that completely contradict the traditional beliefs and customs of his interlocutors and the colonists who will become the citizens of Magnesia, the Athenian always considers their limitations. For example, despite the fact that the Athenian argues that the best city is one in which the private family and the exclusive ownership of property are eliminated, he appreciates that these goals are beyond the capacity of most human beings, so he allows both the family and private property to remain in Magnesia. Although he does attempt to lessen the importance of these elements in his city through incremental reforms, the dialogue also demonstrates the limitations that the lawgiver faces in carrying out even this gentle and moderate approach to change. In direct contrast to Popper’s interpretation, this dissertation argues that the action of the dialogue serves to warn excessively irrational reformers to moderate themselves.

As a final example of Popper’s misreading of Plato’s dialogues, he accuses the philosopher of seeking to return to a previous era of Athenian history when the political community resembled a closed, tribal society. However, this claim ignores all of the original, progressive innovations that the Athenian recommends for Magnesia (although, as explained above, the Athenian recognizes the need to temper any radical proposals and to appreciate the kind of gradual change through which such proposals may be realized). For example, as this dissertation proposes, the Athenian recommends a new conception of law in which citizens are persuaded to obey willingly through the use of argument
combined with appeals to the irrational. Although Popper is correct that there are elements of the plan for Magnesia that seek to collapse the distinction between “natural” and “normative” laws for most citizens, the Athenian’s proposal to incorporate preludes that provide citizens with some rational explanations for the laws is a progressive innovation that would be out of place in a closed, tribal society. Similarly, the Athenian proposes reforms to the penal code that reject the traditional approach to retaliation as it was practiced in earlier eras of Hellenic history. Although he cannot completely eliminate the use of force, the Athenian proposes a new conception of punishment based on cure and reconciliation that represents an advance beyond the legal practices used even in Plato’s day. Finally, the Athenian’s proposal for incorporating women into the public life of Magnesia by giving them an equal education, as well as opportunities to defend their city are surely contrary to the principles of ancient, tribal society with its strong patriarchal tendencies. Although the Athenian appreciates that this particular reform cannot be perfectly achieved in the earliest stages of Magnesia’s development, this proposal regarding women moves the city in the opposite direction than the one suggested by Popper (not to mention that the Athenian’s example of relying upon knowledge of foreign practices in developing this reform stands in contrast to the rejection of foreign influences in closed societies).
In contrast to Popper’s condemnation of Plato and the *Laws*, Glen Morrow offers an extremely sympathetic reading of this dialogue in his book, *Plato’s Cretan City*. According to Morrow, Plato is more concerned with practice than theory, and his inquiries into law, education and social justice are not merely performed for the purpose of speculation, but to find “solutions to the problems of the statesman and educator” (4). Morrow proposes that the plan for Magnesia may represent a blueprint or model for the benefit of his students in the Academy, many of whom became advisors to actual

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8 It is worthwhile to note that Morrow agreed with Popper’s interpretation to a greater extent in his earlier article, “Plato’s Conception of Persuasion.” Although he begins this article by arguing that Popper was mistaken when he condemned Plato’s dishonest use of persuasion as a kind of propaganda, he shares Popper’s concerns regarding the repressive nature of education in Magnesia (250). Morrow argues that Plato utilizes a form of persuasion that involves both rational and irrational elements. However, Morrow suggests that Plato places greater emphasis upon the training of the sentiments rather than providing rational arguments to his citizens as he attempts to teach them to embrace virtue (243). Although Morrow argues that Plato loved reason, he argues that Plato also cared deeply about protecting the moral health of his fellowmen (244). Because he erred in the direction of the latter (and in contrast to Popper, Morrow argues this was a sincere mistake), Morrow argues that Plato lowered his conception of reason from the time he wrote the *Republic*, where it represented a force that transcended the law (246). In the *Laws*, reason becomes merely a means of “apprehending the public law,” and Morrow argues that the plan for Magnesia offers few opportunities for individuals to develop the earlier, transcendental conception of rationality or to exercise free, rational choice (246). Morrow argues that the education provided in Magnesia quashes “the free play of individual criticism”, and he doubts the possibility of the higher education offered to the members of the Nocturnal Council (247, 250). In fact, he argues that given the repressive nature of the education received by all citizens, he doubts that anyone could retain enough independence of thought to engage in such studies, let alone to participate in any kind of philosophical inquiry (248). Morrow concludes that Plato’s emphasis on “disciplined and steadfast character” led him to abandon the principles of Socrates, who taught that “the life lived without criticism is not fit for a man to live” (250). Despite the rather harsh criticism Morrow offers in this earlier article, he has developed a very different interpretation by the time he writes *Plato’s Cretan City*. In this book, he simply points out that even though contemporary liberals are concerned by his recommendations for education, we practice some elements of “enchantment” ourselves. He points out that while we seek to understand human affairs as a kind of science just as Plato did, we contradict ourselves by objecting to Plato’s thorough-going approach (560). Morrow also abandons his concerns about the possibility of achieving an advanced level of philosophical inquiry among the members of the Nocturnal Council, for in his book he argues that this body represents the highest center of philosophical activity: Plato’s own Academy. Therefore, Morrow’s thinking on this subject changes greatly between the time he wrote his earlier article and his later book. Unfortunately, he never provides an explanation for this change.
political communities (9-10). Unlike the *Republic*, which focuses only on the ideal, Morrow argues that Magnesia is not a utopia (10). In contrast to Popper’s claim that Plato is a “utopian engineer,” Morrow asserts that in the *Laws*, Plato takes on the role of a political craftsman who seeks to take the materials he found before him (including the people and institutions of ancient Greece) and reshape them in order to “create a likeness as close as possible to the ideal” (10).

Given this understanding of the purpose of the *Laws*, Morrow provides a historical interpretation of the dialogue in order to judge the quality of Plato’s craftsmanship. Morrow argues that unless one understands the actual “historical materials” that Plato had to work with, one cannot distinguish between that which is original “Platonic invention” and that which is “received practice” in the plan for Magnesia (12). Therefore, in the first section of his text Morrow reviews the historical states of Crete, Sparta, and Athens in order to understand the origin and purpose of their various institutions and practices. In the second section, Morrow offers a detailed examination of the plan for the city of Magnesia. Rather than analyzing the text in chronological order, Morrow divides the legislative plan into several main categories and reviews the details of each. These include: property and the family, government, the administration of justice through the courts, education, religion, and the Nocturnal Council. In the third section of his book, Morrow examines the three central principles that guided Plato’s legislation in the *Laws*: the mixed constitution, the rule of law, and the rule of philosophy. While this dissertation incorporates aspects of Morrow’s analysis
from the first two sections throughout all of its chapters, this literature review focuses primarily upon the arguments in his third section.

Before turning to the summary of this third section, it is important to understand Morrow’s stance concerning the status and authenticity of the *Laws*. According to Morrow, the text of the *Laws* that is available to contemporary readers was written by Plato, although it is an unfinished version. Following the account of Diogenes Laertius, Morrow explains that this text was transcribed in wax by Philippus of Opus (515). While a number of scholars have offered theories concerning the extent of Philippus’ editorial changes (some arguing that he undertook a “complete revision and alteration of Plato’s work”), Morrow concludes that any such additions were very minor (517-518). Morrow asserts that the text contains “minor incoherencies” (such as the double method of electing the guardians) that Philippus retained in the text, thereby supporting Morrow’s argument that Philippus respected the integrity of Plato’s original text and did not significantly alter it (517). Although Morrow assumes that Philippus made minor additions such as adding transition sentences where necessary, on the whole Morrow argues that one should uphold the “excellent heuristic principle” that “every word comes from Plato” while interpreting this text (518).

Beginning with the examination of Morrow’s arguments in the third section of his book, he proposes that Plato’s first guiding principle as he created the plan for Magnesia is the concept of the mixed constitution. According to Morrow, Plato is one of the first thinkers to expound upon the theory of the mixed constitution, and he may have been its
originator (521). Morrow explains that Plato’s concept of the mixed constitution in the
*Laws* involves the attempt to follow the guide of the mean (*metrion/metriotais*) or
“middle way” as he designs his plan for Magnesia (521). According to Morrow, Plato
followed the Pythagoreans in conceiving the “middle way” as the product of the mixing
of two extremes such that “the mean carries in itself proportionate elements of the two
extremes” (523-525).

In the *Laws*, Plato applies this principle of the mean by creating a constitution that
represents a middle ground between monarchy and democracy. However, Morrow says
that Plato understands monarchy in broader terms such that he does not necessarily seek
to establish a king, but desires to incorporate “some recognized source of authority in the
state…relatively independent of the changeable and often conflicting wishes of the
demos” (526). This monarchical element must be prudent and moderate, meaning that it
“must rule over willing subjects, whose obedience does not have to be exacted by
force” (527). The problem that Morrow sees in establishing this monarchical element is
finding a way to give power to a strong executive who can effectively serve the people’s
long-term interests, while also limiting his power (528). Morrow argues that Plato was
aware of this problem and offered an effective solution by creating a mixture within the
executive (539). In Magnesia, he creates a plurality of executive offices that balance one
another so that power is not concentrated in the hands of any single individual.
According to Morrow, this is the earliest formulation of the doctrine of checks and
balances, although he also notes that this solution gives the impression that Plato has
incorporated oligarchic rather than monarchic elements in his constitution (539, 528). In
terms of incorporating democratic elements, Morrow points to Plato’s broad definition of citizenship (there is no property qualification for attending the assembly, participating in the courts, or for holding most offices), as well as the election of some officers by the entire body of citizens (529). Morrow describes Plato’s incorporation of both election and lot, as well as his design for the system of courts, as compromises that involve both democratic and oligarchic principles (529).

In addition to establishing the various political devices and governmental structures described above, Morrow argues that Plato’s attempt to follow the “middle way” also suffuses almost every aspect of life in Magnesia, including economics (eliminating extremes of wealth and poverty), education, religion, and the mixing of Dorian and Ionian elements (531-534). For example, Morrow highlights the way in which Plato combines persuasion and compulsion in his conception of law, the way he mixes the old and the young in the membership of the Nocturnal Council, and the way in which he conceives of a proper marriage as the mixture of contrasting qualities for the benefit of the whole city (535). Most importantly, Morrow understands the plan for Magnesia as an attempt to mix the interests of rulers and ruled for the purpose of establishing balance or friendship between the two. Unlike some other scholars, such as Strauss, who lament the inclusion of this kind of compromise in Magnesia, Morrow lauds this as one of the philosopher’s most admirable achievements.

Moving on to the second principle guiding Plato’s political craftsmanship, the rule of law, Morrow argues that Plato recognizes the sovereignty of “right” or ideal law. This
ideal law represents the “full and unblemished expression of Nous” in that its various prescriptions are arranged systematically into an intelligible whole, and it is created by a wise legislator who has a rational understanding of the proper goal of the law, as well as practical knowledge of the best way to accomplish this end (565-6, 569). Morrow also sees that Plato emphasizes the importance of experience in creating legislation, and he highlights the way in which Plato depicts the Athenian Stranger considering the “facts of experience and lessons of history” as he legislates (567). Based on his understanding of the action of the dialogue, Morrow concludes: “the work of reason is not to deduce laws from a first principle, but to select from experience those principles and practices that conduce to the legislator’s end and fit them into an articulated and mutually supporting whole” (568). According to Morrow, Plato recognizes that positive law is only an imitation of the ideal law, and yet he still gives it his full support in this dialogue, since even an imitation is preferable to living under a lawless tyrant. He also allows for the improvement of positive law in Magnesia so that it might reflect the ideal more accurately. In order to ensure that these improvements are made in accordance with Nous, Plato assigns this task to the Nocturnal Council, although Morrow argues that Plato only allows ten years for the improvement of all laws (after which point they must become immutable) (570).

In terms of Plato’s own approach to improving positive law, Morrow argues that he recognizes the various problems inherent in the rule of law, and attempts to remedy them (545, 552). According to Morrow, Plato’s approach to reform involves combining common Athenian opinion with his own original innovations. This understanding of
Plato’s method of reform is a stark contrast to Popper’s description of Plato as a “utopian engineer” who ignores the importance of practical experience in understanding political life and who attempts to recast completely the structure of society (162-163). To support his claim, Morrow cites Plato’s acceptance of the traditional opinion that the rule of law requires a system of fair and impartial courts. However, Morrow also notes the subtle way in which Plato reforms the traditional judicial system. He allows for appeals from the lower courts to a higher tribunal, he changes legal procedure to allow greater time for trials, and he allows for greater “inquisitorial examination” of both charges and evidence (547-548). As another example, Morrow argues that Plato accepts the common opinion that government officials must be subject to legal controls designed to keep them within the bounds of their authority. As a result, he includes the Athenian dokimasia (scrutiny) and euthyna (audit) in his plan for Magnesia (548). However, he also reforms them in order to give greater control over these institutions to smaller groups of more highly qualified individuals than was the case in historical Athens (548). In addition to reforming existing elements of Athenian law, Morrow also recognizes that Plato does add original elements, such as the Nocturnal Council and the Guardians. But even these innovations conform to the established principles of common opinion regarding the need to limit power. For example, the Guardians serve as a check on the power of lower magistrates in Magnesia, while the Guardians themselves are also subject to various restrictions (548-549). According to Morrow, the way in which Plato designs his system of magisterial bodies and courts so that each has a check upon the activity of the others is one of Plato’s greatest innovations (550). Morrow indicates that Plato even proposes
something like a separation of the judicial power from the other powers of the
government (550-1).

In addition to offering reforms that correct some of the problems in the historical
practice of the rule of law, Plato also concerns himself with establishing “the supremacy
of the law in the minds and habits of the ordinary citizen” (552). Although he
incorporates certain elements of Cretan and Spartan practices, and he does make use of
force and punishments, Morrow argues that Plato also recommends a completely original
practice: creating “informative and persuasive” preambles and exhortations to
supplement the law itself (552-553). The purpose of these supplements is to help the
citizens understand why they must obey so that they do so willingly. The preambles
achieve this by explaining the rational grounds on which legislation rests and by
incorporating “rational statements of the good which the law serves” (553, 555, 556-7).
He also argues that these preambles “employ non-rational means of persuasion,”
although he does not suggest that the non-rational aspects are dominant as he did in his
earlier article, “Plato’s Conception of Persuasion” (557). He now explains, “the
preambles are intelligently persuasive; they are persuasion at the high level of rational
insight suffused with emotion” (558).

Finally, Morrow argues that the third principle of Plato’s craftsmanship is the rule
of philosophy. Morrow argues that although Plato prefers the rule of an individual person
who possesses perfect knowledge and virtue, he recognizes in the Statesman that such
philosopher-kings cannot be found (544, 585). Morrow also claims that Plato sees that
law cannot be sacrificed by a political philosopher since this is the only way he can make
his knowledge effective (590). As a result, Plato embraces the rule of law, but he does
not abandon his hope that philosophy could play a role in the city. According to Morrow,
Plato seeks to combine these two forms of rule by making the law sovereign, but also by
giving philosophy the power to formulate it, as well as to control its interpretation and
revision so that the law reflects the ideal as it is understood by philosophical reflection
(587, 590). As a result of this arrangement, Morrow argues that Plato puts philosophy
“into service so that it would be the salvation, not the ruin, of the state it professes to
serve” (590).

In his conclusion, Morrow repeats his earlier argument that Plato is a craftsman
akin to the demiurge of the Timaeus, who takes the materials at hand and uses them to
produce a city that comes as close as possible to his ideal (591). Rather than creating his
ideal city through “outright invention” and “philosophical imagination,” Morrow argues
that Plato sees the true purpose of historical institutions and traditions and reforms them
so that they may better serve this original telos (591). According to Morrow, Plato’s
finished product is an idealized version of Athens from a previous time when the city was
more similar to its Dorian counterparts. However, Plato does not simply look backwards,
but incorporates a variety of new institutions as he presents the plan for Magnesia as a
model for legislators in both Athens itself as well as other Greek cities (592).

There is much to praise in Morrow’s text, especially concerning his central
project of offering a historical analysis of the Laws. The quality of his research, as well
as his attention to detail are superb. As a result of his depth of knowledge concerning Athenian practices and institutions he is able to offer a persuasive rebuttal to Popper. While Popper argues that Plato is a “utopian engineer” who despised the Athens of his day and rejected common Athenian opinion concerning justice and individual freedom, Morrow’s appreciation for Platonic invention versus historical practice allows him to demonstrate that the plan for Magnesia is anything but an example of radical “canvas-cleaning.” He successfully argues that the Laws offers a model of political change more in keeping with the moderate “piecemeal” approach that Popper lauds by explaining the historical basis for many of the institutions and practices included in the plan for Magnesia. Morrow acknowledges that these institutions are often reformed, but he offers historical evidence to show that these reforms are designed to further the fulfillment of their true purpose. For example, in his analysis of Plato’s reforms concerning the rule of law, Morrow demonstrates that many of the elements proposed for Magnesia are based upon Athenian precedent, which Plato then develops “in the direction which these precedents established, sagaciously avoiding some of the pitfalls concealed in Athenian procedure, and providing remedies for evils which the Athenians…were not able to overcome” (552).

Another strength of Morrow’s analysis is his insightful understanding of the Athenian’s plan for education, including an appreciation for the education of the irrational. As he analyzes the Athenian’s paideia, Morrow recognizes the emphasis given to addressing the non-rational aspects of the individual. He highlights the importance of habituation (300-301), especially through dance (302-318), and he appreciates the
importance of pleasure in the Athenian’s educational plan (308-309). He also recognizes
the way in which the Athenian educates the rational portion of the soul through the study
of letters, mathematics, and astronomy (337-350). Morrow also appreciates the way in
which the Athenian seeks to educate both the rational and irrational aspects of his citizens
through the preludes (552-559). He accurately recognizes that the preludes (or
“preambles,” as he calls them) serve as a form of instruction that explain “the good
…which the law is intended to secure and the reasons why the citizen should conform to
it,” and that they reflect Plato’s conviction that “a legislator who has formulated his laws
scientifically will be able to give the rational grounds on which they rest” (553, 556).
However, Morrow also appreciates that Plato does not view his citizens as entirely
rational beings, but also sees the “nonrational elements in this „mortal nature”” (556).
Therefore, Morrow argues, “Plato plainly indicates that more than reasoning is required
to bring human nature under the control of the law; hence in his preambles, as in all the
other institutions of his state, he often employs nonrational means of persuasion” (557).

Therefore, unlike other authors who fail to understand the way in which the
Athenian’s paideia incorporates elements that strengthen the rational part of the soul so
that it may assume its natural position as leader, as well as appeals to the irrational that
are designed to train the passions and appetites to support the former, Morrow provides a
an accurate and compelling analysis on the topic of central importance to this
dissertation. However, one must note that this same balance is not found in his earlier
article, “Plato’s Conception of Persuasion.” Here Morrow offers a much more negative
interpretation of education in Magnesia in which he accuses Plato of offering few
opportunities for the development of true reason, and suggests that it is improbable that the members of the Nocturnal Council could ever serve as effective leaders to their city because they lack the capacity for critical thinking due to the limited nature of their earlier education (246, 248). In contrast, in Plato’s Cretan City he says of the education offered in Magnesia: “These studies are a means of introducing all young citizens to the realm of scientific necessity upon which law and policy must be based, and of preparing some of them to undertake the higher study of this realm which would equip them for responsible leadership of the state” (348). Morrow changed his mind about the nature of the Athenian’s educational proposals between the time he wrote his article and his book, but he does not adequately address or explain this change in his understanding. This is unfortunate, because he has discovered one of the central tensions of political life that the Laws brings to light: the difficulty of educating citizens to follow the laws and to fear changing them so as not to destroy the lawgiver’s carefully designed plan for the city, while also educating future leaders who can critically assess the laws in order to improve them over time.

This failure to appreciate the tensions that the Laws highlights for the reader is found throughout Morrow’s book, and it constitutes one of this author’s greatest shortcomings. Since Morrow understands the purpose of the dialogue in practical terms as an actual model for future legislators, he assumes that Plato offers solutions to existing political problems in the Laws (4, 9). As a result, he does not appreciate the speculative nature of this dialogue and he overlooks many of the problems inherent in the Athenian’s plan for Magnesia that indicate to the reader that this is not a model for an actual city.
For example, Morrow assumes that Plato offers a solution for successfully combining the rule of law with the rule of philosophy through the establishment of the Nocturnal Council (590, 514). However, as other scholars (such as Strauss and Zuckert) and this dissertation shall argue, the dialogue sheds light on the problems involved in attempting to combine politics and philosophy. Rather than solving this conflict through the successful establishment of the Nocturnal Council, a careful reading of the text suggests that this institution is deeply problematic, thereby indicating that the tension between the philosopher and the polis is never reconciled. It is not accurate to describe the plan for Magnesia as providing practical solutions when its most important element is left unresolved. Rather than providing a blueprint for future legislators, the Laws seeks to educate potential legislators about the difficulties inherent in establishing legislation due to the presence of the irrational. The dialogue ends with more questions than answers concerning the plan for Magnesia, and suggests the need for ongoing conversation about the tensions that the text brings to light.

Related to this problem in Morrow’s interpretation of the Laws is his failure to pay adequate attention to the action of the dialogue. For the most part, Morrow ignores the chronological development of the text (one of the few exceptions occurs at p. 567), and as a result he does not appreciate the roadblocks the Athenian encounters as he develops his city in speech. These failures allow the careful reader to see the limitations of the lawgiver as he attempts to bring his vision of the best city to life in the becoming world. For example, Morrow misses the importance of the penal code as the failure of the Athenian’s educational plan for Magnesia. He also misses the contrast between the
first three books and the rest of the text in which the Athenian legislates for Magnesia. He does not notice the differences between what the Athenian says to his interlocutors as a private teacher versus the way he must limit himself when he is legislating for actual citizens. Again, these differences highlight some of the difficulties of political life. By overlooking these aspects of the text, Morrow misses the more tentative and speculative nature of the plan for Magnesia and the Athenian’s recognition of the limitations of political life more generally.

1.4.3 Strauss

In his book, *The Argument and Action of Plato’s Laws*, Leo Strauss describes the *Laws* as “the most political work of Plato,” for it presents an image of the Athenian Stranger engaging in political activity (1). Strauss approaches this text as he does the other Platonic dialogues by analyzing both its arguments and the dramatic action. Like most of the authors reviewed in this chapter, Strauss offers his interpretation of this dialogue in the context of comparison to the *Republic*. He concludes that the *Laws* is the inferior of the two texts because the conversation between the Athenian Stranger and his interlocutors, as well as the plan for Magnesia, are sub-Socratic. This literature review attempts to examine the evidence the author provides to support this conclusion. This entails first examining the problematic aspects of the Athenian’s plan for Magnesia, then analyzing the nature of his conversation with the Doriens.
One of the central arguments Strauss offers in support of his conclusion regarding the sub-Socratic nature of Magnesia is based upon his theory regarding the rule of intelligence. According to Strauss, intelligence is the “sole rightful ruler,” and a completely rational city consists of a philosopher exercising tyrannical power since he alone rules according to true logos (86-87). Any attempt to weaken the authority of intelligence in a political community by limiting its power or by mixing this form of rule with other elements goes against nature because it involves a lowering of that which is highest (86-87, 9). Unlike the city of Kallipolis in which intellect rules in an undiluted manner, the same is not true of Magnesia (38). This is a city where nomos rules instead of nous, and Strauss accuses the Athenian of obscuring the difference between the two. Because nomos is not always based on sound reasoning and must make concessions to that which is irrational, it is inferior to the rule of intelligence (130). For example, Strauss explains that law takes into consideration the “compelling power of the many,” and aims at friendship and peace among the various parts of this complex city (6, 86). This requires that the highest title to rule must be reconciled with a variety of other titles, despite the fact that they conflict with it (47). Most significantly, Strauss argues that in Magnesia, the rule of intelligence is compromised by the rule of the strongest because the Athenian Stranger makes concessions to the demos and gives them a share in ruling the city (47). As a result, Strauss argues that although the Athenian’s legislation proposes to aim at the whole of virtue, it gives precedence to moderation and justice rather than the highest virtues of good sense or intellect (47).
In addition to these shortcomings of *nomos*, Strauss also highlights the fact that law necessarily requires the support of compulsion to lead the majority of citizens to become more virtuous (60). Unlike the private education offered by a teacher such as Socrates, who can rely solely upon “soft and gentle” reasoning to lead his students to virtue, the lawgiver must coerce his recalcitrant citizens by utilizing force when necessary (18, 60). Therefore, Strauss concludes that although one might prefer the model of the free physician as the best image of the art of legislation, necessity requires that the lawgiver also imitate the slave doctor (62-65). The city’s reliance upon force represents another of the problematic, yet necessary, aspects of the plan for Magnesia that render it sub-Socratic.

In addition to blurring the distinction between the rule of *nomos* and *nous*, Strauss also objects to the way in which the Athenian compromises the rule of intelligence in Magnesia by honoring the title to rule based on age (46). Whether it is the arrangement of the choruses according to age, the granting of authority to judge pleasant performances to the oldest members of the community who base their decisions on experience, the praise given to the Egyptians for their educational system that honors the ancestral, or the honors given to elders in the penal code, Strauss argues that the Athenian repeatedly obscures the distinction between that which is old with that which is best (3, 25-27, 165). In terms of honoring the ancestral laws and customs, Strauss argues that this is problematic because they are merely “an image of the intrinsically correct” (25). The fact that laws are old does not guarantee that they are based upon true *logos* (25). In terms of honoring citizens because of their age rather than honoring the wise as wise,
Strauss objects that the elderly are particularly likely to oppose the kind of critical analysis of traditional laws that is necessary to reform them in accordance with true *logos* (20). Despite the fact that Socrates also incorporates age as a qualification for rule among his philosopher-kings in Kallipolis, Strauss argues that the way in which the Athenian collapses the distinction between age and wisdom and grants authority to those members of the city who are “habitually averse to innovation” is another way in which the rule of intelligence is compromised in Magnesia (33).

Strauss also points to the Athenian’s discussion of the Nocturnal Council as evidence that the rule of intelligence in Magnesia is diminished. In contrast to scholars such as Klosko and Barker who argue that Magnesia is ultimately handed over to the Council members who represent the philosopher-kings of the *Republic*, Strauss holds out little hope that this could ever take place, despite his strong preference for this arrangement. Although he acknowledges that the Council has the potential to incorporate the rule of intelligence into the plan for Magnesia, Strauss is doubtful that this can be achieved. He proposes that the character and role of the Council is left obscure in the text because of the impossibility of assigning “the wise as wise” to their proper place and status “in a politically viable form” (181). For example, Strauss argues that the way in which the composition of the Council changes throughout the Athenian’s discussion, as well as the Athenian’s refusal to name the subjects that its members must study are both acknowledgments that the Athenian never resolves the question as to whether the Council members are potential or actual philosophers (185). Strauss also suggests that as long as the Council includes non-philosophers such as Kleinias, it cannot possess the true art of
dialectic (180). Without this, the Council cannot represent the rule of intelligence. This “heterogeneous composition” of the Council is due in part to the Athenian’s failure to engage with his interlocutors (and presumably other non-philosophers) in a truly Socratic manner (182). Socrates utilizes *elenchus* to help his interlocutors realize the problematic nature of their opinions such that they become aware their own limitations and modify their actions accordingly. Since the Athenian never utilizes this kind of Socratic *elenchus*, Strauss argues that his Cretan interlocutor never appreciates his own inferiority and lack of qualification to serve on the Council (182). Therefore, Strauss identifies the Athenian’s gentle approach to educating his interlocutors as extremely problematic. Because the Athenian does not rise to the level of Socratic discourse, the undiluted rule of intelligence becomes impossible.

Related to this problem is the way in which the Athenian blurs the distinction between the highest level of virtue and the lower level of “animal” or demotic virtues throughout the dialogue (181). Strauss argues that the Athenian does not clearly explain the difference between the virtue of the philosophical few (which involves knowledge of the ideas) and the kind of common virtues “which every citizen can acquire and which are presumed rather than supplied by the highest kinds of study” (184). He recognizes that cities are complex entities consisting of the “*demos* and non-*demos,*” which makes the inclusion of this kind of sub-rational virtue necessary (180). However, because the Athenian confuses this true virtue with a mere “image of virtue” until the end of the dialogue, he allows members of the *demos* to share in the rule of the city, thereby undermining “true proportionate equality which for us is always the political right” (180).
For example, Strauss argues that although the Nocturnal Council falls short of his ideal in terms of granting authority to the truly philosophical, it comes closer than any other institution in Magnesia to representing a “divine assembly” (186). However, since the Athenian allows all citizens to participate in a “human assembly” that exercises some authority in Magnesia, he compromises the rule of intelligence further still (186). Because the members of the demos do not know that the virtue they possess is sub-rational while the only legitimate title to rule requires the highest level of virtue, they mistakenly believe that they should be given a share of ruling authority and the lawgiver must appease them.

Strauss argues that this confusion regarding virtue is also found in the educational plan for Magnesia, which may encourage the development of lower virtue in the citizenry, but does nothing to lead them to higher virtue. Unlike scholars such as Christopher Bobonich who argue that the Magnesian education is essentially rational and that it successfully leads all citizens to an appreciation of the non-sensible properties (i.e., the ideas) through its emphasis on mathematics and preludes in particular, Strauss argues the opposite. He refers to the education that the Athenian offers to most citizens as an inferior kind of paideia that is “not more than the habituation of the sub-rational part of the soul” (22). Although he recognizes that some individuals will have an opportunity for advanced study (however, he also expresses concern over the Athenian’s failure to explain the details of this higher education) he concludes that most citizens will receive a limited education which lacks “the noblest branch of learning” (dialectics), but emphasizes lower disciplines such as mathematics and astronomy that never lead students
to transcend the realm of sensible things in order to comprehend that which is (112-114).
Strauss also implies that the inclusion of women in Magnesian education involves a further lowering of the city since females are inferior in virtue to males (97-99, 102).

Turning now to the sub-Socratic nature of the Athenian’s conversation with his interlocutors, Strauss observes that the Dorians are less exacting interlocutors than Glaucon and Adeimantus. They are men with whom it would be unsuitable for the Athenian to discuss the philosophic life (59-60). Strauss objects that the discussion between the Athenian and his interlocutors falls short of true dialectic because the Athenian never asks the Socratic questions “what is education?” or “what is law?” nor does he directly question his interlocutors concerning these issues (17). Strauss states that this discussion resembles dialectic at certain points, and he argues that the Athenian finally abandons this inferior level of argument at the very end of the dialogue when he discusses the Nocturnal Council (182). As mentioned earlier, because the Athenian does not engage in true elenchus with his interlocutors, they never learn to appreciate their own lack of knowledge or their lack of qualification for rule. Despite his abandonment of the sub-Socratic level at the end of the dialogue, the Athenian asserts that Kleinias ultimately fails to understand the nature of virtue, nor does he understand the value in asking questions about such things (179-180). Strauss asserts that the text demonstrates Kleinias’ inability to raise and answer the most important questions. Since the man who

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9 Despite the fact that the Athenian never raises these Socratic questions, Strauss does argue that the Athenian provides answers to the questions he never explicitly asks by demonstrating the art of education in his interactions with the Dorians (17). If one agrees with this point, paying attention to the action of the dialogue is particularly important when reading this text.
is partially responsible for the founding of Magnesia lacks appreciation for philosophical inquiry, Strauss’s interpretation offers little hope that Magnesia can ever aspire to improvement by incorporating philosophy into the city in any meaningful way.

For Strauss, Magnesia is not a city that exemplifies the possibilities and promise of the rule of law, but which instead brings to light the disappointments and difficulties of the attempt to reconcile politics and philosophy. For Strauss, Plato’s last dialogue offers a view of political life rather in keeping with Socrates’ remark regarding those who have escaped from the cave and who would prefer “to undergo anything whatsoever rather than to opine those things and live that way again” (516d): “Don’t be surprised that the men who get to that point aren’t willing to mind the business of human beings, but rather that their souls are always eager to spend their time above” (517d). It is Strauss’s final observation that at the end of Book Twelve when Kleinias and Megillus decide to persuade the Stranger to participate in the actual settlement of the city, “the Athenian ‘naturally’ does not respond” (186). Although Strauss states that Socrates’ discussion of Kallipolis in the Republic “does not present the best political order, but rather brings to light the limitations, the limits, and therewith the nature of politics,” he is deeply critical of the Athenian’s second-best city, focusing on its many deficiencies and finding very little worthy of praise (1). If Kallipolis and the undiluted rule of intelligence are not possible, and the second-best city is undesirable, Strauss’ text leaves the reader in a state of deep despair regarding the possibilities of political life.
There is much to admire in Strauss’s analysis of the *Laws*. To begin, his method interpreting the text is outstanding, and this dissertation strives to follow his example by considering not only the arguments in the dialogue, but also the setting, characters, and dramatic action. This approach to reading the *Laws* allows Strauss to see elements of the dialogue that other scholars miss. For example, Strauss recognizes the contrast between the private education the Athenian offers his interlocutors in the first fourth of the dialogue and the political activity of advising an actual lawgiver after 702e. He also appreciates the way in which the penal codes represent a failure of the Athenian’s plan for educating the Magnesians, which requires that he combine the models of the free and slave doctors as he legislates. Most importantly, Strauss recognizes the way in which the text highlights the tensions involved in the attempt to combine philosophy and politics, rather than offering an actual blueprint for a future city in which this problem is successfully resolved.

However, there are also some problems in Strauss’s analysis. Perhaps most importantly, Strauss focuses almost exclusively upon the interests of the philosophical few, and expresses disappointment (if not disdain) for the Athenian’s efforts to care for average citizens by offering them an education and granting them a share in ruling. While the text itself certainly highlights the failures and shortcomings of the non-philosophical members of Magnesia, the Athenian Stranger expresses a genuine concern for these individuals despite their faults and imperfections. One gains very little sense that Strauss appreciates this aspect of the text. Strauss praises any elements in the plan for Magnesia that give greater advantage to the few over the many and laments any
concessions to the average citizens. He praises the highest form of virtue and sees little merit in the lesser forms of demotic virtue. In general, Strauss expresses disappointment in political life as it is presented in the *Laws* due to its shortcomings, especially its failure to institute the undiluted rule of intelligence. He does not show much interest in or appreciation for the Athenian’s reforms that are designed to move the city closer to this goal over time.

In contrast, this dissertation emphasizes the aspirational nature of the dialogue. Unlike Strauss, it argues that the Athenian recognizes the problems that exist as a result of the presence of non-philosophers in the city and the irrational passions in the soul, but he also strives to improve them, especially through his education of the irrational. Although this education may be sub-Socratic, it still has value as a means of offering hope of improvement for the majority of human beings, whom the Athenian deems worthy of his attention. This aspirational quality is at the heart of the Athenian’s “double-vision” concerning lawgiving. As this dissertation shall argue, the Athenian does have a vision of the perfectly rational city, but he is also aware of the shortcomings of actual human beings and their political communities. However, he does not abandon the city because it falls short of his ideal. He proposes reforms and incremental changes through which the city and its citizens can be improved over time. Most of the citizens will never achieve the highest level of virtue, but they are still worthy of the philosopher’s attention, and the education of the irrational is still valuable. Although Strauss expresses doubt that the Athenian would deign to stay and help found the city of Magnesia, this dissertation proposes that the dialogue ends with the Athenian continuing
his conversation with the non-philosophical Dorians, which implies that he desires an ongoing relationship with the city despite its flaws.

1.4.4 Saunders

Like most other scholars, Trevor J. Saunders grounds his interpretation of the *Laws* within the larger context of this dialogue’s relationship to the *Republic*. While some scholars, such as Bobonich, propose that the *Laws* represents a break from Plato’s earlier political thought, Saunders denies this claim, arguing that Plato could have written both dialogues at the same point in his career (Introduction, xxxiii). He proposes that the two dialogues are so consistent in their teachings that they represent “opposite sides of the same coin,” and should be read together in order to fully understand the teachings of each (xxxiii). On the surface, this proposal seems counter-intuitive given that the *Republic* and *Laws* depict very different kinds of cities. According to Saunders, the former argues that political rule is a skill based on perfect knowledge of the Forms, which can be achieved only by a highly educated and select group of philosopher-kings who must be granted direct and complete political authority over the city. The latter envisions a *polis* governed by the rule of law, where there are no philosopher-kings and virtually no mention of the Forms (“Plato’s Later Political Thought” 465). However, Saunders, like Strauss, argues that Plato presents the reader of the *Republic* with an unattainable, theoretical ideal, which Saunders characterizes as “an extreme statement, designed to shock, of the uncompromising application of certain political principles” (xxxiii). In other words, Saunders argues that one should not read the *Republic* as Plato’s serious
proposal for an actual city, for even during the “middle period” of his career he knew that
the ideal of granting absolute power to god-like philosophers could not be achieved
(xxxiii). In contrast, Saunders argues that one should understand the *Laws* as Plato’s
blueprint for creating a actual city, one where conditions would be more propitious for
philosophy to “take root” and grow (483).10 Saunders speculates that in a city like
Magnesia, the members of Plato’s Academy could encourage political leaders to engage
in philosophical inquiry regarding virtue and happiness, and then eventually spread this
message to more average citizens in order to encourage the development of the “demotic
virtues” (484). Given that this dialogue offers both a theoretical and practical agenda,
Saunders argues that the *Laws* is perhaps Plato’s most ambitious work. Even though
Plato wrote this dialogue in his seventies, Saunders asserts that he was still attempting to
“root politics in the *terra firma* of philosophy,” and that there was “no dimming of his
zeal for the *arête* and *eudaimonia* of mankind; for that, after all, is what philosophy is
for” (466, 484).

At the heart of Saunders’s argument regarding the consistency between these two
dialogues is his conclusion that they share the same underlying principles. These
principles include the notion that human happiness requires the possession of virtue, and
that virtue requires that one understand its Form or essence (464). In addition, both
dialogues conceive of the pursuit of such understanding as a philosophical activity, and

10 However, in his article, “Plato on Women in the *Laws,*” in *The Greek World,* ed. A Powell
(London: Routledge and Kegan Paul, 1995), Saunders suggests the opposite interpretation. Here he argues
that the Athenian’s plan for Magnesia should not be understood as an exact blueprint due to its internal
tensions (603).
both assert that morality and politics are dependent upon philosophy (465). These teachings are more immediately apparent in the Republic, and Saunders admits that they are more difficult to pinpoint in the Laws. Therefore, Saunders’s goal in writing his article, “Plato’s Later Political Thought” is to substantiate his claim that they are present in the later text. To begin, Saunders must prove that Plato retains his theory of the Forms in the Laws, despite the fact that it is never explicitly discussed. Saunders argues that the discussion of the Nocturnal Council’s program for higher study at the end of the dialogue hints at the existence of such unchanging metaphysical realities (467). Saunders argues that the passages in which the Council members are required to study the problem of the one and the many, to “look beyond the many dissimilar instances of something pros mian idean, to a single shape/form,” and to understand the way in which the virtues are distinct and yet unified are all “strongly reminiscent of Plato’s discussions of the Forms in earlier dialogues” (467).

Having demonstrated that Plato hints at the existence of the Forms in his final text, Saunders’ second task is to explain how the various elements of Magnesia’s detailed legislation relate to these metaphysical realities (469). He proposes that the Forms are made foundational in Magnesia by basing the title to rule upon knowledge of them (470). Saunders explains the underlying principle of the title to rule in Magnesia as the following: “the more rational you are, the more you understand the truth, and the more you will have authority in the state you are about to found” (470). However, Saunders also claims that Plato is aware that he cannot fully achieve his ideal vision of philosophical rule in Magnesia. Describing Plato as a “craftsman lawgiver” who has to
do the best he can with the materials he is given, Saunders proposes that Plato follows a “sliding scale” approach to legislating for Magnesia (471). In other words, although he retains the same ideals found in the Republic, in the Laws Plato recognizes that he can achieve some things, but not others: “He will aim as high as he can, but he will be careful to retain a fall back position” (471). In terms of ensuring that Magnesia is “founded upon philosophical insight,” Saunders points to the inclusion of philosophers among the members of the Nocturnal Council in the persons of the theoroi. These individuals are engaged in the philosophical activity of traveling abroad to learn about foreign practices so that they can return to Magnesia and share their insights with the rest of the Council, which then feeds these new ideas into the legal code, thereby strengthening the connection between the laws and philosophical understanding of the Forms (477). However, Saunders recognizes that this is far from establishing the rule of intelligence in Magnesia. He acknowledges that many other members of the Council are merely “gentlemen farmers,” and he admits that the Council does not exercise direct and absolute rule in the city (475). Although Plato favors appointing most leaders based on their character and intelligence, he recognizes that he must temper this ideal by sharing some authority with average citizens, despite the fact that their political virtue is merely “rudimentary” (474). In general, Saunders argues that Plato retains his ideal of rule based on wisdom and virtue, but acknowledges that Plato sees a tension between the “ideal and real” (482). However, despite this recognition, he does not give up his project altogether. He seeks to move closer to achieving his ideal by reforming common Greek institutions to give more influence to the more rational and virtuous citizens (474). For example, he retains the Athenian practice of allowing citizens to participate in the courts, but reforms
this judicial system by instituting higher courts that will review appeals from these lower, citizen courts that are reminiscent of the Athenian *dikasteria* (478).

In terms of Plato’s teaching regarding the relationship between virtue and happiness, Saunders argues that the *Laws*, like the *Republic*, is based on this philosophical principle. According to Saunders, this dialogue represents Plato’s final attempt to “mark out for mankind the path to *eudaimonia*” (483). To support this claim, Saunders points to Plato’s reforms of the traditional penal code. Saunders proposes that the goal of his reforms is to cure unjust individuals rather than to simply inflict suffering as a means of retaliation (478). The legal procedures and penology are “philosophically grounded” in that they attempt to diagnose and reform criminals so that they may become more virtuous and happy (478). Saunders also regards the theology of Book Ten as further evidence to support his claim. According to Saunders, the three central teachings of this theology support Plato’s moral theory by persuading Magnesia’s citizens that happiness is not independent of virtue, thereby preventing them from becoming morally corrupt (479). In addition, Saunders argues that the entire constitution and economic structure of Magnesia is set up to support Plato’s moral theory. Specifically, he asserts that Plato restricts economic activity and makes Magnesia’s leaders subservient to the rule of law in an attempt to remove obstacles to the attainment of virtue (479). Saunders also claims that Plato extends this concern for the *arete* and *eudaimonia* of every part of the population—not just adult male citizens, but also women, slaves, and foreigners (480).
Despite his argument that most of the major elements of Magnesia’s legislation are rooted in philosophical principles that seek to foster the virtue and happiness of all members of the city, Saunders appreciates that Plato does not assume that every individual is philosophical and capable of attaining true knowledge of the Forms. Returning once again to his metaphor of the “sliding scale,” Saunders argues that Plato continues to aim at intellectual understanding of the Forms and complete virtue based on this knowledge, but he takes a pragmatic approach to trying to help the citizens move closer to this point (482-483). The institutions he creates for Magnesia reflect a “pragmatic judgment” about the conditions that will facilitate “an intellectual grasp of those virtues, and hence the invariable practice of them” (482). According to Saunders, Plato thinks that if the Magnesians succeed in gaining some intellectual grasp of virtue under the guidance of the Nocturnal Council, their lives will gradually “improve in moral quality as a result of their improved understanding” (483). Saunders also recognizes that those who have not reached this highest form of knowledge still attain some degree of common or demotic virtue. However, unlike Strauss who casts aspersion upon this lower “image” of arête, Saunders is more positive: “There must be some relationship between „ordinary’ or customary virtue based on imperfect understanding induced by myth and so forth, on the level of „right opinion,’ and a perfect grasp of what Virtue itself is, based on reason. The life you led when you were in the process of improving your understanding of virtue is thus an excellent preparation and foundation for the life you will lead when you have obtained it” (483).

Based on this evidence, Saunders concludes that the Laws is a work of philosophy,
and that it is consistent with Plato’s earlier teachings regarding politics (481-483). He concludes that Kallipolis and Magnesia are the “same Platonic state—but placed at two points on a scale of political maturity” (483). Even though the plan for Magnesia rests upon the assumption that rule by individuals with metaphysical insights may never be achieved, Saunders argues that Plato has created a set of institutions and laws that aspire to this goal (483). He also argues that the differences between the roles of non-philosophers in these two dialogues do not constitute an inconsistency. He proposes that the second and third classes of citizens in Kallipolis possess demotic virtue, and the educational system proposed in the Laws simply aims to foster their development “to the greatest extent he deemed practical” (483). Finally, Saunders argues that although Plato aspired to the establishment of political authority based on full knowledge of eternal and unchanging ideai, the author himself never achieved such complete understanding (469). Saunders concludes that the Laws is best understood as “a work written on the basis of an incomplete understanding,” by a man who is not confident about everything he has proposed (469).

While there is much that Saunders praises in the Laws, he also expresses disapproval regarding certain proposals. He commends Plato’s reform of the penal system, and offers a detailed examination of this topic in his longest work, Plato’s Penal Code, which is discussed at length in the fourth chapter of this dissertation. He gives Plato credit for developing the theory of the mixed constitution, as well as first appreciating the need for “persuasive legal preambles,” and recommending that a legal code must be continually reviewed by a specially trained body (xlii). Saunders also
appreciates the positive aspects of Plato’s teachings regarding the women in Magnesia, as well as the concern he demonstrates toward the development of virtue and happiness among all members of Magnesia’s population (480-481). Saunders defends Plato to some degree against critics such as Popper who denounce him for failing to measure up to twentieth-century standards, and yet he does concede that there are totalitarian elements in his educational plan for Magnesia that are deeply concerning (xxxix, 477). In general, Saunders disapproves of the ways in which Plato “vigorously” attempts “to persuade the Magnesians to think Platonically” by manipulating them through his “intense and relentless” educational system (472-473). Although he recognizes that Plato incorporates rational arguments in his paideia and that he wants his citizens to comprehend their laws by “reason and judgment,” he accuses Plato of abandoning this principle in practice (472). In Saunders’s view, Plato illegitimately “cultivates” the “consent of the governed” (472). Despite his use of the language of persuasion, Saunders concludes that Plato exerts such pressure upon his citizens that he actually forces them to think as he wishes (472). Saunders objects most vehemently to the way in which Plato isolates his citizens from considering competing ideologies (with the exception of the theoroi), as well as the way in which he censors “doctrinally undesirable artistic productions,” and the “insidious” manner in which he uses pleasure to introduce “doctrinally correct tenets to the feelings” of his citizens (472-473, 477). Despite his appreciation for Plato’s intensions to encourage the development of virtue, Saunders does agree that the criticisms leveled against Plato by contemporary liberals have “a solid core of justification” (xl).
In contrast to other scholars—especially Popper—who fail to appreciate the way in which the Athenian allows for change over time in his plan for Magnesia, Saunders correctly recognizes that this is one of the most notable features of his legislation. The plan for Magnesia is not based upon a static conception of political life, and Saunders emphasizes the aspirational nature of the Athenian’s plan in a manner similar to this dissertation. Saunders appreciates that the city and its citizens are imperfect, but sees that the dialogue focuses on gradually improving both rather than simply lamenting their flaws. This same understanding is reflected in Saunders’s explanation of Plato’s “sliding scale” approach to legislation. In many ways, this metaphor perfectly coincides with the “double-vision” concept that will be described in this dissertation. Both describe an approach to lawgiving that recognizes the tension between an ideal conception of political life and the limitations of the actual city and citizens that exist in the becoming world. Like this dissertation, Saunders argues that the dialogue proposes incremental, positive changes that will allow the actual city to move towards the ideal vision, while also appreciating that perfection is out of reach.

However, despite these strengths, Saunders’s analysis of the Laws has some weaknesses, most of which are due to his failure to pay attention to the action of the dialogue. For example, Saunders reserves his harshest criticisms for the educational plan of Magnesia. As described above, he objects to the way in which he thinks Plato manipulates his citizens into accepting his values by preventing them from being exposed to competing ideologies and by forcing them to think as he wishes instead of teaching them to critically assess their own laws. Unfortunately, Saunders accepts the plan for
educating the citizens of Magnesia as a straightforward proposal. He overlooks the questions that the text highlights concerning this *paideia*, such as the evidence of its failure through the need for penal codes, or the contrast between the Athenian’s Stranger’s private education of the Dori ans as opposed to the proposals for educating the Magnesian citizens, specifically regarding the issue of exposure to foreign practices. Saunders also misses the ways in which the Athenian contradicts his own proposal for a limited education for his citizens by recommending that all citizens read the text of the *Laws*, including the first three books where the Athenian encourages his interlocutors to question their laws as a result of considering the practices of other cities. In each of these ways, the text calls its own proposal for education into question. Saunders is correct to raise concerns about certain aspects of the *paideia* for Magnesia, but his tendency to take these proposals at face value is problematic. Just like Morrow, he mistakenly reads the *Laws* as a blueprint for an actual city rather than as a philosophical examination of the tensions inherent in political life.

1.4.5 Bobonich

In Christopher Bobonich’s ambitious book, *Plato’s Utopia Recast*, he examines the development of Plato’s thought regarding the possibility of virtue among non-philosophers from the dialogues of his middle period to those of his later period. Bobonich’s primary argument is that the *Republic* and *Laws* are opposed to one another regarding the possibility of virtue among non-philosophers, and that the *Laws* represents Plato’s new conception of the relationship between philosophy and virtue, as well as a
new conception of ethics and a new vision of the good political community (6).

Bobonich disagrees with scholars who argue that Plato continued to embrace Kallipolis as the standard for the best city throughout his lifetime, while Magnesia represents a “second-best” city that falls short of this ideal. Bobonich argues that the Laws presents a new ideal that is very different from Kallipolis in that it upholds a vision of political life in which all citizens—including non-philosophers—share the hope of achieving some degree of true virtue and where all citizens participate in political life (11-12, 92). He says: “Plato comes to think that at least some non-philosophers can—albeit partially and imperfectly—come to appreciate and respond to genuine value. They can be appropriately oriented to things of real value and thus are capable of living virtuous and happy lives” (10). This entails that Plato recognize a non-philosophical but still genuine form of virtue in the Laws. Bobonich describes this as a contrast to the Republic, where the “epistemic failings” of non-philosophers bar them from achieving any kind of genuine virtue, recognizing true value, or leading happy lives (81). Because philosophers are the only individuals whose souls are ruled by reason, only they are capable of understanding “non-sensible properties” (i.e., the Forms or ideas) and therefore achieving true virtue in the Republic. As a result, only the philosophical few have happy lives that are worth living, and they alone are worthy of ruling in Kallipolis.

According to Bobonich, the vision of the Laws represents a break from that of the Republic, although this change in Plato’s thinking occurred gradually and can be traced throughout a variety of the intervening dialogues, including the Phaedrus, Philebus, Statesman, Theatetus, and Timaeus. As Bobonich examines this development, he focuses
upon two specific areas of Plato’s thought, which Bobonich identifies as the cause of the changes in Plato’s political teachings. These two areas include Plato’s psychology and epistemology (91). In terms of his psychology, Bobonich argues that Plato gradually abandons his conception of the tripartite soul from the Republic and replaces it with a more unified conception of a single subject that consists of rational and irrational elements. In terms of epistemology, Bobonich argues that Plato abandons the Republic’s teaching that only philosophers are capable of grasping the non-sensible properties through the exercise of reason. He argues that Plato gradually accepts that non-philosophers can also gain some awareness of non-sensible properties, although they do so more dimly than the truly philosophical. As a result of all these developments, Bobonich concludes that non-philosophers in the Laws are able to appreciate and desire true value, and therefore they can achieve genuine virtue, which Bobonich defines as “knowledge (or true belief about) what is good along with the proper orientation toward the good” (288). It is important to note that Bobonich argues that virtue in the Laws is no longer restricted to those who have knowledge or understanding (episteme) of non-sensible principles in the strict sense, but also includes those who have “really true and firmly secured opinion about what is fine, just, and good” (123, 199, 414). Therefore, Bobonich argues that the developments in Plato’s psychology and epistemology lead to important changes in his ethical and political theory, which result in the new vision for political life found in the Laws.

Before examining these changes in his political thought, it is appropriate to review these changes in Plato’s psychology and epistemology. First, turning to Plato’s
psychology in the *Republic*, Bobonich argues that Plato treats each of the soul’s three parts—the rational, the spirited, and the appetitive—as “the ultimate subject of psychological affections, activities, and capacities that are normally attributed to the person as a whole” (219). In other words, Bobonich argues that Plato recognizes in each part of the soul the ability to develop some concept of what is best for itself and to engage in means-end reasoning in order to achieve this goal (243). However, despite possessing these cognitive abilities, the lower parts of the soul are unable to know or contemplate the Forms, which means they are permanently incapable of grasping or desiring what is genuinely good, fine, or beautiful (244, 247, 257, 294). As a result, those individuals who are ruled by the lower parts of the soul, and whose rational part never attains its full potential to grasp intelligible properties, cannot recognize that which has genuine value and cannot achieve true virtue (294).

However, Bobonich argues that Plato gradually alters his teaching on the soul throughout the *Phaedrus*, *Theatetus*, and *Timeus* (219, 259-259). As a result, the vision of the soul in the *Laws* is very different from the tripartite conception of the *Republic*. In the intervening dialogues, Plato allows the lower parts of the soul to lose the “epistemic independence” that they had in the *Republic* (259). Specifically, Bobonich argues that although Plato continues to assert that the non-rational desires and emotions have content in the later dialogues (for example, anger involves an awareness of injustice), he also makes it clear that they have no contact with the Forms and that they are now incapable of developing any conceptualizations by themselves (they are only capable of unconceptualized perceptions) (296-297). At the same time, Bobonich argues that
beginning in the *Phaedrus*, Plato allows ordinary, non-philosophical cognition to gain some degree of awareness of the Forms through recollection (296, 305-314). According to Bobonich, this “impoverishment” of the lower parts of the soul coupled with the claim that ordinary judgment involves awareness of non-sensible principles, leads Plato to abandon the conception of a partitioned soul consisting of parts that are “goal-setting agents or the possessors of beliefs and desires” (296). As a result, Plato must embrace a new understanding of the soul as a single, unified subject of all belief and desire in the later dialogues (294). This soul is still a complex entity in that it consists of rational and non-rational “elements” or “aspects,” but they are no longer “agent-like” (294). According to Bobonich, this unification of the soul also involves a kind of “lowering the barriers between rational and non-rational motivations” within it (334).

According to Bobonich, these developments in Plato’s thought have a number of important implications. First, Bobonich argues that this lowering of the barrier between the rational and non-rational means that the latter can “draw upon reason’s resources” such that “their content is now fixed, at least in part, by the person’s awareness of Forms; thus, they can…be suffused with an awareness of genuine value” and they can “resemble rational judgments and desires formed after rational deliberation” (332, 334). Second, because he has lowered the barrier between the rational and non-rational, Bobonich argues that the latter is capable of undergoing a radical transformation that entails reworking it to the point of near elimination (334). Whereas in the *Republic* the rational part of the soul could only persuade the spirited part by showing how actions could satisfy spirited desires for honor, now Bobonich says that the non-rational parts may be...
transformed in new ways: “it may be possible for their content to take over, at least in part, reason’s own outlook. The greater the extent to which such reworking is possible, the closer we may come to eradicating them, at least as they are understood in the middle period” (334).

In addition to these changes in our understanding of the distinction between the rational and non-rational, these developments in Plato’s thought impact his ethical theory. As mentioned above, Bobonich examines Plato’s understanding of virtue in the later dialogues and finds that in the Statesman and Laws he expands his conception of wisdom to include not only true theoretical understanding, but also true opinion (198-199). Bobonich explains that as long as citizens “can still grasp and appreciate the basic non-sensible properties of goodness and fineness although they do not possess understanding (episteme) in the strict sense,” Plato is willing to call such a state “wisdom” even though it falls short of the highest level of cognition (198-199).

When taken all together, these changes in Plato’s thought require that Plato abandon the Republic’s strict distinction between philosophers and non-philosophers regarding virtue. Bobonich explains:

…no longer is there a sharp discontinuity between the ethical cognitive resources of philosophers and non-philosophers, with the former alone having access to non-sensible properties, while the latter are limited exclusively to sensible properties. Although the difference in degree may still be great, the difference in their cognitive states, at least in some cases, is that between the clearer and dimmer grasp of the same thing [i.e., non-sensible properties], not that between states focused on different things. (219)
As a result, Bobonich argues, “Non-philosophers are thus not entirely cut off from an awareness of genuine value and the right sort of education can bring it about that they are aware of, albeit still partially, the genuinely valuable features of things and value them as such” (296). Because of this, Bobonich concludes that non-philosophers in the *Laws* are capable of achieving genuine virtue, despite the fact that they do not possess the same degree of theoretical understanding of the Forms as true philosophers.

Because Plato his changed his conception of the soul, his epistemology, and his ethics as explained above, Bobonich argues that this caused Plato to change his vision of political life in several important ways as well. These changes include: a new conception of the good city, a new definition of citizenship, a new vision of lawgiving, and a new plan for education. As Bobonich examines each of these elements in the *Laws*, he emphasizes the way in which Plato has departed from his earlier teachings in the *Republic*.

First, Bobonich argues that the *Laws* represents a new conception of the good city. In the *Republic*, Bobonich argues that Plato offers a vision of the just political community, the goal of which is to make the city as happy as possible (73). However, to achieve this goal, he divides the citizens into three separate classes based on the arrangement of their souls, and proposes that only the members of the uppermost class of philosophers are capable of genuine virtue and of sharing in the rule of the city (42-43). Since the non-philosophers who make up the two lower classes cannot achieve true virtue because their souls are not ruled by reason, they cannot achieve happiness, and their lives...
are not worth living (45, 48, 51-52). He does not think that they have any hope of improvement, he does not offer them an adequate education to help them learn to appreciate non-sensible properties (which is necessary for true virtue), and he prevents them from sharing in the rule of Kallipolis or partaking in any kind of meaningful political participation (80). Despite this inequality, all the citizens of Kallipolis agree to this arrangement, although they do so for different reasons (79). Bobonich also emphasizes that “even if a stable consensus is possible, it is ethically significant that it is not sustained by a cooperative effort to foster virtue among all those who are cooperating” (79). In contrast, the vision of the good city that Plato upholds in the Laws is one that aims at the common goal of living happily, where each citizen strives to achieve true virtue, including both philosophers and non-philosophers (92). As explained above, non-philosophers are able to share in this goal because they have overcome the epistemic shortcomings they experienced in the Republic. Because their souls are no longer partitioned, because they have some awareness of non-sensible properties, and because they can appreciate true value to some degree, they can achieve true virtue, albeit to a lesser degree than philosophers who see the Forms more clearly. As Bobonich explains, the citizens of the Laws do not simply agree on who should rule (which was the case in Kallipolis), but they also agree on the ends that the city should pursue (92).

According to Bobonich, this change in the goal of the good city also requires that Plato change his definition of citizenship. In Magnesia, “citizenship is restricted to those capable of sharing in the end of the city’s laws and thus of living a virtuous and happy life” (92). This new definition requires that Plato restrict the number of persons who are
called citizens. Unlike the *Republic*, where the members of the lowest classes were called citizens despite their failure to achieve genuine virtue, such persons are excluded from citizenship in Magnesia. Because their activities prevent them from dedicating adequate time to the development of virtue, individuals engaged in the kinds of tasks performed by the producer class in Kallipolis are not considered citizens in the *Laws* (92). At the same time, because all citizens have the capacity for genuine virtue, they are also given opportunities for political participation in Magnesia that the lower classes of Kallipolis never experienced. As Bobonich explains, “All citizens participate in the political life of the city. All are eligible to vote for political offices, to hold most political offices, and to participate in the systems of the courts” (384). Furthermore, unlike the *Republic* where Plato enforces strict class divisions based on the arrangement of each individual’s soul, Bobonich argues that the citizens of Magnesia are divided merely on the basis of property (375). And unlike the restrictions on political participation implied by the class divisions of Kallipolis, the property classes in Magnesia have little if any impact on citizens’ political activities (375-6, 384). In fact, Bobonich suggests that these property classes are ultimately meaningless (376). However, Bobonich does accept that perfect equality is never achieved in Magnesia, since Plato continues to recognize “a very strong connection between knowledge and virtue on the one hand, and one’s entitlement to rule on the other, and that knowledge and virtue are distributed unequally among the citizens of Magnesia” (439). As a result of Plato’s teaching that justice requires giving greater political authority to those with greater knowledge, Bobonich acknowledges that this threatens the entitlement of most Magnesians to participate in ruling and to do so equally (440). However, Bobonich notes that Plato does allow for citizens to serve in the court
system, and he incorporates democratic decision-making among all citizens in terms of his use of elections by the Assembly to choose many officeholders in Magnesia (444-5). This may not require “a grasp of first principles that might be necessary for some higher forms of substantive deliberation,” but it is still significant (445).

Because of the new unified conception of the soul, as well as the lowering of the barriers between the rational and non-rational aspects of that soul, Bobonich proposes that Plato also offers a new model for lawgiving and education in the *Laws*. At the heart of this new vision of lawgiving is the notion that lawgivers must persuade their citizens rather than simply commanding them through the laws (97). This is achieved through the creation of preludes that utilize rational persuasion. Drawing upon the metaphor of the free doctor and free patient, Bobonich explains that “the preludes are thus designed to be instances of rational persuasion, that is, attempts to influence the citizens’ beliefs through appealing to rational considerations. They are not intended to inculcate false but useful beliefs or to effect persuasion through non-rational means” (104). Bobonich explains that it is essential to appreciate the rational nature of the preludes because virtue requires the development of the individual’s rational capacity, and the preludes enable the lawgiver to achieve this end. If the goal of Magnesia is to enable all citizens to lead happy, virtuous lives, and since rational understanding is necessary for virtue, the lawgiver must help them to grasp the fine and the good through this kind of ethical instruction, which entails “a true and reasoned account of what is good for human beings,” as well as an account of “why they are to be pursued and of the relations among these goods” (104). Teaching
citizens the reasons for their laws rather than requiring them to obey without understanding represents the recognition of the freedom of every citizen (105).

In addition to this rational education through the preludes, Bobonich also examines the details of the public education offered to the citizens of Magnesia. Unlike Kallipolis, where only the two highest classes receive education, all the citizens in Magnesia participate in the public paideia. While this paideia has both gymnastic and musical components, Bobonich is most interested in emphasizing the rational nature of Magnesia’s education (107). In particular, he notes that the education in music incorporates the study of mathematics, which Bobonich sees as a crucial element for developing the rational capacity of citizens. According to Bobonich, the study of mathematics allows the citizens to develop “some true beliefs about the value of more strictly contemplative goods” and to become aware of “non-sensible principles of order” through the study of incommensurables (107-109, 200). While non-philosophers in the Republic were thought to be incapable of gaining any understanding of non-sensibles, this is not the case in Magnesia. According to Bobonich, Magnesia’s education is founded upon the notion that citizens can develop true and secure opinions about the Forms, which in turn is related to their capacity for achieving genuine virtue (albeit of a lesser kind than the virtue of philosophers, which is based on complete knowledge of the non-sensible Forms).

Although Bobonich emphasizes the rational nature of both the preludes and public paideia, he does acknowledge that both include some non-rational elements, such as
habituation, myth, pleasure, shame and honor. However, Bobonich is quick to downplay the importance of these non-rational aspects. Although they do not involve argument, he describes them as “indirectly rational” and emphasizes that they are secondary to the rational education (115). He explains that they serve as a kind of stepping stone to rational understanding, in that they “attach people to objects and courses of action for which they can come to develop a reasoned appreciation” (115). For example, in his discussion of the use of shame, he explains that it plays a limited role: “it cannot serve as the primary motivation for virtuous action in adults, although it can play an important role in the ethical development of younger citizens,” although he adds that it will also be helpful for adults, since occasionally rational desire and deliberation will be ineffective (350). In general, although Bobonich appreciates the need for some non-rational elements, he continually emphasizes the greater importance of the rational elements and argues that Plato never sees the possibility of educating citizens through rational preludes as too demanding or beyond their capacity (110). In general, Bobonich views both lawgiving and education in Magnesia very optimistically, and argues that not only can citizens be taught to appreciate the rational, explanatory principles of their laws, but he adds: “the Laws leads us to believe that the citizens can grasp, at least to a significant extent, what virtue is and can value virtue for its own sake” (349, 118-119). There is little appreciation of the limits of lawgiving or of education in Bobonich’s analysis.

While Bobonich presents an impressive analysis of the Laws and a variety of Plato’s other dialogues, his method of interpretation causes a number of problems for his understanding of these texts. Like many other scholars reviewed here (with the exception
of Zuckert and Strauss) Bobonich fails to appreciate the dramatic character of Plato’s dialogues. As a result, he mistakenly assumes that Plato’s protagonists speak directly for him. He also fails to appreciate the action of each dialogue, never considering its implications for Plato’s ultimate teachings. Bobonich’s first problem—conflating Plato and his various interlocutors—leads him to several problematic conclusions concerning the development of Plato’s thought. Because Bobonich thinks that each of Plato’s protagonists is his spokesman, he assumes that one can simply pick out isolated statements from each dialogue and follow a clear line of argument that connects from one dialogue to the next, thereby revealing the advances in Plato’s thinking. While it is fair to assert that Plato’s thought does develop over the course of his lifetime, this development is not so easily and straightforwardly discerned as Bobonich suggests. As scholars such as Strauss and Zuckert argue, the dialogues are not treatises, but literary works that contain both poetic and philosophic elements, neither of which can be ignored since they work together to highlight specific questions and tensions in each text. One must pay attention to the unique characters, setting, and dramatic action of each dialogue in addition to the content of the speeches contained therein. The speeches offered by each of the protagonists are tailored to the needs of specific interlocutors, and these individual characters cannot be collapsed into one unified person conveniently labeled as “Plato.” Because Bobonich ignores these distinctions and blurs the dialogues together in this way, his Plato is a rather schizophrenic thinker, whose teachings swing from one extreme to the other.
Because Bobonich does not adequately appreciate the dramatic character of the dialogues, he also ignores the dramatic action of each text. Like Popper, Morrow, and Saunders, Bobonich misses the way in which this action influences the overall teachings of each dialogue. For example, because Bobonich—like Popper—fails to take into account the dramatic action of the Republic, he doesn’t recognize that the city of Kallipolis fails. The same error causes him to ignore the problems encountered by the Athenian Stranger as he develops his plan for Magnesia. In neither dialogue does Plato offer a straightforward proposal for an actual city, although Bobonich assumes this is the case. As a result of taking these proposals for cities in speech at face value, he embraces an excessively critical reading of the Republic, an excessively optimistic reading of the Laws, and he exaggerates the differences between these two dialogues. Although the focus of this dissertation is not to analyze the Republic, it does offer an alternative interpretation of the Laws that takes into account the dramatic character of this dialogue. As a result, this dissertation focuses upon tensions within the text that Bobonich overlooks.

In addition to these difficulties, Bobonich’s argument concerning the “non-rational motivations” in the Laws is also problematic. As explained in the summary above, Bobonich proposes that Plato offers a new teaching regarding the passions and appetites in the Laws, including the notion that they can be “reworked” and nearly eradicated (342). This argument is based upon the notion that the vision of the soul in this dialogue is that of a unified, single subject with rational and non-rational “elements” or “aspects,” as opposed to the tripartite soul of the Republic in which each separate part
acts as an “agent” with its own cognitive capacities. Although Bobonich is correct that the soul in the *Laws* is not divided in the same manner as Socrates suggests to Glaucon and Adeimantus, or that the relationship among the various aspects of the soul is the same in both dialogues, Bobonich’s interpretation goes too far in “lowering the barrier” between the rational and non-rational in the *Laws*. Although at times he does acknowledge the ways in which non-rational motivations can corrupt or disrupt reason’s activities, in general Bobonich merges the two elements together to an excessive degree. He suggests the difference between the rational and non-rational is that “non-rational motivations are incomplete or partial applications of the soul’s reasoning capacities” (342). For example, Bobonich explains that while anger is responsive to injustice, “it is not responsive to all the considerations that reason takes into account in the formation of a judgment about what is best overall” (342). This analysis portrays the differences between the non-rational and rational elements as a difference of degree rather than a difference of kind. For Bobonich, this means that “the dividing line between rational and non-rational motivations becomes less fixed and less sharp” (342). Since non-rational motivations can be more responsive to reason’s considerations, “these emotions can be more thoroughly reworked and reshaped. And if such reshaping is sufficiently radical, it may come close to a form of eradication” (342).

This conception of the non-rational motivations greatly underestimates their power in the soul, and it does not adequately explain why the Athenian is unable to achieve a more perfectly rational vision of the city with greater success. Furthermore, because he pays little attention to the action of the dialogue he fails to appreciate the
difficulties experienced by the Athenian in his efforts to educate the passions and desires of his citizens. For example, anger is never eradicated from Magnesia, the desire for pleasure is not always successfully directed toward the good, and the tendency to give priority to private interests remains strong, even among citizens who have been properly educated throughout their entire lives and are facing death. Most importantly, because Bobonich does not adequately appreciate the failure represented by the penal code, he underestimates the continual challenge the desires present to the lawgiver. In contrast, this dissertation argues that one of the central teachings of the dialogue concerns the limitations of the lawgiver in terms of educating the irrational and that the action of the text highlights the way in which the Athenian Stranger learns that he is unable to eradicate or completely rework the passions and appetites.

Bobonich’s tendency to collapse the distinctions between the rational and non-rational also leads him to overemphasize the rational nature of the Athenian’s plan for educating the citizens of Magnesia. He fails to appreciate the importance of the education of the irrational in this dialogue, including the use of force in the penal code. Because Bobonich thinks that the non-rational motivations can easily and almost completely take over the content of the rational element of the soul with little resistance or difficulty, rational arguments are the only aspects of the Athenian’s education that are truly important for him. In contrast, this dissertation pays attention to and emphasizes the importance of the appeals to the irrational, recognizing that they play an equally important role in the Athenian’s conception of persuasion. This dissertation also recognizes the importance of punishments in Magnesia. The Athenian goes to great
lengths to reform punishment, but he does utilize force as a last resort since some individuals are incurable. Bobonich’s tendency to ignore the penal codes is not surprising since their existence contradicts his argument concerning the lowering of the barrier between the rational and non-rational, as well as his argument that the latter are successfully transformed through primarily rational means.

Finally, just as Bobonich lowers the barrier between the rational and non-rational within the individual soul, he also lowers the barrier between the non-philosophers and the philosophical few in Magnesia. He diminishes the difference between those citizens who have a clear grasp of non-sensible properties from those who lack such knowledge and must simply follow an external vision of the Good, which they follow willingly, although they do not adequately understand it. Because he plays down this difference between knowledge and opinion, Bobonich is at pains to explain the degree to which democratic elements are tempered in the Athenian’s plan for Magnesia. If the difference between philosophers and non-philosophers is so slight in terms of true virtue (due in part because the non-rational elements are so easily harmonized with reason due to the fact that Bobonich practically merges them together and assumes that almost all citizens are easily educated through rational means), and if all citizens are capable of grasping non-sensible principles and achieving true wisdom to the extent that Bobonich claims, one should expect to see more political authority placed in the hands of the entire citizen body. Even Bobonich must admit that Magnesia embodies a great deal of inequality, although he lacks a persuasive explanation as to why this is the case given his optimistic interpretation of the text. Therefore, in contrast to scholars who offer an extremely
negative view of the *Laws*, such as Popper and even Strauss, Bobonich errs in the opposite direction. This dissertation strives to present a more balanced interpretation of the dialogue that adequately appreciates its strengths and weaknesses, as well as the aspirations and limitations of the Athenian’s plan for Magnesia and his interlocutors.

1.4.6 Zuckert

According to Zuckert’s analysis of the arguments and action of the *Laws* in her chapter, “Using Pre-Socratic Philosophy to Support Political Reform,” this dialogue demonstrates the ways in which pre-Socratic philosophy is inadequate to support the Athenian’s political project of creating a city that makes its citizens virtuous. By demonstrating this failure, Plato encourages his readers to understand the reasons for the emergence of Socratic philosophy (128). In this chapter, Zuckert draws a sharp distinction between the Athenian Stranger and Socrates, and argues that it is the education offered by the latter that offers the promise of leading others to virtue (856-8). For unlike the Athenian who attempts to make the citizens of Magnesia virtuous through legislation and publicly supported institutions backed by compulsion, Socrates offers his interlocutors a private, individual education in which he encourages them to reflect critically upon their own opinions in a manner that respects the fact that true virtue must be freely chosen (133, 830, 859).

Therefore, unlike some scholars who argue that the Athenian Stranger represents Socrates or Plato himself, Zuckert rejects this possibility. She offers a persuasive
analysis of the major differences that distinguish them, including: the Athenian’s failure to ask Socratic questions (i.e. “what is law?”); the Athenian’s distinct method of investigation that leads him to travel abroad, something Socrates refused to do except to fulfill his military duty; the Athenian’s un-Socratic presupposition concerning the law that the old is the good; his recommendation of Athenian institutions and laws, which Socrates rarely defended explicitly; and the way in which the Athenian criticizes the kind of homosexual and extramarital relations that Socrates tolerated or condoned due to his erotic desire for knowledge (58-61). Perhaps most importantly, Zuckert argues that while Socrates’ philosophic investigations resulted in his being charged with impiety for corrupting the young and not believing in the gods of his city, the Athenian would not be charged with such crimes because he offers a speech specifically intended to persuade the young that the gods exist based on a cosmology that Socrates would never endorse (61).

However, Zuckert also argues that many of the ways in which the Athenian differs from Socrates render him unable to complete his political project, and unable to lead his Dorian interlocutors to an awareness of their own limitations (61-62). Therefore, not only does Zuckert contend that Socrates and the Athenian Stranger are distinct from one another, but she also argues that Socrates is the superior of the two.

Therefore, rather than identifying the Athenian Stranger with Socrates or Plato, Zuckert argues that the Athenian is a pre-Socratic figure based on her analysis of the dramatic date of the dialogue and the content of his teachings. In terms of determining the dramatic date of the Laws, Zuckert argues that the lack of references to the Peloponnesian War—or any event in Greek political history after the battles of Salamis
and Plataea—suggests that the conversation between the Athenian and Dorians takes place in the two or three decades after the end of the Persian War, when Socrates was a youth, not an elderly Athenian (53-54). In terms of the pre-Socratic characteristics of the Athenian’s teachings, Zuckert highlights several but focuses most intently upon his failure to assert the existence of anything that is eternal and unchanging (55-56). As she explains, “unlike Anaxagoras, to say nothing of Socrates and the Eleatic Stranger, the Athenian shows no sign of having been influenced by or of incorporating (if only a part) of Parmenides’ famous argument concerning the complete and unchanging but therefore intelligible character of Being itself and as a whole” (55-56). Furthermore, it is this specific omission on the part of the Athenian Stranger that Zuckert identifies as the central problem of pre-Socratic philosophy, for by the end of the dialogue the Athenian recognizes that the success of his plan for Magnesia—to make its citizens virtuous—requires the existence of some individuals who know what virtue is (64). Specifically, they must be capable of investigating the unity and diversity of virtue, as well as the ideas of the good and the noble (56). However, as Zuckert explains, without the development of Socratic philosophy, which affirms the existence of such unchanging ideas and seeks to gain knowledge of them, the Athenian’s plan can never be completed (56). Furthermore, it is only the Socratic philosopher who knows what virtue is because he has self-knowledge, although Zuckert also argues that he may never attain and/or retain true and complete knowledge of the ideas (829, 855, 861-2).

In order to support this reading of the dialogue, Zuckert divides the text into three main sections. In the first section (books 1-4), Zuckert explains that the Athenian
demonstrates his ability to persuade his interlocutors to consider his legislative proposals (62). In this first section, he also posits that law must originate in intelligence, and that lawgivers should seek to persuade their citizens to obey through preludes rather than through coercion alone (62). In the second section of the dialogue (books 5-8), the Athenian offers specific legislation for a city in speech, but encounters a number of problems including the inadequate education of his Dorian interlocutors, which would prevent them from establishing or maintaining this city, as well as the difficulty of creating a political order that remains the same over time despite the continual changes caused by generation (63). In the third and final section of the dialogue (books 9-12), Zuckert argues that the Athenian proposes four institutional responses to the difficulty posed by citizens who resist having their passions regulated by the law (63). These responses include: establishing punishments, creating a public teaching about the gods, regulating inheritance and the exchange of property, and creating a higher education for future legislators (63).

Zuckert offers a detailed and compelling examination of the argument and action of the dialogue in each of these sections, although there is not space to review her entire analysis here. But based on this examination, she concludes that the Athenian’s city in speech must ultimately fail, despite the fact that many of his legislative proposals represent improvements upon past political practice (64). The cause of this failure is the Athenian’s inability to incorporate Socratic philosophy successfully into Magnesia, despite the fact that he recognizes the need for it by the end of the dialogue (64). As explained earlier, the Athenian recognizes that if the city hopes to make its citizens
virtuous, its future legislators must understand what virtue is, but the only way to do so is to incorporate into the city the Socratic investigation of the unchanging ideas through private conversation. According to Zuckert, such conversations cannot take place in this city, even within the Nocturnal Council, for several reasons. First, the Athenian’s insistence that the youth of Magnesia honor the wisdom of their elders as a substitute for true intelligence prevents them from engaging in questions concerning the established opinions of the city, even within the confines of the Nocturnal Council (142). Because the Athenian allows unqualified men, such as Kleinias, to participate in the Council as a result of the flaws in his attempt to educate them (see below), Zuckert argues that these individuals will not allow the Athenian or the younger members of the Council to ask questions that would embarrass them by revealing their inadequacies (142). This conflict within the Council would prevent its members (especially the young) from acquiring knowledge of their own ignorance (which entails questioning one’s own beliefs, including those received from elders), and from becoming truly virtuous (835, 829). In addition to these conflicts between the elderly and the young, Zuckert argues that the Athenian’s establishment of a public theology that cannot be questioned (and which is problematic in that it entails a cosmology based on the observable order of the universe) would preclude the possibility of the Socratic philosopher living in Magnesia, for as she notes, philosophers like Socrates who converse with sophists and youth who express doubts about the existence of the gods would have to be put to death (129, 135, 839).

Another reason that Socratic conversations cannot take place in Magnesia is due to the subjects of study that the Athenian proposes for the members of the Nocturnal
Council. Zuckert argues that these subjects are contradictory in that they “suppose two incompatible views of the universe” (144). Specifically, the Athenian recommends that the Council members study nature and the movements of the heavens, which will lead them to conclude that everything is in motion and that there is an immortal war between the orderly and disorderly motions (144). On the other hand, the Athenian recommends that the Council members seek to understand the unity and diversity of virtue, as well as the ideas of the noble and the good. Zuckert argues that such studies “point to the existence of enduring standards but also to the possibility of achieving completeness by ordering the disparate parts within a whole” (145). Since the first subject of study leads to a conclusion that opposes the conclusion of the second subject of study, Zuckert argues that “the ‘truths’ the philosophers would teach are not coherent” (145). In other words, there is no room in Magnesia for the kind of Socratic inquiry required for the second subject of study due to the Athenian’s insistence upon the first subject. As a result of his failure to incorporate Socratic philosophy into Magnesia, Zuckert argues that the Athenian’s city in speech ultimately fails (145-146). He cannot make the future lawgivers into philosophers, and he cannot make his citizens virtuous.

In addition to the problems she identifies in the Athenian’s plan for Magnesia, Zuckert also argues that his approach to educating the Dorians is problematic. In her analysis of the action of the dialogue, Zuckert distinguishes between the Athenian’s gentle approach to educating his interlocutors and the more direct method of questioning practiced by Socrates, arguing that only the latter can successfully teach an individual to recognize the contradictions in his own opinions and thereby make him aware of his own
limitations. She argues that the Athenian demonstrates repeatedly that the Dorianst lack
the education necessary to found or maintain the Athenian’s city in speech, and yet they
never realize their own lack of qualification because the Athenian never encourages them
(or the future lawgivers of the city) “to seek self-knowledge as the only and necessary
means of discovering what is good for the human soul,” nor does he embarrass them or
subject them to shame “by confronting them directly with their ignorance or
contradictory opinions as individuals rather than as representatives of their respective
regimes” (62-63). As a result, Zuckert argues that “the Athenian’s elderly interlocutors
never learn how very much they do not know” (62). Since the acquiring of virtue
involves gaining such self-knowledge, Zuckert’s argument leads the reader to conclude
the Athenian fails to make his interlocutors virtuous (855).

