The Reverent City: Plato’s *Laws* and the Politics of Ethical Authority

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Graduate Department of Political Science in the University of Toronto

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Abstract:

As a virtue, reverence seems to have disappeared. People who speak highly of it are suspected of an obtuse fanaticism or of adherence to some eccentric New Age cult. If reverence lives on in mainstream culture, it does so either as a term of abuse or—more typically—through its antonym, whose merits are loudly broadcast. But what if reverence is a quality without which civilized life becomes impossible? Do societies like ours neglect reverence at their peril? Plato, at any rate, suggests they do. This study elucidates Plato’s reasons for thinking so. These appear in the seldom studied *Laws*, the most important treatment of reverence in the tradition of Western political philosophy. Building on exciting developments in classical studies and political theory, *The Reverent City* sheds new light on this long-neglected dialogue, and on its significance for our irreverent times. On my interpretation, Plato looks to reverence as the root of ethical learning in all-too-human citizens. Political life depends on such learning, but the *Laws* shows how powerful currents in human nature incline most of us away from it. To acquire and practice the virtues that are its fruit thus demands refusing the inclinations that are its bane, and it is reverence—the capacity to show due respect for what exceeds and circumscribes the human—that supplies the needed impetus on Plato’s account. I bring out the enduring relevance of this argument by highlighting the prescience of its warnings. He shows how the *Laws* anticipates with remarkable foresight the cynicism, apathy, and nativism to which democratic publics are increasingly prone in modern societies. By recovering a novel diagnosis for these trends in the neglect of a forgotten...
virtue, *The Reverent City* affords a richer understanding of our worrying politics, and blazes a promising path for future research.
Acknowledgments

I was very fortunate to have come to Toronto for my doctoral studies. I came with the intention of continuing inquiries into the work of C. B. Macpherson, with whose thought I remain interested. But I had turned to Macpherson in the first place because of a budding passion for the great classical philosophers. It seemed to me that much light was shed on both the strengths and weaknesses of Macpherson’s intellectual program by situating it within certain problems posed by the classics. I quickly realized on arriving at U of T that I would profit much more from devoting my studies to those problems, not least because I was so impressed by the Toronto professors whose interest in them seemed to be so much more than academic. Truly, they seemed to model what they urged on their students: to live with the problems to which the texts we study point. To give them the concentration they need to be digested and to see how they arise from life, not merely from the pages of a book. The seven years that I have spent in their company have amply vindicated that impression. Under their guidance, and thanks to their provocations, I have known something of the pleasures afforded by really thinking. To the great extent that I fall short of that measure, that is due in great part to having failed to have learned more from them than I have.

I owe a great debt to Ryan Balot in particular, my dissertation supervisor. It is no exaggeration to say that Ryan was to me the ideal academic mentor. His tremendous expertise in Greek political thought made him an invaluable guide and interlocutor during my foray into Platonic political philosophy. His talents as an advisor pushed me to pursue unusual ideas without permitting me to stray too far from good sense. And his integrity as a person helped me preserve a sense of what ultimately matters when faced with the pressures to which younger scholars are so exposed.
I also want to thank my family, without whose love and support over many years this project would never have come to fruition. My parents, Brent and Cathy, have always been patient and sympathetic champions of my intellectual endeavors. Many of my fondest memories involve their encouragement to give myself over to my curiosity. I am also thankful for the conversations with my brothers, Alex and Adam, about all manner of things more or less related to this project. Though I see my brothers less than I would like, I have benefited very much from the warm reception that they have always given my ideas, as well as the thoughtful criticism with which they have sometimes challenged them. I am especially grateful to my wife, Kathryn, who for better or worse has lived with these ideas more intimately than anyone else. It is a great reassurance to me that some of them have survived the scrutiny of her formidable intellect and playful imagination. With Kathryn, I continue to learn these things, and much else besides.
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Of course, the affairs of human beings are not worthy of great seriousness; yet it is necessary to be serious about them; and that is our misfortune...by nature god is worthy of complete, blessed seriousness, but what is human...has been devised as a plaything of god, and this is really the best thing about it.

Plato, *Laws* 7.803b-c
Chapter 1 | Reverence and the Politics of Ethical Authority

A Forgotten Virtue

As a praiseworthy virtue, reverence seems to have disappeared. People who speak highly of it are suspected of an obtuse fanaticism or of adherence to some eccentric New Age cult. If reverence lives on in the mainstream culture, it does so either as a term of abuse or—more typically—through its antonym, whose merits are loudly broadcast. One hears of a “culture of irreverence” indispensable to economic enterprise; of a group of veterans proudly calling themselves “the irreverent warriors;” of the latest critically acclaimed film, that it is “refreshingly irreverent;” or of the new Broadway comedy, that it is “profane, hilarious, witty, and totally irreverent.”

Comedy, of course, has always seemed irreverent. But what is striking is the extent to which comedy has of late proliferated. A fashionable, “ironic” posture and lazy cynicism now prevails. An almost childlike disrespect has seized the culture. Where once ridicule of the putatively serious stood alongside sincere solemnity, there is an unmistakable trend towards an affected self-deprecation and flippancy, even among public figures of some eminence. Future prime ministers allow themselves to be seen in boxing rings or purposefully tumbling down flights of stairs. Presidents and their cabinets invite the ridicule of comedians and perform self-mocking skits at annual press galas. Heads of state announce their dietary preferences on social media. And leaders of major parties intervene in frivolous debates agitating obscure corners of the Internet. Such gestures obviously strike a chord with democratic publics. Leaders given to playing the everyman

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give constituents the impression that they are reflections of themselves. It is therefore remarkable
to see distinguished men and women playing the clown. Is this how the ordinary person has come
to see himself?

Clearly, the ordinary person seldom looks up to politics or public affairs as a noble vocation.
The well-documented estrangement from public life in the liberal democracies is associated with
contumely and distrust. An attitude of repugnance prevails. Civic leaders of all stripes are tarred
with corruption, incompetence and worse, sometimes with good reason, but often not. In any case,
large segments of the electorate feel amply justified in turning their backs on the sordid goings on
among the “politicians” they despise. It is hardly surprising, then, that leaders who seem to
abandon the serious posture of their predecessors should win a hearing. Self-importance in a leader
can be ruinous if it is taken to imply insincerity and a tin ear, which it must if constituents cannot
recognize the leader’s calling as a serious pursuit. Performing the comic allows him to join the
voters in their contempt, bridging the gulf that comedy opens between its audience and the
farcical.

If this politics of irreverence seems innocuous, consider that contempt goes hand in hand
with truculence and even violence. The injustice or ineptitude of statesmen appears more
outrageous if affairs of state are perceived with scorn. If there is nothing especially lofty about the
tasks of politics, then politicians should be capable of performing their duties as blamelessly as
engineers and entrepreneurs perform theirs. The politician’s failure to do so thus seems
inexcusable and arouses indignation, however inevitable it may have been. Similarly, where the
public business is thought contemptible, each is more careless in the political convictions that he

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2 See, e.g., David C. King, “Fall from Grace: The Public’s Loss of Faith in Government” in Why People Don’t
Press, 1997), pp. 155-78; and Jennifer L. Lawless and Richard L. Fox, Running from Office: Why Young
Americans are Turned Off to Politics (New York: Oxford University Press, 2015).

3 David Matsumoto, Hyisung C. Hwang and Mark G. Frank, “Emotional Language and Political Aggression,”
adopts, and less tolerant of those with whom he disagrees. After all, if the problems at hand are trivial, then they should admit of manifest solutions, namely those that occur to me. Whoever takes a different view of such trivia must seem unreasonable, the more so the more forcefully he espouses his “absurd” position. Contempt inspires arrogance, arrogance disdain. And because the voguish irony implies this same condescension, it too, in the final analysis, must be understood as a sort of vanity. Self-deprecation might masquerade as humility, but it belies conceit.

To understand why irreverence elicits such divergent attitudes, however, and to assess fully their political significance, it is necessary to leave the modern world behind. Only by grasping the nature of reverence itself, its possibilities and limitations, its origins and ends, will we be in a position to evaluate its disappearance. In modern English we retain the word, but English speakers scarcely know how to use it. “Right now it has no place in secular discussions of ethics or political theory,” observes Paul Woodruff. “Even more surprisingly, reverence is missing from modern discussions of the ancient cultures that prized it.” We have become so blind to the virtue that we fail to notice even where it is most admired. To recover a sense of what reverence might mean and why it might be important, then, we must free ourselves of the blinders that our modern way of life imposes. We must attend more carefully to a world of strangers, those to whom reverence held some significance or continues to do so, and avoid projecting our presuppositions into theirs.

This study attempts to do just that by following Woodruff in turning to the Ancient Greeks. As Woodruff has shown, the epic and tragic genres of Greek literature are in many ways devoted to extolling reverence. In these works, a recurring motif concerns the suffering occasioned by its neglect. Lacking an appropriate sense of shame or harboring a contempt for things divine,

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protagonists such as Oedipus, Kreon, Pentheus, and Agamemnon lose sight of the finitude imposed by their own humanity and soon trespass on a realm vouchsafed to the gods. Oedipus overrates the good of mortal knowledge, having won with his wits the throne of Thebes; Kreon becomes trapped within a destructive, uncompromising logic in his refusal to concede the good sense of others; Pentheus, in his ignorance, dares do battle with a god; and Agamemnon claims the status due a deity, demanding Achilles’s prize just as Apollo had demanded his. The virtue lacking in these cases is concerned with avoiding an alluring self-ignorance. It uses a class of emotion that includes awe and shame (aidōs, sebas, and aischunē) to call one back to the implications of being human, particularly as human nature both engenders and frustrates longings to transcend itself. As mortal beings endowed with intellect, we are not only alive to our ultimate doom, for example, but are lured to thinking it wishfully away. We can conceive of life without painful necessities or troubling mysteries and are therefore prone to forgetting or minimizing them, as though life were easier and more carefree than it really is. It is the strength of character responsible for curbing such wishful thinking—for keeping us from acting like gods—that I follow Woodruff in calling “reverence.”

On the other hand, my purpose will be to show that Woodruff’s remark that reverence is missing from modern interpretations of the ancient works in which it is esteemed is truer than he knows. Woodruff maintains that the Greek philosopher Plato is an enemy of reverence in its traditional, tragic sense. I shall argue that this is quite mistaken. The Platonic dialogue most devoted to reverence not only rehabilitates the tragic sensibility with which that virtue is associated for the Hellenes, but does so in ways that shed new light on its importance to political life. Plato

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6 Awe and shame are “emotions of self-assessment.” They are experienced as changes in the view that we take of ourselves, whether because we are confronted with something in whose presence we feel small and less significant than before, as in the case of awe, or because we have deviated from some norm and so altered our standing in the world, as in the case of shame. See Gabriele Taylor, *Pride, Shame, and Guilt: Emotions of Self-Assessment* (New York: Oxford University Press, 1985).
too turns out to be an author whose interest in reverence has gone unnoticed, even by the very scholar to whom its presence has been most visible. It is true that Plato’s works might seem to replace reverence for the gods with reverence for virtue and truth. In the *Phaedrus*, for example, the rational order that coincides with virtue is visually represented outside the heavenly abode of the gods (247a ff.). According to Woodruff, this subordination of the gods accounts for a hallmark of Platonic piety. In epic and tragedy, reverence forbids mortals from emulating the divine; in the dialogues, it urges them to do precisely that (*Theaet.* 175e-76c, *Laws* 4.716b-d). If the gods have ceased to be “objects of reverence,” he reasons, then becoming “godlike” implies no transgression of the boundaries over which reverence presides.\(^7\) But as we shall see, Plato is much less prepared to jettison reverence for the gods than Woodruff allows. In the *Laws*, the dialogue with which we shall be most concerned, the exhortation to emulate the divine exists alongside dire warnings to observe the fallibility of mortal things. One is enjoined to imitate “the god,” but only with “due measure” and “moderation” (716d). It is the god who is “the measure of all things;” human beings must guard against becoming the measure themselves.\(^8\)

**An Enduring Problem**

As Woodruff’s example attests, Plato’s interest in reverence is easily misunderstood. Attending to why this is so will help us see why modernity has turned its back on reverence, and why this may have been a mistake. Unsurprisingly, reverence is most easily recognized where its demands most cohere with modern mores. Because our ethical life leaves little room for this virtue, we are understandably blind to many of the circumstances in which it can be expressed. Reverence is

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\(^7\) Woodruff, *Reverence*, p. 139.

relatively visible to us in epic and tragedy, where it is called for in heroic protagonists. In these cases, the virtue comes to sight as a curb against tyrannical hubris.

A reverent soul listens to other people even when they are inferior; that is a large part of remembering that you are human together with them…Tyrants isolate themselves through a combination of fear and overconfidence. They do not listen to the common people, not to women, not to children, and not even to prophets who claim to speak for a god. Too sure of themselves to take counsel, they set themselves high and fall hard.9

Thus understood, reverence sits quite easily with the democratic egalitarianism of modern society. It seems to reinforce the familiar imperative to respect or “recognize” other people, regardless of their rank or social standing. And it reflects the suspicion of political power characteristic of liberal political thought.

But reverence can be a virtue of ordinary people as well. They too can forget the implications of their own humanity. In their case, however, the emotions that reverence inspires must seem much less anodyne. If reverence makes a leader deserving of respect, it also makes a follower show that respect more freely. Suitably awestruck at the tasks towards which he would be led, the reverent acolyte appreciates his inadequacy for proceeding in them on his own. Doing so would belong to a god, or at least to a godlike man. He similarly abides in an appropriate sense of shame. Fearing the censure of those he esteems, or falling short of the norms that he treasures, the follower shrinks from trying to do himself what rightly belongs to others.10 Reverence is thus coeval with authority. It reveals to the ordinary person the necessity of leadership, self-discipline, and obedience. These, of course, are suspicious words to liberals. We have difficulty seeing how a trait that elicits respect for hierarchy and deference to leaders could be a virtue at all. But Plato at least does conceive of reverence as a virtue belonging to those who are by nature followers. We must

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9 Woodruff, Reverence, pp. 84, 91.
10 See, e.g., Laws 3.700e-701b, 5.732a-b. We shall have occasion to examine these and similar passages with care in later chapters.
not allow our own abhorrence of authority blind us to this fact. To grasp Plato’s motivation for thinking reverence a virtue, then, it is necessary to consider why Plato deems authority so important.

Authority in the broadest sense is a kind of power that relies on neither outright coercion nor rational persuasion. It obtains wherever obedience is secured with neither threats of violence nor assurance of justification. That is not to say that authority is inconsistent with these other kinds of power. Indeed, they frequently go together. But authority is a revealing concept insofar as it refers to power as it emanates from “an accord of worse and better” about the legitimacy of the better’s rule (Rep. 4.432a, cf. Laws 3.689a-c). Authority thus secures the voluntary consent of the governed, but without any presumptive equality between themselves and those they obey. Its influence does not wait on appeals to compelling reasons. And it does not dissolve when the circumstances in which those appeals were relevant change. Authority, rather, depends on shared beliefs about who and what is admirable. It confers legitimacy on stable, hierarchical relationships between those thought to embody the admirable traits and those considered less meritorious in the relevant respects. Authority thus presupposes something like reverence, a form of moderation disposing the ruled to suppress the envy that the more admirable naturally arouse.

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11 Cf. Numa Denis Fustel de Coulanges, The Ancient City: A Study of the Religion, Laws, and Institutions of Greece and Rome, trans. Arnaldo Momigliano and S. C. Humphreys (Baltimore: Johns Hopkins University Press, 1980), Part III, ch. 11; Hannah Arendt, Between Past and Future (New York: Penguin, 2006), pp. 92-93. While I accept Arendt’s view that authority is a useful concept only if distinguished from both coercion and persuasion, I do not accept her claim that authority is therefore distinct from “power” as well. Nor can I agree with her assertion that authority simply did not exist for the Hellenes, apart from in the writings of Plato and Aristotle. The word’s etymology may be Latin, not Greek, but it is difficult to imagine political life without authority, even if the phenomenon lacks a name. Tocqueville’s view seems the more reasonable: however much a society may suppose that it achieves consensus and obedience on the basis of rational persuasion or autonomous reasoning, it is always necessary that we encounter authority within it. See Alexis de Tocqueville, Democracy in America, trans. Harvey C. Mansfield and Delba Winthrop (Chicago: University of Chicago Press, 2000), pp. 407-08.

12 Unless otherwise noted, all translations of the Republic are drawn from The Republic of Plato, trans. Allan Bloom (New York: Basic Books, 1968)

The consensus and hierarchy that authority entails must seem pernicious to liberals committed to pluralism and equality. After all, there are many admirable traits competing legitimately for recognition. Why should any one of them be esteemed at the expense of the others? Plato, however, was hardly blind to the diversity of such claims, nor to the strength of their appeals. In the *Laws*, his Athenian stranger identifies seven traits capable of conferring authority, including paternity, noble birth, superior age, despotic ownership, greater strength, superlative intelligence, and the divine favor conveyed through chance (3.690a-c). But whereas the liberal assumes that it is both possible and desirable to recognize diverse admirable qualities concurrently, the Athenian takes a very different view. He equates the celebration of estimable traits with the recognition of authority, calling them “worthy titles to rule” (690a, 690d). He assumes, in other words, that the adulation of any one title implies the subordination of the others. They are “by nature opposed to one another,” he says, and “a source of civil strife” (690d).

There is an important sense in which the very considerable success of modern, “open” societies conceals from us the reasonableness of the Athenian’s view in this regard.\(^\text{14}\) The liberal

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*Other Essays*, ed. John Gray (New York: Oxford University Press, 2008), pp. 73-4, 378-79 with Friedrich Nietzsche, *Beyond Good and Evil*, trans. Walter Kaufmann (New York: Vintage, 1989), §263 and *Human, All Too Human*, trans. Harvey Alexander (Chicago: Charles H. Kerr & Co., 1908), §96. Strange as it may seem, Mill and Nietzsche share the distinction of being among the few modern thinkers to take reverence seriously as a bulwark of authority, or of what Nietzsche calls “an instinct for rank.” Nietzsche even praises reverence for upholding “adherence to traditional custom” and follows the ancients in regarding custom as an essential means to “the all important end of maintaining and sustaining the community.” This distinctive aspect of Nietzsche’s thought is rightly pointed out by Woodruff (*Reverence*, p. 3). Even so, in keeping with his view that only the Greek poets and historians appreciated the importance of the virtue, and in conformity with the domesticated reception of Mill’s political thought, Woodruff exaggerates the extent to which Nietzsche’s praise of reverence is unique among the “great Western philosopher[s].” For an interpretation of Mill that emphasizes his own, decidedly illiberal concern with authority and interest in Plato’s investigations of this question, see Robert Devigne, *Reforming Liberalism: J. S. Mill’s Use of Ancient, Religious, Liberal, and Romantic Moralities* (New Haven: Yale University Press, 2006). See also Alan Ryan, “Bureaucracy, Democracy, Liberty: Some Unanswered Questions in Mill’s Politics,” in *The Making of Modern Liberalism* (Princeton: Princeton University Press, 2012), pp. 364-80.

democracies in which we live appear stable and legitimate—and their citizens decent and just—precisely because of the personal freedoms that these societies safeguard. We look disparagingly on traditional, “closed” societies that are xenophobic, culturally homogenous, and ideologically self-policing and dismiss as foolish their intense fear of diversity and difference. But this condescension obscures the profound novelty of modern societies, which were founded on the daring proposition that uncertainty and disagreement might actually be sources of cooperation and obedience. This idea has proved so successful that it has allowed us to grow complacent about the fundamental political problem of who should rule and by what right. Following thinkers such as Hobbes and Locke, our societies resolve this problem by focusing on the common interest that citizens have in the goods of the body and by permitting a casual skepticism about ideals in whose name people passionately disagree and are willing to forgo bodily goods or even die. We enjoy stability without conformity, but only because modern civilization buries the divisive longings that attend contests for honor and religious or moralistic devotion.¹⁵

To traditional societies such as the poleis of ancient Greece, however, such a strategy would have seemed both impossible and contemptible. Surrounded by potential adversaries against whom only a small number of citizen-soldiers might be deployed, the ancient city-states were very much dependent on the public spiritedness of their members. Any factionalism or reluctance to hazard one’s life in battle could pose an existential threat.¹⁶ And even if these societies could have achieved security without arousing passionate devotion, doing so would have seemed exceedingly

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¹⁵ Early liberal theorists such as John Locke assumed, with Plato in fact, that most people do not have to be persuaded to prefer a life of material comfort to rigorous exertion and self-denial. It is a preference to which they revert in the absence of social pressure and persuasive argument. For a critical treatment of this assumption in liberal thought, see Stephen G. Salkever, “Lopp’d and Bound: How Liberal Theory Obscures the Goods of Liberal Practices” in Liberalism and the Good, eds. R. Bruce Douglass, Gerald M. Mara, and Henry S. Richardson (New York: Routledge, 1990), pp. 167-202.

strange. It makes intuitive sense that the association demanding our ultimate and highest loyalties should be dedicated to our ultimate and highest ends, the things that each of us takes most seriously and for whose sake he is most willing to make sacrifices. Accordingly, classical political thought takes for granted the polity’s dedication to a shared way of life impinging on the deepest concerns of its members (Arist. *Pol*. 1.1.1-2, 7.8.4-5).\(^{17}\) It assumes that the vitality of the city depends on consensus about the most comprehensive human concerns. These are ethical questions of the highest order, questions that ask after humanity’s rightful place within the cosmos and that seek to identify the most beautiful and best way of life (*Laws* 7.817b).\(^{18}\)

Unfortunately, it is in the nature of such questions to inspire violent disagreement. The beliefs that answer them bestow considerable respect on particular habits and attitudes, on specific ways of life. And since great respect implies authority or a title to rule, it is by nature coveted by ambitious men. Logically, there are two ways in which this prize can be won. Those desirous of rule might convince their comrades that they are the ones preeminent in the most esteemed ethos. But they might also persuade their peers that the most estimable way of life is in fact the one in which they already excel, or the one to which they are otherwise most passionately attached. This latter possibility supplies the ambitious and moralistic with an appealing incentive to dispute and disrupt the prevailing ethical order. It exists as an enduring challenge to the consensus on which


\(^{18}\) The main elements of even a polytheistic piety such as that of the Hellenes seem to have enjoyed a remarkable degree of consensus in the ancient cities, including at Athens, notwithstanding the emergence of sophistic and philosophic dissenters in the fifth century. See, e.g., Jon D. Mikalson, *Athenian Popular Religion* (Chapel Hill: University of North Carolina Press, 1987), pp. 106-09. Moreover, as the extant tragedies attest (e.g. Aesch. *Ag.*, 401-02, 701-05), infringements of customary norms could be interpreted as violations of this consensus and as dishonoring the gods who preside over it. While it is true that Hellenic piety did not expound an elaborate set of divinely revealed moral laws, the Greek poleis, including democratic Athens, did uphold hegemonic, if contested, ethical “ideologies” that praised particular ways of life as most noble. See Ryan K. Balot, *Courage in the Democratic Polis: Ideology and Critique in Classical Athens* (New York: Oxford University Press, 2015).
traditional society is based. And it is one of many reasons why societies committed to consensus on the largest religious and ethical questions are obliged to settle such questions as far as possible and protect the shared beliefs that answer them.¹⁹ A myriad of social pressures is needed to preserve the integrity of such beliefs and ensure that passionate devotion is directed towards—and ambitious honor-seeking channeled through—them exclusively. Inasmuch as the approbation of certain traits implies praise for particular ways of life, the need of ethical consensus is inconsistent with honoring diverse traits simultaneously. The many estimable qualities competing for admiration must be subordinated within a hierarchy of esteem. We can call this problem facing traditional society the problem of ethical authority.

In the *Laws*, Plato develops a deeper account of this problem, one that is illuminated by reflecting on the dialogue’s Greek title, *Nomoi*. Although *nomos* includes much of what we mean by “law,” it refers more specifically to the mores or customs of traditional society that encapsulate shared beliefs about comprehensive concerns. In the ancient city, therefore, ethical authority amounts to the authority of *nomos*, of custom. Still more precisely, *nomos* is what makes such authority possible. Traditional society faces the enormous task of settling questions that not only awaken men’s strongest passions, but that presuppose a succession of further problems. As we have seen, the primary political question of who is to rule implies a basic ethical question of how a human life is to be most nobly lived. This latter question implies, in its own right, an array of further uncertainties about the larger whole in which human life proceeds. Is this whole directed by capricious, unpredictable forces? the benevolent hand of a philanthropic demiurge? the

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im impersonal laws of a cold, indifferent nature? Can it be reduced to material substance, or does the whole admit non-material beings as well? If it does, do the latter include human souls that can survive the death of the body and deities that might direct the soul’s journey after death? Do men therefore rightly fear their postmortem fate, or can they go to the afterlife filled with hope, so long as they scrupulously do right by gods and men? If this hope is reasonable, should men pursue it by orienting themselves according to the lawful, as the city insists? Or should they be troubled by how the lawful varies among the cities and how the cities themselves are ruled by self-interested factions? Policing the expression of ideas or embellishing the shared beliefs of the community go only so far towards settling such issues. What is needed is a device that obscures the uncertainty that naturally attaches to them, a means of arresting successions of doubts and worries, something that would conceal the parochialism of customary beliefs and endow them with the appearance of the natural and the inevitable. In the ancient city, it is nomos that accomplishes this task.\(^\text{20}\)

Even so, the complacency that nomos cultivates is useful to the city only if the beliefs that it strengthens do justice to the deepest human concerns while at the same time favoring cooperative behavior. Consensus based on pursuing the pleasures of the body, the accumulation of wealth, or the attainment of honor leaves too many of the fundamental questions unanswered. Customs dedicated to these ways of life are likely to be challenged and liable to discourage the noble deeds on which the ancient city relies. Unfortunately, these are precisely the ethical beliefs towards which human beings are most compulsively drawn, or so argues the Athenian stranger of the Laws. In a series of evocative images, he stresses the great extent to which human nature is mortal or even bestial in its attachment to pain and pleasure. “For human beings,” he observes, “everything

\(^{20}\) Cf. Herodotus 3.38; Plato, Laws 1.634d-e, 9.858e-59b with Leo Strauss, Natural Right and History (University of Chicago Press, 1965), p. 91; Melzer, Philosophy, pp. 174-77. We shall examine the primary ways in which nomos conceals the uncertainty attaching to customary beliefs in later chapters.
depends on a threefold need or desire” (6.782d). Like “every animal,” we have a “natural erotic longing” for food, drink, and sex that is “full of frenzy, and refuses to listen if someone says it ought to do anything except satisfy the pleasures and desires connected with all these things, and always avoid for itself all the pain connected with them” (782e-83a, cf. 1.644c-45c, 5.732e-33a).

Even the longing for honor and the noble—to which he otherwise confers a certain seriousness—is situated within this framework. Concern for reputation is introduced to the dialogue as a species of fear, namely of disrepute and shame (1.646e-47a). And because the Athenian defines fear as an expectation of pain (1.644c-d), he implicitly includes the desire for honor and nobility within the ambit of the “human” things (cf. 5.733a). He will speak of the virtues as “divine goods” and the soul as belonging to the gods, but he will also identify the noble things with the correct responsiveness to bodily desire (cf. 1.636d-e with 6.782d).

This ambiguity reflects a problem for any custom or law that would ennoble citizens, exhorting them to practice the virtues for their own sake: the noble things do not obviously confer pleasure or release from pain (2.661d ff.). The preoccupation with the body’s needs militates against hazarding one’s life or abstaining from avarice. Even those who so love the noble that they would forgo bodily pleasure in its name rely for motivation on a tenuous link between honor and virtue. Not infrequently do gallant deeds go uncelebrated, not least because of the envy they arouse. The sheer beauty of noble deeds is similarly fragile; the sacrifice they appear to entail often seems vain and foolish (cf. Rep. 2.358b ff.). Perhaps most importantly, praise for nobility can be wrongly

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21 This picture accords with the image of the human puppet furnished in the Laws to clarify the meaning of self-control (1.644b-45c). Considering “each of us living beings” as a plaything of the gods, the Athenian likens mortal virtue to the movements of a puppet who follows the pull of a “golden cord,” laws taken over from one of the gods or from some private “knower.” To follow this golden cord, however, the human puppet is in need of “helpers” to overcome the pull of other, “iron” cords associated with passions such as fear and boldness. As I argue in Chapter Four, the helpers of which the Athenian speaks must refer to reverent awe and shame, iron cords in their own right capable of assisting the gentle pull of law. Self-control or political moderation is thus associated in the dialogue with the very passions that moderation is needed to overcome.
conferred, and often is. For all these reasons, customs that do not gratify bodily desire or suitably confer an anticipated respect are seldom obeyed, let alone championed. And if the duties they ordain do not accord with powerful desires or prejudices, or otherwise seem strange and burdensome, then the citizen can hardly be expected to regard the laws as “his own” and rouse his “spirit,” his thumos, in their defense. Customary authority is thus confronted with a dilemma that cannot be dissolved by the appeal to honor or the love of one’s own. The nomoi that the citizen can readily accept and internalize cannot establish the kind of consensus that the city needs, while the consensus that is needed must be based in beliefs that appear painful and difficult to hold dear.

The Laws, I shall argue, sees in reverence a solution to this dilemma because reverence uses the “mortal nature” of human beings against itself. The passions that reverence enlists are kinds of fear (1.646e-47a), and as such can be understood as expectations of pain (644d), as we have noted. The Athenian tells us that the fear that is shame (aischunē) shrinks from being “considered evil if we say or do something that is not noble” (646e-47a). Similarly, the fear that is awe inspires a frightening sense of self-diminishment. Beholding something in whose presence our own concerns and capacities seem trivial, we feel disarmingly small. And because awesome things can be personified and cast judgment without being manifestly present, awe can cohere with shame; we can feel ashamed before the ancestors or even the gods themselves. Accordingly, a lawgiver, or “indeed anyone worth much of anything…reveres [sebeĩ] with the greatest honors this sort of fear, calling it ‘reverence’ [aidōs]” (647a, my translation) and “the divine fear” (2.671d). Reverence is exceedingly useful to the political art because it diminishes self-confidence, or threatens to do so.

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23 Although the Athenian seems to define aidōs in terms of aischunē at 646e-47a (reverent awe in terms of fear of disrepute), I agree with Mark Lutz that the invocation of aidōs is meant to imply the fear of the gods that the Athenian has frequent occasion to extol. See Divine Law and Political Philosophy in Plato’s Laws (DeKalb, IL: Northern Illinois University Press, 2012), p. 64.
The passions that it inspires can destabilize the painful appearance that mortal nature otherwise imparts to virtue. They can provoke a salutary self-doubt that obstructs the identification of the good with the seemingly pleasant. And they can thereby lay the foundation for customs that are genuinely useful to the city, those that demand cooperative behavior that often seems painful. Furthermore, because shame and awe are extensions of the mortal attachment to pain and pleasure, their mobilization does not depend on unrealistic reforms to the citizen’s character.

Before going any further in our examination of the *Laws*, however, it will be profitable to step back briefly to consider whether modern society really has extricated itself from the problem of ethical authority. For if it has not, then its neglect of reverence may be perilous, to say the least. There can be little doubt that modern society enjoys the fruits of a tremendous discovery. To a remarkable extent, its immediate security and stability have been decoupled from the artificial consensus on which the ancient city relied. The liberal democracies of the modern age have harnessed the disagreement, skepticism, and “mortal nature” that were so threatening to the premodern world. Actively encouraging these apparent sources of discord, they breed a certain frivolity and materialism that is amazingly constructive and stabilizing. They thus avoid violent insurrection and turbulent factionalism precisely because they do not suppress the powerful forces that historically produced these evils. Even so, we would do well to consider whether there is a limit to the constructive potential of pluralism and skepticism.

Above all, it should not escape our notice that the very forces on which the vitality of modern society depends are also responsible for the disappearance of reverence from modern life. The same easygoing apathy, cynicism, and acquisitiveness that keep disagreement from becoming ugly

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eat away at our aptitude for being awestruck by the baffling mystery of the human situation.25 Lacking a visceral sense of that mysteriousness, we lose much of our sense of shame as well, presuming as we do to know how best to lead our lives, if not for others, then certainly for ourselves. Each considers himself most expert in his own well-being, but only because he assumes there to be no such thing as a naturally superior way of life. Paradoxically, then, modern skepticism breeds a certain arrogance. Its blasé character betrays a corrosive smugness before which the vertical dimension of ethical life recedes. We spurn not only the authorities to whom our ancestors looked for guidance, but also a sense of the enormity of the questions that their help was needed to address. Supposing living well to be no great mystery, we complacently disavow the traditions that our predecessors humbly venerated.26 And therein lies a bold gamble. For if the modern solution to the political problem corrodes its traditional antecedent, then modern society has nothing on which to fall back if disagreement becomes too belligerent or if complacency engenders disobedience and chaos. Without reverence, we are compelled to double down on apathy. And there is reason to think this a rather reckless bet.

To take pause here, one has only to be reminded of the appeal of the totalitarian ideologies that wrought such havoc on the twentieth century. The commodious living that shores up liberal democracy is certainly attractive to the human animal, but there are always people whose souls

26 Once again, consider Nietzsche: “The way in which reverence for the Bible has on the whole been maintained so far in Europe is perhaps the best bit of discipline and refinement of manners that Europe owes to Christianity: such profundity and ultimate significance require some external tyranny of authority for their protection in order to gain those millennia of persistence which are necessary to exhaust them and figure them out. Much is gained once the feeling is cultivated in the masses (among the shallow and in high-speed intestines of every kind) that they are not to touch everything; that there are holy experiences before which they have to take off their shoes and keep away their unclean hands—this is almost their greatest advance toward humanity. Conversely, perhaps there is nothing about so-called educated people and believers in “modern ideas” that is as nauseous as their lack of modesty and the comfortable insolence of their eyes and hands with which they touch, lick, and finger everything; and it is possible that even among the common people, among the less educated, especially among peasants, one finds today more relative nobility of taste and tactful reverence than among the newspaper-reading demi-monde of the spirit, the educated.” *Beyond Good and Evil*, §263 (italics in the original).
cry out for more distant goals, who yearn for loftier undertakings. As Plato’s representation of Glaucon in the *Republic* attests, the very nature of human beings seems to comprehend a kind of person who longs almost instinctively for noble devotion and who cannot abide the pedestrian habits and attitudes of a city of sows (or an egalitarian, commercial republic). For such a person, there is something deeply satisfying about having his beliefs concerning the noble confirmed by and embodied in others, for these are the beliefs to which he most desires to dedicate himself yet about which he is most prone to having doubts, it being characteristic of such beliefs to be controversial and questionable. For such a person, modern society must provoke a special kind of anxiety. Its implicit consensus in acquisitive hedonism cannot do justice to the more comprehensive human questions that dog him, cannot provide him a worthy object of devotion. Its “who’s to say” skepticism, moreover, denies the lover of the noble the satisfaction of having his most cherished beliefs confirmed by and reflected in the community or in one of its parts. Modern society thus leaves itself open to the resurgence of the desire for deep consensus. Having abandoned the aspiration to forge such agreement, as well as the means of doing so, it is compelled to fall back on its basic strategy of arousing distrust and materialism. And this, of course, is the same strategy that failed to channel the yearning for homogenous community in the first place.27

27 Ronald Beiner expresses a worry of this kind in his *What’s the Matter with Liberalism?* (Berkeley: University of California Press, 1992), pp. 15-38. “The problem with liberalism,” he writes, “is not that it exalts the idea of what is right to the exclusion of notions of the good, for (however strenuously this is disavowed by liberal theorists) liberal society in fact instantiates a subterranean yet tacitly shared conception of the good, or a set of such conceptions…The problem is quite simply that the liberal good, as defined by the bourgeois civilization of the last few centuries, is not good enough, and that liberal community defeats the possibility of a sense of meaningful collective purpose” (p. 36). I am very much in sympathy with this claim, although in my view the “notion of the good” to which liberalism is implicitly committed consists, in practice, in the gratification of bodily desire, despite characterizing itself in speech as the commitment to freedom of choice and expression. As Beiner helpfully maintains, liberal theory hardly accords with liberal practice. The tendency for freedom to dissolve into license wherever ethical authority is lacking seems to me to be one more respect in which this observation is all too true.
Beyond this existential danger, however, there are other risks that attend the modern desertion of reverence. Consider the threat associated with what Alexis de Tocqueville calls “individualism,” the wilting of mind and character that he foresees emerging from the democratic social state. Tocqueville maintains that democratic equality of conditions fosters in each the impression that he is not only materially, but intellectually, morally, and even spiritually self-reliant. “Having become nearly the same,” he observes, “all see each other from very close, and, not perceiving in anyone among themselves incontestable signs of greatness and superiority, [all] are constantly led back toward their own reason as the most visible and closest source of truth.”

Recognizing in this propensity to withdraw into the self an abhorrence of authority, Tocqueville worries that modern egalitarianism portends a slavish superficiality. The appearance of radical self-reliance induces men to discount the formidability of genuine independence. The American pioneers of modern citizenship, he famously claims, observe the precepts of Descartes without reading his books or knowing his name. Each insists that he judge for himself all that interests him, observes in himself and those around him an apparent freedom from old dogmas and customary beliefs, and is thus led to believe himself capable of a self-determination whose profundity he fails to see. But paradoxically, according to Tocqueville, this effort leaves modern man with beliefs that are both less profound and more conformist. Dogmatic opinions, he observes, are unavoidable, even in the greatest minds.

If man were forced to prove to himself all the truths he makes use of every day, he would never finish; he would exhaust himself in preliminary demonstrations without advancing; as he does not have the time because of the short span of life, nor the ability because of the limits of his mind, to act that way, he is reduced to accepting as given a host of facts and opinions that he has neither the leisure nor the power to examine

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29 Ibid., p. 403.
and verify by himself, but that the more able have found or the crowd adopts. It is on this first foundation that he himself builds the edifice of his own thoughts. It is not his will that brings him to proceed in this manner; the inflexible law of his condition constrains him to do it.\textsuperscript{31}

Because of this “inflexible law,” Tocqueville maintains that profundity comes at the expense of independence, especially for less able minds. The more beliefs a person endeavors to fathom for himself, he insists, the less deeply can his investigations of those beliefs proceed. Accordingly, if none “adopt[s] many beliefs without discussing them,” then none can examine a few beliefs with care.\textsuperscript{32} And where each refuses to accept beliefs on authority, all are deprived of what the “slow, detailed, conscientious work of intelligence” might bestow. “In making for himself beliefs that are his own about all things,” the modern citizen thus disregards the need of “superior reason” and the limitations with which nature constrains him. In his irreverence, he refuses the means of rendering his freedom useful and meaningful.

As sobering as these worries are, Tocqueville contends that there is even more to fear from the authority that survives reverence’s repudiation. The modern citizen might suppose that he is ethically and intellectually autonomous, that he really has retreated into himself. But because “one cannot make it so that there are no dogmatic beliefs, that is, opinions men receive on trust without discussing them,” modern individualism is actually delusional. And it is this delusion, according to Tocqueville, that is the cause of modernity’s conformism. Assuming that he seeks the reason for things by himself and in himself alone, modern man blinds himself to the true origin of his opinions and thereby denies himself the means of scrutinizing them. “Thus the question is not of knowing whether an intellectual authority exists in democratic centuries,” Tocqueville reasons,

\textsuperscript{31} Tocqueville, \textit{Democracy in America}, p. 408.
\textsuperscript{32} Ibid., pp. 408, 411 ff.
“but only where it is deposited and what its extent will be.”

Whereas in aristocratic times it could be deposited in a particular class, or even in a single person, and hence in a type of person potentially unlike the common man, the modern mass democracies inexorably deposit authority in “common opinion.” And they do so because they efface the potential grandeur and sublimity of all other social stations. Failing to be awestruck by any one class or person, the common man cannot help but shrink before the consensus of the public as a whole, before “the action of the greatest number.” But since he presumes, nevertheless, to think for himself, he can feel no shame about falling short of his own standard. Although his obedience is caused by fear, by a kind of corrupted reverence, he believes that it attends the free action of his intellect. The consensus of which he partakes only confirms to him his perceptive powers when in fact it conveniently relieves him of the impossible burden that he shoulders. Having “a host of ready-made opinions” at hand, furnished by the millions in whom he recognizes his own enlightened mind, he is released of having to form opinions of his own, of having to think for himself.

This survey of reasons for being concerned at the decline of reverence in modern society is sufficient, I hope, to give us pause. Although this is not the place to demonstrate exhaustively the persistence of the problem that reverence is needed to address, we have seen enough of the arguments attesting to its persistence so as to be obliged at least to take that possibility seriously. Despite the modern discovery that disagreement, skepticism, and materialism can be surprisingly useful for settling the fundamental political problem, there is cause to suspect modern society of failing to disentangle itself from the necessity of authority and therefore of cultivating reverence in its citizens. Modern mass society may beneficially channel man’s “mortal nature,” but it seems


34 Tocqueville, Democracy in America, pp. 409-10, 613-15.
to do so by denying itself the means of harnessing man’s noble longings. And even when it avoids the dangers that attend the uncontrolled resurgence of such desires, the delusional individualism that it inspires threatens to drain modern citizens of spiritual depth and to leave them more conformist than they might otherwise have been.

These observations are useful for our examination of Plato’s own theory of reverence because they awaken us to some of the reasons it has been neglected, even by specialists of classical political thought. We are the products of societies that do little to cultivate reverence or assign it a visible place and function. We therefore tend to be blind to the virtue and the roles in which it might be needed. But let us turn now to another set of reasons that Plato’s account of reverence has been overlooked, those associated with why his dialogues, not least the *Laws*, are frequently misread.

**A Neglected Dialogue**

Modern readers have treated Plato’s *Laws* with considerable contempt, particularly as it deals with reverence and authority. Consider R. G. Bury’s famous complaint that the work seems less the product of a first rate genius than a testament to senile decline:

> Not only does it lack the charm and vigour of the earlier dialogues, but it is marked also by much uncouthness of style and a tendency to pedantry, tautology and discursive garrulity which seems to point to the failing powers of the author. Moreover, the author himself indicates his own advanced age by the artistic device of representing three interlocutors in the dialogue as old men, and by the stress he repeatedly lays upon the fact of their age, as well as upon the reverence due from the young to the old.\(^{35}\)

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Unfortunately, Bury’s sentiments persist among many of Plato’s otherwise serious students. The tendency to so dismiss the Laws’ “arid” style, disparagements of individuality, and frequent contradictions as so many proofs of its author’s advancing age has discouraged readers from carefully examining the dialogue as a rewarding work in its own right. Indeed, it is amazing the frequency with which one meets with scholars who will concede to having never read the Laws at all, in some cases despite having labored over Plato’s other works for many years.

Even those who do read the Laws with care seldom take up its central theme in earnest. The intense preoccupation with augmenting customary and ancestral authority is either maligned unsympathetically, or marginalized optimistically, the better to privilege concerns that are more recognizably defensible. For some time, the first approach prevailed. Its exponents, beginning at least with George Grote, maintained that the Laws accentuates the most chilling tendencies of the Republic, envisaging a sweeping program of religious indoctrination and political repression that stands as a betrayal of the Socratic ethos and anticipates the Spanish Inquisition or even twentieth century totalitarianism. More recently, this reading has been displaced by scholars who emphasize the work’s praise of law, a mixed regime, and the voluntary consent of the governed. Some of these readers, like the followers of Grote, argue that the Laws evinces a transformation in Plato’s political philosophy. But whereas the first group had characterized that transformation as


a decline from youthful “Sokratist” to tired “Dogmatist,” the second sees a process of “development,” one that culminates in a republican theory less pessimistic about non-philosophers and therefore less preoccupied with how they might be therapeutically coerced and indoctrinated. Others deny the need to adduce any such development to explain the *Laws*’ republicanism. These readers suggest that the Athenian makes good the Eleatic’s argument in the *Statesman*: where the rule of a genuine political expert proves impracticable, a second best expedient or “imitation” is to be found in redirecting authority away from rulers and toward more-or-less immutable rules.\(^{39}\) To be sure, these approaches have their strengths. But all of them suffer, I think, from a deficiency that is not insignificant. However far they might go in reading the *Laws* sympathetically, none does so with the dialogue’s vital theme, with the question of customary or ethical authority that stands at its heart. Its “almost Burkean reverence for tradition and established custom”\(^{40}\) is either disparaged or obscured. The interest in concealing the parochial, clumsy, and coercive character of *nomos* is either derided or ignored. Modern readers, in short, have not sufficiently set aside their liberal scruples when attempting to unriddle the *Laws*. And this has been particularly detrimental to its modern reception. As I have suggested, the central problem of the work is rather invisible to modern readers. Our complacency about political stability makes us contemptuous of efforts to

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settle the largest human questions. But if we are unable to sympathize with this facet of the pre-modern situation, then we shall miss what is really at stake in Plato’s longest dialogue.

