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PLATO'S JURISPRUDENCE:
THE GOALS OF WISE LEGISLATION IN PLATO'S LAWS

by

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A thesis submitted in conformity with the requirements for the Degree of Doctor of Philosophy
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This dissertation provides a new interpretation of Plato's teaching concerning the goals of wise legislation in the first three books of the Laws. Moreover, it argues that this teaching shows that the early modern critique of classical political philosophy is not so decisive as it is commonly believed to be. For it provides the authentic interpretation, which is also a qualification, of the allegedly utopian classical thesis that virtue is the proper goal of political life. According to it, politics at its best cannot promote genuine human virtue, but merely a kind of crude approximation of it; and efforts to promote this must be combined with and to some extent compromised by the pursuit of other reasonable political goals, e.g., civil peace and national security. Finally, the dissertation argues that this part of the Laws helps clarify the theoretical foundations of classical political philosophy. It contends that in order to supply a truly scientific foundation for its account of human life and the world, classical political philosophy attempted to prove the unreality of divine revelation. And it finds in the first part of the Laws an indication of how it attempted to do so: namely, by demonstrating that the belief in revelation rests on an unnatural condition, on a lack of clarity about moral-political subjects. The dissertation does not settle the question of whether or not it succeeded, nor the question of
how the Biblical revelations affect its results. But it suggests that Plato's approach to the problem of revelation is superior to that of the philosophers of the Enlightenment.
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I Introduction

This dissertation explains Plato's treatment of the question of the goals of wise legislation in the Laws. There are other Platonic dialogues that treat this question more or less directly (for example, the Statesman, the Minos, and the Republic), and a full account of his answer would require a study of them too. In none of them, however, is it treated so directly and at the same time at such length as in the Laws. Moreover, the Laws deserves special attention for another reason. It has not received much attention from recent students of Plato's political philosophy.¹ The Laws has two main parts. We focus on the first (Books I-III) because it consists of the thematic treatment of the question of the goals of wise legislation in that work (Books IV-XII are devoted to an elaboration of the law code and regime best able to achieve those goals), and because it is (with the possible exception of Books X-XII) the least well understood part of the Laws.

In order to indicate the broader significance of this part of the Laws, we begin with a few remarks about Leo Strauss, the most influential twentieth-century advocate of a return to classical political philosophy. Early in his career, Strauss reached the conclusion that the critique of

¹This recent neglect of the Laws is partly the result of theories formerly advanced to explain inconsistencies and other apparent defects in the work, theories which tend to cast doubt on the merit or importance of the Laws. Their
rationalism by Nietzsche and others required a reconsideration of the quarrel between revealed religion and science or philosophy. To many of his contemporaries, that quarrel seemed to have been settled by the refutation of the supernatural claims of orthodox Judaism and traditional Christianity in the early modern era. Since, however, the premises of the early modern refutations were rationalist premises, the recent critiques of rationalism suggested that those refutations could no longer be considered valid. Strauss's own re-examination of those refutations led him to conclude that they had failed to demonstrate the falsity of the basic premise of orthodox Judaism and traditional Christianity, that there is an omnipotent god whose will is unfathomable, and had therefore failed to demonstrate the falsity of all the assertions that rest on that "irrefutable premise," for example, the reality of the Biblical miracles and the Biblical revelation. Hence Strauss tentatively concluded that

the philosophic account [of the world] and the philosophic way of life are not necessarily, not evidently, the true account and the right way of life: philosophy, the quest for evident and necessary knowledge, rests itself on an unevident decision, on an act of the will, just as faith does.  

He concluded that "the ultimate justification" of the modern philosophers' rejection of the claims of revealed religion is

effect has been the more unfortunate, as they are hardly more than wild conjectures. We discuss them in the Appendix.  

"an act of will, of belief." Yet a foundation in (mere) belief is "fatal to any philosophy." 4 Philosophy, understood as the life devoted to the quest for evident and necessary knowledge, cannot rest itself on an "unevident, arbitrary, or blind decision." 5 Revealed religion, on the other hand, is admittedly based on faith. Strauss was therefore tempted to conclude that the failure of modern philosophy to refute the claims of Jewish orthodoxy in particular amounted to "[t]he victory of orthodoxy through the self-destruction of rational philosophy." Soon, however, he "began . . . to wonder whether the self-destruction of reason was not the inevitable outcome of modern rationalism as distinguished from pre-modern rationalism, especially Jewish-medieval rationalism and its classical (Aristotelian and Platonic) foundation." 6 His wonder soon turned into certainty. In his second book, he asserted that medieval rationalism is "the standard measured against which [modern rationalism] proves to be only a semblance of rationalism." 7 This assertion, together with the fact that he had formerly traced the self-destruction of

3Strauss 1965, 29.
4Ibid., 30; cf. 12.
5Strauss 1953, 75.
7Strauss 1995, 21-22. Strauss claimed that the position adopted by those modern philosophers who reject the authority of reason (i.e., Nietzsche and his successors), a position he described as "irrationalism," is "just a variety of modern rationalism, which in itself is already 'irrationalistic' enough" (ibid., 135n. 1). He thus suggested that the grounds which prove the superiority of medieval and classical to
rational philosophy to its failure to refute the claims of revealed religion, suggests that Strauss came to conclude that medieval rationalism (and the classical rationalism upon which it was based) had, if not refuted those claims, at any rate addressed them in a theoretically satisfactory manner.

In accordance with his usual reserve, and with the delicacy of the issue, Strauss never gave a straightforward explanation of how the medieval and classical philosophers had addressed those claims. He limited himself for the most part to hints. One of them has a special importance here. His study of Maimonides was somehow decisive for his discovery of the superiority of medieval rationalism. And he tells us that he began to make considerable progress in understanding Maimonides' analysis of prophecy only after having discovered a remark of Avicenna (in his treatise On the Divisions of the Rational Sciences) to the effect that "the standard work on prophecy and revelation is Plato's Laws." He confirms the importance of that remark by prefixing it to his commentary on the Laws: "... the treatment of prophecy and the Divine law is contained in . . . the Laws."
Avicenna’s remark occurs in the course of a statement of the subject matter of political philosophy. Strauss paraphrases it as follows:

According to Avicenna, one branch of political philosophy deals with kingship; the classic texts on this subject are the books of Plato and Aristotle on government. The other branch deals with prophecy and divine law; the classic texts on this subject are the books of Plato and Aristotle on nomoi [viz., the Laws and the Politics]. This second branch considers the existence of prophecy and the need of the human race for divine law; it considers the characteristics common to all divine law codes as well as those which are peculiar to individual divine codes; it deals with the difference between genuine and spurious prophecy.

If Avicenna is correct, we should find in Plato’s Laws a treatment of the themes belonging to the latter branch of political philosophy. We do find in Book I a treatment of two allegedly divine law codes, the Cretan and Spartan codes said to have been communicated by Zeus and Apollo to Minos and Lycurgus. That treatment, however, proves to be a refutation of the pretensions to divine origin of those two codes, and of the pretended prophecies by which they were said to have been communicated. That is to say, we find in Book I a treatment of “the difference between genuine and spurious prophecy”: the pretensions to prophecy of the Cretan and Spartan lawgivers are there shown to be invalid. Of

\footnote{See Lerner and Mahdi 1963, 97.}

\footnote{Although Avicenna refers to Aristotle’s Politics as well as Plato’s Laws, the former work “can have been known to him only by title, since it was never translated into Arabic” (Strauss 1995, 125). This is why Strauss concludes that for Avicenna the Laws is the standard work on prophecy and revelation (or divine law).}
course these two cases are, for us, not the most important ones. For us there are alleged prophecies that affect us more immediately, and that seem on theoretical grounds too to have a greater claim to our attention than those of ancient Greece. But Avicenna and Strauss would not have attached so great importance to Plato’s treatment of the alleged prophecies and allegedly divine laws of ancient Greece had they believed that it was of merely historical significance. If the Laws contains the standard or classic treatment of prophecy and divine law,¹³ that treatment should be capable of being applied in other ages to other alleged prophecies and allegedly divine laws. We draw these conclusions. First, according to Avicenna and Strauss, the Platonic teaching on the subjects prophecy and divine law is conveyed partly through the discussion in Book I of the pretensions associated with the Cretan and Spartan law codes. Second, the method by which those pretensions are refuted is, according to Avicenna and Strauss, applicable in principle to all such pretensions. It is therefore important to understand that method accurately. Moreover, since Strauss appears to have traced the superiority of medieval and classical to modern rationalism to the fact that they addressed the claims of revealed religion in a theoretically satisfactory manner, by understanding that method we may

¹³Strauss 1990, 5; 1995, 125.
acquire a better understanding of his view of the basis of that superiority.

The refutation of the alleged origin of the Cretan and Spartan law codes occurs in the midst of a discussion of the goals of wise legislation and of how a wise lawgiver would promote them. After the refutation is completed, the question of the relation between divine agency and law continues to be a theme of the discussion. The Athenian stranger (the character who in the Laws takes the place ordinarily assigned to Socrates in the Platonic dialogues) eventually concludes that the wise lawgiver would promote obedience to law by prescribing for all citizens an education aimed at persuading them to believe that the gods reward such obedience. He concludes that the wise lawgiver would try to persuade citizens to believe this even if it is not true. He thus suggests that what we may call civic morality depends on the belief in divine providence. The grounds for this suggestion deserve attention.

Finally, Plato's teaching about the goals of wise legislation helps us assess the accuracy of the early modern critiques of classical political philosophy. Modern philosophy originally emerged in express opposition to classical political philosophy. It is sometimes said that the distinguishing characteristic of the former is the doctrine of the priority of individual rights to all claims of the state, or to all social obligations. One might therefore suppose that the early moderns' opposition to
classical political philosophy was a consequence of their new insights about man's rights. A brief examination of the thought of the first exponent of that doctrine will help to indicate the deeper reasons for that opposition.

Hobbes accuses his predecessors of having confused right (liberty) with law (obligation).\textsuperscript{14} In order to remove that confusion, he defines right as a liberty of action not restricted by any obligation. He defines man's natural right as the right to self-preservation. Since right (liberty) and law (obligation) are "in one and the same matter . . . inconsistent," man's natural right must not be restricted by any obligation. Accordingly, when Hobbes considers the moral condition of men in "the state of nature," he justifies all acts done for the sake of self-preservation. He even justifies those acts done for sake of self-preservation that do not actually promote that goal: in the state of nature, every man has the right to perform any act that he believes to be necessary for the preservation of his life. Now, in the state of nature, there is no act that a man might not believe to be necessary for the preservation of his life. Hence there men have "a right to everything." Hobbes does not mean that men in the state of nature have the right to do as they please. Those passages in the Leviathan which suggest that justice and injustice simply do not exist in the state of nature are, we believe, misleading. In De Cive,

\textsuperscript{14}Leviathan XIV, XXVI; English Works vol. IV, pp. 222-23.
Hobbes tells us that, "in the state of nature, what is just and unjust is . . . to be esteemed . . . by the counsel and conscience of the actor." By "the counsel and conscience of the actor" Hobbes means his intention. No act is in principle forbidden in the state of nature because in that state there is no act that may not be performed with the right intention, viz., the intention to preserve life and limbs.\(^{15}\)

According to Hobbes, all acts done for the sake of self-preservation are legitimate. If we ask why, his answer is simple. Such acts are the product of natural necessity and hence unavoidable.

For every man is desirous of what is good for him, and shuns what is evil, but chiefly the chiefest of natural evils, which is death; and this he doth by a certain impulsion of nature [in the Latin edition: necessitate quadam naturae], no less than that whereby a stone moves downward. It is therefore neither absurd nor reprehensible, neither against the dictates of true reason, for a man to use all his endeavors to preserve and defend his body and the members thereof from death and sorrows.\(^{16}\)

Men receive "the natural right of preservation . . . from the uncontrollable dictates of necessity."\(^{17}\)

It would be a mistake to conclude from the passages quoted that the premises of Hobbes's political doctrine are derived from the principles of his mechanistic natural science. Those principles dissolve the distinction between

\(^{15}\)Leviathan XIII-XIV; De Cive I 10 and n., III 27n. See also Warrender 1957, chap. 4.  
\(^{16}\)De Cive I 7. Cf. II 3 and English Works vol. IV, p. 83.
the necessary and the unnecessary. Hobbes (despite his occasional suggestions to the contrary) maintains that distinction in his political doctrine. In his description of the state of nature, he distinguishes between, on the one hand, damage to others arising from "vain glory," from the desire for recognition of one's (imaginary) superiority to others, and, on the other hand, damage to others that results from the desire for self-preservation. The two kinds of damage are not "equally to be condemned." They are not equally culpable because, as he goes on to say, acts done for the sake of self-preservation are necessary. That is to say, they are not equally culpable because, whereas acts done for the sake of self-preservation are necessary, acts motivated by vainglory are not.18

Hobbes claims to arrive at the basic premises of his political doctrine by applying a new method of science (Galileo's 'resolutive-composite' method) to the state.19 But the standard that determines his doctrine is already present before he applies the method.20 Since he begins from the premise that men's natural obligations are coextensive with the conditions of peace,21 since he thus indicates that

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17*De Cive*, Epistle Dedicatory.
19*De Cive*, Preface. See also *De Corpore* VI 7 and Cassirer 1951, 9-19, 254-57.
21*De Cive* I 1. Cf. *Leviathan* XI: good manners are "those qualities that concern [men's] living together in peace and
peace is his moral standard, it is not surprising that he ‘discovers’ the distinction between the just desire to preserve life and limbs and unjust vainglory or pride. For, whereas vainglory almost always leads to competition and hence to war, the desire to preserve life and limbs inclines men to seek peace when there is a fair prospect of obtaining it, and to act peacefully when they can do so with safety. Both passions lead to war in the state of nature. But the modest man who merely wishes to preserve life and limbs needs only the protection afforded by the sovereign to become the just citizen who obeys the civil law for the right reason, and thus (since the prevalence of obedience to the civil law is the most important condition of peace) to become a pillar of peace. In the preface to De Cive, Hobbes begs his reader, if he should find in that work “some things which have more of sharpness, and less of certainty than they ought to have,” to consider that those things were written “for . . . the establishment of peace.” He composed that work “pacis studio.” Not his scientific method, but this zeal for peace explains why Hobbes claims that the intention to preserve life and limbs is the fundamentally just intention. It also explains why he is content to support that claim with a false

unity.” See also De Cive III 32: the error of previous philosophers was their failure to “observe the goodness of actions to consist in this, that it was in order to peace, and the evil in this, that it related to discord.”

22Leviathan XIII-XV. For the connection between the just intention within civil society and the just intention in the
argument. For Hobbes was perfectly aware that the fear of death does not always have the effect of compelling men to flee it.\textsuperscript{23}

Hobbes’s zeal for peace was supported by an extraordinary hopefulness. According to him, the proximate cause of all avoidable evils is war, and “chiefly” civil war. And the principal cause of civil war is the ignorance of men about their duties.\textsuperscript{24} If those duties were as well known as the truths of geometry,

the strength of avarice and ambition, which is sustained by the erroneous opinions of the vulgar as touching the nature of right and wrong, would presently faint and languish; and mankind should enjoy such an immortal peace, that unless it were for habitation, on supposition that the earth should grow too narrow for her inhabitants, there would hardly be any pretence for war.\textsuperscript{25}

Hobbes indicates the connection between the strength of avarice and ambition and the opinions of the vulgar about right and wrong in the conclusion to the \textit{Leviathan}. There he recommends his book to the universities, as the source from which the people (by way of the clergy and the gentry) receive their moral opinions. If his own doctrine should be received in them, and thence make its way to the people, “by that means the most men, knowing their duties, will be the less subject to serve the ambition of a few discontented persons in their purposes against the state, and be the less

\textsuperscript{23}See \textit{Leviathan} XIII and XV.
\textsuperscript{24}\textit{English Works} vol. I, pp. 7-8.
grieved with the contributions necessary for their peace and
defence, . . . ” 26

According to Hobbes, classical philosophy is one of the
two main sources of the errors of the vulgar about right and
wrong. The classical philosophers failed to recognize the
correct criteria for distinguishing good from evil actions
and intentions, viz., their tendency to promote peace or
discord. In civil society, the prevalence of obedience to
the civil law, more precisely, to the sovereign’s will, is
the most important condition of peace. Hence there the
proper criterion for distinguishing good from evil is the
sovereign’s will. The classical philosophers failed to
recognize these criteria. What’s worse, they failed to
provide any common standard of good and evil. They
“define[d] good and evil by the appetite of men.” They
taught that “private appetite [is] the rule of public good
and evil.” This is the worst of the seditious opinions
inherited from the ancients. For it disposes men “to debate
with themselves, and dispute the commands of the
commonwealth, and afterwards to obey or disobey them, as in
their private judgments they shall think fit. Whereby the
commonwealth is distracted and weakened.” The proper remedy
is the rejection of classical political philosophy and the
whole tradition based on it, and the popular diffusion of the

25 De Cive, Epistle Dedicatory.
26 Leviathan Review and Conclusion. See also ibid., XXX and De
Cive XIII 9.
correct moral doctrine first elaborated by Hobbes, the founder of genuine political philosophy.27

When Hobbes says that the classical philosophers defined good and evil by the appetite of men, he does not mean that they expressly taught this definition. He admits that they tried to formulate standards of good and evil.28 He admits that they made "rules of good and bad." But he objects that "they make the rules of good and bad by their own liking and disliking, by which means, in so great a diversity of taste, there is nothing generally agreed on, but every man doth (as far as he dares) whatsoever seemeth good in his own eyes, to the subversion of the commonwealth."29 By making rules of good and bad by their own peculiar likes and dislikes, the classical philosophers in effect defined good and bad by the appetite of individuals.

Hobbes admits that the appetite of individuals is the primary or natural measure of good and evil.30 But he insists that peace requires a common measure. He observes that, according to "some" authors, "[t]his common measure is right reason." It is clear from the context that he refers to the classical philosophers. He would be content to accept right

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28 De Cive III 32.
29 Leibathan XLVI.
reason as a standard, "if there were any such thing in rerum natura. . . . But this is certain, seeing right reason is not existent, the reason of some man or men must supply the place thereof; and that man or men, is he or they, that have the sovereign power." Hobbes affirms elsewhere that "reason itself is always right reason." He does not contradict the former passage, for there he asserts the nonexistence of right reason understood as "an infallible faculty" of reasoning, such as could overcome men's natural tendency to reason badly about their duties when the dictates of reason are opposed to their present appetites. It is because there is in the nature of things no right reason in this sense that the sovereign's reason, or rather his will, must supply its place. His will may not be reasonable; but it is an effective common standard of good and evil. The classical standard is not. Because most men reason badly under the influence of passion, because in other words most men are governed by passion rather than reason, to leave men to define their duties by right reason means, in effect, to leave them to define their duties by their present appetites. The classical philosophers overestimated the power of reason.

Hobbes concedes that the classical philosophers had some awareness of the fact that the will of some particular man or

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30*Leviathan VI, XXIX.*
31*English Works* vol. IV, p. 225.
32*Leviathan V.*
33*De Cive II I n.  Cf. English Works* vol. IV, p. xiii.
men must be authoritative in a political community. He severely criticizes Aristotle for having taught that the wise or the prudent ought to rule. Assuming that some men are greatly superior to others in prudence, the latter would not recognize their superiority or willingly submit to their rule. Nor could they be compelled to submit. Aristotle made the mistake of assuming that the title to rule based on wisdom or prudence can be an effective one. Plato committed an even worse blunder. Hobbes ridicules the doctrine of the Republic that the rule of the wise is the necessary and sufficient condition of civil peace. If his own doctrine implied "that it is impossible for the disorders of the state, and change of governments by civil war, ever to be taken away, till sovereigns be philosophers," he would believe it to be "as useless as the commonwealth of Plato." The will of the actual sovereign, wise or foolish, must be the authoritative standard of good and evil. Every other standard in effect leaves citizens to judge good and evil by their present appetites, and so promotes disobedience, rebellion, and civil war.

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34De Cive III 12-13; Leviathan XV; English Works vol. IV, pp. 102-103.
35Leviathan XXXI.
36This is particularly true of standards used to distinguish between legitimate and illegitimate political authority. The classical doctrine that tyrannicide is lawful encourages the murder of unpopular rulers (De Cive XII 3; Leviathan XXIX, XLVI). The doctrine (which Hobbes ascribes to Aristotle) that laws rather men ought to govern induces men "as oft as they like not their governors, to adhere to those that call
Hobbes deduces the rules of good and bad from the conditions of peace because he regards the protection of life, mere life, as the goal of civil society. The classical philosophers did not agree. Hobbes’s remarks about their rules of good and bad usually refer to doctrines we find in Aristotle’s *Politics* and *Nicomachean Ethics*. In the former work, Aristotle teaches that the goal of the political community is the life of virtuous action. In the latter, he distinguishes two kinds of virtue: theoretical virtue; and another kind which (in part because the usual term for it would create ambiguity in this context) we may call aristocratic virtue. We may say then that Hobbes substitutes as the criteria for distinguishing good from bad the civil law (as defined by the sovereign’s will) and the conditions of peace for right reason and the conditions of the life of theoretical or aristocratic virtue.

Hobbes has some claim to be considered the founder of modern political philosophy. He was the first to have elaborated the characteristically modern doctrine of the priority of individual rights to all social duties. We have seen, however, that his doctrine of natural right owes its

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37 Besides the passages already cited, see Hobbes’s statements of the purpose of the state in *Leviathan* XVII and *De Cive* V 9.

38 So we understand *Politics* 1281a2-3. But consider his use of ὅτε οὖν (“one must posit”) here in the light of III 9 as a whole, as well as 1279a17-30.

origin not so much to new insights about morality as to his zeal for peace or his conviction that peace is the goal of civil society. One may reasonably speak of a priority of the good to the right, of utilitarian to moral considerations, in Hobbes's political philosophy. Furthermore, his conviction that peace is the goal of civil society determines his most important innovation in moral doctrine, the substitution of new standards for distinguishing good from bad for the classical standards. He substitutes the civil law (as defined by the sovereign's will) and the conditions of peace for right reason and the conditions of the life of theoretical or aristocratic virtue. According to him, the moral and political doctrine based on the classical standards promotes civil war; the popular diffusion of the doctrine based on his own more modest standards will guarantee peace. Hobbes lowers the standards of good and bad in order to guarantee peace. Since his standards and those of the classical philosophers are a product of their different conceptions of the goals of civil society, we can express his chief innovation more accurately by saying that he lowers the goals of civil society in order to guarantee peace. If Hobbes is the founder of modern political philosophy, we may say that modern political philosophy is chiefly distinguished from classical political philosophy by its modest goals. The extension or modification of Hobbes's goal by the classical liberals does not contradict this conclusion. For, besides the fact that Hobbes had in some degree anticipated their
expression of the bourgeois ideals,⁴⁰ their goals too appear extremely modest when compared to the classical goals:⁴¹ like Hobbes, they rejected the latter. No modern thinker was more keenly aware of the modesty of the modern goals than Montesquieu. He accepted them;⁴² but this did not prevent him from expressing his admiration for those ancient republics where, because virtue was an object of public concern, men "did things that we no longer see today, and that astonish our little souls."⁴³

If Hobbes is the founder of modern political philosophy, his claim to that title rests less on his doctrine of rights than on his rejection of the classical conception of the goals of civil society. Yet Machiavelli appears to have anticipated that rejection. He had already suggested that the classical goals were too lofty. In the famous fifteenth chapter of The Prince, he tells us that classical political philosophy was guided by a consideration of how men ought to live rather than how they do live. The difference between how men ought to live and how they actually live is so great that "he who lets go of what is done for what should be done learns his ruin rather than his preservation." This is no less true of political communities than of individual men. No wonder then that classical political philosophy issued in

⁴⁰See Macpherson 1962, chap. II and Strauss 1936, chap. VII.
⁴¹Consider, e.g., Locke, Second Treatise §123-24.
⁴²See, e.g., Esprit des Lois XXIV 11.
⁴³Ibid., IV 4; cf. III 5 and IV 6.
descriptions of "republics and principalities that have never
been seen or known to exist in truth." Classical political
philosophy was "utopian" because its goal, the political
community in which men live as they ought to live, was
unrealistic. Machiavelli therefore prescribes and claims to
initiate a departure from the old "orders," i.e., from the
classical teaching about morality and politics (and the
scholastic teaching that was largely based on it). Bacon
gratefully acknowledged his debt to Machiavelli's
prescription. But even if Hobbes was indebted to Bacon or
Machiavelli, his own critique of classical political
philosophy is far more explicit than theirs.

In order to determine whether Hobbes's critique is
correct, one must return to the sources. Plato's discussion
of the goals of wise legislation in the Laws is a good place
to begin. That discussion calls into question his charge
that the classical philosophers failed to recognize that the
rules of morality ought to be defined in such a way as to
promote obedience to law. Moreover, an accurate

44 "We are much beholden to Machiavel and others that write
what men do, and not what they ought to do" (Advancement of
Learning II xxi, 9). Spinoza acknowledged his debt to
chapter XV of The Prince in a manner even more striking. See
Political Treatise I 1; cf. V 7.
45 For Bacon's connection with the young Hobbes, see Aubrey
Machiavelli by name or directly refers to him." On the other
hand, he is "notorious for his failure to cite sources" (Raab
1964, 194).
46 There is some controversy as to whether Machiavelli's
criticism in the fifteenth chapter of The Prince is even
understanding of that discussion helps to correct the view, shared by Hobbes and still common today, that the classical conception of the proper goals of political life is unrealistic or utopian. Here we mention one way in which it does so.

No author has expressed that view more beautifully than Macaulay. In his essay on Bacon, he illustrates the character of the revolution in philosophy in early modernity by means of a comparison of Bacon's philosophy with Plato's.

To sum up the whole, we should say that the aim of the Platonic philosophy was to exalt man into a god. The aim of the Baconian philosophy was to provide man with what he requires while he continues to be man. The aim of the Platonic philosophy was to raise us far above our vulgar wants. The aim of the Baconian philosophy was to supply our vulgar wants. The former aim was noble; but the latter was attainable. Plato drew a good bow; but, . . . he aimed at the stars; and therefore, though there was no want of strength or skill, the shot was thrown away. His arrow was indeed followed by a track of dazzling radiance, but it struck nothing. 47

Macaulay finds that the foolish idealism of Plato's philosophy is especially evident in his teaching about the goals of legislation. He observes that "Plato, at the commencement of the dialogue on Laws, lays it down as a fundamental principle that the end of legislation is to make men virtuous." He considers it "unnecessary to point out the extravagant conclusions to which such a proposition leads." But some of them become clear enough from Bacon's alternative

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aimed at the classical philosophers. See Wolin 1960, 465n. 6, and the sources there cited.
proposition, which he quotes with approval. Bacon includes among the goals of legislation "the providing of every thing necessary for defence against foreign enemies," and "the maintaining of internal order." Presumably, Plato thinks that legislators need not concern themselves with such trifles. Now the proposition that "the end of legislation is to make men virtuous," is laid down as a fundamental principle in the beginning of the Laws. Yet Macaulay fails to notice the fact that the Athenian stranger later departs from that proposition. He departs from it for the simple reason, which becomes clear in the course of the conversation, that the premise upon which he had based it, that virtue is the necessary and sufficient condition of political prosperity, is not true. Because it is not true, he concludes that the promotion of virtue is the highest but not the only goal of wise laws. They must also promote, for example, the conditions of civil peace and national security.

Macaulay was no fool. He assumed, however, that when Plato's spokesman "lays it down as a fundamental principle that the end of legislation is to make men virtuous," he expresses his final view on the question. The source of his error was his inattention to the dramatic character of the dialogue. Such inattention has led critics to draw other extravagant conclusions about the Laws, some of which we will discuss hereafter. The present study is guided by the view

Macaulay 1888, 612-613.
that every statement in a Platonic dialogue must be understood in the light of the dramatic context in which it occurs.

**Bibliographical Note**

References, unless otherwise indicated, are to the Budè text of the *Laws* (Des Places and Diès, 1951-56). References to Burnet and Ast are to their editions of the *Laws* (1991, 1987). References to England are, unless otherwise indicated, to his notes (1921) on the passage of the *Laws* under consideration in the text. The translations from the Greek are mine; but I should acknowledge that, in making them, Thomas Pangle's (1988) translation has been my constant guide.

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48Ibid., 610-11.
II The Divine Law

The Origin of the Dorian Law Codes

The Laws consists of a conversation between three old men: an unnamed Athenian stranger, a Cretan named Cleinias, and a Spartan named Megillus. When the dialogue opens, they have already begun a journey from the Cretan city Knossus to the place (a cave, which is also a temple or shrine) where Zeus was said to have revealed or inspired the Cretan law code. It seems natural to suppose that they are going there to worship the divine lawgiver. If this is their intention, they do not accomplish it, at least not in the Laws; for they do not reach their destination during the remainder of the dialogue. Nor, had they reached it, could they have worshipped there the Cretan lawgiver; for the conversation that occupies them on the way leads them to conclude that the Cretan laws do not owe their origin to Zeus.

The dialogue opens abruptly. The Athenian asks his two interlocutors whether a god or some human being is responsible for the establishment or disposition (διδακτικος) of their laws. The Cretan replies: “A god, stranger, a god, to give what is at any rate the most just answer. Among us [it is] Zeus; but among the Lacedaemonians . . . I think they assert [that it is] Apollo.” The Athenian seems to regard the Cretan claim as the more plausible one. For, whereas he mentions what appears at first sight to be impressive evidence in favor of the Cretan claim, he says nothing in favor of the Lacedaemonian claim (Strauss 1975, 3). On the
other hand, perhaps the Cretan claim is especially in need of support; the Cretans' lack of veracity was notorious.\textsuperscript{49}

Then do you [Cleinias] speak in accordance with Homer, [saying] that Minos was keeping company with his father [Zeus] every ninth year, and established the laws for your cities in accordance with his sayings? 624a7-b3

Cleinias does not answer the question addressed to him, but admits that "so it is said among us [Cretans]." If others said something different, this would not be surprising to those familiar with the Homeric passage to which the Athenian refers (Odyssey XIX 178-179). The interpretation of it adopted by the Cretans is "obviously not the only possible interpretation . . . nor even the most plausible" (Morrow 1993, 24). Its ambiguity is not the only weakness of this ancient testimony in favor of the Cretan claim. It is expressed by Odysseus, whose reputation for veracity was no better than that of the Cretans, and who, in the very passage in question, falsely represents himself as the grandson of Minos. But it indicates something important that Cleinias had failed to mention. Even according to the Cretans' own account of the origin of their laws, they did not receive them directly from Zeus: they received them from Minos, who acted as an intermediary between his father Zeus and the Cretans (Pangle 1988, 380, 512n. 4).

The Athenian does not inquire further into the Homeric and Cretan accounts of the origin of the Cretan laws.