Overall, Zuckert argues that the failure of the Athenian’s approach to educating
the citizens of Magnesia and his interlocutors leads the reader to appreciate the
superiority of the Socratic approach and to understand the reasons for its emergence
(128). As she explains in her final chapter of Plato’s Philosophers, this superiority
consists in the fact that Socrates rejected the possibility that human beings could be
forced to behave virtuously by subjecting them to laws requiring them to adopt certain
principles or beliefs, and he sought instead to persuade them to adopt new practices and
opinions freely (830). Because no one can become virtuous without being “willing to
cooperate in their own correction’ and education,” Zuckert argues that the changes
brought about as a result of Socratic education are “more lasting and real” than those that
are a product of force (859, 830). As a result, even though Socrates recognized that
human beings must be regulated by laws, he never sought to make others virtuous through legislation because he understood that laws can never achieve this end (832, 858). They may temporarily cause the individual to change his or her behavior through force or shame, but no permanent changes can be made unless individuals freely engage in a Socratic conversation that allows them to realize for themselves why they should adopt a new and better vision of the good (857). In contrast to Socrates, Zuckert explains that although the Athenian agrees that true virtue cannot be forced, he tries to compel the citizens of Magnesia to become virtuous through the laws and through publicly supported institutions, such as the Nocturnal Council (830, 859). Since such efforts can never succeed, Zuckert argues in favor of the private, individual education offered by Socrates.

Overall, Zuckert offers a superb analysis of the Laws. She presents a clear and compelling explanation of the relationship between the argument and action of the text, thereby elucidating the structure of the dialogue in a way that is unmatched by other scholars. In addition, she provides an insightful and persuasive explanation of the relationship of this dialogue to the rest of the Platonic corpus, to pre-Socratic philosophy, and to ancient Greek history. In general, she avoids the mistakes found in the writings of the other scholars reviewed here; indeed, it is difficult to find anything to critique in this beautifully written and profoundly insightful chapter.

While the analysis offered in this dissertation agrees with and supports many of Zuckert’s arguments concerning this text, especially pertaining to the nature of the Athenian’s education of the irrational, there are a few points of difference that should be
examined. First, while this dissertation supports Zuckert’s argument that the Athenian’s gentle approach to education ultimately fails to make either the Dorians or the citizens of Magnesia completely virtuous, it places greater emphasis upon the fact that the Athenian does make significant progress toward this goal and applauds this progress.\footnote{This is not to say that Zuckert denies that the Athenian experiences some success. See pp. 137-8.} This dissertation agrees with Zuckert’s appraisal of the superiority of the Socratic education in terms of leading others to embrace the pursuit of virtue, but it also argues that the Athenian’s approach to teaching and persuading his interlocutors should be regarded as a necessary supplement to the kind of \textit{paideia} offered by Socrates, rather than something to be transcended completely because it is pre-Socratic. The education that the Athenian offers to the citizens of Magnesia and to his interlocutors is far from perfect, but it is valuable in that it reaches out to those individuals whom Socrates could not educate, especially elderly statesmen. Although the Athenian cannot make the Dorians completely virtuous, he does persuade them to accept virtue as the goal towards which they and their future city should aim. As a result, he prepares the way for Socratic (or perhaps Platonic) philosophy in the \textit{polis}.

In order to appreciate this argument, one must recognize that the private, individual education that Socrates offers his interlocutors is limited in its scope (860). As Zuckert argues, Socrates refused to legislate, nor did he try to go “into the assembly and try to change the laws or government of Athens, because he did not think he could do so and survive” (858). Furthermore, he never achieved much success addressing the city’s...
elders, fathers, or those in positions of political authority because his approach to education was designed to appeal to the young (61, 828, 859). Finally, even among the young, he often failed to persuade his interlocutors to seek a life of true virtue (829-830, 835). As a result, he was limited in his ability to secure a place for philosophy in the city because he was incapable of making political reforms on a larger scale in order to transform the laws that restricted its exercise. At some point, if philosophy wishes to thrive, rather than simply subsist under the constant threat of persecution, it must find a spokesperson who can bring about political reforms in order to make a safe space for it. In order to achieve this end, this spokesperson need not necessarily turn those who hold positions of power into philosophers or make them completely virtuous, but he must teach the current leadership to appreciate the benefits that philosophy can offer the political community, rather than fearing it as a corrupting force. Once these leaders have been persuaded, this spokesperson can propose gradual reforms that begin to secure an appropriate place for philosophy in the city.

As this dissertation argues, this spokesperson is the Athenian Stranger, and the dramatic action of the Laws demonstrates the way in which he effectively teaches his interlocutors to recognize the need to incorporate philosophy into the city. For example, by the end of the dialogue, Kleinias accepts the need to establish the Nocturnal Council, which is a semi-private space where philosophical theoroi can converse with the city’s most promising youth and its leaders. There are, however, problems with the Athenian’s proposal in that he creates a gap between the average citizens and the philosophical few
that he never successfully resolves.\textsuperscript{12} And yet, despite these problems, this dissertation also argues that the plan for Magnesia is open to transformation and further changes, offering hope of addressing (although not necessarily resolving) these problems in the future. Many of its laws and practices, even its central theology, are open to gradual reform. This is made possible as a result of the Athenian’s gentle approach of persuading elder statesmen and average citizens in such a way that allows him to introduce subtle changes without arousing their anger because he appreciates the importance of the education of the irrational.

A second point of difference between the arguments of this dissertation and Zuckert’s analysis of the \textit{Laws} concerns the success with which the Athenian educates his interlocutors. While this dissertation wholeheartedly agrees that the Athenian’s attempt to educate the citizens of Magnesia is problematic in many ways, it also diverges from Zuckert’s analysis when she claims that the Athenian ultimately relies upon force to compel individuals to seek virtue rather than allowing them the freedom to choose for themselves (859). For although the Athenian does advocate punishments for the citizens of Magnesia, he never uses force against the Dorians.\textsuperscript{13} Just like Socrates, he offers a

\textsuperscript{12} In contrast to Zuckert, who argues that the subjects to be studied by the Council members are contradictory, this dissertation argues that the theology the Athenian offers at 884a-910d is open to reform and change because it represents an incomplete teaching offered to the average citizens who have difficulty transcending their senses in order to consider that which is not subject to motion and change. However, despite the possibility of resolving the conflict that Zuckert identifies in the Council’s subjects of study (as well as minimizing the conflict between the younger and older members that she anticipates), a problem remains in that the Council members may develop a conception of the universe that differs from the theology taught to the city’s average citizens. It is not clear how the Athenian proposes to bridge this gap, given the limitations of these non-philosophical citizens that the Athenian demonstrates in this section of the text. Please see chapter four for a full development of this argument.

\textsuperscript{13} It is important to note the differences between a private teacher’s attempt to educate individual students versus a city’s or lawgiver’s attempt to educate citizens, which sheds light on why the former need
private, individual education to Kleinias and Megillus that never relies upon compulsion. Furthermore, Zuckert argues that the Athenian’s more gentle approach of speaking to these men never confronts them directly with their own ignorance or contradictory opinions as individuals, nor does he teach them how much they do not know (62-63). However, this dissertation argues that the Athenian does achieve some degree of success in this regard. As this dissertation highlights in its analysis of the action of the dialogue in the following chapters, there are several places where the Athenian does directly point out problems in Kleinias’ opinions and leads Kleinias to admit his own inadequacies (638d, 661d-662c, 820a, 963c, 964a-b). Furthermore, this dissertation argues that the ending of the dialogue demonstrates that the Athenian is successful in teaching these elderly statesmen that they should seek to follow the leadership of intelligence and strive to incorporate it into the city. Specifically, they recognize the need to establish the Nocturnal Council, to hand the polis over to it, and to persuade the Athenian to guide them in founding the new city or else they must abandon the project altogether (968b, 969b-d). It is true that the Athenian does not transform them into completely virtuous not resort to force but the latter must. Specifically, private teachers are free to choose their students—often selecting the best and brightest—whereas the lawgiver must seek to educate all members of the community, even those who pose the greatest challenge. Furthermore, private teachers are not required to deal with those whom they fail to educate in the same way that the city or lawgiver must. In the Apology, Socrates admits the fact that he does not take responsibility for those with whom he converses, stating: “And whether any of them becomes an upright man or not, I would not justly be held responsible, since I have never promised or taught any instruction to any of them” (33b) Indeed, he was not required to deal with those of his associates whom he failed to lead to virtue, such as Alcibiades and Critias. Unlike a private teacher, a city or lawgiver cannot ignore those who are ineducable or incurable. In order to protect the other citizens from being harmed and to keep such “hornstruck” individuals from disrupting the harmony of the community, force must be used against some of them. Given these differences, it is somewhat problematic to use the same yardstick to measure the private teacher and the lawgiver and to judge the latter as inferior, for their tasks are different. Without recognizing this distinction, it seems one would have to criticize Lincoln for using force to compel slaveholders to free their slaves. It would have been best if he could have privately educated each individual slaveholder to appreciate the flawed nature of his opinions regarding the injustice of slavery, thereby leading each of them to recognize the freedom of their slaves voluntarily. But since private education is limited in its scope, it does require the supplement of law that relies upon coercion in order to deal with those who are ineducable.
philosophers, but his gentle approach does allow him to achieve a more modest, but still necessary and worthwhile goal: persuading those in positions of power to acknowledge the superiority of true intelligence and to seek an appropriate place for it in the political community.

1.5 Organization

Having concluded the review of the most significant secondary literature on the Laws, it is time to turn to the text. This dissertation proceeds by dividing the dialogue into four main sections that are examined in the following four chapters. In the first, which includes books one through three, the Athenian establishes a relationship with his Dorian interlocutors, offering them a private education concerning the nature of law and the education of the irrational through pleasure. In the second section, which includes books four through six, the Athenian develops his “double vision” approach to legislating and begins establishing the preludes and laws for his city in speech. In the third section, which includes books seven through nine, the Athenian explores the promise and the failures of his public paideia, thereby highlighting the limitations of the art of lawgiving. In the final section, which includes books ten through twelve, the Athenian considers a variety of challenges to the rule of law and examines a means for its salvation. Although he never offers final solutions for many of the problems facing his city in speech, he does succeed in persuading his interlocutors to appreciate the need to follow the leadership of intelligence, to incorporate it into the city, and to recognize their own shortcomings that prevent them from achieving this goal without the help of someone like the Athenian.
A NEW VISION FOR LAW AND THE POWER OF PLEASURE (624a-702e)

In the first section of the *Laws*, Plato’s protagonist, the Athenian Stranger, reveals his new vision of law as a rationally ordered plan, the *telos* of which is to make citizens happy and virtuous. In this dialogue, virtue is presented as the proper arrangement of the soul in which reason leads the irrational passions and desires. However, in addition to establishing this hierarchy, virtue also entails developing harmony or *sumphonia* between these elements. Virtuous individuals are self-ruling in that they love to obey *logos* and/or *nomos*, and they do so willingly rather than as a result of compulsion. In contrast, the person who is ruled by the irrational and surrenders to his appetites lacks the capacity for self-rule because he is enslaved to his desires to enjoy improper pleasures and to avoid pain.

In order to establish virtue in the souls of his citizens, the Athenian develops a complex plan for their education. This *paideia* has two main elements. First, the Athenian seeks to strengthen the rational part of the soul so that it can assume its natural role as leader. Secondly, he seeks to educate the irrational desires and appetites to support the rule of reason. While this education of the irrational utilizes appeals to pleasure as well as pain, the Athenian emphasizes the former in this section of the text.
Rather than designing laws that teach citizens to flee pleasures or to repress their desires—both of which leave citizens vulnerable to inevitable temptations—a good lawgiver should utilize pleasure as a tool to educate and moderate the irrational. By teaching individuals to prefer rationally ordered pleasures that support the law, the lawgiver can educate each citizen to willingly serve the good of the community rather than indulging immoderate desires that promote the fulfillment of individual interests in ways that conflict with the law.

Pleasure should be incorporated into education through poetry and music, song and dance. But in order to use these tools effectively to support the rule of reason and law, they must be reformed and directed by a virtuous lawgiver who possesses knowledge of that which is truly fine. This new arrangement also calls for reform of the pedagogical practice that was prevalent in many ancient Greek cities. According to this traditional *paideia*, the poets play a large role in education, despite the fact that they lack true knowledge and are incapable of self-rule. They teach citizens about the gods, as well as the origin and purpose of law. They also instruct citizens regarding their behavior and teach them what to value. The Athenian critiques this kind of traditional *paideia*, and introduces reforms that teach both individuals and entire cities to find pleasure in following the leadership of reason. This new pedagogy, which relies on both argument and appeals to the irrational, seeks to educate every member of the city. Despite the differences that exist among citizens, the Athenian seeks to unify them, to create friendship between them, and to establish freedom under the law for all. However, the Athenian also explains that this new plan for education requires safeguards to keep it
from deteriorating over time. Just as soul includes both rational and irrational elements, the becoming world in which cities exist also contains irrational forces that cause the corruption of the lawgiver’s orderly plan for his city.

In addition to describing this new pedagogy through his speeches, the Athenian Stranger demonstrates it as he educates his Dorian interlocutors. As he teaches them about the art of lawgiving, he presents them with arguments, but he also utilizes pleasure and poetry to moderate their irrational desires. He seeks to help them develop their rational capabilities, but he also pays a great deal of attention to their passions, fears, appetites, and emotions in order to gain their full agreement with his teachings. *Logos* alone is not adequate to convince men like Kleinias and Megillus to accept the Athenian’s innovations. The Dorians have been trained to defend their native practices. As a result they become angry or afraid when faced with criticism or any recommendations for change. The Athenian helps them to develop their rational capacities so they can critique the laws of their fatherlands; however, he is aware that a reformer who wishes to bring change must also find ways to educate the irrational aspects of the human person as well. The Athenian demonstrates that it is only through his new practice of persuasion that most individuals, and the entire *polis*, can begin to aim at the whole of virtue and experience freedom.
Turning now to the text of the dialogue, the *Laws* begins with a question posed by the Athenian Stranger, which reveals his task in this first section—to examine and challenge received opinion about the origins and nature of law. First he must investigate and critique the opinions held by his interlocutors, then persuade them to accept his new teaching. He starts this investigation by asking of the Dorians, “Is it a god or some human being, strangers, who is given the credit for laying down your laws?” As the Athenian Stranger and the Dorians journey from Knossos toward the mythical point of origin of Cretan law according to Homer—the cave of Zeus on Mount Ida—the Athenian challenges this traditional account given by the poets.14

The Athenian Stranger’s initial question to the Dorians allows him to test the degree to which his interlocutors adhere to the traditional myths of the poets regarding the founding of their laws. After learning that the Dorians accept these mythical accounts at least to some degree, the Athenian invites them to join him in an inquiry of “the political regime and laws” as they walk.15 Upon hearing the Cretan’s

14 In Homer’s *Odyssey*, Odysseus—posing as a stranger—tells Penelope the following about the land of Crete and its divinely-inspired lawgiver, Minos: “There is a land called Crete…ringed by the wine-dark sea with rolling whitecaps—handsome country, fertile, thronged with people well past counting—boasting ninety cities…central to all these cities is magnificent Cnossos, the site where Minos ruled and each ninth year conferred with almighty Zeus himself…” (19:195-205, Fagles).

15 Kleinias replies, “A god, stranger, a god—to say what is at any rate the most just thing. Among us Zeus, and among the Lacedaimonians, from whence this man here comes, I think they declare that it’s Apollo” (624a). And while he reveals that the people of his city do follow an account in keeping with Homer’s (624b), his replies to the Athenian also indicate that his belief in this divine origin of the law is somewhat hesitant. There is a hint of a gap between what Kleinias thinks he should profess in public and what he thinks in private. However, the setting of the dialogue indicates that he does follow the ancient myths in his external, public deeds since he is traveling towards the temple and mythical cave of Zeus.
reply, the Athenian invites them to join him in an inquiry of “the political regime and laws” as they walk. He explains that it “would not be unpleasant,” and that they would be able to “encourage one another with speeches” which would allow them to complete the long journey on this hot day “in ease” (625b). Kleinias immediately responds to the Athenian’s appeal to the pleasure of conversation as well as bodily pleasures, commenting that there are groves of trees and meadows where they could stop and rest in a pleasant way (625c). Thus, their journey begins with the Athenian focusing on the education his interlocutors have received from the poets concerning their laws. As the dialogue proceeds, the Athenian challenges this traditional paideia, and replaces it with a new education that is led by reason and aims at virtue. However, as part of this new education, the Athenian will also appropriate the tool of the poets—pleasure—in order to persuade his interlocutors to participate in his rational inquiry concerning law.\footnote{Benardete proposes that the Athenian replaces Zeus as he “lays out the schematics that Kleinias may or may not find useful for the founding of Magnesia” (4). This dissertation suggests that the Athenian also seeks to replace Homer as a new kind of poet who creates a new rational myth concerning the origin of law. Although Kleinias indicates that the Cretans are only somewhat familiar with his writings, Megillus states that he and his fellow Lacedaimonians are well-versed in Homeric poetry (680c).}

The Athenian begins their discussion by inviting his interlocutors to engage in a critical analysis of the laws of their own cities.\footnote{It is worthwhile to note the contrast between the kind of critical analysis the Athenian encourages his interlocutors to embrace in this first section of the dialogue while he is merely their private teacher, as opposed to the way in which he attempts to restrict such inquiry among most of the citizens of Magnesia for whom he begins legislating after 702e (see also Strauss, 54). Scholars such as Versenyi and Popper who condemn Plato for advocating a closed society in which individual, critical inquiry is}

perhaps to worship there sincerely or perhaps to give the impression that he is following in the footsteps of Minos as he creates laws for his new Cretan city.
question, “what is law?” but he does offer the Dorians a theoretical model of the best legislation and requires that they use it as a standard to judge the merits of their own nomoi. In doing so, he challenges their opinions concerning the purpose and nature of law and of political life. For the Athenian, law brings order to the polis and to the soul. It is a rational plan in which every particular practice should be designed to aim at an ultimate goal or telos. He encourages his interlocutors to apply this model to their own laws by asking them to explain the reason behind three particular Dorian practices: common meals, gymnastic training, and the employment of certain weapons (625c-d). Kleinias explains that the purpose of each of these practices is to achieve success in war (625e). He states that his lawgiver designed everything with a view to war because Minos realized that an endless battle exists at all times among all cities, and that peace is a meaningless concept (626a-b). It is success in battle and the act of defeating one's enemies that is the standard for determining whether practices are beneficial and whether a city is well governed.

According to Kleinias, the universe is essentially an irrational chaos where force rules. Not only are all cities at war, but citizens within each polis constantly battle against one another as well (626c). Furthermore, Kleinias concludes that each individual person is characterized by internal conflict and discord, such that each man is his own enemy (626d). According to this view, all is conflict and flux; there is no concept of cosmos—a harmonious universe guided by intelligence. For Kleinias, everything is suppressed and propaganda is used to brainwash citizens completely overlook the nature of the Athenian’s education of his interlocutors.
reduced to force and violence, including law. Legislation is based on strength and chance, not upon a rational plan which aims at the Good, nor upon knowledge of what is best for human happiness. The task of the Athenian is to persuade his interlocutors to examine this opinion that human beings, cities, and the universe in general are completely ruled by the irrational. Although he certainly does not ignore the presence and power of the irrational, he must teach them to embrace a new conception of the universe, of law, and of the individual as aspiring to become ruled by reason, and as seeking order and harmony.

Kleinias’ flawed understanding of the universe, of political life, and of human nature is a product of his education. As the dialogue progresses, the Athenian demonstrates that the Dorian paideia has been greatly influenced by the teachings of the poets. To appreciate the implications of this education and how it leads to statements such as those just expressed by Kleinias, it is helpful to understand the basic critiques of the poets that appear in other platonic dialogues. One of the most substantial treatments of poetry occurs in the Republic, where Socrates discusses “the old quarrel between philosophy and poetry” (Republic, 607b). Here Socrates sees a fundamental conflict between poetry and the lawful polis, and he lays out his argument against the imitative poets, which results in their banishment from Kallipolis. While it is not necessary to examine all of the intricate details of Socrates’ critique here, in general he argues that the imitative poets must be exiled because their poems “maim the thought of those who hear

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18 While it is not the purpose of this chapter to compare the Republic and Laws, these two dialogues do speak to one another on the subject of the poets’ role in education. Having said this, one should not assume that Socrates speaks for Plato, or that the Athenian and Socrates are in perfect agreement.
them and who don’t have knowledge of how they really are as a remedy” (595b). This damage occurs because the poet does not look to the eternal ideas through the use of reason, but instead he merely imitates the changing or becoming things that are perceived through the senses. As a result, he is at a “third remove” from truth (597e). The poet gives preference to perception over reason, and to becoming over being. Rather than teaching his listeners that the unchanging ideas, which are accessed through reason, are primary and fundamental, the poet convinces his listeners, who also lack knowledge, that his picture of the universe as a place of changing particulars is the truth (598c). Socrates argues that in order for a poet to be good and to create fair poems, he must possess knowledge of the things he writes about (598e). But since Homer and the other tragic poets do not look to the unchanging ideas, they do not possess this knowledge. Homer merely imitates phantoms of virtue and of the other subjects he is reputed to know (598c). As an imitator who lacks both knowledge and correct opinion, he has no basis for

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19 It is the poets’ role in education that is of primary concern, and Socrates remarks that the many believe that the writings of poets such as Homer should be studied to learn about the “management and education of human affairs” and to learn how to arrange one’s life (606e-607a). The many look to Homer as an educator, and even a lawgiver of sorts, because he is thought to know “all arts and all the human things having to do with virtue, vice, and the divine things” (598e). Throughout these passages, Socrates targets Homer and the other imitative poets as the primary figures behind the traditional education which is deeply flawed and in need of reform. In his effort to establish a new plan for paideia, Socrates seeks to undermine the authority of Homer and the other tragic poets as the primary educators and lawgivers of the people (599e-600d).

20 This criticism of Homer is repeated in the Theatetus where Socrates leads his young interlocutor to see that those who say the senses perceive that which has being are mistaken: “All the things we are pleased to say ‘are,’ really are in process of becoming, as a result of movement and change and of blending one with another. We are wrong to speak of them as ‘being,’ for none of them ever is; they are always becoming. In this matter let us take it that, with the exception of Parmenides, the whole series of philosophers agree—Protagoras, Heraclitus, Empedocles—and among the poets the greatest masters in both kinds, Epicharmus in comedy, Homer in tragedy. When Homer speaks of ’Oceanus, source of the gods, and mother Tethys,’ he means that all things are the offspring of a flowing stream of change. Don’t you understand him so?” (152d-e).

21 According to Zuckert, the Athenian Stranger is guilty of a similar mistake (144).
his position of authority in Greek education. He does not know how to make human beings better or worse in public or private, and he understands nothing of what is, only what looks like it is (601c).

Combined with this lack of knowledge of the eternal ideas, Socrates sees the poets as truly dangerous because their poetry is naturally pleasing to their listeners. Because poets use meter, rhythm, and harmony, they seem to speak well to those who listen but lack knowledge (600e). Education in poetry and music becomes sovereign because rhythm and harmony “insinuate themselves into the inmost part of the soul” (401e-402a), and because poetry has a natural ability to charm its listeners into believing that what the poets say is true and well said (600e-601a). In addition to convincing listeners that they speak the truth when in fact they do not, the poets also pander to the opinion of the many and repeat back to the demos that which they find most pleasing rather than what is truly best for them to hear (602b). Rather than imitating good and decent men who are able to resist pain and thereby allow deliberation and argument to rule their souls, the poets imitate men who are ruled by the part of themselves which is “irrational, idle, and a friend of cowardice” (604d). The poets prefer to imitate such men because this pleases the many and is easiest to imitate (605a).

Therefore, the poets lead the people to enjoy and to succumb to the irrational part of themselves which trusts appearance and the senses and gives in to fear and laughter, instead of teaching them to heed the deliberate and prudent part of the soul which uses reason to understand what truly is and which is the best part of the human being (603a-b).
Therefore, the poets, and in particular Homer, stand in opposition to Socrates’ project of education in the *Republic*. They teach citizens that they no longer need to hold down their desires and the irrational part of themselves through force and shame. This failure to control the irrational allows desire to rule instead of law and argument, and thus the poets must be excluded from the city. Socrates warns Glaucon against allowing the poetry of such men to remain in their polis: “…but you must know that only so much of poetry as is hymns to gods or celebrations of good men should be admitted into a city. And if you admit the sweetened muse in lyrics or epics, pleasure and pain will jointly be kings in your city instead of law and that argument which in each instance is best in the opinion of the community” (607a). As a result of its tendency to favor the irrational desires over reason, poetry leads its listeners to be tempted “to neglect justice and the rest of virtue” (607b).

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22 “And as for sex, and spiritedness, too, and for all the desires, pains, and pleasures in the soul that we say follow all our action, poetic imitation produces similar results in us. For it fosters and waters them when they ought to be dried up, and sets them as rulers in us when they ought to be ruled so that we may become better and happier instead of worse and more wretched” (606d).

23 Socrates also critiques Homer’s style of imitation in which he takes on the roles of his various characters—presenting men that are both good and bad, as well as imitating that which is without reason (396c-d). This condones citizens imitating that which is slavish and shameful, and causes them to develop bad habits (395d). And yet, despite the negative impact of these writings, Socrates acknowledges that this form of poetry, which is said to mix two different styles, is very pleasing. He even suggests that those who write such poems should be crowned with wool and anointed with myrrh, but he also declares that they must be banished from the city in favor of less pleasing poets who imitate only decent men and who follow the law (398b). In Book Ten of the *Republic*, Socrates argues that there is a possibility for poetry to return to the city, provided that it, or the lovers of poetry, can present an apology that shows that poetry is not only pleasant, “but also beneficial to regimes and human life” (607d).

24 This connection between the irrational and poetry is also emphasized in the *Ion*, the dialogue dedicated to the subject of poetry. Here Socrates once again argues that the poets lack reason and knowledge of the ideas, and as a result, they do not possess art (*technê*) (532e-533e). Instead, Socrates tells Ion that he and the other poets are inspired by the Muse and have a divine power which is not based on reason but rather consists in being out of one’s mind (*ekphron*) (533e-534c). He also explains that the power of their poetry results from its emotional appeal, and he compares the way in which the poets attract their listeners to a chain of magnets in which the attractive force which connects them is an emotional pull (533d-534a, 535c-536c). Thus the *Ion*, like the *Republic*, emphasizes the relationship between the poets
After reviewing these passages from the Republic, the underlying questions and criticisms associated with poetry and the irrational in Plato’s writings begin to come to light. These topics include: a concern for the role of poets as educators in Greece; an attempt to undermine that authority by revealing their lack of true knowledge or art (technē), especially regarding that which is best for human life and the city; questioning the poets’ reliance upon perception and emotional appeals rather than rational inquiry or argument, as well as their tendency to strengthen the irrational and appetitive part of human beings which obscures citizens’ ability to deliberate and follow the law; and finally, a challenge to the poets’ depiction of the universe as chaos—a place of changing particulars which is characterized by conflict and chance—rather than a rational cosmos in which intelligence can and should rule. In the Laws, the character of Kleinias represents the kind of soul produced by an educational system dominated by the poets and in which the irrational rules. Not only does he view the universe as chaotic and the law as the rule of pure force, but it will also become clear that there is discord and ignorance within his soul as a result of being educated to submit to pleasure and his self-interested desires above all else. And yet, unlike Socrates who banishes the poets from his perfectly rational city, the Athenian must rely heavily upon poetry because he is speaking to men who cannot follow argument alone.

and the irrational, and in both dialogues Socrates seeks to undermine the poets’ reputation as possessors of knowledge in order to displace their authority as educators in the city.
In response to Kleinias’ statement that the basis of legislation is violence and its ultimate purpose is victory in war, the Athenian creates an image to help them inquire about the aim of laws, “seeking whatever in them constitutes correctness and faultiness according to nature” (627d-e). He describes a family with many brothers in which there are more siblings that are unjust than just. Asking his interlocutors to imagine a judge for these brothers, he asks if the better judge would simply destroy the wicked ones so that the better could rule, thus making the family superior to itself and victorious. Or, rather than using force to eliminate the unjust, would it be better to let all of them live, but to make the good rule and to make the unworthy willing to be ruled? Or, would it be better still to have a judge who could take over a family without destroying anyone, but who could create laws that would actually lead them to be friends and that would endure over time (628a)? Kleinias chooses the last judge as the best option. Despite his earlier view that all is war and that victory in battle should be the aim of the lawgiver, through the use of imagery the Athenian has helped him see the benefits of a judge and lawgiver who could bring harmony and peace. By focusing on the question of dealing with conflict within his own city, the Athenian leads Kleinias to understand that he would actually prefer “friendship as well as peace brought about through reconciliation” rather than conflict and the destruction of some citizens as the goal of the lawgiver (628b).25

Now that the Athenian has made some progress with Kleinias through the use of poetic imagery, he pushes a bit further using argument. He explains that everyone sets up

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25 Although Kleinias chooses the third option, Strauss argues that the best option is actually the second since direct authority is given to the virtuous while the rest of the city simply obeys and has no share in ruling (5).
their customs for the sake of what is best, and the best happens to be peace and good will rather than war of any kind. As the embodiment of reason, law seeks to establish order and harmony, not conflict and chaos. It may be possible for a lawgiver to consider war, but he should legislate these things for the sake of peace, not for war as an end itself (628d-e). In reply, Kleinias acknowledges that this argument seems correct. Yet despite his agreement, he reveals the lingering power of his emotional attachment to his own laws by continuing to maintain that these laws aim at war (628e).

Recognizing that he cannot ignore Kleinias’ emotional attachment to his laws if he is to completely persuade his interlocutor of his new teaching, the Athenian now questions the Lacedaimonian poet, Tyrtaeus, who is a primary figure in teaching Dorians what to love, value, or fear.26 Subjecting the writings of this poet to the scrutiny of logos, he critiques the poet for upholding the man who is victorious in war as the best and most worthy of respect (629b). Next, the Athenian replaces the writings of Tyrtaeus with those of a newer and foreign poet, Theognis, in order to argue that the man who has the “whole of virtue” is superior to the man of courage alone (630a-630b). This “whole” virtue is a combination of justice, moderation, prudence and courage, and is also called perfect justice (630c). The Athenian points to Tyrtaeus as an example of the power wielded by poets to teach citizens what kinds of virtues they should embody. Furthermore, Tyrtaeus’ verses also highlight the differences between the Athenian’s new rational conception of law and the violent foundation of Spartan law. Tyrtaeus sang of the need for courage in

order to motivate Spartan soldiers as they fought to dominate and enslave the Messenians, a neighboring people whom the Spartans forced to adopt their way of life. Instead of relying upon persuasion, which aims at securing voluntary acceptance of new laws, the Lacedaimonians relied upon violence alone to compel the helots to obey their laws. Rather than treating these outsiders as friends and attempting to persuade them of the benefits of Spartan laws, Tyrtaeus’ elegies stand as proof of the Spartan tendency to violently oppress those who are foreign, treating them as enemies to be subdued and made obedient through force (Rahe 130-138).

At this point, the Athenian becomes bolder in his challenge to both the Dorian laws and the opinions of his interlocutors. He asks Kleinias to apply the argument they have discovered to his previous statements regarding the correctness of his own lawgivers: “Where has this argument of ours wound up now, and what does it want to make clear when it says these things? Isn’t it obvious that what it wanted to show us that above all others the lawgiver of this place, who came from Zeus, as well as any other lawgiver worth much of anything, will never set down laws with a view to anything but the greatest virtue? And this is, as Theognis asserts, trustworthiness in the midst of dangers—that quality which someone would call perfect justice” (630c). He concludes by adding that the man praised by Tyrtaeus is merely fourth in claim to honor. Kleinias grows more spirited when faced with this direct challenge to his own laws and poets, and he balks at this as an insult to his lawgiver (630d). The Athenian has led Kleinias to see the flaws in his laws rather quickly through argument, yet he will not secure his full agreement until he can overcome Kleinias’ spiritedness in reaction to this challenge.
Rather than provoke Kleinias’ anger further, the Athenian backs off from his direct critique. Instead, he compliments Kleinias for the way in which he has initially analyzed his laws by identifying virtue as the goal of legislation in order to soothe the Cretan’s thumos (631a). He then gently explains to the Dorians that Kleinias lost his way when he claimed that all legislation aimed at courage alone. Kleinias should have defended his laws by demonstrating that they aim at the whole of virtue, thereby providing all the good things and making those who follow them happy (631b). These good things include both the human (which pertain to the body and the private desires: health, beauty, strength, and wealth), and the divine (which pertain to the rational aspect of the soul: prudence, moderation, justice—which is made up of the three other divine goods, and courage). The Athenian establishes a clear hierarchy among these goods by explaining that if a city has the divine goods, it will also have the human, but it is not possible to have the human without the divine. However, even though he ranks the divine goods associated with reason above the human, it is worthwhile to note that the Athenian's standard for laws requires that a city have both. He does not ignore the body or the desires.

After identifying the proper goal of the law, the Athenian explains the role of the lawgiver in guiding his citizens towards it. First, he must teach them through argument that the laws aim at this hierarchy of goods, the chief of which is prudence (631d). But in

27 See 649d where these goods (with the exception of health) are identified with the irrational and are included in the list of things said to “drive a person out of his wits with the intoxication of pleasure.”
addition to this instruction, he should pay attention to the spirited or appetitive parts of his citizens, including “their pains and pleasures, their desires, and the ardors of all their erotic longings” (632a). The Athenian explains that the lawgiver must care for and seek to educate these irrational aspects of human beings using means specially suited to them so that the desires are in harmony with his plan. These means of educating the desires include the correct apportionment of honor and dishonor, blaming and praising, as well as ordaining punishments for the disobedient (631e-632c). The lawgiver must continually teach his citizens what is kalon, and must pay attention to all their activities throughout their lives. This entire plan should be “knit together” by intelligence (nous) into an orderly whole, including guards (phulakes) to ensure that the people seek justice instead of wealth and love of honor (632c). The Athenian acknowledges that the irrational does have some role in the becoming world and that human beings are subject to changing emotions, changes in fortune, and changing circumstances including disease, wars, and poverty. But through this education in which desire is trained to yield to nous, it is possible to remain true to the goal of virtue despite the changes that take place in this world of becoming things.

This is the Athenian’s basic vision of law. He first discerns the proper telos of legislation: to make its followers happy and virtuous by teaching them to desire and love to heed reason and intelligence, thereby acquiring all the other divine goods, as well as the human goods. All the particular laws should be designed according to reason so that they work together harmoniously to achieve this goal. Finally, the basis for law should be persuasion, which recognizes that citizens consist of both rational and irrational
aspects. In order for legislation to be based on persuasion, the lawgiver must first explain the reasons for the laws to his citizens through argument. Secondly, he must educate their irrational appetites to harmonize with this plan. The result of this appeal to both reason and desire is the citizens’ voluntary obedience to the law—the desire to abide by the law while also understanding its provisions as correct and as worthy of being followed. He explains that this is the standard according to which all existing laws should be judged (632d). He proposes that even the laws that are reputedly laid down by Zeus and Apollo, which are considered to be the oldest and best in Greece, should be scrutinized according to this model. In other words, the Athenian teaches the Dorians that even divinely inspired laws should be questioned and subjected to critical analysis.

After teaching the Dorians of this new standard for judging legislation, the Athenian asks them to start over from the beginning and to apply this measure to their own existing laws (632e). Now that they have heard his argument, they should look at each of the practices he first inquired about and show how each aims at a part of virtue, as well as how all of them together aim at the whole of virtue (632e). As the dialogue progresses, this ability to see how the virtues are both many and one becomes increasingly important in determining who has legitimate power to rule (963a-968a). To see what is common to all of the many parts of virtue is to understand the idea of virtue, which is one and unchanging (965b). Elsewhere in the platonic dialogues, the ideas are not seen through the senses, but through reason alone.\footnote{For example, see Republic 532a-534e. According to Bobonich, Plato abandons the Republic’s teaching that only philosophers are capable of grasping the” non-sensible properties” (i.e., the Forms or ideas) through the exercise of reason. He argues that in the Phaedrus, Statesman, and Laws, Plato}
the idea of virtue through reason is to have knowledge of the unchanging goal of law. The person who operates according to this knowledge practices the art (technē) of politics. However, the action of the dialogue also suggests that experience is crucial for both lawgivers and rulers of political communities. As the Athenian demonstrates by drawing upon his understanding of foreign practices and historical examples as he legisitates, the best ruler is the person who can combine his theoretical knowledge with practical understanding of political life based on experience. By giving authority to the person who can see both the being and becoming with a kind of double vision, the city will reflect the order of reason as much as possible.

Eager to show that his laws meet this standard of aiming at all of the parts of virtue, Megillus begins to list the various practices devised by his legislator to instill courage by teaching Spartan men to endure suffering (633b). But as he proceeds, the Athenian points out to Megillus that the laws of Sparta are flawed in that they aim at an incomplete idea of courage. The Athenian defines courage as the ability to combat fears and pains, but it must also address the pleasures and desires (633d). Not only do the Spartan laws aim merely at a part of virtue instead of the whole, but even this is executed incorrectly. Megillus recognizes that courage should indeed deal with pleasure as well as gradually accepts that non-philosophers can also gain some awareness of non-sensible properties, although they do so more dimly than those who are truly philosophical. As a result of all these developments, Bobonich concludes that non-philosophers in the Laws are able to appreciate and desire true value, and therefore they can achieve genuine virtue, which Bobonich defines as “knowledge (or true belief about) what is good along with the proper orientation toward the good” (288). It is important to note that Bobonich argues that virtue in the Laws is no longer restricted to those who have knowledge or understanding (episteme) of non-sensible principles in the strict sense, but also includes those have “really true and firmly secured opinion about what is fine, just, and good” (123, 199, 414).
pain, and both Dorians grudgingly admit that they cannot provide examples to show that their laws do in fact teach men to resist pleasure (634c). The Athenian has led them to recognize this flaw in the Spartan laws.

In response to this admission, the Athenian does not ridicule the Dorians or their laws. Instead, for the second time, he emphasizes that they are conducting a gentle and calm conversation rather than a harsh one. He soothes them by explaining that they are simply pursuing what is best and true, reminding them that it would not be fitting for men of their age to act otherwise (634c-d). He further assuages any spiritedness they might feel towards him for blaming their laws by using pleasure in the form of praise. He praises a particular law of theirs—one that allows old men to critique their laws before a magistrate or other old men when no younger persons are present. By mentioning this law, the Athenian relieves any guilt or fear they might feel for being part of a conversation that involves criticizing their laws. He creates a private space for their conversation where it is safe for these Dorian citizens to question their nomoi. He assures them that they are doing nothing wrong, and as a result, Kleinias welcomes him to lay blame on his laws, for he recognizes that through this kind of critical inquiry they might find a way to make improvements (635a).  

However, one should also consider that at 811c-e the Athenian recommends that all the young citizens of Magnesia should read the text of this conversation. As a result, there will be innumerable young witnesses to this conversation concerning criticism of the laws. Although the Athenian proposes to uphold the Dorian law of laws, he ultimately violates it and allows this violation to become one of the centerpieces of his educational plan for the young.
Once again, the Athenian demonstrates that for one who wishes to bring reforms and to persuade others to accept them willingly, he must address both the minds and the emotions of his interlocutors. As he applies his argument to the Dorian legislation in order to teach Kleinias and Megillus to understand its shortcomings, he must also temper the \textit{thumos} which surfaces within them when he critiques their laws. In order to obtain their full agreement for his argument, he cannot ignore their feelings of anger which stand in the way of their acceptance of his critique. The Athenian’s persuasion must address both aspects of the human being if it is to be successful. Therefore, in this first section, we see how the Athenian has introduced an entirely new standard for judging laws to Kleinias and Megillus. He has begun to persuade his interlocutors to participate in the critical analysis of the legal system they were educated to revere for the sake of improving it by appealing to both their reason and emotions.

In an effort to continue their task of showing how the Dorian laws aim at each of the parts of virtue, the Athenian suggests they now discuss moderation (\textit{sôphrosunê}). Megillus, who by now seems to have accepted the whole of virtue—and in particular the divine goods—as the proper \textit{telos} of law rather than simply courage or the human goods, tells the Athenian that the Spartan practices of training in gymnastics and common meals both aim at \textit{sôphrosunê} (635e). In response, the Athenian reminds them that such practices may be beneficial, but they have also been shown to lead to homosexuality,
which he describes as the antithesis of moderation: “a lack of restraint with regard to pleasure” (636d).  

The Athenian explains that the key to happiness in both cities and individuals is to utilize the natural tendencies regarding pleasure and pain (636d-e). One should not ignore the desire for pleasure as the Dorian laws have done because it can be a powerful tool when used at the right time and in the right amount by one who has knowledge and can apply it properly (636e). The Athenian shows that just as complete courage requires learning to endure rather than flee from pleasures, similarly, moderation does not involve ignoring pleasure. It is the practice of facing this desire and educating it to become harmonized with reason. Hearing this criticism of Spartan practice, Megillus once again comes to the defense of his Spartan laws, explaining that his lawgiver was correct to train men to flee from pleasure. He distinguishes his laws from those of Crete, and claims that his are “the finest to be found among humankind” in regard to resisting pleasure. He critiques the laws of the Athenian's city, explaining that unlike the Athenians, the Spartans are not allowed to take part in drinking parties which cause men to succumb to all kinds of pleasures, as well as causing them to become mindless and insolent (637b). As Megillus becomes thumatic in defending his laws, he regresses back to his old

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30 The Spartan education, or agogé, did involve a sexual relationship between the young boy in training and an older man (erastês) (Rahe, 138-141). While this would seem to be an example of how Dorian legislation used pleasure to attach its citizens to the laws and one another, the Athenian rejects this practice because he asserts that it encourages the pursuit of immoderate pleasure. Instead of using encounters that encourage participants to surrender to sexual lust, the Athenian suggests a new type of gathering in which immoderate desires are habituated to submit to reason. As a result, the Athenian’s city will be united through well-ordered pleasures, not by those that encourage lack of restraint and disorder of the soul.
standard of judgment, claiming that Sparta’s practices are superior because his city could defeat all other cities in battle (638a).

Very gently, the Athenian again attempts to persuade him to abandon victory in war as the standard by which practices should be judged. The Athenian urges him to consider a new method of argumentation that can demonstrate through reason whether or not something is noble (638b). The Athenian reveals his understanding that human beings naturally grow spirited when faced with practices different from their own, but he encourages the Dorians to moderate the *thumos* that prevents them from listening to his argument. He explains that immediately defending or blaming a practice without learning about the way it is used and its effect will simply cause controversy between them rather than contributing to the pleasant discussion they agreed to have. Instead of unreflectively defending the practices with which they were raised, or blaming the practices of others because they are foreign, the Athenian proposes a new method of inquiry that does not glorify physical force as the final means of resolving disputes (638c-e).  

Here, again, one observes the Athenian gently soothing one of his interlocutors as the first step in teaching him to examine received opinion and to consider new arguments.

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31 The way in which the Athenian seeks to temper the *thumos* of his interlocutors in order to allow them to engage more fully in rational inquiry is an essential aspect of the private education he offers them. Since the citizens of Magnesia will read the text of this conversation, they will also learn the value of moderating spiritedness. One should keep this in mind when considering the argument of Michael Kochin, who argues in *Gender and Rhetoric in Plato’s Political Thought* that the education of the Magnesians involves excessive emphasis on the development of male virtue, particularly *thumos* (116-118). In this first section of the dialogue and elsewhere (especially during the discussion of the penal code), the Athenian specifically seeks to moderate *thumos*, not to encourage it. Please see chapter four of this dissertation for a more detailed analysis of the Athenian’s teaching in the discussion of the penal code.
In this way, the Athenian demonstrates persuasion is an effective means of reeducating both Megillus and Kleinias. He avoids prolonging contentious arguments since they increase the Dorian’s hostility towards his new ideas. Although conflicts do occur when the Athenian highlights the problematic aspects of the Dorians’ laws and opinions, he also continually reminds them that their conversation is a pleasant one. He teaches them to delight in listening to reason. He also reminds them that their pursuit of the truth should lead them peacefully to consider these new ideas that they had been previously taught to reject. In this passage, we also see the Athenian taking the next step in educating these two old men. He proposes to teach a new method of inquiry about new practices. He tells them that instead of condemning practices that they had previously seen performed under the guidance of either a bad ruler or no ruler at all, they should open themselves to the consideration of strange ideas by imagining what the practice would be like if it were implemented correctly, under a worthy ruler who possesses knowledge of his art as well as virtue (639a-639c). Although he first applies this approach to drinking parties, he subsequently applies it to the city in general. This leads him to examine the question of what constitutes a worthy ruler for the *polis*.

Returning to the topic of drinking parties—an Athenian practice that Megillus criticized at 637b—the Athenian begins to present his concept of how pleasure can be used as a tool to attach individuals to the law and to the community as a whole. Rather than depicting the drinking of wine as a means of indulging individual or private desire, he portrays it here as a community-building activity. Yet he also stresses the importance of pleasure that is orderly and supervised by a proper ruler. He explains that just as an
army needs a general who is not disturbed by fear, so too a ruler is needed for a group of friends communing with one another in peace and goodwill, especially when wine is involved (640b-c). This ruler should be wise and sober, and should be prudent about social intercourse so that he may be the guardian of their friendship and cause it to increase. A ruler who is drunk will upset whatever he governs (640d-641a).

This discussion of *symposia* and intoxication is part of the larger central argument about how to educate the irrational, and how to use pleasure as a pedagogical tool. As we have seen, the Dorian practices teach individuals to avoid pleasure. The result is that citizens become vulnerable and weak in the face of their desires because they lack practice in controlling them. In contrast, the Athenian proposes to incorporate pleasure into his legislation and education. However, unlike the poets who use pleasure to attract followers but who lack reason and true understanding, the Athenian proposes a reformed pleasure wielded by a virtuous ruler. This individual must learn to moderate his own desires in order to remain sober. Only a sober ruler whose soul is properly ordered can use pleasure as an instrument to bring order to others. As the dialogue progresses, the reader learns that Kleinias, who has been raised under laws that failed to teach him to endure pleasure, has a weakness that must be cured if he is ever hopes to wield this instrument himself.

Kleinias and Megillus, who earlier had resisted contemplating foreign laws, now urge the Athenian to explain what benefits properly supervised drinking parties provide both the *polis* and the individual. To the Doriand’s surprise, the Athenian asserts that
symposia serve an educational function (641c-643a). Megillus is so eager to hear this discussion of education that he reassures the Athenian of his warm feelings for him and for the Athenians in general. He remarks that his family has been particularly friendly to Athens, and that he has spent his life defending that city as if it were his own (642b-d). He then foreshadows a future discussion, stating: “I believe what is said by the many is very true, namely, that those Athenians who are good are good in a different way. They alone are good by their own nature without compulsion, by a divine dispensation: they are truly, not artificially, good” (642d). Kleinias also chimes in, insisting that his family shares a bond with Athens as well. In an interesting reversal of roles, the Doriens are now following the Athenian’s example in trying to persuade him to present his argument by appealing to his emotions and by assuring him of their friendship and their receptiveness to his teaching.

The Athenian acquiesces and explains that the central goals of his new vision of education include teaching the individual to pursue virtue willingly, to fulfill the obligations of citizenship (which involves submission to the proper ruler, as well as participation in that rule) without external compulsion, and to act on the basis of knowledge. As the Athenian explains, he aims to foster an erotic attachment in the souls of young by directing their tastes and desires toward their ultimate telos as adults (643b-d). Habituation through play and games is of utmost importance for this task. Furthermore, he must teach each child to “desire and love to become a perfect citizen (poiousan epithumêtên te kai erastên tou politên genesthai teleon) who knows how to rule and be ruled with justice (archein te kai archeštai epistamenon meta dikês)” (643e).
It is important to note that this conception of education focuses upon both the rational and irrational aspects of the individual, and depicts a harmonious relationship between the two. Both *epithumêtên* and *erastên* involve a lustful longing or passionate desire, so the Athenian implies that the educated individual’s strongest desires should be redirected towards the pursuit of *arête*. And yet, he also emphasizes the importance of reason, since virtue is not possible without it. He warns that an upbringing that excludes reason and justice is not fit to be called education (643e-644a). He goes on to explain that those who are successfully educated in the manner he recommends are good in that they are capable of ruling themselves (644b). On the other hand, “the bad” are incapable of self-rule. The Athenian also explains that education does not create a permanent state of harmonious self-rule, since he admits that it can become corrupt over time and requires restoration (644b).

In order to help his interlocutors understand this teaching, the Athenian must offer a more detailed explanation, for it is unclear to the Dorians what the Athenian means by self-rule. He explains that every person has within himself two “opposed and imprudent counselors,” which are pleasure and pain. Each of these is attached to future opinions or expectations. He explains that fear (*phobos*) is the expectation of pain, and boldness is the expectation of pleasure (644d). However, there is also a third element within the individual: calculation (*logismos*). This is the rational faculty that determines that which is better or worse (644d). Although the Athenian has been describing an individual person up to this point, he now draws a connection between the rule of *logismos* in the soul and the rule of law in the city. He explains that *nomos* is the common opinion of the
city regarding the calculation of what is better and worse (644d). Interestingly, he does not introduce the possibility that the individual’s determination of what is best may differ from that of the *polis*, although he has already demonstrated this possibility by encouraging his interlocutors to critically assess the laws of their own cities.

According to the Athenian’s argument, the individual (and perhaps the city) consists of both rational and irrational elements. In order to clarify the proper hierarchy of these various elements and the way in which this produces self-rule, the Athenian offers his interlocutors another poetic image to supplement his argument (644d). Comparing human beings to divine puppets, the Athenian explains that the passions of each individual are akin to strings that drag him in opposite directions towards opposing deeds. This creates disorder, conflict, and vice (644e). An individual who succumbs to the pull of the passions and allows himself to be controlled by them is certainly lacking self-rule, and he calls to mind the man described by Kleinias who is at war with himself.

32 For Bobonich this image of the divine puppet serves as one of the primary pieces of textual evidence to support his claim that Plato has adopted a new, unified conception of the soul in the *Laws* (260-261). Specifically, Bobonich argues that in the puppet image, there are desires but not a separate appetitive part since the cords of pleasure and pain are not subjects capable of true cognition (261). Similarly, there are spirited emotions, but not a spirited part (261). In contrast to the image in Book Nine of the *Republic* where the soul is described as a combination of a human being, a lion, and a many-headed beast, the puppet image explains conflict within the individual without suggesting that there is anything but one source of deliberative agency (260-261, 284). In order to explain how *akrasia* takes place within this single subject, Bobonich argues that there is a distinction between the rational and non-rational aspects, although it is slight enough that he can still claim that Plato has “lowered the barriers” between them and eliminated the division of the soul (334). Bobonich explains that this distinction is based on the fact that the non-rational desires have a “non-representational” and “motivational force” that is “independent of the judgment-making capacity,” and which can be “misaligned with the evaluation of the object of desire” (285). To explain how this works, Bobonich borrows from the *Philebus* and suggests that the non-rational motivations have memories of different states (such as being full), combined with awareness of a current state (such as being hungry), and this produces a goal-directed movement toward action. Although he describes this as a kind of rationalization, Bobonich insists that it is different from the cognitive capacities of the agent-like parts of the soul in the *Republic* and emphasizes that all of this takes place within a single subject (284-286, 266).
and is characterized by a state of internal chaos (626d-e). However, rather than allowing his actions to be determined by his passions, the Athenian states that every person should follow and assist the pull of the soft, sacred and golden cord of calculation (\textit{logismos}).\textsuperscript{33}

The Athenian identifies this as the highest or ruling element within the individual, explaining that it is \textit{kalon} and should be obeyed (645a). Switching again from his focus on the individual to the city, he explains that \textit{logismos} is also called “the common law of the city” (464a). Although he is explaining the hierarchy of the various rational and irrational elements, he never comments on whether \textit{nomos} or \textit{logismos} has priority should the two ever conflict. He ignores the question of which is higher. He simply states that despite the superiority of the golden cord (whether law or private calculation), it requires helpers because it is soft and “gentle rather than forceful,” while the multitude of inferior cords are “hard and iron” (645a). Ending with a reference to the “race of gold” which is reminiscent of the \textit{Republic}, the Athenian finally separates the private individual from the city, explaining that the former should \textit{acquire within himself} the true reasoning about the cords and live accordingly, while the city should receive this \textit{logos} from either a god or one who is a “knower of these things,” and should then establish it as law for itself (645b-c).

The Athenian calls this image of the divine puppet the “myth of virtue,” and explains that its purpose is to distinguish more clearly the difference between virtue and

\textsuperscript{33} Bobonich emphasizes that the image of the divine puppet depicts the individual as having the capacity to intervene in the interaction of his affections (266). He is not merely passive, but can “pull along” with the golden cord in order to increase the strength of his rational judgment so that his actions are not simply determined by the non-rational aspects of his soul (266-267). However, Bobonich also admits that this will not always be successful, and that sometimes the individual will act contrary to his reasoned judgment concerning what is best (267).
The Athenian does accomplish this goal by explaining that virtue involves a kind of self-rule wherein the individual follows the rule of the rational element rather than allowing his the irrational passions to govern his behavior. However, the puppet image raises a number of other questions concerning the nature of virtue that the Athenian does not answer at this point in the text. More specifically, the Athenian does not make it completely clear whether those who are capable of fully developed, autonomous calculation experience a higher level of virtue or a greater degree of self-rule than those who receive their logos from an external source (645b-c). And as mentioned

34 In other dialogues, such as the Republic, Socrates makes it clear that only those individuals who are capable of freeing themselves from the cave of received opinion and gaining knowledge of eternal being and the good itself through the exercise of individual reason have attained the highest level of virtue. The question as to whether or not the Athenian’s education aims at this highest level of virtue or at something lower is a subject of debate among scholars. According to Strauss, the Athenian blurs the distinction between the highest level of arête, which involves knowledge of that which is, and “sub-rational” or “demonic” virtue, which he describes as “the virtues which every citizen can acquire and which are presumed rather than supplied by the highest kinds of study” (24, 184). Although Strauss argues, “virtue as virtue, at least as human virtue, consists of both the logos and the sub-rational,” he clearly favors the granting of political authority only to those persons capable of the higher level of excellence (181). Much of Strauss’s commentary on the Laws seeks to cast aspersion upon the way in which the Athenian dilutes the rule of intelligence by offering those citizens who are capable of achieving only this lower form of demotic virtue a share of political authority in Magnesia. As he explains, “Those who are guided merely by law, however reasonable, without knowing that it is reasonable, are as much puppets as those who are dragged only by their passions, although they are of course superior to the latter” (18-19). Strauss makes it clear that the Athenian’s earlier definitions of arête describe this inferior form of virtue, and that the education he offers the majority of citizens aims at something far lower than knowledge of eternal being attained through the exercise of pure reason (22, 108-115).

Bobonich offers a completely different approach than Strauss by attempting to view this lower level of virtue in a positive light and arguing that it involves a kind of wisdom (123). Although Bobonich agrees with both Strauss that the Athenian seeks to educate most citizens to achieve something less than true, philosophical knowledge of “non-sensible principles,” he does not want to accept that this lower level of virtue could consist in simply following true reason from an external source without understanding (103-106). Therefore, Bobonich concludes that the rational education offered by the Athenian allows citizens to develop a kind of ethical reflection that entails a recognition of and response to genuine value (119). Bobonich explains that this ethical reflection involves “firmly settled true opinion,” and he claims that “such opinions seem to consist in grasping—albeit in a way that amounts to less than knowledge—the reasons behind the law, that is, grasping why they are fine, just, and good” (123, 118). Bobonich also argues that Plato is quite willing to call such a state „wisdom” and to hold that the goal of Magnesia’s laws is to bring about at least such a state in all the citizens” (198). Bobonich’s elevation of the more common level of arête allows him to applaud the way in which the Athenian grants a greater share of political authority to all citizens, including the non-philosophical (384).
above, he does not provide an answer to the question of how or why *logismos* and *nomos* might conflict, or which should be given precedence if this occurs.

Although the reader should recognize that the text raises these deeper questions concerning virtue, one should also note that the Athenian does not clarify this issue for his interlocutors at this point in the dialogue. He simply emphasizes that the soul must be ordered correctly so that reason rules (whether this is the individual’s own *logismos* or the *logos* of some external source) while the irrational must follow willingly (862d). He teaches the Dorians that when the individual does not follow reason but surrenders to the pull of his passions, his soul lacks order, he is incapable of self-rule, and he is enslaved by his appetites (635c). As the Athenian will explain later at 689a-b, this kind of discord results in the greatest form of ignorance. In contrast, goodness and self-rule are possible when one complies with the golden cord, whether private *logismos* or the *nomos* of the community. Although the passage at 645b suggests that it is best for the individual to be able to “acquire within himself true reasoning,” the text also makes room for those who are incapable of this highest level of reason in its definition of virtue. The Athenian does

Saunders agrees with Strauss’s argument that the Athenian’s plan for education may fall short of achieving the highest level of virtue. However, in contrast to Strauss, Saunders recognizes that this lower level of virtue also has value in political life since it represents movement in a positive direction. Saunders explains that intellectual understanding of the Forms and complete virtue based on this knowledge is Plato’s ideal, but he also appreciates that Plato embraces a “pragmatic approach” in which attaining the demotic virtues is an important step in helping citizens move closer to this point (482-483). Saunders does not dismiss this lower form of virtue for that which it lacks in comparison to the ideal, but explains: “There must be some relationship between ‘ordinary’ or customary virtue based on imperfect understanding induced by myth and so forth, on the level of ‘right opinion,’ and a perfect grasp of what Virtue itself is, based on reason. The life you led when you were in the process of improving your understanding of virtue is thus an excellent preparation and foundation for the life you will lead when you have obtained it” (483). Saunders commends Plato’s efforts to nurture the demotic virtues in Magnesia since this is a necessary step in creating a political community that is amenable to the development of philosophy in the future (483-4).
return to this question and distinguish between those who are capable of the highest level of virtue later in the text (964c-966b), but at this early point both individuals can be considered self-ruling as long as reason (whether internal or borrowed from an external source) is given priority over the passions.

After introducing this myth concerning virtue, the Athenian Stranger returns to the topic of drunkenness to explain how pleasure can be used as a part of education if those implementing it are able to moderate themselves and remain true to the golden cord (645d). Kleinias agrees with the Athenian that wine makes the pleasures, pains, and spirited and erotic emotions more intense, while causing the sensations, memories, opinions, and prudent thoughts to weaken. Despite the fact that wine puts drinkers into a state of discord, the Athenian tempts his interlocutors to consider an argument that could persuade them to accept drunkenness as beneficial, and even to try it themselves. Kleinias confesses that the discussion intrigues him (646b). There is something pleasant and enticing for Kleinias in listening to an argument in favor of this new practice that is forbidden in their own cities. The Athenian suggests that drinking wine could be compared to a type of medicine that teaches individuals to moderate excessive boldness and to display awe at times when their irrational desires threaten to take over (646c, 649d). The Athenian explains that wine makes men fearless and bold, reducing them to a state similar to that of children who have not yet learned to master pleasure (645e). The

35 Here wine causes an intensification of the irrational desires and appetites accompanied by a diminished capacity for reason. But as the dialogue progresses, the Athenian indicates that this latter element must not necessarily follow the first. In fact, at the heart of the Athenian’s plan for incorporating drinking parties is an effort to teach individuals to experience the first effect without the second or even to strengthen reason in the face of intensified desires.
Athenian’s proposal to give men this drink allows them to practice overcoming their desires and relearn the kind of shame and awe that are proper for citizens (647c-d). Emphasizing that this is also a type of play, he states that wine is cheap, quick, harmless, and it is much safer to test a savage soul by giving it wine than by letting it loose in the city to test its disposition where it may harm other citizens.

The Athenian’s use of wine as a test also reveals to the reader that moderation is learned through the repeated practice of controlling the desire for pleasure (649c-d). While rational argument certainly forms the leading part of education, educating the irrational desires requires more than simply listening to and understanding arguments. The desires must be trained to submit through experience—including practice and habituation—which must be overseen by a rational authority. Furthermore, keeping in mind the communal nature of these gatherings, it also becomes clear that the Athenian has reformed pleasure so that it is no longer simply the private pursuit of individual and irrational desires. Pleasure is now experienced in a communal setting, and in such a way that supports the law, which is the common opinion of the city. By teaching individuals to seek pleasure through the community, there is less chance for conflict between individual pursuit of pleasure and the common good of the whole. The drinking parties

36 Recall that awe and shame both involve a relationship to the opinion of others in the community: “…and on the other hand we often fear opinion, when we think we will be considered evil (kakoi) if we say or do something that is not noble (kalon). This is the sort of fear, we at least, and I believe everyone, calls ‚shame‘ (aischunên)…. Now won’t the lawgiver, and indeed anyone worth much of anything, revere with the greatest honors this sort of fear, calling it ‚awe‘ (aidôs) and the boldness opposed to it ‚lack of awe‘? Won’t he consider lack of awe to be the greatest evil for everyone both in private and public life?” (647a-b).
harmonize the rational and irrational aspects of the individual, and also bring harmony between the individual and the community.\textsuperscript{37}

Instead of repressing the irrational or ignoring the emotional aspects of human beings, which lead them away from reason and the law of the community, the Athenian suggests that a wise lawgiver will seek the help of “speech, deed, and art, in games and in serious pursuits” to educate them (647d). This first section of the dialogue closes with the Athenian proposing pleasure in the form of wine as a drug to help citizens practice moderating irrational boldness. But he also explains to Kleinias that testing souls in this playful way produces another benefit—it reveals the “natures and conditions of men’s souls” to those who practice the art of caring \textit{(therapeuein)} for them. This caring for souls is the art \textit{(technē)} of politics (650b). In this final passage, the Athenian makes an important claim about what constitutes legitimate political power. The word “\textit{therapeuein}” means attending to or serving reverently the way one would serve the gods or a master. Political rule is not a self-serving practice which seeks the fulfillment of the practitioner’s own private desires for wealth or power. The one who practices the art of politics leads his citizens, but in doing so he respectfully serves the needs of those he rules and the common good of the community. Wine contributes not only to the education of the citizens by teaching them to find pleasure in submitting to reason and helping them to practice moderation, but it also contributes to the education of the ruler

\textsuperscript{37} As the Athenian explains at 739c, in the best city the citizens share in common the things that are private by nature, including “delighting in the same things.”
and lawgiver. It allows him to observe and understand the particular souls of those he governs, thereby gaining knowledge of how to best serve their needs.

2.2 Reforming Pleasure (652a-674c)

Next, the Athenian persuades his companions that there is yet another benefit from correctly implemented wine parties besides the knowledge they provide for the one practicing the art of politics. He suggests that wine parties are a means of preserving (sôtêria) correct education (653a). Kleinias resists this suggestion, so the Athenian elaborates upon his earlier discussion of education to support his claim. Interestingly, the description of the well-educated, virtuous individual presented here is characterized by harmony and consonance (653a-c). This is very different from the image of the divine puppet in which the various cords tug in different directions and the individual must struggle to pull against his desires and in the direction of the golden cord (644e). The Athenian now proposes to eliminate, or at least reduce, internal conflict by focusing upon the education of the irrational. This education entails habituating the desires and appetites so that the individual hates what he should hate and loves what he should love throughout his entire life (653c). When this is achieved, the passions exist in harmony with reason, which will affirm the correctness of this habituation when the rational capacity develops (653b). The desires may be “hard and iron,” but the Athenian suggests
that he has found the means to bend them as he wishes so that the individual may experience the consonance of virtue.\textsuperscript{38}

According to the Athenian, this education of the irrational should begin in early childhood when the young lack any meaningful rational capacity and only experience the sensations of pleasure and pain (653a). At this earliest stage of life, one must begin habituating the desires (“pleasure and liking, pain and hatred”) to love and to follow reason (653b). At this point, the child is simply taught to follow an external source of reason and order, so that he learns to take pleasure in what is good and hates that which is bad, both of which are determined for him (653c). As he develops his own capacity for reason, his soul is already properly arranged to allow it to take over its rightful place as leader (653b). Instead of possessing desires that pull against the golden cord, the individual who has been educated in this way since early childhood experiences the internal harmony of strings that move together willingly to support the leadership of reason in the soul. By the time they reach old age, the Athenian explains that those who have been properly educated in this way possess prudence and “true opinions that are firmly held” (653a).\textsuperscript{39} These individuals presumably represent the fulfillment of the

\textsuperscript{38} Strauss condemns this definition of education as “not more than the habituation of the sub-rational part of the soul” (22). Furthermore, he states that this description of virtue as the harmony between reason and habituation is merely “a harmony according to which reason understands and approves the likes and dislikes originally fostered only by habituation” (22). While this is an accurate description at this point in the text, the Athenian will also provide an education for the rational part of the soul as the dialogue progresses.

\textsuperscript{39} It is worthwhile to note that the Athenian implies that not every person achieves this level of reason, only the “fortunate” (653a). He also describes the individual who possesses prudence and true opinion as a “perfect human being,” despite the fact that he has not achieved true knowledge (653b).
Athenian’s plan for education, at least as he presents it to Kleinias and Megillus at this point in the dialogue.

Despite this vision of properly harmonized citizens who desire and love to follow reason, the Athenian tells his companions that this education of the irrational inevitably slackens over time, and that it is natural for human beings to suffer this corruption as time passes (653c). The Athenian does not chastise citizens for this deterioration. He explains that the gods “take pity on this suffering that is natural to the human race,” and therefore they instituted the use of pleasure to re-educate humans and to cure this corruption (653d). According to the Athenian, Dionysus and the Muses—led by Apollo—take part in celebrations that aim to “set humans right again” (653d). Whereas these established feasts cure citizens by allowing them to associate with the gods, the Athenian proposes wine parties in which citizens will be set right again by associating with sober rulers and their rationally ordered laws, the latter of which are said to be “fellow drinkers at the banquet” in place of the traditional gods (671c). Therefore, although the education of the irrational must begin in early childhood, the need for re-education continues throughout an individual’s life.

Returning to the education of children, the Athenian further explains his new pedagogy that utilizes pleasant activities in order to habituate children to love following the order of reason. He explains that very young children feel pleasure indiscriminately; they cry out and move in disorderly ways, all of which are pleasing to them (653d-e). They lack the ability to distinguish pleasures that reflect the order of reason from those
that do not. However, the Athenian explains that if one introduces them to rhythmic
dances and harmonious songs, these children become habituated to feeling joy in
response to that which is orderly (654a). Although the Athenian indicates that human
beings are capable of perceiving rhythm and harmony by nature, he implies they do not
prefer such orderly songs and dances unless they are habituated to do so. The desire for
pleasure can serve as an important tool to teach the individual to want to follow reason
voluntarily, but it requires the proper training. One should note that these young children
are not allowed to choose their own songs and dances, nor are they given the opportunity
to question the songs and dances that are chosen for them. At this early stage, they must
submit to following the judgment of others who understand the nature of education. It is
also important to note that they do not sing or dance alone. They must become part of a
chorus, so that they share the pleasure of orderly rhythms and harmonies together (654a).
The education of these youngest members of the city aims at a unified practice of virtue,
in contrast to the pursuit of private pleasure.

Kleinias and Megillus agree that participating in this kind of choral performance
is an essential part of education (654b), but when the Athenian asks them how one can
determine whether an individual has been correctly educated in a fine way, they cannot

As part of his effort to “lower the barrier” between the rational and non-rational aspects of the
soul and to prove that the soul is more unified in the Laws, Bobonich argues that these early experiences of
pleasant songs and dances involves the development of “conceptual content” which plays a “cognitive role”
for children (364). He explains, “…these sorts of sensory pleasures can make a direct cognitive
contribution to ethical development in two ways. First, they might well be the first experiences that trigger
a dim awareness of fineness and goodness. But even if they are not, they can provide an important locus
for the child’s development of these notions” (364). In this way, Bobonich subtly blurs the line between
perception and rational thought, indicating that sensory perception involves an early appreciation of the
good and the fine. However, the text here indicates that the true exercise of reason develops later in a
separate chorus and involves an activity distinct from simply perceiving and imitating.
answer (654d). They lack understanding of the nature of paideia, and are not qualified to
direct their own education or anyone else’s. Furthermore, as the Athenian demonstrates
by leading them through a series of questions, Kleinias has never experienced the proper
education of the irrational, and as a result, his soul lacks the kind of consonance required
of those who deserve to exercise political authority.

The Athenian proceeds with his effort to educate his interlocutors by reiterating
that in order to teach the young to love to follow the golden cord of reason so that there is
harmony and consonance in their souls, they must be properly habituated using songs and
dances that are truly fine and belong to virtue (655b). He then leads the Dorians to see
that this proposal requires that someone in the city must be able to judge which songs and
dances meet these criteria since not everyone agrees on this point. The question of who
is qualified for this task becomes increasingly important since the Athenian advocates
mandating correct songs as the Egyptians do, but rejects the current practice of most
cities where the poets control the education in music and poetry (656c-657b). If not the
poets, who should be given authority to direct education and judge which songs are best?

Although previously he had not clearly distinguished the difference between those
individuals who can follow the leadership of their own reason versus those who must
follow the reason of others, he begins to do so now. He very subtly introduces the notion
that some individuals are better qualified to exercise such judgment than others. While
most people say that music should be judged according to the pleasure it brings, the
Athenian disagrees. Human beings find pleasure in that which reflects their own
character (whether this is a product of nature, habit, or both), so those who have not been properly educated to have virtuous characters will not choose the correct kinds of songs (655e).

Speaking indirectly to Kleinias about the nature of his own soul, the Athenian also explains that some people experience internal conflict in terms of their nature and habituation (655e). These people often praise in public what they think they should, while in private they delight in things that they know are shameful (656a). These individuals have not received the proper education of the irrational, so they are artificially, not truly, good (642d). They do not sincerely love and desire to follow what they should, and as a result they lack true virtue. Because they have been educated through shame and fear rather than through pleasure, they behave properly in public, but in private they behave wickedly (656a). For someone who has not been properly habituated to feel pleasure correctly in response to things that reflect virtue, he will find pleasure in vice and will eventually succumb to this desire even though he is publicly ashamed to do so (656b). Such persons cannot be trusted to exercise judgment regarding education.

In order to help his interlocutors consider the question of who is best qualified to determine which songs and dances are correct, he asks them to consider how any contest in pleasure should be judged (658a). The Athenian proposes that different groups of people find different kinds of performances most pleasant depending on their age (658c-e). The Athenian initially declares that those who are oldest and similar in age to the
Dorians (and himself) are most fit to judge among these various groups (658e). Kleinias concurs, but then the Athenian challenges his own proposal. Rather than granting authority based primarily on age, the Athenian now declares that the judges of pleasure should be those men who are adequately educated, and especially the one man “who is distinguished in virtue and education” and judges according to knowledge (658e-659a). There is no mention here of age as a qualification. The Athenian explains that there is pressure for this virtuous man to give the victory prize to those who please the many, despite the fact that the pleasure they provide does not reflect what is appropriate or correct (659b). The Athenian warns that this virtuous judge must have courage to resist “the noise of the many” and to choose that which he knows is best (659a). In doing so he does not allow the many to lead and exercise judgment, but he judges for them and as a result he exposes them to higher characters and pleasures (659c).

After this, the Athenian offers yet another definition of education (659d). This time, education is the drawing and pulling of children towards the *logos* that is said to be correct by the law, but he now adds that this must also be affirmed by those who are most decent and oldest (659d). Making a concession to his elderly Dorian interlocutors, he returns to age as one of the criteria for exercising authority over education. Although the Dorians do not notice the way in which the Athenian has problematized the question of who should control the songs used to educate the young, careful readers of this dialogue will take notice.\footnote{Once again, it is important to keep in mind that all the citizens of Magnesia will read the text of this conversation. More astute individuals will surely notice that the Athenian has called into question whether it is age or knowledge that is the proper basis for exercising judgment.}
Having brought this question to the fore, the Athenian now states that the authority over education should be given to the lawgiver (660a). Using the metaphor of one who cares for the sick, the Athenian explains that in order to educate the irrational the lawgiver must mix pleasure with the good, and mix unpleasant things with the bad in order to train properly the desires of children. He compares the use of music in education to a kind of supplement that helps a sickly patient accept the nourishment that will restore his health (660a). Human beings may not naturally desire that which is good for them, but the lawgiver can use pleasure in the form of music to develop such desires for that which is beneficial (and use pain to habituate them to hate that which is bad) (660a). In order to teach his citizens to love the good or to despise the bad as the law professes, the lawgiver must take control of poetry and reform it to serve his goals. He must persuade, or compel if necessary, the poets to create pleasant songs and postures that celebrate the good as the lawgiver determines it to be and in ways that reinforce rather than undermine his legislation (660a).

In response to this proposal, Kleinias excitedly proclaims that while other cities don't follow this plan, Knossos and Sparta do create poetry in precisely this way (660b). He accepts the Athenian’s suggestion that poetry should conform to the lawgiver's direction. Yet, once again he shows that his emotional attachment to the Dorian way of life prevents him from accurately assessing his city’s laws. He insists that the Cretans and Spartans embody this correct practice, and that others should join them in adopting it (660d-e). Rather than simply refuting Kleinias' claim, the Athenian gently questions him
so that he may begin to realize the shortcomings in the Dorian laws for himself. The Athenian asks whether their cities tell their poets to profess that the good man who is moderate and just is happy and blessed, even if he is small, weak, and lacks wealth (660e). He asks if their poets say that nothing is more important than having virtue—not riches, not victory in war, not the things said to be good by the many (possessing health, beauty, wealth, sense perception, becoming a tyrant, and gaining immortality) (661a-b). The Athenian asserts that together they must agree that the poets should say that these things are only good when the man who first has the whole of virtue possesses them (661c). But if they are possessed by one who doesn't have justice and the whole of virtue, these things are bad (661d).

When the Athenian asks the Dorians whether they agree with him that this is what the poets should profess through their rhythms and harmonies, he and Kleinias realize that they do not agree (661c-d). To clarify this conflict for Kleinias, the Athenian asks the Knossian if he is persuaded that a man who has health, wealth, tyrannical power, strength, courage, and immortality, but who was also unjust and insolent is unhappy and miserable (661e). Kleinias is not persuaded. However, when the Athenian then asks him if this same man lives in a shameful way the Cretan does concur. When the Athenian asks if his life is also bad—both unpleasant and lacking benefit—Kleinias disagrees once more (662a).

The gap between the Athenian and his companion is made clear as a result of the Athenian’s questioning of his interlocutor’s opinions. The Athenian proposes that the
man without the whole of virtue is unhappy, and his life is shameful, unpleasant, and unbefitting. Kleinias agrees that such a person should be publicly acknowledged as unworthy of praise, but his desires do not support this judgment. They pull him in an opposite direction from the Athenian. He admits that the life of a tyrant without the divine goods is pleasant and therefore desirable. Virtue is not the source of happiness for Kleinias since the man who lacks it is not unhappy. Kleinias’ incomplete education taught him to prefer the fulfillment of private desire, instead of teaching him to moderate those desires by first seeking the divine, rational goods. As a result, he lacks the consonance of true virtue and both men realize that he and the Athenian “sing pretty much at variance with one another” (662b). But the reader should also note that the disagreement between the Athenian and Kleinias also pertains to the question of leadership and political rule. At 661d-e, the Athenian describes an individual who possesses political power—specifically tyrannical power (turannida)—which enables him to fulfill his own private desires, to do “exactly as he likes all his life long” within the realm of politics (661d-e). This individual, whose life Kleinias calls shameful but also pleasant and profitable, is an unjust ruler who refuses to abide by the law but rather seeks his own private pleasure and does whatever profits himself. By refusing to condemn this life as truly bad (kakos), Kleinias has exposed a major disagreement between himself and the Athenian concerning what constitutes a good ruler. There is no consonance between the passions of Kleinias and the logos of the Athenian regarding this subject. In order to make him “truly, not artificially good” as Megillus earlier described the citizens of Athens, the Athenian will have to educate Kleinias through persuasion in order to achieve
consonance between reason and his desires (642d). Only then will he be capable of self-rule or ruling others.

After exposing this problem, the Athenian chooses not to continue dwelling upon Kleinias’ shortcomings since this would certainly put his interlocutor on the defensive. The Athenian chooses to direct his criticisms at the lawgivers of Sparta and Crete instead. He asserts that both of these cities fail to educate their citizens properly. He explains that if he were a legislator he would make it necessary for (anakazein) the poets and everybody in the city not to say what Kleinias has just said—that some people are wicked, but have a pleasant life, or that some people live a profitable life without justice (662b). Instead, he would persuade his citizens to profess that the pleasant life and the just life are inseparable (662c). In order to reform pleasure and make it useful, it must always be connected to virtue, which in turn follows nous. Private, unmoderated pleasure must never be pursued as an end in itself. He adds that no one, not even the Cretans or Lacedaimonians, say this. First he argues that the gods who ostensibly gave their laws to Crete and Sparta would never say that the happier life is the one that is spent pursuing pleasure rather than the one that is just—assuming for the sake of the argument that the pleasant and just lives could be separated (662d). Then backing off from this direct challenge, the Athenian questions the human “fathers and lawgivers” of these two cities (662d-e). If these men were to say that the life spent pursuing pleasure is happier than the just life, they would have been urging their children or citizens to lead the less happy life since they taught them to be just and flee from pleasure (662e).
The Athenian allows Kleinias to see that his position is untenable and self-contradictory by explaining that a lawgiver who said such things would be “illogical and incapable of speaking consistently with himself” (662e). He then brings the pleasant and the just back together by allowing the Dorian to see that the just life brings fame and praise, and also prevents injury and harm. All of this is pleasant as well as beautiful (kalon) and good (agathon). The Athenian concludes that a lawgiver should say that the just life is happiest and also most pleasant, and that this use of pleasure would be effective in making human beings willing to live a holy and just life. He emphasizes how absolutely essential it is to incorporate the desires in his idea of persuasion, stating that no one will ever voluntarily (hekôn) wish to be persuaded to accept what would bring more pain than joy (663b). Voluntary consent to obey the law, then, results when individuals desire to follow reason, in part because they find it pleasant to do so.

Recognizing that Kleinias does not yet believe this teaching regarding the pleasure of the just life, the Athenian adds that even if this were a lie (pseudesthai), it would be useful for a lawgiver to proclaim it in order to cause his citizens to do the just

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42 Strauss notes that the Athenian’s argument here attempts to reconcile the pleasant and the just, but does so in a manner that Adeimantus would reject in the Republic because it is “pernicious to the purity of justice” (30). Recalling his words at Republic 367d-e, Adeimantus asks Socrates to explain: “Of what profit is justice in itself to the man who possesses it, and what harm does injustice do? Leave wages and reputations for others to praise…So don’t only show us by the argument that justice is stronger than injustice, but show what each in itself does to the man who has it—whether it is noticed by gods and human beings or not—that makes one good and the other bad.” Given Adeimatus’ request of Socrates, Strauss suggests that he would not be persuaded by the Athenian’s argument in favor of the just life as the most pleasant. Strauss suggests that this logos is persuasive for the Dorians because they are less austere and exacting than Adeimantus (30). However, Kleinias’ responses at 663c-664c do not indicate that he fully accepts this argument.
things willingly (hekontas) rather than out of compulsion (biai) (663d-e).  

If men are going to be virtuous and comply with the law voluntarily instead of simply as a result of external coercion, the lawgiver must make it pleasant for them to do so. As we have already seen, he must use pleasure to attract children and those without fully developed reason as well as those who are older but who need reeducation. He must show them that the just life is the pleasant life, but he must also order these pleasures and direct them to what his reason determines to be correct. Commenting on the ease with which people have accepted the most incredible myths from the poets, he explains that rather than attempting to teach the young by other means, the lawgiver should use myth to persuade them to agree with him about what convictions are best for the city to uphold (664a). It is important to note that these myths are not to be used as a tool for the lawgiver’s own profit, but only for the sake of what will bring the most good (megiston agathon) to the polis as a whole. He should use whatever devices he can to unify the community in pursuit of this common good, causing the whole city to speak in harmony “at every moment throughout the whole of life, in songs and myths, and arguments” (664a).

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43 Much has been made of this passage by scholars such as Popper and Versenyi who are eager to prove that the Athenian (or Plato) advocates the use of lies as part of his political teaching. Socrates may make the Noble Lie a central teaching of his education in the Republic, but this passage in the Laws has been frequently misunderstood. Here the Athenian is simply acknowledging the disagreement between Kleinias and himself regarding the notion that acting justly brings pleasure. First, instead of denying Kleinias’ current opinion, he argues that even if Kleinias is correct, it would still be useful for a lawgiver to say the opposite in order to persuade his citizens to act justly willingly. However, Kleinias is still not persuaded of the truth that the just life is pleasant. He remarks that truth is noble, but that it is difficult to persuade men to believe it. At this point Kleinias still succumbs to his desire for immoderate pleasure in the human things instead of following his reason, which tells him that the unjust life is shameful. In his weakness he prefers the private to the common good of the whole.