The problem is not merely that we risk misunderstanding the *Laws*’ central themes, as grave as that would be. Readers who ignore the frailty of ethical authority and on whom the dangers of its dissolution are lost will also tend to neglect the way in which Plato asks to be read. That’s because Plato’s very conception of writing hangs on the problem of such authority and on its ambiguous relationship to philosophy. Consider that Plato’s chief purpose in writing is to advertise the philosophic way of life and to foster philosophic reflection in his readers. 41 Few fail to notice that this is the ambition at least of the Socratic works, and that these dialogues accomplish their goal precisely because of their “aporetic” character. They challenge readers to think for themselves by showing them the hitherto hidden implausibility of conventional opinion. Whether opinion takes the form of written law or unwritten convention, formal rules or implicit norms, Socrates persistently exposes its contradictory character. Opinion can be plausibly true in some circumstances, but not in all the cases to which it might be applied. 42 Though this process of exposure tends to be bewildering, it also potentially liberates the reader from opinion’s power. It can compel him to think for himself about the matters on which opinion pronounces, leaving him fruitful questions on which to chew and engrossing riddles through which to work. The Socratic dialogues thus attest to the philosophic life as an emancipation from the authority of customary opinion, of *nomos.* And they promote this emancipation not only by marshalling litanies of reductios, but especially by giving flesh and blood to the perspectives from which opinions arise.

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42 In the *Republic,* Socrates characterizes the beliefs of citizens as dreamlike, mistaking artificial likenesses for natural essences. They are unable to accept the many “noble” particulars as less real than some “idea” of the noble (5.475d ff.).
They memorably personify conventional beliefs and the possible reactions to their dissolution, inviting readers to experience imaginatively that dissolution for themselves.

Keeping these points in mind when we turn to dialogues such as the Republic and Laws is instructive. For if these works are also devoted to fostering philosophical understanding, then they too must aspire to liberate their readers. Unlike the Socratic dialogues, however, the action of these longer works dramatizes more than the embarrassment of conventional opinion. It also enacts the authorization of new opinions, new customs with which the old are replaced. The Republic and Laws envision the founding of cities “in speech,” not least the founding of beliefs that would enjoy customary authority within them. But if these beliefs, however renovated, remain “customary,” and Plato gives us every indication that they do, then the philosophical purpose of the dialogues that create them must be at cross purposes with the authority with which these works would endow them.

Socrates might argue that the Kallipolis is a paradigm of justice, but insofar as it remains a city, it is defined—as all cities are—by the shadow figures of opinion from which the philosopher tries to free his mind (cf. 2.377 ff. and 3.414-16 with 5.459c and 7.514a ff.). The city of the Laws is similarly founded on shadows (2.663c). Despite the Athenian’s efforts to attach “preludes” to its laws (4.718b ff.), its rulers remain its “slaves” (4.715d, 6.762e). The preludes might aspire to “teach” those subject to law, to persuade them to obey law voluntarily, but the city ruled by law is not ruled by a supple intelligence that sees to all things (9.875a, 875d), at least not directly. It is ruled, rather, by authoritative dogmas. And dogmas are blind and inflexible. They are crude

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43 Admittedly, this distinction between the Socratic dialogues and the more emphatically political works is rather crude, for not infrequently do the former show Socrates’s dialectical examinations building up opinion even as he more or less quietly tears opinion down. Still, the distinction remains illuminating, I think, because it underlines the extent to which the Republic and the Laws emphasize the construction of opinion as nomos while keeping the customary status of the nomoi they extol very much in abeyance.

44 For a good survey of the textual evidence attesting to this point, see Lutz, “Civic Virtue,” pp. 568-71.
generalizations, unable to discern the good they wish to discover in the myriad circumstances in which they are applied. Unlike intelligence, they cannot…

…accurately embrace what is best and most just for all at the same time, and so prescribe what is best. For the dissimilarities between human beings and their actions, and the fact that practically nothing in human affairs ever remains stable, prevent any sort of expertise whatsoever from making any simple decision in any sphere that covers all cases and will last for all time (Stsmn. 294b; cf. Rep. 6.506c).45

The Athenian quietly echoes this thought in the Laws. Whereas the poet can at least “make two speeches about one subject,” he says, the lawgiver must “always exhibit one speech about one subject,” even if that speech cannot accommodate the manifold conditions to which it must refer (4.719c-d, cf. Phaedrus 277b-e). No matter how penetrating the lawgiver’s insight into human affairs, the laws that he promulgates will be too general to comprehend the insight that he enjoys. At best, they will transmit that insight with grave distortions and rely on exaggerated claims to wisdom (Stsmn. 297d), on the suppression of their own dogmatic character. Consequently, the philosopher who would reach for the truth must extricate himself from the authority of even these best laws. His liberation runs against the grain of the customs that he himself might conceive.

Because the Laws presents itself as so preoccupied with expounding dogma, its emancipatory potential is easily overlooked. Indeed, the dialogue is famous for submerging philosophy, a word that appears in its pages only twice, and even then only in its cognates. But given Plato’s interest in cultivating a love of wisdom in his readers, we should be careful about assuming that his purpose in the Laws is simply to persuade us of the goodness of its city or of the veracity of its customs. Rather, we should be on the lookout for indications of a more comprehensive standpoint from which this city might be appraised, one that allows us to learn

about human affairs, and politics in particular, without losing sight of their shortcomings. My suggestion is that Plato furnishes us with precisely these indications in the many tensions and contradictions with which his Athenian riddles his speech.\footnote{Examples include how the city ruled by law might at the same time be ruled by reason (4.713e-14a), why certain criminal acts must be declared “voluntary” (9.861c) if purposeful malice is impossible (5.731c-d, 9.860c-d), and why the regime would emulate divine despotism (4.713c-d, 713e-14a) if despotic power is so dangerously tempting to mortal beings (3.691c-d, 9.874e-75d).} The Athenian, I submit, plays both poet \textit{and} lawgiver, despite the contrast that he seems to draw between them. He uses his “preludes” not merely to make the laws he recommends more appealing. He also uses them to speak past the ordinary citizens to whom they are ostensibly addressed. He presents his more careful listeners with problems to untangle and encourages them, along with other citizens, to study his preludes carefully if they find these problems vexing. In fact, the Athenian urges his addressees to become readers of the \textit{Laws} itself; he advises his companions in the dialogue to record and make available the whole of their conversation, to be studied by citizens of the city they would found (7.811c-12a). This, I think, is the beginning of a more compelling account of the \textit{Laws}’ many paradoxes than is any appeal to Plato’s declining powers. Approaching the work by focusing on, rather than disparaging or ignoring, the problems and contradictions that it throws up turns out to make much more sense of the text itself. Supposing that Plato intends us to see and think through these problems, we can take a critical eye to his political creation without repudiating his philosophical guidance, without failing to ascend to the broader perspective through which he would have us look upon it.

This does not mean that Plato intends the city of the \textit{Laws} to be a self-destructive parody. Indeed, I shall argue that it is to be taken quite literally as the practically best regime. But Plato assigns the regime this status, I will suggest, only because it refuses to emancipate its citizens from the authority of \textit{nomos}. Like Athens, it might provide a place for philosophy, as I argue it does in
Chapters Four and Five. But unlike Athens, it conceals the dissolution of customary authority that philosophy tends to engender. “The city of the Magnesians”⁴⁷ might benefit indirectly from the inquiries of philosophers, but it does not bring such inquiries into the light of day. It depends on the authority of its conventions, and so, like all ancient cities, tries to protect them from skepticism and disagreement. But whereas other cities do so lacking a clear understanding of why such protection is necessary, Magnesia proceeds with a more penetrating political theory, one the Athenian furnishes for the benefit of future philosophers, and Plato his future readers. The Athenian grasps why it is that cities must sustain the authority of “simple” beliefs that are too general to do justice to reality. But he also sees that such beliefs are susceptible of improvement and can even accommodate the quest that would liberate a few gifted minds of their power. Customary opinions are necessary, he will suggest, because the mortal nature of the majority leads them to live like “fatted cattle” when free to pursue the way of life they find most agreeable. As harsh as it may sound, that will emerge as the pivotal reason for the augmentation of authority countenanced in the dialogue. Without reverence and the humility that it inspires, the virtue on which the city depends for security (and human life for its depth and meaning) will appear to most people as painful and burdensome and therefore to be avoided wherever possible. To escape these evils, citizens must perceive the fallibility of their own judgement, must disavow their own perception of the pleasant and painful, and affirm instead the opinion that the most pleasant life is in fact the ethically richer and socially cooperative life of “justice,” the life enjoined on them by suitably renovated customs (2.664b-c, 5.733d-34e).

⁴⁷ This is the name by which the Athenian refers to the city that his interlocutors intend to found upon the conclusion of their conversation (9.860e). The name apparently refers to an archaic “Magnesia” on whose desolate site the new city is to be founded. See Morrow, Plato’s Cretan City, pp. 30-31, 95.
That Magnesia would achieve this limited but worthy goal, I submit, is one reason it is to be taken seriously as a decent regime. The other is that it would foster philosophic inquiry while separating it from public life, keeping it from eroding conventional opinion. It is because Magnesia has an eye to both goals, to both civic and philosophic virtue, that the Athenian weaves into his speeches the many paradoxes and problems that so vex interpreters. In so doing, he intimates that, however decent the city might become, it and the rest of human affairs are not really the most serious things. Civic life in the ancient city depends on the tyranny of false opinion, on the unfortunate—indeed tragic—necessity of having to treat opinion as though it really were the wisdom it pretends to be. But this façade of seriousness does not have to squelch the quest for a wisdom that is real. As I argue in Chapter Four, the tragic dispensation of reverent citizenship allows custom to seem imperfect without robbing custom of its authority. Awestruck by the immensity of the goal after which it strives, the practically best regime can openly call itself second to the best. And inspired with an appropriate humility, its way of life can frankly acknowledge that it merely emulates the divine, merely imitates the life that really is most beautiful and best. The Laws never implies that such self-recognition could expose completely to the city the degree to which it exaggerates its own seriousness. But the dialogue does suggest that reverence affords a degree of such exposure, sufficient to point those who remain dissatisfied with the second best to look beyond the “mortal” customs that the city sanctifies. Reverence allows the city to point beyond itself without destroying itself. And it allows Plato and his Athenian to augment customary authority even as they undercut the customs they set down.

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48 Even so, the Athenian does see that such measures expose the city to imprudence. Some of those who will manage to free themselves of customary authority will recklessly malign it. Accordingly, the Athenian suggests that the city will rightly censure and persecute those who openly do (e.g. 1.634d-e, 10.909d).
As anyone familiar with the writings of Leo Strauss and his followers will appreciate, the interpretive framework that I am proposing here owes much to their pioneering work. Like these writers, I have found that the dialogues speak more intelligibly when read as invitations to think, not only about the possibilities of political life, but also about its limitations; that Plato seeks to free the reader from his attachment to political life as much as he proposes to teach him about political things; and that central to Plato’s view of these things is the problem of ethical authority and the consequent need to put some distance between philosophy and politics if they are both to thrive. In subsequent chapters, I hope to show that the basic elements of this framework are especially helpful for approaching the *Laws*, for they prompt us to look for how that dialogue, despite its superficial dogmatism, asks to be read against the grain. As I have suggested, reading the work in this way allows us to make sense of it without having to impute to Plato any grim decline into senility or profound philosophical transformation. Rather than being obliged to bracket the interest in authority and obedience as an embarrassment and betrayal, or simply a theme to be ignored, we are freed to consider how augmenting authority might be harmonized with philosophical inquiry and why Plato suggests that neither goal should be abandoned altogether.

This alternative approach sees in the work’s many problems and contradictions invitations to assemble a broader perspective from which its city might be evaluated, and not simply testaments to its unfinished character or to Plato’s advancing age. Above all, it is an approach that is vindicated by the account of political life advanced in the *Laws* itself. As we shall see, the dialogue stresses the importance to political life of authoritative beliefs vulnerable to skepticism and dialectical examination. And because the dialogue dramatizes the founding of a city in light of this concern, it understandably suppresses or conceals the skepticism that it quietly cultivates in its more philosophical readers.
As helpful as Strauss’s framework will prove to be, however, I have also found it limiting in its own right on certain key points. According to the interpretations developed by some of Strauss’s distinguished followers, including Thomas Pangle, Lorraine Pangle, and Mark Lutz, the Laws attests to the pre-eminence of courage as the political virtue *par excellence*. On their view, reverent awe and shame would be replaced in Magnesia by a certain spiritedness, by the “inward” deployment of *thumos*, the love of one’s own, and the desire for honor against the citizen’s own mortal nature. Whereas reverence is a virtue of the Dorian cities, they contend, the virtue of Magnesians consists chiefly in a competitive ambition to conquer themselves, the better to obey the challenging demands of law. As I argue in Chapter Five, however, this view confronts difficulties that are not insignificant, including those canvassed in the previous section of the present chapter. The Athenian maintains that thumotic manliness threatens customary authority as much as it augments it. The love of one’s own and the desire for honor risk arousing a dangerous audacity and boldness. Because the citizen is inexorably “bound” to desiring pleasure and fleeing pain, it is essential that his perception of the pleasant and painful correspond as much as possible to the demands of civic duty. But since his perception of these things naturally suffers distortions in whose shadows the just things appear painful (2.661d-63c, 5.734d), he must be inspired to doubt his own perception of the just and unjust things. If the citizen is to champion his civic duties, then he must renounce his misleading judgment. Political courage must be built, therefore, on top of ethical humility.

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Since the *Laws* is one of the most important sources for the interpretive apparatus that Strauss develops, the stakes in this matter are quite high. Consider the ambitious exposition of that apparatus and its theoretical and textual foundations accomplished recently by Arthur Melzer. Melzer contends that the authority on which traditional society relies is upheld precisely by “complacency,” by blind self-confidence in the veracity and nobility of the beliefs on which civic virtue depends.\(^{50}\) According to the Athenian in the *Laws*, however, unreflective adherence to customary beliefs is only beneficial if those beliefs resist rather than reinforce the basic “mortal” impulse of man. Complacency must be preceded by repudiation of that impulse, he maintains, instilled from childhood and constantly reinforced thereafter by way of habits, myths, and the judicious use of fear. But if this is right, and civic virtue sits upon a substrate of primitive self-doubt, then the good citizen will share with the good man—with the philosopher in fact—the very trait that Melzer insists he lacks, and must lack. In reverence, the civic and the philosophic acquire a surprising resemblance; their fundamental antagonism is less stark than Melzer would have us believe. To be sure, whatever acknowledgement of his own ignorance the citizen might achieve would sit beneath and prepare him for his passionate devotion to opinion. The Athenian does not entertain the prospect of a city that comes to philosophize (cf. *Rep.* 6.494a with *Stsmn.* 292e, 300e). But he does see that opinion is susceptible of improvement. Some beliefs will better sustain the vitality of the city and the nobility of the citizen. If these beliefs are to be championed, he argues, then the virtue devoted to them consists in a double movement: first away from, and then back towards, complacency and confidence. And since the first of these movements is an experience of self-deficiency, the Athenian points to a possible kinship between politics and philosophy, one that—as far as I am aware—has yet to be appreciated.

Even so, that this aspect of civic virtue has been neglected hardly means we should reject the interpretive framework developed by Strauss and his students. In fact, recognizing authority’s need of reverence and the textual basis for this claim in the Laws helps to flesh out that framework further. It adds a touch more nuance to an already fruitful approach. The importance of reverence does not efface the tension between the civic and the philosophic, nor the consequent need to put some distance between the one and the other. Nor should we be surprised if Plato’s response to this tension as a writer—his tendency to write “esoterically”—should inspire disagreement, even (or especially) among those who read him in this way. Plato famously anticipates that his works will provoke disagreement and misunderstanding in the Phaedrus. He may write poetically, and to that extent perhaps overcome Socrates’s critique of writing. But the dialogue form and its contradictory speeches does not fully escape the pernicious resemblance to painting, whose offspring “stand there as if they are alive” yet remain “solemnly silent” if anyone asks them anything (Phdr. 275d). A dialogue too “roams about everywhere, reaching indiscriminately those with understanding no less than those who have no business with it.” It might compel its readers to piece together its illocutionary acts for themselves, hopefully keeping at least some of them from the impression “that they have come to know much while for the most part they…know nothing” (275b). But even “at their very best,” Socrates maintains, written words “can only serve as reminders to those who already know” (278a). Among those of us who do not, they must necessarily remind of different things. They must predictably inspire disagreement.

This is not to say that the dialogues provide zetetic readers no grounds at all on which to settle interpretive disputes. Strauss’s own approach to reading them “dramatically” is frequently

and unfairly maligned for making precisely that mistake, for leaving readers with little means of falsifying his interpretive claims. He and his followers, the objection goes, simply read into the dialogues whatever it is that they want to find, claiming as “those who already know” to possess insight into Plato’s hidden wisdom. But Strauss does supply a control to wild speculation that does not depend on this presumption. He famously suggests that the dialogues are composed with such virtuosity that no part of them, no particular argument or image, no single line or turn of phrase, is superfluous to their intended meaning. Because of the “logographic necessity” Plato imparts to his compositions, the interpreter cannot claim to understand any one of them fully until he has found a compelling explanation for each of its innumerable parts. He cannot “mine” a dialogue for argumentative structures and claim, on the basis of these passages alone, to grasp Plato’s view. That the work is framed by a certain drama; that it treats of a particular topic, in a particular place, among particular characters; that certain forms of speech are used with some characters and not with others; that some and not all of its arguments seem dubious, or to contradict the images ostensibly meant to illuminate them; all such details have some bearing, according to Strauss, on how the “arguments” themselves are intended to be understood.

While sympathetic to this way of reading Plato, I have no illusions that I have lived up to this standard in my own study of the Laws or of any other of Plato’s works. Nor am I surprised that few have, nor that those who are quite advanced continue, nevertheless, to disagree among themselves. If Strauss is right to think the criterion for interpreting a dialogue is that one grasp how each and every one of its parts contributes to the whole, then that is an exceedingly high

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53 Leo Strauss, The City and Man (Chicago: University of Chicago Press, 1964), pp. 52-60. Strauss points to a passage in the Phaedrus to substantiate this claim (264b-c). He asks us to consider the implications of Socrates’s identification in this passage of good writing with “a healthy animal,” all of whose parts are necessary to doing “its proper work well” (trans. Strauss).
demand for an author to make of one’s readers, a demand that will predictably inspire divergent accounts of how these diverse parts fit together. That does not mean that readers should refrain from venturing interpretive hypotheses, nor that these must remain wholly speculative until one has arrived at a comprehensive understanding. Rather, it suggests that these hypotheses can be falsified if they fail to account for the textual phenomena better than plausible alternatives. If, for example, the text yields problems or contradictions that can be explained either by appealing to the cognitive decline of the author or by finding in the text itself an account of why such tensions are necessary, given the dramatic setting of the conversation in which they arise, then the latter should clearly be preferred.

In what follows, I take my bearings by one of the most glaring of these problems, which I call the enigma of godlikeness. As we saw in the first section, the Athenian enjoins the Magnesians whom he imagines himself addressing to become like god as far as possible. He claims that they must do so by practicing moderation, which he seems to associate with political obedience and deference to law. But in the very same passage, the god about whom he speaks is said to be “the measure of all things,” while the moderate man is said to refuse becoming the measure himself. The citizen, it would seem, becomes like god by becoming unlike him. This paradox is reflected in the way the Athenian speaks of the regime that he persuades his companions to bring into being. The best regime and “most beautiful and best way of life,” he says, belong to the gods or to the children of gods, while the second best regime that might belong to men is their nearest imitation. Still, the best regime is under the despotic dominion of a better and more divine species while, in the second best, no ruler is entrusted with autocratic authority. Similarly, whereas the best regime abolishes the family and private property, the second best permits exclusivity, privacy, and material inequality.
My hypothesis is that this puzzling aspect of the text is deliberately provocative. It invites the reader to ask at least three questions of the text whose examination will prove fruitful: how can the city be an imitation without approximating the signal attributes of its model? why invite the emulation of that which must ultimately be avoided? and in what sense can the merely “moderate” soul come to resemble the divine soul, that which “has every virtue” (10.899b, 900d-e)? By looking for how the text resolves these questions that it provokes, we shall find that the Laws furnishes a perspective from which to appraise the city that it founds in speech. Although the work does not answer any of these questions explicitly and decisively, it does supply the reader with the resources needed to answer them for himself. And when he does so, he finds an account of political life that justifies Plato’s roundabout way of proceeding, an account that emphasizes the necessity of authority and the potential for reverence to uphold authority without destroying the possibility of philosophy. Before we can assemble this account, however, we do need to satisfy ourselves that the imitation of god really puts to us certain provocative questions. This shall be our task in Chapter Two.
In the poetic tradition of ancient Hellas, reverence is the virtue keeping men from a fatal conceit, from failing to observe the gulf between the mortal and divine. The words of the messenger in Euripides’s *Bacchae*, reporting the brutal dismemberment of the king, attest to this idea. “Moderation and reverence (*sebein*) for that which pertains to the gods,” he says, “this is best. And I think it the wisest practice in use by mortal men” (1150-53).1 The “lawless” king Pentheus has dared to mock the cult of Dionysus. Pretending to a forbidden knowledge, he has judged the god whom the Bacchantes worship a false idol and committed outrages against Bacchus and his maenads accordingly. Although the god is “new,” the young king’s refusal to accept or even consider his divinity presents a threat to ancestral piety and therewith to nomos itself:

Slowly it proceeds
But trustworthy nonetheless
The might divine.
It calls to account those among mortals
Who, with mad conviction, honor senselessness
And fail to extol that which pertains to divinities.
The gods lie hidden in manifold ways
The lingering foot of time
And hunt the irreverent (*ton asepton*) down.
For never must a man think
And habitually do
That which is stronger than law (*tōn nomōn*).
For it is a light expense
To think this to have strength:
Whatever is divine.
That which remains lawful over a long span
Is lawful by nature for all time (877-96).

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The chorus that sings these lines reveals that *nomos* is sustained less by the worship of any particular god than by the observation of human limits. Claiming to defend the ancestral against innovation, Pentheus unwittingly attacks it. Supposing he knows about the gods to be worshiped, he pretends to be a god himself. Unlawfully, he allows himself “to think thoughts not mortal” and thereby brings about his doom. What he lacks is the species of moderation that would keep him from such conceit. What he lacks is reverence.

We saw in the previous chapter that Plato might seem to disavow this virtue because his dialogues appear to enjoin the transcendence of mortality. Whereas reverence presides over the boundary between the mortal and divine, the virtue that Socrates exalts in the *Republic* and *Theaetetus* and the Athenian in the *Laws* seems to invite the erasure of that boundary. In this chapter, I want to show that this appearance is deceiving. Although the Athenian does maintain that a lawgiver should exhort his citizens to become divine, he also insists that they feel reverence for the god whom they would emulate. In fact, he suggests that it is precisely in their reverence, in their “moderation,” that citizens might transcend their humanity, as far as they are able. Godlikeness therefore presents a curious paradox in the *Laws*. One becomes like the god by remembering that one is not a god at all.

To grasp the full extent of this paradox, it is helpful to reflect upon the manner in which the *Laws* privileges the divine. The importance of this theme is announced at the outset: the dialogue famously begins with the word “god” and the question of whether a deity is to be “given credit for laying down [the] laws” of Crete and Sparta (1.634a). Although the Athenian stranger who poses this question initially accepts the answer in the affirmative from his Dorian interlocutors, he quickly—if carefully—casts doubt on their reply.² Whereas laws emanating from the divine must

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² It is, of course, significant that Kleinias qualifies his affirmation of the myth: “A god, Athenian, a god—to say what is at any rate the most just thing.” The qualification would seem to indicate that Kleinias does not really
be supremely excellent (1.630d, 632d, 634a), those of Crete and Sparta appear to be flawed (1.626c-e, 634b-c; 2.666e-67a). The question of the *Laws*, then, might be construed as the question of the gods and their authority. What is divine is in some essential sense perfect and hence authoritative. Yet what is human, at least on close scrutiny, appears inexorably defective. The divine, moreover, may prove inscrutable to the mortal mind. At any rate, that is the view avowed by sophists such as Protagoras (Fragment 4) and articulated by Socrates in some of the other Platonic dialogues (e.g. *Crat.* 400d). How then can we make sense of the traditional entanglement of the human with the divine, given the defectiveness of the former and obscurity of the latter?

Over the course of its twelve books, the *Laws* both answers this question and restates it in a novel form. It answers the question implicitly, by revealing the origins of founding myths such as the one with which the dialogue begins. That myth, supplied by the Athenian but affirmed by the Cretan, Kleinias, holds that it was Zeus who originally gave the Cretans their laws, through the medium of his son, King Minos (cf. *Minos*, 319c-20d). In apparent homage to that story, the “action” of the dialogue unfolds on the way to the Cave of Zeus, high upon Mt. Ida. It is there that the god is said to have instructed the king and furnished him with the Cretan laws. But the *dramatis personae* do not reach this cave, nor do they worry at their failure to do so. Rather, Kleinias and his Spartan companion, Megillus, become preoccupied with the Athenian himself, and especially with the wisdom he seems to possess. Having revealed that he is to lead a

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4 For the famous distinction between the argument or “speeches” of a dialogue (the things said by one or more of its characters, ostensibly in support of some controversial proposition) and its action or “deeds” (the ways in which the characters interact with one another, as well as with the setting or framing device), see Strauss *City and Man*, pp. 59-60.

5 See 12.969c-d, where the Dorians agree that “this Athenian here must not be allowed to go, and by entreaties and every contrivance he must be made to share in the city’s founding.”
committee in the drafting of laws for a new colony (3.702b-d), Kleinias is cast as a new Minos, a lawgiver in need of political knowledge. But whereas Minos is said to have learned the political art from a god, Kleinias is persuaded to take his cues from a man. The Athenian thus contrives to replace the divine with the human intellect as the originator of law.⁶

Nevertheless, the Stranger does not discard the conceit that law originates with the gods. In fact, he praises the Cretan law that “does not allow any of the young to inquire which laws are finely made and which are not, but that commands all to say in harmony, with one voice from one mouth, that all the laws are finely made by gods” (1.634d).⁷ The Athenian appears to accept that law requires the authority conferred by belief in a divine origin, even if that belief is false.⁸ Accordingly, the city in speech he constructs for his companions shrouds its mortal—and hence imperfect—origins behind its own founding mythology, contradiction of which will be similarly prohibited, at least in public.⁹ This suggests a further sense in which Kleinias is to be analogized to Minos. His laws too will enjoy the authority conferred by a mythical provenance in the will of the gods. And if the analogy works both ways, then in showing us the mortal origins of the laws of Kleinias, the dialogue shows us the similarly prosaic source of the laws of Minos too. We are led to conclude that the human does not really touch the divine in revelatory encounters between lawgivers and gods, as the founding myths would have us believe.

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⁶ See Lutz, Divine Law for a similar argument, one that finds the movement towards “political rationalism” (the view that the philosopher is the appropriate interpreter of “divine law”) to be a central purpose of the Laws.


⁹ For the claim that the ordinary people of the city should believe the city’s laws originate with the gods, see 1.645b-c; 2.653d, 657a-b; 3.696b; 6.762c; 7.811c; 11.919d. For the claim that it is to be forbidden to contradict this opinion in public, see 7.811c-12a, 821a-d; 10.884a, 909d.
On the other hand, the *Laws* suggests an alternative entanglement of the mortal with the divine. The dialogue restates the question of how the one might mingle with the other by using the vocabulary and concepts associated with artistic reproduction or imitation (*mimēsis*). The Athenian claims that the regime of the city he is painting in speech (6.769a f.) would be an imitation (*mimēma*) of the rule of god (4.713b, 713e). Similarly, each citizen of this regime should become “one of the followers of the god” (716b) by doing “all in his power to become like him” (716d).10

In other dialogues, such as *Phaedo* (81a), *Republic* (6.500c-d), *Sophist* (216b-c), and *Theaetetus* (175e-76c), godlikeness is associated with the philosopher and the philosophic way of life.11 The *Laws*, however, is silent about philosophy and preoccupied with the non-ideal. The Athenian disavows the regime that he calls best; it is fit only for gods or children of gods, whereas he and his Dorian companions are human beings, “legislating now for the seed of humans” (9.853c). Similarly, the mortals whom the Athenian enjoins to emulate the god are hardly budding philosophers.12 They would be reared in a rigorous education, but they would not be permitted to conduct critical investigations of the regime or its dogmas (2.662b-c; 7.801d, 821a, d; cf. *Stsmn*. 299b-e), with some important exceptions (12.951e-52b). The exhortation to godlikeness in the *Laws* is therefore something of a puzzle. Indeed, I shall argue in this chapter that godlikeness presents a manifold enigma.

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10 The Athenian refers to the god or gods whom he construes as paradigmatic with a variety of names, and in both the singular and plural. In Book Ten (897b), he appears to equate the gods with “intellect” (*nous*), but will also speak of them as “souls” (899b) whose visible bodies move about the heavens (898c). He also speaks of the Olympians and Chthonians, but never in the context of mortal emulation of the divine. Treatments of the divine in the *Laws* seldom dwell on the puzzles with which I am concerned here. Commentators have been preoccupied with the gods’ metaphysical status, either as inanimate principles of the intelligible realm, e.g. Stephen P. Menn, *Plato on God as Nous* (Carbondale: Southern Illinois University Press, 1995); Robert Mayhew, *Plato: Laws 10* (New York: Oxford University Press, 2008), or as animate and sensible intermediaries between the intelligible and the visible, e.g. Gerd Van Riel, *Plato’s Gods* (Farnham: Ashgate, 2013).


12 Other dialogues explicitly deny that ordinary people are philosophic or potentially wise. See, e.g., *Rep*. 6.494a; *Stsmn*. 292e.
In the first place, one wonders how the mortal things can intelligibly imitate the divine, given the stark unlikeness between the one and the other. The rulers of the best regime, for example, would rule as despots over a radical communism (5.739c-e). Its human “imitation,” however, would not set up an approximation to benevolent despotism. Rather, it would forswear autocracy and permit material inequality, private property, and family life. In what sense, then, can the one be understood as a resemblance or imitation of the other? Second, it is difficult to see why the Athenian identifies the best regime and soul with impossibly lofty paradigms. If imitations of these paradigms are the best possible arrangements of the mortal things, why not simply identify the best with these imitations instead? A third dimension of the problem comes to sight when one considers the association of god with moderation at 4.716d, in light of the Athenian’s assertions that the virtues are reciprocal and a unity (2.688b-c, 4.710a-b, 12.963c-d) on the one hand and the gods ethically perfect on the other (10.899b, 901e). How can the citizen become “moderate” if moderation presupposes a wisdom that he cannot possess? And in what sense could his merely “moderate” character resemble a soul “good with respect to every virtue” (10.899b)?

This chapter takes up the textual evidence for these enigmas before showing why we should not accept two readings of the relevant passages that would dissolve the striking puzzles that I find

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in them. I focus on passages that discuss godlikeness as an ethical imperative for citizens. I treat
the political side of divine imitation in Chapter Three. The first interpretation against which I argue
here would cast the assimilation to god as an approximation principle, as though the “virtues” of
the ordinary citizen might follow his own dim but accurate “intelligence.” As we shall see, this
reading sits uneasily with the Athenian’s disparaging remarks about human nature, his accounts of
civic education, and his exhortations to political obedience, all of which stress the necessity of sub-
rational deference to an external intellect. In this regard, what is wanting is an interpretation that
shows how the deferential attitude of the good citizen could somehow resemble the rational self
-sufficiency of the god. I try to establish the components of such an interpretation in succeeding
chapters. The second view against which I argue holds that the imitation of god is invoked in the
*Laws* for the same reasons the dialogue extols origin myths—because these poetic treatments of
the divine are useful for conferring authority upon imperfect positive law. While I do find that the
dialogue affirms the usefulness of the gods in this respect, the exhortation to become like the gods
cannot be explained intelligibly within this framework. The question of the gods cries out for a
more encompassing conception of the gods’ political utility, such as the one I try to establish in
Chapter Four.

**Godlikeness as a Provocative Perplexity**

The imitative communion of mortal and divine is introduced in the fourth book of Plato’s *Laws*, a
book which presents itself as a new beginning.\(^\text{14}\) Book Three had concluded with the revelation

\[^\text{14}\] The dialogue appears to begin anew on several other occasions as well. See 1.632e, 3.682e, 4.723d-e, 6.781d-
82a. For discussion of this theme of new beginnings, see Strauss, *Argument and Action*, pp. 54-55 and John
and Eric Sanday (Bloomington: Indiana University Press, 2013), pp. 75-85. Although the imitative relation of
mortal to divine is formally introduced in the new beginning of Book Four, it is in fact implied earlier in the
dialogue. See, e.g., 3.691e.
that Kleinias is to lead in the founding of a new city, and the Cretan had implored the Athenian stranger and the Lacedaemonian, Megillus, to join him in constructing a city in speech, the better to help him found “the city that is going to exist” (702d). The Athenian agrees to this request, but the help he provides in Book Four comes as a shock to his Dorian companions. He contrives to discuss “the natural genesis of the best regime,” which he attributes to the unlikely coincidence of a “true” lawgiver with a “moderate” tyrant (709e-10b, 711d-12a). To Kleinias, who is personally unacquainted with tyrannical rule (711a) and whose own, “mixed” regime looks upon tyranny with deep hostility, this is an astonishing assertion. “How and by what argument,” he asks, “could someone say this and persuade himself that what he is saying is correct?” (710c). To assuage Kleinias’s incredulity, the Athenian suggests that his remarks about the origins of the best regime be interpreted “like a myth, pronounced in oracular fashion” (712a) and proceeds to the question of the regime that is to be arranged for the new city Kleinias is to found. Once again, the Athenian’s assertions are bewildering, so he proposes that “a little more use be made of myth” (713a) and conjures up another “oracular report” (713c).

The ensuing myth describes a golden age of the most distant antiquity, when Zeus’s father and predecessor, Kronos, is said to have governed the cosmos (cf. Hesiod, Works and Days 109-27). The Athenian embellishes this traditional tale, asserting that “a certain very happy rule and arrangement” came into being under Kronos, of which “the best of arrangements of the present time is in fact an imitation [mimēma]” (713b). According to the Athenian,

Kronos understood that...human nature is not at all capable of regulating the human things, when it possesses autocratic authority over everything, without becoming swollen with insolence and injustice. So, reflecting on these things, he set up at that

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15 Kleinias has indicated that he is to share in the founding of the new city with a committee consisting of himself “and nine others” (3.702c), apparently ruling out the tyrannical founding the Athenian has in view.
16 Doing so gratifies Kleinias’s desire to leave idle speech behind, to legislate in speech with a view to legislating in deed. Kleinias’s aversion to the Athenian’s “delays” is another running motif of the dialogue. Cf. 3.712b; 4.723d-e.
time kings and rulers within our cities—not human beings, but demons [daimonas], members of a more divine and better species (713c-d).

These daimones, he continues, ruled as “despots,” caring for their mortal subjects and releasing them from the winner-take-all struggle that attends political life, now that human beings rule over one another. What hope there is for the present demands that we “imitate by every device [mimeisthai...pasēi mēchanēi] the way of life that is said to have existed under Kronos” (713e-14a). The best regime does not merely emerge “out of tyranny.” The best regime is a tyranny. But due to the insufficiencies of “human nature,” the best regime cannot be tyrannized by “human beings.” It can arise only thanks to the intervention of divine beings and can be emulated only by setting up law as a despotic ruler in their stead (714a).

This myth that the Athenian sets down in Book Four does appear to harmonize his shocking view with the Dorian’s pious respect for things divine. “Presumably,” Kleinias concedes, “it is necessary to obey it” (714b2). But for Plato’s readers, the story appears more as a provocation to consider the many paradoxes it brings to light. If “human nature is not at all capable” of wielding autocratic authority, then why does the Athenian call the second best regime “an imitation” of autocracy? He cannot mean that mortal rulers should seek to become good-enough tyrants. He would seem to exclude that possibility by calling for the rule of law and by naming appropriate, mortal rulers “servants” and “slaves” of the laws (715d). Indeed, his account of the rule of law explicitly contrasts the latter to autocratic power. One wonders, then, how the rule of law can be an imitation of tyranny. One also wonders why the Athenian champions tyranny at all, given the regime he does encourage Kleinias to arrange for his city would foreswear autocratic authority so decisively. Does eliciting respect for the tyranny of god and calling for its imitation not present

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men like Kleinias with a dangerous temptation? Would it not be more prudent for the Athenian simply to aver that the best regime subordinates its rulers to the authority of law? And does it even make sense to exalt a regime that presupposes superhuman rulers? If the necessity of such rulers implies the impossibility of the regime in which they are needed, then the Athenian must deny that the good be limited by the possible. But can that position be sustained?

Insofar as these questions concern the regime, I shall take them up in succeeding chapters. I want to focus here on the “ethical” side of the enigma. As we shall see, analogous questions are raised by the Athenian’s exhortation to individual citizens to assimilate themselves to “the god.” Having asserted that mortal rulers be “slaves” of law and selected for obedience rather than wealth, physical strength, or high birth (715c), the Athenian proceeds to imagine that he and his companions are addressing the assembled colonists who are to comprehend the first generation of the new city.

‘Sirs,’ let us address them, ‘the god, just as the ancient saying has it, holding the beginning and the end and the middle of all the beings, completes his straight course by revolving, according to nature. Following him always is Justice, avenger of those who forsake the divine law. He who is going to become happy follows Her, in humility and orderliness. But anyone who is puffed up with boastfulness, or who feels exalted because of riches or honors or good bodily form accompanied by youth and mindlessness, anyone whose soul burns with insolence and hence regards himself as needing neither ruler nor any leader but rather considers himself capable of leading others, is left behind, abandoned by the god’ (715e-16b).

Just as the rulers of the godlike regime would submit to the external direction of “law,” so the citizens of this regime are enjoined to follow “the god” and never “forsake the divine law” by regarding themselves “as needing neither ruler nor any leader.” Kleinias seems to grasp the pith of the Athenian’s meaning: “this at least is clear,” he says. “Every man must think about how he may become one of the followers [hōs tōn sunakolouthēsontōn] of the god” (716b).

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18 The Athenian elicits from Kleinias the confession that tyrannical power is appealing, even for the man who possesses “courage” but otherwise lacks the virtues (2.661d-e; cf. 3.687a).
But no sooner has the Athenian directed the citizen to become such a follower or acolyte (akolouthos) than he charges him to become like the god he follows. He asks Kleinias to identify “the activity that is dear to and follows god” and answers his own question:

There is one, and it is expressed in a single ancient saying: ‘like is dear to like, if it is measured’; things that lack measure are dear neither to one another nor to things that possess measure. For us, the god would be the measure of all things in the highest degree, and far more so than some ‘human being,’ as they assert. He who is to become dear to such a being must necessarily do all in his power to become like him; and according to this argument the moderate man among us is dear to god, because similar, while the man who is not moderate is dissimilar and unjust—and the other things follow thus, according to the same argument (716c-d).

Notwithstanding the connection of godlikeness to moderation, it seems that the Athenian is once again asking mortals to imitate the very thing against which he warns them. If “god is the measure of all things,” then to “do all in [one’s] power to become like him” is to try to become the measure oneself, one who “all alone…will follow reason alone” (8.835c, cf. 1.645b). Yet the Athenian has just said that the citizen must do the opposite, must regard himself as needing a ruler and leader and authoritative ethical framework outside his own subjective judgment. To think otherwise is to burn “with insolence” (meth’ hubreōs, 716a7), i.e. to fail to observe the boundary between human and divine. Presumably it is to discourage “insolence” that he qualifies godlikeness with moderation. But doing so does not dissolve the problem in any obvious way, for if being moderate is to subordinate oneself willingly to “the divine law,” then to that extent being moderate is to be unlike the god. The god’s moderation must be consistent with his self-sufficiency, the god being his own measure and source of wisdom (cf. 10.899b). One could be forgiven, then, for thinking that these two “moderations” are not at all the same.

These considerations return us to the enigmas which we confronted in the Athenian’s myth of Kronos. Given the unlikeness between the “moderation” of the citizen and that of the paradigmatic soul, how can we understand the one as an imitation of (or bearing a resemblance to)
the other? And bearing in mind that the citizen must disavow self-sufficiency as vouchsafed only to the god, why does the Athenian bid him to become like the god at all? Doing so would only seem to complicate the civic calling, unnecessarily tempting the citizen to transgress the boundary he is supposed to observe.

Turning to the theme of godlikeness in other dialogues does little to dispel its enigmatic appearance in the Laws. In the Theaetetus, the doctrine of Protagoras that “man is the measure of all things” (152a), to which the Athenian in the Laws refers in our passage (716c-5-6), is said to imply that every man is “the equal in wisdom” of every other, “even of a god” (162c).¹⁹ According to Socrates, this conclusion necessarily follows from making “every man self-sufficient in wisdom” (autarkē…eis phronēsin, 169d), a premise that denies the manifest superiority of some men over others. Moreover, if self-sufficiency is an attribute of things perfect and divine, as is avowed by protagonists in several dialogues (e.g., Phil. 60c; Tim., 33d, 68e; Laws 9.875c-d), then the doctrine of Protagoras effaces the gulf between god and man as well. However, if god is indeed self-sufficient, then exhorting man to become divine is in fact to urge him to become what Protagoras had merely found him already to be. Taking god as the measure might place self-sufficient wisdom in a loftier prospect than Protagoras allows.²⁰ But the exhortation to become like the god does seem to share with the Protagorean view an insolent disregard for the frontiers of mortality.²¹

Later in the Theaetetus, Socrates will praise the philosopher for “becoming as like god as possible [kata to dunaton],” by escaping “from earth to heaven” and by becoming “just and pure,

¹⁹ Unless otherwise noted, all translations of the Theaetetus are drawn from M. J. Levett, The Theaetetus of Plato, ed. Myles Burnyeat (Indianapolis: Hackett, 1990).

²⁰ Impersonating Protagoras, Socrates does qualify the former’s view, in order to save the distinction between the wise few and ignorant many (Theaet. 166d). But this qualification merely transfers the name of wisdom from the knowledge of being (which Socrates’s Protagoras continues to ascribe to all living things with perception) to the art of rhetoric (which he allows to be known only by the few).

²¹ Perhaps this is one reason why Socrates likens philosophy to death in the Phaedo (67e).
with understanding” (176b). But the “moderation” of the godlike citizen in the *Laws* would seem a far cry from the “genuine wisdom and goodness” (176c) of the man whom Socrates praises in this passage. If the citizen of the *Laws* were to understand the god whom he is called to imitate in the terms that Socrates styles the divine in the *Theaetetus*, he would feel called to leave political life behind, in emulation of the philosopher. But that cannot be right; the civic life the Athenian describes in the *Laws* is very much concerned with the human things and is marked by a conspicuous deference to external authority and elite leadership. Insofar as wisdom and intelligence figure within the city, they are embodied in its lawgiver (4.709c), enshrined in its laws (4.713e-14a), and stored up in its “nocturnal council” (12.962d), and even in these places, they exist only in a limited way, perhaps as an “image of intelligence” (12.965a) but not as the genuine article. As far as the citizen is concerned, the only “wisdom” ascribed to him is discussed as a “consonance” of his pleasures and pains with “the opinion that is according to reason” (3.689a-d), where the latter is “take[n] over” from the law (1.645b). Turning to treatments of godlikeness in other dialogues, then, only deepens its enigmatic invocation in the *Laws*. Becoming like god is the prerogative of the philosopher, who most achieves autarkic wisdom and superlative virtue. But the exhortation to godlikeness in the *Laws* is directed at political men and ordinary people, whom the Athenian seems to want to turn away from self-rule (cf. 12.942a-c).

**The Sanguine Solution**

One approach to dissolving the enigma might deny what I have just asserted about political life in the *Laws*. This alternative would maintain that the Athenian really does call for the city to imitate the philosopher. Although he acknowledges a natural hierarchy among human types, on this reading the Athenian exhorts all the various citizens to imitate the highest type, poetically
represented by the god. The first dimension of the enigma—the unlikeness of mortal imitations to divine model—could then be explained in the relatively straightforward terms of approximation. The city in speech the Athenian constructs would be what Christopher Bobonich has called “a community of the virtuous” where each appreciates to a sufficient degree the intrinsic merit of the virtues, and would therefore practice the virtues to an adequate extent. Some would grasp that merit more dimly—and practice the virtues less reliably—than others, but all would do so above a certain threshold, beyond which each understands the dependency of the good things on the virtues themselves.