\textsuperscript{49}Strauss 1988, 30. For the evidence, see, e.g., Suidas s.v.
Instead, he shifts the focus of the conversation from a direct inquiry into the origin of the Cretan laws to an examination of their purposes. As we shall see, this examination quickly turns into a critique of the Cretan laws and even a refutation of their alleged origin. We draw this conclusion. The Athenian thinks that the proper manner of investigating the alleged origin of the Cretan laws is through an examination of those laws themselves and their evident purposes. The Cretan and Homeric assertions about their origin, being mere assertions, are not so weighty as to place beyond doubt the divine origin of the Cretan laws or to preclude the refutation that follows.

War and Peace

The Athenian begins by inquiring about the purpose of three Cretan institutions: their common meals, their gymnastic discipline (physical training), and their manner of arming themselves for war. Cleinias seizes the opportunity to give an account of the purpose of the Cretan law code as a whole. He hardly mentions in his answer the second and central item about which the Athenian had asked. He hastens to the third, since it reveals most clearly the lawgiver's intention. The nature of the Cretan terrain dictates the use of infantry rather than cavalry and of light arms rather than heavy ones. The lawgiver arranged the Cretan military discipline in accordance with these facts, which, being

κρητίζειν; Titus I:12; and Polybius VI 47.5.
products of "nature" (φύσις), were not subject to his control. Nature determined his other arrangements too. He recognized the foolishness of the many, who see the necessity of common meals during military campaigns, but make no use of them during peacetime. In fact, it is necessary to use them at all times. For what most human beings call peace is nothing but a word. There is by nature an endless though unproclaimed war between all cities. By examining the Cretan laws from this perspective, Cleinias adds, the Athenian will discover that the Cretan lawgiver ordered all the Cretan laws and customs with a view to war, and that he did so in the belief that, without superiority in war, there is no advantage to be derived from anything else; rather, all the good things of the vanquished pass into the hands of their conquerors (625c9-626b4).

There is a certain inconsistency between Cleinias’ statement of the lawgiver’s intention and his statement of the reasoning underlying that intention. On the one hand, he says that the lawgiver ordered everything with a view to superiority in war. On the other hand, he says that the lawgiver did so because superiority in war is a condition for the secure possession of the good things. The latter statement suggests that the lawgiver regarded the good things, not superiority in war, as his ultimate goal. Perhaps this seems a mere quibble. But it helps us see this important point. That superiority in war is a condition for the possession of all other goods, and even (as Cleinias’
final remark suggests) a means of acquiring them, does not preclude the possibility that there are other such conditions and other such means. Hence the lawgiver’s reasoning does not explain why he did not devise other measures, in addition to those aimed at superiority in war, in order to obtain and secure the good things for the Cretans. It does not explain why he limited himself, even if only in practice and with full consciousness that the good things were his ultimate object, to the pursuit of superiority in war. Such a limitation would be reasonable if and only if superiority in war were the sufficient condition for the possession and enjoyment of the good things.

The Athenian does not dispute Cleinias’ account of the Cretan lawgiver’s intention or even his account of the natural conditions that dictated it. He limits himself to pointing out the consequences of the latter account. If competition for the good things necessarily produces an eternal war between cities, one wonders whether the same competition will produce war between the parts of each city. Cleinias does not hesitate to say that a state of war exists between the villages within a city, between the separate households within a single village, and even between all individual men: the natural state of war exists at all levels of human society.

The Athenian does not dispute this. Instead he asks Cleinias whether we must regard even the relationship of an individual man to himself as one of enemy to enemy. To his
great surprise, Cleinias answers in the affirmative, at the same time praising him for having correctly led the argument back to its starting point or basic premise (ἁρμονία). (The argument is that war or conflict is ubiquitous; the starting point or premise is that war exists even within the basic elements, the atoms so to speak, of which the other entities mentioned are composed). It becomes clearer in the sequel what Cleinias means by affirming that each is an enemy to himself. There is indeed a war within each man, but each man's identity resides more in one of the combatants than in the others. If this were not so, if each man's identity were simply determined by the outcome of that conflict, it would be absurd to speak of one of its outcomes as better than another, or to describe only one of its possible outcomes as self-conquest. Cleinias does both.

And here, stranger, is the first and best of all victories, to defeat oneself; but to prove inferior to oneself is the most shameful and at the same time worst of all [defeats]. 626e2-6

We seem finally to have discovered a domain of peace. The individual man understood as a certain part of 'himself' -- perhaps we may call it the 'better' part -- is a natural unit that is not at war with itself. In this respect he differs fundamentally from the household, the village, and the city as Cleinias has described them.

When, however, the Athenian turns the argument back to the city, Cleinias (implicitly) concedes that the city possesses the same kind of unity that he (implicitly) attributed to the individual man. (This concession proves to
be decisive: it undermines his thesis that there exists a war of everyone against everyone. But it is not a necessary concession. It is possible that, whereas man is a natural whole, the city is not.) Just as man's identity resides more in one part of himself than in the others, so, Cleinias implies, the city's identity resides more in one of its parts, its better part. The victory of that part is therefore better for the city.

Wherever the better men defeat the multitude and the worse, that city would correctly be called superior to itself, and would most justly be praised for this kind of victory; but the opposite [is true], wherever the opposite [occurs]. 627a7-11

Dismissing the logical difficulty in Cleinias' statement, that the city is always both superior and inferior to itself, or that the city does and does not comprehend all its parts (627c8-d4), the Athenian rephrases it in such a way as to show its implication: some victories are bad. Cleinias can't help admitting that, given the position with which he began (according to which victory secures the possession of the good things), this implication is "very strange." He refuses however to withdraw the statement from which it followed. It is "most necessary" to agree that that statement was correct (627c1-2). By adhering to it he concedes that a wise lawgiver would seek to bring about within the city, not victory of every kind, but the victory of that part which ought to win victory.

We learn from Cleinias' statement which part of the city ought to win victory: the better men who are few as opposed
to the worse who are always the majority. But what is the virtue that entitles the former to victory? It is not their ability to achieve victory, at least not in civil war; for Cleinias admits the sad fact that the better men are sometimes defeated by the worse. Their superiority in excellence, since it is not disproved by defeat, must consist in something other than their ability to conquer. Presumably, it consists in their having achieved that self-mastery which Cleinias called the first and best of victories, and which seems to resemble the virtue self-control (cf. Des Places’s note on 626e5). The Athenian suggests that Cleinias meant that the excellence of the few better men consists in their justice. He emphasizes, however, the probable strength of their adversaries, the united majority (627b3-8). This opposition between virtue and power, the fact (or appearance50) that virtue does not

50 After Cleinias implies that the worse sometimes defeat the better, the Athenian expresses a reservation about the view that “the worse is sometimes superior to the better” (627b1-2). Cleinias had implied that the worse men sometimes prove superior to the better in strength. But could the Athenian doubt a fact so obvious? Most commentators follow the explanation given by the scholiast. The Athenian’s objection arises from the equivocal meaning of the word “superior” (κρέιττων): it means “better” as well as “stronger.” He does not mean to deny that the worse are sometimes stronger than the better, but only that they are sometimes better than the latter, i.e., superior to them in merit. We believe that this interpretation is incorrect. First, it seems to reduce the Athenian’s objection to a truism: the worse are never better than the better. Second, Cleinias had not implied the contrary. Third, whereas, if this were his meaning, he could easily have cleared up the difficulty in a few words, in fact he dismisses the whole question on the ground that to settle it would require a long argument. One may object that the
guarantee strength, leads us to wonder whether the absolute victory of the better is a reasonable political goal.

With a view to eliciting Cleinias’ opinion on this point, the Athenian suggests an analogy between the city and the family. It would not be surprising if the majority of the sons of the same two parents were unjust, while the minority were just. And a similar conflict would presumably arise between the unjust majority and the just minority of these sons as arises between the two parts of the city. Then, after stating for the first time the purpose of the discussion, viz., the examination of “what in the world correctness and error of laws are by nature,” the Athenian asks Cleinias whether or not there would be some judge for these brothers. Of course there would, he replies. We expect that, in this case, the existence of a judge with authority to settle the conflict between the just and the unjust would resolve the sad but common discrepancy between right and power: he would of course give victory to the just or virtuous minority. Or would he?

Then which of the following judges would be better: one who kills some of them, as many as are bad, and orders the better to rule themselves; or this one, the one who makes the honest rule, but, while permitting the worse to live, makes them willing to be ruled? And I suppose we should mention a judge [who is] third in relation to virtue . . . one who, having taken in hand a single family at odds with itself, would not kill anyone, but rather, having

alternative interpretation ascribes to the Athenian a very foolish opinion, that virtue guarantees strength. Yet the Athenian expresses this very opinion a few pages later (631b6-d1). And if one doubts his sincerity there, one may also doubt it here.
reconciled [its members], [and] having established laws for them for the rest of time, would be able to preserve friendship among them. 627all-628a3

Commentators differ in their interpretations of this passage, and especially of the phrase that we have translated "a judge who is third in relation to virtue" (τρίτων...δικαστήν πρὸς τὸν ἄρετήν). England interprets it as meaning "third in an ascending scale," that is, as indicating the superiority of the judge mentioned last to the two previously mentioned. He admits that the phrase "seems at first sight to mean the third in excellence": that is, it seems at first sight to mean the opposite, that the judge mentioned last is the worst of the three. He rejects this interpretation, however, on the ground that "it is evident that both speaker and hearers at once see that the third kind of judge would be far more useful than either of the others." Cleinias does indeed assert that the third judge would be best. But it is not clear that the Athenian agrees with him.

That the last-mentioned judge is "third in relation to virtue" we interpret in this way. He is inferior to the others in the promotion of virtue: his measures are not likely to promote virtue as well as theirs. First, he creates friendship between the better and the worse; and such friendship might have a corrupting effect on the former (cf. 656b1-2). Second, the Athenian does not say of the third judge, as he did of the second, that he makes the worse willing to be ruled. He seems to imply that this judge concedes to the worse a share in ruling. The negative
consequences of such a concession for the pursuit of virtue could be serious, since the character of the goals that a community pursues is largely determined by the character of its rulers. Finally, that the third judge is at the same time a lawgiver is no unambiguous addition to his merit. His laws might limit the negative consequences of the inclusion of the worse men among the rulers, by restraining their power and guiding their exertion of it. On account of the necessary generality of law, however, they would also limit the rulers' ability to promote virtue (consider 875a-d, and Statesman 249a-c, 296e-297a). The two first judges, not being lawgivers, impose no such limitation. They, or at least the first judge (who entirely frees the better men from the necessity of managing the affairs of the worse), leave the better men quite free to act on each occasion in accordance with the requirements of virtue.

The fact that Cleinias prefers the third judge does however require some explanation. He had affirmed almost immediately before that only that city is good in which the good minority defeats the vicious majority (627a6-b8). There seem to be two reasons for his preference for the third judge. First, it seems that his respect for the ties of consanguinity is so great that he believes even justice or virtue ought to be sacrificed to the peace and amity of the family. (He clearly regards peace and friendship, not war, as the natural or at least the best relationship between the parts of the family.) Second, the superiority of the
lawgiving judge to the first and second judges (who are not lawgivers) follows of course from Cleinias' claim or contention that Zeus was a lawgiver: Zeus cannot possibly have organized the city's affairs in the wrong way.

Should the war within the city be resolved in the same way as that within the family, at the expense of virtue? After pointing out that the third judge's laws would be directed, not to war, but to peace, the Athenian returns to the city. He asks how someone would prefer to establish peace within the city so as to enable it to wage external war: through the annihilation of one of the two factions (the method employed by the first judge above), or through reconciliation and the establishment of friendship between them (the method employed by the third judge). He thus suggests that the measures that a wise lawgiver or statesman would employ to establish domestic peace might be determined, not by his respect for the ties of consanguinity, but by the requirements of external war.

It is not surprising that Cleinias admits that, with a view to success in foreign war, everyone would prefer that peace be established through a reconciliation of the two factions of the city rather than by the annihilation of one of them. When he had stated an unqualified preference for the victory of the just or better men over the worse or unjust, he had described the former as a minority. Hence the absolute victory of the better or the just through the annihilation of their adversaries would deprive the city of
the bulk of its soldiers. It seems that, when he had stated an unqualified preference for the victory of the better or just men, Cleinias had forgotten about the requirements of external war -- a strange lapse in one who had affirmed that the ubiquity of war is the determinant of the good lawgiver’s goals! Moreover, it now appears that even if a lawgiver does not much respect the ties of consanguinity among fellow citizens, the exigencies of war would prevent him from legislating with a view to virtue or justice only.

Furthermore, the Athenian surely means to indicate here a related problem in Cleinias’ initial account of the Cretan lawgiver’s intention. If it were reasonable for a lawgiver to aim chiefly at success in foreign war, he would have to subordinate to that goal the organization of the city and the citizens: he would have to transform the city into the most formidable army. But the most formidable armies are surely those composed of soldiers united among themselves and friendly towards one another and towards their leaders. Success abroad requires peace, unity, and friendship at home. This complicates the lawgiver’s task. If he must, as Cleinias suggested, establish institutions aimed at producing fierce and able warriors, he must also establish institutions which promote domestic peace, unity, and friendship by cultivating qualities of soul the very opposite of the martial and ferocious. In short, if the Cretan lawgiver reasonably pursued his goal, war could not have been the immediate or proximate goal of all his laws and institutions.
The Athenian goes on to deny, however, that the internal arrangements of the city should be entirely subordinated to the requirements of foreign war. He begins from the premise, granted by Cleinias, that every lawgiver would aim at what is best. "The best thing, however, is neither war nor civil strife; rather, one must pray that one will not need them." He adds that "even the city's victory over itself" probably belongs, not to the best things, but to the necessary things. That war belongs to the necessary things rather than the good things became clear even from Cleinias' initial account of Cretan lawgiver's goals. But what does the Athenian mean by including among the necessary things the city's victory over itself (that is, the victory of the few better men over the multitude)? He surely implies that the victory of the few is at least sometimes or in some degree necessary. And this seems to mean that how domestic peace ought to be secured, whether by the victory of the few over the multitude, or by a reconciliation that creates friendship between them, cannot be so easily decided as we might have thought, by an appeal to the requirements of external war. Ultimately, the pursuit of success in external war too must be governed by a higher principle, by what is best. What then is the goal to which war both foreign and domestic, and apparently even virtue, must be subordinated? We learn here only that the goal of a true lawgiver (lit.: 'precise' lawgiver -- νομοθέτης ἀκριβῆς) is "happiness of a city or of an individual."
The Athenian concludes that a true lawgiver would legislate "the things of war for the sake of peace rather than the things of peace for the sake of the martial things." This conclusion, however reasonable, does not clearly follow from the premises already granted by Cleinias (cf. Strauss 1975, 6). Nevertheless, he admits that it "appears somehow . . . to have been spoken correctly." He is, however, reluctant to accept it. For he is certain that the laws of Crete and Lacedaemon are directed chiefly "and with entire seriousness [or: 'zeal']" to war (628e3-4). Therefore to admit that no true lawgiver would subordinate peace to war is to admit that the Cretan and Lacedaemonian lawgivers were not true lawgivers, that they were bunglers. And this he cannot easily admit. It contradicts his contention that the Cretan laws were communicated by Zeus: Zeus is not a bungler. The Athenian's admittedly plausible conclusion seems to have an unacceptable implication.

Virtue

The Athenian observes Cleinias' uneasiness. In order to prevent it from turning into hostility to his argument and himself, he suggests that there is in fact little or no disagreement between "us" and the Cretan and Spartan (Dorian) lawgivers: we too are very zealous or serious about war. He summons as a witness of this zeal the poet Tyrtaeus, who was an Athenian "by nature," though he later became a Spartan citizen, and who was the most zealous of human beings with
respect to war. Having introduced Tyrtaeus into the
discussion, the Athenian is able to criticize him and his
extreme zeal with respect to war with great freedom.
Tyrtaeus does not have the august authority that belongs to
the Dorian lawgivers. Moreover, while, on the one hand, a
degree of odium or at least contempt commonly attaches itself
to expatriates (just as to deserters and apostates) among
both those they have abandoned and those they have joined,
there is, on the other hand, a certain respectability in an
attack on an expatriate of one's own country: it expresses
one's patriotism. Yet Tyrtaeus and the Dorian lawgivers are
united in their extreme zeal about war. Hence the
inoffensive critique of Tyrtaeus is at the same time a
critique of the Dorian lawgivers. This implication is not
however so clear to Cleinias and Megillus as to prevent the
substitution of Tyrtaeus for the Dorian lawgivers from
diminishing their uneasiness.

It appears from the Athenian's quotation of Tyrtaeus,
however, that that poet praises, not so much war itself, as
courage, the virtue of war. So great is his esteem for
courage that he elevates it even above what, as Cleinias had
earlier suggested, might seem to be the objects for the sake
of which courage is cultivated, viz., "the good things." He
refuses to praise someone who has acquired "pretty much all
the good things," unless he is "always best in war" (628a6-
b3). He seems to elevate courage above everything else as
the goal of human striving. Perhaps it was his extreme zeal
that led him to this extreme position. And perhaps the Dorian lawgivers, sharing his zeal, shared also his understanding of virtue. At any rate, one may explain the thought underlying this understanding of virtue, and at the same time the shift that now occurs in the conversation — "from war (or peace) to virtue as choiceworthy for its own sake as the end of legislation" (Strauss 1975, 6) — in the following way. The qualities of soul that we call virtues seem to be directed toward certain objects of human desire; courage, for instance, by promoting victory, helps us acquire and secure the good things. But these qualities excite our admiration even when they fail to achieve those objects. They excite our admiration even when they hinder the pursuit of the good things. Accordingly, we are tempted to conclude, if not that these qualities are more important than the good things, at least that they are admirable and choiceworthy for their own sake, whether or not they lead to the good things.

Speaking for the two Dorians as well as for himself, the Athenian praises Tyrtaeus highly, and emphasizes their belief that they share his high esteem for courage. Tyrtaeus seems to them to be wise and good, since he extolled in a superior manner those who are superior in war. They want, however, to establish their agreement with him beyond all possibility of doubt, and, in particular, to be certain that he and they praise the same kind of men. Now there are two kinds of war: first, civil war, which is the harshest (or most difficult) of wars; and second, the kind of war that is waged against
outsiders and men of alien stock, which is much milder. It seems that Tyrtaeus praised most those men who distinguish themselves in the second kind of war. The Athenian therefore casts aside his deference to the poet. We, he says, though we admit that the men praised by Tyrtaeus are good, nevertheless assert that those who become manifestly best in the other kind of war, which is the greatest war, are much better.

The Athenian explains the superiority of those men who are best in civil war as follows. Success or proper conduct in that most difficult of wars requires all the virtues, or complete virtue. Success in foreign war requires courage only (a dubious premise; but observe the qualifications in 630b5, b8). Those who conduct themselves properly in the former must therefore possess complete virtue. And since (he assumes) complete virtue is superior to courage alone, these men are better than those who conduct themselves properly in foreign war only. His assumption accords perfectly with the understanding of virtue as something choiceworthy for its own sake. There are, after all, several virtues. If virtue itself is good, then one must prefer all the virtues together, or complete virtue, to one virtue among four, or a part of virtue.

The Dorian Laws Reinterpreted

The Athenian now applies the principle that complete virtue is the goal of human life to the divine lawgiver. He
does so, however, in a strange way. The argument just given wanted to show that "the lawgiver from Zeus for this land," like any lawgiver worth anything, "will legislate with a view above all to the greatest virtue" (629b8-c4). Does he mean to suggest that "the lawgiver from Zeus" has not yet legislated? In any case, he certainly suggests a standard for judging whether Minos was a "lawgiver from Zeus," that is, whether or not the laws that he established were revealed to him by Zeus. We can reasonably believe them to have been revealed by Zeus only if, upon examination, we find that they aim above all at the greatest virtue. The premise seems to be this. Gods, being supremely reasonable, cannot be supposed to have revealed laws that aim at the wrong goals (Strauss 1975, 7).

The Athenian adds a reflection about the virtue that Tyrtaeus praised. Courage is a noble virtue, but it is fourth or last in rank among the virtues. Since Tyrtaeus and the Cretan lawgiver agreed in giving to courage a higher place than the other virtues, the Athenian’s speech as a whole implies that the Cretan lawgiver was a bungler and that he did not receive from Zeus the laws he established. Cleinias recognizes these implications. But he does not choose to escape them by denying the premise that a divine lawgiver would legislate with a view to complete virtue. "Stranger, we" (he does not say you) "are casting our lawgiver into the class of the inferior lawgivers" (630d2-3). He does not go so far as to conclude that the Cretan (or the
Dorian\textsuperscript{51} lawgiver was an all too human bungler; but he is not sure how to escape that conclusion.

The Athenian shows him a way; he himself comes to the aid of the lawgiver. What has been said condemns, not the Dorian lawgiver, but their own interpretation of the Dorian laws, their supposition that Minos and Lycurgus legislated all the laws of Sparta and Crete with a view to war and courage. Cleinias is bewildered by this suggestion. For nothing is clearer to him than the martial purpose of the laws of Sparta and Crete (cf. 628e2-5). He therefore asks the Athenian how "we" ought to have spoken.

They ought to have said "what is both true and just, as [befits] men speaking in defense of a divine legislation":\textsuperscript{52} that "he" (Minos, presumably) legislated with a view to complete virtue, not with a view to some part of it, and that the paltriest (courage). Moreover, they ought to have

\textsuperscript{51}Cleinias frequently speaks as if Sparta and Crete had but a single lawgiver. Presumably, he follows the common account according to which the Spartan code was derived from the older Cretan code. See, e.g., Minos 318d and Herodotus I 65; cf. 683a1-2.

\textsuperscript{52}630d9-\textmd{el}. There is apparently a lacuna here in the MSS, which read ἐπέρ γε θείας ("on behalf of a divine . . ."). The noun that has been lost (or that the author has left to be supplied by the reader) must be feminine singular, unless we emend the text. Following Gottleber, we have supplied νομοθεσίας ("legislation," or "lawgiving"). The scholiast suggests τολμείας ("regime"). Badham supplies ἀνδρός and emends θείας to θείον ("a divine man") (1886, iv). And England says that Badham's reading "gives us what, in view of the following ἐπιθεία ['he was legislating'], is, both for grammar and sense, indispensable, i.e. a person." The text as is stands, even if we supply (as we have done) a feminine noun, forces us to "go back to Cleinias' last speech but one for a subject of ἐπιθεία." This seems to be correct, but does not
interpreted the Cretan laws in a way that agrees with this premise. Cleinias' interpretation agreed with it in one respect, and was so far correct. He began correctly, saying that Minos legislated for the sake of virtue. He erred, however, in saying that Minos legislated with a view to a part of virtue, the smallest part (courage).

The Athenian misrepresents the way in which Cleinias began. But Cleinias does not deny that the beginning attributed to him is the correct one. A comparison of the way Cleinias actually began with the correct beginning is illuminating. From the evidently martial purpose of certain laws said to have been legislated by Minos the son of Zeus in accordance with his father's instructions, Cleinias inferred the martial purpose of the divine lawgiver. The correct beginning, on the other hand, is to establish first the goal (complete virtue) suitable to a divine legislation. Having established this, one should then investigate the laws said to be divine in order to show that they successfully promote that goal. If this should prove impossible, if the laws said to be divine manifestly do not promote that goal, perhaps one must look elsewhere for genuinely divine laws. (Consider the ambiguity of ζητεῖν τοὺς νόμους in 630e3 and τὸ περὶ νόμους ζήτημα in 630e7-631a2. ζητεῖν means "to search for" as well as "to investigate."

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 seem to us a sufficient reason to accept the emendation.

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The Perfect Law Code

At Cleinias' request, the Athenian shows him how he ought to have defended the Cretan laws. Those laws, he should have said, are not without reason well-reputed among all the Greeks: they are correct laws, since they make those who use them happy, by procuring all the good things. The good things fall into two groups: the human goods, and the divine goods. The human goods depend on the divine goods, and if some city receives the greater (the divine goods), it also acquires the lesser (the human goods); if not, it is deprived of both. The divine goods are the four cardinal virtues. First and highest in rank is good sense or intellect (wisdom); second is moderation or self-control; justice, which is a mixture of good sense and moderation with courage, is third; courage is fourth and last of the divine goods. Health is the leader of the human goods; beauty is second; third is strength; fourth is keen-eyed wealth, if it is guided by good sense (631b3-d1).

The Athenian's statement implies that the wise lawgiver's ultimate goal is not, strictly speaking, complete virtue. His ultimate goal is happiness. Happiness consists in the possession of the good things, which include the virtues, but also the human goods: health, beauty, strength, and the right kind of wealth. To be happy, then, one must

53In 631c7, we read μετὰ νοῦν ("after intellect") with the MSS instead of μετὰ νοῦ ("with intellect") with Eusebius and most edd.
possess the human goods in addition to the virtues. But the statement given of the relation between the virtues and the human goods implies that the lawgiver may, nay he must, aim directly at complete virtue in order to achieve his ultimate goal. The possession of the virtues is the necessary and sufficient condition for the possession of the human goods. But is this statement of the relation between the virtues and the human goods true? Is the possession of the virtues really the necessary and sufficient condition for the possession of health, beauty, strength, and the right kind of wealth?

After concluding his classification of the good things, the Athenian says that their order has been established by nature, and must be followed by "the lawgiver." He no longer tells Cleinias, at least not directly, what he ought to have said in defense of the Cretan laws or lawgiver. Instead he tells him what "the lawgiver" must do at all times. Speaking in this way, he goes on to give "a comprehensive if extremely succinct summary of the task of the legislator" (Strauss 1975, 9). The summary is difficult on account of its extreme conciseness. (England expresses the wish "that Plato had lived to rewrite this whole passage.") But its parts are indicated clearly enough: they are separated from one another by such temporal phrases as "and after this, [the lawgiver] must . . ." These phrases indicate, moreover, that the several parts of the legislator's task have a definite order. Some commentators have observed the correspondence between
the order here given of the parts of the legislator's task and the order which the Athenian himself, when he elaborates a new law code later in the Laws, chooses to employ in executing his task (Des Places, note on 632c; Friedländer 1969, 557-58).

To begin with, the lawgiver must proclaim to the citizens that all his commands are directed towards the human and the divine goods; that the human goods are directed towards the divine goods; and that the divine goods, and so all goods, are directed towards their leader intellect (631d2-6).

"And after these things," the lawgiver must regulate marriages, procreation, and the raising of children from youth even to old age. He must blame and praise correctly, through the laws themselves, the wrong and the right kind of pains, pleasures and desires; and he must teach and define by the same means (praise and blame) what is noble and what is base with respect to all the fears, furies, and other disturbances of the soul that result from terrible

54It is curious that the Athenian describes even the oldest citizens as children. See 631d7-e2, where νέων ὄντων and ἱόντων are clearly in apposition to παιδῶν in d7. As Ast indicates, the only alternative to this construction that is at all satisfactory is to take παιδῶν as governed by γεννήσεων, but νέων ὄντων and ἱόντων as governed by τροφαῖς. This construction, however, besides being less natural, creates a similarly odd result. It supposes that the Athenian applies the word τροφῆ ("raising, bringing up"), a word ordinarily used in reference to children only, to "the care bestowed upon the aged" (England): that is to say, it does not remove the strange suggestion of the more natural construction of the words, that even the oldest citizens must in some respects be
misfortunes or great prosperity (663ld6-632bl). "And after these things, the lawgiver is compelled" (the lawgiver would prefer, were it possible, to refrain from these measures) to watch over the acquisitions and expenditures of the citizens, and the associations that they form and dissolve, voluntarily or involuntarily (cf. Aristotle Nicomachean Ethics 1131a2-9). He must observe what is just and what is not in all these cases, and distribute honors to the obedient, but impose fixed penalties on the disobedient. All this he must do "until, having arrived at the end of the whole political order, he sees what sort of burial there ought to be for each of those who have died, and what honors ought to be distributed to them" (632bl-c3).

The two parts of the Athenian's summary that we have just paraphrased seem intended to show how the legislator ought to regulate the lives of citizens from birth to the grave so as to promote moderation (631d6-632b1) and justice (632b1-c3). The next part treats the intellectual virtues. "And the one who has established the laws, having surveyed them, will" -- oddly, the Athenian does not say that he must -- "set up guardians for all these, who will proceed, some through good sense, others through true opinion, in order that intellect" -- the legislator's own intellect insofar as it is embodied or reflected in the laws, but also that of the guardians -- "having bound all these things treated as children.

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together, may reveal them as subservient to moderation and justice, not to wealth or love of honor" (632c3-7).

The Athenian had said that the lawgiver must proclaim to the citizens that all his commands are directed towards intellect (631d2-6). He now suggests that all the legislator’s measures must be subservient to moderation and justice. We could reconcile the two statements by distinguishing between the lawgiver’s speech and his deed: while he must proclaim to the citizens that all his arrangements are subservient to intellect, in fact he must subordinate them to moderation and justice. This explanation, however, merely forces us to restate the difficulty. The Athenian said that the lawgiver must follow the natural order of the good things. According to that order, intellect and good sense are superior to moderation and justice. Yet he now suggests that the legislator must subordinate the highest virtue intellect to moderation and justice, in other words, must use his own intellect (and that of the guardians who will preserve his work) to promote those two inferior virtues only. Strauss interprets as follows: “Good sense and Intellect must be effective in legislation and even to some extent in the execution of the laws, but they are not that to which legislation is ordered.” But his explanation is enigmatic. He refers us to the Athenian’s suggestion that death is “the end of the whole polity (politeia)” (1975, 9). Later, referring back to this passage, he reminds us of the Athenian’s suggestions that
wisdom is politically weak and that even the wisest laws, even laws formulated by the wisest man or god, are of defective rationality (ibid., 47, 130). We will discuss these suggestions in the proper place.

The Human Origin of the Dorian Laws

The Athenian's speech began as a eulogy or defense of the Cretan laws. He suggested that he wanted to show how properly to praise them by interpreting them in a manner consistent with their high origin. Yet he seemed to forget them almost immediately. He spoke of the natural order that "the lawgiver" must always follow. Now, at the end of his speech, he returns to the Dorian laws. He wanted and still wants Cleinias and Megillus to explain "how all these things" he has mentioned "are in the laws said to be from Zeus and the Pythian Apollo, which Minos and Lycurgus legislated," and why it is that the orderly arrangement of those things in the Dorian codes is clear "to one who is experienced concerning laws whether as a result of knowledge or a certain habituation," but is in no way clear to "the rest of us" (632d1-6). That the Athenian includes himself among those who do not recognize this, and that he now indicates more clearly than before his doubts as to the divine origin of the Dorian laws (they are "said to be from Zeus and the Pythian Apollo") confirms what was already sufficiently obvious: his speech, instead of being a eulogy or defense of the Cretan laws, was a sketch of the standard against which those laws
must be judged. It tells us what the goals of a perfect law code would be and how it would promote them. Accordingly, the Athenian now imposes on the two Dorians the task of showing that their laws meet this standard. England rightly explains the connection between this task and the alleged origin of the Dorian laws as follows: the Athenian "wishes his companions to demonstrate, if they are to make good the assertion that their laws are divine (624a3) and therefore perfect, . . . that the laws possess all the advantages just enumerated; i.e. that they foster all the virtues" (emphasis mine). The two Dorians do not object to the Athenian's proposal: they seem to grant that the standard he sketched is correct.