44 As the Athenian explains at 659e, children must be taught “incantations of the soul” that encourage them to have the same likes and dislikes as full-grown adults. This goal of unifying the pleasures of the young with those of the old—or those that are irrational with those who judge according to reason—causes pleasure to become something shared in common by all members of the community and which
After establishing the unity of the city as a goal of a good lawgiver, the Athenian must explain which particular practices will achieve this in a polis where the citizens themselves are quite different from one another. In particular, because they each have bodies that are subject to change over time, citizens of different ages will have different tastes and different needs. Keeping this in mind, the Athenian designs a system of choruses based on age, which will unite the city in orderly song and dance despite these physical and chronological differences. Kleiniaras is most interested in the third group—the chorus of Dionysus—and the Athenian tells him that it is for the sake of these older men that most of the previous arguments have been made (664d-e). The men of the Dionysian chorus represent those citizens who have fully-matured reason. As the rational element of the community, this chorus will make up the best part of the city. Its members will sing of the most beautiful things and have the most beneficial songs. And yet, the men of this group would find the least amount of pleasure in participating in the public chorus, because with age comes moderation and a reluctance to sing (665e). This strengthens their connection to one another. Just as the Athenian’s reformed symposia presented an image of a community ordered by rational leaders and supported by properly moderated pleasures which strengthened the friendship of the participants, the citizens of this polis will develop friendly feelings for one another and for the laws by singing pleasant songs together.

45 The first chorus is for children, and is dedicated to the Muses. The second chorus is for the young up to the age of thirty, and is dedicated to Apollo. At these early stages, education is mostly concerned with developing bodily virtue, and with ordering the passions which are so closely intertwined with the body and sensation. All of this is done for the sake of developing the proper erotic attachments in the soul, which is still immature. Therefore, these young citizens are properly habituated to "hate what one should hate from the very beginning until the end, and also to love what one should love" (653e). Yet emphasis on understanding why one should love or hate in this way comes later as reason develops. As citizens mature, the emphasis in their education shifts to the development of reason in the soul, although the education of the irrational still continues. The third chorus, which is dedicated to Dionysus, is for those between the ages of thirty and sixty, while those over sixty present mythical speeches about those with the same kinds of characters as those the younger citizens sing about. Thus, every age group will speak with the same voice about the same things, although each in its own way.
reluctance is unfortunate in that this chorus would add an essential element to the *paideia* of the rest of the citizenry by contributing its noble songs for all others to hear (665c-d). The lawgiver wishes that the entire *polis* would sing together in unity, following the leadership of the men in this chorus. Rather than compelling this most important group to participate in a choral education that they would find shameful, the Athenian suggests using wine to encourage them to take part more eagerly and to enjoy their own type of “play” (666b-c). The city’s children do not drink any wine, and young adults only imbibe “with due measure” (666a). But as men near the age of forty, they are allowed to participate in common meals and to drink the wine that will act like “a drug that heals the austerity of old age” (666b).46

Whereas before wine was used to teach men to moderate their desires so they could submit to the rule of reason, now it is used to draw the older men into the community’s public *paideia*. As part of the plan for the citizens’ education, even these more rational men who are said to understand what is fine in songs and dances must drink wine in order to participate in the ongoing education of the desires and to continue to delight in the songs of the community (666c). As the Athenian mentions at 654c-d, it is not enough for an educated man to be able to “give adequate devotion with his body and voice to what is understood to be fine each time,” but he must also delight in the fine things and feel pleasure in performing fine songs and dances. Such men will lead the rest

46 According to Morrow, the symposia that the Athenian recommends as a safeguard for education are part of the common meals: “What we have learned previously about the chorus of Dionysus must be put into the framework of the common meals. It seems clear that the convivial assemblies of this chorus, to which Plato attached such importance, are merely a specially important case of the variety of *syssitia* which he seems to envisage (395).
of the city with their beautiful songs, setting an orderly example for those who are younger and who lack reason of their own. It is important to note that pleasure is used here to help foster the unity of the citizenry. These men must be persuaded through pleasure to continue to participate and to remain emotionally attached to the rest of the city and its laws. In this way, wine is the safeguard or preservation for education. It draws these men who sing the most beautiful song back into relationship with the rest of the community so they will lead the younger citizens to delight in what is correct and truly beautiful. Wine, or pleasure more generally, is reformed from a means of satisfying private desire into a tool to establish unity, both in the city and in the individual—thereby harmonizing reason and desire.\(^47\)

Up to this point in the dialogue, all of the Athenian’s ideas regarding education in some sense also apply to his particular interlocutors. The discussion of paideia has been an education in itself for Kleiniyas and Megillus. The same is true of this discussion of

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\(^{47}\) According to Strauss, the use of wine by the members of this chorus represents a lowering of that which is highest in the city (33). He argues that the true purpose of giving them wine is not simply to help them overcome their shame so that they may sing in public, but he explains that in order for these “best men” to participate in the “‘symphony’ of the city,” their mind must “lose something—we do not know how much—of its clarity” (33). The wine they drink certainly benefits the city, but Strauss suggests that it compromises these individuals by lowering their rational capacity: “Wine thus creates harmony between the few wise and the many unwise, the rulers and the ruled, and such harmony is moderation in the highest sense of the word” (33).

Morrow offers an entirely different interpretation of the role of symposia in education. He argues that Plato uses it as a device to encourage the attainment of “higher knowledge,” adding: “such convivial gatherings played a part of the program of the Academy and the Lyceum” (316-317). Morrow argues that Plato advocates symposia to assist in this higher level of education because he reforms the traditional practice of drinking parties. Morrow describes these reformed symposia as “friendly parties chiefly occupied with serious conversation on some prearranged theme, with occasional dancing and singing by the members” (316). They are governed by rules and are overseen by the officers of Dionysus in order to “restrain excess and disorder and preserve good feeling” (317).
wine. The Athenian has not literally offered them drink, but he has metaphorically allowed them to take part in a kind of *symposium*. He has invited them to enjoy the pleasure of this dialogue, which has caused their spirits to become softer and more malleable, so that the Athenian may mold them and reeducate them. However, as a result of this participation, their rational capacity is not lowered—in fact, the opposite is true.

A clue to understanding this metaphorical wine may be found at 665c. Here the Athenian explains that innovation and variety produce a sort of pleasure. Describing the songs and dances to be performed by the citizens, he says: “the whole city must never cease singing, as an incantation to itself, these things we've described, which must in one way or another be continually changing, presenting variety in every way, so that the singers will take unsatiated pleasure in the hymns.” Is it possible that this discussion of new laws and strange educational practices produces the same kind of pleasure in Kleinias and Megillus? Kleinias acknowledges that innovation is pleasurable when he concurs with the Athenian's statement, and later in the dialogue, the Athenian will make reference to the pleasure that is derived from learning (667c). It is this pleasant consideration of innovations presented to them by the Athenian, as well as his use of poetic imagery that has softened their souls, and made them more receptive to following the Athenian as he leads them in an argument that will teach them to embrace the whole of virtue. And yet, it is precisely this kind of innovation and consideration of foreign ideas that would seem out of place in the Athenian’s imaginary public education where all the citizens are to join in singing the same songs as selected by the lawgiver, as was the case in Egypt. It seems there is a conflict between that which is best for the education of citizens, and what is best for those learning the art of lawgiving. The latter requires exposure to a variety of
strange ideas and practices—both good and bad, while the majority of citizens should not be exposed to practices that conflict with the goals of the law and which may teach them to desire improper pleasure.

At 666d, Kleinias draws attention to this conflict, reminding himself that among his people it would be considered shameful for him to embrace such innovations. He tells the Athenian that he and Megillus were forbidden to sing new songs other than those they were taught to sing in their cities. Having lived in closed, Dorian regimes, he reveals that the pleasure of learning such new things was unknown to them: “My people, at any rate, Athenian, and this fellow’s as well, wouldn’t be able to sing any song other than the ones we learned to sing when we were habituated in the choruses” (666d). Hearing this, the Athenian offers him a taste of a new, private education that could be more beautiful: “For you have never really attained to the most beautiful song. Your regime is that of an armed camp and not men settled in cities.” He paints an image of a new kind of education that is even better than the Cretan or Spartan method. He tells them, “You keep your young in a flock, like a bunch of colts grazing in a herd. None of you takes his own youngster apart, drawing him, all wild and complaining, away from his fellow grazers. None of you gives him a private groom and educate him by currying and

48 While it is historically accurate that Dorian regimes were extremely hostile to strangers and foreign practices, Kleinias’ statement seems rather odd, given the fact that Knossos has given Kleinias and his fellow founders of the new Cretan city permission to borrow foreign practices as they create new laws (702c-d). But perhaps this simply reinforces the differences between citizens and lawgivers. When Kleinias was merely a citizen he was forbidden from being exposed to foreign innovations, but now that he is a lawgiver he must be capable of looking at foreign laws and analyzing which are best. Clearly his education as a citizen has not prepared him for this task, since as we have seen from the beginning of the dialogue, he spiritedly defends his own laws and resists considering strange ideas. The Athenian Stranger has begun to provide a crucial educational step in transforming him from citizen to lawgiver by exposing Kleinias to foreign ideas that are superior to those with which he is familiar. It remains to be seen whether Kleinias will be capable of making this transition.
soothing him, giving him all that is appropriate for child rearing” (666e-667a). The Athenian entices Kleinias with the idea that this new, private education would produce individuals who would be capable of managing cities because they would be able to recognize the whole of virtue. They could be more than mere citizens—they would be capable of ruling.

While the Athenian is critical of the Dorian *paideia* because it educates citizens together in a herd, this same critique could be leveled at the public education he has just designed for his imaginary citizens who sing together in choruses. While in many ways the Athenian’s education of his interlocutors has mimicked his imaginary public education—both aim at the whole of virtue and seek to educate the irrational to desire to submit to the rational through the use of persuasion and pleasure—there is also an important difference. His education of Kleinias and Megillus is a private *paideia* in which he learns about their individual souls through questioning them and conversing with them. He is then able to customize his teachings to appeal to their unique needs, abilities, and backgrounds. For example, although they are both Doriens, they are from distinct cities and their previous educations have differed somewhat. Megillus is initially more laconic, thumatic, and reluctant to consider foreign ideas than Kleinias, but the Athenian knows how to peak his interest in their conversation by considering practices that are familiar to him. On the other hand, the Cretan suffers from a weakness for pleasure which is characteristic of his city, as well as a desire for political power, neither of which is shared by Megillus. The Athenian must spend more time teaching him to moderate these desires, as well as helping him to see that the dissonance within his soul
would prevent him from being a just ruler. In addition to tailoring his teachings to match his pupil’s characters, the private nature of the Athenian’s education of these two men allows him the freedom to expose them to foreign ideas and strange innovations, as well as to encourage them to question the laws of their communities. Because he is a stranger and they are outside the walls of any city, he can disregard the limits that a polis places upon its citizens. As we shall learn, consideration of foreign ideas and new innovations may be necessary for those who are to become good lawgivers, but it may undermine the Athenian’s plan for the average citizen who is simply to learn to love and follow the laws as he is taught.49 As the dialogue progresses and the Athenian discusses the advanced, rational education of the Dionysian chorus, the conflict between the need for leaders who receive the kind of private paideia that the Athenian offers his interlocutors and the need for a public, unified education for citizens becomes increasingly poignant.

When the Athenian tells Kleinias that the students who receive this private groom would understand that courage is only the fourth part of virtue and would not mistake it as the first, Kleinias grows angry (667a). He claims that the Athenian has insulted his Cretan lawgiver, but perhaps he also realizes that the Athenian does not find him fit to

49 This conflict is highlighted at 634e when the Athenian calls attention to the fact that while young men in the Dorian system are not allowed to critique their laws, he must find a private space where he can participate in this forbidden activity with his interlocutors: “For in your case (your laws being wisely framed) one of the best of your laws will be that which enjoins that none of the youth shall inquire which laws are wrong and which right, but all share declare in unison, with one mouth and voice, that all are rightly established by divine enactment, and shall turn a deaf ear to anyone who says otherwise; and further, that if any old man has any stricture to pass on any of your laws, he must not utter such views in the presence of any young man, but before a magistrate or one his own age…Well there are no young people with us now, so we may be permitted by the lawgiver, old as we are, to discuss these matters among ourselves privately without offense” (634e-635a). However, as noted earlier, the Athenian’s recommendation at 811c-e causes him to violate this restriction.
join this powerful chorus as a result of his inferior education. In response to Kleinias’ show of anger, the Athenian diffuses his spiritedness by tempting him yet again with the alluring idea of something new and more beautiful than Kleinias and men of the common public education have ever known: “Now if we possess a muse that is more beautiful than that of the choruses and that in the common theaters, let's try to give her to these men whom we assert are ashamed of that one and seek to share in this one that is more beautiful” (667d). The temptation is too much for Kleinias, and he agrees to take a taste of the Athenian's argument.

Perhaps acknowledging that he has just charmed Kleinias into participating by offering him the pleasure of learning about a new and more beautiful muse, the Athenian begins to explain the nature of charm or pleasure. The Athenian does not abandon the initial importance of pleasure in education, but now he begins to move beyond it to a deeper level of understanding. This is the same kind of movement that must take place in his plan for education as these citizens who mature in their reason become members of the third chorus. As they develop *logos*, it is no longer enough for them to remain focused on the passions and the pleasures and pains of the body, or merely to follow what they are taught. Now it is time for them to learn to understand why they should enjoy the good and reject the bad. The Athenian now explains that pleasure—in the form of poetry, music, and the other image-making arts—must be judged according to knowledge of the truth. The Athenian asks Kleinias, “Isn't it the case that in all things which are accompanied by some charm, the most important or serious feature is either the charm itself, alone, or a certain correctness, or third, the benefit?” (667b) Discussing the pleasure
that comes from learning, he now emphasizes that what is important is not simply the
pleasure it brings, but its correctness and benefit which are derived from truth.

Turning to a consideration of the image-making arts, he explains that it is more
than just the pleasure or charm that such arts may bring that one must consider when
judging them (668a). Kleinias agrees, and the Athenian gives a succinct explanation of
his reforms for the image-making arts including music and poetry: “So the argument that
is least acceptable is when someone asserts that music should be judged by pleasure. If
there should exist somewhere such a music, it should be sought as the least serious; what
should be sought as serious is music that contains a resemblance to the imitation of the
beautiful (kalon)…those who seek the most beautiful song and Muse should seek, it is
likely, not she who is most pleasant, but she who is correct” (668a-b). So, while the
children in the first choruses of the Muses and Apollo were simply drawn to participate
because of the physical pleasure they received from participating in the songs and dances
chosen for them, it is necessary for those who develop reason to move to the next stage of
education. Here, the consideration of correctness surpasses the enjoyment of simple
pleasure. The Athenian explains that this consideration of what is correct must take place
in order to avoid making mistakes, and in order to know what is done well or badly.
Someone in the city must be educated to make rational judgments so that he may lead
instead of simply following. If Kleinias wants to join the men of this chorus, then it is
also time for him to move past the simple enjoyment of merely listening to the Athenian's
new ideas, and instead begin to understand why they are correct.
The Athenian explains that in order to exercise reason and to determine whether an image or song is correct, a prudent judge must possess three kinds of knowledge (gignôskein): 1) a knowledge of the nature of the thing being imitated, 2) a knowledge of how correctly it is imitated, and 3) a knowledge of how well the images of it are produced (669a-b). He explains that it is essential to have actual knowledge of the nature of that which is being imitated, in order to judge how well the imitation reproduces it. Then, one must then look at all the aspects of the imitation, including, “the number and arrangement of each of the parts, how many there are and how they fit next to each other in the appropriate order . . . or whether all these things have been put together in a confused way” (668e). Unlike the poets who write songs and poems without true knowledge of that which they are imitating, and who lack reason that would allow them to assess whether their imitations reflect the order of the original, those who judge the music to be used in the Athenian’s education must have knowledge of what is (669b-e).

The Athenian emphasizes the importance of this advanced education because he wants his interlocutors to see that the polis requires leaders who possess intelligence.

50 This advanced education, which teaches the rational to gain knowledge of that which is (tên ousian), bears a striking similarity to the general goals of Socrates’ proposed education for the philosophers in the Republic. For example, Socrates explains that the education of philosophers aims to teach them to know Being—the idea itself: “And as for those who look at the many fair things but don’t see the fair itself and aren’t even able to follow another who leads them to it, and many just things but not justice itself, and so on with all the rest, we’ll assert that they opine all these things but know nothing of what they opine. Necessarily. And what about those who look at each thing itself—at the things that are always the same in all respects? Won’t we say that they know (gignôskein) and don’t opine? That too is necessary. Won’t we assert that these men delight in and love that on which knowledge depends, and the others that on which opinion depends?...Must we, therefore, call philosophers rather than lovers of opinion those who delight in each thing that is itself? That’s entirely certain” (Republic, 479d-480a). Like the philosophers of the Republic, the men in the Athenian’s chorus who are to exercise rational judgment must have knowledge (gignôskein) of what is.
While all citizens will be educated to be self-ruling in the sense that they will be taught to love and desire to obey the rule of reason (in the form of the law), there must be some citizens who are also capable of ruling others and who have developed their own reason more fully. The Athenian initially indicates that the members of the Dionysian chorus are qualified to take on such leadership positions, and he draws a connection between the development of their rational judgment and their role in the *polis*:

> We are now once more, as it appears, discovering the fact that these singers of ours (whom we are now inviting and compelling, so to say, of their own free will to sing) must almost necessarily be trained to a point that every one of them may be able to follow both the steps of the rhythms and the chords of the tunes, so that, by observing the harmonies and rhythms, they may be able to select those of an appropriate kind, which it is seemly for men of their own age and character to sing, and may in this way sing them, and in the singing they may not only enjoy innocent pleasure themselves at the moment, but they may also serve as leaders to the younger men in their seemly adoption of noble manners. If they were trained up to such a point, their training would be more thorough than that of the majority, or indeed of the poets themselves. For although it is almost necessary for a poet to have a knowledge of harmony and rhythm, it is not necessary for him to know the third point also—namely, whether the representation is noble (*kalon*) or ignoble; but for our older singers a knowledge of all these three points is necessary, to enable them to determine what is first, what second in order of nobility; otherwise none of them will ever succeed in attracting the young to virtue by his incantations. (670c-671a)

The education of the citizens must be led by those who have knowledge of what is *kalon*, rather than being led by the poets who lack such knowledge. The leaders of the *polis* must be those who have more fully developed reason. As the passage above indicates, these leaders will require an education more advanced than that of the majority of citizens. They must participate in the public choruses in order to provide an example for the rest of the city to emulate, but they also require some private space for the higher education that allows them to become leaders.
Despite their advanced education and their ability to lead their fellow citizens, the men of the Dionysian chorus must still control their desires for private gratification and power so that they, too, obey the law, which aims at the common good of the entire *polis*. Despite their superiority to their fellow citizens, they must love and serve them so that harmony between the rational and irrational prevails in the *polis*. In order to emphasize the need for moderation in these leaders, the Athenian returns once again to the image of the drinking parties (671a-b). He calls Kleiniás’ attention to the fact that as men drink more and more at such parties, they become increasingly bold and believe themselves to be capable of both self-rule and ruling others: “everyone is uplifted above his normal self, and is merry and bubbles over with loquacious audacity (*parrêsias*) himself, while turning a deaf ear to his neighbors, and regards himself as competent to rule himself and everyone else” (671b). When these leading men fail to practice moderation, they cease to serve the needs of the community and begin to behave like self-interested tyrants. To deal with this problem, the Athenian introduces an even higher group of individuals who must command the unsober (671d). These men must lead the drunken members of the Dionysian chorus, helping them to master their intensified desires so that they may

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51 This is a strange passage in that the Athenian indicates that the men who possess a higher capacity for reason are still vulnerable to the pull of their irrational desires. One might think that the possession of knowledge is only possible if reason rules the soul, but the Athenian suggests here that aspiring to such knowledge does not eliminate the possibility of the resurgence of private desire. At 875a-d, the Athenian expresses a similar notion when he explains that even those individuals who “know what is in the interest of human beings as regards a political regime” are still vulnerable to the pull of their desires, which urge them to pursue their private interests rather than the common good of the whole city.

52 The identity and status of these sober generals remains unclear. Looking ahead to the Athenian’s plan for Magnesia and the Nocturnal Council, on wonders if the theoroi might fit this description. They taste the pleasures of travel between the ages of 50 and 60, and then return to the city, where they function as teachers of the other Council members, but only after they have been judged to be uncorrupted by their experiences abroad (951d, 952b-c).
practice re-establishing the rule of reason in their souls. The lawgiver needs the Dionysian chorus members with their more fully developed reason to help lead the city, and yet he must ensure that they are moderate men who love the law and will not seek to undermine it for their own private gain. Since drinking wine gives these men experience controlling their desires and strengthening the rule of reason in their souls, it serves as a safeguard for education because it prevents the corruption of the men in charge of selecting songs for the rest of the city.

The Athenian directs this portion of the conversation at Kleinias, and with good reason. Like the drunken and excessively bold men of the Dionysian chorus who mistakenly believe they are capable of ruling themselves and others, Kleinias is an immoderate man who desires political power over others (661e). The Athenian must use orderly pleasure to teach him to become moderate and submit to reason instead of becoming a tyrant who will follow his own private desires for gain. This image of the *symposia* reinforces the concept behind the Athenian’s new pedagogy, which he uses to teach Kleinias. Kleinias is in need of re-education so that he can learn to overcome his desire for improper pleasures, and he must learn to find desirable that which is truly fine. In the Athenian’s drinking party, not only are improper pleasures overcome, but a reformed kind of pleasure is used to attach the citizens and possible leaders to the laws. This reformed pleasure must support the soft but golden cord of reason. The order established by reason fosters unity and friendship, whereas following unreformed pleasure leads to conflict and the crumbling of the community because each individual simply pursues private satisfaction instead of the common good of the whole. As a result
of a properly ordered symposium, the men who are drinking together become closer friends with each other, and presumably with their fellow drinkers, the laws. Therefore, unlike the myths which say that wine is a curse to human beings, the Athenian instead uses this pleasure as a type of medicine that may benefit the soul and body through its properly ordered use in education.

As the Athenian suggests that they move on to the other half of the choral education involving gymnastic, he tells them that it is time to bring their discussion of drinking to an end. Again emphasizing that it is time to go beyond the simple enjoyment of pleasure and play, he explains that drinking parties (and presumably pleasure more generally) are only to be used in the orderly way which he has just presented. He explains, “If a city will consider the practice that has now been discussed as something serious, and will make use of it in conformity with laws and order, for the sake of moderation, and will not refrain from other pleasures but will arrange them with a view to mastering them according to the same argument, then all things should be employed in this manner” (673e).

As this section of the dialogue comes to a close, the Athenian completes his argument for the responsible use of pleasure as a tool for education. Because humans are naturally drawn to that which is pleasant, the good lawgiver should not teach his citizens to avoid all pleasures. He should harness the power of this desire in order to teach his citizens to love to obey the rational plan of the law through his education of the irrational. The result of this use of pleasure in education is greater harmony within the soul of each
citizen, as well as in the *polis* as a whole. In addition to habituating the irrational to find
pleasure in its obedience to the rational, the Athenian’s plan for *paideia* also emphasizes
the development the rational portion of the soul among those who are capable of
receiving an advanced education. These men will be the leaders of the city. However,
despite their superior education, they must still practice moderating their private desires.
They must learn to take pleasure in serving the common good. In order for pleasure to
assume this important role in the *paideia* of both citizens and rulers, it must be reformed
so that it is controlled only by those who practice the whole of virtue and who follow
*nous*. The Athenian warns that if pleasure is used in a way that is not properly ordered, it
would be better if it were completely banned (674a). Only when pleasure conforms to
the direction of reason can it be used to help unify the city, establishing wisdom,
friendship, and peace to a greater degree.

2.3 The Lessons of Experience (676a-702e)

After the Athenian has finished his discussion of *symposia*, he returns to the
question of the origin of politics, as well as the nature of rule and the importance of the
education of the irrational. The Athenian now relies heavily upon poetry and examples
of foreign practices to persuade the Dorians to accept his arguments and to reinforce his
teachings. Whereas the dialogue began with a question concerning the mythical origin of
his interlocutors’ laws, the Athenian now leads the Dorians back further in time to
consider the origin of political life more generally, and to determine the cause of
deterioration in cities. Having already established the power of poetry in education, the
Athenian creates a new myth to persuade Kleinias further that human life is not essentially hostile or warlike. Furthermore, although the Athenian portrays the universe as a realm of change where the forces of chance do play a role, it is not a completely irrational chaos characterized by never-ending conflict. Human beings can exercise reason to establish some degree of order for themselves through the creation of laws that aim at the whole of virtue. By adopting an educational plan that strengthens the leadership of intelligence while also persuading the irrational to follow willingly, cities can maintain this order for some time despite the changing circumstances of the becoming world.

The Athenian begins his attempt at myth-making by asking the Dorians to imagine the realm of politics as one in which continual change occurs over an immeasurable length of time (676b). This is a realm of flux in which the polis is part of a universe of becoming. Cities rise and fall as the years pass. They are subject to the forces of chance in the form of floods, plagues, and other disasters (677a). Within this universe of change, the Athenian imagines a small number of human beings who have survived one such catastrophe—a flood—which has destroyed the human race except for

53 Although the Athenian has endeavored to persuade Kleinias and Megillus that their laws are in need of reform, he did not succeed in securing their complete agreement through reasoned argument alone. As he now demonstrates, he must supplement his arguments with poetry. The Athenian shows how persuasion—which appeals to both reason and the desire for pleasure through argument and poetry, respectively—must be used to lead men such as Kleinias and Megillus to accept his teaching. By offering this poetic account the Athenian further persuades them that the origin and goal of legislation is the attainment of the whole of virtue, which is led by intelligence and which fosters peace and harmony in both the city as a whole, as well as in the souls of its citizens. This is accomplished by educating the irrational to submit to the rule of reason. Law should not rely solely upon force and violence to externally control its citizens. It should first make use of the kind of persuasion demonstrated by the Athenian Stranger, which educates both the rational and irrational aspects of the human person.
this handful of mountain herdsmen who live outside the borders of any polis (677a-b). According to the Athenian’s depiction of these pre-political beings, humans are capable of living in peace rather than constant war. Whereas Kleinias argued that humans are naturally inclined to fight with one another and to experience internal conflict, the Athenian describes individuals who delight in associating with one another, and whose souls lack the dissonance of vice (678e). However, the Athenian also explains that these primitive people do not possess virtue or wisdom (678a, 679c). Although the Athenian notes that they are “simpler and more courageous and also more moderate and in every way more just,” they lack intelligence (679c-e). Without this, their moderation and justice are more a function of their external environmental circumstances, which occurred by chance rather than through a deliberate attempt to harmonize the irrational with the rational through education in order to attain true virtue. While these pre-political people may at first appear to be a model towards which the Athenian wishes his interlocutors to aspire, upon closer examination their lack of reason (either in the form of individual logos or communal nomos) prevents them from functioning as such. They represent a new conception of the human person as capable of making peace rather than war, yet they must be transcended in order to attain a more complete form of virtue. Furthermore, their reliance upon chance circumstances rather than a deliberate plan for education makes even this lower form of virtue unstable.

Continuing with his effort to educate the Dorians through myth, the Athenian rewrites the poetry of Homer in order to offer a new, harmonious vision of the earliest
stages of political development. The Athenian begins by describing the first type of regime as a peaceful dynasty in which the members of a family are said to naturally flock together under the just rule of the eldest (680b-e). Next the Athenian describes the true nature and origin of law. Once again, he offers a poetic image that counters Kleinias’ earlier statement that the purpose of law is to gain victory in war. According to the Athenian’s new mythical account, law first comes into existence as a result of human reasoning rather than force or divine inspiration. He explains that lawgiving first takes place when the members of the aforementioned families or households leave the foothills and merge together as they begin farming (681b-c). He does not depict the law as the outcome of a struggle among these family groups in which the strongest and most powerful compels the others to obey its laws through force, or as the tool of a tyrant who seeks to satisfy his private desires. The Athenian portrays the law as a product of intelligent deliberation among human beings in order to determine that which is best for the good of all. He explains that the various households come together to choose certain men who are “common” to them, and these best men then look over the variety of laws and select those that are most conducive to the common good of the entire community (681c-d). At this second stage of political development, Athenian describes a kind of aristocracy combined with the rule of law (681c-d).

As Zuckert argues, the Athenian’s rewriting of Homeric poetry is quite drastic: “Homer’s view of uncivilized nature is closer to Clinias’ initial warlike view than to the originally pacific condition described by the Athenian” (74).

It is worthwhile to note that according to the Athenian’s mythical account, the family exists prior to the establishment of the political community.
In contrast to these first stages of political development, the Athenian next turns to Homer’s mythical account of the settling of Ilium (682a-b). Through this poetic account of the founding of Megillus’ city, the Athenian encourages the Dorians to see that they have misunderstood the original purpose of their own legislation. The Athenian also demonstrates how these laws succumbed to decay over time due to the failure to understand the true nature of rule and the importance of the education of the irrational.

According to the Athenian’s version, the Dorians are direct descendants of the Achaeans, whom he portrays as a warlike people subject to violent civil battles (682d-e). Not only did the Achaeans forget their past as survivors of the flood, but they also forgot their original state of peacefulness. And yet, despite this forgetfulness, the Athenian identifies the establishment of peace and just rule as the goal of the original legislation for Lacedaimon and its neighboring cities, Argos and Messene. Once the monarchs of these cities agreed upon this goal, the three rulers and members of their respective cities swore oaths in which the kings promised not to allow their rule to become increasingly harsh over time, and the citizens promised not to dissolve the monarchies (684a-b). Furthermore, the kings swore to help one another and the citizens of each city if they were treated unjustly, and the citizens swore to also pledge their support against the unjust treatment of their neighboring rulers and citizens (684b). Finally, each city swore to the other two that if these promises were broken, the other cities would attack it. Despite the fact that the original purpose of this agreement was to promote peace and justice, the final mechanism for supporting the agreement was force and the threat of

56 As Pangle mentions in his notes on the text of Book III (11,12, 15, and 18), the Athenian alters Homer’s original myth so as to invent his own version of Peloponnesian history (522). The Athenian reinterprets Homer to suit his purpose of writing a new myth that supports his vision of law.
external violence rather than a system of education that would teach both rulers and citizens to desire to follow the law.

The Athenian’s depiction of the founding of these cities for the sake of unity and harmony teaches the Doriens that they were wrong to believe that their regimes were designed for the purpose of war. In addition, the Athenian very subtly reveals to Megillus that his city’s domination and enslavement of its Messenian neighbors was illegitimate and a violation of this original agreement. In an attempt to help Megillus understand why the laws of his city drifted from this original telos and deteriorated over time, he asks the Spartan if the arrangement created by these cities was adequate to support its purpose: “…wasn’t this a great advantage in the three regime-establishments that were legislated in the three cities…the fact that there were always two cities ready to take the field against any one of the cities that disobeyed the established laws?” (684b).

At first Megillus believes that this arrangement of external safeguards was an asset to these cities. Although he is willing to follow the Athenian's investigation, he does not yet see the problems involved in his city’s exclusive reliance upon oaths and external measures, such as using the threat of violence and war to ensure that its people and rulers obeyed the laws. Unlike the Athenian citizens whom he admired earlier for their “natural” goodness, he does not see that his city fails to make use of persuasion, which leads citizens to obey willingly through the use of both argument and appeals to the irrational. Furthermore, the three cities failed to educate their rulers to seek the whole of virtue so that they will self-moderate their pursuit of private pleasures in favor of seeking
the common good of their entire cities. Because of this failure to teach them to be self-
ruling, they encountered the same internal conflict that Kleinias embodies.

After explaining that Sparta, Messene, and Argos intended their arrangement to establish a “unified consonance” among the three cities that would remain stable for many years, the Athenian helps his interlocutors to see that they failed to achieve their original intention by pointing out that both Messene and Argos “swiftly corrupted their regime and laws” (686a-b). Without making any specific accusations, he also alludes to the Lacedaemon’s use of force to enslave their neighbors by mentioning that it “has never to this day ceased fighting with the other two parts” (686a-b). Rather than explicitly laying blame at this point, the Athenian asks what chance destroyed this great system that could have been such a powerful force in war if it had remained unified.

By asking what this arrangement could have been used for had it been properly ordered, the Athenian leads Megillus to consider the goal that most individuals pursue—gaining that which one desires for oneself, or more specifically, exerting power over others so that all things follow one’s own desires (687c). Megillus agrees that most men would praise a regime that would allow them to achieve this goal of exercising power for their own private benefit. Without explicitly saying so, the Athenian has led the Dorians to a deeper examination of the nature of rule. The viewpoint under examination, which Megillus believes to be common to all human beings, is that of a tyrant (687c). Here the individual in power surrenders to his private desire, which rules in his soul rather than reason and prudence, both of which look instead to the good of the whole. In order to
help Megillus see that the fulfillment of private desire is not a good model for rule, nor the best standard for judging political arrangements and laws, he questions whether a soul ruled by desire instead of intelligence should be given the opportunity to exercise its wish for power (687c-e). Although Megillus initially believes that this is what all men should pray for, once the Athenian presents him with an image drawn from the family rather than politics, he experiences an epiphany in which he fully embraces the Athenian’s argument. He realizes that an individual who lacks knowledge of what is noble and just, but is instead ruled by his passions should not necessarily be given the power to fulfill his wishes. Furthermore, not only does Megillus see that the individual must be ruled by intelligence rather than pursuing private desires, but he also draws a connection to the need for the leadership of nous in the polis. He tells the Athenian: “I understand what you mean. You mean, I think, that one shouldn’t pray or be eager to have everything follow his own wish, but rather to have his wish follow his prudence. This is what a city and each one of us should pray and strive for—to possess intelligence” (687e).

Having achieved this success in his efforts to persuade Megillus concerning the true nature of rule, the Athenian spells out more clearly the lesson he has been trying to teach the Dorians. Not only is the whole of virtue the proper purpose and telos of law—an arrangement in which prudence (phronēsis), intelligence (nous), and opinion (doxa)

57 By using the example of an elderly father whose son is justified in not following the wishes of his father or joining in his prayers, the Athenian calls into question the title to rule of parents over children and of the elderly over the younger (687d-e). Surprisingly for an older man, Megillus accepts this argument, and he does so without anger.
lead eros and desire (epithumia)—but now he also explains that the lawgivers and rulers must also be educated to reflect this arrangement in their souls if the regime is to stave off corruption (688b-c). Just as an individual shouldn’t allow irrational desires to rule in his or her soul, similarly the polis should not follow a leader who gives priority to his private desires instead of intelligently pursuing the common good. He completes his critique of Dorian law by explaining that the failure of the agreement between Lacedaimon, Argos, and Messene was ultimately due to the ignorance and vices of their leaders. Rather than giving power to virtuous rulers who practiced the true political art, their kings lacked knowledge of “the greatest of human affairs” (688c-d).

Although Kleinias has remained silent since the Athenian began discussing the origin of Lacedaimonian law, he now enthusiastically praises the Athenian’s teaching (688d). Perhaps remembering his earlier disagreement with Kleinias at 661c-662b in which the Cretan revealed the strength of his own desire for improper pleasure, the Athenian explains that it is precisely this kind of lack of harmony and order in the soul that constitutes the greatest ignorance (689a-b). In contrast to the Athenian’s earlier discussion of virtue in which pleasure and pain are trained to harmoniously support the rule of the golden cord of logismos and/or law, the ignorant man experiences dissonance between his passions and the opinion according to reason (689a-b). It is not enough that the individual develops the capacity for reason; he must also educate his irrational appetites to desire that which he thinks is good and hate that which is wicked (689a). When such dissonance exists, the irrational part of the soul fails to submit willingly to the rule of the rational. Furthermore, the Athenian draws a clear connection between the
proper arrangement of the soul with that of the city (689a-c). Comparing the majority of
the citizens to the irrational desires, the Athenian explains that they should willingly obey
the natural rulers, whom he compares to knowledge, opinions, or reason in the individual
soul (689b). When the city fails to achieve this consonance between rulers and ruled, the
city also suffers from ignorance (689b-c).

Again Kleinias claims to agree with the Athenian’s teaching, and yet he does not
comprehend its implications for his own life. He does not yet understand that he is not
qualified to exercise political power because his soul is characterized by the greatest
ignorance as demonstrated at 661d-662b.58 The Athenian Stranger must restate his point
to the Cretan more directly, declaring that individuals who are ignorant and fail to
establish harmony between the rule of reason and desire in their souls should not be given
any power to rule in the polis:

Nothing that pertains to ruling is to be given to citizens who are ignorant in the
above respects; and they are to be blamed for their ignorance...It is just the
opposite sort who are to be proclaimed wise... and the ruling offices are to be
handed over to them on the grounds that they are the prudent ones. For without
consonance (sumphonia), my friends, how can prudence (phronêsis ), even in its
smallest form—come about? It isn’t possible. But the finest and greatest of
consonances would most justly be called the greatest wisdom, and whoever
partakes of this evidently lives according to reason, while he who doesn’t partake
of it evidently brings ruin to his home and is in no way a savior to his city, but
instead just the opposite, as a result of his ignorance in these matters. (689c-e)

58 The Athenian’s effort to persuade Kleinias that he is unqualified to rule is one of the central
conflicts in the dramatic action of this dialogue. According to scholars such as Strauss, the Athenian’s
failure to embrace Socratic elenchus prevents him from making the Cretan more aware of his own
ignorance (182). As this dissertation attempts to explain, although the Athenian offers a more gentle
approach to educating his interlocutors, by the end of the dialogue he does persuade Kleinias that he must
hand the city over (although perhaps not completely) to others who are more qualified to exercise authority
due to their greater intelligence (969a-d).
In order to help Kleinias grasp his teaching more thoroughly, the Athenian reviews with him the seven possible titles to rule (690a-c). These include the rule of parents (including both fathers and mothers) over children, the well-born over those not well-born, the elderly over the young, the masters over slaves, the stronger over the weaker, the prudent over the ignorant, and the rule of chance through the lot (690a-d). Kleinias never states which title he thinks authorizes him to exercise power, but he does state that the rule of the stronger over the weaker—an arrangement that relies upon force—is “compellingly necessary” (690b-c). Yet the Athenian suggests that the greatest and most worthy kind of rule does not involve force at all; it is the rule of the prudent over the ignorant (690b-c). One might assume that the Athenian is recommending that prudent individuals should be given direct and unrestricted authority over others, but he specifies that the rule of prudence entails “the natural rule exercised by the law over willing subjects, without violence” (690c, emphasis mine).

The Athenian indicates that these various titles deserve greater attention because they are opposed to one another, but he quickly turns away from this subject and returns to his analysis of the corruption of Argos and Messene (690d). With Kleinias’ help, he identifies the lack of consonance in the kings of these two cities as the cause of their demise. Because the rulers were immoderate and unable to train their irrational desires to conform to the law, there was dissonance between that which they praised in speech and how they truly behaved. Although they swore an oath to uphold the common good of the

59 One should note that the Athenian never explicitly states that men have a title to rule over women. If anything, he indicates a kind of equality among men and women, at least as it pertains to the ruling of children by their parents.
cities, they privately desired to fulfill their longing for luxury and pleasure (690e-691a). Once again Kleinias displays his own ignorance by agreeing with the Athenian’s analysis yet failing to see that his own soul is characterized by the same kind of discord. Just as these rulers are internally conflicted in that they surrender to their desire for immoderate pleasure despite their speeches and oaths, so too Kleinias repeatedly pays lip service to the Athenian’s argument in favor of the leadership of the rational, although we have seen at 661e-662b that he allows his desire for pleasure and for the human goods to rule his soul despite his awareness that this is shameful.  

The Athenian declares the need for moderation in all things, but particularly in the souls of those holding positions of power (691c-d). But how does a city find a ruler whose moderate behavior will continue over time, or whose successors will embody the same degree of moderation? In order to answer this question, the Athenian examines the Spartan leaders, who did not suffer the same fate as those of Argos and Messene. However, the Athenian does not attribute the moderation of Sparta’s leaders to their ability to rule themselves and to embody the whole of virtue. Instead, the Spartan laws concerning the arrangement of offices—which resulted from a mixture of chance (divine assistance) and human design—established a primitive system of checks and balances. Each ruling element, whether it was the twin monarchs, the elders of the gerousia, or the ephors who represented the people, was kept from subverting the law and pursuing its...  

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[60] See also 842a, paying attention to Kleinias’ response to the preceding statements made by the Athenian and Megillus.
own private interest through structural and institutional restrictions. It is not that these rulers willingly desired to obey the law or found pleasure in doing so, but rather they were externally prevented from overstepping their bounds as a result of having a mixed form of government in which self-serving actions were blocked by others who also desired power for themselves (692a-b).

Although the Athenian does not propose that these specific Spartan institutions should be adopted, he does suggest that in order for a city to be “free, wise, and a friend to itself,” its lawgiver should follow the example of mixed government. Specifically, a city should reflect a harmonious mixture of monarchia, in which power is exercised by a single ruler, and démokratia, in which all citizens share in ruling. Just as within the individual soul there must be a harmonious relationship between the ruling element and that which is ruled, he explains that this measured balance must also occur within the polis. A good lawgiver seeks to blend the two elements so that neither element seeks only its own private interest, but rather aims at the common good of the whole. However, this delicate harmony is extremely difficult to preserve over time, especially when those in power have not been properly educated to train their private desires to submit to the natural rule of reason.62

61 For example, the votes of the members of the gerousia had the same weight as that of the monarchs, thus checking the power of these twin kings (691e-692a).

62 Without explicitly drawing a connection, the Athenian uses this historical example to reinforce the importance of his proposal for symposia as a safeguard for education. Just as the men of the Dionysian chorus must practice overcoming their private desires so that they can guide the other choruses according to reason, the same need for an education in moderation exists among the rulers of well-arranged cities.
To help persuade his interlocutors of the importance of education to maintain this proper balance over time, the Athenian once again turns to historical examples to reinforce his point. However, this time he draws from the history of non-Dorians, including the Persians and Athenians. Here the Athenian demonstrates that knowledge of foreign histories and practices is essential for those learning about the art of lawgiving. The Dorian would have regarded the Persian Empire as an enemy to be despised rather than an example worth imitating (692d-e). But the Athenian shows them that there is much to be learned from ancient Persia. According to the Athenian’s depiction, Persia was originally a well-organized polity in which there was a harmonious balance of freedom and slavery between the rulers and ruled (694a). Cyrus was a ruler who cared for the common good of the whole community. His citizens willingly supported his authority because his regime embodied the goals of freedom, friendship, and wisdom (694a-b). However, the Athenian also notes that Cyrus made the same mistake as the Dorian who concentrated too exclusively on war and failed to develop a proper paideia concerning pleasure, especially for his own sons (694c). Cyrus succeeded in establishing an orderly form of rule, but it deteriorated because he did not understand the true nature of education and failed to establish proper safeguards. Specifically, Cyrus allowed his sons to be raised by women who indulged rather than moderated their desires for pleasure (694d). Without an education from childhood that established the proper consonance of

63 Here the Athenian provides a bit more information concerning these three new aims for legislation. Persia was free in that its rulers “gave a share of freedom to their subjects and advanced them to a position of equality” (694a). It was a friend to itself in that its soldiers acted in friendly manner towards their superiors and were devoted in times of danger (694b). And Persia was wise in that Cyrus allowed free speech so that any wise man among the citizenry was allowed to contribute his thoughts to the “common stock” of the empire, thereby earning the king’s respect (694b). The Athenian admires Cyrus for his ability to put the good of the community before the indulgence of his private desires.
reason over the irrational desires, his son Cambyses succumbed to the ignorant
dissonance in his soul and lost his father’s kingdom (695b). Although Darius was able to
seize control of the empire and restore its previous state of harmony, he failed to learn
from the experience of Cyrus and made the same mistake of neglecting to offer his own
sons a proper education (695c-e). Like Cambyses, Xerxes corrupted the kingdom through
an excess of despotism (697d). Because he never learned to control his private desires,
he ruled in his own interest instead of for the sake of the entire community. Furthermore,
due to his lack of attachment to his citizens, he destroyed the friendship and harmonious
balance that his father had established with them. Although Cyrus and Darius were
initially able to achieve sumphonia in their regime through their moderate rule, their
moderation was a product of external circumstances rather than true understanding.
Without such understanding and proper safeguards for education, well-ordered cities
cannot maintain consonance between rulers and ruled, nor can they prevent the
corruption of the rulers that eventually results in their loss of power.

On the other extreme, the Athenian describes his version of the ancient Athenian
regime, which eventually became corrupted through an excess of freedom (699e).
Initially, Athens also had a more measured polity because the citizens voluntarily
enslaved themselves to the law. This slavery was a product of the awe (aidôs) that the

64 “We find that they got worse year by year, and we claim the cause is this: by going too far in
deriving the populace of freedom, and by bringing in more despotism than is appropriate, they destroyed
the friendship and community within the city. Once this is corrupted, the policy of the rulers is no longer
made for the sake of the ruled and the populace, but instead for the sake of their own rule” (697d, emphasis
mine).
citizens felt for their laws, and was also a result of the fear they felt for their enemies, the Persians (699c). This fear and awe created a strong bond among the people of Athens and their rulers as they joined forces against their enemies. In addition to utilizing fear to support the law, the ancient Athenians reinforced the obedience of their citizens through pleasure. Using music chosen by the educated few, they habituated the many to find pleasure in that which is truly fine according to knowledge (700c). Therefore, although the ancient Athenians did establish an education of the irrational to support the rule of law, they failed to establish safeguards for this paideia and it deteriorated over time.

Eventually the poets replaced the knowledgeable few as the rulers of this education of the irrational (700d). They denied the existence of a correct standard for music, and allowed the citizens to judge songs for themselves based only on the pleasure it gave to each one (700e-701a). The many were unqualified to exercise such judgment, although they lacked awareness of their own limitations. As a result, they refused to follow willingly the leadership of reason in their souls and in the city. Lawlessness due to excessive freedom ensued. Therefore, unlike the Persians, the Athenians did establish a proper education of the irrational concerning pleasure, but because they failed to provide safeguards, their orderly regime also deteriorated.

As this section of the dialogue ends, the Athenian has presented a variety historical examples—which he has rewritten to support his arguments—to point to the importance of the education of the irrational for the benefit of each individual, whether citizen or ruler, as well as for the flourishing of an entire polis. When the irrational is taught to find pleasure in submitting to the rule of nous, the individual experiences the
freedom of self-rule, and the city is able to remain true to its proper telos. However, this paideia also requires proper safeguards. It is this kind of education in virtue that saves the polis over time. The Athenian explains that everything they have discussed thus far was for the sake of “understanding how a city might best be established sometime, and how, in private, someone might best lead his own life” (702a-b).

Although Megillus repeatedly agrees with his teachings as this section of the dialogue closes, the Athenian encourages the Dorians to test his conclusions—to subject these ideas to critical analysis and rational judgment rather than to simply accept what they are told without question (702b). In response, Kleinias replies that he has the perfect test. He explains that his city of Knossos plans to found a new colony, and that he and nine others have been given authority to serve as its lawgivers. They may either establish the same laws that exist in Knossos, or surprisingly for a Dorian city, they may follow the laws of a foreign city, if they are superior (702d). He then extends an invitation to the Athenian: “Let’s construct a city in speech, just as if we were founding it from the very beginning. That way there will be an examination of the subject we are inquiring into, while at the same time I may perhaps make use of this construction in the city that is going to exist” (702d).

Kleinias’ disclosure demonstrates both the success and the failure of the Athenian’s attempt to educate him thus far. Despite the Athenian’s efforts to help Kleinias realize that it would not be best for a city if an ignorant man such as himself were to have power, the Cretan states here that he does in fact plan to assume the position
as one of the lawgivers for the new colony. Even though he is immoderate and his soul lacks the *sumphonia* of virtue that is necessary for a good lawgiver, Kleinias intends to follow his desire for power rather than listening to the Athenian’s argument and allowing others who are better qualified to rule in his place. However, on the other hand, he does see the value in rationally analyzing the teachings they have discussed, and he understands that it may be best to adopt new and different practices rather than simply implementing those with which he is familiar. If he follows the teachings of the Athenian, the origin of the new Cretan city’s legislation would not be force or divine inspiration, but would instead be founded upon the leadership of intelligence and rational deliberation to determine what is best.

Although he makes no firm commitments, this section of the text ends with Kleinias expressing his willingness to consider the possibility that law is not simply based on force. He gives the Athenian an opportunity to further persuade him of the benefits of laws that aim at virtue. In response, the Athenian will create a city in speech—a combination of both poetry and argument that mimics the experience of legislating for an actual city. Through this experience, the Athenian will attempt to teach Kleinias about what is best for his *polis*, as well as to moderate his desires for pleasure and power. Furthermore, as other scholars have noted, the role of the Athenian undergoes an important change at this point. He is no longer the private teacher of two strange citizens from foreign cities, encouraging them to assess their laws critically and to consider the nature of law and education in the abstract. He has been invited to serve as the advisor to a future legislator, constructing a city in speech governed by the rule of law.
In this next section of the dialogue, the Athenian continues to introduce innovations concerning the art of lawgiving to his Dorian interlocutors. He describes and demonstrates a new kind of sight that is required of a lawgiver who wishes to bring change and reform. He must be capable of a kind of “double vision” that sees both the being and the becoming simultaneously. First, he must use reason to see the image of the best regime, and he should establish this as the goal or telos at which his laws must aim. Secondly, the lawgiver must also see his city and its citizens as they actually manifest themselves in time. He must recognize their particular flaws and vulnerabilities. Most importantly, he must acknowledge their irrational aspects—all of the elements that do not conform to the image of the best regime or the perfectly virtuous human being. He must understand the particular strengths and weaknesses of the “materials” he is working with as he builds this polis that will exist in the realm of becoming.

How can the lawgiver reconcile these two visions? How can he harmonize the image of the best regime with these irrational and ever-changing materials? The Athenian’s answer is his pedagogy of persuasion. While practicing this kind of double-
vision, the lawgiver must develop a *paideia* that bridges the gap between the being and becoming as much as possible. Through the use of persuasion he can bring the irrational into closer union with the order of *nous*. Throughout this section of the text, the Athenian describes and demonstrates this new pedagogy, which seeks to continue educating the irrational. He began to develop this *paideia* in the first section of the dialogue where he emphasized the importance of utilizing pleasure as an instrument for educating the desires, especially through poetry, song, and dance. Now he adds some new elements, including: appeals to the divine, the creation of preludes, and the use of incremental reforms. At all times, the Athenian will also emphasize that the irrational is worthy of his efforts to reform it. When faced with its imperfections, he does not ignore them or deem them unworthy of his attention. He instead attempts to transform the irrational and use it as an instrument that will strengthen the bond between citizens and the law.

At 739a-739e, the Athenian presents his vision of the best city. He describes the regime that is first regarding virtue and that embodies his conception of law. He describes a city that is perfectly unified and ruled by reason. This rational city is unchanging. Desire is present, but it has been completely harmonized with reason such that the citizens feel pain and pleasure together, and are in complete agreement with one another and with the law in terms of what they praise and blame (739d). This perfect reconciliation of the desires with reason results in the abolition of the private (739c). In this city, all objects normally associated with private desire are shared in common—spouses, children, and property—even the body itself is in some sense no longer private. In the best city the body becomes communal with shared “eyes and ears and hands,” as
well as shared sense perceptions (739c-d). The first city is akin to a single person whose desires have been perfectly trained to follow reason such that they delight in abiding by the laws, which aim at virtue. It is a city of perfect *harmonia*.

But the Athenian immediately acknowledges that this is a city for gods or their offspring, not human beings (739e). In contrast to this image of the best regime, the Athenian and his Dorian interlocutors are founding a city in speech that will never achieve this degree of perfection. This city will be populated by mere mortals, whose desires will not follow reason at all times, and whose separate, private bodies will not feel or sense all things in common. Its citizens, as well as its leaders, will come into the city with private passions, and there will be conflicts among them as a result. They will also have private families and attachments to their spouses, children, and parents that cannot be ignored. These inhabitants will have been previously taught to follow the traditional customs of older regimes, and will have heard myths of the ancient poets that encourage the irrational part of their souls to rule. This city will exist in the realm of the becoming, and must face chance and change, disease and conflict. In other words, it is an imperfect *polis* that falls short of a perfectly rational plan. The Athenian’s challenge is to reform this irrational city.

Faced with this challenge of curing the irrational *polis*, the Athenian must recognize the city’s flaws, but he continues to look to the image of the best regime as his inspiration: “one should not look elsewhere for the model…of a political regime, but should hold on to this and seek with all one’s might the regime that comes as close as
possible to such a regime” (739c). Using this image as his guide, the Athenian seeks to reform the irrational elements of the polis as much as possible in order to create a city that is “nearest to immortality and second in point of unity” (739e). The city of the Laws may be subject to the influence of the irrational, but the Athenian will not allow it to be completely surrendered to these forces. The Athenian’s reforms will mitigate their impact, thereby offering the polis the possibility of salvation. This is an optimistic vision of political life that is built upon a realistic understanding of human beings and the universe they live in. In this section of the text, the Athenian demonstrates an art of lawgiving that is suited to such a city. He aims at the image of the best city while also recognizing that compromises must be made. And at all times he teaches his interlocutors that the lawgiver must gently educate the desires and regulate the private in order to bring them into closer union with reason. The city of the Laws is a city of second chances.

3.1 The Irrational Elements of Political Life (704a-724b)

Although the polis has yet to be built, it is not a blank slate that the Athenian can design exactly as he pleases. Cities exist in time and have a previous history, much of which may be flawed and imperfect. Even Kleinias’ future city has a past that presents some problems. Various details concerning the plan for the polis have already been decided by the rulers of Knossos—and judging by their choices, they did not follow a vision of law in which every detail has been intelligently chosen to aim at the whole of virtue. As a result, the Athenian must deal with a number of irrational elements in this
city, including: its location, its population, the traditional habits and beliefs of its citizens, the flawed character of its leaders, and finally, its existence in the realm of the becoming where it will be subject to change and decay.

In terms of the city’s location, some of the decisions made by the Knossians are praiseworthy, but others are less than ideal for the character development of these new citizens. The polis is quite isolated from other cities, which will offer protection against corrupt foreign influences. Yet, it is rather close to the sea and has excellent harbors that make the city vulnerable to exposure to strange customs and retail trade (705a). In addition to these problems, one of the primary difficulties facing this city will be its population. Its citizens will include Cretans, as well as residents from various parts of the Peloponnese (708a). They will be people like Kleiniias and Megillus, individuals with questionable educations who have been taught through force and violence. They may never have been trained to practice true virtue, and they will have attachments to a variety of traditional habits and beliefs that conflict with one another and with the Athenian’s new design for the laws. In the first three books, the reader witnessed how Kleiniias and Megillus defended the customs of their own cities, despite the flaws highlighted by the Athenian. These traditional customs and habits represent a way of life established by chance or unreflective practice. The Athenian demonstrates that many of the Dorian customs were not intelligently designed by a lawgiver who was aiming at the whole of virtue, but are instead flawed practices perpetuated through habituation (625c-635d). These ancient, and often irrational traditions stand in the way of the new vision of law based on the order of nous.
Furthermore, many of the citizens and leaders of this city will never have been taught to put the common good of the *polis* before the fulfillment of their own private desires. Kleinias, who will be one of the leaders of this city, has tyrannical tendencies such that he views political power as an opportunity to serve his own desire for pleasure (661c-662b). The existence of the private—the preference for one’s own—will rule the souls of many citizens. Private desires cause division and conflict, and disrupt the unity of the *polis*. Citizens who are controlled by their passions have souls that lack harmony, and this in turn breeds faction within the larger community as each individual operates according to his own self-interest rather than reason. The rational plan of the law must aim to benefit the entire city, but these self-serving passions of the citizens and their leaders will eventually undermine this plan if left uneducated and unregulated.

Finally, unlike the image of the best city, this *polis* will exist in the world of the becoming. Cities that exist in time are subject to change and decay. They are also affected by chance events and natural disasters, such as floods, wars, famines, and plagues. All of these forces represent irrational elements of the universe that compromise the lawgiver’s original design and which cause the city to drift from its true purpose or *telos*.
3.1.1 The Athenian’s Reforms of the Irrational

Despite these shortcomings, the Athenian does not turn his back on this project. Although he recognizes that the city is subject to the influence of the irrational in all of these ways, he expresses hope that this polis can be reformed and improved. Irrational forces may be present in the city, but it need not be totally controlled by them. The Athenian offers an optimistic perspective that political life is not a chaos without an intelligent design, but that god (theos) has some control over human affairs. Perhaps even more importantly, he proposes that there is also room for human art (technê) to make improvements (709b-c). Just as a pilot uses his art to steer his ship and guide it as closely as possible along the best course rather than allowing it to be randomly tossed about among the waves, the Athenian suggests the same is true for politics. While the city will exist in the realm of becoming and change, and although it is faced with irrational forces, the art of the lawgiver can reform them to some degree, and in doing so he can guide the city closer to a rational arrangement that aims at the whole of virtue.

For example, at 735b the Athenian suggests a reform to deal with the problems of the city’s future population. He suggests implementing a purge that will allow the leaders of the city to exercise some discretion and choice over who will settle there. They should not passively accept whichever citizens happen to come to the polis by accident. The Athenian lessens the role that chance will play in the founding of the city by making room for intelligent judgment. He compares this purge to the process of purifying the water that enters the city:
…just as in the case of a single reservoir formed by the flowing together of many springs and mountain torrents, we are compelled to turn our minds to insuring that the water flowing will be as pure as possible, partly by draining off some and partly by diverting some in side channels…. By thorough testing—with every sort of persuasion…we will discover those who are bad among the people trying to become citizens…and prevent them from entering; to those who are good we will extend as gentle and as gracious an invitation as we can. (736b-c)

Rather than allowing impurities to enter the city as a matter of unavoidable necessity, the Athenian offers hope of ameliorating this situation to some degree.

As part of this purification, the Athenian will send away those who are desperately poor because their extreme poverty will cause conflict within the city (735e-736a). The Athenian also notes that this will be a gentle purge rather than the harshest (and best) kind of purge that is practiced by tyrants (735d). The Athenian recognizes that the city will still be inhabited by citizens trained under foreign regimes who will bring foreign habits and beliefs with them. Yet he suggests a reform that diminishes the impact of the irrational force of chance and which brings a greater degree of unity to the polis. His purge allows intelligence to influence the founding of the city.

The Athenian also proposes reforms for the leadership of the city. Throughout the first three books, he argued in favor of allowing a wise lawgiver to establish a plan for the polis, and in this section of the dialogue he continues to make room for intelligence and technè in the leadership of the polis. However, in the Athenian also makes it clear that reason alone is not sufficient for a ruler who will reform a city such as this. The lawgiver must find a partner if he wishes to bring change—someone who possesses special talents for transforming the citizens’ old customs and traditional habits that may conflict with or
cause resistance to his new laws. The Athenian suggests that the best choice is a young
tyrant (709e-710a). Just as earlier in the dialogue where “helpers” are needed to bring the
desires into harmony with the leadership of the golden cord of reason, the same is true for
the leadership of the city (644d-645b). The lawgiver requires a helper who can take
action to make his plan a reality. This assistant exercises power over the irrational
elements of the city and reforms them in accordance with the lawgiver’s new vision of
political life.

The young tyrant is a man of action who possesses a unique power to establish
new orders by taming the desires. Although tyranny has negative connotations elsewhere
in this dialogue (661d-e), here the Athenian also introduces a new kind of leadership with
the power to bring real change based on his desires and habits. This new breed of tyrant
does not exercise power in the service of his own private passions. His rule is not self-
interested. Instead, he practices virtue, and he is able to lessen the citizens’ attachments
to their traditional customs and previous habits by acting as a role model of a new way of
life. He is able to re-habituate the citizens by embodying the new practices he wants
them to adopt. The citizens will not be transformed through argument alone, nor are they
changed through force. Instead, the tyrant brings the irrational habits of the city in line
with the lawgiver’s plan by exemplifying the practice of virtue, and by reinforcing this
lesson through the use of pleasure and pain. Using praise and honor as well as blame and
dishonor, the tyrant is able to persuade his citizens to desire to follow the lawgiver, and
thereby translate his vision into actual practice (711b-c).
In response to this suggestion, Kleinias states that citizens would follow a ruler who combines this sort of “persuasion and force” (bian). But the Athenian gently corrects him, explaining that the use of force is not necessary here. Rather than relying on violence, the tyrant is able to bring change because he possesses precisely what Kleinias lacks: a “divine, erotic passion for moderate and just practices” which allows him to serve as an example for his citizens (711e). Earlier in the dialogue, Kleinias’ negative tyrannical tendencies were exposed—in particular, his desire to exercise power in order to fulfill his private passion for pleasure (661c-662b). But the Athenian attempts to correct this tyrannical inclination by presenting him with this new model of leadership. This new kind of tyrant has the ability to establish new orders and practices as a result of his desire, but his power is guided by virtue and concern for the community. The new practices he establishes will follow the leadership of the lawgiver rather than self-serving passions.

At this point in the dialogue, Kleinias does not accept this model of rule. Although he has been chosen to lead his new city and will have the authority to create new laws, he lacks the wisdom of the best lawgiver, nor does he possess the properly ordered passions of the young tyrant. Furthermore, he fails to see that these shortcomings make him unfit to lead. But just as the Athenian does not abandon the imperfect polis, he does not forsake Kleinias. He presents his reformed model of leadership and attempts to persuade Kleinias to embrace it. Using argument and myth, as well as demonstrating the art of lawgiving through his own actions, he tries to reform his interlocutor by instilling within him a “divine, erotic passion” to follow reason and to seek the common good.
Continuing then with his re-education of Kleinias, the Athenian recognizes that the Cretan will not follow argument alone. So the Athenian invokes a helper to assist them as they discuss the form of rule that will be best for the city. He calls out to the god (theos) to help them in this founding, and Kleinias responds enthusiastically to this suggestion (712b-c). Appeals to the divine are important motivational tools for re-educating the irrational portion of the soul, and Kleinias proves to be receptive to this influence. But just as the Athenian reformed and rationalized poetry in order to use it as an instrument to bring the desires into harmony with reason, here he must also rationalize the divine to ensure that it coincides with his plan for the city. It is not a traditional Olympian god that he calls on for assistance, but a new kind of divinity that will support the law.

In order to assist Kleinias in letting go of his previously held beliefs about the nature of rule and the purpose of law—both of which were based on violence and self-interest—the Athenian asks the Dorians to consider the traditional models of political rule and apply them to their own cities (712e). When they are unable to do so, the Athenian proceeds to reject these models because each entails a part of the city ruling in its own private interests rather than aiming at the good of the entire polis (714e-715a). Keeping in mind Kleinias’ openness to the divine, the Athenian contrasts this kind of flawed exercise of power with an account of an ancient myth that recalls a time when daemons ruled over humans under the guidance of Kronos (713-d-e). Kronos chose these divine beings to rule because he understood what Kleinias does not: “human nature is not at all
capable of regulating the human things,” for “when it possesses autocratic power over everything,” it becomes “swollen with insolence and injustice” (713c). In contrast to the rule of mortals, the myth demonstrates that the daemons did not seek power in order to fulfill private desires for pleasure or lust. Rather, their rule was born from a “love of humanity” and to promote the good of those they ruled (713d). Presenting this divine image of rule to Kleinias as a model, he encourages the Cretan to imitate this example of true leadership, to “obey whatever within us partakes of immortality, giving the name ‘law’ to the distribution ordained by intelligence” (714a). Asking Kleinias if he accepts this divinely inspired conception of nomos, the Cretan answers positively, “presumably, it is necessary to believe it” (714b).

Having prepared Kleinias to accept this new teaching through the use of this divine myth, the Athenian now directly addresses Kleinias’ belief that law is based on force and represents the will of the stronger (714c). The Athenian counters this mistaken opinion by offering a new standard for judging the law: “nor do we declare any laws correct that are not laid down for the sake of what is common to the whole city. Where the laws exist for the sake of some, we declare the inhabitants to be ‘partisans’ rather than citizens, and declare that when they assert their ordinances to be the just things they have spoken in vain” (715b). He then applies this new definition to Kleinias’ own city. He suggests that those who are worthy to rule reject Kleinias’ self-serving conception of power. A ruler should not seek to have the laws serve his private desires, but should obey the law himself and becomes its slave (doulos) (715c-d). The Athenian goes so far as to rename the leaders of the city—they should no longer be called “magistrates” (archontas)
but “ministers” \((hupêretas)\), and they should be servants of the law \(715c-d\). The divine order of \(nous\) must rule, and private interests must be subservient.

The Athenian reinforces his argument once again with the help of the divine. Imagining that he is speaking to the future citizens of the city, the Athenian first makes reference to the god who holds “the beginning and the end and the middle of all the beings,” and whose divine law is avenged by Justice \(715e-716a\). He then condemns the kind of person with tyrannical tendencies whose character is quite similar to Kleinias’.

Upon hearing this threat of divine sanction, the Cretan once again demonstrates that he is receptive to following the divine \(716b\). The Athenian describes the moderate character of the god, and tells Kleinias that anyone who follows this example will in turn become dear to the god \(716c-d\). Emphasizing the importance of recognizing one’s subservient place in the order of the \(cosmos\), the Athenian lists all of the entities, both divine and human, which should be honored and recognized as superior to one’s self. He reinforces his teaching with the promise of a divine reward that will appeal to his interlocutor \(718a\). Thus the Athenian has demonstrated a new instrument in his pedagogy of persuasion: using appeals to the divine to teach the irrational to follow reason. Although Kleinias is not willing to step aside and surrender his power to a more qualified human being, he does accept the superiority of the gods. Using a combination of argument and divine myth, the Athenian has moved Kleinias a few steps closer to accepting his new conception of political rule.
In addition to reforming the character of the leaders in this city, the Athenian also addresses the need to re-educate the souls of average citizens. First, he notes that there are few people who desire to follow the divine, rational part of their souls, and the majority of human beings follow the path towards wickedness (718d-e). Although the lawgiver should aim to make them as receptive as possible to the practice of virtue, he acknowledges that at times the lawgiver must resort to “forcible and just chastisement” when “men’s habits defy persuasion” (718b). However, this recognition of the need for punishment does not mean that the Athenian is advocating a system of law based primarily on violence. He uses punishments as a last resort, and he also reforms punishments later in the dialogue in order to transform them into instruments that reinforce the law and restore unity to the city.

In order to reform the education of the citizens, the Athenian looks again to the example of the poets as he did in the first three books. Having just demonstrated how myth can be used to help persuade the irrational to desire to follow his reformed vision of law, the Athenian again returns to the importance of poetry in his paideia. He admires the poets’ ability to speak to the non-rational part of human beings, although he observes that unfortunately they are themselves controlled by the irrational (719d). They fail to exercise intelligent judgment, and lack knowledge of the truth (719d). They tell stories that are both self-contradictory and which also conflict with the law (719d). Expanding on his reforms of poetry discussed in the previous chapter, here once again the Athenian suggests that a revised poetry can be used as a supplement to the law. However, rather than employing poetry that is internally inconsistent and which contradicts the law, the
Athenian’s new version will coincide with the law and will serve as its helper by appealing to the passions and teaching them to follow the nomos of the city.

Just as the poets rely on imagery as the basis of their paideia, here the Athenian also uses imagery to teach his interlocutors about this new kind of lawgiving that incorporates appeals to the irrational in order to train the citizens to love harmonia. The Athenian compares the relationship between a lawgiver and his citizens to that of a doctor who cares for children in “the most gentle way” (720a). This image implies that the purpose or aim of the art of lawgiving is to serve others. The true physician’s art focuses on the health of the patient, not on the doctor’s own private desires for power or pleasure, and the same is true of the lawgiver. Furthermore, this image also acknowledges that the citizens are metaphorically sick but capable of improvement. The physician does not allow the sick to die, nor does the lawgiver does forsake the many despite their imperfections.

Through this image of healing, the Athenian presents a model of lawgiving as cure—the complete opposite of Kleinias’ belief in law as force exercised in one’s own interest. The Athenian’s model distinguishes between two kinds of doctors: one is a slave, and the other is freeborn (720b-e). The slave doctor learns to treat patients by observation and practice, rather than by studying nature (phusin) or by taking the time to give and receive an account of each patient’s illness (720c). Because this slave doctor does not understand each individual’s condition, he cannot tailor his cure to each patient’s needs. Instead, he quickly repeats the traditional treatments he has learned from
past experience rather than exercising true judgment. And yet he is unaware that his practice of medicine is deeply flawed, for as the Athenian explains, he “claims to know with precision,” and “gives his commands just like a headstrong tyrant and hurries off” (720c). This is the kind of cure practiced by a slave treating other slaves (720c). It is also like the inferior kind of lawgiving practiced by those who accept received traditions and apply them to new cities without understanding the unique ailments of the citizens. This inferior lawgiver is unable to customize a new legal plan for the polis that will address and ameliorate the particular problems of its citizens. Furthermore, he fails to use persuasion to encourage his citizens to embrace these new laws and practices.

In contrast, the freeborn doctor treats those who are also free men (720d). He takes the time to investigate the unique particularities of each patient’s disease. He speaks with the patient, as well as his friends, and he only offers instruction for a cure once he has learned about each individual’s unique condition (720d). Furthermore, his cure does not rely upon force. Before he proceeds with his cure, he secures the patient’s consent, and he utilizes persuasion to ensure that his patient remains receptive to his treatment (720d-e). This image of the free doctor represents the Athenian’s aspirations for a new art of lawgiving, which does not simply accept traditional practices without question or attempts at improvement. This new lawgiver possesses the Athenian’s double-vision. He sees the idea of the best city, and aspires to this as his goal. Yet, he also sees the particular shortcomings of the polis and the citizens for whom he is creating new laws. Once he has created a customized design that reconciles these two visions and
seeks to cure his citizens’ ailments, he gently encourages his citizens to accept it through a combination of argument and appeals to the irrational.

The Athenian Stranger exemplifies this superior art of lawgiving through his behavior in this dialogue. Before he begins to lay down the laws for this city in speech, he has spoken at length with his “patients”—Kleinius and Megillus—who represent the kind of men that will inhabit this future city. This polis will be populated by Dorians, so he has thoroughly examined his interlocutors to understand the arrangement of their souls and their traditional educations. And as the reader has seen throughout these early sections of the dialogue, the Athenian always combines argument with gentle appeals to the desires in order to persuade his listeners to accept his vision, and to give their consent to follow it willingly.65

After Kleinius recognizes that the method of the free doctor is the superior of the two, the Athenian helps him to apply this model to the art of lawgiving (720e). He provides two examples of how to create new laws, both of which pertain to marriage. In the first version, the law is presented and backed by the threat of punishment alone (721b). In contrast, the second version introduces the law, which is also accompanied by

65 As Strauss notes, although the Athenian may follow the example of the free doctor as he offers a private education to the Dorians, he must also incorporate aspects of the slave doctor when he incorporates punishments that utilize force beginning at 853a (63-64). However, Strauss does not pay adequate attention to the way in which the Athenian attempts to reform traditional punishments at this later point in the dialogue so that they conform to a greater degree with his goal of curing his citizens based upon an understanding of the nature of the criminal’s “disease” rather than simply following received traditions and applying them in the new city without attempting to improve them. This is part of the central argument of Trevor J. Saunders in Plato’s Penal Code: Tradition, Controversy, and Reform in Greek Penology. New York: Oxford UP, 1991.
a punishment, but here the Athenian also includes a preface that attempts to persuade the citizens to obey by appealing to their desires (721c). It promises a reward for those who abide by the law: those who marry and have children as the law requires will fulfill their desires for glory and immortality by giving rise to future generations (721c). Instead of trying to eliminate or ignore citizens’ passions, this persuasive premise utilizes the irrational part of the soul to lead them towards voluntary obedience. Furthermore, this re-education of the desires appeals first to pleasure before resorting to punishment. The Athenian tells his interlocutors that no legislator has realized that when dealing with average citizens—the “uncultured populace”—it is possible to “temper compulsion with persuasion,” rather than relying on “untempered force alone” (722c). Although he does eventually suggest disciplinary measures for those who are tempted to disobey, this punishment is merely a fine and exclusion from the honors given to the city’s elders (721d). It relies on shame rather than violence.

After presenting this new principle for lawgiving, the Athenian applies it to the city through a practice that has never been tried before (722e). The Athenian notices that it is now noon, the brightest time of day. This mention of the sun serves as a spotlight on this passage of the dialogue (722c-d). Here the Athenian introduces his innovation that the lawgiver should always supply preludes (prooimia) to accompany his laws. He compares this supplement to the law to “a kind of artistic preparation which assists towards the further development of the subject,” which is commonly used in music (722e). This prelude prepares the souls of the citizens to receive the law and to desire to obey it. The Athenian recognizes the irrational tendencies of the many and suggests a
plan for educating them. Rather than relying upon force and fear as the Dorian regimes had done, he turns to persuasion. Punishment, although still recognized as being necessary at times, serves as a last resort. Instead of turning first to the threat of violence, the new primary helper for the golden cord of nomos is a persuasive prelude that gently appeals to the passions of the citizens in order to re-educate these desires and redirects them to love the law (723a).

Just as the doctor image was based on an understanding of the illness that afflicted each patient, here the Athenian Stranger describes an art of lawgiving that acknowledges the true nature of the citizenry. They are not purely rational beings that can follow argument alone, nor are they slaves that should be subjected to pure force. Instead they are a combination of the rational and irrational, and as such they need to be persuaded to follow the law in such a way that appeals to both elements of their souls. Just as the lawgiver needs the assistance of a tyrant who can reform the irrational habits of the city to exist in harmony with his rational nomos, similarly, the law needs a supplement that can prepare the desires to receive its new reforms.66

66 In Plato’s Utopia Recast, Bobonich emphasizes the rational aspects of persuasion and diminishes the importance of the education of the irrational. He explains that persuasion must rely primarily upon appeals to reason because the aim of the laws of Magnesia is to make citizens virtuous; since he claims that rational understanding is necessary for virtue, the preludes must therefore depend primarily on rational means (105). In order to support this claim, he points to the preludes as evidence. He explains that “the preludes are thus designed to be instances of rational persuasion, that is, attempts to influence the citizens’ beliefs through appealing to rational considerations. They are not intended to inculcate false but useful beliefs or to effect persuasion through non-rational means” (104). Bobonich does admit that there is a range of different types of preludes in the dialogue, including some that “do not involve true argument, but rather rely upon myths and habituation” (114-115). But he emphasizes that even these attempts to foster certain emotions are “indirectly rational” because their primary purpose is to “attach people to objects and courses of action for which they can come to develop a reasoned appreciation” (115). He explains that these appeals to the emotions “serve as a separate and additional sort of motivation for acting rightly,” especially for those who may not understand the more sophisticated preludes (114-115). However, Bobonich downplays the importance of the education of the irrational by
arguing that only those individuals who truly grasp the reasons for their laws (albeit some will do so in a non-philosophical way that involves opinion rather than actual knowledge) and why they are fine, just, and good can be considered citizens. He says that any education that doesn’t teach them to rationally grasp these things for themselves is not adequate: “But even if pleasure and honor were to fix people exceptionlessly on the right actions, such an education [without rational persuasion] gives them neither a grasp of what virtue is nor any reason to pursue virtue for its own sake. Even if some psychological mechanism were to bring such people to value acting in approved ways for no further end, this would not give them a rational appreciation of what is good about such action” (117). He also asserts that concord or friendship is not possible among those individuals who do grasp the fine, good, and just for themselves and those who do not. Although it is not apparent at this point in the dialogue, Bobonich’s statement has disastrous implications for Magnesia, since as the dialogue progresses the Athenian demonstrates that many citizens will fall short of this high standard that Bobonich sets for them.

In contrast to Bobonich, Laszlo Versenyi argues, “education in the Laws boils down to nothing but simple habituation, indoctrination, and non-rational persuasion of the citizens” (67-80). Versenyi recognizes the emphasis placed upon the education of the irrational in this dialogue, but he condemns it as illegitimate. He explains, “this educational system as a whole trains the citizenry at the lowest level of intellectual development. To use one of Plato’s favorite expressions in the Laws, education becomes ‘epodic’; it is enchantment rather than enlightenment, incantation and training in orthodoxy (literally, correct belief) rather than a leading of men out of darkness to light” (70). Unlike Bobonich who argues that the preludes constitute instances of rational persuasion, Versenyi asserts that they fail to achieve this standard: “The preambles simply add, ‘persuasive prescription’ to ‘despotic prescription’ (722e), ‘compulsion tempered with persuasion’ to ‘untempered force’ (722c), and not rational instruction to the force of either mere persuasion or brute violence. Plato’s comparison to the doctors’ method with those of the legislators is apt. In answer to the children’s begging to be treated gently (720a), the kindly doctor sweetens the pill and talks with his adult patients till he gains their willing consent and secures their continued docility by means of persuasion (720d)” (69). Versenyi concludes that Plato’s suggestions for persuading the irrational part of the soul in this dialogue are unfit for the education of human beings. It is “strictly comparable to the ‘enchanting of snakes and tarantulas and scorpions and other beasts and nuisances…If anything, the Plato of the Laws surpassed his predecessors in devising a more thorough-going method of indoctrination than any sophist ever dreamed of” (71). Therefore, although Bobonich argues that the Athenian’s conception of persuasion is primarily rational while Versenyi argues the opposite, both dismiss the importance of the education of the irrational in this dialogue.

In his article, “Plato’s Conception of Persuasion.” Glen Morrow concedes that in the Laws Plato’s persuasion “involves so much attention to the sentiments and makes so little use of rational proofs” (243). Morrow suggests that Plato is conflicted in that he loves reason, but also desires to protect the moral health of his fellowmen. He observes that Plato erred in the direction of preferring the latter in this dialogue (244). As a result, Morrow argues that Plato proposes an education of the sentiments that persuades its subjects through the use of enchantments, and by “casting a spell over the minds of the citizens” (240). And despite arguing throughout the Laws in favor of the “supremacy of reason in human affairs,” Morrow asserts that Plato lowers his conception of reason from what it was in the Republic (244). Whereas reason in the Republic transcended the law, in the Laws it has a “lesser function” of simply “apprehending the public law of the city” (246). As a result, Morrow finds that it is not surprising that Magnesia involves few provisions that allow for what we would call the “powers of reason and rational choice” (246). He is highly critical of the education the Athenian provides for the citizens of Magnesia.

However, as noted in the introduction to this dissertation, Morrow changes his position on the nature of persuasion and the education of the irrational by the time he writes Plato’s Cretan City. In this later work, Morrow emphasizes the way in which Plato seeks to educate both the rational and non-rational aspects of the individual using appeals that are appropriate for each different element of the soul, and his critical tone is gone for the most part. He explains that in order to educate the rational portion of the soul, the Athenian proposes that citizens study letters, mathematics, and astronomy (337-350). He also recognizes the importance of rational argument in the “preambles” to help achieve this end (553, 556). On the other hand, Morrow sees that the Athenian also proposes that the non-rational portion of the soul should
At the end of this discussion of persuasion, Kleinias is convinced of the need for preludes. He wishes to incorporate the Athenian’s description of how to practice moderation, and is eager to hear what comes next (723e). Rather than seeking laws that will serve his own interests, Kleinias begins to demonstrate a greater willingness to accept a new vision of rule. At this point, the Athenian’s pedagogy of persuasion proves to be a success as Kleinias expresses his desire to follow the leadership of the Athenian.

3.2 The Private (726a-747e)

Now that the Athenian has explained that the law requires a helper or a supplement to prepare listeners to accept the pronouncement of the law, the structure of the dialogue begins to reflect this principle. Before he begins recommending laws for the city in speech, he offers a prelude, followed by a gentle purge. This prelude, which is aimed at Kleinias as much as the future citizens of his city, immediately addresses another irrational aspect of the polis that must be reformed: undue attachment to the private. Recalling the image of the city that is first in virtue from the beginning of this chapter, one sees that the concept of the private—the desire for one’s own—is absent from this best regime (739a-e). In the perfectly rational city, all is shared in common: the be educated through habituation (300-301), dance (302-318), and pleasure (308-309). In terms of the preambles, he acknowledges that they also incorporate non-rational means of persuasion in addition to arguments because “Plato plainly indicates that more than reasoning is required to bring human nature under the control of the law” (557). Therefore, in contrast to his earlier article in which he describes the Athenian’s concept of persuasion as relying too heavily on non-rational elements, in Plato’s Cretan City Morrow recognizes the importance of the education of the irrational and refrains from condemning it.
family, the body, and material possessions. This will not be the case in the future city the Athenian and the Dori ans are founding. Colonists will enter the polis with families of their own and they will possess private property of differing amounts. Once they are citizens, they will continue to desire families and possessions of their own. This desire can disrupt the unity of the city and can undermine the harmony among its citizens.

Demonstrating this pedagogy of persuasion once again, the Athenian begins to reform the concept of the private and minimize its divisive influence, although he recognizes that it can never be completely eliminated from a city of human beings.