Similarly, this view might deny that the city is imperiled by the gap between the paradigmatic soul and its incarnate approximations. Suppose, with Bobonich, that ordinary people can be motivated to practice the virtues out of an imprecise understanding of their priority in the scheme of good things, and not merely with a view to securing reputation, escaping punishment, or evading


23 According to Bobonich, the Laws avails itself of a profound change in Plato’s understanding of psychology, epistemology, and metaphysics evidenced in the so-called “last dialogues.” Whereas the “middle-period dialogues” such as the Phaedo and Republic do not allow that non-philosophers can become ethically excellent because genuine virtue presupposes knowledge of the good, dialogues such as the Statesman and Laws reject this position, on the grounds that insight into “genuine value properties” is accessible by internalizing sensible manifestations of these properties. Cf. Rachana Kamtekar, “Psychology and the inculcation of virtue in Plato’s Laws,” in Plato’s Laws: A Critical Guide, ed. Christopher Bobonich (New York: Cambridge University Press, 2010), pp. 127-148. Bobonich argues that the core element of “genuine value” in the Laws is the “dependency thesis” set down at 1.631b-d and reiterated at 2.661a-c, according to which the “things said to be good by the many are not correctly so described” (661a). He reads the dependency thesis as the claim that possession of the virtues is necessary for the things ordinarily held to be goods—including health, beauty, strength, and wealth—to confer any real benefit to their possessor. For a very different reading of the dependency thesis, see Strauss, Argument and Action, p. 8 and Susan Sauvé Meyer, trans., Plato: Laws I & 2 (New York: Oxford University Press, 2015) pp. 108-110, as well as my discussion in the following section.
molestation. If so, then the city could exhort those who firmly hold this vague but accurate understanding to strive for autarkic excellence without having to worry about the premature disavowal of ethical authority. Those whose characters are improved by “following” leaders and customs would recognize, to that extent, their real interest in being “followers.” As one’s character is perfected and ethical insight sharpened, the benefit of ethical authority would diminish correspondingly and one could practice the virtues with greater independence. But it should not worry us that the citizen cannot fully achieve the excellence of character that confers independence on the paradigmatic soul. The citizen’s attachment to excellence itself would ensure he reaches only for the degree of self-rule consistent with the ongoing improvement of his character.

Finally, because this reading finds the “genuine virtues” accessible to ordinary citizens, it would also dissolve the third aspect of the enigma—that associated with moderation. As we have seen, the lawgiver should exhort the citizen to become like the paradigmatic soul insofar as that soul is moderate. But the virtues appear reciprocal and unified—acquiring any one of them would seem to presuppose acquiring the others as well, including wisdom or intelligence. Indeed, the god or gods whose souls are paradigmatic are said to be exceedingly intelligent, even to be identified with intelligence (10.897c), and to possess the whole of virtue (10.899b, 900d-e). The exhortation to become like god would seem to demand the acquisition of more than merely moderation. Yet this puzzling entailment is a problem only if we assume the virtues to be all or nothing traits. If we allow that something less than the god’s self-sufficient intelligence is adequate for possessing them, and find that the insightfulness of the citizen in the Laws meets that threshold, then it is conceivable that the exhortation to become like the god really is a call to acquire the whole of virtue, and not merely “moderation.”
However vigorously Bobonich has defended this rather sanguine view, the text throws up significant objections. Above all, it is difficult to see how ordinary people might achieve the necessary enlightenment, given the stress the Athenian places on the fallibility of human nature. He speaks of “certain divine human beings” who seem to have transcended mortal weaknesses (12.951b), but these are spoken of as exceptional cases. As a rule, he avers, “the human consists above all in pleasures and pains and desires. To these, every mortal animal is, as it were, inextricably attached and bound in the most serious ways” (5.732e; cf. 1.636d-e, 4.713c, 9.875b, 12.947e). If genuine virtue involves being motivated by the worthiness of the virtues themselves, and not merely by the pleasures that might attend virtuous activity, then human nature appears to foreclose this peak of excellence.

The *Laws* is replete with passages attesting to this problem. Most strikingly, the Athenian does not locate the genuine virtues within the human realm. The good things, he tells the Dorians, “are two fold, some human, some divine” (1.631b). The human goods include health, beauty, strength, and wealth; whereas prudence, moderation, justice, and courage belong to the gods (631c-d). Since he allows that only a few might really become “divine” (cf. 11.918c-d), it would seem that the many cannot possess the virtues, at least in their paradigmatic forms. Because the worthiness of the human goods that the many can possess “[depends] on the divine goods,” it is

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24 Even in these instances, the Athenian does not appear to speak of human beings having become “gods.” See *Rep.* 496a-d and my discussion of *Laws* 2.663b-c in the final section of this chapter.
25 One might retort that the worthiness of the virtues can be adequately grasped under the category of the pleasant. Socrates in the *Philebus*, for example, does speak of pleasure involving concepts and beliefs. Perhaps the cognitive content of appropriate pleasures would suffice for grasping “genuine value properties.” But even Bobonich, whose interpretation hangs on rehabilitating the truth-disclosing possibilities of sensory experience, ultimately rejects this solution. See *Plato’s Utopia Recast*, pp. 351, 367-73; “Introduction”. After all, practicing the virtues sometimes demands accepting pain. In any case, the Athenian suggests that the pleasant is an inappropriate category with which to grasp the truth (*Laws* 2.667d-68a). Bobonich opts instead for the view that the cognitive content of sub-rational psychological “attitudes” such as pleasure draws on the resources of the agent’s reason to internalize genuine value properties. His position thus requires that the citizen conceived in the *Laws* possess certain intellectual virtues.
necessary that the many “look to the divine” for leadership (631d). But the divine intelligence to
which mere mortals are to look is stored up in the lawgiver and his law, not in the citizen’s own
soul. Nor will the citizen grasp rationally the reasons that confer legitimacy on the lawgiver’s
orders.

Consider the elaboration in Book Three of the claim that the human goods depend on the
divine. Here, the Athenian maintains that “it is dangerous for one who lacks intelligence to pray”
(688b-c) and analogizes the relationship between the city and the law to that of a child and his
father.26 Fathers do not wish for the prayers of their young sons to be fulfilled indiscriminately, he
explains. Rather, they wish for their sons’ prayers to follow prudence and intelligence, the
knowledge of how the good things might be put to good use. It is only in being well-used that the
human goods and their attendant pleasures have any real merit. But the argument does not entail
that intelligent use depends on heeding an intellect of one’s own. The child should mind the
counsels of his father, just as “the majority” should “obey the rulers and the laws” (689b). Indeed,
it is the disobedience of the many to the law, to the “opinion that is according to reason,” that the
Athenian calls “lack of intelligence” (688e, 89b).

In the same vein, neither the child nor “the majority” obeys “natural rulers” out of rational
insight into their therapeutic purposes. Instead, each obeys an external intellect based on appeals
to “human nature,” to the attachment to the pleasant and aversion to the painful. “In the soul,” the
Athenian explains, “the part that feels pain and pleasure is like the populace and the majority in
the city” (689a). Just as this “major part of the soul” must be directed by the part capable of
“knowledge, or opinions, or reason” (689b), so “the majority in the city” must be directed by the
opinion of an intelligent lawgiver, as his opinion might be manifest in law. Consequently, the parts

26 Cf. 2.662d-e; 4.720a; 9.859a, where the Athenian asks rhetorically whether “the writings about laws in the
cities…[should] appear in the shapes of a father and mother”; and 11.931a-c.
of the soul and city capable of ethical knowledge or even true opinion must be distinct from those motivated by pleasure. And if so, then the obedience of the latter to the directives of the former cannot await rational persuasion, if by that term we mean persuasion that treats those to whom it is addressed as beings capable of rational choice, responsive to more than the expectation of pleasure or pain.\(^\text{27}\)

That the Athenian conceives of citizens in this way is also attested by his accounts of civic education and the stress he places on linking the virtues with pleasure. If the citizen were to acquire even a vague grasp of virtue’s intrinsic merit, sufficient to motivate obedience to therapeutic laws, one would expect his education to confer a certain wisdom. Indeed, one would expect civic education to be liberal education, to go some way towards liberating the citizen from unexamined opinions, equipping him to grasp the grounds for the “true opinion” behind the law. Accordingly, one would expect of him a responsiveness to exhortations to obey the law because of the education in the virtues that the law itself confers, understanding that the virtues are good in and of themselves. One would not expect obedience to require identifying the lawful and virtuous with the pleasant, the unlawful and vicious with the painful. Yet these are precisely the identities at the core of both the education the Athenian holds out for the city and the exhortations that would establish its authority.

Consider the definitions of education set down in Books One and Two. The first is offered to clarify the claim that drinking parties can contribute to virtue. In order to make good on this somewhat comical assertion, the Athenian maintains that an inquiry into “the whole subject matter of education” is necessary, starting with a general definition:

\(^{27}\) Bobonich, in “Persuasion,” pp. 365-66, 369, contrasts rational persuasion, which appeals to “good epistemic reasons” for the “true beliefs” and actions urged on the addressee, with a non-rational alternative that appeals to emotions and “false but useful beliefs.”
Whatever a man intends to become good at, this he must practice from childhood… The attempt should be made to use… games to direct the pleasures and desires of children toward those activities in which they must become perfect. The core of education, we say, is a correct nurture, one which, as much as possible, draws the soul of the child at play toward an erotic attachment to what he must do when he becomes a man who is perfect as regards the virtue of his occupation (1.643b-d).

Although Kleinias finds this definition perfectly acceptable, the Athenian admonishes him, because “what we mean by education is not yet defined” (643d, my emphasis). Their inquiry “into laws” is concerned not with the occupation of just any merchant or vulgar craftsman, whose education is apparently encompassed by the original definition. They are concerned with the virtue of the citizen in particular, the man who “knows how to rule and be ruled with justice” (643e). This proviso would seem to elevate civic education and political virtue. All the same, it must be read in light of the broader argument, which emphasizes the connection of education to the conditioning of desire, using the analogy of the symposium.

The dialogue falls into the topic of symposia as a result of the Athenian’s decision to lay bare a shortcoming in the Dorian outlook. He has pointed out the inadequacy of thinking laws taken over from a god might aim at transmitting merely a part of virtue. Any law from the god would have to be perfect and perfection demands the pursuit of virtue as a whole (630b). Nevertheless, it becomes clear that the virtue the Athenian has in view at this stage is really a conditioning of “the major part of the soul.” He does expand upon the Dorian view of virtue as endurance in the face of fear, but he does so not with some excursus into wisdom or its pursuit through dialectic. Instead, he turns to “gymnastic training” in the fight against “the many

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28 Cf. Arist. Pol. 3.4.10.
29 In fairness to Bobonich’s argument in Plato’s Utopia Recast, and as noted above, the vague but accurate grasp of “genuine value properties” that he finds ascribed to ordinary citizens in the Laws would originate in encounters with the sensible manifestations of these properties. Accordingly, true opinion about the virtues would be internalized for most citizens not through dialectic, but in harmonious music and the study of orderly movements in the visible cosmos. Even so, Bobonich’s view does require the ordinary citizen attain a certain wisdom. We should therefore expect discussion of his education to mention the intellectual virtues, a topic
pleasures and desires that try to seduce [the citizen] into shamelessness and injustice” (647d). The Dorian preoccupation with “courage” is defective, he says, because it is concerned with only one side of the legislative art, with enduring the expectation of pain while giving little thought to withstanding the anticipation of pleasure. It is with a view to the latter that the Athenian claims drinking parties can contribute to education, which then spurs him to offer his definition of education itself. The legislative or political art might be concerned with the education to the whole of virtue, but the virtue in question would seem to consist in the correct conditioning of pleasure and pain, attraction and aversion. Education, then, is a matter of directing the play of “children,” which is in turn at the core of the political art. As the Athenian had said a few lines before, “…about human beings who inquire into laws almost their entire inquiry concerns pleasures and pains” (636d).

One finds a similar account in Book Two, where the Athenian calls education “the virtue that first comes into being in children” (653b) and asserts that it “consists in correctly trained pleasures and pains” (653c). Children, of course, sense pleasure and pain before they are able to reason. That is why childhood education can at best habituate the passions to accord with what reason might later affirm. But the Athenian denies that the intellectual virtue standing beyond childhood education is broadly accessible to adults. “As for prudence, and true opinions that are firmly held,” he says, “he is a fortunate person to whom it comes even in old age” (653a). He goes so far as to call such a person a “perfect human being” (teleos...anthrōpos, 653a9). Education, we have learned, is preoccupied with becoming perfect only as regards the virtue of one’s occupation,

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30 When the Athenian speaks of “children,” “games,” and “play,” he does not necessarily confine these terms to the very young and their activities. Adults, too, can be “childlike” (e.g. 2.646a; 4.712b), just as human beings can be bestial (e.g. 6.777b, 781d-e; 7.808d).
and one suspects the perfect citizen is not to be identified with the perfect man (cf. Arist. Pol. 3.4.5-7). This suspicion is confirmed when the Athenian hives off “that part of virtue which consists in being correctly trained as regards pleasures and pains” and asserts that it is the acquisition of only this part that is to be called education (653b-c). In his view, the perfect citizen remains childlike, inextricably bound to pleasure and pain. He can be “trained” as regards to these, that they might be in “consonance” with reason. But he is not to become a “divine man,” one who might “all alone…follow reason alone.”

The exhortations to obey the law that the Athenian proposes for his city in speech are very much in accord with this picture. We examined the first of these in the previous section. Imagining he and his companions are standing before the assembled colonists of the city Kleinias is to found, the Athenian proposes they enjoin the future citizens to follow and imitate the god. The exhortation he suggests does not persuade by appealing to any intrinsic goodness of the virtues the paradigmatic soul is said to have. Rather, it threatens divine retribution for disobedience and promises a “happy life” for compliance. Failure to heed the commandment invites “the blameless vengeance of Justice” (4.716b) and renders futile any prayers or sacrifices to the gods (716e-17a). “For the good man” and “for all the pious,” however, prayers and sacrifices are to be considered “most efficacious.”

The speech introducing Book Five similarly appeals to pleasure and pain to persuade its addressees. It begins with an account of “the practices that are to be followed and the sort of person each should be himself,” which the Athenian says “concerns mainly the divine things” (732e).

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31 Pace Strauss, *Argument and Action*, p. 22, for whom this passage implies a twofold change to the first definition, confining education to the sub-rational part of the soul and yet replacing the perfect citizen with the perfect human being as its proper end. Neither of these claims seems right. Read in context, the first definition is already confined to the sub-rational part of the soul, as we saw above. And nothing in the second definition explicitly links education to the perfect human being.

32 In the Athenian’s view, the lawgiver must identify the “best life” and the happy life with the most pleasant life (2.663b-c, 664b-c; 5.734e).
Accordingly, he urges the citizen to honor his soul as something belonging to the gods and by “following the better things,” apparently referring to the gods themselves (728c). “In the case of the worse things that allow for improvement,” apparently having to do with the soul (728d), the citizen should bring these “as close as possible to the same end” (728c), i.e. should try to bring his soul into a condition resembling the gods. Yet the reason the Athenian adduces for imitating the divine is not to acquire for oneself the intrinsic goodness of the gods’ virtues. Rather, he emphasizes the “victorious reputation of having served [one’s] own laws” (729d-e) and bids the addresses “all be lovers of victory when it comes to virtue” (731a). Because this exhortation is associated with “the divine things,” some interpreters have thought the Athenian must think highly of the appeal to reputation and honor. But as we saw in Chapter One, concern for reputation is introduced to the dialogue as a species of fear, namely of disrepute and shame (1.646e-47a). And since the Athenian defines fear as an expectation of pain (1.644c-d), the appeal to honor seems to be yet another accommodation to “human nature.”

As if to make this point more explicit, the Athenian turns next to a discussion of “the human things.” It now becomes apparent that he is no longer observing the distinction between human goods and divine goods introduced in Book One. He had curiously included the human goods of the body under the heading of the divine things of the soul (5.728d-29a). He reaffirms the conceptual slippage by including the virtues under the human things to which he turns now (733d-34e). The point seems to be that “human beings” partake of the divine goods only where the latter can be reduced to the human, only insofar as possessing the virtues appears pleasant and lacking them painful. This “natural” attachment to pleasures and pains had been implicit in the appeal to

reputation under the divine things. It becomes explicit in the praise of virtue under the human things:

The noblest life should be praised not only because it is superior as regards the splendor of its reputation, but also because, if someone is willing to taste it and not become a fugitive from it because of his youth, it will prove superior in respect to that which we all seek—namely, having more delight and less pain throughout the whole of one’s life (733a).

In sum, we would assert that the life that possesses virtue, of body or also of soul, is more pleasant than the life possessing vice…Thus it makes the one who possesses it live more happily than his opposite (734d-e).

Once again, the Athenian does not use rational persuasion in exhorting his addressees. He speaks rather to the part of the soul that feels pleasure and pain, the “major part” analogous to “the majority in the city.” And this is as we would expect, judging from his account of civic education. The “great man in the city, the man who is to be proclaimed perfect and the bearer of victory in virtue” (5.730d), is not to be identified with the “perfect human being” who has “prudence and true opinions that are firmly held” (2.653a-b). Rather, the good citizen is “obedient and well-disposed to the laws” (5.730b), having been raised from childhood to love the lawful and hate the criminal, but not to judge these things for himself. His “intelligence” consists in deferring to others, and in taking pleasure in so doing (3.689a-d). His obedience is sustained by believing the lawful pleasant and the criminal painful.

One might object on Bobonich’s behalf that this picture is inconsistent with the status assigned to these exhortations, both of which are called “preludes” (prooimia, 4.723a, 724a; 5.734e). When he had proposed the use of preludes in Book Four, the Athenian had likened them to the procedure of a “free doctor” who prescribes a treatment only after “persuading” his patient of its necessity, thereby “teach[ing] the one who is sick” (720d, cf. 723b). When he returns to this analogy in Book Nine, the Athenian even imagines a “slave doctor” objecting to the prelude
procedure because it uses “arguments that come close to philosophizing,” as if what the patient needed “were to become a doctor, rather than healthy” (857d-e).\footnote{34} Bobonich takes these characterizations as suggestive of rational persuasion and endeavors to read the preludes in that spirit.\footnote{35} There are, however, more plausible ways of interpreting the doctor analogy that keep the preludes consistent with “human nature.”

The doctor analogy is introduced by comparing patients (citizens) to “children [who] beseech a doctor, asking him to care for them in the most gentle way” (720a). This recalls the child metaphor in Book Three, where the Athenian had discussed the “intelligence” of the city in the terms of a childlike obedience to a fatherly lawmaker. In that case, the metaphor had underscored the sub-rational character of the citizen’s obedience. He is like the son whose wish follows intelligence because he observes the counsels of his father, but not because he understands for himself the reasons substantiating his father’s good judgment. It would be surprising if the Athenian’s recourse to the same metaphor at 4.720a contradicted this earlier usage. In fact, for all his likening of the free doctor’s procedure to a species of instruction, the Athenian describes its successful use as rendering the patient “tame” (720d7), which hardly suggests rational persuasion. As Stalley observes, the verb “to be tamed” (hēmerousthai) is “used quite naturally of an animal.”\footnote{36} In the Republic, for example, it is used to describe the subordination of the “bestial” part of the soul, the part that might be “put to sleep and tamed” (koimizetai kai hēmeroutai, 591b2-3). The same verb is used by Aristotle to classify beasts such as elephants that “can be tamed quickly” (hēmerousthai dunatai taxu, Hist. Anim. 488a28-29).

\footnote{34}{As many interpreters have observed, this is one of only two oblique references to philosophy in the entire work. For the other, see 12.967c.}
Insofar as the doctor analogy implies a pedagogical purpose, it makes sense to interpret that purpose in light of the civic education discussed elsewhere in the dialogue. According to the Athenian, as we have seen, such education does not consist in the acquisition of rational independence or intellectual virtue. It consists, rather, in the habituation of the desires and aversions of “children,” including (besides the very young themselves) adults who are made young anew by participation in festive rites (2.671b; cf. 1.646a). In these rites, education avails itself of the human attachment to pleasure, using it as a “charm” (charis) to harmonize the passions with “the argument that is said to be correct by law” (2.659d, cf. 665c, 667b-c). And the preludes do seem to count as charming “incantations” or “enchancements” (epōdai, 2.664b; cf. 7.773d, 812c; 10.903b). The examples we have examined thus far appeal to the promise of the pleasant—if only because pleasure attends the avoidance of the painful—and it is not hard to imagine the preludes being “sung” during the many festivals ordained for the city. It is true that the preludes persuade with verbal “arguments,” whereas the choral incantations of Book Two enchant the soul with “music.” That the preludes consist of linguistic structures, however, does not entail that their “arguments” are rationally persuasive. The citizen to whom the Athenian speaks does need to involve his reason to grasp the opinions he would be taught. But use of intellect is presupposed by all forms of verbal persuasion, including those that move the mind by appealing to the passions and the desire for pleasure itself. In any case, the Athenian calls his exhortations “preludes” precisely to draw attention to their musical characteristics. If music rightly used by the political art is a form of non-rational “enchchantment,” then so too are the preludes themselves.

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39 Both prooimion and nomos can be used as terms of music. Just as a prelude can introduce a law, so a prooimion can introduce a “song” (nomos). There is also evidence of Greek laws being composed as music and literally sung. See, e.g., Athenaeus (619b): “at Athens, even the laws of Charondas were sung at wine-parties,” from Michael Gagarin, trans., Writing Greek Law (New York: Cambridge University Press, 2008), p. 34.
Even the more advanced education discussed in Book Seven and the elaborate prelude to the impiety law in Book Ten are best described as “charms.” To many interpreters, the first of these passages shows that true beliefs about the cosmos are to be imparted to the citizen.\textsuperscript{40} We are told in this passage that “the free men” of the city must become acquainted not only with well-governed music, but also with the rational order of the sensible world, as it might be accessed through calculation, measurement, and astronomy (7.817e). Readers have also been impressed by the prelude pronounced against atheism, which includes one of the longest veins of sustained argumentation in the entire corpus.\textsuperscript{41} In both cases, however, the appearance of rationalism belies yet another recourse to “enchantment.” In the midst of his refutation of impiety, for example, the Athenian has recourse to “arguments” that he baldly calls “mythic incantations” (10.903b). The story he subsequently recounts “makes sense of the gods having the greatest ease of supervision over all the things” (903e) and asserts that the whole has been put together with a view to “safety and virtue.” To this extent, the incantation reflects the same concern as the more rationalistic parts of the prelude, and indeed of the advanced civic studies proposed in Book Seven. In all these cases, the Athenian is anxious that the natural world appear providentially ordered and rationally harmonious. It is important to see that this fact does not imply that he really believes nature harbors these qualities, nor that ethical understanding can be “deduced” from natural order.\textsuperscript{42} On the contrary: if the perception of order is pleasant (2.654a), and if “things that contradict one another are disturbing” (7.812e), then human beings are predisposed to perceiving order and harmony, even where those properties are not really to be found. Were the Athenian concerned that citizens


\textsuperscript{41} Even Stalley (“Persuasion,” p. 173) calls the impiety prelude “an important exception” to his otherwise pessimistic view of the persuasion that the Athenian extols. But cf. Stalley, \textit{An Introduction}, pp. 171-77.

\textsuperscript{42} This is the view taken by Van Riel in \textit{Plato’s Gods}.
perceive nature as it really is, surely he would try to compensate or “control” for this prejudice, and not intensify its appeal, as in fact he seems to do. The Athenian is accommodating himself to “mortal nature” once again, using the desire for pleasure—in this case derived from the perception of order and harmony—to be persuasive with all-too-human beings.

Taking stock of this textual evidence, we can see that there is good reason to reject approximation readings as the solution to the enigma of godlikeness. The “ethical” side of the puzzle is that the ordinary citizen is enjoined to imitate a paradigm of rational self-sufficiency. Whereas the citizen is praised for his “moderation” and voluntary obedience to external authority, the god whom he is tasked with emulating is the measure of all things and a law unto himself. An approximation reading might appear to resolve the resulting problem by denying that the Laws envisions civic virtue as sub-rational deference. Bobonich, for example, finds the ordinary citizen approximating the virtue behind the self-sufficiency of the god, acquiring a vague but accurate grasp of its intrinsic merit. But the evidence that we have surveyed thus far suggests that this cannot be right. The Athenian of the Laws does speak of certain “divine men.” But he associates ordinary people with the “mortal nature” of human beings, for whom an inextricable attachment to pleasure and pain is the rule. These passions seem to belong to a discrete part of the soul from that which grasps the truth, and neither his education nor the means by which he would be persuaded suggests that the citizen might acquire for himself even some “low-level” version of the intellectual virtues.

**The Ideology Solution**

A more promising approach to resolving the enigma might appeal to the concept of ideology, that is, to beliefs that are false but useful. The Athenian allows that the provenance of positive law in the will of the gods is a false but useful belief. Perhaps the opinion that one might assimilate
himself to the god is another. This reading would seem more faithful to the *Laws*; it would not be bound to the view that the ordinary person somehow approximates the philosopher. Although the citizen is called to imitate the god, on this reading he is not expected to resemble the paradigmatic soul in any straightforward way. The usefulness of the exhortation to do so lies elsewhere, perhaps in some stability it confers on the city.\(^{43}\) Consider that the city is stable not only insofar as its laws appear authoritative, but also to the extent that its citizens put the common before the private. It is the mark of the virtuous to put the common first and the city before themselves. But just as the laws can appear defective, so the virtues can appear burdensome. It is not obvious that courage is in one’s own best interest if the courageous man must hazard his life in defense of the city. Similarly, one wonders if moderation is consistent with personal happiness if the moderate man must accept the rule of others and the subordination of his desires. Nevertheless, the city needs its citizens to act courageously and moderately, just as it needs them to obey the law.\(^{44}\) If the gods are useful for hiding the defects of law, perhaps they might hide the burdens of virtue as well. By describing the pursuit of virtue as an assimilation to the gods, the lawgiver might simply be adding to its appeal.\(^{45}\) After all, if the very gods go in for virtue, then it must be something supremely meritorious, despite appearances.

The version of this view developed by Strauss would suggest that the divine does not reflect the psychology of the philosopher in the *Laws*. Rather, the god whom the ordinary man should imitate must be a projection of the perfect citizen, the man who is devoted to the city before himself. At least that would explain why the Athenian calls the godlike man “moderate” at 4.716c,

\(^{43}\) I take this to be Strauss’s position in *Argument and Action*, pp. 58-59. If I read him correctly, Strauss understands the exhortation to become like the god as the legislator’s “adornment” of the law that enjoins the practice of civic virtue.

\(^{44}\) N.b. that “courage” and “moderation” here must refer to “popular” or “demotic” forms of those virtues.

\(^{45}\) Pangle suggests that the exhortation to imitate the god “leaves a trail” for future philosophers to follow by providing “a glimpse or image of the philosophic life.” See “Interpretive Essay,” pp. 485-86, 510. I take up this alternative in Ch. 4.
but not “good with respect to every virtue” nor “the perfect human being.” According to Strauss, the philosopher cannot be virtuous in anything like the passionate altruism of the civic ideal. His passion is directed away from the city and towards the truth. His altruism is incidental, in the service of his quest for wisdom. And his virtues equip him for that quest rather than for helping the city philanthropically. Because Strauss draws the distinction between philosophic and civic virtue in this way, he reads the Athenian’s pronouncements about the priority of the virtues as a salutary fiction too. The belief that virtue is at least necessary (Strauss reads “sufficient”) for happiness is useful, but not because it reflects anything the philosopher might sincerely believe or observe himself. Rather, its use is owing to how it gives the citizen an incentive to act altruistically, altruism being necessary for political stability and instrumental to the common good. The philosopher’s soul looks beyond the city, but his body still has need of the security and nourishment that only the city can provide. It is as much in the interests of the philosopher as it is of the ordinary person that the city be secure and stable, and security demands at least some people put the common before the private. But exhorting political men to put the city first does not imply that the philosopher is genuinely concerned with the well-being of those whom he persuades. Rather, he may be more concerned with securing the biological prerequisites of his own erotic activity, and with promoting the interests of others of his “type” or “class,” who might similarly

46 For the claim that the virtues of the philosopher do not dispose him to philanthropy, see Leo Strauss, On Tyranny, eds. Victor Gourevitch and Michael S. Roth (Chicago: University of Chicago Press, 2000), pp. 197-98. But cf. “What is Political Philosophy?” in An Introduction to Political Philosophy, ed. Hilail Gildin (Detroit: Wayne State University Press, 1989), p. 28. The private disposition of philosophic virtue does not render the philosopher indifferent to the fate of other men. Strauss maintains that the philosopher is interested in the fate of the city insofar as his body depends on the services it provides. He is also more “just” than the man of civic virtue because of his indifference to acquisition and the love of the many. And he may be passionately concerned with the fate of other philosophers, or potential philosophers, with the “class interest” of philosophers. See n. 49 below.

47 Strauss, Argument and Action, pp. 8, 28.

48 Strauss calls the Laws “the most political work of Plato” because of all the dialogues it is the Laws that is most preoccupied with the body. See Argument and Action, p. 1. See The City and Man, pp. 93-96 for the view that the body is the city’s “natural” preoccupation. For the claim that the body’s needs motivate the philosopher’s interest in the city, see On Tyranny, p. 199.
free-ride off the altruism of the citizen. Consequently, Strauss denies that the political interventions of the philosopher in the Platonic dialogues are cases of genuine philanthropy.\(^\text{49}\) In his view, the doctrine that the good things radically depend on the virtues is another lie among many, useful for political stability but, in the final analysis, harmful to the man who allows himself to be sacrificed in its name.

As persuasive as some interpreters have found Strauss’s framework, as a solution to our enigma it confronts several difficulties. First, the god to whom the citizen would assimilate himself is never described in the *Laws* as a model or projection of merely civic virtue. He is never called “moderate” in the sense of politically obedient, nor is he discussed as a model of sub-rational psychic harmony. The good citizen would take pleasure in following the law without a complete understanding of the law’s justifications, whereas the god is “the measure of all things” (4.716c), including of the law itself. Civic virtue lacks rational independence, but “the god” is identified with “intellect” (10.897b) and “the soul that has every virtue” (898c, cf. 899a-b). Presumably that is why the citizen who imitates god becomes divine “within measure” (*metriōi*, 716c3), while those called divine without qualification are confined to the nocturnal council (12.951b-c with 966d) or identified with the philosopher-lawgiver (8.835c, 9.875c). Only to the very few is it given to follow reason “all alone.”

This gap between model citizen and divine paradigm raises questions about the rhetorical efficacy of godlikeness. If the justification for likening citizenship to the imitation of god is that doing so conceals the burdensomeness of civic virtue, then one would expect the imitative model to bear a close resemblance to the ethos of citizenship. Instead, the god is a paradigm of self-

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\(^{49}\) The philosopher can be other-regarding without being philanthropic; he loves other philosophers or potential philosophers and promotes their interests, even dies for them. In so doing, he acts incidentally for the good of the majority of men as well, but without loving them or caring for them for their own sakes. See, e.g., *On Tyranny*, pp. 200-201.
sufficiency, a fact that curiously threatens the stability of the city. Recall that, according to the Athenian, “it is dangerous for one who lacks intelligence to pray” (3.688c). That is why the citizen must scrupulously defer to an external authority, must “pray” only as the law prompts him. Lacking independent intelligence, any attempt at being his own measure of the noble and shameful or the better and worse is fated for failure, and not merely for himself, but for the city as well. The ordinary person, like every mortal animal, is “bound in the most serious ways” to the longing for pleasure and the flight from pain. Were he to take as the measure his own judgment, in emulation of the god, one would expect him simply to follow the pull of these passions, as the Athenians did following the dissolution of reverent awe (3.700d ff.). The altruistic demands of civic virtue do not correspond to the categories of pleasant and painful. No matter how well-educated, to most men the freedom of wealth appeals and the anticipation of death dismays. Ultimately, then, the city cannot rely on the education of the passions. It cannot allow the citizen to judge the noble and shameful for himself. Yet that is precisely what the exhortation to emulate the god enjoins, given that the god is ethically self-sufficient. It is therefore doubtful that the imitative use of the divine can be in the service of political stability, at least not directly.

Another difficulty with Strauss’s reading is that it relies on a distinction between virtue and happiness that may be an anachronism. The god cannot be a projection of the perfect soul if the virtue of that soul is not philanthropic. The perfect soul is oriented towards the truth, and the truth, according to Strauss, is that full-blooded philanthropy is inconsistent with happiness. Accordingly, Strauss calls the Athenian’s “premise” that the virtuous man is happy (eudaimōn), regardless of whether he enjoys (certain) human goods (2.660e), a “patent falsehood.”

50 Strauss is right to do so, but only if one allows two further premises. One must assume the Athenian intends that civic
(and therefore altruistic) virtue is sufficient for happiness. The Athenian, however, indicates that neither assumption is warranted. He does not argue that the human goods are worthless, nor does he suggest that a human life from which they were altogether absent could be happy. At 2.660e, for example, he approves of the Dorian practice compelling the poets to call the virtuous man happy, even if he lacks size, strength, and wealth. But the Athenian does not mention “health,” which earlier he had identified as the human thing which “leads the lesser goods” (1.631c). As the subsequent elaboration makes clear, his point at 2.660e and following is that virtue is merely necessary for happiness, necessary because it is excellence of soul that confers merit on the goods of the body (2.661b-c).

To be sure, this weaker “dependency thesis” remains counter-intuitive. It denies happiness to the unjust, “even if someone is richer ‘than Cinyras or Midas’s’ (660e), even if he possesses tyrannical power and immortality to boot (661b). Still, it is hardly a “patent falsehood” to assert that altruistic virtue is a necessary condition for a happy life. That thesis would follow only were we to equate happiness with self-gratification. But doing so betrays the characteristically modern prejudice one finds, for example, in the works of Immanuel Kant, in which happiness and moral

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51 This is how Strauss reads 1.631b-d and 2.660e-61c. Ibid., pp. 8, 28.
52 It is a hallmark of modern moral philosophy to accept a view of happiness as self-gratification or “conation,” i.e. the successful “satisfaction of [one’s] desires, or the fulfilment of [one’s] plans, or the attainment of [one’s] goals,” Richard Kraut, What is Good and Why? The Ethics of Well-Being (Cambridge: Harvard University Press, 2009), p. 104.
53 Pace Strauss, Argument and Action, p. 8 and Sauvé Meyer, Laws 1 & 2, pp. 108-110, 1.631b-d is making precisely the same point. The Athenian claims that “if a city receives the greater [the divine goods] it will also acquire the lesser [the human goods]” (631b8). But he does not mean that “virtue guarantees…the well-being of the body and even the right kind of wealth,” as Strauss maintains. Rather, as the Athenian makes clear in the subsequent lines, he intends that the human goods are beneficial only to the extent that the city enjoys them in accordance with virtue. Of course, a city can acquire the human goods without virtue, just as it can lose them with virtue. But in the former case, the human goods are no longer beneficial and therefore no longer “goods.” Virtue guarantees only that the human goods can be well used. The city that acquires the divine goods therefore acquires only the goodness of whatever bodily powers it happens to possesses. The Athenian never claims that virtue could somehow guarantee the acquisition of these bodily powers as well. That would require conquering chance, a prospect the Athenian explicitly disavows (4.709a-c).
virtue are sharply opposed. Morality” is altruistic and rational. “Happiness” is self-interested and passionate. For Kant, as for so many moderns, this conception is taken for granted. For Greeks of the classical period, by contrast, the dichotomy between virtue and happiness was not nearly so stark. As Ryan Balot has shown, the Athenian democrats were able to conceive of self-sacrifice in the name of the city as an extension of, rather than limit to, the citizen’s eudaimonia. This was possible, Balot argues, less because the Athenians effaced the dreadfulness of death than because they supposed a flourishing life to include an abiding self-respect, where the “self” to be respected was unintelligible apart from its relations to others. Whereas the modern term “happiness” can be reduced to pleasures of the moment experienced by the individual, the ancient eudaimonia could be achieved only within the context of “the long-term narratives of the city, with which [citizens] self-consciously and deliberately identified themselves.” Insofar as dying a noble death cohered with these narratives, the citizen who thus sacrificed himself could intelligibly be considered eudaimōn. This does not mean the Athenians blinded themselves to the tensions that this view betrays. But it does suggest an unfamiliar conception of “happiness” that we should be wary of dismissing as mere ideology.

It is open to Strauss, I think, to respond to the charge of anachronism by pointing to the discussion of the “profitable lie” in Laws, Book Two. In this passage, the Stranger speaks to the view that the life of virtue (i.e. of justice and piety) and the life of happiness (i.e. of pleasure) are the same. “Could a lawgiver of any worth ever tell a lie more profitable than his,” he asks, “or more effective in making everybody do all the just things willingly, and not out of compulsion?”

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54 See, e.g., Kant *Groundwork*, 4:393-96.
(663d-e). To Strauss and others influenced by his reading, this passage vindicates the ideological interpretation of the Athenian’s argument that the virtuous life and the happy life are the same.\(^{56}\) After all, the Athenian seems to assert quite plainly that the argument is indeed a false but useful belief. Even so, there is another possible interpretation of this passage that turns out to be more textually faithful to the Athenian’s broader argument. This alternative does not dismiss the ideology thesis altogether, but it does suggest that philanthropic virtue could be a necessary condition of *eudaimonia*, even in the Athenian’s own estimation.\(^{57}\)

In the passage at 663d-e, the Athenian is equating happiness with pleasure, and pleasure with the gratification of the body. He introduces the profitable lie by observing that “the unjust way of life is not only more shameful and more wicked, but is also truly more unpleasant than the just and pious way of life” (663d). He similarly equates the happy life with the pleasant in summing up “the noble things we have been saying and will say later on.”

…when we claim that the gods say that the most pleasant life and the best life are the same, we will be saying what is most true, and also persuading those who must be persuaded, more effectively than if we spoke in some other way (664b-c).

We have found that the Athenian characterizes such appeals to the pleasant or the painful as concessions to the “mortal” natures of ordinary people and the majority within the city. Notice that this fact alone is sufficient to explain why he calls the identity of the virtuous life and the happy life a profitable lie. It may be false to assert that the virtuous and the pleasant are the same, especially if by pleasure we understand the gratification of the body. But happiness does not have to be identified with pleasure, nor pleasure with bodily gratifications. Indeed, it would be


\(^{57}\) Cf. Edward Andrew, “Descent to the Cave,” *Review of Politics* 45, no. 4 (1983): pp. 510-35 for the argument that “teaching” is of a piece with the philosopher’s erotic nature and that it is philosophic eros itself that “compels” the return to the cave in the *Republic*. 

surprising if the Athenian were to think it did, given the contempt he shows the pleasant relative to the noble and the intellectual. But if not, then it remains open to the Athenian to hold the happy life and the virtuous identical, only not in the sense understood by the common man. Inextricably attached to the pleasant, the latter has difficulty fathoming a happiness unaccompanied by significant bodily pleasure. Unfortunately for him, the “just and pious way of life” that is his duty does sometimes demand the endurance of considerable pain. That is why the citizen’s adherence to civic virtue is so precarious, and why it is “profitable” for the city to conceal this lamentable fact. But were we to think differently of the relevant categories (virtue and happiness), as we might expect the philosopher to do, then we might not encounter the same divergence between the one and the other. A loftier virtue might well reduce the need for self-sacrificing gestures, the virtuous man being prudent enough to discharge his duties towards others gracefully, avoiding painful dilemmas wherever possible. And a refined happiness might locate self-worth in human excellence and knowledge, as well as in their attendant pleasures, but not in the pleasant itself, for its own sake. It is because virtue and happiness can mean such different things to different sorts of men that the life of virtue can at once be the same and not the same as the happy life.

This reading is supported by what the Athenian says in the preceding lines about the problem of perspective:

Looking at things from a distance produces a dizzying obscurity in everyone, so to speak, and especially in children; but our lawgiver will do the opposite to opinion by taking away the obscurity, and will somehow or other persuade, with habits and praises and arguments, that the just and unjust things are shadow-figures (eskiagraphẹmena). From the perspective of the unjust and evil man himself, the unjust things appear pleasant, the opposite of the way they appear to the just man, while the just things

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58 Recall, e.g., the claim at 3.689a-b that the “major part of the soul [the part that feels pleasure and pain]...is like the populace and majority in the city.” Both need the direction of a discrete part (namely that with intellect), without which they are bereft of merit.
59 One can similarly read the Athenian’s trepidation to put into the mouths of the gods the identification of the virtuous life with the happy at 2.662c-e.
60 Cf. Rep. 7.515a, 515c, 516a; Soph. 235-36.
appear very unpleasant. But from the perspective of the just everything appears entirely the opposite (2.663b-c).

According to the Athenian, the appearance of the just and unjust things is conditioned by virtue of soul or lack thereof. Only to the just man would justice appear as pleasant or as painful as it truly is. But given that no man is perfectly just, the pleasure or pain that justice seems to promise will necessarily diverge from the pleasure or pain that it truly confers. The Athenian does not draw this conclusion. If he is right about the problem of perspective, then no one could authoritatively identify the just with the pleasant, as the city apparently needs to do. Conversely, his argument implies that no one could credibly disprove that identity either. Happiness does not have to correspond to the view of the vulgar, nor it seems does pleasure. Both appear differently to different sorts of soul. But only the paradigmatic soul would perceive them close up, as it were, without psychic distortions. This observation changes quite radically how one understands the Athenian’s profitable lie. To identify the virtuous with the pleasant is to lie, but not because that equivalence is necessarily false. The most one can say is that to profess this identity is to assert a clear response to a question that mere human beings cannot definitively answer. It is not inconceivable that a being of sufficient virtue would find philanthropy pleasant, even if it required him to undergo tremendous hardship. And supposing it were true that no human being really found philanthropic activity pleasant in and of itself, on the Athenian’s argument that fact alone would not show that such activity is necessarily unpleasant. No human being is perfectly just; none is fit to judge the question decisively.

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In fact, given the Athenian’s premise regarding the distortive effects of imperfect character, one can say (in a limited sense) that the identity of the just and the pleasant is necessarily false. The citizen’s sense of the pleasant is discordant with the just, as the just man understands it, while his sense of the just is discordant with the pleasure the just man takes in genuine virtue. Nevertheless, when speaking of these categories as ideas, and not merely as they are understood by the citizen (or any other empirical being), it does follow from the Athenian’s premise that one cannot say whether the just things really are pleasant. Such knowledge the gods seem to have vouchsafed to themselves alone.
Strauss is right to think that political order depends on the propagation of certain salutary falsehoods, according to Plato’s *Laws* at least. The city needs its citizens to act altruistically, but altruism can appear painful and inconsistent with one’s private good. Consequently, the city is compelled to alter the appearance of altruism, just as the Athenian calls for the lawgiver to do at 2.663b and as he demonstrates with his legislative preludes and edifying exhortations. The fact that altruism and pleasure can appear incompatible to the citizen, however, does not imply that altruistic virtue is incompatible with *eudaimonia*, properly understood. Happiness, pleasure, and virtue appear differently to different men. Only to the perfect man would they appear as they truly are. According to the Athenian, then, it is not given to mortals to know these categories or understand these ambiguities with certainty. My hypothesis is that the Athenian can call his profitable lie a falsehood because he appreciates this problem—that no man can possess the certainty that the city must claim for itself in pronouncing the virtuous man happy. Political necessity demands the identity of the virtuous and the pleasant. Philosophical integrity insists that the virtuous, the pleasant, and ultimately happiness itself remain unknowable beyond a certain threshold.

But if this is right, then one cannot dissolve the enigma of godlikeness by appealing to Strauss’s version of the ideology thesis. The Athenian’s claim that virtue of soul conditions the appearance of the virtues themselves implies that the prospect of the paradigmatic soul is unknowable in a complete way. That unknowability would itself imply at least two conclusions: first, that the god identified with the paradigmatic soul is above the philosopher and, second, that even the philosopher cannot rule out the identity of the virtuous and the pleasant, to say nothing of the virtuous and the happy. If the god is above the philosopher, then Strauss’s view that philosophic virtue is not philanthropic does not impinge on the exhortation to imitate the divine.
And if the philosopher cannot confidently know the essence of philanthropic virtue, then one cannot impute to him any private disavowal of philanthropy. It is true that the city must efface the apparent painfulness of virtue, especially the vulgar, political virtue on which it relies. But this necessity does not intelligibly explain the exhortation to emulate the divine.