At Cleinias' request, the Athenian shows how the demonstration that the Dorian laws meet that standard ought to proceed. Deferring apparently but, as we shall see, only apparently, to the Dorians' own customary ranking of the virtues, he says that they ought to begin by considering the Dorian institutions that promote courage. Next, if the two Dorians wish, he and they will consider a second and a third kind or form of virtue. Finally, if god wishes, they will show how all the laws and institutions that they have discussed are aimed at virtue as a whole (632d7-e7).

Confident that it will be more difficult to show that the Cretan laws promote courage than that the Spartan laws do so, Megillus asks the Athenian to "try to judge first this praiser of Zeus" (i.e., Cleinias). The reasonableness of his
confidence is perhaps indicated by the sequel. When the Athenian asks both his interlocutors to name those Dorian institutions, besides the common meals and gymnastics, that were devised with a view to courage or war, it is not Cleinias but Megillus who responds. Both he and any other Lacedaemonian would mention hunting in this connection. And he at least would mention certain Spartan institutions aimed at cultivating the ability to endure and bear up against pain, toil, and heat. He concludes by saying that it would be impossible to mention all the Spartan institutions aimed at cultivating this kind of endurance (633a1–c8).

In his response, the Athenian articulates (but at the same time corrects slightly [Strauss 1975, 10]) the understanding of courage that was implied by Megillus' enumeration: courage is the proper control of pain and fear. Accepting this understanding of courage as far as it goes, he broadens it by suggesting that courage comprises also the proper control of "longings, pleasures, and certain cajoling flatteries" (633c8–d3). Although this control of pleasures and longings seems to belong to the province of another

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55 He seems to suggest that other Spartans might not be so willing as he to speak of these. The reason may be this: at least two of the institutions he mentions were much criticized by the other Greeks. The "certain robberies" (δραπαγαίτισων) in 633b8 refers to the encouragement given at Sparta to theft, which is described by Xenophon in the Regime of the Lacedaemonians II 6–8. The "certain secret-service" (κρυπτεία τίσ) in 633b9 "was a practice which seems to have involved a systematic terrorism exercised over the enslaved Helot population" in Lacedaemon (Pangle 1988, 515n. 31; see also the sources there cited).
virtue (moderation, or perhaps self-control), Megillus accepts it as a part of courage. Nor does he object when Cleinias emphatically affirms that succumbing to pleasures is much more worthy of reproach than succumbing to pains (633d4-e6). He seems to grant that moderation or self-control is more important than courage narrowly understood: he seems to grant the superiority of moderation to courage that was asserted in the Athenian’s previous speech.

Despite the broadening of courage to include moderation, the task of showing that the Dorian institutions promote courage should not be difficult. For, as Cleinias agrees, the Spartan and Cretan lawgivers, being inspired by Zeus and Apollo, could not have failed to promote both sides of courage: divinely inspired lawgivers could not have made so great a blunder. Nevertheless, when the Athenian urges his interlocutors to name those Spartan and Cretan institutions that promote the side of courage that consists in the proper control of pleasures (i.e., of the desire for them), they are somewhat at a loss for an answer. Megillus could perhaps mention (at most) a few insignificant parts of the Spartan system that promote this side of courage. Cleinias has a similar difficulty in meeting the Athenian’s request (634a1-634c4).

The two Dorians’ inability to meet that request, to show that their laws promote that side of courage which is akin to moderation, suggests that the Dorian laws are radically defective. The Athenian does not draw this conclusion: he
does not think that he has examined the Dorian laws with sufficient thoroughness to warrant his drawing it just yet (635b2-3; cf. 634d4-5). But, after saying that the Dorians' inability to meet his request is not surprising, he suggests that he and they should give a gentle reception to the arguments of one of them who should blame something in the Dorian (or the Athenian) laws, not with any malicious intention, but wishing to see "both what is true and what is best" (634c5-9), that is, "the truth about the laws of the city in question and the best which may differ from those laws" (Strauss 1975, 10). Cleinias agrees. He does not repeat his former objection, that such criticisms tend to cast doubt on the wisdom of the Dorian lawgivers. Yet he remains convinced that divine lawgivers must be wise (634a1-5). Hence his willingness to consider criticisms of the Cretan laws suggests that he has become more open to the possibility that his original claim or contention, that the Cretan lawgiver was divine, is false.

To explain why he would be more able than his interlocutors to express criticism of the Dorian laws, the Athenian mentions a real or supposed Dorian law ("one of the noblest") which forbids the young to criticize any of their institutions, but instead commands everyone to say with one voice that all their laws are noble "since gods legislated them," and not to tolerate dissent on this point. Still, one of their old men, if he happens to discover some defect in the Dorian laws, may make "speeches of this sort" (speeches
that contradict the doctrine that all the laws are noble because gods legislated them) to a magistrate and one who is his own age, provided no young person is present (634d5-e6). He may do so under the conditions mentioned because that doctrine is untrue, because the Dorian laws were not legislated by gods and hence may well contain defects. Still, the law which commands everyone to express that doctrine in public, and not to tolerate dissent from it, is one of the noblest Dorian laws, because it protects those laws from unwise or irresponsible criticism. Cleinias and Megillus have obeyed that law in the present conversation by adhering in the presence of a stranger to the contention that the Dorian laws are divine and therefore perfect.56

56Does the Athenian mean to suggest that they adhered to it simply in order to comply with this law, or to protect the Dorian codes from criticism, and not because they believed in the truth of that contention? Bolotin, in his review of Strauss’s commentary, says that “Strauss points to Plato’s clear indication” in this passage “that the Cretan Cleinias had only been pretending -- in order to forestall hasty criticism -- to believe in the divine origin of his city’s laws” (1977, 669; emphasis mine). He does not explain what that clear indication is. Strauss says this: “We see here that the answers given by the two Dorians at the very beginning” (their answers to the question of the origin of the Dorian laws: see especially 624a3-6, where Cleinias gives “what is at any rate the most just answer”) “were ‘most just’ in the precise sense of being legal or in full agreement with the Dorian laws” (1975, 11; cf. p. 3). To us it seems that this statement leaves open the possibility that, whatever doubts he may have had, Cleinias was not simply pretending to believe, that he had not entirely liberated himself from belief in the divine origin of his city’s laws. Bruell says that the Athenian here “succeeds in making it clear to the old men themselves (or clearer than it had been) that the claims of divine origin had been made to protect their codes from unwise criticism” (1994, 22; emphasis mine).
In his response to the Athenian's statement, Cleinias praises him highly: although far away (in time) from the legislator, the Athenian seems, just like a soothsayer (prophet), to have correctly guessed his intention (634c7-635a2). The Athenian has correctly guessed, in other words, that the Cretan lawgiver Minos ordered everyone to say with one voice that all the Cretan laws are noble since Zeus legislated them in order to protect those laws from unwise or irresponsible criticism: the divine origin of the Cretan laws is a fiction. Since, however, this is a private conversation among old men, Minos would surely not object if the Athenian and the two Dorians should now criticize those laws. (Their criticism will conform to the spirit, if not quite to the letter, of one of the noblest Dorian laws.) Cleinias agrees. And he adds that the Athenian need no longer restrain himself from "censuring" the Cretan and Spartan codes, especially since a clear understanding of their defects may lead to the discovery of a cure or remedy (635a3-b1). The laconic Megillus does not object.

The Divine Law

We observed that according to Strauss and Avicenna, the Laws contains the classic philosophic treatment of prophecy and divine law, and, in particular, of the difference between genuine and spurious prophecy. We concluded that the method used in the beginning of the Laws to refute the pretensions to prophecy associated with the Cretan and Spartan law codes,
to show that they are spurious, should be applicable in principle to all such pretensions, or should tell us how the philosophers are able to refute them. The refutation of the pretensions to prophecy associated with the Cretan and Spartan codes is now complete. Cleinias has been brought to admit that the alleged divine origin of the Cretan or the Dorian laws, their alleged origin in prophecy or revelation, is a fiction. Therefore we should now be able to understand the method in question.

How then does the Athenian stranger refute the contentions of Cleinias and Megillus that the Cretan and Spartan law codes were communicated by Zeus and Apollo? He begins with arguments intended to show that what the two Dorians believe to be the goals of those codes are not the goals of a good law code. These arguments make a great impression on the Dorians. But their claim or contention that the Dorian codes are divine initially prevents them from concluding from those arguments that the Dorian codes aim at the wrong goals: law codes revealed by gods are perfect, and so cannot aim at the wrong goals. They are at a loss how to reconcile this implication of their claim with the apparent incorrectness of the goals of the Dorian codes (see 628e2-5 and esp. 630d2-3). The Athenian suggests a way of resolving

57As for the more reticent Megillus, we can at least say that he does not object to Cleinias' reinterpretation of the divine origin of the Cretan or the Dorian laws or to the practical consequence that Cleinias draws from it, that the
the difficulty, a way that is fully consistent with their claim. Since the Dorian codes are divine (the Athenian grants this premise), they cannot aim at the wrong goals, cannot be imperfect. Hence the appearance that the goals of the Dorian codes are incorrect must have been a result of misinterpretation (630d4-7). In order to correct that misinterpretation, in order to understand the divine and therefore perfect codes, the Athenian suggests that he and they consider what the goals of a perfect law code must be. They do not object to this procedure (630d9-631b2). After he has sketched the standard of a perfect law code (631b3-632c7), a standard whose correctness they do not dispute, he imposes on the two Dorians the task of reinterpreting the Cretan and Spartan codes in conformity with that standard by showing how those codes promote the goals of a perfect law code (632d1-e7). This they prove unable to accomplish (634b7-c4). It becomes clear to them that those goals are very imperfectly promoted by the Dorian codes, in other words, that the Dorian codes are very imperfect. This conclusion contradicts the implication drawn by both the Athenian and themselves from the premise that the Dorian laws are divine. The Dorians therefore feel compelled to abandon that premise. They admit that the divine origin of the Dorian laws is a fiction that was devised by the Dorian Athenian need not restrain himself from censuring "our" laws (635a6-b1).
lawgivers to protect their laws from irresponsible or unwise criticism (634e7-635a2).

The Athenian argues on the basis of the premise of his interlocutors: the Dorian codes are divine and therefore perfect. Since a genuine refutation of any position must begin from premises granted or shared by those who hold it, one might say that this fact is rather unremarkable. But it will not appear so to those who are familiar with the Enlightenment refutations of the Biblical revelations, and who know that all or most of these ‘refutations’ fail to meet this requirement. The next step of the Athenian’s refutation might lead one to conclude that Plato has made the same mistake. The Athenian suggests that in order to understand the divine law codes, they should consider for themselves, that is, by their own lights, what the goals of a perfect law code must be. But is it not the case that we can learn the requirements of a perfect law code only from the divinely revealed codes themselves? The contrary assumption leads to the acceptance of a standard for judging the codes said to be divine, for determining whether or not they are truly divine. It is true that the Athenian’s interlocutors accept that assumption. But would others, would all those who assert claims similar to theirs accept it? We will have to return to this difficulty. For the moment, we will assume that the Athenian’s interlocutors are typical representatives of the kind of claim they assert. Once they have understood with the Athenian’s help the requirements of a perfect law code
(and have observed that the Dorian codes do not fulfill those requirements), they are unable to maintain their claim or contention as to the divine origin of the Dorian codes. They reject as spurious the prophecies by which those codes were said to have been communicated. We can say, then, that their claim or contention that the Dorian codes were divinely revealed or inspired rested on a lack of clarity about the requirements of a perfect law code. The perfection of the perfect law code proved to consist in the fact that it procures all the good things. What the two Dorians acquired with the Athenian's help was greater clarity about the good things (especially one class of good things, the virtues), and about the manner in which a perfect law code must procure them. We can say, then, that their claim or contention that the Dorian codes were divinely revealed or inspired rested on a lack of clarity about the good things (especially the virtues) and the political means to the good things. If the Athenian's method of refuting the pretensions to prophecy associated with the Cretan and Spartan law codes is applicable in principle to all such pretensions, it would seem that all such pretensions rest on a lack of clarity about these matters.

We now return to the central difficulty. Does the Athenian's refutation rest on premises granted or shared by all those who assert pretensions to prophecy? In the Euthyphro, Plato presents another attempt by a philosopher to refute pretensions to prophecy. There Socrates tries but
fails to show a very confused man that his pretensions to prophecy are spurious. His failure suggests that some of those who assert pretensions to prophecy would not grant everything that Cleinias and Megillus grant to the Athenian stranger. It suggests that the Athenian stranger's method of refuting their pretensions to prophecy is not capable of being applied with success to all such pretensions. If this is correct, then the conclusion we drew from it, that all such pretensions rest on an unnatural condition, a lack of clarity, cannot be confirmed in all cases, and to that extent, remains hypothetical. If, however, one could show that all those who assert such pretensions have a similar lack of clarity, a similar confusion; that the acquisition of clarity, though not possible in every case, has always a tendency to weaken the force of the belief in prophecy; and that perfect clarity destroys such belief -- if one could show all this, one might have a reasonable confidence in that conclusion. The Laws does not show all this. It does however contain the clearest suggestion in the Platonic corpus that the belief in revelation depends on a lack of clarity. And, more importantly, it contains the clearest indication, certainly in the Platonic corpus, perhaps in all of classical philosophy, of the most important evidence of that dependence, by indicating (through a conversation capable of being reproduced and hence verified by the reader) the effect of the acquisition of greater clarity on the believer in prophecy (revelation): it tends to destroy his
belief. Perhaps this is the most important reason why Strauss and Avicenna regarded the Laws as the classic philosophic treatment of prophecy (revelation).

Strauss suggests that the method employed by the Athenian stranger to refute spurious pretensions to revelation was applied to the Islamic and Jewish law codes by certain medieval Islamic and Jewish disciples of Plato (by Alfarabi, Avicenna, Averroes, and Maimonides, among others). These philosophers proceed on the basis of the premise that the Athenian adopts in his treatment of the Dorian codes. The Islamic or the Jewish code is divine and therefore perfect. Moreover, their view as to what constitutes perfection in a law code is derived in the first place from Plato’s Laws.\textsuperscript{58} In order to maintain that the Islamic or the Jewish code actually conforms to the requirements of a perfect law code, the philosophers in question are compelled to depart from its traditional interpretation, to reinterpret it in accordance with those requirements; they reconcile the appearance that it aims at the wrong goals, or promotes them in the wrong way, with the implication of its presumed origin (viz., its perfection), in precisely the manner suggested by the Athenian. Yet, whereas Cleinias and Megillus found it impossible to reinterpret the Dorian codes in this manner -- those codes too obviously fell short of the requirements of a perfect law code -- the medieval philosophers are more

\textsuperscript{58}See Strauss 1995, especially pp. 75-76, and Strauss 1990,
successful in their reinterpretations of the Islamic and Jewish codes. From this it might seem that, although the method employed in the Laws is also employed by the medieval philosophers, their application of it has the opposite result, namely, that of confirming the pretensions associated with the Islamic and Jewish codes. On the other hand, their method of interpreting the Quran and the Bible, and its results, are according to Strauss largely determined by their Platonism. In the Laws,

in accordance with a kind of interpretation anticipating the philosophic interpretation of the revealed law among the medieval thinkers, Plato transforms the 'divine laws' of Greek antiquity into truly divine laws, or recognizes them as truly divine laws. In this approximation to the revelation without the guidance of the revelation we grasp at its origin the unbelieving, philosophic foundation of the belief in the revelation. Plato’s approximation to the revelation furnishes the medieval thinkers with the starting point from which they could understand the revelation philosophically. (Strauss 1995, 76)

Plato could recognize the 'divine laws' of Greek antiquity as truly divine only by transforming them into truly divine laws through 'interpretation', through a kind of 'interpretation' that proceeds without the guidance of the 'divine laws' themselves. By transforming them in this way he not only anticipated the method of 'interpretation' employed later by the medieval thinkers (above all the so-called allegorical method of interpreting Scripture) but also predetermined its main results. For by doing so he showed them the necessary character (above all the necessary goals) of the truly divine

especially pp. 5 and 17. 63
laws, and so furnished the starting point for their philosophical understanding (i.e., their transformation) of the 'divine laws' of medieval Islam and Judaism, for their recognition of those laws as truly divine, or, if you like, for their belief in the revelation. Still, as we have observed already, the medieval philosophers are more successful in their transformations of the 'divine laws' of medieval Islam and Judaism than is Plato's Athenian stranger in transforming the 'divine laws' of Greek antiquity. His transformation is so radical and far-reaching that it has the effect of leading his interlocutors to reject the pretensions to divine origin of the Cretan and Spartan codes. The medieval transformations were also radical and far-reaching. The most radical medieval rationalists "surrender in metaphysics all or almost all of the characteristic doctrines of the revelation in favor of Greek philosophic doctrines" (ibid., 74). Nevertheless, their transformations of the Islamic and Jewish codes were more successful: they persuaded many, and they did not, generally speaking, have the effect of producing disbelief in the divine origin of the Islamic and Jewish codes. How is this difference to be explained? Must it not be explained by the superiority of the materials they transformed? Must it not be explained by the superiority of the 'divine laws' of medieval Islam and Judaism to the 'divine laws' of Greek antiquity? Must it not be explained, in other words, by the wisdom contained in the Quran and the Bible?
III Education

Moderation

The Athenian has not yet completed his critique of the Dorian codes (635b2-3). He now repeats his request that his interlocutors show how their laws promote the virtues. Their former attempt to show this was briefly interrupted after it appeared that they were at a loss to say how their laws promote that side of courage which seemed akin to moderation. The Athenian now simply asks them to show how their laws promote moderation (635e4-636a6): he drops "the somewhat forced . . . interpretation of moderation as the better half of courage" (Strauss 1975, 11). Megillus again admits that he cannot easily show this. But he suggests that perhaps the Dorian common meals and gymnastics promote moderation in addition to courage (636a2-3).

The Athenian grants that these institutions have many beneficial effects. He seems not to doubt that they promote courage or at least ferocity (636a6-b4). But they seem to have the effect of promoting the opposite of moderation. They seem to have corrupted what is according to nature concerning the sexual pleasures. They encourage indulgence in the pleasure that results from homosexual acts. And, whereas the pleasure that results from heterosexual intercourse in the service of procreation seems to be according to nature, that which results from homosexual acts seems to be contrary to nature (636b4-c7). Moreover, everyone accuses the Cretans in particular of having
deliberately promoted the latter. They invented and gave a legal sanction to the myth about Zeus' homosexual relations with Ganymede. "Since their laws were believed to have come from Zeus," they did this in order that they might appear to be imitating the god in their enjoyment of this kind of pleasure (636c7-d4).

The Dorian common meals and especially their gymnastics encourage indulgence in the wrong kind of pleasure. This is no trivial shortcoming; for pleasure is one of the two springs from which the individual or city that is to be happy must draw in the right manner (636d6-e3). On the other hand, the Athenian admits that the Dorian common meals and gymnastics are in many respects beneficial. Their harmful effect then has to be weighed against their beneficial effects (consider 636a6-b1). The case of the Cretan laws, however, differs from that of the Spartan laws. Their promotion of homosexual pleasure is not accidental but intentional. It seems that they can be condemned without further argument as intentionally promoting an improper posture towards pleasure, as promoting the opposite of moderation. Cleinias, though expressly invited to come to the defense of the Cretan laws, fails to do so. He tacitly admits that the myth about Zeus and Ganymede was invented by the Cretans with the purpose suggested by the Athenian, and that the Cretan laws are defective with regard to the promotion of moderation. Accordingly, the examination of the Cretan laws now comes to an end.
Megillus, on the other hand, is eager to defend the Spartan lawgiver. He does not contradict the Athenian's condemnation of homosexuality; nor does he deny that the Spartan common meals and gymnastics have the effect of promoting it. He insists, however, that the lawgiver is not to blame. So far was he from condoning indulgence in homosexual pleasure that he ordered the Spartans to flee every kind of pleasure. He did this correctly, and the Spartan laws concerning pleasure are most noble (636e4–637a2). (Megillus implicitly rejects the Athenian's earlier suggestion about the proper method of promoting moderation [635c3–d6; cf. 632c8–634c2].) As a proof of their excellence, Megillus observes that they expelled from Sparta what most of all leads human beings to succumb to great pleasures and wantonness (ὑπαρσία, the opposite of moderation59) and every folly, viz., symposia, and everything that accompanies them. Such things are not seen in places subject to the Spartans; nor is there any Spartan who would not immediately chastise with the greatest penalty someone he found reveling in drunkenness, even if that person had the festival of Dionysus as a pretext for his indulgence. He himself, he adds, has seen such things both in Athens and elsewhere (637a2–b5). In short, Megillus' praise of the Spartan custom is coupled with a condemnation of that of the

59The word ὑπαρσία has no precise equivalent in English. (It is usually translated "insolence," or simply Anglicized.) It is the usual Greek term for the opposite of moderation or self-
Athenians, who, like the Cretans, have contrived a kind of divine sanction (the festivals of Dionysus, the god of wine) for their licentiousness.

Drunkenness

The Athenian does not choose to defend the Athenian practice as such. "All such [institutions]" (those that expose men to great pleasures) are praiseworthy when properly regulated; otherwise, they promote laxity. He does not, however, limit himself to this general reaffirmation of his position. He proposes that they consider more carefully the practice of heavy drinking or drunkenness that Megillus had condemned. For, he says, "it is no small thing . . . , nor does it belong to a paltry lawgiver to judge it rightly" (637d3-5). The importance that the philosopher attaches to the question of the merits and demerits of drunkenness is surprising.60

Our surprise increases when he goes on to suggest that the Spartan custom concerning drunkenness (which is, according to Megillus, to abstain altogether from intoxication) might be inferior even to the customs of some barbarian nations, for example, to that of the Scythians and Thracians, who observe no limits whatsoever in their control. We have rendered it throughout as "wantonness".

60England apologizes for the Athenian by saying that "the degree of mental and physical incapacity that was associated with the word μέθη [‘drunkenness'] and its cognates . . . was not so great as that associated with our words drunk and intoxication." The Athenian himself, however, distinguishes μέθη from the ordinary use of wine in moderate quantities.
carousals (637d5-e6). This suggestion, however, serves a dramatic purpose in the discussion. The barbarian nations that he mentions all have something else in common besides their opposition to the Spartan sobriety, something that perhaps could not be said of the Athenians: "they are all warlike nations" (637e1). The mention of this fact leads Megillus to assert as a kind of proof of the superiority of the Spartan custom that "we put all these peoples to flight, whenever we take arms in our hands" (638a1-2).

The Athenian refuses to accept this fact as an adequate proof of the superiority of the Spartan custom. Victory or defeat in war is no clear proof of the excellence or badness of institutions. It is frequently impossible to ascertain the precise causes of victories and defeats. Furthermore, sometimes large cities such as Athens defeat their smaller neighbors whose institutions seem to be excellent (638a3-b4). In these cases, the Athenian suggests, victory and defeat are to be ascribed to differences in size, not to the excellence or inferiority of the institutions of the belligerents.

The Athenian's objection seems to be inconsistent with the view that he had expressed at 631b6-c1 about the relation between the divine goods (the virtues) and the human goods (strength, among others), according to which a city's possession of the virtues is the necessary and sufficient condition for its possession of the human goods. From this it would seem that, on the one hand, a city's worldly
failure, its failure for instance to resist foreign aggression, would be an adequate proof that it does not possess the virtues, and hence that its institutions, not having cultivated the virtues effectively, are defective; and, on the other hand, a city's worldly success, impossible without the virtues, would seem to be an adequate proof of the effectiveness of its institutions in cultivating the virtues. The Athenian seems to deny these implications here. Does he himself disagree with the (implausible, as it seemed to us) thesis stated at 631b6-cl about the relation between the virtues and the human goods? We do not yet have enough evidence to answer this question.

The Athenian proposes an alternative method of evaluating symposia. He suggests quite reasonably that in order to judge symposia rightly, they should consider them in their properly functioning condition; otherwise, they might make the mistake of inferring from an accidental defect in the manner or the circumstances of their use the badness of the institution itself. But he then suggests that in order to apply this method, they must possess knowledge of a perfect symposium, and that such knowledge must be based on first-hand experience. In this way he depreciates the value of Megillus' reprobation of symposia as being based on inadequate experience. Yet he admits that his own experience is also inadequate, since he too has seen only badly conducted symposia. And the fact that not even the Athenian himself possesses the experience required for applying the
method of evaluating symposia that he proposed, implies that it would be useless here. They are compelled to find some other method, more or less independent of experience, of evaluating that institution. The Athenian accordingly undertakes to convey to the two Dorians his own conception of a correctly conducted symposium, which is not based entirely on first-hand experience (638b4-640a3).

To be correctly conducted, the Athenian suggests, a symposium must be regulated by the right kind of ruler. He then gives a description of the qualities that the right kind of ruler would possess (640a4-641a3; cf. 639a2-c6). Still, he can’t help admitting that, if even the symposium conducted as correctly as possible, the well-ruled symposium, should prove to be useless or worse, “someone would perhaps correctly censure” the institution itself (640d9-e1). We need to know what benefit results from well-ruled symposia. Cleinias knows that a well-ruled army produces victory, “no small good.” But he does not see what good the well-ruled symposium would produce. “What great benefit would accrue either to private individuals or to the city from a correctly led (παιδαγωγηθέντος ὀρθῶς) symposium?” In this way -- by using a word that belongs to the realm of education (παιδεία) -- Cleinias “gives the Athenian the cue for his reply: a well-ruled symposion makes a major contribution to education” (Strauss 1975, 15). And, as for the benefit of education, it is not difficult to say that those who have been educated well would become good men; and, having become such, they would fare nobly in other respects, and, in addition, would defeat their
enemies in battle. Education brings also victory, but victory sometimes lacks education. Hence many, having become more wanton on account of victories in war, were filled with ten thousand other evils. Education has never been Cadmean [i.e., Pyrrhic], but many victories for human beings have been and will be such. 641b7-c7

The goodness of victory is more doubtful than the goodness of education: whereas victory frequently promotes wantonness (ὑπεράξιον), the opposite of moderation, and the evils that follow from it, education brings victory but also safeguards the moderation of the victors. The Athenian had suggested before that large cities, on account of their superior size, sometimes defeat and enslave smaller ones whose institutions are excellent (and hence can be presumed to consist of well-educated citizens). He now suggests that education is a sufficient (though not a necessary) condition of victory for large and small cities alike.

Cleinias does not challenge this implication or the Athenian’s assertion as to the doubtful goodness of victories. He seizes upon what is indeed the most astonishing suggestion in the Athenian’s statement, that symposia, if correctly conducted, “tend to promote a great part of education” (he means moderation) (641c8-d2). Many commentators have criticized this suggestion. Yet the Athenian is clearly aware of its implausibility. When Cleinias asks him whether he would be able to show that it is true, he hesitates to reply in the affirmative (641d4-7). Many commentators have also criticized the fact that a large part of Books I-II is devoted to a defense of symposia and
even drunkenness. Isn't drunkenness a trivial matter, unworthy of such a lengthy discussion? The Athenian recognizes that he lays himself open to this criticism. He apologizes in advance for the fact that his defense of drunkenness, "a small matter," will require a long argument. He explains the necessity of a long argument as a consequence of the fact that the proper regulation or reform of drunkenness would be impossible without "correctness of music," which in turn cannot be achieved without "correctness of the whole of education" (642a1-7). That is to say, the necessity of a long argument arises from the great difficulty of explaining correctness of music and of education as a whole. The Athenian uses the trivial subject drunkenness as a means of introducing these subjects of greater importance. But why? Why doesn't he introduce them directly? We will return to this question hereafter. For now it suffices to say this. Cleinias is much less interested in educational reform than symposia. He might not have agreed to a long discussion of education if it did not have as its ostensible purpose the defense of symposia. Yet the discussion of education is necessary. It serves as a kind of correction of the defects in the education of the two Dorians, a correction that makes possible their acceptance of the innovations that the Athenian later recommends.

The First Account of Education
The Athenian hesitates to embark on a discussion of education. Whereas the subject requires long speeches (arguments), he does not want to offend the two Dorians by a display of his characteristically Athenian fondness for speeches (641e2-b2). Fortunately, Megillus and Cleinias do not share their countrymen's feelings about the Athenian love of speeches or at any rate their hostility to Athens. Megillus, being descended from a line of Athenian πρόξενοι, regards Athens as a second fatherland. Moreover, his having been frequently called upon to defend Athens against her Spartan detractors has inspired in him an intense pro-Athenian sentiment, and even a fondness for the sound of the Athenian accent (642b3-c6). Finally, he believes that in one respect Athens is far superior to Sparta. Those Athenians who are good are good in a different or superior way: "they alone are good without compulsion, spontaneously, by divine allotment, truly and not artificially good" (642c6-d1). If Megillus is correct, true excellence is not a product of compulsion; it is a spontaneous growth, a product of divine allotment or chance. But Megillus implies more than this. If true excellence were simply a product of chance, its being found among the Athenians only would be inexplicable. It is the absence (the comparative absence) of compulsion in Athenian life that explains that fact. True excellence, then, is not only not a product of compulsion. It is incompatible with compulsion: it is a delicate plant that withers under the influence of compulsion. Now the Athenian
regime did of course employ compulsion, compulsion that appears insignificant only when compared with that employed, for instance, by the Spartan regime. Yet the regime elaborated later in the Laws undoubtedly employs compulsion more freely than did the Athenian regime. Megillus’ comment therefore suggests for our consideration two questions. Is the comparatively permissive regime of Athens not superior in the decisive respect, in the establishment of the conditions for the development of true excellence, to the regime elaborated in the Laws? And are the laws elaborated here intended to promote true excellence or merely some artificial approximation of it? To the latter question we shall return.

The Cretan too has a friendly feeling towards Athens, the product of a guest-friendship (ξένια) between his family and the Athenians, which originated when his ancestor Epimenides did the Athenians certain favors during a crisis in their affairs.61 Yet Cleinias is much less eager to hear a discussion of education than he is to hear a defense of drunkenness. When the Athenian proposes that they

61642d3-643a1. The stranger had just contrasted the Athenian garrulity with the Cretan “cleverness” (πολύνοια). Bury calls this “a polite way of alluding to the proverbial mendacity of the Cretans” (1926, 59n. 1). It is therefore at least a curious coincidence that we find in the Cretan’s story about Epimenides “a remarkable example of carelessness as to chronology” (Grote 1872, 461n. 1). There seems to be another indication that his departure from the traditional chronology is rather intentional than owing to “carelessness.” He prefaces his story by telling the Athenian that he may perhaps have already heard it “here,” in Crete: i.e., he suggests that the Athenian could not have heard it elsewhere (Strauss 1975, 17).
distinguish what education is and what power it has, explaining that the discussion must proceed through this "until it arrives at the god," viz., Dionysus, the god of wine\textsuperscript{62} -- in other words, that an analysis of education is a necessary preliminary to the defense of drunkenness -- Cleinias bids him proceed to that analysis "if it seems pleasant to you" (643a2-8; cf. 645c7-8).