But before introducing his legal reforms of the private, the prelude that begins at 726a prepares Kleinias and his citizens to accept them. Its goal is to persuade them to willingly desire to put the common good before private interest. The prelude begins with an examination of that which is usually considered to be the most private—“the thing that is most one’s own”—the soul (726a). The Athenian, who delivers a soliloquy from 726a-747e rather than engaging in a dialogue with his interlocutors until the final line, suggests a new way of honoring this most divine possession. Rather than granting the soul whatever it desires, it is best honored by attempts to improve it. The Athenian’s definition of “honor” reflects his realistic, yet optimistic view of education: “hon or means for us following the better things, and in the case of the worse things that allow for improvement, bringing them as close as possible to the same end” (728c). He begins by addressing these “worse things,” and listing the various ways the soul is dishonored. Each involves indulging one’s private desires, either for power, pleasure, beauty, money,

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67 See also Kochin, 105-106, footnote 36.
or ignoble gain. To dishonor the soul, then, is to allow one’s private desires to rule, rather than teaching them to follow the leadership of the lawgiver (727c-728b). It is also dishonorable to behave in such a way that puts the body and the irrational passions above the soul. However, although the body has a lower place in this hierarchy, it should still be improved, not disregarded. The goal for the education of the body is to achieve moderation—not to ignore it altogether, but also to refrain from lavishing it with excessive attention. The same guidelines are to apply to citizens’ possessions.

Throughout the prelude, the Athenian stresses the importance of valuing the community of friendship above the fulfillment of individual private desires. For example, the Athenian tells Kleiniias that he should always be cognizant of the example his conduct provides to the rest of the city, and he should value others above himself (729c). He should regard the services that others offer to him as more important than the favors he does for them in return (729d). Using the help of praise and blame to further persuade Kleiniias that the most noble life is one of service to others, he lauds the man who shares his possessions, who seeks virtue without envying others or thwarting their efforts to improve themselves with slander, and who not only avoids injustice himself, but also helps to prevent others from committing unjust acts (730d-731e). In contrast, he blames the man who suffers from “excessive friendship for himself” (731e). He identifies this tendency to put the fulfillment of private desire above the truth and the good of the community as “the cause of all of each man’s wrongdoing on every occasion” (731e).
Thus far in the dialogue, Kleinias has placed his own desires for power and pleasure above the good of his future city by accepting a leadership position of which he is not worthy. Here the Athenian urges him to embrace this new image of the noble life by turning over the rule of the city to someone who is wise in the art of lawgiving (732a-b). Rather than indulging his own desire for power, he should seek what is best for the future polis:

…for the man who is to attain the title of “great” must be devoted neither to himself nor to his own belongings, but to things just, whether they happen to be actions of his own or rather those of another man. And it is from this same sin that every man has derived the further notion that his own folly is wisdom; whence it comes about that though we know practically nothing, we fancy that we know everything; and since we will not entrust to others the doing of things we do not understand, we necessarily go wrong in doing them ourselves. Wherefore every man must shun excessive self-love, and ever follow after him that is better than himself, allowing no shame to prevent him from so doing. (732a-b)

Because the Athenian recognizes that “by nature the human consists above all in pleasures and pains and desires,” and that “every mortal animal is…inextricably attached and bound in the most serious ways,” he concludes this prelude with a final appeal to pleasure and pain (732e). He tells Kleinias that it is the life in which unrestrained private desires rule that produces sickness and pain rather than true pleasure, whereas the life of moderation and virtue of both body and soul is the healthy life that should be sought by those who seek true pleasure and happiness (734d).

In the first laws that follow the prelude, the Athenian presents reforms that will lessen the influence of the private in the city and which will bring it closer to the model of the best regime. After suggesting the gentle purge that was discussed earlier and that allows intelligent judgment to play a role in the founding of the city, the Athenian
addresses the problem of the citizens’ desire for private wealth. The Athenian is aware that he cannot eliminate private property altogether because the tendency to favor the private “grows naturally in the soul” and because this would be “beyond the capacity of people with the birth, rearing and training we assume” (731d, 740a). However, he chooses a second-best option: to equalize the distribution of wealth. If all citizens have equal possessions, the unity of the polis will be enhanced by eliminating the disputes and animosity that arise among those with vastly different amounts of property (737a-d).

The Athenian’s plan involves parceling the land equally among five thousand, forty households (737e). The number of allotments is not left to chance, but is carefully

68 The establishment of private property in relation to the private family at this point is significant for scholars who examine the question of gender in the Laws. For example, according to Susan Moller Okin, the choice to establish private property through the allotments “requires monogamy and private households,” as well as women who function primarily as “private wives” (367). For Okin, the choice to establish private property requires that the private family must be established so that men can pass their private possessions on to children that they recognize as their own. This entails owning a private wife, who is “treated as property rather than as a person” (363). As Okin explains, “the reinstatement of private property…brings with it in the same paragraph the re-introduction of marriage and the family…The failure to achieve communism of property, it seems, entails the private possession of women” (362). She explains that the dialogue draws a connection between “property and inheritance to the marriage system and position of women,” adding, “when a man owns inheritable property, he must own a wife too, in order to ensure a legitimate heir” (363).

In contrast to Okin, Michael Kochin argues that in the Laws the family comes first, and private property serves as means of supporting its existence (105). He explains that that in this dialogue, and in “ordinary Greek morality” more generally, “private families are necessary in order to satisfy the male desire to ensure the paternity of one’s offspring” (103). Kochin asserts that this desire (which exists regardless of whether or not there is private property to pass on to these children) is based upon a man’s own self-respect in that he wants to have children who are like him (103). In order to ensure this “self-reproduction,” Kochin asserts that men must “acquire control over sexual access to a woman; he must make her his and none other’s. A man’s gune, his woman or wife, must be kept separate from other men and from the public space where men act…Under no circumstances can she share in the tasks of men” (104).

Having first established the private family in order to satisfy this male desire, Kochin then argues that each family requires its own private space and its own economic base to sustain itself (105). This leads the Athenian to legislate a separate plot of land for every family (105).

Okin’s argument is weakened by the fact that she is incorrect concerning the sequence of events in the dialogue. Marriage and the private family are actually first introduced at 720e-721d, long before the establishment of the allotments at 740a. In fact, the Athenian describes the laws concerning marriage as the
chosen because its mathematical properties coincide with the Athenian’s design. In order to protect this distribution of land from the affects of chance and change as much as possible, he asserts that the number of households can never be altered (740b). To ensure

“first law the lawgiver could lay down” (720e). However, the Athenian implies here that he is not creating marriage as a new institution at this point, he is simply bringing order to a practice that already exists in all cities. At 720e-721d, the Athenian explains that the purpose of establishing marriage laws is to give the lawgiver a chance to bring order to the partnership that gives rise to future citizens (720e). The marriage laws are discussed again at 772e-774c. Here the Athenian’s concern is not establishing legitimate heirs for each individual male citizen’s property, but to consider what kind of children will result from the choice of spouse. The Athenian offers a prelude to encourage citizens to stop giving too much emphasis to their private interest when choosing a bride—he especially warns against giving too much consideration to questions of wealth (773e). It is more important to find a partner with traits that will produce a well-balanced child for the city (773d). Since the Athenian discusses marriage before he establishes the allotments at 740a, does this mean that the private family exists prior to private property in this dialogue? The text does not support this conclusion either. At 744b, the Athenian explains that the colonists who come to Magnesia will already have private possessions, just as they will have private families. Therefore, private property is not brought into existence at 740a, since it already exists in the practices of the colonists. It is not clear which came first, the private family or private property. This question is also left unanswered if one looks back to the myth offered by the Athenian at 676a. Here the Athenian describes human beings who exist in a kind of state of nature. According to the Athenian’s account, private families do exist at this time, with each father ruling over his own children and wives (680b-c). The relationship between this family structure and private property is not clear. Although these early people do not possess gold, silver, land, or tools, they do have animals as well as “cloaks, bedding, houses, and equipment for use over the fires and also for tasks that don’t require fire” (679b). Therefore they do have some kinds of possessions, but the text says nothing about the father’s concern regarding the transferring of this property to his sons. Therefore, the text does not provide any conclusive proof to support Okin’s attempt to solve this chicken-and-egg problem.

In terms of Kochin’s argument, the Athenian’s prelude at 720e-721d calls into question his hypothesis that males have an inherent desire for “self-reproduction” that gives rise to the private family. At 721c, the Athenian states that humans have a natural desire for immortality, but the fact that he must create a prelude in order to persuade men that they should view their children as the fulfillment of this desire suggests that the desire for a private family does not occur to men in the way that Kochin suggests. This point is reinforced by the fact that the Athenian must threaten men with punishments—dishonors and fines—in order to encourage them to find wives by the age of thirty-five (721d). Even with these punishments, the desire of some men to avoid having a private family is so strong that the Athenian mentions this problem again at 774a-c and adds greater detail to his punishments for perpetual bachelors.

Therefore, the dialogue does not offer an explanation as to why the family first comes into existence or whether this occurs before or after the establishment of private property. Both Okin and Kochin offer hypotheses about this origin in an attempt to provide a definite answer for something that Plato leaves as a question. Whatever its cause, the Athenian realizes that the colonists who will settle in Magnesia will have private families. He sees problems in the structure of these traditional families and attempts to reform them. The question of how successful he is in these attempts is explored in future chapters of this dissertation.
the permanence of this number, each family will be able to choose only one son who will inherit the family’s land. These plots will not be passed from one generation to the next by dividing them among all the children such that eventually future generations would not have enough property to support themselves. The fundamental wealth of each household will be regulated by law to withstand this kind of decay over time. The Athenian admits that certain artificial contrivances will have to be administered by the city’s magistrates to deal with chance events that could disrupt the fixed number of households (740c-e). He does acknowledge, however, that even with these contrivances, events that are out of the lawgiver’s control such as disease or war, could undermine this law eventually (741a). Despite these irrational influences, the Athenian is undaunted and looks to persuasion to support this first law. The true security he provides for the law is found in the education he offers the citizenry. By means of the prelude at 741a, they will be persuaded to love this law and to never desire to change it. The education of their passions will buttress this law.

This prelude utilizes both pleasure and pain as it educates the passions, and it is ultimately solidified by an appeal to the sacred (741b-c). The Athenian draws a connection between the law and the divine, and implies that citizens can achieve an alliance with the god who has sanctioned this distribution of property by obeying the law. This prelude is also followed by a punishment. The one who buys or sells part of an allotment will have his name and his story engraved on tablets and kept in the city’s temple, “there to be read and remembered for the rest of time” (741c). Once again, the Athenian chooses a gentle punishment that relies on shame rather than force or violence.
Therefore, private property will have a place in this city, but here the Athenian begins to regulate it through the law according to a rational, even mathematical plan in order to prevent it from causing division among the citizens as much as he is able. He moves the city closer to the image of the best regime by also encouraging citizens to regard this land “as common property of the whole city” (740a). In fact, he encourages them to love it as a fatherland, a child, and a goddess (740a). The lawgiver must actively cultivate this kind of emotional bond between the citizens and the property laws such that they will be more reluctant to disobey them. But the Athenian is aware that the natural love of money may interfere with this effort. So in order to curb this desire, he also forbids anyone “to possess gold or silver in any private capacity” (742a). However, here he again recognizes that this extreme must be moderated for practical reasons. He allows for a special currency that can be used by citizens for their daily business transactions, but this money will have no value outside the city (742a-b).

Through these various measures, the Athenian attempts to rationalize private property, bringing the city closer to the model of the best regime in which there are no conflicts due to disparities of wealth. Yet he also recognizes that establishing exact equality of property is impractical due to the natural differences among citizens (744b). Unlike the citizens of the best regime who are as unified and similar as a single human being, the actual citizens of this future city will each have unique talents and distinct character traits. Some will be stronger and smarter than others, while some will simply have better luck. As a result of these differences, they will enter the city with varying
amounts of private possessions (744b). Because these differences cannot be ignored or completely eradicated, the Athenian allows the citizens to be divided into four classes based on wealth, thereby establishing proportional equality in the *polis*. This moderated standard allows for some disparities, as well as for some changes of fortune over time. In addition, it also moderates the gap that exists between the wealthiest and the poorest members of the community (744c-e). As a result, wealth is not surrendered to chance, nor is it completely rationalized such that it is eliminated. The Athenian has chosen instead to embrace a middle position that recognizes the differences that exist among human beings, yet that also seeks to mitigate them. Even though he cannot achieve the complete unity of the best regime, through these measures he can move closer to curing “the greatest illness” and preventing it from destroying the *polis* (744d).

The Athenian concludes his monologue by demonstrating the kind of double-vision required of a lawgiver legislating for an actual city in the realm of the becoming. First, he describes a supremely rational—almost geometrical—design for the layout of the *polis* (745b-e). This plan incorporates the principle of proportional equality in order to allow for equal distribution of the land, and it solidifies the distribution using appeals to the divine (745d). At the center of the city there will be sanctuaries to Hestia, Zeus, and Athena, while each of the twelve main divisions of land will be named and sanctified after a god (745d).

However, despite this meticulously designed plan for the city, the Athenian follows this description with a realistic appraisal of how the lawgiver must then apply this
vision to the particular circumstances of his actual city and citizens. Just as the free
doctor must understand the unique situation of his patients in order to design the proper
cure, the lawgiver must understand the particular imperfections of his future city so that
he can tailor his laws to move the polis closer to the image of the best regime (747d-e).
In doing so, he must also be aware of the need for compromise in the art of lawgiving.
As the Athenian explains, this art recognizes the existence of the irrational and makes
allowances for it, but it also seeks to enact reforms that gently bring it closer to the image
of the unified city of virtue and reason:

…the things that have just been said may never all coincide with such opportune
circumstances as would allow all of them to pass exactly the way the argument
has indicated. …in fact, he’s been talking in every respect almost as if he were
telling dreams, or as if he were molding a city and citizens from wax. In one way
it wasn’t bad to talk that way, but he has to remind himself of things such as the
following….Friends…I think that when future courses of action are being
considered, the most important thing to do in each case is this: he who presents
the model of what should be attempted should depart in no way from what is most
noble and most true; but, when some aspect of these things turns out to be
impossible for a fellow, he should steer away and not do it. Instead, he should
contrive to bring about whatever is the closest to this from among the things that
remain, and by nature the most akin from among the things that are appropriate to
do. He should allow the lawgiver to complete things according to his wish; then,
when that is done, he should investigate in common with him to see which part of
what he has described is expedient and which part of the legislation he has
described is too difficult.” (746a-d)

Thus far in his legislation for the city in speech, the Athenian has described and
demonstrated how a lawgiver with “double-vision” can use persuasion to teach the
irrational to follow the leadership of reason. By looking to the image of the best regime
while also recognizing the particular strengths and weaknesses of the city that will exist
in time, he has introduced reforms that are specially designed to cure these defects to
some degree and to move the polis closer to his rational vision of its ultimate telos. He
has shown how persuasion—in the form of preludes that utilize poetic myths, appeals to the divine, the promise of pleasure, or gentle punishments—can be used to educate citizens whose souls are not yet properly ordered. He can teach them to want to follow the leadership of intelligence, which aims at the common good of all rather than at the fulfillment of private, self-serving passions. Kleinias responds by accepting the Athenian’s suggestions for improving lawgiving: “what you say is in every way fine, Athenian Stranger, and that’s what I must do” (747e). For now, he is persuaded by the Athenian’s plan and desires to follow him.

3.3 The Leadership of Reason and Incremental Reform (751a-785b)

While the previous section of the text ends with a reflection on some of the lawgiver’s limitations, in this section the Athenian demonstrates how the proper use of persuasion can be used gradually to transcend some of these limits in order to achieve his goals. Some (but not all) reforms that initially seem out of reach may be possible after all. Just like an artist who improves his painting by gradually adding subtle modifications that complement his previous brushstrokes, the Athenian is able to use preludes and appeals to the divine in order to win Kleinias’ approval as he fleshes out his plan for the city and realizes his vision of the best polis more fully. For example, earlier in the dialogue, the Athenian introduces a new model of leadership for the polis, and now he fills in the details of his earlier outline in such a way that pushes his reforms even further. Through the Athenian’s use of gentle persuasion, he continues to weaken the influence of rulers like Kleinias and the traditions of Knossos while strengthening the
importance of intelligence and virtue in the leadership of the city. As a result of these efforts, Kleinias becomes so amenable to following the Athenian’s suggestions that he does not object the idea of sharing his power with the Athenian’s new magistrates. Kleinias even goes so far as to invite the Athenian and Megillus to join him in leading the city (753a).

The Athenian begins by introducing these improvements to his plan for rationalizing the leadership of the city. First, it would be best if the city’s leaders were raised exclusively under its new laws, untainted by the ancient traditions and flawed educations of older cities (751c). Furthermore, it would be preferable if those who selected these new rulers were the men most qualified to judge their character, and who were themselves raised under the new laws (751c-d, 752c). Finally, it would be ideal if leaders were chosen purely on the basis of merit so that power is granted to the most intelligent and most virtuous citizens (757c-d). But once again the Athenian recognizes that the presence of the irrational makes it impossible to implement this plan fully. First, when the city is established, the reality of time makes it impossible to have either leaders or selectors who have been raised exclusively under the new laws of the polis. No one in this city will meet this qualification to rule or to select rulers because the new city’s inhabitants will have been raised under the laws of their fatherlands. They will prefer their old familiar standards for selecting leaders and will be hesitant to embrace the Athenian’s new and strange suggestions.
Faced with this problem, the Athenian fills in the details of his plan for the leadership of the city by opting for a second-best alternative. The Knossians had already selected a group of leaders for this city based on their own traditional standards, standards that approved of men like Kleinias. Although the Athenian cannot completely avoid giving a share of rule to such men, he does successfully lessen their role. Power in this new city will not be based primarily on irrational standards of rule such as chance, tradition, or violence. The Athenian suggests a compromise that recognizes the complications presented by the irrational limitations of time, yet which continues to move the city closer to his vision of the best kind of rule. He suggests that the Knossians, the “parents” of this future city, should play a role in choosing the individuals who will serve as the initial magistrates or “Guardians of the Laws” (*nomophulakas*) (752e, 754b-c, 752e-753a). The new Athenian city is like a child that has not had time to mature so that it can completely stand on its own (754b). As a result, it must depend upon the one city with which it has the strongest tie (754b). Although it would be best if the new city could make a clean break from the established Cretan laws and rulers, the Athenian sees that this is not yet possible, and he does his best to limit the influence of the old city upon the new laws. The Knossians must select one hundred of the oldest and best men from among the new colonists, as well as another hundred from Knossos itself. These men will in turn select the thirty-seven new magistrates (*nomophulakes*) of the city, nineteen of which should be colonists and the remaining eighteen should be Knossians (754c-d). Once this selection is completed and the new leaders have been scrutinized, the Knossian selectors will return to their city, and allow the new *polis* “to try by itself to find its own safety and good fortune” (754d). Then, after a period of time has elapsed, a new group of
thirty-seven Guardians should be chosen, this time by the citizens of the new colony (753b-d). While the Athenian is unable to break completely with the traditional conception of rule, he does suggest an alternative solution that establishes a clear limitation on any further influence that the old Cretan city will have on the new polis.

The second difficulty with the selection of magistrates concerns their qualifications for holding office. While discussing the selection of the city’s councilmen, the Athenian explains that it would be best to choose leaders solely on the basis of virtue. He describes this rational plan for assigning power to the most deserving as “the truest and best equality” or “political justice” (757b-d). However, the Athenian also recognizes that this perfectly just arrangement cannot be implemented in the new city due to the “discontent of the many (duskolias tôn pollón)” (757e). The irrational portion of the city—the many—and the need to prevent civil war among the various members of the polis require that the lawgiver make a compromise and incorporate a second kind of equality into his plan. This second kind of equality treats all individuals the same regardless of their differences in talent, virtue, or education (757b-e). Therefore, rather

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69 According to Morrow, who follows Wilamowitz, the description of the way in which the Guardians should be selected is puzzling in that Plato offers two different methods for choosing the first group of thirty-seven nomophulakes (204-205 and 238-240). Morrow concludes that these two passages represent “two versions of Plato’s thought,” one of which was intended to be discarded but was retained in the text by Philip of Opus (205, 240). However, this dissertation follows Saunders, who argues that the two passages are not contradictory descriptions of the same event. As Saunders explains, the description of the election at 753b-d cannot describe the initial selection of the Guardians because “the procedure presupposes too much: the army has been organized, some veterans are present, temples have been built, a marketplace has been established, a voter’s patronymic is required, and the population has been divided into tribes and demes. All this suggests a state that has been a going concern for some time” (232). Therefore, Saunders argues in “The Alleged Double Version in the Sixth Book of Plato’s Laws”: “the initial board of 19 plus 18 is temporary, and at some point, having demonstrated the correct conduct of the office, resigns en bloc; and a grand total of 37 new Guardians will then be elected for the simple reason that there will be 37 vacancies” (233).
than choosing leaders on the purely rational basis of merit alone, the Athenian recognizes
the need to incorporate the lot—which regards all citizens as equals—in the selection of
leaders in order to accommodate the desire of the many (757e-758a). Although he must
abandon the goal of perfect justice because he cannot ignore the irrational for the sake of
peace and friendship, he still manages to establish leaders who will be chosen primarily
according to reasoned judgment concerning their merit through a procedure that relies
heavily upon voting. Finally, the Athenian introduces another reform that further
rationalizes the selection of leaders for the city. Each of the new magistrates must be

70 According to the Athenian’s proposal, the three hundred-sixty members of the boule should be
elected by the citizen assembly, who are divided according to four classes based on property (756c-e).
According to Morrow, women will not only participate in the assembly, but may also be included among
the individuals selected to participate in the boule, as long as they are over the age of forty (157, 168).
Kochin dismisses Morrow’s argument as “unduly speculative” (97). Whether or not women are included,
the selection process involves three steps: nomination, election, and selection by lot (and scrutiny). First
there is a nominating procedure that lasts for four days. On the first day, all citizens must vote for the
nominees who will represent the first class (failure to vote results in a fine) (756c). On the second day, the
same procedure is followed to vote for nominees from the second property class. On the third day,
everyone except the members of the lowest class are compelled to vote for the nominees from the third
class. On the fourth day, everyone may vote for the nominees from the fourth class, but only the members
of the two highest classes are compelled to do so (756d). Then on the fifth day, all of the citizens from
every class must vote and select one hundred eighty individuals from each class from the list of those
nominated in the four days prior (756e). From this list, ninety councilpersons from each class should be
chosen by lot, and then undergo a scrutiny.

According to Morrow, “probably nothing like an election of this kind has ever been held in all
history” (167). He denies that this is an oligarchic scheme in that Plato provides for equal representation in
the Council from all property classes (170). He argues that although Plato recognizes property differences
by organizing the council according to economic classes rather than tribes, he explains that property plays
no significant part in determining admission (170).

In contrast, Strauss argues that this arrangement does favor the wealthy: “By treating the lowest
class differently from the higher ones the Athenian kills two birds with one stone: he gives the poorer
citizens greater freedom to mind their own business, and he increases the influence of the wealthy on the
election of the members of the lowest property class” (85). Strauss also suggests that the members of the
wealthy classes have a greater opportunity for reelection since it is likely that they will be small in number
(85). However, even with this advantage for the members of the higher classes, which Strauss argues will
be better educated and more virtuous (87, 90), Strauss describes this method of selection as a “dilution” of
true justice, and “a concession, a humane and expedient concession to irrationality” in that “a rational
society is not possible, unless it be the society ruled by a philosopher exercising tyrannical power” (86).
Strauss adds that the dilution is two-fold. While “true equality, proportionate equality is achieved by „the
judgment of Zeus,” this is first weakened by giving all the citizens the power to nominate and elect the
candidates for the boule (87). Secondly, this already “imperfect justice” is weakened further through the
use of the lot (87).
scrutinized, thereby ensuring that all those in positions of power will be subject to the judgment of reason.

In addition to his new laws concerning the selection of leaders, the Athenian also introduces more extensive reforms of the irrational as he delineates the various duties of the city’s magistrates. By assigning officials to oversee each part of the city, he gradually brings the leadership of reason to bear upon almost every aspect of political life, including: time, the sacred, the physical layout of the polis, the military, the courts, the educational system, the family, and ultimately the generation of future citizens. Every aspect of the polis must be exposed to the light of reason and ordered accordingly. Nothing is to be left hidden in the dark, unexamined or uneducated. As in a well-tended garden, no weeds can be left to grow without notice such that they could overtake the fruitful crops and destroy the bounty of the carefully planned harvest. Similarly, the Athenian demonstrates that the irrational aspects of the city cannot be left to develop without proper attention and education, lest they undermine the rational plan for the laws. As the Athenian explains at 780d: “Everything that partakes of order and law in the city has entirely good effects, while most things that lack order or are badly ordered weaken the other things that are well ordered.” As a result, the Athenian begins to take a more expansive approach to regulating the irrational in order to tame it and teach it to conform to a greater degree to the lawgiver’s plan for the city. It is also essential to note that during this process of bringing increased order to the city, the Athenian continues to emphasize the need to educate the irrational through gentle persuasion and habituation. The order of reason is not forcefully imposed on the irrational. Instead, incremental
changes are made through which all the members of the city are taught to desire to follow the law and to serve the common good.

3.3.1 The Problem of Time: Preventing Decay

Throughout this section of the text, the Athenian emphasizes the way in which time and the changes it brings can corrode the lawgiver’s plans. Using the metaphor of a painter at 769a-c to explain the problem faced by the lawgiver concerning time, he describes an artist who seeks to create the most beautiful figure “that would never get worse, but would always improve as time went by” (769c). To achieve this goal, the painter must overcome a two-part problem. First, he must allow some changes to take place over time in order to improve his creation. Secondly, he must simultaneously prevent the decay to which all becoming things are subject. The lawgiver faces the same two-part problem regarding time and change. Later in this chapter we will examine the Athenian’s approach to the first half of this problem. For now, he begins by tackling the problem of decay. The Athenian sees that even laws that are well-designed are subject to deterioration due to the passage of time. Often these changes result from unreflective chance or ignorance, and they can undermine the lawgiver’s carefully arranged plan for the city. These kinds of negative changes are undesirable. As a result, the laws require constant supervision by guards who will keep watch in “uninterrupted succession” during the day and night, and who will protect the polis from the kinds of undesirable mutations that will corrupt its laws (758b-d). Therefore, the problem of time as it pertains to lawgiving is that any city that exists in the realm of becoming will be subject to change.
On one hand, certain changes are necessary because a lawgiver must have room to improve upon his arrangements. On the other hand, change can lead to decay if the city is allowed to drift away from its telos and the lawgiver’s rational plan. Constant attention and intelligent discernment are needed to implement positive changes while also preventing negative ones. The Athenian begins dealing with the problem of time by establishing guards who will be “ready to contend at any time with the innovations that are constantly want to occur in cities everywhere: if possible they’ll forestall them, but if they can’t, they will at least see to it that the city knows about them as soon as possible, and can cure the sickness” (758d). Every minute of the day and every month of the year will have an assigned set of guards trained especially for this purpose (758b-d). In order to keep the irrational from corrupting the laws that have already been established, the Athenian declares that “to the extent of our power, nothing is to be unguarded” (760a).

In addition to creating guards who will keep watch around the clock and throughout the year, the Athenian also suggests regulating and rationalizing the physical aspects of the city. He assigns magistrates to oversee each of the physical parts of the polis so that nothing is allowed to develop unnoticed and according to chance, as opposed to following the order of reason (758e). First he establishes special custodians, as well as priests and priestesses, who will guard the temples and sanctuaries and keep order in these divine places (759a-d). Next, the Athenian creates officials to oversee the secular buildings and the land surrounding the new colony. The three City Regulators (astynomoi) are responsible for supervising the roads and physical structures in the city to ensure that they conform to the law, as well as to oversee the water supply and to look
after “the common things” (733c, 763c-d). These magistrates are joined by five Market Regulators (agoranomoi), who keep strict watch over the marketplace and who punish any injustices occurring there (764b). Finally, there will be a number of Field Regulators (agronomoi) from each tribe who will guard the land surrounding the city (760b-c). In addition to watching for enemy invaders, the Field Regulators and their contingents bring the order of reason to bear upon the land itself so that it better serves the needs of the citizens. Rather than allowing this territory to develop according to chance, they will dig ditches and build fortifications, and they will even submit the natural flow of water to intelligent design by irrigating the land and creating new streams to benefit the city (761b-d).

As mentioned earlier, the Athenian incrementally extends regulation of the city to bring it under the order of reason. In addition, he also expands the education of the irrational to persuade it to follow his rational plan. His description of the Field Regulators and their contingents perfectly exemplifies this expanded paideia. Serving as an agronomos involves a kind of education through habituation. For example, the Athenian explains repeatedly that as individuals serve in this position they will learn about their new city and “will become experienced and knowledgeable about the whole country” (760c, 760d, 763b). Furthermore, as they guard the city against foreign enemies, they must also regulate the daily activities and interactions among their fellow citizens in order to foster friendship and harmony among them (761e). Not only does this prevent small disputes from growing larger and causing serious divisions in the city, but it also serves as a means of educating the Field Regulators about the law. They must learn the
law in order to apply it, and because they are responsible for upholding it, they will develop an attachment to the law and see it as their own. Finally, they will also become accustomed to being subject to the law themselves since the Athenian requires that the Field Regulators be audited in order to ensure that they avoid injustice (761e-762b). Thus their service becomes an essential support for the rule of law and reason in the *polis*.

Furthermore, during their two years of service, the Field Regulators and their contingents are habituated through their daily activities to see themselves as an integral part of the rational plan for the city. Through this habituation, they learn to desire to follow the law and to train their irrational desires to serve the common good of the whole rather than their own self-interests. For example, service in the field habituates these citizens to order their souls in such a way that they recognize and follow those who are worthy rulers, rather than seeking to follow their own interests and desires. They must become enslaved to the laws and to their elders, as well as to “those who lead honorable lives” (762e). They must also surrender their status as masters by giving up their own servants and slaves, and instead they must perform all tasks for themselves (763a). Finally, they are habituated to control their private appetites and to attach themselves to the community through the practice of eating common meals that consist of “humble and uncooked food” (762e). In addition, they must sleep in common with their fellow regulators rather than with their families in their private homes (762e). The result of this kind of habituation is to educate the irrational desires to follow the law and the common good. Through habituation, then, each citizen who serves in this role becomes more
emotionally attached to the *polis* so that he serves it willingly, “with an eager spirit and to the best of his ability” (763c).

In addition to creating magistrates to oversee the physical aspects of the *polis*, the Athenian creates offices to oversee the military force of the *polis*, to regulate education, and to rationalize the conflicts among the citizens. First, the military might of the city must not be directed by those who simply happen to be strongest. Instead, the candidates for generalships (*strategoi*) will be nominated by the Guardians and voted on by the citizens who have served or are serving in the military (755c-d).71 Secondly, the education of the city’s children must not be left to chance or tradition, which could result

71 The Athenian explains that the Generals should be elected from a list of nominees chosen by the Guardians of the Laws (755c). However, he also allows any citizen who has served or will serve in war to nominate a rival candidate. The body of veterans and current members of the military, who are grouped according to their roles as members of the heavily armed infantry, cavalry, or auxiliary forces, decide between these two nominees in a kind of primary election through a show of hands (755d, 755e). From this list of nominees, all citizens who served in war or are ready to do so (which may include women, 785b) vote by a show of hands. The three candidates with the highest number of votes become Generals and must undergo a scrutiny. These Generals then nominate their own Rank Commanders (*taxiarchs*) and they are elected following the same procedure described for the Generals, with the exception that they are chosen only by “those who bear shields” (755e, 756a). The Generals also appoint the leaders of lightly-armed troops and archers, as well as any other leaders of the auxiliary forces (756a). There is some confusion in the text regarding the method of selecting the commanders of the cavalry (*hipparchs*). The nominees for this position should be chosen by the Guardians following the same procedure described above for the Generals (756a-b). But then the Athenian changes his mind concerning the electors of these officers. First he says that all members of the military should participate in their election at 755e, but then at 756b he states that only the members of the cavalry should vote while the infantry look on. The members of the cavalry also vote to choose their own tribe commanders (756a).

According to Morrow, the election of the Generals takes place at a meeting of the citizen assembly and proceeds in a manner similar to the elections held in Athens (178-179). Rather than selecting these military officers according to the lot, the historical Athenians “recognized the necessity of experience and competence,” and thus established this election procedure (180). However, in the Athenian’s proposal the Guardians take over the role of nominating that was carried out by the Athenian *boule*, and the number of Generals in Magnesia is reduced from ten to three. Morrow suggests that Plato intended these Generals to play a more limited role in the government of Magnesia in comparison to the historical *strategoi* of Athens (180).
in students who are at odds with the lawgiver’s plan for the city. Because the lawgiver “must not allow the upbringing of children to become something secondary or incidental,” neither fathers nor privately-hired instructors can be allowed to control the children’s paideia in music and gymnastics. These tasks must be supervised by magistrates who oversee the gymasia and schools, as well as the musical and athletic contests (764c-765d). Because education is of particular importance in this polis, these magistrates are in turn directed by the “Supervisor of Education,” a position considered to be “by far the greatest of the highest offices in the city” (765e). The man who fills this role should be “the best person in the city” in every respect, as well as a father who has experience with children of his own (766b, 765d). His selection and scrutiny are not left to the many, but to the leaders of the polis who are already magistrates themselves (766b).

Next, the Athenian creates a system of courts, which allows for the regulation of conflict in the city. Disputes among citizens will not be settled by violence, but through the application of the law, rational deliberation, and judgment. He institutes a system that consists of three courts, arranged hierarchically. Once again, he allows for the further education of the citizens through their participation in this judicial system. The court of first resort in private disputes consists of the friends and neighbors of the litigants, and the majority of citizens are also allowed a significant role regarding crimes against the public (766e-768a). The Athenian recognizes that although “it isn’t easy for many, or even a few, if they lack the capacity, to judge well,” it is necessary to give this power to the many in order to educate them about the law and to teach them to internalize it. Such
a share in ruling reinforces their understanding of themselves as parts of a greater whole. This kind of habituation also teaches citizens to view an injustice against the city as an injury to themselves (768a). In order to create the proper attachment that makes citizens desire to serve the community and to obey the laws, they must be allowed to participate in such activities so that they feel they have a personal stake in the governance of the polis. However, the Athenian also tempers the power of the many by creating two higher courts that handle appeals from the neighborhood court (766e-768c). The highest court of appeal, which is devised to be “as incorruptible as human power…can make it,” consists of the best men in the city so that ultimately reason and virtue have the final say in settling disputes (768b; 767c-767e).

3.3.2 The Second Problem of Time: Allowing for Improvements and Educating Successors

As the Athenian concludes this section on establishing leaders for the new city, he acknowledges that his laws are incomplete (768c-e). He is aware of the limitations of creating legislation in the changing world of becoming things. He has established guards who strive to prevent irrational forces from corrupting the city’s established laws. However, he also recognizes that it is not wise to attempt to eliminate all change from political life. Turning to the metaphor of the painter who seeks to make his creation as beautiful as possible, he acknowledges that the lawgiver must face the second half of the problem concerning time (769a-c). While it is important to stop decay, he must also
permit positive changes and additions to the laws that allow the city to realize its proper telos.

In order to achieve this goal, the Athenian acknowledges that the city also needs leaders who are capable of supplementing the nomoi according to his vision. As discussed earlier, the lawgiver’s task is to bring his actual city as close as possible to his image of the rational polis. As suggested by the image of the painter, a lawgiver requires time to embellish his laws continually in order to allow them to adapt to changing circumstances, as well as time to improve upon arrangements that have been tested by practice (769d-e). It would be best if the original lawgiver could oversee these changes himself, but because he is a mortal being also subject to the limits of time, he must train successors to follow him (769c-770a). Therefore, the Athenian must establish successors who can do more than simply protect the laws that he has already laid down. They must also be capable of moving the laws closer to the vision of the best polis by supplementing them and improving those practices that have been tested over time (769d). As the Athenian states, these future leaders must be “lawgivers as well as Guardians of the Laws” (770a). They must be taught to share in the Athenian’s double vision. Like him, they must learn to see both the being and the becoming simultaneously. First, they must be taught to see the rational order of nous and to establish this as the telos at which the laws must aim. Secondly, they must also see his city and its citizens as they actually manifest themselves in time. Finally, they must learn how to use persuasion to bridge the gap between the being and becoming, and to bring the irrational into closer union with the order of nous through gentle and incremental change.
Just as the Athenian has begun gradually to fill in the details of his earlier laws, these future lawgivers must be capable of performing this same activity throughout the city’s lifespan (770b-c). Therefore, the Athenian now begins a new pedagogical task and addresses a new audience. In addition to persuading Kleinias to accept his reforms, he also begins to educate a new generation of lawgivers who will help to fulfill his vision for this city (770a). They will learn his art of gentle legislation by following his example of using persuasion to improve the laws through gradual changes that move the city towards the realization of its true and proper telos.

In order to fulfill this new task of educating his future successors, the Athenian returns to some of his earlier laws to make incremental improvements through persuasion. In the process of adding more detail, he continues to reform the irrational aspects of the city so they harmonize with his vision. He begins with the sacred. Earlier he explained the importance of the sacred in solidifying the law in the hearts of the citizenry, and here he continues to extend its influence. He returns to the first laws concerning the number of households and adds further details concerning the particular sacrifices to the gods that will reinforce the citizens’ belief in the sanctity of this number (771b-d). He draws a connection between this law and the divine order of the cosmos. He also uses the sacrificial rituals as an opportunity to increase the “kinship and familiarity” of the citizenry (771b, 771d). In addition, he also suggests arranging the physical layout of the city such that the sacred temples form a symbolically protective
barrier around the entire city, and particularly around the marketplace (778c). In each of these ways, he subtly improves his earlier legislation to reinforce the unity of the city.

In addition to returning to the laws concerning the sacred and the number of households, the Athenian also returns to the laws concerning the private, particularly those pertaining to marriage and the family. In his earlier prelude concerning marriage, the Athenian previously had appealed to the individual citizen’s personal desire for fame and immortality in order to motivate men to marry and procreate (720e-721d). Now he adds that the private desire for a partner must be gently persuaded to harmonize more fully with reason and the common good of the whole city. He explains that citizens should not follow their own uneducated personal preferences when making their choice of a spouse, but should opt for a partnership that benefits the polis (773b). Once they are old enough to marry, the citizens are allowed to choose a partner, but must first listen to a prelude designed to persuade them to base their choice on the good of the community rather than private interest (772e-774a). The aim of this new prelude is to use persuasion to gently educate the private desires to follow reason. The Athenian refrains from using force or written laws to coerce this desire, but relies instead upon this “enchanting song” to teach the many not to prefer their personal choice over the well-being of the entire polis.

After his modifications to the marriage laws, the Athenian returns to the larger question of the private family. As he embellishes upon his earlier legislation, he continues to introduce reforms that bring the family into closer communion with the
image of the best and most unified city. Most importantly, he now recognizes the need to regulate further the private aspects of family life in order to prevent them from competing with the law:

Whoever intends to promulgate laws for cities, and regulates how men should act in regard to public and common actions, but supposes he need not apply a degree of compulsion to the private things, supposing that each can live his daily life as he wishes, that it’s not necessary for everything to be ordered—whoever leaves the private things unregulated by law and believes the people will be willing to live with the common and public things regulated by the laws—is incorrect in his thinking. (780a)

In order to further train them to serve the common good, the families in this city must not be allowed to have unregulated private lives such that they become accustomed to the irrational ruling in their homes.

Although the Athenian clearly states that each newly married couple must set up their own separate, private household, he quickly establishes new laws that will rationalize and regulate even the most private aspects of family life (776a). 72  Beginning with the couple’s home itself, the Athenian suggests that while each family should be given a private house, all of the individual homes should be built next to one another, thereby “presenting the appearance of one house” (779b). 73  This “one house” will serve as a wall to protect the city (779b). As the citizens protect their homes, they will also defend the polis. Through this arrangement, the Athenian has physically and

72 Strauss argues that the Athenian minimizes the importance of these private homes by saying very little about them (96). He contrasts this to Xenophon’s Socrates who is concerned with these domestic and private matters (Memorabilia III 8.8-10; cf. Oeconomicus 9.2-4). Strauss goes so far as to claim that “the Athenian remains as close to the regulations laid down by the Socrates of the Republic as the hypothesis of the Laws permits” (96).

73 See also Michael Kochin’s discussion of this point (108).
symbolically harmonized the citizens’ self-interest with the good of the *polis* so that they are no longer in competition. The private desire to protect “one’s own” now extends to the entire community and serves the greater good of the whole.

In addition to unifying the private homes of the citizens, the Athenian also further regulates the daily affairs of these newly created families by suggesting that husbands should continue to partake in common meals as they did before marriage (780b). Even more radically, he also proposes that women be required to share their meals in common (781a). With this, the Athenian begins to focus on one of his most radical reforms—the attempt to bring women into the public life of the city and to establish equality between men and women.

Despite some of the statements he has made that reflect more traditional attitudes towards women (669c, 770c-d, 781b) and his establishment of certain traditional practices that give men power over women (774e), the Athenian has hinted at a number of innovations regarding the role of women that have escaped the notice of his interlocutors (764d, 765d). Perhaps emboldened by the lack of resistance from the Dorians, the Athenian now suggests that “if it were ordained that *every practice* is to be shared in common by women as well as men, it would be better for the happiness of the city” (781b, emphasis mine). The Athenian recognizes that women in most Greek cities represent the private incarnate—they are excluded from public life and are left uneducated and unregulated (781a). He sees that because they are “habituated in a retired, indoor way of life,” they are left to develop according to chance or unreflective
tradition outside the scope of the law (781a). But just as the Athenian has begun to educate and reform the irrational and teach it to desire to follow reason, here the Athenian also applies this principle to the women of the city. They must not be left out of the lawgiver’s rational *paideia* so that their souls lack harmony. Despite their initial protests, women gradually must be persuaded to participate in this education beginning with the institution of common meals for the sake of the greater good of the whole (781b). The Athenian’s primary motivation for the reforms he proposes is not to correct a perceived injustice against women; rather, he suggests that in order for his rational plan for the whole city to be successful, those things traditionally considered private—including women—must be regulated and made orderly. Without achieving this transformation, these irrational components of human life will threaten to undermine the public, common things that the lawgiver has labored to regulate. The Athenian argues repeatedly that his ability to bring order to the female half of the city is crucial to the establishment of his rational plan for the city (780a, 780d-781b, 807b).

Furthermore, in successfully securing Kleinias’ and Megillus’ interest in listening to this proposition, he also teaches several lessons to the future generation of lawgivers whom he began to address at 770a. First, he demonstrates how to use persuasion to introduce reforms. Secondly, he reveals the perspective that is required of his successors if they are to continue to improve the laws and to realize the *telos* that he envisions. As he introduces this most controversial innovation concerning women to the Dorians, he is able to open them up to the possibility of this new practice through play and preludes, and yet he also illustrates the importance of recognizing their limitations. The Athenian
demonstrates how to persuade these men by first reminding them that they are at leisure to explore and experiment with this strange new idea (781e). Furthermore, he tells them a kind of story—something like the myth he offers at 676a—which prepares his listeners by allowing them to step outside of their own limited experience as Dorians living in a specific time and place. Through this prelude, he returns to “the first things” and envisions the world as a place of becoming and constant change in which there have been countless numbers of different customs and practices (782a-c). He distances the Dorians from their attachment to their own laws by reminding them that even certain practices they accept as commonplace (such as eating meat) would have been forbidden by earlier generations (782c-d). From this detached point of view, it is easier to consider strange customs rather than immediately dismissing them because they differ from one’s own familiar practices.

In this way, the Athenian demonstrates that it is the perspective of a stranger—one who transcends the ways of his homeland and is familiar with foreign customs—that allows the individual to envision the best reforms for his city. The art of lawgiving requires the perspective of a *xenos* who can imagine the possibility of a new and better way of life that is different from his own traditional upbringing. The Athenian also begins to explore the fundamental malleability of human beings as a result of the proper education of their desires for drink, food, and sex through the use of “fear, law, and true reason” in conjunction with music and contests (783a-b). He has already regulated the desire for drink in the earliest section of the dialogue, and now he is about to begin regulating the desires for food and sex.
And yet, although it seems as if Kleinias is primed to accept the Athenian’s new laws, the Stranger stops short of elaborating the details. He shows his future successors that proper timing is also essential to the art of gentle lawgiving. First, he acknowledges that reforms such as this must be proposed gradually and incrementally by building on what has already been established. He notes that in a city that never practiced common meals among men, implementing them for women would never be accepted (781b-d). However, among Dorians who already engage in the former practice, the inclusion of women in those meals might be more readily accepted. Therefore, he teaches his successors of the importance of making gradual changes that complement past laws and already established customs. But he also illustrates that sometimes further education and preparation of one’s audience may be necessary before the details of an outline can be properly elaborated. Successors are necessary because more time must pass before certain improvements can be introduced. In the case of including women in the *syssitia*, it seems that additional teachings regarding education and the malleability of human nature are needed before the Athenian can completely reveal his plan for the women’s inclusion in public life.

Finally, then, instead of pushing his interlocutors beyond their limits before they have been adequately prepared to hear and accept his teachings, he turns instead to the regulation of another of the most private aspects of family life: the procreation of children. Even this most intimate act must be made subject to reason. Rather than following their desires, newly married couples are to be persuaded by means of a prelude
to “reflect intelligently upon themselves and upon the deed itself” (783e). They are to be supervised by specially designated female magistrates who ensure that husbands and wives fulfill their procreative responsibility to the community and that they refrain from “doing anything wrong or foolish” in regard to their sexual activity (784a-c). Kleinias and Megillus accept this final regulation of this erotic longing that “makes human beings burn with complete madness” without comment or protest (783a). Although they are not ready for female syssitia, they are ready to accept this regulation of the desires of the citizens, as well as a small role for female magistrates. Having successfully established this small role for women, the Athenian pushes a bit further. At 785b, he adds a more general statement that women may enter public office at the age of forty, although he does not specify which offices they may hold at this point. At 785b he proposes that women may be allowed to serve in the military, performing “whatever military services it seems women should be employed, each will be ordered to do what is possible and fitting for her, after she has borne children and until she is fifty years old” (785b). This statement begs the listener to inquire as to what kinds of services women are capable of performing, yet the Dori ans are not quite ready to hear his plan in its entirety. They do not respond.

74 Females marry between the ages of sixteen and twenty (785b). The Athenian assumes that they will give birth to their first child within the first year of marriage (779e), and they are supposed to “procreate children and keep watch over themselves for ten years, but no longer” (784b). Given the Athenian’s recommendations for the education of young children at 794a, it is possible that a female citizen could begin military service around the age of twenty-nine and then serve until she is fifty. As scholars such as Morrow have also noted, the fact that women may serve in the military could mean that they are to be included in the citizen assembly and may perhaps serve in the boule, although Kochin dismisses this possibility (Morrow 157, 168; Kochin, 97). They may also possibly participate in the selection of the Guardians of the Laws (753b-d) and the military leaders (755c-756b), as well as the selection of the Presidents and members of the Council (755e, 756-e). However, the text does not explicitly establish any of these roles for women. They are merely aspirations for the lawgiver at this point.
As this section of the dialogue comes to a close, one sees that the Athenian has continued to build upon his earlier laws as he practices his double-vision. As he tries to reconcile this current city with his vision of the best polis, he utilizes persuasion in the form of preludes, poetry, habituation, and the sacred. He makes incremental reforms in order to bring gentle changes that his Dorian interlocutors will willingly accept. He recognizes limitations on the efforts of the lawgiver as a result of the irrational, but he also imagines an education that allows him to push beyond them. He demonstrates that just as Kleinias and Megillus are beginning to accept his plan, the irrational can be taught to desire to follow reason. Finally, the Athenian reveals that an integral part of his education for this city involves a new audience. While the Athenian continues to speak to Klenias and Megillus, he also begins to address a new generation of lawgivers and demonstrates the art of lawgiving for them. He must teach them how to fill in the details of the outline for a polis that exists in the becoming world. By successfully gaining Kleinias’ and Megillus’ acceptance of his new laws throughout these books, he offers a blueprint to these future lawgivers. He shows them how to gently persuade the older generation that currently holds power to relinquish its control and to accept innovations from those better qualified to rule.
CHAPTER 4:
FRUSTRATED ASPIRATIONS AND THE LESSONS OF LIMITATION
(788a-882c)

In this section of the dialogue, the Athenian Stranger is both the architect and recipient of an education in moderation. He creates an orderly paideia in virtue for his citizens, but he also develops a more profound appreciation of human limitations, including his own. While the Athenian developed an effective means of educating the irrational up to this point in the dialogue, he now begins to learn that his gentle persuasion cannot completely tame the passions. The Athenian still utilizes his unique “double vision” while legislating, but he now further refines this approach to lawgiving by learning to balance the drive to achieve his vision of the best city and soul with a more realistic appraisal of the irrational aspects of human nature and political life. The harmonious city and soul still remain his goals, but in this section of the text he is reminded that a prudent lawgiver must resist the temptation to believe that the desires can be perfectly and permanently trained to follow logos or nomos. Lawgivers who underestimate the power and persistence of the irrational will craft laws that are destined
to fail. They can achieve a greater degree of success when they humbly remember and respect human shortcomings. The self-interested passions are impossible to tame completely, conflicts among human beings are inevitable, and perfect obedience to the law is unattainable for most citizens. As this portion of the text demonstrates, even the lawgiver is imperfect and needs ongoing education regarding the limitations of his own art.

Earlier in the dialogue, the Dorians are the primary pupils and the Athenian is their teacher. But now, the latter also takes on the role of student. This section of the text tells the story of the Athenian’s education. In the first part of this section (788a-824a), the Athenian offers his plan for the public paideia of Magnesia. As he does so, he expresses growing confidence in his ability as a lawgiver to teach his citizens to master their private desires and dedicate themselves to following the rule of logos. This confidence reaches its peak at 828a-838e as the Athenian imagines that his citizens will achieve nearly perfect harmony within their souls, as well as with their fellow citizens. However, beginning at 840e, he eventually realizes that the self-interested passions cannot be mastered so easily. Furthermore, just as perfect consonance within the soul cannot be attained, he also learns that perfect harmony in the city is not only impossible, but also much more difficult to approximate than he realized. Not only is the best city out of reach, but the city that is “second in point of unity” is also problematic (739e). As the Athenian gains greater appreciation for the complexity of these problems, he stops focusing so exclusively on his divine vision and remembers to care for those whom he failed to persuade through his public paideia. Recognizing the existence of those who were unaffected by his first attempt at education entails a humble acknowledgement of
his own limitations as a lawgiver and educator. As he tells Kleinias at 859c, “We are not yet lawgivers, but someday we may be.” And yet, while he does learn to temper his expectations, he still perseveres in his efforts to improve this city. With his new awareness of the depth of human struggle to obey the rule of reason, he moderates his goal for the city regarding the question of harmony. While perfect sumphonia is out of reach, he embraces a new kind of friendship achieved through ongoing reconciliation, which is made possible through the penal laws.

4.1 The Promise of Paideia (788a-824a)

In this section of the dialogue, the Athenian presents his plan for a public paideia for the future city. It is a system designed to achieve harmony, both within the individual soul and among the members of this political community. It also reflects the Athenian’s optimistic outlook on his ability to tame the irrational through persuasion. First, he envisions a new, rationally ordered educational system. According to his plan, the youth of the city will be transformed from individuals controlled by their passions into members of the community who seek to embody virtue. He is confident that they will be persuaded to honor logos as the ruling principle within their own souls, in addition to respecting its leadership in the governance of the city. This education will teach the citizens to obey the laws freely and live in peace with one another, as well as to share in the rule of the city more effectively. Secondly, he implements his double vision by gently persuading those in power to accept his reforms in such a way that moves the actual city closer to his image of the unified polis described earlier at 739c-e. And once
again, the Athenian utilizes the tools of pleasure, habituation, and the sacred. In all of these ways, the Athenian seeks to educate the irrational gently, persuading it to serve the leadership of *nous*. However, throughout much of the Athenian’s discussion of the public *paideia*, his confidence in his ability to educate the irrational becomes excessive. He mistakenly assumes the passions can be completely mastered, and suggests that injustice can be prevented in this city. As the Athenian struggles to create laws regulating sexual desire and as he sees the need for a penal code in Magnesia, the Athenian learns to moderate his expectations through a greater appreciation of human limitations.

Before examining the education received by Athenian, one must first examine the details of his optimistic plan for his public *paideia*. In doing so, this dissertation will focus on the main components of his education of the rational and irrational parts of the soul, examining how each contributes to the overall movement of the city towards his vision of the rational *polis*. These components include: expanding the scope of the public education; utilizing reformed pleasure in the form of gymnastic, music, dance, poetry, and games to habituate children to moderate their passions and follow reason; limiting the influence of chance and change, as well as tempering traditional custom and parental control over the public *paideia*; reforming the subjects of study in order to strengthen the leadership of reason in both the individual soul and in the city as a whole; and establishing intelligence as the ruling principle of education through the Supervisor of Education. Secondly, this dissertation will analyze the Athenian’s education of his
Dorian interlocutors. This discussion of education highlights the challenges facing the lawgiver who seeks to tame the irrational and implement reforms.

4.1.1 Expanding the Scope of Education

The first reform that the Athenian recommends in this section of the text is the expansion of the scope of the public *paideia*. He proposes including a new group that was traditionally neglected because its members were associated with the irrational and were considered to be ineducable: very young children up to the age of three, including newborns and fetuses within the womb (789a-e). While the very young were overlooked in most Greek pedagogical systems, the Athenian includes them because he optimistically sees even the youngest members of the city as capable of acting in accordance with *logos* to some degree. The Athenian’s purpose in expanding his educational system in this way is to reach human beings at an age when they are the most malleable. He explains to Kleinias that crucial development takes place at this early, pre-rational stage: “…one should not allow oneself to pursue pleasures headlong…. Least of all the newborn, if one can help it,

75 In Crete, boys began their public education at the age of seventeen (Müller 318). In Sparta, boys left their private homes and mothers at the age of seven in order to begin the *agogé* (Plutarch, *Life of Lycurgus*, XVI.4). See footnote eighty-one for a discussion of female education in Crete and Sparta.
for that is the age when, through habituation, the most decisive growth in the entire
caracter occurs for everyone” (792d-e). It is essential that this development not be left
to chance (789a). Although these infants and toddlers are yet unable to speak, it is
critical to begin preparing their souls to accept the leadership of logos through proper
education. The expansion of the public paideia to include these youngest children reflects
the Athenian’s hopeful outlook on the possibilities of education if begun early enough.
The Athenian confidently asserts that by intervening at this early point he can “implant in
the newborn” a moderate disposition, and he even suggests that these children are capable
of being molded like wax (789e-790a, 792b).

During this first stage of education, children possess very little rational capacity
of their own. Therefore, the Athenian must teach them to follow the rule of reason
emanating from a source external to themselves. In this way, the Athenian prevents the
irrational portion of their souls from assuming a leadership role, and instead they become
accustomed to the sovereignty of reason. The Athenian prepares them to accept the
arche of logos by habituating their bodies, appetites, and desires using orderly motion
and music (790c-e). For example, the youngest children are carried about by their nurses
so that their bodies become strong, and so that they become accustomed to the well-
measured movements of fully rational adults (789d-e). Self-directed motion is permitted
once the children begin to mature and to develop their own rational capabilities.

The Athenian suggests that constantly exposing young children to this kind of
orderly motion, as well as to well-measured music, will calm them and bring peace to
their souls. It transforms their passions from a state of disorder into one of tranquility and harmony, a state similar to that of the virtuous soul. The Athenian explains that “the motion brought from without overpowers the fear and mad motion within...and...makes a calm stillness appear in the soul” (791a). This education seeks to exchange one kind of motion for another, replacing the chaotic, irrational motion within their souls with the harmonious order of reason given by the lawgiver.76 Most importantly, the Athenian emphasizes that these young children be habituated to seek moderation: “the correct way of life should neither pursue pleasure nor entirely flee pains. Instead, it enjoys the middle course” (792c-d). The Athenian refuses to leave the education of these children to chance or to allow them to become accustomed to the immoderate rule of their appetites. He uses well-measured music and gentle movement to habituate them to embrace sôphrosunê.

The Athenian’s education for slightly older children follows this same principle. He continues to instill a desire for moderation and harmony in boys and girls ages three through six. He encourages them to develop a preference for orderliness through pleasurable games, although he also incorporates mild punishments to prevent them from developing a “taste for luxury” (793c). These three to six year olds spend their days with the other children of their district, learning to play peacefully with one another under the watchful eyes of nurses and female magistrates rather than remaining isolated in their

76 According to the Athenian, the principle behind this motion and music-centered early education is modeled after the cure of the Corybantes. However, there seems to be an important difference between the two. The Corybantes expose revelers to frenzied, irrational music that causes them to enter a state of ecstasy. In contrast, the Athenian proposes exposing children to rational music and motion in order to establish “prudent habits,” to dispel terror, and to bring the order of virtue to their souls (790e; 791a-c).
private homes under the care of their individual mothers (794a). In many ways, these orderly groups of young children that are supervised by their nurses resemble the same structure as the drinking parties from the first section of the dialogue in which sober generals oversee the activities of the drinkers and bring order to their pleasurable activities (640d).

4.1.2 Women

But will the mothers of these young children willingly relinquish control over their progeny at such an early age as the Athenian presumes? It is essential to note that as the Athenian begins to reform these early stages of children’s education, he also returns to the question of women’s roles in the city. His goal is to bring them out of their private homes and into the common life of the polis. Establishing a greater role for women in the common life of the city has merit as an end in itself, but it is also a necessary step in the education of young children as he removes them from the exclusive care of their mothers and welcomes them into the public paideia. The Athenian argues in favor of the nearly full inclusion of women in the public life of the city by offering to include them in the

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77 This assumes that before the age of three, children are cared for by their mothers (and family servants) in the private home. This is an important contrast to the Republic, where infants are immediately removed from their mothers (460b-c). This frees the female guardians from all childrearing duties (with the exception of nursing random children) and undermines the sexual division of labor (460c-d, 451d-456c). This allows female guardians in Kallipolis to partake equally in the city’s educational system, which in turn allows them to participate fully in public life during the entire course of their lives. Because the women of Magnesia are required to marry, bear children for ten years, and care for these children at home until they enter the public system of education, they are prevented from sharing in the public life of the city to the same degree as the female guardians in Kallipolis (785b, 784b).
educational system (as they were in Sparta), by recommending common meals for women, by suggesting that they serve as warriors, by allowing them to become public magistrates, and by suggesting that they “share their entire lives in common with men” (805d).

In this middle section of the dialogue, the Athenian presents a rather radical and egalitarian vision concerning the role of women in his city. However, as the dialogue progresses, he becomes more aware of his citizens’ inability to overcome the irrational, as well as his own limitations as a lawgiver. As a result, his ambitions pertaining to women are tempered. Although he ultimately establishes a greater role for women in the public life of Magnesia in comparison to their historical status in both Athens and Lacedaemon, he does not completely fulfill his initial vision. Several key components of his earlier plan are left unresolved, and other elements of his legislation in the later

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78 As Roger Just explains, “Women in Athens possessed no active political rights. They could neither speak nor vote in the ekklesia, the citizen assembly, nor could they attend its meetings. Further, they were unable to hold any administrative or executive position within the secular organization of the state (including that of juror in the popular courts). In the Greek sense of the word, they were not citizens—in Aristotle’s definition, participants in the offices and honors of the state” (13). And yet, despite this exclusion from formal avenues of political power, Just also argues, “women were fundamental to the organization and structure of the polis, even if their role was largely passive. Rights of religious and economic inheritance were transmitted through women as much as through men, and it was through connections via women as well as connections via men that an individual was situated within the kinship structures from which his social identity derived. Although women were not themselves ‘citizens,’ the maintenance of the Athenian polis as a closed community of citizens depended on rules and regulations which recognized women and which incorporated women in the official structures of the family and the state. Indeed…the very definition of an Athenian citizen involved his being born of an Athenian father, but also of an Athenian mother properly given in marriage by her kin” (24). Other scholars offer similar descriptions of women’s status in the political life of Athens, such as Fantham, et al., who argue that Athenian democracy was a “men’s club,” in which women helped to determine the citizenship of their children, but lacked direct participation in governing the democracy (74). However, these authors also note, “despite the attempt to regulate women’s public activity and reputation, women in classical Athens legitimately appeared in public contexts when they engaged in ritual activities. Women’s participation in civic cults and their role as religious officials often represented a significant opportunity to contribute, at least symbolically, to the welfare of the city-state as a whole” (83). See also Blundell (128-129).
sections of the dialogue embody a more traditional conception of the place of women in the community. The question of whether the Athenian’s successors could achieve his complete vision at some future point is left ambiguous, although the possibility of such changes highlights the need for living intelligence to supplement the laws of this city so that they continue to improve over time. Overall, the Athenian’s difficulty in legislating for women mirrors one of the most important themes of the text in which the Athenian learns to appreciate the limitations the lawgiver faces in attempting to realize his vision of the well-ordered and harmonious city.

As the Athenian begins to design his educational reforms for the first stage of children’s lives, he is deeply concerned with the need to persuade the women of the city to accept his suggestions. The Athenian knows that it is women who currently exercise authority over the early education of children within their private homes and families, and he fears that they will be unwilling to agree to his innovations, suggesting that they would even laugh at his ideas (790a). And yet, he explains that if he leaves this area of private life unreformed and unregulated “it is vain for someone to suppose the common things will stand on a firm legal footing” (790b). He also knows he cannot circumvent the influence of women, but must respect the power they exercise over their children. 79 Therefore, before he can implement his plan for the youngest children, the Athenian must turn his attention more fully to the female citizens. As noted in the previous chapter,

79 For example, if the Athenian wishes to expose fetuses in the womb to moderate practices at this early stage (792e), he has no choice but to persuade women to comply with his plan, since there is no way to reach the fetus except through its mother. Nature puts limits on the lawgiver’s ability to educate these young children directly.
women represent yet another aspect of the city traditionally associated with the private
and the irrational that he must bring into harmony with his laws. In order to transform
them, he must gently persuade them of the merits of joining with the lawgiver. Only then
will they share their power with him and allow him to reform the way in which they
nurture their young.\textsuperscript{80}

Furthermore, if he is to bring women into the public sphere successfully, the
Athenian also must persuade the rest of the city—as well as his interlocutors—of the
benefits and feasibility of this proposal. Fortunately for the Athenian, his Dorian
interlocutors are accustomed to affording females a greater role in public life than are the
members of his native city. While one cannot claim that females were regarded as equals
of men in either Crete or Sparta, they were not completely sequestered in the private
home as Athenian women were. Instead, the Spartans educated their young women, 
albeit separately from males.\textsuperscript{81} As a result, the Athenian includes girls in the first stage of

\textsuperscript{80} See 794e for an example of the way in which the ignorance or “mindlessness” of women
interferes with the proper education of their children. In order to prevent nurses and mothers from
crippling the hands of their children through improper habituation, he must either remove children from
their care or persuade these women to change the way they habituate their young. In either case, women
are the obstacle that blocks the correct education of the young. This same notion is echoed earlier in the
text at 694d-695b. Here the Athenian described the problematic education of Cyrus’ children, which was
controlled by women. Because these women lacked understanding about the true nature of education, they
failed to educate Cambyses properly by teaching him to moderate the desire for pleasure. As a result of his
“feminine upbringing” he became corrupt and lost his father’s empire (694a-695b).

\textsuperscript{81} Although no information is available concerning the inclusion of females in the educational
systems of Cretan cities, girls were publicly educated in Sparta. According to Plutarch, female education in
Sparta consisted of rigorous physical training, including running, wrestling, and throwing the discus and
javelin (\textit{Life of Lycurgus}, XIV. 1-3; see also Pomeroy 12-27). Pomeroy also conjectures that Spartan
females may have learned to read and write, in addition to studying music, dancing, and poetry (5, 12).
While the physical education of Spartan girls was not as challenging as that of their male counterparts, it is
possible that their cultural level may have been superior (Pomeroy 4, 8). Despite these advances, Redfield
notes that Spartan women were merely “of the polity but not in it” (161). For example, Spartan girls did
not leave home to live in common as boys did (Pomeroy 4; see also Cartledge 84-105), nor did they
participate in the \textit{syssitia}, which were reserved for men (Plutarch, \textit{Life of Lycurgus}, XII. 1-7; Müller 295).
the public paideia at 793e without protest from his interlocutors. Then at 794c, he assumes the inclusion of girls in this education by suggesting that males and females be separated for their studies after the age of six. Although he recommends separation here, he is quick to emphasize the similarities between the two sexes by recommending that girls must study the same subjects as boys, including horseback riding and training in the use of weapons, particularly heavy arms (794d).  

Furthermore, as both Pomeroy and Cartledge agree, the purpose of female education was not to prepare them to be warriors or participants in the political life of their city (Pomeroy 4, 16). Instead, the goal of this paideia was to “prepare them for their future subordinate role as wives and mothers of warriors” (Cartledge 93). Thus, despite the superior status of women in Sparta when compared to Athens, the Spartan women were not recognized as equals within their own city. The Athenian Stranger’s upcoming arguments concerning ambidextrousness as it applies to gender and his recommendation of common meals for women are progressive, even for a Spartan citizen like Megillus.

The reader must also keep in mind that the actual audience of the Laws is Athenian, for whom such suggestions would have been regarded as truly radical. Pomeroy explains that Athenian girls did not participate in the kind of education prescribed for boys “because a modest, well-brought up young woman was hidden from the public eye. At home with her mother and other women in the household, a girl learned the skills that she would need to use as an adult. Wearing long dresses, and playing indoors with dolls and small animals, she learned to be nurturant and to perform household tasks” (3). According to Blundell, “Whereas many [Athenian] boys between the ages of about six and fourteen attended small private schools, there is very little indication that girls received any education outside the home (132). While this education may have included lessons in reading, writing, music, dancing, and lyre-playing, Blundell stresses that these subjects were reserved for girls of privilege, explaining “the most common form of instruction received by girls in the home would have related to their domestic role. This would often taken the form of helping out with tasks such as cooking, cleaning, caring for younger children, and handicrafts” (133). Blundell adds that “there is no evidence to suggest that Athenian girls were given any kind of systematic athletics training in the gymnasium, as boys or Spartan children were; but some vase paintings of the sixth and fifth centuries indicate that they may not have been so rigorously confined to the home as might be otherwise imagined” (133).

According to Plutarch’s account of female education in Sparta, it is the training of females to use heavy arms that is the only true innovation that the Athenian recommends in this passage (Life of Lycurgus, XIV. 1-3). However, as noted earlier, the Athenian states that “eligibility to share in the selection of magistrates is to be extended to all who possess heavy weapons, cavalry or infantry, as well as to those who have taken part in war as long as the capacity of their age allowed” (753b-c). This possibility that women could participate in the citizen assembly and elect their leaders is a radical innovation, even among the Spartans, as is the Athenian’s recommendation at 785b that women should serve in public offices and participate in the military.

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However, the Athenian is not content simply to imitate the Spartan’s approach to the treatment of females, but pushes farther. While Spartan women received a rigorous physical education, their lawgiver fell short of allowing them to put this training to use in defending their city (Pomeroy 4, 6). The Athenian now argues in favor of this expanded role by following his familiar pattern of introducing a less controversial topic that serves as a metaphor in order to persuade his listeners to accept a more radical proposal. The Athenian’s persuasive tactics here are similar to those he used earlier in the text when he suggested implementing drinking parties. At that earlier point in the conversation, he refrained from directly critiquing the legal systems of the DORians, and focused instead on the topic of symposia in order to introduce his reforms without arousing the anger of his interlocutors. Now at this later point in the dialogue, before he recommends allowing women to serve as warriors in the city, he turns to a much less controversial topic: ambidextrousness. This topic serves as a metaphor for the equal education of females and their inclusion in the city’s defensive force, but in such a way that will be much less likely to spark the thumos of the DORians. It is much less revolutionary to argue in favor of the equal usage of right and left hands than to suggest that both males and females be allowed to defend the city. By first persuading Kleinias and Megillus of the benefits of ambidextrous training, he is able to offer a more gentle critique of his interlocutors’ lawgivers. He also captures their attention by appealing to their interest in the art of war.

The Athenian’s argument advocating ambidextrousness begins with a critique of the “belief that nature makes our right and left sides differ” regarding the use of our hands (794d). He attributes this false belief to “the mindlessness of our nurses and
mothers” (794e), which has resulted in the placement of unnecessary limitations on human potential. The Athenian points out to the women themselves, as well as to the men of the city and his interlocutors, that allowing women to persist in ignorance and to perpetuate false beliefs such as this harms the entire polis. He corrects this flawed belief by suggesting that since “by nature the limbs on both sides are almost equally balanced,” it is the conventions of human beings that make them differ “through habituation and by not using them correctly” (794e). He supports this thesis with evidence drawn from his knowledge of foreign cultures, explaining that the Scythians successfully train their archers to use both their left and right hands (795a). Appealing to the Dorian’s concern for success in battle, the Athenian argues that this innovation is particularly important as it applies to war and the use of heavy arms (795a-b). The equal education of both the right and the left is the essential factor for success.

Although the Athenian never explicitly connects the metaphorical image of right and left hands to the relationship of men and women in the city, the fact that the discussion of ambidextrousness interrupts his recommendation for educating females in all the skills required for battle implies such a connection. If one accepts this

83 Note the importance of the Athenian Stranger’s knowledge of foreign practices throughout this argument. Although later the Athenian suggests protecting the children of their city from exposure to foreign practices (798b), his argument here demonstrates the need for a stranger’s perspective when practicing the art of lawgiving. Someone who is familiar with strange customs can critique and improve the existing laws more effectively, as the Athenian does here.

84 Many scholars accept this interpretation. Kochin argues that the Athenian Stranger argues for the equal employment of both boys and girls “under the cover of a discussion of the training of the right and left hands, Pythagorean symbols for male and female” (94). According to Okin, the discussion of ambidexterity is “a lightly veiled allusion to his belief that men and women, like right and left hands, would be far more equal in ability if they received equal training” (361); Forde calls the topic of ambidextrousness an “analogue to the problem of gender and nature,” but also describes the discussion as abortive and incomplete (662). In his interpretive essay, Pangle, describes the “the argument for ambidexterity as a
interpretation, what does the metaphor imply? Just as right and left hands have the same nature but differ only as a result of habituation, the Athenian suggests that “by nature” males and females have an equal potential or capacity to perform a number of tasks, including those traditionally reserved for males, such as handling heavy arms (794e). The metaphor also suggests that any perceived inequalities between males and females in this area are a result of flawed education and incorrect usage. Just as the left hand is not weaker than the right by nature, the metaphor suggests that those who contrive to make females weaker do so against nature (794e). These are radical arguments, even for twenty-first century readers of the dialogue. However, one should be careful not to make unwarranted generalizations based on this passage alone. His argument applies only to the idea that men and women are “equally balanced” in performing certain physical tasks. He says nothing at this point concerning an equal capacity for virtue, intelligence, or political rule.

Once he has argued successfully in favor of ambidextrousness, the Athenian gradually begins to introduce the topic of female warriors by suggesting that all citizens—or at least those who “possess two limbs,” which includes women—be taught the impossibility of cultivating ambidexterity and states that this project “illuminates the grounds for resistance to the idea of making men and women share the same military training” (480-1).

85 The question of whether female weakness is natural is discussed by Forde, who notes that “In the Laws, women’s weakness is said to lead to their natural secretiveness (thus suggesting, in accord with the Republic, that ‘weakness’ is the root of the distinctively female traits), secretiveness that makes it at once imperative to transform women into public beings and difficult to do so” (662). However, Forde never mentions the way in which the Athenian’s discussion of ambidextrousness calls the natural status of female weakness into question. If the weakness of females is a matter of flawed habituation as is the case with the weakness of the left hand, then the other characteristics associated with female weakness, such as secretiveness (781a), cannot accurately be described as completely natural either.
to fight with both hands so they can defend themselves or attack others (795c). He applies his argument concerning the use of both hands to the preparation of both sexes for battle. He assigns female as well as male rulers to supervise these matters, and asserts that “all the boys and all the girls will have feet and hands that are ambidextrous, and insofar as possible they won’t harm their natures through habits” (795d, emphasis mine).

In this final passage, the Athenian argues against the flawed, irrational traditions concerning both the training of the body and the treatment of women. By using this gentle form of persuasion that relies on metaphor, he has introduced one of his most radical proposals without provoking any angry objections from his interlocutors.

Having presented this innovation, the Athenian continues to expand women’s roles in the public life of the city. They are no longer confined to their private homes, nor do they care exclusively for their own children, with the exception of infants and toddlers from birth to age three. Instead, they are given leadership roles as magistrates, and they serve as teachers in the public paideia (795c-d). For example, the Athenian suggests utilizing both games and punishments for the education of children from the ages of three to six (793e). These games are monitored by women who will ensure their orderliness (794a). However, these are not women acting in a private capacity as mothers of their own individual children. Instead, groups of children from each district gather together in the temples and are watched by special nurses (794a-b). Here the Athenian removes education from the control of individual parents since these nurses are overseen by the female rulers who will supervise both boys and girls in the first stage of education, while males will supervise both sexes in the later stages of their studies (795c-d).
city rather than by private families. The nurses are supervised by female magistrates, who in turn are chosen by the women who oversee marriages (794a-b). As a result of these innovations, the Athenian has begun to temper the influence of the private family to some degree, thereby freeing women from some of their responsibilities and allowing them to participate in the public sphere. However, as the dialogue progresses, it becomes clear that the Athenian is unable to fulfill completely his ambitious goals for females in the city.

4.1.3 Education in Gymnastic and Music

Returning to the education of the young, once the Athenian has begun to incorporate women into his plan successfully, he may address the second stage of education for children ages three to six. The main components of this second stage are gymnastic and music (795d). Once again, the Athenian continues to use properly-ordered pleasure, now in the form of song and dance to establish the leadership of reason and to habituate the children to desire to follow it. The Athenian first elaborates upon the training in gymnastic, which is divided into two sections, dancing and wrestling (795d-e). In addition to these, the Athenian also recommends choral imitations in which both boys and girls dance in ceremonial processions, honoring the gods while carrying weapons (796c). The Athenian unites the community by incorporating these dances into the celebration of public festivals and processions. Just as the Athenian used orderly motion to calm the inner terror experienced by infants, the Athenian returns to the principle of the “cure of the Corybantes” (791a-b). He uses dance to calm any violent tendencies of
these older children. Once again, the Athenian uses motion and music to “replace…mad
dispositions with prudent habits” (791a-b). Overall, the education in gymnastic is
designed to instill moderation. It trains the body and the passions to be subservient to
logos through the use of dance, which follows the rational rhythms of the lawgiver’s
music.

4.1.4 Limiting the Influence of Chance and Change

Before he returns to the discussion of music, the Athenian digresses and
introduces the subject of children’s games (797a). He explains that in order to protect the
laws from decay and the irrational force of change over time, the games of the children
must be free from “innovation and other sorts transformations” (797b). The youth of the
city should be habituated through their play to find pleasure in the same things rather than
desiring change. The most dangerous thing for the young is to expose them to teachers
who introduce new and different games simply for the sake of variety, thereby
encouraging them to honor that which is novel rather than that which is ancient (797c).
The Athenian warns his interlocutors that this kind of teacher is evil and the greatest ruin
that can befall a city (797c). He explains that when children learn to prefer innovation
for its own sake rather than to fear changing the established laws and customs, they will
grow into adults who desire “different practices and laws” (798c-d). They will seek to
follow the irrational force of change above all else, a force that the Athenian condemns as
“the most dangerous thing in everything except what is bad” (797d). He is aware that the
world of becoming and everything in it is subject to this irrational force—“the seasons,
the winds…bodily habits, and…the characters of souls” (797e). He warns the Dorian of its destructive power: “It isn’t the case that change is…safe in some things and dangerous in others, except, as I just now said, in bad things” (797e).  

At first glance, this sounds like a condemnation of all innovation; and yet, the last portion of this sentence is of utmost importance. As one learns in the last chapter, it is the task of the lawgiver to prevent the decay of his laws, but also to supplement them over time for the sake of amelioration. Although the destruction of good laws is dangerous, it is equally problematic to allow them to remain static without improvements and positive changes. The Athenian’s actions in this dialogue offer proof of the importance of positive change, for despite his admonition against innovation in these passages, throughout this entire dialogue he has played the role of an innovator who has proposed increasingly radical reforms to his interlocutors. In fact, before he cautions against innovation at 797b, he draws the reader’s attention to his role as an innovator by prefacing his comments with a warning that he is about to introduce an argument that is “strange and uncustomary,” as well as “frightening to utter” (797a). Through the juxtaposition of these two passages, the Athenian calls attention to this conflict between his words and deeds. He seems to be precisely the kind of man that he cautions against—

87 In his discussion of change in this passage, the Athenian depicts human beings as characterized by a kind of radical malleability. Just as he suggested at 789e that infants could be molded like wax, and at 791d that one could implant in infants whatever disposition one might wish, here he explains that the man who brings in new shapes and colors can actually transform characters of the young (797c). This radical malleability is emphasized further at 797e-798b, where the Athenian explains how bodies can become accustomed “to all foods and all drinks and exercises, even if at first they are upset by them” through habituation. He also extends this radical malleability to the soul: “Now one must hold that this very same thing applies to the thoughts of human beings and the natures of their souls” (798a). However, this malleability is challenged to some degree after 840e where the Athenian must face the limits of his paideia’s power to transform certain kinds of souls.
one who introduces others to things that are “different from the usual.” Despite his
warnings against change, he repeatedly introduces novel ideas, such as his radical, new
vision for women in public life.

Furthermore, although here the Athenian advocates protecting the citizens from
exposure to foreign practices so that they will fear and reverence the laws, he engages in
the opposite kind of behavior with his interlocutors (798b). In order to encourage
Kleinias and Megillus to accept his reforms, he has repeatedly asked them to imagine
going back in time in order to consider all of the many civilizations that have existed and
their laws (677a ff.; 782a-c). By encouraging them to imagine this wide variety of
practices, he has helped them to develop the perspective of a xenos. This in turn detaches
them from their own familiar practices and allows them to entertain the possibility of his
reforms with less resistance. Again, the reader sees a conflict between the Athenian’s
words and deeds since he proposes that the citizens be prevented from developing the
perspective of a xenos while he also demonstrates the necessity of such a perspective for
the city and for his interlocutors. Is the Athenian simply an internally inconsistent
character? Is this a flaw in the dialogue?

Not necessarily so. In fact, recognizing these inconsistencies in the dialogue leads
one to a deeper understanding of the tensions that exist within political life. First, it is
important to recognize that the Athenian’s admonition here against introducing change is

88 Since the citizens of Magnesia will read the text of this discussion, those who can comprehend
the text will also be exposed to the Athenian’s innovative proposals when they are children.
primarily directed towards the education of children. Because children lack fully developed reason, they are particularly vulnerable to being ruled by their desires. Until they are capable of exercising rational judgment, the Athenian must take extra precautions to ensure that they are guided by the intelligent choices of the lawgiver in terms of pleasure and the playing of games.89

Furthermore, if one looks more carefully, one sees that if the Athenian’s innovations are improvements to that which is bad, there is no longer a contradiction since he has said that changes to bad things are not dangerous. Yet, this leads the reader to wonder who is capable of making the determination as to whether specific changes are positive improvements or whether they are negative, dangerous alterations to the lawgiver’s plan. Who is qualified to judge on behalf of the city? At this point, the Athenian seems to suggest that the many are not capable of exercising such judgment, hence his recommendation that they be taught to fear changing that which has been laid down (798b). However, the reader is also aware that some individuals in the city—individuals similar to the Athenian—must be granted this power or the laws will suffer.

Thus, this puzzling passage points to the beginning of a division among the city’s population. While the majority of citizens are not qualified to change and improve the laws themselves, the city needs individuals like the Athenian to do so. The lawgiver must begin to make allowances for this division in his plan for the city if he is to protect

89 However, it should be noted that many citizens in Magnesia will never attain the highest levels of reason, even as adults.
the laws from decay. As a result, the lawgiver faces three main challenges regarding education as he develops his public paideia. First, he must teach his successors how to make the necessary improvements to the laws. Secondly, he must teach the unqualified to love and revere the laws so that they freely choose to obey, but they must also fear changing these nomoi themselves. Finally, he must also teach the many to allow those who are qualified to make improvements on behalf of the city, without resenting their power to do so. He must create harmony between the many and the few that resembles the rule of reason over the irrational in the virtuous soul. As the Athenian completes his plan for the public paideia, he must address these three problems.

Returning to the need to limit the possibility of change, he suggests that the best device for preventing harmful changes in the public songs and dances is the sacred (799a). He recommends sanctifying these practices in order to prevent anyone from using pleasure to persuade the young to take part in new hymns or choruses. The Athenian introduces these sanctified songs and dances into the public calendar by incorporating them into new communal sacrifices (799a-b). Given the power that song and dance have over the irrational, the Athenian ensures that they are directed by reason and controlled by the community’s leaders. Any individual who introduces hymns or choruses that contradict these public practices should be excluded from participation or run the risk of being charged with impiety (799b).