**Our Task**

There is a manifold enigma at the heart of Plato’s longest dialogue and neither of the interpretive approaches considered here seems capable of making sense of it. The city in speech that the interlocutors construct is described as an imitation of divine despotism. Yet the rulers of the imitative regime would be, along with ordinary citizens, “slaves to the laws.” Similarly, the citizen of the second best city is enjoined to assimilate himself to a model of rational self-governance. Yet the good citizen would be motivated inextricably by sub-rational passions. His merely civic virtue depends on following the law and internalizing a false identification of the virtuous and the pleasant. Each of the interpretative approaches we have examined denies at least some of these premises and therefore does not find godlikeness enigmatic. But we have found that these approaches are wrong to do so, whatever their other merits. We are therefore compelled to seek an alternative reading that is consistent with the premises of the enigma. Since these premises raise at least three questions, answering these questions is the desideratum of the alternative reading that we seek. Accordingly, each of the ensuing three chapters is devoted to treating one of them. Given the unlikeness between model and imitation, the first asks how the Athenian intends the latter to resemble the former. What does he mean by “imitation”? The second asks why the Athenian encourages imitations that cannot be brought to completion. The city is threatened by tyranny that does not submit to philosophic intellect and similarly by citizenship that insists on independent
judgment. Why, then, does the Athenian use the imitative conception of the divine to flirt with precisely these outcomes? The third question asks how civic moderation in particular imitates godlike self-sufficiency, given that the godlike citizen is “moderate” but the god is a “soul that has every virtue.”
Chapter 3 | A Theory of the Second Best

We saw in Chapter Two that a curious enigma lies at the heart of Plato’s most political dialogue. The philosophical protagonist of this work, an Athenian stranger, suggests that a lawgiver should persuade the citizen to make himself into a likeness of “the god” (4.716c-d, cf. 10.904d-e). The Athenian persuades his interlocutors that the god of whom he speaks lives in accord with perfect virtue yet is also self-sufficient, in the sense that he is his own measure of virtue, a law unto himself, and has no need of others to identify, develop, or sustain this excellence (10.895c-97d, 897c). Paradoxically, the Athenian also maintains that whatever virtue is vouchsafed to the citizen cannot be practiced self-sufficiently. Instead, pretension to autarky is conceived as ruinous. “Mortal nature,” he says, “will always urge [us] on to grasping (pleonexian) and self-interested action (idiopragian)” in the absence of law (9.875b).Curiously, then, the citizen would become like the god by being “moderate,” where “moderation” signifies voluntary acquiescence in the authority of laws and magistrates. We are thus confronted with the threefold enigma set down in the preceding chapter.

The present chapter lays the groundwork for making sense of this problem. I argue that we can do so by attending to the Athenian’s repeated insistence that the city he and his companions are founding in speech must be “second to the best” (deuterōs...pros to beltiston, 5.739a; cf. 5.739e, 746b-d, 9.853c, 875d). As in the case of the citizen, the Athenian uses the language of artistic imitation to describe this city. It too is an “imitation” (mimēma) of a “model” (paradeigma) that he associates with the best regime (4.713b3, 4.716c-d). The relationship between model and imitation in both cases is analogous in that neither imitation would reproduce the qualities

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characteristic of the model. Just as the citizen would resemble the autarkic god by practicing “moderation,” so the city would imitate the best regime—a divine autocracy whose citizens practice a radical communism—by respecting the rule of law, allowing for private property, and diluting “strict justice” with arithmetic equality.\(^2\) In both cases, moreover, the model to be emulated is described as “divine” and, as such, beyond the compass of “human” possibility (4.713e4-6, 9.875a2-4). An analogous set of problems thus arises for both the citizen and the city: how can something be an imitation without resembling the model it would ostensibly copy? And why call upon the citizen or founder of the city to emulate models that cannot be reproduced?\(^3\)

That these questions arise in both cases is important because the Athenian does produce a response to the first question insofar as it concerns the city. Given the close analogy between these two sides of the enigma (the ethical and the political), we might expect that the Athenian’s reasoning for resolving the one to have some bearing upon the resolution of the other. Since he is more forthcoming with this reasoning in the case of the city, as we shall see, it seems to be to Plato’s purpose that the resolution of the problem in the political case point towards a solution to the ethical case as well.

\(^2\) The Athenian’s “strict justice” (\(dikēn tēn orthēn\), 6.757e2) makes use of “the truest and best equality,” according to which more is distributed “to what is greater and smaller amounts to what is lesser” (6.757b-c). Hence, strict justice “gives due measure to each according to their nature.” Arithmetic equality, on the other hand, gives the same to all, irrespective of desert. The equality of strict justice treats unequal natures proportionally by assigning offices and honors to the virtuous few in accordance with their greater merit (757c), whereas its arithmetic counterpart assigns these goods in accordance with the lot (757b). Although proportional equality is to be preferred, the Athenian claims that both types produce civil strife if adhered to intransigently (757a). It is a mark of man’s “mortal nature” that the ordinary citizen believes himself worthy of more than strict justice would assign him. Necessity thus “compels” the lawgiver to mix the two equalities and dilute “the perfection and exactness belonging to strict justice” (757e).

\(^3\) I.e. if the best regime and way of life cannot be reproduced, why not admit that the second best regime and way of life are, in fact, best? This question is taken up in André Laks, “In What Sense is the City of the Laws a Second Best One?” in Plato’s Laws and its Historical Significance, ed. Francisco L. Lisi (Sankt Augustin: Academia Verlag, 2001), pp. 107-14. Pangle also sees the issue in his “Interpretive Essay,” p. 460. The third question canvassed in the last chapter will be addressed in Ch. 5.
This chapter argues as much, in addressing the question of how an imitation might emulate its model, even while failing to resemble it very closely. We can appreciate the Athenian’s response to this question, I contend, once we recognize that he proceeds on the basis of a distinction between three ways in which an imitation might resemble the model it imitates. This distinction is never made explicit in the Laws, but I suggest that it is presupposed in the dialogue’s treatment of mimēsis. Because a model or paradigm consists in relatively superficial and fundamental properties (or “elements”), an imitation can resemble a paradigm superficially, fundamentally, or comprehensively (in both respects). As we shall see, the Athenian denies that an imitation must bear a comprehensive resemblance to a paradigm in order to resemble its fundamental properties. That is to say, an imitation can resemble a paradigm fundamentally without also resembling that paradigm superficially. Further, in the cases of the city and citizen, the Laws suggests that fundamental resemblance to the best regime and divine way of life requires “abandoning” comprehensive resemblance. This counter-intuitive position depends on two further claims. First, the Athenian implies that neither the lawgiver of the city nor the ordinary citizen can faithfully reproduce all the superficial properties associated with his respective model. He links these paradigms to the gods and casts aspersions on pretensions to transcend the boundaries imposed by mortal nature (e.g. 5.745e ff.). Second, the Athenian maintains that the goodness of these lofty

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4 To some extent, this distinction has been anticipated by scholars working on Plato’s theory of ideas who argue that Plato denies that an imitative “participant” resembles its paradigmatic form because the paradeigma is self-exemplifying, sharing its “property” with its participants. Rather than being a perfect exemplar of a property (i.e. a possible instantiation of that property), a paradigm is an abstract pattern, a standard or measure, in light of which (imitative) exemplars might be judged. See William J. Prior, “The Concept of Paradeigma in Plato’s Theory of Forms,” Apeiron 17 (1983): pp. 33-42. Cf. Laks, “Legislation and Demiurgy;” Laks, “Laws;” and Stanley Rosen, Plato’s Republic: A Study (New Haven: Yale University Press, 2005), pp. 201-26.

5 The distinction presumed by the Athenian’s speeches in the Laws is quite similar to that made by Socrates in the Cratylus to distinguish numerical from imagistic imitation (Crat. 432a-33b). It also resembles the distinction drawn by the Eleatic stranger in the Sophist between realistic and fantastic imitation (Soph. 235b-36b). For discussion of the latter, see Andrea Nightingale, “Distant Views: ‘Realistic’ and ‘Fantastic’ Mimesis in Plato,” in New Perspectives on Plato: Modern and Ancient, eds. Julia Annas and Christopher Rowe (Cambridge: Harvard University Press, 2002), pp. 227-47.

6 Stoicheia in the language of other dialogues (e.g. Crat. 433a, Soph. 252b, Theaet. 201e ff.)
models depends on how they combine their superficial elements, how each possesses the fundamental property of being “consistent with itself” (*homologoumenon auto hautoi*, 5.746c8) because of the simultaneous presence of all its superficial elements.\(^7\) Hence, an imitation lacking even one such element could be less like the original in terms of self-agreement than a discrete set of superficial elements, and so less meritorious as well. If it is likely that some of the model’s superficial elements will not be reproduced, then attempting to imitate the model comprehensively will be self-defeating. The lawgiver or citizen might succeed at reproducing some of the model’s superficial elements, but if he fails to reproduce the others, then he will fail to imitate the model in the respects that ultimately matter. As a second best alternative, the Athenian recommends imitations that achieve self-agreement and fundamental resemblance to the model indirectly, by pursuing superficial properties unlike those of the model.

Plato thus anticipates an insight whose importance is increasingly recognized by contemporary social scientists and political theorists. In the modern literature, the insight is associated with the so-called “general theory of the second best,” after a study published by Canadian economists R. G. Lipsey and Kevin Lancaster.\(^8\) In welfare economics, the first best

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\(^7\) This means that what I am calling “superficial” properties are those responsible for the presence of “fundamental” properties, while fundamental properties are those responsible for how a paradigm and imitation ought to be evaluated. Note, though, that the causal power of superficial properties depends upon how they combine with each other; they do not “cause” fundamental properties in isolation. That self-agreement is the preeminent, fundamental property of the divine paradigms in the *Laws* is attested throughout the dialogue, but see esp. 3.689a-d, 696c, 5.739c-e. It is also important to note that the Athenian refers to this property (that according to which a regime should ultimately be evaluated) with different names, depending on context. He will variously call it “virtue,” “wisdom,” and “consonance” (*sumphônia*); in reference to individuals; and “friendship,” “freedom,” “intelligence” (*nous*), and “unity;” in reference to cities. Nevertheless, as he clarifies at 3.693b-c, “…these goals are not different but the same” (693c3-4). To make sense of how these could all be names for the same property, it is helpful to think of the attributes they signify as instantiations of self-agreement, broadly interpreted as rational order. See also n. 30 below.

outcome is traditionally defined as “Pareto efficiency,” a condition that obtains in a perfectly competitive market. Lipsey and Lancaster maintain that when a perfectly competitive market is unobtainable, the best course of action will not be to approximate the constitutive elements of such a market. Instead, a “second best framework” is required, where the fundamental property of efficiency characterizing the Pareto-optimal market can be approximated only with a discrete set of policies and institutions, that is, with a discrete set of superficial properties. As Joseph Heath explains in a recent application of the theory:

What economists found surprising in Lipsey and Lancaster’s analysis was the way that it overturned the conventional assumption that, when a first best outcome is unobtainable, the best course of action will be to approximate the conditions required to bring about that outcome, with the thought that this will bring us as close as possible to it. ...[Economists] assumed that if these conditions are approximately realized, then the favoured outcome—Pareto efficiency—would also be approximately realized. What Lipsey and Lancaster were able to show is that, if the conditions required for perfect competition cannot be satisfied, ...then satisfying them as much as possible will not (except per accidens) produce an outcome that is as close as possible to the Pareto-optimum. On the contrary, [doing so] will almost always be worse, not better. As a result, the type of policy recommendations that one would be inclined to make within a first best framework, about how the economy should be organized, have no authority once it is recognized that the first best outcome cannot be realized. As soon as a single, recalcitrant fact makes it impossible to achieve the first best, one must switch to the second best framework. And at that point, any presumption about what the best course of action is must be suspended. Second best reasoning is therefore not just a shadow, or an approximation, of first best reasoning; it is a very different exercise.⁹

This chapter maintains that Plato builds much of the political theory of the Laws around a similar insight. Of course in Plato’s case the best “outcome” does not assume that the welfare of citizens tracks the satisfaction of their preferences, nor that a citizen’s real interests could be adequately fulfilled in some optimal exchange of goods and services. Rather, the Laws invites us to imagine the best regime as one in which rulers matchlessly excel in educating their subjects to “virtue,” in what the Athenian calls “the art whose business it is to care for souls” (1.650b. Cf. 2.671b-c,

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But the Athenian does insist that practicing this art with competence in a non-ideal world requires switching to a second best framework and attending to the circumstances that make this switch necessary, including above all the imperfections of human nature. This also appears to be true of the art of living practiced by the citizen whom he conceives. In both cases, the *Laws* envisions models whose fundamental properties should be emulated, but through a distinct set of superficial, second best elements.

In advancing this argument, I provide an alternative construal of, and textual grounding for, a view associated with André Laks. Laks finds that the *Laws* “is dominated by a certain pattern of ‘retreat’,” signaled in the Athenian’s claims that the regime the lawgiver should hope to found must be “second to the best” and possessed of institutions “destined for men,” not gods.10 This pattern presupposes a theory of possibility that Laks calls “Platonic paradigmatism,” a theory that connects “paradigms” to “imitations” in an unfamiliar way. According to Laks, this theory is easily misunderstood by modern readers because of our tendency to think of possibility in Kantian terms. He observes that, for Kant, “nothing distinguishes a real object from its possible concept except...the actual existence [of that object].”11 For Plato, however, the possibility of a “model” or “paradigm” does not presuppose that that paradigm be subject to comprehensive reproduction. Indeed, the reproduction of which the paradigm admits presumes a revision of its original elements, so that its reproduction might come “as close as possible” (*kata dunamin*) in action to its model in speech (*Laws* 5.739e3).12 Accordingly, for Plato, the possible is “the greatest

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12 Laks grounds his account of Platonic paradigmatism in passages from the *Republic* (473a1-b1) and *Timaeus* (30a3, 37d2, 38c1, 42e2, 89d6) where the phrase “according to possibility” (*kata or eis dunamin*) recurs in reference to the most proximate condition to the best. See “Legislation and Demiurgy,” pp. 213-18. For an account that draws upon Laks’s analysis to show how this same phrase is used in the *Statesman*, see Melissa Lane, *Method and Politics in Plato’s Statesman* (New York: Oxford University Press, 1998), pp. 137-202. Cf. Michael S. Kochin, “Plato’s Eleatic and Athenian Sciences of Politics,” *Review of Politics* 61, no. 1 (1996):
proximity” of action to speech, but where the imitation must diverge or “retreat” from the original in some respect in order to come “as close as possible” in the respects that matter.

Laks maintains that this theory of possibility explains the “pattern of retreat” in the Laws, but his promising view needs further development in order to account for the puzzle with which we began: how the Athenian can maintain that the second best city and associated way of life are “imitations” when they appear so dissimilar from their respective models. The city to be founded by Kleinias and his Knossian colleagues would be governed by rulers constrained by a legal code, subject to “scrutiny” (dokimasia, 6.753dff.) and “audits” (euthynai, 12.945b-48b), and faced with regular elections by ordinary citizens, all of whom would sit in an “assembly” (ecclēsia, 6.764a). Members of this assembly would also be empowered to judge certain criminal and civil suits in popular courts (6.767b-68a), make awards of honour or opprobrium, and endorse or reject changes in at least some of the city’s laws (6.772c-d). Yet the model to which this city is supposed to approximate is conspicuously dissimilar. As we saw in Chapter Two, the paradigmatic city would be ruled with “autocratic authority,” by daimones whose unrivalled virtue equips them to be laws unto themselves and who would oversee god-like subjects capable of practicing an extreme communism (4.713c-14a, 5.739c-e).

Similarly, the Athenian insists that all would-be citizens make themselves into a likeness of “the god” (4.716c-d), a being who, according to the city’s civil religion, is “perfectly virtuous” (pasan aretēn, 10.899b6) and autonomously excellent. It is true that the god whom the citizen is enjoined to emulate is described simply as “moderate” at 4.716b-c, but given the supposition that

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pp. 57-84, who avails himself of the general theory of second best to illuminate a similar puzzle in the Statesman.

13 This dissimilarity is especially striking in light of how the Athenian defines “correctness of imitation” as the “complete reproduction both in quantity and quality of the thing imitated” (2.668b6-7).

the virtues are in some sense identical and reciprocal, a claim that continues to be entertained in the *Laws*, it is doubtful that one can be genuinely moderate without possessing the rest of virtue, as is said of the god. In any case, it is striking that the way of life the Athenian would have citizens practice in emulation of this god again appears strikingly dissimilar from the divine paradigm. Above all, it is characterized by a species of “moderation,” practiced in deference to external authority and born of an accurate assessment of one’s limited capabilities (e.g. 5.731d-32b). If we follow Laks in understanding these Platonic imitations as standing in “the greatest proximity” to spoken paradigms, we need an account of how they can (and why they must) approximate these paradigms in some fundamental respect(s) while otherwise diverging from them so strikingly.

This chapter identifies such an account in the *Laws* itself, in what the Athenian calls “the most correct procedure” (to orthotaton, 739a6, cf. 746b6), and shows that this procedure bears the hallmarks of second best reasoning. In so doing, I depart from Laks, for whom Platonic paradigmatism is given its main theoretical expression in other dialogues. My concern, then, is to show that the *Laws* contains the primary explanation for its puzzling presentation of mimēsis. I focus the argument on the case of the city, both because the puzzle that arises in this case is

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15 For the so-called “unity thesis,” the claim that the names of the virtues are in fact names of the same thing, see *Laws* 12.963a-e. Cf. *La*. 199c-e, *Prot*. 329c-34a. For the related “reciprocity thesis,” the claim that a person cannot realize one virtue without realizing all the others, particularly wisdom, the “leader of all virtue,” see *Laws* 1.631c, 3.688b-c, 696b-c. Cf. *Prot*. 329b-30b, 349a-c. For discussion of these claims in the “Socratic” dialogues and the *Republic*, see Terence Irwin, *Plato’s Ethics* (New York: Oxford University Press, 1995). For discussion of their role in the *Laws*, see Bobonich, *Plato’s Utopia Recast*, pp. 289-91. On the other hand, perhaps the Athenian conceives of a lower-grade moderation that can exist in the soul without the rest of virtue (3.696d) and it is in cultivating this superficial property that the citizen reproduces a likeness of some fundamental property of the god. I take up this possibility in Ch. 5.

apparently analogous to that arising in the case of the citizen, and because the Athenian produces reasons to resolve the puzzle only as it concerns the city.

The Inadequacy of “Approximation” Readings

As we saw in Chapter Two, there are ways of reading the *Laws* that manage to avoid these issues insofar as they concern the ethical side of the enigma. But we also saw that they would do so either by disregarding certain key passages or by neglecting more plausible interpretations of those passages. In the present chapter, I want to show why one of these solutions fails as a reading of the political side of the enigma as well. This approach would stress that the second best city bears a comprehensive resemblance to the paradigmatic city. The former would be an imitation, then, because it approximates all the properties of the model, without distinguishing the fundamental from the superficial. This reading would understand the best regime, and its less than best imitations, along a single dimension, where the virtue of the less than best reproductions simply tracks their comprehensive resemblance to the paradigm.17 The constituent elements of a model would each contribute directly to the model’s virtue, irrespective of how it would be combined with the others. Hence imitations that fail to reproduce one or more of these elements might still qualify as second best. In this way, the city could beneficially emulate in some respects a model that it could not possibly reproduce in all respects. While getting “as close as possible” to the best is the best that it can do, failing to achieve some element of the best would not compromise the

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virtue of those elements that it does manage to reproduce. The city should thus aim at the best even if it is clear from the outset that it cannot hit the mark.\footnote{Another possible rendering of the approximation view would hold that the gap separating second best imitation from model is the extent to which each of the reproduced elements falls short of the original element it imitates, rather than the extent to which the imitation as a whole fails to reproduce the set of elements constituting the model. The rendering of the view against which I argue here holds that an imitation resembles its model insofar as it reproduces, say, four out of its five constitutive elements. The alternative rendering would hold that the elements of the imitation approximately resemble all five elements of the model. However, we need not detain ourselves with this alternative rendering. The crucial passage at 5.746b-d, which I shall shortly scrutinize, admits of two possible interpretations, neither of which is consistent with this alternative rendering of the approximation view. And, in any case, the considerations adduced below count against both renderings.}

This way of thinking about mimēsis appears to accord with common sense. Consider the following, rather prosaic example. Suppose one day I venture forth, with the intention of climbing Mount Bowman, a summit of modest height in the Marble Range of British Columbia and an easy scramble. Unfortunately on this day I am compelled to halt my ascent within a few hundred meters of the summit due to bad weather, of which I had been forewarned. Nevertheless, for me, this is a second best outcome, certainly preferable to a rainy stroll in the valley below. In such cases, even if reproducing all elements of the best is unlikely or impossible, failing to reproduce them comprehensively carries little risk. Suppose reaching the summit of Bowman is best because, under the circumstances, it most faithfully reproduces a paradigm of amateur mountaineering. If there is no great cost in failing to reach the summit, it is better to have made it part of the way than not to have tried at all. It is better to reproduce the parts of the paradigm that are possible, even if one or more of its parts is not. We might similarly try to make sense of the city imitating a divine paradigm that is apparently impossible, producing an imitation that is—to some extent at least—unlike that model. The city should not worry about the gap between the human and divine, about those elements of the paradigmatic that cannot be reproduced, and should simply reproduce as many elements as it can, even if the result would necessarily be imperfect.
This solution runs afoul of at least three difficulties, two of which arise from considering the passages in which the best regime is principally discussed (we shall take up the third difficulty in the ensuing section). The first problem is that the approximation reading cannot accommodate the rhetorical function assigned to the divine, both within these passages (4.713b-14a, 5.739c-e), which we shall shortly scrutinize, and throughout the Laws (e.g. 4.715e-16b with 9.785b-e). As we saw in the previous chapter, many of the dialogues associate the divine with the philosopher and his way of life (e.g. Rep. 500b-d, Theaet. 175e-76c. Cf. Arist. N.E. 10.7).19 While this association may well be present in the Laws as well, as Shawn Fraistat has lately argued,20 philosophy itself is submerged in this dialogue, consigned to the background of the discussion. To be sure, the Athenian characterizes the divine paradigms in ways reminiscent of the treatment of philosophers elsewhere in the Platonic corpus.21 But instead of using the divine to underscore the attractiveness of the philosophic way of life, the Athenian avails himself of a more traditional, “tragic” understanding of the gods where the divine is enclosed by a boundary beyond which a mortal either cannot or must not go, on pain of divine punishment.22 This rehabilitation of the tragic sensibility is announced at 7.817b, where the Athenian claims that the second best regime is “really the truest tragedy,” being an “imitation of the most beautiful and best way of life,” but

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20 Fraistat, “Authority.”

21 I.e. self-agreement (or rational order and its instantiations in superlative virtue, self-sufficiency, etc.). See also n. 7 above.

an imitation that must necessarily fall short of perfection (e.g. 4.713c, 7.803b, 804a-c, 8.835b-c, 9.853c-d, 874e-75a). In associating the best regime and way of life with this traditional view, the Athenian implies that pretension to the best evidences _hybris_, at least on behalf of those to whom he addresses himself in the dialogue. Although the citizen and the city should imitate the divine, the Athenian emphasizes the remoteness of the gods from these human figures and underlines the insolence implied in refusing to acknowledge this distance.\(^{23}\) Such rhetoric would be odd if the Athenian thought that approximating the best in these cases were like climbing Mt. Bowman in bad weather, that is, likely to achieve a second best outcome. Were this his view, we would not expect him to be so emphatic about the remoteness of the best; failing to arrive there would hardly occasion disaster. As we shall see, it makes much more sense to suppose that the _Laws_ deploys the gods in a traditional register in order to impart an appreciation for how resembling the best superficially can be tremendously bad, can utterly fail to reproduce the desirable, fundamental properties of the paradigmatic.\(^{24}\)

The second difficulty for the approximation reading is that, according to the Athenian, neither the lawgiver nor the citizen should attempt to reproduce the superficial properties of the best regime or divine way of life. The necessity to avoid doing so is attested by the two passages in the _Laws_ that deal most directly with the best regime, passages that also illustrate the “tragic” function assigned to the divine. The first passage recalls an episode from the Platonic _Statesman_ in which a stranger from Elea discusses a mythical golden age prior to the ascendency of Zeus. As


\(^{24}\) Consequently, we might contrast the mountaineering example with flying an aircraft, an example used to illustrate second best reasoning in Joseph Heath, _Filthy Lucre: Economics for People Who Hate Capitalism_ (Toronto: Harper Collins, 2009), pp. 72-73. Whereas failing to achieve the desired outcome is no great mischief in the mountaineering case, flying nine tenths of the way to one’s destination only to run out of fuel would, needless to say, fail to approximate the desired outcome.
we saw in Chapter Two, the Athenian invokes a similar myth in the *Laws*, purporting to describe “a certain very happy rule and arrangement under Cronos”, Zeus’s father and predecessor (4.713b). He immediately adds the suggestive remark that “the best of arrangements at the present time is in fact an imitation (mimēma) of this” (713b). The age of Cronos, we learn, is conspicuous for the salutary despotism of “demons [daimones], members of a divine and better species” (713d). These *daimones* are supposed to have “…provided peace, reverence, good laws, and justice in abundance. Thus they made it so that the races of men were without civil strife, and happy” (713e). According to the Athenian, in the present age of Zeus, a lawgiver should imitate this arrangement of the age of Cronos. But it is also to the Stranger’s purpose to dissuade the lawgiver from trying to find latter-day *daimones* and to equip them with despotic power. This discouragement seems to be the point of the myth’s characterization of such rulers as beings “of a different and better species” and “not human beings” (*ouk anthrōpous*, 713d), as well as the mythic distance that the Athenian generates between the epoch of this best regime and the age in which we find ourselves now. Whatever one thinks of the intercourse between gods and men equally characteristic of traditional Greek piety, the Athenian’s myth discourages hope for a political version of such intercourse in the present, something he will have occasion to reiterate as the dialogue proceeds (e.g. 9.853b-c). So as not to have this allegory misunderstood, the Athenian spells out its intended meaning more emphatically. “Cronos understood,” he says, that “human nature is not at all capable of regulating the human things, when it possesses autocratic authority over everything, without becoming swollen with insolence (hybreōs) and injustice” (713c). He concludes that “there can be

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26 This ecstatic side of Greek piety is emphasized in Herodotus (see 1.131 with 2.49-53, 7.178), who ascribes its provenance to the poetic reconfiguration of Egyptian piety. For a study of Herodotus that examines his interest in this topic, especially its political implications, see Sidney R. Keith, *The First Political Scientist: Herodotus of Halicarnassus*, Ph.D. Dissertation, University of Toronto (Unpublished, 1989). Cf. Burkert *Greek Religion*, pp. 182-89.
no rest from evils and toils for those cities in which some mortal rules rather than a god” (713e4-6). What hope human beings have in the age of Zeus depends on imitating the divine despotism of the age of Cronos, but not by setting up the nearest, comprehensive imitation of daimonic overlords, philosopher kings perhaps. Rather, we should obey “whatever within us partakes of immortality, giving the name “law” to the distribution ordained by intelligence (nous)” (714a, cf. 12.957c).

The precise meaning of the rule of law is, of course, a classic problem for interpreters of this dialogue. At times, the Athenian seems to present nomocracy along the lines suggested by the Eleatic stranger of the Statesman, as the indirect rule of a political expert. In this case, the de jure ruler strictly adheres to rules prescribed by a more expert, but absent, lawgiver whose own art is directly guided by genuine political and indeed cosmic insightfulness (Stsmn. 300c).27 This appears to fit with the passage under consideration, where law is “the distribution ordained by intelligence.” However, as interpreters such as Glen Morrow have long maintained, the Laws strongly contrasts the rule of law with autocracy (e.g., 875b3) and associates it with the subjection of magistrates to “scrutiny” upon taking office and regular “audits” to ensure that “no judge or official [is] irresponsible.”28 In either case, the rule of law cannot be conceived as a straightforward imitation of divine despotism. While in this passage the Athenian claims that the second best regime resembles its model insofar as it is governed by intelligence,29 he is keen to underline that it does so without imitating the superficial property of despotism.

27 This is the view taken most recently by Fraistat, “Authority.” For a more critical discussion, see Rowe, “Politicus,” pp. 247-48.
29 See n. 7 above and n. 30 below.
Another wrinkle in this passage becomes apparent when examined in its broader textual situation. So far I have proceeded on the assumption that the characterization of paradigms as “divine” casts doubt upon their possibility. Yet this may not be strictly true, simply because the Athenian prefaces his mythological account of the paradigmatic regime by discussing its “natural genesis” (712a) in a “tyrannized city” (709e) with “a lawgiver who possesses the truth” (709c) and an obedient tyrant with a “divine and erotic passion for moderate and just practices” (711d). Such a lawgiver presumably corresponds to those men the Athenian periodically conjures up who “all alone…will follow reason alone” (8.835c Cf. 2.659a) and who therefore might stand above nomos like gods. By calling our attention to this type in his speech on beneficent tyranny, the Athenian implicitly recalls the association of the divine with the philosopher, and the best regime with the Kallipolis of the Republic. If this is right, then the “human beings” of the myth of Cronos may not comprise all specimens of our species, but rather the overwhelming majority who lack the exceptional wisdom of the lawgiver capable of founding the best regime. But it is important to see that this possibility does not imply that a merely “human” lawgiver such as Kleinias should attempt to set up or become a good-enough philosopher king. To his Dorian interlocutors, the Athenian stresses the singular unlikelihood of such a figure and tacitly claims that the present epoch does not admit of such marvels at all (4.713b3, 9.875d2-3. Cf. Stsmn. 274e-75c). That he deploys the Cronos myth immediately on the heels of the tyranny passage, and continues to shroud the exceptionally wise lawgiver in the tragic register of the divine, also testifies to his interest in discouraging superficial imitation of the best regime. Lacking the marvelous excellence of a godlike person, merely “human” lawgivers and rulers cannot beneficially wield autocratic authority.
The second treatment of the best regime in the *Laws* echoes this strange insistence on both its profound inaccessibility and dissimilarity from the regime that would be its most proximate imitation. In the first passage, we learn that the best regime would be ruled by divine despots who exercise supervisory care over human beings. Now the Athenian describes a city whose subjects are also divine: “gods or children of gods,” he calls them (5.739e, cf. 9.853c). He might seem to be describing two different regimes in these passages. In fact, he is underlining distinctive attributes of, and impediments to, the same political paradigm. In the first passage, we see that the regime of the best city would endow with supreme authority divine *nous* (in the person of the *daimones*), thereby ensuring the happiness of those subject to its power. In that case, the Athenian was concerned to highlight the imperfections of merely human rulers and lawgivers. In the second passage, the Athenian sets down the principle around which *nous* would organize a city whose subjects were fully deferential to its authority.30 Here, it is the imperfections of merely human subjects that impede the best regime. As is often noted, this principle he sets down is reminiscent of Socrates’s description of the Kallipolis in the *Republic*: “that city and that regime are first, and the laws are best where the old proverb holds as much as possible throughout the whole city: it is said that the things of friends really are common” (*Laws* 739c).31 However, as only a few interpreters have noticed, the best city of the *Laws* would be capable of going much further than even the Kallipolis in implementing this principle of unity. In conceiving of subjects as divine, the best city of the *Laws* “makes common” the family; property; and “the things that are by nature

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30 It should be borne in mind that *nous* does not merely “cause” the city to be well-ordered or unified, in the sense of efficient causation. *Nous* also seems to instantiate orderliness and unity, and vice-versa. Again, see n. 7 above. For a discussion of how *nous* might play both roles, based on a reading of the *Philebus* (although one that points to “goodmakers” that do not necessarily entail “unity”), see Bobonich, *Plato’s Utopia Recast*, pp. 160-79. For discussions of unity as the “object of politics” in Plato, see Pradeau, “L’Assimilation au Dieu” and Schofield, *Plato*, pp. 212-18.

31 Pangle, “Interpretive Essay,” pp. 459-60; Laks, “Legislation and Demiurgy.” For the proverb’s occurrence in the *Republic*, see 424a. The ideal of friendship in unity and communism to which the proverb appeals is closely associated with that work by Aristotle at *Pol* 2.5.6 and 2.2-5 generally.
private” (739c), including perception, action, the passions, judgment, and desire, and not merely for a ruling and guarding class—as in the Kallipolis—but for the “whole city” (pasan tēn polin, 739c). It is possible that this important difference between the paradigmatic cities of the two dialogues accounts for Socrates’s more emphatic insistence on the possibility of the Kallipolis. In any case, having swiftly ascended to this prospect, the Athenian of the Laws is just as quick to remind us of our great distance from this divine order. Having had occasion to discuss again the best regime in the midst of his treatment of property in the “regime we’ve been dealing with,” one he now describes as “second in point of unity,” the Athenian returns to this former subject. When he does, he points out that, far from collectivizing “the things that are by nature private,” or attempting to do so as far as possible, this second best Magnesia cannot safely collectivize even its basic productive activities. Such a thing, he claims, “would be too demanding for the birth, nature, and education that have now been specified” (740a).

This second discussion of the best regime in the Laws evidences the same double function of the divine that one finds in the first (erotic and tragic), as well as the dissimilitude of the paradigmatic to its nearest practicable imitation. The divine is again associated with rational order and a being beyond the “humanly” possible. It would be best to fulfill the unity principle as though citizens were gods, as though they could freely accept holding everything in common. But the Athenian not only rejects such a possibility for Magnesia, he counsels against any attempt to approximate the degree of communism he associates with the paradigmatic. Just as the second best city should not attempt to empower rulers with absolute authority, neither should it collectivize the sort of things that the best city would manage to hold in common. In neither of these respects would the second best regime resemble or try to resemble the first. Instead, it should imitate the
best, “coming as close as possible to it” (5.739e), by purposefully renouncing the very institutions of the model, by observing the boundary separating the mortal from divine.32

**The Theory of Second Best Imitation**

The *Laws*, then, does not allow the reader to conclude that Magnesia is an imitation of the best regime because it approximates its characteristic, but superficial, elements. What, then, can the Athenian mean when he says that the second best is an “imitation” of the first and comes “as close as possible to it”? My suggestion is that Plato has him provide an explanation of this puzzle in several passages in the *Laws* (this being the third problem for the approximation view) but that this explanation has been overlooked by interpreters and translators who have assumed Plato to be working within a straightforward approximation framework. The heart of this explanation is the Athenian’s denial that goodness tracks comprehensive resemblance in the case of the second best city.33 He claims that “the most correct procedure” for a lawgiver is, first, to identify what makes the model supremely good (its fundamental property), and then to identify an alternative regime that comes “as close as possible to it,” but only in terms of this fundamental property. As we have seen, the best regime is supremely meritorious because of the extent to which it endows intelligence with authority and makes itself into a unity, in short, insofar as it instantiates rational order. Magnesia would attempt to embody this property in its own institutions, practices, and norms as well. But the Athenian warns that the institutions that brought about intelligence and unity in the case of the first best regime did so only because of their simultaneous presence, only because rulers and ruled were “divine” in that they could beneficially wield autocratic power and

32 If it is not already clear, note that these considerations suggest that the superficial properties of the paradigmatic regime include despotic power and superlatively virtuous rulers and citizens.

33 I find this claim to be the most plausible interpretation of 5.739a-46b, as I argue below.
be agreeable to radical communism.\textsuperscript{34} If either of these superficial properties proves impossible, the Athenian claims that implementing the remaining, superficial element would not preserve its salutary function. Consequently, the lawgiver faced with this situation should identify a discrete set of institutions all of which are possible and would better promote the rule of intelligence and the unity of the city, given the limitations of the “raw materials” with which he must work.\textsuperscript{35}

The Athenian begins his explanation of this necessary unlikeness between the first and second best as a preface to his discussion of the best regime in Book Five (the second passage of the previous section). As we have already observed, the Athenian had been discussing the question of property when this topic arose. He prefaces this apparent digression by claiming that...

the next move in the process of establishing laws is analogous to the move made by someone playing draughts, who abandons his “sacred line,” and because it’s unexpected, it may seem amazing to the hearer at first. Nevertheless, anyone who uses his reason will recognize that a second best city is to be constructed (5.739a).

Pangle notes that the game of “draughts” (\textit{petteia}) is in fact “a generic name for several board games whose precise rules are unknown to us.”\textsuperscript{36} However, as R. G. Austin has observed, we do have evidence independent of the \textit{Laws} for a game, apparently called “five lines” (\textit{pente gramm\textsuperscript{i}}),

\begin{footnotesize}
\textsuperscript{34} David Lay Williams suggests that autocratic power includes the authority to lie: “Plato’s Noble Lie: From Kallipolis to Magnesia” \textit{History of Political Thought} 34, no. 3 (2013): p. 385. Like other aspects of such power, Williams maintains that (according to Plato) lying might confer benefits only when deployed by supremely virtuous rulers. If this is right, then lying affords an excellent example of a second best consideration in the \textit{Laws}, where the course of action in the absence of paradigmatic rulers is most seriously considered. According to the Athenian, the lawgiver should not set down offices in comprehensive imitation of the regime governed by such rulers because approximate virtue is insufficient for rendering autocratic power salutary. The case of deception demonstrates why this is so: “the very nature of a lie subverts the many checks and balances built into [Magnesia]. A successful lie would only embolden usurpers and encourage the kinds of misdeeds that tempt unaccountable human beings. This is why, I suggest, there is no Noble Lie in the \textit{Laws}.” Nonetheless, Williams’s conclusion here is too broad. That deception by rulers is prohibited does not imply an equivalent prohibition on the lawgiver himself, or at least on the philosopher by whom he might be counselled. Indeed, as we have observed, the \textit{Laws} at times entertains the possibility of genuinely virtuous men (1.645b, 2.657a8-9, 12.951b) and the Athenian suggests (\textit{pace} Williams) that the obstinacy in ordinary people of the appearance of a tension between virtue and happiness might require telling them a lie in order that, paradoxically perhaps, they might appreciate the truth (2.663d-e).


\textsuperscript{36} Pangle, “Interpretive Essay,” p. 527n16.
\end{footnotesize}
where each player tried to keep his pieces on a “sacred line.” As Leslie Kurke has found more recently, it seems that moving from this line “was a last resort for a player who was being beaten.”

From Pollux and Eustathius, Kurke quotes proverbs associated with such a move: “he moves the piece from the sacred line” (Pollux, *Onom.* 9.98) and “for people who are desperate and in need of final aid.” While winning a game of *pente grammai* is associated with keeping one’s pieces on the sacred line, it seems that one might have to move them from this line in order to do as well as possible, either to win outright through a come-back strategy or perhaps to consolidate a decent position in a game of several rounds. If this is right, then the draughts analogy is relevant to the Athenian’s purpose because at least one version of such games admitted of a second best strategy that is not simply an overall approximation of the best strategy, but rather takes a very different approach towards a player’s ultimate objective. One “abandons his sacred line” and the superficial property of keeping one’s pieces upon it in order to reproduce successfully the fundamental property of victory. This fundamental property would not be reproduced in cases where the player adhered to the paradigmatic strategy but was unable to reproduce all of its superficial properties (i.e. those necessary to make the paradigmatic strategy of keeping to the sacred line choiceworthy, whatever those are). If, as the Athenian suggests, lawgiving is akin to draughts-playing, then the lawgiver should likewise be prepared to abandon his own “sacred line,” which is clearly associated in this passage with the first best city and its superficial properties. Hence the corresponding

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40 Kurke, “Ancient Greek Board Games,” p. 257. N.b.: I have used Austin’s translation of the *Onomasticon* but kept with Kurke’s translation of Eustathius. For the Eustathius passage in the original Greek, see Van der Valk, ed., *Eustathii Commentarii ad Homerii Iliadem Pertinentes*, vol. 2 (Leiden: Brill, 1971-87), p. 277.
41 The superficial property mentioned explicitly in the passage is despotic power: “Perhaps someone might not accept this [the necessity of founding a second best city] because he is unfamiliar with a lawgiver who is not a tyrant” (739a5-6).
“move” of the lawgiver would be to abandon the superficial properties of his own paradigm in order to reproduce those properties that are fundamental. This may be “unexpected” and “seem amazing to the hearer at first” because it entails abstaining from imitation that bears a comprehensive resemblance to the regime considered best. But those familiar with *pente grammai* are already accustomed to this kind of necessity; the Athenian hopes to use the analogy to enliven such people to its existence beyond this more familiar context.42

Indeed, the draughts analogy prepares us for the Athenian’s subsequent claim that the fullest conceivable instantiation of the unity principle cannot be beneficially approximated. Being cognizant of human limitations, the city should not attempt to emulate the best regime comprehensively. The colonists of Magnesia could not be expected to relinquish voluntarily their attachment to delighting in external goods privately; despotic power would be necessary to achieve unity of that kind (4.711b-c, 5.739a) and we have already seen that the Athenian is hardly sanguine about its prospects in all-too-human hands. Even if we were to stumble upon a specimen of divine virtue in human form (perhaps in the Athenian himself, or in a new Nestor [4.711e]), that would still be insufficient. The *Laws* suggests that the excellence of and friendship between the citizens that ought to be among the aspirations of a lawgiver and ruler (3.701d, 5.743c), and that underlie the city’s unity, would be compromised without the voluntary consent of citizens (3.690c, 697c-d, and esp. 8.832b-d). This is unlikely, even in the case of the most gifted tyrant, because his gifts are so hard to acknowledge. As the proverb correctly states, “equality produces friendship” (6.757a), and the many are loath to recognize the legitimate inequality in honor and authority owed to such a figure (6.757e). So while the radical communism and asceticism of the best regime would most profoundly support unity in friendship, that friendship depends upon a degree of virtue in

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42 As I discuss the ensuing chapter, likening the legislative art to a game is also used to evoke the tragic side of piety, from whose prospect the human things appear trivial and unworthy of great seriousness.
ruler and ruled that is simply not foreseeable. Consequently, to use despotism to generate a superficial resemblance to such unity would not reproduce a resemblance that is fundamental. Lacking willing obedience in citizens, the resulting regime would be inconsistent with itself, and fail to reproduce an approximation of unity through friendship.

The Athenian concludes this discussion in Book Five with his most explicit rationale for the necessary unlikeness of paradigmatic and second best. In fact, he imagines an iterative procedure where the lawgiver may have to adjust his aim beyond the second best towards a third or fourth best city, each time reproducing the procedure taken in the initial move away from the first best.43 In making this point, the Athenian reminds us that even the second best Magnesia is extraordinarily demanding and may give rise to the same problem of imitation as the best regime itself:

The things that have now been described are never likely, as a whole, to find such favorable circumstances that every single detail will coincide precisely as the argument has indicated. That presupposes men who won’t object to living in such a community, and who will tolerate a moderate and fixed level of wealth throughout their lives, and the supervision of the size of each individual’s family as we’ve suggested. Will people really put up with being deprived of gold and other things which, for reasons we went into just now, the lawgiver is obviously going to add to his list of forbidden articles? What about this description of a city and countryside with houses at the center and in all directions round about? He might have been relating a dream, or modeling a state and its citizens out of wax. The ideal impresses well enough, but the lawgiver must reconsider it as follows (this being, then, a reprise of his address to us). “My friends,

43 This procedure is anticipated in the “capstone” to the discussion of drinking at the end of Book Two. There, the Athenian claims that the value of inebriation, and the symposium by implication, depends upon the city treating the practice “as something serious”, making use of it “...in conformity with laws and order, for the sake of moderation” (673e). If the city cannot use symposia correctly, the Athenian claims that the best course would be to revert to an even more extreme version of the Dorian practice that simply forbids indulgences in pleasures considered potentially harmful (674a-b). This is an astonishing confession, given that the symposium appears to represent a useful forum for the correct habitation of desire, a process characterized by controlled exposure to (rather than flight from) pleasures. Recall that “correct law” is concerned with the education of citizens to virtue (1.632e, 4.705d-e), something that presupposes the “consonance” wrought by the habitation of desire (2.653a-c). Assuming that something like this education would be an essential institution of Magnesia, the “capstone” passage introduces what one might call “third best reasoning”. The Athenian does not maintain that the symposium model should be approximated when it cannot be reproduced comprehensively. Rather, he implies that failure to reproduce the habitation of desire in accordance with this model (that is, treating the practice of tasting pleasures “as something serious”) should prompt the lawgiver to abandon it altogether. Even the second best regime, then, admits of the same need to “abandon” comprehensive resemblance, where some superficial properties prove impossible to reproduce. Morrow, who sees the point quite clearly, calls this a ‘second best policy”. See Morrow, Plato’s Cretan City, p. 442 n. 150.
in these discourses we’re having, don’t think it has escaped me either that the point of view you are urging [in aiming at Magnesia] has some truth in it. But I believe that in every project for future action, when you are displaying the model [paradeigma] that ought to be put into effect, the most just procedure [ton dikaiotaton] is to depart not at all from what is most noble and most true. But if you find that anything is impossible [adunaton] in practice, you ought to turn away [ekklinein] and not attempt it: you should see which of the remaining alternatives comes nearest [tōn tōn loipōn engutata] to the model and is most nearly akin to it, and arrange to have that done instead. But you must let the lawgiver finish describing what he really wants to do, and only then join him in considering which of his proposals [tōn eirēmenōn] for legislation are feasible, and which are too difficult. You see, even the maker [dēmiourgon] of the most trivial object must make it consistent with itself [homologoumenon auto tautoi] if he is going to get any sort of reputation” (5.745e-46d).