Speaking for the two Dorians as well as himself, the Athenian says that the chief part of education is correct upbringing, that molding of children's desires which will lead their souls, as much as possible, to an erotic love of the task in the virtue of which they must be perfect after they have reached manhood (643c9-d3). This definition, however, is too general. It does not identify the task or activity in which the mature man ought to be perfect: it does not answer the question as to the comparative choiceworthiness of the various activities to which it is possible to devote one's life. Hence it includes upbringings aimed at making men good at unworthy tasks. Furthermore, it lowers virtue to a merely instrumental role: virtue is the competence necessary to success in any given task. For both reasons, it is unsuitable to the argument in which they are

\textsuperscript{62}So England identifies the god alluded to here. Strauss suggests that Zeus is meant, and therefore that the Athenian intimates that the discussion will have education as its theme until they arrive at the cave of Zeus, that is to say, until the end of the Laws, since they do not reach the cave of Zeus during the remainder of the dialogue (1975, 17). The ambiguity of the allusion is doubtless intentional.
engaged. That argument "probably" belongs to men who believe that correct upbringing is the education, beginning in childhood, to virtue (i.e., to men who believe that virtue is itself the goal of education), the education that makes a child "one who desires and erotically longs to become a perfect citizen" (643d4-644a5).

The stranger suggests that the virtue of the perfect citizen is a certain kind of self-control (compare 644b6-7 and 645b2-3 with 633e1-6 and 626d1-627a2). In order to clarify its meaning, he employs "an image." Each of us, though somehow one, has within him irrational counselors that are opposed to each other: first, pain and pleasure; next, opinions or expectations about future pain and pleasure, which we call fear and confidence respectively. In addition to these we have calculation (λογισμός) with regard to the better and the worse. The image seems incomplete. (Desire and eros are not mentioned, in spite of their importance to the definition of education just given.) The Dorians, however, have no trouble following the Athenian until he adds that calculation, "once it has become the common decree [δόγμα] of a city, is named law" (644b9-d3).

He does not mean that all 'laws' are calculation or right reasoning that has been transformed in the way described. Some laws have their origin in stupidity, caprice, or accident. He employs here the distinction between so-called laws and true laws that is elaborated in the Minos, the Platonic dialogue devoted to the question,
'What is law?'. Here it suffices to say this. By law we mean a command that deserves our respect and obedience. Unreasonable commands do not deserve these. Hence such commands are not laws. Similarly, the Athenian here suggests that all 'laws' that are not founded on human calculation do not deserve the name. According to his statement, however, calculation does not become law until it has been transformed into the common decree of a city. It ceases to be calculation once it has undergone that transformation: calculation is a faculty that belongs to individual human beings. The Athenian's statement seems to mean this. True law, law that deserves the name, is the product of the calculation of the wise lawgiver, the result of his calculation after that result has been adopted as the common decree of a city, as the authoritative body of rules governing right and wrong, noble and base, good and bad. Being authoritative, law does not merely advise: it commands. At the risk of oversimplification, we may say that true law is the result of the reasoning of the wise lawgiver once that result has become 'law' in the ordinary sense of the word.

With a view to clarifying the relation between calculation and law, the Athenian suggests that the Dorians try to conceive of human beings as divine puppets. Whether these puppets have been constructed as playthings of the gods or with some serious purpose, we don't know. What we do know is this. The parts of the human soul just mentioned (pain, pleasure, fear, confidence, and calculation) are like sinews
or strings that, being opposed to one another, drag us at the same time in different directions. "The argument" affirms that one must resist the pull of all these strings except one. That string, which one must always follow, is "the golden and holy leading of calculation." (The argument assumes that, unlike ordinary puppets, we have some control over our leading-strings.) This string (calculation) is called the "common law of the city" (644d7-645a2). But calculation and law are not identical. Besides the difference we have already observed, the guidance of calculation is soft, gentle, and not violent: calculation is (politically) weak. In order that its guidance may be (politically) effective, it needs the assistance of the other strings or sinews of the soul, which are rigid and as hard as iron (645a2-b1). The strings in question are, of course, the only others mentioned by the Athenian: the "irrational counselors," pain, pleasure, fear, and confidence. Calculation obtains the necessary assistance from those steely strings by being transformed into law (whose guidance is therefore neither soft nor gentle nor non-violent). The law (which is, as we have seen, a product of the wise lawgiver's reasoning) is a politically effective substitute for individual calculation because it appeals to those very passions which one who would follow the guidance of calculation itself must resist (644e4-645a1). In following the guidance of law, men are guided partly by the unreasonable passions, and partly by the dictates of someone
else's reasoning. This is surely superior to simple slavery to the passions (Strauss 1975, 18-19). But is it genuine virtue?

The Athenian does not obtrude, as we have done by explaining his hints, the differences between law and calculation. By assimilating the two he is able to suggest that habitual obedience to the law is the same as self-control, i.e., the subordination of the passionate part of the soul to calculation or right reasoning. After completing, however, his account of self-control, which he now describes as a "myth regarding virtue" (645b1-3), he draws an important distinction. On the one hand, the city ought to take over a certain logos from some god or some human knower, and, after having set it down as law, ought to converse with itself and with other cities in accordance with it (645b6-8). The city, the citizen body, cannot live in accordance with reason or calculation in its original, that is to say its genuine, form. The private individual (ἰδιώτης), on the other hand, ought to acquire within himself "the true logos" about the strings that drag us (viz., pain, pleasure, fear, confidence, calculation, and law) and live in accordance with it (645b4-5). The private individual ought to live in accordance with reason itself, his own reason. This does not mean that the virtuous individual will not, generally speaking, obey the law. But his obedience to the dictates of the wise lawgiver's reasoning as embodied or
reflected in the law will be a consequence of the guidance of his own reasoning.

The Athenian concludes that what he has said clarifies both virtue and education (645b8-c3). Yet we seem to have discovered two kinds of virtue: the virtue of the private individual, and the virtue of the citizen. The relation between the two kinds of virtue corresponds to the relation between calculation (reason) and law. To simplify: the virtue of the citizen is habitual obedience to the law and hence to the reasoning embodied or reflected in the law; the virtue of the private individual is obedience to (or living in accordance with) his own reasoning. Which kind of virtue is the proper goal of education? The Athenian had just said that the present argument probably belongs to men who believe that education makes a child "one who desires and erotically longs to become a perfect citizen" (643e3-5). It would seem that education, education as they have defined it, is directed toward the inferior, political kind of virtue. This seems unacceptable. Education worthy of the name surely promotes genuine virtue. Accordingly, the Athenian proposes another definition according to which education aims to produce, not the perfect citizen, but the perfect human being. Yet he does not do so immediately. He wishes first to clarify the character of education as they had initially defined it.

The Benefit of Drunkenness

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The Athenian suggests that, now that the meaning of education has become clearer, their "prodigious length of speech concerning a trivial matter" (drunkenness) might perhaps now be justified (645c1-6). How so? Does drunkenness promote self-control? Drunkenness, we learn, produces a degradation or deterioration of the soul comparable to disease in the body. Cleinias doubts whether anyone would willingly submit to this degradation. Yet, as the Athenian points out, men willingly submit to a temporary deterioration in the power or the beauty of their bodies for the sake of a future benefit. For instance, they willingly drink medicines prescribed by doctors, even when they know that for many days afterwards their bodies will be in such a condition that they would not choose to live if it were permanent. It seems that the temporary deterioration of the soul produced by drunkenness produces or makes possible a lasting benefit for the soul. Drunkenness is a cure for the soul's illness that has an important advantage over the cures for bodily illness: it does not cause pain "at least in the beginning" (646b3-d10).

The Athenian does not explicitly identify the illness of soul for which drunkenness is the cure. But his description of the character of the cure helps to clarify the disease. On the one hand, winedrinking intensifies pains, pleasures, erotic longings, and spiritedness. On the other hand, it weakens perceptions, memories, opinions, and reasonable thoughts. The condition of a drunken man's soul is the same
as it was "when he was a young child." He is as little possessed of self-control (ἔγκρατης αὐτοῦ) as a child (645d4-646a6). It seems that the temporary deterioration of soul produced by drunkenness consists in the lack of self-control characteristic of young children, that is, of those who have not yet been educated. How could this be beneficial? Isn't self-control, after all, the virtue produced by education as they have defined it? Yes. But a lasting benefit might arise from temporarily returning men's souls to their pre-educated state, from temporarily freeing them from the kind of self-control that education promotes, if that kind of self-control differs from genuine virtue. For in that case education produces a kind of illness in the souls of men.

After Cleinias expresses surprise at the suggestion that drunkenness might produce a lasting benefit to the soul, the Athenian says that they "probably" must now try to declare what that benefit is (646d8-e4). But he does not declare what it is, at least not explicitly. There are, he says, two kinds of fear, which are pretty much opposed to each other. We fear expected evils, but we also frequently fear opinion, i.e., bad reputation. This latter kind of fear everyone calls shame. It opposes the greatest pleasures. But it also opposes pains and even "the other fears": i.e., shame also opposes the influence of pain and of the fear of expected evils (the other kind of fear mentioned above, which we may call ordinary fear). For instance, in war shame helps to prevent soldiers from succumbing to the pain of wounds and
the fear of death. It is accordingly one chief cause of victory in war. So important is shame that, according to Cleinias at least, any lawgiver worth anything holds it in great honor, and, while calling it reverence or pious awe (aiðwós), declares that the confidence opposed to it is impudent lack of reverence and a great evil (646e4–647b7). Cleinias goes so far as to suggest that reverence produces not only the fearfulness desirable in citizens and soldiers (the fear of bad reputation), but also the confidence (the expectation or hope of future good) that they must feel in the face of enemies (649b8–c2). This suggestion is somewhat surprising. For how can confidence, the opposite of fear (644c9–d1), be a product of reverence, if reverence is simply the fear of bad reputation? How can fear beget confidence? Cleinias may have in mind the religious connotations of the word aiðwós. Pious men fear the bad opinion of gods as well as men. And they may expect that those who, like themselves, feel reverence and awe and therefore do nothing shameful, are favored by the gods. In any case, the connection between aiðwós and piety suggests that reverence would be especially useful to a lawgiver who should imitate the shrewd policy of the Dorian lawgivers by attributing to his code a divine origin. His citizens' deference to the law would then be supported by fear of the bad opinion of the gods said to have inspired or revealed it.

Does the lasting benefit of drunkenness consist in the promotion of shame and pious awe? Or, on the contrary, does
it consist precisely in the liberation of the citizen from shame and the authoritative opinion that is its source, a liberation that makes possible a correction of the defects of education to citizenship? The Athenian permits us for the moment to draw either conclusion; and he then indicates that both are untenable.

The importance of shame implies that the lawgiver's task is rather difficult. He must make citizens both fearless and fearful: they must be free from ordinary fear, but fearful of bad reputation (647b9-c1). In other words, in addition to courage the lawgiver must cultivate, not so much moderation, as shame, that fear of bad reputation which induces citizens to defer implicitly to the authoritative opinion that is the law's substitute for individual calculation or reason. The lawgiver's task would be considerably easier if there were a drug that induced fear in those who drank it. For it is by exposing citizens to fear and at the same time to strong incentives to resist it that lawgivers habituate them to overcome their fear; and, as things stand now, they must employ difficult and complicated means to produce the requisite fear (638c7-d5; cf. 633a3-c7). There is, however, no such drug. What is available is wine, a drug that induces fearlessness. Might this drug enable the lawgiver to promote with ease the right kind of fearfulness, i.e., shame? Just as exposure to fear under the right circumstances promotes fearlessness, so, one might imagine, exposure to shamelessness under the right circumstances promotes shame.
For it is by being exposed to temptations and at the same time to strong incentives to resist them that one acquires the habit of mastering temptation. Drunkenness, then, since it creates powerful temptations to shamelessness, may be the best condition for practicing resisting such temptations, and so lead under the right circumstances to an increase in the power of shame in the souls of citizens (646c3-648c7).

The suggestion that the complicated means by which lawgivers promote shame might be replaced by properly regulated symposia is attractive. It is, however, absurd. The analogy that suggested it is imperfect. In order to habituate citizens to master the kind of fears that they are likely to experience in war, the lawgiver must, while exposing them to such fears, appeal to other fears, above all to their sense of shame (648b8-c4). Wine, on the other hand, diminishes the power of such incentives as might encourage citizens to resist and so acquire the habit of overcoming the temptations to shamelessness. Wine weakens the power of opinion over us, and promotes “every fearlessness” (645e1; 649b1-6). It therefore weakens the sense of shame, which is a fear of opinion (646e10-647a2), and diminishes our susceptibility to other fears. It removes the conditions which, in the apparently analogous case of courage, make possible the mastery of temptation through exposure to it.

The Athenian himself soon admits the absurdity of his playful suggestion that properly regulated symposia might promote shame. Near the end of Book I, he puts a number of
questions to "the lawgiver," which Cleinias answers on his behalf (649a1-650a10). From Cleinias' answers it appears that wine may be useful in two ways. First, it may be useful for habituating citizens to overcome the temptations to shamelessness. (Cleinias seems not to be altogether persuaded on this point [647d9; 649d3].) Second, it may be useful as a test that reveals the natures and habits of souls: there is no cheaper, safer, or speedier test of the souls of citizens than wine (649a1-650b4).

A few lines after the usefulness of wine in these two ways appears to have been established, the Athenian says this.

What comes after this probably ought to be examined, whether [communal winedrinking] provides this good only, [viz.,] the opportunity to observe our natures -- how they are disposed -- or whether there is also some great benefit worthy of much seriousness in the correct use of the communion in wine [τῆς ἐν ὕμνῳ συνουσίας]. 652a1-5

According to this statement, the preceding discussion has shown only that winedrinking is useful in one of the two ways suggested immediately before, viz., as a test of souls. It has not shown that winedrinking is useful for promoting shame. This is doubtless related to the fact that, as the Athenian now says, winedrinking is useful as a test not so much of the habits of souls as of their natures (652a2-3; cf. 650b6-7). In vino veritas! Wine reveals the real character of men's souls, which is usually suppressed or hidden when they are sober by their habitual shame, their fear of doing or saying anything condemned by authoritative opinion.
(Strauss 1975, 21-22). The source of shame is habituation, and habit becomes weaker under the influence of wine.

On closer inspection, we find that the Athenian suggests that wine might help to promote, not shame, but moderation (647d4-8 and context). Indeed this was his original suggestion about the benefit of drunkenness (641b3-d2). Now, as we have seen, education as it has been defined, education to perfect citizenship, promotes, not moderation, but a certain kind of self-control. It promotes habitual obedience to law, which is the result of the wise lawgiver’s reasoning after that result has been transformed into the common “decree,” or, as we may also translate the word δόγμα, the common “opinion” of the city. Moreover, we also learned that those who possess this kind of virtue are induced to obey the law by the passions, for example, by fear. Shame is the habitual fear of opinion, of the opinion of others, and especially of authoritative opinion about right and wrong, noble and base (646e-647a2). Shame is therefore an excellent means of promoting the kind of virtue in question. But true virtue, the virtue of the private individual, consists in obedience to reason rather than to opinion or passion. It requires a liberation from shame. Wine tends to diminish the power of shame. Might wine, then, promote true virtue by freeing citizens from the influence of shame? The Athenian certainly means to suggest this. His suggestion is not, however, altogether serious.
That it is not altogether serious is indicated by a fact we have already mentioned. At the beginning of Book II, the Athenian implies that the preceding discussion has not shown that wine produces "some great benefit worthy of much seriousness": it has not shown that wine promotes moderation. His earlier suggestion to the contrary serves a temporary purpose. It allows him to reveal, in an indirect and therefore less offensive manner, the chief defect of education as they had initially defined it, education to perfect citizenship, as well as the manner in which that defect would have to be remedied. Its principal defect is its dependence on shame and pious awe, and the required remedy is a certain amount of freedom from those sentiments. The necessity of revealing these things indirectly arose from the peculiarity of the two Dorians. They believed education to perfect citizenship to be genuine education: the definition of education given earlier agreed with their prejudices (consider especially 643e3-6, and 653c5-6, where Cleinias indicates his preference for the first definition of education). In fact, the education they themselves received resembles that kind of education: law-abidingness is the outstanding quality produced by the Dorian education (625a5).

The Athenian's playful suggestion not only permits him to reveal, in an indirect and therefore less offensive manner, the chief defect of education as it has been defined in accordance with the two Dorians' prejudices; it also serves in some degree to correct that defect in themselves.
The Athenian observes that wine, besides weakening the influence of opinion over men, fills them with hope, frankness, and the boldness to say and do everything without fear or hesitation (649bl-5). Since the conversation is about to turn from the Dorian law codes to a new and better code, it seems that wine would be useful for encouraging the boldness, not to say shamelessness, and the liberty of speech and action needed by the two Dorians, whose habitual reverence for their codes might otherwise prevent them from accepting any innovations. It is true that they do not drink wine on this occasion. Yet, according to Strauss, "[t]he talk about winedrinking is a kind of vicarious enjoyment of wine." Thus it has, on the one hand, some of the effects of actual winedrinking: "it loosens their tongues; it makes them young; it makes them bold, daring, willing to innovate." On the other hand, their vicarious enjoyment of wine does not have the undesirable effect of actual winedrinking: it does not impair their judgment (Strauss 1988, 31; cf. 1975, 20-21). Strauss’s suggestion illuminates two puzzling passages. One of these most editors have considered unintelligible. The Athenian speaks of winedrinking as something “now taking place.”63 The other passage conveys the same suggestion.

After the Athenian says that their “prodigious length of

63 τῶν νῦν γιγνομένων (671bl). Most editors, following Eusebius, read τῶν νῦν ἡγομένων (“the things now being spoken [about]”). Among modern translators, Pangle alone retains the MSS reading. It is such fidelity to the text that accounts for the description of his version as “eccentric” (Kahn’s
speech" concerning "the passing of time among the wines" (τῆς ἐν τοῖς ὀίνοις διατριβῆς) might now be justified, the Cretan suggests that they complete the discussion of what concerns "the present pastime" (τῆς νῦν διατριβῆς): Cleinias suggests that their present pastime or occupation is winedrinking (645c3-8; cf. England's note ad loc.). Moreover, Strauss's interpretation explains what no other has explained, the purpose of the Athenian's odd suggestion that winedrinking makes a major contribution to education by promoting moderation, and why that suggestion is subsequently dropped. It serves a temporary purpose. His suggestion is attractive to the two Dorians. It induces them to engage in a conversation about winedrinking that is also a conversation about education. And just as the discussion of education helps to correct their mistaken opinions about education, so the discussion of winedrinking, producing some of the effects of actual winedrinking, helps to correct the defects of their own education. It frees them in some degree from habitual shame and from their pious reverence for the authoritative opinion embodied in their own law codes. Even if that freedom is only temporary, even if it doesn't produce a lasting benefit to their souls, it is necessary in order that they may become suitable partners of the philosopher in the subsequent inquiry.

Footnotes

Foreword to Morrow 1993, xxviii).
The Second Account of Education

The failure of the preceding conversation to demonstrate the great usefulness of symposia was foreshadowed by something the Athenian said when he introduced the subject. In order to understand the proper reform of symposia, one must first understand both "correctness of music" and "correctness of the whole of education" (642a3-7). In the subsequent discussion, however, the Athenian did not even mention the subject 'music'. It is only here, in Book II, that he begins to show the connection between 'music' and education, and to show how, by reforming 'musical education', a lawgiver might avoid some of the defects of the Dorian law codes.

The Athenian says that the argument in which they are engaged probably wants to hint that, besides its use as a test of men's natures, there is another benefit to be derived from communal winedrinking. He conjectures that communal winedrinking, when nobly conducted, safeguards education (652a1-653a3). Before it seemed that symposia make a great contribution to education. Now it seems that they merely safeguard education: "i.e., they do not form part of education itself" (Strauss 1975, 22). Still, according to Cleinias, even this is "a great thing" to say (653a4): that is, even this is hard to believe.

With a view to supporting his conjecture, the Athenian suggests that they "recall once more what in the world we say correct education is." The definition he gives differs
considerably from the one given before. Correct education is aimed at the formation, not of the perfect citizen, but of the perfect human being (653a5–b2). The perfect human being possesses complete virtue. Complete virtue is the harmony or agreement (συμφωνία) between reason and habituation. More precisely, it is the agreement between one’s reason and the likes and dislikes, the affections and aversions originally fostered by one’s habituation. Education supplies one indispensable prerequisite of complete virtue. It is the habituation of children’s affections and aversions to agree with what reason approves and condemns but what they, being unable as yet to think for themselves, cannot know for themselves that reason approves and condemns (653b2–c4). (Hence education must habituate them to like and dislike the right things “without knowing wherefore” [Grote 1992, 319]. It “must appeal to the emotions, not to reason” [Friedländer 1969, 403].) Not its immediate but its ultimate goal is complete virtue or the formation of the perfect human being.

One qualification is necessary. It is a great piece of luck if someone becomes a perfect human being even in old age (653a7–9): very few people are so lucky as to become perfect even after they have received the right kind of habituation and their intellectual powers have reached their full development. Yet education is the habituation of human beings to like and dislike the right things “from the beginning until the end” (653c1), that is, until death. It must ensure that they like and dislike the right things even
if they do not become perfect or acquire that agreement between the passions and reason which constitutes complete virtue. Partly for this reason, education understood as the right kind of habituation ought to receive continual reinforcement. The right kind of habituation and right kind of reinforcement for it take place during the periodic religious festivals. In these men and especially children engage in choral performance (χορεία), which consists of communal singing and dancing. The gods have given us the ability to perceive and derive pleasure from order in sound and motion. The pleasure that results from singing and dancing in an orderly manner (i.e., in a way properly regulated) is the chief instrument of the right kind of habituation (653c7-654b4).

Above all, choral performance should produce and maintain the proper feeling with respect to the noble and the base things by causing human beings to take delight in representations of the noble things in song and dance (654b6-655a2). The Athenian suggests, however, that without knowing what is noble and base in song and dance, we will not know precisely what correct education is (654d5-7). It is perhaps formally accurate to define education as the habituation of children to love and to hate the right things -- things that we may call the noble and the base things respectively. But what are the things they ought to love and to hate? What are the noble and the base things? In order to give the
formal definition of education already given its proper content, we must know what is noble and what is base.

The figures (σκήματα) and tunes (μέλη) of song and dance are representations of human types, for instance, of the courageous man or the coward. It is correct to call noble the figures and tunes that represent the courageous man, and to call base those that represent the coward (654e9-b2). With this preface, and "in order to avoid a lengthy argument about all these things," the Athenian posits the following definition of noble (beautiful) and base (ugly) figures and tunes.

Let the figures and tunes that belong to . . . virtue or some image of virtue all be noble (beautiful). 655b2-5

The image of virtue that the Athenian has in mind may be obedience to reason as it is reflected in law as distinguished from obedience to reason itself. (He had indicated the relation between obedience to law and obedience to reason through an "image" that illustrated the relation between law and reason [644c1ff.].) In any case, his definition re-opens the question, which seemed to have been settled, as to whether public education in the best case promotes genuine virtue (virtue itself) or some kind of virtue that merely resembles genuine virtue (an image of virtue). For the moment, however, he permits that question to remain in the background.

The Athenian feels compelled to offer some explanation of the fact that some people would not accept, at least not
wholeheartedly, his definition of what is beautiful (noble) in music. We do not all enjoy the same kind of music: more particularly, some of us enjoy, and are therefore tempted to regard as beautiful, musical representations of vice. It is true that few or none will say that they enjoy representations of vice, much less that these are more beautiful than representations of virtue (655b9-c8). But many, indeed most people, do in fact enjoy them and even believe or partly believe that they are beautiful (noble). They are merely ashamed to admit that they enjoy them, and to call them beautiful (noble) "in all seriousness." Their ambiguous attitude as to the beauty or ugliness of representations of vice the Athenian explains in the following way. Choral performances are imitations of human characters or dispositions. People enjoy and hence call beautiful those imitations that reflect or agree with their own characters. Yet human character is complicated. It is the product of both nature and habituation, and nature and habituation do not always agree with one another. When they disagree, people may be confused as to the beauty or ugliness of a given imitation (655d8-e5).

Moreover, when nature and habituation are opposed to one another, men pronounce praises in opposition to their pleasures. For they say that [the representations of vice] are pleasant, but degrading. And in front of those whom they think prudent, they are ashamed to move their bodies in accordance with such things, and ashamed to sing them, as if declaring them beautiful (noble) in all seriousness; but by themselves they enjoy these things. 655e7-656a5
The Athenian apparently "does not find it necessary for the argument to consider the case of the man whose nature and training are both bad" (England). Such a man would differ from the people just described in this way. While enjoying, like them, representations of vice, he would, unlike them, not be ashamed to enjoy them or perhaps even to call them beautiful (noble) "in all seriousness." In short, whereas the enjoyment of representations of vice is caused by nature or habituation or both, the enjoyment of representations of vice that is accompanied by shame it caused by a disagreement between nature and habituation.

**Censorship**

The enjoyment of imitations of bad character is harmful, however, even if it is accompanied by shame. For when someone enjoys [imitations of human character], surely at that time he necessarily becomes similar to whichever [imitations] he enjoys, even if he is ashamed to praise them. 656b4-6

The enjoyment of imitations of virtue or vice has a enduring effect on character, especially on the unformed character of children. Hence noble laws will not permit poets to teach children and youths whatever pleases the poets themselves, regardless of whether it promotes virtue or vice (656c1-7). Our musical tastes reflect our character. But character is partly a product of habituation, and music is itself the chief instrument of correct habituation. By judiciously controlling what kind of music the young are exposed to, one
may habituate them to enjoy, more than they otherwise would, imitations of good character, and so increase their affection for and desire to emulate it. The Athenian describes elsewhere what happens where music, instead of being properly censored, is judged by the approval or disapprobation of the many. The poets, instead of elevating the sentiments of the many by presenting imitations of good character, cater to their coarse tastes and hence degrade them even further (659b6-c5). It would be interesting to apply his description to our own times by substituting for the ancient ones the modern forms of ‘music’ and the modern modes by which popular approval and disapproval are expressed; but this is not possible here.

At present, the Athenian says, poets are free to compose as they please in just about every city except Egypt. He then gives an account of the origin of the Egyptian censorship. Long ago the Egyptians recognized that the young should perform or study only noble figures and tunes. Accordingly, after having distinguished which and how many the noble tunes and figures are, they “declared them to be among the sacred things.” All deviation from the music thus sanctified was then forbidden. The result is indeed wonderful. Their music has remained the same -- neither more beautiful nor uglier, and produced by the very same art -- for literally ten thousand years (656d1-657a3).

Perhaps the extreme conservatism of the Egyptians, their refusal to permit deviation from customs ten thousand years
old, explains the inferiority of their other institutions (657a5). Yet the success of their censorship in suppressing innovation is an important precedent. It indicates that "someone who has grasped correctness" regarding music ought to have the courage "to lead into law" the correct tunes so as to make them immutable (657b2-4). There is indeed a natural tendency to seek pleasure in new music; but this tendency is not strong enough to corrupt "the choral discipline [χορεία] that has been consecrated." In other words, in order to be confident that the music he prescribes would remain unchanged, the lawgiver would have to consecrate or sanctify it in some way, perhaps by saying, as the Egyptians say of their music (657a8-b1), that it is the creation of some god.

Still, the fact that novelty in music is pleasant creates a problem for the lawgiver. By consecrating the official music and forbidding all innovation, he would deprive the city's music of an important source of pleasure. And he cannot be indifferent as to whether or not citizens enjoy the legally prescribed music. It was the view that we tend to become similar to those imitations of character that we enjoy that led the Athenian to recommend the censorship of music. This suggests that, besides prescribing that only good character be imitated in the city's music, the lawgiver should ensure that the prescribed imitations of it are pleasant. It might seem that the best solution to the difficulty is to permit some innovation, but only such as
conforms to legally sanctioned standards. We shall see that the Athenian prefers to the Egyptian model a solution of this kind. The chief purpose of the Egyptian digression is evidently this. It encourages the three interlocutors in their search for correct music by holding out the promise that, once they have discovered it, they might establish it by law and so preserve it for ten thousand years or more.\textsuperscript{64} Since music has so great an influence on the development of character, by doing so they would be able to shape human beings for ten thousand years or more.

\textbf{Who Are the Proper Judges of Music?}

The official music of the good city should be pleasant. But this does not mean that that vulgar view, according to which that music is best which is most pleasing to most people (657d9–658a2; cf. 655c8–d2), is correct. For most people find most pleasing the wrong kind of music. The Athenian illustrates the fact that different kinds of people enjoy different kinds of music in the following way. Suppose there were a competition in the city, the prize to be awarded to whoever pleased the spectators most. Probably, one contestant would recite some epic poetry; another would present a song performed on or to the accompaniment of the \textit{kithara} (a kind of lyre or harp); a third would present a tragedy, a fourth a comedy, and a fifth a puppet show (658a4–

\textsuperscript{64} Consider 657c3–4 in the light of 657b2–3.
c3). It is difficult to say who would win such a contest, even if, as the Athenian assumes (Strauss 1975, 26), the quality of each type of performance were the same. For the various spectators would not all find the same type of performance most pleasing. The younger children, if they were the judges, would award the prize to the puppeteer; the older children would prefer the comedian; the young men (τὰ νεὰ καιρίκα), the educated adult women, and "perhaps almost the whole multitude" would prefer the tragedian; while the old men (οἱ γέροντες, a term signifying very advanced age) would prefer the reciter of epic poetry (658a10-68). The Athenian's enumeration is incomplete. Which kind of performance would be preferred by those adult men who are not yet so old as to be included among the γέροντες? Perhaps most of them belong among the lovers of tragedy, since that class comprehends "almost the whole multitude." Yet the fact that the Athenian particularly mentions "those of the [adult] women who have been educated" (αἱ τε πεπαιδευμέναι τῶν γυναικῶν) as belonging to that class seems to suggest that the adult men who have been educated do not belong to it: it seems to suggest that it is possible for some men, as distinguished from all women, to be liberated by education from the love of tragedy that is characteristic of the multitude (cf. 817c4-5 and context).65 Nor is it hard to guess which type of musical

65N.B. The statement in the text contains what we believe to be the correct interpretation of the passage; it is not of course a statement of our own view.
performance these successfully educated men would prefer. They would prefer the only enumerated type that is not assigned to another class or age-group. They would prefer the performances on the kithara. We must confess however that the precise character of this kind of performance, and the full significance of its being preferred by educated adult men, are unclear to us.