90 Beginning at 840e the Athenian will face a fourth challenge—recognizing the limitations of the lawgiver’s ability to transform his citizens through his educational system.
4.1.5 Education in Music (again)

After the Athenian states that their discussion of gymnastic is “complete in every way,” he turns to the education in “the gifts of Muses and Apollo,” a subject which he admits they had mistakenly thought they had finished discussing earlier. As the Athenian suggests at 802c-d, his goal is to reform the music of the city in order to habituate every citizen to desire the “orderly and moderate Muse.” Whenever a citizen hears the opposite, “he will hate her and declare her to be lacking in freedom” (802c-d). This discussion of the creation of music reflects the overall relationship between the rational and irrational that the Athenian emphasizes throughout the dialogue thus far. Within the city and within the individual, reason must rule and intelligence must ultimately guide all decisions to bring order to the whole. At the same time, he proposes that the irrational can be successfully trained to follow the order of logos. Here, he

\[91\] Although the Athenian states that they have completed the discussion of gymnastics, he returns to it again at 813a. This fact, along with his admission here that he needs to return to the discussion of music even though he had earlier claimed that it was complete (673b) draws attention to the overall action of the dialogue in which the Athenian continually returns to topics thought to be complete in order to supplement them. As new concepts are learned through the course of the dialogue and through this practice of laying down laws for the city, the Athenian must introduce new ideas that improve his laws. In this way, the action of the dialogue reinforces the lesson explicitly stated in the previous chapter concerning the comparison of the lawgiver to an artist who must return to his painting in order to improve it as time passes. This demonstrates for the reader that there is an ongoing need for a lawgiver who can continue to make such improvements over time. By demonstrating the need for an immortal, intelligent being that can improve and supplement the laws in the future, the Athenian has already begun to set the stage for the introduction of the Nocturnal Council. It will serve as the savior of the laws by functioning as an immortal successor to the lawgiver. By demonstrating the need for both a permanent legal code that all must uphold, as well as an intelligent being that can improve the nomoi over time, the dialogue addresses the tension between the rule of law and the rule of intelligence. The Laws demonstrates that both are necessary, and the Athenian carefully balances the two. Although the Nocturnal Council is granted significant power in the last section of the dialogue, it does not represent the absolute triumph of the rule of intelligence. Its members are not philosopher kings who enjoy unlimited power. As the Athenian learns, human rulers are fallible because the presence of the irrational can never be completely eliminated (875b-d).
utilizes pleasure in the form of music to educate the passions in a gentle manner. But this pleasant music must be revised so that it does not undermine the law. Throughout the Athenian’s description of his *paideia*, only reformed pleasure that supports the leadership of reason is allowed in the city. Any instance of pleasure that simply follows irrational desire must be transformed: all songs are revised, poetry must conform to the text of the *Laws*, tragedies and comedies must be rewritten or approved before they are allowed in the city (811d-e, 817d). These strict limitations must be enforced because pleasure has such a potent influence over the passions. It must be carefully guarded and ordered by the lawgiver. Any competing, unregulated pleasures are forbidden.

After sanctifying the new songs and dances he created in the previous section, the Athenian proceeds to regulate music further by introducing a number of laws concerning speech, prayers, and poetry. His first law concerning music is to forbid excessively emotional songs that stir up the passions of the citizens during public sacrifices (800c-801a). The Athenian also brings order to the city’s public prayers by imposing restrictions on the poets. The poets, who are ruled by the irrational and who might therefore compose prayers and songs that conflict with the lawgiver’s vision of the good, must first present their compositions to the proper judges and magistrates for approval (801c-d). In this way, the Athenian allows the Guardians and the Supervisor of Education to incorporate intelligence into the city’s prayers, thereby ensuring that reason exerts control over the selection of this divine poetry (801d).
Finally, the Athenian suggests that all existing songs be subject to review and revision. Although the Athenian has just finished discussing the importance of teaching citizens to revere the ancient things and not to seek change, he now suggests that certain older members of the polis be encouraged to do exactly that. In contrast to the young who should be protected from hearing about anything that conflicts with the laws (798b), here the Athenian suggests that special examiners who are at least fifty years of age should review all of the ancient songs and dances and choose from among these the ones that are fitting for the new city (802a-b). Those songs and dances that conflict with the plan for the city should be discarded, but those that are more suitable should be reworked by the examiners, with the help of “poetic and musical men” (802b). These reformed songs and dances will be incorporated into the official choral performances. As they rewrite these songs, the examiners must follow the lawgiver’s vision of the rational polis, thereby bringing the music of the city into harmony with his intention for the whole plan of the laws (802c).

It is essential to recognize that through these reforms, the Athenian acknowledges that he cannot disregard tradition. He does not propose creating all entirely new songs. Instead he incorporates ancient poetry. These traditional songs may be problematic, but not all are discounted completely. The Athenian is aware that he is not beginning with a

92 One could surmise that it is dangerous to allow the young to hear about strange practices and that which runs contrary to the law because they have not yet reached the age of reason and their desires have not yet been trained adequately to love logos. In contrast, some older citizens whose souls have been properly habituated and are capable of exercising rational judgment may hear the entire body of ancient songs, even those that are unsuitable because they conflict with the lawgiver’s plan.
clean slate. The past cannot be ignored, but he argues here that it can be reformed successfully. Just as the Athenian reeducates his aged interlocutors to accept his innovations for the city, the traditions of the past must be reworked in order to come closer to the lawgiver’s vision. Through the Athenian’s gentle education of the irrational, he is confident that it is possible to reform ancient poetry as well as the elderly Dorians.

4.1.6 Returning to Women and Conflict with the Dorians

The Athenian returns to the topic of women once again at 802e, where he argues that different songs will be required for men and women based upon the way they “differ in nature (phuseos)” (802e). He explains this difference in the following manner: magnificence and courage are “masculine looking,” while that which pertains to orderliness and moderation should be proclaimed as belonging to the feminine (802). At first these statements are confusing because they seem to contradict his earlier argument, which implied that the differences between men and women are not natural, but result from education (794e). But his language here also allows for another possible interpretation. When one considers the four divine virtues that the public paideia aims to instill in all citizens, both courage and moderation are included (631c-d). Thus, male citizens will be taught to embody that which is feminine and females will be encouraged to possess a masculine virtue. Thus, the Athenian seems to suggest that both men and
women have the capacity to possess traits belonging to the opposite gender. This leads the reader to question how the Athenian understands the concept of “nature” at 802e since these traits cannot be considered exclusive to each biological sex if women can possess a masculine trait and men can be educated to embrace the feminine.

93 At 802a the Athenian declares that both men and women have the potential to achieve the highest degrees of “goodness” (which presumably involves all four of the divine virtues) and that members of both genders should be honored with special encomia (802a). He also specifically mentions at 630b that men who possess the “feminine” virtue of moderation, along with justice, prudence and courage are superior to those who only possess the latter. At 696b, he explains that moderation is essential for those receiving honors from the city, and at 716 he declares that the moderate man is dear to the god. He also argues that the best men of Magnesia, the members of the Nocturnal Council, must possess every virtue, which certainly includes the feminine virtue of moderation (962d, 964c, 966b). As for women, given the Athenian’s recommendations for female inclusion in the military, they will be trained to risk their lives in order to defend their city against enemies (813e-814b). Although he never describes such actions as courageous, it certainly fits the definition of courage he gives at 633d. One could also argue that the women who are bold enough to participate in the public life of the city in the new ways that the Athenian suggests throughout the dialogue possess an impressive degree of courage, for they must behave contrary to the traditional practices with which they were raised. No doubt they will face opposition from some men in the city who disagree with these changes (see Megillus’ reaction at 806c) or who resent relinquishing their power over women. Therefore, Kochin’s argument that the women of Magnesia will lack courage—especially the kind of courage required by the philosopher in the spirited rejection of traditional practices (which means they “do not have within them the psychological root of impiety and thus of philosophic education”)—is weak (120-121). One of the Athenian’s most radical proposals is the change in roles for women, and those females who are willing to embrace this change and stand next to their male counterparts on the battlefield or in the assembly are certainly courageous (806b, 753b). Perhaps even more than most men in the city, women will be required to question traditional practices in a manner that characterizes the perspective of the philosopher.

94 Turning to the Athenian’s conception of male versus female nature that informs the various elements of his vision for women in this central portion of the dialogue, it is quite ambiguous and contradictory at times. In several places, he asserts that there is a unique female nature distinct from that of males. For example, at 781a he states that women are “by nature more secretive and cunning,” which is due to their weakness. And yet, at 795a, he implies through his metaphorical discussion of ambidextrousness that “those who contrive to make the left (i.e., the female) weaker than the right (i.e., the male) do so against nature.” Here he explains that any perceived inequalities between right and left hands—and by implication, inequalities between men and women regarding physical capabilities—are products of a flawed education that can be altered rather than permanent differences. To bolster this point, at 805a he informs Kleinias of the feats of the Sarmatian women, who can handle horses and weapons “in equality with men and who practice them equally.” Furthermore, despite women’s supposedly natural secretiveness, the Athenian suggests that their preference for remaining in the private sphere is actually due to habituation (781c). If their secretiveness is natural, he suggests directly opposing nature in order to have them participate in common meals. He suggests that under the right circumstances, women may be persuaded to participate in these and other public activities despite their initial resistance (781c).

Thus, the question of whether the Athenian accepts the idea of an unchanging, natural female essence that is distinct from and inferior to that of males is complex and the answer is uncertain. For almost every piece of textual evidence supporting such a viewpoint, one can find contradictory evidence suggesting that this
Returning to the text and the Athenian’s attempt to expand the role of women in the city, he faces a number of conflicts with his Dorian interlocutors. His first disagreement is with Megillus. After discussing the songs for men and women, the Athenian breaks from his educational plan in order to reflect upon his method of lawgiving, presumably speaking for the benefit of his successors (803a). He explains that he proceeds by laying down the outline of a way of life, just as a shipbuilder first lays down the keels of a ship before filling in the details. Similarly, he imagines his finished product—citizens with a particular type of soul—and then designs the details of his paideia in order to accomplish this end (803a-b). However, the Athenian makes a misstep at this point, revealing that he has begun to focus too exclusively on his vision of a nearly divine city while disregarding human beings for their imperfections and declaring that “the affairs of human beings are not worthy of great seriousness” (803b). His statements here reveal the underlying problem that begins to develop in this section of the dialogue and reaches its zenith at 828a-838e. As the Athenian describes his public paideia, he becomes so focused on his image of the well-ordered, harmonious city that he either disregards the irrational aspects of human life or assumes that they can be completely mastered through the education he is offering. Both tendencies represent a failure to appreciate fully the complexity of human beings. Despite the fact that the female “nature” is a product of habituation and therefore subject to change through proper education. As Zuckert notes, “In contrast to Socrates, the Athenian suggests that human nature is extremely, although not entirely, malleable. Nature does not, therefore, provide a firm or sufficient basis for political order” (“Postlude” 383). Although this observation is not made in direct reference to gender in Magnesia, it helps to illuminate the Athenian’s treatment of women in the text. They are extremely malleable, but not entirely so.
Athenian’s “double vision” as described in the previous chapter attempts to balance a vision of the best city and soul with a realistic appreciation for the imperfect and irrational aspects of real human beings, the Athenian reveals here that he has a propensity to ignore the latter.

At 803c and 804b, the Athenian dismisses human beings as mere playthings and puppets, and Megillus correctly chastises him for failing to pay due respect to the human race (804b). The Athenian quickly apologizes and confesses that he has become too focused on “looking away to the god and speaking under the influence of that experience,” but his proposals during the rest of his discussion of the public paideia reveal that he is still in need of further correction. Not only must he remember the power of the irrational in the human soul and city, but he must remember to look upon this flawed nature with gentleness instead of disdain.

After this interruption, the Athenian returns to his reforms concerning the inclusion of women in the public life of the polis. At 804e, he boldly challenges the authority of fathers by stating that they shall no longer decide who shall receive an education in the city, including females. He declares, “my law would say the very same thing about females that it says about males, including that they should be trained on an equal basis” (804e). The Athenian reveals that it is his perspective as a xenos and his knowledge of foreign practices that inspires his innovations for improving the laws regarding women. As a result of this perspective, which he also attributes in part to his knowledge of ancient myth, he is able to see that the city could be vastly improved because he is aware of the different educational systems in other cities. First, he states:
For I am persuaded by the ancient myths I’ve heard, and at this very moment…I know there are countless myriads of women around the Black Sea—the women called Sarmatians—who are enjoined to handle not only horses, but the bow and the other weapons as well, in equality with the men, and who practice them equally. (804e-805a).

Again at 805a-806b, the Athenian draws from his knowledge of the practices of the Thracians (805d-e) and the Amazons (806b), as well as “our own practice, and that of everyone in our area” to argue that a common regimen for both sexes results in the greatest benefit to the city, allowing it to be “double what it currently is” (805a).

He then critiques all other lawgivers who fail to allow for women to participate in defending the city (805a-b). At this point, Kleinias hesitates, noting that the Athenian’s suggestion is unusual since it represents a break from the established traditions (805b). And yet, despite this recognition that the Athenian is introducing a strange innovation, Kleinias demonstrates a new kind of control over his former reactionary tendencies. In the past, he often became angry when faced with similar proposals that directly contradicted the Dorian perspective. But now, the reader sees a more moderate Kleinias. He tempers his initially negative reaction. Rather than angrily defending his city’s laws, now he is more willing to follow the Athenian’s argument. He recognizes the authority of the Athenian in this discussion, and allows him to take the lead:

You spoke very reasonably when you said that the argument should be allowed to unfold, and that once it unfolded well, one should then choose what one approved. As a matter of fact, what you said makes me rebuke myself now, for the things I just said. So say next after these things whatever you find pleasing. (805b-c, emphasis mine)
Emboldened by this response, the Athenian offers one of his most radical statements concerning the role of women in the city. Unlike his earlier argument concerning ambidextrousness, which implied that males and females are “equally balanced” by nature in regard to strictly physical tasks, particularly those pertaining to war, his statements here are much more broad (794e-d; 804d-805d). At 805c-d, he argues—no, insists—that “one should say that our female race must, as much as possible, have a common share in education and in the other things along with the race of males. For that’s about the way that one should think about these matters” (emphasis mine). These “other things” presumably refer to fighting in defense of the city, but his next sentence indicates a more all-encompassing implication when he refers to women sharing “their entire lives in common with men” (805d, emphasis mine). Despite the fact that he has not allowed women to share in many of the “other things” that their male counterparts will experience, such as holding most of the truly important offices in the city, his statements here suggest to the reader that he may have such reforms in mind. However, he immediately backs away from this proposal without articulating it in order to consider what must be done if women do not share their entire lives with men (805d). He casts aspersion on the practices of the Thracians, Athenians, and Spartans for the mistaken ways in which they treat their women (805e-806c).

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95 In the passage at 805c-d, it is worthwhile to notice that the Athenian phrases his last and most radical sentence as a question, leaving it open to his interlocutors to decide what must be done if his recommendation that women share their entire lives in common with men is rejected. This reflects his awareness that the lawgiver’s ability to enact his vision for women is very much dependant upon his ability to persuade his audience to accept such practices that seem unnatural due to their strangeness. As we learn at 839c-d, he has rather serious reservations about his ability to succeed in dispelling his citizens’ disbelief regarding women’s capabilities. Just as the entire dialogue explores the tension inherent in the lawgiver’s double vision—the compromise between the image of the best city at which the lawgiver aims and the limitations imposed by the flawed human beings who must abide by his laws—his treatment of women in Magnesia reflects this same issue.
In contrast to Kleinias, Megillus reacts angrily when the Athenian directly criticizes the practices of his city for not allowing the women to take part in the things of war and for allowing them to follow disorderly pursuits: “What are we going to do, Kleinias? Are we going to let the Stranger run down Sparta in front of us this way?” (806c). Kleinias continues to exercise control over his passions. He resists giving in to Megillus’ *thumos* and chooses to follow reason and the Athenian’s argument: “Yes. Freedom of speech has been granted him, and we have to let him go on until we’ve gone through the laws in a way that is entirely sufficient” (806d). Upon hearing this response from a fellow Dorian, Megillus acquiesces. However, it is not clear that the Athenian has completely persuaded him. When the Athenian asks if he may proceed, only Kleinias responds in the affirmative. Megillus is silent. It may be the case that Megillus continues to harbor some anger regarding this critique of his city.

This second conflict with Megillus sheds light on the need for the Athenian to address the problem of *thumos* as he describes his public *paideia*, for his plan is highly likely to galvanize the anger of the city’s established authorities, particularly fathers.\(^{96}\)

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\(^{96}\) One would expect that the fathers of Sparta would demonstrate the least amount of *thumos* regarding this matter since they were already habituated to allowing the community to exercise authority over their children’s upbringing. Not only were Spartan males removed from the home to participate in the *agogē* at the age of seven, but even at birth fathers were required to present their children to the “elders of the tribes,” who would determine whether or not the child should be reared or exposed (Plutarch, *Life of Lycurgus*, xvi. 1-4). The same is not true of the fathers of Crete and Athens. As Müller notes concerning the education practices in Crete, “it was not till their seventeenth year that they [young men] were enrolled in the *agelae*, so that the education here was entrusted to the family for a longer period than at Sparta” (318). As for Athenian fathers, Pomeroy argues that they were accustomed to exercising primary control over the education of their children: “In antiquity, parents alone were usually responsible for their children’s upbringing. At Athens, there was little outside supervision: a boy was scrutinized at successive stages of life by his father’s tribe…. there was no outside surveillance of girls’ upbringing” (3). In terms of the anger that Athenian fathers might feel toward those who interfere in their children’s education, one
will almost completely divest them and their private families of control over their children’s education. In order for the *paideia* to be guided by intelligence rather than private self-interest, the Athenian challenges their authority and tempers the power they might have traditionally exercised in this area (804d). The taming of *thumos* is an extremely important step in the Athenian’s reform of education, since it was precisely the failure to address this problem that resulted in the death of Plato’s other educational reformer who challenged the authority of fathers, Socrates. Therefore, if he is to gain acceptance for his reforms and avoid the fate of a man like Socrates, he must diffuse their anger towards his suggestions and teach those who traditionally held power to accept the leadership of those more qualified to function as teachers.

At this point it is unclear as to whether he has successfully won the assent of both interlocutors, but nonetheless he proceeds to recommend an even greater degree of inclusion for women in the public life of the community. He returns to the subject of *syssitia* and reiterates that women, who represented the private family as an irrational entity that existed outside of the public sphere, should share in the common meals (806e-807b). However, once again the Athenian does not firmly establish this practice through the law. Here he discusses female *syssitia* as a hypothetical, as he attempts to persuade his interlocutors to accept this practice.

should consider the charges against Socrates and the text of the *Apology*. The reader should always remember that Plato’s primary audience for the *Laws* was Athenian.

97 This applies to both male and female children. However, one should also note that the father retains control over the age at which his daughters marry (sometime between sixteen and twenty), and therefore determines the point at which she must withdraw from the public education (774e).
At this point, the Athenian begins to reach the pinnacle of his plan for transforming the role of women. In his new city, women will receive an education, although they are taught separately from men (804e). They will also hold public office, although they are limited to particular functions (785b). They will serve in the military

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The youngest female children (ages three to six years) will play together with boys in the temples (794a), and after the age of six they are taught separately from the boys, although they learn the same subjects (794c). These subjects include: naked choral dancing (771e-772a, 813b), learning to ride horseback and use arrows, javelins, slings, and heavy arms (794c, 814a-c), choral imitations and dancing with weapons while accompanied by horses in processions and ceremonial marches (796c), instruction in combat, including maneuvers, battle orders, and handling weapons (814a). In addition, the Athenian also envisions that unmarried girls will participate in the public contests, including: running races (833c-d) and combat contests involving heavy armor (833e-834a). He also allows them to participate in contests involving the riding of horses with and without weapons if they so choose (834d). One should note that female participation in all of these contests is limited to those girls who are not yet married (833e-d, 834e-834a, 834d). Presumably females will also partake in most (if not all) of the more academic subjects of study, including the written things and playing the lyre (804d-e). The Athenian does not explicitly include females in these subjects of study as he does elsewhere. However, he does address the Supervisor of Education as he legislates the length of time students will attend to these subjects, asking him to consider what will be best “for those whom you are bringing up,” (809b). This specifically includes both males and females as the Athenian makes clear at 765d. It is less clear that all females will be able to learn calculation, measurement, and astronomy—the subjects that are said to be necessary for anyone who wants to be capable of “exercising serious supervision over humans” (818c). The inclusion of females in the study of these subjects is not certain because the Athenian is not clear if these topics will be taught after the three years of studying the written things and three years of studying the lyre, or if the children will learn them simultaneously with these other subjects (see Morrow, 332 and 344). If they are taught afterwards, the students will be sixteen years old—the earliest age at which a girl may be married if her father so chooses (785b). Once girls are married in Magnesia, they temporarily withdraw from much of public life, presumably because the Athenian expects they will begin bearing children almost immediately (779e) and because they raise their own children in the private home until the age of three. As a result, girls who marry early would miss these more advanced subjects of study. However, those girls who remain single until the age of twenty would have an opportunity to participate in these studies to some extent (785b).

As part of his effort to bring women out of the private sphere, he affords them several opportunities to participate in public office. Many of the magisterial roles for women pertain to family matters such as overseeing marriages and caring for small children. For example, in the early and middle sections of the dialogue, he establishes female supervisors who will watch the behavior of young married couples and encourage them as they begin having children. These supervisors will also join the Guardians in overseeing matters pertaining to divorce (784a, 795c-d). The Athenian allows for female assistants to the Supervisor of Education, although he never mentions that they will teach the higher subjects of learning to the older children (813c). Instead, female nurses will educate the youngest children during the first stage of the public paideia, other women will oversee these nurses, and there will be female teachers of dancing (794b, 795c-d, 813b). There will also be female rulers over the women’s common meals, should these take place (806e). Women are allowed to enter these public offices at the age of forty, long after their own childbearing years have ended. There is no direct mention of women participating in any of the highest offices in the city, or exercising authority over men in any role except as marriage supervisors overseeing

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99 As part of his effort to bring women out of the private sphere, he affords them several opportunities to participate in public office. Many of the magisterial roles for women pertain to family matters such as overseeing marriages and caring for small children. For example, in the early and middle sections of the dialogue, he establishes female supervisors who will watch the behavior of young married couples and encourage them as they begin having children. These supervisors will also join the Guardians in overseeing matters pertaining to divorce (784a, 795c-d). The Athenian allows for female assistants to the Supervisor of Education, although he never mentions that they will teach the higher subjects of learning to the older children (813c). Instead, female nurses will educate the youngest children during the first stage of the public paideia, other women will oversee these nurses, and there will be female teachers of dancing (794b, 795c-d, 813b). There will also be female rulers over the women’s common meals, should these take place (806e). Women are allowed to enter these public offices at the age of forty, long after their own childbearing years have ended. There is no direct mention of women participating in any of the highest offices in the city, or exercising authority over men in any role except as marriage supervisors overseeing
in some capacity from the age of about thirty to fifty (785b). And now he suggests that they will participate in their own *syssitia*. This expanded role for women is also a part of the Athenian’s larger project to rationalize the entire private family even further. He specifically highlights the motivation behind his recommendation for female *syssitia*: to bring women and children out of the realm of the private (807b). The orderly life he has envisioned for his citizens is only possible if these things cease to be “privately arranged by each of us,” but instead are brought into the public sphere where they can be properly arranged by the lawgiver (807b). The expanded role for women is an integral part of achieving this goal.

Therefore, just as his plan for women begins to reach its apex, so does his vision for transforming the family. He confidently suggests that the role of the private family in this city can be reduced to a bare minimum. According to the Athenian’s plan, individual husbands. However, as noted earlier, Morrow suggests that women may have the opportunity to participate in the citizen assembly and to serve as members of the *boule* (157, 168). If allowed to participate in the assembly, they would share in the selection of a variety of the city’s leaders, although it seems they are barred from holding many of the highest offices in the city, such as the Supervisor of Education who must be a father. However, since the exact role of women in the military is uncertain, their political participation in the assembly and *boule* is not established with any certainty.

As explained earlier (footnote ninety-eight), young girls are trained to handle various weapons and they learn battle maneuvers. The Athenian expects that once they are adults, females will be capable of defending their city. At 813e-814b, he argues that women must be knowers of the subjects of war since they should take on the responsibility for guarding the city if the rest of the army is away, as well as joining with the male soldiers to defend it if it is attacked. He concludes by establishing a law requiring women to concern themselves with the business of war just as men do (814c). Furthermore, earlier he establishes that each female citizen will participate in some kind of military service, based on what is “possible and fitting for her” after she has finished having children until she is fifty years old (785b). Women will spend a significant portion of their lives serving the city in this way—possibly double the amount of time spent rearing children. More specifically, females in Magnesia marry between the ages of sixteen and twenty (785b). The Athenian assumes that they will give birth to their first child within the first year of marriage (779e), and they are supposed to “procreate children and keep watch over themselves for ten years, but no longer” (784b). Given the Athenian’s recommendations for the public education of young children beginning at the age of three (794a-b), it is possible that she could begin military service around the age of twenty-nine and then serve until she is fifty.

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families still exist in that they form the basis of his distribution of the land allotments, but their role is significantly reduced as each member becomes incorporated into the public life of the community. In addition to the regulation of the lives of women, the men of the city are to have each minute of their days scheduled and regulated “from beginning almost at dawn and extending to the next dawn and rising of the sun” (807e-809a). Their children are to be turned over to public tutors for their instruction and upbringing, which is overseen by the Guardians and the Supervisor of Education rather than their parents (808b-809a). He explains that now the entire family is to follow an orderly schedule of cultivating virtue in both body and soul: no one is allowed to spend the whole night sleeping—the slaves, children and “the whole household itself in its entirety” should support this new schedule (808a-b). Therefore, beginning with women, the Athenian proceeds to develop a new image of the family in which it has been rationalized and reformed to serve the community rather than its own private interests. This image of the rationalized family reaches its acme here at this point in the text. But soon the Athenian will learn that this ambitious goal is not so easily achieved as he assumes here, especially given the marriage laws he established earlier in the text (785b).

4.1.7 Reforming the Subjects of Study

Beginning at 809c, the Athenian presents his reforms for the subjects to be studied by the city’s older children. Each aspect of his plan involves strengthening the rational portion of the citizens’ souls, as well as educating the irrational to conform to the guidance of intelligence. And yet there are limits to this education. As the Athenian
develops his plan, it becomes clear that while all citizens are encouraged to love following the rule of reason and to achieve the proper order within their souls, many will never progress beyond following an external source of *logos*. As some scholars have recognized, important elements are missing from this public *paideia* that would encourage all citizens to acquire within themselves the kind of true reasoning that is crucial for the highest level of virtue and self-rule.\(^{101}\) Although some members of the city will achieve this level of knowledge, most will not. As Zuckert describes the outcome of the Athenian’s plan for education, “In this city it begins to appear that there will be a small group of guardians who understand the reasons for the laws, and another, much larger group of citizens who basically do as they are told” (*Plato’s Philosophers*, 107). And yet, although not all will achieve the highest levels of knowledge and virtue, there is still merit in the Athenian’s attempt to educate the many to embody the more common form of virtue. Furthermore, the Athenian’s plan for education still reflects an optimistic vision of a harmonious city whose citizens are unified in their common desire to follow reason.

The Athenian begins by addressing the written things. Rather than allowing children to be exposed to a wide variety of poetry, including “harmful” writings, the Athenian requires that one of the primary texts that all children must study is the conversation between the Athenian and Doriens; in other words, the children of this city will read the dialogue of the *Laws* (811c-d). In addition, the Supervisor of Education

\(^{101}\) As Zuckert, Strauss, and Versenyi observe, the Athenian does not include the study of dialectic for all citizens in his public *paideia* (Zuckert 108; Strauss 114; and Versenyi 74).
must judge all poems according to whether or not they conform to this model of the Athenian’s own speeches (811c-811e). As a result, the children’s education in poetry will be guided by intelligent judgment rather than by chance or their own desire for pleasure. In addition, the Athenian suggests that the children’s education in the lyre be directed by the judgment of the sixty-year old members of the Dionysian chorus, who have been trained to recognize songs that encourage listeners to acquire virtue (812c). Furthermore, he recommends that the children’s exposure to dramatic works of comedy and tragedy be limited to that which encourages them to aspire to virtue and to the way of life advocated by the lawgiver (816d-817d). In all of these instances, pleasure is an integral part of the children’s education, although it is always subjected to the judgment of intelligent rulers so that it conforms to the law. As he explained much earlier in the text at 653c, children are not allowed to exercise their own judgment regarding that which they learn. As they try to strengthen the rational portion of their souls through study of the written things, they do so in an environment where most are habituated to follow the judgment of an external source of *logos*. Although some will recognize the Athenian’s example of questioning established traditions and *nomoi* in the text of the *Laws*, it is likely that many will not.\(^\text{102}\)

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\(^\text{102}\) As Zuckert argues, most of the children will not be able to understand much of this “founding document” due to the fact that they will study reading for only three years (106). However, Morrow argues that despite the limitations that the Athenian places upon education here in the text, it is a mistake to interpret his proposal as allowing only three years for the study of letters. As he explains, “the most plausible supposition is that Plato did not intend to have these various studies segregated each into a particular period of youth, but that there would be varying emphasis upon the different subjects at different times” (332, 337).
At 813b, the Athenian returns yet again to the education through gymnastic for these older children. He continues to focus on the role of dance, through which he habituates these young citizens to move their bodies in an orderly fashion (814e-816d). While the warlike, or “Pyrrhic” dances continue to teach the children to imitate those with “good bodies and souls,” the peaceful dances also train citizens to become moderate by depicting human beings handling pleasure in a “well-measured way” (814e-815b; 816b). Again, the dances that the children learn are regulated according to the judgment of the lawgiver (816c). The result of this habituation in the orderly movement of the body is to unify the city in a way that causes it to resemble the image of the best city at 739c-e where the citizens were said to feel pleasure in the same things. The Athenian explains that as a result of this education in gymnastic, “the same city, with citizens that are as similar to one another as possible, should experience the same pleasures, and live well and happily” (816d). It is an extremely optimistic vision of a city unified through his educational plan.

Lastly, the Athenian addresses the children’s education in mathematics, including calculation, geometry, astronomy, and the study of incommensurables (817e-822d).¹⁰³

¹⁰³ The importance of this study of mathematics is a source of considerable controversy among scholars. While some authors emphasize its limited nature for most citizens (Strauss 112-113; Zuckert 108), others laud it as a sophisticated element of the public paideia that leads all citizens to “recognize non-sensible properties and that they grasp the role of such non-sensible properties as principles of good order” (Bobonich 107-109, 200). Bobonich argues that this will require that citizens understand mathematical theories “of considerable complexity and sophistication,” and he is confident that most citizens will be capable of this achievement (108). Morrow argues that it is unlikely that children would only begin studying mathematics after they complete their studies of the lyre at age sixteen, but would pursue the study of numbers from the time they are younger (344). Rather than emphasizing that which is lacking in this education, Morrow emphasizes the importance of mathematics in “waking up the man who is naturally sluggish and slow of wit, making him sharp and eager to learn” (344). He emphasizes the way in which the studies recommended by the Athenian will introduce the young to mathematical necessity and will prepare the “certain few” who will become the city’s leaders (345). As Morrow explains, “these studies are a means
Drawing from his knowledge of the Egyptian educational system, he incorporates play and pleasure as the central elements of his pedagogy for teaching these first two subjects to the city’s children (819b). In terms of learning astronomy, the Athenian corrects a commonly-shared falsehood among the Greeks pertaining to the movements of the heavenly bodies and stars (821a-822c). Rather than allowing the children to view of the universe as a chaos in which the heavenly planets “wander,” the Athenian argues that they should be taught to see an orderly cosmos in which the planets and stars move in circular orbits (822a-822c). Thus, the final subject of the Athenian’s public paideia leads all the children to conceive of the universe as a rational cosmos, which mirrors the lawgiver’s well-ordered plan for the city. As a result, they will learn that the natural order of the universe reinforces the rule of nous, upon which the city is structured.

4.1.8 Establishing the Ruling Principle: The Supervisor of Education

Perhaps the most symbolically significant component of the Athenian’s effort to organize the city according to the principle of reason is the office of the Supervisor of Education. He represents the establishment of the rule of intelligence over the entire pedagogical system. As explained at 765e, the office of the Supervisor is “by far the greatest of the highest offices of the city.” He is chosen as the best of the Guardians by the other magistrates, and he rules for five years. Instead of each individual father
controlling the education of his own children, this single figure oversees the upbringing of all the young citizens. Again this brings the city closer to the Athenian’s vision of the harmonious polis in which reason rules. The Supervisor subjects every aspect of the public paideia to his judgment to ensure that it conforms to the lawgiver’s intentions (809a).

As the Athenian begins to speak directly to the Supervisor of Education at 809c, he addresses the first and second aspects of his triple problem by gradually revealing two different levels of instruction in his pedagogical system.\textsuperscript{104} The first level, which was reviewed in the previous section, deals with the education of the many. It aims to give all citizens a basic understanding of most subjects so that they may participate in the public life of the polis and revere its laws. Through this education, which helps all citizens to achieve the common level of virtue, the Athenian has fulfilled the second aspect of his triple task. He is confident that as a result of his paideia, the many will learn to respect and honor the laws. Because he believes he can successfully persuade the citizens to achieve some degree of virtue and freely obey the laws, he is also willing to give the many a role in ruling the city in certain areas (760b-c, 766e-768a). As sharers in the rule of the polis, his public education is designed to help them fulfill their duties to the community more effectively.

\textsuperscript{104} Again, the three challenges of the lawgiver include: 1) educating his successors to make the necessary improvements to the laws, 2) teaching the unqualified to obey and revere the laws, as well as to fear changing the laws themselves, and 3) teaching the many to allow those who are qualified to make improvements on behalf of the city without resenting their power to do so.
The education the Athenian offers to the many is quite radically inclusive for its time—females and members of every economic class are to become literate. But it also recognizes that not everyone will be capable of mastering all subjects at the highest level. At 809e-810a, he describes two extremes regarding education in the written things: teaching students to either “study with precision,” or “neglect it altogether.” The education the Athenian describes for the many is a mean between these two. For example, the children should study the written things for three years and should practice until they can read and write, although the Athenian notes that not all of them need to develop a capacity for speed and beauty (810b). He also explains that there must be limits on the variety of poetry that the children are allowed to hear because “there is a danger in imbuing the children with much learning” (810e-811b). The Athenian recognizes that although it is shameful for the many not to know all things, “it isn’t possible for everyone to pursue these studies to the point of accuracy” (818a). And yet, the Athenian does not cast aspersion upon those who struggle in their studies. Just as he cares about the education of the lower, irrational part of the soul within each individual, the education of the many also matters to him. He allows each citizen to learn what he or she is able to comprehend. In some cases, this may be quite minimal, but the Athenian still advocates a basic level of education for all as a worthwhile goal. He is confident that all are capable of achieving some degree of virtue, although not everyone will achieve the highest level that involves true knowledge of that which is.

At the same time, there is a second, more advanced level in the Athenian’s pedagogical system. When the Athenian describes the additional subjects of learning
beginning at 809c, he acknowledges the differences in talent and education that will be present among the citizens. He states that the many “need not labor at all these things to the point of precise accuracy; that will be required of a certain few…” (818a, emphasis mine). As the last portion of this sentence indicates, the city will require a small number of individuals who can achieve a higher degree of mastery of these subjects. These few will participate in a second tier of education that surpasses the limitations prescribed for the many. For example, the education of the Supervisor is comprehensive. Whatever the children learn, and whatever the teachers teach, the Supervisor must learn first (810b). Furthermore, as we have seen, the Supervisor hears every kind of poetry in order to choose from among them those that are fitting for the children to learn. His perspective must be similar to that of the xenos who is familiar with all sorts of practices, both good and bad, in order to choose what is best (811e). As noted earlier, it is this perspective of the xenos that is essential for anyone who will partake in lawgiving. Hence, through this second level of instruction the Athenian will address the lawgiver’s first problem, which involves educating successors for the lawgiver. In addition to the Supervisor, the Athenian includes a number of others in the city who must receive this more advanced kind of education: the sixty-year-old members of the Dionysian chorus who will help to choose the proper songs for the young (812b-c), the assistants whom the Supervisor selects to help him (813c), and the “rulers” who are allowed to hear all the writings of the tragic poets in order to decide if they fit with the regime or not (817d).

Therefore, the two levels of the Athenian’s paideia are designed to fulfill the first and second challenges that the lawgiver must address. The first level teaches the many to
appreciate the laws and refrain from undermining them. The second tier teaches those who are qualified to embrace the perspective of the xenos in order to make necessary improvements to the laws. But what of the third problem? How will he teach the average citizen to appreciate the need for a few gifted individuals who can make changes to the laws without resenting their authority? How does he plan to establish harmony between the many and the few? The Athenian addresses this part of the lawgiver’s problem by suggesting that the Laws itself become a part of the public paideia.

As mentioned earlier, the capstone of the Athenian’s recommendation for the education in poetry is to require all the citizens to read the speeches made by the Athenian and Dorians. At first it seems contradictory to suggest that the many read the text of the Laws after he has just described the limited nature of their education. The Athenian states that his speeches are “especially appropriate for the young to hear,” despite the fact that the dialogue is filled with references to strange practices and poetry that could be considered harmful for them (811d, 798b, 886d-890a). And yet, the Athenian states, “I don’t think I would have a better model than this to describe for the Guardian of the Laws and Educator, or anything that would be better for him to bid the teachers to teach the children, other than these things that are connected to them and similar” (811e).

What is to be gained from reading these speeches? How might exposure to this dialogue help resolve conflicts between the rulers and ruled, thereby allowing the Athenian to achieve the harmony he seeks in the city? Throughout the Laws, the
Athenian recommends using poetry to teach the irrational to desire to follow *logos*. His suggestion that all citizens read the text of the dialogue is the ultimate fulfillment of this plan. The *Laws* is the Athenian’s own poetry or *mythos* through which he persuades the many to desire to fulfill his vision of political life. Furthermore, throughout the dialogue, the Athenian has established *harmonia* as the proper *telos* of the city. Through its depiction of virtue as a properly ordered and harmonious soul, the dialogue presents an image in which the many and the few, the passions and *logos* exist together in peace. Finally, through both its content and action, the dialogue demonstrates the necessity of making improvements to the *nomoi* over time, but it also demonstrates that these changes are to be made only by those who are qualified to judge what is best for the city. Upon reading it, the many will learn that men like the Athenian, who possess superior judgment, should be granted political power. They are given a glimpse of what this superior judgment entails, even if they don’t fully comprehend it. As a result of this exposure, they will develop a sense of humility and of respect for those who possess superior talents. They will be gently persuaded to turn to these individuals for leadership without resentment or anger. Yet, at the same time the dialogue also teaches those who will serve as leaders that they should never ignore the many, for they must also receive a share in the rule of the city. The citizens must be treated gently by utilizing persuasion and pleasure, rather than force or deceit. The Athenian is confident that through his educational plan, harmony between the many and the few can be achieved, with the former freely submitting to the leadership of the latter, just as the passions will submit to the rule of reason in the virtuous soul.105

105 In addition, as noted in the introductory chapter of this dissertation, some of the more advanced
4.1.9 Harmony with the Dorians

This image of harmony is reinforced by the action of the dialogue. The Athenian represents the few who possess the intelligence to act as lawgivers, while the Dorians represent the many who have more limited talents. As noted throughout these chapters, the Athenian is always seeking harmony with his interlocutors. He consistently relies on persuasion as he respectfully proposes his reforms for the city. He gently instructs them in a way that avoids arousing anger whenever possible. Furthermore, this discussion of education allows the reader to witness Kleinias gradually becoming aware of his own shortcomings while also recognizing the Athenian’s superior abilities. For example, earlier in this chapter we examined his increased willingness to grant the Athenian freedom of speech and to follow his leadership (805b-c; 806d). This lesson is also reinforced in the discussion of irrational numbers at 818c-820a. As the Athenian discusses the subjects of calculation, geometry, and astronomy, he notes that anyone who wants to become “a god, a demon, or a hero capable of exercising serious supervision over humans” must know something about them (818c). Curious about these subjects that are necessary for rule, the Cretan urges the Athenian to explain further: “You seem to us to be frightened off by our habitual lack of familiarity with such things. But you are incorrect in this fear; try to speak up, and hide nothing on this account” (818e).

citizens who read the text of the Laws will see the way in which the Athenian demonstrates the importance of questioning existing laws and practices, for especially throughout the first section of the text (624a-702e) he actively encourages his interlocutors to critically assess the laws of their own cities and to consider new and strange arguments.
The Athenian attempts to honor his request, but soon reveals to Kleinias that he and most other Greeks are ignorant of the existence of irrational numbers (819e-820a). Although Kleinias initially claims to know about length, and surface, and volume “in every way,” once the Athenian begins to question him, he admits that he is ignorant and that his situation in respect to these subjects that are most important for anyone who wishes to exercise power over others is “wretched” and shameful (820a-b). Most importantly, Kleinias admits his deficiency without anger. The Athenian does not belittle him for his lack of understanding, but instead confides that he himself only recently came to comprehend these matters (819d). He then encourages the old man to learn about these subjects by partaking in a kind of game with other old men (820c). After this, the Athenian also goes on to discuss the dogma concerning the “wandering” of heavenly bodies. He leads Kleinias to realize that he is ignorant about these matters as well (821b-822c). Once again, the Cretan acknowledges his shortcomings without thumos, and agrees that these subjects should be added to the public paideia so that the city’s children will surpass him in understanding these matters (821d-822c). As a result of this exchange, Kleinias begins to see that he has not mastered the subjects that are necessary to become a lawgiver, although he does not take any action to give up the authority he as been granted over the new colony at this point. The Athenian must continue to help him recognize his proper place in the city. He must persuade Kleinias to share his power with those who are qualified and become subservient to them. In other words, just as the irrational portion of the individual soul must be taught to desire to follow reason rather than to assume a leadership role for itself, Kleinias must learn to follow the more intelligent members of the city.
Therefore, by making the *Laws* the model for poetry, and by requiring all members of the city to read these speeches, the Athenian attempts to bridge the gap between the general body of citizens and the few who are qualified to direct the laws. The result is to bring greater harmony to the city. The many should not be disregarded, and he grants them a share in the rule of the *polis*. However, they will be excluded from making certain decisions for which they are not qualified, such as those entailing improvements that must be made to the laws. But rather than the few imposing their decisions regarding these matters on the many through force, it is best to educate the citizenry as much as possible so that they may appreciate these decisions and assent to them freely, even if they don’t completely comprehend them. Reading the *Laws* will help prepare the many for this role by making them more aware of what they do not know. After reading the Athenian’s poetry, the many will be more willing to follow those who possess greater intelligence because they will appreciate the need for such leaders. Rather than using coercion to compel the ruled to obey, the Athenian again opts for persuasion through his education of the irrational.

As his discussion of this portion of the public *paideia* ends, the Athenian is extremely optimistic that his proposal for educating the irrational will successfully establish *sumphonia* in the souls of his citizens and in the city as a whole. He has introduced a variety of innovations to the public *paideia*, the goal of which is to unify the *polis* under the rule of intelligence. He is certain that on an individual level, the passions will be habituated to follow *logos* (whether from an internal or external source), and that
the many will freely desire to follow the leadership of the few. Furthermore, the interaction between the Athenian and Kleinias also reflects this image of harmony. Although Kleinias momentarily questioned some of his reforms, the Athenian’s gentle persuasion has successfully secured his consent at this point to follow the Athenian’s leadership as he continues to explain his vision for the city.

And yet, as his unresolved conflict with Megillus foreshadows, the Athenian’s confidence in his own ability to tame the irrational completely may be excessive. He has become so focused on his goal of harmonizing the city that he fails to appreciate the difficulty of permanently persuading the passions to follow the rule of intelligence. As the next section of the text makes clear, individual self-interest is not so easily overcome in the soul, and the desire for possessions and a family of one’s own is more difficult to temper than he appreciates here. As a result of the strength of these desires, it is much more challenging to incorporate women fully into the public sphere than the Athenian has suggested up to this point, and his goal of achieving perfect harmony among all the members of the city will prove to be quite elusive. The same applies to his ability to tame Kleinias. Despite the Athenian’s success in gaining his obedience at this point, in the next section of the text, the Cretan will once again resist following the Athenian’s leadership, especially as it pertains to curtailing the desire for pleasure. As a result of these difficulties, the reader becomes aware of a fourth problem faced by the lawgiver: the need to become more cognizant of the limitations of his own art.
4.2 Unification and Dissolution (828a-850c)

The Athenian’s confidence regarding the possibility of achieving harmony in the soul reaches its apex at this point in the text. In fact, this section opens with an image of an almost perfectly harmonized and well-ordered *polis*. The Athenian begins by describing his plan for bringing the city into harmony with the divine by properly arranging the city’s sacred festivals. Every day of the year is marked with a festival honoring one of the gods (828a-c). These divine festivals are celebrated with communal choruses, as well as musical and gymnastic contests where the citizens sing, dance, and sacrifice in harmony with one another. The Athenian asserts that the lawgiver’s arrangement of these festivals also brings the city into communion with the divine and natural order, “benefiting both the gods themselves and each of the seasons” (828c). Thus, the Athenian envisions a well-ordered city in which the citizens form a unified political community whose organization reflects the divine order of the cosmos.

After presenting this image, the Athenian expresses even greater confidence in his educational plan. He boldly suggests that all injustice can be prevented in this *polis*. After proudly noting that no other city can rival this one “in its provision of leisure time or of the necessities,” he states that in order for the city live well and achieve happiness, it must “avoid doing injustice to others,” as well as avoiding “suffering injustice at the hands of others” (829a). Dismissing the former as “not very difficult” to achieve, he proposes that one may avoid becoming the victim of injustice by becoming “completely good” (829a). The Athenian is certain that their city can attain this goal.
But what exactly does this mean? How does a city avoid being victimized by achieving perfect goodness? The Athenian’s argument has two parts. First, he asserts that harm can be prevented through the proper preparation. In order to prevent external attacks on the city from having any real impact, the lawgiver must train the citizens to anticipate such conflicts and successfully defend the polis against them. This preparation includes a variety of exercises: monthly army maneuvers attended by the entire population, including women and children (829b); war games and festival battles with prizes to honor the best soldiers (829b-c); poems of praise and blame composed by the city’s most noble men (829c); minor daily gymnastic exercises without heavy arms, as well as monthly exercises with heavy arms where the citizens “play” by practicing the art of war with one another (830d-e). In contrast to his earlier proposals for educating his citizens that relied primarily on pleasure, these proposals are designed to test the citizens by using fear in addition to honoring those who are most courageous (830e-831a). As a result of this training, the Athenian is certain that the citizens will effectively fend off attacks and prevent their city from being harmed by external foes.

According to the second part of the Athenian’s argument, the lawgiver is able to develop this impressive military force because of his public paideia through which the citizens have achieved the proper ordering of their souls. Other cities cannot prepare for battle in this way because their citizens lack virtuous dedication to the common good, and instead give priority to the pursuit of private desires, including “the erotic love of wealth,” as well as “the power to eat and drink all sorts of things” and “total gratification of every sexual lust” (831c-e). He confidently assures his interlocutors that this is not the
case with the citizens of Magnesia. The Athenian assumes that his educational plan will successfully persuade their citizens to act virtuously. Because of this, they deny self-interest and freely choose to give priority to the needs of the whole city. They freely accept this rigorous military training and will risk their lives for the city. They follow the law and their leaders voluntarily, and are not ruled by force (832c). Since they are the city’s willing servants, these rulers have no need to fear that training them to be strong and warlike will lead to revolution (832c-d). Therefore, because the citizens have been properly educated to master their self-interested passions, the lawgiver can successfully anticipate and prepare for any possible conflicts. Thus, the “complete goodness” of the citizens allows the city to overcome the possibility of “suffering injustice at the hands of others” (829a).

Throughout this argument, the Athenian expresses extreme confidence that his public *paideia* will successfully teach his citizens to overcome private desire. In fact, he declares that this city, “alone of all existing regimes” will be capable of properly training its citizens because they have overcome the love of private wealth and they freely obey the rule of their leaders, thereby making this city the only true regime (832c-d). But is this the case? Or has the Athenian become so enamored with his orderly vision of political life that he has forgotten that the irrational can never be perfectly educated to follow reason either in the individual soul or in the city? A lawgiver who overestimates his ability to master the irrational completely in this way will fail to appreciate the limitations of his citizens and will not adequately account for this in his laws. The results
of such a failure are disastrous. The Athenian demonstrates a similar tendency at this point in the text. Although he has never ignored the irrational, he is overly confident that his paideia will achieve complete success in permanently taming it. As a result, he forgets the second aspect of his double-vision: respect for the limitations of human nature. He forgets that he is not legislating for the children of gods, but for mortals who will always be vulnerable to the pull of the cords of their private passions. Even though he is already aiming at a lower level of virtue for most of his citizens, he fails to recognize here that many will fall short of even this standard.

4.2.1 Educating the Athenian: The Power of Desire

Fortunately, the Athenian finally begins gradually to moderate his expectations. Whereas his confidence in his ability to master the irrational continually grows throughout his discussion of the public paideia until it reaches its peak around 828a-829a, he now begins to second-guess himself as he struggles to regulate sexual desire. After declaring that he has completed the necessary legislation for gymnastics and music, the Athenian acknowledges the first hint of doubt regarding his plans. He admits that “a fear came over him” when he wondered whether his educational plan might actually encourage the development of “the desires that reason…orders them to avoid” instead of

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106 For example, consider Socrates’ discussion of the failure to appreciate the power of the irrational in the Republic. When he reveals that the nuptial number cannot overcome the irrationality of human sexuality, desire, chance, and change, the unity of the perfectly rational polis dissolves. The private returns, in terms of both property and the family (547c, 548a). Conflict, faction, and internal wars divide the city, and enemies appear within its walls (547a). The recognition of the irrational in the city introduces the problems of conflict, division, separation, and difference. In the Republic, the failure to properly educate the irrational leads to the deterioration of the best regime into increasingly problematic forms until tyranny results.
moderating them (835d-e). In particular, he questions whether his proposal to educate young men and women in common through pleasurable activities that allow them to “mix together affectionately” could strengthen the power of erotic love (836a-b). But despite this initial doubt, he resumes his confident stance. He invokes the image of a daring human being who has the strength to oppose the greatest desires by “follow[ing] reason alone” (835c). He assumes that private desire can be taught successfully to serve the needs of the city. As a result, he boldly proposes to restrict sexual activity so that it is used only for the purpose of producing new citizens, thereby outlawing all sexual relationships outside of marriage (839a-b). In order to achieve this goal, the Athenian returns to one of his favorite means of reinforcing the law: “when a lawgiver wishes to enslave a certain desire which especially enslaves human beings, it’s easy to know how he should handle it. By having everyone…hold this pronouncement to be something sacred, he will have succeeded in making this law very firm” (838d-e, emphasis mine). However, despite his confidence in the power of sanctification throughout the dialogue, he pauses a second time in order to question its ability to master the desire for private pleasure completely. As a result, he recommends reinforcing the law through a number of additional measures. First, he proposes intensive gymnastic training that will allow the individual to “refrain from sexual things” more easily (839e). Next he reminds the Dorians of the “myths, speeches, and songs” they have used to persuade their citizens to pursue victory over pleasure (840b-c). Finally, he implores the citizens to behave in a superior manner to the animals, who can control their sexual urges and engage in intercourse only for the sake of procreation (840d-e).
And yet, despite the incorporation of all his preferred methods for taming the irrational, the Athenian’s doubts persist. He begins to recognize that all of these measures will fail to prevent some citizens from succumbing to the power of the “disorderly Aphrodite” (840e). It is a significant moment for the Athenian. Up to this point in the text, he had become so intently focused on his goal of fulfilling his vision of the rational polis that he forgot the second—and equally important—principle of his double-vision: the reality that human nature will always be vulnerable to the irrational. No matter how carefully crafted his public paideia may be, this city can never attain perfect order and harmony. His citizens will never be “completely good” (829a). Despite the fact that he has developed a means of educating the irrational, the private desires cannot be totally mastered. Injustice and injury cannot be completely prevented. The lawgiver cannot legislate according to reason alone because political life can never be made perfectly rational. Not all citizens can be taught to achieve the consonance of virtue, even the more common level.

This lesson is further reinforced by the Athenian’s inability to persuade Kleinias to assent to his proposals for regulating sex (842a). Although he seemed to tame Kleinias successfully at 805b-c and 806d, the Athenian now sees that his victory was incomplete. Kleinias is still susceptible to the temptation of his desire for private pleasure, and he withholds his approval of the Athenian’s attempt to control it. The message is clear: the lawgiver must always remember that he is crafting laws for imperfect, mortal men. The Athenian had underestimated the power of the irrational and forgotten the limitations of his citizens and interlocutors.
Having been roused from his forgetfulness, the Athenian recognizes that he must create a second law regulating sexual desire (840e). Since no educational instrument can completely enslave *eros*, the Athenian creates a new double-ordinance accompanied by an unwritten law. These ordinances place some significant restrictions on sexual activity (such as completely outlawing physical, homosexual relationships). In the first ordinance, the Athenian allows for erotic, non-physical male friendships, but forbids adultery with female partners (841d). The second condemns all homosexual relationships and forbids open, heterosexual adultery; yet it allows for extramarital relationships if they are kept secret (841d-e). This new double ordinance is supported with an unwritten custom that uses shame to help diminish sexual indulgence (841b). However, the fact that the Athenian has proposed this second-best standard demonstrates that he finally begins to acknowledge that complete mastery of erotic desire is unattainable.¹⁰⁷

Although the Athenian has learned to moderate his expectations, it is also important to note that he has not abandoned his effort to improve the city or his citizens. His goal of bringing greater order to the city is never sacrificed, but he does begin to temper it as he now remembers to give due consideration to the limitations of his citizens. Unlike the *Republic* in which the failure to control human sexuality leads to the downfall of Kallipolis, the Athenian accepts that the laws must simply embody “a second-rank standard of shameful and the noble, a second-rank correctness” (841b-c). He persists in regulating the citizens’ “mingling with one another” and still strives to temper their

¹⁰⁷ See also Strauss (122-123), and Zuckert (110-111).
desires, but he remembers that this moderation will never be perfected. He now understands that the laws must reflect this reality (842a).

4.2.2 Addressing Private Property and Conflict

Now that the Athenian has accepted that the desire for sex cannot be completely mastered, he returns to examine his earlier assertion that the citizens of Magnesia have overcome the desire for private wealth (831c-d). Despite his earlier efforts described in the previous chapter to minimize the importance of private property in the city, he now recognizes that the desire for one’s own possessions still exerts an important influence over these citizens. His treatment of the Farming Laws reintroduces the question of private property beginning at 842e. He begins by stating that boundary markers in Magnesia should never be changed, and he reinforces this law with the threat of both divine and human punishment (843a-b). The fact that the Athenian must remind his citizens not to alter the original distribution of allotments that he set down at 738a indicates that he is aware that they may fail to obey this original law due to their self-interested desire to expand their own property. Just as the desire for private sexual gratification could not be fully mastered, he indirectly acknowledges that the same is true of the passion for possessing and increasing one’s own private wealth.

Furthermore, whereas earlier in this section of the text the only conflicts that the Athenian anticipated involved attacks on the city by foreign enemies, here the Athenian begins to acknowledge that his inability to teach citizens to be completely dedicated to
the common good also introduces the possibility of internal conflicts among fellow citizens. Beginning at 828a, he envisioned a city that was almost completely harmonized, but now he notes that disagreements over private property—such as violating a neighbor’s boundary, harvesting another’s crops, or polluting some else’s water (843d, 845a, 845e)—can “instill immense hatred and bring about a harsh and very bitter relationship among neighbors” (843b-c). Citizens will clash with one another over the question of what belongs to whom. If the lawgiver fails to appreciate the possibility of these internal conflicts, they could easily escalate. If this happens, citizens will become estranged from one another, and deep, lasting divisions will be created within the city. Therefore, once the Athenian has acknowledged the persistence of the desire for private wealth, he attempts to moderate it through the Farming Laws. He requires that these private disputes among citizens be brought before the official courts for resolution, often through the payment of damages to the injured party.

In addition to bringing greater order to the settlement of property disputes among citizens, the Athenian further attempts to moderate the desire for private wealth by preventing his citizens (and their domestic servants) from taking part in activities that could stoke such passions, such as retail trade and the various arts of craftsmen (846d). Citizens are to dedicate themselves to only one art, the pursuit of virtue, while these other activities are reserved for strangers (846d-847b). Interestingly, this law requires that the citizens view foreigners in a way that is more complex than simply as outsiders and potential enemies. If the citizens are going to be freed from the necessities of dealing with trade and providing for their own material needs beyond food, the Athenian reveals
that they must learn to depend upon strangers to perform these tasks. Just as the recognition of the possibility of disagreements among members of the city requires the lawgiver to appreciate the complexity of establishing internal harmony within the city, now the Athenian also problematizes the simplistic notion that foreigners are simply foes. The city is not fully self-sufficient, and it cannot isolate itself completely from the world around it. Instead, the Athenian makes room for a new category of persons who are neither citizens nor enemies: resident aliens (850a). These individuals are not completely outsiders, and yet they are not fully reconciled to the city. Thus, the Athenian’s effort to moderate self-interested passions and temper estrangement among citizens due to the love of wealth also calls into question the notion of who belongs to the city by requiring the creation of a category of partially estranged resident aliens. The presence of the irrational implies that citizens may not always be friends, and foreigners may not always be enemies.

In addition to moderating the passion for private wealth by restricting the activities of his citizens, the Athenian also continues to try to habituate them to care for the common needs of the city. The desires for private property and separate houses may be impossible to overcome completely, but the Athenian still requires that citizens share their material wealth with one another. He provides laws that require the owners of each allotment to divide the fruits of their harvest into portions that will be shared with fellow citizens, slaves, and strangers (although these are sold and not given freely) (848c). Citizens must also allow others, particularly strangers and elders, to share in the produce from their land (845b-c).
By this point in the text, the Athenian has learned a great deal. He began with an overly idealistic vision of a harmonious city in which all citizens would be successfully educated to overcome their private desires and to serve the common good. But once he began to recognize that even his carefully crafted *paideia* could not achieve complete success, he also began to develop a greater appreciation for human limitations, including his own. He now begins to embrace a more complex understanding of the difficulty of achieving harmony in the soul and in the city. Although he makes an admirable attempt to continue moderating the private passions after he recognizes they will never be perfectly mastered, he has learned that the city will never be completely free of injustice and conflict. As he recognizes the need for a penal code in Magnesia, his appreciation for the severity of these conflicts grows even deeper.

4.3 The Penal Code (853a-882c)

At this point in the text, the Athenian must reconsider his hope of attaining nearly perfect harmony in the individual soul and city due to the difficulty of completely mastering the irrational. As a result, he learns to moderate his expectations as he realizes that even his plan for the second-best city cannot be perfectly achieved. After reaching the pinnacle of *sumphonia* during his discussion of the public *paideia*, problems soon developed as the Athenian began to recognize the power of the irrational to resist education. On the individual level, the passions and appetites that he assumed could be successfully trained to follow *logos* remain strong. On the level of the *polis* as a whole
the private proves to be extremely difficult to tame, especially as it pertains to property and the family. In addition, conflicts among citizens begin to erupt over matters of private property. Despite his efforts to temper the divisive influence of wealth in the city and to regulate the private ownership of goods, disputes over material possessions are acknowledged as a source of internal conflict in the *polis*. Finally, the Athenian problematizes the simplistic conception of a harmonious *polis* united against its external enemies by highlighting questions pertaining to strangers and borders. Who belongs to this community? Who does not? Can foreigners be friends rather than simply enemies? Are there some individuals who contribute to the life of the city, but can never be fully reconciled to the community? In all of these ways, the Athenian’s simple vision of a harmonious city dissolves.

Then, as he recognizes the need for a penal code, the Athenian faces the most extreme cases of division and conflict within the *polis*: lawbreakers. He must acknowledge and address those individuals who choose to separate themselves from the community by breaking the law. Therefore, despite the optimistic goals of his public *paideia* discussed earlier in this chapter, the Athenian now demonstrates for his interlocutors that a lawgiver must never forget that he is legislating for an imperfect city populated by human beings, not the children of gods (853c). Perfect harmony may be the goal, but some degree of division and conflict is inevitable. As he establishes the penal code, the Athenian acknowledges that he must address the problems of difference, conflict, and estrangement that accompany the irrational.
However, unlike Socrates’ tragic vision of decline in the *Republic* in which political life seems doomed to deterioration while hope remains only for the philosophical few, the Athenian perseveres in his quest to educate the irrational in a much more inclusive manner. His refusal to give up is reminiscent of his earlier statement at 653c-d that education inevitably slackens over time and “becomes corrupted to a great extent,” such that the divinities take pity on human beings and recognize the need to renew their education continually “in order that these divinities might set humans right again.” The Athenian mimics the gods’ acceptance of human limitation. This next section of the text in which he legislates the penal code represents an extremely important component of his plan to reeducate the irrational and to set his citizens right again. In this section, he now fully and explicitly acknowledges that humans are not perfectly rational beings, nor can most citizens consistently embody even the more common level of virtue. He sees that penal codes are necessary because citizens will fall short of full obedience to the laws. Conflicts are inevitable in political life, but he also suggests that they need not lead to total degeneration of the regime. He offers hope through remedy and reconciliation.

In the earlier portion of the dialogue, the Athenian developed a unique conception of persuasion, which he used to bring both the city and the soul closer to his vision of excellence. He now utilizes persuasion yet again. However, this time, he offers new arguments to strengthen the rule of reason, as well as new instruments for educating the irrational in order to supplement his earlier *paideia*. In addition, he addresses a variety of different audiences simultaneously as he legislates the penal code: the individual
criminals that have transgressed the law, the victims of crime, the victims’ families, and the members of the larger political community. By attempting to persuade these groups to follow reason and serve the common good a second time using new instruments and arguments, he hopes to achieve reconciliation and reestablish friendship in the polis after conflicts occur. However, he is also aware that this friendship is neither perfect nor permanent. It will be continually disrupted by additional transgressions of the law, and therefore requires constant effort to restore it over time. The Athenian moderates his expectations, but he has not abandoned hope for reform and improvement.

Overall, the Athenian does not allow breaches of the law and breakdowns in human relationships to be dealt with according to chance or by unregulated passions in the private realm. He prevents thumos from raging out of control and doing irreparable damage. He creates an orderly plan that allows the city to deal with such problems calmly. He brings a greater degree of reason to punishment by reforming it. He gives it a new purpose: to educate and cure criminals whenever possible, and to restore friendship among citizens after conflicts occur. At the same time, he realistically acknowledges that thumos cannot be completely eliminated. He also recognizes that some criminals are incurable. In general, although the penal codes are grounded upon the Athenian’s new acceptance of human limitation, they also embody a variety of hopeful and progressive innovations. They represent his attempt to reform the unjust soul that is dominated by the desires, as well as his plan to heal conflicts and divisions among the members of the city, even if only temporarily. The Athenian has learned that the passions and desires can never be fully mastered by logos, so he responds by supplementing his plans in order to
create a means of continually reeducating them. The penal laws serve this purpose, and as such they constitute an important refinement of his “double-vision” for Magnesia.\textsuperscript{108}

\footnotesize{108 Among scholars, there is a wide variety of interpretations regarding the significance of the penal code. For example, Bobonich recognizes the existence of the punishment in the \textit{Laws} stating, “Plato did not expect that each and every citizen in Magnesia would attend carefully to the more sophisticated preludes. And he certainly expected that some would obey the law only out of fear of legal or divine punishment and that others would not be dissuaded even by fear of punishment,” and yet Bobonich never fully acknowledges the way in which the need for punishments signifies the failure of the Athenian’s proposed education, thereby contradicting Bobonich’s characterization of the Athenian’s approach to education and persuasion as primarily rational and highly successful (114). Although Bobonich is clear in his discussion of the rule of law that no one in the city—not even philosophers—can be trusted to always act correctly, he doesn’t see a problem between this claim and his excessively optimistic conception of the possibilities of education or of the merging together of the rational and non-rational motivations such that they can both be successfully educated through primarily rational means. He does recognize that “Plato in the \textit{Laws} is highly sensitive to the fact that human nature sets limits on the attainment of what would be ideally best,” and yet he indicates that Plato never sees the possibility of educating citizens through rational preludes as too demanding or beyond their capacity (110). In general, Bobonich ignores the way in which the existence of the penal code challenges his central arguments.

Whereas scholars like Bobonich argue that the dialogue completely rejects the approach of the slave doctor as a model for lawgiving in favor of the primarily rational approach of the free doctor, Strauss argues the opposite. He proposes that the Athenian fails to create a code of punishment that is completely in keeping with his image of the free doctor because it also incorporates elements of the slave doctor due to the fact that “most men are lukewarm toward virtue” and cannot be educated through persuasion alone (126, 62-63). Strauss argues that the need for punishments suggests that the lawgiver, unlike the free doctor, must incorporate violence such that “in legislation one and the same man must use two kinds of speeches, the tyrannical and the gentle; the legislator’s speech must be in itself twofold” (63). He adds, “It is clear that the law must both persuade and threaten, that it must use both violence and persuasion, that it must speak both gently and tyrannically, although the persuasion cannot be of very great use when one has to do, as the legislator has to do, with the multitude inexperienced in education. But if this is the case, law is a mixture of a tyrannical ingredient and an ingredient which produces the consent of the multitude” (64). He then adds that the law is not two-fold in that the preludes he recommends are actually separate from the law; thus, law is “only the tyrannical command by itself” (65). Furthermore, Strauss argues that rather than creating a penal code that truly educates those who break the law, “Plato here, as elsewhere, indicates the conditions which would have to be fulfilled if there were to be a truly gentle penal law but which cannot be fulfilled” (133).

Zuckert argues in \textit{Plato’s Philosophers} that the purpose of the penal code is to assuage the thumos that citizens feel towards those who have broken the law, lest it destroy the community (114). Zuckert correctly recognizes that the need for punishments reinforces the Athenian’s teaching that “human beings are not amenable to the rule of reason simply; some can only be controlled with force or, ultimately, killed” (115). However, Zuckert proposes that one of the aims of the penal code is to educate criminals in such a way that represents a distinction from the approach of the slave doctor (116), and she also argues that a secondary goal of the penal code is to “restore good relations or friendship among the citizens” (117). Furthermore, she appreciates the way in which the private family is recognized as the “fundamental unit of the regime” in the penal code, although she also argues that the Athenian attempts to “make the city into one large family with regard to punishment (119-120). Zuckert does not argue that this represents an additional attempt to lessen the influence of the private family (although she does reference Socrates’}
As the Athenian attempts to reform the penal code, he rejects the traditional conception of penology established in earlier periods of Greek life with its ongoing cycle of conflict, pain, anger, and estrangement. He reforms the entire penal process so that it is ruled by reason to a greater extent. As part of this effort, the Athenian establishes some basic reforms of the judicial process in order to reduce the influence of the attempt to transform the ruling class into a single family in the Republic, but her observation points toward this as an interesting possibility.

Finally, Saunders offers the most detailed and in-depth analysis of the penal code in Plato’s Penal Code. Saunders’s central argument concerning Plato’s penology is that it represents an innovative attempt to reform the practice of punishment in ancient Greece. Plato rejects the traditional, retaliatory conception of punishment in favor of re-educating criminals according to a medical model of cure. Saunders argues that Plato’s penology borrows several central ideas from the practice of medicine, including an effort to diagnose the specific “psychic diseases” of each individual criminal, as well as “the insistence that reform of an offender can be achieved only by regimen, by long-term renewal of the education he had when young, designed to affect his character and beliefs, so that his future is securely determined by inner conviction rather than cruelly painful and temporary physical pressures imposed from outside” (352, 187). According to Saunders, the penal codes do not seek to inflict pain and suffering for their own sake, but to cure the criminal by bringing about a change in his psychic state and by helping to bring an end to his corrupt habits. Once this is accomplished, the individual may begin to arrange his soul properly, which prevents him from future criminal action (150, 173-178). In addition to curing the criminal, Saunders argues that Plato’s penal code seeks to provide compensation to victims in order to repair any damages they have suffered, but also “to encourage amity between him [the victim] and the offender” (351). Furthermore, the penal code seeks to better society as a whole, not only by deterring future criminals or eliminating incurables, but also by reintegrating those criminals that are amenable to cure back into the community (352). Throughout this book, Saunders offers a well-researched and insightful analysis of the development of Greek penology beginning with Homer through the mid-fourth century in order to understand the way in which Plato borrowed from but also reformed these traditional practices. Although he recognizes that the penal code of the Laws seems conventional in that “the punishments imposed in Magnesia are broadly similar in range to those imposed in Athens,” he concludes that Plato actually offers “a radically reformative penology” that is “sharply different from any penology practiced or advocated down to his day” (353-354, 9). Overall, Saunders describes Plato’s penology as a combination of the rule of law with the rule of philosophy inspired by the Socratic paradox that „no one does wrong willingly” (1).

According to Saunders, this traditional use of punishment “entails the deliberate infliction of pain or suffering on an offender,” thereby allowing the victim to restore his own honor (time) while diminishing that of the perpetrator (20-22). Retaliation and revenge, both of which involve the indulgence of the victim’s thumos, are defining principles of this approach to penology. This approach gives priority to the passions of the private individual, often to the detriment of the common good. The tendency to indulge private anger rather than moderating it, coupled with the failure to pursue reconciliation serves to escalate animosity among those involved in a conflict, as well as deepening and prolonging divisions in the community.
irrational in the application of the penal code.  Most importantly, the Athenian reforms the purpose of punishment. Returning to the medical metaphor and the image of the free doctor, the Athenian views the criminal as a patient in need of cure instead of as an enemy and a target of revenge (720d, 862c). He redesigns the penal codes as a remedy for the disease of injustice, rather than as a means of retaliation and for inflicting suffering for its own sake. Arguing that injustice is caused by the improper arrangement of the soul in which the irrational rules, the Athenian applies an individualized cure through his unique kind of persuasion, but with the addition of some significant new innovations. However, unlike earlier in this chapter, he now accepts that there are limitations to his ability to educate the irrational. Although he prefers to teach criminals to despise injustice and to desire justice, he also accepts a lower standard: although they may not fully desire the just life, at least they will not hate it (862d-e). In addition, he also acknowledges that some criminals are beyond reform and can never be cured.

4.3.1 The First Audience: Persuading Criminals

Once again, as explained in previous chapters, persuasion consists of a combination of two elements: arguments that address the rational portion of the soul, as well as appeals to the irrational. While this basic structure of persuasion remains

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110 These reforms include: replacing single-day trials for capital crimes with a three-day process (855c-856a); replacing courts made up of large citizen juries with panels of select judges and Guardians for capital cases (855c-d); restricting the kinds of penalties that can be applied for the most serious crimes to those carefully selected by the lawgiver; establishing courts of appeal for a variety of cases (766d ff; also see Saunders 213); and requiring reviews of the select judges and Guardians (as well as all of the city’s other magistrates) by carefully chosen auditors (945b ff).
consistent throughout the dialogue, the Athenian recognizes the need to supplement his former approach since he is now addressing citizens who were not successfully educated through the public *paideia*. Unlike the earlier sections of the dialogue in which his primary tool was pleasure, here he incorporates both physical and psychological pain in order to teach the irrational desires to follow the rule of reason and the law. Recognizing that human beings desire to avoid that which is painful and unpleasant (875b-c), the Athenian habituates lawbreakers to avoid injustice by associating such behaviors with unpleasant experiences, such as exile, imprisonment, whipping, or beatings. For example, if a free citizen commits murder in anger, he is punished by exile for two to three years (866d, 867d). When the lawbreaker is cast out from the city, he or she is physically separated from the community, which allows the killer to experience the estrangement he has caused between himself and his community in a very tangible way. This exclusion from communal life causes psychological and emotional pain.\(^{111}\) After experiencing this painful isolation, the criminal desires to return to the pleasure of participating in communal life with its choruses and celebrations.\(^{112}\) He learns to love and to honor that which is common as a result of being deprived of it, and he learns through this experience that obedience to the law is more pleasant than transgressing it. The pain of the punishment is not used to inflict suffering as a form of revenge, but as a means of teaching the criminal to hate injustice and to seek its opposite. Through the pain of exile,

\(^{111}\) See also 728b.

\(^{112}\) According to the Athenian, criminals are often eager to return to the city, such that he must legislate for situations in which they refuse to leave or return early from exile (866b-c, 868a, 881d).
the criminal is motivated to begin controlling his self-interested passions. The same effect is achieved through imprisonment (880c), as well as through a variety of restrictions upon participating in the common life of the city (871a, 881e). The pain produced by corporal punishments such as whippings and beatings also serve to help the criminal associate unjust actions with pain, but of a more intense, physical kind. Such corporal punishments are reserved primarily for slaves and strangers, with the exception of citizens who attempt to return from exile for parent-beating (881d).

Is this incorporation of pain acceptable? Is it consistent with the Athenian’s use of persuasion earlier in the dialogue? Perhaps in the best city, or in a city populated by the children of gods, pleasure alone would suffice. But as the reader learns in this dialogue, the Athenian’s education through argument, pleasure and the sacred is not effective for all citizens. In this section of the text that addresses the penal code, the Athenian is dealing with individuals for whom this approach was not successful. He is aware fear and pain are necessary instruments when teaching such persons. For those who are resistant to the first attempt at education through persuasion based primarily on argument and pleasure, another alternative must be tried before the Athenian is willing to abandon these citizens and declare them incurable. Although this approach may be less gentle than his earlier reliance upon pleasure, it is not inconsistent with his teachings from earlier in the dialogue where he makes reference to the need to mix compulsion and violence with persuasion (722c, 735d-e). However, he does not advocate the use of unmitigated _____

113 Once the rehabilitated criminal is reconciled to the community, he once again joins the communal songs and dances that further habituate his desires and solidify his “hatred of injustice and his desire, or lack of hatred, for the nature of the just” (862d-e).
violence, and he never proposes that pain be inflicted as a form of retaliation or simply for the sake of suffering as an end in itself.

Furthermore, there is a gentle quality to the Athenian’s penal reforms due to the attitude he adopts towards criminals, which serves as a contrast to the traditional approach. The lawgiver’s concern is to educate the lawbreaker by adopting the perspective of a father and mother, “caring deeply and possessing intelligence” (859a). His new approach to healing the criminal also serves to eliminate a great deal of anger from the punitive process. The lawgiver’s main goals are to restore the criminal to health and to reconcile him to those whom he caused suffering. This new, gentler attitude toward the criminal also increases his chances of successful re-education. Just as he was careful not to arouse the anger of his interlocutors when first introducing his reforms in order to make them more likely to accept them, the same is true here. Although the lawbreaker does experience pain and shame as part of his treatment, he is less likely to resent this if he is aware that the lawgiver is primarily concerned with his well-being, not exacting revenge. The preludes provided by the Athenian throughout the penal code reveal the lawgiver’s benevolent intention, thereby increasing the chances that the patient will cooperate and accept his cure. In addition to utilizing pain as a tool for educating the irrational the Athenian also supplements this with a number of familiar elements, including: monetary fines and rewards (862d-e, 878c, 880d); shame, honor, and dishonor.
(880a, 881b-c); appeals to the divine and threats of divine punishment (854b, 881d, 872d-e, 871c, 870d, 879c).\textsuperscript{114}

4.3.2 The Second Audience: Persuading Victims and Their Families

In addition to using a variety of instruments to educate the criminal, the Athenian also seeks to persuade the victim and his or her family to serve the common good after conflicts occur. The Athenian recognizes that these individuals harbor a great deal of anger because of the injury they have suffered, either directly or indirectly. However, giving free reign to this spiritedness and indulging the self-interested desire for vengeance only deepens the estrangement of the lawbreaker from the community. Through his arguments, as well as his focus on compensation, the Athenian attempts to moderate this anger. He helps the victims, their families, and the larger community to adopt a more rational perspective towards the criminal. Rather than seeking revenge and retaliation, the Athenian persuades those who have been injured to help cure the lawbreaker and to seek reconciliation if possible.\textsuperscript{115}

Just as he uses persuasion to teach the criminal to desire to follow the law instead of his own private, self-interested passions, so he must persuade the victims and their families to forgive the criminal where appropriate if he hopes to restore friendship in the city. Once again, the Athenian’s attempt to persuade the victims and their families has

\textsuperscript{114} Throughout this section of the penal code, appeals to the sacred are quite minimal because, as the Athenian suggests, criminals are not particularly affected by such appeals at this point (880e-881a).

\textsuperscript{115} See also 731c-d.
two parts. The first involves rational argument. As we shall examine, the same arguments that he offers to criminals simultaneously teach victims and their families that it is preferable to aid in the education and cure of the perpetrator instead of seeking revenge. The second element used to persuade victims and their families addresses their passions through compensation. The primary purpose of compensation is not to cure the criminal, but instead to temper the spiritedness of those he has harmed.\textsuperscript{116} The Athenian approaches \textit{thumos} in a way that is distinctly different from the traditional approach based on Homeric revenge. According to Saunders, this traditional kind of retaliation is primarily self-serving. It involves inflicting pain in order to demonstrate superiority over the offender, and to allow the avenger to gloat over the offender’s suffering (19). In contrast, the Athenian’s goal of compensation is to moderate anger by redressing any injuries or losses. The Athenian hopes that this will eventually allow the lawgiver to restore friendship in the city:

\begin{quote}
The lawgiver…should do what he can through the laws to redress the injury—by preserving what may be destroyed, setting right again what has fallen, and making sound what has been killed or wounded—and once compensations have made atonement for each of the injuries, he should always try through the laws to create friendship in place of discord between the doers and sufferers. (862b-c)
\end{quote}

Compensation takes a number of different forms throughout the penal code. In some instances, such as woundings, it involves monetary remuneration (878c). In other cases, such as homicide, the Athenian allows for a kind of psychological compensation paid to the victims and their families. It seems that the life of a free human being is beyond monetary value (although this is not the case for slaves). However, the killer can

\textsuperscript{116} This is not to say that compensation could not also be unpleasant for the criminal and thereby reinforce his cure.
pay recompense by assuaging their anger as a result of following specific purification requirements. The Athenian explains the kind of anger felt by a homicide victim:

It is said that he who dies a violent death after having lived with the outlook of a free man feels, when freshly dead, spirited rage against the perpetrator. Filled with fear and horror on account of his violent experience, and seeing his own murderer going about his accustomed haunts, he feels horror; being himself disturbed, he does all he can…to disturb the perpetrator and his doings. (865d-e)

In order to moderate this anger, the Athenian requires the perpetrator to purify himself by leaving the country (865e). Rather than allowing the deceased victim to retaliate against the perpetrator, the Athenian interrupts this ongoing cycle of conflict by separating the two parties. Not only does this prevent the perpetrator from further aggravating the victim, but it also gives the victim and the family an opportunity to temper their anger and mourn their loss. Saunders explains that the purification requirements serve the purpose of compensating the victim and his or her family by addressing their anger:

Plato’s constant insistence…on the need to satisfy the fury of the dead by exile and purification is an insistence on the need to recompense the injured party….In short, he recognizes appeasement of feeling is a form of recompense. And like other forms, it is intended to be a restoration of normalcy (254).

By moderating spiritedness in this way, as well as by providing monetary compensation for an injury, the Athenian is able to move toward his ultimate goal: reestablishing friendship in the city after conflicts occur, even if it’s only temporary. Therefore, while anger is never completely eliminated from the punitive process, the Athenian does moderate it as part of his education of the irrational. When this is combined with the Athenian’s arguments explaining the cause of injustice and the need to aid in its cure, it is much more likely that reconciliation can occur.
4.3.3 The Third Audience: Persuading the Larger Community

There is one final audience that the Athenian addresses in this section of the text: the larger body of law-abiding citizens who have been successfully educated. Because so much of his public \textit{paideia} seeks to train the citizens feel pleasure and pain together, one can assume that members of the larger community they will also be affected when an individual criminal harms one of them. Furthermore, these citizens who have been successfully habituated to love their city and its legislation will feel anger towards those who threaten those laws. While the existence of such spiritedness is useful in training citizens to defend their city against enemies, it may also stand in the way of the reunification of former criminals with the community. If left to fester, such anger may prevent the reestablishment of friendship. As a result, the Athenian must address it and moderate it.

The Athenian also uses the penal code to further deter any members of the larger community who are tempted to transgress the law. This is another important new addition to his public \textit{paideia}. He offers them arguments to help them understand the nature of injustice so that they may recognize its presence in their own souls and correct it. The descriptions of punishments throughout this section also serve to deter them from the pursuit of self-interest. Upon witnessing the punishment of criminals, the citizens are further habituated to obey the law because they see the painful consequences of disobedience. They learn vicariously that the just life is more pleasant than that of unjust
men. Therefore, by appealing to their fear of suffering and pain, the Athenian supplements and strengthens his education of the irrational.