The final sentence of this passage is especially significant; it purports to explain by analogy the preceding lines, lines that contain an important ambiguity. In the final sentence, the Athenian appears to suggest that the true lawgiver would not attempt to create a regime that is inconsistent with itself. The only sort of inconsistency he can mean is that brought about by the impossibility of some element of the lawgiver’s model, since this is the only inconsistency discussed in the preceding lines. Where some element of the model proves impossible, the Athenian seems to be claiming that that would render the regime imitating this model inconsistent with itself, just as a portrait would appear distorted if the painter failed to reproduce a likeness of some conspicuous feature of the model’s face. But does he mean that the inconsistency would be resolved by removing only the impossible element and replacing it with something else? Or, would he instead have the lawgiver faced with this situation replace the other elements as well, on the grounds that the components of the model are mutually consistent only because of the simultaneous presence of these particular things? In short, is this self-contradiction a question of the possibility of paradigmatic elements or of their mutual compatibility? Interpreters and the major English

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translators of this passage have assumed the issue to be of the former kind.\textsuperscript{45} But doing so overlooks this important ambiguity as well as other textual evidence suggestive of the second reading.

That Plato intends the second construal of this passage is suggested by the fact that he has the Athenian, at 746b6, reiterate a claim about the true lawgiver’s procedure, made initially at 739a-b. There, the Athenian had asserted that “the most correct procedure is to state what the best regime is, and the second and the third, and after stating this to give the choice among them [dounai de...hairesin] to whoever is to be in charge of the founding in each case” (739a-b, my emphasis). This seems to be what is referred to at 746b6. Here, the Athenian observes that he and his companions have continued to discuss the second best regime as though all of its defining elements would be possible, as though they were “modeling the city and its citizens out of wax” (746a). Nevertheless, he reassures us that this is in keeping with what he now calls “the most just procedure,” that which allows the lawgiver to “finish describing what he really wants to do” (746c4-5). Only after this has been made clear should one attend to what would prove impossible and adjust one’s aspiration accordingly. If this “most just procedure” refers back to “the most correct procedure” introduced earlier, then it is natural to assume that the “remaining alternatives” of 746c2-3 from which the lawgiver would choose, after turning away from the impossible best

\textsuperscript{45} Consider how the passage is construed in the major English translations: Bury, \textit{Plato X}: “…the person who exhibits the pattern on which the undertaking is to be modelled should omit no detail of perfect beauty and truth; but where any of them is impossible of realization, that particular detail he should omit and leave unexecuted, but contrive to execute instead whatever of the remaining details comes nearest to this” (746b6–c4); Pangle, \textit{The Laws of Plato}: “…when some aspect of these things turns out to be impossible for a fellow, he should steer away and not do it. Instead, he should contrive to bring about whatever is the closest to this from the things that remain, and by nature the most akin from among the things that are appropriate to do” (746b8–c4); Saunders, “Laws:” “…the most satisfactory procedure is to spare no detail of absolute truth and beauty. But if you find that one of these details is impossible in practice, you ought to put it on one side and not attempt it: you should see which of the remaining alternatives comes closest to it and is most nearly akin to your policy” (746b5–c4).
(or second best), refer to discrete regime-imitations (the second or third best, etc.) and not “details” or “parts” of the best regime.

The confusion on these points derives from the ambiguity of the direct objects in lines 746b5-c4. Plato uses the indefinite pronoun “ti,” relative pronoun “hōi,” and demonstrative pronoun “toutōn” at 746b8-c1 to refer to the aspect of “what is most noble and most true” (746b8) that might prove impossible. He then uses the phrase “tou tou tōn loipōn engutata” to refer to “[that] of the remaining alternatives that comes closest” to what is “most noble and most true.” The vital point is that the demonstrative pronoun preceding tōn loipōn engutata does not have to refer to remaining aspects or details of the paradeigma (model) associated with “what is most noble and most true.” The “remaining alternatives” (tōn loipōn) that qualify this pronoun might equally allow it to refer to alternative regimes that do not harbor impossible elements, given the circumstances. This same ambiguity is present in the subsequent lines as well. Nothing in the Greek requires that the “proposals” (tōn eirēmenōn) of the lawgiver (those from which he would choose in the second step of his procedure) be construed as “parts” of his ideal legislation, as Pangle’s translation has it, for example. In neither of these cases, in fact, does the Greek unambiguously refer to a choice among parts, aspects, or details of the best regime. Instead, one can just as easily construe the choice in question as referring to discrete regime-imitations, “remainders” from the most correct and most just procedure. And since this construal fits best with the passage as a whole; with 739a-b, as we have just seen; with the prefatory draughts analogy; and indeed with the passages that discuss the paradigmatic regime itself; we do have good reason to prefer this rendering over the major translations.
Implications

These points have important implications for how we should interpret the Athenian’s argument on behalf of Magnesia. First, they explain why he would describe regimes and ways of life as imitations of paradigms that they do not appear to resemble. We have seen that the founder of the second best regime should reproduce a likeness of neither the despotic rulers nor the ascetic citizen of the best regime. Doing so would be worse than subjecting Magnesia’s more fallible rulers to audits and scrutiny, distributing honors and offices in accordance with a “mixed” equality, and allowing citizens a measure of private ownership and material inequality. The simultaneous presence of the former, superficial elements in the model is responsible for the model’s self-agreement (or rational order). But reproducing an approximation of these superficial elements that differs even slightly from how they are present in the model may also prevent the resultant imitation from achieving the desired fundamental properties. Instead, Magnesia would reproduce a likeness only of the model’s fundamental properties, in part through establishing the rule of law and moderately unequal, private ownership. Hence the Athenian can intelligibly claim that this second best regime really is an imitation of the paradigm in which the fundamental properties that ultimately matter are most profoundly present, even while being so dissimilar from that paradigm in most other respects.

This same account can be applied to the ethical side of the enigma as well. Recall how strikingly alike these problems are in the Laws. The Athenian claims that the lawgiver should exhort the citizen to make himself into a likeness of a supremely virtuous and self-sufficient being. Yet he also maintains that whatever virtue is fitting to mere “human beings” cannot be practiced self-sufficiently. Pretension to autarchy is ruinous for mortal creatures so attached to bodily

46 Again, see n 7.
pleasure. The Athenian thus implies that citizens should aspire to a condition that they can neither fully realize nor safely seek. As we saw in Chapter Two, some interpreters try to resolve this puzzle by supposing that he means for the citizen only to approximate the divine in a straightforward, comprehensive reproduction. But this optimistic solution fails to account for the stress the Athenian lays upon distinguishing the citizen from the god whom he emulates and reveres. Just as the second best regime would be dissimilar from the best, yet it would also be its nearest possible imitation, so the citizen’s way of life would emulate the god and yet remain inexorably “human.” Given the analogous character of these paradoxes, one would expect the solution to first to be applicable to the second. And because a solution to the first is indeed forthcoming, while the second is not overtly addressed, we do have reason to think the explanation in the political case applies to the ethical as well. If so, then the Athenian is not exhorting the citizen to approximate the god’s superlative virtue or self-sufficiency. Rather, he intends the citizen to imitate only the god’s fundamental properties, his “consonance” and “rationality,” both of which will be imposed from without. Precisely how the Laws conceives of the citizen’s imitation in these regards is the task to which we shall turn in the subsequent chapters.

Perhaps the most significant implication of the Laws’ theory of second best imitation is that the switch it requires to second best frameworks would potentially admit of multiple, receding iterations. While the Athenian maintains that Magnesia is possible within the boundaries of human nature, he recognizes that the simultaneous presence of its own superficial properties presupposes a concatenation of rare circumstances. “The things that have now been described,” he observes, “are never likely, as a whole, to find such favorable circumstances that every single

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47 See n. 43 above. That the “switch” to second best frameworks potentially admits of subsequent iterations is a familiar feature of contemporary discussions of the “general theory of second best.” See Heath, “Nth Best World” and Ng, Welfare Economics, pp. 184-208.
detail will coincide precisely as the argument has indicated” (5.745e8-46a1). But if Magnesia’s own redeeming qualities depend on the concurrent presence of all these superficial elements (e.g. “...men who won’t object to living in such a community, and who will tolerate a moderate and fixed level of wealth throughout their lives, and the supervision of the size of each individual’s family” [5.745e-46a]), then someone intending to found a real polity might be well advised to “turn away” from Magnesia as well. Thus, the Laws envisions a city whose goodness is so difficult to emulate that a real lawgiver should “turn away” from it too, save in the most exceptional of circumstances, circumstances that the dialogue comprehends but underlines as extraordinary. Most importantly, this proviso should color how one reads each of the work’s institutional and legal prescriptions. The Athenian opens the door to the likelihood that many, even all, of his proposals would lose whatever normative force they possess if any one of them proves impossible in a given circumstance of implementation. And in the case of the second best regime, he suggests that this is indeed quite likely.

However, this vital qualification should not lead to the conclusion that we cannot learn from the efforts of the Athenian in the Laws. On the contrary, in calling into question the normative status of the Stranger’s city in speech, Plato invites us to reflect upon an enduring problem with which normative theorizing and political advocacy are always confronted. The incongruence between spoken paradigms and their practical representations affects the goodness of the latter in surprising ways, potentially isolating the fundamental from superficial resemblances between them. Failing to account for this possibility, and its potentially recurrent iterations, is to succumb to a naïve and even dangerous utopianism. This is not to say that Plato’s paradigms are self-destructive parodies of utopianism. Nor is it to dismiss the potential worthiness of their most proximate imitations. Rather, it is to grasp the significance of how the human capability for
envisioning the good in speech often outstrips our potential for reproducing it in deed. It is to recognize, with André Laks, that the good in thought must be “revised” in order to be approximated, in action, in the respects that matter, and that this revision may admit of several steps, depending upon the kinds of impediments the political craftsman confronts.
Chapter 4 | The Platonic Rehabilitation of Tragedy

With the theory of second best imitation in hand, we can now address the remaining aspects of the enigma of godlikeness in the *Laws*. This chapter treats the second of these puzzles: why does the Athenian stranger call on the citizen and city to emulate “divine” paradigms that cannot be reproduced comprehensively? Why not simply declare as best the “human” regime and way of life that *are* their nearest imitations? Like the problem addressed in the previous chapter, this second question arises because of the disparity between model and imitation, an incongruence whose open disclosure would seem to create unnecessary motivational problems for political imitators. As we saw in Chapter Two, asking political men to emulate a self-sufficient being who is the measure of all things appears to invite the very insolence the Athenian has frequent occasion to deplore. We are similarly surprised by his willingness to disclose the paradigmatic regime to the sub-philosophic lawgiver and ruler. While he openly describes the best regime as a despotism, he is adamant that mortal nature perverts despotic rule in “human” hands, a fact that demands enslaving rulers to law. Since political men cannot approximate the paradigmatic by emulating it comprehensively, they must recognize as best a combination of qualities that they must refrain from reproducing. Would it not be more prudent simply to conceal the paradigmatic, encouraging political men to believe that the second best regime is not an imitation at all? Why not do away with the aspiration to godlikeness, given the gulf between the human and divine whose significance the Athenian is so concerned to underline?

In this chapter, I suggest that the answer to these questions is to be found in the *Laws’* rehabilitation of tragedy. Unlike Socrates in the *Republic*, whose speech at least appears to stay close to the model that it conceives, and who arraigns the imitative arts, the Athenian in the *Laws*
stresses the distance of the city in speech from the paradigmatic and calls attention to its derivative status. And whereas Socrates singles out tragedy from among the mimetic arts for special reproach, being the target of his “greatest accusation” (Rep. 10.605c-606d), the Athenian announces that he and his companions are tragic poets themselves, who have…

…to the best of our ability created a tragedy that is the most beautiful and the best; at any rate, our whole political regime is constructed as the imitation of the most beautiful and best way of life [mimēsis tou kallistou kai aristou biou], which [ho] we at least assert to be really the truest tragedy (Laws 7.817b1-6).

The interpretation that I develop in this chapter maintains that the Laws rehabilitates “tragedy” insofar as that term signifies something essential yet regrettable about the human situation and, at the same time, points to an appropriate attitude with which to respond to that regrettable characteristic.

On the one hand, I suggest that political life should be seen as “tragic” because it merely, and therefore regrettably, imitates the life that is “the most beautiful and best.” It can neither resemble that life comprehensively nor understand it adequately. Nor, ultimately, can it perceive the full extent to which it must fall short of that distant goal. Like the gods of tragedy, the divine in Magnesia is distant and mysterious, even if the human is to be redeemed by becoming like the divine as far it is able. I contend that this paradoxical presentation is justified by the implications

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2 The apparent contradiction between Socrates’s disparagement of tragedy in the Republic and the Athenian’s embrace of tragedy in the Laws has been pointed out by André Laks. See “Plato’s ‘truest tragedy’ (Laws, 817a-b),” in A Critical Guide to Plato’s Laws, ed. Christopher Bobonich (New York: Cambridge University Press, 2010), p. 218. Laks notes, however, that Republic 10 does not “decisively exclude...a redefinition of tragedy, i.e. a positive appropriation of something rejected under a different description” (ibid., p. 221n17, Laks’s emphasis). Cf. Jacob Howland, “Plato’s Apology as Tragedy,” The Review of Politics 70, no. 4 (2008): p. 522, who suggests that the Republic leaves room for a rehabilitative project, in as much as “…the order of being is—as Socrates repeatedly acknowledges—at least partially eclipsed in human existence.” For the view that the Laws does not rehabilitate tragedy at all, see Penelope Murray, “Paides Malakon Mouson,” in Performance and Culture in Plato’s Laws, ed. A. Peponi (Cambridge and New York: Cambridge University Press, 2013), pp. 294-312.
of man’s attachment to “human” goods such as health, beauty, strength, wealth, and, above all, tyrannical power. As we saw in Chapter Two, the “divine” goods must appear as shadow figures to people in the grip of this human attachment. Pulled by longings for bodily pleasure, their “mortal nature” leads them to equate happiness with the body’s gratification and with possessing the means to physical self-indulgence. Because the divine goods demand limiting or even disavowing bodily gratification, the duties they set down are frequently experienced as burdensome. Justice in particular seems inconsistent with “human” happiness. Consequently, if “human beings” are going to put the divine goods before the human, then their distorted perception of the good and bad things must be corrected. The lawgiver must resort to “enchantments” and “charms,” using the gods to “take away the obscurity” of the good and bad things. In particular, he must equate the just with the lawful and the lawful with the divine, with the life in which virtue and happiness do coincide. He must conceal the defects of law, obscuring the extent to which obeying general rules falls short of complying with practical wisdom. And above all, he must avail himself of a poetry depicting political justice as the comprehensive imitation of true justice, of the divine good that bestows the happiness vouchsafed to the gods. I argue that it is because political life must resort to this corrective illusion that it cannot really emulate the life that is most beautiful and best in a comprehensive way. It must take itself more seriously than it deserves. And that, says the Athenian, “is not a fortunate thing” (7.803b).

3 To some extent, this view is anticipated in Laks, “Truest Tragedy” and Helmut Kuhn, “The True Tragedy: On the Relationship between Greek Tragedy and Plato,” Harvard Studies in Classical Philology, 52 (1941): 1-140 and 53 (1942): 37-88. These readers suggest that tragedy betrays a dispensation to recognize the extent to which virtue and happiness diverge and the degree to which the whole is at best indifferent to human longings. While Plato, as a philosopher, disagrees with this dispensation, inasmuch as virtue and happiness coincide in the highest kind of soul, he appreciates that the sub-philosophic soul is subject to what Kuhn calls a “perspective illusion” that makes it perpetually receptive to tragedy. However, though I agree with Laks and Kuhn that the lawgiver should do his best to “take away” that illusion, my reading suggests that his attempt to do so is tragic less because it must fail than because of what it must do to succeed—namely, it must endow law and the human things with a seriousness they do not deserve. The lawgiver must obscure the extent to which the whole really
On the other hand, I suggest that the *Laws* looks to reverence as a means of revealing something of the imitative status of political life without destroying its authority. Political life is thus a tragedy in a further sense: its healthiest form depends on the tragic virtue *par excellence*. As Paul Woodruff has shown, reverence is celebrated as its own excellence of character in the tragic tradition. It uses emotions such as “awe” (*aidōs* and *sebas*), “respect” (*eusebeia*), and “shame” (*aischunē*) to observe the finitude of human nature. Out of a correct experience of these emotions, the reverent person is led to recognize that he is “neither a god nor a wild beast” and to show the respect appropriate to things human and divine. According to the Athenian, the lawgiver must avail himself of this same virtue to disclose the defectiveness of political life, to show that it points at distant goals that must remain unfulfilled. He should characterize political life as an imitation of the divine so that the citizen might seem to share in the divine concurrence of happiness and virtue. But he should stress that the city, as a mortal thing, can never be assimilated to its empyrean paradigm. The lawgiver should not go so far as to make explicit the extent to which political virtue really is painful to the citizen. Nor should he spell out for the city as a whole the theory of second best imitation that explains this divergence. But he is obliged to keep the city from the conceit that its imitation of the god could ever be brought to completion. The god is useful for propagating the belief that the human perception of virtue is distorted. If the divine is the measure of all things; and virtue and pleasure coincide from its perspective, despite appearances to men; then men should trust in the gods rather than in themselves. But this strategy works only so long as men keep their distance from the gods. If ever they believe themselves to have really

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is indifferent to human longings, especially for those “human goods” to which mortal nature attaches most people.
become divine, then they would have grounds for believing themselves to have ascended to an Archimedean point; they would have become competent to judge all things without need of external authority. As things stand, however, men remain mortal creatures, bound to pleasure and pain and the distortive effects that they exert on human beliefs. They cannot safely trust in their own judgment, for doing so would undermine their attachment to law and the civic duties with which they are entrusted. The imitation of god must therefore be accompanied by reverence, by the virtue keeping men from the ultimate impiety.

Because reverence depends on a visceral experience of being limited, it requires that the reverent person compare himself to something in whose presence he feels low and small. I suggest that this is one reason the goal towards which political life should strive is cast as divine and humanly impossible. Rendering this goal as an object of reverence, to be emulated yet feared, allows the lawgiver to disrupt the citizen’s complacency most effectively. It allows him to portray the god’s perception as relevant to political life without allowing political men to reaffirm the competence of their own deceptive outlook.

I conclude the chapter by canvassing the other reason for portraying political life in this way: that doing so supplies what Pangle calls “a trail…for a few of the young” along which those suited for philosophy might ascend out of the city’s pious reverence. The exhortation to become like god is enigmatic precisely because it enjoins the city to emulate an image of the philosophic life. It is accompanied by appeals to observe the finitude of one’s humanity, but it betrays a puzzle that the more curious will want to plumb, as we ourselves are trying to do. The god, then, is as much a

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5 On the importance of an “object of reverence” to the general psychology of the virtue, see Woodruff, “Reverence, Respect, and Dependence,” p. 22; Reverence, p. 113. Woodruff’s basic point is that reverent awe can be inspired only by contemplating objects that manifestly stand above the human, either because they cannot be changed or controlled by human means, are not fully understood by human experts, were not created by human beings, or because they transcend cultural boundaries.

beacon for the philosophically inclined as he is warning to spirited citizens and ambitious statesmen. He is a poetic provocation to question the city’s law in a suitably prudent way, to recognize the extent to which law does not live up to its own pretensions and yet why it cannot do without these conceits. At its best, then, political life becomes the “truest tragedy” because it affords this self-transcendence. It makes room for an ascent out of its own delusions and thus sheds light on the reasons for those delusions.

**The Human Puppet and its Tragic Flaw**

The first point that I want to establish in this chapter is that the *Laws* associates tragedy with the political implications of mortal nature. The Athenian allows that some people can transcend that nature, as I have just suggested. But he hardly makes that claim explicit. Instead, he identifies the nature of the species with the nature of the vast majority, those whose attraction to bodily pleasure and aversion to bodily pain determines their beliefs about good and bad things. Or at least this would be the case were such people allowed to remain complacent about their ethical judgment. The Athenian maintains that the best practicable regime cannot permit this possibility. It must accommodate citizens’ all-too-human predilections, but must also unsettle their pernicious self-assurance. It must replace their distorted perception with customary beliefs, with opinions that identify virtue with “happiness” or bodily pleasure. And it can do this only if those beliefs are represented as tokens of an infallible wisdom. As we saw in Chapter Two, the belief that the just life and the pleasant life are the same is a falsehood if justice is obedience to law and pleasure judged by the standard of the body. The political implication of human fallibility is therefore the necessity of deception, of treating the human things—and by extension the political things—more seriously than they really deserve.
We can see how this idea is linked to tragedy by noticing how it fits with the theory of second best imitation. The Athenian invites us to draw this connection by identifying the “truest tragedy” with “the imitation of the most beautiful and best way of life” (817b4-5). Consider once more the passage as a whole. The Athenian begins by asking his companions to imagine what they might say to tragic poets from Athens, were they to come to Magnesia asking to practice their art:

“Best of strangers,” we should say, “we ourselves are poets, who have to the best of our ability created a tragedy that is the most beautiful and the best; at any rate, our whole political regime is constructed as the imitation of the most beautiful and best way of life, which we at least assert to be really the truest tragedy. Now you are poets, and we too are poets of the same things; we are your rivals as artists and performers of the most beautiful drama, which true law alone can by nature bring to completion—as we hope. So don’t suppose that we’ll ever easily, at any rate, allow you to come among us, set up your stage in the marketplace, and introduce actors whose beautiful voices speak louder than ours” (817b1-c4).

Notice that “imitation” (mimēsis) is the antecedent of the relative clause at 817b4-5 (ho dē phamen hēmeis ge ontōs einai tragōidian tēn alēthestatēn). Strictly speaking, the “truest tragedy” is neither Magnesia (“our…regime”), nor the most beautiful and best way of life.7 Rather, the “truest tragedy” is the imitation of that way of life. This point has significant repercussions, which we can appreciate by following another of the Athenian’s invitations. He does not say what it is about imitating the most beautiful and best way of life that suffuses it with tragedy. But he does supply us with a clue. At 817a2-3, while introducing his thought-experiment, he refers to “our [Athenian] tragic poets” as “what they [the Athenians] call the ‘serious’ poets.”8 This echoes references to tragic poets in the Laws and elsewhere as those who are “serious,” those who claim to pronounce

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8 Sauvé Meyer, in “Legislation as a Tragedy,” pp. 399-400, takes precisely these same lines as the key to her own interpretation, holding that they attest to the idea that tragedy is the genre that pronounces on the serious things (ta spoudaia). However, as I argue below, we have good reason to dispute Sauvé Meyer’s interpretation of the Athenian’s conception of the serious.
on the genuinely serious things (*ta spoudaia*).⁹ Earlier in Book Seven, in fact, the Athenian had set down a sermon on the serious. When we attend to this sermon and the passages leading up to it, we notice that they explain why the city’s second best imitation must be founded on a false hope and must, for that reason, be a tragedy.

One makes this discovery by reflecting on how the topic of education is taken up again in Book Seven, despite the fact that it had already been addressed at length in Books One and Two. In Book Seven, it becomes clear that revisiting education is necessary because the Dorian son is taking the city rather more seriously than they should. It is true that the Athenian had first hit on civic education in an attempt to illuminate the “serious goal” (2.659e) of the political art, which he had identified as the “consonance [that] in its entirety is virtue” (2.653b).¹⁰ But, as we saw in Chapter Two, he had also been careful to identify merely civic education with “being correctly trained as regards pleasures and pains.” Now, in Book Seven, he will make explicit what had earlier only been implied: that the political life for which civic education prepares its pupils is not a very serious thing after all, at least compared to the life of the gods whom the city would revere.

We saw in Chapter Two that the Athenian does not expect ordinary citizens to acquire the virtues of “the god.” This is most obvious in the stress he places on deference to the external authority of “ancient things,” of law, and of magistrates, as well as in the threats he recommends the lawgiver employ. In the midst of the long prelude to the regime as a whole, he claims that the lawgiver should use “praise and blame [to] educate [citizens] so that they become more obedient and well-disposed to the laws” (5.730b). Accordingly, “the great man in the city, the man who is

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¹⁰ As Pangle notes, the phrase can also be rendered “this consonance is virtue as whole.” *The Laws of Plato*, p. 518n2.
to be proclaimed perfect and the bearer of victory in virtue” is not the citizen whose resemblance
to the god endows him with rational self-government. The “virtuous” citizen is rather “the one
who does what he can to assist the magistrates in inflicting punishment” (730d). Nor would the
lawgiver secure obedience through consensus among virtuous agents. The Athenian does not
foresee voluntary adherence to the regime’s “true law” out of rational insight into the virtues’
intrinsinc merit. Rather, the lawgiver must have recourse to the promise of those “human” goods
that bring pleasure and release from pain (732e-34e), as well as to threats of opprobrium and
violence. The Athenian is not above extolling vigilante “beatings” (plēgai) of transgressors of
certain laws (e.g. 6.762c-d) and will recommend harsh dishonour for others, whose shameful acts
are often to be recorded for the sake of posterity, even in some cases “for the rest of time”
(5.741c7).

It is against this background of descent or retreat that the Stranger takes up education a
second time and ultimately comes to the topic of tragedy. That his purpose is to reassess the
seriousness of the education that political life might confer is revealed only gradually, however.
Initially, he justifies his return to education on the grounds that “things were omitted” from its
initial treatment (7.796e). He seems to be referring here to the importance of what he calls “the
class of games” (to tôn paidiōn genos, 797a7) in determining “whether the established laws
will persist.” Innovation in children’s play will lead to innovation in the city’s way of life (798c-
d), so the lawgiver who would avoid innovation must follow the Egyptians in sanctifying games,
must exhort citizens to treat “playing” with the utmost seriousness.

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11 This statement receives an important qualification at Laws 7.822e-23a whose significance I take up in Ch. 5.
12 On the importance of the theme of “retreat” and its connection to the persistence of human nature, see Laks,
Curiously, this explanation makes sense only if one has forgotten how education was addressed initially. Indeed, the Athenian had placed children’s games and “play” at the centre of his reformulation of the Dorian’s gymnastic-based pedagogy in Books One and Two. “The core of education,” he had then proclaimed, “is a correct nurture, one which, as much as possible, draws the soul of the child at play toward an erotic attachment to what he must do when he becomes a man…” (1.643d, cf. 2.653b). In Book Two, he had also called attention to the same Egyptian method of sanctifying music as a way of protecting “the correct play” from unwanted innovations (2.657c). By Book Seven, then, the argument has hardly “omitted” discussion of “the character of games” and the need to conserve those deemed “correct.” Rather, it has already addressed these things directly and at length.

Another surprising feature of the return to education is the wariness the Athenian affects in initiating it. “Even though you’ve listened before,” he warns, “care must be taken now too, as something very strange and uncustomary is spoken and heard. For I’m going to present an argument that is somewhat frightening to utter; yet becoming bold, somehow, I will not flinch” (797a). Given that he has already spoken of the need to take play “seriously,” and that then, as now, the Doriens had heartily welcomed his proposal to sanctify children’s games with an unremitting conservatism, one wonders why the Athenian now conveys such grave trepidation.

My suggestion is that the Stranger is playing his own serious game with his Dorian companions. To make the action of his speech with them consonant with its content, he uncovers the extent to which Kleinias and Megillus have not followed the descent he has made since proclaiming politics “the art whose business it is to care for souls” (1.650b). The Dorian’s cluelessness about this descent attests to the very limitations that had made it necessary. This bit of dialogic artistry becomes apparent when we consider the two moments in Book Seven where
the Athenian elicits from his companions a shameful assent to a strategically placed question. As we shall see, the trepidation the Athenian affects at 797a actually refers to the new status that he will assign the political art in view of the limitations that he uncovers in his interlocutors, and especially to his efforts at revealing this status to those who are, like them, in the grip of such hindrances. Although he has already discussed Egyptianizing children’s games and rendering law immutable, only now does addressing these topics become “somewhat frightening to utter.” Only now does the Athenian venture openly to cast the putatively serious business of political life as a series of “games,” not merely in the sense of the pleasurable activities of children, but also in the sense of the low and unserious.

The first such moment occurs at 7.792b-c when the Athenian manages to provoke Kleinias into agreeing that one should “apply every device in an attempt to make the three year period for our nurslings contain the least possible of suffering and fears and every sort of pain” (792b4-6). The Athenian had begun the Book by discussing gymnastics, in the course of which he had introduced a novel policy of physical exercise for expectant mothers, infants, and young children. The point of this policy had appeared to be twofold. First, by introducing from the very earliest age exercises that ostensibly harmonize with the civic virtues to be cultivated later in life, the lawgiver might improve the ethical prospects of adult citizens. Second, the lawgiver might “mold” the nurselings to be receptive to courage in particular by alleviating the terror to which the very young are accustomed. The Athenian duly recommends continuous rocking motions which he claims would assuage “the fear and mad motion within” (791a2-3), on the supposition that “every soul that dwells with terror from time of childhood would be especially likely to become accustomed to feeling fear; and presumably everyone would assert that this is practice in cowardice rather than courage” (791b5-8). The reader is already aware that something is amiss here, judging
by the Athenian’s eagerness in Book One to extol a fictitious “fear drug.”13 There, he had claimed that courage is cultivated precisely by becoming accustomed to feeling fear, in what he had called a “gymnastic exercise against fear” (648d3, cf. 3.694d-96a). But Kleinias has already forgotten that early part of the conversation and now falls headlong into the Athenian’s trap. He agrees not only that one should limit the pain and terror the nurseling feels, but adds that “clearly” it would be best “if one should provide many pleasures for it” (791b9-c1). In a startling about-face, the Athenian seizes on this casual remark and makes a point of harshly disavowing it: “In this I would no longer go along with Kleinias, you amazing man! That kind of behaviour is for us the greatest of all corruptions” (792c2-4). The Stranger then uses the opportunity he has contrived to remind his companions and readers that “the correct way of life should neither pursue pleasures nor entirely flee pains” (792c9-d1) and adds that “this is how we all characterize precisely the situation of the god” (792d4-5).

The Athenian has shown Kleinias to be at odds with himself; he both agrees (793a1-5) and disagrees that the good consists in taking pleasure and avoiding pain. Being virtuous, in contrast, is being in agreement with oneself (2.653b) and knowing how to pursue pleasure and flee pain in right measure (1.636d-e), on the basis of “knowledge” and the qualities of soul that constitute virtue proper (cf. 2.667e-68a). What the Athenian has exposed in Kleinias is corruption. I believe that he does so here in order to underline the “flaw” characteristic of human nature to which the political art must accommodate itself, a disclosure that he will make more openly, if abstractly, as the conversation proceeds. The Athenian will shortly cast the way of life of Magnesians and the

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13 The following interpretation of the passage that begins at 792b can be contrasted with the reading proposed by Thomas Pangle in his “Interpretive Essay,” pp. 479-81, and developed by Lutz in Divine Law, p. 102 and Lorraine Pangle in Virtue is Knowledge, p. 241. According to this reading, the Athenian in Book Seven begins to elaborate a novel conception of civic virtue grounded in “stoutness of soul” (eupsychia), a popular form of courage hostile to tragic lamentation. However, besides being contradicted by the discussion of fear in Book One, their view faces other difficulties that I take up in Ch. 5.
education that would be their most significant occupation (803d7) as “unworthy of great seriousness” (803b4), on the grounds that “what is human, as was said earlier, has been devised as a certain plaything of god” (*theou ti paignion*, 803c4-5), humans “being puppets (*thaumata ontes*), for the most part, but sharing in small portions of the truth” (804b3-4). And when one follows the Athenian’s prompt (“as was said earlier”) to consider this subsequent passage alongside the initial “myth of virtue” about the human puppet (1.644c-45c), one notices that it reflects mythically, in an image, what he has brought to light in Kleiniás’s character dramatically at 7.792b-d.

In that initial image, the Athenian had likened “each of us living beings to…a divine puppet” (644d7-8), pulled by various “cords.” Most of these cords, he had said, are “hard and iron” (645a2-3) and seem to be pulled in contrary directions by the “two opposed and imprudent counselors” that each of us possesses “within himself…which we call pleasure and pain” (644c6-7). But one cord, “the golden and sacred pull of calculation (*logismos*)” and “the common law of the city” should always be followed above the others, which should be used as “helpers” (*hypēretai*, 645a6). If this image clarifies what is meant by virtue, vice, and self-mastery, as the Athenian says it does (645b-c), then it seems to suggest that the kind of virtue that amounts to self-mastery also amounts to following the law, with the help of pleasure and pain properly managed (presumably using the “expectations” connected to them, 644c-d). As the imagery of puppet and plaything suggests, the “virtue” ostensibly clarified here is not very lofty. Certainly, it is not governed by “intelligence” or “prudence,” the “leader among the divine goods” (631c) and the “knowledge” (636e) necessary to draw appropriately from pleasures and pains. It does not equip a person to be a law unto himself. It does not endow him with a comprehensive likeness to the god. It equips him, rather, to be a

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14 Thus, on my reading, the “helpers” of the golden cord are actually versions of the iron cords, as I elaborate below, or “nonrational servants,” as Morrow helpfully points out (*Cretan City*, p. 557), despite his otherwise optimistic understanding of Magnesians’ civic virtue.
follower and puppet of the god. The Athenian is accordingly ambivalent about its worth. We don’t know, he says, whether we have been put together for the play of the gods “or for some serious purpose” (644d).

By Book Seven, the Athenian is less ambivalent. Magnesians at least are puppets and playthings because they really are something lowly. Conversely, “human beings” are something lowly because they are puppets and playthings, in the sense that they are obstinately motivated by the “iron cords” of the image, by the expectations of pleasure or pain (cf. 5.732e). This is not surprising, given the association of genuine virtue with the divine. But notice that the attachment to pleasure and pain explains why the golden cord in the puppet image is not characterized as the virtue that makes possible divine self-sufficiency. The golden cord is not called “wisdom,” “intelligence,” or even “prudence,” but rather “calculation” and “law.”

Its pull on the puppet is “soft,” it is “always” in need of the iron cords as “helpers.” The implication of this imagery is that civic or political “virtue” cannot be rational autarky. Rather, civic virtue involves obedience to law, motivated by appeals to pleasure and pain. It requires an externally imposed framework or civil religion within which these appeals harmonize with the demands of law, just as Kleinias depends upon the Athenian.

The humiliation of Kleinias in Book Seven mirrors the plaything image, revealing the extent to which Kleinias and others like him are at best puppets and playthings, willingly obedient to a “virtue” that is externally imposed.

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15 Bobonich rightly notes that the Athenian classifies “calculation” as a “passion” for the purposes of the puppet image (644e1), but insists—implausibly in my view—that the Athenian does not mean to minimize its connection to intelligence in doing so. See Bobonich, Plato’s Utopia Recast, pp. 539-40 n. 77.

16 In speaking of a “civil religion,” I generally adhere to the definition supplied by Ronald Beiner in Civil Religion: A Dialogue in the History of Political Philosophy (Cambridge: Cambridge University Press, 2010), p. 2: “the empowerment of religion, not for the sake of religion, but for the sake of enhanced citizenship—of making members of the political community better citizens, in accordance with whatever conception one holds of what constitutes being a good citizen.”
The second moment that the Athenian contrives in Book Seven to reduce the seriousness of the city emerges more quietly. Indeed, it completely escapes the notice of his companions. Having reminded them of Kleinias’s ignorance, the Athenian now indulges them in their hopes. He suggests that the laws Kleinias might set down be immutable, like those that the Egyptians managed to sustain “for ten thousand years” (2.656e). “Change,” he announces, “is much the most dangerous thing in everything except what is bad” (7.797d); “the lawgiver must think up a device” by which it might be avoided entirely (798b). Although the Dorians happily accept this claim, it certainly invites further reflection. Just as our interest had been piqued by the return to the topic of education, its having been justified on the basis of the Dorian’s forgetfulness, so the proposal to render law immutable similarly leaves us scratching our heads. The assertion that change is dangerous in everything except what is bad is true as far as it goes, but it is more natural to say that change is necessarily bad only in the singular case of the one perfect thing. Only when something flawless has changed can one say for sure that it has been made worse, that change is bad. But this reasoning becomes fallacious when reversed. Change tells us nothing about the condition of the altered thing, nor does the persistence of that thing imply anything about its merit. Persistence merely goes with perfection. It does not cause or indicate perfection. In any case, the Athenian’s proposal does not seem applicable to the regime that he and his companions are discussing. Magnesia, he has said, is merely an imitation of the best. As something less than perfect, changing it will not necessarily worsen it. In fact, in an earlier passage, he had claimed that Magnesia will live up to its promise only if it is improved over time. Responding to Kleinias’s assertion that their conversation about lawgiving “…is a noble and serious pursuit for real men” (6.769a), the Athenian had apparently corrected him by comparing lawgiving to “the painter’s activity”: 
Suppose someone once took it into his head to paint the most beautiful figure possible, one that would never get worse but would always improve as time went by. Don’t you see that since he’s mortal, he’ll have to leave behind a successor, able to make it right if the painting suffers some decay at the hands of time, as well as to make future touch-ups that improve on the deficiencies left by his own artistic weaknesses? (769b-c).

The allusion to painting in this passage seems intended to qualify the seriousness of the city, of the founding that might be accomplished by a “mortal.” Perhaps the city would be of greater significance were the founder deathless and possessed of absolute knowledge and power (like a painter without “artistic weaknesses”). But such a founder-painter would be unconstrained by human nature; he would be divine (2.657a, cf. 9.853c). Merely human lawgivers must allow their works to be improved if they are to live up to their full potential. The subsequent solicitation of the Doriens’ consent to render law immutable is thus contradicted in this earlier passage. Precisely at their best, the human things cannot remain unchanging. And yet the Athenian advertises the very opposite opinion to his companions.

We can begin to make sense of why he would do so by returning to the flaw that he exposes in Kleinias. People like Kleinias are lamentably “human.” They are predisposed to being drawn to “human goods” at the expense of the virtues. Wherever the sovereign authority is vested in their hands without further interference, it will be used to “set up laws aimed primarily at…what is in the interest of the maintenance of [their] own rule” (4.714d). In such cases, “the ruling offices become matters for battle, and those who are victorious take over the city’s affairs to such an extent that they refuse to share any of the rule with those who lost out” (715a). For his part, the Athenian refuses to call such arrangements “regimes” nor their laws “correct” nor their inhabitants “citizens” (715b). Why, then, does he apparently believe that Kleinias and those like him can be brought to imitate a genuine regime?
His answer seems to be twofold. First, the laws that “human beings” might administer must originate in a more “divine” sort of person. They must be taken over “from one of the gods” or from some “private individual” or “knower” (1.645b), someone less attached to the human goods than those who would receive his law. Second, such law must rule as a “despot” over the mortal lawgiver who would set up it up, and especially over the city that would administer and obey its ordinances. The human beings to whom the law would be given must regard their own obedience as a “service dedicated to the gods” and themselves as “servants” of the law and its “slaves” (715d). But if those who are so drawn to power and acquisition are to be made so obedient and tame, then every device will need to be employed to adorn the laws they would obey. They cannot be suffered to think themselves capable of creating law or permitted to deviate from its commands. That is why law must appear exceedingly perfect. It must seem to be something only a god could fashion. And since perfect things do not change, law must appear immutable as well, despite the fact that it will change.

Returning to the Athenian’s putative reasons for taking up the discussion of education a second time, we can now see the real reasons for his trepidation at 797a. In the first books of the dialogue, the Stranger had succeeded in his initial goal of demonstrating that the political art is serious only in taking as its principal objective the virtue of citizens. Now, in Book Seven, he brings the conversation around to a reassessment of the life that the political art might bring into being. He exposes a grave flaw in its raw material, in the character of political men. And he sets down the appropriate response to this flaw that someone in his position ought to take. He must walk a fine line between reducing the self-confidence of those to whom he would give law and augmenting their faith in the exquisite correctness of law. This delicate balance is reflected in the Athenian’s summative remarks on the serious and the playful:
Ath. Of course, the affairs of human beings are not worthy of great seriousness; yet it is necessary to be serious about them. And this is not a fortunate thing. But since we’re here, if somehow we would carry out the business in some appropriate way it would perhaps be a well-measured thing for us to do. But whatever am I saying? Someone would perhaps be correct to take me up in this very way.

Kl. Indeed!

Ath. I assert that what is serious should be treated seriously, and what is not serious should not, and that by nature god is worthy of a complete, blessed seriousness, but that what is human, as we said earlier, has been devised as a certain plaything of god and that this is really the best thing about it.” (803b3-c6).17

Although he tries to humble his companions and, through them, the citizens of the city that they might found, the Athenian is coy about what it is that so reduces their seriousness.18 Claiming to have been “looking away toward the god” (804b7-8), he avails himself of their reverence. He reminds them that, as mortal creatures, they must be wary of reaching too high. But he also gives his most careful listeners sufficient clues to grasp his deeper meaning. If human affairs cannot be taken as seriously as the god, then human beings must remain unlike god. And since god is a paradigm of perfection, human beings must remain imperfect. The merit of immutability, however, had depended on flawless laws, and such laws can only be created by flawless lawgivers, if they can be created at all. So it follows that immutability cannot be practiced well by mortal men. Even so, the Athenian maintains that it is necessary to be serious about human affairs. Being serious is being like god, so the necessity of being serious about the human implies a need to obscure the extent to which the human cannot really become divine. Given that this remark comes in the midst

17 Cf. Rep. 10.604b
18 David Roochnik suggests that this coy attitude reflects dramatically the playfulness with which the Athenian says he looks on human affairs. In so quickly taking back his denial of human seriousness (804b), responding to the indignation that he thus arouses in Megillus, he mirrors Aristophanes’s response to Eryximachus in the Symposium. Having incurred the latter’s ire, the comic replies “let what was said by me be unsaid” (Sym. 189b3-4). See Roochnik, “Serious Play,” pp. 146-47.
of discussing legislative immutability, we are invited to make the following conjecture: that it is unfortunately necessary that the law appear more authoritative than it really should.  

If one keeps these points in mind when pondering the claim that Magnesia is a tragedy, it is hard to avoid the conclusion that it refers to the same regrettable necessity. On the one hand, the Athenian associates tragedy with “the serious things” (7.810e, 817a2-3; 8.838c). On the other, he identifies tragedy with the imitation of the most beautiful and best way of life. It is because the “whole regime” performs this sort of imitation, he says, that it is the “truest tragedy.” Now if the god is the most serious thing, then one becomes serious by becoming like god. Tragic imitation, therefore, is “serious” to the extent that it is an imitation of god. Yet just as the Athenian has claimed that the best practicable regime will fall short in its emulation of god, so he maintains that human affairs “are not worthy of great seriousness.” At most, human things will achieve a derivative, second best status. Tragic imitation, then, is the imitation of god that falls short. And finally, just as the imperfection of law must be effaced in the second best regime, so too must that regime be artificially “serious” about human affairs. It must pretend to follow divine intellect when in fact it obeys opinion. It must “hope” that its law is sufficiently true that it might bring to completion the most beautiful drama, even if that hope is ultimately unfounded. If so, then the truest tragedy is the imitation of god in view of this unfortunate necessity. It is tragic not only because it must fall short of its goal, but also because it must obscure the full extent of its failure.