However difficult it is to say who would win the supposed contest, it is less difficult to say who would “correctly” win it (658d8-9), or in other words, which performer deserves to win. He who has been preferred by the best judges deserves to win. The Athenian concludes that it

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66 This interpretation is partly confirmed by the order of the two enumerations, 658b7-c3 and 658c10-d9. The latter is obviously chronological: 1) younger children (they prefer puppet shows); 2) older children (comedy); 3) young men, educated adult women, and nearly the whole multitude of adults (tragedy); 4) old men (epic poetry). The former enumeration also has a chronological order, but a descending rather than an ascending one: 1) epic poetry (old men prefer this); 2) kithara performances (the class that prefers these is not explicitly identified); 3) tragedy (preferred by the multitude of adults, the educated adult women, and young men); 4) comedy (older children); 5) puppet shows (younger children). The chronological order of the two enumerations indicates that the unidentified class that prefers performances on the kithara is younger than the old men, but older than the young men.

67 Although uncertain about their significance, we should at least mention two things that the Athenian tells us about the kithara. First, he repeatedly informs us that among the songs produced by it are those called νομός, “laws” (700b, 722d-e, 799e-800a). Second, he characterizes the activity of playing or singing to the accompaniment of the kithara as μονωσία (“solo-singing”) as distinguished from χορωδία (“choral singing”) (764d-e): the kithara is somehow unsuitable to choral performance, i.e., to that communal singing and dancing which is the chief instrument of the right kind of habituation.
is necessary for himself and the two Dorians to say that the contestant preferred by the old men would correctly win the contest; for the character of the old "is held to be very much the best of those that exist nowadays in all the cities and everywhere" (658e1-4). And if the character of the old is best, their musical tastes must be best; for men's musical tastes are determined by their character. But why does the Athenian not challenge the opinion that the character of the old is best? He had just indicated, albeit in a quiet manner, that the tastes (and hence the character) of the old as old differ from those of the educated, i.e., the truly educated men. His concession cannot be owing simply to a polite reluctance to tell the two Dorians that the character of old men like themselves leaves something to be desired. Strauss explains the Athenian's concession by saying that, according to him, "the old must take the place of the wise" (1975, 26): the old, not the wise, must be the judges of music in the good city. But what accounts for this necessity Strauss does not say.

The Athenian adds that the noblest music is "that which pleases those who are best and who are adequately educated, but most of all [that which pleases] the single [man] who is outstanding in [both] virtue and education." These men, and above all the latter man, are the true judges of music (658e6-659a5). By "those who are best and who are adequately educated" the Dorians doubtless understand the Athenian to mean the old. By "the single man who is outstanding in both
virtue and education," he seems to mean the wise lawgiver himself. For in the sequel it appears that the official music of the good city is the product of a kind of compromise between the lawgiver's wisdom and the opinions of the old men who will control that music after he has departed from the scene.

The 'Third or Fourth' Account of Education

"The things now completed by us," the Athenian says, want to hint that the argument has now come "for the third or the fourth time" to an account of education (659c5-d2). His imprecision permits the two Dori ans and the careless reader to suppose that the two accounts of education they will easily recall (643a4-644a2, 652b3-653c4) were the only accounts of education in the preceding discussion. On the other hand, it indicates that there is another account of education, which is not immediately recognizable as such, but which has a special importance here. That account, the second and therefore central of the three accounts, is located at 644d2-645c3 (consider especially 645b8-c3; cf. England on 659c9, and Strauss 1975, 26.) That account elaborated the relation between law and calculation or right reasoning, and the corresponding relation between the virtue of the citizen and the virtue of the private individual. Law is the result of the reasoning of the wise lawgiver once that result has been adopted as "the common decree of the city." The virtue of the citizen,
on the one hand, is habitual obedience to this product of the wise lawgiver’s reasoning. The virtue of the private individual, on the other hand, is obedience to (or living in accordance with) reason itself, his own reason. The next, third account of education confirmed what was already sufficiently obvious, that the latter kind of virtue is superior to the former: it is the virtue of a perfect human being.

Now, in the fourth and final account, education is defined as

the dragging and leading of children toward the logos which has been declared correct by the law and which the most respectable and oldest [citizens] agree [or: 'believe'] on the basis of experience to be in truth correct. 659d1-4

Education, it seems, habituates children not so much to obey the law as to live in accordance with the reasoning (logos) that the law declares to be correct. Yet the Athenian had said in the second account of education that, whereas the virtuous individual must acquire within himself and live in accordance with “the true logos,” the virtuous citizen must live in accordance with “a logos” derived from some god or some human knower (645b4-8). Hence in order to determine whether education as it has been defined aims to produce human virtue or the virtue of the citizen, we must answer this question. Is the logos that the law declares to be correct in fact correct? Is it the true logos in accordance with which the virtuous individual lives? The Athenian suggests that the oldest and most respectable citizens would
believe on the basis of experience that it is correct. But experience is not the same as knowledge; age is not the same as wisdom.

The Athenian goes on to say that the souls of children must be habituated to feel joy and pain in accordance “with the law and those who have been persuaded by the law”: in other words, they must be habituated to feel joy and pain “in the very same things in which the old man [feels them]” (659d4-e1). The goal of education is the character typical of the old, of old men whose passions have been shaped by their belief, a product of persuasion, that the logos declared correct by the law is true. The present, final account of education suggests that in the best case, in the good city, public education promotes the kind of character possessed by the old men in question. It has now become a question of the utmost importance whether the logos declared correct by the law and believed to be so by these men is true. The answer will tell us whether education, the kind of education that the wise lawgiver will establish, aims to produce good human beings or good citizens.

Children are properly habituated, the Athenian adds, by what are called songs but are in reality “enchantments.” Their purpose is to produce “this sort of agreement [συμφωνία] we are speaking about” — he means the agreement of the passions of the young with those of the old.\(^6\) But since “the

\(^6\)Saunders (incorrectly, as it seems to us) takes the συμφωνία
souls of the young are unable to bear seriousness [στουδή]," or, to speak plainly, since the grave character typical of the old is unattractive to the young, the enchantments cannot achieve their purpose unless they are presented to them as games and songs, just as to the sick and to people whose bodies are feeble those whose concern it is [i.e., physicians] try to administer the useful nutriment in certain pleasant foods and drinks but the worthless nutriment in unpleasant ones, in order that they [the patients] may welcome the one, but be correctly habituated to hate the other. 659e5-660a3

The correct lawgiver (ὁ ὅρθος νομοθέτης) will employ music in the very same way as physicians employ pleasant food and drink (660a4-8). The pleasure that music affords is a kind of sugar-coating that serves to make palatable a bitter pill. It habituates children to enjoy what they are naturally disinclined to enjoy, viz., imitations of the kind of character that education aims to produce: the right kind of character becomes attractive to them through habituation and only through habituation. For when the physician mixes wholesome but distasteful food with pleasant ingredients, he does not change the unpleasant character of the former by itself. From this it appears that children's affection for the wrong things and their aversion to the right things can never be quite overcome. This is apparently why education understood as the right kind of habituation requires constant reinforcement (653c7ff.), and why not only children but citizens of all ages must so to speak constantly sing and

mentioned here to refer to that described back at 653b (1970, 107)
enchant themselves with the officially approved songs (664a4-6; 665c2-5). In the best case, in the good city, these songs will have for their theme or their text the logos or doctrine that is declared correct by the law and agreed to be correct by the oldest citizens. Let us examine that doctrine.

The Reformed Music of the Good City

The Athenian concludes his final account of education by saying that the correct lawgiver will persuade or compel the poets to present imitations of good men only. He denies that the kind of censorship he demands is currently employed by any actual city. When, however, Cleinias insists that the Dorian censorship at least closely resembles it, the Athenian responds to this claim in a familiar way (cf. 630d-631b). He accepts it for the moment, and spells out its implications: he describes what the doctrine expressed in the Dorian music must be if Cleinias' claim is true.

Presumably, then, the Dorians compel their poets to say that the good man, being moderate and just, is happy and blessed, regardless of whether he is large and strong or puny and feeble, and regardless of whether or not he is wealthy; even someone who possesses fabulous wealth, if he is unjust, is miserable (660e2-6). We can state the point more generally thus. The possession of the virtues is the necessary and sufficient condition of human happiness; but this is true not, as was suggested earlier (631b6-d1),
because the divine goods (the virtues) somehow guarantee the human goods (they do not guarantee them), but because human happiness is not at all affected by the possession or lack of the human goods (a just and moderate man is happy whether or not he possesses them). In a word, the divine goods (the virtues) are the only goods. This is difficult to believe. (In this connection, consider the Athenian's failure to mention, among those goods that the virtuous man does not need in order to be perfectly happy, the first or chief of the human goods, health.)

The Dorians do not in fact compel their poets to express the doctrine stated. The Athenian indicates this by illustrating it with a phrase that an actual Dorian poet, Tyrtaeus, had used to illustrate a different doctrine (cf. 660e5-6 with Tyrtaeus Elegiae fragment 9, line 6 and context; and see 629a1-b3, 629d9-e6). He goes on to quote the same poet more at length, again wrestling his words from their context and imputing to the poet a doctrine he had never expressed. Yet the doctrine he now imputes to Tyrtaeus is very different from the doctrine which he just described as the official Dorian doctrine and which he used that poet's words to illustrate. Tyrtaeus, "if in fact he speaks correctly," says this.

I would memorialize or record in speech no man who does not do and possess with justice all the things called noble. And in fact, if he is of this sort, I would have him assail enemies in close engagement; but if he is unjust, I would not have him boldly persevere in sight of bloody death, nor
outrun the Thracian Northwind, nor ever obtain any of the things called good.\textsuperscript{69}

In his poetry, Tyrtaeus insists, only the just will prove courageous; the unjust man will neither escape death in war (he will prove unable to fight or to flee [661a2-3]) nor obtain any of the things called good. "The things called good" include the human goods enumerated earlier. Tyrtaeus' doctrine as corrected by the Athenian seems to imply the view of the relation between the virtues and the human goods that the Athenian had expressed at 631b6-d1: the possession of the virtues is the necessary and sufficient condition for the possession of the human goods.\textsuperscript{70}

How are we to explain the Athenian's strange procedure? He first asserts that the Dorians compel their poets to express a particular doctrine about the relation between the virtues, the human goods, and happiness. He then summons the Dorian poet Tyrtaeus to illustrate, so we expect, the putative Dorian doctrine. In fact, however, Tyrtaeus (even after he has been corrected by the Athenian) expresses a different doctrine, one that contradicts the putative Dorian

\textsuperscript{69}660e6-661a4. Des Places translates: "'Je ne ferais nulle mention', dit votre poète, s'il s'exprime correctement, 'je ne tiendrais aucun compte d'un homme' qui accomplirait et acquerrait, sans y joindre la justice, tout ce qu'on nome les chose belles, et de plus, dans cet état, 'attaquerait l'ennemi en le serrant de près'" (emphasis mine). This seems wrong. The clause beginning Ὄν τολούτος κτλ. (661a1-2) is clearly parallel to that beginning ἄδικος δὲ ὤν κτλ. (a2-4). Both clauses should therefore be independent of the relative clause beginning at 660e8 (ὅς μὴ κτλ.).

\textsuperscript{70}On this point we have followed Strauss's interpretation (1975, 28).
doctrine. On the one hand, the doctrine originally imputed to the Dorians implies that the virtues do not guarantee the possession of the human goods, which even the unjust may possess, but that happiness does not require the human goods. On the other hand, according to the corrected Tyrtaeus' doctrine, the just and only the just obtain the human goods. Is the Dorian doctrine the former or the latter doctrine? Strictly speaking, it is neither. But since Tyrtaeus would have spoken "correctly" if he had expressed the latter doctrine (660e7-8), it seems that that doctrine is superior to the former. The reason may be this. Even if it too is difficult to believe, it has at least the merit of acknowledging that happiness requires the human goods.\(^7\)

\(^7\)It is tempting to conclude that the Athenian (arguing on the basis of the false premise that what Cleinias had said about the Dorian censorship is true, i.e., that it is tolerably well-devised) wishes to suggest that the present Dorian doctrine comprises both the doctrine that he first states and the doctrine that he then has Tyrtaeus express. The two doctrines contradict one another. Nevertheless, the two combined might support the attachment to virtue in general and justice in particular more than either of them by itself. The Tyrtaean doctrine falls short of what lovers of virtue believe or wish to believe about it, that it is not a means to the acquisition of other goods or one good among others, but rather the good whose possession constitutes happiness. This view of virtue is confirmed by the first account. Yet even passionate lovers of virtue may have doubts whether virtue by itself is sufficient for human happiness. They may then be comforted by the Tyrtaean account, according to which there are indeed other goods, but for the possession of these virtue is the necessary and sufficient condition. If this account does not quite remove the suspicion that wicked men may also enjoy those goods, may even acquire them more easily on account of their wickedness, and if moreover it does not explain very well the fact that virtue (especially justice) sometimes requires the sacrifice of those goods, they may be comforted again by the first account, according to which
The corrected Tyrtaeus describes those things that unjust men never obtain as "the things called good" (τῶν λεγομένων ἀγαθῶν). In this way he gives the Athenian his cue to present yet another account, presented as his own and his interlocutors', of the relation between the virtues, the human goods, and happiness. The vulgar account of the good things is not correct. The many say that "to be healthy is best, second is beauty, third is wealth." Among the other things they call good are these: acuteness of sight, hearing, and the other senses; tyrannical rule enabling one to do whatever one desires; and, finally, "the peak of bliss, while possessing all these things to become immortal as quickly as possible" (661a4-b4). The Athenian does not criticize the vulgar account of the good things for its extravagance. He, or, since he speaks here for Cleinias and Megillus as well as himself, they do not deny that any of the objects enumerated are good for the right kind of person.

But you two and I, I suppose, say this: all these things are best possessions for just and holy men, but all of them, beginning with health, are worst for unjust men. In fact, even to see and to hear and to have perception and to live for all time as an immortal possessing all the so-called good things except justice and every virtue, this is a very great evil. 661b5-c4

those 'goods' are not really goods at all. This suggestion, that the (putative) Dorian doctrine comprises both the stated doctrines, is perhaps confirmed by this ambiguity in the Tyrtaean doctrine. Tyrtaeus describes those things that the just man and only he obtains as "the things called good" (τῶν λεγομένων ἀγαθῶν); while teaching that the just man and only he obtains the human goods, Tyrtaeus leaves open as a possibility, what the other doctrine implies, that the human goods are not really goods at all.
This account of the relationship between the virtues, the human goods, and happiness seems in one respect less extreme than the two former accounts. It seems to imply that the possession of virtue is not the sufficient condition of human happiness. (While granting that health, beauty, wealth, etc. are good for the virtuous, it does not suggest that virtue guarantees their possession.) It seems to imply that virtue does not guarantee human happiness. Yet it is still rather extreme. It implies that the possession of virtue is the necessary precondition for the true goodness of the so-called goods enumerated. For the vicious man none of the apparent goods, not health, not immortality, not even life itself is good. For him they are evils, and they become lesser evils according as the period during which he possesses them is shorter; immediate death is for him a blessing (661c4-5).

The Athenian concludes with this remark. He thinks that the Dorians will (in the future) cause and compel their poets to express and teach the young the doctrine that he has just stated. We may draw this conclusion. Even if it were true that the Dorians compel their poets to express the doctrine or doctrines stated before, it would be an improvement if they should in the future adopt and enforce instead of it the doctrine stated afterwards in the name of the stranger, Cleinias, and Megillus: the doctrine stated last is preferable to the two former doctrines.

We now know what kind of reform of musical education the Athenian would prefer. He would prefer that the poets be
compelled to teach the doctrine stated last: the possession of virtue is a necessary but not the sufficient condition of human happiness. But is this reform possible?

The Athenian pauses to inquire whether there is agreement (συμφωνία) between the two Dorian and himself with respect to the doctrine he has proposed. "In some respects," Cleinias says, "we appear somehow [to agree], but in others not all" (661d6). We learn from the sequel in what their agreement and disagreement consists. The Dorian do believe that the so-called good things are good for the just; but they believe that they are also good for the unjust. They do not believe, then, that justice is a necessary precondition for the true goodness of the so-called goods enumerated. Cleinias affirms that the Athenian has not persuaded them that someone who, on the one hand, has health, wealth, tyranny, superior strength, courage, and immortality, and has none of the so-called evils, but who, on the other hand, has injustice and wantonness within himself, is miserable rather than happy. He concedes that a man who is courageous, strong, beautiful, and wealthy, and who does whatever he desires throughout life (health and immortality are not

72 One qualification is necessary. The Athenian says that he thinks that the Dorian will compel their poets to teach the doctrine that he had just stated as well as "the very things which I [say] . . . I say clearly that the so-called evils are good for the unjust, but bad for the just, while the good things are truly good for the good, but bad for the bad" (661c5-d4). This view, which he expresses in his own name only, is not, at least not obviously, identical with the
mentioned here), if he is unjust and wanton, would necessarily live in a base or shameful manner; but he refuses to grant that he would necessarily live unpleasantly or in a way that is not beneficial to himself (661d7-662a8). He believes that a base or shameful life may be pleasant and good.

The Athenian, on the other hand, affirms that "not even that Crete is certainly an island . . . appears to me so necessary" as what Cleinias has just denied. Accordingly, if he were a lawgiver, he "would try to compel" the poets and everyone in the city to express the doctrine he had stated (662b2-6). He seems to admit that he would not be able to persuade and might not even be able to compel everyone in the city to do so. It is therefore somewhat disturbing when he adds that he would inflict almost the greatest penalty on anyone who should dare to say that some human beings are wicked, but nevertheless live pleasantly, or that "certain things are useful and profitable, but others are more just" (662b6-c2). Doesn't the difficulty of persuading or even compelling conformity in speech on this point argue in favor of some indulgence, if not to the poets, at least to ordinary citizens? And doesn't that difficulty suggest that the imposition of severe penalties for heterodox expression would produce at best some sincere belief and much hypocrisy at the cost of great suffering?

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former doctrine, which he expresses in the name of his interlocutors as well as himself.
Perhaps however we have exaggerated the difficulty of bringing about conformity in speech to an improved doctrine about virtue. For the Athenian goes on to say that, if he were a lawgiver, he would persuade the citizens to say many things that are contrary to what is now said by the Cretans and the Spartans and "doubtless by the other human beings too" (662c3-5). He seems to suggest that he could persuade citizens to conform to an improved doctrine. Still, it is hard to see how he could succeed in this unless he should also succeed in the evidently more difficult task, that of compelling the poets to conform; for they are the teachers of the citizens. In any case, that we had exaggerated the difficulty of persuading citizens to conform to an improved doctrine appears to be confirmed by what occurs in the sequel: the Athenian convinces, or very nearly convinces, Cleinias that his opinion about justice was mistaken.

The Official Theology of the Good City

Conjuring up Zeus and Apollo, the gods said to have legislated for Crete and Sparta, the Athenian asks them about the relation between the most just life and the most pleasant life. Should the two gods affirm these ways of life are "two," i.e., different from one another, we would "correctly" put to them next the following question. "Who should one say are happier, those who live the most just life or those who live the most pleasant life?" (662c6-d6) England says that "it is not easy to see why [this] question is the 'correct'
sequel to the last." But this an unusual instance of obtuseness on his part. That the most pleasant life is different from the most just life suggests the troubling conclusion that a reasonable man would prefer the former, in other words, that it is unreasonable to choose to live the most just life. This conclusion would not follow, however, if the most just life is happier than the most pleasant life; for we wish above all to be as happy as possible. In short, it seems that the answer to the Athenian's question will tell us whether or not it is reasonable to choose to live the most just life.

Should the two gods answer that one ought to say that the most pleasant life is happier than the most just life, "their answer [logos] would be absurd" (662d6-7). Their answer would be absurd even if it is true that the most pleasant life is happier than the most just life.73 For "the gods in question are legislating gods" (Strauss 1975, 29). They therefore wish to promote obedience to law, to their laws. And obedience to law is one meaning of justice; in fact, this is its primary meaning throughout the Laws. Hence the gods would absurdly defeat their intention to promote obedience to law should they affirm that the most pleasant life is happier than the most just life. The same is true of the human lawgiver. It would be absurd for him to adopt or

73The precise question that the Athenian addressed to the gods was not "Who are happier?" (those who live the most just life
prescribe (τοῦδεμενός) the doctrine that the most pleasant life as distinguished from the most just life is happiest (662e2-8). What alternatives remain?

Should the lawgiver declare that the most just life is happiest, “everyone” who heard this “would inquire what this good and noble thing superior to pleasure is that the law praises as being in [the most just life]?” (662e9-663a1) “Everyone” feels sure that the most just life requires a certain amount of self-denial with regard to pleasure. They would therefore ask the lawgiver what good compensates the just man for that self-denial. More precisely, they would ask him “what good and noble thing superior to pleasure” compensates him for that self-denial. The Athenian gives a kind of answer to their question. Speaking for the lawgiver, he suggests that what compensates the just man is “good repute and praise from human beings and gods.” Yet he adds that these, besides being noble and good, are surely “not unpleasant” (663a2-4). That is to say, he answers the demand for a good superior to pleasure by mentioning a good that is also pleasant. The reason seems to be that the good and the pleasant cannot be separated (663a1-2): there is no good that is superior to pleasure because there is no good that is not also pleasant.

But just how pleasant is the most just life once the pleasures derived from good repute and praise are taken into

or those who live the most pleasant life) but “Who ought one to say [χρή λέγειν] are happier?” 662d4-6

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consideration? Is it so pleasant that the most just life is, after all, identical with the most pleasant life? The Athenian does not say so. Instead, speaking again for the lawgiver, he asks whether it is the case, and Cleinias feels compelled to admit, that "not to do injustice oneself and not to suffer injustice from anyone" is good, noble, and not unpleasant, while "the other things," are bad, base, and unpleasant (663a5-9). The Athenian seems to suggest or intimate in the lawgiver's name that "not to suffer injustice," that protection from injustice, is one of the consequences of "good repute and praise from human beings and gods," i.e., that the just man receives such protection from the men and gods who recognize his justice. Cleinias might not have agreed that refraining from doing injustice is good and pleasant if the Athenian had not coupled it with such protection.

The Athenian evidently approves of the doctrine here ascribed to "the lawgiver." Instead of accusing him of absurdity (cf. 662e6-7), he addresses him as "friend" (663a5). That doctrine suggests that justice (or the just life), which Cleinias admitted to be noble, becomes also good

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74 One may object that the Athenian suggests and Cleinias admits that neither to do nor to suffer injustice, besides being "not unpleasant," is "good or noble" (ἀγαθὸν δὲ ἢ καλὸν), not, as we have paraphrased it, 'good and noble'. But according to England ἢ ("or") is here used for καὶ ("and"). Strauss apparently agrees (see 1975, 30). Finally, the Athenian asserts immediately afterwards that the logos just stated does not separate the good from the noble; this would
and pleasant through "praise and good repute from human beings and gods." The Athenian has not yet attempted to prove that it is true. Nor does he do so now. Instead he speaks of its utility. The lawgiver wishes to persuade citizens willingly to live the just life. He must therefore persuade them, "somehow or other, through habits and praises and speeches (arguments)," that, in spite of the contrary appearance, the just things are more pleasant than the unjust things. He will therefore adopt the doctrine stated above, which, by teaching that the just is also pleasant, helps to persuade men "to be willing to live the life that is holy and just" (663b1-c5).

But would it really persuade men to live justly? Mr. Grote does not think that it would persuade a reasonable man to do so. He observes that the Athenian confines himself "to the defense of justice "with its requiting and reciprocating consequences, not without them." And he reminds us of the observations of Glaucon and Adeimantus in the second book of the Republic about the adequacy of such a defense. They challenge Socrates to prove that justice, apart from all its . . . consequences, will suffice per se to make the just man happy; per se, that is, even though all society misconceive his character, and render no justice to him, but heap upon him nothing except obloquy and persecution. If (Glaucon urges) you can only recommend justice when taken in conjunction with the requiting esteem and reciprocating justice from others towards the just agent, this is no recommendation of justice at all. Your argument implies a tacit admission, that it will be better still if he can pass himself off as

be a non sequitur if he meant in the preceding sentence that not to do or suffer injustice is either noble or good.

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just in the opinion of others, without really being just himself: and you must be understood as recommending this latter course -- if he can do it successfully. (1992, 332)

The doctrine stated does seem to imply the goodness not of justice itself but of the rewards of justice derived from other men and gods. If however the just man (and he alone) necessarily obtains these rewards, if he necessarily obtains compensation from gods and men for his self-denial, then the fact mentioned appears to be of small importance. Just as a reasonable man would not decline physical exercise that is unpleasant in itself but choiceworthy for the sake of health, so a reasonable man would not refuse to live justly if justice, in itself unpleasant and unprofitable, is adequately rewarded by gods and men. We can therefore determine the adequacy of the lawgiver's defense of the just life by answering these question. Do just men necessarily obtain from gods and men good repute, praise, and protection from suffering injustice at the hands of others? And do unjust men necessarily suffer the corresponding evils? Apparently not. Mr. Grote seems to be right: the lawgiver's defense of the just life seems to be unsatisfactory.

The Athenian stranger cannot be unaware of the difficulty we have noticed. He must think that the doctrine he stated is likely to be persuasive in spite of that

75See 899e4-900b3. Consider also the abrupt termination of the Athenian's dialogue with the gods (662d7ff.). Because it is incomplete, we do not hear the gods themselves say that they reward the just.

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difficulty. We can understand better the source of its persuasiveness by considering why it persuades, or very nearly persuades, Cleinias.76

Cleinias believes that, whereas injustice is profitable but base (shameful), justice is unprofitable but noble (661e6–662a8). The same is true of most human beings.77 This opinion is refuted by Socrates in the Gorgias. There he cross-examines Polus, a most virulent detractor of justice, who nevertheless feels compelled to admit that justice is noble, injustice base. Socrates easily brings him to admit that what is noble must be good, and that what is base must be bad. Logic does not obviously require this admission. But the drama shows that even men who praise the things held to be base believe it. Since Polus admits that doing injustice is base, he is compelled to admit that it must be bad. His original position, that doing injustice is good but base, is therefore untenable, and he accordingly abandons it, not without some bewilderment at having been shown to hold an opinion, that doing injustice is bad, contrary to the one that he thought he held, that doing injustice is good (Gorgias 474c7–475d6). In fact, Socrates suggests, he held

76It may be that he is not entirely convinced of the truth, as distinguished from the utility, of the doctrine that the Athenian ascribes to the lawgiver. See especially 663d5, and Strauss's comment (1975, 30).
77Consider 662c3–5 and context. Cf. also Gorgias 472a2 and ff. Note particularly the suggestion that men of conventional piety would say the same thing about justice that Polus does.
both opinions (474b2-6 and context); he was confused about the goodness of justice.

The significance of the refutation is this. Human beings believe that what is noble must be good, and that what is base must be bad. Those who, like Cleinias, Polus, and most human beings, believe justice to be noble, therefore believe that, being noble, it is good. They may not be fully aware that they believe this. And even when they are led to see that they do, they may be at a loss to answer the question as to how it is good (consider 662e10-663a1). But because they already believe that it is good, they are inclined in advance to believe a doctrine which, like the one stated by the Athenian, supplies an answer to that question, that explains the goodness of justice, or of the just life.78

It is true that Cleinias, Polus, and most human beings also believe that acting justly is bad. They are confused about the goodness of justice. Moreover, it may even be true that their opinion that acting justly is noble (and hence good) depends on their opinion that it is bad. For the latter opinion may be partly responsible for their belief that the wish or choice to act justly is not based on a self-regarding motive. And it is precisely actions that are not done from a self-regarding motive that are held to be noble.

78The Athenian explicitly traces the persuasiveness of the doctrine he states to the fact that it does not separate the noble from the good or the just from the pleasant (663b1-3). It suggests that the just life, being noble, must be good, and being good, must (like all good things) be pleasant.
These questions are treated elsewhere in Plato's dialogues. But it was necessary to say this much in order to indicate that the Athenian's defense of the just life may depend for whatever persuasiveness it has on a certain confusion typical of most men.

The Athenian does not go so far as to say that according to the doctrine he stated in the lawgiver's name the most just life is the same as the most pleasant life. He infers from it that the unjust life is "more unpleasant than the life that is both just and holy" (663d2-5). He then finally addresses the question of its truth. He does so, however, in an odd way. He does not examine its premises or consequences, or possible objections to them; nor does he advert to the empirical evidence in its favor or against it. Instead he suggests that he and the two Dorians ought to defer to the judgment as to its truth that "the better soul" would reach; for that judgment must be right. Since the better soul would judge it to be true, they can presume that it is true (663c7-d5). This is a feeble argument; by itself it establishes nothing.

For the lawgiver, however, the decisive question is not whether or not that doctrine is true. Even if it were false, any lawgiver worth anything would prescribe that it be taught to the young. For, if it were false, and the lawgiver had the courage to tell a salutary lie to the young,
could he tell one more useful than this and more able to cause\textsuperscript{79} [them] to do all the just things willingly instead of through violence? 663d6-e2

Moreover, the lawgiver need not despair of success in persuading the young of this lie, if such it be. By mentioning one "incredible" myth that easily obtained credit, and alluding to "myriads" of others, the Athenian indicates how easy it is to persuade people of the grossest falsehoods. Since people can be induced to believe just about anything, the lawgiver must discover and prescribe that doctrine, true or false, which would be most salutary for the city. And he must find and employ "every device" to ensure that the whole city "as much as possible, always . . . expresses one and the same [doctrine] about these matters in songs and myths and speeches" (663e3-664a6).

Some critics have abused Plato for his suggestion that the lawgiver ought to demand that the doctrine that the just life is more pleasant than the unjust life be taught even if it is false.\textsuperscript{80} But they have not stated the full consequences of their rejection of his suggestion. With a view to supplying their omission, let us suppose that doctrine to be

\textsuperscript{79}The text seems to have lost an infinitive, the complement to δυνάμενον and governor of ποιεῖν. We supply (a second) ποιεῖν. Some edd. supply πειθεῖν ("to persuade").