4.3.4 A False Start

Turning now to the details of text itself to examine the Athenian’s incorporation of persuasion into his reforms of the penal code, it is essential to note that the penal code begins with a false start. In his first attempt to establish punishments, the Athenian begins by explaining the lesson he learned in the previous section regarding human limitation. He and his interlocutors are “humans…legislating for the seed of humans,” and he is now certain that some of their citizens will fail to uphold the law perfectly (853b-c). He then immediately describes the penal laws that will “deter…and punish” those individuals who violate the laws of the city. He starts with laws against temple robbery, an egregious violation of the sacred (853d). Faced with this attack upon one of the his most favored instruments for reinforcing the laws, he offers only “the briefest possible” prelude before declaring that the “diseased” citizens who despoil the sacred must be put to death since they are incurable (854e). The Athenian’s approach to punishment here is comparable to that of the slave doctor from 720c-d. This slave doctor never “gives or receives any account of each malady” afflicting his patients, but simply gives commands based on opinions derived from experience “just like a headstrong tyrant,” and then hurries off to treat his next patient (720c). After the Athenian lays down the punishments for temple robbery, he pauses briefly to describe his new judicial procedure for capital trials, but then quickly turns to command the death penalty for those
who commit sedition and treason. This time, resembling the slave doctor to an even
greater degree, he offers no preludes to persuade those whom he considers “the greatest
enemy of all to the whole city” (856b). There is only swift and severe punishment, with
no examination of the cause of the disease that would lead the criminal to commit such
crimes.

The Athenian then rushes to describe the punishments for theft, and once again he
omits any preludes. He offers only “one law and one judicial retribution” that applies to
all cases (857a). But Kleinias, perhaps a more observant student than he sometimes
seems, interrupts and critiques the Athenian. Although he doesn’t specifically mention
the free doctor, he does recognize that the Athenian has failed to incorporate an important
aspect of this physician’s approach to his patients. The free doctor investigates the
unique malady of each patient by learning about his specific circumstances and
examining the state of his particular soul (720d). He then offers a customized remedy
that is tailored to the needs of that individual. Similarly, Kleinias expresses concern that
the Athenian fails to distinguish between different types of theft and the unique
circumstances that each particular criminal act entails (857b). He urges the Athenian to
offer penalties that are more carefully tailored to match the particular circumstances of
each breach of the law (857b).

The Athenian responds enthusiastically to this correction, and explicitly rejects
the approach of the slave doctor (857c-d). Despite the fact that he may be ridiculed for
seeking to educate the criminals in this city using “arguments that come close to
philosophizing,” the Athenian embraces the model that more closely resembles the free
doctor in order to provide the overarching structure of his new approach to the penal laws
(857d-e). As already discussed, this approach involves a rational inquiry into the nature
and treatment of injustice, rather than accepting the customary practice of penology. It
also incorporates persuasion rather than unmitigated violence. Its goal is to treat the
patient without anger, but to re-educate him, restore him to health, and reunite him with
the community. With this new model as his guide, the Athenian begins again.

Before examining this second beginning, one must ask why the penal code is
structured in this way. What function does this false start serve in the text? First, it
reinforces the overall theme of human fallibility that pervades this section of the
dialogue. Even the Athenian Stranger is susceptible to mistakes and needs a second
chance. Citizens are imperfect, and so are those individuals in positions of leadership.
Secondly, the dramatic device of a second beginning lets the reader witness the
Athenian’s willingness to acknowledge his mistake and accept correction. He does not
respond angrily to Kleinias’ critique, but models the kind of openness to re-education that
he hopes his citizens will embody. In contrast to his lack of awareness of his own
limitations earlier in the text, he now admits his own error. He humbly acknowledges that
he (and his interlocutors) don’t deserve to be called lawgivers yet, although he hopes they
may continue to progress towards that goal (859c). Finally, and most importantly,
through this false start, Plato calls the reader’s attention to the significance of the
Athenian’s reforms in the remainder of the penal code. The dramatic structure begs the
reader to compare the Athenian’s first attempt at penology to his second, thereby highlighting the nature of his reforms.

One crucial aspect of the Athenian’s reform of the penal codes is his incorporation of argument rather than simply acting as a tyrant who “commands and threatens, posts writings on the walls and goes away” (859a). Just as the Athenian recommended the inclusion of preludes at 719e-720a, he also includes them here in his second attempt. It is important to examine the central arguments that the Athenian incorporates into his penal codes, noting how each addresses the criminal, as well as those who have been harmed by his actions.

In his first argument, he explains that “everyone does injustice involuntarily,” which means that no one purposefully chooses to behave unjustly: “the unjust man is presumably bad, the bad man is involuntarily so” (860d). Through this argument, the Athenian helps the criminal realize the contradictory nature of his behavior. The self-serving actions that he thought were in his best interest are actually harming him. He is acting contrary to his true intention. The Athenian teaches him that following his passions in this way is problematic and undesirable. This argument also speaks to the victim and the members of the larger community by teaching them that criminals often do not maliciously intend to harm their victims, but operate according to a flawed conception of the good. Rather than causing them to suffer for the sake of retaliation, such criminals require education concerning their true interests, which include serving the common good and obeying the law.
Applying this argument to his legislation, the Athenian introduces another innovation in his second argument. Reflecting his rejection of the slave doctor who follows traditional experience without question, the Athenian rejects the customary division of crimes into the voluntary and involuntary (861b-c). He replaces them with two new categories: injury (blabe) versus injustice (adikia). This new division is based upon an analysis of the perpetrator’s disposition or character when committing an act (862b). As the Athenian explains, injustice consists of an improper arrangement of the soul in which the irrational rules over reason (863e). Once one understands the true nature of this disease by examining the soul of the patient, one sees that some categories of action formerly considered criminal are not. Specifically, even though one individual may harm another, if the soul of the former is properly ordered, the action should be considered an unintentional injury, not an injustice (862a-c). For example, if someone who commits temple robbery or acts to dissolve the regime is insane or lacks full rationality in some other way, that perpetrator is not guilty of injustice (864d-e). He does not require cure, and therefore should not be punished, although he must undergo purification.

By acknowledging this new category of injury, the Athenian recognizes the way in which irrational chance can disrupt the harmony of political life, as well as the possibility that the outcome of human action does not always reflect an individual’s true intention. This must be accounted for in a just penal code. Even when they do not mean to do so, people cause harm to others. In addition, the Athenian’s new teaching on injury
also serves to moderate the anger of victims by helping them recognize that the perpetrator did not intend to hurt them, making punishment unnecessary. But despite this teaching, the Athenian recognizes that injuries still provoke some degree of spiritedness in the victim, as well as his or her family and the rest of the citizens since they have suffered a loss. This cannot be ignored if friendship is to be restored. The Athenian proposes compensation and/or purification in order to moderate this anger and to heal the divisions in the community caused by such acts (862b, 864e).

Finally, just as the free doctor seeks to understand the nature of his patient’s disease, the Athenian offers an argument explaining the true nature of injustice. He defines injustice as, “the tyranny in the soul of spiritedness, fear, pleasure, pain, feelings of envy, and desires, whether it does some injury or not” (863e-864a). Thus, injustice is the opposite of virtue, which entails the rule of reason over the irrational. The Athenian explains that there are several main types of injustice, depending on which passion is ruling the soul: spiritedness, pleasure, or ignorance (863b-e). All involve the dominance of the irrational in the soul, which reflects the individual’s preference for his or her own private interest.

In contrast, justice is achieved when “the opinion about what is best (however a city or certain private individuals may believe this will be) holds sway in souls and brings order to every man, then, even if it is in some way mistaken, what is done through this,

\[\text{117}\] The Athenian also identifies three forms of faults caused by ignorance: simple ignorance, double-ignorance (thinking one is wise when one is not) with strength, and double-ignorance with weakness (863c-d).
and the part of each man that becomes obedient to such a rule, must be declared to be entirely just and best for the whole of human life” (864a). Rather than insisting that justice consists only in the rule of knowledge of what is best (a standard that cannot be achieved by the many), he allows opinion of what is best to suffice, even if this opinion is incorrect. Acknowledging the flaws and limitations of most human beings, he makes room for imperfect individuals to achieve justice by lowering the standard of what this virtue entails. Despite the fact that it is a lower standard, the Athenian still advocates this kind of common virtue as a goal for most citizens, including criminals. Furthermore, the Athenian also asserts that those who are capable of the highest levels of reason such that they can attain knowledge are also vulnerable to the temptation of following their self-interested desires. As the Athenian explains concerning such individuals who do possess knowledge rather than mere opinion:

There is no one among human beings whose nature grows so as to become adequate both to know what is in the best interest of human beings as regards a political regime and, knowing this, to be able and willing always to do what is best …Even if someone should advance sufficiently in the art to know that this is the way things are by nature, he would never be able to adhere to this conviction and spend his life giving priority to nourishing what is common in the city, while nourishing the private as following after the common; mortal nature will always urge him toward getting more than his share toward private business, irrationally fleeing pain and pursuing pleasure, and putting both of these before what is more just and better. (875b-c)

At this point in the text, one learns that private passions serve as the foundation of injustice and require constant reeducation. All members of the city are vulnerable to the temptation of following their private, self-interested desires, even those with a greater capacity for reason. The Athenian’s definition and analysis of injustice teaches the criminal about the nature of his disease, and allows him to understand and accept his
cure. This argument also appeals to the victims, their families, and the rest of the citizens who view the lawbreaker with distrust. If they understand the involuntary nature of his disease and its causes, it may ease their resentment. They may be more likely to view him compassionately, and to aid in his cure rather than seeking revenge. Treating him as an enemy through unmitigated violence does nothing to improve his soul, and this kind of treatment should be reserved only for those individuals that are completely incurable (862e-863a). Therefore, even though the Athenian recognizes that private passions and desires can never be completely overcome, he continues to use persuasion to moderate them and to reestablish friendship after conflicts occur. Perfect adherence to the law may never be achieved, but progress towards this goal can be made.

4.3.5 Educating the Irrational Through the Penal Code

Having examined the Athenian’s central arguments in the main preludes, one must turn to the second aspect of persuasion: appeals to the irrational. Having already analyzed the general principles of these appeals, one must examine the details of the penal code. However, before proceeding, it is appropriate to pause and clarify the approach used here to analyze this section of the dialogue. Given the volume and density of this portion of the text, it is an extremely difficult, if not tedious task to dissect the minutiae of each specific penal law. It is sufficient to note the central categories of the Athenian’s penal code and examine some of the overarching principles in order to highlight the application of the arguments just analyzed. The goal is to examine how the
Athenian’s penological theory is reflected in his actual legislation, and to see how the appeals to the irrational contained therein complement the arguments just examined.

In the remainder of this section of the penal code (864d-882c), the Athenian legislates for three main types of conflicts: homicide, the infliction of wounds, and assault. The first two sections are further subdivided to reflect the Athenian’s teachings regarding the distinction between injury and injustice, as well as the various causes of injustice discussed above. Thus, the overall organization of the penal laws reflects the Athenian’s arguments regarding the nature of injustice. The laws are based upon a rational analysis of this disease. For example, homicides are divided into several subcategories. First are accidental or unintentional violent killings, which reflect the distinction that the Athenian has made between injuries and injustice. Deaths that are caused by accidents during contests or military exercises (865a-b), or by some other act not intended to cause harm (865b-866d), are considered mere injuries. In such cases, the death is caused by chance rather than a deliberate act of the killer as a result of the improper arrangement of his soul.

Punishments are unnecessary in such cases because the perpetrator requires no cure.\textsuperscript{118} However, the Athenian does require purification, which acknowledges the anger

\textsuperscript{118} We have already noted that the pain of isolation during exile serves an important function in the perpetrator’s cure, as in the case of murder committed in anger. However, in the case of accidental death where cure is unnecessary, exile serves only as a means of purification and psychological compensation to the victim and his family. This distinction most likely accounts for the differences in the length of exile: two to three years for spirited murders, but only one year for purification after an accidental killing.
of the unintended victim and his family. The perpetrator may be exiled for one year in order to allow the “spirited rage” of the victim and his family to lessen (865d). After giving the family members this opportunity to moderate their anger, the Athenian proposes that the perpetrator be reunited with the community so that harmony is restored. The victim’s family should forgive the one responsible for the death and “have peaceful dealings with the man” from then on (866a). Thus, the Athenian acknowledges that conflicts due to irrational chance cannot be avoided, and thumatic responses to such injuries are inevitable. However, the Athenian attempts to moderate this anger by giving it time to dissipate while the perpetrator is in exile (865e). Through these measures he ensures that thumos does not undermine the possibility of future reconciliation between the criminal and the community.

It is also important to note that in the case of homicide, as well as in almost every other category of crime, the Athenian offers additional legislation for a variety of special cases. Additional measures are required that take into account the status of the particular actors involved and their relationship to one another. Several groups of are particular importance to the Athenian: slaves, strangers, elders, and members of the same family. By considering the unique identity of the perpetrator and victim, the Athenian mimics the free doctor who takes into consideration all of the characteristics of a particular patient. We shall return to these special relationship categories after reviewing each of the general categories of conflict.

119 If a slave is the unintended victim, the Athenian also requires monetary compensation to avoid feelings of animosity between the perpetrator and the slave’s owner (865c).
The second subcategory of homicide involves death caused by acts of spiritedness (866d). Although in his earlier argument the Athenian introduced a simple binary division of actions into injuries and injustices, this subcategory falls in between these two (867a, 878b). The Athenian’s difficulty in classifying thumos highlights its unique status as belonging completely to neither the rational nor irrational part of the soul. As a result, the Athenian must also consider a secondary aspect of the perpetrator’s disposition when committing such an act in order to prescribe the proper cure. Here he examines whether or not the killing involved pre-meditation (867a-b). A killing resulting from spiritedness without premeditation deserves two years of exile, while a pre-meditated homicide in anger deserves an additional year. The latter includes a more deliberate choice to indulge one’s private passion, thereby “resembling the voluntary” and requiring a “greater retribution of time for greater spiritedness” (866d, 867d). As already discussed, this time apart from the community helps to cure the perpetrator by allowing him to experience the pain of isolation. The Athenian also explains that while he is away, the killer must learn to “restrain his own spiritedness,” an idea further explained by Saunders: “the rigours of life in exile is a species of regimen; the exile will attract danger if he indulges his anger, and in two or three years...he acquires the habit of controlling it” (227). This cure also serves a second purpose: purification. By requiring the killer to

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120 In the Republic, Socrates also depicts thumos as a third part of the soul that is difficult to categorize. It is described there as being separate from both the rational and irrational, and has the capacity to function as the ally of either (439e-441c).

121 Although killings that are caused by anger and involve pre-mediation “resemble” voluntary and totally unjust murder, the Athenian still asserts a distinction between the two. The implication is that a soul dominated by anger is less culpable than one dominated by the self-interested desires for pleasure or envy.
keep away from the accustomed places of the victim, the perpetrator pays psychological compensation to him and his kinsmen.

In addition to curing the perpetrator of his spiritedness, the Athenian is also concerned with reestablishing harmony in the community. But in contrast to those who commit involuntary manslaughter and whose forgiveness and re-entry into the community is overseen by the private family of the victim, in the case of spirited murders, the Guardians of the city regulate the process. These representatives of the entire community must first reexamine the details of the crime before judging whether forgiveness and reunification with the community is possible (867e). Murders committed through spiritedness may not be as completely unjust as those motivated by the desires, but the Athenian considers them to be serious enough to warrant official regulation of the reunification process.

Next, the Athenian addresses murders that are “voluntary and totally unjust,” and which result from weakness in the face of pleasures, desires and envies” (869e). These crimes spring from the most severe kind of corruption of the soul—complete rule by the irrational desires such that private interest dominates any consideration of the common good. In one last attempt to educate and deter those who are tempted to commit such murders, the Athenian offers them an additional prelude, explaining and condemning the causes of this type of homicide: love of wealth and love of honor, as well as cowardly and unjust fears (870a-d). He couples this argument with a brief appeal to the sacred followed by a threat of natural retribution through reincarnation (870d-e). For those who
are not persuaded by these efforts and choose to kill, the appropriate consequence is death. The Athenian abandons hope of rehabilitating these individuals. He now fully accepts that there are limitations to the education he offers the citizens of Magnesia. Some will never be persuaded to moderate their irrational passions.\textsuperscript{122}

However, the Athenian still requires that they serve the community by “becoming examples to the others of why not to do injustice,” as well as “emptying the city of bad men” (862e-863a). Although they refused to serve the common good in life, the Athenian ensures that they do so in death. After execution, these incurables are buried outside of the country and are never forgiven (871a-d). Reconciliation with such individuals is undesirable. In order to address the anger of the victim and family, the Athenian provides psychological compensation through the permanent estrangement of the perpetrator from the community.

Finally, the Athenian also addresses murders committed by animals and inanimate objects (873e-874a). Clearly, it is not possible to educate or cure such perpetrators, but the Athenian includes this form of “murder” in his penal code because the victims and their families still feel anger as a result of injuries suffered. Although it may seem a bit ridiculous, the Athenian recommends that such perpetrators be prosecuted, judged, and

\textsuperscript{122} The Athenian offers a similar principle regarding the proper role of spiritedness at 731d: “So, the unjust man, like the one who possesses bad things, is pitiable in every way, and it is permissible to pity such a man when his illness is curable; in this case, one can become gentle, by restraining one’s spiritedness and not keeping up that bitter, woman’s raging. But against the purely evil, perverted man who cannot be corrected, one must let one’s anger have free reign. This is why we declare that it is fitting for the good man to be of the spirited type and also gentle, as each occasion arises.”
cast out of the city if they are found guilty (873e). The point of this legislation is to highlight the second purpose of the penal laws: moderating all residual, harmful spiritedness in this polis. The Athenian offers a rational process for helping the victim’s family to gain some closure and rid themselves of any impiety by exiling the killer (874a). Similarly, in cases where a murder has been committed but the killer has not been found, injury and anger remain. In an effort to address and moderate these emotions, the Athenian describes the appropriate process for prosecution, conviction, and declaration of punishment, all without an actual defendant present (874a-b). These novel recommendations demonstrate the Athenian’s efforts to regulate and rationalize all instances of conflict in this city that could lead to unresolved and unmoderated anger. The Athenian is also careful to delineate cases in which anger should be given free reign without causing pollution (874c-874d). In certain cases, self-defense (as well as defense of one’s wife and other family members) is justified and needs no further regulation (874c-d).

4.3.6 The Limitations of the Lawgiver

Having finished his legislation dealing with homicide, the Athenian has become more deeply cognizant of the flaws inherent in human nature. As a result, before he begins creating the laws concerning assaults and the infliction of wounds, he offers a prelude that focuses on the shortcomings of the lawgiver. In this prelude, the Athenian emphasizes the failure of all human lawgivers to rule perfectly rationally. Even though “no law is stronger than knowledge, nor is it right for intelligence to be subordinate, or a
slave, to anyone,” one cannot assume the existence of perfectly virtuous philosopher 
kings who can consistently rule in the common interest without sometimes favoring the 
private (875c-d). As a result, a lawgiver cannot trust human beings to rule with absolute 
power. All human authority must be subject to the law and checked in some way. 
Secondly, the Athenian recognizes the limits of human lawgivers regarding time and the 
particular nature of human life. No lawgiver can create laws for every possible 
manifestation of each type of crime (875e-876a). He can lay down general principles, but 
the law must be supplemented by the decisions of judges who can apply these general 
laws to specific instances (875e-876e). This is less problematic in a city where the judges 
are well educated, but is highly problematic where they are “wretched and inarticulate” 
(876b). The Athenian tells Kleinias that this will not be the case in their city. Yet, the 
fact that Kleinias, with his untamed desires for pleasure, will be part of the ruling 
authority in Magnesia reminds the reader that the city is not as immune to this problem as 
the Athenian suggests here. Finally, the Athenian acknowledges that no lawgiver can 
overcome chance (879d). A perfectly rational plan can still be subverted by 
circumstances that are beyond the lawgiver’s control. Although once again, even though 
he recognizes the power of chance, the Athenian is unwilling to surrender completely to 
this irrational force. In this section of the penal code he makes an effort to mitigate the 
impact of chance on the city by carefully regulating the allotments and the raising of 
children when their parents happen to succumb to the irrational and commit crimes 
(877d-878b).
After acknowledging these limitations, the Athenian turns to the laws regarding the infliction of wounds (876e). Following the new model he established for homicides, the Athenian continues to consider the intention of the perpetrator and the state of his soul when legislating proper responses to such crimes. He also retains the same basic subdivisions that he already introduced in the previous category; however, this time the punishments are more mild, reflecting the lesser degree of harm caused by the act. For example, consider the case of the criminal who intended to kill his victim, but merely wounded him instead (876e ff). Because the perpetrator’s intention is the same as a murderer, he deserves “not to be forgiven, any more then if he had killed” (877a). Yet because the actual harm he has caused is less severe, he is spared from the death penalty out of respect for the demon that warded off the bad luck of death for the victim (877a). When the intention of the criminal is to wound rather than to kill, the punishment is even more mild: a monetary fine. This fine serves a two-fold purpose. First, it compensates the victim for his loss, thereby “setting right again what has fallen, and making sound what has been…wounded” (862b-c).123 This monetary compensation helps to assuage the victim’s anger, thereby making reconciliation more likely. Since the fine exceeds the value of the injury, the Athenian must intend it to serve an additional purpose: educating

123 Note that even though the loss is greater in the case of homicide, no monetary compensation is offered. Since the victim is deceased, he or she cannot receive this kind of payment for the harm done. Furthermore, no financial remunerations are made to the family because throughout the penal code only slaves are reduced to mere monetary value. It seems that value of a free human being’s life is beyond measure in these terms.
the perpetrator through the pain of financial loss (878c). When the criminal learns to associate his unjust behavior with this pain, he is habituated to find it unpleasant and does not desire to repeat it. Just as the pain of exile helps to cure those who kill as a result of spiritedness, here the infliction of pain also serves the purpose of educating the irrational. The outcome may not be true virtue in the sense that the criminal now freely desires to follow reason and the law, but it achieves a second-best goal: to teach him to act as if he were virtuous and to develop an aversion to injustice.

4.3.8 Assault

Finally, in this section of the penal code, the Athenian addresses violent assaults that presumably do not produce wounds. Interestingly, here he departs from his previous model of focusing on the disposition of the perpetrator in order to determine the proper cure. As a result, there is no mention of the subdivisions found in the laws for homicides and woundings. Instead, he concentrates on the status of the victim and his or her relationship to the perpetrator, paying special attention to whether the former is a member of one of the special groups that the Athenian has highlighted throughout the code thus far (slaves, strangers, kinsmen, and elders). In part, this change can be explained by his understanding of assault. When it occurs among equals, it constitutes neither an injury nor an injustice.\textsuperscript{124} He does not describe fighting among equals as an act of injustice that

\textsuperscript{124} The Athenian dismisses assault as a unjust act worthy of punishment when the combatants have equal status as members of the same age group. If a young man is assaulted by another young man, or an old man by an old man, the victim is simply directed to defend himself (880a). There is no mention of punishment or compensation in such cases, except when one of the combatants is over the age of forty (880a). These older persons should be given a “degrading judicial penalty” since such individuals should
requires cure for the perpetrator. Therefore, the law need not consider his intentions or the state of his soul. However, the same does not hold true for assaults involving combatants that are that are unequal in status, especially when one belongs to one of the special groups previously mentioned. We shall examine the Athenian’s treatment of these individuals momentarily.

His secondary focus in the laws for assault is the role of bystanders who witness an assault, as well as their obligation to defend the victim. Throughout the penal code thus far, the Athenian has sought to moderate *thumos* to prevent it from becoming an obstacle to reconciliation. However, here in his treatment of assault, he reminds readers that *thumos* can play a positive role in the city as it allows members to protect one another from harm. As he demonstrates here, spiritedness is a necessary and beneficial aspect of political life. *Thumos* should not—and cannot—be completely eliminated. However, it needs to be properly educated to support the good of all rather than the individual’s private interests. The legislation pertaining to bystanders sheds additional light on the Athenian’s earlier difficulty in classifying *thumos*; it can be used as a tool to support the common good and unify the city, or it can disrupt this unity and divide citizens from one another. Having explained the dangers of the latter, he completes this section of the penal code by providing an example of how properly educated *thumos* can be used to protect elders and parents from assault. As this portion of the penal code ends, the Athenian provides a more nuanced understanding of *thumos* in political life. He will

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have learned to control their spiritedness by this time in life (880a). But in the case of young individuals, the lawgiver does not attempt to regulate these minor conflicts at this point in the text.
continue to highlight the tensions that pertain to spiritedness in the next section as he legislates for cases of impiety.

4.3.9 Necessary Divisions in the Polis

As already noted, throughout the penal code the Athenian pays special attention to violations of the law that involve members of the following groups: slaves, strangers, kinsmen, and elders. In each category of the penal laws, he carefully outlines specific penalties and compensations for crimes involving these individuals, thereby emphasizing these divisions in the community as being of particular importance. As argued earlier, the Athenian is interested in establishing harmony among the members of his city, but at the same time he acknowledges that divisions still exist among them. In some cases, such as family members, these divisions are rooted in irrational attachments that cannot be overcome. In other cases, such as slaves and strangers, these divisions are more arbitrary, but they must be preserved in order to maintain the Athenian’s plan for Magnesia. Thus, despite his initial goal of achieving a perfectly harmonious polis that approaches the unity of the best city, here in the penal code his complex legislation pertaining to these groups reveals his growing awareness that certain distinctions are necessary in political life. He now recognizes that not only is this degree of unity
impossible to achieve for human beings, but it also undermines the foundations of the city.\textsuperscript{125}

4.3.9.1 The Private Family

Despite the Athenian’s best efforts to moderate the influence of the private family in Magnesia, in the penal code it is clear that family ties are quite resilient.\textsuperscript{126}

Recognizing the unique attachments that relatives feel for one another, the Athenian now accepts that he must make a variety of concessions to the private family throughout the penal laws. For example, the Athenian gives family members special responsibilities towards one another: relatives play a special role in prosecuting those who have harmed their kin (866b, 868b-c); in certain cases, they oversee the return of these perpetrators to the city (866a-b); they help to reassign children to those allotment-holders without

\textsuperscript{125} Interestingly, the Athenian does not emphasize distinctions among the citizens based on gender in the penal code up to this point. At 882c, the Athenian declares, “the same legal customs are to apply to women in all such relations to one another, and in women in relation to men, and men in relation to women.” It is unclear if the legal customs to which the Athenian refers are limited to those in the passages immediately prior to this statement (this passage is concerned with the penalties for striking a free person—882a-b), or if his comments apply to the entire penal code more generally. Even if one assumes the former interpretation, there is no place within the penal code up to this point in which women are treated differently from men. For example, the Athenian proposes the same penalties for either a husband or a wife who kills a spouse (868e); the same penalty for either a brother or sister who kills a sibling (868e); the same penalty if a child tries to kill either a mother or a father (869a-c); and equal protections for fathers or mothers who are defending themselves against parent-beating. At 877b-d, the Athenian reviews a variety of penalties in which men and women receive the same penalties. Finally, at 879d the Athenian explains that both older men and women should be treated like parents, and that everyone—including women—must come to the defense of a parent being beaten by a child (881c-d). Women are singled out in the legislation pertaining to sexual violence at 874c, but here the Athenian asserts that a woman (as well as a boy) who is the victim of such a crime may kill her own attacker instead of waiting for her male family members to do so on her behalf (of course, they may also inflict this punishment).

\textsuperscript{126} As Okin argues along with Morrow, “the family’s crucial role in the prosecution of criminal justice, and the denial to sons of the right to defend themselves against their fathers—all these provisions indicate the central and authoritative position of the family” (Okin 362; Morrow 118-119).
offspring (877e-878a); and they determine the proper amount of compensation in cases where one kinsperson wounds another (878d-e). Finally, parents have the power to override the official prosecution of their children for murdering them in anger by absolving them before death (869a).

Yet, in addition to granting relatives a greater degree of self-rule in matters concerning their family members, he still attempts to regulate these relationships to some degree. By striving to make private families more orderly, he tries to increase the chance that they will exist peacefully within the city. Since families cannot be eliminated or even significantly minimized, he must simply try to ensure that the private family coexists peacefully with the rest of the political community and its laws as much as possible. Through the special legislation that applies to parents, children, siblings, and spouses, he seeks to prevent these intense, often passionate relationships from disrupting the peace of the polis or undermining citizens’ attachment to the larger community. For example, in order to deter family members from committing “voluntary and wholly unjust murder” against one another, the Athenian presents the most severe penalty in the entire penal code, along with an additional prelude involving the threat of divine retribution (872d-873d).127 In the case of family members that kill one another out of

127 Those who are convicted of unjustly murdering a “father, mother, brother, or children” are to be killed by the city’s magistrates, thrown down naked at a specific point outside the city, stoned by all of the city’s magistrates, and then thrown outside the borders of the country where they remain unburied (873b-c).
spiritedness, the Athenian empowers the city to separate family members, lest any particular private family becomes a source of ongoing conflict in the city.\textsuperscript{128}

The most significant familial relationship that the Athenian seeks to reinforce through the penal laws is that of parents over children. Children who kill their parents out of anger (and are not absolved by the parent) are liable to “the most severe judicial penalties for assault, impiety, and temple robbing,” and deserve to “undergo many deaths” (869b). Conversely, children must accept beatings from their parents and are never justified in striking their parents, even in self-defense (869c). Through such regulations, the Athenian makes every effort to encourage respect for parents. This respect for mothers and fathers serves to habituate citizens to become accustomed to obeying authority more generally, a habit necessary for the success of the rule of law. In addition, the Athenian also extends this respect for parents to include the honoring of all elders. The Athenian encourages younger members of the city to treat anyone twenty years older as if he or she is a parent (879d-e). Since the Athenian has learned to accept that family ties are permanent features of human life, he attempts to harness these attachments and use them to help strengthen the bond that exists among all citizens. In a passage reminiscent of the \textit{Republic}, the Athenian directs them to consider themselves as part of one large family (880b).\textsuperscript{129} However, this comparison should not be exaggerated.

\textsuperscript{128} If a parent kills a child, he or she must undergo purification, banishment for three years, and then the family is essentially disbanded. The parents must separate, and the perpetrator is forbidden from participating with his or her relatives in sacred celebrations (868d). Similarly, spouses who kill spouses, and siblings who kill siblings are required to undergo purification, banishment for three years, and then must not take part in the sacred things or meals with the remaining family members (868e).

\textsuperscript{129} Also see Zuckert (118-121, especially 120).
In the *Republic*, Socrates seeks to eliminate the private family completely among the ruling class in order to make Kallipolis the best city, whereas the Athenian learns that there are significant limitations upon the lawgiver’s ability to weaken the influence of private family ties.

4.3.9.2 Elders

As noted above, the Athenian also places a great deal of emphasis on respect for elders in Magnesia. In the final section pertaining to assault, he explains in a prelude that elders must be regarded with awe, and he invokes the sacred to reinforce this directive (879c). Those who assault elders are imprisoned for at least a year and possibly longer, as determined by the court (880c). The Athenian further reinforces respect for elders by legislating a variety of rewards and punishments that apply to bystanders, who are required to come to the aid of any elder being assaulted (880bd). This respect for elders in Magnesia is a consistent thread that runs throughout the entire dialogue. In the earliest portion of the dialogue, elders are awarded special status to critique laws since they have already been fully habituated in them and have a unique awareness of their shortcomings after having witnessed their application during the course of a lifetime (634e-635a). Additionally, the hierarchy of choruses outlined at 664c-d is based upon age, with the older members of the community receiving the most advanced education. It is only when citizens have learned over time to control their private passions that they are allowed to exercise a higher degree of self-rule as members of the Dionysian chorus (670b-d). Furthermore, throughout the dialogue, many of the highest ruling offices are reserved for
those who are older (754c, 755a, 759 d-e, 765 d, 802 a-b). And yet the Athenian is aware
that age is an imperfect standard for determining true superiority in the city. Recalling
his comments at 690b-c where he lists the seven titles to rule, there he notes that the
greatest title is the rule of the prudent over the ignorant, not the rule of the elderly over
the younger. Certainly these may sometimes coincide, but he also notes that many times
these titles are at odds with one another. Therefore, respect for elders is an important
element in the power structure of Magnesia, and yet he is also aware that a hierarchy built
on age falls short of the highest standard for determining worthiness to rule.

4.3.9.3 Slaves

Whereas the first two groups discussed above, kinsmen and elders, represent
subdivisions within the community of full citizens, the last two groups, slaves and
strangers, remain outsiders to a large degree. Both slaves and strangers are essential to
the daily survival of Magnesia, and yet the Athenian must maintain the boundary that
separates them from the rest of the city. The Athenian is careful to regulate their
relationships with free citizens in order to ensure that they exist peacefully while also
preserving their partially estranged position. Both slaves and strangers represent groups
that can never be fully reconciled to the city. Once again, the Athenian realizes that
perfect unity is unattainable.

\[130\] For example, he demonstrates that there are times when it is the father who “knows nothing of
what is noble and just,” and it is “the son who knows” (687e). Also, at 709e he specifies that it must be a
young tyrant who assumes a leadership role if a city is to be properly transformed.
Earlier in the dialogue during his discussion of property beginning at 776c, the Athenian highlights the problematic position of slaves in Greek culture. He repeatedly acknowledges their status as human beings and argues that they should be treated with dignity (777b, 777d). Yet he also describes them as possessions and does not condone regarding them as equals. Furthermore, his entire plan for public education is founded upon the need for a subservient class of persons that can fulfill the community’s labor needs, thereby allowing full citizens to dedicate themselves to public life and their education in virtue (846d-e). To treat slaves as equals would undermine this foundation and threaten the city’s existence. Although modern readers rightly condemn the practice of slavery, at a time before the development of labor-saving technology allowed full citizens adequate leisure time, the Athenian’s conception of education obliges him to maintain the subordination of this underclass of slaves. Thus, in the penal codes, the Athenian reinforces the division between free citizens and slaves. When slaves challenge the superior position of free men, and their masters in particular, they are treated harshly. Their punishments are generally corporal in nature, as if they are predominantly bodily creatures (868c, 869d, 872b-c, 877b). As noted earlier, the value of a slave’s life is consistently calculated in monetary terms, whereas the life of a free individual is never quantified in this way (865c, 868a). However, the Athenian never seems completely at peace with this division between slaves and free men, and he highlights the arbitrary nature of this division by allowing this boundary to be transcended by slaves who defend parents against assault by their children (881c).
Finally, the Athenian demonstrates a similar uneasy tension in his treatment of resident aliens and strangers. Throughout the dialogue, strangers (both resident and nonresident) never find a fixed place in the hierarchical structure of the city. They are essential for the survival of Magnesia in that they fulfill some of the most necessary tasks.\textsuperscript{131} Some of the roles assigned to strangers, such as craftsmen and retail traders, are considered unworthy of citizens, who must be fully dedicated to developing virtue (846d). Strangers may risk corruption as a result of these activities, but citizens must not. Other functions, like teaching, place strangers in a superior position above full citizens. Overall, their relationship to the citizen body is inconsistent. But whether superior or inferior, in order to fulfill each of these roles, strangers can never be fully reconciled to the city. It is their status as outsiders, unconstrained by the limits of citizenship, that makes them uniquely qualified to fill these essential functions. As discussed in earlier sections of this chapter as well as in chapter two, it is the perspective of the \textit{xenos} who stands simultaneously outside and inside the city that is crucial to the art of lawgiving.

The Athenian’s treatment of strangers in the penal code reflects their ambiguous position in the hierarchy of the \textit{polis}. Sometimes they receive the same treatment as free men (872b), while in other cases they are treated more harshly (866a-d, 880c-d, 794b),

\textsuperscript{131} Strangers serve as teachers (840d), craftsmen and artisans (846d-847b), and retail traders (849b-850a).
even receiving corporal punishments in a way similar to slaves (879d-e, 764b).\textsuperscript{132}

Nonetheless, the Athenian takes special care to regulate their relationship to the citizenry, thereby bringing order to any conflicts between these groups. As the dialogue progresses, the Athenian must continue to refine his treatment of these individuals.

4.3.10 Conclusion

As this section of the text closes, the Athenian has learned to moderate his expectations concerning his plan for educating the citizens of Magnesia. Despite the fact that he aims at a lower level of virtue for most members of the city, he now recognizes that many will fall short of this goal due to the difficulty of educating the irrational. He addresses this problem to some degree through his penal code, which seeks to re-educate those who have broken the law as well as to reconcile them with the rest of the community, but the Athenian must still reform one of his most powerful instruments for securing the obedience of the citizens—the sacred—in order to strengthen it. In addition, he must address the problem of leadership in this city. During his discussion of the subjects that must be studied by the children of Magnesia earlier in this chapter, the Athenian explained that not all individuals have the capacity to learn with precision. As a result, only a few members of the city will achieve the kind of understanding that is necessary for exercising authority over others. The Athenian’s discussion points to the

\textsuperscript{132} One should also note that there are sometimes different punishments for resident aliens and non-resident strangers. For example, if a non-resident alien fails to defend a parent against attack by his or her child, he must spend two years in prison (880c). A resident alien guilty of the same failure must serve three years, presumably because he should have greater awareness of his responsibility than a complete foreigner.
existence of a gap between the many and the few in the city. He has attempted to lessen this gap to some degree by having all citizens read the text of the *Laws*, but as the Athenian demonstrates in the next chapter, the problems concerning the sacred cast doubt upon the possibility of establishing harmony between them. At the same time, the Athenian also recognizes that among those who do have the ability to guide the city based on intelligence, the irrational threatens to corrupt their leadership. Just like those they rule, they will also struggle to overcome their private desires in order to serve the common good rather than their own self-interest. Therefore, the law must rule because no human beings can be trusted with unlimited power. But the law is an imperfect approximation of *logos*, and it requires improvement over time. The Athenian must establish some means of allowing for improvements that are in keeping with his original plan for the city. As he develops this safeguard to help protect the city from deterioration due to the unfavorable influence of the irrational, he must focus on the creation of a more advanced education for those entrusted with positions of authority.
CHAPTER 5:

THE LIMITS OF LAW AND THE QUESTION OF SALVATION (884a-969d)

In this final section of the dialogue, the Athenian highlights shortcomings of law compared to living intelligence and the incomplete nature of the art of lawgiving due to the presence of the irrational. First, he seeks to resolve the problem of the sacred (ierai) in Magnesia, but merely offers an incomplete, problematic theology that must eventually be reformed. After this, he returns once again to address the related problems of private property and the private family. The fact that he must continually return to these subjects in order to supplement his legislation foreshadows his later admission that lawgivers are only capable of establishing incomplete outlines (934c). The general prescriptions of the law must be applied and further developed by living intelligence in the form of the city’s judges and magistrates. Finally, the Athenian presents his “perfected waking vision” for safeguarding his city and its laws in the form of the Nocturnal Council (969b). And yet, he never completes the discussion of how this savior will carry out its task, or how to educate its members so they will be capable of safeguarding the laws. In the face of such lack of resolution, it might be tempting to give up hope and abandon the city out of frustration. And yet, the Athenian does not do so. He remains steadfast in his dedication to establish reforms that move the city closer to his perfect vision, despite his appreciation that he will never reach this goal. The story of Magnesia is the truest tragedy in the sense that the city contains irresolvable tensions that prevent it from
achieving perfection, and yet the Athenian is not a tragic character due to his awareness of the limits of lawgiving. Because he practices this kind of double-vision that recognizes both the potential and problems of political life, he perseveres in his efforts to improve Magnesia through persuasion, which incorporates both arguments and the education of the irrational. Through his example, readers of this dialogue are encouraged to moderate their own expectations of their political communities, so that they can remain engaged in politics, rather than growing apathetic as a result of the frustration of unrealistic hopes.

5.1 Reforming the Sacred (884a-910d)

…when a lawgiver wishes to enslave a certain desire which especially enslaves human beings, it’s easy to know, at least how he should handle it. By having everyone—slaves, free men, children, women, the whole city in agreement together—hold this pronouncement to be something sacred, he will have succeeded in making this law very firm. (838d, emphasis mine)

Beginning at 884a, the Athenian seeks to reform the sacred. As discussed in previous chapters, he has relied upon the sacred as an important element in his education of the irrational. Specifically, he utilizes it as a means of persuading the citizens to accept and obey the laws voluntarily, as well as tool for uniting the city. However, this reliance upon the sacred also introduces several tensions that he must address. First, the polis benefits when its members share a common belief that their laws reflect the divine order, which in turn secures their obedience. Since the Athenian is establishing a city populated by colonists from several different cities, his citizens will each bring with them
a somewhat different mix of traditional beliefs. The Athenian must establish reforms that unite them into a single, common theology. Furthermore, laws become more stable if the citizens are taught not to question or change these sacred teachings, so the Athenian must encourage this kind of firm adherence to his theology. In addition, due to the limitations of most citizens, the traditional beliefs they pass from one generation to the next are often problematic. Some elements of these ancient beliefs may be contradictory, others may be overly simplistic, incomplete, or excessively irrational. Most importantly, some traditional teachings about the divine may be contrary to the laws, especially those *nomoi* that have been reformed by a lawgiver seeking to establish the order of reason in his city. The lawgiver must reform these traditional beliefs, but he must do so without angering the citizens who have been taught to resist such changes, and without undermining their belief in the divine altogether. In sum, the Athenian Stranger must question the foundation of traditional piety and transform it without seeming impious.

Secondly, in every city there are individuals who set themselves apart from the rest of the community by questioning its established beliefs. For some, this is due to age, for the young are inclined to rebel against that which has been established by their elders and demand reasons for obedience. This is especially problematic in a city where the young are encouraged to “evince awe in deed and word” towards all older members of the city (879c-d). But for others, such as the Athenian Stranger, these questions arise from their insatiable quest for truth regardless of age. When anyone aggressively and publicly challenges the traditional teachings about the gods, most citizens—and especially the elderly—often react thumatically. And yet, the Athenian also knows that
the city depends on some of these independent thinkers for its ultimate salvation as a result of their ability to understand the city’s true purpose and to envision reforms that move the city closer to this *telos*. In order to address this tension, the lawgiver must first speak to the young, offering them arguments and other forms of persuasion in order to encourage them to accept the beliefs of their community and its elders. In addition, he must address those rare individuals of advanced rational capacity who question all dogmas as a result of their desire for truth. He must teach them to temper themselves and to reserve their inquiry for an appropriate place and audience. The lawgiver must also moderate the anger of the majority of the citizens towards such individuals, persuading them to make room in the city for those who seek to know the truth about the divine through more rigorous analysis and radical questioning. Therefore, if the Athenian

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133 In order to understand the problem such individuals cause for the city, it is helpful to return to the discussion of the puppet image from 644d-645c, where the Athenian first draws the reader’s attention to the problem involved in requiring the entire city to aspire to follow the leadership of the golden cord of *logismos*. For most individuals, they will never fully develop their own individual reason to the point of true knowledge, and as a result, they must follow the *nomoi* of the city as an external source of reason. They still strive for virtue by establishing harmony in their souls, although this is a lower form. However, other individuals will have the capacity for fully developed reason. Earlier in the text, the Athenian generally ignored the possibility that the *logos* of such individuals might conflict with the *nomoi* of the city. But now at the end of the dialogue where he begins to consider the ways in which the law falls short of embodying complete intelligence, he must also reflect on the problems these individuals pose to the city. Law is an imperfect approximation of intelligence, and these individuals will recognize the ways in which the *nomoi* fall short of *nous*. If these individuals question the laws openly, especially in front of the young who are naturally inclined to question that which has been established by their elders, they risk undermining the beliefs of those persons whom the Athenian says should not try to change what has been laid down. Like the average members of the choruses at 658e-659c, who lack knowledge and must therefore follow the songs that are chosen for them rather than choosing for themselves, the Athenian does not think that the city’s average, non-philosophical citizens are qualified to call the laws into question. Therefore, although the Athenian is certainly concerned with the problem of impious youth, he must also be concerned with those who may serve as their teachers. He indicates that most of the young cease asking such questions due to the passage of time (888b-c), but the reader is aware that philosophical individuals may continue asking questions even when they are old. He must teach these individuals about the limited nature of average citizens’ beliefs regarding the sacred. He reveals the difficulty most citizens have in grasping complex arguments about the highest subjects. He explains the cause of their anger when confronted with direct challenges to their established beliefs. The result is a lesson in moderation for those individuals who question traditional beliefs especially in front of the young, as well as for those lawgivers who seek to introduce reforms.
is to succeed in providing a firm foundation for his legislation, he must reform the sacred
and bring it into greater harmony with reason, and yet he must not undermine its power to
appeal to the irrational. He must also strengthen most citizens’ attachment to the city’s
communal beliefs, and yet make room for individual critical inquiry for those who are
qualified. In other words, he must address the tension between philosophy and the
sacred, between that which is dedicated to radical questioning and that which must not be
questioned publicly.

However, the reader must also recognize that the Athenian does not offer a perfect
solution for resolving these tensions. The theology he introduces in this section is an
improvement upon most traditional beliefs, but it is incomplete and requires further
revision. And yet, establishing future reforms is extremely difficult, since he must
encourage his citizens not to question this theology. In addition, the thumos that most
citizens, especially the elderly, feel towards those who question the communal beliefs is
never completely tamed, only lessened. Finally, the Athenian must sacrifice a great deal
of freedom for philosophical individuals living in his city in order to maintain positive
freedom for the community as a whole.\footnote{For example, if a man such as Socrates were to live in Magnesia—not that he would have been
willing to leave Athens in the first place (\textit{Crito} 52b-54d)—he would have to moderate his behavior and
abandon his practice of speaking freely to anyone he chooses because his questions inevitably cast doubts
upon his fellow citizens’ belief in the gods and the city’s established theology. Because Socrates applies
his radical questioning to all opinions and dogmas, it is likely that he would be accused of offering
teachings that contradict the Athenian Stranger’s theology regarding the gods at 893b-907a. Furthermore,
his idiosyncratic experience of the divine, as represented by his daimonion (\textit{Apology} 31c-d), is contrary to
the public nature of religion in Magnesia, which the Athenian emphasizes at 909d-910d. Although
Socrates does not set up private shrines to his daimonion or establish private rituals, his experience of the
divine is unique to him and cannot be shared with the rest of the community (see Hegel’s \textit{Lectures on the
History of Philosophy}, (Trans. Haldane) Volume One, pp. 434-5). Since Socrates emphatically refuses to
be silenced and to stop speaking frankly or asking questions no matter where he is (\textit{Apology} 37e-38a), it
seems likely that he could not live in Magnesia without being put to death for impiety, despite the fact that}
prevents the Athenian from perfecting his city. And yet he perseveres in his efforts to
educate it, thereby bringing the city incrementally closer to his ideal vision while also
becoming more aware of his own limitations and allowing the reader to understand the
conflict between philosophy and the sacred.

5.1.1 The Problem

The Athenian’s discussion of the sacred, as well as the problem of impiety
(asebeia), begins with a continuation of the penal code. Although the Athenian seems to
be concluding his discussion from the previous section, his comments also provide an
important segue to his discussion of the sacred. He states: “no one is to carry or drive
away anything belonging to others, or use anything belonging to a neighbor, if he hasn’t
persuaded the owner” (884a). While the Athenian states that this applies to acts of
violence in general, this pronouncement also introduces the overarching theme of this
portion of the text. The established beliefs concerning the sacred constitute a precious
possession of the community. Individuals who threaten these beliefs through aggressive
questioning or through the introduction of new teachings without persuasion and without
the proper consideration for the needs of the many are viewed as perpetrating a kind of
violence against the city. After introducing this conflict, the Athenian then focuses on a
specific instance: young people who offend the sacred things, both public and private,
and who behave insolently towards their parents, their rulers, and their fellow citizens (884a-885b).

Although he highlights this particular problem of young persons who question the beliefs of their elders, the Athenian himself is also in danger of seeming impious, for he also challenges the traditional beliefs regarding the divine. Many of these ancient beliefs are based upon myths that portray the gods as highly irrational beings. Because these depictions are contrary to his conception of virtue and the foundation of his legislation for Magnesia, the Athenian must reform them. He introduces a new, more rational conception of the divine that elevates the pursuit of intelligence and the other virtues. He promotes the preeminence of the soul over the body, and establishes a new conception of the universe as governed according to the motion of \textit{nous} (although not completely), which intends to effect the good (897a-c, 967a-e). He also reaffirms his earlier teaching that the life of virtue is most pleasant by establishing rewards for the good and

135 The Athenian says very little in an explicit manner concerning the content of the traditional teachings about the divine in 884a-910d. However, one may look to Socrates’ discussion of the same subject in the \textit{Republic} to get some sense of the way the poets depicted the gods at this time in Hellas. In Books Two and Three of that text, Adeimantus and Socrates discuss the writings of poets such as Homer, Hesiod, and Pindar, in which the gods are portrayed as behaving irrationally and failing to uphold justice. Rather than bringing order to the universe and promoting virtue and goodness, the poets describe the gods as committing acts of extreme injustice against one another (378a-b); making war with one another (378c); fighting with family members and disrespecting parents (378a-c); as well as over-indulging their private desires for sexual gratification (390c-d). The gods of the poets are anthropomorphic beings, but they also change their form in order to deceive mortals (380d-383c). Instead of inspiring humans to strive for virtue, the poets also say that the gods have made the virtuous life more difficult than the life of vice (364d), and they teach that the gods can be persuaded through sacrifices and prayers to overlook the deeds of bad men and to punish those who are good (364b-e). As the discussion continues, the Athenian’s new theology directly rejects most elements of these traditional teachings.
punishments for the bad through the creation of a new set of poetic myths (733a, 734d, 662d).\textsuperscript{136}

However, unlike the young men who anger their elders through their brazen questioning, the Athenian employs persuasion as he introduces his reforms to the Dorians. Like the free doctor, he does not force his cure upon his patients, but always secures their agreement as he educates and heals them.\textsuperscript{137} Most importantly, he continues to employ a combination of appeals to both the rational and irrational, although he places greater emphasis upon the latter in this portion of the dialogue than he has previously. Because he recognizes the limitations of his interlocutors and the average citizens of similar intellectual capacity, he does not present his new teachings using complex rational arguments or proofs that his interlocutors will not understand. As an alternative, he combines simple arguments with poetic imagery that they can grasp more easily, as well as appeals to their emotions that will solidify their acceptance of his reforms.

For example, the Athenian’s decision to preface the introduction of his reforms of the sacred by first focusing on the problem of insolent youth constitutes a deliberate appeal to the irrational designed to make the Dorians receptive to his proposals. Just as he

\begin{footnote}{136} It may be helpful to recall the Athenian’s earlier statement from 663d when considering the theology he presents here at 884a-910d: “…the unjust way of life is not only more shameful and more wicked, but is also truly more unpleasant that the just and pious way of life….Even if what the argument has now established were not the case, could a lawgiver of any worth ever tell a lie more profitable than this (if, that is, he ever has the daring to lie to the young for the sake of a good cause), or more effective in making everybody do all the just things willingly, and not out of compulsion?”\end{footnote}

\begin{footnote}{137} Although the Athenian follows the example of the free doctor as he educates the Dorians, the punishments he recommends for the citizens of Magnesia who commit impiety highlight an important difference between private education and lawgiving; the latter is not completely gentle but must incorporate the use of coercion against those who are incurable.\end{footnote}
prepared his interlocutors to accept his teachings in the earlier sections of the dialogue by appealing to the cord of pleasure through his discussion of drinking parties, he now appeals to the cord of pain and fear. Magnesia is a city where elders and ancient things receive a great deal of deference (879c-880d). By calling attention to the way in which the young tend to question ancient teachings, his elderly interlocutors become so alarmed by this threat to the city that they are eager to accept his new theology, which is offered as the proper remedy to this problem. Because of the context in which they are presented, his interlocutors embrace these new teachings as the embodiment of piety, despite the fact that they are substantially different from the traditional myths concerning the gods. By appealing to the irrational in this way, the Athenian positions himself as the defender of true piety rather than as a reformer of traditional beliefs, thereby making it more likely that his interlocutors will welcome his new theology without viewing it as a challenge.

By proceeding in this manner, the Athenian provides a blueprint for future lawgivers who must introduce additional reforms in the future in order to bring the sacred into greater harmony with reason. And yet, one must also recognize that as a result of employing this gentle approach, the teachings he presents in 884a-910d do not constitute a fully philosophical examination of the truths pertaining to the divine things. They represent an incremental reform of traditional beliefs for the sake of average citizens, which will require further elaboration and examination in the future by a different set of individuals and in a more private space. Once they have revised this theology in private, future leaders may follow the Athenian’s example in order to introduce some of their
reforms to the rest of the city without angering the citizens or undermining their belief in
the divine foundation of the laws. And yet, it is not clear that average citizens will ever
be capable of understanding a truly philosophical conception of the divine, for this entails
a higher level of rational capacity that many citizens will never possess. As this section
of the text demonstrates, average citizens with intellects similar to Kleinias and Megillus
cannot engage in pure dialectic because they require appeals to the irrational that lead
them to focus primarily on the visible world of becoming things.

5.1.2 The First Cause of Impiety

Having prepared Kleinias and Megillus to accept his new teachings, the Athenian
begins by offering the youth—and the Dorians—an exhortation (*paramythion*) that
addresses the three possible causes of impious behavior (885b).\(^\text{138}\) The first cause is the
failure to believe in the existence of the gods according to the laws. The second cause is
the refusal to believe that the gods care about the human things. The third cause is the
belief that the gods can be appeased by unjust men if they are offered sacrifices and
prayers. Ostensibly, the Athenian teaches the insolent youth about the causes of impiety
in order to cure him of this “illness” (888b); but additionally, the Athenian’s analysis
allows the city’s future leaders to understand the elements of belief that are necessary for
the sacred to function effectively as a tool to support the laws and to encourage the
obedience of average citizens. His analysis reveals that citizens must believe that the

\(^{138}\) As Pangle notes, the root of this word, *mythos*, implies a poetic element to this account (533
footnote 1, 515 footnote 30).
foundation of the law is not an arbitrary human convention. In particular, most citizens must believe that there is a relationship between *physis* and the moral foundation of *nomos*. They must also believe that both are connected to the divine in some way. They must accept that the nature of the divine reflects the same virtues praised by the lawgiver and embodied in his legislation. The god(s) must serve as a model for the citizens to emulate. Furthermore, the citizens must believe that the divine being(s) is capable of observing all human behavior and enforcing a similar standard of justice as that which forms the foundation of the laws. Whereas earlier in his discussion of the penal code, the human lawgiver applied punishments as a means of reeducating the unjust, here the Athenian suggests that citizens must believe that the *gods* are also cognizant of their behavior, and that they will be rewarded or punished appropriately. Each of these elements is necessary if the lawgiver is to reinforce his laws through appeals to the sacred.

According to the Athenian, although the young naturally tend to rebel against that which has been handed down to them, the problem is exacerbated by the presence of two different kinds of teachers whose arguments give the young reasons to challenge their elders. The first group includes the authors of the ancient writings that describe the creation of the universe, the origin of the divine beings, and the mingling of the gods (886c). Interestingly, although he says that these writings are neither true nor salutary, the Athenian states here that he will not eliminate them (886d). However, the Athenian’s statement is not completely straightforward. Not only has he already made provisions for all ancient poetry and music to be reviewed and rewritten so that it
supports and conforms with the laws (801d, 802a-802c), but even more importantly, the
descriptions of the origins of the universe and the nature of the divine that he will soon
give constitute a new kind of theological myth that replaces these older versions,
although the Athenian never openly acknowledges this to be the case. He claims he is
more interested in explicitly addressing the second source of these problematic beliefs—
the atheistic teachings of men of science—but in fact, his teaching in this section of the
dialogue addresses these revered poets and ancient writers as well.

Turning to the second group of teachers, the Athenian argues that these “new and
wise men” sever the connection between nature and the divine. They reject any natural
or divine foundation for the laws (886d). First, he explains that these men perpetuate a
bodily conception of the universe, teaching the young that the primary elements are “fire,
water, earth, and air,” which combine in order to form the heavenly bodies, animals, and
plants (889b-c). Most importantly, these elements are ruled by chance and necessity,
rather than by the gods or through art (889c). According to this account, there is no
intelligible order to the universe, and it lacks an ultimate purpose or telos. As he explains
at 967a, these men teach that all “actions come into being by necessities and not by the
thoughts of an intention concerned with the fulfillments of good things.” Therefore,
these “new and wise men” reject the connection between physis and the divine.

Secondly, since they reject the existence of the gods, these teachers also eliminate
the possibility that nomoi have a divinely inspired foundation. If there are no deities, but
only randomly mingling elements, the laws cannot be inspired by the gods. In addition to
this, they also reject the possibility that the laws reflect any kind of natural truth.\textsuperscript{139} The Athenian explains that although these teachers do acknowledge the existence of human

\textsuperscript{139} Some contemporary scholars affirm that men of science in fifth century Greece did contribute to the notion that \textit{nomos} and \textit{physis} are antithetical to one another (Morrow, “Plato and the Law of Nature” 19; Greene 226). \textit{Physis} was associated with the necessary and true reality of the universe that exists before human life and prior to the products of human art (Morrow 24). Originally, \textit{nomos} referred to the customary “ways of behavior characteristic of any group of living beings,” but over time it gradually became associated with law and “the existing code of morality in any given state” (Morrow 20; Burnet 26). And while many Greeks believed those early customary laws were inspired by the divine (Morrow 21, 26-27; Greene 225-226), over time \textit{nomos} came to signify merely human creations: “something particularly characteristic of human life, something variable, contingent, and often arbitrary” (Morrow 19). This change was due in part to the teachings of the men of science, but it also resulted from citizens witnessing human legislators reforming older customs and creating new laws for themselves (Morrow 23, 26; Greene 226). Realizing that the laws were made and enforced by humans rather than gods, the laws lost some of their authority. Furthermore, given that \textit{physis} was afforded greater respect than \textit{nomos}, Morrow explains that some thinkers began to cast aspersion on the conventional conceptions of justice embodied in the laws, and sought to replace them with a supposedly more “natural” standard of behavior. Asserting that humans naturally seek self-preservation, these thinkers concluded that the true standard of justice in nature is to pursue that which is useful to one’s own private interest. Thus, some of these thinkers argued that the pursuit of self-interest should have priority over any other conventional conceptions of the just that favored the common good (Morrow 26-27). Devoid of their connection either to the divine or to nature, the laws lost much of their moral imperative. As Greene argues, “Here begins the revolt of the individual against the arbitrary ways of the social group, a revolt which can find no ultimate sanction, no absolute law, until it reaches an all-embracing society, or even \textit{physis} itself” (Greene 226).

According to Strauss in \textit{Natural Right and History}, the concept of nature was originally unknown to human beings, but was discovered by philosophy (81). Before the advent of philosophy, human beings understood the characteristic behavior of a particular group as its “custom” or “way” (82). Early people considered the most important “way” to be that of one’s own group, and designated this as the “right path” or the good (83). According to Strauss, the rightness of this “way” was guaranteed by the fact that it was old or ancestral, which caused early peoples to assume that their ancestors were gods or close to the gods and that the practices they established were founded in divine law (84). However, this trust in the ancestral was questioned when early groups encountered one another and learned of their differing accounts of the first things concerning the gods (86). Once individuals were exposed to these contradictory accounts, they lost their trust in the ancestral and began to wonder which account was correct (86). For Strauss, this marks the beginning of a new quest “for that which is good by nature rather than that which is good merely by convention” (86). Once nature is discovered, Strauss explains that the different customs of different peoples could not be understood as equals—the customs of natural beings were now considered their “natures” while the customs of different human tribes were considered to be their conventions (89). As a result, the earlier, general term “custom” was split into “nature” and “convention” (89). Strauss states, “the distinction between nature and convention, between \textit{physis} and \textit{nomos}, is therefore coeval with the discovery of nature and hence with philosophy” (89).

From this point, Strauss explains that some thinkers, such as Heraclitus, sought to undermine the connection between justice (understood as that which aims at the common good) and the divine by arguing that the gods don’t support justice or injustice through rewards or punishments; rather, these things are based on mere human decisions (94). Furthermore, these thinkers argued that the just things differ from one society to the next (97). As a result, the supporters of this viewpoint, which Strauss calls
art, they regard it as a later development that often produces mere “playthings,” including legislation, which lack almost any connection to the truth of nature (889d-e). According to these wise men, laws are essentially arbitrary human creations: “they claim…the whole of legislation, whose assumptions are not true, is not by nature but by art” (889e). They teach the young that the moral foundations of the laws—including the conception of justice upon which the law is based—are mere conventions. These notions are reinforced by the poets, who teach that true justice is a matter of force, such that those who gain power in the city determine how justice is defined based on their own self-interest. They instruct the youth that every individual should seek to serve his own private desire by dominating others, rather than serving the good of the whole community through submission to the rule of law (889a-890a).

Reflecting upon these arguments, one sees that they directly contradict the Athenian’s teachings throughout the dialogue. As discussed in earlier chapters of this dissertation, the Athenian’s overarching project is to tame private self-interest and persuade it to follow reason and the common good. More specifically, the conception of

“conventionalism,” argued that justice, along with the city and its laws are all unnatural (this is further supported by the argument that all of these require compulsion for their existence) (103). In contrast to the proposal that justice requires human beings to pursue the common good, conventionalists argued that everyone by nature seeks his own good (106). Strauss explains that he city requires individuals to put the common good of the whole above their own self-interest, but this causes a conflict between the individual’s self-interest and the city. The city tried to settle this conflict by claiming that the city/justice/common good is higher than self-interest, but conventionalists called this into question (107). Thus, as physis and nomos were separated from one another, the idea of justice was called into question.

In order for the nomoi to regain legitimacy, they must be reconnected to a reformed conception of physis that harmonizes with the foundation of the law, to a reinvigorated conception of the divine, or to both. The Athenian chooses to reconnect all three elements.
virtue at which his legislation aims is one in which harmony or *sumphonia* exists between the rational and irrational aspects of the human being. The rational part of the soul must assume its natural role as leader, while the irrational should find pleasure in its obedience to the ruling element. The virtuous person loves to obey reason, and does so willingly rather than as a result of compulsion. In contrast, the person who is ruled by the irrational and surrenders to his private, self-interested appetites lacks freedom because he is enslaved to his desires to enjoy pleasure and avoid pain. Since the laws of the city seek to embody the order of reason and seek to establish virtue and harmony within the city, the citizens freely submit themselves to the rule of law, and all serve the common good of the whole rather than pursuing individual, self-interest. When these corrupt teachers of the insolent youth glorify the pursuit of self-interest, it threatens the entire foundation of the Athenian’s plan for his city.

A second troublesome aspect of the teachings of the wise men is the bodily conception of the universe that they promote. At 889b-c, the Athenian explains that the wise men teach that the mixing of bodily elements is the ruling cause of everything in the universe, including all heavenly bodies, plants, and animals. According to this argument, body is fundamental and is prior to all else. Once again, this directly contradicts the Athenian’s teachings, and undermines one of his most important arguments regarding the soul. Throughout the dialogue, the Athenian has given priority to the soul over the body. This teaching forms the basis of his argument advocating the pursuit of virtue. In the prelude to the laws at 726a-734e, the Athenian argues that the best way to honor “that which is most one’s own,” (i.e., the soul) is by turning away from “excessive self-love”
(715b). One must embrace virtue instead, by pursuing the common good of the whole. He instructs that the body is to be honored in third place (the gods being first), and that this honoring involves moderating the bodily desires by teaching them to follow the leadership of reason (728d-734d). However, these teachings and preludes lose all persuasiveness if one asserts that the body and its appetites are fundamental and have a natural priority. Why should one seek to honor the soul and serve the common good if the individual, private body is primary? As a result of these teachings by the men of science and the poets, the pursuit of virtue appears to be unnatural since the “true” order of the universe gives priority to the body and the supports the fulfillment of its private needs and appetites (Pangle 1067-1068).

In addition to this problem, the Athenian is deeply troubled by the fact that these teachers claim that the primal, corporeal elements that constitute the universe are governed by chance and posses no ultimate telos (889b-c). Since the beginning of their conversation, he has attempted to persuade the Dorians that the universe is not governed exclusively by irrational forces. He has endeavored to demonstrate how the lawgiver, through the use of his political art, can bring some degree of order to human life and limit the influence of chance. For example, one may recall the purge he advocates at 735e, the care with which he attempts to maintain the fixed number of households at 740c-e, and the way in which he attempts to base the selection of rulers in the city on a careful balance of chance with intelligent judgment (757b-e). While these are simply a few examples, his entire plan for the city is based upon the argument that human life has a purpose, and that the whole community should be arranged in order to seek to fulfill this
telos (630e-632c, 706a). He has certainly never denied the existence of chance, but he has refused to acknowledge that it is the primary force governing the universe or the city. He insists that human art must strive to temper chance and establish the order of reason as much as possible. Earlier in the dialogue, the Athenian offers an optimistic perspective that political life is not a chaos without an intelligent design, but that god (theos) has some control over human affairs. Even more importantly, he proposes that there is also room for human art to make improvements (709b-c). Just as a pilot uses his art to steer his ship and guide it as closely as possible along the best course rather than allowing it to be tossed randomly about among the waves, the Athenian suggests the same is true for politics. While the city will exist in the realm of becoming and change, and although it is faced with irrational forces as a result, the art of the lawgiver can have some hope of reforming them, even if only partially and incrementally. In doing so he can guide the city closer to a rational arrangement that aims at the whole of virtue.140 As the Athenian acknowledges beginning at 840e, he cannot completely eliminate the irrational in the becoming world. While he accepts this limitation, he does not abandon his efforts to cure those citizens who are open to healing, and he continues to strive for the restoration of harmony in the city after conflicts occur, even if it is only temporary. Therefore, when these teachers assert that the true reality of universe is a random, purposeless interaction of bodily elements in which chance and necessity rule, they deny the possibility of the Athenian’s project.

140 It is important to note that this conception of lawgiving presumes that the lawgiver has knowledge of virtue, which in turn presumes that it is something that can be known. As Socrates reminds us in the Republic, “Knowledge is presumably dependant upon what is, to know of what is that it is and how it is” (478a). Thus far, the Athenian’s theology lacks a developed conception of that which is unchanging and capable of being known in this way.
In order to counteract these teachings and to persuade his citizens, especially the young, that his laws reflect truth and are worthy of obedience, the Athenian restores the connection between the foundation of law and nature, as well as the connection of both of these elements to the divine. However, he does not simply resuscitate traditional teachings that glorify the irrational. He proposes a revised conception of nature and of the divine so that both harmonize with his new, more rational plan for the laws. In order to achieve this end, he must reform his listeners’ conception of nature, as well as of the divine. As part of this project, he must also persuade them that the soul is superior to the body, and he must reaffirm the possibility that human art—and particularly the art of politics—has some ability to establish order. As always, the Athenian relies upon persuasion in order to introduce his reforms, although this time he must rely most heavily upon appeals to the irrational due to the Dorian’s limitations in terms of grasping arguments pertaining to these difficult matters.

Therefore, in order to reinforce the vision of virtue at which his laws aim, to reaffirm the importance of the common good over individual self-interest, and to reestablish the importance of political art, the Athenian argues in favor of the primacy of the soul over body. He also seeks to persuade his audience that the rational order of divine intelligence should be honored. However, there is an important element missing from the Athenian’s plan. If one is to accept his explanation of the nature of intelligence,
he must also explain the nature of the unchanging telos at which nous aims.\textsuperscript{141} It is significant that the Athenian never explains the existence of unchanging things at this point in the text, although he briefly mentions them later at 965b-966a.\textsuperscript{142} In order to understand this omission, one must remember that the Athenian is always mindful of the limitations of his interlocutors. To develop a teaching concerning these unchanging ideas here would require that his interlocutors are capable of engaging in pure dialectic and transcending all appeals to the senses.\textsuperscript{143} As the action of this section of the text demonstrates, the Dorians lack this capacity.\textsuperscript{144} Therefore, the Athenian limits himself to introducing an incomplete and imperfect teaching for the sake of the Dorians and the average citizens they represent. For the most part, this theology ignores the unchanging things that exist beyond the realm of the becoming world at this point in the conversation, but it also prepares the many to accept the leadership of those individuals who are capable of seeking true knowledge. It is only at the conclusion of the dialogue, when the Athenian begins creating a higher level of education for the city’s best men, that he discusses the possibility of that which is one and unchanging.

\begin{flushright}
\textsuperscript{141} Although the Athenian hints at the existence of things that do not move (and therefore do not change) at 893b and 893e, he does not discuss them at any length. See Strauss (147).
\textsuperscript{142} See Zuckert (“Postlude” 392-3; Plato’s Philosophers 124).
\textsuperscript{143} As Socrates tells Glaucon and Adeimantus in the Republic, “Knowledge requires that one looks at “each thing in itself”—at the things that are always the same in all respects” (Republic 479e). The way in which one sees such unchanging things is “by discussion—by means of argument without the use of any of the senses—to attain to each thing itself that is…” (532a-b).
\textsuperscript{144} For example, at 886a, Kleinias explains that the basis for his belief in the divine is his observation of the visible world around him. Therefore, the Athenian must offer a theology that builds upon this foundation if it is to persuade Kleinias and others like him successfully.
\end{flushright}
Once the Athenian has explained how the teachings of these wise men contribute to the problem of impious youth, Kleinias is understandably alarmed by the threat they pose to the city (890b). As a result, he passionately pleads with the Athenian to defend the gods, as well as law and art, showing “that they are by nature, or by something not inferior to nature, if they are offspring of intelligence” (890d). Even the reticent Spartan speaks up for the first time since 842a to lend his encouragement (891a). The Athenian has successfully primed his listeners, making them receptive to hearing his teachings about the divine. However, even though he has roused the Dorians’ emotions and made them eager to confront this challenge, the Athenian also reminds Kleinias to address those who have rejected the lawgiver’s teachings about the sacred with gentle persuasion rather than by immediately resorting to force (887a, 888a, 890b-c). Because he is seeking to promote harmony in the city, the Athenian encourages the Dorians, and the average citizens they represent, to moderate their anger towards those individuals who set themselves apart from the community through their questions regarding the divine. Rather than first turning to violence and punishment, he explains that gentle arguments must be used to teach the impious, curing them of their “illness” (887e-888a).\(^{145}\)

\(^{145}\) As the reader shall see at the end of the dialogue, this also makes the Dorians more receptive to accepting the Nocturnal Council, which will help to save the city from the threat of the impious youth. However, the reader must decide if the Athenian is justified in introducing the arguments of men of science to his interlocutors and to all the children of Magnesia who will read this dialogue. In comparison to these atheistic arguments, his proposals regarding the divine seem quite tame. As a result, he increases the likelihood that his teachings will be accepted by his listeners, although he also risks exposing his audience to some potentially dangerous ideas.

\(^{146}\) The requirement that the citizens use arguments to persuade the impious youth points to another problem. As Kleinias revealed at 886a, and as the Athenian will demonstrate during the course of his discussion at 884a-910d, the beliefs of the many are not based primarily on logoi, nor are average citizens capable of understanding or articulating sufficient arguments to the insolent youth. For example, at
5.1.2.1 A New Theology

After the Athenian has described the task at hand and persuaded his interlocutors of its importance, he warns them that the arguments needed to demonstrate the priority of soul, art, and law will be strange and difficult (892e). Although he insists that Kleinias must share in the arguments (891c), he also gently makes the Dorians aware of their own limitations regarding these new *logoi*. He expresses concern that his interlocutors will be overwhelmed by this discussion, becoming dizzy from exposure to these unfamiliar arguments (893a). As a result, he removes the Dorians from direct participation in the discussion. He offers to question himself about these matters, while his interlocutors observe this imitation of a true dialogue (893a). Kleinias confirms the Athenian’s concerns by reminding the Athenian that he is speaking to slow learners who will have difficulty following his arguments (891a). Because of the limitations of this audience, the Athenian’s teachings about the divine are simplified and incomplete. The truly philosophical inquiry into these matters is reserved for a later time, a more appropriate place, and a different set of interlocutors.

886a, Kleinias states that his beliefs are based upon his simple observations of the heavenly planets, the order of the seasons, and the fact that both Greeks and barbarians accept the existence of the gods. The Athenian reinforces this point by invoking the aid of the god to help demonstrate the gods’ existence at 893b, offering this as a “safe cable” for his interlocutors to hold on to as they proceed with these arguments. To assert such faith in god before the arguments are even given indicates that the Athenian sees that the Dorians’ beliefs are based on a foundation other than *logos*. Although Kleinias does not realize it yet, this need for someone who can offer actual arguments to the impious youth will ultimately require that he accept the leadership of more qualified individuals in Magnesia.
Therefore, while this conversation with the Dorians resembles a rational account at times, the reader should recognize that it consists primarily of poetic imagery and unsupported assertions rather than actual proofs. It is specifically designed to appeal to listeners whom the Athenian admitted earlier that it would be difficult to teach about the orderly motion of the heavens using such proofs that require them to look beyond the visible world through the application of mathematics (821b-822c). As we shall see, Kleinias is incapable of adequately defending his belief in the divine through argument (885e-886a). His desire to defend his beliefs is easily stirred, and yet he does not require, understand, or remember complete, rational arguments concerning these questions. Furthermore, since the Dorians have difficulty transcending their senses in order to engage in more abstract thought, the Athenian must rely heavily on visual imagery.\(^{147}\)

Some readers may object to the Athenian’s emphasis upon these irrational appeals rather than balancing it more equally with argument. However, it is important to remember earlier points in the dialogue when he emphasized the need to tailor one’s pedagogical approach to the audience, temporarily emphasizing the education of the irrational over argument when appropriate (653b). For example, earlier in his discussion of the public paideia the Athenian relied heavily upon habituation and the use of pleasure and pain when teaching the young citizens who had not yet developed their full rational capacity. He taught the young to desire to follow the leadership of intelligence although

\(^{147}\) It is helpful to note the distinction between this aspect of the Athenian’s education of his interlocutors and the education of the philosophers that Socrates describes at Republic 525c-534e, in which he discourages those studies that emphasize the visible world and sensible things since this distracts students from contemplating that which is (529b-c)
they still lacked intelligence themselves. The Athenian applies the same principle here. Because the Dorianstheory that the Athenian presents to his interlocutors here is something less than a complete inquiry into the nature of the divine and the order of the universe suitable for more philosophical interlocutors. It is not a complete, rational argument, but presents a vision of the universe and the divine that encourages average citizens to honor reason, to follow it willingly, and to act virtuously as a result. It begins to open them to a reformed vision of the universe that is closer to the truth, but even more importantly, it helps prepare them to follow those who are capable of seeking such knowledge.

As the Athenian presents this modified version of his argument for the sake of his interlocutors, he also offers several important lessons to his secondary audience, the future lawgivers and the more advanced citizens who will recognize the various problems in the theology he presents here. Keeping in mind that they will read a copy of this entire dialogue, the Athenian utilizes this discussion as a means of demonstrating the limited capacity of average citizens to understand and articulate the foundations of their beliefs. His purpose in demonstrating this point is to explain why a complete, philosophical examination of the divine is not appropriate for the entire city at this point. It also allows him to encourage the members of this second audience to moderate any aggressive, public questioning of these communal beliefs. Throughout the earlier sections of the

148 Similarly, Pangle argues in “The Political Psychology of Religion in Plato’s Laws,” that the Athenian’s argument from motion is “not a real refutation of the atheists” but merely hints at points of criticism (1073). Supporting this interpretation is the fact that the Athenian admits the shortcomings of his prelude at 907c. He also reveals the need for further discussion of these questions among the most advanced members of the city at 909a and again at 966c.
dialogue, and again here, the Athenian demonstrates the importance of the sacred for supporting the law among average citizens. Now he demonstrates the fragile foundations of these beliefs and the intense passions that surround them. For those individuals who desire a more probing analysis of these matters, the Athenian teaches them that a more appropriate, private space must be created for such discussions. However, whether this moderation of the philosophical individual is truly possible remains questionable, especially for those who practice a Socratic form of inquiry.\(^{149}\)

5.1.2.2 The Priority of the Soul

The Athenian begins his defense of the gods, law, and art by asserting that the wise men honored by the impious youth fail to recognize the priority of the soul. As already discussed, this failure threatens Athenian’s teachings concerning virtue and the entire moral foundation of his plan for the city. Specifically, if all things in the universe are fundamentally body, including human beings, then the fulfillment of one’s private, irrational, bodily desires should be the top priority of every individual. The Athenian has spent the entire dialogue seeking to overcome the rule of the irrational and to temper private desire. He has sought to establish the leadership of reason and intelligence, which serve the good of the whole. However, if the universe is actually characterized by chaos and the random interaction of bodily elements, then it is nonsensical to attempt to follow the rational part of the soul. In response to this challenge, the Athenian must persuade

\(^{149}\) See Zuckert (*Plato’s Philosophers* 134-135)
his audience that the soul does indeed exist so that he may reaffirm the foundation of his laws.

In order to defend the primacy of the soul and all that follows from it, the Athenian begins by examining the question of motion in the universe. In order to speak about these complex matters in a way that his interlocutors can comprehend, he offers an image of the universe as consisting of a variety of elements, including both things that move and others that remain at rest (893c). However, as Pangle observes, the Athenian does not discuss the latter (1072). Having already acknowledged his interlocutors’ inability to engage in higher-level mathematics and dialectic, he knows they are not capable of ascending to a discussion of the unchanging things. Therefore, the Athenian focuses his discussion upon the becoming world, including the many things that move and change. He asserts that all growth, decay, and the coming into being of new things, are produced by the interaction of things that move in ten possible ways (893c-894c). He then highlights the motion that is capable of moving both itself and others as being the eldest and strongest of all types of motion since the others can only come into being as a result of something external to themselves. The only motion capable of serving as the first cause of all motion is that which is self-moving (895a-b). From this

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As Socrates explains in the Republic, in order to see that which is, the individual must master mathematics and be capable of engaging in dialectic in order to “release himself from the eyes and the rest of sense and go to that which is in itself and accompanies truth” (537d). The Dorians cannot transcend their senses in this way at this point, so the Athenian must wait to discuss such matters until the final section of the dialogue when he is discussing the higher education of the city’s best men. Even at that point, the discussion is brief. However, certain aspects of his discussion in 884a-910d suggest that something unchanging exists beyond the realm of becoming. For example, the imagery he uses to exemplify the motion of intelligence suggests that there is something unmoving at which intelligent motion aims or around which it turns (898a-b). See also 893b-e.
conclusion, Kleinias asserts that this motion capable of moving itself is alive (895c). Next, the Athenian reminds Kleinias that when one “sees soul in certain things,” it is common to say that they are alive as well (895c). He then concludes that the soul must be “the motion capable of moving itself,” implying a connection between the two since both are said to be alive (895c-896a). Next, he asserts that since soul is the first kind of motion that gives rise to all other kinds of motion (including “soulless bodies,” which are not self-moving), it must be prior to them (896b-c). At this point, the Athenian asks Kleinias if they have completed the proof that the soul “is the same being as that which is the first generation and motion of the things that exist, that have come into being, and that will be, and of all the opposites to these” (896a). Despite the enormous gaps in this “proof,” Kleinias accepts it and declares, “it has been very adequately demonstrated that soul is the eldest of all things, having come into being as the ruling cause of motion” (896b).

This incomplete argument is satisfactory for Kleinias, as it may be for many of the average citizens of Magnesia. However, as some scholars recognize, this discussion is deeply problematic for those individuals with more discriminating intellects (1074-1076). But despite these shortcomings, the Athenian successfully persuades Kleinias

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151 Pangle highlights a number of problems with this “proof,” including the fact that the Athenian ignores the possibility of “an infinite regress of motion preceded by motion,” as well as an explanation of the coming-into-being of the self-moving motion based on the possibility of “a thing or things not in motion and to that extent timeless, exerting force not through an original „push“ but instead, perhaps, eliciting the motion of things in the form of a purpose” (1074). Next, Pangle argues that even if one accepts the necessity of a self-moving original cause, this is “not enough to establish any relationship between the „oldest“ cause and the old humanity or soul revered by the city” (1074). Furthermore, Pangle sees that the Athenian commits a fallacy when he asserts that soul must be defined as life: “In so doing he ignores the different kinds of soul, the defining species of soul. The rhetorical device he employs is a misleading analogy to mathematics: the division of all numbers into even and odd, as a proper division of the kinds of
that one of the most fundamental principles of his legislation reflects a natural truth. Specifically, by establishing that soul has priority over body in nature, he strengthens the legitimacy of his earlier teaching that the soul must be honored before the body, and that reason, which is associated with the former, must rule over the private appetites, which are more closely affiliated with the latter.