19 Cf. Ryan K. Balot, “Likely Stories and the Political Art in Plato’s Laws,” in Probabilities, Hypotheticals, and Counterfactuals in Ancient Greek Thought, ed. Victoria Wohl (Cambridge: Cambridge University Press, 2014), pp. 80-81. Balot helpfully observes that the authority that the Athenian tries to attach to his speeches is self-consciously dubious, not only because it depends on treating clumsy dogmas as the very truth, but also because the Athenian himself lacks certain knowledge.
The Tragic Persistence of Tragedy

This reading of tragedy in the *Laws* departs quite markedly from mainstream interpretations and one might raise several objections on their behalf. One might complain, for instance, that we have assigned a significance to tragedy that is rather anachronistic. Indeed, Susan Sauvé Meyer has warned against reading an “evaluative meaning” into Plato’s use of that term. She contends that “nowhere among Plato’s contemporaries is it obviously used in the modern sense of calamitous and lamentable.”20 For Sauvé Meyer, it follows that the Athenian cannot be saying at 817b2-5 “that the legislation he is devising is ‘tragic’ in the sense that it is, for example, unfortunately necessary given the human condition. He is saying, rather, that in constructing a *politeia* (constitution) for the Magnesians, he is practicing in the same genre as the tragic poets,” where the essential characteristic of that genre is merely “the depiction of the best life.”21 But these two claims are mutually exclusive only if one allows these further suppositions: first, that Plato’s understanding of “the salient feature of tragedy” agrees with the understanding of his “contemporaries” and, second, that Plato holds the “depiction” or “imitation” (*mimēsis*)22 of the serious things to be tragic only insofar as it reproduces the serious things, and not to the extent that it falls short. The claim that none of Plato’s contemporaries understood the tragic as that which is unfortunately necessary is highly doubtful in any case. Sauvé Meyer herself allows that “the typical tragic plot” pivots around “disaster and misfortune.”23

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21 Ibid., pp. 389, 392.
22 Part of the difficulty of interpreting the truest tragedy passage is that *mimēsis* admits of multiple valences. Depending on context, it can be translated as “imitation,” “representation,” or, as Laks suggests is applicable to its usage in *Republic* 3 and 10 respectively, “performance” or “enactment” and “reproduction.” See “Truest Tragedy,” p. 222. I prefer Pangle’s “imitation” because it best preserves, *pace* Sauvé Meyer, the sense of incompleteness or falling short that the Athenian attaches to tragedy.
One problem with the objection, then, is that it is starkly contradictory. If “the typical tragic plot” in Aeschylus or Sophocles shows bad things happening to “good and worthy people,” then it cannot be an anachronism to assign an “evaluative meaning” to tragedy, even if one draws a sharp distinction between “the plot structure…in [tragedy’s] most famous exemplars” and the “subject matter” of those same works.\(^\text{24}\) Indeed, because Sauvé Meyer maintains that Plato repudiates “the typical tragic plot,” her argument actually requires that an evaluative meaning be assigned to “typical” tragedy. But instead of presupposing what Plato could or could not mean by this term, based on our necessarily limited knowledge of how it was used by his contemporaries, we should take our bearings first from how the dialogues themselves discuss tragedy and the tragic. In the \textit{Laws}, at least, tragedy is associated with the imitation of the serious things, but it is also connected to regrettable necessity (insofar as 7.817b-d points to 803b-04c),\(^\text{25}\) weeping and lamentation (7.800d), and the gratification of the many (2.658d), about which we shall have more to say below.

Still, Sauvé Meyer would no doubt press her case that the Athenian follows Socrates in the \textit{Republic} (3.387d-88e) to the extent that he denies that the truly serious is subject to misfortune. “Typical” tragedy might represent the weighty affairs of serious people, but it misrepresents their importance. By showing their surprising vulnerability to terrible suffering, the tragic poets (including Homer) attach undue significance to the human goods, to things that are vulnerable to misfortune, while misrepresenting the virtues that confer on those goods what worth they have.\(^\text{26}\) Hence the truly serious things, those pertaining to the life endowed with divine goods, should not


\(^{25}\) Cf. \textit{Laws} 9.858a, 880e. On this issue, I follow Laks and Halliwell who find in Plato a “de-theatricalization” of tragedy (Laks, “Truest Tragedy,” p. 220) that appeals to a “conception of ‘the tragic’,” that is, “some ultimate vision of or insight into reality…with profound spiritual and ethical consequences for human beings’ sense of their place in the world” (Halliwell, \textit{Aesthetics of Mimesis}, pp. 99, 107).

\(^{26}\) Cf. Halliwell, \textit{Aesthetics of Mimesis}, p. 106.
provoke lamentation when properly represented; the best life can be tragic only insofar as it is serious. And the “truest tragedy,” as the imitation of the best life, accurately depicts the invulnerability of that life.

In taking this view, however, Sauvé Meyer makes an instructive mistake. She assumes that the repudiation of “typical” tragedy, in the case of the best and truly serious life, implies the repudiation of tragedy in representing or imitating that life. As she appreciates, this would only be the case were the imitation that is the truest tragedy to fit the criterion set down in Book Two for a correct imitation, which “…exists where there is complete reproduction both in quantity and quality of the thing imitated” (668b6-7).27 But this cannot be what is meant at 817b, if only because the regime that would emulate the best way of life is supposed to be second to the best. Were Magnesia to succeed in reproducing completely the model on which it is based, it would have to realize completely the political art, educating citizens in the genuine excellence that really is worth taking seriously. Citizens would have to become gods.

This mistake depends on a misreading of the “puppet” and “plaything” image to which the truest tragedy passage is connected. Sauvé Meyer is absolutely correct to read 817a2-3 as a reference to the Athenian’s sermon on the serious and the playful. Accordingly, she connects the claim about the truest tragedy to that sermon and to its use of the puppet imagery. She is also right to find this imagery “reflected in the lesson that the legislator is supposed to teach the citizens about the relative priority between what the Athenian calls ‘divine goods’ and ‘human goods’ [1.631b3-d6, cf. 2.661a-c].”28 And she appreciates that, “in calling a human being the ‘plaything’ of the gods, the Athenian underlines humanity’s insignificance in the face of the divine.” Even so, Sauvé Meyer overlooks the explanation that the puppet image furnishes for why the human things

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28 Ibid., p. 402.
are insignificant. On her reading, “…to live out one’s life as a ‘puppet of the gods’” is to devote 
one’s life to “…to the cultivation of the divine element in ourselves.” It is to prioritize the divine 
goods, the virtues, having internalized the “lesson” that the worthiness of the human goods 
radically depends on them, which Sauvé Meyer takes to imply the sufficiency of virtue for 
happiness.29 If the virtuous person is necessarily happy, then he has “no grounds for lamentation.” 
It follows that the “weeping and lamentation evoked by the tragedies of the poets,” in their 
representations of “good and worthy people,” attests to a mistake about such people, one the 
Athenian will not make. But this interpretation overlooks the vital fact that the Athenian does not 
assimilate “the affairs of human beings” to the good and the worthy.30 By his lights, there are no 
genuinely serious “human beings.” Rather, precisely because mankind is the plaything and puppet 
of the gods, man is inexorably motivated by the “iron cords” of pleasure and pain, which is why 
one’s humanity diminishes one’s seriousness. It is the god who is paradigmatic of the good and 
the worthy. The citizen cannot be taken nearly as seriously as he. The citizen must necessarily 
remain unlike the god, a necessity that is regrettable and that really is worthy of lamentation. The 
Athenian does repudiate accounts of the best life that make that life seem lamentable. But he 
projects that life into the divine, leaving its mortal imitation within the tragic horizon, within the 
ambit of the vulnerable and lamentable.

Perhaps one might still respond that the discussion of poetry and censorship in Book Two 
does not explicitly distinguish the human from divine. There (660e, 662b-c, 664b-c), the Athenian 
claims that the lawgiver should require the poets to identify the happy life with the most pleasant, 
and the pleasant life with the virtuous, apparently referring to a life that a citizen might really

29 Ibid.
30 Another problem with Sauvé Meyer’s view is that it assumes the dependency thesis implies the sufficiency of 
virtue for happiness. As I argued in Ch. 2, this assumption is unwarranted.
lead.\textsuperscript{31} Suppose the “typical tragic plot” shows the serious (and virtuous) life diverging from the pleasant life. If so, then the Athenian does appear, in these passages at least, to be extending his repudiation of “typical” tragedy to human affairs. He seems to suggest that the life in which pleasure and virtue coincide is not only the most beautiful and best, but also the political way of life, which implies that the political imitation of the best really can be assimilated to the best. Perhaps, then, Plato does repudiate the tragic sense of unfortunate necessity in both the political and paradigmatic cases, and not merely in the latter.

However, we have good reason to dismiss this last objection as well. In fact, reflecting on the difficulty that it raises reveals yet another sense in which the \textit{Laws} endorses a conception of tragedy that \textit{emphasizes} unfortunate necessity. Were we to interpret the reconciliation of virtue and happiness in the city’s poetry as something sincere, it would contradict not only what we have learned about second best imitation in the previous chapter, but also what the Athenian says in Book Seven about the baseness of human affairs. It would imply that the gulf between human and divine is traversable because civic and divine virtue are identical, which would leave us with a puzzling inconsistency. In the event, the Athenian gives us ample reason to suspect the sincerity of the reconciliation that he would have the poets effect in Book Two, at least as it concerns the merely civic or political virtue of “human beings.” As we saw in Chapter Two, he asks whether “a lawgiver of any worth [could] ever tell a lie more profitable than this [identifying the most pleasant life with the most just]…or more effective in making everybody do all the just things willingly” (2.663d-e). And he accounts for the usefulness of this lie by implicitly distinguishing virtue of the highest kind from virtue as self-control.

\textsuperscript{31} At any rate, that is the sense in which Sauvé Meyer reads these passages.
The problem, we recall, is that the appearance of the virtues is conditioned by the character of whoever looks upon them. Seen “from a distance,” they are obscure and shadow-like, distortions of their true natures. To the “unjust and evil man” from whom they are far away, the unjust things “appear pleasant, the opposite of the way they appear to the just man, while the just things appear very unpleasant” (663c). Given the tenacious attraction to pleasure and aversion to pain evidenced in every mortal animal (5.732e), this problem of perspective poses potentially grave difficulties. The ordinary citizen is fallible and therefore unjust. Accordingly, the unjust things appear to him as tempting and pleasant, the just things as burdensome and painful. What virtue he can hope to practice depends on self-control, on overcoming his deceptive sense of pleasure and pain. But it also follows that the tragic divergence of the pleasurable and happy life from the serious and virtuous must resonate with the citizen and must similarly be transcended. At the limit, when virtue appears exceedingly burdensome or vice exceptionally attractive, self-control can be sustained only by a poetry that alters the appearance of self-overcoming, obscuring its painful face behind the effortless virtue of the god. In the case of political life, therefore, virtue and happiness do in fact diverge. This divergence is to be effaced by the poets of the city, but it lurks beneath the city’s self-presentation.

These points cohere with the view that tragedy is the extent to which the imitation of the best life falls short. But they also show how this same conception agrees with the view expressed by Socrates in the Minos: “The poetry that is most pleasing to the populace and the most soul-alluring is tragedy” (Minos 321a). The Athenian might point to the regime of the second best city as an exemplar of “the truest tragedy” (7.817b), but in a passage only a few pages earlier he likens “the

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speeches we’ve been going through since dawn” to an inspired poetry all their own (811c-d). The second best city is a city-in-speech that exists only in this poetry. The Athenian’s speeches, then, are also an imitation of the best way of life; the very text of the Laws is also the truest tragedy. Moreover, they would be “a model” in their own right, one that the city’s poets would emulate themselves (811c, d). As we have seen, these poets would also be charged with “taking away the obscurity” of civic virtue by altering its appearance to the ordinary man. The virtue of his occupation as a citizen appears painful, but in the poets’ hands it might be recast as though it were pleasant. In order for this mission to succeed, however, the poets will need to work in a genre that appeals to the ordinary man. In as much as that genre is tragedy, as Socrates avows in the Minos (cf. Laws 2.658d), and insofar as the Athenian’s speeches in the Laws serve as the model for that genre, the truest tragedy must avail itself of certain fictions while delighting the populace and seducing the soul.

So despite otherwise emphasizing the lowness of the mortal things, the truest tragedy conceals an important sense in which the citizen cannot be taken seriously. And this deception points to yet another respect in which political life must diverge from the paradigmatic. As the being in whom intellect rules unimpeded, the god is free from deception (cf. Rep. 3.382a-83c). His virtue really is pleasant, a fact that he appreciates like the genuinely just man. The citizen, by contrast, practices a virtue of a lower rank, lacking in intelligence and seemingly unattractive without the city’s therapeutic poetry. It is the difference between these ranks of virtue that requires its own poetic erasure. If men who are bound to the pleasant and who look on virtue as painful are nevertheless to practice it, then they must be persuaded that appearances deceive, that their painful

33 Although the Athenian claims that epic appeals to the old and tragedy to “the educated among the women, the younger men, and probably almost the majority of the whole,” other dialogues suggest that epic comprehends tragedy. Socrates in the Republic famously calls Homer “the leader of tragedy” (Rep. 10.598d, cf. Theaet. 152e-53a).
virtue actually resembles the pleasant virtue of the god. The city’s need of a poetry that harmonizes civic virtue with pleasure is tragic in as much as it implies but effaces a gulf between the human and divine. The city is all the more a tragedy because it must obscure the tragic, once again treating human affairs more seriously than they deserve.

Reverence Recast

Even so, the city’s deceptive seriousness can only go so far in indulging men’s vanity. Citizens must accept the validity of the god’s perspective, but never suppose themselves to have ascended to his Olympian prospect. That is why adorning customary beliefs with the god’s authority is insufficient. Customary authority relies in addition on the disavowal of private judgment, on a visceral sense of being distant from and less than the gods. Custom needs reverence, the virtue that tragedy exalts above all others.

I want to suggest that this need explains one of the reasons for describing political life as the imitation of god, and not only of the best regime or most beautiful way of life. The divine is, by definition, the thing before which the reverent person is filled with awe. It is that which makes him feel insignificant and evokes his respect. It is not just any paradigm of perfection, but one that can be personified in frightening, anthropomorphic beings jealous of their lofty status. And because the sense of awe that it inspires is a species of fear, and therefore a genus of pain, the divine can move mortal nature to shrink from whatever it comprehends. Reverence for the gods thus elicits the activity of the “iron cords” of the Athenian’s puppet image. The passions that it arouses can serve as the law’s “helpers,” augmenting its gentle but most noble pull. Compelling the reverent man to doubt his own perception of the good and the pleasant, reverence destabilizes the painful appearance that mortal nature imparts to virtue. And it can thereby lay the foundation for customs
that are genuinely useful to the city, those that demand cooperative behavior that often seems painful. Accordingly, a lawgiver, or “indeed anyone worth much of anything…reveres [sebei] with the greatest honors this sort of fear, calling it ‘reverence’ [aidōs]” (647a)\(^\text{34}\) and “the divine fear” (2.671d). Since reverence is above all the virtue extolled in tragedy, the Athenian’s praise of reverence cooperates with his rehabilitation of the tragic.

Reverence resists insolent disregard for rank, especially between the human and divine, so it is perhaps understandable that Plato has seemed to some as an enemy of the tragic dispensation. This is the view taken by Paul Woodruff, who claims that Plato

is the first to celebrate reverence for moral perfection in place of reverence for the gods. He enlists religion in the support of moral goodness, and indeed he sets moral goodness on the throne which the gods have left. In Plato’s system, human beings and gods alike are in awe of moral perfection. Human seekers come to appreciate transcendent justice and beauty with the same sort of awe that they would feel on being initiated into a special relationship with a god. On this Platonic theory, the gods are good not because they are gods; they are gods, rather, because they are devoted single-mindedly to virtue. The gods, then, are examples to emulate, and human beings should practice reverence by trying to live as gods do. How gods live, in turn, is known not by the study of mythology, but by inquiry into the nature of the good. In practice, then, the reverence of perfection is contrary to tragic reverence. The one urges people to emulate the gods; the other forbids them to do so.\(^\text{35}\)

The problem with this reading is that it credits neither the Athenian’s depiction of the gods as paradigmatic themselves nor his disparagement of those who would emulate them out of insolence. In the civil religion of Magnesia, the good does not come to sight as some idea to which the god assimilates himself as far as possible. Rather, the good is very much personified in the image of the god. It is, after all, the god who is called “the measure of all things.” Moreover, the citizen is enjoined to imitate the god as a follower, “in humility and orderliness,” lest he regard himself “as needing neither ruler nor any leader” and thereby incur the “blameless vengeance of Justice”

\(^{34}\) Trans. Pangle, The Laws of Plato, with modifications.
\(^{35}\) Woodruff, Reverence, p. 139. Emphasis in the original.
(4.716a-b). We shall see that Woodruff is right to maintain that Plato “established a pattern of reverence leading beyond the gods.”\textsuperscript{36} But it is crucial to recognize that this pattern—so evident in other, less political dialogues like the \textit{Symposium} and \textit{Phaedrus}—is in the \textit{Laws} submerged. The reverence that the citizen is called to practice in the \textit{Laws} retains the traditional wariness of hubris, despite casting virtue as the emulation of god. Indeed, it is only because it retains that tragic valence that the Athenian can ask the city to imitate god without risking its vitality. Given what he has said about “human beings,” allowing them to trust in their own ethical perception risks dissolving their devotion to the city and the common good. If this risk is to be mitigated, then citizens must distrust their private judgement of the good and bad things, a need that the Athenian points to tragic reverence to meet.

The Athenian sets down a succinct account of how reverence might play this role in his treatment of Athens’s decline in Book Three. The argument culminates an elaborate rhetorical project designed to open the Dorians—especially the more conservative Megillus—to the innovations with which he charges the lawgiver. One side of this strategy evokes reverence in the Dorians themselves, diminishing their pride by excavating their more shameful beliefs (2.661d-62a) and identifying shortcomings in the Spartan regime (1.628e, 630d, 634a-b; 3.685e-88d). Another assumes the mantle of patriotism, defending novel ideas under the aegis of a respectable loyalty.\textsuperscript{37} The account of Athens’s corruption is of a piece with this latter strategy. Behind a conservative defense of the old regime of “his” city, the Athenian underscores the importance of sustaining customary authority with reverent awe. Whereas the Lacedaemonians persisted by chance, having foolishly neglected intellectual leadership (cf. 3.688c-d with 691d-e), the Athenians declined from a more balanced condition. Thanks to the use they made of reverence,

\textsuperscript{36} Ibid., p. 138.
the freedom that left room for intelligence did not compromise Athens’s shared beliefs, nor the
authority of the custodians of those beliefs. “Under the ancient laws,” he says, “our populace was
not sovereign over certain matters but was rather voluntarily enslaved, in a certain sense, to the
laws” (3.700a). Although the city was not ruled as a tyranny, it did acknowledge “a certain despotic
mistress—Awe—on account of whom we were willing to live as slaves of the laws that then
existed” (689b).

So as not to give Athens’s economy of fear too much credit, the Athenian then complicates
his account. He suggests that the terror elicited by the Persian invasion of the early fifth century
reinforced the effects of awe, implying that Athens too depended on chance to a certain degree.
Though the Stranger avails himself of the Athenian example to appear respectably patriotic, he
does not want to use Athens as a paradigm; the city in speech that he assumes as his real model
would strengthen nomos to a much greater extent than Athenian freedom would allow. Still, the
Stranger gives the old regime credit for using awe to combat the mortal attachment to pleasure and
pain. Indeed, he reserves his highest praise for how old Athens contrived to prevent self-
gratification from becoming the accepted standard of aesthetic distinction. As his subsequent
account of the city’s decline attests, it was the reverence shown the city’s musical conventions—
whose purpose necessarily includes arousing pleasure (2.658e)—that sustained the voluntary
enslavement to law. The citizens felt awe in the presence of the musical things, which they revered
as the Muses, and they showed respect to the city’s cultural leaders, whose taste they modestly
followed. But once reverence abated, the desire to gratify one’s own taste and sense of the pleasant
quickly asserted itself. The poets, “in a sort of Bacchic frenzy, more overwhelmed by pleasure
than they should have been…involuntarily falsified music” (700e), rejecting the city’s austere
conventions in the name of an erotic subjectivism. “They asserted that there was no such thing as
correct music, and that it was quite correct to judge music by the standard of the pleasure it gives to whoever enjoys it, whether he be better or worse” (701a). The poets thus led the many into “lawlessness” and “shamelessness” (or “irreverence,” anaischuntia), engendering the opinion that “everyone is wise in everything” (701a-b). Using the convenience supplied by this belief, the demos pursued self-gratification without regard for the authority of rulers or ancient customs, even those pertaining to the gods. They dared to suppose that they were adequate judges and knowers and were led irresistibly to reject all authority beyond each man’s private inclinations (701b-c). These commanded each man, as a mortal creature, to put the seemingly pleasant first, ahead of the just and lawful things that he now insolently judged for himself as painful. The rule of law—the authority of the city’s foundational beliefs—could not survive the emergence of this “wretched theatocracy.”

Further light is shed on how reverence might uphold customary authority in the use to which the Laws puts the ancestral and the divine. Ancient things inspire awe in the diminishment that they effect on the present. In their long shadow, the things of our own time seem small and insignificant. And when the ancient things are conceived as a living inheritance with which the present is invested, the awe that they evoke can endow them with tremendous respectability. Who are we to doubt the consensus of the ancestors, reaffirmed by countless successive generations and whose wisdom is said to originate in the gods themselves?

The Athenian shows just how powerful this confrontation with antiquity can be in his measured praise of the Egyptians. In all the cities “nowadays,” he says, the poets are allowed to teach the children and young men whatever the poet himself finds pleasing. The result, besides the pernicious subjectivism of theatocracy, is a “search, dictated by pleasure and pain, for a music that
is continually new” (2.657b). In Egypt, however, one discovers a society in which aesthetic taste has, for eons, apparently remained unchanged. “For ten thousand years,” the Athenian insists, Egyptian conventions have persisted, “not ‘so to speak’ but really ten thousand years” (656e). Returning later in the dialogue to this “astounding” extreme in the lawgiving and political art, the Athenian explains the psychological mechanism at work here. If human beings are brought up under laws that have “remained unchanged for a great length of time,” he says, “if they neither remember nor have heard that things were ever otherwise than they are at present, then the entire soul reverences and fears (sebetai kai phobeitai) changing any of the things that are already laid down” (7.798a-b).

In part, the reverent awe evoked by the appearance of antiquity originates in a confusion of cause and effect. As we saw in the previous section, the Athenian introduces the passage above with the curious observation that change “is much the most dangerous thing in everything except what is bad.” We recall that this statement implies that change is necessarily bad only in the case of the one perfect thing and that, when reversed, becomes fallacious. Persistence merely goes with perfection. It does not cause or indicate perfection. But this fallacy can be easily obscured, which is why merely perceiving something to be immutable can elicit awe and respect, keeping us from thinking it prudent or permissible to change it.

Even so, the Athenian suggests that this *cum hoc* confusion is insufficient to account for the remarkable conservatism of the Egyptian laws. The fallacy that credits customs merely because of their persistence can be obscured, but doing so leaves a further difficulty: the actual originators of

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38 Like the desire for self-gratification, the love of novelty appears to assert itself in the absence of countervailing forces. As with the former desire, the Athenian counsels that the lawgiver curb the latter by conceding it some ground. Although he appeals to reverence to help the citizen disavow his own perception of the good and the beautiful, he recognizes that the sub-philosophic perspective of the citizen is persistent and to be accommodated. The civic way of life must be adorned with the promise of pleasures, and these adornments must seem to be continually changing (2.665c), even as the way of life they embellish remains the same.
ancient customs were probably quite useless as lawgivers. As the Athenian’s account of the remote past attests, the ultimate “origin of legislation” lies not in some impressive, trustworthy title to rule, such as intelligence, but in the natural compulsion faced by ignorant simpletons (cf. 3.681c with 690a-d). Customs that really have been inherited unchanged from the earliest times are likely to reflect the abominable savagery of those times. In the same vein, the Athenian remarks to Kleinias that there are features in the Egyptian law “that you would find pretty poor,” despite (or because of) their astonishing endurance (2.657a). The Egyptians thus managed to use antiquity to augment customary authority despite the poor quality of the ancient things and the ignorance of their human makers. They were able to do this, the Athenian tells us, only because they held the ancient things to have originated in “the work of a god or someone divine” (657a), that is, a figure who inspires awe in his own right. By thus “sanctifying” the ancient laws, the Egyptians enhanced the magnificence of the ancestral and secured its authority with shame. Personifying the old in flawless paragons, they projected intelligent purposiveness into otherwise imperfect, arbitrary customs. And apprehending the laws as gifts bestowed by divine ancestors, they were moved to be extremely wary of violating the laws or innovating upon them. To do so would have been to set themselves up as somehow superior to the divine and ungrateful of its benefactions. It would have been to forget their own humanity, showing themselves insensitive to the awesome and shameless before their superiors. By adorning the ancestors with the mantle of divinity, then, the Egyptians could evoke reverence for the laws more powerfully than would otherwise have been possible, preserving their customs from corrosive skepticism.

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39 Another way of understanding the difficulty would be that it is the mere possibility of progress that threatens ancestral authority. The sanctification of antiquity requires that this possibility be concealed, which is why traditional societies often perceive the present as a corrupted diminishment of the past. If the Egyptians represent the extreme of such sanctification, then the testimony of Herodotus is instructive (2.37-42).
Unlike the Egyptians, however, the Athenian is careful to guide his companions toward a regime inspired by his own rational insight into political life and human needs, a regime that would be open to revision and even substantial innovation. It is all the more striking, then, that the Athenian persists in emphasizing the needfulness of the Egyptian strategy. He praises the Dorian law that “commands all to say in harmony, with one voice from one mouth, that all laws are finely made by gods” (1.634d-e). He extols a hierarchy of honor stressing the divinity of the ancestors (4.717a-18a, 5.729d). He construes obedience to law as enslavement to the gods (6.762e). He insists that the city’s customs appear inherited unchanged from the distant past (7.97e-98d, 12.957b). And he argues in the elaborate prelude to the impiety law that the oldest things are also the most divine and betray an intelligent providence (10.896e-97d, 12.966e). This adherence to the Egyptian strategy would seem to be necessitated by reason’s inability to become law, even under the best circumstances. “Order and law,” the Athenian says, come second after intelligence; they “see and look to most things, but are incapable of seeing everything” (9.875d). However much law might avail itself of persuasive preludes, for example, it retains the characteristic of a “tyrannical command” (4.723a; cf. Stsm. 294c), a directive that cannot be tailored to the particulars of every case. Inasmuch as the regime that he conceives would be ruled by law, it would inevitably be ruled by a degree of arbitrary contingency and injustice. And like the Egyptian regime, it would benefit from concealing this fact, insisting rather that its customs are the flawless inheritances of divine intellect.

40 Pace Stalley, Introduction, p. 82; Klosko, Development, pp. 250-51. Cf. Laws 6.769a-771a with 12.968c-969a, where the Athenian refuses to discuss the education of the Nocturnal Council, leaving “the sovereign authority to legislate what is necessary” in its hands.

41 Cf. Laks, “The Laws,” pp. 285-90 and “Truest Tragedy,” p. 230, who maintains that, however much the “content” of law might aspire to be the “expression of reason” (Laws 4.714a2, trans. Laks, in ibid.) or “the discovery of being” (Minos 315a2-3), the “form” of law must remain irreducibly dogmatic and violent.
But the Athenian suggests a further reason for law’s second best status, owing less to the inherent crudeness of *nomos* than to the mortal nature of the human beings on whom it is enjoined. The rational insightfulness that might partially animate law at its best is insufficient to win the support of people whose ethical perception is so distorted by their “imprudent counselors” (1.644c). Only by appealing to the same irrational impulses that otherwise lead men to reject seemingly painful customs can the lawgiver secure obedience to those customs. The Athenian duly recommends the lawgiver conceal even the relatively respectable origin of rationally inspired laws. He should appeal instead to the laws’ mythical provenance in personifications of trustworthiness and uphold the belief that the laws have never changed. Doing so makes sense because these beliefs evoke the reverent passions. And it is reverence that moves the human puppet to reject the trustworthiness of his own judgment, which would otherwise lead him to doubt the goodness of political justice and the other civic virtues.⁴²

Summing up these points, we now see that there is good reason to dispute Woodruff’s claim that in Plato “the reverence of perfection is contrary to tragic reverence.” Although Plato’s Athenian does “urge people to emulate the gods,” he uses the gods as objects of reverence to keep people from trusting in their own ethical perception. Just as he refuses to repudiate the sense of unfortunate necessity characteristic of the tragic genre, so he recasts the response to tragic necessity deemed appropriate in that genre. Through reverence, the gods can inspire forms of the mortal passions that help combat their typically pernicious power. And it is because the gods so powerfully inspire these passions that the city can safely imitate the gods at all.

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⁴² Civil religion, then, functions in the *Laws* not only to furnish moral virtue with a suitable target, standing beyond the “human” goods of the body, but also to elicit reverence in the citizen, that he might disavow the commands of his own soul and pursue what seems pleasant only to the best soul.
Reverence Beyond the City

I want to conclude this chapter by reflecting on another reason the Athenian would characterize political life as the emulation of the divine. I suggest that doing so allows him to introduce into the city’s pious attitude a path leading beyond the city’s tragic reverence. The gods of this city are images of the philosophic life. Just as the philosopher “acquire[s] within himself true reasoning…and live[s] according to it” (1.645b) and, “by nature,” grows no less frequently “in cities with good laws than in cities without” (12.951b), so god is identified with virtuous self-sufficiency, and in particular with the intelligence conferring merit on the other divine goods (10.897b; cf. 1.631c-d, 12.963a). Anyone with a “divine dispensation,” the Athenian claims, “wouldn’t need any laws ruling over him” (9.875c). God follows reason “all alone.” He comprehends the measure of all things. As we have seen, the Athenian conceals the philosopher behind this god to repulse political men from ethical and intellectual self-reliance. He thus avails himself of reverence for the divine. But he is also careful to speak past political men to lay down a road along which more philosophic natures might ascend. This road would be particularly needed in the city that he conceives, for Magnesia would sanctify opinion and persecute dissent more effectively than other regimes. It would represent custom as more authoritative than it deserves to be. But the philosophic ascent out of custom depends on the dissolution of customary authority; Magnesia must therefore furnish some device for subverting that authority even as it works to augment it. Sure enough, we can recognize such a device in three related speeches that the Athenian sets down: in the discussion of drinking parties in Books One and Two, in the introduction of legislative preludes in Book Four, and in the prelude to the impiety law in Book Ten. In all these places, the Laws points to a way in which philosophic openness might be cultivated surreptitiously, in the name of augmenting customary authority.
Drinking parties are first introduced in the *Laws* as a “model” for education. Just as the Dorian regimes cultivate a certain endurance by exposing young men to pain, so a symposium, “correctly instructed” (1.641b), might teach a kind of moderation (647d, 2.673e). The drinking of wine, the Athenian claims, is the “safest” means of exposing oneself to “shamelessness,” creating an opportunity for “gymnastic training in combatting it” (647c). Drunkenness is one of “those experiences in which we are naturally inclined to become especially rash and bold” (649c), like a “child” whose pleasures, pains, spirited passion and erotic longings completely overwhelm his “sensations, memories, opinions, and prudent thoughts” (645d-e, cf. 2.671b). Under the influence of wine, men temporarily lose their sense of shame, their reverence. While “soused,” they say and do things from which they would normally shrink for fear of censure. Curiously, however, the Athenian does not say that drunkenness therefore threatens civil order. Assuming the “drunk” man retains his sense of shame, he suggests rather that the drunkard’s ignoble behaviour opens him as never before to being “led…by someone who possesses the ability and the knowledge required to educate and mold souls” (2.671b-d). His idea is that one becomes more fearful of saying or doing shameful things by being induced repeatedly to say or do them and then exposed for having done so. “Drunkenness” rightly used thus becomes a “medicine…to put reverence (*aidōs*) in the soul” (672d). It creates what the Athenian calls “a safeguard” for the education that would harmonize the likings and dislikings of citizens with lawful opinion (2.653a, 654b cf. 6.783a).

One could be forgiven for suspecting the cogency of this argument. As we saw when discussing the Egyptian example, one of the ways in which reverence augments customary authority depends on assimilating the conventional to the natural. Where the laws have “remained unchanged for a great length of time,” and where few can even imagine how they might be

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otherwise, precisely there will “the entire soul” reverence law and fear changing it in any way (7.798a-b). But if education is to be modelled on the symposium, and is to use “wine” to solicit opinions that are shamefully unconventional and illegal, then education would seem to compromise the very reverence to which it ostensibly aspires (2.672d). Bringing unconventional beliefs into the light of day, education would puncture the illusion of naturalness that had hitherto attached to the beliefs set down by custom. This is not to say that the Athenian’s reasoning is entirely implausible. As anyone who has embarrassed himself in the intoxicating atmosphere of a seminar or reading group will know, doing so can make him more fearful of embarrassing himself again. The opportunity afforded by “education” for shaming those who betray unconventional beliefs might similarly be used to augment the fear of censure. The point, though, is that the model of the symposium seems unnecessarily risky with a view to educating for reverence alone. Drinking parties might be capable of deepening the fear of shame, but they would seem to do so at the cost of reducing the awesomeness of law. The Athenian acknowledges as much in his “capstone” to the argument of Book Two. If “drinking” cannot be treated as something serious, he says, used “for the sake of moderation,” then it should be forbidden entirely. Only in the company of “steady and sober men” who might serve as “guardians” of law, able to protect it with “the noblest sort of fear,” can drunkenness be safely used (2.671c ff.).

That the education modelled on the symposium looks to a good beyond reverence is attested by the action of the dialogue, which reflects the symposium metaphor. The Athenian compares “wine” to a “drug that heals the austerity of old age” (2.666b). Under its influence, he says, the old become “rejuvenated” (666b), “filled with complete license of speech” (1.649b), willing to express unconventional beliefs from which they would otherwise shrink. The conversation he has with his elderly companions becomes similarly intoxicating by inquiring illicitly into the origin and
legitimacy of their native regimes. Under the influence of the Athenian’s “wine,” the Dorians willingly follow arguments that cast doubt on the perfection of their own customs. As we shall see in Chapter Five, the Athenian exploits the boldness that he thus arouses in his companions to bind them to new customs and to his own leadership. But given that his liberating use of wine and its justification is to be made available to the future citizens who would be subject to those customs (7.811c-e), it seems that he intends intoxication to dissolve the authority of the new customs as well, at least in the “safe” context of the well-ruled “drinking party.”  

44 We find further evidence for this reading in the discussion of the “preludes” that the Athenian beseeches the lawgiver to attach to his laws. As we saw when briefly examining this passage in Chapter One, the preludes have a purpose beyond persuading citizens to obey law voluntarily (4.718c). The Athenian suggests that they also express what “a lawgiver who thinks as I do should and must necessarily say, but which cannot be presented harmoniously in the shape of law” (718b). Whereas the poet practices an art that “consists in imitation,” and “is therefore compelled to contradict himself often” and to “make two speeches about one subject,” the lawgiver, he says, “must always exhibit one speech about one subject” (719c-d). Curiously, the Athenian does not dwell on the origin of this compulsion. But given that the lawgiver’s art equally consists in “imitation,” and that his preludes seem intended to circumvent the monological character of law, the Athenian implies that this compulsion is largely cosmetic. It is true that law itself betrays the character of a “tyrannical command” (723a). On pain of violent punishment, it prescribes general rules incapable of seeing to salient particulars, those details of life by which virtuous agents must

44 My interpretation of the symposium metaphor is indebted to the reading proposed in Strauss, *Argument and Action* and “What is Political Philosophy?” where wine is a stalking horse for philosophy, inasmuch as it causes those under its influence to cease listening to authority. More than Strauss, however, I emphasize the double character of the metaphor. Plato’s genius, I believe, is in recognizing cases where the same institutions might support and undermine customary authority.
orient their actions (cf. *Stsmn*. 294b, *Rep*. 6.506c). But, as we have seen, law must conceal its own defectiveness if it is to be authoritative, especially if it is to lead citizens to perform seemingly painful deeds. And just as law derives authority from appearing immutable, so it appears more perfect if it avoids seeming contradictory. Law’s monological nature helps law even if it hinders virtue. Still, a lawgiver who thinks as the Athenian does will not be satisfied with merely augmenting customary authority. By his lights, law’s ultimate justification originates in the leadership of philosophy. In Chapter Five, we shall see how such leadership might give opinion a more equitable and judicious character. Our present purpose, however, is to see how law can lead a few beyond opinion, beyond law itself, despite being otherwise dogmatic and hostile to critical inquiry. And precisely that is what the Athenian seems to be ultimately getting at it in comparing his preludes to poetry, to speeches that contradict themselves. He does not (and cannot) announce explicitly that the preludes are thus poetic. But despite contrasting law to poetry in Book Four, he dubs himself and his companions tragic imitators in Book Seven. Accordingly, when we examine the preludes themselves, many of them are strikingly paradoxical, both literally and rhetorically. The prelude that would introduce the laws as a whole (723d-24a) culminates in the enigma of godlikeness on which we have been dwelling, while the prelude to the impiety law seems at once to augment and dissolve customary authority and does so with respect to “the greatest thing,” the question of the gods’ very existence and character (888b).

More than any other prelude, in fact, the preface to the impiety law visibly undercut the authority of the city’s religion. The Athenian draws this purpose to our attention by pointing out to Kleinias that his lack of sympathy with the atheism of insolent young men originates in “the virtue” of his regime, which has ensured that no one becomes familiar with impious beliefs and the “writings” that contain them (886c). We are reminded once more of the relationship between

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nature and reverence: where none is aware of opinions dissimilar to the conventional beliefs to which he subscribes, there the conventional appears natural and “the entire soul reverences and fears changing any of the things that are already laid down” (7.798b). But instead of availing himself of this phenomenon, it is highly significant that the Athenian sets down in writing (recalling 7.811c-e) precisely those speeches that adduce impious arguments, that claim the gods exist by convention and not by nature. Behind a rhetoric of patriotism, of defending the veracity of conventional beliefs, he compromises one of the ways in which the city solidifies the authority of those beliefs.45

This is not to say that the Athenian’s rhetoric is wholly insincere. As he points out, apparently speaking of his native city, once belief in the gods abated, or rather was shown to be merely conventional, then arose the belief that “the noble things by nature are different from those by convention, and that the just things are not at all by nature” (889e). Where the gods are not believed to be “such as the law commands they must be conceived,” he reasons, there “civil strife is instigated” (890a). Without their authority adorning political justice and humbling political men, mortal nature asserts itself. New beliefs about the whole are sought, not because they better correspond to the truth, but because they lend legitimacy to the headlong pursuit of human goods. “Nature” thus replaces the gods as a means of authorizing a particular way of life, one that consists in “dominating the rest and not [being] a slave to others according to legal convention” (890a). If the way of life committed to political justice and legal obedience is to prevail, therefore, so too must belief in the gods. The Athenian’s philosophical purpose might come at the expense of the commitment to justice, an outcome he seems very much to want to avoid.

45 Pangle, “Political Psychology,” pp. 1061, 1072.
The Athenian is able to walk a fine line between freeing a few from customary beliefs and reinforcing in others a commitment to them because the latter do not need logically coherent arguments to sustain their devotion, or so Book Ten suggests. If Kleinias and Megillus represent men whose virtue depends on those beliefs, then it is significant that they wholeheartedly accept the Athenian’s arguments on behalf of the gods, despite having been introduced to atheistic views and notwithstanding the weakness of the reasons adduced to prove the gods’ existence and character (cf. 907b-c). As is often pointed out by commentators, the arguments that the Athenian marshals against impious opinion are frequently question-begging, occasionally self-contradictory, and ultimately resort to “mythic incantations” that threaten the unjust with postmortem punishment (903b ff.).\(^{46}\) Like the other preludes, they succeed less by rational persuasion than by “taming” those to whom they are directed (890c). Their desideratum is “to convert [those desiring to be impious] to fear” and to create within them “a sense of repugnance” (887a). For those already committed to the justice that the gods adorn, the Athenian’s arguments need only reinforce their desire to see vindicated their pious devotion. Human beings, we recall, are predisposed to taking pleasure in perceiving harmony and order (2.654) and to retreating in pain from “things that contradict one another” (7.812e). Mortal nature might dispose us to being slaves of bodily desire, but it also primes us to see cosmos in chaos. We are prejudiced against disorder and the tragic dispensation insofar as it refuses to vindicate our suffering. By providing authoritative speeches that supply that vindication, that give it meaning within a more or less coherent account of the whole, the Athenian gratifies a powerful psychic drive that does not require rigorous logic.

Still, the weakness of his arguments implies no private adherence to the beliefs that he deliberately fails to refute, nor a wish to convert certain citizens to those beliefs. Rather, it betrays a hope that a certain few will recognize the city’s dogmas for what they really are—shadow figures, mere opinions, despite the fact that these are affirmed by the practically best regime and needed by its citizens to sustain a commitment to justice. Philosophy abides in the knowledge of ignorance, in the awareness of the difference between knowledge and opinion. Since law cannot rise above opinion, philosophy demands a certain distance from law. It requires a higher reverence that sees through law’s conceit, perceiving the boundaries of the human things more deeply than political reverence allows. It is in this philosophic reverence that we find the fullest meaning of the truest tragedy. The tragic worldview is one in which human purposes cannot be completely satisfied. Tragedy underscores the limits to longings for certain knowledge and control. It perceives the whole as mysterious and capricious, or at least indifferent to human desire. Inasmuch at its authority is derived from seeming an infallible testament to a whole that is providential and orderly, law is opposed to tragedy. And insofar it calmly transcends the desire to see the whole in this way, philosophy is tragedy’s deepest expression. Plato never suggests that the philosopher who goes beyond custom is necessarily corrupted. Socrates in the Republic and the Stranger in the Laws do maintain that many unsuited to philosophy are corrupted by its skepticism. But for those few whose natures dispose them to the philosophic quest, their liberation only deepens their justice. Like the god whom the city tries to follow, they are “naturally just.” They do without being commanded what others do only out of fear of the law.47

Chapter 5 | Reverence and the Unity of Virtue

In the previous chapter, we saw how attending to the rehabilitation of tragedy helps account for the enigma of godlikeness. By veiling the philosophic life behind an image of the divine, the lawgiver might inspire reverence for the life that stands beyond the political. Doing so allows him to expose something of the fallibility of the city and its laws without dissolving their authority. Suitably awestruck by the divine, the citizen can still passionately commit himself to its derivative, “human” imitation. And appropriately skeptical of his own “mortal” perception, he is prepared for the self-effacing devotion that the city asks of him. The tragic dispensation of reverence thus allows the city to point beyond itself while better preserving itself. It permits the lawgiver to supply a beacon of the philosophic life all the while augmenting customary authority.

In this chapter, we turn to a third puzzle associated with becoming like god. Whereas the deity whom the city emulates is said to possess every virtue and is even to be identified with “intelligence,” the leader of the virtues (1.631c, 10.897b), the citizen “is to be proclaimed wise” only inasmuch as his soul does not oppose “what in his opinion is noble or good” (3.689a), an opinion that he would “take over” from law (1.645b). Whereas the god is subordinate to no one and is the measure of all things, the citizen who becomes like god is merely “moderate” (4.716d). He refuses to take himself as the measure. He looks to “the divine law” for the guidance that he knows he needs (4.716a). It would seem, therefore, that the political man whom the Athenian exhorts to godlikeness achieves his goal precisely by refusing to become a god. How can we make sense of this paradox? What does civic “moderation” have to do with divine intelligence?¹

¹ Sophie Bourgault, in “Prolegomena to a Rehabilitation of Platonic Moderation,” *Dissensus 5* (2013): pp. 131, argues that, “in the *Laws*…the ties between *sophrosyne* and the obedience of the lower ranks are almost entirely absent.” We shall see in the present chapter that there is ample textual evidence against this reading.
Once again, it is reverence and its connection to customary authority that sheds light on these questions, or so I will argue. The Athenian identifies the moderation to which he refers with reverent awe and shame (see 1.635e with 647c-d, 649b-c, 2.672d, and 673e). That is why the political man who becomes like god is the one whose reverence for god keeps him from insolent oblivion, from forgetting the implications of his mortality. Since reverence augments law’s authority, warming the citizen to the apparently painful deeds that law demands, godlikeness is associated with lawfulness as well (cf. 1.645b, 4.715c, 6.762e). Finally, and most surprisingly, we shall see that the rule of law allows philosophic men to guide the administration of law without assuming the mantle of government. At its best and in the rarest case, submission to law becomes obedience to philosophers. In this scenario of our prayers (4.709d), nomos is—to a limited but not insignificant extent—formed by nous; lawful submission becomes intellectual leadership. The citizen would thus be led from without by the intelligence leading the philosopher from within. Accordingly, the political would acquire a kinship to the philosophic as a second best imitation. The human becomes fundamentally akin to the divine precisely in its repudiation of a kinship that is comprehensive. Political men become godlike by refusing to be gods, which is to say that they follow the direction of intellect by abjuring their private judgment. I suggest that it is in this roundabout way that the Laws conceives a “moderation” that might resemble the virtue that is “divine.”