\textsuperscript{80}Morrow (1993, 557n. 30) illustrates a different reaction to this passage and to similar passages in the Republic, one that is common among critics friendly to Plato. His "terminology" has been misunderstood. When, for example, Plato recommends that a myth be taught, one must keep in mind that "[a] myth is hardly a lie, though Plato calls it a ψεύδος ['falsehood']." If an intentional falsehood is not a lie, we do not know what is.
false. We shall suppose then that the just life is not more pleasant than the unjust life, since, as we shall also suppose, the manifest self-denial that justice requires is not, at least not invariably, compensated by favor and praise from other men and gods, or by protection against injustice. Now then, given these suppositions, should citizens be taught the truth, that he who wishes to lead the most pleasant life, which is also the best life (664b8-c1), would reasonably transgress the rules of justice on those not uncommon occasions when doing so would increase the pleasantness of his life? Some might respond by saying that the question does not arise, since acting justly is, if not more pleasant, at any rate more conducive to happiness than acting unjustly -- in other words, that the doctrine proposed by the Athenian or one very similar to it is true. According to one commentator, "[n]ot many of us would really doubt the validity of the principles Plato wishes his citizens to accept and live by; most of this doctrine is completely obvious" (Morrow 1993, 559). But this is no answer to the question, which does arise because the superior happiness of the life of strict justice is not obvious. Others might deny that any moral or religious doctrine, true or false, ought to be sanctioned by legal authority. We must ignore this important objection here. It raises the question of the relative merits of liberal and non-liberal regimes, a question that lies beyond the scope of this study.

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Some critics have concluded that the author of the Laws does not himself believe the particular moral-theological doctrine that his spokesman recommends. According to Grote, we have here "a second attempt on the part of Plato" (the first being that found in the Republic) "to employ deliberate ethical fiction as a means of governing his citizens" (1992, 334; cf. Strauss 1975, 27, 33-34, and especially 1990, 23). We believe this is correct. Why then does he recommend a doctrine that is not true? And why this particular untrue doctrine?

The Athenian traced the utility of that doctrine, of "the logos that does not separate . . . [the] pleasant from [the] just," to its effectiveness in persuading men willingly to live the just and holy life (663b1-3). He then justified his suggestion that any lawgiver worth anything would demand that the young be taught that doctrine on the ground that no other doctrine would be more able to cause citizens "to do all the just things willingly instead of through violence" (663d6-e2). The utility of the doctrine in question, then, consists primarily in its effectiveness in bringing about willing obedience to the dictates of justice.

That the prevalence of such obedience is salutary for a political community few will deny. Of course, in some cases, in some places, periods, or 'cultures', something pernicious is or is held to be a dictate of justice. Here in the Laws, however, justice has for its primary meaning obedience to law. Moreover, in the Laws, we recall, law has a very
precise meaning, a meaning that excludes all so-called laws that are not founded on right reasoning. Law is the result of the reasoning of the wise lawgiver once that result has been adopted as the "common decree of the city." Few, we think, will deny that the prevalence of obedience to law in this sense is salutary for a political community.

The Athenian affirmed that the lawgiver must discover and employ that doctrine, true or false, which would do the city the greatest good (663e9-664a3). He must therefore regard the untrue moral-theological doctrine that he himself (speaking for "the lawgiver") proposed as that which would do the city the greatest good. And, since we know that its utility consists primarily in its effectiveness in promoting willing obedience to law, we may conclude that, according to the Athenian, that doctrine is more effective than any other in promoting such obedience.

It is true that the Athenian initially proposed a different doctrine. If he were a lawgiver, he said, he would try to compel everyone in the city to conform to that doctrine. But the two Dorians, whose opinions about the matters it concerns are characteristic of most human beings (663e9-664a3), rejected it. And the Athenian apparently did not think himself able to change their minds on this point. The moral-theological doctrine is at least a necessary supplement to the doctrine he originally proposed.

_Education to Virtue_

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According to the Athenian’s final account of education, it is the “leading and dragging of children towards the logos that has been declared correct by the law,” that is, by wise laws. We now know what that logos is. It is a salutary but untrue doctrine. It is not the true logos in accordance with which the virtuous human being lives (645b4-5). We draw these conclusions. The goal, at least the primary goal, of the kind of education that the wise lawgiver will establish is not the promotion of human virtue. Its goal is not that “complete virtue” which consists in agreement or harmony between reason and the passions (653b2-6). But its goal is a certain kind of virtue, namely, the virtue of the citizen. The virtuous citizen obeys wise laws, laws that are a product of the reasoning of the wise lawgiver. He possesses a certain kind of self-control, viz., the subordination of the passions to the dictates of wise laws. Education promotes this kind of virtue by teaching the untrue doctrine that the just life, the life of obedience to law, is more pleasant than the unjust life on account of “good repute and praise from human beings and gods.” We learned in Book I that the virtue of the citizen depends on shame and αἰδώς, religious fear. At the close of Book II, the Athenian stranger emphatically reaffirms the importance of “the noblest fear, . . . that divine fear which we have named αἰδώς and shame” (671d1-3; cf. 672d7-8).

The lawgiver’s doctrine may not be simply intended to promote the virtue of the citizen. It seems to articulate
what most people believe about the relation between justice and happiness, and even to point to their confusion about that relation. Perhaps it would contribute to citizens’ self-awareness. Moreover, the Athenian now makes an important addition to the doctrine he ascribed to the lawgiver. Everyone in the city ought to express “the noble things we have gone through” but also and above all the doctrine that the gods affirm that the best life and the most pleasant life are identical (663b3-c2). According to the Athenian, then, citizens ought to express this proposition in addition to the proposition that the just life is more pleasant than the unjust life. The two together leave open the possibility, if they do not suggest,81 that the best life is not identical with the just life, the life of simple obedience to wise laws. Still, it is fair to say that the primary purpose of the doctrine described, and hence of education as it has been defined, is to promote the virtue of the citizen. This is apparently why the Athenian said that the right kind of music depicts “virtue or some image of virtue.” The virtue of the citizen is an image of genuine virtue, just as the law he obeys, being the result of the wise lawgiver’s reasoning after that result has become authoritative, is an image of genuine reasoning.

81In 662d1-e3, both the legislating gods and the human lawgiver affirm that the most pleasant life is different from the most just life. In 662e10-12, “everyone” implies that the most just life requires a certain amount of self-denial with regard to pleasure.
The Chorus of Dionysus

The Athenian makes an additional recommendation, which is apparently intended to fulfill his promise to show the usefulness of properly regulated symposia for safeguarding education. The whole city must express the prescribed doctrine in songs and myths and speeches. Yet everyone is not to do this in the same way. In explaining this point the Athenian seems to adopt a practice familiar to his interlocutors. In the Spartan religious festivals, citizens were divided by age into three groups called 'choruses' (Plutarch Lycurgus XXI; scholium to 633a). The Athenian says that "all the choruses, being three, must enchant with songs the young and pliable souls of the children." The chorus of the Muses, composed of those under the age of eighteen, must sing the official doctrine "with entire seriousness and to the whole city." The second chorus, composed of those between eighteen and thirty, must invoke Apollo the Healer as a witness to the truth of what they sing, and pray that he may persuade the young to believe it. The class of citizens between thirty and sixty must also sing. But those beyond sixty, "since they are no longer able to sing, must tell myths based on divine utterance about the same dispositions [i.e., those represented in the official music]" (664c4-d7; cf. 666a2-8).

The Athenian begins to fulfill Cleinias' request for more information about the third class (those between thirty
and sixty) by recapitulating, with some changes, his earlier statement (653d5–654a7) about the educative function of choral performances and their relation to religious festivals and the gods. The fiery-hot nature of all young animals makes them unable to keep quiet or still: they naturally speak and move in a disorderly manner. Human animals have by nature the perception of order in motion and sound, that is, of rhythm and harmony. But whatever pleasure accompanies their natural perception of order (which, being a product of nature, is not, as the Athenian had said before, a gift of the gods [cf. 653e3–654a3]), it is not great enough to prevent them from delighting in disorderly sounds and motions (cf. 653e1–3). The gods, pitying us for our natural delight in disorder, gave us as leaders and partners in our choruses the Muses and Apollo, “and of course also . . . Dionysus.” They gave us these gods, it seems, somehow to counteract our natural delight in disorder. “Now the chorus of Apollo and [that] of the Muses have [already] been described. But the third and the remaining chorus, [that] of Dionysus, must [now] be described” (664e3–665b2). It seems that Dionysus, the god of wine, also helps to counteract the natural human tendency to delight in disorderly speech and action, and that he does this in or through the chorus named after him.

Cleinias is shocked by the suggestion that mature men and even men approaching sixty must participate in choral performances in honor of Dionysus. (Associated with the worship of Dionysus were some practices not very suitable to
the gravity of age [see, e.g., Morrow 1993, 308, 365].) The
Athenian admits that his suggestion requires some
explanation. He reminds Cleinias that everyone in the city,
whether female or male, slave or free, young or mature, must
enchant themselves with the official doctrine. Moreover,
with a view to this end, the songs expressing it need to be
"somehow or other always changing and providing variety in
every way," so that "those who sing the hymns" will do so
with pleasure (665c2-7). The necessary variation takes place
in, or is supervised by (for there is some ambiguity on this
point) the chorus of Dionysus.

Many commentators have noted the obscurity of the
discussion of the chorus of Dionysus. We will try to clarify
some of the sources of that obscurity, and will offer a
tentative suggestion about the significance of this strange
institution.

It is not a chorus in the ordinary sense of the term. Its
members will sing, not in public, like ordinary choruses,
but in private among a few intimate companions (666b5-6). It
will include "the best part of the city." But the Athenian
does not identify very clearly those who compose this part.
At first, he simply speaks of them as "the men" (οἱ ἄνδρες

82See 667a10-b3. England calls this statement "the first
unequivocal declaration" that the chorus of Dionysus is not
"a ἄγρος in the literal sense." His former statements were
equivocal: he initially "conceals from his interlocutors the
fact that it is only in a figure that he describes [it] as a
ἄγρος" (England on 664b4).
They will of course sing some Muse or music that is suitable to them. "But what [Muse] would be fitting for divine men? Would it be that of the choruses?" (666d6-7) Apparently not. The Athenian says that they must try to provide for the men in question some Muse or music nobler than that of the choruses and the public theaters (667a10-b), that is, nobler than the official music to be sung publicly in the choruses mentioned earlier. These men are ashamed to sing in accordance with the choral Muse, but instead "seek to participate in whichever Muse is noblest" (667a10-b3). But what is the noblest Muse? Is it philosophy? (So Saunders [1972 ad loc.], Cherniss [1953, 377n. 1], and Morrow [1993, 314-315] suggest.) Was the chorus of Dionysus a stalking horse for the philosophers?

According to Strauss, the divine men to whom the Athenian alludes are not

the third chorus as described earlier nor the men older than sixty who do not sing at all but tell myths (664d1-4). They are in fact a fifth part of

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83 We follow Ast, Stallbaum, and Parmentier (1920, 151), in altering the MSS reading ἄγων (a vox nihili) to ἀγων ("they will sing"). The change is small, especially since the iota subscript is sometimes written as an iota in the MSS. (In a note, Des Places calls ἄγων the reading of the MSS; but ἀγων is printed in his apparatus.) England objects to this reading on the ground that the use of the active future of the verb ἀγων is a solecism in Attic prose. Smyth, however, cites this verb as one of a few that, while preferring a middle future, occasionally take an active future (1984, 806). Moreover, Porson's alternative, ἀγους ("they will send forth"), which is now generally accepted, has its own difficulties, and requires an additional emendation of the MSS.
the city, different from the three choruses and the old men. That there are five groups in the cities was foreshadowed by what the Athenian had said earlier on the five age groups. (1975, 32-33)

The Athenian had indeed indicated that there are five groups in the cities (see above, pp. 99-101). The fifth group consists of the wise. That he has this fifth part of the city in mind here is confirmed by something he said when he introduced the choruses. He seemed to divide the citizens into four groups: 1) the chorus of the Muses (those under eighteen); 2) the second chorus (those between eighteen and thirty); 3) the third chorus (those between thirty and sixty); 4) the old men (those beyond sixty). In response to his statement about the men between thirty and sixty, that "[the] third [men?], those between thirty and sixty, must also sing," Cleinias asks him this puzzling question. "Whom do you mean, stranger, by these third choruses?" For we do not understand very clearly what you want to declare about them" (664d5-7). Cleinias understands the Athenian to have suggested that the class of men between thirty and sixty comprises more than one chorus. This leads us to notice that it is possible to construe the statement that prompted his

84With Des Places and the MSS, we read τρίτους ("third") at 664d5. Orelli's τριτούς ("three") is inadmissible; it makes Cleinias' question wholly unintelligible in the context. The emended text would read: "Whom do you mean, stranger, by these three choruses?" But "the explanations which follow all apply to the participation of mature and elderly men," i.e., not to the members of the first and second choruses. Moreover, "there could have been nothing about the first two choruses which would seem strange to [the Athenian's]
question as follows. "And in fact [the] third [choruses], [composed of] those between thirty and sixty, must also sing." The Athenian does not object to Cleinias' interpretation of his statement. That interpretation was correct. The class of citizens between thirty and sixty includes more than one chorus (consider also 665b1-2). There are not four but five groups of citizens. The fifth group consists of the wise. The divine men to whom the Athenian here alludes are the wise.

It would be a mistake, however, to conclude from this or from Strauss's suggestion that the chorus of Dionysus consists of the wise. The Athenian said that it includes the best part of the city. And we cannot doubt that, according to him, the wise are the best part of the city. But he does not explicitly challenge the two Dorians' belief that the old, not the wise, are the best part of the city. Nor do his hints about the fifth part of the city become quite clear to them. This has the consequence of leaving us in doubt whether the chorus of Dionysus consists of the old or the wise. Strauss traces "the seeming confusion" as to whether the old or the wise are best, and hence about the constitution of the chorus of Dionysus, to "the impossibility of assigning their proper place in a politically viable form to the wise as wise" (1975, 33). He does not, however, explain his suggestion clearly. We can at least gain some

hearers; it was only about the third that they needed further information" (England).
clarity about the proper place of the wise by considering the task of the chorus of Dionysus.

Its chief task is censorship (670a3-671a1). The official music, we recall, ought to be "always changing" so as to afford the pleasure that results from novelty. The poets are best able to produce the required novelty by composing new songs. But they are not the best judges of what is noble or base in music (670e2-671a1). In plain terms, they are not the best judges of what kind of music is politically useful, of what kind of music promotes the image of virtue that the lawgiver wishes to promote. Their production of new songs must therefore be supervised by others. It must be supervised by the older members (those beyond fifty\textsuperscript{85}) of the chorus of Dionysus, who, in order to execute their task properly, must in some degree share the wisdom of the lawgiver. Hence they must somehow receive an education better than that "of the choral Muse" (better, that is, than the education that all citizens receive in the choruses mentioned earlier) and "more precise than that which supports the multitude" (670a6-b2; 670e2-3).

But how are they to acquire such an education? How are they to acquire the wisdom they need? Their own earlier education in the 'choruses' may be an obstacle to its acquisition. For that education, as we have seen, promotes

\textsuperscript{85}See 670a3-b3 for the respective roles of "the thirty-year-olds" and "the fifty-year-olds" in the chorus of Dionysus. Cf. England's note on 670a3.
habitual obedience to authoritative opinion rather than to reason. Moreover, being old, they will be habitually averse from all innovation (Strauss 1975, 33). They must therefore drink wine. Wine renders the soul softer and more pliable, like iron that has been immersed in fire. It "rejuvenates" the old (666b5–c3; 671b8–c3). It returns their souls to the condition they were in prior to education. In a word, in order to gain a certain amount of freedom from the effects of their previous education, their education to civic virtue, the fifty-year-old censors need "wine" and even "drunkenness".  

Of course, as a matter of fact, wine would not produce the required correction of their education. Wine does not make men more reasonable; it impairs their judgment (645el–3). The "chorus of Dionysus," an assembly where respectable old censors acquire freedom from their habitual sentiments by deep draughts of wine, is not a serious political proposal. This is why it "almost disappears from the Laws" after Book II (Morrow 1993, 318). The necessity of a "chorus of

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86 One may object that we have ignored the clearest suggestion as to why the older members of the chorus of Dionysus need to drink wine. At 665d9ff., the Athenian suggests that they need wine in order to overcome their shame at singing in public. But he in effect retracts this suggestion a few lines later by saying that the members of the chorus of Dionysus will not sing in public (666c4–6). Consider also the "much-discussed πρῶτον μέν" at 663c3. It is much-discussed because it "is not followed by a corresponding ἐπετα δὲ" (Friedländer 1969, 560n. 26). The omission seems to suggest that there is an additional use of wine-drinking not yet mentioned.
Dionysus" seems to be intended to illustrate the following problem.

We have seen that the chief instrument of the best kind of civic education is the right kind of 'music', or, to use another term that (if one ignores its sinister overtones) expresses the phenomenon well enough, the right kind of 'propaganda'. In order to preserve it in its proper form and content, while permitting the requisite innovation, there must be magistrates to supervise it. They must in some degree share the wisdom of the lawgiver. All citizens must repeat the official doctrine and enchant themselves with it. But these magistrates, in order to accomplish their task, must understand it in all its subtlety, and grasp its purpose. Otherwise, the city's music will degenerate into crude propaganda, propaganda that does not promote the kind of virtue that the lawgiver wishes to promote. But the actual censors of any actual city are not likely to be wise. The lawgiver must establish respectable old men as the censors of the official music. They are the best practicable substitutes for the wise. But, being unwise, they lack the freedom of mind required by their task. They must acquire it by deep draughts of wine in a "chorus of Dionysus." But wine would not really give them that freedom. Hence the official music, instead of being preserved in its original form, instead of expressing, in all its subtlety, the doctrine we have discussed, would almost certainly degenerate into a kind of crude propaganda. The necessity of a "chorus of Dionysus"
is apparently intended to reveal the small probability that the lawgiver could preserve for the future the best kind of civic education.

When we turn to the law code elaborated later in the Laws, we find an institution that bears a striking resemblance to the chorus of Dionysus.\textsuperscript{87} This institution, the so-called Nocturnal Council, is intended to preserve the lawgiver's wisdom, so that the letter of the law will be always animated with the wisdom originally employed in its formulation. It is intended to guide the administration of the law with the wisdom that cannot be embodied even in the best laws. Instead of drinking wine, its members engage in philosophical discussions. In order to understand the full significance of Strauss's suggestion about "the impossibility of assigning their proper place in a politically viable form to the wise as wise," perhaps we would have to understand why the Nocturnal Council finally, in the last few pages of the Laws, undermines the authority of the legal code whose preservation was supposed to be its principal task. By understanding this, perhaps we would understand why the lawgiver cannot give to wisdom the authority it deserves.

But we can gain some clarity on this point by considering the

\textsuperscript{87}See, e.g., Ritter 1896, 350, and England 1921, 3-4. Saunders calls the chorus of Dionysus "an adumbration of the ultimate authority, based on philosophical insights, of the Nocturnal Council" (1972, at 666d). One critic has even suggested that it is "a rough anticipation of the Nocturnal Council" (James R. Parmenter, in an unpublished paper cited in Morrow 1993, 318n. 68).
Athenian's and Strauss's suggestions about why the "divine men" to whom the Athenian alluded, the wise, would need wine.

They are disinclined to sing the music of the choruses: they are disinclined to sing the official music and hence unable to enchant themselves with it. They must therefore be permitted in the chorus of Dionysus to sing some music nobler than that of the choruses (666d6-667b3). But their aversion to the official music may render them unsuitable as members of the chorus of Dionysus, whose chief task is censorship. The Athenian says that "we are summoning to our assistance and compelling in a certain sense willingly" (by deep draughts of wine) the best men in the city to sing in the chorus of Dionysus (670c8-d1). They best men, the wise, would need wine it in order to become less averse to the official music, in order to sing it with the required enthusiasm. In order to do this, "their mind must lose something -- we do not know how much -- of its clarity" (Strauss 1975, 33).

Here too the Athenian's suggestion cannot be serious. It seems to be intended to reveal the great difficulty of ensuring that the official censors will possess both the intelligence and the willingness to perpetuate the doctrine prescribed by the lawgiver. The wise, the best judges of music and hence the most competent censors, are disinclined to sing the music that the lawgiver prescribes. They may therefore be unsuitable as censors, in spite of their competence. They may be unwilling to perpetuate the music
that the lawgiver prescribes. That music expresses a salutary but untrue doctrine. It promotes the virtue of the citizen, habitual obedience to wise laws. That doctrine is more salutary for the city than any other (664a1-3). But with respect to the most gifted individuals, those few who are capable of acquiring genuine virtue, its salutary character is more ambiguous. The "impossibility of assigning their proper place in a politically viable form to the wise as wise" may be a consequence of their unwillingness to do what the official censors must do, to perpetuate the wise lawgiver's doctrine by permitting only music that agrees with it. Such an unwillingness would not necessarily be incompatible with their wisdom. The lawgiver's motive for the perpetuation of a doctrine that all but identifies virtue with obedience to law, to his laws, would be somewhat greater than theirs.

The Athenian concludes his discussion of the chorus of Dionysus by adding some restrictions to its authority. Without these, the two Dorians would not have agreed that the chorus of Dionysus is a beneficial institution (672a4), and hence the Athenian's promise to demonstrate the usefulness of the properly conducted symposium would have remained unfulfilled. The members of the chorus of Dionysus must themselves be subject to other authorities. There must be "symposium laws" to govern their activities, and, in particular, to ensure that the effects of winedrinking (which include a disinclination to heed the voice of authority, and
a certain amount of shamelessness [671a3-6; 671c4-6]) on the
censors may be limited to what is necessary to accomplish
their task. In addition, there must be "law-guardians for
these laws," men who will assist in restraining the
inebriated censors whenever necessary. These guardians, who
must remain sober, will have final authority over the chorus
of Dionysus and hence over the official music. They must be
past the age of sixty. Apparently, final authority over the
official music must be given to sober old men, not to the
wise or even to unwise men who have acquired some freedom of
mind by deep draughts of wine.
IV The Goals of Wise Legislation Redefined

At the beginning of Book III, England observes, we "pass abruptly to the political framework within which, and upon which Law acts." The political framework within which and upon which law acts is the regime (πολιτεία). The regime is for classical political science the fundamental political phenomenon, prior to and responsible for all law (see, e.g., Aristotle Politics 1278b8ff., 1279a25-27, 1274b15-19, and 1286a2-5). In the first part of Book III, the Athenian illustrates the priority of the regime to laws, the character of the different kinds of regime, and the causes of their transformations, through a semi-historical account of the origin and progress of man's political life (676a1-682d2).

It is not necessary to discuss that account here. Our question concerns the goals of the wise lawgiver, who belongs to the period when political life has reached its full development. Moreover, the main conclusions of that account are incorporated into the Athenian's discussion of the latter period.

When his account of the progress of man's political life arrives at that period, it suddenly becomes an account of Greek history. At a certain time, the Achaeans crossed the sea, besieged Troy for ten years, and finally took and destroyed it. During the siege, however, their affairs at home were disordered by civil strife. When the soldiers returned, many were butchered and many were banished. Eventually, however, those who were exiled from the
Peloponnese, having changed their names from 'Achaeans' to 'Dorians,' re-established themselves in their native land (683d6-e7). The Dorian invasion was followed by the founding of Lacedaemon (Sparta). But what has all this to do with our theme? The Athenian suggests that an examination of the founding of Lacedaemon will clarify the subjects from which he and his interlocutors had digressed in order to discuss music and drunkenness. More precisely, it will clarify three things: 1) "why [Lacedaemon] was nobly or not nobly founded"; 2) what kind of laws preserve and destroy regimes; and 3) "what kind of laws . . . would make a city happy." These questions need clarification: as a result of what they have learned, they "must be re-examined as if from the beginning." (682e8-683b6).

At some time after the Dorian conquest of the Peloponnese, the conquerors resolved to divide their army into three parts and found the three cities Argos, Messene, and Lacedaemon. In each they established a kingship, and everyone swore to assist the kings should anyone try to destroy their power (683c8-e1). There follows a passage that has given rise to much speculation about the unity of the first three books of the Laws.

But, by Zeus, is a kingship destroyed, or was any rule ever yet destroyed, by any others than [the rulers] themselves? Or is it the case that just now, a little before we chanced upon these arguments, we supposed these things to be so, but now we have forgotten? 683e3-7

Some critics deny that there is anything in the previous discussion to justify the retrospective reference. Bruns
even finds here "conclusive proof" that what originally preceded Book III was something other or something more than Books I-II as we have them, something that justified the reference before the work was altered by some later redactor (1880, 65, quoted in England ad loc.). We have shown that the external evidence in favor of the existence of such a redactor is unimpressive (see below, Appendix). England notices other difficulties in Bruns's hypothesis. It requires us to believe, for instance, that the redactor executed his task very badly: he did not omit references that were no longer intelligible. England's own suggestion, that the Athenian refers to an earlier conversation, is equally implausible. He does, however, make a useful observation: the quoted statement "is entirely in harmony with Plato's views as expressed in the Laws and elsewhere as to the perfect self-sufficiency of ἀρετή, whether of men or political organizations." The view that the possession of virtue is the sufficient condition of prosperity is indeed found in the Laws. We have encountered it several times in the preceding discussion (631b1-c1, 660e7-661a4; cf. 641b8-c7). It is most clearly expressed just before the point to which, as the Athenian just noted (682e8-10), the argument has now returned. We conclude that the Athenian refers to that statement (631b1-c1), and infers from it that no government ever is destroyed except by the rulers themselves,

88 It requires a forced interpretation of the word ἀρετή, "just
that is, by their lack of virtue. It is true that some doubts as to the perfect self-sufficiency of virtue were suggested in the preceding discussion (627b1-c2, 638a7-b4, 661b5-662a8). Perhaps with these in mind, the Athenian suggests that the present investigation “will establish more firmly” their former arguments. For, he says, instead of investigating them “in some empty thing,” they will now be able to infer them from events that, “as is likely,” really occurred (683e9-684a1). The investigation of the Dorian settlement of the Peloponnese, then, will provide a kind of test to confirm the perfect self-sufficiency of virtue.

The establishment of the three kingships in Argos, Messene, and Lacedaemon was attended with two unusual advantages. First, an extraordinarily close confederacy was established between the three cities by a solemn covenant. As a result, there was present “the greatest thing for the establishment of the regimes in the three cities.” If one city disobeyed the established laws, the other two intervened to restore the status quo: foreign force supported the kingship established in each city (684a2-b10). Second, the establishment of the laws in the three Dorian cities was facilitated by the absence of opposition from the demos or multitude. The demos ordinarily orders legislators to enact only such laws as it voluntarily accepts. The reasonableness of this demand the Athenian illustrates by comparing it to that of a sick man who should order his physician to

now,” in e5 (Friedländer 1969, 562n. 57). 147
prescribe none but pleasant treatments. In fact, one must frequently be satisfied if one’s body can be cured or improved with a moderate amount of pain (684c1-9). From this it might seem that the Athenian approves of the suppression by force of the multitude’s demand insofar as this is practicable, at least when their legislators have the expertise appropriate to their task. In any case, the Dorian legislators were free from the necessity of deferring to the multitude. The reason was this. When there are large and old debts, and, above all, a greatly unequal distribution of landed property, these circumstances weigh heavily on the have-nots and unite them into a single discontented party. They did not exist, however, at the time of the founding of the three Dorian cities (684d1-e7). The Dorian invaders had dispossessed the former occupants of the Peloponnese. The land could therefore be distributed among them in a more or less equal manner. Hence the economic incentive that ordinarily nourishes democratic opposition was absent.

Given the favorable circumstances attending the founding of the three cities, the Athenian wonders why their “founding and lawgiving” was so unsuccessful; for “two parts” of the Peloponnesian confederacy (Argos and Messene) “quickly destroyed their regime and laws, and one part only, the part belonging to your [Megillus’] city, remained” (684e8-685a4). The failure of the confederacy seems especially lamentable in light of the generous intention of its founders. The confederacy was formed partly in order to protect all the
Greeks from suffering injustice at the hands of the barbarians. The Greeks needed such protection because the Assyrian empire threatened them with vengeance for the sack of Troy (685a6-d2). On the other hand, the Dorians’ confidence in their ability to repel the threatened attack was partly founded on the superiority of their army to the Achaean army that had sacked Troy, a superiority that they had demonstrated by defeating the Achaeans (685d2-e3). These Achaeans were, of course, the Greeks who occupied the Peloponnese at the time of the Dorian invasion. In this way, the Athenian indicates that the Dorian conquerors of the Peloponnese were not (as he had suggested earlier) Achaean who had merely changed their names, and hence did not simply return to reclaim what belonged to their ancestors: they were foreigners, who conquered and enslaved the former occupants of the Peloponnese.

The Dorians probably believed that their confederacy would endure for many ages. Besides the advantages already mentioned, they expected no disharmony to arise among men who had shared so many toils and dangers, and whose kings were descended from a single line. Moreover, the confederacy seemed to have the approval of the gods. Many oracles, especially the Delphic Apollo, had been consulted at the time of its institution (685e6-686a5). Their expectations, however, were quickly disappointed. Only “a small part” of the original confederacy endured. And this part, Lacedaemon, was unable by itself to accomplish the noble intention of the
founders of the confederacy. If its three parts had been effectively united into one whole, it would have acquired an irresistible military power. But the Spartan military power by itself was not irresistible. This is proved by a fact that also indicates the Spartan contribution to the failure of the confederacy: Lacedaemon has never yet ceased fighting against Messene and Argos (686a7-b4). Although Sparta conquered and enslaved the Messenians, and continually encroached upon the territory of the Argives, she never entirely vanquished either. Argos remained a formidable rival to her Peloponnesian hegemony. The Messenians periodically rose against their Spartan masters; and some of them finally succeeded in throwing off the yoke, and thenceforth ranged themselves on the side of Sparta’s enemies.

It is clear from the fate of the confederacy that the Dorians’ expectation of lasting harmony among its members, and their confidence in the promise of oracles, were too sanguine. After the Athenian repeats his question as to why the confederacy failed, however, he suggests an answer that is at first glance puzzling. The lack of unity among the confederates may have been the proximate cause of that failure (687a6). But the Athenian chiefly blames the intention of its founders to create an irresistible military power, one that would enable them and their descendants to be free themselves and rulers of as many others as they wished, and, more generally, to do whatever they desired among all
human beings, both Greeks and barbarians (686c7-687b3). He grants that it is the desire of every human being that “what happens may happen in accordance with the dictates of his own soul” (687c1-8). From this it might seem the intention of the Dorian legislators (to create a military power that would enable them and their descendants to overcome opposition to their desires) was reasonable. But the Athenian insists that one ought to seek and pray, not so much that all things follow one’s wishes (βουλήσει), as that one’s wishes follow one’s good sense (φρονήσει). One ought to devote one’s attention to making one’s wants reasonable. Above all, one ought to pray for and try to acquire intellect (687e5-688a1).