As a result of the proposals he has established thus far, the Athenian has laid the groundwork that will enable him to reform his interlocutors’ understanding of nature and of the divine. In order to accomplish this, he offers several additional proposals. First, he argues that since soul is the cause of all things in the becoming world, it must be the cause of all that is good and evil, in addition to managing heaven (896d). However, the same soul is not responsible for both good and evil. Therefore, the becoming universe is managed by at least two souls. The first kind of soul does good because it takes intelligence (nous)—“a god for the gods”—as a helper and guides the bodily things towards what is correct and happy. The second kind of soul does the opposite because it lacks intelligence (896e, 897b). Next, he asks Kleinias whether the best soul or its opposite is the “master of heaven and earth and of the whole orbit” (897b). In order to

number, seems a model for the division of being into living and dead, or self-moved and moved by another. But numbers, unlike natural species of things, are homogeneous: and evenness, unlike life, is an undifferentiated category” (1075). From there, Pangle sees that the Athenian assumes that all souls possess the capacities of the human soul, which in turn allows him to assert that the self-motion that is the cause of the all other motion in the universe also possesses the qualities of a human soul (including “temperaments, dispositions, wishes, calculations, true opinions, supervisions, and memories,” [896d]), and that all soul is dominant over all body (1075). Pangle argues that the Athenian’s theology exaggerates each individual’s ability to claim complete responsibility for his actions, but notes that this effectively appeals to the thumos of his listeners, who are called upon to play a role in the struggle against evil (1075). See also Zuckert (Plato’s Philosophers 124-128) and Strauss (144-150).
determine the answer, he instructs Kleinias to look to the natural world to see if the order of the heavens reflects the motion of intelligence (897c). However, this requires that the Cretan understand the nature of intelligent motion. Recognizing that his interlocutors cannot look “straight on” at the nature of intelligence because it will blind them, he offers them another visual image to assist them. He compares intelligent motion to a sphere spinning on an axis (898b). Such movement reflects an intelligible order because it consistently aims at its proper telos. It moves “according to what is the same, in the same way, in the same place, around the same things, toward the same things, and according to one proportion and order” (898a-b). On the other hand, lack of intelligence entails the opposite kind of motion (898b). Kleinias affirms that the revolutions of the heavenly bodies follow the order of intelligence, and therefore, it is the virtuous soul that supervises the natural order. Finally, the Athenian encourages his listeners to transcend their bodily senses and to rely upon rational thought and intelligence to understand that heavenly bodies like the sun are somehow driven by or guided by soul, which should be considered a god by every man (898e-899a). Brushing aside the Athenian’s question concerning how these divine souls interact with physical bodies

152 Again, recall that at 886a, Kleinias explains that his belief in the divine is based upon his observation of the visible world. Therefore, the Athenian asks Kleinias to return to these observations in order to support his new theology.

153 It is important to note that Kleinias accepts the Athenian’s argument without an actual proof. These incomplete arguments, which rely on imagery and unproven assertions, are adequate for him. Recalling from earlier in the text that Kleinias does not understand the mathematical arguments concerning the orderly motion of the heavenly bodies, one should note that he does not stop the Athenian here to ask for a complete explanation (818c-819d, 821b-822c). Kleinias simply answers that it must be the virtuous soul(s) that drives things around since it wouldn’t be pious to say anything else (898c). This is an interesting reply given that the traditional accounts of the gods often portray them acting in ways that are not virtuous. The Athenian has successfully persuaded Kleinias to alter his conception of the gods, as well as that which constitutes pious speech. See also Morrow (483).
because he is incapable of engaging in such an advanced form of rational inquiry, Kleinias simply affirms the Athenian’s assertion that the entire heaven is ordered by souls, which are gods, and which are “good with respect to every virtue” (899a-b).

Through these proposals, the Athenian has introduced the final element of his new theology. He has affirmed the existence of the gods, but one should note that these are not the traditional Olympian deities known for their often irrational and disorderly behavior. The Athenians envisions new divinities that embody intelligence, uphold the order of reason, and behave virtuously. This theology also entails a new vision of the universe and natural order. According to the Athenian’s teaching as Kleinias understands it, the cosmos is governed primarily (although not completely) according to this divine intelligence (897c). As a result of his new theology, the Athenian has also countered the teachings of the “new and wise men” who contribute to the impiety of the city’s youth. While they argued in favor of a random conception of the universe devoid of divine influence, the Athenian persuades his interlocutors that the organization of the universe is primarily a product of divine intention instead of irrational chance. Rather than bodily elements randomly mixing to produce the universe, something capable of purposeful and intelligent action is responsible for the creation of the becoming world. The Athenian has also taken the first step in responding to the second cause of disbelief by replacing the traditional mythical accounts of the gods, although he must continue to develop this

154 In fact, the Athenian makes almost no mention of these traditional gods in this section of the text until 904e (he makes two passing references to the name of Zeus at 891c and 895d, as well as a reference to the Muses at 899e).
aspect of this theology in the next two sections. Still, the Athenian has made substantial progress in solidifying the moral foundation of his legislation for Magnesia.

With this, the Athenian concludes his teaching concerning the existence of the gods. Once again, he gives Kleinias the opportunity to question him. Despite the incomplete nature of his proposals the Cretan professes that “they are the least lacking of all” (899d). By successfully persuading Kleinias to accept his new visions of physis and the divine, the Athenian demonstrates to his future lawgivers that average citizens such as Kleinias do not require fully developed rational foundations for their beliefs. They are limited in their ability to comprehend and to question arguments concerning these important matters. And yet, they are capable of honoring intelligence and appreciating its importance despite the deficiencies of their own rational capacity.

5.1.3 The Second Cause of Impiety

Having persuaded his interlocutors to accept his reforms in the previous section, the Athenian now addresses the second cause of impiety: the belief that the gods exist, but don’t concern themselves with human affairs (899d). As he confronts this problematic teaching, he introduces a connection between his new conception of the divine entities that establish the natural order of the universe, and the underlying principles of his nomoi. By drawing this connection, the Athenian seeks to persuade his interlocutors, as well as the average citizens they represent, that the moral foundation of his laws is not an arbitrary, human creation. If they can accept that the gods who bring
order to the universe uphold the same virtues that are promoted by the legal code, the laws gain a great deal of legitimacy.

The Athenian also promotes the pursuit of virtue among the citizens by offering a poetic account of the way in which the justice of the gods is carried out. By describing the happy fate of the virtuous and the undesirable fate of those who reject virtue, the Athenian utilizes the cords of pleasure and pain to help educate the irrational desires of the Magnesians. He also reaffirms his earlier argument that the virtuous life is the most pleasant (733a-734d). At the same time, based on his further elaboration of his theology in this section, the Athenian also encourages average citizens to follow the leadership of the city’s guardians and other magistrates willingly. As he describes the role of the gods, it bears a striking resemblance to the function of these human rulers, thereby legitimizing their role as an imitation of the divine. While none of these proposals qualify as true arguments that would persuade those individuals with more advanced intelligence, the Athenian successfully introduces reforms that allow him to utilize the sacred as a tool to encourage the obedience of the many. In this sense, he also establishes greater harmony in the city between average citizens and the few through his education of the irrational. As a result, the organization of the city will come closer to imitating the model of virtue in the soul, in which the rational leads and the irrational portion freely obeys.

As the Athenian addresses this second cause, he identifies two sources of the belief that the gods neglect human affairs. The first source is once again the poets, who sing through “incorrect Muses” (899e). They give accounts of bad and unjust men who
are reputed to be happy and wealthy, thereby suggesting that the gods don’t care when human beings fail to act justly since they don’t punish these bad men, but allow them to prosper (899e). The second source of this problematic belief is the citizens themselves. They witness firsthand that impious men are blessed with children, receive high honors, and gain political power, which leads them to conclude mistakenly that the gods “despise and don’t care about human affairs” (900a-b). This second source of disbelief also implies a failure of the city’s human rulers to observe and punish injustice in a satisfactory manner. Therefore, the Athenian once again must replace the problematic mythical accounts of the poets with his own new teachings about the gods, which harmonize with and reinforce his laws rather than contradicting them. He must also respond to the citizens’ direct observations concerning the fate of the unjust.

In order to fulfill these tasks, Athenian again utilizes persuasion that relies even more heavily upon poetic imagery than in the previous section.\(^\text{155}\) The Athenian’s use of poetry here is consistent with his discussion of the same subject earlier in the dialogue. At 719d, he admires the poets’ ability to speak to the non-rational part of human beings, although he condemns the fact that the poets are dominated by the irrational. This means that they fail to exercise intelligent judgment, lack knowledge of the truth, and tell stories that contradict the laws (719d). This is certainly the case concerning poetic accounts of the gods in which divine beings are depicted as frequently indulging their irrational

\(^{155}\) In *Plato’s Philosophers*, Zuckert recognizes the lack of argument in this section by noting that “the Athenian does not even try to prove that the gods he has shown to exist reward the just and punish the unjust in the afterlife” (126).
appetites rather than behaving virtuously. Such depictions portray the gods as contradicting the moral foundations of the laws. Therefore, the Athenian must reform these myths, replacing them with new teachings in which the gods embrace virtue and serve as role models for human behavior. Thus, the new mythic incantations that the Athenian offers here reinforce the foundations of his nomoi by offering a consistent teaching regarding virtue. As a result, the Athenian encourages the citizens’ voluntary obedience through his reformed vision of the divine.

Although the Athenian began to establish his new theology in the previous section, he continues to flesh it out more fully here. In this section, he emphasizes several important points. First, he teaches that the gods are completely virtuous beings, and that the virtues they model for human beings are similar to the conception of arête that forms the foundation of his laws. The Athenian asserts that the gods are good “with respect to every virtue,” which includes being moderate, possessing intelligence, having courage, and upholding justice (900d-e, 905a). The fact that this description of divine virtue is similar to the conception embodied in the laws of the city suggests that these nomoi do not aim at some arbitrary telos, but one that the gods have established or at least agree with (631c-d). In other words, although the laws of Magnesia are created by a human lawgiver, they aim at a divinely established and/or accepted goal. It also encourages citizens to desire to become virtuous, because such behavior constitutes an imitation of the divine. Second, the Athenian asserts that the gods oversee and supervise human beings, who are their possessions (900c, 902b). They observe all human behavior, and nothing escapes their notice (901d). They supervise both large and small
matters, although human beings may not fully understand the ways in which they do so (905b). Not only does this teaching affirm that the gods care about human affairs by maintaining order and upholding justice, but it also motivates citizens to respect the leaders of the city whose supervision of the citizens also mimics the activity of the gods. Despite the fact that the Athenian’s descriptions of the gods is contrary to many of the traditional teachings of the poets, Kleinias accepts this new teaching, and declares that it would be impious to think that the gods fall short of this kind of perfection (903a).

In addition, the Athenian utilizes “mythic incantations” to persuade his listeners to accept several other teachings (903b). First, in order to counteract the teachings of the wise men and poets who encouraged the pursuit of private self-interest, he teaches that the gods’ supervision looks to the “safety and virtue of the whole,” and that each individual part must serve this common good above his own private desires (903b-c, 903e-904c). Once again, this reinforces the dedication to the common good that the lawgiver advocates in his plan for the city. Second, he teaches that the “law and order of destiny” follows the decree of the gods such that the fate of souls in this life and the next reflects the moral choices made by each individual (904e). This account appeals to his listeners’ desire to experience pleasure and avoid pain. According to this imagery, all things that partake of soul and transform themselves toward great injustice, will “fall into the depths and the places below” and will find themselves among other vicious souls (904d-e). On the other hand, those souls that mingle with divine virtue are “borne along a hallowed path to some other, better place,” and spend their time among those who are better (904d-e). This poetic account also counteracts the teachings of the poets and wise
men concerning the random nature of the universe. It also affirms the importance of human intentions and choices for determining each person’s destiny. Human life is not controlled completely by irrational chance or the purposeless interaction of bodily elements. On the contrary, since soul is defined as self-moving motion, souls share in either virtue or vice as a result of “the force of its own will and the influence of its intercourse” (904d). Things that possess soul, including human beings, should assume responsibility for their behavior and their ultimate fate (904c). Most importantly, the Athenian ensures obedience among average citizens by warning that no one will elude the justice of the gods, since all will pay “the appropriate retribution” to them (905a). According to this imagery, the gods care deeply about the human pursuit of virtue, which is also the ultimate goal of the lawgiver’s nomoi, and nothing escapes their notice.

Through this new mythical account, the Athenian replaces the traditional flawed myths of the poets that were sung through “incorrect Muses” (899e). It is also in this section that the Athenian first makes a connection between his reformed conception of the divine and the traditional Olympian gods, stating that the rewards and punishments he has described now reflect “the justice of the gods who hold Olympus” (904e). Although he retains the traditional names of these deities, he has radically reformed their character and function. Finally, he also addresses the second source of belief that the gods neglect human beings based on observations that bad men lead happy lives and seem to go unpunished. He explains that human beings don’t understand why the gods may allow a bad person to seem happy in this life because we cannot comprehend how each individual’s life contributes to the whole in the way that the gods can (905b).
Emphasizing human limitation, he argues that we do not fully understand divine wisdom concerning the whole, nor do we see how unjust souls may be punished after death. Again, Kleinias accepts this poetic account, although it is unlikely that it would persuade the impious young men who demand true *logoi*.

5.1.4 The Third Cause of Impiety

In the final section of the Athenian’s *paramythion*, he addresses the last cause of impiety: the belief that the gods can be appeased by unjust individuals who offer them gifts (905d). Here, the Athenian further develops his theology by highlighting the gods’ practice of virtue and their rejection of injustice. Once again, the Athenian emphasizes the similarities between the gods’ behavior and the moral foundation of the Magnesian laws, adding further legitimacy to the latter in the minds of average citizens. The Athenian asserts that the gods endorse the rule of reason over the appetites, with emphasis upon service to the common good above private self-interest. He also strengthens the rule of law through his claim that the gods treat everyone equally and according to the same standard, even the wealthy. Finally, the Athenian solidifies the attachment of his interlocutors and future citizens to the pursuit of virtue by enlisting them as allies of the gods in the fight to establish the order of intelligence in the universe.

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156 Upon reading these descriptions, it becomes more apparent why the Athenian had to assert the existence of the soul in the previous section. Such rewards and punishments of the soul after death would be impossible if the universe—and therefore human beings—consisted of only bodies.
In this section, the Athenian relies almost exclusively upon appeals to the irrational in order to address this final cause of impiety.\textsuperscript{157} He presents another poetic image and uses it to rouse the emotions of his listeners in order to secure their loyalty to the gods’ struggle for virtue.\textsuperscript{158} He returns to his earlier image of the becoming universe consisting of souls that take \textit{nous} as a helper and those that do not, but now describes a never-ending battle going on between them (906a).\textsuperscript{159} This grand image reflects the kind of internal struggle that takes place within the souls of average citizens, for whom irrational desires are difficult to tame. The Athenian reassures these average citizens who identify with this language of battle that the gods are their allies as they strive for virtue. He also reminds them that a small portion of divine virtue (identified here as justice, moderation, and prudence) dwells within them, thereby encouraging them to emulate the gods. This battle imagery is also especially appealing to the Dorians, whose love of victory has been emphasized from the beginning of the dialogue (626b).

\textsuperscript{157} Given the lack of any argument in this section, this teaching is presumably addressed to average citizens, not the more advanced members of the city.

\textsuperscript{158} This mythical account of the struggle to establish order in the becoming world and in the soul reflects the Athenian’s approach to lawgiving as utilizing a kind of “double vision” discussed in the previous chapters of this dissertation. According to this approach, the lawgiver envisions an image of the best regime, which is ordered according to intelligence and which he establishes as his ultimate \textit{telos}. But secondly, the lawgiver must also appreciate his city and its citizens as they actually manifest themselves in time, including their flaws and vulnerabilities. Just as the gods engage in a battle against that which is disorderly and unjust, the lawgiver must struggle to tame the irrational in order to establish the order of intelligence in the \textit{polis} and in the souls of his citizens. However, despite his earlier suggestion that the good soul, which takes intelligence as a helper, is the “master of heaven and earth and of the whole orbit,” (897b-c, 898c), this new image reveals that the irrational forces that “move in a mad and disordered way” pose a serious threat to the establishment of order in the becoming world, and that this struggle is ongoing (906a-b). In keeping with the overarching theme of this chapter, the Athenian does not suggest that final resolution is possible or that the order of intelligence can completely overcome the irrational.

\textsuperscript{159} Since the Athenian characterizes the gods as virtuous beings, the souls that lack intelligence cannot be gods as well. Therefore, the battle that the Athenian describes takes place between the divine beings and some kind of inferior entities.
The Athenian also continues to reinforce the legitimacy of his legislation by developing his theology to affirm that the virtues at which the laws of Magnesia aim are the same as those that “dwell in the soul-imbued powers of the gods” (906b). Specifically, he proposed earlier that the virtues of the gods include moderation, intelligence, and courage (900d-e), and now he affirms that the gods embody justice, moderation, and prudence (906b). Since the gods themselves uphold these virtues, the Athenian suggests that laws of the city are not based upon arbitrary, man-made conception of excellence. He also asserts that the gods’ conception of injustice is similar to that embodied in the Magnesian laws (906b). The gods recognize injustice in cities and regimes as the attempt to give priority to one’s private desire for gain above all else, such that one seeks to “get more than one’s share” (906c). The gods themselves do not show weakness in the face of gaining material wealth from those might offer them bribes, and they condemn human beings who allow such irrational desires to rule in their souls (907a). If one recalls the Athenian’s earlier explanation of injustice where it formed the foundation of his penal code, there he criticized the dominance of the irrational in the soul, which causes the individual to subvert the law in order to serve his or her own private interest (863e-864a). Given the similarity of this earlier definition and that of the gods as the Athenian describes it now, the Athenian subtly suggests that the foundational principles of his laws are not simply man-made, but are supported by the gods, who are “the greatest of all guards and of the greatest thing”—justice (907a-907b). Furthermore,

While the gods are said to embody the same virtues upon which the Athenian has based his laws, the Athenian’s argument here lacks adequate definitions of justice, moderation, prudence, and courage in order to verify that the lawgiver conceives of these virtues in the same way as the gods. Not surprisingly, the Athenian asserts later in the dialogue that anyone who wants to serve as a Guardian in Magnesia must address this problem and “really know what pertains to the truth” about virtue (966b), including the definitions of each of the virtues (964a).
by describing the gods in these terms as the consummate guardians of justice, he lends credence to the leadership of wise human beings in the city, whose function mimics that of the gods. Once again, the Athenian successfully persuades Kleinias of these teachings, such that he declares that anyone who claims that the gods could ever betray justice in return for gifts given by unjust men “risks being very justly judged the worst and most impious of all the impious” (907b).

5.1.5 An Incomplete Theology

However, despite his success in persuading Kleinias to accept his new theology, the Athenian suggests that his proposals are somewhat problematic. He asks the Cretan if his three propositions about the gods have been sufficiently demonstrated, and Kleinias replies in the affirmative. For this man of limited intellectual abilities, such proposals are sufficient to secure his belief. And yet, the Athenian signals to the more advanced members of the city who will read this dialogue that his statements “were spoken…rather vehemently somehow, on account of a fondness for victory over bad human beings” (907b-c). Admitting that he has relied heavily on appeals to the irrational, he describes his preludes as a “brief contribution,” the primary purpose of which is to educate the irrational. Specifically, he identifies the ultimate goal of this discussion as “persuading the [bad] men in some sense to hate themselves, and to desire somehow the opposite dispositions” (907c-d). As the reader sees in the concluding portion of the dialogue, the Athenian recognizes the need for the city’s best men—those capable of engaging in fully rational inquiry—to return to these teachings, question them, and
develop them more fully (966c-968a). Therefore, although the Athenian ends his prelude and moves on to declare his new laws for those who commit *asebeia*, his teachings regarding the divine are not complete. They do not represent a fully-elaborated, philosophical account of the nature of the *cosmos*, of the soul, or of the divine. They represent merely the beginning of an incremental reform of traditional belief for the sake of average citizens to which future lawgivers must return.

5.1.6 The Law Concerning Impiety

Although he has persuaded Kleinias to accept and obey his reformed conception of piety, the Athenian immediately acknowledges that others will reject it. He proclaims that these impious men should change their ways to pious ones, and then establishes his law concerning those who refuse to do so (907d). This final portion of his discussion of these matters is divided into two main sections. The first presents the law and punishments for individuals who commit impiety in words or deeds (907e-909d). The second section deals with the issue of private worship (909e-910d). As one examines the former, it cannot be denied that the Athenian advocates restrictions on individual freedom that are deeply concerning to modern readers. However, as Morrow notes, it is important to remain cognizant of the historical context of this legislation and to consider the possibility that the Athenian is seeking to address some of the problems associated with the prosecution of *asebeia* cases in his homeland (476). In this sense, his legislation regarding impiety may be described as moderate. For example, as Morrow explains, the historical laws of Athens against impiety lacked specificity, making them liable to
partisan manipulation (476). In order to remedy this, the Athenian articulates the particular offenses that may be prosecuted, as well as the internal motivations that are blameworthy. He also specifies the exact punishments that may be applied in such cases, rather than leaving this for the courts to determine (475-477). In addition, the Athenian rejects the Athenian practice of assigning cases of *asebeia* to a court consisting of average citizens, who may react with excessive anger towards those who question the communal teachings about the divine. In Magnesia, these cases are decided by specialized courts made up of the city’s highest leaders, who are more likely to follow intelligence in making their decisions (907e, 855c-d). Furthermore, the Athenian establishes that trials for impiety—like all capital cases—will last for three days, again encouraging careful deliberation and rational analysis rather than quick, reactionary judgments (855d-856a). This represents an important reform of the Athenian practice of deciding such cases in one day.¹⁶¹ In addition to these original reforms, Morrow argues that the Athenian Stranger also keeps some of the more moderate elements of Athenian practice, such as relying upon private citizens to enforce the impiety laws rather than establishing a committee of magistrates to review the behavior of citizens regarding this issue and bring charges (473, 489, 494).¹⁶²

¹⁶¹ See *Apology* 18e-19a and 37a-b for Socrates’ complaints regarding the process of his own trial for impiety.

¹⁶² However, even with these more moderate measures, the reader must recognize that in order to promote the virtue of average citizens by utilizing the sacred to support the laws, the Athenian chooses to sacrifice the freedom of Socratic individuals in Magnesia. In this regard, it is difficult to describe the impiety laws of Magnesia as moderate, especially for contemporary readers.
Turning to the Athenian’s punishments for dealing with those convicted of impiety, he once again aims to cure offenders and reconcile them with the community, although this depends on the intention and arrangement of soul of the perpetrator. He acknowledges that some individuals who don’t believe in the gods according to the laws may still have just dispositions, but fail to restrain themselves from discussing their doubts in public. As a result, they risk undermining the beliefs of their fellow citizens (908a). The Athenian explains that these individuals deserve punishment for harming the community due to their lack of intelligence (908c, 908e). Specifically, they fail to understand that average citizens require belief in a divine order that encourages them to pursue virtue, thereby reinforcing the foundation of the laws. These impious individuals also fail to see that most average citizens are unable engage in a fully rational inquiry of these matters, and are threatened by such discussions. The Athenian first attempts to cure these individuals who inadvertently harm their fellow citizens by providing those found guilty with an education in moderation. They must live in a *sophronisterion* for no less than five years, where they are isolated from their fellow citizens, except for the members of Nocturnal Council (909a). As the Athenian explains later in the dialogue, the members of this Council include some of the most intelligent and virtuous members of the city. Acting together as a body, their primary activities include pursuing a fully-developed examination of the divine, seeking to understand the order of the universe, studying the laws of Magnesia as well as those of other cities, and discussing the ideas of

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163 Interestingly, despite the Athenian’s attempt to eliminate the private from his city as much as possible, the limitations of the many to fully engage in rational dialogue concerning these matters necessitates the existence of a semi-private space where the qualified members of the council can have such discussions in order to properly address the problem of impiety.
virtue, the beautiful, and the good. Rather than a true punishment, the Athenian provides those accused of this first kind of impiety an opportunity to dialogue with leaders of the highest intellect and character. Since the Athenian allows these offenders a higher education as well as a second chance to live among their fellow citizens, one could describe this portion of his legislation as somewhat moderate. However, if individuals who have been educated in the *sophronisterion* fail to behave moderately and refrain from their former “frankness” about the gods once they have been released, they are then subject to the death penalty upon a second trial and conviction (909a).

The Athenian does not extend the same opportunity for cure to the second category of impious individuals. Unlike the first category, this second kind of impious individual has a lack of restraint in regards to pleasures and pains and is willing to manipulate his fellow citizens through the sacred in order to serve his own self interest. Despite the fact that he has a good memory and learns well, such a person lacks virtue and justice in his soul and is full of “guile and trickery” (908b-d). The Athenian identifies this kind of person with tyrants, demagogues, generals, those who plot with mystery-rites, and even sophists (908d). The Athenian explains that these kinds of individuals may become “like beasts” in that they try to entice others by pretending that they can speak to the dead or persuade the gods through special prayers and sacrifices, all in order to receive money. As Dodds notes, these individuals encourage the more

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164 Morrow argues that the purpose of this punishment is to inculcate these just but impious individuals to believe in the gods of the city (491). However, the text indicates that the primary goals are to admonish these individuals, save their souls, and instill moderation (909a). There is no mention that the individual must profess any particular beliefs in order to be released from imprisonment, only that he must “seem in his right mind,” which entails refraining from frank discussions of their doubts concerning the gods (909a, 908c-d). See also Zuckert (“Postlude” 388).
irrational aspects of Greek religion for their own private advantage (22). The Athenian’s teachings in this portion of the dialogue attempt to bring traditional beliefs concerning the divine into greater harmony with reason, but this kind of impious behavior seeks the opposite. Furthermore, someone who claims to charm the gods or bribe them diminishes the status of the divine beings, treating them as servants of mortal men who can easily manipulate them (909b). As such, the gods are no longer the enforcers of the order of *nous*, but mere puppets of human beings. A person who is convicted of impiety for this reason—purposefully manipulating others through appeals to the divine for his own private gain, rather than leading others astray out of honest lack of intelligence—must endure the untempered *thumos* of the community. He is imprisoned for life in the jail that lies in the middle of the country, in a place that is completely deserted and wild (909a-b, 908a). No free person shall ever visit this individual, and when he dies, he should be cast outside the city and never buried (909c). If someone tries to bury this person, he may be tried for impiety as well.

After expounding these laws against acts of impiety committed in public, the Athenian also guards against citizens who unintentionally undermine his reforms of the sacred in private. After explaining that average citizens are inclined to establish private altars and engage in private forms of worship in response to ease their fears or to ensure prosperity, the Athenian outlaws the establishment of private shrines or altars in individuals’ homes and forbids private sacrifices (909e-910c). Not only do such practices reinforce an irrational foundation for belief, but they allow individual citizens to introduce new religious practices out of the sight of the lawgiver, some of which may
contradict his legislation or which allow corrupt individuals to commit the kind of impiety previously discussed above. The Athenian prevents the corruption of the community’s vision of the sacred and its practices of worship by requiring that all shrines, altars, and sacrifices be part of the public sphere, where they are overseen by the appropriate priests and priestesses (909e). This law also reinforces the importance of the sacred for establishing a common bond among the citizenry by ensuring that they worship together and continue to maintain the same beliefs concerning the sacred.

As the discussion of the sacred ends, the Athenian has attempted to reform the problematic, traditional beliefs concerning the divine in order to ensure that they harmonize more fully with his new vision of law. Throughout this discussion, the Athenian relies once again upon the education of the irrational in order to teach the average members of the city about the divine, including those who could never understand a complete, rational proof of the orderly motion of the heavenly bodies, or a discussion of that which is unchanging and transcends sense perceptions. Recognizing their limitations, he presents new theological myths that encourage them to honor the soul, nous, and the rule of law, even though their understanding of these matters is imperfect. He also demonstrates that the beliefs of the many need not be opposed completely to reason by crafting a new theology that encourages all citizens to follow intelligence. This in turn prepares them to welcome a new safeguard of the laws into the city. And while the Athenian may not present a satisfactory, rational proof of the gods’ existence to the insolent youth, he does successfully teach the many to moderate their
anger towards these individuals to some degree, allowing some of them an opportunity for cure at the hands of the Nocturnal Council and re-admittance to the community.

However, the Athenian’s solution for addressing the problem of the sacred is still far from perfect. As noted earlier, because the theology presented to the many is incomplete and requires the more advanced members of the city to return to it as they pursue their higher education, this introduces the possibility of a gap between average citizens who never fully develop the highest capacity for reason and those more advanced individuals who do, since it is not clear that the former will ever be capable of fully comprehending the true nature of the divine. Although the Athenian has attempted to create greater harmony in the city, this division remains. Furthermore, although the Athenian’s law against impiety does protect average citizens from harmful teachings that threaten to undermine their shared conception of the sacred, it entails imprisonment and possibly death for those individuals who seek to examine the city’s theology outside of the officially sanctioned channels. The Athenian does eventually create a private space for such questions, but it is reserved for those few who have been chosen by the city to participate. These individuals must restrict their inquiry to a specific time, place, and audience that are authorized by the law. In contrast, one cannot help but recall Socrates’ divine mission to speak freely and frankly to any member of his city without such restrictions. As he explains to the jury at his trial:

…If you would say to me with regard to this, “Socrates, for now we will not disobey Anytus; we will let you go, but on this condition: that you no longer spend time in this investigation or philosophize; and if you are caught doing this, you will die”—if you would let me go, then, as I said, on these conditions, I would say to you, “I, men of Athens, salute you and love you, but I will obey the god rather than you; and as long as I breathe and am able to, I will certainly not
stop philosophizing, and I will exhort you and explain this to whomever of you I happen to meet, and I will speak just the sorts of things I am accustomed to… I will do this to whomever, younger or older, I happen to meet, both foreigner and townsman, but more so to the townsman, inasmuch as you are closer to me in kin. (Apology 29c-30a, emphasis mine).

Despite the strengths of the Athenian’s legislation regarding the sacred, he has failed to address the problem that the Socratic individual poses to a political community satisfactorily. Although Socrates certainly exhorts his fellow citizens to practice virtue, his private conception of the divine (Republic 496c) and his propensity to teach his followers to question all doctrines is at odds with the Athenian’s measures to prevent average citizens from engaging in such questions until they are properly educated and are judged to be capable of handling such inquiry without becoming corrupt.\(^{165}\) It is likely that Socrates would be put to death in Magnesia, just as he was in Athens.

5.2 Returning to the Private (913a-938c)

Having concluded his discussion of the sacred by considering its relationship to the private, the Athenian returns to address a number of additional conflicts caused by the private. While he addresses a number of smaller issues in this section of the dialogue as well, the majority of this portion of the text is dedicated to two related subjects: private property and the family. In the previous chapter, one learned that the Athenian’s attempts

\(^{165}\) In contrast to the Athenian Stranger’s careful plan for controlling education in Magnesia, consider Socrates statement at Apology 33b describing his willingness to speak without exercising such care: “I have never been anyone’s teacher; but if anyone, whether younger or older, desired to hear me speaking and doing my own things, I never begrudged it to him….I offer myself to both rich and poor alike for questioning, and if anyone wishes to hear what I say, he may answer me. And whether any of them becomes an upright man or not, I would not justly be held responsible, since I have never promised or taught instruction to any of them” (emphasis mine).
to overcome private desire were not completely successful. First, he was unable to teach his citizens to eradicate the private love of wealth. Secondly, he was unable to minimize the influence of the private family to the degree that he had hoped. Now that he accepts his own limitations and those of his citizens regarding the private, he offers a second-best attempt to regulate both property and the family in order to ensure that the desire for one’s own never becomes so strong that it undermines the plan for the city or the relative harmony of the whole community. Instead of seeking total control of the private, this second attempt relies heavily upon the education of the irrational in order to persuade his citizens to moderate and place limits upon their private appetites and to honor the rule of reason in the city and in their own souls.

As explained earlier in this chapter, the Athenian sought to persuade his citizens to embrace the rule of reason by developing a new theology that utilized poetry, that promised rewards and punishments, and that appealed to the desire to emulate the divine. Now he emphasizes the importance of habituation by enacting measures that seek to keep the daily activities of his citizens free from corrupting influences. Once again, he acknowledges the need to apply a cure to those who do give in to their self-interested desires through the further development of his penal code. Throughout this section of the text, the Athenian remains aware of the limitations of his citizens. Yet, he continues to seek improvements to his legislation that move the city closer to his vision of the best polis, even though he recognizes that perfection will always remain out of reach.
5.2.1 Private Property

The Athenian establishes the existence of private property in the form of the individual land allotments at 740a. In that earlier portion of the text, he also condones the acquisition of a moderate degree of private wealth beyond the allotments as he creates the class divisions for Magnesia, all of which are based on property (744c-745a). Here at this later point in the dialogue, the Athenian develops his penal code to address the implications of this authorization of wealth beyond basic subsistence. The Athenian begins this portion of the conversation by explaining the general principle that should bring order to these private possessions (913a). He calls for citizens to demonstrate respect for one another’s property, such that no one touches the goods of anyone else without first persuading the owner. If individuals could adhere to this directive, it would lessen the degree of conflict caused by private property in Magnesia. But he immediately acknowledges that this principle will not be upheld by all. He suggests a number of cases in which individuals will succumb to their desire to amass private wealth and to take possessions that belong to others, whether this entails a large amount of treasure (913b-914a), a small object of lesser value (914b-d), a slave (914e-915a), or an animal (915d).

In each case, the city’s magistrates must intervene in these disputes among citizens. They must provide an appropriate means of recompense lest such conflicts undermine the harmony of the city. Just as he did earlier in his discussion of the penal code, the Athenian continues to uphold his approach of curing those who transgress the
law rather than inflicting punishment as a form of retaliation on the part of the victim.\footnote{According to Saunders in \textit{Plato’s Penal Code}, the Athenian Stranger’s penal code as it pertains to private theft is considerably milder than the historical Athenian version. It seeks to provide recompense for victims, as well as “to establish curability or incurability, and if the former applies, to estimate that punishment which will be the most effective cure. For efficient treatment of a disease demands its efficient diagnosis” (298). Saunders reviews the historical Athenian laws regarding theft and notes that they allowed for “self-help” in which the victim could kill a thief with impunity under certain circumstances, or he could arrest the thief and take him to the Eleven for trial, which could also result in his immediate execution. Saunders argues that the Athenian Stranger replaces individual “self-help” with public trials, and he reduces the reliance on the death penalty for smaller thefts (294). Saunders also notes that Plato rejects the division in Athenian law between simple and aggravated theft. Whereas the historical system punished thieves with fines for the former and the death penalty for the latter, the new system of the laws creates a new category of “theft from private sources,” and bases penalties on a sliding scale that looks to the motives and psychic state of the thief, in order to determine an appropriate cure (294). Saunders concludes, “Plato applies, if anything, a more complicated, or rather a more flexible, range of penalties for theft than Attic law” (298). Therefore, the Athenian Stranger’s new legislation reduces the use of the death penalty, it offers a better fit between penalty and crime based on an analysis of the individual criminal’s soul, and it focuses on curing the criminal rather than simply punishing him.}

Furthermore, now that he has strengthened the sacred as a tool for supporting the law through his reforms in the previous section, the Athenian relies quite heavily on appeals to the divine to reinforce his penal code here (913d-914b). Since his new theology emphasizes the virtue of the gods, especially their refusal to forsake justice in return for private gain, he is able to appeal to the sacred as a means of tempering the excessive desire for wealth (905d-907b).

5.2.2 Retail Trade

While smaller conflicts caused by the desire to possess the private property of others are certainly of concern to the Athenian, he quickly turns his attention to a topic of greater importance: retail trade. Despite the fact that the Athenian already offered some general guidelines concerning these matters elsewhere in the dialogue (741e-742a; 846d-
he returns to this subject once again to expand upon them. Having accepted the limitations of human beings in terms of completely overcoming their desire for wealth in the intervening sections of the dialogue, he acknowledges the need for the lawgiver to fill in the details of his plan to moderate the influence of trade upon the city. As argued by Morrow, the Athenian’s overarching concern regarding these matters is not to eliminate the desire for wealth completely, but to prevent the desire for unlimited private gain among his citizens (138). Once again, the Athenian remains aware of limitation, but continues to aspire to move the city closer to his vision of the best city in a moderate manner.

The Athenian begins by setting strict parameters regulating the sale of goods and slaves. He attempts to contain physically the influence of trade by restricting such activity to designated spaces in the marketplace where it can be monitored easily (915d). He limits potential conflicts by forbidding transactions involving credit (915e, 849d-e), prohibits sellers from misrepresenting their goods or swearing oaths to the gods in support of their merchandise (916d-917d), bans any kind of bargaining or haggling over prices (917c), and strictly regulates the sale of slaves in order to prevent traders in human chattel from taking advantage of their customers (916a-c). He also attempts to discourage certain practices by limiting appeal to the court system if his regulations are disregarded. For example, he warns those who ignore his laws by continuing to buy or sell on credit that the courts will not offer protections if problems arise as a result of such transactions (915e-916a). He reaffirms the authority of the Market Regulators to
establish guidelines for all activities that take place in the marketplace, noting that additional regulations may become necessary over time (917e-918a).

The awareness of the need for additional guidelines leads the Athenian to stop at this point and offer a more comprehensive analysis of the proper treatment of retail trade, rather than continuing in this piecemeal fashion. It is essential that those future lawgivers who will address this important topic understand the original lawgiver’s intent in legislating for these matters. Once again, the Athenian’s explanation of his approach to lawgiving here perfectly reflects the kind of double-vision he advocates in earlier parts of the text. The Athenian follows this same approach as he reforms the practice of retail trade.

To begin, he asks Kleinias to imagine the highest form of this activity. What would retail trade be like if it were practiced by the best, most virtuous members of the city (918e)? This conception represents the first half of his double-vision, and the goal at which their reforms must aim. If it were practiced by individuals who could moderate

167 As discussed in earlier chapters, the Athenian encourages lawgivers who wish to create reforms to develop a new kind of sight that recognizes both the being and the becoming simultaneously. First, the lawgiver must use his intellect in order to see the image of the best regime, and he should establish this as the goal or telos at which his reforms must aim. Secondly, the lawgiver must also see his city and its citizens as they actually manifest themselves in time. He must recognize their particular flaws and vulnerabilities. Most importantly, he must acknowledge their irrational aspects—all of the elements that do not conform to the image of the best regime or the perfectly virtuous human being. He must understand the particular strengths and weaknesses of the “materials” with which he is working as he builds this polis that will exist in the realm of becoming. Finally, the lawgiver must attempt to reconcile these two visions and bridge the gap between them through his education of the irrational. His reforms should constitute a middle point between these two, but it is important to recognize that this point does not remain static. Over time, the Athenian seeks to move the city gradually closer to the image of the best regime, but with the awareness that such perfection will never be attained.
their private desires for gain, the Athenian argues that trade could be honored as a “mother and nurse” (918e). Specifically, trade would serve the common good of the whole community by providing a means of evenly distributing goods in the city, and by allowing those who possess a particular commodity or service to give assistance to “those at a loss” (918e, 919b). Rather than serving as a source of injury and conflict, the true power of money is to facilitate this redistribution, and the proper function of the uncorrupted merchant is to care for others by fulfilling their needs (918e). Next, the Athenian turns to the second half of his double-vision. He must acknowledge the current weaknesses and limitations of actual human beings, recognizing the ways in which they fail to live up to his perfectly ordered plan. Thus, he admits that the current practice of trade falls short of this highest form (919a). Rather than caring for others as friends in need, those who currently partake in trade treat their customers as “enemy prisoners” of whom they seek to take advantage in order to gain profit for themselves (919a). The cause of this current corruption is the irrational desire for unlimited gain (918d). The Athenian recognizes that the majority of human beings cannot successfully master this appetite for wealth, such that they choose to “gain insatiably” instead of opting for a more moderate income (918d).

Given the Athenian’s assessment of the current state of retail trade, the next step in formulating his reforms is to “contrive medicine for these things” by providing a “remedy by law” (918c). However, the Athenian acknowledges that such a remedy may not cure the entire practice, but only a part (918c). The Athenian is aware that only a small portion of the population could ever hope to moderate the desire for unlimited gain,
and that it would be laughable to assign such rare individuals to the sphere of retail trade when their talents are put to better use elsewhere (918d-e). Therefore, the Athenian’s reforms represent a middle ground in which he recognizes he cannot attain his perfected vision of this activity. Rather than giving up because achievement of the ideal is out of reach, he seeks to limit the negative impact of trade and allows it to come incrementally closer to fulfilling its true purpose through his regulations.

His proposal for achieving this end is three-fold. First, he reduces the use of retail traders overall (919c). Second, he limits membership in this class to those whose corruption would bring the least harm to the city (919c). Third, he attempts to forestall the corruption of those individuals who are allowed to participate in trade. Thus, he first establishes a law forbidding the citizens of Magnesia from participating in any kind of trade (919d-e). As a result, he protects them from regular habituation in an activity that is likely to corrupt them. His second law identifies the city’s resident aliens and strangers as the only individuals who may take part in such activities (919d-920a). In addition, these persons are carefully supervised by the appropriate magistrates, who will ensure that their profits are moderate (919d, 920c). Finally, as Morrow notes, *metics* and

168 According to Morrow, Plato recognizes the necessity of *metics* to all Greek cities, but he tries to prevent them from “exerting too much influence on local affairs and customs” (147). Plato’s regulation of these individuals is similar to that of Athens, except that he limits the amount of time they and their children can stay in Magnesia. As Morrow explains, “This is obviously an orderly procedure for enabling the state to get rid of undesirable *metics*, and Plato may have consciously designed it as a more civilized alternative to the ‘alien purges’ practiced at Sparta (147). He also limits the amount of wealth they can accumulate (147). Morrow argues that these regulations would discourage most *metics* from coming to Magnesia, although the lack of a tax on *metics* might offset this (147-148). Morrow thinks that as a result of these regulations, *metics* in Magnesia might find it easier to attain a modest degree of prosperity than they could in Athens. However, they would have limited economic potential overall: “This form of the institution clearly reflects Plato’s intention to preserve the integrity…of the citizen body, and his recognition of the danger of having in the city a large class of permanent residents possessing wealth but lacking political power (148).
strangers are subject to eventual removal from Magnesia. As established earlier at 850b, unless they prove themselves to be worthy of an extended stay, such non-citizens must leave the *polis* after a period of twenty years. As a result, most of the individuals who participate in trade eventually will be purged from the city (Morrow 147). Through these regulations, the Athenian allows Magnesia to move a bit closer to his perfected conception of trade, while also acknowledging the limitations of the human beings who will live in this *polis*. Although the city will never fully realize his perfect vision, his reforms encourage merchants to care for others by providing them with necessary goods, while also limiting their ability to exploit their customers. Most importantly, he prevents citizens from becoming corrupted by participating in an activity that could undermine their dedication to the common good by strengthening the desire for private gain. He also provides a mechanism for ridding the city of those individuals who become corrupt as a result of this activity.

While the Athenian creates rather restrictive regulations to control those involved in retail trade, he has a slightly more positive attitude towards the city’s craftsmen. As established earlier, this function is also reserved for resident aliens and strangers, since citizens must completely dedicate themselves to cultivating virtue and “preserving and holding the common order of the city” (846d). Despite this denigration of craftsmanship earlier in the dialogue, the Athenian now affords such individuals greater respect.\footnote{Morrow notes that Plato regards artisans as more worthy of respect than traders, possibly because he admires the time and dedication the former give to their craft (145). However, such activity prevents craftsmen from focusing on other responsibilities, including the duties of citizenship. As a result, Plato forbids his citizens from participating in this profession. However, he does provide laws designed to}
Athenian emphasizes their function as being sacred to the gods, and acknowledges the value of the services they provide to the city (920d-e). He even draws a comparison between the craftsmen’s activity and the service provided to the *polis* by its generals (921d-922a). Utilizing the kind of persuasion usually reserved for citizens, he encourages these workers to honor their divine ancestors by obeying a series of laws designed to prevent them from abusing their customers. In addition, he also offers them protection from the same kind of injury through the tribal courts (921a-d).

5.2.3 Private Property and the Family

After having fleshed out the details of these regulations concerning the production and accumulation of wealth, the Athenian must address the transfer of property at the end of each citizen’s life. This subject is particularly challenging for the lawgiver to regulate in that it involves two aspects of the private that are most difficult to tame: the desire to control one’s own possessions and the desire to care for one’s own family (922b). And yet, despite this difficulty, if the lawgiver is unable to regulate these matters, the desire for one’s own will threaten the first and most fundamental law of the city: the maintenance of the original five thousand forty allotments (740b).\(^{170}\) The Athenian’s protect artisans from being taken advantage of by citizens (145). He also provides special places for them to reside near the farmers who will need their crafts (145).

\(^{170}\) When he legislates the original arrangement of allotments, the Athenian also recognizes the existence of private families that will care for them. He subsequently attempts to rationalize and reform the family, reducing it to a bare minimum so that it would primarily serve the public good rather than its own private interests. However, as the dialogue progresses, he eventually accepts that the private family cannot be made completely subservient to the public. Despite this realization of limitation, the Athenian does not give up his efforts to reform the family, although he now proceeds in a more moderate fashion. In the first section of the penal code (853a-882c), he does recognize the substantial influence of the family, but he also
rational plan for the city is founded upon this property arrangement, which he declared must “remain fixed for all the rest of time” (740b). Now as he addresses the implications of his inability to overcome the private, he must return to his first law and add additional regulations that will reinforce and secure it.

The necessity of returning to this matter in order to supplement his legislation calls to mind the Athenian’s earlier comments that his practice of lawgiving resembles that of a painter. At 769b, he explained that the lawgiver is akin to an artist who never ceases adorning his creation. He never reaches a point “where there can be no further improvement of the paintings as regards beauty and clarity” (769b). Furthermore, as the Athenian begins to address matters concerning death, one is reminded of the mortality of the lawgiver and his need for a successor who will be able to “make it right if the painting suffers some decay at the hands of time, as well as to make future touch-ups that improve on deficiencies left by his own artistic weaknesses” (769c). Although he does not address this problem here, his focus on human mortality foreshadows the discussion in the final section of the dialogue.

Turning back to the Athenian’s first law concerning the original allotments at 740b–741e, the Athenian acknowledged that the irrational could threaten this seeks to bring internal order to it by regulating conflicts among kinspersons through his penal code. He also increases the chance that families will exist peacefully in relation to the rest of the city by tempering the anger of family members toward criminals who injure their relatives and by preventing private forms of retaliation. Although the family remains an important element in Magnesian life, the Athenian continues to moderate it through his regulations so that it exists in greater harmony with his vision for the best city at 922b–938c. Here, the Athenian must address the complex relationship between property and the family in such a way that prevents either one from threatening the good of the whole community.
arrangement. However, in that earlier section of the dialogue he was supremely confident that the lawgiver could overcome these forces of chance and change through the proper legislation. He stated quite succinctly that each allotment holder must transfer his land to the one child who is most dear to him, while daughters should be given away in marriage, and additional sons must be distributed to other families who lack children (740c). Although he acknowledged that “personal likes and dislikes should be followed as closely as possible” when these directives are executed, at this earlier point in the dialogue he largely ignored the strong attachment among family members that would make such laws extremely difficult to carry out in practice. Although he does not go to the same extreme as Socrates in Book Five of the Republic, his failure to appreciate the attachment among family members at this earlier point in the Laws is reminiscent of Socrates’ proposal for dismantling the private family.

Despite his initial confidence earlier in the dialogue, the reader witnesses the Athenian come to terms with his own limitations in his efforts to control the irrational completely beginning at 840e and as he recognizes the need for a penal code. Now, as he returns to the problem of preventing these irrational forces from weakening the foundation of his polis, his approach is noticeably different. He now appreciates more fully the power of his citizens’ irrational desires and emotions. Previously at 740e-741d, he simply proposed that honors and dishonors, encouraging words, and appeals to the sacred would suffice to accomplish his goal of maintaining the allotments. Now he demonstrates greater appreciation of the formidable strength of the desire for one’s own as a force that must be recognized and accommodated to some degree. For example,
before he offers any laws regulating the distribution of property at the end of life, the
Athenian first calls Kleinias’ attention to the way in which the dying are overcome by
irrational self-interest. He warns that most human beings are “mindless and weak” when
they are dying, and he notes that they are filled with anger as they offer speeches that are
“very frightening and hard to handle” for lawgivers (922c). In these speeches, the dying
declare their own unqualified authority to distribute their property to their family
members as they wish, despite the fact that this could jeopardize the common good of the
larger community (922d).

By calling to mind these defiant speeches, the Athenian once again admits the
limitations of the *paideia* he has designed for his citizens. These dying individuals have
received an education that attempts in every way possible to teach them to love and serve
the common good above their own private interests. And yet, even when they face death
these individuals will express a “terrible” anger when asked to sacrifice their private wills
for the good of the city (922d). They are not deterred by the fact that they will soon
experience the justice of the gods, who pay special attention to whether or not each
person has given undue priority to his own desires (906c). Perhaps equally dismaying is
Kleinias’ response to the thumatic speech of the dying: “Well, stranger, don’t they seem
to you to speak in a fine way?” (922d). Both the Athenian’s citizens and his interlocutor
require continual reeducation of the irrational to remind them to follow the order of *nous*
that aims at the good of all.
The Athenian’s final prelude to the dying serves exactly this purpose. Rather than fearing such vehement speeches, the Athenian addresses the dying as friends, and informs them that he will arrange the laws in a way that is consistent with his approach throughout the dialogue: “I will legislate with a view to what is best for the entire city and family, and with a view to all this, will justly assign a lower rank to what belongs to each individual” (923b). Despite the fact that he has allowed his citizens to possess their own property, he indicates that his concessions to the private are second in rank to the needs of the community. He explains that the dying man’s possessions do not truly belong to him, but they actually belong to the past and future generations of his family, which in turn belongs to the city as a whole (923b). The Athenian soothes the anger of the dying citizen by assuring him that the lawgiver will care for these possessions that the citizen mistakenly believed were his alone. The Athenian’s speech here reflects his ongoing effort persuade his citizens to accept his vision of the best regime, even though he is aware that they will never embody its goals perfectly.

However, despite this attempt to persuade his citizens to give priority to the common over the private, the Athenian’s laws do allow the dying individual to exert some degree of control over his goods and his family. Although he will not permit the individual’s wishes to harm the interests of the community if the two conflict, he affords some respect to the citizen’s desire to have things follow his own wish. While it is unnecessary to explain all of the Athenian’s laws concerning the transfer of property and the fate of children and spouses, a few examples will demonstrate the Athenian’s attempt
to strike a moderate balance between the private desires of the individual and the common good of the whole.

Whereas earlier in the text, the Athenian allowed each allotment holder to choose only one heir while his other children would be distributed to other families or sent to another colony, he now allows the head of a household to create a personal will in which he designates which son should receive his allotment, which of his other sons should be given to which other families, and which men should marry his daughters (923c-e, 924d-e). It is only in the event that a landholder dies without a will that the Guardians will intervene to allocate his property, to assign individuals to care for his children, or to choose husbands for his daughters (924a-925d). Furthermore, the Athenian now allows fathers to bequeath some of their property to all of their children, if they so choose. Recognizing a parent’s concern for each of his offspring, not just his primary heir who receives the allotment, the Athenian allows a father to give his additional possessions (beyond the allotment and its equipment) to each of his remaining sons or to an unmarried daughter in whatever proportion he wishes (923d-e). Through these measures, the number of hearths remains fixed for the sake of the community, and the original law concerning the number of allotments is secured. At the same time, the Athenian also assuages the anger of the dying individual by allowing him a moderate degree of control over his possessions.

Next, the Athenian attempts to legislate for the variety of circumstances that could undermine the orderly system of transferring property and caring for family that he has
just created. As he legislates for these various contingencies, he is keenly aware of the
lawgiver’s inability to address the variety of particular circumstances that may arise as a
result of using laws that are general by their very nature. In this way, the Athenian
recognizes the inferiority of *nomos* to *nous*. For example, he is cognizant of the fact that
the lawgiver is an inadequate substitute for a father in terms of choosing appropriate
mates for his daughters (924e-925c). And yet, when a citizen dies without a will, the
lawgiver must assume this role. To remedy the lawgiver’s inability to consider what is
best for each unique child, he supplements the general law that describes the appropriate
method of choosing a husband by allowing a living judge to determine the symmetry of
such parings (925a). To an even greater degree, he recognizes the oppressiveness of the
laws designating that a kinsman and kinswoman should marry one another and take over
the allotment of a deceased landholder who dies by chance without a will (925d-926d).
In this case, he appreciates that the personal tastes and desires of the future marriage
partners cannot be ignored even though his general laws cannot adequately accommodate
them (925d-926d). Thus, he humbly asks the citizens to forgive the lawgiver for his
limitations. He also forgives the citizens involved if they refuse to obey (924d, 926a).
Here again, he recognizes the need to supplement the general provisions of the law with
living intelligence in order to find a middle ground that accommodates particular
circumstances and the preferences of the individual citizens. He allows the individuals
involved to appeal to the Guardians of the Laws and the select judges to decide the matter
(926c-d).
5.2.3.1 Family Conflict

Next, the Athenian strives to temper internal family conflicts that endanger the harmony of the larger community. Although he first began to address this problem during his earlier discussion of the penal code, he now acknowledges the need to supplement his earlier legislation in order to address a number of additional situations in which the irrational may disrupt family relationships. For example, anger may arise between parents and children, the mental faculties of parents may deteriorate unexpectedly, and the souls of husbands and wives may seethe with unhealthy passion towards one another (928e-930d). In response, the Athenian creates orderly processes to bring resolution to each situation (928e-930d). In some cases, such as when a parent wishes to disown a child, the Athenian bestows the power of judgment upon a family court consisting of kinsmen and women (929b-929d). But in the case of stripping fathers of their authority due to derangement, as well as in the case of divorce, the Athenian assigns authority for resolving these conflicts to public magistrates (929e-930b). In each case, the final authority to alter the family relationship never resides with the individuals involved in the conflict. Aware that such persons are overwhelmed by irrational passions during the heat of conflict, the Athenian requires that they should be moderated by other members of the community who are capable of judging the situation more rationally and acting more prudently.

171 In a city where elders (and especially parents) are revered to the degree that children may not even defend themselves when their parents beat them (869c), this piece of legislation in which a son may bring an indictment against his father if he suffers from “some disease, or old age, or harshness of character” and reduce his status to that of a child is a significant acknowledgement that those persons who are older are not always wisest (929d-e).
In addition to these disruptions to the order of the family, the Athenian also emphasizes the proper means for addressing children who neglect or harm their parents (930e). As already noted in the previous chapter, one of the most significant relationships that the Athenian seeks to reinforce through the penal laws is that of parents over children. Before offering his legislation on this subject, he offers a prelude designed to persuade the young to honor their parents. Having strengthened the power of the sacred as a tool for reinforcing the laws through his earlier reforms, he now takes full advantage of this instrument. Describing a parent as a kind of living shrine and treasure (931a), the Athenian warns that the gods heed the prayers and curses of a father and mother. For those who disregard this threat of divine retribution and harm their parents anyway, there is a two-tiered penalty. After being judged by the three eldest Guardians and three women who supervise marriages, those sons who are under the age of thirty (or forty for daughters) are subject to corporeal punishment and imprisonment (932b). Those children that are older are subject to the judgment of the city’s one hundred and one eldest citizens, and there are no limits placed upon the punishments they may receive (932c-d).

5.2.3.2 Returning to the Woman Question

Since the Athenian has returned to the private family at this point in the conversation, this is an appropriate time for the reader to reconsider the Athenian’s treatment of those citizens most closely associated with this subject in the dialogue:
women. Throughout the last several sections of the text, the Athenian has recommended legislation that profoundly impacts the lives of women in Magnesia, although he has refrained from explicitly focusing his interlocutors’ attention on them in the way he had earlier. As a result, it is easy for the reader to forget to examine whether or not the Athenian’s legislation for Magnesia has fulfilled his previously stated goals for women in this city. Although stopping to look at this issue now creates a somewhat awkward break in the analysis of the text, it is a worthwhile endeavor in that it highlights the tension between the Athenian’s intelligent vision of the best arrangement for his city in speech and his awareness of his own limitations in bringing it to fruition through the law due to the presence of the irrational. It also foreshadows one of the most important subjects of the final section of the dialogue—the need for living intelligence to supplement the law in order to allow the city to continue improving over time.

The previous chapter examined the Athenian’s earlier, radical vision for women, including his aspirations that “every practice is to be shared in common by women as well as men” and that women should share their entire lives in common with men (781b, 805c–d). And yet if one considers his legislation in the later sections of the dialogue, it is clear that just as he is unable to minimize the role of the private family to the degree that he initially proposes, he cannot bring women fully into the common life of the city throughout their entire lives. Because of the earliest laws he established for the city concerning the allotments, marriage, and the bearing of children, he falls short of his goal. For example, although the Athenian goes to great lengths to educate females on an equal basis with males (804e), they participate in the public *paideia* for a shorter period.
of time than their male counterparts. Once girls enter into marriage in Magnesia—which they are required to do sometime between the ages of sixteen and twenty—they must presumably end their studies because the Athenian expects they will begin bearing children almost immediately and they will raise their own offspring in the private home until those children are three years old (785b, 779e). 172 In addition, despite the Athenian’s particular enthusiasm for the inclusion of women in the military, he never specifies a particular role for them, but leaves this unlegislated. As noted earlier, he simply states that each female citizen will participate in some kind of military service, based on what is “possible and fitting for her” after she has finished having children until she is fifty years old (785b). This ambiguity concerning their role casts doubt on the possibility that women will be allowed to participate in the defense of the city along with the men. They will certainly be concerned with the things of war, and must be “knowers” of these things (814a-c). However, it is not clear that this kind of knowledge unaccompanied by the kind of continual training in combat that the men must undergo

172 One should note this important contrast between the lives of women in Magnesia and the philosopher queens of the Republic. The latter, who participate in every activity with men—including political rule—never withdraw from public life because their offspring are immediately taken from them and raised by nurses (Republic 460b-c). Other than occasionally breastfeeding random children, the philosopher queens have no other family responsibilities that could interfere with their education and service to the community (460c-d, 451d-456c). In contrast, the women of Magnesia (all of whom apparently marry since the Athenian never mentions the possibility of dishonors for women who refuse to wed at 774a and since women themselves have no over the choice of whom or when they marry) may be preoccupied with the raising of their youngest children from the year they marry throughout the ten years that they are obligated to try and bear children (779e, 784b), albeit this is dependent upon their own degree of fertility, as well as their husbands’. As a result, the existence of the private family and women’s obligations to raising their children may be one cause that prevents them from sharing their entire lives in common with men.
will allow women to fulfill the ultimate goal of defending the city and appearing in the battle orders alongside the men.\footnote{The Athenian explains that married women cannot participate in the various public contests, including those that would help prepare them for battle (833c-d, 833e-834a, 834d). There is only one passage that suggests that women may have the opportunity to practice their battle skills. At 829b, the Athenian recommends that army maneuvers be conducted at least once every month, if not more. Then he adds: “They should exercise paying no attention to cold or hot weather—they themselves and their women and children as well—whenever the rulers think it fitting to lead the whole populace out; then at other times they’ll be led out in sections” (829b). And yet, this passage is also rather ambiguous since the Athenian never specifies whether women will participate “in equality with the men” as the Sarmatian women do (804e-805a). Thus, the Athenian leaves the reader with a great deal of uncertainty regarding his goal of complete “ambidextrousness” as it pertains to women in the military. It must be left to future lawgivers to fill in the details of the outline he has created in order to move closer to fulfilling this element of his original proposal.}

Also, although the Athenian strongly favors the inclusion of women in common meals in order to bring them out of the private home and to instill a greater degree of order in them, he never establishes this practice in law with any degree of certainty. As noted earlier, when he discusses the female \textit{syssitia} at 806e, he proposes them hypothetically, but never affirms their existence (806e). The last time he explicitly considers common meals for women is at 839c-d, where he expresses doubt about whether or not he can overcome the disbelief of the many regarding the possibility of this practice. Despite the fact that he claimed this practice was according to nature at 780c, at 839d he acknowledges that it doesn’t seem natural to the Dorians. As a result of the difficulty he anticipates in successfully persuading his citizens in accepting this practice and making it permanent in the law, the female \textit{syssitia} are never established with certainty.\footnote{Although the Athenian briefly mentions the common meals again at 842b, 948e, and 955e, in none of these instances does he mention female participation.} Therefore, just as the role of women in the military is left ambiguous, the same holds true for this practice. The unresolved status of the common meals again
highlights the fact that some aspects of the lawgiver’s vision cannot be realized immediately, but require time and further attempts at persuasion. Once again, this points to the need for some degree of living intelligence in the city that can establish additional reforms in the future in order to improve the laws at the proper time. Unfortunately, this means that yet another aspect of the Athenian’s original vision for women must remain unfulfilled.

In terms of holding public office, the Athenian’s original proposal for allowing women to participate in public office at 785b is certainly an improvement over historical practice, but he never recommends that women hold any of the higher magisterial roles in the city. He never mentions that they may serve as Guardians, Select Judges, or Generals, nor are they eligible to become the Supervisor of Education (765d). Thus, the participation of women in the rule of Magnesia is extremely limited. However, as the text proceeds, the Athenian does continue to expand female power to some degree by allowing them to participate in judging and applying the penal code in a variety of matters involving members of their extended families. And yet, based on the

175 It is worth noting again here that some scholars, such as Morrow, argue that there is a possibility that women could participate in the citizen assembly and in choosing the Guardians and the leaders of the military (157, 168). However, this presumes that they will participate in the military, and as just explained, the Athenian leaves many questions unanswered in terms of their roles in defending the city.

176 Specifically, the Athenian explains that both male and female relatives have the power to appoint a new lot holder to replace an exiled citizen (877d). They also participate in deciding cases in which one family member injures another (878d-e), and they also vote to determine whether a kinsman may disown his son (929c). If one recalls the Athenian’s comments from 767a regarding the role of the judge, he explains that although “a judge is not a ruler, on the day when he makes his decision and concludes a judicial trial, a judge is in some sense a ruler—and no very petty one at that.” Therefore, in the area that women have the most expertise—the family—the Athenian does allow them to exercise some degree of rule along with men. In addition, he grants two additional duties to the female supervisors of marriage: the decision to determine whether a young widow must remarry (930b), and to assist the Guardians of the Laws in dealing with individuals who have neglected their parents (932b).
Athenian’s actual legislation up to this point in the dialogue, they certainly never share in ruling the city to the same degree as men.

One of the most problematic areas for women in the later sections of the dialogue pertains to property. As the Athenian revises the laws concerning inheritance and the family beginning at 922b, his legislation reinforces the inferiority of female citizens in Magnesia rather than improving their situation. Specifically, the Athenian legislates that women may only possess property if they are unmarried. Since all women in Magnesia eventually become wives, any property that they may inherit is merely a temporary grant until they are given a husband (923d-e). In addition, the property that an unmarried woman may receive is limited to wealth above and beyond her father’s allotment (923e). While the Athenian makes one cryptic reference to the possibility of a daughter owning an allotment at 923e, he makes it clear that a father may not leave his allotment to a daughter, but only to one of his sons (923d-e). If he has no sons, he must choose a male citizen to marry his daughter and to become his heir of the allotment. Since the ownership of an allotment is one of the most significant characteristics of adult, male citizens, it is difficult to see how anyone who is excluded from the possibility of such ownership could be said to share their entire lives in common with them.

In addition to this, the Athenian never grants women the same degree of control over marriage that male citizens enjoy. At 924d-e, he reaffirms the father’s authority over his daughter’s entrance into marriage, which he first established at 774e. While the
Athenian does give the daughter of a deceased father with no male relatives some input in the choice of her future husband, most girls will not have this opportunity (925a-b). Furthermore, even if they are widowed, women are not allowed to choose for themselves if they will remarry unless they have born an adequate number of children and are above an appropriate age to remain single (930b). While men are also subject to a great deal of community control over their behavior in relation to their family, they do have the authority to choose their own spouses (772d-e), as well as the possibility of declining marriage altogether, although they must pay a yearly fine and be excluded from the honors of the young if they make this choice (774a-c). This option is not allowed for the women of the city. As a result, no women can remain free from the obligation to a private family such that they could pursue other opportunities, including a complete education (781b).

Overall, the Athenian has made women greater participants in the public sphere, especially compared to Athenian practice, but even in regard to the practices of Sparta and Crete. However, they certainly fall short of his previously stated aspirations for

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177 This decision is granted to the female magistrates 930b. One could argue that this gives women some authority to empower their fellow female citizens, or one could argue that it makes women complicit in the oppression of other members of their own gender.

178 There is one slight possibility that a woman may remain unmarried in Magnesia, although the text is not clear on this point. Please see footnote one hundred ninety-one.

179 In addition to the areas already discussed, there are several other aspects of the Athenian’s legislation involving small advancements beyond their historical counterparts. For example, it is well known that in Athens, female citizen were under the authority of a male kyrios at every point during their lives (Just 26-30). This male control over a woman’s life also certainly extended to the Athenian court system. According to Just, an Athenian woman “could not instigate or conduct any legal proceedings on her own behalf” (33), nor could she testify in a trial, except in the case of homicide (34). Since a woman had no active political rights and lacked a direct voice in this realm, it was up to her kyrios to bring legal actions on her behalf and to give her testimony indirectly during trials. In contrast, the women of Magnesia
them. It is possible that reforms could be proposed in the future that would further improve their status in Magnesia, but the Athenian does not suggest any of these reforms now. He simply leaves the reader to wonder about the tension between his earlier, radically inclusive vision for women and his inability to establish it through his legislation (937a). This tension points to the problem of the need to allow for some mechanism of change in Magnesia, as well as the need for properly educated leaders who can help supplement the laws in order to address the unfinished elements left unresolved due to the limitations of the original lawgiver.

5.2.4 Judges and Living Intelligence

Having addressed more of the possible conflicts that take place within the private family, the Athenian returns to considering the ways in which members of the general population harm one another due to the influence of the irrational at 932e. He addresses an interesting variety of crimes such as: poisonings (both in terms of using physical poisons as well as spells and incantations), abusive speech, ridicule by the poets, and injuries caused by slaves. The goals of his penal code here in this section of the dialogue are consistent with those established earlier. For example, as the Athenian legislates for crimes “in which one person may harm another by theft or violence,” his purpose in

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are allowed to testify directly at any trial if they are over the age of forty (937a), and a free woman without a husband is permitted to bring a judicial action on her own behalf (937a). How a free woman might find herself without a husband is unclear; perhaps she has yet to marry, or perhaps she is a widow permitted to remain single (930b). In any event, the Athenian acknowledges at least this brief instance in which a woman may act on her own behalf in the legal realm without requiring a male guardian. However, if she marries, she loses this opportunity and reverts back to living under male control (937a). She may no longer bring a legal action, but she retains the ability to testify once she reaches the proper age.
establishing penalties is to compensate victims for their injuries, to educate perpetrators to become more moderate, and to persuade the members of the larger community to hate injustice and refrain from committing such crimes themselves (933e-934b). Once again, he focuses on the arrangement of the criminal’s soul in determining the size of the monetary penalty (934a).

However, unlike his earlier attempts to establish specific guidelines for most punishments, he now refrains from doing so. He must leave the penal code incomplete. Rather than legislating each specific penalty, the Athenian emphasizes the role of the judge as an assistant to the lawgiver who applies the general prescriptions of the latter to each set of particular circumstances (934b-c). Once again, he describes the lawgiver’s function as being similar to that of a painter who is limited to merely sketching outlines rather than completing every detail regarding future events that he cannot possibly anticipate (934c). By highlighting the role of judges here at this point in the text, the Athenian calls attention to the inferiority of nomos to nous. He has hinted at the need for living intelligence to supplement the rule of law in previous books. For example, at 875e-876a the Athenian briefly commented that it is impossible for the lawgiver to legislate for every possible future circumstance in terms of determining the proper penalty for a specific crime. As a result, he acknowledged that some matters must be turned over to living judges (876a). However, this solution becomes deeply problematic

180 As Saunders notes, “At the end of the passage (933e-934c), Plato indicates that the legislator must sketch, for the guidance of judges, the types of penalties that ought to be imposed on the categories of theft and violence. This apparent promise to relate specific penalties to specific crimes is never fulfilled, at least in the systematic form suggested” (292).
in cities that lack properly ordered courts and well-educated judges (876b). At 876e, the Athenian assumed that such well-educated judges who have been “tested with complete precision” could be easily found in Magnesia. But by the time he reaches this later point in the conversation, the Athenian has said very little about any advanced education for judges or anyone else in Magnesia. Therefore, this portion of the text ends by calling attention to one of the most important elements missing from the Athenian’s plan for the city—the need for properly educated leaders who can help supplement the laws and address the unfinished elements left unresolved due to the limitations of the original lawgiver and the problems inherent in the nature of law.

5.3 The Salvation of the Law (941a-969d)

As the final section of the dialogue and the culmination of the Athenian’s entire project, the content and organization of this portion of the text defies expectations. While one expects the Athenian to tie up the loose ends of the dialogue and establish some degree of final resolution, he does the opposite. To begin, the first section of the conclusion addresses a variety of topics that seem to have very little to do with one another. The Athenian considers various ways in which individual citizens might betray the city, but also legislates for a number of topics that he has already considered in previous sections, including: private theft, business transactions, regulation of property, worship of the gods, and judicial matters. For a lawgiver who seeks to establish legislation that exemplifies the order of reason, the Athenian’s discussion of these particular laws seems to wander in a haphazard fashion. Secondly, in the latter half of
this concluding section, the Athenian discusses the Nocturnal Council, the capstone of his entire political arrangement. And yet, he offers such scant details as to how this body will function within Magnesia’s institutional structure that scholars are still struggling today to make sense of it.

Ultimately, this final section of the text leaves the reader with more questions than answers. However, as the reader shall see, this is actually a fitting ending for a dialogue that focuses on the influence of the irrational in human life. It is also appropriate for an author who seeks to challenge his readers to embrace philosophical inquiry as an “unfinished and unfinishable quest” (Bloom 409). In this regard, the Laws is very much in keeping with the rest of the Platonic corpus. From the Apology to the Nomoi, Plato consistently encourages his audience to contemplate the tensions inherent in political life, without offering a final solution for resolving them. As Sara Monoson says of Plato’s work in general:

The vicarious experiences of dialogue pull readers in different directions at different moments, managing to disorient them, to move them toward clarity, and to unsettle them again. The dialogues do not present settled views for the reader to accept or reject. The details of the dialogues provoke, irritate, inspire, and confuse. Of course, the dialogues prompt thinking along certain lines. They are not “neutral.” Plato presents particular views because he believes, at least tentatively, that they have merit. But having merit should not be confused with being “endorsed” by Plato. The dialogues do not positively offer something we can unproblematically call Plato’s own settled, substantive doctrine. Above all else, the dialogues provide the experience of enlivening, difficult, sustained mutual philosophical questioning. (136)

It is this same experience of uncertainty and lack of resolution that the reader feels at the conclusion of the Laws. The dialogue does not present solutions for all of Magnesia’s problems. But it does reveal some of the central tensions in political life, and it
encourages us as readers to remain engaged in the ongoing struggle to improve our political communities through the kind of sustained, philosophical questioning that Monoson highlights for us.

Keeping this in mind, the reader of this final section of the dialogue faces a double task. First, one must explain the connections among the seemingly discordant elements in the first half of the book, seeking order where it appears to be lacking. Although it is not immediately apparent, careful analysis reveals that the structure of this concluding section actually is logically coherent, and its disparate elements are carefully arranged to lead the reader to the consideration of philosophy’s role in Magnesia. Secondly, as one reviews the details pertaining to the Nocturnal Council, one must attempt to make sense of the text as Plato left it to us, appreciating and contemplating that which he left unresolved.

5.3.1 The Limitations of Leaders and the Need for the Rule of Law

Turning to the first section, the Athenian begins by continuing with his penal code. However, he now focuses specifically on the relationship of each individual citizen to the community as a whole. In doing so, he highlights one of the central tensions of the entire dialogue. There is a renewed attempt to persuade his citizens to place the common good above private self-interest at the same time that the Athenian recognizes the possibility of grave failures at critical moments by both the rulers and ruled. He focuses most intently upon two areas most essential for the city’s survival: military service and
magisterial service. The former pertains to the average citizens who must follow the orders of their superiors, and the latter pertains to those select few who exercise rule over others. Here the Athenian acknowledges that members of both groups will disappoint their city at times due to the weakness caused by irrational self-interest. He continues his examination of the shortcomings of average citizens, but now he also focuses more intently upon the need to accept and address the imperfections of the city’s most powerful men.\footnote{In his article, “The Nocturnal Council in Plato’s \textit{Laws},” George Klosko argues that Book Twelve constitutes a “fundamental break” from the previous eleven books of the dialogue in that Plato now advocates the rule of philosophy and rejects the rule of law in Magnesia (85). He states: “…when Plato originally wrote Books I-XI he was committed to the government of laws” (85). But then in Book Twelve, Plato returned to “the ideals of his youth” by advocating the opinion that “should extraordinary individuals appear who are capable of ruling without law, power must be turned over to them” (87). According to Klosko, Plato “cannot bring his last work to a close without returning to the hope that a philosophic element can raise Magnesia from the status of ‘second best,’” and therefore establishes the Nocturnal Council as a body that will function like the philosopher-kings of the \textit{Republic} (87-88, 76). However, Klosko’s attempt to establish a break between the first eleven sections of the dialogue and the twelfth overlooks the fact that in the final section the Athenian specifically focuses upon the failures of Magnesia’s leaders and the possibility that any one of them could succumb to the rule of irrational self-interest. This is certainly not the case with the philosopher-kings of the \textit{Republic}, whose souls are perfectly ordered such that reason rules over such private, irrational appetites. If Plato truly intended to advocate the unfettered rule of perfect philosopher-kings in this final section, it is strange that he would need to establish the \textit{euthyerna} in this same section, which represents a check on the power of all the city’s rulers and makes all subservient to the rule of law. There is no such check necessary for the philosopher kings of the \textit{Republic} since they are tested for worthiness during the course of their education and before they begin ruling, not afterwards.} He must strengthen the capacity of the city’s leaders to rule according to reason and to reflect the order of \textit{nous} in Magnesia. And yet, once again, his legislation regarding this important subject remains incomplete.

5.3.1.1 The Ruled

Before examining the Athenian’s proposal for addressing the shortcomings of the city’s leaders, the Athenian once again considers the struggle of the many to overcome
the irrational, this time in their role as soldiers. First, the Athenian begins by drawing the reader’s attention to the external world beyond the borders of Magnesia through his brief examination of ambassadors and heralds (941a-b). This reminder that Magnesia may not remain isolated from other cities leads the Athenian to return once again to consider the military, the entity responsible for defending the city against external threats. In order to function effectively and achieve security for the city, the army must function as a single-minded, harmonious unit in which officers rule and soldiers follow orders. To further this end, the Athenian offers a prelude encouraging individual soldiers to consider themselves as merely a part of a larger collective and to surrender the desire for independent decision-making (942a-c). Each individual soldier must “live constantly looking to and following the ruler,” and he must habituate his soul “not to know, and not to know how to carry out any action at all apart from the others” (942b-c). Soldiers must be habituated to follow the commands of their superiors, and they must learn to suppress their irrational impulses in order to achieve a Spartan-like endurance in the face of any circumstances (942d-e). Concern for the security of the city causes the Athenian to use rather extreme language concerning the way in which the irrational must submit to the rule of that which is more magisterial. In the military in particular, the individual must place the needs of the whole above his own desires.

182 Popper is particularly troubled by this passage, citing it as evidence that Plato despises the individual and true human freedom, and that he seeks to establish a totalitarian regime ruled by an intellectual elite (104-106, 132). However, Popper fails to notice that this passage pertains primarily to military matters. Given the common method of fighting among the ancient Greeks, it is extremely important that soldiers act together as a cohesive unit. If each soldier in a phalanx is encouraged to exercise individual judgment in battle and to value his own life above that of the group, this battle strategy would be rendered ineffectual. This is not to deny that there are many places in which the Athenian restricts individual freedom as it is conceived in the negative sense, but Popper also fails to appreciate the way in which the Athenian embraces and fosters freedom in the positive sense.
However, at the same time that the Athenian emphasizes this extreme vision of perfect submission in his prelude, he immediately reminds his interlocutors that most human beings are incapable of sustaining such obedience. Some soldiers will surrender to their self-interested desires and choose to protect their own lives instead of sacrificing them for the community (943a-945a). Some will refuse to obey the General’s commands due to cowardice (943a). Others will go to battle, but desert the ranks by throwing away their weapons when confronted by the enemy (943d). Because of his “love of his own soul,” (944e) such an individual will betray his city and abandon his fellow soldiers at the moment they are most in need. The Athenian acknowledges the gap between the goal of the soldiers’ education and the reality of how specific citizens may behave when put to the test. Some will serve well, but others will succumb to the irrational (943c).

Once again, the Athenian proposes a cure for these individuals that is consistent with his earlier teachings. He has already offered a prelude explaining his arguments as to why military service is essential to the community (942b-943a). He then seeks to educate the irrational by appealing to the cords of pleasure and pain. He encourages adherence to the law by promising honors for those who serve in the military with excellence (943c). He also appeals to the cord of pain by requiring those who refuse to serve, those who desert the ranks without permission, and those who voluntarily throw away their weapons to undergo certain punishments (943a, 943d, 944d-945b). While

183 As confirmation of the argument made earlier in this chapter that the Athenian has fallen short of raising the status of women in Magnesia to the level he had originally hoped, he acknowledges here that women are still considered inferior at 944d-e when he suggests that the appropriate punishment for a soldier who purposely throws his shield away is to be transformed into a woman.
there is nothing new or surprising in these recommendations, the Athenian does stop here and consider a weakness in the nature of law, which will become the central focus of the last portion of the dialogue. As he discusses the possibility of an individual soldier who throws his weapons away during battle, he notes that a living judge is necessary to distinguish between a voluntary act and one that is caused by chance (944c). Since the Athenian’s goal is to cure those who violate the law, the judge must distinguish between the bad man and the unlucky man, punishing the former so he can become better, but not the latter since nothing is gained by this (944d). While this is a rather minor aspect of legislation, the Athenian calls the reader’s attention to the insufficiency of the law to deal with particular circumstances. Although the Athenian emphasizes throughout the dialogue that the law must rule in Magnesia, the Athenian demonstrates here that living intelligence must be combined with the general provisions of the written law or these nomoi may cease to remain just over time.

5.3.1.2 The Rulers

In addition to anticipating and addressing problematic behavior among the ruled, the Athenian also recognizes the possibility of failure among those chosen to lead the city. While the city’s magistrates have the authority to direct the actions of others, they too must also submit to the rule of reason in order to serve the good of the whole. However, there have been hints throughout the dialogue that the actual human beings who will lead Magnesia may not live up to this goal. For example, the Athenian acknowledges that Field Regulators may become corrupt and make unfair assessments or
accept bribes (761e-762b); the city’s magistrates may act unjustly towards the orphans in their care (928b-d); and the judges of last appeal may render unjust verdicts (767e). However, it is here at the end of the dialogue that the Athenian most openly explains that the law must recognize that all magistrates are vulnerable to failures of leadership. He now emphasizes that any magistrate may be guilty of “something that is somehow crooked” as he performs his duties (945b). As a result, the Athenian introduces a proposal that further encourages the leaders of Magnesia to embrace the rule of reason in their souls so that they can guide the city properly.

The Athenian develops this proposal throughout the remainder of the dialogue. It has three main components. First, he expands upon his earlier recommendation to audit all of the rulers of the city. Secondly, he supplements the honors offered to the city’s best men in order to reinforce their desire to achieve the highest levels of virtue and to serve the common good. Finally, the Athenian returns to a subject he left previously incomplete—the need to establish a higher level of education for those who exercise political power and who must keep watch over the laws. Through these three elements, the Athenian persuades the leaders of Magnesia to control their irrational desires as best

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184 See also 846b, 856b-c, 875a-d, 876b-c, 881e, 926d. The Athenian also has mentioned the need to audit magistrates earlier in the text (761e).

185 The Athenian makes one exception to this otherwise comprehensive system of audits: the “quasi-regal judges of last appeal” (761e). Although they are not audited by the priests of Apollo, their power is checked in other ways. Since these judges are chosen from the body of those already serving as magistrates in other capacities, they will presumably undergo audits in these other roles. In addition, their behavior as judges is observed by the other magistrates who elected them, and the Athenian allows for anyone to accuse these judges before the Guardians of voluntarily rendering unjust verdicts (767e).
they can, to strengthen the leadership of \textit{nous} in their souls, and to submit willingly to the rule of law.