We shall see that the Athenian points to this possibility in his treatment of the so-called “Nocturnal Council” (nukterinos sullogos, 10.909a3-4, 12.968a7). This rather grim-sounding institution is first mentioned in connection with the punishment to be meted out to impious, but

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2 We recall the Athenian’s apparent identification of “intelligence” (nous) with “god, in the correct sense” (10.897b). See also Menn, Plato on God as Nous.
“naturally just” atheists. These are to be sent to what the Athenian calls a “Moderation-Tank” (sōphrōntisterion), a “prison” to be located “around the meeting place of the councilmen who meet at night” (10.908a). When we meet again with this council in Book Twelve, we discover that its duties extend to fostering friendship between the leading men in the city and “certain divine human beings”—philosophers or potential philosophers, whether the indigenous, free-thinking atheists who are to be “punished,” or foreign, incorruptible strangers who are to be tracked down by “observational missions” (12.951b-d). My proposal is that in bringing together political and philosophic types, the Nocturnal Council makes good the promise of the symposium discussed in Books One and Two. Under the aegis of defending law, the Council invites the expression of unlawful thoughts. And beneath the appearance of humiliation and punishment, its meetings confer authority on philosophers. The quasi-practical orientation of these gatherings permits the philosophic members to advise the political grandees. They would preserve the illusion that their advice sustains law’s integrity and conformity with tradition. But by reducing the political men to

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3 Scholars have sometimes complained that the widely-used “Nocturnal Council” is quite a loose translation. For one, the body to which it refers would not meet at night, but “each day, from dawn until the sun has risen” (12.951d, 961b). It is also referred to more frequently as simply “the council” (ho sullogos, 952a8, b5, b9; 961a1, a7; c3, 969b2) or “the council of those who keep watch over the laws” (951d5-6). Perhaps most importantly, sullogos is a rather generic term for meetings or gatherings, to be contrasted with boulê, a term that refers more specifically to a formal political institution and one that Plato does not use in connection to the Nocturnal Council. We might have expected him to have done so if, as George Klosko has argued, “The Nocturnal Council in Plato’s Laws,” Political Studies 36 (1988): pp. 74-88, he intended this body to be seen as directly ruling the city. For these points, see Morrow, Plato’s Cretan City, p. 503n5; Marcel Piérart, Platon et la Cité Grecque: Théorie et Réalité dans la Constitution des ‘Lois’ (Brussels, 1974), p. 232; and V. Bradley Lewis, “The Nocturnal Council and Platonic Political Philosophy,” History of Political Thought 19, no. 1 (1998): pp. 3n7, 14. Despite these reservations, however, I follow common practice in keeping with “Nocturnal Council,” not only to avoid confusion, but because doing so preserves two valences that Plato may well have meant to attach to this institution. First, in keeping with the imagery of the cave in the Republic, the Laws contrasts light and dark to draw attention to the shadowy nature of opinion. The setting is a pilgrimage to the Idean cave, where Minos is said to have received the Cretan laws from Zeus. Insofar as the Nocturnal Council would “keep watch over the laws,” it too would be the cave-like source of shadows. Even at their best, the customary beliefs of law are images of intelligence. Second, as Lewis rightly points out, Plato seems to leave the relationship of the Council to the city deliberately ambiguous. The city “ought to be handed over to it” (12.969b), but none of the duties to which it is assigned involve concrete political prerogatives. So although “council” might seem an overtranslation, keeping with the traditional rendering preserves the sense that the sullogos might rule the city indirectly, in shadowy ways that invite further reflection from the reader.
“puppets,” soliciting from them illicit beliefs and pretentions, and then shaming them for their outlawry, philosophers might guide statesmen to administer law in novel ways, minimizing law’s partisanship, parochialism, and disregard of circumstance. By retaining the status of advisers, the philosophic members not only preserve themselves from the onerous tasks of day-to-day rule, but conceal the true basis of their authority. Appearing the servants of nomos, they become the avatars of nous.

In taking this view, I follow interpreters who deny that political men become like god by approximating the intellectual virtue of philosophers. Many of these scholars maintain instead that political virtue is to be found in the passionate attachment to kith and kin and in a spirited defense of moral purity or nobility. On their reading, the citizen becomes divine by developing a manly eupsuchia or “stoutness of soul.” Arousing his thumos or “spirit” in a competitive quest for esteem, he achieves a certain self-control by vanquishing his bodily desires. He attains a “courage that is divine” (824a) by internalizing the law as “his own” and defending it with his thumos accordingly. This view is right to distinguish political from philosophic virtue in starker terms than straightforward approximation, and to stress the importance of nobility and the love of one’s own to the serious citizen. Even so, I have found that it neglects the important sense in which political virtue involves a double movement. According to the Athenian, righteous indignation against unlawfulness must be preceded by self-doubt. Although human beings can endure terrible suffering while defending indignantly what they hold dear, spiritedness can easily breed a destructive arrogance. If allowed to tyrannize the soul, the Athenian says, thumos becomes


injustice (9.863e). Its pugnacious self-assurance is hostile to lawful opinion if it is not built upon a substrate of humility. Once again, it is the tragic flaw of mortal nature that is the source of the difficulty. “Being puppets, for the most part” (7.804b), “human beings” are pulled inexorably by their “iron cords.” On their own, they lack understanding of the just and unjust things. If, in addition to his ignorance, such a person acquires the opinion that he is wise, believing “he knows completely things about which he knows nothing” (9.863c), then he will be incapable of championing the opinion that the just life and the happy life are the same, the opinion that law needs him to believe and defend. He must therefore reject the opinion that is most his own, out of “moderation,” before he can devote himself, out of “courage,” to the opinion that he must take over from law. Reverence must precede ardent devotion if the latter is to be politically and ethically useful. Only the moderate man might become like god. Only out of reverence might he devote himself to beliefs that would otherwise seem implausible.

**The Ambiguous Status of Courage**

Since we have already examined the textual evidence against approximation readings, let us begin by surveying the case against the alternative. In this section, I want to show that the civic virtue the Athenian conceives is less connected to thumotic manliness than their view suggests. Rather, civic virtue in the *Laws* consists in both courage and moderation, where the latter refers to the reverence without which courage becomes self-destructive.

The reader gets his first taste of the *Laws’* ambivalence towards courage practically from the outset of the dialogue. As he begins to establish the necessity of his own leadership in the

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6 To his credit, Pangle, “Interpretive Essay,” pp. 456-57, 485, both recognizes the problem and the *Laws’* recourse to “reverence” for a solution, but insists that the citizen’s virtue consists in thumotic manliness nonetheless.
founding that is to be, the Athenian reveals to the Dorians an inadequacy in their own understanding of virtue. The Dorians agree that regimes such as theirs, whose laws are credited with a provenance in the gods, must foster the greatest virtue of their citizens. But the Athenian is able to show that the laws of their native cities look only to a “crippled courage” (1.634a), while giving hardly a thought to “intellect” and “prudence,” the “leader” of all virtue (631c). The Dorians seem to have wrongly assumed that the martial valor with which their regimes are preoccupied comprehends virtue as a whole, and not merely one of its lower parts. While Megillus can readily point to Spartan institutions that breed an “endurance of suffering,” he is at a loss when asked to produce practices that look to any of the virtues that grow out of exposure to pleasure (634b-c).

As damning as this narrowness in the Dorian view might seem, the Athenian shows it to be only one side of a deeper problem. Perhaps the pugnacity of Dorian “courage” is well suited to prevailing over enemies abroad, who can be vanquished completely. But enemies within cannot be so ruthlessly overpowered, or at least cannot be destroyed without the most shameful violence. If at home the “better men” are to be victorious over the “worse,” then the two must somehow be reconciled, as Kleinias readily perceives (628a). One implication of this reasoning is that the city has need of virtues that go beyond the power to subdue external threats. But another is that the city comprises two sorts of people, the better and the worse, whom the Athenian is careful to call the just and the unjust (627b). If the regime under putatively divine law must be arranged to promote the greatest virtue of its citizens, then it seems that the virtues of those citizens must be quite diverse. Indeed, the Athenian’s argument implies that there are “virtues” that even the unjust

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7 For an interpretation of the Laws that emphasizes this point, see Lutz, Divine Law, p. 41 ff.
8 While the Athenian argues that exposure to “the greatest pleasures” is necessary to cultivating moderation, that claim is dubious. As we saw in ch. 4, while it is plausible that moderation (in the form of reverence) might be cultivated by soliciting shameful self-indulgence, this is a risky procedure, one that makes sense only if it has another end in view, namely the intelligence that transcends lawful opinion. Exposure to the pleasures that attend this sort of learning would seem necessary to acquiring it. So while the Athenian criticizes the Dorians for failing to educate for moderation, he censures them for neglecting intellectual virtue as well.
citizens must be brought to practice, if the city really is to be reconciled to itself. The multiplicity of virtue thus emerges in the *Laws* as a question, not only of how the city might promote the whole of virtue, but of how the distinctive virtues of its different types might resemble one another, despite being otherwise so dissimilar.

Given the Athenian’s disparagement of the Dorian regimes for being preoccupied with a rude manliness, it is surprising to find interpreters trying to resolve this question by appealing to yet another form of courage. Despite the reproaches of Sparta and Crete, this reading maintains that a less belligerent kind of courage can indeed comprehend the popular forms of moderation and justice. It is true that this renovated courage needs an intelligence beyond its compass and would have to guard the city from internal “threats” as much as it would defend against external enemies. Still, there is merit to the Dorian belief that “courage” is the whole of virtue, or so this reading claims. Courage-based virtue can achieve a resemblance to the wisdom-based virtue of the philosopher by creating an equanimity in the citizen’s soul. It might channel his *thumos* “inward,” against proscribed pains as well as pleasures. Moreover, it would arouse the citizen’s zeal by filling him with a manly hope. The conquest of his passions is enjoined on him by the gods, the very architects of the cosmos, who are said to reward those who fulfill their duty, if not in this life, then at least in the next. Accordingly, the regime that would cultivate this virtue would preserve the citizen from the most harmful self-indulgence and despair. By practicing courage, he might overcome his nature, obeying what is commanded by laws and gods.10

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9 Given the dependency of the ethical virtues upon “intelligence” (631c-d), the Athenian identifies the just with the wise. Even so, the unjust might imitate the wise by consenting to follow them through the medium of law, as we shall see. As a result, there might be “friendship” between the just and unjust.

One difficulty with this reading is that it neglects the extent to which moderation and courage are opposed to one another. Besides overturning the argument in Book One against reducing virtue to courage, it requires that moderation amount to a spirited self-overcoming, of a piece with thumotic manliness and patriotic self-love. The Athenian might seem to speak of moderation in this way on one occasion (8.840c), but elsewhere he stresses the need to curb the love of one’s own associated with *thumos*. In an important passage in Book Five, for example, he calls self-love “the greatest of all evils for the mass of human beings” (731d). Here, the Athenian is setting down the conclusion to “the speeches that constitute the prelude to the laws” (734e). As part of a “prelude” (*prooimion*), these speeches are meant “to persuade…so that he who receives the law uttered by the legislator might receive the command—that is the law—in a frame of mind more favorably disposed and therefore more apt to learn something” (4.723a-b). The matters about which the Athenian tries to be persuasive in the present case pertain to how his addressees might correctly honor what is most their own: their souls, their bodies, and their property (4.724b). He begins by reminding them that honor is to be accorded in the first instance to what is divine and that therefore the soul, which admits a kinship to the divine, is to be honored before the body and property, but second after the gods (5.726e-27a). The citizen, it seems, is to see himself within a larger whole in which what belongs to him is of small significance. To reinforce this awe-

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11 On the connection between *thumos* and the love of “one’s own,” see Pangle, “Political Psychology,” pp. 1063-64. Pangle suggests that, because *thumos* is related to self-assessment, “it represents, or is the source of, a range of phenomena, including high spirit, competitiveness, love of honor, courage, and shame” (p. 1063). Douglas Cairns, *Aidōs*, pp. 49, 383-88, similarly adduces evidence for locating shame in *thumos*. That *thumos* can comprehend a range of self-regarding emotions, however, does not exclude the possibility of these emotions being opposed to one another. While thumos may well be the seat in the soul of both reverent moderation and spirited courage, that fact does not entail that *aidōs*-based moderation is somehow a part of spirited courage.

12 As we saw in ch. 2, the precise status of the *prooimia* is the subject of ongoing debate. For the view that they are intended to be rationally persuasive, see Bobonich “Persuasion, Compulsion and Freedom”. For the case against this view, see Stalley, “Persuasion.” Cf. Laks, “*Laws*”, whose interpretation of the preludes I find more persuasive than either of these alternatives. Laks argues that, while the preludes do aspire to rational persuasion, they betray a “pattern of ‘retreat’” that settles for appeals to pleasure and pain.
provoking outlook, the Athenian immediately disabuses his addressees of a conceit that he suspects they harbor. “There is no one among us,” he declares, “who assigns honor correctly, though we are of the opinion that we do.” Instead of changing the soul’s condition from worse to better, following the gods, the ancestors, and the laws (728c), men permit themselves a pernicious vanity and self-indulgence:

Every boy who has barely become an adult human being right away considers himself capable of understanding everything, thinks that he honors his soul by praising it, and with an eager spirit [prothumoumenos] encourages it to do whatever it might wish; whereas, according to what is now being said, this sort of behavior harms rather than honors it (727a-b).

It is this same vice that the Athenian has in view when he turns a few pages later to “the greatest of all evils for the mass of human beings.” Although he had just extolled the “high-born spiritedness” of the “real man” and perfect citizen, “the one who does what he can to assist the magistrates in inflicting punishment” (730d) and who lets his anger “have free rein” against those whose injustice is incurable (731d), the Athenian now makes a startling qualification to his praise of manliness. He warns of an evil that

…grows naturally in the soul, and everyone, by excusing it in himself, fails to devise any way to escape it. This is shown by the way people talk, when they say that every human being is by nature a friend to himself and that it is correct that he should be so. The truth is that the excessive friendship for oneself is the cause of all of each man’s wrong-doings on every occasion. Everyone who cares for something is blind to the thing cared for, and hence is a poor judge of what is just and good and noble, because he believes he should always honor his own more than the truth. Yet a man who is to attain greatness must be devoted not to himself or to what belongs to him, but to what is just—whether it happens to be done by himself or by someone else. This same failing is the source of everyone’s supposing that his lack of learning is wisdom. As a result, we think we know everything when in fact we know, so to speak, nothing: and when we refuse to turn over to others what we don’t know how to do, we necessarily go wrong, by trying to do them ourselves. So every human being should flee excessive self-love, and should instead always pursue someone who is better than himself, without putting any feeling of shame in the way (731d-32b).
It is highly significant that the Athenian does not speak here of the love of “truth” and “justice” as an extension of the love of one’s own. Rather, he contrasts the two in the strongest possible terms. To honor one’s own correctly is to see oneself as fallible, ignorant, and in need of guidance. It is, to some extent at least, to overcome the dispensation associated with thumotic courage. That dispensation may be needed to defend whatever is held to be true and just by convention, and the city may indeed be obliged to help the citizen internalize the conventional as his own, that he might suitably champion the city’s foundational beliefs. But the Athenian is clearly concerned here with the possibility that the self-love associated with thumos might become excessive, compromising political obedience.\footnote{Cf. 9.863b-c for this same concern with the excesses of thumos, which the Athenian lists along with pleasure and ignorance as one of the three sources of injustice.} Inasmuch as the humility or reverence to which he turns for succor from this threat is inspired by a disposition that curbs and opposes thumotic self-love, it cannot be understood as a part of spirited courage.

Further support for this bifurcation of civic virtue can be found in the Athenian’s restatement in the *Laws* of an account supplied by the Stranger of the *Statesman*. Like the Athenian, the Eleatic maintains that political forms of courage and moderation issue from antagonistic dispositions and must be “woven” together if they are to coexist in the city or in any particular individual. The Eleatic does show some reluctance in pronouncing this view. Like the Athenian, in fact, he allows that the “parts” of a more genuine class of virtue must not stand in an oppositional relationship at all (306b-c). Still, he insists that the virtue that is fitting for the city includes parts that are “extremely hostile to each other and occupy opposed positions in many things” (306b). To support this claim, he adduces the manner in which common opinion praises noble things for either courage or moderation, and from these expressions gleans the traits associated with the respective virtues. Things are praised for courage, he says, when they are “sharp,” “fast,” or “vigorous” while those
that are admired for moderation “happen gently” and are “quiet,” “slow,” and “orderly” (306e-07b). “These qualities,” he observes, “do not mix with each other in the relevant activities. It is as though they were the sorts of things that had a warring stance allotted to them. Moreover,” he adds, “we shall see that those who possess them in their souls are at odds with each other” (307c). According to the Eleatic, then, the animosity between political courage and moderation finds expression in the acrimony between the human types that are dominated by one such disposition or the other. This acrimony is a great misfortune for the city, which relies on the simultaneous presence in its ruling offices of the courageous and moderate types and does best when both dispositions are combined and balanced in the same persons (311a-b). Accordingly, the political art of the true statesman involves “weaving” together the citizens in whom either disposition is dominant, as well as the dispositions themselves in the souls of those with the appropriate nature. The political art accomplishes these feats, he says, by inculcating a “divine” opinion in the souls of citizens “about what is noble, just, and good, and the opposite of these…” (309c) and by fostering a “human” bond between disparate natures by means of compulsory intermarriage (310a-d).

Returning to the Laws, we find the Athenian using precisely the same terminology in setting down the desiderata of citizenship. In the prelude to the law code as a whole, he describes the “real man” as a citizen who should not only be of the spirited type, but who should also be “as gentle as possible,” qualities which he contrasts (5.731b). A few lines later, in praising the life of virtue against that of vice, he again appeals to the “gentleness” of moderation. The moderate life, he says, “is mild in every way.” Its “gentle pains and gentle pleasures” ensure that “the pleasures

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14 Cf. Statesman 308b: “Then we have found, haven’t we, what we were originally looking into, that parts of virtue of no small importance are by nature at odds with each other…” with 310a.
predominate over the griefs” (733e-34a).\(^{15}\) Significantly, the Athenian declines to make a similar case for the courageous or prudent lives, merely claiming that the lawgiver will “assert” that they too are more pleasant than painful. (He doesn’t mention the just life in this context at all.) As for the life of courage, “even” it, he says, is more pleasant than the life of cowardice because “the courageous man defeats the coward” (734c-d). This claim hardly substantiates the assertion in whose support it is ostensibly adduced.\(^{16}\) But whatever else we make of the fallacious reasoning here, the fact that the Athenian does not appeal to the intrinsic pleasantness of courage, as he had done with moderation, implies that courage and moderation are distinct psychological dispositions.

In the case of moderation, an orderly, quiet gentleness underlies the virtue that is easily seen to redound to the pleasant. The lawgiver is not hard-pressed in demonstrating its appeal. That the Athenian feels compelled to adduce a completely different account to substantiate the pleasantness of courage attests to its separate—and less obviously pleasant—disposition.

Later in the dialogue, the Athenian revisits the “real man” while discussing the young “Field Regulators” or “Officers of the Guard,” to whom he would assign responsibility for “guarding” the countryside. Every such man, he says,

…must understand that no human being would ever become a praiseworthy master unless he has been a slave, and that one should be more attentive to the adornment that comes from a noble enslavement than that which comes from a noble rule. The first enslavement is to the laws (for this is really an enslavement to the gods), and the next is that of the young to their elders at all times, and also to those who have lived honorable lives (6.762e).

Here the Athenian extols a citizenship that combines manliness with moderation, but where the latter is less an internalization of \textit{thumos} than a brake on manly self-assertion.\(^{17}\) The opposition

\(^{15}\) Cf. 3.681b-c, where the Athenian, in addressing the origin of political regimes, speaks of the mingling of clans whose customs are either “orderly” or “manly,” based on the dispositions of the “parents.”

\(^{16}\) Strauss, \textit{Argument and Action}, pp. 70-71; Stalley, \textit{Introduction}, p. 69.

\(^{17}\) For the concept of moderation as a “brake” on courage, see Balot, \textit{Courage}, p. 334.
between the two sides of manliness that the terminology of master and slave evokes could hardly be more stark. The “noble enslavement” that the Stranger praises echoes the humility before gods, ancestors, and laws that he had championed in the prelude introducing Book Five (5.726e-27a) and that had been brought forward as a check against the insolence born of thumos. Once again, we find the civic virtue envisioned in the Laws comprehending two opposing impulses.

In discussing men in whom political courage and moderation might be combined, these examples would seem to address a peak of citizenship. Elsewhere in the Laws, the Stranger discusses civic virtue with what appears to be a greater measure of realism. In these cases too we find the antagonism lying beneath the virtues, only now attributed—as in the Statesman—to separate human types rather than to parts of individuals. While touching up the prelude to the marriage law, for example, the Athenian stresses the interest the city has in “mixing” men and women whose basic inclinations tend in opposing directions. In language recalling the Eleatic’s treatment of civic virtue, he speaks of the need to unite those of more impatient, violent, and “hasty” character (thattous…ēthesi) with dispositions that are more orderly and “phlegmatic” or “slow” (braduterous, 6.773c). He likens the process to mixing wine with water in a kratēr or drinking bowl. “The wine,” he says, “when poured in, is throbbing with madness, but under the chastening of another, sober god, it forms a noble partnership that creates a good and measured drink” (773c-d). In bidding the young to think of marriage in this way, the Athenian reiterates the Eleatic’s call for a “human bond” that would weave citizens with disparate natures into a single web and echoes the latter’s account of the fundamental opposition between political courage and moderation. Courage, he implies, cannot constitute a viable basis for citizenship by itself.

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18 The Athenian returns to the prelude to the marriage law in Book Six, despite having already set down a similar prelude in Book Four (720e-21e). The two preludes are apparently intended to be combined (6.773e). Whatever the Athenian’s reasons for disclosing the two parts separately, he allows that the laws he and his companions are setting down will necessitate “touch-ups” (769a-70c, 772b-d).
Unlike the Eleatic, however, the Athenian perceives that spiritedness impedes the very mixing that would dilute its throbbing madness. Evoking his concern with the love of one’s own and the insolence that it can breed, he observes that “it is according to nature that everyone always be somehow attracted to what is most similar to himself, and because of this the city as a whole becomes uneven as regards wealth and dispositions of character” (773c-d). While the mixing in marriage of rich with poor and quick with slow might prevent this unevenness, the very proposal would seem “laughable” and “would stir the spiritedness of many” (773c), complacency and self-love being characteristic of the spirited type. The human bond envisioned by the Eleatic presumes the very mixture it would fashion. It requires people who are already “moderate” enough to accept what would otherwise seem silly. Indeed, when the problematic character of self-love had arisen in Book Five, the Athenian hadn’t looked to a breeding program for a solution. He had pointed, rather, to the humility that submits to law and respects the gods and the ancestral. The human bond of marriage that would seem the more basic cause of civic virtue thus turns out to be the more derivative; it depends on a moderation still more fundamental than that which it would ostensibly engender.

That civic virtue as a whole is rooted in this deeper moderation is also attested by the passage exhorting citizens to become like god. It opens, we recall, with the Athenian’s avowal that “he who is going to become happy follows [Justice], in humility and orderliness.” Personifying justice as the “avenger of those who forsake the divine law,” the Athenian issues a stern warning against “anyone whose soul burns with insolence,” or who “feels exalted because of riches or honors or good bodily form accompanied by youth and mindlessness,” anyone who therefore “regards himself as needing neither ruler nor any leader but rather considers himself capable of leading others.” This person, he says, will be “left behind, abandoned by the god” (4.716a). We note once
again the emphasis on humility, and especially on its opposition to manly self-confidence. The lover of human goods, not least of “honors,” seems naturally inspired with a certain haughtiness. This he must abjure if he would devote himself to “the divine law.” And to this extent, it is hardly surprising to learn a few lines later that it is “the moderate man” who is to be called “dear to god, because similar” (416d). It is moderation that moves mortals to take over for themselves a law that is divine, a law that communicates the divine perception of the just and unjust things.

There is, then, considerable textual evidence against reducing civic virtue to courage. Not only does the Athenian draw a sharp contrast between courage and moderation, but he conceives of moderation as the more fundamental of the two political virtues. It is the self-doubt with which he associates moderation that ennobles thumotic manliness, that curbs the self-love that political courage otherwise helpfully arouses. The devotion to duties that seem self-effacing, to laws that demand painful deeds, depends on internalizing an alien perspective. Civic virtue must therefore admit a double movement: first away from and then back towards the love of one’s own. Civic virtue is bifurcated. On its own, it fails to be a unity.

**Moderation as Reverence**

Even so, if civic virtue consists in becoming divine, then it may well achieve a certain unity after all. The Athenian tells us that it achieves a kinship to the divine in its subordination to law, so perhaps something about obeying law equips the citizen with virtues that he would not otherwise acquire. Perhaps, in political life, virtue can be a unity only insofar as the city is a unity as well, insofar as the community achieves the *sumphōnia* or “consonance” of which the political man falls short. To investigate this possibility, we need to inquire further into the relationship between virtue and lawfulness, as well as into the origins of law at its best.
On the question of how civic virtue produces lawfulness, we can draw to some extent on our inquiries in previous chapters. In Chapter One, we saw that the Athenian’s interest in augmenting the authority of *nomos* can be explained in part by the demands of political stability in traditional, pre-modern societies. He takes for granted that the natural multiplicity of claims to esteem poses a threat to political life. He assumes that these claims imply “titles to rule” (3.690a-c). Each points to a way of life that it would have the community exalt above the others and that would determine the sort of person most deserving of respect. Stability, he suggests, demands consensus on what is most admirable and therefore most deserving of rule. Yet such consensus will be forthcoming only if citizens can withhold claims they might make on behalf of their own distinctive traits. Only if the most admirable trait is held to reside in a “divine intelligence” will ethical consensus be possible. According to the Athenian, then, the highest virtue must be projected beyond the human things if citizens are to compete for esteem consistently on the same terms, refusing to challenge the hierarchy of esteem itself. And since reverence is the virtue keeping men from transgressing what is allotted to gods, reverence is the ingredient needed to forge the consensus after which traditional society strives.

In Chapter Four, we delved deeper into the political psychology of reverence. We saw that the Athenian’s measured praise of the Egyptians points to a close relationship between reverent awe and the ancestral. On the one hand, ancient things inspire awe by availing themselves of a tempting fallacy: that persistence implies perfection. Customs that seem to have endured unchanged for time out of mind acquire a sheen of flawlessness before which the things of the present seem low and small. On the other hand, the possibility of progress threatens to expose this fallacy. Customs that will be revered reliably must therefore “sanctify” the ancestors, those from whom they are thought to have been received. In adhering to these practices, the Egyptians...
managed to sustain their conventions “for ten thousand years” (2.656e), or so the Athenian maintains. He duly recommends their approach to the lawgiver. By ensuring that the lawful inspires awe, the lawgiver might bind citizens more reliably to the customs that he would set down.

But while we have examined passages attesting to the close relationship between reverence and lawfulness, does the Athenian really mean to identify reverence with moderation? Further inquiry into the argument in the first books of the dialogue confirms that he does. We saw in Chapter Four that the image of the drinking party preoccupying these books is intimately connected to the cultivation of both reverence and intelligence. The Athenian implies that well-governed symposia are models for educational institutions that might accomplish contradictory purposes. They would “put awe in the soul” just as a doctor puts “medicine” into the body (2.672d). At the same time, however, they would release a few from reverence altogether. It should not escape our notice, then, that the drinking party model is said to illuminate how one might educate for “moderation” (1.636e), nor that the Athenian reiterates this claim in concluding the discussion of drunkenness. It has been pursued, he says, “for the sake of moderation” (2.673e). Reverence is similarly linked to moderation in the exhortation to become like god. The man who imitates god is said to do so “in humility and orderliness.” He is a “follower” who regards himself as needing a ruler and leader. Accordingly, the Athenian calls him “moderate” (716d).

But the most compelling evidence that moderation is to be linked to reverence emerges from the argument in Book Three. There, Plato continues to use the drama to reflect the twofold function of “drunkenness” while his Athenian anticipates the argument of Book Seven concerning mortal nature and the utility of the ancestral. But whereas the argument in Book Seven had pointed to reverence while reassessing the seriousness of the human things, the argument in Book Three is devoted in large measure to moderation and its connection to reverent awe.
The Athenian initiates this argument by situating the origins of political life against the background of cosmic time and the terrible vulnerability that preceded human civilization. By inviting the Dorians to ascend to this inhuman “viewpoint” (676a), he draws them (and us) out of the comfortable oblivion with which founding myths frequently enshroud the past. He reminds them of what had to be forgotten in order for civilized life to proceed (682b-c).\textsuperscript{19} But he does so without giving any ground to their vanity. He suspends their reverence for the founding myths, but makes them more insistent on his leadership (702b-d). Here we find another instance where the action of the dialogue reflects its argument. Like the prelude to the impiety law, the viewpoint of cosmic time puts awe in the soul even as it invites a certain insolence. Drinking the Athenian’s wine, the Dorians boldly follow him to a prospect from which their lawgivers seem more prosaic (693a-b) and the act of lawgiving more extraordinary, indeed “the most perfect of all tests of manly virtue” (4.708d). The Athenian thus assumes the place of Lycurgus and Minos in his companions’ esteem. They become tame and obedient to his advice, now that he has led them into a vision of the whole that is frightening and desolate. On the other hand, the “drunkenness” that his cosmic viewpoint solicits allows for reflection upon the untruthfulness of edifying genealogies in general, including that which Magnesia would attach to its own customs—the one pronouncing them “divine” and immutable. The drama of Book Three thus reflects the double function of the well-instructed symposium: to inspire reverence in some while freeing others from its grip. And given what the Athenian has said about the education that drunkenness might confer, this correspondence to the symposium model implies a training in moderation. It is “a moderate old man’s game concerning laws” (3.685a).

Turning from the action of Book Three to its argument, we notice the identification of reverence with moderation becoming gradually more explicit. The Athenian claims to be assuming the cosmic viewpoint so that the company might perceive “the cause” (tēn aitian) of all political transformations, in particular the cause responsible for the rise and fall of regimes and for their becoming better or worse (676c). Asking his companions to imagine “the vast and frightening desolation” that must have once consumed the human race (677e), he points to the origin of the most primitive kind of virtue. Because of the small population, abundance of land, and lack of technical skill, men in those days must have been like those with “the most well bred dispositions” (679b-c). Corrupted by neither wealth nor poverty, they possessed a crude justice and were without envy or ill will. Above all, he says, “they were good on account of…what is called naïve simplicity” (tēn euêtheian, 679c2-3), which seems to have rendered them exceedingly credulous:

Whenever they heard something was noble or something was shameful, they in their simplicity (euêtheis) considered what had been said to be the very truth and believed it. No one had the wisdom, as they do nowadays, to know how to be on the lookout for lies. They believed (nomizontes) that what they heard about gods as well as about human beings was true, and lived according to these things (679c).

In treating euêtheia as a virtue, the Athenian echoes his ambivalent praise of the Egyptians. Like the simpletons of the original desolation, the Egyptians revere customs “that are pretty poor,” that are lacking in intellectual leadership. Still, because they scrupulously preserve the appearance of

20 He might also seem to anticipate the Rousseauian notion of the noble savage. However, as Brent Edwin Cusher, rightly observes, “the Athenian does not suggest that the sources of injustice are unique to life in regimes, such that the forces of civilization create or develop passions in men that were absent in the beginning.” He does not say that the simpletons lacked pleonexia or philonikia. Rather, he says that they lacked the motivation to arouse and act on them (677b), like latent capacities that remained undeveloped. See Brent Edwin Cusher, “From Natural Catastrophe to Human Catastrophe: Plato on the Origins of Written Law,” Law, Culture, and the Humanities 9, no. 2 (2011): pp. 282-83. This observation leads Cusher, following Seth Benardete, Plato’s “Laws”: The Discovery of Being (Chicago: University of Chicago Press, 2000), p. 93, to suggest that the need for law is latent in the simpletons’ way of life, law being necessary to restrain the passionate sources of injustice. Neither Cusher nor Bendardete connects this observation to the Egyptian art of reproducing innocence by sanctifying law, but their claim that the simpletons’ example points to law is attested by the artifice that the Egyptians practice.
legal stability, the Egyptians have inherited something of the simpletons’ innocence. To a degree, “they neither remember nor have heard that things were ever otherwise than they are at present.”

That is why, in the Egypt of the *Laws*, “the entire soul reverences and fears changing any of the things that are already laid down” (7.798b). Believing in the city’s “lies,” the Egyptians are awestruck by the city’s ways. Innocence would thus seem praiseworthy because it allows for reverence. But as the example of both the Egyptians and the survivors of the cataclysm attest, reverence is praiseworthy only if shown to things worth revering. It is a virtue, a popular moderation, only when it follows and is educated by *nous*.

This vital point occupies much of the Athenian’s argument in Book Three, beginning with the humbling of Megillus at 686c and following. Here, he isolates in Megillus “an error that affects all us human beings,” just as he will later reveal in Kleinias a tragic flaw. This error, he says, consists in overestimating dependent goods. It is betrayed in Megillus by his assumption that one becomes happy by “performing many amazing deeds” with the help of “something big, with a lot of power and strength” (686e-87a). When someone speaks this way, the Athenian reasons, “he does so with a view to the fact that through this thing one might gain all, or most—and the worthiest part—of what one desires” (687b). This is perfectly understandable, for don’t “all human beings have one desire in common?” Isn’t this the desire “to have things happen in accordance with the commands of one’s own soul—preferably all things, but if not that, then at least the human things” (687c)? Having agreed that this is so and that this common desire explains the attractiveness of everything “big” and powerful, Megillus is subsequently embarrassed, for the Athenian is able to

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21 Consider once again the testimony of Herodotus. The Egyptians, he says, “are the greatest record-keepers of any people with whom I have been in contact” (2.77), but they do not preserve any memory of customs different from those they presently revere. “They follow their fathers’ customs and take no others to themselves at all” (2.79). Cf. 2.2. Translations from the *History* are drawn from David Grene, trans., *The History of Herodotus* (Chicago: University of Chicago Press, 1987).
show that this desire is irreverent. It implies that one already knows what to “wish” for and entails a “prayer” (687c-e) that “all things”—including the divine things—accord with one’s own wishes. It entails a gross overestimation of one’s own importance. And it betrays a reckless imprudence. Just as a father should never pray the gods grant all the wishes of his foolish son, so the human being should never gratify all the commands of his mortal soul. Only a god might “be eager to have everything follow his own wish.” For man, it is “dangerous” to pray. As the related puppet image attests, man is dominated by “imprudent counselors.” The only safe prayer that he can utter is “to have his wish follow his prudence” (3.687e), which in his case must be identified with “law” (1.645a-b) and emphatically not with the wishes of his soul.

Although the Athenian goes on to speak of “wisdom,” “prudence,” and “intelligence,” he paradoxically combines intellectual virtue with innocence. He decries “the ultimate and greatest ignorance,” but locates it in the “dissonance of pleasure and pain on the one hand, and the opinion that is according to reason on the other” (689a). Our suspicion that “ignorance” is immoderation is confirmed when it is likened to the majority’s refusal “to obey the rulers and the laws.” In both cases, “the part that feels pain and pleasure…opposes knowledge, or opinions, or reason—the natural rulers” (689b). The Stranger’s account of ignorance thus corresponds almost exactly to Socrates’s account of moderation in the Republic, where the latter is “an accord of worse and better, according to nature, as to which must rule in the city” (4.432a, 442c-d). Just as Socrates points to the need of medicinal lies to bring about that harmony, so the Athenian connects “ignorance” to a vulgar shrewdness that spies out and refuses the city’s medicine. Those who gratify their own souls ahead of obeying law, he says,

are to be blamed for their ignorance, even if they are shrewd at calculating and have been trained in all the elegant niceties whose natural effect is to make the soul agile. It is just the opposite sort of soul who are to be proclaimed wise—even if, as in the proverb, they “know neither how to read nor swim” (689c-d).
The Athenian thus proposes a complex identity between moderation and wisdom whose germ lies in innocent simplicity. Earlier in the argument he had been ambivalent about the merits of *euētheia*. It may have been at the root of the reverence the Egyptians showed their customs and the ancient simpletons “whatever they heard,” but the things to which it lent authority in their cases were unworthy of being followed. Only now that the venerated thing is informed by intelligence, however dimly, is the Athenian prepared to elevate innocence to a virtue. Only when it produces obedience to intellect, even if in the form of opinion taken over from law, does simplicity deserve to be extolled. Like the human goods desired by the mortal soul, the political virtues are goods that are dependent. They are virtues only by promoting what wisdom commands. But the wisdom that sees the good is not a political virtue. It hardly belongs to the human things (9.875d). If the human being is to profit from it, therefore, he must take over its diluted dispensations before attending to wishes that are his own. In political life, it is moderation that becomes wisdom (cf. 4.710a), and only if the obedience that it inspires is devoted to the counsels of the wise.

This idea resurfaces a few lines later when the Athenian praises Sparta for bestowing honors only on those whose gifts are accompanied by moderation (696a-b). Judging by the Spartan’s puzzled reaction (696b) and the critique of Sparta in Book One, the compliment is not entirely genuine. But though Megillus is at a loss as to the Athenian’s meaning, he betrays intuitions that attest to the Athenian’s claim. He agrees that courage and wisdom are worthless in the immoderate man and accepts that “what is just...does not grow apart from moderation” (696b-c). Nor, he agrees, “does the man we’ve just now set down as wise” deserve honors if he lacks moderation. His wisdom, after all, is moderation. That is why, for the political man, virtue depends on moderation rather than on wisdom. But moderation will only be “wisdom,” and thus confer praiseworthiness on itself and the rest of virtue, if the obedience that it produces is turned towards
a wisdom that is real, and not merely the commands of arbitrary tradition. The Athenian makes this point by allowing himself an indirect reproach of Sparta, and all other regimes that neglect intelligence. “Suppose,” he asks Megillus, “moderation exists alone in the soul, without any of the rest of virtue: would it be just to honor it or dishonor it?” Once again, Megillus is lost for words, but the Athenian avails himself of his perplexity to make an important point:

Ath. What you have said, at least, is measured. For if you had given either of the answers I suggested, you would have seemed, to me at least, to be speaking out of tune.

Meg. So the answer turned out to be fine.

Ath. Indeed. After all, an adjunct (prosthēma) to the things that qualify for honors or dishonors would be worthy not of talk, but of some silent sign.

Meg. You appear to me to be speaking of moderation.

Ath. Yes. As for the rest, the most correct way to apportion honors is to honor preeminently the thing which, when combined with this adjunct (meta tēs prosthēkēs), gives us the greatest benefit...We say, then, that the likelihood is that if a city is to be preserved and is to become happy within the limits of human power, it must necessarily apportion honors and dishonors correctly. The correct apportionment is one which honors most the good things pertaining to the soul (provided it has moderation) (696d-97b).

In conceiving of a moderation that “exists alone in the soul,” the Athenian reminds us of the degree to which political virtue is tenuous. Like wisdom, moderation can render praiseworthy the other political virtues. But unlike wisdom, it remains merely an “adjunct” or “prosthesis.” It confers merit only when accompanied by the wisdom of which it is an image. Genuine wisdom is not a political virtue. Moderation is praiseworthy, then, but only when it follows an intelligence that stands outside the political soul. Moreover, since the other political virtues depend on moderation, political virtue as a whole depends on the wisdom to which moderation must look. Without it, moderation is “worthy not of talk, but of some silent sign,” and so too the virtues it supports.

The Athenian does not suppose that moderation might look to wisdom as Socrates imagines it might in the Republic. He does allow that “the greatest title [to rule]” and most “according to nature” is the one “bidding the ignorant to follow and the prudent to lead and rule” (690b-c). But
he casts intellectual authority as “the natural rule exercised by law over willing subjects” (690c) and says nothing about the government of philosophers. Socrates suggests that philosophers cannot really be the objects of authority, so he says precious little about how moderation might look up to and follow philosophic intellect. But having compelled philosophy to insinuate itself into law, into a shape that can be revered by political men, the Athenian does what Socrates did not. He attends to moderation’s roots. He mixes the most natural title with the less, contorting philosophy into dogma.²² Similarly, the obedience that he foresees might be voluntary, but it does not wait on being supplied with compelling arguments. It neither presumes an equality between leader and follower nor allows for independent, rational judgment. This is because it originates in a moderation that belongs to the major part of the soul and the majority within the city. If moderation is the control of desire in accordance with reason (1.647d, cf. 2.653b, Rep. 3.339d-e, Gorg. 491d), then the Athenian has identified its political form with the correction of Megillus’s “error.” The mortal soul, he has said, is dominated by pleasure and pain at the expense of reason. But above all, it caters to the common human desire to have all things happen in accordance with its commands. Moderation, therefore, is the disavowal of those commands. It inspires political man to repudiate the wishes of his soul. And since he cannot avail himself of his own reason to accomplish this self-denial, political man must rely on his “iron cords” as “helpers.” His moderation belongs to the major part of his soul.

This last point returns us to the connection between moderation and reverence. For reverence, we recall, uses awe and shame to preserve men from hubris, from the conceit of believing themselves gods. Awe and shame are types of fear and therefore “expectations of pain.” Reverence, then, is equally a virtue of the soul’s major or popular part. We have also seen that

²² Cf. Strauss, Argument and Action, p. 9: “in legislation the higher is in the service of the lower.”
reverence might use these passions to engender obedience to law. Where law is considered supremely ancient and divinely inspired, it fills the reverent man with awe and arouses his sense of shame, moving him to show the law profound respect and deference. If the reason in accordance with which moderation controls desire is to be taken over from law, as the Athenian repeatedly avers, then here too moderation and reverence overlap.

These connections become most explicit in the conclusion to Book Three when the Stranger turns to the decline of Athens. Of old, we recall, it was on account of “Awe” that the Athenians “were willing to live as slaves of the laws that then existed” (689b). This “fear,” which he personifies as a goddess, “sprang from the laws they already had…and [was] possessed as a result of their enslavement to those previous laws, which we have often in the arguments before called ‘awe,’ and which we claimed those who are going to be good must be enslaved to.” As is made even clearer in Book Six, the enslavement that awe creates is “really an enslavement to the gods” (762e). Awe is reverence. And it produces this salutary obedience by challenging the common human error of equating happiness with self-gratification. That is the lesson the Stranger draws from Athens’s decline. “Lawlessness” arose, he claims, once the people became “fearless” and “shameless.” And the people lost their sense of shame and fear only once they dared “to suppose that they were adequate judges” (701a) and “knowers” (701a), that the pleasant as perceived by each was the appropriate standard for the judgment of all (700e). Assuming that “everyone is wise in everything” (701a), the Athenians lost their “willingness to be enslaved” (701b), either to rulers, the guidance of elders, the commands of law, or eventually, in a condition of “ultimate freedom,” even to the gods themselves. They began to “display and imitate what is called the ancient Titanic nature” (701c), declaring war on the only things that might have connected them to the good.²³

²³ The Athenian is apparently referring to the violent insurrection led by Kronos to usurp his father, Ouranos, at the behest of his mother (Hesiod, Theog. 131-210). Ouranos names the Titans to call attention to their irreverent
Having repudiated the means of turning their mortal nature back in upon itself, and thus of resisting the commands of their own souls, the Athenians cut themselves off from the only intelligence by which they might have been guided. Neglecting moderation, they necessarily abandoned prudence as well (693c).

**Lawfulness as Godlikeness**

So far, I have tried to show that the moderation associated in the *Laws* with the imitation of god refers less to an aspect of thumotic manliness than to a disposition that opposes *thumos*, and that this disposition is identified with reverence. These points take us some way toward making sense of the enigma with which we began. Although the political man would become akin to the divine by refusing to become a god, doing so would keep him “enslaved” to law before his own “imprudent counselors.” If law can somehow be informed by the intellect that is “divine,” as the Athenian frequently suggests, then the moderate citizen might participate in the virtue that is a unity, the virtue that is led by wisdom. In lawfulness, therefore, the citizen might transcend his mortal nature. But if so, then his ethical prospects depend entirely on the extent to which *nomos* becomes philosophic *nous* (4.714a). And there are compelling reasons to doubt that *nomos* might go very far in this direction.

In the course of arguing that philosophers would rule as kings in the city that is paradigmatically just, for example, Socrates in the *Republic* adduces reasons why that proposition must seem laughable in all concrete and therefore imperfect cities. “The most decent in philosophy are useless to the many,” he says (6.489b, cf. *Stsmn*. 298a-99e). Philosophers refuse to gratify and

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pander to the people’s desires and prejudices. Even if the people were willing to heed philosophers, Socrates famously suggests that philosophers would be reluctant to assume political office. In practicing philosophy, he suggests, philosophers believe themselves “to have emigrated to a colony on the Isles of the Blessed while they are still alive” and so are unwilling “to act” (7.519c). Meanwhile, in the *Statesman*, we find the Eleatic stranger anticipating the Athenian’s critique of law’s “shape,” only arguing much more forcefully than the Athenian that this deficiency severs law from reason. “Law,” he says,

> could never accurately embrace what is best and most just for all at the same time, and so prescribe what is best. For the dissimilarities between human beings and their actions, and the fact that practically nothing in human affairs ever remains stable, prevent any sort of expertise whatsoever from making any simple decision in any sphere that covers all cases and will last for all time (294b).