But isn’t power often necessary to satisfy even the most reasonable desires? In particular, weren’t the Dorian legislators justified in trying to create a military power that could repel the threatened barbarian attack? Or is it the case that, if they had acquired the highest virtue, the barbarians would have been powerless to harm them? Yes. The Dorian legislators shared the mistaken opinion of Cleinias and Megillus that “the good lawgiver ought to lay down all his enactments with a view to war.” In fact, the good lawgiver must legislate with a view to complete virtue, and especially “the leader” of the virtues, intellect or good sense (688a1-b4). The Athenian had justified this view of the lawgiver’s task in the following way. A city that possesses the divine goods (the virtues), also acquires the human goods (strength, among others); a city that lacks the
former is necessarily deprived of both the human and the
divine goods (631b6-cl). From this it follows that, whatever
other steps the Dorians had taken to assure their military
superiority, they must have been deprived of strength and
worldly success generally unless they had sought and acquired
intellect or good sense together with the other virtues; and,
had they done this, their success would have been assured in
spite of all the efforts of the barbarians. That the
Athenian wishes us to recall these premises here and apply
them to the Peloponnesian confederacy is indicated by his
reminder of the statement in which they first occurred,89 by
his emphatic reaffirmation of the conclusion that follows
from them (that the lawgiver must aim at complete virtue and
especially intellect or good sense), and by his next remark.

The argument has arrived once more at the same
[point]. And . . . I myself now say the very
things which [the argument affirmed] at that time
-- whether playfully or seriously, I leave you to
determine -- that it is perilous for someone who
has not acquired intellect to pray;90 for him the
opposite of what he wants comes about. 688b4-cl

According to England, we "are not to conclude . . . that
exactly this extreme statement was made before." But it is
not hard to see, with the help of the Athenian's direction,

89 Compare 688a1-b4 with 631b6-cl. Cf. Friedländer 1969, 413.
90 England interprets ἐὰν χρηστάω as "to obtain one's
request," and calls this "the traditional interpretation." The usual meaning of the phrase is "to pray." And this is
clearly its meaning here. England admits that if his
interpretation is correct, then the succeeding clause "is a
sort of contradiction of the idea of ἐὰν χρηστάω," in other
words, that according to his interpretation the two clauses
contradict one another.
that this extreme conclusion was implied in the preceding discussion. It was implied by the statement at 631b-c. The possession of the divine goods (the virtues, especially intellect, the leader of the virtues) is the necessary and sufficient condition of the possession of the human goods. From this it follows of course that whoever does not possess the virtues (especially intellect) is necessarily deprived of the good things.

The Athenian expects that his interlocutors will now conclude that the cause of "the destruction of the kings" (those in Argos and Messene) and of the failure of "the whole intention" of the founders of the Peloponnesian confederacy (their intention to establish a military power capable of defending all the Greeks), was "all the rest of vice," and especially ignorance. To conclude, then, the destruction of the kingships in Argos and Messene, and the failure of the Peloponnesian confederacy to achieve its purpose, were owing in the first place to the mistaken goals of the Dorian legislators, their failure to promote the virtues and especially intellect or good sense; and, in the second place, to the vice that was the consequence of their mistake.

The Athenian had suggested that the examination of the Dorian settlement of the Peloponnese would confirm the thesis that virtue is the necessary and sufficient condition of political prosperity, and its corollary, that no government is ever destroyed except by the vice of the rulers themselves. Thus far it has confirmed them. He now draws a
general conclusion from that corollary. If “the greatest ignorance” destroyed the Peloponnesian confederacy, and naturally has a similar effect at all times, then the lawgiver must try to expel ignorance from the city and to implant in it good sense. How would he accomplish this?

There are in the city two kinds of ignorance. One belongs to its rulers, the other to the multitude. The former is the opposition of the passionate part of the soul to “knowledge or opinions or logos”; the latter is simply the opposition of the multitude to “rulers and laws” (688e3-689b5). The latter definition, at first sight somewhat puzzling, has this justification. The most that can be expected in the way of virtue from the multitude is obedience to virtuous rulers and wise laws: they are never virtuous themselves (consider 689b1-2). Accordingly, the lawgiver must see to it that the multitude obey those who are virtuous. On the one hand, he must exclude the multitude from any share in political power. On the other hand, he must establish as rulers those who are sensible or moderate or at least continent (for there is some ambiguity on this point [689c6-e3]).

These conclusions, however, the Athenian immediately begins to call into question. After noting the necessity that there be in cities “both rulers and ruled,” he abruptly begins an enumeration of the various generally accepted or effective titles to political authority. (He calls them αξιώματα τοῦ τε ἀρχεῖν καὶ ἀρχεσθαι.) The title based on wisdom or good sense, the title of the prudent, or of wise laws (for
the Athenian speaks of the rule of the prudent and the rule of law as if they were the same) to rule the ignorant, is one of these. But there are six others,91 which are opposed to it (and to each other) (689e4-690c10). In other words, unwise people make claims to rule that are opposed to the claim based on wisdom. Their claims, however unreasonable, are supported by strength. Hence the lawgiver cannot simply ignore their claims.

Lawgiver, . . . do you see how many titles to rule there are, and that by nature they are opposed to one another? We have now discovered a certain well-spring of civil strife, which you must treat. 690d1-5

In light of the opposition between the titles or claims to rule, the Athenian bids the lawgiver “examine with us how and by what error” the kings in Argos and Messene destroyed both their own rule and Peloponnesian confederacy (690d5-e1). He thus suggests that the destruction of the kingships in Argos and Messene and the failure of the confederacy were owing to civil strife that resulted from a failure to solve the

91The six not mentioned in the text are these:
1) The title or claim of parents to rule their offspring.
2) The claim of the well-born to rule the base-born.
3) The claim of the older to rule the younger.
4) The claim of masters to rule slaves.
5) The claim of the stronger to rule the weaker. This kind of rule is “most necessary”; prevails more than any other among all the animals; and is, according to the “most wise” Pindar, in accordance with nature.
6) The title based on the lot. Some commentators have expressed surprise at the Athenian’s comment on this title. “We say” that it is “the most just [title].” For he affirms, later in the Laws, that the use of the lot to select magistrates is at best a necessary deviation from political

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problem created by the opposition between the titles to rule. This suggestion contradicts his earlier explanation of those events. He therefore tries to combine it with that explanation. The kingships in Argos and Messene were overthrown by the demos in each city. But this was owing to the vice of the kings, to their lack of moderation or continence. They tried to extend their power beyond what the established laws permitted, because their desires were not in harmony with "what they praised in speech [logos] and oath" (their oath not to seek to extend their power over their subjects beyond what the established laws permitted [684al-6]). And this disharmony, which "destroyed everything," was itself a result of their "bitter lack of music," i.e., of their not having received the kind of 'musical' education described in Book II (691al-8).

The ultimate cause of all this, however, was the stupidity of the Dorian lawgivers. To begin with, the incontinence of the kings was an inevitable consequence of their great and arbitrary power. Such power always or almost always (see the strange qualification at 691c7) has this consequence: the ruler is filled with incontinence, and so acquires the hatred of his subjects, which quickly destroys his rule (691c5-d4). The Dorian legislators were so foolish as to think that they had effectively restrained "a rule from which tyranny could [easily] arise" (the original kingships)

justice (756e-758a). The solution is easy. By "we" he means "we Athenians".

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by means of oaths (692b1-6). They did not recognize that "one must not legislate great or unmixed ruling offices" (693b2-3). In short, the destruction of the kingships in Argos and Messene was ultimately a consequence of the Dorian legislators' failure to limit the power of the kings and to mix their rule with some other kind or kinds of rule based on one or more of the other titles to political authority.

It is, the Athenian says, easy with hindsight to recognize what precautions "the lawgiver" ought to have taken. Whereas the kingships in Argos and Messene were destroyed, the Lacedaemonian kingship survived. We can therefore understand the precautions that the lawgiver ought to have taken by understanding the causes of the preservation of the Lacedaemonian kingship (691b1-9). Its preservation was not owing to the foresight of the Dorian legislators. It was a consequence of subsequent innovations. To begin with, some god caused the birth of twins in the Spartan royal line. As a result, Sparta had two kings, and the power of each was limited by that of his colleague. Afterwards,

a certain human nature mixed with a certain divine power,\(^92\) having observed that the rule [of the kings] was still swollen, mixed the moderate [\(\sigma\omega\phi\rho\omega\alpha\)] power based on old age with the arbitrary strength based on [royal] birth: he made the power of the twenty-eight elders (senators) equal to that of the kings in the determination of the greatest matters. And the third savior,\(^93\) seeing that the

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\(^92\)The commentators suggest that Lycurgus is meant. His reformation of the Spartan regime is said to have been sanctioned by the Delphic oracle.

\(^93\)The commentators suggest that Theopompus is meant. According to Aristotle, he limited the power of the Spartan
rule [established] among you was still swollen and insolent, cast upon it as a sort of bridle the power of the ephors, which approaches nearly the power based on the lot. (691e1-692a6)

The power of the ephors "approaches nearly the power based on the lot."\(^94\) That institution, then, has a democratic character.\(^95\) This is confirmed by Aristotle. He tells us that the ephors were drawn from the whole demos; that the ephorate was largely responsible for the remarkable stability of the Lacedaemonian regime, since it gave the demos a share in the greatest offices; and that, when this magistracy acquired almost exclusive authority over the greatest matters, the Spartan regime was transformed into a sort of democracy.\(^96\) The power of the ephors was very great.\(^97\) The Spartan kingship, then, would not have survived had not a very great share of the royal power been transferred to the demos (i.e., to its representatives).

The Athenian concludes that the Spartan kingship survived because it was "mixed with those things it ought to

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kings by establishing the ephorate (Politics 1313a25-33; but cf. 1270b19-20). See also Plutarch Lycurgus VII, Cleomenes VII.

\(^94\)The Athenian seems to suggest that the manner of selecting the ephors resembled the lot. Aristotle says that all the Spartan magistrates were chosen by election, none by the lot (1294b32-33). But he also describes the manner of selecting the ephors as παιδορωτης λιαν ("exceedingly stupid"). Perhaps it was so stupid that the outcome was determined, in effect, by chance, and this was its resemblance to the lot.

\(^95\)The lot is the characteristically democratic method of selecting magistrates. See 757e and n. 91 above; cf. Montesquieu, Esprit des Lois II 2.

\(^96\)Politics 1270b6-20; cf. 1266a35-40.

\(^97\)12d4-5; cf. Aristotle Politics 1265b40, 1270b13-14.
have been mixed with" in the first place, and because its original power was diminished (692a6-b1). It survived because severe limitations were imposed on the power of the kings and because it was transformed from a simple kingship into a mixed regime, a regime containing a dual kingship, an aristocratic institution (the senate), and an even more powerful democratic institution (the ephorate). The stability of the Spartan regime was a result of its conceding and mixing with one another all or almost all the titles to rule mentioned by the Athenian. (According to Strauss, "all seven titles to rule, with the exception of course of the rule of masters over slaves, seem to have been used in the mixture" [1975, 48]. The rule of wisdom or of wise laws was not obviously employed. But consider 689d6-7 in the light of England’s note ad loc. There the Athenian defines "the greatest wisdom" as moderation, the virtue which he ascribes to the Spartan senators.) The Athenian goes so far as to say "that the god had shown the Spartans the most lasting form of government" (Strauss 1975, 48; cf. 692b6-7). From a narrowly political point of view, the Spartan regime is admirable.

The Athenian had suggested that the investigation of the founding of the Peloponnesian confederacy would confirm the proposition that no government is ever destroyed except by the vice of the rulers themselves, and therewith the thesis that virtue is the necessary and sufficient condition of political prosperity. It has not confirmed that proposition or that thesis. On the one hand, the principal mistake of
the Dorian legislators had little or nothing to do with virtue. They gave too much power to the kings, and did not mix their rule with other kinds of rule. The demos therefore overthrew the kings in Argos and Messene. On the other hand, the Spartan kingship was preserved, not by virtue, but by limitations imposed on the power of the kings and by the concession of a very great share of political power to the demos, the class which always lacks virtue. That the virtue of rulers does not suffice to preserve their rule is also implied by the conclusion that the Athenian draws at the end of his account. "One must not legislate great or unmixed ruling offices" (693b2-3). This means that one must not grant unlimited power even to the virtuous, and that one must mix the title or claim to rule based on virtue with some or all of the other titles. It would not be necessary to concede a share in ruling to the vicious if the virtue of rulers guaranteed the preservation of their rule. But it does not: virtue does not guarantee superior strength.

In case we have any doubts on this point, we may consider what the Athenian now says about the intention of the founders of the Peloponnesian confederacy to create a military power capable of defending all the Greeks against the barbarians. Before he had criticized that intention severely. The Dorian legislators ought to have devoted all their efforts to the promotion of virtue; being virtuous, the Dorians would have been invincible. Now, however, he praises that intention, and merely laments that it was pursued by the
wrong means. If at the time of the founding of the Peloponnesian confederacy, there had been someone who possessed both the foresight and the power to moderate the power of the kings and create properly mixed regimes in the three Dorian cities, the noble intention of the men of that time would have been realized: neither the Persians nor any others would have ventured to attack the Greeks (692b6-c8). Since, however, there was no such person, the Persians did invade Greece: indeed, they nearly conquered it (692d1ff.). In short, the Athenian now prescribes, not virtue, but the proper political structure, as the suitable remedy against foreign aggression. The reason is obvious. Virtue no more guarantees security against foreign aggression than it guarantees internal political stability.

It appears that Book III, instead of confirming, contradicts the thesis first stated at 631b-c. Virtue does not guarantee political prosperity. It does not guarantee the possession of strength or the other "human goods." This has important consequences for our understanding of the goals of the wise lawgiver. It means that he cannot legislate with a view to virtue only. Besides "the good things that belong to the soul" (the virtues: the Athenian no longer calls them divine goods), the lawgiver must honor "the noble and good things that belong to the body," and even the external goods
upon which the body depends, property and money (697b2-c2). He cannot limit himself to honoring the virtues, because they do not guarantee the possession of the other good things.

Moreover, the Athenian now says that the lawgiver must legislate with a view to freedom and friendship in addition to virtue (693b3-6, 693d7-e1, 701d6-8). It is true that he seems to deny that he is departing from his former statements about the goals of the wise lawgiver.

Let's not be surprised if many times already we have set down certain goals and said that the lawgiver must legislate with a view to these, but the goals set down do not appear to us to be the same in each case. Rather, one ought to consider, whenever we say that [the lawgiver] must look to moderation or good sense or friendship, that this target is not different but the same in each case. 692b6-c4

This suggestion, however, that moderation, good sense, and friendship are identical goals, is obviously false. Moreover, the Athenians does not say that freedom is identical with those goals. Yet it appears in the sequel that freedom is the most important of the new goals he ascribes to the wise lawgiver.

He indicates the character of the freedom and friendship that the lawgiver must promote through a semi-historical account of the Persian and Athenian regimes. By freedom he means the political freedom of the demos, which entails its

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98 Friedländer calls it “curious” that the two “tables of goods described in Laws I 631b et seq. and in III 697bc bear no relation to one another” (1969, 562n. 44; cf. Zeller 1887, 534n. 60). According to our interpretation, the latter supersedes the former.
participation in political power. Such freedom is one great source of friendship among fellow citizens. It therefore conduces to internal political stability. But the Athenian focuses here on its contribution to military strength. Because the Persian soldiers, who belonged to the demos, enjoyed a considerable measure of political freedom, they were friendly towards their leaders, and hence willing to brave dangers for the sake of what they regarded as a common enterprise (694a3-b7). This enabled the Persians to establish a vast empire. After the Persian demos was deprived of freedom, the military strength of the empire declined. The present Persian despots have countless subjects, but they are all useless for war, since they are unwilling to brave dangers for the sake of masters whom they hate and by whom they are hated (697c5-e4; but cf. 695c6-d6). It is true that the Athenian also suggests that slavery, the opposite of freedom, can promote friendship among citizens. It contributed to the friendship of the Athenians towards one another during the Persian invasions, and their consequent resolve to stick together and fight in what seemed a hopeless cause (698a9-699d2). But, besides the fact that the kind of slavery he has in mind is primarily slavery to law (699c1-6), the friendship among the Athenians of Marathon and Salamis was more precisely the product of a mixture of slavery with freedom, of slavery to law with the political freedom of the demos. In fact, the Athenian’s account of the ancient Persian and Athenian regimes is intended to show that the
best regime requires the proper mixture of freedom, or, as he also says, "democracy," with the right amount and the right kind of slavery (701e1-8; 693d-694a; 699e1-5).

Book III suggests these conclusions. Because virtue does not guarantee the goods belonging to the body and those upon which the body depends, the lawgiver must take steps to secure them by other means. Moreover, because the virtue of rulers does not guarantee either internal political stability or military strength, the lawgiver must grant a certain amount of political power to the demos. Otherwise, there will not be a sufficient degree of friendship among citizens. The multitude, deprived of political power, are likely to become enemies of the regime, and hence to overthrow it themselves, or to contribute to its destruction at the hands of foreigners. The lawgiver must legislate with a view to freedom (the political freedom of the demos as opposed to its absolute subjection to virtuous rulers or wise laws) and friendship (friendship among fellow citizens and especially between rulers and ruled) in addition to virtue.
We suggested that Strauss traced the superiority of medieval and classical rationalism to modern rationalism to the fact that they addressed the claims of revealed religion in a theoretically satisfactory manner. It is now necessary to explain what he took to be the main defects of the early modern attempts to refute those claims. He usually addressed the quarrel between rationalism or philosophy and revelation by addressing the quarrel between philosophy and Jewish orthodoxy. Speaking of the Enlightenment's attempts to refute Jewish orthodoxy, he observed that the fundamental question

for orthodoxy and therefore also for the Enlightenment, . . . is a question not so much of the possibility or impossibility as of the reality or unreality of the Biblical miracles and revelations; but in fact almost all of the Enlightenment’s attempts to demonstrate the unreality of the Biblical miracles and revelations depend on the express or tacit premise that the impossibility of miracles and revelations in general is established or demonstrable. (1995, 29)

The Enlightenment failed, however, to demonstrate the impossibility of miracles and revelations. Hence “almost all” the Enlightenment’s attempts to demonstrate the unreality of the Biblical miracles and revelations rested on an unevident premise. The qualification deserves attention. Apparently, the Enlightenment made some attempt (or attempts) to demonstrate the unreality of those miracles and revelations that did not rest on the premise of the impossibility of miracles and revelations. Now “the most
radical Enlighteners" had some awareness of the fact (they perceived it, "if not as something clearly known, then at least as something vividly felt") that they had failed to prove the impossibility of miracles and revelations (ibid., 29). And this awareness compelled them to discover some other way of refuting orthodoxy. Yet only one way remained.

[T]here remained no other way but to attempt to prove that the world and life are perfectly intelligible without the assumption of an unfathomable God. That is, the refutation of orthodoxy required the success of a system. Man had to establish himself theoretically and practically as master of the world and master of his life; the world created by him had to erase the world merely "given" to him; then orthodoxy would be more than refuted -- it would be "outlived." Animated by the hope of being able to "overcome" orthodoxy through the perfection of a system, and hence hardly noticing the failure of its actual attack on orthodoxy, the Enlightenment, striving for victory with truly Napoleonic strategy, left the impregnable fortress of orthodoxy in the rear, telling itself that the enemy would not and could not venture any sally. Renouncing the impossible direct refutation of orthodoxy, it devoted itself to its own proper work, the civilization of the world and man. And if this work had prospered, then perhaps there would have been no need for further proof of the justice of the Enlightenment's victory over orthodoxy.99

The passage is difficult. Why did man have to prove himself, not only theoretically, but also practically, master of the world and of human life? And how, if he succeeded, would orthodoxy be "outlived"? We suggest that, having made himself master of the world and of human life, man would no longer be able to believe in the reality of miracles and

revelations (consider Strauss 1958, 297). But what would this prove? By proving that belief in miracles and revelations is relative to the stage when man (besides not being "theoretically" master of the world and of human life, besides not being able to give a clear and distinct account of them) is not "practically" master of the world and of human life, in other words, to the stage when man is unable to solve his problems, to satisfy his needs, it would perhaps prove that man's neediness, and not any so-called religious experience, is the root of the belief in miracles and revelation. The project of "the civilization of the world and man" failed. (Doubts soon arose about the possibility of overcoming man's neediness [1995, 32]. These doubts became increasingly effective. The existentialists ultimately concluded that "the terror and the hopelessness of life, . . . cannot be eradicated by any progress of civilization" [ibid., 37].) Yet if the project had succeeded, "then perhaps there would have been no need for further proof of the justice of Enlightenment's victory over orthodoxy," that is, of its historical but not necessarily legitimate victory (ibid., 32; cf. 28-29). Does Strauss mean to suggest that, had the project succeeded, it might have provided the sufficient refutation of orthodoxy? We suggest that according to him, this indirect attempt to refute orthodoxy, by proving the human roots of the belief in miracles and revelation, was more promising, at least in principle, than the Enlightenment's direct attempt to refute orthodoxy.
According to Strauss, no philosophers, modern or premodern, have proved the impossibility of miracles or revelation. Yet the fundamental question concerns not so much the possibility or impossibility as the reality or unreality of miracles and revelation. Presumably, then, the superiority of classical and medieval rationalism, for Strauss, lay in the fact that they were more successful than the Enlightenment in demonstrating the unreality of miracles and revelation. We suggest that according to him the classical and medieval philosophers, like "the most radical Enlighteners," attempted to prove the unreality of miracles and revelation by proving the human roots of the belief in miracles and revelation, but their attempt was more successful. He observes elsewhere that Socrates' response (the philosopher's response) to the challenge of revelation is partly dictated by the fact that "he knows that we are ignorant of the most important things." He knows that we, we human beings, that is, all human beings, are ignorant of the most important things: this ignorance is for him an "evident fact" (1997, 122). Strauss does not say how Socrates established this fact, how he established, for example, that those who claim not to be ignorant of the most important things, of the divine things, are deceived (or deceivers). But he observes that "what is now called religious experience," and "is understood by the Bible to be genuine experience," is "from the point of view of the Greek
philosophers," no more than a "questionable interpretation" of human experiences (ibid., 111; emphasis mine).

Strauss clearly agreed with Avicenna’s statement that the *Laws* contains the classic philosophic treatment of prophecy (revelation) in general, and of spurious pretensions to prophecy in particular. We suggested, on the basis of our own interpretation of the *Laws*, that it contains the clearest suggestion in the Platonic corpus that the belief in prophecy (revelation) depends on a lack of clarity. And, more importantly, we suggested that it contains the clearest indication in the Platonic corpus (perhaps in all of classical philosophy) of the most important evidence of that dependence, by indicating (through a conversation capable of being reproduced and hence verified by the reader) the effect of the acquisition of greater clarity on the believer in prophecy (revelation): it tends to destroy his belief. We concluded, however, that the evidence supplied by or indicated in the *Laws* would not suffice to demonstrate that dependence. And finally, by suggesting a way in which that evidence might be supplemented, a way which is perhaps indicated elsewhere in the Platonic dialogues, we suggested a direction for future research. We believe that future research should begin with a study of Plato’s *Euthyphro*, which depicts a conversation between a philosopher and a believer in revelation that has results different from those of the conversation depicted in the *Laws*. 

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We cannot conclude our remarks about Strauss's and Plato's treatment of the problem of revelation without recalling a distinction which we have not had occasion to mention before. Strauss emphasized its importance when responding to a critic's statement that "Strauss rejects God." After noting the gravity of the charge, he replied:

Such accusations at any rate require proof. My accuser has not even tried to prove his accusation. If he should be induced by this remark to try to prove his accusation, I warn him in advance to keep in mind the difference between revealed theology and natural theology or to make himself familiar with it.  

Strauss evidently believed that his critic would be less successful in proving his accusation if he kept in mind the distinction between revealed religion and natural religion. It would be impossible or very difficult to prove that Strauss rejected natural religion. If he adhered to natural religion in one form or another, he would not necessarily have thereby placed himself in opposition to Plato. Plato's Athenian stranger does not "experience" any extra-human, supra-human support for justice. He does not "experience that support, that refuge and fortress as the Biblical prophets experience it, but he does the second best: he tries to demonstrate its existence" (Strauss 1965, 11). He does so in Book Ten of the Laws.

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100 The response was published for the first time in Green 1993, 238.
Civic Virtue and Human Virtue

The Athenian stranger tells us that a wise law code would have for its ultimate goal human happiness. Happiness consists in the possession of the good things that belong to soul (the virtues) and those that belong to the body or fulfill the needs of the body. The Athenian proceeds, for the moment, on a basis of an additional premise: the possession of the virtues is the necessary and sufficient condition for the possession of the bodily goods. From this he concludes that the wise lawgiver would legislate with a view to virtue and only to virtue. His task is therefore education understood as education to virtue.

There are, however, several accounts of education in the first two books of the Laws. According to the first account, the virtue that education aims to produce is the virtue of the citizen. The Athenian suggests that the virtue of the citizen is self-control, i.e., the control of the passions by right reasoning. But we learn in the second account of education that the reasoning to which the good citizen's passions are subordinated is not his own reasoning. Nor, properly speaking, is it reasoning at all. It is reasoning that has been transformed into law. Law, law that deserves the name, is the result of the reasoning of a wise lawgiver once that result has been adopted as the authoritative body of rules governing right and wrong, noble and base, good and bad. The good citizen obeys wise laws. He does so, moreover, not as a result of his own reasoning but on account
of habit and especially habit-based shame. The good man, on the other hand, lives in accordance with reason in its pristine, i.e., its genuine form. He possesses "complete virtue," the harmony or agreement between reason and the likes and dislikes originally fostered by the right kind of habituation. This kind of virtue, which is the virtue of a perfect human being, is superior to the virtue of the citizen. But both kinds presuppose a certain kind of education, i.e., a certain kind of habituation or training of the passions during childhood. The Athenian suggests that it may be possible to discover a kind of education that promotes both kinds of virtue. It is true that, whereas the good citizen is governed by shame, i.e., fear of authoritative opinion, it is impossible to acquire "complete virtue" without liberating oneself from that fear. But since even those capable of acquiring complete virtue must first receive the right kind of habituation, and at a time when they are not yet capable of reasoning for themselves, shame or at any rate non-rational means must be employed to produce that habituation. Perhaps then the same education that promotes the virtue of the citizen is an indispensable prerequisite for genuine or complete virtue.

The most important question is whether the goal of the education that the wise lawgiver will prescribe is human virtue or civic virtue. The Athenian suggests that its goal is "virtue or some image of virtue." But this is rather a statement of the difficulty than a solution to it. Instead
of resolving it immediately, he describes the character of the education that the wise lawgiver will prescribe. 'Music' is the chief instrument of that education. In order to promote the right kind of character, it must be properly regulated. The wise lawgiver will demand that the experts in music, the poets, present in their works representations of good character accompanied by pleasing rhythms and harmonies, so that, through the pleasure they derive from those works, the young will be habituated to love good character and to wish to emulate it.

According to the final account of education, it is aimed at habituating citizens to live in accordance with "the reasoning (logos) that has been declared correct by the law." Since the good citizen lives in accordance with reasoning that has been transformed into law (and has therefore ceased to be reasoning proper), while the good human being lives in accordance with reasoning that has not been so transformed, the fact that education as now defined habituates citizens to live in accordance with a certain reasoning or logos might seem to suggest that the kind of education that the wise lawgiver will prescribe is aimed at promoting the virtue of man rather than the virtue of the citizen. We hesitated to draw this conclusion. For the Athenian had said that the good human being must acquire within himself and live in accordance with "the true logos." In order to draw the conclusion mentioned, we needed at least to be sure that the
"logos that has been declared correct by the law," i.e., by the wise lawgiver, is true.

The Athenian explains the logos that the wise lawgiver will declare to be correct by explaining the doctrine that he will prescribe as the text or theme of the city's music. At first, he suggests that the wise lawgiver will demand that the poets express in their works, and that all citizens repeat, the following doctrine. The possession of virtue (especially justice) is a necessary condition of happiness because those things which the many believe to be good (e.g., health, beauty, wealth, tyrannical power to do as one pleases, and immortal life in the possession of all these things) are truly good only for those who possess virtue (especially justice). Yet he cannot persuade his interlocutors to accept this doctrine. They believe that the things in question are truly good even for unjust men. They believe that an unjust life is necessarily base or shameful; but they believe that it may well be pleasant and happy. And their opinions on these matters are the same as those of most human beings. It seems that almost no one would be able to accept the proposed doctrine.

The Athenian therefore modifies his initial suggestion. The wise lawgiver wishes citizens willingly to live the just life. He must therefore persuade them, "somehow or other, through habits and praises and speeches (arguments)," that, in spite of the contrary appearance, the just life is more pleasant than the unjust life. Yet everyone recognizes that
the just life requires a certain amount of self-denial with regard to pleasure. The wise lawgiver will therefore assert that those who live the just life receive some compensation for that self-denial. He will assert that the just life is more pleasant than the unjust life because the self-denial it requires is rewarded by "good repute and praise from human beings and gods." We might think that it would be very difficult to persuade citizens that this doctrine is true. But the Athenian persuades, or very nearly persuades, his interlocutors that it is true. He appeals to their belief that justice is something noble. They believe that what is noble must be good, and that what is good must be pleasant. Hence they believe that justice, being noble, must be somehow good, and being good, must also be pleasant. They were not fully aware that they believed this. But because they did, they were inclined in advance to believe a doctrine which, like the one stated by the Athenian, explains the goodness of justice (or, more precisely, of the just life). And, since the Athenian's interlocutors hold the same opinions as most human beings about justice, it seems that most human beings would be similarly inclined. On the other hand, the Athenian's interlocutors also hold the contrary opinion about the goodness of justice. They are confused about the goodness of justice. The same is true of most human beings. Hence they would not be simply or wholeheartedly inclined to believe the doctrine recommended by the Athenian.
That doctrine is not true. But according to the Athenian, the wise lawgiver will nevertheless prescribe it, and will try to persuade citizens to believe it. He will demand that all citizens affirm it "always, throughout life, in songs and myths and speeches (arguments)," and "enchant themselves" with it. He will do so because no other doctrine would be so useful for "making [citizens] do the just things willingly rather than through violence," or because there is no other doctrine (hence no true doctrine in particular) so useful for persuading citizens willingly to live the just life, i.e., the life of obedience to law.

According to the Athenian’s final account of education, it is the habituation of citizens to live in accordance with “the logos that has been declared correct by the law,” that is, by the wise lawgiver. That logos is a salutary but untrue doctrine. It is not “the true logos” in accordance with which the virtuous human being lives. The goal of the kind of education that the wise lawgiver will establish is not the promotion of human virtue. Its goal is to promote willing obedience to law, i.e., to wise laws (the only kind of ‘laws’ that, according to the Athenian, deserve the name). Its goal is to promote the virtue of the citizen. The good citizen obeys wise laws, laws that are a product of the reasoning of the wise lawgiver. This is apparently why the Athenian said that the music the wise lawgiver will prescribe depicts “virtue or some image of virtue.” The virtue of the citizen is an image of genuine virtue, just as the law he
obeys, being the result of the wise lawgiver's reasoning after that result has become authoritative, is an image of genuine reasoning.