It is also important to recognize that these three proposals conform to the Athenian’s conception of persuasion that he established earlier in the dialogue. Persuasion involves an appeal to both the rational and irrational portions of the soul in order to move that person closer to the Athenian’s vision of harmony for the city and the individual. First, the Athenian attempts to educate the irrational. The introduction of the \textit{euthyna} appeals to the cord of pain, and the establishment of honors for the priests of Apollo and Helios appeals to the cord of pleasure. The creation of a more advanced education for the city’s leaders appeals to the rational portion of the soul and seeks to strengthen it. Therefore, rather than simply accepting the shortcomings of the city’s most powerful men, the Athenian acknowledges their imperfections, but also continues to move his city closer to his vision of the best \textit{polis} established earlier in the dialogue. As he explains, he strives “to instill as much prudence as possible in the cities and to drive out lack of intelligence as much as possible” by creating a situation in which power coincides with prudence and moderation (688e, 712a). However, he does so in a moderate fashion that recognizes the limitations of all human beings, including his own. And once again, he acknowledges that his legislation is incomplete, especially as it pertains to this third element. This dissertation will now examine each of these three proposals in detail.
Beginning at 945b, the Athenian recommends that all of the city’s magistrates be subjected to audits (*euthyna*). The Athenian has already suggested that all magistrates undergo a scrutiny (*dokimasia*) before they serve in office to ensure that they are qualified for their particular functions.\(^{186}\) But now, he also creates an additional check upon the exercise of power in office that is to be carried out at the end of each magistrate’s term.\(^{187}\) The Athenian does not provide much detail concerning the auditing process, but instead emphasizes the method of selecting the auditors (*euthynoi*), as well as the characteristics they should possess. According to the text, those who perform this task must be between the ages of fifty and seventy-five years old, and should be “the best in every way” (946a). The first year, twelve such auditors should be chosen according to a specific process involving election by the entire city (946a-c).\(^{188}\) Three additional men must be selected every year thereafter. Furthermore, these “amazing men” must embody the whole of virtue such that they also qualify for the city’s highest prize for excellence.

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\(^{186}\) The Athenian calls for the scrutiny of magistrates before they serve in office at: 753d-e, 754d, 755d-e, 756e, 759c-d, 760a, 763e, 765b-c, 765d, 766b, 767d. Unlike the audits, which are all conducted by specially elected *euthynoi*, the scrutinies are carried out by a variety of individuals depending on the office being filled. According to Morrow, the Athenian borrows the practice of the *dokimasia* from Athenian practice, although Morrow argues that the Athenian’s version emphasizes the need “to establish the special competence of the individuals for the office concerned,” whereas the historical practice was concerned with the individual’s “moral and civic character” (216-217).

\(^{187}\) Although the Athenian never explains the timing of the *euthyna* explicitly, Morrow argues that in historical practice, the Athenians carried out their version of such audits during the thirty days following the end of a particular magistrate’s term (220). Unlike the Athenian Stranger’s version, the historical Athenian process involved an examination of each magistrate’s financial accounts by ten *logistai* (chosen by lot from the Council), and then a final clearance granted by the *euthynoi*, a popular court (also consisting of ten members of the Council chosen by lot) that received charges against the magistrate from the general population of citizens (219-220).

\(^{188}\) The Athenian also incorporates age and chance into the method of selection (946a-b).
From this esteemed position as the “rulers of rulers,” these auditors must divide the offices of Magnesia into twelve groups and then examine each officeholder “by means of every test appropriate for free men” (945d, 946c). Sometimes they will examine the officeholders individually, sometimes they will conduct the tests together with the other *euthynoi* (946d). If the auditors find a magistrate guilty of some offense, they must post a written proclamation in the marketplace declaring the appropriate punishment, which may include the death penalty (946e).

In terms of the standards that the *euthynoi* will employ as they perform their audits, the Athenian states that they must apply “a blameless justice in a blameless way” in order to prevent the dissolution of the regime (945d). In doing so, the Athenian indicates that they will investigate whether or not magistrates have served their own private desires in office to the detriment of the community. Such ignorant and unjust behavior undermines the unity of the lawgiver’s original vision for the *polis* and threatens to pull the city in conflicting directions as each magistrate pursues what is best for himself alone (945b-d). As the Athenian explains, without a shared conception of “the justice that binds all the political activities into one,” the ruling offices are split apart, and “rather than assenting to the same thing, they make the one city many, fill it with factions, and swiftly destroy it” (945d-e).

In addition, the Athenian explains that the *euthynoi* will determine whether or not a magistrate has done “something that is somehow crooked because he’s bent by the weight and on account of his own lack of capacity in regard to what the office requires”
(945b). This is a rather vague statement, but the Athenian has already provided ample guidance concerning the behavior that is fitting for a Magnesian magistrate in the earlier sections of the dialogue. For example, the Athenian established that the most worthy rulers are those who have achieved the consonance of virtue in their souls (689d), and who have learned to control the irrational desire “to have more than the established laws allowed” (691a). Shortly thereafter, he condemns those cities in which the leaders rule in their own interest and enslave the rest of the polis (713a), but praises those regimes in which all rulers are slaves to the law that aims at the common good (715b-d). While he certainly emphasizes the rule of the prudent over the ignorant as the greatest title to rule (690b), he ultimately opts to establish the rule of law over the rule of living intelligence (690c). In fact, he casts aspersion upon any ruler who refuses to submit to the rule of law by regarding himself “as needing neither ruler nor any leader, but considers himself capable of leading others” (716a-b). Recognizing that all human beings are vulnerable to corruption, he asserts:

> It’s necessary for human beings to establish laws for themselves and live according to laws, or they differ in no way from the beasts…The cause of these things is this, that there is no one among human beings whose nature grows so as to become adequate both to know what is in the interest of human beings as regards a political regime and, knowing this, to be able and willing always to do what is best. For in the first place, it is difficult to know that the true political art must care not for the private but the common….Secondly, even if someone should advance sufficiently in the art to know that this is the way things are by nature, and after this should rule the city without being audited, and as an autocrat, he would never be able to adhere to this conviction and spend his life giving priority and nourishing what is common in the city, while nourishing the private as following after the common; mortal nature will always urge him toward getting more than his fair share and toward private business, irrationally fleeing pain and pursuing pleasure, and putting both of these before what is more just and better. Creating a darkness within itself, it will completely fill both itself and the whole city with everything bad. (875a-d)
While he argues that law is inferior to knowledge, and that it is not correct for intelligence to be subordinate to anyone, he admits that since it is almost impossible to find a human ruler who does not sacrifice the common for the private, it is necessary to choose the second-best option and establish the rule of law (875d).

In these passages and many others like them throughout the dialogue, the Athenian paints an image of good leadership as consisting of the practice of the whole of virtue, with particular emphasis upon cultivating prudence and intelligence. It also involves service to the common good rather than the pursuit of self-interest, as well as obedience to the rule of law. Presumably, the divine auditors will enforce these standards as they examine the practices of the city’s magistrates.

Finally, not only do the *euthynoi* carry out the audits of the city’s magistrates, but they are also subject to being audited as well (947e, 946e). These men are chosen because of their excellence in regard to virtue, but the Athenian acknowledges that any one of them may “display his human nature by becoming bad” (947e). As a result, the Athenian checks the power of these nearly divine individuals by making each one subject to prosecution for being unworthy of the prize of excellence by “anyone who wishes” (948a). If such an accusation is made against them, they are judged by a special court composed of the Guardians, the other Auditors, and the court of select judges (948a). In addition to this check, the Athenian also acknowledges that the *euthynoi* may exercise poor judgment as they carry out their duties. Therefore, he allows anyone they have
accused and found guilty during an audit to appeal this decision before the city’s judges of last resort (946d, 767c-e).

Therefore, underlying the Athenian’s establishment of the euthyna is an acknowledgment of the limitations of all members of the city, even those judged to be the best and given authority to rule. The nomoi may be inferior to nous, but even the most intelligent human beings are vulnerable to the irrational at times. As a result, no one in Magnesia possesses unlimited power, and no one is above the law. Thus, overall, the Athenian establishes this comprehensive check upon the exercise of power in the city in order to curb the influence of the irrational and to prevent the dissolution of the regime (945c-d). By appealing to the magistrates’ fear of punishment as a result of the euthyna, the Athenian persuades them to follow the golden cord of reason in their souls, as well as to abide by the common law of the city (645a).

5.3.1.2.2 The Cord of Pleasure

The next component of the Athenian’s plan for persuading the leaders of Magnesia to strive to embody the whole of virtue and to serve the common good appeals to the cord of pleasure through the creation of new honors. Although the Athenian has legislated a number of special privileges for those who achieve excellence in Magnesia, the aforementioned office of the divine auditors that he creates now far surpasses anything previously established. Those individuals who are judged to be the city’s best men in terms of virtue are designated as “priests of Apollo and Helios,” and they dwell in
the gods’ precinct (946d, 947a). They receive crowns of laurel, sit in places of honor
during city festivals, and are allowed to represent Magnesia at spectacles and ceremonies
that take place outside the city (947a). In death, they are given funerals fit for royalty, in
which the entire community joins in praising and admiring them (947b-e). To motivate
further those who aspire to this level of excellence, one individual is chosen annually as
the best among these virtuous few in order to serve as the eponym of the year (947b).
Through the establishment of such honors, the Athenian encourages the pursuit of
efficiency and reinforces his earlier teaching that the most pleasant life and the best
life—the one that embodies the whole of virtue—are the same (660e-664c).

Interestingly, these priests who serve as the “rulers of rulers” are chosen by the
total city, rather than by an elite portion of the population, as is the case with some of
the other higher offices in Magnesia (766b, 767c-e). Since their selection is placed in the
hands of the general population of citizens, those who aspire to this office must
presumably act with consideration towards the entire city. To reinforce this dedication to
the whole community, the Athenian allows any member of the city to bring charges
against the *euthynoi*, as noted above (947e). By tying the fate of these priests to the many
in this way, the Athenian continues to pursue the goal of friendship in Magnesia, which
he established earlier in the dialogue (693b). While other kinds of honors in this city
are not dependent upon the opinion of the many, those who desire this highest award for

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189 However, by pursuing the goal of friendship in this manner, the Athenian introduces the
problem that the many may not be fit to judge who is the most virtuous, although he does suggest
elsewhere that the many have some capacity to judge the goodness or wickedness of others, despite the fact
that they lack understanding of the essence of virtue (950b-c). If the many exercise poor judgment in
choosing their leaders, the Athenian allows for these rulers to improve as a result of the education they
receive as members of the Nocturnal Council.
excellence must always be mindful of the needs and opinions of average citizens. Furthermore, this also implies that when the *euthynoi* audit the city’s other magistrates, they do so as representatives of the whole body of citizens.

In sum, the Athenian’s provisions for the *euthyna*, as well as the honors for the priests of Apollo, utilize the instruments of both pain and pleasure in order to persuade those in positions of leadership to seek to embody the order of *nous*, which emphasizes the common good over the pursuit of irrational, private interest. The result is a greater chance of friendship and harmony between the many and their leaders. The rulers exercise their power to further the interests of the whole, and the many reward them with the highest kinds of praise. The Athenian’s efforts to foster this friendship also increase the chance that average citizens will voluntarily follow the leadership of their magistrates since they know these individuals care for all the members of Magnesia, not just elites.

5.3.1.2.2 The Golden Cord

Finally, the third component of the Athenian’s proposal for persuading the rulers of Magnesia to pursue true virtue is the establishment of a higher level of education for the city’s leaders and most promising youth. The Athenian has hinted at the need for such an education in earlier sections of the text. During his discussion of the public paideia, he argues that the majority of the population should be taught to love and revere the laws. They must also be taught to fear changing these nomoi, or the city will deteriorate and become unstable. However, he also recognized the need to teach those
few who are capable of “learning with greater precision” to understand his vision for the
laws so that they can serve as his successors in the future, for as the Athenian
demonstrates, the laws will indeed require supplementation and revision over time
(818a). And yet, at this earlier point in the text, he offered very few details regarding this
higher level of education. Now that he is proposing reforms that will strengthen the
golden cord of reason in the city’s rulers, he offers a more thorough explanation of this
advanced paideia. Specifically, he establishes the Nocturnal Council as an educational
body for the city’s highest ranking and most capable individuals.

The Athenian first establishes the Nocturnal Council as a means of admonishing
and moderating those individuals charged with impiety for publicly questioning the city’s
teachings regarding the divine (909a). But now, he expands the role of the Council into
an educational body for the city’s leaders and assigns it the responsibility of keeping
watch over the laws (951d). The members of this group include: all of the priests of
Apollo, the ten eldest Guardians of the Laws, the current and former Supervisors of
Education, and the Magnesian theoroi who have returned from abroad and passed the
tests of the council (951d-e, 961a). The Athenian also allows each of the magistrates
to select a young man between the ages of thirty and forty to attend with him, if this
young person meets the approval of the rest of the Council (951e, 961b).

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190 See Morrow (503) and Zuckert (133 footnote 138) regarding the discrepancy between these
two passages.

191 One should note that the Athenian does not mention that young women may be selected to join
the Council. While Kochin argues that this implies that women are permanently forbidden from
participating in the higher education offered by the Council (118), Zuckert expresses less certainty. She
wonders: “Because women are excluded from office from age twenty until forty, they may appear to be
effectively excluded from the council, whose younger members are to be between thirty and forty years
The Athenian explains that these members must meet daily from dawn until the rising of the sun in order to discuss a variety of subjects that will strengthen the rule of reason in their souls (961b). These subjects include: “the laws and their own city, and anything they have learned elsewhere that is different and pertains to these matters, as well as whatever branches of learning might seem to contribute to this inquiry by making things clearer for the learners” (952a). As the Athenian proceeds, he specifies that among these additional subjects, the Council members must discuss the telos of the laws—the whole of virtue—as well as the divine things, and “the subjects of learning that necessarily precede these matters” (967e). Each of these subjects requires elaboration in order to shed light on the way in which the Council educates its members, as well as its significance for Magnesia. However, before proceeding with this examination, it is also old. Since the younger members are not elected by the public, however—their selection and meetings are indeed to be kept secret—females could be nominated. Women could be elected as elders, although some of the offices appear to require active military service. But would they be elected? Would the citizens of this city escape the preference for men and male attributes that characterized Crete and Sparta? The answer to that question depends on what the members of the council learn about virtue, both its different forms and its unity. As the Athenian admits at one point, moderation is a feminine virtue whereas courage is (literally) manly. That is one of the major goals of the education the Athenian mandates” (142).

As Zuckert also notes, the Athenian expects that some of the foreign visitors to Magnesia mentioned at 953e will be female. If these female visitors converse with the Supervisors of Education and the priests of Apollo in private (as suggested at 953d), it might be possible that women will have an indirect influence on the Council. Perhaps such encounters could help educate the city’s rulers about women’s capacity for achieving higher levels of intelligence, making it more likely that the male members of the Council could abandon their preference for men and nominate women for membership (142). Also, neither Kochin nor Zuckert considers the possibility that a young woman could be among those accused of impiety and sent to the sophronisterion, where she could have private conversations with the Council members (908e-909a). This is not the same as being chosen by the Council members to participate in their discussions, but it does offer the possibility of advanced education for some females. In fact, one wonders if a philosophically-oriented young woman could escape the requirement that she marry if she violates the laws against impiety when she is sixteen. If she is found guilty and lives in the Moderation Tank for “no less than five years,” she could reenter society when she is past the age when she is required to marry (909a, 785b). The Athenian offers no legislation regarding this possibility.

192 According to Morrow, the latter includes mathematics and harmonics (506).
important to note the open-ended nature of this higher education. The Athenian requires that the older members judge which subjects are to be learned, while the young must learn them with “complete seriousness”; but aside from this, the Athenian allows the Council members a great deal of freedom to determine the subjects of study for themselves and to adapt their studies as they see fit (952a). The end of the dialogue also highlights the unresolved nature of this higher education (968e).

5.3.1.2.3.1 The Subjects of Study

As stated above, the first area of study for the members of Magnesia’s Nocturnal Council includes an examination of “the laws and their own city” (952a). One presumes that the members of the Council must understand all the details of the original lawgiver’s body of legislation, as well as any additions made to it by others (772d, 957b). However, the study of these laws may also include discussions concerning the best way to interpret and apply these laws, as well as examinations of the ways in which the nomoi require improvement, thereby foreshadowing the Council’s role as the savior of the laws. Furthermore, since the Athenian argued earlier in the dialogue that anyone who wants to understand the laws properly must study any additional writings of the lawgiver in which he reveals “what seems noble and ignoble to him,” one may presume that the Council members will follow this advice (822e-823a). Given that the dialogue of the Laws constitutes the most significant written work of Magnesia’s lawgiver, it is likely that the Council members will return to study this text that they first read as children (811d, 957d). Not only would this contribute to a more precise understanding of virtue, but the
Council members may also be encouraged to engage in some degree of self-examination as a result of considering the Athenian’s teachings on the proper arrangement of the soul as described in these pages. Based on this, one can understand why many scholars view the Nocturnal Council as a philosophical body, since a discussion of the text of the *Laws* could be considered a philosophical endeavor even today.\(^{193}\) However, as the reader shall see, this philosophical activity must be mixed with other elements in order for the Council to fulfill its proper function in Magnesia. The Council, or at least some of its members, may engage in philosophy, but this is not its sole purpose.

Turning to the second subject of discussion for the Council, its members are to speak about “anything they may have learned elsewhere that is different and pertains to such matters [concerning the laws and the city],” (952a). Since Magnesian citizens have limited exposure to foreign practices, the Council members gain awareness of such things from three primary sources: the priests of Apollo who have won the prize for excellence, foreigners visiting Magnesia, and the Magnesian *theoroi* who have traveled abroad.\(^{194}\)

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\(^{193}\) Morrow 502-3, 509, 514, 573-4; Barker 344-346; Klosko 76; Bobonich 392.

\(^{194}\) As noted at 947a, those citizens who receive the prize for excellence and are designated as the priests of Apollo are allowed to leave Magnesia: “…from their number, too, shall be chosen the heads of every sacred mission sent out to take part in any public sacrifices, congresses, or other such sacred assemblies of the Hellenes.” Since these same individuals belong to the Council (951d-e), they can share their observations of foreign practices with the other members. In addition, there are four types of foreign visitors who are allowed to come to Magnesia. First are those travelers who visit for commercial purposes (952e). The Magnesian magistrates must carefully watch such individuals to prevent them from introducing potentially harmful innovations to the citizens. The second type includes travelers who visit the spectacles of the Muses in Magnesia (953a). Again, their interactions with the citizen body are carefully monitored, this time by the priests and temple custodians. The third category of visitor includes those who arrive on public business from another country (953b-c). Such persons are received and cared for by the appropriate members of the military. The fourth kind of stranger comes to Magnesia on an “observational mission” (953c-e). In contrast to the other types of foreign visitors, the Athenian allows these individuals a great deal of freedom to move about the city as they wish (953d). As noted above, they are allowed to speak privately with the city’s leaders. Finally, in terms of Magnesians traveling abroad and inspecting other cities, the Athenian recognizes two general categories. The first group includes heralds, ambassadors,
While the priests are required to tell the young citizens among the many that the foreign practices they observe are second best, they may offer a more honest appraisal to their peers in the Council. In the case of the strangers visiting from other cities, the Athenian grants them the freedom to “go uninvited to the doors of the rich and wise” of Magnesia, including the Supervisors of Education and the priests of Apollo (953d). The Athenian encourages such individuals to teach and learn in the company of these rulers, and then allows them to “depart as a friend leaving friends, honored with gifts and fitting honors” (953d). Presumably, the leaders who converse with these strangers may share what they learn with the rest of the Council. As for the Magnesian theoroi who learn about foreign practices and teachings by traveling abroad, the Athenian requires that they report to members of the Nocturnal Council, where they each serve as a kind of teacher to the city’s leaders (951d). Specifically, he explains that if the traveler has “found some persons capable of explaining some utterance concerning the laying down of laws, or education, or upbringing, or if he himself should return having thought some things up, let him share this with the entire council” (952b). The Athenian also allows these theoroi to become permanent members of the Council if they are deemed worthy (961a). They must share their knowledge of new and strange practices with the members in order that they may save the laws of Magnesia.

and those who travel in a “public capacity,” and presumably includes the priests of Apollo who may attend common Greek gatherings and celebrations as mentioned above (947a, 950d-e). When these travelers return home, they should teach the young that the legal customs of foreign regimes are second best (951a). The second category of Magnesian traveler corresponds to the fourth type of visiting stranger mentioned above. Members of this group must be between the ages of fifty and sixty. These theoroi are given permission by the Guardians to travel abroad and “observe the affairs of the other human beings at greater leisure” (951a). According to Morrow, the travels of the theoroi are “an echo of Plato’s visit to the Pythagoreans in Italy and to other lands during his years of travel after the death of Socrates” (505).
This exposure to foreign practices among the Council marks a striking contrast to the Athenian’s attempt to protect the majority of citizens from such things (797a-799a, 811b, 817b-c). Why does the Athenian allow for such a distinction between the many and the few? First, it is essential that the average citizens love and revere the laws and do not seek to change that which has been well-established by the lawgiver. The Athenian fears that exposing average citizens to new and possibly inferior practices may habituate them to desire change even though they lack the capacity to judge what is best for the city (797b-798b). However, from the very beginning of the dialogue, the behavior of the Athenian has indicated that a competent lawgiver must embrace the perspective of a xenos as he establishes the nomoi for his city. Because strangers have transcended the limited perspective of the average citizen and are familiar with foreign customs and laws, they are encouraged to question traditional practices. They are free to draw from their varied knowledge in order to “investigate in the correct way, what device we should use and what characteristics we should incorporate if we are going to be carried through this voyage of existence on the best way of life” (803a-b). This perspective is essential for the original lawgiver, but also for those who will serve as his future successors to ensure that the city continues to improve over time. As the Athenian explains, in order for their founding to truly have an end, there must be someone in the city that knows the goal at which the legislation aims, who knows how to attain it, and who knows about the various laws and human beings that give noble advice about these things (962b-c). By allowing strangers, priests, and theoroi to share their knowledge of foreign practices and teachings with the Council members, the Athenian is able to meet the two latter requirements.
Specifically, when the Council members learn about foreign practices, they gain understanding through the experience of other cities about which proposals work in practice and which do not. As the Athenian has learned during the course of the dialogue, the irrational may compromise certain aspects of his original plan for the polis. Therefore, he sees that gaining such practical knowledge is essential for judging the best way to implement reforms (see also 957a-b). In other words, the perspective of the xenos allows the lawgiver to “place on firmer footing those legal customs that are nobly laid down, and correct others, if they are lacking something,” without having to conduct these experiments for the first time in his own city (951b-c). He explains that if a polis remains isolated and unaware of the good and bad practices of others, it cannot move closer to its goal of perfection since its leaders don’t know how to attain the ends they envision effectively (951b). However, by learning from the successes and failures of other cities, as well as by tracking down foreign teachers, they may guard and improve their laws “by knowledge and not solely by habits” (951b). Therefore, strangers and those who understand foreign practices are beneficial to the city, and the members of the Council must learn from them in order to improve the polis and its laws.  

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On the other hand, such outsiders are also viewed with suspicion because they transcend the borders of the polis and encourage questioning of traditional teachings and customs (950a). This reminds the reader that there is something potentially dangerous about the intellectual freedom and the insatiable desire for learning that characterizes these individuals. In fact, the Athenian admits that the travelers who go abroad to observe strange and beautiful things may become worse as a result of this experience. He tries to minimize this possibility by requiring these citizens to gain permission from the Council before they are allowed to leave, but the Athenian admits that some may still return to Magnesia corrupted as a result of their travels (951c-d, 952c). If this occurs, these persons must live isolated in private without associating with others and without claiming to be wise, or else they will face the death penalty for being busybodies concerning the education and laws (952d). Even those who improve as a result of their travels are not permitted to share what they have learned with the entire city, but only with the members of the Council (952b).
The third and final subject to be studied by the members of the Council is
“whatever branches of learning seem to contribute to this inquiry by making things
clearer for the learners, while those who don’t learn these, things pertaining to laws
appear darker and unclear” (952a). As already mentioned, two of the subjects that fall
into this category include the discussion of virtue, as well as the divine things. But the
reader should also recognize that the Athenian does not specify all of the subjects of
study, preferring to leave the list incomplete.

5.3.1.2.3.1.1 The Whole of Virtue

While the Council members must examine the successes and failures of other
cities in order to gain practical understanding, they must also engage in some purely
theoretical studies. The Athenian explains that anyone who is going to rule in this city
and become capable of saving it must understand the idea of virtue, which is the telos of
the laws (962b, 963a). The Athenian insists that the rulers must seek to understand virtue
in a more precise way than any citizen who might challenge the laws. This includes
gaining an understanding of how the four virtues are different but also one, in addition to
knowing the correct definitions of each (963a-964c). Finally, they must also understand
the ideas of the beautiful and the good (965c, 966a).
As other scholars have argued, this aspect of the Council’s studies is reminiscent of philosophical activity.\textsuperscript{196} Just like the philosophers of the \textit{Republic} who must escape from the shadows of the cave in order to see that which \textit{is} in the realm of the intelligibles, at least some of the members of the Council should be capable of contemplating that which is one and unchanging (\textit{Republic} 514a-517d). However, the Council members do not seek knowledge of these ideas as an end in itself or for their own private benefit (Zuckert 389). The Athenian indicates that this knowledge must be articulated and put into practice, for anyone who wishes to be a Guardian must know the truth, give an account of it in speech, follow it in deed, and use it as the basis of judging which things have come into being in a noble fashion and which have not (966b). Explaining that salvation for the city is found in the combination of intelligence with the noblest senses, the Athenian calls for rulers who are capable of applying their knowledge of the unchanging ideas to the becoming world of politics (961d).\textsuperscript{197} Unlike the philosopher kings of the \textit{Republic} who prefer to dwell in the Isle of the Blest and only deign to “drudge in politics” periodically because they are compelled to do so, many of the members of the Nocturnal Council must embrace both activities every day.\textsuperscript{198} Only in

\textsuperscript{196} Klosko 76; Barker 349; Morrow 573-4.

\textsuperscript{197} As Morrow comments, the Council brings together “philosophical insight and legal concepts and practices” (514). He adds: “It springs not only from Plato’s conviction of the importance of philosophy as the guide of life, but also from a perception—which has not often been credited to him—that philosophical reason must be applied not in the void, but upon the principles and concepts of the law, which are matters of historical experience, not \textit{a priori} inventions” (514). However, Morrow is careful to argue that this application of the Council’s philosophical insights is carried out indirectly rather than through the direct participation of the Council in the governmental structure of Magnesia (576).

\textsuperscript{198} This is not to imply that the Council as a whole plays a direct role in the institutional structure of Magnesia. As shall be discussed momentarily, this exact role is not made clear in the text. But what is certain is that the members of the Council who actively participate in the rule of the city (the ten Guardians, the current Supervisor of Education, the priests of Apollo in their role as auditors) may apply what they
this way can they practice the Athenian’s “double vision” in order to save the city. They must use intelligence to comprehend the idea or pattern of the best polis, which embodies perfect unity and virtue (739c-e). They must also perceive the real polis that exists in time, which is subject to conflict, change, and decay due to the irrational. Only if the rulers combine the “soul and the head” in this way can they successfully move the city closer to its proper telos and prevent it from wandering (961d).

5.3.1.2.3.1.2 The Divine Things

In addition to the aforementioned subjects of learning, the higher education of the city’s leaders involves a significant theological element. The Athenian asserts that the Council members must seek to know the things that pertain to the gods in a way that surpasses the limited understanding of average citizens, who merely follow the letter of the law (966c-968a). Recalling that the Athenian began reforming the traditional conception of the gods earlier at 884a-910d, the Athenian implies here at the end of the dialogue that the members of the Council must return to his earlier arguments in order to correct and complete them. The analysis of 884a-910d offered earlier in this chapter examined the shortcomings of the Athenian’s arguments concerning the divine things. Because of the limited understanding of the Dorians, the Athenian left many questions unanswered and stopped short of adequately supporting his proposals with complete arguments. The Athenian lends credence to this interpretation by indicating that the

have learned through their participation in the Council to their daily political activities. One should also note that there are members of the Council who do not play a separate role in Magnesia’s government, such as the theoroi and the former Supervisors of Education.
explanations he has offered were spoken too vehemently in an effort to gain victory over disbelievers rather than to reveal the complete truth concerning the divine (907b-c).

Now that he is establishing a higher education for individuals of greater intellectual capacity than the Dorians (although some members will be of lesser intelligence like Kleinias and Megillus due to their method of selection), he insists that they must return to reexamine the divine things. Specifically, they must attempt once again to grasp the proofs of the gods’ existence, and to understand the degree of power they possess (966c). This entails returning to examine the nature of the soul more precisely, studying the intelligent arrangement of the universe, learning any additional “subjects of learning that precede these matters,” and examining the commonalities among these subjects in relation to “the things that concern the Muse” (967d-e). Although the Athenian neglects to mention it here, the discussion of the divine things also presumably entails listening to and responding to the questions of the individuals from 908b-d, who were not persuaded by the arguments presented to Kleinias and Megillus. All of this suggests that the Council members must return to the arguments first presented in the Athenian’s theology in order to reconsider them.  

199 As the city’s best men labor to place these arguments upon firmer footing, perhaps they will fill in details that the Athenian overlooked in his earlier discussion of his theology for the sake of his interlocutors and their limited abilities. One of the most important subjects that requires further elaboration is the nature of those things that do not move or change. At 893c, the Athenian affirms the existence of things that stand still, but then never discusses them more thoroughly (see also Pangle 1072). Further discussion of this subject is imperative if the Council members are to fulfill their first task of understanding the ideas, including how virtue is one, as well as the ideas of the beautiful and the good (963a-964a, 965c, 966a). Without this kind of revision and expansion of his problematic theology offered earlier, it will be difficult if not impossible to reconcile the Council’s two primary subjects of discussion. As Zuckert argues, “the studies of the movements of the heavens he recommends point to the conclusion that everything is in motion—some orderly, some not—which is why there is an immortal war. The other study of the end or purpose of the polity—the achievement of excellence or virtue—entails the existence of eternally unchanging, purely intelligible entities or standards….The problem is that the ‘truths’ the
Once the Council members have studied these matters “insofar as human power is capable of knowing these things,” the Athenian indicates that they must consider the best way to incorporate them into the life of the whole city. Specifically, the Athenian states that they must find a way to persuade the rest of the city using appeals to the rational and irrational through a combination of habituation and argument: “He…should apply this understanding, in a harmonious way, to the practices and customs that pertain to habitual dispositions; and he should be able to give the reason for as many of these as have a reason” (966c, 967e-968a). Therefore, rather than accepting his earlier teaching as a finished product, the Athenian indicates the possibility here that the Council may continue to reform his hypotheses concerning the gods, the soul, the order of the universe, and the concept of piety. As they grow in their understanding of the divine order of nous, the Athenian suggests that they should seek to improve the laws in ways that reflect this deeper understanding.

philosophers discover and teach do not cohere in a consistent and so tenable view of the whole” (393). However, as I have suggested here, the Athenian calls for the Council to return to his arguments from 884a-910d, perhaps opening up the possibility of reforming these teachings in such a way that does harmonize with the study of virtue, which may include further examination of his earlier claim that there are things in the universe which remain at rest and are presumably unchanging (893c). It is significant that the Athenian first declares the need to understand the ideas of virtue, the beautiful, and the good before returning to the arguments concerning the divine so that the former study may inform the latter. It is also significant that when the Council members return to discuss these matters, the Athenian’s interlocutors will include others besides the Dorians, including individuals whom he has selected (968b). This offers some hope that the level of future discourse may rise above the limited dialogue of 884a-910d. And yet, as mentioned earlier, even if the Council members return to the Athenian’s theology and reform it so that it reflects the truth of that which is, it is not clear that they will be able to introduce this truth successfully to the rest of the city. Since average citizens require poetic accounts and other means of appealing to the desires and the senses (in addition to rational arguments, although there was much less emphasis on this aspect at 884a-910d), it is questionable as to whether or not they will ever be capable of transcending their senses in order to follow argument alone and comprehend that which is.
And yet, this task is deeply problematic. As mentioned earlier, it is not clear that the members of the Council could ever fully incorporate the knowledge they gain of that which is divine and unchanging into the life of the whole city. As the reader has seen throughout the dialogue, but especially at 884a-910d, average citizens have difficulty participating in the kind of pure argument that is necessary for comprehending true being. The Athenian must always combine his *logoi* with appeals to the irrational and poetic elements when speaking to the non-philosophical. Unfortunately, these appeals to the visible world and the senses interfere with attaining knowledge of the truth, since such knowledge requires transcending the senses through dialectic and pure intellection (*Republic* 532a-534e). Unless the majority of citizens are capable of engaging in dialectic, it is not clear how they can escape from the cave and join the philosophical few in contemplating the truth.\(^{200}\) Therefore, although the Athenian’s vision of the best city entails perfect unity and harmony, this gap between the understanding of average citizens and the few who are philosophical represents another limitation in the art of lawgiving due to the irrational.\(^{201}\)

\(^{200}\) As Strauss observes, the Athenian does not include the study of dialectics in his public *paideia* (114).

\(^{201}\) And yet, one should consider the fact that Plato himself offers his readers a combination of poetry and argument in the form of dialogues through which he leads his readers to contemplate being. Despite the fact that his character Socrates states that only pure dialectic allows human beings to contemplate the eternal ideas, Plato consistently incorporates poetic elements and visual imagery in his practice of philosophy. Considering this fact highlights one of the primary differences between Socrates and Plato. Not only did the latter leave behind writings while the former did not, but one should also appreciate the distinct character of their philosophical activities. While Socrates (or at least the Platonic Socrates) occasionally offers myths to his interlocutors, Plato’s philosophical activity always involves poetic elements since he always chooses to write in the form of dialogues.
5.3.1.2.3.2 The Role of the Council: A “Safeguard” and “Savior” for the Laws

Having examined the higher education offered to the Council members, one must ask what role this body is to play in Magnesia’s governmental structure. The answer is not an easy one. It is prudent to begin by examining the text, and then to consider a variety of interpretations presented by other scholars. In terms of the text itself, the Athenian indicates repeatedly that the Nocturnal Council should serve as the “savior” and “safeguard” of the laws (960e-961a, 965a, 968a, 969c). However, it is not immediately apparent what these terms mean. To gain greater clarity, one must first examine why the laws need saving, and then consider how the Council might carry out this function.

The question of why the laws need saving is answered in part through a careful examination of the unusual organization of this final section of the text (941a-969d), which was noted earlier in this chapter. Specifically, at 953e the Athenian breaks from his explanation of the Council and the discussion of strangers in order to discuss a variety of seemingly disconnected subjects. These include: pledging securities (954a), searching the premises of others for stolen goods (954a-c), imposing time limits for disputing claims to property (954c), preventing others from appearing at trials or contests (954e-955a), knowingly receiving stolen goods (955b), eliminating private declarations of war and peace (955c), doing services for the city without gifts (955d), property evaluation pertaining to the harvest for the sake of funding common meals (955d-e), offerings to the gods (955e-956a), judicial procedures (956b-958c), and matters pertaining to the end of life (958c-960b). Much of the legislation he proposes here represents additions to general
subject areas that he has already discussed elsewhere in the dialogue. For example, he first introduces the general subject of commerce at 704d-705b, then returns to it at 846d-847e and 849d-850a to discuss the creation of private wealth through craftsmanship and retail trade. He adds to this once more at 915d-921d, and supplements it once again here at the end of the dialogue. Each time he adds new details in order to address factors he had not considered earlier. The same is true of the legislation regarding stealing, common meals, worship of the gods, and judicial proceedings. Therefore, although the Athenian argues once again that a certain portion of the laws be made permanent—specifically, the laws pertaining to judicial proceedings in the public courts (957a-b)—the action of this concluding section and the Athenian’s return to those subjects for which he has already established legislation suggests that for a city that exists in the realm of the becoming and that is subject to the influence of irrational forces, there is an ongoing need to amend and supplement the laws to ensure their improvement over time and to prevent their deterioration in the face of unforeseen future circumstances. It was argued earlier that although the structure of this final section seems disjointed and haphazard, it does, upon closer examination, form a coherent whole. This coherent structure now becomes apparent as one sees that the inclusion of these disparate elements serves to reinforce the

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As one reads this dialogue, one cannot help but notice that the Athenian frequently implies that he desires to make aspects of the laws permanent and complete, and yet the action of the dialogue indicates the opposite, that such completion will never be achieved. Why would the Athenian allow his deeds to contradict his words in this way? One must remember that the text of this dialogue is to be read by multiple audiences in Magnesia, including both rulers and ruled. The latter group should not seek to change the laws because they are not qualified to do so, so the Athenian emphasizes the permanent nature of the laws for the sake of this audience. However, for the highest rulers of Magnesia, they must learn why the laws need improvement and understand how to go about performing this task. The action of the dialogue speaks to this second audience. Therefore, the Athenian does not contradict himself. He is speaking to two different audiences simultaneously, and must present a different message to each. The second message must be much more subtle than the first, allowing only those members of the second, more advanced group to comprehend it.

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Athenian’s argument regarding the necessity of the Nocturnal Council, which should serve as the savior of the laws. Just as the Athenian must continually return to earlier subjects that were left incomplete and elaborate upon them, future rulers will have to do the same. Although the rule of law is necessary in Magnesia due to the inability of human beings to overcome their irrational desires at all times, the Athenian also demonstrates the inferiority of *nomos* to *nous*, which requires that the former be saved by the latter.

At 960b, at the end of the discussion of the matters pertaining to death, the Athenian declares that “our legislation would be just about at an end.” Therefore, at the same time that he considers the end of human life, he turns his attention to the end of lawgiving. And yet, the reader cannot help but notice a contrast here between the limited life of an individual human being and the considerably longer lifespan of the city. This contrast gives rise to an important question concerning the future of the *polis* and its laws. As discussed above, the laws require ongoing evaluation and supplementation, but this must be carried out by some entity that understands the goal at which the entire body of legislation aims. During his lifetime, this task can be performed by the original lawgiver.

203 In one of his most explicit discussions of this subject, the Athenian compares lawgiving to the art of painting in which the artist is never able to achieve the conclusion of his work since he will never “reach a point where there can be no further improvement of the paintings as regarding beauty and clarity” (769b). The painter seeks to create “the most beautiful figure possible, one that would never get worse but would always improve as time went by” (769c). And yet, since his painting exists in the becoming world, it is vulnerable to deterioration. Thus, the Athenian argues, “since he’s mortal, he’ll have to leave behind a successor able to make it right if the painting suffers some decay at the hands of time, as well as to make future touch-ups that improve on deficiencies left by his own artistic weakness” (769c). Similarly, the original lawgiver “must necessarily have left very many such things that require being set right by some follower, if the regime and order he has founded are always to become in no way worse but instead better” (769e). A human lawgiver must find someone to carry out this task in the future. This successor does not supersede the rule of law, but simply supports it.
However, as the discussion of the laws pertaining to end of life reminds us, he is a mortal being. He cannot assume the responsibility of supplementing the laws for all future time. As the Athenian notes repeatedly throughout the dialogue, he must leave much of his work unfinished (778c, 803a-b, 828b-c, 835b, 875e-876e, 934b-c). Long after he is gone, the laws will still require continual guarding, amending, and improvement because the city exists in the realm of becoming where irrational forces continually undermine his plan.204

It is in this capacity that the Nocturnal Council must serve as the “perfect and permanent safeguard” and savior of the laws (960b). The Athenian explains that the Council functions as an anchor for the city that prevents it from wandering away from the original goal of the lawgiver (961c, 962d). He also states that a properly constituted Council will make the laws irreversible (960d). However, despite this language that suggests permanence and immutability, the Athenian does not conceive of his city as a completely static entity. Rather, he uses several metaphors to indicate that the city is akin to a kind of living thing (961d, 964d-e). Like all living creatures, it moves and develops, grows and decays. As the reader has learned throughout the dialogue, Magnesia exists in the realm of becoming and is therefore subject to change. The polis is affected by events beyond human control, such as famines, droughts, and other natural disasters that will influence its development. Furthermore, the individual citizens who live within it are imperfect creatures. Many will change for the better as a result of the public paideia, but

204 Bobonich offers an excellent analysis of the text regarding the need for ongoing change in the laws of Magnesia (395-408).
some will grow worse as a result of their inability to overcome unwholesome desires when faced with new temptations. As a result, the polis and its inhabitants participate in a kind of continual motion due to the presence of the irrational. There is an ongoing process of death and new life, but also conflict, division, cure, and reconciliation. The citizens themselves need constant re-education because as the Athenian notes earlier, “this education which consists in correctly trained pleasures and pains tends to slacken in human beings, and in the course of a lifetime becomes corrupted to a great extent” (653C). The laws must be capable of reacting to these ongoing fluctuations, yet it is limited in its ability to anticipate them in advance. Furthermore, the lawgiver may never rest in the sense that he must always be prepared to address the “tens thousand varieties” of new ways that his citizens will transgress the laws and injure one another (875e). In all of these ways, there is a need for living intelligence to supplement the original laws in order to address these new circumstances as they arise (876a-876e). The Athenian never abandons the rule of law, but he is aware of its inability to anticipate the future adequately (875d).

Therefore, due to the presence of the irrational in the city—whether it is the self-interested desires of the citizens, the influence of uncontrollable chance, or the deterioration caused by the passage of time—there is no final point in time at which the act of legislating ceases. The nomoi are never complete. The city is always subject to

205 As Morrow explains, “Law cannot take account of all the special conditions present in individual cases; it is, moreover, too rigid to adapt itself to changing circumstances. These defects are inherent in the nature of law; and to make law supreme is like putting ourselves under a stupid and stubborn master who is unwilling to allow exceptions to his orders and unable to adjust them to changed circumstances (294c)” (584).
change, and yet the lawgiver must look to the unchanging ideas as he practices his art. Therefore, the *technê* of lawgiving is forever caught in the tension between the being and becoming. In order to cope with this situation, the Athenian recommends creating a permanent entity that seeks to comprehend the unchanging ideas while also continually reviewing and supplementing the laws in response to changing circumstances.

Such activity is possible because the Athenian intends to create a body that combines both intelligence and perception, so that together they may direct the actions of this living community and eliminate haphazard actions (961d-e). The intelligent element seeks to understand the unchanging goal at which the entity aims (962b-c), while the perceiving element appreciates the changing circumstances of the becoming world so that it may adapt itself accordingly and continue to aim at its fixed *telos*. The Athenian illustrates his argument with the example of a ship’s pilot. A pilot must combine sense perception of the changing conditions at sea with the knowledge of the art of piloting—which includes a vision of his ultimate destination—in order to keep his ship on the proper course (961e). Similarly, the Nocturnal Council combines young men who will keep watch over the city and inform the older members of changing circumstances and any new threats to the city (964e-965a). The older members of the Council, who are “an image of intelligence because they are distinguished by their prudent thinking about many matters,” deliberate collectively about the best way for the city to proceed in response to these circumstances. As they deliberate, the ruling principle that guides them is “not to wander and have many aims, but to look to one aim, and shoot all things, like shafts at this” (962d). Therefore, as the city moves through time and encounters new and
unforeseen circumstances and challenges, the Nocturnal Council is intended to educate the city’s rulers to aim at an unchanging idea of virtue, based on the original lawgiver’s teachings (962b-c, 963a). In addition to this theoretical knowledge, the Athenian also proposes that his Council will have a practical understanding of how to achieve its ends by exposing the members to the successes and failures of other cities through the incorporation of xenoi and theoroi in the Council.

In this way, the city remains fixed in the sense that it continues to aim at the same telos, but it also changes over time by striving to move closer to the lawgiver’s perfect vision, even though it will never achieve true perfection. Thus, the Athenian proposes that the Council serves as the savior and safeguard of the laws because at least a few of its members will engage in philosophical dialogue about the goal of the laws as well as

206 As Strauss discusses the Council, he indicates that the “heterogeneous composition” of the Council makes it questionable as to whether or not the members will engage in truly philosophical discussions (185). Strauss suggests it will likely remain “sub-Socratic” because “men of Kleinias’ kind will form no insignificant part of it: many members of that Council will lack the ability to raise and answer the most important questions; they will lack the true art of raising questions and answering them, the true art of conversing (dialektike)” (180). Zuckert shares Strauss’s concerns about the Council, but focuses—in part—upon the difficulties presented by the likely humiliation of the older council members by the younger ones (391-392). Specifically, she wonders, “If a Nocturnal Council were actually established, would Clinias and Megillos and their Knossian associates allow the Athenian to raise questions they cannot answer with younger people present? Would they not be embarrassed by their own demonstrated lack of knowledge of the most important things? Would they not refuse to select or keep younger people who asked such embarrassing questions? Would they not get angry at the stranger who prompted their young people to ask?” (391). While it is accurate that not all members of the Council will be capable of engaging in true dialectic, it is possible that some members will engage in philosophical discussions, although not all. First, contrary to Strauss’s suggestion that most of the members of the Council will be like Kleinias, one must not forget that the Athenian suggests that he may find other individuals like himself to help establish the Council (968b), and he indicates that he himself must make a list of those who fit the nature of guardianship based on age and “characteristic dispositions and habits,” but most importantly, upon a new qualification: “capacity for learning” (968d). Although it is true that older, non-philosophical members of the Council could become angry if they are directly engaged in dialectic and are shown to be ignorant in front of the younger members, the text does not indicate that it is necessary that every single member of the Council be questioned in front of every single other member. In fact, the Athenian provides an alternative example of how elenchus could take place in which those who are capable of philosophy engage in questioning while the non-philosophers (who happen to be older) stand by to observe and learn, but also avoid being “swept away” by unfamiliar arguments in a way that might be unsightly, unseemly, and

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discussions about the practical experiences of other cities so that both kinds of understanding inform their decisions as rulers.\textsuperscript{207} Therefore, the Athenian hopes

unsatisfactory for them (893a). While this kind of observation may be second-best to experiencing the direct questioning first-hand, is this not the way in which Plato’s dialogues function? Plato’s readers are not directly participating in the dialogue, but they observe Socrates’ questioning of his interlocutors and experience a kind of vicarious education. Could the same vicarious experience be a possibility for the older, non-philosophical members of the Council? And is not the presence of the younger members the key element in making this possible? Their presence offers a variety of interlocutors for the older, philosophical members (perhaps the theoroi) to question. And this questioning of the young by the older members while the non-philosophical, older members observe does not violate Magnesia’s laws concerning piety. Again, this is certainly second-best compared to the direct questioning of all members, but it is also a possibility that some of these older individuals will have an opportunity to experience elenchus at the hands of visiting theoroi who are said to meet with them privately in their homes where the young are not present (953d). But what of the ability of the young to question their elders in order to examine received opinion? Considering the fact that Plato depicts Adeimantus, Glaucou, Polemarchus, etc. questioning the teachings of their elders without those elders actually present (in fact, the young men do not really begin asking questions in earnest until Cephalus, the representative of fathers and elders, leaves the room) suggests that received opinion can be discussed and examined without the direct questioning of elders. This is all conjecture since the dialogue itself does not explain the details of how the higher education of the Council will take place, but since the Athenian gives the Council the freedom to decide these details for itself, the text doesn’t rule it out (968c). Overall, the open-ended nature of the Council leaves open the possibility that some form of true dialectic will take place within this group, even if it does not permit every single member to participate directly. In addition, if the younger members of the Council are directly questioned by the older, more philosophical members, once they mature and the original elderly members die, the Council will most likely contain a smaller percentage of men like Kleinias and Megillus.

\textsuperscript{207} Not all members of the Council will be capable of practicing philosophy, but the Athenian has made it possible for some truly philosophical individuals (perhaps the theoroi) to communicate with those who hold political power in an appropriate setting. This is an imperfect solution to the problem of harmonizing philosophy and politics, but it is certainly an improvement over the exercise of authority without any attempt to strengthen the rational capacity of the city’s leaders. However, one might wonder whether the Council itself will be characterized by conflict as a result of this mixture of those who are philosophical and those who are not (Zuckert 391-3). While conflict is inevitable among imperfect human beings, the example provided by the Athenian as he has interacted with the Dorians throughout the dialogue offers a kind of blueprint regarding a feasible means of persuading the irrational to follow the leadership of reason. Throughout the Laws, all human beings are regarded as being capable of following reason to some extent. While the Dorians may not fully grasp complex arguments, and they fall short of engaging in true dialectic, the Athenian has taught them to respect and admire those who are capable of such feats. By the end of the dialogue, Kleinias will even hand over authority to those who are more qualified (969b). The Athenian’s art of gentle persuasion offers some hope that conflicts among the members of the Council will not completely undermine its ability to function. However, as noted earlier in this chapter, the individual who most represents the activity of philosophy in the platonic corpus—Socrates—would not fit neatly into the framework that the Athenian has established for Magnesia. Due to his refusal to moderate his divine mission and to practice philosophy in any other way than by radically questioning all doctrines before an unrestricted audience, he would most likely disrupt the restrictions that the Athenian has established to protect the many from questioning their laws until they are judged to be ready for such inquiry.
irreversibility will be implanted in the laws in the sense that the Council will prevent the city from deteriorating and prevent the influence of the irrational from undoing the good work that the original lawgiver has achieved.

Now that we understand the function that the Athenian intends the Council to fulfill, one must ask how it will carry out this task in practical terms within the governmental structure he has established throughout the dialogue. It is this question that points to one of the central problems of the dialogue and that has generated a great deal of debate among scholars. While the Athenian has demonstrated the need to supplement legislation with living intelligence, he has also established the principle that all human rulers must be subordinate to the rule of law as demonstrated earlier in this chapter. Thus, the Athenian is faced with a conundrum. How does one save the laws without undermining the rule of law? The way in which the Nocturnal Council carries out its function as savior lies at the heart of this conflict. Once again, the irrational is at the crux of the problem. The laws require saving due to the existence of chance and unforeseen circumstances; and yet, human rulers cannot be trusted to exercise power above the law due to the weakness of all human beings in the face of their private desires and self-interest (875a-d). How does the Athenian resolve this question between the rule of law and the rule of living intelligence? How can nous save nomos without undermining it?

There is a wide range of answers to this question in the scholarly literature. To begin, according to Glen Morrow, the Nocturnal Council is the head of the state in the sense that “it is the intelligence which apprehends the reason in the law and the source of
this reason in the ordered cosmos,” and it satisfies the requirement that some officials in
the city “be equipped with philosophical and juristic intelligence to preserve, expound,
and apply the principles upon which the laws are based” (502-503). However, Morrow
interprets its role in Magnesia as primarily educational, and he argues that this institution
is based upon Plato’s own Academy (505-510). Rather than exercising any direct
political authority, Morrow concludes that the Council’s influence upon public affairs is
indirect (509). As he explains, “No procedure is mentioned whereby the Nocturnal
Council is to make its insight and intelligence effective in the affairs of the state. Yet it is
clearly intended to exert influence, both in criticizing and making amendments and
supplements to the laws, and in evaluating the persons who are to exercise authority”
(510).  

Morrow completely rejects the possibility that the absence of specific language
concerning the role of the Council implies that Plato has granted it unlimited power, since
this would constitute “a complete repudiation of the substance of what Plato has been
laboring to establish in all the previous work” (512). Given the repeated emphasis
throughout the dialogue on the need to check all power due to the possibility of
corruption, Morrow states that it “violates all sound criteria of interpretation” to assume

208 Morrow notes that since many of the Council’s members are also government officials (509),
the education they receive through participation in the Council will influence their decisions and actions,
although they are not legally bound to follow the Council’s advice (511). In addition, he suggests that the
Council could indirectly influence public policy through its “interpretive and advisory capacity” in a
number of ways. For example, the Council could influence the choice of future leaders through its
inclusion of promising young men as associate members (510). Also, any magistrates who are not
members of the Council, but who desire guidance regarding their duties, could consult this body for advice
(511). Finally, in terms of amending the laws, the Nocturnal Council may suggest proposals for new
legislation to the body of Guardians, who would then initiate the amendment process (571), which Morrow
suggests could involve the Guardians submitting such proposals to the boule and assembly (511).
that Plato would abandon the fundamental teachings that he has established throughout the first eleven sections of the dialogue by granting the Council unlimited power (513, 548-551). Rather than abandoning the rule of law in favor of the rule of intelligence, Morrow asserts that it is Plato’s intention “to have the Council act within the laws already laid down, or those established regarding it” (513). The Nocturnal Council’s role in Magnesia is therefore to serve as a necessary supplement to the rule of law, rather than a rejection of this principle (513-4).

Morrow recognizes that in all regimes governed by laws, there is a need for interpretation and expansion of these rules over time (514, 576, 584). He argues that rather than accepting “the ad hoc legislative commissions set up in Athens whenever the need for revision was felt, and as an alternative to the jurisdiction of the popular courts over administrative interpretation,” the Nocturnal Council serves as a permanent body of philosophical and politically experienced individuals who will study the law and then make recommendations to those who have the political authority to carry out these revisions (576). Morrow ultimately recognizes that the author of the Laws fully appreciates the tension between the rule of law and the rule of intelligence, and the establishment of the Nocturnal Council serves as an attempt to combine them, albeit imperfectly: “Law is sovereign, but it is formulated and controlled in its interpretation and revision by philosophy. Philosophy also is sovereign, but not by the sacrifice of law; for it is only through law that a political philosopher can make his knowledge effective” (590).
On the opposite end of the spectrum from Morrow, Barker argues that the Nocturnal Council represents a return to “the old ideal of the Republic,” in which philosopher-kings are sovereign and “genuine, free mind” rules unfettered (343, 349). He states: “The nocturnal council is the ,perfect guardians’ of the Republic, turned collegiate and set to control, in ways that are never explained, a system of political machinery into which they are never fitted” (349). However, Barker also agrees with Morrow that one of the fundamental principles of the dialogue is the sovereignty of law, by which Plato means, “every authority in the State—not only the executive officials, but also the assembly and council—are under a code of law which, once enacted by the legislator and definitely established in action, is fundamental” (330, footnote 1). Barker argues that Plato is faithful to this principle in the early and middle sections of the Laws where all political actors and institutions are subordinate to the rule of law (330). Given the fact that Barker sees Plato advocating both the rule of the philosophical few and the rule of law, he concludes: “Plato, when he wrote the last book of the Laws, was not of the same mind as when he wrote the earlier books; and dying before the work was finished, he did not reconcile the two parts, nor can we do what he did not do himself” (350, footnote 1). Therefore, unlike Morrow whose interpretation strives to uphold a consistent reading of the dialogue as a whole, Barker’s interpretation splits the Laws into two incompatible parts, with the teaching of 941a-969d trumping that of all the previous sections.209

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In addition to arguing that Plato ultimately rejects the rule of law in order to “return to the doctrines of the Republic,” Barker also explains that Plato embraces a new conception of philosophy in the Laws (349). Rather than conceiving of philosophy as the activity that involves the use of dialectic to apprehend the unchanging ideas, Barker concludes from the description of the Council members’ education that Plato now advocates the study of number and astronomy in a way that constitutes a new kind of theology (349-351). This theology entails finding the rational mind of God “behind all movement and existence” by seeking to understand astronomy and number, “the key to the splendor of truth in the heavens,” which men must then use as the basis for ruling their political communities (351). Barker ultimately argues that Plato advocates a theocracy through the establishment of the Nocturnal Council: “The State which he envisages in the last book of the Laws is a state guided by a religious assembly, which acts in the light of a divine truth won from the study of astronomy” (351). Finally, he suggests that while the Laws, like the Republic, proposes an ideal vision, this vision was realized through the medieval, Roman Church (352).

Following Barker, Klosko rejects Morrow’s interpretation of the Council as an educational body that exercises only indirect influence. While he and Morrow agree that its members will be philosophical, Klosko argues that the Council “is not intended to play an advisory role, with only limited formal political power” (74). Rather than acting only outside of the formal channels of power, Klosko is confident that “Plato intends the

\[\text{\footnotesize 210 One should note that and neither Klosko nor Morrow accepts Barker’s interpretation regarding the complete transformation of philosophy into theology such that the Church could be identified as its historical embodiment.}\]
nocturnal council to hold some unspecified high political office,” which will constitute “a role along the lines of that of the Republic’s Guardians” (84, 76). Specifically, he asserts that the Council “is to be the main political authority in the state,” although he also concedes that he is uncertain “exactly how the nocturnal council was ultimately intended to fit in with the city’s other institutions” because Plato died before completing the dialogue and resolving this question (79, 87). Since he thinks that “the rule of philosophical wisdom need not be constrained by laws,” Klosko argues that the establishment of the Council as the embodiment of the unfettered rule of philosophy must entail a lessening of the rigidity of the laws (83, 87). Klosko states that “this can be accomplished either by giving the council discretionary power to make needed changes,” or by streamlining procedures mentioned in the text relevant to making changes (87). He admits that he cannot be sure which course Plato would have pursued (87), nor is he certain “exactly what Plato had in mind” in terms of the duties of the Council in its role of high political office. However, Klosko—like Barker—is quite certain that Plato intended the Council to represent a fundamental break from the previous eleven books of the dialogue, in which he argues in favor of the rule of law (85). Klosko concludes that the Council is a return to the rule of philosophy since Plato “cannot bring himself to accept a state entirely devoid of philosophical intelligence and cannot completely renounce the hope that philosophic individuals might appear” who can “raise Magnesia from the status of „second best”” (87-88).

Bobonich disagrees with the conclusions of Morrow on the one hand, and Barker/Klosko on the other by arguing that the Council’s powers lie somewhere between
these two extremes. While he admires Morrow’s analysis, calling it “a promising start,” he ultimately rejects the possibility that the Council’s role is limited to merely informal influence without the exercise of any official role in Magnesia’s governmental structure (393-394). First, he argues that the Athenian’s failure to grant a formal role to the Council explicitly does not mean he “intends to deny it any such role” (407-408). In addition, he proposes that other passages in the text imply that the Council members will be included in formal decision-making along with all of the other major offices in Magnesia (772a-d). Finally, since the Athenian describes the Council members as the “real guardians of the law” (966b), Bobonich concludes that they share in at least some of the activities assigned to these elected officials (395, 407). This includes revising and amending the laws (399).

On the other hand, Bobonich also rejects the possibility that the Council exercises sole authority in Magnesia in a way that mimics the unlimited power of the philosopher-kings of Kallipolis. He argues that the text never suggests such a grant of absolute power, and that passages such as the provision for changing the laws at 772a-d in which this legislative authority is shared among a variety of magistrates eliminates such a possibility (408). Bobonich explains that this interpretation advocated by Barker and Klosko ignores the careful system of checks and balances that the Athenian has created for Magnesia, it discounts the Athenian’s statements that any human being with unchecked authority is subject to corruption, and it also disregards the Athenian’s efforts to encourage “the diffusion of political deliberation throughout the city” (394, 408). If the Athenian attempted to concentrate all power in the hands of the Council, Bobonich
argues that this would be inconsistent with these central teachings of the dialogue (394). Although both Barker and Klosko acknowledge this inconsistency and argue that there is a fundamental break in the argument of the *Laws* due to the Council, Bobonich dismisses this as an excessively radical and “unattractive interpretive strategy” (392).

In contrast to the interpretations of Morrow and Barker/Klosko, Bobonich argues that the Council will carry out its function in a manner that falls somewhere in between these two alternatives (395, 407). However, he is also very careful to emphasize that the text does not give any specific details regarding the exact powers it will exercise (392). He argues that in the *Laws*, the Athenian does not provide an exact blueprint for the establishment of a just and good city, and this applies to the Council as well. He notes, “There is an open texture to the political and social institutions that Plato sketches and we should allow for a range of ways of implementing the basic structure,” adding, “we can see members of the Nocturnal Council as both advising and acting together with the guardians of the laws in many different ways…” (394-5).

According to Strauss, the discussion of the Nocturnal Council in the final section of the dialogue raises more questions than it answers due to the fact that the Athenian never successfully resolves the problem of how to incorporate philosophy into the city. More specifically, Strauss argues that the role of the Council in Magnesia is never

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explicitly explained in the text, the composition of the Council is left uncertain in that it changes throughout the Athenian’s conversation with the Doriens, and the subjects to be studied by the Council members are never fully articulated by the Athenian (181, 185). Strauss explains that all of this uncertainty is a result of the impossibility of assigning “the wise as wise” to their proper place and status “in a politically viable form” in Magnesia (181). In terms of the nature of the Council, Strauss also asserts that it is not clear whether its members are “potential or actual philosophers” because the “heterogeneous composition of the Council makes it impossible to give a simple answer” (185).

However, despite all of this uncertainty, Strauss points to the Nocturnal Council as evidence that intelligence cannot rule openly in Magnesia. In contrast to Klosko and Barker who express confidence that the Council represents the incorporation of the unlimited rule of philosopher-kings into Magnesia, Strauss argues that the sub-Socratic nature of the dialogue makes this unlikely. As explained in the introductory chapter of this dissertation, Strauss argues that the Athenian’s failure to utilize Socratic *elenchus* throughout the dialogue means that the Council will include non-philosophers such as Kleinias, who never learn the art of dialectic, never ascend to the realm of unchanging ideas, and never fully realize their lack of qualification to rule (182). As a result of this “heterogeneous composition,” the Council cannot represent the rule of intelligence, although it does come closer than any other institution in Magnesia to representing a “divine assembly” (185-186).
Like Bobonich, Zuckert rejects the interpretation of Klosko and Barker as “misdirected” (“Postlude” 389). She argues that these authors fail to recognize that the Council cannot play a role in Magnesia similar to that of the philosopher-kings of the Republic because the Council differs in both character and power from the rulers of Kallipolis (389). Like Strauss, she argues that many of the Council members will not be philosophers who are chosen “by virtue of their education, love of truth, or intellectual potential” (389). Furthermore, she explains that the Council’s studies are focused on more practical matters rather than the pursuit of truth as an end in itself (389). In addition, Zuckert demonstrates that neither the Council nor any of its members exercise unlimited power in Magnesia (389). She observes that the highest offices in Magnesia are filled by multiple individuals, who are elected to serve for limited terms, and who must present justifications for their decisions to the public (389). Furthermore, she reminds the reader that all rulers are subject to public audits, to the penal code, and to the Magnesian educational system (389). As a result of these measures, which are designed to check the power of Magnesia’s rulers, Zuckert argues that the Athenian Stranger consistently upholds the rule of law throughout the entire dialogue, even with the addition of the Nocturnal Council in the final section. In terms of the Council’s specific role in Magnesia’s government, Zuckert discusses only its educational function. She emphasizes that it is a “school for future leaders” designed to “perpetuate the knowledge upon which the laws are based” and to “respond to the difficulty of succession or maintaining the regime once established” (389).

212 Please also see Zuckert’s discussion of the Nocturnal Council in Plato’s Philosophers (138-146).
However, despite her rejection of Barker’s and Klosko’s claim that the *Laws* is a fundamentally inconsistent dialogue due to its rejection of the rule of law through the establishment of the Council, Zuckert argues that other problems come to light as a result of the discussion of this institution. Most importantly, she identifies a conflict between the subjects of study that must be pursued by the Council members. Specifically, she argues that the first area of study, which involves learning about the movements of the heavens, leads to the conclusion that all things are in motion, and that an immortal war exists between the things that move in an orderly way and those that do not (393). The second area of study, which involves learning about the true nature of virtue (including how it is both many and one), is based on the existence of “intelligible entities” that are eternally unchanging (393). Since the former asserts that all is motion, while the second discovers the existence of things that do not move, Zuckert asserts, “the problem is that the ‛truths’ the philosophers discover and teach do not cohere in a consistent and so tenable view of the whole” (393).

Thus, Zuckert concludes that the Athenian’s solution for combining philosophy and politics through the Nocturnal Council is not viable because it seeks to combine two teachings about the nature of the universe that are at odds with one another. Zuckert explains that in order to understand the *telos* of the laws, it is necessary for the members of the Council to pose “Socratic” questions about virtue. Such inquiry will also entail challenging the Athenian’s theology (394). In doing so, they will threaten the very foundation of the laws and call the entire regime into question (394). After highlighting
this internal conflict within the Council, Zuckert concludes, “Rather than solving the political problems associated with Socrates and his proposed ‘city in speech,’ in the Laws, Plato shows why Socratic philosophizing is politically necessary and desirable” (394).²¹³

Although each of these scholars argues persuasively for his or her own interpretation, the interpretations of Morrow, Bobonich, and Zuckert are superior to those of Klosko and Barker in that it is deeply problematic to assume that a fundamental inconsistency exists in a text rather than recognizing the flawed nature of one’s own interpretation, especially when a coherent reading is possible. Furthermore, for Barker and Klosko to claim that Plato advocates the rule of philosopher-kings as a serious proposal in the Laws is to fail to recognize the problems he highlights in this form of rule in the Republic, and which make it ultimately untenable in that dialogue.²¹⁴ In contrast, the interpretations of Morrow, Bobonich, and Zuckert are plausible in that they do not require the reader to abandon the most fundamental teachings of the dialogue concerning the irrational and the limitations of the lawgiver to establish a perfectly rational city, which this dissertation has examined extensively. Both Morrow and Bobonich remain faithful to this fundamental teaching by maintaining that the Athenian upholds the rule of law, but also supplements it with living intelligence. Zuckert also offers a consistent interpretation of the text, but unlike Morrow and Bobonich who do not

²¹³ Please also see footnote two-hundred nineteen for a discussion of Zuckert’s critique of the Council pertaining to the problem of conflict between the older and younger members.

fully recognize the inherent conflicts in the system of government that the Athenian
establishes, Zuckert acknowledges the shortcomings of his proposal, especially regarding
the establishment of the Council. While the interpretation of this dissertation does not
completely follow Zuckert in that it suggests the Athenian’s theology is an imperfect
teaching offered for the sake of the many rather than an accurate description of the true
nature of the cosmos (and one which the members of the Nocturnal Council must
question and revise), it does support her argument that the city of Magnesia contains
problems that are left unresolved.215

In terms of determining the Council’s specific role within Magnesia’s
governmental structure, the text clearly implies that it should have some part in “saving”
the laws, although it is essential to recognize that the Athenian does not provide a definite
answer concerning the exact way this should be carried out. Rather than assuming this
omission is accidental, one must consider the possibility that the question of the
Council’s exact role in Magnesia is purposely left unresolved.216 While Morrow’s and
Bobonich’s conjectures about this role are certainly helpful in considering the various
possibilities, one should not become so focused on this task of filling in the lacunae in the

215 As noted earlier, once the members of the Council return to the Athenian’s theology and revise
it so that it coheres with their discovery of that which is unchanging, there will be a gap between this new
conception of the cosmos and the beliefs of average citizens. It is not clear that these citizens could ever
comprehend this new understanding of the universe or that this new conception is adequate in terms of
persuading average citizens to obey the laws and seek virtue (since it may lack a vision of the divine that
utilizes pleasure and pain as a means of enforcing justice). Furthermore, as argued earlier, it is not likely
that a man such as Socrates could pursue his philosophical mission in Magnesia, given the restrictions that
the Athenian places upon free speech in the presence of average citizens.

216 While Bobonich certainly recognizes this open-ended quality in the dialogue, he does not
adequately contemplate the implications of this fact (406-7).
text that one neglects to reflect upon what this lack of resolution in the dialogue teaches us about political life and the art of lawgiving.

As a result of the Athenian’s ambiguity concerning the Council’s specific role and powers, the reader must ponder the tensions that exist between the rule of law and the rule of intelligence, between individual freedom and the common good, between change and permanence, between the many and the few, between the possibility of education and the limits of human nature. This lack of resolution concerning the specific powers exercised by the Council highlights important insights concerning political life that one misses if he or she attempts to read into the text that which is not there, or dismisses it as accidentally unfinished. Specifically, since we, as human beings, and the world we live in are subject to the influence of the irrational—to unforeseen circumstances, as well as to desires that can never be completely controlled— even the wisest lawgiver cannot create a complete and perfect, practical plan for his city. Politics cannot be made fully rational, but neither is it an irrational chaos. There is room for human art and agency to bring some degree of transformation, but the technē of the lawgiver is limited. The struggle to bring perfect resolution to the Laws is itself a refusal to see what the Athenian—and perhaps Plato—is teaching us about politics. For it is only when we appreciate that human beings and their political communities entail a combination of rational and irrational elements do we understand that they cannot be governed by a finite and fixed set of laws that are created in advance to be perfectly comprehensive and unchanging. The city and its citizens are living entities, capable of growth as well as decay, and both require constant attention and diligence to ensure that they develop in positive directions.
Because we lack perfect resolution, we are required to return and continually reassess our past decisions, as well as our future choices. This necessarily involves the kind of sustained, philosophical questioning that Monoson emphasizes for the reader earlier in this chapter. Politics is never a finished product, and the members of a political community are always struggling for improvement while also seeking to remain faithful to their original purpose. In a similar way, the experience of reading the *Laws* reflects this reality, for we as readers are never finished with this dialogue, but continually return to it to gain greater understanding due to its open-ended nature. In some sense, the reading of the dialogue gives us a kind of first-hand experience of the lawgiver’s never-ending task. In fact, the desire to resolve the *Laws* into a static, fixed picture of what Magnesia is and will be—including a conception of the Nocturnal Council that completes this picture like the final piece of a puzzle—might be exactly what the Athenian is attempting to address and to moderate.

5.3.2 Persuading the Dorians and Continuing the Conversation

Returning to the text at the conclusion of the dialogue, the Athenian gently helps Kleinias to recognize his own shortcomings as a ruler, which in turn leads the Cretan to relinquish some of his authority as he seeks to bring this city in speech into being. Having explained the importance of the Nocturnal Council, the Athenian now examines the qualifications required of those who are fit to rule. In doing so, he directly questions Kleinias concerning these matters. He demonstrates that Kleinias lacks the abilities and
the knowledge that Magnesia’s highest leaders must possess. Specifically, as examined earlier, the Athenian explains that it is essential for these rulers to understand the telos of the laws more precisely than most citizens. Without this superior knowledge of virtue, these leaders will be unable to guard the city against those individuals or irrational forces that might challenge the good work already established by the lawgiver. Kleinias wholeheartedly agrees that the city will wander from its proper purpose if its leaders lack such knowledge. He understands that the laws must aim at virtue, and he recognizes that the Council members must have true knowledge of this telos, including the way in which virtue both many and one (962c-966b). However, when the Athenian begins to question Kleinias directly concerning his own understanding of virtue, he demonstrates that the Cretan is not at all capable of articulating or explaining what virtue is (963c).\(^{217}\) As the Athenian questions him concerning the way in which virtue is both one and many, Kleinias cannot even remember what it is they are trying to explain, let alone provide an answer (963d). Shortly after Kleinias admits his ignorance concerning virtue at 963c, he agrees with the Athenian that it is shameful not to know about such great and noble things, and he asserts that any leader who cannot offer arguments concerning these ideas is akin to a slave (964b, 966b).

Secondly, the Athenian teaches Kleinias that no one can be permitted to serve as a Guardian unless they have labored to grasp every proof of the gods’ existence (966c-d).

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\(^{217}\) Here the Athenian directly questions his interlocutors, asking: “Or you…Megillus and Kleinias, can you two articulate and explain for me, on its [i.e., intelligence] behalf, whatever you claim this thing is, just as I gave definitions on behalf of many others for you?” Kleinias openly admits his own ignorance, stating, “Not at all, stranger.”
The Cretan, who is to serve as one of the original Guardians, agrees that anyone who lacks capacity in these matters should be “kept widely separated from the noble men” (753a, 966d). As the reader has already witnessed, Kleinias lacks the ability to grasp proofs concerning the gods, and the Athenian reminds him of his struggles now. 218 Again, he directly questions Kleinias, asking him to recall the two things leading to belief in the gods that they discussed earlier (966d). Kleinias must admit that he cannot remember even the most basic overview of their earlier conversation (966d). The Athenian tells him that anyone who is incapable of grasping the arguments concerning the nature of the soul, the intelligent order of the stars, and the subjects of learning that precede these matters will never be an adequate ruler, but must serve as a mere assistant to those who exercise power (967d-968a).

And yet, because the Athenian has treated his interlocutors gently throughout the dialogue, he allows them to recognize their own limitations without anger. Instead of lashing out at the Athenian, they respond by seeking more earnestly to establish the Nocturnal Council and the more precise education it offers. When asked if they should continue with this project, Kleinias declares, “But best of men, how will we not add this [Council], if we can do so to even a small extent?” (968b). The Athenian warns him that this task will not be easy. Most importantly, he informs Kleinias that he must relinquish

218 As the reader learns earlier in the text, the subjects required for understanding the order of the heavenly bodies include mathematics (817e-818e). At 818a-d, the Athenian declares that it is shameful not to know these subjects, especially for anyone who wishes to rule. At that point, he directly questions Kleinias concerning his understanding of these matters, and leads the Cretan to admit that his lack of understanding is “clearly wretched” (820a). He also leads Kleinias to admit that he is ignorant concerning the movements of the heavenly bodies (822a). By asking Kleinias to participate in another discussion of these matters here in the final section of the dialogue, the Athenian reminds his companion (and the reader) of his earlier failures.
sovereign authority over the Council members (968c). The Council members must be
given the freedom to legislate the particulars of their education for themselves (968c-e).
In addition, the Athenian hints that the way in which the original Guardians of the Laws
are selected must be revised. Earlier in the conversation he suggested that the Knossians
should select thirty-seven men to fill this office, including nineteen colonists and eighteen
Knossians, one of which must be Kleinias (752e-753a). But now the Athenian suggests
that they must create the list of individuals who possess the proper qualifications
concerning age, capacity for learning, and characteristic dispositions and habits (968d,
emphasis mine). Not only does the Athenian indicate that he will “perhaps find others
like himself” to help bring the Council into being, but the creation of this list would
surely involve further self-reflection on Kleinias’ part regarding his lack of qualifications
for Guardianship (968b).

As the Athenian concludes his appeal to Kleinias regarding the establishment of
the Nocturnal Council, it is important to recognize that the Athenian allows Kleinias the
freedom to make this decision for himself. Like the free doctor, he has sought to educate
and persuade his patient, rather than simply commanding him (720d-e). And just as he
has done throughout the text, the Athenian combines his *logoi* with appeals to the
irrational in order to persuade the Dorian to accept his proposal. Having offered his
arguments regarding the merits of the Council, he now gently appeals to Kleinias’ desire
for pleasure by reminding him that he will gain a great reputation for having the courage
to take on such a challenge in terms setting up the Council correctly and handing the city
over to it (969a-b). Once again, the Athenian’s attempt to persuade his interlocutors to
accept his reforms is successful. Megillus, who now realizes that the city in speech can never come into being without the leadership of the Athenian, urges Kleinias to use “entreaties and every contrivance” to make him stay and help bring this city in speech into being. Kleinias, now persuaded that he is not qualified to lead, agrees with Megillus to take this risk and follow the Athenian. Because the Athenian has gently taught them to recognize their own limitations, they now willingly look to him to lead them.

By successfully persuading his interlocutors to recognize that they should follow the Athenian’s plan for the city, the relationship between these three old men resembles the vision of the properly arranged soul and polis that was established earlier in the dialogue. In the properly arranged soul, the irrational desires willingly follow the rule of reason (645a-b, 653b-c), and in the properly ordered city, those of greater ignorance freely accept the leadership of those who possess greater intelligence, as embodied in the law (689c-d, 693b). Returning to one of the earlier metaphors concerning symposia, these three elderly men have participated in pleasant dialogue concerning the regime and laws, and they have emerged transformed as a result. Kleinias began this journey as a man with tyrannical tendencies, who assumed he was “capable of ruling others and himself” (671d). Now, as a result of the Athenian’s gentle persuasion, he has been moderated and is willing to follow the leadership of the steady, sober Athenian. Similarly, Megillus, who at one point in the conversation seemed ready to come to blows with the Athenian for the way in which he criticized Sparta (806c), now expresses an equal degree of spiritedness in order to make the Athenian stay and help found the new city. Finally, the Athenian has also received an education in moderation, recognizing
more fully his limitations as a lawgiver. Most importantly, as a result of this dialogue, these fellow drinkers and their wise leader refrain from “becoming enemies as happens now,” but instead become “closer friends than they had been before” (672a). Because of the Athenian’s gentle approach to education, he has established a kind of harmony that reflects the *sumphonia* of virtue.

However, despite this harmonious ending to the dialogue, one must also acknowledge that the *Laws* does not present perfect answers to many of the questions it raises. Most significantly, the Athenian has not found a means of perfectly combining philosophy and politics. Although the need for philosophical inquiry is made clear in the Athenian’s discussion of the Nocturnal Council, the exact role that philosophical individuals will play in Magnesia is never firmly established. Although some philosophical individuals will participate in the Council, they will share this institution with others who do not possess this nature. In addition, the way in which the fruits of the Council’s philosophical discussions will be made effectual in Magnesia is not clear, for the practical details of how these members will carry out their task of saving the laws are never specifically articulated. Furthermore, since the Council members must return to the incomplete and problematic theology that the Athenian has offered to the city’s average citizens in order to reform it as they discover the true nature of the divine, it is

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219 Since the Athenian has established freedom, prudence, and friendship as the goals for Magnesia, this entails giving average citizens, whose judgment is imperfect, a share in ruling and in selecting their leaders (693b, 757d-e). As Zuckert notes, “it is by no means clear that all or even most members of the Nocturnal Council would qualify as philosophers” (389). As a result, Zuckert fears that this combination of members would make it difficult for the Council to achieve the end for which it was created. Specifically, the non-philosophical members of the Council, especially the elders, would grow angry and embarrassed when the younger members of the Council observe their ignorance regarding the true meaning of virtue (392).
not clear how they will communicate these truths to the rest of the city. Although the Athenian has demonstrated how to introduce gradual reforms in a gentle manner without undermining the power of the sacred, his method relies heavily upon poetry and other appeals to the irrational. Since the truth about that which is one and unchanging cannot be fully contemplated using that which appeals to the senses (Republic 532 a-b), it is not clear that average citizens could ever comprehend this purely rational teaching, for the Athenian has demonstrated throughout the dialogue that the many require persuasion, which consists of both rational and irrational elements as opposed to dialectic, which entails pure intellection. As a result of this limitation, there will be a gap between average citizens and the philosophical few in this city, which even the Athenian’s education of the irrational cannot resolve.

Finally, as already discussed, the way in which a man such as Socrates—the consummate representation of the philosophical perspective in the platonic corpus—would fit into this polis is deeply problematic. With the limits on speech that the Athenian Stranger has established in order to protect average citizens (and especially the young) from the kind of corruption that would lead them to seek changing the laws, Socrates’ brand of radical, public questioning could not be tolerated. Although his activity is necessary in order to gain true knowledge of virtue, he could not confine his discussions to the private space of the Council without sacrificing his divine mission as he conceives of it. As a result, the Athenian has not resolved the conflict between the
needs of the community and those of the Socratic individual. In addition to these problems, although the Athenian has successfully persuaded Kleinias and Megillus to accept his city in speech, it is not at all clear that this city can be established in deed. As other scholars have argued, the Athenian must still take on the formidable task of persuading the remaining nine Knossians who are authorized to establish the new colony to agree to his proposal (702c, Zuckert 390). Finally, for a dialogue that focuses primarily upon education, it ends with the Athenian indicating that the most important aspects of this subject are left unfinished, nor are readers allowed to hear this part of the conversation where they are discussed in greater detail (968d-e).

And yet, despite all of these shortcomings, if the dialogue is to remain consistent in its teaching regarding political life, this imperfect ending is perfectly fitting. As the overarching theme connecting the three final books reminds us, in a world where the irrational is present, we cannot achieve perfection and completion. We must come to terms with this fact, or we risk losing hope and disengaging from politics due to our frustration. Despite this awareness of our limitations, we must follow the example of the Athenian Stranger’s double-vision and continue to strive for improvement. There is a longing for the ideal that will never be satisfied completely in our political life, but the Athenian teaches us to remain engaged nonetheless. Unlike the Republic, in which Socrates ultimately encourages his young interlocutors to focus almost exclusively upon

\[\text{\footnote{220 However, one wonders if the same conflict exists between the Platonic individual and his community. Unlike his teacher who refused to leave Athens (except to fulfill his military duties) or to moderate his philosophical activities, one could imagine the author of the Laws serving as one of the theoroi in the Nocturnal Council. As Morrow argues, there is a great similarity between this Council and Plato’s own Academy, indicating that he could practice philosophy in this setting (509-514).}}\]
establishing the best city within their own souls once they witness the crumbling of Kallipolis, the Athenian does not turn away from politics. As Saunders recognizes, there is an aspirational quality to this dialogue (483). Since the Athenian never abandons his hope of improving the city, it is appropriate that the Laws concludes with yet another new beginning, and that we as readers are gently invited to continue the conversation. In the end, Plato leaves us in his final dialogue with lingering questions, a longing for greater understanding, and an appreciation for the tensions that make the attempt to bring our political communities closer to our vision of perfection such a frustrating, mesmerizing, “unfinished and unfinishable” endeavor. And as we strive to do so, the dialogue encourages us to heed the warning Megillus gives to the Athenian at 804b. Even though we are aware that we are puppets for the most part, sharing in only small portions of the truth, we must not belittle the human race or feel disdain for our imperfect, unresolved situation. Although most of life is lived within the darkness of the cave, we must proceed gently, seeking greater understanding of the problems we face, a humble awareness of our own limitations, and an appreciation of the fact that our race is worthy of a certain seriousness, despite our flaws.
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