Law must consist in general rules that account for neither the myriad circumstances in which we act nor the idiosyncrasies of each individual’s needs. It cannot transmit the equity of therapeutic intellect, “for how could anyone ever be capable…of sitting beside each individual perpetually throughout his life and accurately prescribing what is appropriate to him?” (295a-b). Law’s authority, moreover, depends on appearing infallible, so law can never be seen to change or be refuted. It must harshly prosecute anyone “found guilty” of persuading others of illegal opinions. “For (so the law will say) there must be nothing wiser than the laws” (299c). Philosophic intelligence, it would seem, cannot rule in any but the very best regime, while that regime can exist among human beings only in the philosopher’s soul, if at all. At any rate, the regime of the *Laws* is emphatically “second to the best” precisely because it settles for the rule of law (cf. 5.739a with 9.87d). How, then, given these difficulties, does the Athenian imagine law tethering the city to philosophy?
My suggestion is that the *Laws* points to several ways in which law might do so, each of which responds to one of these problems. First, the Athenian shows by his deeds that a founder can be persuaded to set down laws in accordance with the guidance of a philosopher like himself, laws that would, in turn, leave room for intelligent leadership. These laws would comprehend poetic preludes that would “make two speeches about one subject,” as we saw in Chapter Four. By insinuating such speeches into its otherwise authoritative pronouncements, law might solicit the inquiries of budding philosophers to come. Furnishing them with contradictions to ponder, it might permit certain promising minds to free themselves of its own authority, provided they do not cast doubt publicly on the dogmas that they privately repudiate (cf. 10.909d). On the other hand, law might set up a “council” for the highest officers in the city, ostensibly to solidify their grasp of the sacred beliefs that law encompasses. But this council would do its best to include philosophers—incognito—among its members who could then follow the Athenian’s example, it having been set down in the sacred writings. Disguising themselves as partisans of the city, or friendly strangers from abroad, men equipped with special insight into the aims of divine law, they might lead their official counterparts in the exercise of their civic duties. In this way, the administration of law might become less rigid and more attentive to circumstance. Law might go at least some way towards becoming “the distribution ordained by intelligence,” and not merely resemble “some self-willed and ignorant person” (*Stsmn.* 294c). Finally, by allowing the philosopher’s intelligence to govern the city indirectly, this council would also release him from having to assume political office himself. It would authorize him to inform the city, as its “head,” without having to become

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24 In taking this view, I part company with those who maintain that law at its best does articulate true beliefs, that is, imprecise but accurate opinions that reflect essential “value properties,” i.e. something very close to “forms.” See, e.g., Bobonich, *Plato’s Utopia Recast*, pp. 8-10, 95-97; Edward C. Halper, “Soul, Soul’s Motions, and Virtue” in *Plato’s Laws: From Theory into Practice*, Samuel Scolnicov and Luc Brisson, eds. (Sainkt Augustin: Academia Verlag, 2003), pp. 257-67.
a part of its body. Saving philosophers from the burden of rule, the council might save the city from its own complacent ignorance.\(^{25}\)

Before investigating these various “solutions” any further, though, it is important to remind ourselves of a vital caveat to any optimism that the Nocturnal Council might seem belatedly to introduce. The Athenian is hardly proposing some certain means of enlightening the law. While “intelligence…should rule over everything, if indeed it is true and really free according to nature,” he never takes back what he says about the need for dogma nor about law’s dogmatic shape. “Intelligence,” he says, “is nowhere or in any way, except to a small extent. That is why one must choose what comes second, order and law—which see and look to most things, but are incapable of seeing everything” (9.875d). Law could become informed by the small intelligence that humanity might acquire, and indeed that is the best hope the cities have. But that hope is very limited; law will never see to “everything.” The philosophers who in the very best and rarest case might counsel the law’s “guardians” can do so only if they conceal their own philosophic outlawry.\(^{26}\) They cannot rule openly and, even if they could, they cannot be everywhere at once, at all times “prescribing what is appropriate.”

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\(^{25}\) Cf. Andrew, “Descent,” p. 515 for the suggestion that the Laws be read “as an elaborate projection of political institutions to free philosophers from the technical magistracies…if subordinates are properly educated and competent appointments are made, philosophers would not have to comport themselves as technocrats, social engineers or managers.”

\(^{26}\) The Athenian first mentions the office of the “Guardians of the Laws” (nomophulakes) at 6.752e, apparently referring to the city’s “first rulers.” Klosko, “The Nocturnal Council,” pp. 76, 81, 85, recognizing a parallel with the “guardians” (phulakes) of the Republic, maintains that the office implies an equivalent kind of sweeping power, an implication that he claims to find confirmed in the discussion of the Nocturnal Council, a body which would include the ten oldest of the guardians. But, as Lewis argues in “Platonic Political Philosophy,” pp. 9, 15-16, following Morrow, Plato’s Cretan City, pp. 510-14, the Council itself does not have any specific powers. It rules only through the duties of its various members, duties assigned independently of its own prerogatives. Its membership, moreover, is hardly confined to the nomophulakes (12.951d) who, in any case, are to regard themselves—qua “rulers” (archontes)—as “servants” (hupēretai, 4.715d, 12.968a) which calls to mind the “auxiliaries” (epikouroi, but also hupēretai, 552d), not the “guardians” of the Republic. For this point, see Fraistat, “Authority,” pp. 12, 17. For my part, I argue below that the role occupied by philosopher-kings in the Republic is rather divided in the Laws between the subphilosophic nomophulakes (along with the other office-holders) and the “divine men” with whom their deliberations on the Nocturnal Council would hopefully proceed.
Above all, the genesis of the regime that philosophers would have a hand in leading is exceedingly contingent. The Athenian does not imagine that he or any other person might so subordinate nature to art as to guarantee its coming into being, or even to ensure the likelihood of its emergence. From his empyrean viewpoint, the human things are tragic, unworthy of great seriousness. Through the prism of cosmic time, human affairs are ephemeral and human art is weak. That is why he warns Kleinias, as they begin to fashion the city in speech, that he scorns the “manly virtue” of which lawgiving is “the most perfect test” (4.708d). “When I go back over and consider lawgivers again,” he says, “I’ll probably say something belittling about them” (708e). For upon reflection,

no human being ever legislates anything, but that chances and accidents of every sort, occurring in all kinds of ways, legislate everything for us. Either it’s some war that violently overturns regimes and transforms laws, or it’s the baffling impasse of harsh poverty that does it. Diseases too, make many innovations necessary, when epidemics occur or bad weather comes and frequently lasts many years. If he looked ahead to all these things, someone might be eager to say what I just said—that no mortal ever legislates anything, but that almost all human affairs are matters of chance (709a-b).

The Athenian’s skepticism about human art leads him to characterize the genesis of the best practicable regime largely as a matter of luck. He allows that “the pilot’s art is a great advantage when it comes to operating with the opportune moment in the midst of a gale” (709c), and he reintroduces a measure of hope by pointing to the possible providence of “god” (709b, 710d, 712b). But he says of the lawgiver “who possesses the art” that he will have “to pray…for that which, being available to him through chance, would make nothing lacking” (709c).

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27 It is worth noting the sharp contrast between this view and that taken by the early modern followers of Machiavelli and Bacon, who saw little or no limit to the potential mastery that technique might acquire over nature.

28 Cf. Arist., Pol. 7.13.9: “We pray for the city to be constituted on the basis of what one would pray for in those matters over which fortune has authority.”
Indeed, when we consider the setting of the dialogue, we readily appreciate just how contingent is the rhetorical success that the Athenian himself finds with his colleagues. Despite hailing from cities with considerable enmities towards Athens, some deeply inscribed into their mythical self-understanding (706a-b), the Dorians are amazingly friendly towards him. Megillus, we learn, has from the time he was young harbored “a friendly disposition” towards Athens, “as if it were a second fatherland” (1.642b). He is used to thinking highly of that city and defending it before his countrymen, he says, his own family having served as proxenoi or state-appointed patrons for Athenians living at Sparta. Kleinias, too, has a surprising Athenian connection, claiming as an ancestor Epimenides, the mythic ally of that city (642d). Consider, moreover, that the commission to found a new colony with which Kleinias and his colleagues have been charged allows them to establish novel laws “if we discover some…from elsewhere that appear to be better” than the ancestral customs of the Knossians (3.702d). In these and other ways Plato asks us to wonder whether the Athenian might have succeeded in taming his companions had he lacked the propitious opportunity that the dialogue presumes.29

Despite these caveats, however, the Laws does imagine ways in which nomos might mingle with nous, to the same degree that art might play a role in human affairs, however “gentle” and “soft” this role might be (cf. 4.709c with 1.645a). First, law might progress towards intelligence if it originates in a philosophic mind. This possibility is entertained in speech by the Eleatic Stranger in the Statesman (297d), but it is put into deed by the Athenian in the Laws.30 As we saw in Chapter Four, he uses at least two kinds of rhetoric to subordinate the lawgiver to his counsels. He presents himself as a prudent patriot of Athens, a man whose apparent love for his country makes him more

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29 To be sure, the opportunity that the dialogue conceives is not perfect. Kleinias, for example, must share in the founding with nine other men, none of whom is present during the conversation with the Athenian.

30 Fraistat, “Authority.”
respectable to genuine patriots like Megillus and whose manifest knowledge of political things makes him more useful to ambitious glory-lovers like Kleinias (cf. 12.969a). But he does not simply allow himself to be used by these political men to gratify their own desires more effectively. Rather, he diminishes their self-confidence by manipulating their sense of shame. The Athenian “intoxicates” his companions with illicit inquiry into the origin and legitimacy of their native regimes. The metaphorical (and perhaps literal) drunkenness that he provokes in them invites the expression of certain shameful attitudes and desires that he is then able to exploit. Kleinias, for example, under the influence of the Athenian’s “wine,” shows himself profoundly naive about the task with which he has been entrusted. Again and again, the Athenian brings to light enormous problems that a lawgiver will have to address if his city is to persist and thrive, problems that the Cretan had not at all anticipated (6.751b-52a, 7.792b-c, 10.885e-86b, 12.963b-65e). He thus fills Kleinias with awe at the real magnitude of what he has resolved to do and shame at the superficial study that he has thus far given the task. Suitably impressed by the Athenian’s much greater thoughtfulness about these matters, Kleinias eagerly submits to his leadership.

Securing the lawgiver’s obedience is essential to the Athenian’s purpose because the laws that he would have Kleinias set down would never otherwise come into being. We have already seen how these laws would endow themselves with authority by likening themselves to the divine, by humbling their mortal subjects, and by gratifying the human longing to perceive in nature an edifying, cosmic order. They would thus replicate the obedience that the Athenian inspires in his Dorian interlocutors, reducing citizens and rulers alike to their “guardians” and “slaves.” We have also seen how such laws would accommodate themselves to the philosophic quest, attaching to themselves poetic preludes that comprehend fruitful contradictions. But the most important way in which such laws would see to their own mingling with the nous that is “divine” would be in
setting up a special body such as the one the Athenian proposes in the concluding books of the dialogue. Although this “Nocturnal Council” or “nightly meeting”\(^{31}\) is anticipated in several oblique remarks earlier in the work,\(^{32}\) it is mentioned explicitly only in the concluding passages of Books Ten and Twelve. In both places, we are supplied with hints, not only that the council’s membership will include philosophers or potential philosophers, but that their association with the non-philosophic members might “save” the city. My claim is that the nocturnal council would fulfill this promise by cleaving to the model of the drinking party. In the name of cultivating moderation and a firm understanding of theological dogma, it would permit an intoxicating parrhēsia. This freedom of speech would, in turn, make possible a certain friendship between the philosophic and political members, between the just and unjust men. It would help some to keep their minds from enslavement to customary beliefs. And it would allow others to be still more enslaved to lawful opinion, but under the tutelage of the men who are free, if suitably disguised.\(^{33}\)

We can begin to see how the nocturnal council would accomplish these contradictory goals by recalling the paradoxical rhetoric of the impiety prelude in Book Ten. As we saw in Chapter Four, this prelude undercuts the authority of the city’s religious dogmas, at least for those who will obey only rational justifications. It sets down a detailed account of the atheistic arguments that it ostensibly refutes, dissolving the innocence-based reverence that assimilates the conventional to the natural. It would undo some of the drunkenness that it arouses, “persuading the men in some sense to hate themselves” (907c, cf. 887a), filling them with awe at the justice that the gods are said to guarantee (904c-d, cf. 9.872d-73a), and supplying them with hope that lawfulness pays

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\(^{31}\) This is one of the alternative translations suggest by Lewis in “Platonic Political Philosophy,” p. 15.

\(^{32}\) At 1.632c, for example, the Athenian suggests that laws said to originate in the divine must be set up with “guards—some grounded in prudence, others in true opinion—so that intelligence will knit together all these things and many declare that they follow moderation and justice but not wealth or love of honor.” The “Dionysian Chorus” in Book Two may also anticipate the Nocturnal Council.

\(^{33}\) This would explain the Athenian’s assertion that moderation, prudence, and friendship are goals that “are not different but the same” 3.693c. cf. 1.627e-28a.
satisfying wages. But for a few, these “mythical incantations” will not put the genie back in the bottle. Having set down the prelude, the Athenian duly proceeds to discriminate between the various “unmeltable” souls (cf. 9.853e). On the grounds that he has identified three kinds of impiety, he proposes a type of punishment for each kind. But he introduces a further and more important distinction as well, isolating those whose disbelief is sincere and “full of frankness” from those whose impiety originates in a “lack of restraint as regards pleasures and pains” (908c). The latter, he says, may “possess strong memories and sharp capacities to learn.” But they are not really philosophic, for their freedom from customary opinion remains enslaved to their mortal nature. Their beliefs originate in their bodily appetites and serve to justify their self-gratification. It is highly significant, then, that the Athenian rehabilitates the former, sincere atheists. He allows that “a naturally just disposition may come to characterize the man who doesn’t believe the gods exist at all” (908c). Whereas the unjust atheists are to be severely punished, those whose impiety is frank are to be sent to the “Moderation-Tank,” where they are to speak with no one besides “those who share in the Nocturnal Council, who are to associate with them for the purposes of admonishment and the salvation of the soul” (909a).

This is a curious sort of punishment, especially given what we learn in Book Twelve concerning the Council’s primary duties. There, the Athenian calls it “the council of those who will keep watch over the laws” (951d) and the “safeguard of the regime and laws” (960d, e). It would be composed of priests who have obtained prizes for excellence; the ten eldest “Guardians of the Laws”; the “Supervisor of Education,” along with his living predecessors; and a group of

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34 Throughout the dialogue, the Athenian has spoken highly of those capable of autarkic or “natural” virtue, those who—like the gods in fact—can “follow reason” without need of law (1.645b, 8.835c, 9.875c-d, 12.951b; cf. 1.642c-d). Who are these people if not philosophers, or potential philosophers? As Ronald Beiner has pointed out to me, the Athenian’s claim that atheism and justice are not incompatible undermines the widespread assumption that it was Pierre Bayle who first articulated this view in the Western theory tradition.
young men, one of whom is to be invited by each of the older members. These details, together with the duties described in Book Ten, suggest that the Nocturnal Council would serve a primarily conservative function, vaguely akin to the “Assembly of Experts” and “Guardian Council” in contemporary Iran. But the Athenian immediately dispels this impression. Its members, he says, are to spend their time in intimate association and conversation (sunousia kai logoi, 951e5-52a1), discussing not only “laws and their own city,” but “anything they may have learned elsewhere that is different (allothi…ti) and pertains to such matters” (952a1-3). Indeed, he takes up the Nocturnal Council in Book Twelve in the midst of considering how the city might receive visiting foreigners (12.952d-53e) and its own “observers” (theōroi, 951d-52b). These latter, he says, must be sent abroad to examine the customs of other cities, and especially to seek out “certain divine human beings,”

...whose intercourse is altogether worthwhile, and who do not by nature grow any more frequently in cities with good laws than in cities without. These the inhabitant of cities with good laws, if he’s uncorruptible, must always seek and track down, by going out over sea and land, in order to place on a firmer footing those legal customs that are nobly laid down, and correct others, if they are lacking something. For without this observation and search a city will never remain perfect (12.951b-c).

It would seem that the intelligence that the city needs does not emerge from the civic education that “good laws” would confer. In order to guard its laws properly, the city must accept them “by knowledge and not solely by habits” (951b3-4). But such knowledge implies seeing beyond the law. A knower would have to perceive the law’s “goal” (virtue, 963a3) in a way that transcends any of its particular (and therefore limited) instantiations. He would have to know this goal in a

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35 For a scholarly analysis of these institutions, see Saïd Amir Arjomand, “The Kingdom of Jurists: Constitutionalism and Legal Order in Iran,” in Rainer Grote and Tilmann J. Roder, eds., Constitutionalism in Islamic Countries: Between Upheaval and Continuity, (Oxford: Oxford University Press, 2012), pp. 147-70.

36 Lewis, “Platonic Political Philosophy,” p. 5 n. 13, notes the erotic implications of sunousia, which is used to indicate sexual intercourse at 838a6, b4, and e6, and is associated with “the initiation of younger men by older ones into archaic Greek cultural practices, which initiation sometimes involved pederasty.” This association also reminds of the symposium metaphor, although Lewis does not draw any such connection.
non-contradictory way, in accordance with its “idea” (965c2). He would therefore have to perceive the law for what it really is, at best a dogma and shadow of the living truth. That is why he would also have to be “uncorruptible,” someone who, despite throwing off his reverence for law, would persist in being just and friendly towards the city, someone who would resemble the god comprehensively, being good “naturally,” without the artifice of law (cf. 1.642c-d, 645b; 8.835c; 9.875c-d). The need for such a person would also explain the council’s openness to foreign ways and illegal opinions. Seen in this light, the “punishment” of the naturally just atheist appears less a means to his “salvation” than a cooptation of his philosophic spirit. By tracking down such people, receiving any who might come to the city, and discussing their opinions, even those that disagree with the community’s customary beliefs, the Nocturnal Council might supply the city with a “head” (961d, 964d), an organ capable of rising above reverential awe and passionate devotion.

Despite the Athenian’s characterization of the Council’s duties as deliberative, readers have sometimes understood its belated introduction as a repudiation of the rule of law defended in the rest of the dialogue. In taking this view, scholars have been impressed by Aristotle’s remark that the Laws brings the regime around by degrees toward the Kallipolis of the Republic (Pol. 1265a4-5). Aristotle seems to confirm that the Council would ultimately rule the city directly, and with despotic power. This reading may also be supported by the Athenian’s claim in the closing passage of Book Twelve that “if, indeed, this divine council should come into being for us, dear comrades,

38 Cf. Rep. 7.536c-d: youth is an advantage in philosophy.
the city ought to be handed over to it” (968d). If the Council really does amount to a reintroduction of philosophic despotism, then the coherence of the Laws would seem to be profoundly compromised. If the work reneges on the commitment to the regime ruled by law rather than men, then it simply revisits the old problem that philosophers do not want to rule, in spite of the concern with real politics suggested by the drama of the text. And since no explicit provision is made for the Nocturnal Council to govern the city, its introduction seems a kind of afterthought or even a “useless appendage to Plato’s construction.”

These worries need detain us, however, only if we assume the rule of law and the rule of philosophic intellect to be mutually exclusive. In fact, the most important innovation of the Nocturnal Council suggests that they are not. The Athenian is clear that membership in the Council is not to be confined to the “divine” and “uncorruptible,” but is to consist mostly of the distinguished political men of the city, along with whichever younger citizens they might invite to join them. As Glenn Morrow and V. Bradley Lewis have argued, it is only through these officers that the Nocturnal Council is conceived as “ruling.” While the Council is never assigned any political prerogatives, the officers that make up much of its membership are. It is they, in their capacities as priests, guardians, supervisors, and auditors, who make effectual whatever sage advice the Council’s deliberations might throw up. By allowing their guardianship of the law to be thus informed, these official members might permit the law to become more flexible and attentive to circumstance. Although they, as “human beings,” cannot depart from law without

40 Morrow, Plato’s Cretan City, p. 510, discussing the views of predecessors such as Zeller, Sabine, and Barker. See n. 24 above. Despite Klosko’s objections, Morrow’s view has prevailed with most interpreters. See Charles Kahn, Review of Plato’s Cretan City, Journal of the History of Ideas 22 (1961): p. 421; Piéart, Platon et la Cité, p. 232; W.K.C. Guthrie, A History of Greek Philosophy, vol. 5 (Cambridge: Cambridge University Press, 1978), p. 369; Hall, Plato, p. 134; and Stalley, Introduction, p. 112. I disagree with Morrow, however, inasmuch as he maintains that the education that the political officers on the Council would receive is intended to make them more philosophical. Again, if to be philosophical is to think outside the law, then that would preclude all but the most “divine” men, men who “grow” by nature, irrespective of civic education, and who are too rare and averse to politics to fill the offices that comprehend most of the Council’s membership.
bungling their responsibilities and “irrationally fleeing pleasure and pain” (Laws 9.875b-c), they can pass their lives “in unbroken obedience to those writings in which the lawgiver legislates, praises, and blames…writings that reveal what seems noble and ignoble to him” (7.822e-23a). By thus distinguishing the intention from the letter of law, the Athenian makes room for political prudence and judgement without disrupting the reverence in which the law is held. The guardians of law will become “lawgivers” in their own right (6.770a), but only as “pupils” charged with “[filling] in the outline” of the lawgiver’s awesome purpose (6.770b-c). They will assume their offices as servants or even “slaves” (4.715d) of law, but will nevertheless exercise a certain discretion in its implementation. Accordingly, the object of their duties in the city—“the virtue of soul that befits a human being” (770c-d)—reflects the subject of their studies on the Nocturnal Council. Beginning every one of their days with its meetings (12.951d), the law’s guardians are well placed to implement its advice and fine-grained analysis. And above all, their presence on the Council allows the purveyors of this sage counsel to inform their government without having to rule in their stead. It is precisely because the Council itself is not assigned any legal powers over the city that it is able to be its “savior.”

These points shed some light on how law might become “the distribution ordained by intelligence” (4.714a), not merely in its inception, but in its ongoing administration as well. We are, however, still left with the question of how the law’s administrators could accept the extraordinary subordination to which the Athenian would subject them. If rulers, compelled by mortal nature, characteristically rule for themselves at the expense of those they govern, as the Athenian has pointed out repeatedly (3.691c-d; 4.712e-13a, 714b-15b; 9.875a-c), then what distinguishes the rulers of the second best regime so as to release them from this temptation? Indeed, one might suspect the rulers of this city of being especially prone to abusing their
discretionary powers. After all, they and the young men whom they invite are to attend nightly meetings where novel—even impious—ideas are discussed. Will these frequent exposures to subversive ideas not corrupt all but the most philosophic souls, delivering the rulers into a corrosive skepticism about the conventional beliefs that they are charged with guarding (cf. Rep. 7.537d-39c)?

The issue has not escaped interpreters of the Laws, but as far as I am aware none has appreciated the importance of reverence to the Athenian’s solution. Reverence, we recall, as part of the drinking party model, is a “safeguard for…education” (2.653a). It is put into the soul like a medicine when, through “drunkenness,” men lose their “sober” inhibitions, allowing themselves to say or do things from which they would ordinarily shrink out of shame and modesty. By thus reducing grown men to “children,” institutions modelled on the well-run drinking party can renew the slavery to law that abates with age (cf. 2.653c with 665d-666c with 671be), that retreats before experience and power. Accordingly, “the prudent lawgiver would…urge the elderly to be ashamed before the young” (5.729b). Encouraging these most self-confident citizens to lose their dignity before watchful eyes, “someone who possesses the ability and the knowledge required to educate and mold souls” might renew in them the “divine fear” that preserves the authority of law (2.671b-d).

I want to suggest that this same mechanism is envisaged in the operations of the Nocturnal Council and is assigned responsibility for keeping its political officers in line. Although the

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42 Most have followed Morrow in stressing the “scrutiny” and “audit” placed on the city’s magistrates, measures that seem intended to select the most devoted citizens for high office and to threaten any who might undermine the laws. See, e.g., Bobonich, Plato’s Utopia Recast, p. 408. But even if the city succeeds in electing officers who excel in devotion to its foundational beliefs, such “virtue” would seem an insufficient qualification for the Nocturnal Council. The more one is devoted to the established laws, the less open he will be to the philosophical leadership that would critically examine them. Others (Pangle, e.g.) have suggested the city’s rulers will be like Kleinias: their ambition would open them to the critical scrutiny of law. But the appeal to philotimia engenders the same problems that we confronted when discussing the thumos of the citizen: the pride characteristic of thumotic men makes it difficult for them to disavow their own perspicacity.
Council will discuss subversive ideas, the Athenian implies that these discussions will transpire behind a protective rhetoric. One of the chief purposes of the Council, he says, is the education of its members “to be more precisely accurate than the many, in deed and word, concerning virtue” (12.964d) and to “become firmly pious towards gods” (967d) by laboring “to grasp every proof that exists concerning [them]” (966c). The sanctity of the laws ultimately depends on the ability of their “guardians” to protect them with persuasive speeches. But, surprisingly perhaps, this ability does not presuppose any philosophical dispensation. The elderly guardians are merely “an image of intelligence” (965a). Their education does not transform them into lovers of wisdom. “The fact is, there are always among the many certain divine human beings…who do not by nature grow any more frequently in cities with good laws than in cities without” (951b-c). Philosophy emerges despite—not because—of “education.” Still, civic education can be reinforced by philosophy. As the metaphor of the drinking party attests, bringing to light “shameful”—i.e. illegal—words can strengthen devotion to the customary beliefs that such words would otherwise threaten. In the name of teaching moderation, men can get drunk on impiety. It is no accident that the Athenian in Book Twelve calls the Nocturnal Council what he called the symposium in Book Two, a “safeguard” of education and the laws (960d). Like a “correctly instructed” banquet, it is a place where reverence for the laws is put into the soul by airing irreverent ideas and shaming their transmitters.\footnote{If this is right, then there is a rather comic irony to the whole notion of incorporating the “Moderation-Tank” into the Nocturnal Council. Its purpose would be as much about embarrassing and therefore moderating the complacent old as about teaching a more philosophical moderation to the haughty young.} It hears transgressive arguments ostensibly for the sake of punishing their youthful promulgators and blaming any of the venerable greybeards to whom they may have become endeared. On the other hand, the heady, confusing atmosphere of these discussions allows irreverent ideas to be insinuated into the conventions that the guardians believe themselves to be
defending. In this capacity, consider one last time how the drama reflects the symposium metaphor too; in the name of defending the city from atheism, the Athenian persuades even Megillus to transform the core beliefs of his traditional piety. Education in the arguments propping up the city’s dogmas can provide cover for the theoretical activity without which law becomes cumbersome and otiose.

Weaving these various threads together, we can finally appreciate the full import of the claim that the “moderate” man becomes like “the god.” The moderation the Athenian has in view is reverence, the virtue disposing us to feel and respond to emotions of self-assessment in appropriate ways. Because these emotions are types of fear, and fear a type of pain, persons can be reverent without transcending their “mortal nature.” And since reverence attacks “ignoble boldness,” it can lead the human puppet to disavow its own perception of the just and unjust things. Reverence thus opens the “human” to customary beliefs that his aversion to pain and attachment to pleasure would otherwise move him to suspect. And if these beliefs are informed by philosophic intellect, then the moderate man who follows them imitates the godlike man who fashions them. The *Laws* does not take back the problems with the rule of intelligence canvassed in other dialogues. But it does point to a way around these worries by turning to the rule of law. If the conventions embodied in law originate in philosophic intellect; if citizens obey these conventions; and if the interpreters and guardians of convention follow the counsels of future philosophers, suitably disguised; then the city might be ruled by intelligence rather than the commands of the appetitive souls of its rulers.

Still, Plato is hardly sanguine about the prospects of even this second best regime. Its coming into being depends on the coincidence of a litany of unlikely events and the Athenian’s theory of the second best implies that failure to realize any one of its components could jeopardize the choiceworthiness of all the rest. The *Laws* shows us how the virtues of the many and the few can
be called one, but it suggests that the regime in which they would be brought together is in all probability to remain imaginary. Like the Republic, the Laws is not a work of political advocacy, despite its more practical orientation. Rather, it is an examination of the preconditions for the best possible regime, and thus a survey of the reasons its coming into being is improbable.
Chapter 6 | Epilogue

Redeeming an Interpretive Hypothesis

In Chapter One, I argued that the central problem of the *Laws* can be quite invisible to modern readers. Among the dialogues, the *Laws* is uniquely devoted to expounding dogma and is riddled with apparent contradictions and lacunae. Some interpreters have seen in these facts the tired resignation of a bitter old man, a Plato who has turned his back on Socratic political philosophy. Others have found that they attest to a new optimism that law and customary belief might comprehend a measure of philosophic insight. While there is something to be said for both these readings, neither considers a more plausible approach: that the emphasis on authority and the recurrence of paradox may reflect an antagonism between law and philosophy. Whereas law is unavoidably general and conceals its own partiality, philosophy begins in the knowledge of ignorance, in the recognition that customary beliefs are at best partially true. If the city cannot philosophize and needs to abide in authoritative opinions, then we might expect the philosopher who is friendly towards the city to help solidify those opinions, or at least healthy variants of them. But if the philosopher is equally a philanthropist who has in view the highest interests of mankind, then we might also expect him to promote potential successors. Can he help free these few of customary beliefs even as he works to make custom itself more respectable? If so, then he would need to supply the city with opinions that somehow point beyond what it is that they exalt. He would have to expose the contradictions that inhere in custom without dissolving customary authority.

Having taken our bearings by this basic problem, we have approached the paradoxes that the *Laws* throws up as invitations to examine the work more carefully, rather than as reasons to read
it less seriously. We have thus proceeded on a hypothesis: that the *Laws* uses its textual aporiai as apertures to a broader perspective than the one embodied in the customs that it expounds. While we cannot claim to have fully consummated that philosophical ascent, we have, I think, vindicated our interpretive supposition. We have gleaned from the enigma that Plato situates at the heart of the *Laws* several philosophical problems, all of which bear on the question of why philosophy and law are mutually antagonistic in the first place and how that antagonism might be attenuated under the most propitious circumstances. While the *Laws* does not set down some doctrine responding to this question, it does supply the resources needed to understand its natural origins and manifold complexity.

We have seen that its origins lie in the distortive effects of “human” desire. The Athenian suggests that only the philosopher is “good by [his] own nature, without compulsion, by a divine dispensation” (642c). He alone perceives no conflict between the just and happy lives. The goods after which he yearns are not acquired at the expense of other people. But the Athenian shows, both in what he says and in what he wheedles out of his interlocutors, that men such as they are unjust, strictly speaking. Left to their own devices, free from fear and expectation of reward, they would easily succumb to the “error that affects all us human beings.” Identifying happiness with self-gratification, they would indulge “the commands” of their own souls. Since souls such as theirs long for “human” goods that are scarce, acquiescing in their desires implies harming other people. It implies domination and violence. According to the Athenian, that is why political

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1 The compliment that Megillus pays the Athenian in Book One (642c-d) is truer than he knows. The Stranger agrees that the only Athenians who practice justice do so “without compulsion,” despite the regime’s permissiveness. But his argument in Book Three implies that the artificial virtue that Megillus esteems in himself and in his countrymen is only possible in the regime that reveres the laws fashioned by a philosopher. In all other cases, compelling men to practice “virtue” might achieve certain basic, if essential political goods, such as security and order. But it would do so rather blindly and belligerently, at the expense of the ruled.

2 In fact, this implication follows only if one assumes, as the Athenian apparently does, that scarcity inheres in the human situation, that the supply of good things is fixed and limited. The amazing phenomenon of modern economic growth, however, suggests that this assumption may be unwarranted. I return to this point below.
justice—the justice of political men—can only ever be “artificial.” It demands abjuring the desire that all human beings have in common; it requires repudiating, at the behest of law, the apparent conflict between justice and happiness.

In Chapters Four and Five, we saw that this psychological need to doubt one’s ethical judgment points to the necessity of reverence. If the souls of citizens truly are as the Athenian says, “attached and bound in the most serious ways” to pleasures and pains and desires, then whatever self-doubt they can achieve must be occasioned by cunning redeployments of these very passions. As the image of the “divine puppet” attests (1.644d), political virtue consists in allowing oneself to become a plaything of the gods. It involves following the “gentle” pull of law by using, as “helpers,” the desire for pleasure and aversion to pain. The Athenian points to reverence as the primary means of doing so because reverence consists in appropriately feeling and responding to fear. Fear can be understood as the anticipation of pain and therefore as having a certain purchase on the human puppet. The fear that reverence governs is “divine,” in part because it is inspired by the presence of the gods. The gods can evoke a disquieting awareness of fallibility and insignificance. They can inspire fear in the form of awe and shame. By associating the just and lawful things with the gods, therefore, the city might use reverence to help political men repudiate their delusional point of view.

Still, the self-doubt that reverence inspires is ultimately helpful only if accompanied by opinions that originate in a philosophic soul. In regimes such as Egypt, citizens might abjure their human nature and become orderly and obedient. But if men like themselves fashion and administer the laws that they obey, then their submission merely serves the acquisitiveness of their mortal lawgivers and rulers. Such regimes are misnamed (4.712e-13a). They do not rule for the sake of “what is common to the whole city” (715b). The justice to which they pretend is really the
(delusional) interests of the stronger, unmixed with the intelligence that perceives the real interests of the whole. In saying this, the Athenian suggests that the basic need of political man to repudiate his ethical perception points to the higher need of the city to accommodate its own transcendence. Only a “divine man” could give laws privileging the common. Only a person who desires goods for himself that do not impose on the goods of others can set up laws worth revering.\(^3\) That is the other reason for calling reverence “divine.” It is the fear attaching the citizen to the philosopher through the medium of law. As we saw in Chapter Five, however, the laws that a philosopher might set up would reliably promote their goal only if they could be watched over by successors like himself. Unfortunately, cities cannot philosophize. Citizens and the great majority are—according to nature—bound to mortal desire, while even the best laws must remain—qua laws—dogmatic opinions. Revering them is hardly the same as perceiving the living truths that have inspired them. Accordingly, if the intelligence out of which they were born is to have a hand in their ongoing application, then the city must allow certain people to ascend out of reverence for law. Law itself must appear defective to some even as it seems trustworthy to others. It is in recognizing this necessity that we return to the antagonism with which we began.

Our inquiries into the Athenian’s treatment of this tension also hit upon a strategy for allaying it. In large measure, that strategy looks to possibilities latent within reverent awe. As we saw in Chapter Four, the awe that objects of reverence inspire uniquely combines fear with respect. The gods, for example, can at once be admired for their nobility and feared for their greatness, for the extent to which their nature and purposes are unfathomable and overshadow the human. Because awe comprehends these divergent moments, the Athenian suggests the city understand itself as the imitation of an awesome being. Doing so allows the city to recognize itself as fallible

\(^3\) In fact, the philosopher has more than merely the right motivation to set down trustworthy laws. He also has the right sort of knowledge, or at least understands what the right sort of knowledge would entail.
without diminishing its devotion to lawful beliefs. For those unsatisfied with beliefs that cannot survive thoroughgoing rational scrutiny, the gap that reverence underscores between the city and the god helps expose the partiality of customary opinion. For men more averse to pain than inclined to truth, however, reverence has the opposite effect. For them, viscerally perceiving the inequality between the human and divine only reinforces the desire to show the divine respect, to abide in the role allotted them without pretending to what is vouchsafed to the gods. The imitation of god can thus cooperate with reverent awe, helping the city achieve otherwise antagonistic ends. ④

**Drawing some broader implications**

If our study of reverence in the *Laws* is right to stress the importance of this virtue not only to ethical authority, but to the best practical regime, then it has some significant implications, both for how we approach Plato’s political philosophy and for how we think about our own irreverent politics. While our inquiries have confirmed the basic soundness of the interpretive framework proposed by Leo Strauss and his students, for example, they have uncovered reasons for modifying the Straussian reading of the *Laws*, at least as it pertains to civic virtue. The excellence of the citizen, we have seen, is built upon a substrate of self-doubt. Although it culminates in a passionate devotion very much at odds with the philosopher’s skepticism, it too originates in a kind of self-knowledge. The citizen who commits himself to law must repudiate the desire animating all human beings. He must abjure his own ethical perspective, recognizing it as deficient. In conceiving of civic virtue in this way, the Athenian points to a surprising kinship between the political and the philosophic. In both cases, virtue begins in a knowledge of ignorance.

④ We also saw that this strategy is of a piece with the use of reverence to “tame” the subphilosophic lawgiver and to reduce future rulers of his city to “servants” of his laws.
Another way in which our study troubles prevailing approaches to Plato emerged from our examination of second best imitation. While many readers of the Laws have recognized that, in its light, Plato can hardly be accused of radical utopianism, the precise relationship between political advocacy and his cities in speech has remained rather dark. Most interpreters have taken some form of the approximation view discussed in Chapters Two and Three. They have assumed that the best practical regime is a comprehensive, if distant, imitation of the regime upon which it is modelled. But that assumption fails to account for the many respects in which the derivative regime is starkly distinct from the paradigmatic. Nor does it provide a satisfying account of the Athenian’s disparagement of hubris, the transgression of boundaries around which the divine things are enclosed. The goal of political imitation is apparently situated beyond these boundaries, so the Athenian seems to discourage the emulation of god even as he enjoins it upon the city. The explanation for these curiosities that we uncovered from the argument in Book Five, however, suggests an unfamiliar, if eminently plausible, theory. Intuitively, one thinks of striving for distant goals as though he were climbing a mountain, but the Athenian suggests that lawgiving is more like swimming across a swift-flowing stream. Reaching nine tenths of the way to the opposite shore only to lose one’s strength could prove catastrophic. More prudent to ensure that one’s reach not exceed one’s grasp.

We have seen this same idea arise time and again in the Athenian’s treatment of political life. The city should strive for the intelligence in whose light all things are measured, but political men must never presume to have acquired that virtue for themselves. The best practical regime becomes like the best soul, but only by reproducing some—and not all—of its characteristics. The best soul is ruled by a reason internal to itself. It can live well without heeding an external authority. The regime, by contrast, can achieve intelligent leadership only by repudiating self-government.
It cannot settle for the good-enough intelligence of its mortal rulers. It must subordinate rulers and subjects alike to laws given it by men of a different kind, “divine” men unbound to the desires that animate mortal creatures. It is to this closer shore that the city must swim. What is more, the problem of second best imitation admits of multiple, receding iterations. This is attested by the “capstone” with which the Athenian concludes the discussion of drinking parties in Book Two. He maintains that the city would be better off severely limiting the consumption of “wine” wherever “drinking” cannot be used “for the sake of moderation” (673e). We have seen that there is a metaphorical analogy between drunkenness and the unlawfulness necessary for philosophy. The “capstone” would therefore suggest that the city cut itself off from philosophy if it cannot selectively—and hence safely—suspend reverence for law. From the city’s point of view, it is better to educate the many to moderation than to help the few to philosophy, if it must choose between them. For without moderation, the many lose all hope of virtue. They refuse to obey any authority beyond the wishes of their mortal souls. “Freedom” merely permits them to live as “fatted cattle.”

This last point calls us back to the wider prospect in whose light we can recognize our own regime. Can we not readily see ourselves in the Theatocracy and “titanic nature” of the Stranger’s Athenians? Indeed, does his caricature not resemble our world more closely than it does his own? It is we who “assert that it is quite correct to judge music by the standard of the pleasure it gives to whoever enjoys it.” Among us is run amok “the opinion that everyone is wise in everything.” It is our shamelessness that has made men “so bold as not to fear the opinion of someone who is better.” As the Athenian’s “capstone” would predict, the path down which the moderns have trod has dissolved our sense of reverence. We have become drunk on the Enlightenment’s wine,

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5 See, e.g., Balot, “Virtue Politics,” which argues that the Athenians adhered to a “democratic ideology” that did succeed in “synthesizing” freedom with virtue.
“treat[ing] it as something playful” (673e). On the other hand, however, modernity’s drunkenness has borne tremendous fruit. The dream of compelling the people to philosophize may have been delusional, but the accompanying permissiveness has afforded remarkable intellectual feats. Our disregard of popular virtue has not necessarily come at the expense of the rarest kind; divine men, after all, “do not by nature grow any more frequently in cities with good laws than in cities without.” Moreover, modern societies evince a phenomenon that Plato does not seem to have anticipated. Human nature being what it is, the Athenian claims that dissolving reverence would occasion “total freedom from all rule” (3.698b) and inaugurate “a harsh epoch in which there is never a cessation of evils” (701c). But this hardly describes the modern regime, despite its profound irreverence and immoderation. As we saw in Chapter One, modern society actually creates political order out of the very vice that seems to threaten it. Of a piece with the project of universal enlightenment is a casual cynicism, wherein the arduous virtues lose all appeal. The proliferation of doubt achieves consensus in the things whose goodness is most difficult to deny. Masquerading beneath the banner of freedom, the bodily pleasures supplant the virtues. Posing as moral autonomy, an easygoing complacency replaces genuine humility. Because this consensus runs with the grain of man’s mortal nature, it is easier to obtain. It demands very little and gives back a lot. It would therefore seem that modernity presents an alternative, third best regime. Modern society may have given up on civic virtue and ethical authority, but it permits something of the philosophic life while steering clear of the political worst. It is surprisingly peaceful and orderly, precisely because it is perennially “sauced.”

Ronald Beiner, *Political Philosophy: What It Is and Why It Matters* (Cambridge: Cambridge University Press, 2014), pp. 47-49, argues—contra Strauss—that philosophers *qua* philosophers should welcome the permissiveness of modern society because it releases philosophy from the need for esoteric communication. Beiner marshals persuasive reasons for thinking this need historically contingent, but does not discuss Strauss’s related worry that the Enlightenment has added to the “abstract” character of modern thought, thus cutting off potential philosophers from the beginnings of philosophic ascent. See, e.g., Strauss, “What is Political Philosophy?” If Strauss is right about this, then it would vindicate Plato’s view of political possibility.
Does that mean that we have little to learn from the well-led drinking party, from the point of view of practical politics? Certainly, we do not find ourselves in the situation of the Dorian elders. No Stranger could count on the pious simplicity of a latter day founder. The Athenian is likely correct to suppose that a new cataclysm would be needed to return men to the innocence that is the germ of civic virtue and among the materials needed by philosophic lawgivers. Indeed, as we saw in Chapter One, there is reason to fear that modern irreverence may be leading us in that very direction, despite its normally stabilizing influence. However much its hollow skepticism corrodes the appeal of the noble, there are people for whom life is unlivable without self-effacing devotion. Modern society may attempt to channel such yearnings into commercialism and public life, but these outlets hardly supply the sense of participation in the greatest deeds after which such persons yearn. Without reverence to attach them to more satisfying visions of the whole, liberal democracies leave themselves vulnerable to their rampaging ambition.

The consensus in bodily hedonism on which modern society relies also threatens the ecological foundations of modern economic life. One of the most important reasons modern society does not tear itself apart is that it uses the acquisitiveness that it unleashes to increase the overall supply of “human goods.” In the ancient world, the fact of scarcity implied the necessity of violence wherever the desire for bodily gratification became too compelling. But the moderns have staved off or at least curbed that eventuality by fostering economic growth. Pleonexia can be satisfied quite efficiently by participating in more or less lawful economic institutions. Except for its most grandiose manifestations, greed can be assuaged in well-run market societies by increasing one’s earning potential or investing one’s surplus capital. Still, much of the growth that market societies enjoy has historically required visiting vulnerable human and animal populations with a kind of violence all its own, whether in the form of outright slavery or through organized
dispossession and exploitation. Above all, it has required harnessing vast components of the Earth’s natural systems to service the emancipated appetites of modern men. Stability has hitherto demanded growth and growth an unending expansion of the economy’s ecological footprint. Unfortunately, this strategy appears to be reaching its limits, for the carrying capacity of the Earth itself is finite and many of its natural systems are now showing signs of imminent collapse.

One of the harshest lessons the Athenian sets down is that the cities are unavoidably extinguished by periodic cataclysms, some of which they bring about themselves. The one that our own civilization seems intent on bringing down upon itself may be similarly unavoidable. On the other hand, perhaps modern society will be the beneficiary of good fortune and the sage application of human art. If so, then Plato’s Laws suggests that, among the many things such art would have to accomplish, one would be the unlikely rebirth of reverence. For political theorists, then, a vital question to be asked of modern life is whether and how such a rebirth might be accomplished, given what we know about the mechanics of the modern social state. Would such an event require refounding the liberal democracies altogether? Or are there surprising places in the modern world in whose shelter reverence might grow again? These are questions that must be left to future inquiries, although I very much hope to take them up myself.
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