The Athenian concludes that the education he has described would be most salutary for the city. But the city contains some individuals who are capable of acquiring genuine virtue as distinguished from civic virtue. Surely it is beneficial for them to live in a city where law-abidingness prevails. Moreover, perhaps the education described would provide for them that initial habituation without which no one can acquire "complete virtue."

Furthermore, the Athenian later makes an addition to the doctrine he proposed in the name of the wise lawgiver, an addition which he describes as "the peak" of that doctrine. Besides the proposition that the just life is more pleasant than the unjust life on account of "good repute and praise from human beings and gods," the music prescribed by the wise lawgiver will express the proposition that "the gods affirm that the best life and the most pleasant life are identical."

The two propositions leave open the possibility, if they do not suggest, that the best life is not identical with the just life, i.e., the life of simple obedience to wise laws. Perhaps then we may say that the wise lawgiver's doctrine reveals a path that leads beyond the virtue of the citizen to genuine virtue. The Athenian stranger suggests an answer to the question as to why the wise lawgiver will not prescribe an education that promotes genuine virtue more directly.
Reason, on account of its weakness, must be transformed into law in order to guide the citizen body. Very few human beings are capable of acquiring genuine virtue; for most, the virtue of the citizen, habitual obedience to wise laws, is the best available substitute for genuine virtue. And even the wisest laws must look chiefly to the common case rather than the rare exceptions.

We can't help being disappointed at the conclusion that the wise lawgiver will prescribe an education chiefly aimed at promoting an "image of virtue." Perhaps the Athenian shares this sentiment. At any rate, later in the Laws, when he elaborates a new law code, after remarking that the way of life it prescribes is no more than "an imitation of the noblest and best life," he adds that this is a fact "which we assert to be in truth the truest tragedy of all" (817b3-5).

The Law and Its Interpreters

The disappointing conclusion that the wise lawgiver will prescribe an education whose chief goal is not the promotion of genuine virtue is followed by another disappointing conclusion. The Athenian suggests that the chief instrument of that education is properly censored music, music that expresses the legally prescribed doctrine in pleasing rhythms and harmonies. He compares the pleasing rhythms and harmonies that accompany properly censored music to the pleasing food which physicians add to wholesome but distasteful foods in order to habituate their patients to
welcome the latter. In order to produce the desired effect, the music which expresses the legally prescribed doctrine must be pleasant. It will not be sufficiently pleasant unless it affords the pleasure that results from novelty, unless the experts in music, the poets, occasionally compose new songs expressing the old theme. The lawgiver must, however, ensure that the new songs do not depart from the old theme, that they do not contradict the legally prescribed doctrine. He will therefore establish magistrates to censor the works produced by the poets. These censors, drawn from the class of men beyond the age of fifty, will perform their task in a new and strange assembly that the Athenian calls a "chorus of Dionysus." It is named after the god of wine because in it the censors will drink wine, even to the point of intoxication. This institution is not, however, a serious political proposal. It is intended to illustrate a problem.

The censors' task is not an easy one, especially since the right kind of music expresses the legally prescribed doctrine representatively, i.e., by depicting human character that accords with that doctrine. The censors cannot simply apply a formula in order to determine which poetic works promote the kind of virtue which the lawgiver wishes to promote. In order to perform their task well, they must understand the prescribed doctrine. Above all, they must grasp its purpose. They must understand that it is intended to promote the virtue of the citizen, a kind of virtue that resembles but is not identical with genuine virtue. In order
to understand this, they must acquire a degree of freedom from the effects of their prior education, which for obvious reasons does not teach them this. Besides, they must overcome the aversion to innovation that is characteristic of old men. It is apparently for these reasons that they must drink wine. The Athenian observes that wine "rejuvenates" the old. It renders theirs souls softer and more pliable, like iron that has been immersed in fire. It returns their souls to the condition they were in prior to education. In short, in order to gain a certain amount of freedom from the effects of their previous education, their education to civic virtue, the old men whom the wise lawgiver will appoint as censors need to take deep draughts of wine in a "chorus of Dionysus". Yet, as the Athenian indicates, wine would not in fact give them that freedom. His playful suggestion that the official censors could acquire in a "chorus of Dionysus" the freedom of mind they need in order to execute their task well is intended to reveal the impossibility of guaranteeing, through legal or institutional methods, that they will possess that freedom. It is intended to illustrate the probability that the model or standard of music that the wise lawgiver prescribes will not be intelligently applied, and hence that the actual music of the city for which he legislates will not perfectly conform to that standard. To the extent that it deviates from that standard, it will be less effective in achieving its purpose.
Virtue and Force

The Athenian had argued on the basis of the premise that the possession of "the divine goods" (the virtues) is the necessary and sufficient condition for the possession of "the human goods," i.e., the goods of the body and those upon which the body depends: health, beauty, strength, and the right kind of wealth. In Book III he examines a corollary of that premise. Since virtue guarantees strength, the virtue of rulers guarantees the preservation of their rule: no regime is ever destroyed except by the vice of the rulers themselves. Hence the wise lawgiver will demand that the virtuous rule and that neither their rule nor his laws be subject to the consent of the demos or multitude, the class which always lacks virtue. The Athenian suggests that he and his interlocutors will confirm these propositions through an investigation of the causes of the failure of an ancient confederacy consisting of Lacedaemon, Argos, and Messene, and of the fate of the regimes in those cities. But their investigation does not confirm them. On the contrary, it shows that the virtue of rulers does not guarantee either political stability of military strength, and that therefore the wise lawgiver must take steps to secure them by other means. He must grant a certain amount of political power to the demos. Otherwise, there will not be a sufficient degree of friendship among citizens. The multitude, deprived of political power, are likely to become enemies of the regime, and hence to overthrow it themselves, or to contribute to its
destruction at the hands of foreigners. The Athenian concludes that the lawgiver must legislate with a view to freedom (he means the political freedom of the demos as opposed to its absolute subjection to virtuous rulers and wise laws) and friendship (friendship among fellow citizens and especially between rulers and ruled) in addition to virtue. He finally rejects the view that the lawgiver must legislate with a view to virtue only. He rejects it because the premise upon he had based it, the premise that virtue guarantees strength and the other "human goods," is false. Because it is false, the wise lawgiver must seek to obtain the human goods for his subjects by other means. As the Athenian puts it, he must honor the goods of the body and those upon which the body depends in addition to the virtues.

**Hobbes and Plato**

We suggested that Hobbes’s claim to be considered the founder of modern political philosophy rests less on his doctrine of rights than on his rejection of the classical conception of the goals of civil society. An accurate understanding of the Laws helps us judge this innovation. By freeing us from the influence of Hobbes’s polemic against classical political philosophy, it enables us to recognize that the quarrel between Hobbes and classical political philosophy is a quarrel between two realistic views of the proper goals of civil society.
Hobbes severely criticizes Aristotle\textsuperscript{101} for having taught that the wise or the prudent ought to rule. Assuming that some men are greatly superior to others in prudence, the latter would not recognize their superiority or willingly submit to their rule. Nor could they be compelled to submit.\textsuperscript{102} Aristotle made the mistake of assuming that the title to rule based on wisdom or prudence can be an effective one. Moreover, Hobbes ridicules the doctrine of the \textit{Republic}, that the rule of the wise is the necessary and sufficient condition of civil peace. If his own doctrine implied "that it is impossible for the disorders of the state, and change of governments by civil war, ever to be taken away, till sovereigns be philosophers," he would believe it to be "as useless as the commonwealth of Plato."\textsuperscript{103} The \textit{Laws} suggests that he misunderstood the Platonic teaching. To begin with, it suggests that the best regime described in the \textit{Republic}, the regime of the philosopher-rulers, is not realizable among human beings (739c-e). This would seem to imply that according to Plato, political disorders and civil wars are coeval with man. This view of politics seems to us more sober than that of the man who teaches that civil peace can be guaranteed through the

\textsuperscript{101}Hobbes criticizes Aristotle more often and more severely than Plato. But this is, we believe, owing less to his preference for Plato (see \textit{Leviathan XLVI, English Works} vol. VI, p. 346) than to the greater influence of Aristotle on political practice in Christian Europe.

\textsuperscript{102}De \textit{Cive} III 12-13; \textit{Leviathan} XV; \textit{English Works} vol. IV, pp. 102-103.
popular diffusion of the correct moral and political doctrine. Yet something initially prevents us from concluding that Plato held that sober view: the Laws reproduces the doctrine of the Republic, if in a somewhat less radical form. In Book III, Plato’s spokesman asserts that the rule of the wise or the moderate (he identifies moderation with wisdom) is the sufficient condition of stable government: no regime is ever destroyed except by the ignorance (immoderation) of the rulers. From this premise, he concludes that the lawgiver must ensure that the wise or the moderate rule and that all others be excluded from political power. Yet, as we have seen, a subsequent investigation, ostensibly undertaken in order to confirm that premise, leads him to abandon it as incorrect. He then suggests that the lawgiver must make concessions to the claims to rule of those who are not wise or virtuous, because those claims are supported by strength: above all, he must concede a share of power to the demos, the majority, for the sake of civil peace and security against foreign aggression. Hobbes’s appears to have misunderstood the Platonic teaching.

This is not to say that his critique is entirely without foundation. Plato’s spokesman’s concessions to the demands of civil peace and national security are grudgingly made and incomplete. He leaves no doubt that the promotion of these goals (which requires according to him the concession of

103*Leviathan* XXXI.
large share of power to the unwise or those who lack virtue) is in some tension with the promotion of virtue (which requires according to him the absolute rule of wise laws and virtuous men). But while admitting that the lawgiver must promote the former, he insists that he must also promote (a certain kind of) virtue. He proposes a compromise between the best arrangements for promoting (a certain kind of) virtue and the best arrangements for promoting peace and security. Unlike Hobbes, he refuses to subordinate everything to the latter.

In the chapter of the Leviathan entitled, "Of Darkness from Vain Philosophy and Fabulous Traditions," Hobbes tells us that

Aristotle and the other heathen philosophers define good and evil by the appetite of men; and well enough, as long as we consider them governed every man by his own law. For in the condition of men that have no other law but their own appetites, there can be no general rule of good and evil actions. But in a commonwealth this measure is false. Not the appetite of private men, but the law, which is the will and appetite of the state, is the measure.¹⁰⁴

Hobbes admits that the appetite of individuals is the natural or primary measure of good and evil.¹⁰⁵ But he insists that peace requires the substitution of a common measure, the law. He notes that according to the classical philosophers, right reason is the correct political standard of good and evil. But he argues that this standard is ineffective. Because

¹⁰⁴Leviathan XLVI.
¹⁰⁵Cf. Leviathan VI, XXIX.
most men are governed by passion rather than reason, to leave men to define their duties by right reason means, in effect, to leave them to define their duties by their present appetites. The classical philosophers overestimated the power of reason. The correct common standard of good and evil is not right reason but the law.

Perhaps Hobbes never made an unbiased study of the sources of the classical teaching (Strauss 1936, 141). At any rate, he appears to have misunderstood the Platonic teaching. According to the Laws, right reason is a more rational standard of good and bad than law. But reason is weak, unable to control the passions of most men. One must find a standard that is more effective. Law is the proper political substitute for right reason. Hence the wise lawgiver will prescribe whatever moral doctrine, true or false, best promotes willing obedience to the law. In short, Plato agrees with Hobbes that law is the correct political standard of good and evil.

This agreement between Plato and Hobbes, however, conceals a more fundamental disagreement. For Hobbes, the law is nothing but the expressed or implied will of the present sovereign. For Plato, all ‘laws’ that are not derived from a wise lawgiver do not deserve the name. When he concludes that law is the correct political standard of good and evil, he means that the correct political standard

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is a fixed and fundamental law code formulated by a wise lawgiver. His conclusion has an obvious advantage over Hobbes's. Although Hobbes asserts that the correct standard of good and evil in civil society is the law understood as the expressed or implied will of the sovereign, he is forced to admit that the law so understood may be bad.\textsuperscript{107} The sovereign may be foolish or wicked.\textsuperscript{108} There are even sovereigns who "cannot discern between good and evil."\textsuperscript{109} This is a strange way of speaking for one who argues that the sovereign's will is the correct standard of good and evil in civil society. But Hobbes is not able to maintain this thesis consistently, for the simple reason that he has a more fundamental standard of good and evil. Hobbes's moral standard is peace.\textsuperscript{110} He teaches that the sovereign's will is the standard of good and evil because obedience to the sovereign is the most important condition of peace. He insists that all laws must be interpreted in accordance with the present sovereign's will, because to leave their interpretation to others would be a source of controversy and contention.\textsuperscript{111} Moreover, he argues that the doctrine (which he ascribes to Aristotle) that laws rather than men ought to govern is seditious, because it supplies a standard against which subjects may judge their rulers, and so induces them,

\textsuperscript{107}Leviathan XXX.
\textsuperscript{108}Ibid., XVIII, XXI, XXIX.
\textsuperscript{109}Ibid., XIX.
\textsuperscript{110}See above, pp. 10-12 and n. 21.
"as oft as they like not their governors, to adhere to them that call them tyrants, and to think it lawful to raise war against them."112 In short, Hobbes accepts the disadvantages of his doctrine because he believes that it promotes peace better than any other.113

For our purpose, we do not need to settle the question of whether or not he is right. We must, however, consider this objection to Plato's teaching. Plato suggests that most laws do not deserve the name. His hints about the difference between law and right reason suggest that even the wisest laws are not simply reasonable. His hints about the difference between civic and genuine virtue raise doubts about the goodness of obedience to law. One might conclude that Plato's critique of law and of morality understood as obedience to law proves the essential justice of Hobbes's charge that the classical philosophers defined good and evil without reference to the requirements of politics, and more generally his charge that their moral and political teaching is seditious. In defense of Plato, we can say, to begin with, that since he wishes to convey the truth to some readers, he cannot limit himself to teaching salutary fictions. He does, however, make some effort to conceal his critique. That critique is for the most part conveyed through hints and suggestions. For example, his teaching

111Ibid., XXVI.
112Ibid., XXIX, XLVI; De Cive XII 4.
113See Leviathan XVIII, XX.
about the difference between law and right reason is for the most part intimated or suggested rather than stated. If one reads carelessly, one is left with the impression that according to him law and right reason are virtually identical. Finally, and above all, the same charge may be leveled against Hobbes's doctrine. He too supplies standards against which men may judge the law. He too leads his more thoughtful readers to doubt whether obedience to the law is always obligatory or good.\textsuperscript{114}

We return now to the decisive question. According to Hobbes, the natural or primary measure of good and evil is the appetite of individuals. But peace requires the substitution of a common measure, the law understood as the expressed or implied will of the present sovereign. And this standard is consistent with the natural standard, because the desire for peace is the deepest or most powerful human desire. More precisely, it is consistent with the natural standard because peace is the condition for the satisfaction

\textsuperscript{114}He derives the obligation to obey the civil law from the obligation to obey the law of nature. He derives the obligation to obey the law of nature from the right to self-preservation. According to him, the right to self-preservation is absolute. If it is possible to derive an obligation from a right, it is at any rate impossible to derive an unconditional obligation from an absolute right. For Hobbes, the absolute right to self-preservation implies an absolute right to the means to self-preservation: each man is the rightful judge of what is required for the preservation of his life. It follows that each man is the rightful judge of his legal obligations, and that he may disobey the law whenever he thinks that doing so will conduce to the preservation of his life. Hobbes does not draw this conclusion. But it follows from his premises.
of the most powerful human desire, the desire for self-preservation. Plato, on the other hand, teaches that the correct political standard of good and evil is a fixed and fundamental law-code formulated by a wise lawgiver. The conditions for the establishment and perpetuation of such a code are rare. But Plato's answer to the question of the goals of the wise lawgiver indicates his view of the proper goals of civil society. He admits that the wise lawgiver must legislate with a view to securing the conditions of civil peace and national security. But he insists that he must also legislate with a view to promoting (a certain kind of) virtue. Since Hobbes asserts that civil peace and national security are the only reasonable goals of civil society, we can state the basic disagreement as follows. Plato affirms, and Hobbes denies, that (a certain kind of) virtue is a proper goal of civil society. Still, we are left with this question. How does Plato understand the value or goodness of the virtue in question? Is it a means to some further end? (Hobbes himself advocates the promotion of those habits of character that conduce to peace.) We have occasionally described the virtue in question as habitual obedience to wise laws. This formulation suggests that the chief and highest goal of wise legislation is to make men obey the wise legislation. It begs the question of the value or goodness of such obedience. Even the more precise

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115 *Leviathan* XVII; *De Cive* V 9.
formulation, that the virtue in question consists in the habitual acceptance of the wise lawgiver's moral-theological doctrine, leads us back to the same difficulty. For the Athenian suggests that the primary purpose (though not the only purpose [consider 663d9-e2]) of that doctrine is to promote willing obedience to law. We believe that this suggestion needs to be qualified in the light of the later books of the Laws. More generally, we believe that the first three books of the Laws do not give a complete answer to the question of the value or purpose of that kind of virtue which consists in habitual acceptance of the wise lawgiver's moral-theological doctrine. We suspect that a study of the later books will show that its goodness consists partly in the fact that it provides a partial solution to the human problem. (Consider the Athenian's suggestion that death is "the end of the whole [or: every] political order" [632c1-3].) For Hobbes too, the state or civil society is a partial solution to this problem. But he understands that problem differently: for him the human problem is the problem of violent death.
Appendix: The Text of the Laws and Its Author

The Authenticity of the Laws

On the basis of what they took to be discrepancies between the style and doctrine of the Laws on the one hand and of Platonic works of undoubted authenticity on the other, Ast, Zeller, and Suckow concluded that Plato did not compose the Laws. The two former critics, however, later changed their minds. They bowed at last to Aristotle's testimony in favor of its authenticity. On this question, we will simply copy Grote's protest.

To me, I confess, it appears that the Treatise De Legibus is among the best authenticated works of the Platonic collection. I do not know what better positive proof can be tendered than the affirmation of Aristotle in his Politics -- distinct and unqualified, mentioning both the name of the author and the title of the work, noting also the relation in which it stood to the Republic, both as a later composition of the same author, and as discrepant on some points of doctrine, analogous on others. This is in itself the strongest primâ facie evidence, not to be rebutted, except by some counter-testimony, or by some internal mark of chronological impossibility: moreover, it coincides with the consistent belief of all the known ancient authors later than Aristotle -- such as Persaeus, the Alexandrine critics, Cicero, Plutarch, &c. (1992, 461)

The Alleged Posthumous Revisions of the Laws

Other critics conclude that inconsistencies in the work are the result of its having been extensively edited and modified by a later hand. They employ the following sources to support their hypothesis.

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116 See Politics 1266b5, 1271b1, and 1274b9ff.
Diogenes Laertius informs us that, in his time, some people said "that Philip of Opus transcribed [μετέγραψεν] the Laws of [Plato], which were in waxen tablets [ὄντας ἐν κηρῷ]" (III 37). The verb μεταγράψεν "can mean either 'to transcribe, to copy,' or 'to rewrite, i.e., to correct.'" But "in the present context nothing suggests that Diogenes meant the latter, and his use of this verb elsewhere . . . is also against such an interpretation; but the former meaning fits the context well" (Tarán 1975, 130n. 543). From this it appears that, according to those whose opinion Diogenes reports, Philip merely transcribed (he did not alter) the Laws. The most that can be understood from Diogenes' report is this. "The persons (whoever they were -- ἐνοικοὶ) to whom Diogenes refers, considered Philippus as in part the author of the Νόμων; because he had first transcribed them in a legible form from the rough original, and might possibly have introduced changes of his own in the transcription" (Grote 1992, 464; emphasis mine).

According to a statement of Proclus reported by the author (his identity is unknown) of the Prolegomena to Plato's Philosophy, Plato did not have time to correct (διορθώσασθαι) the Laws before he died. Proclus' statement deserves some credit. He was head of the Academy, and so "had its library at his disposal" (Tarán 132n. 554). On the other hand, he wrote more than seven hundred years after Plato's death. And the fact that we possess no earlier (unambiguous) reports that the Laws was uncorrected at the
time of Plato's death, although it does not prove that there were no earlier reports of this kind, raises a strong suspicion that Proclus' statement, instead of being based on prior reports, is a conjecture of his own intended to explain those difficulties in the Laws that have also puzzled modern scholars. That Proclus did not, as far as we know, mention any posthumous editor or corrector of the Laws, supports this explanation; for it suggests that he thought that the work as he had it remained uncorrected (cf. Tarán 1975, 130-131).

The author of the Prolegomena goes much further than Proclus. He asserts that Plato left the Laws both "uncorrected" (ἀδιακρωτός) and "confused" (συγκεκριμένος), and that, "if the work now seems to be properly arranged," this is owing to the editorial efforts of Philip of Opus. Whatever credit this very late report deserves is diminished by the ignorance displayed by the author (he says that Philip was head of the Academy, which is not true) and by the likelihood, supported by internal evidence, that his statement is merely an inference from the statements of Diogenes and Proclus. (See Tarán's comparison of the three statements [1975, 128-130].)

In short, the view that Philip or anyone else altered the Laws after Plato's death is not well supported by ancient sources. Recently, this view has fallen into discredit: most classical scholars accept the view that we possess the Laws as Plato left it.
The Senility Hypothesis and the Date of Composition of the Laws

The reports we have mentioned, with other evidence supposed to show that Plato composed the Laws very late in life, has given rise to another explanation of its alleged defects: it is the work of a senile Plato. Müller, the chief advocate of this view, concluded that "Plato in his old age reduced the great conceptions of his prime to trivialities and produced in the Laws an unintelligent caricature of his own philosophy" (Cherniss 1953, 369).

Cherniss has shown that the arguments advanced to prove the anomalous style of the Laws are not so strong as they were formerly thought to be (1953, 367-389). Those supposed to prove its anomalous doctrine are convincing only to those who accept particular interpretations of the Laws itself and of 'normal' or 'standard' Platonic doctrine. Likewise, the evidence advanced to prove inconsistencies and lack of structural unity in the work is susceptible of alternative interpretations. Much of this evidence occurs in the first three books of the Laws; and the reader will find, in the foregoing pages, interpretations of the relevant passages that do not support Müller's thesis.

Furthermore, although it is usually asserted as a fact, it is not clear that Plato composed the Laws in extreme old age. Aristotle speaks of the Laws as a work written later than the Republic (Politics 1264b26 and context). And Plutarch says that Plato was older when he composed it than
when he asserted many times a certain doctrine that critics generally locate in the *Timaeus* and the *Sophist* (*On Isis and Osiris*, 370e). Since, however, the dates of composition of these other works have not been established, the remarks of Aristotle and Plutarch prove to reveal very little. The view that Plato composed the *Laws* in extreme old age has no better foundation in external sources than the very late reports of Diogenes, Proclus, and the author of the *Prolegomena.*

We turn then to the internal evidence. Some critics have asserted that a passage in Book I supplies a *terminus post quem* for its composition.

For the larger cities defeat in battle and enslave the smaller, [as] the Syracusans [defeat and enslave] the Locrians (who seem to have been the best governed among the inhabitants of that place.
[viz., Sicily and modern Calabria]), and [as] the Athenians [defeat and enslave] the Ceians.\textsuperscript{117}

Some commentators take the first example to refer to Dionysius the Younger’s seizure of the citadel of Locris in the year 352 B.C. (or, as some would place it, in 356 B.C.). They conclude from this that the Laws, or at least Book I, was written after that time. Their interpretation, however, has been disputed by L. A. Post. Even if the reference is to one particular event in the past, he observes, it is only the earliest known enslavement of Locris by Syracuse that can serve as a \textit{terminus post quem}. And there is evidence that such an event occurred long before the dates mentioned. “Dionysius \textit{the Elder} had stormed Locris (Justin, XX, 5, 1) and exercised tyranny there (Plutarch, \textit{Tim.}, 6) \ldots” (Post 1954, 202; emphasis mine). Indeed, it would be more plausible to suppose that Plato refers to this event. For Plato speaks here of the enslavement of the Locrians by “Syracusans.” Yet

at the time when Dionysius the Younger occupied the citadel of Locri, he was not acting for Syracuse. He was not in control of Syracuse, and his soldiers were not Syracusans but mercenaries. It was not, properly speaking, a conquest of Locrians by Syracusans at all. (Post 1929, 9; emphasis mine)

Post, however, supposes that the reference is not to any single past event. In support of this he notices the fact that Plato here uses the verb \textit{καταδουλώνται} ("they enslave") in the present tense. Those who understand Plato to refer here

\textsuperscript{117}638a7–b3. We follow Burnet’s punctuation of bl.
to a past event are compelled to interpret the verb as an uncommon example of the historical or annalistic present tense -- uncommon, because the use of the annalistic present is usually confined to extended narratives, where the time of the action is unambiguously indicated to the reader by other means. We agree with Post that Plato here uses the present tense because he is stating a general point, that the Syracusans, on account of their superior size, when they do battle with the Locrians, generally defeat them. The second example given in the passage of large cities' defeating small ones seems to support his view.

[T]he Cean parallel illustrates [Plato's] meaning. Ceos was independent of Athens at intervals, but whenever Athens controlled the seas, she also controlled Ceos. Both [Ceos and Locris] were in name allies but in fact subjects. (Post, l.c.)

In short, the Athenians, on account of their superior size, generally defeat the Ceians whenever the latter presume so far as to dispute their status as subjects or inferior allies of Athens.

Ernest Barker derives an earlier terminus post quem from the reference to the Ceians' enslavement by the Athenians. According to him, Plato "alludes to the Athenian conquest of Ceos, which had revolted in 364 and again in 363... It follows that Book I was written after 363, ..." (1960, 338n. 1). But Post's argument tends to discredit this conjecture too. A few other passages of the Laws (e.g., 814b, 709eff.) are connected by some critics with events either of Greek history or of Plato's life the approximate
dates of which are known. But these connections are so entirely conjectural that most critics put no confidence in them.

Perhaps we should add that Post seems to us to attach too much importance to the date of composition of the Laws. But his argument, though intended to refute the supposed evidence in the quoted passage of a *terminus post quem* for the composition of the Laws, serves also another purpose. It shows that there is no evidence here in favor of a *terminus post quem* for the dramatic date of the dialogue, the date at which Plato wished to suggest to his readers that the dialogue took place. Other passages suggest that the dramatic date of the dialogue is much earlier. For instance, the Spartan boasts on two occasions of the great military superiority of his countrymen (638a1-2; 633a1-2 and context). Such boasts would come with a very bad grace from a Spartan living so late as 363 or 356 B.C. By the former date, Sparta’s once undisputed military superiority was long gone; and by the latter, she had been reduced to the lowest humiliation by invasion and the loss of near half her territory. To put such boasts in the mouth of a Spartan living in these times would have been for Plato an almost incredible dramatic impropriety.\(^{118}\) As for the importance of

\(^{118}\)François Ollier has a different explanation of these boasts (1973, 271-72). Plato simply did not perceive that the days of Spartan military supremacy were gone. “Platon ne s’est pas rendu compte de la véritable porte des défaîtes spartiates.” But is this not to charge Plato with the
the dramatic date of the Laws, we merely note that, according to one critic, the Laws has an important dramatic relation to the closing scene of Socrates' life, and to his deliberations on that occasion (Strauss 1988, 32-33; 1975, 1-2).

The Epistles and the Disillusionment Hypothesis

Many critics, assuming that Plato composed the Laws in his last years, have used the information supplied by the Platonic Epistles about the last few decades of his life in order to explain the striking differences between the Laws and the Republic. We admit that Plato’s opinions may have undergone changes during the interval separating the composition of the two works. We admit, moreover, that some of the events in Plato’s later life may have diminished his hopefulness about the possibilities for political reform, not merely in contemporary Sicily, but in all times and places. But something is needed to bridge the gulf between these bare possibilities and the conclusion that the differences between the Republic and the Laws are owing to changes in Plato’s views that were caused by those events. This something some critics also find in the Epistles. These, we are told,

show us that Plato was really in earnest with the Ideal State which he had sketched in the Republic;

...grossest stupidity? "Nous les jugeons, nous, irrémédiables, parce que nous savons tout ce qui s’est produit par la suite. Mais les contemporains ignoraient l’avenir, et le laconisme de certains d’entre eux pouvait les aveugler au point de ne pas apercevoir la ruine profonde de Lacédémone." Ollier can only apologize for Plato’s stupidity by affirming that it was not peculiar to him, and by ascribing to him a stupid prejudice in favor of the Spartans.
and they put before us all the practical measures he took, with Dion as his colleague, to realize that Ideal. They also help us to understand how, in default of the Ideal, he was led to fall back upon the rule of Law, as a second-best; so that the Laws, rather than a new Republic, was the main work of his declining years. (Bury 1914, 390)

This is, to say the least, a very loose interpretation of what the Epistles show us. Another scholar tells us that in them “Plato does not say that he expected to actualize the city of the Republic or anything like it” (Stalley 1983, 19). He is quite right. Plato does repeat in them the famous doctrine of the Republic that the ills of mankind will not cease until genuine philosophy and political power are combined in the same men (326a-b). But his low opinion of the abilities and character of Dionysius, the tyrant of Syracuse, is hard to reconcile with the view that he hoped to bring about that combination in his person. Moreover, the reforms he recommends in the Epistles closely resemble some of the proposals we find in the Laws, and are justified by doctrines that are repeated almost verbatim in that work.119

Some critics, feeling the weight of this objection, emphasize that the letters in which we find these statements (III, VII, and VIII, all of which are “widely regarded as genuine” [Stalley, l.c.]) were all composed after Plato’s third visit to Sicily, and that two of them (VII and VIII) were composed after the disastrous failure of the reforms undertaken by his friend Dion, a failure the more affecting to Plato because it

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119 See Stalley 1983, 19-20, with the passages there cited, and
ended in Dion’s assassination at the hands of some former members of the Academy. They observe, that is, that these letters, especially VII and VIII, were composed at periods when Plato’s own and his friends’ misfortunes in Sicily had (so they suppose) diminished his earlier hopes as to the possibilities of political reform in Sicily and elsewhere. Hence they suggest that the proposals and doctrines we find in these letters reflect Plato’s later, disillusioned views, as opposed to the more sanguine views with which he first arrived in Syracuse. In order to accept this suggestion, however, we must suppose that Plato is guilty of misrepresenting his earlier views. For he expressly affirms in VII and VIII that his views about Sicilian political reforms have undergone no change. In the latter, he repeats what he calls “my ancient advice” (354b); and he declares that his views have not changed since Dion’s death (357a). In the former, he affirms that the counsel he gives to the deceased Dion’s friends is the same as that he had given from the very outset to Dion himself and to Dionysius (334d). To conclude, then, while the aforesaid theory may derive some support from the misfortunes of Plato and his friends described in the Epistles, it is contradicted by Plato’s express and repeated denial that his views had undergone any remarkable change after those misfortunes occurred. Recently

Klosko 1986, 239.
this theory appears to have fallen into some discredit.
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